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FIRST SESSION

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PROCEEDINGS AND DEBATES OF THE 103$^{d}$ CONGRESS, FIRST SESSION

# HOUSE OF REPRESENTATIVES—*Thursday, July 1, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*July 1, 1993.*

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

Rev. Dr. Frederick D. Perkins, Pastor, Marion Baptist Church, Monroe, LA, offered the following prayer:

Our Heavenly Father, thank You for blessing this Nation with the high concepts of equality of people, human rights under law, and freedom of worship as expressed in love for God and love for one another.

Help us, Lord, feed the hungry, shelter the homeless, care for the sick, and secure the elderly.

Our Heavenly Father, help us give leadership to other evolving nations that are struggling to form democratic governments of the people, by the people, and for the people.

Bless this Congress with the resources to provide jobs for the unemployed, safety for our homes, education for our children, healing for our sick, and growth for our Nation.

Our Heavenly Father, we pray that You will bless this Congress with that level of wisdom, vision, knowledge, understanding, and determination that when the last decision is made and the final act is passed, You, O Lord, can add a plus to the highest grade.

In the name of Jesus, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from North Carolina, Mr. BALLENGER.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional fast-track procedures to a bill implementing such agreements.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2264), an act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints:

From the Committee on the Budget: Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY; from the Committee on Agriculture, Nutrition, and Forestry: Mr. LEAHY, Mr. PRYOR, and Mr. LUGAR; from the Committee on Armed Services: Mr. NUNN, Mr. SHELBY, and Mr. COATS; from the Committee on Banking, Housing, and Urban Affairs: Mr. RIEGLE, Mr. SARBANES, and Mr. D'AMATO; from the Committee on Commerce, Science, and Transportation: Mr. HOLLINGS, Mr. INOUYE, Mr. BREAUX, Mr. STEVENS, and Mr. DANFORTH; from the Committee on Energy and Natural Resources: Mr. JOHNSTON, Mr. BUMPERS, Mr. FORD, Mr. WALLOP, and Mr. HATFIELD; from the Committee on Environment and Public Works: Mr. BAUCUS, Mr. MOYNIHAN, and Mr. CHAFEE; from the Committee on Finance: Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, Mr. MITCHELL, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, and Mr. CHAFEE; from the Committee on Foreign Relations: Mr. PELL, Mr. KERRY, and Mr. HELMS; from the Committee on Governmental Affairs: Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. ROTH, and Mr. STEVENS; from the Committee on the Judiciary: Mr. DECONCINI and Mr. HATCH; from the Committee on Labor and Human Resources: Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBURGER; from the Committee on Veterans' Affairs: Mr. ROCKEFELLER, Mr. DECONCINI, and Mr. MURKOWSKI; to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 102-246, the Chair, on behalf of the majority leader,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in consultation with the Republican leader, appoints the following individuals to the Library of Congress Trust Fund Board: Edwin L. Cox of Texas to a 3-year term and Adele Hall of Kansas to a 2-year term.

The Chair further announces the terms of the individuals appointed to this board on March 11, 1993, as follows: John W. Kluge of New York to a 5-year term and Arthur Ortenberg of New York to a 4-year term.

## THE REVEREND DR. FREDERICK D. PERKINS

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I am very happy to welcome today our guest Chaplain The Reverend Dr. Frederick Douglas Perkins. Dr. Perkins is pastor of the Marion Baptist Church and vice president of the Monroe Union Theological Seminary of Monroe, LA.

It is a great honor as well as befitting that Dr. Perkins offer the opening prayer before this the U.S. House of Representatives.

Dr. Perkins is a fine citizen of this country and a great spiritual leader in my district. More importantly, he embodies the teachings of Christ and the basic fundamental democratic principles of this great country. Once again, on behalf of the State and the Fourth Congressional District of Louisiana, I am very happy to welcome today's guest Chaplain, the Reverend Dr. Frederick Douglas Perkins.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. One-minute speeches will be delayed until later in the day.

## GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2519, and that I be permitted to include tabulations, charts and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Kentucky [Mr. ROGERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from California [Mr. BROWN] as Chairman of the Committee of the Whole, and requests the gentleman from Florida [Mr. HASTINGS] to assume the chair temporarily.

□ 1006

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2519, with Mr. HASTINGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

First I want to thank the staff, the minority and the majority members of our subcommittee for their work on this bill. It was a very, very tough bill. It is the second year that we have had to report bills that were less than the current services level. That is very tough.

There are 105 pages of explanation and another 23 pages of tables that have been printed in the committee report on this bill and I do not intend to read them back to the Members of the House. They have had them for several days and have had a chance to study them, and it will not be necessary to elaborate on them any more than that.

But I do want to point out a few things.

The bill is within the 602(b) allocation for outlays. It is also substantially under the 602(b) allocation for budget authority by $751 million. The reason we are so far under in budget authority is that we had to be under that far in order to stay within the outlay allocation. The bill is even under last year's appropriated level by $593 million. The bill is also under the budget request by $1,963,000,000. And as I indicated earlier, on an average in this bill, we are only at 95 percent of current services. That means that anytime we increased something in the bill over 95 percent of current services, we had to reduce some other program below that level.

We did increase a few items like the FBI, the DEA, the INS, the support of U.S. prisoners account where we are opening up some new prisons. We also increased the NIST, which is a high priority with both the administration and Members of the House. We also increased the international trade and some of the other programs.

The administration required all of the agencies, or virtually all of them, not quite all of them, to take some reduction in FTEs, and in administrative costs in order to comply with the overall mandate to have some deficit reduction. We usually accepted those. There are some exceptions such as the Border Patrol in INS. But all of these agencies that we took the reductions in testified that they could comply with the reductions.

So we have brought Members the best bill that we could under the circumstances, with very, very stringent and tight overall caps that were placed on us.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to the House today this bill for fiscal 1994 for Commerce, Justice, State. And in my 9 years on the subcommittee, this was by far the most difficult year we have had to face.

□ 1010

I believe it is merely a foreshadowing of the years to come.

We are living in an austere budget climate, constrained by the spending caps in the 1990 budget agreement. We must control spending, yet we have to fund important programs needed to meet the diverse interests of our Nation. Diverse and compelling interests are competing for scarce resources, and nowhere is this more evident than in the Commerce, Justice, State appropriations bill.

This bill funds programs to fight the war on crime and drugs, to promote economic development, to increase U.S. trade and competitiveness, and to build peace and democracy in this New World.

Scarce resources demand we make hard choices—we have to prioritize and have to streamline programs. And, while we did not agree on all priorities, overall the subcommittee made the tough choices needed to bring a good bill to the floor.

Mr. Chairman, as our chairman said, this is a lean bill. Total funding is $756 million under our discretionary spending allocation, and $249 million below fiscal 1993. In addition, the total is $2 billion less than the President's request of us.

Consequently, we have cut 5 percent from the amount most programs need next year to operate at this year's level. For many of these programs, this comes on top of a 7 percent cut included in last year's bill.

Reflecting the need to put our own domestic needs first, we have cut spending for the Department of State and international programs 8 percent below the fiscal 1993 level, in that way freeing up funds for programs that help us here at home.

Having said that, Mr. Chairman, this bill still means real cuts in domestic programs that are of great concern to me, and I know others in the body.

While our spending constraints just did not allow us to fund more programs as we would have liked, we did do our best to channel our limited funds to a handful of very high priority areas.

In the Department of Justice, we have increased immigration inspectors at our borders, protected the border patrol from the cuts faced by other agencies, and provided funds to activate new prisons due to come on line in 1994, though with a slight delay.

For the Commerce Department, we have given significant increases to the administration's technology and manufacturing initiatives. The Economic Development Administration receives a slight increase over 1993, as does the weather service modernization program. Also, the Federal court system is given a substantial increase in this bill—12 percent over 1993 level. And, legal assistance to the poor receives a sizable 12-percent increase.

These two agencies are the ones that receive the highest increases in our proposals.

Mr. Chairman, now more than ever, this Congress must eliminate programs that have proven to be ineffective. A telling example comes in the area of broadcasting to Cuba. For several years, the evidence has overwhelmingly been mounting that TV Marti just does not work. Thus, our committee finally made the right choice by eliminating funding for TV Marti.

And finally, I want to bring to the Members attention an issue of extreme concern to me, and one that I believe should be of great concern to the Congress and the country—U.N. peacekeeping. Mr. Chairman, in the last 2 years, the number of peacekeeping operations has exploded to a record high—13 ongoing peacekeeping operations, somewhere in the World with the United Nations now considering even a 14th. The United States is assessed by the United Nations one-third of the cost, with the U.S. share for just these 13 operations estimated at close to $1 billion for this year, and another $1 billion next year.

And, this is just the beginning. There are as many as 12 additional conflicts the United Nations may choose to become involved in, which will generate even greater bills.

And if they do, they simply send us the bill for 31.7 percent. That is not a figure we decided; that is a figure they decided. And I have some real problems with another body telling the U.S. Congress, "You shall pay X, Y, or Z because this is what we decided you should pay, and you shall send so many troops to *x* location on the other side of the world whether you like it or not." I have got a problem with that, Mr. Chairman, and I think the administration and the Congress are going to have to grapple with this right away because the list keeps exploding and American men and women are being exposed to even greater dangers every day, not to mention the dollars that we are talking about in this bill.

U.N. peacekeeping has evolved beyond the traditional role of ensuring the implementation of a truce, to imposing that truce with an international militia. U.S. dollars and U.S. manpower are being put on the line in great numbers, in settings that are remote, at best, to this Nation's security interests.

At the same time, all efforts to decrease the U.S. assessment for peacekeeping have fallen on deaf ears at the United Nations.

As the chairman knows, we only pay 25 percent of the operating costs of the United Nations. But for peacekeeping operations they bill us for 31.7 percent. Our friends in Japan pay around 8 percent, and our friends in Germany pay about 12 percent, and Uncle Sam pays 31.7 percent. I have got a problem with that.

All attempts to get the United Nations to adopt even the most basic of reforms, such as creating an inspector general so that we know how our monies are being spent, have fallen, again, on deaf ears. They refuse to do it. Mr. Chairman, I have got a problem with that.

Mr. Chairman, I question how much longer we can go home and defend our commitment of enormous funds and manpower to a peacekeeping process that is exploding in numbers and dollars and locations, with sometimes questionable results. As it stands, the United Nations is sending the U.S. bills which we cannot pay. This bill proves that fact. Mr. Chairman, we have included less than half the amount that we may be asked to contribute for our share of these 13 peacekeeping operations. We cannot afford to pay the bills that they are sending us.

Therefore, I urge that both the Congress and the administration address this important area of issues.

Mr. Chairman, our subcommittee was faced with a difficult task, and I believe we have risen to the challenge. I commend my chairman, the gentleman from Iowa [Mr. SMITH], and all members of the subcommittee. We have several new members on the subcommittee who have rendered great service to us this year. We congratulate them and all of our staff on both sides of the aisle for their great work and long hours in preparing this bill.

Mr. Chairman, we bring to the House a good bill, one I believe all Members can support. I therefore urge support of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. NATCHER], the chairman of the full Committee on Appropriations.

□ 1020

Mr. NATCHER. Mr. Chairman, I rise in support of the Commerce, Justice, State, and Judiciary appropriations bill for fiscal year 1994. This is the 10th appropriations bill for fiscal year 1994 to come before the House.

We on the committee want to thank Members on both sides of the aisle for their support and assistance. We would not be at this point without that taking place.

I want to commend the gentleman from Iowa [Mr. SMITH], chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, and the gentleman from Kentucky [Mr. ROGERS], the ranking minority member on the subcommittee on the excellent job they have done in bringing out this bill.

Mr. Chairman, this bill provides for important law enforcement, business promotion, and research and technical assistance funding. It also provides funding for the State Department and for important U.N. peacekeeping activities. This is a difficult bill to develop under constrained funding. The subcommittee has done an excellent job.

Mr. Chairman, they have an excellent staff on this subcommittee. Time after time, long after we, the Members in the House, are at home, this staff is still on Capitol Hill gathering the facts and preparing reports on our bills, to assist us, and we appreciate it.

This is the fifth appropriations bill to be considered this week. I want to thank all Members from both sides of the aisle for their cooperation on these bills, and again I want to commend the chairman and the ranking minority member and all the other members of the subcommittee for a good job. This is an excellent subcommittee.

Mr. Chairman, I urge adoption of this bill.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to a member of the full committee, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I commend the gentleman from Iowa and the gentleman from Kentucky for bringing a very fine bill to the floor. They have prioritized spending within very constrained parameters and have stayed below their 602(b)'s while funding a number of very important national priorities. I must mention, however, Mr. Chairman, a very high priority issue that I believe was overlooked in this bill.

The United States entered binding financial obligations under international law when it signed the historic Chemical Weapons Convention on January 13, 1992. Total U.S. commitment for fiscal year 1994 is $16 million, but funds to meet these obligations were not included in this bill.

Unlike many earlier arms control agreements, the Chemical Weapons Convention requires that critical verification and other implementation procedures be developed between signing and ratification, so that compliance can be verified from the moment the Convention enters into force. It specifies that this work will be done by a preparatory commission. By signing the Chemical Weapons Convention, the United States concurred in the establishment of this preparatory commission and, under international law, committed to pay $16 million, approximately 25 percent of the commission's expenses.

In order for the Secretariat to be operational by January 1995, the prepcom must begin work no later than January 1994. Failure to meet this international obligation could undermine many nations' ratification of the convention and severely hamper the Secretariat's ability to implement the convention.

I understand the constraints faced by the gentlemen from Iowa and Kentucky in this bill, but I believe that making a small investment to end the threat of chemical weapons is a very high priority. I hope that the gentlemen would look favorably on working in conference to provide these funds.

I am also very concerned about the future of our Nation's international broadcasting. During the campaign, Bill Clinton announced that he strongly supported creating a surrogate radio broadcast to beam messages of truth and freedom to the people of China and other tightly controlled, politically repressive nations in Asia, Burma, Tibet, Laos, North Korea, Cambodia, and Vietnam. The President's budget requested $30 million for such a program.

The State Department authorization bill that passed the House 2 weeks ago contains a provision clearing the way for creation of surrogate radio broadcasts to China and other Asian nations. The bill that we are considering tonight, however, except for two sentences of report language that was included at full committee at my request, makes no mention of Radio Free Asia and provides no funds for such a program. Instead, it appears that we are going to defer to some future Senate action on this issue and perhaps try to work something out in conference. Why do it this way? Apparently, the White House has not yet made up its mind.

Despite the tremendous wave of democracy sweeping across the world, China, North Korea, Tibet, Vietnam, Burma, and other Asian nations are not sharing in this surge of political freedom. We can, in a cost effective way, help promote positive change from within these nations by providing factual information specifically relevant to the people who live there through surrogate broadcasts.

I am very disappointed that this bill does not speak forcefully to this issue. I urge the Chairman and Mr. ROGERS to work with the Senate to find funds to create surrogate radios to Asia.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is my first year of service on the subcommittee, and I want to commend the chairman, Mr. SMITH, and my subcommittee colleagues on both sides of the aisle for producing a bipartisan, balanced bill. We tried to satisfy the needs of the diverse agencies under our jurisdiction, while at the same time paying attention to the chorus that is echoing throughout the land to cut spending. We have done both.

This bill was about setting priorities. We were working with a tight budget, and we approved a bill that's nearly $2 billion under the President's request and $600 million less than we're spending this year.

I want to point out that this bill contains specific spending cuts—the specific cuts that the mass-mailing fundraisers, the talk-show hosts, and some of the so-called good government groups have accused President Clinton and Congress of not making. One good example is our broadcasts to Cuba, which, by most objective accounts are as ineffective as they are expensive. Our subcommittee eliminated—for a number of reasons—funding for both TV and Radio Marti. I wish the full Appropriations Committee had held the line against both Radio and TV Marti, but it restored part of the funding for radio.

I am satisfied, though, that we did not restore funds for TV Marti. At least we will not continue to spend $28,000 an hour to broadcast Popeye cartoons and Lifestyles of the Rich and Famous to Cuba, broadcasts that have consistently been blocked by the Cuban Government, and which apparently reach Cuba for only a few minutes in the wee hours of the night.

We know how difficult it is to pull the plug on a program, even programs as ineffective as this one. I continue to believe that the country shouldn't be borrowing additional millions to fund broadcasts to Cuba, and I think the Coloradans who have been flooding my office with cut-spending-first postcards would agree.

By making cuts elsewhere in the bill, we were able to increase funding for NOAA, NIST, and NTIA programs that can play a major role in revitalizing our economy. The administration requested, and I strongly support, targeted increases in NOAA, NIST, and NTIA programs that invest in scientific research and the application of that research to strengthen the economy.

During our recent debates on the space station and the SSC, we have talked at great length about scientific research and the role the Federal Government should play in it. These three Commerce Department agencies deal with precisely the type of research and applied technology we should be encouraging, and I am pleased the committee was able to do so.

Most Americans are familiar with the good work of these agencies; they just are not aware who's doing it. When we watch the weather reports on the television news, we are impressed with the Doppler radar pictures that show approaching storms. But we probably don't know that the Doppler radar was developed in NOAA's labs. And we probably do not know that the weather satellite pictures are often transmitted from a NOAA satellite. And who is showing managers of marinas, resorts, and fishing docks how to deal with the tons of smelly waste that are left over from commercial and sport fishing? That's NOAA, too.

President Clinton, along with trying to make a dent in the Federal deficit, is trying to reverse 12 years of a hands-off attitude toward American business. He realizes that the Federal Government has to work hand-in-hand with our industries if we hope to stay competitive in the 21st century. The Federal agency that will be leading the charge is the one that has been working with American businesses for over 90 years: The National Institute of Standards and Technology [NIST]. I am proud that the committee has committed itself to helping finance this investment in our future by funding, as much as is possible in these tight fiscal times, NIST's efforts.

We have seen a multitude of articles recently about the information superhighway. This is a concept whose possibilities we are just beginning to realize, and it is one in which American industry has— and should have—the lead. But we have to make absolutely certain that, in dealing with a system as enormous and complex as this, we are all singing from the same hymnal. The National Telecommunications and Information Administration [NTIA] is helping write that hymnal—or at least it is making sure the hymns are numbered the same in everyone's book. Without some kind of universal standards for operation, the superhighway could easily become filled with potholes. NTIA will help set those standards, and the committee has recognized the importance of NTIA's activity.

This bill also tackles the need for serious, responsible reforms in a number of important areas. The committee's report includes language supporting the administration's efforts to help make significant improvements in the financial management and administration of the United Nations, and to negotiate a more equitable assessment rate for the United States share of U.N. peacekeeping operations. I am a strong supporter of American participation in this body, but I recognize that improvements can—and must—be made if we are to convince the American taxpayer that U.N. operations are a solid and fair investment.

The committee also included language, which I requested, in its report regarding the need to reform the government's security classification system. The committee supports the President's decision to establish a task force that will produce a comprehensive post-cold war plan that addresses the current problem of over-classification of documents. This practice costs too much, both in dollars and in the ability of a democratic society to function. The committee expects that these new rules and procedures will mean future savings, and has directed the Departments of Commerce, State, and Justice to submit detailed reports on classification-related expenditures and specific plans for reducing costs in the next fiscal year.

We've also made some important strides in making our criminal justice system more effective and responsible to public need. The committee has included $16 million more than the adjusted current services level in the salaries and expenses account for the courts of appeals, district courts, and other judicial services, directing that this money is to be used to meet the highest priority needs of the Federal courts. Certainly, this could fund much, if not all, of the expenses necessary to add the 35 new bankruptcy judges we authorized during the 102d Congress. With the nearly threefold increases in bankruptcy filings over the last 12 years, these new judges are sorely needed. One of these judges would sit in my home State, and I hope that serious consideration is given to spending at least part of the $16 million on funding for these new bankruptcy judgeships.

The bill also provides $297,252 million for defender services and $77,095 million for fees for jurors. At these levels, we should avoid the problems we faced in the current fiscal year, when the courts came close to running out of money. That financial crisis led to a proposal to cancel civil trials to ensure that criminal trials could continue throughout the fiscal year. We have a constitutional obligation to provide access to the courts for civil litigants, and we should never put the courts in the position of having to close the courthouse door to those entitled to their day in court. I'm pleased that we haven't done that with this bill.

I'm also pleased that the committee was able to increase funding for the Legal Services Corporation [LSC]. The $400 million we propose is far less than the LSC requested, and far less than it needs. One of the basic principles of our system of justice that every American has a right to a fair hearing in a court of law. That right is an empty one without legal counsel, and so we have some obligation to provide legal representation to people who can't afford it. This is important in civil cases, too, not just in criminal ones. The LSC is an essential part of the effort to provide this assistance. I support their efforts and hope that we will be able to provide more resources for this valuable program in the future.

Another important step we have taken in this bill is to eliminate the restriction on the use of Federal funding to provide abortion services to women incarcerated in Federal facilities. This restriction affects only a very few women each year, but most of them are too poor to afford the costs of an abortion on their own. I believe that it is particularly cruel to force a woman to carry to term an unwanted pregnancy behind bars. The forced delivery is only the tragic prelude to the mandatory relinquishment of the child that immediately follows.

To summarize, the Mr. Chairman, this is a good, taut bill. It finances the necessary functions of government, and it takes into account the need to put our Federal financial house in order. I urge its passage.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to a very hard-working member of our subcommittee, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I want to begin by commending my colleagues, the chairman of this subcommittee, the gentleman from Iowa [Mr. SMITH] and the ranking Republican, the gentleman from Kentucky [Mr. ROGERS] for the outstanding job that they have done on this legislation.

It has been said and will continue to be said during the course of this debate that this is a responsible and a fair bill. I think that is true.

I also think it should be said that the way they deal with other subcommittee members and our staffs is something to be commended, and I thank them for the courtesies they have shown us.

The fact that it is a fair bill I think is demonstrated by the numbers. I doubt that there are very many appropriation bills that we are considering this year that are as much below the fiscal year 1993 enacted levels as this bill is—about $602 million, to be exact, below last year's enacted levels and $2 billion below the administration's request.

While I support the overall outcome of this, I do want to take this time to share some of my concerns about some of the priorities, or I should say some of the misplaced priorities in the bill.

As my colleague, the gentleman from Kentucky [Mr. ROGERS] has suggested, we are concerned about the amount of money that is in here or not in here in the area of law enforcement for Justice Department programs for which our subcommittee has responsibility.

For example, support for the detention of U.S. prisoners, that is, Federal prisoners being held, is $50 million below the President's request and will result in funding 874,000 fewer jail days than originally estimated. That means Federal prisoners will have to be discharged in a fashion that does not support the safety of the American public.

So I think we should be very concerned by the fact we are not providing enough funds for maintaining people in the prisons that we have already built.

More funding is clearly needed for the Immigration Service. We have been hearing a lot these days about the growing crisis in Immigration, and this bill reduces funding from the President's request for the INS along our border.

□ 1030

The FBI and the DEA, the Drug Enforcement Agency, have also been reduced below the President's request. So, I have concerns about funding in law enforcement areas. But I want to, particularly at this time as we talk about those decreases, emphasize where there has been an increase that I have a real concern about, and that is in the area of the industrial services account. It is called the industrial technology services account in the Department of Commerce.

In 1993 we enacted $86 million. The President requested $233 million. Now our mark was considerably below that, at $162 million, but an increase of almost 100 percent.

The problem here, Mr. Chairman, is a matter of priority. I understand the President's request. I understand his view that the Federal Government can assist the private sector in trying to identify those technologies which will work and which can be developed.

There are two particular programs here that we are talking about: the advanced technology program, or ATP, and the manufacturing extension partnership, or MEP. Those are the two big ones.

Now ATP's purpose is, and I quote from the budget justification, "to share the cost of high risk research projects with U.S. companies and industry led joint ventures seeking to develop new, precompetitive, generic technologies." The MEP programs; that is, the manufacturing extension partnership, is one that is, and I quote, to assist manufacturers to modernize their production capability.

In both of these cases I think we are making a mistake. I do not believe Federal Government should indulge in an industrial policy that tries to pick winners and losers among new emerging technologies. I simply do not think it works. I do not think it can be done.

If we want to look at an example where it has failed, we need only look at Britain where the Government tried very specifically to pick out technologies and to assist those technologies. It simply does not work. The Government does not know how to pick those technologies. The private sector marketplace knows how to do that.

Having said that, I do want to again reiterate that I appreciate the hard decisions that have been made in this bill by the chairman and the members of the subcommittee. I may disagree on some of the priorities, but I certainly commend the overall levels of funding in this legislation.

Mr. Chairman, these are tough times, and I think we have made some tough choices, and I commend the subcommittee for its work.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, as a member of the subcommittee, I rise in strong support of the fiscal year 1994 Commerce, Justice, State, and Judiciary appropriations bill.

Under the expert leadership of our able chairman and ranking member, we have put together a bill that is truly responsive to the needs of our Nation.

As always, Chairman SMITH has acted with the utmost fairness in conducting the business of the subcommittee.

We have done our best to increase funding for the Commerce Department. The President has targeted this agency as the engine of his competitiveness agenda. At the National Institute of Standards and Technology, funding for the advanced technology program will enable the Department of Commerce to continue its initiative to provide matching support to industry-led proposals for precompetitive, high-risk, generic technologies. Further, increases for the manufacturing extension program will enable the Commerce Department to continue the deployment of manufacturing centers and outreach initiatives. This means that our small and Medium-size manufacturers will get the help that they need to bring new technology to the shop floors.

I am pleased to report that the committee has provided a 2-percent increase over fiscal year 1993 levels for the Economic Development Administration. The EDA provides grants to assist economic development activities: For planning and coordination and other financial assistance that help reduce substantial and persistent unemployment in economically distressed areas.

Under the Small Business Administration, this bill provides funds for programs which are extremely beneficial to small business owners and individuals seeking to start their own businesses. A good number of these programs are geared toward helping people who are struggling to overcome a barrier—a handicap or some financial disadvantage—to achieve the American dream.

I have long been a supporter of the invaluable assistance that both EDA and SBA bring to my constituents, as West Virginia felt the effect of economic downturn over a decade ago. For my colleagues who represent districts currently under economic distress, I ask you to make a special note of the resources in these two programs and give these agencies your personal support.

This bill provides increases for certain priority programs in the Justice Department to continue the war on drugs and crime—including justice assistance programs, organized crime, drug enforcement, FBI, DEA, Immigration and Naturalization Service, and Federal prison salaries and expenses. In addition, this legislation takes important initiatives in the area of juvenile justice programs. We have provided funds for the expansion of a program to prevent and reduce the participation of at-risk youth in gangs, and have funded regional and local children's advocacy centers to coordinate assistance for victims of child abuse.

Mr. Chairman, I urge my colleagues to support this appropriations bill.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a very hard-working member of the full committee.

Mr. PACKARD. Mr. Chairman, without question my district is one of the hardest hit by the flow of illegal immigrants. We rely on the Border Patrol to help stem the flow of illegal immigrants over our border.

This bill includes an increase of $6.4 million over the administration's budget request for the Border Patrol. This level of funding is intended to allow the Patrol to maintain its current level of agents.

Although I would like to see a much greater funding increase for the Border Patrol, I appreciate the attention given to the Patrol by Chairman SMITH and ranking member HAL ROGERS.

I wish I could offer the same regards to the Clinton administration. Under the budget request submitted to Congress, the administration directed the INS to make cuts to the Border Patrol over and above those already made. We cannot afford these cuts.

The Border Patrol is already seriously underfunded. Along the 14-mile San Diego-Mexico border, understaffed Border Patrol are trying to turn back 3,000 to 4,500 illegal aliens every night. Over half a million illegal immigrants enter California every year.

Once illegal aliens are across the border, costs associated with these aliens increase tenfold. Unfortunately, the tab is picked up by the Federal, State, and local taxpayers at a cost of $5 billion a year.

If the administration is serious about improving our immigration policy, a good place to start is to beef up the Border Patrol and give them the resources they need to stop the flood of illegal immigrants coming over the border.

While I greatly appreciate the willingness of the committee to work with us, there simply is not enough funding for the Border Patrol in this bill or in the administration's request. I hope to work with the administration and the committee to secure sufficient funding for the Border Patrol.

□ 1040

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I would like to address some of the issues raised by this bill regarding funding for law enforcement. First, I would like to commend Chairman SMITH and Chairman NATCHER for their work on this bill and for making their best efforts to fully fund law enforcement within the limitations of a very tight budget. They did their best to make special accommodations for accounts within the war on crime and drugs such as the organized crime task forces, the DEA, the FBI and others. If I had my way, Mr. Chairman, I would put even more resources into law enforcement but we have to do the best we can during times of austerity. I think this bill does the best it can in that regard.

There is one item I would like to address specifically and that is the area of Federal assistance to State and local law enforcement, specifically the Edward Byrne Memorial Drug Grants. One of the most important things that the Federal Government can do to help fight crime in my view is to provide assistance to State and local efforts. This bill provides for a cut of approximately $100 million from last year's appropriation in the formula grant part of the Byrne program. That cut, unfortunately, means less money for State and local law enforcement in every State. In the case of my State, New York, it comes to about $7 million.

Now, to be sure, some of that is made up through establishment of a new, $56 million special discretionary grant program which will fund four programs: Community policing, the FBI's NCIC 2000 system, the Washington Regional Task Force and police overtime. Two points about this new program: First, I support all four of these initiatives. No one in the Congress is a bigger supporter of community policing than this Member. In fact, I wrote a community policing cop-on-the-beat program for the crime bill last year. However, I would prefer that programs like this be written by the authorizing committees before they are funded. Second, I would also prefer that these programs be funded without having to make a 25-percent reduction in Federal block grant support of State and local law enforcement. The loss of that money is going to disrupt State and local law enforcement funding in every State. Finally, this bill provides for an increase in juvenile justice funding of another $56 million over last year—again, an admirable goal but not when it comes at the expense of desperately needed aid to the front lines of the war on crime—State and local law enforcement.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wish to speak about the amendment that I am going to offer. I want to thank the gentleman from Kentucky [Mr. ROGERS], and I also want to thank the chairman, the gentleman from Iowa [Mr. SMITH], for the work that they did in trying to restore the Border Patrol moneys back up to at least the level of last year. We appreciate that deeply.

The problem is that the problem of smuggling of illegal immigrants and narcotics across the borders of the United States has grown by leaps and bounds. There is absolutely a torrent of cocaine flooding through the land borders right now.

We have increased the interdiction of cocaine in the California-Mexico border by 1,000 percent over the last several years. According to the GAO, 20 percent of the Federal inmate population are illegal aliens. The social service costs for California and every State in the Union has gone up markedly as a result of delivery of services to illegal aliens.

We have estimated in San Diego County that we spend $143 million a year in unreimbursed costs for social and criminal justice costs for illegal aliens. We have extrapolated that out to a cost that we feel is fairly reliable of $3 billion a year paid in California for social services and justice costs and other costs for illegal aliens.

Mr. Chairman, we have had now an increase of 1,000 percent of Chinese illegal aliens coming across the land border between Mexico and the United States over just the last 4 months of the year. That is, over 500 Chinese illegal aliens have been arrested coming across the land border.

Lastly, and perhaps most critical, Mr. Chairman, we have done an experiment in which we took illegal aliens who had been convicted of major crimes. After they did their time in the United States we sent them in deep repatriation to Mexico City. So far 34 of those 300 criminal aliens have been recaptured coming back across the border between the United States and Mexico.

Mr. Chairman, if you consider that at any given time our Border Patrol is so small that we only have about 50 to 60 agents on the entire California-Mexico border, and if you consider the fact that in excess of 5 illegal aliens come through for every 1 that is captured, that means that roughly half of these criminal aliens have already made their way back into the United States.

Mr. Chairman, there are many reasons, with our very liberal immigration policy, for having a border that has integrity. And that requires people. We need desperately to add about 2,000 border patrolmen to our present force.

Mr. Chairman, the amendment that I am going to offer will add some 600 Border Patrol agents. It is not up to what we need, but it will help us greatly. I hope that every Member will support this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank Chairman SMITH, Chairman NATCHER, and the gentleman from Kentucky [Mr. ROGERS], for offering the bill and doing such a good job for law enforcement.

Mr. Chairman, in California we are being overrun. Over 50 percent of the children born in Los Angeles County Hospital, over 50 percent of the children born in that hospital are to illegal aliens. "20/20" did an expose showing the costs to the Federal Government. They then go down and collect Medicaid. They are coming up with a health care bill in the Senate and the House, and you can imagine the costs that are being passed on.

Twenty-five percent of the felons in California prisons are illegal aliens. We would like to even ship them back to where their home country is, but we cannot do that because of our own laws.

At Palomar Hospital last month, Dr. Brown told me about an illegal that was in a knife fight and needed a $200,000 operation. Of course, he cannot pay for it. That cost goes on to the hospital. Who has to pay for that?

Drivers in my district, two families have been totally destroyed by illegal aliens driving with no driver's licenses and no ability to pursue that.

San Diego County Sheriff Jim Roache is having to turn out convicted felons out of the system because there is no room. Over 25 percent of those people are illegal aliens.

Drugs, I have been on eight drug raids in San Diego with local law enforcement. Every single one of them had illegal aliens dealing drugs. State Senator Craven and Governor Wilson released information on the cost to the State of California and the Federal Government: $2 billion to the State of California for illegal aliens in health care, in education, and in law enforcement.

Mr. Chairman, the money that we put in to stop this will come back one hundredfold, just to stop the flow of illegal immigration.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in praise of the work that has been done on this bill, and especially to praise the committee for the fact that they had the wisdom to exclude from consideration TV Marti, a Government-funded station which supposedly beams information about democracy into Cuba.

The fact of life is that TV Marti has been a total failure. It has been seen, according to people who keep a watch on this, a couple of times during its first 3 years of existence. During that time it was able to beam some Popeye cartoons. Now, I am a big Popeye fan, but I do not think that is what we should be sending to Cuba to bring about political changes.

Second, there is a balloon, a technological balloon, that brings the signal across to Cuba, which is called Fat Albert. The balloon tends to get loose every so often and travel throughout the Everglades, where we have to spend money tracking it down.

It is almost difficult not to laugh when we talk about TV Marti, because it is supposed to be a very serious subject. But it is a very serious waste of money.

□ 1050

By allowing the committee the opportunity to say, we really do not want to fund this any longer, we are sending a clear message. First, that we shall not be wasting money. Second, that perhaps there are better ways of dealing with this issue and bringing out this information than having this totally failed enterprise. And third, I would say that TV Marti is just another example of what could very well be a failed policy on our part in trying to bring about political changes in Cuba.

There are certainly other ways to accomplish that. There are ways not to accomplish that. TV Marti is the most glaring example of how we do not accomplish these political changes.

I want to congratulate the committee on the fact that they had the wisdom not to include Fat Albert and this wasted time in the appropriation.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me just say that may two colleagues who spoke previously, from California, illuminated an issue that is extremely important to the people of this country and the taxpayers of this country. We have a virtual tidal wave of illegal aliens coming across the Mexican-American border. We have problems on both the east and the west coast as well.

But the real major problem is that 1,980 border between us and Mexico. I was just in Mexico about 2½ weeks ago. I found that we are getting about 2.2 million illegal aliens crossing that border per year. We are sending about half of them back, but we are keeping 1 to 1.2 million illegal aliens in this country. They are going all over the place, but particularly in the Southwest and in California.

Last year, I hope all my colleagues will pay attention to this and everybody in the country, last year there were 37,000 illegal alien births in Los Angeles County alone, in one county, in Los Angeles County, CA, there were 37,000 illegal alien children born last year alone. Each one of those children, when they are born, are eligible for AFDC payments of about $620 per month. That is $25 million a month in welfare payments to illegal alien children in one county in one State in the whole country.

Now, we have to do something about that. The taxpayers of this country do not want their money spent for that purpose.

How do we do it? Well, the gentleman from California [Mr. HUNTER] has suggested that we get 600 more Border Patrol people on that border. Granted, that is not enough, but that is a step in the right direction.

I am going to propose an amendment today that will cut the Commerce Department back to the rate of inflation. In other words, we will increase their budget to the rate of inflation.

If we cut it back to that level in this bill, we will save $60 million, and that will pay for the amendment of the gentleman from California [Mr. HUNTER], which will put 600 more Border Patrol people on that border to keep these illegal aliens out.

I am telling Members, it is a major, major problem. The welfare benefits, the benefits for prenatal care and for postnatal care for these people, the health benefits, all that stuff adds up to billion of dollars that we cannot afford with the huge deficit that we are incurring right now.

I applaud that gentleman from California [Mr. HUNTER]. I hope we will look with favor upon his amendment. I hope we will look with favor upon my amendment, which will provide the funds for what he wants to do by cutting back to the rate of inflation the Department of Commerce appropriation.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I would like to ask the chairman of the subcommittee to engage in a colloquy.

Mr. SMITH of Iowa. Yes.

Mr. DEUTSCH. Mr. Chairman, if the gentleman will continue to yield, I would like to discuss a matter of vital importance to the victims of Hurricane Andrew in my district and across south Florida. I am concerned that funds appropriated in the past for hurricane relief efforts are being used in areas that did not suffer any hurricane damage, while other areas of Dade County which were completely destroyed continue to suffer.

Mr. SMITH of Iowa. The gentleman is referring to the $50 million appropriated in the emergency supplemental last year. We put it under EDA, but they are to make grants for economic development in disaster-impacted areas.

Mr. DEUTSCH. That is correct, Mr. Chairman.

However, I have learned that several of the grants the EDA has made, or is considering making in Florida, are for projects that are not in hurricane-damaged areas. Specifically, a $2.5 million grant went to make renovations to the Omni Mall in Miami, which was not at all affected by the hurricane. The EDA is also considering a $5.5 million grant to the Wynwood Foreign Trade Zone, which also lies outside the hurricane impacted area. I would like to express my concern to the committee, and the Congress; and to request that the inspector general of the Commerce Department conduct an investigation to determine what funds were spent outside the FEMA-designated hurricane impacted areas.

I would also ask that an attempt be made to target any funds not yet obligated toward areas directly impacted by the hurricane, and which lie within the FEMA designated hurricane impact area.

Mr. SMITH of Iowa. Mr. Chairman, I will ask the Commerce Department to look into the gentleman's concerns and to respond to the committee as soon as possible.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I would like to engage in a colloquy with the chairman of the appropriations subcommittee. I am trying to work my way through this budget.

I have a question in regard to the Small Business Administration. My question is, Can the gentleman assure the body that there are no funds included in the Small Business Administration budget, either in the salaries and expenses or any other part of the budget money, for the tree-planting program?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the salaries and expenses account is where that is carried and until it is earmarked, it is possible the item is in the appropriations bill. But also the Small Business Development Center Program is in there, and numerous other programs are in salaries and expenses.

Mr. MCINNIS. Mr. Chairman, a further question. Does the gentleman know the amount? I understand it is approximately $16 million in salary and expenses.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will continue to yield, there is no amount earmarked in our bill.

Mr. MCINNIS. But there is money that can be allocated?

Mr. SMITH of Iowa. It is an authorized program, and any authorized program under salaries and expenses could be funded.

Mr. MCINNIS. Mr. Chairman, again, for another question, is there an authorized amount?

Mr. SMITH of Iowa. There is an authorized amount. The authorization is for $30 million.

Mr. MCINNIS. Mr. Chairman, I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I quickly want to congratulate the committee. This is a very ambitious bill. I am not a member of the committee, but I was given the opportunity to testify before the committee.

In my prior political life, I was a prosecutor. This bill contains good funding for prosecutors that want to get involved in child abuse issues, particularly child sexual abuse issues.

We started a new program in our district, the Children's Advocacy Center Program. That funding is included in this bill, as well.

I want to congratulate the committee.

Mr. Chairman, I rise in support of this bill. It is a good bill. I would like to thank Chairman NATCHER for his leadership in bringing this bill to the floor as expeditiously as possible. Also, I would like to thank Chairman SMITH for his genuine commitment to effective and successful programs that are contained in this bill. Representatives MOLLOHAN and MORAN were helpful in listening to the requests of this Member and offering sound advice.

I rise in strong support of the juvenile justice programs that are contained in this bill. The bill speaks directly to preventing the physical abuse and sexual abuse of children. Funding is available until expended for section 213 of the Victims of Child Abuse Act of 1990 for regional children's advocacy centers and section 214 of the Victims of Child Abuse Act of 1990 for local children's advocacy centers.

Section 6 of Public Law 102–586, the Children's Advocacy Program, establishes a program to focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families; provide support for nonoffending family members; enhance coordination among community agencies and professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support of community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

Before I discuss the substantive law, I would like to present some guiding principles that we must follow in order to effectively prevent child abuse. Then I would like to discuss the importance of the use of multidisciplinary teams and a community approach to prevent child physical abuse and child sexual abuse. First, society needs to convey a clear message that sexual abuse of children is unacceptable behavior. Second, we need a criminal justice system that is responsible for helping and protecting child victims and holding offenders accountable. Third, the needs of the child victim must be foremost in our minds and we must work to ensure that children are not at risk from further revictimization from the very system designed to protect them. Fourth, there must be a coordination of activity of all involved public and private agencies to intervene in the lives of abused children in a meaningful way and to insure that the judicial system does not revictimize them through repetitious interviews and examinations. Fifth, coordination of activities and services, without a doubt, must exist at the Federal level.

Pursuant to Public Law 102–586 the term "multidisciplinary response to child abuse" means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members. The cornerstone of an effective child abuse program like the Children's Advocacy Center programs is the use of multidiscipilinary teams. A multidisciplinary team consists of representatives from law enforcement, child protective services, victim advocates, medicine and mental health who meet on a regular basis to review cases and issue joint recommendations in the best interest of each child.

The primary goals of a multidisciplinary team include elimination of duplicative efforts by professionals, protection of the child and the child's family from further abuse and trauma; rapid successful investigation and prosecution of alleged offenders of child sexual abuse; and assurance of specialized therapeutic care to meet the needs of child and family. All of these goals can be achieved through the coordination of community agencies and professionals involved in the intervention system.

Multidisciplinary teams minimize the trauma children can suffer during the investigation and intervention process, promote better understanding of and respect for other team member's role and expertise, and facilitate more informed case management decisions. As the members of a team build working relationships, communication between agencies becomes easier and the coordination of services begins to fall into place.

It is important to realize that multidisciplinary teams are not meant to replace any existing profession, agency or individual. They are intended to strengthen and build interagency and professional relationships. Each community has its own service network with individual strong points and weaknesses. Each multidisciplinary team should be tailored to incorporate the strengths and unique characteristics of its own community network.

Multidisciplinary teams can weave the service delivery system together in such a way that effective case management will occur, in conjunction with the most effective use of effort and time by the professionals and families involved. Multidisciplinary teams provide a means to better use existing resources while improving service to child victims of sexual abuse and physical abuse.

Let me share with you one of the most persuasive reasons a multidisciplinary approach is warranted. It is important for us to recognize that abused children are revictimized when they are bounced from agency to agency where professionals have no specialized training or knowledge of the needs of children. Children in such a setting are subjected to multiple investigative interviews, and persons responsible for intervening on behalf of child victims exercise little or no coordination or teamwork.

When the term "revictimization" is used, it may come across as being too bureaucratic or too academic. What is meant by the term revictimization? How is a victim of physical or sexual child abuse revictimized by a system that exists to help victims? The manner in which a child is treated during the first interviews greatly affects the child's ability to withstand the pressures inherent in involvement with the child protection and criminal justice systems. Also, it has an impact on the child's mental health. Multiple interviews involving multiple investigators at multiple locations in a short period of time can be very traumatic to a child.

The revictimization can occur at various intervals. It can occur when an untrained police officer questions the child for hours in the morning at a police station, again in the afternoon when a doctor examines and questions the child, and again the next day when a representative from a child services agency interviews the child. Multiple and uncoordinated interviews by untrained or improperly trained individuals can be confusing, frightening, and embarrassing to the child. The result is that a case falls through the cracks. The revictimization leads to the child recanting the story. This can allow an offender to walk away free. We must eliminate institutional revictimization.

Thus, it is simply not enough for us to train prosecutors under one program, train doctors under a separate program, and train children's advocates under yet another program. The approach at the local level, on the frontlines, must be a coordinated multidisciplinary team approach. Additionally, coordination must exist at the Federal level. Thus our approach must be two-pronged.

Effective intervention becomes prevention. The children's advocacy program approach creates a system and develops resources that deter more abuse, strengthen children and families, hold offenders accountable, and reduce juvenile delinquency and other criminal behavior.

It is my desire as the author of the authorizing legislation to see an expeditious implementation of the Children's Advocacy Program. The program is based on a successful model that I initiated as the district attorney of Madison County, AL. I am proud of the Center in Huntsville. It has become a national model in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families. We have an excellent staff of professionals who are experienced in providing remedial counseling to children and families. For years we have acted as a national training and education center, and as a resource facility. The Children's Advocacy Center in Huntsville has been effective in helping communities resolve problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse. Additionally, we have provided technical assistance to communities nationwide with respect to the judicial handling of child abuse and neglect.

The purpose and mission of the Children's Advocacy Program is to provide technical assistance, training and networking opportunities to help communities establish, and maintain child abuse prevention, intervention, prosecution and investigation programs which provide quality services for helping victims of child abuse.

First, it establishes the Regional Children's Advocacy Centers. The Juvenile Justice and Delinquency Prevention Office will work in coordination with the Office for Victims of Crime and the National Center on Child Abuse and Neglect to establish a children's advocacy program to focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families. These three Federal agencies do have an optimal working relationship in this area. It is incumbent, therefore, that they have the opportunity to work together and coordinate activities.

The regional center's purpose will be to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse. The number of communities that call the Huntsville Children's Advocacy Center for help is very significant. When I was district attorney, I traveled repeatedly across this country working with many communities. The Huntsville Center continues this important outreach program.

Second, the Children's Advocacy Program establishes Local Children's Advocacy Centers. This section compliments and enhances work that was carried out in 1990 by, among others, Senator BIDEN, chairman of the Senate Judiciary Committee. These centers will be the local community arms working on child abuse cases. Local involvement and empowerment are the driving principles of this approach. Thus, a community can develop a program that fits its unique needs.

The Children's Advocacy Program accomplishes two other goals. It directs grant recipients to consult with each other on a regular basis to exchange ideas, share information, and review children's advocacy program activities. Second, it establishes a children's advocacy advisory board that will provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program. The board shall consist of individuals who are experienced in the child abuse investigation, prosecution, prevention, and intervention systems.

Implementation of the Children's Advocacy Program will break the cycles of abuse and neglect which take a devastating toll on our society. Numerous publications, such as the Journal of Interpersonal Violence and the Journal of Family Violence tell of the direct correlation between child abuse and adult drug addiction and sexual abuse. A recent National Institute of Justice study found that "childhood victimization represents a widespread, serious social problem that increases the likelihood of delinquency, adult criminality, and violent criminal behavior." By effectively addressing the needs of abused children and intervening in their lives, advocacy programs help eliminate this costly and detrimental pattern.

The Children's Advocacy Program continues a history of involvement by the Federal Government as both an advocate for the Nation's children and as a provider of services on their behalf. Multidisciplinary teams improve services and maximize the use of limited resources. In Huntsville, AL, we serve about 240 child sexual victims annually. Almost 50 percent of the cases are referred for prosecution and nearly 100 percent of these result in guilty pleas or convictions. This was achieved by implementing an approach that focuses on the child.

If our society is ever to convey the clear message that the sexual abuse and physical abuse of children is not an acceptable behavior, then we must redesign the systems responsible for helping and protecting child victims so that the children benefit and offenders are held accountable.

Mr. Chairman, I urge my colleagues to support the bill.

Ms. NORTON. Mr. Chairman, I want to express my thanks to Chairman SMITH for responding favorably to my request to include language in the report on this bill indicating that the committee expects FBI Director William Sessions to fulfill his pledge to find jobs in this area for Identification Division employees who cannot and do not wish to move to West Virginia once the division is relocated there.

In 1991, I contacted Director Sessions and expressed my concern about the fate of employees who could not relocate. The Director promised me personally that these employees would be afforded another job with the FBI in this area at a comparable pay rate. This promise was not made lightly, but as a matter of elementary fairness to the employees, especially those not highly salaried whose personal and family position made it impossible to move.

When it was recently brought to my attention that the Director was considering reneging on his commitment, thereby placing many of my constituents at risk of losing their jobs, I immediately wrote him seeking assurance that his commitment still stands. I have yet to hear back from the Director on this matter.

Earlier this month, when the Subcommittee on Civil and Constitutional Rights marked up the FBI's reauthorization bill, I wrote Chairman DON EDWARDS to express my strong support for a provision he included requiring the FBI to fulfill this commitment, a commitment which was reaffirmed by both Director Sessions and Deputy Assistant Director Stanley Klein during testimony given before that subcommittee in 1991 and 1992.

It would be unconscionable to permit the Bureau to step back from a commitment which was not only made personally to me, but to a subcommittee of the House. Chairman SMITH, your action on this matter today, and the action taken by Chairman EDWARDS, will help to ensure that the Identification Division's employees are able to continue their careers with the FBI.

Mr. CONDIT. Mr. Chairman, today, I rise in strong support of the amendment by my friend and colleague, DUNCAN HUNTER, which would increase the appropriation for the Border Patrol by $60 million. As my colleagues must know, the condition of the Californian economy is terrible. The lingering recession, the massive defense cuts that the State is asked to bear, and unfunded Federal mandates are all contributing factors to California's fiscal woes.

The largest unfunded Federal mandate in California is immigration. As my California colleagues have already pointed out, half of the babies born in San Diego and Los Angelos are born to immigrants. Twenty-five percent of the people incarcerated in California's prisons are foreign born. Governor Pete Wilson has estimated that California pays $1.4 billion for the social, health, and correctional services provided to immigrants and refugees as mandated by national immigration policy.

Along with several of my California colleagues, Republican and Democrat alike, I have made the elimination of unfunded Federal mandates one of my highest priorities. We have to take firm actions to address the problems of these unfunded Federal mandates before they completely overwhelm our State and local jurisdictions. I wholeheartedly support Congressman HUNTER'S amendment since it will augment the resources of the Border Patrol so that they can prevent illegal immigrants from entering our country and placing further burdens on our local budgets.

It should be understood that additional cuts and rescissions can be made in this legislation to more than offset the $60 million increase that the amendment calls for. Again, I urge my colleagues to support the Hunter amendment.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2519, appropriations for the Departments of Commerce, Justice, State, and the judiciary. Programs within the National Oceanic and Atmospheric Administration [NOAA] funded through the Department of Commerce are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystem.

This bill appropriates a total of $1.77 billion for NOAA in fiscal year 1994, which funds important programs such as the National Ocean Service, National Marine Fisheries Service, and the Oceanic and Atmospheric research programs.

I am pleased that the committee has included report language indicating that funds will be available through NOAA's construction account sufficient to maintain ongoing construction projects. My particular concerns is for a multispecies aquaculture facility which is being built in New Jersey.

Through the support of the chairman and the committee over the past 2 years, this facility has made significant progress. A site has been located, planning and engineering designs are well underway, and the development of training and outreach programs has begun. Moreover, the State has committed a match to Federal funds and is developing a State aquaculture plan. These factors are crucial in meeting the rising demand for fresh, Healthful products, reversing local economic decline, and expanding aquaculture nationwide.

I am also pleased that the committee has restored funding for the national undersea research program [NURP]. NURP is crucial to understanding our oceans and plays a key role in observing global climate change in ways not available to traditional shipboard research. The $17.8 million appropriations is necessary in order for the six regional centers to meet immediate goals and to honor existing commitments for fiscal year 1994.

The committee has also restored sufficient funds to continue the fishing vessel obligation loan guarantee program. This program provides many benefits for the fishing industry particularly in the area of underutilized species, refinancing existing loans and seafood safety. Further, I believe the report language narrowing the focus of the program is essential to avoid contributing to overcapitalization of the industry.

Finally, I am pleased to see funds appropriated to continue the important work of several other programs that are crucial to maintaining and improving our marine environment, including the Sea Grant College Program, Marine Sanctuary Program, National Coastal Research and Development Institute, and the Coastal Zone Management Program.

Despite these austere times and the necessary budget cuts, this bill reflects NOAA's strong commitment to marine science and to the preservation and protection of the coastal, ocean and Great Lakes environments and their associated living marine resources. This is a rational bill and I urge my colleagues' support for its passage.

Mr. WILLIAMS. Mr. Chairman, this year, it is clear that the 12-year spending spree has screeched to a halt. President Clinton sent to us a budget with more than $200 billion in cuts during the next 5 years. Many people say that's not enough. In response the House cut another $50 billion.

That's not enough, many people still say. So, we cut billions of additional dollars from the appropriations bills through amendments on the floor of the House. I have supported many of these additional cuts.

Of course, there is no denying that the ramifications of our actions begin with the strokes of the red pencil. Often the cuts are paired with the pains of reduced services, losses of jobs, and added difficulties for our citizens.

The Commerce, Justice, and State appropriations bill is not immune to these cuts. Two million dollars were cut from President Clinton's proposals, and hundreds of millions of dollars more in cuts are anticipated.

One important program has suffered severe cuts in the committee. The Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program provides funding, training and technical assistance to State and local governments. It has largely been the laboratory for State experiments in innovative law enforcement initiatives, but it has also been singled out for a whopping 28-percent budget cut—$117 million less than last year's funding level.

This cut will affect urban areas, rural areas, large States and small States. California will lose more than $12 million in law enforcement funds; New York $7½ million; and Texas, more than $7 million. As for rural States, Wyoming will lose $480,000 from last year's grant of $1.7 million and Montana will see $620,000 less than last year's grant of $2.2 million.

This money does not just fall into a black hole. Its purpose is to provide means for communities to combat crime through innovative procedures. It was through this grant program that community policing was first tried, with such success that President Clinton has proposed additional funding to help combat crime in our cities through this method. It was also through this program that the Drug Abuse Resistance Education Program was begun, which teaches our schoolchildren the skills and self-esteem to resist drugs.

States use the grant program funds for prosecution of drug offenders, improvements for crime laboratories, combating domestic violence, and for drug testing and treatment of offenders. The grant program also aids local jurisdiction in providing proper training and equipment for our law enforcement officials. It has also sponsored an Innovative Rural Programs Reporting and Evaluation Workshop to explore the types of programs which are effective in rural areas and how they differ from those in urban centers.

Crime is rising. Funds for combatting crime are being cut. I can't be the only person who sees a train wreck, and not a light at the end of this tunnel. I agree with many that it is time to pay the piper, cut spending and raise revenue, but this is not the right program to gut. I urge my colleagues in the Senate to restore the funding of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program to 1993 levels.

Mr. ZELIFF. Mr. Chairman, I oppose the Penny amendment. In times of economic distress, it does not make sense of this body to cut funding for the Small Business Administration, one of the best tools for economic recovery.

My home State of New Hampshire has experienced very difficult economic times, five out of the seven largest banks recently failed, and 30 percent of the banking assets were lost. The unemployment rate has gone from the lowest in the country to one of the highest. The economy in New Hampshire is still in very poor shape. Numerous New Hampshire businesses have not survived and of those that have, many are only barely surviving, because of the help of the SBA and its loan guarantee programs.

This country depends on its small businesses to create jobs. In fact, 80 percent of the jobs in this country are created by small businesses. The President in his February 17 address to Congress and the Nation, talked about getting the economy moving, putting people back to work, and living within our means. But his program doesn't reflect this. The few programs designed to stimulate investment and job creation have been watered down during the budget process. The best way to help our small businesses is through the Small Business Administration Loan Guarantee Program, which is the only real tool small businesses have left in this country.

SBA programs stimulate capital formation, economic growth, and job creation. They address finance, marketing, production, and human resource management. In 1992 in New Hampshire alone, the SBA provided almost $110 million in small business lending, which saved almost 15,000 jobs. In 1994 it is estimated that the SBA 7a program will create and maintain 6,200 jobs in New Hampshire. From 1983 to 1992 the SBA provided 426 million dollars worth of loans, saving almost 40,000 jobs in New Hampshire. SBA lending in New Hampshire increased by 141 percent from 1991 to 1992.

The SBA 7a loan program has a very low subsidy cost. The program generates $20 of credit for only $1 of taxpayer's money. For $141 million the 7a program will provide $2.6 billion in loans to borrowers. My good colleague from Minnesota has stated that, "after rising to nearly 30 percent in 1983, nonperforming loans are now 15 percent * * *." However, the facts are that in 1983, the SBA's guaranteed loan loss ratio was 11.3 percent and in 1991, the SBA loss rate on guaranteed loans was 2.2 percent.

The SBA has the lowest loss rate and best portfolio performance of the five major Federal credit agencies—SBA, HUD, Farmers Home Administration, Veterans' Administration, and Education.

The 7a program not only creates new jobs but also retains existing jobs by making credit available to established small businesses. The GAO reports that 40 percent of all term loans made in the entire country to small businesses are made through the SBA 7a loan program.

The SBA 7a loan program promotes small business formation and growth by guarantees of up to 90 percent of the amount provided by commercial lenders. If the 7a lending program runs out of funds, virtually all immediate and long-term credit will be unavailable to small businesses in the country because of regulatory pressure and because the administration's eased regulations have not taken effect. The 7a program's demand level has grown by 31 percent over this time last year and in 1992 grew by 37 percent over the previous year.

With the momentum of the SBA program growing, every time the program temporarily shuts down it disrupts the confidence of both our lenders and our borrowers and slows job creation and job maintenance.

My good colleague from Minnesota has stated that, "during calendar years 1990 and 1991, 23,000 small businesses accessed SBA programs." But, the facts are that during 1990 and 1991, 1,690,000 businesses received SBA training and counseling and the SBA guaranteed more than 215,000 loans worth more than $26 billion.

Our small businesses need the SBA. In this difficult economic environment the SBA is the only friend our small businesses have. I know first hand the successes that the SBA loan guarantee programs have had in saving businesses and saving jobs. It's a big ocean and the SBA is the only lifeboat around. I urge my colleagues to vote against the Penny amendment. We need to save the Small Business Administration.

Mr. MORAN. Mr. Chairman, I rise in strong support of this appropriations bill.

This year, I have had the pleasure and the honor of serving with Chairman SMITH, Representative ROGERS, and other members on the Commerce, Justice, State, and Judiciary Subcommittee. I appreciate the tough decisions that the chairman has made, and I want to particularly thank the subcommittee staff, John Osthaus, George Schafer, Sally Chadbourne, Sara Magoulick, and Ray Cicali for their assistance and hard work.

This is a difficult bill. It groups together some of the most important agencies in the Federal Government and forces us to make spending decisions among them. The Department of State, the Department of Commerce, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Federal judiciary are only a few of the organizations that fall under the jurisdiction of this subcommittee. I wish we could fund every one of these agencies. I wish we had the resources. Unfortunately we do not. But the chairman and the ranking member have proposed the most reasonable and fair ways to fund the programs under this bill.

Although the agencies under the jurisdiction of this committee will be among the most important in the new administration, the spending allocations have not expanded. The appropriations under this bill are more than $601 million less than enacted in 1993. The recommendation under this bill is almost $2 billion less than administration's request. Furthermore, the budget authority recommended in this bill is $759 million less than the 602(b) allocation and $2 million less in outlays than the 602(b) allocation. This bill is fiscally responsible and responsive to the need to cut budget deficit.

I strongly support the bill as drafted by the chairman and the committee.

Mr. GOODLING. Mr. Chairman, I am extremely pleased the Commerce, Justice, State appropriations bill for fiscal year 1994 includes funding for the Juvenile Justice Delinquency Prevention Act and specifically for the Juvenile Mentoring Program.

As the author of this mentoring program, I soundly believe mentoring programs provide the necessary partnership between schools, public and private agencies, institutions and business, which can help make a difference in the lives of our Nation's at-risk youth.

It has been proven that a relationship exists between poor academic achievement, school completion, and juvenile delinquency. By using mentors to work with at-risk youth, as in the Juvenile Mentoring Program, we provide young people with the positive role models they need to lead successful lives. Mentors provide academic assistance and experience in the workplace as well as helping to develop positive interests and attitudes. The Juvenile Mentoring Program also provides better coordination between the youth's home, school, and residential facility and helps to ensure at-risk youth keep up with their classmates. This encourages them to stay in school once they return to their homes. By making this investment in young people, we help them to be assets to their communities rather than repeat offenders or gang members.

The $2 million provided in H.R. 2519 by the Appropriations Committee will most certainly go a long way in helping our Nation's communities reduce juvenile delinquency. I appreciate the attention the Appropriations Committee has given to this important program and encourage schools to apply for and use this funding to develop mentoring programs for at-risk youth. I commend the committee for providing increases for the overall Juvenile Justice and Delinquency Prevention Act. This investment will pay for itself many times over in reduced costs for law enforcement, job training, and other social services. With juvenile crime on the rise in our country, particularly violent crime, it is of the utmost importance that we support the activities authorized under this law.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 2519, the Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1994.

I would particularly like to commend the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS] for their hard work on this important legislation.

H.R. 2519 provides critically needed funds:

For the modernization of the technologies used by the national weather service;

For the completion and launch of the next generation geostationary weather satellite [Goes-"Eye"]; and

For the technology administration's effort to increase our technical and economic competitiveness in the world market.

Mr. Chairman, although the funds for these and other important programs are below the administration's request, they do reflect increases over current levels in many cases. On the whole, this is fair and reasonable.

I am particularly gratified to see an appropriations bill where earmarks, unauthorized programs, and authorization language have been kept to a minimum. This is as it should be. I commend both the full committee chairman, Mr. NATCHER, and the subcommittee chairman, Mr. SMITH, for their cooperative approach to the authorizing committees in this regard.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. PENNY. Mr. Chairman, I applaud the committee for reducing funding in the bill by over $600 million from last year's level. However, there are a couple of items on which I would like to make some comments.

First, I oppose spending in the bill for the Economic Development Administration [EDA] and the Small Business Administration [SBA]—excluding the disaster loan program, and I plan to introduce amendments to strike funding from the bill for these two agencies. The amendments would save taxpayers about $925 million in fiscal year 1994.

Second, I would like to take notice of the fact that the committee funded only about two-thirds of the President's request for U.S. contributions to U.N. peacekeeping operations. While I fully understand and respect the committee's decision and the budget restraints which the committee faced, I am concerned about the fact that our country continues to be in arrears on its assessments to the United Nations, and in particular, to its peacekeeping programs. The decision to underfund the President's fiscal year 1994 request will only worsen the problem which the United Nations is faced with when meeting its expanded responsibilities and expectations in the area of peacekeeping and peacemaking.

Mr. Chairman, to deal with this serious problem, I have proposed that we transfer the budget function for "U.S. contributions to U.N. peacekeeping activities" from the State Department to the Defense Department. Since peacekeeping and peacemaking are critical elements of our national security in the post-cold war era, it is important that we fund our obligations in these areas from our national security budget—a budget which is more than 65 times as large as the State Department's budget.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 2519, the Commerce—Justice—State appropriations bill for fiscal year 1994.

I want to give my thanks to Chairman NEAL SMITH and each member of the subcommittee who so graciously gave their time and attention to the needs of the people in the 19th District of Illinois.

I particularly want to make note of report language accompanying the bill concerning the Route 16 corridor in Charleston, IL. Between Mattoon and Charleston, in Coles County, there is tremendous opportunity for economic development—new jobs for our people. The city of Charleston is working diligently to extend water and sewer lines along this corridor to provide the basic public infrastructure necessary for economic activity. In putting together this project, we have had excellent cooperation from local, State and Federal agencies, including the Economic Development Administration. The report language included in the bill recognizes that and is an important step forward in the development of the Route 16 corridor.

I know this is one small item in a very comprehensive and significant piece of legislation, but it is crucial to our efforts to create jobs and provide people new economic opportunities.

I also thank my colleagues on the Appropriations Committee for including funds in this bill which could be used for the 35 additional bankruptcy judgeships which were authorized last Congress. It is my understanding that the committee has included an additional $16 million in the Judiciary salaries and expenses account. This money is to cover the highest priority needs of the Federal judiciary—and could fund many, if not all, of the 35 bankruptcy judgeships.

We all realize the important role this funding will play in accelerating the economic recovery process. There has been a dramatic increase in bankruptcy filings in the last few years and dockets continue to overwhelm judges in many districts including the Southern District of Illinois. Between 1980 and 1992, filings increased nationwide 193.4 percent, almost a threefold increase. The economic impact of this backlog is significant. The courts experience delayed cases, assets are frozen, and creditors—often small businesses—do not receive funds available for distribution from the debtor or a trustee. With the funding of these 35 new bankruptcy judgeships we can look forward to reduced backlog, quicker turn around for individual cases, and ultimately a positive impact on our economy.

I again wish to thank the subcommittee and full committee members for their support and urge adoption of the bill.

Mr. SWETT. Mr. Chairman, I rise to thank my colleagues on the Appropriations Committee and subcommittee chairman NEAL SMITH for bringing the Commerce, Justice, State, and judiciary appropriations bill to the floor today. I especially want to congratulate Chairman SMITH for bringing this bill in at 3 percent below fiscal year 1993 appropriations and 8 percent below the amount requested by the administration.

I understand that the Appropriations Committee had to make some tough choices in order to accomplish this. For discretionary programs within the bill, funding is held below the current services level. At the same time, funding for high priority programs within the bill—Justice Department agencies involved in the war on drugs and the Small Business Administration section 7(a) program—have received increases.

Also included in the bill is a $16 million increase in the judiciary salaries and expenses account. According to the committee report, these additional funds were added to cover the highest priority needs of the Federal judiciary, and they could fund many, if not all, of the 35 additional bankruptcy judges which were authorized by Congress in 1992.

Mr. Chairman, over the past several years we have seen a dramatic increase in the number of bankruptcy filings across the country. Dockets continue to overwhelm bankruptcy judges in many districts, particularly in New Hampshire. Unlike larger States, New Hampshire has only one judge to handle the bankruptcy filings for the entire State. This worked well during the mid-1980's, when we averaged under 500 filings per year. However, since that time we have seen an explosion in the size of the docket at the Federal Bankruptcy Court for the District of New Hampshire. For example, in 1984 there were 497 filings. In 1992, the number of filings had grown to 3,840—a 673-percent increase over an 8-year period.

Much of this increased activity is due to the dramatic downturn in the New England economy since 1991. The collapse of our real estate market has led many homebuilders and small contractors to seek bankruptcy protection. Many of the small firms that have failed have filed for chapter 11. The percentage of chapter 11 cases unresolved after 4 years in the New Hampshire district is more than 10 percent above the national average. For chapter 7 filings, the national average case-processing period is 5.6 months, contrasted with New Hampshire's case-processing period of 6.3 months. Moreover, the number of chapter 7 cases over 4 years old in New Hampshire is more than three times the national average.

This explosion in the backlog of bankruptcy cases in New Hampshire has taken place, while the number of judges in my State has stayed constant at one. A single bankruptcy judge, the Honorable Charles Yakos of Manchester, has been given the task of managing, by himself, a docket that has grown by over 500 percent since 1987. That is why it was right for Congress to authorize the 35 additional judgeships last year, and that is why it is even more important to fully fund each of these positions in fiscal year 1994.

Mr. Chairman, efficiency in the operation of our Federal bankruptcy court system is important to economic recovery nationally. In New Hampshire it is particularly critical as devastated small businesses seek to work themselves out of debt, get back on their feet and begin creating jobs again. Devoting the $16 million increase in the judiciary salaries and expense account to fund these new positions for the Federal bankruptcy courts is vital to this process of economic recovery.

I commend Chairman SMITH and ranking member ROGERS for bringing this important bill to the floor.

Mr. SAWYER. Mr. Chairman, I rise in support of the fiscal year 1994 Commerce, Justice, State, and Judiciary appropriations bill.

The Subcommittee on Census, Statistics, and Postal Personnel, which I chair, has jurisdiction over Federal holiday commissions. I am pleased to note that the legislation before us includes full funding for the Martin Luther King, Jr. Federal Holiday Commission. I am honored to serve as a member of the Commission, as well.

The Commission, established in 1984, has worked tirelessly to institutionalize the King holiday and coordinate holiday activities across the Nation. When the Commission first began its work, only 17 States observed the King holiday. On January 18, 1993, all 50 States observed Doctor King's birthday with a paid holiday. This was a long time in coming, and wouldn't have happened without the enormous efforts of the King Commission.

The Commission received no funding prior to 1990. I believe that this modest appropriation will enhance the Commission's ability to elevate the way people view the King holiday. Unfortunately, the observance of Doctor King's birthday continues to be viewed by many as a holiday for black Americans alone. Martin Luther King, Jr. did not represent just one segment of our population. He worked to ensure equality of opportunity for all Americans.

I want to commend Chairman NEAL SMITH and the committee for recognizing the particular importance of the Commission's work and for ensuring that the Commission will have an adequate appropriation to carry out its programs.

I urge my colleagues to support the level of funding contained in the fiscal year 1994 Commerce, Justice, State, and judiciary bill for the King Commission.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of H.R. 2519, Commerce-Justice-State appropriations for fiscal year 1994. I would like to express my great appreciation to Chairman SMITH for his hard work in crafting such a fine bill. In particular, I am supportive of the provisions to increase funding for the National Marine Sanctuary Program and coastal zone management programs, essential programs which protect the coastline in California and across the Nation.

As the only Federal program specifically designed to protect our most outstanding marine areas, the National Marine Sanctuary Program is of crucial importance to our Nation's coastal regions. The enrollment of three new sanctuaries in the program in the past year is a testament to the program's importance and popularity. The sanctuaries off the coast of California make up the largest protected marine area in the world. However, the increase in number, size, and complexity of designated sanctuaries has strained the program's limited resources in recent years.

Next year, as a result of Chairman SMITH's decision to increase funding from $7 million to $9 million, the National Marine Sanctuary Program will be better able to ensure that Congress' mandate of environmental protection for sensitive marine areas is responsibly and effectively maintained.

I am pleased that this bill also increases funds for coastal zone management programs. The district I represent, Marin and Sonoma Counties in California, is famous for its beautiful coast. The coastal zone management programs are vital to the health of my district's coasts as well as those of the Nation. With Federal funding in real dollars decreasing over the past 10 years, the coastal zone management programs have been under growing pressure to meet more demands with fewer dollars. The increased funding that the Appropriations Committee has provided will help the coastal zone management programs fulfill their important mission.

In addition, this bill continues funding of the weather data buoys which provide fishermen with critical weather information. Generations of families have made their living fishing in the coastal waters off Marin and Sonoma Counties, and the weather buoys stationed in these waters are relied upon by the fishermen and their families to ensure safe and successful journeys.

Mr. Chairman, I strongly urge my colleagues to support the Commerce-State-Justice appropriations bill.

Mr. ROGERS. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

## TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

## DEPARTMENT OF JUSTICE

### OFFICE OF JUSTICE PROGRAMS

### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, and the Victims of Crime Act of 1984, as amended, including salaries and expenses in connection therewith, $91,300,000, to remain available until expended, as authorized by section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524), of which $650,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, $427,000,000, to remain available until expended, as authorized by section 1001(a) of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which: (a) $356,000,000 shall be available to carry out the provisions of subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) $15,000,000 shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for community policing; (d) $13,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824); (e) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; and (f) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies: *Provided,* That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $123,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102-586, of which: (a) $93,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) $6,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) $2,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (d) $22,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,700,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) $500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $1,500,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $1,600,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse; (d) $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) $3,500,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) $600,000, notwithstanding section 224(b) of said Act, shall be available to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

### PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $117,196,000; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,898,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

## WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $12,829,000, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language or through policy guidance in reports for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

## UNITED STATES PAROLE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $9,385,000.

## LEGAL ACTIVITIES

### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $400,968,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $1,900,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–509 (104 Stat. 1289).

## CIVIL LIBERTIES PUBLIC EDUCATION FUND

For fiscal year 1994 and thereafter, after payments authorized by section 105 of the Civil Liberties Act of 1988 (Public Law 100–383) have been obligated for all known eligible individuals, any amounts remaining under the total authorized level for the Civil Liberties Public Education Fund, may be used by the Board of Directors of the Fund for research contracts and public educational activities, and for publication and distribution of the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the aforementioned Act, subject to appropriations provided for the purposes of section 106(b) of said Act.

### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $63,817,000: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $44,817,000: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $808,797,000, of which not to exceed $2,500,000 shall be available until September 30, 1995 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended.

### UNITED STATES TRUSTEE SYSTEM

For the necessary expenses of the United States Trustee Program, $94,008,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), of which $56,521,000 shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $37,487,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28 United States Code, as amended by section 111 of Public Law 102–140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $94,008,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $56,521,000: *Provided further*, That any of the aforementioned fees collected in excess of $37,487,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $940,000.

### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $339,808,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

### SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $307,700,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $103,022,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $26,792,000, of which not to exceed $17,415,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1) (A)(ii), (B), (C), (F), and (G), as amended, $60,275,000 to be derived from the Department of Justice Assets Forfeiture Fund.

### RADIATION EXPOSURE COMPENSATION

#### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,586,000.

### INTERAGENCY LAW ENFORCEMENT

#### ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $384,381,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

### FEDERAL BUREAU OF INVESTIGATION

#### SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,665 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,024,705,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1995; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which $75,400,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

### DRUG ENFORCEMENT ADMINISTRATION

#### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,117 passenger motor vehicles of which 1,117 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $718,684,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1995, and of which not to exceed $45,000 shall be available for official reception and representation expenses.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I believe the first amendment is on line 14, page 18. I ask unanimous consent that the portion of the bill through line 13 on page 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order with regard to the material up to page 18, line 13?

□ 1100

If not, are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

### IMMIGRATION AND NATURALIZATION SERVICE

#### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 597 of which 302 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $999,000,000, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project scheduled to end September 30, 1993, is extended to September 30, 1996.

### AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 19, line 3, strike "$999,000,000" and insert "$1,059,000,000".

Mr. HUNTER. Mr. Chairman, we have talked about this issue in the general debate for a few minutes. First I want to thank the chairman and the ranking member, the gentleman from Kentucky [Mr. ROGERS], for working hard to try to get Border Patrol funding to at least the level that it was at last year. And I know that was a difficult task. But once again, the problem is that the challenge that we now have with illegal immigration, and not only illegal immigration, the smuggling of people, but also the smuggling of narcotics has grown by leaps and bounds, and very simply there is a flood of cocaine across the land border between the United States and Mexico. We have now increased interdiction of cocaine by 1,000 percent, my colleagues, over the last several years. Over half a billion dollars' worth of cocaine has been captured just in the last 3 months coming over that 70- or 80-mile stretch just west of Yuma, AZ. We now have in excess of 400,000 apprehensions of illegal aliens in the last year. And according to the GAO, and I think this is an important factor for our Members to consider, 22 percent of the Federal inmate population are illegal aliens.

We have tried in California to make some evaluation of the impact on the taxpayer that is caused by illegal aliens, and we have made a couple of stabs at it, and I think they are fairly accurate. In San Diego County we compiled $143 million in annual costs that are a result of illegal aliens. They include medical costs and law enforcement costs. The gentleman from California [Mr. MOORHEAD] has pushed hard and in fact has worked and received higher authorizations for the Border Patrol in years past and has been involved in this. Also my colleague from California, ELTON GALLEGLY, in Los Angeles has done some fairly extensive analysis. We think you can safely say that $3 billion in social costs, criminal justice costs were paid in California last year to illegal aliens, largely, in fact almost totally unreimbursed costs.

Mr. Chairman, if you look at the Border Patrol itself, and ask yourself how large is this contingent of American officers that patrols this massive land border, you will find that there are only 4,035 agents and 734 support personnel in the Border Patrol. Now, we have authorized much higher levels. And when we passed the 1986 Immigration Act we authorized a much higher level than that, but that is all we have. And what that really boils down to is if you take the Border Patrol at any given time on the massive border, and I will take California, for example, the 150- or 160-mile border between the United States and Mexico in California, you only have about 50 agents actually on the line at any given time spread out over this 150-mile border.

As a result of that, anyone who wants to get into the United States can, whether they are a terrorist, an illegal alien, or someone who is carrying massive loads of narcotics, and they are now carrying loads of cocaine on their backs in backpacks and coming across the land border. Just in the last several months we have captured over 500 Chinese aliens coming across the land border. They have realized that this is the way to go. We have captured now in the El Centro sector 559 million dollars' worth of cocaine, half a billion worth of cocaine in just a couple of months.

Let me just say this is a massive problem. All of the analysis indicates that for criminal justice reasons, for social cost reasons, and for reasons of giving some integrity to our immigration system, we must have more Border Patrol agents. There is only one agency that is authorized to patrol the U.S. border, and that is the Border Patrol.

This amendment will give some $60 million and provide 600 new agents. It is not everything that we need, but it is a start, and I would urge every Member to support that.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder how many Members might want to speak on this amendment. We are under time pressure today, as Members know. I am wondering if it would be reasonable to have a time limit on the debate on this.

Mr. ROGERS. If the gentleman will yield, Mr. Chairman, we have five or six speakers on this side. I think it may not be possible on this amendment. Perhaps we could try for a larger time limit than the gentleman had earlier proposed.

Mr. SMITH of Iowa. On other amendments, you mean, or this one?

Mr. ROGERS. On just this one.

Mr. SMITH of Iowa. Does the gentleman want to ask for a time limit amendment on this?

Mr. ROGERS. I doubt we can on this one.

Mr. SMITH of Iowa. Mr. Chairman, we are under great constraints in this bill. Many of our programs received funding of only 95 percent of current services, which took us to our limit on outlays. And the President requested that most of the departments take reductions in order to reduce the deficit. We did not approve all of the reductions and Border Patrol is one such case.

Members will remember the President said we are going to reduce the executive department and we hope the Congress will do likewise. Well, we have taken reductions in most every agency, but in this case the reduction assigned to the agency was $14,754,000, and we put half of that back, $6.5 million of it.

We could always use more Border Patrol personnel, and I am sympathetic to that. When we get to the Senate, we hope that they will have a little better allocation than we have on the House side. But we are up to the limit on outlays. So if we approve this amendment that means that we break our 602(b) allocation. So this amendment is a budget buster.

It seems that we cannot do anything that really satisfies everybody in this area, and I know it is a very important area. But we had a bill on the floor here, H.R. 2608, just 2 years ago which came up, and I notice the Members who are wanting to support this amendment, virtually every one of them voted at that time to take $76 million out of the INS, $76 million. You cannot have it both ways, vote to take $76 million out of INS, and then come back later and say, well, we should increase INS.

We are doing the best we can on this, and you cannot have it both ways.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, none of the San Diego delegation voted against the INS.

Mr. SMITH of Iowa. The gentleman is wrong on that. I have the tallies.

Mr. CUNNINGHAM. I did not vote against it, and I know Mr. HUNTER did not vote against it, and Mr. PACKARD did not vote against it.

Mr. SMITH of Iowa. We have done the best that we can, but if you add $60 million to the Border Patrol, we will exceed our outlay allocation, making this a budget-busting amendment. So when you vote on it, if you want to bust the 602(b) allocation, OK, but you should know what you are doing.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think it is real important to note that if we reduce the amount in Commerce to just the rate of inflation we could save over $60 million, and that would pay for the gentleman's amendment.

Mr. SMITH of Iowa. That is at a later point in the bill, but at this point it is a budget-busting amendment.

Mr. BURTON of Indiana. Will the gentleman yield further for a question?

Mr. SMITH of Iowa. Yes, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Would the gentleman be amenable to the kind of amendment that I am talking about that would provide the money for this amendment?

Mr. SMITH of Iowa. I am sure as tight as these finding levels are, there would be opposition to any amendments to cut something out of the bill.

□ 1110

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is probably no agency in the U.S. Government that I would rather find money for right now than the Immigration and Naturalization Service, especially the Border Patrol. In fact, when the administration request came to us, their request proposed cutting out 92 of the agents we already have in the border patrol. By scrounging here and there, our subcommittee has been able to hold the Border Patrol harmless from that proposed cut by the administration. We are not going to let that happen in this bill as it is right now. In fact, we also increased the INS inspectors by the use of a new land border fee system. And, by the way, while we were protecting the Border Patrol from cuts proposed by the administration, we were unable to protect the FBI and DEA from cuts. So, consequently, there is going to be, if this bill passes, over 200 FBI agents will be cut, there is going to be at least 143 DEA agents cut because we did not have the money. But we did protect the Border Patrol. We are increasing INS inspectors.

I would love to give them $60 million. We just do not have the money, Mr. Chairman, it is just not there. As we go through the process of this bill, I say to the gentleman from California [Mr. HUNTER], and in the conference with the Senate, this is my No. 1 priority, and I daresay it is Chairman SMITH's No. 1 priority.

So, help us out. We are trying to help you. The gentleman from California [Mr. HUNTER] came before our subcommittee with a very moving, explicit demonstration of the problem just at San Diego. And it was absolutely moving, the presentation that the gentleman made, of hordes of people streaming across unchecked at the border gates at San Diego. And there are other places in our country, of course, where the same thing is happening. Not to mention the problem of the terrorists in New York City and at the CIA entranceway, who are here illegally, many of them trying to play on America's goodheartedness by claiming political asylum from persecution back home, all the while here under the pretext of claiming political asylum while they brought their bombs with them to bomb American institutions. It is outrageous.

We are trying to find every penny we can to put on the Border Patrol and the INS, in order to send back home those people who are here illegally for a nefarious purpose of terrorism, not to mention to block those coming across the border from Mexico and other places.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, would it help at all for the gentleman to know that I have already, through staff, checked with the parliamentarians, and I will have a couple of points of order later on that I have already added up that will save $385 million?

Now, that is $385 million of unauthorized expenditures that will be stricken from the bill that will remain under the committee's 602(b) allocation. That is not money that goes directly to the deficit reduction, because the committee will still retain that under the 602(b) allocation.

It seems to me that some of that money—and I think the gentleman is absolutely correct in his sense of priorities—it seems to me that some of that money then would be money that could be used to do what the gentleman from California wants to be done. I think there are going to be some other points of order that will even be in greater amounts and it would redirect the priorities, I would say to the gentleman.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I understand that, that there will be points of order during the bill, that will create funds. It is not there now. This amendment is first up.

Give us a chance to work on this, is all I am saying. I think everyone on the subcommittee, certainly me, and I know the chairman are extremely sympathetic to your plea and your plight, and we are going to try to find the funds. I hope you will give us a chance to work it out.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his response, and I thank the chairman, too, because I know he is concerned about this area and worked hard to restore the funds to at least the level of last year. The problem is that we are faced with an overwhelming situation that is costing, in the United States, speaking as a whole—it is being pennywise and pound-foolish—that by depriving the Border Patrol of the number of agents we decided we needed back in 1986, over 6,000 agents, we are costing the country billions in social costs and criminal justice costs. So I have to tell my friend that I think it is time that we had a chance to work a prioritization, which is really what we are doing here on the floor. I appreciate the gentleman's appreciation of the problem.

I think we need to go forward and try to get 600 agents on, it is still going to be a small corporals guard, but it is still going to be necessary.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, obviously I have a concern, coming from a border State and border district. I share the concern that my colleagues from California have in offering this amendment today with regard to the Border Patrol and Immigration Service. In my remarks in the general debate on this bill I talked about the cuts in the number of Border Patrol agents that I think need to be restored. I think, however, as my colleague, Mr. ROGERS, has said, this amendment may be a little premature. We are planning to offer a motion to recommit—and in that motion we will restore to the INS some of these funds for Border Patrol as well as for the investigative and border agents who do the regular inspections—but there are also other priorities, and one of the other top priorities is the number of Federal prisoner days. That is the money for maintaining Federal prisoners in the Federal prison system.

I think we ought to wait until we see how this bill looks at the end of today's debate with the amount of money that is struck on points of order, to know what we have available to us in order to restore this and to make sure that the motion to recommit restores it in the proper places where the administration's top priorities are.

I support the administration priorities in law enforcement, but that includes money for maintaining prisoners in the Federal prison system as well as for the Immigration and Naturalization Service and the FBI and the DEA. We need to look at all of those. I would say that INS, as well as the Federal prison days, are the top priorities that we have.

So I would say at this moment we ought to wait until we see what this bill is going to look like at the end. This is a fluid situation.

We know much in this legislation is not authorized, much will be struck; we will have a number of dollars at the end of this debate today that can then be perhaps reallocated in a responsible fashion rather than doing it now when we do not know what is there, and rather than doing it with just one of the Federal agencies, law enforcement agencies, I would suggest that we wait on that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made the telling point here that I think bears underlining. After we get through the bill today, before we have the final vote, we will have a last chance to look back and see what items were stricken and what moneys may have been freed up and what we can responsibly do, looking at INS, at that time. This is premature. The gentleman's point is well taken.

I would hope that the Members would stick with us.

Then let us see where we are, where we stand at the end of the bill, and we can look back.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, would it be possible, since one of the problems is the placement of this amendment in the bill, would it be proper to ask unanimous consent that this amendment be allowed at a later point in the bill after we have gone through points of order against the bill?

Mr. SMITH of Iowa. Mr. Chairman, would the gentleman yield?

Mr. KOLBE. I yield to the chairman of the subcommittee.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman has explained; the minority controls the motion to recommit. So all of these can be taken care of in a motion to recommit.

Mr. KOLBE. Reclaiming my time, I think that the motion to recommit, as you know, works as an amendment, and clearly we have this in mind. We are watching this. We intend to make sure these dollars are returned to the law enforcement side, where we believe they should be.

Mr. Chairman, I yield to the gentleman from California.

☐ 1120

Mr. MOORHEAD. Mr. Chairman, I greatly appreciate the gentleman's offer to put it in the motion to recommit. Many of us feel this is the most important amendment we will consider today, because it will save millions, if not billions of dollars in the border States.

Twenty-two percent of the Federal prisoners are illegal aliens. You will cut that cost dramatically.

I do not like to see it put in a huge amendment that has many, many other things that could go down. This is vital and so important.

Mr. KOLBE. Mr. Chairman, I can assure the gentleman from California that the motion to recommit is not going to be huge covering all kinds of things. It is going to be targeted in law enforcement.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Chairman, and I will not object, but I just would like to say that I would like to ask the gentleman to yield to me when he gets his 1 minute for a unanimous-consent request, and my unanimous-consent request would be that this amendment will be in order at any point in the bill, so that once there is a resolution of some of these points of order, we will know there is money there available for this amendment.

So I wish the gentleman would yield to me for that.

Further reserving the fight to object, Mr. Chairman, I would like the gentleman to yield to me before his time is up so I can do that.

Mr. KOLBE. I will do so Mr. Chairman, if the gentleman will yield.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. KOLBE was allowed to proceed for 3 additional minutes.)

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, if the Members here will bear with us, we have already discussed a motion to recommit at the end of the bill when we know what vacancies we have from the bill. At the motion to recommit, the gentleman from Arizona will be offering a motion to recommit that can put moneys into the INS.

Now, if the Members will help us out here, we are going to try to help you, but please help us out.

Mr. KOLBE. Reclaiming my time for just one moment, Mr. Chairman, may I say to the gentleman from Kentucky that this issue has had some discussion, I know, with staff and other members of the full committee about possibly reserving some of the money for other priorities, law enforcement priorities.

The No. 1 priority of the Justice Department is the prisoner days. Without that, we will have to release prisoners very early.

Mr. Chairman, I promised that I would yield to the gentleman from Indiana, and I yield to the gentleman at this time.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I ask unanimous consent that this particular amendment, because of the importance of it, be allowed at any point in the bill so that once points of order against the bill have been raised which will provide the money for this amendment, we will know that it is there and we can go ahead with it.

So Mr. Chairman, I ask unanimous consent that this amendment be so considered.

The CHAIRMAN. The Chair would like to clarify this. Is the gentleman referring to the Hunter amendment?

Mr. BURTON of Indiana. I am, Mr. Chairman.

The CHAIRMAN. Is the gentleman requesting that it be withdrawn at this point?

Mr. BURTON of Indiana. No, I am not, Mr. Chairman. I am just asking that it be allowed at any point within the consideration of this bill.

The CHAIRMAN. The amendment is pending now. If it is defeated, the gentleman's request would not be in order.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Let me make my position clear. We are doing exactly what we should be doing right now, which is allowing the full body to prioritize and inject some prioritization into this bill that has been crafted by the committee.

If you think that Border Patrol funding is important, then it should take a priority and some of the other parts of the bill perhaps should accommodate that funding priority.

I am not willing to wait for the rest of the bill to be worked out and see if possibly there is some money around to stop this massive problem that is burdening our criminal justice system, burdening our social system and overwhelming the country.

So I have to tell my friend, the gentleman from Indiana, I would be constrained to object to any such unanimous-consent request.

Mr. BURTON of Indiana. That being the case, Mr. Chairman, I withdraw my request.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I would ask the gentleman, in this motion to recommit, would the gentleman reinstate the full amount that is requested for the Border Patrol?

Mr. KOLBE. The full amount that is requested by this amendment?

Mr. CUNNINGHAM. The $60 million, yes.

Mr. KOLBE. No, I cannot say that would be the case because of the No. 1 priority, which is the prisoner days to maintain Federal prisons.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

(At the request of Mr. SHAW, and by unanimous consent, Mr. KOLBE was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will continue to yield, the gentleman has already stated that under points of order there is about $385 million that is going to come up. That No. 1 priority surely can take the $385 million. The motion to recommit would allow $60 million which is in this amendment.

Mr. KOLBE. It would not take $385 million, but I think as we go through the numbers the gentleman will see there is not $385 million available, either; but I will be happy to talk to the gentleman about that. We are still in a fluid position at this point in terms of the numbers.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to make an observation here with regard to the motion to recommit. If this amendment passes, then it still can be fixed as far as the funding in the motion to recommit.

So this amendment is actually some insurance that we do get an absolute up or down vote on this particular issue, that we do get to fully debate it. There is no issue that I can think of that is more important to the future of this country than the question of protecting our borders.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. Certainly, I yield to my very distinguished chairman.

Mr. SMITH of Iowa. Mr. Chairman, there is a question about whether the motion to recommit will include enough funds to bring INS up to the budget request. The gentleman controls the motion to recommit. The bill is less than $20 million under the budget request for INS, not $60 million. We are less than $20 million under the budget request.

Mr. KOLBE. Mr. Chairman, the gentleman is correct. That is why I have some concerns about the $60 million that we are talking about.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Of course, as we know, Mr. Chairman, the minority will control the motion to recommit. We have not yet decided what will be in the motion to recommit, but this amendment comes at a time when we do not have any money left in the bill.

Now, if it were later in the bill after we had something stricken out, we could talk about it, but at this point in time we do not have any funds. At the end of the bill we will likely have some moneys that have been stricken. We can consult on the motion to recommit and try to address this problem, but it is premature in the consideration of this bill.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's comments. I think he is correct. I think it is premature.

Ms. SCHENK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase INS funding by $60 million.

The San Diego, Tijuana border region which Congressman FILNER, HUNTER, and I directly represent, is the Nation's busiest and most violent border zone. More than 50 percent of all undocumented persons apprehended throughout the United States were apprehended in this region in 1992.

Yet the Border Patrol in San Diego remain grossly underfunded. No Member of this body can truly understand how desperate the situation is until they have seen it for themselves.

I have ridden with the agents and I have seen the overwhelming and demoralizing odds, the vehicles that have long exceeded Government recommended mileage replacement standards, and the vehicles that have their hoods tied down with wire.

I have heard potential border crossers laugh at the Border Patrol agents saying: "Just wait until nightfall—you can't stop us."

Border Patrol agents in San Diego have special needs. They must use horses, helicopters, all-terrain vehicles, and mountain bikes to protect what is the most overrun 15 miles of the border.

Just last month my office received a desperate call from the Border Patrol in San Diego. They are absolutely stone broke. They received sedans which are going to remain unused until they can get money to transform them into usable vehicles.

I know the Appropriations Committee has been generous with their funding for Border Patrol this year and I thank them. However, with over 50 percent of the national workload of undocumented alien traffic and 30 percent of the national drug seizures, San Diego has never been realistically funded for its workload.

To my colleagues who think $60 million is an increase too great to bring home to their constituents, think about this: In the State of California alone the cost of providing services and incarcerating undocumented aliens is $2.8 billion per year. These are costs that no taxpayers want to bear the burden of.

This is not a problem unique to San Diego or California. The recent attempt by hundreds of Chinese citizens to enter the United States through Mexico, New York, and New Jersey shows the need for greater resources at our border.

The Border Patrol authorization requires INS to appropriate sums as may be necessary to the Border Patrol; $60 million is absolutely necessary to provide resources and an additional 600 agents to the Border Patrol. The Hunter-Moorhead-Schenk amendment would provide these resources and I urge my colleagues in the House to vote in favor of this amendment.

□ 1130

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

Last year, Mr. Chairman, the Border Patrol was designated as the primary agency responsible for drug interdiction between ports of entry along the United States-Mexican border. Each year more than 1 billion dollars' worth of drugs are captured along that border, and yet there are probably two or three times that much that gets through. In the past 7 months over 800,000 illegal immigrants were apprehended nationwide, and yet at least three or four times that number are making it through. The GAO reports that upward of 22 percent of the Federal prisons population are illegal aliens. In California at least 25 percent of our State prison population are illegal aliens. The same problem is true in Florida, and Texas, and other borderline areas.

Eighty-one percent of all Americans support an increase in the border control, notwithstanding that the major new responsibility of the Patrol's ongoing principal mission is to deter illegal entry and conduct related apprehension activity along the borders. In the San Diego area alone, Mr. Chairman, 3,000 to 4,500 undocumented aliens flood our border daily. It is estimated that for every illegal alien at that particular point three gain successful entry. In fiscal year 1992 the U.S. Border Patrol arrested 1.2 million aliens.

Mr. Chairman, I authored an amendment to the Immigration Reform and Control Act of 1986 authorizing a substantial 50-percent increase in the Border Patrol. This amendment passed, and yet these levels have never been properly funded. We are currently at the level of around 4,800 for Border Patrol personnel, but there is only about 1,200 on duty at any one time, along that southern border. If my amendment had received sufficient appropriations, we would have been at the level of 6,600 by the end of fiscal year 1994.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I say to my colleague, an authorization does not mean anything if you vote against the appropriation for INS. The gentleman was one of those that voted for a $76 million cut. The Appropriations bill is where the final number comes in.

Mr. MOORHEAD. However, we did not get any additional money put into it, for this purpose either. We have had additional authorizations for Border

Patrol agents on a number of occasions. The Immigration Act of 1990 included an amendment I offered on the floor for an additional 1,000 Border Patrol officers. The Department of Justice Appropriations Authorization Act for fiscal year 1991 included $55 million to hire and train 1,000 additional Border Patrol personnel, yet we continue to allow the border to remain underfunded. During the fiscal year 1993, the Border Patrol lost 65 agents. The President's budget request for fiscal year 1994 included a decrease of 93 agents. It constantly goes on. The problems grow.

In California, Mr. Chairman, we spend $450 million a year just providing emergency medical care for illegal aliens. The overall cost to the State of California is in the billions, as well as it is to other border States. Organized crime and unscrupulous smugglers are now taking great advantage of our unprotected borders. We need to do something about this problem now.

Mr. Chairman, every dollar we spend will probably save us at least 10, and far more in Federal budget expenditures than we ever will spend for the Border Patrol. Let us get down and do the job for America. I can tell my colleagues, if I walk my district, they will stop me at every other house and ask me what we are going to do about this problem. It is a serious problem. It is the most serious problem there is in our State of California. It is dangerous. Please give us some relief.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to, first of all, support the issue of the gentleman from California [Mr. HUNTER], his amendment, and I want to, second of all, support Mr. HUNTER in his efforts in this Congress in many areas, specifically this.

My colleagues, I have had a bill to this effect that would call for troops to be returned from overseas where they are cashing their checks in bases in foreign countries and placing those soldiers on our borders. There is one Patrol border agent for every 2½ mile of border. America is being literally overrun with illegal immigration, and we are making illegal immigrants citizens.

What is the policy of this unbelievable legislative body?

Beam me up.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I would like to further say we have gone through three nominees for our Nation's highest law enforcement office trying to find somebody that did not hire an illegal alien.

Now I understand the dilemma that this chairman is in and the Committee on Appropriations is in, and I would like to say this: There are an awful lot of needs in law enforcement, and we must deal with them. But the most critical and urgent need that faces this Congress is people jumping the fence on our border without enough people to monitor it, and, my colleagues, it is time to pay up. We cannot have it both ways. We cannot complain about illegal aliens jumping our fence without putting in the funds and backing up the personnel to handle that.

So let me say this——

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT] mentioned a second ago that this country was allowing undocumented immigrants to become U.S. citizens. I would like to ask the question of the gentleman in a second. The reason I will ask is for the following reason:

There is no doubt that there are problems at our borders, and there is a need to beef up the Border Patrol, but I am very disturbed and saddened by the debate that is taking place today because the emphasis is not on the immigrants who are coming in. It is on the illegal immigration that is occurring, and I think it is a very sad statement with all of us who are probably the children at some point of immigrants to try to paint the monster image on individuals who are coming to this country, rightfully or wrongfully, for the purpose of trying to have a better life. We must address the problem of undocumented immigration into this country, but we should not be attacking people and making them look like monsters as they come into this country.

So I ask——

Mr. TRAFICANT. Reclaiming my time——

Mr. BECERRA. If I may ask the question of the gentleman then: Can you please explain to me how it is this country is allowing undocumented immigrants to become U.S. citizens?

Mr. TRAFICANT. Reclaiming my time, and I gave the gentleman an opportunity to participate, my great-grandparents were immigrants as well. They came in the legal way. I think it is time to get back to an immigration policy that allows people to come to America under the legal parameters, and let me say one last thing:

We are not helping all of these people in the other countries by taking a small number of them into America and further eroding our economy. We would be better off to teach them how to fish rather than coming in here and giving them a loaf of bread.

So, in answer to the gentleman's question, I don't think your question applies to this particular issue. I say we don't have enough Border Patrol agents for people who are jumping the fence illegally, and that's what this amendment deals with, and I support it.

Mr. BECERRA. But the question was, Mr. TRAFICANT, about a statement that this country was permitting those who are here without documentation to become U.S. citizens. I rise today, and I thank the gentleman for yielding, because many statements have been made today that are untrue. There are not 800 illegal immigrants, and I do not use the term; I use the term "undocumented" immigrants who have come into this country and who are still here.

Mr. TRAFICANT. Reclaiming my time, the gentleman can strike the last word. We have an immigration bill that said, if you would jump the fence, and you are in America for 5 years illegally, although you were here for 5 years, we made those illegal immigrants citizens eventually.

I do not want to get into that issue. That is exactly what the bill did, and the gentleman from California [Mr. BECERRA] can take his own time.

This is a Member that is against it. This is a Member that is against the Congress turning its back against people jumping our fence.

□ 1140

I think it is very significant. It is not a slight to any ethnic group or any people, but I think it is time that Congress put its foot down.

Mr. Chairman, I support the Hunter amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Hunter amendment.

Mr. Chairman, the Hunter-Moorhead amendment is a necessary step. Admittedly, money is not the answer to our immigration problems, and I regret the fact that my distinguished neighbor, the chairman of the subcommittee, and my equally distinguished colleague, the gentleman from Kentucky, are caught up in the middle of a debate here, but I say to the Members of the House that what we see here today is an insurrection under parliamentary procedures in the House.

This is not a California problem, this is not a Florida problem or a New York City problem; this is an America problem, and the Judiciary Committee lackadaisically has failed to address the need for effective controls for the illegal alien problem for years.

This gentleman comes from a State as far away from the coast as possible, but I say this is an American problem, and we representatives of the American people are here today to be heard for them. If we take a look at the number of Members gathered around here today, surely it must understand that we can keep a cap on immigration reform, especially the control of our borders for only so long. The leadership of this House, and particularly the Judiciary Committee of the two bodies, have failed to address the problems of illegal aliens and the effective control of our borders and refugee problems that are confronting the country. It is time that the Members and its American people be heard, and that is why so many Members want to speak on behalf of this amendment today.

Mr. Chairman, I also speak to the Members as a member of the Intelligence Committee, and I can tell the Members that we are particularly vulnerable to terrorist events in this country. We are an open society. And we want to be an open society. We want to be open to legal immigrants, but I want to tell my colleagues, and particularly the members of the Judiciary Committee, that if we do no take some of the actions that the INS has been crying for these many years now, if we don't give them the legal tools and resources to reduce the numbers of people who are coming in here illegally or by devious and fraudulent abuse of our processes, some coming with ill intent in their hearts, if we do not take some steps to begin to shut the door on abuses of political asylum, then we are going to have terrorist events in this country that will shake the foundations of our constituencies. And some of our Members will wonder why it is that we have not acted before this crisis. They will wonder why it is that the Judiciary Committee has set on these reform issues year after year.

For example, in New York City alone today we have 15,000 people claiming political asylum waiting for hearings. They are coming in at a remarkable pace around the whole country and not just by commercial airlines, but by the boatload. I would ask the members of the Judiciary Committee and other interested people, as well as members of this subcommittee of the Appropriations Committee, if you need a confirmation of the abuses of the system and frustration of our INS personnel who are crippled or handicapped by inadequate law or resources, then just go out to Dulles airport and see the problems they have there today.

The claims that are made by people coming in for political asylum today are rarely legitimate. They are patently fraudulent. They are tearing up visas; they are tearing up passports on the planes. They are giving them back to people on the plane who are commercial immigration expediters, illegal immigration expediters. They say the magic phrase "I seek political asylum and they are issued a green card, made eligible for welfare benefits, and disappear into our society. And that is what we are facing here today.

We can throw all the money at this problem we want—and I approve of this amendment because it is a small, important step that will help, in particular, the border States—but unless we get some action out of the Judiciary Committee on the necessary reforms we are going to have continued and increasing problems.

So, Mr. Chairman, I urge my colleagues to put some pressure on this Judiciary Committee, the committees in this House and the other House. We must have some reforms; if one holds townhall meetings or listens to constituents, one knows it is a top priority of many constituents across this land. Without reforms now we will, after related terrorist events, have the type of xenophobic demands that will result in draconian changes in our legitimate refuge and immigrations procedures and programs.

Finally, yesterday, after great travail, after much discussion about inadequate steps like preclearance at foreign airports, some Members on the House Judiciary Committee are finally, it appears, going to do something. Reform of the political asylum procedures is but one of many steps that need to be taken. Immigration reform does not have to be done comprehensively for we get bogged down in controversy. We can and should take some steps now to provide some of the important tools that the INS needs.

Mr. Chairman, I urge my colleagues, as a first small start, to approve the Hunter-Moorhead amendment here today.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if, with the indulgence of my colleagues, we can make some kind of an effort to limit debate. We have been on this for 40 minutes. If we do not get this bill passed, we are not going to get any money.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Yes, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield and accept the amendment?

Mr. SMITH of Iowa. Of course not.

Would 20 minutes be enough? All the Members know how they are going to vote on this.

Mr. CUNNINGHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. How about 25 minutes?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. Yes, I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I wonder if the gentleman could give us 40 minutes equally divided. The problem is, I say to the subcommittee chairman, that we have a lot of Members who want to speak on this issue.

Mr. SMITH of Iowa. I know. It is a very important issue to a lot of people.

Mr. HUNTER. They have come down to the floor, and they all have something to say about this.

Mr. SMITH of Iowa. How about 30 minutes? Would that not be enough? That would be altogether 1 hour and 10 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HUNTER. Mr. Chairman, I have counted the number of heads on our side, and there are a couple of Members on the gentleman's side who want to speak.

Could the gentleman give us 40 minutes?

Mr. SMITH of Iowa. All right.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I object.

Mr. CUNNINGHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. Mr. Chairman, I say to the Members that if I move it, I am not going to move it for 40 minutes. I will move for something less than that. Can we not make some reasonable accommodation?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, from my perspective I think we can accommodate the Members who want to speak on this in 40 minutes. Obviously there are other Members who have a concern with that. That would be fine with me.

Mr. SMITH of Iowa. Mr. Chairman, I am not going to ask for 40 minutes if I have to move it; I am going to ask for 20 minutes on a motion.

Mr. HUNTER. Mr. Chairman, I think we can get it done in 40 minutes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 12:25.

Mr. Chairman, I will withdraw that.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, let me find out how many speakers there are with a show of hands.

I would say there are at least 12 Members here.

Mr. SMITH of Iowa. That is about 4 minutes apiece.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman calls for a vote, it is going to take 20 minutes. Why does the gentleman not make it for 1 hour? If the gentleman would make it for 1 hour, I think that would cover it.

Mr. SMITH of Iowa. No, I am not going to do that.

Mr. BURTON of Indiana. If the gentleman calls for a vote, we are going to waste an hour anyhow, and probably more.

Mr. SMITH of Iowa. Mr. Chairman, we are going to have to figure some way to move this bill.

Mr. BURTON of Indiana. If the gentleman calls for a vote, we will waste an hour anyway, and probably more.

Mr. SMITH of Iowa. Mr. Chairman, I will withdraw my request temporarily.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent the 50th District of California, which is the border area between California and Mexico, and I want to speak to the amendment.

First, I want to thank the chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH], for working very closely with me and with other freshman Members of Congress to help them resolve infrastructure problems on the border. He has been, along with the ranking member, the gentleman from Kentucky, very sensitive to the issues we have raised, and I know he is very concerned and very aware of what is going on. I want to thank the gentleman for being sensitive and for doing so much to help us on the border.

We have heard from other Members from the San Diego area and from other parts of the Nation about the need for more Border Patrol. My own experience, from living at the border for the last 15 or 20 years, indicates that that is true.

I am going to vote for this amendment, but let us not kid ourselves, I say to my colleagues from both sides of the aisle. This addition of Border Patrol agents is not going to solve the problems we all have spoken about and have recognized. This will not solve the problem. The problem is deeper. The problem requires a far more comprehensive point of view.

We need to work on economic development on both sides of the border. We need to work with our Mexican counterparts on law enforcement. We need to have the employers on this side of the border understand the law.

There are a lot of elements to solving the problem. It is not just adding to the Border Patrol.

So let us pass this amendment, but I beg my colleagues on both sides of the aisle to get in a problem-solving mode on this issue. I have heard very inflammatory rhetoric today. I have heard rhetoric that will polarize this issue instead of helping solve the problem.

□ 1150

So let us add those agents, but let us recognize that this is not going to solve the problem. Let us get into a problem solving mode. And, please, let us recognize that the strength of this country is diversity. Let us recognize the basic humanity of all individuals, whatever names you want to put on them for the purpose of this debate. Let us work together to get at the economic development that is so crucial for helping all people have a better way of life on both sides of the border.

Mr. Chairman, please, let us down the rhetoric. Let us get into a problem solving mode on what is a real issue for all of this Nation.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would hope that by just the show of force, that the committee understands the importance of this. We've heard people say "It is the economy, stupid." In California, in my district, illegal immigration is the absolute No. 1 issue, and I would say the No. 1 issue in the State of California, border States, and for Americans, and I am sure the chairman would agree. We are becoming overrun.

Second, I would like to assure the honorable gentleman from California [Mr. BECERRA], that this is a matter of illegal immigration, and not legal immigration, which made this country so great. And I would like to associate myself with the words of the gentleman from California [Mr. FILNER].

Mr. Chairman, we are asking for $60 million. Governor Wilson of California, State Senator Craven, and colleagues on both sides of the aisle, have identified that it costs the State of California alone over $2 billion a year for the illegal immigration problem. Can you imagine what it will cost in the rest of the country?

If we can save dollars by adding dollars, then that is a savings, and we need to run it like this.

Let me give you a couple of examples. Over 50 percent of the children born in L.A. County Hospital are to illegal aliens. They then go down and qualify for Medicaid.

Who pays for that? Not only the taxpayers, but this takes the services away from the very, very poor. Over 37,000 children, illegals, were born in Los Angeles County alone. Just L.A. County. That is not the rest of the State. That is just in L.A. County. Six hundred twenty dollars a month, per person. That equates to $25 million per month.

In 1 minute, we can pay for this amendment nationally. One minute, by just the cost savings.

The gentleman from California [Mr. FILNER] has also stated that this is not a total answer, but it is sure going to help and be one of the most effective means.

We need to stop illegals at the borders. Not once they get into our cities, not have to jail them, not have to house them. Twenty-five percent of all the felons in California are illegal aliens. San Diego County Sheriff Jim Roache is having to turn other felons out of the jail system on a revolving door system. Can you imagine what the cost of this is? We are not even talking about the World Trade Center cost.

They are having to shut down education programs in my wife's school because of the glut of illegal immigrants. They live in the canyons. It has just become critical, and it is not something that we need to turn our backs on.

When you say there is a priority of Federal prisoners, boy, I will tell you, come to the State. I have had several Members on both sides of the aisle come down to the border with the gentlewoman from California [Ms. SCHENK], the gentleman from California [Mr. FILNER], the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. PACKARD], and the gentleman from California [Mr. GALLEGLY], and they cannot believe the situation. It is like a flood coming across the border, and they cannot stop them.

Mr. Chairman, this will help and aid that problem.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would like to congratulate the gentleman for his point. One of the things I found my constituents in Pennsylvania, who are not faced with the flood across the border, are concerned about, is that we have added additional costs to the Federal Government in the reconciliation bill by suggesting that we are going to create this brand new entitlement program that reimburses 100 percent of all the costs of illegal alien babies being born in this country.

Here is a fantastic new cost that we are now imposing on the Federal Government in the reconciliation bill. Virtually everybody who voted for the reconciliation bill voted for a brand new entitlement program to pay 100 percent of the cost of illegal aliens having babies in this country.

Now, that is something where we see this whole philosophy is extending out to brand new programs, brand new entitlement programs, that are going to cost us billions of dollars over a period of just a few years.

So the gentleman from California [Mr. CUNNINGHAM] makes an absolute point that is on target, and I congratulate him for his statement.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate on this amendment, and all amendments thereto, end in 40 minutes.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would ask the gentleman from Iowa [Mr. SMITH] how many speakers are on his side?

Mr. SMITH of Iowa. Mr. Chairman, three or four, probably. I doubt if we will use all the time over here, but I cannot tell the gentleman that for sure.

Mr. BURTON of Indiana. Mr. Chairman, we have six. That makes 10.

Mr. SMITH of Iowa. Mr. Chairman, that is too much time. All Members know how they are going to vote. That is about 4 minutes apiece.

Mr. BURTON of Indiana. Would it be possible to try to allocate to each one of the speakers 4 minutes?

The CHAIRMAN. The Chair will distribute the time.

Mr. BURTON of Indiana. Mr. Chairman, I understand the Chair will distribute the time. I would like to have a gentleman's agreement, because there are not as many Members on the other side who plan to speak.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that all time on this amendment, and all amendments thereto, be limited to 40 minutes. Is there objection to the request of the gentleman from Iowa?

Mr. GINGRICH. Mr. Chairman, reserving the right to object, could I just ask of the gentleman from Iowa [Mr. SMITH], if we could have sort of a general agreement, recognizing the Chair's power to recognize, that if there is some time left over on the one side, and there are one or two surplus speakers, we will try to accommodate them?

Mr. SMITH of Iowa. Mr. Chairman, I did not ask that the time be evenly divided by sides.

The CHAIRMAN. The Chair will allot time to all Members standing at the time of the request.

Is there objection to the request of the gentleman from Iowa [Mr. SMITH]?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment of my colleagues from California. The California delegation has been working in a bipartisan fashion to retain and build high-skill, high-wage jobs that are the key to our economic revitalization. We are demonstrating today, that in bipartisan fashion, we are determined to deal with a critical deterrent to economic revitalization, illegal immigration.

Mr. Chairman, we are a nation of immigrants, and I am the daughter of immigrants, who came to America seeking peace and prosperity, and found both. Our strength as a country derives in part from our diversity. However, we must draw the distinction between legal immigration, which is constantly revitalizing our society and our economy, and illegal immigration, which is sapping the economic strength of our Nation in general and California in particular.

Difficult economic times here make it impossible to share limited jobs and resources with those who fail to comply with our immigration laws.

□ 1200

Unfortunately, border patrol funding cuts reduced the number of agents that patroled our borders last year, and this trend is continuing. The Immigration Reform and Control Act of 1986 authorized a substantial increase in border control agents, but this increase has never been funded. Our forces along our southern border are spread dangerously thin.

This excellent bipartisan amendment would add 600 agents to our southern border—a good start.

Illegal immigration hurts legal immigration, overburdens stretched community and State services and, in many instances, exposes illegal immigrants to intimidation and exploitation. It is a lose-lose proposition. This amendment will play a real part in reducing the hurt.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this is an issue, as the gentlewoman from California mentioned, dealing with illegal immigration. This issue is important to all the people in this country, but I think it is more than just dollars that must be involved here. In order for the job to be finished, taxpayer dollars are not enough. We have to have people to patrol our borders. That is why, for a long time, I have been saying that we have people in the military. We are downsizing our military. We still have many people left in Europe. We are paying $160 billion a year to protect European borders. From whom? To this day we in this Congress still are spending $120 billion a year to defend European borders. From whom? Russia? Russia is not our enemy anymore. We are now giving funds to Russia. We are now giving foreign aid to Russia. It is a phantom enemy.

What we have to do is to bring some of the troops that we have in Europe to help us control our borders. We have to get control over our own borders again. To use our military for that purpose, in my opinion, would be an excellent job for them to do. It would save money. It would keep them employed, rather than having them have nothing to do. It would be a way for us also to negotiate an agreement with other countries so that they would have some internal constraints from allowing the people from coming across our border.

We have to, I think, take a look at our visa program and see how that can be changed. Yes, to put more dollars into this program is important. But I think it is going to take more than money. It is going to take people to patrol that border. It is going to take us to redefine how we are going to use our military.

For those who are concerned, that is all of us, with illegal immigration, I think we have to think anew on how we are going to address this particular problem.

Border patrol is important, yes. We have got to show how we can have our military involved. We have got to take a look at the visa program. We have got to look at how we work with other nations, diplomatically, so they have some internal constraints from sending and keep sending all of these people across the border, because it is not only Mexico, the Caribbean, but now we are having all kinds of problems with Asia. And this problem is going to get worse and worse and worse.

That is why this is preeminently the time when we have to address this issue.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 3 minutes.

Mr. DUNCAN. Mr. Chairman, to accommodate other Members, I will be very brief. I do want to rise in support of the amendment by the gentleman from California [Mr. HUNTER] and others.

This is a tremendously growing problem. The gentleman from Indiana [Mr. BURTON] and I, a couple of weeks ago, had a briefing from an INS official who told us that 187,000 illegal aliens were apprehended at the Mexican border during the month of April alone. There are some estimates that there are three or four times as many as are apprehended, as are coming across, and so this is a problem of concern not just to those from border States but to all of us across the country.

People from Tennessee and other States are greatly concerned about this. A couple of weeks ago an economist from Rice University presented a new study which shows that we spend at least $12.5 billion on the approximately 5 million illegal aliens here now, at least $12.5 billion, and some estimates are even higher than that.

In addition to all of that, the INS official who briefed us told us that it cost an average of $30,000 to remove an illegal alien. And even worse, it takes an average of 3 years of time to do that.

An earlier speaker mentioned that there are 15,000 illegal alien cases awaiting hearings at the present time in New York alone. The INS official who briefed us told us that in Mexico they remove illegal aliens in 3 to 4 weeks time, but he said they were trying to give technical assistance to the Mexicans to get them to update their procedures.

I said that we needed to take lessons from the Mexicans. We need to toughen up our laws in regard to illegal aliens and remove them much faster than 3 years' time.

I do not suppose I have ever spoken in favor of an amendment to increase spending, but I support the efforts by the gentleman from Indiana [Mr. BURTON] and the gentleman from Pennsylvania [Mr. WALKER] to take other moneys from this bill and use it to increase the funding for the Border Patrol, because this is a problem that is at a very serious point now and is going to grow in the future.

Also, I hope, Mr. Chairman, that we learn a lesson from this in this country. All over this world today where nations have allowed their governments to get too big, where they have followed big government liberalism, where they have followed socialism and

Communist-type governments, people have suffered. We see people in other nations starving in the streets or lined up 8 or 9 hours to get a pound of sausage, things that we take for granted.

We need to learn a lesson that we better not stray from our free enterprise system and go in the direction toward more government, more regulation, more redtape in this country where the same things that are causing illegal aliens to want to come so badly to the United States will be happening here at some point in the future.

I rise in strong support of this amendment, and I urge my colleagues to do likewise.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 3 minutes.

Mr. BECERRA. Mr. Chairman, I would like to thank the distinguished gentleman from Ohio, the chairman, for his time and also his patience in allowing Members of this Congress to debate the issue of immigration. I want to say that I am one who supports an increase in the Border Patrol and spending for INS, because I believe it is also essential, as many of my colleagues have said.

But as I remarked a few minutes earlier, I am very disconcerted by the tone of the debate that is taking place today, not because we do not have people who are coming into this country without documentation, not because there are not costs associated with having people in this country who do not have documentation, but because there are so many grand misstatements made about these individuals that I believe that we should have some correction.

First of all, when we talk about people who are apprehended, let us understand that there are less people who are apprehended than we see in apprehensions, because people are oftentimes crossing the border more than one time, obviously, because we have a very porous border. But let us not try to inflate the figures to make a point that I think everyone will agree to. There is a problem at our borders.

We talk about 800,000 apprehensions. Please do not mislead people and have them think that there are 800,000 people that were captured last year. That is just not the case. There were 800,000 apprehensions. Most of us who are from border States know that there are individuals who are apprehended on several occasions coming across the various borders.

What we need to do, beyond the debate of rhetoric, is go into the true way we could try to solve the problem of immigration. We need to, first of all, make sure that the INS has the resources it needs to enforce our immigration policies. We do need more Border Patrol agents. We also have to have a more professional Border Patrol. We are paying millions of dollars in lawsuits because we have Border Patrol agents who are committing abuses against people, not just immigrants, also U.S. citizens. They apprehend these individuals, abuse them, and thereafter we see a suit filed against the INS because of the abuse.

Let us get a professional Border Patrol in our Immigration Service, and we will see a better job done.

Let us also deal with the issue of people who are truly interested in seeing legal immigrants in this country have a decent time in this country once they become legal. Let us provide them with the services. People have to wait hours upon hours in long lines to be able to get the documentation they need to become a U.S. citizen, if they are here as a lawful permanent resident. Let us take care of the problems that we have within INS in that regard.

Let us also, as someone mentioned before, take care of the asylum problem. We have a backlog approaching 200,000 cases for people who have claims for asylum. Let us let these cases go forward quickly so we can see who really needs it and who does not and let us get those who do not have a valid claim out of the country. But remember, we have refugees coming into this country all the time.

We have seen the recent Chinese who were smuggled in this country. But the fact remains, less than 1 percent of the refugees worldwide are admitted into the United States. That is the truth, and we should make sure we color our debate with the truth about immigrants. Let us distinguish immigrants from immigration policy. Let us go after bad immigration policy. Let us make sure we protect people who are immigrants who try to come into this country for valid reasons.

□ 1210

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise in very strong support of the Hunter-Moorhead amendment.

I would first like to say the distinguished member of the Judiciary Committee, my friend from Glendale, Mr. MOORHEAD, and I have had the privilege of working on this issue for the past several years. In fact, in 1986 we were able to get a similar amendment put in. Obviously that was not enough, because we still have this flow of illegal immigrants who are coming across the border.

Mr. Chairman, why is it that people flee Mexico and come to the United States? One very simple and basic reason is economic opportunity, economic opportunity. They are seeking either a job, or welfare, health care, the kinds of social welfare programs that we provide. And I believe that there is a way in which we can get to the root of this problem to deal with this issue.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to my friend, the gentleman from Glendale, CA.

Mr. MOORHEAD. Mr. Chairman, when we discuss the costs of illegal immigration we have to consider all of the costs of the social programs and other things. The Federal Government, rather than taking care of them, and it is in their field, it is their problem, have mandated those programs over to the States. And that is one of the reasons why Florida, Texas, and California are drowning, because the costs of carrying out these mandated programs are in the billions of dollars. And if the Federal Government wants it, they should finance it themselves rather than pushing it off on the States that are the center of the issue.

Mr. DREIER. My friend is absolutely right. And that is why I would like to briefly mention the two items which I believe are key to getting at the root of this problem. I know my friend from California, Me. GALLEGLY, from Simi Valley has worked very diligently on this immigration problem, and we are going to be hearing from him in a few moments.

My concern is unfunded Federal mandates. As Mr. MOORHEAD has said, we at the Federal level impose on State and local governments the requirement that they provide this kind of social welfare. That is a magnet drawing people across the border who come here illegally to meet these.

We do not provide the funds for State and local governments to provide those services and yet we tell them to provide those services. That is why I am virulently opposed to unfunded Federal mandates.

The second thing, Mr. Chairman, and I know this is a very controversial issue around here, a rising tide lifts all ships. Indications are that as the economy of Mexico improves, people are not as inclined to leave Mexico and come to the United States. Over the past several years as we have seen the improvement in the economy of Mexico, we have, based on some reports, seen an actual decrease in the flow of illegal immigrants from Mexico to the United States.

That is why implementation of a North American Free-Trade Agreement is key to this issue, because we have to realize that improving the economy of Mexico is in the best interests of the United States of America.

I strongly support the Hunter-Moorhead amendment and I encourage my colleagues to vote in favor of it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I do not really have any problem with increasing the number of dollars that our country spends on the Border Patrol. It is really with the nature of this discussion.

As America watches us, anyone would think that everyone with a surname of Gonzalez, or Rodriguez, or even Gutierrez across America simply came here to get welfare, simply came here to somehow benefit and not come here to work, as if you could go through the neighborhoods, and the factories of the cities of Chicago, of Los Angeles, and New York and across this country and not see them working.

The fact is we should have a discussion about immigrants to this country and just how it is that they contribute to this country, just how it is that they make America work and take the kind of jobs that every other immigrant group before the Latino community has come here has taken in order to work themselves up by the bootstraps, actually, Mr. Chairman.

It is sad to hear this discussion as though everyone just came here to somehow try to benefit. Let me tell you, ladies and gentlemen, it is strange to hear a discussion about hospitals and about mothers giving birth to babies, and we are worried and preoccupied about the cost. Yet yesterday we had a great discussion on the importance of life here in this very body, and it seems to me that many of those who object to, with such virulence, to anyone having a baby in a decent hospital here, and I do not know, maybe we are only pro-life if they have a permanent resident's card, and maybe only then they should have a baby with quality medical services, I am not sure. But that is part of the problem with this discussion.

We should have a discussion, we should have a discussion about how it is that immigrants contribute to America so that America will understand that, according to Business Week, immigrants contributed to this country last year $90 billion and only took $5 billion in social services. Why do we not talk about the richness of the immigrant community that comes into this country in the context of this discussion instead of having this xenophobia? We are starting to sound a lot like England. Let us blame all of the problems that exist in this Nation on the immigrants that arrive here, and let us just forget about the savings and loan bailout that cost us $200 billion and that has not hurt the American taxpayer in this country. Let us just forget about all of the other problems, Mr. Chairman.

(By unanimous consent, Mr. SOLOMON yielded his time to Mr. FISH.)

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I would say with respect to the previous speaker that I am deeply concerned over his reaction and his assessment of opinions expressed. This is one reason I think that we have to exercise far greater control over illegal immigration and people overstaying in this country.

Fifty percent of our legal immigration represents families of citizens and the families, immediate relatives of those admitted for permanent residence. And I am afraid, and I think the gentleman should think about this, that if we allow hundreds of thousands to violate our laws, to come in with impunity, that the American public will soon evidence a reaction that will actually do harm to those I think the gentleman is concerned about, the legal immigrants that we want in this country, largely for family reunification.

Mr. Chairman, I just want to point out that our Committee on the Judiciary is working right now on the response to what are the contributing factors to the growing numbers of undocumented aliens. One of these is the abuse of the asylum privilege, a law that we put into effect in a relatively recent time when only 2,000 or 3,000 applications were contemplated a year. Now we have a backlog of 260,000 pending applications that can only be described as a total breakdown in our system where we have fewer officers to adjudicate these claims than do countries like Canada and Sweden. This is an area where clearly resources have to be allocated.

Alien-smuggling, the latest episode to receive publicity, is enormously profitable as an enterprise. The profit must be taken out of this alien-smuggling. By sea is only the latest. We have had alien-smuggling over land for some time. To address this we are considering additional criminal penalties and asset forfeiture provisions.

Our departure control in the United States is virtually non-existent. I mention all of these things because I think it is going to be a combination of efforts that deal with the wave of undocumented aliens that come into the United States. But it has always been and remains the 1,900-mile porous border to our Southwest over which nationals of some 50 nations come in virtually at will. It has been very disappointing that efforts on the part of Mr. MOORHEAD, Mr. MCCOLLUM, myself, and others on the Judiciary Committee over the last 15 years passing legislation similar to this amendment before Members today to increase our Border Patrol, only to find that we were not taken seriously and administrations have sidetracked this effort.

So I would urge that this amendment is on the right track and part of our total effort to deal with this issue.

□ 1220

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, there has been a lot of debate on this issue this morning, but there is one thing that really concerns me. The issue we are dealing with here today is illegal immigration. It is almost in every case, when we get into this discussion, that we start talking about how much contribution immigrants make to this country. And I could not agree more. We are a Nation of immigrants.

Most of us can track our immigrant roots back less than two or three generations, but the issue we are discussing here today, Mr. Chairman, is illegal immigration.

We are a generous Nation. We allow more people to legally emigrate to this country every year than all the rest of the nations of the world combined. But the issue we are talking about is illegal immigration.

I have had the opportunity to spend quite a bit of time down on our international border at San Diego in recent years, and it is absolutely unbelievable the conditions that our young men and women who are trying to protect our borders are living under.

Trying to solve this problem with the current Border Patrol is like trying to catch a B-1B bomber with a butterfly net; it just ain't going to work without more help.

Two weeks ago I was down at the border. Our Border Patrol agents explained to me that they have over 100 new vehicles, brand-new vehicles that they cannot use because they do not have money to put radios or screens in them. Mr. Chairman, in my State we have 866,000 children in our public school system, K through 12, who are children of illegal aliens. Two-thirds of all the births in Los Angeles County general hospitals last year, the mother had no legal right to be in this country. Twenty-five percent of the entire Federal penitentiary inmate population are aliens.

You know, there is discussion that illegal aliens do not take American jobs. That is just plain bunk.

Professor Huddle of Rice University, an academic, not on one side or the other, produced a document last month that showed that 900,000 Americans have been displaced and replaced by illegal alien workers.

In fact, in my home district in Oxnard, CA, a couple of months ago there was a raid on a plant. Fifty-two illegal aliens were arrested. That hit the papers, and within 24 hours 210 American citizens were at the door of that plant applying for those jobs.

Mr. Chairman, my office, my staff in California, have one of the finest staffs of any Member in this body. They spend as much time helping immigrants legally come into this country than any other issue, and they will continue to do that. But I commit to you that this Member is going to work very aggressively to see that those coming to this country come here legally and orderly for the benefit of this Nation.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California [Mr. GALLEGLY] just talked about a report from Dr. Donald Huddle. I would like to submit part of that for the RECORD because of the limitation on time. Literally, there are billions and billions and billions of dollars that are being wasted because of the illegal alien problem. And the drug problem is being exacerbated as well.

You go down to the border, and you will see trucks and cars back up for miles and miles and miles. They use sniffer dogs to try to find the drugs that are in these semis that are coming across the border and in these cars. They can only work for about 45 minutes, and the customs officials, the Border Patrol, cannot possibly check every one of those cars or trucks; that is, semis bringing in products from the maquiladoro companies down there.

As a result, billions of dollars of drugs are coming across that border because we do not have enough money to police the border, not to mention the illegal alien problem that we are talking about.

As I mentioned a few minutes ago, there were 37,000 illegal alien babies born in Los Angeles County alone, and that cost $25 million per month in AFDC payments alone, not to mention the health care costs involved.

Do you know that when they had the Los Angeles riots—you say, well, this does not have an impact on law and order in this country; when they had the L.A. riots and we appropriated billions of dollars out of this Chamber to help Los Angeles recoup from that, there were 1,200 illegal aliens involved in that riot who were deported. That has not been reported very much in the newspaper; 1,200 illegal aliens were involved in that riot, a big part of it, and they were deported.

As a matter of fact, there were estimates as high as 60 percent of the people involved in the Los Angeles riots were illegal aliens.

Now, this is a byproduct of not being able to stop this problem at the border.

The NAFTA issue, brought up a few minutes ago, we will be talking about that at some time in the future; that could exacerbate the problem if we do not have an adequate number of Border Patrol people on that border checking the huge, quantum leap in traffic coming across that border.

When you are talking about lines of cars and trucks 10 to 15 miles long, how are you going to find out if there are drugs in those trucks, how are you going to find out if there are illegal aliens in those trucks, because they are coming across just like that, you cannot stop them.

We have to come up with a method to deal with this very, very difficult problem.

I want to say to my colleagues that I am from Indiana, from middle America. I want to tell you that every single American, as Mr. BEREUTER said a few minutes ago, should be concerned about this problem because you are paying for it with your tax dollars. And we are not talking about thousands or millions, we are talking about billions of dollars as well as thousands and thousands of lost American jobs.

This is a problem with which we have to deal. We should support the Hunter amendment today. It is extremely important. It is a very small step, but it is a step in the right direction.

The report referred to is as follows:

Info on welfare and illegals.

There are 14 categories of federal and state expenses that illegals consume. These gross cost estimates for 1992 are from Dr. Donald Huddle's report released last week:

Primary and secondary public education, $3.9 billion.

Public higher education, $342 million.

School lunch program, $99.3 million.

Medical care uncompensated, $237.6 million.

AFDC, $819.9 million.

Housing assistance, $244.6 million.

Low Income Home Energy Assistance, $26.3 million.

WIC, $71.3 million.

Elderly nutrition, $1.2 million.

Head Start, $15.1 million.

Medicaid, $478.7 million.

ESL/bilingual education, $858.1 million.

Compensatory education, $101.1 million.

Corrections/criminal justice, $456.9 million.

Total expenses illegals consume, $7.75 billion.

As you can see, the bulk of the money goes to education, but still AFDC/WIC/housing assistance/energy assistance/elderly nutrition totals $1.16 billion.

Over the next decade, without changes in immigration laws/patterns, illegals are expected to consume $10.3 billion in AFDC alone. Total "welfare" (same definition as above) over the next 10 years will total $14.8 billion.

### CALIFORNIA

There are an estimated 250,000 citizen children of illegal immigrants in L.A. County alone.

The grant to the average family of one mother and two children on AFDC is $624.

The state estimates it spends $727.2 million a year on AFDC to citizen children.

The estimated yearly cost of health and welfare benefits to illegals is $918 million.

Although AFDC payments are not supposed to be made to illegal immigrants, state officials say that if the counties can't find foster parents or legal relatives to send the checks to, they have no choice but to give them to the illegal immigrant parent.

Statewide, it costs an estimated $3.6 billion a year to educate illegals and citizen children. Fully 17% of the state's students—866,000—are children of illegal and/or non-citizen parents.

The net cost to the state for providing benefits to illegals is $3 billion a year.

### L.A. COUNTY

Estimated population of illegals and citizen children of illegals totals 950,000 as of January 1992, roughly 10 percent of the county population.

The net county cost for undocumenteds/citizen children is $400 million/year.

By far the biggest portion of this figure is for health care ($196.1 million.) The county says that audits have shown that it pays no welfare to illegals, except in cases where there is a citizen child. The Huddle study also concludes that illegals are less likely than native-born Americans to be recipients of public assistance programs.

The estimated cost to school districts in the county for educating illegals and citizen children is $1.03 billion a year.

⅔ of the children born in county-operated hospitals are to illegals.

Net cost to San Diego County for illegals is $146 million.

### ILLEGAL IMMIGRATION—BY THE NUMBERS

### NATIONWIDE

INS estimates there are a minimum of 4.5 million illegals nationwide.

120,000 people claimed asylum in U.S., 1992.

Estimated current direct cost of illegals is $6 billion a year.

Estimated direct costs of illegals in 1990 was $5.4 billion. Breakdown:

$2.1 billion—public education—K-12.

$963.5 million—emergency medical care.

$831.7 million—criminal justice.

$665.3 million—Medicaid.

$368.0 million—public higher education.

$106.0 million—housing assistance.

$62.8 million—AFDC.

550,000—illegals in New York state—1992—INS estimates.

430,000—illegals in Texas.

315,000—illegals in Illinois.

186,000—illegals in Florida.

### CALIFORNIA

California estimates there are 205,000 citizens children of illegals in the state.

The grant to average family of one mother and two children on AFDC is $624.

The estimated monthly outgo to citizen children of illegals is $60.6 million.

The estimated yearly outgo is $727.2 million.

The estimated yearly total cost of health/welfare benefits to illegals is $918 million.

Two-thirds of the births in L.A. County operated hospitals are to illegals.

The total annual federal share of the Medi-Cal program is $7.5 billion (50% of total).

It costs state and local governments a net $3 billion each year to provide services to illegal aliens.

It costs Los Angeles County alone $650 million a year to provide those services

Fully 17% of the state's public elementary and high school students—866,000—are the children of illegal and non-citizen immigrants.

They cost the state and local school districts some $3.6 billion a year.

More than 18% of the L.A. County jails—22,000 inmates—are deportable aliens.

These deportable aliens cost the county $75 million a year. The statewide cost for 13,000 felon aliens is $250 million.

1,064 aliens were arrested for their part in the 1992 L.A. riots and deported.

### ILLEGAL IMMIGRATION STATISTICS

### NATIONAL

The Center for Immigration Studies estimated in 1991 that illegal aliens directly cost $5.4 billion for the 13 major Federal and State services (including school lunches, public education, Head Start, and AFDC, but excluding Social Security, unemployment compensation, and food stamps).

Although illegal aliens are statutorily excluded from federal services such as Medicare, Social Security, unemployment compensation, student loans, SSI, AFDC, and food stamps, fraudulent documentation is easy, and therefore, access to the programs is readily available. No one in the federal government knows with any certainty how much illegals cost all these programs.

The Social Security Administration estimates that by the year 2026 it could be paying more than $8 billion per year in Social Security benefits to illegal aliens because of false documentation.

U.S. Immigration and Nationalization Service spent $161 million in 1991 to detain and deport 58,000 criminal aliens.

Illegal aliens make up 25% of the 803,000 federal prisoners (Costs $20,800 per year for an inmate).

In 1988, an estimated $1.2 billion to $12.5 billion was spent on unemployment and other transfer payments to American citizens resulting from job displacement due to illegal immigrants.

### STATES AND LOCALITIES

To date, states and localities have not tracked their direct and indirect costs related to illegal immigrants; only California, and Los Angeles County in particular, have recently tried to document their illegal alien expenses.

Other states are just beginning to follow California's and L.A.'s lead.

### CALIFORNIA

Medi-Cal (California's Medicaid) covers medical expenses for illegal aliens in (1) emergencies and (2) pregnancies.

Federal judge ruled Medi-Cal officials cannot report illegal aliens using their services to immigration officials.

Children born in the U.S. to illegal immigrants are automatically U.S. citizens and eligible for Aid to Families with Dependent Children (AFDC).

Can kick the parents out of the country, but then the child would stay and become a ward of the state.

Last year, nearly 37,000 children born to illegal aliens in L.A. County alone.

Average California AFDC grant (family of three) $624 per month down from $663 in July 1992.

97,175 families with illegal parents received an estimated $63 million per month; $756 million per year in AFDC.

15,000 undocumented aliens in the California state prison system at an annual cost of about $330 million.

### TEXAS

In 1990, illegal immigrant students cost Texas' border schools at least $26 million per year to educate them.

In the Brownsville Independent School District, 5,000 of the 37,000 students are estimated to be illegal alien children.

In El Paso county, illegal aliens cost $3 million in services from the R. E. Tomason General Hospital.

In 1991, Edinburg Hospital rendered $31 million in unreimbursed health care to Mexican nationals.

In 1991, Valley Baptist Medical Center lost approximately $750,000 for 420 "drop in" deliveries to Mexican nationals.

Over 450,000 illegal aliens were apprehended on the Texas-Mexico border in 1990.

Border Patrol estimates for every one illegal apprehended, two or three enter the U.S. undetected.

### NEW YORK

New York State Corrections Department; As of 1992, between 750 and 1,500 illegal aliens now in state prisons for serious offenses; costing New York about $38 million per year.

Total of 3,000 undocumented aliens in New York state prisons.

### FACT SHEET ON ILLEGAL IMMIGRATION, APRIL 9, 1993

Illegal immigration into the United States is a growing crisis that is causing widespread problems across the entire nation. The recent examples of Zoe Baird, and the bombing of the World Trade Center, show that illegal immigrants are not just a problem in California or the Southwest—and the public outrage that grew out of these instances are further proof that the American people overwhelmingly support actions to finally regain control over our borders.

### HOW MANY ILLEGAL ALIENS ARE ALREADY HERE?

Nobody knows for sure, but the Immigration and Naturalization Service estimates that there were more than 4.5 million illegal aliens nationwide. INS officials privately estimate that there are up to 3 million undocumented aliens in Southern California alone. In addition, some 2 to 3 million more successfully enter the U.S. each year.

Illegal immigration is a growing problem from many parts of the world. INS estimates that 100,000 people from mainland China enter the U.S. illegally each year. Chinese immigrants pay criminal syndicates up to $30,000 each to buy passage on often unseaworthy ships for the long voyage, and then are often forced by the syndicates into lives of crime if they can't pay off their debts.

By seeking political asylum, apprehended illegal immigrants can remain in the U.S. until a hearing is scheduled. Because of a lack of detention facilities, some 15,000 people enter through JFK Airport in New York and are allowed to disappear onto the streets of New York. In total last year, 117,000 aliens entered the U.S. this way.

### COSTS

Nationwide, the Center for Immigration Studies estimates that illegal aliens cost the taxpayers this year more than $6 billion in direct benefits, a total that excludes social Security, Medicare, food stamps and unemployment compensation, or the extra costs for police, fire, courts, parks and transportation services.

In California, the state Auditor General estimates it costs state and local governments a new $3 billion each year to provide services to illegal aliens. The Department of Education estimates that fully 17 percent of California's public elementary and high school students—866,000—are the children of illegal and non-citizen immigrants. This costs state and local school districts some $3.6 billion a year. And the Department of Health Services estimates that it costs the taxpayers $918 million for health and welfare benefits for immigrants.

Los Angeles County alone estimates it spends $650 million a year to provide services to illegal aliens.

### OTHER COSTS

A growing number of illegal aliens are involved in criminal activity. A 1990 study found that some 22,000 deportable aliens are incarcerated in L.A. County's jails—more than 18 percent of the jail population. This costs the county $75 million a year, what a report termed "an unnecessary burden on the local justice system." Statewide, the Department of Corrections spends $250 million to imprison 13,000 illegal aliens convicted of felonies.

Last year, 1,064 aliens were arrested for their part in last spring's Los Angeles riots and returned to their homelands.

Law enforcement authorities agree that there are some 23,000 members of two gangs in Los Angeles who are illegal aliens—gangs responsible for more than 100 murders.

And also in Southern California, a gang of illegal aliens have stolen more than 100,000 pieces of mail from postal trucks since last October, targeting several hundred thousand dollars worth of welfare checks.

The unchecked influx also takes jobs away from citizens and legal residents—particularly lower-skilled workers. L.A. Times labor writer Harry Bernstein in March cited this as a key reason why farm worker unemployment is astronomical.

### CITIZEN CHILDREN

As ABC–TV's "20/20" documented in early 1992, a growing part of the illegal alien problem stems from pregnant women coming to the U.S. solely to give birth here, which automatically makes the child of an illegal alien a U.S. citizen. These children are eligible for a full array of welfare benefits, and when he or she turns 21, he or she can petition to bring his or her entire family into the U.S. as legal residents. As one Mexican citizen told the Los Angeles Times, "My children were born in the United States and will be working over there one day."

### AMERICAN PEOPLE SUPPORT STRONGER EFFORT

Most Americans support taking strong efforts to stop the virtually unchecked influx of illegal aliens into the U.S. A 1992 Roper poll showed that 86% of those surveyed thought immigration was a major issue. Importantly, 93% of Latinos surveyed said they wanted their Congressman to lead to the effort to fight illegal immigration, compared to 85% of non-Hispanic whites.

### WHAT CONGRESSMAN GALLEGLY'S BILLS WOULD DO

Congressman Gallegly is committed to serious, comprehensive reforms of our immigration system that will continue to ensure that our generous legal immigration policies are continued, while ensuring that we regain control over our borders. This package of legislation would:

Increase Border Patrol staffing to 6,600 agents by 1994. Currently, there are only 4,143 agents—and the Border Patrol expects to cut 158 positions next year. Considering that there are, at any given time, more police patrolling Capitol Hill than our entire southern border, we need to give the overworked Border Patrol the resources it needs to do the job, not cut the agency even further. (HR 1078)

Require one state-of-the-art, counterfeit-resistant registration card be issued to all legal resident-aliens, containing magnetic strips, holograms or other features (such as those already used on California driver's licenses). Tamper-resistant documents are the only way that employer sanctions requirements can be strictly enforced. (HR 1079) In January, INS agents seized 32,000 phony "green cards," birth certificates, drivers licenses and other forms of identification last January in Orange County—along with nearly $60,000 in cash and receipts. Some of the forgeries were so good that even experts couldn't tell the difference. A month later, the INS seized another 88,000 bogus documents, worth $1.6 million.

End the payment of welfare and other federal benefits (including AFDC, OASDI, SSI, food stamps, and public housing) to illegal aliens. (HR 1080)

Stop the transportation of illegal aliens to and from job sites by permitting vehicles used to carry illegal aliens—including to household day laborer jobs—to be impounded. (HR 1081)

Provide for 2,500 Border Patrol agents to be recruited from military personnel discharged due to defense cutbacks. (HR 1082)

Cut off federal assistance to local governments that do not cooperate with the INS in the arrest and deportation of illegal aliens. (HR 1083) Beginning in January, the state has begun stepping up efforts to force cities and counties to cooperate with INS or lose federal funding passed through the state.

Bring our citizenship laws into line with virtually every other country on earth by closing the current loophole that enables pregnant women to slip into the U.S. just to give birth here, automatically making her child a U.S. citizen. (HJ Res. 129/HR 1191) The 1992 Roper poll showed that 84% of those surveyed support such a measure.

Some 57 Members of Congress, from both parties and 20 states, have cosponsored some or all of Gallegly's bills, and as a newly appointed member of the Immigration subcommittee, he will be in a position to build public and Congressional awareness of the scope of this crisis.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

I do not think there is any question, from the debate and the way it has gone on, as to how the House is going to vote on this important issue. There is no question but that illegal immigration has done a lot to run up the cost of Government in this country, to run up the cost of crime and the victims of crime.

A lot has been said about whether this is becoming a prejudice thing rather than a question of law enforcement. I think it is important to realize here and to state first of all we are talking about doing a small act to stop illegal immigration into this country, a small act that is going to have a small effect, but certainly one that is going to bring back many more times the benefits than the $60 million we are going to spend on the border patrols.

The question of illegal immigration, the first thing that that person does when he gets into this country is violate our laws by coming across our borders illegally.

There is a whole industry that has grown up around it, to print counterfeit cards, to get them into the work force. We thought we did a lot years ago when we passed Simpson/Mazzoli. But what has happened?

We put in employer sanctions. What happened?

We created a whole new cottage industry, coming up with illegal papers. We found that when we are talking about more jobs for American people, we are finding that if we could get rid of the illegal alien, we would virtually have no unemployment problem in this country. We talk about the rising costs of health care. All these illegal aliens are entitled to this when they come into this country, and they are getting it, delivering babies at our taxpayers' expense.

I had a lady call me the other day, and she said, "I have terminal cancer. I cannot afford much more. I am almost tapped out." Yet the illegal aliens coming into this country are getting their babies delivered free. They are getting medical treatment free. They are getting $400-odd per month to help them live. Yet we are still groping and trying to find precious tax dollars.

□ 1230

Let us look at this as an investment in the future. This is going to bring back many more times the savings than the $60 million it is going to cost the Federal Government to hire these new agents.

But let us not stop here. Much has been said about the Judiciary Committee and what they are doing. Let us go forward. Let us streamline our extradition process. Let us put it in such a way that the people know that when they are here, when they are caught here, that they are going to be deported, instead of blending into our court system and going on for years and years.

It is virtually impossible to deport someone in this country who has been coached in the most elementary form of our laws and can claim asylum. Then they get into the court system for years. By the time their name finally comes up, they have disappeared. They cannot be found. They have had children, and here comes the illegal population, and it continues to grow.

Mr. Chairman, this is a good amendment. Let us pass it. This is an investment in America.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Kentucky.

Mr. ROGERS. I will be brief, Mr. Chairman.

This amendment causes an outlay problem for us on the subcommittee. We worked hard to stay within our allocation for both budget authority an outlays. Standing alone, though, it is an irresistible amendment for me, because I fought so hard to get more money for the INS to stop the problems we have been hearing about. Given the severity of the problem we face at our borders, I am constrained to vote for this amendment, even though it causes procedural difficulties on the bill. So be it.

Mr. GOSS. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I rise in support of the Hunter amendment which would fund 600 additional Border Patrol personnel at $60 million.

We have illegal immigration problems and political asylum problems at stake. We have terrorism. We have got public safety. We have got public health. We have got jobs.

This is a hot button issue. It is not going to stay in the box any longer. It can no longer wait for the Clinton administration to get out in front of it. We have got to do something about it.

Right now it is irresponsible for us to continue to fund social services for illegal aliens without addressing the policy which is actually encouraging the influx of new illegal aliens to cross our borders. That cost to us over the next 5 years for treating this problem, just providing those services, is estimated to be about $27 billion for social services for illegal aliens.

Just for instance, over the last 40 years, 1 million refugees have entered the United States by way of the State of Florida. Eighty-five percent of them are still there. I assure you that trend has not abated.

Two-thirds of those attempting to cross the Mexican border make it, and the other third have the chance to try again the next night. Yet the Federal Government continues to cut back its support, covering fewer numbers of refugees for shorter periods of time.

We are falling far short of meeting the needs of Florida just to take care of its refugees. Meanwhile, they are crowding our schools, our hospitals, and our labor force, and of course, they are a burden to our State taxpayers.

It is obvious that this amendment would save money in the long run. It is obvious it is a very good investment.

Let me point out something else, however. I would not want to see these funds come from the asylum process, because Florida has a border crossing problem, not as great as Texas of California, but it has an asylum process. We have got a parolee process that is out of control. Right now we have a backlog of 9,000 Haitians from just the most recent Haitian political asylum event alone. The estimate is at the rate of clearance, it will take 800 years just to clear 9,000 Haitians in this one process.

We have 150 AOC officers doing 50,000 cases in 1993, and that does not compute.

So these funds cannot come out of the Asylum Officers Corps.

We have no system for no-shows. We have no system to follow up or monitor those who are coming HIV-infected into this country.

The citizens of our country are saying, "Darn it, do something about it."

This is a chance, I know it was not supposed to come out of the box today procedurally. I know we are in an appropriations bill. I know this is upsetting things, but the people of this country are saying, "OK, it's real. It's out there. Do something about it."

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise to support the amendment to add additional agents out in our borders. Even though I represent an area of Georgia, a State that is not experiencing near the problems as many of our border States, those border States that are spending billions of dollars of

State funds due to the problems of people illegally crossing our border; however, the people who I represent do participate in the costs incurred by the Federal Government due to those people crossing our borders illegally.

Mr. Chairman, $60 million for additional agents to patrol those borders is a small price to pay compared to the billions of dollars that we are participating in due to those illegal aliens.

I agree with the statement that we need to approach this problem through the judiciary, but we know those wheels turn slowly.

This is a good amendment. I strongly support it, and I urge my colleagues also to support it.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I rise in support of the amendment. There are many in the world who rightfully look to the United States as the land of opportunity. Unfortunately, because of the ceilings placed on legal immigration each year, some individuals obtain residence and employment through illegal means. With the increase in illegal aliens coming into the United States, I am in favor of additional funding for the border patrol. Furthermore, I support the use of military forces to ensure that our borders are adequately monitored.

I have concerns over the costs associated with illegal immigration. In many respects, it is the State government which determines which, if any, benefits will be available to illegal aliens. Our Government should be cautious about giving benefits to everyone from around the world who wishes to reside in the United States. Furthermore, recently enacted employer sanctions have contributed to a decline in employment of illegal aliens and enhanced the security of American jobs. Please be assured that I will support efforts which reduce illegal immigration and minimize associated costs.

I encourage all Members to support the Hunter amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think we have had an excellent discussion and an excellent airing of this issue and I think we are about ready to take an important step in gaining control of our borders.

I just want to start by addressing myself to the gentleman who spoke a few minutes ago and talked about this effort as somehow an affront to people who have migrated to this country, some legally and some illegally.

Let me just say, one thing I learned as a border Congressman is nobody wins by having an open border and having a no man's land on the international border.

In the years before we built a steel fence along the border, we averaged nine murders a year. Those nine murders were committed by gangs that moved back and forth across the international border with impunity. When we finally built a steel fence along the border, they were no longer able to move back and forth, and as a result of that, while we had nine murders a year for the last 10 years or so, up until two years ago after we built the fence we went to zero murders, and all those citizens who were murdered were citizens of Mexico.

So the facts are that having an open border, having a border out of control does not serve anybody well and it does not serve any nation.

Now, we have the most benevolent immigration policy in the world, and I know we are going to be addressing that shortly, but having that benevolent immigration policy requires that we have some integrity at our borders and some border control.

Mr. Chairman, I want to thank the gentleman from California [Mr. MOORHEAD] for being one who really has driven authorization in the past; the gentleman from California [Mr. GALLEGLY] for all the work he has done; the gentlewoman from California [Ms. SCHENK]; the gentleman from California [Mr. CUNNINGHAM]; the gentleman from California [Mr. PACKARD]; the gentleman from Florida [Mr. SHAW]; the gentleman from Wisconsin [Mr. ROTH]; the gentleman from Georgia [Mr. COLLINS]; the gentlewoman from California [Ms. HARMAN] for her exellent statement; the gentleman from Florida [Mr. GOSS]; and of course, the ranking member, the gentleman from Kentucky [Mr. ROGERS] for his help in the discussion today and of course, our chairman, for putting up with this long discussion.

Members who have not been tuning in to this discussion might ask, "Why do you have to have more Border Patrol?"

It is because there is only one agency that patrols the U.S. border that is given that charter, and that is the Border Patrol. So for reasons of social costs brought on by illegal aliens, criminal justice costs, narcotics smuggling, and I think importantly in the future perhaps deterrence of terrorists who want to cross the international border, we have to have people at the border. You cannot control the border without personnel. That means Border Patrol.

This amendment for some 600 additional Border Patrol agents, while it does not meet the standards that we set in 1986 when we changed the Immigration law, nonetheless it takes a major step forward.

Mr. Chairman, I would ask everyone to support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SMITH] to close the debate.

Mr. PETE GEREN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in opposition to this amendment. It is worthy on its merits, but it is an add-on with offsets.

Mr. SMITH of Iowa. Mr. Chairman, the question is not whether the Border Patrol or INS is important.

Let me call to your attention that in this bill we have $999 million for the Immigration and Naturalization Service. That is about as close to a billion dollars as you can get.

We have in here $360 million for the Border Patrol, and that is $6 million more than the budget request.

Now, I have been down to the border, like a lot of you have. I have flown in the helicopter and seen what their problem is. There are miles and miles of border. You could put agents down there almost shoulder to shoulder. You could put a hundred thousand agents down there and you still could not cover the border.

So it is true what the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Pennsylvania [Mr. WALKER] and some others have said, it is true that money alone will not solve this problem. This is also a legislative issue.

□ 1240

This bill includes funding for the NAFTA negotiations. It includes a lot of things besides appropriations for the Border Patrol.

We have done our best in this to stay within our 602(b) allocation. I am exasperated though when I see that so many people who voted for a $76 million cut in the INS in previous years when we were considering this bill up here are now complaining because we do not have enough money for INS. Virtually all of the proponents of this amendment except the new Members of Congress, were the ones who voted for the $76 million cut.

We do our best around here to try to allocate these funds carefully. We get complaints if we do not appropriate enough, and then complaints because we appropriated too much.

The Border Patrol is a high priority with the committee. We have already restored one-half of the proposed deficit reduction cuts the President assigned to this agency. The motion to recommit has been explained to my colleagues. I do not know for sure what will be in that motion, but, if it is at all reasonable, I do not intend to oppose it. I have said all along that if we can find the money we will try to provide funding for critical law enforcement programs.

Now, I say to my colleagues you can't just take money that is stricken out of other programs and not reserve it. That is going to come back to haunt you if you try to do that. To the extent that we can squeeze out the money, this is one of the highest priorities, if not the highest priority, in the bill.

Now the gentleman from Kentucky [Mr. ROGERS], the gentleman from Arizona [Mr. KOLBE], and the minority, have control of the motion to recommit, but I want to tell my colleagues that what we are talking about here now is basically this: If you vote yes on this amendment, you are voting to violate the 602(b) allocation for outlays to this subcommittee. It will be the first time this year that it's been done, the first time. If we start doing it on this bill, it's going to be done again, and again, and again. We have not violated the 602(b) allocation since the budget summit agreement 3 years ago.

I tried to stay within not just the budget authority allocation, but also the allocation on outlays because I think that is the only responsible thing to do. We have a lot of budget authority left, but that was necessary in order to get down to the outlay level that we were allocated. Outlays are not subject to a point of order in the House, but outlays are in the Senate. I have tried to do the responsible thing, and that is to reduce budget authority enough so we do not go over our ceiling in the outlays.

Mr. Chairman, I say to my colleagues, if you vote yes on this, you are voting to violate the 602(b) allocation on outlays to this committee.

Mr. LEHMAN. Mr. Chairman, the inability of the Federal Government to enforce our immigration laws has forced States like California and Texas to spend billions of taxpayers' dollars to provide services—such as education and health care—on illegal aliens. I support the amendment offered by my colleague from California, DUNCAN HUNTER, which increases the Immigration and Naturalization Service budget by $60 million to combat illegal immigration.

Illegal immigration depresses U.S. wages and displaces American workers. State and county governments have been financially devastated by this Nation's inability to enforce current immigration laws.

In light of the devastating impact illegal immigration has on the United States and especially my home State of California, I strongly believe additional resources must be provided to the Border Patrol in order to control illegal immigration.

Mr. Chairman, the combination of continued illegal immigration, increased taxes, and job displacement is too much for the American worker to accept. Give the Border Patrol a fighting chance—support the Hunter amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 164, not voting 10, as follows:

[Roll No. 318]

AYES—265

Ackerman
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Brooks
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Cox
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCurdy
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Moorhead
Nadler
Neal (NC)
Nussle
Ortiz
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Petri
Pickett
Pombo
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velázquez
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—164

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Baesler
Baker (LA)
Barca
Barcia
Barrett (WI)
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Coble
Collins (MI)
Conyers
Costello
Coyne
Cramer
Crane
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dooley
Dunn
Durbin
Edwards (TX)
English (OK)
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodling
Grandy
Hall (OH)
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hoagland
Holden
Hoyer
Hughes
Jacobs
Johnson, E.B.
Kanjorski
Kennelly
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Markey
Matsui
McCloskey
McCrery
McDade
McDermott
McHale
Meehan
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Parker
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Rahall
Reed
Regula
Reynolds
Roemer
Rose
Rostenkowski
Rush
Sabo
Sawyer
Schaefer
Schroeder
Sensenbrenner
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Thompson
Thornton
Thurman
Towns
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Watt
Wheat
Williams
Wise
Wyden
Wynn
Yates

NOT VOTING—10

Blute
Bonilla
Faleomavaega (AS)
Fields (TX)
Henry
Houghton
Moakley
Romero-Barceló (PR)
Skeen
Whitten

☐ 1304

Messrs. STUPAK, GIBBONS, and WILLIAMS, and Ms. SLAUGHTER changed their vote from "aye" to "no."

Messrs. MFUME, TALENT, SCHUMER, FIELDS of Louisiana, FAZIO, SERRANO, McCURDY, BLACKWELL, FINGERHUT, JEFFERSON, and TORRES, Mrs. COLLINS of Illinois, and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 770 of which 405 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $1,950,000,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1995.

### NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,211,000 to remain available until expended.

### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $175,000,000 to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, that not to exceed $16,000,000 from unobligated balances shall be available for the Cooperative Agreement Program (CAP): *Provided further*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, that not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That unless a notification as required under section 6505 of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the CAP shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,100,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $2,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection instigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.

SEC. 109. (a) Section 524(c)(9)(E) of title 28, United States Code, as amended, is further amended by inserting "up to and including September 30, 1993," immediately after the phrase "and on September 30 of each fiscal year thereafter,".

(b) Notwithstanding any other provision of law, the first $20,000,000 of the amounts made available in fiscal year 1994 from surplus amounts remaining on September 30, 1993, in accordance with section 524(c)(9)(E) of title 28, United States Code, as amended, shall be transferred to Federal Prison System, "Buildings and facilities".

## RELATED AGENCIES

### COMMISSION ON CIVIL RIGHTS

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $7,565,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183; *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,000,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964 as amended, sections 6 and 14 of the Age Discrimination in Employment

Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $230,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

### FEDERAL COMMUNICATIONS COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $129,889,000, of which not to exceed $300,000 shall remain available until September 30, 1995, for research and policy studies.

### FEDERAL MARITIME COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $18,383,000; *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

### FEDERAL TRADE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,740,000: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Imrovements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $69,740,000: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

### NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

### SALARIES AND EXPENSES

For necessary expenses of the National Commision to Support Law Enforcement, $500,000, as authorized by section 211(B) of Public Law 101–515 (104 Stat. 2122), to remain available until expended.

### SECURITIES AND EXCHANGE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence.

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and subject to the schedule of fees contained in such legislation, the Commission may collect not to exceed $16,600,000 in fees, and such fees shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided*, That such fees shall remain available until expended.

### STATE JUSTICE INSTITUTE

### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100–690 (102 Stat. 4466–4467)), $13,550,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1994".

## TITLE II—DEPARTMENT OF COMMERCE

### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $210,000,000, to remain available until expended, of which not to exceed $5,880,000 may be transferred to the "Working Capital Fund".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the bill through page 32, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order to the material just referred?

Are there any amendments to the material just referred?

The Clerk will read.

The Clerk read as follows;

### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Outreach Program of the National Institute of Standards and Technology, $162,000,000, to remain available until expended, of which not to exceed $1,290,000 may be transferred to the "Working Capital Fund".

### POINT OF ORDER

Mr. WALKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, I make the point of order that on page 32, lines 19 through 26, there are unauthorized appropriations, in violation of clause 2, rule XXI, of the rules of the House.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The point of order is conceded and is sustained by the Chair. The paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $61,686,000, to remain available until expended.

### POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the language appearing in the bill on page 33, lines 1 through 6. The paragraph provides appropriations that have not been authorized by law and is in violation of House rule XXI, clause 2(a).

Mr. SMITH of Iowa. Mr. Chairman, I concede this program is not authorized at this point.

The CHAIRMAN (Mr. BROWN of California). The point of order is conceded.

The Chair sustains the point of order. The paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### OPERATIONS, RESEARCH, AND FACILITIES

### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,650,000,000, to remain available until expended; and in addition, $55,544,000 shall be derived by transfer from the fund entitled

"Promote and Develop Fishery Products and Research Pertaining to American Fisheries".

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. WALKER:

Page 33, line 21, strike "$1,650,000,000" and insert in lieu thereof "$1,640,366,000".

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 10 minutes, to be divided equally 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WALKER. Mr. Chairman, what this amendment does is cut the bill by $9.6 million. Let me explain what I am doing here. The President's original intent in his 1994 budget request for the National Oceanic and Atmospheric Administration was to put some money into the new radar systems for weather forecasting, but to reduce some other programs that have now had money added back into them by this bill.

Mr. Chairman, let me tell you about the programs where we have added money. This is over and above the President's request:

The Land Information System, Observation buoys, Non-point pollution, Marine sanctuary sites program, Oyster disease research, Aquaculture, Atlantic Bluefin Tuna Research, Center for Shark Research, Fisheries Management Program, Columbia River Smolt, International Fisheries Commission, Beluga Whale Committee, Fishery Observers Training, East Coast Observers, Andromous Fishery project, Atmospheric modification grant, Southeastern storm research, Susquehanna Riv. Flood System, Marine prediction research, Sea grant college program, Sea Grant-Zebra Mussel, National Coastal R&D Institute, and NOAA Undersea Research Program, (NURP).

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All of those are programs where this committee added money over and above what the President requested to the tune of $37 million.

The committee, though, also then cut $27 million out of the money for the new radar system for weather.

I would submit to my colleagues that a lot of these programs are worthwhile, but what they could do is live within the moneys that the President requested for them.

I also submit to Members that it is necessary to move on for public safety with the new generation of radar systems. What this amendment does is it strikes the money that was added for these programs and at the same time allows $27 million to be reserved for the purpose of the new Doppler radars that will provide us with the advanced weather interactive processing system. It seems to me that when we start trading off public safety for a lot of these projects that some Members would regard as pork that we are doing the wrong thing. So what this amendment adds up to is a cut of about $10 million overall but it, at the same time, redistributes the priorities in a way to go back to the President's original numbers and at the same time provide $27 million for the new generation of radars that I believe we need, if we are to provide the public safety for this country in the future.

I would ask that the House support me in cutting some money but at the same time moving away from pork toward public safety.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we can not tell for sure what would be cut out by the gentleman's amendment.

If I could have the attention of the gentleman from Pennsylvania, certain programs funded under NOAA are not authorized at this point, and certain items were not included in the budget request. We did continue to put the money in to continue at the existing level some of these initiatives that have been under way for some time. Until we go to conference on this bill, we do not know for sure what the funding levels will be.

Now, in view of that, the gentleman is only cutting $10 million out of a $1.65 billion account. If he does not intend to have a rollcall vote on this, I am not going to make a big issue out of it. We do not know for sure yet where we are yet on NOAA. And with that in mind, while I oppose the amendment, I am not going to ask for a recorded vote, if it carries, Mr. Chairman.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS], who wanted to take a little bit of time here in favor of the amendment.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding me this time so that I may speak in support of this amendment. Earlier today, the committee approved a point of order raised striking language in the bill funding unrequested earmarks.

While I am not seeking a specific earmark at this time, I would like to bring to the distinguished chairman's attention and that of my other colleagues a concern several of my colleagues and I share—and that is the level of funding that has been currently allocated toward the National Weather Service.

The National Weather Service serves a major national interest in providing us with the most up to date and accurate meteorological, hydrologic, and oceanographic warnings, warnings forecast, and planning information to ensure the safety of the population, mitigate property losses and improve the economic efficiency of the Nation.

Specifically, the National Weather Service needs additional funding to develop and deploy its advanced weather interactive processing system. This need to modernize the NWS has never been more apparent than in recent times. The Nation has witnessed the tragedy and destruction Hurricane Andrew brought upon the citizens of Florida, and States in the gulf coast all the way up the Atlantic coast. Aside from the huge economic losses that have been suffered in my State of Florida, the emotional and human toll is immeasurable.

The bottom line is this—we need to lend more support to the NWS so that it may provide us with more timely and accurate weather and flood warning and forecast services to the public. We all benefit from the services of the NWS. One program under the NWS that has already helped the entire Nation is the next generation weather radar [Nexrad]. Nexrad will replace existing obsolete weather radars and enhance severe weather and flood warnings. If you turn on your local news, the weatherman will often mention the use of Doppler radar. This advanced Doppler system can increase tornado warning lead times and reduce false alarms. In short, it saves lives. The Midwest has experienced a large number of tornadoes and mother nature does not discriminate. Natural disasters can and do occur everywhere. Furthermore, accurate mapping of heavy rainfall also will be possible on a wide scale, enabling extensive improvements in forecasting of flash floods and river flooding.

Mr. Chairman, I could go further explaining the innumerable benefits the National Weather Service provides to us, but I think the message is clear—it needs our assistance. Let us do our part so that they can carry out their mission and better serve the public and save lives.

Mr. WALKER. Mr. Chairman, let me say to the gentleman that I thank him for being a cosponsor of the point of order that just succeeded.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment.

I represent a coastal area of California, which the Congress of the United States has designated as the largest marine sanctuary in the United States, the Monterey Bay National Marine Sanctuary. Part of the reason for that designation is that they wanted this country not only to preserve but to understand the new frontier of interaction between the coast and the land.

Part of that interaction is the investment we have made in the Fleet Numerical Weather Station, which is the largest Navy center for ocean weather predictions. Part of the need for that is in the cuts that have been mentioned here today. That is to take out the observation buoys, which were added by the committee. These observaton buoys help the domestic fisheries fleet; these buoys help the Weather Service.

I think it would be penny-wise and pound-foolish to delete this appropriation. There is also, as part of the National Marine Sanctuary Program, a massive educational opportunity for this country to learn more about the new frontier that we have created. I would suggest to this House that adoption of this amendment would take a giant step backward for what has been done in previous years to make this country more aware of the ocean and the opportunities of that ocean by providing the update, instrument and education process that this appropriation allows.

I oppose the amendment.

Mr. Chairman, I rise today to commend the leadership of Chairman SMITH and the foresight of the committee for including an important level of funding for National Oceanic and Atmospheric Administration [NOAA] programs that are vital to California's central coast and the Nation.

I applaud the committee for achieving considerable savings in this bill by keeping total spending 5 percent below the administration's request, yet seeing to it that an efficient level of funding was retained for the National Marine Sanctuary Program, the Center for Ocean Analysis and Prediction [COAP] and the central California observation buoys. These are all high priority for NOAA's management and research operations and I am very pleased that the legislation reflects this fact.

By increasing the level of funding for the Marine Sanctuary Program by $2 million over the administration's request and last year's level, we will be taking an important step to ensure the efficient management of our Nation's marine sanctuaries. I also appreciate the committee's recognition that even with this level of funding, NOAA may have difficulties in carrying out the effective management of the program. This national program includes the recently designated Monterey Bay National Marine Sanctuary in my district. The designation of the sanctuary as the largest marine sanctuary in the United States was a milestone for the people of California's 17th Congressional District, who cherish the resource, and for the Nations. The management of the sanctuary is now in a formative stage and is dependent on a strong level of funding.

The California observation buoys off the coast of my district have proven imperative for guaranteeing the safety of mariners in California waters and it is essential that they remain in operation.

I also want to emphasize the importance of the operations conducted at NOAA's Center for Ocean Analysis and Prediction. The establishment of COAP was intended to provide the United States with crucial information pertaining to our national defense, fishery and coastal zone management, maritime transportation, and weather forecasting. With expanded research necessitated by the Monterey Bay National Marine Sanctuary, COAP fills a critical roll for NOAA through cooperation with other marine research institutions in the area. In addition to the tremendous contribution COAP lends to our Nation's marine understanding, given the devastating impact of the closure of the Fort Ord Light Infantry Base in my district, Federal and private collaboration of resources such as those of COAP will be essential for the economic health of this community. COAP makes good scientific and national security sense and represents intelligent use of Federal resources.

Again, I commend the chairman and the committee for approving this important legislation and I urge my colleagues to support its passage.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2).

### CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $89,775,000, to remain available until expended.

### FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $23,064,000, to remain available until expended.

### FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.

### FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,273,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $550,000, to remain available until expended.

## GENERAL ADMINISTRATION

### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $33,042,000.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General Act in carrying out the provision of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $15,860,000.

## BUREAU OF THE CENSUS

### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $131,170,000.

### PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $110,000,000, to remain available until expended.

## ECONOMIC AND STATISTICAL ANALYSIS

### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,220,000, to remain available until September 30, 1995.

## INTERNATIONAL TRADE ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle, obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $221,445,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

## EXPORT ADMINISTRATION

### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $22,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $34,747,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

### Minority Business Development Agency

### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $38,362,000, of which $22,800,000 shall remain available until expended: *Provided*, That not to exceed $15,562,000 shall be available for program management for fiscal year 1994.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I believe the next point of order or amendment is on page 39 after line 15. In view of that, I ask unanimous consent that the portion of the bill through page 39, line 15, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the material up to page 39, line 15?

If not, are there any amendments up to that point?

If not, the Clerk will read.

The Clerk read as follows:

### United States Travel and Tourism Administration

### SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space broad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $17,120,000, to remain available until expended; *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended: *Provided further*, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.

### POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, I make a point of order against the language of the bill commencing at and including all of line 16, page 39, down through the end of and including all of line 16 at page 40.

The point of order is that this constitutes a violation of rule XXI, clause 2, in that it is legislation in an appropriation bill and raises approval of provisions which, in fact, are authorizations or are expenditures which are unapproved by authorization by law.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, one part of this is not subject to a point of order. I am getting a substitute ready to put back in the part that is not subject to a point of order.

□ 1320

Mr. Chairman, I concede that point of order on the last proviso.

The CHAIRMAN (Mr. BROWN of California). The gentleman from Iowa [Mr. SMITH] concedes the point of order. The Chair sustains the point of order, and the paragraph is stricken.

### AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: Page 39, after line 15, insert the following:

### United States Travel and Tourism Administration

### SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration $17,120,000, *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended:

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] reserves a point of order on the amendment.

Mr. SMITH of Iowa. Mr. Chairman, my amendment puts the funding for USTTA back in the bill, and that part of the paragraph that was a limitation on an appropriations bill only. It does not put back in the part of the language that was subject to the original point of order.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, H.R. 2519 specifically prohibits the U.S. Travel and Tourism Administration from funding the Cooperative Marketing Program, which was created by legislation last year, and mandated in the Tourism Policy and Export Promotion Act.

The Cooperative Marketing Agreement Program provides Federal funds in the form of matching grants to States and to local tourism initiatives to promote international tourism. Last year international tourism brought in $16 billion more in revenue to the United States than our fellow citizens spent abroad. It was a $16 billion balance of payments winter for America.

The program is designed to encourage tourism agencies that previously have been excluded from promoting international tourism to engage in tourism promotion activities abroad, to encourage other citizens of other countries to come to the United States, see our wonders, and spend their money in our country.

The USTTA has literally been flooded with calls from all 50 States expressing interest in the program. Every day the agency gets at least three or four calls from State organizations who want to engage in a tourism promotion activity. For example, Minnesota and the other States along the Mississippi River and the Great Lakes States are organizing a program to promote tourism among the fresh water wonders, where we have 50 percent of the fresh water on the face of the Earth in the Great Lakes States.

However, the way this language was crafted was that it takes 25 percent of the total budget of USTTA and reserves it for this grant program. I would like to talk further with the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, which has authority over this program, to see if in the future we could craft an amendment that might mitigate the way in which it is constructed, so it would not take one-fourth of the total USTTA budget.

The point is this is a very good initiative. It would get started this year, if only the money could be made available, but the amount was reduced from the administration's budget.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to thank the gentleman, and I want to commend him for his comments. He was very interested in this business of trying to see to it that we have a workable program to encourage tourism in the United States. It is a very valuable thing.

I want it clear what my good friend, and I love him, the gentleman from Iowa [Mr. SMITH] is doing. He is seeking to change the entire formula that is referred to by the gentleman from Minnesota [Mr. OBERSTAR], and he is seeking to see to it that no longer will that money, which has been going to the States to encourage tourism through State efforts, be available.

This is a regrettable thing. It is directly in contravention of the intention of every one of the Members in every one of the committees which worked on this matter, and which achieved a successful program which was broadly accepted by the Governors, by the States, by the travel, and by the tourism industry.

It confounds me that my good friend, the gentleman from Iowa [Mr. SMITH], a man of enormous intelligence and rectitude, would come forward with a curious amendment of this sort. I would urge my colleagues, if I do not succeed in my point of order, to vote this amendment down, and we will try to address this thing properly.

This is a clear attempt by the Committee on Appropriations to stifle something which is working well, and something which was approved by every committee which worked on the matter the last time, and something which has been thoroughly and enthusiastically accepted by all of the State agencies, and indeed, by the travel and tourism industry.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield to me?

Mr. OBERSTAR. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would like to have the gentleman's attention.

Mr. DINGELL. The gentleman has my attention, Mr. Chairman.

Mr. SMITH of Iowa. I would say to the gentleman, here is what the situation is. By putting this new provision in and saying 25 percent of the money has to be used for this purpose, what the gentleman did was to take that out of all the other operations in the Travel and Tourism Administration. They are not able to absorb that kind of a cut, especially in 1 year.

What the gentleman did by saying that 25 percent had to be used for a new purpose was to appropriate on an authorization bill. That is not what he is supposed to do. He is deciding that the appropriations for other purposes shall be limited to 25 percent, and 25 percent of the whole bill shall be used for this one purpose.

I understand from good sources, I think, that that is not what the gentleman intended to do. I think it can be worked out. The gentleman from Washington [Mr. SWIFT] is the chairman of the authorizing subcommittee, and I do not have any question but what it could be worked out legislatively. As it stands now, that is what the gentleman is doing, appropriating on a legislative bill.

I think it can be worked out so it does what the gentleman intends to do, instead of what the gentleman does not intend to do.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(At his own request, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for four additional minutes.)

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the distinguished gentleman from Iowa [Mr. SMITH] is one of my oldest and most esteemed and valuable friends.

Mr. SMITH of Iowa. If the gentleman will yield, I concede his statement, instead of all the flattery.

Mr. DINGELL. Mr. Chairman, I yield to no man in my respect and affection for the gentleman from Iowa [Mr. SMITH]. However, it is regrettable, indeed, that his interpretation of the rules of the House is so incorrect. It surprises me to find a man of this skill with such an inadequate interpretation of the rules.

Mr. SMITH of Iowa. If the gentleman will yield, what we need is to adhere to the House rule that says, "You cannot appropriate on a legislative bill."

Mr. DINGELL. I would say to the gentleman, we have not and we do not appropriate, in the Committee on Energy and Commerce. It is possible there are other committees around here that are not so constrained.

Mr. SMITH of Iowa. I would ask the gentleman, why does he not go along with this, and then we can correct it?

Mr. DINGELL. It is very clear, however, that my dear friend seeks to legislate in an appropriation bill. That is something which the rules of the House address with great probity. Beyond that, the gentleman says what we seek to do is remove 25 percent from this agency for purposes of making it available to States. That is precisely correct, and that is precisely what the gentleman seeks to undo.

My dear friend says we can work this thing out. I think there is a splendid way in which we can work this thing out, and I am anxious to do so. I would suggest to the House that the best way in which this could be done is not by permitting the gentleman to come forward with an amendment of this curious sort, founded upon such a regrettable understanding of the rules of the House, but rather, it would be better that we simply excise the whole of the matter, and then I assure the gentleman of my best efforts to work with him as he goes to conference with the Senate, where he will address this matter with Senator HOLLINGS and other Members of the Senate who happen to have an identical feeling to my own on this matter, which is considerably at variance with the feelings of my dear friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. In all seriousness, this has been a heavily personnel-directed agency. A 25-percent cut from an agency which spends so much on personnel is just too much for 1 year.

□ 1330

Even if you want to redirect the program toward grants, it is just too much for 1 year.

Mr. DINGELL. Will the gentleman yield just a bit more, please?

Mr. OBERSTAR. I would like to reclaim a moment for myself to simply observe that had the Appropriations Committee not felt it necessary to cut $3 million out of the administration's request we would not be facing this problem.

I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct. This does afford a requirement that 25 percent of the money of the agency now go to newer and better uses. And I applaud that, and I am sure everybody else who has studied that agency comes to that same happy conclusion.

Here is the problem which we confront: There are a lot of people who have been sitting around in that agency twiddling their thumbs, doing less than an adequate job. It always pains me to see good people forced into that kind of a situation.

I would suggest the best thing we can do for the people who have had that unfortunate circumstance is that we remove them from their employment and allow them to seek elsewhere where they might make a more constructive contribution to the Government of their country.

Mr. SMITH of Iowa. If the gentleman will yield once more, when you cut that much in personnel the first year, it requires more money instead of less because RIF's cost money, and you are going to have less money left instead of more. You cannot reduce personnel that fast without actually hurting all of the programs that are in the agency, and a 25-percent reduction would be too much for 1 year.

Mr. OBERSTAR. In my judgment, the purposes of tourism and the purposes of this provision of the substantive law would be better served if there were an authorization of a specific amount, perhaps increasing over a period of a defined number of years for this export promotion, tourism program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, how long shall we go on with this, I ask the gentleman? We have a lot of other amendments and we have a 2:30 deadline. Can we wrap this up?

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am happy to yield to my dear friend, the gentleman from Minnesota, [Mr. OBERSTAR] who has been most generous to me.

Mr. OBERSTAR. Mr. Chairman, I simply wanted to observe that I think that the best cure for the problem that we are facing here would be in the future to consider an amendment to the substantive law that would set aside a specific amount for the Tourism Policy and Export Promotion Act of grants to States and units of local government for tourism promotion, set a specific dollar amount rather than take 25 percent out the total amount available for this very small agency.

But that is a matter entirely within the jurisdiction of the gentleman from Michigan, and I look forward to working with him in my capacity as chair of the Travel and Tourism Caucus. But for the present moment, we have to deal with the law that is in place, and the gentleman has another agenda for that objective.

Mr. DINGELL. I think the gentleman makes eminently good sense. As soon as I can get some drafting done I will have a little amendment which I think will enable us to move forward in our understanding of what is good legislative policy.

I will tell my special friend from Iowa, for whom I have enormous affection, that it will be my purpose to work with him. I am not trying to drive anybody from employment. But this is a matter which our committee has gone to great detail. This is not the first time that I have had the misfortune to speak on this subject on the House floor, nor the House to have the misfortune to listen to me on this rather tedious subject.

However, the hard fact of the matter remains that the agency has not been doing the job which it should do over time.

The committee very nearly excised the entire agency. The reason we would do so was that we had been spending money for a goodly period of time and accomplishing nothing, or very little. That is hardly the way in which the public money should be spent. Instead, the last time this matter was up for authorization the committee came to the conclusion that some of this money should be earmarked for expenditures by the States, and that in so doing we would then and thereby achieve the purpose of expanding tourism, and do so in a way that would achieve the greatest benefit per dollar spent.

I am very happy to keep the agency in being. I want to see it function as a coordinating agency. I recognize that getting tourism in Iowa, or Kentucky where my dear friend from Kentucky comes from, is done best by the State agency and not by a bureaucracy in Washington which sits and happily shuffles papers from one side of the desk to the other.

The purpose here is a simple one, and that is to see to it that we continue the new process which will give us an incentive for the States and an ability for the States to go out and procure tourism at the State and local level, and not to have some bureaucrat in Washington dealing with questions about which he knows very little. Indeed, it is the history of this agency that over time they have spent a great deal of money on travel and entertainment and other matters, and regrettably have spent very little in actually procuring travelers to visit our shores, and to see what goes on in different parts of our country, and to go to see the beauties of Iowa, or the beauties of Kentucky, or the beauties of Michigan or Minnesota or any of the other great States.

So I would urge my colleagues if they really want to do something to help their State, to help their tourism industry, to see to it that the country prospers by bringing in tourists, oppose what it is that my dear friends on the Appropriations Committee have tried to do and move forward towards the idea of seeing to it that we concentrate now on making a program which is working to work as well as we possibly can by seeing to its funding, not by stripping it of funds.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to my dear friend, the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman makes a very valid point. There have been mistakes made by the USTTA in years past, and we now have a new administration, and a new Secretary of Commerce who was raised in the tourism sector, who wants tourism promotion to succeed, and will clear out the errors of the past. And I know that the gentleman from Michigan, with his vigorous oversight ability, will suggest ways to make this agency work better, and we in the Travel and Tourism Caucus will work with the gentleman toward that objective. We want the agency to work. It is lean and we want it to work best for the traveling public at home and to be successful in bringing tourism into the United States from other countries.

Mr. DINGELL. I agree with the gentleman. And this is no surprise to the agency. They knew this cut was coming.

### POINT OF ORDER

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] insist upon his point of order?

Mr. DINGELL. Mr. Chairman, I do insist upon my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. The point of order, if I may be heard on the matter, the point of order is that under clause 2(c) of rule XXI, an amendment in this form is not in order at this point.

The CHAIRMAN (Mr. BROWN of California). The gentleman has correctly stated the rules, that an amendment in the form of a limitation is not in order until the end of the bill.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

### PATENT AND TRADEMARK OFFICE

### SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,329,000, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 AND 35 U.S.C. 41 and 376 shall remain available until expended.

### TECHNOLOGY ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, $4,500,000.

### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $18,927,000, to remain available until expended.

### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $20,254,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

### INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,746,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of such Act, these funds may be used for the planning and construction of telecommunications networks.

### ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101-437, including costs for contracts, grants and administrative expenses, $1,000,000, to remain available until expended.

### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce Appropriations Act, 1994".

## TITLE III—THE JUDICIARY

### SUPREME COURT OF THE UNITED STATES

#### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $22,326,000.

#### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b, $2,699,000, of which $300,000 shall remain available until expended.

### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

#### SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $13,127,000.

### UNITED STATES COURT OF INTERNATIONAL TRADE

#### SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,100,000.

### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

#### SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active services, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,189,131,000 (including the purchase of firearms and ammunition); of which not to exceed $20,000,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,063,000 to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $297,252,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

#### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $77,095,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

#### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $84,500,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

#### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $44,612,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

### FEDERAL JUDICIAL CENTER

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,467,000; of which $1,800,000 shall remain available through September 30, 1995, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

### JUDICIAL RETIREMENT FUNDS

#### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), $20,000,000 to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), and in addition to the Claims Court Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $545,000.

### UNITED STATES SENTENCING COMMISSION

#### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,468,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

### GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers:

*Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriation Act, 1994".

## TITLE IV—RELATED AGENCIES

## DEPARTMENT OF TRANSPORTATION

### MARITIME ADMINISTRATION

### OPERATING-DIFFERENTIAL SUBSIDIES

### (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligation incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $240,870,000 to remain available until expended.

### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $76,423,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

### READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, $300,000,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

### COMMISSION ON IMMIGRATION REFORM

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $900,000, to remain available until expended.

### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $1,047,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

### COMPETITIVENESS POLICY COUNCIL

### SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,140,000, to remain available until expended.

### MARINE MAMMAL COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,226,000.

### MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000.

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,318,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that this portion of the bill, through page 54, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. WALKER. Mr. Chairman, I have a point of order on page 42, and I want to make certain that I am protected.

The CHAIRMAN. The Chair will ask for points of order.

Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order to be raised up to the bottom of page 54?

### POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order on page 42.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALKER. Mr. Chairman, I make a point of order against the language beginning on page 42, line 9, after the word "act," and continuing through line 13.

This provision violates clause 2(c) of rule XXI of the rules of the House in that it is legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. No, Mr. Chairman. The gentleman from Massachusetts wishes to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY] to be heard on the point of order.

Mr. MARKEY. Mr. Chairman, I rise to speak against the point of order.

As chairman of the subcommittee authorizing the NTIA, I want to make a number of points.

The language appropriating funds for NTIA to fund the planning and construction of telecommunications networks is consistent with the current statutory authority that guides grantmaking by the NTIA.

□ 1340

In addition, the language is consistent with the President's proposal that the Federal Government should play an important, but limited, role in funding pilot projects. In addition, the language, by referring to "telecommunications networks," prejudices no one and no particular technology, since virtually any technology would fall under that heading. I might add that I think it is advisable that Congress not get involved in choosing particular technologies but, instead, use inclusive terms, and this language follows that advice.

This appropriation is a necessary step in getting the NTIA moving in these critical areas. I support the inclusion of this language and intend to work through the authorization process to ensure the NTIA has ample authority to discharge its responsibility as the lead agency in guiding our Nation toward the electronic superhighways of tomorrow.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard further on the point of order?

Mr. WALKER. Mr. Chairman, I desire to be heard further on the point of order.

Mr. Chairman, the statement of the gentleman from Massachusetts was a statement on the legislative language, but not on the point of order that was raised that this constitutes legislating in an appropriation bill. If the gentleman referred to rule XXI, clause 2, he will find that you are not permitted to change existing law. The very nature of the language says that it is changing existing law. It says, "notwithstanding the requirements of section 392(a) and 392(c) of such act," which means that the language is in itself an admission that it is changing the law that presently exists. That is a direct violation of clause 2(c), and I would ask that my point of order be upheld.

Mr. MARKEY. Mr. Chairman, if I may, just briefly: In the Appropriation Committee report itself it makes the point that these funds are provided under existing authorities for telecommunications grant authorities, although the committee—that is, the Appropriations Committee—does recognize that the authorizing committee may soon consider a separate authorization for this initiative.

So we do agree with that interpretation, but we await the rule of the Chair.

The CHAIRMAN (Mr. BROWN of California). Does any other Member desire to be heard on the point of order? If not, the Chair is prepared to rule.

The provisions of the rule prohibit legislation on an appropriation bill. The clear language of the material the gentleman from Pennsylvania raises objections to says that, "notwithstanding the requirements of section 392(a) and 392(c) of such act," which constitutes, in effect, an effort to nullify legislation already in existence and has to be construed as legislation, therefore, on an appropriations bill.

The Chair upholds the point of order, and the proviso is stricken.

Are there any amendments to the material up to page 54?

Mr. QUILLEN. Mr. Chairman, I move to strike the requisite number of words, and I rise to engage in a colloquy with respect to the material starting on page 45 of the bill.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Iowa [Mr. SMITH].

Regarding the salaries and expenses of judicial services, on line 2 on page 46, it says the money appropriated is for bankruptcy judges as well as other judges and clerks, and so forth. Let me ask the gentleman a specific question.

You know, the Congress last session created some new bankruptcy judges. Are the salaries included in this appropriation sufficient for those judges?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, there is in this appropriation $16 million for new judges. We never separated them by bankruptcy and magistrates and Federal Claims Court and article 3 judges. So there is $16 million there. And the Judicial Conference, as they are approved, allocates the money. Otherwise, this money lapses at the end of the year. Otherwise they may be short in one account and over in another, and it would lapse. So there is money there for bankruptcy judges, provided they are approved by the Judicial Conference.

Mr. QUILLEN. I realize they have to be approved. But once they have been approved, the money is here to pay their salaries.

Mr. SMITH of Iowa. There is $16 million for the various kinds of judges.

Mr. QUILLEN. That is not entirely the option as to where the money goes. But is it the gentleman's intention that the funds be used to pay the salaries for approved bankruptcy judges?

Mr. SMITH of Iowa. It includes bankruptcy judges, Federal Claims Court judges, magistrates, and Article 3 judges, yes, money to fund new bankruptcy positions are included.

The CHAIRMAN. If there are no amendments to the material up to page 54, and no points of order, the Clerk will read.

The Clerk read as follows:

### SMALL BUSINESS ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $243,326,000 of which $71,266,000 is for grants for performance in fiscal year 1994 or fiscal year 1995 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act. None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act.

### AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: On page 55, line 8, strike $243,326,000 and insert $237,456,000.

### PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, by taking up the Penny amendment first, does not preclude the McInnis amendment, does it?

The CHAIRMAN. The Chair, unfortunately, is unaware of the nature of all the amendments being proposed, and recognized Mr. PENNY because he is the senior member and deserves recognition at this point. The Chair cannot answer the gentleman's question as to whether his amendment would be precluded, but the Chair does not think it would be.

Mr. PENNY. Mr. Chairman, this amendment would propose a $5 million cut in the program. I have filed an amendment to cancel all appropriations for loans made under the SBA Program. This program is one in which I think we ought to enter into a more thorough debate. The SBA Program is of questionable value in terms of providing assistance to the small-business community in America.

This program serves about two-tenths of 1 percent of all the small businesses in our country. It provides those businesses with the financial assistance and loan guarantees that are preferable to the kinds of financing that the vast majority of American small businesses must secure in order to conduct a successful enterprise.

This program is also subject to a very high default rate. During the 1980's, the default rate ranged in the area of 30 percent on loans made under this program. The default rate has since declined to about a 20-percent level, but still far higher than the default rate for loans to businesses as a general rule. In fact, there is no bank that could survive if they offered loans that resulted in this high a default level.

This amendment is a small nick out of this program, but it is designed to send a signal that there are deep and growing questions about the validity of this kind of assistance program when in our Federal Government we have several economic development initiatives, many of which would do a far better job of serving the needs and interests of the small-business community without prejudicing a few thousand recipients, as compared to all the many hundreds of thousands of small-business people in our society who get by quite nicely without SBA assistance.

□ 1350

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. DREIER] for any comments he would like to make at this point.

(At the request of Mr. DREIER and by unanimous consent, Mr. PENNY was allowed to proceed for 3 additional minutes.)

Mr. PENNY. Mr. Chairman, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER Mr. Chairman, I rise in very strong support of this amendment.

I served for several years on the Small Business Committee. There is no better sounding term to describe the operations that go on from the Federal level to the small-business community than the Small Business Administration.

The fact of the matter is this cut is I believe a very good first step to dealing with a very serious problem that is out there.

Quite frankly, I believe that the direct and guaranteed loan programs of the Small Business Administration provide a subsidized competitive advantage over those small businesses that have to rely on the private marketplace for their sources of credit.

Now, the argument is provided that due to the credit crunch we have today that there is not enough capital out there available for small businesses. I admit that we can point to some successes in the business world today that have been started with loans from the Small Business Administration, but the fact of the matter is that we have $403 million this year provided in this loan program. It is a drop in the bucket when you look at just one financial institution, the Bank of Boston, which has provided $6 billion through the private marketplace.

So I happen to be here in strong support, and I am happy to cosponsor this amendment with my friend, the gentleman from Minnesota, because in years past I have been working on efforts to try to transfer the very beneficial aspects of the Small Business Administration to the Commerce Department, and at the same time maintaining those, but getting rid of this incredible bureaucracy.

There are 4,000 employees there who are not business oriented. They are part of the bureaucracy.

Are they good people? Yes, Mr. Chairman, there are very many good people within the Small Business Administration, but as I look at the choice that I will have in this bill whether or not we provide $60 million to proceed with toughening up the Border Patrol to stem the flow of illegal immigrants across the borders into the United States, or to continue the Small Business Administration at the same level, it is a very easy decision for me to make.

I happen to believe that dealing with the flow of illegal immigrants is a much better priority for us than it is to see us have the Small Business Administration perpetuated.

Mr. Chairman, I strongly support this amendment and urge my colleagues to vote in behalf of it.

### AMENDMENT OFFERED BY MR. MC INNIS TO THE AMENDMENT OFFERED BY MR. PENNY

Mr. McINNIS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McINNIS to the amendment offered by Mr. PENNY: In lieu of the number "237,456,000" insert "221,456,000".

Mr. McINNIS. Mr. Chairman, I commend the gentleman from Minnesota [Mr. PENNY] for the steps he has taken, but it is not extensive enough.

Let me explain exactly what the intent of my amendment is. My amendment is to go in and take $16 million which is in the salary and expense item and is intended to be used for the Tree Planting Program.

Many of you may remember back in May when 209 of us stood up against this program. I do not think the people of America anticipate that the Small Business Administration should be spending $16 million to plant trees. That $16 million, under testimony that I elicited in the Small Business Committee, that $16 million would leverage $380 million on the street.

Let me make a couple points about this amendment and the $16 million that is being spent for tree planting.

First of all, in the Small Business Committee, let me say that is where I first saw the $16 million. Then when we got on to the second supplemental on the House floor, the number was $14 million. I could not figure out what happened to the $2 million.

I sat down, and of course being new to the process I did not understand what happened to that $2 million, and I have been tracing it.

Now I find out nothing happened to the $2 million. In fact, it was $14 million in the second supplemental to plant trees and it is $16 million in addition to it under this budget.

This amendment to plant tree certainly is not what the fundamental purpose of the Small Business Agency is for.

There are a couple very basic points that we need to make. We should make these points to the American people.

No. 1, the President of this country has not requested these funds.

No. 2, the Small Business Administration has not requested these funds. These funds are being mandated on the Small Business Administration by the U.S. Congress.

We are in a year where we are talking about deficit control, where we are talking about priorities, where we are talking about every agency in front of us has to prioritize, has to spend their dollars in the most efficient manner possible, and yet we sneak $16 million into the Small Business Administration to grow trees. It makes no sense today. It makes no sense tomorrow, and it made no sense back in May when 209 of us stood up and said to cut out the tree planting program.

I think it is a commitment of ours, I think it is incumbent upon us to look at this program and cut that program out of there. That is what that $16 million does.

While I commend the gentleman from Minnesota [Mr. PENNY] and certainly the $5 million is a step in the right direction, I go further than the gentleman from Minnesota [Mr. PENNY]. I go to a specific program, the Tree Planting Program, and I cut out three times what the gentleman from Minnesota [Mr. PENNY] cuts out, and it will not impact any other program in the Small Business Administration.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if we could get unanimous consent to cut off debate in 10 minutes, 5 minutes to the gentleman from Kentucky [Mr. ROGERS] and 5 minutes to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I think we have only three speakers here. One has already spoken.

Can we live with a total of 10 minutes?

Is that on the amendment to the amendment or the entire package?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, that is on the pending amendment and all amendments thereto.

Mr. ROGERS. I think we can agree only on the McInnis amendment to the amendment, Mr. Chairman, we can agree on a 10-minute limit.

Mr. SMITH of Iowa. Mr. Chairman, that is the whole thing, if it carries or loses. That would take care of the gentleman's amendment.

The CHAIRMAN. What is the gentleman's request?

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that debate end in 10 minutes on this substitute amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa for a 10-minute limitation on the amendment offered by the gentleman from Colorado [Mr. McINNIS].

Mr. McINNIS. Mr. Chairman, reserving the right to object, I would ask for my remaining time. I had 5 minutes. I would ask for the balance of my time.

The CHAIRMAN. The Chair will state to the gentleman that he does not have any balance to his time.

Mr. McINNIS. Mr. Chairman, I withdraw my reservation of objection.

Mr. ROGERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Minnesota [Mr. PENNY] and would like to correct some misinformation Members may have received about SBA programs.

I know that in the amendment as it stood originally, I want to say that before we get further down the road and I forget to say it. I have talked to NFIB today. They strongly object to the Penny amendment and will score it as a no in its original condition. I do not know, I cannot speak for them as it has been amended.

In a Dear Colleague letter, the gentleman claimed that the agency does not do the job of assisting small businesses. While I will be one of the first to say that we can do more to help small businesses in this country.

The fact is that hundreds of thousands of small businesses have been helped by the SBA and its programs—programs that have allowed businesses to begin, to expand, to add more jobs, to drive our economy—and this assistance has occurred in every State, including Minnesota.

The gentleman from Minnesota claims that of approximately 15 million small businesses in the United States, only 23,000 accessed SBA programs during calendar years 1990 and 1991. I don't know where the gentleman got his information, but just looking at the SBA's loan and loan guarantee programs, the agency had 106,216 active loans being serviced in 1990, for a total value of $12.7 billion and 109,259 active loans in 1991 for a total value of $14.1 billion. The SBA 7(a) general business loan guarantee program, which is but one of SBA's loan programs, has already provided over 14,000 loans from the start of fiscal year 1993 through April 30 of this year. The 7(a) program will provide loan guarantees for approximately 26,000 more small businesses in the remainder of this fiscal year—that is if the program receives the funding it needs to meet loan demand for the rest of the fiscal year 1993.

While Mr. PENNY wants to eliminate funding for this and all other SBA programs, citing high default rates for SBA loans, the fact is that the SBA loss rate on its guaranteed loans was 2.2 percent in 1991. I would point out to my colleagues that the SBA has the best loan portfolio performance and the lowest loss rate of the 5 major Federal credit agencies, which are HUD, the Farmers Home Administration, the Veterans' Administration, the Department of Education and the SBA. The taxpayer's dollar is better protected being placed in the SBA 7(a) program to foster a small business than in most any other Federal loan guarantee program.

Furthermore, thousands of jobs are created or maintained through the assistance provided to small businesses under the 7(a) program. As of April 1993, about 383,000 jobs were created or preserved with the help of 7(a) loan guarantees—7,100 of which were in the gentleman's home State of Minnesota. Given the current credit crunch, in which lenders are reluctant to give to small business borrowers, many businesses who obtained loans with the SBA guarantee would not have gotten the loans they needed without this program. We are seeing this now, as the 7(a) program is out of money. Money for small businesses dried up when the 7(a) program shut down, because regulatory pressures keep banks from making the loans without the guarantee. I would also ask where the gentleman gets the facts to support his assertion that small business loans to go large businesses. SBA's 7(a) loans are given only to businesses that meet small business size standard criteria.

The gentleman mentions in his Dear Colleague that the default rate for energy loans are nearly 40 percent. The energy loan program, which was mandated by Congress, was phased out 10 years ago. It did have a higher loss ratio than other programs, but it was relatively a very small program, accounting for only $63 million in loans during the program's life.

In addition to loan and loan guarantee programs, the SBA also provides valuable training and counseling to small business owners through such entities as the Small Business Development Centers, the Small Business Institute, the Service Corps of Retired Executives or SCORE, and the like. In 1990, 833,000 small businesses were helped through one of SBA's business development programs. In 1991, that number was 857,000—many more than the 23,000 suggested by the gentleman from Minnesota.

We have over 110,000 employees in the Department of Agriculture working for the 2.3 million farms in this country. The Small Business Administration has only 3,800 employees advocating the interests of our 20 million small businesses. If the gentleman from Minnesota would like to take away the only voice of small business in the country, how does he believe our economy will improve and employment will grow? In his Dear Colleague, he gives little import to the 23,000 loans the SBA gave the last 2 years. Perhaps he should retire to the Cloakroom and read this morning's Wall Street Journal. There is an excellent article which shows that despite even the President's recent call for the Nation's banks to ease access to credit for small business, the banks still have their sign out—no small businesses need apply. I urge an emphatic "no" vote on this ill-conceived amendment.

□ 1400

Mr. SANTORUM. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, I thank the gentlewoman from Kansas [Mrs. MEYERS] for yielding to me.

Mr. Chairman, I rise in support of the amendment to the amendment, the amendment offered by the gentleman from Colorado [Mr. MCINNIS] for the tree-planting program. I just want to make a couple of quick points.

No. 1, the U.S. Forest Service spent last year $53 million to plant approximately 213 million trees. There are plenty of trees being planted. We do not need the Small Business Administration in the tree-planting program. We need them in the loan program to help our small businesses.

Mr. Chairman, I would encourage a "yes" vote on the amendment offered by the gentleman from Colorado [Mr. MCINNIS] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE], the chairman of the Committee on Small Business.

Mr. LAFALCE. Mr. Chairman, as my colleagues know, a "Dear Colleague" letter was sent out about a day or so ago with some fictions rather than facts about the Small Business Administration indicating that there would be an effort to eliminate all the moneys for the Small Business Administration, save disaster loan money.

First of all, Mr. Chairman, let me point out that that is not the amendment before us today. It has been watered down from all the money other than disaster; first, a $5 million reduction, and now a $16 million reduction from S&E.

But, second, everything in that letter was fiction rather than fact. I will not go into that now. Let me just point out though that the loan guarantee program of the Small Business Administration alone has been virtually singularly responsible for virtually every small business loan in the United States these past several years. There has been a tremendous credit crunch going on. A small business person cannot go to a bank and get a loan without a guarantee. That is why the loan guarantee program of the Small Business Administration has doubled and tripled over the past several years.

Right now, Mr. Chairman, the window has been shut for over 2 months, and in the supplemental bill coming up we have over $175 million in that bill in order to leverage 3.2 billion dollars' worth of loan guarantees which we will use between now, today, and September 30 of this year—$3.2 billion. We need the salary and expenses, that money, to deal with this, to manage this, to service it.

I say to my colleagues, "Don't cut $16 million from S&E. Don't cut $5 million from S&E. We need every penny because every single year it seems it's necessary to deal with this credit crunch to virtually double the loan guarantee program."

Mr. SMITH of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to the original amendment offered by the gentleman from Minnesota [Mr. PENNY], and I will give my colleagues an example of how effective the Small Business Administration has been in my district, not only for the taxpayer, but to create jobs.

I have a firm that started in the early 1980's called Biomet, with four people, and they took out a half-a-million-dollar loan from SBA. Today they have 200 people working at Biomet in Warsaw, IN, and they are paying back that $500 million every 2 weeks in taxes to the U.S. Government.

Now that is a success story, and I think that the gentleman is usually right on target. Today he is a little bit off target.

Mr. SANTORUM. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, is any of that money from the tree planting program of the SBA that was used for this small businessman?

Mr. ROEMER. To the best of my knowledge, Mr. Chairman——

Mr. SANTORUM. The amendment before us right now is the tree planting program in which they are trying to cut $16 million, of which of that $16 million last year a million went into the district of the gentleman from New York [Mr. LaFALCE]. So I would just suggest that this is a very appropriate cut——

Mr. ROEMER. Reclaiming my time, Mr. Chairman, I would just say we should not be taking huge meat axes to the SBA budget at this point when the economy and jobs are so important to us.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the facts are these:

This is the salaries and expenses account for the Small Business Administration. We have in the bill $243,326,000. That account covers the Small Business Development Center Program, the SCORE Program, the minority programs, the microloan programs and outreach programs that are important to women and minorities. They are all funded in this one account.

Now, Mr. Chairman, what the gentleman from Minnesota [Mr. PENNY] did was reduce the account to 95 percent of current services. Most accounts in this bill are at 95 percent of current services. What the amendment to the amendment would do is reduce the account slightly more than that. It would not reduce any one program; it would reduce the entire account.

I am not going to stand here and tell my colleagues that the agency will close down if it is cut $10 million or $5 million. I am not going to ask for a rollcall vote however it goes, because we cannot fine tune it finely enough to know whether $5 million or $10 million is going to be the amount. Hopefully, in conference, we will be able to do all right by this agency. We will get some additional information. But I do want to present these facts to my colleagues.

Ninety-five percent, which the gentleman from Minnesota [Mr. PENNY] has in his amendment, of current services is not as much as I would like to give SBA. On the other hand, it is what the average agency in the bill is getting. So, I am not going to ask for a rollcall vote however this vote goes.

Mr. Chairman, I yield back the balance of my time.

Mr. MACHTLEY. Mr. Chairman, I rise in strong opposition to this amendment.

As a member of the Small Business Committee, a committee which represents the Nation's 20 million small businesses, I would assert that the gentlemen from Minnesota's amendment would do nothing to improve a struggling economy.

In fact, to eliminate funding for the Small Business Administration would have a profound negative impact on the economy.

Given the tight market for small business loans, the SBA has become the sole hope for success among many small businesses.

In fact, 40 percent of all term loans made to small businesses in this country are made through the SBA 7(a) Program.

In 1990, the SBA, through its loan and loan guarantee programs, provided $12.7 billion to small businesses.

In 1991, the SBA helped leverage $14.1 billion in loans to small businesses.

In 1993, the SBA has already provided over 14,000 loans to entrepreneurs.

If the 7(a) Program had not run out of money last April, I am sure that this number would be even higher.

In fact, it is estimated that the SBA will provide loan guarantees for about 26,000 more businesses this year.

The gentleman from Minnesota claims that programs like the 7(a) have enormous default rates.

This is simply not the case.

The 7(a) Program has a loss rate of only 2.2 percent.

That is down from a default rate of 11.3 percent in 1983.

As my colleagues can see, the SBA is hard at work to improve its programs in order to provide efficient, effective service to the Nation's 20 million businesses.

The SBA has been particularly helpful in providing much needed relief to the New England region as it struggles to recover from the recent recession, which was exacerbated by numerous bank failures.

The New England Lending and Recovery Act, operated through the SBA, has helped shore up our regional banks, by pumping private capital back into surviving lending establishments.

In addition, through it's small business development centers, small business institutes and service corps of retired executives, the SBA is playing an active role in helping businesses adjust to the continuing defense drawn-down which is occurring throughout the country.

Mr. Chairman, I commend the gentleman from Minnesota for his enthusiasm in cutting Government spending in an effort to create a healthy economy.

But cutting funding for important programs in the Small Business Administration isn't the best way to reach this objective.

If my colleagues are truly interested in economic revitalization they will realize that the SBA helps small businesses fuel our economy through expansion, job creation and increased revenues.

Mr. Chairman, I urge my colleagues to vote against the Penny amendment.

□ 1410

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. McINNIS] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY] as amended.

The amendment, as amended, was agreed to.

Ms. SHEPHERD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill, but I would also like to express my great concern about the status of the radiation exposure compensation trust fund, which will receive a zero appropriation level for fiscal year 1994 with passage of this bill. The trust fund has, since its inception, offered a formal apology and significant monetary relief for American nuclear testing radiation exposure victims and uranium miners. It is my understanding that the President's initial Justice Department budget request included $75,250,000 for the radiation exposure compensation trust fund. It is also my understanding that this request was amended after the Justice Department discovered reserves over and above the $75,250,000 that would fulfill grant requests through fiscal year 1994.

Since you have confirmed my understanding, I would also like to clarify that the intent of this zero appropriation was not to negate the need for Radiation Exposure Compensation Act as it was authorized, but simply to recognize that the trust fund has a sufficient current surplus to cover all expected radiation compensation exposure fund claimants into fiscal year 1994.

Mrs. THURMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, March 13 was a very devastating time for seven of the nine counties that I represent in Florida as they became disaster areas during that storm, and one of the things that has come to our attention is that the citizens of west central Florida lack direct access to the National Weather Service radio service.

As the hurricane season begins, it is extremely important for the citizens of this area to have the most complete and up-to-date weather information. This part of Florida is very vulnerable to the effects of severe storms due to a high concentration of people living in low-lying coastal areas and, just as importantly, having a limited number of evacuation corridors.

I understand from local officials in my district that a site has been chosen to place the necessary technical equipment. The only thing they need now is the funding.

Is it correct that the money for these types of projects comes out of the National Weather Modernization Fund?

Mr. SMITH of Iowa. Yes, Mr. Chairman, if the gentlewoman will yield, the National Weather Service radio upgrade program is included in the modernization plan.

Mrs. THURMAN. Mr. Chairman, I believe it is vital that the National Weather Service radio system in this area of Florida is operational during the current hurricane season. Is it possible the necessary funding for this project can come from the fiscal year 1993 appropriations?

Mr. SMITH of Iowa. Yes. I will ask the Department of Commerce to look into the availability of this funding and report back to the subcommittee immediately.

Mrs. THURMAN. Mr. Chairman, is it possible that the funding can be made available immediately?

Mr. SMITH of Iowa. Mr. Chairman, I will respond to the gentlewoman's concerns as soon as I get a report back from the Department.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from Iowa.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public law 100–504), $7,962,000.

### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $22,994,000, and for the cost of guaranteed loans, $219,459,000, as authorized by 15 U.S.C. 631 note: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,737,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

### DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans, authorized by 15 U.S.C. 631 note, $75,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

In addition, for administrative expenses to carry out the direct loan program, $76,101,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

### SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $12,369,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

### SBIC BANKRUPTCY PROVISION

None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

## Thomas Jefferson Commemoration Commission

### SALARIES AND EXPENSES

For necessary expenses of the Thomas Jefferson Commemoration Commission as authorized by Public law 102–343, $62,000: *Provided*, That any unobligated balances of amounts made available for fiscal year 1993 shall expire on September 30, 1994.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that this portion of the bill, through page 58, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order with regard to the material up to the point specified?

Are there any amendments to the language up to that point?

If not, the Clerk will read.

The Clerk read as follows:

## Legal Services Corporation

### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $400,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of section 607 of Public Law 101–515 and that all references to "1991" in section 607 of Public Law 101–515 shall be deemed to be "1994".

### POINT OF ORDER

Mr. DELAY. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DELAY. Mr. Chairman, I make a point of order against the language appearing in the bill on page 58, lines 3 through 12. The paragraph provides appropriations that have not been authorized by law and is in violation of House rule XXI, clause 2(a).

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. For what purpose does the gentleman from Kentucky [Mr. ROGERS] rise?

Mr. ROGERS. Mr. Chairman, I regret that we must concede the point of order because the Legal Services Corporation continues to lack authorizing legislation.

I want there to be no misunderstanding about why no funds for the Legal Services Corporation will be included in this bill once it has passed the House. It is not because my subcommittee did not fund the Legal Services Corporation. We did. In fact, the Legal Services Corporation got a 12-percent increase over 1993 while most other programs were being cut.

Once again, the problem is in the authorizing committee of Congress which has still not passed an authorization for the Legal Services Corporation since 1977.

Mr. Chairman, I support the Legal Services Corporation, and I hope the authorizers will act quickly so that we can work in conference with the Senate to fund this important program.

Once again, Mr. Chairman, I regret that the point of order must be conceded.

The CHAIRMAN (Mr. BROWN of California.) The gentleman from Iowa [Mr. SMITH] has conceded the point of order. The Chair upholds the point of order, and the paragraph is stricken.

The Clerk will read.

The Clerk read as follows:

## DEPARTMENT OF COMMERCE

## Economic Development Administration

### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for trade adjustment assistance and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $223,150,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

### POINT OF ORDER

Mr. PENNY. Mr. Chairman, I make the point of order that on page 58, lines 15 through 25, these are unauthorized appropriations and in violation of clause 2 of rule XXI of the rules of the House.

Mr. SMITH of Iowa. Mr. Chairman, I concede the fact that DEA is not authorized.

The CHAIRMAN (Mr. BROWN of California). The distinguished chairman of the subcommittee concedes the point of order. The Chair sustains the point of order, and the paragraph is stricken.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,284,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 59, strike lines 1 through 8.

Mr. SMITH of Iowa. Mr. Chairman, I was not aware of this amendment.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1417

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SKAGGS] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

## CONDITIONAL ADJOURNMENT OF THE HOUSE FROM THURSDAY, JULY 1, 1993 UNTIL TUESDAY, JULY 13, 1993, AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM THURSDAY, JULY 1, 1993 OR FRIDAY, JULY 2, 1993, UNTIL TUESDAY, JULY 13, 1993

Mr. GEPHARDT. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 115) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 115

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, July 1, 1993, it stand adjourned until noon on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1993 or Friday, July 2, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 14, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that business in order under the calendar Wednesday rule be dispensed with on Wednesday, July 14, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, July 13, 1993, the speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1420

## MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 216 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 216

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DRIER], pending which I yield myself such time as I may consume. During debate on this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 216 waives all points of order against the conference report on H.R. 2118 and against its consideration. The rule also provides that the conference report will be considered as having been read.

The supplemental provides necessary funding for our urgent domestic needs, including $220 million for the Summer Youth Employment Program. This includes $50 million for the new Youth Fair Chance Program and raises the maximum eligibility age from 21 to 30 years.

Mr. Speaker, the conference report provides $150 million for discretionary grants to hire additional community police officers and makes the funds available until expended. The supplemental also provides $5.5 million to pay jurors. Federal courts are not able to impanel juries because they have run out of funds. The chief judge of the Northern District of Texas announced recently he could not impanel any further juries until this supplemental is enacted.

The conference report provides $11.5 million for the FCC to begin implementing the Cable Television Consumer Protection and Competition Act of 1992.

Mr. Speaker, there are additional funds for the FBI and Bureau of Alcohol, Tobacco and Firearms to respond to terrorist and extremist acts and to offset increased costs for the Waco, TX, operation. The conference report includes $11.3 million for the Secret Service to meet increased costs to protect former President Bush and losses associated with the World Trade Center bombing.

The conference report includes $95 million for community development disaster assistance, offset by rescissions and transfers. The supplemental also provides the subsidy amount needed to fund $3.2 billion in SBA business loan guarantees.

The conference report includes $6 million from the Public Health Emergency Fund for the recent outbreak of acute illness in the Four Corners area of the Navajo Nation. There is $36 million included for the FDA to hire additional personnel to expedite the drug approval process and to fill 5 full-time slots to begin implementation of the Mammography Quality Standards Act.

The conference report includes $475 million for veterans's compensations and pensions. It also covers the costs of Operation Restore Hope in Somalia. The bill includes $616 million for DOD operations and maintenance accounts and $293 million to pay for transportation costs incurred in Operation Restore Hope and an additional $23 million to continue aid to the Kurdish refugees in northern Iraq. These costs are offset by specific DOD rescissions, totalling $923 million. The conference report also includes $50 million for defense conversion fully offset by a $50 million rescission.

Mr. Speaker, the supplemental appropriation act is $1.5 billion below the President's request and $831.6 million below the House bill.

Mr. Speaker, this is the customary rule for conference reports. While I recognize that those on the other side of the aisle oppose the summer youth grant program and the rejection of the D'Amato workfare program, I urge my colleagues to adopt this fair rule and move directly to the debate on this important legislation.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we rush toward the Independence Day recess, I want to thank my friend, the gentleman from Dallas, Texas [Mr. FROST], for yielding me this time.

Mr. Speaker, I urge a "no" vote on this rule. The conference report which incorporates the two supplemental appropriation bills adopted by the House in late May does not closely resemble those measures. We in the Committee on Rules were the first to see this conference report very late last night, so very few of our colleagues have had an opportunity to look it over.

Mr. Speaker, as the Committee on Rules majority does with most major bills we have considered this year, we waived the three-day layover rule for conference reports, preventing Members from having the opportunity to look at the measure, we well as the Budget Act, and virtually every other rule of this House.

As I have said in our reform efforts, Mr. Speaker, the best reform we could bring about would be simply to comply with the standing rules of this House. Tragically, this rule throws those out.

There a number of important programs that are funded by this supplemental, such as the Somalia operation, defender services, and jury pay. But this supplemental does not achieve its original objective. That was to stimulate the economy and create jobs. In fact, we no longer even hear it called the stimulus package. The only jobs being created are for the White House staff, which President Clinton promised us he was going to reduce by 25 percent.

Mr. Speaker, what started out as an urgent and ambitious $16 billion business as usual program, has now been pared back to simply a normal business as usual program.

Consider what is in this bill. It provides $125,000 to expand the Vice President's entertainment budget. It increases the eligibility for the so-called summer youth program from 21 to 30. There are many of us that think that 30 is still young, but I do not quite think that that would qualify them for a youth program. And it provides for an additional $14 million for that very important tree planting program, which we just voted to be eliminated 15 minutes ago.

The SBA has repeatedly urged Congress to eliminate the tree planting program because it has nothing to do with small business development and it takes resources away from very legitimate programs. Tree planting has never created a permanent job, outside of the bureaucracy of the SBA. As one SBA official put it, once you dig the hole, the job is over.

Last year, Mr. Speaker, an average of $189 was spent for each tree that was planted. The figure includes a per tree cost of $1,400 in Washington, DC, and $782 in the Virgin Islands. I would note that more than 90 percent of all trees are planted in this country by private property owners at no cost to the Government whatsoever. It is ironic that the only place where there is becoming a shortage of trees is on Government-owned land.

□ 1430

Finally, Mr. Speaker, I want to point out what's not in the conference report. The other body adopted an amendment to reduce the Federal reimbursement for State administrative costs of the AFDC Program by 50 percent, if the States do not enroll at least 10 percent of certain general assistance recipients in a workfare program. This amendment would not have cut benefits. It would merely create a financial incentive for the State welfare bureaucracies to implement workfare programs. This is real welfare reform, Mr. Speaker, which President Clinton called for in his book "Putting People First," but it was deleted from the bill.

Mr. Speaker, as I stated, there are some positive aspects to this bill, although overall, I have concluded that it is a bad bill. However, I can say for sure that there are no positive aspects whatsoever to this rule.

I urge my colleagues to vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding time to me.

I urge strong support both for the rule and for the conference report on this legislation. I am here to speak in support especially of a provision in the legislation that provides $6 million to the Four Corners area in northwest New Mexico to combat the mystery illness that has plagued the region, and no doubt many of my colleagues have seen on television and reported in other media.

Federal and State health experts are continuing to search for the cause and cure for the new viral disease, a new viral disease which has been implicated in the deaths of 21 people in the Southwest.

Many of these victims have been from my district in the northern part of New Mexico. I have called in the last 4 weeks on the President, the Centers for Disease Control, and the Indian Health Service to dedicate all available resources to identify and stop this terrible illness.

I specifically asked the President for the public health emergency funds which are now included in this bill in the amount of $6 million.

I especially want to commend the conferees for putting this legislation that contains the $6 million in the conference report. These funds will be used to provide medical assistance, conduct more experiments, bring more doctors in in one of the most extremely remote parts of this country, and that is the Navajo Reservation.

I do, nonetheless, want to make two points crystal clear. First, this is not a Navajo nor an Indian disease. Although many of the victims are Native American, this illness is not limited to one race or ethnic group.

Second, one cannot contract this disease by merely traveling to the Southwest or being in contact with native Americans. Native Americans in the area, particularly the Navajos, have suffered discrimination because of this disease. There have been incidents where they have gone into restaurants, meetings have been canceled in other parts of the country because of lack of information on this disease.

The Centers for Disease Control, the New Mexico Department of Health, and the Indian Health Service have tentatively determined that this illness is caused by a hantavirus which is carried by rodents.

I also want to make clear that these funds do not carry any travel restrictions with them. The funding is to be utilized by the Secretary of Health and Human Services to combat this health emergency in ways she deems appropriate. Traveling to the area is perfectly safe. There has been no need for any travel advisory. There has been no need to declare the area a travel restricted area.

Mr. Speaker, Indian country as a whole and the Navajo Nation specifically are in dire need of better health care. It is sad that the only time we notice these needs is when this kind of tragedy occurs.

I would hope that in the future, as we deal with this national health care plan, this comprehensive national health care plan, we look at our native American reservations, where in some parts of the country there is tremendous need, Third World standards exist and access to health care through the

Indian Health Service is almost nonexistent.

To avoid this kind of tragedy in the future, I strongly suggest that we redirect many of our efforts toward the Indian Health Service to have preventive efforts so this kind of outbreak and the lack of information attendant to it does not happen again.

I thank the gentleman from Texas for yielding time to me, and I urge my colleagues to support the rule and the conference report.

Mr. DREIER. Mr. Speaker, just a few minutes ago, as I said, we voted by a near unanimous vote to eliminate the tree planting program. Tragically, it is included in this supplemental appropriation bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. MCINNIS], the author of the amendment, to delete the tree planting program.

Mr. MCINNIS. Mr. Speaker, it is like hunting groundhogs. You go out in the field, and you have got a bunch of holes in the field and you shoot a groundhog, and all of a sudden, he pops up somewhere else.

It was not 10 minutes ago we took away the $16 million for tree planting out of the Small Business Administration, one of the biggest pork barrels, I think, in this budget. And now all of a sudden, we have got $14 million popping up. We would like to object to that. But no, we cannot object to that because we have got the rule.

I oppose the rule. I have got a point of order. I think the point of order would allow us to eliminate that $14 million, but I am going to be prohibited from doing that.

I am trying to learn the process here. Frankly, it is a sneaky process. I am having trouble figuring out all the holes that these groundhogs keep popping up out of.

I tell my colleagues something, when we keep putting money into that kind of budget, and I hear my respected colleague from New Mexico, by the way, it is not limited to one State. I have got the southwestern part of my State that borders the Four Corners. I would like to take that $14 million, send $7 million to the Four Corners and take $7 million, instead of planting trees, to reduce the deficit. But no, I do not know where the groundhog hole is.

I am going to be eliminated, because we cannot debate the rule.

I cannot believe it. I think it is time that we oppose the rule and that we allow both sides of this to have a thorough debate. And once and for all, we get that groundhog called the tree planting project nailed down in one hole and get rid of it while we have an opportunity.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DELAY], a hard-working member of the Committee on Appropriations.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise reluctantly to oppose this rule, mainly because I was not aware of what is in this bill until about an hour ago, when it was brought to my attention that there were certain things in this rule.

I thought I just heard the gentleman from California tell me that they finished the conference at 6 o'clock yesterday. They got the bill at 7 or 9 last night.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, we received it in the Committee on Rules at about 9 o'clock last evening, and this was handed to use. And we were asked then to vote on a rule which waives points of order against items in here, like the tree planting program and increasing the age for the summer youth program, a wide range of other things that clearly should not be in this measure.

Mr. DELAY. Mr. Speaker, I want to make a point here. The reason I rise to defeat the rule is so that we can write another rule that allows us points of order against these kinds of things. That is the only way that we can get at them.

Members, I have a warning. There are safeguards in our rules to stop us from being embarrassed. The reason we usually lay these things out for 3 days is so that Members can see what has actually been written and we are not blindsided by certain things. But we are about to leave here is just a couple hours for a district work period where we are going back to face our constituents at a time when the newspapers are going to be writing what is in this bill.

☐ 1440

Now, are we going to stand up in our town meetings or before our constituents and tell them that we are now raising the age of youth; we are now young if we are under 30, because we have just done that in this bill, or they are attempting in this bill to raise the age of those that can participate in the Youth Fair Chance Program from 21 to 30? That may be a great idea, but there is no way we can debate it.

I will tell the Members, I am going to tell my constituents that I voted for a rule that allowed a bill to come up that raised the age of youth from 21 to 30. Those are great headlines.

There are some other things in here the Members may not know about. The White House office, and we voted on this many times, and cut funds in the White House office, the add-on, $7.5 million, an add-on of $7.5 million to the White House office. This is the same White House that repeatedly claims it is going to cut spending, yet we increase spending in their office by $87.5 million.

I could go on. There is other stuff in here, and I have not been able to get through it with a very fine comb, but I am just really worried that there is a problem or could be a potential problem while I am back home over the next week facing my constituents, and I would hope that the Members would give us an opportunity to have points of order against some things in this bill by voting no on the rule.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], my seat mate on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Greater San Dimas, CA for yielding me this time.

Mr. Speaker, this whole exercise of providing Federal funds as supplemental appropriations and for so-called stimulus programs reminds me of a badly seasoned left-over stew. You are not really sure what is in it—and you may not want to ask. But you know it has been spiced up to make it seem better than it really is. Today we have a conference report on which the ink is barely dry. Those of us on the Rules Committee may have a better idea what is in the bill than most of the rest of the House, but we only received it at about 9 last night. The fact is, I think few people really know what is in this $1 billion, bits-and-pieces spending bill which still provides for 30-year-old teenagers. Yet, today we have a rule that waives all points of order against this conference report and, of course, we will dispense with the reading of this 150-page document in the interest of completing work before the Fourth of July comes and goes. I oppose this rule—and I urge my colleagues to do the same. These past few weeks have been a spending frenzy in this House—a tornado of debate and late-night votes in which this House has voted to spend hundreds of billions of taxpayers' dollars. Of course, these bills include many worthwhile programs deserving of our support. But they also include many lower priority and downright wasteful projects. We cannot just ignore the damage done by years of spending money we do not have, years of running up enormous deficits and forcing taxpayers to pay staggering interest on our astronomical debt. We are addicted to spending—and like any addiction, forceful action is needed to ensure a change in behavior. In my first floor statement of this 103d Congress I pledged to vote "no" on spending bills until the Congress charts a course toward a balanced budget. I am fully aware that we cannot achieve a balanced budget this year, or next year or even the year after that. But we can and must have a plan to reach that goal before we proceed through this annual spending spree. And we do not have such a plan. What we have is a President pushing a program that never approaches a balanced budget, but predicts instead rising deficits after 5 years and a debt of more than $6 trillion. I cannot support—and America cannot afford—proceeding with the Nation's business as if we do not have a spending problem. So I will continue to vote "no" on these spending bills until we devise a realistic plan to achieve a balanced budget. I hope my colleagues who truly believe in real change for this Congress will join me.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to our chief deputy whip, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just rise with a question, since all of this is being done very quickly, and even the Committee on Rules has not had very much of a chance to look at this particular bill.

Since we are waiving all points of order on the bill, can anybody tell me what that includes? What is it that is being waived that required that language in the bill? It would be helpful for the Members to know just what it is we are running over with a steamroller here on our way to passage of this rather questionable piece of legislation.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. FROST. As the gentleman is aware, there is a 3-day layover rule which, of course, cannot be accommodated within this timeframe. That is being waived.

Mr. WALKER. However, it says "all points of order." Is that the only thing being waived?

Mr. FROST. If the gentleman will continue to yield, I will have to consult with the staff to see if there are any additional points, or matters that are being waived, but that is the primary reason for the rule, is the 3-day waiver.

Mr. WALKER. If I understand correctly, we are waiving the 3-day layover, which was meant to give the Members a chance to study the bill, and by waiving the 3-day layover we cannot figure out what is in the bill, but that is a good reason for rushing it to the floor with all the points of order waived?

I am having trouble understanding how the Members are supposed to find out what is in the legislation.

Mr. FROST. If the gentleman will continue to yield, I do not know if the gentleman was on the floor, but I gave a fairly lengthy summary as to what was in the bill. I do not think there is any question about specific provisions.

If the gentleman has questions about the provisions, the chairman of the Committee on Appropriations is here, and I am sure he would elaborate on those provisions.

Mr. WALKER. I guess what I am wondering is whether or not something is being waived with regard to now redefining the term "teenager" to age 30. I know the genesis of that particular provision was a deal cut in order to pass the reconciliation bill, but I am a little concerned that we are now in the process of suggesting that 25-year-olds, when they get elected to Congress under the Constitution, will now be regarded by Congress in the bill they passed today as teenagers. I think the country is going to have trouble figuring this one out.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I think we have found the fountain of youth. All we have to do is pass a bill to raise the age of being young. I am 46. I want to raise this to 46, so I can be young again.

Mr. WALKER. I am 50. I would like to raise it to 50.

Mr. DREIER. I move that the gentleman from Indiana [Mr. MYERS] be part of the Summer Youth Program.

Mr. WALKER. All we have to do is cut a deal as part of the reconciliation bill.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield 3 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise in support of the rule.

I wish to thank the conferees for their hard work on the supplemental before us today. I know that many of the programs in the bill are time-sensitive, and the conferees worked diligently to agree on a report before the Fourth of July. I especially appreciate their cooperation with colleagues from the other body, in the care they took in addressing concerns raised by myself and others regarding the deficit.

This supplemental contains many important items: among them, paying for the United States operation in Somalia, CHAMPUS, SBA loans, low-income rural housing, and Pell grants. While we virtually all agree on the merits of these programs, this supplemental now includes rescissions to help pay for it, and reduce the burden on the deficit.

This supplemental first came before us in May, and at that time it included $1.2 billion in new spending for its Department of Defense programs. DOD had not requested that spending, it had not been authorized, and in fact the Pentagon had already sent up a reprogramming request to pay for most of the items with existing funds.

At that time, Mr. ANDREWS and Mr. PENNY and I offered an amendment to pay for the DOD items with existing funds; 188 of us voted for that amendment. Among those 188 were all but eight of the freshmen Democrats and 46 Republicans. In fact, the freshmen were more united on this amendment than we were on the reconciliation bill.

Following the other body's unanimous vote for the position we took, 151 of us sent a letter to Chairman NATCHER urging offsets for the Pentagon spending.

Now we have before us a package in which 75 percent of the DOD items are paid for with existing funds. That, I say to my friends, is a victory for the American taxpayer.

The message we are hearing from all around the country is to cut the deficit. But we could not have claimed to be serious about reducing the deficit had we tossed money to an agency which had not even requested it. That is exactly the kind of thing which frustrates the taxpayers about the way Congress does business.

We finally see before us today a package that enables us to not only talk about the deficit, but to actually do something about it. Because of the actions of the conferees, $973.5 million will not be added to the deficit.

Public interest has been generated across the country about this issue. Thanks to the work of the conferees, we are showing the taxpayers we have heard their pleas and we have resisted adding nearly $1 billion to the deficit with unrequested, unauthorized spending.

To all those who have questioned the commitment to change in Congress—particularly among the freshmen class—this conference is proof: business as usual is out of business and it is the taxpayers who can take that to the bank.

I urge Members to support the rule and final passage of the bill.

□ 1450

Mr. DREIER. Mr. Speaker, the question was asked a little while ago by my friend from Pennsylvania as to what specific waivers were made that will allow this conference report to be implemented, and my friend from Dallas referred to the 3-day layover.

We have to recognize that there is a lot more to it than that. We have nongermane Senate material that is in here. We have unauthorized appropriations, and legislation on appropriations. All of those provisions which are standard rules of the House have been waived to make this conference report in order.

Mr. Speaker, I am happy to yield 2 minutes to my friend and classmate, the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, for those of us who voted against last year's cable act, I guess now is the time to say we told you so, because what happened in the debate, if you will recall, was that some of us who opposed the reregulatory scheme under the cable act as being far too burdensome, also said that at some point the Congress is going to come back to the taxpayer and ask him for more money for more regulations. So that now you have seen it.

The House did not even get a chance and the Appropriations Committee in the House did not even get a shot at this. It was stuffed into the Senate version of this appropriation. The supplemental appropriation now comes back to the House with $11.5 million for the FCC to reregulate cable.

Not the first dime has been saved by the first cable subscriber to date. As a matter of fact, the FCC has told us that it will be at least October before they get at it, and we had a hearing last week on the FCC reauthorization. The Chairman of the Commission, Mr. Coelho, told me that based, on a question I had propounded, the average cable subscriber will save less than $2 a month on his cable bill after all of this reregulation and after the FCC hires all of these lawyers and accountants. This is indeed a jobs bill, by the way, for lawyers and accountants who are out of work, who want to go to work for the FCC. We are going to take $11.5 million out of the pockets of the taxpayers and try to buy them off with some kind of regulatory scheme somewhere down the line.

The chickens have come home to roost. Everybody in this Chamber should know what a roost this is, and vote against the rule, and vote against this supplemental appropriation. It is the wrong message to send at the wrong time.

We do not need more bureaucracy. We need competition in cable, not more reregulation.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my friend, the gentleman from Illinois [Mr. PORTER], a hard-working member of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank my distinguished colleague from California for yielding the time.

Mr. Speaker, as a conferee on the supplemental, I find myself very disturbed, even outraged, that it contains a $50 million appropriation for the Youth Fair Chance Program, and changes the law to define youth from age 21 in the present law, to age 30. Frankly, I have no issue with the substance per se of these changes. I have great issue, however, with the process under which they are probably going to become law.

They got into the conference through a self-executing rule that should never be allowed, Mr. Speaker, in this House. They got into the conference by way of no hearings, by passing by the Appropriations Committee and adding the dollars, bypassing by the authorizing committee, and making changes in the law, by insulting the chairman and the members of each of those committees that should have had the opportunity to look into the merits and make their decisions according to the procedures, the normal procedures of this House. I find that, Mr. Speaker, unconscionable. I find that to be a terrible way to legislate. I see this as having the stench of a political payoff about it that reflects unfavorably upon this body and each one of its Members.

We should not, we must not, allow this kind of procedure to prevail. I will vote against the supplemental for this reason, not because I might not favor the changes, had we had a chance to consider them in the normal way, but because of the process by which they became a part of this legislation.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to our friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

In the process of going through this particular bill we have found something here that puzzles me a little bit. Money was allocated for, and I am quoting from the language of the bill, in Los Angeles, CA, for "a loan fund to be administered by a nonprofit community organization in support of small business revitalization that will create a beneficial impact on employment, income, savings, and the development of a stronger community economic base in south central Los Angeles." Then we find out that $1.7 million is being diverted from that to go to a group called the Brotherhood Crusade Black United Front of Los Angeles. When we get very, very specific about a group that is getting $1.7 million of taxpayer money in here, some of us are wondering who is this group, and why were they specifically designated in the bill for $1.7 million? And are any of the waivers that we are granting in this rule applicable to that particular grant of money to that one specific group?

Can anybody tell me?

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Sure, I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, a question of that nature is properly directed toward the Appropriations Committee. The chairman of the Appropriations Committee is here, and I do not know whether the gentleman would want to try to respond to that specific question, but I would yield to him for that purpose when the gentleman from Pennsylvania has concluded.

Mr. WALKER. Can the gentleman tell me whether or not any of the waivers we have in this rule were required in order to make this specific grant of money to this group?

Mr. FROST. Mr. Speaker, if the gentleman will yield, I am advised that that provision was in the House bill, and that waivers would not be required for that provision.

Mr. WALKER. I am wondering if someone can tell us why this specific group is singled out to get over $1.7 million?

Mr. FROST. Mr. Speaker, for purposes of debate only, I am happy to yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER] if he wishes to respond to this particular inquiry.

Mr. NATCHER. Mr. Speaker, I want to thank the gentleman for yielding the time to me. I say to my friend from Pennsylvania that we are trying to find out at this time just exactly what section and what chapter this is in in order to get our detailed information on this matter before us.

The subcommittee chairman involved in this particular bill is on his way to the Chamber.

Mr. WALKER. If the gentleman will yield, I will tell the gentleman that it is in the Federal Housing Administration, community planning and development, community development grants under the administrative provisions. So it would be in VA-HUD.

Mr. NATCHER. The gentleman from Ohio [Mr. STOKES] is the chairman of that subcommittee, and he is on his way to the Chamber at this time. If the rule is adopted, the gentleman's question will be fully answered.

☐ 1500

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman for yielding to me.

Mr. Speaker, I would be pleased to engage in a colloquy with the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I was just trying to figure out, we found this one thing down there where the money that is going to Los Angeles, supposedly to support small business revitalization in the badly hit section of the city, all of a sudden we found out that $1.7 million of the money is being made available to a specific group known as the Brotherhood Crusade Black United Front of Los Angeles. And none of us can figure out just exactly why that specific grant was made. There is no indication of the qualifications of this group to administer a sum of money that size.

My question was: Who is this group, and why were they specifically designated to get $1.7 million of funds that otherwise would be going for rebuilding of the community?

Mr. STOKES. Let me say to the gentleman that this was a special-purpose grant which was in last year's bill. As you know, we did not put any special purpose grants in our bill this year because they are not authorized. But we had a request with reference to that particular grant, which had been made last year, to make a technical change. There was some confusion as to whether all the funding went to one of two groups, or not. Actually there were two groups who applied. We had been requested to agree to this technical change. But this is something that was done last year. Nothing has been done new on our part.

Mr. WALKER. I thank the gentleman. If he would respond further: The thing that I am concerned about is it specifies here that the earmark in the bill was $260 million earmarked in Public Law 102-389, which would confirm what the gentleman is saying. But then, what is apparently happening here, is that it is further earmarked down to this specific group. The problem that I have is the language I have indicates that the chairman is absolutely right that there was an earmark in Public Law 102-389. But then what it also indicates is that in this particular bill, we are further earmarking below that, this $1.75 million that then goes to a very, very specific group, and we cannot find out just exactly what the qualifications of that group are to administer money that was earmarked for a very specific purpose in Los Angeles.

Mr. STOKES. Let me try again and see if I can answer the gentleman's question.

First, there is no new money here at all. This is just a redesignation of previously appropriated funds. At the time that the special-purpose grant was approved in last year's bill, there was evidently, in the language used, some type of error made in terms of the designation. There were two groups applying, and evidently the language in the report needed some clarification. So they came back to us this year and asked for that technical correction.

Now, in terms of the group, HUD would probably have to answer that as to their qualifications. But as I said, all of this was done last year. This is nothing new, no new money at all. It is just a redesignation of what the House and the Senate did last year.

Mr. WALKER. So we are picking between one of the two groups here, we are picking one out of the two groups?

Mr. STOKES. We are merely clarifying and redesignating as it relates to that one group. But originally there were two groups, it is just that the language of the bill, in the 1993 bill, was not clear. The purpose of this language is to try to clarify it.

Mr. WALKER. So that the gentleman is saying that, for the purpose of this bill, we are making it very, very clear that the group that we want the money—the $1.7 million—to go to, is the Brotherhood Crusade Black United Front of Los Angeles.

Mr. CHAIRMAN. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, could the gentleman tell us who made the request for the $1.7 million?

Mr. STOKES. The letter that was written to us, as I recall, came from the city of Los Angeles.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON] one of the hard-working Members of the House.

Mr. KINGSTON. I thank the gentleman for yielding to me.

Mr. Speaker, one of the things I hear from my constituents, not just now as I am a Representative, but also as a candidate, I hear it from black and white, rich and poor, rural and urban, is that when it comes to public assistance, when it comes to helping people along through Government finances, one of the things they want to see is able-bodied people pitching in and doing their part. One of the things that has happened with our welfare state that we have right now is that we have a lot of capable people who are physically able, mentally able, and they are not working. It is easy now to take advantage of the welfare lifestyle, if you will, by not working. This is universal.

The President of the United States, the Democrat President, Bill Clinton, said as a candidate over and over and over again,

> Let's work for workfare, let's implement workfare. If you are capable of working, we want you working. If you need public assistance, we want to help you. America is a kind-hearted country. But if you are able to work, then, by golly, you need to go out and do that.

This bill, the conferees here rejected the workfare requirement.

As I read this bill—and I am a newcomer, I do not know everything there is to know—but if we support this rule, then we are voting against workfare. To vote against workfare when we are increasing the taxes, increasing regulation, and increasing the hardships on the hard-working poor, the middle class, and everyone else, and to say this is a vote against workfare, is hard for me to take, Mr. Speaker. For that, I urge my colleagues to vote against the rule.

Mr. DREIER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, having observed this display that has taken place over the past 45 minutes or so, I have come to the conclusion that we are going to make an attempt to defeat the previous question. And the reason for that is that, as we look at the waivers that have been put into place in this measure, we clearly are violating our responsibility to deal with the spending problems that we have in this country.

We have seen Members hold up these reports, copies of the conference report that we received in the Committee on Rules in the middle of the evening last night, finding different programs in here, like the provision which takes the Summer Youth Program and increases the age cap from 21 up to 30. We have seen the $14 million that is being put back in here for tree planting, which just 45 minutes ago, on a unanimous vote, we knocked out, it is kept in this bill.

It seems to me what we should do is consider this conference report under the standard operating procedures of this House. So, if I could ask my colleagues to join with me in defeating the previous question, it means we will put the 3-day layover provision back into place. It will mean that every Member will have 3 days to go through this measure, sit down with your staff, read through it, find out where transfers have taken place in Los Angeles, Chicago, or other areas.

They will also have a chance to make points of order against measures which do increase up the Summer Youth Program and put in place the tree planting program for the Small Business Administration. The Small Business Administration does not even want the tree planting program. Yet it is put in this bill, and we cannot offer any provision here, we do not have any opportunity to knock that out.

☐ 1510

If we defeat the previous question, I plan to offer an amendment which would eliminate the waiver on all points of order. It would allow every Member of this House to have the opportunity to do what our constitutional responsibility should be.

Mr. Chairman, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding this time to me.

I just want to point out that in this bill there is $175 million to pay the full subsidy cost on $3.2 billion in loan guarantees.

They needed these funds 2 months ago, really. They ran out of money about April 27.

There are 310,000 jobs involved. We should not have any more delay on this bill. If we delay today, it will be after the 4th of July before it is enacted. They need this money now. If we pass this bill today, it will probably be Monday before they can make these loans. Some borrowers are going to have their loans called because they cannot extend the loans under current bank regulations unless it is Government guaranteed. These loan guarantees are terribly important.

I did not mention the defender service and the fees for jurors. They cannot even have civil jury trials because they do not have the money for fees for jurors.

If we do not waive the 3 day rule and the bill lays over 3 days, we would really be talking about laying over 10 days due to the Fourth of July holiday, not 3 days. That means less jobs next week, a lot of small businesses will have their loans called or they will not get to make a loan. These loans only cost us $567 each. Some of them are not just 1-year loans. Some of these businesses stay in business for several years. So we should not have any further delay on this bill.

Mr. DREIER. Mr. Speaker, I would like to respond to the subcommittee chairman, my good friend, the gentleman from Iowa, by stating the remarks that I made earlier when we were considering his appropriations bill, and that is as we look at the $141 million that we want to get out there for SBA loans, it really is ridiculous for the Government to be providing that when the Bank of Boston has already said that at about the same rate they are trying to get $6 billion out there in loans for the small business sector of the economy. So it seems to me that as we look at this, yes, there are a lot of very important items in this measure. I do not want to delay the funding for the Somalia effort. I do not want to delay the funding for the defender services, and I do not want to delay jury pay. There are good and important items in this program, but the fact of the matter is we should allow our colleagues the opportunity to look through this measure, and that is why as we proceeded with this debate, I made the decision that I am going to move to defeat the previous question.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, perhaps some bank out there has the money without using loan guarantees, but there are hundreds and hundreds of banks around this country, especially country banks, that have to have a Government guarantee on the loan or call the loan. If they do not have the guarantee, the loan counts against their capital and they would exceed the limit and not be permitted to make loans to other people. They could not make car loans.

So it is the smaller banks as well as the borrower that is being helped by this. This is a very important program. We should not have any more delays.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very hard-working and sensitive friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank the gentleman for yielding me this time. Garden Grove is listening.

I just wanted my colleague and particularly my friends and colleagues on the other side of the aisle to see that I am wearing a ribbon today actually printed by Uncle Sam. It is a ribbon dollar bill.

I may not be a handsome man, but I am a sensitive man. I care and this shows that I worry about the budget deficit and the $4.4 trillion debt that this country has.

Everything we are trying to do on this side of the aisle and why this rule is so important to us is because, like you on this side, we are sensitive people over here. We care.

I think over the next few weeks you will see more and more Members wearing this dollar bill ribbon to show that we care.

In Rush rooms all across this country, Mr. Speaker, at lunch time people are now aware that the budget deficit is before us, and being sensitive men and women we will whip this problem this year and not leave it to my grandchildren or to Mr. GONZALEZ' great-grandson and his 22 grandchildren, is it, 22 or 23.

There is a new sensitivity taking over this Chamber. After a little rough time yesterday that we got through, I want all the visitors who watch us either from our distinguished guests in the gallery or through the 1½ to 3 million audience that follows our proceedings on C-SPAN, I want them to know that we are sensitive. We care.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me.

I just want to point out that the real nature of those ribbons, the Rush ribbons, is that if you wear a $5 bill, you are five times as sensitive. If you wear a $10 bill, you are 10 times as sensitive, and if you wear a $100 bill, and some of us around here may be able to afford to do that, you are 100 times as sensitive about the deficit. So we are hoping that everyone can come and show their true sensitivity.

Have you got a quarter over there? The gentleman from Indiana [Mr. MYERS] has a penny, I understand.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time, simply to say that this debate has led me to conclude that defeating the previous question is really the most responsible thing that this House can do.

Why? Because we have this report that came to us late last night. We have a wide range of things in here that this House does not support, the most recent being, as I said a few moments ago, the tree planting program. We voted to delete $16 million just a little while ago, and yet $16 million is placed back in here.

The only way that we will have an opportunity to raise a point of order to knock that out is by defeating the previous question.

I have my amendment right here, Mr. Speaker, I urge my colleagues to vote "no" on the previous question.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, it seems the gentleman's life is going to be spent talking about trees. I am glad to talk about trees.

The $14 million was put in here in the House. We had a rollcall vote.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I want to remind the gentleman that we had a 2-hour debate about that and a rollcall vote. What the gentleman does not want to do is to do what the House has already voted to do.

Mr. DREIER. Mr. Speaker, if my friend would yield to me, since I have had to yield back the balance of my time, I would simply say that about 1½ hours ago the House nearly unanimously, I did not hear any "noes" called out, we had a vote on the Appropriations bill coming forward. Members of the House had an opportunity to cast a vote on it. They voted to delete it. The SBA does not want it. It seems to me that the only responsible thing for us to do is to allow points of order to be raised against this so we can vote down the bill.

Mr. SMITH of Iowa. That was not on this at all. That was for salaries and expenses. That was not on this at all.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority has some concerns about some provisions of this bill. If the minority does not like the bill, they would have the opportunity to defeat the bill on final passage when it comes up.

This bill deals with a number of pressing matters, matters that must be dealt with right away.

For that reason, I urge my colleagues to support the previous question. Vote for the rule and proceed to consideration of this very important supplemental bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the nays appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5(b)(1) of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution, following the vote on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 250, nays 172, not voting 12, as follows:

[Roll No. 319]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Blute
Bonilla
Dellums
Dooley
Fields (TX)
Henry
Houghton
Lipinski
Moakley
Skeen
Spratt
Waxman

☐ 1539

Mrs. MORELLA changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. As previously announced, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 170, not voting 21, as follows:

[Roll No. 320]

YEAS—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stenholm
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle

Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Berman
Bilirakis
Blute
Bonilla
Clinger
Dellums
Farr
Fields (TX)
Henry
Houghton
Hyde
Lipinski
Moakley
Morella
Pomeroy
Skeen
Spratt
Stark
Studds
Waters
Waxman

□ 1548

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. NATCHER. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to H.R. 2118, and that I may include tabular and extraneous matters.

The SPEAKER pro tempore (Mr. BEILENSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1550

The SPEAKER pro tempore (Mr. BEILENSON). Pursuant to House Resolution 216, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, June 30, 1993, at page H 4368.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring to the floor the conference agreement on the fiscal year 1993 Supplemental Appropriations Act (H.R. 2118). This conference agreement covers the items in both H.R. 2118 and H.R. 2244 that passed the House on May 26. When the Senate considered H.R. 2118, they also included items included in the House-passed version of H.R. 2244. As we conferred with the other body, all items in H.R. 2244 were construed to be in conference.

This conference agreement provides net new budget authority of about $1 billion. This is the result of $3.5 billion in new appropriations and $2.5 billion in rescissions.

The conferees were constrained to develop an agreement that was within the limits of the fiscal year 1993 budget resolution and the 1990 budget agreement minicaps. This conference agreement is within those limits. In fact for domestic discretionary, the conference agreement actually reduces the deficit in fiscal year 1993 by $40 million because of rescissions.

The conference agreement includes: $220 million from summer jobs of which $50 million is for the Youth Fair Chance Program; $341 million for Pell grants; $3.2 billion in Small Business Administration business loan amounts; $150 million for police-on-the-streets; $60 million for fees for jurors and for trial attorney payments; $475 million for veterans compensation and pensions; and $1.3 billion for DOD for Somalia peacekeeping, no-fly zone operations in southern Iraq, and other urgent defense needs. These defense funds are offset by $973 million in DOD rescissions.

Mr. Speaker, this is a responsible conference agreement. It addresses important and urgent needs. It is fiscally responsible.

I urge adoption of this conference agreement.

Mr. Speaker, the following table provides more detail on this conference agreement:

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118)

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL | | | | | | |
| | CHAPTER I | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | |
| | Food Safety and Inspection Service | | | | | | |
| 103-50 | Salaries and expenses | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 | | |
| | Soil Conservation Service | | | | | | |
| | Watershed and flood prevention operations | | | 3,328,000 | 3,328,000 | +3,328,000 | |
| | Rural Development Administration | | | | | | |
| | Salaries and expenses (rescission) | | -8,576,000 | -9,587,000 | -9,587,000 | -1,011,000 | |
| | Rural Development Insurance Fund Program Account: | | | | | | |
| | Water and sewer facility loans: Direct: | | | | | | |
| 103-50 | (Loan authorization) 1/ | (470,000,000) | (250,000,000) | (250,000,000) | (250,000,000) | | |
| 103-50 | Loan subsidy 1/ | 66,821,000 | 35,543,000 | 35,543,000 | 35,543,000 | | |
| 103-50 | Rural water and waste disposal grants 1/ | 281,767,000 | 35,000,000 | 35,000,000 | 35,000,000 | | |
| | Total, Rural Development Administration | 348,588,000 | 61,967,000 | 60,956,000 | 60,956,000 | -1,011,000 | |
| | Farmers Home Administration | | | | | | |
| | Rural Housing Insurance Fund Program Account: | | | | | | |
| | Low-income single family housing (sec. 502): | | | | | | |
| 103-50 | (Loan authorization) (unsubsidized guaranteed) | (234,805,000) | (250,000,000) | (250,000,000) | (250,000,000) | | |
| | Loan subsidies: | | | | | | |
| 103-50 | Unsubsidized guaranteed | 4,297,000 | 4,576,000 | 4,576,000 | 4,576,000 | | |
| | Direct (rescission) | | | -64,826,000 | -64,826,000 | -64,826,000 | |
| | Rental housing (sec. 515): | | | | | | |
| | Loan subsidy (rescission) | | | -17,672,000 | -17,672,000 | -17,672,000 | |
| | Credit sales of acquired property: | | | | | | |
| | Loan subsidy (rescission) | | | -3,571,000 | -3,571,000 | -3,571,000 | |
| | Rental assistance program | | | 66,287,000 | 66,287,000 | +66,287,000 | |
| | Agricultural Credit Insurance Fund Program Account: | | | | | | |
| | Farm ownership: Direct: | | | | | | |
| | Loan subsidy (rescission) | | | -2,317,000 | -2,317,000 | -2,317,000 | |
| | Farm operating: Direct: | | | | | | |
| | (Loan authorization) 1/ | | (-99,374,000) | | (-99,374,000) | | (-99,374,000) |
| | Loan subsidy (rescission) 1/ | | -15,000,000 | -15,000,000 | -15,000,000 | | |
| | Emergency disaster loans: | | | | | | |
| | (Loan authorization) 1/ | | (-56,076,000) | | (-56,076,000) | | (-56,076,000) |
| | Loan subsidy (rescission) 1/ | | -15,000,000 | -15,000,000 | -15,000,000 | | |
| | Credit sales of acquired property: | | | | | | |
| | Loan subsidy (rescission) | | | -3,511,000 | -3,511,000 | -3,511,000 | |
| | Salaries and expenses (rescission) 1/ | | -15,000,000 | -15,000,000 | -15,000,000 | | |
| | Total, Farmers Home Administration | 4,297,000 | -40,424,000 | -66,034,000 | -66,034,000 | -25,610,000 | |
| | Human Nutrition Information Service (rescission) 1/ | | -2,250,000 | -2,250,000 | -2,250,000 | | |
| | Agricultural Stabilization and Conservation Service | | | | | | |
| | Salaries and expenses (rescission) 2/ | | -3,900,000 | | | +3,900,000 | |
| | Total, Department of Agriculture | | -59,726,000 | -148,734,000 | -148,734,000 | -89,008,000 | |
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| | Food and Drug Administration | | | | | | |
| 103-3 | Salaries and expenses (by transfer) | (3,000,000) | (3,000,000) | (3,000,000) | (3,000,000) | | |
| 103-3 | (User fees) | (36,000,000) | (36,000,000) | | (36,000,000) | | (+36,000,000) |
| | Total, Chapter I: | | | | | | |
| | New budget (obligational) authority | 356,885,000 | 19,393,000 | | | -19,393,000 | |
| | Appropriations | (356,885,000) | (79,119,000) | (148,734,000) | (148,734,000) | (+69,615,000) | |
| | Rescissions | | (-59,726,000) | (-148,734,000) | (-148,734,000) | (-89,008,000) | |
| | (By transfer) | (3,000,000) | (3,000,000) | (3,000,000) | (3,000,000) | | |
| | CHAPTER II | | | | | | |
| | DEPARTMENT OF COMMERCE | | | | | | |
| | Economic Development Administration | | | | | | |
| | Economic development assistance programs (rescission) | | | -11,807,000 | | | +11,807,000 |
| | Economic development revolving fund (rescission) 1/ | | -66,807,000 | -83,000,000 | | +66,807,000 | +83,000,000 |
| | National Oceanic and Atmospheric Administration | | | | | | |
| | Operations, research, and facilities (rescission) 1/ | | -2,544,000 | -2,544,000 | -2,544,000 | | |
| | Total, Department of Commerce | | -69,351,000 | -97,351,000 | -2,544,000 | +66,807,000 | +94,807,000 |
| | DEPARTMENT OF JUSTICE | | | | | | |
| | Legal Activities | | | | | | |
| S.Doc. 103-7 | Assets forfeiture fund (rescission) 1/ | -20,000,000 | -5,000,000 | -35,000,000 | -35,000,000 | -30,000,000 | |
| | Federal Bureau of Investigation | | | | | | |
| 103-3 | Salaries and expenses | 16,700,000 | | | | | |
| | Special program | | | 32,000,000 | 32,000,000 | +32,000,000 | |
| | Federal Prison System | | | | | | |
| | Buildings and facilities (rescission) 1/ | | -94,500,000 | -130,000,000 | -145,000,000 | -50,500,000 | -15,000,000 |

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Office of Justice Programs | | | | | | |
| 103-87 | Justice assistance 1/ | 200,000,000 | 200,000,000 | 200,000,000 | 150,000,000 | -50,000,000 | -50,000,000 |
| | Rescission 1/ | | -1,000,000 | -1,000,000 | | +1,000,000 | +1,000,000 |
| | Total, Department of Justice | 196,700,000 | 99,500,000 | 66,000,000 | 2,000,000 | -97,500,000 | -64,000,000 |
| | THE JUDICIARY | | | | | | |
| | United States Court of Appeals for the Federal Circuit | | | | | | |
| 103-3 | Salaries and expenses | 1,738,000 | | | | | |
| | United States Court of International Trade | | | | | | |
| 103-3 | Salaries and expenses | 935,000 | | | | | |
| | Courts of Appeals, District Courts, and Other Judicial Services | | | | | | |
| 103-3 | Salaries and expenses | 12,295,000 | | | | | |
| 103-3 | Defender services | 64,800,000 | 55,000,000 | 55,000,000 | 55,000,000 | | |
| 103-3 | Fees of jurors and commissioners | 7,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | | |
| 103-3 | Court security | 4,342,000 | | | | | |
| | Total, Courts of Appeals, District Courts, and Other Judicial Services | 88,937,000 | 60,500,000 | 60,500,000 | 60,500,000 | | |
| | Administrative Office of the United States Courts | | | | | | |
| 103-3 | Salaries and expenses | 710,000 | | | | | |
| | Federal Judicial Center | | | | | | |
| 103-3 | Salaries and expenses | 100,000 | | | | | |
| | Total, The Judiciary | 92,420,000 | 60,500,000 | 60,500,000 | 60,500,000 | | |
| | DEPARTMENT OF STATE | | | | | | |
| | International Organizations and Conferences | | | | | | |
| 103-3 | Contributions to international peacekeeping activities | 293,000,000 | | | | | |
| | RELATED AGENCIES | | | | | | |
| | Department of Transportation | | | | | | |
| | Maritime Administration | | | | | | |
| | Military useful vessel obligation guarantees: | | | | | | |
| | Guaranteed loans subsidy | | | 48,000,000 | 48,000,000 | +48,000,000 | |
| | Rescission | | | -48,000,000 | -48,000,000 | -48,000,000 | |
| | Administrative expenses | | | | 4,000,000 | +4,000,000 | +4,000,000 |
| | Rescission | | | | -4,000,000 | -4,000,000 | -4,000,000 |
| | Arms Control and Disarmament Agency | | | | | | |
| 103-3 | Arms control and disarmament activities | 2,000,000 | | | | | |
| | Board for International Broadcasting | | | | | | |
| 103-3 | Israel relay station (rescission) | -180,000,000 | | -180,000,000 | -180,000,000 | -180,000,000 | |
| | Federal Communications Commission | | | | | | |
| 103-3 | Salaries and expenses | 12,000,000 | | 11,500,000 | 11,500,000 | +11,500,000 | |
| | Securities and Exchange Commission | | | | | | |
| | Salaries and expenses (rescission) | | | -11,700,000 | -11,700,000 | -11,700,000 | |
| | Thomas Jefferson Commission | | | | | | |
| | Salaries and expenses (rescission) 1/ | | -200,000 | -200,000 | -100,000 | +100,000 | +100,000 |
| | Office of the United States Trade Representatives | | | | | | |
| 103-3 | Salaries and expenses | 750,000 | | 500,000 | 500,000 | +500,000 | |
| | Small Business Administration | | | | | | |
| | Salaries and expenses (by transfer) 2/ | | (14,000,000) | | (14,000,000) | | (+14,000,000) |
| | Rescission | | | -2,000,000 | -2,000,000 | -2,000,000 | |
| | Business Loans Program Account: | | | | | | |
| 103-50 | (Limitation on guaranteed loans) | (2,575,558,000) | (3,308,958,000) | (3,199,269,000) | (3,199,269,000) | (-109,689,000) | |
| 103-50 | Guaranteed loans subsidy | 140,883,000 | 181,000,000 | 160,000,000 | 175,000,000 | -6,000,000 | +15,000,000 |
| | Disaster Loans Program Account: | | | | | | |
| | Direct loans subsidy (rescission) | | | -80,657,000 | -80,657,000 | -80,657,000 | |
| | Total, Small Business Administration | 140,883,000 | 181,000,000 | 77,343,000 | 92,343,000 | -88,657,000 | +15,000,000 |
| | United States Information Agency | | | | | | |
| 103-3 | Radio construction | 125,100,000 | | | | | |
| | Total, Related agencies | 100,733,000 | 180,800,000 | -102,557,000 | -87,457,000 | -268,257,000 | +15,100,000 |
| | Total, Chapter II: | | | | | | |
| | New budget (obligational) authority | 682,853,000 | 271,449,000 | -73,408,000 | -27,501,000 | -298,950,000 | +45,907,000 |
| | Appropriations | (882,853,000) | (441,500,000) | (512,500,000) | (481,500,000) | (+40,000,000) | (-31,000,000) |
| | Rescissions | (-200,000,000) | (-170,051,000) | (-585,908,000) | (-509,001,000) | (-338,950,000) | (+76,907,000) |
| | (By transfer) | | (14,000,000) | | (14,000,000) | | (+14,000,000) |
| | CHAPTER III | | | | | | |
| | DEPARTMENT OF DEFENSE - MILITARY | | | | | | |
| | Military Personnel | | | | | | |
| | Military personnel, Navy | | 7,100,000 | 7,100,000 | 7,100,000 | | |

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Operation and Maintenance | | | | | | |
| | Operation and maintenance, Army | | 149,800,000 | 149,800,000 | 149,800,000 | | |
| | Operation and maintenance, Navy | | 46,356,000 | 46,356,000 | 46,356,000 | | |
| | Operation and maintenance, Marine Corps | | 122,192,000 | 122,192,000 | 122,192,000 | | |
| | Operation and maintenance, Air Force | | 266,400,000 | 266,400,000 | 266,400,000 | | |
| | Operation and maintenance, Defense agencies | | 2,000,000 | | 2,000,000 | | +2,000,000 |
| | Operation and maintenance, Navy Reserve | | 237,000 | 237,000 | 237,000 | | |
| | Humanitarian assistance program | | | 23,000,000 | 23,000,000 | +23,000,000 | |
| | Real property maintenance, Defense | | 29,098,000 | 29,098,000 | 29,098,000 | | |
| | Total, Operation and Maintenance | | 616,083,000 | 637,083,000 | 639,083,000 | +23,000,000 | +2,000,000 |
| | Revolving and Management Funds | | | | | | |
| | Defense business operations fund | | 293,500,000 | 295,500,000 | 293,500,000 | | -2,000,000 |
| | Other Department of Defense Programs | | | | | | |
| | Defense health program, operation and maintenance | | 299,900,000 | 299,900,000 | 299,900,000 | | |
| | RELATED AGENCIES | | | | | | |
| 103-3 | National Security Education Trust Fund | 5,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | | |
| | Defense reinvestment for economic growth | | | | 50,000,000 | +50,000,000 | +50,000,000 |
| | GENERAL PROVISIONS | | | | | | |
| | Rescission (sec. 304) | | | -1,250,000,000 | -973,507,000 | -973,507,000 | +276,493,000 |
| S.Doc. 103-7 | Additional transfer authority (sec. 306) | (300,000,000) | | | (500,000,000) | (+500,000,000) | (+500,000,000) |
| | Total, Chapter III: | | | | | | |
| | New budget (obligational) authority | 5,000,000 | 1,226,583,000 | -417,000 | 326,076,000 | -900,507,000 | +326,493,000 |
| | Appropriations | (5,000,000) | (1,226,583,000) | (1,249,583,000) | (1,299,583,000) | (+73,000,000) | (+50,000,000) |
| | Rescissions | | | (-1,250,000,000) | (-973,507,000) | (-973,507,000) | (+276,493,000) |
| | CHAPTER IV | | | | | | |
| | DEPARTMENT OF THE INTERIOR | | | | | | |
| | Bureau of Land Management | | | | | | |
| | Land acquisition (rescission) 2/ | | -4,958,000 | | | +4,958,000 | |
| | United States Fish and Wildlife Service | | | | | | |
| | Construction and anadromous fish (rescission) 2/ | | -4,100,000 | | -1,500,000 | +2,600,000 | -1,500,000 |
| | Land acquisition | | | | 1,000,000 | +1,000,000 | +1,000,000 |
| | National Park Service | | | | | | |
| | Construction (rescission) 2/ | | -6,800,000 | | -2,700,000 | +4,100,000 | -2,700,000 |
| | Bureau of Indian Affairs | | | | | | |
| | Operation of Indian programs | | 12,463,000 | 7,242,000 | 17,400,000 | +4,937,000 | +10,158,000 |
| | (By transfer) | | (8,837,000) | (3,900,000) | (3,900,000) | (-4,937,000) | |
| 103-3 | Miscellaneous permanent appropriations (by transfer) | (6,000,000) | (6,000,000) | (6,000,000) | (6,000,000) | | |
| | RELATED AGENCY | | | | | | |
| | Office of Navajo and Hopi Indian Relocation | | | | | | |
| | Salaries and expenses (rescission) 2/ | | -3,000,000 | | -3,000,000 | | -3,000,000 |
| | Total, Chapter IV: | | | | | | |
| | New budget (obligational) authority | | -6,395,000 | 7,242,000 | 11,200,000 | +17,595,000 | +3,958,000 |
| | Appropriations | | (12,463,000) | (7,242,000) | (18,400,000) | (+5,937,000) | (+11,158,000) |
| | Rescissions | | (-18,858,000) | | (-7,200,000) | (+11,658,000) | (-7,200,000) |
| | (By transfer) | (6,000,000) | (14,837,000) | (9,900,000) | (9,900,000) | (-4,937,000) | |
| | CHAPTER V | | | | | | |
| | DEPARTMENT OF LABOR | | | | | | |
| | Employment and Training Administration | | | | | | |
| 103-50<br>103-87 | Training and employment services 1/ | 320,000,000 | 320,000,000 | 200,000,000 | 220,000,000 | -100,000,000 | +20,000,000 |
| | Rescission 2/ | | -99,000,000 | | -50,000,000 | +49,000,000 | -50,000,000 |
| | Community service employment for older Americans | | | 10,000,000 | 6,000,000 | +6,000,000 | -4,000,000 |
| | Departmental Management | | | | | | |
| | Salaries and expenses (rescission) 2/ | | -2,000,000 | | | +2,000,000 | |
| | Total, Department of Labor | 320,000,000 | 219,000,000 | 210,000,000 | 176,000,000 | -43,000,000 | -34,000,000 |
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| | Health Resources and Services Administration | | | | | | |
| 103-3 | Vaccine injury compensation | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | | |
| | Assistant Secretary for Health | | | | | | |
| | Office of the Assistant Secretary for Health | | | 6,000,000 | 6,000,000 | +6,000,000 | |
| | Social Security Administration | | | | | | |
| 103-50 | Payments to social security trust funds | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | | |
| 103-50 | Limitation on administrative expenses: Trust fund | (10,000,000) | (10,000,000) | (10,000,000) | (10,000,000) | | |
| | Administration for Children and Families | | | | | | |
| 103-3 | Refugee and entrant assistance | 27,000,000 | | | | | |
| | DEPARTMENT OF EDUCATION | | | | | | |
| | Impact aid (rescission) 2/ | | -1,786,000 | | | +1,786,000 | |
| | School improvement programs (rescission) 2/ | | -15,135,000 | | | +15,135,000 | |
| | Vocational and adult education (rescission) 2/ | | -2,946,000 | | | +2,946,000 | |
| 103-3 | Student financial assistance | 160,000,000 | 160,000,000 | 353,700,000 | 341,000,000 | +181,000,000 | -12,700,000 |
| | Rescission 2/ | | -72,490,000 | | | +72,490,000 | |
| | Higher education (rescission) 2/ | | -23,652,000 | | | +23,652,000 | |
| | Education research, statistics, and improvement (rescission) 2/ | | -4,949,000 | | | +4,949,000 | |

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Libraries (rescission) 2/ | | -14,720,000 | | | +14,720,000 | |
| | Total, Department of Education | 160,000,000 | 24,322,000 | 353,700,000 | 341,000,000 | +316,678,000 | -12,700,000 |
| | COMMUNITY INVESTMENT PROGRAM | | | | | | |
| | Community Investment Program (rescission) | | | -500,000,000 | -275,000,000 | -275,000,000 | +225,000,000 |
| | Total, Chapter V: | | | | | | |
| | New budget (obligational) authority | 547,000,000 | 283,322,000 | 109,700,000 | 288,000,000 | +4,678,000 | +178,300,000 |
| | Appropriations | (547,000,000) | (520,000,000) | (609,700,000) | (613,000,000) | (+93,000,000) | (+3,300,000) |
| | Rescissions | | (-236,678,000) | (-500,000,000) | (-325,000,000) | (-88,322,000) | (+175,000,000) |
| | (Limitation on administrative expenses) | (10,000,000) | (10,000,000) | (10,000,000) | (10,000,000) | | |
| | CHAPTER VI | | | | | | |
| | MILITARY CONSTRUCTION | | | | | | |
| | Military construction, Navy | | 3,000,000 | | 3,000,000 | | +3,000,000 |
| | Family housing, Navy and Marine Corps | | 4,345,000 | | 4,345,000 | | +4,345,000 |
| | Homeowners Assistance Fund, Defense | | 133,000,000 | 133,000,000 | 133,000,000 | | |
| | Rescission | | -133,000,000 | -133,000,000 | -133,000,000 | | |
| | Total, Chapter VI: | | | | | | |
| | New budget (obligational) authority | | 7,345,000 | | 7,345,000 | | +7,345,000 |
| | Appropriations | | (140,345,000) | (133,000,000) | (140,345,000) | | (+7,345,000) |
| | Rescissions | | (-133,000,000) | (-133,000,000) | (-133,000,000) | | |
| | CHAPTER VII | | | | | | |
| | DEPARTMENT OF TRANSPORTATION | | | | | | |
| | Office of the Secretary | | | | | | |
| | Office of the Assistant Secretary for Budget and Programs (rescission) | | | -158,000 | -237,000 | -237,000 | -79,000 |
| | Office of the Assistant Secretary for Governmental Affairs (rescission) | | | -224,000 | -303,000 | -303,000 | -79,000 |
| | Office of the Assistant Secretary for Public Affairs (rescission) | | | -158,000 | | | +158,000 |
| | Office of Commercial Space Transportation: Operations and research (rescission) | | | -25,000 | -25,000 | -25,000 | |
| 103-3 | Office of the Assistant Secretary for Transportation Policy (by transfer) | (2,358,000) | (2,358,000) | (2,358,000) | (2,358,000) | | |
| 103-3 | Office of the Assistant Secretary for Aviation and International Affairs (by transfer) | (7,920,000) | (7,920,000) | (7,920,000) | (7,920,000) | | |
| | Transportation planning, research and development (rescission) | | | | -285,000 | -285,000 | -285,000 |
| | Total, Office of the Secretary | | | -565,000 | -850,000 | -850,000 | -285,000 |
| | Coast Guard | | | | | | |
| S.Doc. 103-7 | Operating expenses (rescission) 1/ | -3,150,000 | -20,000,000 | -5,476,000 | -7,000,000 | +13,000,000 | -1,524,000 |
| | Federal Aviations Administration | | | | | | |
| S.Doc. 103-7 | Operations (rescission) 1/ | -3,100,000 | -5,000,000 | -13,750,000 | -8,000,000 | -3,000,000 | +5,750,000 |
| | Facilities and equipment (Airport and Airway Trust Fund) (rescission) 2/ | | -57,400,000 | | -48,300,000 | +9,100,000 | -48,300,000 |
| S.Doc. 103-7 | Grants-in-aid for Airports (rescission) | -36,750,000 | | -29,028,000 | | | +29,028,000 |
| S.Doc. 103-7 | (Liquidation of contract authorization) | (100,000,000) | | (100,000,000) | (100,000,000) | (+100,000,000) | |
| | Total, Federal Aviations Administration | -39,850,000 | -62,400,000 | -42,778,000 | -56,300,000 | +6,100,000 | -13,522,000 |
| | Federal Highway Administration | | | | | | |
| | Limitation on general operating expenses | | | (-2,248,000) | | | (+2,248,000) |
| | National Highway Traffic Safety Administration | | | | | | |
| | Operations and research (rescission) 2/ | | -7,854,588 | | | +7,854,588 | |
| | Federal Railroad Administration | | | | | | |
| | Railroad safety (rescission) | | | -140,000 | -140,000 | -140,000 | |
| | Northeast corridor improvement program | | | 204,100,000 | 204,100,000 | +204,100,000 | |
| | Rescission | | | -204,100,000 | -204,100,000 | -204,100,000 | |
| | Grants to the National Railroad Passenger Corporation: | | | | | | |
| S.Doc. 103-7 | Operations 1/ | 18,000,000 | 30,000,000 | 25,000,000 | 20,000,000 | -10,000,000 | -5,000,000 |
| S.Doc. 103-7 | Capital 1/ | 25,000,000 | 21,000,000 | 25,000,000 | 25,000,000 | +4,000,000 | |
| | Total, Federal Railroad Administration | 43,000,000 | 51,000,000 | 49,860,000 | 44,860,000 | -6,140,000 | -5,000,000 |
| | Federal Transit Administration | | | | | | |
| | Administrative expenses (rescission) | | | -305,000 | -305,000 | -305,000 | |
| | Saint Lawrence Seaway Development Corporation | | | | | | |
| | Operations and maintenance (Harbor Maintenance Trust Fund) (rescission) | | | -91,000 | -91,000 | -91,000 | |
| | Office of Inspector General | | | | | | |
| | Salaries and expenses (rescission) | | | -285,000 | | | +285,000 |

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | INDEPENDENT AGENCY | | | | | | |
| | Interstate Commerce Commission | | | | | | |
| ............ | Salaries and expenses (rescission) | ........ | ........ | -360,000 | -360,000 | -360,000 | ........ |
| | Total, Chapter VII: | | | | | | |
| | New budget (obligational) authority | ........ | -39,254,588 | ........ | -20,046,000 | +19,208,588 | -20,046,000 |
| | Appropriations | (6,250,000) | (51,000,000) | (225,072,000) | (249,100,000) | (+198,100,000) | (+24,028,000) |
| | Rescissions | (-6,250,000) | (-90,254,588) | (-225,072,000) | (-269,146,000) | (-178,891,412) | (-44,074,000) |
| | (By transfer) | (10,278,000) | (10,278,000) | (10,278,000) | (10,278,000) | ........ | ........ |
| | CHAPTER VIII | | | | | | |
| | DEPARTMENT OF THE TREASURY | | | | | | |
| ............ | Bureau of Alcohol, Tobacco and Firearms | ........ | ........ | 4,000,000 | 4,000,000 | +4,000,000 | ........ |
| | United States Customs Service: | | | | | | |
| ............ | Salaries and expenses (by transfer) | ........ | ........ | (1,618,000) | (1,618,000) | (+1,618,000) | ........ |
| ............ | Rescission 2/ | ........ | -600,000 | ........ | ........ | +600,000 | ........ |
| ............ | Bureau of the Public Debt (rescission) 1/ | ........ | -3,400,000 | -3,400,000 | -3,400,000 | ........ | ........ |
| | Internal Revenue Service | | | | | | |
| ............ | Administration and management (rescission) 2/ | ........ | -11,000,000 | ........ | ........ | +11,000,000 | ........ |
| ............ | Processing tax returns and assistance (rescission) | ........ | ........ | ........ | -1,674,000 | -1,674,000 | -1,674,000 |
| ............ | Tax law enforcement (rescission) | ........ | ........ | ........ | -3,972,000 | -3,972,000 | -3,972,000 |
| ............ | Information systems (rescission) | ........ | ........ | ........ | -1,427,000 | -1,427,000 | -1,427,000 |
| | Total, Internal Revenue Service | ........ | -11,000,000 | ........ | -7,073,000 | +3,927,000 | -7,073,000 |
| ............ | United States Secret Service | ........ | ........ | 11,277,000 | 11,277,000 | +11,277,000 | ........ |
| | Total, Department of the Treasury | ........ | -15,000,000 | 11,877,000 | 4,804,000 | +19,804,000 | -7,073,000 |
| | EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | |
| ............ | The White House Office | ........ | ........ | 7,410,538 | 5,310,538 | +5,310,538 | -2,100,000 |
| 103-3 | (By transfer) | (7,410,538) | ........ | ........ | (2,100,000) | (+2,100,000) | (+2,100,000) |
| ............ | Special assistance to the President | ........ | ........ | 107,000 | 107,000 | +107,000 | ........ |
| ............ | National Critical Materials Council (rescission) | ........ | ........ | -50,000 | -50,000 | -50,000 | ........ |
| ............ | Office of Administration | ........ | ........ | 415,000 | 415,000 | +415,000 | ........ |
| 103-3 | (By transfer) | (4,342,000) | ........ | ........ | ........ | ........ | ........ |
| | Total, Executive Office of the President | ........ | ........ | 7,882,538 | 5,782,538 | +5,782,538 | -2,100,000 |
| | INDEPENDENT AGENCIES | | | | | | |
| ............ | Federal Election Commission | ........ | ........ | 112,000 | 112,000 | +112,000 | ........ |
| | General Services Administration | | | | | | |
| | Federal Buildings Fund: | | | | | | |
| ............ | Rental of space (rescission) | ........ | -16,000,000 | -16,000,000 | -16,000,000 | ........ | ........ |
| ............ | Installment acquisition payments (rescission) | ........ | -2,000,000 | -2,000,000 | -2,000,000 | ........ | ........ |
| ............ | Deposit to fund | ........ | ........ | -18,000,000 | -5,900,000 | -5,900,000 | +12,100,000 |
| ............ | Northern VA Naval System Command (rescission) 2/ | ........ | -25,000,000 | ........ | -25,000,000 | ........ | -25,000,000 |
| 103-3 | Allowances and office staff for former Presidents | 194,000 | 194,000 | 194,000 | 194,000 | ........ | ........ |
| | Total, General Services Administration | 194,000 | -42,806,000 | -35,806,000 | -48,706,000 | -5,900,000 | -12,900,000 |
| | National Archives and Records Administration | | | | | | |
| 103-3 | Operating expenses | 2,997,000 | 2,997,000 | 2,997,000 | 2,997,000 | ........ | ........ |
| | Total, Chapter VIII: | | | | | | |
| | New budget (obligational) authority | 3,191,000 | -54,809,000 | -12,937,462 | -35,010,462 | +19,798,538 | -22,073,000 |
| | Appropriations | (3,191,000) | (3,191,000) | (8,512,538) | (18,512,538) | (+15,321,538) | (+10,000,000) |
| | Rescissions | ........ | (-58,000,000) | (-21,450,000) | (-53,523,000) | (+4,477,000) | (-32,073,000) |
| | (By transfer) | (11,752,538) | ........ | (1,618,000) | (3,718,000) | (+3,718,000) | (+2,100,000) |
| | CHAPTER IX | | | | | | |
| | DEPARTMENT OF VETERANS AFFAIRS | | | | | | |
| | Veterans Benefits Administration | | | | | | |
| 103-3<br>S.Doc. 103-7 | Compensation and pensions | 475,000,000 | 147,422,000 | 475,000,000 | 475,000,000 | +327,578,000 | ........ |
| | Veterans Health Administration | | | | | | |
| ............ | Medical care (by transfer) | ........ | (5,000,000) | (3,000,000) | (3,000,000) | (-2,000,000) | ........ |
| | Departmental Administration | | | | | | |
| ............ | Construction, major projects (rescission) 2/ | ........ | -20,500,000 | ........ | ........ | +20,500,000 | ........ |
| | DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | |
| | Housing Programs | | | | | | |
| S.Doc. 103-7 | Homeownership and opportunity for people everywhere grants (HOPE grants) (rescission) 1/ | -100,000,000 | -164,500,000 | ........ | ........ | +164,500,000 | ........ |
| S.Doc. 103-7 | HOME investment partnership program | 75,000,000 | ........ | ........ | ........ | ........ | ........ |
| 103-3 | (By transfer) | (60,000,000) | (60,000,000) | (60,000,000) | (60,000,000) | ........ | ........ |
| ............ | (By transfer) | ........ | ........ | (75,000,000) | (62,500,000) | (+62,500,000) | (-12,500,000) |
| S.Doc. 103-7 | Opportunities for youth: Youthbuild (by transfer) | (40,000,000) | (40,000,000) | (40,000,000) | (40,000,000) | ........ | ........ |
| S.Doc. 103-7 | Annual contributions for assisted housing (rescission) | -13,000,000 | ........ | ........ | ........ | ........ | ........ |

## FY 1993 SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 2118), continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Severely distressed public housing project | | | | | | |
| 103-3 | (by transfer) | (300,000,000) | (300,000,000) | (300,000,000) | (300,000,000) | | |
| | Rescission | | | -17,556,000 | -10,800,000 | -10,800,000 | +6,756,000 |
| | Total, Department of Housing and Urban Development | -38,000,000 | -164,500,000 | -17,556,000 | -10,800,000 | +153,700,000 | +6,756,000 |
| | Federal Housing Administration: | | | | | | |
| | FHA - Mutual mortgage insurance program account: | | | | | | |
| S.Doc. 103-7 | (Limitation on guaranteed loans) | (36,000,000,000) | | (42,854,000,000) | (42,854,000,000) | +42,854,000,000 | |
| | CBO scoring - accelerated fee rate (language) | -6,250,000 | | | | | |
| | FHA - General and special risk program account: | | | | | | |
| S.Doc. 103-7 | (Limitation on guaranteed loans) | (1,000,000,000) | | (1,000,000,000) | (500,000,000) | (+500,000,000) | (-500,000,000) |
| S.Doc. 103-7 | Program costs | 38,000,000 | | | | | |
| | (By transfer) | | | (38,000,000) | (19,000,000) | (+19,000,000) | (-19,000,000) |
| S.Doc. 103-7 | Transfer of offsetting collections | -10,000,000 | | | | | |
| | Government National Mortgage Association | | | | | | |
| | Guarantees of mortgage-backed securities loan guarantee program account: | | | | | | |
| S.Doc. 103-7 | (Limitation on guaranteed loans) | (30,000,000,000) | | (30,000,000,000) | (30,000,000,000) | +30,000,000,000 | |
| | Community Planning and Development | | | | | | |
| S.Doc. 103-7 | Community development grants | 45,000,000 | | | | | |
| 103-3 | (By transfer) | (40,000,000) | (40,000,000) | (20,000,000) | (40,000,000) | | (+20,000,000) |
| | INDEPENDENT AGENCY | | | | | | |
| | Environmental Protection Agency | | | | | | |
| | Abate, control, and compliance (rescission) | | | | -6,000,000 | -6,000,000 | -6,000,000 |
| | Program and research operations | | | | 3,000,000 | +3,000,000 | +3,000,000 |
| | (By transfer) | | (5,000,000) | | | (-5,000,000) | |
| | Hazardous substance superfund (rescission) 2/ | | -100,000,000 | | | +100,000,000 | |
| 103-50<br>103-87 | State revolving funds / construction grants 2/ | 400,000,000 | 290,000,000 | | | -290,000,000 | |
| | EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | |
| | National Space Council (rescission) | | | -650,000 | -650,000 | -650,000 | |
| | National Aeronautics and Space Administration | | | | | | |
| | Research and development (by transfer) | | (5,000,000) | (5,000,000) | (5,000,000) | | |
| | Rescission 2/ | | -25,000,000 | | | +25,000,000 | |
| | Space flight, control and data communications (rescission) | | | | -27,200,000 | -27,200,000 | -27,200,000 |
| | Research and program management | | | | 20,000,000 | +20,000,000 | +20,000,000 |
| | Total, Chapter IX: | | | | | | |
| | New budget (obligational) authority | 903,750,000 | 127,422,000 | 456,794,000 | 453,350,000 | +325,928,000 | -3,444,000 |
| | Appropriations | (1,016,750,000) | (437,422,000) | (475,000,000) | (498,000,000) | (+60,578,000) | (+23,000,000) |
| | Rescissions | (-113,000,000) | (-310,000,000) | (-18,206,000) | (-44,650,000) | (+265,350,000) | (-26,444,000) |
| | (By transfer) | (440,000,000) | (455,000,000) | (541,000,000) | (529,500,000) | (+74,500,000) | (-11,500,000) |
| | CHAPTER X | | | | | | |
| | FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| | Military Assistance | | | | | | |
| 103-3 | Peacekeeping operations | 14,000,000 | | | | | |
| | CHAPTER XI | | | | | | |
| | DEPARTMENT OF ENERGY | | | | | | |
| | Power Marketing Administration | | | | | | |
| | Construction, rehabilitation, operation and maintenance, Western Area Power Administration (rescission) | | | -40,000,000 | | | +40,000,000 |
| | Grand total: | | | | | | |
| | New budget (obligational) authority | 2,512,679,000 | 1,835,055,412 | 446,973,538 | 1,003,413,538 | -831,641,874 | +556,440,000 |
| | Appropriations | (2,831,929,000) | (2,911,623,000) | (3,369,343,538) | (3,467,174,538) | (+555,551,538) | (+97,831,000) |
| | Rescissions | (-319,250,000) | (-1,076,567,588) | (-2,922,370,000) | (-2,463,761,000) | (-1,387,193,412) | (+458,609,000) |
| | (By transfer) | (471,030,538) | (497,115,000) | (565,796,000) | (570,396,000) | (+73,281,000) | (+4,600,000) |

1/ Items in H.R. 2244 considered by Senate.
2/ Items in H.R. 2244 not considered by Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my remarks, I want to pay tribute to my distinguished friend, the gentleman from Kentucky [Mr. NATCHER], chairman of the Committee on Appropriations, for the superb job he did and the many courtesies he extended this side of the aisle as we went through the process. He is a good friend and a fine Member of whom we are all proud. I thank him.

Mr. Speaker, this conference report that we bring to the House, perhaps more than most, is a hodgepodge, in my opinion, of pluses and minuses, not only in the fiscal sense but also in the sense of wins and losses, of things that merit support combined with things that are of questionable value.

In some cases, Mr. Speaker, it seems as though we are taking two steps backward to move one step forward.

When we passed this bill originally on May 26, we provided funding for a number of unmet needs, public defenders and jury fees to keep the judiciary system going, small business loans, the Pell grant shortfalls, Veterans COLA and major unanticipated costs in the Defense Department. That was the bulk of the bill that left the House, trying to get money back to the Defense Department to pay for costs unmet like Operation Restore Hope in Somalia. These items remain in the conference report, some at higher amounts, like veterans compensation and Pell grants. On the same day, Mr. Speaker, the House passed a second supplemental, affectionately referred to as "Son of Stimulus," in which this side prevailed with respect to the philosophy that any item carried in the bill had to be offset. That was where we started from on this side of the bill. That was where we ended.

In that Son of Stimulus bill, every single item in the bill was offset. The Senate took up these measures as part of the first bill and many of them remain in the conference report: summer youth, police, Amtrak, wastewater treatment, and the tree planting program.

Offsets were retained and increased and in some cases some of the more controversial rescissions were settled out.

Now we come to the steps backward. Members will recall that when we considered H.R. 2244, the socalled Son of Stimulus, the rule contained a self-executing new set-aside program for a summer program, the Youth Fair Chance Program, that included pages and pages of authorizing legislation that had never been in front of any committee in this Congress, had never taken testimony, had never had cross-examination and was included over the objection of the distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky.

Again, Mr. Speaker, over objections, that set aside is retained in the conference report and the legislative language allowing people up to 30 years to participate in this special summer youth program is once again restated. In my view, Mr. Speaker, that is a fundamental undermining of the legislative process.

But even as this legislative language was being retained, the conference was rejecting another legislative provision added by the Senate to begin welfare reform by requiring States to enroll 10 percent of able-bodied recipients of general assistance in workfare programs. Why one legislative program, Mr. Speaker, and not the other? Why one setting up a new grant program and not another requiring able-bodied people to work?

Finally, Mr. Speaker, a major step back was taken on the Defense funding by including a series of offsets that total almost $1 billion that undermines with one hand what was done by the House with the other in trying to do what we could to keep the Defense Department at a realistic level of operating capability.

The best that could be said, Mr. Speaker, is that we in this conference report have improved what the Senate brought to the conference. But, Mr. Speaker, that is not enough.

The distinguished gentleman from Pennsylvania [Mr. MURTHA] and I have been pointing out to the House that the indices are already there, that we are moving rapidly toward a hollow Army, a hollow Navy, and a hollow Air Force. We have talked about the drop in recruitments, the drop in the number of high school-educated young men and women who are applying for a career in the military. Those trends, Mr. Speaker, are continuing.

If we simply look at the Army budget and compare what is before us this year to the budget that was in existence at Desert Storm, this is what we see:

OPTEMPO, or training, dollars per division, cut by 21 percent;

Maintenance dollars per division, cut by 38 percent;

Facilities maintenance and repair dollars per soldier, cut by 33 percent;

And readiness dollars or O&M, the hardcore of what makes the military able to do what it does, per soldier cut by 36 percent.

The same holds true, Mr. Speaker, in the other branches of the Armed Forces.

□ 1600

The Pentagon sits there with a request that has come up for reprogramming involving about $2.2 billion in additional funds to meet other unfunded costs from contingency operations and from draw-down of the military.

We simply have to face the fact, Mr. Speaker, that in my view we are on the road towards making the same mistake we made after World War II, the same mistake that we made after Korea, and the same mistake that we made after Vietnam. We are going to drag our military down and make them a hollow force.

Mr. Speaker, there we have it, some steps forward, and some steps backward; big backward steps in this conference report; a mixed bag, in my view, if there ever was one.

In the end, for myself, we need to take care of the shortfalls in the Judiciary, the small business loan program, improve on the work that the Senate did with respect to the Defense Department, and hopefully some of the regular programs, not the special summer program for 30-year olds that went through here in an unprecedented fashion, but some of the regular summer youth programs that maybe can still be put to work even as we speak on July 1 in midsummer, almost.

Mr. Speaker, I hope that this bill will be passed. I do so not with enthusiasm, but because we have made some improvements. I say to my colleagues, I hope this is the last supplemental we see this year.

Mr. Speaker, I reserve the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that there are some very important programs in here that are finally being funded. One is fees for jurors. It is only $5.5 million, but nevertheless, not having the $5.5 has meant they have had to hold back on jury trials in civil cases in Federal courts.

There is also another $55 million for defender services. As we all know, under the Constitution those who are charged with crimes and do not have the money are entitled to be represented. If they are not represented, then they might be turned loose. The Judiciary was short $55 million in defender services. That is being restored in this bill.

There is also $175 million that pays the full subsidy cost for $3.2 billion in loan guarantees for small business borrowers. These loans are made by local banks. The banks get up to a 90-percent guarantee, so they have a 10-percent exposure. Without these loan guarantees, in many cases, the banks are not going to be able to make loans to their regular customers who have a higher risk. If it has a government loan guarantee, then that is not applied against the capital structure of the bank.

This program is very important. They ran out of loan money, loan guarantee money sometime in late April. I hope that they can soon get back in the business of handling these loan guarantees. Some of these are new loans, some of these are renewals of loans that are outstanding.

I want to point out, Mr. Speaker, that we offset the items in this bill with rescissions on ongoing programs. That is not new money. This bill is offset by rescissions to ongoing programs. I hope we get this bill passed here tonight. So that the courts and the SBA and the banks will be able to continue these ongoing programs.

Mr. McDADE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me. I regret that I must rise today in opposition to the supplemental appropriation bill. As so often happens, there are good features, good programs in this bill, that need funding, but again, so often as it happens, Congress gets carried away and bloats it with some programs that either are unauthorized or unneeded; as an example, the summer jobs bill, $220 million, of which $50 million is for a program of Youth Fair Chance Program, involving people up to 30 years of age.

People 30 years of age are entitled to jobs, of course, but $170 million for summer youth programs? Some do not realize summer is two-thirds gone, and the bill has not gone to the President yet, has not passed the Senate, gone down for signature. By the time the programs have been implemented, we will be wasting time, as so often we have in trying to help summer youth, and it is a program we should have had a long time ago, separated away from some of this stuff that does not belong. We just could not spend wisely $170 million in the last month before young people go back to school.

Pell grants, when that bill left the House floor a short time ago, it was $160 million. Now it is $340 million. I think all of us agree Pell grants has been a good program to help encourage young people to go to school. But is the right figure $340 million, when in our judgment just about a month ago we thought $160 million was sufficient?

Another example of potential waste, Police on the Streets. That is a new name. We did not call it that when it left the House of Representatives, but $150 million to be administered by the Justice Department, the Attorney General; a good program, but how are we going to allocate? Who is going to get the $150 million, which city? Is your city going to get any of that $150 million? It is dedicated to go for policemen, for regular pay, for benefits, but no overtime for the first year.

Again, we cannot disagree with helping police on the streets. Every community in this country needs more additional policemen.

Veterans' compensation. We provide in this subsidy $475 million for veterans, absolutely necessary, a good program. I would not cut it.

CHAMPUS, $300 million for CHAMPUS. We have an obligation to our veterans, to our service people, to their families. This is to pay their medical bills, and $300 million is absolutely essential, but it is added to a lot of other things that are not.

In closing, Mr. Speaker, our minority leader here, the gentleman from Pennsylvania [Mr. McDade], has talked about what we are cutting, national defense. We did in this case offset the rescissions enough that we increased the spending for national defense at $326 million. Some of this is Somalia, peacekeeping. I do not know if that is necessary. We did not have testimony on it, before our committee. I think the gentleman did have, in the defense committee. I cannot respond to that. However, it was offset by some very good programs in the Defense Department.

We are already cutting the Defense Department dangerously close. Seventy-five percent of the defense spending here was offset, while the other programs, domestic programs, were offset only up to 60 percent.

One of the programs, the Mammography Quality Standards Act which we all support, we offset that by $3 million from other programs at NIH. It is a good program, but the good programs could have been offset. We could have done this without hitting the budget so hard.

Is Congress not listening to the American taxpayers? We have got to start cutting spending. We cannot continue to put it off until next year or the year after next. The time is today. We can recommit this bill. I am going to have a motion to straight recommittal back to this committee. We will have it back out when we come back. It will be absent these unnecessary spendings.

We will adequately fund the programs that really need funding, still in time for the Pell grants, still in time for CHAMPUS, still in time for the veterans, all of these things are absolutely needed, and we will have time to do it.

I hope that the Members will be able to vote for the motion to recommit and vote for the taxpayers.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank the chairman of the full committee for yielding time to me.

Mr. Speaker, I rise in support of the conference report on H.R. 2118, the 1993 Supplemental Appropriations Act. This conference agreement addresses items in both H.R. 2118 and H.R. 2244, the 1993 second supplemental appropriations bill.

Chapter IX includes funding for programs under the jurisdiction of the VA, HUD, and Independent Agencies Appropriations Subcommittee. All of these funds, with the exception of VA's mandatory compensation and pensions account, are offset.

Let me briefly mention the major agreements included in this conference report.

For VA, the conference report includes $475 million for compensation and pension payments—the VA's latest estimate of the additional funds needed for fiscal year 1993. The conference agreement does not include the rescission of $20.5 million in H.R. 2244 for the clinical project at the Wilmington VA Medical Center.

Under the Department of Housing and Urban Development, the conference agreement provides $122.5 million for the HOME Program and $95 million for community development grants for use in disaster areas. These additional funds are necessary to help restore areas affected by disasters, such as Hurricanes Andrew and Iniki and Typhoon Omar.

Mr. Speaker, we also increased the credit limitations for the guarantee programs of the Federal Housing Administration and the Government National Mortgage Association. These requested increases are necessary because of higher than anticipated activity in these essential housing programs.

Under the Environmental Protection Agency, the conference agreement includes $3 million for the program and research operations account. This increase, which is offset, results from the restructuring of several accounts this past year.

Under the National Aeronautics and Space Administration, the conference agreement includes $20 million for the research and program management account. The need for these additional funds results from the redesign of the space station program. These additional funds are offset by a rescission in another NASA account.

Mr. Speaker, the bottom line is that all of the increases for discretionary appropriations are offset. These actions are both budget authority and outlay neutral.

I urge members to vote "yes" on adoption of the conference report.

□ 1610

Mr. McDADE. Mr. Speaker, I am delighted to yield 1 minute to the very able gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, every bill has good news and bad news. In this particular bill there is some good news that I think will help some folks who right now are receiving a lot of bad news. I am very pleased to note the Senate added language into the package to allow existing Commodity Credit Corporation funds to be used for crop losses. There is very little money left, however, and it is going to take a lot more. I want to point out to my colleagues that we are obviously going to be back here pretty soon for another supplemental for the Commodity Credit Corporation. We have been told that once they are back in operation they can function about a week, and then they will be broke and out of money again.

But in my home State of Iowa, with something like 20 percent of the crops not even being planted as yet, the Mississippi River is on a rampage, it is flooding in Iowa, Illinois, Missouri, and other States, we have had a number of levies that broke just this morning and the river is still on its way up, and we have no way of knowing what those damages will be. Obviously we will have to wait until the water goes down to know that. But at least we do have a stopgap measure here with some funds that are available that can go to help the farmers who are under a great deal of distress.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding the time.

Let me reiterate the comments of my colleague from Iowa. There is money in this bill for disaster assistance. There is money in this bill for guaranteed loans for rural housing, $4.5 million of Federal funds which will generate $250 million in construction. There is money in this supplemental for 160 meat inspectors in light of the E. coli disaster which we had in the northwestern part of the United States, $36 million to the Food and Drug Administration to accelerate the drug approval process, and $3 million for mammography quality certification. I am also happy to report this bill allows the Secretary to waive a 15-percent cap regulation for the reallocation of unused funds in 1993 to allow States most in need to receive additional funding.

The best news of all is that we meet these needs at no net cost. All increased spending is offset by cuts within the agencies.

Mr. MCDADE. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, tomorrow I will be boarding a National Guard helicopter to examine my congressional district in the northern part of the State of Illinois which is under water from the Mississippi River to the Fox River. This past week a farmer in my district had 50 of his cows float down the Mississippi River because of the extensive flooding.

At a time when disasters are taking place in the Nation because of the amount of rain that has come, we are being asked as Members of the U.S. House of Representatives to vote upon an appropriations bill that has so many programs in here that do not seem to be important at all, in fact are not important at all in terms of what is going on catastrophically in this country. I call the chairman's attention, for example, to the $7.4 million in transition costs and salaries and expenses of the White House. It is interesting where some of that money is coming from. The House of Representatives and the other body voted some time ago to fund the Office of National Drug Control Policy, but the $2.1 million for the transition cost comes from that organization to fight drugs. And then we are being asked to add an additional $500 million to that.

Mr. Speaker, this is not the time to be spending frivolous money in areas like this. This bill does contain some good programs, but we believe that we are elected for the purpose of watching the purse strings in this Nation. And at a time when calamity is wracking this Nation, at a time when the rains are coming, we have to be alert to vote no on programs like this that spend money unnecessarily.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I support the report before us and urge the adoption by this body.

I would like to address specifically the agreement of House conferees to save the American taxpayers nearly $1 billion by paying for most of the new spending in Defense through offsetting cuts to low-priority items. As Members know, Mr. Speaker, from our original debate on this issue, the Pentagon came to this Congress and said that it wanted to spend additional money that it felt was necessary, but it was willing to pay for that spending by making cuts in low-priority items.

A hundred and eighty-eight Democrats and Republicans alike voted to amend the original bill to direct the Pentagon to do just that. I sponsored that amendment, Mr. Speaker, because I believe that whenever a Federal department is willing to act in this fiscally responsible manner it should be supported and congratulated at the very least.

I think we should march a brass band down Constitution Avenue whenever a Federal department comes to Congress and says it wants to offset new spending by making some tough choices, setting priorities and cutting spending that is not high priority.

While our position did not prevail on this floor at that time, we now have an opportunity as a result of this conference to take this responsible step by passing the measure that is before us. Make no mistake. I support funding the items requested by the Pentagon. Most of us do. The issue is how these priorities are going to be paid for.

The vote that we are about to take will save the American taxpayer nearly $1 billion as we meet these important Pentagon priorities. Setting budget priorities and trimming what we may want to spend but what we may not be able to afford to spend during fiscally difficult times is something that most American households and American businesses all across this country understand very well. And the American people are saying to us that it is about time Congress began to understand that very well.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I apologize for taking the time, and thank the gentleman for yielding it. Several Members came up and asked how did I make one statement about new money and some Members have come before us and said their particular programs were completely offset.

There is about $3.5 billion in this bill. Of that $1.3 billion is for Defense, and of the $1.3 billion for Defense, $973 million is offset by rescissions. The remaining part of the bill is about $2,400,000,000 of which about $1.4 billion is offset.

In a total bill of $3.5 billion there is about $2.46 billion which is offset through rescission.

Many of these rescissions go back as far as 1991 and probably would not have been spent anyway, but in any event, some of the bill is completely offset. I mentioned the mammography as being offset, and many are offset, but there is about $1.3 billion of absolutely new money that we do not have, $1.3 billion in new programs that could be recovered by referring this bill back to the committee.

Mr. MCDADE. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, the gentleman always raises good points. I just wanted to point out that of that total about $500 million is mandatory in terms of veterans' COLA's, and a few other programs. If we look at the total amount that is in the bill that is new discretionary spending, it is about $500 million in both the Defense and domestic area, and if you extract as we do when we consider our budget appropriation items, mandatory spending as the gentleman knows, about $500 million is the cost of the veterans' COLA program.

Mr. MYERS of Indiana. Day before yesterday we had the bill on the floor, an appropriation bill where we cut about a half a billion out of mandatory spending. Mandatory spending can be reduced also.

Mr. MCDADE. Let me say to my good friend, I am sure he agrees we do not want to cut the veterans' COLA's.

Mr. MYERS of Indiana. I think that is a bad cut. I would vote to go back to the conference and make us redo it.

☐ 1620

CHAMPUS, I defended many of these. There are a lot of bad programs. But don't take the bad unless you leave some of the good.

Mr. McDADE. I am simply clarifying the record with respect to the gentleman's statement.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the bill, H.R. 2118, the 1993 supplement appropriations bill.

I want to thank the distinguished chairman of the Appropriations Committee, the gentleman from Kentucky, for restoring threatened funding items.

The bill restores more than $135 million in funds for the Department of Education. Among the programs to receive continued support is the State student incentive grant, or SSIG, which helps the States establish scholarships. For each Federal dollar, the States provide at least $1. No Federal funds have yet been obligated for fiscal 1993, but students in many States have been notified that they were to receive awards. As a result of the conference report, 242,000 students will not have their grants reduced.

The bill also provides $13.7 million for the cooperative education program, which enables institutions of higher learning to participate in work-learning programs. These students spend a semester working on the job in their chosen fields during their course of study. It is an integral part of their education. I am pleased that these funds have been restored.

The bill also provides $3.8 million for college library and technology cooperation grants, which help college libraries purchase computers and other technologies that enable them to improve their efficiency and infrastructure.

In addition, the bill provides $341 million for the Pell grant shortfall, more than twice the amount originally passed by the House. Unfortunately, the shortfall stands at more than $2 billion. But combined with amounts approved by the House in 1994 appropriations, Pell grant recipients should be encouraged that Congress is moving in the right direction, in the face of harsh budget realities.

The bill also contains an additional $170 million for the summer jobs program. This funding will provide 120,000 new summer jobs for our Nation's youth.

I thank the Appropriations Committee for its hard work.

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to comment on provisions affecting programs under the jurisdiction of the Education and Labor Committee in the conference report on H.R. 2118, a bill making supplemental appropriations for fiscal year 1993.

While I do have some reservations about some of the provisions of the report, I would like to commend Chairman NATCHER and the House delegation for the fine job they did under very difficult circumstances.

In particular, I am very pleased with the provisions of the report that deal with our educational programs. The higher amount, $341 million, made available to chip away at the Pell grant shortfall will bring the day when we are no longer laboring under this burden closer. The deletion of the education program rescissions which were a part of the House bill are extraordinarily welcome, particularly the deletion of the proposed elimination of the fiscal year 1993 funding of the State student incentive grants and the Eisenhower Leadership Program. The deletion of the proposed Senate amendment placing a limitation on the amount of chapter 1 funding which an LEA could spend on administrative costs was the right thing to do, for this issue will be considered as the Education and Labor Committee addresses the reauthorization of the Elementary and Secondary Education Act later this Congress.

My reservations, Mr. Speaker, have to do with the employment and training provisions of the report. During our consideration of the House version of H.R. 2244, I expressed concern about the authorization changes being made in the Youth Fair Change Program, and the way these changes were made.

While I have noted that the report indicates that most of the changes to the statute were eliminated, I continue to have concerns about the inclusion of a provision which expands the eligibility for this program to individuals up to age 30. In effect, this continues to make a substantive change to a program under the Job Training Partnership Act—a change made not by the authorizing committee, the Education and Labor Committee; and not really by the Appropriations Committee; but by the House Rules Committee just prior to the original floor consideration of H.R. 2244. While this measure was approved in conference, these actions set a dangerous precedent—that of authorizing on an appropriations bill—when the authorizing committee had no input whatsoever.

The Youth Fair Chance Program was carefully crafted to serve economically disadvantaged youth in areas of high poverty. The language in the agreement would expand and potentially diminish services to high-risk youth once this program is up and running. Quite simply, we do not know what the consequence of the change made in the agreement will be.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report to accompany the bill H.R. 2118, making supplemental appropriations for fiscal year 1993. However, I would like the RECORD to reflect my concern with the portion of the statement of managers that concerns the Federal Communications Commission's implementation of the 1992 Cable Act.

The conferees have stipulated that the Commission should revise their current schedule so that cable consumers will be able to receive refunds no later than September 1. Now I have enormous sympathy for cable subscribers—they've been getting ripped off for years, which is one of the reasons that we passed the Cable Act over the veto of then-President Bush. But the Commission has repeatedly told the Congress that it cannot responsibly implement the new law prior to October 1, 1993. In fact, FCC Chairman Quello and the other two Commissioners wrote me yesterday, and made a compelling case for implementing the law on the first of October. I ask that the text of that letter be reprinted at this point in the RECORD.

FEDERAL COMMUNICATIONS COMMISSION,
*Washington, June 30, 1993.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR CHAIRMAN DINGELL: The Commission is fully aware of the difficulty of balancing its responsibility to implement complex cable rate regulations with the perceived impact of delaying their effective date. We appreciate your serious concerns about our actions in this regard.

As a Commission, we have allotted highest priority to cooperating with congressional committees and to implementing congressional intent. In his nineteen years at the FCC Chairman Quello has always acted under the assumption that the FCC is an arm of Congress.

However, as Chairman Quello detailed in his testimony June 17 before the House Telecommunications and Finance Subcommittee, the Commission feels it would be practically irresponsible to implement rate regulation before we have the resources and personnel in place. Further, given the complexity of our cable rate regulations, we are concerned about our legal responsibilities in implementing these rules. Thus, a chaotic rush to regulation by an understaffed and underfinanced Commission would reflect on the integrity and efficiency of the Commission's processes, and result in a flood of legal challenges that could take years to unravel. This judgment is shared by each commissioner.

There are four reasons why we have found that cable rate regulation cannot be implemented prior to October 1. Briefly stated, these are:

(1) A statutory prerequisite to regulation of rates for the basic tier is the FCC's certification of local franchising authorities' jurisdiction to regulate these rates. Absent staff to process the expected challenges to these thousands of certification requests and to issue "stop" orders where appropriate, any certification request submitted will automatically become effective 30 days after receipt. This result would be inconsistent with due process and is certainly not contemplated by either the statute or the legislative history.

(2) Even if franchising authority certification were not a problem, any attempt to determine rates and order refunds prior to October 1 would still be premature. Notwithstanding our adoption of benchmarks on April 1, a number of open issues on implementing rate regulation remain to be resolved. On this basis, we cannot say that it will be possible to rationally determine what basic rates should be and what refunds would be in order prior to October 1. As of May 14, when the Commission did not delay the effective date of the rate regulations beyond June 21, we did not fully realize the extent of our implementation challenge. Commissioner Barrett noted his concern regarding the implementation issues. Since that time, we have all agreed that the complexity of cable rate implementation makes it essential that we take more time until October 1.

(3) Recognizing these problems, franchising authorities ranging from small cities in Iowa to New York City have affirmatively welcomed the delay, especially since basis rates will remain frozen in the interim. In other words, they will not be ready to do rate regulation or order refunds prior to October 1. We would further note that the freeze on basic rates, which has been in effect since April 1 and which will continue in effect, has to date produced considerable savings for consumers—a fact that has gone relatively unpublicized during the course of this debate.

(4) Implementing rate regulation on October 1 would put it in closer synch with the final channel reshuffling caused by the implementation of retransmission consent and must carry. These could affect the composition of the basic tier, which in turn could affect the basic rate—and therefore it is much

more orderly to implement these rules in one stage rather than in two stages separated by only sixty days.

Let us underscore one final point: franchising authorities and other interested parties are now proceeding on the understanding that implementation will not occur prior to October 1; their planning is firmly based on that assumption. Under these circumstances, to advance the date having already deferred it—and deferred it with the approval of local governments most immediately affected by premature implementation—not only accentuates the appearance of a Federal Government at war with itself but also, and more importantly, adds to the confusion and forces additional expenditures on planning to comply with yet another, earlier implementation date.

It is difficult to see how confusion, inadequate resources, and inviting a flood of legal challenges comports with the overall public interest.

Respectfully,

JAMES H. QUELLO,
*Chairman.*
ANDREW C. BARRETT,
*Commissioner.*
ERVIN S. DUGGEN,
*Commissioner.*

I would remind my colleagues—and the members of the Federal Communications Commission—that admonitions such as this are not binding law. Nor are they welcome from the Appropriations Committee, which does not have jurisdiction to revise or rewrite legislative policy or regulatory decisions. It is my hope that the Commission continue on its current course, and implement the law in a manner that is fair to cable subscribers, local government officials, and to the Commission itself.

Mr. KYL. Mr. Speaker, I rise today to address an issue that has caused a great deal of fear, a great deal of misinformation, and a great deal of concern among the people of Arizona. The issue is the unexplained respiratory distress syndrome which has already taken 16 lives. As of today, there are 29 known cases of the illness.

Mr. Speaker, I have had conversations with the leadership of the Navajo Nation and officials of the Indian Health Services. I know how concerned people are and how hard they are working to develop a good medical response.

In the meantime, it is also important to dispel some myths. The facts are, Mr. Speaker, that it is not unsafe to visit Navajo country or any other of our reservations. The facts are that this is not an illness that affects one people or another. There is no evidence at this time of person-to-person transmission, and contagiousness appears to be low.

I am told that Federal, State, local, and tribal health officials have worked in concert to come up with answers. Together, these officials have made significant progress and have identified the Hantaan virus, which can be spread through rodent urine and excrement, as a possible cause of the disease. Additional tests are being conducted by the Centers for Disease Control. Interviews conducted by Navajo community health workers, and the State health departments are disseminating information on the facts about the disease and what precautions should be taken.

Mr. Speaker, the bill before us includes a provision authored by Senator PETE DOMENICI to make $6 million available for incurred costs as a result of the disease to the tribal, State, and Federal entities that are involved in this effort. The provision specifies that the funding will be dispensed after specific requests are made. While I do not support the underlying bill, I want to express my support for this provision and hope that we can adequately support the efforts needed to address this problem.

Mr. LAFALCE. Mr. Speaker, I rise in support of the supplemental appropriation bill and want to point out the importance of one particular item which provides funding to reopen the 7(a) loan program of the Small Business Administration.

Mr. Speaker, in the past 2 months probably every Member of this House has received letters and telephone calls about the closing of the loan guarantee program operated by the SBA under section 7(a) of the Small Business Act. This program expended its entire budget for the fiscal year on April 27 and has remained closed since that date.

Some have said, and a few continue to say, that there is no credit crunch and that banks will make loans without a Government guarantee to creditworthy borrowers. That simply is not true. Anyone who believes that the SBA loan guarantee program is not critically needed should talk with those small businesses which have sought help under this program.

Even though prospective borrowers were told their applications would be put on hold indefinitely pending passage of a supplemental appropriation, they continue to come. They continue to compile the necessary documentation and put their spending plans on hold.

SBA estimates that it has a backlog of more than $1.1 billion in loan guarantee requests from 5,000 small businesses. These are viable firms who have nowhere else to turn.

Mr. Speaker, I want to congratulate the chairman of the appropriations subcommittee which provides funding for the SBA, Representative NEAL SMITH of Iowa, and the other Members who worked with him to find the funds to reopen this vital program.

This is a jobs program. It creates jobs. It preserves jobs. It will help us with our economic recovery. Based upon a study done in the private sector last year, the 7(a) loan guarantee money provided in this bill will allow the small business sector to provide 33,920 jobs in the first year and a total of 134,400 jobs over the next 4 years.

If other programs were as successful and contributed as much per capita to our economy, we would be reducing the deficit.

I urge support for the conference report.

Ms. MCKINNEY. Mr. Speaker, I am speaking on behalf of the rural water and sewage treatment facilities direct loan program. This program targets aid to smaller and poorer communities and helps those communities obtain cleaner water and improved waste disposal systems.

For far too long small rural communities have been placed at a disadvantage when trying to obtain Federal assistance to construct rural water and sewage facilities.

This program will help smaller and poorer communities comply with Federal regulations. Many times these communities find themselves unable to comply with Federal regulations because they can't gain access to affordable financing to take the necessary steps to meet compliance regulations.

Mr. Speaker, this program would create jobs for rural communities, a better environment, and a better quality of life for our rural citizens.

I urge my colleagues to join me in supporting this important legislation.

Mr. MURTHA. Mr. Speaker, I rise in support of the supplemental conference report and to make a few comments on the defense chapter of that report.

On May 26, the House passed a supplemental bill which included $1.2 billion in new funds for four programs: The operation in Somalia; enforcing the no-fly zone over southern Iraq; the CHAMPUS Program which provides health care for military personnel and their families; and repair of extensive flood damage at Marine Corps bases in California.

The funds were provided for these essential programs because of the committee's concern that the unanticipated costs of Somalia and enforcing the no-fly zone over Iraq are being paid for by transferring funds from various units. This, of course, has detracted from the readiness of those units.

It should be noted that despite the inclusion of the new funds, the total provided for defense for fiscal year 1993 by the House was $1 billion below the ceiling for defense contained in the budget resolution for fiscal year 1993.

Senate action on this supplemental basically provided funds for the same purposes as the house but offset these expenses by rescissions.

The conference agreement, in summary, provides funding of $1.3 billion. Of this total, 75 percent, or almost $1 billion, is offset through rescissions.

These funds are for the same purposes provided in the House-passed version of the supplemental plus a few additional items including humanitarian aid for the Kurds and extending the availability of defense conversion funds which were about to expire.

The conference agreement includes an increase of $500 million in transfer authority to assist the Defense Department in addressing its internal fiscal year 1993 reprogramming efforts only.

Mr. Speaker, I recommend support of this supplemental bill.

Mr. BEREUTER. Mr. Speaker, this Member appreciates the Senate's provision, included in this conference report, that reverses the very unfortunate decision of the House Appropriations Committee to have $136 million in rescissions for 14 education programs, including the Cooperative Education Program and the State Student Incentive Grant Program.

This Member earlier attempted to offer an amendment to the House second supplemental bill to restore the $13,749,000 for the Cooperative Education Program that was rescinded by the House Appropriations Committee, but failed to get unanimous consent to successfully accomplish a cut-and-add transfer of funds within the bill to accomplish this purpose. Therefore, this Member is pleased to see this funding for these essential education programs restored by the conference committee.

Mr. MCDADE. Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

### MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MYERS of Indiana. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the conference report on H.R. 2118 to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDADE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 16, as follows:

[Roll No. 321]

YEAS—280

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Canady
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stearns
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—138

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Quillen
Ramstad
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stump
Sundquist
Talent
Thomas (CA)
Thomas (WY)
Upton
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—16

Blute
Bonilla
Clay
Conyers
Edwards (CA)
Fields (TX)
Henry
Houghton
Lipinski
Miller (CA)
Moakley
Neal (MA)
Skeen
Stenholm
Studds
Waxman

□ 1643

Mr. HUNTER and Mr. YOUNG of Alaska changed their vote from "yea" to "nay."

Mr. HAYES, Mr. HOBSON, Mrs. FOWLER, Mr. RIDGE, and Mrs. MEYERS of Kansas changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. CANTWELL. Mr. Speaker, on roll call 213, I was unavoidably absent from the floor. Had I been here, I would have voted "yes," and I ask unanimous consent that my statement appear in the RECORD right after that vote.

The SPEAKER pro tempore (Mr. DEAL). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

## PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I took a leave of absence so that I could bring my wife and son home from the hospital in Massachusetts. As a result, I missed four recorded votes.

Had I been present, I would have voted:

Rollcall No. 318, "Yes."
Rollcall No. 319, "No."
Rollcall No. 320, "No."
Rollcall No. 321, "Yes."

## PERSONAL EXPLANATION

Mr. SKEEN. Mr. Speaker, I was on leave of absence when rollcall votes occurred in the House of Representatives.

Had I been present, I would have cast my votes as noted for the following rollcall votes which occurred during my absence.

Rollcall No. 318, Hunter amendment, H.R. 2519, Commerce, Justice, State Appropriations Act, incrasing INS funds by $60 million, "Aye."

Rollcall No. 319, previous questions, H. Res. 216, rule governing debate for H.R. 2118, "No."

Rollcall No. 320, final passage, H. Res. 216, rule governing debate for H.R. 2118, "No."

Rollcall No. 321, final passage, H.R. 2118, Supplemental Appropriation Act, "No."

## PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, due to a prior commitment in my district, I missed votes. Had I been here, I would have voted in favor of the Hunter amendment to H.R. 2519 (roll No. 318); against the motion to order previous question on the rule (roll No. 319); against the rule providing for consideration of H.R. 2118 (roll No. 320); and against final passage of the supplemental appropriations conference report, H.R. 2118 (roll No. 321).

## DESIGNATION OF SPEAKER PRO TEMPORE THROUGH JULY 13, 1993

The SPEAKER pro tempore laid before the House the following communication:

WASHINGTON, DC,
*July 1, 1993.*

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 13, 1993.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## REFERRAL OF H.R. 1511, AGRICULTURAL TRADE ACT OF 1978 AMENDMENTS, TO COMMITTEE ON AGRICULTURE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the bill (H.R. 1511) to amend the Agricultural Trade Act of 1978 to promote and expand the export of agricultural commodities and products to foreign countries, and for other purposes, be referred to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## DEMOCRAT-CONTROLLED CONGRESS RESPONSIBLE FOR THE LACK OF JOB CREATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, why does this administration continue to complain about the lack of job creation while coming out of a recession?

This Democrat-controlled Congress has passed mandate after mandate, restriction after restriction on business, all of which increase the costs of production. Fringe benefits and training costs are fast approaching 40 percent of labor costs. Add to this training costs for new employees and you get a clear picture.

In the old days when manufacturers were forced to work overtime and to pay time and one half, they began to hire more people, creating new jobs. Then it was more cost effective than paying time and half to their current employees. But with all all the new mandates Congress has foisted on business, it is now more cost effective in many instances to pay overtime to the current work force rather than to hire new employees.

Federal mandates have increased year after year, causing the costs of doing business to increase year after year. Now business can make a choice—overtime or new jobs. Actions by this Congress has made it more likely for it to be overtime.

Do not ask why no new jobs. The Democrat Congress is responsible and does not even know it.

□ 1650

## THE $700 MILLION D.C. SPENDING BILL

The SPEAKER pro tempore (Mr. DEAL). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, last night this House passed another huge spending bill, this time $700 million for Washington, DC.

Before coming to Congress, I was mayor of a city of 60,000 in California. It is one-tenth the size of Washington, D.C. Our budget was less than $11 million. Washington, DC's 1994 budget is $3.4 billion; 300 times larger. That's $46,300 per person in D.C. and only $200 per person in my hometown in California.

My city has only 24 city staff members. Washington, DC, has 24,000. This is 1,000 times more.

My city, like all other cities in California, receives no Federal subsidy. Yet, our Federal Government gave Washington, DC, $680 million last year. And last night we approved $700 million for next year. That is not fair.

While I recognize the unique situation of Washington as our Nation's capital, the Federal Government should be eliminating waste and cutting spending. The American taxpayer cannot afford such huge increases in funding for Washington, DC.

The bottom line is that it's more and more and more spending and there doesn't appear to be any end in sight.

That is why I rose yesterday in strong support of the Walsh amendment. This amendment sought to cut $17 million. That's only a 2.5-percent cut in the Federal subsidy to D.C. It's only a ½-percent cut in the overall D.C. budget. That's right—only a ½-percent cut. I'm sure D.C. can afford this tiny reduction. I'm very disappointed that the Democrats who control this House rejected this tiny cut.

Every city in my State of California is having to do more with less—less police officers, less jails, and less money to educate our children but they don't get a Federal subsidy.

Washington, DC, doesn't need more money. It already has the highest income tax and property taxes in the Nation. On top of this Congress has poured in billions more. For what? It's time to stop throwing money down the Washington, DC, drain.

It's time for local government to become more responsible and fiscally disciplined.

Let me give you just one example of mismanagement. Every day when I drive to the Capitol, I fear losing a car axle and having an accident because of the grossly deteriorated condition of the Francis Case Bridge along Interstate 395. This is a major traffic and safety hazard. And, it's been like this for years. Washington, DC, says it can't afford to fix the bridge without more Federal money.

Yet they can find the money to totally rebuild roads that they had to dig up only a few months later and re-do them again because they forgot to lay in new gas pipes on Benton Street. Now this is what I call total waste.

What does Washington do with all its money and all its employees? Many services the Federal Government needs, it already pays for itself. Let's look at police protection. The Federal Government provides Capitol Police, Park Police, Secret Service, Federal Protective Services, and Smithsonian Police, all through other budgets.

Washington, DC, claims it needs more Federal money because it can't tax Federal property. But, most cities—including my hometown—have city, country and other public property, as well as church property, they cannot tax. Besides, all Federal buildings are maintained by other moneys.

Congress need look no further than across the street to find ways to start cutting Government waste and bureaucracy. We can start right here in Washington, DC. Instead of asking people in California to pay more taxes thereby taking away Federal support for police, prisons, and badly needed school programs, we should be asking others like Washington, DC, to pay their fair share first.

California pays far more to the Federal Government than it gets in return. Washington, DC, gets far, far more from the Federal Government than it pays. That's unfair. It's time for Washington, DC, to pay for itself.

Mr. Speaker, since the D.C. spending bill was passed by this House and is now over in the other body, I urge my fellow Americans to contact their Senators and demand real, serious cuts in the D.C. budget.

## THE MIDWEST FLOOD DISASTER OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I wish to take a few minutes this afternoon to report on my trip to Minnesota and the Midwest yesterday, June 30, 1993.

I traveled, along with four other Members of Congress and Secretary of Agriculture Espy, and visits were made by Secretary Espy to Wisconsin, Iowa, South Dakota, and Minnesota. What he saw was hundreds of thousands of acres in America, some of the world's most productive farmlands, under water. These are farmlands that could not be planted in 1993, crops that were destroyed in 1993.

The loss in the Middle West is estimated to be at least $1 billion in crops. In Minnesota alone the loss is estimated to be $500 million.

□ 1700

There are areas which have been farmed for over 140 years. There are areas which have produced a crop every year. The farmers could get in the field and plant. This is the first year in the memory of some of these families that their farm could not be planted, and, according to their records they have maintained as a family, it is the first year since the sod was broken that the land could not be planted.

This is having a devastating impact on not just farmers, but also the neighboring communities. It is estimated that 10 to 20 percent of the farmers in the southern three tiers of counties in the district that I represent are at risk of losing their farms and will not be farming in 1994. This is not an exaggerated estimate that I received from distraught farmers themselves. These are estimates that come from bankers, county extension agents, and others.

The question is what do we do next? This part of the country is not looking for handouts. What we are looking for is a program, an insurance program that works. We are prepared to pay the cost of doing business in the farming sector, but we do not have a Federal crop insurance program that is effective to deal with this situation. Unfortunately, the program that we have is the only game in town. It is a virtual monopoly.

So in the interim some type of effective disaster assistance is needed. Adjustments in crop insurance are needed. Finally, we need to take the other existing Federal farm programs and tailor them, revise them, so that they meet the type of crisis that we are experiencing.

But this is not something that we need that we can afford to simply view as a 1993 issue. It is something that must be addressed so that we have effective programs to deal with these problems in years to come. A decent part of that is a decent farm price, a price for the products that are grown. We in this country have had what has been characterized as a cheap food policy. We need to move to a policy so that the agricultural sector is paid for the crops and the produce that it provides at a level that covers the cost of providing that produce.

Right now that produce is being produced and sold as if we are operating a discount warehouse, as if our margins are adequate at 1 percent. When we have $500 million crop losses, a 1 percent margin simply does not cut it. And that is why we face the prospect of thousands and thousands of farmers being driven from their occupation.

Mr. Speaker, the time has come for the United States to recognize that it has to have fairness in every sector of the economy. Included among that is the agricultural sector which for far too long has been laboring under this so-called cheap food policy, which is now laying us low.

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## REPRESENTATIVE SKELTON HONORED BY ARMY WAR COLLEGE

The SPEAKER pro tempore (Mr. DEAL). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, our colleague Representative IKE SKELTON of Missouri, was recently honored with the presentation of an honorary diploma from the U.S. Army War College at Carlisle Barracks, PA. He is only the 11th civilian, and just the 27th person, to be given this distinction.

The honorary diploma was given because of his "outstanding contributions to the American military, especially in the areas of reorganization and military education." IKE SKELTON is a great American and has worked throughout his career in Congress to maintain a strong national defense. This is a truly deserving tribute and I know all my colleagues join me in offering congratulations.

He was at the college to deliver this year's commencement address, which I also want to share with my colleagues.

### THINGS I ALWAYS WANTED TO TELL THE ARMY

(By Ike Skelton)

Friend General Bill Stofft, Mr. Ambassador, distinguished faculty, graduates of 1993, family and friends, after an introduction such as that I can hardly wait to hear what I'm going to say.

This is indeed a thrill for me to be with you to share some moments of thought and words. When first asked to come up here and speak with you today, I thought I had a lot of interesting information to give you; but realizing that I'm the only thing between you and your diploma, my speech will be cut down to two hours.

It is a pleasure to be with you and to be with my friend through the years, General Stofft; I thank him for the kind invitation. He's truly a scholar and soldier. He understands fully the words of the late Sir William Francis Butler who once wrote, "the nation that will insist upon drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards." That is not the case in the United States of America.

So this, today, is a significant milestone in your military career and in your life. And I realize that there are a lot of smiles and happy faces with your relatives, your families, and your friends. I congratulate you along with them.

This chapter in your life is now closing and your military career moves on, another phase begins. I especially compliment our foreign visitors and we hope that this will be a memorable year for you, so that you will not just carry back military education but you will carry back the warmth of friendship that you gained here.

In thinking of topics for today, there are a broad range of issues. I could speak of my role in the Goldwater-Nichols bill, and how it was my initial bill that finally became the law. The Pentagon was a bit upset with me because my initial bill eliminated the Joint Chiefs of Staff. The Armed Services panel on Military Education to which General Stofft referred, which examined all ten of our intermediate and senior war colleges. We can speak of the quagmire of troop intervention in Bosnia. Or, we could speak of my insistence that Ft. Leavenworth, Kansas offer courses in the American-Indian Wars, culminating in last week my joining several of those from Ft. Leavenworth on staff ride to Ft. Phil Kearney, the Fetterman Massacre, Crook's battle the Rosebud, and Custer's disaster at the Little Bighorn. And let me tell you if you ever do a staff walk at Crook's Rosebud Battlefield, I warn you ahead of time, it's a five mile trek—all uphill. We could speak of the Air Force study on airpower, which I served as a panel member, which ended with the conclusion that we should not do away with the United States Army as yet. But I realize that you've had so much of these studies, and these intellectual pursuits. And this being the rare opportunity that it is, I thought I would share with this prestigious audience that will go henceforth to lead the United States Army, and the other services, and other countries, and talk to you about "Things I Always Wanted to Tell the Army!"

Chapter 1.—I was a first year high school Junior ROTC student at Wentworth Military Academy in my hometown of Lexington. Staff sergeant Ryan, who somewhere out there in retirement land must still be living and I hope he hears this from this podium, SSG Ryan thought I was the dumbest map reader he had in the class, with good reason. But here I am, that same, dumbest, map reader in that class addressing the most prestigious army war college in the world. If he were here today, I'd tell him where to place his azimuth.

Chapter 2.—This is a story about Kevin, a young friend of mine who went to school in my hometown, later went off to college, later became a second lieutenant in the United States Marine Corps. I was very proud of him; he stayed in touch with me pretty well. And from time to time would ask my advice, and in my limited way I would give it. He did very well through the years, and he was stationed in Washington in a very prestigious captain's position. As you know that is the same as an 0-3 for you from the Navy, if you don't understand.

Young Kevin was also assigned to the White House social detail. One day he called for an appointment and came to my office; he thanked me for my interest in him and then told me that he was leaving the United States Marine Corps. I asked him why and he said that he had run into a president of a major corporation at the White House and he had invited him to join his national corporation. And after talking with Kevin for a while I said, "what would it have taken for you to stay in the Marine Corps for a career?" And he looked right at me and said, "an encouraging word at the right time." That's a heavy lesson, and I hope that those of you who are in positions of leadership will look for those bright, young Kevins in the future, and give them that encouraging word because we're going to need them to follow in your footsteps.

Chapter 3.—A number of years ago I was invited down to the Maxwell Air Force Base to address the Air War College which I did; and after the address I was invited to speak to a seminar of some 16 members of all services. There was an Army colonel, as well as someone from the Marines, and Navy, and of course most of them were Air Force. I went into the room and I saw at the far corner of the seminar table an Army colonel who obviously thought that this was a real joke to have a member of Congress come down there. And I saw and could read his lips about the snide remarks he was making about my coming to the Air War College. So I said to myself, "I'll fix you buddy." And I gave some opening remarks and I told them that I know that being lieutenant colonels and colonels and their equivalent that they knew all about the Constitution of the United States, the role of Congress, that we were the ones that would vote to declare war, we raised them and maintained them, that we wrote the regulations and rules by which they lived. And I thought, and I said it in my thought, that all of them, of course, knowing all these things would be glad to tell me who their member of Congress was. And I went around the room and not one person of the 16 could tell me who represented them in the United States Congress, especially that Army colonel. We got the names of two senators and one former congressman.

This caused me to think, on so many occasions those of you in the military live in your world and those of us in Congress live in ours. We must do a better job of communicating, you must do a better job of understanding the Constitution of the United States, your role as well as ours. We are not the enemies. We are there to work with you. We are the reflectors of the American public opinion. We hope that in the days and years ahead, and it is my sincere desire, that those of you who make the military your career, will cause those who follow you to understand full well our role, and your role, and how we can work together all the more closely.

Chapter 4.—My wife and I have a soldier, a son, in our family. As a matter of fact, two of our three sons wear uniforms. It was April, 1991, at the Washington, D.C. National Airport and my Susie and I went down to meet our soldier-son who just returned from the desert in Saudi Arabia and Iraq. Some of his friends were there with a big banner that said "Welcome Home Desert Dude," and others were there with balloons, looking forward to seeing him after quite a few months of separation. And when he came up the entrance way from the airplane, the some 150 people standing there waiting for others saw mother and dad go to a young soldier-son, and there was spontaneous applause in the airport for that young man. What a thrill for a soldier to come home and be appreciated.

Then I also spoke, not so long ago, with a young man who was serving during Vietnam in his ROTC unit at a university in our nation. He told me he dare not wear his uniform on the university campus during that era for fear of being abused, cursed, or even spat upon. That, of course, was so very, very, sad. Contrasting those in uniform from one era to the other. But it's not your job to seek, or not your role to seek appreciation. It's your role to do your best to defend your nation and to fulfill your calling. There are days in peace when you're not appreciated, nor will you be appreciated, but you must continue to do your work to defend your nation. Rudyard Kipling said it best in his poem entitled *Tommy:*

Yes, makin' mock o' uniforms that guard you while you sleep
Is cheaper than them uniforms, an' they're starvation cheap;
An' hustlin' drunken soldiers when they're goin' large a bit
Is five times better business than paradin' in full kit.
Then it's Tommy this, an' Tommy that, and "Tommy, 'ow's yer soul?"
But it's "Thin red line of 'eroes" when the drums begin to roll—
The drums begin to roll, my boys, the drums begin to roll,
O it's "Thin red line of 'eroes" when the drums begin to roll.

Portrait of a lack of appreciation for those in uniform saddens me.

Chapter 5.—1923. Major George C. Marshall gave an address in Washington to a group of school students of military background. And in that address, MAJ George C. Marshall spoke of the infantry component of the regular Army and how it had increased through the years and decreased through the years with regularity. He spoke about the regular infantry having only 80 men immediately after the Revolutionary War, and how it increased before 1812, decreased, increased for the Civil War, then decreased; the same for the Spanish-American War, and then when the war was over and remember this was 1923. He spoke of 1920; there were 285,000 men in the infantry component, nine months later Congress cut it to 175,000, three months later 150, six months later to a 125,000 men. General Marshall said, "and just by the skin of our teeth we got through this last Congress without a further cut from 75,000." What we have seen through the years is the increase and decrease of our military which I think is one of the saddest chapters of American history. I think that we should do our best. That's our job in Congress, to keep the military at a sufficient level, to keep the bottom from dropping out so that young men and women like you, and those that follow you, can see that there is a bottom line that they can plan their future; that is our challenge. I hope that you, through the years ahead, will not get discouraged, that you through the years will do your best to stay the course, stay with the military. Because the days will come ahead when your expertise, your knowledge, and your leadership will be needed. It was the same George Marshall, who expressed in 1937, "the question of abandoning the possibilities of the next eight or nine years, so far as that pertains to a professional soldier. With the world in its present turmoil, no one can prophesize what the outcome will be. As I made my life occupation that of a soldier, I hesitate to take any decision which might leave me eliminated at the critical moment." My advice for you, in this chapter five, is for you to stay the course. For you, undoubtedly, in the years ahead will be needed.

Chapter 6.—This is an uncertain world in which we live. We don't know what the kaleidoscope of the future will be, we know there's turmoil, conflict throughout the world. Yes, we've won the Cold War, that's over. But there are uncertainties and tremendous pressures ahead. There will be a need for each military generation to pass the torch of freedom on to the next. It is important for you not only to stay the course, but to be prepared and to cause those soldiers, and sailors, and airmen, and marines to do the same.

I was nine years of age, in the fifth grade; my father, the best known orator in Lafayette County, Missouri, a veteran of World War I, was asked to give the Armistice Day speech at the Odessa High School some 12 miles away from Lexington. And he was kind enough to take me out of school and drive me over to Odessa. And I sat in the back of that auditorium with the student body of the Odessa High School. And I remember on the stage there were those dressed in World War uniforms. I remember the beating of the bass drums behind the curtains to simulate artillery. And I remember my father's speech. He spoke about freedom, he spoke about the greatness of our country, and he spoke about those who had defended our interests in the great war of which he was a part. Then he said two things that burned themselves into my memory. The first was that he said that there are those in this student audience who well may have to protect the freedoms of America once again. That was November 11, 1941. Shortly thereafter the Japanese Empire attacked Pearl Harbor on December 7, 1941, and World War II was upon us. Also during that speech he ended it with a poem that came out of the war in which he served. And it went like this,

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we die,
In Flanders fields.

"Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields."

Well that poem has kind of lost itself in the years past that era. But those words still should ring true to you, because the torch has been passed to you and your generation of uniformed Americans. It's my hope, it's my prayer that you will be up to the task. So I am convinced that in this troubled and unsettled world you who are uniform today will be challenged to the best that is in you. May God go with you in days ahead. God Bless you.

## MISCELLANEOUS SMALL BUSINESS AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, today I am introducing the Miscellaneous Small Business Amendments Act of 1993. It is not a lengthy bill, but its timely enactment is very critical to the small business programs it amends.

First, it increases the authorization for guarantees to certified development companies which, in turn, provide financing to small businesses for plant and equipment. This is a program which creates jobs. In fact, applicants are not eligible to participate in the program unless job creation or preservation requirements are met.

This program is extremely successful and requests for funding under it have increased substantially in the past several years. It is also a program of which we should be very proud. The subsidy cost of the program is approximately one-half of 1 percent, making this a very cost-effective initiative which delivers a substantial return on the Government's investment. For each $1 million in Federal moneys, the program provides $2 billion in loan guarantees. And, in addition, banks and other lending institutions provide an additional $2.5 billion in private loans, or a total of $4.5 billion in financing to the small business community.

Second, this bill facilitates the commencement of the White House Conference on Small Business. Legislation requesting the President to convene such a conference was enacted in October 1990. Unfortunately, the conference remained dormant for more than 2 years. We could, of course, still try to meet the original schedule. But I believe that such a compressed agenda would detract from the high expectations we have for this endeavor. Thus I believe we should reschedule the conference for 1995 and request the President to commence preparations immediately.

Finally, the bill makes several technical amendments to the Small Business Development Center Program to facilitate its continued operation.

Mr. Speaker, I anticipate that the Small Business Committee will move promptly to consider this measure, and I am hopeful that it will be considered by the full House within the next few weeks.

An explanation of the bill follows:

### Explanation of Miscellaneous Small Business Amendments Act of 1993

### CERTIFIED DEVELOPMENT COMPANY AUTHORIZATION

Section 2 increases the total authorization for loan and debenture guarantees by the Small Business Administration in fiscal year 1993 from $7.03 billion to $7.155 billion and within these amounts it increases the authorization for debenture and loan guarantees for certified development companies from $775 million to $900 million.

It also increases the total authorization for loan and debenture guarantees by the Small Business Administration in fiscal year 1994 from $8.083 billion to $8.458 billion and within these amounts it increases the authorization for debenture and loan guarantees for certified development companies from $825 million to $1.2 billion.

### WHITE HOUSE SMALL BUSINESS CONFERENCE

Section 3 delays the dates for the White House Conference on Small Business. The State meetings would begin not earlier than November 15, 1994 (instead of not earlier than December 1, 1992), and the national conference would be held between October 1, 1995 and December 31, 1995 (instead of between January 1, 1994 and April 1, 1994.

It also provides that the President shall appoint commissioners to oversee the conference, and that such appointments shall be made after the enactment of this act but not later than 30 days after the date of such enactment.

It also increases the authorization for the conference to $7 million (now $5 million).

### SMALL BUSINESS DEVELOPMENT CENTER PROGRAMS

Section 4(a) authorizes the Small Business Administration to fund Small Business Development Center information sharing systems (i.e., a library of materials) by making grants or cooperative agreements with one or more such centers instead of by issuing a contract after soliciting proposals.

Subsection (b) reduces the authorization for the Small Business Development Center replication program in Central Europe for 1993 from $8 million to $2 million and authorizes a similar amount for each of fiscal years 1994 through 1996.

Subsection (c) strikes a provision of current law which prohibits the Small Business Administration from publishing regulations on the Small Business Development Center Program in the FEDERAL REGISTER.

## DEMOCRACY MOVEMENT IN FEDERAL REPUBLIC OF NIGERIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, today in the Federal Republic of Nigeria, a democracy movement is taking place that is comparable to the recent celebrated democratization movements in Poland, Germany, and Russia.

But in Nigeria, this sacred and risk-filled process of democratization, involving the destinies of well over 100 million people is being played out in relative obscurity, without graphic CNN reports. Yet the courage of the people of Nigeria is no less obvious than that of the people of Russia or Poland. And the heroism of its democracy leader, one M.K.O. Abiola, is just as inspiring as that of Lech Walesa or Boris Yeltsin.

Mr. Speaker, on June 12, 1993, the people of Nigeria elected Mr. Abiola their president through elections judged fair and free by international observer nations, including Great Britain. Yet his election has been annulled by Nigeria's military dictator.

Mr. Speaker, just as our Nation rallied to Yeltsin and his countrymen as they faced down tanks, let us now give our national commitment to Mr. Abiola and the people of Nigeria as they confront the guns of military rule and seek to take the reins of their Government.

## ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, under great duress, I ask unanimous consent that my 1-hour special order be given to the gentleman from Oklahoma [Mr. INHOFE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## CONTINUED DISCOURSE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 60 minutes.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for his time.

This week, Mr. Speaker, we have had the opportunity to talk about term limitation. It is something that the public wants, it is something that the public needs, it is something that everybody at the town hall meetings knows is a good idea and everyone seems to want but politicians, and that is understandable. We have a tendency to protect our own turf.

So this week we have devoted the week to bringing up some of the points so that we can better enlighten our colleagues and hopefully get something passed.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. INHOFE] for taking this hour tonight to again bring to the American public the attention that this term limit movement needs.

The very first bill that I filed in the House of Representatives was a bill to bring about this much needed change. My bill would limit the House of Representatives Members to 8 consecutive years and Members of the Senate to 12 consecutive years.

In the congressional district which I represent, 79 percent of the people who voted in November 1992 voted "yes" to the term limits initiative, 8 years for the House, 12 years for the Senate. These numbers are reflected throughout the State of Florida, as voters have said that enough is enough, and that Congress must be reformed.

I am committed, myself, to adhere to the 8-year term limit if my voters choose to keep me here that long, regardless of how it works here in the Congress. But I think limiting terms in the Congress is a step in the right direction to reform this Congress. That was something I was sent here to do, and I hope that the leadership would let this legislation come to the floor.

I would encourage other Members to sign the discharge petition so that we can have a fair debate and a vote on the floor of the House of Representatives on term limits.

Mr. INHOFE. Mr. Speaker, the gentlewoman is a freshman. Yet the first bill she introduced was for term limits. Is that because she had so much support at home and there is that much of an outcry for it?

Mrs. FOWLER. It is because I deeply believe in term limits. I instituted a term limit movement when I served on the city council in Florida, in Jacksonville. I supported the Eight is enough movement in the State of Florida. I think it is healthy to have turnover in every elected body, that you need new ideas, new people, and I am an affirmative believer that good people will step forward to run when the opportunity presents itself.

Mr. INHOFE. I think that is good. It certainly says something about your State of Florida, because that is where the very first movement on term limitation came from. I joined the group down there in 1976, and that was the first time they were even talking about term limitations. Of course, the gentleman from Florida [Mr. MCCOLLUM] and others from Florida are very supportive. I think it is very important today that we have at a moment's notice all of these freshmen from all the way across the Nation, from Florida, to Maryland, to California, to New York, and all of them, with the same feeling and the same ideals and the same commitment that they have given to their people back home. I am sure that the gentlewoman as a freshman must have felt that commitment that she felt strong enough to introduce that as her first bill.

Mrs. FOWLER. Well, that is correct. That is why I wanted that to be my first bill. And I am going to continue working on it until we get this to the floor of this House. Because I know that is what the American people want. So I am pleased we have more and more of our Members supporting it, and I think we will succeed eventually.

Mr. INHOFE. I thank the gentlewoman very much.

We will move from the east coast to the west coast and hear from the gentleman from California [Mr. HUFFINGTON].

Mr. HUFFINGTON. Mr. Speaker, it appears there has been a misunderstanding on the part of the Democratic leadership. The American people overwhelmingly want congressional term limits. Even in the State of our distinguished Speaker, 52 percent of the voters chose to limit the number of terms he can serve. Now, don't you think a proposal supported by a majority of Americans deserves at least a fair hearing?

Even though the Democratic leadership will not allow me to vote on a term limits proposal, I am thankful that Californians gave me the opportunity to do so last November. I was one of 21 million Americans in 14 States who voted for term limit initiatives, and do you know how many States passed those measures? All 14. This brings the total number of States with a term limit provision to 15, which means 42 percent—181—of us are restricted in the number of terms we can serve in Congress.

Limiting congressional tenure was an issue that was raised by the delegates at the Constitutional Convention in 1787. Although the Committee of the Whole rejected the measure, an amendment to limit congressional tenure was in fact introduced. You see, the delegates had the foresight to know that politics would change and that citizen politicians would evolve into career politicians.

Our Founding Fathers were not career politicians. George Washington was a surveyor and Thomas Jefferson an architect, two professions for which these men would rather have been remembered. I am a businessman and want to remain so. I also want to bring back the concept of citizen legislator.

Those who oppose term limits say they would infringe upon the right of the people to determine who serves, and for how long. I say, when 68 percent—according to a New York Times/CBS News 1991 poll—of Americans want limited terms for Members of Congress, it appears the people have already decided. The opposition also says that term limits would increase the number of Congressmen with little to no experience. Well last year, 72 percent of the new Members elected to this body had prior political experience. That's 79 fresh but experienced legislators.

Mr. Speaker, from 1789 to 1992, 152 term limit proposals were introduced in the U.S. Congress and virtually all were killed in committee. This time let's get serious about reform. Term limits will provide a vehicle for citizen politicians to address the real needs and concerns of the American people.

□ 1710

Mr. INHOFE. Mr. Speaker, I really appreciate that, the gentleman from California. I have got to elaborate on that a little bit.

When you say that, how many do you say bills had been introduced for limitation of terms?

Mr. HUFFINGTON. One hundred fifty-two.

Mr. INHOFE. Let me tell you what happened to those bills. I am not speaking because I am more senior than the ones standing here, but I have seen this happen. There is a cute little trick that this body has done since 1931. They will take a bill that everyone at home wants like yours, 68 percent of the people in this country want term limitations, and then those individuals who want to go home and face those people will become coauthors of that bill. Then they will put it into a committee like the Rules Committee with the understanding that the chairman will not bring it up. And the only way to get it out of that drawer up there is during the regular hours that we are in session and to sign a discharge petition. It takes 218 signatures to sign a discharge petition.

I can remember in 1988, when we had H.R. 321, which was a balanced budget amendment to the Constitution. We had 240 coauthors. Yet we could only get 146 signatures. That means there are 100 Members of Congress who wanted their names on the bill but did not want it out to vote.

I happen to have a discharge petition No. 2, which will reform this system. I think it is a corrupt system that has been here for the last 60 years. So I am glad you brought that up.

I would advise you, that is what happens to good legislation that the majority of people in America want. And yet, they wonder, why is it we cannot enact that into law. With these reforms, we will be able to have term limits.

Mr. HUFFINGTON. I signed the discharge petitions No. 2 and No. 3. I hope we can make those names public someday.

Mr. INHOFE. I thank the gentleman from California very much.

I yield to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, it is very difficult to talk about term limitations without talking about other forms of congressional reform. When you talked about having to reform the discharge petition procedure, I agree with you. I think that is absolutely wonderful. Not only did we sign today the discharge petition that sits right over here in this drawer, but there is also a discharge petition for a constitutional amemdment on the balanced budget.

Mr. INHOFE. There are three, as you well know. I am sure you have signed all three of them.

Mr. BUYER. Not until I came to this body did I realize about this discharge petition and the secrecy of the discharge petition. We can go sign this discharge petition, but we cannot disclose who has or has not signed the discharge petition. That process provides cover for Members of this body. They can go back to their districts and they can say to the American people, "I signed the balance budget amendment" or "I signed on to this particular bill, knowing full well that it will never come out of committee".

If they believed in it, if they believed, they could come right over here and sign on to this discharge petition, allowing the will of this body to be served.

Mr. INHOFE. Let me ask you a question. Are you aware of how severe the punishment could be if you disclosed the names to the public?

Mr. BUYER. I would be expelled from the Congress.

Mr. INHOFE When I tell people that in town hall meetings, they are absolutely outraged. And yet, as well informed as you are, you were not aware of that until you came to Congress.

Mr. BUYER. There are a lot of things I was not aware of till I came here. Having never served in politics before, being one of a few who in the modern age can get up out of their chair at home and walk into the Halls of this Congress, you can call me naive, if you like, but I believe that that House floor right here should be the greatest arena of open debate and exchange of ideas in the world. And now that I have been here, I have to stand, as a U.S. Congressman, and say that this is one of the most undemocratic institutions I have ever seen.

We are going to change it. There are a lot of things that can be done in forms of optimism of reforms, not only for term limitations and campaign finance reform, but also changing the way the Rules Committee operates.

Mr. INHOFE. Let me ask you the same question I asked the gentlewoman from Florida. You also are a freshman. This is your first term here. You immediately got on the bandwagon for limited terms.

Mr. BUYER. The entire quest for term limitations, there is a cry out there among the American people. They recognize that well over 96 percent of the Congressmen and Congresswomen all across this Nation get reelected no matter what they do. And when they look at that, they say, "Wait a minute, what is going on? Is there something wrong with the process?"

Then they think, maybe we could have campaign finance reform. That may or may not happen.

They recognize that the Congress does not do well at reforming itself and so when they recognize that Congress is not going to do it, the American people have taken control into their own hands. And that is why you now have 14 to 15 States that, in fact, have enacted term limitations. And that is good. We will do our part. We will try to do what we can here, and it is a complement to the American people that they are doing also their part.

The problem, in closing, is that we have 15 States out there that have enacted term limitations, but like the gentleman here from California, who can now only serve three terms, your State, sir, has now placed itself in jeopardy against other States who have not set term limitations. And when you presently operate under the present seniority system, we have a problem. And until we either change the seniority system or we have the constitutional amendment to set term limitations, we are going to continue to have a problem.

Mr. INHOFE. I appreciate very much the gentleman from Indiana for your contribution to this. And his reference to the gentleman from California [Mr. HUFFINGTON] was interesting, because the gentleman from California [Mr. HUFFINGTON] made a comment as to what this representative system used to be, that there was no necessity for term limitations because those people were out making a living. And I can remember, as recently as a few years ago, when I was first elected to the Oklahoma Legislature, at that time we met every 2 years, just once every 2 years, for no longer than 6 months.

And the thing that stands out in my mind, when I was a very young, impressionable State legislator, is that I would go on January 1, the first week in January, and everyone was so responsible and everybody was sitting around very much concerned about getting things done and getting out. By the time June came along, they would have people blowing smoke at them for so long that they no longer were reflecting the needs of the people at home. You can be around here enough, talking to lobbyists, talking to think tank people, talking to bureaucrats, that you forget what real people back home are.

Mr. BUYER. It is the rotation that the gentleman from California [Mr. HUFFINGTON] also brought up of California and that you are alluding to, the rotation bringing in the new blood and new spirits but also, as the gentlewoman from Florida [Mrs. FOWLER] referred to. When you bring in that new blood, you bring in new ideas.

The Republican freshmen were able to institute reforms through the rotation of committee chairs. What a radical idea to this place. And that is very good, because not only were people upset about how long someone serves here, but they also say, "Look how someone chairs a particular committee forever." So when you have rotation of the committee chairs, you bring in the new blood of leadership.

☐ 1720

This really goes to the heart of how we define Americanism. I believe that is in that spirit of great minds of our initiative and our creativity. That is what will define us as a great society.

When we have that turnover, we bring in the new people and we can better our society.

Mr. INHOFE. Mr. Speaker, before I yield to the gentleman from California [Mr. BAKER] I want to just share one story with the Members that actually happened. I think it illustrates it very well.

We have so many people in Congress who really are wonderful people, they are honest people, they are intelligent people, but they have not had experience in the real world. They have come straight from the fraternity house to Congress.

I always remember what happened to George McGovern when George McGovern had spent his entire career in Congress, and ran for President a couple of times. Finally he went out and decided he was going to fulfill a lifetime dream and start a hotel. I think it was in Connecticut, wasn't it?

Mr. BAKER of California. Will the gentleman yield?

Mr. INHOFE. I yield to the gentleman from California.

Mr. BAKER of California. It was a bed and breakfast.

Mr. INHOFE. Something he had always wanted to do. The first thing that happened was, the EPA came down on him, the IRS came down on him, OSHA came down on him, the regulators came down on him, the health department. Finally he had to throw it into bankruptcy.

His statement, and this is not his exact words, but I will paraphrase it, he said, if I had known how tough it was in the real world, I would have voted differently in the U.S. Senate.

We need to have this rotation that the gentleman speaks of, and get this country back to a representative system.

I am glad to yield to the very eloquent gentleman from California [Mr. BAKER].

Mr. BAKER of California. I thank the gentleman from Oklahoma very much. However, he forgot the liability suit from the person who faked a fall in front of his bed and breakfast.

Mr. Speaker, several polls have shown that more than 70 percent of the American people support term limits. If this is so, then why don't we have them?

Because the Democrats who control Congress are ignoring their constituents and prolonging their careers.

In fact, the leadership of this House would never even let it come up for debate. The House leadership is way out of touch and are doing everything they can to remain in Washington for life.

We need to return this Congress to its rightful owners—the American people.

That is exactly what term limits would do. We would have wider variety of citizens coming to Washington to represent their fellow Americans. We would have lawmakers who actually thought about the effects of their laws on the American people.

The Founders of this country meant for the Representatives to return to private life—not to become a separate ruling class.

A government of the people would ensure that legislation is not made in some ivory tower, but by the people and for the people.

Mr. INHOFE. Mr. Speaker, I appreciate the statement of the gentleman from California.

The fact that we have right now participating in this special order almost all freshmen is a message, because I think the gentleman came here with a message. I do not think there is one person who ran for Congress, of all the 110 freshmen who won, most of whom defeated incumbents, which is a rare thing now, but they did it, promising changes.

I am sure this is one promise that the gentleman made, that he would do all he could do to limit the terms of Congress and to get it to a representative system.

Mr. BAKER of California. Mr. Speaker, I would say to the gentleman from Oklahoma, I did not. I was in the legislature for 12 years, and I did not believe in term limits, because this was a chance for different people to be elected in those districts, but I have never met gerrymandering the way I saw gerrymandering here, and the people that say, just let the folks at home decide, they have the right to keep somebody 100 years if they would like. Well, with the way they draw the lines and the way the computers do it now, and with these minority districts, a person, once getting in those districts, can literally stay for life.

I have changed my mind, reluctantly, because I think now we have to have fresh faces and fresh blood if we are ever going to balance the budget.

Mr. INHOFE. So the gentleman came to this position?

Mr. BAKER of California. I came to this position reluctantly. I only do that because I believe that 12 years is enough. It will equal out with the Senate, which will have two 6-year terms. As Mr. Rudman, who was the Gramm-Rudman budget balancing costar, said as he left, it is impossible to balance the budget because we do not have enough people who want to.

As long as there are those who do not want to, who want to continue living in debt and squander the American people's money, then we are going to go down the rat hole. We have to get some new faces.

I have changed my mind reluctantly. I am here to support the gentleman, and support term limits. I have signed the discharge petition so we can get this issue out on the floor and debate it, and let the American people be heard.

As the gentleman mentioned, 15 States have brought up term limits. In my State of California it passed by two-thirds vote, enough to amend the Constitution and say, let us get some new blood in Congress. Let us make sure we have some people who want to represent the private sector and the people, and get this budget balanced, and get this horrendous debt off our backs.

Mr. INHOFE. Let me ask the gentleman from California one question before we go to the gentleman from Maryland [Mr. BARTLETT].

The gentlewoman from Florida had mentioned that she introduced a bill that was 8 years for the House and 12 years for the Senate. I have seen 6 years and 12 years, and 12 years, and 12 years.

I do not think any of us are married to any particular number of years, at least in my position, as long as the person who is serving in Congress, in the House or the Senate, knows that some day he or she will have to go out and make a living under the laws they pass.

Mr. BAKER of California. That is correct. After the way we have spent money these last 22 years, not balancing the budget, perhaps we should have a 2-year term limit. Let us keep turning the people out until they do it right.

I really believe that this Ross Perot phenomenon that people talk about, the phenomenon of the silent American, is really based on the fact that we are living beyond our means. The American families cannot do it. This debt is burying us. We are adding, each morning that we get up, $1 billion to the national debt. This adds up. As one Member who spoke on the floor the other day said, if we take this at 7-percent interest over 30 years, we can triple the amount of debt, so every time we talk about this new necessary program that we want to add, with a $1 billion increase, we are talking about $3 billion over 30 years, because we do not have the money, we are just putting it on debt.

I really believe the gentleman from Oklahoma [Mr. INHOFE] is right, and I appreciate his leadership in this area.

Mr. INHOFE. Mr. Speaker, it reminds me of a speech made by Ronald Reagan in 1965 called "A Rendezvous With Destiny." In this speech he said, "there is nothing closer to immortality on the face of this Earth than a Government agency, once formed." Now the gentleman has seen that in action.

Mr. BAKER of California. I had to come all the way to Washington to see the gridlock, the deadlock, and the dead hand of Government which refuses to reform it. I will be happy to be part of that reform, and if it has to start with term limits, again, I am reluctant to tie the hands of the people and tell them that their sacred Representative could only serve 12 years, but if that is what it takes to balance this budget, I am for it.

I signed the discharge petition so we could get it out here on the floor and debate it before the American people, so they can see both sides of this issue.

Mr. INHOFE. I thank the gentleman.

We are very honored to have the gentleman from Maryland [Mr. BARTLETT] here, and I yield to him.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would say to the gentleman, it is interesting. Many of those 14 States that voted for term limitations had Representatives that had been here quite a long while. They kept sending them back, but they realized that was not the best thing for this country, so they voted for term limitations, and not to keep sending them back endlessly.

During the campaign, I campaigned very strongly for term limitations. I am one of the relatively few here who has never held a public office before. The vast majority of Americans that were on the ballot in 14 States, and 14 States that carried, they want term limitations.

I would just like for a moment to discuss with the gentleman one of the reasons that those who oppose term limitations use. They say that Government is so complex, that our laws are so complex, that if we do not have legislators who have been here for a long while, if we keep having new legislators because of term limitations, then what we are going to have is a big staff of people, a bureaucracy here, and we do have a lot of bureaucrats here; that the bureaucracy is going to become more important, and that they are then going to run the institution, rather than the elected Representatives.

I would just like to wonder for a moment if Government really has to be so big and so complex and collect so many taxes and enact so many laws that it could possibly be true that for legislators who have been here for 20, 30 years, we need staff members.

I just think that we need to get our country back to what envisioned by our Fore Fathers. Thomas Jefferson said, "The government which governs best is the government which governs least." Abe Lincoln said it in another, very interesting way, that "Government should only do for its people what they cannot do for themselves."

I would ask the gentleman if he thinks that if we got our Government back, our country back to this dream of our Fore Fathers, that we would not need a big bureaucracy, that we could do with a citizen legislator; that we would not need these career bureaucrats and these career politicians?

Mr. INHOFE. I have often driven by the Old Executive Office Building and reminisced about the fact that all of our Government was once run out of that building. Our population was not that much smaller at that time.

Yes, the answer to the gentleman's question is a very emphatic yes.

Mr. BARTLETT of Maryland. Our bureaucracy tends to have two characteristics. One was mentioned by Ronald Reagan, and that is that once established, a bureaucracy tends to have immortality.

There is another characteristic, too, and that is that like a cancer, they just grow forever. I just think that with getting new blood in here, with term limitations, getting new blood in here, that we can turn that around; that we can come back to the kind of a Government envisioned by our Fore Fathers, which was not as pervasive, that was not as invasive, that did not have all of these regulations and laws that are burdensome to our industry and our businesses, and driving jobs overseas.

I just think that new blood with fresh ideas coming in here would help to turn our country around.

Mr. INHOFE. I can remember when the gentleman was kind enough to speak at our House prayer breakfast, and he talked a little bit about his background. I am hoping he can stay for a few minutes. I want to hear from the gentleman from New York, but the gentleman from Maryland has such a unique background that I think maybe we could share that with some of the people around here, some of our colleagues.

☐ 1730

Because you bring a perspective, having had no politics in your background, but you have thought things ought to change. And what else do we hear now around this country by Ross Perot and others who bring that same perspective, and people are interested in that.

So why not hang around for just a minute, I will ask the gentleman from Maryland, and we will get back to you.

We are honored today, of course, to have the chairman of our National Republican Conference Congressional Campaign Committee, the gentleman from New York [Mr. PAXON].

Mr. PAXON. Thank you very much, Mr. INHOFE. I want to commend you and all of those who have participated this afternoon and this evening in your special order. I think it was tremendous of you to take time and prepare this order. I wanted to join with you because I am very convinced that there is a tidal wave sweeping across this country, and frankly, it is a tidal wave that is going to engulf the Disney World of the North here in Washington, DC. It is a tidal wave that is built on the outrage of the American people over the abuses of this Congress and this Government over the problems of our debt and deficit that are not being addressed and have not been addressed in this House, certainly, and most of all the business-as-usual approach that has gone on for so long in Washington.

That tidal wave is being manifested by the single-most significant grassroots movements that has hit this country since the tax revolt of the 1970's and 1980's, and that tidal wave is term limits.

When I came to Congress, much like my friend from California here, Mr. BAKER, who just spoke before me, I did not support term limits. I was convinced that there were less radical ways to accomplish the same goal of real change in Washington, that all we needed to do was sit down, and reasonable people could find reasonable ways to change this place. Unfortunately, after a couple of terms, maybe about 3 years in Washington, I realized that just was not going to happen, that the only way we were going to change this institution, and ultimately bring real change to the Government of the United States, was to enact term limits. So I sponsored those pieces of legislation and believe strongly that a 12-year term limit in the House and the Senate is the right way to go.

My feeling has been reinforced by the folks from my district who have attended countless town meetings. I have held about 40 so far this year, attended by about 2,000 or 3,000 of my constituents, and there is almost universal support at my town meetings for the notion of term limits, that people feel that they want that level of control that they know that the special interests and the perquisites of power will keep maintaining the Congress and the incumbents year after year, decade after decade. And only by limiting the amount of that time that Members can spend will we see real change and real reform in the House of Representatives and in the U.S. Senate.

Of course, as some have mentioned, the statistics are certainly on our side. During the 1980's, the turnover in the House per election cycle averaged just 13 percent. Yet, in the 1790's, in the beginning of our Nation, turnover averaged some 37 percent. And while we were very pleased to experience a large turnover this last election in 1992, I think that was an aberration, frankly. I think as we look down the road into the end of this century and into the 21st century, unless we have term limits we will not see that type of turnover in the years to come. And we are going to need to make certain that the people have the chance to have turnover in their House of Representatives and give them real opportunity.

So again I want to commend the gentleman from Oklahoma [Mr. INHOFE] and my colleagues like Mr. BARTLETT of Maryland, Mr. MCKEON who is here, and Mr. BAKER and others who have been here before for standing up and speaking out on behalf of term limits. I believe in them so strongly, I would say to the gentleman from Oklahoma, that when I was elected to the leadership, to serve as the chairman of the National Republican Congressional Committee, I voluntarily said, and I think I am the first leader of either party to do it, that I would only serve 4 years, that it was a time to have new leadership in our party as well as in the Congress as a whole, and that when people take on a job like chairing the Congressional Campaign Committee that it takes some new energy, and some new ability, some new cycles, and that I was going to after 4 years turn the reins over. And I think that stands as an example, that is more than just words and rhetoric, that it is action speaks louder than words. I hope in my time in Congress, and I do believe in my time in Congress that we will see term limits enacted. Frankly, I think it's in the next few years. The tidal wave is growing and growing and growing, and it is up to us to make certain that this Congress falls in line with the real feelings of the people of this country.

Mr. INHOFE. I thank the gentleman from New York. I would have to observe that I was thinking while you were talking about one of the arguments you hear against term limits is that the staffers would end up running Congress. But you know nothing could be further from the truth, because the first thing you do when you come is you bring your own people, and new ideas, and that is the whole idea of rotation, as the gentleman from Indiana [Mr. BUYER] was talking about.

Mr. PAXON. I would just point out, for example, on my own staff, we brought most of my staffers from the district down here, and it gives people from the community a chance to come down and help us bring real change to Congress. And frankly, a lot of them have decided that after they get some experience, and they understand the ways of Washington, they want to go back to western New York and get back to the community. They wanted to help bring about some change, but they do not want to stay here and spend a lifetime here.

All too many Members of this Congress want to stay and spend a lifetime. And I do not believe for a moment that the staff will run this place. Like you, I believe that real change will occur, and of course I think if we have our way on the Republican side of the aisle, we will make sure that there are changes, because we want to reduce the amount of staff, and that is one of the basic tenets of House Republicans, to bring down the staffing level in this place, and bring about some quality management reforms here in Congress, reforms just like are instituted in the workplace.

Mr. INHOFE. That is right. And I had the honor last September of participating in a prime time ABC 1-hour talk show with Senator ALAN SIMPSON, and Senator HANK BROWN and one other person debating this same subject. Someone on the other side of the issue said well, you cannot limit terms because it takes someone in Congress 6 or 8 years just to learn the ropes. And I said that is my point. Once they learn the ropes they then become a part of the problem. And that is how you get cute little things like discharge petitions where you cannot publicize the names of the signatures.

Mr. PAXON. I want to mention that it is amazing that we have many candidates coming to Washington interested in running for Congress, and sometimes they say gee, I am a little concerned. Is it going to take me 2, 3, 6 years to understand the process. And I say to them that I think it will take you about 2 to 4 months to understand the process, and then after that you will know what has to be done, and you can fully participate. But there seems to be a misnomer out there. A lot of people are afraid to run for Congress because they do not want to give up their families, they do not want to give up their businesses and their community participation and come to Washington and spend many, many years. And I think it is a misnomer, because many are very effective in the first months and in the first years that they are in this body. We have to break that misunderstanding down and make certain people know that they can walk in this place and make a difference, and term limits will help make certain that happens.

Mr. INHOFE. When I get new interns in my office I give them a little indoctrination speech, sometimes, as to my narrow view. And I say that there are three kinds of Members, there are those who are on the extreme right side, which is where most of us are, and then there are those on the extreme left, and then the mushy middle. And the goal of the mushy middle is to die in Washington, DC. So whatever they think they can do to stay here the longest, they will do, and they are really not tied to a strong political philosophy that emanates from their district back home.

Mr. PAXON. Again, I want to commend the gentleman for taking this time, and I certainly commend our colleagues who have taken time to be here and participate tonight.

Mr. INHOFE. I thank the gentleman from New York.

About a year and a half ago, in fact 2 years ago right now, I was flying an airplane around the world, and we came back and we did a 2-hour special order. And I did it with the gentleman from California [Mr. DORNAN]. And I always thought how can you talk for 2 hours about anything, but I found out if you have DORNAN as a partner, that is not a problem at all.

I would like to yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, what a pleasure to be back on the House floor with this distinguished body, this Parliament of ours. What I wanted to add, because I am getting kind of senior around here, is I never planned to spend more than 6 years here. I took note when I got here that President Kennedy had only been here 6 years, that President Nixon had only been 4 years and then he was off to the Senate for less than 2 years before he was chosen Vice President.

Sometimes if you want a career you ought to put your life in the hands of fate and see what God has in store for you. And I do not plan on homesteading, nesting in any one place. Then I came to realize that President Johnson, LBJ, everybody thought he was around here forever and in the Senate. And he was precisely 12 years here, 12 years in the U.S. Senate, and he was off to be Vice President.

So when I got here as a freshman out of our bicentennial 1976 election, I got here without having given a thought to term limits, except that I probably would not stay very long. And when I got here and began to observe, and I will say this slowly so people know that I mean it literally, that the Civil War, or out of deference to my pals south of the Mason-Dixon line, the war between the States was still affecting this body. When I got here our party did not exist in the South. We had outstanding individual stars like our longtime colleague here who went to glory in the Senate, TRENT LOTT of Mississippi.

□ 1740

But that term "yellowdog Democrat" still had a lot of power. They actually had two parties in the South: the southern Democrats, the larger party; and then a small group of minority Congressmen—I don't mean ethnically, I mean liberal Democrat in the South was a rare breed. We just saw one disappear here in Georgia here in the U.S. Senate in a special election. They were from big cities, like Atlanta.

Then I looked around, I looked at the committee chairmen, and I thought, "Wait a minute, there is no second party of force in the South," Nixon's southern strategy had collapsed because of Watergate—I said, "How are we going to break the seniority system?" A lot of these distinguished southern gentlemen had defended our national security on the Armed Services Committees, so there is nothing personal—I said, "We have got to get, not young blood here, although that is important, but as the gentleman referred to the gentleman in the well who has a couple of months on me in seniority—new blood, that is what one of the gentlemen said, new blood.

Not trying to crank young people of the Woodstock generation; it is people who live life that we are trying to encourage, as President Kennedy said, to get senior people in experience into the Peace Corps. It was not cut out to be just college kids. As a result, Jimmy Carter's mother, long before he was President or Senator, was in the Peace Corps. So I looked at these people and said, "We have to have term limits."

Dan Quayle and I got together, and we put in a bill in 1977 and again every 2 years and in 6 years—not my decision, but being gerrymandered in the 1980 census, I was gone in 1982. So I cranked in my bill without even knowing that it would apply to me personally, the fact that you could come back with all loss of seniority if people in your district or in an adjoining district said, "We want you to go back in 2, 4, 6 years"—I do not care whether they make it a 4-year break or not—"but go back later in your life after you have had one or two more careers, that is fine." Then you have a former Member who could be selected veep, run for President, Vice President, dog catcher, assembly, State senate, you cannot be treated like a felon, that you could never come back. Let me take up something historical here, and then I will turn it back to the young membership here. Here is a book that sits in our little minority leadership office in the corner over there. I suggest every new Member take a shot at going in there and taking a look at this. It is an abbreviated compendium of statistical data on our budget. It is put out in January 1993. So, although it is put out under Clinton administration folks, and these were still the same people that were doing it for President Bush or President Reagan. It simply says "Budget Baselines, Historical Data, Alternatives for the Future." Now, I refer to a senior Member of this House, a fine gentleman——

Mr. INHOFE. Before the gentleman proceeds, I would like to ask the gentleman a question. The gentleman came up with a good idea, and I think even though it is not germane, I have to announce this: That is that he discovered and initiated and started the grandfathers caucus. Since I am one of those blessed last April, getting two grandchildren, it is great. I say that because in a way it does relate to this. I have noticed that people who have children, or grandchildren, are much more concerned about the future of this country and are much less likely to vote these huge deficits that your grandchildren and my grandchildren are going to have to pay for.

I think that is consistent with our theme here tonight.

Mr. DORNAN. Well, national CBS "Evening News" here got religion recently a few months ago when Dan Rather then, and now Dan Rather and Connie Chung, started running these revolving, like a one-armed bandit in Las Vegas, the Government debt figures, trillions and trillions, $4.4 trillion, then they will stop and say, "And each man, woman, and child in the United States, their personal debt is $16,747," which was the last time I saw it a month ago. It is over $17,000 now.

But let me close by pointing out that JAMIE WHITTEN, our distinguished colleague from Mississippi, former chairman of the Committee on Appropriations, came here in a special election right before Pearl Harbor. We have discussed this many times. He is still with us. So that is 52 years. He is here. He could have come back maybe seven times and still have some good sabbaticals in between those terms to pick up several Ph.D.'s when he came here—and these are in constant current dollars, fiscal year 1987—we took in $6.5 billion in receipts, and because of Bundles for Britain and other things, we outlayed $9.5 billion, and we had a deficit of less than $3 billion. That was the entire Federal budget when he got here. He has watched this thing through what Senator Dirksen used to call, "A billion here, a billion there, and pretty soon that is real money," then come into the trillions.

We simply have to start rolling this place over for new blood.

I recommend everybody take a look at this book.

Mr. INHOFE. I feel compelled to make an observation. When the gentleman talks about those large figures, he talks about people who have been here for a long time, people who are not out earning a living in the system that we have, this overregulated system, they honestly believe in their own hearts that Government can run things better than the private sector. You know, it is really interesting when we look around the world today and see what is happening with Lech Walesa, Vaclav Havel, and Carlos Salinas, all over they are using us as the example of less government and greater empowerment of the people. What are we doing at the same time? We are turning into what they have discarded as a failed system.

I would like at this time to yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. I appreciate that. While you all were talking, it reminded me of a lot of things. When we talk about new people and new blood, it brought back a lot of memories because a little over a year ago I was happily engaged in my business with my brothers at home, a good family, good surroundings, really enjoying life. Much like many others who decided to come here, I was upset with the things that were happening in Washington and made the run for Congress in a new district in California.

One of the things, after winning, I came back here to meet our new colleagues, and one of the things I was really concerned about was would I be involved with a bunch of political hacks. We had a meeting of the new freshman class, and men like ROSCOE BARTLETT, TIM HUTCHINSON, and others, I was really impressed with the caliber of people. We sat around in a room down the street in a hotel, and we talked about what it was that motivated us, that had driven us to do this. ROSCOE was 66 years old, first time in public office. He was the oldest of 48 new Republican freshmen. RICHARD POMBO from California, 31 years old, the youngest. We have a wide variety, a wide range of people. We have three women in our class; TILLIE FOWLER from Florida, who had been on the city council; DEBORAH PRYCE from Ohio, who had been a judge; JENNIFER DUNN from Washington, clear across the country, had served as a State committee chairperson. There was a wide variety, wide interests in life, wide degree of backgrounds. I had never served in a legislature. I had been on a school board and then city council, but all of those different people came with one thing in common, and that was reform with an idea to come here and make a change. One of those changes that was most important to us was term limits.

Now, I have met people who have been here a long time, and I have a lot of respect for them. One of the problems with term limits is we would lose some of those people. But there are a lot more people out there who would do well if they had the chance to come here. I think if we go back to what our forebearers had in mind when they founded this country and we all came here at a sacrifice to our lives back home, and served a period of time, and do our best, I think we can be effective and accomplish things.

I think you send capable people here—the idea that your staff would run it, well, if that is the kind of people you send here, you are making a mistake. I think you send people here who are capable of running a staff, running an office. This is much like setting up a business. A person with a good business background knows what to do and can come here and make a change.

□ 1750

Then I think after living here and working and passing some laws, then we should go back and live under those laws that we passed and give somebody else an opportunity, because they will have a different idea. They will look at things a little bit differently.

I see some of these people who have been here a number of years. I do not question their integrity, their ability, their desire. It is just that they look at things a little bit differently.

We who are new have come fresh out of sitting around and talking to our neighbors. We have a different view of life of where the country should be than people who have been here in the Beltway for a long time.

In my campaign, I talked about the disease that happens to you as you cross that bridge out there and come across the Beltway. You lose common sense that seems to be out there in life.

I appreciate the opportunity of being associated with the gentleman from Oklahoma [Mr. INHOFE], for the work that he is doing in this area. I have talked about the gentleman from Oklahoma back in my district. I told them that the gentleman from Oklahoma is a hero here, that he is a champion, and of the work that he is doing to overcome hypocrisy with his discharge petition effort.

I think this is a tremendous thing, and I want to thank the gentleman for yielding to me.

Mr. INHOFE. Let me ask the gentleman from California [Mr. MCKEON] a question.

First of all, we are so fortunate to have the gentleman serving here, someone with the gentleman's business background, someone who has done so well in the private sector and knows how tough it is to meet a payroll. We need a lot more of that in government and we would have a lot less government harassment and government control of our lives, so we are certainly the beneficiaries of the gentleman's service here.

Let me ask the gentleman a question, though. With the gentleman's broad background, was the gentleman aware before he came to Congress of the problems of the rules that regulate a discharge petition. Did the gentleman know anything about that before he came here?

Mr. MCKEON. I did not know anything about the Congress when I came here. It has been a great education.

But I think as the gentleman from New York [Mr. PAXON] mentioned before, in 3 or 4 months you can learn. You can learn a lot. I have learned about the discharge petition. I did not know how the Rules Committee ran things. I did not know how the committee process worked, but I have learned that, and I have only been here 6 months.

Mr. INHOFE. Was the gentleman aware that they would bundle up 25 or 30 totally unrelated things and put them in the same bill so that if you vote for one, you vote for all of them. You cannot pull them out with a closed rule. Was the gentleman aware of that?

Mr. MCKEON. That one I knew a little bit about, because I was a strong proponent of the line-item veto. I think you need to be able to look at things one item at a time.

Mr. INHOFE. We could do a lot of reforming with people like the gentleman from California participating in the system.

Mr. MCKEON. Mr. Chairman, I thank the gentleman very much.

Mr. INHOFE. Mr. Speaker, I yield to the gentleman from my neighboring State of Arkansas. I feel an affinity toward him. One of my daughters teaches at the University of Arkansas, and they, are in the gentleman's district, so the gentleman is her Congressman.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me.

I felt to come over and say a word when I saw the special order on term limitations. I want to commend the gentleman for organizing this special order.

I want to say a little bit about the Arkansas experience on term limitations. We just passed this 6-year term limit in the most recent election. I had some background in that in 8 years in the Arkansas Legislature serving under then-Governor Bill Clinton, who is now our President.

I think the term limitation movement is an indication of the great resentment and cynicism people feel toward their government.

I like what my good friend and neighbor, the gentleman from southwest Missouri [Mr. HANCOCK] said when one of his constituents came up and said that Congress ought to be limited to two terms, one in Congress and one in prison. I think that is certainly an extreme position, but it is indicative of the way so many people feel about this institution and the cause behind this swell for term limitations.

In 1985, my first term in the Arkansas Legislature, I introduced a term limitation bill that would have applied to the executive offices in Arkansas. We do not even limit our Governor to a 4-year term. We have no limitations to how long a Governor can serve. It never got out of committee.

In 1991, there were a whole group of us that introduced a term limitation amendment that would have applied to all the State legislature, as well as our constitutional offices. Once again it never was able to get out of committee.

The same kind of institutional resistance that we are seeing in this Congress has been seen in State legislatures all over the country.

I told the State agencies committee in the Arkansas Legislature that if they refused to submit to the people a constitutional amendment limiting our terms, then sure enough the people of Arkansas would go out on a petition drive and they would put it on the ballot themselves. That is what they did, and they put one far more restrictive than that which we introduced in the Arkansas Legislature.

It is truly a movement of the people.

Mr. INHOFE. It is not just confined, you can look at the executive branch, there was a time in this country when we did not have term limits for the President of the United States, and those same arguments were used against it. Remember, FDR was there all the way through the war, and yet it has turned out now everyone has agreed this is a much better system.

Mr. HUTCHINSON. Absolutely, and I am sure this has been addressed. One of the arguments against term limitations is that you are going to have the bureaucracy running the Government.

I attended a Southern Conference of State Legislators a few years ago that had a special seminar on term limits. I think I was the only advocate in the whole room, but the panel asked the question, "How many of you here oppose term limitations?"

Virtually every hand went up. Over 50 percent of the people in that room were from the bureaucratic part of government. They were from State agencies. It is not the bureaucrats who want to see term limitations as if it were going to benefit them. They like things the way they are.

Mr. INHOFE. And so do the lobbyists.

Mr. HUTCHINSON. It is very comfortable, and it is that comfort level that is one of the big problems in the U.S. Congress and in government in general, and term limitations will not only bring in new blood, it will bring in new ideas. We need some of that discomfort.

Mr. INHOFE. There is something I wanted to visit with you about in Arkansas, but first, I am afraid we might be running short of time here. I want to hear from someone who is not a freshman, but who is in his second term, the gentleman from California [Mr. DOOLITTLE], and I yield to the gentleman.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate that the gentleman is sponsoring this special order on term limits. I think it is an issue that a lot of people in this country are very, very interested in.

Like other speakers before, I have not always supported term limits, although years ago in our State senate I did actually introduce a constitutional amendment to bring those about, and finally a few years later in the 1990 that did come about.

Coming to the House I think has reinforced my earlier belief that while term limits are not a panacea and are not necessarily going to be the complete cure to our problems, I think they are a part of the solution.

I guess the thing is, time and time again I am just reminded watching the proceedings in the House, and what I am about to say is a generalization. I do not mean to upset any of our Members here, but the generalization I see is that generally speaking the greater activity with good ideas and so forth is coming from the newer Members in the House.

Now, the irony of all this is that that is the complete antithesis of the way the seniority system works, so that by the time someone gets to be a ranking member or a chairman, they have been so co-opted into the system, more often than not, and there are notable exceptions; but more often than not, they are so worn down they become acculturated, shall we say, to membership in the club that they are not able to operate with the same efficacy and enthusiasm that they originally would have had when coming here.

I think it is interesting to note that the events in the last several years seem to be driven more by the newer Members.

Now, obviously, term limits is not going to replace completely the seniority system, but it is going to promote more of a turnover as Members reach the end of their terms in this proposal, 12 years, and then move on to something else and create those opportunities for people to move ahead.

I do not know as a practical matter how you would make your newly elected Members, say the chairman or the ranking members; yes, it is true they do not have the experience of having been in the legislative body and the familiarity necessarily with the way the process works completely or the issues and the way they have been addressed, but they do have something that I think is very valuable to this country. They have an understanding of the pulse, the heartbeat of America.

What we are most hurting from today is that we seem to be an institution that is unwilling, some would say incapable, I do not believe incapable, but unwilling to respond to the needs of the American people.

We have just elected a President, elected with a campaign theme that was very popular, but he appears to be unwilling now to implement it.

So the frustration levels of Americans across this country are rising dramatically.

I think these term limits are necessary. They are a part of the solution. If we do not have other changes, we are not going to see the improvement that we need, but they are part of the mix.

I think it is clear that most Americans want to give them a try. We sure see that everyplace they appear on a State ballot. I think we have at least 14 States, maybe more now, that have enacted some version of term limits for themselves.

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And when it gets to the House of Representatives, I think, in order to make this work properly, so that some States that do not have it are trying to maximize their advantages under the seniority system, I think this needs to apply throughout the whole country.

Mr. INHOFE. The gentleman used a word, and I wanted to make sure that it did not slip by us, and that is "club."

As my colleagues know, the people at home refer to the Good Ol' Boys Club, the ones who have been here for a long time, the ones who do not want change, the ones who can participate in things like signing on as a coauthor of a bill and not signing the discharge petition, using all these things, these little tricks that we have around here, to not really vote the wishes of the people who sent them here in the first place, and the Good Ol' Boys Club has been referred to in my townhall meetings. They talk about that, and I think it is a refreshing change when you get people here who really want to limit the terms, to open it up, to rotate and have new blood coming in so that we would kill or close the club permanently.

Mr. DOOLITTLE. Well, the gentleman mentioned tricks, and the gentleman knows the tricks are used so commonly around here. I think many of our colleagues actually believe them, like, for example, this discussion on how many billions of dollars we are going to save in, as my colleagues know, reducing the deficit.

Mr. INHOFE. What they call spending cuts which are not spending cuts at all.

Mr. DOOLITTLE. That is exactly right. I mean there are no spending cuts except perhaps in defense, and then, of course, the money is being transferred for massive new social programs.

Mr. INHOFE. We were supposed to have on the agenda and never got around to it his National Service Corps Program, just as an example. Here we are talking about this program that they passed over in the Senate, the largest single tax-and-spend increase in the history of America. It passed by one vote. That means each Senator who voted for it is responsible for it, and then they come dancing in here with such things as health care reform, which is not even covered. They do not even know what kind of funding levels they are going to be looking at or what the sources of funding are going to be. The National Service Program by their own figures, they talk about, the President talks about, $7.4 billion over a 4-year period with no indication about where that money is going to come from.

Mr. DOOLITTLE. Well, if I told my son I had to cut his allowance for whatever reason, he would understand that he would be getting less the next month than he got this month, but in Washington, if we use the term "cut" in the way they use it, he could anticipate a 7-, 8-, 9-, 10-, 11-percent increase. That would be a cut in their parlance.

Mr. Speaker, the people read the newspapers, they hear all this rhetoric that is incorporated about the deficit and how many hundreds of billions we are going to be saving with our new 5-year plan, and the reality is they are spending billions more. I think in the next 5 years under President Clinton's plan we are going to add $1.7 trillion, I believe, to the cumulative national debt. I hardly think that is a cut.

Mr. INHOFE. I think the Speaker of this House made the statement the other day that at the end of that period of time the increase in spending would be 45 percent. That is not a cut. That is an increase of 45 percent.

As the gentleman said, the only thing that is cut is our defense. We are going to be down below where we were in 1980 when we could not get spare parts for our military vehicles.

Mr. DOOLITTLE. And if the gentleman would continue to yield, and I am just about done, only inside the beltway in Washington do we deceive ourselves. I do not think we deceive ourselves, the gentlemen speaking here, but these people here in Congress deceive themselves about thinking they are getting away with this because the people out beyond the beltway are seeing past these tricks finally. They are done with it. They do not believe their Representatives anymore.

That is a sad commentary. They just do not believe them, and why should they, because for the most part they are not believable. They have lost their credibility, and that is why we see the tremendous level of cynicism, and indeed I might say anger, that is continuing to rise out there as people are just saying, "Enough is enough."

Well, maybe what we need is part of the mix then; in fact, not maybe. We do need, I believe, the term limits that the gentleman has called a special order to discuss. We are just going to have to have some turnover and hope that we can help move the cause of real change and reform along by changing some of the people here.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] and yield right now to another gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Oklahoma [Mr. INHOFE], for yielding to me, and I would like to engage in a colloquy with my friend from Rockland by asking him specifically about this allowance situation with his son.

So, if you give your son $5 a week, and the next year he asks you for $7 a week, and you give him only $6 a week, based on the mentality here in Washington, Mr. Speaker, that would be considered a cut in the allowance.

Am I correct in understanding it?

Mr. DOOLITTLE. That is a very good analogy. That would be a cut.

Mr. DREIER. I do not have a 14-year-old son. I do not have one at all. But I think I figured it out, and I thank the gentleman from Oklahoma [Mr. INHOFE] for having yielded to me.

Mr. INHOFE. One last statement, Mr. Speaker.

I think the way we started off, we talked about this country being in a lot better position and a lot better shape if the Members of Congress around this country knew that someday they would have to go out and make a living under the laws that they had passed.

## THE 1993 FULL EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. BLACKWELL] is recognized for 60 minutes.

Mr. BLACKWELL. Mr. Speaker, one of the leading citizens of Philadelphia, a scholar, a writer and an extraordinary thinker, is Mr. Samuel L. Evans. Mr. Evans has written and published a document that he refers to as, "The Second Phase of Democracy, An American Manifesto."

This profound and visionary work by Mr. Evans is a summary and revision of a book by the same name which he published in 1976, and it offers a thought provoking approach to resolving the economic problems of this Nation, particularly as they relate to unemployment.

It is my intent today to share with our colleagues in the Congress and the American people some of the pearls of wisdom contained within the pages of Mr. Evans' work. In addition, I intend to describe legislation that I will introduce which is, in part, an adaptation of some of the Samuel Evans proposals.

While the book was written nearly two decades ago, its focus on the economy and emphasis on job creation is amazingly timely. Some 9 million Americans are out of work. Another 6 million are underemployed, working at jobs which are either part-time or do not pay them what they are worth.

These are not just numbers. These are people. These are fathers forced to stand in unemployment lines, broken and bent because they have no health insurance. These are mothers, who must face the fear of high infant mortality rates in this nation of plenty. These are whole families, hungry and homeless, standing in the soup lines, sleeping on the grates and in the subway stations of America. These are the victims of 12 years of policies which saw much of the wealth of this country shifted from most of the people to a few of the people.

Mr. Speaker, despite the bleak employment picture we face, it is interesting to note how labor is utilized.

An article which appeared in the Philadelphia Inquirer on March 18, 1993, is quite revealing. The article, titled, "As Jobless Wait, U.S. Factories Choose Overtime Instead," was written by a reporter with the Associated Press. The article begins by stating that, "Nearly nine million Americans can't find work. But many of those who still have jobs are putting in the most overtime since the government started keeping records in the 1950's. 'Factory workers are averaging 4.2 hours of overtime a week', the Bureau of Labor Statistics says. That means that more than one-tenth of all work done in the Nation's factories is being performed on overtime." Those are amazing facts and figures. The reporter, Mike Feinsilber, further noted, "'If we could go back to the amount of overtime worked in 1982, we would create 3 million new jobs without increasing the federal deficit', said John Zalusky, an economist at the AFL–CIO." He also said, "Many workers were putting in extra hours for extra pay against their wishes." In essence, while the unemployment rate has remained stagnant for more than two years, those who have jobs are doing work which could be done by others. Worse yet, apparently many are unwillingly doing work that could be done by others.

### UNEMPLOYMENT IN PHILADELPHIA

In the city I represent, Philadelphia, PA, the ravages of unemployment are deeply felt. In 1992, the unemployment rate, which like most other jurisdictions has also been stagnant, increased by almost 1 percentage point to 7.3 percent. Philadelphia last year had a 14.6-percent rise in the number of unemployed—from 156,500 to 179,400, compared to the State of Pennsylvania's increase in unemployment of 10 percent.

According to the Pennsylvania Business Survey, published by Penn State University's College of Business Administration, 7,900 building-related jobs were lost last year in Philadelphia. There are fewer construction jobs now than there have been over the last decade. Industrial power sales, which can be used to measure factory production, fell 2.8 percent last year. Jobs in industrial machinery and electronic equipment in Philadelphia declined by 4,500. Another 13,500 jobs in service producing establishments in Philadelphia were eliminated in 1992, leaving the lowest level of such jobs in the past 5 years. Job losses in Philadelphia had the second sharpest decline of nonfarm jobs among the 15 metropolitan areas in Pennsylvania.

In sum, Mr. Speaker, the people of Philadelphia have little tolerance for those who argue that we should do nothing about the economy, that we should let economic matters take care of themselves. Those who make that argument have jobs. They don't have to be concerned with whether they will be able to make the next mortgage payment or the next rental payment. They are certain about their next meal. They have health care coverage. Those who argue that we should do nothing are among the few who benefited from the shift in wealth over the past 12 years.

The fact of the matter is that while the economy has experienced some growth, job growth has been totally inadequate. Indeed, job growth has been lacking altogether. And, if job growth is poor now, think of what we can expect if the growth in the economy does not continue. The Washington Post reported today that, last month, new home sales, the leading index of economic indicators, took its largest fall in 13 years. If times are better, I would hate to see bad times for America's workers. The unemployment rate for many States is far above the national average, and we expect more massive layoffs in 1993 like those we experienced in 1992. Indeed, more than 200,000 layoffs have already been announced by some of America's corporate giants this year, and more are expected. And, once again, the unemployment rate was unchanged during the month of May.

### UNEMPLOYMENT IN AMERICA

On the national level, the unemployment and job loss picture is as bleak as that of Philadelphia. While unemployment dipped to 6.9 percent in May, over the past 2 years, unemployment has stayed around 7 percent, almost 2 percentage points higher than it was in 1990 when the recession began. Most of the new jobs have been part-time jobs only. More and more business firms are moving toward hiring temporary employees, seeking to avoid the burden of paying for benefits.

Since the beginning of the recession, we have recovered fewer than half of the jobs we lost. Long-term unemployment is a serious problem. One out of every five unemployed workers have been out of work for 6 months or more. Nearly half a billion construction jobs have been lost nationally since 1990. And, nearly 400,000 manufacturing jobs have been lost. The parade of layoffs in the first quarter this year have been devastating, with firms like Sears, Boeing, IBM, and McDouglas announcing thousands of job cuts. And, more firms have indicated similar plans. Reductions in defense spending and base closures add to the problem. While Philadelphia has largely been spared by proposed base closures, California, Virginia, and other States face massive job losses. The airline industry has been rocked by losses, and many of those airlines that have not gone under either have implemented plans or are considering significant cost-cutting measures, which typically means job cuts.

### AN ECONOMIC RECOVERY PLAN AND NO RECOVERY

On February 17, 1993, President Clinton outlined his proposal for a comprehensive economic recovery program before a joint session of Congress. The President's plan had as a central feature putting people back to work at livable wages. The goal of the plan was to provide a higher standard of living for all Americans.

Under the plan, 8 million new jobs were supposed to be created. Incomes for working Americans were supposed to increase.

As part of the President's plan, there was an immediate stimulus program to spark the economy and bring some relief to the nine million unemployed Americans. The President wanted $30 billion for the stimulus program, however, the House, on March 19, 1993, passed the stimulus package by voting $16.3 billion as an emergency supplemental bill, H.R. 1335. But, the Senate, on April 21, 1993, killed the package, with a fiercely partisan Republican filibuster, finally deleting all of the funds except the $4 billion needed to pay for extension of unemployment insurance benefits. While the tax portions of the President's recovery plan remain in one form or another in versions passed by the House and Senate, the temporary, incremental investment tax credit is not included in the fiscal year 1994 budget reconciliation bill, H.R. 2264. Thus, the jobs expected from a vigorous increase in business development, as a result of the incremental investment tax credit can no longer be counted on. Different versions of a reconciliation bill have now passed the House and the Senate, and a conference will take place some time after the July 4th recess. Like the plan offered by Mr. Samuel L. Evans, the President's plan was built in large part around the need for job development and creation. The President pledged that no working parent will be forced to watch his or her family live in poverty, stand in soup lines and sleep on park benches. If a person has a job, the President said, there will be no reason to be hungry nor homeless. And, Congress has met the President's goal of deficit reduction by legislating some one-half trillion in spending cuts over the next 5 years. With deficit reduction, we are told that we can expect a drop in interest rates, a rise in consumer confidence and renewed economic activity. We are told that businesses will be able to afford loans to expand, working Americans will be able to afford to buy homes again, consumers will be able to afford cars and students will be able to afford college.

Yet, despite all of the good features of the President's Plan, despite the hope that it has generated, and despite it emphasis on jobs, the fact is that the plan, with all of its parts in place, still assumed continued unemployment in the range of six percent. Millions of Americans will remain out of work, without income, without health care, unable to afford decent shelter and without hope.

### THE SAMUEL L. EVANS PLAN

The fundamental assumption of the Samuel L. Evans plan, under "The Second Phase of Democracy," is that all who want to work and can work, will work.

Mr. Speaker, so that I do not risk misquoting or misstating the essence of the Evans plan, I will insert into the RECORD his recently published "American Manifesto" in full. This 26-page document, as I have indicated, serves as the inspiration for the full employment legislation I plan to introduce.

## THE SECOND PHASE OF DEMOCRACY—AN AMERICAN MANIFESTO

(By Samuel L. Evans)

Democracy manifesto.—The Greatest ever devised for the governing of people.—

The Second phase of democracy and democracy is one and the same.—

Thus, the goal and objective of the second phase is to bring the American democracy to the frontier of technocracy.—

The second phase, without dismantling any parts of its constitutional structure.—

For the main objective of the manifesto is to purify, remove false erosions and to retool the basic structure to meet the needs of an automated technological society.

### INTRODUCTION

Many forces affect the job outlook for American workers, ranging from changing life styles to international competition. But, one stands out above all: Automation and technological change, heralded by the accelerating impact of the computer in all of its manifestations.

All occupations in the world of work are affected, of course, but the impact is heaviest on the wage and salary workers closely associated with the production process, whether it be in the goods producing or service producing sectors of the economy.

What is in store for us, then, in the years ahead?

That picture has been drawn for us in all its detail by the U.S. Department of Labor's Bureau of Labor Statistics. Government estimates for the job outlook in almost 500 specific occupations make the impact of changing technology very clear right across the board: agriculture, fuel and power, transportation, communications, manufacturing, construction/demolition, finance and services.

Economists in search of answers to this contagious virus, that decreases demands for goods and services, agree that building and repairing the nations' infrastructure, bridges, highways, dams, affordable homes, is a band-aid solution which simply delays a major depression.

A clear cut example is represented by the almost five-million blue collar workers, again at all skill levels, ranging from the precision skilled electronic equipment assembler to the machine tool cutting operator to the hand grinder and polisher, all of whom work with metals and plastic to produce many, if not most, of the industrial goods in our society. Of the 41 specific occupations involved, more than half are projected to decline in employment and just about all the rest will show relatively weak growth, well below the national average, in every case, the major force at work is the impact of technological change.

A major point to make in this connection is that a significant amount of unemployment already has occurred in many of these fields and these projections are scheduled to take place on top of these developments. A good case in point is the communications industry where every one of the nine occupations listed by the Bureau of Labor Statistics in telephone, telegraph and related work is projected to experience major downturns in employment to the year 2005 ranging as high as a 60 percent cut. These very occupations already have and are experiencing significant "downsizing" as rewired installations, satellites, fiber optics, etc., etc., have diminished job opportunities.

The basic reason for this Manifesto is to establish new signposts and a code of ethics in the workplace and a new pattern of life among the people. Because of the need for continuous mass education and apprenticeships for present and future generations, it is essential that the Manifesto be written, spoken and explained on the level of the thinking and understanding of a child.

Simplicity is the guiding symbol of this Manifesto, free from intellectual charade and void of pretense. Unrecognizable because of its smallness and limitation in documentation and yet so powerful a Manifesto that it will equalize the American economy, create unity and understanding in the workplace, community, schools, homes and serve as an ideological pattern for other nations, to replicate; thereby replacing political gimmicks of foreign aide, such as the Marshall Plan and others, to win friends.

The Manifesto, at its simplest, is to make two jobs out of one job thereby doubling the number of job slots and provide a job for every person able and willing to work.

To achieve this, Congress shall enact laws prohibiting an employee from working over 3½ hours out of every 24 hours or not more than 17½ hours out of each week.

Hidden in the crevice of this Manifesto, like the nucleus of the atom, is the explosive requirement of paying the worker for 7 hours for 3½ hours work. This payment shall be known as technocracy dividends.

The Manifesto seeks to purify and maintain all that is required in a true democracy. It identifies and recommends plans for dismantling all activities contrary to: The Declaration of Independence, Constitutional Laws and The Bill of Rights.

Beyond its goals and objectives in the workplace, the Manifesto touches the sensitive nerves of The Peer Review Systems of Scientists and Research Scholars: Sports and Athletics (amateur and professional); Mathematics, Science, Creative and Performing Arts, with increased emphasis on the Sacred Arts—with the hope that, by our being and living, all shall feel safe in our presence—Domestic and Foreign.

### THE PROBLEM

The most persistent problem confronting democratic institutions is the fulfillment of human rights. Unemployment, welfare, poverty and a low level of human existence are deadly enemies to a democratic form of government. Poor people, hungry people, uneducated people and angry people, are the major suppliers of fuel that germinates foreign ideologies contrary to our constitutional form of government.

No one can deny that despite the military and ideology competition between the great powers to win the minds of the world's inhabitants, the Cold War and intrigue, nevertheless left a legacy of freedom from colonialism—in 1961, sixty-four nations were under colonial rule. In 1993, only eighteen were under colonial rule. Therefore, in 32 years, 46 nations were freed and of the 18 nations remaining, 10 are under the United Kingdom, 4 under the United States, and one each under France, New Zealand, Spain and Portugal. All of this was realized even at times of threats of Nuclear War on the Planet.

For over 200 years, the United States of America, under each Administration, has struggled in many ways to alleviate the problems of unemployment, poverty and the fulfillment of its Constitutional promises to its people. Beyond the enactment of laws for the achievement of human rights and justice for all people, the federal government's expenditure of funds, with a false concept of eliminating poverty, hunger and illiteracy has reached a terminal stage—10 million people unemployed, public education has reached a crisis—school dropouts over 42%—Drugs, crime and destructive behavior patterns of young Americans are the answer to the Nation's failure to pursue a quality education and equal opportunity in making democracy a reality.

It is inconceivable that mankind, despite considerable knowledge, scientific know-how and skills, does not understand the basic significance of the underlying global factors that threaten the democratic process of government, foreign and domestic.

In the year of 1993, we offer to the President of the United States, the Congress and the People of the World, a simple plan, a mechanism, to rid the nation of unemployment, welfare, poverty, ignorance and divisiveness among its people. We call on the United States of America to move to the front line of leadership in promoting the implementation of the concept of this Manifesto to the people of the World who are living under many flags.

If the democratic nations of the world are to survive, the United States must double its efforts by orderly transfer of funds used for foreign aid and from other sources to aid and encourage people and nations to propagate and participate in the implementation of this Manifesto.

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### THE AMERICAN ECONOMY/FACT AND FIGURES

(The following information was derived from the United States Department of Commerce, Labor Force Statistics Division; United States Department of Health and Human Services, Social Security Administration; Bureau of Public Debt; and The Free Library of Philadelphia.)

As of July 30, 1992, the United States had a total indebtedness of $4 trillion.

The population of the United States totals 248,709,873.

Divide the population into the total indebtedness.

The result is what each American—adult and child—would be responsible for paying. $16,083.

The total amount of people employed in 1991 in nonagricultural jobs was: 108,310,000.

The total number employed in 1991 in agricultural jobs was 3,233,000.

The unemployment rate in 1991 totaled 8,426,000.

However, it has been estimated that the 1992 unemployment was 10,000,000.

In 1959, the total number of employed farmers and agricultural workers was 5,490,000.

The total number of farmers employed as of the first quarter of 1992 was 2,630,000.

Therefore, the total number of jobs farmers and agricultural workers lost from 1959 to 1992 is 2,860,000.

Where did these jobs go?

You guessed it! The machines.

As of 1991, the average American's pay was approximately: $20,000 per year.

If 10,000,000 people are unemployed at an average annual salary of $20,000 then 10,000,000 $20,000 would equal a withdrawal from the consumer market of $200,000,000,000.

### UNITED STATES SOCIAL WELFARE ECONOMY

The total amount of money spent in 1991 on social welfare programs:

Public assistance: $22,900,000,000.

Unemployment compensation—10.2 million people: $25,148,000,000.

Social welfare benefits—41 million people: $268,000,000,000.

Grand total: $316,048,000,000.

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### UNITED STATES SOCIAL WELFARE ECONOMY

For the past two decades, the American economy has been slipping deeper into a recession leading towards a depression; suffering from over-production and under consumption: the basic causes for the Great Depression of 1929. Therefore, any decrease in the social welfare funds will add to the withdrawal from the consumer market and increase recession.

Further, when one speaks of jobs, turning America around, and taking Americans off relief rolls, one needs only to look at the above documented evidence and find that the stability of America's present economy is based on social welfare. If the total social entitlement were to be withdrawn or if all the recipients on social welfare would strike today and refuse to accept the money, a panic would occur on Wall Street and in the stock markets around the world.

Many candidates running for public office place great emphasis on jobs-jobs-jobs for every American. However, the above figures regarding the number of farmers and agricultural workers indicate a reduction of 2,860,000 jobs. This means The Industrialized Machine Age has taken over the jobs, leaving the farmers and agricultural workers destitute and, in some cases, homeless. The profits from these machines are lining the pockets of the vastly growing number of millionaires and billionaires who have harnessed the nation's wealth. This group represents less than seven percent of the American population.

Surely, this is a violation of all laws of economics: the social science concerned chiefly with description and analysis of production, distribution and consumption of goods and services. An acceptable economy means the management of household or private affairs, especially expenses; a thrifty and efficient use of material resources. To achieve a successful goal, no better yardstick has been designed in millions of years on planet Earth to measure the equal distribution of life-preserving needs in a time of scarcity than "rations". An equal share to each is determined by the number involved and supply available.

At this juncture, let me say that the machine and its technological mechanism is "God's gift to humanity and living things". Today, there is no workplace in America for human slaves. The machine has lifted the burden off the oxen, mules, horses and human beings.

Nevertheless, we find the oxen on the table of the masters with large segments of humans in bread lines, on unemployment, in poverty, homeless and uneducated. This is attributable to the attitude that advanced technology, and the gains received, are considered to be the private property of the wealthy and powerful instead of benefits to be equally shared by all those who helped make advanced technology possible through their tax money; support of the education of scientists and scholars; financial aid to schools, colleges and universities; and maintenance of the American educational system in general.

In fact, all financial gain from advanced technology should be more equally distributed to each American as a dividend. Every machine invented to replace the service of human brains should be recognized as a slave, releasing humans for their continued education in advanced mathematics and science. This could totally eliminate and remove, as much as possible, the burden of human labor in the workplace.

Indeed, the educated opinion of many frontier economists polled indicates a belief that the American economy today can be equated with Herbert Hoover's 1928 campaign slogan, "A chicken in every pot; a car in every garage." Hoover's election failed to prime the economic pump. Thus, the country went into a depression with the numbers of the unemployed reaching 13½ million people.

When you look and study the social entitlement figures in this document, you will observe the lesson to be learned by everyone in this country. Americans who believe in justice, human rights and equality should make greater demands for their share of profit from the machines which are now and will be the major job holders.

Therefore, the greatest battle working Americans will be called on to win is the acquisition of equal gain from the machine. That victory can be used to usher in a new day and a new employees' society to be known as the Second Phase of Democracy.

Too often in the past, those who could have helped, stood by as uninterested observers of actions that crated divisiveness among the races; they tolerated scarcity. Instead, they could have helped develop and support programs that could elevate the economic and educational standards of the total society.

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### SIMPLE ECONOMICS/JOB RATIONS—TECHNOCRACY DIVIDEND

Since humans first appeared on Planet Earth millions of years ago wearing animal skins and making grunting sounds, no formula has been devised to take the place of rationing in times of scarcity—whether a shortage of water or food in time of famine. We have noted elsewhere in this document that across the board the major force at work in unemployment is the impact of technological change.

Indeed, it is internationally accepted that the basic tools of the economy are supply and demand, goods and services, then in simple terms, there can be no demands with an empty pocket:

Producers need consumers.

Consumers need producers.

The longevity and success of each depends on the other.

We live in an expanding universe . . . to keep pace with the great leaps of automation, "The Second Phase of Democracy—An American Manifesto" sets new guidelines and rules for the quality of life in the workplace now and for the future.

### STEP 1.—RATION THE JOBS

The President of the United States shall work with Congress to establish laws prohibiting any person from working more than 3½ hours out of every 24 hours.

This means job slots will be doubled by requiring two workers to fill the job formerly held by one; thereby creating a job for every American able and willing to work.

### STEP 2.—3½ HOURS WORK FOR 7 HOURS PAY

Congress shall include the following within the Act: The establishment of a Commission for administering the Act which will be known as the United States Employment and Dividend Commission.

The enforcement of the concept of 3½ hours will double the need for transportation, employees, facilities, fuel and power.

Congress shall include in the Act the requirement that the Commission shall pay an additional 3½ hours' pay to all employed workers. This amount would be equivalent to the salary being received from the employer. The additional pay to the employees shall be known as the The Employees Technocracy Dividend.

This means employees receive 7 hours pay for 3½ hours work. This should provide them with the time to achieve an education of high school level or higher. Note: Technocracy Dividends would be paid to employees through employers unless Congress or the Commission decides otherwise.

### STEP 3.—SOURCE OF FUNDS

The funds for Technocracy Dividend payments to employees shall come from the following:

The total funds from social welfare entitlement, with the exception of social security, shall be transferred to the U.S. Employment and Dividend Commission. The social welfare system shall be gradually phased out and dismantled as the number of people receiving gainful employment increases.

The Commission shall formulate plans to tax any and all machinery based on their production capacity and the number of employees replaced. This would accumulate the amount of funds needed from year to year to subsidize the Act.

### STEP 4.—CONTINUED EMPLOYMENT AND EDUCATION

The Commission shall call a conference together with national, state and city officials and educators who represent public, parochial and private schools, together with businesses, colleges and universities. The purpose of the conference would be to establish plans for continuing education and apprenticeships for all workers.

This means setting up plans for continuing apprenticeships within the broad spectrum of business. All workers within the Dividend Plan will be required to complete a high school education or higher with the goal of providing the nation with a totally literate society within three decades. The emphasis would be on advancing greater knowledge in mathematics and the sciences.

The Manifesto requires an ongoing apprenticeship of hands-on learning, thereby resulting in a total dismantling of the welfare system through the orderly transfer—through education and training—to gainful employment within 3-5 years.

This means educational institutions shall benefit financially from vast expansion:

Enrollment of paying students.

Increased need for additional teachers and instructors.

Advancement of the building trade through construction of additional classroom facilities.

### STEP 5.—ORGANIZED LABOR AND EMPLOYEE/EMPLOYER RIGHTS

It is to be noted that it is not the intention of this Manifesto to address every minute question that may arrive about employers and employees. Absenteeism and tardiness would be handled according to the labor and management agreement. For it must be understood that the reduction of the hours in the workday does not change the procedures and agreements established between labor and management with the exception of those written in the Manifesto.

In establishing the Act, Congress shall mandate that nothing in the Plan shall prohibit the legal and Constitutional rights of organized labor or employers to carry out their duties and responsibilities now and in the future.

This means Union membership will be doubled and increased benefits will be received through technocracy dividends.

The enactment of laws and guidelines shall be established to form a lasting partnership in the workplace between organized labor and the employer. For they are the Pillars upon which the economic, social, educational standards and the equality of life must rest.

Congress shall enact laws limiting vacation, sick leave and holidays to one half of that previously received by employees. There should be no reduction in pensions, social security, health and/or death benefits, if any.

The need for law enforcement personnel, firefighters and employees in all parts of government, with the exception of executives, could also be doubled. As mass education becomes available, the vacant slots would be filled.

### STEP 6.—DRUGS AND CRIME

Since the drug crisis is closely connected to the stability of the country, the workplace, supply and demand, it is essential that it be listed in this Manifesto for immediate action.

The President of the United States, with the cooperation of Congress shall declare war on the planting, growing, processing and trafficking of drugs in the western hemisphere. They shall declare those illegal actions as attacks on the United States government and its people.

The President of the United States shall call a conference of all nations within the western hemisphere and outline the determination of the United States to protect the health and safety of its people from the trafficking of drugs into the United States. Drugs are a greater harm to Americans than any of the previous wars in which the United States has been engaged. Therefore it is equally important to declare war on the drug peddlers who invade our country.

Further, the distribution of so-called "clean" needles to drug addicts is equal to giving them a gun to shoot themselves. The Act also calls for the establishment of institutional space and professional care for the cure of all afflicted drug users. The chance to live again is the cry of every addict. Indeed, a strong and firm Act is essential for the protection of the workplace, employees, communities and the nation.

### STEP 7.—HEALTH CARE AND PREVENTIVE MEASURES

The advancement of nuclear weapons as an instrument of war has sent former scientists back to the blackboard to devise new instruments to equalize weapons of destruction. Therefore, today, germ warfare represents an equal threat to life on planet earth. The United States of America has not as yet formulated an acceptable plan to protect the American citizen from infectious diseases. If the United States was rated on a scale from zero to ten for prevention against the spread of infectious diseases, the United States would be rated zero among the other industrialized nations.

All of this raises grave questions because they involve the employee and the workplace. Consequently, they are not separate entities. For the health and security of the people represents the totality of the problem: the economy, unemployment, supply and demand.

Therein the signposts have been established, the problem identified and conclusions made that a preventive health plan is paramount within an acceptable medical care proposal to assure security of life and full health care from the cradle to the grave.

Therefore, the President shall establish a National Commission for the purpose of devising a National Health Plan available to and within the reach of every American.

Institute a mass frontier research for the prevention and cure of AIDS and other infectious diseases;

Since the spreading of infectious germs can be used by foreign enemies as a weapon of war, it is important that the United States establish methods of control to prevent catastrophic deaths resulting from contagious diseases: Isolation, annual health checkups, citizen health identification cards—all should be the subject of discussion and possible use.

This document is intended for the creation of an American nationwide movement by individuals and groups whose desire is to dedicate themselves to contributing their time and efforts to bringing the employees technological rights to the frontier of shorter hours and double pay in the workplace. Then, the extra hours would be used for continued education.

### EMPLOYEE BENEFITS

First, the Manifesto reduces and limits the working hours of an Employee to 3½ hours out of every 24 hours. The employee gets paid for 7 hours.

Second, the Employee has 20½ hours out of every 24 hours to participate in other activities, economic and educational advancement.

1. The Manifesto encourages a return to school to obtain professional or higher education; requiring at least a high school diploma.

2. The Manifesto encourages and permits self-employment under the plan; limits only to family participation.

3. The Manifesto encourages advanced teaching and participation in the performing and creative arts, painting sculpture, theater, ballet and music.

4. The Manifesto encourages participation in sports and athletics.

The main point to be emphasized here is that the Manifesto for the first time gives to employees time to learn and participate in across the board activities to enable them to equally climb the economic ladder and meet the requirements of a technological society.

It must again be stated clearly that employee participation in business ventures is limited only to family participation. This will play a major role in building wholesome family units and, at the same time, contribute to the expansion of the American Free Enterprise System.

### EMPLOYER BENEFITS

First, the Manifesto reduces the average work day from 8 hours to 7 hours which means that the employer will pay for 1 less hour per day for the same amount of work.

For example:

1 hour per day.

108,000,000 job slots.

Average rate of $15.00 per hour.

108,000,000 $15.00 = $1,620,000,000.

5 days per week = $8,100,000,000.

Per Month = $32,400,000,000.

Per Year = $388,800,000,000.

Total Amount Saved by Employers in one Year.

Second, it is estimated that employees working 8 hours per day would use: 30 minutes of non-productive time going to restrooms, smoking, coffee breaks, etc.

Per day: 108,000,000 $7.50 = $810,000,000.

Per week = $4,050,000,000.

Per month = $16,200,000,000.

Per year = $194,400,000,000.

Total amount saved by employers in one year of reduced and nonproductive hours: $583,200,000,000.

Employers will have two persons working 7 hours instead of one, which should result in greater consistency and production.

Recent research reflects that an employee working seven to eight hours per day will use 30 minutes in non-productive activities such as coffee breaks, restrooms, smoking, etc. It is estimated that non-productive costs could be reduced by 70%.

Employers will also benefit by disbanding all fringe benefits with the exception of Health benefits, sick leave and Vacation for one employee will be reduced.

Prohibiting an employee from working over three and one-half hours out of every twenty-four hour period doubles the economy in travel, parking, fuel and power and general service.

It will take five to seven years to retrain, through apprenticeships and education, to fully implement the Manifesto Plan. However, there is a large segment of City, State and Government workers that can be implemented in one to three years in such positions as: Sanitation Workers, Police Officers, Firemen, Transportation Workers, etc.

### BENEFITS TO AMERICA—SUPPLY AND DEMAND/ SIMPLE ECONOMICS

The Manifesto requirement for two employees working 3½ hours per day each, in the same position but different times, would stimulate the economy by doubling the transportation and all other related areas.

The Manifesto brings together employers, organized labor, consumers, news and communication agencies under one umbrella where they serve as Pillars upon which the goals and objectives of the Manifesto must rest.

The Manifesto will abolish unemployment and provide gainful employment (a job) for all persons willing and able to work while largely increasing the income tax paying citizens.

The Manifesto goals and objectives will greatly eliminate poor people, hungry people, uneducated people and angry people.

The Manifesto gives to America an ideology that could be passed on to the nations of the world . . . a democratic way of life that could be won through the demonstration of our American pattern of being and living . . . through the spreading of democracy rather than the barrel of a gun.

The Manifesto would provide an opportunity for widening the circle for a greater participation of individuals and groups of Americans—as owners in business and commerce—the nuts and bolts of our free enterprise system.

The Manifesto propels America to the forefront as a world leader in making democracy a reality through the equal distribution of the goods, services and rewards made impossible through automation and industrial advancements.

### SPORTS AND ATHLETICS/PLAYERS AND MANAGEMENT—THE UNSETTLED QUESTIONS/AMATEUR OR PROFESSIONAL

For many decades the AAU (Amateur Athletic Union of the United States) has laid down guidelines which separate and define:

A professional as one who performs for the love of the sport without compensation.

An amateur is one who performs for the love of the sport without compensation.

In the pure and idealistic definition of the term, an amateur is one who engages in sports merely for the enjoyment received from them and never capitalizes on athletic skills to any degree whatsoever. A professional is defined as one who makes a business for compensation of something that others do for pleasure.

### AMATEUR SPORTS

In recent years, producers of college and university football and basketball athletics have created a vast commercial enterprise which brings in billions of dollars annually, yet still enforces the amateur rule against the player/performers.

These young people, sent by their parents for an education, immediately find themselves engaged in sports. This prevents them from achieving a first class education and at the same time they receive no compensation or financial gain for the performance of their talent in athletics.

Enforcement of such rules as the use of a person's time, labor and talent without compensation and under veiled threats of being dismissed from college for failing grades, raises legal questions as to a violation of the 13th Amendment prohibiting involuntary servitude.

Therefore, colleges and universities are producers whose promotion, through the sale of tickets, the hiring, at exorbitant cost, of professional coaches and managers, has all the trappings of a commercial business enterprise. With athletes as performers denied financial compensation and steered largely away from the academic direction for which educational institutions were founded and students enrolled—this constitutes false pretenses.

Yet educational institutions continue to prescribe rigid academic standards while at the same time pulling students out of classes to pursue commercial institutional athletic activities.

Indeed, it is an accepted fact that the various organizations established to govern amateur athletics are operating under rules, regulations and definitions that began thousands of years ago and today are just as outdated as chariots, beasts of burden, yoke of oxen or the horse and buggy at 3 miles an hour.

To attempt to apply and enforce an amateur rule on a free citizen while others are receiving compensation and benefits for their services is like garbing slavery in illusionary academic robes of pomp and splendor.

In the Purification of Democracy under this Manifesto, all charades shall be identified, exposed and dismantled, so that many may be enlightened by the mighty Woman with the Torch. Then the nation shall be strong. It must be, for together we stand.

Therefore, under this Manifesto, Congress shall enact laws requiring that colleges and universities who sell tickets to the general public and advertisements to the media industries, must declare as professionals the athletes who perform in league competition.

Such college and university athletes shall have the right to negotiate financial contracts on the same basis as other professionals.

Further, colleges and universities shall be obligated to carry out their educational responsibilities; thereby giving athletes equal access to all areas and fields of academia targeted for graduation by including academic tutors and instructors as an integral and essential part of the athletic team, either at home or away. The curriculum will be worked out by the colleges and universities.

### PROFESSIONAL SPORTS

To prevent a monopoly of ownership in professional organized league sports such as football, baseball, basketball, etc., Congress shall enact laws requiring all organized sports to become stock-holding companies; thereby prohibiting any individual, family or related interest from owning more than 49 percent of a team. The remainder of the stock would be publicly owned.

Today, in many instances, the major sports constitute a monopoly and violate the Civil Rights statutes of equal opportunity for employment in positions such as managers, coaches, policy making and other front office positions. Selection of players should remain by proven ability only and the needs of the team. Making the Major Big League sport teams largely stock companies open to the general public would indeed create great interest in the sports and remove the conflict which now exists between team owners, players and special interest groups.

A major goal of this Manifesto is to Purify Democracy in its Second Phase by instituting and laying a principle foundation for safety and happiness.

For as we retool for the Second Phase of Democracy, each American will be better served in meeting their needs by dismantling the concepts of getting ahead of others and instituting a partnership for getting ahead with others.

Armed with such a concept, the ideology of the Manifesto could be passed on and shared by the nations of the world, as to what we mean by democracy by our being and living.

### THE FREEDOM OF SCIENTIFIC INQUIRY VS. THE PEER REVIEW SYSTEM

It is a fact that the work of some of our greatest scientists and researchers has been limited by the Peer Review System and those who control funding. For years, it has been not what the scientist or researcher wanted to study. It has normally been what the people controlling the purse strings want to finance for study.

This Manifesto will bring Democracy to the Frontier within its various categories, leading towards purification. Therefore, it is hereby requested that Congress shall enact laws to make it a federal crime for a person or persons to withhold scientific knowledge and discoveries for personal gain that pertain to human development and security or to hinder through conspiracy, either verbal or written, unless such persons present facts to the contrary.

Under the Act, scientists shall have the right, if employed by another, to share equally in their findings, if such finding or discovery is distributed to individuals or the general public at a financial cost and gain.

Also, it shall be illegal and a federal crime to withhold or prevent any substance, subject or instrument, from commercial development or gain which is proven to be helpful or an advance beneficial to society.

Under the Act, it shall be a crime to continue expenditure of taxpayers funds for social, scientific, educational, economic, research and otherwise, or projects with long past records of long term failures and no accepted evaluation of success and no evidence or yardstick to prove that the project will work.

Finally, unless funds, knowledge and economic opportunities are equally distributed on all areas and levels, our democratic form of government will become a cesspool of the have and have nots. A Two Class Society—The Knowledgeable and the Unknowledgeable—The Rich and the Poor.

Indeed, all of this gives factual data and reason for dismantling the erosions of our democratic process and moving into The Second Phase of Democracy.

Because in The Second Phase of Democracy, to successfully implement the Goals and Objectives of the Manifesto, the governments backed by mass population must lean heavily on the Frontier Scholars of Science and Mathematics to maintain the continuous scientific research discoveries and inventions. To achieve this, the Scientist must be free to pursue the quest of the unknown without hindrance, fear or reprisals.

### MATHEMATICS, SCIENCE, CREATIVE AND PERFORMING ARTS—THE PATHWAY TO DISCOVERY

Since the goals and objectives of this Manifesto are based largely on: Technocracy, the Machines and the Workplace, thereby elevating humans to a greater search for knowledge, it is essential that a larger segment of the population be engaged in the advancement of: Mathematics, Science, Creative and Performing Arts. For each represents the Pathway to Creativity, Inventions and Discovery.

America, in its First Phase of Democracy, evolved as a Super Power built on an escalating spiral of creating and maintaining the worlds greatest Army and Stockpile of nuclear weapons of war equal to destroying life on Planet Earth.

This Manifesto, The Second Phase of Democracy will unleash a Renaissance of the Arts and Humanities which will bring America to the forefront of world leadership through the arts rather than the barrel of a gun.

To achieve this end, it is hereby requested that Congress shall enact laws requiring that 25% of all City, State and Federal funds for education shall be earmarked for the advancement of mathematics, Sciences, Creative and Performing Arts. Included within the Act shall be laws mandating that all City, State and Federal Buildings be required to use funds for the installation of arts within such buildings and their surroundings. This will also include colleges, universities and any such buildings using taxpayers money.

Further, that the teaching of mathematics, sciences, creative and performing arts shall become integrated and recognized as a separate profession. The standards for the teaching profession shall be upgraded and salaries greatly increased to encourage excellence.

The Act shall require establishment of a Multidisciplinary Commission for the purpose of implementation, supervision and enforcement of the Arts in every segment of American society; cities, states, homes and communities. All of this can become a reality in The Second Phase of Democracy, An American Manifesto.

Indeed, if America is ever to become a world center and leader in the creative and performing arts, we will need to create and establish a haven where great artists the world over may seek to live, study and be free to fulfill their creative desires and financial needs. Religious leaders of all faiths should be interested in establishing in America a World Center for Creating the Sacred Arts. For Sacred Art has always had something of the highest to say to the living and to the deathbed of humankind.

### EMPLOYERS, EMPLOYEES, CONSUMERS, COMMUNICATORS—THE PILLARS OF ECONOMY/SUPPLY AND DEMAND

To maintain and equalize the rewards from production and distribution and to realize a successful Supply and Demand Economy, the following groups must serve collectively as the Pillars upon which the goals and objectives of the Manifesto must rest:

Employers.
Organized Labor/Employees.
Consumers.
Journalists/News Media with all Constitutional Freedoms.

In order to maintain confidence and trust between each of the components and the general public and to avoid destructive attitudes, under the Act each will be required to establish a basic Code of Ethics. For the highest ideals of any profession are contained in its Code of Ethics. In the Medical and Legal professions, ethics are so highly developed and so clearly outlined that violations may cause a physician or lawyer to lose his/her practice.

Although journalism has come a long way toward developing high standards, as a whole, the profession has not yet developed the means for enforcing these standards or taking any action against members of the profession who violate them. Under this Act, journalists, employers, organized labor and consumers shall be required to create standards comparable to the Hippocratic Oath. However, nothing in this Act shall abridge the Freedom of the Press, the Rights of Organized Labor, the Employer and Employee or Consumer.

We cannot repeat too often that Advanced Technocracy and its Mechanisms are God's Gift to Humanity and the Beasts of Burden and only through the partnership of the above component Pillars—Employers, Organized Labor/Employees, Consumers, News Media—can the multitude of benefits be realized. For the failure to implement the Manifesto, the machines will surely become a Frankenstein. For a consumer with an empty pocket cannot create a demand.

America is a humanological Garden, a Noah's Ark—and we must demonstrate to the world that our Constitutional way of life is the greatest instrument ever devised for the governing of a Nation, its People and Living Things.

### TO DISSOLVE THE ECONOMIC CRISIS GOVERNMENT INSTITUTED

In putting this Manifesto to bed, I am indeed relieved to know that finding a substitute for it to equalize Supply and Demand is difficult, if not impossible.

We know now that, from the fright of unemployment and depression, many employers and employees will be driven back to the drawing board to seek what they think are the answers . . . they will toy with such words as "Job Sharing", "Reduction in Hours". But all will fail for the lack of the congressional laws required by The Manifesto, The Second Phase of Democracy.

A major point to make in this connection is that a significant amount of unemployment—10 million across the board—makes it a government responsibility.

Mr. Speaker, as you will note from his work, Mr. Evans seeks to stretch our minds to new dimensions. To some, his ideas may not be palatable. To others they may seem extreme or even dangerous. To those who have reaped the benefits of 12 years of wealth shifting, they will appear intolerable. It is my hope that, like any other ideas, we will take them, digest them, dissect them, discuss and debate them, sort them out in the marketplace of ideas and make use of those that help the human condition. It is the ability to say what one believes that makes America great.

### THE BLACKWELL FULL EMPLOYMENT ACT

Soon, I will introduce the 1993 Full Employment Act. This act will have several provisions. First, the act will set as a goal for all Americans full employment by the year 1997. That provision will build on the Humphrey—Hawkins Full Employment Act of 1978, and pushes the institutions of America toward job creation. In order to accomplish this, as a practical matter, the act will provide for an emergency jobs program, not unlike the emergency jobs program Congress passed in 1983.

Second, the act will prohibit any one individual from working more than a certain number of hours during any 5-day work week. It is my view that the dysfunctional family, marked by division, divorce, drugs, and teen violence, is caused, in great measure, by parents who are forced to work and have little time to devote to themselves and their children. This provision will promote the family.

Third, the act will increase the minimum wage to an amount which will ensure that every working parent is above the poverty level. Regular and automatic adjustments will be provided for so that the minimum wage keeps pace with cost and price increases.

Fourth, the act will provide certain investment and tax incentives to those business firms that hire new employees, add new jobs, provide ongoing education and training to their employees, provide child care arrangements, undertake research, and establish certain types of health care plans for their employees.

Fifth, the act will encourage those who are currently on entitlement programs to seek employment, by providing for a higher income and making reasonable and affordable child care available.

### THE NEED AND IMPORTANCE OF AN EMERGENCY JOBS PROGRAM

Federally created jobs are worthwhile. Not only do they ease the unemployment situation, but they also provide workers with marketable skills. Some experts believe that providing employment tax credits for employers is better than providing public service jobs because workers get jobs that offer them more readily transferable skills. They also argue that no new Government programs need to be created and, thus, no new administrative entities would be needed.

In the postwar period, Congress created, in 1962, the first effort to create publicly funded jobs as a way to combat rising unemployment. The Public Works Acceleration Act of 1962 targeted areas that had experienced substantial unemployment for at least 9 of the preceding 12 months. In 1971, Congress passed the Public Employment Program [PEP], which was authorized by the Emergency Employment Act of 1971. That program expended $2.5 billion for antirecessionary public service employment. The Emergency Jobs and Unemployment Assistance Act of 1974 amended the Comprehensive Employment and Training Act [CETA], adding about $15 billion over a 7-year period. This program created many jobs in a short period of time. Subsequently, Congress enacted the Local Public Works Capital Development and Investment Act of 1976 and the Public Works Employment Act of 1977. The Economic Development Administration allocated funds to States from a $6 billion appropriation, based upon their unemployment levels and rates.

The most recent Federal job creation measure, however, was the Emergency Jobs Appropriations Act of 1983. That act provided roughly $9 billion to 77 programs, administered by 18 Federal departments and agencies. In sum, we have had considerable experience with federally funded job creation programs. Some of the programs have met their goals, others have not. I believe the experience we have, however, provides a solid foundation upon which we can build and create an effective emergency jobs program.

We have also had some experience with a tax credit, aimed at promoting private sector job growth. In 1977, Congress enacted the new job tax credit, a subsidy program intended to increase employment among all workers. Firms were given credits against income tax liabilities for job growth above a specified threshold. Again, this experience provides a solid foundation upon which we can build in creating a tax credit program that works for all concerned.

### THE FEDERAL RESERVE SYSTEM—THE NEED FOR REFORM

In addition to the Full Employment Act that I plan to introduce, I am also exploring the possibility of introducing legislation to reform our central bank, the Federal Reserve System. No program to boost our economy and create jobs can be effective without the cooperation and support of the Federal Reserve System. Lower interest rates are critical to higher employment, higher production, and sustained economic growth. Indeed, President Clinton has made clear that a continued policy of low interest rates is essential to his plan for economic recovery, much of which has been embraced by the Congress.

The Federal Reserve System, operating through statutory authority as well as tradition, has evolved into the most powerful of the financial agencies of the United States. Consequently, its policies and actions have a significant impact on financial matters throughout the world. This unmatched power is due, in part, to the fact that the Federal Reserve System is probably the most independent of all central banks. Because of this independence, the economic health of all Americans and of most citizens in the world community is affected by the monetary policy of the Federal Reserve System. Other national policies in the United States, such as taxation, military spending, foreign spending, domestic spending, and others, are subject to the authority and control of Congress and to our system of checks and balances.

On the other hand, the Federal Reserve System, composed of a seven-member Board of Governors, Federal Open Market Committee made up of the Board of Governors and five Reserve bank presidents, and Federal Reserve banks from 12 districts, is not accountable to anyone. Indeed, it has grown to the point that it is self-funding and operates with autonomy within the Government. It earns approximately $20 billion on its portfolio, holding almost 9 percent of the Federal debt outstanding. The budget of the Federal Reserve System does not require congressional approval, and, in fact, it contributes approximately $17 billion to the U.S. Treasury on an annual basis. Not even the General Accounting Office, which can only conduct a nominal audit of the Federal Reserve System, has the authority to investigate how, when, where and by whom the public money controlled by the Federal Reserve System is used.

Perhaps most inconsistent with the manner in which our Government functions is the secrecy under which monetary policy decisions are made. Five of the voting members and seven of the nonvoting members of the Federal Open Market Committee represent the commercial bankers who own the Reserve banks. Reserve bank presidents are not subject to Senate confirmation. When interest rates are high, it is understandable that the public suspects that the Federal Reserve System is operating in the interest of those institutions represented by its members—financial institutions and banking organizations.

Under article I, section 8 of the U.S. Constitution, Congress has the power to "coin money and regulate the value thereof." It would seem, therefore, that Congress has the constitutional authority and responsibility to ensure that some control is exercised over the Federal Reserve System. A number of approaches have been suggested to achieve that control. Among the suggestions are: allowing the General Accounting Office to conduct full audits, placing the Secretary of the Treasury on the Federal Open Market Committee, forcing the Federal Open Market Committee to publicly release its policy change decisions immediately, and requiring regular meetings with the public.

These and other proposals will be considered in the final draft of legislation that I expect to propose on this subject.

### THE NEED FOR FREE TRADE LEGISLATION

One of the sources of continuing concern is the trade imbalance under which the United States and particularly its workers must suffer. Jobs continue to be lost to cheaper labor markets abroad. Capital flight is adding to the destruction of a large part of America's industries and institutions. This problem is perhaps best reflected in our relationship with Japan.

The United States trade deficit with Japan at the end of 1992 was an estimated $48 billion, up by more than $4½ billion from the 1991 figure. The trade deficit in motor vehicles and parts represents two-thirds of this deficit, nearly $30.1 billion. During 1991, Japanese auto exports totaled 1.3 million units, or about 16 percent of the United States market. In 1991, Japanese imports accounted for 61 percent of the total sales of imported cars sold in the United States. At the same time, United States car sales in Japan represent less than 1 percent of the Japanese automotive market. In fact, Japan exports approximately 60 times more cars to the United States than this country exports to Japan. It is no wonder then that in 1992, General Motors announced plans to cut 76,000 jobs, close 6 assembly plants and 15 parts plants.

It is for these reasons that I intend to introduce free trade legislation. We need trade agreements with teeth in them. We cannot seriously discuss expanded employment in America while allowing jobs and money to escape our borders through a weak trade program.

### THE NEED FOR TAX EXEMPT BOND REFORM LEGISLATION

There is another area of concern which may require a legislative initiative. As we implement the remainder of President Clinton's economic recovery program, those who are targeted for tax fairness, persons with income of $100,000 or more, will seek ways to avoid their new tax liability. Just today, the Associated Press reported that, according to the Internal Revenue Service, 779 couples and individuals who earned more than $200,000 in 1990, paid no Federal income tax. Those taxpayers earned a total of $340 million. While tax avoidance is entirely legal, if these wealthy persons are allowed to use loopholes in the law to avoid the taxes contemplated by the economic recovery program, the revenue projections will not be reached and the recovery program will not work.

One such loophole that is expected to gain widespread popularity and use among the wealthy is the tax-exempt municipal bond. With this widespread popularity and use, we can expect considerable growth in the volume of tax-exempt bonds. I expect soon to introduce legislation to insure that tax-exempt bonds are truly used for the public purposes for which they are intended, legislation that will include targeting restrictions to insure that tax exempt bond financing is appropriately used.

This is another area where there is considerable experience in the Congress from prior legislative initiatives. I intend to build upon that experience in crafting any legislation that I may ultimately introduce.

### CONCLUSION

Mr. Speaker, this Nation faces many problems—rising homelessness, deteriorating and unaffordable health care systems, vicious violence in our schools and in our neighborhoods, educational crises, shameful infant death rates, staggering unemployment, and more. Yet, we also face much promise—a new party is in power for the first time in 12 years, a new President with a genuine desire to do good, a Congress which seems dedicated to the end of gridlock and a swing in the mood of the country away from fear and toward hope. There is a sense that things can only get better.

A writer once noted that, "Even after a fire, something remains, a blade of grass, an idea." American has been burning under callous and uncaring leadership. Despite the devastation that has been caused, something remains. The remains may not be much—a blade of grass, an idea—nonetheless, it is enough to rebuild America. America can house the homeless, if we want. America can care for the sick, if we want. America can stem the violence, educate our young people, save our babies, and put people to work, if we want. That is the challenge for America. That is our agenda for the nineties. That is the goal of Samuel L. Evans. That is my goal, and I invite our colleagues to join with me in this endeavor.

Mr. Speaker, Congress has a responsibility to lead. Leaders must lead. That is why we were elected.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title.

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993, to Tuesday, July 13, 1993, and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993, until Tuesday, July 13, 1993.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2118) entitled "an Act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes."

## OXFORD STYLE DEBATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE], is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, I rise to take this time this evening to discuss an issue which has been discussed on this floor at some length, both pro and con, but last evening it received a good dollop of debate. The subject is the North American Free-Trade Agreement.

Mr. Speaker, I want to begin my comments by noting that my colleague, the gentleman from California [Mr. DREIER], is here again this evening. Last night he took a 5-minute special order to talk about the order of the judge yesterday affecting the submission of the North American Free-Trade Agreement implementing legislation to the Congress, and then that was followed by a 60-minute special order by the majority whip, the gentleman from Michigan [Mr. BONIOR].

I could not help but think, as I listened to that debate and watched it in my office as I was doing some other work that, if I was a member of the American public, and I had listened first to what the gentleman from California [Mr. DREIER] had to say, and then I listened to what the gentleman from Michigan [Mr. BONIOR] and his colleagues from other States had to say in opposition to NAFTA, that somebody out there would have said, "Are these people talking about the same issue? Are we debating the same subject? Are we on the same planet?" That is because it hardly seemed that there was even any grounds for a debate.

So, the first thing that I wanted to suggest tonight, especially since the House of Representatives has been talking about changing some of its rules to permit a greater style of Oxford style debate on subjects, is this is a good topic for us to start on. This is one where we ought to engage in a serious debate on the floor of the House of Representatives during some special orders and debate some of the facts, and I am wondering if my friend from California, if he would agree with that.

I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentleman from Arizona [Mr. KOLBE] for yielding to me, and I thank him for taking out this special order. He is absolutely right. Last night I stood here in the well taking 5 minutes to basically respond to the so-called Ritchie decision which was made yesterday. Charles Ritchie is a U.S. district court judge who ruled based on a case that was filed by three environmental and consumer organizations that the negotiations for the North American Free-Trade Agreement could not proceed until an environmental impact statement is filed.

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Well, this is the first time that such action was taken. Clearly I happen to believe that it violates the President's authority to proceed with international negotiations. And the fact of the matter is, I took the well to praise President Clinton and Ambassador Mickey Kantor, who is the U.S. Trade Representative, stating that they are on the right track by proceeding with negotiations, No. 1, and, No. 2, by calling for a near immediate appeal to this case.

Well, I spoke specifically of the Richey decision, and then I left. I went home. Frankly, it was 11 o'clock at night and I had been up very late.

My friend from Tucson, who has been one of the most active leaders in behalf of implementation of the North American Free-Trade Agreement, was watching it on the television and saw our colleagues get up and proceed to trash a number of the statements that I had made, I am told. I have not read the RECORD yet. And then provide what I believe are some of the weakest arguments, some of the weakest arguments to try and defeat NAFTA.

So I join with my friend from Tucson by saying the North American Free-Trade Agreement should be the first Oxford style debate that we have right here on the floor of the House of Representatives. We should have Members of both parties who are proponents stand up and argue on behalf of the North American Free-Trade Agreement. Then we should have a rebuttal from members of both sides of the aisle who are opponents of the North American Free-Trade Agreement. Then I believe we should engage in the kind of exchange that we see in the so-called Oxford style debates.

Now, I serve as a member of the Joint Committee on the Organization of Congress, and there has been a proposal which has come forward to proceed with this kind of debate format. I would say, by the way, just this evening we have an hour, and frankly I have another hour of special order. I do not plan to take that entire time. But if any of our colleagues who are on either side of the issue would like to come here to the floor, I know that my good friend Mr. KOLBE would enjoy an exchange with them. I know that I certainly would.

Mr. KOLBE. I appreciate the gentleman's comments. That is exactly right. As a matter of fact, as you may know, Mr. Perot has challenged in one of his statements Mr. Kantor to have a debate, Ambassador Kantor, to have a debate on this subject. I do not think he was really terribly serious. By my colleague Senator JOHN MCCAIN and I responded by challenging Mr. Perot, who is going to be in my state in a couple of weeks, to have a debate.

Let us have a debate on this subject. I think the same applies here in Congress. Let us have a debate on this issue. Get people down here to talk about this thing, to find out what the pros and cons are about job creation.

As you said, we have been talking in this House through this reorganization committee that you have been such an active member of, and I think we are going to hopefully see some very good recommendations come from that. And here is a way we can test how that is going to work, right here during the course of the special orders.

So I would say my colleague and I would join in issuing a challenge to Mr. BONIOR or any of the others who might want to do this. We will formalize how we might do it, and let us have a real debate on this subject. And we can urge the American people to watch this. Because I think this is what the education process is all about. Our colleagues and the American people need to understand what the facts are about NAFTA.

Mr. DREIER. I thank my friend for yielding. I think that we have basically laid it out there. We are willing to stand here as Members of Congress and debate this issue any time, anywhere. And there are many people who are very involved. This is a very passionate issue, and there are people who feel strongly on both sides. I think we should get right into it.

What I would like to do right now is lay forth a challenge to my colleague. Let us begin talking about NAFTA right now and some of the arguments that were made here on the House floor last night.

Mr. KOLBE. I appreciate that. We are going to. That is exactly what I intend to do and why I took this hour, because I think some of the statements that were made last night were outrageous to say the least. They were certainly not factual. I believe they do need to be responded to.

I would like to begin talking about something that my friend from California took 5 minutes to talk about last night and began again this evening discussing, and that is the decision yesterday. Because there has been a lot of confusion. I have talked to my colleagues about what is the meaning of Judge Richey's order yesterday, which basically said that the U.S. Trade Office, U.S. Trade Representative, must conduct an environmental impact statement before, and I underscore the word before, the President can submit the implementing legislation on NAFTA to the Congress of the United States for consideration.

Well, I think several things need to be said about this. First of all, in a very narrow and technical sense, the order does not really apply to the North American Free-Trade Agreement, which is already completed and out of the hands of the U.S. Trade Representatives and in the hands of the President to submit to Congress.

Clearly the act, the NEPA act, does not apply to the action of a President, but rather to agencies. It was the ruling of the Judge that it applied to USTR because the Trade Office, he said, really is an independent agency.

Having listened to the debate last week we had on the floor on the budget for the Treasury, Post Office budget, dealing with the President's budget and what cuts might be made there, I find this a rather astonishing view to come to.

The Trade Office is very specifically, legally, and otherwise a part of the Office of the President, and for good reason. The President has exclusive authority over negotiating trade agreements and international affairs for the conduct of foreign policy, and that is why the President of the United States has the Trade Office as a direct part of the President's Office.

So I think the Judge's basic premise that he started from was a fundamentally flawed decision.

Mr. DREIER. If the gentleman would yield, I would simply like to underscore the fact many of us are concerned about the environment. I represent the Los Angeles Basin, which has the highest number of first stage fog alerts in the entire country, the Inland Basin area that I represent. Clearly it seems to me this judgment was able to come about because of the proliferation of so many laws and regulations which were imposed on the private sector of our economy.

While I support efforts to clean up the environment, I think this action does bring home the message to me, and I know to my colleague from Arizona, that we in the Congress passed these laws which allowed judges to come forward with decisions like this. So my message would be that we should be very, very careful as we proceed with the imposition of these kinds of constraints.

Mr. KOLBE. I think the gentleman is absolutely right. I am going to come back to the underlying issue of how we are going to improve the environment, particularly along the border. I also represent a border district and am very concerned about that issue. But the fact is NEPA was enacted by this Congress in 1970, the National Environmental Policy Act. The Trade Act, which is the fast track process under which we negotiate trade agreements, as my colleague knows, was first passed by this Congress in 1974. Since that time we have had, of course, the Tokyo round of GATT talks, we have had an Israel Free-Trade Agreement, Canadian Free-Trade Agreement, and scores of other minor free trade agreements, none of which have been subject to the environmental impact statement of NEPA.

Mr. DREIER. I think it is also important to note that since the fast track provisions were put into place, since 1974 there has not been a major international trade agreement in which the United States has been involved that has not been embarked upon on any process other than the fast track negotiating process.

Mr. KOLBE. The gentleman is absolutely correct on that. I think the bottom line of this decision yesterday, and, quite honestly, the opponent of NAFTA when they filed this suit, and one of them, of course, we know is Citizen Watch, is Ralph Nader's organization, which I think is less concerned about the environment than it is about their opposition to NAFTA. They shopped around to find a judge who has a history of limiting presidential authority, residential powers.

I read the opinion, or I read the judge's decision and some of the arguments, the briefs that were provided in that case, and I do not see how this thing can possibly stand up on appeal.

So I want to begin this evening by just saying that this is one judge, one district court. It is not the end of the process. It does not stall NAFTA. We will go ahead as Ambassador Kantor has made clear with the negotiations on the side agreements. We will go ahead with drafting the implementing legislation. The Justice Department will seek an expedited appeal of this, and I expect we will have this resolved before the legislation is ready to be considered by Congress.

Mr. DREIER. If the gentleman will yield on that, you know, at this particular side of the aisle regularly we hear criticism of Bill Clinton. I know my friend and I join in being very critical of many of the decisions that President Clinton has made over the past 6 months since he has been in office.

That is why I am always glad to seize the opportunity and stand in this well and say, as Teddy Roosevelt told us to do, when the President of the United States is correct, we should provide him with our complete support.

On the issue of the North American Free-Trade Agreement, his statement through his U.S. Trade Representative Mr. Kantor which came yesterday afternoon that they will appeal the process and proceed with the negotiations, is a very positive sign that the President does want to reduce those trade barriers. I am proud to stand here as a Republican Member of Congress and congratulate President Clinton and Ambassador Kantor for this decision.

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Mr. KOLBE. I thank the gentleman for that statement, and he is absolutely right. President Clinton is right on this. He is right in his support of the North American Free-Trade Agreement, and I will stand up and support him.

I had an opportunity this afternoon to meet with some people from the White House on this subject. The point I tried to drive home to them is, they may have gotten off to a bad start with the stimulus package, the tax package, the budget, which my colleague and I certainly have not supported the President on, for good reason, we think it is bad for the economy, but here is an opportunity for him to demonstrate, before he gets to the health care, which is going to clearly require bipartisan support, to build that bipartisan effort here in the Congress of the United States.

There is no way the North American Free-Trade Agreement is going to be enacted, we are not going to implement it, unless we have bipartisan support of Republicans and Democrats, House and Senate, easterners, westerners, north and south, people from all sides of this issue are going to have to join together in order to enact the North American Free-Trade Agreement.

Mr. DREIER. I think that having praised President Clinton, I make no bones about pointing to the fact that this was an initiative by President Bush. I congratulate President Clinton.

Mr. KOLBE. Signed by President Bush on December 17 of last year.

Mr. DREIER. President Bush signed it, and he came up with the idea. Frankly, the idea was first discussed by a former Ambassador from the United States to Mexico who served in the early 1980's, stating that moving in the direction of a North American Free-Trade Agreement was the way of the future. So I doubly congratulate President Clinton for recognizing that President Bush was right on target to proceed with the North American Free-Trade Agreement. And now he wants to implement it.

Mr. KOLBE. The gentleman and I might pat ourselves on the back just a little bit. Several years ago, before we began these negotiations, we introduced a resolution, a sense-of-Congress resolution calling for a Free-Trade Agreement with Mexico. I can recall that when I did that, we did not really get our phone calls returned either by Mexico City or downtown at the State Department or USTR.

So maybe we were a little bit ahead of our time, too.

In any event, it is a reality today, and I think the benefits are going to be very apparent, particularly as we go through this in the next few minutes.

Mr. DREIER. I should say for the RECORD that my friend from Tucson has been a bold and dynamic leader on the issue of free trade, and he has proceeded with this. He started the idea brewing here in the Congress, and now he not only gets his calls returned downtown in Mexico City, but they all roll the red carpet out for him because they know that he is the one who tries diligently to reduce these barriers to trade.

Mr. KOLBE. I would return the compliment. My friend, who has been a stalwart on the Rules Committee, which has joint jurisdiction, original jurisdiction over trade agreements, has certainly led the fight in that committee.

Mr. DREIER. It has been a lonely battle.

Mr. KOLBE. But we are making progress.

Before we get to responding to some of the things that were said in last night's special order, I want to comment just one more moment on the judge's order yesterday, particularly as it relates to the environment and the issue of the environment. As my friend from the Los Angeles area has said correctly, it is an issue which we are very concerned about. The environment is something anybody is concerned about that lives close to the border or lives in a place like the Los Angeles Basin where we have seen the problems that exist there. So along the border, we are very concerned with the environmental problems that have come from the rapid growth that we have had of trade and the rapid growth of population in the border cities. But the bottom line is, are we going to be better off, are we going to have more cooperation on trade, if we have a free-trade agreement, or are we going to have less. In other words, do we benefit the problems that exist in Tijuana and in Mexicali and in Nogales and Juarez-El Paso and Brownsville-Matamoros, do those environmental problems get better by not having a trade agreement.

Common sense will tell you that that is not true. If we have a trade agreement, we are going to have the basis for cooperation, and this agreement has environmental provisions written into it that no one trade agreement has ever had.

Mr. DREIER. I totally agree with what the gentleman has just said here. One of the items we need to underscore is if you look at an impoverished society, the ability to insist on an improved environmental standard is basically nonexistent, because we know that people who are downtrodden and living in substandard environmental conditions are not in the position to insist on that improved quality. Virtually everyone, even the opponents of NAFTA, have acknowledged that implementation of NAFTA is going to enhance the standard of living in Mexico.

We already, over the past 7 years, have seen a dramatic improvement in the standard of living in Mexico. We have seen a growth rate in Mexico which has been substantially greater than the rate of growth here in the United States. And as I say, even opponents to NAFTA acknowledge that we will, with NAFTA, see an improved standard of living.

That improved standard of living will lead the people of Mexico to insist on even greater improved environmental quality for their life. And that, obviously, is going to take place at the border, too.

I thank the gentleman for yielding to me.

Mr. KOLBE. The gentleman is absolutely right. The fact is that Mexico has spent a great deal of its resources recently on the environment. I think it is rather astonishing the kinds of things that have happened in recent years.

In fact, this last weekend, I was in Arizona with some environmental engineers, systems engineers, that do business in Mexico as well as other countries. They said in all of their experience they have never seen a developing country go as far or as fast as Mexico has in improving the environment.

There are a couple of reasons for that. One, they are conscious of it because they live next door to the United States, where a lot of attention is being given to the environment. But there is another reason, and that is Mexico City, where 20 percent of the population of Mexico lives, all the government, all the political, media leaders, business leaders of the country live there. It is one of the most polluted cities in the world, something that the gentleman from the Los Angeles area can relate to.

They are very cognizant of the problem they have and the need to deal with it from a health standpoint as well as simply from the quality of life that they have there.

Mr. DREIER. We know that one of the greatest developments that took place in the area of environmental concerns came when that very bold and dynamic President Carlos Salinas de Gortari proceeded to close down the largest oil refinery in the central part of Mexico City, which I hope my friend will correct me if I am wrong. It seemed to me there were 5,000 people.

Mr. KOLBE. Five thousand employees put out of work as a result of that.

Mr. DREIER. That was done in the name of improving the environment in Mexico City. The sense was that there would be an outcry because of that loss of jobs. Yet, because of the enhanced standard of living on an overall basis in Mexico, people were very supportive of the decision that President Salinas made to close that plant that was polluting heavily right in the center of Mexico City.

Mr. KOLBE. My colleague and I might wonder how many of our own politicians in this body would be so quick to support a jobs closure or shutting down a plant that supported 5,000 jobs in our district. That is very tough for any politician to do, particularly in a developing country like Mexico.

I think it is worth noting that the Mexican basic environmental law, which is patterned after our own Clean Air and Clean Water Act, is very good. It is, in fact, its provisions in many ways are tougher than our own.

They have lacked on enforcement. That is simply a matter of not having had the resources of a developing country.

The bottom line is, if the economy cannot improve down there, how are they going to have the resources to do it?

Mr. DREIER. One of the things that we have found is, yes, there are many very old plants and facilities in Mexico that have a difficult time complying with the new environmental laws that have been put in place there. That is why implementation of NAFTA is so key.

Within Mexico, they want new plants, new facilities built, because with those new plants and those new facilities, they will be better equipped with the environmental laws that exist there. So this clearly will be very beneficial on the pollution problems that exist at the border and on the overall environment within Mexico.

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Mr. KOLBE. The gentleman is absolutely correct. Mexico's commitment to this, I think, is a very real one.

Let me just give the gentleman a couple more figures that I think are fairly impressive. They have added last year, they added more than 200 inspectors along the border region itself.

Here are some actions that have taken place in the 6 years from 1985 to 1991. They have had more than 8,900 manufacturing inspections, which led to a temporary or partial shutdown of 1,926 facilities and a permanent closure of 109 facilities. They have brought about the relocation of 36 major manufacturing companies to outside of Mexico City. They have increased threefold the number of inspectors throughout the country, and as I said, more than 200 within the border region alone.

There has been a very substantial increase in the amount of environmental protection. There is a long way to go, I think we all acknowledge that, but we have a long way to go in our own country. We have a long way to go in our relationship with Mexico on environmental protection.

We signed in 1983 the La Paz agreement. President Reagan signed the first environmental agreement with a foreign country. Not too many people recognize that. That was 10 years ago; in fact, 10 years ago this last month that President Reagan signed that agreement, in the first year of office, with President de la Madrid.

That agreement calls for a series in the annex, there is a series of things to be done, one of which, for example, deals with the disposal of toxic wastes that go from the United States to maquillos in Mexico and back to the United States, or they are supposed to come back to the United States to be disposed of.

The fact is, we have never developed a tracking system, so we can keep track of these hazardous materials that go down to Mexico, so we are partly responsible for the fact that we have not been able to decide what is going down there, to keep track of that, and make sure that we account for that as companies are supposed to bring it back.

Mr. DREIER. If the gentleman will yield, we have focused, and it is his special order, and I do not want to dramatically shift the subject, but last night there was not a great deal of talk about the environmental issues. This was not really a focus.

The key that our colleagues who seem to be opposing vigorously this plan raise constantly is the issue of jobs, and the flow of jobs from the United States to Mexico. They constantly say that, "With NAFTA we will see a dramatic increase in the flow of jobs," so if my friend would allow, could we begin talking about that jobs issue?

I do not want to interrupt, if the gentleman has another few points he wants to make on the environment.

Mr. KOLBE. I was going to change from the environment. I was going to concentrate our comments, as the gentleman suggested, on jobs. Before we do that, I would just like to raise with my friend, the gentleman from California, a couple of other items that were said early on in the special order last night.

He had the opportunity to travel in Mexico, and the gentleman has had an opportunity to meet with many of the political leaders down there. I dare say the gentleman has been as impressed as I have with the team that President Salinas has put together down there, perhaps the most impressive team of market-oriented, free enterprise oriented political leaders that I have ever seen.

Mr. DREIER. No doubt about it.

Mr. KOLBE. Last night, on the floor, it was said that we take in this country for granted the right to speak freely, the right to freely choose political and labor leaders, the right to organize for decent wages.

Then it went on to say that "in Mexico, it is a corrupt one-party political system, a political system that denies the right of the Mexican people to basic human and democratic rights."

First of all, we are not entering into an economic union. This is not Europe. This is not an economic union, this is a free trade agreement.

We give most-favored-nation status to Libya. They have embargoes to Libya, but they have most-favored-nation status. We are talking about trading, increasing our trade, the sale of our goods with Mexico, so it is, in a sense, a non sequitur. It is also simply a lie, a lie to talk about the Mexican political system in that regard.

Mr. DREIER. If the gentleman will yield on that point, I think it is something that we need to realize. My friend has heard me tell this before. I am sure I have probably stood here in the well and said it.

I came to this Congress in January 1981, and I had the privilege of being appointed my first year as a member of the United States-Mexico Interparliamentary Conference, and my friend, the gentleman from Tucson, and I have over the past several years participated in the United States-Mexico interparliamentary meetings which have taken place.

At that first meeting President Jose Lopez Portillo stood up and proudly announced that he was ready to nationalize the banking system of Mexico. Needless to say, I was a little nonplussed and very disappointed.

We, in the early 1980's, and obviously for decades before that, have seen the things to which our colleagues last night referred in Mexico. We know that, really, since 1982 when the Institutional Revolutionary Party came to power, there have been many problems of corruption, human rights violations, violations of political freedoms.

People have got to realize that we have seen a change which has taken place over the past several years. Is it perfect? Absolutely not, but those who have been trying to argue regularly that we are dealing with this corrupt government where we have nothing but payoffs, it has changed. Again, it is not perfect, but we have seen a dramatic turn-around since 1986 in the waning days of the Miguel de la Madrid administration, when we saw those first steps made toward privatization, and then, of course, this dynamic leadership provided by Carlos Salinas de Gortari, in which he has brought about privatization of the banking industry and the telephone industry. He has moved the way of the world, toward freedom and opportunity, and political pluralism, clearly, is following.

Mr. KOLBE. Would the gentleman not agree with me that in a sense, this is very similar to what many of us have argued with regard to China, that if the economic changes are brought about in China, that the political system will change there? It seems to me that that is exactly what President Salinas is trying to do. He is saying, "Change the economy and the political reforms will follow."

It is the reverse of what happened in Russia. We have seen the problems that Russia has had with trying to get the economic reforms to follow the political changes made there.

Mr. DREIER. Absolutely, my friend is absolutely correct. Political and economic freedom are interdependent.

There are those of us, and I have been a supporter of most favored nation trading status for China, but I marched up to the Chinese Embassy following the Tiananmen Square massacre on June 4, 1989. I have been outraged by what we have seen from the butchers of Beijing, but the fact of the matter is that we are seeing improvement. It is not nearly as fast as I would like to see it take place in China or in other parts of the world, and frankly, I would like to see a greater degree of political freedom in Mexico than we have to this point, but we have seen improvement.

Of course, the election of National Action Party, the opposition party candidates, to governorships in the northern part of Mexico, in the state that adjoins Arizona, I know has been a very positive sign toward political pluralism.

Mr. KOLBE. Two states now have a governor of the PAN, the opposition party, and more than 100 municipalities are now controlled. There is a very large, well over one-third, almost 40 percent of the Chamber of Deputies in Mexico is now the opposition party's.

Mr. DREIER. From 1928 up until this point, the PRI party controlled the entire country. So while we listened to our friends who are opponents to NAFTA talk about the political corruption and the problems within Mexico, we are not about to say that the situation is perfect today, but we have to recognize that with two governors and, as my friend said, hundreds of municipalities, the mayor of Tijuana is of the PAN party, we have seen tremendous change take place.

I am convinced with the economic reforms that we have seen, coupled with the implementation of a North American Free-Trade Agreement, we will see even greater political freedoms within Mexico.

Mr. KOLBE. Mr. Speaker, I wanted to ask the gentleman about one other thing before we go to the basic subject of jobs.

The statement was made last night in a very disparaging way about the fact that they, referring to Mexico, "are hiring the best firms on K Street, the best lawyers, the best consultants, the best lobbying firms, guys running around here in $1,000 suits. It is the biggest lobbying group in this Congress that I have ever seen since I have been here."

Well, I am not sure that that is quite true, when we think about lobbying for a lot of special interests. We have all kinds. When we go out here and watch what is going on on the tax bill, and look at the people gathered out here, outside the Committee on Ways and Means or the Senate Finance Committee, we realize that there are a lot of lobbying groups that are being hired by a lot of people.

Mexico, until this North American Free-Trade Agreement debate began, it never had hired any lobbyist in Washington. They had relied entirely on their own Embassy to do everything. There were many of us, and I was one of them, that encouraged them to get some consulting support, others to give them advice on some things.

I frankly am not alarmed by the fact that Mexico has hired somebody to help assist them. Maybe it is unfortunate that we have too much of that here in Washington, but it is certainly not just Mexico that is doing that.

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Mr. DREIER. If my friend would yield on that point, this has come up several times. I have met with some of my constituents in California who are virulently opposed to NAFTA. I have talked to groups around, and there is this implication that somehow those of us in the Congress who are supporters of NAFTA are in the hip pocket of the Mexican Government and want to send the jobs of our constituents from the United States to Mexico. It is absolutely crazy.

I mean, I am proud of the independence I have shown here on a wide range of issues, independent of the so-called lobbyists, and it seems to me I know that my friends here have had the exact same pattern. Yes, we listen to information that comes from a wide range of sources, from telephone calls and letters that flow into our office from our colleagues who are experts on issues, from people who are involved here in Washington, and represent certain interests, but frankly, the credibility of someone who works here in Washington on an issue is thrown out the window if they misrepresent. So clearly those of us who support the North American Free-Trade Agreement do so in large part because we want to create jobs, jobs in the United States of America.

Mr. KOLBE. I appreciate what the gentleman is saying, and I think this evening what both of us are trying to say is that this is a debate that has to be conducted on a plane that talks about facts and statistics, and the basic philosophical differences that may exist. And I would recognize, and I know my friend would recognize that there can be differences on this subject.

But finally, before we talk about jobs, I would just say how distressed I was last night to hear the debate be reduced to the level where one of the speakers last night said they do not even know, and he was talking about academicians he called them, do not even know how to pronounce NAFTA. He said they call it "NAHFTAH", as if it was some fancy cheese or something.

This is far too important a debate to reduce it to that level. I do not know, but I think the gentleman would agree with that.

Mr. DREIER. I have been known to cast a few pejoratives around about those who have been opponents of NAFTA, and I am not going to do it here in the well myself. But I agree. I think that we should try to keep this debate on the highest level we can. Even this morning at a breakfast meeting that I had I cast a couple of names about some of the people who have been opposed, and I agreed that we should not do it, especially here on the floor of the House of Representatives.

But certainly this has become a very emotional debate. And I become emotional about this because I feel in my heart and my head, just as my colleague does, that this is in the best interests of the United States of America.

One of the most pressing problems that we have in the border States is the illegal immigration problem. Earlier today in the House we overwhelmingly passed, I am happy to say, an amendment that was designed to toughen up the Border Patrol. But frankly, we have to get at the root of the immigration problem that we have, the flow of illegal immigrants across the border into Arizona, California, Texas, and other States, which is overwhelming. And it seems to me that we have to recognize that improving the economy of Mexico is in the best interest of the United States as we try to get at the root of the problem of illegal immigration, because people leave Mexico for one very simple and basic reason: Economic opportunity, whether it is a job or welfare.

Mr. KOLBE. And improving the economy in Mexico, and providing jobs in Mexico does not mean that we have to lose jobs here. That is the fundamental fallacy that people on the trade issue always make, that it is a zero sum gain, that if one side is gaining, the other side over here has to be losing.

As we know from Adam Smith, and we know from economic theory, and we know from practical trade that it is not a zero sum gain. Both sides benefit. In fact, 70 percent, and that is going to get us to the bottom line here about jobs, 70 percent of the growth in the U.S. economy since 1987 has come from our exports, 70 percent.

Mr. DREIER. Seventy percent of the economic growth on a nationwide basis here in the United States has come because of our exports of goods throughout the world. And I think it is important for us to note that in 1986 we were running about a $4.9 billion trade deficit with Mexico. Last year we had approaching a $6 billion trade surplus, which has been a dramatic turnaround.

Mr. KOLBE. In fact, Mexico has moved until now it is our largest surplus of any country that we trade with. It is a very, very dramatic increase. More than 700,000 jobs in the United States depend today on the business that we do, the selling that we do with Mexico.

I wanted to talk a little bit about this issue first from the standpoint of Ross Perot talks about the giant sucking sound of jobs to Mexico. But I hear a giant sucking sound of American exports going down to Mexico, which means creating jobs here at home.

First it is said well, how can you compete with a country that has a minimum wage of 58 cents. The minimum wage is a benchmark. It is not the real wages paid in manufacturing, anymore than $4.35 minimum wage in this country represents the real wages here.

Mr. DREIER. What is the average wage in Mexico actually?

Mr. KOLBE. The average wage is considerably higher than that in manufacturing.

Mr. DREIER. The average wage is $2.35 an hour, is it not?

Mr. KOLBE. With all of the benefits added in, it is a little more. You see, Mexico has a system that is very hard to define, because they have things that are required of manufacturers that we do not have. There is a housing tax that has to go back into housing. There is a requirement, a mandatory requirement for a bonus at the end of the year. There is not only their Social Security that is provided, but there is also day care that is provided, and mandatory subsidization of meals in mequilos and in manufacturing plants. So they have a number of benefits that we do not historically give to people in our manufacturing plants here.

But it is somewhere in the range, as you suggested, of $2.30. In the new Ford plant, with benefits added in it is very close to $5 an hour.

Mr. DREIER. Yet we know that overwhelmingly the American worker continues to be more productive than the Mexican worker.

Mr. KOLBE. Of course.

Mr. DREIER. That is why we have to look at the strategy.

Mr. KOLBE. Higher education levels, better schools, more capital, that is, equipment that is available to them, high-technology equipment that they can do the job faster, and better training.

Mr. DREIER. The best evidence of that was the decision by General Motors, and I underscore "and" the United Autoworkers in concert moving their plant back to Lansing, MI, creating 1,000 jobs there in the United States, because we know that with the average tariff today on United States goods going to Mexico being 10 percent, and the average tariff on goods going from Mexico coming into the United States being only 4 percent, that they basically have a one-way free trade arrangement. So with NAFTA we are going to be able to have plants and facilities in the United States that will be able to take advantage of the 88 million strong Mexican market.

Mr. KOLBE. I always make the point if wage was the only factor which a company used to decide where they would locate, you would have every company in the world located in Haiti or Bangladesh.

Mr. DREIER. The industrial capital of the world.

Mr. KOLBE. The industrial capital of the Western Hemisphere would certainly be Haiti, yet we do not see too many manufacturing plants being located down there. And we laugh about that, but we know that the reason is that they lack infrastructure, they lack roads, they lack any kind of education system, and they lack anything that you need in order to have a manufacturing plant there.

Mexico is obviously much farther along than that. It is about where Korea was 10 years ago. It is on the verge of taking off. And that is one of the things we have not really gotten to. We are talking about a market of 80 million people which has a propensity, the people of which have a propensity to buy more of their goods from the United States than any other country buys from a single country.

Mr. DREIER. Korea, Japan, at a greater rate than the people of Korea or Japan on a per capita basis. Based on income levels the people of Mexico spend much more.

Mr. KOLBE. On an actual basis Mexico buys, if my figures are correct, and I think my memory is correct here, about $360 per capita from the United States, and in Japan it is $380 where their per capital income is 20 times that of Mexico. So they buy an enormous amount of goods from the United States. It is just a tremendous amount.

I know the gentleman has another couple of things that he wanted to say. I just wanted on the wage thing to make one other point.

There was a study not long ago by I believe one of the large accounting firms where they asked companies to rate 20 different factors in terms of their decision about where they locate a plant, the geography, the proximity to market, transportation, job skill levels, education levels, ambience of the quality of life there, and wage came out as the 14th, the 14th most important factor. So it is only one of the factors which companies use in order to make their decision about where they are going to locate.

I mentioned earlier that 70 percent of the growth in our economy had come from exports, and my colleague from California has mentioned that in the last 5 years from 1987 to 1992 we went from a $5 billion deficit to a $6 billion surplus. So we have 700,000 jobs in this country that depend directly on the business that we do with Mexico.

I see my other good friend here from California, Mr. DORNAN.

Mr. DREIER. He represents Garden Grove.

Mr. KOLBE. Garden Grove, and he has some things that he wanted to add.

Mr. DORNAN. I thank my colleague from Arizona. And I want to say that I was listening attentively to everything both of my colleagues were saying, because this is the future that we are talking about. And we were together, I was there, Mr. DREIER was there when Ross Perot came up here to the Hill. I have known Ross Perot, or at least I met him in December 1969 when he was a 39-year-old billionaire in Time magazine. The very week I met him he flew an airplane out to Los Angeles to top it off with food, and medicine, and family packages, and greetings for our POW's in Hanoi. No one has ever questioned that mercy flight which first brought him to national attention. He actually went first to Vientiane, Laos, and the North Vietnamese Embassy in that strange international city, and they said you go on to Copenhagen, and we will let you come into Moscow, if Moscow will let you deliver those packages.

□ 1850

It never happened. That was the very month that Clinton was a Rhodes Scholar touring Russia with 10 inches of snow on the ground and 29 degrees below zero. I say all of that to date me with Ross Perot. I say unabashedly that man is a patriot. His political participation in the process in 1992 got mixed reviews. This year he has gone on the road. The day we met him he was about to launch on a tour through Virginia and Maryland and starting here in the District. Now although he has some wonderful things to say about the political process that all three of us agree with, he is flat out wrong on NAFTA. Most of the people who are listening to him, who have joined the group with the beautiful title, United We Stand America—one of our conservative colleagues has joined because they are very strong in northern California. I said to him and the gentleman said it more forcefully than I did and Congressman McCANDLESS also said it more forcefully, "Are you people trying to destroy my career on this one issue?" "Can McCandless" was one sign.

I would like to tell everybody, Mr. Speaker, across this country that Ross Perot said very clearly his organization is not out to wreck any Member's career, Senate or House, on one issue. He said we can agree to disagree on this. What I say and I think everybody has to say very clearly on this floor, you can make a case that there will be some pain with this in the short term, that a few jobs will be lost in the short term, very debatable how many. But if we are ever going to have vision in this Chamber and with our distinguished colleagues in the other body we have to look at a truly free world as the gentleman has been pointing out, with free trade.

Mr. KOLBE. The gentleman well knows, he has traveled a great deal in Latin America and all over this world, this is a trade agreement and it is with Mexico but it is more than just Mexico. I mean we have told the rest of Latin America "If you will reform, if you will open your markets, if you will privatize your companies there will be a reward, and the reward at the end of the rainbow is going to be more trade with the United States."

Now we are going to close the door if we defeat NAFTA, the hinge—they see Mexico as the hinge on that door for them. We are going to slam that door on them.

I cannot think of anything that would be a more catastrophic foreign policy disaster for this country than to turn our back on Latin America and frankly with the rest of the world.

Mr. DREIER. I would like to respond to my friend from Garden Grove by saying that as far as the flow of United States jobs from the United States to Mexico the gentleman and I have witnessed the flow of jobs from southern California, due in part to our tax and regulatory burden, workmen's compensation among other things——

Mr. DORNAN. To?

Mr. DREIER. To Arizona, but also to Mexico. We have seen that. The case we make is that while, yes, there is nothing in the world today that prevents the flow of United States jobs to Mexico, implementation of NAFTA is the way to counter that. Why? Because they move to Mexico today and they may build things more cheaply and sell some goods in the United States, but they are able to have this one-way street of free trade across the border. We do not have free trade with Mexico today because we have, on average, a 10-percent tariff. So when we zero out that barrier between Mexico and the United States, it allows us to compete with those jobs that have gone to Mexico. The best example of course is the one to which I referred a few moments ago, the General Motors decision to move their plant from Mexico back to Lansing, MI, creating 1,000 jobs here in the United States. That is a first step.

Mr. DORNAN. Did my colleagues mention the positive effect it would have on reducing the illegal immigration?

Mr. DREIER. Absolutely.

Mr. KOLBE. We talked a bit about that. But I wanted to ask my colleague something about which he is very knowledgeable, on drug addiction. But before that may I just finish the thought that my friend, Mr. DREIER, was making, and it is a very important one, the bottom line. When you reduce all of this down to one phrase, one paragraph, it comes down to this: The free-trade agreement is about our being able to sell goods in Mexico. Companies can already move their plants to Mexico. They can move their jobs down there now. This is about selling more of our goods there.

Common sense will tell you when Mexico has an average 10-percent tariff and ours is 4 percent, if we reduce them both to zero, then we have a 2½ times greater advantage penetrating the market in Mexico for the sale of our goods than they do coming into the United States. They understand that and they know in the short term actually they are going to be hurt by the free-trade agreement. In the long term of course is the growth from having a free open market down there. They do understand this.

So the advantages are going to be enormous in opening up this market. The General Motors situation is a good example. It is not just the tariff there but a very specific regulation in the AUTOPAC that Mexico has had for years which says, if you are going to sell one car in Mexico, you must export one car from Mexico. Therefore, the only way for General Motors, Chrysler, and Ford to sell in Mexico was to put a plant in Mexico for the export back to the United States. Now with NAFTA that is not necessary. If they can produce the cars more effectively in Lorain, OH, or in Detroit, MI, they can build them there and ship them down to Mexico and that is exactly why a thousand jobs are being moved back to the United States.

Mr. DREIER. On this drug interdiction issue is a big one that I know my friend from Garden Grove is very expert on so that I am sure he must have some thoughts. But a lot of people have argued that implementation of NAFTA is going to enhance the opportunity for the flow of drugs across the border.

Mr. DORNAN. The gentleman from California [Mr. DREIER] and I went to Afghanistan together for one purpose, and we analyzed the drug situation while we were there. We went to see if the Afghans had the wherewithal to defeat the Soviet forces of the prior evil empire. The people in those areas if they do not have free trade, if they cannot make substantial goods to trade among themselves and with the rest of the world, they will turn, in the Golden Crescent or the Golden Triangle of Thailand, Burma, that area of the world, they will produce an illicit product that will end up with gunfights and people overdosing and dying in the streets of America. We talk about Latin America; Colombia is already almost destroyed as a nation. The way to rebuild it is with a good free market with all the countries trading in that area.

Venezuela's political instability has been caused by not having open markets. If you march right up Central America from the Panama Canal area to places to which we have traveled together in times of trouble with other insurrections based on ideologies, but in Nicaragua, El Salvador, Guatemala, and Mexico itself right to the border with these huge tracts of marijuana growing and coming in from secret airfields in the Chihuahua and Sonora areas into your secret airfields and that coming in on foot. And this recent tunnel that was discovered that was within days of completion to pump tons of illicit goods in, what is the best way to counter the growth and the production of things that tear apart the young people of this country? It is to produce the goods that normally should flow between countries with a free market.

Mr. KOLBE. I wonder if the gentleman would agree, I do not know if he has had an opportunity to talk with some of our people down in Mexico about the drug interdiction business or not, but I go down there regularly and I have found in my latest visit——

Mr. DORNAN. The gentleman's district is on the border.

Mr. KOLBE. It is, but I am talking about going down and talking with our DEA people down there and our embassy people, and I must tell you the first several years the people from the State Department and the Embassy would give the official line that, yes, we have good cooperation with Mexico. Then you get the private briefing from the DEA people and they say that that is baloney. We are not getting any real cooperation.

The last time I was down there the DEA agent down there told me,

> We have better cooperation today with Mexico than we have ever had. It is really outstanding.

Sure, there are problems with the local areas, maybe the local commander or something, but, he said,

> We have better cooperation than we have ever had. Tracking flights coming up from Latin America, allowing our planes to refuel at La Paz so they can fly along the coast there.

All the things that they never allowed us to do before we are now getting done down there. I think it is outstanding the cooperation that we are getting.

Now if you turn you back on NAFTA, what incentive is there for the Mexicans to increase that cooperation?

Mr. DORNAN. Exactly. This is what is so sad about the temptation to demagogue this issue that we saw take place in part by some of our friends on this House floor last night. And the temptation for our pal patriot Ross, to oversimplify this and scare people in the short run and not realize that the simple words, which the gentleman was just discussing, is friendship, the growth of friendship that comes between us.

The one thing I like to say, and it sounds corny sometimes maybe overromanticizing it, but Canadians are Americans, they are North Americans.

□ 1900

These Mexicans are Americans, and everybody in South America from The Cone, except for one little remaining French colony, French Guinea, they are all Americans. They just happen to be South Americans. So these Mexicans developing these friendships are fellow Americans on this continent. This friendship is the one thing that will unravel quickly if this Chamber does not act.

Mr. DREIER. That is why we call it the North American Free-Trade Agreement, by the way.

Mr. DORNAN. Exactly, it is so obvious, and to unravel this in this Chamber for the short run of a political victory because they are scared of United We Stand America, it is going to unfortunately reverse the very thing that brought these good citizens together in the cause that Ross Perot espoused.

Mr. KOLBE. Mr. Speaker, I appreciate the comments of my good friend from Orange County, because the gentleman has really I think highlighted this, and the gentleman from California is one who has traveled down there and understands this problem very well. I think the gentleman has highlighted the need for building this relationship, probably in 150 years the relationship the United States has had with Mexico, something of a love-hate relationship, one that has been a pretty stormy marriage through the years. We probably have never had a better relationship than with the present relationship that President Salinas has built. This is something we should build on. We should not try to tear it down. It would be tragic to me if that happened. It will be tragic from the standpoint of jobs.

I want to mention, bringing it back if I might to jobs, a story that brought it home to me just as clearly as it could be.

I went to Hermosillo, which is the capital of Sonora, the state directly to the south of my State of Arizona. I visited a plant that was under construction. It was just a shell at that point, but it was going to be huge, 170,000 square feet. It is a toy manufacturer. I think the name of it, the Mexican name is called Ken Mex. That is the Mexican subsidiary. It is a subsidiary of a very large Hong Kong toy manufacturing company.

Now, what they are going to build there, what they are going to make there are Barbie Dolls. They are moving all the Barbie Doll production in the world from the People's Republic of China back to Hermosillo, Mexico. The reason they are going to do so is that now they will be able to buy, because of the reduction in tariffs that Mexico has already imposed in anticipation of reducing it from 10 percent down to zero, they will be able to buy the plastic which is 85 percent of the value of a Barbie Doll. They will be able to buy that in the United States.

Instead, now, of course, they are buying it in Japan or Taiwan or South Korea, taking it to the PRC, making the Barbie Doll and selling it in the U.S. market. But this is the big market. They want to be close to this market. So they will come here to Mexico, but the 85 percent of the value of the Barbie Doll in the United States, assemble it down there or build and assemble it, if Barbie Doll is the right word, in Hermosillo and then, of course, ship it worldwide for sale.

Now, there is not going to be a sign up over that vat of plastic, I do not know if it is plastic made in Nevada or where it gets made, there is not going to be a sign there saying, this is going to Mexico, but the reality is that Dow or some other company in this country is going to make millions of dollars and have hundreds of jobs created making this plastic every year going to this plant down there, jobs that did not exist before.

Mr. DORNAN. Good story.

Mr. DREIER. Mr. Speaker, if my friend will yield, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. DEAL). The gentleman from Arizona [Mr. KOLBE] has 4 minutes remaining.

Mr. DREIER. This special order is going to be ending in just a few minutes. I will say that I am up for the next special order. I do not plan to take the entire hour, but I will take a few minutes if we go over, because my friend from Tucson has given us, as I have repeatedly stood here in the well during the 1-minute speeches in the morning, and talked about some specific instances of job creation that has already taken place right here in the United States due to the export of U.S. manufactured goods and services.

I have talked often about some minority-owned businesses here in the United States in California and Texas and other areas.

I would like for a few minutes to talk about some businesses which are from parts of the country that has their representative often very critical of NAFTA, because there have been some large plant closures in those areas and some movement to Mexico.

One of them is a company called the Genpak Corp. which happens to be in Glens Falls, NY.

Now, Glens Falls, NY, is represented by my extraordinarily good friend and leader in the Rules Committee, Mr. SOLOMON.

Well, I was struck when I saw this here, because he has talked about the shift of his GE plant to Mexico. He has talked about the impact of Eastman Kodak and some others that have been moving, and I am very sympathetic with the concerns that many of his constituents have raised, but that is why I was very surprised when I saw this report from the Genpak Corp., located in Glens Falls.

Dick Daniels, the vice president for marketing for this company which manufactures disposal food service products, said:

> Our Mexican sales have allowed us to increase the size and efficiency of our U.S. plants because we have needed to purchase more, newer, and better equipment to satisfy the burgeoning Mexican demand for our products.

So clearly, in Glens Falls, NY, jobs have been created in the disposable food service product area by the Genpak Corp. because of their export of goods to Mexico.

Now, think about it. On average there is a 10-percent tariff, and with that 10-percent tariff they still have had an increase. With the implementation of NAFTA, think about how many more jobs they are going to be able to create there.

At Mount Kisco, NY, a battery manufacturer called Multiplier Industries Corp. has as its vice president, Elaine Ullrich saying:

> There is a wealth of opportunity in Mexico for our type of industry. We are only hitting the tip of the iceberg in regard to exploring what's out there. If our business continues to grow with Mexico, we could easily be hiring an additional 15 people by June of this year.

That is right here in the United States, in Mount Kisco, NY.

Then locally here in Winchester, VA, Rubbermaid Commercial Products, and I met the president of that operation just recently when I was giving a speech downtown talking about some other issues.

In April 1990 they entered into an agreement with Grupo San Cristobal to market Rubbermaid products through its commercial division in Mexico.

So Rubbermaid is selling a wide range of products within Mexico. Those products are created by people in the United States of America who have jobs based on that.

We have heard time and time again that for every $1 billion in exports, we create 20,000 jobs right here in the United States.

On average, the wage rate for those people who are manufacturing goods that are exported are 17 percent higher than those who are manufacturing items that are simply for domestic consumption here in the United States.

Mr. DORNAN. Mr. Speaker, if the gentleman will yield, may I ask just a quick question before the gavel comes down.

When will we get to debate this on the House floor, may I ask the gentleman from Arizona [Mr. KOLBE]?

Mr. KOLBE. I think if the timetable holds true, we should have this submitted to the Congress shortly after we come back from the August recess and a vote on this in October of this year.

Mr. DORNAN. Then the million people who watch the proceedings here tonight have time enough to study this issue in depth and stay up with us.

Mr. KOLBE. Mr. Speaker, I thank both gentlemen for their contributions to this debate.

## FURTHER OXFORD STYLE DEBATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I do not want to take the entire time. I just want to use a couple minutes for some other salient examples.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my colleague, the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I have a couple points I would like to share, but I think the point that needs to be made in the ones the gentleman was talking about there, these are not big companies necessarily. This is not General Motors.

Mr. DREIER. Well, some of them are big. Rubbermaid is pretty big.

Mr. KOLBE. But they are not always big companies.

Here is a company called Stratus Specialty Vehicles in Kansas City, MO. They are an ambulance manufacturer.

Mr. DREIER. This is interesting. My original hometown.

Mr. KOLBE. Well, Cordsman Manufacturing in my town also rehabilitates ambulances for sale in Mexico. Virtually all their business now is in Mexico.

But here is Stratus. It is a small family owned ambulance manufacturer, made its first sale in 1989. It had a follow-up sale in 1990. Now it has more than a $250,000 business, small potatoes in a lot of ways, but for Stratus it is a big amount.

The president of it, Gene Nicely said:

> As a small company, it is hard to go after European dollars, but Mexico is close by. Free trade will really open a lot of doors in medical equipment and vehicle transportation. It could increase our volume and sales and, of course, jobs.

The point is if you are General Motors, if you are Du Point, if you are Procter & Gamble, you can afford the capital investment necessary to establish a plant down in Mexico; but if you are Stratus Specialty Vehicles, you cannot put a plant down in Mexico. You need to be able to do your business in the United States and sell into Mexico, and that is what the free trade agreement is about, selling our products in Mexico, taking the tariffs off our products to go to Mexico and being able to increase our sales in Mexico.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution.

I do not think there is an American who is not familiar with the "I Can't Believe It's Yogurt" operation. I see it out at Dulles Airport. I will tomorrow morning as I get ready to fly back to Los Angeles. We see them all over the country.

Jim Amos, who is the president of their international division, said:

> Mexico is a natural extension of the U.S. market, especially for Texas companies. It's close geographically, and the Mexican economy is becoming more and more linked to the global business community. We anticipate continued increases in our Mexico business, and see our efforts there as a springboard to the rest of Latin America.

☐ 1910

And I think one of the important points that needs to be made here is that there are some who are opponents to NAFTA who literally want to see us stick our heads in the sand and believe that we can be totally self-sufficient here. You know, we have heralded the developments that have taken place since the revolution of 1989 due to satellite technology, and cellular telephones, and fax machines, and CNN, and all of these things that helped bring down the Berlin Wall, and the world has shrunk. We have seen the emergence of the largest economic bloc in the history of the world with EC–92. We see our friends in the Pacific rim coming together, and, if we think that we can stand alone here in the United States without taking advantage of both labor forces and markets in this hemisphere, we are doing it to the detriment of the United States of America, and clearly this agreement will, based on virtually every assessment that I have seen, create upwards of a half a million jobs right here in the United States of America.

I support NAFTA because I want to increase jobs in the United States and decrease the flow of illegal immigration from Mexico to the United States, and I yield to the gentleman from Arizona.

Mr. KOLBE. I think that is the bottom line of what both of us are talking about here today.

It occurs to me that one of the places we have seen a lot of opposition to the North American Free-Trade Agreement is if a State like South Carolina where Roger Milliken, one of the major textile apparel manufacturers, has opposed vigorously the free trade agreement, but in reality most of the textile industry in the United States will benefit tremendously from the export of fabric, thread, equipment, to Mexico, and I notice here one company, Textile Machines Imports Exports Co. of Roebuck, SC. It is a minority-owned company, and Victor Leblond, who is the president of this company, he has been exporting textile machinery to Mexico for 18 years. It is a minority-owned company, employs about 20 people who rebuild textile machinery for export. It sells to a lot of other companies, in Asia, in Latin America. But 20 percent, 20 percent of his $4 million sales; that is about $800,000, goes to Mexico. So, you could say roughly, if you translate that into 20 people, 20 percent of four of the jobs in his company depend on the sales that he is doing with Mexico, and he expects to increase that substantially over the next couple of years down there in Mexico.

So, the opportunities for providing new jobs for people in the textile industry, for minority workers in the inner city, for people in the Midwest, on the border, in the Southwest and all over this country are very, very tremendous.

Mr. DREIER. I would like to point to another couple of very important examples in my State of California, one further north. There is a man called Roger Baccigaluppi who happens to be the president and CEO of Lou Diamond Growers, the tree nut marketer, and one of the interesting things we have heard is some criticism from some in the agricultural industry, especially in my State, and I know some in Arizona who are concerned about this, and yet the statement that Mr. Baccigaluppi made on this is very interesting. He said: "As one of the major exporters in the United States, Blue Diamond depends on International trade to remain competitive. Almonds are California's largest food export and the sixth largest U.S. food export. Current tariffs," and this is what we have been talking about for the last period of time here, the average 10-percent tariff on goods going into Mexico—"Current tariffs restrict the quantity of United States almonds into Mexico. The elimination of tariffs, through a free trade agreement, would result in increased exports for U.S. growers."

And then we look at the lumber industry, Cal State Lumber Sales in San Ysidro, CA.

Mr. KOLBE. By the way, that is an extraordinarily interesting company. I have worked with that company on a lot of things, some environmental things. They have had some very interesting case studies with that as to how they have dealt with the environmental problems.

Mr. DREIR. This is Cal State?

Mr. KOLBE. Cal State, Cal State.

Mr. DREIER. It is amazing that the director of international relations is someone with whom I am sure you met, Mary Alice Acevedo.

Mr. KOLBE. She is terrific. I am sure you have met her at the Border Trade Alliance meetings. She is a wonderful person.

Mr. DREIER. She really is, and her statement on this particular issue is key. She says Mexico has allowed us to remain competitive because of supplier contracts with two Mexican firms in Tijuana. Sales, and remember this is a U.S. business, sales have increased by 700 percent and employment by 30 percent. The free-trade agreement will open up that market even further. Everything we purchase from lumber to equipment is U.S. made. We buy lumber from the several mills. These jobs which are destined for Mexico have helped the mills—these sales, excuse me, these sales which are destined for Mexico, have helped the mills keep United States workers on the job, and that is why, you know, as we listen to these arguments constantly that jobs have fled to Mexico, we acknowledge that many jobs have gone to Mexico today. But the reason for that has been the opportunity to take advantage of the U.S. market and, by zeroing out the tariffs that exist between the two countries, it is clear that this is what we like to describe as a win/win situation.

As my friend said, it is not a zero-sum gain. There can be benefits to both sides.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding and for his contributions. He said it more succinctly than I think anybody else could say it, and I would just close with one other little anecdote or story. It is a personal one from that same trip that I took to Hermosillo. I was being taken around to see some of the projects that are being done down there, and one of them was the construction of a country club in Hermosillo. It is going to be really the first de luxe class country club. They are trying to build this entire 18 hole golf course and put in the infrastructure for fairway homes in the course of 10 months time. There were on the day that I was there more than 100 pieces of Caterpillar equipment rushing, roaring around the place, moving earth here and there. It is the first construction job in Mexico done by Peter Hewitt who I think the gentleman may know is one of the largest contractors in the United States. They are fascinated—they are not fascinated. They are watching this project very closely because they intend to stay in Mexico if this is successful because they know the kind of construction work that is going to be done down there. So, here is a hundred pieces of Caterpillar equipment. They are going to be staying down there in Mexico doing other road jobs, other sewage treatment plant jobs, other hotel construction jobs, other fairways, and golf courses and country club jobs. There is a hundred pieces of equipment from Caterpillar that is going to be staying down there, and the bottom line is in 1991 Caterpillar sold 360 million dollars' worth of equipment that went to Mexico.

That is one company, one country: $360 million. A lot of jobs in Decatur and Peoria, IL, depend on doing that business with Mexico.

Mr. DREIER. As they say on the television programs, my friend has had the last word. I want to thank him for his participation in this and say that we do look forward to having a full debate with our colleagues who are clearly opponents, and we respect those who oppose NAFTA. We look forward to having an exchange with them.

I thank my friend from New York and my friend from Colorado for their forbearance.

## RADIO AND TV MARTI FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognize for 60 minutes.

Mr. SKAGGS. Mr. Speaker, I wanted to address the House on a matter that has really been brought to the public's attention through a press release that was put out earlier today by the Cuban-American National Foundation with respect to event that occurred in the House and debate and action earlier this afternoon on the appropriations bill for fiscal 1994 for the Commerce, Justice, State Department and the Judiciary, and I need to set some background in getting into the real subject matter this evening.

As we are all quite well aware, this is a very difficult budget year for us to work in. We are faced with an absolute cap on discretionary spending, less next year than this year, and on for the next 5 years. Each of the appropriations subcommittees, therefore, has really been put to the test of trying to prioritize, find places to save money, identify lower priority programs so that we are able to shift funds to programs that we feel are more vital to the national interest.

□ 1920

In connection with going through the programs within the jurisdiction of the Commerce, Justice, State Subcommittee on which I am a member, I looked at a whole range of potential areas for reductions in spending and came up with a total of about $200 million that I proposed in cuts so that we could accomplish our mission this year under the limits of the Budget Act.

Among the cuts that I proposed to my colleagues on the subcommittee were the funds that had been tentatively identified for Radio Marti and TV Marti broadcast services financed by the United States Government directed at Cuba.

It is really the issue of funding for Radio and TV Marti that prompted the events that I want to address from earlier today. I think it is important, first of all, to establish some of the reasons that it seemed to me that both of these programs were reasonable candidates for elimination, so that we might have more FBI agents or have more efforts made in applied technology or a whole range of other programs that were otherwise going to be shorted more than they already are in the Commerce, Justice, State bill.

TV Marti, very briefly, a particularly dubious program that was being broadcast through a tethered balloon down off the Florida Keys into Cuba, only able to be broadcast between 3 and 6 a.m., the signal being jammed fairly effectively most of the time by the Cuban Government. We were broadcasting on a channel that was allocated to Havana television. Legitimate questions were raised because of our membership in the International Telecommunications Union whether or not we were in violation of international telecommunications requirements in conducting this activity.

It was very expensive per program hour. To top it all off, the programming really was of a very questionable standard, things like, I am told, Popeye cartoons and the lives of the rich and famous, things that probably are not going to make a great deal of difference in an informed political climate in Cuba.

So that was one program I proposed for elimination in subcommittee. My colleagues went along with the suggestion.

They also agreed to eliminate funding for Radio Marti. Let me just again lay a little bit of the groundwork as to why the several million dollars that were proposed for Radio Marti also struck me as a very likely candidate for reductions in funding, given this very difficult budget year we are in.

First of all, it costs too much. The National Association of Broadcasters reports, for instance, that the average commercial radio station is large markets in this country spends about $5 million a year. Radio Marti, on the other hand, was spending over $20 million a year. Even at the reduced level that was ultimately suggested by the full Committee on Appropriations last week, we would be paying double the private sector standard for the broadcasts going out of Radio Marti.

Its 1994 budget contains a number of seemingly excessive or unnecessary expenses. For instance, some $300,000 for talent involved in panel discussions and commentaries. Certainly by my experience I think most of us know that most reputable commercial news agencies do not have to pay for guests or interviews.

Some $8 million for its employees. With some 150 employees, that is an average salary and benefits of over $50,000 a year. And $342,000 for audience research. With the audience in Cuba, it is questionable, it seems to me, how you are practically able to apply those funds to that purpose. Close to $1 million for technical operations, for which the average radio station in this country pays some $40,000 a year. I wonder why Radio Marti needs to spend so much for a transmitter? A transmitter is a transmitter, regardless of where it is broadcasting. Even on a percentage kind of calculation, Radio Marti's engineering costs were extraordinarily high.

They were also proposing to spend over $200,000 for domestic interviewers. I am not sure what those folks do. Anyway, there were substantial costs associated with this program.

If it were a unique program and one of proven effectiveness that was providing a service that was not being furnished in any other fashion, we might be able to rationalize those kinds of costs. But I think it comes up short there as well.

The Federal Communications Commission estimates there are 23 commercial radio stations in south Florida that reach Cuban listeners. Nine of them broadcast in Spanish, and five of the Spanish language stations have primarily a news or a news-talk format, presumably a source of much the same kind of public information, news, and analysis that is the mission of Radio Marti.

Radio Marti also thinks that these stations reach Cuba, in that it has leased time itself on two of them to broadcast its own programs.

The signals of Radio Marti are often jammed, and that jamming sheds some doubt on the claim that 70 percent of the Cuban population regularly listens. According to their budget request, overcoming jamming has become Radio Marti's top priority. one wonders if that is the problem, again given the other sources of free radio signals into the Cuban market, whether this is a particularly cost effective program.

Its assertion of audience size is also quite questionable. There is no way of validating this, obviously. There is no Nielsen ratings for Cuba. But the widely quoted statistic that 70 percent of the Cuban people listen to Radio Marti seems to be based primarily on a 1991 survey of some 487 Cubans seeking asylum in this country, which may not be an entirely objective pool of respondents.

The quality of programming for Radio Marti has also raised numerous allegations of unsound practices and questionable contracts, incompetence, and censorship. Violations of Federal rules and regulations appear to be a serious problem there.

The former director of Radio Marti, Ernesto Betancourt, who resigned in 1990, charges that he was ousted because he refused to promote the political aspirations of Cuban-American hardliners. The former director of the Office of Cuban Broadcasting also resigned earlier this year, citing conflicts within TV and Radio Marti over their coverage of the Cuban-American community in Miami.

Finally, a reporter in my area of the country who was recently in Cuban for an extensive assignment reports that from the interviews done by this reporter, anyway, the Cubans are really a pretty sophisticated media audience; that they discount or distrust all government-generated media, whether it comes from Cuba or the United States; and they do in fact rely mainly on other sources of information, including a very effective underground grapevine that taps into CNN signals and newspapers coming in from Miami and so forth.

Anyway, for all of those reasons, it just seemed to me, given our shortages of funding for a whole range of vital national programs, that these were two programs that could well stand to be eliminated without seriously jeopardizing our national interest.

So in view of that, I was particularly startled earlier today when my colleague, the gentleman from Florida [Mr. DIAZ-BALART], approached me on the floor of the House and expressed his strongest possible objection to my plan to try to delete funding for Radio Marti from this appropriations bill which we had under debate earlier this afternoon. He said that he did not intend to threaten me, but that if I followed through with my plans, he would do all he could to go after everything he could find that was important to me.

He argued that I should back off of my objection to Radio Marti funding because it was the most important program to him and the Cuban-Americans that he represents, while cutting the program I conceded was certainly not the most important issue in the world for me, although I thought it was the appropriate thing to do.

I attempted to explain that this involved matters of national interest because of its obvious fiscal and foreign policy dimensions, and that therefore this was not just a project in a Member's district about which arguably he was due some particular deference, but rather that each Member of the House had a legitimate basis to address the issue. I told Mr. DIAZ-BALART that I planned to proceed with my challenge to Radio Marti funding.

□ 1930

Later this afternoon, he proceeded to raise a point of order against some $62 million in construction funding for the National Institute of Standards and Technology, known by its acronym NIST, about half, less than half of which was probably going to NIST facilities in the district I represent in Colorado.

As the Speaker is aware, that point of order was sustained and the money was stricken from the bill. Sometime later, the work on this bill was suspended before the House had even reached the portion of this appropriations bill involving funding for Radio Marti. We are expected to resume it when we return from the Fourth of July work period on July 13 or 14.

In any case, I was greatly disturbed and saddened that the normal legislative business of this House should have been subjected to this kind of retributive tactics and would not have requested this time on special order but for the fact that the Cuban-American National Foundation proceeded to issue a press release crowing over the success of Representative DIAZ-BALART in attacking a program presumed to be important to me because of my stated intention to deal with funding for Radio Marti.

As the press release reads,

> Colorado Rep. David Skaggs' opposition to peaceful U.S. radio broadcasting to Cuba has apparently cost his district $23 million in federal funds. The money was earmarked to build a national Institute of Standards and Technology facility at a Boulder-area university. During today's House debate on the fiscal year 1994 appropriations bill, Mr. Skaggs announced his intention—

By the way, I did not so announce, in any case.

> Announced his intention to eliminate $8.7 million in Federal funds for the continuation of Radio Marti.

It goes on,

> The NIST project was subsequently excised in a point of order by Cuban American Rep. Lincoln Diaz-Balart (R–FL), a firm backer of Radio Marti and freedom for Cuba, after Rep. Skaggs rebuffed Rep. Diaz-Balart's attempts to reach a compromise on cutting Radio Marti.

Let me just say, I wish there were grounds or an opportunity for compromise. It was basically my understanding of my colleague's proposition to me that I either back off or else. There was not much of an opportunity to compromise.

Perfectly legitimate for Mr. DIAZ-BALART to raise the point-of-order that he did. The program, the NIST construction money that he attacked, has not been specifically authorized in statute so, under the rules of the House, there was nothing intrinsically improper about the move against the NIST funding.

It is troubling, though, that given this press release, his motivation seems to be not that he objects to funding for the National Institutes for Standards and Technology but that he objects to me and the way I try to carry out my responsibilities as a member of the Committee on Appropriations.

I think it is sad and unfortunate that given the necessary give and take of the legislative process in the House, with Members' deeply held views and principles in the balance, that matters might degenerate into any kind of vindictiveness along these lines.

Certainly, the alliances and the antagonisms that exist in this House shift and realign day to day, as different issues come before us. I think we all have to keep in mind that those with whom we may disagree today will be our allies on another issue tomorrow, and it is essential to and really critical for us to keep in mind the paramount requirement for civil discourse, if this legislative body is to carry out its responsibilities in a respectful and respectable way.

To use the old aphorism, we need to be able to disagree without being disagreeable.

My colleague, the gentleman from New York [Mr. SERRANO], has been kind enough to join me on the floor this evening and has some substantial experience of his own with respect to these issues.

I yield to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. First of all, let me commend the gentleman on two points that I think are extremely important.

First of all, for his ability to stay totally calm, cool, and collected during what I know is a very difficult situation, a situation which requires for many Members to be very concerned about the kind of actions that were taken today and, actually, to be very upset.

But at the same time, I also feel that it was important for him to take the time to put forth this information.

The problem, having said those two things, is that I am almost tempted to sort of smile a little bit and say, "Welcome to the club." There is a situation that exists in our country which is well known in some communities and totally unknown in others, that there is a group called the Cuban-American National Foundation which uses difficult, difficult tactics whenever you disagree with them on any policy that has to deal with the Island of Cuba, its present, its future and, in many cases, even its past.

This group is one that is funded through private contributions as well as receives government monies. It receives grants from the National Endowment for Democracy. It receives grants in an indirect way through Radio and TV Marti, because the chairman of the Cuban-American National Foundation is also the chairman of the board of TV Marti and the chairman of the board of Radio Marti. And so it all becomes a conglomerate, more or less, used to put forth a policy, a philosophy towards bringing about political changes in Cuba.

That is OK. Interestingly enough, if we were to discuss it, the gentleman from Colorado, myself and members of the Foundation would agree on political changes in Cuba. What we do not agree on and what the gentleman is now a member of the particular club is that if you disagree in any way, shape, or form, you are questioned not on that particular action you took, in this case Radio and TV Marti, but in many cases you are labeled.

I cannot tell you how many times people I know are labeled on Spanish radio as being Communists because they may oppose, for instance, the embargo, the trade embargo on Cuba.

Article after article and publication after publication will indicate that this Foundation continues to attack anyone who disagrees with them.

Just last August, the Americas Watch and the Fund for Free Expression conducted a study within our borders of human rights and civil rights violations. These are organizations that traditionally tell us what is going wrong in other countries.

These two groups said that in Miami, there was an abuse of human rights, documenting a campaign of intimidation and terror and criticizing U.S. Government encouragement primarily through funding of groups that are closely identified. And this group, in particular, with efforts to restrict freedom of expression. And the principal example, says the report, is money granted to such groups as the Cuban-American National Foundation.

On the issue of Radio and TV Marti, I have stated before in public and taken extreme amounts of heat for it that this is an electronic toy created for this Foundation to put forth their policies towards what the future of Cuba should be like.

If my colleague would permit, I think that if anybody in this country wants to get an electronic toy, they should get a Radio Shack credit card and not come here and get funded and then use this little toy to promote a policy without giving full support to people who may have a different view.

Now, we are not discussing the policy of Cuba. Let us take a second to talk about that, because I think that is important. It is at the bottom of all this.

□ 1940

For 30-odd years we have had an embargo on Cuba. Radio and TV Marti are part of a failed policy. Why is it a failed policy? Simple. If the intent of all our acts on foreign policy toward Cuba was to bring about a political change, we failed. There has been no political change. The political change that may come will come as a direct result of political changes in the Soviet Union which can no longer assist the Cuban economy.

It was not our policy that created that, it was the lack of somebody else's future policy that created it.

As the gentleman has stated, in Miami right now there are about five radio stations that beam into Cuba on a daily basis. Those radio stations, because of the Foundation's influence in Miami, I will tell the Members, are not allowed to spend 1 minute of the day saying that anything positive could be going on in Cuba, or worse, that there could be a new American policy to solve the problem of the relationship between Cuba and the United States.

What is the need for TV and Radio Marti? Only that it is a tool for some people to stay in power, locally. These people make no secret about the fact that, should there be a political change in Cuba, they want to return and establish themselves as the new government. This is what we are talking about here.

The gentleman is courageous enough to stand up and say, "We are in a cost-cutting mood. There are changes that have to take place." For the first time this year, I joined the gentleman on the Committee on Appropriations, and was saddened to see that, as a Representative of the poorest district in the Nation, the South Bronx, the poorest district in the Nation, the moneys were extremely short in talking about housing and social services and education.

Now we are spending all these dollars for what is a failed policy and a waste of time. He was correct in bringing up those questions. What he did not anticipate, perhaps, is that now he finds himself on the list of enemies for the Cuban-American National Foundation, and the lack of tact, the lack of democratic principle to immediately put a press release into a Member's district and to try to intimidate him in that way—they have a right to do that, this is a democracy. Unlike them, we believe that you can do that whenever you want, but we believe you can disagree.

The gentleman disagreed, and for that, they will try to make him pay a price. Again, welcome to the club. There are so many of us who, any time we turn on the radio, find attacks about what we stand for.

I want to really congratulate the gentleman for putting forth today's conversation, and to tell the gentleman that I stand shoulder-to-shoulder with him in making these questions and continuing to make these questions, and to alerting people, perhaps starting today, that there exists within our borders a group of people who have set policy—past administrations have allowed them to set policy toward Cuba, and that has to end; that they can become part of a lot of voices who will determine what the future of Cuba should look like, including people who live in Cuba right now.

Mr. SKAGGS. I am very grateful for the gentleman's comments. Let me just say, I do not think there should be any question or doubt left in the minds of anyone that may be listening to us this evening, that no one is here to suggest that anything but our wholehearted endorsement of the need for change in the government and the economic policies of Cuba. I want to make sure that there is no doubt about that. I am a strong supporter for free institutions there, as we all are elsewhere in the world.

The question in my mind was the effectiveness of spending millions of dollars on these programs to accomplish that purpose, and clearly, that effectiveness had not been demonstrated. In these difficult budget times, it seemed to me that there was an area where we could save some money and not jeopardize our national interests.

I am grateful to the gentleman. I believe he feels the same way about our basic objectives here. It is not what our goals are with respect to a free Cuba, but how we use scarce taxpayer dollars to effectuate those goals.

Mr. SERRANO. I am totally in agreement. One of the things that I had mentioned to the gentleman before is that if you happen to listen to shortwave radio, you will hear there is a lot of communication between the United States and Cuba. This, as he well pointed out, is something that is not necessary.

Interestingly enough, not that we negotiate with individuals we do not deal with, that we do not recognize as leaders, anyway, but when TV Marti came in it created such a difficulty in Cuba that the Cuban Government then started jamming Radio Marti, and on many occasions had said, "If you lift TV Marti, we will stop jamming Radio Marti."

So to that extent, what we are doing is creating another layer on top of what we already had because we were not allowing either one of our institutions to get in.

As you well know, TV Marti at times is ridiculous. A balloon up in the air is called Fat Albert, and every so often it gets loose and we have to chase it all over the Florida Keys and the Everglades to bring it back so they can broadcast Popeye cartoons at 3 o'clock in the morning.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUTE (at the request of Mr. MICHEL), for today, on account of bringing home his first baby from the hospital.

Mr. HOUGHTON (at the request of Mr. MICHEL), for today, on account of attending a funeral.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 60 minutes each day on today and July 13, 14, 20, and 21.

Mr. KOLBE, for 60 minutes, today.

Mr. DREIER, for 60 minutes, on today and July 15.

Mr. KIM, for 5 minutes, on July 14.

(The following Members (at the request of Mr. MINGE) to revise and extend their remarks and include extraneous material:)

Mr. MINGE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. BLACKWELL, for 60 minutes, today.

Mr. TOWNS, for 60 minutes, on July 13 and 14.

Mrs. CLAYTON, for 60 minutes, on July 27 and 29.

Mr. OWENS, on July 1, 2, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

(The following Member (at the request of Mr. MINGE) to revise and extend his remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CAMP.

Mrs. ROUKEMA.

Mr. ROTH.

Mr. MOORHEAD.

Mr. SOLOMON.

Mr. HOKE.

Mr. GOODLING in two instances.

Mrs. MORELLA.

Mr. STUMP.

Mr. FIELDS of Texas.

Mr. GALLEGLY.

Mr. DICKEY in two instances.

Mr. SCHAEFER.

Mr. BEREUTER in three instances.

Mr. COLLINS of Georgia.

Mr. TAYLOR of North Carolina.

Mr. GINGRICH.

Mr. GEKAS.

Mr. GILMAN in two instances.

Mr. ROHRABACHER.

(The following Members (at the request of Mr. MINGE) and to include extraneous matter:)

Mr. NATCHER.

Mr. SWETT.

Mr. SAWYER, in two instances.

Mr. BARCIA.

Mr. TOWNS.

Mr. ROSE.

Mr. ROWLAND.

Mr. STARK, in three instances.

Ms. SLAUGHTER.

Mr. GLICKMAN, in two instances.

Mr. RANGEL, in two instances.

Ms. BYRNE.

Mr. KANJORSKI, in two instances.

Mr. FAZIO.

Mr. HAMILTON, in four instances.

Mr. ENGEL, in two instances.

Mrs. KENNELLY.

Mr. DEFAZIO.

Mr. LANTOS, in two instances.

Mr. FORD of Michigan.

Mr. NEAL of Massachusetts.

Mr. LAFALCE.

Mr. MAZZOLI.

Mr. ORTIZ.

Mr. MINGE.

Mr. DE LUGO.

Mr. RICHARDSON.

(The following Members (at the request of Mr. SKAGGS) and to include extraneous matter:)

Mr. HUGHES.

Mr. KREIDLER.

Mr. TAYLOR of North Carolina.

Mr. KLEIN.

Mr. MICHEL.

Mr. MARKEY.

Ms. MOLINARI.

Mr. HOCHBRUECKNER.

Mr. KILDEE.

Mr. FAZIO.

Mr. TRAFICANT.

Mr. PAYNE of Virginia.

Mr. LEWIS of Georgia.

Mr. LEHMAN.

Mr. EDWARDS of Texas.

Mr. JACOBS.

Mr. CHAPMAN.

Mr. GILLMOR.

Mr. GUTIERREZ.

Mr. CONDIT.

Mr. PORTER.

Mr. GONZALEZ.

Mr. KENNEDY.

Ms. PELOSI.

Mr. BILBRAY.

Mr. FINGERHUT.

Mr. LIPINSKI.

## SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

## ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of the multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional fast track procedures to a bill implementing such agreements.

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

## ADJOURNMENT TO TUESDAY, JULY 13, 1993

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. DEAL). Pursuant to the provisions of House Concurrent Resolution 115 of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, July 13, 1993.

Thereupon (at 7 o'clock and 46 minutes p.m.), pursuant to House Concurrent Resolution 115, the House adjourned until Tuesday, July 13, 1993, at 12 noon.

## OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true

**faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."**

**has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:**

PETER W. BARCA, First District, Wisconsin.

## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:**

1520. A letter from the Chief Financial Officer, Department of State, transmitting a violation of section 3679 of the Revised Statutes (31 U.S.C. 1517), pursuant to Revised Statutes, section 3679(e)(2); to the Committee on Appropriations.

1521. A letter from the Department of Defense, transmitting the Department's Defense Manpower Requirements Report for fiscal year 1994, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

1522. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Board, pursuant to section 21A(k)(4) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

1523. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Oversight Board on the Resolution Funding Corporation for the calendar year 1992, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404; to the Committee on Banking, Finance and Urban Affairs.

1524. A letter from the Acting President, Thrift Depositor Protection Oversight Board, transmitting the audited financial statements of the Resolution Trust Corporation as of December 31, 1992, and for the year then ended, pursuant to section 21A(k)(1)(A) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

1525. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Australia (Transmittal No. 7-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1526. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 8-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1527. A letter from the Director, Defense Security Assistance Agency, Transmitting the Department of Air Force's proposed lease of defense articles to the Coordination council for North American Affairs (Transmittal No. 6-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-29-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-33-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Taiwan (Transmittal No. DTC-23-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the Netherlands (Transmittal No. DTC-31-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on missile proliferation, pursuant to 22 U.S.C. 2776b(a)(1); to the Committee on Foreign Affairs.

1533. A communication from the President of the United States, transmitting a report on U.S. peacekeeping contributions and the use of U.S. Armed Forces in Somalia (H. Doc. No. 103-107); to the Committee on Foreign Affairs and ordered to be printed.

1534. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation entitled "United States International Broadcasting Act of 1993"; to the Committee on Foreign Affairs.

1535. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1536. A letter from the National Council on Radiation Protection and Measurements, transmitting the 1992 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to Public Law 88-376, section 14(b) (78 Stat. 323); to the Committee on the Judiciary.

1537. A letter from the Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1992, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

1538. A letter from the Secretary, Department of Transportation, transmitting a report entitled "Value Engineering on Federal-Aid Projects," pursuant to Public Law 102-240, section 1091(b) (105 Stat. 2024); to the Committee on Public Works and Transportation.

1539. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1540. A letter from the Railroad Retirement Board, transmitting the 1993 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly, to the Committees on Ways and Means and Energy and Commerce.

1541. A letter from the Secretary of Energy, transmitting a report entitled "Comprehensive Report to Congress: Proposals Received in Response to the Clean Coal Technology V Program Opportunity Notice"; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.J. Res. 208. Resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; adversely (Rept. 103-167). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1804. A bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes, with amendments (Rept. 103-168). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. HUGHES (for himself and Mr. BERMAN):

H.R. 2576. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions; to the Committee on the Judiciary.

By Mr. ALLARD:

H.R. 2577. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Natural Resources.

By Mr. BEVILL:

H.R. 2578. A bill to ensure fair resolution of commercial disputes between United States firms and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. DE LA GARZA (for himself, Mr. ENGLISH of Oklahoma, Mr. GLICKMAN, Mr. VOLKMER, Mr. PENNY, Mr. JOHNSON of South Dakota, Mr. SARPALIUS, Ms. LONG, Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. MINGE, Mr. HILLIARD, Mr. INSLEE, Mr. BARLOW, Mr. HOLDEN, Ms. MCKINNEY, Ms. THURMAN, Mr. THOMPSON, Mr. BISHOP, Mr. FARR, Mr. WILLIAMS, Ms. LAMBERT, Mr. CONDIT, Mr. POMEROY, Mr. EMERSON, Mr. GUNDERSON, and Mr. NUSSLE):

H.R. 2579. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture.

By Mr. DEFAZIO (for himself, Mr. WYDEN, Mr. KOPETSKI, and Ms. FURSE):

H.R. 2580. A bill to amend the Federal Water Pollution Control Act relating to Federal facilities pollution control; to the Committee on Public Works and Transportation.

By Mr. DUNCAN:

H.R. 2581. A bill to direct the Secretary of Transportation to make a grant to the State of Tennessee for the purpose of erecting a highway sign to inform motorists of the location of the Living Heritage Museum in McMinn County, TN; to the Committee on Public Works and Transportation.

H.R. 2582. A bill to direct the Secretary of Transportation to make a grant to the State of Tennessee for the purpose of erecting a highway sign to inform motorists of the location of Blount Mansion in Knoxville, TN; to the Committee on Public Works and Transportation.

By Ms. ESHOO (for herself, Mr. HAMBURG, Ms. PELOSI, Ms. WOOLSEY, Ms. SCHENK, Mr. FRANK of Massachusetts, Mr. OWENS, Mr. TOWNS, Mr. STOKES, Mr. FILNER, Mr. STARK, Mr. WAXMAN, Mr. BERMAN, Mr. BEILENSON, Mr. MINETA, Ms. HARMAN, Mr. BROWN of California, Mr. EDWARDS of California, Ms. ROYBAL-ALLARD, Mr. LANTOS, Mr. DIXON, Mr. MATSUI, Mr. TORRES, Mr. HASTINGS, Mr. HINCHEY, Mr. FAZIO, Mr. BECERRA, and Ms. WATERS):

H.R. 2583. A bill to establish a California ocean protection zone, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Natural Resources.

By Mr. FOGLIETTA (for himself and Mr. BORSKI):

H.R. 2584. A bill to amend the Internal Revenue Code of 1986 to provide equity in medical benefits for retirees in multiemployer plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. GEKAS:

H.R. 2585. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for fixed deficit targets to reduce the deficit to zero by the end of fiscal year 2000; to the Committee on Government Operations.

By Mr. GLICKMAN (for himself, Mr. GEKAS, and Mr. KANJORSKI):

H.R. 2586. A bill to reorganize the Federal administrative law judiciary, and for other purposes; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. FIELDS of Texas, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. ROBERTS, Mr. PENNY, Mr. TANNER, Mr. BEREUTER, Mr. SUNDQUIST, Mr. EVANS, Mr. JACOBS, Mr. BURTON of Indiana, Mr. ROEMER, Mr. FINGERHUT, and Ms. DANNER):

H.R. 2587. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Public Works and Transportation.

By Mr. HINCHEY:

H.R. 2588. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; jointly, to the Committees on Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mr. JACOBS:

H.R. 2589. A bill to improve under the title II of the Social Security Act and to increase the Social Security benefit and contribution base; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. MINGE, and Mr. PENNY):

H.R. 2590. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make prevented planted disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture.

By Mrs. KENNELLY (for herself and Mr. PICKLE):

H.R. 2591. A bill to amend the Internal Revenue Code of 1986 to exempt services performed by full-time students for seasonal children's camps from Social Security taxes; to the Committee on Ways and Means.

By Mr. KREIDLER (for himself, Mrs. UNSOELD, and Mr. MCDERMOTT):

H.R. 2592. A bill to establish a clearinghouse of information concerning telecommunications technologies that are useful in distance learning programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAFALCE (for himself, Mr. DICKEY, Mr. MFUME, Mr. WYDEN, Ms. DANNER, Mr. TOWNS, Mrs. MEEK, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. TORRES, Mr. OBERSTAR, Mr. ENGEL, Mr. ROMERO-BARCELO, and Ms. ROYBAL-ALLARD):

H.R. 2593. A bill to establish minimum standards of fair conduct in franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 2594. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. LAFALCE (for himself, Mr. DICKEY, Mr. MFUME, Mr. WYDEN, Ms. DANNER, Mr. TOWNS, Mrs. MEEK, Mr. MCDERMOTT, Mrs. CLAYTON, Mr. TORRES, Mr. OBERSTAR, Mr. ENGEL, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, and Mr. SHAYS):

H.R. 2595. A bill to revise current Federal law and procedure to provide consumers with comprehensive and accurate statistical information about franchising and franchise practices, and for other purposes; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

H.R. 2596. A bill to strengthen current Federal law and regulation to protect consumers in connection with the representation and sale of franchise businesses; to facilitate increased public disclosure regarding franchise opportunities, to enhance common law remedies for purchasers of franchises, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MACHTLEY (for himself, and Mr. KOPETSKI):

H.R. 2597. A bill to amend the Internal Revenue Code of 1986 to allow a credit to small employers for the cost of implementing health promotion and disease prevention programs for their employees; to the Committee on Ways and Means.

By Mr. MACHTLEY (for himself, Mr. SAXTON, Mr. WALSH, Mr. MCCLOSKEY, Mr. GALLO, and Mr. HINCHEY):

H.R. 2598. A bill to extend and improve the adjustment assistance program for firms under the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Ms. MOLINARI, Ms. ESHOO, Mrs. MORELLA, Mr. FINGERHUT, Mr. MCCLOSKEY, Mr. LIPINSKI, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. BEILENSON, Mr. MAZZOLI, Mr. HINCHEY, Mr. FILNER, Mr. UPTON, and Mr. HUGHES):

H.R. 2599. A bill to prohibit the use of outer space for advertising purposes; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Mr. KANJORSKI (for himself, Mrs. ROUKEMA, Mr. NEAL of North Carolina, Mr. ORTON, Mr. KLEIN, Mr. MORAN, and Ms. KAPTUR):

H.R. 2600. A bill to promote economic growth and credit formation by facilitating the development of a secondary market for business, commercial, and community development debt and equity investments, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CONYERS:

H.R. 2601. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection; to the Committee on Government Operations.

By Mr. MAZZOLI (for himself, Mr. SCHUMER, and Mr. MCCOLLUM):

H.R. 2602. A bill to amend the Immigration and Nationality Act to improve immigration enforcement and antismuggling activities, to reform the asylum law, and to authorize appropriations for the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself and Mr. MOAKLEY):

H.R. 2603. A bill to amend the Internal Revenue Code of 1986 to provide transition relief for nonprofit student loan funding corporations; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 2604. A bill to establish a Wetlands Center at the Port of Brownsville, TX, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ORTON (for himself, Mr. FROST, Mr. GILLMOR, Mr. PETERSON of Minnesota, Mr. SOLOMON, and Mr. WALSH):

H.R. 2605. A bill to amend the National Housing Act to provide that a person purchasing a home with a mortgage insured under the FHA single family mortgage insurance program may, under such program, borrow amounts for the downpayment from family members; to the Committee on Banking, Finance and Urban Affairs.

By Mr. QUILLEN:

H.R. 2606. A bill to amend the Public Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. MORAN, Mr. CASTLE, Mr. TOWNS, and Mr. KING):

H.R. 2607. A bill to establish the Professional Boxing Corporation, and for other purposes; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. SAWYER (for himself and Mr. MYERS of Indiana):

H.R. 2608. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mrs. ROUKEMA):

H.R. 2609. A bill to establish a Presidential commission to investigate and propose solutions to reduce the broadcasting of violence on television; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 2610. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for a Mediplan that assures the provision of health insurance coverage to all residents, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 2611. A bill to delay the effective date of certain proposed amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

By Mr. STARK (for himself and Mr. Farr):

H.R. 2612. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain charitable risk pools; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2613. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings constructed with Japanese services; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming:

H.R. 2614. A bill to direct the Secretary of the Interior to convey certain lands of the Shoshone Federal reclamation project, Wyoming, to the Big Horn County School District, Wyoming, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMAS of Wyoming (for himself, Mrs. Vucanovich, Mr. Hefley, Mr. Pombo, Mr. Crane, Mr. Doolittle, Mr. Hansen, Mr. Smith of Oregon, Mr. DeLay, Mr. Stump, Mr. Hayes, Mr. Herger, Mr. Skeen, and Mr. Young of Alaska):

H.R. 2615. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. TRAFICANT:

H.R. 2616. A bill regarding the payment of interest with respect to certain reliquidated entries; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.J. Res. 224. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the death penalty; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 225. Joint resolution designating the third week of July 1993 as "Captive Nations Week," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. Thompson, Mr. Sanders, Mr. Cramer, Mr. Lancaster, Mr. Kopetski, Mr. Underwood, Mr. Sarpalius, Mr. Frank of Massachusetts, Mr. Kleczka, Mr. McDermott, Mr. Hefner, Mr. Valentine, Mr. Spratt, Mr. Brewster, Mr. Hoagland, Mrs. Mink, Mr. de Lugo, Mr. Vento, Mr. Ackerman, Mr. Towns, Mr. Frost, Mr. Gordon, Mr. Mazzoli, Mr. Lipinski, Mr. Hyde, Mr. Evans, Mr. Quillen, Mr. Murphy, Mr. McCollum, Mr. Ravenel, Mr. Lantos, Mr. Manton, Mr. Taylor of Mississippi, Ms. Brown of Florida, Mr. Scott, Mr. Dellums, Mr. Engel, Mr. Fawell, Mr. Foglietta, Mr. Hamilton, Mr. Hobson, Mr. Hutto, Mr. Martinez, Mr. Olver, Mr. Stokes, Ms. Waters, Mr. Moakley, Mr. Wheat, Mr. McNulty, Mr. Hoyer, Mr. Bilirakis, Mr. Neal of Massachusetts, Mr. Serrano, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Poshard, Mr. Kildee, Mr. Oberstar, Mr. Owens, Mr. Pallone, Mr. Slattery, Mr. Miller of California, and Mr. Torricelli):

H.J. Res. 226. Joint resolution to designate the second Sunday in October 1993 as "National Children's Day"; to the Committee on Post Office and CIvil Service.

By Mr. TORRICELLI:

H.J. Res. 227. Joint resolution calling upon the President to initiate discussions with members of the United Nations for the purpose of entering into agreements providing for an equitable sharing of responsibility among those members relating to armed forces available to the United Nations Security Council, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GEPHARDT:

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993 and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993; considered and agreed to.

By Mr. CAMP:

H. Con. Res. 116. Concurrent resolution calling upon the President to discontinue further economic assistance to the Government of the Russian Federation until all pertinent documents from the archives of the Communist Party of the former Soviet Union relating to the fates of American prisoners of war and missing in action have been provided to the United States Government; to the Committee on Foreign Affairs.

By Mr. LEHMAN (for himself, Mr. Stark, Mr. Wilson, Mr. Gallegly, Mrs. Morella, Mr. Sarpalius, Ms. Kaptur, and Mr. Canady):

H. Con. Res. 117. Concurrent resolution relating to improved United States-Mexico cooperation in controlling illegal immigration; to the Committee on Ways and Means.

By Mr. SOLOMON:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress that any limitation under Federal tax law on the deductibility of compensation exceeding $1 million paid to executives individually should be expanded to apply to compensation paid to entertainers and athletes; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. Foglietta.

H.R. 44: Mr. Baker of California, Mr. Blackwell, Mr. Camp, Miss Collins of Michigan, Mr. Costello, Mr. Coyne, Mr. Dornan, Mr. Duncan, Mr. Engel, Mr. Franks of New Jersey, Mr. Gekas, Mr. Goodlatte, Mr. Grandy, Mr. Gunderson, Mr. Hayes, Mr. Hoagland, Mr. Hoekstra, Mr. Hoyer, Mr. Johnson of Georgia, Mr. Johnson of South Dakota, Mr. Klein, Mr. Klink, Mr. Lewis of California, Mr. Markey, Mr. Miller of Florida, Mr. Paxon, Mr. Pombo, Mrs. Roukema, Mr. Sisisky, Mr. Smith of Texas, Mr. Sundquist, Mr. Swett, Mr. Tanner, Ms. Thurman, Mr. Torkildsen, and Mr. Upton.

H.R. 58: Mr. Weldon.

H.R. 65: Mr. Tanner, Mr. Cox, and Mr. Volkmer.

H.R. 68: Ms. Thurman.

H.R. 115: Mr. Torres.

H.R. 140: Mr. Browder, Mr. Slattery, Mr. Barca of Wisconsin, Mr. Emerson, Mr. Roberts, and Mr. Istook.

H.R. 145: Mr. Petri and Mr. Kim.

H.R. 147: Mr. Doolittle.

H.R. 214: Mr. DeLay and Mr. Brown of Ohio.

H.R. 245: Mr. Stump.

H.R. 285: Mr. Lancaster.

H.R. 303: Mr. Volkmer.

H.R. 322: Ms. Slaughter, Mr. Wynn, Mr. Kreidler, and Mr. Meehan.

H.R. 378: Mr. Paxon.

H.R. 436: Mr. Engel, Mr. Calvert, and Mr. McDade.

H.R. 512: Mr. Johnson of South Dakota.

H.R. 558: Mr. Lewis of Georgia and Mr. Barca of Wisconsin.

H.R. 591: Mr. Lewis of Georgia and Ms. Pelosi.

H.R. 647: Mr. Pete Geren of Texas.

H.R. 649: Mr. Shaw, Mr. Coleman, Mr. Waxman, and Mr. Hamburg.

H.R. 662: Mr. Doolittle.

H.R. 703: Ms. Norton and Mr. Gallegly.

H.R. 763: Mr. Dooley.

H.R. 767: Mrs. Clayton and Ms. Eshoo.

H.R. 786: Mr. Callahan, Mr. Tanner, Mr. Smith of New Jersey, and Mr. Smith of Texas.

H.R. 789: Mrs. Roukema, Mr. Oxley, Mr. Zimmer, Mr. Gilman, and Mr. Gillmor.

H.R. 794: Mrs. Morella.

H.R. 799: Mr. Gilchrest and Mr. Michel.

H.R. 827: Mr. Bartlett of Maryland, Mr. Evans, Mr. Leach, Mr. Tucker, Mr. Sensenbrenner, Mrs. Lowey, Mr. Doolittle, Mr. Paxon, Mr. Gillmor, and Mr. Rogers.

H.R. 830: Mr. Gillmor, Mr. Quillen, and Mrs. Morella.

H.R. 864: Mr. Rohrabacher.

H.R. 911: Mr. Lewis of California and Mr. Bonior.

H.R. 916: Mr. Gibbons.

H.R. 930: Mr. Brown of California.

H.R. 942: Mr. Upton, Mr. Gillmor, Mr. Sensenbrenner, Mr. Studds, and Ms. Pryce of Ohio.

H.R. 962: Mrs. Morella, Mr. Tejeda, and Mr. Underwood.

H.R. 967: Mr. Baker of California, Mr. Johnson of Georgia, Mr. Castle, Mr. Goodling, and Mr. Stearns.

H.R. 977: Mr. Williams.

H.R. 982: Mr. Quillen, Mr. Roemer, Mr. Hilliard, Mr. Waxman, Mr. Bilbray, and Mr. Kildee.

H.R. 1017: Mr. Gordon.

H.R. 1036: Mr. Payne of New Jersey, Mr. Bonior, Mr. Swift, and Ms. Kaptur.

H.R. 1103: Mr. Peterson of Minnesota and Mr. Chapman.

H.R. 1126: Mrs. Lloyd.

H.R. 1127: Mrs. Lloyd.

H.R. 1141: Mr. Skelton and Mr. Reed.

H.R. 1155: Mr. Owens.

H.R. 1246: Mr. Beilenson.

H.R. 1251: Mr. Livingston and Mr. Ramstad.

H.R. 1304: Ms. Slaughter.

H.R. 1349: Mr. Inglis of South Carolina.

H.R. 1380: Mr. Parker, Mr. Lewis of Georgia, Mr. Dellums, Mr. Hastings, and Mr. Evans.

H.R. 1406: Mr. Shays, Mr. Bishop, and Mr. Blackwell.

H.R. 1419: Mr. Fish.

H.R. 1431: Mr. Young of Alaska, Mr. Johnson of South Dakota, Mr. Peterson of Minnesota, and Mr. Taylor of North Carolina.

H.R. 1438: Mr. Saxton and Mr. Gallegly.

H.R. 1440: Mr. Scott and Ms. Byrne.

H.R. 1442: Mr. Fish.

H.R. 1500: Ms. NORTON, Mr. NADLER, and Mr. HOCHBRUECKNER.

H.R. 1517: Mr. OLVER, Mr. HOCHBRUECKNER, Mr. MANTON, and Mr. REED.

H.R. 1541: Mr. CLINGER, Mr. BALLENGER, and Mr. DELLUMS.

H.R. 1555: Mr. DEFAZIO.

H.R. 1595: Mr. ROBERTS.

H.R. 1608: Mr. CAMP, Mr. SANDERS, and Mr. WYNN.

H.R. 1697: Mr. SCOTT, Mr. GOODLING, Mr. GILLMOR, Mr. LANTOS, Mr. LAFALCE, Mr. THOMAS of Wyoming, Mr. HOAGLAND, Mr. REYNOLDS, Mr. BLILEY, Mr. KOPETSKI, Mr. ARCHER, Mr. DE LUGO, Mr. HORN, and Mr. HALL of Texas.

H.R. 1722: Mr. UPTON, Mr. KLINK, Mr. MAZZOLI, Mr. SANDERS, Mr. CLYBURN, Mr. JOHNSON of South Dakota, Ms. NORTON, Mr. BONIOR, Ms. MALONEY, Mr. PAYNE of Virginia, Mr. PASTOR, Mr. CONYERS, Mr. WYNN, Mr. MARKEY, Mr. SWIFT, Mr. KOPETSKI, Ms. DANNER, Mr. HALL of Ohio, Mrs. UNSOELD, Mr. SCOTT, Mr. HOCHBRUECKNER, Mr. GONZALEZ, Mr. KENNEDY, Mr. SLATTERY, Mr. EDWARDS of California, Mr. REED, Ms. WOOLSEY, Mr. MORAN, Mr. SAWYER, Mr. FROST, Mr. HINCHEY, Mr. ENGEL, Mr. TORRES, Mr. GEJDENSON, Mr. PARKER, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, and Mr. FISH.

H.R. 1733: Miss COLLINS of Michigan.

H.R. 1734: Ms. VELAZQUEZ, Mr. LEWIS of Georgia, and Mr. FOGLIETTA.

H.R. 1738: Mr. EMERSON.

H.R. 1793: Mr. DEUTSCH, Mr. WHEAT, Mr. FILNER, Mr. STARK, Mr. LEWIS of Georgia, Mr. COYNE, Mr. PETERSON of Minnesota, Mr. FROST, Mr. HASTINGS, Mr. SANDERS, Mr. LIPINSKI, and Mr. COLEMAN.

H.R. 1804: Mr. REYNOLDS, Mr. SCOTT, Mr. STUPAK, and Mr. DE LUGO.

H.R. 1913: Mr. ENGEL, Mr. GILMAN, and Mr. HOUGHTON.

H.R. 1915: Mr. DELLUMS, Mr. HASTINGS, Mr. LANCASTER, Mr. ANDREWS of Maine, Mr. FROST, Mr. FIELDS of Texas, Mr. BONIOR, Mr. REED, Mr. PALLONE, Mr. HUTTO, Mr. PICKETT, Mr. EVANS, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. DEUTSCH, and Mr. LIPINSKI.

H.R. 1924: Mr. FISH.

H.R. 1950: Mr. SENSENBRENNER, Mr. ISTOOK, and Mr. INHOFE.

H.R. 1952: Mr. BORSKI, Mr. FINGERHUT, Mr. FROST, Mr. HALL of Texas, Mr. HUTTO, Mr. LIPINSKI, Mr. DE LUGO, Mr. MILLER of California, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MURPHY, Mr. RANGEL, Mr. STOKES, Mr. TOWNS, Mr. WALSH, Mr. WOLF, and Mr. UPTON.

H.R. 1981: Mr. DREIER, Mr. VISCLOSKY, Mr. ALLARD, Mr. HAYES, Mr. EVERETT, Mrs. MINK, and Mr. ENGLISH of Oklahoma.

H.R. 1994: Mr. KLEIN.

H.R. 2012: Mr. MCCLOSKEY, Mr. FIELDS of Texas, Mr. MCCANDLESS, Mr. KLECZKA, Mr. LEHMAN, Mr. MONTGOMERY, Mr. SKELTON, Mr. ROWLAND, Mr. CALLAHAN, Mr. TAYLOR of Mississippi, Mr. CONDIT, Mr. PETE GEREN of Texas, Mr. PICKETT, Mr. FAZIO, Mr. RAHALL, Mr. HEFNER, Mr. ABERCROMBIE, Mr. BROWDER, Mr. PASTOR, Mr. BERMAN, Mr. DELLUMS, Mr. LANTOS, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Ms. PELOSI, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mrs. KENNELLY, Mr. HUTTO, Mr. DARDEN, Mrs. MINK, Mr. COSTELLO, Mr. DURBIN, Mr. LIPINSKI, Mr. SANGMEISTER, Mr. SLATTERY, Mr. JEFFERSON, Mr. TAUZIN, Mr. HOYER, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. KILDEE, Mr. SABO, Mr. WHITTEN, Mr. VOLKMER, Mr. WHEAT, Mr. HOAGLAND, Mr. SWETT, Mr. RICHARDSON, Mr. FLAKE, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. ROSE, Mr. SAWYER, Mr. TRAFICANT, Mr. BREWSTER, Mr. MCCURDY, Mr. DEFAZIO, Mr. BLACKWELL, Mr. SPRATT, Mr. CLEMENT, Mr. TANNER, Mr. SARPALIUS, Mr. STENHOLM, Mr. OBEY, Mr. UNDERWOOD, Mr. DE LA GARZA and Mr. LIVINGSTON.

H.R. 2043: Mr. HASTINGS and Mr. GUTIERREZ.

H.R. 2121: Mr. FALEOMAVAEGA, Mr. STENHOLM, Mr. BARRETT of Wisconsin, Mr. JOHNSON of South Dakota, Mr. CONDIT, Mr. SYNAR, Mr. YATES, Mr. POMEROY, Mr. HERGER, Mr. HOUGHTON, Mr. CANADY, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HANCOCK, Mr. WOLF, Mr. LINDER, Mr. COX, Mr. KYL, Mr. LIVINGSTON, Mr. MICA, and Mr. SHAYS.

H.R. 2134: Mr. CASTLE.

H.R. 2136: Mr. MOORHEAD.

H.R. 2139: Mr. FOGLIETTA, Mr. PAYNE of Virginia, and Ms. SLAUGHTER.

H.R. 2140: Ms. PELOSI.

H.R. 2159: Mr. INSLEE.

H.R. 2191: Mr. PARKER, Mrs. CLAYTON, and Mr. LEWIS of Georgia.

H.R. 2192: Mr. LIPINSKI.

H.R. 2263: Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. FROST.

H.R. 2285: Ms. DELAURO, Mr. FILNER, and Mr. KOPETSKI.

H.R. 2286: Mr. EMERSON, Mr. INHOFE, and Mr. SUNDQUIST.

H.R. 2292: Mr. BISHOP and Mr. LEWIS of Georgia.

H.R. 2307: Mr. BARTLETT of Maryland.

H.R. 2319: Mr. FISH, Mr. GREENWOOD, Mr. HAMBURG, Mr. HERGER, Mr. HOEKSTRA, Mr. HUFFINGTON, Ms. MOLINARI, and Mr. TUCKER.

H.R. 2331: Ms. PELOSI, and Mr. KOPETSKI.

H.R. 2338: Mr. LEVY.

H.R. 2353: Mr. HILLIARD.

H.R. 2375: Mr. FOGLIETTA.

H.R. 2393: Mr. KYL, Mr. SPENCE, Mr. ISTOOK, Mr. CAMP, Mr. SMITH of Texas, and Mr. CANADY.

H.R. 2394: Ms. SCHENK and Ms. SHEPHERD.

H.R. 2395: Ms. SCHENK and Ms. SHEPHERD.

H.R. 2399: Mr. CLYBURN.

H.R. 2433: Mr. POMBO.

H.R. 2434: Mr. KASICH and Mr. KING.

H.R. 2456: Ms. MOLINARI.

H.R. 2488: Mr. HASTINGS, and Mr. LEWIS of Georgia.

H.R. 2535: Ms. BROWN of Florida, Mr. BISHOP, Ms. LONG, Mr. EDWARDS of Texas, and Mr. TEJEDA.

H.R. 2556: Mr. COX.

H.R. 2572: Mr. WAXMAN.

H.J. Res. 106: Mr. STOKES and Mr. YOUNG of Florida.

H.J. Res. 137: Mr. MANN and Mr. KLEIN.

H.J. Res. 157: Mr. COYNE, Mr. FOGLIETTA, Mr. KASICH, Mr. KING, Mr. MARKEY, Mr. MARTINEZ and Mr. NADLER.

H.J. Res. 162: Mr. MARKEY, Mrs. MEEK, Mr. KINGSTON, Mr. PORTER, Mr. DURBIN, Mr. BALLENGER, Mr. LEWIS of California, Mr. CALVERT, Mr. MCDADE, Mr. VALENTINE, Ms. DANNER, Mr. ROHRABACHER, Mr. KENNEDY, Mr. BAKER of California, Mr. RAHALL, Mr. STOKES, Mr. SAXTON, and Mr. KLINK.

H.J. Res. 178: Mr. DEFAZIO and Mr. CRAMER.

H.J. Res. 190: Mr. BARTLETT of Maryland, Mrs. BENTLEY, Mr. BLILEY, Mr. FAWELL, Mrs. FOWLER, Mr. GUNDERSON, Mr. GRANDY, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUNTER, Mr. KING, Mr. LEWIS of California, Mr. LIVINGSTON, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mr. QUINN, Mr. RAMSTAD, Mr. REGULA, Mr. SHUSTER, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. WALSH, Mr. KLECZKA, Mr. DELLUMS, Mr. EWING, Mr. APPLEGATE, Mr. HOCHBRUECKNER, Mr. KLEIN, Mr. GEKAS, Mr. ROGERS, Mr. INHOFE, Mr. HOBSON, Mr. BACCHUS of Florida, Mr. GALLEGLY, Mr. LEVY, Mr. FIELDS of Texas, Ms. ROYBAL-ALLARD, Mr. REYNOLDS, Mr. ROYCE, Mr. SKEEN, Mr. SMITH of Texas, Mr. PETE GEREN of Texas, Mr. HOAGLAND, Mr. LEACH, Mr. KNOLLENBERG, Mr. SERRANO, Mr. KOPETSKI, Mr. RAHALL, Mr. BAKER of Louisiana, Mr. BONILLA, Mr. BUNNING, Mr. CARR, Mr. COX, Mr. CRANE, Mr. DICKEY, Mr. FRANKS of Connecticut, Mr. GINGRICH, Mr. GOODLING, Mr. GRAMS, Mrs. JOHNSON of Connecticut, Mr. LAUGHLIN, Mr. THOMAS of Wyoming, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. MACHTLEY, Mr. PORTER, Ms. PRYCE of Ohio, Mr. ROBERTS, Mr. SCHAEFER, Mr. SCHIFF, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TALENT, Mr. THORNTON, Mr. COYNE, Mr. BONIOR, Mr. MURPHY, Mr. VOLKMER, Mr. STENHOLM, Ms. MALONEY, Mr. WASHINGTON, Mr. FLAKE, Mr. GILLMOR, Mr. MOAKLEY, Mr. TEJEDA, Mr. HALL of Texas, Mrs. MINK, Mr. SAXTON, Mr. CLINGER, Mr. GALLO, Mr. GILCHREST, Mr. PETRI, Mr. PAXON, Mr. OWENS, Mr. HORN, Mr. BATEMAN, Mr. MARKEY, Mr. CALLAHAN, Mr. MCCOLLUM, Mr. MORAN, Mr. DARDEN, Mr. KANJORSKI, Mr. PORTMAN, Mr. KOLBE, Mr. NATCHER, Mr. MAZZOLI, Mr. CONDIT, Mr. HEFNER, Mrs. MEEK, Mr. ORTIZ, Mr. SARPALIUS, Mr. HOYER, Mr. WELDON, Mr. STEARNS, Mr. ROWLAND, Mr. DEAL, Mr. DELAY, Mr. CALVERT, Mr. ROTH, Mr. OXLEY, Mr. HERGER, Mr. RICHARDSON, Mr. BEILENSON, Mr. CRAPO, Mr. EVERETT, Mr. HALL of Ohio, and Ms. LOWEY.

H.J. Res. 204: Mr. CAMP, Ms. KAPTUR, Mr. WELDON, Mr. TEJEDA, Mr. BARCA of Wisconsin, and Mr. SMITH of Texas.

H.J. Res. 208: Mr. ABERCROMBIE and Ms. MOLINARI.

H.J. Res. 212: Mr. DE LA GARZA, Mr. SANGMEISTER, Mr. OWENS, Mr. JOHNSON of South Dakota, Ms. PELOSI, Mr. TORKILDSEN, Mr. BATEMAN, and Ms. KAPTUR.

H. Con. Res. 7: Mr. MOORHEAD.

H. Con. Res. 26: Mr. MARKEY.

H. Con. Res. 52: Mr. DIXON, Mr. SCOTT, Mr. REYNOLDS, Mr. UNDERWOOD, Mr. SKEEN, Mr. GINGRICH, Mr. PASTOR, Miss COLLINS of Michigan, Mr. FLAKE, Mr. PAYNE of New Jersey, Mr. WYNN, Ms. MCKINNEY, Mr. SCHUMER, Ms. VELÁZQUEZ, Mr. HASTINGS, Ms. LAMBERT, Mr. GEJDENSON, Mr. BISHOP, and Mr. FISH.

H. Con. Res. 79: Mr. CRANE, Mr. BACHUS of Alabama, Mr. ZELIFF, Mrs. MEYERS of Kansas, and Mr. ISTOOK.

H. Con. Res. 84: Mr. HASTINGS.

H. Con. Res. 100: Mr. SLATTERY and Mr. ANDREWS of Maine.

H. Res. 11: Mr. DOOLITTLE.

H. Res. 86: Mrs. THURMAN.

H. Res. 127: Mr. BACHUS of Alabama.

H. Res. 128: Ms. DELAURO, Mr. BORSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGEL, Mr. TOWNS, Mr. ACKERMAN, Mr. SPRATT, Mr. NEAL of North Carolina, Ms. LOWEY, Mr. OLVER, Mr. ROYCE, Mr. REYNOLDS, Mr. WHEAT, Mr. ORTON, Ms. BROWN of Florida, Mr. SERRANO, Mr. SCOTT, Mr. WYNN, and Mr. TUCKER.

H. Res. 165: Mr. QUILLEN, Mr. PETERSON of Minnesota, Mr. FRANKS of Connecticut, Mr. ROSE, Mr. FIELDS of Texas, Mr. BOUCHER, Mr. STEARNS, and Mr. ROWLAND.

H. Res. 175: Mr. BAKER of Louisiana, Mr. BUNNING, Mr. GALLEGLY, Mr. TAYLOR of North Carolina, Mr. GILCHREST, Mr. CRANE, and Mr. YOUNG of Alaska.

H. Res. 188: Mrs. MINK, Mrs. MEYERS of Kansas, Mr. FISH, Mr. KLEIN, and Mr. ABERCROMBIE.

## AMENDMENTS

**Under clause 6 of rule XXIII, proposed amendments were submitted as follows:**

### H.R. 2010

By Mr. TRAFICANT:

—At the end of the bill add the following new sections:

### SEC. 408. DOMESTIC EMPLOYMENT.

No funds shall be made available under this Act to any entity that does not certify that all individuals employed by such entity are individuals authorized by law to work in the United States.

—At the end of the bill, insert the following (and conform the table of contents accordingly):

### SEC. 407. PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds appropriated to carry out this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

—At the end of the bill insert the following (and conform the table of contents of the bill):

## TITLE V—GENERAL PROVISIONS

### SEC. 501. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

### SEC. 502. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Education shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

# SENATE—*Thursday, July 1, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*O God, thou art my God; early will I seek thee: my soul thirsteth for thee, my flesh longeth for thee in a dry and a thirsty land, where no water is * * *.*—Psalm 63:1.

Gracious God, help us comprehend that we have hunger and thirst for Thee which nothing else can satisfy—that when we forsake Thee, however we may surfeit ourselves with substitutes, our souls starve.

Help us comprehend that authentic humanness depends upon a close relationship with Thee, that we are most complete as persons when we worship Thee, serve Thee, love Thee.

In His name who is love incarnate. Amen.

## APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 1, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa is recognized to speak for up to 10 minutes. The time between 9:45 a.m. and 10:45 a.m. shall be under the control of the Senator from Florida or his designee.

Mr. GRASSLEY. Mr. President, I wonder if I might have all the time that is remaining between now and 9:45 for my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PAYING OFF VIETNAM'S ARREARS

Mr. GRASSLEY. Mr. President, on July 15, the Executive Board of the International Monetary Fund will be considering whether to permit France and Japan to pay off Vietnam's arrears so that Vietnam can borrow money from the international community.

Do not forget, the American taxpayers provide about 20 percent of all this money that will be borrowed.

The President will shortly decide whether the United States should use its IMF vote of influence in favor of the French and Japanese plan. Such action would be the next step toward lifting the 20-year economic embargo against Vietnam and eventually the normalization of relations.

The lone barrier between IMF loans and Vietnam, of course, is the POW/MIA issue that I have been involved with, and a lot of other Members of this body have been involved with as well.

Already, trial balloons have surfaced. The bureaucracy is presently pushing for the approval of the IMF loans and for a lifting of the embargo.

This is very risky business, in my view.

All sides would agree that the United States approval should be linked to concrete progress and cooperation by Vietnam toward the fullest possible accounting of POW/MIA cases. However, there are differing judgments on this point, as to whether or not Vietnam is actually making progress and is actually cooperating. These are honest differences, let me say, Mr. President.

The data itself says, at least to me, there has been no progress. There has just been a change in atmospherics. Nonetheless, the bureaucracy has provided misleading information and false choices to the White House regarding the U.S. decision on IMF loans.

As a nonveteran, I rise today in the spirit of providing advice to President Clinton regarding the IMF loans and the political consequences.

In my view, United States approval of the French-Japanese plan is at the very least premature. We would be squandering the leverage that we have, and we would be getting little in return. We seem to be moving mountains for Vietnam, and yet they have responded with a molehill of results. It is quite plain that concrete progress has not occurred.

Notwithstanding the bureaucracy's winks and nods, Vietnam has not provided greater access and cooperation since the select committee ended its work in January. Of course, I make a significant distinction between cosmetic access and real access, between cosmetic cooperation and real cooperation.

If you brush aside all the rhetoric, all the promises, all the rosy scenarios and the like, you can boil progress down to one practical, simple, empirical indicator. Since the summer of 1991, when the select committee began its business, only 12 MIA cases have been resolved. That is 12, Mr. President, in 2 years, only 5 in the last year, and only 1 in the last 6 months. That is out of 2,267 cases. There are now 2,255 cases.

Progress and cooperation on the part of Vietnam? I do not believe so.

Now, if progress means resolving more cases, then there is less, not more progress. Concrete results are slowing down, not speeding up. This is despite all the happy talk and all the busy-beaver activity. This is despite all the supposed increased access, all the supposed new cooperation, all the thousands of photographs, all the artifacts, all the returned remains, all the so-called progress on priority cases. After all this, only 1 MIA case has been resolved in the last 6 months, only 5 in the last year, only 12 in the last 2 years out of 2,267.

Mr. President, this is not progress, and that is no basis, no rationale, for moving ahead to the next step for normalization of for ending the embargo or for the IMF loans. How do we explain this lack of progress, or very little progress, to the people of this country?

If there were progress, I would be the first to say let us go ahead with the IMF loans, but let us not squander our leverage lest we lose credibility on this issue in the eyes of the people, I say to the President.

Suppose the President were to consider U.S. approval of the IMF loans. To actually do so, we must present the

American people with justification. We must be ready to concretely demonstrate progress toward resolving MIA cases. We must be ready to rely on the analysis provided for this move by the bureaucracy.

But is the bureaucracy sufficiently sensitive to the public's expectations, as the President might be, or is it moving another agenda? This is risky business, and so I humbly suggest to President Clinton that he test the intellectual underpinning of the options provided to him by the bureaucracy.

Mr. President, I would like to explore this issue in more depth. The bureaucracy's judgment that the United States adhere to a road map is based on several premises:

First, Vietnam refrained from interfering in Cambodian elections;

Second, U.S. inducements and encouragement have produced significant progress in relations;

Third, Vietnam is cooperating more fully with the Joint Task Force/Full Accounting in helping account for the MIA's. Furthermore, Vietnam is granting unprecedented access to archives and to Vietnamese veterans, and in facilitating field investigations;

Fourth, U.S. businesses will lose out if restrictions are not lifted.

Some departments want to lift the embargo in July and thereby accelerate the roadmap. The marking period for lifting all restrictions is September when the Trade With the Enemies Act is to be reviewed as it applies to Vietnam. The Government contends that further progress along the road map is warranted because the Senate select committee found there is no evidence that men are alive.

Mr. President, the bureaucracy's reasoning is flawed in a number of respects.

First of all, let us get one thing straight. The select committee did not conclude there was no evidence that men were left behind. On the contrary, there was evidence. On the issue of evidence of live men, there was no consensus. So using that argument as justification for moving ahead is not correct.

Second, rewarding Vietnam for not interfering in Cambodia is rewarding it for refraining from doing what its membership in the United Nations proscribes. This justification squanders U.S. leverage for nothing.

Third, United States inducements have produced no substantive and significant change in Vietnam's honesty and cooperation in POW/MIA matters. Our bureaucracy's argument confuses improved atmosphere with substantive progress. There is a difference between just improving the atmosphere and whether or not you really get something done.

There is perhaps a better interpretation of recent events. Superficial, low-cost moves by Vietnam toward cooperation are about to stimulate a huge windfall of benefits from the United States. The cost of cooperation by Vietnam with the United States joint task force is exorbitant. What is more, it is being paid for by the American taxpayers. I would pose two questions: First, are the Vietnamese simply stringing us along while we nourish their starving economy with millions of dollars to investigate crashsites and live sightings? And, second, are they keeping us busy investigating crashsites and live sightings to avoid the salient issue—which is, what happened to the MIA's?

Let us look closer at Vietnam's cooperation. Vietnam for nearly two decades denied the existence of archives. When it finally admitted their existence, it produced nearly 5,000 photographs—with much hoopla—of dead men. They resolved a handful of cases.

Vietnam has failed to open any sensitive archives. Other known archives include those dealing with Laos; police-type dossiers on each American who came into Vietnamese custody; intelligence archives related to POW's; and, archives of the enemy proselytizing department of the Vietnamese Army.

The select committee received evidence that field interviews are artificially contrived. They are neither spontaneous nor honest. All persons interviewed appear to have been prepared by the Vietnam security services or, in fact, are themselves agents of the security services. No dissidents or antirevolutionary elements are permitted near U.S. field investigators.

Mr. President, again, there may be a better interpretation of circumstances. Vietnam's actions may not be in response to United States moves, but part of a careful calculus to obtain the benefits of victory so far denied them. Vietnam has debated since at least 1987 the merits of opening up the country to the United States. The ostensible purpose would be to seduce Western businesses and the United States into paying the reparations denied at Paris in 1973. The likelihood of obtaining reparations by indirection has been discussed in Vietnam Foreign Ministry conferences annually, according to information received by the select committee. For instance, Le Quang Khai, in his deposition to the select committee, stated that he himself had participated in simulation games to determine whether this strategy would work.

In addition, Vietnam has changed its laws on foreign investment and trade in order to make United States businesses exert pressure on the Government to lift the embargo. Included among these United States businesses are large banks and firms based in Hong Kong.

While Vietnam has been playing those cards against the United States, it is seeking a way to counterbalance China. China claims all of the South China Sea as its territory. China is trying to establish the equivalent of a free-trade zone linking it to Vietnam and Laos. Vietnam would like the United States as a counterbalance. Without such a counterbalance, Vietnam will fall into China's economic orbit. The Chinese economy is red hot, and Vietnam simply cannot compete without a protector, such as the United States. If China dominates economically, Vietnam may lose its oil claims. China has pressured Vietnam already to lift border crossing and trade restrictions.

The obvious question, here, is this: Is Vietnam stringing us along, hoping to use us, with China, to play both sides against the middle?

We certainly cannot preclude that from happening if we squander our leverage, Mr. President. If our interests really do entail progress on resolving MIA cases, let us wait for some progress, and then move ahead, otherwise, if there are other U.S. interests, let us have a more open and honest policy.

Mr. President, I offer this advice to the President in the hope that he will have carefully evaluated what he has been given by the bureaucracy in the way of justification for approving the IMF loans. Approval would have to be based on a solid rationale. And the American people will be listening carefully to what it is.

That is one nonveteran, CHUCK GRASSLEY, talking to another nonveteran, President Clinton.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Thank you, Mr. President.

## THE SPENDING REDUCTION ACT OF 1993

Mr. MACK. Mr. President, my purpose this morning is to both announce and to outline legislation that I will be introducing today. It is legislation that is patterned after the Base Closure Commission. It calls for the establishment of another commission.

There will be those who will say, "Oh, my heavens, Congress is establishing another commission. Why do you fellows keep doing this? Why don't you do the work of the Congress yourselves without establishing a commission?"

I think it is fair, up front, to say that there are some things the Congress has failed to do. And we have failed to carry out our responsibility now for over a decade.

The legislation that I am introducing calls for the establishment of a spending-reduction commission. It is patterned after the Base Closure Commission.

It is interesting, I observed on C-SPAN earlier this morning a conversation by the chairman of the Base Closure Commission, former Congressman Jim Courter, responding to questions about the establishment of more commissions, did he believe that it was, in fact, something that should be done?

His response was that initially he was critical of the establishment of the Base Closure Commission because he did not really think it would work. He had seen the idea of, say, Gramm-Rudman in the past being put into place and not working. He had seen literally 10, 15 different commissions, blue-ribbon commissions, that would be established over the years with no real result accomplished.

He is convinced now, however, after serving on the Base Closure Commission for the last several years that the process is very effective in carrying out to the point of action decisions that the Congress has failed to make in the past.

Again, I would just underscore the concept of the Base Closure Commission. We attempted for decades to close military bases around the country, and the Congress year after year after year failed to be able to close military bases.

We established the concept of the Commission and we know today that the Commission works. I, for one, know all too well that the Commission works. The State of Florida is going to lose some 22,000 jobs as a result of a decision made by the Commission. But all of us understand the importance that if, in fact, we are going to be spending less in defense, we cannot keep open, maintain, and operate all of the military bases around the country. So we do know that it works.

I will a little bit later this morning in the time that is allotted to me go into some of the motivations and into the details of the Spending Reduction Commission. But I know that there are others who want to make comments about the Spending Reduction Commission.

I would ask my colleague from Texas whether she is prepared at this point to make those comments.

Mrs. HUTCHISON. Yes.

Mr. MACK. Mr. President, I yield to my colleague from Texas for further comments with respect to this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

### THE SPENDING REDUCTION ACT OF 1993

Mrs. HUTCHISON. Mr. President, the people of America have been told time and again "just let Congress raise taxes now and the spending cuts will come later." Time and time again, the spending cuts do not come. The taxes go up, the deficit soars, but the spending cuts do not come.

The American people know we do not have a deficit in this country because we are being taxed too little. We have a deficit in this country because Government is spending too much, and because we are not prioritizing spending. That is why I chose the Spending Reduction Act of 1993, sponsored by the distinguished junior Senator from Florida, to be the first Senate bill that I will originally cosponsor.

The purpose of this bill is to provide $65 billion in budget reductions each fiscal year until a balanced budget is reached. To put it in words the American people want to hear: This bill cuts spending first. It does so by establishing an independent, bipartisan Commission to be known as the Spending Reduction Commission. The Commission is charged with recommending to the President and Congress $65 billion in spending cuts each fiscal year beginning in 1995. By cutting $65 billion in spending every year for 5 years the Congressional Budget Office has determined that we will achieve a balanced budget by the year 2000.

The Spending Reduction Commission, modeled after the Base Closure Commission, simply extends the same model to Governmentwide spending. We have just witnessed the work of the Base Closure Commission, where the tough choices which must be made were made, and I think the President and the Congress will accept those tough choices. I sat through 1 whole day of those hearings, and I am here to tell you that it was tough, and the Commission did an excellent job in each and every decision, knowing how hard it was for the people that got the bad news.

The part I like best about this bill is that it will force Congress into making the necessary spending cuts that the American people want and that Congress has long avoided. It holds Congress' feet to the fire by forcing it to vote a straight "yes" or "no" on the Commission's recommended cuts, without making any amendments. The approach to deficit cutting set forth in this bill recognizes something that I have long said, and that is: We do not have a Republican deficit. We do not have a Democrat deficit. But we do have an American deficit.

This bill is a vehicle to stop partisan gridlock by making cuts that are fair, and which were recommended by a bipartisan Commission, using verifiable criteria.

Finally, let me say this is only the first step in a process of doing what must be done to prioritize Government spending, just like we do in our homes and businesses. We must continue the process by providing a real line-item veto for the President and a balanced budget amendment to the Constitution. I commend my colleague from Florida, Senator CONNIE MACK, for bringing this bill forward. It took a lot of research, effort, and dedication, and I am pleased that it is my first bill to cosponsor.

I ask my colleagues to join in supporting the Spending Reduction Act of 1993. This is a solid step in the right direction. Thank you, Mr. President.

I yield the floor.

### "BANKRUPTCY 1995"

Mr. MACK. Mr. President, I want to thank the Senator from Texas for those comments, and it certainly is appropriate that the first piece of legislation that she would cosponsor would be a spending reduction bill. After all, the message I think most of us got from the election that took place in Texas not long ago was the message to cut spending first. I believe, as the Senator does, that this proposal will in fact accomplish that. So I thank the Senator from Texas for her endorsement of this idea.

As I said a moment ago, I share with my colleagues some of the motivation. I brought with me a book called "Bankruptcy 1995," and I think it might be appropriate to take a moment to give you a little background about why I end up on the floor of the Senate holding this book. I know that I am probably not any different than any other Member of the House or the Senate in the sense that we are constantly being asked by our constituents, "Do those letters really make any difference?" "Do you folks really pay attention to the letters and the phone calls that come to your office?" I say that this book, in a sense, represents the ultimate constituent letter. It is written by Harry Figgie, who was involved in the Grace Commission, with a forward from our former colleague, Senator Warren Rudman. I will comment about that a little later on.

During the debate on the so-called stimulus package, or the spending package—whichever way you want to refer to it—earlier this year, after there was significant debate, there was a recess during which the Members of the Senate went back to their States. And during those meetings that I had during that recess, I heard from my constituents over and over and over again the message of cut spending first. In fact, several of them recommended to me the reading of this book.

As I said to the first individual who recommended that I read this book, "Frankly, I am familiar with all of the details in this book. I have not read it, but I am familiar with the details." I had not intended to read the book after hearing about it the first time. But I had individuals that came up to me, and you could see in their eyes the fear they had about the future of this Nation if we did not respond to what is being said in this book. Again, after having several of these books—I think as many as five—sent to my office, I picked it up and I read it. And it is the reason why I came up with the idea of the establishment of a Spending Reduction Commission.

In addition to this book and to the meetings at home, comments by Alan Greenspan really underscore the importance of cutting spending first. Again, I will make reference both to this book and to the comments by Alan Greenspan a little bit later on in my comments.

But at this point I want to yield to my colleague from Wyoming, who would like to make comments with respect to this legislation, as well.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Wyoming is recognized.

Mr. WALLOP. Madam President, I thank the Senator from Florida. I call to his attention a lapel decoration that was devised by the Nation's most favorite radio talk show host, Mr. Rush Limbaugh.

This is for sensitivity to deficit spending. It is a dollar bill folded in the new, modern fashion of sensitivity ribbons. This one is for deficit spending.

Mr. MACK. If I may ask the Senator a question: Is the message there to cut spending first? Is that why the dollar bill is there?

The message there is cut spending first. It is a message that the American people reflect time and time again.

## THE SPENDING COMMISSION BILL

Mr. WALLOP. Madam President, the year's budget debate has been dominated by two very spurious themes: The first is that this agreement breaks the dreaded Washington gridlock; the second is that the Clinton tax and spend budget is the first real, effective attempt to reduce the deficit in 12 years.

Madam President, gridlock is simply an expression used by those who have unsuccessfully promoted legislative blarney. Those who desperately desire to expand the Federal Government's ability to command and control every aspect of our lives have been frustrated, and their frustration arises from the determination of some of us in Congress and in the two previous administrations to just say "no."

The second facetious argument is that we now have a budget plan that really reduces the deficit. Madam President, we have had budgets every year for the past 12 years. The problem is that the other party has consistently undermined efforts to reduce spending. In the past 12 budgets we were promised real spending cuts if, obviously, we were to accept some new taxes. The new taxes were accepted, they were enacted. But the spending cuts were sidestepped more deftly than any routine by Fred and Ginger.

Now we are being misled once again. New taxes in the Senate version of the Clinton budget exceed spending cuts by a margin greater than 2 to 1. Worse still, there is new spending. Americans did not believe that their purpose in life was to expand Government when they said that they were willing to shoulder a great responsibility and pay some taxes.

New spending is authorized, and it dilutes spending reductions. So, the fact of it is that the President and his party are not serious about spending reduction. We cannot move the line-item veto or the balanced budget amendment. The White House is acting like a bunch of kids who have gotten into the cookie jar, and Congress is absolutely just as bad. We do not have a spenders anonymous to deal with those who have an unquenchable desire to spend other people's money in search of their own reelection.

One solution has been proposed that I have seen, and that is the one by the Senator from Florida, the Mack proposal, a spending reduction commission, which will devise an annual spending reduction plan. The advantage of such a commission would be that it would force us to confront spending, just cut spending first.

We have seen how difficult it is in the Base Closure Commission and we have seen on television in recent times the sensitivity with which that Commission dealt with the very difficult human problems that surround them. This Commission could do the same thing.

The disadvantage that we now face in admiring this proposal is that it is, in effect, an admission of failure by the Congress. But it is an honest admission of the inability of Congress to deal with the people's desire to cut spending first. It is not a pleasant solution, but it is preferable to the alternative of higher taxes and higher spending. I do not like it all, but I will support the Commission until I see a Congress that is willing to assume the constitutional role of developing a prudent Federal budget. I do not expect to live to see that Congress. Reelection is the overriding special interest that guides the behavior of Members of these two bodies.

Madam President, let me say again, for my friend from Florida, how much I admire the concept that sits behind this proposal. It is not only a question of cutting spending first, it is somehow or another getting hold of Government. Government is running loose from us today. It is, in effect, running loose from the administration's own concept. Their inconsistent remarks of what they expect to come out of this conference are an absolute admission that, in the end, they do not know what they want to do. They want to have taxes, they know that. They want to have an increase in the assault on the regulatory lives of people in small business who provide the jobs.

Here is the sensitivity proposal that could at least bring us to the point where at one moment in time maybe some people whose lives did not directly depend on being reelected, by their decisions might be able to make recommendations on behalf of people. All of us give lip service to the idea that deficit and the national debt are killing us. Very few of us give vote service to that, Madam President, and this is a proposal by which maybe some of the onus of giving that authority to vote might be alleviated a little so that some level of responsibility would return and the Nation could find itself again on the road to balance and sanity in its fiscal affairs. So I salute the Senator from Florida.

Mr. MACK. I thank my colleague for those comments. Let me just respond to one of the points that he made, and, frankly, I raised it earlier this morning. That is this felling that we should not establish a commission to do this, that Congress itself ought to do it; the sense that we are giving up our responsibility or power or authority.

There are two points that I would like to make. One is that that is not the case. The Spending Reduction Commission's work would go into effect in essence if the Congress failed to carry out that responsibility.

Mr. WALLOP. Madam President, will my colleague yield?

Mr. MACK. Yes.

Mr. WALLOP. It will go into effect, I can assure him of that.

Mr. MACK. It will go into effect if this were to be passed.

The second point is, again, that somehow or another we should not do this because of the purity of the system. Purity of remaining with the present process is the only right and justified way for Congress to proceed. I think it is a tragedy for people to get caught up in that mindset. There are some good friends of mine and there are some very scholarly folks who have taken that position. But, if we continue with that position, then it seems to me we will continue for the next 10 years or longer with the same outcomes as we have gotten in the last 10 years.

This is my point: In 1983 I remember attending my first committee meeting of the Budget Committee in the other body. I was a freshman, and in those days it was kind of a big deal for a freshman to be on the Budget Committee. And, again, I was brand new at the whole process. This was the first committee meeting I had attended in any kind of legislative body. So this was fairly important.

And the three people who came to testify at the opening session of the budget session in 1983 were David Stockman, Marty Feldstein, and Regan of Treasury. Their message was very clear, very precise: "If you don't get control of Federal spending, you are going to see deficits out as far as we can see." And they said $200 billion at that time. In the intervening period, the Congresses failed to take that advice.

So for us to continue with the same process and say, well, we will try what we tried last year, and failed at. We will try that this year. And if that does not work, we will try what we tried 2 years ago, and failed at, and try that next year.

It seems to me I can no longer go back home and talk to my constituents and say, "Well, we are doing the best we can under the circumstances and say, "Well, we are doing the best we can under the circumstances that we face." It just seems logical to me that somebody ought to say, "Well, is there a different way to go about it?"

And when we look at the success of the Base Closure Commission, it seems to me we ought to give that an opportunity.

Let me make one additional point.

I raised this idea at a hearing in the Banking Committee with Ross Perot. He was there to testify about NAFTA. I threw this idea out to him. His instincts were he liked it. But he asked a question, a very important question: Does it have teeth?

Part of the question was: "Well, is it going to be just like Gramm-Rudman or is it going to be like the Grace Commission?"

Well, he is right to ask that question. I think the response to it is that this does, in fact, have teeth. This has a conclusion to it. This has a legislative requirement to it. It will force the Congress to deal with the decisions that are made by a Spending Reduction Commission, just like the Congress is going to have to deal with the recommendations made by the Base Closure Commission. So it does have teeth. It is a Grace Commission with teeth. It is a Gramm-Rudman with a brain.

People always argued against Gramm-Rudman, because it was an across-the-board cut on everything. Everything was treated the same. With the Base Closure Commission, you have a target in spending reduction and you have a legislative vehicle to carry it out.

I think that is a very significant difference from what we have dealt with in the past.

Mr. WALLOP. Will my colleague yield for one more observation?

Mr. MACK. Certainly.

Mr. WALLOP. What you said about the budget agreement, for instance, I think it was called TEFRA—we were promised by a Democratic Senate and House that we would get—actually, a Republican Senate and a Democratic House—we would get $3 in spending reduction for every $1 we raised in taxes. Having just cut taxes, we raised them again before the ink was dried and the rulings had been passed on the cuts that we made.

The only thing that came from that was the raise in taxes. There was never, ever, an attempt even to satisfy the $3 in reductions.

And then we had Gramm-Rudman. And it was a well-crafted, well-thought-out piece of legislation which had teeth, but for the fact that Congress refused to be bitten. I mean, we never were able to belly up to a sequester, and neither was any President able to belly up to a sequester.

And then we have such incredibly short memories here, both Democrats and Republicans alike.

Madam President, the President of the United States, Leon Panetta, all kinds of Democrats, including the majority leader of the Senate of the United States, have touted this as being the largest deficit reduction package ever offered.

Madam President, does anybody ever remember George Bush walking out of Andrews Air Force Base saying, "We have cut $500 billion from the deficit," the same figure the President uses today? Does anybody remember them promising that this was the road to a new future?

Madam President, look back. It is the same proposal that we did 2 years ago that did not work. And this one will not either.

What we will have come out of here—mark my words—are the taxes. Using the President's own figures, the deficit—if everything works perfectly according to their plan and they find these mystical cuts that they have not identified—the deficit still begins to climb sharply after the fifth year or in the fifth year; climb sharply.

Now, we will have had the largest tax increase in history. We will have had several new programs start. We will have cut defense to the point where that cow is now dry. She has no more milk to give.

The peace dividend is lost, squandered and used. We still have not gotten to the next largest, or most largest, tax increase in history, which comes with the health care program. What do we do then? Taxes besetting every corner of American society, every single individual in it being taxed to the limit beyond the 50-percent figure, cuts not having been made, new programs having been established, and the President's figures show the deficits rising.

Madam President, I wish the Senator well. I pray for his success in this thing, because there is a catastrophe pending and we are all party to it, but particularly we saw in the Vice President the real catastrophe with his vote the other night.

Mr. MACK. I thank the Senator for his comments.

I will just make one reference to the chart that I have this morning that illustrates the point that the Senator was making earlier.

If everything goes right—"right" meaning as identified in the President's proposal—if everything goes right—inflation, interest rates, unemployment, growth rates—what will happen after taxes have gone into effect and no significant spending reductions is at the end of that plan?

You see the deficit drop from above $250 billion to around $200 billion, and then begin to make its way back up again.

The proposal that was offered as an alternative by Republicans was spending cuts. The difference here is that at the end of the 5 years, deficits continue to go down, not shoot back up.

I use this chart to make the point that, in fact, it is spending that is driving the deficit, not the failure to raise taxes.

At this time, I yield to my colleague from Colorado, Senator BROWN.

Mr. BROWN. I thank the distinguished Senator from Florida.

Madam President, I want to add my voice of support for this innovative concept that the distinguished Senator from Florida has come up with. I am happy to add my name as a cosponsor of this bill. I simply want to make several observations that I think are appropriate for us.

There is no more distressing problem that faces the American people than the prospect of not having funds to reinvest in this Nation's future and the future of our children and grandchildren. At a time when almost every other major country in the world that wants to be a industrial power is focusing on reinvestment, we, as a matter of fact, as a country have the lowest capital formation rate on a net basis than any major industrialized country in the world.

It is no shock or surprise to any Democrat or any Republican to know this gives us a dismal outlook. The polls nationwide reflect the cynicism that pervades about our future because of our inability to deal with this problem.

The simple fact is this: This country consumes most of its private savings with public debt or public deficit. Some would say the programs we spend money on are so vital and so important that there simply I no other choice that we have. Yet, I know of no single person in Colorado or around the country that believes that. And for good reason. It is not true.

U.S. spending has skyrocketed, exploded, and this Congress has been unwilling or unable to set priorities. Concern over our failure to do so is bipartisan.

I have been amazed, in the budget debates that we have had, that some of the Members have actually come to the floor and said, "This last 12 years is the most fiscally irresponsible in history," and yet, in checking the records of those Members, I find that they voted for almost all of those budgets.

I find some of the most eloquent speeches made on this floor and the floor of the other body being made about concerns over the huge deficit and its impact on our long-term growth. Yet, those speeches are sometimes made by the very people who opposed almost every major program to control or to reduce the deficit.

I do not think this shocks or surprises the American people. There is no subject that I know of where Members of Congress lack so much in the way of credibility. This proposal by Senator MACK is a positive proposal that will work because it will pinpoint proposals in a bipartisan manner that can, indeed, result in savings.

Madam President, the budget alternative that I offered in the Budget Committee would have saved $679 billion over 5 years, it would have balanced the budget by the 6th this year, and the irony of it is there was not a single one of those things that was difficult or tough or took money away from the poor in this country. Let me give a couple of examples because I think specifics are very important.

One of the bills I introduced yesterday is an idea I hope this commission will consider. Back in the 1960's, when this country was expanding the research we provided through universities, we had a guideline. We limited the overhead cost on research to 20 percent of the cost of doing the research. Basically, the way this system works is you had research awarded on a competitive basis between universities based on their ability to perform, the cost of it, and the quality of the research that they had done in the past. In addition, there was a limit to 20-percent overhead, that is the cost of the building, the heat, the lights, and what supervision the administration might provide. All research was done within that 20-percent limit.

Then, in 1966 we took the lid off. When I say we, I mean the current Congress at that time took the lid off overhead, thinking they needed flexibility in the way they did it. Today overhead runs more than 50 percent. This has nothing to do with the research, just overhead cost.

Some universities finance $1,500 for a liquor bill for a reception; $4,500 for retreats of boards of trustees; depreciation on a yacht—that is right, a yacht. Money used for what I think are barely related costs and services and, overall, universities now cost more than 50 percent in the way of overhead, and that overhead was done for 20 percent with no complaints. Universities were delighted to get the contracts.

It is an example of when we took controls off and did not mind the store how the expenses went through the roof and much was wasted: A $1,600 bill for a commode? One would think this was the Defense Department of years ago, yet these are simply examples. The $679 billion we itemize are simple things that basically involve paying attention to how you would run it. Every business in this country and every business in the world goes through cycles, and when things are tough they go back and look at where they can save money. The problem is we have not done that.

What this Commission does, in a bipartisan manner, is require thoughtful, reasonable people to go back through the way the Government spends money and see if there are not ways we can get better service for the taxpayer's dollar, and bring those proposals before Congress in a way that will highlight the issue. I think we will see both Democrats and Republicans respond in the way they responded to the base closing commission.

I think what Senator MACK has put together is a positive proposal that will work in facing up to the most difficult, the most perplexing problem we have. One thing I do know, the deficit we have is not a function of our unwillingness to tax the American people. I know there are some people who believe that, but looking at the facts is sometimes helpful.

Tax revenue in the last decade is up more than 83 percent—not down, not cut—it is up more than 83 percent. In the last 15 years there is not one single solitary year, check the record, where this Congress has come out with a deficit equal to or below what it set as its own target.

Let me emphasize that because I think it is fundamental here. Congress, left to its own devices, has been unwilling or unable to face up to the problem. There is not one single year we have kept spending and revenue in line with what we called for in our own budgets. And there is not a year where we cut spending in those. Almost always the budgets were huge increases in spending. There is not 1 year out of 15 where we met our targets.

This bill by Senator MACK, I think, can make the difference. It will come up with thoughtful, reasonable, objective, bipartisan proposals to control spending. It will focus on eliminating waste. It will provide a mechanism for bringing it before Congress and provide us specific issues on which we can improve the efficiency of proposals in controlling spending.

This budget this year is talked about as an effort to control spending, reduce spending, and reduce the deficit. Madam President, I think you know the President's budget this year increases spending $62 billion over last year. The budget document we offered, that we eventually adopted, does a little better than that, it is in the low $50 billions in the way of increased spending. But for anyone who thinks this problem will go away, take a look at what happens to us. I do not know as of the year 1995, but I do know a couple of facts that are important. If you look at the balloon of this population, the baby boom generation, when they begin to draw Social Security and they become eligible for Medicare—what you see is the expenditures go off the chart. That begins to happen towards the end of this decade and the early part of the next century.

The second thing I think that is easy to look at is this simple fact. By the end of this budget cycle we are going to be looking at—when I say budget cycle I mean the current budget we adopted—simply by the numbers included in it, not talking about a scenario in 1995 but a scenario right in our own budget document—you are going to be looking at borrowing in the neighborhood of $6 trillion by the end of this budget cycle. That is our own figures. Close to $6 trillion.

If interest rates go back up the the level they were under President Carter when President Carter left office—that is not an impossible figure, that is not a draconian figure, that is the simple reality of what they were when President Carter left office—that is more than 15 points higher than prime rates. Prime rates are 6 percent now, 21 percent when President Carter left office. If you simply go back to those 21 points you are looking at something under a $900 billion a year increase in the cost of interest. We are not talking about programs. We are simply talking about borrowing, the cost of the money. We are not talking about interest costs. We are talking about the increase annually in interest costs, $900 billion if you go back to that interest rate figure.

Does anyone here want to suggest we will never see those interest rates again? I suggest with the deficits in this country, we will—tragically, we will. And $900 billion in 1 year is more than anyone I know in this Chamber has ever proposed cutting—anyone. We either face this now, either face up to the problem and provide the discipline this country needs, or we see the future of this Nation go down the drain.

Senator MACK's proposal is a reasonable, thoughtful, careful analysis to come up with some good ways to make our spending more efficient. I think it will set aside the draconian future that we have if we fail to face up to the problem.

I want to commend Senator MACK on his efforts. I want to tell him I support them fully and I believe this Chamber, in a bipartisan manner, will move toward adopting this measure.

Mr. MACK. I thank the Senator for his comments, and maybe just build on a point he was making a moment ago. I am sure, if you talk to Mr. Figgie, for example, he will say 1995 is not going to be the year of bankruptcy or the year of economic collapse. The point he is making in his book is this growth of debt will eventually hit a point where it will shatter the economy, if you will.

You mentioned at the end of this budget cycle that we will see the debt at $6 trillion. Let me point out where we started in 1993 and where we are going to end up in 1998, at $6 trillion. It is not going to be very far off the curve that was established by the folks in the Grace Commission back early in the eighties.

What is scary about this chart—they refer to it as the hockey stick chart—which shows the accumulation of debt over time—is how close they are to their projections of the accumulation of the debt. And it is the accumulation of the debt in addition to the deficit that we should be concerned with.

Before I yield to my colleague from Montana, let me, if I can, Madam President, ask unanimous consent that Senators BROWN, DOMENICI, HUTCHISON, GRAMM, GORTON, BENNETT, COVERDELL, NICKLES, FAIRCLOTH, KEMPTHORNE, MCCONNELL, COATS, BURNS, CRAIG, and SIMPSON be added as original cosponsors of the bill to create a Spending Reduction Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. At this time, I am glad to yield to my colleague from Montana [Mr. BURNS].

Mr. BURNS. Madam President, I thank the Senator from Florida. I want to remind him of about 2, maybe 3 years—2½ years ago—when we stood on this floor and we talked about a similar solution for getting our spending habits under control. I think we called it the 4-percent solution at that time.

A couple of think tanks in town sat down with us and figured out that if we could do away with baseline budgeting and we base our spending increases on previous years' expenditures rather than previous years' budgets, we could then start to bring into some kind of reality what we are doing physically with this Government.

Then in the campaign of 1992, I heard a lot of people say, yes, we are willing to sacrifice in order to deal with the debt. Maybe some of that sacrifice should be shared by those who receive from the trough rather than those who want to sacrifice by putting more into the trough because the history of increasing taxes to deal with deficits or to deal with the debt has not worked all that well because if you look at the figures, they say we increase spending every time we increase taxes to do a certain thing.

That 4-percent solution back in 1990, by the time of Mr. Figgie's sort of cutoff date, 1995, we would almost have a balanced budget. Yes, there was going to be some pain with this. It was not without pain; it was not without sacrifice. What it said was we can allow each line in the national budget from this Federal Government to grow 4 percent—no more—a year based on previous years' expenditures. I think that is very important: not on previous years' budget, or even previous years' what we call budget authority, what authority we have to spend. I ought to explain that.

When we look at our budgets, each piece of legislation is given a budget authority, so much money to spend. We do not always spend that much. We try to stay within the budget recommended by the Budget Committee.

That 4-percent solution would have balanced the budget by 1995. That idea really did not catch on because people looked at it and said, "That is way too simple." It is kind of like a flat rate income tax. I do not think we will have a flat rate income tax in this country; in other words, whatever you made this year, we are going to send 5 percent of it to the Federal Government. We have to have CPA's for something and tax lawyers and all these folks that do all the figures and add to our cost of doing business in this country.

But nonetheless, the 4-percent solution would have gotten us to the point where we were balanced by 1995. That idea did not really get off the ground because, as I said, it was too simple.

But what have we done in the Government that brings on an idea of establishing a Commission to deal with this, as we have done in the base closings? In the base closings, we, as individuals, do not have the political courage to close down a military installation that is going to cost a bunch of jobs in our home States. I suffer with the folks who live in California and the folks who live in South Carolina because this is a tremendous; it is a traumatic thing on base closings whenever we talk about jerking that much money out of a specific neighborhood.

We just do not have the political courage to do that because everything, they say, we look at in this Congress has three sides to it: There is a social side; there is an economic side; and there is a political side.

It is like NAFTA. I believe in the philosophy of the NAFTA, but I have a political situation in Montana where I have a lot of wheat and durum and barley coming into my State out of Canada and it is acutely affecting my business in Montana. Until we deal with that, we better not start opening up another door for other problems. But that is another day.

As to the reconciliation bill that was passed by this Senate, I heard a lot of people say we passed $3 in increased taxes to every $1 cut. It is more like $8 over the 5 years. It does not go along with that.

I want to compliment the Senator from Florida, who has given a lot of thought and he has worked very hard. When I was in county government, let me tell you, if you overlook a line item and it gets out of control, you are in trouble so quick on budgets and managing the public's money. That is why in Yellowstone County, MT, we went to a 5-year budget. I wish we had done a 2-year budget here because of the effects of what it does in the outyears. It gives us a reading on the future. If this happens, this is how it is going to play 2, 3, 4 years later.

I like the idea of maintaining reserves, like we did in county government. You had to maintain reserves. You only collected taxes twice a year. You had to have some to tide you over so you maintained reserves in all lines for emergencies. I like that idea and I think the American people like that idea to have this money set aside for emergencies.

Look what is happening on the Mississippi River. It is going to cost money, and I think Americans want to help those people who are affected that is going on in those flooded areas. I say we should help them, but we should have a fund set aside so that we can help them. I have no problem with that.

I want to congratulate the Senator from Florida for his work on this because basically it does go down the line of my 4-percent solution of 3 years ago. It holds with that philosophy that we have to do something.

Yes, we can move some money around. But in business, I want to tell you, the difference between Government and business is that in business, if we try something and it costs money and it does not make any money and there are no returns, what do we do? We quit doing that. We quit putting resources into it and we cancel that project and go and try another one. And if it works, we keep on.

Do you know what this Government does? We will set up an idea and we will fund it. If it does not work, we do not cancel it, we just keep on funding it and we try something else and keep funding that and that does not work. There are areas in this budget—what this thing does is it takes the best part—maybe the Grace Commission that had recommendations.

We have functions in the Government now that should be phased out, gone, history, out of here, and we do not have the political courage to shut them down. I think this Commission may take a look at those, nonpartisan or as bipartisan as it can be, and probably bring some kind of sanity to the process.

I am discouraged by the fact that we are starting to talk in conference now on reconciliation of bringing back the gas tax, bringing back the Btu tax. We always find new ways to tax. We can be very, very imaginative on how to tax, but when we say we have to cut, it seems like our imagination turns to old Mississippi River mud. None at all.

Some folks just love to tax more than going through the pain of cutting and telling those people who are beneficiaries of some of these programs that, yes, you have to sacrifice and you have to share in this pain, too. I think it is a noble purpose.

All people want to share, but they want it fair. That is what I would like to say. We cannot afford, like in Montana, an energy tax. We are an energy producer, an energy user. We are also small business. Ninety-eight percent of the jobs in Montana are provided by employers that employ 20 people or less. That is very important, and taxes hurt those kinds of people. We cannot expand our economy.

So I thank my friend from Florida, and I wholeheartedly want to put all the resources we have in making this a reality.

## THE RECONCILIATION CONFERENCE

Mr. BURNS. Madam President, I rise today to express my concerns about the upcoming conference on the tax bill.

As my colleagues know, the tax bill will be going to conference after we return from the Fourth of July recess. We also know that there are significant differences between the House bill and the Senate bill that will need to be ironed out at that time.

For example, the House-passed bill contains the "Big time unemployment" tax. The Btu tax is a terrible idea, as I have said on this floor many times. It is inflationary; it will be passed on to consumers through higher prices, and it will heavily impact the poor and the middle class.

The Senate-passed bill, on the other hand, has a 4.3-cent gasoline tax. Again, this will negatively impact consumers and businesses. You add to the cost of running Main Street and what happens? Costs go up, people get laid off, and money that would go into expanding the business goes to the taxman instead. This isn't the America I know. As far as I am concerned, moving from a Btu tax to a straight gas tax is jumping from the frying pan into the fire.

Montana is both an energy user and an energy producer. My State's main industries rely heavily on the expenditure of energy. For example, tourism is an important component in the economy. It takes gasoline to drive across the plains and up the mountains, folks. Old Faithful does not make house calls. And if gas prices increase, fewer people will take vacations in cars.

We have been getting mixed signals from the administration as to whether or not the Btu tax is dead. Some Cabinet officers are saying that the Btu tax is still alive while others say the opposite.

The conferees will need to come to an agreement about this issue. Is it a Btu tax or a gas tax? Either one is bad news for Montana. There is an alternative. The conferees should heed the call of all Americans and cut spending before they impose this regressive tax on America.

Just what is the administration's position on this issue? I think Congress needs to know this before the conferees begin their work.

Thank you, Madam President.

## THE SPENDING REDUCTION ACT OF 1993

Mr. DOMENICI. Madam President, I rise in support of the Spending Reduction Act of 1993, introduced today by my good friend the Senator from Florida. This legislation would provide for a commission—similar to the Base Closure Commission—that would examine the panoply of Federal programs and make recommendations for terminating and consolidating outdated and duplicative programs.

The key to success of this reform is that the Spending Reduction Commission will operate in isolation from the current congressional process. The members of the Commission would not be besieged with constituent requests for more congressional pork, but would be able to dispassionately make judgments about funding priorities. Most importantly, this process would be open to the public, both for their education and their input.

I have an interesting story about a professor who was doing a study on the congressional budget process. As he was researching what went on during the annual appropriations process, he noticed that many people testified in favor of increased funding for various programs but that no one ever spoke in support of reducing any programs. So, he made a request to appear before the House Appropriations Committee to make the case for terminating a program in the Department of Agriculture. The committee granted him 2 minutes, cut off his statement, asked him no questions, gave no verbal or written response to his testimony, and, of course, fully funded the program that year. Basically, this is the same fate of amendments to appropriations bills that try to terminate programs or to reduce funding substantially.

Some will say that the Congress would be abdicating its constitutional responsibility over control of the power of the purse by adopting this legislation. I would say that we have already abdicated. Witness the fiscal year 1994 budget resolution. The conference agreement, which I did not support, contained a lot of nice language about providing funding for important initiatives but not one word about specific spending cuts. In fact, reconciliation assumptions for Senate committees were not included in the budget resolution, as has been customary in the past.

In pursuing House action on fiscal 1994 appropriations bills, it is apparent that several subcommittees are ignoring both the President's initiatives and proposed reductions, intently preserving the status quo. We do not want to preserve the status quo—we cannot afford it and our children and grandchildren cannot afford it. The Spending Reduction Commission will give us a mechanism to accomplish what we have not been able to do on our own.

Mr. MACK. I thank the Senator for his comments.

At this time, I yield to my colleague from Idaho [Mr. CRAIG].

Mr. CRAIG. Madam President, let me extend a very special thanks to my colleague, CONNIE MACK of Florida, for bringing this most important concept to the Senate.

For a good number of years, the American public has known that collectively the Congress of the United States has become incapable of being fiscally responsible. Largely, that is because of special interest groups, well-meaning interest groups representing very important segments of people and the economy of this Nation, that constantly work with the Congress of the United States to divide up the largesse of the public Treasury for the purpose of Federal expenditure.

With those kinds of pressures, it is nearly impossible for some to say no. And collectively, we now have a budget that is over $300 billion in deficit and a debt of nearly $4 trillion.

Over a decade ago, I became the champion of a balanced budget amendment to our Constitution, and I will continue to work on that because that is the ultimate control in the ability of this Congress to spend.

But the idea of a spending commission, I believe, is a concept whose time has come. I say that because it does not abrogate the responsibility of the elected official, the Senator who is sent here by his State to make those tough decisions. But it does allow an independent group to sort through the spending of the Congress and the Government and to prioritize and make recommendations.

I am sure this morning the Base Closure Commission has been referred to as a similar approach, a Commission that has made clear choices and forces this Congress to make tough choices. And it has worked. A lot of pain has been produced, but it was the necessary kind of pain to begin to scale down a massive military complex that we politically did not have the will to do.

Here is an opportunity to examine all of the expenditures of our Government and to, in an up-or-down vote, present to us these ideas with our choices to be put before this Congress, both the House and the Senate. It is a novel and very valuable idea.

I will work very closely with the Senator from Florida to make sure we get this job done. The American people deserve it, and we ought to be very positive in moving it into law.

I thank my colleague for bringing it to us.

Mr. MACK. I thank the Senator for his comments.

Madam President, I believe our time is about to expire, and I ask at this point unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. At this point, I yield to my colleague from Georgia, Senator COVERDELL.

Mr. COVERDELL. Madam President, I rise to support my distinguished colleague, Senator CONNIE MACK from Florida, in presenting his Spending Reduction Commission legislation. I am proud to be a cosponsor of this effort to bring new discipline to the spending habits of the Congress.

For the past 5 months and longer, we have been in an intense debate over the financial dilemmas faced by the Congress and our country. Throughout the Presidential campaign, much was said of the deficit and the debt and how are we to come to some solution regarding these issues and these problems.

I have come to believe that there is only one resolution with respect to the deficit and the debt for the Congress, and that is to pursue new disciplines, new rules of the road.

Madam President, I find it difficult to accept with any credibility those who argue they are seriously trying to deal with the deficit and deal with the debt when they systematically will not accept nor promote new disciplines and new rules of the road. If you are unwilling to step forward and support a balanced budget amendment, if you are unwilling to step forward and cast your lot with those who would ask for a line-item veto, if you have made no proposals such as this new idea from the Senator from Florida, the Spending Reduction Commission, then you are not really concerned about the deficit and the debt. The idea that we can tax ourselves out of the deficit or debt has been proven time and time again to be wrong.

I find it somewhat puzzling to come to Washington and find such resistance to ideas that are so uniformly accepted by the people throughout our country. We all are very much aware of the fact that they are calling for us to institute new disciplines in new forms. The American people overwhelmingly support a balanced budget amendment. They overwhelmingly support the line-item veto. And as they are exposed to the idea offered today by the Senator from Florida, they will overwhelmingly support this as well. Why? Because they see it as an attempt to discipline and to manage our affairs.

There is no need for me today to spell out the similarities between Senator MACK'S proposal and the Base Closure Commission. There are many. But simply, to close, I say the Senator contributes substantially to the process of debate and dialog about the need for the Senate and House to institute procedures and a process of discipline to force us once and for all to set meaningful priorities in the spending habits of the Congress.

Madam President, I yield to the Senator from Florida.

Mr. MACK. I thank the Senator from Georgia.

Madam President, I will close with a few brief comments. It is my intention to read several endorsements, if you will, of the proposal.

But before I do that, I think this is important. Earlier in the morning, I made reference to the Chairman of the Federal Reserve Board, Alan Greenspan, and his comments with respect to how one really should go about controlling or getting control of the deficit and the debt, and it had to do with the spending side. He testified before the Committee on Finance of the Senate on March 24, 1993. I am now reading from that testimony.

> According to both the Office of Management and Budget and the Congressional Budget Office, deficits are likely to be held in check by relatively good economic performance over the next few years. But from 1997 on, budget outlays under existing law are projected to rise appreciably faster than the tax base. If such trends are not altered, stabilizing the deficit-to-GDP ratio solely from the receipt side, not to mention reducing it, will necessarily require ever increasing tax rates. This would surely undercut incentives for risk taking and inevitably damp the long-term growth and tax revenue potential of our economy. The gap between spending and revenues will not close under such conditions. Thus, there is no alternative to achieving much slower growth of outlays if deficit control is our objective. This implies not only the need to make cuts now, but to control the growth of future spending so that it does not exceed, and preferably is less than, the projected growth in the tax base.

In other words, if Federal spending is growing at a faster rate than incomes in the country, the only way you can reduce the deficit is by continuing to increase the rates of taxation, and you will ultimately reach a point at which you will collapse the economy. No longer will you be able to generate higher revenues by increasing the tax rates. That is a very important point.

I would like to read a couple of endorsements. The Citizens Against Government Waste had this to say about the commission idea:

> The Commission established in your legislation will force Congress to act. Taxpayers can no longer afford to wait; time is of the essence.
>
> THE HERITAGE FOUNDATION
>
> (The Commission) is a terrific new approach to getting our country's fiscal house in order.
>
> COMPETITIVE ENTERPRISE INSTITUTE
>
> We must change the calculus of Congress away from awarding targeted special interest benefits toward reducing the cumulative burden of political appetites on each American's individual choices and opportunities.
>
> AMERICAN LEGISLATIVE EXCHANGE COUNCIL
>
> The Spending Reduction Commission offers an excellent opportunity to target wasteful Government spending and restore fiscal sanity to the budget process.
>
> THE NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS
>
> NAW continues to believe that a deficit reduction strategy that depends on spending cuts to the exclusion of an increased tax burden on individual and business taxpayers is the only approach that will serve the dual purpose of generating sustained, vigorous economic growth and reducing the budget deficit to zero.

Madam President, I ask my colleagues, both Democrat and Republican alike, to support this legislation that would establish a Spending Reduction Commission that does not take away the prerogatives of the Congress. In essence, its work would go into effect only if the Congress failed to cut spending.

Under this proposal, the Office of Management and Budget would send to the Spending Reduction Commission a proposal of $65 billion in spending cuts each year from 1995 through the year 2000, which, according to CBO, is one way that you could reach a balanced budget. The Commission would review those suggestions, make modifications, just as the Base Closure Commission makes modifications, and submit that to the President. The President could then make changes at that time or submit it to the Congress.

When the President submits it to the Congress, the Congress has a simple up-or-down vote, no amendments from any Member of the House or the Senate. The Senator from Florida could not propose an amendment to protect the space program. No one would be able to offer amendments. It would be a simple up-or-down vote.

I believe by this approach we can finally get control of Federal spending.

I yield the floor.

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## PROPOSED VISITS BY INTERIOR SECRETARY BABBITT TO OLD ABANDONED MINE SITES

Mr. WALLOP. Madam President, budget policy is not the only area where the administration is stumbling. I am concerned about the direction taken on natural resource issues. Several days ago, a most disturbing memo, originated by the Department of the Interior, came across my desk and the implications are quite serious to Western States. This memo, sent to BLM's Western State office external affairs chiefs, requests specific examples of "notorious, visually dramatic unreclaimed abandoned mines on public lands." The memo further states that the Secretary of the Interior plans to visit various Western States in the upcoming months and the information would be used for related future press availabilities.

Madam President, I ask unanimous consent that the memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 22, 1993.

To: SO External Affairs Chiefs (except ESO).
From: Acting Director, WO Public Affairs.
Subject: Information on abandoned mines required no later than 4 pm EDT today.

The Secretary will be visiting various Western States in the upcoming months and wants immediately some examples of notorious, visually dramatic unreclaimed (abandoned) mines on the public lands for future press availabilities.

No later than 4:00 pm (Eastern Daylight Time) today each of you must provide to me a total of two such sites from your area of jurisdiction, with the following information for each site:

Name of mine;
Type of mine (kind of mineral; underground/surface; etc.);
Location in general terms (e.g., 20 miles west of Denver);
Type of problem(s) associated with mines abandonment; and
Point of contact for Secretary's Office (preferably a linc manager).

Mr. WALLOP. What I object to and am alarmed by is the astonishing one-sidedness. It raises serious questions about Secretary of the Interior Babbitt's stated intention and expressed willingness to work with Members of Congress and industry to achieve a balance in budget policy decisions regarding the development and preservation of the Nation's natural resources.

Madam President, this Secretary of-fice memo abandons any pretense at fairness. It is a child's game and the manipulation of public affairs in the media. If the Secretary's pledge of fairness had been genuine, why was there no request in this directive for information on mines that have won reclamation awards? And there are many in the Western States. The Department has not even asked for information about the Department of the Interior's own waste sites, sites that are probably the most hazardous and most direly in need of cleanup in the Nation, not the private sector, but the Government sector.

I wonder about the Secretary's intention with respect to this list of mines. I have seen the list and can only draw the conclusion that Secretary Babbitt simply intends to use this list to unfairly embarrass and, indeed, punish the mining industry for the sins of another generation. His focus is bad. His promise is unreal and his focus is on the bad and the ugly, not on the good or the meritorious mine sites. He chooses to cite exceptions to the rule as he chooses to divide and not to unite. He has, in fact, not been able to shed that cap that he wore in civilian life of the environmental advocate. He is now the Secretary of the Interior of all of the United States. He is not still the head of an environmental action organization.

Many of the so-called examples of environmental degradation that would be exposed are decades old, before the industry was required to comply with a host of complex Federal and State regulations such as the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, RCRA, Superfund and the National Environmental Policy Management Act. Today, reclamation—the process of returning the land to its original state—is a routine part of every mining operation. This is an expensive undertaking, costing millions of dollars annually.

The message of the U.S. Government, as manifested by this memo is clear—go ahead and be a responsible user of our public lands if you dare, but Bruce Babbitt intends to knee-cap you anyway.

So let me suggest to the Secretary of the Interior that he examine some of the positive impacts of the hardrock mining industry.

In my own State of Wyoming, the ARCO Black Thunder Coal Mine has won 12 awards for reclamation over the last several years. ARCO's revegetation supervisor also recently received the 1993 Reclamationist of the Year Award from American Society for Surface Mining and Reclamation. I ask unanimous consent that the entire list of environmental awards given to Thunder Basin Coal Co. be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THUNDER BASIN COAL COMPANY ENVIRONMENTAL AWARDS

Thunder Basin Coal Company's Revegetation Supervisor received the 1993 "Reclamationist of the Year" Award from American Society for Surface Mining and Reclamation.

First Place 1992 Wyoming Excellence in Surface Mining and Reclamation Award—Little Thunder Creek Diversion Project.

1992—Black Thunder Mine Awarded "Highest Habitat" Certification Under the Corporate Wildlife Habitat Program of the Wildlife Habitat Enhancement Council.

First Place 1991 Wyoming Excellence in Surface Mining and Reclamation Award—Innovative Construction and Reclamation Techniques Developed For a 26-Mile Dragline Relocation.

1991 ARCO Environmental Achievement Award for Wildlife Habitat Development and Enhancement on Mined Land—$25,000 awarded to further research and development of the emerging science of restoration ecology.

Honorable Mention 1990 Wyoming Excellence in Surface Mining and Reclamation—Development of Innovative Revegetation Technology.

1990 Special Merit Recognition for "Wildlife Habitat Development and Enhancement" from the National Environmental Awards Council.

1989 Outstanding Conservation Award from the National Institute for Urban Wildlife—Construction of Replacement Reservoir 26-SR-1.

First Place 1989 Wyoming Excellence in Surface Mining and Reclamation Award—Wildlife Habitat Development and Enhancement.

First Place 1988 Wyoming Excellence in Surface Mining and Reclamation Award—Rocky Hill Coal Gasification Land Farm Project.

Honorable Mention 1987 Wyoming Excellence in Surface Mining and Reclamation Award—Construction of Rockpile Habitat.

First Place 1987 Wyoming Excellence in Surface Mining and Reclamation Award—Construction of Replacement Reservoir 26-SR-1.

Mr. WALLOP. Madam President, in the Gas Hills area of Wyoming, an area once full of uranium, numerous old sites have been reclaimed to a state far better than their premining days. One of the pits in this area, the Vecta Pit, has been nominated by OSM for a reclamation award to be presented in September. In all, more than 700 acres in the Gas Hills area have been reclaimed at a cost of $11 million. These places are worthy of the Secretary's time.

Does he plan to visit these areas and bring along the press? I hope so, but I really doubt it. He is out playing the advocates game for the League of Conservation Voters that he promised not to do at his confirmation hearings. His promises, like so many in this administration, can be relied upon so long as you are still in the room.

Now let me question some of the Department of the Interior's own cemeteries of waste such as the California asbestos problems at Coalinga, the spilling of asbestos into the Westside Canal in the Fresno Valley, and the need to purchase more than 10,000 acres of cropland to build levies on the west side of the canal to contain the asbestos in the flood waters.

Why did the Secretary not request information on sites such as the asbestos mines reclamation or the lack thereof in the Sonora Pass area of California as well as the Condor Peak-Atlas mine area east of Bonito Creek?

Why was there no mention of the smuggler site at Aspen, CO; the Robco site, part of the Denver radium Superfund; the Leadville drainage tunnel and the Kaaba-Texas mine in northern Washington? Was it because the Department of the Interior is a named principal party in those Superfund sites?

Madam President, the Interior Department did not even ask the Bureau of Indian Affairs to supply information about waste sites from the various reservations such as the Navajo in New Mexico and Arizona, the Spokane tribal lands in Washington and the Blackfeet in Montana. There is both good and bad news on these lands.

I hope the Secretary can bring himself to balance his visits to abandoned mine sites with trips to some of the places I have just mentioned. If the Secretary and his entourage are going to travel the country at taxpayer expense, he has an obligation to learn, not just practice political defamation.

The Secretary of the Interior stated at his confirmation hearing that it was his obligation to reconcile complex, natural resource problems through thoughtful, close-up, engaged analysis—something he deemed sorely lacking in land management decisions and the cause of numerous conflicts. This memo is not only one-sided, but the antithesis of that pronouncement.

If the Department of the Interior cannot be fair in its assessment of hardrock mining issues, are we to expect these same judgmental tactics on grazing, timber, endangered species and the numerous other complicated issues that we, the Congress must work on in good faith with the administration to solve?

Madam President, I ask unanimous consent to have printed in the RECORD a letter dated June 29, 1993, from Timothy C. Richmond, AML project officer, to Greg Clark, District Ranger, Bridger-Teton National Forest.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
ENVIRONMENTAL QUALITY,
*Cheyenne, WY, June 29, 1993.*

GREG CLARK,
*District Ranger, Bridger-Teton National Forest, Big Piney, WY.*

DEAR MR. CLARK: The Wyoming Abandoned Mine Land Division (AML) investigated the Kleinstick coal mine (Sec 4, T33N, R115W) and the Cottonwood coal mine (Sec 33, T34N, R115W) for eligibility for reclamation under the Wyoming AML Program in the summer of 1991 and again in the fall of 1993. The criteria under which these two mine sites were evaluated were threat to public health and safety and degradation of the off-site environment.

Neither the Kleinstick nor the Cottonwood mine sites are considered to be eligible for reclamation under the Wyoming AML Program because of threat to public health and safety or because of degradation of the off-site environment. No hazardous open shafts, adits or subsidence features or hazardous highwalls were observed during the field visits. The coal waste piles appear stable with no apparent accelerated erosion occurring. Much of the waste piles have become naturally revegetated, further suggesting that the disturbances are stable and healing. It is our opinion that more damage would occur from reclamation efforts than leaving it in its present condition.

I have enclosed for your reference the applicable information from the Report of Investigation prepared by Coffey Engineering and Surveying, Inc., of Laramie, WY, who performed the investigations. Also enclosed are the laboratory analyses of the soil and water samples referenced in the ROI.

I will be happy to answer any questions you may have regarding these two abandoned coal mine locations. Please contact me at (307) 777-6859.

Sincerely,

TIMOTHY C. RICHMOND,
*AML Project Officer.*

## SELECT COMMITTEE ON ETHICS—NOTICE OF PUBLICATION

Mr. BRYAN. Madam President, the Senate Select Committee on Ethics has adopted and herewith publishes in the CONGRESSIONAL RECORD interim procedures for requests for review under section 308 of the Government Employee Rights Act of 1991, and for reviews undertaken pursuant to section 501(b) of the Family and Medical Leave Act of 1993.

Specifically, rule 1 of the committee's interim rules specifying procedures under title III of the Government Employee Rights Act of 1991 has been amended to incorporate a reference to the committee's review authority under section 501(b) of the Family and Medical Leave Act of 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ETHICS COMMITTEE INTERIM PROCEDURES UNDER TITLE III OF PUBLIC LAW 102-166, THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

### RULE 1—AUTHORITY

The Senate Select Committee on Ethics (the Committee) is authorized by section 308(a) of the Government Employee Rights Act of 1991 (the Act), Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088, to review hearing board decisions in employment discrimination cases filed with the Office of Senate Fair Employment Practices (the Office) under the Act and by section 307(f)(2) and (3) of the Government Employee Rights Act of 1991 to receive referrals for rulings on testimonial objections arising in connection with such cases, and to recommend to the Senate civil or criminal enforcement of hearing board subpoenas. Under section 501(b) of the Family and Medical Leave Act of 1993, P.L. No. 103-3, 107 Stat. 6, 27, the Committee has the same authority to review hearing board decisions and to act on testimonial objections in cases alleging violations of sections 101 through 105 (with respect to the Senate employment of Senate employees) of the Family and Medical Leave Act as it does in cases alleging violations of the Government Employee Rights Act of 1991.

### RULE 2—TIME

2.1 *Computation of Time.*

(a) *Counting days.* A day means calendar day. In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than seven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period. Federal government holiday means New Years' Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

(b) *Added days for mail.* Whenever a party or the Office has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail through the United States Postal Service, 3 days shall be added to the prescribed period. This additional 3 days does *not* apply to the request for Committee review under Rule 3.

2.2 *Service and filing.* Except as otherwise provided in Rule 3.1, a document required under these rules to be submitted to or filed with the Committee or the Office, or served on a party or the Office within a specified time shall be deemed timely submitted, filed, or served if it is received by the Committee, the Office or the party, or if mailed, it is postmarked, on or before the last day of the applicable time period.

2.3 *Extension of time.* Upon written request of the Office or a party, the Committee may extend the time for taking action under these rules, except that the Committee may not extend the time for taking any action for which the Act specifies a time limit.

2.4 *Where to File.* Documents required to be filed with the Committee shall be filed at the offices of the Senate Select Committee on Ethics, Hart Senate Office Building, Room 220, Washington, DC 20510. Documents required to be filed with or served on the Office shall be filed or served at the Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, DC 20510.

### RULE 3—REQUESTS FOR COMMITTEE REVIEW OF HEARING BOARD DECISION

3.1 *Requirements for Filing a Request for Review.*

(a) *Who May Request Review of a Hearing Board Decision.* An employee or the head of an employing office with respect to whom a hearing board decision was issued is a party entitled to request Committee review of that decision. The Office may also request review of a decision.

(b) *Request by a party.* Not later than 10 days after receipt of a decision of a hearing board, including any decision following a remand of the case as provided in Rule 4.2(c), a party may file with the Office a request that the Committee review the decision. A request for review shall specify the party requesting review, and shall designate the decision, or part thereof, for which review is requested. A request for review must be *received in the Office* not later than the 10th day after the date of receipt of the hearing board decision [a postmark on the 10th day will *not* satisfy this timeliness requirement.] Within 24 hours after receipt of a request for review, the Office shall transmit a copy of such request to the Committee and serve a copy on any other party.

(c) *Request by the Office.* The Office, at the discretion of its Director, on its own initiative and for good cause, may file with the Committee a request for review of a hearing board decision, including any decision following a remand of the case as provided in Rule 4.2(c), not later than 5 days after the time for the parties to file a request for review with the Office has expired. A request for review shall specify that the Office is requesting review, shall designate the decision, or part thereof, for which review is requested, and shall specify the circumstances which the Office asserts constitute good cause for the request. A request for review by the Office must be received in the Committee's office not later than the 5th day after the time for the parties to file a request for review with the Office has expired [a postmark on the 5th day will not satisfy this timeliness requirement.] Within 24 hours after filing a request for review with the Committee, the Office shall serve a copy of such request on all parties.

3.2 *Transmittal of Record.* As soon as possible, and in no event later than 10 days after receipt by the Office of a request for review or the Office's filing of a request for review with the Committee, the Office shall transmit to the Committee the full and complete record of the hearing board connected with the decision for which review has been requested. The Chief Clerk of the Committee shall promptly serve notice of the Committee's receipt of the record on all parties.

RULE 4—PROCEDURES UPON RECEIPT OF A REQUEST FOR REVIEW OF A HEARING BOARD DECISION

4.1 *Briefs and Arguments.*

(a) *Petitioner brief.* A party who filed a request for review, or the Office if it requested review, may file a brief in support of its position. The brief shall be filed with the Committee and a copy served on any other party and the Office, if it requested review, within 10 days of the filing of the request for review with the Office, or the Committee if the Office requested review.

(b) *Respondent brief.* A party may file a brief in response to a petitioner's brief. Such respondent brief shall be filed with the Committee and a copy served on any other party and the Office, if the Office filed a request for review, within 15 days after service of the petitioner brief. If no petitioner brief is filed, such respondent brief shall be filed within 20 days of filing of the request for review. The Office may file a respondent brief only if it filed a request for review.

(c) *Reply brief.* Any reply brief shall be filed with the Committee and served on all parties and the Office if it requested review, within 5 days after service of the respondent brief to which it replies. No one may file a reply brief who did not file a petitioner brief.

(d) *Alternative briefing schedule.* With notice to all parties and the Office, if it requested review, the Committee may specify a different briefing schedule than that prescribed by subsections 4.1(a), (b) and (c).

(e) *Additional briefs.* At its discretion, the Committee may direct or permit additional written briefs.

(f) *Requirements for briefs.* Briefs shall be on 8½ inch by 11 inch paper, one side only, and 15 copies shall be provided. No brief shall exceed 50 typewritten double spaced pages, excluding any table of contents, list of authorities, or attached copies of statutes, rules, or regulations. Footnotes shall not be used excessively to evade this limitation. All references to evidence or information in the record *must* be accompanied by notations indicating the page or pages where such evidence or information appears in the record.

(g) *Oral argument.* At the request of a party or the Office, the Committee may permit oral argument in exceptional circumstances. A request for oral argument must specify the circumstances which are asserted to be exceptional.

4.2 *Remand.*

(a) *Only one Remand.* There are two kinds of remand. The Committee may remand the *record* respecting a decision, or it may remand the *case* respecting a decision, but in no event can there be more than one remand with respect to a decision of a hearing board. If the Committee remands the record respecting a decision, there can be no further remand of any kind with respect to such decision. If the Committee remands the case respecting a decision, there can be no remand of any kind with respect to a hearing board decision issued following remand. A Committee decision remanding to the hearing board shall contain a written statement of the reasons for the Committee decision.

(b) *Remand of the Record.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the *record* of a decision to the hearing board for the purpose of supplementing the record. After the hearing board has supplemented the record as directed by the Committee, the hearing board shall transmit the record to the Office, and the Office shall immediately notify the parties of the hearing board's action and transmit the supplemented record to the Committee. The Committee retains jurisdiction over a request for review during remand of the record, and no new request for review is needed for further Committee consideration under section 308 of the Act. A record shall be deemed remanded to the hearing board until the day the Committee receives the supplemented record from the Office, and the Committee shall transmit a written final decision to the Office not later than 60 calendar days during which the Senate is in session after receipt of the record as supplemented on remand. The Committee may extend the 60-day period for 15 days during which the Senate is in session.

(c) *Remand of the Case.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the *case* to the hearing board for the purpose of further consideration. After further consideration, the hearing board shall issue a new written decision with respect to the matter as provided in section 307 of the Act. If the Committee remands the case to the hearing board, the Committee does *not* retain jurisdiction, and a new request for review, filed in accordance with Rule 3, will be necessary if a party or the Office seeks review of a decision issued following remand.

4.3 *Final Written Decision.* All final decisions shall include a statement of the reasons for the Committee's decision, together with dissenting views of Committee members, if any, and shall be transmitted to the Office not later than 60 calendar days during which the Senate is in session after filing of a request for review. The period for transmission to the Office of a final decision may be extended by the Committee for 15 calendar days during which the Senate is in session. A final written decision of the Committee with respect to a request for review may affirm, modify, or reverse the hearing board decision in whole or in part. The Committee may decide not to grant a request for review of a hearing board decision. The Committee will serve a copy of any final decision on all parties.

RULE 5—HEARING BOARD REFERRAL OF TESTIMONIAL OBJECTIONS

5.1 *Procedure for Ruling on Testimonial Objections.* If any witness to a hearing board proceeding appearing by subpoena objects to a question and refuses to testify, or refuses to produce a document, a hearing board may refer the objection to the Committee for a ruling. Such referrals may be made by telephone or otherwise to the Chairman or Vice Chairman of the Committee who may rule on the objection or refer the matter to the Committee for decision. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman or Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee, or the Chairman or Vice Chairman, shall rule on objections as expeditiously as possible.

5.2 *Enforcement.* The Committee may make recommendations to the Senate, including recommendations for criminal or civil enforcement, with respect to the failure or refusal of any person to appear or produce documents in obedience to a subpoena or order of a hearing board, or for the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under section 307 of the Act. The Office shall be deemed a Senate committee for purposes of section 1365 of Title 28 of the United States Code.

RULE 6—MEETINGS AND VOTING

6.1 *Quorum, Proxies, Recorded Votes.* A majority of the members of the Committee shall constitute a quorum for purposes of issuing a decision under section 308 of the Act, and for purposes of hearing oral argument if such argument is permitted. Proxy votes shall not be considered for the purpose of establishing a quorum, nor for purposes of decisions under section 308(c) or (d) of the Act. Decisions of the Committee under section 308(c) or (d) of the Act shall be by recorded vote.

6. 2 *Meetings.* Meetings to consider matters before the Committee pursuant to the Act may be held at the call of the Chairman or Vice Chairman, if at least 48 hours notice is furnished to all Members. If all Members agree, a meeting may be held on less than 48 hours notice.

RULE 7—CONFIDENTIALITY OF PROCEEDINGS

*Confidentiality.* The final written decision of the Committee shall be made public if the decision is in favor of a Senate employee who filed a complaint or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee may decide to release any other decision at its discretion. All testimony, records, or documents received by the Committee in the course of any review under these rules shall otherwise be deemed "Committee Sensitive Information" and subject to the "Non-Disclosure Policy and Agreement" as prescribed in Rule 9 of the Committee's Supplemental Rules of Procedure.

RULE 8—AUTHORITY TO DISCIPLINE

*Official Misconduct.* None of the provisions of the Act or these rules limit the authority of the Committee under S. Res. 338, 88th Cong., 2d Sess. (1964), as amended, to otherwise review, investigate, and report to the Senate with respect to violations of the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 235, the nomination of Philip R. Lee, to be an Assistant Secretary of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

The legislative clerk read the nomination of Philip R. Lee, of California, to be an Assistant Secretary of Health and Human Services.

The Senate proceeded to consider the nomination.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

### NOMINATION OF PHIL LEE TO BE ASSISTANT SECRETARY FOR HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. KENNEDY. Madam President, it is a privilege to support the nomination of Dr. Philip Lee to be Assistant Secretary for Health in the Department of Health and Human Services.

No departmental position is more important to the health care of the American people than Assistant Secretary for Health. Phil Lee is eminently qualified to serve in this position.

To list the responsibilities of the Assistant Secretary for Health is to call the roll of progressive steps the Government has taken over the years to improve health, prevent disease, and meet the needs of those who require special help.

Within the Assistant Secretary's domain are the National Institutes of Health, the acknowledged world leader in the effort to conquer disease by pushing back the frontiers of knowledge. The Assistant Secretary has the responsibility for oversight and direction of the Food and Drug Administration, the Nation's first line of defense against unsafe and ineffective drugs and the guardian of a healthy food supply.

Programs under the Assistant Secretary deal with health promotion and disease prevention, fighting tuberculosis, AIDS and other infectious diseases, injury control, family planning, and early detection of cancer and heart disease.

The Assistant Secretary also supervises programs to assure training of health professionals, and to encourage them to serve in the areas of greatest need. He is responsible for maternal and child health block grant, the Community and Migrant Health Centers Program, the National Health Service Corps and other programs to assist those in rural and urban areas who often need health care services the most—but who would never receive them without these programs. In fact, the search for a solution for virtually every health problem facing the American people ultimately reaches the desk of the Assistant Secretary for Health.

Philip Lee is superbly qualified to fill this vital position. His breadth of experience—in medicine and in life—is unique. As a young man, he served in the Navy during the Second World War. As a young physician, he served his country again in Korea.

And throughout his career, whether in the public or private sector, his first concern has always been service to the cause of better health care for all.

Dr. Lee's career as a teacher and clinician has included appointments at New York University, Stanford, the Palo Alto Medical Clinic, and the University of California at San Francisco, where he has served at various times as a professor in the medical school, as chancellor of the university and, most recently, as the director of the Institute for Health Policy Studies in the School of Medicine.

In the public sector, Dr. Lee has been Director of Health Services at AID and Deputy Assistant Secretary for Health and Scientific Affairs at the Department of Health, Education and Welfare.

From 1965 to 1969, he served as Assistant Secretary for Health and Scientific Affairs, the post to which he is now returning. In that position he participated in the creation of many of the programs he will now be directing.

In addition to these impressive positions, Dr. Lee has an unparalleled record of voluntary service. He has served on numerous boards and commissions including the Kaiser Foundation, the American Foundation for AIDS Research, the Carnegie Corp., the Mayo Foundation, and many others.

Most recently, he has worked with many of us in his role as chairman of the Physician Payment Review Commission, a position which he has held since 1986. Somehow, in the midst of all of these activities, Dr. Lee has found time to compile an impressive record of research and writing. He has published more than 100 articles and 10 books dealing with health care.

The United States faces a tremendous challenge in the coming debate on health reform. Phil Lee is an ideal choice to help lead this all-important effort. The administration is fortunate to have him, and I am proud to support his nomination.

I urge the Senate to confirm the nomination.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered. The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise in strong support of the nomination of Dr. Phil Lee to be the Assistant Secretary for Health for the Department of Health and Human Services.

Our country has a long tradition of offering private citizens the opportunity to serve their country through periodic Government service. When a distinguished private citizen chooses to leave private life to enter the Government, whether it be a Democratic or Republican administration, every American benefits.

The nomination of Dr. Phil Lee, and his enthusiastic willingness to serve, is in the finest tradition of public service by private citizens. At age 69, with an outstanding and very active career in medicine and health policy, Dr. Lee has chosen to take over the reins at the Public Health Service.

This is not the first time Dr. Lee has brought his enormous talents and energies to the Federal Government's leading health agency. From 1965 to 1969, Dr. Lee was President Lyndon Johnson's Assistant Secretary for Health and Scientific Affairs.

Much has changed in the intervening 24 years, and Dr. Lee has not only kept up, but he has lead the public health policy debate. From his position as chancellor of the University of California at San Francisco to his current position as professor of social medicine and director of the Institute of Health Policy Studies at UCSF, Dr. Lee has taught, written and lectured on health policy while serving in many health advisory roles to local, State, and the Federal Government.

His most recent contributions have come as chair of the Physician Payment Review Commission established by the Congress, where he has served since 1986.

Dr. Lee is well known to the Members of the Senate and the House of Representatives who are involved with health policy. His admirers and supporters come from both parties, because the need for affordable, readily available and high quality health care is not partisan or ideological.

Dr. Phil Lee draws broad support because he is not partisan or ideological. Simply put, he is one of the most outstanding public health advocates in our country, and the Department of Health and Human Services is fortunate to have his services.

I congratulate President Clinton on this nomination and encourage all Senators to support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I have been a Member of the Senate for going on 21 years, and I think I have never seen more efforts by more people to emulate an 800-pound gorilla than I have seen this year. For example—and this is just an example—I was told last night that I better lift my hold off the nomination of Philip Lee, otherwise the majority leader was going to come to the floor, push me aside and declare; I am going to move to call up this nomination.

Let me tell you something, Mr. President, the majority leader does not have to do that. He certainly did not do it when Republican nominees were being held up for months on end. It so happens that Dr. Lee's nomination was reported on June 16, about 2 weeks ago, which is a modest amount of time for a nominee to be on the Senate's Calendar.

So if anybody wants to assume that he can shove the Senator from North Carolina around and threaten to call up any nomination, despite any question or any reason that the Senator from North Carolina, or any other Senator, may have had for putting a hold on the nomination, the majority leader perhaps should think twice.

I have nothing against Dr. Lee. He is a fine man, I am told. What I do have a problem with, and this is endemic in the Federal bureaucracy under both the Republican administrations and the Democratic administration—and I raised as much cain under the Republican administrations as I do under the Democratic administration—is that the bureaucrats will slide this way and they slide that way and try to put things over on the Congress. They withhold documents. They classify information that has no more business being classified than does the front page of the Washington Post. They do that to save their fannies because there may be something in some document that might embarrass them.

I had something to say about that the other day in the Foreign Relations Committee, of which I am the ranking member, and of which I will be chairman when the Republicans take over the U.S. Senate next year—which will happen if things continue along the trail now being followed.

I have been seeking information. I have been seeking assurances, as has the distinguished Congressman from North Carolina, CHARLIE TAYLOR. CHARLES TAYLOR's district, Mr. President, includes a multitude of apple growers who are impacted by a pesticide problem—a difference of opinion they have with the FDA and EPA about the pesticide, Rovral.

When the cloakroom told me of the majority leader's threat to come to the Senate floor today and move approval of this nomination, I said, "Well, he won't have to do that; I'm merely waiting on some information which I requested from the bureaucracy—and which I probably will get overnight."

And I did. And if I had just had the courtesy of a telephone call from the majority leader, I would have told him that.

Let me tell you the details of why Dr. Lee's nomination was held up temporarily. We were trying to get the attention of the Secretary of Health and Human Services and the Administrator of the EPA, and we go it. I commend Congressman CHARLES TAYLOR, of North Carolina, for his diligence. He is a good Congressman. He is a faithful Congressman, and he works hard for his constituents. In this case, he was working hard for his apple growers, and he has a lot of them in his district.

Specifically, Ms. Carol Browner, Administrator of the EPA, has now assured Congressman TAYLOR, and me, that the EPA will accelerate the decisionmaking process on this matter and will let our farmers know by the middle of next week whether they can resume application of this pesticide. That is all we had asked in the first place; some action to make a judgment, and not sit back in some bureaucratic ease and do nothing while our apple growers wonder what is going to happen to their crops.

Let me tell you this, Mr. President, obtaining a quick decision on this issue is vitally important to our apple growers. The fungus, which the pesticide is intended to treat, must be dealt with as soon as possible, otherwise zilch apple crop. And the fungus has already begun to attack the trees in the orchards.

So, if EPA had continued to procrastinate and say, "Well, we will get to it when we are ready," by the time it got around to making a decision, the apples would have been lost.

Mr. President, I wish we could have received an assurance from the EPA 2 weeks ago. There would then have been no problem if the EPA had given the assurances that they gave last night and this morning. There would never have been any hold on this nomination because, as I said at the outset, I have nothing in the world against the nominee.

But somehow one has to do something to get the attention of the Federal bureaucracy, otherwise, it will stomp all over one's constituents, the citizens back home. Our job is to make sure that the Federal bureaucracy moves as expeditiously as possible.

Let me say again, I wish we could have received an assurance from the EPA that it will, in fact, permit our farmers to resume using this pesticide. But I am reasonably well satisfied that the EPA has agreed, one, to accelerate its work on this problem and, two, to issue a decision by next week sometime.

And with those assurances, the majority leader does not have to threaten to come in and force consideration of this nomination. If he just ask unanimous consent, he'll get it.

Let me refer to the differences in how nominations handled by the Senate now since we are having Democrat nominees come up. I wish to contrast that to what happened to Republican nominees, and I speak of my own certain knowledge because it happened to me.

We had a distinguished North Carolina attorney, respected and admired by Democrats and Republicans alike, whom I had recommended to the President for a Federal judgeship in the western district of North Carolina.

His nomination was held up 1 year—1 year it sat on the calendar—and not a cotton pickin' thing was done about it. Oh, that is all right, boys will be boys when it is a Republican nominee. But hold up something 2 weeks and here comes the majority leader: We are going to move this thing up.

Now, a lot of people are vigorously supporting Dr. Lee's nomination. I do not know him. But I support him on the basis of his record, and I appreciate his understanding that we were trying to get a decision out of a department which he will very soon join after his confirmation here today.

He is a good man, I am told. And I am further told that he is not going to sit around on his duff while we are trying to get things done for the taxpayers back home; that he will expedite decisions—that is all I want. That is all I ask.

The problem for North Carolina's apple growers started with a policy change worked out in May of this year between the EPA and FDA which resulted in the revocation of the Rovral exemption. Rovral is the pesticide which is vital to the apple industry, as I said earlier, because it combats that fungus which I mentioned in my earlier remarks, a fungus which causes undersized apples that are neither sweet nor do they have any flavor. You can see what that would do to the apple growers.

They have been begging CHARLIE TAYLOR and begging me to get Health and Human Services and the EPA to say something about this pesticide one way or another so they can know what is going on.

Congressman TAYLOR had difficulty getting information, so he called over here and asked if I would help him. Yes, sir, I will try to help him get the attention of Health and Human Services, and the EPA.

The point is this. The apple farmers of my State and, I think, of Virginia and others States, were already in the process of applying this pesticide to this year's crop when the exemption was revoked. You see, when they started using it, it was OK. And right in the middle of the game government bureaucrats changed the rules, and you can see the dilemma that the apple growers were in.

Had they been told before the apple season began that Rovral could not be used, they could have attempted to find an alternative pesticide. But this is jerking the rug from beneath these people midway in the apple season. The apple industry of North Carolina, Virginia, and other States stand to lose millions of dollars if something is not done to fix the situation. I pray that the Federal bureaucracy will come to its senses.

Now, I know Dr. Lee did not make the decision to revoke this exemption enabling apple growers to use Rovral. Of course not. And he knows that I know that he did not make it. The point was—and I think he understands this—we had to get the attention of the bureaucracy. There is no other way. They will sit on their fannies and say, "Well, what's on television tonight?"—if you do not push them. They might even classify the whole deal and go out for lunch. That is what is wrong with the Federal bureaucracy and that is why so many people are down on the Federal Government.

The FDA did rule that tons of apples already harvested and placed in cold storage and already treated with Rovral posed no health threat, do you not see, and therefore could be processed.

So what is the big deal? A bureaucratic logjam.

Because it seems to me, Mr. President, that if FDA felt that Rovral was truly a risk, it would have prohibited apples treated with this pesticide from going to the market. It did not do that, so it should likewise not prohibit apple farmers from completing application of this pesticide to the apples still on the tree.

In addition, I would note that Rovral has been approved, and there is no question about its use on, peaches and pears and plums and nectarines, et cetera, et cetera, et cetera.

The point is this, Mr. President, and I shall conclude.

As head of the Public Health Service, Dr. Lee is going to oversee decisions such as this, and I trust that if confirmed, when confirmed, Dr. Lee will look at the economic factors as well as the health factors when enforcing the policies of the FDA. And I am assured that this good man is going to do exactly that.

Currently, Rovral is attempting to gain an amended FIFRA section 18 specific exemption and data has been provided showing that Rovral does not concentrate in processed foods. This exemption is what the EPA and HHS will now decide upon next week. So I think it has been much ado about nothing, and for this long 2 week delay of this nomination I can apologize most profusely but not very sincerely. If the same thing comes up the next time, I will do the same thing again, Mr. President.

Mr. President, so that the record may be complete on the fungus problem which I've just discussed, I ask unanimous consent that the following items be printed in the RECORD at the conclusion of my remarks:

First, the May 7, 1993, press release issued by the Environmental Protection Agency, the Food and Drug Administration and the U.S. Department of Agriculture removing the exemption under which North Carolina farmers were permitted to apply the pesticide Rovral to their crop;

Second, a May 18 letter from Dr. Turner B. Sutton, professor of plant pathology, and a May 18 letter from Dr. C.R. Unrath, professor of horticulture and research pomologist. Both gentlemen are professors at the College of Agriculture and Life Sciences at North Carolina State University and their letters document the safety of, and need for, the pesticide Rovral;

Third, a June 21 letter from Jim Graham, commissioner of agriculture of the State of North Carolina to EPA Administrator Browner; and

Fourth, a June 28 letter to Administrator Browner from this Senator, Congressman CHARLES TAYLOR, Senator LAUCH FAIRCLOTH, and Congressmen HOWARD COBLE, ALEX McMILLAN, and CASS BALLENGER.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EPA, FDA, AND USDA ANNOUNCE POLICY CONCERNING EMERGENCY USE OF PESTICIDES AFFECTED BY COURT DECISION ON DELANEY CLAUSE

MAY 7, 1993.—The U.S. Environmental Protection Agency, the Food and Drug Administration, and the U.S. Department of Agriculture today jointly announced that emergency exemptions will no longer be allowed for uses of certain pesticides on crops. The announcement is the result of the U.S. Ninth Circuit Court of Appeals' interpretation of the Delaney clause of the Federal Food, Drug and Cosmetic Act (FFDCA). Each year, EPA is asked by federal and state agencies to grant exemptions, which permit emergency use of pesticides on specific crops for which the pesticides are not approved or registered.

The Court rules (*Les* vs. *Reilly*) that under the Delaney clause EPA "has no discretion" to establish pesticide tolerances that allow pesticide residues to be present in processed foods at levels greater than in raw foods if the pesticide "induces cancer in animals," regardless of how small the risk. Applying the Court's decision, EPA today revoked five emergency exemptions it had granted previously and denied requests for another 16.

"We continue to believe that the pesticides affected by the Court decision, including those EPA is acting on today, pose only a negligible risk to public health," said Carol Browner, EPA Administrator. "However, the decision leaves us little choice but to deny emergency exemptions to pesticides that would be covered by the Delaney clause."

This new policy is a joint initiative of EPA and the Food and Drug Administration, which is responsible for enforcing the FFDCA provisions regarding the presence of pesticide residues in food. The United States Department of Agriculture has also shared in the development of this policy.

"The necessity of this new policy highlights the need for new legislation that addresses food safety. The Clinton Administration will work with Congress and other interested parties to develop a proposal. The proposal must reflect sound public policy and science and strengthen the current law for regulating pesticides and their residues. Most important, any legislative package must assure overall safety of the food supply," Browner maintained.

The new policy is expected to affect only a small proportion of the approximately 300 emergency exemptions EPA allows each year. In cases where emergency uses have been denied or revoked because of the Delaney clause, EPA will make efforts to reduce the resulting hardships on growers by expediting emergency requests for alternative products. Although there are alternative pesticide products for many of the pesticides affected by the new policy, some growers may find themselves without suitable alternatives to meet emergency needs.

Under the new policy, EPA generally will not grant emergency exemptions, will overturn all crisis exemptions granted by states or other federal agencies, and will revoke any emergency exemption currently in force for a pesticide if it is likely, based on best available data, the pesticide would meet the Delaney clause's "induce cancer in animals" standard and under non-emergency conditions would require a tolerance (maximum allowable residue level) for processed foods. A pesticide use needs a processed food tolerance whenever the pesticide can concentrate in processed food or feed to a level higher than the level found in raw food. (A partial list of the pesticides and crops which will be affected is below.)

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is authorized to permit the limited use of pesticides in emergency situations on crops for which such pesticides are not registered and for which appropriate raw or processed food tolerances are not established under FFDCA (most of the pesticides used under emergency conditions are products that are registered for use on other crops for which appropriate tolerances have been established).

Historically, when EPA determines that an emergency exemption is appropriate, the Agency evaluates the residue level in terms of protecting public health and then advises FDA of the expected residue level. FDA has generally exercised enforcement discretion and has not taken action against foods or animal feed containing residues within expected residue levels identified by EPA for an approved emergency use of a pesticide. For emergency exemptions which are revoked as a result of this policy, FDA plans to continue the current discretionary practice of allowing foods treated prior to revocation of the emergency exemption to remain in commerce.

EPA is adopting this policy before completing review of comments received in response to its Feb. 5 notice requesting comments on this issue and others affected by the court decision on the Delaney clause. The urgency of taking action now is prompted by the pending applications for the emergency use of certain pesticides which would be prohibited under the policy being announced. Ultimately, EPA will consider all comments received as it determines whether the policy being announced is appropriate.

In the recent *Les vs Reilly* decision, the court held that the Delaney clause in FFDCA barred the establishment of tolerances for pesticides in processed food for any pesticide that meets the "induce cancer in animals" standard, no matter how infinitesimal the risk. The court overturned EPA's interpretation that the Delaney clause allows pesticide uses which pose a *de minimis* risk. Although that decision was handed down on July 8, 1992, because of appeals, it did not become effective until March 19, 1993.

The following emergency exemptions granted in fiscal year 1992 will be revoked:

PESTICIDE, CROP, STATE, AND EXPIRATION OF EXEMPTIONS

Cyromazine, potatoes, Florida, July 1, 1993.
Cyromazine, tomatoes, Florida, October 27, 1993.
Fosetyl-al, hops, Oregon, September 15, 1993.
Iprodione, apples, North Carolina, September 1, 1993.
Triadimefon, tomatoes, California, June 18, 1993.

The following emergency exemptions requests have been received and will be denied:

PESTICIDE, CROP, AND STATE

Acephate, tomatoes, South Carolina.
Bifenthrin, hops, Washington, Idaho, Oregon.
Bifenthrin, tomatoes, California.
Cyromazine, potatoes, Michigan.
Bromoxynil, rice, Mississippi, Arkansas.
Fosetyl-al, grapes, Michigan, Pennsylvania.
Fosetyl-al, hops, Idaho.
Iprodione, apples, Tennessee.
Pendamethalin, mint, Montana, South Dakota, Oregon.
Permethrin, rice, Texas.

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NORTH CAROLINA STATE UNIVERSITY, COLLEGE OF AGRICULTURE AND LIFE SCIENCES,
*Raleigh, NC, May 18, 1993.*

Hon. CHARLES TAYLOR,
*House of Representatives,*
*Cannon House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE TAYLOR: Alternaria blotch, caused by the fungus *Alternaria mali*, was first reported in NC in the mid-1980's and has continued to increase in severity and distribution within the state. Since its discovery in NC, it has subsequently been reported from South Carolina, Virginia, Tennessee and Georgia. The disease has been considered a major problem in the Far East (Japan, China, and Korea) since the late 1950's.

In 1988, with the help of a graduate student, I began a series of studies in North Carolina to investigate the biology and epidemiology of the disease. The immediate objectives were to determine the extent of the problem in NC and develop an effective control program. We documented a significant increase in the disease from 1989 to 1991 in Henderson Co. as well as other apple growing regions of NC (see Appendix 1). We also found that strains of the cultivar Red Delicious were most severely affected. Fungicide trials were conducted in 1989 and 1990 at the Central Crops Research Station, Clayton, NC. None of the fungicides registered for use on apples controlled the disease. Iprodione (Rovral) was the only fungicide that provided satisfactory control.

In 1991, a study was initiated at the McKay orchard in Henderson Co. to document the effect of the disease on yield and quality. In 1992, we (T. Sutton, J.F. Walgenbach, and C. R. Unrath) received funding from the USDA-CSRS IPM competitive grants program to expand these studies and further clarify the relationship of the disease to arthropod pests. (Observations had suggested that the disease was more severe when the European red mite was present.)

These studies at the McKay orchard in 1991 and 1992 revealed that there was a significant reduction in yield and quality in seriously affected orchards (see Appendix 2). For example in 1991 there was a 55% reduction and in 1992 a 49% reduction in yield between plots treated with iprodione and those not treated. Furthermore there was a significant reduction in fruit quality; fruit from non-treated blocks had significantly lower soluble solids and consequently were noticeably bitter.

Based on the results obtained in our studies on Alternaria control and those from the McKay orchard, in 1991 we applied to EPA for a Section 18 Specific Exemption for the use of Rovral for the 1992 growing season and were granted this exemption. In 1992 I also participated in an IR-4 program to obtain the necessary residues to obtain a Section 3 registration for Rovral on apples. It is my understanding that the fruit samples from these trials will be analyzed soon.

Potential economic losses were estimated as part of the Section 18 application. After consulting with county agents, we estimated that Alternaria blotch was a severe problem on approximately 2000 acres, a moderate problem on 1500 acres and a minor problem on 2500 acres of Red Delicious. These estimates were provided to EPA as part of the Section 18 application for use of Rovral for the 1993 growing season (see Appendix 3). Based on a state-wide yield estimate of 600 bu/acre we estimated that the net return to growers with light, moderate and severe Alternaria blotch would be (in $/acre) 1002, 888, −147. If the 1993 growing season is conducive to disease development (as it was in 1992) this would result in a loss of revenue of approximately 2.5 million dollars to North Carolina apple growers.

Some questions have also been raised in regard to the long-term effects of the disease on orchard health and tree survival. At this time I have no data to indicate that there will be any effect of the disease on tree mortality. However, data from other fruit crops (e.g., tart cherries) has shown that severe defoliation can predispose them to winter injury and subsequent tree mortality. There is, however, a large reduction in return bloom the next growing season. In 1992, in plots that did not receive Rovral sprays in 1991 there was a 70% reduction in return bloom. The effect was not as dramatic this year because the disease was not as severe in 1992 and there was a light crop load.

I feel as though Alternaria blotch is a perfect example of the use of a Section 18. Alternaria blotch is a new disease, it results in significant crop losses, and there are no registered alternatives. Furthermore the approach we have taken to develop management strategies for the disease are consistent with and embody Integrated Pest Management principals. The rules we have developed for the use of Rovral are designed to utilize it as little as possible while still achieving an acceptable level of control. For example, we recommend to growers not to make an application until 65% of the leaves have spots on them. Consequently in dry years or in orchards with a moderate problem no applications may be needed and even in severely affected orchards the number of applications may be reduced. Also, as part of the IPM project previously mentioned, we are investigating non chemical means for reducing the orchard inoculum level and the subsequent need for fungicide sprays.

In summary I do not feel as though cancellation of the Section 18 was justified because:

1. Significant economic losses are likely in 1993 if weather conditions are conducive for disease development. Defoliation in 1993 could lead to a significant reduction in return bloom and a reduced crop in 1994. Long-term effects on tree survival are unknown at this time.

2. EPA has not classified iprodione as a carcinogen.

3. Rovral is registered for use on many food crops.

4. The Section 18 for apples does not permit the use of Rovral within 30 days of harvest; it is permitted for use up to and including the day of harvest on many crops.

5. EPA has no data that shows that iprodione concentrates in processing; data were extrapolated from other studies.

6. Most Rovral use will be on Red Delicious. Red Delicious is primarily a fresh fruit cultivar; consequently only a small proportion of the crop (the culls) is likely to go to juice or other uses. Fruit used for juice or processing will be blended with other cultivars; consequently residues are likely to be diluted as opposed to concentrated.

7. Cancellation of the Section 18 will likely lead to the use of more pesticides in affected orchards. Growers will have to abandon IPM thresholds for mite control and will have to maintain their populations at low levels with miticides to help minimize defoliation.

Please let me know if I can supply any additional information.

Sincerely,

TURNER B. SUTTON,
*Professor of Plant Pathology.*

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NORTH CAROLINA STATE UNIVERSITY, COLLEGE OF AGRICULTURE AND LIFE SCIENCES,
*Fletcher, NC, May 18, 1993.*

Congressman CHARLES TAYLOR,
*Cannon House Office Building,*
*Washington, DC.*

DEAR CONGRESSMAN TAYLOR: I am writing to support the use of (Iprodione) Rovral® by North Carolina apple growers in 1993. I have worked in Horticultural Apple Research in North Carolina for 25 years. I have never seen as swift and complete a devastation of an apple orchard as one hit by Alternaria and left uncontrolled. There are 15,000+ acres of apples in N.C., forty percent or 6,000 acres are 'Red Delicious' or have 'Red Delicious' parentage and are "at risk" of being attacked by Alternaria.

For the past two years I have been part of the N.C. Apple Research team evaluating Alternaria's impact and control. When Alternaria strikes, leaves drop off apple trees by August 1, most fruit drop before normal harvest date, those remaining are stunted and taste like paste, and effected trees fail to initiate bloom for the next season and therefore have no fruit production for the following year.

Without Rovral® use, effected trees could be totally and irreversibly damaged and permanently out of commercial production in three years.

I urge you to implore the EPA and FDA to reconsider its ban on Rovral® use on apples in N.C. It seems highly inconsistent to allow "General label" Rovral® use on "day of harvest" of peaches and as a postharvest dip on several other crops and yet ban its Section 18 use on apples.

If I can be of further assistance I can be reached at 704-684-3562.

Sincerely,

C.R. UNRATH,
*Professor of Horticulture and Research Pomologist.*

STATE OF NORTH CAROLINA,
DEPARTMENT OF AGRICULTURE,
*Raleigh, NC, June 21, 1993.*

MS. CAROL M. BROWNER,
*Administrator, Environmental Protection Agency, Washington, DC.*

DEAR MS. BROWNER: On March 26, 1993, the EPA approved a specific exemption to the North Carolina Department of Agriculture for the use of iprodione on apples to control Alternaria mali. On May 7, 1993, the EPA revoked this exemption because of a policy change between EPA and FDA adopted after the *Les vs. Reilly* decision of the U.S. Court of Appeals, Ninth Circuit. This policy change was included in the revocation letter from Doug Campt. Director, OPP.

Enclosed is an amendment to the original exemption petition. Additional data are now available that show iprodione does not concentrate in juice. Only the variety Red Delicious is affected by this disease. This variety of apple is either sold fresh or processed into juice. No applesauce is produced from this variety. The pomace is usually used as animal feed and is normally fed wet to livestock, according to local sources.

Based on new data supplied by Rhone-Poulenc dated June 17, 1993, it would appear that the residues of iprodione do not concentrate in processing through and including wet pomace (Exhibit I). We have enclosed correspondence from several apple processors and pomace users indicating that the pomace is not dried, but is fed wet at a moisture content of 60%-80% (Exhibit II). Additionally, a statement is enclosed from the Apple Processors Association which states essentially that its members do not dry pomace (Exhibit III). The revised enforcement program statement is enclosed (Exhibit IV).

The revised use season is June 28–August 15, 1993. This product is extremely important to a total IPM approach to control Alternaria mali. There are no other fungicides available to growers for control of this disease. When the economic threshold is reached, damage can be severe and extensive, and may lead to eventual death of infected trees, as well as cause bankruptcy of our growers.

We urgently request that you review the additional data and consider granting the exemption. If you have any questions, please do not hesitate to contact Mr. John L. Smith, Pesticide Administrator, at 919/733-3556.

Cordially,

JAMES A. GRAHAM,
*Commissioner.*

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HOUSE OF REPRESENTATIVES,
*Washington, DC, June 28, 1993.*

Hon. CAROL BROWNER,
*Administrator, Environmental Protection Agency, Washington, DC.*

DEAR MS. BROWNER: We are writing to request your assistance in expediting a recent application for an amended FIFRA Section 18 specific exemption submitted by the North Carolina Department of Agriculture. The specific exemption application is for the use of iprodione, marketed under the name Rovral, on the red delicious apples in our state.

As you are undoubtedly aware, Rovral has been approved for use on a variety of produce. It is labeled for use on peaches and can be safely used up to harvest. In addition, Rovral can be used as a postharvest dip for cherries, plums, peaches, and nectarines and as a foliar applied fungicide for many vegetables. It was used by the apple growers in North Carolina during 1992 to combat the spread of Alternaria blotch, a fungal disease, under specific exemption approved by the EPA. In fact, the EPA had already approved the used of Rovral on the apples in our state for this growing season.

The revocation of the Rovral specific exemption on May 7 alarmed us as well as the apple growers in our state. The impact of Alternaria blotch on the North Carolina apple industry could be devastating. Trees that are affected by Alternaria blotch during the year exhibit varying degrees of premature defoliation. This results in apples not sizing adequately and the tree's inability to supply the carbohydrates needed for the development of compounds responsible for sweetness and flavor.

At a meeting held Friday, June 11, EPA officials met with representatives from the North Carolina Department of Agriculture, the North Carolina Apple Growers' Association, and Rhone-Poulenc. At the meeting, it was made clear that an amended specific exemption would not be granted unless data was provided that showed Rovral did not concentrate in processed foods.

We would like to see a determination made as quickly as possible on this specific exemption application. The growers need to be able to apply this material immediately in order for it to be effective for this season.

We appreciate your assistance with this request and look forward to hearing from you soon.

Sincerely,

Jesse Helms, Charles H. Taylor, Howard Coble, Lauch Faircloth, Cass Ballenger, Alex McMillan.

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Mr. HELMS. I thank the Chair and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I will make my remarks also very brief.

Mr. President, I rise to speak in behalf of the nomination of Dr. Philip Lee. I do not know Dr. Lee well, but I do know his very long and distinguished record in the health care field.

Mr. President, after I met with Dr. Lee in my office, I cannot say that we agree on every single issue, but what I can say is that as we move to what I think is a real critical time in the history of our country—that sounds like a cliche. I see Senator ROCKEFELLER on the floor with me. And I think he will probably agree it is not a cliche. We really are at a point right now in the history of the United States of America where health care has emerged as a central issue and many, many Senators hopefully on both sides of the aisle and many representatives on both sides of the aisle are committed to major health care reform.

Therefore, I think we need people in public service who have the experience, who have the background and who have really the kind of distinguished record that Dr. Lee has.

As I look at his background from 100 articles to all sorts of honors and awards—I will just tick off a few: The President's Award, Association for Health Services Research; Kaiser senior fellow, Center for Advanced Study in Behavioral Sciences; Certificate of Honor, San Francisco Board of Supervisors; Secretary's Special Citation, Department of Health, Education, and Welfare; Superior Honor Award, Agency for International Development.

It goes on and on. Dr. Lee was here when we really had I think our last major, major debate on health care, major reform in 1965 when we adopted Medicaid and Medicare. This is a man who brings a tremendous amount of experience, a wealth of knowledge, and once again I think a real commitment to public service. I believe that what I would want to emphasize is that commitment to public service. I think Dr. Lee's work in health and human services is going to make enormous contributions to the United States of America. I think we need someone of his caliber in this position, and above and beyond all of the credentialism, MD, 100 articles written, so on and so forth, I would put public service at the very top.

I think we are talking about a person of tremendous integrity, we are talking about a person who has a real commitment to good public policy in health care and can make a positive difference in the lifestyle of people. He is exactly the person we need for this job. He comes along at a critical time in the history of the country, and I hope that he will receive unanimous support from the Democrats and Republicans alike.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized, Mr. ROCKEFELLER.

Mr. ROCKEFELLER. Mr. President, I rise in extremely strong support of Phil Lee to be Assistant Secretary of Health And Human Services. As PAUL WELLSTONE said, we are about to go to the most difficult thing we have done in this Congress, which is the reform of our health care system. And I think I can say without fear of factual contradiction that there is nobody in the Federal Government when he is confirmed who will know more about health care, its history, its details, its perspective that Dr. Phil Lee.

I would want to say that even if it were not true because I feel so strongly about it, but I can say it, and I do say it because it is true.

I am personally greatly indebted to him because he has helped me a great deal over the years and I am actually very proud to say that he was somebody who was a very close friend of my father, who no longer lives. But they worked on a variety of subjects together.

If there is anybody who has done their tour of duty on behalf of public service in this country, it would be Dr. Phil Lee. Nobody has done more for the health care system than Dr. Lee. If there were a Purple Heart for health care service in public service, he would be wearing it or several of them.

As PAUL WELLSTONE indicated, he was here during 1965 and 1969. Also at that time he was the very first Assistant Secretary of Health and Scientific Affairs in what was then HEW.

So in a sense he is coming back to the same position that he held and held for the first time which is an interesting subject in itself.

At that time of course they were passing and putting into practice Medicare and Medicaid which were considered very difficult battles, a 10-year battle, but I also say it is a very easy thing compared to what it is we are heading into.

Phil Lee really developed the modern public health service. Public health has always been the stepchild and wrongly so of health care in this country. there was an enormous outbreak of TB and all kinds of the things at the beginning of this century. There was no public health service. There was no public health. It was not taught in medical schools. Indeed if one goes to medical schools today public health students are still on the bottom of the ladder. Phil Lee knows public health, knows it intimately.

I am very happy to say that my grandfather back in 1915 started the first public health at Johns Hopkins University. There simply was none. In 1915, none whatsoever.

Among Dr. Lee's variety of accomplishments is one which should show us how long it has been, or rather how short it has been since he was last with us 25 years ago. He was one of the people back in 1965 when he was at HEW who was actually doing the work of desegregating our hospitals in this country. Phil Lee has been through about everything that this country has to offer with respect to health care. And he has no peer.

He served up until very recently as chairman of the Physician Payment Review Commission, which is called PHYSPRC, one of those wonderful words in health care that drives people listening to it away rapidly. But the Physician Payment Review Commission is something created by Congress in 1986 for us to advise us. And he led it. Congress has benefited enormously by his work.

I personally am enormously grateful for the work that he did when Senator DAVE DURENBERGER from Minnesota and I were doing the physician pay reform. The bill in 1989 which was the whole intricate matter of the reimbursement of physicians under Medicare, and because Medicare is such a huge financial behemoth, whatever you do in Medicare is going to happen in the private system generally within a couple of years. So the question is: How do you do more for primary care so as to encourage cognitive medical care as opposed to specialized medical care, not to denigrate it but simply to say he is a fighter for primary care. I am glad of that.

So I look upon him as a friend, as a very, very dear friend, as a colleague. And I would say again that it is amazing to me that he comes back to public service. I think he is 68 years old. He loves the San Francisco Bay Area. That is his home. That is where his roots are. At the age of 68 he gets a call from the U.S. Government headed by a fellow by the name of Bill Clinton who says come back and serve again exactly in the position he held 25 years ago when the position was first founded. He answers to the call.

He is a quintessential public person. He is the best we have on health care, and not unimportantly, beyond that, he is an absolutely wonderful human being.

I vigorously support his nomination. I thank the Chair.

### SENATOR MURRAY IS WELCOMED BACK

Mr. ROCKEFELLER. Mr. President, I note with a sense of joy and respect, appreciation, affection, and just really real happiness that the Senator from the State of Washington [Mrs. MURRAY] is back with us on the floor waiting for me to finish my remarks so she can speak.

I am very, very happy to see her.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from North Dakota welcomes back to the Chamber the Senator from Washington.

I recognize her.

Mrs. MURRAY. Thank you, Mr. President. It is a delight to be back here on the floor with my colleagues. Let me take a minute to thank all of you who sent me the get-well cards and well wishes over the last week and a half. You did your job. I am back.

Let me also thank all of my staff and all of the staff here for the great job they did for me and for their support.

Thanks to the hospital and staff at Georgetown University. They did an excellent job. They gave me an inside view of the other side of health care. So I will be ready for that health care debate that is coming.

And also to my family back home in Washington. We discovered how far away 2,800 miles really is. To my mom, I am taking care of myself, I promise, I am not working too hard. It is a delight to be back.

Mr. President, I ask unanimous consent to be allowed to speak in morning business for approximately 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## PRESIDENT CLINTON'S NORTHWEST FOREST PLAN

Mrs. MURRAY. Mr. President, for the past 5 years the citizens of my home State of Washington have endured a battle over the management of our Pacific Northwest forests. These incredible natural resources provide jobs and a way of life for thousands of people in timber communities. They also provide the fundamental quality of life in a region so many have chosen to raise their own families in.

For the last 5 years the battle has raged here in this Washington—the other Washington—over balancing our resources between the need for jobs and the need for sustainable development. It has been portrayed by many as jobs vesus owls, or people versus nature. Such simplistic analogies do not reflect the complexity of the challenge before us.

This challenge focuses on the stewardship of our natural resources to be sure. But the solution has never been all-or-nothing as some might suggest. The essential challenge has always been about defining a solution that sustains the environment, the economy and our quality of life in the Northwest. The truth we are seeing today is that we can craft a solution that provides for responsible stewardship and certain, sustainable timber yields. And while this inevitably will involve change, we are now able to tell families in timber towns what the future holds and get to the business of providing a strong, family wage economy for the future.

This is a very important day. We have a President who is doing things. We have a President who has taken this bitter debate beyond the status quo, where battle lines have been drawn too deep for too long. We have a President who has presented us with a solution that, while not loved by many, is scientifically credible, legally defensible, and will provide jobs for the future. Once and for all, we have moved off the same spot we have been on for too long.

The challenge is partly met. The fact remains we must move on. We must look to the future, to the opportunities provided by this day's announcements. So let me talk for a moment about what this plan could do for the people of the Northwest.

We would have an ecosystem management plan covering the western half of the Cascade Range that will, if implemented, ensure the viability of species throughout this range for the long term. These include the spotted owl, marbled murrelet, salmon, and hundreds of other living things in the old growth forest ecosystem. This would effectively remove the Federal courts from making forest policy.

We would have a sustainable level of timber harvesting throughout the region for at least the next 10 years. This would finally enable towns, banks, businesses, and local governments to plan with certainty for the future.

We would have adaptive management areas throughout the region. These areas range from 50,000 to 400,000 acres and would empower local communities to design forest management plans tailored to meet the specific needs of various geographic areas.

We would have a policy that says the Fish and Wildlife Service will work with State and private land managers to put habitat conservation plans in place on non-Federal lands, allowing harvest restrictions imposed to protect the spotted owl to be relaxed. This would be a powerful incentive for State and private foresters to become part of the needed solution.

We would have an economic diversification package totaling some $3.1 billion a year for 3 years. The existence of this package says to people in the Northwest: If Government changes policy, Government will assume responsibility for helping people adjust.

It would make it easy for small businesses to get loans, offer education opportunities, provide major investments in the forest landscape, and provide planning and technical assistance to communities. By administration estimates, this package would create up to 33,000 new jobs in the region.

This is tough medicine for the Pacific Northwest. There is no doubt that all of us wish that the harvest levels would be higher. But the best science we have says that the environment is under great stress, and that we need to rethink things for now. From any perspective, this plan has shortcomings, but I submit there is a lot in it that I like.

It would be very easy to promise the world to our constituents, to tell them life will not change, but that would not be telling the truth, and the people in our timber towns know that.

My heart aches for the timber families who were given promises of administrations throughout the 1980's that they could cut trees forever. Doing that again would be no different than the promises my generation has heard over and over again: You can have it all and it will cost you nothing.

At some point, reality strikes and we realize that leaders in the past gave away too much and left us the bills to pay.

Mr. President, the people in our timber towns are tired of political promises that cannot be kept. It is time for change. It is time to make tough decisions and redefine our forest resources policies to reflect the realities of sustainable development and environmental health. We must empower communities with the promise of the future and not the past. That is what this President's package hopes to do. Whether this plan becomes the new regional guide or not, it is an important step toward moving our State and our region beyond the conflict of the past.

Let me say this: The forest products economy is not going away if we do our jobs right. Under this plan, total regional timber harvests will remain above 10 billion board feet among all ownerships. We can have sawmills, and we can have pulp and paper mills. We can have logging and yarders and loaders. We can also have a healthy ecosystem with abundant wildlife and clean water. We can have a vibrant secondary wood products industry that maximizes the value of our natural resources.

My promise to the people of Washington State is to work hard to pass the economic component of the President's Northwest forest package. This will provide economic, labor, and community assistance over the next 5 years, provide new jobs in value-added industries, rebuild our stream beds, watersheds, and logging roads.

These are jobs that will provide futures for our families and food for their tables. As we all know, this is a tough fiscal climate. The resources identified by the President are within existing spending caps and do not change our deficit targets. But it will not be easy; we will need every vote on the Committee on Appropriations and on the Senate floor. But if Members believe in scientifically sound land management practices, and in equipping our towns to compete in the economies of the future, then they will support this effort to demonstrate that we can resolve our most difficult conflict.

To the naysayers, I say, read the message of the last election: We can no longer have it all. It is time for all of us to set aside the differences of the past, shoulder our responsibilities, and work together to rebuild our timber communities. Only through shared sacrifice and mutual support can we move beyond this conflict.

Mr. President, I look forward to working with the President and the other Members of Congress to achieve these goals.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF PHILIP LEE TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES

The Senate continued with the consideration of the nomination.

Mrs. FEINSTEIN. Mr. President, I come to the floor because I understand that the nomination of Dr. Philip Lee has raised some concerns. And, Mr. President, I suspect that there is nobody in this Senate that knows Phil Lee as well as I do. I had the privilege of appointing him to the health commission while I was mayor of San Francisco. I had the privilege of making him the president of the health commission while I was mayor of San Francisco. I had the privilege of working with him for 5 years to solve budget problems, operational problems, technical and professional problems, in what is a very large health system in the city and county of San Francisco.

We ran a 1,100-bed geriatric care facility, a major trauma hospital, a whole series of pubic and mental health centers, a whole alcohol and drug abuse program.

I always found Phil Lee to be a man of the highest integrity and the greatest expertise. He comes from an old medical family in California, a distinguished family. And I am very proud to be here to say that I think he is one of the finest appointments made by the Clinton administration, and he will serve with distinction as Assistant Secretary of Health and Human Services.

It is rare that one is able to entice someone who is senior in his profession, and who has reached the apex of his profession, to come back to Washington. Phil Lee has served as chancellor of the University of California campus at San Francisco, the great Medical Center of San Francisco, again, with distinction. He has served as the head of medical institutes, again, with distinction. I believe very deeply that he will serve with distinction and merit as an Assistant Secretary in the Department of Health and Human Services.

So I am pleased to come here to put in a few personal words for him, as someone who knows his wife, who sat with him where he attends a Methodist Church in San Francisco, who worked with him as a colleague, and who has had a commissioner-mayor relationship with him, quite successfully, over a number of years.

I yield the floor.

Mr. DURENBERGER. Mr. President, I rise today to recognize the accomplishments of Dr. Philip R. Lee and to support his nomination for the position of Assistant Secretary for Health at HHS.

I have known Phil Lee for many years, primarily in his role as the director of the Institute for Health Policy Studies at the School of Medicine at the University of California in San Francisco, and also in the capacity as chair of the Physician Payment Review Commission.

He has demonstrated distinguished leadership in both roles. He built the Institute for Health Policy Studies into a fine, well-respected research institution that has made, and continues to make, significant contributions to knowledge in the area of health services.

As the chair of PPRC since 1986, he brought stature, credibility, and good will to the difficult enterprise of regulating physicians' fees under the Medicare Program. Under his guidance, PPRC produced excellent analyses in support of its recommendations. As a member of the Finance Committee, and as one of the authors of the Resource Based Relative Value Scale [RBRV's] approach implemented by Phil and other Commissioners, I personally express gratitude for his dedicated leadership and commitment.

The Department of Health and Human Resources is indeed fortunate to have attracted a man of Phil's talents to the agency. HHS has a very full plate in the years ahead. Along with Congress, the administration will be undertaking health reform in the next few years. While I am sure we will not always agree on all issues, I know Dr. Lee will always deal fairly and openly during the course of the debate.

I look forward to the opportunity of working with Phil Lee and his staff on critical issues relating to the health of this Nation. I heartily endorse his nomination and cast my vote with enthusiasm.

Mrs. KASSEBAUM. Mr. President, I rise to discuss the confirmation of Dr. Philip R. Lee to be the Assistant Secretary of Health at the Department of Health and Human Services [HHS]. Dr. Lee's nomination was reported favorably and without objection by the Committee on Labor and Human Resources on June 16.

Mr. President, the portfolio of Assistant Secretary for Health at HHS is one of the Federal Government's most challenging. It includes supervision of such important and diverse programs as the National Institutes of Health [NIH], the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, and the Agency for Health Care Policy and Research.

In this particular administration, the Assistant Secretary for Health also has a prominent role to play in the development of national health care reform initiatives—and ultimately, perhaps, an even bigger role in implementation of such reform.

There is perhaps no person with greater depth of experience for this challenging position than Dr. Phil Lee. A physician by training, Dr. Lee has been prominent in the field of public health and health policy for most of the last three decades. In fact, the position for which he is now nominated is one he also held for 4 years during the Johnson administration.

I do not claim to endorse all that Dr. Lee has said, written, or accomplished in his long career. In fact, some of his views—especially in the area of health care cost containment—are ones with which I disagree. I do, however, endorse Dr. Lee's reassuring breadth of experience and the depth of respect he enjoys in the academic and public health communities.

The author or coauthor of 13 books and well over 100 book chapters and articles, Dr. Lee is also the founder and longtime director of the highly respected Institute for Health Policy Studies at the University of California, San Francisco. Dr. Lee is also the most recent chairman of the Physician Payment Review Commission [PPRC], a position he has held since 1986.

Throughout his career, Dr. Lee has pursued a particular interest in the health care needs of America's elderly. During the 1960's, as an adviser to President Johnson, Dr. Lee was active in development of Medicare. Later, as chairman of the PPRC in the late 1980's, Dr. Lee played a prominent role in bringing about passage and implementation of comprehensive Medicare physician payment reform.

Over the years, Dr. Lee has also served as chancellor of the University of California at San Francisco, as a professor of medicine, and as a practicing physician. His publications display an impressive breadth of experience and expertise on issues as varied as long-term care, health care cost containment, AIDS, pharmaceutical, and medical education.

Mr. President, it is clear from his interviews with the Labor Committee that Dr. Lee possesses a detailed and sophisticated understanding of HHS, its programs, and personnel. His goals for improvement and reform at the Department are ambitious. One I find especially pleasing is the creation of an institutional liaison to improve cooperation between the Health Care Financing Administration and the Public Health Service. Also encouraging is Dr. Lee's desire to revitalize NIH research and his commitment to preventive health care.

Mr. President, Phil Lee has a long and distinguished record in public health, extensive Government experience, and a strong reputation among his peers and on the Hill. He is a steady hand for turbulent times, and I urge my colleagues to support his nomination.

Mr. ROCKEFELLER. Mr. President, I rise today in strong, enthusiastic support of Dr. Philip R. Lee for Assistant Secretary of Health. This remarkable individual brings extraordinary experience, knowledge, and commitment to this position. We should consider ourselves fortunate that someone with his abilities wants to return to public service. As someone who has gained immeasurably from his reservoir of knowledge, I am in his debt. In fact, my own association goes back to Dr. Lee's work with my father on population issues.

Dr. Lee has already done his tour in the battle for a better health care system. And if there were a Purple Heart for that service, he would have earned that and many more medals. In the years from 1965 to 1969, he served his country with distinction as the first Assistant Secretary of Health and Scientific Affairs in what was then the Department of Health, Education, and Welfare. Those were very different times during the Johnson administration, with Medicare and Medicaid having just been passed into law, when we thought there were no limits to what we could achieve in medicine.

Under Dr. Lee's leadership, the organization of the modern Public Health Service took shape. The neglected health care needs of both rural and urban populations were emphasized, and the community health center program was initiated in the Department. Dr. Lee's leadership also got efforts off the ground to train more primary care doctors and nurses. And as an indication of how far we have come in just 25 years, Dr. Lee actively worked to make sure that hospitals in this country would be desegregated.

Dr. Lee left the Government in 1969 to become chancellor of the University of California, San Francisco, and under his leadership, steps were taken which have led to that institution becoming one of the truly outstanding academic health centers in the United States. More recently he was the founding director of the Institute of Health Policy Studies at UCSF, and he has built that organization into a leading think tank for health policy. His accomplishments and extensive writings have earned him a national and international reputation in this field. He serves on numerous boards, including the Henry J. Kaiser Family Foundation. He has also worked with his local government as the first president of the Health Commission of the city and county of San Francisco.

Dr. Lee served the Congress and the people of the United States as chairman of the Physician Payment Review Commission, a position he has held since its creation by the Congress in 1986 as part of physician payment reform. With the staff assembled by Dr. Lee and the commissioners he has led, this Congress has benefited enormously from their work. We are grateful for his tremendous contributions to our efforts at physician payment reform. It was through this work that I, as a new chairman of the Senate's Subcommittee on Medicare and Long-term Care, sought Dr. Lee out as a counsel, as an adviser, and as a colleague.

And now we can see his extraordinary commitment in his willingness to accept this new challenge, to leave his beloved San Francisco Bay area and return to the cauldron of Washington and health care reform. At first it might seem odd that Dr. Lee would even consider another stint as Assistant Secretary of Health. But he knows that history is giving him and all of us another chance—the best chance we may ever have to reform our battered health care system and turn it into something America can be proud of.

Mr. President, in our battle for health reform, we need a seasoned field commander like Dr. Phil Lee. It is heartening to see that his dedication remains strong and fired up. He seeks this opportunity to help steer us through the uncharted waters of the total transformation of our Nation's health care system. And in the position he has been nominated for, he will be able to help the Congress fulfill the job of health care reform that we have promised the country.

Anyone who has spoken with Dr. Lee about health care or who has seen him testify before a congressional committee—and I have had the opportunity to do both of these on numerous occasions—immediately will sense his passion and commitment to making health care both more available and more affordable for people in this country. One has to believe this comes from somewhere deep in his character, and knowing his family one gets a pretty good idea of its source.

Dr. Lee grew up in California, the son of the founder of the Palo Alto Medical Clinic, now one of the leading medical group practices in the United States. It would seem that Dr. Lee was born to a career in public health, for he can remember as a child accompanying his father on door-to-door health education efforts in communities in the San Francisco area. His remarkable family includes one brother who is a distinguished surgeon at Stanford and another brother who is the chairman of family medicine at the University of Southern California and who is a national leader in this field.

Mr. President, with the passage last week of the budget reconciliation bill we have moved one step closer to the task many of us have been eagerly waiting for: reforming our health care system. This will be the most complex, the most difficult legislative effort in the history of this body. As I anticipate this forthcoming challenge, I can think of no one I would rather see leading the health care effort in the Department of Health and Human Services than Phil Lee.

Mrs. BOXER. Mr. President, it is with great pride that I rise today in support of the nomination of Dr. Philip R. Lee for the position of Assistant Secretary of Health and Human Services.

For over 30 years Dr. Lee has been a leader in the health care field, both in the Nation and in the State of California. His distinguished record of service is lengthy and impressive, making him eminently qualified for the job he has been nominated to.

Dr. Lee was Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education and Welfare from 1965-69, and chancellor of the University of California at San Francisco from 1969-72.

Since 1972, Dr. Lee has served as director of the Institute for Health Policy Studies at the University of California at San Francisco where his teaching and research endeavors have focused on physician payment, prescription drugs, reproductive health policy and AIDS-related issues. He is the author of over 100 articles in the health field, and the coauthor of numerous books.

Over the years, Dr. Lee has been a frequent and much sought after adviser to Federal, State, and local health policymakers. He was president of the Health Commission for the city and county of San Francisco from 1985-89, and since July 1986, has served as Chairman of the Physician Payment Review Commission established by the U.S. Congress.

Mr. President, I strongly support Dr. Lee's nomination and I urge my colleagues in the Senate to do the same. I am confident that with Dr. Lee's experience, knowledge, and commitment he will make an excellent Assistant Secretary of Health and Human Services.

Mr. BAUCUS. Mr. President, I rise in strong and enthusiastic support of Philip R. Lee, who has been nominated by President Clinton to serve as the Assistant Secretary for Health in the U.S. Department of Health and Human Services.

Dr. Lee is well known to many of us in the Senate for his years of work as Chair of the Physician Payment Review Commission. In that position, he has rendered distinguished public service by focusing the work of the Commission on issues of great public concern. Since 1986, Dr. Lee has led the PPRC on an ambitious agenda which included advising the Government on the implementation of the new Medicare fee schedule for physicians. Dr. Lee's recommendations helped the Government adjust the fee schedule so that it would pay physicians more fairly.

The Commission has also moved aggressively on the issue of how to increase the supply of primary care physicians. This is an area of great concern to those of us in frontier States such as Montana, where most of our counties face severe shortages of health care professionals. In reporting on this tough issue, Dr. Lee has considered options for changing the current physician-training system so as to reduce the emphasis on exotic specialties and sophisticated technologies. Dr. Lee has correctly stated that we need to refocus our attention on the basic health needs that are most likely to affect our citizens. Dr. Lee's broad vision at PPRC has also included work on national health care reform, controlling health care costs, measuring and improving the quality of care, and improving access to care.

In addition to his work at PPRC, Phil Lee has been professor of social medicine at the University of California, San Francisco, since 1972, where he has served as director of the Institute for Health Policy Studies. As a scholar, he is author of over 100 articles in the health care field and numerous books.

Dr. Lee's teaching and research have focused on physician payment, prescription drugs, reproductive health policy, and AIDS related issues. He has served on numerous advisory boards and groups, including the Health Commission for the city and county of San Francisco, the Population Advisory Council for the U.S. Congress, and the board of the Alan Guttmacher Institute.

It is no surprise that President Clinton finds Dr. Lee well qualified for the position of Assistant Secretary for Health because Dr. Lee served in that capacity from 1965 to 1969. During his previous tenure, Dr. Lee participated in the reorganization of the Public Health Service, and would again be placed in charge of that critical agency. The Assistant Secretary for Health is in charge of the Office of the Surgeon General, the Centers for Disease Control and Prevention, The Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, and the National Institutes of Health, and other agencies. As the Nation's chief physician, he will have enormous breadth of responsibilities at a time when the United States has many critical health problems and the opportunity to implement major health care reform.

Philip Lee is uniquely qualified to take the position of Assistant Secretary for Health, and I urge my colleagues to support his nomination.

Mr. HATCH. Mr. President, I rise in support of the nomination of Dr. Philip Lee to serve as Assistant Secretary for Health at the Department of Health and Human Services.

Dr. Lee is eminently qualified to serve as the head of the Public Health Service agencies; I cannot imagine an individual more qualified to serve in this post.

There is no question about Dr. Lee's considerable background and abilities. There is no question that he will be a significant asset to the Department. In fact, the only question is why he would want to return to Government at this point in such a distinguished career.

I had the pleasure of meeting with Dr. Lee earlier this week and discussing with him the responsibilities that he would be undertaking. I was impressed by his depth of knowledge on a considerable range of health issues.

I look forward to working closely with Dr. Lee; his nomination will have my full support. We can certainly benefit from his insight and experience.

The PRESIDING OFFICER. Is there further debate on the nomination of Philip Lee to be Assistant Secretary of Health and Human Services?

If not, the question occurs on the nomination.

The nomination was confirmed.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the President be notified of the Senate's action in confirming the nomination of Dr. Philip R. Lee as an Assistant Secretary of Health and Human Services.

The PRESIDING OFFICER. Without objection it is so ordered.

## LEGISLATIVE SESSION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it so ordered.

Does any Senator seek recognition?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

## IMPLEMENTATION DATE OF THE CHINESE STUDENT PROTECTION ACT

Mr. GORTON. Mr. President, today is July 1, 3 days before we celebrate the anniversary of our Nation's independence. To most of us, July 1 is not a day of particular significance. But to 80,000 Chinese nationals residing in the United States, July 1, 1993, will be one of the most important days of their lives. Today the Immigration and Naturalization Service begins accepting and processing applications for permanent residency under the Chinese Student Protection Act, a bill that I introduced and saw signed into law during the 102d Congress.

These Chinese students and scholars are the legacy of the most brutal tragedy in China's struggle for self determination—the 1989 massacre in Tiananmen Square. As you and I did, they watched in horror as unarmed protestors for democracy were ruthlessly slaughtered. But to the Chinese students, the victims on television and on the front pages of the newspapers were not nameless victims, but friends, cousins, sisters, and brothers. And as they watched, the horror of these scenes was heightened by the knowledge that soon they would be forced to return to China.

There was some consolation for these students when President Bush issued an Executive order allowing the Chinese to remain in America until January 1, 1994. But knowing that the Executive order would inevitably expire, these Chinese students and scholars still lived under a gnawing cloud of fear.

Mr. President, July 1, 1993, is the day on which that cloud has been lifted.

Today is a day both of celebration and sadness, for the Chinese who can remain in the United States. The implementation of the Chinese Student Protection Act was contingent on the President not declaring the People's Republic of China safe for return. As of today, no such declaration has been issued. While the 80,000 Chinese students in the United States no longer need fear a dangerous forced return to their native land, it is still a day of sadness for their country.

Despite booming economic growth, despite international condemnation and now, despite the very real possibility that China will lose 80,000 of its best and brightest students, the People's Republic of China continues to compile an abominable record on human rights. Promises from the Government of the People's Republic of China to improve human rights remain unfulfilled and without credibility.

If the students elect to remain in the United States, we will be the better for it. They are superbly educated, motivated and ready to work for this Nation. They possess a keen understanding of the American dream. These students will not be taking jobs from Americans, they will be creating new jobs, spawning new industries and contributing to American society.

Ultimately, however, the purpose of the Chinese Student Protection Act was not so much for the students to stay but for them to be able to return to a China freed from its oppressive Communist regime. The Chinese Student Protection Act may still help ensure that the words and actions of the Chinese Government are more than a feather in the wind, and are instead, words which we they can count on.

If China is to move into the 21st century with the rest of the world, it will need the assistance of many of these young people.

Mr. President, the interim regulations for the Chinese Student Protection Act which go into effect today are, like most regulations, imperfect. Many of the students who qualify for protection under the act have dependents here or in China who do not qualify for the same protection. Further, the accounting mechanism which will allow as many as 80,000 Chinese nationals to adjust their status without significantly delaying the status of other immigrants who have been waiting has not been completely worked out. I have expressed my concerns to the Immigration and Naturalization Service in a letter last week and the INS has promised to work with Congress and Chinese students to produce an administrative solution to these problems.

Despite these remaining questions, today is a day of hope—hope for a new life of freedom in the United States for Chinese students who otherwise would have been eligible for deportation on January 1, hope that some day some of the students who choose to remain in the United States will be able to return to a prosperous and democratic China, and above all hope that such legislation will never again be necessary.

Today, Mr. President, let us celebrate the blessings of liberty and dreams of freedom embodied in the Chinese Student Protection Act; the same dreams which withstood the bloody tanks at Tiananmen Square, the dreams which inspire the world; the dream that still is America.

Mr. President, I note the presence of the President pro tempore on the floor, and I wonder if I might ask his indulgence for 3 additional minutes on a different subject.

Mr. BYRD. Go right ahead.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed on a different subject in morning business.

The PRESIDING OFFICER. The Senator is recognized.

## TELEVISION VIOLENCE

Mr. GORTON. Mr. President, yesterday, the distinguished Senator from Illinois [Mr. SIMON], together with network representatives, announced an industry agreement to adopt an advance parental advisory plan on television violence. Today, I applaud the efforts of Senator SIMON for his accomplishment. But this is only a first step. The industry must work to reduce the number of violent acts on television.

Over the past several years, I have joined with Senator SIMON and others in this Chamber to address the issue of violence on our television screens. Certainly television is not the only contributor to the increase of violence in our society over the past 40 years, but it is one.

Today, television is found in 93 percent of American homes. In 1950, 15 percent of American homes had television sets. During this same time period, the homicide rate in America had grown from 7,942 to 21,860 murders per year.

According to the American Psychological Association there is compelling evidence for a correlation between "viewing violence and aggressive behavior."

Children—in spite of their parents' best efforts—spend an overwhelming amount of time watching TV. The National Coalition on Television Violence estimates that by the age of 18, the average young person in America has witnessed 200,000 acts of violence on television, including 40,000 murders.

In light of these statistics is it any wonder that violence is on the rise in this country? That parents are disgusted with programming options and simply turn off the set? If only that last statement were, in fact, true, but, of course, it is not true.

The television industry cannot parent the children of America. This Senator is not asking it to. But the television industry can give the parents of America information in which to make better decisions about the programs that their children will watch.

When families sit down to watch television in the evening, they should have the opportunity to know what is in store for the next half-hour or hour of viewing. According to the industry agreement, if a violence advisory is issued for the program, all "promotional material relating to that program, including press releases, on-air promotions and print advertising will include the advisory." In essence, parents will be given ample opportunity—from the newspaper to air-time—to choose another show for their families to watch.

This is a good first step. But more needs to be done. First, the cable industry must join with the broadcasters and adopt similar viewer notification standards. And most importantly, the industry, together with their Hollywood producers, must take it upon themselves to reduce the number of violent acts which appear on television. Because if it does not, I am convinced Congress will intervene. Nevertheless, this is a major fist step, for which Senator SIMON and the networks deserve our thanks and congratulations.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore [Mr. BYRD].

Mr. BYRD. Mr. President, I thank the Chair.

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## NEW U.S. PEACEKEEPING POLICY

Mr. BYRD. Mr. President, I am concerned about recent press reports indicating that administration officials are drafting a new and more activist policy for the United States in international peacekeeping. The desire to demonstrate a U.S. commitment to multilateral peacekeeping operations may be seen as an admirable sign of continued American leadership, but I am concerned that we not enter into such a role without fully understanding the conditions under which U.S. participation in international peacekeeping operations would occur. The proposed use of U.S. forces and military intelligence for the United Nations peacekeeping operations raises many troubling questions about new rules of engagement and the question of who, under the proposed policy, decides when and where U.S. forces are put into situations of possible hostilities.

A more activist policy, seeking to make peace—by force if necessary—in regions fractured by historical ethnic, religious, and cultural differences and seeking to guarantee the establishment or continuity of democratic governments at whatever cost sounds suspiciously as though the United States is still trying to play the role of the world's policeman—a supercop covered by a United Nations multilateral cloak.

Morton Halperin, in the latest issue of "Foreign Policy," writes that, "When a people attempts to hold free elections and establish a constitutional democracy, the United States and the international community should not only assist but should 'guarantee' the result." These measures to guarantee the establishment of democracy should be institutionalized in organizations like the United Nations, he adds, and the United States should "commit to using force to restore or establish constitutional democracy."

Mr. President, I kind of have problems squaring this with the U.S. Constitution, which I have from time to time and have had somewhat lately.

Neither the United States nor the United Nations is, or can be, the white knight that rides to the rescue of every damsel in distress. Difficult problems are proliferating at a phenomenal rate. The United States and the United Nations certainly have important roles to play in this volatile period. The United Nations has established 28 peacekeeping operations since 1948, half of those since 1988, and of that 14, 9 in 1991 and 1992 alone. But we should carefully consider the implications of a still more interventionist policy. How many more peacekeeping operations might be created, and at what cost and to whom? Will more U.N. interventions cause more conflicts to be settled, or will cynical parties claim to represent democracy in order to bring the United Nations in on their side?

The new policy, as it has been outlined in speeches by certain administration officials and in the press thus far, would expand the U.S. military's role in planning, training, and participating in U.N. peacekeeping forces. U.S. forces more often would be placed under U.N. command when conditions are acceptable to the Joint Chiefs of Staff. This is a significant departure from our earlier policy, which stipulated that the United States would contribute only those personnel and capabilities that offered unique contributions to the individual peacekeeping operation.

While that has been stretched to include large numbers of troops on occasion, due to our unique ability to rapidly deploy almost anywhere in the world, it has also limited the time our troops spend overseas to the time needed to cover the introduction of multilateral peacekeeping forces. In this new policy there exists the possibility that U.S. troops could expect long-term deployments overseas as part of extended U.N. presences.

Under the developing new policy, the United States would endorse peacekeeping operations, possibly involving U.S. troops and certainly involving U.S. funds, in cases of humanitarian needs arising from civil strife or natural disasters; threats to democratically elected governments; threats of local conflicts spilling over into neighboring regions; or where undefined threats to international security are identified. Using these guidelines today might mean that United States troops could be deployed to Bosnia, Armenia, Azerbaijan, Georgia, the Sudan, Liberia, and Cambodia, in addition to troops already engaged in peacekeeping and peacemaking operations in Somalia, Macedonia, and along the borders of Iraq.

These guidelines imply that U.N. forces might not play a peacekeeping role, but in the case of threats to democratically elected governments or threats to "international security," also a peacemaking or enforcement role. I am not at all sure that every attempt to hold free elections and establish a constitutional democracy should be "guaranteed" by the military forces of the United States through the United Nations and other international organizations. Nor does every humanitarian crisis need to be met by military forces. Such new rules of engagement should not be adopted without serious debate.

In order to manage and operate wide-ranging peacekeeping operations, the draft policy calls for enlarging the peacekeeping staff at the U.N. headquarters in New York, creating a 24-hour situation room, and establishing a common pool of military equipment for peacekeeping operations. The administration reportedly has agreed to establish an intelligence sharing agreement with the U.N. peacekeeping situation room.

The United States is installing a joint defense intelligence information system in the current U.N. situation room this month to help it track global peacekeeping operations. The creation in the United Nations of a "permanent foundation for rapid 24-hour communication, intelligence, lift, recruitment, training, and the full spectrum of intra-theatre logistical support," to quote Madeleine Albright, the U.S. Ambassador to the United Nations, sounds to me like the establishment of a permanent U.N. army, manned by quotas of troops drafted from U.N. member states.

To fund U.N. peacekeeping efforts, the draft policy supports the creation of a central peacekeeping budget, as well as the establishment of a budget office to audit peacekeeping expenditures. While these efforts might serve to make budgeting more predictable and accountable, I would suggest that a central budget reduces the flexibility we currently enjoy to review specific proposed missions and determine or change what level of support we wish to provide and can afford to provide. It is too easy to abdicate that kind of scrutiny when hard decisions to reprogram funds away from some other essential function do not have to be made here at home.

The press reports do not indicate the size of the peacekeeping budget, how it is to be financed, or what will be the United States share. Details concerning the financing and upkeep of the military equipment are also not offered, though I would suggest that, like all military expenditures, such costs are likely to be quite considerable. This year alone, the United Nations will spend more than $3 billion on peacekeeping and human rights monitoring, with about a third of that money coming from Uncle Sam.

With calls for U.N. intervention increasing daily, and with peacekeeping operations becoming more complex and long-term, this amount will continue to grow exponentially, again with the United States footing 30 percent of the bill. We do not want to submit ourselves to some kind of supranational tax system in order to fund U.N. peacekeeping. The present inability of the United Nations to collect both funds and troops from all the donor nations to fulfill its commitments reveals a global lack of consensus on a more activist, interventionist U.N. peacekeeping policy that the United States should recognize.

Peacekeeping is difficult and expensive, as history has shown. And peacemaking is even more difficult and expensive. A traditional peacekeeping mission, the U.N. operation in Mozambique, charged with implementing a negotiated peace settlement, costs an estimated $330 million for 1 year. A more expanded peacemaking mission in Somalia, charged with establishing a secure environment for humanitarian relief and national reconstruction, is estimated to cost $1.5 billion for 1 year. A similar endeavor in Cambodia, concerned with establishing a democratically elected government and reconstructing a country, is estimated to cost $1.9 billion for a single year. These costs include reestablishing infrastructure and paying for equipment and troops to maintain peace.

These troops serving in U.N. operations, by the way, may be volunteered by their governments, but many are what might be termed U.N. mercenaries: They are paid for by the United Nations at the rate of $1,000 a month per troop. For these countries, these troops are not participating in order to establish a "principled international community," as Ambassador Albright termed it. They are in it for the money. And as demand for peacekeeping troops increases, costs for troops are also likely to rise.

I think that it is reasonable to ask the administration and the Joint Chiefs of Staff for detailed testimony on the policy prior to its adoption. This departure from our established policy could commit U.S. forces, intelligence-gathering apparatuses, equipment, and funding to United Nations operations that may not serve U.S. national interests. Most importantly, we want to ensure that whatever commitments we participate in through the United Nations, in so-called peacekeeping operations, that a prior consensus is arrived at with the Congress on the nature and scope of such commitments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. BYRD. Mr. President, will the Senator yield briefly?

Mr. STEVENS. I am happy to yield to my friend.

Mr. BYRD. I thank my friend, the distinguished senior Senator from Alaska. I ask unanimous consent an article from the Washington Post entitled "U.S. Plans Wider Role in U.N. Peace Keeping" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 17, 1993]

### U.S. PLANS WIDER ROLE IN U.N. PEACE KEEPING

(By R. Jeffrey Smith and Julia Preston)

The Clinton administration is drafting a new set of criteria for U.S. involvement in U.N. peacekeeping operations that would provide for a much wider role for U.S. military personnel, according to senior defense and diplomatic officials.

Under the proposed criteria, the officials said, U.S. forces could help plan, train and participate in U.N. peacekeeping activities when justified by general U.S. interests, not just when the United States could make a unique military contribution.

The administration's plan also calls for a substantial beefing up of the peacekeeping staff at U.N. headquarters in New York. U.S. forces, in turn, would be more inclined to accept greater U.N. authority over the peacekeeping operations that involve them, the officials said.

The aim of the plan is partly to demonstrate a U.S. commitment to using military force in concert with other nations rather than unilaterally, an approach dubbed "assertive multilateralism" by Madeleine K. Albright, U.S. ambassador to the United Nations. It is also meant to strengthen the ability of the United Nations to conduct military operations successfully in strife-torn areas, the officials said.

The plan represents what one official termed an "evolutionary rather than revolutionary" shift from existing policy. Officials said one factor that has helped block a significant U.S. military role in such U.N. peacekeeping operations as Cambodia, Lebanon, Kashmir and Cyprus is a requirement that U.S. forces be able to make a unique military contribution.

Under the proposed criteria, articulated in classified drafts of a White House policy review document known as PRD-13, the United States could take part if such action would catalyze involvement by other nations or more generally advance U.S. interests, the officials said. The degree of involvement would be determined by such factors as the intensity of public support and the risk of any U.S. commitment becoming open-ended.

Officials said PRD-13 has not yet been presented to President Clinton, but general agreement has been reached on these points among senior officials at the State Department, Defense Department and Joint Chiefs of Staff. Albright outlined some of the proposed new features in a speech last Friday to the Council on Foreign Relations in New York, saying that the administration had decided "the time has come to commit the political, intellectual and financial capital that U.N. peace keeping and our security deserve."

The plan would constitute an official U.S. endorsement of many of the ambitious ideas suggested last year by U.N. Secretary General Boutros Boutros-Ghali in his report on the U.N.'s role in the post-Cold War era, entitled "Agenda for Peace." Although the U.S. plan has not yet been presented in detail to the U.N. leadership, top U.N. peacekeeping officials aware of the plan's general outline said in interviews they welcomed Washington's shift.

"There is a definite change of mood and [a] willingness from the United States to be partners," said Kofi Annan, U.N. undersecretary general for peace-keeping operations. "As U.N. operations become ever more complex and cumbersome to manage, U.S. participation becomes ever more important."

U.N. officials acknowledged they sorely need the kind of political and logistical boost the United States is offering. U.N. peace-keeping operations are growing exponentially, straining the infrastructure, experience and planning capabilities at U.N. headquarters. By the end of this month, the United Nations will have about 90,000 troops in 13 operations around the world. Yet the entire force depends upon a staff of 35 military advisers and about 40 civilians in New York.

"If I had to choose a single word to evoke the problems of U.N. peace keeping, it would be 'improvisation,'" Albright said. "A kind of programmed amateurism shows up across the board," including what she described as "the near total absence" of contingency planning, "hastily recruited, ill-equipped and often unprepared troops and civilian staff," the absence of centralized military command and control and "the lack of a durable financial basis for starting and sustaining peace-keeping operations."

These and other problems have made U.S. military leaders reluctant to commit U.S. forces to peace-keeping operations, particularly under U.N. command, officials said.

The former head of U.N. forces in Sarajevo, Canadian Maj. Gen. Lewis MacKenzie, vividly described the insufficient staff problem last year. "Do not get into trouble as a commander in the field after 5 p.m. New York time, or Saturday and Sunday," he said. "There is no one to answer the phone."

Currently, only the three biggest operations—in Somalia, Cambodia and the former Yugoslav republics—have officers stationed in the U.N. situation room around the clock. The U.S. plan calls for a reorganization of the U.N. peace-keeping staff, including the creation with U.S. help of a military operations headquarters modeled after the Pentagon's 24-hour command center.

Administration officials also have agreed to work out arrangements for sharing some U.S. intelligence information with the staff of such a center, substantially bolstering its ability to run distant, complex military operations. Later this month, for example, the United States is to help install a joint defense intelligence information system (JDIIS) in the U.N. situation room to enhance its ability to handle such information.

"This is a very tricky business," said Canadian Brig. Gen. Maurice Baril, the top U.N. military adviser for peace keeping. "You can't expect an organization that is already overworked to come up all of a sudden with a perfect new system. But at the same time we have to develop from within the heart of the United Nations."

Officials said that in the course of the administration's review of its policy toward U.N. peace-keeping, U.S. military leaders have dropped their traditional insistence that U.S. forces be kept under U.S. command. The Joint Chiefs of Staff agreed to take a case-by-case approach and place U.S. troops under U.N. or allied command whenever they find the particular arrangements acceptable, officials said.

Recent models for the policy shift, the officials said, include the deployment of roughly 25,000 U.S. troops to Somalia and the planned deployment of 300 U.S. infantrymen to Macedonia to prevent the Balkans conflict from spreading there.

Part of the proposed policy directive also stipulates some of the conditions under which the United States would endorse, though not necessarily participate in, U.N. peace-keeping operations. These include: humanitarian needs such as those caused by civil strife or natural disasters; threats to democratically elected governments; a high risk that local strife could expand into regional conflict; and threats to international security.

Albright said that the United States intends to support U.N. efforts to create a central peace-keeping budget to pay for such operations, including an enlarged contingency fund and a ready pool of military equipment. She also said the administration favors the "creation of a cadre of highly qualified budget experts" to audit peacekeeping expenditures.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1172 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for up to 10 minutes.

## ABOLISH THE FEDERAL INCOME TAX CODE

Mr. DOMENICI. Mr. President, today is the first day of July, and I am sure that most Americans are unaware that it is also the day that effectively their Federal income taxes have gone up. For you see, when we return from the upcoming Independence Day recess, the Senate and the House conferees on the budget reconciliation bill will complete their work. If they retain the Senate's effective date for higher tax rates, according to the majority, they will have made those taxes effectively retroactive to today, July 1.

Being absolutely correct, however, I should say that the higher tax rates, are really retroactive to January 1, 1993, 6 months ago. But the retroactive higher rates for 1993 are only half as big as the retroactive rate increase included in the House version. Using a blended rate mechanism the Finance Committee Democrats could claim that they are only raising the rates for half a year, beginning today. Corporations and businesses should know, however, that the full impact of their higher 35-percent will be made retroactive to January 1. Certain trusts for the support and maintenance of the mentally ill or disabled are similarly hit with a retroactive rate increase.

I oppose retroactive taxes, especially where they have a chance of impacting upon the success or failures of businesses, the success or failure of small businesses in particular.

I am sure that the month of July will be spent hammering out a conference agreement on the budget reconciliation bill. The conferees will focus on taxes: How much to raise—the House bill will raise nearly $33 billion more than the Senate-passed bill—what kind of energy tax, the House Btu tax or the Senate's gasoline tax. Debates will rage over how much expensing to allow small business. The House raises the threshold to $25,000, the Senate's version isn't as generous and sets the threshold at $20,500. Other issues include: What tax credits to extend and for how long. I have heard that debate before, and unless things are changed fundamentally, we will hear it all again.

The President talks of change. He stressed the need for the Congress to make changes. I have come to the floor today not to talk about the reconciliation conference and tax provisions that are in conference because there is no real change for the better there. I want to talk about dynamic, bold change, change that I believe would stop this endless counterproductive, incremental tinkering with the Federal Income Tax Code. The time has come to seriously discuss doing away with the Federal Income Tax Code as we now know it. Abolishing the current income Tax Code would be real change, and that would be real change. I believe the time has come to examine what effects the current Federal Income Tax Code has, not as just a revenue-raising machine, but as a fundamental instrument of good public policy.

Is our current Tax Code an impediment to savings and investment? I believe it is. And, therefore, it is an inhibitor of economic growth, competitiveness and real job creation I believe so, unequivocally, and especially so when compared with the tax codes of our competing countries in the world and how they treat their businesses, how they encourage savings and investment while we merrily roll along, encouraging consumption and discouraging savings and capital formation.

Over the last 2 years, my good friend, the distinguished senior Senator from Georgia [Mr. NUNN] and I and others have been engaged in a review of what fiscal policies would be best for the long-term growth and progress of our country, increasing our standards of living, improving the quality and quantity of jobs for our people. The conclusion of our Strengthening of America Commission is that without fundamental change in the income Tax Code of this country, there will be no dramatic change in our standard of living over time or in our ability to compete and, thus, create more jobs of a good quality at home.

When it came to the Federal income Tax Code, we have concluded in our evaluation—Senator NUNN and many who joined us in this evaluation—we have concluded that the Federal income Tax Code seriously distorts decisions to save and invest. The current Tax Code is in large part responsible, we believe, for the short-term, borrow now/pay later, consume as much as you can, which is part of the American economic problem of today.

This has not been solely a Dominici-Nunn conclusion. Senators like DANFORTH, PACKWOOD, BOREN, KERREY, and others have also come to similar conclusions or conclusions that move in that direction. We believe in varying degrees, of course, that something more than just raising or lowering the tax rates here and there, extending or deleting this or that tax credit will somehow change the fundamental fiscal and economic problems of this country.

The key point is, we do not save enough and, as a consequence, we do not invest enough in private business and private business cannot be competitive without investment.

Without savings and investment, the key to our private enterprise, market-oriented system, capital formation and the availability of capital in large quantities in a changing world where what you have invested in your business radically changes over short periods of time compared with the past, all of that means that capital formation suffers.

I am not so naive, Mr. President, as to believe that something so big as scrapping the Federal Income Tax Code and starting over with a new and better system of taxing income will be adopted any time soon. After all, we have had the current Federal income tax system for over 80 years, since the 16th amendment to the Constitution was ratified in 1913.

But the time has come to talk about real change in that Tax Code. In a series of speeches in the Senate and elsewhere over the next few months, I intend to talk about real change in our tax system and begin to educate the public and Members of the Congress about what that would mean.

The fundamental principles of taxation should be fairness, efficiency, simplicity and, yes, economic growth. On this latter point, I believe, as others do, that we should not penalize those who invest in the system. This has brought me to the idea, not entirely unique, of a saver-friendly Tax Code, one that taxes only consumption and exempts all savings and investments. After a certain threshold, wherein consumption is absolutely part of just maintaining a reasonable lifestyle, from that point, consumption will be taxed; savings and investment will not.

Let me be clear that I am talking about exempting all forms of savings from a progressive income tax. Some analysts, indeed, have explained the concept as a universal IRA account. But this is more than that. And it is not a value added, so-called VAT, tax which would require a new complicated collection and reporting system.

The principle I advance builds on the existing tax collecting system, and it could use a 1040 tax form without requiring a new tax collection system. The reform I have in mind would also significantly simplify the corporate income Tax Code and replace it with what is referred to as a business cash flow tax which allows expensing of business investments in equipment and other job creating, productivity enhancing investments.

Business would pay a tax on their annual cash flow defined as receipts from sales less its purchases from other businesses including new investments made during the year.

Over the last several months, my staff and Senator NUNN's staff have been working with various experts—the Congressional Budget Office, other Senators' staffs and many other interested citizens—to refine this new approach to Federal taxation. Those discussions are ongoing. But on the basis of what has transpired to date, I believe the outline of a proposal for real change is emerging. I believe a combination of a savings exempt income and business cash flow tax could be constructed that would raise the same amount of revenue that is now raised under the current income and corporate tax system and raise it in a way that maintains or improves upon current code progressivity.

In other words, it can be extremely progressive, but the reformed Code would be less complex, more efficient, and, most of all, it would stimulate economic growth, not deter it.

I have asked the Congressional Budget Office to give me some idea what a consumed income tax rate structure would look like, raising the same amount of revenues as now raised and allowing a family living allowance similar to the current law standard deduction, personal exemption and earned income tax credit.

Based on these criteria and allowing all savings and investments to be exempt from taxation, the preliminary CBO estimate suggests that we could enact three tax brackets with marginal consumed income tax rates of 18 percent for the first bracket, 28 percent for the second bracket and 32 percent for the third. If we were to include the current law mortgage interest deduction, the three rates would be slightly higher—20, 28, and 36.

More work is required and is currently in progress, but this should be some solace to those who think such a system would require huge tax rates on consumption. Not true.

Clearly, any additional deductions, exemptions or credits would necessitate higher rates, but in no event would this proposal substantially depart from the progressive framework of the rate structure under the current law.

Again, based on preliminary CBO estimates, a business cash flow tax applied to business on a broad base that excludes business investment and purchases would raise the same level of revenues in the current corporate tax system with a single rate of 8.2 percent. This was calculated to meet current employer, social insurance, trust fund obligations.

Think of the simplicity of such a new system. We would not be arguing about capital gains or establishing a preferential rate for them. Complicated, depreciation schedules, and alternative, minimum tax calculations would be wiped off our tax law books. We could get on with real change. I know a lot of work and education must take place before something as significant and as dramatic as this change in the Tax Code can come to pass. But speaking only for this Senator, I believe this type of real change is needed in our Tax Code. It is the type of change that I believe is essential for the long-term growth and progress of this country.

I believe the time has come not to continue down the path of tinkering around the edges, raising and lowering tax rates here and there, adding or subtracting to what people can invest and not pay taxes on. I believe a saver-friendly Tax Code, a consumed-income Tax Code, would be more simple, more fair, and, most of all, is most apt to permit America to grow and prosper in the international competitive arena of today.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Connecticut is recognized.

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## EFFECTS OF VIOLENCE ON OUR CHILDREN

Mr. DODD. Mr. President, I rise this afternoon to speak once again about the pervasiveness of violence in our culture and its effects on our Nation's children. The past 10 days in our Nation's Capital have been among the bloodiest in this city's history. Many across this city have felt moved to speak out in outrage at these incidents of violence, and, today, Mr. President, I wish to add my voice to those crying out against the horror of the times in which we are living, not only here, in the Capital City of our country, but also, I might add, all across this country in our cities, our suburban areas, and rural communities as well.

The image of a sniper shattering the innocence of a lazy summer afternoon at a neighborhood District of Columbia swimming pool has, indeed, captured our attention—at least I pray to God it has captured our attention. Beyond the six children who were physically wounded, the emotional trauma for these children at a pool that day will have lasting effects.

We all know now that children threatened by dangerous environments experience emotional trauma as well—anxiety, difficulty concentrating, nightmares, all of which will interfere, I suspect, with their daily lives and their ability to learn as they struggle through life. Sometimes these children also develop a sense of such great hopelessness about their future, Mr. President, that they come to believe they will not even live to see adulthood. This sense of hopelessness too often is compounded by a lack of opportunity for education, career training, and finally, jobs. Too many of our children in our cities come to feel that they literally have no future.

Mr. President, I have been in this Chamber to tell the story of other children across this country who have joined gangs and engaged in criminal behavior, feeling that they have nothing at stake in our society, in our country. I have said in the past—and I will repeat here—I do not do it just to recite another list or litany of statistics and figures, but to try to put faces and names on these children and these neighborhoods and these communities. Maybe, just maybe, by utilizing the forum that is available to me as a Senator, I can ignite a spark of deeper interest and concern, and we can come up with some answers to the crippling problems that face our Nation.

So when we see a 22-year-old who allegedly sprayed with bullets a swimming pool filled with playing children, I think it likely we are seeing yet another youth with nothing to lose, lacking any empathy for others.

As Dorothy Gilliam, the Washington Post columnist, put it:

> Obviously, life is so bad for some people that they can only imagine awful things to do.

Mr. President, perhaps it is necessary to spend some time thinking not just about the victims, which is tremendously important, but also about a young person—a young person who can think of nothing better to do than to terrorize, potentially murder and, in fact, wound a group of frolicking children in a swimming pool.

Horrific as it seems, humans do not act in a vacuum. Sometimes it is hard to tie together the connections. But there are usually causes underlying even the most appalling of human behavior.

Prophetically, perhaps, last week, at about the time this latest round of shocking violence began in the District of Columbia, the National Research Council was releasing a long-term study of adolescent risks. Mr. President, I urge my colleagues to examine this report.

I ask unanimous consent that a statement of the panel chairman, Prof. Joel F. Handler, be entered in the RECORD in its entirety at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Aptly entitled "Losing Generations," this report by a panel of experts examined the society in which America's youth are being reared. He concludes—which probably will not come as a great shock to many people—that the single most important factor putting youth at risk is the incredible—the incredible—explosion of poverty over the past two decades in our society.

During that time, real incomes of young families declined by almost a third in the United States. By 1991, nearly 1 in 4 families headed by young adults between 25 and 34—the age group most likely to be rearing children—had incomes below the poverty line. For young black families, the figure is 46 percent—of those families, in the age group 25 to 34—46 percent were living below the poverty line. One in four American children, 25 percent, now live with only one parent. And poverty rates for single-parent homes are six times those of two-parent homes.

Let me stop for a minute.

I do not believe that because you are raised by a single parent or that you are poor, you have a right to spray a swimming pool with bullets. I do not want to confuse this issue. Just because you are poor does not give you a right to engage in dreadful human behavior. But there is a pattern here that is setting in—a connection and a linkage. If you want to solve these problems, it is not just enough to apprehend the individual and subject them to the criminal justice system and assume somehow that is going to solve it.

At some point, we in this country have to come to the collective conclusion that you have to prevent this from happening, or at least minimize the possibility. When you have people being raised under these tremendously difficult conditions, there is just a far greater likelihood that you are going to end up with the results we are seeing.

During the economic expansion of the eighties, both the proportion and the total numbers of families living in poverty continued to increase. Our social support systems failed. The National Research Council panel concluded that social systems failed to provide resources, support, and opportunity for young people and young families to prepare adequately for adulthood.

Therefore, Mr. President, I think we must remember that without adequate education, job training, and early childhood development, any new wave of job opportunities and prosperity are simply going to pass right over the heads of a staggering number of people in our society and leave massive numbers of children growing up in poverty with no hope for their future.

Mr. President, I believe that you have to invest in young people and in young families as the report concludes, by providing adequate housing, by financial assistance, jobs—and I will say this again. I do not believe there is any better social program that any social scientist ever imagined, ever created, ever envisioned that even came close to being as good as a decent-paying, salaried job that allowed people to have the economic empowerment and independence that they need.

Educational opportunities obviously play a critical role in achieving those good wages and salaries. Job training is critically important, as well as assistance with school-to-work transition efforts.

We also need adequate health education and treatment, particularly to address the risks of substance abuse and sexually transmitted diseases, physical or sexual abuse, and teen pregnancy. Our country's teen pregnancy rates are as much as six times higher than those of many European nations—for white teens, as well as for minority youth, I might add—six times higher than some of our major world competitors.

The panel further urged that we dramatically improve our child welfare system, which specifically fails to protect abused adolescents, who often are a low priority for workers whose caseloads are laden with confirmed cases of abused younger children.

Finally, Mr. President, the panel reported that the criminal justice system has completely failed to rehabilitate young offenders. In fact, I would go further. If you end up in the criminal justice system as a young offender, there is a far greater likelihood you are going to come out a lot worse than when you went in. That much, you can almost guarantee; our criminal justice system will produce a worse, a hardened, or a more hardened individual than the one we put into the system.

Obviously, we have to redirect our efforts from emphasis on incarceration and punishment, which certainly ought to be a part of this. But we need to reemphasize, if we can, rehabilitation and treatment so that these young kids come out of that system, at least, with some hope that they will not ever go back into that system again.

None of these findings should really come as a surprise, as I said a moment ago, for we know what we must do. We know what works. And certainly, Mr. President, what has not been working for the past two decades, we also know.

I am very hopeful that with President Clinton's team—people like Lee Brown, whom I had the privilege of being with this morning as he was sworn in as our new drug czar, and who, I think, is going to do a terrific job in that position; Janet Reno, the Attorney General of the United States; Richard Riley, the Secretary of Education; and Donna Shalala, the Secretary of Health and Human Services, I think at least we have the possibility, with this kind of a team and a deep commitment to these issues, that we will be able to achieve some of the accomplishments that this distinguished panel has suggested.

Recently, Mr. President, I introduced, with bipartisan support, the administration's Safe Schools Act, to help schools maintain safety and teach children nonviolent means for resolving conflicts. In addition, I have introduced a bill to create partnerships between police departments and child mental health services to begin collaboration around community policing efforts with an eye toward prevention of violence. It will take much more from all of us to stem this tide of violence in our country.

I was encouraged to learn that the Nation's four major broadcast networks and the motion picture industry yesterday agreed to provide a warning to parents that would precede TV programs that contain excessive violence. That is long overdue. No longer can we be debating whether or not there is some nexus between the torrent of violence that is on TV screens and the behavior of children in our streets. Hopefully, these warnings to parents will begin at least to help temper some of that.

I might point out that the toys that children can buy in our stores, the ones that are geared in some ways to promote violence between people are very popular with kids but, nonetheless, take sort of an antiseptic view of violence. Even simple things, like cartoons—where people can be hurt, dropped on their heads, and all sorts of things—never show the effects of violent behavior—there, we need some sort of tempering, or an understanding of what occurs in these programs and how it can have an effect on young people.

Many studies have shown the connection, as I said, between street violence and violence on our TV screens. While I welcome this development, I remain concern about the lack of nonviolent programs for our children to watch and nonviolent creative toys and games that our children can use to serve their educational needs.

Mr. President, our children are confronted with violence everywhere—on television; at home; at the local swimming pool, as we now know, painfully, in this city; and even at school. It remains to be seen whether or not all of us private and public citizens can act quickly enough and powerfully enough to address this threat to the very future of our Nation's young people.

My fellow colleagues, I do not think we can wait any longer. We have to begin putting aside partisan differences and make this the priority that it ought to be. We should be talking about improving our educational system and about improving family structures. To allow the contamination of violence to continue makes it impossible, in my view, to achieve these other laudable goals.

Mr. President, I take the floor again here today, as I have almost every week over the past month or so, to highlight this particular issue and hope, again, that others may do likewise so that we educate one another on the importance of this issue and try to come up with some intelligent, thoughtful answers, as we try to deal with the scourge in our streets.

I yield the floor.

EXHIBIT 1

OPENING STATEMENT OF JOEL F. HANDLER, J.D.

LOSING GENERATIONS: ADOLESCENTS IN HIGH-RISK SETTINGS

Good morning. Large and increasing numbers of American young people are at risk. These young people are growing up in environments that restrict their chances of becoming successful and productive adults. This is both a personal tragedy and a national tragedy.

Most research has concentrated largely on why individuals engage in high-risk behavior. As we worked, it became apparent that the enormous power of settings in shaping adolescent lives had been given too little attention. It also became clear that the critical settings of adolescent life had deteriorated sharply over the last two decades. It is these settings that are the focus of our report.

Adolescents depend on families, neighborhoods, schools, and health systems. All of these institutions are now under severe stress. As the fault lines widen, more and more young people are falling into the cracks. Institutions and systems initially designed to help high-risk youth, such as juvenile justice and child welfare, have instead become sources of risk.

The social forces that are straining these institutions are many and complex, but they are all influenced by the relentless decline in income of families with young children. Family income is the single most important determinant of the settings in which children spend their formative years. Over the past two decades, the real incomes of young families have declined by almost a third. In 1991, almost one-quarter of the families headed by a young adult had incomes below the poverty line.

Growing up in or near poverty exacts a heavy toll on children and adolescents. Adolescents from low-income families are more likely to have physical and mental health problems, to exhibit delinquent behavior, to show low academic achievement, and to drop out of school. They are less likely than their higher income contemporaries to get jobs. The numbers of poor adolescents who are completely unprepared for and alienated from the world of work has grown alarmingly. Without a stable connection to the workforce, either through one's own efforts or as part of a family, one remains outside mainstream society.

One-quarter of American children now live with only one parent, and poverty rates are almost six times higher for single-parent families than for two-parent families. Studies also suggest that children of single parents are more likely to engage in high—risk behavior such as drug and alcohol use and unprotected sex, to drop out of school, and to commit suicide. Children born to adolescent mothers face the highest risk of failing to become successful adults.

Poor children are likely to grow up in socially disorganized, racially segregated neighborhoods, with a high risk of becoming victims of drug-related violence, perpetrators of such violence, or both. These children are likely to go to schools that have fewer resources than those in more affluent neighborhoods. Although public schools have traditionally been viewed as the institutions through which poor children can rise above their socioeconomic roots, in recent years schools in poor neighborhoods have not been able to fulfill that role. The many problems that poor students bring to the doorsteps have, in most instances, overwhelmed the resources and best efforts of the schools. And unlike many industrialized countries, the United States does not provide an institutional bridge to help adolescents who are not college-bound make the transition from school to work.

How can we strengthen the institutions adolescents depend on and reduce the risks young people face?

Although it is quite true that these issues need more study, some of the problems are so acute and their effects so destructive that to delay action would needlessly endanger the future of more children. Our report includes an agenda for further research and describes directions for change in the 1990s and beyond.

First, policy-makers should keep in mind that a rising economic tide will not necessarily lift most poor families out of poverty. Both the proportion and total of families living in poverty increased during the long period of economic expansion in the 1980s. Targeted intervention will be needed to enhance skills, provide entry-level job opportunities, and improve support services such as child care. Income-transfer programs will also need to be improved to ensure that families have an adequate standard of living, safe housing, and access to essential services such as health care. In designing those programs and policy responses, care should be taken to encourage rather than punish the formation and maintenance of two-parent households.

Second, the crumbling infrastructure of inner-city neighborhoods must be dealt with. Affordable housing is urgently needed. The issue of school funding must be confronted. And residential segregation must be addressed by all levels of government through incentive programs and the vigorous enforcement of fair-housing laws and other civil rights laws and regulations.

Third, young people must have access to services that respond to the major threats to adolescent health—illicit drug use, cigarette and alcohol use, violence, teen-age pregnancy, and emotional distress. But service programs will not be effective if they target just one particular high-risk behavior such as drug use; they need to take a holistic approach to adolescents' life circumstances.

In addition, although rigorous research of services programs is rare and often inconclusive, most experienced practitioners agree on the importance of a sustained relationship with caring adults.

Fourth, even a service response is inadequate to the single most important proximate threat to the lives of inner-city youth: the proliferation of firearms. The issue of guns requires urgent national attention.

Finally, we must remember that less than one-quarter of young people leaving high school will complete a four-year college degree. There must be improved mechanisms to assist the three-quarters who do not attend or complete college to prepare for and find entry-level jobs with a future.

One cannot emphasize too strongly the harmful effects of discrimination. A single act of discrimination—be it the denial of a job opportunity or the denial of housing in a safe neighborhood—can have a powerful effect on an adolescent's life opportunities. Cumulatively, acts of discrimination create large socially and economically disenfranchised groups and blight the developmental opportunities of many American youths. Essential to the success of these efforts is strong enforcement of laws against racial discrimination.

The Pulitzer Prize-winning author James Ages wrote that "in every child who is born, under no matter what circumstances and of no matter what parents, the potentiality of the human race is born again." Our panel believes that more must be done to change the toxic settings that are limiting this potential.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Connecticut on his eloquent comments on violence in society. I want him to know before he leaves the floor that I absolutely support his comments and look forward to working with him on these issues. We are surrounded by violence, and we are also surrounded by essentially the debasement of people in our society, the debasement of women and children. When one looks at the soap operas in the afternoon, or even some of the prime time TV shows, they border on soft porn.

If essentially television and the movies are going to be those that transmit the history of our society and be the electronic troubadours of the old, then we have to get a new message. I think we are all appalled by what we see on TV and in our own communities. The senseless shootings of little boys and girls swimming at a local pool, because of some gang dispute, I think is repugnant.

This is not Bosnia nor El Salvador nor Somalia. This is the United States of America. I think we have to do something about the war lords that are running the streets of America and frightening and intimidating innocent people who go to work and try to raise their kids and try to pursue American citizenship. I compliment the Senator.

## THE MERCHANT MARINES

Ms. MIKULSKI. Mr. President, I believe that this Congress, the 103d Congress, was elected to do something about our economy. I remember during the spirited debates of the last election; the phrase was: "It's the economy, stupid."

Well, I agree that it is the economy, and I think we should not be stupid about it. I think we should be smart about it. We need to be able to talk about how we generate jobs today and jobs tomorrow. I have been one of the leading advocates of generating jobs in the high technology area and working with the Clinton administration in this area.

Mr. President, I am absolutely appalled by this administration's approach to a traditional industry; namely, the merchant marine industry of the United States of America. I am writing today to the President of the United States to express my deep outrage and my dismay at the reports that the two largest American flag shipping companies have decided to remove a number of their vessels from the U.S. flag.

Mr. President, what does that mean in plain English? It means that the merchant marines that fly the flag of the United States of America, staffed by people who are loyal to the United States of America, are American citizens, will no longer have an American merchant marine.

I happen to believe this is an economic security issue, and I happen to believe that it is a national security issue. Our national security depends upon a very strong U.S. flag fleet. During World War II, it was the men of the merchant marine going on Liberty ships across the cruel waters of the North Atlantic, with the Japanese submarine-laden waters of the South Pacific, carrying the kinds of supplies needed so that we could win the war in the Pacific and in Europe and save Western civilization and save this planet. President Roosevelt called our merchant marine then the "heroes in dungarees" for their courage and their valiant service during the Second World War.

Most recently, whether it has been in Korea, Vietnam, and now most recently in Desert Storm, one of the most important backups that our American military had was the merchant marine.

In lessons learned, our hero, General Schwarzkopf talked about how important the merchant marine was—the American merchant marine—to be able to sustain our troops with needed supplies. And had we gone into an escalated ground war in the desert, we would have been even more dependent on those supplies.

Well, now, we have an administration that says that we will no longer back the merchant marine. I am shocked at this, as a Democrat. I am absolutely shocked about, in a new world order, which has become a new world of disorder, that we can have confidence in foreign ships, flying a foreign flag, manned with foreign crews, that are going to carry the grain that we sell around the world, the cargo that we sell around the world, and in the event of an international emergency, the backup to our troops.

In the event of another international incident, where the world will dial the United States of America a 911 call, we will have American cargo going to support American troops and to protect American lives flying under the Marshall Islands flag. I have no disrespect to the people of the Marshall Islands, but what happened to the American flag? Are we not going to back up American troops with an American merchant marine? And when we sell this cargo around the world with wheat deals for the Russians or feeding the hungry in Somalia, it is going to be subsidized wheat, bankrolled by loan guarantees from the United States of America, but sailing under a foreign flag.

I cannot believe this. When I traced this down, it comes from the Economic Security Council at the White House. I was for having an Economic Security Council, because I thought it would blend with the national security issues, because our real national security rests on a strong economy.

I tell you, I was not elected to the U.S. Senate last November to see the U.S. merchant marine scuttled by wonks and green eyeshade types at the White House or Pentagon. I believe our national security depends upon moving a maritime revitalization bill in this session of the Congress to keep our U.S.-flag fleet sailing. We need leadership from the White House on this vital national security issue.

I am informed also that the Pentagon has given advice to two major shipping companies to reflag those ships with the Marshall Islands. The crews on these ships will come from all over the world.

I appreciate our treaty agreements with our friends in foreign countries but, quite frankly, I lack the confidence that foreign nationals will have the same commitment to place their lives on the line, if necessary, the way our American merchant marine has. We have always had an American merchant marine to back up the American U.S. Marine Corps.

Right now, I know that we have moved slowly and deliberately on the review of maritime policy. I hope now that the administration will move quickly now to review that policy so that we do not dismantle the U.S.-flag fleet.

This is the Fourth of July. We are declaring, once again, our commitment to the declaration of our own independence. We are the land of the free and the home of the brave. Our flag means something. The flag that will fly over Fort McHenry in Baltimore, where the "National Anthem" was written, means something. The flag means something. I will tell you, when we send our cargo around the world, to take down the American flag, I believe, will be a national disgrace and will be an economic horror.

I yield the floor and look forward to working on this most crucial economic policy.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business, if we are not already in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

## JUDGE RICHEY'S DECISION REGARDING NAFTA

Mr. GRASSLEY. Mr. President, I want to comment on the issue of whether NAFTA is subject to the Administrative Procedure Act and whether or not the President can submit

NAFTA to the Congress before there is an environmental impact statement.

Judge Richey of the United States District Court for the District of Columbia handed down an opinion yesterday that held so far the North American Free-Trade Agreement—that it cannot be ratified until an environmental impact statement has been completed.

This decision in the lawsuit by Ralph Nader, Friends of the Earth, and by the Sierra Club, is an example of the worst kind of judicial activism, where groups who cannot achieve their out-of-the-mainstream policy goals in the political arena—like here in the Senate and the House—go out and find imperialistic Federal judges willing to make law from the bench; having Federal judges become legislators in a sense, legislators that cannot be voted out of office because they have lifetime appointments.

The reason why we make law in a legislative body is because if we make bad law and we do so regularly, we can be voted out of office. But there is no check like that on a member of the Federal bench like Judge Richey. His decision is just plain bad law and is bad public policy.

To reach the result urged by the NAFTA opponents, Judge Richey first had to conclude that the President's signing of NAFTA constitutes "final agency action"—and that is a legal term—under the Administrative Procedure Act. To say that the President's negotiation and signing of a treaty with two foreign countries, in this case Canada and Mexico, is somehow the same as a decision of the Interior Department regarding management of public lands—and you can choose any examples you want to; you might choose the U.S. Department of Agriculture making a regulatory decision on pesticide use—to equate the President's negotiation of a treaty and presenting it to the Congress with something like the Agriculture Department making a pesticide decision, is really stretching the imagination, Mr. President.

The Administrative Procedure Act does not apply to the President, and his exercise of constitutional authority in treaty negotiation is not the equivalent of agency rulemaking.

The court's decision in this case is not a routine application of the Administrative Procedure Act to an agency. It is a judicial interference with a President's power to conduct foreign policy, and violates constitutional principles of separation of powers.

The court's decision reaches beyond the powers conferred upon the court by article III of the Constitution. It does so by dealing with generalized political grievances that do not constitute, as the Constitution requires, a case or controversy within the jurisdiction of the Federal courts. The Constitution requires parties before the Federal court to show standing by establishing an injury-in-fact—a concrete and particularized, actual or imminent invasion of a legally protected interest—for a party to get to the courts.

The injuries cited by Judge Richey as the basis for his finding of standing in this case are really pretty speculative. They are hypothetical injuries that members of the plaintiff environmental groups might suffer if NAFTA is ratified:

Possible changes in domestic environmental regulation to conform to NAFTA are cited;

Postulated environmental effects of American and Mexican firms' postratification conduct;

And theoretical environmental consequences of changes in price and market conditions that might occur after ratification.

These so-called injuries, or what might happen under certain circumstances, are little more than generalized policy concerns and are disputes that belong in congressional hearing rooms right here on the Hill, rather than in Federal court rooms in the District of Columbia, or anyplace around the country for that matter.

Finally, Judge Richey had to conclude that the National Environmental Policy Act requires an environmental impact statement to be prepared prior to ratification of NAFTA. To reach this conclusion Judge Richey deems the President's signing of a treaty as the legal equivalent of an agency proposing legislation. This too seems to be a stretch of the law.

Hopefully the D.C. Circuit Court will quickly hear and quickly decide the administration's appeal in this case. And President Clinton is doing the right thing by appealing this—not only the right thing from the standpoint of protecting Presidential prerogatives, but also the right thing in terms of good, sound foreign policy. And we ought to think more about NAFTA being involved with foreign policy than just with the economic issues that we are always talking about. So I applaud the President for that appeal, and I hope it will be decided very quickly.

The D.C. circuit has already thrown out one anti-NAFTA lawsuit by Ralph Nader and his allies. We should expect that they will dismiss this lawsuit as well. Dismissal is required under a reading of two major Supreme Court cases of the last two terms, Lujan versus Defenders of Wildlife, and Lujan versus National Wildlife Federation, which held that very similar lawsuits must be dismissed for lack of standing.

This case raises serious questions about the court's subject matter jurisdiction and the doctrine of separation of powers, as well as the standing issue that I have discussed. It is hard to imagine that the D.C. Circuit or the Supreme Court would let this decision stand.

President Clinton should be very confident that the decision will be vacated by the court of appeals, and that NAFTA will ultimately be ratified and be good for the economy and the environment of the United States, Canada and Mexico. But he should learn from the decision of the district court the consequences of too much judicial activism, or the consequences of any judicial activism that goes beyond the mere constitutional responsibility of the interpretation of law. When judges, as Judge Richey has, let their courtrooms become political forums for the airing of every single-issue interest group's public policy grievance, and when unaccountable judges make law from the bench, our Democratic processes are undermined, and bad public policy is usually the result.

I urge President Clinton to recall yesterday's decision as he begins the process of filling the more than 100 vacancies in the Federal district court. For this decision shows the consequences of judges making decisions based on the inclinations of a big heart instead of upon the wording of the statute.

Fortunately, the past two administrations have appointed adherents of judicial restraint who know the proper bounds of their power. I am confident that the Court of Appeals will reverse Judge Richey's activist decision, and I look forward to a prompt debate on the merits of NAFTA within the proper arena; and that proper arena happens to be this body and the other body, which are the political forums of our society, to make these decisions.

I yield the floor.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:39 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 1:41 p.m., when called to order by the Presiding Officer [Mr. MATHEWS].

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

## COMMENDING THE CAREER OF SENATOR METZENBAUM

Mr. JOHNSTON. Mr. President, I rise to commend the career of our colleague, Senator METZENBAUM of Ohio, who just announced that he will be retiring at the end of this term.

Mr. President, the Senator from Ohio [Mr. METZENBAUM] and I have served together throughout his entire 18 years in the Senate. For most of those years, he served as a member of the Energy

Committee. Indeed, as a member of the Energy Committee, we dealt with some of the most important issues that faced our Nation, including the big energy wars that took place in the late 1970's, particularly the Natural Gas Policy Act.

Occasionally, the Senator from Ohio and I were on the same side of issues. When we were, I found him to be a great ally and one who made it much easier to win the day. More frequently, we were on opposite sides of the issue, including natural gas, many of the energy issues, and a host of other issues.

But, Mr. President, I must say that the Senator from Ohio has been, was, and continues to be a close and warm friend. In all of those great legislative arguments, there was never the slightest contrary word or feeling between us. I think that is one of the hallmarks of his service, that he is such a warm and wonderful friend to have, as he has been to many Members of this body.

But, Mr. President, I think the most notable thing about the Senator from Ohio is his stand on principle. The Senator from Ohio is not one who looks at the polls in the morning and decides what to do in the afternoon. His stand on issues comes from a very deep-seated feeling of conscience and conviction, and he follows that as a compass hand pointing steadily in the direction of those convictions regardless of the political consequences.

I think he is the real exception to the rule, in that he often runs counter, or has run counter, to the immediate feelings of the people of his State, but throughout his entire career, they have steadfastly returned him to this body because they know that this is a man of principle and of conviction.

Mr. President, I have also found in the Senator from Ohio one of the keenest intellects that this body has ever had, one of the most diligent workers, one of the most energetic participants in debate and in putting bills and issues together. He is creative. He can figure a way to put an amendment in to make it most appealing and best to accomplish what he seeks to accomplish.

Mr. President, it is fair to say that this will be a lesser body in strength, in integrity, in intellect and in the warm bonds of friendship when the Senator from Ohio departs the U.S. Senate. He will be greatly missed.

For my part, Mr. President, I will miss dear friends, he and his wonderful wife Shirley. I know he will remain active in public affairs. I hope he will continue to grace this body and this city with his presence so that we may continue to seek his counsel, advice, and participation in public affairs, and enjoy his friendship, as well as that of his wonderful wife Shirley. He will be greatly missed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask following my remarks we stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MIDWEST FLOODS

Mr. DOLE. Mr. President, the thoughts and prayers of my colleagues should, in part, be with the beleaguered residents of the Midwest—particularly those whose homes, businesses, and farms have suffered severe damage due to the worst flooding to strike the area in 30 years.

For weeks, the upper Midwest has been inundated with record rainfall, resulting in widespread floods and the prospect of an extended period of time needed for recovery.

Even before the most recent rains, this area experienced precipitation far above normal. Last fall's harvest was interrupted and even prevented in many areas due to excessive rainfall. Spring plantings were made prohibitive due to wet fields. Finally, crops which escaped the worst last fall and this spring have been lost in the most recent storms. Unfortunately, short-term forecasts hold no hope of quick relief.

So, Mr. President, a tragedy is gripping the area. Governors have requested disaster declarations for 11 counties in Minnesota, 16 counties in South Dakota, 25 in Iowa, and 30 in Wisconsin—and these numbers are expected to climb.

We will need to turn our attention—and our offer of assistance—to those in need. The losses will certainly be in the hundreds of millions of dollars—if not higher—especially in light of the commerce which has been interrupted on the Mississippi River.

In response to this disaster and in preparation for providing the assistance which will be needed, Secretary of Agriculture Mike Espy traveled to four affected States earlier this week. I had wanted to congratulate the Secretary for this most appropriate show of compassion, concern and intention to use the resources available to the Federal Government to help the citizens of this area.

Unfortunately, the Secretary's trip was marred by partisan politics. It appears only political supporters of the administration were invited to participate, and at least one Republican Member of the House of Representatives—in whose district the Secretary staged an event—was explicitly not invited. Partisanship has no place in disasters. Floods do not spare on account of political affiliation, they do not pass over the homes, the farms, or the businesses of one political group and devastate those of others. I had expected a more responsible and caring response from the Secretary and hope he will review his actions of this week and vow to not repeat this mistake in the future.

I also understand he visited a county in Iowa, the home of Iowa Senator GRASSLEY. Senator GRASSLEY was not invited, nor was Senator DURENBERGER, nor was Senator PRESSLER.

In the meantime, I look forward to working with my colleagues from these affected States on both sides of the aisle to assist those who have suffered a great deal at the hands of these storms.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 1:53 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 2:05 p.m., when called to order by the Presiding Officer [Mr. MATHEWS].

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, I feel that the Senate should note with some shame, or at least embarrassment, that today is the 50th anniversary of an event that was intended to put the American taxpayers asleep.

It worked. The taxpayers went to sleep.

Fifty years ago today, July 1, 1943, was the day that the Federal Government began sticking its bureaucratic hands into the pockets of the taxpayers. That was the day that the so-called pay-as-you-go Federal income tax began, stealthily, taking money from the taxpayers without their even thinking about it.

Note, please, that the first five letters of the word "stealthily," which I just used, the first five letters are s-t-e-a-l—steal.

In any case, Mr. President, until Congress got around to enacting an income taxing power for the Federal Government that would pass constitutional muster, the taxes collected by the Federal Government were minimal. By 1895, Congress had enacted and was imposing an income tax, but the Supreme Court looked at that one and declared that it was unconstitutional on the grounds that the tax was not apportioned among the States in a proportional manner.

Then Congress got busy a little later on and approved a constitutional amendment, the 16th amendment to the Constitution, and sold the American people a bill of goods with the false assurance over and over again in this Chamber that this new income tax would never, ever claim anything like 10 percent of any taxpayer's income. In fact, there was a fist fight in this Chamber when one of the Senators advocating the 16th amendment was angered by the suggestion of another Senator that the Federal income tax might one day seize as much as 10 percent of a person's income.

So, Mr. President, the American people were lulled to sleep, much like the frog placed in a pot of water and then placed on a red-hot burner. To begin with, the frog was so comfortable in that warm water that he never knew what hit him. He was fast asleep.

Mr. President, for substantially more than a year—I think it is about 16 or 17 months—I have been making a daily report on the irresponsibility of the Congress of the United States with respect to the Federal debt burden dumped on the backs of the American people.

Some Members of Congress, to this day, constantly pretend and proclaim and declare that it was President Reagan or President Bush or both who ran up this incredible Federal debt when, in fact, Mr. President, anybody even remotely familiar with the U.S. Constitution knows that no President, Democrat or Republican, liberal or conservative, can spend even a dime of the taxpayers' money that has not first been authorized and then appropriated by—you got it—the Congress of the United States.

So, Mr. President, my report for today is as follows: As of the close of business this past Tuesday, June 29, the Federal debt stood at $4,309,613,793,364.13. You might try writing those figures down. It looks like a freight train going by.

This means that, on a per capita basis, every man, woman, and child in America owes a share of this Federal debt, and that share amounts to $16,778.13 as his or her share of that debt.

Mr. President, I thank you very much. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE ENERGY STAR PROGRAM

Mr. BAUCUS. Mr. President, on several occasions over the past few weeks I have spoken about the need to combine our economic and environmental goals. Today, I will speak about a great example of how this can be achieved.

This example is EPA's Energy Star Program. The Energy Star Program is a partnership effort with the computer industry to promote the development and use of energy efficient computers, printers, and monitors.

It might seem that the computers on our desks are not the biggest users of energy. But the majority of time a computer is turned on, it is not being used. And more than a third of computers are left running over nights and weekends. When added together, computer systems alone already account for 5 percent of all commercial energy used and could reach 10 percent by the year 2000.

Working with over 100 voluntary participants in the program, EPA has encouraged the introduction of computer systems that will power down when they are not in use.

This simple feature will cut the energy consumed by computers 50 to 75 percent. With 30 to 35 million computer systems in use, this program could save enough electricity each year to power the States of Maine, New Hampshire, and Vermont, and will save ratepayers nearly $2 billion.

These energy savings translate into environmental benefits as well. Within 10 years, the use of Energy Star computers will reduce carbon dioxide, the primary greenhouse gas, by 20 million tons—the equivalent of 5 million automobiles. Sulfur oxides and nitrogen oxides, which cause acid rain, will be reduced by more than 200,000 tons.

After only 1 year, the computer industry, in partnership with EPA, has responded to the Energy Star challenge by developing computer systems that run on as little as 18 watts of power—less than the average lightbulb.

How can this kind of innovation help the economy? In addition to the billions of dollars that will be saved through the use of these computers, a new competitive market has been created.

Not too many computer buyers have ever focused on energy use when making a purchase. But now, thanks to Energy Star, energy consumption will be a factor in every computer market. Especially in other countries—where power costs much more than in the United States—low energy computers could have a major advantage.

And the Federal Government can lead the way in building markets for these innovative computer systems. On Earth Day, President Clinton signed an Executive order that requires the Federal Government—the world's largest buyer of computer equipment—to buy equipment that meets the Energy Star requirements.

Not only will this accelerate the trend toward energy efficiency, it is a good business decision for the Government. The energy savings for the Government alone will save the taxpayers $40 million annually.

Mr. President, the Energy Star Program is an excellent example of why I am a strong supporter of environmental technology. This program shows how Government and industry can work together to develop innovations which will help the economy and promote a healthy environment.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WELFARE REFORM

Mr. D'AMATO. Mr. President, when President Clinton was campaigning for office, one of his promises was to bring about reform of the welfare system, to change it. It had great resonance with people. He called for workfare, not welfare.

Well, I am disappointed. I am saddened to say that we had an opportunity to make a very meaningful step in terms of encouraging able-bodied recipients to get off of the dole and to have each State be required to have a plan for able-bodied recipients who did not have dependent children to report to a public service job.

Once again, President Clinton has broken one of his promises to the American people.

Indeed, instead of attempting to support this program, his administration campaigned against it. Secretary Shalala, head of Health and Human Services, wrote a strong letter in opposition. Indeed, she said that this was legislation the administration strongly opposes for all of the above reasons, and she went into numerous reasons.

The promises that were made, workfare, not welfare, were forgotten. Had the President wanted this amendment, which would have required able-bodied welfare recipients without dependent children to work for their benefits, to pass, it would have. It would have. Instead, it was voted down in conference on almost a straight party-line vote.

Bill Clinton told the people that he wanted to change the welfare system as we know it. He said he was committed to workfare. I tried to help the President keep his promise by offering this welfare amendment, which would have required workfare. But not only did the President choose not to keep his commitment, but, indeed, the Secretary of Health and Human Services opposed it and sent this letter to the chairman of the Appropriations Committee.

Mr. President, the American people want workfare, not welfare.

I am going to suggest that as to this legislation—which I have submitted and which this body accepted after vigorous debate with over 60-some-odd votes voting against the tabling of this amendment—that I am going to continue to attach this amendment on every piece of legislation that I can.

I am determined to see to it that there is a vote in the House of Representatives as well, and there would have been had the conferees not, along almost entirely party lines, knocked it out.

The American people have a right to have meaningful welfare reform. I think they will remember that President Clinton has not kept his commitment. This is not a commitment that should be studied to death. This is not a program that we have to wait for forever. If we cannot say that able-bodied recipients who do not have children should not be required to report for some public service job, then something is terribly wrong with our thinking. If we do not think we have a responsibility to bring this about, then something is wrong.

For the administration to oppose it on a series of technical grounds, not based on merit, is simply wrong.

We believe in the principle of workfare. Or are we saying that maybe it is because it might be embarrassing that we really are not for workfare as opposed to welfare? It is about time that we stood up for what is right and stop making a mockery of what is taking place at this time when we say we are for one thing but for technical reasons say, no, we have to study it. We have to put it off; we will wait until next year.

Once again I am saddened to say that I am disappointed—and I think the American people will be—that President Clinton has broken one of the primary commitments that he made during the campaign, and that was workfare, not welfare. I believe that we should keep that commitment to the people. I think we have a basic responsibility to do so. I am going to continue to press that issue.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 1196 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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## SOCIAL SECURITY BENEFIT OBLIGATIONS

Mr. SIMPSON. Mr. President, I wish to take a moment to speak on Social Security. Everybody seems to talk about that, but we seem to get, again, so hooked up in emotion and an inability to seemingly even make any change at all in the system without gaining the ire of every known senior group or other group dependent upon frightening the American people as to the future of Social Security.

So let me just say this, and hopefully it will create some debate. I know that it will. The relationship of the Social Security trust fund to the rest of the Federal budget is once again gaining the public's attention. A root cause of this issue is the public misperception that the surplus Social Security taxes are somehow directly deposited and saved in a special Social Security trust fund.

Contrary to popular belief, Social Security taxes, like all other Government revenues, are deposited in the U.S. Treasury, not into a separate Social Security trust fund. These Social Security taxes, along with the many other forms of tax revenues which the Government collects, then become part of the Government's operating cash flow.

Thus, while the concept of the trust fund and the dedicated receipts appears to indicate there might be separate pots, pots of money, the Federal Government really honestly does operate as one single financial entity. Revenues from any of the trust fund programs are not handled separately, invested separately, or managed separately.

In addition, Social Security payments are not recycled. Instead, they are replaced in the Treasury by a constant stream of FICA tax revenues. So long as the FICA tax system keeps pace with the benefits payment program—that is the Federal Insurance Compensation Act—the system will remain self-financing or pay-as-you-go.

However, in the year 2030, when the retired population is more than double what it is today, Social Security benefit obligations will start to exceed all FICA payroll tax receipts. There is not any question about it. For example, in 1988, there were 25.7 million persons over age 65. By the year 2000, it is expected there will be around 35 million persons over age 65, and 60 million over 65 by the year 2030.

The increasing numbers of elderly, caused primarily by the retirement of the baby boomers, would not ordinarily in itself be any problem. However, because of the continuing low birth rate of this country, there will not be enough workers to eventually pay the full benefits for the baby boom generation.

Therefore, in the future, there will be fewer workers to pay into the fund for each Social Security recipient at the time. It is just logical. Unless the benefit increases are slowed, the Social Security costs will exceed and drain off all the system's reserves around the year 2030 or 2040—2030 to 2035, and by 2040, unless something is done, it will be in dramatic drawdown and gone.

It is important to note that today's Social Security surplus exists because of one reason. The surplus does not exist because of what seniors are putting into it. It exists because of what today's workers are putting into it, and those in the past decade have put into it. They have been paying a significantly higher payroll tax than was ever, ever paid or anticipated to be paid by most of today's Social Security beneficiaries.

Hear these figures. They are unrefutable. Everyone is entitled to their own emotions but nobody is entitled to their own facts. From 1937, when Social Security was first imposed, up until the year 1949, the payroll tax was 1 percent, and it only applied to the first $3,000 of an individual's income during that period of time.

In 1983, however, when the financial status of the trust funds deteriorated to the point where all cash reserves were exhausted and $17.5 billion had to be borrowed to finance the benefit payments, Congress enacted legislation that required a series of major increases in the payroll tax.

We owe Senator PAT MOYNIHAN a debt of gratitude. He was part of that blue ribbon commission. There were many on both sides of the aisle, a superb group.

But these increases brought the maximum tax to its current level of $3,226 in 1993. Quite a swing from 1 percent of $3,000—that is $30 a year—to $3,226 in the year 1993. And because of this legislation that we passed, younger generations of American workers have been paying a much higher payroll tax over the past 10 years. This is why today we have a Social Security surplus, no other reason, coming from the younger workers.

The current surplus did not result from the payroll taxes that were paid by the current retirees but in fact is currently being subsidized by today's generation of workers. It certainly, in my mind, is not fair to ask the younger generations to bear the entire burden of deficit reduction in addition to the funding of the Social Security program. We must all fairly share in this effort.

This is why I do not support the notion of taking Social Security ever off the table when Congress looks for ways to reduce Federal spending.

If we continue in the direction we are heading, by the year 2010—2010, 17 years away—60 percent of the entire budget of the United States of America will be going toward people 60 years of age or over, regardless of their net worth or their income. That is outrageous.

The problem is that unless the Treasury is operated with a balanced budget by that time, it will not have the funds on hand to pay the notes, the IOU's in the trust fund. To restore the solvency, the Federal Government will then have to either increase its income—that is, raise taxes we call that—cut its spending—you see how easy it is to do that—or do some combination of both in order to produce the necessary surplus cash to pay off these Social Security obligations. Money will have to be raised by the future generation of workers if the budget is not balanced before those Social Security reserves are needed.

We must change the Social Security System now and in some way if we want our future generation to get anything at all out of the system. I am not advocating reductions called cuts in Social Security benefits. I have never seen anybody around here ever step up and put a cut on a Social Security benefit, and I never have. I have talked about cost-of-living allowances. That is a different matter. So I do not advocate cuts in existing benefits.

However, I think we must consider the possibility that future increases or cost-of-living adjustments might be withheld from those persons who are well-off and have already received their full return many times over on what they paid into the system.

I do not want to take away benefits from people who are counting on Social Security for their retirement funds. I am not interested in taking money from wretched, hapless people. That is not my nature. But we need to cut through the rhetoric—we have a better word for that in Wyoming—behind the COLA's and begin to get serious about reducing benefits for those persons who are exceptionally wealthy and who do not need to have their income subsidized by this Federal Government. They may be earning, $60,000, $70,000, $80,000 in retirement and still be receiving all the benefits of Social Security even though—I always love this one at the town meeting. I have told you these stories.

The fellow got up in the back. I said I will take one more question from the gentleman in the back—the gray-haired gentleman in the back, I believe I said. This fellow leaped up. He said "I would rather have my hair turn gray than turned lose"—which is a shocking thing to hear from a constituent when you are less than hirsute.

So I say, "So you put in it from the beginning, did you?"

They say "You bet. And I want it all out."

I say, "Well, let us look at what you put in because for the first 8 years you never put in over 30 bucks a year. Then for the next 18 years you never put in more than 174 bucks a year. Get that—174 bucks a year. Then they finally ding you hard. They hit you 300 bucks a year. Then they finally ding you for 500 bucks a year. And, finally, 800 bucks a year. Then, finally, really put it in your ear, making you pay $1,500 a year, or $1,800 a year, and you are sitting here today drawing $720 a month and giving me lectures. And you have a net worth of $500,000 or 1 million bucks and giving me lectures."

I said it is tough to listen to that. It ought to be a lot tougher to listen to if you are 30 years old because when I was a freshman at the University of Wyoming in 1950, there were 16 people paying into the Social Security System and 1 person taking out, and today there are 3.2 people paying into the system and 1 taking out. In 20 years there will be 2 people paying into the system and 1 taking it out.

How long do you think that 35-year-old guy that is going to put in $12,500 and another put in $12,500 to take care of one person taking out $25,000? You talk about generational warfare. "You ain't seen nothing yet," in the words of a former President.

I have no desire to push low-income elderly persons below the poverty line. Forget that one. Who is talking about that? Every time you bring up these issues, here they come out of the woodwork—the AARP, the National Committee for the Preservation of Social Security still slugging along with notch babies. I have a special notch for them because they put in the very least. They put in peanuts. Then we took them through the cost-of-living index and they were getting 8-, 10-, 12-, 14-percent indexing on Social Security in the seventies. They remember that but they seem to forget it when they get galvanized by their leaders.

So I am perfectly willing to take this measure. It is not fun. But I have a grandchild now. I would like to see her doing something with regard to what we think of as an income supplement system. And that is all Social Security was. It was never a pension plan. It was on income supplement by a generous Government and an extraordinary President called Franklin Delano Roosevelt and it worked. It worked until we got to a position where we, as politicians, never could say no to these groups. If you do, they will take care of you the next election cycle. I can assure you of that.

So I am not advocating that the low income should live on less. I am not advocating a cut. I am saying freezing COLA's is something to consider. I am saying limiting COLA's. I am saying means test people if you are going to use the Federal Government as your bank, file a net worth statement at the window just like you do at the bank.

The study shows that freezing COLA's has the least impact on higher-income individuals. This is the group we should be targeting with a COLA freeze. An alternate means of raising revenue for deficit reduction is to increase the amount of Social Security subject to taxation. That alternative would actually raise more revenues from higher-income beneficiaries than freezing or reducing Social Security COLA's. Currently, Social Security beneficiaries pay taxes, of course, on 50 percent of the Social Security benefit if their adjusted gross income is over $25,000 for individuals and $32,000 for couples. We have raised that already in the budget process.

Under President Clinton's budget plan, Social Security beneficiaries would pay taxes on 85 percent of their Social Security benefits if their income is over $25,000. This alternative would actually impose an indirect means test and would be an equitable way of raising revenues, and I will support the President.

Congress, finally, is not stealing from the poor souls on Social Security. We are not raiding the Social Security System. That is absolute balderdash. What is happening is the current beneficiaries are raiding the Social Security benefits, regardless of their net worth or their income. That is basically wrong. In addition, they are assuring that future generations of workers, your kids and mine, and your grandchildren, will be given the short shrift. That is the type of plundering, the only type of plundering, that is going on. That is the type that we need to get rid of.

We need to balance the budget. We need to cut the entitlement programs. We need to start using the words, instead of entitlements, using the words Social Security, Medicare, Medicaid, Federal retirement, railroad retirement, and other understandable terms instead of entitlements. Take a look at some of the system. Take a look at railroad retirements, the only system on the face of the Earth where the bargaining is done between management and labor and the Federal Government pays the bill. But you do not dare bring that up. There are a lot of things that are going to have to be brought up as we get into the serious issues of budget and the more serious issues as to how we fund a health care system which is sucking the craw out of America to the tune of 900 billion bucks a year this year.

I commend the First Lady for her activities in that and look forward to working with her, with Senator JOHN CHAFEE, and others who intend to spend a great deal of time on that.

But the only honest way, real way to accomplish any of this is to reduce spending and to increase savings and to begin means testing these programs that are being severely abused.

Thank you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TESTIMONY OF DR. THOMAS W. PAYZANT

Mr. WELLSTONE. Mr. President, just a few words. I just returned from a Labor and Human Resources Committee hearing today where Dr. Thomas Payzant testified. Dr. Payzant is, I hope, soon to be Assistant Secretary for Elementary and Secondary Education.

Mr. President, there were two comments that Dr. Payzant made that I think are really worthy of note. There were many actually. But I just would like to say on the floor of the Senate that I believe Dr. Payzant is going to provide vitally important leadership for this country in the area of education. His testimony was quite moving. He talked about his mother having been involved in education. His dad passed away when, I believe, he was a first grader. He talked about coming up in a family where education was very important.

He talked about the importance of not contextualizing what happens to children in school as opposed to what happens to them when they go home from school. He talked about the relationship between race and gender and poverty and children in our country today in education. He talked about the need to provide teachers with support to build higher morale. And he talked about what he has done as superintendent of schools in San Diego. And we had Congressmen, both Democratic and Republican, who came there and testified in his behalf.

The other point I want to make, since we really did not have a chance to get into all of the substantive discussion that you would want to get into on many, many of the issues that are going to be so important in his leadership, is he talked forthrightly about his role as superintendent of schools in San Diego with unanimous school board approval of a policy of nondiscrimination by race and gender but also including sexual orientation.

And in responding to the question of whether or not he advocated special rights for any group, he had really a wonderfully eloquent response. In the committee, he said, "No, that has never been my position, except that I think every child is special."

So what he was saying was: Every child is special to me. Therefore, I do not want to see any discrimination against any child in any school in any community in the United States of America.

I was very, very impressed with his testimony. I really believe that he will be an outstanding leader in education and an outstanding Assistant Secretary. I look forward to when the Senate will confirm him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TURNING DISASTER TO PARTISAN POLITICS

Mr. HARKIN. Mr. President, yesterday I had the very unpleasant task of accompanying Secretary Espy and Governor Branstad—the Governor of my State—and others on a tour of some of the flooded areas in my State of Iowa. This heavy rainfall and flooding, and the damage that is being forced upon the State of Iowa is the worst we have had in many, many years. In fact we have had more rain in the last 8 months in Iowa than we have had in that period at any time over 121 years. And the rain is not stopping, it is continuing to come down. We are facing losses of an extreme magnitude in my home State.

I know the present occupant of the chair, the Senator from Minnesota, was also with the Secretary yesterday visiting the devastation in his home State, as were Senators and others from Wisconsin and South Dakota.

The Secretary visited all four States yesterday to get a firsthand look at the damages from these storms and from the unceasing rains we have had in the upper Midwest.

It is not a pretty sight. That is what Secretary Espy said, "It is not a pretty sight." We have a lot of people, farmers, small business people, homeowners—and now with the Mississippi River flooding out of its banks, with the tributaries flooding—many people are suffering great losses. Farmers who have planted corn only to see it not growing or only barely growing. Normally the corn in Iowa is about waist high, maybe higher at this time. Most of the corn in Iowa now is less than a foot tall.

Soybeans, if they were even able to get them planted, have hardly even emerged. Of those that are up, many are only about an inch high. Usually the soybeans are pretty well established by this time of the year.

We have estimated nearly a million and a half acres of soybeans either unplanted or requiring to be replanted in Iowa; and nearly 400,000 acres of corn in Iowa that was not planted. This is a loss of just devastating proportions, first of all to the individual farmers, but second to the entire State of Iowa. And, I might say, to the whole upper Midwest: Minnesota, South Dakota, and Wisconsin included.

So I was very pleased and happy when I learned that the Secretary was making a quick trip to get a firsthand look at the devastation in those four States. Like so many others, I had to rearrange my schedule but I wanted to be there to make sure that the Secretary did get a good firsthand look at what was happening in my home State.

I hate to say this, but now partisan politics has entered in this very serious situation that we have with the heavy rainfall and flooding that is occurring in the upper Midwest. The minority leader was on the Senate floor a few minutes ago, accusing the Clinton administration of excluding Republican Members of Congress from a tour of the flooding and weather disaster in Iowa and the surrounding States. He said the event was marred by partisan politics. He said that it appeared that only the political supporters of the administration were invited to attend.

Unfortunately the minority leader is flooding us with misinformation that needs to be corrected and I am here to correct that. I think it is deeply regrettable, deeply regrettable, that the minority leader would seek to politicize the terrible disaster in Iowa and Minnesota, South Dakota, Wisconsin, which is costing people their homes, their farms and their livelihoods. For the minority leader to accuse Secretary Espy of politicizing this event is outrageous. The administration informed every Member of the congressional delegations from Iowa, Minnesota, South Dakota, and Wisconsin that Secretary Espy would be touring the affected areas in their States. They did not send out formal invitations, at least I did not get a formal invitation.

I was notified. And when people in my State are in trouble I do not stand on formalities. Quite frankly, the minority leader simply has his facts wrong.

He mentioned that Senator DURENBERGER was not invited but Senator DURENBERGER, I am informed, flew back on the plane with Secretary Espy to Washington. And others were on the plane with him. So obviously the minority leader's facts are wrong.

He said it appeared that only political supporters of the President were invited. Well, that might come as great news to my Republican Governor, Gov. Terry Branstad, because when we landed at the Waterloo Airport we were met and greeted by the Republican Governor of Iowa, Governor Branstad.

As for Senator GRASSLEY, my colleague from Iowa, his staff was present as was staff of other Republican Members from the Iowa delegation. I might also point out that when we toured the farms in Iowa there were a lot of Republicans there. The former House leader, Delwyn Stromer, who was appointed by President Bush to be the head of the GSA in Kansas City—he was there. I have known him for years. He did a good job as the head of the GSA in Kansas City. He was there. So I do not know what the minority leader is talking about. And in Minnesota, as I understand from the present occupant of the chair, Gov. Arne Carlson, the Republican Governor of Minnesota, greeted the Secretary of Agriculture there; and that the Republican Agriculture Commissioner of Minnesota was there when the Secretary was in Minnesota.

So Senator DOLE simply has his facts wrong. The minority leader's facts are about as accurate today as they were when he was attacking the President's budget recently. As Secretary Espy said in Iowa yesterday, "Mother nature does not choose between Republicans and Democrats." The last thing on anybody's mind during yesterday's visit was partisan politics.

We visited a couple of farms in Iowa in Butler County. I haven't the foggiest idea as to whether they were Republicans, Democrats or anything else. I never checked. I still do not know and I do not care. These farmers are hurting, their families are hurting, and they need help.

Senator DOLE should be less worried about the Iowa Presidential caucuses in 1996 and more concerned about the tragedy that is taking place in Iowa today. Unfounded political charges will not buy farmers or homeowners or small business owners one dime's worth of help. It can only delay assistance if we inject this kind of partisan politics into it.

The President today announced he will be seeking special disaster assistance for those affected by the heavy rains flooding. We need to act promptly to make certain help comes quickly. Injecting partisan politics into it can only serve to slow down the help that is so urgently needed, and that would be a shame.

The President, I would say again, that President Clinton said he will ask Congress for money to assist Midwest farmers whose crops have been destroyed by the damaging weather and flooding. I look forward to working with the minority leader and to working with other Senators here, Republicans and Democrats—I do not care who—in making certain that the President's proposal for assistance is enacted as quickly as possible with the strongest bipartisan support.

It is sad that partisan politics were injected into this by the minority leader. I hope, after he reviews the facts of this case, perhaps the record might be corrected and we can put this behind us, we can work together as representatives of farmers from the great States of Kansas and Iowa and other Midwestern States to make sure we get the President's proposal through here and we get the help out to the farmers. That is what is needed, not partisan politics.

I yield the floor.

## MYRA ELLEN JENKINS

Mr. BINGAMAN. Mr. President, last week New Mexico lost one of its dearest treasures, its most valuable resources. Myra Ellen Jenkins, a former historian of our State, died after a brief illness at the age of 76.

I do not overstate the case to say that she was a treasure. She knew more about New Mexico's history than anyone, and had the remarkable facility for putting events into context and context into understandable language.

She was a great friend to me, and indeed to all who had an interest in our heritage and a desire to preserve the records of the past, however they were found. A true daughter of the West, she will be deeply missed. There is comfort in the knowledge that future generations will benefit from her love of history, her labors in its recording and her interest in the truth. It was, after all, those future generations she had in mind in all she did.

## HONORING LUIS D. REDONDO

Mr. DECONCINI. Mr. President, on June 18, 1993, the city of South Tucson honored Vice Mayor Luis D. Redondo for distinguished community service given in appreciation for his many years of loyalty and dedication to our community.

Luis has lived in South Tucson for over 44 years, 14 of which have been devoted to public service. In those years, he has strived to foster opportunity and progress for the residents of this square-mile city. In addition to serving on the South Tucson City Council, Luis remained an active member of the Tucson-Pima County Historical Commission. He has been recognized for outstanding community service as a recipient of the Arizona League of Cities and Towns 10-Year Local Elected Official Distinguished Service Award and the South Tucson Certificate of Merit.

I would ask that my colleagues join me in congratulating Luis Redondo on this well-deserved recognition and thanking him for his outstanding commitment to the people in our community and his many years of hard work. I wish him the best of luck.

## HONORING JOHN GARCIA

Mr. DECONCINI. Mr. President, on June 18, 1993, the city of South Tucson celebrated 20 years of public service for Councilman John Garcia—a fitting tribute to an individual who has dedicated so much of his life to helping others in this square-mile city.

John began his career in public service as a member of the board of directors of the House of Neighborly Service and as a member of the Model Cities Health, Education, and Housing Task Forces. South Tucson elected him to the city council in 1973 where he has championed the worthwhile causes of helping our children and senior citizens and advancing community and economic development.

John has also been active in a number of civic organizations including the League of United Latin American Citizens [LULAC], National Association of Latino Elected and Appointed Officials [NALEO] and the American Red Cross. His awards of recognition include the Pima County Community Service Award, the Arizona League of Cities and Towns 10-Year and 15-Year Local Elected Official Distinguished Service Awards and the South Tucson Certificate of Merit.

I would like my colleagues to join me in thanking John Garcia for his outstanding commitment to people, his hard work and, most importantly, serving as a role model for future generations in our community. I wish him the best of luck.

## AMERICA'S HOMELESS CRISIS

Mr. PRESSLER. Mr. President, on any given night in America, an estimated 600,000 Americans are homeless. They beg from us on the streets, live in our abandoned buildings, and sleep on our park benches. Homelessness is often viewed as an urban problem. However, it affects all 50 States, including rural States like South Dakota. Homelessness is a national problem.

It is projected that during a given year, over 2 million people will have spent at least 1 night out on the streets. Although it is difficult to accurately estimate the homeless population, it is known to be rising nationally. According to the National Conference of Mayors, the number of requests for emergency food rose 18 percent over the past 12 months, while requests for emergency shelter rose 14 percent.

Who are the homeless? Who are these people who have met with such misfortune? No longer are they the single men and the Vietnam veterans portrayed by the media in the early 1980's. Increasingly, our Nation's homeless are children.

Single mothers with children and orphaned children are the fastest growing segments of the homeless population. Every night at least 61,000 to as many as 100,000 children in our Nation sleep in homeless shelters, parks, abandoned buildings, and cars.

Mr. President, my colleagues and I see examples of the homeless crisis every day. In the National Capital area, there are a projected 10,000 homeless Americans. We see them around the Capitol Building, at Union Station, and on our way to work.

Americans react to the homeless crisis in a multitude of ways. A number of concerned citizens volunteer in homeless shelters and soup kitchens. Others feel a sense of guilt or pity and make donations to those who beg on the streets. Others treat the homeless as if they are a social disease—ignoring and criticizing them.

Widespread apathy affects more and more Americans as they grow accustomed to the poverty around them. A New York Times/CBS News poll recently found that 55 percent of those responding thought that people had become so accustomed to the homeless they no longer are upset by them. No longer do they hear the cry of the beggar or get upset over the sight of the impoverished man, woman, or child sitting on a sidewalk and sleeping next to a plastic bag crammed full of all their worldly belongings.

Mr. President, my home State of South Dakota is not immune to the homeless crisis. Just over 1 percent of South Dakota's population, 8,616 people, is homeless. Of that figure, a projected 2,970 are children. Although South Dakota's homeless population is not as immense as that of larger, urban States, it is still a serious matter. I am proud of the many South Dakota citizens who are seeking ways to address and, in turn, reduce our State's homeless problem.

Native Americans comprise the largest segment of South Dakota's homeless population; 56 percent of the adult population and 57 percent of the child population are Native American. Sadly, a large number live on reservations that are home to three of the poorest counties in the Nation.

The plight of the homeless reaches beyond South Dakota's Indian reservations. Our State's homeless population is increasing, particularly in our State's larger cities. My colleagues may recall that last year I reported to the Senate that Sioux Falls, our largest city, was named to the best place to live in America in the September 1992 issue of Money magazine. One less fortunate effect of that fame is that the city has since attracted many unemployed and destitute people from out of State, which in turn has increased our State's homeless population.

Mr. President, the issue of homelessness deserves greater national attention. Congress and the administration should work to alleviate the plight of the homeless. We need social programs that can be flexibly administered so that States can determine the best way of meeting the needs of their homeless population. Moreover, we need to develop programs that can reduce long-term welfare dependency.

A multitude of programs provide food and shelter for those who need assistance. It is often suggested that a work requirement for welfare assistance would help build the self-esteem and independence of those receiving welfare. Indeed, programs that make the homeless feel like contributing members of society may be more beneficial to them in the long run than programs based upon simple handouts.

Efforts to alleviate the homeless crisis also should include programs to treat substance abuse and mental illness. With over 33 percent of the Nation's homeless afflicted by a drug or alcohol addiction and 25 percent suffering from a mental illness, rehabilitation programs are essential. These Americans need more than food in their stomachs and a roof over their heads. They also need education, counseling, and rehabilitation.

A solution to the homeless crisis is not beyond reach; however, conquering this problem is contingent upon combined public and private efforts. Further, we should work to develop creative and flexible programs that do not overlook those Americans who are not yet homeless but are on the brink of becoming so.

By trying to increase understanding of the problem of homelessness and its possible solutions, every American can contribute to a better life for the homeless and to a safer, more wholesome society for all. We can make a difference in the lives of others by reaching out to those who have difficulty reaching back. Federal, State, and local government, as well as private initiatives to assist the homeless population can alleviate the plight of the Nation's homeless.

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## TOO LITTLE, TOO LATE: THE FAA RESPONSE TO AIRCRAFT ACCIDENTS

Mr. PRESSLER. Mr. President, over the last 2 months, I have raised many questions regarding aviation safety. Specifically, I have questioned the commitment of the Federal Aviation Administration [FAA]—our Nation's premier air safety agency—to the traveling public. In my opinion, the FAA's attitude toward safety is sloppy. The agency's piecemeal approach to implementing safety regulations is not the way our top Federal air safety agency should operate.

The April 19 small aircraft accident near Dubuque, IA, that claimed the lives of eight distinguished South Dakotans, including Gov. George Mickelson, could have been prevented if the FAA had acted on prior recommendations of the National Transportation Safety Board [NTSB]. This was not the case. The FAA waited until a fatal accident to act. I believe that a "better safe than sorry" approach by the FAA would be preferable to ensure that lives are not needlessly lost in preventable aircraft accidents.

Mr. President, a series of articles detailing the events that led up to the April 19 crash and the issuance of safety regulations afterward recently appeared in South Dakota's Rapid City Journal newspaper. The actions taken, or lack of actions taken, by the FAA and the manner in which the agency handled this aircraft accident demonstrate the ineffectiveness of the FAA. I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rapid City (SD) Journal, June 20, 1993]

### FAA, NTSB DISAGREE IN 1 OF 5 CASES—MU-2B PROP GOT SECOND PRIORITY

(By Bob Mercer)

PIERRE.—When the Federal Aviation Administration refused for months to order propeller inspections on Mitsubishi MU-2B airplanes, the decision was tragic but not unusual.

Federal records show the FAA hasn't complied with National Transportation Safety Board recommendations roughly one-fifth of the time in the 25 years since Congress created the NTSB as a special, independent agency to investigate accidents and problems in the transportation industry.

But in the MU-2B case, the NTSB also may have signaled, through the rating it gave its recommendation, that it didn't consider the inspections to be urgent.

The FAA decided to order inspections only after the April 19 fatal crash of a state-owned plane. Killed were all eight South Dakotans aboard, including Gov. George S. Mickelson.

The NTSB had first recommended the inspections last Aug. 13 after investigating a 1991 incident in which an MU-2B cargo plane lost a prop blade. NTSB chairman Carl Vogt repeated the recommendations again in letters to the FAA on Jan. 6 and March 4 this year.

But Thomas Richards, the FAA's administrator at the time, had told NTSB on Jan. 4 that the special inspections were unnecessary.

Nine days after the South Dakota plane lost a prop blade and crashed, the FAA's new administrators finally ordered inspections on 136 MU-2B-60 models. When those inspections turned up another cracked prop hub, the FAA broadened the inspections to include 118 other MU-2B aircraft.

"It happens from time to time," Barry Sweedler, director for the NTSB Office of Safety Recommendations in Washington, D.C., said about the MU-2B case. "We would have preferred it be done sooner."

The disagreement was hardly uncommon. The NTSB has made 2,845 safety recommendations to the FAA in the past quarter-century. Of those, the two agencies have agreed on 82.5 percent.

NTSB recommendations come in three rankings; urgent, priority or long-term. The MU-2B recommendations carried a priority rating, one step below urgent.

History suggests that an urgent rating on the MU-2B recommendations might have led to faster FAA action. When NTSB recommendations carry an urgent rating, the FAA and NTSB reach agreement about 90 percent of the time, Sweedler said.

The reason the MU-2B recommendations carried only a priority rating from NTSB was similar to one of the reasons FAA thought the inspections weren't necessary, according to federal documents and interviews. Before the South Dakota plane's crash, the one known problem was the Utica, N.Y., incident.

"That was the only case that we could document. If we had documented more than one case, we might have considered a higher recommendation," Sweedler said.

One result of the MU-2B case may be a change in NTSB operating procedure. Members of Congress suggested at recent hearings that NTSB notify plane owners when safety recommendations are first made to the FAA.

That way, while the agencies correspond and negotiate, plane owners could be aware their aircraft might need special attention—and a repeat of the South Dakota tragedy might be avoided.

"We're looking at that," Sweedler said. "The staff testified that it was certainly something that was reasonable."

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[From the Rapid City (SD) Journal, June 12, 1993]

## TRAGIC LESSON: SAFETY FIRST, BUREAUCRACY LAST

(By Larry Pressler)

It is said that it sometimes takes a tragedy to bring people together. As we know, tragedy brought us together. On April 19, 1993, near Dubuque, Iowa, eight well-respected South Dakotans lost their lives in what appears to have been a preventable accident.

We can learn from this tragedy. We have learned already. We have learned that the National Transportation Safety Board (NTSB) repeatedly urged Federal Aviation Administration (FAA) action based on an NTSB investigation of a prior, non-fatal incident over Utica, N.Y. The aircraft involved was the same type of aircraft that crashed in Iowa. As recently as March of this year, the NTSB urged an examination of similar aircraft in order to prevent what its chairman called "a catastrophic accident." Yet, the FAA did not act.

We also have learned that in far too many cases, the "tombstone effect" pressures the FAA to take action. In other words, it seems that it takes a fatal accident to make the FAA act. That certainly appears to be the case with the Iowa crash. In fact, FAA officials admitted to me that it took the Iowa crash not the NTSB recommendations, to ground similar aircraft.

We may not be able to prevent all aircraft accidents. However, we must ensure that our resources are used fully and effectively to prevent the preventable. That is not occurring today. How can the government best use its agencies and resources to ensure safety through prevention, rather than reaction?

What can we learn from current law about the relationship between the FAA and NTSB? At present, the law clearly places ultimate responsibility for aviation safety enforcement on the shoulders of the FAA. The NTSB can only recommend enforcement methods. However, NTSB recommendations to the FAA come primarily after the fact—after there has been anything from a minor incident to a tragic accident. The law clearly states that the FAA's duty is to "prevent the occurrence or recurrence of accidents." By any reasonable interpretation, this would mean the FAA should diligently avail itself of all its available resources to "prevent the occurrence or recurrence of accidents."

If one applies that law to the Iowa accident, the evidence is clear. The NTSB fulfilled its mission to the letter of the law. Based on its investigation of the Utica incident, the NTSB notified the FAA of what it concluded was an unsafe condition—the condition of the propeller assemblies used on the aircraft. The NTSB made it clear that unless action was taken to correct this condition, there could be catastrophic consequences.

What happened in the FAA? By any reasonable measure, it seems the FAA should have issued an airworthiness directive to correct the unsafe condition identified by the NTSB. That's what the law requires. Yet, the only thing we know for certain is the FAA did not take the action necessary to fix the unsafe condition until eight lives were needlessly lost.

This is not the only case where the FAA waited to act. In 1992, USAir's Flight 405 fell from the sky, plunging into icy waters near New York's LaGuardia airport. This plane was the 10th DC-9 to crash due to de-icing problems. By 1985, three other such aircraft already had crashed from similar reasons. At that time, federal safety officials claimed that "a hazard exists * * * certain types of planes are more sensitive to accumulations of ice too small for pilots to spot." But the government did nothing as other ice-sensitive planes fell from the sky. Then in 1992, after the USAir crash at LaGuardia added 27 people to the deadly toll of bureaucratic delay, the FAA decided to act. If the problem had been around for almost a decade, why was the FAA so slow to act before the USAir accident, but so quick to act afterward?

What can we do now? We can learn more about the relationship between the FAA and the NTSB. We can ask experts if we are utilizing these two agencies in a manner that best enforces small aircraft safety. More must be done to investigate these issues fully. That is why I introduced legislation to create a temporary blue-ribbon commission. This commission would have six months to study the FAA and NTSB relationship, and make recommendations to Congress on how to utilize government resources to enforce effectively small aircraft safety.

Some have suggested that my legislation would lead to more regulations, exorbitant costs for small aircraft owners and general aviators, of even a merger of the FAA and NTSB. It dosen't do any of those things. It simply calls on a body of experts to identify problems and suggest solutions. My bill does not propose specific solutions. This is not an effort to win praise—it is an effort to improve the federal safety bureaucracy

The Iowa crash could have been prevented. How many preventable tragedies will it take to prompt this Congress to seek answers? For the sake of those who travel in small aircraft, I hope we won't have to wait for new tragedies. Let's stop reacting to accidents and start preventing them.

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[From the Rapid City (SD) Journal, June 20, 1993]

## FAA, NTSB SPAR OVER MU-2B

(EDITOR'S NOTE:—Here are a timetable and summary of exchanges and events involving problems with propeller hubs on Mitsubishi MU-2B aircraft. Despite earlier warnings, inspections weren't ordered until after the crash that killed Gov. George S. Mickelson and seven other South Dakotans on April 19.)

Sept. 27, 1991: A Canadian-registered Mitsubishi MU-2B-60 aircraft loses a propeller blade from its right engine while climbing at 19,000 feet. The pilots feel strong vibration, then hear a loud bang. Despite difficulty controlling the plane, they manage to safely land at the Utica, N.Y. airport.

One of the prop's four blades had broken off, damaged another blade and torn a 12-inch hole in the plane's fuselage. The vibration caused twisting and wrinkling of the plane's wings and a partial separation of the engine's nacelle from the engine truss mounts.

Aug. 13, 1992: After investigating the accident, the National Transportation Safety Board issues three safety recommendations to the Federal Aviation Administration, which regulates aircraft.

The NTSB tells the FAA that scratch marks were found in the separated prop hub arm and in the three other hub arms on the prop assembly. The NTSB says the scratches likely occurred during manufacturing and contributed to fatigue cracking that led to the blade's separation.

The NTSB recommendations call for the FAA to develop with the manufacturer, Hartzell Propeller Inc. of Piqua, Ohio, an inspection technique for Hartzell's model HC-B4 propellers and issue an airworthiness directive requiring inspections. Second, the NTSB recommends that the FAA determine whether further periodic inspections should be done. Third, the NTSB recommends that the FAA determine whether similar Hartzell model HC-B3 and HC-B5 propellers should be inspected for cracking in the hub areas.

The NTSB gives all three recommendations a priority rating. Priority is middle on a scale of three. Urgent is highest. Long-term is lowest.

Oct. 26, 1992: FAA administrator Thomas Richards responds to the NTSB recommendations. "The (FAA) is reviewing the service history of the Hartzell Propeller hubs to determine the magnitude of the problem. The FAA also is reviewing the service manuals to determine what, if any, changes need to be made," Richards says.

Jan. 6, 1993: NTSB chairman Carl Vogt responds to the FAA's Oct. 26, letter. "Regardless of whether the service history of the HC-B4 hubs contains other examples of cracking or fractures similar to the Utica accident, the Safety Board believes that a once-through-the-fleet inspection of the subject hubs is necessary," Vogt says.

The NTSB classifies the FAA's response to the three safety recommendations as unacceptable.

January, 1993: NTSB chairman Vogt receives a Jan. 4 letter from FAA further responding to NTSB's safety recommendations.

In the letter, FAA administrator Richards says FAA agreed with the intent of NTSB's recommendations but didn't believe that FAA needed to issue airworthiness directives ordering inspections on either the HC–B4 or similar HC–B3 and HC–B5 props.

"The FAA completed its review of the service history of the Hartzell Propeller steel hub designs," Richards says. "To date, the one failure described by the Safety Board is the only known failure of a Hartzell steel hub design.

"The FAA and Hartzell Propeller have independently reviewed their own service difficulty records to determine if cracks in the hub had been found during magnetic particle inspections. No reports of cracks in this area had been found.

"The Safety Board indicates that over 28,000 HC–B3 and HC–B5 steel hub propellers are in service. These propeller designs have accumulated millions of safe flight hours. The Hartzell HC–B4 design has also accumulated a significant service history with one reported failure of the steel hub arm," he continued.

Richards notes Hartzell already required a magnetic particle inspection be conducted on the steel hub designs when the propeller is overhauled every 3,000 hours of service.

"Based on the service history and the fact that current procedures require inspections at 3,000-hour service intervals, the FAA does not believe that an airworthiness directive is necessary at this time," Richards concludes.

March 4, 1993: NTSB chairman Vogt responds to FAA acting administrator Joseph Del Balzo concerning FAA's Jan. 4 letter. Vogt says the process for the magnetic particle inspections was inappropriate because it wouldn't normally detect a crack starting on the inside of the hub arms. That was the cause in the Utica accident.

Vogt says NTSB still believes that some other method, such as ultrasonic inspection, needs to be done on the HC–B4 propeller hub. "Separation of a blade from a Hartzell HC–B4 propeller on another airplane could result in a catastrophic accident," Vogt says.

April 18, 1993: Eight South Dakotans, including Gov. George S. Mickelson, are killed instantly when a state government-owned Mitsubishi MU–2B–60 plane crashes into a silo near Dubuque, Iowa. The NTSB investigation later determines the plane lost a blade from its left propeller. Tests show cracking from the inside similar to the Utica incident.

April 28, 1993: FAA issues an airworthiness directive ordering propeller inspections on MU–2B–60 planes. The order affects 136 aircraft.

June 11, 1993: FAA discloses the inspections find a crack in one more hub assembly.

Consequently, FAA issues a second directive and expands the inspections to include Mitsubishi MU–2B models 26A, 36A and 40. The order affects 118 planes.

"It is necessary to inspect these additional MU–2B series aircraft as soon as possible," the order says.

## RECOGNITION OF LEATRICE "CHICK" BIG CROW 1993 JEFFERSON AWARD RECIPIENT

Mr. PRESSLER. Mr. President, I rise today to offer my congratulations to an outstanding individual from my home State who has overcome adversity and personal sorrow to open a creation center on the Pine Ridge Indian Reservation.

On June 16, 1993, I was honored to present the 1993 Jefferson Award to Leatrice "Chick" Big Crow of Pine Ridge, SD. She has been instrumental in organizing a teen center that has become the first Boys and Girls Club on the Pine Ridge Indian Reservation, home of the Oglala Sioux Tribe.

The teen center, named for Big Crow's daughter, SuAnne Big Crow, is located within the boundaries of Shannon County, the poorest in the Nation. A basketball star, as well as a straight "A" student, SuAnne was mourned by many throughout South Dakota when she was killed in a car accident a little over a year ago.

Mr. President, many times the media story ends right here. However, this was not the case for Leatrice, who prefers to be called "Chick." This tragedy sparked a volunteer movement that led to the development of the teen center. The efforts of the volunteers in this small, rural community received attention throughout the year.

The story of the Big Crow family continues in my State. I ask unanimous consent that an article from the Rapid City Journal of June 18, 1993, be included in the RECORD at the conclusion of my remarks.

Since 1972, individuals like "Chick" have been honored with Jefferson Awards. Former Senator Robert Taft, Jr., and former First Lady Jacqueline Kennedy Onassis are considered the founders of the award.

Mr. President, I know that others in my home State are diligently performing volunteer services within their communities. I commend them all.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, June 18, 1993]

### SUANNE BIG CROW'S MOM GETS AWARD

(By Journal Staff and AP)

WASHINGTON.—A Pine Ridge, S.D., woman and the late tennis star Arthur Ashe were honored with a 1993 Jefferson Award on Thursday.

They were among 11 people chosen for Jefferson Awards by the American Institute for Public Service for their contributions to society, the organization said in a statement.

Leatrice "Chic" Big Crow of Pine Ridge was honored for helping organize what became the first Boys and Girls Club on the Pine Ridge Indian Reservation.

The teen center in Pine Ridge Village was named for Big Crow's daughter, SuAnne Big Crow, who was killed in a car accident on Feb. 9, 1992.

SuAnne Big Crow was a basketball star and straight-A student at Pine Ridge High School. She was 17 when she died.

Leatrice Big Crow led a volunteer effort to turn an old plastic-doll factory into a recreation center for kids.

When the center was dedicated last August, Leatrice Big Crow said, "I've made up my mind it's going to be a positive place where kids will learn to do things for themselves."

Arthur Ashe was cited for his efforts to fight oppression in foreign nations and racial discrimination in his own country.

Ashe, who died in February of AIDS-related complications, was honored for "the greatest public service benefiting the disadvantaged."

As an activist, Ashe protested against apartheid in South Africa, military oppression in Haiti and the biases black U.S. athletes encountered in professional sports.

In the final months of his life, Ashe was arrested in a White House demonstration against sending Haitian refugees back to their homeland.

Also receiving awards were former U.S. trade representative Carla Hills; James Burke, who led a $1 billion campaign against drug abuse through his Partnership for a Drug-Free America; and Mary Taylor, a nurse and Red Cross relief worker who aids famine victims in Somalia.

Other honorees were Ella M. Jones of Sacramento, Calif.; the Rev. Hershel C. Smith of Houston; Christy Todd of Phoenix, Ariz.; Dr. James Withers of Pittsburgh; Melinda Kummer of Gaithersburg, Md.; and Brian Mulhollen of Jacksonville, Ore.

The Jefferson Awards were founded in 1972 by former Robert Taft Jr. and former first lady Jacqueline Kennedy Onassis to honor those who perform public service.

## FOREIGN RELATIONS AUTHORIZATION BILL

Mr. PRESSLER. Mr. President, recently the Senate Foreign Relations Subcommittee on Narcotics, Terrorism, and International Operations held a markup of the Foreign Relations authorization bill. I expect that this bill will be considered by the full Senate later this summer.

As ranking member of the subcommittee, I made some preliminary remarks at the hearing concerning this legislation. I ask unanimous consent that these remarks and comments about three amendments I offered at the markup be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you, Mr. Chairman. Let me begin today by offering you my congratulations and thanks. Under your stewardship, our subcommittee has been able to accomplish a feat that many don't see around here all that often.

The legislation before us today is a bipartisan bill. It is the product of constructive, continuous bi-partisan interplay and exchange. At this stage of the legislative process, this bill reaches farther than most in striving for good management principles and sound fiscal policies at the State Department, the United States Information Agency and the international organizations to which the United States contributes. This bill truly was a team effort. I hope this bi-partisanship and cooperation will continue during full Committee and floor consideration of the bill.

Can this legislation be improved further? Certainly. First and foremost, additional spending reductions can and must be achieved. The political and fiscal reality is obvious: The State Department and the USIA—like all federal agencies—must do more with less—less personnel, less resources, and less money. The foreign policy and military arsenal constructed to wage and win a Cold War is no longer needed.

We're seeing the tough decisions being made on the military side of the coin. Force reductions are underway. This past weekend, the grim reality of base closures and realignments cast a shadow over communities from San Diego to Staten Island. These are painful, but necessary steps. The ultimate goal for America's armed forces is simple: to be a mean and lean military force.

Tough choices need to be made at Foggy Bottom. Our foreign policy force should strive to be lean as well. Mr. Chairman, I plan to work closely with both you, the Chairman and the Ranking Member of the full committee to fashion a package of major spending reductions in the overall funding authorities provided in this bill. I know you share in this side of the aisle's desire to achieve sound fiscal policies during these times of austere budget realities.

I am confident we can work together to fashion a new, streamlined State Department. Why? The proof is in the bill before us today, one which, I am proud to say, contains numerous provisions I've initiated that would improve the State Department's management practices. Specifically, the bill:

Creates a capital investment fund so that the State Department will be able to invest in cutting edge information technology;

Provides incentives for greater savings in the office of property management through flexible use of lease purchase agreements;

Focuses the State Department's efforts on countering acts of international terrorism;

Establishes an employee referral system for State Department officials who may be displaced from their jobs; and

Encourages the advancement of women and minorities through the distinguished ranks of the Foreign Service.

The specific programs I just mentioned are only a portion of the bi-partisan provisions included in this bill.

We worked together to achieve sound management reforms. We also worked together to control the growth of State Department spending. Let me name a few of these controls: For the first time we cap personnel growth at the Department. We encourage early retirement in cases where it is appropriate. We hold the Foreign Service officers to the same standards on performance pay as their counterparts in the civil service.

Yes, we have differences of opinion on different ways we could save more in this bill. The greatest differences involve the organization of the State Department. First, in order to create the leanest State Department possible, Congress should allow the Secretary of State the flexibility needed to make organizational decisions. That's just common sense. Faced with fewer resources, the Secretary of State needs to redesign our foreign policy engine so that it can do more with less. Even Secretary Christopher agrees. However, this bill does just the opposite. It retains statutorily-created assistant secretaryships and actually increases the number of senior officials at the Department. At an appropriate time, I plan to offer, as an amendment to this bill, the bulk of the Administration's original re-organization proposal presented by the Secretary himself. I am willing to give Secretary Christopher the flexibility he needs. I hope all on this committee will afford him that opportunity as well.

Secondly, I have concerns regarding the inclusion of language calling for the establishment of an international criminal court. I realize it is not yet in this bill. However, permit me to look ahead: Mr. Chairman, I understand you will be offering such language on Senator Dodd's behalf. I know it is early, but let me offer these three points now with the hope you will reconsider offering this amendment:

First, Senator Dodd's resolution has already passed this committee—albeit prematurely—as a stand-alone bill. An issue of this import, deserves to be considered separately.

Second, at the time the committee took action on this legislation, the Administration did not yet even have a formal position on this issue. To this date, the administration's formal position remains uncertain.

Third, the establishment of an international criminal court raises a number of serious questions for the minority members of this committee. The bill as it stands now is a bipartisan bill. There is genuine enthusiasm that with this bill we can demonstrate to our constituents that both sides can work together constructively. All of us know there are strong divisions in this committee regarding the international criminal court. Adding this provision to the bill may jeopardize early and expeditious floor consideration of the entire bill.

Mr. Chairman, I wish to express my thanks for the time you and this subcommittee have spent to address the need for United Nations reform and accountability. As I indicated to the Chairman during those hearings, I am dedicated to implementing true reform at the United Nations. In an effort to achieve this goal, I will offer a number of amendments today to encourage solid, hands-on management and sound fiscal policies at the United Nations. Next year, alone, the United Nations' peacekeeping budget promises to balloon to almost a half billion dollars. With roles and functions stretched throughout the global arena, the United Nations must operate under the same rigorous standards of excellence in management as we hold for our domestic agencies. I am hopeful the Chairman and the other members of this committee will support these amendments.

Finally, Mr. Chairman, I am glad to see this legislation attempts to address the need for greater administration and accountability of our exchange programs. Included in the bill is language that:

Pushes for the identification of the plethora of exchange programs currently funded by our government; and

Directs consolidation and administrative reform where warranted.

Though necessary, I must admit it is somewhat embarrassing that we must call for an accounting of the myriad exchange programs offered by government departments and agencies. Undoubtedly, these programs are well intended. Some are extremely valuable. I am a strong supporter of the Fulbright program, the Claude and Mildred Pepper Scholarship program, and several others. However, this may be a case of our good intentions getting the edge over fiscal good sense. It seems with every bill, our good intentions are shown through the creation of yet another exchange program. I understand this bill is no exception. There are several new exchange programs in this legislation. Again, I'm sure the intent is honorable. Yet, I must admit that before we hand out dollars for new exchange programs, we should get a handle on what programs are currently out there receiving tax dollars.

And while we're finding out what exchange programs we have, it may also be time we take a look at what these programs do. There seems to be an impression among many that some exchange programs do not fulfill their missions. Exchange programs should mean an exchange of ideas, and not just at an academic level. For many years, I have believed that the best foreign aid that the United States has to offer is an American who can show others how to make ideas work for them. American common sense, American ingenuity is more valuable today to a struggling Russian entrepreneur than the abstract theories of Adam Smith.

In reviewing these exchange programs, I have noticed a distinct absence of resources being devoted to programs that focus on practical experience-oriented exchanges. Our exchange programs need to recognize there are basically two kinds of smarts—school smarts and street smarts. Mr. Chairman, I hope to work with you between now and the full committee mark-up to craft language that will devote more resources towards those exchanges that emphasize practicality. My understanding is that the non-academic exchanges instituted under the Freedom Support Act have been very well received in Russia.

I am pleased that the full committee will have an opportunity to review the Administration's language on the consolidation of international broadcasting. I appreciate the Chairman's decision not to move forward on the consideration of this consolidation until we gain a better understanding of the Administration's proposals.

Mr. Chairman, as you know, this is the first year I have served as ranking member on this subcommittee. It has been a worthwhile, and educational experience for me. Again, I thank you and your staff for your cooperation and support on issues that are important to myself and other Republican members.

Mr. Chairman, as promised at our recent Subcommittee hearing on U.N. operations and management, I am offering three amendments to this authorization bill. These amendments are designed to promote a strong, efficient, and fiscally well-managed United Nations organization.

For years now, U.N. reform has been at the top of my agenda. Having served twice as a Congressional Delegate to the U.N., I am all too familiar with the rampant waste, abuse, and out-right fraud that have been characteristic of U.N. management. I am tired of hearing U.N. officials give lip service to reform while continuing to let fraudulent activities go unpunished. What can a frustrated U.S. Senator do?

The human and material resources of the U.N. are being stretched to the limit. I have witnessed abusive practices first-hand. It seems to me that fraud at the U.N. has become the rule—not the exception. When will the U.N. finally take corrective actions? If mismanagement continues, the efficiency and effectiveness of the U.N. will be further undermined.

It is no secret the United States pays the lion's share of the U.N. budget. With all of the resources the United States provides, our nation deserves to play a leading role in the management of those resources. Why should the United States foot such a high percentage of U.N. bills without assurances that our money is not being spent fraudulently? This is a question we in Congress can answer, since it seems that U.N. personnel and administrators are failing to address it.

I recently introduced three pieces of legislation that, directly and indirectly, can answer many of our concerns and lead to permanent changes in U.N. management—changes that would ensure reform becomes a top priority at the U.N. Today, I will offer modified versions of those bills in the form of amendments.

The first amendment is designed to achieve greater accountability for American taxpayer dollars for U.N. activities. It would require the President to provide Congress with a cost assessment of U.S. participation in any international peace operation or any vote by the U.N. Security Council involving the use of U.S. troops at least 15 days before any obligation of funds. U.S. participation in peace operations means the use of force consistent with actions under Article 42 of the U.N. Charter or the U.N. Participation Act of 1945.

The second amendment would require the President to notify Congress at least 15 days before U.S. troops, assistance, or facilities are made available to the U.N. under Article 43 of the U.N. Charter. If an emergency exists, the President is exempt from this report requirement. As my colleagues know, I have expressed concern regarding our military involvement in Somalia. I supported the humanitarian effort, but I was opposed to the United States assuming the lion's share of the cost. With U.N. resources overextended around the globe, increased pressure may be brought on the United States to commit troops to U.N.-sponsored activities. If that is the case, we in Congress need to know what the cost implications will be.

The third amendment is a first step toward the heart of U.N. reform. The United States has been the most vocal advocate of tough U.N. reforms. It is time the United States matched words with deeds. This amendment would do just that.

It would require the President, through the U.S. Permanent Representative to the U.N., to propose that the U.N. Secretary-General form an advisory committee to create a U.N. mechanism to conduct budgetary audits, to recommend policies for efficient and effective U.N. management, to investigate and detect budgetary waste, fraud, and abuse; and to provide a means for the Secretary-General to take corrective action. The advisory committee should be comprised of the permanent members of the U.N. Security Council, with a chair appointed by the U.N. Secretary-General. Not later than October 1, 1994, the President shall report to Congress on the establishment of the Advisory Committee and its activities.

I need to stress, however, that this last amendment is not as strong as I believe it could and should be. This amendment I am offering today has been "watered down" considerably from the original concept I envisioned—the withholding of U.S. voluntary U.N. contributions until a permanent U.N. Inspector General with autonomy and authority is established. Let this mark-up serve as a notice that I plan to strengthen this amendment at a later point in the legislative process.

The U.N. must continue to reform as the new world order dynamically evolves. To succeed in the face of limited resources, budgetary and bureaucratic reforms within the U.N. are necessary. Continued U.S. influence and pressure will be necessary to make the U.N. productive, efficient, and successful.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

## A REAL CHALLENGE FOR RURAL AMERICA

Mr. WELLSTONE. Mr. President, I want to take a few minutes—I know the Senator from New Hampshire wants to speak—but I would just like to build on the remarks that, Mr. President, you made about the trip out to the Midwest with Secretary of Agriculture Mike Espy.

I did not hear the remarks of the minority leader, so I do not know exactly what he said. I did hear your summary. I thought you did an admirable job of responding to the whole question of whether or not this was partisan politics. Let me just observe the observable. That is what I can do. I can just tell you about the part of the trip I was on.

No 1.—and the Secretary of Agriculture made this very clear—when you are talking about over 700,000 acres that are not going to be planted this year in Minnesota, much less, as you were describing what has gone on with the corn and soybeans, the damage, the economic pain and hardship, almost—I would have to call it—despair right now in the countryside, it does not have anything in the world to do with the Democratic Party or the Republican Party, period.

No. 2, when the Secretary came out to Southwest Minnesota and visited farms, he was greeted by Gov. Arne Carlson—he traveled with two Senators: one Democrat, myself, and one Republican, Senator DURENBERGER, also with Congressman DAVE MINGE from the Second Congressional District, the district hardest hit, a Democrat.

Third of all, when he spoke, I do not think anybody who was there—and I do not know about Iowa—but when we drove up Minnesota to visit farms, there was just a long line of cars and trucks. And I said to the Secretary of Agriculture—maybe this is the best way for me to respond to the minority leader and try to tell him I think he is profoundly wrong on this question. There was a long line of cars and trucks. I turned to the Secretary of Agriculture Espy and I said, "This makes me nervous." He kind of looked at me. I said, "The reason I am nervous is because the people would not be out here except for the fact they are really hurting and they want us to come through for them. They really hope we are going to be able to provide them with assistance."

I know for a fact those farmers were not all Democrats. I know they were not all Republicans. I think it is probably a pretty healthy bet a pretty significant part of them were Independent.

My hope is that all of us together, Democrats and Republicans alike, will get behind a good relief program for the farmers. It is so tragic what has happened to them, and it is so important that we respond. On this occasion, on this moment of real pain, and real challenge for rural America, it is just important that we come through for the farmers.

Mr. President, I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

## OUR POLICY TOWARD VIETNAM

Mr. SMITH. Mr. President, I rise today to talk about a decision that President Clinton is on the verge of making concerning our policy toward Vietnam.

Rumors are flying inside the beltway and certainly in Hanoi, Vietnam, that President Clinton is soon going to reward the Socialist Republic of Vietnam for their work in accounting for missing and captured servicemen from the war, when the facts show that only one American—only one American—has been accounted for as a result of Vietnamese actions in the last 6 months. One American has been accounted for as a result of Vietnamese actions in the last 6 months. That is not progress, Mr. President.

This reward will involve U.S. support for allowing Vietnam's debt to international financial institutions to be paid off by France and Japan, thereby making the Socialist Republic of Vietnam eligible for millions of American tax dollars in the months and years ahead.

I have closely followed President Clinton's comments concerning the POW-MIA issue, both before and after his election. Most recently on April 23, 1993, he stated at a White House news conference that he would be much more influenced by the families who have suffered for the past 20 years waiting for answers from Hanoi than by commercial interests.

Let me just quote a couple of lines from that press conference. The President said on April 23, 1993:

> I confess to being much more heavily influenced by the families of the people whose lives were lost there or whose lives remain in question than by the commercial interest and the other things which seem so compelling in this moment. I just am very influenced by how the families feel.

I agree with the President's statement.

I understand the pressures, the business pressures, the commercial interest pressures, the international pressures that are being placed on the administration, as they were placed on the Bush administration. I understand that. And the President knows that. I have spoken to him personally about this matter, and I know he is genuinely concerned about it. And I would just say that this is not the time at this moment to make that decision.

All over the country today, families have issued press releases begging the President—and that is a sad word to use, "begging"; they should not have to do that, but they are—because they want the President to honor the commitment that he made to them.

For instance, today, the League of Families stated in a press release issued by the league President, Ann Griffiths—I will quote from this:

> The National League of Families is strongly opposed to any move by the Clinton administration to lift restrictions on IMF loans to Vietnam. The league's executive director, Ann Mills Griffiths, stated, "Lifting the ban on IMF loans would reward Vietnam's longstanding policy of withholding POW/MIA records and remains, while giving up our most important leverage to get real results. It would even strike against U.S. business, while giving foreign companies, particularly Japanese and French, added advantage by helping finance Vietnam's ability to support foreign investment. It would seriously undercut American interests."

Mr. President, I ask unanimous consent that the league statement of July 1, 1993, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POW/MIA FAMILIES OPPOSE IMF LENDING TO VIETNAM

The National League of Families is strongly opposed to any move by the Clinton Administration to lift restrictions on IMF loans to Vietnam. The League's Executive Director, Ann Mills Griffiths, stated, "Lifting the ban on IMF loans would reward Vietnam's long-standing policy of withholding POW/MIA records and remains, while giving up our most important leverage to get real results. It would even strike against U.S. business, while giving foreign companies, particularly Japanese and French, added advantage by helping finance Vietnam's ability to support foreign investment. It would seriously undercut American interests."

Noting that the POW/MIA families and many current and former U.S. Government officials recognize the political motivation of labeling increased activities as progress, Mrs. Griffiths stated, "Despite claims of some in Congress and the bureaucracy, we can count. Only one American has been accounted for this entire year from US/Vietnam efforts. Given Vietnam's ability to easily account for many Americans, such results cannot be labeled as real cooperation."

Citing President Clinton's repeated commitments to place POW/MIA concerns at the core of U.S. policy with Vietnam, Mrs. Griffiths stated, "We recognize that some may have misled the President, but we hope that he will see through the distortions and be steadfast in honoring his pledges."

Formed in 1970, the National League of Families is the only national organization comprised solely of family members (over 3,850) of Americans still missing from the Vietnam War.

Mr. SMITH. I hope that the President will listen to the families in our Nation's largest veterans group, the American Legion, who are gravely concerned about the President's commitment now to this issue. And I also hope we will thoroughly examine the recently uncovered Russian document which on its face—on its face—indicates that North Vietnam in 1972 was withholding many more POW's than it eventually released.

Now, I know that the Vietnamese have denied that, and we are investigating that. But the point is that document, as we speak, is still being investigated. And the contents of that document are being investigated. It is a very, very serious matter of information and discrepancy in terms of 591 POW's having been returned in 1973, and yet this document indicates they held over 1,200.

This is a very serious matter. It is in the words of the Vietnamese as translated by the Russians. So if the content of that document is accurate, this is a very, very dramatic development and must be answered. This question must be answered at least before we would even consider moving on to the IMF loan issue.

I am ready to tell the Vietnamese in the next few days, where I intend to visit. I am leaving on July 5 for Vietnam. I will be there for a week. I have a detailed analysis of the report on this document. I intend to sit down with the Vietnamese and discuss this matter, and I want to say to the Vietnamese leadership and to the Vietnamese people—they have been very cooperative with me in the setting up of this trip, and I look forward to discussing these matters with them, and they know that the answers to these questions must come before any serious effort could ever be made to move toward the IMF loans or normalization.

I can tell you now that Vietnam's explanation for this document to date is not adequate. And to proceed any further with our relations at this time in the absence of a full explanation would be, in my opinion—in my opinion—a betrayal of the men who did not come home, that we expected to come home, and their families and their comrades who did make it home.

Mr. President, it is time for some world leadership, and I would suggest that when the President arrives in Tokyo next week for the G-7 summit, he clearly explain to our allies why the United States must have further progress in the accounting of its POW's and MIA's before we approve Vietnam's standing with the world community. I know that the Japanese and the French are saying to us we have to move on; we have to get on with business; there is a lot of business to be done in Vietnam.

The only business we ought to be doing at this time is the business of accounting for our men. After we do that, we can do all the business in the world. The Vietnamese know that and understand that. I have told them that, and so have many others who have gone there. I think that is the right thing to do.

Mr. President, I wrote a letter to the President on June 9, and in that letter to President Clinton, I said:

> DEAR MR. PRESIDENT: Our policy toward Vietnam must be based on facts that clearly demonstrate Vietnam's current knowledgeability of the POW/MIA issue and its historic manipulation of the issue to achieve its political objectives. As the former vice chairman of the Select Committee on POW/MIA Affairs, I am convinced that Vietnam's Ministry of Defense and Ministry of Interior could unilaterally account for several hundred Americans missing and captured in both Vietnam and Laos if they were directed to do so by the Vietnamese Politburo in Hanoi. Moreover, the recently uncovered report by General Quang in the Russian archives is but one more document which conclusively outlines the policy of Vietnam to withhold and conceal information on POW/MIA's for perceived negotiating advantage.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, June 9, 1993.*

Hon. WILLIAM J. CLINTON,
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: I am writing you as a follow-up to our discussion last night at the Congressional Picnic which you hosted where we briefly discussed Vietnam and the POW/MIA issue.

Mr. President, our policy toward Vietnam must be based on facts that clearly demonstrate Vietnam's current knowledgeability on the POW/MIA issue and its historic manipulation of the issue to achieve its political objectives. As the former Vice Chairman of the Select Committee on POW/MIA Affairs, I am convinced that Vietnam's Ministry of Defense and Ministry of Interior could unilaterally account for several hundred Americans missing and captured in both Vietnam and Laos if they were directed to do so by the Vietnamese Politburo in Hanoi. Moreover, the recently-uncovered report by General Quang in the Russian archives is but one more document which conclusively outlines the policy of Vietnam to withhold and conceal information on POW/MIAs for perceived negotiating advantage.

Vietnam needs to know that U.S. policy will remain firmly against IMF consideration for Hanoi until they make the political decision to provide a real accounting (ie: return of living Americans, unilateral return of remains, or convincing evidence as to why neither is possible). I believe the withholding of IMF consideration and maintaining the embargo is the most effective way to convince Vietnam to make the political decision to provide the United States with the long over-due accounting.

Mr. President, I urge you not to be deceived by those who claim "enormous progress" is now being made. For the families of our POWs and MIAs, unfulfilled Vietnamese pledges and the sporadic turn-over of archival documents and films which do not equate to or account for those still missing will not be accepted as a substitute for results which Hanoi is still capable of providing.

Moreover, I urge you not to forget our unaccounted-for men, what they believed in, what they fought for, what they stood for, and what we, as Americans, owe them, their families, and all who serve in our Armed Forces today. Nothing should take precedence over this solemn commitment, and nothing should relieve Vietnam of the solemn obligation it undertook 20 years ago and is still capable of fulfilling today. Regardless of our views on the war in Southeast Asia, we all agreed then that Vietnam was to account for our captured and missing men as fully as possible.

For the sake of the families and our missing men, I hope we can agree now that the passage of time and mistaken perceptions of recent activity in Vietnam should not cause the United States to remove its most effective leverage in convincing Hanoi to provide the fullest possible accounting of our POWs and MIAs.

Mr. President, the question is not whether Vietnam appears to be cooperating as fully as possible in carrying out joint field investigations or archival research with U.S. teams on POW/MIA issues. And the question should not be whether the United States will lose its influence in the region if it does not move quickly in its relations with Vietnam. The question is whether or not Vietnam has provided us the fullest possible accounting for those captured and missing men that they could rapidly account for unilaterally. Again, nothing should take precedence over this central question, and we should not let the appearance of cooperation be a substitute for results which account for American personnel and bring peace of mind to their families.

I am pleased that you have asked me to meet with you to discuss this issue further, and I hope such a meeting can take place prior to any decision by your Administration concerning IMF loans or possible lifting of the embargo with Vietnam.

Sincerely,

BOB SMITH,
*U.S. Senator.*

Mr. SMITH. The letter in response by the President dated June 28 to me:

DEAR SENATOR SMITH: Thank you for your recent letters about POW's and MIA's in Vietnam.

I appreciate your commitment to this issue. Let me assure you that any change in U.S.-Vietnam relations depends on visible progress toward the fullest possible accounting of Americans missing in Vietnam. This is among our highest national priorities and one to which I am personally committed.

We are currently analyzing the Quang document, he goes on to say.

I ask unanimous consent that that letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, June 28, 1993.*

Hon. BOB SMITH,
*U.S. Senate, Washington, DC.*

DEAR SENATOR SMITH: Thank you for your recent letters about POW's and MIA's in Vietnam.

I appreciate your commitment to this important issue. Let me assure you that any change in U.S.-Vietnam relations depends on visible progress toward the fullest possible accounting of Americans missing in Vietnam. This is among our highest national priorities and one to which I am personally committed.

We are currently analyzing all available information relating to the Quang document and will continue to press for additional material from the Russian, Chinese and Vietnamese governments.

As you know, Vietnam's access to loans from the IMF and other international financial institutions was not raised formally at the recent semi-annual meeting of the IMF and the World Bank. As we continue to examine our relationship with Vietnam in the days ahead, however, accounting for our POW/MIA's will remain our primary objective.

The families of American men and women who did not come home from Vietnam have already waited too long to learn the fate of their loved ones. I am resolved to continue to strive to provide the answers necessary to resolve this painful unknown in their lives.

I appreciate your deep commitment to and work in accounting for our POW/MIA's and look forward to continuing our discussions.

Sincerely,

BILL CLINTON.

Mr. SMITH. In reference to the President's response, which I appreciated and which I agreed with, we have not made significant progress in the last few months. One accounting is not enough.

I have a copy of a dissenting view by Orson Swindle, former POW. This is a copy from the Center for National Policy, "A New Look At U.S.-Vietnam Relations," report of a Center for National Policy study group, chaired by Ed Muskie. The members were William Bell, Jack Copeland, Virginia Foote, Patricia McDonald, Robert Murray, Mark Salter, Maureen S. Steinbruner, Orson Swindle, and Thomas Vallely. It was dated June of 1993. And Swindle, in a dissenting view, really hits the nail on the head.

I ask unanimous consent, Mr. President, that this document also be printed in the RECORD at the conclusion of the remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH. Mr. President, I wish to make a couple of remarks on the dissenting view by Swindle. In background, he says that:

Vietnam is undergoing startling changes today that suggest brighter possibilities for a better way of life for the Vietnamese people, as well as an acceptance of this poor country in the world community. Despite the enormous burden of a Communist regime that still detains political dissidents for extended periods without trial and sentences those convicted of "crimes" (criticizing the State) to lengthy jail terms, a more liberal society is seemingly evolving.

He goes on to discuss that in some detail.

Vietnam's eventual acceptance into the world community, as well as its economic progress and, to some extent, its national security and regional stability, appear to hinge upon its relationship with the United States. The long-imposed United-States-led economic and financial embargo on the country has made economic progress difficult * * *.

The release of thousands of South Vietnamese detained in "reeducation camps" for lengthy periods after 1975 has finally taken place. Secondly, Vietnam has met the conditions associated with its withdrawal from Cambodia and the recently held free elections in Cambodia. The last remaining obstacle—

And there has been progress with the Vietnamese on the other issues, but the last remaining obstacle, as Swindle says—

at this point along the road to normalization is Vietnam's providing assistance to the United States in quickly achieving the fullest possible accounting of the fate of Americans missing in action and repatriating remains when available.

Mr. President, the document speaks for itself, and it is entered as part of the RECORD.

I conclude by saying we all have had a long history of the war. It was unpopular when it was fought. Lord knows, the dissension that took place during the war. This one issue still divides us. There is no reason why the Vietnamese cannot comply unilaterally with the information they are providing.

They have been very cooperative with me on this pending trip. I am looking forward to meeting with them to discuss the Quang document and the Garwood prisoner sightings and the other things that we have set up on the agenda. They have been very cooperative in the preliminary work on that. I hope the President could withhold any decision on this matter until after I return from that trip, when I think we will have more significant information. This is not the time when we have only had one accounting in the past 6 months. This is not the time to grant the IMF loans.

I yield the floor.

EXHIBIT 1

[Center for National Policy, June 1993]

A NEW LOOK AT U.S.-VIETNAM RELATIONS

(Report of a Center for National Policy Study Group—Edmund S. Muskie, Chair, William Bell, Jack Copeland, Virginia Foote, Patricia McDonald, Robert Murray, Mark Salter, Maureen S. Steinbruner, Orson Swindle, Thomas Vallely)

A DISSENTING VIEW

(By Orson Swindle)

BACKGROUND

Vietnam is undergoing startling changes today that suggest brighter possibilities for a better way of life for the Vietnamese people as well as an acceptance of this poor country in the world community. Despite the enormous burden of a communist regime that still detains political dissidents for extended periods without trial and sentences those convicted of "crimes" (criticizing the state) to lengthy jail terms, a more liberal society is seemingly evolving. Finally recognizing the hopelessness of communist dogma, economics and central control as well as having no acceptable alternative, the government is allowing the people to act individually, motivated by their own desires rather than those of the state. This is seemingly evidenced by growing entrepreneurship reflected in large numbers of very small businesses. Just a few years ago, Vietnam was importing rice under the communist central control model of production. Today, with individuals farming for their own reward, Vietnam is reportedly exporting rice in record quantities. Communism is dying in Vietnam . . . not as rapidly as we have witnessed in Europe and the former Soviet Union, but it inevitably will die. The big question is whether the old guard leadership will allow it to die more quickly for the good of the people.

Vietnam's eventual acceptance into the world community as well as its economic progress and, to some extent, its national security and regional stability appear to hinge significantly upon its relationship with the United States. The long-imposed United States-led economic and financial embargo on the country has made economic progress difficult. The continuing absence of diplomatic relations with the United States no doubt is a negative for Vietnam's credibility. The United States' willingness to lift these restrictions in recent years has depended upon Vietnam satisfying three basic conditions outlined in what is known today as the "road map" (toward normalization of relations between our two countries). These conditions, rose out of our war with North Vietnam and the Vietnamese invasion of Cambodia. Two of the conditions have been met. The release of the thousands of South Vietnamese detained in "re-education camps" for lengthy periods after 1975 has finally taken place. Secondly, Vietnam has met the conditions associated with its withdrawal from Cambodia and the recently held free elections in Cambodia. The last remaining obstacle at this point along the road to normalization is Vietnam's providing assistance to the United States in quickly achieving the fullest possible accounting of the fate of Americans missing in action and repatriating remains when available.

THE ROAD MAP TO NORMALIZATION . . . THE POW/MIA ISSUE

Phases I and II of the road map place particular emphasis on resolving quickly and fully the fate of the Americans, especially the "last known live" cases, and repatriating readily available remains. This emphasis is clearly implied in language and spirit.

Vietnam has clearly not satisfied this condition! Anyone who is objective and knowledgeable of the past 20 years of efforts at resolving the POW/MIA issue must acknowledge the continuous pattern, by the Vietnamese leaders, of what seems a cruel, inhumane charade of denial, rhetoric, reluctantly-revealed revelations, withholding of information and remains that were available, etc. The embargo by the United States remains in place today solely because of the communist leaders of Vietnam and their policies.

We know that, as in the past, the Vietnamese continue to hold back information. As obstacles and obstinacy on the part of the United States appear or heighten in the face of Vietnamese denials of any additional information, there seems a consistent pattern of Vietnamese "cooperation," or coming up with new findings of information or remains (some, obviously, preserved for a long time). During the CNP delegation's April visit, Deputy Foreign Minister Le Mai addressed this pattern of denial and revelation by saying Vietnam was not lying in its denial. He explained how one department of the government did not know another department had certain additional information. Given the dominating importance of this issue, one must ask "How stupid do they think we are?"

WHY LIFT THE EMBARGO AND NORMALIZE RELATIONS

For certain there are economic reasons to lift the embargo that are potentially beneficial to the United States. A population of over 70 million people represents an enormous market, and Vietnam essentially needs everything. Of obvious economic and strategic interest are the potential oil reserves of the South China Sea in Vietnam's territorial waters, rights to which in some cases are contested by several countries including China.

Regional security is certainly an important United States' consideration in light of historical territorial disputes and recent growth in China as a world power, not only militarily but economically. Unlike the past, Vietnam has no close diplomatic ties today capable of being the balancing force in its relationship with China.

It is likely that improved relationships between us and he Vietnamese and our involvement in economic development there can contribute to a better life for the Vietnamese people. Our business presence in Vietnam, employing Vietnamese in our firms or in joint venture efforts, will have a positive influence on the human rights practices there. There is little likelihood of our presence doing much of anything to resolve the POW/MIA issue.

These are all good reasons for normalizing relations; however, they pale in significance to our obligations to fallen Americans and their families. The POW/MIA issue must remain our primary focus. This focus on these few Americans rather than other American interests may offend some who would argue that our involvement today in Vietnam means jobs and profits for other Americans. Some who opposed U.S. involvement in Vietnam are likely ready to move forward in diplomatic relations with Vietnam; some would advocate unilateral steps. Others, disregarding the obvious, say that the Vietnamese have done their best to meet our demands on the POW/MIA issue, specifically, the road map.

The Vietnamese leaders with whom the CNP delegation met in April stated with considerable eagerness and bluntness that they want and need assistance from the United States beginning with the lifting of the embargo, removal of restrictions on IMF participation, and eventually, establishing full diplomatic relations. Rest assured, Vietnam needs us far more than we need Vietnam. We annually face the decision of lifting the embargo, a frustrating and emotional exercise as we seek to resolve the POW/MIA issue. We are frustrated by the Vietnamese leaders' practice (or tactic) of denying knowledge or availability of information and remains when in fact they did and do exist. They repeatedly claim to be doing their best, or deny having information, then in a painfully slow manner, they reveal bits and pieces of information and remains of missing Americans.

Those wishing to normalize relations because it seems the normal thing to do; those wishing to participate in economic gain in Vietnam markets and oil; and those who see vindication of their anti-war views through normalization and getting closer to Vietnam are all frustrated by delaying normalization. Time creeps slowly by for them . . . *and for the families of the MIAs*. Ah, time, there's the rub. Relative to our way of thinking, time is meaningless to the Vietnamese. They have an amazing strength in their patience and capacity to sustain pain and inconvenience. They plan on waiting until their enemy quits out of frustration with the stalemate. France, the United States, Paris Peace Talks, POW/MIAs . . . the efforts all have similar characteristics.[1]

As interrogator in the Hanoi Hilton once told me, "I think the war will end soon . . . not this year or next year or the year after, but soon." An interesting, but brutal perspective for an American.

WHAT DO WE DO?

We have at least three fundamental choices as a country dealing with the Vietnamese:

1. Continue the status quo . . . nicely or even sternly demanding POW/MIA resolution, maintaining the embargo and denying diplomatic normalization. Annually, we will agonize over the decision to continue the embargo. The results of continuing this approach will likely be much as it has been for the last 20 years. Certainly, the POW/MIA issue will not go away. We will learn little more as time goes on. Most assuredly, the Vietnamese know how to wait it out.

2. Capitulate on the embargo and normalization issues. Vietnam will get what it wants . . . credibility, U.S. investment, enhanced foreign investment due to American presence, some measure of countervailing power structure vis a vis China, etc. Most of the controversy (or at least the business and political interest pressures) will dissipate for our political leadership. A furor on the part of the MIA families and others demanding we hold a hard line on Vietnam will erupt and slowly (but not quietly) subside to a lower but steady level for the unforeseeable future.

In addition, the President's credibility with the military will be further eroded. Most likely, further resolution of the MIA issue will become virtually impossible. However, it would not be surprising if the Vietnamese, after the capitulation, made some extraordinary "recent" discovery of much information, remains, etc. and release it . . . of course, "as a gesture of good will to the American people."

There might be a lessening of constraints on the people of Vietnam as more become employees of U.S. firms. U.S. oil interests will eagerly dive into the South China Sea.

Lastly, we will have abandoned our fallen servicemen and their families, and tragically, we will have sold our national soul.

3. Tell the Vietnamese we're through talking, it is up to them! This is obviously the most dramatic and risky approach in a sense. If the 27 May 1993, Washington Post quotes of Senator Kerry are correct, he suggests a similar approach. This approach would convey the message that normalization and lifting the embargo simply are no longer important to us, and that we believe the communist leadership is not serious and remains insincere regardless of what it says; that they alone control the information we seek; they continue to employ their cruel and inhumane strategy of the past; and that we now accept that we will never learn a great deal more about the POW/MIAs. Therefore, we now move Vietnam to the "back burner of irrelevance" on our list of national priorities.

If they wish to pursue normalization, let us know of their desires with totally conclusive actions on the POW/MIA issue. Simply come clean! No more words, promises, negotiations, etc. We should emphasize that we do not seek recriminations, just resolution.

Coupled with this approach, the President should announce complete removal of the Joint Resolution Task Force team and, for certain, an end to any payments made to Vietnam associated with our presence and our efforts there. In other words, we have had it, and we are totally removing ourselves from the discussion.

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[1] We have a terrible record negotiating with the Vietnamese. We sent our "best" to the table, and from a novice's point of view, it appears we have been fleeced every step along the way. We almost naively tend to believe them, or we are simply not tough enough. In reality, the Vietnamese record for being sincere leaves much to be desired. The leadership is pure communist. Yesterday, today, and tomorrow . . . nothing has or is likely to really change in their intellect. Why do we believe them? True to the communist strategy, all actions and deals they make are to benefit *their cause*, not those of the opponent.

The downside of this approach is an understandable, grave concern among some of the MIA families and the prospect of the Vietnamese stubbornly (and they are capable of it) accepting this position. If this occurred, it could end for the foreseeable future any further progress on the MIA issue.

The upside potentially comes from really shaking things up and establishing a new level of discussions and seriousness. I strongly believe acceptance of this approach by the MIA families would have to be sought. The argument for this approach is simply the recognition that it appears nothing short of this will ever produce any dramatic changes to the slow progress of the past.

### CONCLUSIONS

As more and more formerly classified Russian and United States documents become available (note recent revelations), the emotions and suspicions characteristic of this issue will increase. As flawed as was the Stephen Morris-discovered Russian documentation of Vietnamese claims, is it possible that there really was another system of POWs? If there was, is it possible that the real reason Vietnam persists in grudgingly doling out information on the POW/MIAs is that it has really been lying and did keep, and possibly even murdered, captured Americans? A horrifying thought. A deed or deeds already done. No place to hide, so deny, deny, deny.

In addition, the urgency that some, in Vietnam and among those here involved in this process seem to place on normalization of relations is alarming. Are more disturbing revelations about to unfold that would further jeopardize lifting the embargo and normalization?

### RECOMMENDATIONS

1. President Clinton should meet with families of MIAs to discuss option 3 above. If the families accept this risky strategy, the United States should immediately, and with minimum words, contact or fanfare, notify Hanoi that we are through talking. The embargo and sanctions remain in effect with no future plans to reconsider our position unless Vietnam ends our concerns about the POW/MIA issue. Our method of message delivery should reflect an absolute relegation of Vietnam to a position of insignificance in our list of national priorities.

2. The United States should not lift the embargo in September unless the Vietnamese essentially resolve the POW/MIA issue. Recognizing that 100% is not a real possibility, should the Vietnamese suddenly respond in a significant manner, lifting of the embargo should be a decision subject to discussions with the MIA families.

3. The United States should not approve the IMF access actions being considered for a mid-June decision.

Final victory by the forces of free people and democracy will be won in Vietnam with the fall of communism there. Communism will die eventually because in Vietnam, as elsewhere in the world, it is a failure. American presence in Vietnam will speed up that process as individual human rights are liberalized, free access to economic opportunity and knowledge are increased, and as the people of Vietnam have more freedom to make personal decisions and choices. I, personally, wish to see this happen very soon. Lifting the embargo, getting Americans and other nationalities into Vietnam, improving the living standards of Vietnam's fine people, and Vietnam truly joining the world community are goals for which we should strive . . . but, not before we fulfill our obligations to our fallen countrymen and their families.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I want to thank the Senator from New Hampshire for his work in this area for a long, long time and for his reference to the press release issued today by the National League of Families of American Prisoners and Missing in Southeast Asia.

I notice that different colleagues have different views on this issue. But I happen to share the view expressed by the Senator from New Hampshire.

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## NO BRIDGE LOANS FOR VIETNAM

Mr. DOLE. Mr. President, on July 12, the Executive Board of the International Monetary Fund [IMF] is scheduled to vote on roughly $140 million in bridge loans that will allow the Communist government in Vietnam to clean up its arrearages to the IMF.

Should these loans go through, the practical effect would be to reestablish Vietnam as a member in good standing of the world community. Furthermore, this action would likely clear the way for billions of dollars in assistance from the World Bank, IMF, some Western governments, and other sources being provided to Vietnam for its infrastructure development.

According to news reports, President Clinton's senior advisers are urging approval of this bridge loan. The IMF loans can only be approved if the Clinton administration acquiesces or gives its active, open support. How can President Clinton go along with the economic and political rehabilitation of Vietnam at this time, under the existing circumstances? No doubt about it, this is not the right time to allow this bridge loan. It may be coming. It may be soon. But I am not certain that this is the time.

The reasons are many, but I will mention only a few of the most compelling. First of all our POW/MIA problem with Vietnam has existed for over 20 years and must be cleared up once and for all. Families have suffered for all this time, not knowing what the facts were about their sons, their husbands, their fathers, their brothers, or their nephews. Certainly, until we receive those answers from Vietnam, it's not time to discuss normalization or commercial relations with Vietnam at all. To do so would be a slap in the face to the thousands of family members that have waited at least 20 years for answers.

The U.S. Government has maintained for years that the answers lie in Hanoi. So, no bridge loans until we get answers and I do not mean a few that dribble out, like we seem to get whenever a congressional delegation goes to Hanoi.

I know the distinguished Senator from New Hampshire is headed for Vietnam. I know there are good opportunities there. I hope that they are forthcoming and that he brings back a lot of good information—answers to Carol Hrdlicka in Conway Springs, KS, as to what happened to her husband, Col. Dave Hrdlicka, who was shot down over Laos, May 18, 1965, and whose picture appeared in Pravda as well as Vietnamese newspapers in 1966. Answers to Mary Hall in Altonna, KS, as to what happened to her husband, T.Sgt, Willis R. Hall at Lima Site 85 overrun March 11, 1968. Answers to Jane Duke Gaylor in El Dorado, KS, as to what happened to her son, Charles Duke, a civilian technician missing from Pleiku, Vietnam, since May 30, 1970, and answers for all other families in Kansas and throughout the entire United States.

Can it truly be that difficult to provide answers 20 years after the war ended? The United States Government has been trying to get answers since February 1973, when Dr. Henry Kissinger, during his visit to Hanoi, presented numerous folders containing pictures and news articles of United States POW/MIA's that had appeared in Communist Newspapers in Vietnam, Laos, Russia, and other Communist countries. More recently, Gen. John Vessey has on numerous occasions presented the Vietnamese with his discrepancy list containing 135 names. No doubt about it, they clearly have answered to these cases, as it was their own pictures of our men that appeared in their newspapers and magazines. We must not reward Vietnam for their nonanswers with a $140 million bridge loan.

It appears to me that two countries that will benefit from the loan are Japan and France. That is why they are pushing it. Their companies are ready to do work on Vietnam's infrastructure as soon as money is available to pay for these projects. The United States is the largest contributor to the International Monetary Fund and we maintain a trade embargo on Vietnam that comes up for renewal in September. The approval of the bridge loan by the IMF will only help our business competitors, not our own companies. This is one more reason not to approve the loan.

What about Vietnam's record on human rights? It is pitiful. We must not waste our leverage without demanding democracy for 70 million Vietnamese people who have truly suffered for so many years. If the Communist Vietnamese want the benefit from hard-working American taxpayer's dollars, they must demonstrate that they understand and value this connection by respecting basic human rights and ending discrimination against their own citizens based on their past association with the United

States. Mr. President, according to Amnesty International and Asia Watch, Vietnam is one of the world's most oppressive regimes. In March of this year, the International Red Cross closed its office in Hanoi because its representatives were not permitted access to political prisoners.

In 1975, Communist North Vietnamese told the world as they marched into Saigon, that they were liberating Vietnam, but the facts are, that under the rule of the Communist North Vietnamese, Vietnam has become one of the most oppressed as well as one of the poorest countries in the world. Because of these deplorable conditions, more than 1 million Vietnamese have chosen to leave their country to escape the Communist rule. The Vietnamese people love their homeland, as they did not leave their country during the famine in 1945 which caused 1 million deaths from starvation, or during the 30 years of bitter warfare that followed.

No doubt about it, the Communists now have driven the Vietnamese people from their homeland, facing danger and death on the high seas and possible mistreatment in refugee camps. Most refugees would rather stay in the refugee camps under the most difficult conditions than to be repatriated to Vietnam. These glaring facts speak for themselves. We cannot reward such clear violations of basic human rights by allowing the loan to Vietnam. We owe it to the more than 58,000 Americans that fought and died for those rights.

We should deny Vietnam any aid, credit, or bridge loans for a minimum of another year to ensure that the establishment and growth of a democratic parliamentary process in Cambodia, free of assassination and sabotage aimed at non-Communist party members, can truly be established. It is vital for our interests that we make sure that the Communists are not just waiting for the roads and paths to dry out after the rainy season, so their oppressive war machines can once again roll. We cannot reward Vietnam's interference and likely aggression with a $140 million bridge loan.

I just believe that because of all of these facts, and because of 58,000 Americans who fought and died for those rights that we ought to be very careful and very cautious; and, let us not send any tax dollars to the IMF for bridge loans until we are certain, until men like the distinguished Senator from New Hampshire and others who have been working on this for a long time are satisfied that every possible effort has been made by the North Vietnamese Government to make an accounting of the American MIA's and POW's.

## SECRETARY ESPY'S TRIP TO THE MIDWEST

Mr. DOLE. Mr. President, I am sorry I was not on the floor when the distinguished Senator from Iowa [Mr. HARKIN] was excoriating me for what I said earlier on which there appeared to be a partisan trip to the Midwest by Secretary Espy, the Secretary of Agriculture, and the fact that the Republicans were not invited to accompany Secretary Espy. I did make that statement. I stand by that statement.

I add to that statement a memorandum to John Maynor and Mary Dixon, of Secretary Espy's office, from Doug Caruso, State executive director, Wisconsin State ASCS office, in which he outlines the whole visit in Wisconsin and he outlines the plan. And, finally, after they made all the contacts, the final sentence is: "I have not had contact with Representative GUNDERSON's office, but this farm is in his district."

STEVE GUNDERSON's son happens to be a Republican. That is why they did not have any contact with his office even though his office was contacting the Secretary's office, and I think it is important that that be made a part of the record.

I think somebody—it may not have been Secretary Espy's fault because certainly disaster should not be partisan whether they happen in Republican administrations or Democratic administrations. And I think probably if you look back on it, there have been efforts by administrations of both parties to take advantage of someone's misery. It should not happen.

The Senator from Minnesota just said on the floor that it should be nonpartisan, bipartisan. We ought to be working together. What is bad for Minnesota, Iowa, Wisconsin today may be bad for some other State next week.

So I just suggest that this matter certainly will receive the serious bipartisan consideration it deserves from Members of Congress who represent rural America.

I regret that in this instance——

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from South Dakota. I also mention South Dakota. They are involved.

Mr. PRESSLER. Mr. President, they were in Sioux Falls yesterday. Not knowing an invitation was issued to me, the Air Force plane departed Washington, I understand, at 7:30 in the morning. And then when some controversy arose about this today, we were told that, if I wanted to ride back, I could. I was not out there, so it is kind of hard to do. I understand one Senator was out there on other business. But the Democrats got a free plane ride. I did not get one, but I would have taken it.

Mr. DOLE. More important, there were South Dakota farmers involved.

Mr. PRESSLER. Yes. This is very important. I was part of a bipartisan group that made three requests on this serious matter. I also offered an amendment on the floor that was defeated. We had bipartisan support for it. I am going to work on a bipartisan basis. In fact, today I wrote to the President, urging that both Republicans and Democrats in Congress work with Secretary Espy to achieve a legislative solution. I ask unanimous consent that this letter to President Clinton appear in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, July 1, 1993.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: Over the past several months, a number of Midwestern states have endured damaging rainfall and flooding conditions. In fact, some South Dakota farmers have not been able to harvest 1992 crops due to continual precipitation. U.S. Secretary of Agriculture Mike Espy recently toured parts of South Dakota, Minnesota and Iowa to view first hand the devastation facing hundreds of Midwestern farmers.

Mr. President, the livelihood of hundreds of farming and business communities along the Missouri and Mississippi Rivers is in jeopardy. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of South Dakota farmers and small businesses.

I understand you have requested Secretary Espy to draft legislation to address the current agricultural crisis. I strongly urge you to have Secretary Espy meet with both Republican and Democratic leaders of Congress to formulate a bipartisan strategy to expedite passage of this disaster relief legislation. In the meantime, I believe a Presidential disaster declaration clearly is warranted. I urge you to make a disaster declaration for South Dakota, as well as other Midwestern States suffering from excessive rainfall and life-threatening flooding.

I plan to visit several South Dakota communities soon to survey the destruction and learn more about economic losses from farmers and small business owners. Further, I will be inspecting damage to the state's infrastructure. Should your schedule permit, I invite you to join me in touring rural South Dakota to assess damages and determine how the federal government can best provide assistance.

I look forward to your response.

Sincerely,
LARRY PRESSLER,
*U.S. Senator.*

Mr. PRESSLER. Secretary Espy did visit various places. I understand our Governor did not receive a formal invitation, but he went. So I welcomed Secretary Espy's visit to South Dakota. I was not invited, but I would have gone had I been invited. I will be in South Dakota next week. I invited President Clinton to join me and see firsthand the devastation that has been brought to my State.

Mr. DOLE. Either party can look at the other party's performance. I am trying to recall if that happened in any of the Republican administrations. It may have. I know when the partisan juices start flowing, they may exclude the other party. I do not think people are looking at whether we are R's or D's when their farm or home is under a watershed. They can care less about politics or politicians. They want assistance where it can be provided.

I hope that Secretary Espy—and I am not even going to call him because it was probably done at some lower level. I hope that we can at least, from this time forward, make certain that Senators like Senator PRESSLER, Senator GRASSLEY, Senator DURENBERGER, and others, and Members of Congress, in both parties are totally involved. It has to be nonpartisan and bipartisan.

I did not mean to upset the distinguished Senator from Iowa. I like Iowa. I go there a lot. I was there last Sunday. I know a lot of people there. I have to believe they can care less about the politics. They were pleased that Secretary Espy visited, but they probably wonder what happened to some of their Senators or House Members who were not there. They were not invited. That was the point I wanted to make.

Mr. President, I ask unanimous consent that Congressman GUNDERSON's letter be printed in the RECORD along with the memo.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

House of Representatives,
*Washington, DC, June 29, 1993.*

Hon. Mike Espy,
*Secretary, Department of Agriculture, Washington, DC.*

Dear Mr. Secretary: In advance of your touchdown tomorrow in Grant County, Wisconsin, please allow me to be the first to welcome you and thank you for your concern for the plight of Wisconsin farmers who are being impacted by the most severe flooding in our region in decades. My ultimate hope is that your visit will mean that action will be expedited to deliver federal agricultural assistance to our farmers and their families whose very livelihoods are now on the line.

As a former Member of Congress, however, I hope that you can understand my total frustration upon learning today that disasters are partisan affairs in this Administration. I submit for your review a copy of a memorandum which makes it very clear that the Congressman whose District you are visiting tomorrow was purposely excluded from this event. Rebuffs by your office to my subsequent requests to be included in your visit to my District and to received a full briefing on your trip have only served to reinforce the unmistakable message sent in this memorandum.

As the people's elected Representative of the Third Congressional District into which you are traveling on Wednesday, June 30, and, frankly, as a senior member of the House Agriculture Committee, I respectfully request an explanation from you, Mr. Secretary, as to why the general courtesies normally extended to a Member of Congress were not forthcoming in advance of this visit.

Best regards,

Steve Gunderson,
*Member of Congress.*

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Department of Agriculture, Agricultural Stabilization and Conservation Service,
*Madison, WI, June 29, 1993.*

To: John Maynor; Mary Dixon, Secretary Espy's Office.
From: Doug Caruso, State Executive Director, Wisconsin State ASCS Office.
Re: 6/30/93 WI Farm Visit by Secretary Espy.

Farm: High Ridge Farms, Stan and Sally Fritz, 7817 Rosendale Road, Woodman, WI 53827, (608) 533-3587.

Location: Woodman Township, Grant County, Wisconsin, Approximately 15 miles due east of Prairie du Chien, WI and approximately 1 mile south of Wisconsin River.

Driving Directions to Crop Viewing Site: U.S. Hwy. 18 from the east or west to State Hwy. 133. North on Hwy 133 approx. 8.5 miles to County Trunk K. (Note: the damaged corn fields are at this intersection and media should assemble here.)

Driving Directions to Farm House/Bldgs: East on County Trunk K 1/2 miles to point where K turns south and gravel road straight. Follow gravel road 1.25 miles to farm house/bldgs., at top of hill.

The Plan: Chopper will land near buildings at 10:30 am where Espy and party will be greeted by Stan and Sally Fritz, WI Ag Secretary Alan Tracy representing Governor Thompson and State of Wisconsin, and small number of WI USDA officials—myself for ASCS, FmHA State Director Bryce Luchterhand, SCS State Conservationist Earl Cosby. The following may also be present at greeting: A neighboring farmer, WI Farmers Union President Dennis Rosen, WI NFO President Mike Dummer and possibly aides to US Senator's Russ Feingold and Herb Kohl. I have not had contact with Rep. Steve Gunderson's office, but this farm is in his district.

Fritz will point out winterkilled alfalfa areas that have now mostly been re-seeded but are not doing well and poor oat field. There are also conservation practices observable at this high point on farm.

Espy, accompanied by Fritz's and party, will travel 3 minutes in SCS vehicles to corn fields at junction of 133 and K to view damaged corn and meet press at approx. 10:40 am. Fritz describes problems to Espy en route.

Chopper will move to location near 133 & K at approximately 10:55.

The Farm;

1400 total acres, 700 tillable, 180 head of dairy cattle, 500–550 total head of livestock, 800 pigs from farrow to finish per year.

The Farm's Problems:

Most alfalfa lost due to winterkill, very poor oat crop due to cold and wet spring, Corn is low lands dying or dead due to excessive moisture and resulting unusually high watertable. Chopper departs at 11:00 am

Other: I will fax directions for chopper pilot shortly.

A list of media that have contracted WI ASCS thus far seeking details follows. I promised them someone would get back to them when finalized, I will be happy to handle this if so instructed; otherwise will rely on WDC to follow through.

Jim Massey, The Country Today—608–935–3018

Gretchen, AP—Milwaukee—1–800–242–9022

Jo Sandin, Milwaukee Journal—414–224–2243

Jan Sheppel, WI State Farmer—608–849–5920

Dean Dickel, Dubuque Telegraph Herald—319–588–5647

Dave Natzge, Agri-View—716–445–2214

Doug Wagen, WGLR Radio—1–800–236–7671

Rachel Bittner, WKTY Radio—608–788–9689

Mike Flaherty, WI State Journal—608–252–6154

State Desk, Milwaukee Sentinel—414–224–2151

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Ms. MOSELEY-BRAUN. Mr. President, I first say that the minority leader's point is very well taken, that disasters are not partisan and, certainly, I think we can have the kind of bipartisan cooperation in response to the people's needs that would be appropriate. And to the extent that there was a snafu in this case, I am certain that your bringing it to the attention of the Secretary means it will not happen again.

## SUPREME COURT'S DECISION IN THE CASE OF SHAW VERSUS RENO

Ms. MOSELEY-BRAUN. Mr. President, on Monday, in the case of Shaw versus Reno, a bare five-member majority of the Supreme Court issued an opinion that basically said the Court does not like bizarrely shaped congressional districts when race is used to help shape them. Frankly, the Court majority behaved much like Captain Renault in "Casablanca"; having just discovered gambling is going on at Rick's—or in this case, that State legislators actually consider race when setting up legislative district boundaries—the five Justice majority announced that they were shocked—I repeat, shocked—and will therefore put a stop to it when the districts are so bizarrely shaped that they appear on the editorial page of the Wall Street Journal.

Of course, just as Captain Renault knew that gambling had been going on forever at Rick's, the Court has always known that race, like ethnic background, income status, religion, and past political voting behavior, has always entered into redistricting decisions.

And the Court cannot legitimately be shocked to see bizarrely shaped legislative districts. After all, the practice of gerrymandering is as old as our Republic. Gerrymander is, in fact, named for a salamander-shaped district that was created by Gov. Eldridge Gerry of Massachusetts in 1812.

What the five-member majority did, therefore, was create an entirely new constitutional remedy because they just did not like the shape of the North Carolina congressional district in the case they had before them. They wanted to get rid of that crazy district, and they were not about to let a little thing like settled constitutional principles get in the way. A look at the facts and the law makes that clear.

Shaw involved the attempts of the North Carolina Legislature to comply with the Voting Rights Act of 1965.

Following the guidelines of the Bush administration's Department of Justice, the North Carolina Legislature created two legislative districts in which African-Americans constituted a majority of the voters. White voters, who comprise 79 percent of North Carolina's voting population, retained a majority in the remaining 10 legislative districts. This plan enabled North Carolina to send its first two African-American representatives to Congress since Reconstruction.

Before Monday's decision in Shaw, the standard for evaluating equal protection claims involving redistricting was clear. Based on a long line of Supreme Court precedent, those challenging the districts were required to show both that the State, in drawing the lines, had a discriminatory purpose, and that the district, as drawn, had a discriminatory, harmful, effect on a political or racial group. Without the showing of discriminatory effect, redistricting plans would not be struck down even though race was admittedly used as a factor in drawing the district lines.

However, on Monday, a majority of the Supreme Court chose to ignore years of precedent and send North Carolina's 12th Congressional District back to the district court to determine whether that shape was created because of a compelling governmental interest. The majority opinion stated that the district, because of its bizarre and irrational boundaries, appeared to constitute a violation of the equal protection clause of the 14th amendment—no matter that no one was disadvantaged; and no matter that the shape of legislative districts alone had not before risen to the level of constitutional principle.

Mr. President, there is no question that the shape of the district challenged in the Shaw case, North Carolina's District 12, is bizarre. But bizarrely shaped districts are not uncommon. The 1980 redistricting in my own State of Illinois had a number of strangely shaped districts. And that same year, some creative mapmaking in the neighboring State of Indiana managed to put three Democratic incumbent Congressmen into the same district.

And there is no question that race was among the factors used to set its boundaries. Of course, so was political balance, incumbent protection, and a host of other factors. But does District 12 and the process used to create it, absent any evidence that anyone had their voting power diluted or otherwise interfered with, constitute a violation of equal protection? Based on any fair reading of the Constitution and the leading cases involved, there is only one answer to that question, "No."

Nowhere in the 14th amendment is there a requirement that legislative districts be neatly or compactly drawn. The Court majority does not cite even a single case to suggest otherwise.

What the cases do say is that district lines may violate the Constitution if someone is hurt—if their voting rights are diluted or if there voting power is otherwise injured. But in Shaw, there is no allegation of injury because, in fact, there was none. White residents of North Carolina's 12th District were not denied the right to register to vote, were not denied the right to cast their ballots. In short, they were in no way denied the right to participate in the political process. Justice White, in his dissent in the case, made the point clearly:

> * * * [T]he notion that North Carolina's plan, under which whites remain a voting majority in a disproportionate number of congressional districts, and pursuant to which the State has sent its first black representative since Reconstruction to the United States Congress, might have violated appellants' constitutional rights is both a fiction and a departure from settled equal protection principles.

Mr. President, the Court's opinion in Shaw is a clear example of a conservative majority doing what conservatives always used to accuse the Warren Court of doing—making law. The case was not decided because the plaintiffs had their voting rights impaired due to race-based redistricting decisions. It was decided on the basis of the fact that the Court majority thought the shape of the 12th District was absurd.

Justice O'Connor herself, in the majority opinion in Shaw, correctly states that "[T]his court never has held that race-conscious State decisionmaking is impermissible in all circumstances." This is especially true in the area of legislative redistricting. North Carolina made no attempt to hide the fact that race was a factor in drawing District 12. But as Justice Stevens so eloquently stated in his dissent in Shaw:

> If it is permissible to draw boundaries to provide adequate representation for rural voters, for union members, for Hasidic Jews, for Polish Americans, or for Republicans, it necessarily follows that it is permissible to do the same things for members of the very minority group whose history in the United States gave birth to the equal protection clause.

I want to conclude, Mr. President, by reminding everyone what is really at stake here. The issue is not the shape of the 12th District of North Carolina, nor is it whether race is a permissible factor to use when making redistricting decisions. Instead, the real issue is whether the Supreme Court should upset settled constitutional and statutory law to strike down a district that it does not like. It is just that simple.

I think the Supreme Court should leave redistricting issues to the elected branches of Government, and that it should intervene only when a real statutory or constitutional principle is involved. The Supreme Court went too far in this case because its decision was not based on any overriding constitutional principle, but only on five judges' sense of the esthetics of the 12th District.

The harm to the Constitution here was less the decision of the North Carolina redistricting than the overbreadth and invention of the Court majority in Shaw. The Court was entitled to determine whether the proposed North Carolina restricting plan complied with the Voting Rights Act and the Constitution. But once the plan did comply, the Court was not entitled to second-guess the restricting plan because it thinks that a differently shaped map would look better.

But that is what the Court did. It conducted a superficial review of a complicated issue. It made bad law from what should have been an easy case by taking the easy way out. And that is the real damage done by Shaw.

Justice White, in his dissent, expressed the hope that the impact of the Shaw decision would be limited. I share that hope. I hope it is not a harbinger of retrenchment to equality and civil rights as expressed in the Voting Rights Act.

The elected branches of Government may do many strange, bizarre things. But the Court should not step in merely because a state legislator and a Governor, or the Congress and the President, have acted, in the Court's view, unwisely—or even stupidly—but only when their actions actually violate the law or the Constitution.

I submit to you, Mr. President, that the Supreme Court overstepped and issued a bad decision.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

## VIETNAM

Mr. PRESSLER. Mr. President, I speak with some pain in politely disagreeing with the Republican leader and my good friend from New Hampshire, Senator SMITH.

I am very interested in Vietnam. I served two tours of duty there as an Army second lieutenant and first lieutenant. I have been very interested in that country and have visited it even after the war. Vietnam is just one country of an entire Pacific rim of countries that have enormous economic potential. In fact, I am going to visit Malaysia, Singapore, and Hong Kong this August.

I have maintained an interest in the Pacific rim since coming to the Senate in 1979. I was in Indonesia. I visited virtually every country in South Asia. I am very interested in that region of the world.

Until February of this year I maintained the same position as my friend from New Hampshire and the Republican leader. I too felt the Vietnamese had been very slow in providing a full accounting of POW/MIA's. I worked closely with the POW families. I remain very concerned about any POW's that might be missing or whose remains might be missing.

However, I have become convinced we could get those POW's back faster, if there are any, and I am also convinced we could get the entire POW/MIA issue settled faster if we had Americans there in Vietnam. We need to lift the trade embargo and normalize relations with Vietnam. You know, there is nothing like American businessmen and tourists living in a town to hear rumors about where someone is being held. If Americans were there on a regular basis, they could go find POW/MIA's if they exist.

It has been my belief that some organizations have exaggerated the possibility of POW's still being alive. But if I am wrong, we stand a better chance of finding those prisoners if we have Americans over there. If there was a consulate or diplomatic mission, some good-faith Vietnamese who knew of Americans being held there could report that valuable information.

Also, normalized relations would expand tourism in both countries. There is nothing like American tourists, especially some of my buddies who served in Vietnam, who could go around and gather information.

I really think that on the POW/MIA issue the logic has now shifted to whether we could find any remaining living Americans, which I doubt that there are, being held against their will. That being the case, we could find them easier if we had relationships there, if we had businessmen there, and if we had tourists there.

A second reason for my concern about Vietnam is that we would have more power to influence China's human rights problems as well as Vietnam's human rights problems if we had closer relations with Vietnam. I say this as a Vietnam veteran. So perhaps I feel confident to be able to say this. I do not have to prove my spurs, so to speak.

But right now China has her paws over Vietnam. China is not alone. Germany and Japan have businessmen there as well. The Vietnamese very much would rather have American business. Vietnam would rather have a strong relationship with the United States.

I believe Vietnam will inevitably emerge as another prosperous Asian tiger in the next 3 to 5 years. The potential for enormous economic growth is there. It is just a matter of time.

In the meantime, we now have China, Japan, Germany, and others investing millions in Vietnam. We are just letting them fill the vacuum there. We have the tigers, the Asian tigers. Other future Asian tigers are emerging. We have Malasia emerging. We have Indonesia emerging. From China to Indonesia, the world's economic growth center is the Pacific rim. For every one unit of trade that goes to Europe, we have four units of trade going to Asia.

So I feel strongly that I would rather have Americans be there to further trade ties in Vietnam. We should not let the French businessmen set up the standards and Japanese businessmen set up the standards. The Japanese will put their people in the village, who will live there to sell Japanese products. They will use Japanese manufacturing standards enabling them to sell the spare parts so they will be there for years once they are established.

Again on the issue of human rights, we could put much more pressure on China if we have a direct relationship with some of the small countries around China. We also can put as much pressure to improve human rights in Vietnam by moving toward closer relationships and diplomatic relations.

I believe I am the first Senator who advocates diplomatic relations with Vietnam. I know I have received some very blistering faxes from certain organizations in this country. I am sure I will receive more after today. However, relations with Vietnam is the way to go and the way to grow, and I say that as a Vietnam veteran. It is time to close a painful chapter and begin a promising future by having normal relations with Vietnam. It is time to work out the problems and take advantage of the trade relationship. It is time to work on human rights, to put China and Japan on notice that we intend to have a presence there, to stop giving up to the French and Japanese businessmen all the trade. Mr. President, it is time for American leadership. It is time to lift the trade embargo. It is time to life the diplomatic embargo. It is time to send a United States Ambassador to Vietnam.

I see my friend from Arizona is waiting to speak.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I rise to discuss the readiness of the U.S. Marine Corps. Before I do, I would like to mention that I paid attention to the Republican leader's statement regarding Vietnam, and I view his statements and opinions with great respect and admiration. It is on the rarest of occasions that there may be some disagreement. I do not think our disagreement is significant, but I would point out that I believe that President Clinton will act in what is in the best interest of the United States of America. He will make that decision receiving information from our military advisers, from our State Department advisers, from his National Security Adviser, including the men and women who have been in the field in Vietnam making heroic efforts to try to ascertain as to whether there are any Americans left alive and also recover the remains of those who died in that activity.

So, I would hope that and I know that Senator DOLE and all other Members will respect the decision even if they disagree when the President makes a very important foreign policy decision. I believe that it is in the interest of the United States of America for us to make progress.

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## GOING HOLLOW: THE RISKS TO THE READINESS OF THE U.S. MARINE CORPS

Mr. McCAIN. Mr. President, in a previous speech, I warned my colleagues that we face a serious risk that we will create hollow forces during the next few years. That speech talked in general terms of problems that affect all of the services. Today, I would like to focus on a specific case: The U.S. Marine Corps.

I am basing my comments on material that the Commandant of the Marine Corps has provided to me in answers to letters I wrote each of the chiefs of the military services, asking for their personal response to a series of questions about the trends in military readiness.

### THE RISK OF A HOLLOW MARINE CORPS

Even a brief summary of General Mundy's answers to my questions raises issues that every Member of Congress must consider before they attempt to cut readiness funds or use them for other purposes.

General Mundy warns us that:

The Marine Corps has not received the additional funds it needs to pay for current operations, expenses that must come out of readiness. It is underfunded by $101 million it needs to compensate for the readiness funds it had to use to pay for humanitarian and peace keeping operations in areas like Bangladesh and Somalia.

It is developing serious backlogs in funding the equipment it needs. The Marine Corps has current combat equipment backlogs that would cost $93 million to cure, and the cost of correcting these backlogs will rise to $165 million in FY 1994.

Marine Corps training is not properly funded. Combat training is underfunded by $7.8 million, and other reductions are taking place in advanced combat training and unit training.

The defense business operating fund [DBOF] is not working and this is hurting Marine Corps readiness. The Marine Corps has only received $115 million of the $230 million in DBOF fiscal year 1993 cash transfers needed to maintain proper readiness.

The Marine Corps has inadequate theater lift. It has reached a critical point in modernizing medium lift, as any member of Congress who has ever ridden in a CH-46 can testify.

The Marine Corps does not have adequate prepositioning. We have not reconstituted the maritime prepositioning force we used in Desert Storm, and we will not rebuild our munitions stocks for several years to come—even if Congress provides all of the money the Marine Corps has requested.

We are only funding Marine Corps real property maintenance at half the rate the corps needs. We are funding it at $250 million per year, versus the $430 million we really need.

Marine Corps reserves are not receiving the readiness funds they need. We are underfunding the readiness of the Marine Corps Reserve by at least $21 million, and are not providing the reserve with proper training, mobilization, and special tours.

We need to raise Marine Corps strength to 177,000 to provide the three combat ready Marine expeditionary forces legislated by Congress, and to provide additional reserves. The end of the cold war has done nothing to reduce the requirements for the corps, but we would have to spend $45 million more a year to achieve this level of readiness.

The Marine Corps has inadequate munitions. It is only meeting its munitions requirements because it has cut these requirements from 60 days to 45 days in recent years, and imposing severe restrictions on the quality and realism of our combat training by limiting the amount of ammunition we use.

We are threatening unit cohesion. We are undermining the morale of the Marine Corps by:

First, keeping OPTEMPO's too high for deployed forces;

Second, increased turbulence;

Third, increased cross decking of Marines between deployed units;

Fourth, depriving personnel of career security and fair pay; and

Fifth, cutting retirement pay without hearings or warning.

We are overextending the length of Marine Corps tours of duty. The deployed times for the average Marine infantry battalion have risen from 43 percent of the year to 57 percent of the year as a result of undermanning and underfunding, and this compares with Navy OP TEMPOs where a sailor receives two days in port for every day deployed on commitments of 8 weeks or more.

*New funding requirements cut combat readiness*. The real purchasing power of Marine Corps O&M funding has dropped by 22 percent—$586 million in constant budget dollars—since fiscal year 1987, but the Marine Corps must now pay $100 million a year in new subsistence costs, $80 million in new environmental costs, and $15 million in new child care and family services.

### THE STRATEGIC COST OF LETTING THE MARINE CORPS GO HOLLOW

These problems in Marine corps readiness are enough to tell us we are going hollow, but it is important to point out that we are going hollow at a time we have done nothing to reduce the demands we make on the Marine Corps.

During the past year, we reduced the manning of the Marine Corps by 9,000 more marines, and yet we increased the number of marines we deploy. We normally deploy about 22,000 marines overseas, away from their home bases and families. They deploy for six months to a year—responding to the most urgent mix of contingencies that emerge out of the 20 or more crises that have been going on in the world every day of every year since the end of World War II.

In the last 3 months, however, we have had 30,000 marines deployed outside the United States. Where we normally deploy about 22 percent of our marines overseas, the end of the cold war has raised this figure to 30 percent. In March, for example, nearly 9,000 marines were embarked in amphibious ships. Some 5,000 were off the coast of Bosnia and Herzegovina, where they remained afloat for nearly 10 months.

Some 2,000 marines were afloat off the coast of Somalia, while another 1,600 were heading home from duty in that country—dropping from a peak deployment of 11,000 6 months ago. Another 10,000 marines were withdrawing from an exercise in Korea to forward bases in the Pacific.

Since the end of the cold war, marines have deployed to Liberia, Mogadishu, Saudi Arabia, Bangladesh, the Philippines, and Northern Iraq. This year they have deployed to Guam, Somalia, Haiti and the Chuck islands, as well as to domestic locations like Los Angeles and south Florida.

If we faced a new crisis in Iraq, South Korea, or any of the other trouble spots in today's world, the marines would be the first to go, and they could not go with the readiness they deserve. The marines might tell still get by. They have shown for several centuries they can work around the readiness problems the Congress imposes on the corps, and they have often sacrificed before. At some point, however, the price would be dead marines. It is not accountants or politicians that pay the cost of hollow forces.

Mr. President, I intend to return to these problems when I discuss the letters and communications I have received from the Chief of Naval Operations and chiefs of other forces. These letters and information raise somewhat different issues but the same specter of going hollow.

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## GATT: FAST-TRACKING AMERICANS TO HIGHER PHARMACEUTICAL PRICES

Mr. PRYOR. Mr. President, yesterday, the U.S. Senate considered fast-track authority for the GATT Agreement. Unfortunately, in its present form, the GATT Agreement and any additional supplemental protection agreements to GATT may do nothing more than put the American public on the fast track for higher prescription medication prices. In particular, I am very concerned about current GATT-related trade activities that may ultimately reduce the ready availability of quality, lower-cost generic prescription medications once the brand name versions of these products go off patent.

In 1984, the U.S. Congress passed important legislation to assure the wider availability of generic drugs in the United States. This law, the Drug Price Competition and Patent Term Restoration Act of 1984, commonly known as Waxman-Hatch, allows generic versions of these drugs to come to market as soon as the patent expires. This law has helped make lower-cost generic drugs available to millions of Americans, and was supposed to save the health care system billions of dollars in drug costs.

In order for this policy to work, there is a special exemption in our laws which allows American-based generic drug manufacturers to obtain these patented drugs and test them before patent expiration in order to meet FDA requirements. Without this special exemption, the generic manufacturer would have to wait until the brand-name patent expired before it could obtain the product, test the product, and get it to market. The result of this was billions more paid by American consumers for monopoly-priced brand name prescription medications.

Because the brand name companies in this country will not sell generic manufacturers the raw materials to test and make the drugs, they have to look overseas for other suppliers. Therefore, the availability of these lower-cost generic medications in this country is directly related to our ability to import the raw materials from our European trading partners, notably Italy, Hungary, and other European countries.

The previous administration had been pressing our foreign trading partners to adopt strong intellectual property protection laws, including those for pharmaceuticals. However, officials in the administration did not make an equally strong pitch for these patent laws to contain the necessary exemption to allow companies in these countries to export pharmaceutical raw materials to the United States. As a result, stronger pharmaceutical patent protection in these countries may ultimately preclude these companies in these countries from doing what they have been doing all along: acting as suppliers for our American-based generic drug industry.

At this point, I have heard from several representatives of the generic drug industry that they are having an increasingly difficult time finding European countries from which they can obtain their raw materials. An enhanced effort on the part of this administration is needed to convince our trading partners to include this special exemption in foreign patent laws. Without this extra effort, these sources of supply may soon dry up completely, leaving the generic manufacturers and the American public holding the bag.

While the current GATT text does contain the option for countries to include this exemption in their patent laws, the United States must do a better job of assuring that these countries recognize the importance of including this exemption in their patent laws. It is one thing to have this option to include this exemption in the GATT; it is quite another to make this a priority for discussion with our trading partners. To date, we have not done that, and it needs to become a priority very quickly.

What will be the impact on the American consumer? Some estimates are that up to 3 to 5 years of additional de facto patent protection could be granted to brandname drugs if generic manufacturers are unable to obtain these materials. One recent estimate was that without this special exemption in the patent laws of our trading partners, it will cost our American citizens $45 billion in increased pharmaceutical costs for more expensive brandname products when generics could have been available.

This could not come at a more opportune time for the brandname pharmaceutical manufacturers in the United States. Over the next 5 years, it is estimated that over $20 billion worth of very expensive, monopoly priced brandname drugs will come off patent. They will, in effect, remain on patent if American generic companies cannot test and make the drugs available at a reduced cost.

Some of these drugs include Tagamet, an antiulcer drug, which has estimated sales in the United States of $640 million; Zantac, the No. 1 selling drug in the world, also used for ulcers, with sales of $1.5 billion in the United States; and Capoten, used to treat high blood pressure, with total sales of $600 million in the United States.

The bottom line is that the very fabric of the Waxman-Hatch law is being threatened right now, and the American public will pay the very expensive billion-dollar price tag. How are we going to hold down the cost of a universal prescription drug program under health care reform without the wide availability of generics? How will we be able to contain the cost of a potential Medicare prescription drug program without generic medications?

Mr. President, I call upon the United States Trade Representative's office to make this issue a priority in discussions with our European trading partners. This is not the first time that I have raised this issue, and it may not be the last. For the record, I would like to submit a letter on this topic that I sent to my good friend, Ambassador Mickey Kantor this past March. He is well aware of my interest and concern with this issue. I look forward to working with him to resolve this very critical health care and public policy issue in a timely and expeditious manner.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
*Washington, DC, March 9, 1993.*

Hon. MICKEY KANTOR,
*U.S. Trade Representative,*
*Washington, DC.*

DEAR MICKEY: I am writing to ask that the Office of the United States Trade Representative (USTR) undertake an expeditious analysis of the impact of various international trade agreements on the pharmaceutical marketplace in the United States. In particular, I am concerned about certain provisions in NAFTA, the Dunkel text in Uruguay Round of GATT, and the European Community's recently-effective Supplemental Protection Certificates.

Certain provisions in these documents may needlessly increase pharmaceutical costs in this country by making it more difficult for lower-cost generic versions of brand-name pharmaceutical products to be marketed. In addition, these agreements may limit the ability of the United States government to adjust the term of protection for a pharmaceutical patent as a mechanism to contain drug costs. Under the guise of harmonization, these agreements could preclude the United States from reducing the term of a pharmaceutical patent if manufacturers increase drug prices excessively.

First, let me address the generic drug issue. The 1984 Drug Price Competition and Patent Term Restoration Act (also known as the Waxman-Hatch Act) was enacted to increase patent exclusivity in certain cases for innovative drug products while allowing for more timely approval of lower-cost generic versions of these drug products. One of the most important elements of that compromise was the development of a special provision [35 U.S.C. 271(e)(1)], which provides an explicit exemption from patent infringement for "uses reasonably related to the development and submission of information under a Federal law which regulates . . . drugs."

The above exemption from patent infringement allows generic companies to import necessary quantities of pharmaceutical ingredients, conduct required clinical tests, submit applications for FDA review, and receive tentative marketing approval for generic versions of the drug during the patent term of the innovator drug. As a result of this exemption, the generic versions of the product can be ready for marketing as soon as the U.S. patent expires on the innovator drug product.

Without this exemption in United States patent law, these preparatory activities would have to take place after patent expiration. This would ultimately result in the delayed availability of lower-cost generic versions of the drug for a period of two to six years, and increase prescription medication costs for millions of Americans.

The pharmaceutical ingredients required for preparation and testing of generic versions of the drug are rarely made available to U.S. generic pharmaceutical manufacturers by U.S. pharmaceutical sources. Therefore, they are often obtained from European and other international pharmaceutical manufacturers. Because of this, the patent laws of European countries have a direct impact on the ability of the U.S. generic drug industry to obtain these active ingredients and conduct the testing required for approval in this country.

Without a specific provision like U.S.C. 271(e) in foreign patent laws, European and other international pharmaceutical manufacturers may be prohibited from supplying these ingredients to United States generic companies as long as the product is still under patent in that country. If this is the case, generic manufacturers would not be able to begin required development and testing until after the patent on the drug expires in the foreign country.

As a consequence, U.S. consumers, federal health care programs, and the health care system in general will be forced to pay monopoly prices for brand-name pharmaceuticals for longer periods of time beyond patent expiration. This could also create a serious problem for millions of older Americans who rely on generic drugs to reduce their medication costs.

The USTR in the previous Administration had been seeking the enactment of strong foreign intellectual property laws, but apparently did not make foreign governments aware of the U.S. policy for prompt post-patent generic approvals. The USTR in this Administration needs to strongly advise our trading partners of the need for a special exemption in foreign patent laws. Without this specific exception, there may be significant delay in the approval of generic drugs in this country.

On the second issue, I am concerned that these international trade agreements may tie our hands in using the pharmaceutical patent as the mechanism to contain drug costs. It is my understanding that the USTR in the previous Administration exerted significant pressure on the Canadian government to abandon their system of compulsory pharmaceutical patent licensing. This system has served the Canadian citizens extremely well in reducing launch prices for new drugs, and containing drug inflation. A recent study concluded that the dismantling of this compulsory licensing system may increase drug expenditures in Canada by $4 billion over the next 10 years. As a matter of policy, we should be sure that the NAFTA or GATT does not preclude the United States from reducing the period of the patent term as an option for containing drug prices.

For example, I understand that a bill which has now been enacted by the Canadian Parliament would increase the effective patent protection for a pharmaceutical product in Canada from a minimum of 7 years to a minimum of 20 years from the date of patent filing. In fact, the Dunkel text for the GATT states that all parties would adhere to a patent system, that provides a patent term of 20 years from the date of filing or 17 years from the date of the grant of the patent. While these agreements may or may not require the United States to change its current 17-year patent system, these agreements may in fact preclude the United States from shortening the pharmaceutical patent term if we chose to do so.

The health care system in the United States can ill-afford any additional patent protection being given to pharmaceutical manufacturers, over and beyond what the current law allows. The overwhelming evidence suggests that pharmaceutical manufacturers use the period of patent protection to sharply increase prices on drugs, far beyond the rate of general inflation Extending the period of patent protection would simply give the pharmaceutical industry an opportunity to monopoly price their products.

Therefore, I ask that the USTR's office determine the impact of any changes that the United States would have to make in our pharmaceutical patent laws under current provisions of NAFTA or the Dunkel text. I also request that the USTR's office make a more concerted effort to insure that foreign patent laws contain language that would allow the United States to import pharmaceutical preparations that are still under patent in other countries for the purpose of required FDA pre-approval testing.

These issues are extremely serious matters which could have long-standing implications for pharmaceutical cost containment strategies in the United States. While the negotiations on these agreements have been underway for many years, it is important that the provisions in these agreements serve the best interests of the American public, and in this case, our health care system. It is for these reasons that I ask your expeditious review of this request, and I look forward to your response.

Sincerely,

DAVID PRYOR,
*Chairman.*

## HOWARD METZENBAUM; A TRUE PUBLIC SERVANT RETIRES

Mr. DASCHLE. Mr. President, during one of his Senate campaigns, Senator METZENBAUM distributed baseballs with the slogan: "I'm a METZ fan." Since my first days in the U.S. Senate, I too, have been a "METZ fan."

Whether I have agreed or disagreed with him, I have always enjoyed watching Senator HOWARD METZENBAUM in his performance as a U.S. Senator, and he has always had my respect and admiration.

For 17 years, Senator METZENBAUM has graced this Chamber with his intelligence, his conscience, and his courage. For those 17 years, he fought tenaciously and passionately for the causes in which he believed, and woe unto those who stood in his way. The U.S. Senate knew no fury like a HOWARD METZENBAUM in the pursuit of a cause.

HOWARD'S strength in pursuit of his beliefs has earned him not just praise; it has often brought him fierce criticism as well. But HOWARD METZENBAUM has never wavered or bent.

Indeed, many of his fights on behalf of American consumers, American workers, the elderly and the young, and middle- and low-income Americans are well known. Some are legendary.

His fights against special interests, Government waste, and loopholes for the wealthy were always powerful and persuasive. Most were successful.

This man who worked his way through college by selling Fuller brushes had successful careers in business and in the practice of labor law. This would have been enough to satisfy most people, but not HOWARD METZENBAUM.

He was determined to have a successful career as a public servant. After some spirited tussles with a well-known astronaut, he made it to the U.S. Senate, and another remarkable career was underway.

Now, as he said when he announced his decision not to seek reelection, he wants to begin another phase of his life. The U.S. Senate and the American people lose an outstanding public servant with the retirement of HOWARD METZENBAUM from this Chamber. But, as he also said on announcing his retirement, he was taking this action because he wanted to spend more time with his wife Shirley, his daughters, and grandchildren.

Therefore, I can say that what is the Senate's loss is his family's gain, and that, once again, Senator METZENBAUM has taken a stand that I respect and admire. As always, I remain a "METZ fan."

## RETIREMENT OF SENATOR HOWARD M. METZENBAUM

Mr. BRADLEY. Mr. President, I rise today to pay tribute to my esteemed colleague, Senator HOWARD METZENBAUM, as he announces his retirement from the U.S. Senate.

Mr. President, Senator METZENBAUM will be sorely missed in this body. Since 1974, he has been an institutional safeguard against waste, abuse, and the influence of special interests. He has done his best to keep the processes of the Senate honest, and because of his vigilance, has had a strong and positive influence on the way the Senate conducts its business. It will be terribly difficult to replace him.

As Senator METZENBAUM himself has said, he has won his share of battles and fought his share of lost causes. But even in these losses, Mr. President, this body and the country often gained. His tireless efforts on behalf of the disempowered and the disenfranchised have made an enormous difference, not only to these groups, but to the social fabric of America.

Senator METZENBAUM has always fought for working families. In his role as chair of the Subcommittee on Labor of the Labor and Human Resources Committee, he has championed many bills to ensure that all workers receive the fair and equitable treatment they deserve. Whether it was union members on strike, families devastated by a plant closing, or whistleblowers trying to do the right thing, I think it's safe to say that they all felt a little better knowing that HOWARD METZENBAUM was fighting for their rights in the Senate.

Senator METZENBAUM has been a champion of civil rights since he came to this body. And he has consistently been at the forefront of the battle to protect the rights of women to make their own reproductive choices. No matter how hard the struggle was, or how pitched the battles got, you could always be sure that HOWARD would be out front leading the charge.

It was also Senator METZENBAUM who fought to keep taxpayers in this country from paying too heavy a price for the savings and loan bailout. In fact, Mr. President, the taxpayers of this country have been well served in countless ways by having Senator METZENBAUM serving them in this body.

In closing, Mr. President, let me just say that I know that Senator METZENBAUM made the right choice for himself and his family. But I despair for the Senate and the country when he leaves this body. The role he plays in this body is a crucial one; he will be sorely missed.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The majority leader.

## SUPPLEMENTAL APPROPRIATIONS ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2118 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 30, 1993.)

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report on H.R. 2118, the supplemental appropriations bill, be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The conference report was agreed to.

Mr. BYRD. Mr. President, this conference agreement represents a fair compromise between the bills passed by each House. The conference report as reported contains domestic discretionary items totaling a net increase in budget authority of $302,992,538 and, as a consequence of rescissions and transfers more than offsetting new spending, outlay savings of $40,647,000.

For mandatory items, the conference agreement includes $515 million, of which $475 million provides supplemental funds for veterans' compensation and pension payments. In addition, $30 million is provided for vaccine injury compensation program and $10 million is for a payment to the Social Security trust fund.

In discretionary items within the jurisdiction of the Defense Subcommittee, which the Senate had insisted also be offset, the conference agreement provides that 75 percent or all but $326,076,000 in budget authority will be offset.

Mr. President, the conference agreement includes several items that the President has requested as part of his program to stimulate the economy. This agreement includes a total of $220 million for the Summer Youth Employment Program. The conferees also included $6 million for the Community Services Employment for Older Americans Program. The conference agreement also includes $341 million for the Pell grant shortfall.

Another item that was very important to both bodies is the Small Business Administration 7(a) loan guarantee program. The conference agreement reflects the Senate total of $175 million additional for this program. This appropriation will provide for a loan guarantee program level of $3,199,269,000 for the balance of the fiscal year. This important loan guarantee program has been without the ability to approve loans since late April of this year because the existing authority had been exhausted. These much needed funds will allow small businesses to continue to grow and create jobs to further the economic recovery.

Another item that was not a matter of conference because it was included in both the House and Senate bills, but is nevertheless an important element of this package is the appropriations for the Judiciary. The bill includes $5.5 million in fees for jurors and $55 million for defender services to indigent defendants.

Mr. President, the conference agreement also contains $150 million for competitive discretionary grants to hire additional sworn police officers. The Senate bill contained $200 million and also allowed 25 percent of the funds to be used for local community policing programs. The competitive grants provided for by the conferees will be made to those communities, regardless of size or locality, most in need of law enforcement personnel.

The conference agreement contains $45 million for Amtrak, including $25 million for capital improvements. These capital funds will avoid further furloughs at rail car maintenance and overhaul facilities, as well as, be used to purchase additional rolling stock.

In the agriculture area the agreement includes several important items, including $35.5 million appropriation for rural water and sewer loans, which will permit a loan level increase of $250 million. It also includes $35 million for grants to rural areas for water and waste disposal projects.

Finally, Mr. President, the conferees have included provisions in both the agriculture chapter and the VA-HUD chapter on disaster assistance that were contained in the Senate passed bill. These measures provided transfers for the unmet needs of the victims of Hurricanes Andrew and Iniki. Language was also included in the agriculture section that will provide for more recent agricultural disasters in various parts of the United States.

Mr. President, in the defense chapter $750 million is included for the costs of Operation Restore Hope in Somalia; $100 million is for the costs of Operations Southern Watch and Provide Comfort in Iraq; $295 million for the medical care program for military personnel and their families; $71 million to repair flood damage at Marine Corps installations in California; $10 million to establish the National Security Education Trust Fund; and $23 million to continue humanitarian assistance efforts aiding the Kurdish refugees in northern Iraq, as provided in the Senate version of the bill.

In the summer of 1991 the United States undertook a relief effort, Operation Provide Comfort, which has saved the lives of thousands of panic-stricken and starving Kurdish refugees who had been driven from their homes into the Turkish mountains by the brutal attacks of Saddam Hussein's forces. These additional funds are needed to establish a food, fuel, clothing, and medical program sufficient to carry that population into the winter of 1993.

Mr. President, to partially offset the appropriation of $1,299,583,000 in budget authority in the Defense Subcommittee's chapter the conferees have agreed to rescissions totaling $973,507,000 in defense items for a net $326,076,000 appropriation that is not offset.

Mr. President, before concluding my remarks on this conference report I want to thank the members of the Appropriations Committee, on both sides of the aisle, for their cooperation and support in reaching this agreement. Each member worked hard and had to give some to reach this conclusion.

I also want to acknowledge our colleagues in the other body, led to conference for the first time as chairman by Representative NATCHER. Chairman NATCHER has served in the House for nearly 40 years and earlier this week cast his 18,000 roll call vote in that body. He and his colleagues represented their position well and helped us to achieve a real compromise that fairly represents the positions of both Houses, and meets the needs of the country.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the pending conference report to accompany H.R. 2118, the fiscal year 1993 supplemental appropriations bill. I hope the Senate will expedite passage of this bill.

It has been months since the Congress began considering fiscal year 1993 supplemental bills. It has been a long process, and I commend the distinguished Appropriations Committee chairman for his commitment to complete a bill that meets necessary supplemental requirements, and remains within the overall caps on discretionary spending for defense, international affairs, and domestic programs for fiscal year 1993.

This bill contains many important items, but there are three. I would briefly like to address.

First, I thank the conferees for approving the substance of an amendment I cosponsored with Senator BUMPERS, the chairman of the Senate Small Business Committee, to provide the Small Business Administration with an additional $175 million in funding for loan guarantees.

Based upon the latest estimates, this will provide approximately $3.2 billion in loans for the remainder of the current fiscal year.

The loan program has been out of funds since the end of April, and the appropriation will allow SBA to process applications filed since that time and meet the increased demand for SBA loans.

The small business community is the most dynamic part of our economy, and it is vital that we provide the resources necessary for this job creation program.

Based upon estimates provided to the Small Business Committee by Price Waterhouse, this supplemental funding could lead to an increase of between 1,400 and 1,500 jobs over the next 4 years in the State of New Mexico alone.

I would also like to thank the conferees, and especially Chairman BYRD, Chairman HARKIN, and their capable staffs for assisting me and several of my colleagues with an amendment to provide an additional $6 million to the Public Health Service agencies to combat the mysterious respiratory illness that has suddenly affected the Four Corners area of the Southwest.

My colleagues have heard of this mysterious illness that begins with flu-like symptoms, but becomes an acute respiratory illness that can kill within a matter of hours.

To date, this illness has stricken 38 people in the Four Corners area in New Mexico, Arizona, Utah, and Colorado. There have been 21 known deaths from this disease, a terrible tragedy that needs quick action.

There has been a tremendous degree of cooperation and coordination among the Federal agencies, the State of New Mexico, and the Navajo Tribe, which has allowed an aggressive response to this mystery illness.

It is my hope that the additional $6 million approved in the bill will expedite the determination of the cause of this disease, how to treat it, and how to prevent further cases.

I greatly appreciate the cooperation of the committee in this matter, and I am pleased to note that these funds will assist the Centers for Disease Control, the Indian Health Service, the affected States, and the Navajo Nation combat this serious disease.

Finally, I would like to thank the Appropriations Committees and the Authorizing Committees of both the Senate and the House for their assistance in the adoption of my amendment to extend for 1 year the time available to the National Park Service to acquire additional tracts of land associated with the Petroglyphs National Monument near Albuquerque, NM.

I especially want to thank my colleagues in the House, Congressman SKEEN and Congressman SCHIFF, and their staffs, for their assistance in achieving final approval of this amendment.

Mr. President, I urge the adoption of the conference report.

### FOUR CORNERS MYSTERY DISEASE—HANTAVIRUS ASSOCIATION WITH ADULT RESPIRATORY DISTRESS SYNDROME [HAARDS]

Mr. DOMENICI. Mr. President, I would like to thank the conferees for accepting my amendment to provide sufficient resources in the amount of $6 million to the Centers for Disease Control, the Indian Health Service of the Public Health Service, the Navajo Tribe, and the State of New Mexico Health Department. The cooperation they have shown in identifying what has come to be known as HAARDS—hantavirus association with adult respiratory distress syndrome—is nothing less than spectacular. The lessons learned in identifying the Legionnaires disease were well applied to HAARDS.

I am also grateful to the Senate cosponsors of my amendment, Senators McCAIN, BINGAMAN, DECONCINI, CAMPBELL, and INOUYE. Their support was unwavering and essential to Senate passage. My colleagues should also be aware that these funds will be provided until spent in order to maximize their usefulness as more information becomes known about treatment and prevention of HAARDS.

For those who are still worried about travel to the Four Corners area, I would once again affirm the safety of such a decision. This disease is not contagious and close contact with the deer mouse seems to be a necessary precondition to exposure to HAARDS. I would again affirm that this disease is not a Navajo disease. It strikes in an apparent random and more than half of the deaths are among non-Navajos. The initial identification with the Navajo Tribe is due to the geography of the disease rather than association with Navajo people.

Because of the numerous Navajo deaths and public association of HAARDS with the Navajo area, President Peterson Zah of the Navajo Nation came to Washington, DC to seek necessary assistance for the continuing medical and scientific campaign against the Four Corners mystery disease. He personally asked me to help the Navajo Nation meet their emergency costs incurred in their response to this deadly disease. As a result of that meeting, I decided to sponsor an amendment to the supplemental appropriations bill to add $6 million to cover the current and projected costs of this public health emergency. This amendment will meet the current and projected costs of the key investigators and medical personnel of the Centers for Disease Control, the Indian Health Service, State health departments, and the Navajo Nation.

As of today, there are 21 known deaths and 38 suspected cases of HAARDS in the Four Corners area. The four primary States affected are New Mexico, Arizona, Colorado, and Utah. Indians, Anglos, and one Hispanic have been stricken, seemingly at random.

Often the victims are young. Their lungs fill with fluids and the bloodstream is deprived of oxygen. Death can and has occurred in a matter of hours due to respiratory failure. Symptoms are flu-like muscle aches, fevers, and coughs. Severe respiratory distress follows quickly.

Joseph McDade who identified the deadly Legionnaire's disease of 1976, Legionella mcdadeii (the bacterium was named in his honor), is on the case in New Mexico. There are a total of 16 investigators from the Centers for Disease Control in Atlanta and other cities now stationed in New Mexico.

McDade says there are an estimated 50,000 cases a year of unexplained adult respiratory distress syndrome in the United States. Whatever is causing the Four Corners illnesses could also be responsible for similar respiratory illnesses.

The most likely causal agent is a hantavirus. This virus is spread to people in Asia through inhalation of infected rodents' urine, droppings or saliva. One problem now unanswered is how one person in a household could contract the disease while others breathing the same air do not.

The actual hantavirus has now been found in the tissue of two victims. An antibody to the hantavirus has been found in several victims' bodies.

The hantavirus has also been found in the deer mouse in the Four Corners area. The deer mouse is a common field mouse that is one of about seven species of mice in the Four Corners area.

The CDC is performing polymerase chain reaction tests in hopes of finding the genetic fingerprints to hantavirus in the victims

The connection between the presence of the hantavirus in the deer mouse and the random infections has yet to be definitely established. The scientific and medical researchers have reduced a lot of fear and anxiety by announcing their preliminary findings about the hantavirus.

The known hantaviruses cause kidney complications in humans. There is no known hantavirus that causes lung problems—this could be the first. Dr. Norton Kalishman, chief medical officer for the New Mexico Department of Health has stressed the "smoking gun" evidence of the presence of antibodies to the hantavirus. The particular antibodies are highly selective lock-and-key molecules that are associated with three known hantaviruses. Six victims have tested positive for the presence of the hantavirus antibodies.

Ribavirin, a controlled antiviral medicine, is now available in the Four Corners area. It is known to be effective in reducing the mortality rate for patients who receive the drug within a few days of becoming infected.

In a recent development, Dr. Shyh-Ching-Lo, a molecular biologist at the Armed Forces Institute of Pathology is now analyzing tissue samples from victims of the Four Corners disease for the presence of a virus-like bacterium called mycoplasma. Six U.S. military personnel were killed by mycoplasma fermentans—a very similar respiratory disease syndrome.

The search for a definite cause is not over. A lot of excellent medical and scientific research is ongoing. Public information campaigns are being run. Rodent field tests are being conducted. Tissue samples are being analyzed. A hot line for public inquiries has been established in the Four Corners area.

The cooperation between Navajo Indian medicine men, the Indian Health Service, the New Mexico Department of Health, and the Center for Disease Control has been terrific. It was several months before this much progress was made in identifying the bacterium in the Legionnaire's disease situation.

### SUPPLEMENTAL FUNDS TO MEET NECESSARY COSTS

Health and Human Services Secretary Shalala has estimated that the costs for the current outbreak of acute respiratory failure will total $6 million. This estimate is based on current and projected expenses for meeting the demands of the several agencies and departments cooperating to positively identify and treat victims of the Four Corners mystery disease.

These funds are necessary to carry out the provisions of section 319(a) of the Public Health Service Act with respect to the current public health situation. No one yet knows the full costs of this disease, but we are confident that $6 million will be sufficient to carry all Federal, tribal, and State efforts through at least the end of the current fiscal year. These funds will remain available until expended.

This $6 million allocation, according to our latest estimates, will be distributed as follows:

[In millions of dollars]

| | |
|---|---|
| Centers for Disease Control and Prevention: | |
| Federal activities | 2.6 |

| | |
|---|---|
| State activities | 1.0 |
| Subtotal | 3.6 |
| Indian Health Service: | |
| Federal activities | 1.3 |
| Tribal costs | 1.1 |
| Subtotal | 2.4 |
| Total HHS | 6.0 |

These amounts shall be available for any activity authorized under the Public Health Service Act in order to respond to the recent outbreak and any future outbreaks of this acute respiratory illness.

Specific activities to be conducted are: The continuation of epidemic investigations and studies; local, State, and National surveillance; identification and characterization of the causative agent or agents; development of recommendations for clinical management of persons infected with this disease; development and application of diagnostic tests; evaluation of the rodent reservoir; development of control and prevention strategies; public and professional education; and direct and contract costs of the Indian Health Service, including costs incurred by the Navajo Nation.

Mr. President, I urge my colleagues to support the fiscal year 1993 supplemental appropriations bill now before the Senate.

Mr. LOTT. Mr. President, for the most part, I am supportive of this conference report on the supplemental appropriations bill. The spending in this bill has been reduced significantly from its original level and much of it is paid for. I do find one particular change the conference committee made very alarming and inappropriate.

By way of background, the original House bill included funding for a new demonstration program, Youth Fair Chance. This program was authorized by title IV of the Jobs Training Partnership Act—Public Law 102-367—passed last September. The Senate made a conscious decision not to fund this program; however, funding for it was reinstated behind the closed doors of conference. In addition to providing funding for the program, the Conference Committee went one step further by making a substantive change to the authorizing legislation. This is not good governing.

Under the original authorization, this new program would only be available for youths from age 14 to 21. The conference committee added language to extend the eligibility to people from age 21 to 30, as well.

I have a difficult time calling 30-year-olds youths. In my opinion, and by almost every standard, youth ends at age 18. A twenty-five year old, who for purposes of this new program is a youth eligible for benefits, is hardly a teenager. Our Constitution allows 25-year-olds to be elected to the U.S. House of Representatives; surely, the framers of this great document did not plan for youths to serve as Members of Congress. Eighteen-year-olds are allowed to vote and fight for their country; yet, under this program they could still be considered youths for 12 more years.

The President has played fast and loose with his budget numbers and the terms he uses to describe things. For instance, taxes have been called contributions and user fees have been deemed spending cuts. Perhaps, now it will be youth for adults. The President promised to reinvent government during his campaign; maybe he really meant to redefine it.

If this program is supposed to be targeted for youth, rather than adults, then it should be so. We simply can't afford to do otherwise.

Furthermore, I am very concerned by the precedent this change sets and the process by which it was adopted. This increase in the eligibility age did not pass the Congress in the authorizing legislation last year; it has not been the subject of hearings; and it has not even been voted on by either the appropriations or the authorizing committees. This is legislation on an Appropriations bill which violates the rules of this Congress.

Moreover, it is my understanding that this violation of congressional rules, customs, and procedures basically resulted from a deal cut to ensure votes for the reconciliation bill. That is a slippery slope to start down, particularly at this point in the process.

While it would be difficult for me or any Senator to change this conference report at this point in the process, I do want the RECORD to reflect my opposition to this increase in the eligibility age for the Youth Fair Chance Program and the method by which it was made. I yield the floor.

Mr. COCHRAN. Mr. President, we will consider the supplemental appropriations conference report later this afternoon when the House completes action. There are important provisions in that Supplemental Appropriations bill which will benefit farmers who have suffered disaster-related losses earlier this year and also will give new authorities to the Secretary of Agriculture to make available benefits for quality losses that were sustained during earlier crop years.

I am very happy we were able to reach an agreement with the House on language that clarifies these benefits and makes available previously appropriated funds for losses that have been sustained this year.

In March I introduced legislation in the Senate that would provide benefits specifically to those farmers in our State of Mississippi who were not able to have crops such as blueberries and peaches covered by crop insurance. These crops were hard hit by freezes in that part of the year. At about the same time in Arizona there were floods, and in other States there have been other weather-related disasters that have adversely affected agriculture in our country.

That is why these provisions in the supplemental appropriations bill will be so helpful. While it will not fully compensate everybody, it will provide some benefit that will assist those involved in agriculture. Through the working of our committee and through cooperation with our House counterparts, we were able to resolve differences between the two bills and include these provisions in the conference report which we will adopt later today.

In the same bill there are funds provided for the Department of Defense for expenses that have been incurred in Somalia, in our monitoring of the no-fly zone in Iraq, and in other efforts that have protected our national security interests and secured our position as the world's leader in military affairs.

In fact, we had hoped to include some additional funds to provide assistance because of a shortfall in the Base Closure Commission account. These are funds that were needed earlier, but now because of a shortfall in appropriations, we need additional funding in the Department of Defense account.

I regret that we were not able to get approval of the Conference Committee for some of those needs. They are very real needs that will have to be made up in the next appropriations cycle in the bill to provide funding for the Department for fiscal year 1994.

As we debated that issue in committee, it occurred to me that Senators would be interested in an article written by our good friend, Frank J. Sullivan, formerly the Staff Director of the Senate Appropriations Committee, on the subject of "People and Equipment, Wear and Tear," the deficit problem and defense spending cuts. This article was published in the Washington Post on Monday, June 21.

Mr. President, he offers a very compelling argument that we too often reach into Defense Department funds to allocate and provide financial assistance to programs and activities that really should be funded in other ways. Rather than taking money from defense and spending it on other things, we should recognize that there are some legitimate items at the Department of Defense that need not only the attention of this Congress, but also the funds that we are denying them in our rush to reduce the size of the military, and cut back defense spending.

In a related hearing today in our Governmental Affairs Committee, we examined problems in the defense finance management area. During this hearing, it occurred to me that we need to provide some additional support to Department of Defense efforts to better control the accounting process and other financial matters of the Department of Defense.

Some progress has been made, particularly under the recent leadership of Sean O'Keefe who was at the Office of the Secretary of Defense and then later acting as Secretary of the Navy. But that momentum seems to have been lost. We need to assert a new sense of dedication and commitment in the Congress to ensure that we do a better job of financial management at the Department of Defense.

Frank Sullivan's article, I think, is instructive and should be must reading for all Senators. I ask unanimous consent, Mr. President, that a copy of Mr. Sullivan's article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1993]

(By Frank J. Sullivan)

PEOPLE AND EQUIPMENT, WEAR AND TEAR

In recent years, defense spending has been cut about 30 percent in real terms, and more real cuts of 5 percent to 10 percent per year can be forecast through 1997. Some 1.2 million defense related jobs have already been cut, with another million or so more planned. No tanks, only three warships and 92 combat aircraft are budgeted for procurement next year—far below replacement needs. Military formations—divisions, ships, air squadrons—are being rapidly reduced. Military bases are being closed in record numbers, and defense industry layoffs and cutbacks continue apace.

A major dismantling of the Cold War American military establishment is well underway. It is time to stop and take a look at what will be left and whether it is adequate for future needs.

There are several compelling reasons to declare a temporary moratorium on further cutbacks in American military spending.

We should keep enough of the right stuff to help ensure America's role as superpower in a very unsettled world. Such order and stability as resulted from the alliances created by the U.S.-Soviet confrontation have not been replaced by a new kind of order, and the list of trouble spots is long—Iraq, Bosnia, North Korea, Somalia and Guatemala, to name a few. The troubles run the gamut from nuclear weapons to humanitarian relief. While U.S. forces may not be used in most cases, military power is one aspect of American world leadership and helps create other nonmilitary options.

We have not reduced the calls on our military forces to help out around the world. Iraq, Somalia and the Adriatic (Bosnia) all have required significant and rapid commitments of U.S. military personnel and equipment that endure for months and even years. With shrinking numbers, those that are left must operate at higher tempo—putting more wear and tear on people and equipment. The recent warnings on recruiting and readiness may mean we are beginning to use up the force.

We do not have a consensus on a military strategy for the future. That means we don't have firm criteria for setting new priorities within a smaller defense budget. Both the threat and the overseas land bases to support our forces have changed. The types and proportions of military capabilities that were needed to face massive Soviet tank formations along the inter German border from highly developed bases deep in Europe are different from those needed for ill-defined, smaller actions in unpredictable and poorly developed locations supported largely from the sea. If we continue to cut using Cold War priorities, we may cut the things we need most for the future and keep the things that we need least.

We cannot solve the deficit problem with further defense cuts. The deficit is forecast to grow to more than $350 billion within five years, while total defense spending declines to $250 billion. A temporary hiatus in future defense cuts would have only a marginal impact on the deficit. We should not risk major damage to American security and leadership in the name of minor changes to the bleak deficit picture.

More and more of the declining defense budget is being siphoned off for things other than military capability. Aid to the former Soviet Union, converting defense industry to civilian use, environmental cleanup, health care, base closure costs and a growing variety of civilian programs are all being funded out of the defense budget to the tune of billions. There are estimates that a growing 25 percent of the entire DOD budget is outside of the military departments, yet all the combat units are funded by the military departments. The elimination of the "walls" between defense and domestic spending this year by the Budget Enforcement Act of 1991 could accelerate the siphoning of defense funds for non-military purposes. We should impose tougher budget discipline to ensure against backdoor cuts of real American military capability.

Real savings in overhead and infrastructure are lagging behind cuts in forces. It takes more time to reorganize support functions, realign and close bases, release civilian and military personnel, and restructure industry than it does to stop operating ships, tanks, and aircraft. It will take several more years to fully translate the budget cuts of the last few years into savings of overhead and infrastructure. In the meantime, there is a likelihood that military capability will pay a disproportionate and unintended part of the bill. We should take time to ensure that proper support and overhead reductions are in fact being made before piling more cuts on military capability.

This is not to argue that there should be no future cuts in defense spending. It is to say that we should take a time out—freeze defense purchasing power for a year or so—until we clearly know where we stand and there is a consensus on where to go. American security, leadership and prestige depend on it.

Mr. STEVENS. Mr. President, the conference report before the Senate makes available urgently needed funds for several Government agencies, but most important in my mind for the Department of Defense.

One and one-third billion dollars in funds are appropriated to Defense in this bill to address costs that were not anticipated when the Congress passed the Defense appropriations bill in October. Specifically, funds are provided for Operation Restore Hope in Somalia, Operation Southern Watch in Iraq, to meet shortfalls in the CHAMPUS Medical Insurance Program and for disaster relief at Marine Corps bases in California.

Approximately 80 percent of these new appropriations are offset by rescissions of available Defense appropriations. Despite the fact that the Defense bill was more than $2 billion below its 602(b) allocated in outlays, we fulfilled Chairman BYRD's request to offset the maximum possible amount in the Defense chapter, despite the House bill containing no offsets for the urgent defense requirements.

One additional adjustment adopted in conference was to modify the level of transfer authority available to the Department of Defense. Despite the passage of this bill, the committees have pending the Department's omnibus reprogramming request, for $1.7 billion in 1993 alone. That request exceeds the general transfer authority provided for fiscal year 1993 of $1.5 billion. After a review of the items identified in that request, most fall in the category of personnel and operation and maintenance [O&M] needs. while the committee has not yet responded to the Department's request, this vehicle provided the only means to increase the available transfer authority to enable the Armed Services and Appropriations Committees to fully consider the Department's requirements.

Underpinning this increase in transfer authority is a letter received by the committee on June 24 from Deputy Secretary Perry. His letter identifies $2.533 billion in emergent 1993 must-pay O&M and personnel requirements. I ask unanimous consent that Deputy Secretary's letter be printed in the RECORD following my remarks. I joined Senator INOUYE in proposing this increase in transfer authority to the conference to meet these specified Defense readiness shortfalls, as outlined in the omnibus reprogramming request and in Deputy Secretary Perry's letter.

Mr. President, I wish to thank the chairman of the Defense Subcommittee, Senator INOUYE, for his consideration and assistance during our work on this bill. Our goal remains to provide Secretary Aspin and General Powell with the resources they need to maintain the readiness of U.S. forces, and an acceptable quality of life for our military personnel and their families.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
*Washington, DC, June 24, 1993.*

Hon. DANIEL K. INOUYE,
*Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: With Senate passage of the FY 1993 supplemental bill, we in the Department of Defense now look forward to an expeditious and successful conference result.

In that regard, I want to stress that the supplemental covers only some of the FY

1993 funding requirements that have emerged in recent months. Attached is a list of those requirements, the first four being the major ones partially financed by the supplemental. As can be seen, many of these are related to the force reductions and new contingencies of this post-Cold War era, which could not have been predicted accurately. For example, more people than expected took advantage of separation incentives (VSI/SSB), as we have accelerated the manpower drawdown.

Failure to fund increased FY 1993 requirements will cause major and wholly avoidable damage to the readiness, quality, and morale of America's armed forces. The greatest burden will fall on O&M accounts, where shortfalls will mandate drastic cutbacks in training, flying hours, and other essentials for readiness. Starving O&M accounts is precisely what propelled the descent to a "hollow" force posture in the late 1970s. And budget shortfalls now would hit just when U.S. forces are especially vulnerable because of the steep defense reductions made over the past several years and the turmoil of our ongoing drawdown.

With respect to how the conference resolves the funding issue, the Department identified its preferred offsets in its earlier Somalia reprogramming request. Those sources reflect spending that we could forego with least likely damage to U.S. forces. The Administration supports the defense increases contained in both the House and Senate bills, which recognize the reality of our defense problems. Legislative action is urgently required to ease some of those problems. At the same time, the Administration recognizes the need to work toward offsetting as much of these costs as possible without doing damage to critical defense programs. We in the Administration look forward to working with the committees to address this funding issue.

America will continue to spend many billions of dollars less on defense than we envisioned just a few years ago. But we must draw down at a pace and in a manner that does not devastate America's armed forces.

The very operations that constitute much of our FY 1993 unfunded requirements are testimony to the reality that our nation will continue to need top quality military forces, even as the size of the force is reduced. Therefore, it remains critical that the Congress and Department of Defense work together to fund the requirements for preserving such forces.

I look forward to working with you and your colleagues to reach a conference result on the FY 1993 supplemental that meets our urgent requirements.

Sincerely,

WILLIAM J. PERRY.

Attachment.

The following table identifies the unbudgeted costs being incurred in fiscal year 1993 in the operating accounts:

| | |
|---|---|
| Somalia | 820 |
| Southern Watch | 183 |
| Medical shortfall | 295 |
| Storm damage at Camp Pendleton/Bayonne, NJ | 79 |
| Other contingency operations | 98 |
| Military and civilian separation incentives | 392 |
| European drawdown/equipment repair | 285 |
| Unemployment compensation/health benefits | 54 |
| Depot level reparables and subsistence costs | 153 |
| Humanitarian assistance | 31 |
| Army transportation costs | 77 |
| POW/MIA expansion | 11 |
| Army and Navy inactivation and repair | 103 |
| Other emergent requirements | 55 |
| Total | 2,533 |

Mr. INOUYE. Mr. President, I rise today to address matters under the jurisdiction of the Defense Subcommittee in the conference agreement on H.R. 2118, the fiscal year 1993 Supplemental Appropriations Act.

The conferees agreed to provide $1.299 billion for Defense programs. These funds are to cover costs of peacekeeping in Somalia and Southern Iraq, cleanup flood damage at military bases in southern California, provide additional Kurdish assistance, and cover a shortfall in Defense health program funding.

To offset these costs, the conferees agreed to rescind funds identified by the Defense Department to cover the costs of peacekeeping in Somalia as well as additional funds recommended by the Congress. The total rescissions included in the conference report are $973.5 million. My colleagues should understand that the Defense Department only offered $750 million in offsets. DOD did not provide offsets to pay for nearly $300 million in health care costs nor $100 million for Southern Watch operations. The conference agreement was unable to identify acceptable offsets for Defense health and for $26 million of Southern Watch costs. The committee considered increasing funds for international peacekeeping, but took no action on this issue.

In other matters, the conferees agreed to increase DOD transfer authority by $500 million. The DOD has identified a shortfall in critical readiness funds of $3.2 billion. Of this amount, the supplemental provides $1.2 billion. DOD will need to reprogram for the remaining $2 billion in additional costs. The increase in transfer authority will provide for a total of $2 billion in transfer authority to allow DOD to address its critical Defense readiness needs.

Mr. President, the conference agreement worked out is an acceptable compromise between the two bodies. It will solve some critical shortfalls in DOD today and provide sufficient flexibility for DOD to cover its additional costs. I recommend its adoption.

Mr. McCAIN. Mr. President, I wanted to once again state my strong support for the provisions of H.R. 2118, the fiscal year 1993 Supplemental Appropriations Act, that relate to the issue of indemnification for purchasers of closed military facilities from hazardous waste liability. This is a very important issue to me and I am pleased that Congress has acted to resolve this matter.

Previously, I spoke on this issue upon Senate passage of the Appropriations Act. At that time, I intended to include copies of correspondence between myself and Department of Defense on this issue and letters of support for this provision from the National Association of Counties, the National Association of Installation Developers and the National League of Cities. Inadvertently, these letters were not included in the CONGRESSIONAL RECORD. I ask that they be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, November 5, 1992.*

Hon. RICHARD B. CHENEY,
*Secretary of Defense, The Pentagon, Washington, DC.*

DEAR DICK: As you know, I have been intensely interested in ensuring that receivers of closed base property are protected and indemnified against fines, actions or judgments arising from pollution caused by defense activities.

Both the Defense Appropriations bill (PL 102-396) and the Defense Reauthorization Act (PL 102-484) contain indemnification language. I would like to obtain confirmation from the Defense Department that (PL 102-484) will be the effective statute since it was enacted subsequent to the Appropriations bill.

It's important that the Department confirm the effective statute because PL 102-484 extends more significant protection to receivers of closed base property than the alternative.

Thanks for your attention to this matter. With warmest regards and deep appreciation, I remain

Sincerely,

JOHN McCAIN,
*U.S. Senator.*

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ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, February 3, 1993.*

Hon. JOHN McCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR McCAIN: This is in reply to your letter of November 5, 1992, to Secretary Cheney, requesting confirmation that the Department will apply those provisions of the 1993 Authorization Act, as opposed to those of the 1993 Appropriations Act, which require the Department to indemnify certain transferees of DoD real property.

We share your concern about the proper application of these two Acts, and assure you that the indemnification directed by the Authorization Act will be factored into the Department's program to transfer real property when installations are closed. The Appropriations Act provisions, however, will also have to be made part of the Department's real property disposal process because a transfer could trigger the provisions in both Acts.

While it is impossible to describe the precise operation of these provisions at this point, the Department intends to read each reasonably and, where possible, apply both to a proposed transaction. This approach is the only one available to the Department that not only gives full expression to Congressional enactments but also protects the Federal treasury against unanticipated risks.

Quite frankly, the Department did not support either Act, largely because of the dramatic impact both may have on the Department's liability. The Department does not hesitate to shoulder its responsibility for cleaning up contamination. However, both Acts appear to go much further, perhaps effectively eliminating such legitimate limitations on the Department's liability as defenses under the Tort Claims Act and other defenses. This wholesale shift of all risks to the Department may, unfortunately, delay the transfer of base closure properties until the Department can adequately assess its risks with regard to those properties.

Sincerely,

DAVID J. BERTEAU,
*Principal Deputy.*

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U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, May 13, 1993.*

Hon. LES ASPIN,
*Secretary of Defense, The Pentagon, Washington, DC.*

DEAR MR. SECRETARY: The potential environmental liabilities associated with property transfers and interim reuse of military installations scheduled for closures, continue to be an unresolved problem. States, local communities and other transferees are concerned that they may be held responsible for long-term environmental liabilities.

The FY 1993 Authorization Act (PL 102–484) resolved this problem through a provision that required DOD to indemnify transferees from environmental liabilities. The FY 1993 Appropriations Act (PL 102–396) included a similar but conflicting provision. Since PL 102–484, the Authorization Act, was signed last, we assumed the Department of Defense would follow the latter Act. Senator McCain wrote you a letter on this issue in November 1992.

Your Department answered in February 1993. You stated you were trying to comply with both Acts, knowing they were in conflict. You also stated that the Department was against the provisions in both Acts. Thus, the conflict actually favored provisions in both Acts. Thus, the conflict actually favored the Department's opposition to the provisions.

Now, it is approaching eight months, with little action on resolving the issue. The DOD could have chosen the latter Act, notified the Congress, and proceeded with the transfers. Instead the Department chose to slow the transfer process by reviewing all transfers at the Secretary of Defense level and exploring alternatives that avoid the intent of both provisions.

As we approach another season of budget and legislation activity, we request the DOD prepare recommended corrective language and present it to the responsible Committees. We favor legislation that would simply rescind the Appropriations provision. The first legislative vehicle could be the FY 1993 DOD Supplemental. If not, the next possibility will be the authorization bills. We urge you to prepare your input in a timely fashion.

Thanks for your attention to this matter.

Sincerely,

JOHN GLENN,
*Chairman, Subcommittee on Military Readiness and Defense Infrastructure.*
JOHN MCCAIN,
*Ranking Minority Member, Subcommittee on Military Readiness and Defense Infrastructure.*

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NATIONAL ASSOCIATION
OF INSTALLATION DEVELOPERS,
*Washington, DC.*

Hon. JOHN MCCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: The National Association of Installation Developers represents nearly 150 community activities—such as the Williams Redevelopment Partnership—involved in the civilian reuse and conversion of former military bases.

Following the 1988 and 1991 base closures, the impacted local communities were assured that the closures would be handled with sensitivity by the military departments and that early civilian reuse and recovery would be encouraged by DoD. Within the next two weeks, another new round of closure candidates will be announced by the Base Closure & Realignment Commission.

As a result of the 1993 Defense Appropriations Bill, DoD has required that every interim use lease to communities be approved personally by the Deputy Secretary of Defense, thereby grinding to a halt the interim use of new civilian job potential at the bases scheduled for closure. DoD evidently does not object to the 1993 Defense Authorization Bill which imposed a similar environmental indemnification requirement on Defense. The difference in the two bills is that the Appropriations Bill language requires DoD to indemnity environmental damage caused by community lessees. Any such possible lessee damage should logically be a community responsibility.

The National Association of Installation Developers encouraged the enactment of the Defense Authorization Bill, and we were later surprised at the enactment of the more restrictive Appropriations Bill. At this point, NAID believes the national interest and the interest of the Defense impacted communities in attracting new civilian jobs would be served by eliminating the 1993 Appropriations Bill language entirely.

NAID therefore applauds your efforts to set aside the 1993 Appropriation Bill language at the earliest opportunity.

Sincerely,

WILLIAM LAUBERNDS,
*President.*

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NATIONAL LEAGUE OF CITIES,
*Washington, DC, June 16, 1993.*

Hon. JOHN MCCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: On behalf of the National League of Cities and the 16,000 cities and towns across the nation we represent, we would like to express our support for your amendment protecting local governments from liability for environmental degradation caused by past Department of Defense activities.

If we are to make a successful transition to a peace time economy and accomplish effective demobilization of a significant portion of our defense establishment, it is essential for the indemnification provision in last year's defense reauthorization bill to be retained and expanded to cover all such converted facilities.

Thank you for your leadership on this critical issue. We urge the Senate to support your efforts.

Sincerely,

DONALD M. FRASER,
*President, Mayor of Minneapolis.*

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NATIONAL ASSOCIATION OF COUNTIES,
*Washington, DC, June 11, 1993.*

Hon. JOHN MCCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: On behalf of counties nationwide that are struggling to adjust to military base closures, the National Association of Counties (NACo) applauds your efforts to protect local governments and private citizens from liability for environmental harm caused by the Department of Defense (DOD).

When the first base closure law was passed by Congress in 1988, it was accompanied by a lot of rhetoric about how conversion to civilian uses would create new economic opportunities for defense-dependent communities. Five years later, however, the number of successful conversions can be counted on one hand, and most communities still do not have conversion plans in place.

One of the greatest obstacles confounding base reuse is the risk of liability if environmental contamination is found on the base after transfer. Under current law, the new owner or developer of the base can be sued for damages if someone is harmed by contamination found on the site after transfer. This risk has made lenders, developers and businesses unwilling to participate in base redevelopment, and has put a chill on the reuse plans of many communities affected by the base closure of 1988 and 1991. The same problem lies in wait for communities that will be affected by the 1993 and 1995 base closure rounds.

To alleviate this problem, Congress must indemnify states, local governments, and private citizens against environmental liability stemming from DOD activities on closed military bases. There is precedent for such a move in the 1991 Defense Appropriations bill which granted indemnification to the State of New Hampshire, its local jurisdictions, and private citizens, from all liability stemming from DOD activities at Pease Air Force Base. NACo is merely asking Congress to extend the Pease language to all closing military based.

NACo strongly supports your amendment to retain the indemnification provision that is in last year's defense reauthorization bill, thereby expanding the indemnification at Pease to all closing military installations, and delete the provision that was included in the defense appropriation bill. By guaranteeing that innocent parties could not be held liable for contamination caused by the Department of Defense, your amendment would open the doors to the long-hoped for investment, redevelopment, and economic growth in base closure communities.

We urge every member of the Senate to support your amendment, not only as a matter of equity, but as one of survival.

Again, thank you for your leadership on this important issue.

Sincerely,

LARRY NAAKE,
*Executive Director.*

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**Mr. MACK. Mr. President, we want to thank the chairman on behalf of the people of Florida for your help after Hurricane Andrew. His leadership has enabled Floridians to begin to rebuild their lives, by providing assistance for rebuilding their homes, schools, and hospitals. They have lights, running water and sewer systems that work. These small, everyday conveniences that we all take for granted are now again part of people's lives in south Florida.**

**Mr. GRAHAM. Mr. President, the damage that occurred in the hurricane zone is in the billions. It is certainly our intention that the federal dollars sent to south Florida are used predominately to assist people in the hurricane zone. I know the people of south Florida will use the money appropriated by this Congress to rebuild these devastated areas in the hurricane zone and**

to return to their normal life styles. Again, Mr. President, we wanted to express our appreciation and thank the chairman for his help and support.

Mr. BYRD. The Senators are entirely welcome. They are correct that it is our intention to have the Federal appropriations be used to assist individuals located in the devastated area.

Mr. LAUTENBERG. Mr. President, I rise to support the supplemental appropriations bill for fiscal year 1993. I am particularly pleased that the conference agreement on this bill saves the taxpayers nearly $1 billion.

As a member of the Senate Appropriations Committee, I worked hard to eliminate $1.2 billion in deficit spending for the Pentagon that was originally included in this bill. The administration did not ask for those funds. The administration said it could pay outstanding bills within existing resources. I am pleased that most of the deficit spending that was originally included in this bill has been eliminated.

The American taxpayer can breathe a sigh of relief. Finally, there is some good news. We saved them nearly $1 billion.

According to the agreement we reached last night during the conference on this bill, $973.5 million in new spending that had been provided for the Pentagon will be completely offset by cuts in low priority programs. That's $973.5 million that otherwise would have been added right to the deficit. An additional $326 million in emergency funding is included to pay for military health care and enforcement of the Iraqi no-fly zone.

I would have liked to have saved the entire $1.2 billion. But I think that in saving $973.5 million, we have taken a big step forward in breaking the business as usual atmosphere around here.

Mr. President, in the version of this bill originally approved by the House of Representatives, $1.2 billion in new defense spending was provided to pay for Somalia, enforcing the no-fly zone in Iraq, military health care, and to repair flood damage. The new defense dollars were not requested by the administration, nor were they offset by reductions in funding from the Pentagon's existing budget like other domestic programs.

Rather than adding to the deficit to pay for the costs of the Somalia operation, the Pentagon identified $750 million worth of low-priority programs in its existing budget that it determined could be reprogrammed. Instead of paying for the costs of the Somalia operation by eliminating funding for those programs, however, the House of Representatives added $750 million in new money to the Pentagon budget. It added an additional $466 million in new spending to pay for the other programs.

Like the House version, the Senate version of this supplemental provided the Pentagon with $1.2 billion to pay its bills for the Somalia operation, enforcing the no-fly zone in Iraq, military health care, and to repair flood damage. However, by a vote of 95–0, the Senate voted to completely offset the funds by eliminating $1.2 billion out of the Pentagon's existing budget so the taxpayers would not have to spend an additional dime. The Senate provided $750 million to pay for Somalia. But we eliminated $750 million worth of other programs the Pentagon had indicated were not necessary. We provided funds to pay for enforcing the Iraqi no-fly zone, health care for the military, and flood damage. But we eliminated $200 million in military personnel funds that the Pentagon could not spend as well as $300 million in classified programs to offset those bills.

During Senate consideration of this bill, Senator BYRD and I introduced the amendment to completely offset the $1.2 billion along with Senators SASSER, HATFIELD, INOUYE, STEVENS, BROWN, EXON, KOHL, GRASSLEY, FEINGOLD, GREGG, BUMPERS, and WOFFORD. Our effort to eliminate the $1.2 billion in deficit spending was endorsed by the National Taxpayers Union and the Citizens Against Government Waste.

Our amendment put spending for the Defense Department on equal footing with spending for domestic discretionary programs. All domestic discretionary outlays in the Senate version of the bill were offset. Our amendment made that true for defense spending as well.

Mr. President, I am pleased with the fiscally responsible position we have taken in the final version of this bill. We've come a long way from throwing $1.2 billion at the deficit.

The American people are tired of Congress throwing their money away. We owed it to the American taxpayer to be fiscally responsible and not add to the deficit particularly when, in this instance at least, the Pentagon identified available funds to pay its bills. Congress must scrutinize every spending bill to get the deficit under control. The action we have taken in this bill to save the American taxpayers nearly $1 billion is a good start.

The American people have sent the Congress a message: cut before we spend, and choose priorities. I'm pleased that we have heeded that call and offset the lions share of the money in the bill by rescinding funds from the Pentagon's existing budget.

We've showed some restraint and demonstrated that we are capable of putting the American taxpayers credit card back in its wallet. We should do it more often.

## PROVIDING FOR THE ADJOURNMENT OF THE HOUSE AND ADJOURNMENT OR RECESS OF THE SENATE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 115, the adjournment resolution, now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 115) providing for the adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993, and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution is considered and agreed to.

So the concurrent resolution (H. Con. Res. 115) was deemed agreed to, as follows:

H. CON. RES. 115

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, July 1, 1993, it stand adjourned until noon on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1993, or Friday, July 2, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be no further rollcall votes this evening. The Senate will not be in session tomorrow, as the Independence Day recess will commence at the close of business today.

The Senate will return to session on Tuesday, July 13. There will be a vote on that day, and I will announce later this evening at what time on that day the vote will occur.

So there will be no further votes until Tuesday, July 13. I will announce the precise time of that vote before the Senate concludes its business this evening.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### DISASTER IN THE MIDWEST

Mr. HARKIN. Mr. President, Secretary of Agriculture Mike Espy visited Iowa, Wisconsin, Minnesota, and South Dakota yesterday to see the disasters caused by excess rain and flooding, and met with the President earlier today. Because of President Clinton's great interest in this matter and because of the report that Secretary Espy made to him, the President decided today that he will visit Iowa himself.

This Sunday afternoon, President Clinton will be landing in Moline, IL, driving across the bridge, if it is still there—we hope it is still there—into Davenport to view the tremendous amount of flooding that has taken place in the Quad Cities area. From there he will go to the farm of Don and Elaine Schneckloth in Eldridge, IA, to see what the effects of the unceasing rains have been on our crops in Iowa.

I want to thank the President for his immediate response to the terrible tragedy that is unfolding in the Midwest, and for his great concern. The President announced earlier today he would be working with us to get some legislation prepared to respond to this tragedy in the Midwest.

If a hurricane were to hit, as Hurricane Andrew hit Florida, the devastation it wreaks, since it hits one time, is readily seen by people; they see the damage it has done and we respond as a great nation ought to respond. The tragedy unfolding in the Midwest is like a big hurricane only it did not hit in 1 day, it has hit over several months. We have had more rain in Iowa in the last 8 months than we have had in that period in any of the past 121 years.

So if we think about it in those terms, it is like Hurricane Andrew just hit the Midwest but it did not hit it in 1 day. It was over a 4- or 5-month period of time. Then you get some idea of the dimensions of the tragedy we are facing in Iowa and other States in the upper Midwest.

So I look forward to working with the administration to shape some legislation to make sure we get the kind of help and assistance that farmers, homeowners, and small business people need in Iowa, just the same as we did for the victims of Hurricane Andrew that hit Florida a year or so ago.

Mr. President, I do not mean to, or want to, in any way get in the last word on this issue of politics. I was hoping the final chapter would have been closed regarding the remarks earlier by the minority leader charging that this was a political trip by the Secretary of Agriculture. But I feel constrained to respond to a colloquy that took place here on floor between the minority leader and the senior Senator from South Dakota.

The senior Senator from South Dakota said that he was not invited on the trip. I think the people who are listening ought to pay attention to the choice of words: Invited. No one was invited, Mr. President. We were informed of where the Secretary would be and when he would be there, but not invited. I was not invited, but that did not bother me any. I did not think somebody had to hold my hand and tell me what I had to do and sort of lead me along.

When I contacted the Secretary's office today, the Secretary informed me that every Senator from the affected States and the Congressmen from those affected districts were informed and notified. I read it in the paper. The first time I heard about it, I read it in the paper. But I did not sit back and wait for the invitation. I had my staff call the Secretary on the phone to find out where they were going to be and when they were going to be there. I do know about this complaint about not being invited to go along.

Again, because of the cost consciousness of this administration, because this administration wants to cut Government spending to reduce the deficit, the Secretary of Agriculture and other Cabinet members are not flying around in big huge jets like they did under the Reagan administration and to heck with the cost.

The Secretary of Agriculture took out a very small jet and, as he informed me, there was not room on that plane for every Senator and Congressman from those affected areas. And yet, if you invited people, where do you draw the line? Do you just have Senators but no Congressman? Do you just have one from this State, none from another State?

So the fact that they were considerate enough of the taxpayers' dollars that they took a very small plane out rather than one of these big Air Force jets, I think, speaks a lot about the attitude of this administration in cutting the cost to the taxpayers.

So again, Mr. President, I was on the plane that went out to Iowa. I was not invited to be on the plane. In fact, I was going to take a commercial flight out, but I was on the Appropriations Committee locked in a conference committee until almost 9 o'clock Tuesday night. When I saw that I could not take the last commercial flight to Iowa, I had my staff get hold of the Secretary's office and told them, "I cannot be there unless I go out on your plane." They said, "OK, be at Andrews Air Force Base at 7:30, 7:45 to go out, but we probably will not have a seat for you to come back." I came back commercially.

I guess what I am saying, Mr. President, is I was not invited and no one had to hold my hand, but my farmers were hurting and I wanted to be there. I wanted to be there along with my Governor, who is a Republican, and others to show that this was bipartisan, nonpartisan and that we wanted to do everything we could to make sure we responded to the tragedy that was hitting those farmers.

I think it is a bit disingenuous for any Senator to take this floor and say somehow it was political because he was not invited to go along. The facts speak for themselves. I hope this puts an end to it. I hope we can put the injection of partisanship into this disaster behind us. Let us work together to respond to the tragedy that is unfolding in the upper Midwest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### URGING SYRIAN WITHDRAWAL FROM LEBANON

Mr. RIEGLE. Mr. President, I am now going to call up my resolution with respect to Lebanon. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 111, Senate Concurrent Resolution 28, to express the sense of Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon; that the concurrent resolution be agreed to; that the motion to reconsider be laid upon the table; that the preamble be agreed to; and that once action is concluded on the concurrent resolution that I be recognized for up to 10 minutes to speak regarding the concurrent resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 28) expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from

Lebanon, and for other purposes was considered, and agreed to as follows:

S. CON. RES. 28

Whereas the Governments of Syria and Lebanon have participated in the Middle East peace process and progress has been made in negotiations;

Whereas Syria continues to exert undue influence upon the Government of Lebanon, maintaining between thirty-five thousand and forty thousand soldiers in Lebanon;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the One Hundred Second Congress, Congress called upon Syria to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992 in accordance with the Taif Agreement of 1989, as a prelude to complete withdrawal from Lebanon;

Whereas Syria has pledged publicly and privately to abide by the Taif Agreement;

Whereas the Taif Agreement requires that two years after specific Lebanese political conditions are reached, Syria and Lebanon are to decide on the redeployment of Syrian troops to the gateway of the Bekaa Valley, with actual redeployment occurring shortly thereafter;

Whereas Syria has not begun withdrawing its armed forces to the gateway of the Bekaa Valley despite the fact that more than two years have passed since Lebanon met the political conditions listed in the Taif Agreement;

Whereas Syria's pledge to uphold the Taif Agreement requires it to oppose any action which threatens Lebanese security, independence, or sovereignty;

Whereas there is evidence that armed groups continue to operate in Lebanon with the acquiescence of the Syrian Government;

Whereas the success of the Taif Agreement depends upon the withdrawal of Syrian armed forces to the gateway of the Bekaa Valley without further delay and the disarmament of all armed militias in Lebanon;

Whereas the Government of Syria is currently prohibited by law from receiving United States Government assistance;

Whereas in Senate Concurrent Resolution 129 and House Concurrent Resolution 339 of the One Hundred Second Congress, the Congress urged the Government of Lebanon to hold elections if they can be free and fair, conducted after Syrian withdrawal and without outside interference, and witnessed by international observers;

Whereas truly free and fair elections in Lebanon are not possible in areas of foreign military control;

Whereas the Lebanese elections of September 1992 were held before the withdrawal of foreign armed forces;

Whereas international observer units were not present to monitor the Lebanese elections;

Whereas according to the State Department, there were widespread reports of electoral irregularities; and

Whereas more than half of the Lebanese people refrained from participating in or boycotted the Lebanese elections: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress—

(1) commends the Governments of Syria and Lebanon for their participation in the Middle East peace process and encourages their continued cooperation in efforts to reach a broad settlement of ongoing regional conflicts and disputes;

(2) expresses its support for the sovereignty, political independence, and territorial integrity of Lebanon;

(3) considers the Government of Syria in violation of the Taif Agreement because it had not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter;

(4) strongly urges Syria to withdraw its armed forces to the gateway of the Bekaa Valley without further delay;

(5) calls upon the Governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian armed forces, including military, paramilitary, and security services, from Lebanon;

(6) calls upon the President to consider withholding any potential future United States assistance to the government of Syria, until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(7) urges the Secretary of the Treasury to consider directing the United States executive directors of all international financial institutions, such as the International Monetary Fund and the International Bank for Reconstruction and Development, to vote against all potential future loans or assistance to Syria until Syria withdraws its armed forces to the gateway of the Bekaa Valley;

(8) reaffirms the continued applicability of all prohibitions, restrictions, limitations, and directives that would otherwise apply to Syria;

(9) calls upon the Government of Syria to increase its cooperation with the Government of Lebanon in efforts to disarm nongovernmental armed groups and militias located in Lebanon, especially Hizbollah, in southern Lebanon;

(10) urges the President to consider methods of revitalizing the Taif Agreement and to encourage the negotiation of a firm, negotiated timetable for complete withdrawal of Syrian armed forces from Lebanon, in order to facilitate the restoration of Lebanon's sovereignty, political independence, and territorial integrity; and

(11) concurs with the Department of State that the results of the Lebanese elections do not reflect the full spectrum of the body politic of Lebanon.

Mr. RIEGLE. Mr. President, I thank the Chair.

I ask unanimous consent as well to list as cosponsors, additional cosponsors, Senators HEFLIN, DURENBERGER, LUGAR, and GRAHAM of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, let me further note at the outset that our cosponsor list includes the majority leader, Senator MITCHELL; the minority leader, Senator DOLE; the chairman of the Foreign Relations Committee, Senator PELL; the ranking Republican member, Senator HELMS; as well as Senator MOYNIHAN, Senator BROWN, Senator WALLOP, Senator LEVIN, Senator SHELBY, Senator DURENBERGER, Senator HEFLIN, Senator LUGAR, and Senator GRAHAM of Florida.

I express my appreciation to all those cosponsors.

Mr. President, let me now also indicate, as that list of cosponsors would suggest, that this matter has been cleared on the Republican side. I would now like to make a summary statement with regard to the resolution that we have just passed here.

Mr. President, while Lebanon may seem calm today much of that war-torn country is occupied by some 35,000 to 40,000 Syrian troops. Until these troops are removed Lebanon will never be able to fully assert its political independence or even safeguard its territorial integrity.

The Taif Agreement of 1989 which Syria is a party to, included a requirement that Syria decide how to withdraw troops from Lebanon by September 1992. Regrettably, that date is past and the Syrian decision on withdrawal has never occurred, and it is time to resolve this issue without further delay on the part of the Syrians.

Last month, I submitted this resolution calling upon Syria and Lebanon to agree upon a firm timetable for the complete withdrawal of Syrian Armed Forces from Lebanon.

Since September 1992, the State Department has consistently urged Syria to honor its pledge to abide by Taif and to begin the withdrawal of its troops. I applaud Secretary of State Warren Christopher for adopting this position, and I encourage him in the strongest terms to continue to press Syria to remove its armed forces. Nevertheless, more than 9 months have passed since Syria was to reach this decision on withdrawal. I believe the time has come for Congress to express its profound displeasure at Syria's failure to comply with Taif.

Finally, I would like to express my concern about elections which took place last September in Lebanon. With more than 35,000 Syrian occupiers in the country, Damascus was able to exercise a great deal of influence over the outcome of the Lebanese elections. According to the State Department "there were widespread credible reports of the Syrian Government's involvement and irregularities in the voting and counting of ballots."

As a result, the State Department concluded and this resolution concurs, that the results of the election do not reflect the full spectrum of the body politic of Lebanon.

Mr. President, while our own country has consistently supported the restoration of Lebanese democracy, it is time that the United States step up its commitment to that nation's sovereignty and political independence.

By passing this resolution today, I am very proud that the Senate is taking a stronger stand in expressing itself with a stronger statement in behalf of a free and democratic Lebanon.

At this point, I want to particularly express my gratitude to Senators MITCHELL, DOLE, MOYNIHAN, and BROWN for their efforts on a bipartisan basis in behalf of this resolution. Their cooperation and determination to put the

Senate on record in a bipartisan fashion regarding United States policy toward Lebanon greatly facilitated the submission and today's adoption of this resolution.

Mr. President, the situation on the ground in Lebanon may today seem calm and orderly, especially in light of the anarchy which terrorized that country during the 1970's and 1980's. This, however, is an incorrect impression. As I stand on the floor of the United States Senate today, much of Lebanon is occupied by between 35,000 and 40,000 Syrian troops. Until those troops are removed, Lebanon will never again be able to exert its political independence or safeguard its territorial integrity.

In September and October 1989, members of the Lebanese Parliament met in Taif, Saudi Arabia, to reconstruct their shattered nation. The Taif Agreement of 1989, which forms the basis of a reunited Lebanon, was designed, in part, to begin the process of removing Syrian troops from Lebanon. According to the State Department, Syria has pledged publicly and privately to abide by the Taif Agreement.

Under Taif, 2 years after certain political conditions were met in Lebanon, Syria would decide upon the withdrawal of its armed forces to the gateway of the Bekaa Valley, a specific location specified in that instrument. Those conditions—ratification of a national accord document, the election of a president of the republic, the formation of a national accord government, and the confirmation of political reforms in the constitution—were met in September 1990—starting the 2-year Taif clock ticking. The 2-year clock ran out in September 1992, but the Syrian decision on withdrawal never occurred.

Last month, I introduced a resolution (S. Con. Res. 28), which expresses the grave concern of the Senate concerning this matter. This resolution specifically states that the Congress considers the Government of Syria in violation of Taif because it has not decided, in coordination with the Government of Lebanon, to withdraw its armed forces to the gateway of the Bekaa Valley by September 1992, with actual withdrawal to that point following shortly thereafter. I am pleased to report that, today, the Senate Foreign Relations Committee unanimously voted to support the resolution and reported it to the full Senate for consideration.

Although Taif only addresses a pullback to the gateway of the Bekaa, the political independence and territorial integrity of Lebanon will only truly be revived when Syrian troops and tanks are completely removed from that country. This resolution calls upon the governments of Syria and Lebanon to immediately agree upon a firm timetable for the complete withdrawal of Syrian Armed Forces from Lebanon.

It is true that Syria is not the only nation with armed forces in Lebanon. Israel maintains about 1,500 troops within a small security zone abutting the Israeli border in southern Lebanon. This resolution, however, does not discuss the Israeli Armed Forces which, unlike the Syrian troops, are in a defensive position. Northern Israel is under a perpetual threat of terrorist attack by Hizbollah and other radical groups in southern Lebanon. Israel, furthermore, has no territorial claim on Lebanon and has pledged to remove its small military component once security in northern Israel is ensured. Northern Israeli security would clearly be promoted by the removal of Syrian forces and the disarmament of nongovernmental armed groups and militias in Lebanon. While I hope and trust that Israeli troops will withdraw from Lebanon when conditions permit, I believe that our focus must be on Syria which continues to dominate the Lebanese political process.

Since September 1992, the State Department has consistently urged Syria to honor its pledge to abide by Taif and to begin the withdrawal of its armed forces. I applaud Secretary of State Warren Christopher for adopting this position and encourage him to continue to press Syria to remove its troops. Nevertheless, more than 9 months have passed since Syria was to reach a decision on withdrawal of its armed forces to the gateway of the Bekaa. I believe that the time has come for Congress to express its profound displeasure at Syria's failure to comply the terms of Taif.

Because Syria is one of several nations guilty of sponsoring international terrorism and committing human rights violations, it may not receive direct United States assistance and United States directors of international financial institutions must vote against all loans or credits for Syria. It is not likely that Syria will be removed from those lists of nations any time soon. Still, if Syria eventually becomes eligible for United States aid, I believe that the United States must consider the status of Syrian troops in Lebanon before providing assistance to or voting for loans for Syria.

Finally, I would like to express my concern about the conduct and result of elections which took place last September in Lebanon. Truly free and fair elections in Lebanon are not possible in areas of foreign military control. With more than 35,000 Syrian troops occupying Lebanon and controlling many of the levers of governmental power, Damascus was able to influence the outcome of Lebanese elections. Furthermore, international observer units were not present to monitor the elections. Indeed, according to the State Department, "there were * * * widespread reports of [electoral] irregularities, which might have been obviated had there been foreign observers." The State Department also notes in its annual report on human rights:

> There were credible reports of the Syrian Government's involvement in the formation of candidacy ticket alliances, as well as widespread credible reports of irregularities in the voting and counting of ballots. The electoral rolls were themselves in many instances unreliable because of the destruction of records and the use of forged identification papers.

As a result, State concluded—and this resolution concurs—that the results of the elections "do not reflect the full spectrum of the body politic of Lebanon."

Mr. President, I am pleased that this country has consistently supported the restoration of Lebanese democracy. We must, nevertheless, step up our commitment to that nation's sovereignty and political independence. While I commend the participation of Syria and Lebanon in efforts to reach peace with Israel and I encourage their continued cooperation in this regard, I believe that Lebanon must not be lost in the diplomatic shuffle. By unanimously passing this resolution today, the Senate makes a strong statement in favor of a free and democratic Lebanon.

May I inquire of the Chair? With the unanimous consent earlier on the adoption of the resolution, and now the approval of that and, therefore, the adoption of the resolution, is there a need for this Senator to ask that the vote be reconsidered, or is that an appropriate step at this time?

The PRESIDING OFFICER. It was covered by the original consent agreement.

Mr. RIEGLE. I thank the Chair for that.

Mr. President, there may be other Senators as well that will be inserting statements at this point or at another appropriate point in the RECORD regarding their support of this resolution.

I again want to thank the Senate. I thank my colleagues who have been helpful on this. This is an important statement by the Senate. I hope the citizens of Lebanon take strength from this because we are standing with them in their effort to establish their own independence, again, in the full sense.

Mr. MITCHELL. Mr. President, I rise today in support of Senate Concurrent Resolution 28. This resolution is consistent in intent and spirit with Senate Concurrent Resolution 129, which I sponsored last year and which passed the Senate on this same day in 1992. In this sense, I regret that we are compelled to consider this resolution today, because it reflects continuing frustration over the lack of progress in efforts to further the sovereignty, independence, and territorial integrity of Lebanon.

Last year the Senate took several actions through Senate Concurrent Resolution 129:

It expressed continuing support for the Taif Agreement.

It called on Syria to withdraw its Armed Forces to the gateway of the Bekaa Valley by September 1992, as required under the Taif Agreement and as a prelude to a complete withdrawal from Lebanon.

It urged immediate consideration of possible alternatives to ensuring security in Beirut following the Syrian withdrawal, including the establishment of a United Nations or other multilateral presence in Beirut.

It urged the Government of Lebanon to hold elections if they could be free and fair, conducted after the Syrian withdrawal and without outside interference.

Regrettably, the situation in Lebanon has necessitated the consideration of the resolution before the Senate today. Syrian Forces have not withdrawn to the gateway of the Bekaa Valley as required by the Taif Agreement, let alone completely departed from Lebanon. Last year's Lebanese elections were consequently conducted in the midst of the Syrian presence, causing the United States State Department to conclude that the election results "do not reflect the full spectrum of the body politic in Lebanon."

Today, 1 year after the adoption of Senate Concurrent Resolution 129, we are compelled to address the situation in Lebanon again. This resolution expresses the Senate's desire that progress be made in the implementation of the Taif Agreement. It reflects the Senate's opposition to the continuing presence of Syrian Forces in Lebanon. And, most importantly, it supports the Lebanese people in their undiminishing effort to restore true sovereignty and democracy in their country. Specifically, this resolution:

Expresses support for the sovereignty, political independence and territorial integrity of Lebanon;

Acknowledges Syria's violation of the Taif Agreement because it did not withdraw its forces to the gateway of the Bekaa Valley by September 1992;

Urges Syria to withdraw its forces to the gateway of the Bekaa Valley without delay;

Calls on Syria and Lebanon to agree on a firm timetable for the complete withdrawal of all Syrian forces from Lebanon;

Calls on Syria to cooperate with Lebanon in disarming nongovernmental armed groups and militias in Lebanon, especially Hizbollah;

Calls on President Clinton to consider withholding any potential future United States assistance to Syria, and directing the United States directors of all international lending institutions to vote against loans to Syria, until it withdraws its forces to the gateway of the Bekaa Valley; and

Urges the President to consider methods of revitalizing the Taif Agreement and to encourage the negotiation of a firm timetable for complete withdrawal of Syrian forces from Lebanon.

As an original cosponsor, I would like to commend Senator RIEGLE for his leadership in sponsoring Senate Concurrent Resolution 28. I trust that it will encourage all parties involved to cooperate in the implementation of the Taif Agreement and to work for the restoration of a truly independent and sovereign Lebanon.

## FACES OF THE HEALTH CARE CRISIS: THE COST OF PREEXISTING CONDITIONS FOR RETIREES

Mr. RIEGLE. Mr. President, I want to speak on the subject of the basis of the health care crisis and the cost of preexisting conditions, health conditions, faced by our retirees in the country.

I rise today to tell the story of Doris and Dean Darling, who are two retirees from St. Helen, MI, who have no health insurance. They are currently facing over $38,000 in hospital bills for Doris' recent hospitalization after a heart attack. Doris wrote a letter to me last April telling me their story.

She is 57 years old and her husband, Dean, is 63 years old. Both have retired because serious medical conditions have made it difficult for either of them to work. Dean retired in 1984 after a disabling heart attack, and Doris stopped working after she had a heart attack in December 1992.

Until Dean retired, the Darlings had health insurance through Dean's employer, a trucking company. But Dean's company does not provide health insurance for retirees.

Doris' employer did not provide insurance for employees or for retirees. Neither Dean nor Doris are eligible for Medicare until they turn 65. Like many retirees under age 65, Dean and Doris have fallen between the cracks and are uninsured.

They have approached several insurance companies about purchasing health insurance on their own. None of these companies would offer them a health insurance policy because of their preexisting medical conditions and the history of heart disease in their families.

These are precisely the kind of people that need health insurance and yet the insurance industry says no, we are not interested in providing coverage. Thus, they were uninsured last December when Doris had her heart attack.

She was initially taken to a nearby hospital in West Branch, MI. She was stabilized in the hospital for approximately 7 hours before being transferred to Northern Michigan Hospital in Petoskey for surgery. The bill for Doris' 7-hour hospital stay in the first hospital in West Branch was over $10,000.

Doris needed angioplasty surgery to clear out two clogged arteries. She had the surgeries performed in Petoskey on two different visits to the hospital. The bill for her two angioplasty surgeries totaled over $28,000.

Doris and Dean live on a fixed income of disability insurance through Dean's former employer and Social Security payments. They do not have the resources to pay for these large hospital bills. They have been slowly paying off the $28,000 bill from Northern Michigan Hospital, but it will take a very long time. The hospital in West Branch recently sued Doris for the $10,000 outstanding bill. Doris is trying to work out a payment plan with them.

Every American, regardless of their health status, deserves to have access to affordable health insurance, and no one should be denied. Doris and Dean should not be discriminated against by insurance companies because of their preexisting medical conditions.

These are precisely the kinds of cases where medical insurance is an absolute necessity, and the protection ought to be there, and it is profoundly in the national interest that we see that it be there.

Access to affordable insurance is particularly important to retirees who are not covered by their employers upon retirement and who do not qualify for Medicare. This population deserves access to affordable health insurance to provide them with the peace of mind they should have during retirement.

This has to be one of the central accomplishments of our health care reform package. Many of us met yesterday with First Lady Hillary Rodham Clinton to discuss the issue of our health care reform package, which includes exactly the kind of coverage needs of people in the situation of the Darlings that I have just described.

So let us move on this this year. It is very important that this be enacted. This is one couple that will be helped by the kinds of reforms that are needed and that are envisioned.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for longer than a 10-minute stretch.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VIETNAM

Mr. KERRY. Mr. President, today, in the New York Times, there was a story about the possibility of the President of the United States making a decision with respect to the International Monetary Fund and Vietnam.

Yesterday, there was an exchange between Senator MCCAIN, the Senator from Arizona, and Senator SMITH of New Hampshire regarding Pvt. Bob Garwood, a former private of the U.S.

Marine Corps, who was captured in Vietnam in 1965, and who was returned to this country in 1979—the last American service person to come back alive from Vietnam.

I want to talk for a moment, if I may, on two aspects of the question of Vietnam. In the course of today, I gathered that the minority leader made some comments on the floor, and again the Senator from New Hampshire did, regarding the inadvisability of proceeding forward on IMF loans. I would like to speak very strongly in favor of the President of the United States making a decision to move forward on the IMF loans. I want to just take a moment to discuss some of the comments made in opposition to this and to try to put this issue in its proper perspective.

The folks who say "do not go forward," and who say, "Mr. President, you are going to break faith with the POW families," I believe are not in fact acting in the best interest of the POW families because if one were acting in the best interest of the POW families, one would want to get as much information from the Vietnamese as rapidly as possible. To not go forward at this point in time is to invite and accelerate the possibility that in fact Vietnam may decide they have been strung along long enough by the United States, and that they, in fact, would not cooperate further.

It is my personal belief that the President keeps greater faith with the families of this country by guaranteeing that our team on the ground in Vietnam can have access in Vietnam, by guaranteeing that we will continue to have archival research access, that we will continue to have oral history access by virtue of a two-way street, a cooperative process between Vietnam and ourselves.

Another argument made frequently by those who say "do not go forward," Mr. President, is that they say we are not getting results. They say Vietnam is not cooperating. Mr. President, I respectfully disagree. Let me describe the actual record of cooperation and results.

When I made the first of some seven trips to Vietnam in the course of the last 2 years, we had no permanent office in Hanoi or in Vietnam. We had no permanent American servicemen assigned to Vietnam on a permanent basis of searching for the remains or for answers to questions about POW's. We had no archival research. We had no oral histories or interviews of major personalities within their prison system or military. We had no access to the provinces of their country and their villages for their tradition houses and museums. At that time, we had not been in their military headquarters, or many of their base camps, or other military camps around the country. We had zero access to their prison system.

We had no live-sighting follow-up. We were receiving reports of live Americans in Vietnam. We did not have the capacity to go out into the countryside and check on the live-sighting reports. Countless activist group after countless activist group came to me, and others, and said, "The Vietnamese are hiding something. They will not let us go out into the countryside and follow up in order to determine whether or not there are in fact Americans alive." That was a legitimate issue, a legitimate question, as were all of the other issues we were raising.

Mr. President, where are we today, for those who say no results? After 18 years of waiting, within the span of about a year and a half, we have been in every single tradition house and museum in their country. We now have a full-time archive in Hanoi itself, where Americans and Vietnamese are working side-by-side over documents. How many documents? We received more than 18,000 artifacts, more than 2,000 photographs, and more than 3,500 documents. Some of those documents have in fact given us the answers of what happened to individual servicemen that we still had questions about. That is a result, a concrete result.

We have now a formal program of debriefing Vietnamese leaders of the war period. In fact, when I was there a month ago with Senator MCCAIN and with Congressman PETERSON, both of whom spent more than 6 years of their lives in a cell that was no larger than the distance from me to the desk in front of me and slightly behind me, and a little wider than two desks—6 years of their lives.

These two gentlemen both found that they were able to interview the very people who held them prisoner 6 years ago. We were able to publicly debrief, depose even a general named General Quang, the author of this document that has gained such circulation in recent months, and we were able to sit with him in public and grill him in public and ask him questions about the war, about where he was, about his rank, title, about things he did, meetings of the politburo, and so forth. That was an extraordinary meeting.

In addition to that, Congressman PETE PETERSON, one of those prisoners of war, was literally able to sit there and interrogate the man who 20 years ago interrogated him. That is an extraordinary turning of the tables. And for someone to assert that people are not cooperating—when they make available their very military leaders and others who I can assure you do not come very willingly to the table for that kind of grilling, it is a remarkable statement of cooperation.

In addition to that, we now have a permanent office in Hanoi. We have over 100 Americans once again working in Hanoi, working in the countryside of Vietnam, Vietnamese and Americans, side by side, working together to excavate sites, to interrogate people, to try to find clues about missing Americans.

In fact, some of our young soldiers in America, unknown to many people in the United States, are now climbing up jungled mountainsides, spending extraordinary weeks in the jungle, exposing themselves to malaria, walking in fine lines between red flags because to walk outside of those red flags might expose them to unexploded ordnance. That is what they are doing, at a cost of $100 million a year, $1.7 million per remains, in an effort to try to keep faith with our accountability process.

Mr. President, that is a result. Moreover, we now have looked at many of these documents we have received. Those documents are telling us things about airplanes that were shot down, people who were imprisoned, people who died in prison, the location of their burial sites. And, indeed, we have found the remains of American servicemen, and families have had their agony put to rest by virtue of learning that their loved one indeed did die. And those remains have been repatriated to this country.

There have been 519 remains repatriated to the Sil Hai, to the Hawaii laboratory. Have all of them been identified? The answer is no. In some cases, those remains are too small or too few to be able to permit identification. But you cannot blame the Vietnamese for the fact that the remains are not sufficient to identify, when they have returned what remains they were able to recoup.

Between August of last year and April of this year, some 25 more remains have been returned to this country; 19 of them came from the countryside, and were the result of the excavations that took place. And, indeed, six of them were unilaterally turned over by the Vietnamese. Not one of those remains showed evidence of warehousing. That means they were not hoarded somewhere in Hanoi and later returned to us.

Now, did the Vietnamese warehouse at one point in time? Yes, they did, Mr. President. They have admitted that. Did the Vietnamese not tell us everything they could have, at one point in time? Absolutely. They withheld information for a long period of time. Let us remember that for a long period of time, we were not talking to them. Between 1975 and 1979, we did not have anything to do with them. In 1979, when they invaded Cambodia to kick the Khmer Rouge out of Cambodia, an act we should have thanked them for, we turned around and slapped an embargo on them and that has been there ever since.

The fact is, in the last 2 years, we have made more progress on resolution of POW-MIA cases than in all the 18 years preceding. I have personally been into prisons in Vietnam that we have not been into in 20 years. I have been allowed to go randomly through the prison, opening any cell door I choose to open, and asking the prisoner in that cell to come out. And, indeed, we interrogated that prisoner, not with one of their interpreters but with our interpreter, and discerned whether or not Americans were ever held there; if they knew of any Americans being held.

I would like to see any other country come to the United States and wander through the prisons of our country and just pull people out and ask them questions the way we did. I have personally been into the so-called Pentagon of Hanoi. I have been into the bomb shelter underneath it. I have walked through there. I have been with experts that looked for graffiti or signs that somehow there might have been an American there at some point in time. Indeed, we found no evidence to indicate that whatsoever.

Mr. President, in addition to that, on live sightings, a lot of people say there are live sightings, someone saw Americans. Let me speak to that. We had some 77 priority live sighting cases. We have been out now in the countryside, and I personally have flown in a helicopter over the delta, landed on mountains, and have gone into remote areas where there was a live sighting and interrogated villagers who came flocking to the helicopter, wondering what we were doing there. They had never seen Americans and thought we were Russians. We asked them about Americans, and indeed we never came up with one single piece of evidence that any of those live sighting reports were true. Our team in Vietnam in the last 2 years has not found evidence that one of these live sighting reports was true.

Does that mean one of them might not be true in the future? No, it does not. Does that mean there might not be some evidence there that might not be true? No, it does not. But I will tell you something. You are not going to find out unless the Vietnamese let you travel there. You are not going to find out unless the Vietnamese let you talk to their people. And if they start to get fed up with this process because we are not reciprocating, then you can end your process.

Now, Mr. President, we have looked at every single live sighting report. That is a priority, and I am told by the team in Vietnam that they have no active live sighting report in front of them.

But what else should we judge? Let me offer this.

On the most recent trip to Vietnam with Senator MCCAIN and Congressman PETERSON and others, we met with 11 out of the 14 allied Ambassadors who are in Vietnam. These are our allies. We met with the Ambassadors of Japan, France, Belgium, Sweden, Great Britain, Germany, and Australia. I mean, every one of these Ambassadors was asked: What do you think we ought to do in the region? And they said: Well, you know, if we are going to answer in our self-interest, we would say do not lift the embargo. But if you are going to act in your self-interest, you folks ought to get over here.

Then we asked them the question: What about POW's and MIA's? You have been here for 15 years? Have your Embassy personnel access to the countryside?

Answer: Yes; anywhere we want to go.

Question: In those 15 years, have you ever had a report of an American being held?

Answer: No.

Not one report has ever come into one of their Embassies of Americans being alive.

What about the nongovernmental organizations that are over there working for the last 15 years? Not one of them has had a report of an American being alive. We happened to have lunch with the Ambassador from Russia to Cambodia, in Cambodia, and totally be happenstance he dropped to me the information that in 1985, he had been the No. 2 person in the Russian Embassy in Hanoi.

I asked him: Mr. Ambassador, when you were there, did you ever have any information on American prisoners of war?

He said to me: No.

You know, that is interesting, because President Gorbachev, in response to a request from President Reagan, asked us to check with our then advisers whether there might be any Americans in Vietnam. So we sent a message out to 9,500 advisers throughout Vietnam, and I was amazed to learn there were 9,500 advisers from Russia in Vietnam.

He said: No; not one of them sent back any report whatsoever as to any American being in Vietnam.

What about results? General Vessey, who I think is an American hero and has done a remarkable job over the years of pressing this issue and helping us to move forward, General Vessey went through what we call the MIA lists, the 2,269 cases we started with a couple of years ago. He culled out of those cases the cases which most likely said to him someone might still have survived, in incidents where they might have been a prisoner; they might be alive.

They are called discrepancy cases, a case where we have a discrepancy between what we might be able to believe and what we know today. There were about 196 of them. He gave those cases to the Vietnamese and said, "These are America's priority cases. You must help us find answers about these cases."

Well, Mr. President, in the last year and a half, we have learned about the fate of more than 100 of those cases. The Vietnamese have gone with us into the countryside with teams. They have interrogated people. We have met witnesses. We have found evidence, and more than 100 of those individuals have now been determined to have died. It is what we call fate-determined.

Do we have the remains? No; in a few cases, but not in many. But we have been able, through our interagency task force, to decide to a certainty that these people died. We know they died at the time of their incident. We know where they died. We know how they died. That is a result. And families have been able to learn what happened to someone whom they loved as a consequence of that.

Does that mean the task is finished? No, it does not mean the task is finished. But it is evidence of a level of cooperative effort that has been able to move us down the road so that we can understand that we are, indeed, making progress.

Now, Mr. President, we also know that the Vietnamese gave us a list of people, in 1973, who died in captivity. Of the 29 that they said died in captivity in the northern part of Vietnam, they have returned to us all 29 remains. Of those who died in captivity in the southern part of the country, they have not returned all of their remains, but that was obviously, for those who know the country and the difficulties of the war, a much more difficult place to both survive and to maintain prisons. In fact, most of their prisons saw them sending people to the north.

Mr. President, for those veterans who say, "Well, they are still holding people alive and we want the people back who are alive," I have only this to say: We spent a year and a half. Last year, we put hundreds of people under oath. We have millions of documents that have been released to the public. We have the most open airing of this in history. And 12 U.S. Senators—Republican, Democrat, conservative, liberal, veteran, nonveteran—all signed a document saying there is no compelling evidence to suggest someone is alive today—no compelling evidence to suggest that. And yet some people say, "Get the people back who are alive."

Now, in addition to that, I might add, countless individuals, General Vessey, former Assistant Secretary of State Solomon, people privately, from Mr. Perot to others, myself, have talked with the Vietnamese on one occasion or another in the last 15–20 years and offered deals. I have personally walked in the garden with the Foreign Minister and said, "Look, there is a great deal of money to come Vietnam's way if you will return the live people."

And the answer is the same: "Senator, we would love to have the money, we would love to satisfy your demand for live people, but we just don't have anybody alive to return to you today."

Now someone will say to you, "Oh, Senator, don't believe them. They are lying to you."

OK. Suppose they are lying to me. How are you going to find out? How are you going to find out? Sit here for another 20 years at arm's distance, not talking to them, not getting into the countryside, not dealing with their people? I think that does a disservice to the families.

The best way to serve the interests of this Nation is to make sure that we are gathering all the information we can, traveling to every province that we can, and exhausting the possibilities of inquiry. And you cannot do that if it is a one-way street, Mr. President. And I urge the President of the United States to acknowledge that reality.

Make the worst assumptions. Assume they held 100 people for the last 15 years; assume they lied to them and lied to us; assume they worked them like slave labor; assume they then took them out and shot them; assume they are holding 20 of them today near the China border, how are you going to find out? Do you expect to sit there at a green table confronting them with all the cameras and say, "Where is the smoking gun document?" or "Just admit it and we will give you everything you want?"

They understand that is not going to happen and we understand that is not going to happen. It seems to me that this is a time for reality with respect to this issue.

Mr. President, I will quickly tell you, there are major national interests that we ought to be serving, which is why we ought to be moving forward.

Interest No. 1 is getting a full accounting, making sure that this process continues to move forward. And I believe the President of the United States will best serve the national interest, which is the interest of the families, the interest of keeping faith with our American soldiers, by guaranteeing that we have a process in place that can get us those answers. That is interest No. 1, and that will be served by moving forward.

Interest No. 2, Mr. President, is that there is a great risk of seeing that closed down or even slowed down as a result of our intransigence.

Now, some will say, "Well, tough. Let the Vietnamese have that."

But it is not just tough on the Vietnamese, it is tougher on the families, because the result of accepting that slowdown is that the families wait even longer before they get an answer, and I do not think that is fair.

Interest No. 3, Mr. President: The IMF is a very small giveaway compared to what still remains available to the United States in its arsenal of diplomacy. If they do not continue to cooperate, we can always stop loans, we can always join our allies to cast opprobrium on their unwillingness to cooperate. We have plenty of other levers, ranging from credits to outright loans to the business fees under the embargo to the most favored nation status, to a host of other things, ranging all the way up to normalization. And we should understand that.

Next national interest, big national interest: China.

We are so focused on the former Soviet Union and Eastern Europe that we are really not focused on the real power emerging in the world. It is China. China, which now has underwater cables running from the mainland over to the Spratly Islands that it is grabbing from Vietnam; the China that has enlarged its airport in the Spratly Islands; the China that is coming online with an aircraft carrier around the South Sea; the China that is not cooperating with us on proliferation; the China that abuses human rights far worse than the country of Vietnam.

We have major interests with respect to China, and I suggest it is long since time that we ought to be acting on those interests in the region, acting in our interest. There are 58,000 names on The Wall because they fought for democracy and pluralism in Vietnam. And people are on the other memorials of this country, ranging from Iwo Jima to World War I, because they fought in the Pacific understanding exactly what is at stake in that region.

We keep faith far more with those who fought with us, who are in Vietnam today, the former ARVN, the people who really loved us, and those people would be better served by the United States moving forward in the region.

Mr. President, I could even suggest that if we were to negotiate a new security arrangement in the region, you could not long from now see the United States sharing access with other countries in the deep water port of Cam Rahn Bay and indeed we would be far more strengthened in that region as a consequence of that policy.

In addition to that interest, Mr. President, there is the, I think, important economic interests, but those are last. They are last. And they pale beside the first interests of guaranteeing we get the accountability for our POW's.

Now, Mr. President, I must tell you that I was amazed to be in Vietnam with Senator MCCAIN and Congressman PETERSON, because there are no two people who better understand or have reason to be angry at the treatment Americans received in Vietnam.

Senator JOHN MCCAIN was tortured, had his arms broken again after he had them broken when he exited his airplane, lived in solitary confinement. His family never knew that he was going to come home at all. They did not know he was captured, for a long period of time. He refused to come home when he was offered early release as a public relations ploy, because he was not senior. And he would not go until the wounded and the senior had come back. That is the measure of his service. And this man says, in 1993, it is time to move forward.

Congressman PETERSON, likewise a prisoner for that period of time: It is time to move forward.

If these men can find it in their hearts to overcome the possibility of hatred and the possibility of vengeance, and to understand the real national interests of the country, then I will tell you, the rest of this country ought to be able to find it.

It never ceases to amaze me how some who never served in Vietnam, who never understood the pain of that period, are the first to stand up and suggest we ought to continue a policy that in fact will backfire against the very interests they assert we should continue it in.

Mr. President, I will close. There is more to say on that. But let me go to the issue of Mr. Robert Garwood.

Robert Garwood is a controversial and questionable figure in all of this. I know he is returning to Vietnam, and has every right to do that. Though I would correct the record. He was not invited specifically by the Vietnamese. There was a generic "anybody who wants to come back and look can come back and look." But the Vietnamese never turned to Robert Garwood and said, "Hey, come on back and look." They have accepted the concept of his coming back and visiting.

Bob Garwood disappeared in a Jeep in 1965 and he was captured, though there is some question about the circumstances of that. He then turned up again in prison camp a few months later, where he was always treated differently from the rest of the prisoners. He was always treated differently. He learned the language very rapidly. But he was convicted of striking another prisoner and of collaborating with the enemy through the testimony of other prisoners of war.

Other prisoners of war talked of what Bob Garwood did: Standing up in front of our troops with a megaphone and telling them to come on over to the Vietnamese side; carrying a gun against some of our people, though he asserts it was not loaded. Well, I am not sure our people knew that. He was always treated differently. In fact, he was a member of the Communist Party, a member and officer in their Army, and sought to become a member formally, in Hanoi, of the party.

I can go on at great length about Bob Garwood. I do not think everything that happened to Bob Garwood, when he returned, was as it should have been. But I do believe if you look at the record and deal with reality here you cannot help but conclude, not necessarily what the absolute truth is of what Bob Garwood says, but you can sure as heck know that this is a man who is not credible. Nothing that he says today can shed light on this process.

Why do I say that? Because he has been all over the place; inconsistencies from day 1. There is no truth with Bob Garwood, although if there is I suggest it is in the facts that I have set forth.

In March 1979, when he first returned to the United States from Vietnam, Garwood was interviewed by Marine and Naval intelligence officers at the United States Medical Research Center in Great Lakes, IL, who were seeking information on possible American POW's still in Vietnam. The written intelligence debrief of that interview describes the unusual precautions taken during that debrief to protect Garwood's rights:

> Based on the sensitivity of the particular case, both civilian and military counsels requested that the debrief be conducted under certain conditions. In order to insure the rights of PRC Garwood, counsels requested that the debriefer refrain from discussing specific issues or subjects which would place Garwood in specified areas and times, dates and places. Additionally, at the request of counsel, the session would be recorded and a copy provided to both parties.

In fact, Jack Garwood, Robert Garwood's father, was present during the debriefing, so the situation was not one in which Garwood was being secretly debriefed by Government investigators without having his own lawyer and his own father present. To the contrary, Garwood's rights in this matter were being scrupulously protected.

Concerning the substance of Garwood's statements in the debrief, the intelligence officers noted:

> Only generalized casualty resolution information was received with no specific identifies furnished. Garwood, according to discussions with and hearsay by local Vietnamese opines that there may be secreted camp areas where persons may be detained. These areas could hold both Americans and other third state nationals. Specific camp locations were not provided but general areas were indicated on maps provided. Garwood states that he has not seen these areas.

Concerning the specific information Garwood provided the Navy concerning alleged Vietnamese detention camps of Americans maintained after homecoming, the intelligence officers noted:

> During the period 1975 through 1977, Garwood had heard rumors that two or three detention camps for Americans were located in the northwestern and northeastern quadrant of [Vietnam]. These camps were located approximately 50 to 100 km from the [Vietnam/China] border. * * * He stated that the only personnel he has personally witnessed as detainees in [Vietnam] were Third Country Nationals.

Thus, the substance of Garwood's allegations were that he heard about the existence of camps. He did not see them. He never saw a live American POW after homecoming, only nationals of unspecified other countries. This is evident from the opening statements he made in the March 29, 1979, debriefing. At the very start of the debriefing, Garwood's own lawyer, a man named Demot Foley, asked the first question.

> FOLEY: Pardon me, if I may, could I say that the first question is: Do you know of your own knowledge of any American now alive in Vietnam? Not what you heard from other people, but your own knowledge?
>
> GARWOOD: No.
>
> FOLEY: No. Do you, have you seen any living Americans in North Vietnam since the time that you were brought to North Vietnam from South Vietnam in 1969 or 1970?
>
> GARWOOD: No.
>
> FOLEY: OK. Have you any information that would or do you know of any reason for suspecting or believe that there might be any living Americans in North Vietnam?
>
> GARWOOD: I do.
>
> FOLEY: Can you in a general way describe what that basis is? In other words, why, what have you heard, and that sort of thing. * * *
>
> GARWOOD: Especially after 1972 a lot of Americans, POWs who were supposed to be returned, it was common, it was common, I'm speaking, common knowledge among the Vietnamese population in general that within the prison, that there are still Americans in Vietnam who have not been returned * * * if there are any Americans, which I think in my own opinion, I think there are still Americans there. Because if there are any guards * * * there must be some kind of basis that these people would have [the] opinion that they express, that they feel, that there are still Americans in Vietnam.
>
> SHANKLIN [the Marine captain who was debriefing Garwood]: OK. In the country, when you spoke among these people with the common knowledge, did any of them say that they themselves had seen Americans?
>
> GARWOOD: No.
>
> SHANKLIN: OK. So they had always heard it from somebody else?
>
> GARWOOD: That's right. * * * All these people, they expressed to me that there was still * * * There is a camp, one or two camps they don't know how many camps there are, in about in or about the locations of these camps it can't be proven, they're only hearsay. They are guesses by the people themselves. This is guesses, been inquired to but the, ya know, these people don't know, it's a country. They don't know. But anyway, there are some areas in Vietnam that even the Vietnamese people in a radius of 50 kilometers are prohibited. Strictly prohibited. * * * People suspect, possibly it possibly exists that Americans are at these places.
>
> FOLEY (Garwood's own lawyer): People suspect it.
>
> GARWOOD: Yea. But, it's not been proven. They have never seen any.

In other words, at the outset of his first formal interview on this subject, Garwood is stating that he has no information other than what he has heard as rumor from Vietnamese, who are guessing that there are United States POW's held at areas which are military exclusion zones.

As the interview continued, the military intelligence debriefers tried repeatedly to determine whether Garwood had any specific information beyond the guess or rumor level. Garwood repeatedly stated that he did not. For example, there is the following exchange:

> SHANKLIN (the military debriefer): This is the border between the SRV, Socialist Republic of Vietnam and China. Can you distinguish the names of these towns as to where those camps are located?
>
> GARWOOD: Suspected, suspected, okay? * * * I myself do not know where these camps are located and anything that I know is only what I've heard. * * * Amongst the indigenous population. I have not witnessed, I have never been able to go to these camps, everything I know now, what I will be saying is what I've heard from the indigenous population.

The debriefers then asked Garwood whether he could identify what a POW camp might look like, based on the information he had received from the Vietnamese.

> SHANKLIN: Can you, based on the rumors that you heard of the possible camps in the northwest part of North Vietnam, would you describe for me one of those camps?
>
> GARWOOD: That's kind of hard because I don't think the people knew. They were just guessing.

The debriefers then asked Garwood whether he had heard rumors of any camps that had been established in the former South Vietnam, housing United States POW's.

> GARWOOD: No. I never heard that. The camps but not American camps, only Vietnamese.

The debriefers then asked Garwood whether he knew of any camps where non-Americans were detained.

> GARWOOD: I can eyewitness, eyewitness of foreign but not Vietnamese nationality, not Vietnamese citizenship, not American, but * * * they're in same camp I was for this reason I cannot disclose the names of these people.
>
> SHANKLIN: Can you disclose the nationalities? Or would that compromise it?
>
> GARWOOD: If I disclose nationality, it would also be dangerous.

This debriefing of Garwood terminated shortly afterward, at the request of Garwood's personal attorneys. But less than a week later, Garwood was again interviewed at Great Lakes Naval Hospital, in a rather gentle questioning by two Congressmen, Lester Wolff and BENJAMIN GILMAN.

As Congressman Wolff said at the outset of the interview:

> We're here really only to ask for your help * * * there are a great number of families who still have no information on their next-of-kin * * * and that's the reason we're out here. We are not here today to make any determination as to what your own particular situation is.

As Congressman GILMAN said:

> We hope you'll relax. We're here primarily to seek out as much information as we can on the MIA/POW issue, and that's what we are here for.

And as Congressman Wolff added before Garwood said a word:

> We don't want to mislead he families who are still waiting word, or given them any false hopes. I think that's most important, because it would be tragic indeed if we gave people who have suffered all of these years false hopes that their people might be alive.

In response, Garwood said, in essence, that he believed Americans had been held as an insurance policy to secure American aid, that this was generally believed by many people among the Vietnamese population. In addition, Garwood had while in Vietnam, he had had a conversation with a Vietnamese driver about a secret mission in which the driver had been told to deliver a truck in the dead of night from Haiphong Harbor to an isolated mountain area in Vietnam close to the Chinese border. According to Garwood, when the truck driver arrived with the truck, he took it to an area where there were armed guards. Based on the secrecy of the mission and the location of the delivery and the armed guards, either the driver, or Garwood—it is not clear from the interview—concluded that American POWs must have been held there.

In response to this rather vague evidence that Americans might be held, the Congressmen sought further detail from Garwood, who explained that lots of Vietnamese believed these camps existed in the north at the Chinese border. Garwood responded as follows:

> No, it was never, they never saw a prison. I never heard anyone say they saw a prison actually. I think it was all guessing, it was all, you know like they knew, I don't know for some reason, instinct or something.

Later, Garwood specified that the only information he ever overhead while in Vietnam on this topic was "only gossip."

At this point, the interview stopped and Garwood went out for a walk with his lawyer. When he came back, he made statements that went somewhat beyond his earlier presentation concerning the possibility of American POW's having been held in Vietnamese prison camps after homecoming. He said that according to rumors, Americans had been brought from South Vietnam after Saigon fell and placed in a prison camp in North Vietnam, and that an American accused of being a CIA agent had escaped from the camp to Haiphong and was captured and executed. As Garwood stated:

> The only one I really know about, he was accused of being a CIA agent, and he was supposed to be (inaudible). I didn't see him, but you know * * * from the guards.* * * They boasted about it, you know. And he escaped, somehow he escaped * * * he was able to escape to Haiphong * * * all the way to Haiphong before they captured him.* * * He was brought back and he was used as (inaudible).* * * Unfortunately, he was put before a firing squad.

After recounting this dramatic story, Garwood then stated:

> You know it was hearsay, it was only hearsay, but that many were executed this way, especially anyone suspected of being CIA agents.

Garwood explained that he heard about the capture in 1976, after the purported CIA agent's alleged escape, and that "everyone knew about it," and he was shot in the later part of 1976, and that part was kept secret.

> GARWOOD: They tried to keep it very secret but, you know the guards were too boastful, especially when they drink or something like that. And I knew the man, you know, he was gone already. This was the latter part, maybe November.

Congressman GILMAN then asked whether Garwood had ever heard the name of the alleged CIA agent who was executed by the Vietnamese following his dramatic escape.

> GARWOOD: No. Only that he was American and that he was brought from the south, from Saigon after 1975.

Congressman Wolff questioned Garwood then as to whether he believed any Americans were left alive in Vietnam as of 1979. Garwood's answer: No.

Garwood was then questioned as to whether he had heard about prisoners being held in caves in Laos. He said he had heard about it from guards at the camp he was at. He then stated that he had no information about American prisoners being held in the last few years, but had "suspicions only." As Garwood told the Congressmen:

> It was what you say the every day conversation. You know, friends who have friends who have friends who were talking about friends.

Shortly thereafter, the interview concluded.

At this point, Garwood had been given the full opportunity to describe any specific information he had. Instead of presenting any, he described, to use his words, "suspicions," "rumors," "hearsay," and "guessing," that Americans were being held by Vietnam.

I have suggested that in dealing with the POW issue, we need to deal with reality, not wishes, hopes, dreams, or fantasies. It is equally clear from those interviews, that with Robert Garwood, there is no evidence of live Americans having been held by Vietnam after the homecoming beyond what Garwood calls rumor, hearsay, suspicion, and guessing.

Now let's recapitulate where we are at this point. The 1979 congressional interview is relaxed. They call him Bobby. They go into great detail. They talk a lot about Vietnam for 2 hours and 15 minutes. There is not one mention that he saw U.S. POW's there. Not one mention that Garwood saw Americans after homecoming, anywhere.

It would have been easier for everyone if the story Robert Garwood told in 1979, after he came home, remained the same. But unfortunately, it did not. In late 1984, his story suddenly changed, and very substantially.

Garwood changed his story after activists who were convinced that POW's had been left behind provided him the information they had collected, the evidence they believed proved POW's had been left behind. He did so at a time when his own fortunes were very low, indeed. After his homecoming in 1979, Garwood was tried for collaborating with the enemy on the basis of the testimony of his own fellow POW's, testifying under oath. At trial, his fellow POW's had testified that he had lived separate, apart, and better than fellow prisoners, and held a gun on them. They testified that he had elected to stay in Vietnam, not been kept there against his will. In essence, they had torn apart the account he had provided upon his return.

By 1985, Garwood had been courtmartialed and stripped of rank and dignity. And the first real opportunity he had to rehabilitate himself came in 1985 when the POW activists called on him to provide the key evidence they needed to demonstrate that live American POW's had in fact been left behind. Until that time, Garwood had always said he never saw anyone left behind—could not tell where they were—only knew about rumors, suspicions, hearsay. Not even in secret did he tell his lawyers that he had such information personally.

Suddenly, in December 1984, this changes. Suddenly, in December 1984, Garwood says, oh by the way, I lied during those initial interviews. After meeting with the activists, he comes to Congress and says, that due to psychological and legal problems, he had been confused and fearful and had failed to tell the truth about information he had concerning live Americans held in captivity after 1975.

Even more dramatically, Garwood now stated in December 1984 that he had been told by the North Vietnamese before he left in 1979 that if he breathed a word about what he had seen, they would kill the remaining POW's, or possibly even track him down in the United States and kill him.

Where in the past he had repeatedly said he never saw American POW's, he now says that there were seven separate occasions when he encountered them after homecoming, beginning in October 1973, when he saw about 15 to 20 American POW's at a location in North Vietnam called Bat Bat.

In response to these new allegations, Garwood was called before Congress to testify. On June 27, 1985, he made numerous statements concerning his having witnessed Vietnam holding live Americans, totally contracting his prior statements to the contrary.

Garwood now testifies about seeing the Bat Bat United Stats POW's, whom he saw again in March 1975, planting vegetables on the banks of the Rock River. He testifies that in July 1975, at Gia Lam, he saw six American POW's unloading a truck at a ware. He testifies that in July 1977, at Yen Bay near Lake Thach Ba he saw about 30 to 32 Americans unloading off a train. To quote from Garwood's 1985 testimony:

> Congressman DYMALLY: How did you know they were Americans?
>
> GARWOOD: Sir, these were the people who were unloaded off the boxcar in the middle of

> the night and their body language, American English, the way they were guarded, the clothes they were wearing, the total atmosphere they were prisoners and they were American, Sir; even the guards talking.

Garwood then testified that he saw an American with a bear in a room in Hanoi at 17 Ly Nam De Street in September 1977 who stuck his head out of a second floor window, and Garwood's guards told him that the American was one of many, but Garwood wouldn't be permitted to meet with them.

Garwood then testified that he saw 20 to 30 Americans in September 1977 on an island lake called Thach Ba in a prison camp, where Garwood was fixing a generator.

He then testified that in December 1978 at No. 3 Ba Duong Tranh Street he saw the same bearded American man he had previously seen in Hanoi 14 months earlier at 17 Ly Nam De Street.

At this point, Congressman BENJAMIN GILMAN—the same Congressman who had interviewed Garwood at the Great Lakes hospital 6 years earlier—asked him why he had given Congressman GILMAN a completely different account then. Garwood responded:

> I was advised by my lawyers * * * they advised me to try to seek some kind of immunity so that there would not be anything turned around or whatever or some kinds of charges brought.

Thus, Garwood testified that it was his lawyers who specifically prevented him from telling the truth about live Americans left behind in Vietnam and held by the Vietnamese when he came back in 1979. However, a few minutes later, Garwood contradicted himself. He was asked when the first time was that he told anyone about the existence of live Americans in Vietnam. Garwood then said 1980 and 1981—after he had been debriefed—after the time when he had supposedly lied on the advice of counsel. Thus, the lawyers had apparently told him not to tell the truth about the live Americans left behind, despite the fact that he never told the lawyers he had any information about live Americans left behind. Garwood testified:

> I had not advised my lawyers [regarding live Americans in Vietnam], Sir. My psychiatrists did.
>
> Congressman LAGOMARSINO: You did not tell your lawyers at this point about any information? You psychiatrists did, is that correct?
>
> GARWOOD: Yes, Sir.
>
> Congressman LAGOMARSINO: Okay, So when did you first tell your lawyers about the information directly?
>
> (Pause)

Garwood then changed his story. After a long pause, he says, actually, he had told his lawyers about the live Americans from the outset.

> GARWOOD: I am not positive but I think in our initial talk when he became my lawyer. * * *
>
> Congressman LAGOMARSINO: You gave information [to your lawyer] before you gave information to the psychiatrist then?
>
> GARWOOD: Yes sir. To my knowledge there was nothing taped or written down or anything to that effect, no, Sir.

Thus, Garwood's final account is, he did tell his lawyer from the outset, but somehow, the lawyer and anyone else he told initially about the live Americans forgot to tape it or write it down.

At this point, the Congressmen asked Garwood if he would permit his psychiatrists or lawyers to release any notes they may have taken at the time when he first told them about the live Americans. Garwood said he couldn't do that because of the attorney-client and doctor-client privileges. At this point, Congressman Solarz asked if Garwood told Mr. Foley, his original attorney, about the live sightings, before December 1984. Garwood's response:

> Not the sightings or details, sir. Only that I knew of the Americans. * * * Mr. Foley, he didn't want—to because he himself—he told me that he himself had a brother that was MIA.
>
> Congressman SOLARZ: So he didn't want to know what you knew, that is what he said to you?
>
> GARWOOD: That was his reasoning why he didn't want me to tell him.
>
> Congressman SOLARZ: Was there any other attorney to whom you confided this information before you went public with it in December of 1984?
>
> GARWOOD: In detail, Sir?
>
> Congressman SOLARZ: Or at all? Any other attorney * * * to whom you mentioned that you had some knowledge of American POWs in Vietnam after 1973? (PAUSE) Or was it only Mr. Foley? (PAUSE)
>
> GARWOOD: I cannot be sure, Sir. I am trying to recollect. I either told them or hinted * * * it was either hinting, or hinting to that effect, or directly. Again, they didn't want to get into that area.

Garwood testified that the first time he gave any information publicly about the American POW's he now said he had seen in Vietnam after the 1973 homecoming was to the Wall Street Journal 5½ years after he left Vietnam, because, as Garwood testified, "it was something within me that was crying out."

Needless to say, Garwood never produced any notes from any of his lawyers or psychiatrists or anyone else that showed he ever told anyone for the first 5½ years after he left Vietnam about the live sightings.

It is easy to imagine why Garwood might have suddenly changed his story. He had lost everything as a result of the discrepancies between his original account of his imprisonment and what his fellow POW's saw him do in Vietnam. It is easy to imagine that Garwood might have decided that this was a route to acceptance by at least a part of the community of those who served.

But let us leave imagination aside. Let us leave his contacts with the POW activist community aside. Let us reach no conclusion as to why Garwood's story changed. Let us simply note that in the course of his testimony, Garwood first claimed he hadn't told his lawyers, then decided he had done so, then said he had hinted, and finally failed to produce any documentary evidence that he had even done that.

In the years that have followed, not a single witness, not a single document, not a single fact has come to corroborate a single one of Robert Garwood's statements in late 1984 and since regarding his seven encounters with live American POW's after the homecoming, despite diligent efforts on the part of many people in the government, and outside of it.

Today, as Robert Garwood goes back to Vietnam, none of us should be surprised about his ability to show a delegation around Vietnam. He was there for 14 years, and free to travel. Clearly he can identify a few places and take camera crews there in 1993.

But for what purpose? Whatever scenario Robert Garwood acts out cannot possibly shed light on his man's silence from March 1979 to December 1984. It cannot possibly prove or disprove the statements he made under oath in 1985 to Congress that he saw live Americans there. All it can do is once again generate heat without light on the fate of the missing, by a man who has contradicted himself on every material point relating to their fate time and time again.

I cannot believe any U.S. marine under any circumstances would return to this country, who truly had been a POW, and he would not tell America there were Americans still over there. But Bob Garwood did not do that. No, he did not do that. He did not do that in 1979. He did not do it in 1980. He did not do it in 1981, 1982, 1983, 1984. But in 1985, after some POW activists got ahold of him, Congressman Billy Hendon and others—by God, Bob Garwood came forward and he had seen Americans in Vietnam. And now he is going back to Vietnam and he is going to walk down someplace and say this is where I saw them.

What does that mean? It is meaningless. They are not there today. There is no way to prove they were there a few years ago. But most important, this former U.S. marine never kept faith with the U.S. Marines or with his country and told people when he got back: "You better mount an expedition because there are Americans over there." He never said it; never said it.

You could read this interview and there is plenty of time where he goes into detail. He talks to people. He had all the time in the world, secretly, even. He could have said to somebody, "You know, I am really scared for my life and I am scared for their lives. So I have to tell you this in utter secrecy and I am going to tell you where they are or might be so they will not get killed and you could rescue them." He never said it. He never said it. But he was stripped of his rank for collaborating with the enemy.

Then he finds some friends, Mr. President. Bob Garwood, who is dishonored and disgraced, finds some friends in this country who want to believe people are there. And these are the people who embrace him. By God, all of a sudden he has a conversion, there are Americans over there and he wants America to believe today he knew it back then.

I do not buy that, Mr. President. He could have come in and testified before our committee, but Senator SMITH and his lawyers said, "He is too fragile. He cannot come and testify before your committee." So rather than have the spectacle of this guy brought up in front of the committee and break into tears and fall apart, we did not have him come. We just deposed him upstairs in Senate 407. And he told his story. But now he is big and strong enough and brave enough to go out and make movies and head over to Vietnam.

I suggest that anybody who examines this record will understand the absolute implausibility of any U.S. marine coming back to this country, having seen Americans, and not telling the Marine Corps—"Semper Fi." That is the Marine slogan.

In conclusion, regarding Mr. Garwood, I would say this, the marines are known, Mr. President, not only for not leaving their wounded behind, but not leaving their dead behind. It is unheard of to conceive of a marine leaving the living behind. So this man who claims he was a prisoner, who claims that somehow he could not tell because he feared for their lives, truly, I think, misleads this Nation. I think it is very sad. I think it is sad that some do not examine a little more closely the reality of his story.

I yield the floor.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items 248, and 253 through 272, inclusive, and the following nominations reported today by the Armed Services Committee: Maj. Gen. Richard D. Hearney, to be Lt. Gen.; Lt. Gen. Robert B. Johnston, to be lieutenant general; and Maj. Gen. George R. Christmas, to be lieutenant general, and all nominations placed on the Secretary's desk in the Air Force and Army.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

### DEPARTMENT OF STATE

Daniel K. Tarullo, of Massachusetts, to be an Assistant Secretary of State.

### DEPARTMENT OF DEFENSE

Frank G. Wisner, of the District of Columbia, to be Under Secretary of Defense for Policy.

Edwin Dorn, of Texas, to be an Assistant Secretary of Defense.

Chas. W. Freeman, of Rhode Island, to be an Assistant Secretary of Defense.

### IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

*To be major general*

Brig. Gen. George K. Anderson, [redacted], Regular Air Force.

The following-named officers for appointment to the grade of major general under the provisions of title 10, United States Code, section 624:

*To be major general*

Brig. Gen. Joseph E. Hurd, [redacted], Regular Air Force.

Brig. Gen. Kenneth R. Israel, [redacted], Regular Air Force.

Brig. Gen. James E. McCarthy, [redacted], Regular Air Force.

Brig. Gen. Jimmey R. Morrell, [redacted], Regular Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. Thomas A. Baker, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of General on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

*To be general*

Gen. James B. Davis, [redacted] U.S. Air Force.

The following-named officer for appointment to the grade of Lieutenant General while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Maj. Gen. John G. Lorber, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of Lieutenant General while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be lieutenant general*

Lt. Gen. James L. Jamerso[redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. Martin J. Ryan, J[redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. Richard J. Trzaskom[redacted], U.S. Air Force.

The following officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

*To be brigadier general*

Col. Wilfred Hessert, [redacted] Air National Guard of the United States.

### IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. Johnnie H. Corns, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

*To be lieutenant general*

Lt. Gen. James D. Starling, [redacted], U.S. Army.

### IN THE NAVY

The following-named captains in the line of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

*Unrestricted line officer*

*To be rear admiral (lower half)*

Capt. William "V" Cross, II, [redacted], U.S. Navy.

Capt. Thomas Boulton Farg[redacted], U.S. Navy.

Capt. Wirt Ross Fladd, [redacted] U.S. Navy.

Capt. Dennis Vincent McGinn[redacted], U.S. Navy.

Capt. Edward Moore, Jr[redacted] U.S. Navy.

Capt. Patricia Ann Tracey, [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

*To be vice admiral*

Vice Adm. Edward W. Clexton, Jr., U.S. Navy, [redacted]

The following-named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be vice admiral*

Vice Adm. Henry G. Chiles, Jr., U.S. Navy, [redacted]

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

*To be vice admiral*

Rear Adm. (Selectee) George W. Emery, U.S. Navy [redacted]

### TENNESSEE VALLEY AUTHORITY

Johnny H. Hayes, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 1996.

Craven H. Crowell, Jr., of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

### IN THE MARINE CORPS

Maj. Gen. Richard D. Hearney, to be lieutenant general;

Lt. Gen. Robert B. Johnston, to be lieutenant general; and

Maj. Gen. George R. Christmas, to be lieutenant general.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY

Air Force nominations beginning Laura Boone, and ending Theresa M Zolninger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Air Force nominations beginning Alan R. Westrom, [redacted] and ending Charles T. Miller, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Franklin C. Albright [redacted] and ending Maj. Melanie G. Freed, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Jimmy L. Davis, Jr [redacted] and ending Maj. Paul E. Maguire, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Maj. Thomas E. Allen [redacted] and ending Maj. Timothy B. Malan, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Air Force nominations beginning Gerald S. Beilstein, and ending Rodney L. Winn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Army nominations beginning Charles W. Absher, and ending Robert C. Zelazny, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 5, 1993.

Army nominations beginning Jeffery F. Addicott, and ending Dale N. Woodling, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Army nominations beginning John B. Alumbaugh, and ending Peter C. Zolper, which nominations were received by the Senate on May 14, 1993, and appeared in the CONGRESSIONAL RECORD of May 18, 1993.

Army nominations beginning Richert Auhoy, and ending Julian M. Mount, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning Stephen L. Goff, and ending Donald E. Ricks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning James B. Cichanski, and ending Judy A. Walz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

Army nominations beginning Joyce Arnold, and ending Bruce E. Takala, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1993.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 115. Concurrent resolution providing for an adjournment of the House from the legislative day of Thursday, July 1, 1993 to Tuesday, July 13, 1993 and an adjournment or recess of the Senate from Thursday, July 1, 1993 or Friday, July 2, 1993 until Tuesday, July 13, 1993.

The message further announced that the Speaker had signed the following enrolled joint resolution:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

At 5:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of the multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreement, and to apply congressional "fast track" procedures to a bill implementing such agreements.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–979. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of public buildings service capital improvement program for fiscal year 1994 with lease prospectuses; to the Committee on Environment and Public Works.

EC–980. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of a determination relative to a contract to Howard University; to the Committee on Environment and Public Works.

EC–981. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of an amended alteration prospectus for the Social Security Administration's Program Service Centers; to the Committee on Environment and Public Works.

EC–982. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on animal welfare enforcement for fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–983. A communication from the Acting Deputy Assistant Secretary of Defense (Requirements and Resources), Force Management and Personnel, Office of the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the Military Retirement System as of September 30, 1992; to the Committee on Armed Services.

EC–984. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of an examination of the Army's financial statements for fiscal years 1991 and 1992; to the Committee on Armed Services.

EC–985. A communication from the Secretary of Transportation, transmitting a report on transportation security for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

EC–986. A communication from the Secretary of Transportation, transmitting a report on collision avoidance systems for fiscal year 1992; to the Committee on Commerce, Science, and Transportation.

EC–987. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the total number of applications for conditional registration for fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–988. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–989. A communication from the Assistant Secretary (Land and Minerals Management), Department of the Interior, transmitting, pursuant to law, the annual report on royalty management and delinquent account collection activities for Federal and Indian mineral leases in 1991 and 1992; to the Committee on Energy and Natural Resources.

EC–990. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on oil and gas leasing program for non-North Slope Federal lands in Alaska for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–991. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on coordination of Federal energy conservation factors and data for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–992. A communication from the President of the United States, transmitting a report relative to the U.S. Armed Forces in Somalia; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 298. A bill to amend title 35, United States Code, with respect to patents on certain processes (Rept. No. 103–82).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 103–83).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 670. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes (Rept. No. 103–84).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officers, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

*To be lieutenant general*

Lt. Gen. Robert B. Johnston, [redacted], U.S. Marine Corps.

*To be lieutenant general*

Maj. Gen. Richard D. Hearney, [redacted], U.S. Marine Corps.

*To be lieutenant general*

Maj. Gen. George R. Christmas, [redacted], U.S. Marine Corps.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH (for himself, Mr. BIDEN, Mr. DORGAN, and Mr. McCAIN):

S. 1189. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, and Mr. HARKIN):

S. 1190. A bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. BROWN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. GRAMM, Mr. GORTON, Mr. BENNETT, Mr. COVERDELL, Mr. NICKLES, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. McCONNELL, Mr. COATS, Mr. BURNS, Mr. CRAIG, and Mr. SIMPSON):

S. 1191. A bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1192. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Soldotna, Alaska, for airport purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD:

S. 1193. A bill to amend the Head Start Act to provide services for younger children and their parents, the Comprehensive Child Development Act to extend the authorization of appropriations and the National and Community Service Act of 1990 to provide educational awards for early childhood development teachers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1194. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 1195. A bill to amend the Federal Water Pollution Control Act to further the protection of wetlands, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SIMPSON:

S. 1196. A bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. SIMPSON):

S. 1197. A bill to make miscellaneous and technical corrections to the Immigration and Nationality Act and related provisions of law; considered and passed.

By Mr. MITCHELL:

S. 1198. A bill to assess and protect the quality of the Nation's lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1199. A bill to amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1200. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 1201. A bill to authorize the Secretary of Agriculture to provide cost share assistance to construct reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1202. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

By Mr. HATFIELD:

S. 1203. A bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 1204. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. 1205. A bill to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes; considered and passed.

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. DOLE):

S. 1206. A bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center"; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 1207. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S. 1208. A bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KEMPTHORNE (for himself, Mr. HATCH, and Mr. CRAIG):

S. 1209. A bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. FEINGOLD, Mr.

GRASSLEY, Mr. KOHL, Mr. PRESSLER, Mr. WELLSTONE, and Mr. HARKIN):

S. 1210. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 1211. A bill to extend the suspension of duties on certain glass fibers; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. THURMOND):

S. 1212. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service and Community Volunteers, enhance opportunities for national service and volunteer programs to enhance effectiveness, to provide support for community volunteer opportunities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN:

S.J. Res. 107. A joint resolution to designate the first Monday in October of each year as "Child Health Day"; to the Committee on the Judiciary.

By Mr. COATS:

S.J. Res. 108. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. BOREN, Mr. BROWN, Mr. BURNS, Mr. DURENBERGER, and Mr. LEVIN):

S.J. Res. 109. A joint resolution relating to the City of Pueblo, Colorado; to the Committee on the Judiciary.

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## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. DECONCINI, Mrs. MURRAY, Mr. HARKIN, Mr. JEFFORDS, and Mr. NICKLES):

S. Res. 128. A resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations; to the Committee on Finance.

By Mr. WOFFORD (for himself and Mr. PELL):

S. Res. 129. A resolution to designate both the month of August 1993 and the month of August 1994 as "National Slovak American Heritage Month"; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. Res. 130. A resolution to amend paragraphs 2 and 3 of Rule XXV; considered and agreed to.

By Mr. DOLE:

S. Res. 131. A resolution to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. BIDEN, Mr. DORGAN, and Mr. MCCAIN):

S. 1189. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### PROFESSIONAL BOXING CORPORATION ACT OF 1993

• Mr. ROTH. Mr. President, today I am introducing, on behalf of myself, Senator BIDEN, Senator MCCAIN, and Senator DORGAN, the Professional Boxing Corporation Act of 1993. This legislation is designed to improve a sport that for too long has been beset by problems and to protect a group of athletes who, as a result, have suffered for too long.

Make no mistake, boxing is unlike other sports—it does not have a league President or commissioner or any other authority enabling boxing to effectively regulate itself nor is it likely that, absent Federal legislation, such a body will ever be established. Professional boxing is currently governed by a patchwork system of local, State, and international groups with no unifying authority. For professional boxing in the United States, this legislation provides that unifying authority.

The need for this legislation was demonstrated clearly by the findings of the year-long investigation of professional boxing I directed as the ranking minority member of the Permanent Subcommittee on Investigations. Our investigation revealed huge gaps in boxing's current regulatory structure which result in widely varying rules and enforcement, as well as corruption and unfairness. As a result, it is the boxer who suffers with neither his health, safety, nor financial well-being protected.

This legislation establishes a nonprofit Government corporation called the Professional Boxing Corporation [PBC] which, except for an initial startup loan, will be completely self-funding. I want to emphasize that this legislation will cost the taxpayer nothing—the PBC will be financed by the boxing industry.

I also want to make clear that this legislation will not replace existing State boxing regulatory authorities. Rather, the PBC will work with the State boxing commissions to develop and enforce uniform minimum standards for all professional boxing matches in the United States.

The PBC will not micromanage professional boxing. For example, this legislation specifically prohibits the PBC from ranking boxers or promoting fights and the day-to-day regulation of the sport will be left to the State commissions. However, the PBC will maintain full oversight and investigative authority to ensure that these uniform standards are being enforced, to ensure that boxers' health and safety are protected and that corruption and unfairness are eliminated.

Boxing has provided opportunities for many young men and is enjoyed by many devoted fans. I believe this legislation represents the best opportunity for us to do what is long overdue and that is protect both the boxers and the fans by effectively reforming professional boxing.

This legislation marks the first time in the long history of efforts at boxing reform that both Republicans and Democrats in both the Senate and the House have joined together to introduce the same bill in both bodies.

Most professional boxers never reach the bigtime and never reap the benefits of the million dollar title fights and lucrative endorsement contracts. Yet they train day after day, in gyms throughout this country, chasing a dream. We owe it to these young men to establish a boxing regulatory system that works as hard outside the ring to protect them as they work inside the ring. I urge my colleagues to join with me in passing this bill to protect the individual boxers and improve the credibility of the sport as a whole. Mr. President, I ask unanimous consent that the text of this bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1189

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Professional Boxing Corporation Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) professional boxing is beset with wide-ranging problems which are beyond the scope of the current system of State regulation to protect against;

(2) the rules governing professional boxing and the enforcement of such rules varies widely among States;

(3) boxing, unlike other professional sports, does not have an entity by which the sport can be successfully regulated, nor is there a prospect of meaningful self-regulation;

(4) the problems currently facing professional boxing can be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including organized crime influence; and

(5) such problems endanger the health, safety and welfare of boxers and undermine the sport's credibility with the public.

**SEC. 3. PURPOSE.**

The purpose of this Act is to establish a national organization which shall work with State boxing authorities to establish and enforce uniform rules and regulations for professional boxing in order to protect the health and safety of boxers and to ensure fairness in the sport.

**SEC. 4. DEFINITIONS.**

For purposes of this Act the term—

(1) "Board" means the Professional Boxing Advisory Board established under section 7;

(2) "boxing match" means a professional boxing match, or any part thereof, which is held within the United States and does not include an amateur boxing match;

(3) "Corporation" means the Professional Boxing Corporation established under section 5;

(4) "Executive Director" means the Executive Director of the Corporation;

(5) "Fund" means the Professional Boxing Corporation Trust Fund established under section 13;

(6) "promoter" means any person or business organization licensed under this Act to hold, give, or otherwise conduct any boxing match, program, or exhibition;

(7) "sanctioning organization" means any entity that authorizes or sanctions a championship boxing match;

(8) "Secretary" means the Secretary of the Treasury;

(9) "State" means any State of the United States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States; and

(10) "State boxing authority" means a State agency with authority to regulate professional boxing.

### SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION.

There is established the Professional Boxing Corporation which shall be a Government corporation as defined under section 103 of title 5, United States Code. The Corporation shall maintain its principal office in Washington, District of Columbia.

### SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION.

(a) Executive Director.—The Corporation shall be administered by an Executive Director who shall be appointed by the President by and with the advice and consent of the Senate.

(b) Executive Schedule Level III Position.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Executive Director of the Professional Boxing Corporation.".

### SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD.

(a) Establishment.—There is established a Professional Boxing Advisory Board. The members of the Board shall be appointed by the Executive Director. The Board shall consist of 7 members, of whom—

(1) three shall be acting State athletic or boxing commissioners;

(2) one shall be a physician certified in neurosurgery;

(3) one shall be a representative of the United States Amateur Boxing Association; and

(4) two shall be persons with an interest in and knowledge of the sport of boxing.

(b) Qualifications.—(1) Each member of the Board shall be a citizen of the United States and shall not, during service as a member of the Board, be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing or have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match.

(2) Each member of the Board shall be an individual who, by reason of such individual's business, professional, or other background, training, experience, or activities outside the business of professional boxing and its related activities, has a broad understanding of the relationship between professional boxing, both as a sport and as a business, and the public interest.

(c) Chairman.—The Executive Director shall appoint one of the members to serve as Chairman of the Board.

(d) Purpose and Function.—The Board shall make recommendations to the Corporation to most effectively and efficiently carry out the provisions of this Act.

(e) Unanimous Vote of Disapproval.—(1) If the Board by unanimous vote adopts a resolution of disapproval of any action or pending action of the Executive Director, the Executive Director shall—

(A) stay such action for a period of 30 days beginning on the date of the adoption of such resolution; or

(B) in the case of a pending action, refrain from taking such action for a period of 30 days beginning on the date of the adoption of such resolution.

(2) If the Executive Director determines to take or resume such action after the adoption of a resolution of disapproval, the Executive Director shall report to the Board before the end of the 30-day period referred to under paragraph (1) on—

(A) such determination; and

(B) the reasons for making such determination.

(3) Notwithstanding the provisions of paragraph (1), the Executive Director may take the action disapproved by resolution during the 30-day period referred to under paragraph (1) if the Board by unanimous vote rescinds such resolution of disapproval during such 30-day period.

(f) Initial Appointments.—Initial appointments under subsection (a) shall be made within 60 days after the effective date of this Act.

(g) Terms.—Members of the Board shall be appointed to 5-year terms.

(h) Compensation of Members.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(i) Travel Expenses.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) Staff and Services.—The Corporation shall provide all necessary staff and support services for the Board.

(k) Successors.—If any member of the Board is unable to serve a full term of office or becomes unqualified to serve in such position, a new member shall be appointed to serve the remainder of such term of office in the same manner in which the original appointment was made.

(l) Quorum.—Four members of the Board shall constitute a quorum.

(m) Initial Meeting.—The initial meeting of the Board shall be held within 90 days after the effective date of this Act.

### SEC. 8. FUNCTIONS OF THE CORPORATION.

(a) Protection of General Interests of Boxers.—The primary function of the Corporation shall be to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

(b) Establishment of National Registry and Licensing.—(1) The Corporation shall provide a unified national computer source for the collection, storage, and retrieval of information, which may include—

(A) a list of professional boxers;

(B) the medical records, won-loss records, size, weight, and business associates of such boxers; and

(C) information pertinent to the sport of boxing on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Corporation to have a professional role in boxing.

(2)(A) The Corporation shall issue a license, either through State boxing authorities or through the manner determined most appropriate by the Corporation, on an annual renewable basis, to each boxer, boxing judge, referee, or other person serving in a professional role in a boxing match as determined by the Corporation who meets Corporation minimum standards, and shall issue for licensed boxers an accurate record of their medical history, biographical information, and won-loss boxing record.

(B) During the 2-year period beginning on the effective date of this Act, each boxer, boxing judge, referee, or other person serving in a professional role in a boxing match who is subject to licensing under subparagraph (A) and holds a valid license issued by a State before the effective date of this Act shall be deemed to meet Corporation minimum standards for purposes of subparagraph (A).

(3) The Corporation may require and issue a special event license to each boxer, boxing promoter, sanctioning organization, boxing manager or other person regulated under this Act who participates in a major boxing match. The Corporation shall promulgate regulations defining a major boxing match for purposes of this paragraph.

(4) The Corporation shall issue a certificate of registration, either through State boxing authorities or through the manner determined most appropriate by the Corporation, at least every 3 years, to each boxing promoter, boxing matchmaker, sanctioning organization, boxing manager, trainer, physician, cut man, and other person determined by the Corporation to have a professional role in boxing, who meets Corporation minimum standards.

(c) License and Registration Fees.—

(1) The Corporation may set and charge licensing and registration fees for all persons regulated under this Act. Fees paid by promoters may be derived from gross receipts from boxing matches. Such fees may be collected through State boxing authorities or through the manner determined most appropriate by the Corporation. All such fees shall be deposited in the General Treasury of the United States.

(2) The Corporation may set, charge, and adjust varying fees under paragraph (1) based on classifications of persons, functions, and events regulated under this Act.

(3) In setting and charging fees under paragraph (1), the Corporation shall ensure that to the greatest extent practicable—

(A) club boxing shall not be adversely effected; and

(B)(i) sanctioning organizations and promoters shall pay the largest portion of all such fees collected under such paragraph; and

(ii) boxers shall pay as small a portion of all such fees as is possible.

(d) Additional Functions.—In addition to the functions described under subsections (a), (b), and (c), the Corporation shall—

(1) prescribe regulations requiring a copy of any contract for a boxing match to be

filed with the Corporation or with a State boxing authority at a time before such match and in a manner determined appropriate by the Corporation;

(2) prescribe regulations of the sport of professional boxing to ensure the safety of participants;

(3) establish minimum standards and procedures for physical and mental examinations to be given boxers;

(4) establish minimum standards for the availability of medical services at professional boxing matches;

(5)(A) encourage a life, accident, and health insurance fund for professional boxers and other members of the professional boxing community; and

(B) submit a report to the Congress on the feasibility of establishing a pension system for professional boxing participants;

(6) research and establish minimum standards for the manufacturing and use of boxing equipment;

(7) conduct discussions and enter into agreements with foreign boxing entities on methods for applying minimum health and safety standards to foreign boxing events and foreign boxers, trainers, cut men, referees, judges, ringside physicians, and other professional boxing personnel;

(8) review State boxing authority regulations for professional boxing and provide assistance to such authorities in meeting the Corporation minimum standards and requirements;

(9) prescribe regulations for establishing standards for the making of contracts, agreements, arrangements, and understandings relating to professional boxing;

(10) review the role of sanctioning organizations in professional boxing and prescribe regulations relating to sanctioning organizations consistent with this Act; and

(11) prescribe regulations prohibiting conflicts of interest relating to boxing matches.

(e) Consultation With State Boxing Authorities.—The Corporation shall consult with State boxing authorities—

(1) before prescribing any regulation or establishing any standard under the provisions of this section; and

(2) no less than once each year regarding matters relating to professional boxing.

(f) Suspension and Revocation of License or Registration.—(1) The Corporation may, after appropriate notice and opportunity for a hearing, suspend or revoke any license or registration made under this Act if the Corporation finds—

(A) such suspension or revocation is in the public interest, including the protection of health and safety; or

(B) there is reasonable grounds for belief that standards prescribed by the Corporation under this section are not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have been used in connection with such licensing or registration.

(2) Any suspension of a license or registration under this section shall be for a period of not less than 6 months unless—

(A) such suspension results from a person's medical condition; and

(B) such person is medically certified to participate in a boxing match before the end of such 6-month period.

(g) Prohibitory Orders.—(1) The Corporation may, after appropriate notice and opportunity for hearing, by order prohibit the holding of any proposed boxing match if it finds such prohibition is in the public interest and that—

(A) any contract, arrangement, or agreement with respect to such match does not comply with the regulations of the Corporation;

(B) such match, or any participant in such match, is not licensed or registered as provided under this Act;

(C) there is reasonable grounds for belief that such match may be affected by bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, intimidation or violence; or

(D) the health and safety of any participant is placed at undue risk by such proposed match.

(2)(A) At or after the time that notice of any proceeding under paragraph (1) is sent or ordered by the Corporation to be published, regardless of whether or not any person to be affected by such proceeding has received such notice, the Corporation may by order without notice or hearing summarily prohibit the holding of the boxing match in question pending final disposition of the proceeding by the Corporation, or for such shorter period as the Corporation considers appropriate. The Corporation shall issue such an order without notice or hearing if in its judgment such action is in the public interest (including the protection of the health and safety of a boxer) and necessary to carry out the purposes of this Act.

(B) No liability shall attach to any person by virtue of a summary order issued under this subsection unless such person has actual notice thereof.

(h) Investigations and Injunctions.—(1) The Corporation may, in its discretion, make such investigations as it considers necessary to determine whether any person has violated or is about to violate any provision of this Act or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Corporation shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Corporation may, in its discretion, publish information concerning any such violations, and investigate any facts, conditions, practices, or matters which it may determine necessary or proper to aid in the enforcement of the provisions of this Act, in the prescribing of rules and regulations under this Act, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this Act relates.

(2) For the purpose of any such investigation, or any other proceeding under this Act, any officer designated by the Corporation is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Corporation considers relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Corporation may file an action in any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. Such court may issue an order requiring such person to appear before the Corporation to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district in which such person is an inhabitant or in which such person may be found. Any person who, without just cause, fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memorandums, and other records, if in the power of such person so to do, in obedience to the subpoena of the Corporation, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both.

(4) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Corporation, or in obedience to the subpoena of the Corporation, or in any cause or proceeding instituted by the Corporation, on the ground that the testimony or evidence, documentary or otherwise, required of such person may tend to incriminate such person or subject such person to a penalty or forfeiture. No individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which such individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(5) If the Corporation determines that any person is engaged or about to engage in any acts or practices which constitute or shall constitute a violation of any provision of this Act, or of any rule or regulation thereunder, it may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

(6) Upon application of the Corporation the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Corporation.

(i) Intervention in Civil Actions.—The Corporation shall be permitted an intervention of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. The Corporation may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

(j) Hearings by Corporation.—Hearings may be public and may be held before any officer of the Corporation and appropriate records thereof shall be kept.

### SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION.

(a) In General.—Beginning on the date occurring 18 months after the date of the enactment of this Act, a State regulating professional boxing shall submit to the Corporation a State boxing plan that meets the requirements of subsection (b).

(b) State Boxing Plan Requirements.—A State boxing plan meets the requirements of this subsection if such plan—

(1) establishes or maintains a State agency for the purpose of regulating professional boxing in such State in compliance with the minimum standards established by the Corporation; and

(2) establishes a registration procedure consistent with the provisions of section 8 by which such State agency requires that—

(A) each individual and organization involved in professional boxing in such State be registered with such State agency in accordance with the minimum Federal boxing standards; and

(B) each individual and organization referred to in subparagraph (A) pay a registration fee to the Corporation in an amount determined by the Corporation pursuant to section 8(b) for the purpose of funding the Corporation.

(c) Approval and Disapproval of State Boxing Plan.—No later than 60 days after the date on which a State submits a State boxing plan pursuant to subsection (a), the Corporation shall—

(1) approve such plan if the plan meets the requirements of subsection (b); or

(2) disapprove the plan and notify the State of the reasons therefore.

(d) Withdrawal of Approval.—The Corporation shall withdraw its approval of any State boxing plan if the Corporation determines that such plan, or the administration of such plan, no longer meets the requirements of subsection (b).

(e) Prohibition of Certain Professional Boxing Matches.—Beginning 3 years after the date of the enactment of this Act, no boxing match shall be held in a State—

(1) which does not have in effect a State boxing plan approved by the Corporation under subsection (c);

(2) which has in effect a State boxing plan approved by the Corporation under subsection (c), if the Corporation determines that there exist reasonable grounds for belief that the minimum boxing standards established under section 8 are not being met in connection with such match; or

(3) which has a State boxing plan approval withdrawn under subsection (d).

### SEC. 10. POWERS OF THE CORPORATION.

(a) In General.—The Corporation may—

(1) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

(2) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Corporation, and shall appoint such officers and employees in accordance with the civil service laws and fix such compensation in accordance with the provisions of title 5, United States Code;

(3) enter into contracts for temporary and intermittent services to carry out any function of the Corporation;

(4) publish a newspaper, magazine, or other publication consistent with corporate purposes; and

(5) take any necessary and proper action to accomplish the purposes of this Act consistent with the provisions of this Act.

(b) Prohibitions.—The Corporation may not—

(1) promote boxing events or rank professional boxers; or

(2) provide technical assistance to, or authorize the use of the name of the Corporation by, States which do not comply with requirements of the Corporation.

(c) Use of Name.—The Corporation shall have the exclusive right to use the name "Professional Boxing Corporation" and the acronyms "P.B.C." and "PBC", and any person who, without the permission of the Corporation, uses such name or any other exclusive name, trademark, emblem, symbol, or insignia of the Corporation for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Corporation for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1051 et seq., popularly known as the Trademark Act of 1946).

### SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES.

(a) Noninterference.—Nothing in this Act shall prohibit any agency established by or pursuant to the law of any State or political subdivision of any State from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or boxing matches to the extent not inconsistent with the provisions of this Act.

(b) Minimum Standards.—Nothing in this Act shall prohibit any State boxing authority from enforcing State standards or requirements which exceed the minimum standards or requirements promulgated by regulation of the Corporation.

### SEC. 12. ASSISTANCE FROM OTHER AGENCIES.

(a) In General.—(1) Notwithstanding section 552a of title 5, United States Code, or any other provision of law, the Corporation may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics which shall assist the Corporation in carrying out the purposes of this Act, and each such department, agency, bureau, board, commission, office, independent establishment, or instrumentality shall furnish such information, suggestions, estimates, and statistics directly to the Corporation, upon request made by the Executive Director.

(2) Any information, including suggestions, estimates, and statistics, secured by the Corporation which, but for paragraph (1) of this subsection, could not be secured by the Corporation by reason of section 552a of title 5, United States Code, or any other provision of law shall be treated by the Corporation as confidential information.

(3) Except as provided in paragraph (4) of this subsection, no officer or employee of the Corporation may disclose to any person other than an officer or employee of the Corporation any information referred to in paragraph (2) of this subsection. Nothing in this subsection shall be construed to authorize the Corporation to withhold information from the Congress.

(4)(A) Any information referred to in paragraph (2) of this subsection may be disclosed in accordance with the prior written consent of the person with respect to whom such information is maintained, but only to such extent, under such circumstances, and for such other purposes as may be allowed under regulations which shall be prescribed by the Corporation.

(B) Whether or not the person, with respect to whom any information referred to in paragraph (2) of this subsection is maintained, gives consent, such information may be disclosed if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore. In assessing good cause the court shall weigh the public interest and the need for disclosure against any prejudice to the person together with the effective administration and enforcement of the provisions of this Act. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any information is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(5)(A) Whoever violates any provision of this subsection may be assessed a civil penalty of not to exceed $1,000 for each violation. Such penalty shall be assessed by the court in a civil action brought by the Attorney General of the United States.

(B) The Corporation shall refer to the Attorney General the name of any person it has reasonable cause to believe has violated any provision of this subsection.

(b) Details.—Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Corporation, upon the request of the Executive Director, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over such employee. While so detailed, such employee shall continue to receive the compensation provided pursuant to law for the regular employment of such employee and shall retain, without interruption, the rights and privileges of such employment.

### SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND.

(a) Establishment.—There is established the Professional Boxing Corporation Trust Fund in the Treasury of the United States, consisting of such amounts as are transferred to the Fund under subsection (b) of this section and any interest earned on investment of amounts in the Fund under subsection (e)(2) of this section.

(b) Transfer of Amounts Equivalent to Certain Fees.—(1) The Secretary shall transfer to the Fund an amount equal to the sum of the fees received in the Treasury under section 8 after the effective date of this Act.

(2) The amounts required to be transferred to the Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) Expenditure From Fund.—Amounts in the Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out the purposes of this Act.

(d) Authority To Borrow.—(1) There are authorized to be appropriated to the Fund, as repayable advances, such sums as may be necessary to carry out the purposes of the Fund.

(2)(A) Advances made to the Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Fund.

(B) No advance shall be made to the Fund after the date occurring 5 years after the effective date of this Act, and all advances to such Fund shall be repaid on or before such date.

(C) Interest on advances made to the Fund shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(e) INVESTMENT OF FUND.—(1) It shall be the duty of the Secretary to invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) OBLIGATIONS FROM FUND.—The Corporation is authorized to obligate such sums as are available in the Fund (including any amounts not obligated in previous fiscal years) for—

(1) the functions of the Corporation under section 8; and

(2) properly allocable administrative costs of the Federal Government for the activities related to such functions.

(g) REPORT TO CONGRESS.—It shall be the duty of the Secretary to hold the Fund, and (after consultation with the Corporation) to report to the Congress each year on the financial condition and the results of the operations of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

### SEC. 14. AUDIT AND REPORT.

(a) AUDIT.—The Comptroller General shall conduct an annual audit of the finances of the Corporation, to be completed in time for inclusion in the report required by subsection (b).

(b) REPORT.—The Corporation shall submit a report to the Congress within 1 year after the effective date of this Act and annually thereafter. Such report shall detail the activities of the Corporation for the preceding year and shall include—

(1) a description of the State boxing authority in each State; and

(2) the results of the audit required under subsection (a).

(c) PUBLIC REPORT.—The Corporation shall annually issue a report made available to the public on the progress made at Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

### SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE.

(a) PETITION TO CONGRESS.—During the 1-year period preceding the effective date of this Act, a majority of the State boxing authorities from all States may submit a petition as described under subsection (b) to the Senate Governmental Affairs Committee and the House of Representatives Government Operations Committee. Such committees shall take all necessary actions to respond to such petition before the effective date of this Act.

(b) CONTENTS.—The petition submitted under subsection (a) shall include—

(1) a statement with supporting evidence that the provisions of this Act are unnecessary because the State authorities have established an organization to effectively carry out the purposes of this Act; and

(2) a request for the Congress to enact legislation to delay the effective date of this Act or repeal this Act.

### SEC. 16. INFORMAL RULEMAKING.

To the greatest extent practicable, the Corporation shall conduct all rulemaking under the provisions of section 553 of title 5, United States Code.

### SEC. 17. TERMINATION OF CORPORATION.

The Corporation shall terminate effective on the date occurring 7 years after the date of the enactment of this Act.

### SEC. 18. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act (except for section 15 which shall take effect on the date of enactment) shall be effective on and after 1 year after the date of the enactment of this Act.

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## PROFESSIONAL BOXING CORPORATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

### SEC. 1. SHORT TITLE

The Act may be cited as the Professional Boxing Corporation Act of 1993.

### SEC. 2. FINDINGS

This section sets forth findings that highlight the scope of the problems which professional boxing is currently facing and, accordingly, the need to establish the Professional Boxing Corporation (PBC). These problems can generally be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including the influence of organized crime. These problems endanger the health, safety and welfare of boxers and undermine the sport's public credibility and are beyond the scope of the current system of State regulation to prevent for the reasons the findings explain.

### SEC. 3. PURPOSE

While the purpose of the Act is self-explanatory, it should be emphasized that the PBC, while being a federal entity, is intended to work with the existing State boxing authorities to establish and enforce uniform professional boxing standards and not to supplant existing State agencies.

### SEC. 4. DEFINITIONS

The Act is only intended to cover professional boxing and does not include amateur boxing matches. "Promoter" is defined to cover all individuals and entities connected with organizing and conducting a professional boxing match.

### SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION

The Professional Boxing Corporation (PBC) is established as a Government corporation. It is to be self-funding and financed out of operating revenues, rather than through tax dollars (except for an initial infusion of start-up capital which will be loaned to the PBC by the Treasury and subsequently repaid—see Section 13).

### SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION

The PBC will be headed by a strong Executive Director—a "professional boxing czar"—to be appointed by the President and confirmed by the Senate. Establishing a single chief executive is intended to minimize bureaucracy and maximize accountability.

### SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD

This section establishes a seven-member Professional Boxing Advisory Board, appointed by the Executive Director, to consult with and make recommendations to the PBC. Board membership must include three acting State boxing administrators, a neurosurgeon and a representative of the U.S. Amateur Boxing Association (since many amateurs go on to become professional boxers). Members of the Board are prohibited from engaging in any professional boxing business during their tenure.

Subsection (e) authorizes the Board, by unanimous vote, to stay any action of the Executive Director for a period of 30 days by adopting a resolution of disapproval. At the conclusion of the 30-day period, the Executive Director may take or resume such action but must report to the Board regarding the reasons for the final determination.

Board members would be paid on a per diem basis. Staffing and support services would be provided by the PBC.

### SEC. 8. FUNCTIONS OF THE CORPORATION

The PBC is empowered to establish and enforce uniform minimum standards governing all professional boxing matches held in the U.S. The PBC may do so by working through the State boxing authorities to issue licenses and certificates of registration for all participants in all professional boxing matches held in the U.S., ensuring that these individuals comply with the PBC's standards. (The licensing provision also authorizes the PBC to issue a special event license to participants in a major boxing match.) The licensing requirement would be renewable annually and would apply to direct participants including boxers, judges and referees. All other participants, e.g., promoters, matchmakers, sanctioning organizations, managers, et al., would be issued certificates of registration, renewable every three years. Subsection (c) grants the PBC the authority to impose license and registration fees, which shall not adversely affect club boxing. The largest portion of these fees shall be paid by the sanctioning organizations and promoters, with the smallest portion paid by the boxers, to the extent practicable.

Another significant function of the PBC would be the establishment of a central computer professional boxing database to collect, store, retrieve and disseminate information, including a list of professional boxers and their medical records and won-loss records and relevant information on other individuals involved in professional boxing including referees, judges, promoters and managers.

Subsection (d) of this section sets forth additional functions of the PBC. These include:

Prescribing regulations to establish minimum standards for professional boxing matches in the U.S. regarding health and safety (including physical and mental examinations; the presence of qualified medical personnel at ringside; and standards for boxing equipment);

Assisting State boxing authorities to ensure State compliance with PBC standards;

Prescribing regulations prohibiting conflicts of interest and establishing uniform standards for boxing contracts, including requiring contracts be filed with the PBC or with a State boxing authority for review prior to a bout; and

Reviewing the role of and prescribing regulations regarding sanctioning organizations in professionals boxing.

Subsection (e) requires the PBC to consult with State boxing authorities prior to prescribing any regulations or establishing any standards under this section and at least annually on a general basis.

Subsections (f) and (g) would provide the PBC with the authority to withdraw the licenses and registrations of individuals who fail to comply with Corporation's regulations, as well as to prohibit any boxing matches which are in violation of the PBC's regulations (while affording appropriate due process protection). Grounds for withdrawal or prohibition would include protection of the health and safety of the boxer and where there is a reasonable belief that bribery, collusion, racketeering, extortion or other unlawful activity is involved.

Subsection (h) provides the PBC with the authority to conduct investigations it deems necessary to ensure that its regulations are being enforced, including the authority to subpoena witnesses and documents and to obtain injunctive relief.

Subsection (i) grants the PBC with the authority to intervene as a matter of right in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. This subsection also authorizes the Corporation to file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

### SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION

This section provides that, beginning 18 months following the enactment of this legislation, a State regulating professional boxing shall submit to the PBC for its approval a State boxing plan that conforms with the requirements established in subsection (b). These requirement include: establishing a State agency to regulate professional boxing in compliance with the PBC's minimum standards; and establishing registration procedures that are consistent with the provisions of section 8.

Subsection (c) requires the PBC to determine within 60 days whether such a plan is approved.

Subsection (d) authorizes the PBC to withdraw its approval of any State boxing plan that no longer meets the requirements of subsection (b).

Subsection (e) prohibits professional boxing matches, beginning three years following the enactment date of this legislation, in any State which does not have in effect a PBC-approved State boxing plan or in which the State is not complying with the PBC's minimum standards or in which the PBC has withdrawn its approval of a State boxing plan.

### SEC. 10. POWERS OF THE CORPORATION

This section provides the PBC with the general authority to carry out the functions of the Corporation, including the contracting of outside personnel to conduct certain functions such as medical or scientific research.

The PBC is not intended to micromanage professional boxing. Therefore, subsection (b) of this section specifically prohibits the Corporation from promoting boxing matches or from ranking professional boxers. This subsection also prohibits the PBC from providing assistance to State which do not comply with the minimum standards established by the Corporation.

Subsection (c) gives the PBC exclusive rights to its name, acronym and any other emblem or trademark of the Corporation.

### SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES

This section makes clear that States are free to continue to regulate professional boxing to the extent those regulations are not inconsistent with the provisions of this Act.

Standards established by the PBC are to be minimum standards for professional boxing. The states are free to promulgate regulations which exceed the PBC's standards.

### SEC. 12. ASSISTANCE FROM OTHER AGENCIES

This section would generally permit the PBC to seek and obtain the assistance of other Federal agencies in the course of conducting its operations.

### SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND

This section would establish a PBC Trust Fund at the Department of the Treasury and is based on the language used to establish many similar trust funds for Federal entities currently in operation. Subsection (d) authorizes the PBC to borrow from the Treasury the necessary start-up capital as "repayable advances", to be repaid with interest. After five years (from the effective date of the Act), no additional advances would be permitted and all previous advances must be repaid. All PBC revenue would be deposited in this Trust Fund, which would be managed by the Treasury and the Secretary would report annually to Congress on the condition and operations of the Trust Fund.

### SEC. 14. AUDIT AND REPORT

The Act would require the PBC to submit an annual report to Congress describing the State boxing authorities in each state and the results of an annual required audit conducted by the Comptroller General.

Subsection (c) requires the PBC to issue an annual public report addressing progress made at the Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

### SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE

This provision would permit a majority of the State boxing authorities from all States to submit a petition, with supporting evidence, to the Senate Governmental Affairs and House Government Operations Committees, respectively, showing that the PBC is unnecessary because the State boxing authorities have established an organization capable of effectively carrying out the purposes of this Act, and therefore requesting Congress to either delay the effective date of or repeal this Act. This provision is intended to allow the opportunity for the creation of a non-federal entity to address the problems which would otherwise be addressed by this Act. The establishment of such an entity would be long overdue; professional boxing's inability to regulate itself is the genesis for this Act.

### SEC. 16. INFORMAL RULEMAKING

This section provides that, to the extent possible, the PBC will conduct all rulemaking pursuant to the informal rulemaking procedures of the Administrative Procedures Act.

### SEC. 17. TERMINATION OF CORPORATION

This is a "sunset" provision under which the PBC will terminate seven years following the date of enactment unless Congress determines a continuing need exists and extends the PBC's authorization.

### SEC. 18. EFFECTIVE DATE

The effective date shall be one year after the date of enactment.●

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By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, and Mr. HARKIN):

S. 1190. A bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes; to the Committee on Labor and Human Resources.

### AMERICA CARES ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to enable communities across the Nation to create programs to enhance private giving to the homeless.

This legislation, called America Cares, is based on the positive experience of Berkeley Cares, a partnership of businesses, homeless service providers, and concerned citizens that joined together to try to address the issue of panhandling by the homeless in Berkeley's business areas. After much discussion, this group decided to try the idea of providing vouchers to sell to citizens, who could then give these vouchers to the homeless. These vouchers would be redeemable for food, toiletries, and other goods and services, but could not be redeemed for alcohol or tobacco.

The program has been a tremendous success. First, it has provided help to the homeless. Ordinary people now know they can help the homeless with the assurance that any donation they make through vouchers will not be used for drugs or alcohol. There is no doubt that the vouchers have assisted in helping turn lives around by providing access to food and other basic necessities. For some homeless individuals, this program has been the first step on the way back to self-reliance.

Second, the Berkeley Cares model gives ordinary citizens a way to help homeless people that they can feel great about. I think all of us have had the experience of being approached by someone begging for money. On the one hand, we want to give, to help this person. On the other hand, we have the sinking feeling that the money we give will not end up helping. This fear that the panhandler will only use the money for alcohol or drugs holds us back. So sometimes we refuse to give, and then castigate ourselves for not being generous. But other times we give anyway, and we castigate ourselves for being taken for suckers.

The voucher program gives ordinary citizens a chance to help the homeless directly and feel good about their giving and their concern. They can be assured that every voucher they pay for and hand to someone who is homeless can only be redeemed for food and other goods and services that will in reality help them—help them to maintain their physical health and self-esteem.

Third, the program has also helped the business community. Some of the aggressive panhandlers in Berkeley simply moved on, moved away, when it became apparent that a sizable number of people would give them vouchers that could not be used for drugs or alcohol. Many others used the vouchers for goods and services in local businesses, which in turn could be redeemed for cash by the merchants. Thus, new customers for businesses have been created, in a sense, by the vouchers. Early fears that homeless people redeeming vouchers in a store would scare off other customers proved to be groundless. In fact, participating businesses have found that many customers patronize business establishments who sell and redeem vouchers, in a show of appreciation for their involvement in Berkeley Cares.

Finally, and perhaps most importantly, the Berkeley Cares Program has helped educate the community about the issues of the homeless. By helping individuals help others, it has "primed the pump" for bringing the community's voluntary talents and resources to bear on solving the problems faced by the homeless. General awareness in the Berkeley community has increased as people have begun to see themselves as part of the solution to these problems.

As this awareness has increased, homeless service providers have seen increased support, in part through a separate contribution aspect of the Berkeley Cares Program. Communication between service providers, citizens, and the business community has also increased.

I think this Berkeley Cares experience can benefit other communities. Indeed, other cities are already attempting to set up programs. In Albuquerque, NM, for example, there is some interest in creating a program in at least one neighborhood shopping area.

My legislation helps new programs get started. It provides competitive grants of up to $60,000 to at least 60 local organizations to start programs like Berkeley Cares. Each program will provide a 25-percent match to qualify for the grant. The 60 programs created by this legislation will be demonstration programs in the widest sense of the word. In selecting the programs, the Secretary of Health and Human Services will look for diverse ideas regarding where the vouchers are sold, and what goods and services they are redeemable for. In addition, the Secretary will examine possibilities for providing contributions for homeless service providers. At the end of the year, the Secretary will look at the results of these diverse programs, and distribute those results to new organizations that are considering what might work in their communities.

My approach is cost-effective. The very small amount of money required to seed these new programs will, if these programs work, direct much more private money that is now made available to help meet the needs of homeless people. The key to America Cares is that it unleashes the great good will and generosity of the ordinary citizens and businesses in demonstration communities. It proposes a way for ordinary citizens and business to help the homeless and feel a great pride about their generosity. It will accomplish the direction of substantially more private resources to meet the needs of the homeless.

But it is also important to stress that programs created through America Cares are no substitute for addressing the root causes of homelessness. We as a nation cannot turn our back on the need to ensure adequate affordable housing, job training, and health care. Without each of these elements in place, it is likely that homelessness will remain with us. America Cares, however, can be a cost effective way in which the Federal Government can help local communities alleviate some of the pain of those who are homeless, and help mobilize communities across the Nation to fight the root causes of homelessness.

I ask unanimous consent that the text of the America Cares legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "America Cares Act".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) up to 5,000,000 Americans are homeless;

(2) homeless Americans lack access to basic goods and services;

(3) many Americans who are not homeless would like to help the homeless meet their basic needs;

(4) cash contributions, in response to one-to-one requests on the street, are not always the most effective way to assist homeless persons in obtaining food, clothing, and services;

(5) the Federal Government should facilitate the desire of private persons to help the homeless;

(6) a successful model program, Berkeley Cares, permits private persons and organizations to purchase vouchers for homeless individuals for redemption for goods and services at participating businesses and to make contributions to Berkeley Cares to purchase vouchers for distribution by homeless service providers; and

(7) such a program is viable on a National level.

**SEC. 3. PURPOSE.**

It is the purpose of this Act—

(1) to establish the America Cares Program;

(2) to coordinate public goodwill with the needs of homeless individuals in a constructive manner;

(3) to assist homeless individuals to gain access to basic goods and services;

(4) to encourage increased citizen understanding of homelessness; and

(5) to increase public support of homeless service programs.

**SEC. 4. DEFINITIONS.**

For the purposes of this Act:

(1) ELIGIBLE NONPROFIT ORGANIZATION.—The term "eligible nonprofit organization" means a local nonprofit entity—

(A) that is established or seeking establishment (subject to approval) as an exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) that desires to establish a program in a local area to—

(i) provide—

(I) vouchers to homeless individuals; or

(II) cash contributions to participating homeless service providers to purchase vouchers to provide to homeless individuals; and

(ii) conduct an educational program concerning homelessness.

(2) HOMELESS INDIVIDUAL.—The term "homeless individual" has the same meaning given the term under section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(3) HOMELESS SERVICE PROVIDERS.—The term "homeless service providers" means nonprofit entities that provide services to homeless individuals.

(4) PARTICIPATING RETAIL ESTABLISHMENT.—The term "participating retail establishment" means any retail establishment that is approved by an eligible nonprofit organization grantee under section 5(b)(11) to accept vouchers for the payment of goods or services.

(5) PARTICIPATING HOMELESS SERVICE PROVIDERS.—The term "participating homeless service providers" means nonprofit entities that—

(A) provide services to homeless individuals; and

(B) are approved by an eligible nonprofit organization grantee under section 5(b)(12)—

(i) to receive cash contributions—

(I) to purchase vouchers to provide to homeless individuals; or

(II) to use for the provision of services to homeless individuals;

(ii) to receive vouchers provided under section 5(a)(10) to provide to homeless individuals; or

(iii) to accept and redeem vouchers from homeless individuals for the payment of services.

(6) PROGRAM.—The term "Program" means the America Cares Program established under section 5(a).

(7) RETAIL ESTABLISHMENT.—The term "retail establishment" means any retail establishment offering goods or services for sale.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Health and Human Services.

(9) STATE.—The term "state" means each of the several States of the United States and the District of Columbia.

**SEC. 5. AMERICA CARES PROGRAM.**

(a) ESTABLISHMENT.—The Secretary, in accordance with this Act, shall establish and carry out a program to benefit homeless individuals in America, to be known as the America Cares Program.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—In carrying out the Program established under subsection (a), the Secretary shall award grants to not less than 60 eligible nonprofit organizations to carry out demonstration projects to—

(A) provide—

(i) vouchers to homeless individuals under the program requirements in paragraph (7)(A); or

(ii) provide vouchers to homeless individuals under the program requirements in paragraph (7)(A) and cash contributions to participating homeless service providers under the program requirements in paragraph (7)(B); and

(B) conduct an educational outreach program within the community at large on homelessness and the voucher program.

(2) SPECIAL RULE.—In awarding grants under paragraph (1), the Secretary shall award grants to eligible nonprofit organizations that have the highest likelihood of carrying out the purposes of this Act.

(3) USE OF GRANT.—Grants awarded for the establishment of demonstration projects under paragraph (1) shall be used to cover the startup costs for such projects.

(4) AMOUNT AND MATCHING REQUIREMENT.—

(A) AMOUNT.—A grant awarded under this section shall be for an amount that is not in excess of $60,000.

(B) MATCHING REQUIREMENT.—

(i) IN GENERAL.—The Secretary may not make a grant to an eligible nonprofit organization under this Act unless such organization agrees to make available non-Federal contributions by private or local government sources toward the cost of carrying out the program established with amounts received under the grant in an amount equal to at least 25 percent of the amount of funds provided under the grant.

(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of payments under paragraph (1) may be in-kind, including staff services.

(5) DISTRIBUTION AND ALLOCATIONS.—

(A) GENERAL DISTRIBUTION.—The Secretary shall award grants under paragraph (1) through a method that ensures that such awards are distributed to demonstration projects that collectively establish—

(i) diverse program requirements with respect to the categories for which vouchers may be redeemed under paragraph (7)(A)(ii); and

(ii) diverse program requirements with respect to the methods through which vouchers may be distributed under paragraph (7)(A)(iv).

(B) ALLOCATIONS FOR PROJECTS IN A STATE.—The Secretary shall ensure that not less one grant shall be awarded under paragraph (1) in each State and the District of Columbia to an eligible nonprofit organization that submits an application under paragraph (8) to receive financial assistance to carry out any demonstration project described in paragraph (1) in such State and the District of Columbia.

(6) DURATION.—A grant awarded under this section shall not exceed 1 year.

(7) PROGRAM REQUIREMENTS.—

(A) VOUCHERS FOR HOMELESS INDIVIDUALS.—The Secretary may not award a grant under this section to an eligible nonprofit organization that desires to provide vouchers to homeless individuals unless such organization agrees to the following:

(i) Create vouchers to provide to homeless individuals under paragraph (9)(A).

(ii) Permit vouchers to be redeemed for at least one or more of the following categories of goods and services:

(I) Food and personal hygiene items.

(II) Food, personal hygiene items, stamps, or other consumer goods (except alcohol, tobacco, or pornography), and bus fare.

(III) Any goods and services (including services provided by participating homeless providers) except alcohol, tobacco, or pornography.

(iii) Prohibit the use of vouchers for gambling or gambling related purposes.

(iv) Distribute vouchers to homeless individuals through one or more of the following methods:

(I) Sell vouchers directly to retail establishments that agree to sell such vouchers to persons who desire to give such vouchers to homeless individuals. The eligible nonprofit organization shall require such retail establishments to make payment for such vouchers on the date of delivery or not later than 30 days from the date of the sale of a voucher to a person.

(II) Sell vouchers directly to local retail establishments and public entities, including the United States Post Office and the Social Security Administration, that agree to sell such vouchers to persons described in subclause (I). The eligible nonprofit organization shall require such retail establishments and public entities to make payment to such organization for such vouchers as required by subclause (I).

(v) Approve applications submitted under paragraph (11) or (12) by retail establishments or participating homeless service providers that desire to accept and redeem vouchers under the Program.

(B) CASH CONTRIBUTIONS FOR PARTICIPATING HOMELESS SERVICE PROVIDERS.—The Secretary may not award a grant under this section to an eligible nonprofit organization that desires to provide cash contributions given by the public to participating homeless service providers unless such organization agrees to—

(i) allow one or more of the entities described in subparagraph (A)(iv)—

(I) to accept such cash contributions; and

(II) not later than 45 days from the receipt of such cash contributions, to transfer such cash contributions to such organization to be equitably distributed to participating homeless service providers; and

(ii) approve applications submitted under paragraph (12) by homeless service providers that desire to be provided cash contributions under the Program.

(8) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible nonprofit organization shall prepare and submit to the Secretary an application in such form, at such time, and in accordance with such procedures as the Secretary shall establish.

(B) ASSURANCES.—Each application submitted under subparagraph (A) shall provide assurances that an eligible nonprofit organization will meet the applicable program requirements under paragraph (7).

(9) CREATION, DISTRIBUTION, PURCHASE AND USE OF VOUCHERS.—

(A) CREATION AND DISTRIBUTION.—An eligible nonprofit organization grantee that carries out a demonstration project under this section shall create the vouchers that are to be provided to homeless individuals through the demonstration project. Such grantee shall make such vouchers available for sale to the public in accordance with the program requirements under paragraph (7)(A)(iv). Vouchers shall be simple in design and shall include only such words or illustrations as are required to explain the purpose of the vouchers and define the denomination of the vouchers. The name of any public official shall not appear on the vouchers.

(B) PURCHASE.—A person may purchase a voucher distributed under subparagraph (A) and may give such voucher to a homeless individual or to a participating homeless service provider to provide to homeless individuals.

(C) USE BY HOMELESS INDIVIDUALS.—

(i) IN GENERAL.—An eligible nonprofit organization shall permit, in accordance with the program requirements under subparagraph (A)(ii) of paragraph (7), the appropriate retail use of vouchers by homeless individuals, subject to the limitations under such subparagraph.

(ii) PRICES.—Nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which goods or services may be sold by participating retail establishments or participating homeless service providers, except that the participating retail establishments or participating homeless service providers may neither charge a higher price for goods or services purchased with vouchers nor charge a fee for accepting vouchers.

(iii) CASH VALUE.—

(I) IN GENERAL.— Subject to subclause (III), vouchers shall not be redeemable for cash and shall have no cash value.

(II) CHANGE FOR PURCHASES WITH VOUCHERS.—A homeless individual using a voucher or vouchers to purchase a good or service shall not receive cash as change if the amount of a purchase is less than the value of the voucher or vouchers.

(III) CHANGE FOR PURCHASES WITH VOUCHERS AND CASH.—A homeless individual using a voucher and cash, or vouchers and cash, to purchase a good or service shall not receive cash as change from the purchase, except that such change may be received if the amount of the cash used exceeds the amount of such voucher or vouchers.

(10) ELIGIBILITY FOR RECEIPT OF VOUCHERS.—Persons purchasing vouchers may provide the vouchers to homeless individuals, or to participating homeless service providers to provide to homeless individuals, on a discretionary basis.

(11) PARTICIPATING RETAIL ESTABLISHMENTS.—

(A) APPLICATIONS.—Regulations issued pursuant to this Act shall provide for the submission of applications to eligible nonprofit organization grantees by retail establishments that desire to accept and redeem vouchers under the Program.

(B) APPROVAL.—In considering an application submitted under subparagraph (A), the eligible nonprofit organization grantee shall consider—

(i) the nature and extent of the business conducted by the applicant and the extent to which the applicant can provide goods and services;

(ii) the business integrity and reputation of the applicant; and

(iii) any other factors the Secretary may prescribe by regulation.

(C) CERTIFICATE OF APPROVAL.—On approval of an applicant under this paragraph, the eligible nonprofit organization grantee shall issue the applicant a nontransferable certificate of approval.

(12) PARTICIPATING HOMELESS SERVICE PROVIDERS.—

(A) APPLICATIONS.—Regulations issued pursuant to this Act shall provide for the submission of applications to eligible nonprofit organization grantees by homeless service providers that desire—

(i) to receive cash contributions

(I) to purchase vouchers to be provided to homeless individuals; or

(II) to be used for the provision of services to homeless individuals;

(ii) to receive vouchers provided by persons described in paragraph (10) to be provided to homeless individuals; or

(iii) to accept and redeem vouchers from homeless individuals for the payment of services.

(B) APPROVAL.—In considering an application submitted under subparagraph (A), the eligible nonprofit organization grantee shall consider any factors the Secretary may prescribe by regulation.

(C) CERTIFICATE OF APPROVAL.—On approval of an applicant under this paragraph, the eligible nonprofit organization grantee shall issue the applicant a nontransferable certificate of approval.

(13) REDEMPTION OF VOUCHERS.—Regulations issued pursuant to this Act shall provide for the redemption of vouchers accepted by participating retail establishments or participating homeless service providers.

(c) TECHNICAL ASSISTANCE AND PUBLIC AWARENESS.—

(1) ASSISTANCE.—The Secretary is authorized to enter into contracts with entities that carry out programs that are—

(A) in existence on the date on which the Secretary and the entity enter into the contract;

(B) similar to the demonstration projects described in subsection (b)(1); and

(C) able to provide support and follow up assistance to grantees from such grantees' startup phase through such grantees' final reporting under section 6(b),

to provide technical assistance to eligible nonprofit organizations to assist such organizations in carrying out the purposes of this Act.

(2) AWARENESS.—The Secretary shall inform the public of the location of local demonstration projects that are established by an eligible nonprofit organization grantee under this Act.

(d) REGULATIONS.—The Secretary shall issue such regulations consistent with this Act as the Secretary considers necessary or appropriate for the effective and efficient administration of the Program.

(e) FINES AGAINST UNAUTHORIZED THIRD PARTIES THAT ACCEPT VOUCHERS.—The Secretary may impose a fine against any person not approved by an eligible nonprofit organization grantee to accept vouchers and who violates any provision of this Act, including violations concerning the acceptance of vouchers. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this Act separately, or in combination, with any fiscal claim established by the Secretary. The Attorney General may institute judicial action in any court of competent jurisdiction against the person to collect the fine.

**SEC. 6. REPORTS.**

(a) CONGRESSIONAL.—Not later than 1 year after the establishment of the Program, the Secretary shall prepare and submit to Congress a report evaluating the Program. Such report shall include the following:

(1) The number of participating retail establishments, listed according to the type of goods or services provided.

(2) The number of vouchers sold and redeemed, broken down by geographic area.

(3)(A) A determination of the eligible nonprofit organization grantees that are successful in carrying out demonstration projects under this Act.

(B) With respect to each such eligible nonprofit organization grantee that is determined to be successful under subparagraph (A), a description of—

(i) the categories of goods and services for which the grantee permits vouchers to be redeemed under section 5(b)(7)(A)(ii); and

(ii) the methods used by the grantee to distribute vouchers under subparagraph (A)(iv) of section 5(b)(7).

(C) A recommendation on the categories described in subparagraph (B)(i) and the methods described in subparagraph (B)(ii) that would be optimal for use by an entity to carry out a voucher program.

(4) A description of the impact of the Program on other programs designed to meet the needs of homeless individuals, including the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77) and amendments made by such Act.

(5) A description of the demographic impact of the Program on homeless individuals in America.

(b) SECRETARY.—Not later than 1 year after the receipt of a grant award under section 5(b)(1) to carry out a demonstration project under this Act, an eligible nonprofit organization shall prepare and submit to the Secretary a report evaluating the demonstration project, as described under section 5(b)(1). Such report shall include a description of how such organization will continue to carry out its program to provide vouchers for homeless individuals or homeless individuals and participating homeless service providers.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1994 and each of the subsequent fiscal years.•

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By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1192. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Soldotna, AK, for airport purposes; to the Committee on Commerce, Science, and Transportation.

THE SOLDOTNA AIRPORT IMPROVEMENT ACT OF 1993

Mr. STEVENS. Mr. President, with 375 million acres of land, with more and higher mountains than all of our sister States combined, and with our communities separated by hundreds and even thousands of miles, Alaska has always had a difficult time maintaining its fragile transportation infrastructure.

Our State is more than two times the size of Texas, yet we have only 12,000 miles of roads. In the decades after World War II the rest of our country benefited from the completion of the Interstate Highway System. Alaska, however, has had to remain uniquely dependent on air transportation.

Many do not realize that more than 70 percent of our communities can be reached only by air. There aren't even any roads into our State capital, Juneau.

Because Alaskans can get to so many destinations only by air, it is no wonder they are deeply concerned about aviation issues.

Today, I want to discuss a problem which has arisen for one of our communities.

In 1964, the Department of the Interior granted a patent to the city of Soldotna, AK, for more than 400 acres of land to be used for an airport. Over the last 30 years, Soldotna has used that land to construct a 5,000-foot paved runway, an excellent airport lighting system, and ample parking space for general aviation and cargo aircraft and air taxis.

The fine quality of the facilities of Soldotna Airport is well known. It is used often by the Alaska State Troopers, the U.S. Forest Service, the State Department of Natural Resources, and by private pilots from throughout Alaska and the lower 48. Soldotna is on the beautiful Kenai Peninsula, south of Anchorage, particularly well known to sport fishermen and just south of my daughter's home.

In spite of this, the overall level of activity at Soldotna Airport has consistently decreased over the years.

While most Alaska airports are owned and operated by the Alaska Department of Transportation and Public Facilities, a small number of airports are owned and operated by cities. Soldotna is one such airport.

In the face of this decreased level of activity, Soldotna, like many small airports, faces rising expenses for maintenance, operations, and liability insurance. These expenses have almost always exceeded revenues generated by leases, tie-down fees, landing and fuel-flowage fees.

The airport is doing its part to cut expenses. Airport parking has been consolidated to reduce snow removal and apron cleaning expenses. Airport management contracts have been discontinued. The passenger terminal building has been sold. And payroll expenses have been limited as far as possible.

In spite of all these efforts, Soldotna Airport had losses of more than $150,000 a year for the last 6 years.

Soldotna is a small town. Only 3,500 Alaskans live there, many of them employed in seasonal occupations like fishing and construction. The kinds of financial losses that Soldotna's airport has sustained can't be borne indefinitely by such a small population.

Soldotna has considered all options—even the option of closing the airport entirely.

Now, Mr. President, here is the catch-22: To close the airport would be even more expensive. The city would actually be required to reimburse the Federal Government nearly $7 million.

So there it is: Soldotna Airport cannot be maintained, and it cannot be closed.

There is the possibility of a solution: Soldotna Airport must be allowed to sell surplus airport land in order to finance future operations.

But even that will not end the story. One more hurdle remains.

Soldotna Airport's patent from the Department of the Interior requires that the city use the property exclusively for airport purposes. Otherwise the property reverts to the Federal Government.

The Federal Aviation Administration interprets that to mean that excess airport lands may not be sold and that the Secretary of Transportation does not have the authority to allow such a sale.

For this reason, I want to send to the desk, and I introduce today, the Soldotna Airport Improvement Act of 1993. This legislation will allow the Secretary of Transportation to release the restrictions on the sale of surplus lands at the Soldotna Airport. In addition, the bill would guarantee that the land sold would be at fair market value, and the proceeds from the sale be used exclusively for the development, improvement, operation or maintenance of the airport.

In this time of fiscal restraint, Mr. President, I am proud that local Alaska officials involved have looked at market-driven solutions, rather than increased taxes, in order to fund these necessary public facilities.

Incidentally, Congress passed similar legislation which allowed the sale of surplus airport lands in Iowa, Oklahoma, and Colorado. What I ask for is not new. In view of the unique importance of aviation to our State, I ask that the Senate give Alaska the same opportunity and allow this airport to survive.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. SHORT TITLE.**

This Act may be cited as "the Soldotna Airport Improvement Act of 1993."

**SEC. 2. RELEASE.**

Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of section 3 of this Act, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963 under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

**SEC. 3. CONDITIONS.**

(a) Any release granted by the Secretary of Transportation under section 2 of this Act shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

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By Mr. CONRAD:

S. 1193. A bill to amend the Head Start Act to provide services for younger children and their parents, the Comprehensive Child Development Act to extend the authorization of appropriations, and the National and Community Service Act of 1990 to provide educational awards for early childhood development teachers, and for other purposes; to the Committee on Labor and Human Resources.

### HEAD START AND EARLY CHILDHOOD DEVELOPMENT AMENDMENTS OF 1993

Mr. CONRAD. Mr. President, I rise today to introduce a bill which I believe is one of the most important legislative initiatives that I have been a part of in my time in the U.S. Senate.

Mr. President, we have all been troubled in recent years by increasing societal problems. Every day, the headlines tell us that the problems in urban and rural America are growing and that our children are the most affected.

We have seen an explosion in crime and, most disturbingly, an explosion in juvenile crime. More children and young people are committing violent crimes, and more children are becoming the victims of those violent crimes.

Just in Washington the other day, we saw, at a swimming pool that ought to be the center of good fun and safety for children, a situation in which somebody came by with an automatic weapon and wounded a number of children at the pool and left all of their summers less fun, less safe, and really raised the question: What is happening? What is going on in the streets of America? Not just in the streets of Washington, DC; not just in the streets of Madison, WI, the State of the distinguished Presiding Officer; not just in the streets of Detroit or the streets of Los Angeles; but it is starting to happen in the streets of a State like mine, a small rural State like North Dakota.

Mr. President, we have seen terrible inequity develop in our educational system, seen the test scores of our students decline, and seen their opportunities for a bright future fade.

We have seen startling statistics in the illiteracy rates among children and adults.

We have watched ever-increasing numbers of children raised in poverty and condemned to live in poverty.

We have seen the traditional family structure in this Nation change, as more and more children live in households with only a single parent, and the strains of poverty cause more and more families to break up.

Children are the most vulnerable victims of our changing society. Fortunately, helping children—and their families—is the best and most effective way to change the future for the better.

It has become increasingly clear that only early intervention will provide lasting help to these children. If we give children a solid foundation, if we give them a chance to develop in their earliest years, they have a chance for success, strength, and health as adults.

And in fact, we know that early childhood education, intervention, and development programs not only work, but are cost-effective. An early investment in a child saves society the huge costs of a wasted adult life.

But in our enthusiasm for early childhood education, we must not forget that families are the first and most important key to a child's success. If we expect our programs to help children, then they must help families as well.

That is why today I am introducing the Head Start Amendments of 1993. Head Start is one of our most successful programs, and has been instrumental in providing the effectiveness of early childhood programs. I agree with President Clinton that we should build on and expand the success of Head Start as the finest investment we can make in the future of America's children, their families, and the Nation as a whole.

My amendments address three broad areas of concern:

First, expanding Head Start services to children from birth to 3 years of age and the families of those children so that not only do we address the needs of the child, but the needs of the family. After first making certain that the needs of all 3-to-5-year-old children who are currently eligible for Head Start are met, then we will focus on those from 0 to 3 years and their families.

Second, reworking Head Start to provide comprehensive services that focus on the family, and addressing the problems of children and their families together.

Mr. President, when I was in Israel a number of years ago, I saw a program at work there that convinced me we ought to try it here.

Very simply, that program was designed to take those who were coming to Israel from impoverished backgrounds, backgrounds in which people were not educated, were not trained for jobs. And, do you know what? They did not just focus on the children. They focused on the whole family.

They had enormous success in intervening in people's lives, so that they had a better future, so that they had the opportunity for a better future, so they could build a better future, so they were not dependent on the Government for a handout for the rest of their lives but, instead, they were able to seize control, to develop themselves, to build their families, to build their skills, to improve their education, and to have a chance.

Mr. President, my set of amendments also provides training and education programs for existing Head Start staff, and incentives for young people to choose a career in early childhood education, to meet the staffing requirements of an expanded Head Start Program in the future.

My amendments respond to the recommendations for Head Start prepared 2 years ago by a panel of distinguished early childhood specialists on behalf of the National Head Start Association. I recommend that local Head Start agencies and their grantees be authorized to provide Head Start services for infants and toddlers—from birth to compulsory school age.

The more we learn about the development of children, the more we understand how critical those earliest years are. Head Start has shown dramatic success in the development of 3-to-5-year-olds, and pilot programs have already demonstrated that success can be duplicated and expanded for younger children.

This legislation also extends authority to local Head Start agencies to provide a program of comprehensive services to the parents of those children—services similar to the core services provided through the parent-child centers, and the child development projects under the Comprehensive Child Development Act.

The idea is simple and effective. A child may do well in a Head Start Program, but that progress may unravel when the child goes home to a problem family. My amendments allow Head Start to assess a family situation and, when problems are found, help address them.

If a child comes from an abusive household, they can help the abusive parent find counseling. If the child's parents are drug or alcohol abusers, they can help them find rehabilitation programs. If the parents are unemployed, they can match them up with job counselors and training services.

We are not talking here about reinventing the wheel. We are not talking about some social experiment. We are talking about building on what we know works. We are talking about a commonsense way to help families—give the children the education, social, and medical help they need while matching up the families with the existing services that they need to help solve their problems. That makes good sense.

The lessons learned through 34 demonstration programs through the Comprehensive Child Development Act can be applied to Head Start expansion efforts, especially the experiences from assisting multiproblem families.

One thing we have learned is that when we are dealing with children who are at risk, almost without exception we are dealing with multiproblem families. That is what we need to address ourselves to. In order to start the work, I recommend that authorization for Public Law 100-297, which expires in fiscal year 1994, be extended through fiscal year 1997 at an authorized funding level of $60 million. Appropriations for the 34 demonstration projects are at a funding level currently of $46.8 million.

I want to make it plain that any expansion of Head Start to very young children should begin only after the needs of children already waiting for Head Start programs are met. Authority to initiate services for infants and toddlers, or to extend a program of comprehensive services would be granted only after a thorough review of the local Head Start agency community assessment plan by the Head Start Regional Office and compliance with the Head Start performance standards for infants and toddlers. Funding for the extension of infant, toddler, and comprehensive services would be provided by a set-aside of 13 percent of the appropriations for Head Start programs that exceed the 1993 fiscal year level.

I further recommend that a set-aside of 8 percent of appropriations in excess of the 1993 funding level be allocated to programs under the Head Start transition project. Studies have shown that Head Start children frequently lose the benefits from Head Start by the time they enter the second or third grade if the comprehensive services are not continued in the early grade school levels.

This is a tragedy. We do in, we intervene with these young children who need a hand up. It works. And then we abandon the effort. It does not make any sense. If we go in, we find we can make a difference in these young people's lives. If we can help them build on these opportunities, we ought not to abandon the effort. We ought to build on it. That is what this program is designed to do.

I further request that the Secretary of Education, in consultation with the Secretary of Health and Human Services, review the use of some chapter I funds to provide services to Head Start children in transition to elementary school.

None of these initiatives can work unless qualified, competent staff are available to carry them out. Head Start agencies are already experiencing problems in finding and retaining the staff they need.

That is why my legislation proposes four initiatives to retain and increase the number of qualified staff for Head Start and early childhood development programs. These initiatives are designed to encourage students and National Service volunteers to consider careers in early childhood development programs and to encourage career development and planning among current Head Start and early childhood development staff and instructors.

The first initiative would increase the level of funding for scholarships under the Early Childhood Development Training Program, an initiative established by the Higher Education Amendments of 1992, through a 2 percent set-aside for funds for Head Start programs that exceed the 1993 fiscal year appropriation.

Second, I recommend that current Head Start and early childhood development program staff qualify for loan forgiveness of up to $5,000 a year for 2 years of study, similar to President Clinton's National Service proposal. The loan forgiveness would be granted only if an individual completes 2 consecutive years of Head Start or early childhood development service. This initiative would apply to staffers who have completed higher education training in this field and those who plan to pursue early childhood development studies for career development.

In addition, I recommend that National Service participants be eligible for a postservice benefit of $5,000 education loan forgiveness, provided the individual completes national service in the Head Start or early childhood development field, enrolls in a graduate program, and completes 2 consecutive years following graduation with Head Start or an early childhood development program.

Funding for these education initiatives would also be established through a set-aside—2 percent for each initiative—from funding appropriated for Head Start programs that exceeds the 1993 fiscal year appropriation level.

Last, we need to keep qualified staff and encourage them to make Head Start a lifelong career. My legislation requires the Secretary of Health and Human Services to prepare a report for Congress by October 1, 1995, on the establishment of a pension program for Head Start employees. The Secretary is also required to include the feasibility of Head Start employees' participation in the Federal Employees Retirement System.

As I read the newspapers, I sometimes fear we are losing an entire generation of young Americans to poverty, crime, drugs, and violence. It may be too late for some, but I know it is not too late for many of our children. I know if we act now, we can give them a chance to succeed and to build a brighter future for themselves and for all of us.

As we move to fuller funding of Head Start, I hope my recommendations will be helpful to the Senate Labor and Human Resources Committee. After all, I think we all believe that Head Start simply must be successful.

I think in many parts of our country there is a sense of despair, a feeling that things are badly off track. When we read day after day of very young children committing violent crimes; when we see, day after day, reports that children do not even bother to go to school; when we see, day after day, the reports of extraordinary levels of unemployment in the poorest parts of our country; when we see, day after day, that look of hopelessness on the faces of people we pass in the street, do we not know there has to be a better way? Do we not know there is something that can be done? Do we not know that we have to intercede in some of these families that are so troubled? Because, if we do not, we are going to pay the bill ultimately anyway. We pay it by being fearful when we leave the halls of this building just to go home. We pay the price when we see the streets of the Nation's Capital filled with people who are begging for money to be able to eat.

The other night my wife and I went out for dinner in this city and saw a woman digging through a garbage can for something to eat. That scene repeats itself every minute of every day on the streets, not only of Washington, DC, but of Los Angeles and Detroit and Chicago and New York and now, to an increasing extent, it is happening even in the more rural parts of our country.

We know what works. We do not need another study. We do not need another commission. We need to act. And we need to act to intercede to help families who are at risk. Because in helping the families, we help the children. And the children are our future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start and Early Childhood Development Amendments of 1993".

### SEC. 2. HEAD START ACT.

(a) DEFINITION.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following new paragraphs:

"(12) The term '1993 fiscal year appropriation' means the funds actually appropriated for fiscal year 1993 under section 639(a).

"(13) The term 'age of compulsory school attendance' or 'compulsory school age' means the age (not to exceed the age of 6) that a child is eligible for enrollment in a public school in a State.".

(b) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(B) by striking "(2) The" and inserting "(2)(A) The"; and

(C) by inserting immediately after clause (iv) (as so redesignated) the following new subparagraph:

"(B) For any fiscal year for which the amount appropriated under section 639(a) exceeds the 1993 fiscal year appropriation, the Secretary shall reserve the following:

"(i) Eight percent of the total amount in excess of such appropriation for Head Start infants and toddler programs described in section 642(d)(1).

"(ii) Eight percent of the total amount in excess of such appropriation to carry out the Head Start Transition Project Act (42 U.S.C. 9855 et seq.).

"(iii) Five percent of the total amount in excess of such appropriation for Head Start program services for children and their parents described in section 642(d)(2).

"(iv) Two percent of the total amount in excess of such appropriation for the provision of scholarship assistance for early childhood education training under section 596 of the Higher Education Act of 1965 (20 U.S.C. 1117).

"(v) Two percent of the total amount in excess of such appropriation for the provision of education awards to teachers in Head Start programs or early childhood development programs that are similar to Head Start programs.

"(vi) Two percent of the total amount in excess of such appropriations for the provision of post-service benefits for national service participants who are eligible for such benefits under section 144A of the National and Community Service Act of 1990."; and

(2) by striking "No funds reserved under this paragraph" in the matter preceding paragraph (3) and inserting:

"(C) No funds reserved under paragraph (2)(A).".

(c) POWERS AND FUNCTIONS OF HEAD START AGENCIES.—Section 642 of the Head Start Act (42 U.S.C. 9837) is amended by adding at the end the following new subsection:

"(d) Subject to a review of a local community assessment plan (as prescribed by regulation) of an agency that is eligible for designation as a Head Start agency under section 641 by the Regional Office of the Administration for Children and Families, such agency may in accordance with Head Start performance standards developed for infants and toddlers under section 651(b), provide—

"(1) infant and toddler Head Start program services to children from birth to compulsory school age; or

"(2) a fully integrated program of services to children from birth to compulsory school age and their parents that are similar to the core services provided to children and their families through the Parent-Child Centers under section 640(a)(4)(B) and the child development projects under section 670N(a) of the Comprehensive Child Development Act (42 U.S.C. 9881(a)).".

(d) EDUCATIONAL AWARDS.—The Head Start Act (42 U.S.C. 983 et seq.) is amended by adding at the end the following new section:

**"SEC. 658. EDUCATIONAL AWARDS.**

"(a) IN GENERAL.—The Secretary of Education may provide educational awards to individuals who are employed in the early childhood development field to assist such individuals in the repayment of outstanding student loans.

"(b) AMOUNT.—The amount of an educational award under subsection (a) shall not exceed $10,000 for a term of service completed under subsection (f).

"(c) LIMITATION.—An individual shall only be awarded one educational award under subsection (a).

"(d) APPLICATION.—An individual who desires to receive an educational award shall submit to the Secretary an application at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(e) ELIGIBILITY.—To be eligible to receive an educational award under subsection (a), an individual shall—

"(1) have completed a term of service under subsection (f) in an approved education position described in subsection (g);

"(2) currently serve in an approved education position described in subsection (g); and

"(3) have—

"(A) an outstanding student loan from Federal or non-Federal sources; or

"(B) enrolled in and completed, an early childhood development program at an institution of higher education.

"(f) TERM OF SERVICE.—

"(1) IN GENERAL.—The term of service for an approved education position shall be not less than 2 years.

"(2) COMMENCEMENT.—No term of service under paragraph (1) shall begin prior to the date of enactment of this section.

"(g) TYPES OF EDUCATIONAL POSITIONS ELIGIBLE FOR APPROVAL FOR EDUCATION AWARDS.—The Secretary shall approve each of the following positions as an approved educational position:

"(1) A full-time teacher position or other staff position in a Head Start program.

"(2) A full-time teacher position or other staff position in an early childhood development program that provides services similar to Head Start programs.".

(e) REVIEW.—Not later than September 30, 1994, the Secretary of Education, in consultation with the Secretary of Health and Human Services and the Governor of each State, shall review the use of funds under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) to determine whether such funds can be used to provide services to Head Start children in transition to elementary school.

(f) CONFORMING AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 639(c) of the Head Start Act (42 U.S.C. 9834(c)) is repealed.

(2) EVALUATION.—Section 651(g)(3) of the Head Start Act (42 U.S.C. 9846(g)(3)) is amended by striking "640(a)(2)" and inserting "640(a)(2)(A)".

### SEC. 3. COMPREHENSIVE CHILD DEVELOPMENT ACT.

Section 670T(a) of the Comprehensive Child Development Act (42 U.S.C. 9887(a)) is amended by striking "1993, and 1994" and inserting "and 1993, and $60,000,000 for each of fiscal years 1994 through 1997,".

### SEC. 4. NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572 et seq.) is amended by inserting after section 144 the following new section:

**"SEC. 144A. SUPPLEMENTAL POST-SERVICE BENEFITS FOR PARTICIPANTS SERVING IN EARLY CHILDHOOD DEVELOPMENT PROGRAMS.**

"(a) IN GENERAL.—In addition to the provision of post-service benefits under section 146, the Commission shall provide to each full-time participant who has performed community service in an early childhood development program and who meets the eligibility criteria under subsection (b), a non-transferable post-service benefit that is equal in value to $5,000 to use for the purpose described in subsection (c).

"(b) ELIGIBILITY.—A participant may receive a post-service benefit under subsection (a) if such participant—

"(1) has completed a full-time term of service in an early childhood development program receiving assistance under this subtitle;

"(2) has enrolled in and completed a graduate program in early childhood development at an institution of higher education; and

"(3) after completion of such graduate program, has served in the early childhood development field for not less than 2 years.

"(c) USE OF POST-SERVICE BENEFITS.—A post-service benefit provided under subsection (a) shall only be used for payment of a student loan from Federal or non-Federal sources.".

**SEC. 5. STUDY OF PENSION PROGRAM FOR HEAD START EMPLOYEES.**

The Secretary of Health and Human Services shall conduct a study and prepare a report on the establishment of a pension program for Head Start employees, including the feasibility of such employees' participation in the Federal Employees Retirement System. Not later than October 1, 1995, the Secretary shall submit to the Congress such report with recommendations on options for extending retirement pension coverage to Head Start employees.

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By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1194. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

THE UPPER MISSISSIPPI RIVER ENVIRONMENTAL EDUCATION CENTER CONSTRUCTION ACT OF 1993

• Mr. DURENBERGER. Mr. President, I rise today to introduce legislation to authorize construction of the Upper Mississippi River Environmental Education Center. The purpose of this legislation to create a facility that will educate generations of Americans on the benefits of environmental awareness, as well as the natural value of the Upper Mississippi River.

Mr. President, as you know, Minnesota is famous for its lakes, rolling meadows, and north woods. Winona, MN, the site of the center, is an extraordinarily unique area. Directly off Interstate 90, the city is distinctive in its geology, hydrology, and its beautiful scenery; all of which make it an ideal location for the facility.

Thankfully, Mr. President, our society is becoming increasingly aware of the need to be conscious of the environment in which we live and the need to protect and preserve it. For this reason, I am excited about the role of this facility. First, it will house an environmental education center that will function as a learning tool for schoolchildren as well as adults. Second, it will serve as an interpretation area depicting the environmental issues relating to the Upper Mississippi River.

Approved in 1987, the Upper Mississippi River National Wildlife Refuge environmental impact statement/master plan recognized the need for increased public awareness and understanding of the refuge. It called for the construction of office/visitor contact stations at each of the four refuge districts, and an office/visitor center to house headquarter's offices. The city of Winona, where refuge offices are already located in rental space, will meet this recommendation.

This is not the first time I have introduced this legislation. In the 102d Congress, and with the support of my colleagues, I was able to include identical authorization language in the Water Resources Development Act of 1992. Unfortunately, because of last-minute pressure to send this bill to conference, the provision authorizing the center was not part of the legislation signed into law by President Bush.

Mr. President, the local support for this center has been outstanding. The State of Minnesota has already allocated funds for preliminary studies that determined the feasibility of such a center. Additionally, my State has allocated $600,000 to be used as a match to moneys from the Federal Government. These funds, however, were contingent upon Federal support. Furthermore, the local government of Winona has generously deeded over to the Federal Government the riverbank property on which the facility will be built. The city of Winona has also promised a local commitment, to date, of $75,000. Mr. President, if local and Statewide interest is any barometer by which to measure the worthiness of a project, this one is very deserving indeed.

For the information of my colleagues, I have personally met with John Turner, the former Director of the U.S. Fish and Wildlife Service [USFWS], to discuss the project. Although the USFWS is under obvious fiscal constraints, he expressed an interest in the project as well. I have also been told that this center ranks high on the USFWS priority construction list.

Mr. President, the merits of this project are clear. The more we know about our environment and our natural resources, the more important they become to us. Construction of the center will help shape attitudes and build a commitment of respecting the environment. I am hopeful that by working with my colleagues on the Environment and Public Works Committee, we can see this authorization pass.•

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By Mrs. BOXER:

S. 1195. A bill to amend the Federal Water Pollution Control Act to further the protection of wetlands, and for other purposes; to the Committee on Environment and Public Works.

WETLANDS REFORM ACT OF 1993

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Wetlands Reform Act of 1993.

Protecting the Nation's wetlands is one of the most important issues that Congress will face as it reauthorizes the Clean Water Act this year. We have lost approximately 53 percent of our historic wetlands in the continental United States—and in my State of California, the loss is over 90 percent. Alarmingly, recent estimates indicate that the Nation loses approximately 300,000 additional acres of wetlands each year, or nearly 1 percent of its remaining total every 3 years. The bill I am introducing today would help stem the tide of wetlands destruction.

This bill would:

Establish as national policy the preservation of the quantity and quality of the Nation's wetlands;

Expand the number of activities which require a permit under Clean Water Act section 404 to include all that are harmful to wetlands including draining, flooding, excavation, and driving pilings;

Give the Fish and Wildlife Service and National Marine Fisheries Service a stronger role in the permit process;

Require the Army Corps of Engineers to account for wetland losses resulting from general, nationwide, permits and to revise or revoke those permits that allow more than minimal cumulative impacts;

Require the EPA and corps to report on the overall effects of the section 404 program on wetlands and to evaluate the success of all mitigation efforts; and

Authorize a pilot wetlands restoration project.

The bill also has several provisions beneficial to agriculture. The bill:

Improves the permit process by expediting permits for small projects by providing more corps staff for those permits;

Clarifies exemptions for wetlands in agricultural production and for artificially created wetlands;

Funds a training and certification program for private sector wetlands delineation and earmarks funds for the corps to assist small landowners in obtaining wetlands delineations; and

Provides tax incentives for wetlands preservation.

Not only does wetlands conservation make good environmental sense, it makes good economic sense. Too often, wetlands conservation is portrayed as a luxury that an expanding economy cannot afford. Nothing could be further from the truth. Wetlands serve a variety of valuable economic functions including:

Jobs for those in commercial and recreational fishing industries based on healthy wetlands that provide habitat, rearing grounds, food supply and maintain water quality for dependent fish species. Fish and shellfish populations depend heavily on wetlands; probably two-thirds to three-quarters of all commercially harvested fish rely on wetlands for at least part of their lifecycle.

Flood control that protects billions of dollars worth of property. Wetlands prevent floods by detaining excess flows and releasing them slowly so they do little or no damage. As testimony to the value of wetlands for flood control, the Army Corps of Engineers purchased a parcel of wetlands in Massachusetts as an alternative to building a dam. The decision resulted in a savings of roughly $140 million in construction costs and $2.3 million annually in maintenance costs.

Storm damage control. Wetlands temper the impacts of storms, dissipating winds and wave energy.

Ground water storage that maintains valuable water supplies. Wetlands help ensure water supply and quality by acting as a recharging mechanism for ground water.

Water purification for irrigation and drinking. Wetlands filter and treat nutrients, bacteria, and even some toxic chemicals.

Recreation for millions of Americans who visit wetlands to fish, hunt, or simply admire their beauty. By providing habitat, feeding and breeding grounds for fish, waterfowl and other wildlife, wetlands provide recreation opportunities for millions of Americans.

While many wetland values cannot be quantified, economists have clearly established that wetlands are an extremely valuable resource. Their destruction should be weighed as seriously as the loss of any other national resource.

The Congress must very seriously consider that weighing process. It is true that quantifying the economic value of wetlands is difficult—the value of any 1 acre of wetland will depend on its particular characteristics and location—but fortunately, most functions have been analyzed sufficiently to establish ranges of values. Based on studies done on wetlands located in various States in various regions by the U.S. Fish and Wildlife Service, the Army Corps of Engineers and other public agencies, an economic analysis has been prepared under the direction of the School of Public Policy at the University of California at Berkeley. The analysis assigns a range of economic values to the various wetland functions.

Using my State of California as an example, the study shows that the total annual benefit of wetlands to the State ranges from a low of $6 billion to almost $23 billion. Those are the amounts the State would lose annually if 100 percent of our wetlands were lost to filling and development.

The study also arrived at a range of permanent values of California wetlands, achieved by multiplying the annual benefit by annual discount rate of 8 percent. That value ranges from a lower bound of $78 billion to an upper bound of $286 billion.

Applying this method of valuation to the Nation's 104 million acres of wetlands, and taking only the conservative, lower bound numbers, we see that the Nation's wetlands are worth at least $1.4 trillion annually. These estimates do not include some costs of wetland destruction, such as the permanent loss of wetland species and the loss of biodiversity. For many, the value of species and biodiversity are not measurable and worth many times more than the benefits of wetlands that can be quantified.

So it should be clear to anyone that takes the time to consider the values involved, that the genuinely conservative, economically sound approach to this issue is the one that does the most to preserve those wetlands that remain. Considering all the bills that have addressed this issue in the Congress over the past several years, I believe the bill I am introducing today takes the most realistic, conservative approach to the issue of wetlands preservation.

At the same time, this bill will aid farmers and others by improving the wetlands permitting process. As a Senator from California—the State with the dubious distinction of having lost the largest percentage of its original wetlands—I understand the need to both protect our remaining wetlands, and to provide greater certainty for farmers and developers. The bill I am introducing today will strengthen the wetland protections provided in section 404 of the Clean Water Act, while streamlining and clarifying the wetlands permitting program.

Mr. President, the massive and continuing destruction of wetlands reflects not only an environmental loss, but a staggering economic loss that must be stopped. A serious, credible response is required, and this bill represents that response. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Wetlands Reform Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

Sec. 101. Statement of policy.
Sec. 102. Expansion of scope of permit program.
Sec. 103. Definition of fill material.
Sec. 104. Permit review by resource agencies.
Sec. 105. Clarification of general permit program.
Sec. 106. Reports on effects of permit program on wetlands.
Sec. 107. Expedited permit review.
Sec. 108. Avoidance and minimization of adverse effects.
Sec. 109. Exemptions for agriculture and other activities.
Sec. 110. Citizen suits amendments.

TITLE II—IMPROVED WETLANDS PERMITTING; REVISIONS TO WETLANDS DELINEATION PROCEDURES

Sec. 201. Improvement of administration of wetlands permitting.
Sec. 202. Revisions to Federal wetlands delineation procedures.

TITLE III—WETLANDS RESTORATION PROGRAM

Sec. 301. Wetlands restoration pilot program.
Sec. 302. Sense of Congress concerning wetlands reserve program.

TITLE IV—TAX INCENTIVES FOR WETLANDS CONSERVATION

Sec. 401. Wetlands stewardship trusts.
Sec. 402. Tax treatment of donations of wetlands.
Sec. 403. Exclusion from gross income for amounts received from compatible uses of wetlands.

## TITLE I—AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT

**SEC. 101. STATEMENT OF POLICY.**

Section 101(a) of the Federal Water Pollution Control Act (33 U.S.C. 1251(a)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) it is the national policy to preserve the quantity and quality of the wetlands of the United States and to restore those wetlands that have been degraded.".

**SEC. 102. EXPANSION OF SCOPE OF PERMIT PROGRAM.**

(a) PROHIBITION OF ACTIVITIES.—Subsection (a) of section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended to read as follows:

"(a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404, the discharge of any pollutant or other alteration of navigable waters by any person shall be unlawful.".

(b) CERTIFICATION.—The first sentence of section 401(a) of such Act (33 U.S.C. 1341(a)) is amended to read as follows: "Any applicant for a Federal license or permit to conduct any activity, including the construction or operation of a facility, that may result in any discharge into or other alteration of navigable waters, shall provide the licensing or permitting agency a certification from the State where the activity occurs or will occur, or, if appropriate, from the interstate water pollution control agency having jurisdiction over navigable waters where the activity occurs or will occur, that the activity will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 and will allow for the protection, achievement, and maintenance of designated uses included in applicable water quality standards.".

(c) ISSUANCE OF PERMITS.—The first sentence of section 404(a) of such Act (33 U.S.C. 1344(a)) is amended by inserting before the period at the end the following: ", or for any other alteration of navigable waters".

(d) DEFINITION OF OTHER ALTERATION.—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following new paragraph:

"(21) The term 'other alteration' means the draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of a piling or placement of other obstruction, diversion of waters, or other activity in navigable waters that impairs the flow, reach, or circulation of surface waters, or that results in a more than minimal change in the hydrologic regime, bottom contour, or configuration of the waters, or in the type, distribution, or diversity of vegetation, fish, and wildlife that depend on the waters.".

### SEC. 103. DEFINITION OF FILL MATERIAL.

Section 404(d) of the Federal Water Pollution Control Act (33 U.S.C. 1344(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) As used in this section, the term 'fill material' means any pollutant that has the effect of replacing a portion of navigable waters or changing the bottom elevation or configuration of a water body.".

### SEC. 104. PERMIT REVIEW BY RESOURCE AGENCIES.

(a) REVIEW BY SECRETARY OF THE INTERIOR AND SECRETARY OF COMMERCE.—Section 404(m) of the Federal Water Pollution Control Act (33 U.S.C. 1344(m)) is amended—

(1) by striking "Service that" and inserting "Service, and the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, that"; and

(2) by striking "Service, shall" and inserting "Service, and the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, shall".

(b) RESPONSE IN WRITING.—Section 404(m) of such Act (33 U.S.C. 1344(m)) is amended by adding at the end the following new sentence: "The Secretary shall adopt the recommendations made in the comments or respond in writing to the Secretary of the Interior or the Secretary of Commerce, as appropriate, describing the reasons of the Secretary for not adopting the recommendations and explaining how the determination of the Secretary is consistent with the goals and purposes of this Act and the guidelines developed under subsection (b)(1).".

### SEC. 105. CLARIFICATION OF GENERAL PERMIT PROGRAM.

Paragraph (1) of section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)(1)) is amended to read as follows:

"(1)(A)(i) In carrying out the functions of the Secretary under this section relating to the discharge of dredged or fill material or other alteration of navigable waters, the Secretary may, after notice and opportunity for public hearing, and with the concurrence of the Administrator, issue general permits on a State, multi-State, or nationwide basis for any narrowly defined category of activities involving discharges of dredged or fill material or any other alteration of navigable waters if the Secretary determines that the activities in the category—

"(I) are similar in nature;

"(II) will cause only minimal adverse environmental effects when performed separately; and

"(III) will have only minimal cumulative adverse effect on the environment.

"(ii) Any general permit issued under this subsection shall—

"(I) be consistent with the goals and purposes of this Act;

"(II) be based on the guidelines described in subsection (b)(1);

"(III) set forth the requirements and standards that shall apply to any activity authorized by the general permit; and

"(IV) include adequate measures to enable the Secretary to be apprised of, and to monitor activities conducted pursuant to, the general permit.

"(B) Before any activity is authorized under a general permit issued under this subsection for which predischarge notification is required pursuant to regulations, the Secretary shall give notice and opportunity to comment, for a 30-day period beginning on the date of the notice, to—

"(i) the Administrator;

"(ii) the Secretary of the Interior;

"(iii) the Secretary of Commerce;

"(iv) the appropriate officials of State agencies responsible for water quality, fish, and wildlife resources that may be affected by the activity; and

"(v) the public.

"(C) No activity shall be authorized under a general permit issued under this subsection within a State that has denied or revoked water quality certification pursuant to section 401 for the activities under the general permit.

"(D) Each general permit issued under this subsection shall be reviewed by the Secretary biennially. In conducting the review, the Secretary shall take into account the information contained in reports required by subsection (u), and shall, after notice and hearing, revise or revoke the permit as necessary to avoid or minimize cumulative adverse effects on navigable waters.".

### SEC. 106. REPORTS ON EFFECTS OF PERMIT PROGRAM ON WETLANDS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(u) REPORTS ON PERMIT PROGRAM.—

"(1) EFFECTS OF PERMITTED ACTIVITIES.—

"(A) IN GENERAL.—The Secretary, in consultation with the Administrator, the Secretary of the Interior, and those States that have a permit program approved under subsection (h)(2), shall report biennially to Congress on the effects on navigable waters of activities conducted under permits issued under this section, including general permits. The reports shall contain estimates of the acreage and functions of navigable waters affected by each general permit, in order to determine whether the individual and cumulative adverse environmental effects of activities authorized by each general permit are minimal.

"(B) MONITORING.—For purposes of preparing reports under this subsection, the Secretary, the Administrator, and the Secretary of the Interior shall jointly monitor the achievement of the policy stated in section 101(a)(8) under permits issued under this section.

"(C) CONTENT OF REPORTS.—The reports submitted to Congress under this subsection shall include consideration of relevant information contained in individual and general permit applications, compliance monitoring records and maps, and any other relevant information.

"(2) EFFECTS OF COMPENSATORY MITIGATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Administrator, the Secretary of the Interior, and those States that have a permit program approved under subsection (h)(2), shall report biennially to Congress on the effects on navigable waters of compensatory mitigation required under permits issued under this section, including general permits.

"(B) CONTENTS OF REPORTS.—The reports shall contain—

"(i) estimates of the number of permits for which compensatory mitigation is required; and

"(ii) a description of—

"(I) the type and extent of compensatory mitigation projects required;

"(II) the degree of compliance with the compensatory mitigation requirements;

"(III) the extent to which the compensatory mitigation requirements have been successful in restoring the intended range of functions and values to navigable waters; and

"(IV) the extent to which monitoring and enforcement of compensatory mitigation requirements have been conducted by the agencies responsible for the monitoring and enforcement.".

### SEC. 107. EXPEDITED PERMIT REVIEW.

Subsection (q) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344(q)) is amended to read as follows:

"(q) REDUCTION IN PAPERWORK AND DELAYS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall enter into an agreement with the Administrator, the Secretaries of Agriculture, Commerce, and the Interior, and the heads of other appropriate Federal agencies to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in the issuance of permits under this section.

"(2) FAST TRACK FOR MINOR PERMITS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall establish in each district office a special team, to be known as the 'Fast Track team', to expedite the review and processing of minor permits. Each team shall consist of not more than 25 percent of all personnel assigned to review permit applications under this section, and shall not be assigned to review or process any permits other than minor permits, unless final decisions have been reached with respect to all minor permits by not later than 60 days after the notice of application for the permits is published pursuant to subsection (a).

"(B) REVIEW.—The District Engineer in each district office shall review the operations of the Fast Track team in the office every 180 days. If final decisions on a significant percentage of minor permits have not been reached by not later than 60 days after the notice of application for the permits is published pursuant to subsection (a), additional personnel shall be assigned to the Fast Track team.

"(C) DEFINITION OF MINOR PERMIT.—As used in this subsection, the term 'minor permit'—

"(i) means a permit for an activity that—

"(I) would disturb not more than 1 acre of wetlands;

"(II) is not part of a larger common plan or proposal that would disturb acreage in addition to that specified in subclause (I); and

"(III) is being performed by an individual or a private business that employs not more than 10 people; and

"(ii) does not include a permit—

"(I) with respect to which the Secretary is required to issue an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(II) that involves an activity that may affect any species that is listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or the habitat of the species; or

"(III) with respect to which the Secretary, the Administrator, or a Federal agency referred to in paragraph (1) requests that the permit application receive additional review.".

### SEC. 108. AVOIDANCE AND MINIMIZATION OF ADVERSE EFFECTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) (as amended by section 106) is further amended by adding at the end the following new subsection:

"(v) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS.—No individual or general permit shall be issued for an activity pursuant to this section if there is a practicable alternative to the proposed activity that would have less adverse environmental impact on navigable waters.".

### SEC. 109. EXEMPTIONS FOR AGRICULTURE AND OTHER ACTIVITIES.

Subsection (f) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)) is amended to read as follows:

"(f) EXEMPTIONS FOR AGRICULTURE AND OTHER ACTIVITIES.—

"(1) IN GENERAL.—

"(A) GENERAL RULE.—Except as provided in paragraph (2), the discharge of dredged or fill material into or any other alteration of navigable waters described in subparagraph (B) is not prohibited by, or otherwise subject to, regulation under this section or section 301(a) or 402 (except for effluent standards or prohibitions under section 307).

"(B) ACTIVITIES.—The discharge of dredged or fill material into or any other alteration of navigable waters referred to in subparagraph (A) is a discharge or other alteration—

"(i) from a normal farming, silviculture, or ranching activity, including plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or an upland soil or water conservation practice;

"(ii) for the purpose of the maintenance, including the emergency reconstruction of a recently damaged part, of a then currently serviceable structure, including a dike, dam, levee, groin, riprap, breakwater, causeway, bridge abutment or approach, or a transportation structure, to the then current or most recent configuration;

"(iii) for the purpose of the construction or maintenance of a farm or stock pond or irrigation ditch, or the maintenance of a drainage ditch;

"(iv) for the purpose of the construction of a temporary sedimentation basin on a construction site that does not involve the placement of fill material into navigable waters;

"(v) for the purpose of the construction or maintenance of a farm road or forest road, or a temporary road for moving mining equipment, if the road is constructed and maintained, in accordance with best management practices, to ensure that—

"(I) the flow and circulation patterns and chemical and biological characteristics of navigable waters are not impaired;

"(II) the reach of navigable waters is not reduced; and

"(III) any adverse effect on the aquatic environment will otherwise be minimized; or

"(vi) resulting from any activity with respect to which a State has an approved program under section 208(b)(4) that meets the requirements of subparagraphs (B) and (C) of such section.

"(2) EXCEPTION FOR NEW USES.—Any discharge of dredged or fill material into, or other alteration of, navigable waters incidental to any activity having as the purpose of the activity the bringing of an area of navigable waters into a use to which the area was not previously subject, if the flow or circulation of navigable waters may be impaired or the reach of the waters may be reduced, shall be required to have a permit under this section.

"(3) OTHER ACTIVITIES.—An activity that does not result in the discharge of dredged or fill material into, or any other alteration of, navigable waters shall not be prohibited or otherwise subject to regulation under this section.

"(4) NAVIGABLE WATERS.—

"(A) IN GENERAL.—For purposes of this section, the following shall not be considered to be navigable waters:

"(i) Nontidal drainage and irrigation ditches excavated in uplands.

"(ii) Artificially irrigated areas that would revert to uplands if the irrigation ceased.

"(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and that are used exclusively for stock watering, irrigation, or rice growing.

"(iv) Artificial reflecting or swimming pools or other small ornamental water bodies created by excavating or diking uplands to retain water for primarily aesthetic reasons.

"(v) Waterfilled depressions created in uplands incidental to construction activity and pits excavated in uplands for the purpose of obtaining fill, sand, or gravel, unless and until the construction or excavation operation is abandoned and the resulting water body meets the definition of waters of the United States.

"(B) BURDEN OF DEMONSTRATION.—Subparagraph (A) shall not apply to a particular water body unless the person desiring to conduct an activity in the water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.

"(5) CONTINUING FARMING ACTIVITIES.—Except as provided in paragraph (2), normal plowing, seeding, cultivating, minor drainage for crop production, or harvesting shall not be prohibited or otherwise subject to regulation under this section in waters of the United States that have been maintained as cropland for at least 1 growing season in the 5-year period prior to the plowing, seeding, cultivating, minor drainage, or harvesting.".

### SEC. 110. CITIZEN SUITS AMENDMENTS.

Section 505 of the Federal Water Pollution Control Act (33 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B) of the first sentence, by inserting after "Administrator" the following: ", the Secretary of the Army,";

(B) in paragraph (2) of the first sentence, and in the second sentence, by inserting after "Administrator" each place it appears the following: "or the Secretary of the Army"; and

(C) in the second sentence, by striking "section 309(d)" and inserting "sections 309(d) and 404(s)";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and (iii)" and inserting the following: "(iii) to the Secretary of the Army (if the alleged violation is under section 404), and (iv)"; and

(ii) in subparagraph (B), by inserting after "if the Administrator" the following: ", Secretary of the Army,"; and

(B) in paragraph (2), by inserting after "to the Administrator" the following: "or the Secretary of the Army";

(3) in subsection (c)—

(A) in paragraph (2), by inserting after "the Administrator" the following: "(and the Secretary of the Army, if the alleged violation is under section 404)"; and

(B) in paragraph (3), by inserting after "Attorney General" both places it appears the following: ", the Secretary of the Army (if the alleged violation is under section 404),";

(4) in subsection (e), by inserting after "Administrator" the following: ", the Secretary of the Army,";

(5) in subsection (f), by striking "or (7)" and inserting the following: "(7) a permit or condition of a permit issued under section 404, that has been, or is, in effect under this Act (including a requirement applicable by reason of section 313); or (8)"; and

(6) in subsection (h), by inserting after "Administrator" both places it appears the following: "or the Secretary of the Army".

## TITLE II—IMPROVED WETLANDS PERMITTING; REVISIONS TO WETLANDS DELINEATION PROCEDURES

### SEC. 201. IMPROVEMENT OF ADMINISTRATION OF WETLANDS PERMITTING.

(a) NEEDS ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an analysis of the needs of the Army Corps of Engineers and the Environmental Protection Agency for additional personnel, administrative resources, and funding to improve the implementation of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(2) CONTENTS.—The analysis submitted under this subsection shall—

(A) give particular emphasis to the needs of the Army Corps of Engineers and the Environmental Protection Agency with respect to improving and expediting wetlands delineation and wetlands permitting generally;

(B) include recommendations regarding additional appropriations necessary for the improvement and expedition referred to in subparagraph (A); and

(C) identify the Army Corps of Engineers district offices and Environmental Protection Agency regional offices that have the greatest need for the additional appropriations referred to in subparagraph (C).

(b) USE OF FUNDS FOR WETLANDS AND EDUCATION.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) (as amended by section 108) is further amended by adding at the end the following new subsection:

"(w) USE OF FUNDS FOR WETLANDS AND EDUCATION.—

"(1) IN GENERAL.—For each fiscal year beginning after the date of enactment of this subsection, of amounts made available to carry out this section—

"(A) to the Army Corps of Engineers, the Secretary shall use such amounts as are necessary to carry out the program for training and certification of individuals as wetlands delineators authorized by section 307(e) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(e));

"(B) to the Army Corps of Engineers or the Environmental Protection Agency, the Secretary or the Administrator, respectively, shall use such amounts as are necessary to improve such education and outreach programs of the Army Corps of Engineers or the Environmental Protection Agency as are in existence on the date of the use of the funds, with respect to the requirements of this section; and

"(C) to the Secretary, the Secretary shall use, in accordance with paragraph (2), such amounts as are necessary, but not to exceed $5,000,000, to assist landowners who lack the financial capacity to perform the wetlands delineations necessary to apply for permits under this section.

"(2) WETLANDS DELINEATIONS ASSISTANCE.—The Secretary may provide the assistance described in paragraph (1)(C) by providing technical assistance or by performing delineations. Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue regulations specifying which landowners are eligible for the assistance.".

(c) FUNDING FOR EXPEDITING AND COMPLETING WETLANDS MAPPING.—

(1) COMPLETION OF MAPPING.—For each fiscal year beginning after the date of enactment of this Act, of amounts appropriated for programs of the United States Fish and Wildlife Service, the Director of the United States Fish and Wildlife Service shall use—

(A) such amounts as are necessary to complete the wetland mapping program of the Service, in existence on the date of enactment of this Act, by not later than 1 year after the date of enactment of this Act;

(B) such amounts (in addition to amounts used pursuant to subparagraphs (A) and (C)) as are necessary to conduct mapping under the program referred to in subparagraph (A) in areas where there is the potential for delineating particularly large areas of wetlands; and

(C) such amounts as are necessary (in addition to amounts used pursuant to subparagraphs (A) and (B)) to delineate wetlands under the program referred to in subparagraph (A) in watersheds and ecosystems for which the need for delineation is particularly acute, including where wetlands are particularly difficult to identify or where pressure for the development of wetlands is intense, by as soon as practicable after the date of enactment of this Act.

(2) UPDATING MAPS.—The Director of the United States Fish and Wildlife Service shall update each map prepared under the wetlands mapping program referred to in paragraph (1)(A) at least once—

(A) in the 15-year period beginning on the date of the completion of the map; and

(B) in each 15-year period thereafter.

### SEC. 202. REVISIONS TO FEDERAL WETLANDS DELINEATION PROCEDURES.

Beginning on the day after the date of enactment of this Act, no revision to or clarification of any Federal manual for identifying and delineating jurisdictional wetlands shall be adopted, and no guidance or regulation related to the definition, delineation, or identification of wetlands shall be issued, until the National Academy of Sciences has completed the study of wetlands authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389). All revisions made after the date of completion of the study to any Federal manual for the identification and delineation of wetlands shall take into consideration the scientific and technical recommendations of the National Academy of Sciences.

## TITLE III—WETLANDS RESTORATION PROGRAM

### SEC. 301. WETLANDS RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, and appropriate officials of State and local government entities, shall establish, with opportunity for public notice and comment, a pilot program of wetlands restoration.

(b) PURPOSES.—The purposes of the pilot program established under subsection (a) are—

(1) to identify areas where the restoration of significant wetland acreage and functions, including fish and wildlife habitat, water quality protection, and natural hydrologic functions, could contribute substantially to preserving the quantity and quality of the wetlands of the United States;

(2) to test methods and techniques for wetlands restoration in the areas described in paragraph (1), and in areas previously identified as suitable for restoration; and

(3) to develop a means of evaluating the success over the long term of the wetlands restoration efforts described in paragraph (2).

### SEC. 302. SENSE OF CONGRESS CONCERNING WETLANDS RESERVE PROGRAM.

It is the sense of Congress that the wetlands reserve program authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is an effective wetlands conservation and restoration program that has the potential to benefit agriculturalists, rural communities, and the wetlands resource base of the United States. Further, it is the sense of Congress that the wetlands reserve program should be fully funded to achieve the acreage enrollment goals of the program, and should be actively promoted by the Department of Agriculture to achieve full subscription.

## TITLE IV—TAX INCENTIVES FOR WETLANDS CONSERVATION

### SEC. 401. WETLANDS STEWARDSHIP TRUSTS.

(a) DESIGNATION.—The Secretary of the Interior shall designate a nonprofit organization to be a Wetlands Stewardship Trust for purposes of this section if the organization—

(1) includes among the primary purposes of the organization the acquisition of private interests in wetlands, former wetlands, and associated real property for the purpose of restoring or preserving the property; and

(2) meets such other requirements as may be established in regulations issued under subsection (c).

(b) APPLICATION.—A nonprofit organization seeking to be designated a Wetlands Stewardship Trust for purposes of this section may submit to the Secretary of the Interior an application for the designation, in accordance with procedures established in regulations issued under subsection (c).

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, in consultation with the Secretary of the Army, acting through the Army Corps of Engineers, and the Administrator of the Environmental Protection Agency shall issue regulations establishing requirements for being designated a Wetlands Stewardship Trust under this section.

### SEC. 402. TAX TREATMENT OF DONATIONS OF WETLANDS.

(a) TAX TREATMENT.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR CONTRIBUTIONS OF WETLANDS.—

"(A) IN GENERAL.—In the case of a charitable contribution by a taxpayer of wetlands (or any interest in wetlands) to a Wetlands Stewardship Trust or to a governmental unit referred to in subsection (c)(1) for the purpose of preserving the property in its natural state:

"(i) 50 PERCENT LIMITATION TO APPLY TO INDIVIDUALS.—Such a contribution by an individual shall be treated for purposes of this section as described in subsection (b)(1)(A).

"(ii) 20-YEAR CARRYFORWARD.—Subsection (d)(1) shall be applied by substituting '20 years' for '5 years' each place it appears and with appropriate adjustments in the application of subparagraphs (A)(ii) and (B)(ii) of such subsection.

"(iii) EXTENSION OF PERIOD FOR EXCHANGES.—If the contribution is made as part of an exchange to which section 1031 applies, paragraph (3) of section 1031(a) shall be treated as met if the property to be received in the exchange is received by the taxpayer not later than the date which is 3 years after the date on which the taxpayer transfers the property relinquished in the exchange.

"(B) PROPERTY MUST BE PROTECTED IN PERPETUITY.—A contribution shall not be treated as for the purpose referred to in subparagraph (A) unless the purpose is protected in perpetuity.

"(C) CERTAIN PROPERTY INELIGIBLE.—Subparagraph (A) shall not apply to any contribution of property if—

"(i) the property is required (as of the date of the contribution) to be preserved in perpetuity in its natural state other than by reason of the terms of contribution; or

"(ii) the property is required to be restored or preserved as compensatory mitigation as a condition of a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(D) UNUSED DEDUCTION CARRYOVER ALLOWED ON TAXPAYER'S LAST RETURN.—In the case of an individual, if—

"(i) the taxpayer dies before the close of the last taxable year for which a deduction for a contribution to which subparagraph (A) applies could have been allowed under subsection (d)(1), and

"(ii) any portion of the deduction for the contribution has not been allowed for any taxable year before the taxable year in which the death occurs,

the portion shall be allowed as a deduction under subsection (a) for the taxable year in which the death occurs without regard to subsection (b), or the unused portion may be used against the estate taxes of the taxpayer.

"(E) DEFINITIONS.—As used in this paragraph:

"(i) WETLANDS.—The term 'wetlands' means any area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

"(ii) WETLANDS STEWARDSHIP TRUST.—The term 'Wetlands Stewardship Trust' means any entity designated by the Secretary of the Interior under section 401 of the Wetlands Reform Act of 1993.''.

(b) Effective Date.—The amendment made by this section shall apply to contributions and gifts made after the date of enactment of this Act in taxable years ending after the date.

**SEC. 403. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED FROM COMPATIBLE USES OF WETLANDS.**

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended—

(1) by redesignating section 137 as section 138; and

(2) by inserting after section 136 the following new section:

**"SEC. 137. INCOME FROM COMPATIBLE USES OF WETLANDS.**

''(a) General Rule.—Gross income shall not include any amount received by the owner of wetlands for allowing any person to use the wetlands in a compatible use.

''(b) Definitions.—As used in this section:

''(1) Compatible use.—The term 'compatible use' has the meaning given the term in the regulations prescribed under the following sentence. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall prescribe regulations identifying those activities which constitute compatible uses for purposes of this section, including any pertinent restrictions on the activities. The activities may include fishing, hunting, and occasional and prudent managed haying, if deemed appropriate by the Secretary of the Interior, but shall not include any activity which degrades the functions or values of wetlands.

''(2) Wetlands.—The term 'wetlands' has the meaning given the term by section 170(e)(6)(E)(i).''.

(b) Clerical Amendment.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

''Sec. 137. Income from compatible uses of wetlands.

''Sec. 138. Cross references to other Acts.''.

(c) Effective Date.—The amendments made by this section shall apply to amounts received after the date of enactment of this Act in taxable years ending after the date.●

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By Mr. SIMPSON:

S. 1196. A bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States; to the Committee on the Judiciary.

ALIEN SMUGGLING CONTROL ACT OF 1993

Mr. SIMPSON. Mr. President, I rise today to introduce legislation to address the smuggling of illegal aliens into the United States. This is not some sudden reaction, not something stimulated by media concern of the day. Certainly over the last years I have been involved deeply in immigration and refugee activities—the flow, criminal aliens, the disposition of those who come to our shores, those who misuse our asylum procedures, those who misuse our nonimmigrant visa procedures, and those who misuse our immigrant visa procedures and immigration generally. What we have seen recently and read and watched on television—the cruel spectacle of ships containing hundreds of frightened illegal aliens running aground in New York Harbor or sailing under the Golden Gate Bridge to discharge their wretched passengers at a dock just a few blocks from downtown San Francisco—is a startling thing to us.

The American people are appalled at the loss of life, the terrible foul, and inhumane conditions aboard the ships and the obvious inability of this Government to control this blatant abuse of our immigration laws.

Organized crime is believed to be deeply involved in this smuggling activity. Smugglers have discovered so very clearly that there is less risk involved in human smuggling than in drug smuggling, and that the profits can be enormous.

A convicted drug smuggler can expect a very long sentence, even life in prison, whereas a convicted alien smuggler can expect a very short sentence measured in months rather than in years. That is absurd.

Mr. President, my bill, the Alien Smuggling Control Act of 1993, addresses these issues by increasing the penalties for alien smuggling, adding alien smuggling to the list of crimes that establish the basis for bringing a RICO charge—racketeering and corruption laws—and expanding the seizure and forfeiture authority for property use in the smuggling or harboring of illegal aliens.

The legislation will also expedite deportation procedures for criminal aliens who are not permanent resident aliens—green card holders.

For aggravated felons, my bill will permit a Federal judge to enter an order of deportation during the sentencing phase of the criminal trial, thus avoiding a second administrative hearing on the deportation.

The bill will also limit the defenses to deportation for certain criminal aliens and, finally, the bill will increase the penalties for criminal aliens who fail to depart or who come back into the country and re-enter after the final deportation order has been issued.

Mr. President, these provisions are tough but fair. They will reduce the ability of criminal aliens to take advantage of the multilayered appeals process which we now see in our asylum and deportation procedures, and it will deter illegal alien smuggling by greatly increasing the penalties for criminal smuggling.

The U.S. immigration system has been so gimmicked and distorted that often a person coming here seeking asylum and asking for these various procedures will receive more due process than an American citizen receives in their daily life activities. That, too, is absurd.

Mr. President, if we do not swiftly and firmly address these problems, the American people will very quickly, I fear, withdraw their support for a generous legal immigration program. I believe our country can and should support a generous legal immigration program. If we take the necessary steps to close this wide-open back door to illegal immigration, they will be more disposed to keep the front door open.

I have always favored generous legal immigration. I have spent a good deal of my legislative life trying to close that back door to illegal aliens—to people who misuse and abuse our immigration laws, and then become part of a fearful subculture of human beings.

I hope that we will address this issue soon in this Congress. I think we must also address the most serious issue of creating a secure identifier system. We must have a more appropriate, a more counterfeit-resistant, a more secure identifier system within the United States—either a revised Social Security card or driver's license.

I am not talking about a national ID. I have been all through that one. One former Member of Congress, who is a very respected and very remarkable man and spent a great deal of his life in immigration reform, when it came to discussing the identifier began to speak of Nazi Germany and tattoos. That is not what I am talking about.

I am talking about a more secure identification card which is not carried on the person, not used for law enforcement, and that is presented at the time of new-hire employment. It would ease the burden on the employer, who will be penalized if he or she knowingly hires illegal aliens. It would be presented by not just people who look foreign, but by bald Anglos like myself, too. That is the way it has to work.

That is where we are in our country right now. The first duty of a sovereign nation is to protect our borders and to assure that those who use the resources of this country are here legally. Then, hopefully, the United States can bring in as many legally as can be sustained by its population and environment.

Let us stop this widespread flouting of our immigration laws by criminal and noncriminal, undocumented aliens. That cannot be good for our country and it cannot be good for our traditionally generous immigration policy.

The United States is being scoffed at from afar. I can tell you that legislation such as this sends a powerful message to those people. I hope that the Senate will also give consideration to the legislative activities of Senator Feinstein of California who has taken a great interest in immigration issues. I am more than pleased to try to assist her in any way I feel I can. I admire her persistence and her willingness to get into an issue which is fraught with emotion, fear, guilt and racism.

I very much look forward to working with the President and with the Attorney General. I know the President is going to propose some legislation and, where we agree, I will certainly be pleased to assist him in any way I can.

Immigration reform is not a partisan issue. I very much look forward to working with the Attorney General, who I think is going to be a superb—superb—linchpin in immigration reform activity because of her knowledge of the issue from serving in Florida, a State severely impacted by legal immigration and refugees and illegal immigration, and Doris Meisser, who has been appointed by the President as the Commissioner of the Immigration and Naturalization Service. I do not know how he could have made a more appropriate appointment—she knows the issue back and forth and is able to deal fairly and honestly and with great clarity with the extremes on both sides.

In immigration reform the extremes are very vivid. On one extreme are those who are xenophobic and racist, who just want to keep everybody out of the country, especially if they look foreign. On the other extreme is a unique group supporting open borders. I always refer to them as the "button-your-shirt—your-heart-fell-out" group.

Hopefully, we can steer a course between those two extremes. I urge my colleagues to support a generous immigration policy and, hopefully, to support this legislation. I am greatly looking forward to working with my colleagues on that as I have in the past.

It is not a partisan issue. Senators KENNEDY, SIMON, and I have been deeply involved in it, Senator KENNEDY for nearly 30 years, I, a lighter tenure—or sentence would be the word—of 14 years, and Senator SIMON, the third member of our subcommittee, who has participated in such a spirited and effective way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1196

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Smuggling Control Act of 1993".

## TITLE I—CRIMINAL PENALTIES

### SEC. 101. INCREASED PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the comma at the end of subparagraph (D) and all that follows through the period and inserting "; or"; and

(C) by adding at the end the following:

"(E) engages in any conspiracy to commit any of the preceding acts, or aids or abets the commission of any of the preceding acts,

shall be fined under title 18, United States Code, and shall be imprisoned not less than 3 nor more than 10 years, for each alien with respect to whom any violation of this paragraph occurs."; and

(2) by adding at the end the following new paragraphs:

"(3) Any person who commits an act described in paragraph (1) who willfully subjects any alien to a substantial risk of death or serious bodily harm shall be subject to a term of imprisonment of not less than 3 nor more than 10 years in addition to any term of imprisonment imposed under that paragraph.

"(4) Any person who in the perpetration of, or in the attempt to perpetrate, any violation of paragraph (1), causes the death of an alien shall be subject to the penalty of death, or life imprisonment, subject to appropriate procedures under chapter 228 of title 18, United States Code.

"(5) Any person who hires for employment an alien—

"(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

"(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not less than 2 nor more than 5 years.".

### SEC. 102. SMUGGLING ALIENS FOR COMMISSION OF CRIMES.

Section 274(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "or" at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) an offense committed with the intent that the alien unlawfully brought into the United States will commit an offense against the United States punishable for more than 1 year, including violations of or attempted violations of or aiding and abetting violations of or conspiring to violate the Controlled Substances Act (21 U.S.C. 802) or laws against prostitution, importation of aliens for immoral purposes, trafficking in firearms, money laundering, gang activities, kidnapping or ransom demands, fraudulent documents, or extortion, the smuggling of known or suspected terrorists or persons involved in organized crime,"; and

(2) at the end thereof, by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned not less than 3 nor more than 10 years.".

### SEC. 103. ADDING ALIEN SMUGGLING TO RICO.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of subparagraph (E); and

(3) by adding at the end the following:

"(F) any act in violation of section 274 of the Immigration and Nationality Act.".

### SEC. 104. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Subsection 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of sections 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a), shall be subject to seizure and forfeiture, except that—

"(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which intended to further the business interests of the owner, or to confer any other benefit upon the owner.".

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting in lieu thereof "property"; and

(B) by striking "is being used in" and inserting in lieu thereof "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting in lieu thereof "property"; and

(4) in paragraph (4) by—

(A) striking "or" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; or", and

(C) by inserting at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to the Tariff Act of 1930, as amended (19 U.S.C. 1616a(c)).".

### SEC. 105. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

"(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

"(D) any offense described in (i) section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or

(ii) section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the value of the funds exceeded $100,000;

"(E) any offense described in—

"(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses),

"(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses), or

"(iii) section 5861 of title 26, United States Code (relating to firearms offenses);

"(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

"(G) any theft offense (including receipt of stolen property) or any burglary offense, where a sentence of 5 years imprisonment or more may be imposed;

"(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

"(J) any offense described in—

"(i) section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations), or

"(ii) section 1084 (if it is a second or subsequent offense) or section 1955 of such title (relating to gambling offenses),

where a sentence of 5 years imprisonment or more may be imposed;

"(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, where a sentence of 5 years imprisonment or more may be imposed;

"(L) any offense—

"(i) relating to the owning, controlling, managing or supervising of a prostitution business,

"(ii) described in section 2421, section 2422, or section 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage, or

"(iii) described in sections 1581 through 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) any offense relating to perjury or subornation of perjury where a sentence of 5 years imprisonment or more may be imposed;

"(N) any offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code, or

"(ii) section 421 of title 50, United States Code (relating to protecting the identity of undercover intelligence agents);

"(O) any offense—

"(i) involving fraud or deceit where the loss to the victim or victims exceeded $200,000; or

"(ii) described in section 7201 of title 26, United States Code (relating to tax evasion), where the tax loss to the Government exceeds $200,000;

"(P) any offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) any violation of section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage; or

"(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, where a sentence of 2 years or more may be imposed;

or any attempt or conspiracy to commit any such act. Such term applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all convictions entered before, on, or after the date of enactment of this Act.

### SEC. 106. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following:

"(c) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) The Attorney General may delegate the authority in this section to the Commissioner or to any District Director of the Service.

"(4) No alien described in this section shall be eligible for—

"(A) any relief from deportation that the Attorney General may grant in his discretion, or

"(B) relief under section 243(h).

"(5) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, in order that the alien has an opportunity to apply for judicial review under section 106.".

(b) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) TECHNICAL AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended as follows:

(1) In subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) In subsection (b)—

(A) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) By striking out subsection (c);

(4) In subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) In subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)".

(6) By inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(7) The heading of such section is amended to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

### SEC. 107. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AND CONFORMING CHANGES.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out "The" and inserting in lieu thereof, "Except as provided in section 242A(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

### SEC. 108. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking out "has served for such felony or felonies" and all that follows through the period and inserting in lieu thereof "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, provided that the time for appealing such conviction or sentence has expired and the sentence has become final.".

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by—

(1) striking out the final sentence and inserting in lieu thereof the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) striking out the "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

### SEC. 109. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking out "paragraph (2), (3), or 4 of" the first time it appears, and

(2) by striking out "shall be imprisoned not more than ten years" and inserting in lieu thereof, "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1), by (A) inserting after "commission of" the following: "three or more misdemeanors or", and (B) striking out "5" and inserting in lieu thereof "10",

(2) in paragraph (2), by striking out "15" and inserting in lieu thereof "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' shall include any agreement where an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting after subsection (b) the following new subsection:

"(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates—

"(1) that the alien exhausted the administrative remedies (if any) that may have been available to seek relief against such order,

"(2) that the deportation proceedings at which such order was issued improperly deprived the alien of the opportunity for judicial review, and

"(3) that the entry of such order was fundamentally unfair.".

### SEC. 110. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with or without the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien.".

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.— No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), shall be construed to create any right or benefit, substantive or procedural, which is legally enforceable by any party against the United States, its agencies, its officers or any other person.

## TITLE II—PROCEDURES

### SEC. 201. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

### "CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

**"§ 3591. Sentence of death**

"A defendant who has been found guilty of an offense described in section 274(a)(4) of the Immigration and Nationality Act, as determined beyond a reasonable doubt at a hearing under section 3593, shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

**"§ 3592. Factors to be considered in determining whether a sentence of death is justified**

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in section 3591, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(2) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(3) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(4) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(5) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(6) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(7) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(8) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(9) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

**"§ 3593. Special hearing to determine whether a sentence of death is justified**

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of an offense described in section 3591, an aggravating factor required to be considered under section 3592(b) is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

**"§ 3594. Imposition of a sentence of death**

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

**"§ 3595. Review of a sentence of death**

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

**"§ 3596. Implementation of a sentence of death**

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

**"§ 3597. Use of State facilities**

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

**"§ 3598. Appointment of counsel**

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the 2 preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

**"§ 3599. Collateral attack on judgment imposing sentence of death**

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

**"§ 3600. Application in Indian country**

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

**"228. Death penalty procedures ......... 3591.".**

By Mr. MITCHELL:

S. 1198. A bill to assess and protect the quality of the Nation's lakes, and for other purposes; to the Committee on Environment and Public Works.

### LAKES ASSESSMENT AND PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, today I am introducing legislation to protect one of the Nation's most important natural and recreational resources—our freshwater lakes.

This legislation is very similar to a bill I introduced in the last Congress—S. 1069.

There are over 90,000 lakes througout the country, covering some 40 million acres. These lakes are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife.

Lakes also provide a significant portion of the Nation's drinking water. Protecting the quality of lakes used for drinking water is a prudent investment in public health and can help avoid costly drinking water treatment.

Lakes are also one of our most important recreational resources. Millions of Americans have easy access to lakes. Lakes provide for a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation.

There is growing evidence of significant water quality problems in lakes. EPA estimates that 25 percent of our lakes are impaired by pollution, and that an additional 20 percent are threatened by pollution.

Trends in lake water quality are difficult to determine because of the lack of monitoring data and inconsistencies in data. However, EPA reviewed monitoring data collected over a several year period and identified an increase of about 10 percent in lakes reported to be eutrophic or have high nutrient levels. The number of lakes reported in categories with lower nutrient and biological activity levels decreased by a corresponding amount.

The EPA reports that the single biggest water quality problem in lakes is excessive levels of nutrients. Nutrients are elements, primarily phosphorus and nitrogen, that promote plant and algae growth. Excessive nutrients may increase productivity of the lake to the point where algae blooms and aquatic vegetation impedes recreational activity and diminishes aesthetic value.

When algae and aquatic vegetation die at the end of their growing season, their decomposition consumes oxygen dissolved in the water. This oxygen depletion is harmful to fish and severe depletion can result in fish kills.

Siltation and turbidity are also major problems in lakes. Siltation can damage fish habitat, promote growth of aquatic vegetation, and adversely affect recreation.

While only about half the States currently monitor for toxic pollutants in lakes, about one-third of the lake acres monitored are affected by toxics. The most frequently reported toxic pollutants are PCB's, pesticides, including chlordane, atrazine, and alachlor, metals, including cadmium, lead, zinc, copper, silver, and manganese, and mercury.

Toxic pollution has resulted in fishing bans or consumption advisories on many lakes. States report that over 2.8 million lake acres are affected by fish consumption advisories or bans.

Runoff from diffuse or nonpoint sources, such as agricultural lands, construction and mining sites, and urban areas is the single biggest source of lake pollution.

Other significant sources of lake impairment include hydrogen/habitat modification, 33 percent of impaired lake acres; storm sewers, 28 percent; land disposal practices, 26 percent; and sewage discharges, 15 percent. Some pollution sources, such as combined sewer overflows, are a problem for a limited number of lakes, but have very significant impacts where they exist.

Lakes are one of the outstanding natural resources of my home State of Maine. Maine has 5,855 lakes and almost half are greater than 10 acres. For over 100 years, Maine's lakes have been known far and wide for their exceptional quality and recreational value.

A recent study by the University of Maine estimates that the economic value of inland fishing alone is between $300 and $494 million a year, a large portion of which is derived from lakes.

Maine lakes are also an important source of drinking water. Fifty-three lakes are the primary drinking water source for several of the largest cities in Maine. Portland, Bangor, Waterville, and Lewiston get drinking water from lakes. Maintaining the high quality of these drinking water supplies can help avoid the high costs of additional treatment to meet public health standards.

Fortunately, most of Maine's lakes are still clean and clear. Only about 50 lakes are known to have poor water quality. But the sharp decline of some of Maine's most significant recreational lakes offers a clear example of how lake water quality can rapidly deteriorate with little warning.

The legislation I am introducing today builds on and strengthens the Clean Lakes Program established in section 315 of the Clean Water Act. This bill has several key provisions.

Research on lake pollution problems has lagged behind research on other types of water bodies. The bill would amend the Clean Water Act to provide authority for research of lake processes, lake monitoring methods, special vulnerabilities of lakes, and control pollution problems common to lakes, such as nuisance vegetation.

A Lake Research Committee is established to assist the EPA Administrator in the design and implementation of the research program.

The bill provides a process to assure that lake water quality is protected by water quality standards to the same extent as water in rivers and steams.

EPA is to develop criteria for pollutants which are special problems in lakes. States will then designate uses for lakes and adopt water quality standards to assure that lakes are protected. EPA is to set standards where a State fails to do so.

The bill also expands the existing grant program from $30 to $50 million per year. The authorization for assessment and protection programs for specific lakes is increased and new authority for statewide lake protection efforts is provided.

The Maine Legislature recently enacted legislation prohibiting sale of household laundry detergents containing phosphorous. The bill I am introducing would apply this policy to the country as a whole.

Phosphates in detergent products are a significant source of nutrients to lakes and other water bodies and reducing phosphorus in detergent can provide substantial savings in operational costs of publicly owned treatment works.

Over 10 States currently have a total statewide ban on phosphates in detergents. Those bans have established a clear record of water pollution control success on major water bodies, such as Chesapeake Bay. It is time to extend the simple and effective pollution control concept to the Nation as a whole.

Another important provision of the bill would focus existing agriculture land, management, and grant assistance programs of the Department of Agriculture on watersheds of lakes which are found by States to have water quality problems. Programs covered by this provision include the Conservation Reserve Program, the Water Quality Incentives Program, and the Environmental Easement Program.

The bill includes new authority for the Environmental Protection Agency to take the lead role in fostering public involvement in lake protection and assessment. EPA is to recognize and support citizen groups through a Lake Watch Program, develop publications and handbooks to support volunteer efforts for lake monitoring and assessment, and provide awards for outstanding lake protection efforts by citizen groups.

Finally, the bill would expand programs to control the spread of Eurasian Milfoil, an aquatic weed which clogs lakes. This plant severely impairs recreational uses of lakes.

Mr. President, I ask that a section-by-section description of the bill, and the bill, be printed at an appropriate place in the RECORD.

I look forward to working with my colleagues to develop the best possible legislation to protect lake quality throughout the county.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 1198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lakes Assessment and Protection Act of 1993".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Lake water quality research.
Sec. 4. Lake water quality standards.
Sec. 5. Lake water quality program support.
Sec. 6. State revolving loan fund eligibility.
Sec. 7. Demonstration program.
Sec. 8. Nutrient control initiative.
Sec. 9. Agriculture program coordination.
Sec. 10. Clean lakes education.
Sec. 11. Nuisance aquatic vegetation control.

### SEC. 2. FINDINGS.

Congress finds that—

(1) freshwater lakes throughout the United States are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife;

(2) lakes provide a significant percentage of the drinking water supply of the United States, making protection of lake water quality a prudent investment;

(3) lakes offer a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation;

(4) lakes are especially vulnerable to water pollution because they trap and store pollutants to a greater degree than other waterbodies;

(5) the Environmental Protection Agency reports that 25 percent of lakes are impaired by pollution and that an additional 20 percent are threatened by pollution;

(6) many States report that water quality conditions in lakes have deteriorated in recent years, and studies by the Environmental Protection Agency confirm this trend;

(7) the Environmental Protection Agency reports that the most significant and widespread lake water quality problem is excess nutrients, which promote algal blooms and increase aquatic vegetation;

(8) excessive nutrients can diminish the recreational and economic values of lakes and lower dissolved oxygen that is needed to support fish and other aquatic life;

(9) other water pollution problems in lakes include high turbidity and siltation, excessive acidity associated with acid rain, pathogens in sewage discharges, pesticides, organic chemicals, and metals;

(10) sources of lake water quality problems include discharges of sewage and industrial pollutants, nonpoint sources of pollution associated with urban development and agricultural activities, and natural conditions such as mineral intrusion; and

(11) efforts in existence on the date of enactment of this Act to protect the quality of lakes and control sources of pollution in lakes are not adequate, and these efforts need to be expanded and strengthened.

### SEC. 3. LAKE WATER QUALITY RESEARCH.

Subsection (h) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254(h)) is amended to read as follows:

"(h)(1) In carrying out subsection (a), the Administrator shall conduct a comprehensive research program concerning the lakes of the United States.

"(2) The research program provided for in this subsection shall, at a minimum—

"(A) develop improved methods for the monitoring and assessment of lake conditions and water quality;

"(B) improve knowledge of lake processes, including watershed assessments and the recycling of pollutants from sediments to water;

"(C) investigate the nature and extent of variation in pollutant effects on lakes as opposed to other aquatic systems, and characterize the degree to which lakes may be especially vulnerable to pollution;

"(D) identify and assess methods and practices to control sources of pollution to lakes, including watershed management techniques and practices; and

"(E) assess the threat to lake quality posed by aquatic vegetation and develop and demonstrate methods to control excessive vegetation in lakes and prevent the distribution of nuisance aquatic vegetation throughout the United States.

"(3) In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations.

"(4)(A) The Administrator shall appoint an advisory committee to be known as the 'Lake Research Advisory Committee' (referred to in this paragraph as the 'Committee') to advise the Administrator on the design and implementation of the research program required by this subsection.

"(B) The Committee shall be composed of not more than 12 members with substantial expertise and experience in lake research. Not more than 3 members of the Committee shall be employees of the Federal Government. Not fewer than 3 members shall be employees of State environmental agencies.

"(C) Each Committee member shall serve for a term of 3 years, except that the Administrator shall initially appoint 4 members to each serve for a term of 4 years and 4 members to each serve for a term of 5 years. Each member may be reappointed to 1 additional term.".

### SEC. 4. LAKE WATER QUALITY STANDARDS.

(a) LAKE DESIGNATIONS.—Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) is amended by adding at the end the following new subsection:

"(e) LAKE USE DESIGNATIONS.—Not later than 2 years after the date of enactment of this subsection, each State shall designate the use of each publicly owned lake in the State in a manner consistent with the following uses:

"(1) Public drinking water supply.

"(2) Swimming and related body contact recreation.

"(3) Resource protection, to ensure the protection and propagation of a balanced, indigenous population of fish and wildlife.".

(b) LAKE WATER QUALITY CRITERIA.—Section 304(a) of such Act (33 U.S.C. 1314(a)) is amended by adding at the end the following new paragraphs:

"(9) WATER QUALITY CRITERIA FOR PARAMETERS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph and periodically thereafter, the Administrator shall publish pursuant to this subsection water quality criteria for water quality parameters, including, at a minimum—

"(i) dissolved oxygen;

"(ii) total phosphorus;

"(iii) nitrogen;

"(iv) chlorophyll a;

"(v) acidity; and

"(vi) transparency.

"(B) CONTENTS.—The criteria documents published pursuant to this paragraph shall address the factors identified in paragraph (1) and shall identify numerical concentrations that, in the judgment of the Administrator, are appropriate to ensure the maintenance and attainment of each use identified in section 314(e).

"(10) LAKE WATER QUALITY GUIDANCE FOR CONTAMINANTS.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall publish guidance to assist States in the adoption of lake water quality standards for contaminants for which criteria documents have been published pursuant to this subsection. The guidance shall supplement criteria in existence on the date of publication of the guidance to the extent necessary to ensure that States have adequate information to support the adoption of numerical lake water quality standards for each pollutant that will ensure the attainment and maintenance of designated uses identified pursuant to section 314(e).

"(11) NUMERICAL LAKE WATER QUALITY STANDARDS.—Beginning on the date of enactment of this paragraph, any criteria document published pursuant to this subsection shall include such information as the Administrator determines is appropriate to assist States in the adoption of numerical lake water quality standards for each pollutant that will ensure the attainment and maintenance of the designated uses identified pursuant to section 314(e).".

(c) LAKE WATER QUALITY STANDARDS.—Section 303 of such Act (33 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(i)(1)(A) Not later than 2 years after the date of publication of lake water quality criteria pursuant to paragraphs (9) and (11) of section 304(a) or publication of lake water quality guidance pursuant to section 304(a)(10), each State shall establish for each publicly owned lake in the State numerical standards for such water quality parameters as will ensure the attainment and maintenance of designated uses identified pursuant to section 314(e).

"(B) With respect to a State, the Administrator may waive the requirement to adopt a numerical standard for a parameter listed pursuant to section 304(a)(9) based on a demonstration by the State that there is no impairment to lake water quality associated with the parameter in the State.

"(2) If a State fails to adopt lake water quality standards pursuant to paragraph (1), the Administrator shall, not later than the end of the 2-year period described in such paragraph, establish standards for publicly owned lakes in the State that will ensure the attainment and maintenance of designated uses established by the State or, if a State has not designated lake uses, the uses that the Administrator, in consultation with the State, determines to be appropriate.".

**SEC. 5. LAKE WATER QUALITY PROGRAM SUPPORT.**

(a) CONFORMING AMENDMENTS.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) through (D); and

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (B) and (C), respectively; and

(2) in paragraph (3), by striking all after "United States," and inserting a period.

(b) CLEAN LAKES PROGRAM SUPPORT.—Subsection (b) of section 314 of such Act (33 U.S.C. 1324(b)) is amended to read as follows:

"(b) STATE CLEAN LAKES PROGRAM.—

"(1) IN GENERAL.—A State may submit to the Administrator an application for a grant, and the Administrator may make a grant, to—

"(A) conduct a project to protect the quality of lakes throughout the State;

"(B) develop a plan for the control of pollution to a specific lake or group of lakes in the State; or

"(C) implement a plan developed pursuant to subparagraph (B).

"(2) LAKE QUALITY PROTECTION PROJECTS.—The Administrator may make a grant pursuant to paragraph (1)(A) if the grant is for a statewide project—

"(A) to improve public information and education concerning lake protection;

"(B) to develop State or local requirements concerning lake protection, including lake quality standards;

"(C) to develop lake assessment and monitoring information; or

"(D) to carry out a combination of the activities described in subparagraphs (A) through (C).

"(3) POLLUTION CONTROL PLANS.—The Administrator may make a grant pursuant to paragraph (1)(B) if the grant is for—

"(A) the development of a lake protection plan (including an assessment of lake conditions);

"(B) the identification of pollution sources;

"(C) the development of a plan or program for pollution control; or

"(D) carrying out a combination of the activities described in subparagraphs (A) through (C).

"(4) COST SHARE.—Each grant made pursuant to subparagraph (A) or (B) of paragraph (1) shall be made on the condition that 25 percent of the cost of the project that is the subject of the grant is provided from non-Federal sources. Each grant made pursuant to subparagraph (C) shall be made on the condition that 50 percent of the cost of the project that is the subject of the grant is provided from non-Federal sources and that the non-Federal contribution may be assessed beginning on the date of submittal of the application to the Administrator.

"(5) PRIORITIZATION OF PROPOSALS.—

"(A) LAKE QUALITY PROTECTION PROJECTS.—In awarding grants pursuant to paragraph (1)(A), the Administrator shall give priority to proposals with the greatest potential to improve or protect lake water quality and to proposals that will support the development of long-term sustained lake protection programs in a State.

"(B) POLLUTION CONTROL PLANS.—In awarding grants pursuant to paragraph (1)(B), the Administrator shall give priority to—

"(i) projects concerning lakes that are listed pursuant to paragraph (a)(1)(B);

"(ii) projects concerning lakes that are a source of public water supply; and

"(iii) projects that will develop an innovative pollution control method or practice with potential application to other lakes.

"(C) PLAN IMPLEMENTATION.—Grants made pursuant to paragraph (1)(C) shall be limited to projects concerning lakes for which a control program has been developed pursuant to subparagraph (B).

"(6) ELIGIBILITY REQUIREMENT.—A State that has not complied with the requirements of subsection (a) for the most recent report period or section 303(i) shall not be eligible for grants made pursuant to this subsection.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 314(c) of such Act (33 U.S.C. 1324(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the first sentence—

(i) by striking "and" after "1985,";

(ii) by inserting after "1990" the following: ", and $50,000,000 for each of fiscal years 1991 through 2000,"; and

(iii) by striking "subsection (b) of"; and

(B) by striking the last sentence; and

(4) by adding at the end the following new paragraph:

"(2) For each of fiscal years 1991 through 2000, of the sums appropriated pursuant to this section, not more than 25 percent shall be reserved for grants made pursuant to subsection (b)(1) and demonstration projects conducted pursuant to subsection (d).".

**SEC. 6. STATE REVOLVING LOAN FUND ELIGIBILITY.**

(a) ELIGIBILITY.—

(1) GENERAL AUTHORITY FOR GRANTS TO STATES.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(A) by striking "and" after "section 319,"; and

(B) by inserting before the period at the end the following: ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b)".

(2) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—The first sentence of section 603(c) of such Act (33 U.S.C. 1383(c)) is amended—

(A) by striking "and" after "section 319 of this Act,"; and

(B) by inserting before the period at the end the following: ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b)".

(b) CONFORMING AMENDMENT.—Section 606(c)(1) of such Act (33 U.S.C. 1386(c)(1)) is amended by striking "319" and inserting "314, 319,".

**SEC. 7. DEMONSTRATION PROGRAM.**

(a) PROGRAM REVISIONS.—Section 314(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(1)) is amended—

(1) in subparagraph (C), by adding "and" at the end;

(2) in subparagraph (D), by striking the semicolon at the end and inserting a period; and

(3) by striking subparagraphs (E) through (G).

(b) DEMONSTRATION PROJECTS.—Section 314(d)(2) of such Act (33 U.S.C. 1324(d)(2)) is amended by inserting after "Sauk Lake, Minnesota;" the following: "China Lake, Maine; Sebago Lake, Maine;".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 314(d) of such Act (33 U.S.C. 1324(d)) is amended by striking paragraph (4).

**SEC. 8. NUTRIENT CONTROL INITIATIVE.**

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by adding after section 518 the following new section:

**"SEC. 519. NUTRIENT CONTROL INITIATIVE.**

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue regulations prohibiting the distribution for sale within the United States of household laundry detergents that contain more than 0.5 percent phosphorus by weight expressed as elemental phosphorus.

"(b) REQUIREMENTS.—The regulations issued pursuant to this section shall, at a minimum—

"(1) establish a schedule for the phase-out of phosphorus from household laundry detergents that is as expeditious as practicable, and that requires, at a minimum, compliance with the prohibition specified in subsection (a) not later than 5 years after the date of enactment of this subsection;

"(2) establish limits on the levels of chemical constituents in household laundry detergents that are adequate to ensure that the levels of any of the constituents substituted for phosphorus are not expected to prevent the attainment or maintenance of water quality standards;

"(3) allow for the sale and use of household laundry detergent products manufactured prior to the date of enactment of this subsection; and

"(4) define the term 'household laundry detergent'.

"(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the status of the implementation of this section.".

(b) CIVIL PENALTY.—Section 309(a)(3) of such Act (33 U.S.C. 1319(a)(3)) is amended by striking "or 405" and inserting "405, or 519".

**SEC. 9. AGRICULTURE PROGRAM COORDINATION.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall work cooperatively to ensure the coordination of agriculture programs and lake protection programs.

(b) AGRICULTURAL CONSERVATION PROGRAM.—

(1) PREVENTION OF SOIL EROSION.—The first sentence of section 7(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)) is amended by inserting before the period at the end the following: ", giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B))".

(2) CONSIDERATIONS FOR FINANCIAL ASSISTANCE.—The fourth undesignated paragraph of section 8(b) of such Act (16 U.S.C. 590h(b)) is amended by inserting before the comma at the end of subparagraph (D) the following: ", giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B))".

(c) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Section 1238C(a) of the Food Security Act of 1985 (16 U.S.C. 3838c(a)) is amended—

(1) in paragraph (7), by striking "or" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) areas of the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)).".

(d) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(b)(1) of such Act (16 U.S.C. 3839(b)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) is located within the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)).".

(e) CONSERVATION RESERVE PROGRAM.—Section 1231(f)(1) of such Act (16 U.S.C. 3831(f)(1)) is amended by adding at the end the following new sentence: "The Secretary shall designate watershed areas of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(1)(B)) as conservation priority areas.".

**SEC. 10. CLEAN LAKES EDUCATION.**

Section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) (as amended by section 4(a)) is further amended by adding at the end the following new subsection:

"(f) CLEAN LAKES EDUCATION.—

"(1) IN GENERAL.—The Administrator shall develop and implement a national program to educate the public concerning lake quality and lake pollution problems and to foster public involvement in lake assessment and protection programs.

"(2) LAKE WATCH PROGRAM.—

"(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall, by regulation, establish a program, to be known as the 'Lake Watch Program' (referred to in this paragraph as the 'Program'), to encourage nonprofit citizens groups to engage in lake assessment and protection activities.

"(B) CONTENTS OF REGULATIONS.—The regulations issued pursuant to subparagraph (A) shall establish—

"(i) a process for identifying citizens groups interested in participating in the Program;

"(ii) a national registry of—

"(I) citizens groups participating in the Program; and

"(II) lakes with respect to which the groups engage in assessment and protection activities; and

"(iii) minimum conditions to be met by a citizens group that participates in the Program, including—

"(I) minimum monitoring of lake quality;

"(II) periodic reports of lake protection activities;

"(III) the identification of the watershed area of each lake with respect to which the group engages in assessment and protection activities; and

"(IV) periodic renewal of participation.

"(C) INFORMATIONAL PUBLICATION.—The Administrator shall publish periodically an informational publication on lake assessment and protection for citizens groups participating in the Program.

"(D) LAKE WATCH AWARD.—The Administrator shall provide an annual award, to be known as the 'Lake Watch Award', to 1 citizens group participating in the Program in each State, that has demonstrated an outstanding commitment to lake assessment and protection.

"(E) PROGRAM COORDINATION.—

"(i) IN GENERAL.—The Administrator shall inform each citizens group participating in the Program of pollution control activities within the watershed area of each lake with respect to which the group engages in assessment and protection activities, including—

"(I) the award of grant assistance pursuant to this section;

"(II) the initiation of an enforcement action pursuant to section 309;

"(III) the award of an incentive or demonstration grant pursuant to section 319;

"(IV) the issuance of a permit pursuant to section 402; and

"(V) the award of a loan or other assistance pursuant to title VI.

"(ii) DELEGATION OF AUTHORITY.—The Administrator may delegate the authority to carry out this subparagraph to a State.

"(3) LAKE PROTECTION HANDBOOK.—Not later than 2 years after the date of enactment of this subsection, and periodically thereafter, the Administrator shall publish a lake assessment and protection handbook that provides information on appropriate methods for lake quality monitoring, biological assessment of lake conditions, and related information concerning lake management and protection.".

**SEC. 11. NUISANCE AQUATIC VEGETATION CONTROL.**

(a) CONTROL PROGRAM.—Subtitle C of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following new section:

**"SEC. 1210. EURASIAN MILFOIL CONTROL.**

"(a) IN GENERAL.—In coordination with regional, State, and local entities, the Task Force shall undertake a comprehensive, environmentally sound program to prevent the dissemination of Eurasian Milfoil (Myriophyllum spicatum), including—

"(1) research and development concerning the species, including environmental tolerances and impacts on water quality, fisheries, and other ecosystem components;

"(2) the identification and assessment of mechanisms and means of limiting the dissemination of the species to areas not infested as of the date of enactment of this section;

"(3) the development of plans and implementation of programs to prevent dissemination of the species; and

"(4) the provision of technical assistance to regional, State, and local entities to carry out this section.

"(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Task Force shall submit to Congress a report that describes the implementation of this section and makes recommendations regarding additional authorities or support necessary for the control of the dissemination of Eurasian Milfoil.".

(b) INJURIOUS SPECIES.—Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the Eurasian Milfoil of the species Myriophyllum spicatum;" before "of the zebra mussel".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) $1,000,000 to carry out section 1210.".

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LAKES ASSESSMENT AND PROTECTION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents—This Act may be cited as the "Lakes Assessment and Protection Act of 1993".

Sec. 2. Findings—The Congress finds that the Nation's lakes are an important recreational and environmental resource and a vital source of public drinking water. Some 25 percent of lakes are impaired by pollution and existing programs to protect lakes quality are not adequate.

Sec. 3. Lake Quality Research—The Clean Water Act is amended to expand authority for research of lake quality issues. A Lake Research Advisory Committee is established to advise the Environmental Protection Agency on the development of lake research plans.

Sec. 4. Lake Water Quality Standards—The Clean Water Act is amended to require States to designate uses of lakes within the State.

EPA is directed to develop water quality criteria documents for pollutants which are most common in lakes (i.e. total phosphorus, nitrogen, chlorophylls, acidity, turbidity, and low dissolved oxygen).

States are to adopt enforceable, numerical water quality standards for lakes within two years of the date of publication of a criteria document. The EPA Administrator is directed to establish lake water quality standards if a State fails to do so.

Sec. 5. Lake Water Quality Program Support—Section 314 of the Clean Water Act is amended to revise the existing grant assistance program for lakes. The revised grant program would allow States to submit grant proposals for both the implementation of statewide programs to protect lakes and to develop and implement protection plans for a specific lake or group of lakes.

Statewide lake protection projects may include projects to develop education, assessment; or regulatory programs. Projects are funded at 75/25 Federal/State shares. Priority is given to projects which have the greatest potential to improve lakes quality and foster the development of a sustained lake protection program in the State.

Lake protection plans are to assess lake conditions, identify pollution sources, and develop pollution control programs. Planning grants are available on a 75/25 Federal/State basis; implementation grants on a 50/50 basis. Priority is to be given to impaired lakes and lakes which are a source of drinking water and to projects which demonstrate innovative programs. Existing authorizations for grant assistance and demonstration programs are revised and consolidated.

The existing general grant authorization of $30 million per year and demonstration program authorization of $55 million are consolidated into a single authorization of $50 million. Of sums appropriated from the consolidated authorization 25 percent is to be reserved for statewide lakes grants, for lake protection plan grants, for implementation of protection plans, and for implementation of demonstration projects.

Sec. 6. State Revolving Loan Fund Eligibility—Title VI of the Clean Water Act is amended to specify that State revolving loan funds are eligible to support the implementation of lake protection plans developed with grant assistance under section 314 of the Act.

Sec. 7. Demonstration Program—The clean lakes demonstration program is amended to clarify the scope of demonstration projects and to add to the list of priority lakes China Lake, Maine and Sebago Lake, Maine.

Sec. 8. Nutrient Control Initiative—A new section 520 is added to the Clean Water Act directing the EPA Administrator to issue regulations prohibiting the manufacture and distribution for sale in the United States of household laundry detergents containing phosphorus.

Regulations are to provide for a phase out of phosphorus in detergents as soon as possible but in not less than five years, address potential substitution of chemicals for phosphates, and allow sale of products manufactured prior to the date of enactment of the section.

Sec. 9. Agriculture Program Coordination—Existing programs of the Department of Agriculture which provide assistance to farmers for implementation of practices to reduce water pollution are focused on watersheds of lakes identified by States as suffering water quality problems. These programs include the Agriculture Conservation Program, the Agriculture Water Quality Incentives Program, the Environmental Easement Program, and the Conservation Reserve Program.

Sec. 10. Lake Education Program—The Environmental Protection Agency is to support assessment and protection of lakes by volunteer citizen groups. EPA is to recognize groups interested in participating in a "Lake Watch" program and assist lake protection activities of such groups.

Sec. 11. Nuisance Aquatic Vegetation Control—The Nonindigenous Aquatic Nuisance Act is amended to direct the Federal Task Force established in the Act to conduct a comprehensive program to prevent the dissemination of Eurasian Millfoil. An authorization of $1 million per year is provided for the program.

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By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1199. A bill to amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes; to the Committee on Environment and Public Works.

### COASTAL PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, today I am introducing, with my distinguished colleague Senator LAUTENBERG, legislation to amend the Clean Water Act to improve protection of marine and coastal waters.

This bill is similar to title II of legislation I introduced in the last Congress. I am pleased that title I of that bill, establishing a national monitoring program for coastal waters, and title III of the bill tightening controls over ocean dumping of sediment, were enacted in the last Congress.

Marine and coastal waters are a national resource of outstanding importance. These waters serve vital ecological functions, providing habitat to commercial and endangered species.

The combined value of marine commercial and recreational fishing industries is over $12 billion annually. Over 70 percent of the commercial fish and shellfish nationwide depend on estuarine and near-coastal waters and landings of estuarine dependent species have declined over the past 20 years.

Coastal waters also are a valuable recreational resource. Tourism is a major source of income in many coastal communities, and recreational activities are partially dependent on the quality of the coastal environment. Government expenditures for marine-related recreation are over $5 billion a year.

A recent study in Florida indicated that 13 million adults used the beaches in 1984, generating sales of $4.6 billion, 180,000 jobs, and a payroll of about $1.1 billion.

There is growing public awareness and concern for environmental problems in coastal waters. Beach closings over the past several years have provided the public with clear evidence of the pollution problems in marine waters. The presence of a large dead zone in the Gulf of Mexico has been widely reported. Boston Harbor is recognized throughout the Nation as a major environmental problem area.

Recent reports by the Office of Technology Assessment [OTA], the Environmental Protection Agency [EPA], and the National Oceanic and Atmospheric Administration [NOAA] provide clear evidence of the range of environmental problems facing coastal waters.

The OTA has issued a major report titled "Wastes in the Marine Environment." The report states:

> * * * even if total compliance with today's regulations is achieved, existing programs will not be sufficient to . . . maintain or improve the health of all estuaries and coastal waters. In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

A representative of NOAA testified before the Environment and Public Works Committee in July of 1989 saying:

> I want to emphasize that the extent of the coastal pollution problems is truly national and not limited to only a few specific coastal or estuarine areas. Solutions to the problem will require an approach that is national in scope and scale.

A major assessment of environmental progress over the past 20 years by the Council on Environmental Quality cited significant improvements in the quality of several environmental media, but concluded that two major problem areas were the loss of coastal wetlands and declines in marine environmental quality. The report states:

> If, on the other hand, the viability of wetlands and estuarine ecosystems is used to measure environmental progress, the Nation's track record over the past 2 decades is less impressive. . . . Moreover, the quality of some coastal waters and estuaries apparently has declined over the last 2 decades. Between 1971 and 1985, shellfish harvest restrictions resulting from environmental contamination increased 14 percent to 7.5 million acres; by 1985 approximately 40 percent of the Nation's shellfish beds were closed for some or all of the season. Closures were caused by environmental pollution ranging from inadequate or overwhelmed sewage treatment plants to urban water runoff to contamination from feedlots and other agricultural operations.

Basic demographic trends are likely to support continued high levels of public interest and concern for the quality of coastal waters. NOAA estimates that about half of the U.S. population—about 110 million people—now live in coastal areas. By the year 2010, coastal population is expected to increase to 127 million people, an increase of 60 percent over the 1960 population of 80 million.

Pollutant discharges to coastal waters are significant and will increase as population continues to concentrate along the coast. Major sources of coastal pollution include point source discharges from industrial facilities, discharges of sewage from publicly owned treatment works, overflows from combined storm and sanitary sewers, and nonpoint pollution from urban areas, construction sites, and agricultural lands.

While only 10 percent of the Nation's 66,000 point source discharges are located in coastal areas, they contribute over one third of the total annual wastewater discharged throughout the country.

Some 1,300 major industrial facilities discharge effluents directly to coastal waters. These discharges pose a significant pollution problem. The OTA Report concluded:—

> Large quantities of toxic pollutants are entering marine environments, particularly estuaries and coastal waters. Legal discharges of industrial effluents * * * often contain substantial amounts of toxic pollutants; indeed, in the aggregate, industrial discharges represent the largest source of toxic pollutants entering the marine environment.

Over one quarter of the 2,900 major wastewater treatment plants, that is, plants discharging more than 1 million gallons per day, in the United States are located in coastal counties. These plants discharge some 2.3 trillion gallons of sewage to coastal waters each year. In addition, some 3.6 trillion gallons of sewage is discharged each year to coastal rivers which eventually reach the sea.

While the bulk of the pollutant loadings in these discharges are conventional pollutants, for example: biological oxygen demand [BOD], solids, nutrients, and phosphorous, the discharges contain a significant amount of toxic contaminants from industrial and other sources.

Discharges from combined storm and sanitary sewers are an especially serious source of pollution to coastal waters. These overflows, which occur in hundreds of coastal cities, are responsible for beach closings each year and are a significant source of floatable and plastic pollution.

In addition, combined sewer overflows are responsible for closing of shellfish beds in many areas. NOAA reports that combined sewer overflows contributed to the closing of 54 percent of the closed shellfish beds in New England.

Combined sewer overflows contributed to the closing of 62 percent of the closed shellfishing beds in Long Island Sound, 58 percent in Narragansett Bay, 97 percent in the Hudson/Raritan estuary, and 46 percent in Massachusetts Bay.

The discharge of large volumes of sewage can affect human health as well as the environment. The OTA Report concluded:

> These findings suggest that the routine discharge of sewage effluent and the dumping of sewage sludge into estuaries, coastal waters, and the open ocean may be introducing large numbers of viable microorganisms, including pathogens, and that their densities in both water and sediment may be increasing. Further study of the public health consequences of these practices is needed, particularly in light of the increasing incidence of shellfish and waterborne disease.

While the recreational and other values of the coasts attract added population growth, this growth can contribute to the contamination and related environmental problems of coastal waters.

Development and urbanization in coastal areas causes water pollution problems through runoff from city streets, construction sites, and agricultural lands. These nonpoint sources of pollution are a major cause of coastal water quality problems.

The EPA confirmed the significant role of development in coastal pollution in testimony before the Environment and Public Works Committee in 1989, when a representative of the Agency stated:

> The challenge before us is to protect and restore the environmental quality of our near coastal waters, living resources, and their habitats. Solutions to these problems become increasingly complex as their major causes are land based, and primarily due to the population growth and development occurring in our coastal zone.

NOAA estimates that some 330 thousand tons of phosphorus and 1.8 million tons of nitrogen are discharged annually to the Nation's estuaries. Some 12 percent of the nitrogen and 40 percent of the phosphorus is attributable to wastewater treatment plants, but the majority is attributable to nonpoint sources of pollution. In review of this data, an NOAA representative testified:

> Increasing evidence of reduced fish catches, loss of habitats, and degradation of water and sediment quality caused by nutrient over-enrichment indicates that nutrient discharges must be limited.

The existing pollution of coastal waters, and the threat of further degradation, demand a concerted effort to improve coastal water quality programs. The legislation I am introducing today, in combination with other amendments to the Clean Water Act, will be an important step toward assuring the restoration and protection of marine waters.

The National Estuary Program, created in the 1987 amendments to the Clean Water Act, is helping States, local government and interested citizens develop programs to respond to significant pollution problems in some of the Nation's most valuable estuaries.

Our legislation will more than double the authorized funding for the program and extend funding to the year 2000. In addition, the bill will allow funding of local management conferences after the completion of a control plan at a somewhat reduced level. A new requirement to develop a financial strategy for implementation of control plans is added. Existing authorities regarding research and reports are revised. Designation of estuaries after the date of enactment is limited to impaired coastal waters.

While the National Estuary Program is helping restore the quality of some of the most impaired coastal waters, the program is not able to address the vast majority of coastal water pollution problem areas. In addition, control programs developed as a result of a National Estuary Program plan often do not take effect for five or more years.

Given the national scope of coastal water pollution problems, intensive pollution control efforts are needed for impaired coastal waters. Such an intensive effort will complement the National Estuary Program and help prevent further declines in coastal-water quality until the National Estuary Program is able to support a more comprehensive planning effort.

The bill proposes that the EPA and the States identify impaired coastal waters and take specific steps to addresses pollution problems in those waters. For example, permits issued for discharges to such waters would be based on the ocean discharge criteria of section 403. The bill would also amend section 403 to clarify discharge criteria and add consideration of pollution prevention options.

Additional authorities for preventing further declines in impaired coastal waters include review of water quality standards for the impaired waters, expedited permitting for discharges of stormwater, development of pretreatment programs where such programs are not already in place and the treatments works receives waste from a significant industrial source, and consideration of prohibiting or restricting disposal sites and prohibiting discharge of sewage from vessels.

Federal, State, and local governments cannot solve coastal water pollution problems alone. Protection of coastal environments depends in large part on the informed decisions of landowners in areas adjacent to coastal waters. In many cases, owners of coastal land understand the environmental value of the land and want to take steps to protect coastal areas, but lack information about what to do and not to do.

The bill includes a new initiative to foster public understanding or coastal-water pollution and the measures and practices owners of land adjacent to coastal waters can take to prevent water pollution and conserve ecological characteristics. Coastal landowners have the opportunity to volunteer to participate in information and education programs.

Another key provision of the bill expands current authority for control of sewage from vessels. The bill expands the penalty provisions of the current law, allows States to enforce the vessel discharge provisions of the act under specified conditions, requires review of technologies for treatment of sewage on boats, and encourages the development of sewage pumpout facilities by making pumpout facilities eligible for assistance through the State revolving loan funds.

Coastal waters have not been protected by water quality criteria and standards to the same degree as have inland waters. EPA has developed fewer aquatic criteria for marine waters than for inland waters and States have not consistently adopted water quality standards for marine waters.

The bill requires the EPA to develop a plan for review and revision of criteria for pollutants found in marine waters. Citizens are given the right to petition for development of criteria for marine waters. Where the EPA has published aquatic life criteria for inland waters but not marine waters, the Agency is given 3 years to expand the criteria to include marine waters. After the date of enactment, the EPA is to publish aquatic life criteria for marine waters whenever aquatic life criteria are published for inland waters. States are to designate uses for marine waters and adopt standards based on available criteria within 2 years.

Finally, Mr. President, this bill includes new authority for the Army Corps of Engineers to assist coastal communities in the implementation of projects to control overflows of raw sewage from combined storm and sanitary sewers.

Many coastal communities across the Nation, and in my home State of Maine, are facing the challenging problem of control of overflows from combined sewers. These overflows cause significant environmental impacts and construction of needed control facilities can be very expensive. Estimates of the costs of needed controls in Maine alone are in the hundreds of millions of dollars.

The Corps of Engineers can play an important role in assisting communities in construction of projects needed to comply with Clean Water Act requirements. The bill provides that the corps would select projects with the greatest environmental benefit serving communities with the greatest financial need.

The corps would provide funding in the form of a 75-percent grant, or, at the option of the Governor, a loan to be repaid to the State loan fund under otherwise applicable conditions of title VI. Projects funded under this authority must be certified as the lowest cost solution adequate to meet Clean Water Act requirements.

Other important provisions of the bill would require the EPA to use information from toxic release inventory reports to improve the focus of water quality programs, better define the roles of Federal agencies in protecting coastal environments, and provide for studies of several marine pollution issues.

I urge my colleagues to join us in supporting this important legislation to restore and protect the quality of the Nation's coastal waters.

I ask unanimous consent that a copy of the bill be printed at an appropriate place in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Coastal Protection Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Coastal environment toxics release assessment.
Sec. 5. National estuary program.
Sec. 6. Priority marine waters.
Sec. 7. National marine water quality education program.
Sec. 8. Marine sanitation devices.
Sec. 9. Marine water quality criteria and standards.
Sec. 10. Ocean discharge criteria.
Sec. 11. Combined sewer overflow control assistance.
Sec. 12. Definitions.
Sec. 13. Federal agency responsibilities.
Sec. 14. Reports and studies.

(c) REFERENCES TO THE FEDERAL WATER POLLUTION CONTROL ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent otherwise specifically provided.

### SEC. 2. FINDINGS.

Congress finds that—

(1) the marine and coastal waters of the United States have substantial and direct importance to a large segment of the population of the United States;

(2) the marine and coastal waters, including estuaries, are vital and productive natural ecosystems;

(3) the marine and near coastal waters support commercial and recreational fisheries with an annual value estimated at over $12,000,000,000 per year;

(4) the marine and coastal waters support extensive recreational activities and related support services;

(5) the maintenance and protection of the environmental quality of the marine and coastal waters of the United States is essential to the commercial and recreational activities the waters support;

(6) a report by the Office of Technology Assessment of Congress found that the overall health of estuaries and coastal waters is declining or threatened;

(7) recent studies and reports provide evidence that many areas of the marine environment have been degraded or are threatened by sources of pollution, including industrial and municipal waste disposal, urban and agricultural runoff, inadequately controlled development, and habitat destruction;

(8) studies by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency have identified unexpectedly high levels of contaminants in a number of coastal areas;

(9) the National Estuary Program is successfully addressing water pollution problems in high priority coastal areas and the program should be expanded and strengthened;

(10) there is a need to better identify impaired coastal waters and to expand and improve programs for the control of point and nonpoint sources of pollution to these waters;

(11) ocean discharge criteria need to be used more effectively in issuing permits for discharges to impaired coastal waters;

(12) discharges of sewage from vessels can impair coastal waters, and controls over the discharges should be improved;

(13) there is a need to expand and expedite the process of developing water quality criteria that set enforceable water quality standards for coastal waters; and

(14) overflows from combined storm and sanitary sewers pose a significant threat to water quality, and the Federal Government should provide additional financial assistance to communities seeking to correct overflow problems.

### SEC. 3. POLICY.

It is the policy of the United States to restore, maintain, and protect the integrity of the marine environment to ensure that the ecological, commercial, and recreational values of these resources are not impaired by pollution.

### SEC. 4. COASTAL ENVIRONMENT TOXICS RELEASE ASSESSMENT.

Title III (33 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

### "SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.

"(a) COASTAL ENVIRONMENT TOXICS RELEASE STRATEGY.—Not later than 1 year after the date of enactment of this section, the Administrator shall prepare and submit to Congress a coastal environment toxics release strategy (referred to in this section as the 'strategy'). The strategy shall include a plan developed by the Administrator for using the information from toxic chemical release forms and reports prepared pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) to improve programs of the Environmental Protection Agency concerning the coastal environment.

"(b) ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Administrator shall prepare an assessment of the extent and environmental effect of discharges by industrial categories that discharge into marine waters, or to publicly owned treatment works that discharge into marine waters (or both), and that are required to report the discharges pursuant to the requirements for reporting releases of toxic chemicals under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(2) IDENTIFICATION OF CATEGORIES AND AREAS.—The assessment shall identify the relative contribution of pollutants from industrial categories and the geographical areas that receive the greatest quantities of the discharges.

"(3) INCLUSION IN REPORTS.—The assessment prepared under this subsection may be included in a report published pursuant to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023).

"(c) USE OF INFORMATION.—The Administrator shall use information in the assessment prepared under subsection (b) to—

"(1) verify information included in permits issued by the Administrator or by a State authorized to issue permits under section 402;

"(2) improve programs for the control of toxic pollutants;

"(3) identify other water quality programs (including programs established pursuant to sections 301, 303, 304, 306, and 307) and adopt measures to ensure that data concerning the discharge of toxic pollutants is incorporated into the programs;

"(4) identify pollutants for which water quality criteria have not been published; and

"(5) target compliance and enforcement actions.".

**SEC. 5. NATIONAL ESTUARY PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended—

(1) by striking ", and 1991" and inserting "1991, 1992, and 1993 and $25,000,000 for each of fiscal years 1994 through 2000"; and

(2) by striking the last sentence.

(b) PRIORITY MARINE WATERS.—Section 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by adding at the end the following new sentence: "Beginning on the date that is 1 year after the date of enactment of this sentence, the Administrator may not convene a management conference pursuant to this section for any estuary that is not listed as a priority marine water under section 304(n).".

(c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C. 1330(b)(5)) is amended by inserting before the semicolon the following: ", including a detailed financial plan indicating the anticipated Federal, State, and local funds needed to implement identified corrective actions".

(d) RESEARCH.—Subsection (j) of section 320 (33 U.S.C. 1330(j)) is amended to read as follows:

"(j) RESEARCH.—

"(1) RESEARCH PROGRAM.—The Administrator shall implement a coordinated program of research and monitoring to support the assessment of each estuary for which a management conference is convened pursuant to this section.

"(2) CONTENT OF PROGRAM.—The research program implemented under this subsection shall include—

"(A) a comprehensive program of water and sediment quality monitoring to determine—

"(i) variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters that may affect the estuary; and

"(ii) the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment to assist in the development of—

"(i) baseline studies to determine the biological conditions in the estuary and the effects of natural and anthropogenic changes; and

"(ii) predictive models that are capable of translating information concerning specific discharges or general pollutant loadings within the estuary into a set of probable effects on biological conditions in the waters of the estuary;

"(C) a program of research to identify the movements of nutrients, sediments, and pollutants through the estuary and the impact of nutrients, sediments, and pollutants on water quality and designated or potential uses of the waters of the estuary; and

"(D) a program of research to determine the water quality and habitat requirements necessary for the attainment and maintenance of designated uses and the continued viability and enhancement of living resources.

"(3) COOPERATIVE ACTIVITY.—In implementing the research program under this subsection, the Administrator shall cooperate with each affected management conference and State, and the heads of appropriate Federal agencies, including the Under Secretary and the Director of the United States Fish and Wildlife Service.".

(e) REPORT TO CONGRESS.—Section 320 (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall submit to Congress a comprehensive report concerning the activities authorized under this section. The report shall include—

"(A) a list of estuaries considered for action pursuant to this section;

"(B) a list and description of the estuaries considered and selected for management conferences pursuant to this section;

"(C) an evaluation of the research, monitoring, and pollution abatement measures implemented pursuant to this section;

"(D) an assessment and description of each management conference in progress at the time of submission of the report; and

"(E) a report on the implementation of conservation and management plans for the estuaries.

"(2) PRIORITY MARINE WATERS.—The Administrator shall include in each report prepared under this subsection—

"(A) a list of the waters listed as priority marine waters under section 304(n);

"(B) a description of the measures taken to restore the quality of the waters; and

"(C) recommendations concerning additional protective measures for priority marine waters.".

(f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) through (3) and inserting the following new paragraphs:

"(2) PURPOSES.—A grant awarded under this section may be used to—

"(A) support an initial 5-year management conference and the development of a conservation and management plan under this section; and

"(B) maintain the operation of the management conference after receiving approval by the Administrator of a conservation and management plan pursuant to subsection (f), and oversee the implementation of the conservation and management plan.

"(3) DEVELOPMENT OF CONSERVATION AND MANAGEMENT PLANS.—

"(A) IN GENERAL.—The Federal share of a grant awarded under paragraph (2)(A) for a fiscal year shall be—

"(i) in an amount not to exceed 75 percent of the annual cost of the management conference referred to in paragraph (2)(A); and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(B) DURATION.—A person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) may be awarded a grant under paragraph (2)(A) for a period of not to exceed 5 fiscal years.

"(4) GRANTS TO MAINTAIN OPERATION OF MANAGEMENT CONFERENCE.—

"(A) PROHIBITION.—If, in the judgment of the Administrator, a person referred to in paragraph (1) (including a State, interstate, or regional agency or entity) has—

"(i) not received approval by the Administrator for a conservation and management plan pursuant to subsection (f); or

"(ii) failed substantially to implement a conservation and management plan that has been approved pursuant to subsection (f),

the Administrator may not award a grant to the person under paragraph (2)(B).

"(B) FEDERAL SHARE.—The Federal share of a grant awarded under paragraph (2)(B) for a fiscal year shall be—

"(i) in an amount not to exceed 50 percent of the annual costs of the management conference; and

"(ii) awarded on the condition that the non-Federal share of the cost of the management conference shall be paid from non-Federal sources.

"(C) LIMITATION.—The amount of a grant awarded under paragraph (2)(B) for any fiscal year may not exceed an amount equal to 30 percent of the average annual amount of any grants received by the person under paragraph (2)(A).

"(5) REPORT TO THE ADMINISTRATOR.—Each person who receives a grant under this subsection shall be required, as a condition of receiving the grant, to submit a report to the Administrator, not later than 18 months after receipt of the grant award, describing the progress of the grant recipient in carrying out the purposes of the grant.".

**SEC. 6. PRIORITY MARINE WATERS.**

Section 304 (33 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(n) PRIORITY MARINE WATERS.—

"(1) IN GENERAL.—The Administrator shall, not later than 1 year after the date of enactment of this subsection, and biennially thereafter, identify and list, pursuant to this subsection, each marine water that—

"(A) does not support the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allow for recreational activities in and on the water; or

"(B) in the judgment of the Administrator, is not likely to have the capability of ensuring the future protection of a balanced, indigenous population of shellfish, fish, and wildlife and allow for recreational activities in and on the water.

"(2) SELECTION.—In selecting a marine water pursuant to paragraph (1), the Administrator shall consider—

"(A) water quality impairment, including information provided in the national toxic chemical inventory established pursuant to section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j));

"(B) the presence of toxic or other contaminants in sediment and the potential for migration of the contamination to water or aquatic organisms;

"(C) the condition of aquatic life and related habitat, including the presence of threatened or endangered species;

"(D) the likely effect of contaminants on human health, aquatic life, and related habitat, recreational and commercial opportunities, and marine ecological values;

"(E) the presence of floatables in the area that adversely affect commercial and recreational opportunities; and

"(F) anticipated total increases in pollution loadings and floatables in the area.

"(3) PUBLIC REVIEW.—In listing a marine water under paragraph (1), the Administrator shall—

"(A) provide for public review and comment; and

"(B) consult with appropriate officials of States and the Under Secretary throughout the listing process.

"(4) DUTIES OF THE ADMINISTRATOR AND STATES.—

"(A) IN GENERAL.—The Administrator (or a State authorized to issue permits under section 402) shall, with respect to waters that have been listed under this subsection—

"(i) implement the requirements of section 403 when issuing or reissuing a permit for point source discharges to the waters; and

"(ii) notwithstanding any exemption established pursuant to section 402(p), not later than 1 year after the listing of a water under this subsection, issue permits for industrial and municipal discharges of stormwater to the water in a manner consistent with section 402(p).

"(B) DUTIES OF THE ADMINISTRATOR.—The Administrator shall, with respect to each water that has been listed under this subsection—

"(i) not later than 180 days after listing the water under this subsection, consider prohibiting the use of the water as a disposal site or restricting the use of any water designated pursuant to this section as a disposal site;

"(ii) not later than 180 days after the listing, prohibit the discharge of sewage from vessels pursuant to section 312(f)(4);

"(iii) in the case of a State that does not have an assessment or management program that has been approved by the Administrator under subsection (a) or (b) of section 319, conduct an assessment and develop and implement a management program for the watershed area of the listed water; and

"(iv) require that each publicly owned treatment works that discharges to the listed water and that serves 1 or more significant industrial user, as defined by the Administrator, shall without regard to the volume of the discharges of or the population served by the treatment works, develop and enforce a program for the pretreatment of industrial wastes pursuant to section 307 as expeditiously as practicable.

"(C) DUTIES OF THE STATE.—Each State shall review water quality standards applicable to waters listed under this subsection, and, not later that 3 years after the listing, designate uses and adopt standards for any pollutant for which the Administrator has established criteria pursuant to section 304 if the pollutant is present, or is reasonably likely to be present, in the waters.

"(5) RECISION OF LISTING.—The Administrator may, after consultation with appropriate State officials, and after providing for public review and comment, rescind the listing of a marine water under this subsection if the Administrator determines that—

"(A) the environmental quality of the water has been restored;

"(B) water quality standards adopted pursuant to section 303 are attained and will be maintained; and

"(C) the water will ensure the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and will provide for recreational activities in and on the water on a continuing basis.".

### SEC. 7. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

Title V (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 the following new section:

### "SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Administrator shall establish a national program to provide information, education, and technical assistance to owners of marine land.

"(b) IDENTIFICATION.—Any owner of marine land may submit to the Administrator an application for participation in the education program established under this section. Each application submitted under this subsection shall contain basic information, including—

"(1) the location and size of the marine land;

"(2) the physical characteristics of the marine land;

"(3) known wildlife habitat or other significant natural features or characteristics of the marine land; and

"(4) proof of ownership of the marine land.

"(c) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—The Administrator shall establish and carry out an information and education program to provide owners of marine land with informational and educational materials concerning—

"(A) land management and related practices to prevent water pollution and protect habitat;

"(B) activities and practices to protect and foster the development of aquatic life and wildlife;

"(C) measures to preserve and protect significant natural features of land or significant natural resources;

"(D) the activities of Federal agencies (including departments), State departments and agencies, and political subdivisions of States to protect marine waters, including activities under sections 303, 319, 320, 402, and 404; and

"(E) the requirements of Federal law and the laws of States concerning land management, discharges to water, and other related activities.

"(2) REGION-SPECIFIC INFORMATION.—The Administrator may, as appropriate, adjust the information required pursuant to this subsection to apply to land within a specific region of the United States or a specific State.

"(d) STATE PARTICIPATION.—At the request of a Governor of a State, the Administrator may delegate the operation of an information and education program that meets the requirements of subsection (c) to a State. The cost associated with activities carried out by the State pursuant to this section shall be eligible for funding under section 106.

"(e) MARINE LAND DEFINED.—As used in this section, the term 'marine land' means real property that borders on a marine water.".

### SEC. 8. MARINE SANITATION DEVICES.

(a) PROHIBITION OF DISCHARGE TO DESIGNATED WATERS.—

(1) IN GENERAL.—Section 312(f)(3) (33 U.S.C. 1322(f)(3)) is amended—

(A) by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) by adding at the end the following new sentence: "The State and the Secretary of the Department in which the Coast Guard is operating shall enforce this paragraph.".

(2) SEWAGE.—Paragraph (4)(A) of section 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to read as follows:

"(4)(A) In the case of a water listed under section 304(n), not later than 18 months after the listing, the Administrator shall, by regulation, completely prohibit the discharge of sewage (whether treated or untreated) from a vessel into the listed water.".

(3) UNLAWFUL ACTS.—Section 312(h) (33 U.S.C 1322(h)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(5) for any person to discharge sewage (whether treated or untreated) into a water designated pursuant to subsection (f)(4); and

"(6) for any person to discharge sewage that has not been treated by a marine sanitation device required under this section.".

(4) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "312," after "307,".

(b) CIVIL PENALTIES.—Subsection (j) of section 312 (33 U.S.C 1322(j)) is amended to read as follows:

"(j)(1) Any person who violates subsection (g) or (h) shall be liable for a civil penalty in an amount not to exceed $5,000 for each violation. Each violation shall constitute a separate offense.

"(2) No penalty shall be assessed under this subsection until the person charged has received notice of the violation and has had an opportunity for a hearing on the charge.

"(3) The following shall be considered in a determination of the amount of a penalty under this subsection:

"(A) The gravity of the violation.

"(B) Any previous violations of the person who is subject to the penalty.

"(C) The demonstrated good faith of the person who is subject to the penalty in attempting to achieve rapid compliance after notification of the violation.".

(c) ENFORCEMENT.—Subsection (k) of section 312 (33 U.S.C 1322(k)) is amended to read as follows:

"(k)(1) The Secretary of the department in which the Coast Guard is operating (referred to in this subsection as the 'Secretary') shall carry out the enforcement of this section. The head of another Federal agency may enter into an agreement with the Secretary to—

"(A) detail to the Secretary, with or without reimbursement, law enforcement officers or personnel to assist the Secretary in carrying out this section; and

"(B) provide facilities for use by the Secretary in carrying out this section.

"(2) All amounts collected by the Secretary or an authorized representative of the Secretary under this section shall be deposited into a special fund of the Treasury of the United States to be known as the 'Vessel Pollution Enforcement Fund'. The fund shall be available for appropriation to the Coast Guard to carry out the activities referred to in subsection (o).

"(3) Subject to the conditions described in paragraph (4), the Administrator may delegate to a State the enforcement of the prohibitions under paragraphs (4) through (6) of subsection (h).

"(4) The Secretary shall require a State that proposes to carry out the enforcement activities referred to in paragraph (3) to submit such documentation as the Secretary considers appropriate to establish that the State has established a State fund into which amounts equal to the amounts of penalties from enforcement actions carried out by the State under paragraph (3) shall be transferred for use by the State to carry out enforcement activities under paragraph (3).".

(d) MARINE SANITATION DEVICES.—

(1) TECHNOLOGY IMPROVEMENTS.—Section 312(c)(1)(A) (33 U.S.C 1322(c)(1)(A)) is amended by adding at the end the following new sentence: "The standards and regulations referred to in this subparagraph shall be reviewed and revised to reflect improvements in technology relating to marine sanitation

devices not later than 3 years after the date of enactment of this sentence, and every 7 years thereafter.".

(2) REVIEW.—Section 312(c)(2) (33 U.S.C 1322(c)(2)) is amended by adding at the end the following new sentences: "Except for a waiver for an individual vessel, the Secretary of the department in which the Coast Guard is operating shall review each waiver of a standard or regulation under this section. If the Secretary considers that a revision of the waiver would be appropriate to take into account technology relating to marine sanitation devices, the Secretary shall revise the waiver.".

(3) DEADLINE.—Section 312(b)(1) (33 U.S.C 1322(b)(1)) is amended by inserting before the period at the end the following: "not later than 2 years after the date of establishment or revision of the standards".

(e) MARINE SANITATION DEVICE PUMPOUT STATIONS.—

(1) FINANCIAL ASSISTANCE.—

(A) GENERAL AUTHORITY FOR CAPITALIZATION GRANTS TO STATES.—Section 601(a) (33 U.S.C. 1381(a)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(B) WATER POLLUTION CONTROL REVOLVING FUNDS.—The first sentence of section 603(c) (33 U.S.C. 1383(c)) is amended—

(i) in paragraph (2), by striking "and" at the end; and

(ii) by inserting before the period at the end the following: ", and (4) for implementing a marine sanitation pumpout station plan approved pursuant to section 5603(c) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note)".

(f) EDUCATION.—Section 312 (33 U.S.C. 1322), as amended by subsection (e), is further amended by adding at the end the following new subsection:

"(o) The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, shall implement a comprehensive program of information and education to—

"(1) encourage compliance with the requirements of this section; and

"(2) foster an increased understanding of the importance of water quality and methods of preventing water pollution.".

(g) DEFINITIONS.—Section 312(a) (33 U.S.C. 1322(a)) is amended—

(1) in paragraph (1), by inserting "applicable" after "promulgation of";

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(12) 'pumpout station' has the same meaning as is provided the term in section 5608(6) of the Clean Vessel Act of 1992 (Public Law 102-587; 33 U.S.C. 1322 note).".

**SEC. 9. MARINE WATER QUALITY CRITERIA AND STANDARDS.**

(a) MARINE WATER QUALITY CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)) is amended—

(1) in paragraph (1), by inserting after "water quality" the following: ", including criteria for marine water quality,"; and

(2) by adding at the end the following new paragraphs:

"(9)(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall submit to Congress a 5-year plan and schedule for the development, review, and revision of criteria for pollutants found in marine waters.

"(B) The plan shall—

"(i) ensure that criteria for the pollutants are published as expeditiously as practicable; and

"(ii) give priority to pollutants that pose the greatest threat to the marine environment.

"(C) The Administrator shall consult with the Under Secretary and the Governor of each interested State in developing the plan. In addition, the Administrator shall take into consideration—

"(i) the toxic pollutants identified in lists, submitted pursuant to subsection (*l*), of navigable waters for which a State does not expect the applicable standard will be met; and

"(ii) the marine environment toxics release inventory assessment prepared pursuant to section 321.

"(10)(A)(i) In the case of a pollutant for which criteria and information under subsection (a) have not been published, any person may petition the Administrator to develop and publish criteria for the pollutant pursuant to subsection (a) that are applicable to marine waters. The Administration shall approve the petition if the pollutant poses a significant threat to the quality of marine waters, human health, or the environment.

"(ii) Not later than 180 days after receiving the petition, the Administrator shall approve or deny the petition and publish a notice in the Federal Register of the approval or denial.

"(B) If the Administrator fails to publish notice of a decision to approve or deny a petition under this paragraph, the petition shall be deemed to have been approved. If the Administrator approves a petition pursuant to this paragraph, the Administrator shall, as expeditiously as practicable, and in a manner consistent with the plan developed under this subsection, publish criteria and information for the pollutant pursuant to this section.

"(11) In the case of a pollutant for which aquatic life criteria have been published on the date of enactment of this paragraph, the Administrator shall, not later than 3 years after the date of enactment of this paragraph, revise the criteria and publish the revisions of the criteria, if the Administrator determines the revisions to be necessary to ensure that the criteria address marine waters.

"(12) After the date of enactment of this paragraph, the Administrator shall require that any criteria and information published pursuant to this subsection shall address marine waters.".

(b) MARINE WATER QUALITY STANDARDS.—

(1) IN GENERAL.—Section 303 (33 U.S.C. 1313) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) Not later than 3 years after the date of enactment of this paragraph, each State that borders on marine waters shall establish standards for marine water quality, including designated uses for the waters and numerical criteria to protect the uses, for any pollutant for which information is published pursuant to section 304(a).

"(2) Not later than 3 years after the date of publication of criteria and information pursuant to section 304(a), each State that borders on marine waters shall establish numerical water quality standards, based on the criteria and information, that are adequate to ensure the attainment of the uses identified in paragraph (1).

"(3) If a State fails to comply with paragraph (1) or (2), the Administrator shall establish numerical water quality standards not later than 1 year after the date on which the State was to establish the standards.

"(4) The Administrator shall promulgate water quality standards for marine waters that are not under the control of any State that shall ensure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife and provide for recreation in and on the waters.".

(2) CONFORMING AMENDMENT.—Section 302(a) (33 U.S.C. 1312(a)) is amended by inserting "or section 303(i)" after "section 304(l)".

**SEC. 10. OCEAN DISCHARGE CRITERIA.**

(a) CLARIFICATION OF SCOPE.—Subsection (a) of section 403 (33 U.S.C. 1343(a)) is amended to read as follows:

"(a) No permit shall be issued under section 402 for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any water listed under section 304(n), if the Administrator finds, on the basis of assessment of the criteria established in subsections (c) and (d), that the discharge may reasonably be expected to prevent—

"(1) the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and recreational activity in and on the water; or

"(2) the attainment of standards established pursuant to section 303.".

(b) BIOLOGICAL TESTING.—Section 403(c)(1) (33 U.S.C. 1343(c)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) methods, procedures, and requirements for biological testing that shall, at a minimum, require that any reference site be substantially free of contamination.".

(c) LIMITATION OF REGULATIONS.—Section 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding at the end the following new sentence: "Any exemption in a regulation to the limitations of this paragraph is deemed null and void.".

(d) POLLUTION PREVENTION.—Section 403 (33 U.S.C. 1343) is amended by adding at the end the following new subsection:

"(d)(1) In assessing the effects of a proposed discharge to marine waters, the Administrator shall take into consideration, in addition to the criteria established pursuant to subsection (c), a demonstration of the need to discharge by the permit applicant. As a condition of receiving a permit, an applicant shall be required to make full use of measures, processes, methods, systems, or techniques to completely eliminate the discharge or minimize the quantity of pollutants discharged through process changes, substitution of material, enclosure of systems, or other modifications.

"(2) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall publish a guidance that describes—

"(A) pollution prevention methods; and

"(B) the expectations of the Administrator with regard to the demonstrations required by paragraph (1).".

(e) CONFORMING AMENDMENT.—Section 301(a) (33 U.S.C. 1311(a)) is amended by inserting "403," before "and 404.".

### SEC. 11. COMBINED SEWER OVERFLOW CONTROL ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary"), acting through the Chief of Engineers of the Department of the Army, is authorized to enter into local cooperation agreements to provide financial assistance to a local government for the construction of facilities for the control of overflows from combined storm and sanitary sewers to marine waters.

(b) PROJECT IDENTIFICATION.—

(1) APPLICATION.—Any municipality with a plan for the control of combined sewer overflows to marine waters that has been approved by the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") as consistent with requirements of the combined sewer overflow policy published by the Administrator at 58 Fed. Reg. 4994, on January 19, 1993, may submit to the Secretary an application for assistance under this section.

(2) REVIEW OF APPLICATION.—The Secretary shall, with the cooperation and concurrence of the Administrator, review the applications submitted pursuant to paragraph (1) and rank the applications. In ranking the applications, the Secretary shall give equal weight to—

(A) the potential for the project to protect public health and the environment; and

(B) the financial burden on a community as a result of the high costs of the project or the lack of alternative local, State, or Federal funding sources.

(3) PRIORITY.—Notwithstanding paragraph (2), the Secretary shall give priority to any application made pursuant to paragraph (1) that would implement the recommendations of a comprehensive conservation and management plan approved by the Administrator pursuant to section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) PROJECT ASSISTANCE.—

(1) NON-FEDERAL SHARE.—Except as provided in paragraph (3), the non-Federal sponsor of a project that receives assistance under this subsection shall provide a non-Federal share in an amount equal to not less than 25 percent of the costs of the project.

(2) CREDIT FOR CERTAIN NONMONETARY CONTRIBUTIONS.—An amount equal to the value of any land, easement, right-of-way, or reallocation provided for the project by a non-Federal sponsor shall be credited to the non-Federal share referred to in paragraph (1), except that any amount credited pursuant to this paragraph may not exceed 25 percent of the costs of the project.

(3) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the operation and maintenance costs of a project assisted pursuant to this section shall be 100 percent.

(d) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not enter into a local cooperation agreement under this section unless the Secretary, in consultation with the Administrator, has determined that the project—

(A) is consistent with plans developed pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) will not result in the violation of any provision of such Act.

(2) REVIEW.—The Secretary, in cooperation with the Administrator, shall review each application submitted pursuant to subsection (b) to determine whether the project that is the subject of the application will achieve such controls of combined sewer overflows as are required under applicable requirements of law at the lowest possible cost. The Secretary may not enter into a local cooperation agreement under this section unless the Secretary has determined pursuant to this paragraph that the cost of the project that is the subject of the agreement is the lowest possible cost.

(e) DISCRETION OF GOVERNOR FOR LOAN.—

(1) IN GENERAL.—Not fewer than 90 days before the finalization of a local cooperation agreement pursuant to this section, the Secretary shall notify the Governor of the State in which a local government expected to receive assistance pursuant to this section is located.

(2) REQUEST BY GOVERNOR.—Not later than 30 days after receipt of a notification pursuant to paragraph (1), a Governor may request that the Secretary provide, pursuant to this section, a loan to the local government that is the subject of the notification, and, after receiving the request, the Secretary shall provide assistance under this section as a loan.

(3) REPAYMENTS.—The repayment of a loan made pursuant to paragraph (2) shall be made in a manner consistent with title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), and amounts equal to the amounts of repayments shall be deposited into the revolving fund established by the State pursuant to such title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended, for each of fiscal years 1994 through 2000, such sums as may be necessary.

### SEC. 12. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(21) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(22) The terms 'estuarine zone' and 'estuary' have the meaning provided the terms in section 104(n)(4), except that the terms shall also include associated aquatic ecosystems and the tributaries that drain into the estuary up to the historic head of tidal influence.

"(23) The term 'Federal agency' means any department, agency, or other instrumentality of the Federal Government and any independent agency or establishment of the Federal Government, including any government corporation of the Federal Government.

"(24) The term 'floatable' means marine debris that floats or remains suspended in the water column.

"(25) The term 'marine water' means any estuary, water of the estuarine zone, any other water seaward of the historic height of tidal influence, the territorial sea, the contiguous zone, and the ocean.

"(26) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere who serves as the Administrator of the National Oceanic and Atmospheric Administration.".

(b) EXISTING DEFINITIONS.—

(1) TERRITORIAL SEAS.—Section 502(8) (33 U.S.C. 1362(8)) is amended by striking "three" and inserting "12".

(2) ESTUARY AND ESTUARINE ZONE.—Section 320 (33 U.S.C. 1330), as amended by section 5(e), is further amended by striking subsection (*l*).

### SEC. 13. FEDERAL AGENCY RESPONSIBILITIES.

Title V (33 U.S.C. 1361 et seq.), as amended by section 7(b), is further amended—

(1) by redesignating section 520 as section 521; and

(2) by inserting after section 519 the following new section:

### "SEC. 520. FEDERAL AGENCY RESPONSIBILITIES.

"(a) STUDY OF FEDERAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Under Secretary, shall, with respect to each Federal agency, conduct a comprehensive study of the policies, programs, and activities that may result in degradation of marine waters.

"(2) REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that includes—

"(i) a summary of the findings of the study referred to in paragraph (1); and

"(ii) recommendations to reduce degradation of marine waters resulting from policies, programs, and activities of Federal agencies.

"(B) CONTENTS OF REPORT.—The report shall include—

"(i) a comprehensive listing, with respect to each Federal agency, of the policies, programs, and activities that, under the study, are considered to cause degradation of marine waters;

"(ii) a detailed analysis of the impacts of each policy, program, and activity referred to in clause (i) on the degradation of marine waters;

"(iii) proposed changes in each policy, program, and activity referred to in clause (i) to minimize the impacts referred to in clause (ii);

"(iv) suggested actions to be taken by other Federal agencies or State departments or agencies to better coordinate the policies, programs, and activities that cause degradation of marine waters; and

"(v) specific recommendations for further legislative actions that the Administrator considers to be necessary to bring each policy, program, and activity referred to in clause (i) into conformance with the policy of this Act.

"(3) PUBLIC COMMENT.—In conducting the study, the Administrator shall consult with States and the public concerning methods by which the policies, programs, and activities of Federal agencies may be implemented to reduce degradation in marine waters.

"(b) LEADERSHIP OF FEDERAL AGENCIES.—The head of each Federal agency shall provide leadership and take action to the extent provided by law to—

"(1) minimize the degradation of marine waters; and

"(2) restore and preserve the natural and beneficial values served by marine waters in carrying out the responsibilities of the Federal agency for—

"(A) acquiring, managing, and disposing of Federal lands and facilities;

"(B) providing construction and improvements undertaken by the Federal Government and providing Federal assistance (including financial assistance) for construction and improvements; and

"(C) conducting activities and programs affecting the marine waters.

"(c) RESPONSIBILITIES OF FEDERAL AGENCIES—In carrying out the activities described in subsection (b), the head of each Federal agency shall be required to evaluate the potential effects of any action on marine waters and to ensure that the planning programs and budget requests of the Federal agency reflect the policies of this Act.

"(d) ALTERNATIVES AND MITIGATION.—If the head of a Federal agency makes a determination to, or proposes to, conduct, support, or allow an action that may affect marine waters, the head of the Federal agency shall consider alternative actions to avoid adverse effects on marine waters. If the head of the Federal agency finds that there is no practicable alternative that is consistent with the law, the head of the Federal agency shall modify the action, to the extent consistent with law, to minimize potential adverse effects on marine waters.".

**SEC. 14. REPORTS AND STUDIES.**

(a) Health Impacts Study.—

(1) In general.—The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (referred to in this section as the "Under Secretary"), in collaboration with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") and the Secretary of Health and Human Services, shall conduct a study to determine the nature of any relationship between the incidence of human illness and—

(A) pollutants in the marine environment; and

(B) shellfish consumption.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Under Secretary shall submit a report describing the findings of the study to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(b) Economic Impact Study.—Not later than 1 year after the date of enactment of this Act, the Under Secretary, in consultation with the Administrator, the appropriate officials of State and local governments, commercial and recreational fisherman, and other interested persons, shall submit to Congress a study that identifies, evaluates, and quantifies the economic impacts of degradation in the quality of marine waters (including degradation attributable to floatables (as defined in section 502(25) of the Federal Water Pollution Control Act, as added by section 12(a))).

(c) Algal Bloom Study.—

(1) In general.—The Under Secretary shall conduct a study of the impact that enhanced nitrogen levels in marine waters may have on stimulating toxic algal blooms.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the findings of the study.

(d) Research of Microorganisms.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the potential use of microorganisms to degrade pollutants (including organic material and chemical pollutants) in municipal or industrial wastes before and after disposal in the marine environment.

(e) Identification of Unregulated Contaminants.—

(1) In general.—The Administrator shall conduct such research and monitoring as the Administrator determines to be necessary to identify unregulated pollutants in marine waters that are not addressed in a guideline, criteria, standard, or requirement developed pursuant to title III of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) identifies unregulated pollutants in marine waters; and

(B) provides a plan that includes specific actions and recommendations for establishing controls over the pollutants through the pollution control authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

By Mr. DOMENICI:

S. 1200. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### COLLEGES AND UNIVERSITIES COMMITMENT TO QUALITY AWARD ACT

Mr. DOMENICI. Mr. President, next week New Mexico will hold its second annual Quality Forum for small businesses. Small businesses in New Mexico will spend two days next week learning total quality management and how it can affect the bottom line. The participants will be discussing how total quality management [TQM] can make New Mexico businesses more competitive.

They will also apply TQM to a partnership with Sandia National Laboratories and New Mexico State University. The objective is better technology transfer and job creation.

At one of the first meetings of the Strengthening of America Commission which Senator Nunn and I cochair, we focused upon the importance of manufacturing in our economy and the competitiveness enhancing role TQM is playing.

I first heard about TQM when a prominent academic and a titan of U.S. manufacturing both gave a presentation on the same topic to the Strengthening of America Commission. Richard Peck and Al Narath are 2 of the more than 50 Commissioners.

Ed Artz, one of the Strengthening of America Commissioners, made the point that Quality is the key to competitive edge and the competitive edge is the key to success in the world marketplace. Sometime after that, a group of New Mexico business persons traveled to Motorola to see TQM in practice. After that impressive demonstration, New Mexico decided to become the first total quality State.

As more and more of today's business men and women learn the value of total quality management, it seems to me that Congress needs to encourage colleges and universities to teach tomorrow's business leaders about TQM. For this reason, I am introducing the Colleges and Universities Commitment to Quality Award Act of 1993.

This legislation is modeled upon one of the recommendations in our Strengthening of America Report and is patterned after the Malcolm Baldridge Awards given to businesses.

The legislation provides three annual awards to selected universities and colleges that excel in: First, teaching total quality management and process manufacturing engineering to its business and engineering students; second, which practice total quality management in their internal management; and third, which employ total quality management in their business relationships with industry. This legislation provides for specialized awards of up to $500,000 to be awarded to colleges' and universities' engineering or business schools.

The proceeds of the award must be used to further enhance the total quality management or process manufacturing engineering curriculum at the university. The award to colleges and universities envisioned in this legislation is modeled after the prestigious and highly motivational Malcolm Baldrige National Quality Improvement Award. I believe this legislation goes straight to the heart of the matter, because the leaders that will ensure our Nation's standard of living tomorrow are being trained in the classrooms of today.

The colleges and universities award emphasizes the value that some businesses already have recognized of the importance of total quality management as a means to becoming stronger international competitors.

I encourage my colleagues to add their names as cosponsors.

### THE IMPORTANCE OF QUALITY

The concept of total quality management is catching on, but there is room for improvement as evidenced by a recent 1992 poll. Despite the extensive "Buy U.S.A." campaign, the poll revealed that 60 percent felt that it was best to buy a product because of its quality, rather than where it was made. And sadly, most people think that quality is found in overseas products. The result is lost jobs in America.

Quality is not a value that can be measured or quantified on a balance sheet, but more and more companies are realizing its value. The irony of this is that in 1950, W. Edwards Deming, an American statistician, found that his views on quality were unpopular here in America. He taught that quality would reap lasting benefits in market share and profitability. He called this strategic advantage and he found an eager audience in Japan. The Japanese implemented his ideas with a ruthless fervor, and we can see for ourselves the results.

Made in America, a report from MIT states that "American companies evidently find it difficult to design simple, reliable, mass-producible products, * * * they take a reactive rather than proactive approach to problem solving." Building quality into a product at the design stage is significantly more effective and efficient than applying quality controls retroactively.

### TOTAL QUALITY MANAGEMENT

Total quality management theory is a philosophy which teaches that in order to produce quality products, you need quality management, quality workers, and quality design. It also teaches that everyone in the company has an important role to play in satisfying customers and making defect-free products.

Manufacturers that want to provide a quality product are demanding quality workers. Procter & Gamble, Motorola, Xerox, IBM, and American Express have shown their commitment by sponsoring the Total Quality Education University Challenge, a program which educates university faculty and administrators in total quality management.

A manufacturing consulting firm testifying before the Committee on Science, Space, and Technology, Subcommittee on Technology and Competitiveness writes, "If the United States ever expects to receive the full economic benefits of the 'Quality Revolution,' we need to develop a national quality implementation strategy that addresses the fundamental roadblocks to quality improvement." One of the strategies promoted by the firm is to make total quality management training a prerequisite in management and engineering degree programs. This legislation awards universities and colleges that teach total quality management.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1200

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Quality Commitment Award Act of 1993."

### SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the establishment and conduct of a national commitment to quality award program under which awards are given to institutions of higher education that—

(1) teach effective total quality management;

(2) reorient their education programs to emphasize the value and prestige of pursuing careers in process manufacturing engineering;

(3) apply total quality management to the operations of their institution of higher education; and

(4) apply total quality management in their joint research and development contracts with private industry.

### SEC. 2. AWARD PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

### "SEC. 22. NATIONAL COMMITMENT TO QUALITY AWARD PROGRAM.

"(a) Program Established.—

"(1) In general.—The Secretary shall carry out an award program to be known as the National Commitment to Quality Award Program.

"(2) Contents.—In carrying out the award program described in paragraph (1), the Secretary—

"(A) shall conduct a competition and make monetary awards in accordance with subsection (b)(1);

"(B) may make special awards in accordance with subsection (b)(2); and

"(C) shall provide each recipient of such a monetary or special award with a medal described in paragraph (3).

"(3) Medal.—Each recipient of an award under this section shall receive a medal bearing the inscriptions 'National Commitment to Quality Award' and 'The Quest for Excellence'. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary may prescribe.

"(4) Designation.—Awards under this section shall be known as National Commitment to Quality Awards.

"(b) Awards.—

"(1) Competition for monetary awards.—(A) From amounts appropriated pursuant to the authority of subsection (j), the Secretary shall periodically conduct a competition and make at least 3 monetary awards to institutions of higher education in accordance with the provisions of this section.

"(B) The monetary awards described in subparagraph (A) shall be in an amount equal to—

"(i) $3,000,000 for the institution of higher education receiving first place in the competition described in subparagraph (A);

"(ii) $2,000,000 for the institution receiving second place in such competition;

"(iii) $1,000,000 for the institution receiving third place in such competition; and

"(iv) not more than $1,000,000 for any other such institution receiving an award pursuant to such competition.

"(2) Specialized awards.—(A) From amounts appropriated pursuant to the authority of subsection (j), the Secretary may award to any institution of higher education that excels in teaching or practicing either total quality management or process manufacturing engineering services productivity improvement a specialized award.

"(B) The specialized award described in subparagraph (A) shall be in an amount which is not more than $500,000.

"(3) Application fee prohibited.—The Secretary shall not charge an institution of higher education a fee in order to apply for or receive an award under this section.

"(c) Making and Presentation of Awards.—

"(1) In general.—The President (on the basis of recommendations received from the Secretary), or the Secretary, shall periodically make awards to institutions of higher education which in the judgment of the President or the Secretary have substantially benefited the economic and social well being of the United States through activities that—

"(A) teach effective total quality management techniques and approaches;

"(B) demonstrate continuous improvement in the institution's total quality management curriculum;

"(C) emphasize the value and prestige of pursuing careers in process manufacturing engineering.

"(D) demonstrate continuous improvement in the institution's education program through application of total quality management principles within the institution; and

"(E) demonstrate commitment and application of total quality management principles in joint research relationships that the institution maintains with private industry.

"(2) Presentation ceremony.—The presentation of the awards under this section shall be made by the President or the Secretary with such ceremonies as the President or the Secretary may deem proper.

"(3) Publication and ineligibility.—An institution of higher education to which an award is made under this section, and which agrees to help other institutions of higher education improve their total quality management curriculum may publicize its receipt of such award, but such institution shall be ineligible to receive another such award for a period of 5 years.

"(4) Use of award.—An institution of higher education receiving an award under this section shall use the proceeds of such award to further improve the total quality management and process manufacturing engineering curriculum of such institution.

"(d) Award Criteria.—

"(1) In general.—Awards under this section shall be made to qualifying institutions of higher education that place an emphasis on—

"(A) total quality management, including—

"(i) leadership in teaching how to create a quality culture;

"(ii) leadership in teaching information and analysis such as statistical process contracts for quality improvement;

"(iii) the effectiveness of the institution's quality improvement program to teach integration of quality requirements into businesses' plans;

"(iv) the success of the institution's efforts to teach students how to realize the full potential of the work force for quality;

"(v) teaching quality awareness;

"(vi) emphasis on customer satisfaction;

"(vii) leadership in teaching how to integrate the total quality management philosophy; and

"(viii) demonstrated success in teaching students how to instill the full potential total quality management philosophy in the work force;

"(B) the importance of process manufacturing, including—

"(i) leadership in teaching a better understanding of market forces and industry needs, industrial processes, and manufacturing and quality practices that are driven by market pull, not science push;

"(ii) leadership in developing and teaching a more accelerated approach to research, development, and manufacturing in order to teach students how to move products more quickly from the basis research phase to the commercialization phase with an emphasis on teamwork;

"(iii) leadership in teaching better integration of design and production, including teaching students how to design with manufacturability in mind, and to focus on cost-effectiveness, quality reliability, simplicity, flexibility, and modularity; and

"(iv) leadership in teaching students to give greater consideration to potential commercial applications in the planning and conduct of research and development through input from potential users, and closer working relationship between the national research laboratories, industry, and universities.

"(e) Criteria for Qualification.—

"(1) In general.—(A) An institution of higher education may qualify for an award under this section only if such institution—

"(i) applies to the Secretary in writing, for the award;

"(ii) permits a rigorous evaluation in accordance with subparagraphs (B) and (C) of the success of the institution's curriculum for total quality management and process manufacturing engineering; and

"(iii) Meets such requirements and specifications as the Secretary, after receiving recommendations from the board of overseers, determines to be appropriate to achieve the purposes of this section.

"(B) In carrying out the provisions of clause (ii) of subparagraph (A), the Secretary shall develop evaluation criteria and procedures.

"(C) In applying the provisions of clause (iii) of subparagraph (A) with respect to any institution of higher education, the Secretary shall rely upon intensive evaluation by the board of overseers which shall—

"(i) review the information submitted by the institution of higher education, and through a site visit verify the achievements of—

"(I) the total quality management curriculum and process manufacturing engineering programs of such institution; and

"(II) such institution in practicing total quality management;

"(ii) encompass all aspects of the institution of higher education's total quality management and process manufacturing engineering program, as well as such institution's future goals for its total quality management and process manufacturing engineering curriculum; and

"(iii) include an analysis of whether the institution of higher education is practicing or applying total quality management to its relationships with industry and in its day-to-day administration of the institution.

"(2) CONTRACTUAL ARRANGEMENTS.—The Secretary may, under appropriate contractual arrangements, carry out the Secretary's responsibilities under subparagraphs (A) and (B) of paragraph (1) through one or more broadbased nonprofit entities which are leaders in the field of quality improvement programs and which have a history of service to society.

"(3) RESPONSIBILITIES OF THE BOARD OF OVERSEERS.—The board of overseers shall meet annually to review the work of the Secretary or the contractor and make such suggestions for the improvement of the award process as such board deems necessary. The board of overseers shall report the results of the award activities to the Secretary each fiscal year, along with its recommendations for improvement of the award process.

"(f) INFORMATION AND EVALUATION.—The Secretary shall ensure that each applicant for an award under this section receives the complete results of the evaluation of such institution conducted pursuant to subsection (e)(1)(ii) as well as detailed explanations of all suggestions for improvements. The Secretary shall also provide information about the awards and successful total quality management and process manufacturing engineering curriculum of the award-winning institutions of higher education to each applicant for an award under this section and other appropriate groups.

"(g) FUNDING.—The Secretary is authorized to seek and accept gifts and donations of property or services from public and private sources to carry out the award program assisted under this section.

"(h) REPORT.—The Secretary shall prepare and submit to the President and the Congress, within 3 years after the date of he enactment of this section, a report on the progress, findings, and conclusions of activities conducted pursuant to this section along with a recommendation for possible modifications thereof.

"(i) DEFINITIONS.—For the purpose of this section—

"(1) the term 'board of overseers' means the board of overseers established pursuant to section 17(d)(2)(B) of this Act for the year in which the determination is made;

"(2) the term 'manufacturing process technology' means engineering training which specializes in understanding and implementing a manufacturing process under which a high quality product is produced in a timely fashion, including simulative engineering and the skills necessary for rapid representative prototyping;

"(3) the term 'Secretary' means the Secretary of Commerce; and

"(4) the term 'total quality management' means a management approach which includes—

"(A) systems thinking; and

"(B) statistical process control, theories of human behavior, leadership, and planning that is quality-driven, customer-oriented, and committed to teamwork.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out this section.".•

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By Mr. HEFLIN:

S. 1201. A bill to authorize the Secretary of Agriculture to provide cost share assistance to construct reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### RURAL WATER SUPPLY IMPROVEMENT ACT

Mr. HEFLIN. Mr. President, today I rise to introduce the Rural Water Supply Improvement Act. This bill would allow the Soil Conservation Service to provide cost share assistance to rural communities for the construction of reservoirs in an effort to increase the water supply in rural America. The Federal share of this assistance would not be less than 50 percent. To qualify for this assistance, a project would have to increase the supply of water in an agricultural or rural area which is currently experiencing a severe shortage or water quality problem.

Many rural communities in the United States suffer from inadequate domestic water supplies, which severely restrict economic development opportunities. An even more serious problems exists in the poorer regions of rural America, where the lack of clean, safe drinking water threatens the health of the numerous citizens. In my own State of Alabama over 15 percent of rural residents still draw water from private wells, the safety of which has not been tested. The lack of a supply of sanitary water in rural America in many cases rivals that of the Second and Third World. These conditions should not be tolerated in this country.

Less affluent rural communities lack the financial resources to develop a community water supply that is safe and dependable because the cost of the water system must be borne by a relative few who are generally below the poverty level. There is an agency within the Department of Agriculture which is currently being under utilized in the battle to improve rural America's water supply: The Soil Conservation Service [SCS].

It is important to point out this bill would not require an additional expenditure of funds. The Soil Conservation Service [SCS] would simply establish the development of rural water supplies as one of their chief priorities. The Soil Conservation Service has already established itself as the premier conservation agency within all Government. The Soil Conservation Service was first called into action to fight soil loss during the Dust Bowl days of the 1930's. The Soil Conservation Service proved to be so adept at fighting soil erosion that its mission was broadened to include watershed planning and development and then later to fight water pollution associated with agricultural runoff. The addition of the rural water supply mission would not be competitive but complementary in nature because much of the work the SCS presently does relates to flood prevention and watershed protection. Watershed protection and the establishment of safe rural water supplies are inherently related. While flood protection will remain a primary concern of the SCS, flood protection is not as serious a concern as rural water protection as develoment has become in recent years.

Mr. President, the time has come to establish priorities within our Government. While the Government cannot be all things to all people, there does not exist a more serious problem which begs for Government involvement and Government action. There is nothing more basic than the need for affordable, safe drinking water. The establishment of this priority is long overdue. In fact, much of what the Soil Conservation Service does today relates to improving water quality for rural America. Now is the time to close the circle and require the Soil Conservation Service to not only prevent water degradation but to aid local communities in the construction and maintenance of our Nation's rural water supply.

This initiative is supported by the National Watershed Coalition whose members include the National Association of Conservation Districts, the National Association of Flood and Storm Water Managers, the Interstate Council on Water Policy, the Tombigbee River Valley Management District, the Soil and Water Conservation Society, State Association of Kansas Watersheds, Oklahoma Conservation Commission, Pennsylvania Division of Conservation Districts, South Carolina Land Resources Conservation Commission, Texas Soil and Water Conservation Board, West Virginia State Soil Conservation Agency and the Association of Conservation Districts in the States of Alabama, Kansas, Mississippi, Oklahoma, South Carolina, Texas, West Virginia, and Virginia.

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By Mr. HEFLIN:

S. 1202. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

### SPACE CAMP

Mr. HEFLIN. Mr. President, the future of America rests with its children. There is no greater contribution we can make to their future than to provide them with challenging and exciting educational opportunities. Children are naturally full of wonder; we must capture that youthful enthusiasm for learning and spark their imagination with the wonders of science and technology. It will take the combined efforts of government, community, industry, and education to revitalize public education across America and prepare our Nation and our young people for the challenges of the future.

The U.S. Space and Rocket Center was created in 1965 to provide a showcase for space technology. The Center is devoted to advancing public awareness of and excitement for the space program and the achievements of the men and women who have made science fiction into science fact.

The Center houses three educational programs designed to unlock young potential and motivate students to choose a career in a high-technology track.

U.S. Space Camp and Space Academy are nonprofit organizations which use the excitement of the manned space flight program to stimulate young peoples' interests in the study of math, science, and technology. Students in grades 4 through 12 experience lectures, classroom instruction, and hands-on training in simulators. The program encourages young people to look beyond the glamour of astronauts and ace pilots and recognize that the foundation of these accomplishments is an education firmly rooted in math and the hard sciences.

Space Camp also runs a program for adult educators to offer them the same opportunity to experience the thrill of the space program and share that excitement with their students. The programs offer college credits to educators who desire to keep abreast of today's space technology and to provide fresh approaches to classroom applications.

The Aviation Challenge Program aims to share the experiences available in military aviation training. Jet flight simulations, land- and water-survival training, ground-school topics, and aviation career counselling are featured. Water-survival exercises are patterned after those at Homestead Air Force Base and Pensacola Naval Air Station. Air Force and Army aircrew survival manuals guide the land-survival scenarios. The Navy at Miramar lent assistance for tactical phase simulations. Finally, the Embry Riddle Aeronautical University was contracted to design other jet flight simulation exercises. The authenticity of this program is further enhanced by the presence of former military pilots on the staff.

The contribution of these programs to the education of our young people is tremendous. I am today introducing legislation designed to assist these valuable programs and to provide them the opportunity to utilize certain property and services available from the Department of Defense.

This amendment requests congressional support for these programs by authorizing the Secretary of Defense, at his discretion, to transfer excess property and supplies, and provide the services of any member of the Armed Forces or employee of the Department, which will assist these fine programs in attaining their educational goals.

If we want the United States to stay in the forefront of technology, the education of our children cannot be an afterthought. I ask your support on behalf of the U.S. Space Camp programs and their efforts in helping make America first by making our children's hopes, dreams, and education, our first priority.

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By Mr. HATFIELD:

S. 1203. A bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Labor and Human Resources.

### CENTER FOR RARE DISEASE RESEARCH ACT OF 1993

• Mr. HATFIELD. Mr. President, cancer, AIDS, heart disease. These words are well-known to most Americans as threats to a healthy society. In fact, I commonly refer to them as the "big three" because they receive the greatest share of the Federal disease research dollar. But what about terms such as Marfan's syndrome, epidermolysis bullosa, or Fanconi anemia? These are rare diseases, unknown to the vast majority of us unless we suffer from them or encounter someone who suffers from them. Each rare disease affects less than 200,000 Americans in the United States. Equally devastating in their effects as the big three, the 5,000 known rare diseases share a common bond in their classification—lack of hope for those who suffer from them, because little or no research is being conducted into their causes, treatments, or cures.

I think most of us, at some point in our lives, have experienced a lack of hope in something or someone. But when one's life depends on hope, its absence is truly devastating. Between 10 to 20 million Americans suffer from a rare disease in this country. Most of these rare diseases are also orphan diseases: They have no parent organization, research investigator, or agency dedicated to research on the prevention, diagnosis, or treatment of their victims. Symptoms are often vague and confusing, and because most physicians are unfamiliar with rare diseases, diagnosis can take years—31 percent of rare disease patients took 1 to 5 years to receive a correct diagnosis, 15 percent took more than 6 years. Patients must travel all over the country for diagnosis and treatment, since few physicians are trained in rare disease care. Those who suffer from rare diseases are truly the medically disenfranchised.

Congress has not overlooked rare disease sufferers. In 1985, the orphan drug amendments established the National Commission on Orphan Diseases. Chairperson of the Commission, Dr. Jess Thoene, submitted the Commission's report to Congress in 1989, with this eloquent statement about the victims of rare diseases:

> Their story is compelling: forced to fend for themselves, they must often become expert on their own condition to educate their health care providers about the existences of the rare disease, its prognosis, and any available therapy. They must become expert in dealing with Federal agencies, since no central directory to all relevant programs exists. They must independently discover clinical trials of drugs potentially useful in their condition. For the ten to twenty million Americans of all ethnic groups and every socio-economic level who suffer from a rare disorder, the story the Commission heard was the same—no one knows and no one cares.

The Commission conducted numerous public meetings, hearings, and surveys of patients, physicians and researchers. The found that little is known about most rare diseases and that too few researchers are studying them. Among their recommendations to the Congress, the Commission proposed that the Federal Government establish a Central Office of Orphan and Rare Diseases in the Department of Health and Human Services. The hope was that such an office would serve as a coordination point for the multitude of issues related to rare diseases—research, insurance practices, the interests and needs of pharmaceutical manufacturers and the delivery of treatment by physicians and clinical investigators.

Since the Commission's report, Congress has revisited the issue of rare diseases through our consideration of the Orphan Drug Amendments of 1992, which unfortunately, were never signed into law. It is my understanding that it will soon be reintroduced by its sponsors, Senators METZENBAUM and KASSEBAUM. I look forward to its consideration and particularly the debate on the role and function of a Federal office devoted to rare disease issues. I am hopeful that the legislation I am introducing today will be considered in that text.

While I support the concept of an office for rare disease issues within the Department of Health and Human Services, I believe we must also place a direct emphasis on rare disease research at the National Institutes of

Health. Afterall, the greatest hope for patients comes ultimately from research. And in this special category, we need a strategy for research. I have raised this issue with Dr. Bernadine Healy, Director of the NIH until yesterday, and am pleased that she has designated two individuals within her office to work on rare disease issues. However, with no specific mandate from the Congress to establish an emphasis, the NIH is limited in the action it may take. My intent today is to establish an increased focus on this vital research.

Many of you have heard me tell of my friend, Cal Larson. I'd like to share his story with you again today because as I stand here, I cannot help but think of Cal and my other friends who share the horrible affliction of epidermolysis bullosa. In 1982, during the middle of appropriations season, Cal Larson, a 15-year-old young man with EB—a genetic disease which causes the skin to peel from the body at the slightest provocation, came to Capitol Hill to lobby—at enormous personal sacrifice—for Federal funds for research into this disease. I was so moved by Cal and his story—he was the human face to a technical term which didn't mean anything to me. His message was a strong one which I asked him to share with my colleagues on the Appropriations Committee. As a result, we began to fund research into EB, at a level of approximately $150,000 for the first year. Funding has continued to grow ever since and we now spend approximately $4 million a year on research into connective skin disease. Cal passed away in 1988, yet his legacy continues as funding has grown.

Many other brave individuals who suffer from EB have become my friends in the meantime—Eric Pessar, Dana Marquardt, and most recently, Lee Lacey. I met Lee in Oregon about a year ago when I visited the Shriner's Hospital to meet with Oregon families dealing with EB. Lee has lived with EB for 42 years. His skin is so fragile that when once playing with a six-month-old baby on a nursery-room floor when the child's father entered the room, the delighted baby scampered across his stomach, leaving a trail of missing skin. He is inspiration to me, as I am a visual learner, and find the energy and understanding to focus on rare diseases like this one by putting human faces next to the line item appropriation labeled "EB."

But should research priorities be dictated by personal experiences like mine with Cal Larson or Lee Lacey? For me, that approach is too random, too dependent on fate and circumstance. The true need in this arena is a strategic plan—an effort to ensure that coordination of rare disease research is underway and that families have a point of connection to the system so that they may share their stories, find information and work toward a better quality of life.

I am pleased to introduce legislation today to establish a Center for Rare Disease Research within the Office of the Director of the National Institutes of Health. The purpose of the Center is to promote and coordinate research on rare diseases. The Center's primary charge is to develop a comprehensive strategic plan for rare disease research. The work of the Center will be supervised by a coordinating committee on rare disease research which is composed of the Institute Directors at the NIH, the Administrator of the Veterans' Administration, the Secretary of Defense, the Administrators of the Food and Drug Administration, the Health Care Financing Administration and the Director of the Centers for Disease Control.

My legislation also creates a national advisory board on rare disease research which is composed of 15 individuals appointed by the Director of the NIH—8 will be representatives of health and scientific disciplines related to rare diseases, 7 will be representatives of individuals with rare diseases. Finally, this bill establishes a national rare disease clinical and informational database. Designed to be accessed by the public and the medical community, this database will contain information on all research currently being conducted on rare diseases in order to connect researchers with patients and connect patients with support groups.

Linkages with support groups are absolutely critical to this community. And in this field, the support groups which exist are some of the strongest and most abled organizations I have worked with in my public career. I would like to take a moment to bring to the Senate's attention the umbrella organization which is truly on the front lines of this battle—NORD—the National Organization of Rare Disorders. NORD is dedicated to the identification and treatment of rare orphan diseases. This organization, which has provided hope to so many has three aims: Education of the public and professionals so that they may more readily identify and help people affected by orphan diseases; service to both patients and their families which supports them as they live with the serious implications of these disorders, and research grants to academic scientists leading to the development of new treatments. It is an outstanding organization which, as defined by its mission statement, "out of the darkness, into the light," brings hope to those who suffer. I am pleased to introduce my legislation today in full partnership with NORD.

I ask unanimous consent that a letter of endorsement from NORD and the full text of my legislation be placed in the RECORD following my remarks. I urge the support of my colleagues for this effort which will bring countless benefits to a segment of the population who desperately need our help.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Center for Rare Disease Research Act of 1993".

**SEC. 2. ESTABLISHMENT OF CENTER FOR RARE DISEASE RESEARCH.**

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

**"Subpart 4—Center for Rare Disease Research**

**"SEC. 486A. ESTABLISHMENT.**

"(a) IN GENERAL.—There shall be established in the Office of the Director of the National Institutes of Health a Center for Rare Disease Research (hereafter referred to in this section as the 'Center'). The Director of the National Institutes of Health shall appoint an individual with expertise in rare diseases to serve as the Director of the Center (hereafter referred to in this section as the 'Director').

"(b) PURPOSE.—The general purpose of the Center is to promote and coordinate the conduct of research on rare diseases and to establish and manage a rare disease research clinical database. In carrying out the purpose of the Center, the Director shall—

"(1) conduct and support research and research training;

"(2) award grants and contracts;

"(3) identify projects of research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(4) disseminate information among the institutes and the public on rare diseases;

"(5) develop and maintain a central database on current clinical research projects for rare diseases;

"(6) encourage the participation of a diversity of individuals in the conduct of rare disease research; and

"(7) coordinate the conduct of rare disease research among all institutes and other Federal agencies.

"(c) STRATEGIC RESEARCH PLAN.—The Director shall develop a comprehensive plan for the conduct and support of research on rare diseases. The plan shall—

"(1) identify current research activities conducted or supported by the Federal Government and private entities, opportunities and needs for additional research and priorities for such research;

"(2) make recommendations for the improved coordination of research conducted by the Federal Government among its agencies and private entities;

"(3) give emphasis to areas with respect to which little research has been conducted;

"(4) examine the extent of research on gene therapy and genetic transfers and develop a plan to enhance the extent of research on gene therapy, particularly for rare diseases;

"(5) determine the need for registries of research subjects and epidemiological studies of rare disease populations;

"(6) identify the obstacles to the development of treatments for rare diseases; and

"(7) examine training and education requirements for physicians treating rare diseases.

"(d) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Coordinating Committee on Rare Disease Research (hereafter referred to as the 'Coordinating Committee') to be composed of—

"(A) the Directors of the agencies and institutes of the National Institutes of Health;

"(B) the Director of the Center who shall serve as the chairperson of the Coordinating Committee;

"(C) the Administrator of the Veterans Administration;

"(D) the Secretary of Defense;

"(E) the Administrator of the Food and Drug Administration;

"(F) the Administrator of the Health Care Financing Administration; and

"(G) the Director of the Center for Disease Control and Prevention.

"(2) DUTIES.—The Coordinating Committee shall—

"(A) identify needs for research on rare diseases;

"(B) estimate the funds needed during each fiscal year to adequately fund research on rare diseases;

"(C) encourage the agencies and Institutes of the National Institutes of Health to support and conduct research on rare diseases;

"(D) coordinate research on rare diseases in the Federal Government in an effort to avoid duplication and enhance research in areas traditionally not funded;

"(E) ensure that a diversity of individuals are able to participate as research subjects in projects conducting research on rare diseases; and

"(F) biennially prepare and submit to the Secretary and the Congress a report concerning the activities of the Coordinating Committee.

"(e) NATIONAL ADVISORY BOARD ON RARE DISEASE RESEARCH.—

"(1) ESTABLISHMENT.—The Director shall establish an advisory board to be known as the Advisory Board on Rare Disease Research (hereafter referred to in this section as the 'Board').

"(2) DUTIES.—The Board shall review and assess Federal research needs, priorities, activities, funding and findings regarding rare diseases and shall advise the Director on the development and implementation of the research plan required under subsection (c).

"(3) COMPOSITION.—The Board shall be composed of 15 individuals to be appointed by the Director of the National Institutes of Health, of which eight individuals shall be representatives of health and scientific disciplines with respect to rare diseases and seven individuals shall be representing the interest of individuals with rare diseases. Such individuals shall not be officers or employees of the Federal Government.

"(4) EX OFFICIO MEMBERS.—The members of the Coordinating Committee shall serve as ex officio members of the Board.

"(5) CHAIRPERSON.—The members of the Board shall annually select an individual to serve as the chairperson of the Board.

"(f) NATIONAL RARE DISEASE CLINICAL AND INFORMATIONAL DATABASE.—

"(1) ESTABLISHMENT.—The Director shall establish a database that—

"(A) identifies the extent, location, and sponsor of current research conducted on rare diseases;

"(B) connects researchers of rare diseases with patients needed as subjects for clinical trials;

"(C) provides physicians and individuals with information concerning the location and sponsors of clinical trials on rare diseases; and

"(D) connects patients with support groups in rare diseases.

"(2) AVAILABILITY.—The Director shall ensure that information in the database is available to the general public.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1994 through 1996.

"(h) DEFINITION.—As used in this section, the term 'rare disease' means any disease or condition that affects fewer than 200,000 individuals in the United States.".

NATIONAL ORGANIZATION FOR
RARE DISORDERS, INC.,
*New Fairfield, CT, June 28, 1993.*

Hon. MARK O. HATFIELD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR HATFIELD: We are writing to express the strong support of the National Organization for Rare Disorders (NORD) for your legislation to establish a center for rare diseases in the National Institutes of Health, which we understand you will be introducing shortly. As you know, NORD is a federation of 127 separate organizations representing people with rare "orphan" diseases. We are dedicated to the prevention, treatment, and cure of over 5,000 known rare diseases for which there are few effective treatments.

We believe that such a center could bring national attention to the need to accelerate research on rare diseases, could work to eliminate unnecessary duplication, and could provide better coordination of research on rare diseases. Currently, scientists seeking funding for research on rare diseases must compete with the more prevalent diseases, which puts them at an unfair disadvantage in several respects. Because rare diseases cumulatively affect over twenty million Americans and because there are limited resources from which scientists can obtain support, it is particularly important that a strong centralized center at the highest level of NIH coordinate the efforts of the institutes and minimize waste of valuable human, technological and funding resources in the effort to eradicate these diseases.

We applaud you for your interest in the problems of people suffering from rare diseases, and we look forward to working with you toward enactment of your legislation.

Sincerely,

ABBEY S. MEYERS,
*Executive Director.*•

By Mr. MURKOWSKI:

S. 1204. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

ECONOMIC BENEFITS TO THE U.S. FROM CRUISE SHIPS

• Mr. MURKOWSKI. Mr. President, today, I am introducing a bill that will unlock and open a door that Congress has kept barred for over 100 years. Opening this door will open a path to creating 2,000 or more new jobs, encouraging over $100 million in new economic activity and gaining up to $50 million in new Federal revenues. Furthermore, Mr. President, this door can be opened with no adverse impact on any existing U.S. industry, on labor or on the environment, and it will cost the government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. My bill merely allows United States ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

First, it creates a narrow exemption to the Passenger Service Act to allow foreign cruise ships to operate to and from Alaska, and between Alaska ports. Second, it carefully protects all existing U.S. passenger vessels by using a definition of cruise ship that excludes all foreign flag vessels that could conceivably compete in the same markets as U.S. tour boats and ferries. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever wants to enter this trade in the future, enough foreign vessels will be removed to assure the American ship of adequate passenger demand for cruising space.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let's look at the facts, Mr. President. Currently, U.S. ports are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has for the last 30 years. Even the once-hopeful plans for the renovation of the S.S. *United States* have fallen through, and that vessel is now foreign-owned, waiting and rusting in a Turkish shipyard.

Today, because there are no U.S. vessels available, the only real effect of the act is to force the existing cruise ship industry to use Canadian ports instead of U.S. cities. Yes, Mr. President, that's right—what we have here is an Act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars.

Frankly, Mr. President, the current policy is absurd. It not only fails to provide any benefit to the United States, it actively discourages economic growth.

Every year, roughly 200,000 people participate in an Alaska cruise. Most are American citizens, and for many, their trip is a once-in-a-lifetime experience. For that reason, they prefer to make the most of it by cruising the famous Inside Passage and spending time sightseeing in Alaska's interior regions.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle—Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $216 million per year. The most recent information, from a study by the International Council of Cruise Lines, indicates that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. In addition, if that business had taken place inside the United States, it would have been worth additional Federal State and local tax revenues of approximately $60 million.

In addition to the opportunities being shunted to Vancouver, we are also missing opportunities to create entirely new jobs and income by preventing the growth of new businesses that operate between Alaska ports. The city of Ketchikan, for example, was told a few years ago that two such vessels were very interested in establishing an Alaska base for short cruises within Southeast Alaska. I'm told such a business could have contributed $2 million or more to the city's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United State's most spectacular places, and yet we force them to go to Canada to do it! Why are we throwing this money and these jobs away?

The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is absolute nonsense.

Some of the opposition to this measure comes from freight carries who see it as a threat to Jones Act vessels hauling freight between U.S. ports. Let me put those fears to rest—there is simply no connection whatsoever. I have repeatedly made clear that neither I, nor others who support this bill, have any intention of using it to create cracks in the Jones Act.

The least sensible opposition, the most irrational fear, comes from organized labor. But when you reflect on the realities of the situation, it becomes clear that this bill would actually enhance, not impede, opportunities for U.S. workers. The perception that this could damage organized labor is wrong, Mr. President. It is based on the false premise that this bill might somehow, sometime, be extended to Jones Act vessels. The truth is, however, that shipyard workers and longshoremen would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me confront two more arguments—the contentions that this bill may allow foreign vessels to compete with smaller U.S. tour boats or prevent existing U.S. cruise ships from entering the Alaska trade. In the first case, Mr. President, the U.S. tour boats operating in Alaska are all much smaller, under 1,000 tons compared to the 5,000 ton minimum for cruise ships in this bill. They simply don't serve the same market in any sense but the geographical, and therefore no reasonable basis for the claim they would suffer. Secondly, as I said earlier, there are no U.S. vessels interested in entering this trade. In point of fact, I am only aware of two U.S. vessels that even qualify as cruise ships, and both are fully occupied in Hawaii. I have contacted their owner, and been absolutely assured that they have no interest.

Mr. President, I cannot claim that passing this legislation would immediately lead to increased earning for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests.

We've heard a lot of talk about growing the economy and creating jobs, during the first few months of this Congress, but we all know it's not an easy task. Well, Mr. President, here is a bill that will open the door to creating thousands of jobs and hundreds of millions in new dollars, and do it without taking one red cent of taxpayer money.

It's time to ask, "Just who we are helping—and why?"

It's time to ask, "Can't we do better?"

It's time to say, "Let's make this change!"

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) It is the interest of the United States to maximize economic return from the growing trade in cruise ship sailings to and from Alaska by encouraging the use of United States berthing and repair facilities, labor, supplies, and other services, as well as the growth of new enterprises such as the carriage of passengers on luxury cruises between ports in Alaska.

(2) In promoting additional economic benefits to the United States from the cruise ship industry, there is a need to ensure that existing employment and economic activity associated with the Alaska Marine Highway System, United States-flag tour boats operating from Alaska ports, and similar efforts are protected from adverse impacts.

(3) Cruise ship sailings to Alaska comprise a vital and growing segment of the United States travel industry. The number of passengers entering or leaving Alaska via cruise ship increased by 14 percent in the last two years alone, and is expected to continue increasing at a similar or higher rate.

(4) No United States-flag cruise ships are presently available to enter the Alaska trade. Thus, all cruise ships carrying passengers to and from Alaska destinations are foreign-flag vessels which are precluded, under current law, from carrying passengers from other United States ports to ports in Alaska, and from carrying passengers between ports in Alaska.

(5) The City of Vancouver, British Columbia receives substantial economic benefit through providing services to cruise ships in the Alaska trade, including direct and indirect employment of 2,435 persons in 1992, and direct and indirect payments for goods and services of $119,700,000.

(6) The transfer of cruise ship-based economic activity from Vancouver, British Columbia to United States ports could, at 1992 spending levels, yield additional Federal Government revenues of $97,600,000 per annum, and additional State and local government revenues of $29,700,000.

**SEC. 2. FOREIGN FLAG CRUISE VESSELS.**

(a) WAIVER.—Notwithstanding provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. 289), or any other provision of law, passengers may be transported in foreign-flag cruise vessels between ports in Alaska and between ports in Alaska and other United States ports, except as otherwise provided by this section.

(b) COASTWISE TRADE.—Upon a showing satisfactory to the Secretary of Transportation, by the owner or charterer of a United States cruise vessel, that service aboard such vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Alaska or between ports in Alaska and other ports in the United States, or both, the Secretary shall notify the owner or operator of one or more foreign-flag cruise vessels transporting passengers under authority of this section, if any, that he shall, within one year from the date of notification, terminate such service. Coastwise privileges granted to any owner or operator of a foreign-flag cruise vessel under this section shall expire on the 365th day following receipt of the Secretary's notification.

(c) NOTIFICATION.—Notifications issued by the Secretary under subsection (b) of this section shall be issued to the owners or operators of foreign-flag cruise vessels—

(1) in the reverse of the order in which foreign-flag cruise vessels entered the coastwise service under this section determined by the date of the vessels' first coastwise sailing; and

(2) in the minimum number as to ensure that the passenger-carrying capacity thereby removed from coastwise service exceeds the passenger-carrying capacity of the United States cruise vessel which is entering the service.

(d) TERMINATION.—If, at the expiration of the 365-day period specified in subsection (b) of this section, the United States cruise vessel that has offered service has not entered the coastwise passenger trade between ports in Alaska or between ports in Alaska and other ports in the United States, then the termination of service required by subsection (b) shall not take effect until 90 days following the entry into trade by the United States vessel.

(e) DEFINITIONS.—For the purposes of this section, the term—

(1) "cruise vessel" means a vessel of greater than 5,000 deadweight tons which provides a full range of luxury entertainment, personal care and food services for its passengers; and

(2) "foreign-flag cruise vessels" does not apply to vessels which regularly carry for hire both passengers and vehicles or other cargo.

(f) DISCLAIMER.—Nothing in this Act shall be construed as affecting or otherwise modifying the authority contained in the Act of June 30, 1961 (46 U.S.C. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States.•

By Mr. LEAHY:

S. 1205. A bill to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes; considered and passed.

### FLUID MILK PROMOTION ACT AMENDMENTS OF 1993

• Mr. LEAHY. Mr. President, I introduce the Fluid Milk Promotion Act Amendments of 1993. This bill would exempt very small fluid milk processors from the Fluid Milk Promotion Act, which was included as part of the 1990 farm bill.

The Fluid Milk Promotion Act authorized a program to develop, finance and carry out an effective and coordinated program of advertising designed to strengthen the position of the dairy industry in the marketplace and to maintain and expand markets and uses for fluid milk products produced in the United States. This promotion program will be entirely funded by assessments on fluid milk producers.

This bill would amend the Fluid Milk Promotion Act to exclude fluid milk processors that process 500,000 pounds or less per month from the promotion order. These processors would be exempt from the assessments required under the order, as well as the referendum and other provisions of the order.

There is ample precedent in other promotion, research, and consumer information statutes for excluding the smaller participants. For example, the promotion statutes on mushrooms, honey, limes, and eggs all exempt certain small producers.

The rationale for excluding small fluid milk processors from the fluid milk promotion order is several fold.

First, there is a low volume of milk processed by small processors. The industry believes that this amendment would exclude some 42 percent of the total number of processors; however, these processors collectively process less than 2 percent of the fluid milk marketed nationally. Therefore, the amount of the assessments collected and the corresponding recordkeeping required by the order would be disproportionately burdensome to smaller processors.

Second, the costs of collecting the limited assessments from this large group could outweigh the amount of assessments collected, and therefore be a drain on the promotion program.

Finally, smaller processors operate in more localized markets which will undoubtedly benefit from a national promotion program, but certainly not as much as larger processors operating in larger regional and national markets. It would be unfair for the smaller processors to bear the costs of a program which more greatly benefits the regional and national processors.

The Congressional Budget Office has reviewed the bill and determined that it will not result in a budgetary score.

Mr. President, we need to pass this amendment as soon as possible so that the Secretary of Agriculture can include this de minimis exception in the final fluid milk promotion order.•

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. DOLE):

S. 1206. A bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center"; to the Committee on Environment and Public Works.

### FREDERICK C. MURPHY FEDERAL CENTER ACT

Mr. KERRY. Mr. President, today, I am introducing a bill with my senior colleague, Senator KENNEDY, and Senator DOLE, to rename the Waltham Federal Center in Waltham, MA, the Frederick C. Murphy Federal Center in honor of Pvt. Frederick C. Murphy, an individual who is appropriately referred to as "the bravest of the brave sons of Massachusetts."

It is fitting that we honor Frederick Murphy in this way. He was a young Massachusetts soldier who served in the U.S. Army during World War II, served beyond the call of duty and made the ultimate sacrifice for which he was posthumously awarded the Congressional Medal of Honor.

Frederick Murphy was born in Boston in 1918. He entered the Army after working in Quincy in the shipbuilding industry and undergoing surgery to remedy physical deficiencies which had barred his entry into the service. Private Murphy served as a medical corpsman with E Company, 259th Infantry, 65th Division which landed in France in 1945. After 12 days of fighting in an assault that the division was launching, Murphy was hit in the right shoulder. Although he was injured, he continued to treat others' wounds and doubled his efforts when this company encountered German mines. One foot was blown off, but he continued helping others by crawling to them until he was no longer able to move. He then began shouting instructions and directing the wounded to care for themselves. He was trying to crawl toward the cries of other casualties when he detonated a mine that killed him.

The citation of his Medal of Honor reads:

> With indomitable courage and unquenchable spirit of self-sacrifice and supreme devotion to duty which made it possible for him to continue performing his tasks while barely able to move, Private Murphy saved many of his fellow soldiers at the cost of his own life.

I am introducing this legislation to ensure that Private Murphy's remarkable spirit and unselfishness will be remembered and that he will be fittingly honored in perpetuity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

### S. 1206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The Federal building located at 380 Trapelo Road in Waltham, Massachusetts, and known as the Waltham Federal Center, shall be known and designated as the "Frederick C. Murphy Federal Center".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Frederick C. Murphy Federal Center".

Mr. KENNEDY. Mr. President, we are offering this legislation today to honor a World War II hero of Massachusetts for his outstanding service to our country. I am proud to be a sponsor of this bill to name the Federal building in Waltham after Frederick C. Murphy, a medical corpsman in the 65th Infantry Division of the U.S. Army who lost his own life trying to save the lives of his fellow soldiers in World War II, and who was awarded the Congressional Medal of Honor for his bravery.

Frederick Murphy was killed during an attack on the Siegfried Line at Saarlautern, Germany, in March 1945. His incredible bravery and the extraordinary circumstances of his death are vividly described in his Medal of Honor citation:

> An aid man, he was wounded in the right shoulder soon after his comrades had jumped off in a dawn attack 18 March 1945, against the Siegfried Line at Saarlautern, Germany. He refused to withdraw for treatment and continued forward, administering first aid under heavy machine-gun, mortar, and artillery fire. When the company ran into a thickly sown antipersonnel mine field and began to suffer more and more casualties, he continued to disregard his own wound and unhesitatingly braved the danger of exploding mines, moving about through heavy fire and helping the injured until he stepped on a mine which severed one of his feet. In spite of his grievous wounds, he struggled on with his work, refusing to be evacuated and crawling from man to man administering to them while in great pain and bleeding profusely.

He was killed by the blast of another mine which he had dragged himself across in an effort to reach still another casualty. With indomitable courage, and unquenchable spirit of self-sacrifice and supreme devotion to duty which made it possible for him to continue performing his tasks while barely able to move, Private Murphy saved many of his fellow soldiers at the cost of his own life.

This legislation will designate the Federal building in Waltham as the "Frederick C. Murphy Federal Center." Congressman ED MARKEY has introduced identical legislation in the House of Representatives. The designation is especially appropriate, because from 1945 to 1957, the location was the site of an Army hospital named for Murphy.

I urge the Senate to approve this legislation. It is a fitting way for Congress to honor Frederick Murphy's courage, and I know that it means a great deal to his widow, Virginia Bresnahan, who lives in Scituate, to his daughter, Susan Campbell, who was born 3 months after her father died and who lives in North Scituate, and to Alan Wade of Lexington, Edwin Waite of West Roxbury, and the many others who served with Frederick Murphy in the 65th Infantry Division and who have worked hard to honor the memory of this courageous hero.

By Mr. CAMPBELL:

S. 1207. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

### DISTRICT OF COLUMBIA STADIUM ACT OF 1957 AMENDMENTS OF 1993

• Mr. CAMPBELL. Mr. President, I introduce legislation to allow the District of Columbia to construct a new football stadium at the end of East Capitol Street. The bill will also ensure that the new facility will not be used to demean any racial group.

As the only American Indian serving in Congress, I am disturbed that individuals, organizations, and groups continue to use terms and slogans that are disparaging and disrespectful to racial and ethnic groups. Although native American people represent one of the smallest population groups, the contributions they have made to this country's rich history have been significant.

From the Navajo code-talkers of the Second World War to the recent Persian Gulf war, native American men and women have served their country with great honor and dignity. In the arts, native American artists continue to preserve and practice the traditional forms of their respective cultures.

Last year eight members of the District of Columbia City Council, a majority of the council, introduced a resolution cited "Council of the District of Columbia Request for a Name Change of the National Football League Washington, D.C. Team." Although no action was taken on the resolution, it is my understanding the sponsor of the measure, D.C. Councilmember William Lightfoot, will again introduce a resolution requesting the name change.

It disturbs me that today, these insensitive terms and slogans continue to be used freely.

Mr. President, a few years ago I recall a similar situation that involved the Atlanta Braves baseball organization, when many people in the Indian community were offended, not only by the name "Braves" but also by the so-called tomahawk-chop. Although the Braves organization asserted the name and chants used during the games were in recognition of the power, strength, and reverence of Indian warriors, and not intended to disparage Indian people, but rather pay respect; I will tell you that these practices are not only offensive to Indian people but they also perpetuate the stereotype that this society has of Indian people. More recently, during the 102d Congress, Congress enacted the Treasury Appropriations bill of 1993 with a provision that would have prohibited the Bureau of Alcohol, Tobacco, and Firearms from appropriating any funds to approve any application for a certificate of label approval that authorizes the use of the name "Crazy Horse" on any distilled spirit, wine, or malt beverage product. Using the memory of Chief Crazy Horse, a revered leader of the Lakota people, to sell and market alcoholic beverages is appalling and insulting to the generations of native Americans who have suffered from the ravages of alcohol abuse.

These are just two examples of the insensitivity that individuals, groups and organizations have shown to this country's first Americans. Perhaps nothing else could describe the intense pain—and it is real pain—felt by Indian people whose heritage is exploited in this way.

I sincerely appreciate the support my colleagues have demonstrated in recognizing the seriousness of actions taken that potentially disparage native American people. I would like to commend those dedicated individuals whose efforts have fostered positive debate and understanding. But times are changing and many individuals and groups are becoming aware of the delicate nature of the use such terms and slogans.

Recently in my home State of Colorado, a principal of a Denver area high school took it upon himself to have the team mascot changed from the name "Redskins" to a more appropriate term, after recognizing the negative connotations of the term. I commend principal James Melhouse for his courage and conviction. When you're in a position of authority, you sometimes have to make decisions that create a lot of animosity and anger. It takes great courage to make some of those decisions.

I'm a great believer in traditions, but believe me, there's a big difference in what the name means to Indian people and what it means to everyone else.

Mr. President, this bill is not an effort to run roughshod over the District of Columbia or to avenge the Denver Broncos for their two superbowl losses to the Redskins. The District of Columbia Stadium Act of 1957 authorized the Secretary of the Interior to acquire lands for a stadium and parking lots. It then directed the Secretary to transfer the title to the Stadium Armory Board. The act contained several restrictions, including limits on the size and cost of the stadium to be constructed. My bill would simply add one more restriction to the list of existing limitations, as well as facilitate the construction of a new stadium.

The bill, if enacted, would prohibit the use of the new stadium by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of native Americans or other group of human beings.

I do not undertake this effort lightly. I and many others, including the Morningstar Foundation, the National Congress of American Indians, the American Indian Science and Engineering Society, and the Governor of the Pueblo of Ysleta del Sur are firmly supportive of this effort.

This year the United Nations has declared 1993 "Year of the Indigenous People" in recognition of the contributions aboriginal people have made to societies around the globe, and to bring global awareness to the challenges facing these people and communities. As such, I believe this legislation will foster greater public awareness and sensitivity to the arbitrary use of slogans and terms that are disparaging to all ethnic and racial groups.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that District of Columbia resolution number P.R. 9-330 and the National Congress of American Indians resolution No. DC-93-11, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Stadium Act of 1957 Amendments of 1993".

**SEC. 2. AUTHORIZATION OF A NEW STADIUM.**

The District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code sections 2-321 through 2-330) is amended by adding at the end thereof the following new section:

"SEC. 12. (a)(1) The District of Columbia is authorized to use, for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993, a portion of the lands adjacent to the stadium constructed pursuant to section 2 (known as 'Robert F. Kennedy Memorial Stadium'), as generally shown on the map identified as 'Map to Designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306, for the purposes of constructing, maintaining, and operating, itself or through a third party, either public or private, a new stadium, or any replacement of a new stadium.

"(2) The use of the new stadium shall not be limited by the seating capacity, cost, and other provisions in section 2:

"(3) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the said portion to a third party, either public or private, for—

"(A) any use consistent with the use authorized by this section; and

"(B) any term not exceeding that which is authorized in this section.

"(b)(1)(A) Except for those lands used by the District of Columbia for the new stadium authorized by subsection (a), the use of the lands leased to the District of Columbia for stadium and stadium parking lots purposes pursuant to section 7(b) shall continue in accord with the provisions of that section subject to the provisions of subparagraphs (B) and (C).

"(B) The term of the authorized use of the lands leased to the District of Columbia for stadium and stadium parking lots is extended for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993.

"(C) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the lads to a third party, either public or private, for—

"(i) any use consistent with the use authorized by section 7(b) and this section; and

"(ii) any term not exceeding that which is authorized in this section.

"(2) The responsibility and authority for construction, maintenance, and operation of the parking lots on the lands leased to the District of Columbia for parking lots purposes is vested exclusively in the District of Columbia. Such responsibility and authority for the parking lots may be assigned by the District of Columbia to a third party under any sublease executed pursuant to the authority provided in this section. The National Park Service shall not be responsible for construction, maintenance, or operation of the parking lots, or any cost arising therefrom.

"(c)(1)(A) Except for the lands described in subparagraph (B), the lands designated as 'Area F' on the map entitled 'Map to designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306 (hereinafter referred to as 'Area F'), are leased to the District of Columbia. Such lands may be used by the District of Columbia, or any sublessee of the District of Columbia, for the stadium parking lots purposes specified in section 7(b), during the term of use of stadium parking lots authorized by subsection (b)(1) of this section, only for 'overflow' parking, that is not to exceed 2,000 automobiles, and only when all other stadium striped parking spaces are filled to capacity.

"(B) The area described in subparagraph (A) excludes that area of land used by the District of Columbia for the new stadium authorized by subsection (a) of this section.

"(2) The use of Area F shall be in accord with the terms and conditions specified in an agreement between the National Park Service and the District of Columbia. The terms and conditions specified in such agreement shall be reasonable and necessary to ensure that Area F is maintained as grassed park land suitable for public recreational uses.

"(3) The National Park Service shall not be responsible for improvement, maintenance, or operation of Area F, or any costs arising therefrom.

"(d) The responsibility and authority for construction, maintenance, naming, and operation of the new stadium authorized by subsection (a) of this section is vested exclusively in the District of Columbia. Such responsibility and authority for the new stadium may be assigned by the District of Columbia to a third party, either public or private. The National Park Service shall not be responsible for construction, maintenance, naming, or operation of the new stadium, or any costs arising therefrom.

"(e) Notwithstanding the provisions of the Act entitled 'An Act to regulate the height of buildings in the District of Columbia', approved June 1, 1910 (36 Stat. 452; D.C. Code 5-401 through 5-409), a stadium authorized by subsection (a) may be constructed if—

"(1) the design has been reviewed by the Commission of Fine Arts; and

"(2) reviewed and approved by the National Capital Planning Commission.".

### SEC. 3. PROHIBITION ON THE USE OF CERTAIN DESIGNATIONS.

The District of Columbia is prohibited from allowing the stadium constructed pursuant to section 2 to be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other group of human beings.

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### Council of the District of Columbia Request for a Name Change of the National Football League (NFL) Washington, D.C. Team, PR 9-330

*Resolved, by the Council of the District of Columbia*, That this resolution may be cited as the "Council of the District of Columbia Request for a Name Change of the National Football League (NFL) Washington, D.C. team".

SEC. 2. The Council of the District finds that:

(1) The NFL Washington, D.C. team for more than 50 years has brought great pride and joy to the Metropolitan Washington area.

(2) The NFL Washington, D.C. team has won numerous championships and awards, including the Super Bowl Championship of 1991.

(3) The accomplishments of the NFL Washington, D.C. team has inspired many people to strive to be the best they can be.

(4) The name "Redskins" is objectionable to many Native Americans and the use of the word "Redskins" is racially insenstivie in a multi-cultural society.

(5) The continued use of an objectionable name is an offense not only to Native Americans, but also is a discredit to the many men who have played outstanding football for the team.

(6) Nicknames and mascots constitute an unauthentic representation of Native Americans, whether used for entertainment, commercial, or symbolic purposes, this imagery degrades Native American people and culture, and distorts Native American and non-Native American perception of self and community; and

(7) United Indian Nations in Oklahoma (UINO) passed and approved a resolution by the Inter-Tribal Council of the UINO on the 24th day of April 1990, stating that the name "Redskins" is a symbol that seems innocuous to some, but is offensive to Native Americans.

*Resolved, by the Council of the District of Columbia*, That the owner of the NFL Washington, D.C. team is hereby requested to change the name of the football team to a name that is not offensive to Native Americans or any other group.

SEC. 3. The Council shall transmit a copy of this resolution, upon its adoption, each to Council of Governments, Mr. Jack Kent Cooke, the District of Columbia Armory Board, and to the Mayor.

SEC. 4. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

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### Resolution No. EX DC-93-11—In Support of the Petition for Cancellation of the Registered Services Marks of the Washington Redskins (AKA) Pro-Football, Inc.

Whereas the American Indian and Alaska Tribal Governments and people have gathered in Crystal City, Virginia, of the Washington, D.C. area, for the 1993 Executive Council Meeting of the National Congress of American Indians (NCAI) in order to promote the common interests and welfare of American Indian and Alaska Native peoples; and

Whereas NCAI is the oldest and largest intertribal organization nationwide representative of and advocate for national, regional, and local tribal concerns; and

Whereas NCAI has read and understands the Cancellation Petition Filed on September 10, 1992, before the Trademark Trial and Appeal Board—attached as Exhibit A; and

Whereas NCAI is familiar with the Registered Service Marks of the Washington Redskins and the context in which those marks are used by the Washington Redskins football organization—attached as Exhibit B; and

Whereas the term REDSKINS is not and has never been one of honor or respect, but instead, it has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for Native Americans and

Whereas the use of the registered service marks identified in Exhibit B to this resolution by the Washington Redskins football organization, has always been and continues to be offensive, disparaging, scandalous, and damaging to Native Americans: Now therefore be it

*Resolved*, That the NCAI hereby issues its support of the cancellation petition attached as Exhibit A to this resolution, filed on September 10, 1992, by petitioners Suzan Shown Harjo (Cheyenne and Arapaho Tribes of Oklahoma), Vine Deloria, Jr., (Standing

Rock Sioux), Raymond D. Apodaca (Ysleta del Sur Puelbo), Norbert S. Hill, Jr. (Oneida Tribe of Wisconsin), Manley A. Begay, Jr. (Navajo Nation), William A. Means (Oglala Sioux Tribe of Pine Ridge), and Mateo Romero (Cochiti Pueblo), against the registered marks identified in Exhibit B to this resolution.•

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By Mr. WOFFORD:

S. 1208. A bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written; to the Committee on Banking, Housing, and Urban Affairs.

### INDEPENDENCE HALL COMMEMORATIVE COIN ACT

• Mr. WOFFORD. Mr. President, this weekend marks the 217th anniversary of the birth of our Nation. On July 4, 1776, great statesmen like George Washington, Thomas Jefferson, and John Hancock put down the blueprint for a new Nation, one based on the principles of equality and democracy. The Declaration of Independence, which freed the new country of America from British rule was signed in Philadelphia in Independence Hall, also the site for the Constitutional Convention.

Despite the historical significance of Independence Hall, the building is practically falling apart, as evidenced by the scaffolding currently on it. When Independence Hall was last renovated 30 years ago, the steeple tower was largely neglected and is now in serious need of repair.

The maintenance of historical buildings is a difficult and expensive task. Yet, the U.S. Government and the American public understand the importance of preserving historic buildings. Congress, 45 years ago, designated four blocks in downtown Philadelphia to become the Independence National Historical Park under the care of the National Park Service. The Park Service has done a wonderful job preserving and maintaining these facilities.

However, we know that Federal resources are becoming more scarce. Recognizing that reality, the superintendent of Independence National Historical Park, Martha Aikens, working with other government officials and private citizens supported the organization of the Independence Hall Preservation Fund, a public-private partnership to help ensure the preservation of Independence National Historical Park. Currently, the preservation fund is preparing a national fundraising campaign with the goal of creating an endowment of over $10 million.

The bill that I am introducing today calls for minting 1 million commemorative coins celebrating the historic buildings of Independence Hall, Congress Hall, the Liberty Bell and the momentous activities that occurred in and around these buildings. We expect that sale of the coins authorized by this legislation would produce $7 million.

Under the bill, one-half of this money would go directly to reducing the Nation's deficit. Mr. President, $3.5 million dollars in the name of deficit reduction may seem irrelevant as we approach a national debt of $1 trillion. However, to me and to the people of Pennsylvania $3.5 million dollars is significant and I believe we must attack the beast of the debt from every available angle.

The other half of the proceeds from the coin sales will go to the Independence Hall Preservation Fund's endowment to ensure that future generations will be able to enjoy Independence Hall, Congress Hall, and the Liberty Bell and learn about the concepts of representative government, independence, and liberty that are embodied in them.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Independence Hall Commemorative Coin Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Two hundred years ago, in 1793, George Washington was sworn in to his second term as President of the United States of America in the Senate chamber of Congress Hall in Philadelphia, Pennsylvania;

(2) For 150 years, the historic buildings in Philadelphia, Pennsylvania, known as Congress Hall, the Old City Hall, and Independence Hall (which housed the Liberty Bell, the symbol of the heritage of free people in the United States) were under the occasional care of local government units.

(3) Later, the Federal Government, through the National Park Service, assumed responsibility for the preservation and maintenance of these and other related historic sites for present and future generations of Americans.

(4) In recent years, financial exigencies and the increased responsibilities of the National Park Service have prevented the Federal Government from meeting the capital needs of these historic sites.

(5) The minting and issuance of a United States coin is an appropriate way to commemorate these historic buildings and to aid in funding their necessary maintenance and preservation.

**SEC. 3. COIN SPECIFICATIONS.**

(a) One Dollar Silver Coins.—

(1) Issuance.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 1,000,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) Design.—The design of the coins issued under this Act shall be emblematic of the national shrines of liberty and shall show the Liberty Bell on one side and Independence Hall on the other side. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) Legal Tender.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

**SEC. 4. SOURCES OF BULLION.**

The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 5. SELECTION OF DESIGN.**

The design for the coins authorized by this Act shall be selected by the Secretary after consultation with the Commission of Fine Arts. As required by section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 6. ISSUANCE OF THE COINS.**

(a) Quality of Coins.—The coins authorized under this Act may be issued in uncirculated and proof qualities.

(b) Mint Facility.—Not more than 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) Period of Authority.—The coins authorized under this Act may be minted beginning 30 days after the date of enactment of this Act and for a period of not more than 1 year after such date.

**SEC. 7. SALE OF THE COINS.**

(a) Sale Price.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (d) with respect to such coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales at a reasonable discount.

(c) Prepaid Orders.—The Secretary shall accept prepaid orders for the coins authorized under this Act prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) Surcharge Required.—All sales shall include a surcharge of $7 per coin.

**SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

**SEC. 9. DISTRIBUTION OF SURCHARGES.**

Of the total surcharges collected by the Secretary from the sale of the coins issued under this Act—

(1) 50 percent shall be returned to the United States Treasury for purposes of reducing the national debt; and

(2) 50 percent shall be promptly paid by the Secretary to the Independence Hall Preservation Fund to assist the Fund's efforts to—

(A) create an endowment fund to finance capital improvements in Independence National Historic Park;

(B) fund capital replacement projects for the buildings in Independence National Historic Park; and

(C) meet such other needs as the Directors of the Independence Hall Preservation Fund deem appropriate to foster and increase respect and admiration for Independence National Historic Park.

**SEC. 10. AUDITS.**

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Independence Hall Preservation Fund as may be related to the expenditure of amounts paid under section 9.

**SEC. 11. NUMISMATIC PUBLIC ENTERPRISE FUND.**

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

**SEC. 12. FINANCIAL ASSURANCES.**

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) ADEQUATE SECURITY FOR PAYMENT REQUIRED.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefore;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.●

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By Mr. KEMPTHORNE (for himself, Mr. HATCH and Mr. CRAIG):

S. 1209. A bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes; to the Committee on Environment and Public Works.

### LOCAL GOVERNMENT LANDFILL COMPLIANCE DEADLINE ACT

Mr. KEMPTHORNE. Mr. President, together with my colleagues, Senators CRAIG and HATCH, I am introducing a bill to extend the October 9 compliance deadline for municipal solid waste landfills. I am doing so for several very important reasons.

First, in a number of States in the West, Southeast, and Midwest, and perhaps elsewhere, counties and municipalities are having trouble meeting the deadline. Under the subtitle D regulations that implement provisions of the hazardous and solid waste amendments of 1984, municipalities must close their existing landfills and dispose of their wastes in new landfills that meet more stringent environmental criteria, preferably regional landfills. Failure to close existing landfills by the deadline results in substantial new financial liabilities and responsibility for postclosure care and ground water monitoring. If the current state of affairs continues, many communities in Idaho and elsewhere will be taking on these unwanted liabilities despite their best efforts to avoid them.

Their good faith efforts have been stymied by technical problems, bureaucratic delays, litigation, regulatory uncertainty, and financial constraints. The deadline set by EPA in 1991 allows no room for these kinds of problems and shows little practical understanding of local government constraints, especially the budget cycle under which county and municipal officials operate.

Perhaps a few examples would well illustrate the point: In Cassia County, ID, five counties have pooled their resources to be able financially to afford complying with subtitle D standards. They write:

> The site we have chosen has been tied up with NIMBY—"not in my backyard"—problems and will probably take some court decisions to make available.
>
> Because of the complications, it is making it very difficult for us to close our existing landfills by the deadline * * *.

The county commissioner in Rupert, ID, adds another twist:

> Public sentiment has generated barriers that are slow to resolve. These stumbling blocks are presenting county commissioners with problems that are time consuming. In remote areas, qualified engineers are difficult to find, that can ascertain the viability of a proper landfill siting. The monumental costs of state of the art facilities makes it paramount that we do it right.

Counties in the west have some unique problems where the best achievable site for a landfill happens to be on Federal land. Madison County started 5 years ago to develop a regional site, involving nine counties. That effort had to be abandoned, and Madison is now engaged in a joint effort with only two counties. One of these, Jefferson, has been trying for the past year and a half to acquire an identified suitable site on Federal land. The regulatory hurdles involve EPA, the Bureau of Land Management, the Idaho Department of Environmental Quality, and the Idaho National Engineering Laboratory. Madison County's commissioner wrote me this week that they may be 18 months to 2 years away from approval on a satisfactory landfill, notwithstanding the effort began 5 years ago.

Twin Falls County also had a regional agreement that fell apart, and other site selections that ran into opposition by residents. The commissioners began formal proceeding in December, 1992, to acquire BLM land. Originally, they were told only an environmental assessment was required, but they are not engaged in preparing a full environmental impact statement, which is projected to be complete in January 1994.

The assumption underlying arguments against extending the landfill deadline is that counties and municipalities have done nothing. That does not reflect what has happened in my State. Our county commissioners have been working very hard to comply, despite regulatory uncertainty—Idaho's first State implementation plan was rejected by EPA—despite litigation and citizen opposition to regional landfills, and despite the huge engineering and other costs involved.

Mr. President, I ask unanimous consent that these letters be printed in the CONGRESSIONAL RECORD, including one from Sanders County, MT, in which the commissioners outline in detail the good-faith steps they have taken to comply with the October 9 deadline, including raising the assessed solid waste disposal fee from $15 to $75 annually, closing a few old landfills beginning in June 1991, and progressing toward the siting of a regional landfill. They have been advised by the Montana Department of Health and Environmental Sciences' Solid Waste Bureau that licensing will take anywhere from 1 year to 18 months, well beyond the October 9 deadline.

My second reason for introducing the bill today is that the EPA has tacitly acknowledged that its original deadline has not allowed for reasoned, environmentally sound, and fiscally responsible decisionmaking by local officials. Within the next 2 weeks, it plans to publish in the Federal Register a proposed rule to extend the deadline for another 6 months for those landfills that receive less than 100 tons per day. EPA's action is clearly a step in the right direction and hopefully may resolve most of the problems being experienced by the counties in my State of Idaho and in other States. The operative word is "hopefully." The final rule may differ, EPA's legal authority to extend the deadline could be subject to legal challenge, and some counties and municipalities who have acted aggressively and in good faith to meet the deadline may be left out in the cold, unassisted, because their landfill receives more than 100 tons per day, or because it will take them anywhere from a week over 6 months to 12 months to work out impediments beyond their control.

Third, I believe it is important that local officials be allowed to exercise discretion regarding how best to meet their obligations under subtitle D. Congress intended them to have that flexibility, but without appropriate deadlines that flexibility is denied. Driven by unreasonable deadlines, local officials are being required to take the quickest and, oftentimes, the most expensive routes for waste disposal. With a little more time, they may be able to respond to their residents' demands for environmentally safe, reasonably convenient, and fiscally prudent waste disposal. For economically depressed and smaller communities, the financial issue is crucial.

Fourth, action is necessary to address requirements for ground water monitoring. On May 7, 1993, the D.C. Circuit Court of Appeals vacated the portion of EPA's regulations that exempted very small landfills in arid or remote areas from expensive groundwater monitoring requirements. EPA's original decision to accord this kind of flexibility to small communities was wise and responsive to the genuine needs of these rural communities. As a result of the court decision, one county in my State will now have to sink three to four monitoring wells. The cost will be $25,000 per well, just to sink it, because the water table is between 700 to 1,000 feet. One of the county's commissioners has advised me that their two options, sinking the wells or shipping elsewhere, will absorb one-fifth to one-quarter of their annual budget, and fees to families will have to rise from $30 per year to $150 per year.

Finally, EPA is currently working on a more liberal rule for the financial test that local governments have to meet to demonstrate they are capable of covering responsibilities pertaining to postclosure care and corrective action on landfills. Those regulations have yet to be issued in final form. EPA proposes to extend the deadline by 1 year. Lest we repeat the mistakes associated with the current deadlines under subtitle D, I would propose to set a deadline that is 2 years from the date on which EPA issues the final financial assurance rule. One of the most consistent complaints that I have had from small communities, those that will be most in need of the financial assurance relief, is that EPA's deadlines do not take account of their budget cycle. For example, the October 9, 1991, final subtitle D rule was issued after small communities in Idaho had already set their county budgets. Thus, funding for work during the first year of the compliance period was difficult to impossible to arrange. This is a problem not faced by larger Idaho counties, but one that Congress and regulatory agencies should take into account.

Let me assure my colleagues that the purpose of this bill is not to relieve counties and municipalities of their ultimate responsibility to comply with the Nation's environmental laws. The objectives of the Solid Waste Amendments Act and their implementing regulations remain the same. The bill merely intends to afford county and municipal officials adequate time to make decisions that are environmentally sound and fiscally prudent. It acknowledges the responsibility that these officials have to those they serve and affords the greater flexibility to balance the competing demands on their scarce budgetary resources while preserving the integrity of the original mandate.

As I have mentioned before, I am pleased that Administrator Browner has responded to local concerns by engaging in a rulemaking to revise the current deadlines. I will look forward to working with her. On July 29, the Environment and Public Works Committee will take a look at the difficulties that counties and municipalities have had in meeting the landfill deadline. That will be an excellent opportunity to review the adequacy of EPA's proposal and consider whether more needs to be done. This bill will be a positive contribution to that discussion.

Mr. President, I ask unanimous consent that letters and section-by-section analysis be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### LOCAL GOVERNMENT LANDFILL COMPLIANCE DEADLINE ACT

#### SECTION-BY-SECTION

Section 1—Brief title and purpose.

Local Government Landfill Compliance Deadline Act: to allow time for counties and city officials to make environmentally sound and fiscally responsible decisions regarding how best to comply with Subtitle D municipal solid waste landfill regulations.

Section 2—Temporary extensions with exceptions.

Temporary Deadline Extension [§2(a)(1)].—Extends by one year the October 9, 1993, deadline by which counties and municipalities must comply with the new criteria for landfills contained in EPA regulations issued on October 9, 1991.

Bad Faith Exception [§2(a)(2)].—The extension is not available to any owner or operator of a landfill that is determined not to have made good faith efforts to comply with the 1993 deadline. The determination is made by the EPA Administrator or by the appropriate state official where a state implementation plan has been submitted and approved by EPA.

Additional Temporary Extension [§2(a)(2)(B)].—Landfill owners and operators may apply for and receive an additional 6 months extension, carrying them to April 1995. The basis for granting the additional temporary extension is factors beyond the owner/operators control, for example, litigation, adverse weather conditions, and delays in siting, permitting, or patenting a landfill or transfer station. Where federal or state agency failure to process applications and permits in a timely fashion has been a factor in an owner/operators non-compliance, EPA or the appropriate state official may not deny the additional 6 months.

Citizen Suits [§2(d)].—Delays implementation of the citizen suit provisions against any owner/operator of a landfill until his temporary extension has expired.

Section 3—Financial assurance guidelines.

Directs EPA to issue the more flexible financial assurance rule prescribing the financial assurance test for local governments, on which it is now working and extends the deadline for compliance with financial assurance requirements and criteria until two years after the date upon which EPA has issued final regulations. The two year time frame was chosen to take account of variations in local government budget cycles.

Section 4—Ground water monitoring.

Requires EPA to issue regulations to exempt from ground water monitoring requirements small landfills, under 20 tons per day, in remote or arid locations. Those landfills that meet the current definition in 40 C.F.R. §258.1(f) do not have to do any ground water monitoring in the interim. This provision restores the exemption previously provided by EPA for small landfills in arid or remote locations. On May 7, 1993, the D.C. Circuit Court of Appeals in Natural Resources Defense Council versus EPA vacated the flexibility that EPA had previously exercised to accommodate local conditions without compromising environmental protection.

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MADISON COUNTY,
*Rexburg, ID, June 29, 1993.*

Senator DIRK KEMPTHORNE,
*U.S. Senate, Washington, DC.*

DEAR SENATOR KEMPTHORNE: The Madison County Commissioners are in full support of your proposed Solid Waste bill being introduced tomorrow. We are desperately in need of at least a one year extension because of the numerous obstacles we have encountered. Six months only gives us cold winter weather in which it is impossible to do the physical work needed.

Madison, Fremont, and Teton Counties formed the Upper Valley Solid Waste District over a year ago in an effort to consolidate expenses, resources, and expertise, which each could not handle on their own. As of this date over $100,000 has been spent in an attempt to locate a site and research into various feasible programs.

The Commissioners have been working with the Solid Waste and DEQ Requirements for 5 years, originally with nine counties involved on a regional basis. Commissioner positions have changed over the years due to elections, retirements, illness, etc., leaving only very few Commissioners with much background in the Solid Waste programs. Added to this the counties were unsure of the specific regulations that would be imposed until October of 1991. Since that time we have been working frantically to find a site. Many dollars have been spent and time consumed in engineering costs, digging test holes, and encountering public protests. There is definitely a lack of suitable ground, because of the large plain and high water levels. Other areas at higher elevations are too hilly and the soil is not in compliance, or heavily populated where soil content is acceptable.

Therefore, we have looked to joining Jefferson County who has a suitable site which they have been working on obtaining for one and one-half years. This is the most desirable site in Southeastern Idaho and is controlled by the INEL which joins BLM land. These Federal Agencies are being cooperative but it will take time. The rules, and regulations of EPA, BLM, DEQ, and the INEL are all time consuming hurdles we have to jump over. This is our best avenue but it could take 8 months to 2 years for approval. The testing is done and meets regulations. We think we could progress in that area now. If there is anything that can be done on your end to help speed up the process to get this property cleared sooner, it would greatly help.

We have a meeting scheduled this evening with all the Commissioners of all the counties involved and our regular District meeting will be held again this Thursday. We are all part time commissioners but Solid Waste is proving to be a full time job.

In regard to the apparent opinion of Idaho DEQ Administrator Jo Nagle and Gov. Cecil Andrus, we do want to inform your committee that we have met often. In addition to the District officers, we have had a Site Committee, an Operations Committee, a Public Awareness Committee, and many other unpaid interested individuals who have been meeting monthly, weekly, twice weekly, and continuously by phone and fax. We do want to emphasize that considerable work has been done and we have not been sitting idly by while our time elapses, and ignoring the situation.

We feel the requirements are quite unfair considering EPA took seven years to finalize their own rules and regulations, and then to expect us to comply in 18 months for the money and site location requirements.

Our counties are small but do not qualify under the 20 ton per day guideline, except Teton County who is a part of our district. Even they are uncertain of the regulations, if they comply on their own, because of the recent lawsuit that is pending.

In summary, our county does not have the Economic base to fund these astronomical costs in a short time, site location has been a disaster, and we plead with your committee for help and consideration.

We certainly want to express our gratitude to you personally for your efforts and understanding, and we appreciate any help you might obtain for us.

Respectfully submitted,

MOSES DELL BARNEY,
*Chairman.*
DAVID L. RASMUSSEN,
MARLIN A. HILL.
*Madison County Commissioners.*

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SOUTHERN IDAHO REGIONAL
SOLID WASTE DISTRICT,
*Twin Falls, ID, May 26, 1993.*

Senator DIRK KEMPTHORNE,
*Dirksen Building, Washington, DC.*

DEAR SENATOR KEMPTHORNE: This letter is written to you in support of your efforts to introduce legislation extending the October 9, 1993 deadline delaying the implementation of the Subtitle "D" regulations by EPA.

I have attached a Jan. 11 letter written to your office soliciting your support in this regard.

We can identify additional costs if forced to implement our program on the October 9, 1993 timetable. We are anticipating a cost of $275,000 if we have to accelerate the construction process of the regional landfill. Further, cost estimates to keep the existing landfills open beyond Oct. 9 are an additional $75,000 per year for 30 years, which equates to $2,250,000 per landfill. Since there are 17 landfills in our six county service area, the fiscal liability is substantial.

Our project is approximately 3 months behind the Oct. 9 schedule. This delay in schedule has been caused by legal interventions in siting and financing the project, all of which was not anticipated by the drafters of the federal regulations.

At the minimum, this six county area would benefit if the proposed EPA implementation delay of 6 months was adopted. We would support your efforts to make that EPA proposed rule change a reality.

If we can be of further assistance in this matter, please do not hesitate to call on us.

Sincerely,

TERRY SCHULTZ.

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SANDERS COUNTY,
*State of Montana, March 31, 1993.*

NACO, Washington, DC.

DEAR MS. SHEA: Since May 1991, The Sanders County Commissioners and the Sanders County Solid Waste Board have been taking aggressive action to meet the Environmental Protection Agency guidelines to properly fulfill solid waste disposal guidelines and regulations.

Sanders County is a rural community with a population of 8,669. In an attempt to be in compliance with the Environmental Protection Agency's regulations and time frame the assessed fee was raised from $15.00 to $75.00 annually. These dollars have enabled Sanders County to address some of the Solid Waste problems much to the objection of the tax payer who felt the new fee was burdensome and unnecessary. Considering the added financial stress of complying with all the new regulations, it was the lowest fee we could assess and still fall into compliance.

In June of 1991 we began closing, per engineered drawings and specifications, the 6 acre site near Heron and the 18 acre site at Beaver Creek approximately 10 miles West of Thompson Falls. We have been successful in closing these two sites and have received final closure approval from DHES-State of Montana and are now working towards closure of the two remaining sites, also per engineered plans by Damschen & Assoc. Inc. Consulting Engineers of Helena, Montana.

In addition to landfill closures, we are constructing a solid waste transfer station, with the assistance of a Community Development Block Grant construction to begin April 1, 1993, and will begin operation August 1993. This facility will compact and bale waste as well as serve as a recycling center.

Sanders County has made a concentrated effort to meet the E.P.A. regulations and the October 9, 1993, deadline for licensed landfills. But, as we are encouraged by the progress we have made, we also are aware that there is a considerable amount of effort and monies required to meet that October time frame and would certainly welcome and appreciate any extension of that deadline to take the constant pressure off our County.

We are currently researching options for siting a regional landfill with surrounding counties. The concept, thus far has been well received, but the licensing of that facility will take from 1 year to 18 months, according to The Department of Health and Environmental Sciences, Solid Waste Bureau in Helena.

Since we are a Rural County with high unemployment (1991–17.3, 1992–14.6) and very limited resources, an extension of the E.P.A. October 9, 1993, date for landfill compliance would certainly be beneficial to Sanders County and the surrounding Regional Counties. It would allow us time for proper Regional Landfill siting studies and land acquisition.

Sincerely,

Sanders County Board of Commissioners, Sanders County, MT: Norman E. Resler, Chairman; Cherie Hooten, Member; William E. Massey, Member; Project Manager/Solid Waste, Tim Willcut, Planner.

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IDAHO ASSOCIATION OF COUNTIES,
*Boise, ID, May 5, 1993.*

Senator DIRK KEMPTHORNE,
*Dirksen Senate Office Building, Washington, DC.*

Subject: Extension of Subtitle D Deadline.

DEAR SENATOR KEMPTHORNE: The Idaho Association of Counties strongly supports your efforts to extend the deadlines for compliance with subtitle D. This extension will help to achieve the benefits which a state approved plan was to have made possible and to complete planning that is responsive to our citizens concerns.

An extension of the deadline for closure would provide time needed to complete the siting and development of landfills and transfer sites. The two-year time frame for implementation provided by the current regulations has forced counties to seek out those sites which can be developed quickly, not necessarily those sites preferred to by our citizens or those that are based on long-term advantages.

One of the obstacles that has been of significance to Idaho is the fact that much of Idaho's land, 64%, is owned by the federal government. This includes much of the land that is suitable for a landfill site. We have been encouraged by the support we have received both from federal owners and our congressional delegation and their assistance to Idaho's counties in making the land available and expediting the transfer. However, acquiring federal land, securing approvals, and completing the environmental impact statements necessary have significantly diminished the ability of some counties to meet the deadline.

Many counties lost valuable time attempting to craft regional agreements. Twin Falls commissioners worked to make Twin Falls part of a regional site. This effort was rejected by the Twin Falls citizens who did not want their county to host a regional site. The commissioners complied with the wishes of their citizens and have located a site on federal land. However, the land cannot be secured until the environmental impact statement is complete; therefore, construction cannot be initiated soon enough to have the landfill completed by the October 9, 1993 deadline. Consequently, Twin Falls will close its present landfill after the deadline and will be subject to the increased closure and monitoring costs which that involves. This means as additional $120,000 in construction and monitoring and an estimated $2,000,000 of financial assurance to be provided.

The other counties who had sought to be part of that region were also delayed. A new site had to be found and tested. The south central region is hoping to have their site completed by the deadline; however, they would welcome an extension. Counties should not be penalized because their efforts at regionalization failed. An extension would compensate for time lost in attempting to reach regional agreements.

County commissioners would welcome any relief possible provided by an extension of time to raise funding necessary to complete closures. In the short time provided, counties have had to fund the siting process, carry out site testing, pay for the design and construction of the new facility and transfer sites and all other needed capital investments of the new landfill. Counties must also pay for the closure of existing landfills. To come up with these funds has been a tremendous endeavor.

An extension would help counties in some states to retain control of solid waste management and not be forced to negotiate with private industry under duress. We have received correspondence advising us that this is a problem in other states. We believe that citizens and their local governments should determine whether or not they wish to retain local control or privatize solid waste management based on the merits. If the short time frames preclude the citizens from making this choice, then privatization has become a de facto federal mandate.

I am aware that there are members of Congress, as well as federal agency and state officials who are opposed to an extension of the deadline. My understanding of their argument is that the time frame provided was more than adequate, counties knew that the regulations would be imposed and that as a matter of environmental protection there is no justification in delaying landfill closures. I strongly disagree.

Counties across the country are doing their best to close many of their current landfills and establish safer facilities built to state approved standards. In Idaho this has required an intensive effort to locate and secure suitable landfill sites and generate local support. Idaho counties have had to raise several million dollars for planning, development, construction and operation of new landfills and transfer stations and close existing sites. Additionally, Idaho counties were directly responsible for the development of the state plan submitted to EPA.

Idaho counties began their efforts to improve the management of landfills in the late 1980's closing landfills and developing legislation which would enable the formation of regional solid waste districts. At the counties' request, the state legislature appropriated $500,000 to the health districts to carry out regional solid waste planning. There were several failed attempts at the state level at developing a revised state process for permitting landfills as we searched for a process that would meet the unique needs of Idaho.

Under the best of conditions, the siting and development of a landfill is a five year process. Idaho counties crafted an expedited review procedure in order to enable compliance with criteria by the deadline. Idaho counties have planned, constructed and committed to funding the new landfills and transfer sites in two years.

Please remember that this is a costly federal mandate which provides no funding to the counties. Counties must come up with the millions of dollars that this effort requires. Idaho counties supported, and our legislature provided, adequate funding to the Division of Environmental Quality to meet their responsibilities. The legislature did not provide additional funding for Idaho's health districts to meet their responsibilities under the state plan. Counties will be forced to pay for that responsibility.

Our state plan provided time frames agreeable to DEQ to meet its responsibilities. EPA has adequate time to meet its responsibilities. Counties must raise all of the money, do most of the work, we have the greatest share of the responsibility, and assume most of the liability.

We believe that the needs of the counties should be given the same consideration afforded to the regulatory agencies. Adequate time for planning and development is essential if we are to develop our solid waste systems according to the long term interests of our citizens. Counties knew these regulations were coming and we began our efforts long before the regulations were enacted. We have worked as expeditiously as possible to comply with federal requirements. The fact that we knew this was coming is no reason not to give us assistance if assistance is possible and warranted.

Further, if an extension of the deadline results in more beneficial development and eases the burden on the counties then what is the benefit of refusing to help us? An extension of the deadlines, which were unrealistic to start with, would provide a needed adjustment to enable the program to do what was intended and that is to give states as much self determination as possible and mitigate the effects of federal mandates.

In Idaho we have assumed the leadership in this initiative and we are proud of our accomplishments. In this regard we have done far more to clean up landfills than either EPA or DEQ. We are shouldering the burden. Our needs should be given at least equal consideration. We appreciate your efforts to help and encourage you to do everything possible as soon as possible to help Idaho's counties and citizens.

Respectfully,

JILL WATTS,
*Research Analyst.*

DANIEL G. CHADWICK,
*Executive Director.*

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CITY OF RIGGINS,
*Riggins, ID, June 10, 1993.*

Hon. DIRK KEMPTHORNE,
*U.S. Senate, Washington, DC.*

DEAR MR. KEMPTHORNE: Thank you for the opportunity to express our feelings on the impact of recent mandates inflicted by the EPA.

First, I would like to comment on the solid waste issue.

Idaho County is remote and sparsely populated, resulting in a complicated solid waste collection service.

We are told that the present landfill site where our solid waste goes, will be closed this fall, because the restrictions imposed will make it financially impossible to comply. Therefore, it appears our solid waste will be trucked from our area to a sorting site somewhere in the county, then trucked to Lewiston, Idaho. From there it will be loaded on barges and transported to Boardman, Oregon!

It doesn't take much imagination to determine what this will cost!

We are told the present cost to an average household will increase from 100 to 300 percent. This means the present cost of $6.30 per household will probably triple to around $20.00 per household.

This may not seem much to a lot of people, but over 52% of our residents are on fixed incomes: many of them trying to get along on less than $500.00 per month.

The monetary aspect is only part of the problem. We are told that the proposed plan is to charge a fee to dispose of bulk residue like leaves, lawn clippings, the usual "ranch-farm-stead" debris. This I'm certain will result in illegal dumping in the Rivers, along roadsides, etc. resulting in the entire area will be back to square one! So what have we really accomplished?

In an interview I had with the current disposal people, Walco Inc. a local company, I was told that for them to comply with the mandates it would cost them over 3 million dollars and there is no way they can comply with this!

We appreciate your understanding of what the impact is and will be on small rural communities. We are concerned with clear water, clean air, and solid waste disposal, but to broad brush mandates for the entire country is not fair. As you know, each particular area had a different set of circumstances.

We solidly support your efforts to curtail mandates without some form of financing them.

Sincerely,

R.A. BARTON,
*Mayor, City of Riggins.*

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BONNER COUNTY,
BOARD OF COUNTY COMMISSIONERS,
*Sandpoint, ID, March 5, 1993.*

Representative LARRY LAROCCO,
*1117 Longworth House Office Building,*
*U.S. House of Representatives,*
*Washington, DC.*

Re: Subtitle D

CONGRESSMAN LAROCCO: This is a letter on behalf of the low and moderate income counties of North Idaho in regards to the impact of Subtitle D. I am chairperson of the five-county Regional Solid Waste Advisory Committee and we have been working monthly for almost 2½ years with the Panhandle Health District in an effort to comply with the upcoming Subtitle D, October 9, 1993, deadline. We are concerned that we might not be able to comply. For the sake of brevity let me simply list some of the key points you need to know:

Subtitle D was finalized 8 days into a new county budget year; the budget for solid waste was fixed and could not be raised to help meet the dramatic cost increases estimated. A crucial fiscal year was lost. We could not accrue money prior to the regulations because we did not know what the demands would be and the concept of a solid waste "slush fund" was unacceptable.

An election occurred midway through the "grace" compliance period; in several counties the majority of the board of commissioners turned over and thus new leadership with different ideas and lack of familiarity with solid waste became responsible for implementation.

The Subtitle D deadline compliance applies primarily to counties; the liability applies to counties. None of the potential adverse impacts apply to either EPA or Idaho DEQ. There are extremely poor Idaho regulations and guidance for solid waste; there is no established state approved program to extend options or alternatives; there is no "accepted" state law since EPA Region X apparent dissatisfaction with last year's solid waste legislation (IC 39–7401) has caused a rewrite effort this year. There has been no particular haste on behalf of regulators to resolve these issues and help the counties comply.

The One Percent Initiative in Idaho has raised a consciousness concerning taxes and fees. The sheer financial weight of having to close a number of existing landfills (4 in Bonner County alone); to open safe and sanitary transfer stations for economical long haul; to either develop a multi-million dollar landfill (literally multi-million) or to long haul to centralize landfills at a cost of $50 per ton . . . the sheer weight of these multiple and simultaneous expenses drives the fees from $40 a year per house to $150 a year per house.

The concern of whether that is an appropriate cost; affordable; best alternative; least expensive; highest benefit to risk to cost issue; all these must be presented to the public and their confidence gained. Failure to gain support or demonstrate support undermines the ability to collect fees which undermines lawyer-banker confidence in county fiscal security.

North Idaho is ecologically different than the arid south and must either export its waste or construct a "fail-safe" disposal mechanism at significant expense.

We have not been idle; the counties have banned together and jointly funded the Health District to provide vital staff support. We have obtained a $205,000 Farm Home grant plus a $135,000 state tire grant; we have expended several tens of thousands in engineering studies by CH2M Hill and Emcon to develop options (example title pages enclosed). We are committed and working fervently but I fear the old adage "Act in haste and you get to repent in leisure".

Low and moderate income counties are hit hardest and need Congress to extend some latitude to us. An extension of time, at least, is needed so we are sure to have considered the options and presented them to the public along with the costs. A fiscal year or two to help accrue some capital; EPA took five extra years to write the regulations—we could use a few to convert and comply. The low and moderate income counties need to be treated differently than the more affluent counties—solid waste costs are the same. To treat us justly, Congress needs to treat us differently and provide at least capital cost funds to comply with this federal mandate. Something akin to the wastewater treatment 201 program on a sliding match scale. The poorest counties pay the least match.

Congress understands the slow democratic process. Understand we have to convert the Federal Register written word into reality. Please consider some relief for those of us working for better environmental health along with fiscal accountability.

Sincerely,

SUSAN MACLEOD,
*Chairman, Regional Solid Waste Advisory Committee, Bonner County Commissioner.*

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COUNTY OF CASSIA,
*Burley, ID, July 2, 1992.*

*To Whom It May Concern:*

We the Commissioners of Cassia County, Idaho have joined with 5 other counties in southern Idaho in order to be financially able to meet the Subtitle D requirements for our landfill. The site that we have chosen has been tied up with NIMBY ("not in my back yard") problems and will probably take some court decisions to make it available.

Because of the complications, it is making it very difficult for us to close the our existing landfills by the deadline. We would like to ask your cooperation by providing a 12 month extension on the closing date for the present landfills. This will allow us to be in compliance.

As you can see, we have been putting forth a good faith effort to comply but the legal compliance has been the bottleneck not our lack of effort. If given the 12 month extension we feel we can be in full compliance by that deadline.

Thank you for considering our request in light of circumstances beyond our control.

Sincerely,

NORMAN E. DAYLEY,
*Cassia County Commissioner.*

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MINIDOKA COUNTY BOARD OF
COUNTY COMMISSIONERS,
*Rupert, ID, July 2, 1992.*

Re Extension of required Landfill
*Closure Date (October 1, 1993)*

*To Whom It May Concern:*

Due to the lengthy controversy that circumvents about the procedure of siting a Sub Title D Landfill. We feel an extension of the closure date would be necessary. The rationale behind this reasoning is—we as counties were not given enough time to site an endeavor as complicated as this. Public sentiment has generated barriers that are slow to resolve. These stumbling blocks are presenting county commissioners with problems that are time consuming. In remote areas qualified engineers are difficult to find, that can ascertain the viability of a proper landfill siting. The monumental costs of state of the art facilities makes it paramount that we do it right.

We sincerely would appreciate your support on an extension date; without penalties for counties to site Sub Title D landfills.

Sincerely,

CLARENCE BELLEM,
*Chairman, Minidoka County Commissioners.*

Mr. HATCH. Mr. President, I rise today with my colleagues in support of the Local Government Landfill Compliance Deadline Act. I acknowledge the efforts of my colleague from Idaho, Senator KEMPTHORNE, who has provided the leadership to bring this legislation to the floor today.

This legislation is very simple, but very important to small communities and counties that are attempting to comply with new regulations promulgated by the Environmental Protection Agency [EPA] on solid waste management.

In 1991, the EPA finalized regulations to implement subtitle D of the Resource Conservation and Recovery Act [RCRA] requiring stringent restrictions on landfills owned or operated by counties. These regulations include requirements and standards for liners, leachate collection, monitoring systems, landfill operations, and financial assurance. The effective date of these regulations is October 9, 1993.

Despite the best efforts of county officials and landfill operators, several of Utah's counties are struggling to meet the October deadline. I use the word struggling intentionally because that is exactly what is happening in Utah, especially rural Utah.

For example, Iron County, located in the southwestern corner of Utah, has been attempting to receive certification of a new landfill since 1989. Although an abandoned open pit iron mine was identified as a suitable site for this landfill, State and Federal agencies have been slow in issuing permits for the site, despite the performance of additional water testing to ensure the site's safety. To date, no permit has been issued.

In San Juan County, a suitable site for its new landfill was identified on land managed by the Bureau of Land Management [BLM]. To purchase the land, the county had to make application to amend the local BLM resource management plan and execute a archeology review, paid by the county, before the purchase could go forward. BLM is working hard to complete this transaction, but it takes time to move successfully through its own rules and regulations.

San Juan County also operates several landfills on the Navajo Reservation. Before these can be closed, transfer stations must be built and equipment purchased to transfer the trash from the reservation to an appropriate site.

All in all, the county expects to spend almost $1 million to get a new landfill operating and to close the old landfills. With a large number of tourists now visiting the county, local officials have stated that trash will be everywhere if the county cannot meet the October deadline. Since 80 percent of San Juan County is Federal land, the Federal Government will have the largest clean-up problem.

In the case of Wayne County, considerable time has been spent to locate a suitable site. Many sites were rejected for various reasons. Finally, the BLM and county officials located a site in the eastern portion of the county, off Utah Highway 24, that is hidden and out of view from the highway. No one would know it was there except for those using it. Recently, an environmental group filed a challenge to block the BLM from allowing the county to build its new landfill on this site, claiming the site should be set aside for a different purpose. Who knows how long it will now take to decide this appeal, to dispose of the land to the county, and to plan, develop, and construct a landfill which meets the EPA's regulations. It simply will take longer than 3 months for both the BLM and the county to accomplish everything that must be done.

In addition to these counties, I have also heard from several other counties, including Beaver, Carbon, Piute, and Wasatch. They are all experiencing similar problems in their efforts to satisfy the EPA regulations and provisions of a comprehensive plan put forward by the State, which is also mandated by these regulations. As the RECORD should note, most if not all of these problems or delays in the permitting process have resulted from factors beyond the control of the local county officials. Yet, the clock has been ticking and approaching the October date, and soon our counties will be penalized for actions for which they had no direct involvement.

Mr. President, our legislation provides a 1-year moratorium on the implementation of the subtitle D regulations to the operators of municipal landfills who have made a good-faith effort to meet these regulations, with an additional 6 months available for those who may have an exceptional case. If it is determined by the EPA or the State that the owner or operator of a landfill has not put forward a good-faith effort, then our legislation does not apply to that particular landfill. That operator would have to meet all the requirements taking effect this October.

We do not attempt, in any way, to protect those municipalities, counties, or cities, that have not been working to meet these regulations. We recognize that Congress passed new landfill legislation, whether we agree with it or not, and we expect our small communities to abide by it. But if we can achieve this goal by giving our local governments more time to comply, then we should do it.

Because of these concerns that have been raised by many rural counties, the EPA recently announced a decision to administratively grant a 6-month waiver for small landfills. I acknowledge this decision and applaud EPA's effort to address this matter in the fastest method possible. No doubt this decision will give relief to the large majority of Utah's existing landfills.

However, in the cases I mentioned above, they may all—and probably will—require more than 6 months to reach finality. EPA's decision extends the effective date through Utah's upcoming winter season, when construction will be severely curtailed. For this reason, our legislation extends the effective date through next spring and summer, ensuring that county operators have an additional prime construction season available to them. If we are going to extend the effective date of the new regulations, we should take into consideration all relevant factors.

Mr. President, my colleagues should understand that Congress is requiring our municipalities to replace the traditional "town dump," in most areas, with a sophisticated, state-of-the-art landfill disposal system. It will require time, in addition to financial resources, to complete this transition and implement the latest in solid waste technology. I believe we should be sympathetic with local officials who are responsible for bringing this technology to our rural areas. Additional time will assist them in doing it right without penalizing them for factors beyond their control.

I urge my colleagues to seriously review this matter and to support this important legislation that should be passed by this body in the near future.

Mr. CRAIG. Mr. President, today in conjunction with Senators KEMPTHORNE and HATCH I am introducing the Local Government Landfill Compliance Deadline Act. This bill will correct a situation that has been imposed on local governments relative to the location and opening of landfills.

As a result of regulations published by the Environmental Protection Agency, counties and cities have been struggling to meet the criteria required in EPA regulation by the deadline of October 9, 1993. Due to numerous problems, often resulting from items beyond the control of local governments, many will not be able to meet the deadline date.

Our bill will extend the compliance date by 1 year for those who have acted in good faith to meet the October 9, 1993 deadline. A second 6 month extension may be granted at the discretion of EPA or the State of jurisdiction if conditions beyond the control of a landfill owner result in a landfill owner not being able to meet the extended deadline.

Mr. President, this is a bill that will alleviate a problem that is affecting local governments across the country and I encourage the Senate to act on it promptly.

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By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. FEINGOLD, Mr. GRASSLEY, Mr. KOHL, Mr. PRESSLER, Mr. WELLSTONE, and Mr. HARKIN):

S. 1210. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER RELIEF LEGISLATION

Mr. DASCHLE. Mr. President, I have just returned from touring numerous farms in eastern South Dakota, and what I witnessed on those farms, and on the faces of South Dakota farmers, gives true meaning to the word disaster. At a rural crossroads in Minnehaha County, I spoke with about 50 farmers. I listened as, one by one, the farmers told of their frustrations, their disappointments, and their uncertainty about what the future would bring. In short, I heard about a disaster.

But the words we spoke were superfluous—all you had to do was look around. Flooded fields surrounded us. In some areas, the tops of fence-posts were barely visible under the water. What is usually South Dakota's most productive land, is now nothing more than water and weeds. Many of the fields I toured still had last year's crop left unharvested, as they were when I toured the areas in March, when this disaster began. The quality of crops that had been harvested had been severely damaged. Farmers desperate to get back to work, have been held hostage by the cool, wet conditions that have persisted from last fall to the present date.

Thundershowers have persisted throughout the 1993 planting season. The relentless rains have filled the soil profile. Ponds of water stand in fields where producers are attempting to plant their 1993 crops. The severe spring flooding has caused damage throughout Southeastern South Dakota.

Because of these precedent-setting wet conditions, 1993 crop planting has been behind all spring. In a normal year, most of South Dakota's spring grains have been planted by May 1. This year only about one-third were planted by that date. In a normal year, 2.7 million acres of corn are planted. This year almost 1 million of those acres are flooded. In a normal year, 1.9 million acres are planted to soybeans. This year 1.2 million of those acres are flooded. If producers are able to plant on this farmland at all this year, there surely will be substantial yield reductions.

Secretary Mike Espy toured these farms with me yesterday, and has seen the damage firsthand. I thank Secretary Espy for doing so. It is clear that he understands the magnitude of the disaster we are facing. We have seen the damage. Now we must act. We cannot sit back and watch a disaster hit our agriculture economy 2 years in a row and simply write it off as an occupational hazard. The consequences are too great.

I have been working all spring to find solutions to producers' problems caused by environmental conditions beyond their control. South Dakota producers have expressed to me the need to give producers maximum program flexibility regarding cropping alternatives, so they can meet this years' environmental and market demands without being forced to repay their advance deficiency payments, which already have been spent clearing last year's debts and purchasing inputs for this year's crop.

The legislation I am introducing today, along with my colleagues, Senators DURENBERGER, GRASSLEY, HARKIN, FEINGOLD, KOHL, PRESSLER, and WELLSTONE, will accomplish those objectives. It will provide a prevented planting disaster payment to offset the advance deficiency payment. It will also allow producers who qualify for prevented planting of the program crop to plant a later season ghost crop, which could be whatever crop—including soybeans, buckwheat, millet, and others—that conditions allow them to plant.

Current law is ambiguous with respect to the Secretary's authority to provide prevented planting disaster assistance. This legislation will eliminate the ambiguity and clear the way for disaster payments to affected producers.

This, in combination with the 0/92 program, will give producers the cropping flexibility they need to address the environmental challenges they face in this year's cropping season, and provide some essential relief to the very serious economic situation in which our producers find themselves.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor this bill, introduced by the Senator from South Dakota [Mr. DASCHLE] designed to expedite relief to farmers in the Upper Midwest who have suffered from continued cool and wet weather conditions. Poor weather has devastated field crops in Wisconsin and have dramatically reduced farm income. As the growing season progresses, it is crucial that we respond to the crop disasters in our States in the most expedient manner possible.

Farmers in my own State have not only suffered from delayed growth and prevented planting of crops this spring and summer due to unusually high levels precipitation, but also from poor weather conditions this winter which wiped out much of our alfalfa hay. Many of the fields in Wisconsin are, quite literally, under water. Our feed supplies are low. And, Mr. President, it just keeps raining.

This is the second year in a row in which the farmers in my State have suffered from poor harvests and unfavorable growing seasons. Mr. President, there were virtually no carryover stocks of alfalfa hay for dairy farmers to rely on this year. Much of Wisconsin's corn crop from 1992 is still in the field. A wet fall prevented harvest last year and wet spring has kept farmers off of those same fields.

This crop disaster is doubly damaging to Wisconsin because most of our dairy farmers produce their own feed on the farm. Not only is there little feed for dairy cows, but the feed that is available is of variable quality and extremely costly. My farmers are faced with higher input costs, lower milk production and lower income. Furthermore, those that suffered from winterkill of alfalfa hay are faced with the prospect of reseeding their fields which is an expensive and time-consuming process.

I know the situation is as bad, or even worse in the other Upper-Midwest States. I commend my colleague from South Dakota for introducing this legislation which I am pleased to cosponsor.

I must also commend Secretary of Agriculture Mike Espy for his immediate attention to this problem and genuine concern for the producers in the Upper Midwest. The Secretary spent all day yesterday touring the weather-damaged fields in Wisconsin, Minnesota, Iowa and South Dakota. In early June, the Secretary acted quickly to release set-aside acres for emergency haying and grazing in 40 countries in Wisconsin. This will provide some relief to Wisconsin farmers but it is not enough.

The Secretary has made a commitment to do everything within his authority to provide relief for farmers in the Upper Midwest. And I am confident that he will fulfill that commitment. He has truly proven that USDA is farmer friendly. The Secretary, however, cannot solve the problem on his own. The legislation I am cosponsoring today was designed to provide an additional level of relief to farmers who were prevented from planting their crops due to the weather this year. It would clarify eligibility for prevented planting disaster assistance payments and removes some roadblocks facing farmers who need relief.

I urge my colleagues to support this legislation, designed to respond to the crises in the Upper Midwest created by factors beyond our control. As a member of the Senate Agriculture Committee, I look forward to working with Secretary Espy and the members of the Committee in developing an appropriate response to this emergency. This bill is a step in that direction.

I urge my colleagues to support this legislation, it is badly needed and greatly deserved by producers in the Upper Midwest.

Mr. KOHL. Mr. President, I am pleased to join my colleagues in offering the prevented planning disaster legislation. I congratulate my colleague Senator DASCHLE for his efforts in putting together this legislation, which I understand was developed in conjunction with USDA officials in order expedite disaster relief to farmers in Wisconsin and other States that have been hit so hard by flood and other weather related damage to their crops and farming operations.

The President announced earlier today that he and Secretary Espy would be working with Congress to develop broader disaster legislation. We will be waiting anxiously to receive that legislation from the administration.

In the meantime, this legislation that we are introducing today will provide some relief to those farmers who have been unable to plant as a result of the flood conditions. While this will not address the full extent of the problem, it will address one piece of the problem.

I look forward to working with my colleagues and Secretary Espy in moving this and other necessary disaster legislation through Congress as quickly as possible to provide needed relief to our farmers.

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By Mrs. KASSEBAUM (for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. THURMOND):

S. 1212. A bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service and Community Volunteers, enhance opportunities for national service and volunteer programs to enhance effectiveness, to provide support for community volunteer opportunities, and for other purposes; to the Committee on Labor and Human Resources.

### NATIONAL SERVICE AND COMMUNITY VOLUNTEERS ACT OF 1993

Mrs. KASSEBAUM. Mr. President, today I am introducing, along with Senators COCHRAN, HATFIELD, STEVENS, and THURMOND, the National Service and Community Volunteer Act. When the Senate turns to the consideration of S. 919, the national service legislation recently approved by the Senate Committee on Labor and Human Resources, I will be offering the provisions of this measure as a substitute to it.

The spirit of voluntarism and service to the community is one which has characterized us as Americans since our earliest days as a nation. Consequently, President Clinton's call for a new national service program has struck a responsive chord. The concept outlined by the President of offering service in exchange for assistance in attending school is one which holds great attraction for many Americans.

However, the 300-plus page bill which has emerged to carry out the proposal bears relatively little resemblance to the picture of national service painted on the Clinton campaign trail.

It quickly became obvious that there was no room in the Federal budget to accommodate the tens of billions of dollars in new spending that would be required to allow all students to work off education debt by performing national service. Thus, S. 919 offers this opportunity only to a small fraction of the Nation's postsecondary students—25,000 in the first year, peaking at perhaps 125,000 in year four. Even at that, the education benefit represents about half the estimated $7.4 billion 4-year cost of the bill.

Moreover, there is a wide range of other activities included in the bill—affecting everyone from kindergartners to senior citizens. It is not, in fact, an education bill—although that is what most of the American public believes it to be.

The fact that S. 919 does not live up to its billing is not, however, my primary problem with the legislation. My concerns about the President's national service proposal can be summarized succinctly: It is too costly, too bureaucratic, and too prescriptive.

In terms of cost, initial estimates indicate that national service spending will amount to $7.4 billion over 4 years. This is not only a large amount in and of itself, but it also represents an unwise rate of expansion in national service efforts.

In terms of bureaucracy, on first glance, it appears that the Clinton proposal builds upon the existing foundations of the ACTION agency and the Commission on National Service. Upon closer examination, however, one finds that the proposal actually creates a new superstructure—the Corporation for National Service—under which these existing entities will operate. State ACTION offices will continue to operate side by side with State commissions on national service.

In terms of prescriptiveness, the bill takes a top-down approach which threatens to overpower locally based initiatives with Federal mandates. Among other things, S. 919 requires that State plans reflect nationally designed—not State-specific—priorities. It dictates the membership of State service commissions, including a requirement that a Federal employee of the Corporation serve as a voting member of each State commission. In addition, it goes so far as to prescribe not only State applications for Federal funds but also the application and award procedures for State grants to local communities.

I believe there is an opportunity to develop a more rational and streamlined approach which avoids the problems I have identified with S. 919. The legislation I am proposing is intended to meet the following objectives:

First, true integration of Federal service efforts in a single, consolidated program.

Second, maximum State flexibility to determine needs and priorities.

Third, recognition of legitimate fiscal constraints and the need for a rate of expansion which is reasonable.

Fourth, experimentation with postservice benefit concepts prior to undertaking a full-scale commitment to a $5,000 educational benefit.

First, my proposal provides for a two-year transition period during which most existing full-time national service and part-time federally funded volunteer programs would be incorporated into a single Federal entity. The new program would provide a consistent set of stipends and benefits, while allowing maximum latitude for States and localities to develop the programs which best fit their needs.

Second, the proposal would require that funds be allocated to local entities based on individual State plans—not on a single national plan. Rather than retaining two-thirds of the funding for allocation by the Federal Government, as S. 919 does, my proposal will provide 75 percent of volunteer funds, 50 percent of national service funds, and 90 percent of service learning funds directly to the States for distribution.

Third, new first-year spending under my proposal will be approximately $100 million, compared to the nearly $400 million authorized under S. 919. This amount would permit approximately 5,000 new full-time national service positions in addition to the 20,000 such positions supported by the existing programs that are incorporated in my legislation. I believe this rate of expansion is far more realistic than the 25,000 new positions—versus the 5,000 new positions in my bills—anticipated under S. 919.

Finally, my proposal calls for an 18-month demonstration program to determine the most reasonable level of post-service benefits for a successful national service program and the most efficient method for providing those benefits. Funding for the demonstration would be authorized at $10 million in the first year and $20 million in the second.

It just seems to me that S. 919 is an initiative with enormous potential to grow out of hand, spawning new bureaucracies, new regulations, and make-work positions. It would be a mistake to approve it in its present form. The alternative I am proposing attempts to design a Federal role in national service which will pull things together in a rational, efficient administrative structure and implement initiatives at a measured pace. I urge my colleagues to join with me in this effort.

Mr. President, I ask unanimous consent that the text of my bill and a summary of its provisions be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1212

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Service and Community Volunteers Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—Service-Learning Programs

Sec. 111. Programs.

Subtitle C—National Service Programs

Sec. 121. Federal investment in support of national service.
Sec. 122. Transition.

Subtitle D—Quality and Innovation

Sec. 131. Quality and innovation activities.

Subtitle E—Civilian Community Corps

Sec. 141. Civilian Community Corps.

Subtitle F—Administration

Sec. 151. Reports.
Sec. 152. Nondiscrimination.
Sec. 153. Notice, hearing, and grievance procedures.
Sec. 154. Nondisplacement.
Sec. 155. Evaluation.
Sec. 156. Contingent extension.
Sec. 157. Repeals.

Subtitle G—Organization

Sec. 161. State Commissions for National Service and Community Volunteers.
Sec. 162. Interim authorities of the Corporation for National Service and Community Volunteers and ACTION Agency.
Sec. 163. Final authorities of the Corporation for National Service and Community Volunteers.

Subtitle H—Other Activities

Sec. 171. Points of Light Foundation.

Subtitle I—Authorization of Appropriations

Sec. 181. Authorization.

Subtitle J—General Provisions

Sec. 191. Effective date.

TITLE II—OTHER SERVICE PROGRAMS

Sec. 201. Repeals of service programs.
Sec. 202. Transition.
Sec. 203. Rules governing congressional consideration.
Sec. 204. Authorization of appropriations.
Sec. 205. Construction.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 301. Definition of Director.
Sec. 302. References to ACTION and the ACTION Agency.
Sec. 303. Definitions.
Sec. 304. References to the Commission on National and Community Service.
Sec. 305. References to Directors of the Commission on National and Community Service.
Sec. 306. Effective date.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

**"SEC. 2. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(4) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(5) Federal appropriations in fiscal year 1993 for full-time national service programs totalled $102,700,000.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) assist in meeting the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) determine, through demonstration and experimentation, the most efficient means for implementing educational or other incentives that are necessary for a successful national service program;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service and volunteer programs by merging existing national service and volunteer programs and carrying out the programs through the same administrative body, thereby diminishing bureaucratic infrastructure while maximizing program flexibility and effectiveness;

"(6) support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed; and

"(9) promote the integration of community volunteer activities by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

## TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

### Subtitle A—General Provisions

**SEC. 101. DEFINITIONS.**

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

**"SEC. 101. DEFINITIONS.**

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(3) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(4) CORPORATION.—The term 'Corporation', means the Corporation for National Service and Community Volunteers established under section 191.

"(5) DIRECTOR.—The term 'Director' means the Director of the Corporation appointed under section 193.

"(6) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Director to be low-income according to the latest available data from the Department of Commerce.

"(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(8) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(9) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(11) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) NATIONAL SERVICE PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'national service program' means a program or activity described in—

"(i) subtitle C, D, or E;

"(ii) part A of title I of the Domestic Volunteer Service Act of 1973;

"(iii) title XI of the Higher Education Act of 1965; or

"(iv) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the 'Youth Conservation Corps Act of 1970').

"(B) LIMITATION.—As used in subtitle C, such term means a program described in section 122(a).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PROGRAM.—The term 'program', except when used as part of the term 'academic program', 'national service program', or 'volunteer program' means a program described in section 111(a), 119(b)(1), 122(a), or 145, in paragraph (1) or (2) of section 152(b), or in title III.

"(20) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility;

"(B) that is integrated into the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled;

"(C) that provides students with opportunities to use newly acquired skills and knowledge in situations in their communities; and

"(D) that enhances the curriculum or educational components described in subparagraph (B) by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(2).

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission for National Service and Community Volunteers maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

"(29) SUMMER PROGRAM.—The term 'summer program' means a full-time or part-time program authorized under this title that is limited to a period beginning after April 30 and ending before October 1.

"(30) VOLUNTEER PROGRAM.—The term 'volunteer program' means a program or activity described in—

"(A) part I or II of subtitle B, or title III; or

"(B) part B or C of title I, or part A, B, or C, of title II, of the Domestic Volunteer Service Act of 1973.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(23) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

**SEC. 102. AUTHORITY TO MAKE STATE GRANTS.**

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

### Subtitle B—Service-Learning Programs

### SEC. 111. PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service and Community Volunteers, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

### "Subtitle B—Service-Learning Programs

### "PART I—SERVE-AMERICA PROGRAMS

### "SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State Commissions), and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based and community-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(C) forming local partnerships described in subsection (b) to develop school-based or community-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on participants and communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based and community-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators who shall—

"(A) assist in the design and implementation of such a program; and

"(B) identify the community partners referred to in subsection (b); and

"(3) implementing, operating, or expanding school-based and community-based service-learning programs that involve adult volunteers in service-learning activities to improve the education of students and school-age youth.

"(b) PARTNERSHIPS.—To support activities described in paragraph (2) or (3) of subsection (a), a State or Indian tribe shall distribute Federal funds made available under this part to local partnerships, who—

"(1) shall use the funds to carry out projects—

"(A) through school-based service-learning programs for participants selected from among students; or

"(B) through community-based service-learning programs for participants selected from among school-age youth; and

"(2) shall include—

"(A) in the case of school-based programs—

"(i) local educational agencies; and

"(ii) one or more community partners that—

"(I) shall include a public or private not-for-profit organization; and

"(II) may include a private for-profit business or private elementary or secondary school; and

"(B) in the case of community-based programs—

"(i) public or private not-for-profit organizations;

"(ii) local educational agencies; and

"(iii) one or more community partners.

"(c) QUALIFIED ORGANIZATIONS.—To support activities described in subsection (a)(1), a State or Indian tribe shall distribute Federal funds made available under this part to qualified organizations, who shall be—

"(1) local educational agencies;

"(2) community-based organizations that meet the requirements of section 111B(a);

"(3) communities;

"(4) State agencies; or

"(5) partnerships described in subparagraph (A) or (B) of subsection (b)(2).

"(d) RELATED EXPENSES.—A partnership or other qualified organization that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses necessary to carry out the activities.

### "SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Director may determine to be appropriate, the Corporation may use the allotment of that State to make a direct grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1) in that State; or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a) in that State.

### "SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Director may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make a grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1); or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a).

### "SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve—

"(1) an amount of not more than 1 percent for payments—

"(A) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

"(B) to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified; and

"(2) .2 percent of such amounts for payments to Native Hawaiians.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 10 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) public or private not-for-profit organizations as described in section 111B.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 10 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(26), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) Reallotment.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Director may determine to be appropriate, the Corporation shall, after making any grants under section 111A, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) Exception.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"(e) Programs.—In awarding grants and making allotments under subsections (a), (b), and (d), from the sum appropriated to carry out this part for a fiscal year, the Corporation shall make available—

"(1) 75 percent of such sum for school-based programs; and

"(2) 25 percent of such sum for community-based programs.

### "SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) Submission.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State (acting through the State Commission) or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(b) Contents.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nondisplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Director may reasonably require.

### "SEC. 114. LOCAL APPLICATIONS.

"(a) Application to Corporation To Make Grants for School-Based or Community-Based Service-Learning Programs.—

"(1) In general.—To be eligible to receive a grant under section 112(b)(1) in accordance with section 111B(a) to make grants relating to school-based or community-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require. Such an application shall include a proposal to assist such programs in more than 1 State.

"(b) Direct Application to Corporation To Carry Out School-Based or Community-Based Service-Learning Programs in Nonparticipating States.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, an organization or partnership referred to in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require.

"(c) Application to State or Indian Tribe To Receive Assistance To Carry Out School-Based or Community-Based Service-Learning Programs.—

"(1) In general.—A qualified organization or partnership that desires to receive financial assistance under this part from a State Commission, Indian tribe, or grantmaking entity, for activities described in section 111(a), shall prepare, submit to the State Commission, tribe, or entity, and obtain approval of, an application.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the State Commission, tribe, or entity may reasonably require.

"(d) Contents of Application.—

"(1) Regulations.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under subsection (a) or (b).

"(2) Assurances.—At a minimum, an application submitted under subsection (a) or (b) shall contain—

"(A) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(B) an assurance that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Director may reasonably require.

### "SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) Criteria for Applications.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this part as the Director may by regulation specify. In providing assistance under this part, a State Commission, Indian tribe, or grantmaking entity shall also consider such criteria.

"(b) Priority for Applications.—

"(1) In general.—In providing assistance under this part, a State Commission or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas; or

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together.

"(c) Regulations.—The Corporation shall by regulation establish procedures and criteria (in addition to the criteria described in subsections (a) and (b)) for awarding grants in the circumstances described in sections 111A and 111B.

"(d) Rejection of Applications.—If the Corporation rejects an application submitted under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the applicant of the reasons for the rejection of the application. The Corporation shall provide the applicant with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the applicant as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

### "SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) In General.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall consult with appropriate private school representatives and make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) Waiver.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Director shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

### "SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) Share.—

"(1) In general.—The Federal share attributable to this part of the cost of carrying out a program for which a grant or allotment is made under this part may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this part;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this part;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this part; and

"(D) 60 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this part.

"(2) Remaining share.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(3) CALCULATION.—In calculating the cost of carrying out such a program, the recipient shall not include the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"(b) WAIVER.—The Director may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"(c) DEFINITION.—Notwithstanding section 101, as used in this section, the term 'national service laws' means the provisions specified in section 201(a) of the National Service and Community Volunteers Act of 1993.

### "SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year—

"(A) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the original recipient; and

"(B) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the entity carrying out the service-learning programs receiving assistance under this subtitle.

"(2) RULES ON USE.—The Corporation shall by regulation establish acceptable categories of administrative costs.

"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 20 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year shall be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) FINANCIAL SUPPORT TO STUDENTS.—Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this part, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

"(d) PROHIBITION ON PAYMENTS FOR SALARIES AND BENEFITS.—No partnership or qualified organization may use funds made available under this subtitle to pay for the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

### "SEC. 116B. DEFINITIONS.

"As used in this part:

"(1) COMMUNITY-BASED SERVICE-LEARNING PROGRAM.—The term 'community-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(B).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means an entity described in any of paragraphs (1) through (5) of section 111(c).

"(4) SCHOOL-BASED SERVICE-LEARNING PROGRAM.—The term 'school-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(A).

"(5) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

## "PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

### "SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs that enable institutions of higher education to act as civic institutions in meeting the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with paragraphs (2) and (3) of section 116(a).

"(2) WAIVER.—The Director may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(2) CONTENTS.—

"(A) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under paragraph (1).

"(B) ASSURANCES.—At a minimum, such an application shall contain—

"(i) an assurance that the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(ii) an assurance that students and community members including service recipients shall be involved in the design and implementation of the program;

"(iii) an assurance that the program is consistent with the approved strategic plan submitted under section 178 by the State in which the program will be implemented;

"(iv) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(v) such other assurances as the Director may reasonably require.

"(e) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

## "PART III—GENERAL PROVISIONS

### "SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 80 percent of such aggregate amount shall be available to carry out part I; and

"(2) a sum equal to 20 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.

"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

### Subtitle C—National Service Programs

### SEC. 121. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

### "Subtitle C—National Service Program

### "PART I—INVESTMENT IN NATIONAL SERVICE

### "SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) PROVISION OF ASSISTANCE.—The Corporation for National Service and Community Volunteers may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(c)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal National Service programs supported with such assistance.

"(c) LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year—

"(A) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the original recipient; and

"(B) not more than 2.5 percent of such amount may be used to pay for administrative costs incurred by the entity carrying out the national service programs receiving assistance under this subtitle.

"(2) REGULATIONS.—For purposes of paragraph (1), the Corporation shall by regulation, determine acceptable categories of administrative costs.

"(d) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 129(c)(2)(B), the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, a recipient of assistance under this subtitle—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

### "SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program carried out during the summer months or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youth and young adults between the ages of 16 and 25, inclusive, including out-of-school youth and other economically disadvantaged youth, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youth and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide at least 1 year of service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as police officers, early childhood development staff, social workers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service benefit under section 123 and the post-service benefits under section 146) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youth, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in paragraphs (1) through (10), paragraph (12) or paragraph (13).

"(12) A program utilizing public school facilities, after regular school hours and during weekends and summers, to provide children in distressed communities with curriculum-based, supervised educational, recreational and cultural activities in safe and secure environments and to coordinate the delivery of social services to the children of the community.

"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs consistent with the strategic plan of the State Commission, if funded through the Commission, or consistent with the Corporation's strategic plan, if funded directly by the Corporation.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) WAIVER.—With respect to a proposed national service program that does not meet the qualification criteria established under paragraph (1), the Corporation may waive such criteria with respect to such program if the Corporation determines that such program is uniquely innovative in nature.

"(c) NATIONAL SERVICE PRIORITIES FOR THE CORPORATION.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish and, through the 5-year strategic plan process described in subtitle G, periodically alter priorities regarding the types of national service programs to be assisted under section 129(c) and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants under 129(c) of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 129(c).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs.

"(4) APPLICATION TO SUBGRANTS.—National service priorities established by the Corporation under this subsection shall be used by a recipient of funds under section 129(c) if that recipient uses any portion of such funds to conduct a grant program to support other national service programs.

"(5) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youth, and older adults as participants.

### "SEC. 123. DEMONSTRATION EFFORTS CONCERNING EDUCATIONAL OR OTHER POST-SERVICE BENEFITS.

"(a) ESTABLISHMENT.—The Corporation shall establish demonstration programs to determine the most effective and efficient means for implementing educational or other incentives necessary for a successful national service program.

"(b) TREATMENT OF PARTICIPANTS.—Participants in demonstration programs under subsection (a) shall be treated in the same manner as if they were participants in national service programs funded under this subtitle, except that such participants shall not be eligible for post-service benefits under section 141.

"(c) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Corporation shall prepare and submit to the appropriate committees of Congress a report concerning the results of the demonstration programs established under subsection (a), and a description of the knowledge derived from existing national service-related programs conducted by Federal or State governments, including recommendations for legislative action.

### "SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 9 months.

"(b) OPERATIONAL ASSISTANCE.—

"(1) IN GENERAL.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(2) LIMITATIONS.—The amount of any assistance provided to an applicant under paragraph (1) shall be limited to an amount that does not exceed 60 percent of the costs incurred by the applicant in establishing, operating or expanding a national service program. Amounts made available under paragraph (1) may not be used for the operational costs of the State Commission.

"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

### "SEC. 125. OTHER SPECIAL ASSISTANCE.

"(a) SUPPORT FOR STATE COMMISSIONS.—

"(1) ASSISTANCE AUTHORIZED.—The Corporation shall make assistance available to assist a State to establish or operate the State Commission required to be established by the State under section 178.

"(2) AMOUNT OF ASSISTANCE.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 75 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out under part A of title I of the Domestic Volunteer Service Act of 1973, to involve programs that receive assistance under the national service laws in disaster relief efforts.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) IN GENERAL.—The Corporation may award challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of challenge grants under paragraph (1), so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

### "PART II—APPLICATION AND APPROVAL PROCESS

### "SEC. 129. PROVISION OF ASSISTANCE BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE TO STATES AND INDIAN TRIBES.—

"(1) 50 PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 50 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) ONE PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) ALLOTMENT OF ASSISTANCE FOR NATIVE HAWAIIANS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve .2 percent of the allocated funds for grants under section 121(a) to Native Hawaiian entities, to be allotted by the Corporation on a competitive basis in accordance with their respective needs.

"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may not reserve more than $10,000,000, or 1 percent of such funds, whichever is less, for a fiscal year for challenge grants under section 125(c).

"(c) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations, institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for the provision of assistance under section 121 for a fiscal year, after the operation of paragraph (1) and subsections (a) and (b).

"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970")) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The Director may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) LIMITATIONS.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporations under section 133(d)(2).

"(d) APPLICATION REQUIRED.—The allotment of assistance to a State or an Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (c), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

### "SEC. 130. APPLICATION FOR ASSISTANCE.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation shall by regulations establish requirements with respect to the content of applications submitted under this section. Such requirements shall specify that such an application shall contain information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178.

"(c) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 70 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(d) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

### "SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;

"(2) comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) be consistent with the State or Corporation strategic plan (based on the funding source utilized)).

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) as appropriate, provide support services to participants, such as the provision of information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) place participants in a national service program who are receiving benefits or assistance under any Federal, State or local program financed in whole or in part with Federal funds in positions which provide education, career training, and job specific skills necessary for gainful employment.

"(c) Consultation.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) Evaluation and Performance Goals.—

"(1) In general.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) Alternative evaluation requirements.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) Living Allowances and Other In-service Benefits.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) Selection of Participants From Individuals Recruited by Corporation or State Commissions.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 129(c)(2) and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). Applicants awarded grants under subsection (a) or (c)(1) of section 129 may select participants from among prospective participants recruited by the Corporation under section 138(d).

**"SEC. 132. INELIGIBLE SERVICE CATEGORIES.**

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization; or

"(5) organization whose primary purpose is to influence public policies or engage in legislative advocacy activities.

**"SEC. 133. CONSIDERATION OF APPLICATIONS.**

"(a) Corporation Consideration of Certain Criteria.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether to approve an application submitted under section 130 and provide assistance under section 121 to the applicant.

"(b) Application to Subgrants.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance. The application of the State or other entity under section 130 shall contain—

"(1) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(2) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(3) a description of the minimum qualifications which individuals must meet to become participants in such programs.

"(c) Assistance Criteria.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where they are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) Other Considerations.—

"(1) Geographic diversity.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) Priorities.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(c).

"(3) Review panel.—The Director shall establish panels of experts and practitioners for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance and consider the opinions of such panels prior to making such determinations.

"(e) Rejection of State Applications.—

"(1) Notification of state applicants.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) Resubmission and reconsideration.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) Reallotment.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

## "PART III—NATIONAL SERVICE PARTICIPANTS

**"SEC. 137. DESCRIPTION OF PARTICIPANTS.**

"(a) In General.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets minimal eligibility requirements, directly related to the tasks to be accomplished, established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

### "SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance is provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission may establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals. The Corporation and State Commissions shall widely disseminate information regarding available national service opportunities.

### "SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—A participant in a national service program shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—An individual performing part-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of—

"(A) not less than 1 year nor more than 2 years; or

"(B) not less than 1 year nor more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 may release a participant from completing a term of service in the program—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in a national service program which included post-service benefits, the participant may receive that portion of those benefits that corresponds to the quantity of the term of service actually completed by the individual, except that a participant released for cause may not receive any portion of a post-service benefit.

### "SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 150 percent of the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted.

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) CHOICE BETWEEN BENEFITS.—Individuals receiving benefits or assistance under any Federal, State, or local program financed in whole or in part with Federal funds, at the time of enrollment in a national service program, shall choose between receiving the living allowance under this subsection (which shall be taken into account in determining continued eligibility for such assistance) and other benefits provided to national service participants (in lieu of the Federal, State, or local governmental benefits) or a cash allowance of $250 per month for full-time participation and $125 per month for part-time participation, which shall not be taken into account in determining the need or eligibility of any person for benefits or assistance or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the prevailing minimum wage (which in no event may be less that the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(2) the annual living allowance established by the program.

"(c) PROFESSIONAL CORPS.—With respect to a State or other recipient of assistance under section 121 that desires to place a professional corps member, as described in section 122(a)(8), in a position in a national service program, the allocation of Federal funds described in subsection (a)(2)(A) for the position shall be made under regulations developed by the Corporation which are consistent with those applicable to allocation procedures of professional corps programs determined by the Corporation to be similar (such as the Teacher Corps, the Public Health Service Corps or the Police Corps).

"(d) HEALTH INSURANCE.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in the national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level as demonstrated through documented efforts submitted to the Corporation.

### "SEC. 141. POST-SERVICE STIPENDS.

"(a) PART-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each part-time participant a nontransferable post-service benefit that is equal in value to $750 for each year of service that such participant provides to the program.

"(2) WAIVER.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(b) FULL-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each full-time participant a nontransferable post-service benefit for each year of service that such participant provides to the program, which benefit shall be equal in value to $1,500 for each such year.

"(2) STATE SHARE.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(c) POST-SERVICE BENEFIT.—

"(1) PART-TIME.—A post-service benefit provided under subsection (a) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(2) FULL-TIME.—A post-service benefit provided under subsection (b) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition, room and board, books and fees, and other costs associated with attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Demonstration efforts concerning educational or other post-service benefits.
"Sec. 124. Types of program assistance.
"Sec. 125. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance by competitive and other means.
"Sec. 130. Application for assistance.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. Post-service stipends.".

### SEC. 122. TRANSITION.

With respect to national service programs (as defined in section 101(15) of the National and Community Service Act of 1990) established under the provisions referred to in section 201(a), individuals who become participants in such programs after the date of enactment of this Act shall be eligible to use the post-service benefits to which such participants are eligible under such provisions only for the uses described in section 141(c)(2) of the National and Community Service Act of 1990 (as amended by this Act).

## Subtitle D—Quality and Innovation

### SEC. 131. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is repealed.

(b) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 is amended by inserting after subtitle C (42 U.S.C. 12541 et seq.) the following new subtitle:

## "Subtitle D—Investment for Quality and Innovation

### "SEC. 145. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE AND VOLUNTEER PROGRAMS.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—The Corporation may undertake activities to improve the quality of national service and volunteer programs and to support innovative and model programs, including the provision of training and technical assistance to—

"(1) service sponsors, including community-based agencies, that provide placements of participants and other volunteers, in order to improve the ability of such sponsors and agencies to use participants and other volunteers in a manner that results in high quality service and a positive service experience for the participants and volunteers; and

"(2) individuals, programs, State agencies, State Commissions, local governments, local educational agencies, community-based agencies, and other entities to enable them to apply for funding from the Corporation, to conduct high quality programs, to evaluate such programs, and for other purposes.

### "SEC. 146. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local national service programs or volunteer programs (including service-learning programs);

"(2) conduct research and evaluations;

"(3) provide leadership development and training to appropriate persons;

"(4) facilitate communication among appropriate persons;

"(5) provide information, curriculum materials, and technical assistance to appropriate entities;

"(6) gather and disseminate information;

"(7) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(8) make recommendations to appropriate entities on quality controls to improve the delivery of services; and

"(9) carry out such other activities as the Director determines to be appropriate.".

(c) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following:

"Subtitle D—Investment for Quality and Innovation

"Sec. 145. Additional corporation activities to support national service and volunteer programs.
"Sec. 146. Clearinghouses.".

## Subtitle E—Civilian Community Corps

### SEC. 141. CIVILIAN COMMUNITY CORPS.

(a) REPEAL AND TRANSFER.—

(1) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(2) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(A) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(B) by inserting subtitle E (as redesignated by subparagraph (A) of this paragraph) after subtitle D; and

(C) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, and G".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(I) Section 171 of such Act (42 U.S.C. 12631) is amended in subsections (b) and (c) by striking "subtitles B through E" and inserting "subtitles B through D".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

### Subtitle F—Administration

### SEC. 151. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "this Act".

### SEC. 152. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

### "SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

### SEC. 153. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(b) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee; and

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties. Such a court shall give due deference to the decision of the arbitrator.".

### SEC. 154. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

### SEC. 155. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "this Act"; and

(B) in paragraph (2), to read as follows:

"(2) for purposes of the reports required by subsection (j), the impact of such programs, in each State in which such a program is conducted, on the activities carried out under, and the effectiveness of, the national service and volunteer programs; and"; and

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "this Act";

(B) in paragraph (3), to read as follows:

"(3) encouraging each participant and volunteer to continue involvement in public and community service;"; and

(C) in paragraph (9), to read as follows:

"(9) attracting a greater number of citizens to public service.".

### SEC. 156. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

### "SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

### SEC. 157. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 183, 185, and 186;

(2) by redesignating section 182 as section 171;

(3) by inserting section 171 (as redesignated in paragraph (2) of this subsection) before section 172; and

(4) by redesignating section 184 as section 182.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended—

(1) by striking the item relating to section 171 and inserting the following:

"Sec. 171. Partnerships with schools.";

and

(2) by striking the items relating to sections 182 through 186 of such Act and inserting the following:

"Sec. 182. Drug-free workplace requirements.".

## Subtitle G—Organization

### SEC. 161. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

### "SEC. 178. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C, a State shall maintain a State Commission for National Service and Community Volunteers that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity (including an entity in existence on the date of enactment of this section) to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for representatives described in subsection (c)(1) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 113 and 130.

"(b) APPOINTMENT AND SIZE.—The members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 21 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) RECOMMENDED MEMBERS.—The State Commission for a State may include as voting members representatives from the following categories:

"(A) National service programs, such as a youth corps program described in section 122(a)(2), and a program in which older adults are participants.

"(B) Volunteer programs, such as a Retired Senior Volunteer Program under part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), senior companion program under part C of title II of such Act (42 U.S.C. 5013 et seq.), or service-learning program under subtitle B.

"(C) Local governments in the State.

"(D) Community-based organizations.

"(E) Participants in service programs who are youth.

"(F) Participants in volunteer service programs who are older adults.

"(G) Educators.

"(H) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(I) Businesses and business groups.

"(J) Local labor organizations.

"(2) COMPOSITION.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(3) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint ex officio nonvoting members of the State Commission.

"(4) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—.

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that not more than 50 percent of the voting members of a State Commission, plus one additional member, are from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission shall not receive any additional compensation by reason of service on the State Commission, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparing, submitting to the Corporation, and obtaining approval of, a national service and volunteer strategic plan for the national service programs and volunteer programs to be carried out in the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission considers to be appropriate and as the Corporation may require.

"(2) Preparing, submitting to the Corporation, and obtaining approval of, the applications of the State under sections 113 and 130 for financial assistance.

"(3) Assisting in the provision of health care and child care benefits under section 140 to participate in national service programs that receive assistance under subtitle C in the State.

"(4) Developing a State system for the—

"(A) recruitment of participants and volunteers for, and placement of participants and volunteers in—

"(i) national service programs under this Act in the State, other than activities that receive assistance under section 123; or

"(ii) volunteer programs under this Act in the State; and

"(B) dissemination of information concerning programs that receive assistance under this Act.

"(5) Administering the grant programs in support of—

"(A) national service programs that are conducted by the State using assistance provided to the State under subtitle C; and

"(B) volunteer programs that are conducted by the State using assistance provided to the State under subtitle B, including selection, oversight, and evaluation of grant recipients.

"(6) Developing projects, training methods, curriculum materials, and other materials and activities related to—

"(A) national service programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act; and

"(B) volunteer programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under subtitle C.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service and volunteer activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the duties of the entity do not comply with the requirements of this section or that the use of the alternative administrative entity does not allow individuals described in subsection (c)(1) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. The Corporation shall reject a State Commission or alternative administrative entity if the Commission or entity fails to demonstrate that the Commission or entity has sufficient authority to carry out the duties described in subsection (d). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) REVIEW AND APPROVAL OF STRATEGIC PLANS.—

"(1) REVIEW.—The Corporation shall review and approve strategic plans submitted by State Commissions and alternative administrative entities under this section.

"(2) REJECTION.—The Corporation may reject such a strategic plan if the Corporation determines that the plan does not meet the requirements of this Act, the Domestic Volunteer Service Act of 1973, title XI of the Higher Education Act of 1965, and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970"). If the Corporation rejects such a strategic plan, the Corporation shall promptly notify the State of the reasons for the rejection.

"(3) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the rejected plan. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of such a plan.

"(4) SUBSEQUENT CHANGES.—This subsection shall also apply to any update of such a strategic plan made after approval of the plan.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions for National Service and Community Volunteers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

### SEC. 162. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

### "SEC. 191. CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"There is established a Corporation for National Service and Community Volunteers that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

### "SEC. 192. BOARD OF DIRECTORS.

"(a) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—

"(A) APPOINTMENT.—There shall be in the Corporation a Board of Directors (hereafter referred to in this subtitle as the 'Board') that shall be composed of 9 members, including the Director of the Corporation, appointed by the President with the advice and consent of the Senate.

"(B) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(i) who have extensive experience in volunteer and service programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(2) POLITICAL PARTIES.—Not more than 5 members of the Board shall be from the same political party.

"(3) NOMINATIONS.—Two members of the Board shall be appointed from among individuals nominated jointly by the Speaker and the Minority Leader of the House of Representatives, and 2 of such members shall be appointed from among individuals nominated jointly by the Majority Leader and Minority Leader of the Senate.

"(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 3 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 3 shall serve for a term of 2 years, as designated by the President.

"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

### "SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson from among its membership. The Director shall not be eligible to serve as the chairperson or vice chairperson.

"(b) OTHER OFFICERS.—The Board may elect from among its membership such additional officers for the Board as the Board determines to be appropriate.

"(c) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing. A majority of the appointed members of the Board shall constitute a quorum.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, and payments referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Director regarding, the actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Director of any aspects of the actions of the Director that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national service and volunteer programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national service and volunteer programs that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) carry out any other activities determined to be appropriate by the Director.

"(h) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

### "SEC. 193. DIRECTOR.

"(a) APPOINTMENT.—There shall be in the Corporation a Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Director shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

### "SEC. 193A. AUTHORITIES AND DUTIES OF THE DIRECTOR.

"(a) GENERAL POWERS AND DUTIES.—The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

"(b) DUTIES.—In addition to the duties conferred on the Director under any other provision of this Act, the Director shall—

"(1) prepare and submit to the Board a strategic plan every 5 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, and other financial assistance, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding the regulations established under section 195(a)(3)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the Director; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the Director under any other provision of this Act, the Director may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Director considers necessary or appropriate;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions with or without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Director, upon the recommendation of the Board, shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Director;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196; and

"(10) generally perform functions and take steps consistent with the objectives and provisions of this Act.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Director may delegate any function of the Director under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Director under this subsection or under any other provision of this Act shall relieve such Director of responsibility for the administration of such function.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Director shall survive notwithstanding any change in the person occupying the office of Director or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Director or the Board or property under the control of the Director or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

### "SEC. 194. MANAGEMENT.

"(a) MANAGEMENT.—

"(1) IN GENERAL.—After receiving and reviewing the recommendations of the Board, the Director shall devise a management structure for the Corporation, and shall appoint, in accordance with section 195, such fiscal, legal, administrative, and program personnel as are needed to carry out the responsibilities of the Corporation.

"(2) DIVISIONS.—In establishing the management structure of the Corporation, the Director shall appoint individuals who shall be primarily responsible for—

"(A) the national service programs; and

"(B) (i) volunteer programs that are service-learning programs;

"(ii) volunteer programs that are senior programs; and

"(iii) volunteer programs that are Federal volunteer programs.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed by the Director.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate determined by the Director, which shall not exceed the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(a)(2) of such Act; and

"(ii) the Director shall be considered to be the head of the designated Federal entity, as defined in section 8E(a)(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the Director shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

### "SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Director may appoint and determine the compensation of such employees necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Director shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended by the Director, after receiving and reviewing the recommendations of the Board.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(iv), the Director may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Director, in consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(g)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Director shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Director shall appoint and determine the compensation of employees referred to in paragraph (1) in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) CONSULTANTS.—The Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(c) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

### "SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(2) PROPERTY.—The Corporation may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(3) RULES.—The Director shall establish written rules setting forth the criteria to ensure that the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) DISPOSITION.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.".

(b) RELATIONSHIP TO OTHER NATIONAL SERVICE AND DOMESTIC VOLUNTEER PROGRAMS.—

(1) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) AUTHORITY.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Director of the Corporation for National Service and Community Volunteers.".

(B) RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 et seq.) is amended by inserting after section 404 the following:

**"SEC. 405. RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.**

"In carrying out programs, and in providing assistance to recipients to carry out programs, in a State under this title, the Director shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(2) YOUTH CONSERVATION CORPS ACT OF 1970.—Section 3(a) of Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (6) the following:

"(7) in providing assistance to recipients to carry out programs under this Act in a State, ensure that such programs will be carried out in accordance with—

"(A) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(B) the priorities established under section 122(c) of such Act; and

"(C) such other requirements as the Director of such Corporation may by regulation specify.".

(3) HIGHER EDUCATION ACT OF 1965.—Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following:

### "PART C—COORDINATION

**"SEC. 1161. RELATIONSHIP WITH STATE PLANS.**

"In providing assistance to recipients to carry out programs in a State under this title, the Secretary shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 163(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 163(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National Service and Community Volunteers conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The Director shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to—

(1) employees of the ACTION agency who are not transferred to the Corporation for National Service and Community Volunteers under section 163(c); and

(2) employees of the Department of Agriculture, Department of the Interior, or Department of Education who are separated from such Departments because of the requirements of title II.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service and Community Volunteers.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Director of the Corporation for National Service and Community Volunteers for disposal such surplus property as is recommended by the Director as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Director of a proposed transfer of property for such activities, the Director, through such officers or employees of the Corporation as the Director may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Director shall comply with the requirements of paragraph (1)(C).".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service and Community Volunteers

"Sec. 191. Corporation for National Service and Community Volunteers.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Director.
"Sec. 193A. Authorities and duties of the Director.
"Sec. 194. Management.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

**SEC. 163. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.**

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Section 178(e) of the National and Community Service Act of 1990 (as amended by section 161 of this Act) is amended, and subtitle G of such Act (as amended by section 162 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, section 195(c), and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 162 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National Service and Community Volunteers, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Director" means the Director of the Corporation;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Director is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Director is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

## Subtitle H—Other Activities

### SEC. 171. POINTS OF LIGHT FOUNDATION.

Section 301(b)(3) (42 U.S.C. 12661(b)(3)) is amended by inserting "and make awards to" after "develop".

## Subtitle I—Authorization of Appropriations

### SEC. 181. AUTHORIZATION.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

### "SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIONAL AND COMMUNITY SERVICE.—

"(1) SERVICE-LEARNING.—There are authorized to be appropriated to carry out subtitle B of title I, $30,600,000 for each of fiscal years 1994 and 1995, and such sums as may be necessary for each subsequent fiscal year.

"(2) NATIONAL SERVICE.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitle C of title I (other than sections 123 and 125), $67,900,000 for fiscal year 1994, $136,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(B) DEMONSTRATION EFFORTS.—There are authorized to be appropriated to carry out section 123, $10,000,000 for fiscal year 1994, and $20,000,000 for fiscal year 1995.

"(C) OTHER SPECIAL EFFORTS.—There are authorized to be appropriated to carry out section 125, $10,000,000 for fiscal year 1994, $12,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(3) QUALITY AND INNOVATION ACTIVITIES.—There are authorized to be appropriated to carry out subtitle D, $10,000,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995.

"(4) Administration and Organization.—There are authorized to be appropriated to carry out subtitles F and G, $5,000,000 for fiscal year 1994, $9,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(b) Points of Light Foundation.—There are authorized to be appropriated to carry out title III, $5,000,000 for each of fiscal years 1994 and 1995.".

(b) Extension of Authority To Conduct Civilian Community Corps.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2534) is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993, 1994, and 1995.".

### Subtitle J—General Provisions

### SEC. 191. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

## TITLE II—OTHER SERVICE PROGRAMS

### SEC. 201. REPEALS OF SERVICE PROGRAMS.

(a) In General.—The following provisions are repealed:

(1) Subtitles D and E of title I (as amended by sections 131 and 141 of this Act), and title III, of the National and Community Service Act of 1990.

(2) Parts A, B, and C of title I, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4991 et seq., and 5000 et seq.).

(3) Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

(4) Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970").

(b) Effective Date.—The repeals made by subsection (a) shall take effect 24 months after the amendments made by section 121 take effect.

### SEC. 202. TRANSITION.

(a) Study and Report.—

(1) Study.—The Director of the Corporation for National Service and Community Volunteers (referred to in this title as the "Director") shall, in consultation with the Secretary of Education, the Director of ACTION, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the Director of the Office of Personnel Management, conduct a study to examine—

(A) strategies for carrying out, under subtitle C of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out national service programs, the programs and activities that are being carried out under—

(i) subtitles D and E of title I of the National and Community Service Act of 1990 (as amended by sections 131 and 141 of this Act);

(ii) part A of title I, and, in particular, section 109, of the Domestic Volunteer Service Act of 1973;

(iii) title XI of the Higher Education Act of 1965; and

(iv) Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970"; and

(B) strategies for carrying out, under subtitle B of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out volunteer programs, the programs and activities that are being carried out under—

(i) title III of the National and Community Service Act of 1990; and

(ii) parts B and C of title I, and parts A, B, and C, of title II, of the Domestic Volunteer Service Act of 1973.

(2) Report.—Not later than 21 months after the amendments made by section 121 take effect, the Director of the Corporation for National Service and Community Volunteers shall submit to the appropriate committees of Congress a report containing—

(A) the findings and conclusions of the Director, based on the study described in paragraph (1); and

(B) recommendations for legislative reform to carry out—

(i) the programs and activities specified in paragraph (1)(A) under subtitle C of title I of the National and Community Service Act of 1990; and

(ii) the programs and activities specified in paragraph (1)(B) under subtitle B of such title.

(3) Modification.—Notwithstanding any other provision of this Act and to the extent the Corporation for National Service and Community Volunteers determines it is appropriate and fiscally responsible, the Corporation may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective date provided in section 201(b).

(4) Effect of Recommendations.—Unless the Congress enacts a disapproval resolution under the procedures described in section 203 not later than the date that is 90 days after the submission of the report described in paragraph (2), on such date, the recommendations contained within the report shall have the force of law.

(b) Regulations.—

(1) In general.—The Director shall issue such regulations as are necessary to provide for a transition to the implementation of the programs and activities specified in subsection (a)(1).

(2) Considerations.—In promulgating the regulations described in paragraph (1) the Director shall take into consideration the findings and conclusions of the study described in subsection (a)(1).

### SEC. 203. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) Rules of House of Representatives and Senate.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) Terms of the Resolution.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the Director of the Corporation for National Service and Community Volunteers as submitted by the Director on ____________________", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the Director of the Corporation for National Service and Community Volunteers".

(c) Introduction and Referral.—On the day on which the report describing the action of the Director of the Corporation for National Service and Community Volunteers is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) Amendments Prohibited.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) Period for Committee and Floor Consideration.—

(1) In general.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) Computation of days.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) Floor Consideration in the House of Representatives.—

(1) Motion to proceed.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in

order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPERMAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the Director of the Corporation for National Service and Community Volunteers except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended to read as follows:

### "SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

"(a) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except section 109) $45,800,000 for each of fiscal years 1994 and 1995.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out subsections (c) and (d) of section 109 and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $5,000,000 for each of fiscal years 1994 and 1995.

"(b) STUDENT COMMUNITY SERVICE PROGRAMS.—There are authorized to be appropriated to carry out part B of title I of this Act $2,200,000 for each of fiscal years 1994 and 1995.

"(c) SPECIAL VOLUNTEER PROGRAMS.—

"(1) PROGRAM ACTIVITIES AND DRUG ABUSE PREVENTION ACTIVITIES.—

"(A) PROGRAM ACTIVITIES.—There are authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(B) DRUG ABUSE PREVENTION ACTIVITIES.—In addition to the amounts authorized to be appropriated by subparagraph (A), there are authorized to be appropriated for support of drug abuse prevention such sums for each of the fiscal years 1994 and 1995.

"(C) USE OF FUNDS.—With respect to amounts appropriated for any fiscal year pursuant to subparagraph (B), the Director—

"(i) shall use not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(ii) shall ensure that not more than $500,000 is used for administrative costs of programs carried out under such part.

"(2) LITERACY CHALLENGE GRANTS.—Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there are authorized to be appropriated for Literacy Challenge Grants under section 125 such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(3) LIMITATION.—No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under subsection (d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

"(d) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide 3,400 years of volunteer service in each of fiscal years 1994 and 1995.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A of title I.

"(3) CALCULATION.—

"(A) COSTS OF COMPLIANCE.—In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) ALLOWANCES FOR SUBSISTENCE.—The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1994 and 1995.

"(C) REALLOCATION.—If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.

"(e) LIMITATION.—No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

(b) OLDER AMERICANS VOLUNTEER PROGRAMS.—Section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) is amended to read as follows:

### "SEC. 502. OLDER AMERICANS VOLUNTEER PROGRAMS.

"(a) RETIRED SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out programs under part A of title II of this Act $37,054,000 for each of the fiscal years 1994 and 1995.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out programs under part B of title II of this Act $71,284,000 for each of the fiscal years 1994 and 1995.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II of this Act $32,509,000 for each of the fiscal years 1994 and 1995.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended to read as follows:

### "SEC. 504. ADMINISTRATION.

"For each of the fiscal years 1994 and 1995, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 10 percent of the total amount appropriated under sections 501 and 502 for such year.".

### SEC. 205. CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify the amount of the financial assistance or benefits received by a participant or volunteer for participation or volunteer service in a program or activity carried out under a provision described in section 201(a), as in effect on the day before the date of enactment of this Act.

## TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

### SEC. 301. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers appointed under section 193 of the National and Community Service Act of 1990;".

### SEC. 302. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) Domestic Volunteer Service Act of 1973.—

(1) The table of contents of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Authority to operate University Year for VISTA program.

(2) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(3) Section 103 (42 U.S.C. 4953) is amended—

(A) in subsection (b)—

(i) in paragraphs (2), (5), and (6), by striking "ACTION Agency" each place the term appears and inserting "Corporation"; and

(ii) in paragraph (6), by striking "regional ACTION office" and inserting "regional office of the Corporation"; and

(B) in subsection (c)(1)(D), by striking "ACTION Agency" and inserting "Corporation".

(4) Section 105(b) (42 U.S.C. 4955(b)) is amended in paragraphs (3)(A) and (4) by striking "ACTION Agency" and inserting "Corporation".

(5) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(A) in the part heading, to read as follows: "Part B—University Year for VISTA";

(B) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(C) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(D) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(6) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(8) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking "ACTION Agency" and inserting "Corporation".

(13) Section 421(9) of such Act (as added by section 163 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(14) Section 702(a) (42 U.S.C. 5091a(a)) is amended by striking "of the ACTION Agency".

(15) Section 713(2) (42 U.S.C. 50911(2)) is amended by striking "ACTION agency" and inserting "Corporation".

(b) Inspector General.—

(1) Termination of status as designated federal entity.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) Transfer.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National Service and Community Volunteers, the Office of Inspector General of ACTION; and".

(c) Public Housing Security.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(d) National Forest Volunteers.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(e) Peace Corps.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) Indian Economic Development.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(g) Older Americans.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(h) VISTA Service Extension.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Director of the Corporation for National Service and Community Volunteers".

(i) Aging Resource Specialists.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service and Community Volunteers,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service and Community Volunteers established by section 191 of the National and Community Service Act of 1990.".

(j) Promotion of Photovoltaic Energy.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) Coordinating Council on Juvenile Justice.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(l) Energy Conservation.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) Interagency Council on the Homeless.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Director of the Corporation for National Service and Community Volunteers, or the designee of the Director.".

(n) Anti-Drug Abuse.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers,".

(o) Administration on Children, Youth, and Families.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

### SEC. 303. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National Service and Community Volunteers established under section 191 of the National and Community Service Act of 1990; and

"(9) the term 'Inspector General' means the Inspector General of ACTION.".

### SEC. 304. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) National Defense Authorization Act for Fiscal Year 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service and Community Volunteers".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Director of the Corporation for National Service and Community Volunteers".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "commission on national and community service" and inserting "corporation for national service and community volunteers";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Director of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Director of the Corporation for National Service and Community Volunteers"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service and Community Volunteers.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 141(a)(2)(C) of this Act), 165 (as redesignated in section 141(a)(2)(C) of this Act), and 171(a), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (j) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12631(a), 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (j)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 159(b), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653h(b), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 126351(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Director".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

### SEC. 305. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) DIRECTOR OF THE CORPORATION.—

(1) Section 159(a) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(a)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Director of the Corporation";

(B) by striking "the Board" in the matter preceding the paragraphs and in paragraph (1) and inserting "the Director of the Corporation"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Director of the Corporation".

(3) Section 159(c)(1) (as redesignated in section 141(a)(2)(C) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "Director of the Corporation"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Director of the Corporation".

(4) Section 166 (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653o) is amended—

(A) in paragraph (5), by inserting "except when used as part of the term 'Director of the Corporation'," before "means";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 141(a)(2)(C) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 126531(a)) are amended by striking "Director of Civilian Community Corps" each place the term appears and inserting "Director".

### SEC. 306. EFFECTIVE DATE.

(a) ACTION.—The amendments made by sections 301 and 302 shall take effect on the effective date of section 163(c)(2).

(b) COMMISSION.—The amendments made by sections 303 through 305 will take effect on October 1, 1993.

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## NATIONAL SERVICE AND COMMUNITY VOLUNTEER ACT—SUMMARY OF PRIMARY PROVISIONS

### FEDERAL ORGANIZATIONAL STRUCTURE

The legislation creates a federal administrative entity, the Corporation for National and Community Service (Corporation). The purpose of the Corporation is to serve as the unifying, administrative structure for federal national service and volunteer programs.

The Corporation is governed by a 9-member board of directors, including the director of the Corporation who acts as the chief executive officer for the Corporation.

The remaining 8 members of the board of directors are nominated by the President and Congress (equally divided) to serve in rotating 3-year terms.

The chairman of the board is elected by the members of the Corporation.

The director of the Corporation is nominated by the President with the advice and consent of the Senate; the director of the Corporation cannot serve as the chairman of the board of directors.

The board is responsible for overseeing the operations of the Corporation and providing direction in the development of Corporation policies, procedures, regulations and operations.

The director of the Corporation is responsible for the day-to-day operations of the Corporation, including setting policies, procedures, and regulations.

The Corporation will be responsible for administering a variety of programs, new and existing. There will be two programmatic divisions within the Corporation—National Service and Volunteer Programs.

National service requires a full-time commitment for 1 year of service or part-time for 2 years of service. Participants receive living allowances no less than the current minimum wage, as well as health care and child care benefits when necessary. Upon completion for the service commitment, participants receive stipends. National service participants can re-enroll in the program for up to 2 terms of service (2 years of full-time service, 4 years of part-time service).

Volunteer programs include those which require only part-time participation (can include summer only programs) not to exceed 6-month intervals, with unlimited re-enrollment at the volunteer's request. Participants can receive stipends at or below minimum wage and reimbursement of expenses.

Included under the two divisions of the Corporation will be the following programs. (The one new federal program authorized in this legislation is "national service" under the National Service designation below.)

National Service—Conservation and Youth Service Corps, National Service Demonstration Projects, VISTA, VISTA Literacy Corps, and National Service (new program).

Volunteer Programs—Serve America, Higher Education Innovative Programs, Student Community Service, ACTION Drug Alliance, Retired Senior Volunteer Program, Foster Grandparent Program, Senior Companion Program, Student Literacy Corps, Urban Community Service, Youth Conservation Corps, Points of Light Foundation, and Innovative Projects for Community Service.

Programs not currently administered by federal departments (Interior, Agriculture, Education) will be transferred to the Corporation on October 1, 1993.

Programs currently administered by federal departments will be required to coordinate their efforts with the Corporation, as evidenced by the Corporation's approval of grants prior to funding.

The Corporation, working with the administrators of each of these programs, will have 2 years fully to integrate the programs into a unified national service and a consolidated volunteer program.

At the end of the 2-year transition period, the categorical funding and administration of each of these programs will be transformed into a broader, more comprehensive structure—with one national service program providing equal benefits for participants, and three broad categories of volunteer programs (service learning, senior programs, and federal volunteer programs).

### STATE ORGANIZATIONAL STRUCTURE

The legislation provides broad autonomy for the states to administer federally funded national service and volunteer programs. The strength of community service, in the form of full-time or volunteer service, is the ability of the service to respond to the unique needs of the community in which it is being performed. In order to ensure this responsiveness, the legislation creates State Commissions for National Service and Volunteer Programs (State Commissions), to distribute federal funds for national service and volunteer programs.

Provisions in the legislation permit states to designate a new or existing entity to serve as the State Commission and to determine the appropriate composition and administrative procedures for the Commission—with the approval of the Corporation.

States establish their own priorities for determining the use of the federal grant funds, as part of a strategic plan submitted to the Corporation in applying for the federal funds.

State Commission are responsible for making grants available for local and statewide national service and volunteer programs.

### ALLOCATION OF FUNDS

Existing national service programs will continue to be funded according to any existing formula funding allocations during the 2-year transition period. Volunteer programs will be maintained under existing discretionary funding structures during the period.

Any discretionary and new funding for national service is allocated as follows: 50 percent of the appropriated funds will be distributed to the states based on population, 30 percent of the appropriated funds will be used to make grants to the states on a competitive basis, and 20 percent will be distributed by the Corporation on a competitive basis to local communities, Indian tribes, public and private not-for-profit organizations, educational institutions, and federal agencies. There is a 1 percent set-aside for Indian tribes and territories. This allocation will continue for all national service programs administered by the Corporation after the transition period.

After the 2-year transitional period, funds for federal volunteer programs will be distributed as follows: 75 percent to the states based on population and 25 percent to be distributed to by the Corporation on a competitive basis to states, local communities, Indian tribes, and public and private not-for-profit organizations.

### STIPENDS FOR NATIONAL SERVICE PARTICIPANTS

All of the existing national service type programs provide stipends to participants at the completion of their service commitment. The amount of these "post-service stipends" range from $95 for each month of service (VISTA) to $5,000 yearly. Some of the programs restrict the use of the stipends for educational or other purposes, while others simply pay the stipends in cash.

During the 2-year transition period, existing programs will continue to provide current levels of post-service benefits. However, post-service stipends will be limited to educational purposes for participants in existing national service programs who begin service after the date of enactment of the legislation.

Additional national service programs appropriated during the transition period will provide an educational stipend of $1,500 for each year of full-time participation in national service; $750 for each year of part-time participation.

The educational stipend can be used to pay off educational loans or to pay for additional educational activities.

States or program sponsors can equally match that benefit with funds from non-federal sources.

Funds are authorized for the Corporation to conduct demonstration programs to determine the most reasonable level of post-service stipends for a successful national service program and the most efficient method for providing those benefits.

The authorized levels for post-service stipend demonstrations are $10 million for the first year and $20 million for year 2.

The Corporation will report back to Congress after 18 months with the findings of the demonstrations and recommendations for legislative action.

### LIVING ALLOWANCES AND OTHER ASSISTANCE FOR NATIONAL SERVICE PARTICIPANTS

Participants in existing national service programs funded by the federal government receive a living allowance and reimbursement for some job-related expenses, such as transportation costs. The amount of the living allowance and the types of reimbursable expenses vary from program to program. Often, the amount of the living allowance is expressed in terms related to the VISTA program living allowance—which currently is the federal minimum wage. Some programs provide additional assistance to participants, such as health care insurance and help with child care.

During the 2-year transition period, existing national programs will continue to provide current levels of assistance to participants.

The new national service program created by this legislation provides participants with a living allowance of not less than the prevailing minimum wage, health care benefits, reimbursement for transportation expenses, and where necessary, child care assistance. States and/or program sponsors can use funds from nonfederal sources to increase the living allowance to not more than 200 percent of the prevailing minimum wage.

The federal government will reimburse 85 percent of the costs of the living allowances and other participant "benefits." Living allowances which exceed the minimum wage will be reimbursed at a rate of 85 percent of the actual costs, up to the prevailing minimum wage.

### SERVICE LEARNING PROGRAMS

To instill the value of volunteerism in today's youth, communities, and schools have undertaken programs to involve school-aged children in community volunteer projects. These programs, referred to as service learning, link educational curriculum to the activities undertaken in the volunteer project. Children are provided the opportunity to use information learned in school in a constructive fashion, while meeting the needs of their local community.

The Corporation, in consultation with the Secretary of Education, will make formula and discretionary grants to states for planning and implementing service learning programs.

The State Commissions are responsible for distributing the funds to local educational agencies and community-based organizations.

Ninety percent of the funds for service learning programs will be distributed to the states; 1 percent set aside for Indian tribes and territories.

The state allocations are determined using the following formula: 50 percent of the state formula funds are distributed based on the number of school-aged youth in the state; 50 percent are distributed based on the amount of funds allocated to the state the previous fiscal year under Chapter 1 of Title I of the Elementary and Secondary Schools Act.

The remaining funds are to be distributed by the Corporation on a competitive basis.

### AUTHORIZATION AMOUNTS

The authorization levels for existing programs which are transferred to the Corporation are to remain stable during the transition period. These current fiscal year 1993 (FY93) authorization levels and the FY93 appropriation amounts are:

[In millions of dollars]

| | Authorization | Appropriation |
|---|---|---|
| National Service: | | |
| Conservation and Youth Service Corps | 30.6 | 22.5 |
| National Service Demonstration Projects | 30.6 | 22.5 |
| VISTA | 56.0 | 34.7 |
| VISTA Literacy Corps | 10.5 | 5.0 |
| Civilian Community Corps | 30.0 | 30.0 |
| Totals | 157.7 | 114.7 |
| Domestic Volunteer Services: | | |
| Serve America | 30.6 | 16.2 |
| Higher Education Innovative Programs | w/30.6 | 5.1 |
| Student Community Service | 2.2 | .9 |
| ACTION Drug Alliance | 5.5 | .9 |
| Retired Senior Volunteer Program | 53.1 | 33.7 |
| Foster Grandparent Program | 98.2 | 64.8 |
| Senior Companion Program | 48.7 | 29.5 |
| Student Literacy Corps | 10 | 5.3 |
| Urban Community Service | 20 | 9.4 |
| Youth Conservation Corps | 2–6 | [1] 2.0 |
| Points of Light Foundation | 5 | 5.0 |
| Innovative Projects for Community Service | 5 | 1.4 |
| Totals | 280.3 | 174.2 |

[1] No less than $2 million to be allocated for this program from the budgets of the Departments of Interior and Agriculture.

### ADDITIONAL FUNDING FOR NATIONAL SERVICE PROGRAMS

[In millions of dollars]

| | Year 1 | Year 2 |
|---|---|---|
| National Service Program—Includes: | | |
| Training and Technical Assistance | 10 | 15 |
| Post Service Benefit Demonstrations | 10 | 20 |
| Support for State Commissions | 10 | 12 |
| Administrative Costs (Corporation 5%) | 4.9 | 9.2 |
| Formula and Discretionary Grants | 63 | 126.8 |
| Total | 97.9 | 183 |

At this appropriation level, approximately 5,000 new full-time national service positions will be created in the first year; 10,000 the second year. The existing national service programs combined provide 20,000 full-time national service positions.

**By Mr. BINGAMAN:**

**S.J. Res. 107. A joint resolution to designate the first Monday in October of each year as "Child Health Day"; to the Committee on the Judiciary.**

### CHILD HEALTH DAY

**• Mr. BINGAMAN. Mr. President, I introduce a resolution requesting that the President designate the first Monday in October as Child Health Day. I urge my colleagues to join my effort, and I ask that the full text of the resolution be printed in the RECORD at the conclusion of my remarks.**

During my tenure in U.S. Senate, I have heard from many New Mexicans—and from countless people and organizations around the country—urging my support for particular projects, programs, and ideas. One segment of our society rarely contracts me, however. This group rarely asks for help or asks for attention. It is a young group—a poor group. It is our children.

Yet, of all the special interest groups in the world, our children need and deserve our help the most. And if our children cannot speak, we must speak for them. If they cannot advocate the enactment of legislation or the expansion of a successful program, we must act for them. Too much is at stake—our very future—to ignore their silence. That is why I am introducing this resolution today.

Again, Mr. President, I urge my colleagues to join the American Health Foundation and me in our effort to designate the first Monday in October as Child Health Day. In closing, I want to commend Dr. Ernst Wynder, president of the American Health Foundation, for his tremendous and tireless leadership in this endeavor and for his unfailing commitment to our children and their future.●

By Mr. COATS:

S.J. Res. 108. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

ROMANIA—MOST-FAVORED-NATION JOINT RESOLUTION

● Mr. COATS. Mr. President, the joint resolution I am introducing calls for the House and Senate to approve extending most-favored-nation to Romania. I believe it is time to grant favorable trading status to this nation.

Without MFN, Romania remains consigned to a group of terrorist and totalitarian regimes which includes Iraq, Iran, Libya, and Cuba. With the collapse of the Soviet Union and its control over its Eastern European satellites, Romania was at last free to begin tearing down the corrupt policies of its old regime. Since last year Romania has held democratic elections, made moves to establish a market economy, and lessened government control of the press.

Romania has made strides in democratic pluralism. More than 100 political parties participated in last year's elections. Local elections occurred in February 1992. And in September and October multiparty elections were held for Parliament and the Presidency. Although there were reports initially of election irregularities, the runoff election was deemed generally free and fair by outside observers.

The path of change since 1989 has not been without controversy or difficulty for the people of Romania. Necessary economic reform has not moved quickly. Unemployment and inflation remain high. Foreign investment has been slow to come. Rising costs following price liberalization have further added to the people's problems.

However, it is my belief that granting most-favored-nation will serve to help the people and increase the commitment of the government to pursue reforms, both economic and political. Through MFN, the United States can have a role in encouraging greater reform and the strengthening of democratic institutions. The Romanian people are the beneficiaries of a favorable trade relationship with the United States. They are counting on us to help them make the transition to a vibrant market economy. Granting most-favored-nation will be a step in that direction.

We continue to have some real concerns about the status of human rights in Romania, particularly in regards to the Hungarian people. Likewise Americans are deeply concerned about the reports on the deplorable conditions in orphanages and the bureaucratic delays in the adoption process. The government has recently made efforts to address both of these issues. It has proposed legislation to regulate adoptions. And in March it created a consultative council for national minorities. Granting MFN does not mean we assume that all such issues have been resolved satisfactorily. These are only steps. It is essential that we continue to pursue vigorously decent standards for human rights, encourage speedy resolution to the adoption problems, and pressure the government on other areas on concern.

Mr. President, all the opposition parties in Romania are asking for most-favored-nation status. They view our granting MFN not as an endorsement of the current Romanian Government but as our commitment to help the people of Romania prosper. MFN will show our desire to help improve conditions for the people. I believe it will give Americans the opportunity to influence greater reform in Romania. ●

## ADDITIONAL COSPONSORS

S. 25

At the request of Ms. MOSELEY-BRAUN, her name was withdrawn as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 185

At the request of Mr. GLENN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 265

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

At the request of Mr. SHELBY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 265, supra.

S. 267

At the request of Mr. COCHRAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 267, a bill to amend the Fair Labor Standards Act of 1938 to exempt garment and certain other related employees from minimum wage and maximum hour requirements, and for other purposes.

S. 367

At the request of Mr. AKAKA, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 367, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. AKAKA], the Senator from Kansas [Mr. DOLE], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 561

At the request of Mr. DODD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

### S. 636

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

### S. 666

At the request of Mr. DANFORTH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 666, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the credit for increasing research activities, and for other purposes.

### S. 739

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

### S. 833

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

### S. 834

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

### S. 855

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 855, a bill to authorize the Secretary of the Interior to consolidate the surface and substance estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes.

### S. 971

At the request of Mr. AKAKA, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Wyoming [Mr. WALLOP] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 971, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

### S. 1020

At the request of Mr. WOFFORD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1020, a bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices.

### S. 1037

At the request of Mrs. MURRAY, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

### S. 1045

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1045, a bill to permit States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed.

### S. 1063

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

### S. 1093

At the request of Mr. DURENBERGER, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1093, a bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of a FSC attributable to military property.

### S. 1105

At the request of Mr. COATS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes.

### S. 1111

At the request of Mr. KERRY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Virginia [Mr. ROBB], the Senator from Arkansas [Mr. BUMPERS], the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. LUGAR], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. CRAIG], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1111, supra.

### S. 1115

At the request of Mr. REID, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1115, a bill to amend the Fair Labor Standards Act of 1938 to ensure that minimum wage requirements do not apply to inmates with respect to work done for the incarcerating entity, and for other purposes.

### S. 1125

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

### S. 1147

At the request of Mr. KEMPTHORNE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1147, a bill to prohibit Presidential nominees from performing certain governmental functions, and for other purposes.

### S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mrs. HUTCHISON], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1159, a bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States.

### SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], the Senator from Kentucky [Mr. FORD], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

### SENATE JOINT RESOLUTION 106

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. NUNN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Ohio [Mr. METZENBAUM], the

Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating July 2, 1993, and July 2, 1994, as "National Literacy Day."

### SENATE CONCURRENT RESOLUTION 28

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Indiana [Mr. LUGAR], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes.

### SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

## SENATE RESOLUTION 128—RELATIVE TO THE URUGUAY ROUND OF TRADE NEGOTIATIONS

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. DECONCINI, Mrs. MURRAY, Mr. HARKIN, Mr. JEFFORDS, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Finance:

### S. RES. 128

Whereas copyright-based industries in the United States, such as those engaged in motion picture and television program production, audio recording, publishing, and computer software development, are an increasingly vital component of the United States economy, having contributed 5.8 percent in value added to the United States gross domestic product in 1990 and having grown at over twice the annual rate of the economy as a whole from 1977 to 1990;

Whereas United States producers of copyrighted works, which sell ingenuity and vision, the products of the future, and make the United States the world's largest exporter of creative materials, earned approximately $34,000,000,000 in foreign sales in 1990;

Whereas during the period between 1970 and 1990—(1) employment in copyright-based industries in the United States rose by over 2,500,000 workers, from 3,000,000 to over 5,500,000, and (2) the total employment in such industries rose from 3.3 percent to 4.8 percent of all United States workers;

Whereas some of the largest trading partners of the United States impose market access barriers and offer subsidies to domestic producers, thereby making it more difficult for United States copyright-based industries to compete in foreign markets;

Whereas many nations fail to provide adequate and effective copyright protection, refuse to afford United States copyright owners the same level of protection that is granted to their nationals, or disallow United States contractual rights governing copyrighted works; and

Whereas the ongoing Uruguay Round of trade negotiations under the General Agreement on Tariffs and Trade provides an opportunity to negotiate improved market access, and equality of treatment and protection from theft, for the United States copyright-based industries: Now, therefore, be it

*Resolved*, That the United States Trade Representative should insist that any trade agreement negotiated pursuant to the Uruguay Round to which the United States will be a party provide United States copyright-based industries with—

(1) fair and equal access to the markets of the nations that are party to the General Agreement on Tariffs and Trade;

(2) sufficient opportunities to obtain government funding;

(3) adequate and effective copyright protection, including full national treatment and recognition of contractual rights;

(4) adequate and effective protection against piracy and counterfeiting of copyright materials; and

(5) a mechanism to resolve expeditiously disputes concerning market access, national treatment, and copyright protection.

## SENATE RESOLUTION 129—NATIONAL SLOVAK AMERICAN HERITAGE MONTH

Mr. WOFFORD (for himself and Mr. PELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

### S. RES. 129

Whereas Stefan Parmenius Stitnicky, a Slovak chronologist and author of the poem "De Navigatione", came to the New World as a member of Sir Humphrey Gilbert's expedition in 1583;

Whereas Jan Boda, Stefan Mada, and other Slovaks were among the first settlers of Jamestown, Virginia in 1609;

Whereas Slovak immigrants came to North America in great numbers seeking religious, economic, and political freedom and, since the birth of this Nation, have labored diligently for the betterment of America;

Whereas the history of the Slovak people in the United States reflects a hard-working and honorable presence for over 200 years and includes service in all of the Nation's wars, including the American Revolution;

Whereas Slovak-Americans, who comprise the second largest Slav ethnic group in America, have distinguished themselves by contributing to the development of the sciences, arts, literature, government, military service, athletics, and education in the United States; and

Whereas in 1993 and 1994, Slovak-Americans celebrate the independence of Slovakia and the centennials of Slovak churches, newspapers, and fraternal organizations in the United States and, in doing so, proudly proclaim their pride in being Americans: Now, therefore, be it

*Resolved*, That the months of August 1993 and August 1994 are each designated as "National Slovak American Heritage Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe these months with appropriate ceremonies and activities.

Mr. WOFFORD. Mr. President, today I am submitting a resolution to recognize the millions of Americans of Slovak descent establishing National Slovak American Heritage Month.

This year, as Slovakia sets forth on its new course as an independent nation, it is fitting that we remind ourselves of the contributions that our two nations have made, and continue to make, to each other. For decades, Americans of Slovak descent have made important contributions to this Nation. And in the years since Slovakia moved away from the former Soviet Union to the Independence it enjoys today, many Slovak-Americans have worked selflessly to improve the home of their ancestors.

Immigrants from Slovakia began to arrive in the United States as early as the 18th century seeking religious, economic, and political freedom. The number of Slovaks immigrating to America increased substantially during the late 1800's when many found work in the coal mines and with the railroads where they received as little as $1.50 to $2 a day for their labor. Later generations of Slovak-Americans moved into a myriad of professions where they have distinguished themselves in business, politics, science, athletics, and the arts.

Early Slovak immigrants identified themselves and their culture primarily in terms of their language and religion and in their distinct music, dances, and cuisine. The first generation continued to speak Slovak at home, in the workplace, in schools, and in places of worship. However, as Slovak-Americans have assimilated and become an essential part of the diverse American fabric, they have sacrificed some of their language and cultures. Since 1886, the number of publications produced in Slovak by Slovak-Americans has steadily declined to almost none. As generations pass, more and more of their proud heritage will be lost unless their children learn about Slovak culture from their elders.

By designating the month of August as "National Slovak American History Month," we encourage education, celebration, and understanding of the traditions and culture of people of Slovak descent.

Mr. PELL. Mr. President, as a longtime friend of Slovakia and of the Slovak people, I am pleased to join the distinguished Senator from Pennsylvania in introducing a resolution designating August as "National Slovak American Heritage Month."

As a young foreign service officer, I was proud to serve as the U.S. consul in Bratislava, Slovakia until its closing during the Communist takeover. During my service in Slovakia, I had the opportunity to become acquainted with that wonderful country and its people. To this day, I have great fondness for the Slovaks with whom I met and worked during that period. Some of my Slovak friends, in fact, have moved to the United States, where like thousands of their ancestors, they have made important contributions to our country. Last year, I was very pleased to return to Bratislava to reopen the

U.S. consulate there, and to renew old friendships.

As Slovakia embarks upon a new chapter in its history as an independent nation, I believe it is fitting to celebrate the ties that bind the United States and Slovakia. Great links between our two countries are continually forged by Slovak-Americans. Accordingly, I am pleased to cosponsor a resolution that will call attention to the contributions that Slovak-Americans are making to the United States and to their ancestral home.

## SENATE RESOLUTION 130—RELATIVE TO RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 130

*Resolved*, that paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(1) Strike "20" after "Armed Services" and insert in lieu thereof "22".

(2) Strike "19" after "Foreign Relations" and insert in lieu thereof "20".

Sec. 2. Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, in subparagraph (a) strike "21" after "Small Business" and insert in lieu thereof "22".

## SENATE RESOLUTION 131—RELATIVE TO STANDING COMMITTEES FOR THE 103D CONGRESS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 131

*Resolved*, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Armed Services: Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON.

Committee on Commerce, Science, and Transportation: Mr. DANFORTH, Mr. PACKWOOD, Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mrs. HUTCHISON.

Committee on Foreign Relations: Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BROWN, Mr. JEFFORDS, Mr. COVERDELL, and Mr. GREGG.

Committee on Small Business: Mr. PRESSLER, Mr. WALLOP, Mr. BOND, Mr. BURNS, Mr. MACK, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. BENNETT, Mr. CHAFEE, and Mrs. HUTCHISON.

## NOTICE OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that two hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and National Resources.

The first hearing will take place on Thursday, July 22, 1993, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; and

S. 471, to establish a new area study process for proposed additions to the National Park System, and for other purposes.

The second hearing will take place on Thursday, July 29, 1993, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 150, provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes;

S. 278, To authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes;

S. 492 and H.R. 240, to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; and

S. 845, to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of the their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information concerning the July 22 hearing, please contact David Brooks of the subcommittee staff at (202) 224-8115. For further information concerning the July 29 hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224-8115.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 1, 1993, at 10 a.m. to hold a hearing on the challenges and opportunities for the conduct of monetary policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet for a hearing on July 1, at 9:30 a.m., on the subject: Pentagon Finance Management problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing, to be chaired by Senator WOFFORD, entitled "Making the Future Work: Technology, Workers and the Workplace," during the session of the Senate on Thursday, July 1, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the nomination of Tom Payzant, to be Assistant Secretary for Elementary and Secondary Education at the Department of Education, during the session of the Senate on Thursday, July 1, 1993, at 2:30 pm.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Victor P. Raymond to be Assistant Secretary for Policy and Planning at the Department of Veterans Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 10 a.m. on Thursday, July 1, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEANWATER, FISHERIES AND WILDLIFE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 1, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on toxic pollution prevention and control.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on July 1, 1993, at 10 a.m. on S. 680—toy safety, and S. 799—Bucket Drowning Prevention Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on July 1, 1993, at 2:30 p.m. on redesign of the space station.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## S. 265—ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1993

● Mr. BINGAMAN. Mr. President, I am pleased today to be added as a cosponsor to the S. 265, Senator SHELBY's Economic Growth and Regulatory Paperwork Reduction Act of 1993.

Mr. President, I, like many of my colleagues, believe that we will have no real economic recovery until and unless our bankers are involved. I have therefore become increasingly concerned in talking to bankers in my State about the mounting burden of paperwork requirements, and the lack of uniformity in regulators' requirements. Banks throughout my State seem to be devoting an ever-increasing amount of resources and staff time to complying with regulators' paperwork requirements. I am a firm believer in the intent of safety and soundness requirements, consumer protections, and the Community Reinvestment Act. I feel it is necessary, however, to lend my voice to those who are calling for an examination of compliance requirements for these and other important statutes and regulations.

It is for that reason that I am cosponsoring S. 265. I realize that changes may need to be made in this legislation in response to both the administration's regulation recommendations and legitimate concerns raised by consumer and public interest groups. Nevertheless, I believe that it is important for us to begin a clear, constructive, and inclusive examination of which compliance requirements are necessary to ensure the good of the public interest, and which are not. I believe that Senator SHELBY's legislation will move us along in this process, and I am therefore pleased to be a cosponsor of this bill.●

## BRIAN KNAB, LANGLEY SENIOR CLASS PRESIDENT'S CLOSING AND FAREWELL REMARKS AT COMMENCEMENT SERVICE

● Mr. WARNER. Mr. President, I recently had the honor of delivering the commencement address at Langley High School graduation, which was held at Constitution Hall. Also speaking during the ceremony was the class president, Brian Robert Knab. For the past 3 years, this young man has worked tirelessly in an extraordinary leadership capacity as his class president. In addition, it should be noted that Brian was awarded top academic honors, being named class salutatorian and also receiving the Langley Faculty Award. I would like to share with my colleagues Brian's inspiring speech:

The speech follows:

Good morning . . . .

Class of 1993, after four years, graduation has finally arrived. Before I make my address, I would like to begin on a personal note. Almost four years ago to this day, my older brother David graduated from Langley High School right here at Constitution Hall. I remember sitting in the audience as an eighth grader, as their Class President gave his address to their class. At that moment, I made a promise to myself. I swore that in 4 years, I would be standing up here addressing our class. Thank you for giving me this opportunity to speak this morning. It is both an honor and a dream come true.

When I first began writing this speech, I was plagued by a serious case of writer's block. There were so many things to write about, but I just couldn't find a way to express myself. I first went to my father and asked him what he thought the theme of this address should be. He suggested that I talk about what the future holds for us once we leave Langley High School. I looked at my father, kind of puzzled, and said, "Dad, if I could predict the future, do you think I would still be sitting at Langley High School waiting to graduate?" I don't think so.

I next went to my mother and asked her for her help. She immediately suggested that the theme of this address should be a thank you to mothers. "Let me get this straight Mom. You want me to stand up here for 5 or 10 minutes and praise you the whole time? And she replied in her motherly voice, "That would be wonderful honey." Maybe later Mom.

Next, I went to my little freshman sister Julie and asked her for suggestions. Her only advice to me was to make the address funny—everybody loves to laugh. So I looked at her and said, "Julie, the mere fact that Brady McFalls is up here on stage representing Langley High School is funny enough." Laughing, she replied, "You're right, you don't want to make your speech too funny." Just kidding, Brady.

So, completely bewildered, I began looking through a book of quotations that my mother had given me and I stumbled across this passage, written by General Douglas MacArthur:

"Youth is not a time of life; it is a state of mind; it is not a matter of rosy cheeks and red lips, it is a matter of the will, a quality of the imagination, a vigor of the emotions; it is the freshness of the deep springs of life.

"Whether sixty or sixteen, there is in every human being's heart the love of wonder, the sweet amazement at the stars, and the star-like things, the undaunted challenge of events, the unfailing child-like appetite for what's next, and the joy of the game of living.

"You are as young as your faith in yourself, as old as your doubt. As young as your self-confidence, as old as your fear and as young as your hope."

After reading this passage, I began thinking about youth and what it really means to grow up and become an adult. Although it seems as if everyone is telling us now that we are crossing the threshold to adulthood and leaving behind childhood, I disagree. Graduation from high school does not symbolize our entry into the real adult world, but instead, it symbolizes rejuvenation of our youth and in many ways, a rebirth. As we leave this building today, each and every one of us will be starting life for ourselves. Graduation is such an incredible experience because it represents a rare opportunity to begin all over again. From this day forward, our past mistakes are forgotten, we will be given a chance to make up for missed opportunities, and each of us will be faced with some of the most fantastic adventures of our lives. Just as children, we leave this building today, ready to start all over again.

As we prepare to leave high school behind and enter into a new world, I can't help but compare our current situation to our first day of kindergarten, almost 13 years ago. We have so many days ahead of us, so many new faces to meet, and so many new experiences to encounter. Take advantage of every situation and don't miss this opportunity to start over. Take chances, do the things that make you happy, and when you come back home, have no regrets.

Also remember to cherish the memories, cherish the past, and most importantly, cherish your childhood, or it will leave you. Cherish the lightning bugs, cherish the games of flashlight tag, and as Mary Kate Kelley wrote, cherish those summer nights when you were able to sit on your front steps, watch the world go by, and just think about nothing. By remembering, we will always be able to hold on to our youth.

The most important thing that I can recommend to you now is to keep your family a part of your life. As we leave high school, don't leave mom and dad behind. You will always be that little baby to your mom and dad, so cherish the time you have with your parents, they love you more than you are able to understand. It wasn't until recently when I met Andy Stoppelman's mother that I realized how special we are to our parents. As I listened to Mrs. Stoppelman talk about her relationship with Andy, I could see that each day that our parents have with us is a gift. I beg you, don't ever lose sight of this love and before the end of today, tell Mom and Dad thank you. Today is just as much their graduation as it is ours. To my own mom and dad, thank you, I love you, and I am proud of you.

I would like to end this address with the words to a song by the 10,000 Maniacs. However, before I finish, I would like to thank my teachers, Langley High School, and especially you for the best four years of my life (so far). I couldn't have asked for more.

These are days you'll remember. Never before and never since, I promise, will the whole world be warm as this. And as you feel it, you'll know it's true that you are blessed and lucky. It's true that you are touched by something that will grow and bloom in you.

These are days you might fill with laughter until you break. These days you might feel a shift of light make its way across your face. And when you do, you'll know how it was meant to be. See the signs and know their meaning . . . . Hear the signs and know they're speaking to you.●

## IRAQ, LIBYA, AND PAN AM 103

• Mr. MOYNIHAN. Mr. President, I well remember Saddam Hussein's announcement in late 1990 that he was going to release the American and British hostages he had seized. Naturally all Americans shared an enormous sense of relief. But there was a group of Americans for whom this joy was mingled with sorrow. For whom the pictures of returning hostages also brought to mind painful images of American hostages who were not coming home: the Americans still held hostage in Lebanon. It was the Christmas season and as the friends and family members of Terry Anderson and the other Americans held in Lebanon watched the CNN reports of families reunited, how they must have longed for the return of their loved ones!

Likewise, when I learned of the Baghdad attack I was angered, of course, at the reports of the failed attempt on the life of President Bush, a good and honorable man. But I also thought about a different act of state-sponsored terrorism and of a group of Americans who—unlike President Bush—did not and will never come home—the victims of the bombing of Pan Am flight 103.

Mr. President, when asked to explain the purpose of the recent cruise missile attack on Baghdad, Ambassador Madeleine Albright replied that it was to send the message that the United States will not tolerate state-sponsored terrorism. And when asked about the propriety of using force unilaterally, Ambassador Albright repeated President Clinton's dictum that the United States "will act multilaterally where we can, but unilaterally where we must."

Mr. President, it must be difficult for the family and friends of the Americans who died when Pan Am flight 103 was blasted from the skies over Lockerbie to understand why we have retaliated with such devastating effect against Saddam Hussein while the Libyan agents who planned the Lockerbie bombing are at liberty. Sanctions have been imposed on Libya. They have not worked. More is needed. Much more. An oil embargo should be established at once.

And I would cite, as Ambassador Albright did, the President's dictum: We will act multilaterally where we can, but unilaterally where we must. The United States has the right to act in self-defense. It has tried to act through the United Nations. The Security Council took unprecedented steps. I welcome the effort to work through the Council, to show that it can respond effectively to state-sponsored terrorism. But effective it must be. Else we must act alone. There are further steps that the Council can take. Let it take them. And let us consider the very real possibility that ultimately we will have to act alone.•

## A TRIBUTE TO CATENARY COAL CO.

• Mr. McCONNELL. Mr. President, I rise today to congratulate Catenary Coal Co. of Benham, KY. This outstanding company has recently been presented with an Excellence in Surface Mining Reclamation Award from the U.S. Department of the Interior, Office of Surface Mining.

The Excellence in Surface Mining Reclamation Award gives recognition to companies that produce creative and innovative accomplishments in restoring coal-mined land to its natural state. In addition, this national award encourages those companies to envision and undertake innovative concepts that will allow the land to become productive once again.

Catenary Coal Co. earned this distinct honor for exemplary reclamation of preexisting underground mine refuse. Before Catenary's reclamation operation, the site was a classic example of land abused by past mining. During the 1950's, coal waste was dumped over the slope and allowed to flow into the valley floor below. Today, 2 years after reclamation, revegetation efforts have produced 98 percent ground cover, including grasses, shrubs and trees.

Mr. President, Catenary Coal Co. deserves this highest honor based on their love for the land, solid technical know-how, a strong sense of pride, a respect for the law, and a sincere willingness to work closely with the State regulatory agency to achieve such reclamation.

I'm sure that my colleagues will agree that Catenary Coal Co. has shown that it is among the best of the best. I salute their progress, and wish them added success in the future.•

## CAPTIONVISION

• Mr. HARKIN. Mr. President, a few hours ago, I attended a news conference and a reception with President I. King Jordan at Gallaudet University to celebrate a new law that will forever change the way America sees television. Today, the Television Decoder Circuitry Act goes into effect. And for 24 million Americans who are deaf or hard of hearing, as well as millions of other consumers, life will never be the same.

I was proud to have been joined at Gallaudet by my colleague, Senator McCAIN. I always like to say that this law is one of the best examples of bipartisanship in action. When we introduced this bill together back in 1990, there was a lot of resistance to change by some in the industry. But by working together to smooth out the differences, we were able to pass a law that will not only benefit people with disabilities but is proving to be a boon to the industry as well.

Mr. President, let me start by mentioning another testament to bipartisanship in action, the Americans with Disabilities Act. Twenty-five days from today, America will celebrate the third anniversary of the ADA, which passed the Senate by a vote of 91 to 6. As we have said many times on this floor, the ADA is the most critical piece of legislation ever passed affecting people with disabilities. It provides access to jobs, services provided by State and local government, transportation, and telecommunication.

But it does not address access to television. As we all know, TV is not just game shows and sitcoms anymore. For most Americans, it is the No. 1 source for news and information.

But for millions of Americans who hear with their eyes and speak with their hands, television has been a world where the sound is permanently turned off. This new law will make sure that people who are deaf or hard of hearing can listen to Dan Rather, laugh with Jay Leno, learn from Ted Koppel, cook with Julia Child, and nod off to the Senate on C–SPAN, just like the rest of America.

Starting today, all newly manufactured television sets 13 inches or larger made for sale in the United States will be required to have built-in captioning circuitry. In the past, you could get closed captioning if you bought a decoder device that you'd have to hook up to your TV. But it was expensive and complicated, and many people couldn't afford it. And limited use of the decoder in turn limited the incentives to produce closed-captioning programming.

With this new technology, all you will have to do is touch a button on your remote control, and instantly whatever is being said on the program will appear in print on the bottom of your screen. It is kind of like the subtitles you see at a foreign film. The industry calls this captionvision.

And one of the great things about the American system of free enterprise is that business has already found several new applications for closed captioning.

For instance, if you have ever been in a sports bar or restaurant, you know that it is usually too loud to hear the TV. With closed captioning, you will be able to follow along no matter how loud it gets.

Late at night, sometimes you might want to watch television without waking the person next to you. Closed captioning will allow you to do that, too. And the industry is also finding that several applications of captionvision that it resisted only a few years ago are proving to be lucrative.

During hearings 3 years ago, we suggested that this new technology would be a great teaching device. For example, people who immigrate to America can use these television sets to learn English, and adults can used them to overcome illiteracy.

Above all, we suggested that this law would assist children learning to read.

We shared studies that found that captioning can be an extremely effective classroom tool for helping students with vocabulary, spelling, and reading skills. There was some skepticism in the industry, and we were not sure if they would market captionvision for that purpose.

So you can imagine my surprise and joy when I go over to Gallaudet, and one of the first things I saw there was a promotional ad put together by the Electronic Industries Association that read, "Your Kid's New Reading Tutor Just Arrived." And it had a picture of a television with a magician on the screen, with closed captioning on the bottom that said, "and now the magic words." And the ad went on to explain how captionvision can be a great teaching device.

This is a great change, and I would like to commend the Electronic Industries Association for finding new and innovative ways to benefit all Americans with this new technology.

I have also got to applaud the FCC for getting out the rules in record time. Less than 6 months after enactment of the bill, they had the rules in place. Consumer groups, the captioning services, EIA, and their membership all worked together on this, and it goes to show what teamwork can do.

Mr. President, I think there is an important lesson to be learned in this law, and that is: Business and industry do not have to fear change. They can make change work for them.

One of the great concerns the industry had when we introduced this bill was that this new technology was going to cost a lot of money. Some even suggested that this bill was going to add as much as $20 retail to the cost of every TV set over 13 inches sold in the United States. We said it would be much less, and a few "Lone Rangers" in the industry, like Zenith—as well as a bipartisan majority in Congress—agreed with us.

And I am proud to say that now that all has been said and done, and technology costs have been coming down, the cost to consumers will be either nothing or next to nothing. In fact, not only has captivision become a new marketing tool to sell new television sets, but last year Zenith was the first out of the block to have decoder circuitry in their models. And as a result, the company reported very solid sales. I do not want to exaggerate and say it was because of this legislation, but I think it is fair to say that this bill might have been a factor in promoting increased sales.

When all is said and done, this new law is strictly a win-win situation. People with disabilities will be able to enjoy television just like the rest of us for the first time. Millions of other Americans will be able to enjoy the teaching and learning benefits of captionvision as well. And business and industry is not only helping to educate America, it has a whole new marketing device it can use to boost sales.

Mr. President, this new law proves that we do not have to fear change. It proves that Congress can work together in a bipartisan fashion which helps consumers and benefits America. And it proves that business can find innovative new ways to make laws work for them.

We have made great strides the past few years with closed captioning. More and more stations, programs, and local news shows are using closed captioning now. And now that we have this new technology in place, closed captioning is really going to take off.

Finally, Mr. President, let me just say a word to my brother Frank, who is deaf. Frank, I always promised you that someday, it would be just as easy for you to watch television as it is for me. And today, that day has finally arrived. So we will have to get you one of these new television sets sometime soon. And then, just maybe, we can get to work figuring out how to program that VCR.

Mr. President, I yield the floor.•

## CHILD HUNGER

• Mr. ROCKEFELLER. Mr. President, the latest study from Tufts University's Center on Hunger, Poverty and Nutrition policy on child hunger estimates that 12 million children in America experience hunger. Such news is shocking and sad.

In my home State of West Virginia, over 25 percent of children go hungry, and several other States face even higher percentages. Across the country, nearly 1 in 5 children go hungry. This is a tragedy. It demands attention and deserves action.

Fortunately, we know how to combat hunger in our country. Effective programs like WIC, school lunch and breakfast programs, and food stamps help to provide basic nutrition to children and families every day.

But we must find the political will to set priorities. We need to push forward with President Clinton's complete budget which calls for full funding for WIC and increased food stamps for families in need.

Hunger robs children of opportunities by jeopardizing their health and hindering their education. Research makes clear the relationship between nutrition and cognitive development in children. Hungry children can develop cognitive deficits which may never be made up. Our society bares a long-term social cost if we ignore the needs of children, especially when it comes to the basics of food, nutrition and health care.

As we consider the reconciliation package, our debate should move beyond rhetoric and ratios. We need to set priorities about what money should be spent to meet basic needs and worthwhile long-term investments. We should differentiate between fundamental priorities and what programs should be cut without inflicting pain on the most vulnerable members of our society.

Alleviating child hunger should be a fundamental priority in America.

Mr. President, I would like to insert into the RECORD a statement issued by Tufts University's Center on Hunger, Poverty and Nutrition Policy, and the State-by-State finding of its child hunger study following my remarks.

The statement follows:

### TWELVE MILLION CHILDREN HUNGRY IN U.S.

More than 12 million American children are going hungry, according to a Tufts University study released today. The analysis, based on Census Bureau data for 1991, estimates that 18% of the nation's 66 million children under the age of eighteen experience hunger.

"We now know that a large proportion of the nation's 30 million hungry are children," said Dr. J. Larry Brown, director of the Center on Hunger, Poverty and Nutrition Policy at Tufts University. "For a proud and prosperous country, this is a national disgrace."

Regionally, the South leads the nation in high child hunger rates, particularly Mississippi, Louisiana and New Mexico, while New York and Pennsylvania have the highest rates in the Northeast. But several Midwestern states, Illinois, Ohio and Michigan, are among the ten states with the highest number of hungry children. Moreover, in California and Texas alone, more than 2.5 million children fall victim to hunger.

The study's findings are consistent with data from the Current Population Survey of the U.S. Census Bureau, which show that child poverty itself increased 37% between 1970 and 1991. Some 34 states saw increases in child poverty during that period, with rates in some states increasing 40% to 50%. In April, a Center analysis showed that if current trends continue, 20 million American children will be impoverished by the year 2010.

"The number of hungry children is staggering," Brown noted, "especially because our calculations are conservative. They do not include 1992 and 1993, during which time high unemployment and a stagnant economy have pushed even more families into poverty and hunger."

The study is part of an ongoing series the Center is conducting on domestic hunger and poverty. The child hunger estimates are based on work prepared at the request of a Congressional committee.

ESTIMATED NUMBER OF HUNGRY CHILDREN IN EACH STATE

| | Estimated number of children hungry 1991[1] | Rank order based on number of hungry children (worst=1) | Estimated percent of children hungry 1991[1] |
|---|---|---|---|
| United States | 12,053 | | 18.3 |
| Alaska | 20 | 50 | 11.2 |
| Alabama | 270 | 12 | 24.6 |
| Arkansas | 165 | 26 | 25.6 |
| Arizona | 224 | 17 | 22.2 |
| California | 1,442 | 1 | 18.2 |
| Colorado | 136 | 28 | 15.4 |
| Connecticut | 83 | 35 | 10.6 |
| District of Columbia | 30 | 46 | 25.6 |
| Delaware | 20 | 49 | 12.0 |
| Florida | 552 | 4 | 18.7 |
| Georgia | 363 | 10 | 20.3 |

ESTIMATED NUMBER OF HUNGRY CHILDREN IN EACH STATE—Continued

| | Estimated number of children hungry 1991[1] | Rank order based on number of hungry children (worst=1) | Estimated percent of children hungry 1991[1] |
|---|---|---|---|
| Hawaii | 33 | 43 | 11.4 |
| Iowa | 106 | 33 | 14.3 |
| Idaho | 51 | 38 | 16.2 |
| Illinois | 524 | 5 | 17.2 |
| Indiana | 214 | 18 | 14.2 |
| Kansas | 98 | 34 | 14.2 |
| Kentucky | 248 | 15 | 25.1 |
| Louisiana | 407 | 9 | 31.9 |
| Massachusetts | 185 | 25 | 13.2 |
| Maryland | 134 | 29 | 11.2 |
| Maine | 43 | 40 | 13.5 |
| Michigan | 475 | 7 | 18.6 |
| Minnesota | 154 | 27 | 12.7 |
| Missouri | 242 | 16 | 17.8 |
| Mississippi | 266 | 14 | 34.3 |
| Montana | 47 | 39 | 20.4 |
| North Carolina | 288 | 11 | 17.3 |
| North Dakota | 32 | 45 | 17.3 |
| Nebraska | 62 | 37 | 13.8 |
| New Hampshire | 21 | 47 | 7.2 |
| New Jersey | 211 | 19 | 11.3 |
| New Mexico | 130 | 30 | 28.2 |
| Nevada | 39 | 42 | 13.1 |
| New York | 845 | 3 | 19.2 |
| Ohio | 523 | 6 | 18.0 |
| Oklahoma | 189 | 23 | 21.9 |
| Oregon | 115 | 32 | 15.6 |
| Pennsylvania | 455 | 8 | 15.8 |
| Rhode Island | 32 | 44 | 13.8 |
| South Carolina | 203 | 21 | 21.3 |
| South Dakota | 42 | 41 | 20.6 |
| Tennessee | 267 | 13 | 21.2 |
| Texas | 1,231 | 2 | 24.6 |
| Utah | 82 | 36 | 12.5 |
| Virginia | 207 | 20 | 13.3 |
| Vermont | 17 | 51 | 11.8 |
| Washington | 185 | 24 | 14.3 |
| Wisconsin | 199 | 22 | 14.9 |
| West Virginia | 122 | 31 | 26.5 |
| Wyoming | 20 | 48 | 14.4 |

[1] All children below age 18 years.•

## NOMINATION OF DR. MORTON H. HALPERIN

• Mr. BOREN. Mr. President, I understand that the Senate will shortly be receiving from President Clinton the nomination of Dr. Morton H. Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping. I welcome this impending nomination, I hope and expect that Dr. Halperin will be swiftly confirmed by the Senate, and look forward to working with him.

Dr. Halperin, a former Defense Department and National Security Council official, is currently a senior associate at the Carnegie Endowment for International Peace. As many of my colleagues know, Dr. Halperin was for many years an official of the American Civil Liberties Union responsible for their work on issues at the intersection between national security and civil liberties.

In that capacity, Dr. Halperin worked closely with the Senate Intelligence Committee, which I chaired from 1987 through the beginning of this year. During my period as chairman, our committee and staff were in regular contact with Dr. Halperin and his colleagues. We found that he brought to the issues a determination to solve difficult problems in a nonideological manner that reflected commitments not only to the defense of individual liberty but also the requirements of national security.

Over the years, Dr. Halperin has worked with the intelligence oversight committees and with Republican and Democratic administrations in support of critical intelligence legislation including the Foreign Intelligence Surveillance Act, the Classified Information Procedures Act, the Central Intelligence Agency Information Act, and the Intelligence Oversight Act. In each of these cases, with the active involvement of Dr. Halperin, legislation was crafted which had the support of both the intelligence agencies and champions of individuals' rights. He gained not only my respect and that of other committee members, but also the respect of many executive branch officials with responsibility for intelligence law and policy.

Dr. Halperin is a graduate of Columbia College and Yale University. He has taught at both of those institutions, as well as at Harvard, MIT, and the George Washington University.

Dr. Halperin is a person of strong integrity as well as intellect. I believe he would bring to the post of Assistant Secretary for Democracy and Peacekeeping these qualities as well as a commitment to look in an open-minded way for fresh solutions to defense policy issues.•

## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Dr. Robert McArthur, a member of the staff of Senator COCHRAN, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from May 31–June 3, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Dr. McArthur in this program.

The select committee received notification under rule 35 for Laurie Schultz Heim, a member of the staff of Senator JEFFORDS, to participate in a program in Russia, sponsored by the American Foreign Policy Council and the Russian Parliament, from May 21–June 13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Heim in this program.

The select committee received notification under rule 35 for Senator PELL and staff members Janice Demers and Richard Kessler; Senator LEVIN and staff member Rick Fieldhouse; and Senator BOREN and staff members Zachariah Messittee, Christopher Straub and Dan Webber, to participate in a program in China sponsored by the Chinese Government during December 1992.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senators PELL, LEVIN, BOREN, and staff members Janice Demers, Richard Kessler, Zachariah Messittee, Christopher Straub, and Dan Webber in this program.

The select committee received notification under rule 35 for Lee Arrowood, a member of the staff of Senator WALLOP, to participate in a program in Germany sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Arrowood in this program.

The select committee received notification under rule 35 for Mira Baratta, a member of the staff of Senator DOLE, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Baratta in this program.

The select committee received notification under rule 35 for Jim Jatras, a member of the staff of Senator NICKLES, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Jatras in this program.

The select committee received notification under rule 35 for Doug Badger, a member of the staff of Senator NICKLES, to participate in a program in France, sponsored by the Franco-American Foundation and the German Marshall Fund of the United States, from July 3–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Badger in this program.•

## NETWORK AGREEMENT ON TELEVISION VIOLENCE

• Mr. DURENBERGER. Mr. President, nearly 40 years after Congress held its first hearing on television violence—and 20 years after the U.S. Surgeon General issued a report warning of the impact that television violence has on our society—the four major television networks have finally acknowledged that TV does affect viewers, especially children.

That recognition, in and of itself, was truly historic.

I am especially pleased that the networks have voluntarily adopted, as the vehicle for this agreement, an approach which I outlined earlier this year.

I would like to acknowledge at this point the key contribution of Mark Olson, the young Minnesota State legislator who originally brought this issue to my attention. Mark engineered passage of a bipartisan resolution in the Minnesota House of Representatives calling on Congress to pass my legislation called the Children's Television Violence Protection Act.

As provided in that bill, the networks have agreed to place warning labels on certain programs to help alert parents and safeguard children from televised violence.

But as I have said, repeatedly, warning labels alone are not enough to stem the rising tide of TV violence. True progress would mean a voluntary reduction in violence by both the cable and broadcast industries.

So while I am encouraged by this agreement, I am hopeful that we will see even bolder action by the networks, Hollywood, and the cable industry at the upcoming industrywide conference on TV violence this August. With studies now showing that a typical child watches 8,000 murders and 100,000 acts of violence before finishing elementary school, I think we all agree that this problem is just too serious to bandage over.

Let's be clear. The networks' action yesterday was not enough. There are serious flaws in this type of voluntary system.

NO UNIFORMITY

The networks' standards and practices departments will be determining which programs should carry warning labels and which shows should not. Parents will not have a clear, reliable, uniform standard as to what shows are considered violent.

Neither the cable industry nor independent television stations are covered by yesterday's agreement. If you have cable TV in your house, you know what I'm talking about. You may have 50 or 60 channels coming into your home. But yesterday's agreement covers programs on only four of those channels. That means there is no warning on 95 percent of the stations. Extending this system to cable and independents is crucial, because the proliferation of violence is due in large part to cable TV.

I should mention that Ted Turner has acknowledged televised violence's effect on our children, and has been one clear voice in the industry admitting that something needs to be done. But in the cable industry, his is a lonely voice of sensitivity and responsibility.

My intent in introducing the Children's Television Violence Protection Act was to push the television industry, the cable industry, and Hollywood to do more than just place warning labels on violent programming. It was to convince them that legislative action would be taken if they did not actually reduce the amount of violence on TV, and to make efforts to portray violence in a less gratuitous manner.

The intent of my bill was to say to the TV industry: We won't let you continue to bombard our children with senseless violence.

So if yesterday's action was intended to stave off congressional action, I am here to tell you that it has not pacified this Senator. I will continue to push for passage of the Children's Television Violence Protection Act, and to support the continued efforts of others in this body—including Senator SIMON, Senator CONRAD, and Senator DORGAN—to reduce TV violence.

I have never said that TV violence is the only cause of violence in society. But over 40 years of evidence now shows, as the networks themselves have acknowledged, that TV violence does affect our children. It has contributed, and continues to contribute, to the real violence in American society.

Finally, I want to say to my colleagues that they should not be ashamed or afraid to stand up to TV violence. Nor should they be deterred by television industry executives who wrap themselves in the cloak of the first amendment while they continue to assault our children with gratuitous violence.

The CTVPA is fully consistent with the first amendment. And if it is good enough for some of the television industry, it should be good enough for all. So I want to urge my colleagues to join me and Senator CONRAD, and Senator THURMOND, and Senator DOMENICI in cosponsoring the CTVPA, and standing up to TV violence.●

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## S. 1182—ARMS CONTROL AND NONPROLIFERATION ACT OF 1993

● Mr. SIMON. Mr. President, yesterday, Senator PELL and I introduced S. 1182, a bill to strengthen the Arms Control and Disarmament Agency. I request that S. 1182 be printed in full in the CONGRESSIONAL RECORD.

The text of S. 1182 follows:

S. 1182

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Arms Control and Nonproliferation Act of 1993".

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Arms Control and Disarmament Act.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.
Sec. 2. Congressional declarations; purpose.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Repeals.
Sec. 6. Director.
Sec. 7. Bureaus, offices, and divisions.
Sec. 8. Presidential special representatives.
Sec. 9. Policy formulation.
Sec. 10. Negotiation management.
Sec. 11. Report on measures to coordinate research and development.
Sec. 12. Negotiating records.
Sec. 13. Verification of compliance.
Sec. 14. Role of ACDA with respect to dual-use exports.
Sec. 15. Authorities with respect to nonproliferation matters.
Sec. 16. Appointment and compensation of personnel.
Sec. 17. Security requirements.
Sec. 18. Annual report to Congress; authorization of appropriations.

**SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.**

(a) CONGRESSIONAL DECLARATIONS.—The Congress declares that—

(1) a fundamental goal of the United States, particularly in the wake of the highly turbulent and uncertain international situation fostered by the end of the Cold War, the disintegration of the Soviet Union and the resulting emergence of fifteen new independent states, and the revolutionary changes in the Eastern Europe, is to reduce and control the large numbers of nuclear and chemical weapons in the former Soviet Union and, more generally, to prevent the proliferation of weapons of mass destruction and of high-technology conventional armaments as well as to prevent regional conflicts and conventional arms races; and

(2) an ultimate goal of the United States continues to be a world in which the use of force is subordinated to the rule of law and international change is achieved peacefully without the danger and burden of destabilizing and costly armaments.

(b) PURPOSE.—The purpose of this Act is—

(1) to strengthen the United States Arms Control and Disarmament Agency; and

(2) to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of the United States Arms Control and Disarmament Agency.

**SEC. 3. PURPOSES.**

Section 2 (22 U.S.C. 2551) is amended in the text following the third undesignated paragraph by striking paragraphs (a), (b), (c), and (d) and by inserting the following new paragraphs:

"(1) The formulation, conduct, support, and coordination of United States arms control policy, negotiations, and implementation fora.

"(2) The formulation, conduct, support, and coordination of United States nonproliferation policy, negotiations, and implementation fora.

"(3) The conduct, support, and coordination of research for arms control and nonproliferation policy.

"(4) The preparation for, operation of, support for, and direction of the United States support for or participation in such verification or control systems as may be required by arms control or nonproliferation agreements or such verification or control systems that may otherwise become part of United States arms control or nonproliferation activities.

"(5) The dissemination and coordination of public information concerning arms control and nonproliferation.".

**SEC. 4. DEFINITIONS.**

Section 3 (22 U.S.C. 2552) is amended to read as follows:

"DEFINITIONS

"SEC. 3. As used in this Act—

"(1) the term 'Agency' means the United States Arms Control and Disarmament Agency;

"(2) the term 'agreement' means any bilateral or multilateral legally-binding international agreement, political agreement or understanding, or cooperative security arrangement, such as a confidence- and security-building measure;

"(3) the term 'arms control' means the limitation, reduction, elimination, or verification (including on-site inspection) of armed forces or armaments of all types by agreement and includes all matters relating to disarmament;

"(4) the term 'Government agency' means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government; and

"(5) the term 'nonproliferation' means any agreement, program, policy, or action to prevent, impede, limit, or discourage nations or subnational groups from acquiring, developing, testing, producing, or exporting weapons of mass destruction and their delivery systems, or advanced conventional weapons or advanced military capabilities, as well as any agreement, program, policy, or action to induce nations or subnational groups not to retain such weapons, capabilities, or delivery systems.".

### SEC. 5. REPEALS.

The following provisions of law are hereby repealed:

(1) Section 26 (22 U.S.C. 2566), relating to the General Advisory Committee.

(2) Section 36 (22 U.S.C. 2578), relating to arms control impact information and analysis.

(3) Section 38 (22 U.S.C. 2578), relating to reports on Standing Consultative Commission activities.

(4) Section 52 (22 U.S.C. 2592), relating to reports on adherence to and compliance with agreements.

(5) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (22 U.S.C. 2592b), relating to an annual report on arms control strategy.

(6) Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), relating to an annual report on Soviet compliance with arms control commitments.

### SEC. 6. DIRECTOR.

Section 22 (22 U.S.C. 2562) is amended to read as follows:

"DIRECTOR

"SEC. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

"(b) DUTIES.—(1) The Director shall serve as the principal adviser to the President and other executive branch Government officials on matters relating to arms control and nonproliferation. In carrying out his duties under this Act, the Director shall have primary responsibility within the Government for matters relating to arms control and nonproliferation.

"(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control and nonproliferation matters.

"(3) The Director shall carry out his duties under the direction of the President and subject to the foreign policy guidance of the Secretary of State.".

### SEC. 7. BUREAUS, OFFICES, AND DIVISIONS.

Section 25 (22 U.S.C. 2565) is amended to read as follows:

### "SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.

"The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this Act, including a bureau of intelligence and information support and an office to perform legal services for the Agency.".

### SEC. 8. PRESIDENTIAL SPECIAL REPRESENTATIVES.

(a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are redesignated as sections 26 and 27, respectively.

(b) Section 26 (as redesignated by subsection (a)) is amended to read as follows:

"PRESIDENTIAL SPECIAL REPRESENTATIVES

"SEC. 26. The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control and Nonproliferation. Each Presidential Special Representative shall hold the personal rank of ambassador. Presidential Special Representatives shall perform their duties and exercise their powers under direction of the President, acting through the Director. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.".

### SEC. 9. POLICY FORMULATION.

Section 33 (22 U.S.C. 2573) is amended to read as follows:

"POLICY FORMULATION

"SEC. 33. (a) FORMULATION.—The Director shall prepare for the President, and the heads of such other Government agencies as the President may determine, recommendations and guidance concerning United States arms control and nonproliferation policy.

"(b) PROHIBITION.—No action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.".

### SEC. 10. NEGOTIATION MANAGEMENT.

Section 34 (22 U.S.C. 2574) is amended to read as follows:

"NEGOTIATION MANAGEMENT

"SEC. 34. The Director, under the direction of the President, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the fields of arms control and nonproliferation. In furtherance of this responsibility—

"(1) the Director shall have primary responsibility for the preparation, formulation, support, coordination, and transmission of instructions and guidance for all such negotiations and fora, and shall manage interagency groups established within the executive branch of Government to support such negotiations and fora;

"(2) all United States Government representatives, whether or not Special Representatives under section 26, who are conducting negotiations or acting pursuant to agreements in the fields of arms control or nonproliferation shall perform their duties and exercise their powers, under the direction of the President, acting through the Director; and

"(3) Special Representatives of the President for Nonproliferation, established pursuant to section 26, shall, acting under the direction of the President and through the Director, serve as the United States Government representatives to international organizations relating to the field of nonproliferation, including the International Atomic Energy Agency, the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group with respect to chemical weapons, as well as perform other duties and exercise other powers as the President or Director may prescribe.".

### SEC. 11. REPORT ON MEASURES TO COORDINATE RESEARCH AND DEVELOPMENT.

Not later than March 31, 1994, the President shall submit to the Congress a report prepared by the Director of the United States Arms Control and Disarmament Agency, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence with respect to the procedures established pursuant to section 35 of the Arms Control and Disarmament Act (22 U.S.C. 2575) for the effective coordination of research and development on arms control and disarmament among all departments and agencies of the executive branch of Government.

### SEC. 12. NEGOTIATING RECORDS.

(a) IN GENERAL.—The Arms Control and Disarmament Act is amended by inserting after section 35 the following:

"NEGOTIATING RECORDS

"SEC. 36. (a) PREPARATION OF RECORDS.—The Director shall establish a permanent unit within the Agency that shall be responsible for organizing and maintaining a negotiating and implementation record for each arms control or nonproliferation agreement to which the United States is a participating state and which was under negotiation or in force on or after January 1, 1990.

"(b) CONTENTS OF RECORDS.—Each such negotiating and implementation record shall be comprehensive and detailed, and shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence. Such records shall be maintained both in hard copy and magnetic media. In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control and nonproliferation agreements.".

(b) REPORT REQUIRED.—Not later than January 31, 1994, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a detailed report describing the actions he has undertaken to implement section 36 of the Arms Control and Disarmament Act.

### SEC. 13. VERIFICATION OF COMPLIANCE.

Section 37 (22 U.S.C. 2577) is amended to read as follows:

"VERIFICATION OF COMPLIANCE

"SEC. 37. (a) IN GENERAL.—In order to ensure that arms control and nonproliferation agreements can be adequately verified, the Director shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

"(1) in the case of any arms control or nonproliferation agreement or treaty that has been concluded by the United States, the determination of the Director as to the degree to which the components of such agreement or treaty can be verified;

"(2) in the case of any arms control or nonproliferation agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement or treaty; and

"(3) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control and nonproliferation verification.

"(b) STANDARD FOR VERIFICATION OF COMPLIANCE.—In making determinations under paragraphs (1) and (2) of subsection (a), the Director shall assume all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

"(c) RULE OF CONSTRUCTION.—Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control or nonproliferation agreements.

"(d) PARTICIPATION OF THE DIRECTOR.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control and nonproliferation agreements, and in order for the Director to make the assessment required by section 51(a)(6), the Director shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that affect or could affect United States adherence to obligations undertaken in arms control or nonproliferation agreements.".

**SEC. 14. ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS.**

Title III of the Arms Control and Disarmament Act is amended—

(1) by redesignating section 39 as section 38; and

(2) by adding at the end the following new section:

"ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS

"SEC. 39. (a) EXPORT CONTROLS ON NATIONAL SECURITY GROUNDS.—The Director, the Secretary of Defense, and the heads of the other appropriate departments and agencies shall identify goods and technologies for inclusion on the national security control list established pursuant to section 5(c)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(1)). No item shall be added to, or removed from, such list without the concurrence of the Director, the Secretary of Defense, and the Secretary of Commerce. If the Director, the Secretary of Defense, and the Secretary of Commerce are unable to concur, the matter shall be referred to the President for resolution.

"(b) REVIEW.—The Director shall have the right to review any export license application relating to section 5 of such Act if the Director requests such review. No application that the Director has requested to review shall be granted or denied without the concurrence of the Director. If concurrence is unable to be reached, the matter shall be referred to the President for resolution.

"(c) INTERNATIONAL NEGOTIATIONS.—The Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and the heads of other appropriate departments and agencies shall be responsible for conducting negotiations with other countries regarding their cooperation in restricting the export of goods and technology, including negotiations with respect to which goods and technology should be subject to mutually agreed export restrictions and what conditions should apply for exceptions from those restrictions.

"(d) EXPORT CONTROLS ON FOREIGN POLICY GROUNDS.—The Director, the Secretary of State, and the Secretary of Commerce shall identify goods and technologies for inclusion on the foreign policy control list established pursuant to section 6 of such Act (50 U.S.C. App. 2403(b)). No item shall be added to, or removed from, such list without the concurrence of the Director, Secretary of State, and the Secretary of Commerce. If the Director, Secretary of State, and the Secretary of Commerce are unable to concur, the matter shall be referred to the President for resolution.

"(e) REVIEW.—The Director shall have the right to review any export license application relating to section 6 of such Act that the Director requests to review. No application that the Director has requested to review shall be granted or denied without the concurrence of the Director. If concurrence is unable to be reached, the matter shall be referred to the President for resolution.

"(f) INFORMATION FROM THE DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall furnish to the Agency all information with respect to the foreign availability of any goods or technology subject to export controls pursuant to such Act. Such transfer of information shall be accomplished in a timely manner by electronic means at the expense of the Agency.

"(g) PROHIBITION ON DELEGATION OR TRANSFER OF POWERS.—The President may not delegate or transfer his power, authority, or discretion to overrule or modify any recommendation or decision made by the Secretary of Commerce, the Director, the Secretary of Defense, or the Secretary of State pursuant to the provisions of such Act.

"(h) SUPERSEDING EXISTING LAW.—The provisions of this subsection supersede the provisions of the Export Administration Act of 1979, and any regulation, rule, or order issued thereunder, to the extent that those provisions are inconsistent.".

**SEC. 15. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.**

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made only with the concurrence of the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article would contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended—

(A) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by inserting "(1)" immediately after "(a)"; and

(C) by amending clause (C) to read as follows:

"(C) the assessment of the Director of the United States Arms Control and Disarmament Agency as to whether, and the extent to which, such sale might contribute to an arms race, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements;"; and

(D) by adding at the end the following:

"(2) Any proposed sale made pursuant to this Act shall be approved only with the concurrence of the Director of the United States Arms Control and Disarmament Agency.".

(3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is amended by inserting "and the Director of the Arms Control and Disarmament Agency jointly" after "The Secretary of State".

(4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1)) is amended by striking "A determination of the Secretary of State" and inserting "A joint determination of the Secretary of State and the Director of the United States Arms Control and Disarmament Agency".

(5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of State".

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by striking "The Secretary of State shall" and inserting "The Secretary of State and the Director of the Arms Control and Disarmament Agency shall jointly".

(7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "The Secretary of State".

(b) AMENDMENTS TO THE ATOMIC ENERGY ACT.—(1) Section 51 of the Atomic Energy Act of 1954 (42 U.S.C. 2071) is amended by adding at the end thereof the following new sentence: "For purposes of this section, any determination that other material is special nuclear material shall be made only with the concurrence of the Director of the Arms Control and Disarmament Agency.".

(2) Section 57 b. of such Act (42 U.S.C. 2077(b)) is amended by striking "and after consultation with the Arms Control and Disarmament Agency," and inserting "and the Director of the United States Arms Control and Disarmament Agency and after consultation with".

(3) Section 109 a. of such Act (42 U.S.C. 2139(a)) is amended by inserting "with the concurrence of the Director of the Arms Control and Disarmament Agency," after "if the Commission".

(4) Section 109 b. of such Act (42 U.S.C. 2139(b)) is amended in the first sentence by inserting ", with the concurrence of the Director of the United States Arms Control and Disarmament Agency" after "Commission".

(5) Section 111 b.(1) of such Act (42 U.S.C 2141(b)(1)) is amended by striking "and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "and the Director of the United States Arms Control and Disarmament Agency and has consulted with the Nuclear Regulatory Commission".

(6) Section 123 a. of such Act (42 U.S.C. 2153(a)) is amended in the undesignated paragraph following paragraph (9)—

(A) in the second sentence, by striking out "negotiated by the Secretary of State" and inserting "negotiated by the Director of the United States Arms Control and Disarmament Agency";

(B) in the second sentence, by striking out "shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State," and inserting "shall be submitted to the President jointly by the Director of the United States Arms Control and Disarmament Agency, the Secretary of State, and the Secretary of Energy accompanied by the views and recommendations of the Director of the United States Arms Control and Disarmament Agency, the Secretary of State,";

(C) in the third sentence, by inserting "jointly" after "any proposed agreement for cooperation shall be";

(D) in the third sentence, by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "by the Secretary of Energy"; and

(E) in the third sentence, by inserting "and the Director of the United States Arms Control and Disarmament Agency" after ", by the Secretary of Defense".

(7) Section 126 a.(1) of such Act (42 U.S.C. 2155(a)(1)) is amended by inserting ", with the concurrence of the Director of the United States Arms Control and Disarmament Agency," after "the Commission has been notified by the Secretary of State".

(8) Section 131 a.(1) of such Act (42 U.S.C. 2160(a)(1)) is amended—

(A) in the first sentence, by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "the Secretary of Energy shall obtain the concurrence of"; and

(B) in the proviso, by striking "the Secretary of State" and inserting "the Director of the United States Arms Control and Disarmament Agency".

(9) Section 131 b.(2) of such Act (42 U.S.C. 2160(b)(2)) is amended by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "unless in his judgment, and that of".

(10) Section 131 b.(3) of such Act (42 U.S.C. 2160(b)(3)) is amended by inserting "the Director of the United States Arms Control and Disarmament Agency and" after "to those which in this view, and that of".

(11) Section 142 of such Act (42 U.S.C. 2162) is amended by adding at the end thereof the following new subsection:

"(g) All determinations under this section to remove data from the Restricted Data category shall be made only after consultation with, and upon the concurrence of, the Director of the United States Arms Control and Disarmament Agency.".

### SEC. 16. APPOINTMENT AND COMPENSATION OF PERSONNEL.

Section 41(b) (22 U.S.C. 2581(b)) is amended by striking all that follows "General Schedule pay rates," and inserting in lieu thereof "except that—

"(1) the Director may, to the extent the Director determines necessary, appoint in the excepted service, and fix the compensation of, employees possessing specialized technical expertise without regard to provisions of title 5, United States Code, governing appointment or compensation of employees of the United States,

"(2) an employee who is appointed under this provision may not be paid a salary in excess of the rate payable for positions of equivalent difficulty or responsibility, and in no event, may be paid at a rate exceeding the maximum rate in effect for level 15 of the General Schedule, and

"(3) the number of employees appointed under this paragraph shall not exceed ten percent of the number of positions allowed under the Agency's full-time equivalent limitation.".

### SEC. 17. SECURITY REQUIREMENTS.

Section 45(a) (22 U.S.C. 2585) is amended in the third sentence—

(1) by inserting "or employed directly from other Government agencies" after "persons detailed from other Government agencies"; and

(2) by striking "by the Department of Defense or the Department of State" and inserting "by such agencies".

### SEC. 18. ANNUAL REPORT TO CONGRESS; AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Title IV of the Arms Control and Disarmament Act is amended—

(1) by striking sections 49 and 50;

(2) by redesignating sections 51 and 53 as sections 49 and 50, respectively;

(3) by inserting after section 50 (as redesignated by paragraph (2)) the following new sections:

"ANNUAL REPORT TO CONGRESS

"Sec. 51. (a) In General.—Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and Director of Central Intelligence, on the status of United States policy and actions with respect to arms control and nonproliferation. Such report shall include—

"(1) a detailed statement concerning the arms control objectives of the executive branch of Government for the forthcoming year;

"(2) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;

"(3) a detailed assessment of the status of any ongoing arms control negotiations, including a comprehensive description of negotiations during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(4) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(5) a detailed assessment of adherence of the United States to obligations undertaken in arms control and nonproliferation agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken; and

"(6) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control and nonproliferation agreements to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control or nonproliferation agreements, and shall include, in the case of each agreement about which compliance questions exist—

"(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

"(B) an assessment of damage, if any, to the United States security and other interests; and

"(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) Classification of the Report.—The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 52. (a) Authorization of Appropriations.—To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $62,500,000 for fiscal year 1994 and $64,375,000 for fiscal year 1995; and

"(2) such additional amounts as may be necessary for each fiscal year for which an authorization of appropriations is provided for in paragraph (1) of this subsection for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

"(b) Transfer of Funds.—Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with the authorities of this Act or in accordance with the authorities governing the activities of the agencies to which such funds are allocated or transferred.

"(c) Limitation.—Not more than 12 percent of any appropriation made pursuant to this Act shall be obligated or reserved during the last month of the fiscal year.".

(b) Effective Date.—So much of the amendment made by subsection (a) as inserts section 52 of the Arms Control and Disarmament Act shall take effect on October 1, 1993.•

## COAST GUARD YARD AT CURTIS BAY, MD

**• Ms. MIKULSKI. Mr. President, I would like to recognize the dedicated workers of the Coast Guard Yard at Curtis Bay, MD, as the recipients of the inaugural Coast Guard Commandant's Quality Award. These hard working men and women prevailed over 15 other Coast Guard facilities in a nationwide competition. The yard at Curtis Bay was selected for this honor because of placing first in four of the seven evaluation criteria: leadership, quality assurance, customer focus, and quality results. As a result of winning this award the yard has been nominated by Commandant Kime as the Coast Guard's entry in the 1994 Department of Transportation Secretary's Annual Quality Award and the President's Council on Management Improvement Awards.**

**Unfortunately, the yard has been targeted this year for unmerited budget**

cuts by the House Appropriations Committee. As a member of the Senate Appropriations Committee, I will continue working to reverse this decision. The Coast Guard Yard at Curtis Bay provides outstanding service at reasonable cost. That is what the taxpayers expect of their Government and that is what the skilled workers at the yard provide. I hope the Senate will join me in recognizing the excellent work done at the Coast Guard Yard—in our appropriations as well as our words.•

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## REGARDING THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

• Mr. **BOREN**. Mr. President, for the interest of my colleagues and interested members of the public, I want to provide a report on the activities of the Joint Committee on the Organization of Congress.

Today we held the last in our scheduled public hearings on Congress, its structure and operations, and possible reforms. Since January, we have held 36 days of hearings and heard from 243 witnesses over 114 hours of testimony. Of those witnesses, 37 were Senators, 133 were Representatives, 14 were former Members of Congress, 15 were former or current staff, and 44 were outside experts.

Our extensive hearing schedule began when we heard from the top leaders from both the House and Senate—the first time in Congress' history that any committee heard from the Speaker, the House party leaders, and the Senate party leaders in a single day. Following that opening day, we held general hearings on reform, days on specific areas of Congress' operations, and finally a set of concluding hearings this week.

In January, the joint committee members decided to focus on eight areas of reform: the committee structure, floor procedure, the budget process, ethics, staffing, interbranch relations, information technology, and public understanding of the institution. Our hearings encompassed all but the last two of these areas.

We also held a weekend retreat this past weekend so that the committee members could sift through all of the recommendations and hearings. We focused on the problems facing this institution and possible solutions for reform. In July and August, we will continue that process of sifting through recommendations and building areas of agreement.

Throughout this process, we have enjoyed the strong support of the Senate leadership, including the majority and minority leaders. I personally have benefited from their advice, and on the advice of a wide range of my colleagues. I hope as our work continues through the summer and into the fall that all interested Senators will join in our process and provide their thoughts and recommendations on improving this institution.

As I stated, today ends our hearing schedule. We were honored that for our last hearing, former Senator and Vice President Walter Mondale shared his thoughts and recommendations about this institution. The joint committee greatly benefited from his thoughts and his experience. I want to share with my colleagues his opening statement from this morning's hearing.

Mr. President, I ask that the statement by Vice President Mondale be included in the RECORD following my remarks.

The statement follows:

### TESTIMONY OF WALTER F. MONDALE BEFORE THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, JULY 1, 1993

Thank you for inviting me to testify at this final hearing of the Joint Committee. It is truly a rare occasion when I am asked to provide the last word on any subject.

I wish to congratulate this Committee, and the co-chairs, on your ambitious schedule and on the remarkable breadth of your review. Having been here when Congress passed the Legislative Reorganization Act in 1970, I can testify to the value of this kind of effort. What the Legislative Reorganization Act of 1946 began, and the Act of 1970 refined, this Joint Committee can now continue.

It is only reasonable to revisit the basic organization of Congress from time to time. The world always changes faster than its institutions. Rules crafted to accommodate members from the 1970s may not fit the members of today. Committee and subcommittee jurisdictions that fit the issues of the 1970s may not fit the issues of today. When I left the Senate to become Vice President in January 1977, we were still in the midst of the cold war, our nation was still running trade surpluses and our economy was largely unchallenged around the globe. Today, there is hardly an issue that does not have some global economic impact, while the public debate on defense is now more about what bases to close than how to deploy troops. And even in the sunshine of our new world community, the dangerous clouds of terrorism remain.

Like any serious effort at change, legislative reorganization is fraught with challenge. But this Committee can play a unique role in assuring that Congress is organized to address the fundamental questions of our future as a nation. I believe that every reform you consider should be judged by the following question: To what extent will it enhance this institution's ability to think, learn, reflect upon and debate the pressing issues facing our country?

Looking back on my years in the Senate, I realize the tremendous amounts of time I spent on matters that did not really advance the broad national purposes with which this institution should be concerned above all else. The problem has only gotten worse since then.

My complaint is not against inefficiency. Hubert Humphrey always liked to say: "You can read the Constitution from the first word to the last; you can read the Declaration of Independence from the first word to the last; you can read the Bible from the first word to the last . . . and you will never see the word 'efficiency' mentioned even once!"

Hubert was right. But he didn't mean that government should not try to get things done. He meant only that the desire for efficiency should not distract us from the fundamental values of liberty and democracy that are the inspiration and reason for our system of government. To help fulfill these great values, I would agree with Hubert that sometimes our government must err on the side of inefficiency. In fact, what I wish to suggest in this testimony today is that Congress may actually need a more leisurely pace in order to carry out its most important responsibilities.

Looking back at developments in the Congress over the past several decades, I believe time has been the greatest casualty. Here I mean the time to reflect, to read, to discuss, to debate. I do not mean to suggest that the Congress should become a monastery devoted to quiet contemplation or a college debating society that never has to make a decision.

But consider the LaFollette-Monroney Act of 1946, which specified a deadline for Congressional adjournment: "Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress." Those were the good old days—less than 50 years ago. Just imagine: If this law were still in effect, you would be able to leave town in 30 days.

Today's Congress is caught between a rock and a hard place. There may have been a time too long ago when our nation could afford the distractions which members of Congress now face. The issues seemed simpler somehow when I first arrived here, the floor debates more leisurely. There were hard battles and tough votes, of course, but we seemed to have at least some time to give. It also used to be that members specialized in one or two legislative areas on which they could spend an entire career. Today, the overlapping committee jurisdictions and easily accessible information make each member a potential specialist on everything.

I would caution that the answer is not likely to be found in moving boxes around on an organization chart. Instead, the focus must be on results: That means increasing the actual amount of time this institution and its members are able to allocate to discussion and debate of the bit questions. The answer is not necessarily in fixing intricate rules of floor debate, either. Instead, the aim must be to protect members of Congress from being trivialized, even compromised, in the exercise of their very great duties to this nation.

I certainly do not blame members of Congress for these problems. You are trying to respond to huge changes in our political, economic and social life. It is the institution that is not doing enough to protect its own members from the growing pressures.

Because so much of Congress's time for reflection and discussion has evaporated, everything this Joint committee recommends should be directed to imroving the bargain in favor of thoughtfulness. In the spirit of concern that has characterized this Committee's work, let me offer a brief overview of four areas that I believe offer the greatest potential for creating the kind of great debates which our nation needs.

First, there is the impact of campaign fundraising. Members of Congress simply spend too much time having to raise money. I commend the Senate for passing a very significant campaign finance reform package earlier this year. But it is not yet adopted—and, in any case, we need to keep working on it and go even further. In fact, the more I think about it, the single most important thing that could be done to improve Congressional performance may very well be to reduce this increasing pressure to raise money.

Obviously, the growing cost of campaigns is a major source of the problem. When I first arrived here in 1965, it was almost unheard of for a House member to spend more than $200,000 to win election. Now it is routine for individual House campaigns to exceed $500,000. The total amount spent in last year's campaigns is astounding—$314 million, a 41 percent increase of 1990.

The pressures are evident in the Senate, too. when I left this body in 1976, the averaging Senate campaign cost just about $600,000. Now, the average campaign costs several million dollars. Last year, Senate candidates spent a total of more than $190 million. Five of the winners spent more than $6 million, and one more than $10 million. The average Senator now has to raise some $2,600 every day, week after week, month after month, for each year of this term, to pay for his reelection campaign. No wonder Senator Byrd has said that "A Senator now ends up a full-time fundraiser and a part-time Senator."

The need to raise the sums now required for reelection inevitably distorts a member's concentration. The time demands are overwhelming—an unending series of receptions, meetings, phone calls and trips across the country. Even if campaign contributions do not purchase special access, and even if they do not create the appearance of hidden connections between campaign dollars and legislative outcomes (which they unfortunately do), fundraising clearly distracts members from their work. It alters schedules, refocuses travel, gnaws at priorities and crowds out time that should be devoted to making laws and shaping public policy.

Imagine what members of Congress could do with that time. You could conduct the kinds of systematic oversight hearings needed to improve government performance. You could schedule and participate in the kind of floor debates that would illuminate issues and change history. You could devote much greater attention to educating the public on the trade-offs we face on a host of modern policy choices. You could delve more deeply into the issues of tomorrow. You could build deeper relationships with other members. And, most importantly, you could pause for reflection.

There may be no better argument for campaign finance reform than this.

But there is also something else at stake—and that is the public trust on which this institution depends for its effectiveness. Lincoln said: "With public trust, everything is possible; without it, nothing is possible."

There was a time when Congress could tap into a deep reservoir of public trust. Now, the well is nearly dry. There are many Americans who do not see the actions of Congress as credible or honest. I regret this, because I believe most efforts in Congress are honestly motivated. But that is not the popular perception. For many Americans, it looks like public servants can be bought, or rented, or pressured, or intimidated. The mountains of money pouring into the political process are there in plain sight. The American people see it growing, and their trust declines in proportion. That is why this Committee's work is so important—to earn back the public trust for Congress by making this institution as effective as it can be in addressing our nation's problems.

Second, I hope this Committee might be able to help relieve the burdens on Congress caused by an overload of committees and staff. Both have reached proportions that are unwieldy and counterproductive. Each one tends to reinforce the other.

Much of the expansion in committees and subcommittees occurred in the late 1960s to mid-1970s in a legitimate drive for institutional parity with the executive branch. It was part of an effort to strengthen the legislative branch against the "Imperial Presidency." That was the era of budget impoundment, executive privilege, secret bombings and a swelling of the Presidential ego. Congress had little choice, I believe, but to build its own capacity. What we have seen, however, is the accumulation of an unbelievable, and unworkable, range of committees and subcommittees—many created especially for members who are no longer even here.

As Thomas Mann and Norman Ornstein rightly argue in their second volume of Renewing Congress, the result is a rising number of committee assignments which, in turn, leads "to increasing conflicts in scheduling, a frenetic pace of legislative life, and a shorter attention span for members, accompanied by decreasing attendance at committee and subcommittee meetings and hearings and less real focus on important problems . . .."

I recall that Adlai Stevenson once tried to limit members of the Senate to just two committees—one major committee, plus with one other. But many members at the time did not want to live within such limits, and a growing number of exceptions soon undermined the rule. So this is really an old issue, and it will not be solved easily.

Ultimately, this crowding cannot be solved piecemeal. It will only yield, I believe, to a realignment of existing committee jurisdictions. Although the total number of committees and subcommittees has remained relatively stable for the past decade or so, the issues they deal with have not.

Having worked as Vice President to keep our energy package together as it moved through Congress, I know first hand the difficulties of working on today's issues in the context of yesterday's structure. On some issues, the fragmentation is so great as to stymie all but the most tepid responses to pressing public needs. On others, the breadth of issues covered by one or two committees threatens a bottleneck at every turn. It only makes sense to occasionally readjust the road-map to reflect the changing mix of traffic—consolidating some committees, eliminating others, and splitting still others.

The problem is that committees and subcommittees, once established, seem to become eternal, regardless of how much the world changes and how much the membership of Congress itself changes. I know there are notable exceptions. But that is just it—they are exceptions. The rule is that committees do not die natural deaths.

I would hazard to guess that trying to restructure the Congressional committees will be even harder than trying to shut down military bases. But modernizing and streamlining the committee structure for a new world is no less urgent, no less necessary, than modernizing and streamlining our military structure. Thus, I would propose that Congress call upon an outside bipartisan group—with a membership composed of distinguished former members of Congress—to provide advice on the best structure to meet the challenges this institution faces today.

The growth in committees and subcommittees has also contributed to expansion of staff; in fact, there is a reinforcing relationship between the two. Let's be clear: To do the job well, every member of Congress needs good staff, both in numbers and competence. But I discovered that the very size of my staff began to take time away from my duties as a Senator. Bright, hard-working staff inevitably create new demands and new work for a member of Congress. Some of it is necessary and valuable; much of it is not. Staff begins to drive a Congressman's schedule and range of interests in ways that do not support the central tasks of his office. Staff can marginalize a Congressman's interests away from the broad issues that should be at the center of his attention. By the end of my career in the Senate, I had begun to realize that what I really needed was less staff, not more.

I have always benefited from excellent staff, as has this committee. But Congress as an institution may not be well served by having too much of a good thing. Back when I first arrived in the Senate, the 535 members of Congress had roughly 6,000 personal staff. That number has almost doubled today. Back when I arrived, there were roughly 1,000 committee staffers. That number has more than tripled. Even when we acknowledge that the number of personal staff deployed back home has jumped from about 10 percent back in the mid-1960s to almost 40 percent today, the increasing presence of staff in the day-to-day life of this institution is undeniable.

There is nothing magic about a given number of personal or committee staff, and I will try to offer such a number. In fact, I believe that several of your previous witnesses have argued that personal staffs are now stretched to the breaking point. But this is due in part to artificially high expectations for casework and contact fostered by members themselves. It makes little sense to cut Congressional staff without also reducing the workload. The result would only be more burnout. Nonetheless, we must start somewhere. A measured reduction in personal staffs may be the only way to force Congress to deal with workload.

I would add that the increasing emphasis on constituent service in Congressional offices has also contributed to this growth, and overload, in staffing. Good constituent service is, of course, necessary—and honorable—work for any member of Congress and his staff. Citizens must have somewhere to turn for help when they become victims of government bureaucracy. But constituent service can also be a bottomless pit. The danger is that a member Congress will end up as little more than an ombudsman between citizens and government agencies. As important as this work is, it takes precious time away from Congress's central responsibilities as both a deliberative and a law-making body.

A third area I would mark for reform—an area where precious Congressional time is consumed—is with redundant legislative procedures.

We need to clearly separate the authorization and the appropriations functions. One set of committees should authorize the policies and programs; another set should appropriate the funds for those policies and programs. Unfortunately, these two responsibilities have become hopelessly conflated. I would urge this Committee to consider how to re-establish these as two clearly separate processes, so we can cut down on amendment after amendment being attached to appropriations bills. Authorization and appropriation are two separate functions; there are good reasons why they should be separate; and we need firm rules to keep them separate.

In a similar vein, I am a strong believer in tougher germaneness rules. These would make each vote a clearer statement on the legislation at hand. Too many of Congress's most important bills are crowded by unrelated amendments and riders that confuse the issues. This does not mean we should tighten the rules to the point of strangling all alternative paths to passage. We must sometimes err on the side of inefficiency to protect the minority. But germaneness continues to be a simple and useful test for amendments. It should be strengthened as a device for keeping the workflow coherent and for assuring a tigter link between floor votes and legislative results.

Time can also be saved by limiting statutory sunsets—an idea whose time has gone. Congress spends several weeks each year on reauthorizations of existing legislative authority, presumably as a spur to oversight. Oversight is no doubt needed, and I do not mean that Congress should never be allowed to reopen an existing statute. But there are more straightforward paths to reform. The problem is that every two years, every legislative committee and every executive agency is consumed with these proceedings to reauthorize what should be basic legislation. It is better to leave the basic legislation in place and, when necessary, change it by amendment rather than by trying to reinvent the wheel every two years.

I would continue to support the current rules governing filibusters in the Senate. I helped lead the fight to bring about the current 60-vote threshold on cloture. I believe that, from time to time, Senators must be able to use the filibuster, even if it absorbs an inordinate amount of time. This right to carry the fight to the nth degree is essential to the role of the Senate. No other institution in our system of checks and balances can perform this task—not the House, the Presidency, nor the courts.

On the other hand, the increasing use of the filibuster on what appear to be normal, even routine, legislative issues may be weakening public support for the instrument. This is an area where there is absolutely no substitute for self-restraint. If members continue to use the filibuster to fight over issues that are most appropriately resolved through simple majority votes, the body may soon find itself without this important protection. That would be a tragedy.

Finally, let me conclude my testimony by addressing issues of institutional comity. I will not dwell on questions of legislative-judicial relations, and would point you to the work of the Governance Institute and its president, Robert A. Katzmann, for advice in this area. On the executive-legislative relationship, I would urge this committee to address the need for a more trusting relationship regarding the President's duty to faithfully execute the laws.

One place to start is to move away from the highly prescriptive, deadline-laden bills Congress felt obliged to enact during the 1980s. We should prefer broad, general legislation, with systematic oversight of Presidential execution. The emphasis should be on broad legal principles, not minute detail. In this area, the devil is truly in the details. A movement back toward executive discretion should not be interpreted as a blank check for the President, but an opportunity for Congress to set clear goals for executive performance.

This change in statutory philosophy might also lead oversight away from the fragmented micro-management that absorbs so much executive time. As others before me have testified, too many of the President's key appointees are spending too much time before subcommittees and not enough on their own work. Moreover, too much of their time on Capitol Hill is spent defending their agencies against "gotcha" audits and small-scale problems. What Congress ought to be asking is whether the departments of government are delivering the right services in the most efficient manner. The focus should be on setting clear expectations for executive performance, and holding appointees and their agencies accountable.

Separation of powers is, of course, at the heart of our constitutional system. But it does not need to be a "gridlock machine." Historically, this constitutional structure has slowed down government in order to make it better, not to halt it in its tracks. In fact, the division of labor between the executive and legislative branches is an opportunity to share the burdens of governing, to draw upon the distinctive strengths and capabilities of each branch. Given the problems facing our nation, and given the public's yearning for real and substantive change, the Congress and the President have a responsibility to work together.

This is not easy, no matter what political party controls the White House or the Congress. I have served at both ends of Pennsylvania Avenue, and I believe there should be creative tension back and forth between them. When I served in the Senate, I was often frustrated by what the White House was doing. Once I moved to the White House, I found myself often frustrated by what was happening on Capitol Hill. This is as it should be. Yet, most of the time, each branch should stick to its own business. Congress does have a responsibility to check the executive branch. But Congress must also trust the electorate. After all, the voting public remains the ultimate check on the President and the executive branch.

All of my suggestions here today relate back to my foremost concern with making time available for Congress to give due consideration to the broad issues facing our nation. I do not believe Congress is in especially dire need of smarter members, more talented staff or better information. Nor do I think term limits or salary cuts are what is needed to concentrate members' attention.

Nonetheless, there is urgency for action. What Congress needs most is the capacity to address the problems of our nation—and what that requires, above all, is time. Every reform you consider should be measured against this critical standard.

Back when I joined the Senate, Congress could make mistakes and still recover, largely because we had the time to pause and reflect about what we were doing. This is not to say we were particularly efficient. Indeed, I was a member of this august body when we set the record for number of days in session in the Ninety-First Congress. The only reason we didn't stay in session longer than the 350 days we did was that a little thing called the U.S. Constitution got in the way.

What makes today's life in Congress so difficult is that members never stop moving. That is why this Committee must act and be heard. The issues we face are far too complex, even dangerous, that we must not starve members of the time they need to think long and hard about them.

We face a different world, a different nation, with a vast range of unsolved problems. We need your time, thought and talent applied to these questions to the fullest extent possible. This institution should be organized to permit and encourage that to happen. I appreciate this Committee's efforts to help produce that outcome.

I would be happy to answer any questions the Committee might have.•

## TRIBUTE TO WESTVACO

• Mr. McCONNELL. Mr. President, I rise today to pay special tribute to a model corporate citizen. Westvaco Corp., which has operated a paper mill in Wickliffe, KY for over 20 years, has recently been honored by the National Geographic Society. As a recipient of the National Geographic Society 1993 Chairman's Award, Westvaco stands as an example to other corporations.

Mr. President, it is far too often we hear of a story where a business or factory had violated nature. The industry in turn will scream bloody murder that environmental restraints are impeding its pursuit of profit. Too seldom are industry and the environment able to find a comfortable coexistence.

Westvaco, which has facilities throughout the United States, is known for dedicating company property to educational, recreational, and conservation purposes. A wonderful example of the company's commitment to working with the surrounding community is the 32,000-acre wildlife management area near Wickliffe. As I am sure my colleagues remember, it was not long ago that I told them of the U.S. Department of the Interior's National Wetlands Conservation Award, which was presented to this facility. Indeed, Westvaco has proven worthy of many honors and more importantly, the respect of those who live near its facilities.

I ask my colleagues to again join me in paying tribute to Westvaco, a company that has found the proper balance between profit and nature. In addition, I ask that an editorial from the June 30, 1993 Paducah Sun be included in the RECORD at this point.

The editorial follows:

[From the Paducah Sun, June 30, 1993]

WESTVACO'S RECORD SETS HIGH STANDARD

When an organization as environmentally aware as the National Geographic Society singles out for a special honor a company that cuts trees and works with chemicals, someone must be doing many things right, and the Westvaco Corp. surely is.

The New York-based paper, packaging and chemical concern has won the NGS's 1993 Chairman's Award in recognition of programs that "significantly advance knowledge of the world and all that is in it."

The award is all the more noteworthy because it represents such a welcome departure from what has seemingly become the norm in relations between corporations and groups dedicated to the preservation and knowledge of the natural world.

Most often, the public reads and hears of conflict between the two interests. Typically, the private concerns will be accused of some violation of nature, and they in turn will complain that their productive mission is being stymied.

But National Geographic President Gilbert M. Grosvenor had this to say: "Westvaco goes out of its way to find the right balance between industry and nature.''

With Westvaco operating a paper mill at Wickliffe for more than 20 years, we in this region already know the company has been a model corporate citizen. The reputation it enjoys is the result of performance, not public relations, though the latter is strong as well. An organization like National Geographic is not likely to be impressed merely with PR.

Principal among the activities that have brought Westvaco commendation, and not from NGS only, is the commitment of company property in several states to educational, recreational and conservation purposes, including the 32,000-acre wildlife management area near Wickliffe. For that enterprise, Westvaco last year became the first corporation to receive the U.S. Department of the Interior's National Wetlands Conservation Award.

The honor accorded Westvaco by the National Geographic Society is an important one for several reasons, but mainly because it demonstrates that industry and environmentalists are not necessarily natural adversaries. Westvaco demonstrates the point clearly: A company, even one whose business makes it potentially vulnerable to criticism, can operate successfully, in harmony with its neighbors and in a way that helps, not harms, the environment.●

## DISABILITY PROFESSIONALS WEEK

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to the hard-working men and women who work in State disability determination services. They read the applications of people who are trying to qualify for Social Security disability benefits. Last week was Disability Professionals Week, a time to pay tribute to these dedicated men and women for a job well done.

Webster's New World Dictionary defines a profession as an occupation requiring advanced education and training, or involving specialized knowledge. Disability workers certainly meet this definition. They are required to have a working understanding of human physiology and psychology, as well as the ability to apply and interpret complicated legal issues. On top of this, they must efficiently and expediently manage large caseloads and treat claimants with courtesy and care.

It's a tough and often thankless job. Disability professionals handle literally thousands of applications. Their task is made even tougher by the fact that the Social Security Administration does not have the flexibility to devote more resources for administrative purposes. Yet these devoted professionals carry on. I know in my State of Michigan, for example, these workers put in hundreds of hours of overtime to meet its Zebley caseloads.

Mr. President, I hope my colleagues will join me in acknowledging the work disability professionals do for the American people. They fit the highest ideals of public service. We do well to thank the people who do so much for so many.

I thank the Chair.●

## SEVENTEENTH ANNIVERSARY OF THE SOWETO RIOTS

● Mr. RIEGLE. Mr. President, I rise today to commemorate the anniversary of the Soweto riots which began on June 16, 1976. The Soweto uprising was the manifestation of generations of racial discrimination and intolerance in South Africa. It took this tragedy to finally bring the world's attention to the discriminatory policy of apartheid.

For so long, the majority of South Africans have been denied the freedom to vote or participate in the political process. Apartheid created two societies in the country, one which was able to benefit from the opportunities and the riches of the nation and another which was subjugated by a minority ruling class.

The Soweto riots compelled many people around the world to condemn the acts of the South African Government. Various nations, including the United States, took action—imposing economic and political sanctions against South Africa. This pressure has aided the cause to end apartheid. After 17 years of conflict and fighting, black South Africans have been able to move closer than ever before to achieving true justice and equality.

The hardship and violence that blacks in South Africa have suffered must come to an end. As the talks between the de Klerk government and the leaders of the black community continue, great strides are being made toward repealing the discriminatory laws of apartheid, but much more needs to be accomplished before all South Africans can live in a truly democratic and just society.

By remembering the bloodshed and violence of the past 17 years, we honor the courage and determination of the black majority in South Africa. As a Western democracy that cherishes freedom and equality, we must applaud and support their fight for those fundamental rights and freedoms that are rightfully theirs.●

## SENATE CONSIDERATION ON EXTENDING FAST TRACK

● Mr. RIEGLE. Mr. President, yesterday this Chamber passed the legislation extending fast-track authority for 9 months for the GATT Uruguay round negotiations. As I have stated on many occasions, I support the extension of fast track for the Uruguay round. However, I strongly believe that Super 301 should have been included in the legislation extending fast track. But regrettably, the votes to include Super 301 with the fast-track legislation did not exist.

I am also disappointed that we were not able to go forward with a sense of the Senate resolution on Super 301 yesterday. I plan to work closely with Chairman MOYNIHAN to reauthorize Super 301. I believe it is crucial that Congress move forward with passage of Super 301 legislation as quickly as possible.

I have long been supportive of the need to open markets to U.S. exports and combat unfair trade practices around the world. Opening markets, reducing tariffs and nontariff barriers, and ensuring that all our trading partners play by the same trade rules are essential to America's economic interests. I support a GATT process which accomplishes these goals.

However, as I have also stated before, the multilateral GATT negotiations are merely one avenue for opening foreign markets. A second, and I believe complementary, vehicle for opening markets is the Super 301 provisions. Clearly, the United States needs to have strong trade tools available to deal effectively with unfair trade practices around the world. Super 301, which I authored with Senator DANFORTH in 1988, provides the administration with the tools.

The United States has experienced ever-increasing trade deficits with its trading partners over the last decade. The United States cumulative trade deficit since 1980 is more than $1.1 trillion. In 1992, our trade deficit with Japan was $49 billion, up 14 percent from 1991, and our 1992 trade deficit with China was $18 billion, up 44 percent from 1991.

The United States is again experiencing record deficits with Japan. Our trade deficit with Japan for March 1993 was $5.3 billion, an increase of 27 percent over the previous month. Our trade deficit with Japan increased again in April, to $5.5 billion. These trade deficits are largely due to the unfair trade practices of our competitors, resulting in closed markets for U.S. exports.

I am more convinced than ever that passage of Super 301 is crucial. In the few months since taking office, this administration has aggressively pursued negotiations to open markets and combat unfair trade practices around the world. However, many of our trading partners appear unwilling to take meaningful and constructive steps to truly open their markets.

Just last week, negotiations to open Japan's market ended in deadlock. At issue was the administration's proposal for clearly defined, measurable targets, for reducing Japan's bilateral and global trade surplus. In addition, the United States, Japan, Canada, and the European Community, met recently to discuss market access and tariffs cuts under the Uruguay Round.

Those talks also failed to produce any meaningful progress. The United States can no longer afford to allow our trading partners to refuse to take measurable, results oriented steps to open their markets and eliminate their unfair trade practices, while the United States remains completely open to their products.

The results—or rather lack of results—of our most recent bilateral and multilateral negotiations show how important it is for the United States to have strong trade tools available, such as Super 301, to open markets and eliminate unfair trade practices when negotiations fail.

Passage of a strong Super 301 would accomplish a number of key objectives. Super 301 provides the administration with the ability to address unfair trading practices immediately, without waiting for the conclusion of the Uruguay Round negotiations.

It also gives the administration the ability to deal with closed markets and unfair trade practices of our trade partners who are not GATT members and not participating in the Uruguay Round negotiations. In addition, passage of Super 301 would give the administration additional leverage in the final stages of the Uruguay Round. Super 301 gives the administration the trade tools needed to ensure that our trading partners adhere to the agreements reached in the GATT negotiations.

In the past, Super 301 has been successful in opening markets. The use of Super 301, or the threat of its use, was instrumental in opening markets to United States supercomputers, agriculture, satellites, and other products in Japan, Korea, Brazil, and other countries.

Passage of Super 301 legislation will strengthen the U.S. negotiating position in both our bilateral and multilateral negotiations. The administration has indicated it's support for a strong Super 301 on many occasions. Therefore, I believe it appropriate and necessary that Congress pass Super 301 legislation as soon as possible.•

## ON THE FISCAL YEAR 1994 BUDGET RECONCILIATION LEGISLATION

• Mr. KERREY. Mr. President, President Clinton's State of the Union address on February 17th was a wake-up call that told us we had reached the end of business as usual. After 12 years of passing the buck, of gridlock in government, President Clinton was willing to stand before the American people and deliver on his pledge to do something about the out-of-control Federal deficits that threaten our economy.

President Clinton had it right when he told the American people on February 17th that there is enough blame to go around for all of us. He had it right when he called our attention to the need for all of us to shift away from consumption and toward productive investments. He had it right when he drew a direct cause-and-effect relationship between the stock of capital and our standard of living.

Massive deficit financing, which became acceptable under President Reagan, allowed us as a nation to go on a binge of consumption in the 1980's. As Americans saved less, the Federal Government spent more. The deficit as a percentage of national savings grew from a frugal 2 percent in the 1960's and 1970's to nearly 60 percent in 1990. As President Clinton has articulated well and often, this behavior will have a far more negative impact on our children than it does on us.

The reason is that by going into debt, you allow the power of compounding interest to work against you. If you spend less than you earn, and save money, the power is on the side of your future. If you spend more than you earn—and we as a nation have spent far more than we are willing to pay for—the power works against tomorrow in favor of today. Last year, interest on the Federal debt consumed $200 billion in tax revenue. Within 5 years, if we don't begin to reduce the deficit now, that figure will rise to nearly $300 billion. Those expenditures buy nothing—no health care, no roads, no schools. Instead, they limit our ability to meet today's needs because of yesterday's excesses.

In the short run, deficit reduction is a painful exercise. There is no question that we would rather do without the bite of new taxes or spending cuts. But we must recognize that reducing, then eliminating the deficit is the key to long-term prosperity.

The consumption binge of the 1980's reduced America's capital stock by 15 percent and lowered total output—which determines income—by 5 percent. By the end of this decade, if we continue the borrow-and-spend policies of the past 12 years, the cumulative totals will be a 28-percent reduction in capital stock and 10 percent lower output. Ten percent of a $6 trillion economy is $600 billion. That is $600 billion in wealth that will not be created, $600 billion that could put food on the table, cars on the driveway, teachers in the classroom.

By contrast, if we are able to put our expenses in line with our income and balance our budget, a different picture emerges. By placing the Federal Government on a course to a balanced budget, we would increase savings by 3 percent, capital stock by 7.5 percent, and real GDP by 2 percent. The numbers are even better if we could move slightly into surplus by the end of the decade.

Moving into surplus. That should be our eventual goal. The United States should not be a debtor nation. A surplus would give us the kind of future-oriented economy and outlook this Nation once championed. Moreover, it would boost American morale if we knew we were actually reducing our debt.

In that respect, this legislation, for all of its relative boldness, is flawed in two ways. First, its promise of halving our deficit in 5 years is short of what we can and should do. Second, the means to this half-way solution does little to tilt the American mindset from consumption to productive investment.

This bill may appease, but it doesn't excite. It doesn't thrill in the way that a bold and high-risk mission does. I do not feel as if I am participating in something that history will judge as a turning point or that we will come to view as a watershed. It's a half measure and it feels like it.

The late Senator Ed Zorinsky used to tell the same joke on almost every opportunity given to him to speak. He said that when he came home from Washington lots of people in Nebraska would say to him: "Ed, you are a model Senator." "A model Senator," he would repeat pridefully to his audience. "I always thought it was a compliment," he said, "until I looked up the word 'model' in the dictionary and found that it means 'small imitation of the real thing'."

That is the flaw with this bill. It feels like a small imitation of the real thing.

But it's unacceptable simply to say "No" to this package. It's too easy to say "No"—as those on the other side have been amply demonstrating for weeks now. A simple "No" is unacceptable because we all have the responsibility, regardless of party, to pull this country out of the fiscal muck. And as the President has said repeatedly, that responsibility requires that we be specific in our objections and specific in proposing real alternatives.

That's why I say the "real thing" would move us on a deliberate course toward fiscal surplus.

A vote for this legislation does not finish the business of putting our country on the right track. This legislation has to be viewed as the first in a series of major steps that we must take. If we do health care right, if we shrink the size of the Federal Government, if we do more to reward investment and discourage consumption, then maybe we could drag ourselves onto the economic high ground. For now we are asking Americans to trust that we will do more later. That's why it's essential that we do the "real thing," and begin to do it now.

The "real thing" would include comprehensive health care reform to control the skyrocketing cost of health care in this country. I have proposed that we begin with the prompt enactment of legislation that would require pay-as-we-go funding for all health care expenditures. As the most rapidly growing item in our budget, we jeopardize our ability to balance our accounts and our priorities if we continue to borrow for current health care consumption.

The "real thing" would include an immediate 10-percent reduction in the

Federal work force. Such a move—the minimum which is possible—would save $70 billion over the next 5 years. Nothing would give liberal and conservative tax-paying citizens alike more confidence than action to make government smaller. Nibbling at the edges does not count. We need to reassess the role and organization of the entire government, with an eye toward reforms that can make the Federal Government—including Congress—function more efficiently and effectively, and at lower cost.

The "real thing" would include tax reform in tandem with the effort to raise tax revenue.

I do not feel the strength of America is reflected in our narrow debate about whether to impose a 4.3-cent gasoline tax or a 7.7-cent gasoline tax. The fact is that our economy will survive. Americans would pay a much larger tax if they believed it was for the purpose of eliminating the deficit.

The "real thing" would include an effort that not only raised taxes, but in the process rewarded investment as well as discouraged consumption. Such an incentive system would be more likely to snare the revenue of those wealthy Americans who are engaged in conspicuous consumption, but it would also be more apt to provide middle-income Americans with the necessary incentive to save. That goal is more attractive to me than bald appeals to soak the rich.

For all these reasons, it would be easy to say "no" to this bill. But we can't have the "real thing" all at once. Saying "no" to this bill leaves us on the same course that we have been on for a decade, and for the future of the American economy that course must changed. Despite the shortcomings of this legislation, it is a first step, and on that basis I support the reconciliation package.•

## NUCLEAR TESTING

• Mrs. BOXER. Mr. President, I am very encouraged that President Clinton has apparently decided not to seek Congressional approval for more nuclear tests. I was one of 36 Senators who earlier this year sent the President a letter stating our opposition to a resumption of testing.

To my mind, there is no issue more fundamental to the future of our great country, no issue where the United States has a better opportunity to demonstrate more leadership and vision, than the issue of nuclear arms control in the post-cold war world.

We stand now at a crossroads. Our choice is to follow a path of prudence and stability, or to start down a road that will lead to uncontrolled weapons proliferation and a renewed arms race. For me, the choice is simple: I choose stability and prudence.

Our obsession with every new layer of costly nuclear sophistication robs our economy of jobs, holds hostage funds which could be invested in our children, in our country, in our future. Our fascination with nuclear arms has forced us to devote our precious resources to feeding an insatiable monster—the arms race—instead of our own people.

Nuclear arms control is a complicated subject, Mr. President. No one denies that. The break-up of the Soviet Union, the alarming number of countries that have mastered the art of nuclear bomb-building, all this has complicated the process and littered the negotiating landscape with obstacles. But, as Winston Churchill once observed, "Not all things must be settled in order to settle some things."

One item on the arms control agenda that merits our prompt attention is nuclear testing. For most of the past year, the United States has observed a self-imposed moratorium and refrained from any nuclear testing provided the Russians show similar restraint. This moratorium is almost unprecedented, and very important.

In May, I signed a letter along with many of my Senate colleagues to President Clinton, urging him to continue the testing moratorium and to resume Comprehensive Test Ban [CTB] negotiations. Nothing is more crucial to worldwide nuclear nonproliferation efforts and the future of the 1978 Nuclear Non-Proliferation Treaty [NPT], which is up for renewal in just 2 years. I believe there must be a major, nultilateral emphasis on the nonproliferation of nuclear weapons. The most dangerous threat to world peace and United States national security in the future may come from a terrorist-controlled nuclear weapon hidden in the hold of a ship, not stored in a Russian missile silo.

And we are obligated to pursue a comprehensive test ban by the terms of President John Kennedy's 1963 Limited Test Ban Treaty. Surely in the thirtieth anniversary year of that pact the United States would not want to be responsible for resumed nuclear testing or increasing the odds of more nations—or even terrorists—developing and acquiring nuclear arms.

Mr. President, I have heard the U.S. Senate described as the most exclusive club in the world. I disagree. The world's most exclusive club is undoubtedly the nuclear club. Membership in this elite circle has been coveted for the last half century. Our country should do nothing to encourage still more countries to join.

Instead, the United States must offer leadership and vision and, by example, lead the world away from the brink of the abyss.

I applaud the Clinton administration's recent efforts to persuade North Korea not to withdraw from the Non-Proliferation Treaty, at least for now. More countries must be persuaded to live by terms of the treaty. Dialogue and the regular sharing of technical data, seismic information, and when and where possible, on-site inspection of a country's nuclear facilities—all this increases confidence and discourages renegade activity, and all this is provided for in the NPT.

We must support and work closely with the International Atomic Energy Agency [IAEA] to monitor the production of fissile material worldwide, and to bolster the IAEA's ability to adequately inspect reactors and suspected weapons facilities.

One of the chief obstacles encountered by President Kennedy to concluding a comprehensive nuclear test ban was the understandable concern that a nuclear test conducted halfway around the world could not be detected, much less monitored with confidence on a regular basis. We no longer have that problem, Mr. President.

Just as our ability to produce ever more sophisticated nuclear weapons has grown, so has our ability to monitor the tests necessary to create them. In this day and age, a comprehensive nuclear test ban is verifiable.

And I believe a comprehensive nuclear test ban is achievable. But not without dialogue, and not without a willingness on the part of all parties to negotiate in good faith. The United States can and should pursue resumed CTB negotiations, and help chart a course toward sanity and stability.

I look forward to working with President Clinton, and with my colleagues in the Senate and the House, toward that goal. Let us move forward in discharging our responsibilities as a superpower, and set an example of common sense and clear-headed policy that is the envy of the world.•

## THE SMELL OF HATE

• Mr. JEFFORDS. Mr. President, I rise today to draw your attention to a very moving poem which was composed by 13-year-old Jennie Gartner of Rutland, VT. Jennie's visit to the new Holocaust Memorial Museum in Washington, DC inspired her to write this poem.

Like the memorial which inspired her, Jennie recounts the agonizing history of the holocaust, which will not, and should not, give our souls rest. At the foundation of the holocaust, Jennie perceives a human desire for meaning and purpose in life which is fraught with dangers. Seeking direction for their country, too many people in Hitler's domain chose hatred and destruction of the weak or the different as the solution to their personal and collective ills. As Jennie observes, the dreadful consequences of this hatred linger in our memories and tear our souls apart. Do we have the will and take the time to recognize hatred when it occurs in our world today? Do we accept the responsibility that each one of us has towards the rest of humankind?

Jennie's insight into the events of the holocaust are a powerful reminder that our capacity to choose between good and evil is a grave responsibility, and her poem warns against the ongoing dangers of succumbing to hatred and prejudice. Jennie has already presented her poem personally to Hillary Clinton, and I am honored to have the opportunity to introduce her work into the CONGRESSIONAL RECORD today.

THE SMELL OF HATE

(By Jennie Gartner)

1928, The danger started.
As he would rise, he would take followers
Lots of followers.
People, with nothing to believe in.
Lost, in their own country, no one to believe in.
So, they chose the largest of evils.
"The people," he would say, "are filled with racial impurities. Let us cleanse them."
As he would say, there is only one people to blame for our troubles.
Let us burn them.
And so it began.
To rid the country of its troubles, we must rid ourselves of these swine.
Let us murder them. All of them.
Homosexuals, gypsies, crippled, and one. One religion.
Sought out for who they were, and what they did wrong.
Nothing. But that's not what he would say.
They were loaded into boxcars for animals.
But that's what they were, correct?
No. Traveled, by day, by night.
In boxcars. For animals. For swine.
No food. Air. Water. Dignity.
They arrived. Families. Towns. Children, babies. Men, women.
Most were killed. Gassed. Then burned.
Burned dead or alive. Piles. Piles of ashes.
Made to dig their own graves. Shot.
Mass graves. Buried alive. Dead or alive.
No one cares how you kill filth, just as long as it's gone.
Dead. But the smell, it lingers.
And some outsiders did not know. Know what was going on.
And some did. And did not care.
Still more knew; and did not do anything.
Some found out after.
They saw the graves. The ashes.
The souls that were dead, before they were killed. They cried.
I'm glad. They should cry.
The feeling, the sight of it all, should tear their souls apart.
It should make them sick.
And it did. It still does.
For the smell of hate, it lingers.•

## COMMENDING ROCKY TSAI

• Mr. BUMPERS. Mr. President, earlier, this week Rocky Tsai of Fayetteville, Arkansas, was victorious in the National Citizen Bee.

Rocky Tsai, a 1993 graduate and the valedictorian of Fayetteville High School, received $12,000 for his first-place finish. He had finished second nationally last year and came in fifth in 1991.

The Citizen Bee, sponsored by the Close-Up Foundation of Washington, is a national competition that focuses on citizenship and covers topics in written and oral exams ranging from history and government to eccnomics to politics and current events.

Tsai scored 212.5 out of a possible 225 in the 2-day competition. His closest competitor scored 210 points.

Rocky plans to use his winnings from this competition to attend Harvard University.

Mr. President, I want to add my congratulations to those Rocky Tsai has already received. He is a shining example of the caliber of student that Arkansas high schools are producing. I wish him well at Harvard.•

## COMMENDING DENNIS FALK

• Mr. CONRAD. Mr. President, on Friday, June 18, 1993, Dennis Falk, president and general manager of Prairie Public Broadcasting, was honored by his peers and named the Public Broadcasting System's Outstanding Manager of the Year. Only five other managers have been so honored. For the last 22 years Dennis Falk has led North Dakota's public broadcasting system and has been responsible for its impressive growth. When he arrived in Fargo in 1971, North Dakota had one public television station; today, Prairie Public Television consists of seven stations that serve three States and one Canadian Province. Under his watch public radio has grown from no coverage at all to a system that covers nearly the entire State.

In North Dakota, where the distance between communities is often great, public broadcasting serves as a vitally important educational and cultural resource. We applaud his efforts to provide instructional services, particularly foreign languages and advanced science and math courses, to our rural students. We are proud of his efforts to encourage debate about public policy and economic development issues through two award-winning series, "A Prairie Town Meeting" and "Prairie News Journal."

We in North Dakota have long recognized Dennis Falk's innovative leadership, and congratulate him on this richly-deserved national honor. I am pleased to share with my Senate colleagues the proud announcement that Dennis Falk of Prairie Public Broadcasting has become the PBS Outstanding Manager of the Year.•

## HUNGRY FOR KNOWLEDGE

• Mr. BUMPERS. Mr. President, I would like to share with my colleagues letters I have received from a teacher and a student in Arkansas about the Close-Up Program.

Letters like these give me hope that this generation is hungry for knowledge and will play a vital role in our political system if we will only provide them the opportunity to be exposed to our political process.

I commend these letters to my colleagues.

The letters follow:

GURDON, AR, *April 22, 1993.*

Senator DALE BUMPERS,
*Dirksen Senate Office Building,*
*Washington, DC.*

DEAR SENATOR BUMPERS: As a teacher in the Gurdon Public Schools, I wish to take this opportunity to share some thoughts with you regarding the Close Up program. Having accompanied approximately 170 students to Washington, DC, the last dozen years, I know we have had a rare opportunity—and privilege—to participate in a special educational experience. The actual on-site learning that happens during the week students are on the program is incomparable and the effects continue to ripple. Parents tell me that six months after a "Close Up" week their children will spot a news story on television from Washington, and will recall a "Close-Up experience" they had not related before.

Last month I crossed paths with a former student, now twenty eight years of age and coaching in a near by school district. He began our brief visit by saying, "Mrs. Kuhn, I wish I had the opportunity to repeat my Close-Up week now that I have gained ten years of maturity since I was there." This student had participated actively while on program; yet he realized that he had probably overlooked or failed to absorb much that was available for his learning. I remember fondly the year my students had Boston, Massachusetts, hotel mates and feeling somewhat anxious about a South Arkansas/Boston mix at the beginning of that week. By the end of the week my students were calling water fountains "bubblers" and their new friends had incorporated "you all" (with their clipped north eastern accents) into their vocabulary. It was a delightful experience. I could relate pages of anecdotes from our several years of participation. Parents tell me, once we are back from DC, that their children take time to watch the news on television and I often receive reports that students have become genuinely interested in current events. Relevance gives meaning.

Senator BUMPERS, as a recipient of these fantastic experiences, the thought occurs to me that they are worth sharing. Without assistance from Congress many students would be unable to achieve this incredible experience. At best, most parents of the paying students from our community make sacrifices to see that their child (or children, I had twins on program this year) has the opportunity to participate. Therefore I say thank-you for your support of Close Up—not only for your influence in terms of Congressional funding—but for the inspiring comments you always share with students while they are on program. The effects of these experiences are incalculable.

My students and I participated on program in February this year. Recently the student who had received the fellowship came to me, prior to our class time together and said some of the kindest things a student could ever say to a teacher. He concluded by saying, "Thank you for making my senior year perfect." Without the fellowship, he would have never been a Close-Up participant. I told him that I was planning to write a letter to you and asked if he would mind writing some of his thoughts to you. Enclosed is his letter, unedited, of course. He is a fine young man who has discovered many things about himself, including the fact that he can make decisions and act on them. He has decided (because of this recent program experience) that he wants to attend college and has begun talking about specific goals. Because of your support of the Close Up program and continued Congressional funding similar discoveries will continue to be made. Thank you for your interest and efforts on behalf of all Close Up students.

Sincerely,

CAROLYN URSERY KUHN.

DEAR SENATOR BUMPERS: My name is Howard Bell, and I am a senior at Gurdon High School. I went to Washington, D.C. last February (Feb. 21–27), on the Close-Up program and I enjoyed it. I went with 20 other students. I was on the Fellowship program and I really appreciate the Congress for making it possible for me to do something that I never did before. My plane trip was wonderful. I really loved the take off, on one of our planes, I went into a cock-pit and the pilot explained everything to me and he said we was going 170 mph take off. My trip to Washington, D.C. made me aware that there is so much I can do, and that it is important that everyone can see how Congress and the government work. I even met President Clinton and Senator Gore in the oval office. I am the second child of four, and I have two sisters and one brother, and I have my real parents I live with. My teacher, Mrs. Kuhn, also enjoyed the trip, and she was happy, that I went on the trip with her. If it wasn't for you and the Congress, I would have not been able to go on the trip, because my financial situation was not possible, so I really do appreciate you for making me happy in my senior year of 1993.

Sincerely yours,

HOWARD BELL.●

## UKRAINE AND NUCLEAR WEAPONS

● Mr. DECONCINI. Mr. President, quite recently, Secretary of Defense Aspin visited Kiev for talks with Ukrainian leaders concerning the status of nuclear weapons in Ukraine. This issue is rightly one of great concern to the United States and the rest of the international community.

It is also a critical issue for Ukraine itself—a newly independent country struggling to achieve the parallel tasks of building a society, a nation and a State while at the same time overcoming the crippling legacy of Soviet Rule. These efforts by Ukraine are complicated by a disconcerting tendency among some Russian officials to question Ukraine's territorial integrity, and even its right to exist as an independent State.

Painful reminders of Ukraine's lengthy domination by Russia have led to an understandable sense of insecurity in Kiev—an insecurity that manifests itself in a reluctance on the part of some to eliminate the nuclear arsenal on its territory. Of immediate concern to the Ukrainians is that nuclear tipped missiles on their territory, which are effectively controlled by Russia, not be launched without Ukraine's explicit permission. In the longer term, however, Ukrainian caution in ratifying the Start I and Nuclear Non-Proliferation [NPT] Treaties stems from its strong desire to safeguard its independence.

Mr. President, Defense Secretary Aspin traveled to Germany and Ukraine and met separately with both Russia's and Ukraine's Defense Ministers. Secretary Aspin offered United States assistance in mediating differences between Ukraine and Russia over nuclear, territorial, and other issues. I command Secretary Aspin for his constructive attempts to settle these disputes. Regrettably, Russian Defense Minister Pavel Grachev apparently rejected United States offers to mediate—specifically, expressing skepticism at the United States plan to place Ukraine's nuclear warheads under international control. Nevertheless, I hope that the Clinton Administration will continue to vigorously pursue these efforts.

President Kravchuk reiterated to Secretary Aspin Ukraine's commitment to rid itself of nuclear weapons. It is, in my view, in the interests of the international community to settle this issue and dismantle these weapons. I can't think of a more prudent way to do this than to place these weapons under international control.●

## THE SENATE'S CONSTITUTIONAL AUTHORITY TO ADVISE AND CONSENT TO THE APPOINTMENT OF FEDERAL OFFICERS

Mr. MITCHELL. Mr. President, I had hoped today to offer a resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. District Court for the District of Columbia on a matter of considerable importance to the responsibilities of the Senate under the Constitution. I had hoped that the resolution would receive bipartisan support because it concerns the Senate as an institution. Unfortunately, the resolution has been blocked by Republican opposition. I will briefly describe the matter involved.

The United States District Court for the District of Columbia is considering the constitutionality of a recess appointment to the Board of Governors of the U.S. Postal Service that President Bush made less than 2 weeks before leaving office. On January 8, 1993, while the Senate was recessed for 12 days between organizing and the inauguration of President Clinton, President Bush attempted to confer a recess appointment on Thomas Ludlow Ashley to replace Crocker Nevin, a Governor who had been appointed by President Reagan by and with the advice and consent of the Senate for a term ending on December 8, 1992. In accordance with the holdover provision of the postal law, Mr. Nevin's appointment by President Reagan would have enabled him to remain as a Governor until no later than December 8, 1993.

The Constitution provides, in Article II, section 2, clause 3, that "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." In 1901, Attorney General Knox advised President Roosevelt that it is the "period following the final adjournment for the session which is the recess during which the President has power to fill vacancies by granting commissions which shall expire at the end of the next session. Any intermediate temporary adjournment is not such recess, although it may be a recess in the general and ordinary use of that term." 23 Op. Att'y Gen. 599, 601 (1901).

Beginning in 1921, however, the Department of Justice has departed from Attorney General Knox's sound counsel, and has sought to justify recess appointments during intrasession adjournments. At first, the Department justified the exercise of the recess power during an intrasession adjournment that lasted nearly a month. Now the Department is supporting a recess appointment during an intrasession adjournment of less than 2 weeks. The Department's brief in the district court goes further, beyond any previous assertion of Presidential recess appointment authority, by arguing not only that the President may make intrasession recess appointments, but that the Constitution contains, to quote the Department's brief, "no lower time limit" on the length of a recess during which the President may make those appointments.

The logical consequence of the Department's argument is that a President may unilaterally appoint an officer, without Senate confirmation, any time that the Senate is in adjournment or recess, even for a 1-week break or over a long weekend. In a footnote, the Department says that it could be argued that the constitutional requirement that both Houses consent to adjournments of more than three days might place 1, 2, or 3 day intrasession adjournments off limits to the recess appointment power. Nevertheless, the Department cites in support of its argument that there is no lower time limit to the recess power an 1828 dictionary, which, in defining the word "recess," uses as one illustration the recess of a House of Congress for "half an hour." In his 1901 opinion, Attorney General Knox carefully distinguished between the several ordinary meanings of "a" recess, as one might find in a dictionary, and the meaning of "the" recess in the Constitution's limited exception to appointment through advice and consent.

Mr. President, the issue before us is not a personal dispute between the Senate and President Bush or President Clinton. Nor does it involve any reflection on the relative qualifications of Mr. Nevin or Mr. Ashley to be Postal Governors. It certainly should not be an issue which divides Democrats and Republicans in the Senate. Rather, the question is the design of the Framers of our Constitution. The joint participation of the President and the Senate in the process of appointing high officials of the Government is fundamental to our system of checks and balances. To aid in preserving the balance struck by the Framers, which has served the Nation well for more than 200 years, the resolution which I had hoped to offer would have directed the Senate Legal Counsel to appear as amicus curiae in the name of the Senate to defend against an unjustified expansion of the recess appointment power.

The Senate Legal Counsel had been prepared to file a brief tomorrow. As the draft brief presents views which I believe merit the support of the Senate, I would now like to share that draft with the Senate by asking unanimous consent that it be printed in the RECORD.

There being no objection, the draft was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BERT H. MACKIE, et al., Plaintiffs,
versus
WILLIAM J. CLINTON, et al., Defendants.

C.A. No. 93–0032–LFO

MEMORANDUM OF UNITED STATES SENATE AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS' MOTION, AND IN OPPOSITION TO DEFENDANTS' MOTIONS, FOR SUMMARY JUDGMENT ON COUNT TWO

### INTEREST OF AMICUS

The recess appointment of Thomas Ludlow Ashley to be a Governor of the United States Postal Service, without obtaining the advice and consent of the Senate, raises fundamental questions about the roles of the President and the Senate under the constitutional separation of powers.[1]

The basic interest of the Senate in this matter is in protecting the Framers' determination, through the instrument of advice and consent, to divide between the President and the Senate the power to appoint the principal officers of the national government. This check and balance is especially critical in regard to the officials of boards and agencies who, once appointed, act independently of the political branches. Before vesting extraordinary authority in those officials, it is highly important, whenever possible, that their qualifications and probity be examined by both the President and the Senate.

As a competing interest the Executive advances the need to keep offices filled in order to avoid a hiatus in the administration of the government. That is not an interest of the Executive alone, however, but a mutual interest that the Senate shares with the Executive and with the House. The Congress, which has the power to make necessary and proper laws to carry into execution all powers vested in any department or officer, has provided for continuity in administration through vacancy legislation and through holdover provisions for boards and agencies, including for the Postal Service Board of Governors. Plaintiffs describe how that holdover provision furnishes a nonconstitutional ground for deciding this case. The holdover provision also demonstrates that this case offers no warrant for expanding unilateral Executive power beyond the Framers' intent.

Finally, the Senate has an interest in assuring that stability, including reasonable predictability, in executive and legislative relations is not jeopardized by the Executive's assertions in this case. For a substantial time, the Senate had sought to coexist with the Executive through an understanding that, if the recess power were ever to be used outside of intersession recesses, it would be utilized only, and rarely, during substantial intrasession breaks. The disruption of that understanding by the Executive's argument that there is no lower time limit to the recess power threatens to produce a high level of uncertainty, with regard to appointments, into the relationship between the branches. Unless the Executive's argument is rejected, no Senate will ever be able to know if it recesses for a weekend or a week, or perhaps even an evening, whether a President will use that break as an opportunity to place an individual into office, without the Senate's advice and consent, for the remainder of the year and the duration of its session the succeeding year. While watchfulness among the branches serves useful purposes, the Framers could not have intended to require that the Senate remain in perpetual meeting during a session in order to preserve the responsibilities vested in it by the Constitution.

### STATEMENT OF FACTS

Only public record facts are relevant to the constitutional question posed by the President's appointment of defendant Thomas Ludlow Ashley as a Governor of the Postal Service without complying with the requirement of 39 U.S.C. §202(a) (1988) that Governors "shall be appointed by the President, by and with the advice and consent of the Senate." The term of the incumbent Governor, plaintiff Crocker Nevin, expired on December 8, 1992, after the final adjournment of the 102d Congress.[2] Upon the expiration of his statutory term, Nevin remained in office pursuant to 39 U.S.C. §202(b) (1988), which authorizes a Governor to "continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year."

The 103d Congress convened on January 5, 1993 at noon, in accordance with Pub. L. No. 102–475, 106 Stat. 2296 (1992). In the Senate, credentials were presented and the oath was administered to newly elected Members. 139 Cong. Rec. S1–7 (daily ed. Jan. 5, 1993). The Senate appointed a committee composed of its Leaders to join a like committee of the House of Representatives, "to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make." S. Res. 1, 103d Cong. (1993), 139 Cong. Rec. S8 (daily ed. Jan. 5, 1993). The Senate also authorized the Secretary of the Senate, at any time during the 103d Congress when the Senate is in recess or adjournment, to receive messages from the President and to refer them to the appropriate committees. *Id.* at S9.

On the same day, January 5, the Senate addressed an appointment issue when it approved legislation reducing the salary of the Secretary of the Treasury, to establish eligibility, consistently with Article I, section 6, clause 2 of the Constitution, for then-Senator Lloyd Bentsen, whom President-elect Clinton had expressed his intention to nominate, to serve in that office.[3]

That day, President Bush sent to the Senate for confirmation scores of nominations to civilian and military offices, including members of the Defense Base Closure and Realignment Commission and the Copyright Royalty Tribunal, members of the Boards of Directors of the Corporation for Public Broadcasting and the Legal Services Corporation, and an Assistant Secretary of Transportation.[4] The President sent no nomination to succeed Postal Governor Nevin.

On January 6, 1993, the Senate met in joint session with the House of Representatives to count the electoral ballots for the election of the President and Vice President. 139 Cong. Rec. S43 (daily ed. Jan. 6, 1993). President Bush sent further nominations to the Senate for confirmation on January 6. 139 Cong. Res. S49, S53 (daily ed. Jan. 7, 1993).[5]

The Senate met on January 7 to continue organizing for the new Congress. The Majority Leader explained that there would be no roll call votes that day on the Senate floor because the Senate was primarily engaged in its constitutional duty to consider presidential nominations:

> "Senate committees are meeting in hearings to consider nominees by the President-elect, and I am grateful to the Senate chairmen and ranking Republican Members for their cooperation in organizing these hearings in the period between the swearing in of the new Senate and the inauguration of the next President."

139 Cong. Rec. S45. Indeed, the Senate Commerce Committee had held a hearing on the nomination of the Secretary-designate of Commerce on January 6, see 139 Cong. Rec. D38 (daily ed. Jan. 6, 1993), and, on January 7, Senate committees conducted hearings on the nominations of the Secretary-designates of Defense, Transportation, Labor, and Veterans' Affairs. 139 Cong. Rec. D42 (daily ed. Jan. 7, 1993).

President Bush sent additional nominations to the Senate on January 7, but not including a successor to Governor Nevin. Id. at S49, S53–54.

On Thursday, January 7, at 8:10 p.m., pursuant to concurrent resolution, the Senate recessed until Wednesday, January 20, at 3 p.m., following the inauguration of President Clinton. Id. at S53; S. Con. Res. 3, 103d Cong. (1993); 139 Cong. Rec. S11 (daily ed. Jan. 5, 1993).

During the recess, Senate committees continued to conduct executive appointment business. On Monday, January 11, the Governmental Affairs Committee and the Environment Committee held hearings on the prospective nominations of the Director of the Office of Management and Budget and Administrator of the Environmental Protection Agency, respectively. 139 Cong. Rec. D47 (daily ed. Jan. 20, 1993). Throughout the balance of that week, those committees were joined by the Committees on Agriculture, Banking, Energy, Finance, Foreign Relations, and Labor, all of which held hearings on prospective presidential nominees. Id. at D46–48.

On Tuesday, January 19, seven committees met to report for confirmation by the Senate prospective nominees of President Clinton, and three committees held confirmation hearings. Id. On that same day, the Labor Committee favorably reported to the full Senate the nominations for promotion in the Public Health Service that the Senate had received from President Bush on January 5. Id. at D48. The Senate confirmed these nominations, along with other nominations that President Bush had sent to the Senate on January 5 and 6, on January 28, 1993. 139 Cong. Rec. S887.

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Footnotes at end of article.

Thus, through its committees, the Senate conducted executive appointment business on six of the seven work days during the 12-day January recess. (January 9 and 10 and January 16 and 17 were weekends, and January 18 was a federal holiday.) The only weekday on which no formal appointment business was conducted was the first day of the recess, Friday, January 8.

President Bush nominated additional officials for appointment during the January recess, sending scores of military nominations to the Senate on January 19. 139 Cong. Rec. S79–80 (daily ed. Jan. 20, 1993).

President Bush did not, however, send to the Senate for confirmation a nomination to succeed Governor Nevin. Rather, on January 8, 1993, the President acted to replace Governor Nevin, by conferring on Thomas Ludlow Ashley, without the advice and consent of the Senate, a recess appointment, lasting through the end of the second session of the 103d Congress in late 1994.

## ARGUMENT

### THE RECESS APPOINTMENTS CLAUSE DID NOT EMPOWER THE PRESIDENT TO MAKE APPOINTMENTS DURING THE BRIEF JANUARY 1993 ADJOURNMENT

Plaintiffs have made two constitutionally based arguments challenging the President's use of the recess appointment power during Congress' brief adjournment in January 1993. They argue that the Recess Appointments Clause applies only during the recess between the annual sessions of Congress and, alternatively, that if the recess power may be used in some intrasession adjournments, it was not available under circumstances prevailing during the brief adjournment in January 1993.

Although we join their alternative argument, this memorandum focuses on plaintiffs' principal constitutional challenge. As we describe, the text and purpose of the Recess Appointments Clause both demonstrate that the recess power is limited to Congress' annual recess between sessions. This understanding is supported by the subsequent interpretation of, and historical practice under, the Recess Appointments Clause.

### A. The Text of the Recess Appointments Clause Manifests That It Applies Only to Congress' Annual Break Between Sessions

The starting point for constitutional interpretation is the text of the Constitution. The Recess Appointments Clause states, "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." U.S. Const. art. II, §2, cl. 3. The text of the Clause manifests in three ways that the recess power exists only during the break between Congress' annual sessions, which is referred to as the "intersession" recess or adjournment, not to the more numerous, and typically more abbreviated, "intrasession" recesses or adjournments that occur over the course of each congressional session.[6]

The first manifestation that the Recess Appointments Clause applies only to the break between Congress' annual sessions is that in the phrase "the Recess of the Senate," the word "recess" is worded in the singular, not the plural. Although they expressly anticipated Congress' taking additional shorter breaks within an annual session,[7] the Framers chose not to draft the Recess Appointments Clause to permit the President to make appointments to fill Vacancies "during the Recesses and Adjournments of the Senate," as they easily could have, and logically would have, if that were their intent. Instead, the Framers drafted the Clause in the singular to refer to "the Recess of the Senate," which strongly suggests that they were referring only to the single break between Congress annual sessions.[8]

Further, it is telling that, although in the immediately preceding grammatical clause of the Recess Appointments Clause the Framers specified that the Clause applies to "all Vacancies," the Framers chose not to state similarly that the Clause applies "during all Recesses." The logical inference from their conspicuous avoidance of the word "all" is that the Framers did not intend the recess appointment power to apply during each and every possible adjournment of the Senate, but only during the anticipated major break between annual sessions.[9]

Third, this construction of the word "recess" is compelled by the Clause's provision that recess appointments "shall expire at the End of their next Session." Ever since President Washington's initial use of the recess power during the adjournment between sessions of the First Congress, it has been consistently understood that the word "session" in the Clause refers to Congress' annual meetings.[10] Thus, a recess appointment made in the interval between the first and second sessions of a Congress expires at the conclusion of the second session, and an appointment after the final adjournment of a Congress lasts until the end of the first session of the succeeding Congress.

Consistent interpretation of the Clause, which is a single sentence that must be read as an integrated whole, requires that the words "recess" and "session" be given parallel and equivalent constructions. *Cf. Virginia* v. *Tennessee*, 148 U.S. 503, 519 (1893) (words in Constitution should be interpreted "by reference to associated words). If "session" refers to the entire period of a Congress' annual meeting, as all (including defendants) agree, then logic dictates that "recess" similarly means the interval between those two annual meetings. If, on the other hand, "recess" were construed to encompass every 10- or 12-day break, then "session" would need to be interpreted consistently as referring to only the reciprocal period, when the Senate is continuously sitting, before taking its next brief "recess."[11]

In this case, for example, if the President could unilaterally appoint Mr. Ashley to office during the "recess" between January 7 and January 20, 1993, then Mr. Ashley's recess commission necessarily "expire[d] at the End of the [Senate's] next Session," namely, on February 4, 1993, when the Senate adjourned until February 16, for Presidents' Day,[12] or, depending upon how brief a "recess" defendants believe to be constitutionally cognizable, on January 22, 1993, when the Senate adjourned until January 26,[13] or, if defendants truly believe that the Clause contemplates recesses of "half an hour,"[14] then on January 21, 1993, when the Senate recessed for 85 minutes for Members to attend party conference luncheons.[15]

The use of the recess power during brief adjournments within a session, each appointment lasting only through the period while the Senate meets before taking its next break, has never been understood to be contemplated by the Constitution and should not be indulged now. Adherence to the sensible historical understanding that recess appointments last until the end of Congress' next annual meeting requires a parallel construction of the word "recess" as referring to the break between those annual meetings.[16]

### B. The Purpose of the Clause Requires That the Recess Appointment Power Be Returned to Its Original Intended Use During Congress' Annual Break

The President's claimed power to make unilateral appointments, of almost two years' duration, during brief, interim adjournments like the mid-January recess, is irreconcilable with the purpose of the Recess Appointments Clause. The assertion of the recess power in this instance slights the Framers' deliberate and considered decision to share the appointing power between the Executive and the President, which they recorded in the Appointments Clause, immediately preceding the Recess Appointments Clause.

#### *1. The Framers Determined To Divide the Appointment Power Between the President and the Senate*

The Appointments Clause[17] is central among "the checks and balances" that the Framers "built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other." *Buckley* v. *Valeo*, 424 U.S. 1, 122 (1976) (per curiam). Designed to "ensure that those who wielded [the appointment power] were accountable to political force and the will of the people, . . . the Clause bespeaks a principle of limitation by dividing the power to appoint the principal federal officers . . . between the Executive and Legislative Branches." *Freytag* v. *Commissioner*, 111 S.Ct. 2631, 2641–42 (1991).

The development of the Appointments Clause at the Convention reflects this principle. "An interim version of the draft Constitution had vested in the Senate the authority to appoint Ambassadors, public Ministers, and Judges of the Supreme Court," while empowering the President to "'appoint officers in all cases not otherwise provided for by the Constitution.'"[18] However, this proposal did not meet with the Convention's approval. "Roger Sherman objected to the draft language of §2 because it conferred too much power on the President," *Buckley*, 424 U.S. at 130, and could enable him to "set up an absolute government." 2 Farrand at 405.

When the Committee of Eleven reported back to the Convention the language that became the Appointments Clause, "[i]t would seem a fair surmise that a compromise had been made." *Buckley*, 424 U.S. at 131. One change, to be sure, was that "the Senate is shorn of its power to appoint Ambassadors and Judges of the Supreme Court." Id. In return, however, "[t]he President is given, not the power to *appoint* public officers of the United States, but only the right to *nominate* them, and a provision is inserted by virtue of which Congress may require Senate confirmation of his nominees." Id. (emphasis in original).

Responding to objections against this blending of the appointing power, Gouverneur Morris explained that the benefit of the shared authority was "that as the President was to nominate, there would be responsibility, and as the Senate was to concur, there would be security." 2 Farrand at 539. The delegates approved the proposed compromise. Id. at 539–40. The Convention then agreed, without discussion or opposition, to add the Recess Appointments Clause following the Appointments Clause. Id. at 540.

Alexander Hamilton described in the Federalist Papers why the Convention had withdrawn from the President "the absolute power of appointment."[19] Under the constitutional plan, "the necessity of [the Senate's] concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration."

The Federalist No. 76, at 483. "The possibility of rejection would be a strong motive to care in proposing" and would deter the President from naming "candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure." Id.

### *2. The Limited Supplemental Purpose of the Recess Appointments Clause Is Served by Limiting Its Use to Intersession Adjournments*

Describing the Recess Appointments Clause, Hamilton stated that "[t]he relation in which that clause stands to the other [the Appointments Clause], which declares the general mode of appointing officers of the United States, denotes it to be nothing more than a supplement to the other, for the purpose of establishing an auxiliary method of appointment, in cases to which the general method was inadequate."[20] As Justice Story described, the recess power was intended to achieve "convenience, promptitude of action, and general security" and to avoid the burden and expense of requiring "that the senate should be perpetually in session." 2 Joseph Story, Commentaries on the Constitution §1557, at 380 (5th ed. 1905). Story termed "[t]he propriety of this grant . . . so obvious that it can require no elucidation." Id.

The limited "supplement[al]" purpose of the Recess Appointments Clause is best achieved if its scope is confined to the Framers' original intent, during the often prolonged recess following completion of the Senate's annual session. Congress did not even take intrasession adjournments until 1800 and, for many years after, Congress adjourned only occasionally over the Christmas holidays.[21] As the D.C. Circuit has noted, historical "evidence indicat[es] that the Framers envisioned that Congress would convene its annual session, complete its business within several months, and adjourn for the remaining three-fourths of the year."[22]

The need for an "auxiliary" appointing method arose from the Framers' expectation that, because Congress would be away for an extended period between its annual sessions, during that period the "general method" would be "inadequate." The Federalist No. 67, at 438. The Clause was not drafted with short holiday breaks in mind, but the extended recess, when a "vacancy may paralyze a whole line of action" causing "ruinous . . . consequences . . . to the public." 1 Op. Att'y Gen. 631, 632 (1823). There is no historical evidence that the Framers believed that it was necessary or advisable to empower the President to make unilateral appointments while the Senate was adjourned, within its session, for a matter of only hours, days, or weeks.

Moreover, the development of statutory means of ensuring continuity in government offices eliminates any potential need to expand the Recess Appointments Clause beyond its originally intended scope to match the contemporary congressional calendar. As this case reflects, Congress has legislated to minimize disruption of government business as a result of interim vacancies in offices. For the Postal Governors, as for many other multi-member boards and commissions, Congress has authorized incumbent officers, who were appointed by the President with Senate confirmation, to continue in office for a specified period (in this case up to one year) past the expiration of their statutory terms, until their successors have qualified. 39 U.S.C. §202(b) (1988).[23]

For individual heads of executive agencies and bureaus, Congress has provided through the Vacancies Act for the President to fill vacancies caused by death, illness, or resignation by detailing another confirmed executive officer to perform the duties on a temporary basis, usually up to 120 days. 5 U.S.C. §§3347–3348 (1988). There is no need to stretch the scope of the Recess Appointments Clause beyond its intended operation to encompass intrasession adjournments, as Congress has provided the President with the statutory tools necessary to ensure the continuity of governmental functions during any such breaks.

The Vacancies Act is itself an outgrowth of the Appointments Clause's careful restriction of the President's power to appoint officers unilaterally. Other than during the Senate's annual recess, the Appointments Clause requires statutory authority for each appointment by the President alone and limits the exercise of that power to the appointment of "inferior officers."[24] The Supreme Court has stressed the importance of these efforts by the Framers "to limit the distribution of the power of appointment." *Freytag* v. *Commissioner*, 111 S. Ct. at 2641. A broad reading of the Recess Appointments Clause would permit the President to do unilaterally what the Framers stipulated could be done only with authorization from Congress (and what, in the case of principal officers, they prohibited Congress and the President from doing even jointly), namely, transferring appointment authority from the President and the Senate to the President alone.

### *3. Expanding the Recess Appointment Power to Intra-session Adjournments Would Negate the Framers' Considered Division of the Appointing Power*

The Supreme Court has repeatedly stressed the need for "vigilance against the 'hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power.'" *Mistretta* v. *United States*, 488 U.S. 361, 382 (1989) (quoting *INS* v. *Chadha*, 462 U.S. 919, 951 (1983)). The Court has "not hesitated" to invalidate assertions of power that seek to "accrete to a single Branch powers more appropriately diffused among separate Branches." *Id.* Use of the recess appointment power during the January recess is just such an action. By invoking the recess power, which is intended as "nothing more than a supplement, . . . an auxiliary method of appointment, in cases to which the general method was inadequate," *The Federalist* No. 67, at 438, during this 12-day break, the President avoided the Senate's constitutional function to advise and consent on presidential appointments. The appointments provisions of the Constitution, no less than the lawmaking provisions, "represent[ ] the Framers' decision that the . . . power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure." *Chadha*, 462 U.S. at 951. Preservation of the Constitution's delicate sharing of appointment authority between the branches requires rejection of the President's attempt to "accrete" those powers "to a single Branch." *Mistretta*, 488 U.S. at 382.

The extent to which validating the recess appointment of Mr. Ashley would distort the Framers' considered constitutional plan is evident from the defendants' submissions. The Executive has explicitly taken the position here that "the Recess Appointments Clause does not require that the Recess of the Senate last for any minimum length of time" and that "[t]he length of a recess is not a ground upon which the Court may distinguish between and among recesses." DOJ Memo. at 14, 16. Mr. Ashley likewise states that "there is no [constitutional] provision which defines a 'Recess' as being a certain minimum number of days." Ashley Memo. at 10.[25]

Thus, defendants ask this Court to sustain Mr. Ashley's appointment on the ground that *no* recess of the Senate could ever possibly be too abbreviated to support use of the President's recess appointment power. If defendants' construction of the Clause were credited, then any weekend when the Senate is in recess, or the wee hours of any morning when the Senate is adjourned "from day to day," indeed any thirty minutes during which the Senate has called a recess, would be sufficient to trigger the President's unilateral appointment power.[26] This is not a fanciful extrapolation, or *reductio ad absurdum*, of the defendants' argument: *it is their argument*. Relying upon an 1828 dictionary, the Executive implies quite plainly that a legislative recess of "half an hour" is a constitutionally significant recess for purposes of triggering the Recess Appointments Clause.[27]

Acceptance of defendants' position would utterly undo the compromise forged by the Framers at the Constitutional Convention. For example, under defendants' unbounded construction of the Recess Appointments Clause, a new President need never seek Senate confirmation of his Cabinet. He could simply wait for an early Senate recess and give recess appointments to his entire Cabinet, if he wished to do so. Then, once those commissions had expired almost two years later with the end of that Congress, the President could, through a second round of recess appointments, maintain his entire Cabinet in office for virtually his entire Presidency, without once submitting a name for Senate confirmation. It is insufficient to respond that no President is likely to use the recess appointment power in such a way: before Mr. Ashley's appointment, no President had ever made a recess appointment during a 12-day intrasession adjournment. The Court should resist the Executive's "hydraulic pressure . . . to exceed the outer limits of its power," *INS* v. *Chadha*, 462 U.S. at 951, before that pressure leads to even greater excesses.

The need to limit the recess appointment power to its original intended application, during intersession adjournments only, is evinced by the practical effect that would result from use of the power during adjournments such as the January recess. The statutory term of the incumbent Governor, Mr. Nevin, expired on December 8, 1992, after the final adjournment of the 102d Congress in October 1992. Assuming that Mr. Nevin's office was vacant for constitutional purposes after the expiration of his statutory term,[28] the President indisputably could have given Mr. Ashley a recess appointment at any point during the sine die adjournment, from December 8, 1992 until the new Congress convened at noon on January 5, 1993.[29]

Had the President made such an appointment during that period, Mr. Ashley's recess commission would have expired at the end of the first session of the 103d Congress, later this year. However, by eschewing use of the recess appointment power during the final adjournment, when the Framers contemplated that recess appointments would be made, and waiting until the January break following the meeting of the 103d Congress, the President gave Mr. Ashley a commission lasting through the second session of the Congress, until late 1994.

Thus, deferral of the recess appointment by one month, from the intersession to the intrasession adjournment, resulted in prolonging Mr. Ashley's commission by an entire year and lengthening his appointment to a total period of almost two years.[30] Condoning such use of the recess appointment power during intrasession adjournments may encourage a President to invoke the recess power strategically and to time recess appointments to minimize the Senate's opportunity to advise and consent to presidential appointments. Such potential manipulation of the recess power operates in derogation of fundamental constitutional principles and does not merit the Court's approval.

### C. Use of the Recess Appointment Power During Intrasession Adjournments Is Not Justified by Historical Practice

In adjudicating issues about the scope of the recess appointment power, as for other constitutional questions about the structure of the government, courts give "considerable weight . . . to an unbroken practice, which has prevailed since the inception of our nation and was acquiesced in by the Framers of the Constitution when they were participating in public affairs." *United States* v. *Woodley*, 751 F.2d at 1012 (citing Supreme Court cases). Use of the recess appointment power during short intrasession adjournments has no such venerable historical pedigree or record of acceptance.

#### *1. Use of the Recess Appointment Power During Intrasession Adjournments Is a Recent Practice That Has Not Been Accepted*

The limited historical precedent for intrasession recess appointments is like that of "the relatively young legislative veto," *id.* at 1012, whose "use does not reach back to the days of the Framers," but represents "a recent practice, barely 50 years old." *Id.* at 1011. Like the legislative veto, the intrasession recess appointment constitutes no "unbroken practice, which has prevailed since the inception of our nation," but merely "'the most recent episode in a long tug of war between the Executive and Legislative Branches.'" *Id.* at 1012 (quoting *Buckley* v. *Valeo*, 424 U.S. at 140 n.176).

Specifically, there is no record of any President's having made a recess appointment during an intrasession adjournment until July 1867, when President Andrew Johnson recess-appointed a district judge during a three-month congressional adjournment.[31] Defendants have identified only one other intrasession recess appointment prior to the end of World War II, President Coolidge's appointment of an ICC commissioner during a 13-day intrasession adjournment in 1928.[32]

The only intrasession recess appointment practice of any appreciable magnitude has developed solely within the past fifty years.[33] Defendants' statistics reflect that Presidents Truman, Eisenhower, and Nixon each made recess appointments during intrasession adjournments, while there is no record of any such appointments by Presidents Kennedy, Lyndon Johnson, or Ford.[34]

Only in the past fifteen years have recess appointments during intrasession adjournments become an aspect of each President's appointments, rather than a sporadic and extraordinary practice. Thus, President Carter made 17 recess appointments during intrasession adjournments, President Reagan made 75, and President Bush made 37 intrasession recess appointments.[35] The Supreme Court's observation in *Chadha* that its "inquiry is sharpened rather than blunted by the fact that congressional veto provisions are appearing with increasing frequency," 462 U.S. at 944, applies forcefully in the context of intrasession recess appointments.

Not only has the frequency of the Executive's use of intrasession recess appointments mushroomed in recent years, but the circumstances in which recent Presidents have resorted to the recess power have also expanded correspondingly. During the first 190 years under the Constitution, only two recess appointments appear to have been made during an intrasession adjournment lasting less than one month.[36]

In the past decade, however, at least 64 such appointments have been made. President Reagan made 1 recess appointment during an 18-day intrasession adjournment, 4 appointments during a 21-day adjournment, 2 during a 13-day adjournment, 17 during a 23-day adjournment, and 3 during a 26-day adjournment.[37] President Bush made 4 recess appointments during a 26-day adjournment, 15 during a 17-day adjournment, 4 during a 26-day adjournment, 10 during the 12-day adjournment at issue in this case, and apparently 4 on a day when the Senate was in session.[38]

Nor has the Senate acquiesced in this steady expansion of presidential power. Recent Presidents' assertions of power to make recess appointments during interim adjournments within a session of Congress have prompted strong constitutional objections from Members of the Senate as intruding into the Senate's constitutional role in advising and consenting on appointments.[39] Mr. Ashley's appointment prompted a letter from the Senate President pro tempore, the Majority Leader, and the Chairmen of the Committees on Rules and Administration and Governmental Affairs and the Subcommittee on Federal Service, Post Office, and Civil Service, requesting the President to withdraw the appointment. *See* Attachment A to Plaintiffs' Memo.

#### *2. The Opinions of the Attorney General Do Not Support Use of the Recess Appointment Power During Intrasession Adjournments*

The reason that recess appointments during intrasession adjournments are virtually a 20th-century invention is evident from the historical analyses of the recess power by Attorneys General. Before 1921, there is no record of any Attorney General's ever having concluded that the President had power to make recess appointments during any intrasession adjournments.

In 1901, the Attorney General formally opined that the President has no such power. Attorney General Knox responded to an inquiry from President Theodore Roosevelt whether the Constitution authorized him to make appointments during the 17-day Christmas holiday recess during the first session of the 57th Congress, which would "have the effect of an appointment made in the recess occurring between two sessions of the Senate." 23 Op. Att'y Gen. 599, 599 (1901). The Attorney General advised that the recess appointment power applies only during "the period after the final adjournment of Congress for the session, and before the next session begins." *Id.* at 601. He explained,

> "It is this period following the final adjournment for the session which is the recess during which the President has power to fill vacancies by granting commissions which shall expire at the end of the next session. Any intermediate temporary adjournment is not such recess, although it may be a recess in the general and ordinary use of that term."

*Id.* (emphasis in original). Knox found his conclusion supported by "the clear implications . . . from the uniform practice of the Executive and the various opinions of my predecessors," which "relate only to appointment during the recess of the Senate between two sessions of Congress." *Id.* at 603, 602.

Attorney General Knox reasoned that "[i]f a temporary appointment could in this case be legally made during the current adjournment as a recess appointment, I see no reason why such an appointment should not be made during any adjournment, as from Thursday or Friday until the following Monday." *Id.* at 603. Rejecting out-of-hand this possibility (which apparently now commends itself to the Executive as the correct construction of the Clause), the Attorney General concluded that "[t]here have always been two sittings, sessions or assemblings of each Congress," that the Constitution "contemplates the continuance of the session notwithstanding the adjournment" for interim breaks such as holidays, and, hence, that recess appointments may not be made during such adjournments. *Id.*[40]

Twenty years later, President Harding reiterated President Roosevelt's inquiry during a four-week summer adjournment during the first session of the 67th Congress. Departing from his predecessor's opinion, Attorney General Daugherty stated that "the real question, as I view it, is whether in a *practical* sense the Senate is in session so that its advice and consent can be obtained." 33 Op. Att'y Gen. 20, 21–22 (1921) (emphasis in original). Drawing upon concepts of inherent Executive authority and the need to avert potential "catastrophe" should an unfilled vacancy "prevent the exercise of governmental functions," Daugherty inferred power to make recess appointments "when there is a real and genuine recess making it impossible for [the President] to receive the advice and consent of the Senate." *Id.* at 23, 25.

However, Attorney General Daugherty concurred with his predecessor that the President does not have power to make a recess appointment any time that the Senate is out of session:

> "[D]oes it not necessarily follow that the power exists if an adjournment for only 2 instead of 28 days is taken? I unhesitatingly answer this by saying no. . . . [N]o one, I venture to say, would for a moment contend that the Senate is not in session when an adjournment of the duration just mentioned is taken. *Nor do I think an adjournment for 5 or even 10 days can be said to constitute the recess intended by the Constitution.*"

*Id.* at 24–25 (emphasis added). Finding that "the line of demarcation can not be accurately drawn," Daugherty opined that "the President is necessarily vested with a large, although not unlimited, discretion." *Id.* at 25. "But there is a point, necessarily hard of definition, where palpable abuse of discretion might subject his appointment to review." *Id.*[41]

Freed from the restraint of constitutional text, the views of the Justice Department—

that recess appointments could be made during lengthy, but not short, intrasession adjournments—remained about the same for sixty years.[42] By the mid-1980s, however, the difficulties anticipated by Attorneys General Knox and Daugherty in drawing that "line of demarcation" began to manifest themselves. In 1984 the Office of Legal Counsel "advised that recess appointments could be made during a 24-day intrasession summer recess," but six months later the same office "cautioned against a recess appointment during an 18-day intrasession recess." 13 Op. Off. Legal Counsel 325, 327 & n.2 (1989). Then, in 1992, the office approved use of the recess appointment power during an 18-day intrasession adjournment. 16 Op. Off. Legal Counsel 15, 16 (1992).

Notwithstanding the Department's earlier "caution[ing]" and Attorney General Daugherty's assurance that 10 days was clearly insufficient to justify use of the recess power, since 1985 Presidents Reagan and Bush made 27 recess appointments during intrasesion adjournments of 13, 16, and now 12 days. Whatever deference may normally be given to consistent and well-reasoned opinions of the Attorney General, the "checkered background" of the Executive's views on this issue, 3 Op. Off. Legal Counsel 315, which leave the Court searching for constitutional principle somewhere between the 10th and 12th day of a congressional adjournment, eliminates any entitlement to judicial deference on this important constitutional question.

The reversals and inconsistencies manifest in the Executive's historical consideration of the recess appointment power vividly demonstrate the risk of constitutional interpretation guided more by institutional self-interest than by text and purpose. As the unworkability of its earlier attempts to distinguish between intrasession adjournments of different lengths became apparent in the context of Congress' contemporary scheduling patterns, the Executive ultimately has come in this case to advance an interpretation of the Recess Appointments Clause that would eviscerate the central decision that the Framers made about the appointment of federal officers: that the appointing power should not be conferred upon the President alone, but should be checked by the Senate. A return to guiding constitutional principle compels confining the President's recess appointment power to the limited role for which it was designed: when the Senate's annual recess, following its conclusion of business for the session, creates a need in the President's view for the immediate filling of a vacancy so that the public business may continue uninterrupted until an officer can be appointed with Senate confirmation at the Senate's next session.[43]

## CONCLUSION

For the above reasons, the Court should grant plaintiffs' motion for partial summary judgment, and deny defendants' summary judgment motions, on count two of the amended complaint.

## FOOTNOTES

[1] The appearance of the Senate in litigation is authorized by 2 U.S.C. §288e(a) (1988), which provides that the Senate may direct its Legal Counsel to appear as amicus curiae in its name "in any court of the United States * * * in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue."

[2] The Senate and House had adjourned on October 8 and October 9, 1992, respectively. 138 Cong. Rec. S18258 (daily ed. Oct. 8, 1992); 138 Cong. Rec. H12606 (daily ed. Oct. 9, 1992).

[3] 139 Cong. Rec. S9-10; Pub. L. No. 103-2, 107 Stat. 4 (1993). Defendant's suggestion that the Senate "conducted only routine organizational business" in early January, Statement of Points and Authorities in Support of Defendant Thomas Ludlow Ashley's Motion for Summary Judgment on Count Two of the First Amended Complaint ("Ashley Memo.") at 8 n.*, is simply incorrect. The Treasury salary statute was one of two laws that Congress enacted in this period. See also Pub. L. No. 103-1, 107 Stat. 1 (1993).

[4] 139 Cong. Rec. S27-42. The President gave recess appointments to the Base Closure commissioners on January 8, 1993, the same day as the Ashley appointment at issue in this case. 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993). No constitutional issue presently arises with regard to these recess appointments, because the Senate subsequently confirmed the nominations of the recess-appointed commissioners to full terms. 139 Cong. Rec. S2415 (daily ed. Mar. 4, 1993).

[5] The official record of presidential action indicates that President Bush also made four recess appointments to the National Security Education Board on January 6, 1993. 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993). The asserted constitutional basis for these recess appointments is mystifying, as the Senate was in session on January 6, the day the appointments were reportedly made, as well as the day before and the day after.

[6] In current Senate practice, a "recess" and an "adjournment" have different parliamentary consequences. For example, particular legislative business that is mandated upon convening after an adjournment does not occur following a recess. See Riddick's Senate Procedure, S. Doc. No. 28, 101st Cong., 2d Sess. 1, 1080 (Alan S. Frumin ed., rev. ed. 1992). There is no reason to believe that this distinction is constitutionally significant.

[7] See U.S. Const. art. I, §5, cl. 4 ("Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days.").

[8] When Congress held a third session, in addition to the two annual constitutionally mandated meetings, there could be a second intersection recess of the Senate. Under its modern calendar, each Congress holds only two sessions. See 1991-1992 Official Congressional Directory, S. Pub. No. 102-4, at 590-94 (1991), reprinted as Attachment B to Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Partial Summary Judgment ("Plaintiffs' Memo.").

[9] The Clause's textual reference to "the Recess" differentiates the scope of the recess appointment power from the President's pocket veto power. The D.C. Circuit has agreed with Congress's view that, for purposes of interpreting the pocket veto provision, intersession "adjournments do not differ in any practical respect from the intrasession adjournments." *Barnes* v. *Kline*, 759 F.2d 21, 36 (D.C. Cir. 1985), vacated as moot sub nom. *Burke* v. *Barnes*, 479 U.S. 361 (1987). The pocket veto provision does not, however, refer to "the Recess of the Senate," as does the Recess Appointments Clause, but rather expressly incorporates a condition, "unless the Congress by their Adjournment prevent its Return," U.S. Const. art. I, §7, cl. 2, which could apply to either intersession or intrasession adjournments—or to neither—depending upon prevailing conditions, such as the contemporary practice of granting authority to congressional officers to receive presidential messages during adjournments. The Recess Appointments Clause has no such conditional language.

Also, the intersession adjournment differs from intrasession breaks in that Congress traditionally does not adjourn its annual session until "notify[ing] the President * * * that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them." S. Res. 227, 101st Cong. (1989), 135 Cong. Rec. 31716 (1989). No such action is taken for interim intrasession breaks.

[10] See U.S. Const. art. I, §4, cl. 2 (amended by amend. XX) ("The Congress shall assemble at least once in every Year, and such Meeting * * * *"); id. art. I, §5, cl. 4 ("Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.") (emphasis added); 2 Op. Att'y Gen. 336 (1830).

[11] "Typically, there are several recesses of approximately five days for various holidays and a summer recess (or recesses) lasting about one month." *Kennedy* v. *Sampson*, 511 F.2d 430, 441 (D.C. Cir. 1974). Since the 1970s, holiday recesses often last ten or twelve days, but the pattern is otherwise similar.

[12] See 139 Cong. Rec. S1512 (daily ed. Feb. 4, 1993).

[13] See 139 Cong. Rec. S641 (daily ed. Jan. 22, 1993).

[14] See Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment on Count II ("DOJ Memo.") at 7-8.

[15] See 139 Cong. Rec. S139 (daily ed. Jan. 21, 1993).

[16] The practice of the Continental Congress, which served under the Articles of Confederation and many of whose members were delegates to the Constitutional Convention, supports this construction of the Recess Appointments Clause. The Articles, which authorized Congress to appoint officers of the government, provided for establishment of a committee of delegates from each state to appoint officers and to execute other assigned powers "in the recess of Congress." Articles of Confederation art. IX-X. Congressional practice shortly before the Constitution's drafting reflects the understanding that "the recess of Congress" referred to the lengthy intervals between Congress's sessions, not to short, interim adjournments within a session. Thus, the Continental Congress appointed a committee, which exercised the power of appointment, to sit during its five-month recess between sessions in 1784. See 26 Journals of the Continental Congress 1774-1789, at 295-96 (Gaillard Hunt ed. 1928). In contrast, there is no record of such a committee's being named to sit or make appointments during the Congress's intrasession adjournments of several days or weeks. See, e.g., 24 id. at 410 (4-day adjournment in 1783); 25 id. at 807, 809 (21-day adjournment in 1783); 27 id. at 710 (17-day adjournment in 1784-85).

The text of the statute enacted by the First Congress under the Constitution to compensate its Members and officers reflects a like understanding of the words "session" and "recess." Congress provided, for example, for payment to the Senate engrossing clerk of "two dollars per day during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess." Act of Sept. 22, 1789, ch. 17, §4, 1 Stat. 70, 71 (emphasis added). The phrase "in the recess" evidently referred to the interval between the Senate's annual sessions, not to each day during a session when the Senate was adjourned. "Session" similarly referred to the entire period of the Senate's annual meeting, not to each particular day when the Senate sat. See id. §1, 1 Stat. 70 (Senators allowed travel expenses "at the commencement and end of every such session and meeting").

[17] The Appointments Clause (art. II, §2, cl. 2) reads: "[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

[18] *Buckley*, 424 U.S. at 129, 130 (quoting report of Committee of Detail, art. X, §2, reprinted in 2 The Records of the Federal Convention of 1787, at 185 (Max Farrand ed., rev. ed. 1966) [hereinafter Farrand]).

[19] The Federalist No. 76, at 482 (Benjamin F. Wright ed. 1961). The Federalist "'has always be[en] considered as of great authority'" on constitutional issues, including recess appointment questions. *United States* v. *Woodley*, 751 F.2d 1008, 1010 n.3 (9th Cir. 1985) (en banc) (quoting *Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) 120, 187 (1821)), cert. denied, 475 U.S. U.S. 1048 (1986).

[20] The Federalist No. 67, at 438 (emphasis added). One historian has termed the recess appointment provision one of the "loose ends [that] remained to be tied up" near the end of the Convention. Clinton Rossiter, The Grand Convention 224 (1966). "[O]n the few occasions when the [Recess Appointments] clause was mentioned in the state ratifying conventions, the delegates clearly seemed to understand its function as an interim, extraordinary method of appointment." Thomas A. Curtis, Note, Recess Appointments to Article III Courts: The Use of Historical Practice in Constitutional Interpretation, 84 Col. L. Rev. 1758, 1768 (1984).

One need not dispute Judge Greene's statement that it is "not appropriate to assume that this Clause has a species of subordinate standing in the constitutional scheme," *Staebler* v. *Carter*, 464 F. Supp. 585, 597 (D.D.C. 1979), to believe that the Clause must be construed in accord with the Framers' intent and the overall system of separated powers that they designed. *Cf. Reid* v. *Covert*, 354 U.S. 1, 44 (1957) (Frankfurter, J., concurring) ("The Constitution is an organic scheme of government to be dealt with as an entirety. A particular provision cannot be dissevered from the rest of the Constitution."); *Barnes* v. *Kline*, 759 F.2d at 32 ("The manifest purpose of the pocket veto clause has guided application of the clause by the Supreme Court, as well as this circuit.").

[21] "[O]nly four intrasession adjournments in the history of the Congress have exceeded sixty days in duration. . . . Until 1932, practically every one of these [intrasession] adjournments was a Christmas holiday recess." *Kennedy* v. *Sampson*, 511 F.2d at 441; *see 1991–1992 Official Congressional Directory*, Attachment B to Plaintiffs' Memo., at 586–88.

[22] *Barnes* v. *Kline*, 759 F.2d at 38–39. Through the early part of this century, "intersession adjournments of five or six months were still common." *Kennedy* v. *Sampson*, 511 F.2d at 441.

[23] The Postal Service notes that, since the holdover provision was added to Postal Governors' tenure in 1983, no haituses have resulted from the expiration of Governors' terms. *See* Initial Memorandum of United States Postal Service as Amicus Curiae at 13. Such provisions thereby eliminate quorum difficulties, which are the principal problem that can result from turnover on multi-member commissions.

[24] "[T]he Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, §2, cl. 2.

[25] The Executive notes the three-day limit for adjournments for which concurrent congressional approval is not required, U.S. Const. art. I, §5, cl. 4, but states that "the Court need not reach" the question whether that provision has any bearing on the Recess Appointments Clause. DOJ Memo. at 19 n. 18. We see no relationship between the two provisions. The purpose of the three-day limitation was, in Madison's words, "[t]hat it would be very exceptionable to allow the senators, or even the representatives, to adjourn, without the consent of the other house, at any season whatsoever, without any regard to the situation of public exigencies." 3 *Debates on the Adoption of the Federal Constitution* 368 (Jonathan Elliot ed., photo. reprint 1974) (2d ed. 1836). Thus, the three-day provision serves bicameralism by enabling either House to insist on the presence of the other House to perform duties requiring bicameral action. This provision has no bearing on recess appointments, as the House of Representatives' lack of any role in confirming presidential appointments renders its presence or absence irrelevant for appointments. *Cf. Barnes v. Kline*, 759 F. 2d at 40 (for purposes of pocket veto provision, "choice of three days as a bright line thus appears to have no textual grounding at all," because "we cannot agree that any special connection exists between the pocket veto clause and the clause governing adjournments by one house").

[26] The word "adjournment" derives from the French and Latin words for "daily," as in the French word "jour." The Senate has adjourned for periods as brief as ten seconds and two seconds. *See Riddick's Senate Procedure*, *supra* note 6, at 16.

[27] DOJ Memo. at 7–8. It should be noted that this extreme position is inconsistent with every prior opinion of the Attorney General on the scope of the recess appointment power. *See infra* pp. 31–35. The Executive has never before taken this position, and, as recently as 1985, the Office of Legal Counsel "cautioned against" use of the recess appointment power during brief recesses. 13 Op. Off. Legal Counsel 325, 327 n.2 (1989).

Attorney General Knox noted in 1901 that, while dictionaries give to the word "'recess,' when used in reference to deliberative assemblies, the meaning of the remission or suspension of business or procedure," in the Recess Appointments Clause the phrase "*the recess*" has a narrower meaning than "the general and ordinary use of that term" 23 Op. Att'y Gen. 599, 601 (1901) (emphasis in original).

In fact, the dictionary cited by defendants, which postdated the Framing of the Constitution by forty years, as well as others more contemporaneous with the Framing, reflect that "session" had dual meanings of both the actual period when a legislature was conducting business and the entire period from convening to disbanding, and that "recess" similarly referred to the period of a legislature's suspension of business, without distinguishing between interim breaks and more substantial breaks between legislative sessions. *See* 2 Noah Webster, *An American Dictionary of the English Language* (1828) (pages headed REC-REC, SES-SET); 2 Samuel Johnson, *Dictionary of the English Language* (7th ed. 1785) (pages headed REC-REC, SES-SET); John Marchant, *A New Complete English Dictionary* (1760) (pages headed REC-REC, SER-SET). Further, the dictionary closest to the Framing, which the Supreme Court uses in constitutional adjudication, *see, e.g., Nixon v. United States*, 113 S. Ct. 732, 736 (1993); *Morrison v. Olson*, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting), defines "session" as "the space for which an assembly sits, *without intermission or recess.*" Samuel Johnson, *supra* (page headed SER-SET) (emphasis added). Thus, to the extent that 18th-century dictionary definitions provide any guidance, they show that it is unlikely that the word "recess" was intended in the Constitution to refer to the breaks *within* a session of Congress.

[28] The question whether, in light of Mr. Nevin's statutory holdover status, his office was vacant and, therefore, amenable to filling by recess appointment is also an issue in this case. We rely on plaintiffs' demonstration that Mr. Nevin's holdover status renders it unnecessary for the Court to reach the constitutional question. *See* Plaintiffs' Memo. at 15–22.

[29] Defendants point to prior recess appointments that were made shortly before the Senate convened, but during an intersession adjournment (including the morning of Congress's return), as support for what they call the "functionally equivalent" use of the recess power during brief intrasession adjournments. *See* DOJ Memo. at 15, 16–17; Ashley Memo. at 34–37. As the Justice Department has recognized, the President's use of the recess power hours before Congress's return from an intersession adjournment raises important "policy" issues. 16 Op. Off. Legal Counsel 15, 17 (1992). However, as long as the appointment power is exercised during "the recess" between the Senate's annual sessions, constitutional requirements are satisfied. The fact that Presidents have used their constitutional power in cases where "pruden[ce]," 13 Op. Off. Legal Counsel 325, 327 (1989), would counsel against its use does not provide any justification for expanding the power beyond constitutional limits.

[30] Thus, contrary to defendants' suggestion, *see supra* note 29, appointments near the end of intersession adjournments and appointments during brief intrasession adjournments are not "functional equivalents."

[31] *See* Exhibit 3 to DOJ Memo. at 1. The lack of a published comprehensive record of early presidential actions makes it difficult to identify recess appointments with precision, but President Andrew Johnson may have made additional intrassession recess appointments. President Andrew Johnson's presidency was, of course, the period in American history of greatest discord between the President and the Congress, focusing principally on appointments and removals. Congress's disagreement with President Johnson's appointment decisions is manifest in its enactment, over his veto, of the Tenure of Office Act, ch. 154, 14 Stat. 430 (1867). This law, the disobedience of a provision of which led to the only presidential impeachment in American history, also sought to regulate the President's use of the recess appointment power. *Id.* §3, 14 Stat. 430–31. Whether President Johnson made one or more intrasession recess appointments, his actions can hardly be offered as a model of historical "acceptance of the President's use of the recess power . . . by the three branches of government," *Woodley*, 751 F.2d at 1011, warranting deference.

[32] *See* Exhibit 3 to DOJ Memo. at 6. In computing lengths of adjournments, we count each day the Senate did not meet. Defendants also count the day the Senate reconvened, which adds one day to the length of the adjournments.

[33] *Cf. Kennedy* v. *Sampson*, 511 F.2d at 441–42 ("[T]he precedents cited by appellants [for intrasession pocket vetoes] are not strong. Of only thirty-eight intrasession pocket vetoes in the nation's history, thirty (or 78%) have occurred since the inauguration of President Franklin Roosevelt. None occurred prior to 1867. The intrasession pocket veto is, therefore, a relatively modern phenomenon.") (footnote omitted).

[34] *See* Exhibit 3 to DOJ Memo. at 1, 2, 6.

[35] *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A1–A9.

[36] In addition to the Coolidge appointment described above, President Nixon made one recess appointment during a 16-day intrasession adjournment. *See id.* at A1. The shortest intrasession adjournments during which Presidents Truman and Eisenhower made recess appointments appear to have lasted 35 days each. *See* Exhibit 3 to DOJ Memo. at 1, 6. The shortest intrasession adjournment for President Carter's recess appointments was 32 days. *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A1–A2. When the Executive cites other brief adjournments as having occasioned recess appointments, *see* DOJ Memo. at 14–15, it is referring to *intersession* adjournments, which the Department intermingles with *intrasession* adjournments, but which raise no constitutional issue under the Recess Appointments Clause.

[37] *See* Appendix *infra*, Intrasession Recess Appointments, 1970–1993, at A3–A6.

[38] *See id.* at A6–A9. The January 1993 recess appears to be the shortest intrasession adjournment in the nation's history during which a President has made a recess appointment. *Cf. Kennedy v. Sampson*, 511 F.2d at 442 ("The present case arises from the shortest intrasession recess ever relied upon by any President as having prevented the return of a disapproved bill,").

[39] *E.g.*, S. Exec. Rep. No. 1, 99th Cong., 1st Sess. 11–17 (1984) (views of Senators objecting to President's recess appointment of Federal Reserve Board governor during 23-day intrasession adjournment), *reprinted with revisions in* 130 Cong. Rec. 22778–80 (1984); *id.* at 22767, 22782 (amendment, which was tabled by 53–43 vote, expressing sense of Congress that President should withdraw intrasession recess appointment); *id.* at 23234–36 (remarks of Sen. Byrd, Sen. Sarbanes, and Sen. Mitchell on introduction of S. Res. 430, 98th Cong. (1984) to express sense of Senate that no recess appointment should be made during intrasession adjournment shorter than 30 days). Although Senate Resolution 430 sought as an accommodation to implement the prior understanding that a 30-day line reasonably distinguished brief from more substantial intrasession adjournments for purposes of the recess power, the Executive's subsequent, steady chipping away at the length of recess sufficient for making recess appointments has demonstrated the need to return to the Framers' original intent and limit the power to intersession adjournments.

[40] Knox rejected a contrary conclusion of the Court of Claims, *Gould* v. *United States*, 19 Ct. Cl. 593 (1884), noting that the decision focused on "the officer's right to receive pay rather than the power of the President, the function of the Senate, or the nature of the adjournment." 23 Op. Att'y Gen. 603.

[41] We have found no record of President Harding's having, in fact, made a recess appointment during the 1921 intrasession adjournment.

Daugherty relied, as defendants do, *see* DOJ Memo. at 8; Ashley Memo. at 10–13, on a 1905 Senate Judiciary Committee report responding to President Roosevelt's assertion of the recess appointment power, despite the lack of *any* recess between the first and second sessions of the 58th Congress. Rejecting the suggestion that, in the single instant when the first session ended and the second session began, a "constructive recess" had occurred, the Judiciary Committee stated that the word "recess" meant "something real, not something imaginary; something actual, not something fictitious." S. Rep. No. 4389, 58th Cong., 3d Sess. 2 (1905), *reprinted* in 39 Cong. Rec. 3823 (1905).

The Committee's explanation why the President may not make a recess appointment if there is no recess between the first and second sessions of Congress is not relevant, and should not be applied, to the wholly different issue of whether the President may make a recess appointment during an intrasession adjournment. *Cf. Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) at 399 ("It is a maxim, not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used."). No controversy about intrasession recess appointments existed at the time when the Judiciary Committee was writing, as the Executive had expressly recognized only four years earlier that the recess power applies only during intersession adjournments. 23 Op. Att'y Gen. 599.

Nor is the opinion of the Comptroller General, 28 Comp. Gen. 30 (1948), also cited by defendants, of independent significance. The Comptroller General was primarily addressing a statutory, not the constitutional, question, and, for his analysis of the constitutional issue, the Comptroller General relied almost exclusively on Attorney General Daugherty's opinion.

[42] In 1960, Acting Attorney General Walsh advised President Eisenhower that it had become "the accepted view" since Daugherty's 1921 opinion that the President could make recess appointments during intrasession adjournments. 41 Op. Att'y Gen. 463, 468 (1960). In 1979 the Office of Legal Counsel stated that, although "Presidents have been reluctant to make recess appointments during an intrasession adjournment of the Senate, * * * it is our opinion

This table compiles all recess appointments made during intrasession adjournments of the Senate since 1970 that have been cited by any party or that we are otherwise aware of. Defendants rely in their memoranda upon a number of recess appointments that were made during intersession, rather than intrasession, adjournments. No constitutional issue exists with regard to recess appointments during intersession adjournments. Therefore, intersession recess appointments are not included in this compilation.

### APPENDIX: INTRASESSION RECESS APPOINTMENTS, 1970–1993

| Name | Office | Appointment date | Dates of recess | Length of recess | Citation |
|---|---|---|---|---|---|
| | | PRESIDENT NIXON (8) | | | |
| Andrew E. Gibson | Commerce | 10/21/70 | 10/15/70–11/16/70 | 32 days | 1970 Pub. Pap. A. 94 |
| C. Langhorne Washburn | Commerce | 10/21/70 | 10/15/70–11/16/70 | 32 days | 1970 Pub. Pap. A. 94 |
| Hubert B. Pair | Judge | 10/24/70 | 10/15/70–11/16/70 | 32 days | 1970 Pub. Pap. 939 |
| Gerard D. Reilly | Judge | 10/24/70 | 10/15/70–11/16/70 | 32 days | 1970 Pub. Pap. 939 |
| J. Walter Yeagley | Judge | 10/24/70 | 10/15/70–11/16/70 | 32 days | 1970 Pub. Pap. 939 |
| Robert C. Mardian | Asst. Att'y Gen. | 11/11/70 | 10/15/70–11/16/70 | 32 days | Sen. Exec. Journal 612 |
| Philip A. Loomis | SEC | 8/13/71 | 8/6/71–9/8/71 | 32 days | Sen. Exec. Journal 431 |
| Thomas B. Curtis | Corp. for Pub. Broadcasting | 7/14/72 | 6/30/71–7/17/72 | 16 days | 1972 Pub. Pap. A. 16 |
| | | PRESIDENT FORD (0) | | | |
| | | PRESIDENT CARTER (17) | | | |
| Neil Goldschmidt | Sec'y of Transportation | 8/10/79 | 8/4/79–9/5/79 | 32 days | 1979 Pub. Pap. 1423 |
| Hannah D. Atkins | Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| Nathan Landow | Alt. Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| H. Carl McCall | Alt. Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| Donald F. McHenry | Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| Barbara Newsom | Alt. Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| Richard W. Petree | Alt. Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| William H. vanden Heuvel | Rep. to U.N. | 10/3/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2070 |
| Catherine Blanchard Cleary | Synthetic Fuels Corp. | 10/4/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2074 |
| John D. DeButts | Synthetic Fuels Corp. | 10/4/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2074 |
| Joseph Lane Kirkland | Synthetic Fuels Corp. | 10/4/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2074 |
| Frank Savage | Synthetic Fuels Corp. | 10/4/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2074 |
| John C. Sawhill | Synthetic Fuels Corp. | 10/4/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2074 |
| Laird F. Harris | Community Services Administration | 10/17/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2332 |
| Harold Lafayette Thomas | Community Services Administration | 10/17/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2332 |
| Alex P. Mercure | Under Sec'y of Administration | 10/23/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2453 |
| John C. Truesdale | NLRB | 10/23/80 | 10/2/80–11/12/80 | 41 days | 1980–81 Pub. Pap. 2453 |
| | | PRESIDENT REAGAN (75) | | | |
| Joseph Robert Wright, Jr. | Federal Cochairman of regional commissions | 8/6/81 | 8/4/81–9/9/81 | 36 days | Ex. 2 to DOJ Opening Memo at 17 |
| Terry Chambers | Alt. Fed. Cochairman of regional commissions | 8/7/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 1249 |
| Robert P. Hunter | NLRB | 8/13/81 | 8/4/81–9/8/81 | 36 days | 1981 Pub. Pap. 1249 |
| John R. Van de Water | NLRB | 8/13/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 1249 |
| Richard M. Murphy | Amb. to Saudi Arabia | 8/19/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 1250 |
| Kenneth L. Adelman | Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Bruce F. Caputo | Alt. Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| George Christopher | Alt. Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| John Sherman Cooper | Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| John M. Fowler | Nat'l RR Passenger Corp. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Benjamin A. Gilman | Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Andy Ireland | Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Jeanne J. Kirkpatrick | Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Mark S. Knouse | Exec. Asst. to Sec'y of Transportation | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Charles M. Lichenstein | Alt. Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| William Courtney Sherman | Alt. Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Jose S. Sorzano | Alt. Rep. to U.N. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Charles Swinburn | Dep. Asst. Sec'y of Transportation | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Arthur E. Teele | Urban Mass Transp. Admin. | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Darrell Trent | Nat'l RR Passenger Corp | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Lee L. Verstandig | Nat'l RR Passenger Corp | 9/8/81 | 8/4/81–9/9/81 | 36 days | 1981 Pub. Pap. 765 |
| Richard V. Backley | Federal Mine Safety and Health Review Commission. | 9/7/82 | 8/20/82–9/8/82 | 18 days | 18 Weekly Comp. Pres. Doc. 1093 (Sept. 13, 1982) |
| L. Clair Nelson | Fed. Mine Safety and Health Review Comm. | 10/6/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1279 (Oct. 11, 1982) |
| Orville G. Bentley | Ass't Sec'y of Agriculture | 10/14/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1322 (Oct. 18, 1982) |
| Martin S. Feldstein | Council of Econ. Advisors | 10/14/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1322 (Oct. 18, 1982) |
| Caroline H. Hume | National Museum Services Board | 10/22/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1378 (Oct. 25, 1982) |
| William G. Lesher | Nat'l Consumer Coop Bank | 10/22/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1378 (Oct. 25, 1982) |
| Frank J. Donatelli | Legal Services Corp | 10/23/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1406 (Nov. 1, 1982) |
| Daniel M. Rathbun | Legal Services Corp | 10/23/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1406 (Nov. 1, 1982) |
| Manuel H. Johnson, Jr. | Ass't Sec'y of Treasury | 11/2/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1441 (Nov. 8, 1982) |
| Edward A. Knapp | Nat'l Science Found. | 11/2/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1441 (Nov. 8, 1982) |
| Donald P. Hodel | Sec'y of Energy | 11/5/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1438 (Nov. 8, 1982) |
| Martha O. Hesse | Ass't Sec'y of Energy | 11/10/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1451 (Nov. 15, 1982) |
| Mastin Gentry White | Judge | 11/10/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1473 (Nov. 15, 1982) |
| Jean B.S. Gerard | Rep. to UNESCO | 11/19/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1506 (Nov. 22, 1982) |
| James D. Phillips | Alt. Rep. to UNESCO | 11/19/82 | 10/2/82–11/29/82 | 58 days | 18 Weekly Comp. Pres. Doc. 1506 (Nov. 22, 1982) |
| Milton M. Masson | Legal Services Corp. | 1/21/83 | 1/4/83–1/25/83 | 21 days | 19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983) |
| Robert E. McCarthy | Legal Services Corp. | 1/21/83 | 1/4/83–1/25/83 | 21 days | 19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983) |
| Donald Eugene Santarelli | Legal Services Corp. | 1/21/83 | 1/4/83–1/25/83 | 21 days | 19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983) |
| E. Donald Shapiro | Legal Services Corp. | 1/21/83 | 1/4/83–1/25/83 | 21 days | 19 Weekly Comp. Pres. Doc. 94 (Jan. 24, 1983) |
| Linda Chavez Gorsten | Civil Rights Commission | 8/16/83 | 8/5/83–9/12/83 | 38 days | 19 Weekly Comp. Pres. Doc. 1150 (Aug. 22, 1983) |
| J. William Middendorf | Inter-American Foundation | 9/6/83 | 8/5/83–9/12/83 | 38 days | 19 Weekly Comp. Pres. Doc. 1207 (Sept. 12, 1983) |
| Langhorne A. Motley | Inter-American Foundation | 9/6/83 | 8/5/83–9/12/83 | 38 days | 19 Weekly Comp. Pres. Doc. 1207 (Sept. 12, 1983) |
| William L. Hanley, Jr. | Corp. for Pub. Broadcasting | 9/12/83 | 8/5/83–9/12/83 | 38 days | 19 Weekly Comp. Pres. Doc. 1233 (Sept. 19, 1983) |
| Erich Bloch | Nat'l Science Found. | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| William Barclay Allen | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Robert N. Broadbent | Ass't Sec'y of Interior | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Mary J.C. Cresimore | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |

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that the President is constitutionally authorized to make recess appointments during the forthcoming [month-long summer] recess." 3 Op. Off. Legal Counsel 311, 313 (1979). Three days later, the same office stated that, although the Department's opinion about intrasession recess appointments "has a checkered background," it had "concluded that we should follow the opinions of Attorney General Daugherty and Acting Attorney General Walsh, which hold that the President is authorized to make recess appointments during a summer recess of the Senate of a month's duration." 3 Op. Off. Legal Counsel 314, 315, 316 (1979). The Office of Legal Counsel reaffirmed its view in 1982. 6 Op. Off. Legal Counsel 585 (1982).

[43] Mr. Ashley argues that, if recess appointments may be made during some, but not all, intrasession adjournments, then this 12-day recess sufficed for use of the recess power. *See* Ashley Memo. at 31–33. To the extent that the Court credits Mr. Ashley's alternative argument, we rely upon plaintiffs' demonstration why the January 1993 recess was too abbreviated to permit use of the recess power. *See* Plaintiffs' Memo. at 29–34.

APPENDIX: INTRASESSION RECESS APPOINTMENTS, 1970–1993—Continued

| Name | Office | Appointment date | Dates of recess | Length of recess | Citation |
|---|---|---|---|---|---|
| Melvin A Ensley | Federal Farm Credit Board | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Marianne M. Hall | Copyright Royalty Tribunal | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Leon R. Kass | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Kathleen S. Kilpatrick | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Robert Laxalt | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Dodie T. Livingston | Chief of Children's Bureau, HHS | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| James V. Schall | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Martha R. Seger | Federal Reserve Board | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Helen M. Taylor | National Council on Humanities | 7/2/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Donald I. MacDonald | Admin. of Alcohol, Drug Abuse, & Mental Health Admin.. | 7/3/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 996 (July 9, 1984) |
| Lando W. Zech, Jr. | NRC | 7/3/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 995 (July 9, 1984) |
| Carol G. Dawson | CPSC | 7/5/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 996 (July 9, 1984) |
| Robert A. Rowland | Ass't Sec'y of Labor | 7/20/84 | 6/30/84–7/23/84 | 23 days | 20 Weekly Comp. Pres. Doc. 1053 (July 23, 1984) |
| John A. Bohn, Jr | Ex-Im Bank | 1/21/85 | 1/8/85–1/21/85 | 13 days | 21 Weekly Comp. Pres. Doc. 85 (Feb. 4, 1985) |
| Richard H. Hughes | Ex-Im Bank | 1/21/85 | 1/8/85–1/21/85 | 13 days | 21 Weekly Comp. Pres. Doc. 85 (Feb. 4, 1985) |
| Vance L. Clark | Farmers Home Administration | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 975 (Aug. 12, 1985) |
| Thomas J. Josefiak | FEC | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 975 (Aug. 12, 1985) |
| Raymond D. Lett | Ass't Sec'y of Agriculture | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985) |
| Hugh Montgomery | Alt. Rep. to UN | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985) |
| Herbert S. Okun | Dep. Rep. to UN | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985) |
| Robert E. Rader, Jr. | OSHA Review Comm | 8/9/85 | 8/1/85–9/9/85 | 38 Days | 21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985) |
| John R. Wall | OSHA Review Comm | 8/9/85 | 8/1/85–9/9/85 | 38 days | 21 Weekly Comp. Pres. Doc. 976 (Aug. 12, 1985) |
| Robert B. Oakley | Amb. to Pakistan | 8/26/88 | 8/11/88–9/7/88 | 26 days | 24 Weekly Comp. Pres. Doc. 1090 (Aug. 29, 1988) |
| John E. Higgins, Jr. | NLRB | 8/29/88 | 8 /11/88–9/7/88 | 26 days | 24 Weekly Comp. Pres. Doc. 1100 (Aug. 29, 1988) |
| Wilford W. Johansen | NLRB | 8/29/88 | 8/11/88–9/7/88 | 26 days | 24 Weekly Comp. Pres. Doc. 1100 (Aug. 29, 1988) |
| | | PRESIDENT BUSH (37) | | | |
| Alan Greenspan | Federal Reserve Board | 8/10/91 | 8/3/91–9/10/91 | 38 days | 27 Weekly Comp. Pres. Doc. 1126 (Aug. 12, 1991) |
| Mary F. Wieseman | Special Counsel, Office of Special Counsel | 8/21/91 | 8/3/91–9/10/91 | 38 days | 27 Weekly Comp. Pres. Doc. 1185 (Aug. 26, 1991) |
| Ford Barney Ford | Fed. Mine Safety and Health Review Comm. | 9/4/91 | 8/3/91–9/10/91 | 38 days | 27 Weekly Comp. Pres. Doc. 1232 (Sept. 9, 1991) |
| Norman D. Shumway | Legal Services Corp. | 9/5/91 | 8/3/91–9/10/91 | 38 days | 27 Weekly Comp. Pres. Doc. 1232 (Sept. 9, 1991) |
| Howard H. Dana, Jr. | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| J. Blakeley Hall | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| William Lee Kirk, Jr. | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Jo Betts Love | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Guy Vincent Molinari | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Penny L. Pullen | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Thomas D. Rath | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Basile J. Uddo | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| George W. Wittgruf | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Jeanine E. Wolbeck | Legal Services Corp. | 1/10/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 78 (Jan. 13, 1992) |
| Albert V. Casey | Resolution Trust Corp. | 1/15/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992) |
| Lawrence U. Costiglio | Federal Housing Finance Board | 1/15/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 130 (Jan. 20, 1992) |
| Daniel F. Evans, Jr. | Federal Housing Finance Board | 1/15/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992) |
| William C. Perkins | Federal Housing Finance Board | 1/15/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 130 (Jan. 20, 1992) |
| Marilyn R. Seymann | Federal Housing Finance Board | 1/15/92 | 1/4/92–1/21/92 | 17 days | 28 Weekly Comp. Pres. Doc. 129 (Jan. 20, 1992) |
| Edward H. Damich | Copyright Royalty Tribunal | 9/3/92 | 8/12/92–9/8/92 | 26 days | 28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992) |
| Bruce D. Goodman | Copyright Royalty Tribunal | 9/3/92 | 8/12/92–9/8/92 | 26 days | 28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992) |
| James H. Grossman | Foreign Claims Settlement Commission | 9/3/92 | 8/12/92–9/8/92 | 26 days | 28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992) |
| David J. Ryder | Director of the Mint | 9/3/92 | 8/12/92–9/8/92 | 26 days | 28 Weekly Comp. Pres. Doc. 1569 (Sept. 7, 1992) |
| Steven Muller | National Security Education Board | 1/6/93 | IN SESSION | | 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993) |
| S. William Pattis | National Security Education Board | 1/6/93 | IN SESSION | | 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993) |
| John P. Roche | National Security Education Board | 1/6/93 | IN SESSION | | 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993) |
| Richard F. Stolz | National Security Education Board | 1/6/93 | IN SESSION | | 29 Weekly Comp. Pres. Doc. 28 (Jan. 11, 1993) |
| Thomas Ludlow Ashley | U.S. Postal Service Governor | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Peter B. Bowman | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Beverly Butcher Byron | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Marion G. Chambers | Institute of American Indian and Alaska Native Culture and Arts Development. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| James A. Courter | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Rebecca Gernhardt Cox | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Hansford T. Johnson | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Arthur Levitt, Jr. | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Harry C. McPherson, Jr. | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |
| Robert D. Stuart, Jr. | Defense Base Closure and Realignment Commission. | 1/8/93 | 1/8/93–1/20/93 | 12 days | 29 Weekly Comp. Pres. Doc. 29 (Jan. 11, 1993) |

## FINANCE COMMITTEE CONFEREES TO H.R. 2264

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senators PRYOR and DURENBERGER be added to the list of Finance Committee conferees for H.R. 2264, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STATEMENTS IN TRIBUTE TO THE LATE PATRICIA NIXON

Mr. MITCHELL. Mr. President, I ask unanimous consent that all Senators have until the close of business on Thursday, July 22, 1993, to submit statements in tribute to the late Mrs. Patricia Nixon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROSS BASS POST OFFICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 123, S. 464, a bill to designate the Ross Bass Post Office in Pulaski, TN; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements, thereon, appear in the RECORD at the appropriate place, as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 464) was deemed read the third time and passed, as follows:

S. 164

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. REDESIGNATION OF PULASKI POST OFFICE AS ROSS BASS POST OFFICE.

The building in Pulaski, Tennessee that houses the primary operations of the United States Postal Service (as determined by the

Postmaster General) shall be known and designated as the "Ross Bass Post Office Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the "Ross Bass Post Office Building".

## ABE MURDOCK UNITED STATES POST OFFICE BUILDING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 126, H.R. 588, a bill to designate the U.S. postal facility in Beaver, UT, as the Abe Murdock U.S. Post Office Building; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place, as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 588) was deemed read the third time and passed.

## NATIONAL LITERACY DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 213, designating "National Literacy Day"; that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time, passed and the motion to reconsider be laid upon the table; that the preamble be agreed to; and that any statements related to the measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.J. Res. 213) was deemed read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 106, the Senate companion resolution, and that the measure then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1197, the Immigration and Nationality Technical Corrections Act of 1993, introduced earlier today by Senators KENNEDY and SIMPSON, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am pleased to join today with Senator SIMPSON in encouraging the passage of the Immigration and Nationality Technical Corrections Act of 1993.

This legislation is remedial in nature, and represents a consensus on some minor but important technical corrections that should be made in our immigration and consular laws. It was fashioned in a bipartisan spirit, beginning in the last Congress, and reflects not only the work of our Subcommittee but the cooperation of our colleagues on the House Subcommittee, particularly Chairman MAZZOLI.

Mr. President, most of the corrections contained in this bill were pending last year before we adjourned and have already been adopted by one House or the other, or reported favorably from the Judiciary Committees. Most were cleared for action in the waning days of the last Congress but time and other issues intruded and no final action was taken.

I am pleased we have been able to clear this legislation for expeditious Senate action today because it truly is remedial in scope and long overdue.

For the benefit of my colleagues, I ask unanimous consent that a summary of the bill, section-by-section, be printed at this point in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION ANALYSIS OF THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1993

### TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

### SEC. 101. AMERICAN INSTITUTE IN TAIWAN.

This section broadens the definition of special immigrant to accord employees of the American Institute in Taiwan the same treatment as is accorded employees of the United States Government abroad.

Under the current law, employees of the United States Government abroad are granted special immigrant status if (1) they have performed faithful service for at least 15 years; (2) the principal officer of the foreign service post has recommended the granting of such status in exceptional circumstances; and (3) the Secretary of State has approved that recommendation in the national interest.

Employees of the American Institute in Taiwan who became employed after normalization of relations with the People's Republic of China have not been considered to be employees of the United States Government abroad within the meaning of the current law. Pursuant to this amendment, however, they will be treated in the same manner as employees of the United States Government abroad and will be eligible to qualify for special immigrant status.

### SEC. 102. SPECIAL IMMIGRANT STATUS OF RETIRED OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS.

The effect of this section is to eliminate the requirement that retired officers or employees of certain international organizations must file a petition for nonimmigrant status described in section 101(a)(15)(I) of the Immigration and Nationality Act before January 1, 1993, in order to be eligible for such status. This provision requires such petitions to be filed within 6 months of the individual's retirement or within 6 months of the date of enactment of this legislation, whichever is later.

### SEC. 103. TREATMENT OF TIBET UNDER PER COUNTRY LEVELS.

This section accords Tibet the status of a separate foreign state for purposes of United States immigration laws.

### SEC. 104. AUTHORITY FOR SECRETARY OF STATE TO MAKE REFUGEE DETERMINATIONS.

This section directs the Secretary of State and the Attorney General jointly to develop procedures defining situations where the Secretary may make refugee determinations because the Attorney General does not have immediate access to the individuals.

### SEC. 105. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

Subsection (a) amends section 212 of the Immigration and Nationality Act to make clear that an "attempt" or "conspiracy" to commit certain criminal offenses serve as a basis for exclusion of aliens from issuance of a visa and admission to the United States.

Subsection (b) amends section 241 of the Immigration and Nationality Act to ensure that an "attempt" or "conspiracy" to commit a firearm offense or for failure to register or falsification of a document are deportable offenses.

### SEC. 106. LABOR MARKET INFORMATION PILOT PROGRAM FOR EMPLOYMENT-BASED IMMIGRANTS.

This section amends section 122 of the Immigration Act of 1990 to make discretionary the Department of Labor's pilot program for employment-based immigrants.

### SEC. 107. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

This section clarifies the current statute and brings it into conformity with administrative practice. Section 215(b) of the Immigration and Nationality Act requires United States citizens to carry a valid passport when entering or leaving the United States, unless otherwise provided by the President. Consistent with congressional intent, long-standing administrative practice has interpreted this as meaning that United States citizens must carry valid United States passports. The amendment codifies this interpretation.

This section will also forestall technical challenges to application of the Travel Control Regulations by United States citizens who enter or leave the United States using foreign passports.

### SEC. 108. APPLICATIONS FOR VISAS.

This section amends section 222(a) of the Immigration and Nationality Act, which lists comprehensively and in great detail all the items that must be set forth in the immigrant visa application form, but also allows the form to include such additional necessary information as may be prescribed by regulation.

The current listing, as recited in statute, contains requests for information that the Department of State feels are unnecessary. Moreover, the listing is so detailed that statutory amendments to other sections of the Immigration and Nationality Act relating to substance or procedure often require the amendment of section 222(a).

The amendment of section 222(a) will delete most of the statutorily enumerated list, leaving the information to be provided to be specified by regulation. This change will greatly reduce the necessity of amending section 222(a) of the Immigration and Nationality Act when other pertinent substantive or procedural amendments are made in the Immigration and Nationality Act. In addition, the change will provide greater flexibility by allowing the Secretary of State to promulgate necessary regulations to eliminate from the application unnecessary items and to update the items as may be required by statutory amendments to other sections of the Immigration and Nationality Act.

### SEC. 109. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

This section amends section 258 of the Immigration and Nationality Act to permit the admission to the United States on a temporary basis of certain alien crewmen who would perform specific longshore work at particular locations in Alaska if the employer of such crewmen meets certain requirements regarding efforts to hire local longshore workers.

### SEC. 110. NATIONALS BUT NOT CITIZENS OF THE UNITED STATES AT BIRTH.

This section substitutes the term "physically present" for "residence" (the former being a more precise concept) in order to be consistent with the requirements in other subsections of section 308 of the Immigration and Nationality Act.

### SEC. 111. CHILDREN BORN OUT OF WEDLOCK.

Subsection (c) of this section permits a United States national who is a mother to count time spent as a dependent unmarried daughter and a member of the household of a period during periods of that person's—

(1) service with the Armed Forces of the United States, or

(2) employment with the United States Government or an international organization,

for the purpose of transmitting citizenship. This provision tracks language used in section 301(g) of the Immigration and Nationality Act.

### SEC. 112. CHILD BORN OUTSIDE THE UNITED STATES OF AN ALIEN PARENT AND THE CONDITIONS UNDER WHICH CITIZENSHIP IS AUTOMATICALLY ACQUIRED.

This section clarifies the custody requirement for automatic naturalization of certain children. There is an increasing tendency on the part of the courts to award joint custody, or even to fail to address the issue of custody, in divorce decrees. The change in the statute makes it clear that, in the case of certain children, the naturalization of a parent having either sole or joint legal custody of a child would qualify the child for United States citizenship.

### SEC. 113. EXPEDITIOUS NATURALIZATION.

As currently written, section 322 of the Immigration and Nationality Act contains numerous amendments and has become quite convoluted. While requiring that a child undergo the naturalization process it then, understandably, exempts the child from many of the requirements of the naturalization statutes. Moreover, subsection (b), by allowing adopted children to be naturalized, establishes for them a procedure similar to the administrative process found in section 341(c) of the Immigration and Nationality Act which results in a certificate of citizenship. It is unclear what purpose is served by two virtually parallel statutory procedures, each of which results in the conferral of citizenship on an adopted child. This also raises questions as to why an administrative procedure is at present not available for biological children.

The amendment proposed by subsection (a) seeks to establish a single, relatively simple, administrative procedure whereby citizen parents who are willing to make the effort to come to the United States to acquire citizenship for their children will be able to do so with a certain knowledge of the specific requirements. No period of residence is required. The custody requirement merely ensures that there is a valid parent-child relationship. Biological and adoptive children are subject to the same conditions.

Although the number of cases processed under section 322 of the Immigration and Nationality Act is expected to be small, some of them may involve circumstances which so far have proven troubling. These include, for example, children who would otherwise be stateless. It is difficult to accept a situation where a child would be born to a United States citizen parent yet not acquire United States citizenship because the parent is required to spend a protracted period abroad.

An administrative process was chosen because no valid purpose appears to be served by requiring a child to become a part of the judicial process.

While the proposed amendment is not fully retroactive, it is desirable to allow persons not yet age 18 as of its enactment to take advantage of it. Again, the numbers are small and some particularly deserving cases seem to exist.

Because the proposed amendment would render the existing section 341(c) redundant, that section is repealed.

### SEC. 114. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

This first part of this amendment removes the highly confusing and difficult to enforce "requirement" in section 338 of the Immigration and Nationality Act that persons live in the United States following their naturalization. While the requirement that persons live for a specified period before naturalization is well understood, the notion of residence afterwards is not well publicized and has proven extremely frustrating to interpret and enforce.

This section would repeal section 340(d) because it has been of no real significance and tends to confuse the naturalization issue. In recent years, less than 5 cases a year have been filed for prosecution under violation of section 340(d). Typically, after the Government has invested considerable time and effort into investigating and documenting these cases, the cases are dropped when the defendant moves back to the United States. In the few cases that have gone before juries, the defendants have been acquitted. The presumption that the defendant established a permanent residence abroad has been rebutted in virtually every case.

### SEC. 115. TERMINOLOGY RELATING TO EXPATRIATION.

This section removes references to repealed sections of the law and makes section 351 of the Immigration and Nationality Act consistent with section 349(a) by substituting the term "loss of nationality" for "expatriation".

### SEC. 116. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

This section responds to the court decision *Whitehead* v. *Haig*, 794 F.2d 115 (3d Cir. 1986), which held that the statute of limitations for seeking adjudication of citizenship ran only from the denial of a passport application, and not from approval of a Certificate of Loss of Nationality, and to an INS General Counsel opinion of January 6, 1989, which appears to question the finality of approved Certificates of Loss of Nationality.

This amendment would make clear that issuance of a Certificate of Loss of Nationality is a final administrative action subject to judicial review. It is in the clear interest of the individual and all United States Government agencies to know when final action has been taken by the operational office in the Department in a loss of citizenship case.

### SEC. 117. CANCELLATION OF UNITED STATES PASSPORT AND CONSULAR REPORT OF BIRTH.

This section of the bill provides for the cancellation of a statutory proof of citizenship which was illegally, fraudulently, or erroneously obtained from the Department of State.

### SEC. 118. FAMILY UNITY AND TEMPORARY PROTECTED STATUS.

This section conforms the treatment of relatives of legalized special agricultural workers to that for relatives of other legalized aliens, for purposes of eligibility for temporary protected status.

### SEC. 119. ADJUSTMENT OF STATUS OF CERTAIN REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

This section of the bill eliminates a procedure by which one House of Congress may disapprove the action of the Attorney General in adjusting the status of certain representatives of foreign governments and international organizations. This change in law was made necessary by the Supreme Court's decision in *Chadha* v. *INS*, 462 U.S.C. 919 (1983), invalidating a veto of executive branch action by one House of Congress.

### SEC. 120. PRIORITY DATES FOR ALIENS REGISTERED ON THE WESTERN HEMISPHERE WAITING LIST.

This section repeals section 9(b) of Public Law 94-571, the Immigration Act of 1976. That Act applied to the Western Hemisphere system of preferences and per country ceilings which had, up until then, applied only to the Eastern Hemisphere immigration system.

Section 9 of that law was a "savings clause" for immigrants registered under the old Western Hemisphere system.

Section 9(b) provided that such registrants were deemed to be nonpreference immigrants and were entitled to retain, as their nonpreference priority dates, their old Western Hemisphere registration dates. Section 9(b) gave these aliens the additional benefit of allowing them to use their old Western Hemisphere registration dates as "constructive" filing dates for any preference petition that might be approved in their behalf.

The rationale for section 9(b) was that these aliens had been registered for a period of time under a system that had no preferences and that, equitably, their time on the old waiting list should be taken into account. Allowing them to use their old registration dates in connection with preference petitions did that. At the time, and for some years thereafter, this provision served a useful purpose and achieved the result intended.

The passage of time has significantly reduced the utility of this provision, although there remains a small but steady flow of cases in which it expedites the immigration of a preference petition beneficiary. The enactment of the Immigration Act of 1990 seriously complicates matters, however, because the revised preference system, which took effect on October 1, 1991, has no nonpreference classifications.

Until October 1, 1991, the nonpreference classification continued to exist, even though no visa numbers had been available for nonpreference immigrants since 1978. Thus, all old registration records still in existence had to be maintained. The most recent available report shows about 160,000 such registrations, over 90 percent from Western Hemisphere countries.

The abolition of the nonpreference immigrant classification effectively eliminates any possibility that any of those registrants will ever be able, under any circumstances, to immigrate as nonpreference immigrants. This fact should permit a purge of consular records and files to eliminate these now useless records and their associated file materials. The continuing existence of section 9(b), however, prevents doing so for Western Hemisphere-born registrants, since claims to a "constructive" petition filing date can arise at any time.

The Department of State believes that 15 years is a sufficient period for the granting of this benefit, which was conceived initially as being a short-term one. Moreover, the Department of State believes that the operational benefit derived from purging the old otherwise useless nonpreference registration records far outweighs any residual benefit to potential individual petition beneficiaries.

### SEC. 121. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

Subsection (a) makes aliens for whom a court has "legally committed to, or placed under the custody of an agency or department of a State", as well as aliens dependent on a juvenile court, eligible for special immigrant status under section 101(a)(27) of the Immigration and Nationality Act.

Subsection (b) extends "immediate relative" status to a child of a United States citizen for a period of 2 years after the citizen's death to conform with the treatment accorded spouses of such citizens under current law.

Subsections (c), (s), and (y) correct spelling errors.

Subsection (d) corrects the inadvertent omission of the article "the".

Subsections (e), (k), and (bb) make grammatical corrections.

Subsections (f), (g), and (w) correct cross references.

Subsections (h), (i), (n), and (o) make clerical corrections.

Subsection (j) makes a clerical correction and ensures that none of several grounds of exclusion may be waived with respect to granting temporary protected status.

Subsection (l) corrects a clerical error and three cross references.

Subsection (m) strikes language involving the constitutionally impermissible use of a concurrent resolution as a congressional veto mechanism.

Subsection (p) conforms language relating to the unlawful bringing of aliens into the United States to ensure that consistent reference is made to the Commissioner of Immigration, not the collector of customs.

Subsection (q) corrects the error in section 274B(g)(2)(C) of the Immigration and Nationality Act which refers to filing "charges" of unfair immigration-related employment practices with "an administrative law judge". In fact, section 274B(b) of such Act requires that such charges be filed with the "Special Counsel".

Subsection (r) corrects a legal citation.

Subsections (t), (v), and (z) correct errors committed in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 in the "freestanding" language which made amendments to the Immigration and Nationality Act. By stating that these corrections are "[e]ffective as if included" in the 1991 Act, the corrections are made retroactive to the date of enactment of the 1991 Act.

Subsection (u) corrects an error in the capitalization of "district court".

Subsection (x) makes a conforming change made necessary by the October 1, 1991, amendment to section 414 of the Immigration and Nationality Act (by section 5 of Public Law 102–110).

Subsection (aa) makes clear, for purposes of a transition rule, that the "aliens described in section 203(a)(3) or 203(a)(6)" refers to aliens admitted in those preference categories as the Immigration and Nationality Act was in effect before October 1, 1991.

Subsection (cc) provides the effective date for amendments made by this section.

## TITLE II—MISCELLANEOUS PROVISIONS

### SEC. 201. SECRETARY OF STATE TO ISSUE PASSPORTS TO UNITED STATES CITIZENS AND NATIONALS ONLY.

This section provides that a United States passport, as proof of United States citizenship/nationality, is only available to citizens or nationals of the United States. This change brings section 2 of the Act of June 14, 1902 (22 U.S.C. 212), into conformity with section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705), and eliminates any possibility of certain categories of aliens claiming entitlement to a passport.

### SEC. 202. FRAUD AND MISUSE OF TRAVEL DOCUMENTS.

Sections 911, 1001, 1541, 1542, 1543, 1544, and 1545 of title 18 of the United States Code, which deal with visa and passport fraud, all too often are overlooked as part of the Federal prosecutorial arsenal. Their penalties for violation have not been increased since they were enacted on June 25, 1948. As a result, the statutes have lost their deterrent value because the sanctions have not kept pace either with the increasing seriousness of the crimes committed or the harsh realities of the economics of international crime and punishment. As a result, they are often incorrectly considered to establish relatively minor and unimportant offenses which rarely result in prosecutions.

Given the criminal gains that often accrue to the perpetrators, these laws must be updated if they are to continue to serve as effective deterrents to the commission of such crimes which threaten the integrity of United States borders.

### SEC. 203. BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION.

This section authorizes the transfer of certain personal and real property held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation in Texas and the extension of certain technical assistance services by the Service to the Museum.

### SEC. 204. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.

This section permits aliens lawfully admitted for permanent residence who are employed by Beirut University College to return to the United States as special immigrants. This section also merges the provisions of a private law relating to special immigrant status, for purposes of facilitating legal research.

### ALASKA EXCEPTION

Mr. STEVENS. Mr. President, I rise in support of the Immigration Act technical corrections bill, and in particular section 110 which is especially important to the State of Alaska. This section corrects a significant continuing problem that first arose early last year with the implementation of section 1288 of the Immigration and Nationality Act.

Section 1288 was added in 1990 for the purpose of establishing a general prohibition on the performance of longshore work by alien crewmen in the United States. Longshore work is broadly defined under the statute to include any activity relating to the loading and unloading of cargo, operation of cargo-related equipment, and handling of mooring lines whether or not on board the vessel. The statute provides for a "prevailing practice exception" at ports where there is a well-established practice of using alien crewmen to perform particular longshore activities.

The Alaskan fishing industry is a critical part of my State's economy and provides employment for tens of thousands of Alaskans in the harvesting and processing of fish as well as in the longshore work related to the handling of fisheries products. Due to the remoteness of the fishing grounds and the sparsely populated communities, our fishing industry has special transportation needs.

For example, in certain herring fisheries, which occur in remote areas of my State and last for 1 or 2 weeks, several hundred small catcher boats harvest herring for immediate delivery to larger U.S.-flag processing vessels which are at anchor in a bay or sound. These processing vessels operate continuously during the brief season and rely on the immediate availability of refrigerated carrier vessels that pull alongside the operating processor to offload the product and transport it to export markets. During this time all available able-bodied American workers are employed in the actual harvest of the herring and are not available for the necessary longshore work. U.S. workers are used on board the processing vessels and, historically, the foreign crews on board the carrier vessels have been used to stow the cargo on board their vessels. Delays in this offloading process can start a chain reaction which can shut down the processing line, which in turn means fewer fish purchased from fishermen.

A similar scenario occurs in our salmon and other fisheries on a seasonal basis. Overall, Alaska exports hundreds of millions of dollars of fisheries products worldwide, with Japan being a principal market. Our industry has historically relied on Japanese refrigerated carriers to transport these fisheries products to market.

With the implementation of section 1288 early last year, the fishing industry and the carriers worked together to comply with the law by filing the necessary "attestations" to qualify under the prevailing practice exception. The International Longshoremen's and

Warehousemen's Union [ILWU] responded to protect the jurisdiction of American longshore workers by challenging the attestations and seeking cease and desist orders.

The lack of flexibility under the act, particularly with respect to remote areas, prevented the various interests from reaching the logical agreement to allow employment of U.S. longshore workers to the extent available while filling in with alien crew from the carriers as needed. As a result, the costly process continued of filing attestations for every potential transshipment location, with the ILWU filing challenges.

The basic problem is that the system established under the Immigration Act to determine the prevailing practice was apparently designed for established port areas throughout the entire United States but it has proven peculiarly unworkable in remote locations in Alaska. A technical amendment to the act is necessary if there is to be a mechanism to allow alien crew to perform longshore work on board their vessels in remote fishing grounds in Alaska where there is little or no infrastructure or available U.S. labor but where product transfers from fish processing vessels to the carriers have historically and necessarily occurred. Under current law, it is unclear whether alien crew may be used in these locations, even if there are no U.S. longshore workers available for this particular employment.

The flexibility to use alien crew, after making bona fide attempts to employ U.S. workers, is needed to avoid costly disruptions—and the potential loss of American jobs—in the U.S. fishing industry. Implementation of section 1288 and the new regulations have already eliminated service to some areas because they prevent the carriers from calling at remote locations not considered to be ports or because there has been insufficient activity in recent months to qualify for the prevailing practice exception. Further reductions in transportation service to the fishing industry and in longshore jobs are a virtual certainty without this legislation.

The amendment to section 1288 establishes a new Alaska exception which is modeled after the existing prevailing practice exception and is narrowly tailored to the unique circumstances in the State of Alaska. Under this amendment, employers would be permitted to use alien crewmembers only after: First, requesting a dispatch of U.S. longshoremen from qualified stevedoring companies and private dock operators, and second, determining that U.S. longshore workers are not available in sufficient numbers from those sources in response to a request for dispatch. This amendment addresses problems presently encountered with the application of the prevailing practice exception in Alaska, particularly in the fishing industry, where longshore work is frequently performed in remote locations far from established population bases. The amendment is intended to provide a preference for hiring American longshoremen in my State over foreign crew. This amendment should not undermine the wages and benefits of traditional longshoremen nor change the historic relationships labor organizations have developed with employers in my State.

The following section-by-section analysis explains the detailed provisions of what, in principle, is a straightforward concept: U.S. longshore workers are employed first, to the extent available.

Subparagraph (d)(1). Subparagraph (d)(1) outlines the procedures for filing attestations under the Alaska exception and the item to which an employer or its agent must attest. An attestation must be filed with the Secretary of Labor at least 30 days before the expected date of the first performance of longshore work unless the employer or its agent could not have reasonably anticipated the need to file an attestation for the location at that time. The term "could not have reasonably anticipated" is intended to be a broader and more flexible standard than appears in the Act now which permits such a late filing only under "emergency" circumstances. Thus, delays occasioned by weather conditions, changes in commercial requirements or other unforeseen circumstances would be sufficient to file less than 30 days in advance. In any event, attestations must be filed no later than 24 hours prior to the performance of the longshore work. As under current prevailing practice exception procedures, the Secretary is to review the attestations for technical errors, and if correct and complete on its face, the attestation is to be accepted.

The ability to file an attestation at "a particular location in the State of Alaska" is also intended to be broader than the current terminology which is limited to a "port". The difficulty is that many of these locations where fish products have been traditionally transferred, or where they may in the future be transferred, are not necessarily ports in the conventional sense. The new standard is intended to include any location where a fisheries-related transfer occurs in the State of Alaska or the waters within its jurisdiction, *i.e.*, the 3-mile territorial sea, which can be described by recognized geographical reference points or in some other manner with enough specificity so that the particular location can be reasonably identified. The broadening of these provisions is intended to preserve and increase the opportunities for fishing and longshore employment and is not intended to create a loophole which permits the employment of alien crew when qualified U.S. longshore workers are available, within the meaning of the new provision.

Subparagraph (d)(1)(A). (1st attestation element). The employer or its agent must attest that it will make a bona fide request for dispatch of U.S. longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from qualified stevedoring companies and private dock operators. A bona fide request is intended to be one that is made in good faith for the purpose of actually employing U.S. workers to perform the longshore work. Such a request is to be made to the stevedoring companies and private dock operators, rather than to the State job placement service, primarily because they are in a better position to assess the labor force availability in these remote locations so as to provide a work force on a timely basis. Private dock operators and stevedore companies in turn have an obligation to make a bona fide attempt to locate and hire American longshoremen. Because of the vagaries in the fishing industry, being able to respond quickly is essential if unnecessary interruptions are to be avoided. Private dock operators need only be contacted if the longshore work is to be performed at their docks.

Subparagraph (d)(1)(B). (2nd attestation element). The employer or its agent must attest that it will employ all U.S. longshore workers dispatched in response to a request made under the first attestation element who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location.

Subparagraph (d)(1)(C). (3rd attestation element). Based on a provision in the existing prevailing practice exception, this subparagraph requires the employer or its agent to attest that the use of alien crewmembers will not be intended or designed to influence an election of a bargaining representative for workers in the State of Alaska.

Subparagraph (d)(1)(D). (4th attestation element). Also based on a provision in the existing prevailing practice exception, this subparagraph requires the employer or its agent to attest that notice of the attestation has been provided to: 1) qualified labor organizations which dispatch or intend to dispatch workers to the location where the work is to be performed; 2) contract stevedoring companies which employ or intend to employ U.S. longshore workers at that location; and 3) operators of private docks at which the employer will use longshore workers.

Subparagraph (d)(2). This subparagraph provides that an employer has a continuing obligation to request dispatch of U.S. longshore workers during the validity period of the attestation and to employ U.S. longshore workers dispatched pursuant to those requests prior to using alien crewmen to perform longshore work. However, if a stevedoring company or private dock operation notifies the employer or its agent that it does not intend to dispatch workers to the location where the work is to be performed, the employer need not request dispatch from that party. The employer's obligations will not resume until such time as the party that has provided such notice subsequently notifies the employer or its agent that it is prepared to dispatch workers to the location. In that event, the employer's obligations to request dispatch from that party will recommence 60 days after issuance of such notice.

Subparagraph (d)(3). This subparagraph provides that employers will not be required to hire less than full work units of U.S. longshore workers or to provide overnight accommodations for the workers. It also states the conditions under which employers will be required to transport longshore workers. Specifically, the amendment sets forth a thirty-minute travel time limit and five-mile travel distance limit, except for work to be performed in Wide Bay and Klawock/Craig, Alaska, where, because of geographic considerations, the limits are extended to forty-five minutes and seven and one-half miles unless the party responding to the request for dispatch agrees to the lower time and distance limitations. The time and distance limitations are intended to define the employer's obligation to provide transportation to the place of work. If the longshore worker gets to the place of work at his or her own expense and in a manner which exceeds these time and distance limitations the employer will still be obligated to hire the worker, assuming the other criteria are met, but the employer will not be obligated to pay for the transportation costs. The fact that the distance limitations exceed three miles is not intended to suggest any jurisdictional consequence with respect to the three-mile territorial sea but rather is intended to be descriptive as to how many actual miles may be traveled from some other location to the place of work at the expense of the employer.

Subparagraph (d)(4). This subparagraph provides that, subject to the provisions regarding the receipt, investigation, and disposition of complaints outlined in the existing prevailing practice exception, attestations filed under the Alaska exception will be valid for one year from the anticipated start date listed on the attestation and will apply to aliens arriving during that period provided that the crew list contains a statement indicating continued compliance with the conditions in the attestation.

Subparagraph (d)(5). This subparagraph provides that the provisions in the existing prevailing practice exception governing (1) the scope of crew lists, (2) the availability of attestations and crew lists for public examination, (3) procedures for receiving, investigating and disposing of complaints, (4) administrative hearings, and (5) application of penalties shall apply to attestations filed under the Alaska exception. This subparagraph also provides that the use of alien crewmen to perform longshore work involving automated self-unloading conveyor belts or vacuum-actuated systems on vessels shall continue to be governed by the existing prevailing practice exception.

Subparagraph (d)(6). This subparagraph defines "contract stevedoring companies" as those stevedoring companies licensed to do business in the State of Alaska that meet the insurance requirements of the Longshore and Harbor Workers Compensation Act (33 U.S.C. §932). It defines the term "employer" to include the employer's agent or designated representative. It also provides that the terms "qualified" and "available in sufficient numbers" shall be defined by reference to industry standards in the State of Alaska, including safety standards. Industry standards are intended to be those that are generally understood by the industry and in certain areas could include, for example, reference to the All-Alaska Longshore Agreement.

**In order to avoid significant disruption of our State's fishing industry, it will be necessary to have the new Alaska exception provisions in place by the time current attestations expire, the first of which will do so on December 23, 1993. It is our intention that the Department of Labor have at least interim final regulations in place by that date. In the event that they do not, however, the amendment provides for the extension of existing attestations for the limited purpose of avoiding a gap between the current scheme and the one that will come into effect with the enactment of this legislation. Alaska is the only State in which attestations under the prevailing practice exception have been filed to date.**

**Finally, I wish to emphasize that this amendment has been made necessary by the unique geographical considerations in the State of Alaska. The fact that our State has more coastline than the rest of the Nation combined dramatically illustrates the point. Moreover, the unusual nature of our fisheries and the vessel-to-vessel transfers that allow our fishing industry to function constitute circumstances which are simply not present anywhere else in the country.**

**The bill (S. 1197), which was deemed to have been read three times and passed, is as follows:**

S. 1197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Immigration and Nationality Technical Corrections Act of 1993".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

Sec. 101. American Institute in Taiwan.
Sec. 102. Special immigrant status of retired officers and employees of international organizations.
Sec. 103. Treatment of Tibet under per country levels.
Sec. 104. Authority for Secretary of State to make refugee determinations.
Sec. 105. Clarification of certain grounds for exclusion and deportation.
Sec. 106. Labor market information pilot program for employment-based immigrants.
Sec. 107. United States citizens entering and departing on United States passports.
Sec. 108. Applications for visas.
Sec. 109. Limitations on performance of longshore work by alien crewmembers—Alaska exception.
Sec. 110. Nationals, but not citizens, at birth based on use of physical presence instead of residence.
Sec. 111. Children born out of wedlock.
Sec. 112. Child born outside of the United States of an alien parent; conditions for automatic citizenship.
Sec. 113. Expeditious naturalization.
Sec. 114. Intent to reside permanently in the United States after naturalization.
Sec. 115. Terminology relating to expatriation.
Sec. 116. Administrative and judicial determinations relating to loss of citizenship.
Sec. 117. Cancellation of United States passports and consular reports of birth.
Sec. 118. Family unity and temporary protected status.
Sec. 119. Adjustment of status of certain representatives of foreign governments and international organizations.
Sec. 120. Priority dates for aliens registered on the Western Hemisphere waiting list.
Sec. 121. Other miscellaneous and technical corrections to immigration-related provisions.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Secretary of State to issue United States passports to United States citizens and nationals only.
Sec. 202. Fraud and misuse of travel documents.
Sec. 203. Border Patrol Museum and Memorial Library Foundation.
Sec. 204. Special immigrant status for certain aliens employed abroad.

## TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

### SEC. 101. AMERICAN INSTITUTE IN TAIWAN.

Section 101(a)(27)(D) (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by inserting "or of the American Institute in Taiwan," after "of the United States Government abroad,"; and

(2) by inserting "(or, in the case of the American Institute in Taiwan, the Director thereof)" after "Foreign Service establishment".

### SEC. 102. SPECIAL IMMIGRANT STATUS OF RETIRED OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS.

Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking subclause (II) and inserting in lieu thereof the following: "(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1993, whichever is later.".

### SEC. 103. TREATMENT OF TIBET UNDER PER COUNTRY LEVELS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT.—The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1994, with respect to Tibet as a separate foreign state, and not as a component or dependent area of another foreign state.

(b) DEFINITION.—For purposes of this section, the term "Tibet" refers to the territory encompassed by Tibet as of October 1, 1949.

### SEC. 104. AUTHORITY FOR SECRETARY OF STATE TO MAKE REFUGEE DETERMINATIONS.

Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

(1) by inserting "(A)" immediately after "(1)";

(2) by inserting "and subject to subparagraph (B)," after "subsections (a) and (b),"; and

(3) by adding at the end thereof the following:

"(B) The Secretary of State, together with the Attorney General, shall develop procedures under which the Secretary may determine individuals to be qualified for admission to the United States as refugees. Such determinations may be made by the Secretary of State in situations (defined by the Attorney General together with the Secretary of State) in which the Attorney General does not have immediate access to the individual under consideration for admission as a refugee and cannot expeditiously determine whether such individual is qualified for refugee admission.".

### SEC. 105. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)(I), by inserting "or an attempt or conspiracy to commit that crime" after "offense)",

(2) in subsection (a)(2)(A)(i)(II), by inserting "or attempt" after "conspiracy", and

(3) in the last sentence of subsection (h), by inserting ", or an attempt or conspiracy to commit murder or a criminal act involving torture" after "torture".

(b) DEPORTATION GROUNDS.—Section 241(a) of such Act (8 U.S.C. 1251(a)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "in violation of any law," and inserting ", or of attempting or conspiring to purchase, sell, offer for sale, exchange, use own, possess, or carry,", and

(B) by inserting "in violation of any law" after "Code)"; and

(2) in paragraph (3)(B), by inserting "an attempt or" before "a conspiracy" each place it appears in clauses (ii) and (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act.

### SEC. 106. LABOR MARKET INFORMATION PILOT PROGRAM FOR EMPLOYMENT-BASED IMMIGRANTS.

(a) PROGRAM MADE DISCRETIONARY.—Section 122(a)(1) of the Immigration Act of 1990 is amended by striking from the first sentence "shall" and inserting "may".

(b) CONFORMING AMENDMENT.—Section 122(a)(4) of such Act is amended by striking "By" and inserting "In the event a pilot program is established pursuant to this subsection, by".

### SEC. 107. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting "United States" after "valid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

### SEC. 108. APPLICATIONS FOR VISAS.

(a) IN GENERAL.—The second sentence of section 222(a) of the Immigration and Nationality Act (8 U.S.C. 1202(a)) is amended—

(1) by striking "the immigrant" and inserting "the alien", and

(2) by striking "present address" and all that follows through "exempt from exclusion under the immigration laws;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

### SEC. 109. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph (D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

"(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall begin 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

"(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7½ miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

"(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

"(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

"(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

"(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

"(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

"(6) For purposes of this subsection—

"(A) the term 'contract stevedoring companies' means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932); and

"(B) the term 'employer' includes any agent or representative designated by the employer; and

"(C) the terms 'qualified' and 'available in sufficient numbers' shall be defined by reference to industry standards in the State of Alaska, including safety considerations.".

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking "subsection (c) or subsection (d)" and inserting "subsection (c), (d), or (e)".

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting "or subsection (d)(1)" after "paragraph (1)" each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.".

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

### SEC. 110. NATIONALS, BUT NOT CITIZENS, AT BIRTH BASED ON USE OF PHYSICAL PRESENCE INSTEAD OF RESIDENCE.

(a) IN GENERAL.—Section 308(2) of the Immigration and Nationality Act (8 U.S.C.

1408(2)) is amended by striking "have had a residence" and inserting "were physically present".

(b) Effective Date.—The amendment made by subsection (a) shall apply to persons born on or after the date of the enactment of this Act.

### SEC. 111. CHILDREN BORN OUT OF WEDLOCK.

(a) In General.—Section 309(c) of the Immigration and Nationality Act (8 U.S.C. 1409(c)) is amended—

(1) by inserting "(1)" immediately after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) For the purpose of satisfying the physical presence requirements of this subsection, the mother may include any period during which she is physically present abroad as the dependent unmarried daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization, as defined in section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288).".

(b) Effective Date.—The amendment made by subsection (a)(2) shall apply to mothers of persons born on or after the date of the enactment of this Act.

### SEC. 112. CHILD BORN OUTSIDE OF THE UNITED STATES OF AN ALIEN PARENT; CONDITIONS FOR AUTOMATIC CITIZENSHIP.

(a) In General.—Section 321(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1432(a)(3)) is amended by inserting "sole or joint" before "legal custody of the child".

(b) Effective Date.—The amendment made by subsection (a) shall apply to the awarding of custody before, on, or after the date of enactment of this Act.

### SEC. 113. EXPEDITIOUS NATURALIZATION.

(a) In General.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433(a)) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES;
APPLICATION FOR CERTIFICATE OF CITIZENSHIP

"Sec. 322. (a) A child who is born outside of the United States, one or both of whose parents is a citizen of the United States, either by birth or naturalization, shall be furnished by the Attorney General with a certificate of citizenship in accordance with section 341(a) if—

"(1) the child is physically present in the United States pursuant to lawful admission for permanent residence;

"(2) the child is under the age of eighteen years and in the joint or sole custody of the citizen parent; and

"(3) the citizen parent makes application to the Attorney General for the issuance of the certificate.

"(b) For purposes of this section, the terms 'child' and 'parent' include an adoptive child and an adoptive parent, respectively.".

(b) Repeal.—Section 341(c) of such Act (8 U.S.C. 1452(c)) is repealed.

(c) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 321 the following new item:

"Sec. 322. Child born outside the United States; application for certificate of citizenship.".

(d) Effective Date.—The amendment made by subsection (a) shall apply to any application for a certificate of citizenship filed with the Attorney General on behalf of a child before, on, or after the date of enactment of this Act.

### SEC. 114. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

(a) In General.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking "intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,".

(b) Conforming Repeal.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is repealed.

(c) Conforming Redesignation.—Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (d) (as redesignated), by striking "subsections (c) or (d)" and inserting "subsection (c)".

(d) Conforming Amendment.—Section 405 of the Immigration Act of 1990 is amended by striking subsection (b).

(e) Effective Date.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

### SEC. 115. TERMINOLOGY RELATING TO EXPATRIATION.

(a) In General.—Section 351 of the Immigration and Nationality Act (8 U.S.C. 1483) is amended—

(1) in the heading, by striking "EXPATRIATION" and inserting "LOSS OF NATIONALITY";

(2) in subsection (a)—

(A) by striking "expatriate himself, or be expatriated" and inserting "can lose United States nationality", and

(B) by striking "expatriation" and inserting "loss of nationality"; and

(3) in subsection (b), by striking "expatriated himself" and inserting "lost United States nationality".

(b) Clerical Amendment.—The item in the table of contents of such Act relating to section 351 is amended to read as follows:

"Sec. 351. Restrictions on loss of nationality.".

### SEC. 116. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

(a) Final Administrative Determinations.—Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: "Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360.".

(b) Judicial Proceedings.—Subsections (a) and (b) of section 360 of such Act (8 U.S.C. 1503) are each amended by inserting ", including approval of a certificate in accordance with section 358," after "official thereof,".

### SEC. 117. CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH.

(a) In General.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CANCELLATION OF UNITED STATES PASSPORTS
AND CONSULAR REPORTS OF BIRTH

"Sec. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given at such person's last known address written notice of the intention to cancel such document, together with the reasons therefor, and shall be given at least 60 days in which to show, pursuant to such regulation as the Secretary may prescribe, why such document should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"(b) For purposes of this section, the term 'Consular Report of Birth' refers to the report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 360 the following new item:

"Sec. 361. Cancellation of United States passports and Consular Reports of Birth.".

### SEC. 118. FAMILY UNITY AND TEMPORARY PROTECTED STATUS.

(a) In General.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after "May 5, 1988" the following: "(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))".

(b) Effective Date.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

### SEC. 119. ADJUSTMENT OF STATUS OF CERTAIN REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)) is amended—

(1) by striking the third sentence; and

(2) in the fourth sentence, by striking "If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the" and inserting "The".

### SEC. 120. PRIORITY DATES FOR ALIENS REGISTERED ON THE WESTERN HEMISPHERE WAITING LIST.

Section 9(b) of the Immigration and Nationality Act Amendments of 1976 (Public Law 94–571) is hereby repealed.

### SEC. 121. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

(a) Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and has" and inserting "or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has".

(b)(1) The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "(and each child of the alien)" after "the alien".

(2) The second sentence of section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

(A) by inserting "spouse" after "alien", and

(B) by inserting "of the alien (and the alien's children)" after "for classification".

(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by striking "TARGETTED", "TARGETTED", and "targetted" each place each appears and inserting "TARGETED", "TARGETED", and "targeted", respectively.

(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting "the" before "Service" the first place it appears.

(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking "voluntary" and inserting "voluntarily".

(f) Section 217(e)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)(A)) is amended by striking "(a)(1)(A)" and inserting "(a)(1)".

(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking "or (3)(A) of subsection 241(a)" and inserting "and (3)(A) of subsection (a)".

(h) Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended by striking "Parole,," and inserting "Parole,".

(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after "that".

(j) Section 244A(c)(2)(A)(iii)(III) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is amended—

(1) by striking "Paragraphs" and inserting "paragraphs", and

(2) by striking "or (3)(E)" and inserting "and (3)(E)".

(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking "or (3)(E)" and inserting "and (3)(E)".

(l)(1) Subparagraph (C) of section 245A(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)), as added by Public Law 102–140, is amended—

(A) by indenting it 2 additional ems to the right; and

(B) by striking "subsection (B)" and inserting "subparagraph (B)".

(2) Section 610(b) of Public Law 102–140 is amended by striking "404(b)(2)(ii)" and "404(b)(2)(iii)" and inserting "404(b)(1)(A)(ii)" and "404(b)(2)(A)(iii)", respectively.

(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

(n) Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(o) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322(a)) is amended by striking the comma after "so afflicted".

(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking "collector of customs" and inserting "Commissioner".

(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking "an administrative law judge" and inserting "the Special Counsel".

(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking "title V" and all that follows through "3481)"and inserting "chapter 224 of title 18, United States Code".

(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking "maintainance" and inserting "maintenance".

(t) Effective as if included in the enactment of Public Law 102–395, subsection (r) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

(1) in the subsection heading, by striking "Breached Bond/Detention Fund" and inserting "BREACHED BOND/DETENTION FUND";

(2) in paragraph (1), by striking "(hereafter referred to as the Fund)" and inserting "(in this subsection referred to as the 'Fund')";

(3) in paragraph (2), by striking "the Immigration and Nationality Act of 1952, as amended," and inserting "this Act";

(4) in paragraphs (4) and (6), by striking "the Breached Bond/Detention";

(5) in paragraph (4), by striking "of this Act" and inserting "of Public Law 102–395";

(6) in paragraph (5), by striking "account" and inserting "Fund"; and

(7) in paragraph (6), by striking "Breached Bond/Detention" each of the two places it appears.

(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking "District Court" and inserting "district court".

(v) Effective December 12, 1991, section 313(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1424(a)(2)) is amended by striking "and" before "(F)" and inserting "or".

(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking "249(a)" and inserting "249".

(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking "paragraph (1) or (2) of".

(y) Section 302(c) of the Immigration Act of 1990 is amended by striking "effect" and inserting "affect".

(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

(1) section 303(a)(7)(B)(i) of such Act is amended by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)";

(2) section 304(b)(2) of such Act is amended by striking "paragraph (1)(B)" and inserting "subsection (c)(1)(B)";

(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted);

(4) paragraph (2) of section 306(b) of such Act is amended to read as follows:

"(2) Section 538(a) of the Immigration Act of 1990 is amended by striking the comma after 'Service'.";

(5) section 307(a)(6) of such Act is amended by striking "immigrants" the first place it appears and inserting "immigrant aliens";

(6) section 309(a)(3) of such Act is amended by striking "paragraph (1) and (2)" and inserting "paragraphs (1)(A) and (1)(B)";

(7) section 309(b)(6)(F) of such Act is amended by striking "210(a)(1)(B)(1)(B)" and inserting "210(a)(B)(1)(B)";

(8) section 309(b)(8) of such Act is amended by striking "274A(g)" and inserting "274A(h)"; and

(9) section 310 of such Act is amended—

(A) by adding "and" at the end of paragraph (1);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and by striking "309(c)" and inserting "309(b)".

(aa) Effective as if included in section 4 of Public Law 102–110, section 161(c)(3) of the Immigration Act of 1990 is amended—

(1) by striking "alien described in section 203(a)(3) or 203(a)(6) of such Act" and inserting "alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)"; and

(2) by striking "this section" and inserting "this title".

(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended by striking "and subparagraphs" and inserting "or subparagraph".

(cc) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

## TITLE II—MISCELLANEOUS PROVISIONS

### SEC. 201. SECRETARY OF STATE TO ISSUE UNITED STATES PASSPORTS TO UNITED STATES CITIZENS AND NATIONALS ONLY.

Section 2 of the Act of June 14, 1902 (32 Stat. 386; 22 U.S.C. 212) is amended by striking "for any other persons than those owing allegiance, whether citizens or not, to the United States" and inserting "for any person other than a citizen or national of the United States.".

### SEC. 202. FRAUD AND MISUSE OF TRAVEL DOCUMENTS.

(a) IN GENERAL.—Title 18 of the United States Code is amended—

(1) in section 911—

(A) by striking "not more than $1,000" and inserting "under this title"; and

(B) by striking "three years" and inserting "six years";

(2) in section 1001—

(A) by striking "not more than $10,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(3) in section 1541—

(A) by striking "not more than $500" and inserting "under this title"; and

(B) by striking "one year" and inserting "ten years";

(4) in section 1542—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(5) in section 1543—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years";

(6) in section 1544—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "five years" and inserting "ten years"; and

(7) in section 1545—

(A) by striking "not more than $2,000" and inserting "under this title"; and

(B) by striking "three years" and inserting "five years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to offenses committed on or after the date of enactment of this Act.

### SEC. 203. BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION.

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas—

(1) such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, and

(2) such real property of the United States, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under subsection (a).

**SEC. 204. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.**

(a) IN GENERAL.—An alien lawfully admitted to the United States for permanent residence shall be considered, for purposes of section 101(a)(27)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(A)), to be temporarily visiting abroad during any period before, on, or after the date of enactment of this Act in which the alien is employed by the American University of Beirut or by Beirut University College.

(b) REPEAL.—Private Law 98-53 (8 U.S.C. 1101 note) is hereby repealed.

## FLUID MILK PROMOTION ACT AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1205, the Fluid Milk Promotion Act Amendments of 1993, introduced earlier today by Senator LEAHY, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1205), which was deemed to have been read three times and passed, is as follows:

S. 1205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Fluid Milk Promotion Amendments Act of 1993".

**SEC. 2. DEFINITION OF FLUID MILK PROCESSOR.**

(a) FLUID MILK PROCESSOR.—Paragraph (4) of section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended to read as follows:

"(4) FLUID MILK PROCESSOR.—The term 'fluid milk processor' means any person who processes and markets commercially more than 500,000 pounds of fluid milk products in consumer-type packages per month.".

(b) CONFORMING AMENDMENT.—Section 1999J(e) of such Act (7 U.S.C. 6409(e)) is amended by inserting after "4504(g))" the following: ", and that are fluid milk processors,".

## STAR PRINT OF S. 20

Mr. MITCHELL. Mr. President, I ask unanimous consent for a star print on the committee report to accompany S. 20, the Government Performance and Results Act of 1993, due to many typographical errors in the report including the title page carrying an incorrect name for the Governmental Affairs Committee and 1992 for the year instead of 1993. I now send the changes to the desk.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Is there further morning business?

## STANDING RULES OF THE SENATE AMENDMENT

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 130) to amend paragraphs 2 and 3 of rule XXV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The resolution (S. Res. 130) is as follows:

S. RES. 130

*Resolved*, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows:

(1) Strike "20" after "Armed Services" and insert in lieu thereof "22".

(2) Strike "19" after "Foreign Relations" and insert in lieu thereof "20".

SEC. 2. Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, in subparagraph (a) strike "21" after "Small Business" and insert in lieu thereof "22".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I will yield to the distinguished Republican leader for a statement at this time regarding the resolution just adopted and then I will make a brief comment following his statement.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the resolution just adopted, did that identify the committee changes or just give numbers?

The PRESIDING OFFICER. It changed the numbers.

## REPUBLICAN MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 131) to constitute the minority party's membership on certain of the standing committees for the 103d Congress or until their successors are chosen.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The resolution (S. Res. 131) is as follows:

S. RES. 131

*Resolved*, That the following shall constitute the minority party's membership on the following standing committees for the 103d Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, Mr. Faircloth, and Mrs. Hutchison.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, and Mrs. Hutchison.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. Brown, Mr. Jeffords, Mr. Coverdell and Mr. Gregg.

Committee on Small Business: Mr. Pressler, Mr. Wallop, Mr. Bond, Mr. Burns, Mr. Mack, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mr. Chafee, and Mrs. Hutchison.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the majority leader. We have worked out what I think, with maybe some minor exceptions, is a fair agreement on committee assignments. There is still some negotiation going on with reference to one possibility.

Mr. MITCHELL. Mr. President, I confirm the statement of the Republican leader that we have reached an agreement to deal with the question of committee assignments following the change in the composition of the Senate as a result of the recent special election in Texas, and we made every effort to accommodate the desires of the newly elected Senator. We think it is a fair agreement. There are some aspects of it which are still under consideration and the Republican leader and I have agreed to continue our discussions following our return from the Independence Day recess.

## HATCH ACT REFORM

Mr. MITCHELL. Mr. President, it had been my intention and is my intention to attempt to have the Senate next take up for consideration Calendar No. 95, S. 185, the Hatch Act reform bill, and I understand that the Republican leader is not able to grant consent to proceed to that matter, that is, Calendar No. 95, S. 185, the Hatch Act reform bill, when the Senate reconvenes on July 13.

Mr. DOLE. Mr. President, the majority leader is correct, but let me indicate it is my hope—we tried to put together a meeting today. We need to meet about a dozen of my colleagues.

So we postponed the meeting until Tuesday, July 13. It is my hope that at that time we can reach some accommodation where it will not be necessary to have a cloture vote on a motion to proceed. But if not, it is my understanding that the majority leader would proceed, on Tuesday, to have that cloture vote.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, the minority leader is correct. It is our hope that we can proceed to the bill on that day. Senator DOLE has advised me that he is not able to give us that consent today. Maybe he can do so on Tuesday. However, in order that we not then be faced with a 2-day delay when we return, in the event he cannot then agree to that consent, I will now file cloture motions on the motion to proceed so that, one way or the other, we will be able to either begin on that Tuesday or at least have a vote on the cloture motion on Tuesday. I hope that there will be the opportunity to proceed, but I recognize that because of the need for further consultation, no decision can be made now.

So my purpose in doing this is, in the event we get to that and we cannot get that request, we will at least have taken this step and not have to wait 2 additional days in that week. Therefore, Mr. President, I move to proceed to Calendar No. 95, S. 185, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 185, Hatch Act reform legislation:

John Glenn, Wendell Ford, Barbara Boxer, Bob Kerrey, Joseph Lieberman, Tom Daschle, Chris Dodd, Paul Simon, Don Riegle, Frank R. Lautenberg, Byron L. Dorgan, John F. Kerry, Patrick Leahy, Ben Nighthorse Campbell, Daniel K. Akaka, Carol Moseley-Braun.

## VOTE ON CLOTURE MOTION ON TUESDAY, JULY 13, 1993, AT 4 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on this motion occur on Tuesday, July 13, at 4 p.m., with the mandatory live quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 185, Hatch Act reform legislation:

John Glenn, Wendell Ford, Barbara Boxer, Bob Kerrey Joseph Lieberman, Tom Daschle, Chris Dodd, Paul Simon, Frank R. Lautenberg, Don Riegle, Byron L. Dorgan, John F. Kerry, Patrick Leahy, Ben Nighthorse Campbell, Daniel K. Akaka, Carol Moseley-Braun.

## VOTE ON CLOTURE MOTION ON WEDNESDAY, JULY 14, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote to accompany this cloture motion, if necessary, occur on Wednesday, July 14, at a time to be determined by the majority leader after consultation with the Republican leader, with the mandatory live quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VITIATION OF SENATE ACTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate action on Executive Calendar No. 248 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I understand that Senator SMITH wishes to address the Senate. I know of no other Senator who wishes to do so.

So I now ask unanimous consent that Senator SMITH be recognized to address the Senate, and that upon the completion of his remarks the Senate stand in recess as under House Concurrent Resolution 115.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senator SMITH is recognized.

## THE ROBERT GARWOOD SITUATION

Mr. SMITH. Mr. President, thank you.

I apologize for having to delay the proceedings of the Senate somewhat this evening. That was not my intention. In fact, I was supposed to be en route to New Hampshire about an hour ago.

But I must say that given the remarks just made on the Senate floor by Senator KERRY of Massachusetts regarding the Robert Garwood situation, I felt compelled to come down here on the floor and respond.

It is absolutely amazing to me that all of this flurry of verbal activity comes about as a result of the proposed visit to Vietnam by Robert Garwood who, as you know, Mr. President, was a POW, who came out of Vietnam in 1979, 6 years after the Vietnamese said they returned them all.

It does seem odd that not only after Garwood came out he was not merely questioned thoroughly on the knowledge of POW's, he was charged with desertion in collaboration with the enemy. There was very little attempt if any to get answers about what he might know about the prison system in Vietnam, or what he might know about American POW's, or missing people.

But it seems interesting, I have spent the last 9 years of my life trying to get this Government to show some interest in Robert Garwood, enough interest to be able to depose him thoroughly, to get whatever information he had to tell. As you know, we deposed thousands of other people, refugees, boat people, activists, and others who have had their stories to tell.

But it took a long time to get Mr. Garwood deposed, not because Mr. Garwood was refusing to come, but because there did not seem to be any interest in deposing Garwood, which always struck me as being odd. Now we get to a time where Mr. Garwood says, "I am willing to go to Vietnam, and confront the Vietnamese with what I saw." I feel he is also willing to do that, as you know, and is doing that, not at taxpayer expense, and so I felt that we had an obligation in search of the truth on this issue to try to make that happen.

I have put myself on the line, if you will, personally, have said many times that, in my personal opinion, Mr. Garwood is telling the truth. That does not mean he is telling the truth. That means that is my opinion.

But be that as it may, what my opinion is, or what Senator KERRY's opinion is of Robert Garwood is irrelevant. What is relevant is whether or not we are willing, as a country, to make some accommodation to have Mr. Garwood get the facts on the record as to what he said he saw.

We tried to do that, Mr. President, in the POW-MIA Select Committee. We made every attempt to do that. No one was interested in deposing Robert Garwood. I personally arranged for the deposition to be taken in my office. Some on the committee had already formed their opinions on Robert Garwood and were not interested in that. That is not an open-minded way to conduct an investigation. So Garwood did give a huge deposition which is some probably 500 pages thick, of testimony, under oath.

I just think it is somewhat odd, and to a large degree outrageous, that all of this flurry of verbal activity now is taking place because Mr. Garwood wants to go to Vietnam. What is wrong with that? Who does that hurt? He is not going at taxpayer expense. He is not inconveniencing anybody but me. I am the one that is going. No other Senator is inconvenienced. Senator KERRY is certainly not inconvenienced.

So what is the problem? Why is it a problem for Mr. Garwood to go at nontaxpayer expense, to go over and show me and others where he says he saw people?

This Government has accused Robert Garwood of lying for the past 15 years. I can tell you as a fact that many of the things that this Government has accused Garwood of lying about, he has not lied about; he has told the truth, such as certain locations where he said he was, where he said he was doing something. We have substantiated that he was telling the truth in that, even though I have been told by Government officials that what he said was false. We have proven that it is accurate, absolutely accurate and truthful.

Regarding the live sightings of Americans, no, we have not proven that at this point. That is in testimony, and that is his explanation. That is what he says. Have we proven it? No. But I have an obligation, in trying to pursue the truth of this issue, to try to use every avenue available to me to get at the truth. One of those avenues is Robert Garwood.

It is in the best interest of the families, and the prisoners who are missing, the MIA's, the American people and, frankly, the country itself to seek the truth. What Garwood did or did not do during the war, or even after the war, is totally irrelevant to the purpose of this mission—totally irrelevant. He is a resource. He says he saw live Americans. Does it really matter what his background was? Yes, we can question his credibility if we want to; that is perfectly appropriate, and many have—way over the line in terms of his credibility. They have tried to punish him in many ways.

The point is: What did Garwood know? Is he telling the truth or not. The purpose of this mission—this is an invitation, I might add, and in direct contrast to what has been said on the floor of the Senate. Robert Garwood was personally invited to Vietnam. I was present in the discussion, and I will show that with the actual transcript of that discussion in a few moments, and on two other occasions in conversations that I had with the Vietnamese. Garwood was personally invited by Vietnamese officials to come to Vietnam. They would be more than happy to welcome him.

One of the comments that has been made here by the previous speaker, Senator KERRY, was that Garwood somehow came over here in 1979, after not having been a prisoner, but as a deserter, I think the term used was "collaborator"; deserter was not used—but that he was not held; he was staying there on his own vocation. And in 1979 he got out and then he made no claim whatsoever of American POW's.

That statement was made here on the floor of the Senate, that he did not say he saw POW's. Suddenly, he got access to all of the activists in America. Bill Hendon and all these other people were mentioned, and that suddenly he saw the light and started talking about live American POW's.

Well, Mr. President, I am a very modest man, to be honest with you, but I consider myself an expert on Robert Garwood, and I do not think there is anybody in the Senate that knows more about him than I, because I have studied him for the past nine years. I have read every page of his trial. I was the only person who asked for a copy of it. There were six or eight boxes full of it. I also read his deposition, cover to cover, that he gave before this committee. I think it behooves those who criticize to read the documents and determine what the truth is.

Let me go through a few documents. Mr. President, I can do this in any way that might be easier for the chair. I would like to enter some of these into the RECORD.

I ask unanimous consent to have printed at the end of my comments portions of the documents I will be reading from.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH. On March 7, 1979, there was a National Security Council memorandum from Michel Oksenberg to David Aaron. The subject was: League of Families Meeting with the President of the United States. I am not going to read it all.

The middle paragraph says:

> A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the United States. The Vietnamese had previously given no indication that there were any live Americans in Vietnam—although they clearly knew about this case. The defector has also claimed that he knows of other Americans, apparently, who are alive in Vietnam. It is politically wise perhaps for the President to protect himself on this issue by reasserting his continued interest in a full accounting.

Mr. President, Robert Garwood was not out of Vietnam yet when this document was written. He was not even out of Vietnam yet, which means that somebody talked to him, and he indicated in the note that he was not the last American. So our own country, our own Government, on March 7, 1979, before Mr. Garwood came out, knew that Garwood himself, personally, was talking about live Americans. Statements made on the floor of the U.S. Senate saying that that was not the case is simply inaccurate, and here is the documentation to prove it.

On April 4, 1979, a few days after Garwood did come out of Vietnam, there was a hearing. There was an article entitled "Congressmen to Quiz Bob Garwood on MIA's." I will read a couple of phrases from that.

It really is a shame, frankly, that one has to come down on the floor and defend comments and react to comments that simply are not accurate to set the record straight. I regret having to do this, but it is important that it be done, especially on the eve of this trip, because I believe that in many ways people are somehow associating me as somebody who is placing Mr. Garwood on some pedestal. I am not placing Mr. Garwood on a pedestal. He is a source, and I intend to pursue that source until I am satisfied that I have the truth, whatever it is and wherever it leads.

In this article, a press clipping of April 4, 1979, titled "Congressmen to Quiz Bob Garwood on MIAs" it says:

> Garwood's civilian lawyer, Dermot G. Foley, said it was unlikely the Greensburg native would say anything of significance to the Congressmen because of the legal charges against him.

So his lawyer, on April 4, a few days after Garwood returned, where he was met, by the way, and placed under arrest and read his rights, while others who came home from Vietnam, by the way, were given psychiatric evaluations and medical exams, he was put under House arrest and read his rights. He said, "I am not going to let Mr. Garwood talk about anything he saw in Vietnam. That is my legal advice to him."

The article says further:

> The Congressional delegation decided on the trip to Illinois after the commandant of the Marine Corps denied a request to have Garwood appear this week at a subcommittee hearing. The other member who went to question Garwood was a Republican from New York, Benjamin Gilman.

In the April 10, Daily News, front page, Greensburg, IN, it states:

> Garwood claims he was not the only American GI left behind after the prisoners of war were released in 1973.

So we have it in two newspaper articles and in a National Security Council document thus far, and we are only 10 days after Garwood's release. I do not think any activists had gotten a hold of Garwood at this point.

In the Raleigh News on the 16th of May of 1979, about a month since Garwood returned, there was an article entitled "Garwood, Marines Getting Back in Step."

In an excerpt from the article, Dermot Foley, Garwood's civilian attorney, said:

> At my request, Bobby has gone into a shell, and he will stay there, Foley said, but when this is over, our approach is geared in the direction of a complete, candid accounting to the whole damn country. He has a hellava lot to say that is extremely important.

On the 25th of May in the Raleigh News, there was an article entitled "Pfc. Garwood's Return Renews Families' Hopes," with reference to live sightings.

One paragraph says:

> Although Garwood has hinted at the existence of other Americans still in Vietnam, Foley has directed him not to speak plainly on the question, according to representative Benjamin A. Gilman, a Republican of New York, who visited him in search of information on additional missing Americans.

Another paragraph states:

> Gilman expects Garwood's testimony on any additional missing Americans will be taken after the charges against him are resolved.

So, again, a clear reference was made to the Gilman debriefing. There are clear references here in three newspaper sources, and there are many more; there are dozens more. I picked just three. In a NSC document, also, we have statements that Garwood saw live Americans. Let us get a little bit more specific.

He talked to Roger Shields in 1979. Here is a portion of that testimony form the committee deposition of Garwood:

> Question: And would Mr. Shields have been one of the people?
>
> Answer: Yes, I met Mr. Shields. I didn't know who he was. I met Mr. Shields within just a month, maybe a month—not even a month, probably about a month of my return to the United States.

This is a Defense Department official, Roger Shields, and he met with him a month after he returned from Vietnam in 1979.

> Question: That was back in 1979?
>
> Answer: That's correct. That would have been around April of 1979, yes.
>
> Question: Who did you know Mr. Shields to be?
>
> Answer: I thought he was a friend of Dermot Foley, my counsel at the time.
>
> Question: Have you since learned who Mr. Shields was?
>
> Answer: Yes, I have.
>
> Question: Who did you learn him to be?
>
> Answer: That Dr. Roger Shields, former head of NSC during the time of Operation Homecoming.
>
> Question: Did you meet him in person, or did you meet him or was there a telephone conversation?
>
> Answer: In person.
>
> Question: Where did the meeting take place?

They go on to say it took place in New York.

> Question: What took place at that meeting?
>
> Answer: He was there, he introduced himself to me and told me he was an employee—he worked for the World Bank, and it didn't mean a whole bunch to me. And but anyway I started, we just—Dermot started talking and I was there for the purpose of giving Dermot information, a debriefing and Roger Shields was right there.
>
> Dermot got called out of the office. We weren't in the office, we were in the library room of the law offices there, that is where we were doing the debriefing. Dermot had his tape recorder out and all of that, and we had just gotten started and Dermot got called out of the office and then Roger Shields told me that—he asked me, he says, do you have knowledge of other prisoners? I said yes.
>
> He said, American? I said yes. He said, I didn't hear that, and you didn't say that. I said why. He said there was a very good chance that nothing is going to happen, and he said that will open a whole new can of worms. He said, you don't talk to anybody, he said, including Dermot, about any other Americans that you saw, and I thought it was kind of strange.
>
> But again, I thought he was a lawyer or something, and I was told by my parents to cooperate fully, anything they told me to say, say it, and anything not to say, don't say it.
>
> Dermot came back and Roger left the room.

These were National Security Council officials.

Now we have this document entitled "Hearings and Markup Subcommittee on Asian and Pacific Affair," House of Representatives, 1979.

This was on the subject of Robert Garwood. Two Members of the Congress spoke to Garwood.

This is Lester Wolff, Congressman Lester Wolff.

> Two Members of Congress spoke to Garwood. I was one of them; Mr. Gilman was the other Member. I believe there are proceedings that are taking place. However, I must say at this point the information that Private Garwood gave to us was different, obviously, than the information you debriefers received. As Private Garwood indicated, he felt there were other members that were alive.
>
> 1979—Congressman Lester Wolff.

January 1981, JAG Navy, Judge Advocate, this case pending in the U.S. Court of Military Appeals. Case of Robert Garwood. The following clipping appeared in Morning Star Wilmington, NC, January 31, 1981:

> Witness says Garwood told of POW's who stayed behind. Marine Private Garwood reported seeing a couple of hundred other Americans still in captivity in Vietnam and complained of being unable to make that information public, a Navy psychiatrist testified Thursday.
>
> After listening to Ogborn's testimony, Presiding Judge Col. R.E. Switzer ruled that his statements about POW's remaining in Vietnam were irrelevant and should be stricken from the record and disregarded by jurors.

"Statements about American POW's were irrelevant and should be stricken from the record." What do you think this man, who has been accused of so many things, would think when he comes back when he says to everybody he is talking to, he has seen Americans. He says it to the press, he says it to his attorney, he says it to the National Security Council official, and now he says it here to a presiding judge in his testimony, and the judge says in his presence, "It is irrelevant." "It is not relevant." What does he think about his country?

Direct examination. This is a psychiatrist and this is the transcript of the court martial of Robert Garwood. Psychiatrist testimony by Ogburn, Benjamin Ogburn.

> Q. Would you state for the court, please, your full name, rank, and duty station?
>
> A. Benjamin Rivers Ogburn, Captain, U.S. Navy Reserve, stationed at Naval Aerospace Regional Medical Center, Pensacola, Florida.
>
> Q. Thank you. Now, sir, what is your profession?
>
> A. I'm a—my profession is physician and psychiatrist and a Naval officer.
>
> Q. Let the record reflect that the witness accurately identified the accused. Sir, were you appointed by this court to evaluate the accused?
>
> A. I was.
>
> Q. At the time that Captain O'Connell advised you of the situation, did he also notify you of the purpose of the Board?
>
> A. Yes.
>
> Q. And what was that purpose?
>
> A. The purpose was to do a psychiatric evaluation on Private First Class Garwood. There were several questions posed to the Board; one was to determine if he had a mental illness. We were to determine if he was responsible at the time of the alleged criminal acts. We were asked to determine if he was competent to stand trial at this time.
>
> MJ: Doctor Ogburn, before the court members were asked to retire from the courtroom, you were asked whether or not the accused had indicated—or you discussed with him, rather, any debriefing; is that right?
>
> A. He brought it up spontaneously as I recall, and was very upset and concerned about the fact that he had not been debriefed as had the other POW's.

In other words, they did not debrief him formally as they did other witnesses about what they saw in prison.

> MJ: And did you explore that further with him? Did you make any inquiry as to why he would volunteer that or become upset over that particular factor?
>
> A. As I recall, he discussed it from the standpoint that he felt like he did have . . . he knew that there were other people still in Vietnam and he thought that knowledge should be brought out. I think the other things he was indicating was that he felt that as soon as he got back, that he was treated differently than everyone else, and that he wondered why he had not been debriefed as the others had.

Here we even have it in the testimony of the court martial. The truth of the matter is at that time for some reason which is still unanswered, the American Government had no interest in what he knew or what he said he knew about American POW's.

> Q. So you have no way of assessing whether he was telling you the truth or not if what I stated is actually true, isn't that correct?
>
> A. All I know is he told me he did not have a debriefing, and that he was concerned about it because he had knowledge which he thought should be given out.

That is knowledge about lives of American POW's.

This question again to Dr. Ogburn in the same testimony:

> Q. Now, in those conversations, is it not true that PFC Garwood's main concern was the fact that he indicated to you that he had information about other Americans in Vietnam?
>
> A. The, as I recall, he stated that he was aware that there were other people over there, that he had not seen them personally or had seen them at a distance and certainly did not know exactly who they were but that there were others there.

So the point is that in this testimony again we have a situation running continuously from 1979 through 1981 before any activist ever talked to him about

Mr. Garwood's testimony about live Americans. Anybody who says otherwise is simply incorrect.

Our committee deposed Mr. Ogburn. This was something that was very, very difficult and very touchy. This is a psychiatrist. He does not have to get that information on the record unless Garwood agrees. And Garwood did agree. He said let the psychiatrist's testimony go out on the record. He was agreeable to that. He did not have to agree to that.

Our committee deposed Ogburn, and he confirmed it in absolute detail in 1992, and still had his notes from the meeting. There was no reference to that in the remarks of the Senator from Massachusetts in his own committee deposition of the psychiatrist.

The bottom line is the psychiatrist, Mr. Ogburn, confirmed under oath in deposition that Garwood had told him that. This is not the issue of whether or not Garwood is telling the truth. That is not the issue I am talking about right here at this moment. What I am talking about is what was formally put on the record before the Select Committee, of which I was the vice-chairman and Senator JOHN KERRY was the chairman. The issue was whether there was any confirmation that Mr. Garwood had said something about live American POW's. The answer is, yes, he did. He said it early. He said it often. And the psychiatrist, with the consent of Garwood, told us that in his deposition.

Now, let me reference this alleged invitation business, whether or not Garwood was invited to Vietnam.

A general, Deputy Director of the General Political Directorate, invited him at the end of this meeting. I do not recall the names of the other Vietnamese officials but at least in two cases he was invited directly by the comments to me. "Sure, Mr. Garwood is absolutely welcome here. You can bring him any time. He can come any time on his own. We are glad to have him back."

Colonel Y, after this question of whether or not Garwood said he saw Americans, Colonel Y told the Government official many times regarding this question. "I was not a high ranking officer in Vietnam at that time, but I suggest to you that the best idea is to bring Garwood to Vietnam."

So Colonel Y was one of Garwood's guards and he says bring Garwood, bring him, because we were discussing this business of the sightings that Garwood alleges to have in Vietnam.

Again whether we choose to believe Garwood or not, if we can prove otherwise is a matter for all of us to decide. That is our own decision. But when you start distorting facts and we start getting information that is incorrect out in the public domain, that is simply not fair.

We tried to do an extensive investigation. I had to fight, without mentioning names, for 3 hours in the deliberations in writing the summary for the report—all of us, and the Senator in the Chair knows how hard we worked to put that report together—I had to fight 3 hours to get Garwood mentioned in the summary because there were those on the committee who did not want Garwood mentioned.

I can understand the feelings and the debate that centers around Mr. Garwood, but history should not be rewritten because of someone's feelings or emotion. Garwood was a witness. He was a source. He was a source of information. Whether we choose to believe him, or whether or not he is even telling the truth is something else. He is a source. But we have only had this committee to take his deposition, which we did. And if his deposition reflects something, we ought to put that in the RECORD.

To get the name mentioned in the summary, let alone any detail of the summary, was a hard fight.

Mr. President, I know that my colleague from Nebraska is here and wishes to speak. I will yield the floor in just a moment to the Senator.

I just want to say, in conclusion, that I am very much looking forward to the trip that is before me. I want to point out again for the public record that no one in the Government, not the President, or me, or anyone else, no taxpayer dollars, no one is directly involved in that. He is not going at taxpayer expense. He has offered to help me when I get there to ferret out information, and I think it is the right thing to do.

I do not know what in the world anybody would be afraid of. If Garwood goes over there and he makes a fool out of himself or falls flat on his face, then those people who disagree with me can take the Senate floor when we come back and say, see, I told you, SMITH made a fool of himself. He went to Vietnam; Garwood did not turn up anything.

That is fine. I am prepared for that option as well. I think whether or not someone looks good or bad is not the issue here. The issue is whether or not we can determine the truth.

Garwood is a source. I intend to pursue that source and, frankly, the U.S. Government was negligent in not pursuing it for the past 15 years. They should have pursued it in 1979 diligently. They did not. I think there is other information, which I am not going to go into at the moment, which will shed more light on just what the Government did and did not do to Robert Garwood. And we have testimony on the record about that as well. That is another topic for another couple of hours of debate.

So I am looking forward to the trip. I will report back to the Senate and to the country on what we find. I would encourage people to keep an open mind on it, as I am.

If Mr. Garwood is not telling the truth and that could be proven, I will be the first one to say so. But if he is telling the truth, then I will also be out here to say that. So I hope we will get further progress on this issue as a result of Mr. Garwood.

I might also say, just a few years ago, one of the highest ranking officials in the Defense Intelligence Agency recommended hiring Robert Garwood as a consultant, understanding the debate over what his past was, but realizing he is a tremendous resource. He spent 6 years after the war in Vietnam. He traveled around. He knew where a lot of the camps were. He was in many of those camps during the war. He knows the country better than any American.

He is a valuable resource, and we chose to ignore that until it was almost too late. So we tried to make up for lost ground in the committee with the deposition that we took.

This is the final chapter in it. As a matter of fact, the recommendation of the committee was to pursue the Garwood issue, and that was recommended and signed off on by all Senators.

I thank the Chair and also apologize to my colleague for being a little longer than I wanted to be.

At this time, I yield the floor.

EXHIBIT 1

NATIONAL SECURITY COUNCIL,
*March 7, 1979.*

Memorandum for: David Aaron.
From: Michel Oksenberg.
Subject: League of Families Meeting with the President.

For well over a year, the National League of Families of American Prisoners and Missing in Southeast Asia have sought a meeting with the President. The NSC has consistently turned down these requests.

Two reasons now exist for altering our recommendation to the President and for responding favorably to the most recent League request:

—A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the U.S. The Vietnamese had previously given no indication that there were any live Americans in Vietnam—although they clearly knew about this case. The defector has also claimed that he knows of other Americans, apparently, who are alive in Vietnam. It is politically wise perhaps for the President to protect himself on this issue by reasserting his continued interest in a full accounting.

—In the light of the most recent turn of events in Indochina, in my opinion, the time is particularly propitious for a carefully considered Presidential statement on our policy toward Vietnam—whether we wish to proceed toward normalization, to resume our talks with Hanoi, and if so under what circumstances.

Recommendation:

That you instruct Christine Dodson to submit the memorandum at Tab I to Fran Voorde.

☐ Approve
☐ Disapprove

## Congressmen To Quiz Bob Garwood On MIAs

(By Doug Kamholz)

WASHINGTON, DC.—Two members of Congress flew to Great Lakes Naval Training Center in Illinois, Tuesday, to ask Marine PFC Robert R. Garwood, recently returned from 14 years in Vietnam, if he knows of any other Americans in Southeast Asia.

The delegation is part of the House subcommittee on Asian and Pacific Affairs and is headed by sub-committee chairman Lester Wolff, D-NY. According to a Wolff aid, they are only seeking MIA information and not interested in Garwood's own activities. The ex-POW is accused of wartime desertion and is now a patient at Great Lakes Naval Hospital.

Garwood's civilian lawyer, Dermot G. Foley, said it was unlikely the Greensburg native would say anything of significance to the Congressmen because of the legal charges against him. Foley this week renewed his threat to sue the Marine Corps for the $146,000 paid to Garwood's military savings account. The Marine's have denied Garwood access to the money.

Foley said he was also planning to seek a court order which would allow his client to receive medical and psychiatric treatment without the doctors involved being subject to subpoena in a court martial. There is no doctor-patient privilege in military law.

The Congressional delegation decided on the trip to Illinois after the commandant of the Marine Corps denied a request to have Garwood appear this week at a sub-committee hearing. The other member who went to question Garwood was Benjamin Gilman, R-NY.

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[From the Daily News, Apr. 10, 1979]

## Pfc. Robert Garwood

GREENSBURG, IND. (AP)—Marine Pfc. Robert Garwood, denying he ever abandoned the United States during the Vietnam War, says he will let the American people judge his actions during the nearly 14 years he was in Southeast Asia.

"I never deserted. I never broke any of the rules," Garwood said in an interview Monday. "Can anyone who's ever grown up in America believe I actually volunteered to stay in that God-forsaken country?

"This thing, I just leave up to the judgment of the American people. I don't worry about it. If anything happens, it can't be worse than what I've been through," Garwood said.

Marine authorities have accused the 33-year-old Garwood of desertion after his capture by the Vietcong in 1965.

He is scheduled to report to Camp Lejeune next month to await a decision on whether he will be tried for desertion.

Garwood was granted a 30-day convalescent leave on Saturday.

Maj. John Woggon of the Camp Lejeune Joint Public Affairs Office said authorities had not determined what kind of duties Garwood will be assigned when he arrives. He could report for duty any time between now and May 8, when the leave expires.

Lt. Col. Art Brill, a Marine spokesman in Washington, said Lt. Col. David Brahms, a staff officer at Marine headquarters, had filed a complaint accusing Garwood of desertion.

Garwood has denied the accusation and maintained he was held against his will by the North Vietnamese.

"These people had the power of life and death over me. If they sent me back in a box, they wouldn't lose anything," he said.

"I was a gung-ho Marine. You give me an order and I did it," Garwood, on a 30-day convalescent leave from the Great Lakes Naval training Center in Illinois, said. "I guess I believed too much in the U.S. government, that everything it did was right."

Shaking his head in disappointment, the lanky, chain-smoking Garwood recalled his thoughts when he stepped off the plane in Bangkok, Thailand, and was advised of the allegations against him.

After he was advised of his legal rights, Garwood received another shock.

"I asked about my family. They said my mother had passed away. That really tore me up. She died without ever knowing if I was alive or dead," he said. "I was her pride and joy, so to speak. She worshipped me."

A steady diet of rice—"same thing, every day, no change"—and a combination of mental and physical torture pared 40 pounds from his frame, Garwood said.

The Naval Intelligence Service is investigating Brahms' complaint and will report its findings to Brig. Gen. David B. Barker, commanding officer at Camp Lejeune.

Barker and his legal advisers will study the NIS report and decide whether to dismiss the charges, convene a pre-trial hearing similar to a grand-jury investigation in civilian courts or take some other action in between the two extremes:

Any decision for Garwood to stand trial before a board of court martial would be made following the pre-trial hearing.

Barker said the kind of duty Garwood will draw at Camp Lejeune will depend in large measure on a doctor's report on his physical condition.

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[From the Raleigh News, May 16, 1979]

## Garwood, Marines Getting Back in Step

(By Ginny Carroll)

CAMP LEJEUNE.—Pfc. Robert R. Garwood returned to Marine Corps duty Tuesday to await the unraveling of charges that he had deserted to collaborate with his Vietnamese captors.

Gaunt and withdrawn after 14 years as a prisoner of war, Garwood checked in to Camp Lejeune at 8 a.m. after spending the night in Jacksonville, his military attorney, Capt. Dale W. Miller, said at a press briefing.

Garwood, 33, of Adams, Ind., was assigned to clerical work in the Headquarters and Service Batallion, Administrative Control Unit.

His job was described by his supervisor, Master Sgt. Joseph Harrington of Wilmington, Mass., as sorting personnel records or "licking stamps" for 241 Marine units in North Carolina and Virginia.

He will remain on the job until charges against him are resolved, a process that could take six to eight months, estimated Dermot Foley, a civilian lawyer hired by Garwood's family to defend him.

"I feel quite confortable about the outcome, and I think Bobby does too." Foley said in a telephone interview from his New York office. "We're not asking anybody for favors, but I think we will win."

Foley said he hoped the case would lead to a court-martial. "I would prefer a trial," he said. "There is something more final about an acquittal. I don't want the charges dropped with a stupid apology, that 'we know he did it, but we can't prove it.' "

Foley believes the charges will vanish because he said, the Marine Corps does not have a case against Garwood. "What the government has is a big vacuum," he said, based on erroneous reports.

For that reason, Foley said, he would not allow Garwood to talk to reporters because it might fill gaps in that vacuum.

"At my request, Bobby has gone into a shell, and he will stay there, Foley said. "But when this is over, our approach is geared in the direction of a complete, candid accounting to the whole damn country. He has a helluva lot to say that is extremely important."

Foley, 48, has represented numerous POWs and their families. His own brother, Brendan, is listed among Vietnam's Missing in Action.

Foley said his defense tactics would be straight forward. "Bobby is innocent. He did not violate any code of conduct."

Garwood arrived at the Jacksonville Airport minutes before midnight Monday, after passing a physical examination at Great Lakes Naval Regional Medical Center outside Chicago earlier in the day.

After initial paperwork Tuesday morning, Garwood settled into his three-man quarters in Building 53, a motel-like barracks near the center of Camp Lejeune.

Wherever Garwood walked Tuesday around the base, he was escorted by a sergeant from his unit. But Maj. John Woggon, Camp Lejeune public affairs officer, said the escort was not a guard.

"It's not because of who he is," Woggon said, adding that the escort was intended to aid Garwood in his orientation.

The base hierarchy does not fear for Garwood's safety, Woggon said. "There are a few of the young ones that have been saying some (bitter) things because they think that is the way they should feel," he said. No special protective measures have been taken, he said.

Pvt. Tim Johnson of Indianapolis, Ind., who lives in Garwood's barracks, said he felt no ill will, but was unsure of whether Garwood's presence would cause trouble on the base.

"I've heard a few guys in the chow line say he should be shot," Johnson said. The more general feeling, said Johnson and other Marines, is to let the military corps air the facts and render a judgment.

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[From the Raleigh News, May 25, 1979]

## Pfc. Garwood's Return Renews Families' Hopes

The unexpected return of Pfc. Robert R. Garwood of the Marines this spring after 16 years in Vietnam has touched off hopes among the families of some other men still unaccounted for in Southeast Asia that their husbands and sons may still be alive.

Garwood, who is at the Marine Corps base at Camp Lejeune, N.C., pending a resolution of charges of desertion and other misdeeds, has hinted broadly to congressional inquirers that there may, indeed, be other Americans left behind in Southeast Asia from the Vietnam War.

The Pentagon says, however, that beyond one known Army deserter who is believed to be still in the area and possibly two more unidentified American soldiers, there is "no creditable evidence" that any Americans are still being held against their will in the area.

The Pentagon still carries the names of 120 servicemen as "missing in action" in Southeast Asia and is still paying millions of dollars in tax-free salaries and benefits on behalf of these men to their families.

More than 2,000 others whose bodies have never been found have been declared "presumed dead" and their salaries have been cut off. Garwood's return, however, brought renewed pressure on several Congressmen to reopen the sensitive question of Americans missing in Southeast Asia.

Rep. Thomas M. Hagedorn, R-Minn., is working with a group of women in his district who, like many others, are afraid that some Americans may be forgotten.

"We're trying to get information on the status of each missing person," Hagedorn said, "but for some reason the State Department has trouble getting the information together."

Hagedorn complained that while the Pentagon said there were no more prisoners in Southeast Asia, the State Department had a computer list of somewhat fewer than 100 names of persons described as "detainees" in the area.

He conceded that security reasons involving United States spies in the area might account for the discrepancy.

Dermot Foley, a New York lawyer who is Garwood's civilian counsel, does not think so, however. Foley, who is also counsel to the National League of Families of American Prisoners and Missing in Southeast Asia, said he believed the federal government was trying to "sweep under the rug" the possibility that more Americans were still languishing in Vietnam. He has brought four lawsuits against the government, including one that is still pending, seeking to block the periodic status reviews of the missing in action that lead to the presumptive findings of death.

Foley, whose brother Brendan was listed as missing after his Air Force jet was shot down over North Vietnam in 1967, became Garwood's lawyer by seeking out the marine's father, Jack Garwood, who hired him.

"There are aspects of it that I can't discuss," Foley said this week, "but it's fair to say that Bobby has a belief that there are men still over there."

Although it has not been widely reported, the Pentagon has carried the name of McKinley Nolan, a former Army private, as a deserter who was known to be alive and in the company of the Communists as late as 1971 but about whom nothing more recent is known.

The Pentagon carries intelligence reports on two other men, one black, one white, who are believed to be American deserters in Vietnam.

### TESTIMONY

First he asked, do you understand. Can you understand me? And I said, yes. And he says, I don't know how to really put this in words, but during your time in hostile hands your mother, your grandmother, your uncle Bud, and your niece have all passed away, and this album here is to show you how your family as you remember them and how they are today. I took the album and it shook me up right there.

Q. Did you take your lawyer's advice and not talk to anybody about what had happened?

A. Yes.

Q. In fact you didn't talk to anyone about the live Americans you had seen until some time in 1984, or 1985?

A. Correct.

Q. Who had you talked to?

A. I had talked to briefly, but not in detail, only because I was asked not to go in those parameters and in detail by a military psychiatrist, Dr. Ogburn, I believe his name was—San Antonio.

Q. But you had followed your lawyer's instructions not to talk to anybody else except the psychiatrist?

A. I wasn't even supposed to talk to him about that. My lawyer's advice really was to, basically what they wanted to center around the time era of 1967 to 1973 and not beyond that because it was a government psychiatrist and it would be made part of the record. They didn't want to open a new can of worms.

Q. Okay, I don't want you to go into a lot of detail about what your lawyers told you, but it serves the purpose to say that you were supposed to stop at '73 and you weren't supposed to go on and explain what happened after that?

A. That's correct. But I did. I did tell Dr. Ogburn.

Q. Yeah, so you told your psychiatrist?

A. Yes.

Q. And at a certain time you told Bill Paul from the Wall Street Journal?

A. Yes, well I told quite a few other people, nongovernment related. I had spoken occasionally to Donald Long about it, about some of the people. I had talked to Dermot Foley.

Q. He was your attorney?

A. Yes. I talked to him at length about it. Actually it was Dermot Foley—

Q. Again, I don't want to get into anything you talked to your lawyer about.

A. Well, I told him about the Americans and my sightings. This was just in the matter of a few days.

Q. After you arrived?

A. Yes, and when I told him about it. When I told Dermot about the other Americans and the camps that I knew about it was only a matter of a day or 2 days after that, that people who I guess were NIS brought in some maps—I was still at Great Lakes Naval Hospital—brought in some maps and wanted me to circle spots on the maps where I thought other Americans were being held.

Q. Did you try to do that?

A. Dermot Foley told me that not to give definite—do not say, I think they are here, et cetera, because he said that was important. He didn't want me to give definite answers to any questions.

Q. Was it explained to you that you could be charged with offenses for—if you identified certain things that you did and so you were acting on your attorney's advice. Is that what he told you?

A. I just, anything he told me to do I did. My family told me to follow any and all instructions.

Q. And that's what you did?

A. Yes.

Q. Now there came a time when you saw an individuals' picture in the paper.

Mr. Taylor. Before we get into that, let me clear up one thing for the record, and obviously we can do this in a

A. Yes.

Q. And would Mr. Shields have been one of those people?

A. Yes, I met Mr. Shields, I didn't know who he was, I met Mr. Shields within, just a month, maybe a month—not even a month, probably about a month of my return to the United States.

Q. That was back in 1979?

A. That's correct. That would have been around April, I believe it was April 1979, yes.

Q. Who did you know Mr. Shields to be?

A. I thought he was a friend of Dermot Foley, my counsel at the time.

Q. Have you since learned who Mr. Shields was?

A. Yes, I have.

Q. Who did you learn him to be?

A. That Dr. Roger Shields, former head of NSC during the time of Operation Homecoming.

Q. Did you meet him in person or did you meet him or was there a telephone conversation?

A. In person.

Q. Where did the meeting take place?

A. In the office of Dermot Foley in New York City.

Q. Who was present at that meeting?

A. Myself, Dermot Foley and Roger Shields.

Q. What took place?

A. He was there, he introduced himself to me, and told me that he was an employee—he worked for the World Bank and it didn't mean a whole bunch to me. And but anyway I started, we just—Dermot started talking and I was there for the purpose of giving Dermot information, a debriefing and Roger Shields was right there.

Dermot got called out of the office. We weren't in the office, we were in the library room of the law offices there, that is where we were doing the debriefing. Dermot had his taperecorder out and all of that, and we had just gotten start and Dermot got called out of the office and then Roger Shields told me that—he asked me, he says, do you have knowledge of other prisoners? I said yes.

He said, American? I said yes. He said, I didn't hear that and you didn't say that. I say why? He said, there was a very good chance that nothing is going to happen, and he said that will open a whole new can of worms. He said, you don't talk to anybody, he said, including Dermot about any other Americans that you saw and I thought it was kind of strange.

But again, I thought he was a lawyer or something, and I was told by my parents to cooperate fully, anything they told me to say, say it, and anything not to say, don't say it.

Dermot came back and Roger left the room, Mr. Shields left the room and I asked Dermot who he was.

### THIS CASE PENDING IN UNITED STATES COURT OF MILITARY APPEALS

The court was called to order at 0903 22 January 1981.

MJ: Court will come to order, and the record will show that all parties who were present when the court recessed are again present including all members are present. Mrs. Zona HARGRAVES has been detailed as reporter for this session and she has previously been sworn. Trial counsel, you may call in your next witness.

TC WRIGHT: We would at this time call Captain Benjamin OGBURN to the stand.

(The witness entered the courtroom and was sworn.)

TC WRIGHT: Please be seated. And first of all, I'll ask that you speak up so that all the members and the court reporter can hear very clearly what you are saying. Lots of times we have some interference from outside, and also that if you want to take a break or need some water, just please stop me and we'll take a recess.

### DIRECT EXAMINATION

Questions by Captain Wright.

Q. Would you state for the court, please, your full name, rank, and duty station?

A. Benjamin Rivers OGBURN, Captain, U.S. Navy Reserve, stationed at Naval Aerospace Regional Medical Center, Pensacola, Florida.

Q. And sir, would you spell your last name, please, for the court reporter?

A. OGBURN, O G B U R N.

Q. Thank you. Now, sir, what is your profession?

A. I'm a—my profession is physician and psychiatrist and a Naval officer.

Q. And where, sir, are you licensed to practice as physician?

A. Licensed in the State of Virginia and the State of Florida.

Q. When were you licensed in each state?

A. Licensed in Virginia 1957 and Florida in 1969.

Q. And in what area are you currently specializing?

A. Specialist in the field of psychiatry.

Q. How long have you been engaged in that specialty?

A. I finished my psychiatric training in 1967 and have essentially worked in that field since that time.

Q. Are you board certified in that specialty?

A. Yes, I am.

Q. And when did you receive that board certification?

A. 1970.

Q. What type of examination did you undergo for that board certification?

A. It was—there were two parts to the exam; the initial part was written, the second is an oral exam. You have to pass the first before you're allowed to take the second part.

Q. Do you know the accused in this case. Private First Class Robert R. GARWOOD?

A. Yes, I do.

Q. If he is present in the courtroom today, would you please point him out?

A. Yes: he's at the far end of the table.

Q. Let the record reflect that the witness accurately identified the accused. Sir, were you appointed by this court to evaluate the accused?

A. I was.

Q. And would you share with us how you came to examine him in that regard?

A. I was called by Captain O'CONNELL, saying he had been asked to convene a 121 Board and asked if I would be on it with him and I said yes, I would. The other member was Captain HARRIS. We discussed the case, or discussed the request, read all the material that was given to us, and then decided on a procedure by which we would evaluate him.

Q. Now, sir, the way in which you were approached by Captain O'CONNELL, is that standard operating procedure?

A. Yes, it is.

Q. How many 121 Boards have you participated in in the past, prior to this one?

A. I haven't kept count; it's been very limited in the Navy. I would say one or two.

Q. At the time that Captain O'CONNELL advised you of the situation, did he also notify you of the purpose of the Board?

A. Yes.

Q. And what was that purpose?

A. The purpose was to do a psychiatric evaluation on Private First Class GARWOOD. There were several questions posed to the Board; one was to determine if he had a mental illness. We were to determine if he was responsible at the time of the alleged criminal acts. We were asked to determine if he was competent to stand trial at this time.

Q. Now, sir, prior to approximately the commencement of one month ago, did you at any time during the course of your evaluation have any contact with Major HELLMER or myself? A. No, I didn't. I don't remember the exact time when I first had contact; I think it was sometime in the first or second week in December, as I recall.

Q. And have you in fact been present as a spectator in this court observing some of the psychiatric testimony?

A. Yes, I was. I heard most of the testimony of the psychiatrists, I think, Doctor TANAY, Doctor ROLLINS, Doctor CORCORAN, Doctor WHEATLEY. I didn't hear the last part of Doctor CORCORAN'S testimony.

Q. Alright, sir, after your appointment to the Board with the other two gentlemen, would you explain to us how the three of you elected to proceed in terms of evaluating the accused?

DC LOWE: Judge, just so you understand; Mr. TAYLOR was speaking about—I think you don't need to look any further. But if you want to see the debrief, we can show you what this debrief was, what the document was. There really wasn't a debrief in the sense of the normally used term, but in addition to that, I think you can see by now that even if there's any arguable probative value that the counsel could argue what the word "debrief" meant at that time and in that context which really gets us far afield, that certainly any probative value is far outweighed by prejudicial value because we're fighting over, first of all, what a debriefing is. And is order to go into that issue, Judge, in order to properly go into the issue as to whether he thought it was a debrief or not, you're going to have to get into the fact that he talked about other Americans in Vietnam, what he knew about them or whatever the information was in there, and that's going to get into an area that you've ruled is irrelevant and inadmissible. And it's going to be highly prejudicial, particularly since we have been precluded from putting evidence in on that issue. So that is any event, the bottom line is that whatever little probative value there might be, it is certainly far outweighed by prejudicial value. And we would ask that if you don't feel that way on its face, certainly look at the debrief first, or the document that is called a debrief, which really isn't.

MJ: I think, first, I'd like to ask a few questions of Doctor OGBURN. Would you ask Doctor OGBURN to come in?

(The witness entered the courtroom.)

MJ: Doctor OGBURN, before the court members were asked to retire from the courtroom, you were asked whether or not the accused had indicated—or you discussed with him, rather, any debriefing; is that right?

A. He brought it up spontaneously as I recall, and was very upset and concerned about the fact that he had not been debriefed as had the other POWs.

MJ: And did you explore that further with him? Did you make any inquiry as to why he would volunteer that or become upset over that particular factor?

A. As I recall, he discussed it from the standpoint that he felt like he did have . . . he knew that there were other people still in Vietnam and he thought that knowledge should be brought out. I think the other things he was indicating was that he felt that as soon as he got back, that he was treated differently than everyone else, and that he wondered why he had not been debriefed as the others had.

MJ: And then did you subsequently learn that there was a limited debrief?

A. I learned that there was a debrief; I really don't, I don't have any knowledge of debriefings and cannot really state how limited they were, or if it is.

MJ: Well, subsequently, have you been shown a debriefing of the . . .

A. Yes, sir.

MJ: And would it be fair to say that that debriefing, albeit limited, contained information that he expressed some concern to you about?

A. I can't say that, Your Honor. I have not read the debriefing; I was shown it and I have it but I have not read it.

MJ: So you don't know whether it contained information that he expressed concern to you about, that he got upset because he had information that no one asked him about?

A. I don't know from my own personal knowledge. I was told that it contained that information.

MJ: Would that have any psychiatric significance to you?

A. The significance of it is that, from my standpoint, would be to look at his truthfulness, so to speak, that he denied having had something done which he indeed did have done.

MJ: I'm going to allow. . .

DC TAYLOR and DC LOWE: Can we ask some questions, Your Honor?

MJ: Sure; alright.

DC TAYLOR: Based on your questions, first?

### QUESTIONS BY DEFENSE COUNSEL

DC LOWE: Doctor OGBURN, as I understand it, PFC GARWOOD's concern was that he had not been debriefed as the other POWs had been, is that correct?

A. Yes.

Q. If I told you that it is factually correct that he was not debriefed in the same manner that the other POWs had been, would that make a difference to you in your perception as to whether he was telling you the truth or not? If that was factually correct, that he had not been debriefed as the other POWs had been?

A. I'd have to know whether he knew exactly how the others had been debriefed.

Q. And you don't know that, do you?

A. I don't know that.

Q. So you have no way of assessing whether he was telling you the truth or not if what I stated is actually true, isn't that correct?

A. All I know is he told me he did not have a debriefing, and that he was concerned about it because he had knowledge which he thought should be given out.

Q. Who showed you the debrief?

A. Major HELLMER.

Q. Did they indicate to you that this was a typical debrief of those POWs that came back?

A. No. He told me that it covered certain issues, that it had not covered the entire experiences as had—as the other debriefs had.

Q. Well, then, you know from Major HELLMER himself that he was not debriefed in the same manner as the other POWs had been debriefed, isn't that true?

A. I know that, yes.

Q. Well, isn't what PFC GARWOOD told you factually correct, that he was not debriefed as the other POWs?

A. He said he had not be debriefed as had the other, in this—he said he had not been debriefed.

Q. As the other POWs. Now finished your sentence that you've said four times already, Doctor. You said that four times now; he said he was objecting because he was not debriefed as the other POWs had been; isn't that correct?

A. Well, it depends on how you, the context you put that in.

DC LOWE: Alright.

A. You can say, "as the others had been," which means that he had not been debriefed at all; or I think what you're saying is that he had not been debriefed as they had been, which means . . . .

DC LOWE: In the same manner.

A. The same manner, yes.

DC LOWE: And that's a possible interpretation, and you now recognize that.

A. That's a possible interpretation, yes.

DC LOWE: And that would affect your judgment of whether he was lying or whether you just misunderstood him, wouldn't it?

A. Certainly, it would.

DC LOWE: That's all.

### QUESTIONS BY TRIAL COUNSEL

TC HELLMER: Doctor Ogburn, can you tell this court specifically the area PFC

GARWOOD talked about why he was upset that he wasn't debriefed, any one area?

A. About an area of being debriefed?

Q. Yes. Did he tell you why his concern, his most prevalent concern was about not having been debriefed? Why did he tell you that he was so concerned about that?

A. It was my feeling that he was expressing that because he thought he was being treated differently than anyone else.

Q. Did he ever give you the impression or indicate to you his concern that he—did he ever ask you—excuse me, I—let me rephrase that. Did he ever tell you whether or not . . . .

DC LOWE: Objection to the leading questions, Your Honor. This is their witness.

Q. . . . was . . . .

MJ: Overruled.

Q. Excuse me, Sir?

MJ: Overruled.

Q. Alright. Doctor OGBURN, you and I talked about this, and—isn't that right?

A. Yes.

Q. I've talked to you about the debrief.

A. Yes.

Q. Isn't that right; and I've also showed some concern when you told me that PFC GARWOOD had indicated that he had not been debriefed; isn't that correct?

A. Yes.

Q. Now, in those conversations, is it not true that Pfc. GARWOOD's main concern was the fact the he indicated to you that he had information about other Americans in Vietnam?

A. The, as I recall, he stated that he was aware that there were other people over there, that he had not seen them personally or had seen them at a distance and certainly did not know exactly who they were but that there were others there.

Q. But did he not express a concern to you that he had not been at least debriefed on those aspects?

A. I can't, I really can't say what the specific concern . . . I think the overwhelming concern was that the context in which he told me was that he had been treated differently from everyone else.

DC LOWE: We have nothing further, Your Honor. I think it's quite obvious, in light of this last colloquy between both counsel and the witness, that it's most likely, if not overwhelmingly likely that the concern was "I'm being treated differently, and not being debriefed as the other POWs had been." I understand that Doctor OGBURN, with the very limited knowledge Your Honor allowed the Board to have in order that they not be influenced unduly, would not be able to put that in the proper context. And the fact that this had been on advice of counsel, the fact that he had been asked less than the other POWs, would lead to such speculation that the probative value is clearly outweighed.

MJ: I think at this particular stage, an instruction to tell the members to disregard would not cover the subject so I will allow a last question, whether or not there was a debrief, what the psychiatric significance of it, but certainly not the contents of the debrief or anything like that, unless the door is opened and you want to explore it further on cross examination.

DC LOWE: Well, as I understand it now, Your Honor, the doctor has not acknowledged that recognizing that he may have misunderstood that, that he would not be able to give an opinion of psychiatric significance unless he gives the two possibilities, if it meant that he was lying, it would have psychiatric significance, but if . . .

MJ: Well, as I say. . . .

DC LOWE: . . . it is just a misunderstanding, it wouldn't have; and that's why it's so prejudicial, to let him offer that opinion. Unless he's going to now say, "Well, I can't gauge because it might have been a misunderstanding."

MJ: It can be covered in cross examination, but not the subject matter of the particular debriefing, but that it was a limited debriefing and qualified in that sense.

DC LOWE: Well, we object very strongly, Your Honor. We think it's very prejudicial.

MJ: Ask the court members to re-enter the courtroom.

Please be seated. The Article 39a session is adjourned; the court members have come back into the courtroom. All court members are present.

TC WRIGHT: Alright, sir, let's go on to something new.

### POW/MIA'S: U.S. POLICIES AND PROCEDURES

(Hearings and Markup Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives, Ninety-Sixth Congress, First Session on H. Con. Res. 10, April 10, May 7, and June 5, 1979)

Mr. WOLFF. With unanimous consent you can do almost anything in Congress, Mr. Guyer.

Mr. GUYER. We do have conflicts in committees this morning. I know the rest would like to be here and I would like to have it show it is unanimous.

Mr. WOLFF. If there is no objection we will keep this matter open for the other members of the task force to participate.

On that basis the resolution will be passed onto the Asian and Pacific Affairs Subcommittee for consideration.

I should—just before we get to the statements of Miss Griffiths and Mr. Shields—indicate to the task force that Mr. Gilman and I met with Marine Robert Garwood this past week. The meeting was held in Great Lakes, at the Great Lakes Naval Hospital. We spent about 2½ hours with him. He provided the members with a dissertation on the question of missing in action generally.

We did specifically limit our questioning of Mr. Garwood to whatever information he had relative to the missing in action generally, rather than his particular case. This committee has no desire to influence any action that is pending against him one way or the other by interfering in the judicial process that is taking place.

Therefore we specifically limited our questioning to the overall situation of the missing in action.

We, on advice of Mr. Garwood's counsel, have not given details of the conversations that we held with Mr. Garwood. I see, however, Mr. Garwood has already gone to the press and given some information.

I do believe however that the Subcommittee on Asian and Pacific Affairs will be availed of the information that was secured by Mr. Gilman and myself at another meeting.

This is a sensitive matter and because of its sensitivity, because of the charges that have been made against Mr. Garwood, we have to treat this with great care so that there is no attempts made to influence the decision of the charges that have been made.

I can say that Mr. Garwood gave us some interesting information which we are going to pursue, and check on its validity, so that we can further inform the families of the MIA's as to its content.

With this in mind, although we have ERA and everything else that says everybody is equal in our society, this committee still believes in gallantry. Therefore, we would ask Miss Griffiths to proceed.

### STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. GRIFFITHS. Thank you, Mr. Chairman, and distinguished members of the committee.

Thank you for the opportunity to provide testimony as a representative of the National League of Families of American Prisoners and Missing in Southeast Asia.

It is extremely important to have a congressional forum available to express our views.

Several major points will be mentioned in my remarks, all of which are intertwined to some degree. Distinctly separate areas upon which to concentrate do not occur. If there is overlap, it will be due to the fact that the rationale is applicable to other than a unique problem area.

#### REPORTS OF PRISONERS ALIVE

It has been reported by refugee sources and recently by Pfc. Robert Garwood that it is common knowledge in Vietnam that American prisoners are still being held for negotiating purposes.

Mr. WOLFF. May I interrupt you. Where did the information come from on Garwood?

Ms. GRIFFITHS. From Mr. Garwood to different people he has spoken with. Not firsthand eyewitness statement or any specifics or any locations, just it is commonly accepted. This is something not new to us. We have heard it from many, many Vietnamese refugees from North and South.

Mr. WOLFF. I understand Mr. Garwood has not spoken to anyone.

Ms. GRIFFITHS. He is speaking more, apparently. He has spoken to the press and he talked to a friend of mine in Indiana yesterday, while on convalescent leave.

Mr. WOLFF. Thank you.

#### VIETNAM'S ASSURANCES

Ms. GRIFFITHS. Other than to opinionize, can anyone in the U.S. Government provide assurance that Americans are not being held prisoner?

Thus far, the only statements to that effect have come from Socialist Republic of Vietnam officials who have a long history of dishonesty on this issue as well as their involvement in and invasion of Cambodia and other policy matters.

The State Department has strongly stated that there is no possibility of forward movement on the normalization question at this time. How long is that stance going to hold true? Is the only basis the Vietnamese invasion of Cambodia? Are there other reasons for the present position?

The accounting for missing U.S. personnel is a humanitarian problem. Humanitarian considerations are legislatively mandated in foreign policy decisions and should be appropriately interjected into the normalization question.

The League has been told that the accounting is not a precondition to normalizing relations with the SRV but is a hoped for byproduct of that process. In short, the administration has assured the League that the accounting is a matter of high priority, intrinsically involved with the normalization process.

In what way does our Government anticipate improved cooperation? Has there been any assurance from the SRV that cooperation will improve if normal relations occur? What specific consideration is being given as to how the accounting might be achieved?

### PRESUMPTIONS AND SPECULATIONS

Presumptions and speculations have figured prominently in the POW/MIA situation. The U.S. Government presumes that there are no American still held captive.

### PFC GARWOOD

I should like to start off. On page 5, General, you say:

"U.S. Marine Corps debriefers have informed DIA that Pfc. Robert Garwood, USMC, upon his recent return from Vietnam provided them no POW/MIA information of substance, but only rumor, hearsay or speculation."

Two Members of the Congress spoke to Garwood; I was one of them and Mr. Gilman was the other Member. I believe that there are proceedings that are taking place, however, I must say at this point the information that Private Garwood gave to us was different obviously than the information your debriefers received. As Private Garwood indicated, he felt there were other Americans that were alive.

Now, the one point on this is the fact that he said that he would not testify to any of this until his trial had been completed. He indicated at that time he felt there were other Americans in his position, let me put it that way, but I think he may well have been referring to Nolan or someone else. I would like to ask whether or not in open session you can give us any information on this as to the results of the information that you have taken from him?

General TIGHE. First, I would like to acknowledge, Mr. Chairman, the fact that we are talking about what he has provided the Marine Corps, and to the best of my knowledge they would stand on this if I asked them right down to the moment. I don't know what the Marine Corps has done as far as interrogating him today, for example. He may have given them some additional data, but when this information was passed to DIA, he had not given them any. That does not mean that he will not do so after his trial or at some future date but what he had spoken to them about, as I understand it, was judged to be rumor, hearsay, or speculation. He may be preserving other data for a later time.

### OTHERS LIKE GARWOOD

The Garwood case in particular highlights, again, the question we have constantly before us of whether there are other Americans like Private First Class Garwood in Vietnam and, if so what we can do to effect their departure. This possibility was raised with the Vietnamese during the Woodcock commission visit to Hanoi. At that time, in response to numerous direct questions, the Vietnamese assured us that all Americans who had been taken prisoners and were alive had been returned to the United States under article 8(a) of the Paris Accord, and that all Americans who remained in Vietnam after April 30, 1975, and who registered themselves with Vietnamese authorities had been allowed to leave Vietnam. This response obviously leaves a loophole which can be made to fit a case like Garwood's. Obviously, we do not consider helpful the use of this sort of debating tactic rather than a frank full response.

### DEBRIEFING GARWOOD

In conjunction with our efforts to obtain Private First Class Garwood's departure, we again asked the Vietnamese whether there were any other Americans living in that country, voluntarily or otherwise. As you know, they categorically denied the existence of any such Americans, dropping the reference to any qualifiers. Since we take nothing on faith in this area and have no means of directly determining whether this latest Vietnamese statement is accurate, the next step will have to be to evaluate whatever information Private First Class Garwood might have on possible Americans in Vietnam.

If, as in his own case, there is specific information provided which appears credible on MIA remains or living Americans, we will again be in a position to approach the Vietnamese with the expectation of getting a satisfactory response. However, before this can be done, we will have to await a thorough debriefing of Mr. Garwood which, we understand, will not occur until his situation with the Marine Corps has been clarified.

In concluding, Mr. Chairman, I would like to stress again that we believe the Vietnamese could be doing more to resolve the MIA issue, which has caused so much anguish for so many American families for too long. We have reiterated our position in this regard both directly to the Vietnamese and publicly to the American people and will continue to do so. At the same time, it is important to keep in mind that past experience has demonstrated, unfortunately that the problem of obtaining a full MIA accounting is never an easy one.

I would like to thank the subcommittee for the opportunity to discuss the important subject and will be very happy to respond to any questions you might have, Mr. Chairman, or to those of other members of the subcommittee.

Mr. WOLFF. We thank you very much, Mr. Oakley.

We will reserve questions until we have had the opportunity of hearing both statements. Therefore, General Pinckney, if you would please proceed.

### STATEMENT OF BRIG. GEN. T.C. PINCKNEY, DIRECTOR, EAST ASIA AND PACIFIC REGION, DEPARTMENT OF DEFENSE

General PINCKNEY. Is this all right on the microphone?

Mr. WOLFF. As long as you project.

General PINCKNEY. I will use my best parade ground voice.

Mr. Chairman, I am grateful for the opportunity to represent the Department of Defense here today because we deeply appreciate your efforts on behalf of our servicemen missing in Southeast Asia.

The Department of Defense, more than any other part of the Government, is aware of the sacrifice made by these men and understands the sorrow, anguish, and frustration that the families of these missing men have endured. We share their sorrow and frustration because these are men with whom we have lived and fought side by side. Therefore, because the goal of this committee is to obtain the fullest possible accounting for our fallen friends and comrades. we are committed to assist you to the fullest and welcome this opportunity to exchange views.

You have requested our comments of various aspects of U.S. policy with regard to the MIA issue within the purview of OSD/ISA. Those points are the reinstitution of status reviews and the distribution of information to families and next of kin. I will also describe the current realinement of PW/MIA responsibilities within OSD/ISA and discuss our purposes and intentions as we proceed under that realinement.

### REINSTITUTE STATUS

In August 1977, the Department of Defense announced plans to reinstitute individual status reviews for those American servicemen listed as prisoner of war or missing in action as a result of the conflict in southeast Asia. This is our obligation, but nevertheless, one undertaken reluctantly. That determination to reinstitute status reviews followed unprecedented efforts by the executive and legislative branches to account for missing U.S. servicemen. These efforts included a congressional committee investigation, a Presidential commission, and diplomatic approaches by the State Department.

The Secretaries of the armed services have endeavored to conduct casualty matters with full respect for the rights of the missing members, with compassion for the families and, in accordance with the Missing Persons Act, the decree issued by the District Court in New York in *McDonald* v. *McLucas*, and service regulations. Under these legal requirements, status reviews are conducted by the missing serviceman's respective service on a case-by-case basis, starting with those who have been missing the longest. There has not been any attempt to deviate from these established procedures.

While we have made every attempt not to delay these reviews due to a shortage of DOD manpower or resources, the reviews have been proceeding more slowly than originally anticipated because of the unanticipated volume of Freedom of Information requests.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague for his courtesy.

I have been listening with great interest to the comments he has been making about a very, very important matter that he has taken a leadership position on. I thank him for his service and efforts in regard to our POW's and MIA's.

## UNDERCHARGE EQUITY ACT OF 1993

Mr. EXON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 120, S. 412, the Undercharge Equity Act; that the committee amendments be agreed to; that the bill, as amended, be deemed read three times, passed, and the motion to reconsider laid upon the table; that statements by Senator EXON, Senator HOLLINGS, Senator PRESSLER, Senator GORTON, Senator DANFORTH, and Senator BURNS be printed in the RECORD at the appropriate place in the RECORD; and that a colloquy between myself and Senator HELMS in this regard be printed in the RECORD.

I simply advise the Senate that this measure has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

So the bill (S. 412), as amended, was deemed passed, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of [1992"] *1993"*.

### SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

[(a) IN GENERAL.—SECTION] *Section* 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B) (i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business [concern,] *concern or charitable organization*, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under [paragraph (2) or (3)] *paragraph (4) or (5)* of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

["(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".]

*"(11) In this subsection—*

*"(A) 'charitable organization' means an organization which is exempt from taxation under section 503(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 503(c)(3)); and*

*"(B) 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et. seq.).".*

### SEC. 3. STATUTE OF LIMITATIONS.

(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation *or* service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 years after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

### SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

**"§ 11712. Tariff reconciliation rules for motor common carriers of property**

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of section 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States

Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

**SEC. 5. EFFECTIVE DATE; APPLICABILITY.**

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. EXON. Mr. President, I am pleased to support for Senate passage S. 412, the Undercharge Equity Act of 1993. I note that this measure now has 27 cosponsors, and that in the last Congress, the Senate unanimously approved nearly identical legislation. As reported recently by the Commerce Committee, S. 412 therefore should be noncontroversial.

As chairman of the Surface Transportation Subcommittee, I have worked to resolve the so-called undercharge crisis since the Supreme Court ruled in 1990 that trustees of bankrupt trucking companies could attempt to collect undercharges from customers who negotiated and paid their trucking bills in good faith. The undercharge crisis began when trustees for these bankrupt carriers sued shippers, claiming that freight rates agreed to years ago were invalid because the carrier never filed its rates in a tariff with the Interstate Commerce Commission [ICC] as required by the Interstate Commerce Act [ICA], and that the higher, undiscounted tariff rates then on file retroactively applied. Trustees for bankrupt carriers made this claim despite the fact that under the ICA, the duty to file rates has always been the responsibility of trucking companies and not their customers. Most shippers had no reasonable way to check whether a quoted rate was on file with the ICC or not.

Unfortunately, during the deregulation fever of the Reagan era, the ICC did a less than thorough job of enforcing the filed rate doctrine and essentially looked the other way as many trucking firms failed to file their rates. When a number of these firms went bankrupt, trustees sought to collect the difference between the rate charged and paid and the last rate on file with the ICC. It is as if you bought a discount airplane ticket from Washington to Omaha for $200 and several years later were sued by a bankruptcy trustee for an additional $200 because the airline failed to file the discount rate with the appropriate authorities.

In recent months, the undercharge crisis has expanded to near epidemic proportions as bankrupt trucking company trustees have pursued new legal theories of undercharge liability. Trustees have attempted, for example, to invalidate past contracts with shippers, alleging technical errors. Having unilaterally declared a past contract to be invalid, the trustee then seeks to collect the higher, filed common carrier tariff rate which allegedly now applies in the absence of a valid contract. Under another theory, a trustee finds a loophole in the discount tariff provisions which formerly applied, so that the higher, undiscounted tariff rate now becomes due. And, in perhaps the most pervasive undercharge collection effort of all, trucking company trustees have asserted that because certain shipper account codes appearing in the former carriers' filed tariffs are invalid, the higher, undiscounted common carrier rate applies retroactively. Taken together, these undercharge collection claims amount to billions of dollars.

In passing undercharge resolution legislation in the last Congress, the Senate has recognized the huge potential burden of this crisis for thousands of businesses, and for small businesses in particular. Some small concerns have already experienced difficulty securing credit because of pending undercharge litigation and others will be forced into liquidation unless this matter is resolved. Approving this bill will lift a huge cloud from American businesses and help boost our national economy.

The U.S. Supreme Court has clearly pointed to the Congress to resolve this problem. S. 412 offers a fair and equitable compromise and is the product of countless hours of hearings, negotiations, and discussions with all affected parties.

To summarize the bill, S. 412 establishes a procedure for resolving disputes, based on collection of undercharges from shippers or other persons by trustees for bankrupt trucking companies or nonhousehold goods freight forwarders. The legislation intends that shippers facing additional charges for past shipments, based on a carrier's tariff rate asserted to be in effect at the time of shipment, could satisfy these obligations pursuant to the bill, provided that the undercharge claim meets certain threshold criteria.

Under S. 412, a person or entity against whom a claim is made must show: First, that the carrier or forwarder making the claim is no longer transporting property; and second, regarding the disputed claim, that the rate or charge offered was different from the applicable tariff rate on file, that this rate was relied upon but was never properly or timely filed, that this rate was billed and collected by the carrier, and that additional payment of the higher rate or charge in the tariff is demanded.

If a dispute arises in applying these criteria, the court in which the claim is brought will determine whether the carrier is still transporting property for the purposes of this legislation. S. 412 provides that the ICC shall resolve disputes concerning the remaining criteria addressing whether the claim constitutes an eligible undercharge. Pending resolution of any such dispute, the person or entity shall not have to pay any additional compensation to the carrier or freight forwarder.

Assuming that the undercharge claim meets the above criteria for application of the resolution provisions, the legislation provides that, if the person or entity against whom the claim is made is a small business concern (as defined by the Small Business Administration [SBA] or a charitable organization (defined as a person or entity exempt from taxation pursuant to section 503(c)(3) of the Internal Revenue Code [IRC], that person or entity shall be exempt from all further undercharge liability.

For shippers which do not qualify as small businesses as defined by the SBA or charitable organizations under the IRC, the specific settlement procedure to be used pursuant to the legislation depends upon the type of shipment in question. If the shipment in question was a less-than-truckload [LTL] shipment of 10,000 pounds or less, the shipper may elect to settle the undercharge claim by payment of 20 percent of the difference between the rate originally billed and collected and the total amount of the applicable undercharge claim. If the shipment in question was a truckload [TL] shipment of more than 10,000 pounds, the shipper may elect to settle the undercharge claim by payment of 10 percent of the difference between the rate originally billed and collected and the total amount of the applicable undercharge claim.

If the shipper or other person does not elect to resolve a claim by use of the LTL or TL resolution procedures set forth in this legislation, that person or entity may pursue all rights and remedies available under existing law, including a request for a determination by the ICC as to whether the rates claimed are unreasonably high. S. 412 provides that the ICC shall make such a determination within 1 year after such a challenge is filed. In addition, the ICC shall require any shipper making such a challenge to furnish a bond or establish an interest-bearing escrow account, in an amount not to exceed 20 percent of the undercharge amount sought if an LTL shipment is at issue, and 10 percent of the amount sought in the case of a TL shipment. This provision is imposed in lieu of requiring shippers to pay any amount claimed prior to the ICC's rate reasonableness determination.

Notwithstanding the special procedures created to resolve certain undercharge disputes, S. 412 explicitly affirms the filed rate doctrine by stating that no carrier is relieved of its duty to file and adhere to its rates, rules, and classifications as required under the ICA.

In order to ensure that the undercharge resolution process moves forward expeditiously, S. 412 would require a shipper, with respect to claims pending before the date of enactment of the legislation, to respond within 30 days as to whether to proceed under the undercharge resolution procedures in the bill, or to request a rate reasonableness determination by the ICC. Shippers facing undercharge claims made after the date of enactment of the legislation must decide how to proceed within 60 days of the carrier trustee's complaint, or 90 days after the date of enactment of the legislation, whichever is later.

S. 412 further would establish a 2-year statute of limitations for the filing of undercharge or overcharge claims. This period would be reduced to 18 months, 1 year after the date of enactment of the legislation. The legislation also would permit motor carriers, freight forwarders, and shippers to resolve overcharge or undercharge claims by mutual consent, if the parties agree that there had been a billing error or a ministerial error in establishing the tariff, or that it would be unreasonable to charge the filed rate retroactively.

Finally, the undercharge resolution procedures included in S. 412 would apply to all applicable undercharge claims pending or filed on or after the date of enactment of the legislation and to claims arising from transportation shipments tendered up to 18 months after the date of enactment of the bill. The undercharge resolution procedures that are set forth in the legislation would not apply to shipments tendered 18 months or more after the date of enactment, unless Congress determines that there is a continuing need for the provisions and enacts additional legislation. The reported bill also would require the ICC to submit a report to Congress 1 year after the date of enactment of the legislation on whether there exists a justification for continuing the undercharge resolution procedures set forth in this legislation.

Mr. President, the Undercharge Equity Act of 1993 is fair to the creditors of bankrupt trucking firms. This legislation will promote settlements and reduce the huge legal, collection, and accounting expenses which currently accompany every undercharge recovery.

At this point, I wish to mention the concerns of certain transportation intermediaries such as warehouses. Various undercharge measures currently being considered in the House of Representatives take a different approach to intermediaries and when this legislation moves to conference it may be necessary further to address this issue.

Let us put the undercharge dispute behind us. I ask my colleagues to join me in voting for S. 412, the Undercharge Equity Act of 1993. This bill is fair, equitable, and deserves the strong support of the U.S. Senate.

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I am pleased that the Senate is considering S. 412, the Undercharge Equity Act of 1993. This legislation was introduced by my colleague, Senator EXON, chairman of the Surface Transportation Subcommittee, and now has more than 25 cosponsors, including Senators PRESSLER, DANFORTH, DORGAN, BURNS, GORTON, LOTT, PACKWOOD, KERRY, MCCAIN, and GREGG on the Commerce Committee. On May 25, 1993, the committee ordered S. 412 favorably reported to the Senate, without objection.

By now, all my colleagues should be familiar with the undercharge litigation crisis which has been gripping businesses across the Nation for several years. This issue is not a new one: S. 412 is similar to S. 1675, the Undercharge Equity Act of 1992, which the Senate passed unanimously in the last Congress, but which the House did not consider prior to adjournment. Over the past 3 years, since the Supreme Court's Maislin decision in 1990, the chairman of the Commerce Committee's Surface Transportation Subcommittee, Senator EXON, has worked tirelessly to forge a bipartisan consensus on this legislation, and I am pleased to support final Senate passage of the bill before the Senate today.

S. 412 is intended to alleviate the freight motor carrier undercharge litigation crisis by establishing a statutory procedure for resolving disputes resulting from efforts by trustees for bankrupt motor carriers or nonhousehold goods forwarders to collect additional amounts for past transportation provided, in certain instances where the agreed-upon rate or charge allegedly was not properly or timely filed in a tariff with the Interstate Commerce Commission [ICC], as required by the Interstate Commerce Act. As the Commerce Committee has recognized for some time, the undercharge crisis reflects a broad spectrum of efforts by trustees for bankrupt motor carriers to collect from shippers additional payments for shipments which moved and were paid for years ago. Trustees have argued, for example, that, because a former carrier never filed with the ICC the specific rates then negotiated with shippers, a higher tariff rate which was filed retroactively applies now to the shipments at issue. In other cases, trustees have asserted that shippers violated tariff discount provisions, making the discounted rate inapplicable, or have proclaimed that transportation contracts signed by both parties were invalid and that the higher tariff rate on file at the ICC now applies. Trustees also have asserted that certain numerical account codes contained in the former carrier's tariff were unlawful, so that the higher, undiscounted rate retroactively applies to freight traffic which may have moved years before.

I recognize the compelling nature of the unsecured claims of former drivers of bankrupt trucking companies seeking unpaid wages, the pension funds left with unfunded liabilities, and the demands of other creditors. At the same time, the continually escalating undercharge litigation and collection spiral serves no useful purpose, and makes clear the long overdue need for a legislative solution to this problem. The Senate recognized this mandate for action in passing equitable undercharge resolution legislation in the last Congress, and now has the opportunity in the 103d Congress to address once again this significant issue through legislation that is intended to balance many competing interests.

As reported by the Commerce Committee, S. 412 would establish a statutory procedure for resolving eligible undercharge disputes intended to promote the equitable settlement of such claims. The legislation would treat separately small shippers, defined as entities meeting Small Business Administration [SBA] guidelines, and under an amendment adopted by the Committee, charitable organizations, defined as organizations exempt from taxation under section 503(c)(3) of the Internal Revenue Code of 1986 [IRC], by absolving them of all undercharge liability for claims meeting the threshold standard established. For shippers not meeting the applicable SBA or IRC criteria, the legislation would permit these larger business entities to satisfy applicable undercharge claims pursuant to a statutory formula, depending upon whether the shipment at issue was a less-than-truckload [LTL] shipment of 10,000 pounds or less, or a truckload [TL] shipment of more than 10,000 pounds.

S. 412 would preserve existing statutory rights and remedies of shippers, which may decline to settle claims pursuant to the formula in the legislation and, instead, challenge the reasonableness of the legally applicable rate or charge being claimed. If a shipper challenges the reasonableness of a rate, the bill as reported would provide that the shipper must post a surety bond or establish an interest-bearing escrow account in the amount of the otherwise applicable statutory settlement amount. S. 412 would establish a 2-year statute of limitations, reduced to 18 months within 1 year after the date of enactment of the legislation, on the filing of undercharge claims—and would provide for the future sunset of the undercharge resolution procedure.

The undercharge situation requires the immediate attention of Congress. In 1992, in the 102d Congress, the Commerce Committee reported and the Senate passed equitable undercharge resolution legislation. That same measure, with the addition of an amendment meeting the needs of charitable organizations, is before the Senate today as S. 412, and I urge my colleagues to join me in voting for passage of this important and necessary legislation.

Mr. PRESSLER. Mr. President, today I wish to speak for freight shippers in my home State of South Dakota and across the country. Recently, an article appeared in the Sioux Falls, SD, Argus Leader regarding a local furniture business plagued by the negotiated rate problem. According to this article, "Spencer Furniture in Sioux Falls thought the shipping costs were taken care of when [the business] paid a $35 bill when the merchandise was delivered. Now it has 14 different freight bills that total $28,000 in charges that it is being asked to pay because the trucking company that delivered the furniture went bankrupt." This story is just one of many.

Small shippers across the country are being additionally charged for bills previously paid according to rates agreed to months before. The undercharge fraud crisis is destroying many small businesses, and costing our economy upward of $32 billion. I am here to express my strong support for relief for shippers from fraudulent negotiated rate claims. Small businesses should not be burdened unfairly by undercharges any longer.

In the early 1980's, common freight carriers began offering legally discounted freight rates to shippers. To avoid revealing these rates to their business rivals, many truckers did not list the discounts with the Interstate Commerce Commission. When several big trucking companies went bankrupt, their trustees tried to collect from shippers the monetary difference between the legally discounted rate and the official tariff as filed with the ICC. These monetary differences have become known as an "undercharge."

When the first undercharges were billed, the ICC granted relief to shippers, ruling in effect that it was unreasonable for carriers to negotiate a rate not filed with the ICC and then collect the difference between it and old tariffs. However, in Maislin Industries versus Primary Steel the U.S. Supreme Court upheld the right of a bankrupt trucker to collect undercharges even though the shipper and carrier had negotiated a lower rate.

In an 8 to 1 decision issued March 8, 1993, the U.S. Supreme Court in Maislin ruled that shippers do not have to pay undercharges to bankrupt motor carriers while the ICC is weighing the claims' validity. The Court held that undercharge claims must be referred to the ICC for reasonableness determination after they were filed against shippers, but left it to the courts to rule ultimately on the validity of the claims. The Supreme Court's decision clarifies some important points and likely will help shippers. However, the decision's complicated wording also ensures that costly, drawn out litigation will continue. Congress should step in to set a clear standard. We can do just that and bring financial relief to unfairly burdened shippers by passing the current undercharge reform bill.

During the last session of the 102d Congress, the Senate Commerce Committee unanimously reported S. 1675, the Undercharge Equity Act of 1992, which created a procedure for resolving claims against shippers brought by trustees of bankrupt trucking companies attempting to collect undercharges. The Undercharge Equity Act passed the Senate last Congress, but it failed to leave the House of Representatives.

I am pleased the Senate today is reaffirming its support for shippers by passing S. 412, which is almost the same as the bill we passed in the 102d Congress. While S. 412 does not eliminate the undercharge problem, it is a first step in the right direction. I urge my colleagues in both the House and Senate to support actions designed to alleviate the heavy financial burdens being placed on freight shippers across America. Mr. President, I ask unanimous consent that the article I referred to from the Sioux Falls, SD, Argus Leader be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FURNITURE STORES FIGHT CHARGES

(By Brenda Wade Schmidt)

For Karen Spencer, a $2,090 shipping bill on a $199 foot stool defies logic.

The co-owner of Spencer Furniture in Sioux Falls thought the shipping costs were taken care of when she paid a $35 bill when the merchandise was delivered. Now she has 14 different freight bills that total $28,000 in charges that she is being asked to pay because the trucking company that delivered the furniture went bankrupt.

"They are charging us for the whole semi truck. They are sending these out to everybody who had anything on this truck," she said Wednesday.

Several Sioux Falls and area furniture companies are banding together to fight the bills sent to them under a federal law that permits the courts to collect from businesses that were charged too little by trucking companies that go bankrupt. The group includes 12 stores in the Midwest.

The bills are bogus, businesses said, and they don't intend to pay them. It is standard in the industry to be charged for the weight of freight that is delivered, the store owners said. Now they are being asked to pay mileage.

But a Bloomington, Minn., audit company said the businesses must pay, negotiate a lower charge or face a lawsuit.

Trans-Allied Audit Co., which has billed Spencer Furniture for $28,000 and other stores in the area for additional shipping charges, says the law says people who receive shipments of merchandise are responsible for knowing what the correct tariffs are.

"It's not logical, nor is it fair. Unfortunately, it is the law. We're willing to go to the court and ask for a reduction," said Rod Johnson, co-owner of Trans-Allied, which was started about four years ago to audit and collect money for bankrupt trucking companies. "I understand their complaint," he said of the retailers. "That very complaint has made it to the Supreme Court."

But the Maislan Industries vs. Primary Steel case confirms that collecting on underpayments is allowable, he said. The audit company is allowed to collect additional shipping charges from as much as three years earlier.

"I'm afraid these people are stuck. I would suggest it would behoove them to give us a call and try to settle," Johnson said. "They will be better off trying to resolve them because we have to sue these if we can't collect them."

The national trade magazine, Furniture World, is advising stores not to pay because many of the bills are inaccurate and the retailers may not be liable. The tactics used to collect have brought in millions of dollars from companies, the magazine said.

Legislation to ban the charges against retailers such as furniture stores hasn't gotten far in Congress. Sen. Larry Pressler, R–S.D., is in favor of giving relief to retailers. Rep. Tim Johnson, D–S.D. said the burden to bill accurately should be on the trucking companies. "The more that we hear, the clearer the issue becomes for us out here," said Sarah Dahlin, legislative assistant for Johnson.

Local furniture store owners worry that if they settle a bill, they will only be billed for more.

"They're probably going by the law, I don't know. If that's the law, that's ridiculous," said Larry Endres, co-owner of Zimmels Furniture and L&L Discount Furniture in Watertown. "You can sit here in business for 26 years, and they can start sending you extra freight bills that can bankrupt you."

Darwin VerHoeven, manager of Inwood Furniture in Inwood, Iowa, said Luvern Austin offered them lower rates. In the future, he is going to be more careful in who he allows to ship furniture.

The audit company's method of billing by the mile would bring in hundreds of thousands of dollars in shipping fees on each truck load of merchandise, VerHoeven said. "If there was that much profit in hauling furniture or in hauling anything, everyone in the world would be driving trucks."

Mr. GORTON. Mr. President, I am pleased to lend my strong support to the passage of the Undercharge Equity Act which will resolve a crisis affecting thousands of businesses across America.

For many years, discounts offered by truckers were never filed with the

Interstate Commerce Commission. Trucking companies and shippers routinely negotiated deals for the carriage of goods. Deals were struck, goods were delivered, and bills were paid. It seemed simple—a transaction was contracted for and completed. But then, in 1990, the Supreme Court ruled that the precise letter of the law was not being followed. Tragically, this opened the floodgates to the estates of bankrupt trucking companies which have since been attempting to collect payments for the shipment of goods that happened years earlier on the grounds that the shipper was undercharged. This crisis is costing the economy an astounding amount—an estimated $32 billion. It is draining small businesses of their meager profits and putting others out of business altogether. People are losing their jobs; families are being thrown into disarray. It is imperative that Congress step in and right this wrong. I urge the Senate to adopt this measure and it is my sincere hope that the House will soon follow so that this much needed measure can finally be signed into law.

Mr. DANFORTH. Mr. President, last fall, "60 Minutes" ran a story entitled "You're Kidding." This story involved interviews with small businessmen hit with large freight bills related to shipments for which they had paid years ago. These shippers were asking how this could happen. The explanation is that the continued enforcement of outdated laws leads to bizarre results.

THE PROBLEM

The Motor Carrier Act of 1980 substantially deregulated the trucking industry by eliminating most price and entry requirements. One significant regulation retained was the requirement that trucking companies file with the Interstate Commerce Commission [ICC] all tariffs governing shipments. Since enactment of the 1980 Act, however, carriers frequently negotiate lower rates with shippers but do not file those rates with the ICC. In 1990, the Supreme Court, in Maislin Industries versus Primary Steel, held that shippers are required to pay the filed rate when the shipper and carrier have privately negotiated a lower rate, regardless of the equities involved. The trustees of bankrupt trucking companies that had negotiated such rates are now suing shippers for the difference. These suits are being brought years after payment for and delivery of the shipments.

Let me use a hypothetical to illustrate the absurdity of this situation. In my example, you bought a discounted airline ticket from Pam Am several years ago for $300. Subsequently, Pan Am liquidates. Pan Am's bankruptcy trustee notifies you that the nondiscounted price of the ticket you purchased was $600. The trustee says that Pan Am was supposed to file the discounted ticket price, $300, with a government agency, but he failed to do so. Thus, Pan Am's trustee says that you owe the difference between the agreed upon price and the nondiscounted fare. The bottom line is that those who are suffering are the ones who made a deal and fulfilled their obligations.

This problem spares no shipper no matter how noble its effort. In recent months, organizations such as the Red Cross, that use trucks to ship emergency relief supplies, have been hit with these unexpected bills.

The Maislin case has placed a heavy burden on many of our Nation's small businesses. In some instances, these suits are causing small businesses to enter bankruptcy. The ICC estimates that these claims may be worth $32 billion. The beneficiaries are not, however, the creditors or pension funds of the bankrupt carriers. According to the ICC, the attorneys and collection agents who have devised the rebilling suits collect between 55 to 80 percent of the proceeds.

THE LEGISLATION

This legislation establishes settlement formulas for a variety of situations. Different approaches are taken with respect to truckload and less than truckload shipments, since carriers usually give shippers larger discounts on truckload shipments.

Claims relating to truckload shipments may be settled by simply paying 10 percent of the claims undercharge. Claims relating to less than truckload shipments may be settled by paying 20 percent of the claimed undercharge. Furthermore, the legislation makes a distinction on the basis of the size of the shipper, totally exempting small shippers from undercharge claims. In addition, the bill was amended in Committee to provide a complete exemption to charitable organizations from these claims.

This legislation also preserves a shipper's right to pursue an ICC determination of the reasonableness of the rate charged, if a shipper elects not to use the settlement formulas. The bill requires shippers who elect to bypass the settlement procedures and opt for an ICC review to post a security bond, or place funds into an interest bearing escrow account, not to exceed 10 percent of the claimed undercharge for truckload shipments or 20 percent for less than truckload shipments.

THIS LEGISLATION IS A REASONABLE COMPROMISE

This legislation is the result of negotiations that have occurred over the last two Congresses. Twice, the Senate Commerce Committee has reported legislation to remedy this problem. On both occasions, the legislation was "stonewalled" after being reported. In the closing days of the 102d Congress, a breakthrough occurred. After extensive negotiations, an agreement was reached and the legislation passed the Senate on a voice vote. Unfortunately, the House adjourned before taking action. This year we are getting an earlier start. With Senator EXON's leadership, we have moved this bill rapidly through the Senate Commerce Committee. Quick Senate passage is important so that the House has ample time to act.

Mr. President, I urge my colleagues to move quickly to remedy a problem that is hurting thousands of small businesses around the country.

Mr. BURNS. Mr. President, I rise today to support the Undercharge Equity Act of 1992, S. 412.

Since 1991 I have been working with my colleague, Senator EXON, to remedy the problems that have plagued the shipping industry since the deregulation of the trucking industry in 1980. At that time the ICC did not enforce the requirement that a shipper must pay the tariff rate that had been filed with the ICC, even if the shipper and the trucking company negotiated an unfiled rate.

During the following years a number of trucking firms negotiated rates with shippers which were below the filed rates. Later on, various firms filed bankruptcy. The trustees of the bankrupted companies are now suing shippers for the difference in rates. Many of these suits are being brought up several years after the fact. Some estimates have reported outstanding undercharge claims may cost shippers as much as $32 billion.

Six U.S. Circuit Courts of Appeal agreed with the ICC's rejection of these undercharge claims, but the Eighth Circuit ruled in favor of the bankruptcy trustee in Maislin Industries versus Primary Steel. In June of 1990, the Supreme Court upheld the Eighth Circuit's position by a vote of 7 to 2. The Court invalidated the ICC's policy of relieving "a shipper of the obligation of paying the filed rate when the shipper and carrier have privately negotiated a lower rate."

In S. 412, we have worked out an agreeable solution. One that has the support of ICC, Coalition for an Undercharge Relief Bill [CURB], which includes the National Industrial Transportation League, the American Trucking Associations, The National Associations of Manufacturers, and various shipper groups around the country.

I yield the floor.

Mr. HELMS. Mr. President, will the Senator from Nebraska [Mr. EXON] yield for a question?

Before stating my question, I wish to remind my good friend that I supported a bill last year that was identical to S. 412 this year. This legislation will remedy a crisis that is affecting a number of large and small shippers in my State. I promise my good friend that I will do everything in my power to assist with passage of his bill.

However, I do have concern about the bill as it relates to a situation in which a non-operating but non-bankrupt trucking company is seeking to collect what might best be described as inadvertent billings. By inadvertent, I mean billings resulting from clerical error, and similar situations that are known to occur in the freight business every year. Trucking companies routinely seek to recoup for these inadvertent errors all the time just as shippers routinely seek to recover inadvertent overcharges by the trucking companies.

Does S. 412 apply to claims based on such inadvertent billings, by non-operating but non-bankrupt carriers?

Mr. EXON. Section 2 of the bill requires that a shipper tender freight while reasonably relying upon an offered transportation rate that was given—either orally or in writing—prior to the transportation of the shipment in order to have access to the remedial provisions of that section. This requirement will protect a carrier's right to collect for inadvertent billing errors.

Moreover, the bill makes it clear that parties are free to settle claims involving inadvertent errors of the sort you describe.

Mr. HELMS. I thank the Senator for his clarification of this issue.

May I have the Senator's assurance that in conference if necessary he will make an effort to clarify this point in the bill itself in conference or in the conference report's language.

Mr. EXON. I assure my good friend that I will look further into this issue to see that his concerns in this regard are considered in conference.

Mr. HELMS. I will take that to the bank. I thank the Senator.

## ECONOMIC GROWTH AND REGULATORY PAPERWORK REDUCTION ACT OF 1993

Mr. EXON. Mr. President, I have asked the sponsors of S. 265, the Economic Growth and Regulatory Paperwork Reduction Act of 1993, to add my name as a cosponsor. However, I want to take this opportunity to explain my reasons for cosponsoring this legislation and my reservations regarding some of its contents.

I have personally visited with many bankers in my State and their number one concern over the past many months has been the amount of regulations that they are forced to understand and whose dictates they must follow.

On the basis of those many conversations and on my own observations from an on-site visit at a Nebraska bank, I am convinced that many of the claims of my State's bankers are legitimate. The Federal Deposit Insurance Corporation Improvement Act of 1991, which I supported, as well as our expanding consumer protection laws have combined to heap an inordinate amount of paperwork and related expense upon our banking industry.

This burden surely has hampered our bankers' ability to meet the needs of the communities where they are located. Money and time that is being spent on regulatory compliance could be put to better use elsewhere. I am aware of the Clinton administration's efforts to ease the credit crunch through some regulatory changes but believe that more can be done in this area and that our economy would benefit as a result.

But, a more important reason, in my view, for forging ahead in this area is that our current regulatory structure over banks either inadvertently or deliberately will likely accelerate the current trend away from community banking and toward banking consolidation. I am concerned for the many small communities in my State should they lose their local banks which in my view are vital to their area.

Larger banks are inherently more capable of complying with the myriad of banking laws and regulations. Small operations with a handful of employees are placed at a competitive disadvantage and the result may well be an erosion of our smaller financial institutions.

As such, I am cosponsoring S. 265 to send a clear signal to the Senate Banking Committee and its members that I would like to see some legislation in this area move forward. There are other proposals on this issue and I believe hearings should be conducted. I am sure my local bankers would welcome an opportunity to participate by expressing their frustrations over our current situation.

S. 265 is far from a perfect bill and I could not vote for it in its current form. While I agree with the banking industry's concerns that our reporting requirements require that too much time be spent on compliance instead of the business of banking, I am concerned that we not take away the ability of our regulators to require adequate capital levels. In addition, I remain concerned about brokered deposits and insider lending. Just as FDICIA may have over-regulated the industry, I am concerned that S. 265 overreaches in the above and several other provisions. Yet, I remain convinced that we must lighten some of the reporting and regulations that we have placed on the banking industry.

Having seen many of the requirements and disclosures required by our numerous consumer protection laws, I am convinced that many of our regulations in this area are effective only so far as they require additional paperwork. Our laws here need to be examined and streamlined so that unnecessary and useless requirements can be rooted out. In addition, the benefit to consumers of some of the provisions are surely outweighed by the costs incurred by our banks in complying with them. Those costs are ultimately transferred right back to the very consumers we are hoping to assist.

Although it may be difficult to get advocates for both sides in the same room, it strikes me that there should be some common ground between our bankers and consumer interests. Disclosures that are not read or that are too complicated to be understood help neither bankers nor consumers. In addition, I urge the Clinton administration to carefully analyze these regulations to see if changes could be made to streamline our regulations.

As with some of the provisions concerning the safety and soundness of our banking industry, I find that many of the consumer provisions in S. 265 overreach in the opposite direction. A better solution to the problems in our money laundering laws can be found other than to require the money launderer to report his or her actions. Rather than eliminating liability for bankers for violating the Truth in Savings Act, let's simplify its requirements and take a look at placing the banking industry's competitors under the same requirements.

Although I have concerns about the above consumer provisions and others, I heartily agree with Section 401 of S. 265 which requires the Federal Reserve to conduct a study on how the credit granting process can be streamlined. In addition, S. 265 is correct in calling for a new look at placing more responsibility on consumers for properly using automatic teller machines and using credit cards.

Our community bankers are bound up in red tape which is hampering their ability to serve their customers and their community. We need to get away from emphasis on quantity and towards an emphasis on quality. Our regulators are now so overwhelmed with paperwork and routine that I am concerned that the emphasis on "safety and soundness" has been lost.

Changes need to be made and I am cosponsoring S. 265 in order to move this process forward. While safety and soundness must remain the most important goals of banking regulation, and must not be compromised, I am hopeful that Congress can deliberately and thoughtfully act to address this problem and in doing so take some of the chains off of our banks so that they and their communities can thrive.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

## A DAY ON WHICH TO REFLECT

Mr. BYRD. Mr. President, this Sunday is July 4—more approximately, the Fourth of July—a day on which many Americans will celebrate in a fashion unique to our country and unique to the Fourth of July itself.

Across our country, masses of people will assemble for expensive and grand fireworks displays.

Across our country, literally, truckloads of watermelons will be consumed with gusto unequalled at any of our other great feasts—sometimes without spoons or forks, with seeds being swallowed, saltshakers working overtime, and watermelon juices spilling down the chins and T-shirts of thousands of gleeful children.

Across our country, millions of people will take to the water—oceans, lakes, or swimming pools, it makes no difference.

Across our country, other millions of people will take to the highways, motoring to the Great Smokey Mountains, Yellowstone Park, Niagara, West Virginia hills, or wherever, as in the Middle Ages, countless Europeans marched off periodically on religious pilgrimages.

And across our country, more millions of Americans will observe special family ceremonies that have grown up over the generations and that are unique to the Smiths or the Joneses or the O'Tooles or the Dumbrowskis and to none other.

I hope, Mr. President, that in all of this going and coming, swimming and eating, and watching and celebrating—that in all of this hectic activity, people will stop to reflect on the real meaning and purpose of the Fourth of July.

The Fourth of July marks the most successful revolution in human history—successful not in terms of military victories alone, but successful more as the single most important moment in human political history—the moment in which hundreds of thousands of everyday men and women assert a God-given right to self-government.

Note, Mr. President, I did not say "freedom," "liberty," or even "independence."

Certainly, those abstractions—freedom, liberty, and independence—were all elements of America's revolution against the British Crown, and I thank God for the place that those abstractions have played in making America great, mighty, and precious in the eyes of her citizens.

But the Founding Fathers did not overthrow the British Crown as much as they replaced government by a privileged aristocracy thousands of miles away with a government native to American soil, chosen by American citizens, and responsible to the men and women who had elected that government.

In the break with the British Crown, the Founding Fathers asserted, as no people in history before them ever had in such numbers, that the citizens of Thirteen former British Colonies had achieved a significant degree of political maturity and that they were willing to wager their happiness, their livelihoods, their fortunes, their happiness, and their very lives on their ability to determine their own destinies, to bridle their own passions, to use their own wisdom, and to place curbs on their own behavior, as opposed to being governed like brutes and underlings from afar.

In effect, July 4, 1776, marks the date on which the American people declared their willingness to take responsibility for their own lives, and their willingness to pay the price that such self-responsibility demanded of them.

That, Mr. President, was the real shot heard round the world, and I rejoice that, give or take a stumble and a fall here or there since 1776, the experiment launched on July 4 that year has worked reasonably well thus far.

On this day, however, allow me to reflect a bit more deeply on the responsibilities that our Forefathers accepted for themselves and bequeathed to us.

As we use the word "freedom" in America, we usually mean an absence of government interference in most areas of our personal lives, and the ability to make a wide range of choices touching our destiny as individuals, families, groups, and communities, as long as those choices do not violate the freedoms of others or damage their legitimate interests.

Thus, I have freedom to say whatever I want to say, but I do not have the liberty to spread lies about my neighbors, for which I might be sued in court. I have the freedom to own firearms in my own home, but I do not have the liberty of shooting my neighbor, firing on passing automobiles, or killing my neighbor's dog for no good reason. I have freedom of religion and can worship in whichever way I want, but I do not have the liberty of practicing human sacrifice.

In our country, our freedoms allow us to follow whatever career we choose, live wherever we can afford to live, travel wherever we want to travel, make friends of whomever we want or make no friends at all, and elect those people who can best govern us according to our own vision and information and impression.

The reverse side of our freedoms in America are our responsibilities. In some countries, the people are subjects of their government. In America, we are citizens. That means that the government belongs to us, and that if our Nation, State, and county are to work, we must fulfill certain duties, such as paying our taxes, voting, making our views known to our elected public officials, and living by the laws that our representatives pass for our good and for the good of our communities. Good American citizenship also requires that we work diligently, live honestly, and cooperate with others to make our neighborhoods, towns, and States healthier, safer, and more prosperous places in which to live.

I believe that our ideas of freedom and citizenship make America the best place in the world in which to live, at least I think so. A hardworking, disciplined, wise, and skilled or educated American can make his or her fondest dreams a reality, and more millions of men and women have turned their dreams into realities in our country over the past two centuries than in any other place in the world.

Thus, Mr. President, in the midst of the firecrackers, swim suits, T-shirts, watermelon, hot dogs, and the commotion of this upcoming, most American of holidays, I hope that some of our citizens will pause to reflect on the sober implications that our ancestors accepted on our behalf when they successfully alienated an American empire from King George the Third and forever changed the flow of history.

Mr. President, let us all thank God for this great country of ours, and for our Forefathers, and for the men and women who have sacrificed and worked throughout the years to preserve the land of the free and the home of the brave.

Long live the United States of America.

I yield the floor.

## ORDERS FOR TUESDAY, JULY 13, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, July 13; that following the Prayer, the Journal of Proceedings be deemed approved to date; and the time for the two Leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the first hour of morning business under the control of Senator BYRD; that the time from 11 a.m. to 12:30 p.m., and the time between 2:15 to 4 p.m., be for debate on the motion to proceed to S. 185, with the time equally divided and controlled between Senators GLENN and ROTH; that on Tuesday, July 13, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TUESDAY, JULY 13, 1993, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess pursuant to House Concurrent Resolution 115, until 9:30 a.m., Tuesday, July 13, 1993.

Thereupon, at 7:48 p.m., the Senate recessed until Tuesday, July 13, 1993, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 1, 1993:

### DEPARTMENT OF JUSTICE

JANET ANN NAPOLITANO, OF ARIZONA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF 4 YEARS VICE LINDA A. AKERS, RESIGNED.

### DEPARTMENT OF HEALTH AND HUMAN RESOURCES

M. JOYCELYN ELDERS, OF ARKANSAS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE, FOR A TERM OF 4 YEARS, VICE ANTONIA COELLO NOVELLO.

### DEPARTMENT OF TRANSPORTATION

GORDON J. LINTON, OF PENNSYLVANIA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE BRIAN W. CLYMER, RESIGNED.

### DEPARTMENT OF DEFENSE

JOHN H. DALTON, OF TEXAS, TO BE SECRETARY OF THE NAVY, VICE SEAN CHARLES O'KEEFE, RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 1, 1993:

### DEPARTMENT OF DEFENSE

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

EDWIN DORN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

CHAS. W. FREEMAN, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

PHILIP R. LEE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

### TENNESSEE VALLEY AUTHORITY

JOHNNY H. HAYES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 1996.

CRAVEN H. CROWELL, JR., OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

*To be major general*

BRIG. GEN. GEORGE K. ANDERSON [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

*To be major general*

BRIG. GEN. JOSEPH E. HURD [redacted] REGULAR AIR FORCE.

BRIG. GEN. KENNETH R. ISRAEL [redacted] REGULAR AIR FORCE.

BRIG. GEN. JAMES E. MCCARTHY [redacted] REGULAR AIR FORCE.

BRIG. GEN. JIMMEY R. MORRELL [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. THOMAS A. BAKER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be general*

GEN. JAMES B. DAVIS [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN G. LORBER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. JAMES L. JAMERSON [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. MARTIN J. RYAN, JR [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. RICHARD J. TRZASKOMA [redacted] U.S. AIR FORCE.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

*To be brigadier general*

COL. WILFRED HESSERT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. JOHNNIE H. CORNS [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. JAMES D. STARLING [redacted]

### IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

### UNRESTRICTED LINE OFFICER

*To be rear admiral (lower half)*

CAPT. WILLIAM "V" CROSS, I[redacted] U.S. NAVY.
CAPT. THOMAS BOULTON FARGO [redacted] U.S. NAVY.
CAPT. WIRT ROSS FLADD [redacted] U.S. NAVY.
CAPT. DENNIS VINCENT MCGINN [redacted], U.S. NAVY.
CAPT. EDWARD MOORE, JR. [redacted] U.S. NAVY.
CAPT. PATRICIA ANN TRACEY [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

*To be vice admiral*

VICE ADM. EDWARD W. CLEXTON, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

VICE ADM. HENRY G. CHILES, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

REAR ADM. (SELECTEE) GEORGE W. EMERY, U.S. NAVY, [redacted]

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

*To be lieutenant general*

LT. GEN. ROBERT B. JOHNSTON [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

*To be lieutenant general*

MAJ. GEN. GEORGE R. CHRISTMAS, [redacted] U.S. MARINE CORPS.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

*To be lieutenant general*

MAJ. GEN. RICHARD D. HEARNEY [redacted] U.S. MARINE CORPS.

### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING LAURA BOONE, AND ENDING THERESA M. ZOLNINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

AIR FORCE NOMINATIONS BEGINNING ALAN R. WESTROM, [redacted] AND ENDING CHARLES T. MILLER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR FRANKLIN C. ALBRIGHT, [redacted] AND ENDING MAJOR MELANIE G. FREED [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR JIMMY L. DAVIS, JR., [redacted] AND ENDING MAJOR PAUL E. MAGUIRE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR THOMAS E. ALLEN, [redacted] AND ENDING MAJOR TIMOTHY B. MALAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

AIR FORCE NOMINATIONS BEGINNING GERALD S. BEILSTEIN, AND ENDING RODNEY L. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

### IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES W. ABSHER, AND ENDING 999, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING JEFFREY F. ADDICOTT, AND ENDING DALE N. WOODLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

ARMY NOMINATIONS BEGINNING JOHN B. ALUMBAUGH, AND ENDING PETER C* ZOLPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON MAY 14, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 18, 1993.

ARMY NOMINATIONS BEGINNING RICHERT AUHOY, AND ENDING JULIAN M. MOUNT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING STEPHEN L. GOFF, AND ENDING DONALD E. RICKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING JAMES B. CICHANSKI, AND ENDING JUDY A. WALZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING JOYCE ARNOLD, AND ENDING BRUCE E. TAKALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

# EXTENSIONS OF REMARKS

## OPENING OF CONGRESSIONAL HIGH SCHOOL ART EXHIBITION

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### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Ms. SLAUGHTER. Mr. Speaker, as Chair of the Congressional Arts Caucus, it was my great honor and pleasure this past Tuesday, June 29, to welcome to the Capitol—along with Senator JAMES M. JEFFORDS, Vice Chair of the Caucus, and Speaker THOMAS FOLEY—winning student artists and their families from across the country for the opening of the Congressional High School Art Exhibition.

Now in its 12th year, the exhibition showcases the work of talented young artists who have competed in art competitions sponsored by Members of Congress in their districts. This year, I am proud to say, was the largest and most successful competition held to date, with 262 Members participating. Once again, General Motors was generous enough to sponsor the opening festivities.

We were also pleased to welcome and pay tribute to a gifted young actress, Sarah Jessica Parker, who was presented with the Congressional Arts Caucus Award for her longstanding commitment to the competition and her efforts to involve young people in their country's future. Ms. Parker inspired everyone present with her heartfelt comments and words of encouragement.

Mr. Speaker, I urge all of my colleagues, each staff assistant and every visitor to the Capitol to walk through the Cannon corridor to the Capitol and view these extraordinary artworks. They are impressive testimony to the great reservoir of talent which exists throughout the Nation.

I include the remarks of those who participated in the opening ceremony of the exhibition at this point in the RECORD.

STATEMENT OF CHAIRMAN SLAUGHTER BEFORE THE CONGRESSIONAL HIGH SCHOOL ART COMPETITION, JUNE 29, 1993

As Chair of the Congressional Arts Caucus, it is my great pleasure to welcome all of you to this particular event—the opening of the Twelfth Annual Congressional High School Art Exhibition.

For what has now been twelve years, Members of Congress have sponsored local high school art competitions, involving talented young people, arts educators, families and local business and community leaders. Each year, we in the Capitol are treated to a panorama of outstanding artworks. The thousands of visitors who view these works are simply awed that the art is created by high school students. Each of us are overwhelmed not only by the talent contained in the works, but by the vision and humanity which they express.

Congress can truly be proud of this bipartisan effort to recognize and encourage the arts and education throughout the country. Every student benefits from involvement in the arts, for these programs teach our young people self-expression, discipline and creativity. For our part, through this project we are helping to discover the next generation of outstanding American artists.

There are a countless number of people who have worked hard to make "An Artistic Discovery" such a success. Speaker of the House Tom Foley and Minority Leader Bob Michel have been steadfast supporters and participants in this project throughout the years. In addition, the 262 Members of Congress who also conducted contests—the largest number of participating Members to date—and their staffs deserve much praise. We are grateful to George White, Architect of the Capitol, and his staff in facilitating this professional exhibit. We would also like to recognize General Motors for providing both resources and guidance for what has now been a decade.

Special recognition must also go to Patrick Lippert, President of "Rock the Vote," for all of his passion and commitment to this project for many years as well as to Sarah Jessica Parker, who has showed a remarkable loyalty and commitment to this Competition.

Most importantly, though, we wish to thank the student artists themselves for sharing their enormous talent with us. We celebrate you today—your creativity and vision.

It is a privilege now to introduce Speaker of the House Tom Foley, who has once again generously agreed to join us in opening this Exhibition.

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AN ARTISTIC DISCOVERY—REMARKS OF THE HONORABLE THOMAS S. FOLEY

First, let me congratulate all the winners of the twelfth annual competition of the Congressional Arts Caucus, and to welcome each of you to your first "opening".

We should all be grateful to Congresswoman Louise Slaughter, and Senator Jim Jeffords, of the Congressional Arts Caucus, and to my friend, Bob Michel, the distinguished Minority Leader—who has continually offered his support—for their hard work and dedication to this program. We should recognize that this program is a private/public partnership that has brought together not only the Arts Caucus and government leaders, but leaders of corporate America like Jack Smith, CEO of General Motors and Chairman of "An Artistic Discovery". Mr. Smith is represented here today by James Johnston of General Motors, with whom we have proudly shared this occasion in the past. And I especially thank this year's award recipient, Sarah Jessica Parker, for her participation in this program, for her work to register young voters with "Rock the Vote", and for her dedication to American youth.

Every year this "partnership for the arts" encourages young people across America to look beyond the hard facts of mathematics and science to something equally important, to imagination and creativity. In a world that seems to grow more reliant on pragmatic education which is, no doubt, essential in an ever expanding technological world, we must not forget the timelessness of the arts. We must not forget that art is not a diversion, but an essential part of a well rounded society. We must not forget that, for many of you, art may become your life's craft, your life's skill, your life's science.

This program may be the first opportunity for future artists to realize the importance of artistic imagination to the rest of society. To encourage the arts is to encourage the dreams of young visionaries who, through their art, interpret our world and give perspective to our time.

Let me say, it is not just the visual arts that we must continue to encourage, but all the arts, for in the arts are the lessons of the ages. Civilization will always struggle with life and death, war and peace, love and hate, but, through the ages, the unique interpretations of artists have captured the struggles of civilization for all time. What I mean is that the arts can explain the triumphs and tragedies of history as well as science—sometimes, perhaps, even better.

The Congressional Arts Caucus, the business community, and all those in every state who have participated in this program, have understood the power of your talent and the importance of artistic creativity in a well rounded society. Remember, you are young American artists, and each of you is as much a part of the future of this nation as all the scientists and mathematicians. You are America.

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REMARKS BY JAMES D. JOHNSTON, 1993 CONGRESSIONAL ARTS CAUCUS, TUESDAY, JUNE 29, 1993

General Motors is pleased once again to participate in the 12th Annual Congressional High School Art Competition. And what an exhibition! I'm told it's the largest ever with some 262 works of arts representing the ideas and impressions of some of our nation's brightest and most talented young artists.

As I browsed the exhibition, I was truly amazed at the diversity and vivid expressions depicted in many of the works of art.

I was reminded of the words of one of our world's greatest thinkers * * *.

Aristotle said that the goal of art is to represent not the outward appearance of things, but their inward significance.

Someone else said, perhaps more simply—art is much less important than life, but what a poor life without it.

To the 150 students here today, I thank you for your ability to say so much without words and for making the lives of so many rich by your unique abilities of expression.

I, on behalf of General Motors, wish you much success in all you set out to do.

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INTRODUCTION OF SARAH JESSICA PARKER/ PRESENTATION OF ARTS CAUCUS AWARD

We are so honored and pleased today to welcome and pay tribute to a special friend of the Congressional Arts Caucus and a truly remarkable young woman, Sarah Jessica Parker. In 1988, Sarah first participated in these opening ceremonies and spoke to the winning students with such eloquence and sincerity. She honored us again in 1989 by attending, so this year marks Sarah's third and most charmed time with us.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In a remarkably short amount of time, Sarah has become one of America's leading young actresses. Successful in film, television and theatre, she brings a special presence and exuberance to all of her roles. Best known for her popular motion picture performances, she starred in such films as last summer's hit comedy, "Honeymoon in Vegas," as well as "L.A. Story" and "Footloose." In July, she will be appearing with Bette Midler in "Hocus Pocus" and in the fall will be starring opposite Bruce Willis in the action adventure film "Striking Distance."

On television, she struck a chord with critics and audiences alike starring in several major series, including "Equal Justice," "A Year in the Life" and "Square Pegs" along with a host of made-for-television films. Sarah has carefully honed her talent since starring in Broadway as "Annie." Her theatre performances in Lincoln Center's "A Substance of Fire" and Wendy Wasserstein's "The Heidi Chronicles" demonstrated her enormous range and striking ability.

But, this impressive acting career is only the start. Sarah, literally since childhood, has been what can only be described as an ideal citizen—one who cares deeply about her country and others around her and who has devoted a significant portion of her life to making a difference. She also discovered her love for the arts as a young girl in Ohio and never forgot how important it was that she was given the opportunity to develop her talent in school. As a result, much of Sarah's energies have been to empower younger Americans, to involve them in the arts and to encourage them to dream, to participate and to achieve whatever they desire.

Sarah has worked for many years registering young voters for Rock the Vote and has spoken to students who deal with the daily realities of drugs, crime and poverty through Young Artists United. Of course, her devotion to the Congressional High School Art Competition has been heartfelt and unwavering.

In short, Sarah is a leader and a consummate example of the manner in which these gifted with talent can be a positive force of change and social conscience.

It is our honor, on behalf of all of the Members of the Congressional Caucus to present Sarah Jessica Parker with the Congressional Arts Caucus Award which reads: "Who, by her longstanding dedication to promoting the involvement of young people in the creative life and future of our nation, her commitment to projects such as the Congressional High School Art Competition and by her own example, has inspired a generation of young people to civic participation and artistic excellence."

### Statement of Sarah Jessica Parker at Opening of Congressional High School Art Exhibition, June 29, 1993

I would first like to thank the Speaker for uttering my name. Thank you Congresswoman Slaughter, Senator Jeffords and all the Members of the Congressional Arts Caucus so much for this incredible honor. It means a great deal to me.

It is because of the efforts of two people that I am here today. Patrick Lippert and Rhoda Glickman brought me here for the exhibition for the first time in 1989 and then in 1990. I am proud to call them my friends and I thank them.

I was very excited to come here today and especially thrilled to be invited to take part in the opening ceremony once again. I feel particularly honored to be among so many exciting young artists. Your work is simply amazing. The talent that each of you possess is a gift, something to be nurtured and treasured by you, your families and your teachers. But your vision, your ability and your talent is also a gift to our country.

With the exception of viewing your work and meeting all of you, the thing that most excites me about the exhibition is that so many Members of Congress from both the Democratic and Republican Parties and every corner of the country are able to join together in this effort to celebrate your talent. As you know, the two rarely agree; however, their unified presence here today and their nonpartisan commitment to this event shows the importance not only of your art but of your perspective, your voice and your vision. That each of you are being encouraged to develop your talent and that Congress is doing the encouraging is extremely important.

From my own experience, I know that not everyone excels in every single academic subject. All of us express ourselves in various ways and have different abilities and talents. The ability to communicate and create through one's art is a special power, something that every student should have the opportunity to take part in.

I cannot articulate how moved and impressed I am by your artwork, how much joy it gives me to see the varied, complicated and beautiful works. Walking through the exhibition has always been an incredible experience, one that has brought me back to the opening for the third time.

Your work speaks for so many of your peers and represents so much—your creativity, your view of the world, your dreams, your passion. Your contribution is a vital and important part of our country.

I truly hope that each of you take this honor and build on it, not only in terms of your talent but in always believing that your views count, that your voice should be heard and that each of you, individually and collectively, are important.

I encourage all of you to pursue your interest in the arts, whether it be your choice of vocation, as a means to express yourself and enhance your life or simply because you enjoy it.

Congratulations to all of you, and thank you so much for allowing me to be part of this celebration.

### Ribbon Cutting Remarks by James M. Jeffords

Please join me as we cut the ribbon to officially open the Twelfth Annual High School Art Competition. This exhibition of some of our country's most talented young artists is year in and year out, one of the greatest examples of how we in Washington are reminded of the importance of the arts to all Americans, especially the youth.

Whether inspired by the encouragement of an arts teacher, a family member, or from within yourselves, you have expressed your individualism through your paintings and even more, addressed greater themes for us all as well. While some of this year's works portray strikingly realistic, even recognizable, people and settings, others demonstrate the power of art to convey abstract images and ideas. The diversity and creativity of talent in this room alone speaks very strongly to the importance of encouraging our schools and communities to give young Americans the opportunity to pursue the arts passionately.

Through this competition, we in Congress congratulate you for achieving excellence in the arts. On behalf of my colleagues, I congratulate you all and hope that you will continue to creatively express yourselves through your art.

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## NORTHERN SACRAMENTO VALLEY RURAL HEALTH PROJECT

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FAZIO. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Northern Sacramento Valley Rural Health Project [NSVRHP]. For the past two decades, the NSVRHP has provided medically underserved residents of our northern Sacramento Valley communities with quality medical care.

The NSVRHP began as the Sutter-Yuba Farmworkers Health Project, a medical care project for migrant farmworkers, funded by the Farmworkers Health Service and Migrant Health Act. In 1973, at the suggestion of the U.S. Department of Health, Education and Welfare, the project was incorporated as a non-profit organization—the Northern Sacramento Valley Rural Health Project.

The NSVRHP has come a long way. It has evolved from a night clinic in Sutter County General Hospital to a provider of comprehensive, quality primary and preventive health care for underserved valley residents in five counties. Today, the NSVRHP serves northern California migrant and seasonal farmworkers, as well as other rural populations, to the tune of over 100,000 patient visits per year.

The NSVRHP family has grown to include a network of strategically placed family health centers, including the Oroville Family Health Center, Oroville Family Dentistry, the Orland Family Health Center and Dental Clinic, the Lindhurst Family Health Center and Dental Clinic, the Chico Family Health Center, the Richland Family Health Center, the Gridley Family Health Center, the Hamilton City Medical Clinic, and the Colusa Family Health Center, and Colusa Family Dentistry. Yet, in spite of its growth, the NSVRHP has remained flexible and retained its high responsiveness to the needs of our people. NSVRHP patients continue to receive the superior health care services that they deserve, at reasonable cost.

Mr. Speaker, it is an honor to have the Northern Sacramento Valley Rural Health Project in my district. I am therefore pleased to have this opportunity to publicly acknowledge the value that we in the Third Congressional District of California place on the presence and contributions of the NSVRHP and its staff.

I, together with the many families of Butte, Colusa, Glenn, Sutter, and Yuba Counties whom the NSVRHP cares for, am proud of its record of public service and dedication to the medically underserved people of our area. I commend the board of directors and staff of the NSVRHP, including its executive director, Adan Juarez, for their commitment to the quality of life of our people and communities.

## STATEMENT OF INTRODUCTION FOR BUSINESS, COMMERCIAL, AND COMMUNITY DEVELOPMENT SECONDARY MARKET DEVELOPMENT ACT

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### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KANJORSKI. Mr. Speaker, today I am introducing the Business, Commercial, and Community Development Secondary Market Development Act to facilitate the creation of a new, broad, and efficient secondary market for business, commercial, and community development debt and equity investments.

The ability to readily obtain financing for businesses of all sizes is a key factor in promoting the economic growth, full employment, and competitive innovation essential for the United States to make long-term gains in the emerging global economy.

Increased access to funds is a crucial component of the revitalization of the United States economy. This new secondary market can significantly increase the availability of credit at reasonable interest rates for business, commercial, and community development investments and create new opportunities for economic growth and full employment. It will stimulate an increased flow of funds through capital markets and dramatically increase the liquidity of this country's lending institutions.

Under this legislation, all sizes and types of business, commercial, and community development debt and equity products are eligible for trade in this secondary market. No attempt was made to limit the scope of financial instruments allowed into this market. The sheer volume and diversity of products eligible for trade is this market's greatest asset and represents the best opportunity for success on a broad and meaningful scale.

This new secondary market can create investment products attractive to large institutional investors, such as insurance companies and pension funds. The vast financial resources of these investors can, at last, be brought into the business and community development financing market. Creating a successful secondary market for business, commercial, and community development debt and equity investments is the single most important and substantial action we can take to encourage economic growth in this country.

The institution of this secondary market will foster the growth of new industries that can secure the economic future of the United States. Creation of this market will: Increase the opportunities for businesses seeking to commercialize emerging technologies or processes to obtain funds needed for their development; diminish the risk to individual investors associated with new lending and greater venture capital investment; and significantly increase the availability of credit for new and expanding minority- and women-owned businesses.

Community and economic development products are also eligible candidates for inclusion in pools of assets for securitization in this market. Without the expenditure of any additional Federal funds, this market creates an excellent opportunity for State governments, and the Federal Government, if it desires, to actually multiply public funds allocated for the purpose of community development, economic revitalization for underserved areas, and business development loan programs. This market can also be used to increase the capital available to community development financial institutions to help them realize their full potential.

This legislation requires no expenditure of Federal funds. It requires no Government subsidies for the formation of this market, nor are Government funds explicitly or implicitly promised in the form of guarantees or pledges of the full faith and credit of the United States.

The Federal Government will, however, retain effective oversight and regulatory authority over the activities of this new secondary market. The Secretary of the Treasury will be authorized to certify private and public organizations, meeting specific standards, as "secondary market facilitating organizations." This certification will allow secondary market facilitating organizations to receive certain legal treatments and operating benefits they would not otherwise be entitled to without certification.

The granting of certification by the Department of the Treasury in any given instance will also entail the establishment of agreed-upon public policy goals to be met thereafter by the secondary market facilitating organization seeking certification. The goals will address employment enhancement, community development, investment in low- and moderate-income areas, investment diversity, and equal opportunity.

In short, the creation of this secondary market can finally put a massive segment of previously untapped private sector funds to work revitalizing our economy. Active and efficient secondary markets already exist for nearly all forms of investment with the exception of business and economic development lending. Because of this, business lending is now at a competitive disadvantage. It is the only major segment of the financial marketplace without access to a secondary market. Existing secondary markets have proven their ability to increase the availability of funds for investment and to keep interest rates competitive.

The new secondary market can also help stabilize and absorb cyclical downturns in real estate and business activity. Its creation will present the opportunity for banks to develop loan-originating and loan-servicing capabilities, generate additional fee income, and offer the potential for an invigorated banking industry.

Mr. Speaker, the Clinton administration has indicated support for economic initiatives that enhance small business lending. I consider this legislation to be a core component of any strategy to increase funds available for business and economic development.

I urge my colleagues to join me in cosponsoring this legislation. For the benefit of my colleagues, I am attaching to this statement a summary of the Business, Commercial, and Community Development Secondary Market Development Act.

SUMMARY OF BUSINESS, COMMERCIAL, AND COMMUNITY DEVELOPMENT SECONDARY MARKET DEVELOPMENT ACT

This legislation authorizes the Secretary of the Treasury to certify any public or private entity, meeting specified standards, as a "secondary market facilitating organization." A certified organization is then licensed to engage in secondary market operations with respect to business, commercial, and community development debt and equity investments in accordance with the framework laid out in this legislation.

Eligibility standards for the secondary market facilitating organization license will be set by the Secretary, and the following items will be part of the license criteria: minimum operating capital; minimum capital reserves; fulfillment of agreed-upon investment intermediation goals; experience and integrity standards for the entity's operating officers; underwriting, appraisal, and servicing standards; access to books, accounts, and records; loan administration and disclosure standards; reporting standards; and compliance with the regulations prescribed by the Secretary.

In arriving at the agreed-upon targets with respect to intermediation by each secondary market facilitating organization, the Secretary will, in consultation with the secondary market facilitating organization, establish goals for the intermediation of debt and equity investments so that the investments will serve to: enhance employment opportunities; promote community development; direct funds to business and commercial enterprises in low- and moderate-income areas; promote investment diversity; and promote equal opportunity.

When formulating the goals mentioned above, the Secretary will also take into consideration other conditions of the secondary market facilitating organization such as: the need to maintain the sound financial condition of the certified organization; the need to ensure a reasonable economic return to the certified organization; current economic conditions; past performance of the certified organization in meeting or exceeding similar goals; the market availability of debt and equity instruments necessary to meet the defined goals; and other pre-conditions determined by the Secretary to be relevant. These goals, once set, may be adjusted at the discretion of the Secretary.

The Secretary is authorized to revoke certification if it is determined that the secondary market facilitating organization no longer meets the requirements. This legislation provides for public disclosure of the standards established for each secondary market facilitating organization and the performance of each certified organization fulfilling of the goals established.

For purposes of this legislation, the Secretary may waive the application of provisions of Federal or State laws and regulations for the activities of secondary market facilitating organizations, provided that doing so is appropriate to meet essential economic objectives in the public interest. No waiver is to be granted, however, of any law or regulation respecting public or individual health or safety, civil rights and non-discrimination, environmental protection, labor relations, labor standards, occupational health or safety, or pensions. No waiver may be granted that does not first come under scrutiny by the head of the agency or department responsible for carrying out and enforcing the provisions of law affected by the waiver. No waiver will be granted of any law or regulation that would have an adverse effect on the safety and soundness of any federally insured depository institution certified as a secondary market facilitating organization.

Suspension, revocation, modification, or limitation of any waiver may occur if the secondary market facilitating organization fails to meet any eligibility standard or if the waiver is no longer appropriate. The legislation provides for hearings for any person adversely affected by any suspensions, revocations, modifications, or limitations of waiver rights and specifically limits the suspension, revocation, modification, or limitation of waiver rights only to future intermediations.

Nothing in this legislation shall be construed as limiting the authority of the appropriate regulators to supervise and regulate a financial institution which has been certified by the Secretary as a secondary market facilitating organization.

This legislation provides for the Secretary to examine and conduct oversight on the activities of secondary market facilitating organizations and to establish required components of such examinations. The Secretary is authorized to require any reports, in addition to an annual report, that the Secretary may deem necessary from secondary market facilitating organizations. Examinations are required of all secondary market facilitating organization applicants. The Secretary is given the right to assess fees to cover examination and other administrative costs.

The activities of a secondary market facilitating organization and any debt or equity security or other obligation issued or guaranteed by any such organizations shall not be obligations of, nor will be guaranteed in any respect, by the United States. Notification of this fact to the customers of a secondary market facilitating organization is required by this legislation.

This legislation directs the Financial Institutions Examination Council to establish and enforce uniform reporting standards with respect to debt and equity investments for bank examination purposes in order to improve procedures for rating such investments for the secondary market.

## SMALL BUSINESS SECONDARY MARKET DEVELOPMENT ACT

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mrs. ROUKEMA. Mr. Speaker, today I join with the chairman of the Subcommittee on Economic Growth and Credit Formation of the Committee on Banking in sponsoring the Business, Commercial, and Community Development Secondary Market Act of 1993.

This legislation, designed to help expedite the creation of a secondary market mechanism for small business loans, is a good first step toward easing the credit availability problem.

The best way to help stimulate our sluggish economy and create jobs is to find better ways to help provide a steady flow of affordable capital to the small business sector of the economy.

Today, we have secondary markets for home mortgages, student loans, agriculture loans, and others. All have shown what the availability of credit, at reasonable rates, can do to stimulate growth and investment. The small business community has few outlets for this kind of opportunity and the banking industry has shown a reluctance to make loans which involve risk and for which they would have to hold sizable amounts of capital.

This legislation, I believe, attempts to strike the right balance between Federal involvement and private sector expertise to build an efficient secondary market mechanism for small business loans. The legislation attempts to do this without creating another Government sponsored enterprise and without committing, explicitly or implicitly, the full faith and credit of the United States to the facilitating organization.

This legislation allows the Department of the Treasury to certify or license public or private organizations as secondary market facilitating organizations. It authorizes the Treasury to waive certain unnecessary regulations in the securities, tax and banking sectors in order to facilitate the sale of investment grade securities backed by small business loans.

Is this the perfect solution to the credit crunch problem? Hardly. Many questions have yet to be answered, especially with respect to the exact regulations which could be waived in order to facilitate this effort; the role of banks in the debt and equity market; the question of the role of Treasury versus the Securities and Exchange Commission in regulating the transactions; the issue of the overall safety and soundness of the organizations involved; and whether a new market mechanism can securitize community and economic development loans in distressed communities and neighborhoods.

Nevertheless, this is a good first step in trying to address a credit availability issue which has been well documented and acknowledged. I commend the chairman, the gentleman from Pennsylvania for his efforts.

## H.R. 2519: COMMERCE-JUSTICE-STATE APPROPRIATIONS FOR FISCAL YEAR 1994

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 2519, the bill that will fund the Commerce, Justice, and State Departments, the Federal judiciary, and related agencies for fiscal year 1994.

First, I would like to commend Chairman NEAL SMITH, as well as the members and staff of the subcommittee for meeting the challenge that was before them. The subcommittee was able to set its priorities in determining the funding levels for the various agencies and programs that this bill supports, given the fiscal restraints it faced. But, the funding level in the resulting bill is not only below the subcommittee's target, as set by the Appropriations Committee based on this year's budget resolution. It is also less than the amount requested by the President, and $602 million below last year's funding level.

The Commerce-Justice-State bill supports a diverse number of agencies and programs. They include law enforcement against organized crime, the Federal Bureau of Investigation [FBI], and our Federal prisons; the operation of our national fisheries, and our marine, weather, environmental, and satellite programs; the National Weather Service; and the Small Business Administration, known for its direct and guaranteed loan assistance to small businesses.

A key provision in the bill that is of tremendous importance to my district and its surrounding areas, is the provision that funds the Sacramento River Winter Run Chinook Salmon Captive Broodstock Program. This particular program supports efforts to protect and accelerate the recovery of the winter run chinook salmon. As many in my district know, the winter run chinook salmon have been listed as threatened under the Endangered Species Act [ESA]. Their precarious status makes a successful recovery program, which will protect and accelerate their recovery, of vital importance to the area. A successful program will improve our local economy by alleviating the stress on the fishing industry and agricultural water diversions, and it will enhance recreational benefits. Ultimately, I hope this program will be successful in removing the winter run from the ESA list as well.

Also important to my constituents is the bill's support of SEARCH, the National Consortium for Justice Information and Statistics. SEARCH is comprised by Governors' appointees from all States. These appointees are dedicated to assisting State and local criminal justice agencies in building, operating, and improving their computer systems to combat crime, all at no cost.

Just this past year, SEARCH held 16 courses at the National Criminal Justice Computer Laboratory and Training Center in Sacramento, with over 260 law enforcement officials in attendance. SEARCH assisted the Sacramento County Sheriff's Department Crime Analysis Unit in mapping a series of car-jackings that took place at gunpoint in the Sacramento area. This mapped information was then distributed to patrol forces. SEARCH also helped the Sutter County Sheriff's Department examine two computer disks that were suspected of containing evidence in a homicide case.

Last, this bill supports the operation of the Fruit Frost Agricultural Weather Forecast. California farmers rely very heavily upon this program, which employs highly trained agricultural meteorologists, who closely monitor weather patterns which could be potentially devastating to sensitive crops. The information gathered is used to make site-specific forecasts for crop growers within their regions.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support final passage of this bill. Its programs safeguard our children, neighborhoods, and communities, and preserve our resources. They protect our industries, both locally and globally, and help us maintain our position as an international leader—economically, socially, and politically. The programs in H.R. 2519 help maintain the quality of our lives as Americans.

## TRIBUTE TO THE RESOURCE RECOVERY STEERING COMMITTEE

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to the Resource Recovery Steering Committee of Arenac County, MI. The steering committee is currently in the process of developing a resource recovery program for the county of Arenac. This cooperative program will organize a network of residents dedicated to the concept of reducing the amount of waste going to landfills from Arenac County.

The committee is committed to developing a team relationship to build bridges and relationships between members of the committee and diverse groups in the county. The committee is attempting to enlist the business sector, local governments, and other community organizations in this efforts.

The committee has committed itself to three goals. The first is the diversion of reusable natural resources from landfills. The second goal is the education of county residents in the need for and techniques of recycling, and lastly the assembly of information for use by businesses considering recycling.

The committee will focus its efforts on recycling options unique to the county, and advocate a program sensitive to future changes and needs of county residents. The steering committee of the Resource Recovery Program for Arenac County, MI is ultimately dedicated to the preservation of the county's environment and high quality of living for its residents.

Mr. Speaker, as we learn more about the impact humans have on the environment and natural resources the need for programs such as this one becomes self-evident. As Alexis De Tocqueville, the young French aristocrat who visited our country in the 18th century, wrote about the American people, "If they want to proclaim a truth or propagate some feeling by the encouragement of a great example, they form an association." The steering committee of the Resource Recovery Program is the embodiment of this ethic.

Again, I wish to express my support of this effort, and a fervent hope that it will be a success.

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## QUARTERLY FINANCIAL REPORT PROGRAM

### HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. SAWYER. Mr. Speaker, today I am introducing legislation to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report [QFR] Program. I am pleased to be the sponsor of this legislation, along with the distinguished and ranking minority member of the Committee on Post Office and Civil Service, Congressman JOHN MYERS.

Under section 91 of title 13, United States Code, the Secretary is required to collect and publish quarterly financial statistics of business operations, organization, practices, management, and their relation to other businesses. The report includes data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses to measure their financial condition and progress.

Quarterly Financial Report data are essential for calculating key Government measures of the national economy. The QFR is the primary source of data for current estimates of the gross domestic product and national income accounts. It is a major component of the Federal Reserve Board's flow of funds accounts, and it is the Board's sole source of unconsolidated nonfinancial corporate data. In addition, the Treasury Department estimates corporate tax liability through use of QFR data. The Federal Trade Commission [FTC] uses the series as a basic reference point in analyzing the financial performance of American industries.

The timing of the Quarterly Financial Report Program is structured to meet the specific needs of key economic indicators. However, business analysts and decisionmakers also use QFR data to analyze industry profitability for investment purposes, compare their financial condition with industry trends, and analyze performance of the small business sector.

The Quarterly Financial Report Program was first established in 1947 as a permanent program under the jurisdiction of the Federal Trade Commission. Ten years ago, Congress transferred responsibility for the Quarterly Financial Report Program to the Department of Commerce under Public Law 97–454. The Secretary of Commerce delegated authority for the program to the Census Bureau, the Government's primary data collection agency.

Although the Quarterly Financial Report Program was permanent for 36 years under the FTC, Congress inserted a 7-year sunset on the program in 1983, when it transferred jurisdiction for the QFR to the Department of Commerce. At that time, Congress sought to ensure that extensive changes in regulations required by Public Law 97–454 would produce the outcome it desires. It did. Three years ago, Congress reauthorized the QFR through fiscal year 1993 by unanimous consent.

Permanent authority for the Quarterly Financial Report Program will not require the expenditure of additional funds. The Census Bureau carries out this important data collection program for a modest $2.1 million a year.

The Quarterly Financial Report Program is structured to minimize the reporting burden on respondents. Nearly 95 percent of the 9,300 companies that are asked to participate in the QFR respond. Small businesses that have participated for eight quarters are rotated out of the survey sample.

The Quarterly Financial Report Program is the most current and comprehensive source of data on corporate financial activity. Making the QFR Program permanent will ensure the accuracy and continuity of principal economic indicators that are the cornerstone of our ability to measure current economic conditions and to plan for our future economic well-being.

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## IN COMMEMORATION OF 20 YEARS OF OUTSTANDING SERVICE TO OUR COUNTRY BY THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. RANGEL. Mr. Speaker, today is the 20th anniversary of the Drug Enforcement Administration. I would like to commend the dedicated men and women who have so ably served this Nation in this outstanding agency. They are truly our front line troops in the war on drugs.

Our 3,545 Drug Enforcement Administration agents are among the most talented and diligent law enforcement agents in the world. Their struggle is perilous, as they oppose some of the best organized, most dangerous, and ruthless criminals in the world. The men and women who support the work of our DEA agents also put their lives on the line. Many people feel that the war analogy for our antidrug effort is an exaggeration, but for what these people risk and endure, it is entirely accurate. Forty-five special agents and other DEA personnel have made the ultimate sacrifice for their country.

DEA was created 20 years ago to unify drug investigations, create one Federal drug intelligence data base, and establish clear liaison between Federal drug agents and their State, local, and foreign counterparts. It is the only U.S. agency whose sole mission is to combat drug trafficking.

In 1973, the 1,423 agents arrested about 7,500 drug traffickers. Last year, the 3,545 agents arrested nearly 25,000 traffickers. Over the years they have placed some of the world's most notorious drug criminals behind bars, including Mr. "Untouchable" Nicky Barnes, and Carlos Lehder, the founder of the Medellin drug cartel.

Domestically, DEA has over 120 field and resident offices. They work with State and local authorities in over 100 task forces, which have become a major resource in New York City, cooperation among DEA and the State and local police is excellent and has been very productive. I have heard praises of DEA from local police around the country. Last year, these task forces around the country seized over $114 million in assets. Since 1984, DEA's asset seizure program has seized over $6 billion in assets.

DEA has also participated heavily in the Organized Crime Drug Enforcement Task Forces Program, and plays an active role in about 85 percent of their cases. DEA also has its own Targeted Kingpin Organization Program, which targets the highest level drug traffickers around the world.

DEA has offices in 51 countries around the world, providing invaluable assistance, training, and support to drug enforcement efforts in drug producing and transit nations.

Although a law enforcement agency, DEA has recognized the importance of prevention and demand reduction efforts. Special agents are assigned as demand reduction coordinators in all 19 field offices to work with community groups, schools, local law enforcement, as well as employers, to develop education and prevention programs that are essential in addressing the drug problem.

Mr. Speaker, the drug problem in this Nation remains at a very serious level, yet I shudder to think how much worse it would be if it were not for the Drug Enforcement Administration. I believe that this Nation owes the DEA a great deal of gratitude and admiration.

Happy anniversary, DEA, and every best wish for continued and increasing success.

## CHARITABLE RISK POOLS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. STARK. Mr. Speaker, today I am introducing a bill to clarify the ability of charities to pool their normal liability risks in a 501(c)(3) organization. Charitable risk pools would provide charitable organizations with a steady source of affordable liability insurance and educate members of the risk pool in ways to minimize their liability risks.

Under this bill, in order to qualify for nonprofit status, the risk pool would have to be composed entirely of 501(c)(3) organizations, and must receive its start-up capital from sources unrelated to the charitable organizations insured by the risk pool.

The need to clarify the tax exempt status of charitable risk pools was brought to my attention by an organization called the Nonprofits' Insurance Alliance of California [NIAC] but the proposal would cover risk pools formed by nonprofits in other States that allow charitable risk pools such as Illinois, Michigan, Arizona, and Maryland.

NIAC has almost 800 members, the bulk of them are very small charities. The median annual budget size is $170,000. NIAC members include day care centers, inner city substance abuse programs and HIV services, homes for severely disturbed adolescents, and centers for children with cancer.

In short, NIAC members are not ideal candidates for low cost commercial insurance coverage.

However, NIAC has been able to provide below cost coverage for these nonprofit members because all of NIAC's implementation costs and start up capital—$1,600,000 to date—comes from independent private and community foundations such as the Ford Foundation and the Packard Foundation. Foundations provided this low cost capital because they saw charitable risk pools as a way to fill a gap where commercial insurers were not providing an adequate or affordable coverage to nonprofits.

This capital from nonprofit sources unrelated to the risk pool members allows NIAC to pass savings of approximately 30 percent below commercial rates to the risk pool members. This saved NIAC members over $2 million in 1993, reducing overhead so that charities have more funds available to carry out their charitable mission.

It is questionable whether charitable risk pools such as NIAC qualify for 501(c)(3) status under current law. However, the Treasury Department testified before the Select Revenue Measures Subcommittee of the Committee on Ways and Means on June 22, 1993, that "the administration would not oppose a provision under which a charitable risk pool could qualify as a section 501(c)(3) organization, notwithstanding section 501(m), provided that the charitable risk pool receives a substantial amount of contributions from nonmembers that it uses to subsidize the coverage provided to members."

I hope this bill will significantly reduce overhead expenses for small charities so that more of their resources can be devoted to their charitable purpose.

The bill follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF CERTAIN CHARITABLE RISK POOLS.**

(a) GENERAL RULE.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) CHARITABLE RISK POOLS.—

"(1) IN GENERAL.—For purposes of this title—

"(A) a qualified charitable risk pool shall be treated as an organization organized and operated exclusively for charitable purposes, and

"(B) subsection (m) shall not apply to a qualified charitable risk pool.

"(2) QUALIFIED CHARITABLE RISK POOL.—For purposes of this subsection, the term 'qualified charitable risk pool' means any organization—

"(A) which is organized and operated solely to pool insurable risks of its members (other than risks related to medical malpractice) and to provide information to its members with respect to loss control and risk management,

"(B) no part of the net earnings of which insures to the benefit of any member or other person other than through providing insurance coverage (or information) described in subparagraph (A),

"(C) which is comprised solely of members that are organizations described in subsection (c)(3) and exempt from tax under subsection (a), and

"(D) which meets the organizational requirements of paragraph (3).

"(3) ORGANIZATIONAL REQUIREMENTS.—An organization (hereinafter in this subsection referred to as the 'risk pool') meets the organizational requirements of this paragraph if—

"(A) such risk pool is organized as a nonprofit organization under State law provisions authorizing risk pooling arrangements for charitable organizations,

"(B) such risk pool is exempt from any income tax imposed by the State (or will be so exempt after such pool qualifies as an organization exempt from tax under this title),

"(C) such risk pool has obtained at least $1,000,000 in startup capital from nonmember charitable organizations,

"(D) such risk pool is controlled by a board of directors elected by its members, and

"(E) the organizational documents of such risk pool require that—

"(i) each member of such pool continue at all times to be an organization described in subsection (c)(3) and exempt from tax under subsection (a),

"(ii) any member which receives a final determination that it no longer qualifies as an organization described in subsection (c)(3) shall immediately notify the pool of such determination and the effective date of such determination, and

"(iii) each policy of insurance issued by the risk pool shall provide that such policy will not cover the insured with respect to events occurring after the date such final determination was issued to the insured.

An organization shall not cease to qualify as a qualified charitable risk pool solely by reason of the failure of any of its members to continue to be an organization described in subsection (c)(3) if, within a reasonable period of time after such pool is notified as required under subparagraph (C)(ii), such pool takes such action as may be reasonably necessary to remove such member from such pool.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) STARTUP CAPITAL.—The term 'startup capital' means any capital contributed to, and any program-related investments (within the meaning of section 4944(c)) made in, the risk pool before such pool commences operations.

"(B) NONMEMBER CHARITABLE ORGANIZATION.—The term 'nonmember charitable organization' means any organization which is described in subsection (c)(3) and exempt from tax under subsection (a) and which is not a member of the risk pool and does not benefit (directly or indirectly) from the insurance coverage provided by the pool to its members."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

## TRIBUTE TO THE EASTSIDE HIGH SCHOOL NATIONAL HONOR SOCIETY

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the National Honor Society of Eastside High School in Paterson, NJ. It is a privilege to have such hard-working youths in my district.

These young adults have achieved a great accomplishment. To be a member of the National Honor Society an individual must possess a strong background in service, character, leadership, and scholarship. Students are interviewed by professors and must present recommendations that confirm their commitment to their community and their schoolwork. Those selected have demonstrated their dedication to excellence and it is important to highlight their accomplishments since they will one day become our leaders.

The following students from the 1993 National Honor Society, graduating class of Eastside High School are: Hewitt Angus, Dion Beckford, Maria Cuadra, Cynthia Flores, Hector Grullon, Sara Gutierrez, Georgia Henry, Betsy Matias, Sherry Ann McKay, Guillermo Negrete, Wade Nembhard, Maria Ramirez, Sonaly Ramirez, George Rano, Burhan Uddin, Karen Virgo, Annalessa Williams.

Mr. Speaker, I would like to congratulate the students for all they have achieved. They are an inspiration and give us hope for the future. I have no doubt that each of them will make a major contribution to our society.

## SUPREME COURT RESTORES MEASURE OF PRUDENCE TO U.S. IMMIGRATION POLICY

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BEREUTER. Mr. Speaker, the recent Supreme Court decision to uphold the interception of United States-bound Haitian immigrants was an important step in returning a measure of sanity to United States immigration policy. Prior to the Bush administration's decision to return these Haitians while they were in international waters, literally hundreds of thousands of Haitians had fled to the United States seeking a new and more prosperous way of life. Moreover, we have hard evidence that, were the Clinton administration to reverse the repatriation policy, yet another mass exodus would result.

Mr. Speaker, the situation with the Haitian boat people is but the latest demonstration that United States immigration policy is in desperate need of reform. We are witnessing an unprecedented abuse of the political asylum process, and we are seeing unprecedented numbers of illegal aliens seeking ways to avoid detection. We are seeing organized crime becoming involved in the smuggling of human flesh. According to recent studies, legal and illegal immigrants cost the United States some $45 billion per year. As a June 25, 1993, editorial in the Omaha World Herald recently stated: "Letting immigrants enter the country to apply for asylum has been a disaster." The following is that editorial, entitled "Hard but Fair Decision on Haitians":

HARD BUT FAIR DECISION ON HAITIANS

A decision this week by the U.S. Supreme Court should slow the deterioration of America's immigration enforcement. The court sensibly upheld the government's authority to intercept U.S.-bound Haitian emigrants at sea and turn them back to Haiti.

We aren't saying, as do some people, that America should slam shut the doors and extinguish the beacon on the Statue of Liberty. This is still the land of opportunity. America still draws strength from the industry and spirit of its immigrants. A need for political asylum still exists, although it may not be as pressing as it was during the Nazi and Communist eras.

But America can't live up to all the expectations of all the people who would like to become instant American citizens. No country could provide the jobs, the housing, the schools and social programs that would be necessary if it threw open its doors to all the people of China, Russia, Brazil, Kenya and Mexico who want a better life.

Indeed, Donald L. Huddle, a retired Texas professor, has calculated that legal and illegal immigrants cost the United States about $45 billion a year that it wouldn't spend if the borders were closed.

There must be rules and procedures. There must be differentiation between those who immigrate for political reasons and those whose reasons are economic. The Supreme Court's decision strikes a blow for an orderly system.

Haiti is among the Western Hemisphere's poorest countries. Its economy all but collapsed after a 1991 military coup and an international boycott against the oppressive government that came to power. Tens of thousands of its people chose to flee the poverty and hunger in their own country. They took to the seas many on makeshift rafts, to seek political asylum in the United States.

The Bush administration said so few Haitians could make the case that they were fleeing political persecution that it ordered all to be turned back. The decision slowed the exodus and encouraged other Haitians not to risk their lives. Those who believed they qualified for political asylum were urged to contact U.S. officials in Haiti. Those wanting a better life were encouraged to wait their turn under U.S. immigration laws.

Bill Clinton criticized the policy while campaigning but reverted himself once in office.

Allowing unrestricted entry into the United States would hardly be fair to those would-be immigrants who follow the rules and apply for legal immigrant status to this country. Letting immigrants enter the country to apply for asylum has been a disaster. A large percentage of them quickly disappear into America's vast pool of illegal immigrants.

Some people accused the court and the administration of lacking sympathy. But an immigration policy must be based on more than sympathy. The court seemed to recognize that in coming to a hard but fair decision.

## CLAIMS OF UNITED STATES COMPANIES AGAINST SAUDI ARABIA

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. HAMILTON. Mr. Speaker, I attach for the interest of my colleagues the latest report from the Department of Defense on resolved and pending claims of American companies against Saudi Arabia.

This report lists seven important claims which have been resolved since the last report to Congress dated March 6, 1993. There are still three claims on the list of original claims which are unresolved and three new claims which have been added to the unresolved list.

Enormous progress has occurred in resolution of claims in recent months, and I hope further progress can occur in the coming weeks to try to eliminate this list and to set in motion a mechanism for expediting commercial disputes in the future. It is in both our interest and in Saudi Arabia's interest to move quickly to get these matters behind us.

The Department of Defense letter, submitted pursuant to Public Law 102–396, follows:

THE SECRETARY OF DEFENSE,
*Washington, DC, June 30, 1993.*

Hon. LEE H. HAMILTON,
*Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This follow-on report on the status of the process for resolution of commercial disputes with governmental entities in Saudi Arabia and the prognosis for such disputes which remain unresolved is made in fulfillment of the commitment made in my letter of March 6, 1993, submitted pursuant to Section 9140 of the Fiscal Year 1993 Department of Defense Appropriations Act (P.L. 102–396).

According to information available to the Executive Branch, the following claims identified in the Department of Commerce letter of May 27, 1992, have been satisfactorily resolved since my March 6 report:

Aydin Systems Division versus Royal Saudi Air Force.

Blount International versus King Saud University.

Casey & Glass Inc. versus Saudi Arabian National Guard.

First Chicago National Bank versus Ministry of Public Works & Housing.

First Chicago National Bank versus Ministry of Industry & Electricity.

Westinghouse Saudi Arabia versus Saudi Electricity Corp.

Sanderson & Porter versus Saline Water Conversion Corporation.

Our records indicate that three of the original cases reported by the Department of Commerce remained unsettled: Leo A. Daly versus multiple ministries; National Medical Enterprises versus the Ministries of Interior, Defense and Aviation, and Health; and Harbert-Howard Cos. versus the Ministry of Agriculture and Water.

The Harbert-Howard Cos. case was mentioned in my earlier report as the subject of disagreement between the parties as to whether final settlement had been reached. Both the Saudi Arabian Government and the claimant, Harbert-Howard Cos., have been in contact with me, as they have with other members of the Cabinet and the Congress, to explain their respective positions. Some members of Congress have also taken positions in support of the Harbert-Howard claim and have petitioned the Saudi Arabian Government and me on its behalf. I have conveyed those continued expressions of Congressional interest to the Saudi Arabian Ambassador, HRH Prince Bandar. However, it is not our position in the Department of Defense to sort out the competing claims of the disputants in this or any of the other cases at hand. We have neither the legal authority nor the expertise necessary to adjudicate such claims.

In enacting Section 9140(b), the Congress expressed its sense that the United States and Saudi Arabian Governments should work together diligently and without delay to resolve satisfactorily the outstanding commercial disputes, which I believe we have done and will continue to pursue. President Clinton has said that he is committed to ensuring that his administration works to secure fair treatment by foreign governments for American firms. Today's report brings the total number of original cases satisfactorily resolved thus far to 13. (In addition to these 13 and the three cases remaining, the original Department of Commerce letter also contained a 17th claim by Continental Illinois Bank, which, as I indicated in my earlier report, in the opinion of the Saudi Arabian Government, should have been directed against the private Saudi contractor.)

Prince Bandar has also reported to me that his government has settled claims by Computer Sciences Corporation, the Hartford Graduate Center, H.B. Zachary International, AECOM, and Lockheed Sanders, none of which were included in the original Department of Commerce list. However, the Department of Commerce has advised me that the following three firms have requested that their claims be added to the list of unresolved disputes:

Science Applications International versus the Department of Zakat and Income Tax.

Gibbs & Hill versus the Royal Commission for Jubail and Yanbu.

BMY Combat Systems versus the Ministry of Defense and Aviation.

These additional claims, both settled and unsettled, are outside the scope of Section 9140 and are not included in the statistics cited in the preceding paragraph. We have been assured by the Saudi Arabian Embassy that it will spare no efforts in resolving these additional claims in an expeditious and fair manner.

Prince Bandar has committed to us that his government will proceed with determination and diligence to negotiate satisfactory conclusions to the remaining cases. He has said that they were proud of the success achieved, but that they would not rest until the issue is completely put behind them. You have my assurance that the Department of Defense, together with my colleagues in the Departments of State and Commerce, will continue to follow the situation closely. Secretary Brown raised the commercial disputes issue during his recent visit to Saudi Arabia earlier this month and urged his hosts to resolve the remaining claims promptly and also to adhere to the New York Convention on the Enforcement of Arbitral Awards.

This report was prepared in consultation with the Secretary of State and the Secretary of Commerce and concludes my obligations under Section 9140.

Sincerely,

LES ASPIN.

## TRIBUTE TO REV. WALTER W. SNYDER

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a truly remarkable religious leader, the Reverend Walter W. Snyder, who is pastor of the Calvary Lutheran Church in my hometown of Flint, MI, and who will be celebrating 35 years of ministry this month.

In recognition of Reverend Snyder's 35 years of service to God, and of his many contributions to our community, the Calvary Lutheran Church will be holding a banquet in his honor on July 25. To the many tributes that he will receive on that occasion, I would like to offer my own here in the U.S. Congress.

Mr. Speaker, as a leader of our vibrant religious community of Flint, Reverend Snyder has served those around him in countless ways—not only since coming to Flint in 1984, but since his ordination in 1958 at Grace Lutheran Church in Denison, TX. Since that day, his deep commitment to God and his compassion and energy have helped those he has served from Texas, Kansas, New Mexico to Michigan, where his own Calvary Lutheran Church in Flint has thrived under his leadership and guidance.

In addition to his ministry, it is a personal tribute to Reverend Snyder that his five children, four sons and a daughter, are active in the church in their own right, including the eldest son, who followed his father's calling into the ministry.

Mr. Speaker, Reverend Snyder has meant a great deal to our community because of his tireless and selfless dedication and contributions. He does not confine himself to the church or parish house, but walks among the people of Flint, sharing meals with them at the local corner restaurant. I know that I am a better person for having known him, and I know that the Flint area is certainly a better community because of his love.

## TRIBUTE TO LT. CLARENCE "JUICE" GREENE

## HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Lt. Clarence "Juice" Greene, an outstanding leader in my 17th Congressional District in Ohio.

Mr. Speaker, Clarence will retire July 11, 1993, after 28 years of distinguished service to the Youngstown community. He began his noteworthy career as a member of the Youngstown Police Force in 1965; 16 years later, he was appointed lieutenant, and served in this capacity while working with the special task force on several occasions.

Clarence's professional contributions have been many. He rose to the top of the force, and for that he should be commended. But, Mr. Speaker, more importantly, Clarence is an exemplary member of the force because he was deeply involved in the community he served. He has been a member of the Buckeye Elks Lodge No. 73 since 1965, holding the post of past exalted ruler; member of Council No. 15; member of Ohio State Association I.B.P.O.E. of W.; member of the security department of the grand lodge of the I.B.P.O.E. of W.; security officer for the grand daughter ruler, and district deputy of all northern district lodges. Clarence is currently a member of the Black Knights Association and Fraternal Order of Police.

Mr. Speaker, Clarence is a role model for the thousands of young people considering a career in law enforcement. His service in the force and to his community is tireless. I would like to take this special opportunity to join the citizens of my district in congratulating Clarence on an exceptional career. Thank you, Clarence, and God bless.

## HAZLETON JR. HIGH SCHOOL'S ECO-TIGERS AWARDED PRESIDENT'S YOUTH SERVICE AWARD FOR ENVIRONMENTAL WORK

## HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KANJORSKI. Mr. Speaker, today I rise to pay tribute to some remarkable young people from my district, the Hazleton Junior High School Eco-Tigers. The Eco-Tigers are the winners of the President's Youth Service Award for 1993.

The students have been recognized for their work in the Nescopeck State Park. They have laid out a trail with 15 bluebird boxes and three large nest boxes for wood ducks. They are also spearheading efforts to build an environmental education center so that all students have a chance to learn about the environment.

The Eco-Tigers also are focusing on water quality. They have used water testing kits to test water samples for acidity, dissolved oxygen and sewage bacteria.

The students' advisors, John Evans, their English teacher, and John Turri, their biology teacher, incorporate what the students experienced during their trips to Nescopeck Park with what they are studying in the classroom. The students write papers about their experiences and discoveries and have given speeches to younger students about the birds that use their nest boxes.

Mr. Speaker, I am very proud of these young people. They realize that improving our environment is instrumental to their futures and the future of our planet. I commend them for their dedication and hard work in trying to make our world a better place.

The following Hazleton Junior High School students are members of the Eco-Tigers:

Tiffany Correll, Leanne Martini, Teresa Snyder, Rebecca, Cerio, Jennifer Sachs, Joseph Tanner, Eric Kostic, Ryan Leib, Steve Zelechoski, Lori Stecker, Melissa Calucci, Robin Cameron, Andrea Cerrito, Jackie Hnasko, Jackie Mondell, Jere Neikum, Katie Matyas, Devin Davis, and Renee Williams.

Also, Kelly Marshall, Lindsay Swirble, Jeff Zola, Carmen Marsit, Jeff Keller, Robert Boock, Louise Rodino, Kristin Sabol, Andrea Goryl, Jill Schiefer, Misty Maurer, Christine Skokowski, Jennifer Veet, Nicole Spishock, Amy Surmick, Christy Scholtes, and Andrea Lowder.

## 1993 CROP DAMAGE ASSESSMENT FOR COUNTIES IN SW MINNESOTA

## HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. MINGE. Mr. Speaker, I toured southern Minnesota with Agriculture Secretary Espy yesterday. I spoke earlier today on the floor of the House of Representatives about the visit, and I would like to elaborate by enclosing an assessment of crop damage in southwestern Minnesota compiled by Minnesota Extension Service Educators in the Southwestern District and summarized by Jim Nesseth of Jackson and Cottonwood Counties.

### 1993 CROP DAMAGE ASSESSMENT FOR COUNTIES IN SW MINNESOTA

Fourteen counties in southwestern Minnesota may suffer economic losses in excess of 400 million dollars in crop losses and soil erosion due to the excessive moisture and flooding in 1993. Minnesota Extension Educators and County Disaster Committees compiled damage assessment reports this past week indicating significant yield and potential quality reductions in corn, soybeans, forage, and small grain crops.

Farmers in this part of the state continue to plant soybeans on acres previously too wet to plant, but may have to eventually leave up to 150,000 acres idle due to the excessive moisture in their fields.

Soybeans could possibly be planted through the first week of July; however, yields are greatly reduced due to these late planting dates and producers must decide whether to risk further input costs with no guarantee of break even yields this fall.

Rainfall for these 14 counties is ranging from 150-300 percent above normal. Average rainfall accumulation in some counties is as high as 25 inches with ranges between 20-30 inches. Normal precipitation accumulation for a 12-month period at the Southwest Experiment Station is 26.19 inches. Most counties have reached this level in rainfall accumulation from April to June.

University research indicates late planting dates significantly reduce yield potential and below normal growing temperatures, resulting in less Growing Degree Days (GDD) have set back crop development by approximately three weeks. GDD are a measure of heat units available for crop development. From May 1, 1993 until June 29, 1993, 711 GDD have been accumulated at the University of Minnesota Southwest Experiment Station of Lamberton, Minnesota. This compares to a long term (32 year) average of 877 GDD and a 1992 accumulation of 922 GDD for the May 1–June 29 period. A scenario of above normal GDD accumulation would project maturity at September 20. It should be noted that above normal GDD accumulation following a below normal GDD accumulation spring has not occurred in 78 years of recorded weather data for this area. The more likely scenario according to historic weather data is below normal GDD accumulation for the remainder of the season. In that case, corn would not reach maturity prior to October 20, a date at which there is a 90 percent probability of a killing frost occurring. Frost dates at the Southwest Experiment Station in Lamberton range from early frost September 3rd in 1974 and a late frost on October 31st in 1970 with average frost date of October 6th.

Corn plants are suffering nitrogen deficiencies due to excessive moisture, driving the available nitrates lower in the soil profile. Producers may have to apply additional nitrogen to the corn crop until the root system reaches the nitrates in the soil. Implementing weed control and compaction of the soil have further reduced the yield potential. Soybean root rots have greatly reduced the plant population in many soybean fields this spring forcing producers to replant an estimated 4,000-5,000 acres in each county. Other producers are forced to accept poorer stands and lower yield potential because of continued wet weather and late planting dates.

Livestock producers will also be affected with poor performance in feed efficiency and rate-of-gain, and milk production due to poor quality feed stuffs an outside lot conditions. Estimated losses from counties range from 3-5 million dollars per county. Land owners, ag lenders, ag suppliers, implement dealers, and other agri-businesses will directly feel the effects from this disaster. These losses will have a rippling effect on our rural economy indirectly affecting non agri-businesses.

Producers can now only hope for ideal weather conditions of above normal temperatures and timely rain fall for the crops to catch up and for commodity prices to rally. These producers are currently looking to USDA for disaster relief if conditions do not dramatically improve. 1993 could be a devastating year for producers who have suffered financially because of poor yields and crop conditions since 1991.

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## UNIVERSITY OF MICHIGAN'S SOLAR CAR TEAM WINS NATIONAL CHAMPIONSHIP

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FORD of Michigan. Mr. Speaker, the University of Michigan is widely known for its achievement of excellence in the areas of academics and athletics. Today I am pleased to recognize Michigan students for outstanding performance in yet another field. Twenty-two undergraduates on the University of Michigan Solar Car Team drove 1,120 miles from Dallas to Minneapolis to collect a first-place trophy and their second national championship in Sunrayce 93.

The University of Michigan's car, Maize and Blue, was one of 34 student-designed, solar-powered cars competing in Sunrayce, sponsored by the U.S. Department of Energy and General Motors Corp. In November 1993, the U–M Maize and Blue will race from Darwin to Adelaide, Australia, competing in the World Solar Challenge.

The expertise, perseverance, and determination of the Solar Car Team led them to excel in the tradition of Michigan competitiveness. I am proud to pay tribute to these students whose achievement stands as testimony to the depth and scope of their education at the University of Michigan.

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## TRIBUTE TO MR. DAVID DICKINSON

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who has served his community not only through his career but also in his public service. Mr. David Dickinson has spent a large portion of his life dedicated to making his community a better place.

On July 8, 1993 his friends and neighbors will gather to celebrate his retirement after 38 years and 11 months of employment for the city of Harbor Beach, MI. During this long career he worked for the Department of Public Works as water plant operator, city water clerk, assistant city clerk, city clerk/treasurer, and city administrator/clerk.

Mr. Dickinson also dedicated a large amount of his free time to public service activities. He served on the following city of Harbor Beach boards and commissions: board of review, planning commission, board of appeal, and economic development corp. Another example of his concern for his community was his service on the Harbor Beach Fire Department for 25 years.

Men of this caliber are a rare thing to find. Men who dedicated their lives to not only serving their community but also creating a city friends and neighbors can be proud of being a part of. I wish Mr. Dickinson immense joy and happiness in his retirement.

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## THE MEDIPLAN ACT OF 1993

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. STARK. Mr. Speaker, access to health care should be considered a basic right of every American. Yet, at least 35 million of our fellow citizens are without the basic protection of health coverage. One in four Americans lack basic health insurance at some point over a 2-year period.

While the health care delivery system of which we are so proud ignores the needs of so many Americans, that same system is on track to spend almost $1.6 trillion in the year 2000 on health care, an amount far in excess of the amount spend by any other nation.

Mr. Speaker, today I am introducing H.R. —, the MediPlan Act of 1993. This bill would provide affordable, publicly-financed health insurance to every American.

The MediPlan Act of 1993 combines elements for two prior proposals.

First, the bill incorporates the national health budget and reimbursement systems currently included in H.R. 200. These systems would slow growth in health spending to the rate of increase in the gross domestic product.

Second, the bill would establish universal coverage using a Medicare-for-all model, similar to a proposal I introduced in the 102d Congress, H.R. 650, the MediPlan Act of 1991. This would assure vital health insurance protection to every American, modeled on the demonstrated success of our health insurance plan for the elderly, Medicare. Enactment of this bill would assure every American of his or her basic right to high-quality health services.

Enacting solutions to our health care problems will be the most difficult and complex task faced by this Congress in many years. Success will require our working together as legislative pragmatists, not continuing to debate between philosophical extremes.

At the same time, I believe that the Medicare Program offers important lessons about what does and doesn't work. Medicare is based upon three decades of experience.

I hope this bill will stimulate additional discussions, both within Congress and the administration, that will make a positive contribution to the process of finding viable solutions to the difficult problems we face.

#### NEED FOR HEALTH CARE REFORM

Over the last several years, the ongoing debates over our health care system have made its deficiencies clear to every Member of this body. Yet while we are poised to begin serious consideration of broad reforms under the leadership of President Clinton, it is appropriate to pause and review our objectives.

First, and most importantly, health care reform must assure all Americans are covered for the cost of basic health services.

For families without adequate health insurance, any encounter with the health care delivery system, no matter how minor or seemingly routine, presents serious financial consequences. The unsurprising result is that these families do not seek appropriate health care when they need it.

Lack of health insurance often means that proper care is delayed until the problem is more serious. Research shows that uninsured persons are less likely to have their children appropriately immunized, less likely to receive adequate and timely prenatal care, and less likely to see a physician even if they have serious symptoms.

Lack of health insurance places special burdens on pregnant women and on children. Only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Perhaps one of the most unfortunate statistics of all is that 26 percent of all women of reproductive age are not insured for basic maternity care.

It is well known that a relatively small investment in healthy children pays large dividends. The Institute of Medicine [IOM] has estimated that as many as one-third of all low birthweight babies could be avoided if all mothers received appropriate prenatal care. According to the IOM, for every dollar invested in prevention, $3.38 will be returned in immediate reduced care costs for the infant.

Mr. Speaker, universal coverage is one of the most important objectives for health care reform. I know that President Clinton shares this view. Without universal coverage, health care reform will just be empty promises.

There are many different ways to achieve universal coverage. Some approaches are more complicated than others. For example, employer-based systems require special provisions to deal with the issues of part-time, seasonal, and migrant workers.

My preferred model, as represented in this bill, is a single public plan. This approach assures that no person would ever fall through the cracks by the simple expedient of eliminating the cracks.

A second key issue that must be addressed in health care reform is the rapid growth in health spending.

As we all know, health care costs are rising rapidly. By the turn of the century, annual national health expenditures will exceed $1.6 trillion. According to the Congressional Budget Office, this growth in health care costs has consumed half of all increases in employee compensation. This results in stagnation in real wages that can have crippling effects on an economy that is struggling to emerge from a persistent recession.

As with universal coverage, there are a variety of ways to address the problem of rising costs. Some, like the national health care budget and payment provisions of MediPlan '93, are relatively simple. Other approaches are more complicated, often involve fundamental changes in our health care delivery system, and depend on restricting patients' freedom of choice to achieve their savings.

I believe that successful cost-containment will only be possible under a strategy that takes control over all expenditures.

Leaving the hard work of cost-containment to a system involving multiple payers risks the continuation of our current, ineffective, and patchwork approach to controlling costs. Over the last half century, health care providers have become unparalleled experts in playing the multiple-payer game to their own advantage. By managing their revenues across multiple insurers, providers have been able to continue to demand ever higher prices for ever increasing numbers of services. Based on their past success in avoiding the hard choices that come with real cost-containment, no one should be surprised to learn that the provider community supports reforms based on the continuation of this multiple payer environment. And why not? They've beaten every cost containment plan our fragmented system of payers has been able to devise thus far.

Only a system that makes all costs subject to uniform tough controls will succeed in slowing real growth in health spending.

MediPlan '93 builds on the demonstrated success of the cost-control policies pioneered in Medicare spending. While some have criticized the growth in Medicare spending, they are ignoring the undisputed fact that Medicare has done a better job of controlling growth in costs over the past 10 years than any other insurance program, either public or private. According to a recent report by the Prospective Payment Assessment Commission, Medicare and the American Health Care System growth in Medicare spending per enrollee between 1993 and 1992 was less than the growth in private spending.

To place this success in context, it must be remembered that Medicare covers only the most expensive portions of our population—the elderly and the disabled. Despite its obligation to provide coverage for these beneficiaries, despite the high cost of care in the last years of life, and despite the high cost of technological advances, Medicare has experienced lower growth in spending per enrollee than any other plan.

### MEDIPLAN '93

Because I am convinced that a national strategy is necessary to provide all Americans basic health, and to assure meaningful cost containment, I am introducing the MediPlan Act of 1993 to provide publicly financed health insurance to every American. With the enactment of MediPlan, health services will become a basic right of all Americans. All residents of the United States, rich or poor, would be enrolled in MediPlan and eligible for health benefits.

As in the previous version of this bill, MediPlan's basic benefits would be similar to those currently provided to the elderly by Medicare. In addition, MediPlan would cover all children and all pregnant women without payment of a premium and without copayments or deductibles.

MediPlan would be budget-neutral; the proposed legislation raises the revenue necessary to cover its cost. Through a combination of employer and employee-paid premiums plus a new tax on gross revenues on medical providers, MediPlan provides a blueprint of how comprehensive health benefits for every American could be financed.

To finance the basic health benefits, every person with income above the poverty line would pay the MediPlan premium (about $1,500/person, or $3,000 per couple) through the income tax system. Every employer would pay 80 percent of the MediPlan premium on behalf of each working American through a payroll tax of about $0.60 per hour to a maximum of $1,200/year per employee. Each worker would be responsible for about $300 of the annual premium ($600 for couples).

MediPlan would subsidize the premium amounts for children, pregnant women, and low-income persons.

To cover the additional costs of these benefits, revenues would be raised through a new 10 percent tax on gross payments received for Mediplan benefits by health care providers. At $900 billion per year, current spending on health should be adequate to finance high quality health care for all. The problem is that these funds are not appropriately distributed. Some hospitals and physicians serve more than their share of uninsured patients while others avoid these patients. The revenues from the provider tax would be deposited into the MediPlan Trust Fund. Thus under Mediplan, the same amount of money would be spent on health care, but would be redistributed to insure that all providers are reimbursed for all patients.

In addition to the financing provisions, MediPlan '93 incorporates several other new features.

First, this bill would establish a national health budget for MediPlan expenditures. This budget would be used to establish provider payment rates, and to assure that costs are contained within reasonable limits. The payment system would not reduce payments to any provider. Instead, growth in payments would be gradually reduced to the rate of increase in the gross domestic product.

Second, this bill would encourage States to continue their experiments with their own reforms. H.R. — would permit States, subject to minimum Federal guidelines, to opt out of the national program. States electing to establish their own plans would have to assure universal coverage with benefits at least as generous as under MediPlan. In addition, State plans would have to meet national cost-containment guidelines.

The bill does not specify how universal coverage or cost-containment would have to be achieved within a State that chose to adopt its own plan. States would be free to experiment in any way they chose.

Third, H.R. — would provide Federal regulation of MediPlan supplemental insurance. While MediPlan would provide a minimum level of financial protection, insurers and employers may wish to provide additional coverage in much the same manner as Medigap insurers currently provide to over 75 percent of Medicare beneficiaries. Federal regulation of this market would eliminate the abuses that have been permitted under State regulation of these types of policies.

Mr. Speaker, MediPlan is a comprehensive response to the problem of assuring health benefits to every American. It includes the necessary revenue to finance the coverage it provides. It would control costs through use of a national health budget. It would permit States to continue their ongoing experiments with alternative plans.

It is, therefore, a complete plan in response to the challenges we face.

A summary of the bill follows:

### THE MEDIPLAN ACT OF 1993

#### I. ELIGIBILITY

All residents of the United States would be enrolled in MediPlan for basic health benefits.

### II. BENEFITS

A. Basic benefits include Medicare benefits except single deductible of $350 per individual ($500 per family) and out-of-pocket limit per person of $2,500 ($3,000 per family).

B. Acute care Medicaid benefits are incorporated into MediPlan.

C. Prescription drug and prevention benefits would be added to basic package.

1. Drug benefit would have separate deductible.

D. Low-income persons would have sliding scale deductible and coinsurance requirements, and unlimited hospital care, eyeglasses and hearing aids.

E. Special benefits for children would include: waiver of all coinsurance and deductible requirements; well-child care and preventive care; pre-natal care; inpatient labor and delivery; postnatal care; and postnatal family planning services; all without copayments or deductibles.

### III. MEDIPLAN HEALTH BENEFITS PREMIUM

A. Every individual (except lower income Americans) would pay the MediPlan health benefits premium (about $1,500/person; $3,000 per working couple) through the income tax system.

B. Employers would pay 80% of the MediPlan health benefits premium on behalf of working Americans through a payroll tax (about $.60 per hour).

1. Employer-paid tax is credited against employees' MediPlan health benefits premium paid through the income tax, thus reducing each working adult's liability to about $300.

2. Employers currently providing health insurance to employees would be required to continue providing benefits in excess of the MediPlan basic benefits, to current employees and dependents.

C. Low-income persons (with incomes below $8,000 and couples below $16,000) would not pay the premium.

1. Between $8,000 and $16,000 for individuals and $16,000 and $32,000 for married couples, the premium would be phased in, on a sliding scale basis.

D. Children and Medicare beneficiaries would generally not pay the premium.

### IV. REIMBURSEMENT OF PROVIDERS

A. Hospital, doctor and other services would be reimbursed using Medicare's current reimbursement methodologies.

1. Secretary would develop new DRGs and codes where necessary.

2. Pregnancy-related services would be based on global fee, with disincentives for Cesarean sections.

B. Amount of payments would be determined based on MidiPlan's national health budget system.

1. After phase-in, there would be single rate for all providers.

2. During initial five years, Medicare rates would be phased up to MediPlan rates.

C. Extra billing would be prohibited.

D. Electronic processing of all claims and other provisions related to administrative simplification and reporting would apply.

1. Administrative simplification provisions would include eligibility verification, electronic remittances, uniform billing forms and coding, uniform provider numbers, etc.

2. Administrative simplification provisions would provide reporting and coordination of benefits between MediPlan and (a) insurance policies that are supplemental to MediPlan; and (b) plans in States that opt out.

3. Supplemental plans and plans in States that opt out would also be required to conform to administrative simplification and reporting requirements.

### V. MEDIPLAN TRUST FUND

A. The MediPlan Trust Fund would be established.

B. Revenue would include MediPlan premiums and the provider supplemental tax.

1. Families with incomes below $16,000 annually would be exempt from the tax.

2. The supplemental tax would be a 10 percent tax on gross revenues from providing Mediplan benefits.

### VI. COST CONTAINMENT AND MEDIPLAN BUDGET

A. A MediPlan budget would be set by statute for total MediPlan spending for health services.

(1) Initial budget would be set such that it would be equal to current spending for MediPlan covered services now provided under Medicare, Medicaid, and private health insurance plans.

(2) Growth in MediPlan budget would be set beginning at approximately the current trend minus one percent and phase down to the increase in the Gross Domestic Product over 5 years.

B. The budget would apply to all payments for MediPlan services.

(1) Expenditures relating to qualified group and staff model HMOs would not be included under budget to encourage and support these plans.

C. Secretary would monitor expenditures under MediPlan, based on claims filed and certain other reports.

1. Hospitals would participate in uniform hospital reporting system.

D. HHS would set MediPlan rates of payment for providers at levels estimated to meet the MediPlan budget limit.

E. ProPAC and PhysPRC would study and recommend provider payment policies to the Congressional Committees.

### VII. STATE OPT-OUT

A. States would be permitted to obtain a waiver to opt out of MediPlan.

1. The opt out would not affect benefits provided to Medicare beneficiaries.

B. Requirements for State plans:

1. The State plan would be required to guarantee coverage to all individuals.

2. The scope of benefits offered under or through the State plan would have to be no more restrictive than benefits under MediPlan, including the lower cost-sharing benefits for low-income persons and children.

3. The State plan would have to include participation in the Federal administrative simplification system to permit coordination of benefits across State lines, and to permit the Secretary to monitor expenditures under State plan.

C. The Secretary would monitor expenditures in States that opt out of MediPlan

1. If spending in State exceeds amount that would have been paid in State under MediPlan, the Secretary could:

(a) Reduce Federal payments to State, or,
(b) Terminate the State waiver.

D. Financing of State programs.

1. The Federal government would transfer to the State funds equal to the amount that would have otherwise been spent by MediPlan in the State.

### VIII. FEDERAL REGULATION OF MEDIPLAN SUPPLEMENTAL PLANS

A. MediPlan supplemental insurance policies could not be sold unless the policy has been certified by the Secretary or by an approved State regulatory plan.

B. All supplemental policies would meet minimum Federal standards, with penalties for non-compliance.

C. MediPlan supplemental policy requirements would include:

1. Non-discrimination based upon health status, occupational status or claims history of applicant, and open enrollment.

2. A limited number of benefit packages, as defined by the Secretary.

3. Minimum loss ratio requirements.

4. Restrictions on sale of policies which duplicate MediPlan benefits.

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## DEA'S 20TH ANNIVERSARY

## HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GILMAN. Mr. Speaker, I am pleased to rise to call the attention of my colleagues to the 20th anniversary of the founding of the Drug Enforcement Agency.

Over the year, many Members, including myself, and in particular, the now defunct International Narcotics Control Task Force and Select Committee on Narcotics Abuse and Control, have come to rely on the DEA's expertise, wisdom, and integrity.

The DEA was formed 20 years ago in order to unify drug investigations under one roof, to create an intelligence data base on illicit drugs, and to establish a clear channel of communications between Federal drug agents and their State, local and foreign counterparts.

Some of the DEA's major accomplishments include the conviction of Leroy "Nicky" Barnes, also known as Mr. Untouchable, who was then the biggest dealer of heroin in New York, and the conviction of Carlos Lehder, the founder of the Colombian Medellin cocaine cartel. Furthermore, the DEA has seized over $6 billion in drug assets since 1984, four times the amount that we have appropriated for this agency.

Additionally, one of the keys to counter-narcotics work today is that of enhancing international cooperation. The dominant theme in our Nation's international narcotics control efforts is that of regional and global cooperation.

The DEA plays an invaluable role, both in providing assistance to nations developing their counter-narcotics abilities, and equally important, also providing role models for young police who may face severe temptations to cave in and accept bribes and look the other way in their work against narcotics. I might add that in this regard, the DEA has been unimpeachable.

Mr. Speaker, I urge my colleagues to join in congratulating the DEA on a job well done, and extending our best wishes to all of the 3,500 DEA agents and personnel, as well as the thousands of DEA alumni over the past 20 years.

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## ENGLISH LANGUAGE IS CENTRAL TO AMERICAN IDENTITY

## HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BEREUTER. Mr. Speaker, any nation, if it is to remain a strong and cohesive entity, must have some unifying characteristics. One of the central characteristics that identify all Americans in the use of English as a common language. It is one of the ties that bind us all together. Regardless of a person's nation of origin, there is an expectation of adoption of the English language as a part of the assimilation process. Thus, it is particularly disturbing when this Member learned that a Federal judge in Arizona recently ordered a Spanish language ceremony for new U.S. citizens.

Mr. Speaker, a Spanish language ceremony sends precisely the wrong message to our newest citizens. It tells them that they do not have to act to learn English so that they can be integrated into the mainstream of the American society. The facts are simply this: people who don't learn English are placed in a position of economic disadvantage in our country. As a June 28, 1993 editorial entitled "English is National Binding Force" in the Omaha World Herald noted, "the more the English language falls into the position of secondary importance, the more America will encounter [wrenching social] problems." This Member would place this important article in the CONGRESSIONAL RECORD, and I urge my colleagues to heed the warning.

ENGLISH IS NATIONAL BINDING FORCE

A federal judge in Arizona displayed wretchedly poor judgment when he organized a Spanish-language ceremony for new U.S. citizens.

U.S. District Judge Alfredo Marquez will preside over the ceremony in which 75 immigrants will take the oath of citizenship. He will administer the oath in English. But the rest of the proceedings will be in Spanish. The judge said he believes that the ceremony will be more meaningful if conducted in the immigrants' native tongue.

Thus is tradition diluted and symbolism compromised.

The ceremony of citizenship signifies the transfer of allegiance from the old country to the new. To conduct the proceedings in the language of the old country says, in effect, that the transfer can be a halfway thing. Take it or leave it.

Perhaps if such thinking were isolated, the public could look indulgently at what Judge Marquez has done. But it isn't isolated. America is becoming a nation of quarreling enclaves, jealous of their status and eager to be sure no other group gets ahead. In too many instances, they consider themselves members of an ethnic group first Americans second.

For much of the nation's history, such fractiousness was held in check by the English language, the gateway to the Constitution, the courts, the educational system, the economic system and the national culture. Now English is being devalued by officials who should be the first to know better.

Are we saying that immigrants should give up their culture? That they should fail to pass their heritage and language on to their children? Of course not. Multicultural understanding, including the ability to operate in more than one language, is a gift—some would say a necessity—in these times of global consciousness. Part of the advantage of living in a free and open society is the ease with which people can hold on to their individuality, their cultural identity.

But English must not be neglected if newcomers are to have the full benefits of citizenship—and if America is to avoid the wrenching social problems of a Canada, a Belgium or what was once known as Yugoslavia. The more the English language falls into a position of secondary importance among immigrants, the more America will encounter similar problems.

The purpose of the proceedings in Judge Marquez's courtroom should be to validate the decision of the immigrants to become citizens, not to encourage them to think of themselves as hyphenated Americans. Judge Marquez may think he is helping them feel better about themselves. It's a distressing example of how trying to help people sometimes hurts them.

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## DIGITAL PERFORMANCE RIGHT IN SOUND RECORDINGS ACT OF 1993

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. HUGHES. Mr. Speaker, today along with Mr. BERMAN, I introduce the Digital Performance Right in Sound Recordings Act of 1993 in order to advance the debate on the proper legislative solution for protecting the creative contributions of performances and producers of sound recordings. The advent of commercial digital audio subscription services provides an exciting new way for consumers to hear the latest records with compact disc quality sound. At the same time, these services may end up killing the goose that lays the golden egg: The ability to store and download records in digital form may well significantly displace retail sales.

There is, of course, no stopping technology, and if the market of the future is direct home digital delivery of records, the Copyright law should not be used as a Luddite tool to try and prevent the inevitable. Instead, the Copyright law should be brought up-to-date in order to ensure that performers and producers of sound recording will have sufficient economic incentives to create the works that consumers demand.

Based on a hearing the Subcommittee on Intellectual Property and Judicial Administration, which I chair, held on March 25, I believe the best way to accommodate digital technology and consumer demand with the constitutional objectives of the Copyright law is to provide a narrowly drafted exclusive digital public performance right in sound recordings. The bill I introduce today takes this approach. I believe an exclusive right is preferable to a right of equitable remuneration—a polite term for compulsory licensing—for a number of reasons.

A recording of a popular group contains two different types of copyright interests. First, there is the copyright in the original musical compositions—The songs. The copyrights in the songs are owned, as an initial matter, by the songwriter. Typically, the songwriter will go to a music publisher, who will obtain a transfer of all copyrights from the songwriter in exchange for a percentage of royalties. The music publisher then has the responsibility for licensing the musical composition. Rights of non-dramatic public performance, as on television, radio, and in clubs and restaurants are sublicensed by the music publisher to performing rights socieities—ASCAP, BMI, and SESAC—on a nonexclusive basis. Rights to reproduce the musical composition on records is then licensed to a record company, subject to the mechanical compulsory license in section 115 of title 17, United States Code.

There is another copyright interest in a record, though, that of the producer of the sound recording, typically the record company. This copyright interest is in the creative manner in which the record as a whole is produced and in the performance of the musical compositions. This copyright in the sound recording is separate from the copyright interests in the musical compositions recorded. In some cases, as in a symphony orchestra's performance of "Beethoven's Ninth Symphony," the only copyright interest is in the sound recording.

Under current law, the copyright owners of the recorded musical compositions enjoy an exclusive public performance right. They have the ability—and exercise it—to license radio stations and digital audio subscription services. However, the copyright owners of the sound recordings do not have that right. Radio stations and digital audio subscription services do not have an obligation under the Copyright law to pay the copyright owner of the sound recording for playing the sound recording.

In the past, broadcasting have argued that they should not have to pay record companies because they are providing valuable advertising. Of course, this argument could also be made about the recorded musical compositions for which payment is made. Whatever the merits of past arguments, we have to accept that the digital world has dramatically transformed the marketplace in which copyrighted works are sold. Digital audio subscription services are entirely new and create entirely new issues. Broadcasters have recognized this changed environment in their future plans for digital audio over-the-air broadcasting and in their apparent willingness to accept a public performance right limited to subscription services. The issue then is not whether to have a digital performance right, but what form that right should take.

Music publishers and the performing rights societies have in the past expressed concern about a public performance right in sound recordings. These concerns appear to be based on what has been called the "one-pie" theory. This theory states that broadcasters have a finite amount of money to spend or that they are willing to spend on public performance royalties. Currently, all of this money goes to the performing rights societies and the music publishers (and to songwriters under their contracts with the music publishers and the performing rights societies' allocation). The theory continues that if another group—copyright owners of sound recordings—is permitted to sit at the table, the size of the pie will remain the same but there will be more people sharing it.

This argument is understandably made with some reluctance, and I note that music publishers and the performing rights societies have recently expressed an interest in extending the term of protection from life of the author plus 50 years to life of the author plus 70 years. Opposition to extension of rights to one group of copyright owners—such as copyright owners in sound recordings—while at the same time asking for increased rights for themselves—would be an interesting strategy, especially where in most cases we are talking about the same product, a record.

Whatever merits the "one-pie" theory had in the past, it cannot hold up in the digital environment and in an environment when more and more composers are also performers. As the market moves toward home delivery of recorded sound, songwriters and music publishers can ill-afford to cling to the old ways of doing business. The pie will be a different pie and we need to develop different ways to ensure that all creators' contributions are respected.

A compulsory license/right of equitable remuneration is not the best solution. Compulsory licensing works best, if it works at all, in situations where the transactional costs are so high that uses which copyright owners would like to license and users avail themselves of would not take place otherwise. This would not be the case with a digital performance right in sound recordings, since the number of copyright owners is relatively small. Even in the case of the current public performance right for musical compositions, the right is exclusive. It is true that the performing rights societies have only a nonexclusive right and must license on a nondiscriminatory basis, but this is the result of antitrust concerns. Songwriters and music publishers are not subject to an antitrust decree and retain their exclusive rights. They could, if they chose, refuse to permit their works to be performed by a radio station or by a subscription service. I fail to see why copyright owners of sound recordings, wishing to license the same product—recorded sound—should not have the same exclusive right that songwriters and music publishers enjoy today.

The issues raised by a digital public performance right in sound recordings are exciting and I look forward to meeting with representatives of the broadcasting and music publishing industries, the performing rights societies, performers, digital subscription services, and others in order to discuss any concerns they may have.

## TRIBUTE TO MR. RONALD W. KULOVITS

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. LIPINSKI. Mr. Speaker, I rise today to share with my colleagues the accomplishments of a remarkable citizen from Chicago who gave 32 years of his life in service to the fine city of Chicago. The dedication he showed to both his community and profession should serve as an inspiration to all of us as public servants. It is my pleasure to share with you some of the accomplishments of this exceptional individual, Mr. Ronald W. Kulovits.

Mr. Kulovits began his career with the Chicago Park District in 1960 as a physical fitness instructor. In 1961, he was promoted to the coordinator of all male activities for the Palmer Park area. He also served as one of the founding fathers of the special recreation programs. In this capacity, he was in charge of the construction and implantation of activities for the mentally handicapped. The success of those programs brought about yet another promotion for Mr. Kulovits. He was assigned to act as the supervisor of playgrounds for three Chicago districts. In 1969, Mr. Kulovits was promoted to supervisor of recreation at Mann Park. He held this position for the next 10 years.

In the latter part of his career, Mr. Kulovits began to move through the elite rankings of the Chicago Park district hierarchy system. He was appointed physical activities supervisor in which he oversaw the running and maintaining of 50 park areas. While holding this office Mr. Kulovits has given the task of being the citywide senior citizens director. As Mr. Kulovits continued to climb the park district ladder, he reached the title of recreation coordinator. He was responsible for the scheduling of all special events on park district property, being responsible for coordinating the concerts of such performers as Smokey Robinson, Bruce Springstein, and Madonna. The next step for Mr. Kulovits was to become assistant director of recreation. His 3 years stint in this position allowed him control of all budgeting and administration of 237 park district locations.

The year 1988 brought about many changes for the park district as well as for Mr. Kulovits. As the park district decentralized, the need for individuals to lead the different areas arose. Mr. Kulovits was an immediate selection for regional park manager for the Burnham/Grant area. His final position held with the park district was that of director of program support, planning, and development which he held until his retirement in 1993.

I hope my colleagues will join me in honoring the outstanding career of this man. The story of Mr. Kulovits career depicts that of the true "American dream"—with dedication and hard work, success can be achieved. For this reason, Mr. Speaker, I am thrilled to share the activities of this model worker. I wish him all the best to come.

## ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mrs. MORELLA. Mr. Speaker, in an effort to address the increasing social, developmental, and educational problems affecting young children, I am joining with my colleague from New Jersey, Congressman DONALD PAYNE, in introducing the Elementary School Counseling Demonstration Act. This legislation would establish professional counseling services at the elementary school level, where they are most needed.

One out of five children entering school last year was living at the poverty level. At least half a million of these incoming children were born to teenage mothers. Many were exposed to drugs and the HIV virus, adding to the already attendant risk affecting the physical and intellectual development of these children.

Child and alcohol abuse, fragmentation of the family, and violence also contribute to the unprecedented challenges that face many of our Nation's youth at the elementary school level. These challenges often lead to emotional disorders, academic underachievement, juvenile delinquency, and even suicide. According to experts, early intervention can be effective and beneficial in affording distressed youths the opportunity to achieve a measure of success in their personal and academic lives.

The Elementary School Counseling Demonstration Act would combine the services of professional counselors, social workers, and school psychologists in addressing the personal and educational well-being of elementary school children. This legislation would provide demonstration grants to local jurisdictions to expand counseling services by increasing the number of counselors, school social workers, and school psychologists at the elementary level. These professionals, then, would implement a team approach to school counseling programs.

The Elementary School Counseling Demonstration Act would provide for a ratio of 1 professional counselor to 250 students, 1 school psychologist to 1,000 students, and 1 social worker per 800 students. The bill would be authorized at a rate of $10 million for fiscal year 1994, and such sums as may be necessary for fiscal years 1995, 1996, 1997, and 1988. Grants would be available for 3 years at a maximum of $400,000 per school per year.

I am pleased to join with Congressman PAYNE in urging our colleagues in the House to support the Elementary School Counseling Demonstration Act. Providing counseling services at the elementary school level will help the classroom teacher, reduce the dropout rate, and raise the standards of educational excellence necessary to meet the challenges of the 21st century.

## SISTER CITIES OF YUBA CITY, CA AND FUJISHIRO, JAPAN

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FAZIO. Mr. Speaker, I rise today in recognition of the fifth anniversary of the establishment of the sister city relationship between Yuba City, CA, an agricultural community which I represent, and Fujishiro, located in the Ibaraki Prefecture of Japan. At the fifth anniversary celebration in July 1993 in Fujishiro, a Yuba park will be dedicated next to the city hall.

In July 1989, a delegation from Fujishiro came to Yuba City and a declaration of intent to enter a sister city agreement was completed. Other visits ensued, culminating in a signing ceremony in Yuba City in November 1989. In February 1990, a Yuba City delegation traveled to Fujishiro for a similar joint signing. In the ensuing 5 years, there have been several exchange visits. The program has expanded to ties between Yuba City schools and similar schools in Fujishiro.

As president of the Sister Cities Association of Yuba City, Yuba City mayor pro-tem, Dennis Nelson has encouraged the relationship with Fujishiro to the end that the citizens of each city will have a better understanding of each other and that exchanges which enhance the educational and economic well-being of such city will continue. He will travel to Japan in July for the anniversary celebration. The movement in Japan has been led by three prominent Fujishiro community members.

Yukio Takegasa, a rice farmer, is currently vice president of the International Friendship Association of Fujishiro. As an agricultural exchange student, Mr. Takegasa became acquainted with Sutter County. He developed a knowledge of the area and was instrumental in assuring the success of the Yuba City and Fujishiro City match.

Shin Kawaguchi, president of the International Friendship Association of Fujishiro, provided vision and leadership in the search for a sister city and was the leader of the Japanese delegation to Yuba City. He was named an honorary citizen of Yuba City in recognition of his commitment to furthering the sister city bond.

Mamuro Sakamoto serves as president of the Fujishiro Town Council. He has visited Yuba City on mumerous occasions and has brought friendship and honor to the relationship. Mr. Sakamoto has supported the sister city relationship both on a personal basis and as a leader of the council.

Mr. Speaker, I ask my colleagues to join me today in congratulating the citizens of Yuba City, CA and Fujishiro, Japan, on their fifth anniversary as sister cities. I extend my best wishes to both cities as they celebrate the happy occasion this month in Japan, and I wish them many more years of friendship, cooperation, and cultural exchange.

## ZERO BY 2000

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GEKAS. Mr. Speaker, today I am introducing legislation aimed at reducing the Federal deficit by the turn of the century. The goal of my legislation, titled "Zero by 2000", is very straightforward: To return the focus of Congress to the necessary goal of eliminating deficit spending and its attendant harm to the economy. Once we start to reduce the deficit, we will begin to see an expansion of productivity, enterprise, and recapitalization, and a road to prosperity that we have not seen in a long time. But we must start now.

Under my plan, Congress would be required to meet specific deficit targets each year, starting with fiscal year 1994, and ending with a zero deficit in fiscal year 2000. If we do not meet the target, we will invoke an across-the-board sequester until we do.

The critics of Gramm/Rudman/Hollings deficit reduction package have been proven wrong. They contended, from the beginning, that the solution to our budget woes relied on the President's willingness to negotiate with congressional leadership. We all know what happened in 1990. Congress increased taxes in the beginning and pushed any spending cuts until later years, and as a result, the economy took a turn for the worse, and the deficit just got bigger. President Clinton is offering us the same bad plan.

For the sake of the economy, and this Nation's future, I am proposing today a plan for mandatory deficit reduction that will return us to a balanced budget by the year 2000.

Zero by 2000 must be the rallying cry of all Americans. Our future depends on it.

## RENEWING AMERICAN CIVILIZATION

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GINGRICH. Mr. Speaker, on June 24, 1993 I spoke on the House floor about a class that I am teaching at Kennesaw State College this fall. During this time I outlined the 10 topics that will be covered in this course. Now, I would like to share the reading material that each student should have in order to make this experience as educational as possible. This material was carefully chosen for this course so each student would be fully prepared to grasp the importance of replacing the welfare state and how to go about implementing the process.

Once again, any ideas that anyone may have regarding the upcoming course on Renewing American Civilization I would thoroughly appreciate. I feel that it is vital that we replace the welfare state that is currently plaguing our country, and I believe that this course can play a vital role in that process.

COURSE MATERIALS

Every participant in Renewing American Civilization will receive a book of readings, published by McGraw-Hill, titled Readings in Renewing American Civilization. This book, designed specifically for this class, provides the minimum background materials each student should have in order to participate effectively in the class, including:

1. A complete syllabus for the course, including a brief summary of each lecture, required readings, suggested readings and additional readings.

2. Ten articles, each designed specifically to serve as background for one of the ten Renewing American Civilization lectures, including:

"The American Ideology" by Everett Carll Ladd: Dr. Ladd is one of America's pre-eminent political scientists and President of the Roper Center for Public Opinion Research at the University of Connecticut. This article outlines the eternal principles of the American idea.

"Personal Strength in American Culture" by Stephen Covey: Stephen Covey's Seven Habits of Highly Effective People has sold over three million copies. Covey's treatment of the "character ethic" reminds us that "getting ahead" is more about more than "making friends and influencing people."

"America's Entrepreneurial Spirit" by George Gilder: George Gilder's Spirit of Enterprise and Wealth and Poverty are the best modern treatments of America's entrepreneurial spirit. This article will remind us why entrepreneurial free enterprise has been a pillar of America's strength in the past and will be a key pillar of Renewing American Civilization.

"The Spirit of Invention and Discovery and the Information Revolution" by George A. Keyworth: "Jay" Keyworth has served as White House Science Advisor and as Director of the Physics Division at Los Alamos National Laboratory. This reading focusses on the coming revolution in digital communications and its centrality to American renewal.

"The 'Quality Movement' and the American Ethic" by Barbara Lawton: Barbara Lawton has worked closely with Dr. W. Edwards Deming for nearly a decade and now serves as a Senior Fellow at The Progress & Freedom Foundation. This article will explain why "Quality" is much more than a management slogan—it is a core pillar of renewing American civilization.

"Twelve Steps to Cultural Renewal" by Arianna Huffington: Arianna Huffington is the leading explainer of the connection between spirituality, culture and the democratic process. This article shows why this connection is a central lesson of American history and is the essential key to applying those lessons to our future.

"Restoring Economic Growth" by John Rutledge: Rutledge's commentaries in the Wall Street Journal and Forbes magazine have offered a menu of cultural and policy changes needed to restore economic growth. This article provides a comprehensive recipe for the changes we need to make to have a vital, growing economy that creates jobs and opportunities for all Americans.

"Transforming Health" by Regina Herzlinger: Health and wellness for all Americans will not be achieved by reforming the current system, but by transforming it into a customer-driven, entrepreneurial system. Regina, a professor at Harvard University, Herzlinger is a leading advocate of such a transformation.

"Saving the Inner Cities by Restoring Civilization" by Keith Butler: Keith Butler is the pastor of one of Detroit's largest churches and a member of the Detroit City Council. In this article, he explains why economic incentives are only one part of a comprehensive program for saving our inner cities.

"Citizenship for the 21st Century" by Newt Gingrich: Active citizenship is essential to making our democratic system work. In this article, Gingrich ties together all the principles taught in Renewing American Civilization into a recipe for active, effective citizenship for the 21st century.

## COMMENDING THE PRESIDENT FOR MAKING A BOLD MOVE TOWARD PEACE AND SECURITY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. STARK. Mr. Speaker, according to news reports, President Clinton has decided to forgo further U.S. nuclear testing, as long as no other nation tests. I commend the President for making a bold, decisive move that will greatly strengthen U.S. nuclear nonproliferation policy.

There is no military need for further U.S. nuclear testing, but there are large political and diplomatic costs. The Nuclear Non-Proliferation Treaty comes up for extension in 1995. Many developing countries have said they will not support a long-term extension of the treaty if a comprehensive test ban [CTB] is not in place. If we resume testing, then so would, in all probability, the Russians, French, and British, greatly complicating efforts to negotiate a CTB.

The President's decision shows we are serious about ending nuclear testing for good. This will send a loud and clear message to North Korea, Iran, Ukraine, and other countries, that the United States is going to make nonproliferation a national security priority. A CTB is the first and vital step in forging a comprehensive, integrated nuclear nonproliferation policy. I thank the President for his visionary leadership on this issue.

## HONORING THE STAGEHANDS OF LAS VEGAS

### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BILBRAY. Mr. Speaker, I rise today to honor a group of hard working people from southern Nevada, who have contributed greatly in establishing the city of Las Vegas as the entertainment capital of the world.

Although they are not often seen, millions of vacationers over the years have enjoyed the fruits of their labor. They work quietly behind the scenes; in fact they are responsible for the scenes, the stages, the vitally important tasks that go almost unnoticed to put together the type of show that can be seen nowhere but under the flashing lights of the Las Vegas strip.

The stagehands of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, are rarely seen by their audiences. But every producer, entertainer, and hotel operator knows that without their expert abilities the show would not go on.

Behind the glitter and glamour that is Las Vegas, these dedicated men and women set the stage for the dancers, the magicians, and superstar singers of the Las Vegas showrooms that draw audiences from around the world. Without them, the lights of my hometown would not shine as brightly.

On July 19, 1993, in New York City, the IATSE centennial celebration will be marked by the group's 60,000 members. The members of the alliance's locals in every major city—motion picture camera operators and moviehouse ticket takers alike—will gather to celebrate the 100th anniversary of their union.

So in honor of a century of entertainment, I ask my colleagues to stand with me today to recognize the men and women of IATSE and the fine job they do, making the work of the world's best entertainers available for us all to enjoy.

## IN HONOR OF EMILE GRIFFITH

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. DE LUGO. Mr. Speaker, Madison Square Garden in New York City recently honored a great American athlete and Virgin Islands native son, Emile Griffith.

During the 1960's and 1970's Emile Griffith was the six-time world welter- and middleweight champion and after he retired from the ring he continued to dedicate his life to boxing by training others in the skills he practiced so well.

Griffith won the welterweight title in 1961 from Benny "Kid" Paret, defended it against Indian Gasper Ortega, but lost it to Paret in a rematch. In their third bout, Griffith battled to come back from a knockdown when in the 12th round he pounded his opponent into the ropes. Paret lapsed into a coma and 10 days later died.

Though a champion fighter, Emile Griffith is a sensitive man and the death left him ready to quit boxing. He recently told the Associated Press, "I wasn't the same person. I would have quit but I didn't know how to do anything else but fight."

Griffith went on to win the junior middleweight and middleweight crowns. In 1965 and 1966, he won both the welterweight and middleweight championships. Boxing historian Bert Randolph Sugar said, "Through the 1960's the best fighter pound for pound every year was Emile Griffith." His ex-manager, Gil Clancy, said, "He had every punch in the book, there was nothing he couldn't do in the ring."

Emile Griffith's last fight at the Garden was in 1974, where he had more main card bouts than any other boxer, and he completed his career in the ring 3 years later. He went on to train other boxers including Juan LaPorte and Bonecrusher Smith.

Last year, Emile Griffith almost died from kidney damage after he was mugged and beaten on a Manhattan street. He spent months in the hospital recovering and still suffers pain in his back. He also was left with enormous hospital bills.

It has been 16 years since Emile Griffith stepped into the ring, yet today he remains one of the most popular figures in boxing. He was a champion of the sport and remains a champion of the spirit. Emile Griffith is highly respected by the people of his native Virgin Islands where a ballpark is named in his honor. That Madison Square Garden chose to honor him shows the enormous esteem in which he is held.

Mr. Speaker, Emile Griffith deserves the recognition and thanks of this body for his unselfish contributions to boxing and sports and for the genuine sense of compassion for others and fairness for all that he exhibited both inside and outside the ring.

## NATIONAL CHILDREN'S DAY

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KENNEDY. Mr. Speaker, today I am introducing a resolution that will celebrate October 10, 1993 as "National Children's Day." This resolution will give national recognition to all children in America and focus on issues that are so important to their health development, and education. Children represent the future of the United States and therefore should be viewed as the most valuable asset to the Nation.

The designation of a day to commemorate the children of the Nation will have positive effects in all areas of our society. It will provide an opportunity to emphasize the importance of family life, education, and spiritual qualities. The constraints of work often prevent many American families from spending quality time with their children. Hard-working single parents are especially hard hit as they strive to make ends meet. Children's Day will give our communities an incentive to set aside a special day to spend with their children and will also promote activities for less fortunate children that do not have families. In this respect Children's Day is also about renewing our commitment to the human service programs that make a difference in our kids' lives.

Mr. Speaker, it only seems fitting that we set aside a special day to honor our children. National Children's Day is a day not only to celebrate our kids who bring so much joy to our lives, but also an opportunity to look at how we can make a difference in our children's lives today in order that they may live better lives tomorrow.

## TRIBUTE TO DAVID JENKINS

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the passing of a legend in the San Francisco labor movement, David Jenkins. David Jenkins grew up in an industrial suburb of New Jersey, where his mother was a founding member of the Millinery Workers Union and his father was a Socialist—a family background that prepared him superbly for the radical career he would undertake in his early years.

In fact, he went to work when he was 12 and was, he claimed fired and arrested repeatedly because of his union militancy, even at those supposedly tender years. After working as a maritime organizer along the east coast, he came to San Francisco in 1939 and began working closely with other San Francisco waterfront labor legends, Harry Bridges and Jimmy Herman. Together, they pushed the International Longshoremen's and Warehousemen's Union to the forefront of the San Francisco and national labor movement, even in the face of accusations of communism and investigations by the House Un-American Activities Committee. One memorable moment came during a committee hearing, where David told a Congressman who gaveled him down during a hearing, "Let's equalize things around here. Give me one of those gavels so I can bang you down when you interrupt."

From his first voyage as a merchant marine, Jenkins pursued the education he never formally received and fought for educational opportunities for others. In the early days of World War II, David became director of the California Labor School. Recruiting faculty from Stanford and the University of California, he established branch Campuses in Oakland and Los Angeles. Jenkins taught classes in Jewish history, labor economics, and a pioneering class in black history. He was also a frequent lecturer on labor history at Stanford, UC, and leading think tanks such as the Brookings Institute.

In the 1970's, he helped establish labor studies at San Francisco City College and the labor archives at San Francisco State University. He also completed an oral history on the labor movement at UC-Berkeley's Bancroft Library.

For his lifelong devotion to education, he was awarded an honorary doctorate of humane letters by San Francisco State last year. The university called David Jenkins one of the "rare few who touch many, challenging the complacent, comforting the distressed * * *. A working stiff blue collar, laboring in mines, in ships, in warehouses, Dave * * * has been a profound influence, a reverberating force."

David's passing has been memorialized by former Mayors of San Francisco he advised, and labor leaders who he taught. But perhaps the greatest living testaments to David's zest for life and justice are his wife, Edith, his daughters Becky, Margaret, and Rachel, his son David, and seven grandchildren.

Mr. Speaker, on Saturday, July 3d, a memorial service will be held for David Jenkins. On behalf of the Congress, allow me to extend condolences to his family and friends and thanks for his leadership and outstanding work on behalf of working men and women and educational opportunity for all Americans.

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## VALDOSTA STATE COLLEGE BECOMES A REGIONAL UNIVERSITY

### HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. ROWLAND. Mr. Speaker, today, Valdosta State College in Valdosta, officially becomes a regional university.

This is an historic moment for Valdosta State, which was established by an act of the Georgia general assembly 87 years ago. In fact, it is an historic moment for education throughout Georgia. Under the "regional university" concept, Valdosta State will substantially expand the educational opportunities it provides for the South Georgia community. This may include many things, including the possibility of offering new advanced degrees, increasing research activities, and expanding continuing education services. What happens at Valdosta State will help define the regional university concept for the entire State.

Valdosta State has served South Georgia since its doors were opened in 1913, 7 years after it was authorized by the legislature. It was then called the South Georgia State normal college and offered 2 years of higher learning to women. It became coeducational in 1950, the year its name was changed to Valdosta State College. As a regional university, Valdosta State now has an opportunity to do even more to enhance the quality of life for people in our State.

Mr. Speaker, I take this opportunity to congratulate Valdosta State president Hugh C. Bailey and the Valdosta State students, faculty, employees and Alumni; chancellor H. Dean Propst and the Georgia board of regents; Governor Zell Miller and members of the general assembly, and everyone who helped make this day possible.

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## ANTI-SEMITISM IN THE FORMER SOVIET UNION

### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. SWETT. Mr. Speaker, I rise today to address an issue of great concern to me—anti-Semitism in the former Soviet Union. Recent events have clearly indicated that such anti-Jewish activity is on the rise. Although state-sponsored anti-Semitism has decreased with the collapse of the Communist government, there has been a significant growth in popular or street anti-Semitism. This activity seems to be associated with the growing strength of Russian nationalism.

Since anti-Semitism no longer emanates from controlled official government sources, Jews are more concerned than ever. Anti-Semitism is now far less predictable and more volatile. With the serious economic problems, unemployment and financial uncertainty, conditions are favorable for the spontaneous eruption of anti-Semitism.

Mr. Speaker, in order to illustrate the scope of the problem, I would like to list several recent anti-Semitic incidents in the former Soviet Union as cited in the 1993 Governmental Affairs Handbook of the Union of Councils for Soviet Jews:

The Lubavich synagogue in Moscow was fire-bombed.

Thirty monuments in an Odessa Jewish cemetery were desecrated with the slogans "beat Russians and Jews."

At least three Jews were killed in Dushanbe, Tajikistan, including one leader of the Jewish community who was killed after his religious possessions were destroyed and his body was covered by his prayer shawl.

A Jewish boy was arrested in Uzbekistan, beaten by the militia, and told by the militia investigator, "you are a Jew, and if we were allowed, we would kill you all."

Another symptom of this surge of anti-Semitism is the fact that the news media has been filled with anti-Semitic propaganda. According to Mikhail Chlenov, president of the Eurasian Jewish Congress, 60 to 70 newspapers with a total daily circulation of more than a million copies publish anti-Semitic material. Other sources claim that there may be as many as 200 anti-Semitic and ultra-nationalist papers published in Russia alone, and even two such publications appear in Armenia, where the Jewish population numbers only 600.

Each of the republics of the former Soviet Union have committed themselves to the principles of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, which include respect for human rights and fundamental liberties. By committing themselves to observe these principles, the republics agree to abide by The Charter of Paris for a New Europe, which states, "We express our determination to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds."

It is now time for those former Soviet republics to enforce these commitments and to put an end to the anti-Semitism and human rights abuses within their borders. As long as anti-Semitism violations persist, we must continue to raise our voices in protest. I look forward to the day when this will no longer be necessary, but that day has not yet arrived.

Mr. Speaker, as the newly independent states of the former Soviet Union work to achieve democratic reform, political stability and sustainable economic growth, it is crucial that we continue to insist that they also work toward eliminating obstacles to emigration. We also must continue to place pressure on them to resolve the already existing Refusenik cases. Through this work, we will be able to instill hope in the hearts of the oppressed of the former Soviet Union.

We also must urge the republics of the former Soviet Union to adopt policies to fight anti-Semitism. Many countries throughout the world have not only decried anti-Semitism, but they also have taken steps to eliminate it. For example, in the U.S. numerous government officials have spoken out emphatically against anti-Semitism, and currently the U.S. Congress is considering legislation such as the Hate Crimes Sentencing Act in order to address this issue. In Poland, President Lech Walesa established the Presidential Commission on Anti-Semitism. It is time for the republics of the former Soviet Union to take similar action.

Mr. Speaker, while many of us are relieved at the demise of the old communist regime and hopeful about the prospects for democracy, we must never forget those who still suffer from oppression and persecution due to anti-Semitism and racial bigotry.

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## HOUSE APPRECIATES SERVICES OF ANNE WALKER

### HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. ROSE. Mr. Speaker, I want to call to the attention of the Members, and the American people, the outstanding service, of a dedicated House employee, who is soon to retire.

I am referring to Anne Walker. Anne, like so many House employees, has labored behind the scenes, serving the Members, staff, House visitors, and the general public.

Anne Walker is retiring as the general manager of the House restaurant system. She has been in service to the House for over 12 years—her first 10 years began in 1971—and more recently, she has worked for the House since March 1991.

Anne's life has been in service to others. She is from my home State of North Carolina, where she managed the Velvet Cloak in Raleigh. She brought her creativity and private sector experience to the House, where she is credited with having operated the restaurant system, without any appropriated funds, and at no expense to the taxpayer.

Anne Walker is known for her honesty, and for her dedication to the House, to restaurant customers, and to her work force.

In March 1991, the committee determined that House food facilities needed revitalization. On short notice, and at a difficult time, Anne set aside her other activities, and assisted the committee in analyzing the situation. When the decision was made to directly operate House food facilities, Anne stepped in to bring order out of chaos.

Her abilities and hard work have gained her respect from her fellow managers and her co-workers alike. Under her direction, employees were treated with respect and dignity, and on a fair and equal basis.

The House could not have picked a better person to help in the revitalization of the House restaurant system. Anne was dedicated to the success of the revitalization, and represents one of the unsung heroes of this institution, who performed a thankless task, on short notice, and in a time of need.

There are many such individuals, who labor behind the scenes to make the House a more suitable place to work or to visit. I wanted to take a few moments to call her service to your attention, and the attention of the American people, and to thank Anne Walker for her years of dedication to the House.

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## DEA'S 20TH ANNIVERSARY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. TOWNS. Mr. Speaker, I rise today in tribute of the 20th anniversary of the world's finest illegal narcotics control group, the Drug Enforcement Agency [DEA]. By amalgamating the duties of several agencies, the DEA was created in the Department of Justice [DOJ] on July 1, 1973.

DEA has grown from a force of 1,423 special agents in 1973 to over 3,500 agents today. In 1973, DEA special agents arrested over 7,500 drug traffickers, compared to nearly 25,000 in 1992. DEA has been responsible for the convictions of some of the most notorious members of the drug trafficking underworld including Mr. Untouchable Leroy "Nicky" Barnes in 1978 who was the biggest heroin dealer in New York, Griselda Blanco, known as the godmother of cocaine trafficking, and Carlos Lehder, the founder of the Medellin drug cartel.

Expanding their resources to meet today's needs, DEA's State and local task program maximizes Federal, State, and local officers in 101 task forces, which have become a major resource in drug law enforcement across the Nation. In fiscal year 1992, DEA State and local task forces asset seizures totaled over $114 million.

On the 20th anniversary of DEA's existence, I feel that it is only proper that we as lawmakers pay tribute to the great men and women who, on a daily basis, place their lives in jeopardy to enforce the law.

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## THE PROFESSIONAL BOXING CORPORATION ACT OF 1993

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. RICHARDSON. Mr. Speaker, I am introducing today the Professional Boxing Corporation [PBC] Act of 1993. Under this legislation, the Professional Boxing Corporation would be given the power to develop uniform minimum standards and rules for all professional boxing matches held in the United States. I am delighted to be joined in this effort by Senator WILLIAM ROTH, who is introducing the Senate version of the bill today in the Senate.

Efforts to reform professional boxing have been long-overdue. The sport has tried unsuccessfully to regulate itself for years, and it has become abundantly clear to the average sports fan and to the Congress that self-regulation does not work. The Professional Boxing Corporation Act of 1993 will protect the integrity of the sport, and most importantly, protect the health and safety of hundreds of young boxers, most of whom are poor and minority, who never make it to a championship fight.

Part of the problem with professional boxing is the patchwork of regulations and standards that exist in 50 different States. This lack of national uniformity not only penalizes those States that have taken real action to address health and safety concerns but it also places professional boxers at risk in those States that are less vigilant about protecting the welfare of boxers. Absent of Federal legislation, the history of professional boxing shows very clearly that no such unifying, national authority will be created; this legislation will finally establish that much-needed unifying authority over professional boxing.

The Professional Boxing Corporation [PBC] will be completely self-funded and thus will not cost American taxpayers a cent. The PBC will be headed by a strong executive director, and it will also have a seven-member professional boxing advisory board.

Under this legislation, the PBC will be mandated to establish and enforce uniform minimum standards that would cover all aspects of professional boxing matches held in the United States. The PBC does not seek to supplant existing State boxing regulatory bodies. Rather, the PBC will work with the State boxing authorities to ensure that all participants of professional boxing ply by the same rules and that those rules are enforced.

Additional functions of the PBC include: First, the establishment of a central computer professional boxing database to collect, store, retrieve, and disseminate information regarding a professional boxer's medical records, won-loss record, and other relevant information, second, the authority to investigate improper activities in professional boxing, and third, the issuing of licenses and certificates of registration for direct participants in professional boxing such as a boxer, judge, referee, promoter, manager, and sanctioning organization.

Mr. Speaker, I count myself as one of the millions of devoted professional boxing fans. That is why I care so much about the sport and about the hundreds of boxers whose best interests are not being served by professional boxing's structure as it exists today. I would urge my colleagues to support this important bipartisan effort to reform professional boxing. Mr. Speaker. I ask that a section-by-section analysis of the legislation appear in the RECORD at the end of my statement.

PROFESSIONAL BOXING CORPORATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

**SEC. 1. SHORT TITLE.**

The Act may be cited as the Professional Boxing Corporation Act of 1993.

**SEC. 2. FINDINGS.**

This section sets forth findings that highlight the scope of the problems which professional boxing is currently facing and, accordingly, the need to establish the Professional Box Corporation (PBC). These problems can generally be characterized as exploitation of boxers, conflicts of interest, questionable judging, and corruption, including the influence of organized crime. These problems endanger the health, safety and welfare of boxers and undermine the sport's public credibility and are beyond the scope of the current system of State regulation to prevent for the reasons the findings explain.

**SEC. 3. PURPOSE.**

While the purpose of the Act is self-explanatory, it should be emphasized that the PBC, while being a federal entity, is intended to work with the existing State boxing authorities to establish and enforce uniform professional boxing standards and not to supplant existing State agencies.

**SEC. 4. DEFINITIONS.**

The Act is only intended to cover professional boxing and does not include amateur boxing matches. "Promoter" is defined to cover all individuals and entities connected with organizing and conducting a professional boxing match.

**SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION.**

The Professional Boxing Corporation (PBC) is established as a Government corporation. It is to be self-funding and financed out of operating revenues, rather than through tax dollars (except for an initial infusion of start-up capital which will be loaned to the PBC by the Treasury and subsequently repaid—see Section 13).

**SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION.**

The PBC will be headed by a strong Executive Director—a "professional boxing czar"—to be appointed by the President and confirmed by the Senate. Establishing a single chief executive is intended to minimize bureaucracy and maximize accountability.

**SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD.**

This section establishes a seven-member Professional Boxing Advisory Board, appointed by the Executive Director, to consult with and make recommendations to the PBC. Board membership must include three acting State boxing administrators, a neurosurgeon and a representative of the U.S. Amateur Boxing Association (since many amateurs go on to become professional boxers). Members of the Board are prohibited from engaging in any professional boxing business during their tenure.

Subsection (e) authorizes the Board, by unanimous vote, to stay any action of the Executive Director for a period of 30 days by adopting a resolution of disapproval. At the conclusion of the 30-day period, the Executive Director may take or resume such action but must report to the Board regarding the reasons for the final determination.

Board members would be paid on a per diem basis. Staffing and support services would be provided by the PBC.

**SEC. 8. FUNCTIONS OF THE CORPORATION.**

The PBC is empowered to establish and enforce uniform minimum standards governing all professional boxing matches held in the U.S. The PBC may do so by working through the State boxing authorities to issue licenses and certificates of registration for all participants in all professional boxing matches held in the U.S., ensuring that these individuals comply with the PBC's standards. The licensing requirement would be renewable annually and would apply to direct participants including boxers, judges and referees. All other participants, e.g., promoters, matchmakers, sanctioning organizations, managers, et al., would be issued certificates of registration, renewable every three years. The PBC has authority to impose license and registration fees.

Another significant function of the PBC would be the establishment of a central computer professional boxing database to collect, store, retrieve and disseminate information including a list of professional boxers and their medical records and won-loss records and relevant information on other individuals involved in professional boxing including referees, judges, promoters and managers.

Subsection (d) of this section sets forth additional functions of the PBC. These include:

Prescribing regulations to establish minimum standards for professional boxing matches in the U.S. regarding health and safety (including physical and mental examinations; the presence of qualified medical personnel at ringside; and standards for boxing equipment);

assisting State boxing authorities to ensure State compliance with PBC standards;

prescribing regulations prohibiting conflicts of interest and establishing uniform standards for boxing contracts, including requiring contracts be filed with the PBC or with a State boxing authority for review prior to a bout; and

reviewing the role of and prescribing regulations regarding sanctioning organizations in professional boxing.

Subsection (e) requires the PBC to consult with State boxing authorities prior to prescribing any regulations or establishing any standard under this section.

Subsections (f) and (g) would provide the PBC with the authority to withdraw the licenses and registrations of individuals who fail to comply with Corporation's regulations, as well as to prohibit any boxing matches which are in violation of the PBC's regulations (while affording appropriate due process protection). This would include any individual or any boxing match where there is a reasonable belief that bribery, collusion, racketeering, extortion or other unlawful activity is involved.

Subsection (h) provides the PBC with the authority to conduct investigations it deems necessary to ensure that its regulations are being enforced, including the authority to subpoena witnesses and documents and to obtain injunctive relief.

Subsection (i) grants the PBC the authority to intervene as a matter of right in any civil action filed in a United States district court on behalf of the public interest in any case relating to professional boxing. This subsection also authorizes the Corporation to file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

**SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING PLAN TO CORPORATION.**

This section provides that, beginning 18 months following the enactment of this legislation, a State regulating professional boxing shall submit to the PBC for its approval a State boxing plan that conforms with the requirements established in subsection (b). These requirements include: establishing a State agency to regulate professional boxing in compliance with the PBC's minimum standards; and establishing registration procedures that are consistent with the provisions of section 8.

Subsection (c) requires the PBC to determine within 60 days whether such a plan is approved.

Subsection (d) authorizes the PBC to withdraw its approval of any State boxing plan that no longer meets the requirements of subsection (b).

Subsection (e) prohibits professional boxing matches, beginning three years following the enactment date of this legislation, in any State which does not have in effect a PBC-approved State boxing plan or in which the State is not complying with the PBC's minimum standards or in which the PBC has withdrawn its approval of a State boxing plan.

**SEC. 10. POWERS OF THE CORPORATION.**

This section provides the PBC with the general authority to carry out the functions of the Corporation, including the contracting of outside personnel to conduct certain functions such as medical or scientific research.

The PBC is not intended to micromanage professional boxing. Therefore, subsection (b) of this section specifically prohibits the Corporation from promoting boxing matches or from ranking professional boxers. This subsection also prohibits the PBC from providing assistance to States which do not comply with the minimum standards established by the Corporation.

Subsection (c) gives the PBC exclusive rights to its name, acronym and any other emblem or trademark of the Corporation.

**SEC. 11. NONINTERFERENCE WITH STATE BOXING AUTHORITIES.**

This section makes clear that States are free to continue to regulate professional boxing to the extent those regulations are not inconsistent with the provisions of this Act.

Standards established by the PBC are to be minimum standards for professional boxing. The states are free to promulgate regulations which exceed the PBC's standards.

**SEC. 12. ASSISTANCE FROM OTHER AGENCIES.**

This section would generally permit the PBC to seek and obtain the assistance of other Federal agencies in the course of conducting its operations.

**SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST FUND.**

This section would establish a PBC Trust Fund at the Department of the Treasury and is based on the language used to establish many similar trust funds for Federal entities currently in operation. Subsection (d) authorizes the PBC to borrow from the Treasury the necessary start-up capital as "repayable advances", to be repaid with interest. After five years (from the effective date of the Act), no additional advances would be permitted and all previous advances must be repaid. All PBC revenue would be deposited in this Trust Fund, which would be managed by the Treasury and the Secretary would report annually to Congress on the condition and operations of the Trust Fund.

**SEC. 14. AUDIT AND REPORT.**

The Act would require the PBC to submit an annual report to Congress describing the State boxing authorities in each state and the results of an annual required audit conducted by the Comptroller General.

Subsection (c) requires the PBC to issue an annual public report addressing progress made at the Federal and State levels in the reform of professional boxing and commenting on issues of continuing concern to the Corporation.

**SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE.**

This provision would permit a majority of the State boxing authorities from all States to submit a petition, with supporting evidence, to the Senate Government Affairs and House Government Operations Committees, respectively, showing that the PBC is unnecessary because the State boxing authorities have established an organization capable of effectively carrying out the purposes of this Act, and therefore requesting Congress to either delay the effective date of our repeal this Act. This provision is intended to allow the opportunity for the creation of a non-federal entity to address the problems which would otherwise be addressed by this Act. The establishment of such an entity would be long overdue; professional boxing's inability to regulate itself is the genesis for this Act.

**SEC. 16. INFORMAL RULEMAKING.**

This section provides that, to the extent possible, the PBC will conduct all rulemaking pursuant to the informal rulemaking procedures of the Administrative Procedures Act.

**SEC. 17. TERMINATION OF CORPORATION.**

This is a "sunset" provision under which the PBC will terminate seven years following the date of enactment unless Congress determines a continuing need exists and extends the PBS's authorization.

**SEC. 18. EFFECTIVE DATE.**

The effective date shall be one year after the date of the enactment.

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## BEGA-LITTLETON SISTERS CITIES

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. SCHAEFER. Mr. Speaker, sister-city relationships are important ways of increasing people-to-people contacts between the United States and other countries. I am happy to note that the cities of Bega, New South Wales, in Australia and Littleton, CO, have had a sister-city relationship since 1961. In commemoration of the upcoming visit to Littleton by a delegation from Bega, I would like to insert a brief history of this remarkably longlasting and vibrant relationship into the record. I wish this exchange many more productive and rewarding visits in the decades to come.

THE BEGA-LITTLETON SISTER CITY EXCHANGE, INC.—A BRIEF HISTORY

In 1951, the U.S. State Department and U.S. Information Agency ordered the making of the motion picture "Small Town Editor," which they wished to use in foreign lands where a rural press was needed to supplement the usually government-controlled news. This film of Littleton, Colorado, featured Houstoun Waring, editor of The Littleton Independent, who had achieved national recognition for his editorials on foreign affairs.

W.B. (Curly) Annabel of the Bega District News in New South Wales, Australia, saw this film which dealt with the people, goals and production of The Littleton Independent. Entranced with the similarity of Bega and his newspaper, with Littleton and its newspaper, Annabel not only began a correspondence, but visited the Warings for a week.

When President Eisenhower urged sister-city relationships, Annabel and Waring decided in 1960 to form a bond between the two cities. This led to an invitation from Annabel for the Warings to attend Bega week in February, 1961. While there, they consummated the association and Bega, 9,000 miles away, became the first Australian town with a sister city in America.

In August, 1961, Annabel brought four young people to Littleton for Western Welcome Week. The early exchanges featured young people in our 4-H clubs and their Bega counterparts in addition to the adults.

Therefore, the custom was established for Littleton to send a delegation every five years, timed with ANZAC Day honoring service veterans of Australia and New Zealand, and for Bega to return the visit two and a half years later during our Western Welcome Week festivities. The delegates are hosted by member families and get a taste of home life in addition to tours of the immediate area. In 1983, the Bega delegation was present at the dedication of the bronze plaque with profiles of Curly and Houstoun in Bega Park, downtown Littleton, between Main and Alamo Streets just west of the railroad. The 1986 Littleton delegation presented an identical plaque to the people of Bega for Littleton Park in front of their civic buildings. The handsome bronze plaque hanging in Council Chambers is a gift from Bega honoring the U.S. Bicentennial.

This high point of each visit is a civic dinner attended by the delegates, government dignitaries representing both countries, members of various civic organizations, clergy and previous visitors. Over the thirty-year span, many have returned unofficially to visit the friends made on previous trips. News received from either city get around rapidly. An extended family has grown from the efforts of these two influential founders of the Bega-Littleton Sister-City Exchange.

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# THE REORGANIZATION OF THE FEDERAL ADMINISTRATIVE JUDICIARY ACT

## HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GLICKMAN. Mr. Speaker, today I introduced a bill along with my colleagues GEORGE W. GEKAS and PAUL E. KANJORSKI of Pennsylvania, to reorganize Federal administrative law judges. A similar bill, S. 486, was introduced in the Senate by Senator HEFLIN of Alabama, along with Senators SPECTER of Pennsylvania, and DECONCINI of Arizona.

In previous Congresses, Senator HEFLIN and I have introduced bills which would create an independent corps of Federal administrative law judges [ALJ's]. In the 102d Congress these bills were reported out of committee, but for one reason or another, were never considered by either body. This Congress, the bills we have introduced are similar to last year's bills, but also reflect a careful redefining of the concept of an administrative law judge corps. This year, the bills are focused on how not only to maintain ALJ independence, but how to perform the adjudicatory mission of the Federal administrative judiciary with efficiency, productivity and reduction of administrative functions.

This bill will provide economies of scale and better public service, by organizing ALJ's in a unified corps rather than the inefficient dispersal of ALJ's in all the Federal agencies that require ALJ hearings.

Under this bill, judges in the corps would be grouped in eight divisions according to their expertise: Division of communications, public utilities, and transportation regulation; division of safety and environmental regulation; division of labor; division of labor relations; division of health and benefits programs; division of securities, commodities, and trade regulation; division of general programs; and division of financial services institutions. Under the bill, judges in the corps would be assigned by the corps to hear cases at the request of an agency. The corps may assign judges to cases outside of their division as demand requires.

One advantage to this reorganization is that agencies with little adjudicatory work or uneven work demands would no longer need to maintain a full time staff for occasional use, and judges would be available to help overburdened agencies. Also, the corps would have judges throughout the country, thus saving travel costs for hearings. Another cost savings benefit of the corps would be the elimination of duplicative offices of hearings and appeals found in some 31 Federal agencies. Reorganizing and consolidating all Federal administrative adjudicating functions, with a single management, will better serve the public and will reduce Government costs in the elimination of duplicative activities in every agency.

Unlike previous bills in this area, this year only the administration of the ALJ Corps, the one chief judge and eight division chief judges, will be located in Washington, DC. The dispersal of ALJ's across the Nation as it presently exists and the continuation of Corps ALJ's in their present office locations for at least 1 year will promote cost savings in travel and keep the reorganization at a minimum level of disruption.

Our discussions with constituents, with ALJ's, and the General Accounting Office [GAO] have led us to refine the corps concept to the functional reorganization of ALJ's in order to streamline Government rather than to create a new administrative bureaucracy. Instead of the cumbersome system we currently operate under, with this reorganization we envision an administrative judiciary empowered by new technology which will allow the judiciary as a whole to be more responsive to public and agency demands. The chief judge will be responsible for developing practices and programs that use information technology for automated decision preparation, case docketing and research. The chief judge will have the opportunity to establish innovative programs designed to achieve even further efficiency and productivity, such as the electronic Federal courthouses where claimant and ALJ's will conduct video hearings in full view of each other, again avoiding costly travel-time and expenses. The chief judge will be charged with developing these procedures and reporting to the Congress prior to operation.

Enactment of this bill is the next logical step in the progression of an independent administrative law judiciary. The current system of Federal administrative adjudications has not changed much since the adoption of the Administrative Procedures Act in the 1950's. ALJ's are housed and managed by the agencies that make the decisions for which the ALJ's are to give independent review and decisions. That means ALJ's have the task of keeping an uneasy distance from the agency policymakers. Predictably, this situation has caused some skepticism about the independence of ALJ decisions, despite the integrity of the system in most agencies. There have been situations in the past where an agency attempted to influence and dictate ALJ decisions by the removal or downgrading of chief and regional ALJ's, and the retraining of ALJ's, all who refused to apply agency policy rather than the law in their case decisions.

I do not believe that support for the creation of an ALJ corps must depend on finding the behavior of agencies toward ALJ's as inappropriate or coercive in some manner. In the affirmative, reasons to support the corps rest in the public perception of possible agency control. Too often we hear of the lack of confidence of an individual who is accused by a Federal agency of serious wrongdoing and is not reassured by the fact that the ALJ hearing the case is an employee of the agency. The realities of the situation indicate that the key to public satisfaction and confidence in the administrative law setting is the independence of the ALJ. The creation of an independent corps not housed in the agency will gain the respect and confidence of the public in the operation of the administrative law system. It is for this reason that we should support this improvement of the adjudication process in administrative agencies.

These circumstances have been well documented by the American Bar Association, which also supports the enactment of the bill. Therefore, this next step in the development of the administrative law system is well overdue. Under the bill, ALJ's will manage ALJ's, and for the first time there can be no question of inappropriate action by the agency. This system will allow for more control of case dockets and productivity as ALJ's set standards for themselves and deliver services responsive to demand rather than form. The bill provides for a claimant complaint review procedure, which does not exist under current law. Agencies attempting to provide such a complaint forum would threaten ALJ independent decisionmaking, but the corps could provide the peer review and counseling needed in some cases without jeopardy to the process or charges of trying to influence the ALJ's.

Let me assure my colleagues that the corps will in no way remove the authority of agency secretaries from making the final decision for the agency where appropriate. The new corps will simply be removed from agency coercion in the management of daily operations of Federal administrative adjudications. Also, this bill is not intended to promote any person who is not now an ALJ into that position. This bill merely consolidates and reorganizes the existing pool of ALJ's.

We need to restructure the administrative judiciary because as said in Reinventing Government by Osborne and Gaebler, "to continue on the present course may often be the most risky one. It may only serve to perpetuate irrelevancy." We must not continue the inefficient system and the conflict between agency and ALJ's, which stands in the way of independence and technological progress and the elimination of waste and duplicative systems in every agency.

## TRIBUTE TO DR. WILLIAM SCHREINER

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. PORTER. Mr. Speaker, I would like to take this opportunity to honor Dr. William H. Schreiner, who retired on June 30, 1993, after a distinguished 26-year tenure as principal of Glenbrook South High School.

Today, as we hear reports of declining test scores and increasing school dropout rates, it is even more gratifying to recognize Dr. Schreiner. He has been a consistently bright light in education and has led his school and its students to outstanding levels of achievement.

Instead of believing that more mandates and tighter control from the top would make for a better learning environment, Dr. Schreiner took a refreshing academic approach. He had the ability and foresight to surround himself with outstanding faculty and an enlightened philosophy: infuse teachers with an "espirit de corps" and then get out of their way and let them teach. This approach resulted in students being more committed to learning and thus more serious about their studies. By giving teachers freedom within the classroom, Dr. Schreiner has allowed students to receive creative teaching and a variety of unique programs. As a result, test scores have increased every year of his 26-year tenure. A visiting educator once remarked that Dr. Schreiner has molded Glenbrook South into a "truly happy place for students to study, teachers to teach, and administrators to administer."

Bill Schreiner also had the vision to see beyond academics. As parents have become more occupied with their jobs, he realized that the school must be more involved in the students' lives. His humor, upbeat nature, and dedication to the school has promoted an infectious ethic of student participation in school activities. An incredible 75 percent of the student body is involved in extracurricular activities.

Fortunately, Dr. Schreiner's leadership and accomplishments did not go unnoticed. In 1984, Glenbrook South High School was among the first group of select American high schools to be honored by the U.S. Department of Education for Excellence in Education. Later that year, Dr. Schreiner was honored with the Illinois Principal of the Year award by the National Association of Secondary School Principals.

Bill Schreiner was a role model not only within Glenbrook South High School, but throughout the Glenview community. With participation in numerous community activities, Bill devoted countless hours of service to local organizations and civic activities. For his energy and passion for the community, Glenview bestowed upon Dr. Schreiner its "Citizen of the Year" award.

These are only the highlights, Mr. Speaker, of Bill Schreiner's exemplary record as an educator and community leader. He has distinguished himself as someone of remarkable talents who cared about his school, his students, and his community. His contributions to our area will not be forgotten. He came to the Glenview community nearly a quarter of a century ago and has left it a much better place as a result of his efforts.

It is my pleasure to join the people of our area in saluting Bill for his outstanding career and in wishing him great happiness in all the years ahead.

## LEE BROWN BECOMES THE DRUG CZAR

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GILMAN. Mr. Speaker, this morning I had the opportunity to join in the swearing in of Dr. Lee Brown as the new Director of the Office of National Drug Control Strategy. I was particularly pleased that in their remarks, both President Clinton and Dr. Brown spoke out forcefully on the crucial issue of illegal drugs.

Earlier this year, I expressed my deep concern over the lack of attention within the Clinton administration to the drug problem. With the downgrading of the International Narcotics Matters Department within the State Department, and the gutting of the Office of National Drug Control Strategy, many Members on both sides of the aisle were justifiably concerned.

However, the Clinton Administration, as a new administration will often do, indicated its desire to take a broad look at our drug policy and review all of our Nation's policies. However, it is now July and we have just sworn in the drug czar, additionally, the Congress still has not received the national drug control strategy, as required by the Anti-Drug Abuse Act of 1988.

It is important that we in the Congress continue to place a high priority on anti-drug efforts. I would also like to extend my willingness to work closely with the administration on this issue, as it is one that transcends political boundaries.

Mr. Speaker, in order to provide my colleagues with the full text of President Clinton's and Dr. Lee Brown's remarks I request that they be inserted at this point in the CONGRESSIONAL RECORD.

[For Immediate Release, July 1, 1993]

REMARKS BY THE PRESIDENT AND LEE BROWN, DIRECTOR OF OFFICE OF NATIONAL DRUG CONTROL POLICY DURING SWEARING-IN CEREMONY IN THE ROSE GARDEN

The PRESIDENT. Thank you very much. Thank you. Please be seated and welcome to the Rose Garden. I want to acknowledge the presence in our audience of Lee Brown's children; the Attorney General; the Secretary of Transportation; the Secretary of Agriculture; General Powell, the Chairman of the Joint Chiefs of Staff; numerous other distinguished Americans and members of Congress, including: Senator Hatch, Senator Dodd, Senator Cohen, Senator Pressler, and Congressmen Rangel, Conyers, Gilman, and Congresswoman Waters. I may have left someone out, and Senator Kennedy just called to say he was on the way. I think that's all a great tribute to Lee Brown.

We are here today to install a uniquely qualified person to lead our nation's effort in the fight against illegal drugs and what they do to our children, to our streets, and to our communities. And to do it for the first time from a position sitting in the President's Cabinet.

When I named Lee Brown to head the Office of National Drug Control Policy, many called that an inspired choice. I would say that is an accurate characterization because Lee Brown brings three decades of experience in highest law enforcement offices in some of the toughest cities in our country: New York, and Houston, and Atlanta. I know if Mayor Dinkins were here today he would want me to say a special word of thanks for the unique partnership they enjoyed in a safe streets program which clearly lowered the crime rate in many neighborhoods and many categories of crime in New York City.

Lee Brown's leadership in the cause of keeping our communities and citizens safe is unsurpassed, and now he must bring those skills and all that experience to deal with the destructive lure of illegal drugs.

We know that successful drug control does not take place in a vacuum. This is a many-headed monster. Drugs violate our borders when smugglers bring them in as illegal cargo. Our jails are crowded and our court system is overloaded with users and dealers. Crime and violence are brought to communities large and small, and random drive-by shootings, and deliberate killings as well.

Too many young Americans are robbed of their future and many, many of their very lives. For all those reasons, fighting drugs requires a multifaceted offensive and the maximum use of the resources we have as a people. That's what we've been trying to do in this administration. With all the budget cuts and with a five-year hard freeze on overall domestic spending, there's a 10 percent increase in the funds in our budget for demand reduction, and a dramatic increase in the funds available for community policing, as well as a clear commitment to include drug treatment in the national health care program that our administration will be advancing in the near future.

But, most important, we now will have an effort that is coordinated as one, pulled together and anchored by Lee Brown. No longer will the Office of the Director of Drug Policy operate separately from the rest of the government, consigned just to being a bully pulpit. Now it will work hand-in-hand with the other Cabinet agencies, and in doing so, our effectiveness will be increased. Our aim is to cut off the demand for drugs at the knees through prevention. That means more and better education, more treatment, more rehabilitation.

At the same time, we want to strangle supplies by putting more officers on the streets, by enforcing the law in our communities, at our Nation's borders and by helping our friends and allies to do the same thing beyond our borders. We pledge to work with other nations who have shown the courage and the political will to take on their own drug traffickers who destabilize their own societies and their economies.

Our commitment to all these things is personified in Lee Brown. A tough guy might say he's a drug trafficker's nightmare, a cop with a doctorate. (Laughter.) Or, a doctor of criminology with a badge. (Laughter.) But the most important thing to me is, he's got a track record of results. How many law enforcement officers in this country—(applause)—would be proud to look on the record he has amassed of actually reducing the rate of crime in the streets where he has worked.

You know, the insecurity most Americans feel, without regard to income or race, is a truly appalling thing. And anything we can do, not only to give lives back to children who might otherwise become involved in drugs, but to give the streets and the safety of the streets back to ordinary American families of all kinds is a service well done; and it might mean more to them than anything else this government could produce during my tenure in office and for the foreseeable future.

The work that Lee Brown did in pioneering community policing in Houston and New York is now legendary, with officers on foot patrol knowing their neighbors, working to prevent crime as well as to catch criminals.

This is a fight that surely can unite us all, across the boundaries of party and race and region and income. We are fighting for our families, our children, our communities and our future. Each and every American—make no mistake about it—also bears a personal responsibility to play a role in this battle. Anyone who thinks that Lee Brown or anyone else can solve this problem for the American people instead of with the American people has another think coming.

There are people in this audience today whom I know have worked for decades to try to help come to grips with this issue. Parents educating their children, teachers working hard to prevent crime, law enforcement officers going into the schools, working in programs like the DARE program, people who have worked in drug treatment and know, as I do, from our own family's experience, that it works. All these things are an important part of what we have to do. Make no mistake about it—we've got to try to get the streets back for our kids, too. We ought to have a time in this country when children don't have to be afraid to go down to the neighborhood swimming pool in the summertime. (Applause.)

I am thankful that Lee Brown has taken on this challenge. He's made the decision to do so at a time in this life when he might have reasonably been expected, for personal and professional reasons, to take a different course. He could clearly be making more money doing something else, he could have far fewer headaches doing something else. He would not have all of us investing so much of our hopes in him if he were doing something else. The simple fact that at this point in his life he resolved to do this says a great deal about him and his character.

I would like now to ask Judge James Watson of the U.S. Court of International Trade to join his friend, Dr. Brown, up here to administer the Oath of Office, and I would like to invite—James Watson, I'm sorry—and I'd like to invite Dr. Brown's eldest daughter, Torri Clark, up here to hold the Bible for her father.

Judge Watson. I understand he's a relative of yours, General Powell. Is that right? That's good.

Please come up here so you'll be on the microphone.

(The oath is administered.) (Applause.)

DIRECTOR BROWN. Thank you. First, let me introduce my children. My oldest son, my only son, is Patrick from Chicago. (Applause.) and my oldest daughter, Torri you just met, and her husband Tony, and their daughter, my granddaughter, Tyler. (Applause.) And my twin daughters from Houston, Robyn and Jenna. (Applause.)

We're very pleased that my Congressman from Texas, Congressman Washington, was able to join us as well. (Applause.) Let me begin, Mr. President, by expressing my sincere appreciation to you for appointing me to your Cabinet as Director of the Office of National Drug Control Policy. By elevating the post to Cabinet rank, you have signaled to the nation and the world your resolve to protect and defend the American people at home as unmistakenly as your resolve to do so abroad.

And so it should be. For America's addiction to drugs, claiming so many of its victims from among our young, even among our newborns, has shown itself to be an implacable, remorseless enemy. It has vanquished whole neighborhoods and turned streets into free-fire zones. It has robbed America of its vitality and competitiveness and it is plundering our future.

Implacable though the enemy may be, it has a tenacious foe in this administration. And I pledge to you, Mr. President, and the American people to work every ounce of strength I have and with all the time that God allows me to help defeat the enemy. (Applause.)

I also want to thank the Senate of the United States for its vote of confidence in me. Before and since my confirmation I had the great privilege of meeting many of the men and women of that august body, including those assembled here today. And I came away convinced that their concern about the drug problem was surpassed only by their love of country, and the two are irrevocably bound together.

I pledge to work with the Congress and the other members of the Cabinet toward the construction of effective, lasting public policy in the areas of prevention, education, treatment, enforcement, and interdiction. The national drug control strategy I would develop for the President and the American people would put resources where the problems are the most severe. It would support those approaches of demonstrated effectiveness, such as community policing. We will underscore the fact that drug addiction is as much a public health problem as it is a criminal justice one by expanding the availability of treatment and enhancing the quality of same. (Applause.)

We will redouble our efforts to instill in America's youth a set of values to, in effect, immunize them against the allure of drug trafficking and the escape of drug addiction. We will convince the American people that their sobriety and that of their children is as much a part of the American Dream as homeownership or college education. And that home and family are easily lost if ever obtained at all when set adrift in the nightmare of drug addiction.

Although the drug problems appears to have lost some of its hold on the public's imagination, we will ask the American people to make the campaign against drugs a personal crusade. And I'm convinced we will succeed. We will examine past interdiction efforts, abandoning those which have not worked, learning from our failures and moving on.

We will work closely with our friends in the world, particularly our Latin American neighbors, to mobilize international opposition to drug trafficking and its criminal gains. We will do this and more. But one thing we will never do is surrender to those who would have us believe that the drug problem is too widespread, too deeply rooted or too expensive to do anything about. We will resist the siren songs of legalization—(applause)—and send those who deal in drugs a time-honored message of sending them to jail.

We will always treat drug trafficking as a serious crime against society. And we will treat those who want to escape the clutches of addiction with compassion and real support. Our goal will be to reduce drug use in America, not because it is an easily attainable goal, but because the well-being of the nation requires it and the good conscience of every American demands it.

And, finally, I want to thank my family, friends and colleagues who have joined me here today. You have been, and continue to be, a source of strength; and I'll need it now more than ever.

Mr. President, you've honored me with both your trust and with the enormity of the task at hand. And I have no illusions about the difficulties ahead, but I embrace them eagerly and competently, certain that America will rally with us to defend her future. Thank you, Mr. President. (Applause.)

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## ESTABLISHMENT OF A WETLANDS POLICY CENTER

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. ORTIZ. Mr. Speaker, I am introducing legislation today to establish a wetlands policy center in Brownsville, TX.

The purpose of this legislation is to develop an innovative, cooperative approach to the preservation, restoration, and study of wetlands. In a move of great generosity and community spirit, the Port of Brownsville has agreed to make available over 7,000 acres of wetlands property for wetlands research, education, and policy program activities. This wetlands center is designed to attract scholars, experts, environmental interests, Federal agencies, businessmen, and economists to enhance our understanding and preservation of wetlands.

The primary mission of this center will be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of south Texas to focus on wetlands matters for the purposes of protecting, restoring, and maintaining the lagoon ecosystems of the western Gulf of Mexico region. However, it is envisioned that the center will ultimately become a truly international program for wetlands research involving interests from the world over. Furthermore, it is envisioned that this center will become a prototype for the development of graduate degree and career opportunities in the environmental sciences for Hispanics and other minorities in the United States.

The center will be operated and maintained by the Port of Brownsville and a consortium of institutions of higher education, chaired by the University of Texas at Brownsville, a minority institution with expertise in the area of the environment and environmental technology. The center will be overseen by a board of directors cochaired by the Port of Brownsville, the University of Texas at Brownsville, and a designee of the Director of the U.S. Fish and Wildlife Service. Members of the board will be chosen by the cochairs, and, as envisioned, will include representatives from all institutions of higher learning participating in the consortium and representatives of interested Federal agencies.

This wetlands center will be a unique regional and national asset. It may be the only center in the world where researchers, scientists, and students will be permitted to conduct actual, applied research techniques on actual wetlands property contiguous to a heavy industrial enterprise. This will provide a unique opportunity for the country to focus on new technologies and approaches on the issue of wetlands and our national effort to both understand and protect them. Furthermore, this center will help provide educational avenues for minority students to pursue careers in environmental protection, science and engineering. By supporting wetlands research, we not only preserve sensitive ecological habitats, but we encourage academic learning in this important area of study.

Mr. Speaker, in September 1992, just prior to adjournment, the full House of Representatives passed and sent to the Senate, H.R. 5874, the Brownsville Wetlands Policy Act of 1992—a bill that called for the establishment of the center just described in my testimony today. The bill was unanimously supported by the House Merchant Marine and Fisheries Committee and had the full support of the Secretary of the Interior, Manuel Lujan. Unfortunately, the 102d Congress adjourned without approval of the bill by the U.S. Senate, due to time constraints.

The bill I am introducing today is virtually the same as H.R. 5874. I have included one additional section in the bill outlining the commitments that the port and the university have made in terms of land, educational facilities, personnel, and other costs. This section makes explicit the strength of their commitment to this center and to the purposes it will serve. I am confident that the bill will once again earn the support of the Merchant Marine and Fisheries Committee on which I serve; the full House of Representatives; and hopefully, the U.S. Senate. I have also received every indication that the new administration, including the U.S. Fish and Wildlife Service, will support this legislation.

Mr. Chairman, I urge you and the Members of the House to support this initiative. To my knowledge, there is no comparable proposal anywhere in the world, where a private, heavily industrial, port facility, has turned over nearly 13 percent of its property for the study of the environment; fragile ecosystems; and how an ongoing, industrial enterprise can coexist in a wetlands area. This center will provide a unique opportunity to focus on new technologies and environmentally compatible economic policy. It will also serve to provide educational avenues for Hispanic students to pursue careers in environmental protection, science and engineering.

Last, I want to recognize the Port of Brownsville for their generosity and foresight in recognizing the value of this property and for utilizing this land in such a unique way.

Thank you, Mr. Speaker.

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## CAMP COUNSELOR FICA CLARIFICATION ACT

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to extend the existing youth-oriented FICA exemptions to the temporary employment of full-time students as children's camp counselors.

Under current law, numerous types of youth-oriented jobs enjoy the benefit of exemption from FICA taxes. Most of these students work as nurses, newspaper deliverers, domestic servants, or as support staff at their college or university. With respect to summer youth camps in particular, exception from FICA taxes would provide the industry with improved community youth services, enhanced child develoment programs, and a greater pool of applicants from which to pick counselors. As one of the few remaining places which afford children with an enriched learning experience, children's camps must have access to resources which will ensure that camp counselors, who have more interpersonal contact with children than any other youth group in the United States, are the most qualified and the most suitable. I would urge my colleagues to support this bill.

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## FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT

### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. DEFAZIO. Mr. Speaker, today I'm introducing the Federal Facilities Clean Water Compliance Act.

In December 1991, following a 3-year, billion-dollar start-up effort, the Department of Energy's [DOE] K reactor at the Savannah River site in South Carolina discharged thousands of curies of contaminated cooling water into the Savannah River. As a result, a number of drinking waterplants, food processors and oyster beds on the river had to be shut down until the tritium concentrations diminished.

It was not the first time radioactive pollutants had been dumped into the river. DOE records indicate that more than 3.5 million curies of tritium had been released from the site since 1984.

At the Hanford Nuclear Reservation in the Pacific Northwest, more than 200-billion gallons of liquid wastes have been discharged into unlined ponds and trenches, contaminating over 122 square miles of ground water with radioactive and chemical wastes. At the 800-square-mile Idaho National Engineering Laboratory located directly above the Snake River plain aquifer, the DOE has identified a 40-square-mile plume of radioactive contamination in the ground water with high doses of tritium, plutonium-238, and strontium-90.

In Texas, the DOE has admitted to discharging waste from its Pantex plant into nearby Playa Lakes. In Ohio, the DOE has dumped over a half million pounds of uranium into the air and water from its Fernald plant, located 20 miles northwest of Cincinnati. Drinking wells south of the Fernald plant are contaminated with radioactivity at levels as much as 250 times higher than limits set by the Environmental Protection Agency [EPA].

One startling fact highlighted by all of these tragic spills is that radioactive discharges from federal facilities are not regulated under the Clean Water Act [CWA]. Neither the EPA nor individual states can set or enforce discharge limits for Federal facilities that dump nuclear waste into our streams and rivers.

Although the CWA defines a pollutant as radioactive material and requires DOE and other Federal agencies to comply with the CWA in the same manner and to the same extent as private individuals, the language does not have much backbone. A 1976 Supreme Court decision—Train versus Colorado PIRG—ruled that the CWA's definition of pollutant does not clearly indicate whether Congress intended the CWA to apply to radioactive materials regulated under the Atomic Energy Act—namely source, special nuclear, and byproduct materials. These are the chief waste discharges found in tritium and released from DOE and Department of Defense facilities.

In addition, States are virtually helpless to do anything about the dumping, since States cannot assess civil penalties against the Federal Government under the doctrine of sovereign immunity.

Under the CWA, States may assess penalties against individuals up to $25,000 per day per violation. However, another Supreme Court decision—State of Ohio versus DOE—ruled that the DOE and other Federal agencies are immune from civil penalties under the CWA and the Resource Conservation and Recovery Act [RCRA].

This infamous decision ultimately led Congress to pass the Federal Facilities Compliance Act for RCRA in 1992. The exemption for the CWA still remains.

And finally, the EPA cannot issue administrative orders or assess penalties against other agencies for violating the CWA. The EPA may currently assess penalties up to $10,000 per day against individuals. But it can only issue administrative orders against Federal facilities on a consent basis. The EPA cannot assess unwanted penalties against a Federal agency. This essentially limits the EPA's primary enforcement mechanism to voluntary compliance agreements.

Congress needs to fill this regulatory void by providing independent oversight of Federal facilities that discharge radioactive waste into our waters. That authority already exists for toxics, suspended solids and other nonradioactive pollutants under the CWA. Radioactive material should not be held to a lesser standard.

In addition, we should grant EPA the same regulatory powers it now enjoys under the Clean Air Act. Under this act, the EPA can regulate radioactive air pollutants discharged from Federal facilities. There is no distinction made between pollutants; a poison is still a poison. We should eliminate the paradox under the Clean Water Act.

The legislation I am introducing today will eliminate the exemption under the CWA for radioactive discharges, empower States to assess civil penalties against Federal agencies, and authorize the EPA to issue unilateral administrative orders and assess penalties against other Federal agencies for violations of the CWA. My bill is supported by the Natural Resources Defense Council, Environmental Defense Fund, Friends of the Earth, Greenpeace, Sierra Club, Government Accountability project, Military Toxics project, Physicians for Social Responsibility. Plutonium Challenge, 20/20 Vision National Project, and the Woman Legislators' Lobby.

At a time when the emphasis on America's nuclear weapons complex is shifting from production to cleanup, it is essential that we close these dangerous loopholes. Independent oversight of Federal facility discharges can prevent future accidents from happening and provide a means of cleanup enforcement when they do occur. I urge my colleagues to cosponsor this legislation and join me in this effort.

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## WILLIS CONOVER: THE VOICE OF FREEDOM

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. MICHEL. Mr. Speaker, yesterday in its editorial column, the New York Daily News urged President Clinton to award the Medal of Freedom to Willis Conover. Mr. Conover's broadcasts over the Voice of America have for almost 40 years inspired freedom-loving people throughout the world. I want to take this opportunity to state my support of such an excellent idea. I bring this editorial to the attention of our colleagues in the hope they will join with me in requesting President Clinton to make such an award to a distinguished American.

At this point I wish to include in the RECORD an editorial from the New York Daily News, June 30, 1993, "The Voice of Freedom".

THE VOICE OF FREEDOM

You've probably never heard the world's most famous jazz disc jockey, even though his show reaches 100 million listeners. For 38 years, the Voice of America has beamed Willis Conover's "Music USA" around the globe. "I am not trying to overthrow governments," Conover says. "I am just sending out something wonderfully creative and human. If it makes people living under repressive regimes stand up a little straighter, so be it." It did just that, especially behind the Iron Curtain, where jazz was widely viewed as a symbol of Western democracy. Said one Russian listener, in a letter to Conover: "You are a source of strength when I am overwhelmed by pessimism, my dear idol." Says jazz critic Gene Lees: "I think Willis Conover did more to crumble the Berlin Wall and bring about the collapse of the Soviet Empire than all the cold-war Presidents put together."

On June 14, the House of Representatives passed a resolution praising Willis Conover, a fitting gesture. But he deserves more. In fact, he deserves the Medal of Freedom, not just in his own right but on behalf of the great American art form he has served so selflessly. How about it, President Clinton?

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## 1993 RECIPIENTS OF THE ROBERT C. BYRD HONORS SCHOLARSHIP

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate 13 outstanding scholars in the First Congressional District of New York. These students are all recipients of the distinguished Robert C. Byrd Honors Scholarship, a tribute to their hard work and academic achievements through their high school careers.

The goal of the Robert C. Byrd Honors Scholarship is to promote student excellence and achievement, and to recognize exceptionally gifted students who show promise of continued success. The recipients of this year's awards are: Danielle P. Benaviv, Todd F. Braunstein, Steve H. Cho, Sara N. Goldhaber, David Grannis, and Krishna Jayaram, all from Ward Melville Senior High School; Colin S. Desouza, Andrea E. Deutsch, Michael A. Mischna, Michael J. Shurpik, and Stephen Ward, of Smithtown High School; and Giancarlo Dipierro and Robert Gauthier, of Sachem High School North. All are well-deserving of this distinction. As a result of their academic success, the Byrd Scholarship will award each student $1,500 for the first year of study, which may be used in any approved institution of higher education. The scholarship recipients were the candidates who earned the highest ranking in each congressional district. Each student's ranking was determined by combining their grade point average and highest score on either the American College Testing Program [ACT] Assessment, or the College Board's Scholastic Aptitude Test [SAT].

I am pleased to have such a scholarly group of young men and women in my congressional district. I ask my colleagues to join me in congratulating these individuals on their fine achievement and wishing them continued success in the future.

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## PROTECT WE THE PEOPLE AS WELL AS PREROGATIVES

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. ROHRABACHER. Mr. Speaker, yesterday the Clinton administration announced that they were appealing the decision by Judge Richey which requires an environmental review before NAFTA can be implemented.

I am impressed, Mr. Speaker, that this administration was able to come to this decision within 24 hours of the judge's order, but it's been 28 days since a Federal judge ordered America's doors open to HIV-infected Haitians, with no appeal yet by the Clinton administration. This is the second time since the Haitian court order that the Clinton administration has taken quick appeals. On June 18, I pointed out to the lightning speed at which the administration appealed an order concerning the preservation of White House tapes in order to avoid a contempt citation.

With a tidal wave of illegal immigration and the threat of an incurable, communicable disease, where has the administration stuck its priorities?

The President still has a few days to appeal the order, to bring HIV-aliens to our neighborhoods. The administration should spend as much time protecting we the people as it does protecting its prerogatives.

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## THE DISTANCE LEARNING INFORMATION CLEARINGHOUSE ACT

### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KREIDLER. Mr. Speaker, today I am introducing legislation with my colleagues Congresswoman JOLENE UNSOELD and Congressman JIM MCDERMOTT to establish an information clearinghouse on distance learning projects at the National Telecommunications and Information Administration [NTIA].

Distance learning is the use of communications technologies by schools and others to enhance access to education. For example, the Washington State University branch campus in my area has a number of classes which are transmitted via satellite to various locations, including students' homes. This technology allows students to receive a high level of education without having to commute to the campus.

These programs are a far cry from the correspondence courses of the past that many members may recall. The technologies used today are mostly two-way, real time technologies, which means that the teacher and student can interact while the lesson is being taught.

Because these technologies are so new, distance learning programs often do not have adequate data on the provision of services, such as which technologies are most useful for given situations. As a result, money spent on distance learning programs may not be spent as efficiently and effectively as possible.

My bill would establish the Distance Learning Information Clearinghouse and would require the NTIA to collect, analyze, and disseminate information about distance learning projects throughout the country. The information will help both providers and Government grant administrators to determine which programs are most technologically feasible and cost-effective.

Distance learning grant recipients under the Public Telecommunications Facilities Program and other Commerce Department programs will be required to submit reports to the clearinghouse. The NTIA shall establish what information should be included in the clearinghouse report.

Mr. Speaker, distance learning brings immeasurable benefit to those it reaches and it has the potential to benefit millions more. This clearinghouse will help gather much-needed information and allow providers to share their ideas, progress, problems, and successes. Such information will help others design the best, most cost-effective strategies for other distance learning projects. I am encouraged by this administration's support for such programs, and I urge my colleagues to cosponsor and support this legislation.

## ENGLISH: OUR COMMON BOND

### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. TAYLOR of North Carolina. Mr. Speaker, since its conception, our great Nation has drawn immense strength from the diversity of its citizenry. However, without a common link between the many nationalities represented in this vast "melting pot," the very diversity that creates our unique culture would become one of the most destructive and divisive forces in this country. The key element that enables us to transform these destructive forces into national stability consists of our ability to clearly and effectively communicate. Our founding principles of representative democracy utterly depend upon the people's ability to communicate their views on governing this country through the Members of this great body, and the English language has traditionally been and continues to be the tool giving us this ability.

Evidence of the effects of language barriers exists in every point in history and in every geographic location beginning with the Tower of Babel. Every continent on this earth on countless occasions has gone to war over misunderstandings caused by language barriers. We see the evidence in our own time in the ashes of what used to be Yugoslavia and the Soviet Union and in the violent prejudice emerging in the newly reunited Germany. Even the United States is not exempt from the problems caused by bilingualism. In the urban areas of southern Florida and southern California where bilingualism is espoused, we have the least amount of understanding between the diverse groups that combine to form those communities. We must be united by an official language, and it must be English.

It has come to my attention that tomorrow afternoon in Tucson, AZ, the Immigration and Naturalization Service intends to perform a parody of the citizenship ceremony. It will be conducted entirely in Spanish except for the pledge of allegiance. Countless American citizens have participated in this service to express their love for and loyalty to this country over the past two centuries. It is intended to symbolize the participants' willingness to cast off their old loyalties and to embrace a new country. All we ask of these potential citizens is for them to know the country's history, the country's system of government, and English. If we require them to learn the English language in order to become citizens and then tell them that once they are citizens that the English they just learned is unnecessary, we can be considered hypocrites at best. All too often, hate groups as well as individuals use these language barriers to characterize hard-working Americans as second-class citizens. Ceremonies like the one being held in Arizona promote this horrible misconception by marking the participants as different.

Moreover, I fear that the Immigration and Naturalization Service's new practice of conducting these ceremonies in various languages establishes a dangerous and costly precedent. With several hundred different language groups existing in the United States today, providing each of them with their own ceremony will be quite difficult. How can we, the Members of Congress, justify allocating the funds to train and certify judges in languages such as Russian, Swahili, or Urdu—the language of over 70 million Pakistanis—and then transport these specialists to any point in the country where a group requests a special ceremony? We must confront this policy and halt it. To that end, several of my colleagues and I signed a letter to the Acting Commissioner of the INS expressing our strong opposition to the decision to conduct this citizenship ceremony in Spanish.

These people yearn to be citizens of this great Nation, but American citizenship is a privilege granted to those who earn it and not a right extended to the peoples of the world. It requires a degree of give and take on each side. We must give these potential citizens the moral support and knowledge to be able to fully participate in our democratic government as well as day-to-day life in America. They, on the other hand, must strengthen the American culture with elements of their native cultures while sacrificing others. Neither the new citizens nor the old should be the same afterwards, but both should be enriched and improved. The use of English as an official language is a small sacrifice to make. Despite the charges of the proponents of bilingualism, we are in no way trying to prohibit anyone from speaking or learning a different language. On the contrary, we encourage them to preserve that part of their heritage in their homes and churches.

Finally, Mr. Speaker, with all of the difficulties and challenges facing our country today, we owe it to all present and future citizens to foster an atmosphere in this Nation conducive to peace and harmony achieved through effective communication and thorough understanding of each other's perspectives. This great body, alone, holds the ability to bond the diverse cultures and experiences that merged to create the unique American culture. We can easily achieve this feat by making English the official language of the United States of America—by making English the common bond that transforms our vast diversities into exceptional strengths.

## TRIBUTE TO DARREL AND JEAN FYFFE

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Darrel and Jean Fyffe, of Bowling Green, OH.

On July 11, 1993, the Fyffes are being honored by the King's Way Christian Church, in Bowling Green, OH. Darrel Fyffe has recently retired after teaching for 23 years at Bowling Green State University and during that time, has impacted positively on successive generations of students. In addition, the Fyffes have been deeply involved in the King's Way congregation since its beginning, having taught and worked with youth groups. Darrel has also served as an elder of the church.

All too often these days we are deluged with bad news about our society and it is a genuine pleasure for me to call attention to the positive achievements of Darrel and Jean Fyffe. As King's Way Christian Church honors them for their dedication and commitment, I send my best wishes along with my deep appreciation for their hard work on behalf of others. They have set a splendid example for all of us.

## INTRODUCTION OF WELFARE REFORM LEGISLATION

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. SOLOMON. Mr. Speaker, the American people have made it perfectly clear that they are sick and tired of wasteful Government spending. And what could be more wasteful than paying Federal benefits for a healthy, able-bodied person to do nothing. That's right, I said pay Federal benefits for a person to do nothing.

Currently, our welfare system operates in just that manner. Healthy, capable, able-bodied individuals without any responsibility to anyone but themselves, sit at home and receive checks from Uncle Sam at the taxpayers expense.

While our Government carries the responsibility to provide welfare recipients with a certain level of assistance in times of true need, able-bodied recipients must carry the responsibility to help get their lives back in order by seeking work, education, or job training.

That is why I have introduced H.R. 2557. This bill requires States to implement workfare programs for all able-bodied eligible recipients without dependents or they will lose 50 percent of their AFDC administrative funds. My bill is a starting point for recipients without children. It would give them the self-esteem that comes from earning an income which in turn would help them in their attempt to become self-supporting again.

Welfare was never intended to become a way of life, but it has become that way for far too many people. We need to provide welfare recipients a way to break the cycle of dependency and make their way off welfare rolls. H.R. 2557 gives welfare recipients a place to start and I urge my colleagues to support it.

## INTRODUCTION OF LEGISLATION REGARDING POW/MIA'S

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. CAMP. Mr. Speaker, my record on the issue of American POW/MIA's is clear. I believe that this is an issue of the highest national priority. It is important to achieve the fullest possible accounting of our Nation's missing servicemen.

Today, I introduce legislation to ensure that we achieve full cooperation from the Russian Federation regarding American POW/MIA's. My resolution calls upon the President to cease providing economic assistance to Russia from the Freedom Support Act until all pertinent documents relating to the fates of missing Americans have been provided to the United States Government.

Eastern bloc nations and the former Soviet Union, which were once our enemies, now seek United States aid and assistance. In return for our efforts to assist them with their moves toward democracy and a free-market economy, we should demand their help in accounting for our POW/MIA's.

The evidence of Soviet involvement with American prisoners of war is well documented. Russian President Boris Yeltsin has stated before Congress that the Government of the Soviet Union held or knew of American POW/MIA's during, and possibly after, World War II, the Korean war, and the Vietnam era.

In January 1993, the Senate Select Committee on POW/MIA Affairs concluded that it was possible that some members of the United States Armed Forces remained in enemy hands after the Vietnam conflict had ended. During the 102d Congress, I sponsored a resolution calling upon the President to not normalize relations with Vietnam, at least until the Senate Committee reported its findings. The Committee, while being effective in gaining unprecedented access to American and Vietnamese files and information, still did not provide a final resolution to this issue of national importance.

With the relationship between Vietnam and the Soviet Union being well documented, and with the latest revelations on this issue coming from the former Soviet archives, it is apparent that the next place we must push for access and information is in Moscow, not Hanoi.

Mr. Speaker, the future of relations between the Governments of the Russian Federation and the United States depends on trust and cooperation. This means we must reach a final resolution as to the fates of missing Americans from all of our wars.

I call upon my colleagues to join me as cosponsors of this resolution that calls for assistance from the Russian Government. Only then may we enter a new era of friendship with our former enemy.

## FOR THE PRIVATE RELIEF OF DAVID LAZAR

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. EDWARDS of Texas. Mr. Speaker, today I am introducing legislation for the relief of David Lazar, a commercial fisherman and sport fisherman charter who resides in my District. The legislation I am introducing would authorize the Secretary of Transportation to issue a certificate of documentation enabling Mr. Lazar to use his vessel *Compass Rose* in coastwise trade and fisheries.

After the theft of Mr. Lazar's vessel *It's Only A Loan,* he purchased *Compass Rose,* a 46-foot Bertram sport fishing boat. Mr. Lazar was not able to utilize this vessel for, unbeknownst to him, the vessel, while built in the United States, was originally purchased by a Panamanian corporation. The owner who sold the vessel to Mr. Lazar used it only for recreational purposes. According to the Merchant Marine Act of 1920, foreign-owned vessels cannot engage in coastwise trade.

Mr. Lazar's livelihood has been crippled due to his inability to obtain a proper certificate of documentation. Since this vessel is in the hands of a U.S. citizen, I believe it is appropriate that Mr. Lazar be able to use this vessel in coastwise trade and fisheries here in the United States. I look forward to prompt consideration of this legislation by the Merchant Marine and Fisheries Committee and by the 103d Congress.

H.R.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel COMPASS ROSE (official number 695865).

## RECOGNITION OF THE CITY OF PUEBLO, COLORADO

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. McINNIS. Mr. Speaker, for the benefit of the House I submit for the RECORD the following:

Whereas, Congressman SCOTT McINNIS proudly commends the City of Pueblo, CO.

Whereas, the city of Pueblo in the State of Colorado is in point of fact the only city in America to claim four living recipients of the Congressional Medal of Honor;

Whereas, President Dwight D. Eisenhower himself recognized the unusual number of Pueblo, CO servicemen to receive the Medal of Honor by commenting "What is it * * * something in the water out there in Pueblo? All you guys turn out to be heroes!" when he presented The Medal to 2nd Lt. Jerry Murphy on October 27, 1953;

Whereas, The Medal of Honor is the highest military award that can be bestowed upon a member of the United States Armed Forces;

Whereas, The Medal of Honor is awarded by the President in the name of The Congress of the United States of America;

Whereas, the City of Pueblo in the State of Colorado takes great pride in its many veterans of service to the United States of America;

Whereas, July 4, 1993, has been chosen by the residents of the city of Pueblo, to honor all of its veterans and in particular to render honors to its four living recipients of The Medal of Honor.

Be it hereby resolved that the Congress of the United States of America does hereby congratulate the city of Pueblo, and recognizes its four Medal of Honor recipients William J. Crawford, Carl L. Sitter, Raymond G. "Jerry" Murphy, and Drew Dennis Dix.

Be it further resolved that the Congress of the United States of America does hereby recognize the city of Pueblo in the State of Colorado as "The Home of Heroes".

## COMBATING ILLEGAL IMMIGRATION

### HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. LEHMAN. Mr. Speaker, today I am introducing a resolution which will send a strong message to President Clinton that Congress will no longer accept the uncontrolled flow of illegal aliens to the United States.

State and county governments have been financially devastated by this nation's inability to enforce current immigration laws. As a result, State and local governments are suffering budget shortfalls which limit their ability to fund essential services to American citizens. Without a comprehensive strategy to combat illegal immigration, undocumented aliens will continue to take advantage of local health, welfare, and education services. If we are to have any success in resolving this problem, we must act now before it is too late.

In an effort to combat illegal immigration, I am introducing a resolution which seeks to improve United States-Mexico cooperation in controlling illegal immigration. The resolution urges the Clinton administration to improve bilateral cooperation in controlling illegal immigration during negotiations currently underway with the Government of Mexico on a side agreement to NAFTA addressing labor concerns.

While NAFTA could solve many of Mexico's current economic woes in the future, it is generally acknowledged that even under the best circumstances, it will take years before the Mexican economy can provide the jobs needed to accommodate the expanding labor force. Therefore, in the short term, experts have speculated that illegal immigration will increase as a result of job displacement in Mexico should NAFTA be ratified.

Clearly, illegal immigration is an important component of bilateral relations between the

United States and Mexico. Unfortunately, immigration issues were removed from NAFTA negotiations early in the process.

In light of the devastating impact illegal immigration has on the United States and especially my home State of California, I am hopeful my colleagues will join me in supporting this important resolution which focuses on the problem of illegal immigration.

Mr. Speaker, the combination of continued illegal immigration, increased taxes, and job displacement is too much for the American worker to accept.

## LEGISLATION TO REPEAL THE WRIGHT AMENDMENT

### HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GLICKMAN. Mr. Speaker, today I am reintroducing legislation to repeal a section of law, commonly known as the Wright amendment, which prohibits commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. In the past, groups such as the Consumer Federation of America have supported this legislation because the Wright amendment is nothing more than an anticompetitive, unconstitutional section of the law that must be eliminated.

The statute was originally passed as part of the International Air Transportation Competition Act of 1980 to protect then-relatively new Dallas/Fort Worth International Airport [DFW]. It was developed to ensure air carriers moved from the older Love Field to the new primary airport serving the Metropolitan Dallas/Fort Worth area. However, DFW is now the second busiest airport in the United States. Its gates are full and its runways are jammed with planes waiting to take off. DFW no longer needs protection from Love Field's competition. It is time to allow the power of the marketplace, rather than the intrusion of unnecessary Federal law, to dictate who our airports serve.

Inflated airfares are the key reason repeal is needed. Dallas fares are excessively high because the low-cost carrier in that market serves Love Field and cannot quote fares from Love Field to cities outside of the five State area. With no competition in the market, other carriers charge outrageous fares to DFW. Sometimes fares are more than five times as high from cities inside the region, even when the two cities are equidistance from Dallas.

I do want to acknowledge that fares from Dallas/Fort Worth to Wichita, KS, have been much lower in recent months. American Airlines, for one, has made a significant attempt to bring down the excessively high air fares Wichita and other cities shut out by the Wright amendment have experienced over the last several weeks.

The Wright amendment is unreasonable and wholly unfair. By allowing travel to Love Field only from points in Texas, Louisiana, Oklahoma, Arkansas and New Mexico, it arbitrarily permits service from cities such as Albuquerque to Love Field—595 miles—but does not allow such service from Wichita—330 miles—to Love Field. The amendment does not even permit connecting service.

Under this antiquated amendment, a passenger traveling from Kansas City to Love Field must purchase two roundtrip tickets—one to a connecting city, such as Tulsa, and a second roundtrip ticket from Tulsa to Dallas. Not even luggage can be checked all the way through to Love Field. The Wright amendment requires the Kansas City passenger to claim his luggage in Tulsa, and then check it back in for his flight to Love Field.

A 1990 study by KPMG Peat Marwick concluded that additional airport capacity is needed in the area. Even a proposed $3.5 billion expansion at DFW will not solve the problem. The capacity issue could be greatly improved if the now-underutilized Love Field were given the opportunity to provide commercial service to points outside Texas and its contiguous states.

The Department of Transportation last year released a study on the impact of the Wright amendment on air service to Dallas/Fort Worth and surrounding States. The DOT study shows that the Wright amendment restrictions cost air travelers millions of dollars each year. "A change to the Wright amendment will result in more service, more competition, lower fares and more traffic for the Dallas/Fort Worth International Airport," according to the study. "Travelers to or from the Metroplex region will save an estimated $183 million per year in airfares."

To further prove my point, a recent Federal Trade Commission report about the Wright amendment concluded that "removing the restrictions may result in lower airfares both at Dallas/Fort Worth Airport and at Love Field as well as reduced delays and commuting costs to air passengers."

Under this restrictive law, it is not possible for consumers to have access to the advantages of deregulation and fully competitive airfares. Repealing the Wright amendment will open up competition, reduce airfares to competitive levels, and substantially increase business between markets. That was the goal of Congress in passing the Airline Deregulation Act. It is time to eliminate this special interest section, so that the people of this Nation have competitive access to interstate travel as protected by the Constitution. It's time to repeal the Wright amendment.

## TRIBUTE TO CPL. EUGENE JACQUES BULLARD

### HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. COLLINS of Georgia. Mr. Speaker, I rise to pay tribute to a fine military veteran, Cpl. Eugene Jacques Bullard. Corporal Bullard born in 1894 in Columbus GA, has the distinction of being the world's first black military pilot. In 1914, Corporal Bullard emigrated to France and joined the French Foreign Legion. He earned his wings in 1917 and became a decorated war hero in World War I, while enduring severe wounds in battle. In Bullard's hometown of Columbus, GA, the Columbus Airport Commission has unveiled a commemorative plaque in recognition of his pioneering spirit and the gallantry he displayed fighting for freedom. Therefore, I am proud to recognize and honor this aviation hero and great American, Cpl. Eugene Jacques Bullard.

## REPORT ON TERRORIST ASSETS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. HAMILTON. Mr. Speaker, on May 23 of this year, I included in the RECORD the annual report on assets of state sponsors of terrorism which are frozen in the United States prepared by the Department of the Treasury's Office of Foreign Assets Control. This week, the committee received an update on such assets. The assets of four of the state sponsors of terrorism which have been frozen in the United States increased by a total of $540.2 million, primarily from Iraq. I would include this latest report here for my colleagues review.

DEPARTMENT OF THE TREASURY,
*Washington, DC, June 24, 1993.*

Hon. LEE H. HAMILTON,
*Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On April 19, we sent you the "Annual Report to the Congress on Assets in the United States Belonging to Terrorist Countries or International Terrorist Organizations." Our attention to the problem of international terrorism did not diminish with the production of that report. Consequently, we are submitting an updated version of Exhibit A which contains new figures recently developed by Treasury's Office of Foreign Assets Control.

This revised Exhibit A, "Assets in the United States Belonging to State Sponsors of Terrorism," contains more detailed information and higher totals than were reported in our original submission. The amount of blocked funds is increased in the case of four of the six terrorist states: Cuba, Iraq, Libya, and North Korea.

This latest information is provided now, rather than including it in the next annual report, to ensure that the current report will be more useful to the Congress.

Sincerely,

GAIL E. PETERSON,
*Deputy Director,*
*Office of Legislative Affairs.*

Enclosure.

TERRORISM ASSETS REPORT—APPENDIX A, REVISED

ASSETS IN THE UNITED STATES BELONGING TO STATE SPONSORS OF TERRORISM: AN UPDATE MAY 19, 1993

The following list contains revised information on the nature and extent of assets in the United States belonging to countries identified as state sponsors of terrorism. It should be noted that assets blocked under the authority of an existing United States economic sanctions program are not subject to attachment by any claimant until such time as a claims settlement process has been established in conjunction with the lifting of sanctions against the target state.

Not all of these blocked assets are literally within the United States. Substantial amounts, identified further below, are in foreign branches of U.S. banks. They are blocked because, under U.S. law, those bank branches are subject to United States jurisdiction. Consequently, those assets are not blocked at institutions located within the United States. These figures may increase at any time as the Office of Foreign Assets Control identifies and blocks additional assets of sanctioned countries.

The Treasury Department does not compile information on the holdings of private individuals or organizations in the United States, unless those holdings are subject to an assets freeze imposed under the authority of the Trading With the Enemy Act or the International Emergency Powers Act. The Office of Foreign Assets Control is carefully examining organizations that may fall within the scope of its economic sanctions programs.

COUNTRY, EXPLANATION, AN AMOUNT[1]

Cuba—Government of Cuba's blocked assets. Primarily bank accounts. Source: Office of Foreign Assets Control ("FAC"), Treasury, $113.7.

Iran—Government of Iran's diplomatic properties remaining blocked since 1979–1981 hostage crisis. Primarily real estate. Source FAC, Treasury, $22.3.

Iraq—Government of Iraq's frozen assets. Primarily bank deposits. Source: FAC, Treasury, $1,599; Blocked in U.S. banks' foreign branches, 278; Loaned by the U.S. to the U.N. in compliance with UNSCR 778, −200.

Net Iraqi Assets in U.S. $1,101.

Libya—Government of Libya's frozen assets. Primarily bank deposits. Source FAC, Treasury, $958.1; Blocked in U.S. banks' foreign branches, $−42.9.

Net Libyan Assets in U.S., $915.2.

North Korea—North Korea's frozen bank deposits. Source: FAC, Treasury, $7.4; Blocked in U.S. banks' foreign branches, −2.

Net North Korean Assets in U.S., $5.4.

Syria—Total liabilities of U.S. banks ($245) to official Syrian institutions and ($4) in total liabilities of U.S. nonbanking institutions to Syria. Source: Treasury Bulletin, March 1993, $249.

Totals: Total state sponsor assets within U.S. jurisdiction, $2,929.5; Unencumbered assets of Syria, −249.

Total blocked state sponsor assets within U.S. jurisdiction, $2,680.5.

Total blocked in U.S. banks' foreign branches, −322.9.

UNSCR 778 loan [Iraq], −200.

Total blocked state sponsor assets within the United States, $2,157.6.

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## RED RIVER VALLEY GIRL SCOUTS DEVELOPING TOMORROW'S LEADERS TODAY

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. CHAPMAN. Mr. Speaker, it is my distinct pleasure and honor to recognize the accomplishments of three of my constituents from Paris, TX. Adrienne Bailey, Lear Baker, and Brenda Stellpflug, all of Troop 55 of the Red River Valley Girl Scout Council, have completed the rigorous requirements for Girl Scouting's top achievement, the Girl Scout Gold Award.

The Gold Award is a nationally recognized award presented to girls based on their efforts and outstanding contribution in the areas of leadership, community service, career planning, and personal development. These Scouts have made significant contributions to their communities.

If you are looking for leaders of America's next generation, look towards the Red River Valley Girl Scout Council and these Gold Award winners.

I applaud the achievements of these Scouts and the Red River Valley Girl Scout Council and look forward to seeing their future successes.

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## ADDRESS OF VICE PRESIDENT AL GORE TO DELEGATIONS OF THE EUROPEAN PARLIAMENT AND THE UNITED STATES CONGRESS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. LANTOS. Mr. Speaker, for the past several days, we have been honored to have in our country the delegation of the European Parliament for Relations with the U.S. Congress. The European Parliament, as my colleagues know, is the legislature of the European Community—the 12-nation economic community which includes Belgium, Britain, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, and Spain.

The occasion for the visit of this delegation was the 41st annual meeting between delegations of the U.S. Congress and the European Parliament. I have the great pleasure of chairing the American delegation. Our two delegations held discussions on relations between the United States and the European Community in San Francisco June 25–27. We considered political and economic issues of concern to the United States and the European Community, as well as major international issues that involve both Europe and America.

The delegations include 13 Members of the U.S. Congress and 25 members of the European Parliament. Members of the European Parliament from all 12 countries, representing all political groupings participated in the discussions in San Francisco. The European Parliament delegation is headed by Rt. Hon. Alan Donnelly of Great Britain.

Mr. Speaker, the Members of Congress who joined me as participants in the U.S. delegation included Congressman SAM GIBBONS, co-chairman of the U.S. delegation for meetings with the European Parliament and chairman of the Trade Subcommittee of the Ways and Means Committee; Congressman BENJAMIN GILMAN, also a co-chairman of the U.S. delegation for meetings with the European Parliament and ranking Republican member of the Foreign Affairs Committee, Congressman GARY ACKERMAN, Congressman DOUG BEREUTER, Congressman WILLIAM CLINGER, Congressman STEPHEN HORN, Congresswoman NANCY PELOSI, Congressman TOM SAWYER, Congresswoman LYNN SCHENK, Congressman DICK SWETT, and Congressman ESTEBAN TORRES.

Mr. Speaker, last evening in the Library of Congress, our two delegations and other distinguished Members of the Congress marked the conclusion of the visit of the members of the European Parliament with a farewell dinner. On this occasion we were honored to have as our speaker the Vice President of the United States, the Honorable AL GORE.

Mr. Speaker, AL GORE—our Vice President and our former colleague here in the House of Representatives—is an outstanding leader in the new administration. He has shown outstanding intellectual and political leadership during the brief months that he has served so ably as our Vice President. His address to our delegations was an excellent summary of the issues and challenges we in the United States and our European allies and colleagues face.

Mr. Speaker, I ask that the address of Vice President GORE be placed in the CONGRESSIONAL RECORD, and I ask that my colleagues give it careful and thoughtful attention.

SPEECH TO THE 41ST DINNER MEETING OF U.S. AND EUROPEAN PARLIAMENTARIANS

We come together, my friends, Europeans and Americans, at a unique and challenging moment in history. It has been a time of rapid change all over the world, but perhaps nowhere more so than in Europe.

Many of these changes have given us reason to rejoice: the Iron Curtain lifted, the Berlin Wall crumbled, the Soviet empire fallen. Yet others, like the tragic wars engulfing the former Yugoslavia, have horrified us, have caused incalculable pain and suffering which we must continue to work to relieve and resolve.

It is, however, a world of opportunities and challenges on a scale not seen since the end of the Second World War and the beginning of the Cold War. A little over forty years ago, Harry Truman sat at his desk in front of microphones and TV cameras and summed up his time in office: "I suppose that history will remember my term as the years when the Cold War began to overshadow our lives," he said. "But when history says that my term * * * saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it."

Our leaders of that day, in both Europe and America, rose to meet their challenges and to take advantage of their opportunities. Harry Truman. Winston Churchill. Jean Monnet. Konrad Adenauer. And so many others. They gave us vision and purpose. They forged an alliance between the United States and Europe stronger and more mutually beneficial than any peacetime alliance in history. We stood together for democracy against communism, and we won. We linked our security together, and the peace was preserved. We brought our economies closer together, and we prospered.

And so we, like the great leaders who preceded us, must meet the challenges and take advantage of the opportunities of this, the post-Cold War world. And as in the late 1940s, no relationship is more crucial to world peace and prosperity than that between the United States and Europe. Indeed, essential to President Clinton's vision of our future is further strengthening our close political, security, and economic ties with Europe.

Of course our ties to Europe reach back well before the Cold War era, going to the very cultural roots of this country. European traditions and ideas on politics, economics, and jurisprudence, particularly from the period of the Enlightenment, shaped our country's institutions and society. Clearly, the

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[1] Amounts in millions of U.S. dollars.

United States is the beneficiary of every culture that has sent its peoples to our shores, but we owe a particular debt to Europe—for the philosophical underpinnings of our political system and for the concept of the rule of law, which are so crucial to protecting the rights of the individual from the power of the government, and the rights of the minority from the will of the majority.

But America's interests in close ties with Europe go beyond the cultural philosophical.

The interests we share today are every bit as vital as those we held during the height of the Cold War. We have an interest in preserving our own democratic institutions and the free-market economies necessary for prosperity. But in order to safeguard democracy and economic well-being at home, we also share an interest in promoting democracy and economic growth abroad. It should be clear from both sides of the Atlantic that our well-being is inexorably tied to political, military, and economic events beyond our borders. Thus, we have a common interest in achieving security and stability not just on our continents but on every continent. Our shared economic interests are equally strong. The volume of trans-Atlantic trade rivals every other trade path in the world. Europe is the largest source of foreign investment in the United States and the United States invests more in Europe than anywhere else.

It is true that with the end of the Cold War, the political, economic, and security dimensions of US-European relations are evolving. They must evolve. Traditional security concerns have become less central to our relationship, while trade and economic issues and a plethora of new political concerns have gained in importance. Let me review for a moment the political, security, and economic dimensions of this evolving relationship.

First, the political side. The United States is encouraged by and supports Europe's efforts to achieve greater political unity. We are prepared to continue to work constructively with the European Community as it both deepens the integration of the Twelve and widens to take in new members. We also welcome new and more vital roles for the Conference on Security and Cooperation in Europe, the Western European Union, and the Council of Europe. They too can be valuable resources for coping with the myriad challenges that Europeans and Americans face. The United States and Europe must take full advantage of the opportunities offered by these evolving bodies.

Our over-arching goal must be—through both existing and new institutions, as well as through bilateral relations—to broaden and deepen trans-Atlantic cooperation. The United States and Europe must expand the scope of their cooperation in the range of institutions and arrangements—NATO, the CSCE, US-EC links—relevant to the new challenges we face. Among our highest priorities must be: To improve cooperation in promoting political and economic reform in Russia, Eastern Europe, and the new independent states; to continue to work together to both contain and resolve the conflicts in the former Yugoslavia; and to promote enhance cooperation of global issues including the environment, counter-terrorism, counter narcotics, human rights, and development assistance.

The US also supports the EC's efforts to become involved in foreign and security policy matters. If it is to do so effectively, however, the EC must prove itself able to take concrete, coordinated, and constructive actions to promote our shared vision of democracy and economic prosperity.

As the EC and other multilateral organizations grow in importance, the United States and Europe must also carefully nurture multiple channels of communication. Bilateral ties must be maintained, as must organizations such as NATO and the CSCE which provide America with institutional links to Europe. At the same time, we must work out how the United States can best deal with those European organizations to which it does not belong and how the various fora can work with each other.

Second, the security dimension will remain critical to our common bond.

We will maintain a significant, effective military presence in Europe of approximately 100,000 troops. The United States continues to regard NATO as the principal transatlantic military-security link. NATO is a unique institution. Because of its unified command structure and military capabilities, NATO can play a security role that no other institution can duplicate. We should work to ensure that NATO it remains effective.

NATO's new strategic concept is an important step in achieving this aim. It focuses the Alliance's attention on new roles and missions—such as peacekeeping and rapid reaction forces—needed to cope with new security challenges. We must ensure that all member nations provide the forces and resources necessary to maintain the military capabilities NATO needs to execute its strategic concept.

But NATO must do more; it must continue to research out to the new democracies in the East to help address their security concerns. We are committed to seeing the North Atlantic Cooperation Council fully develop peacekeeping capabilities that can support the CSCE and the UN in their efforts to meet new security challenges.

It is now more important than ever that the roles, risks, responsibilities, and costs of mutual security be equitably distributed. NATO provides the mechanism for sharing roles and responsibilities. However, in this time of declining defense budgets and other economic constraints, we also must work together to find ways to reduce the cost of maintaining the US military presence in Europe. Americans and Europeans also have a common interest in the evolution of a European security and defense identity that facilitates a greater European role in the Continent's military security.

Finally let me note that the President has called for a NATO Summit meeting this Fall—a proposal that the Allies embraced at the ministerial meetings of the North Atlantic Council earlier this month in Athens. The Summit offers an important opportunity to chart the future of NATO for the remainder of this century. The Summit will be a chance to assess ways to further strengthen the alliance and adapt its agenda to post-Cold War challenges.

The third critical link we share is the economic one. Economic reality is that European and American economies are inextricably intertwined. It can be no other way. It should be no other way. We all have much more to gain from free and fair trade than from trade wars and protectionism.

As we work together to finish the Uruguay Round, we should remember that this effort is demanding sacrifice as well as offering opportunity on both sides of the Atlantic, as well as from all the parties of the GATT. None of us wants to see any of our industries, or our agriculture, or our communities, or our workers worse off. As President Clinton has shown with his bold economic package, this Administration is not going to ignore our economic problems. We are prepared to face up to them and to deal with them. We see our economic future neither in turning to the past nor in pretending that markets automatically can take care of everything, but rather in being committed to promoting and facilitating constructive adjustment and adaptation in our economy. Free and fair trade must be the core of this. Freer flows of trade, investment, and technology can help all of our societies achieve good jobs with good benefits.

As we work to expand trading opportunities, we should also look for new areas of economic cooperation, such as regulatory convergence or technology sharing. Finally, we must enter into a more extensive dialogue on macroeconomic issues, especially as the European Community gains a greater role in macroeconomic policy making.

There is another very important issue that transcends the political, security, and economic concerns I have mentioned—the issue of minority rights and the peaceful resolution of ethnic disputes. Coming to terms with resurgent nationalism is perhaps the single most difficult problem facing Europe in the post Cold War ear. I know I do not have to tell you Europeans about the serious challenges now emerging in Eastern Europe and the former Soviet Union; no one understands better than you how the dream of a Europe whole and at peace is threatened by aggressive nationalism. However, please permit me to offer a few observations from this side of the Atlantic—and from the perspective of a nation that has struggled to confront its own ethnic and racial problems over the years.

Nationalism can be a constructive force if it promotes peaceful self-determination and respect for one's unique cultural heritage. There is nothing inherently wrong with ethnic identification, and indeed this force has helped many countries gain their freedom from oppressive foreign rule. But nationalism can also be a destructive force if it is aggressive and chauvinistic. This is its darker side, which spills over into exclusion, fear, and hatred. We are witnessing far too much of this kind of nationalism, and it is breeding conflicts throughout Eastern Europe and the former Soviet Union.

The war in the former Yugoslavia is, of course, the tragic example on everyone's mind, but I don't want to talk exclusively about that particular case. Instead, I would like to focus on the broader issue of minority rights throughout the region and examine whether problems such as the bloodshed in Yugoslavia can be prevented before they begin.

The hard truth is that preventing such conflicts altogether may be beyond our powers. In recent years, we have learned a terrible lesson about how deeply embedded ethnic hatreds can be. In Yugoslavia, Tito worked for four decades to forge a broad Yugoslav consciousness out of the disparate groups making up that state. He clearly failed. And in the Soviet Union, an even more massive effort to stamp out ethnic identity and create "New Soviet Man" did not succeed in erasing ethnic dividing lines. As soon as the Soviet structure collapsed, ethnic rivalries re-emerged with renewed strength.

Nationalism has proven itself a fundamental—indeed, almost elemental—force. But even though it may be impossible to eliminate it, there are ways to blunt its destructive tendencies. Through a combination of democratization, economic development, and international engagement, the worst excesses of nationalism may be minimized.

The key is democracy. It is no accident that ethnic tensions in the democracies of Western Europe are held in relative abeyance. The reason is that in these countries, citizens can affect government policy, ventilate their differences, and squarely address their history. By ensuring a participatory government, the rule of law, and respect for human rights, democracies allow all citizens the fundamental channels and protections that can alleviate ethnic tensions before they erupt into violence. To remain peaceful and independent, states must emphasize citizenship as the foundation of unity and rely on democratic institutions to allocate responsibilities and entitlements of citizenship and to mediate disputes. It is an extremely difficult task, but it is also the only way that diverse peoples can live together successfully.

Clearly, a major responsibility to promote democracy falls to the West, with our democratic experience and culture. We must work together to spread the values of a civic society through democratization programs, rule of law projects, election monitoring, and so on. Ethic tensions turn violent when minorities become vulnerable to majorities or when groups feel their concerns can only be met through force. Effective rule of law gives minorities something to rely on—a broad architecture to defuse tensions and resolve disputes. We must do all we can to develop legal institutions in the democratizing countries of Eastern Europe.

Economic progress is also as important in slowing the rise of excessive nationalism. The easy arguments of hate-filled strongmen have added resonance among people who are struggling economically. Economic growth, which gives people upward mobility and hope for the future, removes the deprivation and despair that can nourish ethnic grievances. Again, there is a special Western responsibility in the economic area, since our countries have both the experience of running market economies and the general prosperity that has resulted from them. We must continue to assist countries in the East that are struggling with the difficult transition to market-oriented economics. And we must be open to trade and commerce with these countries.

Finally, we need sustained international engagement in Europe. International organizations can play a vitally important role in protecting minority rights and defusing tensions. Promising mechanisms which already exist in the UN, CSCE, and Council of Europe need to be strengthened. Preventative diplomacy and confidence-building measures can help groups step back from the brink of violence, just as international mediation can help halt conflict once it has begun. We should also work together to strengthen international legal mechanisms to give threatened groups an avenue of appeal. Thus far I have stressed the importance of the legal rights of citizens, but those individual rights may not necessarily provide for the recognition of distinct groups. A major intellectual and legal challenge of our time is the search for fair ways to safeguard these general minority rights. A broad, effective legal architecture on such rights could act as a safety valve, resolving disputes well before peace-keepers are ever needed.

Perhaps the heady spirit that prevailed with the collapse of communism was overly optimistic. We have seen that those who thought we would immediately and smoothly enter a "new world order" were a bit premature. But similarly, we must not let the current problems cause us to lose hope. Despite the many challenges we face, the world is still better off for the end of the Cold War. I am convinced that no one in this room would exchange today's instability for yesterday's grim certainty.

My main message tonight, beyond the specific policies and issues, is the value and importance President Clinton and I place on the European-American relationship. We share many bonds, much history, and fundamental principles. We have been graced with so many leaders who met so many challenges and took up so many opportunities. Today, the responsibility rests with us to strive to continue that great tradition.

Despite the remaining challenges, I believe we now have a real chance to expand peace, security, democracy, and economic well-being across Europe. By working together toward shared goals, as we have so many times before, both America and Europe can enter the 21st century as stronger, more vital societies, contributing to a better future for our people and our world.

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## DEFENDING SPECIAL RESEARCH GRANTS

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FIELDS of Texas. Mr. Speaker, I rise today in strong opposition to the Fawell amendment to the Agriculture appropriations bill.

I am pleased that the Agriculture Appropriations Subcommittee has historically taken great care to ensure that only the most worthwhile projects nationwide receive research funds under this program. The Fawell amendment would replace the subcommittee's careful analysis with a meat cleaver-eliminating questionable projects along with projects of demonstrable value.

The Center for Southern Crop Improvement—which would be created using a special research grant—would be one project that could benefit from this program.

Scientists at the center are seeking Federal assistance in their efforts to improve commercial agricultural crops through genetic research and breeding. Genetic breeding is one of the most innovative and efficient techniques to increase the quality and yield of crops. Information obtained from this research would provide cost-effective approaches to solving many farming problems—for instance, engineering crops which are drought- and disease-resistant.

With so many American farmers requiring periodic Federal assistance, the work to be conducted at the Center for Southern Crop Improvement could well provide solutions to the problems our farmers face.

That, Mr. Speaker, is why I oppose the Fawell amendment.

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## SALUTE TO THE PORT HUENEME DIVISION NAVAL SURFACE WARFARE CENTER

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to salute the Port Hueneme Division, Naval Surface Warfare Center, as it marks its 30th anniversary of protecting America's freedom.

The Port Hueneme Division was established on July 8, 1963, as the Naval Ship Missile System Engineering Station. Despite a couple of name changes along the way, the station is still commonly referred to by a version of its original acronym—NEMESIS—the Greek goddess of retribution.

The engineers, technicians, logisticians, and support staff of NEMESIS support the ships of our surface Navy, traveling around the world to keep the weapons of deterrence operating properly. In addition, they are intimately involved in technical evaluations of newly installed weapons and in upgraded or overhauled weapon systems. Much of that work is done off the coast of California in the Pacific Missile Test Range.

Many of my colleagues may not know that many of the weapons that performed so brilliantly during the Persian Gulf war were tested and refined at Port Hueneme, and that more than 50 people from the station received official certificates for being aboard ships in the zone of operations during the war. In fact, the Tomahawk missiles that were deployed just last month against Iraq following the assassination attempt against former President Bush were among the weapons with a Port Hueneme pedigree.

Thanks to the personnel at Port Hueneme, today's navy is more capable than any fleet in history, and I am confident that the engineering staff will continue to play their role in ensuring the peace as we move into the next century.

I would also be remiss, Mr. Speaker, if I didn't pay tribute to the all-around contributions that the 2,500 military and civilian employees of NEMESIS make to our community. Besides the estimated $300 million the station pumps into Ventura County's economy, its employees are active in a wide range of organizations that help make our county such an outstanding place to live.

Mr. Speaker, I ask my colleagues to join me in saluting the men and women of the Port Hueneme Division for 30 years of excellence.

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## DESERT HORIZON STUDENTS CAPTURE FIRST PLACE IN THE NATIONAL HISTORY DAY COMPETITION

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. STUMP. Mr. Speaker, it is my pleasure indeed to congratulate a group of five eighth-grade students from Desert Horizon School, Phoenix, AZ, who took first place in the National History Day Program. The students are: Melissa Bennett, Stacia Campbell, Airion Smith, Monica Thomas, and Blaine Tucker. Their faculty advisors were Paul Wieser and Leeann Jones.

For the National History Day competition, students research a particular historical topic relative to a yearly theme and present their findings in an entry that can take the form of a historical paper, project, media presentation, or dramatic performance.

Traditionally, Desert Horizon students have entered the group performance category and focused their research on Holocaust-related topics. For 8 consecutive years, students at Desert Horizon School have made Arizonan's proud of their success in capturing the State championship and representing the State of Arizona at the national finals held at the University of Maryland.

This year's national championship performance was entitled "Failed Communication: A Cry that Fell On Deaf Ears." The students' research centered on the American press and their handling of Holocaust-related news items. The students spent considerable time looking into the efforts of Jan Karski, an agent for the Polish Government-in-exile, to bring out the news of Nazi murder to the outside world.

Having met with the participants each year, I know these students to be intelligent, creative, and dedicated. All the Desert Horizon students have worked very hard over the past 8 years.

Congratulations on an outstanding achievement and well-deserved honor.

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## TRIBUTE TO JOHN EDWARD FOGARTY

## HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. NATCHER. Mr. Speaker, I would like to ask the Congress to pause for a moment today to pay our respects to the memory of one of the great champions of improving the world's health, and to his legacy. He was my good friend and mentor, Congressman John Edward Fogarty of Rhode Island, who devoted much of his 27 years in Congress promoting the concept of health for peace.

By this, he meant collaboration in matters of health research and scientific exchange among nations—because of its significance both for the solution of health problems that affect all of mankind and as a cornerstone for improving relations between countries regardless of political, ethnic or economic orientation. John Fogarty and his counterpart in the Senate, Lister Hill, were among the staunchest supporters of increased funding for health research, especially at the National Institutes of Health, in those crucial years of growth following World War II.

After Congressman Fogarty's death in 1967, the esteemed minor leader of the health subcommittee, Melvin Laird, proposed that the National Institutes of Health's international activities be consolidated in a new center at NIH, to be called the John E. Fogarty International Center for Advanced Study in the Health Sciences. That center, named in honor of the former chairman of the health subcommittee, began operation on July 1, 1968, exactly 25 years ago today.

During the past quarter-century, thousands of scientists from across the world have worked together to share their specialized knowledge for the benefit of all mankind under the Fogarty Center's auspices. During this time, thanks in part to its position as an international crossroad for scientists, the National Institutes of Health has become the world's greatest biomedical research enterprise.

Today, in a time of tight funding for all of our endeavors, some people may question why the American taxpayer supports international scientific research. Why don't we just keep that money at home, they may ask.

Well, they asked the same questions 30 years ago, and John Fogarty had the answer. He knew then, as we know now, and as he stated it so well, "in health, every nation has something to contribute to every other nation, and something to learn from every other nation." This is as true today as when Congressman Fogarty made that statement on the floor of this chamber in 1959.

He also said that "in the health field, our international programs more properly can be characterized as enlightened self-interest, since it can be amply demonstrated that we receive as well as give." He knew that a dollar spent on international research was indeed an investment in America's future.

John Fogarty had a noble dream: of a world without disease; a world without suffering and pain. He knew that such a miraculous new world could come about only by continuing to apply scientific discovery to conquer health problems—and further, that this effort must receive a high priority. He did his best to nourish that dream and as chairman of the health subcommittee, he went to the well time after time to fight for sufficient resources for biomedical research—even during the lean years.

The world without disease is not yet here, despite many scientific advances that seemed almost miraculous at the time. But we in the Congress, and the scientists at the NIH and around the world, will continue to do our best to bring that day closer.

Mr. Speaker, I salute my esteemed colleague, John Fogarty, for his farsightedness in realizing that all men and women—wherever they may live—can do their part to improve the lives of their brothers and sisters, and sons and daughters. And I congratulate the leadership and staff of the Fogarty International Center as they work every day to make John Fogarty's dreams a reality. I wish the John E. Fogarty International Center at the National Institutes of Health a happy 25th anniversary.

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## A TRIBUTE TO COL. JOHN M. ELLEN ON THE OCCASION OF HIS RETIREMENT FROM THE U.S. AIR FORCE

## HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Ms. BYRNE. Mr. Speaker, I ask my colleagues to join me in honoring Col. John M. Ellen of the U.S. Air Force, an exemplary leader, and most importantly, a loving husband and father.

Colonel Ellen will be retiring July 16 after 26 years of outstanding service to the Air Force and our Nation. He will be retiring from his position as Chief of the Program, Budget and Congressional Division at the Pentagon. He assumed his present position in the Office of the Assistant Secretary of the Air Force (Acquisition), Long Range Power Projection, Special Operation Forces, Airlift and Training Directorate in 1990.

Colonel Ellen was born May 30, 1945, in Winston-Salem, NC, and graduated from R.J. Reynolds High School. He was awarded a bachelor of science degree in engineering operations from North Carolina State University in 1967 and received his commission as a second lieutenant from the ROTC Program.

Colonel Ellen is a command missileer with combat crew duty in the Minuteman II system and training in the Minuteman III system. In 1970, Colonel Ellen was assigned to the 490th Strategic Missile Squadron, Malmstrom Air Force Base, MT, as a missile combat crew commander. He also served as an instructor crew commander. Following his operational tour, he was selected for Strategic Air Command's Top Hand Program and was assigned to the 1st Strategic Aerospace Division, Vandenberg Air Force Base, CA. He spent 1 year as a launch director for Minuteman operational test launches and 1 year as the Chief of Development Test Unit. In 1977, he was selected to attend the Naval Postgraduate School in Monterey, CA. He completed the masters of science degree in systems technology (command, control, and communications) in 1979 as a distinguished graduate. In August 1983, he was assigned as the operations officer in the 509th Strategic Missile Squadron, Whiteman Air Force Base, MO. In February 1984, he assumed the command of the 508th Strategic Missile Squadron. Several years later, Colonel Ellen became the first operational group commander in Strategic Air Command while assigned to Minot Air Force Base, ND. While he was assigned to the 91st Strategic Missile Wing, the Ellens were selected as the Strategic Air Command Family of the Year.

Mr. Speaker, it gives me great pleasure today to recognize Colonel Ellen before my colleagues and to wish him the very best in the future as he brings his long and distinguished career to a close. His exceptionally meritorious service to the U.S. Air Force and our country will be genuinely missed. I also salute his lovely wife, Robbie, and his children, Ryan, Jonathan, Janna, and Rebecca, who have been by his side the whole way. This family has served our Nation well and I wish them God's blessing in the years ahead.

## INTRODUCTION OF LEGISLATION REGARDING TAX BENEFITS FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. STARK. Mr. Speaker, today I am reintroducing a bill to deny certain tax benefits for buildings constructed with Japanese services.

Ambassador Kantor has formally identified Japan "as a country that maintains, in government procurement of construction, architectural, and engineering services, a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States businesses."

The United States Trade Representatives has been negotiating with Japan since 1986 regarding Japanese construction practices. After 7 years of pressure, there is no improvement.

Maybe this problem is just not amenable to resolution through trade laws. If that is the case, we can at least protect our own architectural, engineering, and construction firms from losing United States business to Japanese competitors. My bill denies certain tax benefits to United States buildings that are built with Japanese services.

Specifically, the bill defers depreciation on buildings constructed with Japanese services for 10 years, defers any losses on these buildings for 15 years and denies the use of tax exempt financing. The amendments in this bill apply to property the construction of which begins after December 31, 1993.

The bill follows:

H.R.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFERRAL OF DEPRECIATION DEDUCTION.**

Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

"(s) DEFERRAL OF DEPRECIATION FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the deduction for depreciation or amortization which would (but for this subsection) be allowable for any taxable with respect to any Japanese-constructed building shall not be allowable for such year but shall be allowable for the 10th taxable year thereafter.

"(2) JAPANESE-CONSTRUCTED BUILDING.—For purposes of this subsection, the term 'Japanese-constructed building' means any building if 1 percent or more of the cost of such building (determined as of the completion of its construction) is attributable to services performed by Japanese persons.

"(3) JAPANESE PERSON.—For purposes of this subsection, the term 'Japanese person' means—

"(A) any citizen or national of Japan,

"(B) any corporation, partnership, or other entity created or organized under the laws of Japan or any subdivision thereof,

"(C) any instrumentality of Japan or a subdivision thereof, and

"(D) any corporation, partnership, or other entity owned or controlled (directly or indirectly) by 1 or more persons or entities described in subparagraph (A), (B), or (C)."

**SEC. 2. DEFERRAL OF LOSS DEDUCTION.**

Section 1231 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(d) DEFERRAL OF RECOGNITION OF LOSS ON JAPANESE-CONSTRUCTED BUILDINGS.—Notwithstanding any other provision of this title, any loss which would (but for this subsection) be recognized for any taxable year with respect to any Japanese-constructed building (as defined in section 167(s)(2)) shall not be recognized for such year but shall be recognized for the 15th taxable year thereafter."

**SEC. 3. DENIAL OF USE OF TAX-EXEMPT BONDS.**

Section 149 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

"(h) FACILITIES CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be construed to provided an exemption from Federal income, tax for interest on any bond issued as part of an issue 1 percent or more of the proceeds of which are to be used to provide Japanese-constructed facilities.

"(2) JAPANESE-CONSTRUCTED FACILITY.—For purposes of this subsection, the term 'Japanese-constructed facility' means any facility if 1 percent or more of the cost of such facility (determined as of the completion of its construction) is attributable to services performed by Japanese persons (as defined in section 167(s)(3)."

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall apply to property the construction of which begins after December 31, 1993.

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## TRIBUTE TO REUBEN SNAKE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. BEREUTER. Mr. Speaker, this Member rises today to pay tribute to the life of Reuben Snake of the Winnebago Tribe of Nebraska.

Reuben Snake passed away on Monday morning, June 28 after a long illness. His life, although it was cut short at the age of 56, was full of distinguished accomplishments. He attended Northwestern College, University of Nebraska, Peru State College and in 1989 received an honorary degree/doctorate of humanities from Nebraska Indian Community College. Reuben was very proud of his Army service, as he was the first member of his tribe and one of the first 12 native Americans to earn the "Green Beret." He worked at both the Greater Omaha Community Action Agency and the Goldenrod Hills Community Action Agency. He was a Head Start director and a program planner working with youth in northeastern Nebraska. Reuben was a leader in Indian education programs, creating model programs in Nebraska that were copied throughout the Nation. He then became active in Winnebago tribal government, working in several positions until he became chairman of the tribe, where he served for 10 years as chairman.

Reuben also served in numerous national and international positions. He was president of the National Congress of American Indians for 2 years, national chairman of the American Indian Movement, chairman of the Task Force 11 on Drug and Alcohol Abuse, cochairman of the Trail of Broken Treaties Planning Committee, chairman of the Board-First Nations Development Institute, Coalition for Native Rights Fund, and Native American Religious Freedom project. On the international level, he was involved with the Eighth Congress of Inter-American Indian Institute, the World Assembly of First Nations Speaker, International Native American Economic Development, the United States delegation to Misurasata-Sandinista negotiations, the United Nations Committee on Human Rights, the International Labor Organization and the Council of Churches and the Native American Religious Freedom project.

Not only was Reuben a national and international human rights leader, he also was a spiritual leader. In his role as a member of the Native American Church, he conducted more than 300 Native American Church services throughout the United States, Europe and Australia. Reuben also was recently quite active in his support of legislation would assure that Native Americans would have the right to freely exercise their religion.

I was pleased to have the opportunity to work with Reuben during his tenure as chairman of the Winnebago Tribe. He was a strong and compassionate leader who worked to provide a better life not only for Native Americans but for all people.

Reuben Snake was a truly outstanding man who will be greatly missed by all who knew him and by all who were affected by his life. It is certainly a fitting tribute to his many contributions that he received the World Peace Award just last week. This Member would like to express his sincere and deep condolences to Reuben's family and the Winnebago Tribe of Nebraska.

Reuben's survivors include his wife of 32 years, Kathy, two sons, Darren and Michael, four daughters, Elaine Armell, Tammy Baker, Dawn Snake and Serena Snake, and 16 grandchildren, all of Winnebago; and six brothers and two sisters from Black River Falls, WI.

In closing, this Member would like to share with his colleagues a poem written in Reuben Snake's memory by one of my former staff members, Wrexie Bardaglio, who worked closely with Reuben.

The golden, red, and green-grown plains
Hold the bones of those who've passed
Among us, through the rage and pain,
To offer hope for peace at last.

The spirits in this prairie place
Nourish landscapes changed and gentled,
And so descends a state of grace
As this man's soul is counted.

These rolling grasslands comfort here
They cherish and remember,
And of the days beyond the tears
The memories come, in number.

His life was an epiphany
Of teaching and forgiving—
A constant prayer for healing
And a constant zest for living.

And so he goes, and God be thanked
For his strength to be transcendent.

So well did he succeed that way,
He blessed us by example.

## HONORING MRS. MATTIE HOLMES OF TEXARKANA, AR

### HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. DICKEY. Mr. Speaker, I would like to take a moment to recognize a wonderful lady from Texarkana, AR—Mrs. Mattie Holmes.

On July 11, 1993 she will join her family in a tradition that has existed for many years in celebrating their love, togetherness and faith. This year the Holmes family will honor their matriarch, Mrs. Mattie Holmes, as she celebrates her 88th birthday at the Holmes family reunion.

The Holmes family has resided in Miller County, AR for seven generations. Mattie Holmes was born in 1905 and married the late Earl Holmes, Sr. in 1922. Earl and Mattie Holmes were successful farmers in Miller County until their retirement in 1965. They shared a wonderful and happy union for 59 years, until Earl's transition in 1981. Together they raised 5 wonderful children and to date Mrs. Holmes shares her love with 24 grandchildren, 38 great grandchildren and 5 great-great grandchildren.

Mrs. Holmes has always been an active member of the New Zion Baptist Church, where she is loved and respected in so many ways. Mrs. Mattie Holmes has been a model citizen in the community for many years and today, it is an honor to extend my best wishes to her and the entire Holmes family as they celebrate this very special occasion.

## HAPPY BIRTHDAY CHANNEL 44

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GUTIERREZ. Mr. Speaker, I rise to bring to your attention that today is the eighth anniversary of WSNS–TV, channel 44, as a full-time Spanish television station in Chicago.

Channel 44, "El canal de la Hispanidad," the Hispanic heritage station, has earned the trust and respect, not only of the Hispanic community, but, of the city of Chicago and the State of Illinois as a whole. This is why when their operating license was threatened, everybody coalesced to defend it, until victory was recently obtained. This is why the Illinois Broadcasters Association gave channel 44 the Station of the Year Award for 1993.

Channel 44 has distinguished itself with worthwhile, innovative, and creative public service programming and public service education campaigns on areas such as school reform, education, citizenship, voter registration, antismoking and many others. I wish to congratulate the owners of the station, its employees, and its general manager, Jose Francisco Lamas. Happy Birthday, channel 44. And, I suggest others in the industry look at this very good example of excellence in broadcasting.

## JHOON RHEE LAYS FOUNDATION OF SUCCESS FOR RUSSIAN LEGISLATORS

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. ROTH. Mr. Speaker, I rise to commend Master Jhoon Rhee, the world-renowned martial artist and father of American Tae Kwon Do. Master Rhee has brought his highly successful joy of discipline and born to be happy programs to thousands of people, including Muhammad Ali, more than 100 Members of Congress, and most importantly, to thousands of children across America.

Since 1989, Master Rhee has been providing the Russian people with a powerful message pertaining to "knowledge in the mind, strength in the body, and honesty in the heart" through the martial art of Tae Kwon Do.

The power of Master Rhee's system has been demonstrated in the 70 schools and clubs that have opened throughout the Commonwealth of Independent States over the last 3 years.

In honor of Master Rhee's ongoing work, I would like to insert a copy of an article, describing his latest work, that appeared in the May 29, 1993, edition of the Moscow Times into the RECORD.

[From the Moscow Times, May 29, 1993]

GETTING A KICK OUT OF LEGISLATORS

(By Nanette van der Laan)

Arguing, shouting and pounding their fists on the table may be the way Russian parliamentarians communicate with each other these days. But if Jhoon Rhee has his way, the deputies would start their sessions by bowing.

Master Rhee, who over the last 28 years has taught more than 100 U.S. Congressmen the martial art of Tae Kwon Do, is committed to do the same in Russia.

He brings a simple message: "Knowledge in the mind. Strength in the body. Honesty in the heart."

The Korean-born Rhee wants to teach this philosophy to Russia's top legislators. Speaking at a press conference Friday at the White House, he that said a new utopia could be built in Russia as long as life's three most important values are respected: truth, beauty and love.

To demonstrate his fitness Rhee, 61, sprawled on the floor during the press conference, pressing his chest and head flat to the floor. He said he does 1,000 push-ups a day to stay in shape for Tae Kwon Do, a Korean martial art resembling karate.

"Flexibility is just as important physically as it is politically," said Rhee, jumping back to his feet. "The same is true for balance. If you kick with one leg, you must make sure you balance your other leg. I'm trying to alert parliamentarians that they must balance the national budget the same way. Presidents Reagan, Bush and now Clinton are all having difficulties."

Rhee, who was honored by President George Bush for his services, said that he is willing to instruct the Russian deputies for as long as they want, free of charge.

He said that 12 Supreme Soviet deputies had taken part in this training class Tuesday, and that this was a fine result.

"The first time I taught U.S. Congressmen only two people showed up," he said with a smile. "So the outcome was six times better."

"The deputies are still beginners and so far we have only done the basics." said Rhee, who moved to the United States at the age of 24. "But they were very enthusiastic."

Rhee said that during his first lesson, he taught the deputies to show respect by bowing to each other. This, he says, is vital in human society.

Rhee, who has taken his "Born to Be Happy" and the "Joy of Discipline" message to seminars around the former Soviet Union, has been appointed an adviser to the State Committee for Youth, Sports and Physical Education.

This was not his first visit to this part of the world; in past travels, he has set up 65 Tae Kwon Do studios across the former Soviet Union. His services were sought by the Russian government as part of a campaign to encourage foreign investment in sport.

Rhee, who counts the former heavyweight champion Muhammad Ali among his pupils, has been training Russians free of charge, saying that his foundation is a nonprofit one.

"I have enough money to finance my work here," Rhee said after the press conference. "I am paid $2,500 for a three-hour seminar for business executives in the United States."

Asked whether he though it would be possible that his teachings could become a "tool of the criminal society," Rhee replied: "The border between good and bad is very thin. But if people are directed well, they will use their strength only for good, honest purposes."

## INTRODUCTION OF THE PERFORMANCE RIGHT LEGISLATION

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. MOORHEAD. Mr. Speaker, today, the gentleman from New Jersey, Mr. HUGHES, introduced important copyright legislation concerning the rights of those to make sound recordings. Although I am not a cosponsor of this legislation at this time I want to commend our Judiciary Subcommittee chairman, for introducing this legislation. This bill seeks to close a gap in the U.S. copyright law to provide a digital performance right for sound recording copyright owners. The introduction of this legislation is an important step in ensuring that U.S. copyright law keep pace with advancing technology and places the United States in a leadership position as the World Intellectual Property Organization considers this issue in the international arena.

As ranking member of the Intellectual Property Subcommittee, I look forward to working with the chairman and other subcommittee members on this critical issue. This matter is not new to me or to this subcommittee. However, the rapid development of digital delivery services and the international trade considerations for this matter have changed the parameters of the debate and demand a speedy resolution.

I recognize that the bill introduced will undergo some change as it works its way through the legislative process. However, I encourage the affected parties to work with the subcommittee and each other to reach a solution.

## CITIZEN SURVEY RESULTS

### HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. HOKE. Mr. Speaker, one of the most pressing problems facing our nation is the budget deficit and exploding national debt. Everyone agrees that we must tackle this problem now, but there are many opinions on how best to do it.

Recently, I provided more than 200,000 households in Ohio's 10th District with an opportunity to register their individual opinions on a number of important budget issues. My first "Citizen Survey" featured questions on a proposed constitutional amendment to balance the Federal budget as well as on President Clinton's overall economic plan; including key components such as his proposals for an economic stimulus package and increased taxes on energy and social security benefits.

I'm pleased that more than 15,000 constituents—an unusually high return rate according to opinion research experts—took the time to fill out and mail back their reply cards. I'm also pleased to report that by a margin of nearly 4 to 1, my constituents said they consider these citizen surveys to be an appropriate and beneficial use of the frank.

Mr. Speaker, I'm grateful for my constituents' willingness to share their personal opinions on these important issues, and I'm pleased to report here in the CONGRESSIONAL RECORD the results of our citizen survey so that my colleagues may have the benefit of this valuable input from the citizens of Northeast Ohio.

CITIZEN SURVEY

Do you support the President's proposed economic plan which calls for $337 billion in new taxes, $211 billion in spending cuts, and $160 billion in new spending over the next four years?

Yes—16%; No—84%.

Do you support the President's $19.5 billion emergency stimulus package?

Yes—14%; No—86%.

Do you support an increase from 50% to 85% in the taxable portion of Social Security benefits received by beneficiaries who earn more than $25,000 (single filers) or more than $32,000 (joint filers)?

Yes—20%; No—80%.

Do you support the President's proposed BTU tax—a tax on the energy content of fuel, including coal, natural gas, and petroleum?

Yes—15%; No—85%.

Do you support a constitutional amendment to mandate a balanced federal budget, which if passed by Congress would then be sent to the States for ratification?

Yes—83%; No—17%.

Does this questionnaire constitute an appropriate and beneficial use of the taxpayer-funded franking privilege?

Yes—78%; No—22%.

## INTRODUCTION OF THE SOCIAL SECURITY BENEFITS IMPROVEMENT ACT OF 1993

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. JACOBS. Mr. Speaker, today I am introducing the Social Security Benefits improvement Act of 1993. This bill contains Social Security benefit improvements in which a great many Members have expressed interest—it improves both the retirement earnings test and the level of benefits for elderly widows. It also complies with the requirements of the Budget Enforcement Act that all increases in Social Security benefits be balanced with offsetting savings or revenue increases.

I ask that a staff summary of this legislation appear in the CONGRESSIONAL RECORD following these remarks.

SOCIAL SECURITY BENEFITS IMPROVEMENT ACT OF 1993

**SECTION 1. SHORT TITLE.**

**SEC. 2. INCREASE IN RETIREMENT EARNINGS TEST FOR AGES 65–69.**

The Social Security retirement earnings test is a test of eligibility for retirement benefits. For beneficiaries age 65–69, it withholds $1 of benefits for every $3 of earnings over an annual threshold amount. In 1993, this threshold is $10,560. The bill would double this amount over 5 years, raising it to $12,000 in 1994, $14,000 in 1995, $16,000 in 1996, $18,000 in 1997 and $20,000 in 1998.

**SEC. 3. IMPROVEMENT IN BENEFITS FOR WIDOWS.**

Widows may file for benefits beginning at age 60. However, heir benefits are permanently reduced by 28.5 percent, so that the benefit they receive is 71.5 percent of the amount they would have received had they wait until age 65 to claim benefits. The bill would lessen the amount of this reduction to 25 percent, so that a widow who applied for benefits at age 60 would receive a benefit equal to 75 percent of the age-65 amount.

**SEC. 4. ELIMINATION OF 7-YEAR RULE FOR DISABLED WIDOWS.**

Widows who are disabled may file for benefits beginning at age 50. However, their disability must have begun within seven years after their spouse's death or within seven years after the end of their entitlement to mother's or father's benefits (which are paid to widows caring for children under age 16). The bill would eliminate this "seven-year rule."

**SEC. 5. INCREASE IN SOCIAL SECURITY WAGE BASE.**

The Social Security payroll tax is imposed on wages up to $57,600 annually in 1993. This amount is known as the wage base, and it is indexed to rise each year by the rate of growth in average wages. The bill would raise this amount by $2,100 in 1994, so that the wage base would be $60,000 in 1994 instead of $57,900 as projected under current law. The wage base would be indexed annually thereafter.

## INTRODUCTION OF LEGISLATION TO PROVIDE TRANSITION RELIEF FOR NONPROFIT STUDENT FUNDING CORPORATIONS

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, there are approximately 21 nonprofit student loan funding corporations which serve as regional secondary markets for lenders originating student loans under Federal student loan programs. These corporations, described in Internal Revenue Code section 150(d), are permitted to issue tax-exempt debt to finance acquisitions of student loans so long as their earnings are reinvested in student loans. Most of these nonprofits have financed student loan acquisitions with both taxable and tax-exempt debt. These organizations are defined as 501(c)(3) organizations by the Internal Revenue Code and therefore, they are not permitted to raise equity capital from private investors.

The modifications to the Federal student loan programs, whether via a direct loan program or otherwise, will cause many lenders to end their involvement in the Student Loan Program. This will occur because many lenders will not continue to devote resources to either a winding down program or to the continuing program if financial incentives are reduced. The loss of capital to the transition phase of the modified student loan programs will result in a substantial need for greater capital support from the private sector.

Nonprofit student loan funding corporations desire to serve this capital need but will need tax law changes to enable them to raise the needed capital. Specifically, they need the ability to transfer their assets and liabilities, including tax-exempt debt, to a for-profit taxable corporation in exchange for a stock interest in such a conversion corporation. This transfer will allow the conversion corporation to raise equity capital.

Chairman MOAKLEY and I are introducing legislation that will amend the Federal tax laws to permit the transfer of the assets and liabilities of a nonprofit scholarship funding corporation to a for-profit, fully taxable conversion corporation. Neither the nonprofit corporation, after the conversion, nor the conversion corporation will be able to issue additional tax-exempt debt and outstanding tax-exempt debt will continue to support the Student Loan Program until that debt is retired.

The legislation provides an efficient means of bolstering the capital base of the secondary student loan market during the transition period and of assuring the maintenance of the expertise and workforce of the nonprofit scholarship funding corporations for their future roles in the Federal student loan programs. I urge this legislation to be reviewed in relation to the transition to a direct loan program.

## TRIBUTE TO ANN MERCEDES ROBERTS ROBINSON

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. LEWIS of Georgia. Mr. Speaker, I want to recognize Ann Mercedes Roberts Robinson who is retiring after 28 years of service with the Veteran's Administration. Her retirement date is July 7, 1993, which is the day Mrs. Robinson will turn 60. Mrs. Robinson has lived in the Fifth Congressional District of Georgia for 22 years. A model citizen, Mrs. Robinson is highly active in her community and church. She is a member of the Zeta Phi Beta Sorority.

Born in Jasper County, GA, Mrs. Robinson was the fourth child of seven children born to Fleetwood and Irene Roberts. Mrs. Robinson is a graduate of Morris Brown College and the Atlanta University School of Social Work. Mrs. Robinson is the mother of two daughters.

Mr. Speaker, Mrs. Robinson is to be commended for her many years of government service and for dedication to her community and church.

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## CLARIFICATION OF STATEMENTS REGARDING BOB RANDOLPH

### HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. PAYNE of Virginia. Mr. Speaker, I want to take this opportunity to correct statements that were made on the House floor on May 19. My colleague, Representative Bob Dornan, was discussing the nomination of Bob Randolph to be U.S. attorney in Seattle, and stating his view that Mr. Randolph's antiwar record disqualifies him from holding that office. During the course of his remarks, which appear in the May 19 Record on page H2570, he made a number of statements about Bob Randolph that are not accurate, and I believe require clarification.

I have known Bob Randolph for 25 years and know him to be a person of honesty, character, and integrity. Although Bob and I chose different paths with respect to military service during the Vietnam era, Bob acted out of conscience. The sincerity of his beliefs is attested by the fact that the Marine Corps gave him an honorable discharge.

According to the Record, Mr. Dornan stated that, while at Quantico, "Randolph begins to organize enlisted recruits to protest against the war in Vietnam * * * in a Marine Corps officer's uniform, goes on national television to condemn the United States * * * 'ho, ho, Ho Chi Minh' aid and comfort to the Communist enemies slaughtering people and slitting the throats of village chieftans."

None of these statements is true.

In addition, the Record states "on graduation from Harvard he accepts a position with a British firm in Singapore" and "finds himself drawing big dollars in Singapore as a Rhodes scholar and a VMI graduate." In reality, after law school Bob Randolph worked for a distinguished Federal judge in Richmond, VA, and then went to Seattle where he practiced law for 13 years before accepting a job as the CEO of multinational public company—with a British parent—based in Singapore.

Because of my personal knowledge of Bob Randolph and my concern about the misimpressions that may remain about Bob's character and integrity, I wanted to take this opportunity to set the Record straight.

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## INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. MARKEY. Mr. Speaker, I rise today to introduce a bipartisan piece of legislation, the Space Advertising Prohibition Act of 1993. What will our world be like if Space Marketing, Inc., the Georgia-based company seeking to launch 1 mile-long billboards made from mylar sheets into low Earth orbit, has its way? Children will learn a new nursery rhyme: "hey diddle diddle, the cat and the fiddle, the cow jumped over the mylar." They will make a wish upon a falling billboard." Carl Sagan might even be heard referring to those "billions and billions of billboards in space." And while Bartlett's Book of Quotations lists 144 quotes about "the moon" and 235 quotes about "the stars," there is not one about "billboards." In fact, the only quote ever inspired by a billboard was by Ogden Nash and it is worth thinking about: "I think I shall never see, a billboard lovely as a tree. Indeed, unless the billboards fall, I'll never see a tree at all."

If allowed to happen, this scheme will send square mile-size mylar billboards into low Earth orbit so that every sunrise and sunset would beam down the logo of Coke or G.M. or the Marlboro man, turning our morning and evening skies, often a source of inspiration and comfort, into the moral equivalent of the side of a bus.

We might stand in this Chamber today and laugh about the notion of enormous billboards floating above the horizon or convince ourselves that it just couldn't happen. But if left unchecked it just might happen. Would companies pay $1 million a day for a single billboard? Already today they might spend half that on a single TV ad. In aggregate, U.S. businesses buy well over $100 billion of advertising annually to generate demand for their products.

I am relieved that the tidal wave of opposition to this idea has caused Space Marketing, Inc., to back down, for now, from its original intention to put these signs in space. But if there is money to be made then it is just a matter of time until someone, somewhere tries to do it. With the technological capability to put billboards in space already established, the question of whether we want advertising beamed down to us from space needs to be carefully considered by Congress.

That is why, along with my colleagues Susan Molinari, Anna Eshoo, Connie Morella, Eric Fingerhut, Frank McCloskey, William Lipinski, Douglas Bereuter, Barney Frank, Anthony Beilenson, Romano Mazzoli, Maurice Hinchey, Bob Filner, Fred Upton, and William Hughes, I am proud to introduce the Space Advertising Prohibition Act of 1993. We are going to work very hard to control this frightful prospect and keep our skies clear to remain a source of inspiration to us all.

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Space Advertising Prohibition Act".

**SEC. 2. PROHIBITION ON SPACE ADVERTISING.**

(a) Amendment to Findings.—Section 2 of the Commercial Space Launch Act (49 U.S.C. App. 2601) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(10) the use of outer space for advertising purposes is not an appropriate use of outer space and should be prohibited.".

(b) Amendment to Purposes.—Section 3 of the Commercial Space Launch Act (49 U.S.C. App. 2602) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and";

(3) by inserting at the end the following new paragraph:

"(5) to prohibit the use of outer space for advertising purposes.".

(c) Definition.—Section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603) is amended—

(1) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) 'space advertising' means advertising in outer space, including the placement of images or objects in outer space that are visible from Earth, for purposes of marketing or otherwise promoting the sale or use of goods or services;".

(d) Prohibition on Space Advertising.—The Commercial Space Launch Act (49 U.S.C. 2601 et. seq.) is amended by inserting after section 10 the following new section:

**"SEC. 10A. PROHIBITION ON SPACE ADVERTISING.**

"(a) Secretarial Actions.—The Secretary shall not—

"(1) issue or transfer a license under this Act; or

"(2) waive the license requirements of this Act,

for the launch of a payload containing any material to be used for purposes of space advertising.

"(b) Prohibition.—No holder of a license under this Act shall launch a payload containing any material to be used for purposes of space advertising.

"(c) Civil Penalties.—Any person who violates subsection (b) shall be subject to a civil penalty, not to exceed $30,000,000, which shall be assessed by the Secretary.

"(d) Revocation and Issuance of Licenses.—(1) The Secretary shall revoke any license held by a person who violates subsection (b).

"(2) Any person who violates subsection (b) shall not be issued a license under this Act for a period of 2 years from the date on which the Secretary finds that such person has violated subsection (b), or if such finding is appealed, the date on which the appropriate court issues a final judgment in favor of the Secretary.".

**SEC. 3. AGREEMENTS WITH FOREIGN NATIONS.**

The President, acting through the Secretary of State, is requested to negotiate with foreign nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for advertising purposes.

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Cosponsors of the Space Advertising Prohibition Act: Ms. Susan Molinari, Ms. Anna Eshoo, Ms. Connie Morella, Mr. Eric Fingerhut, Mr. Frank McCloskey, Mr. William Lipinski, Mr. Douglas Bereuter, Mr. Barney Frank, Mr. Anthony Beilenson, Mr. Romano Mazzoli, Mr. Maurice Hinchey, Mr. Bob Filner, Mr. Fred Upton, Mr. William Hughes.

### BILLBOARDS IN OUTER SPACE

Billboards in orbit: On April 12, 1993 a Georgia-based company announced that they have the technology and intention to put gigantic billboards in orbit around the Earth. These billboards will be one mile long, one mile wide and made of mylar. Visible from Earth by the naked eye, they are half as large as the full moon.

The public doesn't want billboards in space: There has been a tremendous public backlash to this proposal. However, if there is the potential for profit, we must assume that there is someone, somewhere, who will try to put billboards in space. Presently there is no regulation preventing their use.

Our bill will put end to billboards in space: The "Space Advertising Prohibition Act" will prohibit the launch into outer space of a payload containing any material which will be visible from Earth which will be used for purposes of marketing or otherwise promoting the sale or use of goods and services.

Prohibition of the United States is not enough: Our bill requests that the President, acting through the Secretary of State negotiate with foreign nations for the purpose of reaching agreements that will prohibit anyone else in the world from invading the skies with advertising.

There is bi-partisan support for this bill: Support for this bill is led by Representatives Edward J. Markey (D-MA), Susan Molinari (R-NY), Anna G. Eshoo (D-CA) and Connie Morella (R-MD), and many other cosponsors.

Opposition to billboards in space is widespread: The Astronomical League, U.S. PIRG, Center for Study of Commercialism, Center for Science in the Public Interest, Environmental Action, Scenic America, National Audubon Society, and renowned astronomer Carl Sagan, among others, have already thrown their support behind this bill. There is no question that more and more scientific, environmental and consumer groups will join us as soon as they get wind of the preposterous idea of advertising in space.

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COALITION OPPOSING BILLBOARDS
IN OUTER-SPACE,
*Washington, DC, May 13, 1993.*

NANDASIRI JASENTULIYANA,
*Director, Office on Outer-Space Affairs, General Secretary, Committee on the Peaceful Use of Outer-Space, United Nations, New York, NY.*

DEAR MR. JASENTULIYANA: An American marketer, Space Marketing, Inc., is seeking a commercial sponsor for a mile-long billboard to be sent into earth orbit. The vehicle will project a corporate logo as large as the moon to people on Earth.

The undersigned coalition of consumer, environmental, and scientific organizations condemns Space Marketing's proposal to commercialize the heavens. We urge the United Nation's Committee on the Peaceful Use of Outer-Space to issue a resolution against this type of venture.

Such a billboard is an abuse of international space, adding to the debris problem, destroying the serene nocturnal skyline, and interfering with astronomical research. Space Marketing has claimed that the vehicle could help monitor the ozone layer, but that benefit is meaningless because existing satellites monitor ozone levels without polluting the sky with commercials.

We fear Space Marketing's proposal could open the door to other advertising forays in space. We hope that your agency will discourage Space Marketing from launching the billboard and urge the U.S. National Aeronautics and Space Administration not to support the project.

We are also asking Space Marketing to abandon its plans. We hope that your office supports our position and will publicly denounce the commercial pollution of space.

Signed:
Astronomical Society of the Pacific.
Astronomical League.
International Dark-Sky Association.
Scenic America.
Center for Science in the Public Interest.
Center for the Study of Commercialism.
National Consumers League.
National Audubon Society.
Environmental Action.
Earth Day 2000.
U.S. Public Interest Research Group.
Public Media Center.
Center for Media Education.

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CORNELL UNIVERSITY, CENTER FOR RADIOPHYSICS AND SPACE RESEARCH,
*Ithaca, NY, June 3, 1993.*

Representative ED MARKEY,
*U.S. Congress, Washington, DC.*

DEAR ED: I wonder if you've been following the space billboard issue. I think it's an abomination. It is the thin edge of a wedge which may destroy optical ground-based astromony, the most ancient of the sciences. In the long run it means that there will be no place on Earth safe from advertisers. It opens the door to political, ideological, and religious sloganeering from the skies. It is an attack on science, an invasion of privacy for everyone, an aesthetic affront, and a misuse of the engineering talent in the national laboratories.

I understand that you've been thinking about this issue and just wanted to encourage you to sponsor a bill putting some real limitations on this brilliant idea.

With warm good wishes,
Cordially,
*Carl Sagan.*

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[From the Boston Globe, May 14, 1993]

### ADS IN SPACE? DON'T LOOK NOW, BUT . . .

(By Dianne Dumanoski)

Space. The final frontier. And Space Marketing Inc. wants to boldly go where no one has gone before—to put the first billboard in space. No, this is not a gag from "Saturday Night Live."

The company, based in Roswell, Ga., is serious about launching a giant inflatable billboard into orbit so it can be seen by billions of people around the world. The mile-long billboard, which would be launched via rocket in 1996 and orbit the Earth for about three weeks, would appear to be about the size of a full moon as it loomed overhead.

Yesterday, consumer activists, environmentalists and astronomers launched a campaign to stop what they see as a commercial insult to the heavens. The coalition, called Save Our Skies, appealed to United Nations officials to pass a resolution condemning the venture and held news conferences and demonstrations at several sites around the country in protest.

"You've got marketers trying to co-opt one of the last ad-free zones on earth," said Karen Brown of the Center for the Study of Commercialism, a nonprofit group in Washington that is organizing the campaign. "It's nothing less than intergalactic pollution."

Astronomer Carl Sagan condemned the proposal, calling it an "abomination." It is the thin wedge which may destroy optical ground-based astronomy, the most ancient of sciences."

A spokesman for Space Marketing said yesterday that the plan was a creative way to fund research in a time of shrinking federal funds.

"It will support environmental sensors that will do readings on the Earth's ozone layer," Mike Jones said. "This is a continuation of ozone monitoring paid for by private industry not private taxpayers."

But what about the billboard?

"We will not allow it to be giant beer cans or giant golden arches," Jones promised. "Our hope is it will be some sort of environmental symbol."

However, the idea of an environmental symbol appears to have surfaced after the plan set off a storm of criticism. In earlier news reports and company news releases, Mike Lawson, chief executive officer of Space Marketing, is quoted as saying that he was seeking a corporate underwriter with a universal recognized logo that could appear on the billboard at a cost of between $15 million and $30 million.

The journal Advertising Age described the plan for an orbiting billboard as "the most ambitious marketing endeavor ever contemplated."

Touting the advantage of space advertising in a news release, Space Marketing says: "Aside from merely having a logo or message on the platform, sponsoring companies also have the ability to tailor design the orbit so that it will pass over 'key populations' at the same time during ideal daylight viewing times."

At the end of the three-week period, Jones said, the highly reflective Mylar substance bearing the symbol or logo would disintegrate, and the supporting platform, invisible after the logo was destroyed, would continue to orbit for a full year, monitoring ozone.

What information would this provide that is not already being provided by NASA's ozone monitoring program?

Jones said he was not certain and was unable to provide the name of any scientist working with the company on plans for ozone monitoring. He referred questions to two scientists he said are working on the overall project.

One of those named, Preston Carter of the Lawrence Livermore National Laboratory in California, referred inquiries to the lab's public relations office.

"What we are doing on this is zero," said Jeff Garberson, a Livermore spokesman. "We are absolutely not sending sensors up on billboards. We are undertaking no work in this area and have no intention of undertaking work in this area.

Garberson said activists carrying signs protested the proposed space billboard outside the lab yesterday.

Garberson said that Carter is a friend of Lawson, the Space Marketing chief executive officer, and that the two had had phone conversations. "Preston Carter did talk to them but it never got beyond talking," he said.

Brian Dunbar, a NASA spokesman, said he knew nothing about the ozone monitoring being planned by the firm.

He said NASA satellites monitor ozone record data for periods of 18 months to three years and that there are plans for new monitoring systems that could record ozone data for 15 years.

Because of the way ozone varies, "one year's worth of ozone data is not going to do you a whole lot of good," he said.

Federal approval from the Department of Transportation would probably be needed before the project could go forward.

But if Space Marketing proceeds with its plans, opponents are threatening to boycott any company that underwrites the effort.

"Americans' vision of the 21st century does not include corporate logos dotting the sky and sunsets sponsored by your favorite soft drink" said Rob Sargent, of Mass-PIRG, which has joined the national protest. "Any company crazy enough to advertise on a space billboard will be sorry."

## INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Ms. MOLINARI. Mr. Speaker, today I am introducing legislation with Representatives MARKEY, MORELLA, and ESHOO that will effectively ban billboard advertising in space. It has come to our attention that a company in Atlanta, GA is developing mylar billboards to be placed in space so that advertisements can be seen from Earth.

These space posters, about the size of a full Moon, will be most visible at dawn and dusk and can even be positioned to appear to target audiences at certain times.

Mr. Speaker, it concerns me that these billboards will not only pollute the heavens and the skies, but that they will force advertisements on the population at large and overstep the boundaries of everyone's right to see a clear sky without a blemished Moon, Sun and stars.

This is clearly a violation on our environment and an encroachment on our daily lives. My caution to all parties concerned is that despite our commitment to technological advancements in our society and the world at large, we should not encourage the commercialism of the cosmos. Where commercials for products like Pepsi and Kodak go first, politicians are sure to follow.

We must ban billboards in space or we as a society will not have the opportunity to choose not to see advertisements. We will not be able to look toward the galaxy for unlittered inspiration. We will effectively pollute the heavens for eternity.

## INTRODUCTION OF LEGISLATION REGARDING BILLBOARDS IN SPACE

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mrs. MORELLA. Mr. Speaker, today I join with my colleagues in introducing the Space Advertising Prohibition Act. If we allow mylar billboards to be launched into space, not only will the serenity of our sky be threatened but important astronomical research will be jeopardized as well. Just think of the possibility that the billboard fabric could rip into fragments and float off into space. Would the stars you think you see be instead pieces of mylar twinkling erratically? Dr. Derek McNally, a British astronomer, fears: space debris generation with a somewhat obnoxious material—and a very serious challenge to sustained deep sky studies. As a member of the Committee on Science, Space, and Technology, I want to further astronomical research and ensure its safety. These orbiting billboards will damage a fundamental science.

To clarify, we are not objecting to advertisements on the side of space shuttles. These ads are here for a moment and then gone from our sight. Our legislation is aimed at mile-long billboards visible to the naked eye from space. And the best viewing time will be sunrise and sunset. These mylar monstrosities are being marketed as environmental billboards because they will contain ozone reading sensors to monitor the Earth's protective layer. These sensors, however, are unnecessary because of already existing satellites monitoring ozone levels.

As a member of GLOBE, Global Legislators Organization for a Balanced Environment, I have sent copies of this bill to my colleagues in Tokyo, Brussels, and Moscow. I have asked these legislators to consider sponsoring similar legislation. Clearly, orbiting mylar billboards endanger the sky above us all. I ask my colleagues in the House to join Congressman MARKEY, and Congresswoman MOLINARI and ESHOO in supporting the prohibition of space billboards.

## A TRIBUTE TO OFFICER MICHAEL McGARRY

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. KLEIN. Mr. Speaker, I rise today in order to pay tribute to Michael McGarry, a Port Authority police officer from Belleville, NJ, who was honored as the 1993 "Cop of the Year" by the New York's Finest Foundation.

Specifically, Officer McGarry was recognized for the courage he displayed after the terrorist bombing of the World Trade Center in February. On that day, Officer McGarry was on duty on the Path train platform inside the building. When the bomb exploded, McGarry was slammed onto the train tracks by the powerful blast. Ignoring his own serious injuries, Officer McGarry risked his own life to attend to others who were in danger. McGarry managed to rescue two people including a firefighter who was also part of the rescue team. As a result of being exposed to the smoke from the fires raging in the building, McGarry collapsed from hypothermia and smoke inhalation.

The "Cop of the Year" award is presented by the New York's Finest Foundation in order to recognize ordinary people who have done extraordinary things. Undoubtedly, McGarry deserves to be honored for saving lives, but his actions have a much greater meaning. He is an ordinary person who has demonstrated through his courage that we all are capable of being heroes if we emulate his example of leading a life characterized by selflessness and bravery.

Mr. Speaker, I am deeply honored to have the opportunity to recognize someone who embodies the best in human nature. I ask my colleagues to join me in applauding the rarely paralleled heroism of Officer McGarry.

## REGARDING THE CONFERENCE REPORT ON H.R. 2118, MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1993

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2118, providing supplemental appropriations for fiscal year 1993.

This is a modest and good bill, Mr. Chairman. All funds provided in the bill are either offset or within the spending limits set in the fiscal year 1993 budget resolution. Specifically, the bill contains $2.5 billion in rescissions of previously appropriated funds.

The conference committee approved $220 million for summer jobs. This assistance will mean that over 160,000 additional disadvantaged youth throughout the country will have an opportunity to better themselves in the coming summer. With this additional infusion of assistance, funds will be available for jobs for a total of 773,000 young people nationwide.

This is urgently needed assistance, Mr. Chairman, particularly to States like California, that are already suffering from unemployment rates which are far higher than the national average. Over 15,000 more of our State's disadvantaged youth will participate in the summer job program, bringing the total of disadvantaged young Californians with summer jobs to over 73,000.

In addition, the bill provides an additional $150 million to help local and State governments put more cops on the streets. There is an urgent need, particularly in our larger cities, to increase the protection of our neighborhoods and children. It is a wise investment that will pay for itself. California alone will see over $15 million of this aid to help fight crime.

The funds provided in the bill for the SBA loan guarantee program, Mr. Chairman, are also urgently needed. The $175 million in the bill will support over $3.2 billion in additional SBA guaranteed loans. This is an important investment in one of the most prolific job-creating sectors of our economy—our Nation's small businesses. This additional investment will fund about 13,000 new loans and generate an estimated 325,000 new jobs.

This SBA assistance is particularly important to States like California. In California, in 1992, business failures grew 33 percent, nearly quadruple the average of all other States. And, these funds will support an estimated $660 million in new loans to small businesses, generating 65,000 jobs statewide.

Mr. Speaker, I also want to express my support for the provision of H.R. 2118 which expands eligibility for disaster assistance originally passed by the 102d Congress. The eligibility for disaster assistance has been extended to crop losses caused by natural disasters in 1993. It is important to underscore that this expansion of eligibility will not cost any more money. Rather, it simply qualifies more people to be eligible to receive already appropriated disaster assistance funds.

This provision is particularly crucial for prune growers in my district. As my colleagues may know, northern California was hit by unseasonal spring rains earlier this year. The rains have decimated the 1993 prune crop. Crop losses are expected to reach 70 percent for most prune growers in the northern Sacramento Valley. H.R. 2118 will help prune growers in my district get through the difficult financial hardship that lies ahead as a result of this natural disaster.

Mr. Speaker, again, this is an important, urgently needed bill, and I urge my colleagues to support the conference report.

## TRIBUTE TO THE 125TH ANNIVERSARY OF LAKE CITY

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the 125th anniversary of the founding of Lake City, MI. I am proud to pay tribute to the individuals that have given Lake City its unique character—from the Founding Fathers to the citizens that call it home today.

It all began when two Canadian brothers, Daniel and William Reeder, and a group of four others came to search for homes in Missaukee County, MI, in 1867. In 1868, after at first enduring ridicule from their companions, the beauty and allure of the shores of what was then known as Muskrat Lake enticed Daniel and one other member of the group to be the first settlers to construct a building of any kind in the area. Other individuals and family members soon followed, and the area became known as Reeder, named for its founder Daniel Reeder. It was officially established as Lake City on June 3, 1873.

By the late 1880's the population of Lake City was several hundred. The first telephones arrived in the mid-1890's, and Main Street saw its way to accommodate the first automobiles around 1905. Present-day population is approximately 850 residents, and Lake City is alive with a variety of shops, schools, churches, and small employers, and boasts an active tourist season which lasts throughout the year. It also sponsors one of the best Independence Day parades in northern Michigan—the "Greatest Fourth in the North," as well as the Festival of Pines which pays tribute to the history of logging in Lake City and the vicinity.

Mr. Speaker, I know you will join me in saluting the dedicated individuals that have and continue to make Lake City a prosperous and beautiful place to live and visit. On this, its 125th anniversary, this commitment and dedication is indeed to be commended and celebrated.

## A CONSTITUTIONAL AMENDMENT TO ABOLISH THE DEATH PENALTY

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. GONZALEZ. Mr. Speaker, I rise today to introduce a resolution proposing a constitutional amendment to prohibit capital punishment within the United States. I believe that the death penalty is an act of vengeance veiled as an instrument of justice. Not only do I believe that there are independently sufficient moral objections to the principle of capital punishment to warrant its abolition, but I also know that the death penalty is meted out to the poor, to a disproportionate number of minorities, and does not either deter crime or advance justice.

Violent crimes have unfortunately become a constant in our society. Every day people are robbed, raped, and murdered. We are surrounded by crime and yet feel helpless in our attempt to deter, to control, and to punish. The sight of any brutal homicide excites a passion within us that demands retributive justice. We have difficulty comprehending that which cannot be understood.

Mr. Speaker, we will never comprehend the rationale of violent crime, but the atrocity of the crime must not cloud our judgment and we must not let our anger undermine the wisdom of our rationality. We cannot allow ourselves to punish an irrational action with an equally irrational retaliation: Murder is wrong, whether it is committed by an individual or by the state.

The United Nations Universal Declaration of Human Rights states that, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment." The death penalty is torture, and numerous examples exist emphasizing the cruelty of the execution. Witness Jimmy Lee Gray, who was executed in 1983 in the Mississippi gas chamber. During his execution he struck his head repeatedly on a pole behind him and had convulsions for 8 minutes. The modernization to lethal injection serves only as an attempt to conceal the reality of cruel punishment. Witness the execution by lethal injection of James Autry in 1984. He took 10 minutes to die, and during much of that period he was conscious and complaining of pain.

Despite the obvious mental and physical trauma resulting from the imposition and execution of the death penalty, proponents insist that it fulfills some social need. This simply is not true. Studies fail to establish that the death penalty either has a unique value as a deterrent or is a more effective deterrent than life imprisonment. We assume that perpetrators will give greater consideration to the consequences of their actions if the penalty is death, but the problem is that we are not always dealing with rational actions. Those who commit violent crimes often do so in moments of passion, rage, and fear—times where irrationality reigns.

Rather than act as a deterrent, some studies suggest that the death penalty may even have a brutalizing effect on society. For example, Florida and Georgia, two of the States with the most executions since 1979, had an increase in homicides following the resumption of capital punishment. In 1984 in Georgia, the year after executions resumed, the homicide rate increased by 20 percent in a year when the national rate decreased by 5 percent. There can be no disputing the other evidence—murders have skyrocketed in recent years, as have State executions. The Government cannot effectively preach against violence when we practice violence.

The empty echo of the death penalty asks for simple retribution. Proponents advocate that some crimes simply "deserve" death. This argument is ludicrous. If a murderer deserves death, I ask you why then do we not burn the arsonist or rape the rapist? Our justice system does not provide for such punishments because society comprehends that it must be founded on principles different from those it condemns. How can we condemn killing while condoning execution?

In practice, capita punishment has become a kind of grotesque lottery. It is more likely to be carried out in some States than others—in recent years more than half of the Nation's executions have occurred in two States—Texas and Florida. It is far more likely to be imposed against blacks than whites—the U.S. Supreme Court has assumed the validity of evidence that in Georgia those who murder whites are 11 times more likely to receive the death sentence than those who kill blacks, and that blacks who kill whites were almost 3 times as likely to be executed as whites who kill whites. It is most likely to be imposed upon the poor and uneducated—60 percent of death row inmates never finished high school. And even among those who have been sentenced to die, executions appear randomly imposed—in the decade since executions resumed in this country, well under 5 percent of the more than 2,500 death row inmates have in fact been put to death.

It cannot be disputed that most death row inmates come from poverty and that there is a definite racial and ethnic bias to the imposition of the death penalty. The statistics are clear, as 92 percent of those executed in this country since 1976 killed white victims, although almost half of all homicide victims during that period were black; further, black defendants are many times more likely to receive the death sentence than are white defendants. A 1990 report of the General Accounting Office found that there exists "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty. * * * In 82 percent of the studies, race of victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty." Similar statistics can be found in my area of the country with regard to individuals of Mexican-American descent; in fact, similar practices once prevailed with regard to women. The practice was to tell the murderer to leave town if he killed a Mexican-American or a woman, as the feeling was that the murder must have been justified. We may have moved beyond that point, but not by much. It is as much a bias in favor of the "haves" and at the expense of the "have-nots" as anything else.

Racial and ethnic bias is a part of our Nation's history, but so is bias against the poor. Clearly, the ability to secure legal assistance and to avail oneself of the best that the legal system has to offer is based on one's financial status. The National Law Journal stated in 1990, "Indigent defendants on trial for their lives are being frequently represented by ill-trained, unprepared, court-appointed lawyers so grossly underpaid they literally cannot afford to do the job they know needs to be done." The American Bar Association has admitted as much.

The legal process has historically been replete with bias, as well. We have a history of exclusion of jurors based on their race; now, the Supreme Court has sanctioned the exclusion of multilingual jurors if witnesses' testimony will be translated—this is particularly significant in my area of the country, in San Antonio.

Further, we have executed juveniles—children, actually, as well as those with limited intelligence. Only five countries besides the United States are known to have executed juvenile offenders in the past decade: Bangladesh, Barbados, Pakistan, Iraq, and Iran. That's some company to be in, particularly in light of the billions of dollars we have spent, an continue to spend, to stop brutalization by the leader of Iraq.

There are moves on in Congress to speed up the execution process by limiting and streamlining the appeals process. But when the statistics show how arbitrarily the death penalty is applied, how can we make any changes without first assuring fairness? If the death penalty is a fair means of exacting retribution and punishment, then isn't fairness a necessary element of the imposition of capital punishment? There are no "do-overs" in this business when mistakes are made.

The imposition of the death sentence in such an uneven way is a powerful argument against it. The punishment is so random, so disproportionately applied in a few States, that it represents occasional retribution, not swift or sure justice. My colleagues, I implore you to correct this national disgrace. Nearly all other Western democracies have abolished the death penalty without any ill effects; let us not be left behind. Let us release ourselves from the limitations of a barbaric tradition that serves only to undermine the very human rights which we seek to uphold.

Can we continue to condone the sad part of our Nation's history that has been replete with injustice based on the color of one's skin, the accent in one's speech, or the amount of money in one's pocket? Regardless of one's view in favor or against imposition of the death penalty, we must all reaffirm our commitment to the fair and equal treatment of all men and women under the laws of this Nation. It is time that the words of the Declaration of Independence be words of action, not of mere rhetoric: "We hold these Truths to be self evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuant of Happiness."

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## HEALTH CARE IN URBAN AMERICA; IMPLICATIONS FOR NATIONAL HEALTH CARE REFORM

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 1, 1993*

Mr. RANGEL. Mr. Speaker, on June 7 and 8, it was my privilege to co-host with Columbia University President Michael Sovern a conference on health care reform at Harlem Hospital entitled, "Health Care in Urban America: Implications for National Health Care Reform".

This conference brought together health care experts from around the country to discuss the health care needs of America's inner cities and how those requirements must be addressed in the context of national health care reform if this historic effort is to be successful.

CONFERENCE SUMMARY

The conference concluded that national health care reform will fail if it does not deal with the conditions unique to the inner cities. The conference found that although the extension of insurance coverage is a crucial first step in obtaining universal care for all Americans, greater benefits in the inner city must be accompanied by practical assurances of access to the full range of medical care; by an increased supply of preventive primary care and public health services, and by the development of integrated social service delivery systems in our central cities.

The conference found that prospects for health care reform hold special challenges and opportunities for American cities. The lack of insurance and the inadequate access that are increasingly recognized as problems across the country are of greater concern in the cities, where large concentrations of people with unusually severe health problems create special budgetary and organizational obstacles to delivering preventive, primary care, and public health services. The conference reported that the health status in American central cities falls below the norms of more affluent areas, that access to services is hampered by financial and geographic barriers and that coordination is inadequate among social services, the education system and health care. Poverty makes it difficult for children and families to find and use appropriate health and related services. Preventive services are scarce, and too often the emergency room becomes the health care provider of first and last resort.

THE ADMINISTRATION'S PROPOSAL

Bruce Vladeck, the new Administrator of the Health Care Financing Administration represented the Clinton administration at the Conference. He outlined where the administration is in terms of releasing its health care plan.

Dr. Vladeck described the Administration proposals as follows:

Universal coverage—Americans will be issued a health insurance card to access health coverage offered by various competing state health care alliances.

The basic benefit will be based on the Blue Cross standard option.

Americans will be able to choose the plans they wish to participate in.

A global health budget will be the goal in 3 to 5 years. Cost control would be put in place tying the rate of growth in health care costs to the rate of economic growth.

Quality assurance and data collection systems will be put in place.

Tort reform.

Concerning the unique needs of inner-city health care, Dr. Vladeck made the following points:

The Administration recognizes that universal access to health care alone will not address the complex health care needs of inner city residents. Critical improvements are needed for the infrastructure of inner city health care systems. Vladeck stated that the Administration is looking at a separate funding stream to enhance the infrastructure of public hospitals, expand community health centers, and support the growing needs of voluntary health care providers.

The health care workforce in the inner city must be expanded. This would include a proposed doubling of the National Health Service Corps and incentives for primary care medical education.

As part of the effort to make inner city health care more attractive to providers, the Administration would accelerate payment levels toward primary care providers and preventive health services and away from specialities.

Recognizing the large drug and alcohol abusing populations in inner city communities, the Administration will propose significantly expanded substance abuse treatment coverage in the proposed mental health benefit.

To combat discrimination by the various health care alliances from competing to deliver services to inner city residents, all plans in a geographic area would be required to reach a proportion of traditionally medically underserved individuals.

Concerning Medicaid as we know it, Vladeck projected that acute care and basic services presently provided by Medicaid would be rolled into the new system, but that chronic- and long-term care would be provided by a separate funding stream.

Full proceedings from the conference will be available during the summer. I will be sharing the conference proceedings with Members of the House when they are available so that we may all be cognizant of these critical issues as the House considers the President's health care reform proposals later this year. I am attaching to these remarks to the conference agenda.

Columbia officials will soon be requesting to meet with Administration and congressional health policy experts to discuss the conference findings and encourage the inclusion of these recommendations in the national health care reform legislation.

HEALTH CARE IN UNDERSERVED URBAN AMERICA: IMPLICATIONS FOR NATIONAL HEALTH REFORM

Sponsor: Columbia University.

Hosts: Michael I. Sovern, President, Columbia University, The Honorable Charles B. Rangel, Member of Congress.

### MONDAY, JUNE 7

8:00—Registration

8:30—Greetings: Herbert Pardes, M.D., Vice President for Health Sciences and Dean of the Facility of Medicine, Columbia University; Bruce Goldman, Executive Director, Harlem Hospital Center; Kevin C. Greenidge, M.D., President, Manhattan Central Medical Society; Ruth Messinger, President of the Borough of Manhattan; Allan Rosenfield, M.D., Dean, School of Public Health.

### HEALTH STATUS OF CENTRAL HARLEM: A PROTOTYPE OF INNER CITY AMERICA—INDICATORS OF HEALTH STATUS

Moderator: Gerald Thomson, M.D., Professor of Medicine and Associate Dean, College of Physicians and Surgeons, Columbia University.

9:00—The Health of Adults: Harold Freeman, M.D., Director of Surgery, Harlem Hospital Center.

9:15—Children: Margaret Heagarty, M.D., Director of Pediatrics, Harlem Hospital Center.

9:45—Break.

### HEALTH CARE IN INNER CITY AMERICA

Moderator: Mary Mundinger, Dean, School of Nursing, Columbia University.

10:00—A National Problem: Margaret Hamburg, M.D., Commissioner, New York City Department of Health.

10:30—The Social, Economic and Human Services Setting: Molly Coye, M.D. M.P.H., Director, California Department of Health Services.

11:00—The Special Problems of Substance Abuse: Herbert Kleber, M.D., Professor of Psychiatry, Director, Division on Substance Abuse, College of Physicians and Surgeons.

### LUNCHEON—HARLEM TEMPLE CORPS, SALVATION ARMY

12:00—Columbia and the City of New York: Health Challenges: President Michael Sovern, Columbia University; The Health of Disadvantaged Urban America: The Challenge and the Imperative—Hon. Charles Rangel, Member of Congress.

### INNER CITY HEALTH SYSTEMS

Moderator: Delores Brisbon, Brisbon & Associates.

1:30—The Contribution of Academic Health Centers to Urban Health Care Delivery: Herbert Pardes, M.D., Vice President for Health Sciences and Dean of the Faculty of Medicine, Columbia University.

1:50—The Future of Urban Hospitals, Public and Private: Larry Gage, J.D., President, National Association of Public Hospitals; Kenneth Raske, President, Greater New York Hospital Association.

Moderator: Dr. Billy Jones, President, Health and Hospitals Corporation.

2:20—Community Based Care Centers: Fernando A. Guerra, M.D., M.P.H., Director, San Antonio Metropolitan Health District.

2:35—Managed care and managed competition in the inner city: Jane E. Sisk, Ph.D., Professor, School of Public Health, Columbia University.

3:00—Practitioners: special problems and needs (matching skills to needs)—Dr. Herbert Nickens, M.D., Vice President, Association of American Medical Colleges; Commentator: Dr. Kevin Greenidge.

3:30-3:45—Break.

Moderator: David R. Jones, President and CEO, Community Service Society.

3:45—Special Challenge of Prevention in the Inner City: Jeffrey Koplan, M.D., M.P.H., Director, Center for Chronic Disease Prevention and Health Promotion, CDC.

4:15—Children and Homelessness: Irwin Redlener, M.D., President, NY Children's Health Project.

5:30-7:00—Reception—Schomburg Center for Research in Black Culture.

### TUESDAY, JUNE 8

### INNER CITY NEEDS AND HEALTH REFORM

Moderator: Dr. Edward Healton, Associate Dean/Medical Director, Harlem Hospital Center.

8:30-9:15—Keynote: National Plan for Health Reform and the Inner City—Bruce Vladeck, Ph.D., Administrator, Health Care Financing Administration.

9:30—Inner City Needs: Gerald Thomson, M.D., Professor of Medicine, Associate Dean, College of Physicians and Surgeons.

10:00—Financing Health Systems in the Inner City.

10:30—National Health System Reform: Proposals and Expectations in Perspective—Allan Rosenfield, M.D., Dean, School of Public Health.

11:00-11:30—Summary: Lawrence Brown, Ph.D., Professor and Head, Division of Health Policy and Management, Columbia University.

# SENATE—*Tuesday, July 13, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9:30 a.m, on the expiration of the recess, and was called to order by the acting President pro tempore [Mr. WOFFORD].

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious Father in Heaven, we thank Thee for the recess, for work accomplished, for family and home, and for safe return.

"God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea; Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof."—Psalm 46:1–3.

Eternal God, Father of us all, our hearts are heavy as we ponder the tragedy and suffering of those in the flooded areas of the Midwest. We lift our hearts in earnest intercession for every community, every family, every individual so sadly affected by this devastation. We pray for those who have lost loved ones. We pray for those who have lost precious possessions. We thank Thee for the many who have responded to help, not only locally, but from all over the country. We thank Thee for the visit of President Clinton and Vice President GORE. We thank Thee for the promise of ready response from the Federal Government.

Gracious God, for all of us who have been untouched by this tragedy, help us to be grateful for such a blessing. Help us never to take for granted the common benefits of life which are so plentiful, so constant, so unfailing.

We pray in the name of Love incarnate. Amen.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the Senator from West Virginia.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, prior to the Independence Day recess, I stated my intention to proceed, upon our return today, to S. 185, the Hatch Act reform bill, and obtained a unanimous-consent agreement, printed in today's calendar of business as Order No. 95.

That order states that between 11 a.m. and 12:30 p.m. today, and then again between 2:15 p.m. and 4 p.m., there would be debate on the motion to proceed to that bill; and that at 4 p.m., the Senate vote on a motion to invoke cloture—that is, to terminate debate and filibuster—on the motion to proceed to that bill.

Over the recess period, my staff was notified by Senator DOLE's staff that the cloture vote on the motion to proceed would not be necessary and could be vitiated and we could proceed to the bill today, provided that there be no recorded votes today. I have indicated that such a procedure is agreeable to me, provided in turn that at least one and, hopefully, more than one amendment be offered today, with votes scheduled for the first thing tomorrow morning.

And so, Mr. President, our respective staffs of the majority and minority having worked the matter out, I will now propound two unanimous-consent agreements to revise the schedule under which the pending bill will be considered.

## UNANIMOUS-CONSENT AGREEMENT—S. 185

Mr. MITCHELL. Mr. President, I first ask unanimous consent that at 2:15 p.m. today, the Senate proceed to the consideration of Calendar No. 95, S. 185, the Hatch Act reform bill; and that once the managers have concluded their opening statements, Senator ROTH be recognized to offer an amendment; and further, that the cloture vote scheduled for 4 p.m. today on the motion to proceed to S. 185 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the period for morning business today be extended until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that the previous order for morning business for Senator BYRD remain in effect; and that the recess period for the regular party conferences today remain as previously ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SCHEDULE

Mr. MITCHELL. Mr. President, as a result of these agreements, the Senate will today at 2:15 p.m. begin consideration of S. 185, the Hatch Act reform bill. During today, Senator ROTH will offer an amendment. A vote on that amendment will be scheduled for the first thing tomorrow morning. There may well be other amendments offered today and other votes scheduled for tomorrow morning.

Senators should be apprised of the fact that this will be a very busy legislative period. As is my practice, I have written a letter to each Senator prior to the Independence Day recess setting forth the schedule for this legislative period.

I repeat now that votes may occur at any time the Senate is in session, unless otherwise announced on the floor. We have to begin work on the several appropriations bills. The House has completed nine of them, and I suspect we will be acting on several of them during this legislative period. We will also have, of course, the conference report on the reconciliation bill, and I hope and expect a number of other measures will be the subject of our action during this period.

So Senators can and should expect, unless otherwise announced, legislative session each weekday during this period with votes possible, unless otherwise previously stated or announced in the future.

## CONGRATULATIONS TO PRESIDENT CLINTON FOR A SUCCESSFUL G–7 SUMMIT

Mr. MITCHELL. Mr. President, I congratulate President Clinton for a successful and productive G–7 summit in Tokyo last week. It is a good foundation to promote U.S. economic interests and strengthen the world economy.

In the post-cold-war world, economic security and expanding international markets are important factors for both the developed world and developing nations alike. The economies of the world's nations are interdependent, and the future of the U.S. economy is closely linked to the future of the world economy. We have a central role in the international economy. We therefore have the responsibility to chart the path of world growth as we approach the 21st century.

Today both the United States and other economies are struggling through a post-cold-war restructuring. In the fourth quarter of 1992, the annual rate of real economic growth declined 2 percent in France, by 3.3 percent in Germany, by 0.3 percent in Japan and by 2.3 percent in Italy. Unemployment in developed nations remains high: 11 percent in Canada, 10.8 percent in France and 9.4 percent in Italy.

Economic growth in the United States is slow. In the first quarter of this year, U.S. gross domestic product grew at an annual rate of 0.9 percent. Unemployment remains at 7 percent.

The United States must provide leadership to promote world economic growth, and President Clinton has demonstrated his commitment to address the problems that confront the world economy. The International Monetary Fund has repeatedly recommended that the United States lower its Federal budget deficit to restore U.S. national savings to adequate levels. President Clinton has proposed a responsible plan to lower the Federal deficit by $500 billion over the next 5 years. The majority in Congress is committed to passing the President's plan.

At the G–7 summit, President Clinton's leadership in the effort to lower the U.S. Federal budget deficit gave him the authority to promote world growth and fight for U.S. businesses and workers in foreign markets. His achievements at the G–7 summit include a market access package in the Uruguay round negotiations, an aid package for Russia and a framework agreement to address the trade imbalance between the United States and Japan.

In Tokyo, the President achieved a breakthrough on the market access package, which is a preliminary step to the successful completion of the Uruguay round. Among other things, this market access package will eliminate the tariff and nontariff measures on pharmaceuticals, construction equipment, medical equipment, steel, beer, furniture, farm equipment, and distilled spirits. This breakthrough on the market access package will provide the momentum to lower other tariff and nontariff barriers and to strengthen the set of international trading rules under the General Agreement for Tariffs and Trade.

Completion of the Uruguay round will provide a boost to the world economy. As the world's largest exporter, the United States will benefit from increased access to foreign markets in manufactured goods, agricultural products, and services. One economic forecasting firm estimated that 10 years after the implementation of a Uruguay round agreement, there would be a net gain of 1.4 million jobs in the United States. I therefore compliment President Clinton on his persistent efforts to negotiate a successful conclusion of the Uruguay round by December 15 of this year.

President's Clinton's leadership also paved the way for an agreement by G–7 members to provide a $3 billion aid package for Russia. This program of loans and grants will help Russia move to a market economy by speeding up efforts to transfer inefficient state-owned enterprises to private sector control. These funds will make available operations for new enterprises, as well as credits for exports, and will assist Russia in making a successful transition to a free enterprise system.

A successful Russian free market economy will not only enhance freedom and strengthen democracy, it also will increase prospects for solid investments by American businesses.

In the coming weeks, the Congress will be working with the administration on an extensive review of the existing legislation affecting relations between the United States and Russia. We will seek to improve progress in strengthening democracy and promoting economic cooperation between the two nations.

Another important step taken at the summit was the new framework for the economic relationship between the United States and Japan. The trading relationship between these two countries is out of balance. In 1992, Japan had a bilateral trade surplus of $49 billion. In the first 4 months of 1993, that trade surplus has increased 22 percent on an annual basis. The President recognizes the need to address this recurring trade imbalance with a comprehensive policy to open Japan's markets to United States goods and services.

Under the United States-Japan framework for a new economic partnership, Japan is committed to the goals of increasing the access of foreign goods and services to its markets, decreasing its current account surplus and significantly increasing global imports, including those from the United States. But most importantly, the administration has negotiated a framework which will use objective criteria to evaluate the progress in opening Japan's markets. I am hopeful that the President's new framework agreement with Japan is an important first step in addressing the trade imbalance between the United States and Japan.

At times in the past, the G–7 summit has been criticized as a forum that fails to accomplish any goals to promote world economic growth. This year was different, and I congratulate President Clinton for his concrete achievements to expand international markets and to help U.S. businesses and workers compete in foreign markets.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I yield to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

## THE WORLD FOOD PROGRAMME

Mr. COCHRAN. Mr. President, last year the World Food Programme very skillfully coordinated a relief effort to deal with a very serious drought in Southern Africa. The World Food Programme has a record of many successes.

It began as a small, 3-year experimental program with less than $100 million in resources, and in 30 years has grown into the largest source of grant assistance to developing countries. While currently providing an average of more than $1.5 billion in assistance annually, the World Food Programme has invested approximately $13 billion involving more than 40 million tons of food to combat hunger and promote economic and social development throughout the developing world.

The World Food Programme's activities are not limited to food and economic assistance. They also include serving as the largest provider of grant assistance for environmental activities in developing countries. Since 1963, the programme has given more than $5 billion in assistance to help developing countries provide the necessary food and fiber to sustain their people while protecting their natural resources.

A highlight of its innovative and imaginative leadership came in April 1992, when Southern Africa was threatened by the worst drought that region had seen in over 100 years. The United Nations designated the World Food Programme as the coordinator for the distribution of almost 11.6 million tons of commodities needed by the region.

Much of the success of the Southern Africa relief effort can be credited to the World Food Programme's executive director, Catherine Bertini. Her capable leadership was indispensable in making this monumental relief effort a success. History should note that the Southern Africa drought emergency operation was a triumph which prevented millions of people from suffering severe hardships, and thousands from starving.

Mr. President, I ask unanimous consent that a copy of the World Food Programme's report on the Southern Africa drought emergency operation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### A DISASTER AVERTED: SOUTHERN AFRICA FIGHTS THE DROUGHT OF THE CENTURY

While the world's attention was riveted on the emaciated Somali children, at the same time, on the same continent, the largest preventive operation ever was unfolding successfully in the drought-hit southern Africa—a relief effort based on regional cooperation that effectively avoided disaster for 18 million people at serious risk.

Together, the 10 Southern African Development Community[1] countries and South Africa experienced the worst drought in this century. There was a larger crop failure than the Horn of Africa in the mid-1980s. Roughly five times more food had to be brought into the region than was shipped to the Horn during the famine of 1984–85. The southern region, usually a food exporter, had to import 11.6 million tons of food with an estimated food and transport cost of $4 billion (US). This volume, a six-fold increase above normal imports, was to be added to existing transport flows.

Much of this huge amount of food had to be brought into landlocked countries (Zambia, Zimbabwe, Malawi, Lesotho, Swaziland, Botswana) through long overland routes and a network of ports, roads and railways geared for exports, not imports. It involved complex and daunting logistics, and also put a great strain on the regional transport system.

Only unprecedented regional coordination could cope with such a challenge. Six transport corridors and 12 ports (Dar es Salaam, Nacala, Beira, Maputo, Durban, East London, Port Elizabeth, Cape Town, Walvis Bay, Namibe, Lobito and Luada) were used to bring in the food commodities. Berthing priorities, port congestion, warehousing, discharge of ships and loading onto trains, border crossings, customs, tolls and levies, transshipment, maintenance and many other problems had to be solved to move food (both aid and commercial) smoothly.

The region, however, had some comparative advantages: with the exception of war-ravaged Angola and Mozambique, it has a fairly good infrastructure of rail, roads and communications; a strong commercial sector; and, most importantly, the commitment of governments and donors that people would not go hungry—that the drought would not turn into a famine.

The drought occurred at a time when countries in the region were facing economic recession, structural adjustment and soaring unemployment. In addition, civil wars in Angola and Mozambique spilled over into neighboring countries, as refugees fleeing drought and violence poured in, especially to Malawi, host to almost a million Mozambicans.

#### NEEDS AND PLEDGES

The alarm was sounded early by the Global Information Early Warning System of the UN Food and Agricultural Organization and the U.S.-funded Famine Early Warning System. At the end of January 1992, the early warnings were substantiated with reports of food shortages, dwindling water supplies and deaths of cattle due to lack of grazing. In March, a joint Food and Agriculture Organization/World Food Programme mission, with the support of other UN agencies, assessed the needs in the 10 SADC countries and published a special alert. Between April and May, Governments, donors, the UN family and private voluntary organizations reviewed the situation and drew up relief plans.

The potential consequences of the disaster led the UN Office for Humanitarian Affairs (DHA) to launch the joint UN/SADC appeal in New York in the presence of the Secretary General and organize a pledging meeting in early June in Geneva. The appeal requested $845 million (US) in emergency aid, including 1.6 million tons of targeted food aid (for vulnerable groups and the poorest segments of the population with very limited purchasing power) and 2.5 million tons of programme food aid (for market sector to enable people who had money to purchase food) for the SADC countries only.

Donors responded generously and quickly, especially the US, which began preparations as early as December 1991. Pledges fulfilled almost all the appeal, and by April 1993, almost 11.6 million tons of drought-related commodities (food and fertilizer) had arrived.

The United Nations then designated the World Food Programme to act as its coordinator for this massive logistics operation. Working jointly with SADC, WFP coordinated the flow of all food, including commercial imports, throughout the region by establishing a Logistical Advisory Centre (LAC) in Harare with a Support Unit in Johannesburg (within the South African Railway and Port Authorities network). Port and railway operations were coordinated through some 20 logistics experts posted to key points on the network and funded through WFP by several donors.

#### REGIONAL COORDINATION

The LAC, generously funded by the US, amongst others, was a unique cooperative effort that coordinated relief logistics throughout the region. It provided a working link between donors, SADC governments, shipping agents, contractors and transport operators to deliver food (aid and commercial) swiftly.

The LAC compiled and shared regional information on drought relief procurement, importation, distribution and shortfalls, and the flows of food. In addition, the LAC obtained funds from donors, including a $5 million (US) grant from the US and funds from the Netherlands, Canada, Sweden, UK, Luxembourg and the African Development Bank, used to help eliminate bottlenecks in SADC countries. The LAC made it possible to buy, lease or borrow equipment; install communication and signaling systems; repair rail wagons and tracks; buy stacking machines, weighing scales, tarpaulins, radios and faxes; and, to repair and maintain roads and bridges. The improvements made on the regional transport system will remain in place once the drought is over.

The weekly shipping bulletin issued by the LAC contained up-to-date, detailed information on all drought-related shipments (commodities, volume, destination port, arrival and discharge dates, etc.) Obtaining, checking and collating this vast amount of information (more than 1,000 consignments with 25,000 information elements) was a major undertaking that involved daily contact with ports, railways, shippers and donors. Handling up-to-date information about shipments, bottlenecks and needs, the LAC could ask donors and shippers to divert or speed shipments according to need.

All UN Agencies, Governments and non-governmental organizations participated in the relief effort. Country-by-country information on the drought was issued by Agencies and consolidated by DHA in Geneva in monthly reports.

The relief effort demanded careful planning and unprecedented regional coordination. The experience gained and links forged will continue to play a constructive role in the region after the drought is over. As an example of regional cooperation, in December 1992, when warned by LAC of an impending shortage of food for the commercial sector in Malawi, SADC countries agreed to give priority to Malawi-bound shipments and to loan Malawi grain from built-up stocks in other countries.

#### AT COUNTRY LEVEL

Although each country chose its own approach to drought relief, generally Governments, UN agencies and NGOs pooled efforts, resources and expertise to deliver aid to the needy while avoiding duplication and overlapping. Decentralized and effective provincial, district and ward councils played a key role.

Non-Governmental Organizations (such as Save the Children, Oxfam, Lutheran World Federation, World Vision, Caritas, Care, Red Cross, Africare, Concern/US, Food for the Hungry International, Catholic Relief Services and other missions and churches) were often responsible for the final distribution of food to people. UNICEF devoted resources to providing potable water to thirsty villages. Food-for-work schemes proved very successful, especially in Zambia. Supplementary feeding schemes at schools and health clinics helped keep children and mothers in good health, notably in Zimbabwe and Botswana. Vulnerable household feeding was the strategy in Lesotho.

Among the problems encountered were difficulties in registering beneficiaries in some countries, which made for weak targeting. In addition, inadequate reporting and monitoring at the provincial level also hampered the relief effort in Namibia and Botswana, while war-ravaged Angola and Mozambique were a logistics nightmare. Swaziland and Lesotho also had a late start in drought relief, but finally succeeded in moving the food where it was needed.

By March 1993, widespread rains had blessed Malawi, Zambia, Zimbabwe, Tanzania and (although delayed) Mozambique and Botswana, where the crops were in good health. However, in the case of Mozambique, the areas planted were smaller because farmers faced shortages of animal drought power, tractors, seeds, fertilizer and tools—critically so in the case of Mozambique. The region will need a few years to fully recover, but few lives were lost and a disaster was averted because people, Governments and donors cooperated in helping those in need.

The Southern Africa Drought Emergency operation will go down in the annals of history as a great success—especially for the millions of people who could have become victims of the drought. The United Nations, the World Food Programme, the international community, the U.S. government and all the governments of the region deserve congratulations for a job well done and a disaster averted.

## APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498 reappoints Lynn M. Burns, of Rhode Island, to the Advisory Committee on Student Financial Assistance effective September 30, 1993.

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[1] SADC: Southern Africa Development Community—its members are Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, am I to be recognized for 1 hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. I thank the Chair.

## LINE-ITEM VETO—IX

Mr. BYRD. Mr. President, this is the ninth in my series of weekly 1-hour speeches on the line-item veto.

In my speech of the week preceding the July 4 holiday, I noted the remarkable economic and social changes that had occurred in Rome and throughout Italy during the period of Rome's phenomenal territorial expansion in the third and second centuries B.C.

I noted that there had been an emergence of two political factions: the Optimates, who represented the senatorial oligarchy and other aristocrats; and the Populares, or the people's party, who represented the proletariat and those elements that were discontented with the existing social order and who demanded certain reforms.

I also observed the growing rivalry between the Senate and the equestrian order. The roots of the equestrian order went back to the days of early Rome, to the equites who composed the cavalry of the Roman armies.

We also noted the rapid growth in the latifundia, the large plantation-type farms that spread throughout Italy and that resulted from the diminishing number of small family farms, from which had come the stalwart citizen soldiery during the centuries of the regal period and the early and middle Republics.

We noted also the growing slave economy, the serious problem of unemployment in the cities, the spread of the latifundia and the diminishing number of small family farms.

Tiberius Gracchus, who was a tribune in 133 B.C., had been traveling through Etruria when he noticed the dearth of inhabitants. He noted that the soil was tilled and the flocks were tended by slaves. And he wondered how the great Roman Republic could continue to be independent and continue in its leadership if the vanishing peasantry were supplanted by slaves from foreign countries. In those days, in order to be a soldier one was required to have property.

This concerned Tiberius and he felt, in view of the vanishing peasantry from the land, that the armies of Rome would suffer.

I am reminded that Tiberius' concerns were echoed by Oliver Goldsmith in "The Deserted Village," who picked up the theme that had so disturbed Tiberius Gracchus.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay;
Princes and lords may flourish, or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied.

So, we see in this, another parallel between the history of the Romans and the history of our own country, as we have experienced the shift away from the small family farms to the large corporate farms, and the movement away from what was once a predominantly rural population in this country to huge sprawling urban communities with their problems of poverty, disease, unemployment, crime, declining family values, and declining religious values.

It was to these problems, therefore, that Tiberius Gracchus, in 133 B.C., sought to address legislation which was violently opposed by the Senate oligarchy. It cost him his life at the hands of a mob made up of slaves and clients of Senators and other aristocrats.

I have mentioned the word "client" heretofore during this series of speeches, and I should digress momentarily to explain the meaning of the term when used in this context.

In early Rome, it was customary for poorer citizens to attach themselves to a rich or influential citizen in return for his financial assistance or legal assistance, and he thus became their patron. They—the poorer citizens who had attached themselves to the more influential citizen—became his clients. And in return for his financial assistance and other types of aid, they gave to him their political support, and their help in his private life. And it was a matter of great prestige for the patron to appear in public surrounded by a large delegation of these respectful clients. They not only owed him their political support and private help, but they also owed him their respect, and they showed this by greeting him in the morning and by accompanying him about the city.

Also, in those early times when enemy peoples were conquered or when an enemy city was captured, the conquered peoples were sold as slaves. It was the right of any owner of a slave to manumit that slave whenever and however he pleased, and when the owner manumitted a slave, the freedman then became his client and the former owner became the patron.

The law recognized this relationship. It had legal sanction. The patron and his client were not allowed to give testimony against one another.

In 124 B.C., Gaius Gracchus, the younger brother of Tiberius, was elected tribune—following the death of his brother by a decade. In 123 B.C., Gaius was reelected tribune, contrary to the established practice which precluded one's election to the same office unless 10 years had passed.

Gaius carried forward the agrarian policies of his dead brother, and his aims went even further. Several of his laws were clearly designed to strengthen the equestrians and weaken the Senate as, for example, his law changing the composition of juries so as to exclude Senators from sitting on juries and to allow the replacement of Senators as jurors by equestrians. That he fully recognized the significance and the implications of this law was shown by his remark to someone that even if he should die, he would leave it—meaning the law—as a sword thrust into the side of the Senate.

Gaius also sought to reestablish an Italian peasantry on the land—as his brother had tried to do before him—as a means of bringing new strength to the Roman armies, while at the same time ridding the cities of the hands.

Gaius was not successful in his effort to be elected tribune for a third time. When he was no longer tribune, the consul, Lucius Opimius, summoned Gaius to appear before the Senate to answer questions concerning the actions that he, Gaius, had taken during his two terms as tribune. Paterculus, the historian, who lived between the years 19 B.C. and 30 A.D., writes that Gaius was determined not to be arrested, not to appear before the Roman Senate, and that, in his flight, at the point of time in which he was about to be apprehended by the emissaries of Opimius, he offered his neck to the sword of his friendly slave, Euporus. The body of Gaius, like the body of Tiberius before him, was unceremoniously cast into the Tiber, that he would not enjoy the quiet repose of the grave. Many of his followers were executed.

The Senate had suffered a great loss to its prestige and its authority, and even though the Gracchan threat had been eliminated, the Senate owed its victory to violence. This afforded a precedent which might be turned against the Senate itself. Moreover, the alliance of the Equestrians and the urban proletariat had proved to be stronger than the Senate, and this, too, was a lesson that was not lost on future leaders ambitious for power.

While at Rome the interest had been centered upon the struggle between the Gracchans and the Senate, Roman armies had been busy fighting wars in the defense of Roman territory, as a result of which, in 121 B.C., the Romans became masters of southern Gaul, from the Alps to the Pyrenees. In 112 B.C., Rome became involved in a serious conflict in North Africa. Her involvement revealed to the world the corruption of the ruling class in Rome, and it rekindled the smoldering fires of internal political strife. The occasion was the death, in 118 B.C., of Micipsa, successor to Masinissa, King of Numidia and loyal ally of Rome. Micipsa had bequeathed his kingdom to his two sons, Adherbal and Hiempsal, and to a nephew, Jugurtha, whom he had adopted several years before. Jugurtha was able and energetic, but also ambitious and unscrupulous. While preparations were being made for the division of the kingdom among the three heirs, Jugurtha had Hiempsal assassinated and expelled Adherbal, who fled to Rome and appealed for aid.

It is difficult to understand the motivations of the Roman Senate in the imbroglio that followed. Rome had no obligation to interfere in the internal affairs of the Numidians, but so successful and influential were Jugurtha's agents that a commission, sent to Numidia in 116 B.C. to partition the country between the rivals, gave to Jugurtha the western and richer half of the kingdom, leaving the eastern and poorer part to Adherbal.

Jugurtha, however, had no intention of ruling only half of the country. His aim was to be the ruler of all of Numidia. He provoked Adherbal to war, and he blockaded Adherbal in his capital city of Cirta, which was aided in its defense by the local Italian business community. Adherbal again appealed to Rome, and the Roman Senate sent out a commission to investigate. But they succumbed to Jugurtha's diplomacy, and the decision was made to force the city to surrender. Adherbal and the city's defenders were executed, many of whom were Italians. This created a storm in Rome, and war was declared.

The Roman consul, Lucius Calpurnius Bestia, invaded Numidia, but Jugurtha resorted to bribes and secured easy terms for peace that aroused such suspicions among the Equestrians in Rome that the opponents of the Senate forced an investigation. Jugurtha was summoned to appear before the Senate to answer questions as to his relations with Roman officials in Numidia.

Arriving in Rome, Jugurtha immediately bought the intervention of two Roman tribunes, who voted against the taking of any testimony from him. Confident that he could purchase immunity for any action, he secured the assassination, in Rome itself, of a rival claimant to the Numidian throne. His friends in the Senate dared protect him no longer, and he was ordered to leave Italy.

The war was reopened, and a battle was fought in which the Roman army was defeated and forced to pass under the yoke, a matter of great humiliation, and released only after its commander had conceded to an alliance between Jugurtha and Rome. Treachery and bribery had played a part in this shameful episode. The terms were rejected by the Roman Senate, and a new consul, Quintus Caecilius Metellus, surnamed Numidicus, took command. One of his staff officers was a man named Gaius Marius. Gaius Marius was an ambitious and able officer, and he implored Metellus that he, Marius, be allowed to go to Rome and stand for the office of consul. Metellus' reaction was one that insulted Marius, and from that time on, he had a bitter feeling toward Metellus and intrigued against him. Finally, Metellus agreed to let Marius go to Rome to stand for consul.

In 107 B.C. Metellus was elected consul and the Populares secured the passage of a law by the Tribal Assembly transferring the command in Numidia from Metellus to Marius. Take note. The Senate yielded in this encroachment by the Populares on its traditional rights. Marius pursued the battle in North Africa with energy, enthusiasm, and effectiveness. His quaestor, or quartermaster, was Lucius Cornelius Sulla, who was destined, in due time, to become a bitter rival.

Marius pressed the war with great vigor and won hard-fought victories over Jugurtha and his father-in-law Bocchus, king of Mauretania. Sulla, in due time, was successful in capturing Jugurtha, at great risk to his own life. He captured Jugurtha through the treachery of Bocchus, whose betrayal of his son-in-law brought an end to the war. Jugurtha was taken to Rome where he was executed after gracing the triumph of Marius in 105 B.C.

The repercussions of the Jugurthan war were significant. The prestige of the Roman Senate, having already suffered from the Gracchan assaults, was weakened still further by the apparent corruptibility and venality of Senators in dealing with Jugurtha, and by the Populares and the equestrians, who had intervened in foreign policy in the transfer of the command in Numidia from Metellus to Marius. Once again, the equestrians and the city proletariat had shown that they were stronger than the Senate and that they could control public policy. The Jugurthan war had also produced a military leader in the person of Marius, behind whom these elements could unite.

Marius was again elected consul in 104 B.C., the Roman people disregarding the required legal interval of 10 years, and he was given the command against the northern barbarians in Gaul. He set to work immediately in reorganizing and strengthening the Roman army.

Not only did he bring about improvements—may I say to my good friend, the senior Senator from Alaska [Mr. STEVENS], who serves on the Defense Subcommittee of the Committee on Appropriations and is interested in military affairs—not only did Marius bring about improvements in legionary tactics, equipment, weapons, and organization, but he also accepted as recruits citizens whose lack of property had previously disqualified them from service in the legions. He accepted men who had no property at all. This was a great and far-reaching change. Marius thus transformed military service from an obligation to the Roman state into a career which could employ thousands of landless and unemployed Romans.

Marius' innovation thus made possible the creation of large standing armies for the first time—the creation of large standing armies in Roman provinces such as Spain, Asia, and Africa. Loyalty to the Roman State came to be supplanted by loyalty to a successful general, who could rely on his soldiers to support him against civil authority and on the support of his veterans to back him in subsequent political campaigns.

Marius was reelected consul for the years 103 and 102 and 101 (since the threat from the northern barbarians continued). In his fifth term as consul, in 101 B.C., Marius was victorious over the Cimbri and the Teutones, and Rome was thereby saved from a repetition of the Gallic invasion of the fourth century B.C.

A coalition among three men—Lucius Appuleius Saturninus and Gaius Servilius Glaucia and Marius—resulted in a sixth term as consul for Marius, in the year 100 B.C., the year in which Julius Caesar, a nephew of Marius by marriage, was born.

It also resulted in Saturninus' reelection to the office of Tribune for a second term, and a praetorship for Glaucia. Glaucia and Saturninus became candidates for the following year 99 B.C., but Glaucia had a rival candidate murdered, which provoked violent disorders. The Senate adopted a decree calling on Marius to restore order. Marius forced the surrender of Glaucia and Saturninus and placed them in a building for safe keeping, but their enemies tore off the roof of the building and stoned them to death, as a result of which, Marius suffered a political eclipse and went into seclusion for several years.

The Senate was once more triumphant and the Populares were discredited. The Optimates celebrated their triumph by seeking to place a check on demagogic legislation through the passage of a law declaring the inclusion of unrelated or extraneous topics in any single legislative enactment illegal, and requiring that the customary interval of 3 market days between the formal publication of an impending measure and the actual voting on it to be strictly observed.

So here—I see my friend from Mississippi smiling; I see a smile on my friend's face from Alaska. They know what I am about to say—here was a type of Byrd Rule 2,092 years ago, dealing with unrelated and extraneous matter.

Perhaps a better awareness of these rules of parliamentary procedure in ancient Rome will help the Members of the United States Senate and House of Representatives to better appreciate and understand the importance and significance of our own rules.

In 91 B.C., the Roman Tribune, Livius Drusus, promised non-Roman Italians that he would bring forth legislation to give them Roman citizenship. The Senate and the Equestrians were very much opposed to this, and Drusus, learning of a plot against his life, removed himself to the atrium of his House, where he transacted the public's business. It was poorly lighted, and one evening, when he was sending a crowd away, he suddenly exclaimed that he was wounded, and fell down while uttering the words. A shoemaker's knife was found thrust into his back.

When the Italians heard of the murder of Drusus, they considered it no longer tolerable for those who were laboring for their political advancement to suffer such outrages and, as they saw no other means of acquiring citizenship, they decided to revolt against the Romans altogether and to make war against them.

They, therefore, sent envoys secretly to one another, formed a league, and exchanged hostages as a pledge of good faith. They also sent ambassadors to Rome to complain that, although they had helped Rome to fight its wars of conquest, the Romans had not been willing to admit the Italians to citizenship. The Roman Senate sternly rejected their pleas.

Appianus, or Appian, states in his history of the civil wars that when the revolt broke out, all the neighboring peoples declared war at the same time. Thus, in the year 90 B.C., the Social War began. It is sometimes referred to as the Marsic War, sometimes as the Italic War, and sometimes as the War against the Allies.

The non-Roman Italians had forces amounting to about 100,000 foot soldiers and horsemen, besides the soldiers that remained as guards in each town.

The Romans sent an equal force against them, composed of the Roman legions and the Italian peoples who were still in alliance with them. The Romans were led by the two consuls, Sextus Julius Caesar and Publius Rutilius Lupus. Serving with them as lieutenant generals were such renowned men as Gaius Marius, Lucius Cornelius Sulla, Gaius Perpenna, Publius Licinius Crassus, Gnaeus Pompeius Strabo, the father of Pompey and under whom both Pompey and Cicero served during the Social War.

The non-Roman armies had several very able generals, as well, to lead their united forces. The consul Rutilius Lupus lost his life in the war, as did tens of thousands of others on both sides. The body of Rutilius, along with the bodies of many others, was brought to Rome for burial. Their corpses made a piteous spectacle. The Roman Senate decreed that from that time, those who were killed in the war should be buried where they fell, lest the spectacle deter others from entering the army.

Another consul, Cato Porcius, subsequently was killed. The Romans decided to bring an end to this terrible war, which was costing them so heavily in treasure and in blood. So they conceded the issue at stake. All Italy was now united, and all of the peoples south of the Po River received Roman citizenship. By promising Roman citizenship to all those who had not yet revolted or who would lay down their arms, the Roman Senate belatedly acknowledged the folly of its policy opposing Drusus.

The revolt had brought Marius out of exile. The Senate had already appointed Lucius Cornelius Sulla to the command in Asia Minor against the able and ambitious King of Pontus, Mithradates VI, Eupator. However, with the aid of a demagogic tribune, Publius Sulpicius Rufus, the command in Asia Minor was transferred by law to Marius, whereupon Sulla marched his army back to Rome. Marius and Rufus hastily collected troops to fight a pitched battle of Romans against Romans in and around the city itself.

Appian writes, "Now for the first time, an army of her own citizens invaded Rome as a hostile country. From this time, all civil dissensions were decided only by the arbitrament of arms."

Sulla was victorious. Marius barely escaped with his life to Mauretania. Sulpicius was killed and his head severed from his body and nailed to the rostra in the Forum. We are told that Sulpicius had been betrayed by a slave, and that Sulla rewarded the slave for his services by freeing him, and then having him executed for his treachery.

Sulla hastily tried to reorganize the Roman Government by strengthening the Roman Senate and reviving the army assembly, the comitia centuriata, and by using it to replace the Tribal Assembly, the comitia tributa.

Leaving two consuls, Lucius Cornelius Cinna and Gnaeus Octavius, sworn to support the new constitution, Sulla hurried off to fight Mithradates in Asia Minor. He had not been gone long before Cinna impeached Sulla and proposed the recall of Marius. The Senate deposed Cinna. He was driven from the city by the other consul, Gnaeus Octavius.

Cinna fled to raise an army, to return and besiege Rome. Marius also returned and the two of them overcame all resistance, again capturing Rome with a Roman Army. With a cruelty beyond belief, they hunted down their opponents. Octavius and leading Senators and Equites were brutally slain.

Appian writes, "They killed remorselessly. All the heads of Senators were exposed in front of the rostrum. All the friends of Sulla were put to death. His home was razed to the ground, his property confiscated, and himself voted a public enemy. A search was made for his wife and children, but they escaped."

Marius died early in 86 B.C., soon after beginning his 7th term as consul. Cinna was left to lord it over Rome, where he was supreme as consul for that year and for the succeeding 2 years.

Meanwhile, in Asia Minor, Sulla was victorious. He had slain thousands and collected a vast treasury. He now prepared to return with a well-equipped, seasoned army to exact the terrible revenge which he had been planning in cold blood. Cinna was under no illusions as to the fate that awaited him. He started with an army to sail to Macedonia to intercept Sulla. But Cinna was assassinated by his own soldiers in a mutiny at Brundisium, and the fleet did not sail. The followers of Marius and Cinna, nevertheless, would not yield in Italy without a struggle.

Sulla landed in Italy in 83 B.C., and, at the Colline Gate, destroyed an opposing army, massacring to the man the Samnites who had joined it. With a ruthless barbarity, he pursued all those whom he considered to be his enemies, putting up proscription lists of their names and declaring rewards for those who murdered them or who informed against them.

Paterculus, the historian, says that Sulla "was the first to set the precedent for proscription." Plutarch says, "Husbands were dispatched in the bosoms of their wives and sons in those of their mothers." The innocent rich were included in the proscription lists in order that their property might be confiscated. All of Italy was in terror of Sulla's name. After a while, the proscriptions ceased and Sulla went about the business of reorganizing the government.

Sulla was named dictator in 82 B.C. He brought about the appointment of an interrex who, under a special law, then appointed Sulla as dictator for an indeterminate term. This meant that Sulla had all the powers of consuls and tribunes and censors, the combined powers of all the magistrates. Whereas the old practice had allowed the appointment of a dictator for a limited term of no more than 6 months, this new law made possible an open-ended appointment. Sulla, by virtue of this unlimited term and the scope of his powers, became the most powerful person in Roman history up to that time. He had unprecedented autocratic authority.

Mr. President, Sulla was now the complete and absolute master of Italy. He reshaped the Roman Government to suit his own conservative ideas. He made the Roman Senate the most powerful body in the state, weakened the powers of the tribunes, subjected all magistrates to strict accountability, and deprived the equestrians of the privilege, that had been granted to them by Gaius Gracchus, of sitting as judges in their own cause.

Sulla also sought to improve the caliber of men sent to govern the republic's growing empire. He tightened up the whole machinery of government, and settled thousands of his veterans on land throughout Italy that had been confiscated from the vast numbers who had perished or been proscribed in the frightful slaughter he had let loose.

When Sulla voluntarily retired in the year 79 B.C., he depended upon his aristocratic friends not to allow any infraction of the revised form of senatorial government that he had created. He died the following year, 78 B.C., probably from colon cancer.

Mr. President, as we look back now, we see momentous changes that have taken place. Elderly Romans who were boys in the days prior to Tiberius Gracchus had seen their world overturned. Young Romans like Pompey and Cicero, who were 28, and Julius Caesar, who was 21, when Sulla retired, had lived through unspeakable horrors that were utterly alien to the traditional, idealized notions that they had held about their country.

The Roman Republic was still a Republic, but it was far different from the Republic that had already been in existence 350 years when it attracted the admiration of the historian Poloybius in the middle of the second century B.C.

The army was no longer made up of the tough rural farmers, many of whom came from the most mountainous areas of the peninsula. Marius, in creating a professional army, had created a new base of power for ambitious men to exploit and use as an instrument of despotic authority.

And what of the Roman Senate? In the old heroic days, the Senate was the most powerful body in the State. It held supreme power because of the respect given to its wise, courageous, and incorruptible leadership. But the power that Sulla conferred upon the Senate—he had increased the number of Senators to 600 during his dictatorship—the power that Sulla conferred on Roman Senators made them neither wise nor courageous. As to the incorruptibility of the Senate—which Cineas in 280 B.C., had compared to an "assemblage of kings,"—its sad decline was pregnant in the prescient words uttered by Jugurtha 170 years later at the time he was ordered to leave Italy.

After passing through the gates of Rome, it is said that he looked back at the city several times in silence. Suddenly he exclaimed, "Yonder is a city put up for sale, and its days are numbered if it finds a buyer."

Mr. President, the Republic's days were numbered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that my remarks appear as if in morning business.

The PRESIDING OFFICER. We are in morning business.

## THE NEED FOR A COMMITMENT TO THE NATIONAL DRUG CONTROL STRATEGY

Mr. HATCH. Madam President, on Thursday, July 1, President Clinton's Director of the Office of National Drug Control Policy, Lee Brown, was sworn into office. I was there in the Rose Garden. At that Rose Garden ceremony, President Clinton pledged his commitment to fight the many-headed monster of drug abuse, and then he stated that he planned to increase drug demand reduction programs by 10 percent.

The very next day, the Washington Post reported that the Clinton administration had, in fact, agreed to a $231 million cut in drug treatment and education funds by the House of Representatives. Administration officials from the Office of Management and Budget were reported to have privately suggested many of the cuts.

The sum of $131 million was cut from the drug free schools program and another $100 million was cut from treatment programs, much of which would have gone to urban areas. As Herb Kleber, executive vice president of the Center on Addiction and Substance Abuse, was recently quoted as saying, "This is a shameful retreat from the fight against drugs."

I would not be so quick to take the floor to make note of this retreat if it were simply an isolated incident. But it is not. This is just another example, on an ever-growing list, of where the administration talks tough about drugs but fails to come through with action.

For example, on February 1, 1993, the Clinton administration was required by law to submit to Congress its first national drug control strategy. Nearly 6 months later, it still has not done so. Some delay is understandable for a new administration, but this has gone on too long. The President announced his plans to make the drug czar's office Cabinet level, and then proceeded to cut the staff size from 146 to 25. Additionally, budget allocations for prosecutors have been reduced, prison construction is being cut, we now see drug treatment and drug education being cut, there is talk about not prosecuting certain drug offenses, and it appears interdiction efforts will be cut back.

It is no secret around here that I favor cutting the budget. But to cut the budget in this area calls into question the administration's commitment to address the drug problem effectively. It is also shortsighted to cut the budget for the drug war if only because paying to fight the subsidiary problems of drug abuse—health care, crime, lower productivity—is also so expensive. This is not to mention the tragic human costs of drug abuse to children and families.

Despite my concerns, I take comfort in knowing that Lee Brown is on the job. He has publicly criticized these most recent cuts. He has been quoted as saying that his staff of 25 people "is not sufficient to carry out the mandate of the drug czar's office." That was in the Washington Post on July 8. I believe that Lee Brown has already demonstrated that he is willing to take on this challenge and that he has the courage to tell it like it is.

Still, he cannot do it alone. Our drug czar needs a capable staff equipped with a workable battle plan for action against illicit narcotics. And he needs the support of his boss, the President of the United States.

Americans and the Congress have recognized the drug problem and have worked with the past administration and the drug czar's office to implement a national strategy against drug abuse. Much has been accomplished. More resources have been devoted to the war against drugs; there are more drug education programs; we have expanded drug treatment capabilities; and casual drug use has declined. Still, we have a long way to go—specially in fighting the problems of hard-core addiction, rural drug abuse, and drug-related violence.

The question is, does President Clinton really want to lead the Nation in this fight? Recently, columnist A.M. Rosenthal harshly criticized President Clinton's leadership and questioned his willingness to meet this challenge. In a recent article Mr. Rosenthal writes, "Before it is too late, Americans should realize that the concept of the war against drugs is in danger of being dismantled and the result will be creeping legalization. If that is what they want, fine—they can get it by just keeping silent." That was in the New York Times on May 18. Frankly, I think Mr. Rosenthal is right on target here. Congress cannot remain silent.

I hope President Clinton and the rest of the administration will begin to demonstrate a stronger commitment to sustaining a vigorous national effort against drugs and drug abuse. Lee Brown recently was quoted as saying that drugs may be no longer be "at the top of the agenda" as a political issue. That was in the Washington Post on July 8. I think this administration ought to make it a top issue for the good of the country.

I stand ready to work hand in glove with President Clinton and Lee Brown in continuing the fight against drugs. When a strategy is presented to Congress, I look forward to reviewing it, discussing it with the drug czar and the Attorney General, and, where appropriate, suggesting changes. Through a sustained effort on the part of the Clinton administration, I believe we can continue to make progress in the fight against drug abuse and drug-related violence throughout all of America. So I hope the administration gets going soon.

I am very concerned because I see this scourge undermining much of what is good in America. I see this scourge undermining much of what is good among our young people. I see a lot of young people who really do not have to suffer this way, who really do not have to be tempted this way, who really do not have to put up with this type of treatment if we just do what is right now.

I believe this administration can. I have faith in Lee Brown as a good leader. I intend to back him, and I intend to help him, and I intend to help this President. But I hope they get on the ball and start doing something about it and get this policy and this program going.

Madam President, I ask unanimous consent that the article by Mr. Rosenthal and the July 8, 1993, article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1993]

### DISMANTLING THE WAR

(By A. M. Rosenthal)

Before it is too late, Americans should realize that the concept of the war against drugs is in danger of being dismantled and the result will be creeping legalization.

If that is what they want, fine—they can get it by just keeping silent.

But if they are among the huge majority of Americans who believe legalization would build drug addiction into American life forever, then they should make themselves heard now. There is still time, while decisions are being made in government.

Until recently everybody interested in fighting drug addiction instead of surrendering to it by legalization accepted one concept: The struggle could not be won by one weapon but only through an irreducible variety, each strong. They were six:

Reduction of foreign drug crops. Interdiction of drug smuggling. Enforcement of laws against making, selling or using drugs. Education against drugs. Treatment of addicts. Presidential leadership.

Now four of the six are in question: reduction, interdiction, enforcement, leadership.

For about 20 years, ever since the drug war became an obvious top priority, there has been argument about how to divide the money. Mostly it was about how much law enforcement and interdiction should get compared with treatment.

I believe that funds for the whole arsenal should be expanded rather than weaken any part of it. If not, give more money to treatment, without killing the rest of the package.

But now elected and appointed officials are making it clear that they have no real interest in some of the essential instruments of the struggle.

A few Federal judges are saying they will no longer handle drug cases involving mandatory sentences. They should resign, rather than just defy legislative law—or be asked to leave by Congress.

They help spread the myth that the drug laws have failed. The truth is we do not know because the "mandatory" sentences have not been carried out nationwide.

Prof. John J. DiIulio Jr., of Princeton and the Brookings Institution, a particularly lucid expert, says that most drug criminals spend only 10 months in prison, less than a third of their average sentence; that most of them are not in jail for possession but for organized selling and distributing; that in state prisons they are mostly men who served time for other crimes, and that on the street the possibility of long jail time is a prime deterrent. I save my sorrow for Americans and foreigners hunted down by drug gangsters, or just shot in casual sport.

Interdiction is now routinely called a failure by trendies because it did not seal off America. That was not the goal—just to make life harder for the drug trade, instead of saying come right in and ruin us.

But some in the Clinton Administration, including Attorney General Janet Reno, make it known that they do not have much interest in pursuing interdiction. How would you like to be an American agent risking his life to fight drug smuggling and production? Or a Latin president who trusted America to carry out life-and-death promises from one administration to another?

Drug arrests diminish in some cities because the assumption grows that law enforcement does not work in the street. Says who? Ask Americans who live in neighborhoods where children cannot step out of the house for fear of drug crossfire. Do they want even less protection than is now their miserable lot?

What's more, reducing drug arrests immediately reduces the hope in treatment. Drug criminals are often hard-core addicts who will not subject themselves to tough therapy until they are behind bars.

I do not suggest a conspiracy in Washington—just trendiness, mushy thinking, lack of commitment. Perhaps that is a matter of middle- or upper-class background, where it is easier to quit drug use, so it all seems not so terribly terrible. The legalizers will take advantage of all that, creep by creep.

They will achieve de facto legalization unless Americans speak up, most of all President Clinton. By acting as if the drug struggle is interesting, but not very, he dismantles his own leadership role. From the campaign, most voters did not expect that.

Four out of six endangered—but all salvageable. Pay attention or pay the price; free choice.

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[From the Washington Post, July 8, 1993]

### DIRECTOR OF DRUG POLICY PROTESTS WHITE HOUSE ACCEPTANCE OF CUTS

[By Michael Isikoff]

National Drug Policy Director Lee P. Brown, conceding he was "out of the loop" on a key budget action affecting his office, yesterday vowed to fight to restore $231 million in House-passed cuts in anti-drug programs that Clinton administration officials had accepted.

Brown, who was nominated in April and took office June 21, said he was unaware of the drug treatment and drug abuse prevention reductions until he read about them in The Washington Post last Friday. After learning that Office of Management and Budget officials had acquiesced informally in the cuts last month during negotiations with the House Appropriations Committee, Brown said he met with OMB Director Leon E. Panetta this week to protest the action and make sure he is consulted about any such moves in the future.

"Certainly, it's not what we wanted to see happen," Brown said when asked about the cuts during a briefing yesterday. "Things have gone on that would not have gone on if a drug director had been in place. . . . We have got to get back in the loop."

The House cut $131 million from an Education Department "drug free" school program and another $100 million from treatment programs. The cuts, and the disclosure of OMB's acquiescence in them, embarrassed the White House last week and prompted some antidrug advocates to question the administration's commitment to continuing the drug war. President Clinton had pledged during last year's campaign to dramatically expand federal support for treatment programs—a goal that some treatment advocates say will be severely set back if the Senate upholds the House action.

The move also raised new questions about the role Brown, who won respect of police and others as New York City's police commissioner, will play in the Clinton administration. Although Clinton formally made him a member of his Cabinet, a White House directive in February slashed the staff of the drug policy office by four-fifths, mandating it be reduced to 25 positions by October.

Brown said yesterday he was "not happy with the cutbacks in staff" and has protested them to White House deputy chief of staff Roy Neel. Brown said 25 people "is not sufficient to carry out the mandate of this office."

But it was unclear yesterday whether Brown will have any luck. The staff cut was part of a broader White House directive aimed at meeting another presidential campaign pledge: to cut the White House staff by 25 percent. The White House did not respond to a request for comment yesterday.

"The fact of the matter is the president dug [Brown] a very deep hole" by cutting the staff, said John P. Walters, a former deputy and acting director in the drug office during the Bush administration. "It was already a difficult job. They've come close to making it impossible."

Nonetheless, Brown said that because he will be sitting at the Cabinet table he will have clout that the office never had under President George Bush. He also said that while drugs may no longer be "at the top of the agenda" as a political issue, "I want everybody to understand that we still have a very serious drug problem in America. . . . My duty is to raise the consciousness of the American people."

Brown said his initial goal will be to prepare a general administration drug strategy for presentation to Congress in September. That will be followed by a more detailed blueprint next February. Asked how these might differ from previous policy statements by two Republican administrations, Brown said they will place more emphasis on treatment and prevention programs rather than law enforcement. "I want drugs to be considered as more of a public health problem than as a criminal justice problem," he said.

But Brown offered few specifics and did not suggest any programs that he would curtail. Despite doubts expressed recently by Attorney General Janet Reno about interdiction efforts, Brown said it would be wrong to "open up the borders" to drug traffickers.

Brown also ruled out even any discussion of legalizing drugs. "I would equate the legalization of drugs to the moral equivalent of genocide," he said.

## REGISTRATION OF MASS MAILINGS

The filing date for 1993 second quarter mass mailings is July 26, 1993. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

## SEX SELLS; IT ALSO MASTERS

Mr. HELMS. Madam President, Dr. L. Nelson Bell was one of those remarkable human beings who comes along only occasionally. I knew him as Dr. Billy Graham's father-in-law. He was a professional baseball player, briefly, before he entered medical school. Then, sometime in the late 1930's, if memory serves me well, he and his family went to China where he served as a medical missionary.

His daughter, Ruth Graham Bell, bless her heart, has never lost her affection for the Chinese people. On countless occasions we have worked with her on problems involving the Chinese.

When Dr. Bell returned to western North Carolina, he founded the Presbyterian Journal, a very readable and informative publication that appealed to Christians of all denominations. This Baptist became a subscriber long ago and I always enjoyed the publication.

At Dr. Bell's death, the Presbyterian Journal was acquired by God's World Publications in Asheville, NC. It was then that the publication, the World, emerged—a very professional, very impressive review of the news of the world, particularly news relating to morality, religions, ethics, and human behavior.

A gentleman named Joel Belz is editor of this news magazine. In each issue he publishes an editorial page. He is a fine craftsman and obviously a profound thinker.

In the July 3 edition of the World, editor Belz examined the subject of sex, and how it is so abused by so many. The heading of his editorial warns: "Sex Sells; It Also Masters." The subheading cautions: "And the Mastery Leads Us to Ignore Some Plain Facts."

Editor Belz does not sermonize his readers. He is not holier than thou. In this instance, as is always the case with his editorials, he implores his readers not to ignore plain facts.

Madam President, I want to share this particular editorial with Senators, and with others who read the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that the aforementioned editorial be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### SEX SELLS; IT ALSO MASTERS—AND THE MASTERY LEADS US TO IGNORE SOME PLAIN FACTS

Pavlov was wrong—at least when it comes to the matter of sex.

The famous Russian physiologist believed that all acquired habits (and even some higher mental activity) are based on chains of conditioned reflex. He thought his experiments showed that when any subject—a human being, a dog, or a rat—made an association between a couple of happenings over a long enough period of time, that subject's behavior would be affected accordingly. The association I remember from my early not-so-detailed studies of Pavlov is of a cocker spaniel regularly beginning to salivate every time he bit and pulled a string that rang a bell.

But Pavlov's theories, however well they might work out when they have to do with other kinds of conditioned response, don't seem to work so well with sex. For the evidence is overwhelming that people keep on choosing destructive behavior even when they have learned repeatedly how chintzy the rewards of that behavior are.

No example is more dramatic than AIDS. By the thousands, men around the world do particular things that have indisputably devastating results. No one doubts the connection between the behavior and the death sentences they produce. Does the behavior change because of that knowledge? Hardly at all.

But just as one kind of sex brings unwanted death, another kind of sex brings unwanted life. Teenagers aren't really ignorant of the relationship between sexual activity and pregnancy; they've had the connection demonstrated for them a lot more times than any cocker spaniel ever pulled the string on a bell. Yet they choose to ignore the obvious lessons.

The list of unlearned lessons goes on:

The close tie between promiscuity and disease has little effect on the popularity of casual sex.

The demonstrated connection between marital infidelity and family collapse doesn't keep people from jumping into bed with each other's spouses.

In other words, we simply don't learn our lessons as well as Pavlov says we should have learned them. Experience isn't nearly as good a teacher as it should be. Still, when the evidence provided by experience is so overwhelming, we really ought to ask: Why are we such slow learners?

I'd suggest a combination of two reasons:

First, God has built sex into us as human beings as perhaps the most volatile of all his gifts. No one can doubt that Madison Avenue knows what it's doing when it uses sex to move products. It works. And it works primarily because God made sex to be a very compelling force in our lives.

The problem is that sex is just as compelling when we use it wrongly as it is when we use it the way God wanted us to. And an astonishing proportion of society's problems these days are traceable directly to such compulsions.

By compulsion, I mean precisely the kind of behavior we engage in even when all the evidence suggests we shouldn't. There are compulsive eaters, compulsive drinkers (coffee as well as alcohol), compulsive gamblers, compulsive baseball fans, and compulsive shoppers. (OK, so maybe baseball doesn't belong in the list—but it's worth pondering.) But each of those, relatively speaking, exacts its toll from a relatively small segment of society. Sexual compulsion, at one time or another, has sent its bill to almost every one of us.

But second, there is something about sexual compulsion which, whether by God's design or our perversion of his design, is much more off-limits for other people's involvement than is the case with other compulsions. If a compulsion for alcohol begins to consume someone, for example, even our secularized society doesn't hesitate to step in and help deal with the problem. If someone on your street swells to 300 pounds from overeating, it may be a slightly touchy subject, but your face probably won't turn red if the subject turns to Weight Watchers. If it's too difficult for personal discussion, at least the media aren't afraid to discuss the rights and wrongs of overindulgence in all these various aspects of modern life.

Yet somehow, when it comes to sexual behavior, society finds it impermissible to bring into popular discussion the wisdom of experience. Mind you, I'm talking here not about going on Oprah Winfrey with an appeal from the Bible, but merely to say something like, "Hey, when you pull this string, I've discovered that a bell rings!" Such practical discoveries are out of bounds and politically incorrect.

Given the enormity of the consequences, that is a remarkable thing. To know for a fact that the huge social issues of AIDS, abortion, and venereal disease all have easily demonstrable ties to how we act sexually, but not to be able to talk publicly about the consequences of those sexual acts, is incredible. To know that a change in behavior by a defined group within society would clear up AIDS and release billions of dollars in research and health care for other needs, but not to be permitted even to discuss that, is preposterous. To know that tens of billions of welfare dollars could be trimmed from the federal deficit if people took seriously God's ideas about sex and marriage, but never to be able to bring up those ideas in public discourse, is unfathomable.

It's what the apostle Paul had in mind when he talked about the tendency of sinful people to "turn the truth of God into a lie." It's bad enough when individuals do that. When a whole society makes it a way of life, it gets terrifying.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that

"Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,336,575,146,686.68 as of the close of business on Friday, July 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,883.10.

## DEATH OF DAVEY ALLISON

Mr. HEFLIN. Madam President, the people of Alabama and racing fans all over the country were deeply saddened early this morning to learn of the untimely death of stock car driver Davey Allison. The 32-year-old member of stock car racing's First Family passed away in Birmingham after a helicopter he was piloting crashed in the infield at the Talladega Superspeedway. Davey often referred to the speedway at Talladega as "his home track," the site of his greatest success as a driver. The tragic accident occurred yesterday when Davey and driver Red Farmer flew to the speedway to watch test driving.

Unfortunately, this tragedy is not the first for this legendary Alabama family from Hueytown, a quiet city located just southwest of Birmingham. One of NASCAR's all-time greats, patriarch Bobby Allison saw his career come to an end in 1988 when he was involved in a devastating crash at Pocono International Speedway. Bobby was recently voted into the International Motorsports Hall of Fame.

Next, it struck Davey's brother Clifford, his career cut short at age 27 by a fatal crash 1 year ago at the Michigan International Speedway. Davey himself had survived a racing crash last year at the same track where his famous father was injured. During this accident, his car flipped an astounding 12 times. Like all the Allisons, though, who are known in Alabama and racing circles for their perseverance and determination, Davey quickly rebounded and qualified his car for the race that following weekend at Talladega. He raced the first five laps with a cast on his arm.

Davey Allison was clearly on his way to the top in the world of stock car racing, a pastime that borders on religion in Alabama and other parts of the country. He was ranked fifth in the NASCAR standings for this year and finished third in the Winston Cup standings in 1991 and 1992. His first win came at the Winston 500 race in Talladega in 1987, and over the course of his brief career, he enjoyed 19 victories. He was named rookie of the year in 1987, the first rookie in the history of the sport to sit on the front row at the Daytona 500 with a lap over 209 miles per hour.

I think it says something about the kind of person that Davey was that he never asked "why me?" in conjunction with the tragedies he and his family have endured over the last 5 years. Only recently, he commented to a friend that his trials were no different than the people under water in Des Moines, IA, or anyone else who loses a brother. Davey's attitude was characteristic of the Allison family. It seemed the greatest tribute Davey could pay to these loved ones was to charge on, harder and faster than ever before. That strength and perseverance will remain his greatest legacy.

Madam President, I wish Red Farmer, who was in the helicopter with Davey and who is still hospitalized, a speedy and full recovery. I also extend to the entire Allison family, including Davey's wife Liz, their children Krista Marie and Robert Grey, and his parents Bobby and Judy, my deepest condolences in the wake of this tremendous loss.

## TRIBUTE TO IRWIN LERNER ON HIS RETIREMENT

Mr. LAUTENBERG. Madam President, I stand before you today to pay tribute to Mr. Irwin Lerner on his retirement as president and chief executive officer of Hoffmann-La Roche, Inc. Throughout his 12-year tenure as president and chief executive officer of Hoffmann-La Roche, Mr. Lerner's outstanding efforts and widely hailed accomplishments in the pharmaceutical industry have stood as a model for all to follow.

Irwin Lerner, a New Jersey native, received his BA from Rutgers State University and his MBA from Rutgers Graduate School of Business Administration. He has been graciously giving back to the State of New Jersey ever since. Mr. Lerner has spent 31 years, of his 40-year career in the pharmaceutical industry, working with Hoffman-La Roche. Headquartered in Nutley, NJ, Hoffman-La Roche is the United States affiliate of the multinational group of companies headed by Roche Holding Ltd. of Basel, Switzerland, and is known as one of the world's leading research-intensive health care companies.

Hoffmann La Roche's corporate slogan "Working Today for a Healthier Tomorrow," has been demonstrated through Mr. Lerner's continuous efforts to improve the quality of life for Roche's employees, the professionals who prescribe and use its products and services, and the people who benefit from them. Mr. Lerner is best known for his leadership and innovation in the field of prescription pharmaceuticals. During the time he headed the company, Roche launched several breakthrough medications, including the first effective treatment for severe, treatment-resistant acne and the first recombinant human interferon product ever to enter clinical trials.

Mr. Lerner has successfully taken the lead in the battle against AIDS. He has shown outstanding dedication and commitment to AIDS research, as well as provided social services and public education forums on AIDS. Under his stewardship, Roche has launched a new therapy for AIDS, HIVID, which is used in combination with AZT. Roche made pharmaceutical industry history with HIVID for the most rapid nationwide distribution of a medication following Food and Drug Administration approval. Mr. Lerner's wholehearted devotion to securing financial and human resources to help organizations provide AIDS education to the public and HIV-infected people exemplifies his caring nature.

In the pharmaceutical industry, Mr. Lerner is widely known and respected not only for his success as a corporate executive, but for his leadership in addressing industry issues. He is a member of the board of directors of the Pharmaceutical Manufacturers Association [PMA] and has long served as chairman of the PMA Board Committee on Food and Drug Administration [FDA] issues. Mr. Lerner was the driving force behind the 1992 passage of a landmark bill empowering the FDA to charge pharmaceutical companies user fees as part of an effort to speed the approval of new drugs. Upon hearing of his retirement, FDA Commissioner Dr. David Kessler described Irv Lerner as "the key actor and true visionary in helping to forge a strong and collaborative relationship between the pharmaceutical industry and the Food and Drug Administration." Mr. Lerner has successfully extended Roche's commitment to corporate social responsibility as demonstrated through his broad support of the voluntary health and nonprofit human service communities and numerous initiatives in patient information, math and science education, environmental protection, and drug abuse prevention.

Irwin Lerner has dedicated his life to improving the quality of life for others. I salute and applaud Irwin Lerner, whose commitment, vision, and energy have benefited so many.

## FLOODING IN THE MIDWEST

Mr. BOND. Madam President, I thank the Chair and my colleagues for their thoughtfulness in allowing me to proceed, because I want to address, very briefly, a subject of great concern. Many colleagues in this body have asked about it, and I wanted to give a very brief report on the extent of the floods and devastation that have been visited upon my State, as well as neighboring States in the Midwest.

Any of us who have watched the national news have seen pictures of flooding along the Mississippi, and it truly is devastating. Yesterday, we were there and we were visited by Vice President AL GORE, who came out to see the flood waters, and who has promised to work on a bipartisan basis to get the flood relief that is needed.

But as he said and as I have seen in traveling around the State for the last 7 days, this is not just a problem along our Mississippi River. This is a problem on the Missouri River as it comes down from Iowa and goes across our State. It is a problem on tributaries feeding into these rivers.

We have also been visited by flash floods with heavy rain storms that have killed people in southwest Missouri. They have killed people in the Kansas City area. We have had more deaths from the flooding in Missouri than have any other State.

This is a regional disaster of monumental proportions. I have told some of my colleagues that the devastation that is being wreaked upon our State and the rest of the Midwest is much like the devastation that afflicted south Florida last year in Hurricane Andrew.

I have had the privilege of serving my State as Governor for 8 years. In my first year in office in 1973, I saw what at that time were record floods, and I thought that the magnitude of the flooding was very significant. Unfortunately, I must tell you that the flooding that I have seen now is worse than the flooding that occurred at that time.

By Sunday in St. Louis, the flood level is expected to crest over 45 feet, 2 feet higher than ever before. It is possible by Sunday that our capital city of Jefferson City will be marooned. The historic first settlement west of the Mississippi in Sainte Genevieve is undergoing a violent fright. It has been threatened by flood waters for 2 months. With the help of the National Guard and local people they are fighting the flooding.

I have been in the Cape Girardeau area. I went down to see them fight to maintain the levees there. Large levees protecting all of southeast Missouri and elsewhere are in danger because of the continuing rains.

Just to give you an idea of the magnitude, 7 Federal levees will be breached, 120 non-Federal levees will be breached.

The President has declared 49 counties and the city of St. Louis a disaster area. The barge traffic on the rivers has been stopped and will be stopped for a month at the cost of $1 million a day.

I rode across a railroad bridge on the Mississippi River on Friday, the last remaining rail link between east and west in our State with the flood waters lapping at the base of the railroad bed, and, as I said, we are looking at possibly continued flooding.

I have seen heroism. I have seen dedication. I have seen volunteers who do not care about the heat, young people and old who are handling sandbags taking care of the people who are suffering. A young mother in Lemay said that her five children had been farmed out to families because her house was halfway under water. There have been instance after instance of people with resignation but with patience and good humor who are undergoing tremendous trials and tribulation. There are long-term health damages, health dangers. Sewage treatment plants all along the river have been knocked out. The cost of restoring them is great.

Obviously, the immediate term health effects are very severe for everybody downstream.

We are going to need assistance. We are going to be coming to this body, working with our colleagues in the House, to get the kind of full-scale relief that we need. Men and women who are in official positions working day and night are strained to the limit. The Federal resources are cooperating. FEMA is cooperating with the corps. But it is a situation that unfortunately is not showing any signs of improving and by this weekend, unfortunately, we may see even more problems.

There is the disaster for farmers. A half million acres are already under water. The damage will undoubtedly be in the billions of dollars.

I advise my colleagues of this because it is something that is going to require prompt assistance. We are looking forward to receiving a message from the President.

To all those people who have expressed interest in helping, let me say that we are deeply grateful. The Salvation Army and the Red Cross are providing assistance. All that assistance in the private sector is most appreciated. The people who have been flooded out express their gratitude to all those who show concern.

I express my thanks to my colleagues for giving me this moment, and I advise them that I must be calling on them for assistance in the future.

## SITUATION IN SOMALIA

Mr. BYRD. Madam President, the situation in Somalia has changed since the introduction of United Nations Forces. As my colleagues will recall, President Bush sent United States Marines into Somalia last winter on a humanitarian mission. Senate Joint Resolution 45, which passed the Senate in February of this year, constituted authorization for using U.S. forces to establish an environment secure enough to conduct humanitarian relief operations. The general understanding at that time was that the United States was committing itself for a short-duration operation. We were not intending to pacify all of Somalia but to secure limited areas in which critically needed aid, primarily food, could be distributed to end mass starvation. The authority embodied in the Senate-passed resolution was very limited, therefore, and the Senate most certainly did not have political solutions in mind.

Now, Madam President, we have turned our operations over to the United Nations, but the United Nations seems to have in mind a much expanded mission which appears to me to be an open-ended mission with open-ended duration. According to the U.N. resolution adopted on December 3, 1992, the U.N. effort is aimed at "facilitating the process of a political settlement. * * * aimed at national reconciliation * * *" This policing process has now squared off U.N. Forces against local warlords. Missions of food relief have now taken a back seat to participation in conflict with local warlords. This was never the Senate's intent. On the heels of the December 3, 1992, U.N. resolution, then White House spokesman Marlin Fitzwater emphasized that "we want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that."

The situation of yesterday highlights the peril of expanding the original humanitarian mission. Three journalists were killed, one by stoning, another by being beaten, another shot, a fourth missing and presumed dead, and two others narrowly escaped with their lives with machete and bullet wounds from a frenzied crowd. This is the first violence imposed on journalists, and follows escalating violence between warlord forces and U.N. Forces. The United States has a contingent among the U.N. Forces, and has recently reinforced that contingent. Where are we going with this policy?

Madam President, these were not American journalists. I read from the Washington Post story of today this excerpt: "Today's mob violence was the first directed specifically at foreign journalists in 2 years of strife." One was a German photographer with the Associated Press, confirmed dead, another was a Kenyan, a third was a British-born resident of Kenya, both photographers for the Reuters News Agency.

Now, Madam President, if these were Americans, there would be a lot of speeches on this floor. They were not American journalists. If they were American journalists, what would the American press corps be saying? The American press corps would have a lot to say about it. These are going to be Americans one of these days. And America is not going to like it.

The United States has a contingent among the U.N. Forces and has recently reinforced that contingent.

The Senate is not being asked if this is OK. Does the Senate support these actions which progressively may lead us deeper and deeper into a difficult situation? So, where are we going with this policy? The Senate has not bought into a police action against Somali warlords. I have not cast any vote to do that.

On June 17, 1993, I made a statement opposing the introduction of additional U.S. Forces in the U.N. operation. Nobody paid any attention to my statement. The press never noticed it. But the day is coming, Madam President, when the press is going to notice it and other Senators are going to notice it.

The violence imposed on international journalists came on the heels of an attack mission conducted by U.S. aircraft, including six Cobra helicopter gunships.

I thought we were going into Somalia to make it possible to stop the starvation of men, women, and children. We anticipated there would be some problems. We knew about the warlords because it was they who were depriving the men, women, and children, the starving peoples, from getting food. But we were not told that it was going to be an open-ended operation, which it appears that it is becoming, or that we were going in there to settle political problems and make peace between rival warlords.

I spoke this morning about the Romans who had no obligation to go into Numidia and interfere there in the internal affairs of Numidians. I did not know earlier that we would be doing the same thing—interfering in political affairs, bringing about a political resolution, restoring peace between and among warlords. Is that what we are doing?

According to the Pentagon today, the United States has 3,925 personnel in Somalia as part of the 18,905-man-strong U.N. Force, 1,160 serving in the Quick Reaction Force and another 2,640 logistics personnel. Another 4,400 marines and sailors are serving as a Marine expeditionary unit offshore in the theater of operations.

Apparently, the United States is playing a more and more significant combat role in a U.N. operation of unknown duration in support of a mission which the U.S. Congress has not endorsed. To my knowledge, it has not. To date, the taxpayers of the United States have spent or committed close to $1.5 billion for the Somalia operation, and it is going to cost more.

The time has come to remove United States Forces from Somalia whether or not they are part of the U.N. operation. I know some people may not like what I am saying, but I do not see anywhere in our U.S. Constitution that this Senate is bound to go along with a U.N. operation that appears to be getting us deeper and deeper into a war in which we have no business. Getting food to starving people is one thing. But this is something else.

We were appalled as we sat evening after evening and watched the evening news and saw the starving people of Somalia, and our hearts went out. Nobody objected to trying to get food to those starving people. We no longer see on the evening news children starving to death.

Why are we staying there? When is the U.S. Congress going to demand that the Senate and the House be asked for support in what appears to be more and more an open-ended operation? Is there any indication as to when our people are coming out? The humanitarian relief mission is over. The mission for us, it seems, is accomplished. It is time to go. We have to say, "enough is enough."

The United States has been in Somalia for over 6 months. The duration of our stay was expected to be a short time at the beginning. Now, 7 months down the pike, we are introducing new combat forces and conducting gunship attacks on warlords' camps. We are going to lose some men; we are going to lose some men.

And the United Nations is talking about national reconciliation. What does that mean? Has the Senate bought into that?

Further U.S. action and participation in the newly expanded mission should either be specifically endorsed by the Congress, or we should pack up and go home. My vote is for the latter.

I yield the floor.

## THIS VIOLENCE MUST END

Mrs. BOXER. Madam President, it is with tremendous grief and anger that I rise today to speak out about the wave of gun violence that has crashed over this Nation and over my home State of California.

Just 1 week ago today, a massacre erupted at a San Francisco law firm. Shots rang out. People ran for their lives. Eight people lost their lives. And when all the smoke had cleared, my son had lost one of his close friends. John Scully's young life had been cut short, his wife of 10 months severely wounded. John Scully had thrown himself in front of her and took the bullet she would have taken.

On that tragic day, something came between John Scully and his ability to fulfill the promises of a young man bursting with love and with life. Something came between him and his ability to be a husband to the woman he had just married in September, to the woman, Michelle, for whom he gave his life. And, something came between him and his ability to continue to be a son and a brother—and someday possibly even a father and a grandfather.

And what ended John Scully's very young 28-year-old life? It was not a disease. It was not an accident. It was a semiautomatic assault weapon set loose in the hands of a deranged gunman.

Gun violence touches too many of our lives, Madam President. I know that you know that. Its victims are our sons and our daughters, our neighbors and our friends. The sadness runs deep. It is sapping our strength to rebound.

Madam President, this was not California's first gun massacre. How many of us can forget the gunman who opened fire on a Stockton schoolyard in 1989? Five children were killed. Thirty were wounded. And the weapon: It was a semiautomatic assault weapon called an AK-47. The gunman? He had a history of criminal arrests and convictions.

We need to ask ourselves: How can we allow deranged criminals to purchase military-style assault weapons? In 1990, almost 3,000 children and teenagers were murdered with guns. We are losing our children. We are not protecting the innocent and the most vulnerable parts of our population. Between 1984 and 1990, firearm murders of children under 19 increased by 125 percent. We must ask ourselves this question: How many more children must die, how many more lives destroyed before we act here in the U.S. Senate?

Madam President, workplace violence is growing. It represents almost 20 percent of all workplace deaths in California; and nationwide it is about 12 percent of all workplace deaths.

Time and time again, we hear the gun lobby defending its assault weapons, defending the Uzis. These guns do not kill, they say. Only people kill. Well, all the well-paid lobbyists in the world, and all the influence-peddlers in the world will not change the fact that guns help people kill people. They make it easy to kill people.

These weapons allow the criminals to kill from a distance; allow them to kill large numbers of people; and allow them to kill sometimes without knowing or even seeing their victims. It is quick, it is easy, it is impersonal. It is all the things that death—in a civilized society—should never ever be.

The NRA tries to tell us that gun control does not work, but we need to look at the statistics that the NRA does not want us to see. Let us look at the number of people killed by handguns in nations that have gun control laws. In 1990, there were 22 people killed by handguns in Great Britain; 13 in Sweden; 91 in Switzerland; 87 in Japan; 10 in Australia; 68 in Canada. And in that very same year, 1990, handguns killed 10,567 Americans.

The gun lobby bullies, it distorts, and it mocks. You have seen those latest TV ads. They mock elected officials who have the courage to stand up to them. The gun lobby refuses to accept the fact that most people favor commonsense approaches to decreasing the gun carnage in America. The gun lobby is dangerously out of touch, out of touch with all Americans, and even with the very people they claim to represent—the gunowners. Recent surveys have shown that 60 percent of gunowners favor a ban on assault weapons.

Today I ask the gunowners to help us, help us stop this carnage. What are we waiting for? Without bans on assault weapons how many more religious zealots like David Koresh are going to be allowed to create their own military stockpiles? Without background checks and waiting periods, how many more criminals are going to leave our gunshops armed to the teeth? Without commonsense laws targeting copycat versions of already banned assault weapons, how many more gun manufacturers are going to be able to produce the weapon of their choice through this deadly loophole.

We need to pass commonsense gun control laws to curb the sale of assault weapons and take weapons out of the hands of criminals.

I want to thank my good friend the distinguished Senator from Ohio [Mr. METZENBAUM] for his leadership on this issue. I am proud to be an original cosponsor of his bill, the Semiautomatic Assault Weapons Violence Protection Act of 1993. I want to make a point here to you, Madam President, and to others who may be listening: every single Democratic woman in the U.S. Senate is a cosponsor of that bill. We understand that we must be courageous, we understand that we must save the children. We have common sense, and I think we are right.

This bill will give the Bureau of Alcohol, Tobacco, and Firearms the tools that it needs to ban certain classes of semiautomatic assault weapons.

I also want to commend Senator JOSEPH BIDEN, the chairman of the Judiciary Committee for shepherding the Brady bill through the Senate.

Now, we need to be clear about the Metzenbaum bill. Assault weapons that serve legitimate sporting purposes would still be legal. Assault weapons used for military and law enforcement purposes would still be legal. But it would ban guns like the one used in San Francisco, guns designed to do one thing—kill a lot of people in a short period of time.

Even though an exact replica of it is already banned under California law, the gun used in San Francisco is still perfectly legal.

That is why the Metzenbaum bill is so important. It gives the Bureau of Alcohol, Tobacco, and Firearms the power to ban copycat weapons and close this deadly loophole once and for all.

Madam President, in the memory of John Scully, and the other innocents who have fallen victim to this slaughter, I ask my colleagues to act quickly to pass real gun control legislation.

The pain inflicted on the family and friends of the victims must be acknowledged not only by comforting words, but also by critical deeds. Let us act with courage and conviction to get these weapons off our streets and out of our communities.

I do not want to see any of my colleagues have to go to funerals in their States to share the tears of family and friends for these outrageous deaths.

We must not rest until we create an America where children do not go to school armed; an America where gunfire does not spray across our communities; and an America where we are appropriately horrified by this violence and committed to eradicating it. We must not rest until we pass the Brady bill, pass the Assault Weapon Act, and stop the violence once and for all.

To John Scully and the others who died at 101 California Street in San Francisco—we must do this in your name.

Thank you, Madam President

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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## THE GATT AND THE GROUP OF SEVEN MEETING

Mr. BAUCUS. Madam. President, I rise to discuss last week's Group of Seven summit meeting, and the agreements on GATT market access issues and the United States-Japan negotiating framework we reached there.

### PRESENT STATE OF THE GATT

First, the GATT. It is fitting that last week's tariff-cutting agreement was announced in Tokyo, because it was there in 1979 that the Tokyo round was completed.

The Tokyo round brought down GATT member tariffs by an average of 34 percent. It did a lot for world growth in the past decade. But to remain relevant in this decade and the next century, the GATT must cover to other issues.

The cornerstone of the GATT is still tariff status—specifically, the principle of most-favored-nation status, which says countries must not offer one GATT member better tariff treatment than others. Today, that is no longer enough. Tariffs were the whole picture when the GATT was created in 1947. But they are only a few brush-strokes in 1993.

Today's trade issues include the fact that United States banks cannot open their doors in Mexico; the French bureaucrats who require 40 percent of all TV programming be French-made; and the Japanese Government's refusal to buy United States-made supercomputers. We did not even have calculators in 1947, much less supercomputers.

### NEED FOR GATT TO COVER NEW ISSUES

Today, the GATT covers only trade in goods. Within that category, it largely excludes agriculture and textiles. Overall, therefore, it covers only about two-thirds of all trade. If we include investment and currency exchange, then present GATT rules cover only about 7 percent of world commerce.

Thus, our initial goals in the Uruguay round went beyond reducing tariffs. We hoped to extend GATT coverage to services and agricultural trade, eliminate agricultural export subsidies, and guarantee protection for copyrights, patents, and trademarks.

These were ambitious aims. And many were pessimistic about the chances for progress toward them in Tokyo. I can only imagine what Leon Panetta must have thought. But last week's summit surprised them all and pushed the Uruguay round forward.

### PROGRESS AT TOKYO G–7

That is an unusual result for the G–7. Recent G–7 meetings talked about moving the GATT negotiations forward. This one did move them forward, and President Clinton should be commended for that. It is clear that he knows GATT stands for the General Agreement on Tariffs and Trade—not the "General Agreement on Talk and Talk," or, as I believe the French translation has it, "General Agreement for Tantrums and Tirades."

Last week's agreement gives the GATT momentum that is crucial if it is to succeed by December 15.

We won commitments from our trading partners to cut tariffs to zero in construction equipment, farm equipment, steel, and furniture. It is good news. But by itself, it is not enough.

We had hoped to cut our tariffs to zero in exchange for identical pledges from our trading partners—zero-for-zero deals—in 18 separate areas. We ended up with eight of eighteen. That is a good start, but we need to keep going until we reach the finish line.

We need assurances that tariffs will be cut to zero on semiconductor chips, computer parts, wood products, nonferrous metals, and other areas.

Once this is accomplished, we must then get onto the other 103 GATT members to agree—because, after all, the Tokyo agreement was only an agreement among 7 of 108 or 111 countries in the world—and then move on to agriculture, services and intellectual property to finish the job by December 15.

That will be tough. But President Clinton showed in Tokyo that he understands how important a good deal can be for America, as well as how damaging a bad deal could be.

### WHAT IS A GOOD AGREEMENT?

What would a good agreement achieve? It would substantially cut tariffs on manufactured goods and remove barriers that keep U.S. service providers like securities firms, insurance companies, and architects out of foreign markets.

A good agreement would protect U.S. intellectual property works like pharmaceuticals, videos, sound recordings, and computer software from piracy.

A good agreement would remove trade distorting farm subsidies that cost us market share in Russia, the Middle East, and Latin America.

It would remove quotas, and outright import bans that keep our competitive grains, rice, apples and wood products out of countries like Japan and South Korea. The United States must not cut our farm tariffs or export subsidies unless our trading partners do the same.

### JAPAN NEGOTIATING FRAMEWORK

There is, of course, something a good GATT agreement would not do. It would not weaken our trade remedy laws.

Section 301, the GSP Program, Special 301, our antidumping and countervailing duty laws must stay intact and at full strength. And this year, we must make those laws stronger by adopting Super 301 as well, because even the best Uruguay round agreement imaginable will not solve all our trade problems. We must extend Super 301 this year.

The President took so much care on the negotiating framework with Japan, because the GATT will have little effect on our most serious trade problems with that country. They are not issues of high tariffs or formal quotas.

Rather, they are questions of industrial collusion and failure to enforce antitrust laws; unspoken and unwritten rules; discriminatory distribution networks; and government procurement decisions systematically biased against foreign products.

The United States is not alone in suffering from these problems. The European Community, the newly industrialized countries of East Asia, the ASEAN states and China all run large and persistent deficits with Japan.

Thus, if the negotiating framework we established in Tokyo succeeds, it will have benefits for the whole world trading community as well as for American businesses and Japanese consumers.

This framework sets two major goals. First, it aims for a significant, measurable reduction in Japan's current account surplus. And second, it aims for similar measurable progress in such areas as Government procurement of competitive foreign products, regulations that block foreign service providers, and implementation of existing arrangements.

This, in my opinion, may be the last chance for progress through bilateral negotiations. Japan has already begun to argue that the agreement does not call for measurable progress. The Japanese press does so far as to compare the agreement to a tamamushi—a kind of beetle that changes color depending on how you look at it.

That is a bad sign. It is bad for Japan as well as for the United States, because if this negotiating framework brings no progress, the result will be to discredit all bilateral negotiations with Japan. That would make President Clinton's vision of a Pacific Community much harder to realize, and would mean a very difficult era in United States-Japanese relations.

Nonetheless, that is still in the future. President Clinton comes home from Asia with two very important achievements. I congratulate him, and I look forward to further progress in the months to come.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. We are in morning business.

Without objection, it is so ordered.

## PRESIDENT CLINTON'S PACIFIC NORTHWEST FOREST PLAN

Mrs. MURRAY. Madam President, those of us who were born in the shadow of the Cascade and Olympic Mountains grew up amidst some of our Nation's most incredible natural resources. We grew up in awe of their splendor, but also amidst increasingly divisive arguments over how to manage them.

Throughout the 1980's, families in our timber towns were told they could harvest growing amounts of timber. The harvests jumped from an average of 2.9 billion board feet during the previous decade to 5 billion board feet in the 1980's. Official Government projections indicated these levels could be maintained. Businesses went into debt to expand. No one would publicly acknowledge that it could not last forever.

Then in 1989, reality hit. It turned out that Federal land management agencies were acting outside the laws. The court stepped in and declared that Federal timber could not be cut unless the agencies began complying with the laws. Harvesting of Federal timber took a dramatic turn. Mills began to close, loggers lost their jobs. The heyday was over, but no one had bothered to let our communities know.

For the last 5 years, my friends and neighbors have watched battle lines form over the fate of the Pacific Northwest forests and the families who depend on them. For 5 years, Congress has argued over board feet. Tempers have flared over how much timber could be harvested or protected. To date, people have rightly feared that intransigence on all sides would lead to the worst: Continued loss of jobs; continued loss of beautiful old growth forests; and continued court-imposed gridlock. Everyone faced uncertainty.

The reality in timber towns today is one where hundreds of families are struggling to find family wage jobs to put food on the table. Mills have streamlined operations, downsized, or closed. Community colleges are jammed with workers trying to learn new skills for jobs that might not be there. Families wait in line at food banks.

These families are justifiably bitter. No one prepared them for what they now face. Politicians rushed to town to say, "Elect me and I will return life to what it use to be." But as we now know, no one can turn back the clock.

President Clinton has done something no one has seen in the executive branch during the course of this long fight. He has brought leadership to the issue that may finally bring this battle to a close. He has proposed to end the uncertainty and move on. Although many people are unhappy with the President Northwest forest plan, it is clear that a solution is finally at hand. It is a solution that calls on all sides to give something today in return for certainty about tomorrow. This plan insures that there will be a future for the timber industry in our State, and that there will be ancient forests for our grandchildren to see.

I refuse to send empty promises to the families in my State. Clearly, there will be more jobs lost in my State as we move to harvest levels that are legally justifiable and scientifically valid. The job-loss figures used in the press vary widely. But I think we owe our people some truth for a change.

Washington State's chief economist, who follows the industry closely, estimates that of the 53,000 people presently employed in the wood products industry in the State, 3,300 to 3,500 may lose their jobs under the President's plan.

I have no figures on how many would lose their jobs if current court battles continue to prevent any Federal harvest. I do know that if we move ahead with the President's plan, it is possible that some 1.8 billion board feet on the westside alone could be ready for harvest by the end of this year. This is from timber sales that have been sold but not harvested, or sales that have been prepared but not sold. I take the opportunity now to urge the Clinton administration to do everything it can to get this supply moving as soon as possible. Added to an eastside harvest of approximately 400 million, this amount is substantially larger than the harvest levels commonly mentioned.

Now that the President has made his plan public, it is time for Congress to step up to the mark. We now bear the responsibility to pass the economic component of the President's forest package. The people in our timber towns have been bystanders for years, dependent on decision made in the other Washington about how much Federal timber will be harvested. Yet, no one wants to ask for help in our timber towns. They are proud and independent people. They work hard for a living. They want no handouts. What they want is a chance at the future. The chance to learn new skills, the chance to have their homes be valuable once again. The chance to feed their families and give them hope once again.

As a member of the Appropriations Committee that will review this package, I pledge to the people of my State that enactment of this package is my top priority. And I hope all Members from the Pacific Northwest will set an example by making this important package their highest priority as well.

The key to the President's Northwest economic adjustment initiative is job creation. His proposed Federal assistance package contains $287 million for fiscal year 1994, and a total of $1.3 billion over 5 years. All of these resources have been identified within existing spending caps. A combination of landscape investments and grants, loans and loan guarantees from programs such as the Job Training Partnership Act, Small Business Administration, Rural Development Administration, and other programs will create a total of 12,000–14,000 new job opportunities next year, and as many as 33,000 new jobs over the course of the 5-year plan.

The core of this program is devoted to workers, their families, and the communities they live in. The fundamental principle of this plan is stewardship. By taking care of our natural resources, we will be taking care of the towns and people who depend on them. Under this plan, we will rebuild watersheds. We will control soil erosion. We will restore and enhance our forests to ensure biodiversity, high water quality, and a healthy environment over the long term. We will provide seed money and other incentives for small business that can extract greater value from the timber we do harvest. We will provide incentives for non-Federal land managers to implement habitat conservation plans. And we will empower local communities and grassroots groups to manage tracts of Federal land on a new, innovative basis.

All of these things are geared toward creating a new forest resources economy in the West. If implemented, they will remove the uncertainty of the past and give people a strong sense that the future holds new opportunities. This is a new direction not only for the Pacific Northwest, but for the country as a whole. If we implement this program successfully, we can simultaneously create long-term stability within the national forest products economy and set a new model for conflict resolution for natural resource disputes.

Throughout our Nation we see towns and cities and neighborhoods struggling to move into the economy of the 21st century. Nowhere is that struggle more clear than in the timber towns of the Pacific Northwest. Jobs have been lost in the struggle to design the forests for the future. But by passing the President's economic package, we can show the Nation how investing in people can bring communities back and restore hope for the future.

I believe we can have a balanced solution to the timber crisis in the Pacific Northwest in which we have a strong timber industry and healthy forests for the long term. I urge my colleagues to join together with me to pass the President's Northwest economic adjustment initiative. If we pass this initiative this year, I know that 5 years from now, the workers and families in our timber towns will remain proud, productive citizens of our country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISASTER ASSISTANCE GREATLY NEEDED

Mr. PRESSLER. Madam President, I wish to report to the Senate on the disaster that is devastating my home State of South Dakota. During the last recess I conducted my second tour to parts of South Dakota that are experiencing the most disastrous planting season ever. Not only are persistent rains affecting agriculture and businesses in South Dakota, but the States of Wisconsin, Minnesota, Iowa, Missouri, and Illinois also are being deluged by excessive rainfall. Damage in South Dakota alone could reach more than $1 billion. Federal assistance is needed now.

Madam President, it is alarming that little has been reported in the national media on the damage in South Dakota. Flooding has claimed the lives of three South Dakotans. Estimated public property damage is $10 million. Over 2 million acres of farmland have been flooded, causing an estimated crop less of more than $500 million. Approximately 1,000 homes have been damaged and some completely destroyed. Seventeen South Dakota counties have been declared State disaster areas and 33 counties are listed as State agricultural emergency areas.

Dr. Ralph Brown, professor of economics at the University of South Dakota, recently described the current situation in South Dakota:

> While the state experienced disasters with droughts in 1976, 1988 and 1989, flooding has greater negative economic effects. Flooding preempts some of the usual farm expenditures, like seed, gas, oil where as in a drought those supplies are sold. In terms of total personal income, farm income is 10 to 15 percent of South Dakota's economy. That may not seem like much, but it is the largest of any state in the union. When you look at farm spending for goods it is 40 percent of South Dakota's personal income, where nationally, agriculture spending is only one to two percent.

South Dakota is the most rural State in the Nation. When disaster strikes South Dakota agriculture, it sends a shockwave that affects all industries in South Dakota. Matters are made even worse when disaster strikes more than one growing season. Farm equipment dealers suffer. Seed dealers suffer. All local businesses suffer.

Madam President, this year's disastrous planting season follows last year's extremely wet harvest, when farmers experienced lower yields and poor quality crops. Tremendous amounts of income were lost last year. In fact, many farmers were unable to harvest and much of last year's crops still sits in flooded fields.

Many South Dakota farmers today have never experienced a planting season this disastrous. Time is running out for many of these farmers. Action is urgently needed to permit farmers in these counties to plant a crop and earn an income this year. These farmers are suffering. Legislation is needed to ease their suffering.

What is at stake for these farmers? The word that best answers that question is survival.

What is the situation in South Dakota?

Thirty-three counties are affected. Governor Miller has declared all of these counties as agricultural disaster areas.

In some South Dakota counties, as many as 25 to 35 percent of farmers will not be able to plant this year's corn crop; 12,580 farmers have not been able to plant this year's crops or have flooded acres; 2,351,900 acres are affected—1,116,200 corn acres and 1,235,700 soybean acres. Economic losses could exceed $1 billion.

What can be done? The following actions are needed to help farmers recover the tremendous loss of income due to prevented planting or failed crops.

The Department of Agriculture should forgo all planting deadlines for this year.

The Department of Agriculture should allow farmers to plant any crop they can or let the land lay fallow to recover. This should be done without any loss of Farm Program benefits.

Farmers should be able to receive Federal crop insurance benefits even though they were unable to plant their crops.

Finally, Congress should act quickly to provide comprehensive Federal disaster assistance.

What has been done? I have written Secretary Espy since April to keep him informed of the situation in South Dakota. I ask unanimous consent that this correspondence be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, on May 28, 1993, I asked USDA Secretary Espy to extend the final date for certifying planted acres. I am pleased that he responded by extending the final date from July 1 to July 31. Without this extension, if a farmer could not have certified his planted acreage by July 1, he would have been forced to return advanced deficiency payments. Most of these payments were spent in preparation for planting this year's corn crop. Forcing the repayment of these benefits could place in economic jeopardy farmers who couldn't plant this year's crop. The extension will protect those farmers who are able to plant this year's corn crop.

I also asked Secretary Espy to extend the final date to enter into crop insurance. Unless action is taken now, many farmers stand to lose protection under the Federal crop insurance program and income from planned plantings. The Department of Agriculture still has this under consideration.

I have introduced two bills that would permit farmers to plant other crops on their program crop acreage without the loss of benefits. Though it is too late for most crops to be planted, I hope these legislative changes can be made.

Further, I have written the President to ask him to tour South Dakota to see the devastation firsthand. I hope the President will do this. I also have asked President Clinton to encourage bipartisan congressional action that in providing essential Federal disaster assistance to the Midwestern States devastated by the continuous rainfall and flooding. The President and Congress must work together.

Mr. President, the devastation in eastern parts of South Dakota extends beyond an agricultural disaster. It affects all aspects of South Dakota's economic base, including small businesses, tourism, transportation and other infrastructure factors. In short, the livelihood of hundreds of farming and business communities in South Dakota is in jeopardy.

An economist for the Federal Reserve bank in Minneapolis recently reported that the farm driven economy of South Dakota likely will suffer the most from flooding in the Upper Midwest. It probably will take more than a year for farm income and spending to recover. The bank estimates that in southeast South Dakota, southwest Minnesota, and northwest Iowa, farmers stand to lose $1 billion in crops they could not plant due to wet conditions and another $1 billion in damage to crops that were planted. I ask unanimous consent that articles from several South Dakota newspapers regarding the economic impact of this crisis be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PRESSLER. Mr. President, many Midwestern States are in dire straits. Congress and the administration must act immediately. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of farmers and small businesses in South Dakota and other Midwestern States. I urge my colleagues to join in developing a bipartisan disaster relief initiative.

In conclusion, Mr. President, let me say that it has been estimated that South Dakota will suffer, on a percentage basis, more than any other State. I have been disturbed that the national media has paid more attention to some of the more populous areas that will have suffered less. I have also been concerned that the President, in his earlier visit to Davenport, IA, has given the indication that some discretionary funds will be released to those more populous areas before South Dakota.

I have also been concerned that we have been told that all of the disaster assistance relief for South Dakota must come from newly appropriated funds. That is my understanding. I want fair treatment for my State. We do not get as much media attention because we are not at the center of a city or a national media center. But we have problems just as great.

In fact, according to an economist for the Federal Reserve bank in Minneapolis, the State of South Dakota will suffer more than any other State. I want that known, and I want our State to be included. I have invited the President to visit South Dakota. He is on his way back from Hawaii. I hope he will perhaps stop. Our people need assistance. They feel they are being neglected to some extent. We must fight very hard.

Mr. President, I look forward to working on a bipartisan basis with my colleagues on the other side of the aisle on this problem. When there is a hurricane in Florida, or an earthquake in California, there is a great deal of national attention, as there should be. However, we do not get as much attention for a tornado in South Dakota or a flood in South Dakota, but the individuals affected are taxpayers and citizens and are affected just the same. Therefore, the time has come that we need some help, and I will be working with my colleagues.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
*Minneapolis, MN, July 2, 1993.*

Hon. MIKE ESPY,
*Secretary, Department of Agriculture, Washington DC.*

DEAR MR. SECRETARY: We are writing to request you to immediately announce an Economic Emergency for the affected disaster areas in the states of Minnesota, Iowa, South Dakota, Wisconsin, Missouri, and Nebraska. As you witnessed during your trip to these flood-stricken states on June 30, the devastation and economic loss is significant.

There are further actions which you can take administratively to help our beleaguered farmers. Specifically, we request:

1. Repayment of unearned advance deficiency payments be waived. During these times, it is impossible for producers to repay advance deficiency payments. The 36 cents per bushel that most corn producers received in April has been spent paying last year's bills or helping to pay for this year's inputs.

2. Extend the Federal Crop Insurance Corporation's final planting date for corn and soybeans and permit farmers to purchase prevented planting coverage retroactively.

3. Permit local Agricultural Stabilization and Conservation Service offices maximum flexibility in administering federal programs—particularly the acreage set-aside programs.

4. Initiate the Emergency Feed Program for livestock producers.

5. Extend the payment schedule for Farmers Home Administration loans to seven years.

6. Drop the 1993 crop year when determining future crop insurance yield averages and other base production averages.

Thank you for your immediate consideration of our concerns. We look forward to working with you to provide relief to our farmers.

Sincerely,

DAVE DURENBERGER.
PAT DANNER.
CHUCK GRASSLEY.
KIT BOND.
JIM RAMSTAD.
BILL BARRETT.
LARRY PRESSLER.

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U.S. SENATE,
*Washington, DC, July 1, 1993.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: Over the past several months, a number of Midwestern states have endured damaging rainfall and flooding conditions. In fact, some South Dakota farmers have not been able to harvest 1992 crops due to continual precipitation. U.S. Secretary of Agriculture Mike Espy recently toured parts of South Dakota, Minnesota and Iowa to view first hand the devastation facing hundreds of Midwestern farmers.

Mr. President, the livelihood of hundreds of farming and business communities along the Missouri and Mississippi Rivers is in jeopardy. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of South Dakota farmers and small businesses.

I understand you have requested Secretary Espy to draft legislation to address the current agricultural crisis. I strongly urge you to have Secretary Espy meet with both Republican and Democratic leaders of Congress to formulate a bipartisan strategy to expedite passage of this disaster relief legislation. In the meantime, I believe a Presidential disaster declaration clearly is warranted. I urge you to make a disaster declaration for South Dakota, as well as other Midwestern states suffering from excessive rainfall and life-threatening flooding.

I plan to visit several South Dakota communities soon to survey the destruction and learn more about economic losses from farmers and small business owners. Further, I will be inspecting damage to the state's infrastructure. Should your schedule permit, I invite you to join me in touring rural South Dakota to assess damages and determine how the federal government can best provide assistance.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

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CONGRESS OF THE UNITED STATES,
*Washington, DC, June 22, 1993.*

Hon. MIKE ESPY,
*Secretary, Department of Agriculture, Washington, DC.*

DEAR MR. SECRETARY: We are writing to share with you our concerns surrounding the current weather and planting conditions in our states of Iowa, Minnesota and South Dakota. Many of us have written or called you previously, but this letter should serve to bring home the fact that the situation is not improving, and the outlook is becoming bleaker for many of our producers to get any kind of crop on many of their acres.

The crop report released on June 21, indicated that 17% of the nation's soybean crop remains unplanted. However, in southwest Minnesota, only 60% of the bean crop has been planted and in South Dakota, the figure is only 65% complete. Weather forecasts are not optimistic, and it's well-accepted that soybeans planted after the first of July can lose up to 40% of their yield potential. The condition of the crops that have been planted is not good either. Monday's report showed that of the corn and beans that have been planted in our states, over half of each crop is in the fair or worse category.

We would like to thank the ASCS for agreeing to meet with our offices. The items that were discussed with our staffs and Randy Weber of the ASCS that we would like to raise with you include:

(1) Repayment of unearned advance deficiency payments—You know as well as we do how difficult it is to ask producers to come up with cash to repay advance deficiency payments. The 36 cents per bushel that most corn producers received in April has been spent paying last year's bills or helping to pay for this year's inputs. At the least, we would like to ask that the Department do what it can to offset these payments from future payments due a producer rather than forcing them to come up with cash immediately.

(2) Expand the list of crops producers can plant under 0-92 provisions—The current list of crops that a producer can plant on acreage enrolled in the 0-92 program is limited to minor oilseeds such as sunflower, safflower, canola, rapeseed, mustard and flaxseed. The only other crops eligible at this point are sesame and crambe. We would like to ask that ASCS utilize the emergency rule under the Administrative Procedures Act to publish interim final regulations that would allow producers more options such as millet or buckwheat and industrial use crops not currently eligible. This action would have to be done as soon as is possible to be of benefit to producers.

(3) Waive the minimum size and width requirements for ACR and CU acres—It is our understanding that current regulations require that acres enrolled in set-aside or conserving use such as 0-92 must be at least 5 acres in size and average at least one chain or 66 feet in width. The only exceptions allowed are for permanent fields, and every farm can claim one area that does not meet the requirements. This year producers are going to have a quilt-like pattern in their fields, with the higher ground planted, but many low spots unable to be touched. If this requirement could be waived for this year for producers who opt into 0-92 because of prevented planting, it would allow producers the flexibility to deal with the inability to plant in wet areas.

(4) Economic emergency disaster payments as found in the 1990 farm bill—While we realize it may be a little early to tell just how bad the situation will eventually turn out to be, the weather reports are not improving. The ground is so saturated now that it would take a number of days of sunshine and wind to dry out the ground enough for producers to complete any more planting. Because of this bleak outlook, we would ask that you begin to contemplate the need for disaster payments under the economic emergency provisions found in the 1990 farm bill that would come from CCC funds. The severity and range of this problem could spell disaster for a number of producers and the credit institutions that serve them. The same is true of the main street businesses that also rely on the agricultural economy in our states.

Thank you for your consideration of our concerns. We look forward to working with you to provide some relief to our producers as quickly as possible to enable them to make use of every opportunity to get a crop in the ground. Please let us know if we can be of any assistance or should you have questions.

Sincerely,

Tim Johnson, Fred Grandy, Larry Pressler, Dave Durenberger, Jim Nussle, Jim Leach, Jim Lightfoot, David Minge, Tom Daschle, Tim Penny, Tom Harkin, Charles Grassley, Paul Wellstone.

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U.S. SENATE,
*Washington, DC, June 4, 1993.*

Hon. MIKE ESPY,
*Secretary, Department of Agriculture, Washington, DC.*

DEAR MR. SECRETARY: I have just returned from South Dakota and need to bring to your attention the current crop disaster conditions in southeastern South Dakota. I have never seen fields in that region so wet so late in the year. Current conditions are the worst in recent memory. Many farmers are facing tremendous loss of income simply due to the fact they are not able to plant their crops. I ask that you be as flexible as possible in administering programs for the 1993 crop to account for prevented or delayed plantings.

Lincoln County already has been declared a disaster by South Dakota's Governor and many more such designations are likely. There are some counties where only ten percent of the corn crop has been planted. As you know, by this time of the year practically all corn should have been planted in South Dakota. I urge your immediate attention to these requests as you receive them.

The current final planting deadlines have caused great concern in South Dakota. At stake are deficiency payments, federal crop insurance, disaster benefits, and crop bases. I request that you extend for three weeks the final date to certify planted acres and the final planting dates for coverage under the federal crop insurance program. This action would not impact producers who have been able to plant their 1993 crops, but would provide much needed relief for producers who have not been able to plant their 1993 crops through no fault of their own.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

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U.S. SENATE,
*Washington, DC, May 28, 1993.*

Hon. MIKE ESPY,
*Secretary, Department of Agriculture, Washington, DC.*

DEAR MR. SECRETARY: I urge your immediate approval of disaster assistance for all potato producers in South Dakota who experienced economic losses resulting from natural disasters.

I commend you for your recent announcement of disaster payments for round white potato producers based on low quality of the 1992 crop. While your announcement is of assistance to white potato producers, potato farms in South Dakota produce both round red and round white potatoes. The quality losses in South Dakota have impacted both crops enough to make marketing and grading difficult, if not impossible. South Dakota red potato producers deserve assistance as well.

I have heard from numerous producers in South Dakota who believe they are being discriminated against, Those producers do not understand how disaster assistance would be made available for round white potato losses but not for round red potatoes, when both crops experienced substantial loss of quality due to adverse weather conditions. They believe assistance should be available for both types of potatoes. I share their concern and agree with them.

Many producers in South Dakota have experienced lost and lower-quality harvests due to natural disasters in 1991 and 1992. Some producers may not be able to continue farming without assistance. It is critical that the U.S. Department of Agriculture do all it can to assist those producers.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

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U.S. SENATE,
*Washington, DC, April 15, 1993.*

Hon. MIKE ESPY,
*Secretary of Agriculture,*
*Washington, DC.*

DEAR MR. SECRETARY: I urge your immediate approval of disaster assistance for all producers who experienced economic losses due to the low quality of their 1991 and 1992 harvests resulting from natural disasters.

I commend you for your recent announcement of disaster payments for corn producers based on low quality of the 1992 crop. While your announcement is of assistance to corn producers, many producers of other crops, such as milo, have experienced the same hardships and depressed conditions. They deserve assistance as well.

While existing law provides the discretion to offer disaster assistance due to low crop quality, the law was never intended to be crop specific. Once a determination is made to offer assistance to compensate eligible producers for low quality, that assistance should be offered for all crops where producers experienced similar losses.

I have heard from numerous producers in South Dakota who believe they are being discriminated against. Those producers, who also experienced economic loss due to the poor quality of their 1991 and 1992 harvests, believe they should be entitled to the same assistance as corn producers. I agree with them.

Many producers in South Dakota have experienced lost and lower-quality harvests due to natural disasters in 1991 and 1992. Some producers may not be able to continue farming without assistance. It is critical that the U.S. Department of Agriculture do all it can to assist those producers.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

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EXHIBIT 2

[From the Sioux Falls Angus Leader, July 9, 1993]

### SIOUX FALLS TO SUFFER MOST IN UPPER MIDWEST, FEDERAL RESERVE SAYS

(By Todd Nelson)

The farm-driven economies of Sioux Falls and South Dakota likely will suffer the most from flooding in the Upper Midwest, an economist with the Federal Reserve Bank in Minneapolis said Thursday.

If conditions don't improve in the next few weeks, farm income and spending in South Dakota might not recover for a year or more, agricultural economist Ed Lotterman said.

"Sioux Falls is probably the major urban area that's going to be most affected because you do get a lot of customers from Luverne, Rock Valley, Worthington, Beresford areas that are affected by the flood," Lotterman said.

"It's not that retailing in Sioux Falls is just going to hit a brick wall, but I think that people out in the malls are going to notice it. It may be just a few percent, but it's not going to be a boom year."

This area is more vulnerable because it's more dependent on agriculture than other states in the Ninth Federal Reserve District, Lotterman said. The district includes South Dakota, Minnesota, Montana, North Dakota, northwest Wisconsin and the Upper Peninsula of Michigan.

In southwest Minnesota, northwest Iowa and southeast South Dakota, farmers stand to lose $1 billion in crops they could not plant because of wet conditions and another $1 billion in damage to crops already planted, Lotterman said.

"It doesn't have the physical damage that a Davenport, Iowa, has, but in terms of lost business, Sioux Falls is going to be one of the worst hit areas," he said.

Lotterman predicted that smalltown businesses such as auto or appliance dealers would be the first to feel the effects of the farm slowdown, although city retailers would not be far behind.

Some business owners and managers in southeast South Dakota have mixed expectations about the future.

"I can't afford to look at it that way," Canton auto dealer Denny Gaspar said of the negative forecast. "I have not even considered it yet. Business is still good. I'm trying to find the silver lining in the clouds."

For some farmers, that spark of hope might come in higher grain prices for crops they have stored, Gaspar said.

Van Johnson of the South Dakota Auto Dealers Association said dealers from Rapid City to Sioux Economy Falls have reported stronger sales the last six months after sharing in a national slump that started 12 to 18 months ago.

"People are coming back in to the market," Johnson said.

Less optimistic is Randy Bak, part owner of Pedersen Machine in Beresford.

"We're just once removed from the farmers' income so we're in the same boat," Bak said. "I would say we're probably looking at 30 percent of our trade territory that was not planted to soybeans and corn. We are definitely looking at a backlash that may last, who knows, a couple of years."

Bak said he has been holding off on ordering combine parts and has reduced his inventory by 20 percent in anticipation of slower sales.

At The Empire mall, business has been good, marketing director Nancy Litwin said. Today, the mall will put out boxes to collect donations for the Red Cross to help flood victims in eastern South Dakota.

"Obviously, our thoughts are with these people," Litwin said. "We realize that farming is a big part of the economy. I guess I hate to predict the future until it's here to see exactly what comes about."

Bak said the future became clearer this week for many farmers when the rains continued.

"The jury was out up until this week," he said. "A lot of these acres could have been planted up until about now. The rain just never quit."

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[From the Sioux Falls Argus Leader, July 8, 1993]

### FARM LOSSES SHOULD BE IMMENSE, OFFICIALS SAY

(By David Kranz and Steve Young)

Flooded farmland could cost South Dakota farmers $450 million and take as much as $1 billion out of the state's economy, officials said Wednesday.

Ralph Brown, professor of economics at the University of South Dakota, said farmers' losses would be doubled or worse if the disaster extended past one growing season.

"What is important to the economy as a whole is the expenses they would have incurred in putting those crops in, with energy, gas, oil," Brown said of farmers prevented from planting by the flooding. "Then, consider that if this ends up being a poor year, you end up seeing that expenses for things like durable equipment purchases, like tractors, will be down."

Those figures do not include the economic losses that the state's municipalities will suffer.

Mike O'Connor, director of the state Agriculture Stabilization and Conservation Service in Huron, projected the farm production losses based on the number of acres of corn and soybeans that will not be planted or are in trouble because of weather conditions, their potential yield and the prices the crops would have brought.

O'Connor said the chances are slim that South Dakota farmers will be able to recover any more than half of their losses from government disaster declarations.

The ASCS projection is based on reports from 33 counties that are dealing with flooding problems. O'Connor said about 12,580 producers are affected, with a third of the state's 3 million acres of corn and half of the 2 million acres of soybeans at risk or unable to be planted.

O'Connor said his projections were estimates now, because the deadline for final certification is July 31.

Only corn and soybeans were used in the calculations because many farmers, waiting to get dry weather, avoided planting small grain crops such as wheat and oats and put most of their land into corn and soybeans, O'Connor said.

Agriculture contributes $13.2 billion to South Dakota's economy, the State Agriculture Department said.

Brown said he was basing his projections on the effects past disasters have had on the state's farm economy.

"From a farmer's standpoint, it is loss in net income. From the Flood economic standpoint, it is the loss of expenditures not made by farmers. Farmers may not make money, but they spend a lot."

While the state experienced disasters with droughts in 1976, 1988 and 1989, flooding has greater negative economic effects Brown said.

"Flooding preempts some of the usual farm expenditures, like seed, gas, oil, where as in a drought those supplies are sold."

In terms of total personal income, farm income is 10 to 15 percent of South Dakota's economy.

"That may not seem like much, but it is the largest of any state in the union. When you look at farm spending for goods, it is 40 percent of our total personal income, where nationally, agriculture spending is only one to two percent," Brown said. "So that brings home the impact of the farm economy on the state."

One of the factors not considered in the basic rural income equation is the damage to roads and bridges in the rural areas, Shirlee Leighton, chairman of the Lake County Commission, said.

"In Lake County alone, the loss is $25 million in agriculture-related business," Leighton said. "Commissioners are now in the process of documenting the road repairs. Right-now, I think 85 to 90 percent of the roads are impassable."

Meanwhile, eastern South Dakota was still on alert for flood warnings and forecasts for rain that could make conditions worse.

Meteorologist Chris Jansen said the Big Sioux River won't be changing much in the next few days unless the prediction of scattered thunderstorms through the weekend brings substantial rainfall to the north of Sioux Falls.

The Big Sioux's flood levels Wednesday were about the same as the day before:

At Highway 38A, it was 15½ feet; the flood stage there is 12 feet.

At North Cliff Avenue, it was 23½ feet; flood stage there is 16 feet.

At Hawarden, Iowa, the river fluctuated between 21 and 23 feet; flood stage is about 15 feet.

Beyond submerged crops, water-filled basements and several dikes and levies that had eroded somewhat in Turner County, little other damage was reported Wednesday.

Byron Nogelmeier, civil defense director for Turner County, said waters from the Vermillion River had subsided quite a bit in Davis, and Highway 18 was open there now.

The Vermillion River was down quite a bit at Parker, too, though it is expected to crest at 17 feet today at Wakonda and at 24 feet near the city of Vermillion on Friday. Flood warnings remained in effect Wednesday for the Big Sioux, Vermillion and lower James Rivers.

Brad Stiefvater, McCook County Emergency Services director, said residents of Montrose were still drinking bottled water because of concerns about contamination of the city's water supply. He also said that 10 to 15 families were still unable to return to their homes.

State Game, Fish and Parks officials reopened Lake Vermillion to boaters Wednesday after it was shut down for five days because of flooding. However, Campbell, Madison, Herman and Brandt lakes and two state parks remained closed.

For now, community officials say they will be assessing the damage even further and watching the skies for the next downpour.

"I've been saying all spring that we can't take much more of these 3- and 4-inch rainfalls," Bob Borchers, Hawarden's superintendent of public works, said. "But we're holding on. The river's up and has stayed that way. The good thing is, it hasn't gotten as high as it was earlier."

[From the Sioux City Journal, July 10, 1993]

### SOUTH DAKOTA OFFICIALS REPORT INCREASE IN FLOOD DAMAGE

PIERRE.—The preliminary estimate of flood damage to public property in eastern South Dakota has risen to $4.3 million, state officials reported Friday.

And Mike O'Connor, director of South Dakota's Agricultural Stabilization and Conservation Service, said officials now estimate crop losses in the state exceed $500 million.

O'Connor said the South Dakota Emergency and Disaster Board, which he heads, has asked for a federal agricultural disaster declaration for the 33 counties recommended by Gov. Walter D. Miller.

The state also is seeking a federal disaster declaration to provide help in repairing public property in 17 counties.

Officials of the state Division of Emergency Management reported that survey teams have had trouble identifying and assessing damage because so much of the area in eastern South Dakota is still under water.

The preliminary estimates of damages to public property don't include Lake County, which suffered extensive flood damage beginning last weekend.

The estimates include damages to roads, bridges, water control facilities and recreational areas. Also included are the costs of debris removal and emergency protective measures.

O'Connor said ASCS officials estimate that more than 1.1 million acres of corn and 1.2 million acres of soybeans have been flooded or never planted because of heavy rains. That equates to a loss of nearly $193 million for corn and $256 million for soybeans, he said.

Total crop losses will exceed $500 million when damage to wheat, sunflowers, oats, barley, hay and other crops is calculated, O'Connor said.

Meanwhile, state Adjutant General Harold Sykora said the state's flood command center in Sioux Falls will be open today and Sunday from 10 a.m. to 2 p.m. to provide technical assistance to South Dakota flood victims. The center operates between 8 a.m. and 5 p.m. on weekdays.

Sykora said the command center has been fielding 50 to 60 calls a day on its toll-free telephone line, which is (800) 407-5143.

Miller on Friday also announced that a state program will provide at least $3 million in no-interest loans to help low- and moderate-income flood victims repair their homes in eastern South Dakota.

The loan program is funded by the South Dakota Housing Development Authority and five commercial banks.

Qualified families can get loans at zero percent interest to repair their homes. The loan program carries no equity minimum, origination fee, points, or fees for survey, appraisal, title search or filing, Miller said.

"The interest rate on loans at zero percent will be a substantial help to qualified families whose homes need the kind of repairs I've seen in my travels across the state," Miller said in a written statement.

State officials and the banks involved in the loan program will provide more information on the program after final details are worked out, officials said.

To qualify for a home-repair loan, a family must be below income limits that vary from county to county. Those income limits range from $30,000 in some counties to $37,335 in Minnehaha County.

The home-repair loans are available only to families in the 17 counties that Miller has designated as disaster areas because of damage to public property.

Those counties are Bon Homme, Brookings, Clay, Davison, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TROOPS IN SOMALIA

Mr. PRESSLER. Mr. President, some months ago, I stood on this floor and objected to the manner in which our troops went into Somalia. I said at that time that the U.N. forces, European forces, and Japanese-financed assistance should be leading the way. I felt that the United States should be very careful about involving itself in the situation in Somalia, because it would lead to an entanglement. That prediction has come true. We should be careful when going into countries with military force—I say that as a Vietnam veteran. If we do it through the use of U.N. forces on a cooperative basis, using a multinational force, it is all right. But it is going to be a long time before the United States can disengage in Somalia.

I said that same thing the first day we went in, when it was very popular to be going in, and very unpopular to be saying otherwise. But that is exactly what happened. My prophecy has come true, that we would become entangled in a civil war, and it would be very difficult to disengage. I believe we should disengage as quickly as possible. It is going to get worse. If troops stay there, they should be U.N. multicountry forces, and our troops should not take the lead. We are going to be accused of killing people, and we are going to have claims against the United States. We are going to be blamed for everything. We are blamed for everything anyway. We should not be going on these adventures, sending our troops into countries without multinational backing.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

## EMERGENCY DISASTER ASSISTANCE AND CROP INSURANCE REFORM

Mr. DURENBERGER. Mr. President, as America watched the horror caused by floods in the Midwest on TV, my colleague from South Dakota and I, and many others, were personally meeting with the victims in our home States, particularly those in the State of Minnesota, sharing their pain the best we could. It is truly an incredible sight, probably not yet to reach the State of the Presiding Officer right now, which all of our water eventually does. But it is incredible to note that it is now a consensus that the floods of 1993 are the single most widespread disaster to hit my State of Minnesota in 100 years.

As I have viewed newspaper pictures of Des Moines, IA, and places in Missouri, I was struck by the observation that in Iowa and Missouri, waters are wide. In Minnesota, they run very deep, and the damage runs very deep in the heart and the soul of the family farmer and of small communities.

I have never seen such pain, such hopelessness, and I have been through 4 years running of a drought in that part of a State. In the last 3 years, I have been through floods and tornadoes combined, and I have never experienced the pain and hopelessness that you can see in family farmers today.

Farmers in my part of the country, in Minnesota, have been prevented from planting their crops. If you do not make it by the Fourth of July, you do not make it. They have been prevented from planting corn and soybeans in particular. This is a tragedy for the farmers, but the tragedy is not confined to the farmers. Without a steady farm income, the farmers will go out of business. In the Second Congressional District of Minnesota alone, one of our largest, it is estimated that 25 percent of the small businesses will be bankrupt by September.

If Congress does not act now, the potential exists for a massive financial collapse in rural Minnesota—a region which relies on farm income as its economic base, and the heart of the economic base for the rest of the country.

The Senate must act on an emergency disaster bill before August 1, and I will work with the leadership, the administration, the chairman and ranking member of the Appropriations Committee, and anybody else, to move the process along.

Mr. President, these beleaguered citizens have been stricken by the most violent force of nature in a century. America needs its farmers and its rural communities just as much as any other segment of our society, and it is our responsibility to protect them.

The people of Minnesota, as everyone knows, are particularly strong and they are also very proud. When I visited the disaster victims, they told me that Federal aid was needed but not at the expense of their grandchildren.

So let me be blunt about this. In the past, I have voted against emergency appropriations bills for the victims of disasters in south Florida, Chicago, and Los Angeles. The reason for my opposition was that those congressional actions lacked fiscal restraint and willingness to make sacrifices in other parts of the budget. In other words, it was like free money being sent off to these, at least in a couple cases, community-made disasters, not the result of mother nature. There was no willingness to make any sacrifice anywhere else in the budget. I think this kind of restraint is absolutely essential at a time when we have a $4 trillion national debt.

So I must say it is not the American people that are the problem. When our Nation has been confronted with domestic and international emergencies and disasters, the very best in our people's spirit always come through. Many times in the 217-year history of our Republic, we have asked our citizens to make personal and financial sacrifices for the good of our Nation. And they always have.

In the face of terrible devastation in the Nation's bountiful agricultural sector, a part of our Nation we cannot do without, can we not ask for some sacrifice on the part of our people and Members of Congress? I fear it is the Congress that is the problem, and that is why I make this little talk today.

Can we not ask that the money needed to help rebuild these Midwestern cities, rural areas, and farms be taken from another program in the Federal Government's $1.5 trillion budget? As a servant of the public interest, this Government must help rebuild the economies and incomes of the flooded areas, but we have to do it with fiscal restraint and real sacrifices.

And let no one doubt the severity of the problem—the clear and convincing need for Federal help. Kent Thiesse of Blue Earth County, MN, told me that farmers in his area have lost 30 percent of their corn crop, 40 percent of their soybeans, and will lose almost 60 percent of their alfalfa this year.

Remember, again, we are one of those States. We only get one chance a year, and many of these people lost their jobs in 1991, and lost their chance in 1992, and are now losing it in 1993. These people exemplify personal sacrifice, but they always exemplified community responsibility and that is the reason we need to help them.

In this context, I would like to address a broader issue than just Federal disaster aid, and that is, really, why Federal disaster aid? Last March, I introduced a bill called the Federal Crop Insurance Fairness Act. If that bill were in place today, it would make the prospects brighter for recovery from these losses. I will continue to fight for this bill because it will give farmers real coverage for their crops.

That bill would:

Base coverage on actual production history rather than county averages.

Extend late planting coverage an additional 5 days, to 25 days.

Increase prevented planting coverage by 15 percent, guaranteeing farmers fully 50 percent of the coverage of their crop if natural disasters prohibit them from planting, which is basically our problem in Minnesota. If you cannot get into the field and plant a crop, you cannot be covered by crop insurance, even though it is the kind of disaster that you ought to have insurance to cover.

The problem with the system today is that farmers in Minnesota and across this Nation pay out, but there is nothing there when it is time to collect. Yesterday, Richard Peterson, a corn farmer in Jackson County, MN, showed me his crop insurance statistics for the past 6 years. Between 1986 and 1992, Richard paid $21,000 in crop insurance premiums. He was unable to plant because of drought and rain during 3 of those years and his total received from crop insurance, even though he was not able to get into the field 3 of these years, the total he got back was $2,100 or 10 percent of the premiums that he paid in.

Mr. President, it is this kind of payout that discourages farmers from participating in the crop insurance program, and costs the Government more in disaster assistance—which is my point. I mean we are wasting money by not having an insurance program in effect.

So I intend to offer my legislation, the Federal Crop Insurance Fairness Act, as an amendment to an appropriate vehicle that comes through this body this month and before the August recess.

Both the Federal aid to flood victims and the reform of crop insurance need to be revitalized by the same spirit: A willingness to make fundamental, intelligent choices about what our Federal Government should do and how we are going to pay for it. I look forward to working with colleagues from the flooded areas and other parts of this country to solve this problem in a way that will provide a model for future discussions of emergency spending.

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## NETWORK AGREEMENT ON TV VIOLENCE

Mr. DURENBERGER. Mr. President, it has been nearly 40 years since Congress held its first hearing on television violence—and 20 years after the U.S. Surgeon General issued a report warning of the impact that television violence has on our people. It took that length of time for the four major television networks to finally acknowledge that TV does affect viewers, especially children.

That recognition—in and of itself, was truly historic.

I am especially pleased that the networks have voluntarily adopted an approach which I outlined a couple months ago, involving violence warning labels, as the first tangible step toward combating the epidemic of TV violence.

### THANKS TO MARK OLSON

Mr. President, at this point, I would like to acknowledge the key contribution of Mark Olson, the young Minnesota State legislator who originally brought this particular issue to my attention. Mark introduced a bipartisan resolution in the Minnesota House of Representatives calling on Congress to pass my legislation called the Children's Television Violence Protection Act. Now the networks, in effect, have made that act unnecessary because they have done it voluntarily.

### WARNING LABELS ARE NOT ENOUGH

As provided in that bill, the networks have now agreed to place warning cables on certain programs to help alert parents and safeguard children from televised violence. They have also agreed to notify local newspapers and programming guides about violent TV shows.

But as I have said—repeatedly—warning labels alone are not enough to stem the rising tide of TV violence. They are just a warning and reminder of our responsibility. Warning labels will work only when parents are home to supervise their children's TV viewing. True progress would mean a voluntary reduction in violence by the cable and broadcast industries, and by the Hollywood production community as well.

So while I am encouraged by this recent development, I am hopeful that we will see even bolder action by the networks, Hollywood, and the cable industry at the upcoming conference on TV violence next month. With studies now showing that a typical child watches 8,000 murders and 100,000 acts of violence before finishing elementary school, I think we all agree that this problem is just too serious to bandage over.

Let us be clear. The networks' action 2 weeks ago was not enough. There are serious flaws in this type of voluntary system.

First, there is no uniformity. Under this voluntary agreement, each network's standards and practices department will be determining which programs should carry warning labels and which shows should not. Parents will not have a clear, reliable, uniform standard as to what shows are considered violent.

Second, neither the cable industry nor independent television stations are covered by the agreement. If you have cable TV in your home, you know what I am talking about. You may have 50 or 60 channels coming into your living room. But the agreement reached by the networks covers programs on only four of those channels. That means there will be no warning on about 95 percent of the stations.

Mr. President, because the proliferation of violence is due in large part to cable TV, it is critical that this warning label system be extended to cover cable and independent stations, as well.

I should mention that Ted Turner has acknowledged televised violence's effect on our children, and has been one clear voice in the industry admitting that something needs to be done. But in the cable industry, his is a lonely voice of sensitivity and responsibility.

### THE CHILDREN'S TELEVISION VIOLENCE PROTECTION ACT

Mr. President, my intent in introducing the Children's Television Violence Protection Act was to push the broadcast industry, the cable industry, and Hollywood to do more than just place warning labels on violent programming. It was to convince them that legislative action would be taken if they did not actually reduce the amount of violence on TV, and make efforts to portray violence in a less gratuitous manner.

The intent of my bill was to say to the TV industry: We won't let you continue to bombard our children with senseless violence.

So if the networks' voluntary agreement to use warning labels was intended to stave off congressional action, I am here to tell you that it has not pacified this Senator.

I will continue to push for passage of the Children's Television Violence Protection Act, and to support the continued efforts of others in this body—including Senators SIMON, CONRAD, and DORGAN—to reduce TV violence.

### JOIN ME IN COSPONSORING THE CTVPA

Finally, Mr. President, I want to say to my colleagues that they should not be ashamed or afraid to stand up to TV violence. Nor should they be deterred by television industry executives who wrap themselves in the cloak of the first amendment while they continue to assault our children day-in and day-out with gratuitous violent images.

I never have maintained that TV violence is the only cause of violence in our society. But over 40 years of evidence now shows, as the networks themselves have acknowledged, that TV violence does affect our children. It has contributed, and continues to contribute, in a very tangible way to the real violence in America today.

The Children's TV Violence Protection Act is fully consistent with the first amendment. And if its warning label system is good enough for some of the television industry, it should be good enough for all. So I want to urge my colleagues to join me and Senators CONRAD, THURMOND, and DOMENICI in cosponsoring the bill, and standing up to TV violence.

I see on the floor my colleague from Illinois. If there is anybody in this body who has committed some part of his service to eliminating violence in our society, and particularly in the media, it is our colleague from Illinois. So I am pleased to yield the floor.

Mr. SIMON. Mr. President, I simply want to commend my colleague from Minnesota for his attention to this problem. There is a growing awareness that we have a problem in our society. I saw one editorial in the Washington Times that said it is not clear that violence on television adds to violence in our society.

That is clear. The research is overwhelming, there is no question about that. Maybe the editorial writer has not read the evidence, but it is very, very clear and we are groping toward some answers. I think the steps that have been taken by the networks are a good first step, but we have to look at where we are going.

I simply want to commend my colleague from Minnesota for his attention to this.

Mr. President, if no one seeks the floor—

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. SIMON. I yield to the Presiding Officer, of course.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will observe that morning business is now closed.

## RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## 1993 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Mr. PRESSLER. Mr. President, as the former honorary chairman of Ethnic American Day, I have the distinct privilege of entering into the RECORD the names of the individuals who have been awarded the National Ethnic Coalition of Organizations [NECO] 1993 Ellis Island Medal of Honor.

NECO's distinguished board chairman is Mr. William Denis Fugazy. NECO, founded in 1984, is the only organization in the United States of America that celebrates the ethnic diversity of the American population. NECO serves as a watchdog for ethnic, racial, and religious injustice—and has been the Nation's one constant voice and vigorous advocate for ethnic unity and pride in America. One of its programs is the Ellis Island Medals of Honor.

Each year, since 1986, NECO has recognized America's ethnic diversity by honoring the achievements and contributions of ethnic Americans in all professions, including government, entertainment, business and industry, sports, health care, and communications. NECO's Ellis Island Medals of Honor embody the true spirit of what makes the United States unique among the world's nations.

Many of the country's ethnic groups have no direct connection to Ellis Island, but that is irrelevant to NECO because the experience of all immigrant groups that have landed on our soil has been the same—they have been the target of ethnic, racial, and religious hatred, discrimination, stereotyping, and prejudice.

The Ellis Island Medal of Honor strives to eliminate this hatred. Whether they have entered past Lady Liberty in New York Harbor—or through John F. Kennedy International Airport—or whether they are native Americans, African-Americans, Asian-Americans, or other groups who have not entered this country through Ellis Island—NECO's Ellis Island Medal of Honor embraces all ethnic Americans who call this great country home. The National Ethnic Coalition of Organizations 1993 Ellis Island Medal of Honor recipients are:

### 1993 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Ms. Roz Abrams
Mr. Joey Adams
Mr. Ernest Allen
Mr. William J. Alley
Mr. Arthur Ashe (posthumous)
Mr. Andrew A. Athens
Mr. Arthur August
Mr. Louis E. Azzato
Bishop Paul A. Baltakis, O.F.M.

Mr. Dado Banatao
Mr. Ben Barnes
Mr. Richard Bernstein
Mr. Max Bleck
Ms. Tova Borgnine
Mr. Vincent A. Calarco
Mr. Jerome A. Chazen
Mr. Alfred A. Checchi
Mr. Edward J. Cleary
Mr. Marshall S. Cogan
Mr. Lester Crown
Michael DeBakey, M.D.
The Honorable Robert J. Del Tufo
The Honorable Edward P. Djerejian
Rt. Rev. Tibor Domotor
Mr. Michael Douglas
Mr. Robert J. Eaton
Mr. William T. Esrey
Ms. Gloria Estefan
Ms. Sandra Feldman
Ms. Geraldine A. Ferraro
Mr. William J. Flynn
Mr. James M. Fox
Mr. Abraham H. Foxman
Mr. Marshall M. Fredericks
Mr. James R. Galbraith
Ms. Rose Gerace-Mancusi
Mr. Thomas S. Gulotta
Mr. Sonny Hall
Mr. Arthur J. Halleran, Jr.
Mr. Charles Harper
Dr. Nils Hasselmo
Mr. John Hatsopoulos
Mr. Daniel Hesse
Mr. Thomas R. Hilberth
Mr. Allan Houser
Mr. Kevork Hovnanian
The Honorable Dr. Irene H. Impellizzeri
Dr. Ray R. Irani
Mr. Theodore H. Ted Jacobsen
Dr. J. Christopher Jafee, D.Eng.
Mr. Morton L. Janklow
The Honorable Sterling Johnson, Jr.
Ms. Kathy Keeton
Mr. Gaynor N. Kelley
Commissioner Raymond W. Kelly
Mr. Patrick J. Keogh
The Honorable Jay Kim
Mr. George Klein
Mr. William I. Koch
Ms. Kay Smith Koplovitz
Mr. Stanley Kreitman
Mr. Joseph Krentzel
Mr. Brij Lal
The Honorable Thomas D. Lambros
Mr. Peter Lawson-Johnston
Mr. Fred Lebow
Mr. Jeff Lederer
Ms. Judith Leiber
Mr. Jay Leno
Mr. O.G. Linde
Ms. Susan Lucci
The Honorable William H. Luers
Mr. George M. Marcus
Mr. Victor Markowicz
John P. McEnroe, Esq.
Mrs. Linda E. McMahon
Mr. Bernard H. Mendik
The Honorable Norman Y. Mineta
Mr. Louis Mofsie
Mr. N. Scott Momaday
The Honorable John P. Murtha
The Hon. Thomas A. Nassif
Dr. Antonia C. Novello
Ms. Sadye Sinn Olivieri
Mr. Edward James Olmos
Mr. Paul F. Oreffice
Mr. William Porter Payne
Rev. Andrew Pier, OSB
Mr. Michael Preisler
Mr. Jerry Reinsdorf
Ms. Mary Ann Restivo
Mr. Pat Riley
The Honorable Carlos Rivera
The Honorable William P. Rogers
Mr. Vincent S. Romano
Mr. Edgar Romney
Mr. Phillip B. Rooney
Mr. Frederic D. Rosen
Leon E. Rosenberg, M.D.
Mr. Eric O. Salonen
Mr. Allan "Bud" H. Selig
Dr. Beurt R. SerVaas
Mr. Herbert J. Siegel
Mr. Nick Smyrnis
Rabbi Ronald B. Sobel
Mr. Sheldon H. Solow
The Honorable John E. Sprizzo
Mr. Howard Stringer
Mr. Thomas J. Sullivan
Mr. Percy Ellis Sutton
Mr. Daniel M. Tabas
Mr. A. Alfred Taubman
Mr. Anthony P. Terracciano
The Honorable Peter Tom
Mr. Angelo K. Tsakopoulos
The Honorable Nydia M. Velazquez
Mr. Karl M. von der Heyden
Mr. LeRoy T. Walker
Mr. Kung Lee Wang
Mr. Walter H. Weiner
Mr. Gary C. Wendt
Ms. Marion Wiesel
Mr. Walter B. Wriston
Mr. Peter Yeung

## FAST TRACK MUST BE EXTENDED

**Mr. PRESSLER.** Mr. President, I wish to address my primary concerns regarding the recent extension of fast-track trade negotiating authority. This extension was necessary if the current negotiations for a new General Agreement on Tariffs and Trade are to be concluded.

South Dakota is the most rural and agricultural State in the Nation. A bright economic future for South Dakota's farmers, ranchers, and small business men and women depends on:

Increasing exports of U.S. agricultural and small business products;

Eliminating nontariff trade barriers and significantly reducing the use of unfair export subsidies; and

A level playing field in the world trade arena.

Future trade agreements must help U.S. agriculture and small business become more competitive in the international marketplace. That is my No. 1 concern.

I have long made it clear that in order for U.S. agriculture to survive, farmers and ranchers must be represented at the trade negotiating table. I cannot support trade agreements that sell U.S. agriculture down the river.

Mr. President, the United States constitutes only 5 percent of the world's population, yet holds a comparative advantage in producing food and fiber. The United States is the world's breadbasket. One out of every 3 acres farmed in the United States is for export. The U.S. food and fiber system contributes nearly 20 percent of our gross domestic product. The key challenge to our trade negotiators is to assure that a new GATT agreement expands markets for U.S. farmers. We must seize this moment.

History has taught us that economic growth is attained through freer trade. Closed markets and protectionist trade action stunts economic growth. What does economic growth mean? It means new jobs. It means better paying jobs. It means higher productivity, higher standards of living. We are more intertwined in the global marketplace than ever before. One out of every six U.S. manufacturing jobs is dependent on exports. That is up from one out of every eight just a few years ago.

So we have 1 out of every 3 acres of land within this country that we export the food from, and one out of every six jobs in this country depends on the products we export. That will accelerate. We will become more and more dependent on international markets.

### A BRIEF HISTORY

America's development is deeply connected to trade. From the Boston Tea Party where American citizens protested tea imports to the Tariff Act of 1789, to the Smoot-Hawley Tariff Act of 1930, Americans have tried the heavy hand of protectionism. These protectionist acts resulted in reciprocal action on the part of other nations.

Many believed that the Smoot-Hawley Act was the catalyst for America's Great Depression as well as the worldwide economic downturn. To reverse this situation the United States enacted the Reciprocal Trade Agreements Act of 1934. This law authorized the President to lower duties in trade agreements with foreign countries and embraced the principle that tariff adjustment be made selective and on reciprocal basis. It also gave the President the authority to negotiate tariffs with congressional approval. This act served as the basis for today's trade agreements.

Yet in another effort to promote freer and less restrictive trade the GATT—the General Agreement on Tariffs and Trade—was created in 1948. GATT was designed to serve as the world's governing body for international trade. Its primary objective is to achieve the substantial reduction of tariffs and other barriers to world trade. It is still in existence today.

It has been my hope that the GATT treaty will go forward, but I am worried it will not because of Europe's unwillingness to cut its agricultural subsidies and its subsidies to Airbus. We are decreasing our agriculture subsidies on a 5-year basis. We have two farm bills that have done so.

The GATT has grown in membership from its original 23 member countries to 108 today. Today's member countries represent 90 percent of world trade. Eight negotiating rounds have been held under the GATT—the first created GATT, and the current Uruguay round is the eighth. GATT members afford each other most-favored-nation status. A basic principle of GATT is that member countries consult with one another to resolve trade disputes. If differences cannot be settled a complaint can be made to the GATT under its dispute settlement clause. Often a GATT panel of experts investigates the complaint and makes recommendations.

The GATT does permit regional trading arrangements, such as United States-Canadian Free-Trade Agreement and the United States-Israel Free-Trade Agreement. As long as these arrangements do not raise trade barriers against GATT members outside the regional arrangements, such free trade agreements are acceptable. Thus the GATT provides an exception to its most-favored-nation clause when the result is freer trade.

As the world enters the 21st century, a new agreement would significantly shape the future economic growth of the world's developing and lesser developed countries. This is significant for the United States since 40 percent of U.S. trade is with the world's developing and lesser developed countries.

### WHAT IS AT STAKE

The United States is the world's central marketplace with $929.2 billion in trade in 1992. The United States exported $415.5 billion in 1992, a 21-percent increase since 1989. More than $40 billion in U.S. exports was in agricultural products. Exports of capital goods, such as aircraft, high-technology equipment, and oil exploration equipment are up nearly 30 percent.

Up until now, GATT has dealt primarily with lowering tariffs and quotas. Nontariff trade barriers such as Government research and development, safety standards, licensing, domestic price supports, construction permits, protection of intellectual property rights are all on the table. Is this agenda too ambitious? Only time will tell. Many believe that these nontariff barriers replaced the high tariffs of the 1940's. Will GATT, in time, be able to successfully address these areas as it did with tariff barriers throughout the last 40 years?

Will the world continue to embrace the principles of freer trade and less isolationism? Will these principles be discarded and replaced by Government-controlled managed trade? Will the world retreat into a period of predatory trade practices? I hope that world's answer is a resounding "no."

Mr. President, as we moved to the 1990's, I had hoped that we would have the eighth round, the Uruguay round of the GATT treaties adopted and we would have freer trade in the 1990's. I hope that eventually we have a free-trade agreement in North and South America. I am a believer in free trade as long as we have fair trade. But now I am pessimistic because the world seems to be balkanizing into little trade groups. Europe wants to be protectionistic. It uses some tariffs but it also uses nontariff trade barriers. Indeed, our telecommunications people are told there are no tariffs but they go over there and discover standards and licensing procedures, and other nontariff trade barriers. There is really not free trade there, at least for our people.

The rest of the world believes free trade is being able to have access to the government markets and then put some nontariff barriers on. The nontariff barriers are frequently more vicious and harder.

So I am saddened that as we move through the 1990's we are not having free trade. We seem to be moving more toward regional or balkanized trade in this world, and that will hurt poor people the most. It will lessen the development of jobs, and it will hurt world prosperity.

The administration estimates that over the next decade a successful Uruguay round agreement would increase world output by more than $5 trillion—more than $1 trillion to the United States alone. This translates to an additional $17,000 for the average American family of four. Rules to protect the intellectual property of U.S. business men and women would protect nearly $60 billion of lost revenue due to theft and counterfeiting of U.S. ideas.

It is clear that a new GATT agreement would fuel economic growth and create jobs worldwide.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

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## GOP READY TO HELP CONFRONT RECORD MIDWEST FLOODING

Mr. DOLE. Mr. President, as the flood of 1993 continues to swallow up more and more land, and encroach on more and more midwestern communities, our thoughts and prayers are with the many thousands of Americans who are waist-deep in this disaster. But, these people need more than our warm wishes, and they will get more from the Federal Government.

We have not yet seen the President's request for emergency assistance, and the scope of this tragedy may not yet be known until the flood waters recede.

As the Republican leader, I am prepared to move quickly, and to cooperate with President Clinton and the administration as we seek to ease the suffering and the hardship of a disaster that has driven people from their homes, crippled businesses, destroyed crops, shut down water supplies, and been linked to at least 19 deaths.

The severe weather that has caused this record flooding has also wreaked havoc in Kansas. Severe storms have pounded Kansas, including tornadoes, heavy rains, large hail, and some extremely high winds. This severe weather has devastated crops, prevented plantings, hampered the wheat harvest, and destroyed homes and businesses.

So I guess, Mr. President, the message I think from all of us in this Chamber is that as soon as it is possible—it is not possible yet because we do not know the extent of the damage—for the President to send us his request, we will, I am certain, act quickly, act together, and act in the total spirit of bipartisanship.

Mr. President, I reserve the remainder of my time.

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## HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 185.

The assistant legislative clerk read as follows:

A bill (S. 185) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

*That this Act may be cited as the "Hatch Act Reform Amendments of 1993".*

***SEC. 2. POLITICAL ACTIVITIES.***

*(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:*

*"SUBCHAPTER III—POLITICAL ACTIVITIES*

***"§7321. Political participation***

*"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.*

***"§7322. Definitions***

*"For the purpose of this subchapter—*

*"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—*

*"(A) an Executive agency other than the General Accounting Office; or*

*"(B) a position within the competitive service which is not in an Executive agency;*

*but does not include a member of the uniformed services;*

*"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and*

*"(3) 'political contribution'—*

*"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;*

*"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;*

*"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and*

*"(D) includes the provision of personal services for any political purpose.*

### *"§7323. Political activity authorized; prohibitions*

*"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—*

*"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;*

*"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—*

*"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));*

*"(B) not a subordinate employee; and*

*"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or*

*"(3) run for the nomination or as a candidate for election to a partisan political office; or*

*"(4) knowingly solicit or discourage the participation in any political activity of any person who—*

*"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or*

*"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.*

*"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.*

*"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.*

*"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.*

### *"§7324. Political activities on duty; prohibition*

*"(a) An employee may not engage in political activity—*

*"(1) while the employee is on duty;*

*"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;*

*"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or*

*"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.*

*"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.*

*"(2) Paragraph (1) applies to an employee—*

*"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and*

*"(B) who is—*

*"(i) an employee paid from an appropriation for the Executive Office of the President; or*

*"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.*

### *"§7325. Political activity permitted; employees residing in certain municipalities*

*"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—*

*"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and*

*"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.*

### *"§7326. Penalties*

*"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit System Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".*

*(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".*

*(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:*

*"SUBCHAPTER III—POLITICAL ACTIVITIES*

*"7321. Political participation.*
*"7322. Definitions.*
*"7323. Political activity authorized; prohibitions.*
*"7324. Political activities on duty; prohibition.*
*"7325. Political activity permitted; employees residing in certain municipalities.*
*"7326. Penalties.".*

### *SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.*

*Section 1216(c) of title 5, United States Code, is amended to read as follows:*

*"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".*

### *SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.*

*(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—*

*(1) by inserting "(a)" before "It";*

*(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and*

*(3) by adding at the end thereof the following new subsection:*

*"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".*

*(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:*

*"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".*

*(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:*

### *"§610. Coercion of political activity*

*"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".*

*(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:*

*"610. Coercion of political activity.".*

### *SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.*

*Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".*

### *SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.*

*(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".*

*(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.*

### *SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.*

*The amendments made by this Act (except for the amendments made by section 8), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.*

### *SEC. 8. POLITICAL RECOMMENDATIONS.*

*(a) Section 3303 of title 5, United States Code, is amended to read as follows:*

***"§3303. Political recommendations***

*"(a) For the purposes of this section—*

*"(1) 'agency' means—*

*"(A) an Executive agency; and*

*"(B) an agency in the legislative branch with positions in the competitive service;*

*"(2) 'applicant' means an individual who has applied for appointment to be an employee;*

*"(3) 'employee' means an employee of an agency who is—*

*"(A) in the competitive service;*

*"(B) a career appointee in the Senior Executive Service or an employee under a similar appointment in a similar executive service; or*

*"(C) in the excepted service other than—*

*"(i) an employee who is appointed by the President; or*

*"(ii) an employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character; and*

*"(4) 'personnel action' means any action described under clauses (i) through (x) of section 2302(a)(2)(A).*

*"(b) Except as provided under subsection (f), each personnel action with respect to an employee or applicant shall be taken without regard to any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for such personnel action, made by—*

*"(1) any Member of Congress or congressional employee;*

*"(2) any elected official of the government of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;*

*"(3) any official of a political party; or*

*"(4) any other individual or organization.*

*"(c) Except as provided under subsection (f), a person or organization referred to under subsection (b) (1) through (4) is prohibited from making or transmitting to any officer or employee of an agency, any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for any personnel action in such agency. Except as provided under subsection (f), the agency, or any officer or employee of the agency—*

*"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and*

*"(2) shall return any such written recommendation or statement, appropriately marked as in violation of this section, to the person or organization transmitting the same.*

*"(d) Except as provided under subsection (f), an employee or applicant who requests or is under consideration for a personnel action in an agency is prohibited from requesting or soliciting from a person or organization referred to under subsection (b) (1) through (4) a recommendation or statement.*

*"(e) Under regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section.*

*"(f) An agency, or any authorized officer or employee of an agency, may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the agency or such authorized officer or employee, any statement with respect to an employee or applicant who requests or is under consideration for a personnel action, if—*

*"(1) the statement is furnished pursuant to a request or requirement of the agency and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the employee or applicant;*

*"(2) the statement relates solely to the character and residence of the employee or applicant;*

*"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the employee or applicant meets suitability or security standards;*

*"(4) the statement is furnished by a former employer of the employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such employee or applicant during employment with such former employer; or*

*"(5) the statement is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.*

*"(g) An agency shall take any action it determines necessary and proper under subchapter I or II of chapter 75 to enforce the provisions of this section.*

*"(h) The provisions of this section shall not affect the right of any employee to petition Congress as authorized by section 7211.".*

*(b) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:*

*"3303. Political recommendations.".*

*(c) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:*

*"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f);".*

### *SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.*

*(a) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:*

***"§5520a. Garnishment of pay***

*"(a) For purposes of this section—*

*"(1) 'agency' means each agency of the Federal Government, including—*

*"(A) an executive agency, except for the General Accounting Office;*

*"(B) the United States Postal Service and the Postal Rate Commission;*

*"(C) any agency of the judicial branch of the Government; and*

*"(D) any agency of the legislative branch of the Government, including the General Accounting Office, each office of a Member of Congress, a committee of the Congress, or other office of the Congress;*

*"(2) 'employee' means an employee of an agency or member of the uniformed services as defined under section 2101(3);*

*"(3) 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment, that—*

*"(A) is issued by a court of competent jurisdiction within any State, territory, or possession of the United States, or an authorized official pursuant to an order of such a court or pursuant to State or local law; and*

*"(B) orders the employing agency of such employee to withhold an amount from the pay of such employee, and make a payment of such withholding to another person, for a specifically described satisfaction of a legal debt of the employee, or recovery of attorney's fees, interest, or court costs; and*

*"(4) 'pay' means—*

*"(A) basic pay, premium pay paid under subchapter V, any payment received under subchapter VI, VII, or VIII, severance and back pay paid under subchapter IX, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus pay or otherwise; and*

*"(B) does not include awards for making suggestions.*

*"(b) Subject to the provisions of this section and the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person.*

*"(c)(1) Service of legal process to which an agency is subject under this section may be accomplished by certified or registered mail, return receipt requested, or by personal service, upon—*

*"(A) the appropriate agent designated for receipt of such service of process pursuant to the regulations issued under this section; or*

*"(B) the head of such agency, if no agent has been so designated.*

*"(2) Such legal process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved.*

*"(d) Whenever any person, who is designated by law or regulation to accept service of process to which an agency is subject under this section, is effectively served with any such process or with interrogatories, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is made, send written notice that such process has been so served (together with a copy thereof) to the affected employee at his or her duty station or last-known home address.*

*"(e) No employee whose duties include responding to interrogatories pursuant to requirements imposed by this section shall be subject to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the carrying out of any of such employee's duties which pertain directly or indirectly to the answering of any such interrogatory.*

*"(f) Agencies affected by legal process under this section shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.*

*"(g) Neither the United States, an agency, nor any disbursing officer shall be liable with respect to any payment made from payments due or payable to an employee pursuant to legal process regular on its face, provided such payment is made in accordance with this section and the regulations issued to carry out this section. In determining the amount of any payment due from, or payable by, an agency to an employee, there shall be excluded those amounts which would be excluded under section 462(g) of the Social Security Act (42 U.S.C. 662(g)).*

*"(h)(1) Subject to the provisions of paragraph (2), if an agency is served under this section with more than one legal process with respect to the same payments due or payable to an employee, then such payments shall be available,*

*subject to section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673), to satisfy such processes in priority based on the time of service, with any such process being satisfied out of such amounts as remain after satisfaction of all such processes which have been previously served.*

*"(2) A legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) for the enforcement of the employee's legal obligation to provide child support or make alimony payments, shall have priority over any legal process to which an agency is subject under this section.*

*"(i) The provisions of this section shall not modify or supersede the provisions of sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) concerning legal process brought for the enforcement of an individual's legal obligations to provide child support or make alimony payments.*

*"(j)(1) Regulations implementing the provisions of this section shall be promulgated—*

*"(A) by the President or his designee for each executive agency, except—*

*"(i) with regard to members of the armed forces as defined under section 2101, the President or, at his discretion, the Secretary of Defense shall promulgate such regulations; and*

*"(ii) with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;*

*"(B) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, for the legislative branch of the Government; and*

*"(C) by the Chief Justice of the United States or his designee for the judicial branch of the Government.*

*"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.".*

*(b)(1) The table of chapters for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5520 the following:*

*"5520a. Garnishment of pay.".*

*(2) Section 410(b) of title 39, United States Code, is amended—*

*(A) by redesignating the second paragraph (9) (relating to the Inspector General Act of 1978) as paragraph (10); and*

*(B) by adding at the end thereof the following new paragraph:*

*"(11) section 5520a of title 5.".*

***SEC. 10. EFFECTIVE DATE.***

*(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.*

*(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.*

*(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.*

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, a couple of decades ago, there was a popular TV cop named Joe Friday. He always began his investigations by asking: Just give me the facts ma'am, just give me the facts.

We are called upon to investigate the proposed reform of the Hatch Act and the facts are what we want, not some of the rhetoric, not some of the false claims about what the Senate bill or House bill does, which are completely different. We need the facts about what is in this legislation.

This bill to reform—and it is a reform, it is not a repeal in spite of what some of the newspapers have said—it is not a repeal, it is truly just a reform, a fine tuning of the Hatch Act to bring it up to date. And some have said that we would undermine the law. One of the quotes was that we would let "the ghosts of corrupt government come creeping back under the disguise of 'worker rights'."

Mr. President, nothing could be further from the truth. Let me put things very simply, just the facts.

The Hatch Act Reform Amendments of 1993 would do three things, basically:

On the job, it would make the Hatch Act tougher than it now is. It would tighten up on Hatch Act. It would not make it weaker but would tighten up on it. I would make it tougher than it now is, retaining and strengthening current prohibitions against on-the-job political activity by Government employees and would beef up penalties for violators.

So just one very straightforward thing on the job, and that is no political activity of any kind on the job. That tightens up the Hatch Act. That does not loosen it up. That is not making exceptions. That is making it tougher.

No. 2, off the job, but still with major restrictions, it would allow America's 3 million civil servants to reclaim their constitutional rights by participating in our Nation's political process voluntarily—underlining voluntarily—and on their own time as private citizens.

No. 3, it would eliminate and/or clarify current rules that are confusing, that are often nonsensical and quite often contradictory.

I will go into these in a little more detail.

First, why do we want to mess around with the Hatch Act anyway? Why do we want to change it at all? I would submit that because in 1993, conditions are very much different for Federal employees than they were way back in 1939 when the Hatch Act was originally passed. Because many Hatch Act rules, as currently written, are arbitrary, they are capricious, inexplicable, and they are indefensible. And because Federal employees should not be treated like second-class citizens and be forced to forfeit their constitutional rights when they opt for careers in public service.

Let me put them in public service, which I think is an honorable profession—which it certainly is. Then all of a sudden we say yes, but we cannot trust you to do all of these other things.

The Hatch Act was passed in 1939—and that was before the development of a professional civil service and at a time when Federal jobs were awarded, not on the basis of merit competition, but, quite often, in fact, most of them, as patronage plums for political contributions. To protect civil servants in such a climate, it was deemed necessary to bar them from taking part in most political activity.

Here we are some 54 years later, and we have a very dramatically different situation. We have a well-established, a professional, a classified merit-based civil service which ensures that promotions in the vast majority of Federal jobs go to those with the best qualifications, not the best political connections.

It would establish an office of special counsel; it would established a merit systems protection board to which appeals could be made if an employee feels he or she has been dealt with unfairly.

And we have many other laws on the books that further protect Federal employees from political coercion and manipulation. I should note that these employees protected are not the 2,000 or so top-level Government officials that are appointees of each new President and who serve at that President's pleasure.

Unfortunately, we also have a number of Hatch Act rules and regulations on the books that make no sense and that deprive Federal employees of many basic rights that all other Americans just take for granted.

The dire portent of some of the editorials, however, is based on the fact that if the Senate joins the House to reform the 1939 Hatch Act that prohibits partisan political activity by Federal employees, our bill will somehow be transferred over into the House bill which was something completely different. That is a big if and it has not occurred.

The House and Senate bills are completely separate with completely different provisions. Directly to the point, it was not the House bill that was passed by the Governmental Affairs Committee. The Senate bill does bring some clarification, understanding, and fairness to what has been a muddled, a confusing, and a maladministered Hatch Act. Through the years, there have been some 1,500 identified rulings, regulations, and interpretations that grew up around the Hatch Act—many conflicting and overlapping and unclear. Some of those have been corrected. But some have not. Let me give you a few examples of some that have not.

If you are a civil service employee, as like every other U.S. citizen, under current law, you are permitted to contribute up to $1,000 to a Federal candidate.

That is, for the President in a Presidential election or, in campaign for a Member of Congress or for the U.S. Senate, you can contribute up to $1,000. Let us say that person contributes $1,000 to the person of their choice, and, yet, the next-door neighbor, a civil servant, has a couple of kids in college and cannot afford that $1,000; they need to put it into tuition at the university—and I admire that—but this person is just as interested politically in what is going on in the world and what his Congressman or Senator is going to be doing and thinking, and he wants to support that person. Yet, he does not have the money to do it. You would think that person could go down to the headquarters and say: I want to make an in-kind contribution of my time. I want to help stuff envelopes or drive a car around and help you in campaign activities. That is against the law. That person could be cited and could even lose his civil service position for coming down and giving an in-kind contribution just because that person does not have $1,000 to contribute to a candidate of his choice. Is that right? I do not think so.

Let me give another example of where the law is foolish and where we need some overhaul of the Hatch Act. Some persons want to indicate their support for a certain candidate. They are civil service employees. It is quite legal for them now to go down and get 100 signs and bring them home and put them in the front yard. They can have them all around the corner on which they live, or lawn signs, or in the windows; they can have them everywhere. They can put 20 signs on the automobile and drive around pointing to the signs. That is fine and good. That is permitted under the law right now. A person is also permitted to go to a political rally, not to participate as such, but just to go to it. But if he walks in the door and they have one of those signs and somebody hands that person a sign to stand in the back of the hall and hold—the same sign he had all over his or her car, the same sign all over their lawn—that is illegal. You can be cited for that. A person could lose his or her civil service position. Is that right? I do not think so. I think that needs to be corrected.

Another example: Federal employees may, by law, publicly express their opinions about political candidates. But the law also says they cannot make a speech on behalf of that candidate. How do you define that? What is the difference between stating your views about a political candidate and making a speech on behalf of that candidate? Is it because somebody stuck a microphone up in front of your face? Does that then become a speech? Do you have to have a crowd? What is the size of the crowd? Is it two people? Is a crowd 5, 50, or 500 people? What if the microphone is hooked into a TV camera and you are going out to 10 million people all over the country? I guess that is not a speech. Is it legal? Is TV or radio OK? If you are talking to a print reporter that puts your remarks out to 400,000 or 500,000 people in the newspaper, is that OK?

Well, obviously, I do not have the answers to these questions. I think they pose ridiculous questions, and we try to straighten some of those things out.

Let me give you another example: A Federal employee can wear a candidate's campaign button, any size, on the job, but is prohibited from campaigning for or against that candidate. Let us say the boss walks in some morning and he has a Clinton-Gore badge on here about 6 inches across, and we have a Bush-Quayle sign on somebody else, on another boss, and we do not think that is going to influence those people working for that person? They are permitted to do that. If the boss is wearing a large campaign button to work, it seems that is a not so subtle coercion of subordinates. That is permitted under current law. The bill we are talking about here today would stop that. There would be nothing political on the job, not even a lapel button of any size, 1 inch, 6 inch, whatever you might have.

I do not think I need to go on, because, from these examples, it is obvious that current rules are inconsistent, confusing, and desperately in need of overhaul. My bill would rationalize the rules while retaining all of the basic prohibitions of the original Hatch Act that are just as valid today as they were in 1939. I support the Hatch Act. I just want to make it workable.

Under this bill, Federal employees would still be barred from running for partisan political office. The House bill permits such candidacy, so let us not confuse the two bills. This bill would still bar civil servants from running for partisan political office.

Federal employees would still be barred from soliticting political contributions under this bill. The only contributions that could be solicited would be by a member of a union for the PAC of that union, and the only solicitation would be to other members of that particular union and from nobody that was a subordinate, no one that was a subordinate.

That is another big difference with the House bill. The House bill permits solicitations of the public and/or other people, except subordinates.

Another provisions of this bill, coercion of subordinates, would not only still be banned, but it would be subject to greatly increased penalties. The penalties under this bill, as a matter of fact, for violations would be up to a $5,000 fine and 3 years in prison. The House bill has far lower penalties.

In short, this bill, not the House bill, makes a long-needed, clear distinction between political activity on the job and political activity off the job, away from work and on an employee's own time. The former would be absolutely and unequivocally prohibited, even including wearing campaign buttons on the job, which current law permits; no political activity on the job, zero, including even what is permitted under today's Hatch Act.

So this legislation makes the Hatch Act more restrictive and tougher than ever, tougher that it now is, on the job. I cannot see why anybody who is interested in good government would oppose that. Voluntary political activity off the job and after hours still, with sensible controls and restrictions, would be recognized for just what it is, a basic constitutional right and a crucial ingredient of a free democratic society of whatever political party.

The year 1939 was a long time ago. Time and circumstances change, and so should the Hatch Act—sensibly. With the above clarifying explanations, I just hope my colleagues will all support the kind of obviously needed Hatch Act changes that I have proposed. If not, let somebody suggest a better way. Maybe I will join them. I just do not want to see this kind of Hatch Act confusion continue. As Sergeant Friday used to say, "Just the facts, ma'am," and he closed each broadcast by saying, "Well, that's about the size of it."

Well, that is about the size of it. Mr. President, the last time the Hatch Act reform visited the floor during the 101st Congress, it passed the Senate by a vote of 67–30. President Bush vetoed this measure, and the Senate, though, failed to override that veto by two votes. We had two people switch when it came back for a veto override.

(Mr. CAMPBELL assumed the chair.)

Mr. GLENN. Mr. President, S. 185 is not quite identical, but it is close to it except for the addition of two provisions. S. 185 now contains a new section which would prohibit political recommendations in hiring and promotion decisions for career Civil Service employees.

It is based on language already included in title 39 for postal employees and was recommended by the Clinton administration.

The bill also contains the text of S. 253, the Garnishment Equalization Act. This legislation would allow our Nation's civil servants to participate voluntarily as private citizens in the Nation's political process. It would eliminate many of the complicated, restrictive, and confusing rules which inhibit the political activities and conduct of Federal employees. This legislation puts an end to not only the chilling effect on the legitimate political activity off the job the Hatch Act rules and regulations have produced, but it also strengthens prohibition of political activity on the jobs, examples of which I just gave a moment ago.

In other words, Mr. President, S. 185 would restore constitutional political rights to nearly 3 million people—rights which most of us take for granted. The right of American citizens in good standing to participate in the politics of the Nation is a fundamental principle of our Democratic society.

There are those who say, well, OK, we are just denying this for a few people for a greater purpose. I will say where there is no purpose, where there is no demonstrated need for these kinds of restrictions, then to deny just a few is not American to me any more than it was right to deny just for a comparatively few people their rights under civil rights back some years ago. This is a fundamental principle in our Democratic society.

The purpose of this legislation is to reform and not repeal a 54-year-old law. When we discussed Hatch Act reform, my worthy opponents in times past on the floor here have often cited Thomas Jefferson who warned the politicization of Federal bureaucracy was a threat to the Constitution. I respond to my colleagues that S. 185 will not lead to the politicization of Federal employees because the bill does not destroy the Hatch Act. It strengthens it. It makes the law more workable.

I would remind my colleagues to another Jefferson quote:

> I am certainly not an advocate for frequent and untried changes in laws and Constitutions * * * but * * * laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

Simply put, times have changed and so must the Hatch Act.

When the Hatch Act was passed in 1939 the development of a professional civil service was being undermined by patronage appointments. More than 60 new Federal agencies had been created by the end of 1934 but only 5 had been placed under the jurisdiction of the Civil Service Commission. This meant that the majority of these agencies were being staffed on the basis of pure political patronage rather than merit competition. This rapid growth of patronage jobs—more than 300,000 of them as a matter of fact—caused congressional concern that some civil servants might be working for partisan rather than national interests.

The issues raised in the 1939 congressional debate offer a good perspective on the motivation for the original act. I quote from the floor debate of Mr. McLean of New Jersey on July 20, 1939. He said:

> It was established many years ago that the merit system should control in the appointment of persons to public office, and that the political idea that "to the victor belongs the spoils" should no longer be the measure by which appointment is made. If that principle had been adhered to there would be no reason, and hence no demand, for this legislation. But the new deal, under the pretense of emergency, saw fit to disregard the merit system and to provide in all legislation adopted that in making appointments to public office the provisions of Civil Service laws should not apply. But for that there would be no occasion for the enactment of this legislation.

That is the end of quote out of the debate of Mr. McLean of New Jersey on July 20, 1939.

In other words, in passing the Hatch Act, Congress was attempting to protect the civil servants from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Fifty-four years later we have a dramatically different situation—we have an established, professional civil service, hired on competitive merit basis. We also have many different laws on the books to protect Federal employees from coercion. We have the Office of Special Counsel, we have the Merit System Protection Board, to which employees can turn if they feel they have been dealt with unfairly.

In 1966, Congress created the Commission on Political Activity of Government Personnel. This was a bipartisan Commission and it was charged with the task of extensively studying the question of Hatch Act reform. After countless public hearings, informal conferences, and interviews, the Commission issued a report that recommended the Hatch Act be clarified. This was in 1966. It concluded that the current Hatch Act law was confusing, it was ambiguous, restrictive, and negative in character, and according to the Commission report:

> The best protection that the Government can provide for its personnel is to prohibit those activities that tend to corrode a career system based on merit. This requires strong sanctions against coercion. It also requires some limits on the role of the Government employee in politics. It was the unanimous view of the commission members, however, that these limits should be clearly and specifically expressed, and that beyond those limits political participation should be permitted as fully as for all other citizens.

In developing this legislation the Governmental Affairs Committee exercised extreme caution in retaining this balance that the Commission spoke about.

First of all, there is nothing in S. 185 that would change Federal civil service laws requiring that Federal employees be hired and promoted based upon their qualifications. In fact, section 8 of S. 185 would specifically prohibit political recommendation in hiring and promotion decisions for career civil service employees.

I repeat that: Would specifically prohibit political recommendations, including congressional recommendations, in hiring and promotion decisions for career civil service employees.

Second, S. 185 contains the strong sanctions against coercion recommended by the Commission. This bill would retain all current law prohibitions and penalties against the use of one's official position to influence other employees. In fact, under this bill criminal penalties for those convicted of such abuse would be increased. In fact, they go up to $5,000 and 3 years in jail, as well as dismissal from the job.

Third, S. 185 still contains limits on the kind of political activity that Federal employees can engage in. Under this bill, Federal employees still could not run for partisan elective office—partisan elective office. Under this bill, Federal employees still could not solicit political contributions from the general public or subordinate employees. You can do that under the House bill, but not under this bill. And under this bill—unlike current law—all on-the-job political activity would be banned. Nothing on the job. Cannot even wear a campaign button on the job.

That tightens things up. That is not repeal of the Hatch Act. That tightens it up.

Finally, the legislation would set the clear and specific limits on political activity that the Commission mentioned. By making a clear distinction between activity on the job and activity off the job, away from work, on an employee's own time, all political activity on the job would be banned. That would even include, as I have said, the wearing of a campaign button. In addition, it would prohibit Federal workers from engaging in any political activity while wearing uniforms or insignia that identify them as a Federal or postal employee. So it tightens up on the job.

Under the reform proposal, "Hatched" employees would enjoy more freedoms after working hours, off the job, by being allowed to work voluntarily as private citizens for candidates and causes of their choice. For example, I mentioned a while ago the political rally, where a person could have a sign on the lawn. They could have 50 signs on the lawn. They could have their automobiles plastered with signs, bumper stickers all over it, placards on the side, taped to the side of it. But yet, if they walk into a political rally and someone places one of those signs in their hands, they would be charged with a violation because they are at a political rally. I think that is a little bit ridiculous.

If they walk into a rally like that, if this bill becomes law, they would be allowed to carry posters at a political rally, they would be allowed to go to a headquarters and stuff envelopes if they wanted to, participate in voter registration drives, and distribute campaign material while off the job.

These are basic rights other Americans take for granted. I would submit, as long as their neighbors can give a $1,000 contribution to the Federal candidate of their choice, everybody should be able, if they want to participate in the political process, also to give their in-kind contribution, go down and give some of their sweat labor, go down and take part in the whole process, if they want to, voluntarily.

If they are coerced, 3 years in jail and a $5,000 fine and firing for any of their supervisors that may have coerced them into doing this sort of thing. So we would prohibit that absolutely. It is just basic rights that other Americans take for granted.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political processes. It is a right that has been denied to them for some 54 years.

Reforming the Hatch Act—and it is reform, not repeal—requires us to practice what we preach: That democracy benefits from the free participation of law-abiding citizens.

I believe this bill does strike a fair and workable balance between the rights of Federal employees to participate in the political process and the protection of the public and Federal employees from political coercion. Coercion will be penalized with increased penalties that are provided in this bill.

Mr. President, before turning the floor over to my distinguished colleague from Delaware on the other side of the aisle, let me run through just a couple of things here so there will not be any confusion, because I think in some of the editorials I have seen there has been a lot of confusion about the two different bills. The House bill is quite different than the Senate bill.

In the Senate bill, employees would still be prohibited from running for partisan elective office. Now they could run for nonpartisan offices—nonpartisan offices back in my home State of Ohio, like the judiciary from top to bottom is nonpartisan—school boards, township trustees, some mayors, some councils, some municipal clerks, some clerks of the court.

Under the House bill, elective office employees would be able to run for partisan local office and only nonpartisan statewide offices. So we have a major difference there.

We get into a very major difference, though, on solicitation, on requests for money for political campaigns.

Under the Senate bill, S. 185, employees would be prohibited from soliciting a political contribution from the general public or from any subordinate employee. And political contribution is defined as anything of value. An employee could solicit a contribution for a labor organization's multicandidate political action committee if the donor were a member of the same labor organization and was not a subordinate employee.

In other words, any request for funding that comes from a designated person within that union could only go to other union members. It could not go to anyone who was not a union member and the request could not be made of anyone who was a subordinate of the person making that request.

Now over on the House bill, solicitation of employees would be allowed to solicit contributions from the general public and nonsubordinate Government employees.

So that is a very major difference between the two bills. I think there has been a lot of confusion about the differences.

In the Senate bill, also, we include additional language in title V, as I mentioned a moment ago, to prohibit the use of political recommendations in hiring and promotion decisions for career civil service employees.

Now, quite frankly, this was requested by the Office of Personnel Management, because they thought this should be tightened up a little, so that political recommendations could not creep through the system and be used in determining whether a person would be promoted or not from one civil service position to another. And I agree with that. We thought that this was probably already adequately covered in law but, just to make sure that there is no confusion about it, we put it in here. OPM requested that we do that. The House, on hiring like that, has no similar provision.

Garnishment. We provide that Federal employees' wages can be garnished to pay for bad debts that have been decided by the courts. That is one that needed some tightening up for a long time. The House bill has no similar provision.

Under penalties, we provide, under the State bill, that an employee found guilty of any two Hatch Act violations should be removed from his or her job. These are for cases decided by the Merit System Protection Board. Any level violation, two times and out.

I believe when we had this on the floor before, if I am correct, that that was submitted by Senator DOLE. And I think we accepted that. We included that in this bill because that tightens it up and I think it is good.

We also increase in this bill the coercion penalty. And I believe that was submitted last time around when we had the Hatch Act on the floor by Senator ROBB. Senator ROBB wanted to tighten that up by making tougher penalties—I believe 3 years in prison and a $5,000 fine. Senator ROBB submitted that and we adopted that and we accepted that.

So coercion gets a stiffer penalty under this bill—3 years in prison and a $5,000 fine and dismissal for violations.

So you can see there is a great deal of difference between the Senate bill and the House bill.

We think this is a much needed correction for the Hatch Act. On the job it tightens things up. It makes it tougher on the job. Absolutely no political activity will be acceptable on the job. Off the job, it lets people have a little bit more freedom, but still under very carefully controlled circumstances.

And if they are being coerced into off-the-job activity—as they could be now; this does not change that—but if they are being coerced into off-the-job activity, then the penalties are stiffer—3 years in jail, $5,000 fine, dismissal. That is pretty tough, I would say.

So there are very major differences between the Senate bill and the House bill.

Mr. President, for all those reasons, I, obviously, feel strongly that the Hatch Act should be passed. I urge my colleagues to give it their support.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as the Nation celebrates the 250th anniversary of the birth of Thomas Jefferson, the first Democratic President, it is appropriate to consider his views on the relationship between Government and Government employees. Jefferson, one of the very first people to comment on the issue of employee political activity, deemed it not inconsistent with the Constitution that Federal employees should not engage in electioneering.

Despite Jefferson's directive, and the passage of the Civil Service Act of 1883, problems with political activity continued to arise. In spite of all the efforts of various Presidents through our history, the Nation never licked the problem of the spoils system until a Democratic Congress under the leadership of a Democratic President enacted the Hatch Act in 1939. Since then, the Hatch Act has protected the Federal employee, fostered a more efficient work force, and enhanced the confidence of the American people in the nonpartisan administration of Government.

S. 185 not only wipes out 54 years of a civil service protected by the Hatch Act, but is a complete break from our Nation's entire history, extending from Thomas Jefferson, to John Tyler, to

Rutherford B. Hayes, to Theodore Roosevelt, to Franklin Delano Roosevelt, to Gerald Ford, and George Bush.

President Bush's veto of similar legislation in 1990 was a continuation of a long line of Presidential actions to protect Federal employees from coercion and maintain the nonpartisan administration of Federal programs. In his veto message, President Bush stated:

> Originally enacted in 1939 as a bulwark against political coercion, the Hatch Act has successfully insulated the Federal service from the undue political influence that would destroy its essential political neutrality. It has been manifestly successful over the years in shielding civil servants, and the programs they administer, from political exploitation and abuse.

Unfortunately, there are those who are determined to take us in the opposite direction. In my view, President Clinton is the first President in this century who would sign such legislation.

More than 50 years ago, a Democratic Congress under the stewardship of a Democratic President voted to remove partisan politics from the federal work force and protect Federal employees from coercive pressures to be involved in partisan activity. That so many Presidents, Democrat and Republican, promoted a civil service removed from what Thomas Jefferson condemned as electioneering should alert this body that S. 185 is a sharp break from fundamental principles that have governed us for two centuries.

In 1976 President Ford vetoed legislation similar to that reported by the committee because it was "bad for the employee, bad for the Government, and bad for the public."

This legislation is bad for the Federal employee because it unleashes irresistible pressures to become politically active in partisan causes which they do not support.

This legislation is bad for the Federal Government because it would undercut the neutral, nonpartisan administration of programs by civil servants. It would nourish a working environment where politics replaces merit.

This legislation is bad for the public because it promotes employee interests above the will of the American people. The Federal work force is the servant of the American people, to act as their instrument—not as their foil.

Proponents of S. 185 continue to ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 185 would set them free. The truth is the very opposite. The Hatch Act protects Federal employees from the inside and outside coercion.

The Hatch Act is the Federal employees' civil rights act. S. 185 would, in practice, restrict their freedom.

A similar debate might be held regarding section 603 of title 18, United States Code. That provision, among other things, forbids the Senate staff from making campaign contributions to their respective Senators. This provision, it might be argued, robs Senate staffers of the right to contribute to Senate campaigns, a right enjoyed by the entire American people except for the oppressed few.

But we all know why this provision was passed and has been retained on the books. Section 603 was not enacted to oppress, or even to trade employee rights for the honor and privilege of Government service, but to protect the employee. Were it not for section 603 and similar provisions, it might become expected of Senate staffers to make such contributions.

Since it is not possible to outlaw expectations, the only way to protect Senate staffers is to prohibit this form of political activity.

Similar expectations will arise for Federal employees if Hatch Act protections are removed. Given the subtle nature of inferred expectations, penalties are ineffective in preventing the pressures an employee will feel to become actively involved in political causes in which the employee has no desire to participate.

The employee is thus deprived of his civil rights even though there is no civil rights violator. The majority's willingness to provide for greater punishment for violators reveals their fundamental misunderstanding of what S. 185 would do. They just do not get it.

On June 21, 1990, the day the Senate considered President Bush's veto, the New York Times published an editorial entitled, "Don't Destroy the Hatch Act."

The Times editorial stated, in part:

> [Proponents] say the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes.

Mr. President, the Times is right. This would be the inevitable result of this legislation. Proponents of S. 185 seem oblivious to the expectations, the pressures, and the coercion that will spring forth if this legislation is enacted.

They rely on criminal sanctions, which according to President Bush's veto statement, "would add little if anything to the effectiveness of existing criminal statutes," and one clause of the bill which tracks an 1883 Executive order that no person in the Executive civil service shall "use his official authority or influence either to coerce the political action of any person or body or to interfere with any election."

As later history was to show, the 1883 Executive order did not adequately protect Federal employees. Its terms, like the provision in S. 185, did not address expectations. Its terms did not address subtle pressures. Its terms did not address postelection reprisals.

These lapses are not the fault of the 1883 Executive order. It was not until Civil Service rule No. 1 was amended by President Theodore Roosevelt that it became an effective deterrent to the spoils system.

As amended, Civil Service rule No. 1 prohibited employees from taking "an active part in political management or political campaigns." Mr. President, S. 185 essentially repeals Civil Service rule No. 1—the fundamental safeguard of employees—and retains the prohibition on coercion. But this proved ineffective as standing alone. No wonder the employee is left so exposed to political pressure under S. 185.

The point is not only that S. 185 contains a poor formulation of protection for the Federal employee but also that no formulation can be adequate once employees are free to engage in partisan political activity including direct involvement in political campaigns. No drafting technique can overcome the proclivities of human nature.

Once Federal employees are free to engage in partisan political activity, it will only be human nature for them to believe that it would please their politically appointed superior to exercise their new political rights under S. 185 in a manner that pleases the superior. It will only be human nature for employees to try to get an edge on their competition by engaging in the partisan politics of the superior.

It will only be human nature for other employees who had not engaged in the partisan politics of the superior to feel it is necessary to do so to eliminate the edge of their competitors. Since it is only human nature to try to get ahead, employees will engage in political activity pleasing to the political hierarchy.

After two centuries of trial and error, America has come to appreciate the genius of a politically neutral Federal work force responsible to an elected President and his political appointees.

This system allows Government to be both responsive to popular will yet fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized. S. 185 is a serious threat to the delicate balance of his much admired system.

The Hatch Act has served us well. In spite of all the efforts of Presidents through the years and in spite of all the civil service regulations, we never licked the problem of the spoils system until Congress enacted the Hatch Act in 1939. Since then, the Hatch Act has protected the Federal employee, fostered a more efficient and effective work force, and enhanced the confidence of the citizenry in the fairness of their Government. It has been good for the employee, good for the Government, and good for the public.

Why do we now, in considering S. 185, risk a return to the spoils system? Why do we risk repealing the only remedy that has worked? Why do we risk undermining the merit system?

S. 185 would scuttle the only effective remedy for the spoils system this Nation has ever known even though there has been no clamor for change for the very class supposedly benefiting from the legislation. No governmentwide polls of Government employees have been offered to show their desire for change.

In fact, polls of Federal employees indicate that employees do not favor changes in the fundamental protections provided by the Hatch Act. More than 60 percent of employees surveyed by the Federal Executive Alumni Institute Association oppose changes in the Hatch Act. More than 70 percent of Senior Executive Service employees surveyed by the Senior Executive Association opposed changes.

In a 1989 Merit System Protection Board survey of nearly 16,000 employees, only 32 percent responded favorably to the question of whether they "would like to be able to be more politically active in partisan political activities."

While the Federal employee organizations and the postal unions support change, in contrast to Federal employees as a whole, the weight of other testimony given during hearings held by the committee in the 100th and 101st Congress, and this Congress, stands in opposition to this bill. Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the Chamber of Commerce, and the American Farm Bureau have all voiced, over time, strong opposition to fundamental changes in the Hatch Act.

This, of course, is illustrated in the chart here which shows that of the senior executive service, 63 percent do not support changes or to amend the Hatch Act. Only 22 percent do. This percentage drops down slightly as you go to the lower GM ratings. Those that are in the 13 to 15 bracket, 59 percent of them oppose amending the Hatch Act; in the case of GS–13 to GS–15, 56 percent. And then GS–12 and below, 52 percent are in opposition to 32 percent favoring. But in every group, the fact is that a majority is opposed to amending the Hatch Act. So it seems strange at this time that we would proceed with this kind of legislation.

In addition, scholars and former Government officials have likewise opposed the bill.

The central question before us is the quality of Government service that the American people should receive and the protection from political pressure that the Federal employee should enjoy.

That is why organizations not normally outspoken on these types of issues have come forward to voice vigorous opposition to this legislation. So why change? Some have cited first amendment concerns with the present law. The American Civil Liberties Union testified that they believe the Hatch Act violates the Constitution. However, on more than one occasion, the Supreme Court has specifically rejected the ACLU argument. Thus, there is no constitution imperative to vote for S. 185. So why change?

Proponents believe that S. 185 answers the administrative problem of how to draw a bright line between permissible and impermissible electioneering. They would permit partisan political activity off duty and prohibit such conduct on duty. Simple, is it not? The problem is, of course, that the bright line between on duty and off duty has little to do with Hatch Act concerns. As the Federal Bar Association made clear in testimony before our committee, the concern is whether expectations, pressure, and coercion are imposed upon the Federal employee and not the time of day the employee engages in partisan political actions. The fact that an employee engages in political conduct off duty does not answer the question whether he has felt pressure on duty, either through subtle expectations or actual coercion.

In upholding the constitutionality of the Hatch Act in United Public Workers, CIO versus Mitchell, the Supreme Court considered the question of off-duty political activity. And the majority held that, "We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during working hours. The influence of political activity by Government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours."

This so-called bright line of on duty and off duty of S. 185 is a mirage. This bright line distinction not only fails as it relates to the coercive pressures upon employees, but also on the grounds that the public will not distinguish between a work force that is partisan by night but appears neutral by day.

Consider the following analogy. Suppose we were at a baseball game and there were 60,000 fans supporting and cheering loudly for the home team. All of a sudden, all of the umpires join in the cheers. Would they be considered impartial? Proponents of S. 185 would argue the umpires would not be able to cheer on the job.

Well, suppose the umpires did not cheer on the job, but afterwards off the job they openly displayed their partisan support for the home team? Even if they called every ball and strike and every out perfectly in the next game, every baseball fan would begin to doubt their impartiality.

Just like the umpires in this example, Federal employees who become actively involved in partisan politics, whether it is holding office in the national, State, or local Republican or Democratic Party organization or campaigning for a particular candidate in a partisan election, would become identified with a partisan call. Few of us would find it appropriate for employees of the Internal Revenue Service to engage in partisan politicking at night and to serve as tax auditors by day. Clearly, this type of activity will fundamentally alter the public's impression of a nonpartisan civil service.

Proponents also argue that this legislation is not a repeal of the Hatch Act but simply a reform. With that I disagree. I would just like to point out why that is not the case.

In the committee report, as it is pointed out, section 9(a) is widely regarded as the heart of the act. And the current law, the current section 9(a), specifically provides "an employee in an executive agency or an individual employed by the government of the District of Columbia may not"—underline those words may not—"take an active part in political management or in political campaigns." That is what the current law says. But what S. 185 would say is that an employee may take an active part in political management or in political management or in political campaigns. In effect, we are cutting out the guts, revoking, changing that part of the law which is regarded as the heart of the act.

The new protections afforded to Federal employees in this legislation are simply redundant of similar protections already provided in the criminal code. Instead, the Senate bill removes from title V the Hatch Act protections afforded civil service employees.

As I said, and am repeating here, section 9(a) of the current law, which the committee report readily acknowledges it widely regarded as part of the Hatch Act, states that an employee may not take a part in political management or in political campaigns. This is identical to civil service rule No. 1, as promulgated by President Roosevelt. S. 185 states that an employee may take an active part in political management or in political campaigns. So it is the very opposite. As I said, it is a virtual repeal of the current law.

In order to understand this clearly, one only has to compare what Federal employees may do now under the Hatch Act with what they may do under S. 185.

What employees may do now include the following: One, register to vote and vote; two, contribute money to partisan political campaigns; three, express their views in private and in public, though not in a concerted way, to elicit support for a candidate or party; four, attend conventions and rallies, but only as a spectator; five, run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees; six, assist in nonpartisan voter registration drives; seven, campaign for or against political referendum questions; eight, participate as a nonpartisan poll watcher or election judge; nine, wear buttons off duty or subject to various agency restrictions on duty; ten, participate in nonpartisan campaigns.

For what additional activities employees could do under S. 185 off duty: first, he or she could hold office in a political party; two, distribute campaign literature and solicit votes; three, organize and participate in phone banks; four, organize and participate in political meetings; five, publicly endorse candidates and urge others to support them; six, solicit contributions to the PAC of the Federal employee organization to which both the employee and the donor belong.

The underlying principle and vital protections of Civil Service rule No. 1, as codified by the Hatch Act, are cut out by this legislation. By permitting such a wide range of active political participation, it renounces the principle of a neutral nonpolitical Federal work force. And from the Federal employee's perspective, the legislation is oblivious to the expectations, pressures, and coercion that would be born with its passage. It would strike the keystone from the arch of our merit system and would scuttle the only remedy that has worked to vanquish the evils of the spoils system.

Not only does this bill wipe out 54 years of a civil service protected by the Hatch Act, it prevents future Presidents from providing any protection by Executive order that they could if the entire Hatch Act were repealed. This legislation would prevent a future President from issuing an Executive order along the lines issued by Thomas Jefferson in 1801 or Theodore Roosevelt in 1907 to protect Federal employees. It not only repeals good policy, it replaces good policy with bad policy.

In 1801, an Executive order was issued under President Jefferson which stated that the right of a Federal officer to vote "is not meant to be restrained, but that it is expected that he will not"—repeat, will not—"attempt to influence the votes of others nor take any part in the business of electioneering."

Executive orders governing the political activity of Federal personnel were issued throughout the 19th century, including one by President William Henry Harrison in 1841 which stated:

> It is not intended that any officer shall be restrained in the free and proper expression and maintenance of his opinions respecting public measures, or in the exercise to the fullest degree of the constitutional right of suffrage. But persons employed under the Government and paid for their services out of the Public Treasury are not expected to take an active or officious part in attempts to influence the minds or votes of others.

As mentioned previously, in 1907, President Theodore Roosevelt issued an Executive order which prohibited employees from "taking an active part in political management or political campaigns." In 1939, this Executive order was codified into law by a Democratic Congress under the leadership of a Democratic President. The Roosevelt Executive order became the heart of the Hatch Act, the very provision that would be struck by S. 185.

The Honorable Marvin Morse, representing the Federal Bar Association, testified before our committee that S. 185 would limit the authority of future Presidents to provide for such an Executive order. And in this respect, it is important to note that S. 185 is worse than a simple repeal of the Hatch Act.

Proponents of S. 185 have suggested that a President will retain the authority to prohibit certain sensitive employees from active involvement in political management or political campaigns. However, the text of S. 185 itself clearly indicates that agencies will have no such authority. S. 185 provides that an employee may take an active part in political management or in political campaigns. There is absolutely no authority provided for agencies to limit activity beyond the prohibitions already contained in S. 185.

Furthermore, S. 185 declares that:

> It is the policy of Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

To me, this language states clearly and unequivocally that without an express prohibition stated in statute, the President or an agency will lack the necessary authority to provide for additional prohibitions beyond S. 185.

Thus, any administrative law judge, for example, who wishes to take an active part in political campaigns may do so, and no one—the President, a Cabinet secretary, or ethics officer—may restrain such activity.

Therefore, S. 185 is neither reform nor repeal of the Hatch Act, but something worse.

Proponents of S. 185 argue that Federal employees are confused by the regulations and opinions issued under the Hatch Act. The confusion, it is argued, has a chilling effect on currently permissible political activity.

And while this argument has some merit, proponents overstate its case. In upholding the constitutionality of the Hatch Act, in United States Civil Service Commission versus National Association of Letter Carriers, the Court specifically considered the question of whether the act was unconstitutionally vague and overbroad.

In response, the Court held: "It seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, they"—that is the prohibitions—"are set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with without serious sacrifice to the public interest."

In fact, the regulations governing what is considered permissible and impermissible political activities can be found in 5 CFR 733. There are 13 permissible activities and 16 impermissible activities found in these regulations.

And while it is possible for Federal employees to be confused by what is and is not permissible activity, I must reiterate that we do not believe the regulations are as confusing as the proponents purport them to be.

Proponents of reform frequently mention the several thousand administrative decisions of the former Civil Service Commission, which predated the passage of the Hatch Act in 1939, and the effect of these rulings on current interpretation and enforcement of the act.

As the Office of Special Counsel has pointed out, "Some individuals have erroneously referred to these decisions as 'rules' or 'regulations,' creating the false impression that there are some 3,000 rules and regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of those decisions."

(Mr. WELLSTONE assumed the chair.)

Mr. ROTH. Mr. President, as I was saying, as the Office of Special Counsel has pointed out, some individuals have erroneously referred to these decisions as rules or regulations, creating the false impression that there are some 3,000 rules or regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of those decisions.

In addition, I do not understand the logic of the argument that if the implementation of a law is confusing, the law should be repealed. One would certainly hate to see this argument applied to the Bill of Rights, which has more nearly two centuries raised an endless stream of litigation designed to clarify its application. The appropriate response to the argument is to do what is necessary to eliminate the confusion.

Federal appellate court cases in 1988 in the 2d and 11th circuits have further clarified the issue of what is and what is not permissible political action. The distinction drawn by the courts appears straightforward to us.

The courts held that the Hatch Act's prohibition against taking an "active part in political management or in political campaigns" encompasses only active participation in, on behalf of, or in connection with organized efforts of political parties or partisan committees, clubs, and candidates.

In an effort to clarify the existing regulations in light of these appellate court decisions, the Office of Personnel Management, in consultation with the Office of Special Counsel as well as the Department of Justice, should promulgate new regulations to clarify the restrictions on political activity.

This proposal would satisfy the best arguments the proponents for change without risking the benefits of the Hatch Act for American society.

This legislation strengthens the law, why is it that such a broad range of groups are opposed to changes in the Hatch Act? Public interest groups, such as Common Cause and the National Academy of Public Administration, are extremely concerned about the negative consequences of the bill.

Groups not generally interested in the details of Federal employment, such as the National Taxpayers Union, have expressed opposition to S. 185.

Why is it more than 100 newspapers, the guardians of first amendment rights, have written editorials opposed to this legislation? Why is it that a majority of Federal employees do not favor change in the Hatch Act?

These are not ridiculous extremes of opinion, but the mainstream of American public which is concerned about coercion of Government employees and the nonpartisan administration of Government.

Mr. President, as we debate this measure, I urge my colleagues to think carefully upon the impact this bill will have on the nonpartisan administration of Government. In my opinion, President Clinton, as I said, is the first President of this century who would sign such legislation. Proponents should think carefully about the bill they want to present him.

Witnesses before the committee advocated that certain sensitive employees be exempt from the bill, much in the same way the 1976 bill presented to President Ford contained on exclusion for sensitive employees at the Department of Justice, the Central Intelligence Agency, and the Internal Revenue Service. Should we exempt certain employees or agencies with sensitive positions?

Should we create a protective band around administrative law judges, career senior executive service employees, supervisors, and managers who work directly for political appointees?

Equally important, are we really prepared to overturn more than 100 years of precedent and allow Federal employees to solicit money contributions—a prohibition which existed long before the Hatch Act?

Are we really prepared to allow Federal employees to become campaign managers and party leaders? If so, we must be prepared to deal with the abuse which is sure to follow, along with the public's belief that politics has once again crept into the nonpartisan administration of Government.

If the present Congress and President Clinton want to do away with the protections which have worked so well for so long in removing political pressure from the workings of the civil service and enhancing the public's image of a nonpartisan administration of Government services, then so be it. But it should be made clear that this bill not only overturns 54 years of the Hatch Act, but is a fundamental break from our Nation's history.

Repeal, reform, improvement, upgrade, or whatever it is called, should not prevent future Presidents from protecting employees in the same way as President Jefferson did in 1801 or President Roosevelt did by Executive order in 1907. But, unfortunately, it does.

Mr. President, as we start debate on this measure, I urge my colleagues to listen carefully to the amendments which will be offered. At a time when the public's confidence in government is very low, if not at an all-time nadir, this legislation would politicize our Federal Government.

Mr. President, as I mentioned, there are 106 editorials, 76 of which were written after the House vote, many of which deal with the Senate bill and the Hatch Act changes in general.

I would just like to read a few of these into the RECORD.

From Ohio, the Columbus Dispatch, May 26, 1993:

### NO ESCAPE HATCH—CONGRESS SHOULD PRESERVE FEDERAL LAW

For many years, the Hatch Act has stood as a sturdy fence, shielding federal workers from the dangerous in-roads of politics—employees inside the fence, politics outside. * * *

Any tinkering with the current law raises the possibility of undermining public confidence in the well-established nonpartisan execution of federal laws. * * *

If the Hatch shield is lowered, there is grave danger that federal employees will become subject to partisan political pressures as they exercise their considerable powers. * * *

Is it likely that a federal employee can be a fierce partisan at night—campaigning for his boss, perhaps—and then change into a completely nonpartisan employee by day? Of course not. * * *

Simply put, the Hatch Act has been a valuable shield; it should be preserved intact.

From Illinois, the Bloomington Pantagraph, March 1, 1993:

### HATCH ACT LIMITS SHOULDN'T BE LIFTED

The Hatch Act's restrictions on the involvement of federal employees in partisan politics have served a useful purpose for more than 50 years.

Civil servants are supposed to serve the public, not political parties. Taxpayers should not have to second guess the motives of government workers carrying out their duties.

The appearance of impropriety can be almost as damaging as misconduct. It can destroy trust in government institutions. * * *

The Hatch Act has worked well. Leave it alone.

From Iowa, the Des Moines Register, March 5, 1993:

### DON'T SCRAP THE HATCH ACT—KEEP PARTISAN POLITICS OUT OF FEDERAL CIVIL SERVICE

The proposed gutting of the Hatch Act would allow federal employees to work in political campaigns or to solicit campaign funds in off-duty hours. The public is asked to believe that federal workers can be fierce political partisans at night, then change into completely nonpartisan civil servants by day. Hogwash. * * *

Shield civil servants from political firings but at the same time ask them to refrain from engaging in politics themselves. That's a fair bargain that has both served the public and helped maintain the integrity of federal service.

From Tennessee, Paris Post-Intelligencer, May 24, 1993:

### HATCH ACT REPEAL SEEMS UNBELIEVABLE

It seems unbelievable, but we seem about to lose a law which for 54 years has protected federal employees from being pressed into service as political flacks. * * *

Repeal is proposed in the name of free speech, but it would create a climate in which government workers are likely to feel compelled to engage in politics. That is a worse offense against free speech.

From Virginia, the Newport News, Daily Press, February 26, 1993:

### THE HATCH ACT—EASING POLITICAL LIMITS ON FEDERAL WORKERS A MISTAKE

The Hatch Act * * * prevents the federal work force from becoming politicized. It limits the political influence of federal employees.

That is as should be, and efforts now under way in Congress to weaken the Hatch Act are misguided. The measure being considered would permit federal workers to participate in politics as long as they did so on their own time and did not try to intimidate coworkers. That's like telling the cat he can play with the canary if he promises not to eat it. * * *

Most federal employees would not abuse their positions if they became involved in politics. Still, the door to such involvement should remain closed. Despite its flaws, the system works, and easing Hatch Act restrictions would not be in the best interests of the nation.

From Florida, the Daytona Beach News Journal, March 5, 1993:

### DON'T MESS WITH THE HATCH ACT

The Hatch Act * * * has done its job of shielding federal workers from undue political pressures. It has preserved a politically neutral civil service. * * *

By opening the door to broader political action, the bill creates the potential for widespread abuse. * * *

The protections of the Hatch Act should not be weakened. In this time of ever-more-expensive political campaigns, we may expect that federal workers would be subjected to all manner of new fund-raising pressure, both subtle and overt. Now, even more than in the past, the Hatch Act needs to be kept strong. The Senate should take a much harder look at this proposal.

Mr. President, I ask unanimous consent that these six editorials be printed in the RECORD in full.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Columbus (OH) Dispatch, May 26, 1993]

### NO ESCAPE HATCH—CONGRESS SHOULD PRESERVE FEDERAL LAW

For many years, the Hatch Act has stood as a sturdy fence, shielding federal workers from the dangerous inroads of politics—employees inside the fence, politics outside.

Every so often those who would tear down this fence marshal their forces in Congress. In 1976, Congress approved weakening the law, but fortunately then-President Ford vetoed the bill. Now there is in Congress another strong run at the Hatch Act. It should be stopped.

Why is this law so necessary? David Y. Denholm of the Public Service Research Council put the case well when he said:

"In addition to protecting the individual employee from political coercion, the Hatch Act serves to protect the general public from political intimidation by a partisan bureaucracy. The citizens of this nation have a right to federal programs and regulations whose administration and enforcement are free of political considerations or favoritism."

If the current legislation was passed, federal employees would be allowed to take part in political activity; indeed, in some cases they might be forced to do so. Soon, those in civil service would get the idea that better assignment, promotions and bonuses depended, at least in part, on partisan political activity.

Any tinkering with the current law raises the possibility of undermining public confidence in the well-established nonpartisan execution of federal laws. And it would tend to create distrust between political appointees and career executives, particularly when elections bring about a change of party. If the Hatch shield is lowered, there is grave danger that federal employees will become subject to partisan political pressures as they exercise their considerable powers.

The many millions of people who are affected by actions of federal employees should feel there are no outside considerations when important decisions are made. Is it likely that a federal employee can be a fierce partisan at night—campaigning for his boss, perhaps—and then change into a completely nonpartisan employee by day? Of course not.

Opponents of the Hatch Act argue that federal employees are stripped of their First Amendment rights. Yes, it is true that their political activity is somewhat restricted. But appeals to the courts that the law is unconstitutional have been fruitless.

When a challenge to the Hatch Act came before the Supreme Court, Justice Byron White upheld the law when he wrote: "Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees. Such a decision on our part would do no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country * * * that federal service should depend on meritorious performance rather than political service."

Simply put, the Hatch Act has been a valuable shield; it should be preserved intact.

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[From the Bloomington (IL) Pantagraph, Mar. 1, 1993]

### HATCH ACT LIMITS SHOULDN'T BE LIFTED

House Democrats were thwarted in their attempt to push through modifications of the Hatch Act with little debate or opportunity to amend the proposal.

However, the issue is expected to arise again.

The Hatch Act's restrictions on the involvement of federal employees in partisan politics have served a useful purpose for more than 50 years. The Hatch Act has helped keep politics out of federal agencies.

Civil servants are supposed to serve the public, not political parties. Taxpayers should not have to second guess the motives of government workers carrying out their duties.

The appearance of impropriety can be almost as damaging as misconduct. It can destroy trust in government institutions.

Yes, the prohibitions on running for office and actively working in political campaigns do somewhat limit the rights of federal employees. However, that must be balanced with the rights of citizens to have impartial government agencies.

In addition, the Hatch Act protects federal workers from being forced into supporting a partisan political cause.

Proposed revisions in the Hatch Act would prohibit federal employees from coercing other employees to make donations or engage in political activity. However, subtle hints and implied favoritism would be difficult to police.

The heavy-handed manner in which House Democrats tried to rush through these changes should sound alarm bells. If this is such a good idea, then why was the Democratic leadership reluctant to engage in full, open debate and allow consideration of alternatives?

The Hatch Act has worked well. Leave it alone.

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[From the Des Moines Register, Mar. 5, 1993]

### DON'T SCRAP THE HATCH ACT

One of the messages of last fall's election was that people are fed up with insider privilege. They're tired of a system that seems to work more for the benefit of the servants than of those they are supposed to serve.

But if Congress got the message, you sure couldn't tell it by Wednesday's vote in the House. The vote was to gut the Hatch Act, the law that restricts political activity by federal employees. The effect will be to tilt the system a little more in favor of the insiders—in this case federal employees.

The vote is the payoff from years of lobbying by federal-employee unions. The Senate is expected to follow suit, and President Clinton is expected to sign the change into law. When that happens, a long-standing bargain between federal employees and the public will have been shattered.

The bargain was this: The public granted to federal employees more protection than ordinary workers get. They can't be fired arbitrarily, and they enjoy other protections generally not available in private-sector employment.

In exchange, the federal civil service is expected to perform its job with nonpartisan professionalism. To avoid any hint of politics, federal employees are forbidden to run for office, to take active part in campaigns, to hold office in political parties, or solicit campaign contributions.

Those are reasonable restrictions. The public has a right to expect that federal law be administered with absolute nonpartisan fairness. The proposed gutting of the Hatch Act would allow federal employees to work in political campaigns or to solicit campaign funds in off-duty hours. The public is asked to believe that federal workers can be fierce political partisans at night, then change into completely nonpartisan civil servants by day. Hogwash.

The unions seeking to gut the Hatch Act argue that employees are denied their "right" to be active in politics. No, the employees voluntarily agreed to give up partisan politics, when they accepted government employment. In exchange, they were given the protections of the civil-service system.

Now, the unions want it both ways. They want to be able to take part in politics, and thus gain the rewards that can come from giving campaign help to the politicians who set their salaries and vote on their benefits. But they want to keep their civil-service protections, too.

The public shouldn't stand for that one-sided deal. If federal employees want the benefits that they can gain from taking part in politics, they ought to be willing to accept the liabilities too. They should surrender their civil-service protection and go back to the old spoils system.

Better yet, everyone should stick with the original deal: Shield civil servants form political firings but at the same time ask them to refrain from engaging in politics themselves. That's a fair bargain that has both served the public and helped maintain the integrity of federal service.

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[From the Paris (TN) Post-Intelligencer, May 24, 1993]

### HATCH ACT REPEAL SEEMS UNBELIEVABLE

It seems unbelievable, but we seem about to lose a law which for 54 years has protected federal employees from being pressed into service as political flacks.

The House has already voted its repeal, the Senate seems poised to do so and President Bill Clinton says he will sign it.

Only if 41 senators can band together to sustain a filibuster, can the law be saved?

The law is the Hatch Act, passed in 1939 to free federal employees from onerous political pressure and to free taxpayers from having their employees used as re-election campaign workers for whoever is in office.

Repeal is being touted as a "reform" measure. Proponents say federal employees are being denied their political rights as citizens. Examine the law and judge for yourself:

The Hatch Act bars most federal employees from active participation in political campaigns, running for office or soliciting political donations from fellow workers or the public. The employees are still free to contribute to any political causes and candidates, belong to political parties and to work in off-duty hours for non-partisan causes.

Congress passed the Hatch Act to protect employees after learning that New Deal program managers were threatening civil servants with loss of their jobs if they did not campaign for Democratic politicians.

The chief sponsor, New Mexico Sen. Carl Hatch, was a Democrat. His sponsorship followed a bipartisan tradition dating to the earliest days of the republic. President Theodore Roosevelt, for instance, in 1907 declared, "Persons . . . in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no part in political management or in political campaigns."

The Supreme Court three times has ruled that the act's restrictions on federal employee political activity are constitutional.

Common Cause, the citizen lobby which usually takes a pronounced liberal view of issues, has declared that Hatch Act repeal "opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service."

Repeal is proposed in the name of free speech, but it would create a climate in which government workers are likely to feel compelled to engage in politics. That is a worse offense against free speech.

How would you like to be asked for a political contribution by a federal employee who has authority in some matter in which you were seeking government approval?

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[From the Newport News (VA) Daily Press, Feb. 28, 1993]

THE HATCH ACT: EASING POLITICAL LIMITS ON FEDERAL WORKERS A MISTAKE

People can choose whether to be federal employees. And if they decide to accept such employment, they should be willing to accept the limitations imposed by the Hatch Act.

The Hatch Act, passed in 1939, prevents the federal work force from becoming politicized. It limits the political influence of federal employees.

That is as it should be, and efforts now under way in Congress to weaken the Hatch Act are misguided. The measure being considered would permit federal workers to participate in politics as long as they did so on their own time and did not try to intimidate co-workers. That's like telling the cat he can play with the canary if he promises not to eat it.

Americans are fed up with the federal bureaucracy. They want to see it trimmed and made more efficient and responsive. That won't be accomplished by giving federal employees more power, but more power they will get if restrictions on political activities are lifted.

America's civil service system isn't perfect, and there is some degree of unfairness in the Hatch Act. Most federal employees would not abuse their positions if they became involved in politics. Still, the door to such involvement should remain closed. Despite its flaws, the system works, and easing Hatch Act restrictions would not be in the best interests of the nation.

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[From the Daytona Beach (FL) News-Journal, Mar. 5, 1993]

DON'T MESS WITH HATCH ACT

The U.S. House of Representatives voted overwhelmingly Wednesday to weaken a law that has shielded federal workers from political pressures for more than half a century.

The Hatch Act was enacted in 1939 to protect employees from being coerced into working for political campaigns or shaken down for contributions. Although it has been a source of frustration to federal employee's unions and to federal workers who wish to get involved in political issues, the law has done its job of shielding federal workers from undue political pressures. It has preserved a politically neutral civil service.

The changes proposed in the House-passed bill would allow federal employees to run for nonpartisan political office—county council, for example—manage political campaigns and collect political donations.

Supporters of the bill say it also would toughen penalties for misuse of authority and improper soliciting of political contributions. And no political work could be done on the job.

Even so, by opening the door to broader political action, the bill creates the potential for widespread abuse.

Too many private employees are pressured into contributing to PACs. Now federal employees will feel that pressure, too, and a good deal more since their livelihoods usually are affected more directly by the decisions of those holding political office.

It is all too easy to see how an employee would feel coerced by his supervisor's political activities even if no overt threat is made or donation demanded.

Too often the off-the-job political activities allowed under these changes could find their way into the workplace. The line between the two is often more apparent than real.

The protections of the Hatch Act should not be weakened. In this time of ever-more-expensive political campaigns, we may expect that federal workers would be subjected to all manner of new fund-raising pressure, both subtle and overt. Now, even more than in the past, the Hatch Act needs to be kept strong. The Senate should take a much harder look at this proposal.

Mr. ROTH. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, it is almost difficult to know where to start to respond, because the assumptions made on many of the things that the distinguished Senator from Delaware has based his statement on are obviously based on such major changes in the Hatch Act that they could only come from consideration of what the House has passed.

As I said a little while ago in detailing the differences between the two bills, these are two very, very different pieces of legislation.

I do not disagree with the editorials that say that they disagree with the House bill that would permit solicitation of the general public for money for PAC's. I am not opposed to that. And allowing employees to run for partisan offices, I disagree with that.

Basically, the reference back to 1976, when President Ford vetoed the bill, if you look back at the provisions of that bill that he vetoed, it was basically what the House bill says today, which we do not agree with. That is throwing up a red herring, if I ever heard of one.

The Columbus Dispatch in my home State of Ohio was just referred to here a moment ago. In it, it referenced that, "In 1976, Congress approved weakening the law, but fortunately then-President Ford vetoed the bill." That bill was basically the Hatch Act, the House bill of today.

Now, the editorial stated if Hatch Act reform is passed "those in civil service would get the idea that better assignment, promotions and bonuses depended, at least in part, on partisan political activity." They felt they could maybe be forced into that by "political intimidation by a partisan bureaucracy."

Now, that is a mighty big assumption, because that is not what is in S. 185. We provide tougher penalties for such coercion.

So they can throw up all kinds of "what ifs" in the Columbus Dispatch and some of the other papers quoted here, but they are not quotes from what this bill actually provides. This is not the House bill.

This is not the House bill. One of the main reasons the Hatch Act was passed in 1939 was to help protect employees hired on a patronage basis from improper political pressure. It was originally drafted as an amendment to the appropriations bill for WPA, Work Projects Administration.

We have a dramatically different situation. We have established civil service, competitive merit basis, we have different laws on the book, the Merit System Protection Board, among them, to protect Federal employees. This legislation does not, by any stretch of the imagination, unless you include the House bill, wipe out—the term that was used here—any civil service personnel protections. Political coercion is and would remain against the law, and with this bill would have tougher penalties than ever before for the Hatch Act. It would be against the law: 3 years incarceration in a prison, a $5,000 fine, and lose your job if you coerce anyone.

The Columbus Dispatch editorial cites a 1976 veto of Hatch Act reform legislation by President Ford, as just quoted here. This legislation is different from the bill vetoed by President Ford. The 1976 bill would have allowed Federal employees to solicit political contributions from the general public. It would allow them to run for partisan political office. That is not provided for in S. 185. I disagree with those provisions also.

This legislation keeps current law prohibitions on soliciting from the public and running for partisan elective office. The Dispatch editorial assumes otherwise, I gather. The editorial alleges that this legislation might create employee interest groups inside the Government that might sabotage the will of the American people.

Federal employees are not political eunuchs. They have their own political views today and they are obligated to help carry out the legal policies of the administration, regardless of the employee's political proclivities.

In any case, even under current law, Federal employees can identify themselves now with a partisan cause or candidate. They can do it with a yard sign, that is legal; they can do it with a bumper sticker, that is legal; they can give a check up to $1,000.

The New York Times editorial quoted a minute ago said if we pass this, my goodness, it might be awful because people might be pushed into making a monetary contribution. They can give $1,000 right now. They are acting as though something awful is going to happen here that they are going to be able to make a contribution. Yet the law, for a long time, said anybody, including civil servants, can give to a Federal candidate of their choice $1,000. That is raising a red herring if I ever heard of one. That was in the New York Times.

Finally, the Columbus Dispatch editorial seems to suggest there is no constitutional imperative to vote for Hatch Act reform. In 1947, when the Supreme Court first considered the Hatch Act law, its opinion read:

> This Court must balance the extent of guarantees of freedom against a congressional enactment to protect a democratic society against a supposed evil of political partisanship.

That is in *United Public Workers* v. *Mitchell*, 330 United States Code 75, 96, 1947. I would argue it is the job of this Congress to balance constitutional rights against this supposed evil.

I want to protect against evil in Government as much as anybody in the U.S. Senate. But I do not like it when these things are brought up, when obviously people are not aware, and some of the editorial writers are not aware of the differences between the House bill and the Senate bill. The Senate bill toughens up on the job, gives more protection for workers on the job, gives them a little more freedom off the job, but with very careful controls still in place.

So, Mr. President, the reference to editorials is one that I think should not carry much weight here because I do not think they are comparing the two bills properly. They are mainly concentrating their fire on the House bill and I, too, disagree with major parts of the House bill.

Mr. President, I ask unanimous consent that the name of Senator MOYNIHAN be added as a cosponsor to S. 185.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, referring to some of the other arguments that have been made in the last hour or so, the legislation does not wipe out any civil service personnel protections. If you look at this in any fair way, the legislation strengthens current penalties for violations of the prohibitions against coercion.

As I mentioned before, it was brought up that the Hatch Act reform was vetoed by President Ford. Obviously, Presidents see danger in reform is the charge. But this legislation is very different from the Hatch Act reform bill that was vetoed by President Ford. That 1976 bill would have allowed Federal employees to solicit political contributions from the general public and to run for partisan elective office. That is not in this legislation. This legislation keeps current law prohibitions on soliciting from the public and running for partisan elective office.

Congressional staff contributions were brought up stating it could be argued section 606 of title 18 which forbids congressional staff from making campaign contributions to their respective Members robs them of their political rights.

My reasons would be that the opponents attempt to analyze the situation of Federal employees with that of Senate staffers who are not permitted to make a contribution to their respective Senators. They say it could be argued this robs Senate staffers of the right to contribute to Senate campaigns. But I just think that analogy is wrong because S. 185 maintains current law which makes it illegal for a superior to accept a check from a subordinate employee and illegal for a superior to coerce a subordinate employee into writing a check. S. 185 is consistent with current Senate practice.

Mr. President, the charge has been made that the Hatch Act is not vague; that there are 13 permissible activities, 16 impermissible activities within the regs, not 3,000. The Supreme Court did not overturn the Hatch Act when the National Association of Letter Carriers case argued that the Hatch Act was unconstitutionally vague and overboard. That is the charge.

I respond: While opponents of Hatch Act reform reject the argument that current Hatch Act law is vague—others differ—an evaluation of the act was conducted in 1966 by the Bipartisan Commission on Political Activity of Government Personnel. That bipartisan commission was created by the Congress and charged with extensively studying the question of Hatch Act reform. The commission report indicated that the act needed to be clarified. It concluded that the act was confusing, was ambiguous, restrictive and negative in character. So we just disagree on that one.

Mr. President, we are getting clarification now as to what the agreement was between leadership last night, and we should know what amendments will be laid down shortly.

Until that time, I will proceed with some of my response to the distinguished floor manager on the other side of the aisle. He mentioned several times in the debate about the groups that are against S. 185. I do not need to take the time, I do not believe, to read all of these. They run over onto the second page here, so I guess 28 lines. There are probably 30 or 40, maybe, different groups here.

The first group that supports S. 185, support for it comes from the Equal Judicial Remedies Coalition. Part of that coalition, members of that coalition, are such diverse groups as the American Collectors Association; the Commercial Law League of America; the National Federation of Independent Businesses, or FIB; the U.S. Chamber of Commerce; the American Bankers Association; the National Independent Automobile Dealers Association; the National Retail Federation; the Savings & Community Bankers of America; the U.S. Business and Industrial Council; National Association of Federal Credit Unions; National Apartment Association; Independent Sewing Machine Dealers' Association; Coalition of Higher Education Assistance Organizations; National Small Business United; Society of Industrial & Office Realtors; International Credit Association; Automotive Service Industry Association; Associated Credit Bureau; American Guild of Patient Account Management; National Association of Texaco Wholesalers; National Association of Realtors; and Citizens Against Government Waste.

I will not read all of these.

I ask unanimous consent that this total list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### GROUPS THAT SUPPORT S. 185

The Equal Judicial Remedies Coalition including: American Collectors Association, Inc., Commercial Law League of America, National Federation of Independent Businesses, United States Chamber of Commerce, American Bankers Association, National Independent Automobile Dealers Association, National Retail Federation, Savings & Community Bankers of America, U.S. Business and Industrial Council, National Association of Federal Credit Unions, National Apartment Association, Independent Sewing Machine Dealers' Association, Coalition of Higher Education Assistance Organizations, National Small Business United, Society of Industrial & Office Realtors, International Credit Association, Automative Service Industry Association, Associated Credit Bureaus, American Guild of Patient Account Management, National Association of Texaco Wholesalers, National Association of Realtors, Citizens Against Government Waste

National Association of Letter Carriers, AFL-CIO

National Federation of Federal Employees

Federally Employed Women

International Association of Fire Fighters

The National Treasury Employee Union

American Federation of Government Employees, AFL-CIO

American Federation of State, County and Municipal Employees

American Foreign Service Association

Americn Civil Liberties Union

American Postal Workers Union

American Psychiatric Association

Epsilon Sigma Phi

Federal Executive and Professional Association

Federal Managers Association

Graphic Communications International Union

International Federation of Professional and Technical Engineers

International Union of Operating Engineers

Military Sea Transport Union SIU

National Association of Air Traffic Specialists

National Association of ASCS County Office Employees
National Association of Federal Veterinarians
National Association of Postal Supervisors
National Association of Postmasters of the United States
National Association of Retired Federal Employees
National Labor Relations Board Union
National League of Postmasters of the United States
National Postal Mail Handlers Union/LIUNA
National Rural Letter Carriers Association
Organization of Professional Employees of the Department of Agriculture
Overseas Education Association/NEA
Public Employee Department (AFL-CIO)
Service Employees International Union.

Mr. GLENN. Mr. President, it is quite an impressive list. As I indicated, the group that I read from there is the Equal Judicial Remedies Coalition, members of that group that support the changes made by S. 185.

Mr. ROTH. Mr. President, will the distinguished chairman yield for a question?

Mr. GLENN. I will.

Mr. ROTH. Are those endorsements of the garnishment provisions, or of the whole bill?

Mr. GLENN. I believe that is one of their interests, yes. But I am sure they are interested in the whole bill, also.

Mr. ROTH. But many of them, as I understand it, are only for the purpose of endorsing the garnishment provisions.

Mr. GLENN. You do not just endorse the garnishment provisions. That is part of the total of S. 185. You do not pass the garnishment as a separate act, as the distinguished Senator is well aware.

I indicate to my distinguished colleague from Delaware that they support passage. It is my understanding that the Equal Judicial Remedies Coalition, some of the members that I read, supports passage of S. 185 because it contains the wage garnishment provisions.

Mr. ROTH. May I ask the distinguished chairman how many of those organizations supported the legislation prior to the garnishment provision?

Mr. GLENN. I am not aware. I have no head count on that.

Mr. ROTH. Did they endorse it 2 years ago?

Mr. GLENN. I have not made a survey of who did what back then. I will be glad to try to do that if it is important.

Mr. President, it has been charged that the Hatch Act is vague, that there are 13 permissible activities, 16 impermissible within the regulations, not 3,000.

The Supreme Court did not overturn the Hatch Act when the National Association of Letter Carriers argued that the Hatch Act was unconstitutionally vague and overbroad. That is the charge. I say that, while opponents of Hatch Act reform reject the argument that current Hatch Act law is vague, others differ. Evaluation of the act was conducted in 1986 and performed by a bipartisan commission created by the Congress and charged with extensively studying the question of Hatch Act reform. The commission report indicated that the act needed to be clarified.

That is all we do with this S. 185. We clarify the act; we do not repeal it. We modify it to make it more workable. It is a better act because of this. It is not gutted or repealed. It is a reform that is good. It prohibits even those abuses of the Hatch Act that occur in the workplace now. It stops them unequivocally, in place—no political activity on the job. I am surprised that there is not a rush to support that instead of objection to it.

The other part is that we give a little more freedom off the job, but still under very close control, so that if there is any coercion, any coercion whatsoever, the penalty can be as high as 3 years in jail, a $5,000 fine, and you can lose your job if there is coercion. That is pretty tough.

So I think the likelihood of there being any coercion off the job is not right. I add that what we are talking about are things like running for the school board. Right now, they cannot do that. They are not permitted to do that. If you are living in a community and you have an interest in your kids' education and you are very concerned about it and you are concerned enough that you want to get on the school board and do something about it, you just want to be on the board and decide some of these things to get a better education for your children, can you run? No. You are prohibited. Why should that be? I think you should be able to run.

Let me get into the area of the senior executive service employees survey done some years ago. Reform opponents argue that more than 70 percent of senior executive service employees surveyed by the Senior Executives Association opposed changes in the Hatch Act. As I pointed out at the committee's April 30 hearing, that survey, according to the SEA itself, was not conclusive. The SEA survey said this:

> It received the lowest response rate ever to any survey we have done, only 22 percent. The survey results were very disappointing to the association because they produced no definitive position from the membership. In addition to the low response rate, the responses themselves were very, very ambivalent and with a substantial number of questions not answered.

I ask unanimous consent that the Senior Executives Association letters to me of April 28, 1993, and November 28, 1989, be printed in the RECORD, because it gives more detail on the analysis of that survey.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENIOR EXECUTIVES ASSOCIATION,
*Washington, DC, April 28, 1993.*

Hon. JOHN GLENN,
*Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: We understand that the subject of the Senior Executives Association's survey of its members in 1987 concerning changes to the Hatch Act came up at the hearing yesterday. We are writing to again clarify the purpose of the survey and its results, and SEA's current position.

1. The survey was done in 1987, approximately six years ago.

2. SEA received the lowest response rate ever to any survey we have done (22%).

3. The survey results were very disappointing to the Association, because they produced no definitive position from the membership.

4. In addition to the low response rate, the responses themselves were very ambivalent, with a substantial number of the questions not answered.

5. Only approximately half of those surveyed believed that the Association should oppose the Hatch Act Amendments, and the remainder did not specify one way or the other.

6. The Association itself has not taken a position on the Hatch Act changes proposed because of the ambivalence of its membership when surveyed in 1987.

7. The turnover in Association membership is approximately 10% per year. In addition, Association membership has grown from approximately 2200 in 1987 to nearly 3200 today. This would indicate that 60%-90% of the membership in the Association has changed since the survey was taken.

8. The Association concluded in our 1989 letter to you (see attached) that the survey was not valid for the purpose of the Association taking a position on the proposed Amendments to the Hatch Act. It has even less validity today, nearly four years later.

9. The Association takes no position on the proposed Amendments to the Hatch Act now being considered by your Committee.

We hope this will clarify the Association's position on this matter for your Committee. Thank you.

Sincerely,

G. JERRY SHAW,
*General Counsel.*

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SENIOR EXECUTIVES ASSOCIATION,
*Washington, DC, November 28, 1989.*

Hon. JOHN GLENN,
*Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your letter of November 8, 1989, we are pleased to provide you with a clarification of the survey done by the Senior Executives Association in 1987.

During calendar year 1987, we had received a number of inquiries from our members about what the Association's position was on the proposed amendments to the Hatch Act being considered by the House of Representatives. Many of those inquiring had strong views either pro or con on the proposed amendments. In order to determine the overall position of the membership, the Board of Directors of SEA decided that a member survey would be the most appropriate vehicle. On October 27, 1987, we mailed to our membership of approximately 2200, a written survey specifically addressing the proposed Hatch Act amendments, and asking for the members' views. We asked that the survey be returned to SEA within 30 days. After six weeks, we tabulated the survey results.

From the standpoint of the Association, the survey results were very disappointing. We received a total of 480 responses (approximately 22% response rate) which was the least number ever received by the Association in response to a written survey. In the past, our response rates had always exceeded 50%. In addition, we felt that the responses were very ambivalent. While 356 (74%) of those responding opposed the Hatch Act amendments described in the survey, only 251 (52%) believed that the Association should oppose the amendments. To the question "Should SEA take no position on the bill?", 223 (46%) of those responding did not answer this question.

After considering the matter carefully, the Board of Directors of SEA decided that they should take no position on the proposed Hatch Act amendments, since the response rate was so low (22%), since those responding who recommended that SEA oppose the legislation comprised only 11% of the membership, and since it was so difficult to communicate to our members and to the remainder of the SES population the many alternatives being considered in the legislation.

As a result, the Association has never adopted an official position on the proposed Hatch Act changes. We have no current plans to take any position on this proposed legislation in the near future.

Attached is a copy of the survey results for your information. We appreciate the opportunity to clarify this matter for you and for the Committee.

Sincerely,

G. JERRY SHAW,
*General Counsel.*

Mr. GLENN. Mr. President, according to the Merit System Protection Board survey of 16,000 employees, only 30 percent responded favorably to the question of whether "I would like to be able legally to be more active in partisan political activities." The charge is, obviously, Federal employees are not shackled by the Hatch Act. I have never argued that the vast majority of Federal and postal employees would jump actively into partisan politics no matter what happened. I assume these employees would probably be representative of the general population. Some people want to be involved and others do not.

The actual MSPS results are as follows, and the statement was: "I would like to be able legally to be more active in partisan political activities." Of the people responding, those who strongly agreed was 13 percent; agree, 19 percent; neither agree nor disagree, 41 percent; disagree, 19 percent; strongly disagree, 8 percent.

I do not know how you prove anything much one way or the other with that, because those who strongly agree with it is about 32 percent. Those who disagree strongly, about 27 percent, and those who do not have any feel one way or the other is about 41 percent. I submit that is probably not too far off the general population's attitude in this country. I do not think you improve anything with that one.

Mr. President, while we determine what the procedure is going to be here this evening, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I want to briefly respond to some of the comments of the chairman. It seems to me that his remarks fail to understand that the protections of the Hatch Act include the limits placed on active partisan political participation by Federal employees. These limits protect employees from subtle pressures to become involved in partisan causes. This essential aspect of the Hatch Act was enacted in 1939 to protect Federal employees, not oppress them.

While the Senate bill contains some prohibitions on political activity that the 1976 bill did not, the thrust and intent of both the 1976 bill and S. 185 is to allow employees to be actively involved in partisan politics. The House bill, H.R. 20, would allow solicitation of the general public and running for partisan elective office at the local level. The administration has testified that it will support whatever bill is agreed to in conference.

The analogy to Senate staffers who are prohibited under current law from contributing to their respective Senators serves to illustrate that placing a limit on an individual's ability to perform some act is not the equivalent of limiting some fundamental right. In fact, the prohibition is put in place to protect employees by preventing inferred expectations and subtle pressures which will develop if such activity is allowed.

The New York Times editorial is anything but confusing.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 21, 1990]

### DON'T DESTROY THE HATCH ACT

President Bush was right to veto legislation easing Hatch Act restrictions on political activity by Federal employees. Now that the House has overridden his veto, a showdown looms in the Senate. The Senate would be well advised to uphold the veto and then consider a more modest revision of the act, preserving its valid protections against political abuse.

The act, passed in 1939 to forestall political exploitation of the expanding Federal work force, prohibits Government workers from "active" participation in partisan campaigns. Critics tend to exaggerate the extent to which the law is stifling, just as supporters overstate its benefits. Even "Hatched" employees remain free to vote, contribute money to candidates and volunteer in their off hours in non-partisan political activities.

The measure Mr. Bush vetoed would, like the Hatch Act, prohibit Federal employees from running for political office and soliciting public funds. However, it would lift other important restrictions on off-duty political activity. Civil servants would be free to serve as campaign and party officials and run as delegates to party conventions. More troubling, employees would no longer be barred from soliciting co-workers for contributions to the political action committees of the various Federal employee and postal unions.

Senator John Glenn, who supports the Hatch Act overhaul, says the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes.

Proponents of reform argue that the present curbs on partisan activity, though upheld by the Supreme Court, abridge free speech. But creating a climate in which government employees are likely to feel compelled to engage in politics also offends free speech.

Even so, there's widespread agreement that the Hatch Act is unduly restrictive and needlessly complex. Surely it's possible for Congress to devise a bill that simplifies the act while preserving its sensible protections against politicizing the Federal work force.

Mr. ROTH. In three cases, the Supreme Court has upheld the constitutionality of the Hatch Act. Thus, there is no constitutional imperative to vote for S. 185.

The survey by the Senior Executive Association was presented to the Committee on Governmental Affairs during consideration of this matter in the 100th Congress. It is printed in Senate Hearing 100–662. In a letter to the committee at the time, the president of the SEA wrote:

> The Board of Directors felt that member input was critical with regard to the Hatch Act since strong arguments have been put forth for and against revision.

There was no mention whatsoever during the 100th Congress of the caveats which have been expressed by SEA.

Finally, the cite of a Merit System Protection Board survey in which less than one-third of Federal employees surveyed responded favorably to the question of whether they "would like to be able to be legally more active in partisan political activities" demonstrates that there is no governmentwide support for the changes this bill is advocating.

We just received word that the Equal Judicial Remedies Coalition, the ones mentioned by the distinguished Senator, only supports garnishment and has not taken a position on the Hatch Act legislation itself.

### AMENDMENT NO. 563

(Purpose: To clarify the penalties for a violation of the Act)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 563.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, strike lines 2 through 10 and insert:

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

Mr. ROTH. Mr. President, this amendment retains a provision in current law that an employee can be dismissed from his job for the first violation of the Hatch Act. Such action could only be taken after the Merit Systems Protection Board finds that a violation has taken place after a full, independent proceeding.

Under current law, the penalty for the first violation of the Hatch Act is a minimum of 30 days suspension and a maximum of dismissal. As amended on the Senate floor in the 101st Congress, the bill mandates that upon the second violation, the employee be dismissed. In addition, the legislation provides that an employee can remain in his position until all of his appeals are fully exhausted.

Mr. President, this amendment would clarify that an employee can be dismissed after one violation, as is the case under current law. An employee who is found by the Merit Systems Protection Board to have violated the law can appeal this decision. However, under current law, the burden is on the employee. If the employee is dismissed, he must gain an order from the Federal courts to remain in his employment.

The bill as it now reads would allow the employee to remain in his or her job until "all available appeals are final." This amendment would provide that the current penalty provision would continue to exist.

This amendment is also appropriate considering the type of violations which might occur if S. 185 is enacted. Under the bill, employees are expressly permitted to actively engage in political campaigns. Thus, it is less likely that a Hatch Act violation concerning an employee's active participation will occur. Violations remaining under S. 185 involve either coercion or those activities which are expressly prohibited by the bill. Any offender should not be given two bites at the apple, when even today, offenders can be dismissed for what would be considered one, lesser violation.

It should be noted that within the past several years, Federal and State agencies have referred three major patronage matters to the Office of Special Counsel for administrative enforcement under the Hatch Act. Based upon these referrals, the special counsel filed charges against 25 individuals. Ten of these individuals were found by the Merit System Protection Board to have been involved in schemes to coerce political activity from their subordinates. The remaining 15 are awaiting trial on similar charges.

In some of these cases, extensive criminal investigations failed to produce sufficient evidence to support criminal charges in these cases—mainly because coercive activity is inherently difficult to prosecute at the criminal level which requires a beyond a reasonable doubt burden of proof. As mentioned, these matters involved superior political appointees soliciting political contributions in the form of cash, personal political services, dinner tickets and the like, from clerks and administrative personnel.

In two of these cases the Office of Special Counsel succeeded in obtaining meaningful penalties including debarment from future public employment against the director of the Akron Municipal Housing Authority and two of her subordinates.

In the other case, the Office of Special Counsel was successful in seeking similar penalties against several political and senior supervisory employees of the Niagara Frontier Transportation Authority for doing much the same thing. In both these instances, the special counsel has been successful in obtaining administrative sanctions against plainly unlawful behavior largely because the Hatch Act is on the books, and the evidentiary requirements of this administrative statute are far less demanding than those applicable to criminal proceeding under statutes such as title 18.

In March, the Office of Special Counsel filed a complaint with the Merit Systems Protection Board charging the Commissioner of the Tennessee Public Service Commission, his executive assistant, and 13 officers of the Motor Carrier Safety Division with violating the Hatch Act.

The Office of Special Counsel charged these employees with coercively soliciting subordinate employees for contributions of money and labor in support of the Commissioner's campaign. Mr. President, I am not making any judgment with respect to this case. These individuals are due their full due process rights before the Merit System Protection Board.

But Mr. President, the prior two cases mentioned clearly demonstrate that political coercion does exit. If the Hatch Act is violated, penalties must be imposed. This amendment simply makes clear that the penalties should not be changed from current law, and breaking the law even once can result in a dismissal from employment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

### ORDER OF PROCEDURE

Mr. GLENN. Mr. President, I ask unanimous consent that no amendments be in order to the pending Roth amendment when the Senate resumes consideration of S. 185 at 10:30 a.m., Wednesday, July 14; and that, without intervening action or debate, the Senate then vote on or in relation to the Roth amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, when that vote occurs tomorrow morning after we come into session, I ask that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

## MEASURES REFERRED

**The following bills were read the first and second times by unanimous consent and referred as indicated:**

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, to the Committee on Appropriations.

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

## EXECUTIVE AND OTHER COMMUNICATIONS

**The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:**

EC-993. A communication from the President of the United States, transmitting a report, consistent with the War Powers Act, relative to the deployment of a U.S. peacekeeping contingent to Macedonia; to the Committee on Foreign Relations.

EC-994. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Environment and Public Works, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-995. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of a revised deferral; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-996. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry and to the Committee on Foreign Relations.

EC-997. A communication from the Acting General Sales Manager of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the amending of a determination; to the Committee on Agriculture, Nutrition and Forestry.

EC-998. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the obligation of funds in the chemical/biological defense programs during fiscal year 1992; to the Committee on Armed Services.

EC-999. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense;" to the Committee on Armed Services.

EC-1000. A communication from the Under Secretary of Defense for Acquisition, transmitting, pursuant to law, a certification of certain defense acquisition programs; to the Committee on Armed Services.

EC-1001. A communication from the Acting Deputy Assistant Secretary for Requirements and Resources, Department of Defense, transmitting, pursuant to law, a report relative to defense manpower requirements for fiscal year 1994; to the Committee on Armed Services.

EC-1002. A communication from the President of the United States, transmitting, pursuant to law, a report containing the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

EC-1003. A communication from the Acting Comptroller of the Currency, transmitting, pursuant to law, a report detailing enforcement actions taken by the Office during the twelve month period ending December 31, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1004. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the Administration's annual report for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1005. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's annual report on the state of fair housing; to the Committee on Banking, Housing and Urban Affairs.

EC-1006. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the modernization of the National Weather Service; to the Committee on Commerce, Science and Transportation.

EC-1007. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report of sequestration preview for fiscal year 1994; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC-1008. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1009. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1010. A communication from the Acting Comptroller of the Currency, transmitting, pursuant to law, a report relative to consumer complaints filed against national banks; to the Committee on Commerce, Science and Transportation.

EC-1011. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the implementation of the metric system; to the Committee on Commerce, Science and Transportation.

EC-1012. A communication from the Secretary of Commerce, transmitting, pursuant to law, a draft of proposed legislation to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report Program; to the Committee on Commerce, Science and Transportation.

EC-1013. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Proposals Received in Response to the Clean Coal Technology V Program Opportunity Notice"; to the Committee on Energy and Natural Resources.

EC-1014. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1992"; to the Committee on Energy and Natural Resources.

EC-1015. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1016. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1017. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1018. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1019. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1020. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1021. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1022. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Government's helium program for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-1023. A communication from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report relative to the

High Plains States Groundwater Demonstration Program; to the Committee on Energy and Natural Resources.

EC-1024. A communication from the President of the United States, transmitting, pursuant to law, a report on the agreement on trade relations between the United States of America and Romania; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Report to accompany (S. 1150) to promote the achievement of national educational goals, to raise expectations through high standards for all students and schools, to encourage State and local school reform to make high expectations and standards a reality, to lay the foundation for an effective national job training system, and for other purposes (Rept. No. 103-85).

By Mr. INOUYE, for the Committee on Indian Affairs, without amendment:

S. 442. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes (Rept. No. 103-86).

By Mr. INOUYE, from the Committee on Indian Affairs, with amendments:

S. 654. A bill to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations (Rept. No. 103-87 ).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN:

S. 1213. A bill to make amendments to the Congressional charter for Group Hospitalization and Medical Services; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, and Mr. PRESSLER):

S. 1214. A bill to create an emergency relief fund for agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for herself and Mr. SIMPSON):

S. 1215. A bill to increase the number of primary care providers in order to improve the nation's health care access and contain health care spending by the establishment of medical education reimbursement programs and other programs, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1216. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenee Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation; to the Committee on Indian Affairs.

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S.J. Res. 110. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. SASSER, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. PELL, Mr. KENNEDY, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. HEFLIN, Mr. MITCHELL, Mr. BURNS, Mr. COATS, Mr. THURMOND, Mr. PRESSLER, Mr. LUGAR, Mr. COCHRAN, Mr. GLENN, Mr. DOLE, Mr. WOFFORD, Mr. LEVIN, Mr. METZENBAUM, Mr. MATHEWS, Mr. SIMON, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MACK, Mr. REID, Mr. BIDEN, Mr. LOTT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. EXON, Mrs. FEINSTEIN, Mr. FORD, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PRYOR, and Mr. SARBANES):

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN:

S. 1213. A bill to make amendments to the congressional charter for Group Hospitalization and Medical Services; to the Committee on Governmental Affairs.

### CONGRESSIONAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

• Mr. NUNN. Mr. President, I rise to offer a bill which will amend chapter 698 of Public Law 395, as amended, which is the Congressional charter for Group Hospitalization and Medical Services, Inc., the Blue Cross and Blue Shield plan located in the District of Columbia.

This bill is identical to a bill I introduced in the 102d Congress, S. 3092, which was enacted into law as part of the District of Columbia 1992 supplemental appropriations and rescissions and 1993 appropriations—Public Law 102-382, October 5, 1992. That legislation brought Group Hospitalization and Medical Services under the full regulatory authority of the Insurance Department of the District of Columbia. Unfortunately, that section of the law, section 137(d), calls for the provision to expire on September 30, 1993, making it necessary for the Congress to once again act. I am hopeful that this time, however, the Congress will make these changes permanent.

Mr. President, since that time, on January 26 and 27 of this year, the Permanent Subcommittee on Investigations, of which I am chairman, of the Committee on Governmental Affairs, held investigative hearings relative to Group Hospitalization and Medical Services, Inc. The subcommittee heard testimony from a variety of witnesses, learning of management excesses and faulty business practices that may have been avoided had that Blue Cross and Blue Shield plan been properly regulated by the District of Columbia. As we learned last year, the Congress had, in 1939, specifically exempted Group Hospitalization and Medical Services, Inc., from the insurance laws and regulations of the District of Columbia.

So, today I again introduce legislation to correct a problem whose scope is beyond the capability of any State, because the venue rests in the District of Columbia. Congress must act to permanently correct its own oversight, an oversight that was not foreseen in 1939, when the Congress chartered Group Hospitalization, Inc., the predecessor of the District of Columbia's Blue Cross and Blue Shield Plan, now known as Group Hospitalization and Medical Services, Inc. The 76th Congress, in Group Hospitalization's enabling legislation, exempted the corporation from the vast majority of the District's insurance regulation. Since then, and especially in the mid- to late 1980's, the corporation grew, surely beyond anything that could have been envisioned in 1939.

Mr. President, this piece of legislation is very simple and straightforward, and makes permanent what was already done just last year. It establishes the District of Columbia as the legal domicile for Group Hospitalization and Medical Services, Inc. It requires that the corporation be licensed in, and regulated by, the laws and regulations of the District of Columbia. It strikes article 7 of the charter, which exempted the corporation from regulation by the District of Columbia Insurance Commissioner, and it requires that the corporation reimburse the District of Columbia for the costs of examination and audit of the corporation, a standard requirement of the States in the regulation of this industry.

This legislation has been in place since October 5, 1992. The corporation, Group Hospitalization and Medical Services, Inc., and the government of the District of Columbia—specifically the Department of Insurance—have been operating under the statute since then. I believe the consumers, the Government, and the corporation have been better served by these changes to the congressional charter. I wholeheartedly feel that Congress must act now to make these changes permanent for the continued protection of the citizens who are served by this Blue Cross and Blue Shield plan.

This bill addresses such a narrow, undisputed, and critically dangerous regulatory loophole that I do not believe that we can afford to let this situation lapse back to the situation we faced last year. We must not delay its consideration. To do so would cause a lapse in the regulatory structure that has been put in place to address the problems we have uncovered in the insurance industry. To cause a lapse would also severely undermine the superintendent of insurance for the District of Columbia.

This bill must be enacted before the provisions contained in Public Law 102–382 expire so that the resulting havoc will be avoided altogether.

I ask unanimous consent that a section-by-section analysis of this legislation be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION SUMMARY

#### SECTION 1—LEGAL DOMICILE

This section establishes the legal domicile of Group Hospitalization and Medical Services, Incorporated, in the District of Columbia.

#### SECTION 2—REGULATORY AUTHORITY

This section establishes that the corporation will be licensed and regulated by the District of Columbia in accordance with the District's laws and regulations.

This section also strikes Section 7, which exempted the corporation from the insurance laws and regulations of the District of Columbia.

#### SECTION 3—REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION

This section creates a new Section 7, which requires the corporation to reimburse the District of Columbia for the costs of regulation of the corporation and its affiliates and subsidiaries, including the costs of financial and market conduct examinations.

#### SECTION 4—EFFECTIVE DATE

This section establishes the effective date of the amendments contained in this Bill as the date of enactment of this bill.●

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By Mr. GRASSLEY (for himself, Mr. DURENBERGER, and Mr. PRESSLER):

S. 1214. A bill to create an emergency relief fund for agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

### EMERGENCY RELIEF FUND ACT OF 1993

Mr. GRASSLEY. Mr. President, in Iowa the rains are still falling and the rivers are still rising. And the hopes of many are sinking fast. As most have already seen on the newscasts, the cities of Des Moines and Davenport, to name just two, are beleaguered by overflowing rivers. Overlooked by the media—in my view at least—is the grim, silent despair now gripping Iowa's farmers.

For farmers lucky enough to get into the fields, rains washed away many of the seeds. Plants that survived, however, are experiencing poor emergence.

But for those farmers who couldn't complete their spring planting, the fall harvest will offer little.

Mr. President, there wasn't much corn knee high by the Fourth of July in Iowa; during the recent recess I saw mostly black fields, awash in water. For many farmers—still recovering from the farm credit crisis of the eighties and earlier crises—rains this year will threaten their livelihoods like they have never been threatened before.

Crop insurance will, in fact, provide some measure of relief, but the current system must be improved.

Under the current system, unless a special rider was purchased by mid-April, those who were prevented from planting are not covered by crop insurance. Those who purchased coverage for corn and were forced to plant soybeans are technically without coverage. And of course, those who didn't buy crop insurance are not covered at all.

Mr. President, I join my fellow Iowan, Congressman FRED GRANDY, in introducing a bill which would remedy the shortcomings in the Federal Crop Insurance system, and provide much needed relief to producers in the Midwest.

Simply put, this legislation would allow farmers who had earlier purchased crop insurance but did not elect the prevented planting rider to retroactively purchase a prevented planted option. For producers who did not purchase crop insurance this year, they can retroactively purchase a policy as well. Finally, for producers who planted corn, but had to switch to soybeans, those farmers would get to keep their corn level of indemnity after soybean income has been subtracted.

The benefits of this plan are many. It will probably provide producers with higher benefits than they would receive under disaster relief. And that relief would be provided more quickly. This legislation will also cover future disasters during this crop year. Though most of us have ruled out a drought this year, an early frost is certainly a concern. This legislation would obviate the need for any additional disaster legislation. Finally, it would provide a disciplined way to administer aid, and encourage farmers to actively manage their risks through Federal crop insurance.

Mr. President, the Senate must act quickly. Though the magnitude of the agricultural losses won't be known for certain until the fall harvest is complete, the farmer of the Upper Midwest desperately needs a signal of hope from Congress.

Mr. President, I pledge my support to the Agriculture Committee and the Appropriations Committee in crafting a means to deliver much-needed aid in a fiscally responsible manner.

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By Mrs. KASSEBAUM (for herself and Mr. SIMPSON):

S. 1215. A bill to increase the number of primary care providers in order to improve the Nation's health care access and contain health care spending by the establishment of medical education reimbursement programs and other programs, and for other purposes; to the Committee on Finance.

### PRIMARY MEDICAL CARE ACT OF 1993

Mrs. KASSEBAUM. Mr. President, I rise to introduce legislation aimed at correcting the alarming and growing imbalance between primary care doctors and subspecialist physicians. This bill also includes provisions to draw more primary care health care providers into rural underserved areas.

As Congress prepares to debate the President's health care reform proposal, the shortage of primary care providers remains a sleeper. Uncorrected, this imbalance could seriously threaten our efforts to control rising health care costs and to expand access to Americans in rural and other underserved areas.

Currently, less than one-third of American physicians are primary care providers. This compares to Canada, where 55 percent of providers are family physicians, and Western Europe, where a majority of providers are generalists. Most disturbing of all, less than 15 percent of currently graduating medical students are entering primary care training programs. And this despite the fact that an overwhelming majority of students polled entering the first year of medical school said they planned to go into primary care.

Mr. President, primary care physicians provide care at a fraction of the cost of specialists, and—according to a recent medical outcomes study—the quality of their care is equally good. Primary care physicians are also able to care for 85 percent of their patients' problems—without the added cost of subspecialty referrals. Finally, unlike subspecialists, who tend to congregate in highly populated geographic areas, the per-capita distribution of primary care physicians between rural and urban America is relatively the same.

Why do we have a shortage of primary care doctors? The reasons are many, including too many medical school curricula designed to produce subspecialists and strong incentives for specialization built into the current Medicare graduate medical education [GME] program. Also contributing to the problem are greater income levels for specialists and the resulting attractiveness of highly paid specialities for debt-burdened medical students.

Mr. President, the legislation I am introducing today touches on each of these problems, but its main focus is to reform the medical education system to provide greater emphasis on primary care. The legislation builds on a growing consensus in the health care and medical education communities that changes are needed in the way the United States trains doctors and other health professionals. Specifically, groups such as the Physician Payment Review Commission and the Public Health Service's Council on Graduate Medical Education are calling for greater emphasis on primary care in the financing of graduate medical education.

By far, the largest Federal involvement in graduate medical education occurs through the Medicare Program, which pays $5 billion annually to teaching hospitals to help them underwrite the cost of residency training. An additional $270 million in Federal grant assistance is provided through the Public Health Service to primary care residencies and allied health, nursing, and medical schools.

A serious problem in the current Medicare GME system is that payments are made to teaching hospitals on a blanket, per-resident basis, without regard to the speciality being subsidized. What this means is that hospitals receive the same taxpayer subsidy for training subspecialists as they do for training primary care physicians—this despite the fact that primary care is where the shortages lie, and that subspecialty residents in many cases generate much better revenue for the teaching hospitals.

Another problem is that the current funding structure provides little incentive for community-based training outside the hospital, which is critical to effective primary care residency programs. Hospitals currently transfer only a limited amount of money to such sites, making it difficult to run quality primary care training programs.

Mr. President, the key provisions in the legislation I am introducing today would increase the Medicare direct medical education [DME] payments for primary care residents by 50 percent and maintain current DME weighting for subspecialty training positions associated with training consortia involving both hospital- and community-based training. This change, which is strictly budget neutral, would also reduce overall nonconsortia subspecialty resident reimbursements by an exactly proportionate amount.

In addition, teaching hospitals and health care training consortia wishing to receive Medicare assistance for their residency training programs must set salaries for primary care residents at least 20 percent higher than those paid to subspecialty residents.

These Medicare GME changes will result in improved status of primary care at academic health centers. With increased financial leverage, primary care departments will be able to lead changes in medical school curriculum and admission criteria to increase the number of students entering primary care residencies. In addition, with enhanced GME payments, primary care residencies will be able both to grow and to improve the quality of their programs.

Finally, higher primary care residency salaries will create a strong short-term material incentive to medical students to choose primary care residencies. Many of these students face debt burdens of greater than $50,000 as they enter their residencies. This added salary incentive for primary care residents will also help offset the current deep bias toward specialty residencies caused by the anticipation of high incomes in private practice.

An important element of this legislation is the DME incentive it provides for the formation of health care training consortia. A health care training consortium would be composed of a medical school or medical schools, teaching hospitals, and many varieties of community-based training sites. In order to qualify for the federal reimbursement benefits, consortia would be required to produce at least 50 percent primary care physicians from the consortium medical schools.

The new consortia are designed to foster medical school and residency curriculum changes which will produce more primary care providers. They will also promote better integration of medical school and residency education and funding. Under this approach, both residents and medical students would receive improved exposure to community-based training.

Before I describe other components of my legislation, let me explain why I chose to use Medicare DME weighting instead of the so-called slotting advocated by some in the field. Under the slotting approach, the Federal Government would decide the number and type of residency programs it would continue to support. Advocates of this approach point to Canada, where the Government allows over 50 percent primary care positions. I am skeptical of this approach because I believe its application in the United States could lead to more bureaucratic centralization than I believe is appropriate. Furthermore, this approach would be very vulnerable to political pressure and congressional tinkering.

For those who are skeptical of the weighting approach I have taken in this legislation, I would point out the recent success of such weighting in New York State. Two years ago, New York State began to provide higher payments to primary care residency programs. While it is early to judge the success of this approach, many internal medicine and pediatric programs that once produced subspecialists are now making curriculum changes designed to produce primary care providers.

Mr. President, the legislation would also require teaching hospitals to account for the transfer of training funds to community-based primary care training sites and would allow teaching hospitals to receive GME payments for residents that train in nonhospital-owned facilities. The bill also provides increased Public Health Service funding for nurse practitioner and physician assistant training. Through a new demonstration grant program, States and nonprofit entities could examine the best mechanisms to retrain subspecialists in oversupply and to expand the practice of nurse practitioners and physician assistants.

Although a large focus of this bill is on the increased production of primary care providers, it also includes provisions to expand community-based primary care facilities and tax and loan forgiveness incentives to draw primary care providers into rural underserved areas. Many of these provisions are similar to those I introduced earlier this year as part of S. 325, my comprehensive BasiCare health care reform legislation.

Mr. President, as discussion of these issues develops, I would welcome any suggestions my colleagues or others may have for improving this legislation. I ask unanimous consent that my statement, a summary of this bill, and the legislation itself be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 1215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Primary Medical Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCREASING THE NUMBER OF PRIMARY CARE PROVIDERS

Sec. 101. Findings.
Sec. 102. Graduate medical education payments.
Sec. 103. Approval of primary care and health care consortium programs for GME payments.
Sec. 104. Health professions funding for nurse practitioner and physician assistants programs.
Sec. 105. Primary care demonstration grants.
Sec. 106. Health workforce oversight.

TITLE II—COMMUNITY HEALTH SERVICES EXPANSION

Sec. 201. Establishment of grant program.
Sec. 202. Program to provide for expansion of federally qualified health centers.

TITLE III—EXPANDING THE SUPPLY OF HEALTH PROFESSIONALS IN RURAL AREAS

Sec. 301. Expansion of National Health Service Corps.
Sec. 302. Tax incentives for practice in rural areas.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effective date.

## TITLE I—INCREASING THE NUMBER OF PRIMARY CARE PROVIDERS

### SEC. 101. FINDINGS.

Congress finds that—

(1) not less than 50 percent of all medical residents should complete generalist training programs, and at least 50 percent of all physicians should become primary care providers;

(2) all primary care shortage areas should be eliminated, and disparities between the metropolitan and nonmetropolitan distribution of physicians should be reduced;

(3) the aggregate allopathic and osteopathic physician-to-population ratio should be maintained at 1993 levels;

(4) the total number of entry medical residency positions should be limited;

(5) the number of nurse practitioners and physician assistants should be increased; and

(6) community-based ambulatory training experiences for medical residents should be increased.

### SEC. 102. GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) In General.—Subsection (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww(h)) is amended to read as follows:

“(h) Graduate Medical Education Payments.—

“(1) National health workforce education fund.—

“(A) Establishment.—The Secretary shall establish a National Health Workforce Education Fund (hereafter referred to in this subsection as the ‘Fund’) to make payments in accordance with this subsection.

“(B) Allocations.—

“(i) In general.—In providing for the Fund, the Secretary shall annually provide for an allocation of monies to the Fund from the trust funds established under parts A and B as the Secretary determines reasonably reflects the amount of DME payments and IME payments payable under such funds during fiscal year 1993.

“(ii) Updating to the first cost reporting period.—The Secretary shall update the amount of funds allocated to the Fund under clause (i) by the percentage increase in the consumer price index during the 12-month cost reporting period described in such clause.

“(iii) Amount for subsequent cost reporting periods.—For each cost reporting period, the amount of funds allocated to the Fund shall be equal to the amount determined under this subparagraph for the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index.

“(C) Division of fund.—The Secretary shall annually divide the Fund into subfunds. One subfund shall be established for DME payments (hereafter referred to in this subsection the ‘DME subfund’) and another subfund for IME payments (hereafter referred to in this subsection as the ‘IME subfund’). In determining the annual relative distribution of funds between the DME subfund and the IME subfund, the Secretary shall first consider the amount to be contained in the DME subfund. The IME subfund shall be equal to the amount of the Fund less the amount of the DME subfund.

“(D) Determination of amount of DME subfund.—The Secretary shall annually determine the amount of the DME subfund. For the first cost reporting period, the DME subfund shall be equal to the amount of DME payments under parts A and B in 1993, updated by the percentage increase in the consumer price index during that 12-month cost reporting period. For subsequent cost reporting periods, such subfund shall be the greater of—

“(i) the amount of DME payments made from the Fund during the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index; or

“(ii) the projected amount of DME payments for such cost reporting period required for all primary care residents and health care training consortia residents in programs approved by the Administrator of the Health Resources and Services Administration.

“(3) Guidelines for disbursement of graduate medical education funds.—

“(A) DME payments.—

“(i) Amount of payment per FTE resident.—The Secretary shall develop a payment amount per FTE resident, with respect to DME payments, that is not historically based, but shall accurately reflect the resident stipends, clinical faculty stipends, administrative expenses, and program operation overhead involved. The Secretary shall develop such a formula based upon a national average of such payments during the cost reporting period that ended in 1993.

“(ii) Updating to the first cost reporting period.—The Secretary shall update the payment amount per FTE resident determined under clause (i) by the percentage increase in the consumer price index during the 12-month cost reporting period described in such clause.

“(iii) Amount for subsequent cost reporting periods.—For each cost reporting period, the approved payment amount per FTE resident shall be equal to the amount determined under this subparagraph for the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index.

“(B) Health care training institution payment amount per resident.—

“(i) In general.—The payment amount, for a health care training institution's cost reporting period shall be equal to the product of—

“(I) the aggregate approved amount (as defined in clause (ii)) for that period; and

“(II) the health care training institution's medicare patient load (as defined in clause (iii)) for that period.

“(ii) Aggregate approved amount.—As used in clause (i), the term ‘aggregate approved amount’ means, for a health care training institution cost reporting period, the product of—

“(I) the payment amount per FTE resident amount (as determined under subparagraph (A)) for that period;

“(II) the weighted average number of FTE (as determined under subparagraph (C)) in the health care training institution's approved medical residency training programs in that period.

“(iii) Medicare patient load.—As used in clause (i), the term ‘medicare patient load’ means, with respect to a health care training consortium's or a teaching hospital's cost reporting period, the fraction of the total number of inpatient-bed-days (as established by the Secretary) during the period which are attributable to patients with respect to whom payment may be under part A. For the purpose of this clause, for a health care training consortium, the fraction of the total number of inpatient-bed-days shall be calculated using the inpatient bed days of the teaching hospitals which are members of the consortium.

“(C) Determination of full-time equivalent residents.—

“(i) Rules.—The Secretary shall establish rules consistent with this subparagraph for the computation of the number of FTE residents in an approved medical residency training program.

“(ii) Adjustment for part-year or part-time residents.—Such rules shall take into account individuals who serve as residents for only a portion of a period with a hospital or simultaneously with more than one hospital.

“(iii) Weighting factors.—Subject to clause (iv), such rules shall provide that, in calculating the number of FTE residents in an approved residency program for a resident who is in the resident's initial residency period—

“(I) with respect to each primary care resident in a primary care training program approved by the Administrator of the Health Resources and Services Administration, the weighting factor is 1.5;

“(II) with respect to each nonprimary care resident in a training program which is part of a health care training consortia, approved by the Administrator of the Health Resources and Services Administration, the weighting factor is 1.0; and

“(III) with respect to each nonprimary care resident in a training program that is not part of a health care training consortia approved by the Administrator of the Health Resources and Services Administration, the weighting factor shall be the ratio of the subspecialty total divided by the product of the payment amount per FTE resident and the total number of residents who do not train in programs approved under section 753 of the Public Health Service Act as a primary care training program or a health care training consortium.

The subspecialty total for purposes of subclause (III) shall be the sum determined by subtracting the amount of DME payments that would be needed to provide reimbursements for residents who train in programs approved, under section 753 of the Public Health Service Act as a primary care training program or a health care training consortium from the amount of the DME subfund.

“(iv) Foreign medical graduates required to pass FMGEMS examination.—Such rules shall provide that, in the case of an individual who is a foreign medical graduate, the individual shall not be counted as a resident, unless—

“(I) the individual has passed the FMGEMS examination; or

“(II) the individual has previously received certification from, or has previously passed the examination of, the Educational Commission for Foreign Medical Graduates.

“(v) Counting time spent in outpatient settings.—Such rules shall provide that only time spent in activities relating to patient care shall be counted and that all the time so spent by a resident under an approved medical residency training program shall be counted towards the determination of full-time equivalency, without regard to the setting in which the activities are performed.

“(D) Assurances.—In disbursing DME payments from the Fund, the Secretary, shall ensure that following:

“(i) A teaching hospital receiving DME payments from the Fund for its residents, other than those residents that are part of a health care training consortium, uses those funds to support the training of medical residents.

"(ii) A health care training consortium receiving DME payments may use such funds, at the sole discretion of such consortium, to support the training of medical students and medical residents to meet the training outcome requirements as described under section 753 of the Public Health Service Act.

"(iii) Assurances are obtained from the health care training consortia or teaching hospitals receiving such DME payments that such entities will compensate the appropriate primary care residents at not less than an amount that is 20 percent greater than the compensation paid to other residents.

"(E) COMPENSATION.—As used in subparagraph (D)(iii), the term 'compensation' means the total of salary, benefits, debt forgiveness, and all other presentations provided to residents, both monetary and material. Payments made to residents by a residency program either prior to or following the actual period of residency shall also be considered as compensation under this section.

"(4) DETERMINATION AS TO FUNDING OF PROGRAMS.—The Secretary shall, with respect to weighting factors for primary care training programs and health care training consortia under paragraph (3), use only such weights for programs or consortia approved by the Administrator of the Health Resources and Services Administration under section 753 of the Public Health Service Act.

"(5) DEFINITIONS.—As used in this subsection:

"(A) APPROVED MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved medical residency training program' means a residency or other postgraduate medical training program in which participation may be counted toward certification in a specialty or subspecialty and includes formal postgraduate training programs in geriatric medicine approved by the Secretary.

"(B) CONSUMER PRICE INDEX.—The term 'consumer price index' refers to the Consumer Price Index for All Urban Consumers (United States city average), as published by the Secretary of Commerce.

"(C) DIRECT MEDICAL EDUCATION PAYMENTS; DME.—The term 'direct medical education payments' means payments to a health care training institution that sponsors a residency program, to enable such institution to provide—

"(i) resident and fellow stipends;

"(ii) the salaries of clinical faculty;

"(iii) administrative expenses; and

"(iv) reimbursement for overhead expenses incurred for residency and fellowship physician training.

"(D) FOREIGN MEDICAL GRADUATE.—The term 'foreign medical graduate' means a resident who is not a graduate of—

"(i) a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Colleges (or approved by such Committee as meeting the standards necessary for such accreditation);

"(ii) a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation; or

"(iii) a school of dentistry or podiatry that is accredited (or meets the standards for accreditation) by an organization recognized by the Secretary for such purpose.

"(E) FMGEMS EXAMINATION.—The term 'FMGEMS examination' means parts I and II of the Foreign Medical Graduate Examination in the Medical Sciences recognized by the Secretary for this purpose.

"(F) GENERALISTS.—The term 'generalists' means family physicians, general pediatricians, and general internists.

"(G) HEALTH CARE TRAINING CONSORTIUM.—

"(i) IN GENERAL.—The term 'health care training consortium' means a local, State, or regional association approved by the Administrator of the Health Resources and Services Administration under section 753 of the Public Health Service Act, that includes at least one school of medicine, teaching hospital, and ambulatory training site, organized in a manner so that at least 50 percent of the involved medical school's or schools' graduates become primary care providers during the year after such graduates complete their residency training.

"(ii) AMBULATORY TRAINING SITES.—As used in clause (i), the term 'ambulatory training sites' includes health maintenance organizations, community health centers and federally qualified health centers, migrant health centers, ambulatory offices or other appropriate educational and teaching sites as determined by the Administrator of the Health Resources and Services Administration.

"(H) HEALTH CARE TRAINING INSTITUTION.—The term 'health care training institution' means a teaching hospital or a health care training consortium.

"(I) INDIRECT MEDICAL EDUCATION PAYMENTS; IME.—The term 'indirect medical education payments' means payments to teaching hospitals to enable such hospitals to pay the additional operating costs associated with the training of medical residents under section 1886(d)(5)(B). Such payments shall be referred to as 'IME payments'.

"(J) INITIAL RESIDENCY PERIOD.—(i) The term 'initial residency period' means the period of board eligibility. Except as provided in clause (ii), in no case shall the initial period of residency exceed an aggregate period of formal training of more than five years for any individual. The initial residency period shall be determined, with respect to a resident, as of the time the resident enters the residency training program.

"(ii) Notwithstanding clause (i), a period, of not more than two years, during which an individual is in a geriatric residency or fellowship program that meets such criteria as the Secretary may establish, shall be treated as part of the initial residency period, but shall not be counted against any limitation on the initial residency period.

"(K) PERIOD OF BOARD ELIGIBILITY.—

"(i) GENERAL RULE.—Subject to clauses (ii) and (iii), the term 'period of board eligibility' means, for a resident, the minimum number of years of formal training necessary to satisfy the requirements for initial board eligibility in the particular specialty for which the resident is training.

"(ii) APPLICATION OF DIRECTORY.—Except as provided in clause (iii), the period of board eligibility shall be such period specified in the Directory of Residency Training Programs published by the Accreditation Council on Graduate Medical Education.

"(iii) CHANGES IN PERIOD OF BOARD ELIGIBILITY.—If the Accreditation Council on Graduate Medical Education, in its Directory of Residency Training Programs—

"(I) increases the minimum number of years of formal training necessary to satisfy the requirements for a specialty, above the period specified in its 1993–1994 Directory, the Secretary may increase the period of board eligibility for that specialty, but not to exceed the period of board eligibility specified in that later Directory; or

"(II) decreases the minimum number of years of formal training necessary to satisfy the requirements for a specialty, below the period specified in its 1993–1994 Directory, the Secretary may decrease the period of board eligibility for that specialty, but not below the period of board eligibility specified in that later Directory.

"(L) PRIMARY CARE.—The term 'primary care' means medical care that is characterized by the following elements:

"(i) First contact care for persons with undifferentiated health care concerns.

"(ii) Person-centered, comprehensive care that is not organ or problem specific.

"(iii) An orientation toward the longitudinal care of the patient.

"(iv) Responsibility for coordination of other health services as they relate to the patient's care.

"(M) PRIMARY CARE COMPETENCIES.—The term 'primary care competencies' means—

"(i) health promotion and disease prevention;

"(ii) the assessment or evaluation of common symptoms and physical signs;

"(iii) the management of common acute and chronic medical conditions, including behavioral conditions; or

"(iv) the identification and appropriate referral for other needed health care services.

"(N) PRIMARY CARE PROVIDERS.—The term 'primary care providers' means generalists and obstetrician/gynecologists, nurse practitioners, and physician assistants who utilize the primary care competencies to deliver primary care.

"(O) PRIMARY CARE RESIDENTS.—The term 'primary care residents' means medical residents in primary care training programs.

"(P) PRIMARY CARE TRAINING PROGRAMS.—The term 'primary care training programs' means—

"(i) all family practice residency programs; and

"(ii) residency programs for primary care providers that are approved by the Administrator of the Health Resources and Services Administration in accordance with section 753 of the Public Health Service Act.".

(b) IME PAYMENTS.—Subparagraph (B) of section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in the matter preceding clause (i), by inserting "(IME payments under subsection (h)), from the IME subfund established in subsection (h)," after "medical education,"; and

(2) by adding at the end thereof the following new clause:

"(v) In determining the additional payment amount, the Secretary shall reduce the amount of IME payments to teaching hospitals for a hospital cost reporting period by an appropriate across-the-board percentage, in order to maintain IME subfund budget neutrality if—

"(I) such payments for resident provided services are projected to increase during the hospital cost reporting period; or

"(II) the amount of such subfund is reduced in accordance with subsection (h)(1)(C).".

**SEC. 103. APPROVAL OF PRIMARY CARE AND HEALTH CARE CONSORTIUM PROGRAMS FOR GME PAYMENTS.**

Part C of title VII of the Public Health Service Act (42 U.S.C. 293j et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 753. APPROVAL OF PRIMARY CARE AND HEALTH CARE CONSORTIUM PROGRAMS FOR GME PAYMENTS.**

"(a) IN GENERAL.—

"(1) REQUIREMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, for purposes of section 1886(h) of the Social Security Act—

"(A) establish criteria, based upon program curricula, that shall be utilized to determine which residencies in pediatrics, internal medicine, and obstetrics and gynecology shall be approved as primary care training programs;

"(B) approve primary care training programs, using the criteria established in paragraph (2); and

"(C) approve health care training consortium in accordance with paragraph (2).

"(2) TRANSITION.—

"(A) IN GENERAL.—During the period ending on June 30, 1997, a health care training consortium shall be approved if the consortium demonstrates that not less than 50 percent of the filled residency program positions of such consortium are in primary care training programs.

"(B) 1997-2001.—During the period beginning July 1, 1997, through June 30, 2001, a health care training consortium shall be approved if the consortium demonstrates that not less than 50 percent of the filled residency program positions of such consortium are in primary care training programs and not less than 50 percent of the medical school graduates from such health care training consortium with respect to the year involved enter primary care training programs.

"(C) POST 2001.—For each annual period beginning on July 1, 2001, health care training consortium shall be approved if such consortium demonstrates that not less than 50 percent of the 1997 graduates, and each subsequent class of graduates, from the consortium medical school or medical schools have become primary care providers.

"(b) DEFINITIONS.—As used in this section:

"(1) GENERALISTS.—The term 'generalists' means family physicians, general pediatricians, and general internists.

"(2) HEALTH CARE TRAINING CONSORTIUM.—

"(A) IN GENERAL.—The term 'health care training consortium' means a local, State, or regional association approved by the Administrator of the Health Resources and Services Administration that includes at least one school of medicine, teaching hospital, and ambulatory training site, organized in a manner so that at least 50 percent of the involved medical school's or schools' graduates become primary care providers during the year after such graduates complete their residency training.

"(B) AMBULATORY TRAINING SITES.—As used in subparagraph (A), the term 'ambulatory training sites' includes health maintenance organizations, community health centers and federally qualified health centers, migrant health centers, ambulatory offices or other appropriate educational and teaching sites as determined by the Administrator of the Health Resources and Services Administration.

"(3) PRIMARY CARE.—The term 'primary care' means medical care that is characterized by the following elements:

"(A) First contact care for persons with undifferentiated health care concerns.

"(B) Person-centered, comprehensive care that is not organ or problem specific.

"(C) An orientation toward the longitudinal care of the patient.

"(D) Responsibility for coordination of other health services as they relate to the patient's care.

"(4) PRIMARY CARE COMPETENCIES.—The term 'primary care competencies' means—

"(A) health promotion and disease prevention;

"(B) the assessment or evaluation of common symptoms and physical signs;

"(C) the management of common acute and chronic medical conditions, including behavioral conditions; or

"(D) the identification and appropriate referral for other needed health care services.

"(5) PRIMARY CARE PROVIDERS.—The term 'primary care providers' means generalists and obstetrician/gynecologists, nurse practitioners, and physician assistants who utilize the primary care competencies to deliver primary care.

"(6) PRIMARY CARE RESIDENTS.—The term 'primary care residents' means medical residents in primary care training programs.

"(7) PRIMARY CARE TRAINING PROGRAMS.—The term 'primary care training programs' means—

"(A) all family practice residency programs; and

"(B) residency programs for primary care providers that are approved by the Administrator of the Health Resources and Service Administrator in accordance with this section.".

## SEC. 104. HEALTH PROFESSIONS FUNDING FOR NURSE PRACTITIONER AND PHYSICIAN ASSISTANTS PROGRAMS.

(a) PHYSICIAN ASSISTANTS.—Section 750(d)(1) of the Public Health Service Act (42 U.S.C. 293n(d)(1)) is amended by striking "for each of the fiscal years 1993 through 1995" and inserting "for fiscal year 1993, $11,250,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

(b) NURSE PRACTITIONERS.—Section 822(d) of such Act (42 U.S.C. 296m(d)) is amended by striking "for each of the fiscal years 1993 and 1994" and inserting "for fiscal year 1993, $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

## SEC. 105. PRIMARY CARE DEMONSTRATION GRANTS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end thereof the following new section:

## "SEC. 320A. PRIMARY CARE DEMONSTRATION GRANTS.

"(a) AUTHORIZATION.—The Secretary, acting through the Health Resources and Services Administration, shall award grants to States or nonprofit entities to fund not less than 10 demonstration projects to enable such States or entities to evaluate one or more of the following:

"(1) State mechanisms, including changes in the scope of practice laws, to enhance the delivery of primary care by nurse practitioners or physician assistants.

"(2) The feasibility of, and the most effective means to train subspecialists to deliver primary care as primary care providers.

"(3) State mechanisms to increase the supply or improve the distribution of primary care providers.

"(b) APPLICATION.—To be eligible to receive a grant under this section a State or nonprofit entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $9,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

## SEC. 106. HEALTH WORKFORCE OVERSIGHT.

(a) IN GENERAL.—Section 301(a) of the Health Professions Education Extension Amendments of 1992 (42 U.S.C. 295k note) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) maintain data bases concerning the supply and distribution of, and postgraduate training programs for, physicians and other primary care providers in the United States in order to make periodic recommendations with respect to subparagraphs (D) and (E) of paragraph (1).".

(b) FINAL REPORT.—Section 301(j) of such Act is amended—

(1) by striking "FINAL" in the subsection heading; and

(2) by striking "final".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 301(k) of such Act is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to maintain the data bases required under subsection (a)(3), and for other purposes authorized by this section, $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

## TITLE II—COMMUNITY HEALTH SERVICES EXPANSION

## SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

## "SEC. 330A. COMMUNITY-BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community-based primary health care entities that provide services to low-income or medically underserved populations.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amount available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by such amount available.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II)) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in nonurbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States.

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330, and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a State, such percentage shall not exceed twice the general population percentage of the State under clause (vi) or be less than one-half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as a percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one, less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (i), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3-year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3-year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(ii)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under its allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to low-income or medically underserved populations.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner, and containing such information as such administering entity may require, including a plan for the provision of services of the type described in paragraph (3);

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) SERVICES.—The services to be provided under a grant awarded under paragraph (1) shall include—

"(A) one or more of the types of primary health services described in section 330(b)(1);

"(B) one or more of the types of supplemental health services described in section 330(b)(2); and

"(C) any other services determined appropriate by the administering entity of the State.

"(4) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of low-income or medically underserved populations within the State who reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the administering entity of the State, within the State.

"(5) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of low-income or medically underserved populations who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

**SEC. 202. PROGRAM TO PROVIDE FOR EXPANSION OF FEDERALLY QUALIFIED HEALTH CENTERS.**

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 201) is further amended by adding at the end thereof the following new section:

**"SEC. 330B. PROGRAM TO PROVIDE FOR EXPANSION OF FEDERALLY QUALIFIED HEALTH CENTERS.**

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereafter referred to in this section as 'FQHCs') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including, expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of the date of enactment of this section, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) have submitted applications to the Secretary to qualify as FQHCs under section 1905(l)(2)(B) of the Social Security Act; or

"(C) have submitted a plan to the Secretary which provides that the entity or organization will meet the requirements to qualify as a FQHC when operational.

"(2) NON-FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to any public or private nonprofit agency, or any health care entity or organization which—

"(i) meets the requirements necessary to qualify as a FQHC, except the requirement that such agency, entity, or organization has a consumer majority governing board,

"(ii) has submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act, and

"(iii) is designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services,

provided that the proposal described in clause (ii) is developed by the agency, entity, or organization (or such agencies, entities, or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such agency, entity, or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that not more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity or organization designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act, or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to a FQHC or other entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met; and

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING, AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training, and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity or organization to operate at new or expanded existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity or organization necessary to qualify such entity or organization as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of the Social Security Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHCS.—The Secretary shall give priority in awarding grants under this section to entities and organizations which have, as of the date of enactment of this section, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities or organizations which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHCS.—The Secretary shall give second priority in awarding grants to entities and organizations which have submitted applications to the Secretary which demonstrate that the entities or organizations will qualify as FQHCs under section 1905(l)(2)(B) of the Social Security Act before they provide or arrange for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities or organizations which have provided for expanded services and projects and are able to demonstrate that such entities or organizations will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that a FQHC or other entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, to expand areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity or organization that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act or is an entity or organization that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity or organization.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity or organization, the entity or organization shall be entitled to 60 days' prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity or organization to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity or organization using funds made available under this section or transfer such property to another FQHC, except that the Secretary shall reimburse any costs which were incurred by the entity or organization in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity or organization terminated under this section.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $600,000,000 for each of the fiscal years 1994 through 1998.".

(b) Effective Date.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity or organization described in this section beginning on or after the date of enactment of this Act.

## TITLE III—EXPANDING THE SUPPLY OF HEALTH PROFESSIONALS IN RURAL AREAS

### SEC. 301. EXPANSION OF NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$120,000,000 for each of the fiscal years 1993 through 2000."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) In general.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B.".

### SEC. 302. TAX INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) Nonrefundable Credit for Certain Primary Health Services Providers.—

(1) In general.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

### "SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) Allowance of Credit.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified primary health services provider who is a physician assistant or a nurse practitioner).

"(b) Qualified Primary Health Services Provider.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) Mandatory Service Period.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Bureau.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) Physician.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) Physician assistant; nurse practitioner.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) Primary health services provider.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) Rural health professional shortage area.—The term 'rural health professional shortage area' means—

"(A) a rural health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(C) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act.

"(e) Recapture of Credit.—

"(1) In general.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) Applicable recapture percentage.—

"(A) In general.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

| **"If the recapture event occurs during:** | **The applicable recapture percentage is:** |
|---|---|
| Months 1–24 ............. | 100 |
| Months 25–36 ............. | 75 |
| Months 37–48 ............. | 50 |
| Months 49–60 ............. | 25 |
| Months 61 and thereafter ......................... | 0. |

"(B) Timing.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) Recapture event defined.—

"(A) In general.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) Cessation of designation.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) Secretarial waiver.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) Clerical amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(b) National Health Service Corps Loan Repayments Excluded From Gross Income.—

(1) In general.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

### "SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) General Rule.—Gross income shall not include any qualified loan repayment.

"(b) Qualified Loan Repayment.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) Conforming amendment.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) Clerical amendment.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) Effective date.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) Expensing of Medical Equipment.—

(1) In general.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) Dollar limitation.—

"(A) General rule.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) Rural health care property.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

(d) DEDUCTION FOR STUDENT LOAN PAYMENTS BY MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

(1) INTEREST ON STUDENT LOANS NOT TREATED AS PERSONAL INTEREST.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k)).".

(2) QUALIFIED MEDICAL EDUCATION INTEREST DEFINED.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) QUALIFIED MEDICAL EDUCATION INTEREST OF MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED RURAL MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of a registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act.".

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

## TITLE IV—MISCELLANEOUS PROVISIONS

### SEC. 401. EFFECTIVE DATE.

Unless specifically provided otherwise, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

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### SUMMARY OF S. 1215

The purpose of this legislation is to increase the number of primary care providers in order to improve the nation's health care access and contain health care spending. In addition, this legislation would draw primary care providers into rural underserved areas.

### KEY COMPONENTS

Medicare graduate medical education payments [GME] are modified to increase the number of primary care providers by establishing three different per-resident payment categories and eliminating GME payments for fellowship specialty training.

Primary care residency programs receive a 150 percent GME payment for each of their residents and reimburse their residents 20 percent more than specialty residents as an incentive for medical students to enter primary care.

Community-based training of residents is encouraged through the formation of medical training consortia composed of medical schools, ambulatory training facilities, and teaching hospitals. Each consortium receives its GME payments to produce 50 percent primary care providers from the consortium medical school(s) and may use the GME funds at the medical school(s) as well as the residency training sites.

To encourage the formation of the consortium, specialty residency training positions affiliated with a consortium receive a 100 percent GME payment while other specialty programs receive an annually calculated lower amount.

In order to meet the short-term for primary care providers, Public Health Service funding for nurse practitioner and physician assistant education is increased.

States are encouraged to develop innovative ways to improve primary care through a primary care state demonstration grant program which evaluates the feasibility of retraining specialists as primary care providers and tests state mechanisms to enhance the delivery of primary care by nurse practitioners or physician assistants.

A new program in the Public Health Service is created to expand the number of community health clinics and other federally qualified clinics. Under this new program, regulations which inhibit the formation of these clinics in rural areas are removed.

The supply of primary care providers in rural areas would be expanded through increasing national health service corps funding and providing a variety of tax credits and deductions for such providers.

### NEED FOR LEGISLATION

#### *General Background*

Consensus is growing in the health care and medical education communities that changes are needed in the way the United States trains doctors and other health professionals. Specifically, many are calling for changes in the financing of medical education to increase the production of primary care providers including physicians, nurse practitioners, and physician assistants.

The present system of health education has helped to produce a physician oversupply and to create an imbalance between subspecialists and primary care providers. These two problems are generally acknowledged to be a force behind high medical costs, as well as the shortage of providers in underserved areas.

#### *Background on Current Financing of Graduate Medical Education*

Currently, the biggest federal involvement in graduate medical education (GME) occurs through the Medicare program, which pays $5 billion annually to teaching hospitals to help them underwrite the cost of residency training. In addition, the Public Health Service currently allocates over $270 million to primary care residencies and allied health, nursing, and medical schools. But, compared to Medicare GME, these funds are thought to have limited impact on the current supply and specialty-mix of the physician work force.

A serious problem in the current Medicare GME system is that payments are made to teaching hospitals on a blanket, per-resident and per-institution basis. As such, hospitals often administer residency positions to meet hospital service needs rather than community needs. Furthermore, hospitals transfer only a limited amount of money to community-based ambulatory care sites where most generalists receive their training.

Under the current Medicare GME system, funds are provided to teaching hospitals in two ways: First, Medicare provides direct medical education (DME) funding on a per-resident basis for the cost of stipends, faculty salaries, administrative expenses, and overhead. Second, Medicare also provides indirect medical education [IME] funding to pay for extra service costs incurred by teaching hospitals when residents treat Medicare patients. Medicare currently spends $1.2 billion annually for DME and $3.6 billion for IME, for a total of about $5 billion annually.

### I. Primary Care Provider Education

Goal: Increase the number of primary care providers in order to improve the nation's health care access and contain health care spending through changes in Medicare GME and Public Health Service health professions training funding.

### A. Medicare GME Weighting

1. Weight primary care residents as 1.5 FTE for the purposes of calculating DME payments. Health care training institutions receiving such payments shall pay primary care residents 20 percent more than nonprimary care residents. Such weighting and primary care residency payments should increase the number of quality training programs and provide short-term incentives for medical students to enter primary care.

2. Weight all nonprimary care residents affiliated with health care training consortia as 1.0 FTE for the purposes of DME payments. Maintaining the 1.0 FTE weight for nonprimary care residents in consortia should help induce the formation of such entities. (See description of consortia below under B(1).)

3. Annually calculate a weight for all nonprimary care residents not affiliated with a health care training consortia to maintain DME budget neutrality. As payments for primary care and health care training consortia increase, this weight would eventually become 0, and thus, the number of specialty training programs subsidized by Medicare DME would decrease. As a result, the current overproduction of specialists would decline.

4. Eliminate the .5 FTE weight Medicare currently applies to fellowship training positions. Such specialist physicians are currently in oversupply.

### B. Expand Ambulatory Training Experiences

1. Begin DME payments to health care training consortia. Such consortia would be composed of medical school(s), teaching hospitals, and community-based ambulatory training sites (i.e., physicians offices or community and rural health clinics). The DME payments would be used by a consortium, at its sole discretion, to meet an outcome requirement of producing 50 percent primary care providers from the consortium medical school(s). In addition to increasing community-based ambulatory experiences, such consortia would lead to changes in the medical school environment which would influence medical students to enter primary care.

2. Require teaching hospitals which receive DME payments to account for the use of those funds for residency programs. Currently, many teaching hospitals which receive DME payments for their primary care programs do not transfer those funds to such programs. As such, primary care training programs often receive insufficient financial support.

3. Allow teaching hospitals to receive DME funding for training received by their residents in nonhospital-owned community-based training facilities such as rural health clinics and private physicians' offices. Residents trained in such settings have a greater tendency to practice in rural and other undeserved areas.

### C. Other GME Changes

1. Establish a national average DME payment. For historical reasons, DME payments vary by hospital. As such, many residency programs may be overfunded, while others are underfunded.

2. Maintain GME budget neutrality by establishing a common GME fund with separate DME and IME subfunds. Transfer funds from the Medicare part A and part B trust funds in an amount equal to 1993 funding adjusted for inflation. In addition, protect the funding base for per-resident DME payments by increasing the DME fund, as needed, to cover the primary care and health care consortia weights, through a transfer of amounts from the IME subfund. As a result, teaching hospitals would be discouraged from increasing the number of their specialty training programs because IME service payments would decrease as the number of specialty training positions increase. Furthermore, protection of the DME funding base for primary care should encourage the formation of such positions.

3. Approve health care consortia and primary care training programs to receive increased DME weights. Based upon their curricula, the Health Resources and Services Administration, which currently oversees federal government health professions funding for primary care training programs, would approve primary care programs. HRSA would also approve health care training consortia, if such consortia train 50 percent primary care providers.

### D. Nurse Practitioner and Physician Assistant Funding

1. Increase authorized funding for nurse practitioner and physician assistant training programs under Title VII and Title VIII of the Public Health Service Act. Increase the authorized funding for physician assistant programs to $11.25 million and for nurse practitioner programs to $25 million.

### E. Establish Primary Care Demonstration Grants

1. Establish a $9 million demonstration grant program for states and nonprofit entities to examine mechanisms to increase primary care. Grantees could examine one of the following:

a. State mechanisms, including changes in the scope of practice laws, to enhance the delivery of primary care by nurse practitioners or physician assistants.

b. The feasibility of, and the most effective means to train subspecialists to deliver primary care as primary care providers.

### F. Council on Graduate Medical Education

1. In addition to its current responsibilities, charge the Council on Graduate Medical Education to evaluate the changes created by this act. Authorize $8 million for this purpose.

### II. Community Health Services Expansion

Goal: Increase federally funded primary care clinics in rural and other underserved areas.

A. New federal funding will be allocated for federally qualified health centers and community-based primary care clinics. Such centers would include community health centers and migrant health centers. In addition, rural health clinics, public health departments, and other local entities would be eligible to receive a portion of the $600 million authorized amount. Such clinics would not have to meet all of the requirements which currently apply to the community health center program.

### III. Expanding the Supply of Primary Care Providers in Rural Areas

Goal: Provide financial incentives to draw primary care providers into rural underserved areas.

A. Significantly expand funding for the National Health Service Corps, a program to place doctors and other health professionals in underserved areas, in exchange for scholarship or loan repayment assistance. Authorization is $120 million for each of the next five years.

B. Allow a tax credit for physicians equal to $1,000 a month for practice in a rural health professions shortage area. Nurse practitioners and physician assistants will be eligible for a similar credit equal to $500 per month.

C. Provide additional tax incentives for rural practice including deductibility of National Health Service Corps loan repayments, the cost of basic medical equipment, and up to $5,000 of student loan interest payments.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1216. A bill to resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation; to the Committee on Indian Affairs.

### CROW SETTLEMENT ACT

• Mr. BAUCUS. Mr. President, I send a bill, the Crow Settlement Act, to the desk and ask that it be printed in the RECORD.

Last session, my colleague, Senator BURNS, and I made a good faith promise to the Crow Indian Tribe, a promise to help settle a century-old dispute that deprived the Crow Nation of 36,000 acres of land.

This land was promised by the Federal Government under the 1868 Fort Laramie Treaty. Yet, before they had the opportunity to begin settling upon this land, a surveying error stole away a significant piece of their reservation. Now, over 100 years later, the Crow Tribe is still seeking redress. It is time to correct this error, to compensate the Crow Tribe for what is rightfully theirs.

The disputed land is in the southeastern corner of Montana, north of the Wyoming border, south of the Yellowstone River. Under the Fort Laramie Treaty, the Crow Tribe's eastern boundary was designated as the 107th meridian. Sixteen years later, the Northern Cheyenne Reservation was established with a western boundary as the 107th meridian. The two tribes lived as neighbors, sharing a common boundary. But in 1889–91, a U.S. surveying team erroneously drew the eastern boundary of the Crow Reservation one-fourth mile to the west. The Crow Tribe lost 36,000 acres of their tribal lands. Yet, this error was not discovered until the 1950's.

Throughout the intervening 60 years, patents to the minerals on these lands were given out to the Northern Cheyenne, Crow, and other holders. Almost 13,000 acres of the Crow Tribe's original land has been settled by the Northern Cheyenne Tribe.

Boundaries established by treaty constitute a solemn promise to a tribe by the U.S. Government, a promise of land to be given to the tribe in perpetuity. The land above, and the natural resources below, belong to the tribe. No one has the right to take away what is legally the Crows.

Introduction of this bill is one more step toward fixing a 100-year-old mistake. This bill is the product of lengthy negotiations among the Crow and Northern Cheyenne Tribes, Federal agencies, and the State of Montana. It provides a broad framework that may hold the key to a final resolution of this dispute. The bill has several provisions to compensate the Crow Tribe for the land they lost while not disrupting the Northern Cheyenne who have settled on the 13,000 acres they thought, in good faith, was theirs.

Like so many bills introduced in this body, this legislation is not a finished product. It will almost certainly be refined through both the Indian Affairs and Energy and Natural Resources Committees. But this bill is a step in the right direction.

I believe this bill holds the promise for an equitable settlement. This bill is not perfect; and this process is far from over. This legislation will seriously impact the Crow, Northern Cheyenne, the U.S. Government, and the people of Montana. During the process, everyone will have a chance to be heard.

Senator BURNS and I look forward to working with all parties to bring this issue to a close, to reverse the mistakes of history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1216

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Crow Settlement Act".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) PURPOSE.—The purpose of this Act is to settle the dispute created by the Federal Government's erroneous survey of the eastern boundary of the Crow Indian Reservation and to resolve various other issues pertaining to the Crow Indian Reservation.

(b) FINDINGS.—

(1) Under the Fort Laramie Treaty of 1868 (15 Stat. 649), the eastern boundary of the Crow Indian Reservation was established as the 107th Meridian for approximately 90 miles from the Yellowstone River to the boundary between Montana and Wyoming.

(2) Under 1884 and 1900 Executive orders, the western boundary of the Northern Cheyenne Reservation was established as the 107th Meridian. The 107th Meridian is the common boundary between the Crow and Northern Cheyenne Reservations for approximately 25 miles.

(3) From 1889 through 1891, a survey was conducted of the eastern boundary of the Crow Reservation. Instead of following the true 107th Meridian, the 1891 survey line strayed to the west. As a result of the erroneous survey, approximately 36,164 acres were excluded from the Crow Indian Reservation of which approximately 12,964 acres were included in the Northern Cheyenne Indian Reservation. Vast deposits of low sulphur coal underlie the land excluded from the Crow Indian Reservation including the land included in the Northern Cheyenne Indian Reservation.

(4) The erroneous nature of the survey was not discovered for several decades. Meanwhile, the areas along the 107th Meridian to the north and south of the Northern Cheyenne Indian Reservation were opened to settlement in the late 1800's and early 1900's. Patents were issued to non-Indians and to the State of Montana for most of the surface land and a significant portion of the minerals in these areas between the 107th Meridian and the erroneous 1891 survey line. The 12,964 acres erroneously included in the Northern Cheyenne Reservation have been treated as part of the Northern Cheyenne Reservation and occupied by the Northern Cheyenne Tribe, Northern Cheyenne allottees and their successors in interest.

(5) Following the discovery of the erroneous 1891 survey line in the 1950's, bills to resolve the 107th Meridian boundary dispute were introduced in Congress in the 1960's and 1970's, but no bill was enacted into law.

(6) In 1966, the United States completed construction of Yellowtail Dam on the Crow Indian Reservation as part of the Pick-Sloan Missouri Basin Program. The Pick-Sloan Missouri Basin Program also included the Hardin Bench Irrigation Unit and other irrigation projects on the Crow Indian Reservation which have not yet been constructed.

(7) The operation of the Yellowtail Afterbay Dam by the Bureau of Reclamation has resulted in a significant water quality problem on the Big Horn River within the Crow Indian Reservation. Construction of a power plant and related facilities at the existing Yellowtail Afterbay Dam will solve that problem.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(1) The term "Crow Tribe" means the Crow Tribe of Indians, the duly recognized governing body of the Crow Indian Reservation.

(2) The term "disputed area" means the land, approximately 36,165 acres, including the minerals, located between the 107th Meridian and the 1891 survey line.

(3) The term "1891 survey line" means the erroneous boundary line resulting from the survey of the 107th Meridian which was completed in 1891.

(4) The term "Northern Cheyenne Tribe" means the Northern Cheyenne Tribe of Indians, the duly recognized governing body of the Northern Cheyenne Indian Reservation.

(5) The term "107th Meridian boundary dispute" means the dispute resulting from the disparity between the locations of the 107th Meridian and the 1891 survey line.

(6) The term "parcel No. 1" means the land, approximately 11,317 acres, including all minerals, within the area bounded on the south by the Montana/Wyoming border, on the east by the 107th Meridian, on the north by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation and on the west by the 1891 survey line.

(7) The term "parcel No. 2" means the land, approximately 12,964 acres, including all minerals, within the area bounded on the south by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th Meridian, on the north by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation and on the west by the 1891 survey line.

(8) The term "parcel No. 3" means the land, approximately 2,469 acres, including all minerals, within the area bounded on the south by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th Meridian, on the north by the northern boundary of the Crow Indian Reservation and on the west by the 1891 survey line.

(9) The term "parcel No. 4" means the land, approximately 9,415 acres, including all minerals, within the area bounded on the south by the northern boundary of the Crow Indian Reservation, on the east by the 107th Meridian, on the north by the midpoint of the Yellowstone River and on the west by the 1891 survey line.

(10) The word "Secretary" means the Secretary of the Interior.

(11) The term "undisposed of coal" means coal which has not been conveyed to private parties or to the State of Montana by the United States.

(12) The term "undisposed of land" means surface land which has not been conveyed to private parties or to the State of Montana by the United States.

(13) The term "undisposed of oil, gas, coal methane or other minerals" means oil, gas, coal methane or other minerals except coal, which have not been conveyed to private parties or to the State of Montana by the United States.

**SEC. 4. AUTHORITY TO SETTLE.**

(a) CONTRACT WITH CROW TRIBE.—Subject to the terms and conditions of this Act, the Secretary shall enter into a contract with the Crow Tribe providing for the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation.

(b) CONTRACT WITH NORTHERN CHEYENNE TRIBE.—Subject to the terms and conditions of this Act, the Secretary shall enter into a contract with the Northern Cheyenne Tribe to resolve the issues with respect to the property within parcel No. 2.

(c) ENFORCEMENT OF CONTRACTS.—The contracts authorized in subsections (a) and (b) shall be enforceable pursuant to subchapter II of chapter 5 of title 5, United States Code, or, where the remedies available under that Act do not provide adequate or complete relief, pursuant to section 1505 of title 28, United States Code.

**SEC. 5. TERMS AND CONDITIONS OF SETTLEMENT CONTRACTS.**

(a) CROW/NORTHERN CHEYENNE SETTLEMENT.—The contracts with the Crow and

Northern Cheyenne Tribes referred to in section 4 shall include the following terms and conditions with respect to the property within parcel No. 2:

(1) The surface boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 1891 survey line and the ownership of the surface lands within parcel No. 2 shall be recognized as being vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe, Northern Cheyenne allottees or their successors in interest or other persons whose claims, rights, or interests are based on the 1891 survey line.

(2) With respect to the coal and other minerals within parcel No. 2 except for oil, gas, and coal methane, the boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 1891 survey line and the ownership of such minerals shall be vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe.

(3) With respect to oil, gas, and coal methane within parcel No. 2, the boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 107th Meridian and the ownership of such oil, gas and coal methane shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe.

(4) The funds held in escrow by the Bureau of Indian Affairs derived from the lands and minerals within parcel No. 2, together with all of the interest earned on such funds, shall be divided equally between the Crow and Northern Cheyenne Tribes and may be used by each tribe for such purposes as it may determine.

(5) A disclaimer and relinquishment by the Crow Tribe of all right, title, claim or interest in the land and minerals within parcel No. 2 described in paragraphs (1) and (2), and to one-half of the funds described in paragraph (4), and a disclaimer and relinquishment by the Northern Cheyenne Tribe of all right, title, claim or interest in the minerals within parcel No. 2 described in paragraph (3), and to one-half of the funds described in paragraph (4).

(6) A release by the Northern Cheyenne Tribe of all persons and entities, including the United States and the Crow Tribe, for any and all liability arising out of the erroneous survey of the 107th Meridian, and a release by the Crow Tribe of all persons and entities, including the United States and the Northern Cheyenne Tribe, for any and all liability arising from the erroneous survey of the 107th Meridian.

(b) PROPERTY WITHIN PARCEL NOS. 1, 3 AND 4.—The contract with the Crow Tribe referred to in section 4 shall include the following terms and conditions with respect to the property within parcel Nos. 1, 3 and 4:

(1) Title to the undisposed of coal within parcel No. 1 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such coal shall be recognized as part of the Crow Indian Reservation.

(2) Title to the undisposed of surface lands within parcel Nos. 1, 3 and 4 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such land shall be recognized as part of the Crow Indian Reservation. Notwithstanding the preceding provisions of this paragraph, the State of Montana shall retain the same civil and criminal authority over such lands in Parcel No. 4 that it currently has over lands restored to the Tribe under the Act of May 19, 1958, (72 Stat. 121).

(3) Title to the undisposed of oil, gas, coal methane or other minerals within parcel Nos. 1, 3 and 4 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such minerals shall be recognized as part of the Crow Indian Reservation.

(4) A disclaimer and relinquishment by the Crow Tribe of all right, title, claim or interest in all the lands and minerals within parcel Nos. 1, 3 and 4, except for the rights, titles and interests recognized as beneficially owned by the Crow Tribe in paragraphs (1), (2) and (3).

(5) A release by the Crow Tribe of all persons and entities, including the United States, for any and all liability arising from the erroneous survey of the 107th Meridian.

(c) EXCHANGE OF PUBLIC LANDS.—As part of the settlement of the 107th Meridian boundary dispute with the Crow Tribe, the contract with the Crow Tribe referred to in section 4 shall include the following land exchange provisions:

(1) The Secretary shall negotiate with the State of Montana for the purpose of exchanging public lands within the State of Montana for up to approximately 46,625 acres of State trust lands within the Crow Indian Reservation and the disputed area. The value of the public lands and State trust lands exchanged pursuant to this provision shall be substantially equal. The value of improvements on such lands shall be given due consideration. Lands exchanged shall be selected so that the financial impact on local governments, if any, will be minimized. The Secretary shall provide such financial and other assistance to the State of Montana as may be necessary to obtain the appraisals and other administrative requirements necessary to accomplish this exchange. Upon the approval by the Secretary and the State of Montana of an exchange pursuant to this paragraph, the Secretary is authorized to receive title to such State trust lands involved in the exchange on behalf of the United States and to transfer title to the public lands involved in the exchange to the State of Montana by such means of conveyance as the Secretary deems appropriate. State trust lands acquired pursuant to the exchange shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be deemed part of the Crow Indian Reservation.

(2) If, for any reason, the exchange for all or any portion of the State trust lands described in paragraph (1) is not completed within 5 years from the date of enactment of this Act, at the request of and in cooperation with the Crow Tribe, the Secretary shall develop and implement a program to provide the Crow Tribe with land in an amount sufficient to make up the difference between the value of all the State trust lands within the Crow Indian Reservation and the disputed area and the value of any State trust lands exchanged and acquired pursuant to paragraph (1). In carrying out this program, the Secretary is authorized to transfer title to public lands within the State of Montana to the Crow Tribe and to exchange public lands within the State of Montana for private lands of substantially equal value within the Crow Indian Reservation. The value of improvements on all such lands shall be given due consideration. Title to the public lands transferred pursuant to this paragraph, other than by exchange, and to the private lands acquired pursuant to this paragraph shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be deemed part of the Crow Indian Reservation. Notwithstanding the preceding provisions of this paragraph, the State of Montana shall retain civil and criminal authority over the surface only of any such lands in the event that any such lands are not contiguous to the existing Crow Reservation, which authority shall not be exclusive.

(d) YELLOWTAIL AFTERBAY POWER PLANT.—As part of the settlement of the 107th Meridian boundary dispute with the Crow Tribe and to bring the Federal Government's operation of Yellowtail Afterbay Dam into compliance with applicable water quality standards, the Secretary, subject to the availability of funds, shall construct and operate a power plant and bypass at the Yellowtail Afterbay Dam. The cost of constructing such power plant and bypass shall be nonreimbursable. The Secretary, in consultation and cooperation with the Secretary of Energy and the Crow Tribe, is authorized to sell or to make arrangements for the sale or marketing of the power generated at the Yellowtail Afterbay Dam to produce maximum revenues. Revenues from the sale of power generated at that power plant shall first be used to defray the costs incurred in the operation, maintenance and repair of the plant. The contract with the Crow Tribe referred to in section 4 of this Act shall provide that the remainder of the revenues from the sale of such power shall be transferred to the Crow Tribe and used for such purposes as the Crow Tribe may determine, subject to the Secretary's approval. Notwithstanding the preceding sentence, the Crow Tribe, may, in its discretion, elect to utilize any portion of the power generated at the Yellowtail Afterbay Dam in lieu of receiving the revenues produced by the sale of that power.

(e) CROW TRIBAL TRUST FUND.—

(1) There is established in the Treasury of the United States a revolving account to be known as the "Crow Tribal Trust Account".

(2) Amounts in the Crow Tribal Trust Account shall be available, without fiscal year limitations, to the Secretary for distribution to the Crow Tribe in accordance with section 6(b), and other provisions of this Act.

(3) The Crow Tribal Trust Account shall consist of such amounts as are appropriated to it in accordance with the authorizations provided by this Act.

(4) As part of the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation, in the contract with the Crow Tribe referred to in section 4 of this Act, the Secretary, on behalf of the United States, shall pay, from moneys appropriated pursuant to this Act, into the Crow Tribal Trust Account $10,000,000 for fiscal year 1994, and each of the next following 9 fiscal years.

(f) ADDITIONAL CONTRIBUTIONS TO CROW TRIBAL TRUST FUND.—In addition to the amounts authorized to be appropriated in subsection (e)(4), as part of the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation, in the contract with the Crow Tribe referred to in section 4 of this Act, the Secretary, on behalf of the United States, subject to the availability of moneys appropriated pursuant to this Act, shall pay the following amounts into the Crow Tribal Trust Account:

(1) Commencing with fiscal year 1994 and each fiscal year thereafter, an amount which shall be nonreimbursable and nonreturnable and equal to the amounts of royalties received and retained by the United States during the previous fiscal year from the East Decker, West Decker and Spring Creek coal mines in the State of Montana for the life of those mines, including any extensions of the existing leases or expansions to adjacent or

nearby coal deposits owned by the Federal Government.

(2) Commencing with fiscal year 1994, and each fiscal year thereafter, an amount, which shall be nonreimbursable and nonreturnable, equal to the receipts from all deposits to the United States Treasury for the preceding fiscal year from the sale of power generated at Yellowtail Dam.

**SEC. 6. ADMINISTRATION OF CROW TRIBAL TRUST FUND.**

(a) INVESTMENT.—All sums deposited in, accruing to and remaining in the Crow Tribal Trust Account, shall be invested by the Secretary of the Treasury in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a).

(b) DISTRIBUTION OF INTEREST.—Only the interest received on moneys in the Crow Tribal Trust Account shall be available for distribution to the Crow Tribe, and then only for use for education, land acquisition, economic development, youth and elderly programs and other tribal purposes in accordance with plans and budgets developed by the Crow Tribe and approved by the Secretary; except that, subject to the Secretary's approval, up to 25 percent of the moneys in the Crow Tribal Trust Account at any time may be pledged by the Crow Tribe as security for commercial loans for economic development projects on or near the Crow Indian Reservation. No part of any moneys in the Crow Tribal Trust Account or of the interest earned on moneys in the Crow Tribal Account shall be distributed to members of the Crow Tribe on a per capita basis.

(c) INTEREST ADJUSTMENTS.—(1) If and to the extent that any portion of the sums described in section 5(e)(4) are appropriated after fiscal year 1994 and the following 9 fiscal years or in lesser amounts than provided in section 5(e)(4), there shall be deposited in the Crow Tribal Trust Fund, subject to appropriations, in addition to the full contributions, adjustments representing the interest income, as determined by the Secretary in his sole discretion, that would have been earned on any unpaid amounts had the amounts authorized in section 5(e)(4) been appropriated in full at the beginning of each fiscal year for fiscal years 1994 through 2003.

(2) If and to the extent that any portion of the sums described in sections 5(f)(1) and 5(f)(2) are appropriated and deposited in the Crow Tribal Trust Fund more than 60 days after the close of the preceding fiscal year or in lesser amounts than provided in those subsections, there shall be deposited in the Crow Tribal Trust Fund, subject to appropriations, in addition to the full contributions, adjustments representing the interest income, as determined by the Secretary in his sole discretion, that would have been earned on any unpaid amounts had the amounts authorized in sections 5(f)(1) and 5(f)(2) been appropriated and deposited in full in a timely manner.

**SEC. 7. CROW IRRIGATION PROJECT.**

At such time as the settlement contract between the Crow Tribe and the Secretary becomes effective, the authority of the Bureau of Reclamation to construct and operate the Hardin Bench, Little Horn, Custer Bench, Wyola, Benteen Flat, Battlefield and Crow Irrigation Projects on the Crow Indian Reservation as part of the Pick-Sloan Missouri River Basin Program is revoked; except that nothing in this Act shall affect the reserved water rights appurtenant to any lands within the Crow Indian Reservation.

**SEC. 8. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.**

No payments pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Crow Tribe, the Northern Cheyenne Tribe or any of their members, to which they are entitled, or eligible because of their status as federally recognized Indian tribes or members of such tribes. No payments pursuant to this Act shall be subject to Federal or State income tax.

**SEC. 9. EXCHANGES OF LAND AND MINERALS.**

Subject to the Secretary's approval, the Crow Tribe is authorized to exchange any of the Crow Tribe's land or minerals within the disputed area recognized or obtained pursuant to paragraphs (1), (2), and (3) of section 5(b), or paragraph (1) of section 5(c) or any of the Crow Tribe's land obtained pursuant to paragraph (2) of section 5(c) for other land or minerals of substantially equivalent value within the Crow Indian Reservation. Lands or minerals received by the tribe in such exchange shall be considered to be vested in the United States in trust for the sole use and benefit of the Crow Tribe and a part of its reservation. Lands and minerals received by a non-Indian in such exchange shall be considered to be owned in fee.

**SEC. 10. EFFECTIVENESS CONTRACTS.**

The contracts entered into by the Crow Tribe and the Northern Cheyenne Tribe pursuant to this Act providing for the settlement of the 107th Meridian dispute and other issues pertaining to the Crow Indian Reservation shall not take effect until the contracts are approved and executed in accordance with the requirements and procedures set forth in each tribe's constitution.

**SEC. 11. APPROPRIATIONS AUTHORIZED.**

There are authorized to be appropriated such sums as may be required to implement the provisions of this Act.●

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By Mr. DECONCINI (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. SASSER, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. PELL, Mr. KENNEDY, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. HEFLIN, Mr. MITCHELL, Mr. BURNS, Mr. COATS, Mr. THURMOND, Mr. PRESSLER, Mr. LUGAR, Mr. COCHRAN, Mr. GLENN, Mr. DOLE, Mr. WOFFORD, Mr. LEVIN, Mr. METZENBAUM, Mr. MATHEWS, Mr. SIMON, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MACK, Mr. REID, Mr. BIDEN, Mr. LOTT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. EXON, Mrs. FEINSTEIN, Mr. FORD, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PRYOR, and Mr. SARBANES):

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

### HELSINKI HUMAN RIGHTS DAY

Mr. DECONCINI. Mr. President, as chairman of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I am pleased to introduce today, together with several of my colleagues, a joint resolution to authorize and request the President to designate August 1, 1993, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki to sign the final act of the Conference on Security and Cooperation in Europe [CSCE], also referred to as the Helsinki accords. This agreement launched a dynamic process which has contributed to the positive changes which have occurred in Europe in recent year. The Final Act, the seminal document of this process, covers major aspects of East-West relations, including military security, trade, economic cooperation, environment, scientific and cultural exchanges, as well as human rights and fundamental freedoms.

Membership in CSCE has grown significantly in light of sweeping political developments in Europe, including the demise of the Soviet Union and the former Yugoslavia. Today, 53 countries are participants in the CSCE process—51 Eurasian States, Canada, and the United States.

Human rights remains the cornerstone of the CSCE process. The participating States have recognized that human rights and fundamental freedoms are the birthright of all human beings and that protection and promotion of these rights is the first responsibility of government. The CSCE remains firmly committed to human rights, democracy, and the rule of law, and has encouraged peaceful change through free and fair elections.

Over the years, the CSCE has inspired individuals and groups to speak out on behalf of those denied their human rights. It has also served as a useful forum in which individual human rights cases could be raised. Hundreds of political prisoners have been released and thousands of families reunited as a result of pressure brought to bear within the framework of the Helsinki process. It has also been successful in chipping away at the barriers which artificially divided Europe for decades. We can be proud of our record of strong support for the CSCE.

Today, Europe is attempting to liberate itself from the legacy of the past, though problems persist. Of particular concern is the threat posed by ethnic strife in Nagorno-Karabakh, Moldova, the former Yugoslavia, and elsewhere. The CSCE can play an instrumental role in addressing this issue and others which have serious consequences for the future of Europe. In addition, it can further contribute to the political and economic transition taking place in much of East-Central Europe and the former Soviet Union.

The resolution we introduce today reaffirms our commitment to the Helsinki Accords and the vital importance of respect for human rights and fundamental freedoms in advancing security and cooperation in Europe.

Mr. President, I urge my colleagues to support the timely adoption of this joint resolution and ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 111

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. HELSINKI HUMAN RIGHTS DAY.**

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

**SEC. 2. TRANSMITTAL.**

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

• Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Senate joint resolution designating August 1, 1993 as "Helsinki Human Rights Day." As a past Chairman and as the ranking Republican Senator on the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I have been, and I remain, a dedicated advocate of human rights and for the principles enunciated in the Helsinki accords and subsequent Helsinki process documents. Accordingly, it is a pleasure for me once again to cosponsor this annual resolution.

It would be more of a pleasure if the human rights principles set forth in the Helsinki accords and subsequent documents were being faithfully respected in and by all participating states. Clearly, this is not now the case.

The most dramatic violations of human rights have occurred and are still occurring in the former Yugoslavia. In fact, the brutal violation of human rights has been so widespread and flagrant that the United Nations has authorized the creation of an international war crimes tribunal for the first time since the end of World War II to try those accused of committing war crimes during the course of the Yugoslav conflict.

The Yugoslav situation is different in kind from the problems the Helsinki process faced when I served as Chairman in the mid-1980's. Then, our task was to press the Soviet Union and its Warsaw Pact allies to respect the commitments they made when they signed the Helsinki accords. While difficult, this was a task we knew how to accomplish. Through unrelenting public diplomacy and adroit private diplomacy, we made gains and had a real positive impact.

In fact, many of the leaders of the new Eastern European democracies have publicly acknowledged that our work helped them when they were persecuted dissidents, and helped keep alive hope of eventual liberation from Communist domination. In short, I believe that the Helsinki process was a substantial factor in the moral defeat of communism.

Once communism's moral authority was destroyed, so was its political legitimacy. After that, all that was left inside the hollow shell of the Communist utopian dream was the machinery of totalitarian oppression and a fundamentally flawed economic system, grinding down to collapse.

The Bosnia and Herzegovina chapter of the Yugoslav conflict is different from that situation in almost every important way. The principal violators of human rights are not the organs of an established totalitarian state, working to keep its subjects under control. In contrast, in the former Yugoslavia, the worst violators, to the extent that media reports are accurate, appear not to be army or police forces of any of the successor states to the Yugoslav Republic. Instead, they appear to be loosely organized ethnic militias, the worst of which are reportedly no more than organized criminal gangs operating under the color of virulent ethnic partisanship in or on the edges of zones controlled by their sponsoring states' more formally organized forces.

Of course, the sponsoring states claim they do not control the militias, which allegedly arose spontaneously to defend their homes and families in the intercommunal war now raging there. They claim they do not contenance or participate in the abuses we've all seen reported in the media. I do not believe their claims.

Serbia, in its drive to achieve its cherished goal, the creation of Greater Serbia, has, in my judgment, by far the most blood on its hands. The media have done an outstanding job—a job the international community has not taken on with anything like the vigor it deserves—of documenting the atrocities and outrages committed in the guise of ethnic cleansing. I believe Serbian President Milosevic and his cronies are at least morally responsible for the policy of ethnic cleansing, and should be held legally responsible for crimes committed to advance that policy.

I am deeply disappointed that the world community has chosen not to lift the arms embargo against Bosnia and Herzegovina and that this administration has backed away from its strike-and-lift position. I believe that, with dynamic leadership, we could have convinced our European allies that something needed to be done forcefully to stop the Bosnian horror.

Now, the world has accepted the results of the ethnic cleansing of Bosnia's Moslems and is prepared to ratify the results of this genocidal campaign through an internationally sanctioned peace settlement between the parties in conflict. I find this abhorrent.

In fact, I will predict that the international community is repeating a historic mistake—appeasing a conqueror because it is too hard to confront him. Slobodan Milosevic will not be deterred from creating Greater Serbia by world acceptance of the dismemberment by armed force of Bosnia and Herzegovina. In fact, it will merely encourage him.

If the world would not come to the armed assistance of Bosnia, a declared and internationally recognized independent state, how will the world respond to pleas for help from Kosovo, a province of Serbia, when its ethnically Albanian majority, which comprises approximately 90 percent of the population, is driven from its homes or killed by ultranationalist Serbs? The

United States will find itself in a particularly difficult position. President Bush declared that the United States would not accept the ethnic cleansing of Kosovo, and President Clinton has declared his agreement with that statement of U.S. policy.

Once the world tolerates genocide and ratifies the facts on the ground these war crimes created, it is hard to find a circumstance that would drive the world to consensus in support of armed intervention in Kosovo to halt more ethnic cleansing. Then, the United States could be left either to intervene unilaterally, a task that is becoming more difficult with every closed base and disestablished military unit, or to find words to retreat from a policy we won't back with military force.

The world community appears to be treating the negotiations to finally end the Bosnian conflict—son-of-Vance-Owen—as the end of the Yugoslav conflict. They appear to believe that once the disputes between the Moslems, Croats, and Serbs are settled in and around Bosnia, the world can relax.

I believe this is a mistake. I believe that the conflict will not be over until either Greater Serbia is established by force, or Serbia is militarily defeated and the war criminals are apprehended, tried, convicted, and punished. However historically justified the Serbians may believe their aspirations to a Greater Serbia are, in fact they are nothing more than a pretext for conquest and genocide. If the world does not condemn these conquests, and forcefully punish those who committed crimes to ethnically cleanse the conquered territories, much more blood will be spilled in the Balkans.

Unfortunately, the CSCE can do little more than send observers to affected areas. The tools we used against the Soviets and their allies in the mid-1980's, public diplomacy and private pressure, don't appear to apply here—people actively engaged in genocide don't embarrass or pressure easily. We can't shame them before the world community and threaten to cut off trade and other international intercourse with them. In this case, because of the conflict, the United Nations has already authorized almost every possible step short of armed attack on Serbia, and it has not stopped them.

Now, the Serbs have refused to renew the mandate for CSCE observers to remain in Kosovo and has said that it wants them out. They have not yet left. I believe the CSCE signatory states should make as public an effort as possible to press Serbia to renew the observers' mandate. Once they are gone, one of the few remaining barriers, flimsy as it is, to the ethnic cleansing of Kosovo will be removed, and the Balkans will be one step closer to a wider war.

I spoke earlier this year on the consequences a wider Balkan war could have for the United States. The consequences are all bad. Rather than whistling past the Balkan graveyard, as we are doing with son-of-Vance-Owen, we should be actively and very publicly working to prevent an expanded war.

One of the lessons of this situation for the new administration is that Teddy Roosevelt was right—we should "speak softly and carry a big stick." As the new administration's defense budget cuts whittle our big stick smaller and smaller, we have to speak louder and louder in international affairs to get our point across. As the new administration cuts U.S. military capabilities, it also cuts the credibility of our diplomacy when we must deal with the world's bullies and aggressors.

Our performance so far in the Yugoslav tragedy does not inspire international confidence. We have taken positions and then fallen off of them. We have not been able to persuade our traditional allies to follow our lead. I believe that we could regain some of the ground we have lost by taking a more resolute approach to preventing an expanded Balkan war.

The Helsinki process can help the parties to the conflict return to peaceful relations with each other. However, because the present situation is one of armed conflict, the consensus-based Helsinki process cannot operate well. Once the conflict is over, and the parties see that they must live as neighbors again, the principles of the Helsinki accords and related documents provide useful guides for moving from war to a more durable peace.

Mr. President, because of the sad and violent context of this year's Helsinki Human Rights Day, I believe that it is all the more necessary for us to proclaim our continued devotion to the cause of human rights and our continued support for the Helsinki process. I urge my colleagues to join in support and vote for this resolution.●

## ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CONRAD, his name was withdrawn as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Ohio [Mr. GLENN], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 103

At the request of Mr. NICKLES, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 106

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 106, a bill to modernize the United States Customs Service.

S. 185

At the request of Mr. GLENN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 208

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Washington

[Mrs. MURRAY] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 519

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II ballistic missile program.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the advanced solid rocket motor program.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Utah [Mr. BENNETT], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such act with respect to the health and safety of employees, and for other purposes.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for U.S. forces, and for other purposes.

S. 823

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 823, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 920

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 920, a bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL account, to borrowers so that they have flexibility in managing their student loan repayment obligations, and so that those obligations do not foreclose community service-oriented career choices for those borrowers; to replace, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes.

S. 937

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 937, a bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act.

S. 985

At the request of Mr. INOUYE, the names of the Senator from Missouri [Mr. BOND] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such act.

S. 1063

At the request of Mr. HATCH, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1151

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

S. 1210

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1210, a bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nevada [Mr. BRYAN], the Senator from Tennessee [Mr. SASSER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio [Mr. GLENN], the Senator from California [Mrs. BOXER], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Montana [Mr. BAUCUS], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Florida [Mr. MACK], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. COATS], the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KOHL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL], the Senator from Colorado [Mr. CAMPBELL], the Senator from West Virginia [Mr. BYRD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. LEVIN], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. PACKWOOD, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DECONCINI], the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Colorado [Mr. BROWN], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maine [Mr. COHEN], the Senator from Michigan [Mr. LEVIN], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. SASSER], the Senator from Utah [Mr. HATCH], the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KOHL], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to commemorate the sesquicentennial of the Oregon Trail.

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Louisiana [Mr. BREAUX], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], the Senator from Arkansas [Mr. PRYOR], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. PACKWOOD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. HATCH], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. SASSER, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. PRYOR], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Vermont [Mr. LEAHY], the Senator from Nevada [Mr. REID], the Senator from Wisconsin [Mr. KOHL], the Senator from Maine [Mr. COHEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mrs. HUTCHISON], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. COATS], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. D'AMATO], the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. CRAIG], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

## AMENDMENTS SUBMITTED

## HATCH ACT REFORM ACT

### ROTH AMENDMENT NO. 563

Mr. ROTH proposed an amendment to the bill (S. 185) to amend title 5, United States Code, to restore Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; as follows:

On page 20, strike lines 2 through 10 and insert:

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 318, the Outer Continental Shelf Deep Water Royalty Relief Act and S. 727, the California Ocean Protection Act of 1993.

The hearing will take place on Tuesday, August 3, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the committee staff at 202-224-7555.

### SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on July 14, 1993, to hear different perspectives, from Federal employees and others on the recurring problems with bureaucracy, rising costs, inflexibility, and over reliance on private contractors of the Federal Government.

The hearing is scheduled for 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Kim Weaver, subcommittee counsel, on 224-2254.

### SUBCOMMITTEE ON OVERSIGHT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on S. 885, a bill to modify congressional restrictions, on gifts, on Monday, July 19, 1993, at 2 p.m. in room 342 of the Dirksen Senate Office Building.

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Thursday, July 15, 1993, beginning at 9:30 a.m. in 485 Russell Senate Office Building on the nomination of Ada Deer to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 13, 1993, at 3 p.m., in open session, to consider the nomination of Mr. John H. Dalton to be the Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, July 13, 1993, at 10 a.m. to hold a hearing on the nominations of Arthur Levitt, Jr., to be Chairman of the Securities and Exchange Commission; and Joseph Stiglitz and Alan Blinder to be members of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on July 13, 1993, at 2:30 p.m. on the nomination of Jolene M. Molitoris to be administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 13, 1993, at 2:30 p.m. to hold ambassadorial nomination hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO NAINOA THOMPSON

• Mr. INOUYE. Mr. President, I rise today to recognize with great respect and admiration, Nainoa Thompson, first navigator of the Polynesian Voyaging Society.

Sailing from Hawaii to Tahiti and back to the Hokule'a, a twin-hulled fiber glass replica of an ancient Polynesian canoe, Mr. Thompson used the stars, sea, and sky as his only guides. Over thousands of miles, with little sleep, he proved that this could have been the way that Hawaii was originally discovered and settled by ancient Polynesians.

Having completed several similar voyages, each time demonstrating that the impossible was possible, Mr. Thompson now embarks on a journey of the utmost importance. Using the same skill of navigation without instruments, he will attempt to navigate a traditionally built vessel. This new canoe, the Hawaiiloa, is being constructed by hand of ohia hardwood and native vines and plants. In 1996, Mr. Thompson and his crew will set sail on the ultimate voyage, a journey that will certainly bring much pride to native Hawaiians.

Other members of the Thompson family have made significant contributions to native Hawaiian culture and people. Mr. Myron Thompson, Nainoa's father, is a trustee of the Kamehameha Schools/Bernice Pauahi Bishop Estate and is a strong advocate of native Hawaiians. He often comes before congressional committees to testify on the special needs of native Hawaiians. His dedication has resulted in the development and passage of legislation instrumental to the betterment of native Hawaiians.

Just recently, the Thompson family, came to Washington to meet with my staff and the staff at the National Air and Space Administration to discuss the Hawaiiloa's 1996 voyage and the possibilities it may have for our future in space. It is with much pleasure that I note that the Washington Post wrote a wonderful article describing Nainoa's dedication and perseverance and about his visit to our Nation's Capital.

I ask that the article be printed in the RECORD.

The article follows:

### NAVIGATOR VOYAGES TO PACIFIC'S PAST WITH EYE TO FUTURE

(By Angus Phillips)

Nainoa Thompson reckons you can't frame the future without understanding the past. He's concerned about tomorrow, so for the past 20 years he's been plumbing 2,000 years of Hawaiian history, much of which has been lost in the crush of modernization.

In his quest, Thompson, 40, first navigator of Polynesian Voyaging Society, has lain awake nights on the wide Pacific, plotting a sailing course between his native Hawaii and Tahiti with no instruments, using only the stars, the moon, the rising and setting sun and the feel of his twin-hulled sailing canoe in trade winds and sea.

He's waited weeks for the right weather to make a difficult easterly passage from Samoa to the Cook Islands, 711 miles in eight days; and another from the Cook Islands to Tahiti in seven days, going 600 miles against the prevailing winds. He's covered thousands of miles on sea passages with only his senses and instincts to steer by.

Thompson's aim in all this was to show how Hawaii likely was settled, as part of what he believes was an aggressive, eastward migration of seafarers from the South China Sea through Polynesia more than two millenniums ago. But how did the original explorers manage upwind passages of 1,000 miles or more in primitive craft without any navigation tools—no charts, compasses, sextants, not even timepieces?

The only way to find out, Thompson believed, was to try it. So off he set, four times since 1976, at first guided by one of the last masters of primitive navigation in the Pacific, Mao Piailug of Micronesia, then on his own with the lives of his volunteer crew in his hands.

In 1980, on the second voyage of the sailing canoe Hokulea, a 60-foot fiberglass replica of a primitive Polynesian voyaging catamaran, Thompson was the rookie navigator for a Hawaiian crew sailing to Tahiti and back by the "star compass" Piailug had taught him to draw in his head.

Following the changing picture of the night sky he'd memorized at Piailug's direction, Thompson led his crew to their destination in 28 days, a month during which he slept no more than two hours a day, and only in 10-minute bursts, he said.

In 1985–87, he navigated Hokulea more than 16,000 miles through the Polynesian Triangle, to Tahiti, the Cook Islands, New Zealand and Samoa—all without instruments of any kind in what was dubbed "The Voyage of Rediscovery." And last year he took her to a Pacific Arts Festival in Raritonga, where he met other Polynesian seafarers who'd been inspired by Hokulea's success to retrace the voyages of their forebears.

Now Thompson and the Polynesian Voyaging Society are embarking on another journey. Next month they will launch the first true replica of an ancient Polynesian voyaging canoe, the 60-foot, twin-hulled Hawaiiloa, made from hollowed tree trunks, masts of ohia hardwood and sails and rigging of native vines and leaves.

The project, funded by federal grants through the native Hawaiian Culture and Arts Program, aims to determine whether a primitive, heavy, underpowered vessel with no navigational equipment could have made the 1,800-mile passage from the Marquesas to Hawaii, as some believe the first Hawaiian settlers did.

But Thompson, who was in Washington last week to update federal officials on the project, said he's got a long way to go before Hawaiiloa is ready for sea.

"She's two tons overweight," he said, as her builders struggle to make the vessel powerful enough to course through the Pacific's great swells without risking breaking up in heavy weather.

Sea trials at the end of July should provide hints where weight can be cut without peril, he said. Then Hawaiiloa goes back in the shop for modifications. The voyage is slated for 1995.

By then, Thompson hopes to have fully trained a half-dozen more disciples in the art of steering by star compass, and will leave the burdens of sleepless navigation to others.

He already is moving on to the second half of his equation—using the lessons of the past to apply toward solving problems of the future.

The early voyages of Hokulea were warmly received by Hawaiians, who like many native American people, Thompson said, lack pride in their lost cultural heritage. The explorations, said Thompson, depicted their forebears as vigorous explorers, rather than hapless drifters who washed up on distant shores by accident.

When Hokulea reached Tahiti the first time, she was nearly swamped by enthusiastic Polynesians celebrating her success, and other Pacific island nations have since built replicas of traditional craft as a means of exploring their heritage and rediscovering their past.

That's a plus for the people of the Pacific, whose way of life has been buried under the barrage of Western culture in the past 150 years, said Thompson.

On a grander scale, he believes the world at large is heading for hard times, with population and consumption rising perilously and no new land or seas to turn to.

Thompson reckons humanity is on a threshold much like the one that beckoned Polynesian explorers thousands of years ago. Where his forebears put out boldly into a trackless sea, man has now just begun to explore the wilderness of space.

That's a place he knows well, said Thompson, whose stops in Washington last week included a visit with Daniel Goldin, administrator for the National Aeronautics and Space Administration who was a supporter of Hokulea's last voyage.

Space voyagers are guided by the very same heavenly bodies he has followed at sea, said Thompson. The past is prologue.•

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## TRIBUTE TO DR. LAMAN A. GRAY, JR.

• Mr. McCONNELL. Mr. President, I rise today to honor a Kentuckian who has spent his life healing others. Dr. Laman A. Gray, Jr., of Louisville, KY, is recognized as one of the premier cardiovascular surgeons in the world.

Dr. Gray, currently director of Division of Thoracic and Cardiovascular Surgery at the University of Louisville, has long been a pioneer in his field. In 1984, he performed the Commonwealth of Kentucky's first heart transplant. One of his many fortes has been the development of mechanical devices that can aid weak hearts, allowing patients the extra time they so desperately need. His high energy level and foresight help him tremendously in this area.

Mr. President, Dr. Gray wins high praise from his colleagues for his work ethic as well as his humble, low-key attitude. In a profession where egos can sometimes run amuck he is cherished for his interest in his associates progress and success. In fact, Dr. Gray and his group are currently working on a mechanical heart device known as the Novacor left ventricular assist device which is completely implanted in the patient's chest. This would allow patients to enjoy the benefit of a mechanical aid without the troubles of being reliant on a cumbersome outside device.

Dr. Gray continues to contribute to the medical field outside of the operating rooms and research labs as well. He is professor of surgery at the University of Louisville. His students are residents being trained to the thoracic and cardiovascular surgeons. He lists as his goals in teaching these students not only helping them learn surgical fundamentals but also how to think and appreciate problems and perhaps most importantly, how to successfully combine skill and judgment.

These are lessons Dr. Gray has learned well over the years. He lists the traits for a surgeon as including "being technically exceptional, smart, able to make decisions, and compassionate toward the patients and their families." In addition, due to the evolving nature of medicine, Dr. Gray never stops learning and preparing in order to stay current in a field where state of the art can and does save lives.

Mr. President, I ask my colleagues to join me in recognizing this outstanding native Louisvillian for his continuing contributions to the health and welfare of our society. In addition, I request that an article from the June 14, 1993, edition of Business First be included at this point.

The article follows:

### MR. FIX-IT: GRAY AT HOME IN OPERATING ROOM, GARAGE

(By Eric Benmour)

When heart surgeon Laman Gray Jr. was growing up in Louisville, he took apart a car, wired his parents' house for sound and repaired a television.

Gray, 53, has built model ships, complete with riggings, and is currently rebuilding a 1935 Packard automobile.

"Laman is a mechanical genius," says his sister, Sandy Schreiber.

His natural talent for building and fixing, combined with the fact his father was a doctor, helped steer him into his chosen field.

As a heart surgeon, he performs bypasses and does surgery on valves; he performed Kentucky's first transplant in 1984; and he is involved in research with mechanical devices that can help weak hearts survive.

Gray is the director of the division of thoracic and cardiovascular surgery at the University of Louisville Department of Surgery. He is also a professor of surgery.

He conducts his research as part of his work with the School of Medicine, with financial help from Jewish Hospital.

"Dr. Gray is highly regarded as one of the premiere cardio-vascular surgeons in the world," says Henry Wagner, president and chief executive officer of Jewish Hospital HealthCare Services Inc.

Gray has an "insatiable interest in understanding how things work," Wagner says. "He's very much the engineer."

When asked to comment on a statement Gray made about being very "content" in his job, Wagner says: "He may be content, but he has a high level of energy and he's never satisfied with what was done yesterday. He's always looking ahead to see how it can be done better."

At medical trade shows, Gray will look at "new gadgets," says Dr. Brian Ganzel, a heart surgeon who is a partner in a private practice with Gray.

The same behavior occurs when Gray goes to antique-car shows.

"He trolls the aisles and looks for parts for his car," Ganzel says.

He says Gray is very interested in research and supports the efforts of the other members of the private-practice group. In addition to Gray and Ganzel, the members are: Erle H. Austin III, Samuel B. Pollock, Jr., A. David Slater and Paul A. Spence. Like Gray, all of the group's members are affiliated with the university and involved in research.

One member, A. David Slater, is heading up a project in which muscle from the back is wrapped around the heart and stimulated in synchronicity with the heart so it will help strengthen the heart.

"He's not threatened by his associates being as good as he is," says Becky Adams, vice president for the Jewish Hospital Heart and Lung Institute. "He is very humble, very low-key."

Adams and others say the heart surgeon is modest, almost shy.

This trait was something he was born with, not a feature of his parents or only sibling who were more outgoing, his sister says.

But what Gray did learn growing up was medicine. His mother, Alice, was a nurse. His father, Laman Gray Sr., was a gynecologist. He died in 1992 at the age of 84. Alice Gray, 82, is still living.

"My father used to take us to hospitals on Sundays," says Schreiber, an antique appraiser.

In addition to going to the hospital with her father, Sandy Schreiber recalls travelling to Batesville, Ark., where their paternal grandfather was a physician.

While there, the youngsters used to visit a hospital in Batesville—run by their grandmother.

"We used to roller skate in the halls," Schreiber says. "It was like a home."

She says that made medicine a fun part of their lives, not something to fear, as it can be for some children.

"I decided I wanted to go into medicine when I was in college," Gray Jr. says. "I was always interested in science."

Working on the heart appealed to him because of his interest in working with his hands.

When he was doing his general surgery residency and his thoracic and cardiovascular surgery residency at the University of Michigan, from 1968 to 1974, the school was performing heart transplants.

Gray says he kept up with the progress of transplants when he returned to Louisville in 1974, as an assistant professor of surgery at U of L. Gray Sr. had moved from Arkansas to Louisville to take a teaching position at U of L.

Gray says he spent a "tremendous amount" of time preparing for his first heart transplant in 1984. Gray continues to be involved in the transplant surgery, but now, Ganzel is chief of the heart and lung transplant program.

In addition, Gray teaches students and residents in his work with U of L. He says working with them is "really intellectually very, very stimulating."

The residents are being trained to be thoracic (involving the chest, specifically the lungs) and cardiovascular surgeons. They are all five years out of medical school and are board-certified general surgeons. They study at U of L for two additional years.

"They really keep you on your toes," Gray says. "that's what I enjoy a tremendous amount. If you say you do something, they're going to ask you why. They're always probing and asking you questions which make you think."

Gray says he teaches them not only the fundamentals of surgery, but how to think and appreciate problems—how to combine skill and judgment.

He says judgment is crucial during an operation.

"There are never two cases the same," Gray says. "When you start operating or dealing with a clinical problem, everything is different. Everybody is slightly different. You have to make decisions about where the bypasses should go, which ones you should and shouldn't do.

"In the valves you have to decide which valves to put in, how to take out the old valves."

His group repairs a lot of heart valves.

"Frequently in surgery, one step cascades to the next. It's like a maze," Gray says.

Gray lists a variety of skills and traits that a good surgeon must have, including being technically exceptional; smart; able to make decisions; and compassionate toward the patients and their families.

While Gray has these skills and traits, he says he never stops learning. He can't rely solely on what he was taught in medical school because so many procedures and techniques have changed.

"You have to keep state of the art," Gray says.

Gray is helping redefine state of the art through his research on mechanical heart devices.

In March 1992, Business First reported on one such device that Gray implanted in a patient waiting for a transplant. She later received a heart and is doing well.

Gray says he is excited about the prospects for the mechanical heart, the "Novacor Left Ventricular Assist Device," because it is completely implanted in the patient's chest.

Now, the device is hooked to a large console. Eventually, Gray thinks the device can be implanted inside the patient's chest, with no wires coming out.

The Novacor would be powered by a battery source worn around the patient's waist, Gray says.

Gray was also a researcher on a product called the BVS 5000 Bi-Ventricular Support System made by Abiomed Inc. of Danvers, Mass.

The U.S. Food and Drug Administration has approved the device for sale in the United States. The BVS 5000 is a temporary-assist device intended to support the circulation in patients whose hearts have become too damaged to pump sufficient blood, according to Abiomed.

Gray's work with the device at Jewish Hospital was one of 11 sites where the BVS 5000 underwent testing.

Bruce J. Shook, vice president of clinical and regulatory affairs for Abiomed, has high praise for Gray.

"He's very open-minded, willing to try new things," Shook says. He says Gray is known in the cardiac-surgery world as being "on the cutting edge."

When asked why he does such research work, Gray says he wants to contribute to medicine of the future.

When asked how he keeps all his work straight, Gray says: "It's fun" and laughs.

"He feels fortunate and he feels blessed," says his wife, Julie. They have been married since 1967. They have three daughters: Juliet, 23, Alice, 20, and Virginia, 16.

Gray says one of his great rewards is seeing the improvements in people after heart surgery. He speaks about transplants in particular.

Before surgery, patients are "on their last legs. You do the transplants and in three months they're leading a normal life. And I mean, normal life. That is gratifying. It's so dramatic."

Gray says a typical morning for him begins with the alarm going off at 6:35.

"I'm usually in the hospital by about 10 minutes after 7," Gray says. And by 7:30 a.m., he's performing a bypass or valve surgery.

Gray says he normally finishes his first case by 11 a.m.

He then visits patients, beginning his second procedure around 1 p.m., finishing between 4 and 5 p.m. He usually gets home by 7:30 in the evening.

This doesn't include weekend hours or the time he is on call in case of emergency.

Nor does it include transplants, which can take five or six hours of surgery at a time.

When asked how he keeps alert during such a long procedure, Gray says: "You usually have a lot of adrenaline going. You get tired. (He laughs.) There isn't any question about it. It can be very grueling."

His sister says she is worried about her brother's health. She says his diet consists of peanut butter on crackers and Cokes. He doesn't exercise, either.

"He's in terrible shape physically," she says. "He sleeps very little."

Gray admits he should eat better and stay in better physical shape, but says he doesn't have time to exercise. His wife says he also doesn't like to exercise, especially after a long day.

His sister says she can't recall him being sick, other than an occasional cold.

Gray says he talks to patients about the importance of exercise and recognizes some inconsistencies between his comments to them and his actions.

"But I'm trying to make the effort," he says. His wife bought him an exercise bicycle.

"I'm trying to get better," Gray says.

As for his diet, he says it's bad. But he says he rarely has time for lunch and usually nibbles on food at the hospital.

Despite all the work with his hands, he says the only time he hurt himself was when he got thrown off a horse at a Wyoming dude ranch. He's gone there with his family every summer for the past 12 years.

"We always ride horses," Gray says. "I got thrown once and hurt my wrist. That slowed me down a little bit. I put my hand in a cast, took it off for surgery and put it back afterwards."

That was about 10 years ago.

Gray says he is very careful around the tools he uses in his garage.

Otherwise, not much slows him down. He admits, however, that being a heart surgeon can be very stressful because every decision has to be the right one.

And he sweats the details.

One morning recently, Gray faced a difficult case, says Mary Sue Carroll, clinical coordinator for the surgeon and his partners.

"He was almost antsy," Carroll says. "He was thinking about how tough it was going to be. It wasn't an element of fear. It's an element of thinking of all the details."

Gray says: "I relieve my stress because I have a lot of hobbies. What relaxes me most, currently, is working on my car, which is a '35 Packard (that he is restoring). I really enjoy doing that."

Previously, he built a model ship complete with riggings. He also built a computerized model train.

In addition, Gray is a pilot. He says he takes his flying very seriously by keeping up-to-date with training.

He owns a twin-engine plane that he keeps at Bowman Field.

Gray, who learned how to fly when he was 17, says he has logged more than 2,000 hours as a pilot.

Gray flies his own plane within 1,000 miles. Otherwise, he flies commercial airlines.

"He likes to be busy," wife Julie says.

When he gets home at night, he wants to forget about work.

"His family is very important to him," Ganzel says. "We have to drag him to evening meetings during the week."

Gray says a good surgeon has to be committed to his work, which includes long hours.

The result can be sacrificing some personal things, he says.

"I think your family sacrifices, too. There's no question about it. I certainly wasn't at home with my family as much as I should have been."

His wife says Gray made a point to make it home for the family dinners, however.

Gray says his daughters may not have decided to follow him into medicine because of the long hours. But the heart surgeon has passed on many interests to his offspring, Julie Gray says.

For example, he taught them about photography and how to use his darkroom. In addition, Alice took a course in Medical ethics.

"They had long conversations about that," Julie says.

But none of them has shown an interest in flying, Gray says.

Despite the stress and long hours, Gray says he has no plans to retire.

"That would be boring," he says with a laugh.•

## MR. DOLAN ELLIS, OFFICIAL ARIZONA BALLADEER

• Mr. McCAIN. Mr. President, the good work that Mr. Dolan Ellis is doing as the official Arizona balladeer was recently brought to my attention. I would like to thank Mr. Ellis for all his years of service to our great State of Arizona.

Mr. President, I understand that Mr. Ellis has been the Arizona balladeer for the last 25 years under the appointment of 8 Governors; and that last year alone he performed for over 40,000 elementary schoolchildren in 100 Arizona schools teaching them Arizona history, folklore, and environmental awareness. Mr. President, Mr. Ellis' care and concern for Arizona's culture and environment is to be commended.

Mr. President, I would like Mr. Ellis to know how much I appreciate his commitment to Arizona. I am pleased to have brought Mr. Ellis to the attention of the Senate and I wish him every success in the future.•

## TRIBUTE TO DON WESELY

• Mr. DURENBERGER. Mr. President, it is an honor for me to recognize my constituent Don Wesely for his many years of volunteer service. When I look at all that he has given to the city of Owatonna, MN, I am reminded of the true spirit and meaning of the term "public service."

While we debate the future course of the United States here on the floor of the Senate, individuals such as Don are making both our small towns and large cities better places in which to live. He and others like him are living proof that perhaps the solution to the problems which we face is not to be found solely on Capitol Hill, but also within those who have devoted themselves to helping those in need.

At a time when America is searching for a renewed sense of community, Don continues to exhibit qualities which enrich us all. He gives freely of himself without thought of personal gain or recognition, and his generous spirit of volunteerism has touched more lives than any of us can possibly imagine.•

## TRIBUTE TO DIXON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Dixon in Webster County, KY.

Dixon, a small town nestled in the rolling hills of western Kentucky coal country, has a population of only 552. This small size is an asset to those who live in Dixon. Small town values are an ingrained tradition in this fine community. Due to their town's relative size, residents of Dixon enjoy the uncommon ability of knowing everyone else. This close-knit atmosphere is unmistakably an enviable quality that all communities should be able to possess.

Despite its small size, Dixon is not without its share of notable marks on history. Dixon was originally named after Archibald Dixon, a Lieutenant Governor and U.S. Senator from Henderson. In addition, the first settler of the region, William Jenkins, built a stagecoach inn known as Halfway House soon after he arrived in 1794. This resting place served as the important midpoint along the treacherous route between St. Louis and Nashville. Additionally, Dixon has been home to some very famous individuals. Poet, dramatist, and novelist Cale Young Rice was born in 1872 in Dixon. Frank Ramsey, a former University of Kentucky and Boston Celtic basketball star, currently resides in Dixon.

Dixon is a town with much to offer and I applaud its residents for maintaining small town traditions and values. It is far too often that communities lose touch with the many positive qualities of this healthy culture.

Mr. President, I respectfully request that a recent article from the Louisville Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

### DIXON

(By Cynthia Crossley Eagles)

Chances are you'll never make it to Dixon. Western Kentucky, perhaps, but not Dixon.

Chances are that if you got to Western Kentucky you'd just go gliding by on the Western Kentucky Parkway or the Pennyrile Parkway and never give Dixon a second thought.

If so, here's what you'd miss:

A bank that's run by former University of Kentucky and Boston Celtics star Frank Ramsey.

A 90-year-old former school superintendent, Virgil Waggener, who last October was forced by illness to stop riding his blind old mare bareback to round up his cows.

A library where the assistant librarian, affectionately described as "Aunt Bea in Combat Boots," gets after people who leave overdue books and don't pay the fines.

"I got $17 off one lady," said Judy Taylor. "And I chased one man to his car."

Then there's Charlie Bridwell, who most people know as "Hooter." He ambles back and forth between the loafers at the hardware store and the loafers on the courthouse benches across the street. If a coal truck happens to be bearing down on him as he crosses, Hooter just holds up his hand—and the truck stops.

And, of course, there's Luke, the big stray black and brown dog who has a cameo role in the daily routine around town. Luke's schedule on a recent day included a snooze at a downtown service station, followed by a nap at City Hall, followed by a doze at the fire station.

Luke's route depends on where city water superintendent Larry Parrish is going that day in his truck.

Dixon is a little town full of characters, and residents seem to love it that way. Everybody knows everyone else, which is hardly a surprise given the population of about 550.

Thus when someone sits on the couch in Ramsey's office at the Dixon Bank and asks him about a loan, Ramsey usually knows their family history.

"You know almost the whole genealogy of the family," said Ramsey, who went to the NBA in 1953 after he graduated from UK, then returned to his home in nearby Madisonville upon his retirement.

Such familiarity also makes most people feel safe in Dixon. To hear people tell it, no one locks their doors and everyone seems to leave their car keys in the ignition.

When residents go on vacation, says Peggy Poole, the city clerk, "you just tell the neighbor to feed the dog and off you go."

But familiarity can magnify tragedy, and the area has had more than its share.

Badly shaken by the 1989 Pyro mine disaster, in which 10 men died, the county now must cope with a fresh wound—the deaths of four teen-agers and the serious injuries of five more in an oil-tank explosion last Friday. The teens, all of whom were from Webster County, had gathered at the tank for an early Fourth of July party.

Four of the men who died in the Pyro blast were from Webster County. Those killed were part of a crew dismantling a mining machine at the William Station mine, just north of Wheatcroft, where explosive levels of methane had built up.

Coal production has resumed, although it's flowing from a new shaft and the mine is now called Caney Creek. The mine is operated by Costain Coal Inc., which had acquired Pyro shortly before the blast. But the tragedy remains fresh in people's minds as developments occur in the federal criminal cases stemming from the disaster.

"This community was in shock for quite a while," said Dixon Mayor Jimmy Layne Frederick. "It was just hard to absorb. I had a friend myself who worked in that mine, had just come out on the same shift."

Said Webster County Judge-Executive James Townsend, "It just kinda tore the community up for a while. It was a two-fold sadness, since the mine superintendents and some involved in upper management. . . were getting blamed for what happened, and they lost family members also."

Yet there are also many people who think Webster County may be faced with mine tragedies in the future, as long as coal continues to play a big role in the local economy. Coal is the county's biggest employer, and Townsend says the severance tax alone provides about $1 million of the county's $4.8 million annual budget.

For those who don't work in the mines, jobs may be found in nearby Henderson or across the Ohio River in Evansville, Ind. Mayor Frederick commutes 48 miles to work—an hour-long trip, he says—to the Alcoa plant in Newburgh, Ind. Others commute to work at Evansville's Whirlpool plant.

That helps explain why a coal county has single-digit unemployment and a per capita income well above the state average. But despite positive economic figures, downtown Dixon has withered. The population of Providence, in Southern Webster County is seven-and-a-half times that of Dixon, making that town the retail center for the county. Providence has clothing stores, some fast-food restaurants and a car dealer.

Dixon has one grocery store, a hardware store, a convenience store, a gas station and two family-style restaurants. Even though it is the county seat, Dixon lacks even the usual string of law offices around its courthouse.

While other towns work to lure industry, Dixon spent a year just trying to get a drugstore to replace the town's only pharmacy whose long-time owner had retired. The recruitment effort failed.

"We contacted a school of pharmacy in Lexington, thinking someone right out of school would be interested. And we were offering a building," Frederick said. "But the big chains offer $50,000 to $55,000 a year, and you can't make that here."

Now Dixon doesn't plan to try for any industry—or anything else—until the town gets a sewer system. One is in the works for next year, to be built by the county. While most residents seem to see the need to end reliance on septic tanks, some older residents fear the increase in their utility bills. But they acknowledge that a sewer system might bring growth which might also bring a few stores within walking distance of their neighborhoods.

A recent visitor heard a lot of gripes about the lack of a grocery store, dry-goods store or convenience store "downtown." Webster Countians say they have to go to Madisonville or Henderson to find some things.

But there is a grocery store less than a mile from downtown, although it's on a road that seems unsafe for pedestrians because of its coal-truck traffic. And Charlie's Mini-Mart, located about a half-mile south of "downtown" Dixon, is also on the main road.

"I thought Dixon wanted a mini-mart, but eventually I realized they didn't," said owner Charlie Greenwood. "The lottery helps (bring customers in). But there are still people who don't realize we're here."

And that's in spite of the fact that Greenwood's store features the rear end of his son's 1975 Lincoln Continental. The creative auto salvage came about three years ago after the Lincoln caught fire because of a carburetor leak, Greenwood said. The fire destroyed all but the rear end, which was cut off the car and bolted onto the building. Greenwood added some Christmas lights, which he leaves on year-round to attract attention.

But now Greenwood is trying to sell the store because he's tired of working seven days a week for what he said amounts to $7,000 a year, after taxes. He has had trouble selling it because of its underground gasoline storage tanks. No one wants the headache of getting them to meet the government's environmental standards, he said.

Meanwhile, what is within walking distance of most neighborhoods is Dixon Hardware, owned and operated by Bill Winstead and his family. Dixon Hardware can help you out if you're in need of a lawn mower, a plastic pipe elbow, a fan belt, a new screen, a popcorn popper or some bean or corn seed. Dixon Hardware can also fix you up if you need a 50-pound bag of "Fat Cat Fish Food," a two-cup aluminum percolator, a 10-quart ceramic and steel dish pan, or a new doorbell.

"Give your guests a happy feeling even before they step inside," says the sign on the sales rack for the "Ring-A-Tune" doorbell. "Never-ending favorite songs of the American People, (including) 'Oh! Susannah!,' 'William Tell Overture,' and 'Battle Hymn of the Republic.'"

"We try to be as old-timey as we can get," said salesclerk Claude Winstead, who is Bill's uncle.

And there is some "development" just outside of Dixon. General contractor Mike Walker of Sebree is building a golf course development that he says will include 18-hole and nine-hole courses, riding and walking trails, a pay fishing lake and home sites. The nine-hole course at "Wildwood" and a clubhouse are already finished.

While Walker says he expects to draw golfers from the Henderson, Evansville and Madisonville areas, he grinned when a visitor suggested that his plan seemed ambitious.

"You're being kind," Walker said. "Other people have said I'm crazy."

### FAMOUS FACTS AND FIGURES

Dixon, incorporated in 1861, was named for Archibald Dixon, a U.S. Senator and Lieutenant governor from Henderson who died in 1876. Webster County, created in 1860 from parts of Henderson, Hopkins and Union counties, is named for Daniel Webster, the famous New England orator and lawyer.

The man considered to be the first settler in the area, William Jenkins, built a stagecoach Inn five miles north of Dixon shortly after he arrived in 1794. Jenkins called his Inn the Halfway House to reflect its location on the Indian trail between Nashville and St. Louis. Jenkins was captured by a band of Indians around 1800. Local lore says he befriended the Indians during his seven-year stay; in return they pulled all the hair from his head to keep another tribe from scalping him.

Poet, novelist and dramatist Cale Young Rice was born in Dixon in 1872. His works include the book "From Dusk to Dusk" and an autobiography, "Bridging the Years." A poem, "The Mystic," won recognition in the United States and in England. In 1902, Rice, then living in Louisville, married another Louisvillian, Alice Hegan, author of the book "Mrs. Wiggs of the Cabbage Patch." Rice died in 1943, less then a year after his wife. The house where he was born is owned by state Rep. Dorsey Ridley.•

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## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for G. Robert Wallace, a member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 7–21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Wallace in this program.

The select committee received notification under rule 35 for Benjamin S. Cooper and Raymond M. Paul member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs from August 7–21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cooper or Mr. Paul in this program.

The select committee received notification under rule 35 for Margaret Cummisky, a member of the staff of Senator INOUYE, to participate in a program in Indonesia, sponsored by the Indonesian Parliament, from August 20–September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cummisky in this program.

The select committee received notification under rule 35 for Anne Smith, a member of the staff of Senator HELMS, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Smith in this program.

The select committee received notification under rule 35 for Christine Ferguson, a member of the staff of Senator CHAFEE, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Ferguson in this program.

The select committee received notification under rule 35 for Paul Offner, a member of the staff of Senator MOYNIHAN, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Offner in this program.

The select committee received notification under rule 35 for Roy Ramthun, a member of the staff of Senator PACKWOOD, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ramthum in this program.

The select committee received notification under rule 35 for Ellen R. Shaffer, a member of the staff of Senator WELLSTONE, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Shaffer in this program.

The select committee received notification under rule 35 for Michael Hodson, a member of the staff of Senator PRYOR, to participate in a program in Japan, sponsored by the Association for Communication of Transcultural Study, from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hodson in this program.

The select committee received notification under rule 35 for Darrel Jodrey, a member of the staff of Senator WOFFORD, to participate in a program in France, sponsored by the Franco-American Foundation and the German Marshall Fund of the United States, from July 3–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Jodrey in this program.•

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## REMARKS OF AMBASSADOR JOSEPH VERNER REED

• Mr. MOYNIHAN. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD remarks which the distinguished Ambassador Joseph Verner Reed delivered at the inaugural ceremony of the 89th Inter-Parliamentary Conference in New Delhi on April 12, 1993. I believe that my colleagues will find of great use these remarks and those of Secretary-General Boutros Boutros-Ghali which Ambassador Reed delivered to the conference.

The remarks follow:

### REMARKS BY AMBASSADOR JOSEPH VERNER REED, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS FOR PUBLIC AFFAIRS, AND FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS, DR. BOUTROS BOUTROS-GHALI, AT THE INAUGURAL CEREMONY OF THE 89TH INTER-PARLIAMENTARY CONFERENCE

### ARMS REDUCTION, TRANSPARENCY, AND COLLECTIVE SECURITY: THE EMERGING INTERNATIONAL FRAMEWORK

Mr. President, Mr. Vice-President, Mr. Prime Minister, Mr. Speaker, Mr. President of the Inter-Parliamentary Council, Excellencies, Distinguished Delegates and Guests, it is a great honour and personal pleasure for me to be here to represent, Dr. Boutros Boutros-Ghali, the Secretary-General of the United Nations, at this very important 89th Inter-Parliamentary Conference.

It is an even greater pleasure because the Conference is being held in New Delhi, the capital of a country that I love dearly and have great respect for. In more than two decades I have had the great pleasure of visiting India often, both in an official and in a private capacity. I have prided myself on my friendship with many of India's great Statesmen, Leaders and Diplomats, both here and in Washington. I freely confess that I have learned a great deal from their wisdom and sagacity.

Throughout the years I have been connected with the United Nations and with the Government of the United States. I have followed India's role in the United Nations with great admiration. India's skillful leadership of the Group of Non-Aligned Countries and her active and dynamic diplomacy at the Parliament of Man have earned my deepest admiration and respect.

One of the things that I admire most about India is that it is and continues to remain the world's largest democracy. And, India is a vital force in today's changing world.

A democratic form of Government, as you Parliamentarians know very well, is, despite its many problems, the only one that can satisfy the aspirations of people everywhere.

When I last had the privilege of being with you in Stockholm less than eight months ago, I expressed optimism at the growing number of democracies and democratically-elected Governments in the world. Today, alas, the picture is a little more sombre.

We are now at a critical juncture in international relations when many countries are suffering from the after-effects of the end of the Cold War. Some of them are in a particularly difficult situation, and are being tempted to give up their democratic rights and freedoms as they struggle to come to grips with the problems of the Post-Cold War era.

It is therefore, all the more commendable, that India, despite the many problems that it is currently facing, has maintained its democratic traditions and values with exemplary steadfastness and courage. This is the great legacy left to India and its people by the founding fathers of the Modern Indian Nation, and I sincerely hope that it will be a legacy that is preserved for the benefit of generations yet to come.

I salute India's devotion to democracy and wish India and the Indian people every success in the future.

It now gives me great pleasure to present a portion of the message of the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, to the 89th Inter-Parliamentary Conference.

"Few aspects of international life have changed more profoundly in recent years than the pursuit of arms regulation and disarmament. A decade ago we were in the midst of a deadly arms race that was threatening to spin out of control. Military expenditures worldwide were rising dramatically. The nuclear arms race was preparing to spread to outer space. There was widespread public apprehension and justified alarm over the seemingly relentless build-up in both nuclear and conventional military forces.

"Much has changed, we have now pulled back from the nuclear armageddon. A new spirit of cooperation prevails. Significant progress has been achieved in a number of important areas. In particular, there have been impressive accomplishments in reducing strategic and nuclear weapons. The United States and the Russian Federation have concluded ten bilateral agreements. In the world's most heavily armed region—Europe—disarmament has already begun to encompass conventional weapons, and the process is gaining momentum.

"These are significant trends which deserve and require our encouragement and support.

"Although we have taken some necessary and important strides in dealing with the global threat created by the proliferation of nuclear, chemical, and biological weapons of mass destruction, the world remains a dangerous place. As the spectre of nuclear annihilation has receded, we are not beginning to appreciate the high social, political, and human cost of our having saturated the globe with an overabundance of conventional arms.

"The situation is troubling when we consider that not only have arms sales increased dramatically over the past three decades, but so too has the level of sophistication and fire-power of the conventional arms being transferred. Buyers have increasingly demanded more sophisticated, state-of-the-art weaponry. Supplying countries, sensitive to increased competition, have increasingly been willing to sell such weaponry.

"Without the external constraints on conflicts which the Cold War imposed, the terrible consequences of our having successfully blanketed the globe with arms are now being brutally brought home to us. Rivalries, conflicts, and long suppressed ambitions have burst violently into the open. Armed with destructive new weaponry, localized and regional grievances have developed into matters of international significance and concern. In Cambodia, Western Sahara, Southern Africa, Somalia, in the territory of the former Yugoslavia, in the Middle East, and elsewhere, the results are plain for all to see.

"The end of the Cold War has made conventional arms limitation an urgent priority. We must now take advantage of the fact that the end of the Cold War has also made conventional arms limitation a realistic possibility.

"In my report entitled "New Dimensions of Arms Regulation and Disarmament in the Post-Cold War Era" I noted that the time had come for the practical integration of disarmament and arms regulation issues into the broader structure of the international peace and security agenda. My report also noted that it was now necessary to take a global approach to the process of disarmament. Lastly the report urged that we build upon and revitalize past achievements in arms regulations and arms reduction. Our practical objective is now clear: We must achieve greater overall security at lower levels of armaments.

"In that connection your role as Parliamentarians is crucial. I appeal to you to work for and to support the important confidence-building efforts now underway. By actively encouraging your respective Governments, and by helping to build support among your fellow citizens, you can each have a positive and very practical impact on the work now underway. As elected representatives and parliamentarians from around the world, your support for this great endeavour can demonstrate in the most forceful way possible the powerful and inescapable link between the paramount human requirements of disarmament, development, and democracy."

That, distinguished guests, was the synopsis of the message of the Secretary-General. The full text of the message of the Secretary-General will be available to you shortly.

Mr. President, Mr. Vice-President, Mr. Prime Minister, Mr. Speaker, Mr. President of the Inter-Parliamentary Council, Excellencies and Distinguished Delegates.

I thank you on behalf of the Secretary-General and on my own behalf. I wish the 89th Inter-Parliamentary Conference every success.•

## THE IMPORTANCE OF DEMOCRACY

• **Mr. LIEBERMAN.** Mr. President, the Baghdad-born author Kenan Makiya is one of the clearest voices in the Middle East for the spread of democratic values. His latest book, "Cruelty and Silence," seeks to transform the political discourse in the Arab world by confronting intellectuals in the Middle East with the realities of political cruelty in the region. The Iraq Foundation, which he helped to found in 1991, is committed to a vision of a future Iraq built on the principles of democracy, civil liberties, and the rule of law.

Mr. Makiya, currently a fellow at Harvard University's Center for Middle Eastern Studies, recently wrote to the president of the National Endowment for Democracy upon learning of the vote in the House of Representatives to terminate all funding for the endowment. His strong message is a warning to all of us that without the kind of outside support which the endowment provides to democrats struggling against authoritarianism, the desperate people suffering under repressive regimes such as those of Saddam Hussein are doomed to continue to suffer for many years to come, with potentially disastrous consequences for our country and the rest of the world. I ask that this letter be printed in the RECORD, and recommend that all of my colleagues read his words carefully.

The letter follows:

HARVARD UNIVERSITY,
CENTER FOR MIDDLE EASTERN STUDIES,
*Cambridge, MA, June 28, 1993.*

CARL GERSHMAN,
*National Endowment for Democracy, Washington, DC.*

DEAR CARL: I am writing in shock and amazement, having just heard the news that the House of Representatives has voted to cut off its support for the National Endowment of for Democracy. I wish to convey to you my strong and deeply felt support for the work done by the N.E.D. to promote democracy around the world, and in particular, Iraq, the country of my blah.

There is not a shadow of doubt in my mind that without the work of outside supporters of democracy such as the N.E.D., even the hope for a democratic future in Iraq would be almost non-existent. Because of what the N.E.D. has done for Iraq since the Gulf war, it has been possible for Iraqi writers and human rights activists to get their ideas and aspirations into Iraq itself. By supporting, for instance, the Iraq Foundation and the signature-collecting campaign known as Charter 91, it has been possible to get thousands of pamphlets into Iraq communicating ideas which have long been banned and sealed off from the populace. Reports still reach me of the effect of this kind of work in creating a new and enriching climate of ideas on issues of democracy, toleration of difference, secularism and the imperative for a central focus on human rights in the building of a new order in Iraq. I know for a fact that none of this would have been possible without the backing of the National Endowment for Democracy.

Please communicate the contents of this letter to whomsoever you think might be swayed by it, or be in a position to reverse this disastrous decision. The work of the National Endowment for Democracy affects millions of lives and must continue.

Sincerely,

KENAN MAKIYA,
*Author of "Republic of Year and Cruelty and Silence."*•

## MANAGED COMPETITION "A HEALTH PLAN THAT CAN WORK"

• **Mr. DURENBERGER.** Mr. President, as I have said many times in this Chamber, the core issue in health care reform is containing costs. But in our rush to reach this goal, are we simply going to abandon the market for a regime of Federal regulation? Or are we going to do all we can to make the market work?

Fortune magazine recently took up that question. In "A Health Plan That Can Work," Edmund Faltermayer deftly explains how managed competition can create a sound health care market that will produce the system Americans want and deserve. In fact, some of the ideas behind this approach are already being tested in our States by managed care organizations and other innovative health care providers.

In the Minneapolis-St. Paul area, for example, managed competition-type reforms have succeeded in lowering the cost of health insurance from 10 percent above the national average to 15 percent below the average—in just 10 years.

The point is, Government regulation in the form of a single-payer system doesn't get at the backbone of rising costs—fee-for-service medicine. With insurers guaranteed to pick up the tab, there is no incentive to control the cost and type of care prescribed. A competitive environment, however, opens the door to improving quality, cost-effectiveness and access to preventive care. This occurs by changing the way medicine is practiced and medicine is purchased, and that is the route to better health care.

Mr. President, I request that the text of "A Health Plan That Can Work" be included in the RECORD.

The article follows:

### A HEALTH PLAN THAT CAN WORK

(By Edmund Faltermayer)

It's 2005 and the impossible is happening. For the fifth straight year America's health care outlays are declining as a percent of GDP. That's not so amazing, since most people are now enrolled in fiercely competing HMOs and other managed-care organizations that catch diseases early, often using low-tech procedures and medical personnel who aren't even doctors. Don't worry, these health plans don't skimp on high-tech treatment when it's called for. But they press for continuous quality improvement in all they do and weigh the cost effectiveness of alternative procedures, relying on a national board to decide which expensive and controversial new ones should be covered. Far from feeling hopelessly passive, as in the dark ages of 1993, medical consumers revel in an explosion of information—much of it electronic—that helps them to dispute doctors' proposals for treatment and to decide whether to switch from one health organization to another at the yearly sign-up time.

If this sounds like pure hallucination, get ready for a surprise. Most of the elements of tomorrow's medical system already exist or are starting to sprout, even without national health care legislation. William Link, the executive vice president of Prudential, who oversees its big HMO and health insurance operations from Newark, New Jersey, says the changes reshaping his industry "will continue to mushroom if government doesn't get in the way." What's mainly needed from the package that Bill Clinton hopes to announce in mid-June aside from coverage for the nation's 37 million uninsured, are deftly drawn rules that will speed the transformation of American medicine by lubricating the engine of competition.

The danger is that Washington will blow it by throwing sand in the gears. While key decisions have yet to be made, hints and leaks from the White House suggest that the President and the task force headed by Hillary Rodham Clinton lean strongly toward price controls and spending caps as a way to hold down costs. At the same time, the White House wants to encourage flexibility by leaving enforcement of these caps to the states. That combination could give us the worst of both worlds; heavy-handed pricing rules imposed 50 different ways. To appreciate what is at stake, imagine where the computer revolution would be if politicians had decided early on to smother it with regulation.

In Fortune's view, the way to get health care reform right is to stick to the set of proposals that sail under the flag of "managed competition." This concept has been refined over the years by the Jackson Hole Group, a policy research organization supported by insurers, provider groups, and corporate health insurance buyers. Meeting in craggy Wyoming, an informal assemblage of insurance executives, HMO chiefs, reform-minded physicians, and others have fashioned a blueprint for inducing vigorous competition in an industry in which supply—

mainly doctors capable of cowing patients—has long been able to influence demand, thereby hurling the nation's medical bill into hyperspace. In the world according to Jackson Hole, managed-care networks operating on fixed yearly revenues would battle as never before for the business of strongly price-conscious buyers.

Under managed competition, which President Clinton embraced during his campaign, all employers would be required to buy a nationally set package of basic health insurance for their workers. A reform called "community rating" would bar insurers from offering affordable plans only to the young and robust while hoisting premiums for sickness-prone workers—or dumping them, as can happen now. To bolster the buying clout of small employers and save on administrative expenses, managed competition would require that they buy coverage through newly created organizations called health insurance purchasing cooperatives, or HIPCs (pronounced HIP-icks). These most likely would be government-chartered, nonprofit outfits and would provide much of the management in managed competition.

In big companies and small, according to the Jackson Hole blueprint, employees would pay more if they chose expensive health plans over cheaper ones during an annual sign-up period. An added inducement to comparison shop: a proposed cap on the income tax exclusion granted health insurance. If an employee's insurance premiums were more expensive than coverage at the lowest-cost HMO in the area, he or she would have to pay the difference in after-tax dollars.

The overarching purpose of these carefully altered arrangements, says Dr. Paul Ellwood, founder of the Jackson Hole Group and the leading apostle of the HMO movement, "is to reform the way people buy and use health care." A medical system driven by market forces, Ellwood believes, would save money in a way that government spending limits and price controls cannot, and thereby lessen the bill for covering the uninsured. What about the others who currently fall through the cracks, Including many of the unemployed? The Jackson Hole crowd believe that the savings to the U.S. Treasury from capping that now open-ended tax subsidy would generate much of the money needed to provide them coverage.

Alas, a funny thing has been happening to managed competition on its way to the Oval Office. Some of its elements are alive, such as requiring all employers to cover their workers, community rating to end cherry-picking, pricing that would make consumers cost-conscious, a standard benefits package, and maybe even a limit on the tax break granted gold-plated health plans. But sources close to the task fore describe management consultant Ira Magaziner, its operating head, as a believer in the market who is outnumbered by social engineers. Many on Clinton's health care team, including Health and Human Services Secretary Donna Shalala, apparently yearn for a "single payer" system akin to Canada's.

In such an arrangement the government would reimburse all medical bills just as it does now for the elderly under Medicare. One huge flaw in this scheme is that it would leave largely intact the main engine behind rising health care spending, the conventional fee-for-service system, under which individual doctors charge separately for each procedure, and an insurer—in this case the government—dutifully picks up the bill. With no competitive mechanism to discipline costs, any single-payer scheme is almost inevitably driven to price controls or fixed budgets.

The Clinton task force hasn't gone to Canada yet, but it has gone astray. Instead of relying on competition alone, it appears to favor temporary price controls until its reforms are fully in place. Even after that, the White House talks of limiting the rate at which health premiums could rise. HIPCs, renamed "health alliances" by the Clintonites, might be given the task of enforcing a slice of an overall spending limit for U.S. medical outlays—the "global budget" that the President has long favored. States might also be given the option of creating a mini single-payer system. Complains CEO Stephen Wiggins of Oxford Health Plans, an HMO headquartered in Darien, Connecticut: "They've gone so far to the left it's astonishing." Wiggins, a Clinton supporter in the election, says he wishes he could have his vote back.

What's so bad about price controls? The main trouble is that they never work for long, just as they have not prevented Medicare spending on physicians' fees from rising 12% annually during the past ten years. Doctors circumvent Medicare fee limits by seeing patients more often or piling on more tests. Setting an annual lid on premium increases, moreover, would kill competition instead of spurring it by giving both efficient and inefficient plans a price rise that they would feel entitled to. Once controls go on, says James McLane, CEO of Aetna Health Plans in Hartford and a top price controller in the Nixon years, the incentives shift to gaming the system rather than improving health care. Price controls, says he, "will take people's eye off the ball."

And what's so bad about the heavy-handed health alliances the task force seems to fancy? Well, they could turn out as different from the original idea of the HIPC as a Pentagon office procuring warplanes is from a farmers' market. Economist Alain Enthoven of Stanford University, a key Jackson Hole thinker who coined the term managed competition, describes the ideal HIPC as a "price taker, not a price maker." Only in areas too sparsely populated to support competing HMOs, says Enthoven, would a HIPC need to take an active role in buying health care. Elsewhere, its function would be to inform small companies of the prices quoted by various plans, run the annual enrollment process, act as a financial clearinghouse, and monitor HMO quality data. "That's it," says Enthoven, who says he's "profoundly concerned" about the direction in which the White House task force has been moving.

One especially disturbing idea on the table would force medium-size and large companies, say those with more than 1,000 workers, to buy their health coverage through the new health alliances and make them pay for it with a uniform payroll tax. While this proposition appeals to some major corporations, it is bad policy because it would greatly reduce the number of big, active players out there influencing the price and quality of health care. Warns Ellwood: "It will destroy the market. There is no point in having employer-paid health insurance unless you have multiple buyers seeing who can get the best deal."

Happily, even as the reformers argue, the medical system goes right on changing itself. From the skeptical comments of some Congressmen—including House Ways and Means Chairman Dan Rostenkowski, who has likened managed competition to "Star Wars"—one might guess that this system is some futuristic invention. In fact, most of its pieces are up and running, here and there, around the U.S.

HIPCs? Some 100 regional business coalitions have already sprung up on a voluntary basis, many of which buy health insurance for their members. Community rating? Some 30 states have passed laws limiting insurers' ability to base premiums on medical history, and a half dozen have legislated broader managed competition schemes or are about to. Says Washington consultant Robert Laszewski: "The states are going 100 mph."

As for HMOs, enrollment jumped 7.2% in 1992 to 41.4 million, more than four times the total at the start of the Eighties. Buyers are showing that they can be price-conscious with health insurance just as they are with grocery shopping. When employers make employees pay extra to enroll in more expensive plans that allow unlimited choice of physicians, as Xerox and some state employers do, workers tend to switch to lower-priced HMOs (Fortune, December 28, 1992). Doctors as well as patients are climbing aboard these prepaid plans. Rather than face the cost and long hours of running a solo practice, Dr. James Thomas of Rutland, Vermont, who was already seeing patients for Community Health Plan, an HMO, has joined it as a salaried physician. Says Thomas: "The handwriting was on the wall."

Competition may also be starting to lasso costs. A survey of employers by the Foster Higgins consulting firm shows that in 1992 the average health insurance premium, counting the employee's contribution, rose 10.1%. Though still high, it is the smallest increase in five years. While premiums for traditional fee-for-service plans jumped 14.2%, those of HMOs—one-fifth cheaper to begin with—were up only 8.8%. "As far as I'm concerned, we're in managed competition right now," says Dr. Barry Schwartz, medical director for the Capital District Physicians Health Plan in Albany, New York.

If Washington doesn't screw things up and, instead, fosters flat-out competition, a host of promising new approaches could turn the U.S. medical system into a model for the world. Among them:

### PUSH PREVENTION

The sicker you get under the prevailing fee-for-service health system, the more money flows to doctors and hospitals. By contrast, HMOs, which operate with a fixed yearly income per enrollee, have powerful financial reasons to keep you well. At Group Health, a division of Minneapolis' HealthPartners, 55% of women over 50 received mammograms last year, compared with a state average of 36%. Dr. George Isham, medical director of HealthPartners, says the plan keeps track of how dutifully individual physicians advise women to come in for the tests. Says Isham: "If a doctor is below average, we don't kick him out, but we have a conversation."

Two years ago Prudential's HMO in Baltimore launched a program to encourage pregnant low-income women to come in for prenatal care. Instead of parting with a nominal sum for each visit, as is customary with prepaid plans, women are handed $10 in cash. They not only receive the usual physical checkups but also are counseled—eat well, stay off alcohol and drugs—in the hope that they will carry their babies to term. So far some $40,000 has been paid out under the program, less than the $50,000 the health plan might easily spend on just one premature baby, and HMO officials estimate that a couple of dozen premature births have been prevented.

### TRY LOW-TECH TREATMENTS

"If I had my way," says Dr. C. Everett Koop, former U.S. Surgeon General, "we'd have doctors more inclined to have conversations with patients than to order a battery of tests." Koop is the founder of an institute at Dartmouth Medical School bearing his name, which, among other things, promotes low-tech alternatives to the fancier stuff. One Koop favorite: a set of relatively cheap and uncomplicated methods for sparing diabetics the foot and leg amputations to which they are particularly vulnerable. The techniques were originally developed for lepers in Third World countries, where dependable electricity and high-tech equipment are often lacking.

Diabetics, like lepers, often lose feeling in their feet and ignore sores that can become seriously infected. But podiatrist Dr. William Coleman of the Ochsner Clinic in New Orleans, one of the few U.S. institutions that extensively practice these techniques, tries to head off trouble. With relatively simple devices, such as a strand of nylon pressed against the foot at many points, he locates insensitive areas and advises the patient how to avoid injury. When sores are present, he prescribes special shoes to relieve pressure on them. U.S. government studies suggest that these methods could help avert about half the 50,000 foot and leg amputations performed each year on diabetics. Says Coleman: "Too often these feet are lopped off in cavalier fashion."

### STRETCH THE SUPPLY OF DOCTORS

Why use an expensive physician to fit a patient with contact lenses, interpret allergy tests, or even deliver babies if a "physician extender" can do the job just as well? The past decade has seen a doubling in the ranks of physician assistants—latter-day versions of army medics, who have two to four years of post-high school education—and of nurse practitioners and midwives. FHP Health Care, a Southern California HMO, is increasingly using physician extenders to control costs. At FHP's clinics, nurse-midwives, whose pay starts at $55,000, vs. $150,000 for an obstetrician, handle more than 80% of the uncomplicated childbirths.

On its own, FHP trains physician extenders to do sigmoidoscopies to probe for colorectal cancer, and to take the place of a second doctor in cataract operations and in laparoscopic surgery, a less invasive technique than the traditional kind. Dr. Robert Larsen, in charge of training and staffing at FHP, says nurse practitioners can be especially valuable in taking over routine testing now done by family physicians, who are expected to be in short supply in the next few years. Extenders "might not pick up the subtleties of a problem" that doctors would catch, Larsen says, but FHP believes it might be possible to operate with a ratio of one extender for every four physicians. Would this deny patients proper care? Not if the HMO monitors the outcome of treatment—a crucial element in making health reform work.

### THINK QUALITY

Continuous quality improvement saves not only money but also the time—even the lives—of patients. In Atlanta the Prudential HMO found that 80% of its patients admitted to a major hospital for chest pains turned out to have no heart disease. Says Dr. Ronald Tipton, director of the HMO's medical group: "It was habit. Chest pain, bingo, you go to the hospital." A quality team, studying the matter, arranged for more folks to be examined speedily in outpatient settings like cardiologists' offices, paring the figure to 60%.

Cost-conscious HMOs are not the only ones trying to heal smarter. The Williamsport Hospital and Medical Center in central Pennsylvania, with 325 beds, is the smallest hospital to win the Commitment to Quality award. Given by Healthcare Forum, a nonprofit association of industry leaders, and the executive search firm Witt/Kieffer Ford Hadelman & Lloyd, the award is health care's answer to the Baldrige. Donald Creamer, Williamsport's president, launched the quality drive nine years ago because a more competitive environment appeared to be coming, he says, and "we wanted to survive and thrive." In just two years the hospital's rehabilitation center, which serves those recovering from strokes, accidents, and other impairments, improved patients' ability to function by 25%, while releasing them sooner and charging less than the regional average.

### GET SERIOUS ABOUT COSTS

Health care spending has skyrocketed mainly because, in a classic fee-for-service insurance plan, cost is no object. HMOs, forced by their prepaid revenue stream to live in the real world of finite resources, have no choice but to economize. Minneapolis's HealthPartners has a guideline spelling out when it is appropriate to use the expensive antibiotic cephalosporin instead of the far cheaper ampicillin. Kaiser Permanente's Southern California region has listed some situations when patients with knee injuries don't need costly magnetic resonance scans. So great is the potential for saving additional money, says Dr. David Lawrence, CEO of Kaiser's parent foundation, that there is no need to ration costly procedures, say, for the aged. Says Lawrence: "It will be a long time before we will have to say, 'Stop doing something for a segment of the population because it's too expensive.'"

The key is not to deny care but to emphasize less costly versions, even in situations where doctors may resist. In the mid-Eighties, drug companies developed a new form of the dye injected into patients so doctors can view the functioning of coronary arteries of kidneys on an X-ray screen. Fewer patients get adverse reactions from the new dye, but the price is ten to 15 times higher. A year ago Kaiser's Southern California region, feeling competitive pressures to hold down premium increases, approved a guideline strongly encouraging use of the old, less expensive version except for high-risk patients. The only drawback: A small percentage of patients would have severe but nonfatal reactions such as vomiting.

Writing in the Journal of the American Medical Association, Dr. David Eddy, a consultant to Kaiser who helped formulate the guideline, estimates that it will cause 40 additional bad reactions a year among the region's 2.3 million Kaiser members. But the plan and its members will come out ahead, Eddy figures. The estimated $3.5 million saved annually would be enough, for example, to aggressively seek out women who have not received Pap tests, thereby preventing 100 deaths from cervical cancer. Compliance isn't mandatory, though radiologists must fill our a form when they use the expensive dye and state their reasons. The guideline must be having some effect because Kaiser has been buying less of it.

### PICK NEW TECHNOLOGIES WITH CARE

Organ transplants, artificial hips, genetically engineered drugs, and other dazzling advances have also helped put health care spending in overdrive. Gerald Kominski, a researcher at UCLA, figures that "technology diffusion" has accounted for a third of the rise in hospital costs for Medicare patients along. But why isn't this trend offset to a significant degree by technologies that cut costs, as they do in such fields as electronics? Part of the problem, says Kominski, is that under the perverse incentives of fee-for-service medicine, doctors err on the side of more technology, not less. "If the service is insured," he says, "and it's not going to do any harm even though you don't know it's beneficial, why not go ahead?"

HMO's often put their food down on questionable technologies. "If the patient insists even though it doesn't make economic or medical sense, we say no," says medical director Isham of HealthPartners. But it's not easy to turn down a woman with advanced breast cancer who insists on bone marrow transplants costing $90,000 to $150,000. One of the most controversial treatments in medicine today, these subject the patient to high-dose chemotherapy, which gravely weakens the immune system. Then, to restore immunity, doctors reinfuse some of the woman's own bone marrow that was removed and stored in advance. The treatment alone kills up to 12% of patients. fewer than one woman in four survives for five years after the transplants.

That's an improvement over standard-dose chemotherapy without transplants, advocates of this technique argue. But the National Cancer Institute, which is sponsoring clinical trials, considers the issue unresolved. In the meantime, some women are suing successfully to force insurers to pay for the transplant, and two states have passed laws that would require more of them.

Dr. Don Nielsen, quality consultant at Kaiser headquarters in Oakland, rightly points out that the only way to handle such matters it to establish a national board, with government and consumer representation, that would decide when a new technology has moved beyond the experimental stage. Says he: "That would level the playing field among health plans and take the matter away from the courts." The Jackson Hole Group, and evidently the Clinton task force, also favor centralizing such decisions in one national body.

### INFORM THE CONSUMER

With the kind of information now becoming available, tomorrow's patients could make today's look as ignorant as serfs in bygone centuries when Bibles were chained to pulpits. For consumers seeking instant enlightenment, Jeffrey Lerner of ECRI, a nonprofit Pennsylvania group that does technology assessments, hopes to put understandable, up-to-date information explaining hundreds of procedures on a computer network in the next few years. Dartmouth's Foundation for Informed Medical Decision Making has already produced five interactive video-disks that are marketed by Sony, with seven more in preparation. These allow patients in doctor's offices to seek detailed information about various forms of surgery and other treatments. At one of HealthPartners' medical centers in Minneapolis, 42 men over a 12-month period watched a Dartmouth video on the pros and cons of surgery for benign prostate enlargement; all decided against the operation.

The aim is not necessarily to deter surgery—some videos may prompt more of it—but to give patients a say in the matter. "Report cards" could also help consumers choose among health plans if they had a menu of them to select from. Right now, aside from data on how many enrollees leave and an HMO's own satisfaction surveys—which don't always ask the same questions—

consumers must rely on anecdotal, word-of-mouth information. House hunters checking out school systems have a much easier time, since they can compare such objective data as SAT scores and average class size.

All this would change if HMOs and other managed-care plans had to supply comparable information to consumers on the quality of their services. That can't happen soon enough for Jackson Hole's Ellwood. He maintains that one of the most important boons of managed competition would be "the restructuring of the health system into units that can be held accountable." Urged on by corporate benefits managers, the National Committee for Quality Assurance (NCQA), a nonprofit Washington organization that accredits managed-care plans, recently won agreement from representatives of 30 organizations—among them Blue Cross, Kaiser Permanente, and HealthPartners—on what kinds of data should go into a report card. Says Janet Corrigan, the NCQA's vice president for planning and development: "The fact that 30 managed-care plans are willing to be compared publicly is a significant step forward."

The first data should go to consumers in 1994. Initially, the report card will focus mainly on how many HMO members get preventive services, such as prenatal care and child immunizations, as well as patient satisfaction. Ellwood would like to include far more information on how successfully each plan handles ailments. A recent Jackson Hole paper shows a prototypical report card with 15 entries rated by symbols ranging from best to worst, in Consumer Reports fashion. Five entries show medical outcomes, such as hip fracture recovery and the death rate of heart attack victims.

Couldn't health plans cook the books to make their performance look better than it is? David Lansky, a medical outcomes researcher in Portland, Oregon, who designed the Jackson Hole report card, says that auditing would be necessary. Still, he says, "the plans can't cook what the public thinks of their quality." A groundbreaking survey of 1,700 members of three health plans in Des Moines has shown significant variations in customer satisfaction. Dr. John Williamson of Salt Lake City, a pioneer in the measurement of medical outcomes and an adviser to the White House task force, says, "Customer satisfaction is a powerful means of getting plans to pay attention to the consumer."

How badly will they want to? That depends on whether Washington goes for competition or controls. Despite the discouraging leaks, it's hard to believe the President will not move his health reform plan back toward the center, because without broad public support it is doomed. Says Tennessee Congressman Jim Cooper, a conservative Democrat who introduced reform legislation along Jackson Hole lines last year: "You've got to have a strong bipartisan consensus when you are reshaping one-seventh of the U.S. economy."

Republican Senator David Durenberger of Minnesota, a managed-competition backer who sits on two committees that handle health legislation, puts it more precisely: "The Administration has got to come to grips with the reality that the Republicans will determine whether this thing passes." Durenberger adds that the briefing sessions that Hillary Clinton has held on Capitol Hill leave him feeling optimistic about what the White House will send up: "She's very good, very positive, and she's still learning." Here's hoping he's right.•

## TIBET

• Mr. LEAHY. Mr. President, I would like to speak today about Tibet. It is easy for the world to forget about Tibet, a sparsely populated country high in the shadow of the Himalayas. What really obscures our view of Tibet, however, is the looming shadow of China, which threatens to blot out Tibet and Tibetan culture forever.

China invaded Tibet in 1950. In over four decades of occupation, the Chinese have destroyed over 6,000 monasteries. Over 1 million Tibetans have reportedly been killed, including thousands of Buddhist monks with irreplaceable cultural and religious knowledge. Countless other Tibetans have fled into exile, including the Dalai Lama. The Chinese have transferred thousands of Han Chinese into Tibet in an attempt to flood the indigenous Tibetans with a foreign population. The Chinese continue to tear down sacred Tibetan temples to make way for stores and apartment buildings. The behavior of the Chinese in Tibet has been called cultural genocide, the deliberate destruction of a heritage.

I visited Tibet in August 1988 and was able to see firsthand the suffering that the Tibetan people must endure. In the spring of 1989, I urged the Senate to turn its attention to Chinese oppression in Tibet just as we did toward human rights abuses in the old Soviet Union. I argued that enough letters, resolutions, and pressure from the United States could make a difference in China. I still believe this to be true, but it will require more than an occasional, isolated gesture.

One such measure in the legislation that we passed granting most-favored-nation status for China. It ties the renewal of this status to the end of Chinese religious persecution in Tibet, among other conditions. Although it is one of many human rights hurdles for China to clear, we must not lose sight of this important stipulation, and we must insist that China retreat from its oppressive policy in Tibet.

It is particularly important that we come to Tibet's assistance now, as China has begun another crackdown on Tibet. Earlier this year the Communist Party issued an order to purge officials in Tibet who are not loyal enough to the party, or who demonstrate too much sympathy for the Tibetan people. Opponents are detained and imprisoned for even peaceful displays of their dissident religious or political views.

The Dalai Lama is the religious leader of Buddhist Tibet, and I have been fortunate to meet with him on several occasions. He represents the spirit of Tibet and symbolizes all that Tibet stands to lose at the hands of the Chinese. The Tibetan people are still devoutly loyal to him. I was dismayed to learn that the Dalai Lama was recently denied the opportunity to formally address the World Convention on Human Rights. It is shameful that a nation as notorious for human rights violations as China was able to exert so much influence at the World Convention, while the Dalai Lama—a Nobel Peace Prize laureate—was excluded from formal participation.

It is imperative that the United States take the lead in bringing international censure to bear on China for her treatment of Tibet. As each monastery is torn down, as each monk is slain, a piece of Tibet's history is lost for eternity. And as the Tibetan past slips into oblivion, so does the Tibetan future.•

## BALTIC FREEDOM DAY

• Mr. RIEGLE. Mr. President, I rise today to honor the memory of the tens of thousands of innocent Baltic men, women, and children who fell victim to mass deportation at the hands of their Soviet occupiers in June 1941. Our remembrance of this tragic event on June 14, symbolizes America's continuing commitment to the Baltic States, which for so long had been subjugated to Soviet domination and occupation.

This decade has ushered in a new and promising era of freedom and hope for the people in the Baltic Republics of Lithuania, Latvia, and Estonia. In order to ensure that democracy and freedom continue to develop, our Nation and the international community must support the efforts of the Baltic States to strengthen their sovereignty and independence from their powerful neighbor to the east.

During 1990, all three Baltic Republics proclaimed their independence from the Soviet Union. Shortly afterward, the fledgling governments weathered a renewed military threat during the August 1991 coup attempt led by Soviet hard-liners. Since then, great strides have been made by these determined people to safeguard their sovereignty, developing democratic institutions and reforming and restructuring their economies. Still, much more needs to be accomplished. Fifty years of unjust Soviet occupation have done great damage to the economic, political, and social institutions of the Baltic States. Our role must be one of providing assistance to these nations in their efforts to become vital members of the world community.

Today, while all of the Baltic States enjoy international recognition as independent nations, their fundamental sovereignty continues to be violated by the continuing presence of thousands of Russian troops. My colleagues and I continue to urge our Government and other nations to press for an end to this inexcusable infringement that has endured even after the end of the cold war and the collapse of the Soviet Union.

On April 1, 1993, before the Clinton-Yeltsin economic summit, 16 Senators joined me in writing to President Clinton, urging him to remind President Yeltsin of the United States commitment to ensuring the early, orderly, and complete withdrawal of Russian troops from the Baltics. It is my firm belief that as Russia moves to embrace democratic ideals and traditions, it must also be supportive of other newly independent states.

As we remember the mass deportation of the Baltic peoples away from their homelands, we must renew our conviction and determination to ensure that the Baltic States gain absolute independence.●

## THE NEED FOR CREATING A SINGLE, INDEPENDENT FOOD SAFETY AND INSPECTION AGENCY

● Mr. DURENBERGER. Mr. President, I rise today to urge my colleagues' support for a bill that will initiate a much-needed reform of the Government's food safety and inspection system.

Next week I will introduce my proposal to integrate the Government's food safety and inspection powers in a single, independent agency. This agency would issue a uniform set of regulations, and apply the latest technological know-how to the Government's food testing procedures.

Just last Friday on National Public Radio's "Talk of the Nation" show, Lester Crawford, executive vice president for Science of the Food Processors Association and former administrator of the USDA's Food Safety and Inspection Service under President Bush, said that he considers the creation of a single, integrated Government agency a "terrific idea."

"I'm one of the few still-living human beings who worked in all agencies * * * and I always wondered why it was that we were not all reporting to the same Cabinet secretary. I think it would be a capital idea," Crawford said.

The Nation's good health depends on a safe, diverse, and affordable food supply. Please join me in creating the food safety and inspection system Americans deserve.●

## THE TRIAL OF THE TIRASPOL SIX

● Mr. DECONCINI. Mr. President, on February 24, 1993, I placed a statement in the CONGRESSIONAL RECORD with regard to the arrest and detention of six citizens of the Republic of Moldova: Ilie Ilascu, Alexandru Lesco, Andrei Invantoc, Viaceslav Garbuz, Tudor Petrov, and Petru Godiac. At that time, these men were in prison, awaiting trial for the murders last spring of two local officials in the separatist Dniestr Republic. While not wishing to prejudge any legal proceeding, it seemed clear to me that the circumstances surrounding this case and the treatment of the detained men deserved careful scrutiny from the human rights community worldwide. That is why in December 1992, Helsinki Commission Cochairman STENY HOYER and I sent a cable to the general prosecutor in Tiraspol, Boris Luchik, urging humane treatment for the prisoners and immediate access by representatives of international organizations.

Unfortunately, despite increased international attention and concern, the treatment of these six men and the conduct of their current trial—which began on April 21, 1993—continues to fall short of international human rights standards. Indeed, the legitimacy of the court itself is in question, as the self-proclaimed Dniestr Republic is not recognized as a sovereign state. International human rights observers from the Romanian Helsinki Committee and the International Human Rights Law Group have described a courtroom atmosphere in which the defendants were held in cages while the openly hostile audience jeered and cried out against them, creating a highly prejudicial atmosphere.

In its assessment of the fifth hearing of the trial of the Tiraspol Six, which took place on May 24, 1993, the International Rights Law Group raised three serious concerns about the fairness of the trial:

—First, there is some question regarding the court's impartiality, mandated by article 10 of the Universal Declaration on Human Rights and article 14 of the International Covenant on Civil and Political Rights;

Second, some of the defendants' lawyers have exhibited reluctance to fully defend their client's interests as required by article 11 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights; and

Third, the court rejected a defense attorney's request for an investigation into human rights violations against the defendants during their detention under article 14 of the International Covenant on Civil and Political Rights despite credible allegations of wrongdoing.

Members of the Helsinki Commission staff met June 24, with a delegation of Moldovan parliamentarians, which included one of the defense attorneys for the Tiraspol Six, Mr. Gheorghe Amihalachioaie. They shared with the Commission their serious concern for the fate of these men, and presented us with a Declaration of the Parliament of the Republic of Moldova on the trial of the six detainees.

As Chairman of the Helsinki Commission, I once again appeal to the authorities in Tiraspol to demonstrate their respect for international law by ensuring human treatment for the detainees, and a fair trial by an independent, impartial, and legally constituted court. Cochairman HOYER and I have sent a telegram to Mr. Igor Smirnov of the executive committee of the city of Tiraspol urging him to comply with these requests. The Helsinki Commission will continue to monitor carefully the case against the Tiraspol Six.●

## TRIBUTE TO JOHN PERKINS, TIRELESS ADVOCATE FOR WORKING MEN AND WOMEN

● Mr. SASSER. Mr. President, I rise to offer a well-deserved tribute today to a friend, an outstanding American and a tireless advocate for working men and women: Mr. John Perkins.

For more than four decades, John Perkins has been an integral part of the American labor movement, serving since 1982 as director of the AFL–CIO's Committee on Political Education [COPE].

Mr. Perkins has numerous titles. Labor leader. Parent. Political analyst. Organizer. But above all, John Perkins is a builder.

More than 40 years ago—in 1952—John Perkins joined the Carpenters Union in Elkhart, IN. He served as business manager of his local for 11 years. During that time he rose to leadership of the Indiana State Building and Construction Trades Council.

John Perkins then turned his talents to the national level. He joined the COPE staff in Washington in 1971, and became director in 1982.

Howell Raines wrote in the New York Times the following year—1983—that John Perkins is widely credited among Democratic Party professionals with bringing modern campaign technology and an aggressive new spirit to COPE, the political arm of the federation.

> Several months before his appointment as COPE director, Mr. Perkins impressed union leaders by organization the Solidarity Day March in Washington September 19, 1981. He got credit for assembling a crowed of more than 200,000 * * *.

Indeed, that is John Perkins' trademark—organize and get results. During his 20-plus years with COPE, he built coalitions, he built respect, and he built power for the working men and women of this country.

Much of the landmark legislation of the last two decades to expand voter registration, to help workers, to promote fairness, and to ensure human dignity has built on foundations laid by the handiwork of John Perkins. In a fitting tribute during his final year as COPE director, Congress approved the motor-voter bill to enhance public participation in our democracy.

"John Perkins has worked tirelessly to modernize COPE into what it is today—the envy of State and national political operations for both parties," said AFL–CIO President Lane Kirkland this spring. No one could have said it better.

John Perkins now enters into richly deserved retirement. We are sad to see him go. But perhaps we should remember the words of another famous labor leader, Joe Hill of the IWW, who just before his passing away said to a friend, "Don't waste any time mourning—organize."

That is the true spiritual meaning of John Perkins' work for the American labor movement. John Perkins is a builder. He devoted his career to building progress, which can be seen every day in lives of countless men and women who have been affected by his leadership.●

## ORDERS FOR WEDNESDAY, JULY 14, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, July 14; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator WALLOP, or his designee, and that Senator BENNETT be recognized for up to 30 minutes; and that the Senate then resume consideration of S. 185, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MITCHELL. Mr. President, the previous order just referred to provides that a vote will occur at 10:30 a.m. tomorrow on the Roth amendment to S. 185. So all Senators should be aware that a vote will occur on, or in relation to, I should say, the Roth amendment at 10:30 a.m. tomorrow.

Senators should also be prepared for a lengthy session tomorrow and on Thursday, as we attempt to make progress on this bill. We have been advised by our Republican colleagues that they wish to offer a number of amendments. We have not yet been advised of the substance of those amendments. I encourage any Senator who has an amendment to be prepared to come to the floor and offer it during the day tomorrow. We will have a lengthy session tomorrow and Thursday, as is necessary to make what I hope will be good progress on this bill.

## RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:27 p.m., recessed until Wednesday, July 14, 1993, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 13, 1993:

### DEPARTMENT OF STATE

JAMES J. BLANCHARD, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

WALTER C. CARRINGTON, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

STUART E. EIZENSTAT, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

RICHARD MENIFEE MOOSE, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE J. BRIAN ATWOOD, RESIGNED.

MARY M. RAISER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

### NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1997, VICE CHRISTOPHER A. HART, TERM EXPIRED.

### DEPARTMENT OF TRANSPORTATION

LOUISE FRANKEL STOLL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE KATE LEADER MOORE, RESIGNED.

### DEPARTMENT OF THE TREASURY

GEORGE MUNOZ, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DAVID M. NUMMY, RESIGNED.

GEORGE MUNOZ, OF ILLINOIS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE DAVID M. NUMMY, RESIGNED.

### RESOLUTION TRUST CORPORATION

STANLEY G. TATE, OF FLORIDA, TO BE CHIEF EXECUTIVE OFFICER, RESOLUTION TRUST CORPORATION, VICE ALBERT V. CASEY, RESIGNED.

### DEPARTMENT OF JUSTICE

CHARLES ROBERT TETZLAFF, OF VERMONT, TO BE U.S. ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF 4 YEARS, VICE GEORGE J. TERWILLIGER, III, RESIGNED.

WILLIAM DAVID WILMOTH, OF WEST VIRGINIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS VICE WILLIAM A. KOLIBASH, TERM EXPIRED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### AGENCY FOR INTERNATIONAL DEVELOPMENT

ALAN R. HURDUS, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### AGENCY FOR INTERNATIONAL DEVELOPMENT

DENNIS MARTIN BRYANT, OF VIRGINIA
MICHAEL WAYNE CLINEBELL, OF WEST VIRGINIA
DANIEL GOWEN, OF FLORIDA
PATRICIA A. MOSER, OF VIRGINIA
CRAIG R. NORDBY, OF ILLINOIS
WILLIAM R. TEEBO, OF MARYLAND
WAYNE J. WATSON, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### AGENCY FOR INTERNATIONAL DEVELOPMENT

THOMAS X. D'AMICO, OF TEXAS
JOHN F. LORD, OF MARYLAND
MARY H. O'MARA, OF VIRGINIA
JOHN MICHAEL PHEE, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

FRANK J. YACENDA, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALFRED BEN ANZALDUA, OF ARIZONA
CARROLL JOSEPH AUSTIN, OF VIRGINIA
GREGORY L. AVRAKOTOS, OF VIRGINIA
TAMARA L. BAKER, OF TENNESSEE
DAVID A. BEAM, OF VIRGINIA
HEIDI L. BENNER, OF PENNSYLVANIA
DREW GARDNER BLAKENEY, OF TEXAS
DONALD ARMIN BLOME, OF ILLINOIS
ROBERT B. BOYLES, OF VIRGINIA
DANIEL JOHN BUSHEY, OF VIRGINIA
PADRAIG PEARSE DECLAN BYRNE, OF WASHINGTON
KAYE-ANNE CANON, OF WASHINGTON
SALLY A. COCHRAN, OF FLORIDA
DAVID CONFORTI, OF CALIFORNIA
JANICE A. CORBETT, OF OHIO
AMY LYNN DAWSON, OF VIRGINIA
JAMES PATRICK DEHART, OF OREGON
STEPHEN A. DRUZAK, OF WASHINGTON
THOMAS S. DYMAN, OF THE DISTRICT OF COLUMBIA
LAURA A. EAGLEEYE, OF THE DISTRICT OF COLUMBIA
MARY EILEEN EARL, OF VIRGINIA
LINDA LAURENTS EICHBLATT, OF TEXAS
RUTA DAINAUSKAS ELVIKIS, OF ILLINOIS
MARGO GRIMM EULE, OF THE DISTRICT OF COLUMBIA
STEPHANIE JANE FOSSAN, OF VIRGINIA
JEFFREY R. GERLACH, OF GEORGIA
CECILIA M. GUZIK, OF VIRGINIA
CHRISTOPHER SCOTT HEGADORN, OF THE DISTRICT OF COLUMB
SHIRLEY J. HERVEY, OF VIRGINIA
BRIAN C. HOGAN, OF VIRGINIA
THOMAS SCOTT JENNINGS, OF ILLINOIS
RUSSELL P. JOHNSON, OF FLORIDA
HARRY RUSSELL KAMIAN, OF CALIFORNIA
PAUL E. KIECHLIN, OF VIRGINIA
MARC E. KNAPPER, OF CALIFORNIA
SUSAN MICHELLE KOHN, OF FLORIDA
MARGARET L. KONSKI, OF VIRGINIA
BLAIR L. LABARGE, OF VIRGINIA
WILLIAM SCOTT LAIDLAW, OF CALIFORNIA
BERNARD EDWARD LINK, OF VIRGINIA
LEE MACTAGGART, OF WASHINGTON
DAVID R. MARLOWE, OF VIRGINIA
ROBERT S. MAY, OF CALIFORNIA
JAMES A. NCNAUGHT, OF ILLINOIS
CAROLYN P. MEISENGER, OF VIRGINIA
EAMON H. MORAN, OF CALIFORNIA
MARY JANE PELLA, OF MARYLAND
NEIL M. PERETZ, OF FLORIDA
JEFFREY JOHN PERRY, OF VIRGINIA
LARRY P. PLEASANT, OF MARYLAND
J. BRUCE PRIOR, OF WASHINGTON
DAVID F. REAMES, OF VIRGINIA
CARL M. ROSENE, OF TEXAS
KAI RYSSDAL, OF VIRGINIA
NORMAN THATCHER SCHARPF, OF THE DISTRICT OF COLUMBIA
C. MICHAEL SCHNEIDER, OF VIRGINIA
JENNIFER L. SCHOOLS, OF TEXAS
PAUL F. SCHULTZ, III, OF VIRGINIA
DONALD MARK SHEEHAN, OF VIRGINIA
JOHN D. SHIPPY, OF TEXAS
JUSTIN HICKS SIBERELL, OF CALIFORNIA
WILLIAM B. SMITH, JR., OF FLORIDA
THOMAS Y. SYLVESTER, OF MARYLAND
ANTHONY SYRETT, OF WASHINGTON
SERGIO ENRIQUE TORRES, OF NEW YORK
HERBERT SMITH TRAUB, III, OF GEORGIA
ARNOLDO VELA, OF TEXAS
J. RICHARD WALSH, OF ALABAMA
THOMAS J. WALSH, OF VIRGINIA
BENJAMIN WEBER, OF NEW JERSEY
LAUREN ANNIS WRIGHT, OF NEW JERSEY
DAVID K. YOUNG, OF FLORIDA
GEORGE J. ZIMMERMAN, OF VIRGINIA
DARCY FYOCK ZOTTER, OF CONNECTICUT

### IN THE ARMY

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

*To be major general*

BRIG. GEN. FRED H. CASEY [redacted]
BRIG. GEN. MICHAEL W. DAVIDSON [redacted].

BRIG. GEN. GERALD A. MILLER [redacted]
BRIG. GEN. GARY J. WHIPPLE [redacted]

*To be brigadier general*

COL. ALEXANDER H. BURGIN [redacted]
COL. JOSEPH W. CAMP, JR. [redacted]
COL. DONALD M. EWING, [redacted]
COL. WAYNE C. MAJORS, [redacted]
COL. GARY D. MAYNARD [redacted]
COL. WALTER F. PUDLOWSKI, JR. [redacted]
COL. ALLEN J. STRAWBRIDGE, JR. [redacted]
COL. MORRIS L. PIPPIN [redacted]
COL. PHILIP H. PUSHKIN [redacted]
COL. HAROLD E. BOWMAN, [redacted]
COL. THOMAS E. BUCK [redacted]
COL. BERNARD J. CAHILL [redacted]
COL. CARROLL D. CHILDERS [redacted]
COL. JOSE A. DIAZ [redacted]
COL. JOHN A. HAYS [redacted]
COL. JOHN L. JONES [redacted]
COL. GARY E. LEBLANC [redacted]
COL. THOMAS L. MCCULLOUGH, [redacted]
COL. ROGER E. ROWE [redacted]
COL. ERROL H. VAN EATON [redacted]
COL. EDISON O. HAYES, [redacted]
COL. EUGENE L. RICHARDSON [redacted]
COL. ROBERT V. TAYLOR [redacted]
COL. ALFRED E. TOBIN [redacted]

### IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be admiral*

ADM. WILLIAM D. SMITH, U.S. NAVY [redacted].

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

### UNRESTRICTED LINE OFFICER

*To be rear admiral*

REAR ADM. (1H) GRANT THOMAS HOLLETT, JR. [redacted] [redacted] U.S. NAVAL RESERVE.
REAR ADM. (1H) TIM MCCALL JENKINS [redacted] [redacted] U.S. NAVAL RESERVE.
REAR ADM. (1H) JOHN JACOB MUMAW [redacted] [redacted] U.S. NAVAL RESERVE.

### UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

*To be rear admiral*

REAR ADM. (1H) JAMES DUANE OLSON, I [redacted] [redacted] U.S. NAVAL RESERVE.

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

### CHAPLAIN

*To be colonel*

JOHN W. BRINSFIELD [redacted]
MICHAEL. L. BROYLES [redacted]
MICHAEL D. CHILEN [redacted]
GARY R. COUNCELL [redacted]
THOMAS R. DECKER [redacted]
GREGORY J. DEMMA [redacted]
ROBERT D. HARRISON [redacted]
DAVID H. HICKS [redacted]
DAVID L. HOWARD [redacted]
GERALD E. MARTIN [redacted]
JOSEPH E. MILLER [redacted]
LOWELL P. MOORE [redacted]
MALCOLM ROBERTS II [redacted]
JAMES E. RUSSELL [redacted]
ERVIN L. SHIREY [redacted]

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

### MEDICAL SERVICE CORPS

*To be major*

*AADLAND, REBECCA L. [redacted]
*APPLEWHITE, LARRY W. [redacted]
*ARDNER, DAVID R. [redacted]
*BABB, THOMAS A. [redacted]
*BABEU, LORRAINE A. [redacted]
*BARRETT, LAMONT E. [redacted]
BATES, BRUCE B. [redacted]
BLANCHETTE, GLENN R. [redacted]
*BOELL, RAYMOND L. [redacted]
*BOWER, MARK W. [redacted]
BROCKER, DONALD W., [redacted]
BUCHNOWSKI, RANDY P. [redacted]
BUDINGER, ANN C. [redacted]
BUKARTEK, JOHN V. [redacted]
*CAMP, JAMES M. [redacted]
CANESTRINI, KENNETH [redacted]
*CANNON, CHARLES E. [redacted]
CASS, SCOTT F. [redacted]
*CHANG, ROBERTA K. [redacted]
CHISHOLM, LISA P. [redacted]
CHOWEN, STEVEN H. [redacted]
CLAYSON, EDWARD T. [redacted]
*COLEMAN, LANG K., [redacted]
*CONWAY, LARRY L. [redacted]
*COOK, JOHN P., [redacted]
COOLEY, JUDITH K. [redacted]
COSME, JOEL, [redacted]
*CRESCI, ANTHONY B. [redacted]
*CUMMINGS, LAURIE A. [redacted]
DANCHENKO, JEFFREY [redacted]
*DEJESUS, ORTIZ A. [redacted]
*DEJESUS, RAFAEL E. [redacted]
*DELANO, KENNETH A. [redacted]
EDWARDS, ROBERT J. [redacted]
FAIREY, JOHN D. [redacted]
FANNING, WILLIAM M. [redacted]
*FLYNN, DANIEL P. [redacted]
*GAMERL, JAMES M. [redacted]
*GLENESK, NEIL G. [redacted]
*GRAY, ROBERT E. [redacted]
HANF, DARRELL J. [redacted]
*HANSEN, CURTIS S. [redacted]
*HASEWINKLE, WILLIAM, [redacted]
*HAWKINS, EFREM M. [redacted]
HEBRON, BERNARD F. [redacted]
HERRON, GEORGIA L. [redacted]
HERSCHBERGER, GARY [redacted]
*HILL, DUANE N. [redacted]
HOFF, BARBARA H. [redacted]
*HOROSKO, STEVE III [redacted]
HOWARD, REGINALD W. [redacted]
*HULKOVICH, PAUL R. [redacted]
*IACOVETTA, GLENN T. [redacted]
IPPOLITO, ANASTASIA [redacted]
*JENKINS, WANDA J. [redacted]
*JONES, DAVID D. [redacted]
JONESLUGO, PATSY R. [redacted]
*JOY, VAN A. [redacted]
*KOVAK, BRUCE C., [redacted]
*KOZLOWSKI, LOUIS P. [redacted]
*LABADIE, CAROL W. [redacted]
*LARKIN, MITZIE A., [redacted]
LEDOUX, MICHAEL H. [redacted]
LEMAY, KAREN A. [redacted]
LETT, DONALD R. [redacted]
*LITTLE, THOMAS J. [redacted]
LOPEZ, JOSE L. [redacted]
LOWRY, MARK A., [redacted]
*MACDONALD, DAVID L. [redacted]
*MCDONALD, MICHAEL S. [redacted]
MELANSON, MARK A., [redacted]
METZGER, MARK A., [redacted]
*MILSTREY, ERIC G. [redacted]
MITCHELL, BARRY L. [redacted]
*MITCHELL, RICHARD S. [redacted]
MOORE, TIMOTHY J., [redacted]
*MOSLEY, MURIEL A. [redacted]
*MUNIZ, GILBERT M. [redacted]
*MURDOCK, BONNIE M. [redacted]
NECHANICKY, JEFF A. [redacted]
*NEWCOMBE, WILLIAM R. [redacted]
ORRICO, DANIEL P. [redacted]
ORRICO, DIANE M., [redacted]
*OVERSTREET, HEIDI [redacted]
OWENS, KELVIN B. [redacted]
*PAYNE, SAM JR. [redacted]
*PELLETIER, JAMES P. [redacted]
PERRY, AUDREY L. [redacted]
PERRY, DENISE A. [redacted]
*PERRY, ELAINE S. [redacted]
QUINLIVAN, JOHN D. [redacted]
ROBERT, LEON L. [redacted]
*ROUNDTREE, BRIAN T. [redacted]
*ROWBOTHAM, MICHAEL, [redacted]
*SCONCE, FREDDIE, [redacted]
SHAUL, PETER T. [redacted]
*SIGNAIGO, JAMES A. [redacted]
SLIFE, HARRY F. [redacted]
SMETANA, WAYNE R. [redacted]
SMITH, DAWN M. [redacted]
*SMITH, THOMAS C. [redacted]
*SOUTHWELL, GARY D. [redacted]
*STANFIELD, BARBARA [redacted]
*STEPHENS, KATHERINE [redacted]
*STEVENS, MARC J. [redacted]
*STEWART, ROBERT L., [redacted]
STILL, JAY F. [redacted]
*STONE, LAWRENCE J. [redacted]
SYVERTSON, ROBERT L. [redacted]
SYVERTSON, TRACEY, L. [redacted]
*THOMAS, COLLEEN A. [redacted]
*THOMPSON, EVANS, E. [redacted]
*TORO, ANGEL M., [redacted]
TRAKOWSKI, JOHN H. [redacted]
*UNGER, JEFFREY M. [redacted]
WADDELL, JAMES A. [redacted]
WEIR, ALAN F. [redacted]
WEST, DONALD R. [redacted]
*WHALEY, ANTHONY K. [redacted]
*WHITE, ANTHONY E. [redacted]
*WYATT, TRACY O. [redacted]
YAMAMOTO, ALAN M. [redacted]
ZETO, JOHN F. [redacted]
ZIEGLER, DERICK B. [redacted]

### ARMY MEDICAL SPECIALIST CORPS

*To be major*

*DAVIS, MARTHA A. [redacted]
DILLY, GEORGE A. [redacted]
FINEGAN, FRANCES, E. [redacted]
*GORCZYCA, CYNTHIA, A. [redacted]
*GREDIAGIN, ANN, [redacted]
*HECKEL, HEIDI, A. [redacted]
*LAURIN, MARY J. [redacted]
MILLS, MEGAN K. [redacted]
RICE, HOWARD A., [redacted]
ROWBOTHAM, LINDA L. [redacted]
SCHNEIDER, THERESA [redacted]
*SHEAR, JAMES J. [redacted]
*SMITH, LOUIS, H. [redacted]
*WORLEY, MARIA A. [redacted]

### VETERINARY CORPS

*To be major*

*ADAMS, TIMOTHY K. [redacted]
*BAUMBARTNER, ROXANN [redacted]
*BULEY, MICHAEL A., [redacted]
*CARPENTER, CALVIN B. [redacted]
*CHUMLEY, PERRY R. [redacted]
*COCKMAN, THOMAS R., [redacted]
*COLGIN, LOIS M., [redacted]
*GOLD, MARK B., [redacted]
*HAECKER, ELLEN E. [redacted]
*MOSER, JANET, [redacted]
*POPPE, JOHN L. [redacted]
*ROLFE, DAVID S. [redacted]
RUBLE, DAVID L. [redacted]
*SERCOVICH, MARK J., [redacted]
*WATTERS, STEVEN M. [redacted]
*WILTSHIRE, NORMAN D., [redacted]

### ARMY NURSE CORPS

*To be major*

*ADELFIO, JANET, S. [redacted]
*ALBRITTON, JEFFREY, [redacted]
*ALTENBURG, SUSAN C. [redacted]
*ANDERSON, ROGER H., [redacted]
BAILLY, CHERYL M. [redacted]
*BAUER, LINDA M. [redacted]
*BELL, JOSIE, Z., [redacted]
*BELMONT, CLIFETTE, [redacted]
*BERES, KIMBERLY A. [redacted]
*BISSELL, JULIE M. [redacted]
*BORK, RAYMOND H., [redacted]
*BOUCHER, ROBERT L. [redacted]
*BOYLAN, MICHELLE M., [redacted]
*BRASWELL, GWENDOLYN [redacted]
*BREHM, ARTHUR W., [redacted]
*BROCK, WILLIAM A., [redacted]
*BROWN, ARLENE R., [redacted]
*BURGESS, DORIS A. [redacted]
*BUTLER, DAVID R. [redacted]
*CARROLL, CHERYL E., [redacted]
*CASSIDY, CARLA L. [redacted]
CHAPMAN, THOMAS H., [redacted]
*CHURCH, JAMES A., [redacted]
*CLEMMONS, MARCIA D., [redacted]
*COX, GEORGE H., [redacted]
*COX, RUTH M., [redacted]
*CURRY, SHERILYN V. [redacted]
*DAVILAFLORES, YOLAN, [redacted]
*DEGENHARDT, RAYMOND, [redacted]
*DUNKIN, JAMES A. [redacted]
*DURAN, LAURIE L. [redacted]
*ELLIS, TINA M. [redacted]
ESLICK, RONALD G. [redacted]
*FELTZ, MARCIA A. [redacted]
*FERGUSON, SHERI L. [redacted]
*FINCH, JULIE A. [redacted]
*FINN, LOUISE L. [redacted]
*FIORE, JANET E. [redacted]
*FOX, GEORGE J., [redacted]
FRITZ, LORRAINE A. [redacted]
*GILBERT, BARBARA A. [redacted]
*GREENE, JOYCE A., [redacted]
*HALDORSON, ERICK A., [redacted]
*HALL, TERESA I. [redacted]
*HANNAH, RITA K., [redacted]
*HARDY, ALVIN E., [redacted]
*HERNANDEZ, DAVID, [redacted]
*HICKMAN, FREIDA C., [redacted]
*HODGES, MARK E., [redacted]
HODGES, ROBERT S. [redacted]
*HOLAWAY, STEVEN L. [redacted]
*HOOD, ROBERT K., [redacted]
HOUGH, CHARLOTTE L., [redacted]
*HUGHES, NANCY J. [redacted]
*HUNDLEY, LINDA L. [redacted]
*HUNT, DONNA L., [redacted]
*JACKSON, SANDRA A., [redacted]
*JERDE, JEFFREY L. [redacted]
*JOHNSON, DIANNE, [redacted]
*JOHNSON, JIMMY L. [redacted]
*JOHNSON, JULIE M. [redacted]
*JOLITZ, CAROLYN M. [redacted]
*JONES, LAGAUNDA C., [redacted]
*JORDAN, SANDRA D., [redacted]
*KELLY, MARK E. [redacted]
*KELTY, DAVID L. [redacted]
*KIM, JUNG S. [redacted]
*KING, KATHY D. [redacted]
*LARABEE, JAMES L. [redacted]
*LEATHERMAN, JOYCE L. [redacted]
*LEE, JANET Y. [redacted]

*LONG, GLORIA R. [redacted]
*MARCHI, ROBERT [redacted]
*MARK, DEBRA D. [redacted]
*MARTIN, PAUL K. [redacted]
*MASI, KATHLEEN R. [redacted]
*MAXWELL, GLORIA J. [redacted]
*MCNEILL, CAROLYN M. [redacted]
*MCPHERSON, TERESA Y. [redacted]
*MOORE, ROBERT J. [redacted]
*MORALES, MAGINIA S. [redacted]
*MORRISMAGEE, MISHEL [redacted]
*MURPHY, LAURA J. [redacted]
*MURRAY, CELIA R. [redacted]
*MYERS, SUSAN M. [redacted]
*NASH, BEULAH L. [redacted]
*NELSON, WADE M. [redacted]
*NOBLE, LILLY J. [redacted]
*NORTON, PAMELA A. [redacted]
*OBRIEN, VALENTINE A. [redacted]
PALASCHAK, KRISTEN [redacted]
*PARE, JOHN F. [redacted]
*PERKIN, JANE E. [redacted]
*PERRA, EILEEN L [redacted]
*PETERSON, DAVID D. [redacted]
PIEKLIK, SUZANNE R. [redacted]
*POWELL, JACK R. [redacted]
*PYTLEWSKI, JANE B [redacted]
*RAMNARINESINGH, SUS [redacted]
*RAMOS, MARTINEZ A. [redacted]
*RAWSON, HANCE J. [redacted]
*RAY, CAROLYN L. [redacted]
RISALITI, MARIA D. [redacted]
*ROBERTS, JENNIE B [redacted]
*ROGERS, LAURA W. [redacted]
ROSKOVENSKY, DENISE [redacted]
*ROSS, ANGELA M. [redacted]
*ROTH, STACY A. [redacted]
*RUIZ, JUDITH [redacted]
*SAVIGNAC, ARTHUR C. [redacted]
*SCIBA, JANICE M. [redacted]
*SEBASTIAN, BRADFORD [redacted]
*SELZER, ROGER A. [redacted]
*SHARP, SIDNEY L. [redacted]
*SINGH, TONY D. [redacted]
*SMITH, CAROLYNN I. [redacted]
*SMITH, SUSAN G. [redacted]
*SOUZA, KERRY L. [redacted]
*SPEARS, GLENNA M. [redacted]
*SPURGEON, KAREN A. [redacted]
*STANLEY, JOYCE D. [redacted]
*STEWART, DELLA W. [redacted]
*STONE, ROCKY L. [redacted]
SULLIVAN, THERESA M. [redacted]
*SUMMERS, ELLEN C. [redacted]
*TAYLOR, THERESA A. [redacted]
*TELLITOCCI, REGINA [redacted]
*THOMPSON, CARA L. [redacted]
*TIMMERMAN, KRISTINE [redacted]
*TUNSTALL, SUSAN M. [redacted]
*VAN, STONE R. [redacted]
VOELKER, KEVIN G. [redacted]
*VOEPEL, SUZANNA K. [redacted]
WADE, NAOMI B. [redacted]
WALSH, KEVIN M. [redacted]
*WILLIS, JAMES W. [redacted]
*WOODWARD, JOHN B. [redacted]
*WRIGHT, MARIE L. [redacted]

# HOUSE OF REPRESENTATIVES—*Tuesday, July 13, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in gratitude and praise, O gracious God, those people who inspire and strengthen and whose motivation in life is to encourage and assist. Each of us can recall those whose words have quieted our concerns and whose grace has eased any hurt. May each of us learn from these people who are dedicated to helping others and whose acts of charity and good will strengthen the bonds of peace and understanding in our lives and in our world. This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 412. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 464. An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 1197. An act to make miscellaneous and technical corrections to the Immigration and Nationality Act and related provisions of law.

S. 1205. An act to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes.

S. Con. Res. 28. Concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes.

## APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968(a) of title X, United States Code, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint as members of the Board of Visitors to the U.S. Naval Academy the following Members of the House: Mr. HOYER of Maryland; Mr. MFUME of Maryland; Mrs. BENTLEY of Maryland; and Mr. SKEEN of New Mexico.

## APPOINTMENT OF MEMBERS TO U.S. DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 169(b) of Public Law 102–138, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint to the U.S. Delegation to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe the following Members of the House:

Mr. HAMILTON of Indiana, Vice Chairman; Mr. HOYER of Maryland; Mr. GEJDENSON of Connecticut; Mr. LANTOS of California; Mr. MCCLOSKEY of Indiana; Mr. CARDIN of Maryland; Mr. MORAN of Virginia; and Ms. SLAUGHTER of New York.

## APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 3 of Public Law 93–304, as amended by section 1 of Public Law 99–7, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint to the Commission on Security and Cooperation in Europe the following Members of the House:

Mr. HOYER of Maryland, Cochairman; Mr. MARKEY of Massachusetts; Mr. RICHARDSON of New Mexico; Mr. MCCLOSKEY of Indiana; Mr. CARDIN of Maryland; Mr. PORTER of Illinois; Mr. SMITH of New Jersey; Mr. WOLF of Virginia; and Mr. FISH of New York.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 13, 1993.*

Hon. THOMAS S. FOLEY.
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, July 2, 1993 at 10:41 a.m. that the Senate passed without amendment: H.R. 588; H.J. Res. 213 and appoints additional conferees: H.R. 2264.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## CLINTON BUDGET TO PROMOTE SMALL BUSINESSES

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when it comes to the restoration of the economy, no one will dispute the importance of small businesses.

President Clinton's budget package recognizes the vital role that small businesses play in an expanding economy. Without the Clinton budget, small businesses will not reach their full growth potential.

First, the Clinton budget will prolong lower borrowing costs so businesses can expand.

Second, small businesses will benefit from a special capital gains tax cut. This too will aid growth.

Third, small businesses will also receive the 25-percent deduction for health care premiums. This will hold the line on costs.

Fourth, businessmen and businesswomen who invest in their own firms will receive tax benefits.

Under the Clinton budget, revenue collection will be unaffected for the overwhelming majority of small businesses.

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In fact, 96 percent of the small businesses that file individual returns will not have an increase in their individual rates.

And 100 percent of the small businesses will not experience any change in the higher corporate rates.

Mr. Speaker, the Clinton budget is good for small businesses and it is good for America.

## COST OF GOVERNMENT DAY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, today is a day of celebration—it is Cost of Government Day, the day when Americans have finally earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation. It is the day when the money we earn is finally entirely for us, and not for the Government.

As Grover Norquist, president of Americans for Tax Reform, stated:

> Over 53 percent of the average American's income will be consumed by Federal, State, and local government in 1993. Tax Freedom Day, when Americans have earned enough to pay their share of the tax burden, is May 3. But the burden is not then lifted. More than 2 more months of work are necessary until we work for ourselves. Just because we don't see these costs on a pay stub or sales slip doesn't mean they don't exist or are harmless. These costs are very real and they have real consequences—jobs killed and economic growth strangled.

As chairman of Cost of Government Day, today I am introducing a resolution establishing July 13, 1993, as Cost of Government Day. Twenty-two of our colleagues have joined me as original cosponsors of this resolution, and I invite all of my colleagues to do so as well.

This Government is too big and costs too much. It is time to reform it and give it back to the people it belongs to—American taxpayers.

## DISASTROUS FLOODING IN THE MIDWEST

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, we are experiencing disastrous flooding in the Midwest. The Missouri River and the Mississippi River and their tributaries combined with unprecedented rains to flood towns and farms throughout Missouri. Last week, from a National Guard helicopter, I saw counties and homes and businesses and fertile fields covered with water. "Devastation" hardly describes the flood damage in my State.

Agencies—local, State, and Federal—are responding quite well, but most important, Mr. Speaker, I witnessed Missourians working together, filling sandbags, moving household furniture, neighbor helping neighbor, all with incomparable "show me" attitude.

Soon, Mr. Speaker, this Congress will be asked to provide assistance to those who have suffered great loss. I hope we will be able to do our best, not only to relieve the suffering but to help those Missourians become productive Americans once again.

## COST OF GOVERNMENT DAY (CONTINUED)

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, today is Cost of Government Day; that is to say, this is the day when Americans earn enough income to pay off their share of the combined costs of taxes, government spending, and regulation. Rather ironic—don't you think—when you consider what the budget conferees are considering.

If the conferees agree with what has barely slipped through the House and the Senate, then the Cost of Government Day will be a lot later next year.

□ 1210

The budget reconciliation bills passed by the House and the Senate, said by their advocates to be a balanced combination platter of revenue increases and spending cuts, are really platters which are very heavy on the tax gravy.

In the House version, tax increases outweigh spending cuts by more than 5 to 1. In the Senate version, there is a slight improvement. It is 3 to 1.

What is more, both bills are the largest tax increase in American history.

Mr. Speaker, because our Government is supposed to be of the people, by the people, and for the people, not on the backs of the people, it is time to cut taxes, cut spending, cut Government regulation. It is time for a freeze on most Government expenditures, taxes, and regulation.

## PRESIDENT CLINTON, STAR OF THE TOKYO SUMMIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Clinton was the star of the Tokyo summit and hit several home runs that mean jobs for Americans. But those international victories can be meaningless if we fail to pass his economic plan here at home. He struck a tariff reduction deal with Canada, Japan, and the European communities that reinvigorated the stalled Uruguay round. He got Japan to commit to reduce its $50 billion trade surplus with a framework agreement. He solidified support for Boris Yeltsin, probably insuring his survival. And he sent a strong message that Asia is an important national security priority for the United States and that North Korea should be careful. In short, President Clinton was Presidential and handled his second summit with great skill.

His foreign policy team, headed by Secretary of State Warren Christopher, deserves enormous credit.

As the line goes, President Clinton comes home with momentum and a strengthened hand to face the daunting challenges here at home. Let us not let him down.

## COST OF GOVERNMENT DAY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, today is Cost of Government Day, that day on which Americans have worked long enough to pay all their taxes and worked long enough to pay for all the cost of regulations at all levels of government.

You may not be aware that today all levels of government consume 43 percent of the Nation's net income in taxes. Governments at all levels also impose costs on the cost of our goods and services in America, costing Americans another 10 percent of their net income; so government at all levels is consuming today 53 percent of the Nation's net income.

And guess what? They are all broke. The Federal Government is even more than broke. We are $4 trillion in debt.

And guess what, all levels of government are trying to find more ways to get into your pockets and raise taxes.

It is time for all of us in government at all levels to reexamine what our priorities ought to be. We ought to have a government that is smaller and more effective, a government that works with the American people and not against them.

We wonder why the economy is not growing, yet 53 percent of the Nation's net income is being absorbed by taxes.

No wonder there is no money for investment or job creation.

## AMERICAN PEOPLE DO NOT LIKE NAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, why is our Trade Representative in such a hurry to push the North American Free-Trade Agreement through the Congress?

Two weeks ago, Judge Richey issued an order telling the President of the United States to slow down, to provide us with an environmental impact statement.

Even a 2-mile highway project in Elyria, OH, requires an environmental impact statement.

Reports this week are that the environmental side agreements that the Trade Representative's office is negotiating are far, far short of what the American people want.

I say to the President, slow down and get it right. Get it right for American business; get it right for American workers; get it right for American jobs.

The more the American people learn about the North American Free-Trade Agreement, the less they like it.

Mr. Speaker, the next time I address the House of Representatives, I will discuss how NAFTA affects truck safety.

## PRESIDENT'S TAX BILL PUTS SMALL BUSINESSES IN LINE OF FIRE

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, there is a new Clint Eastwood movie out now called "In the Line of Fire." The movie reminds me of President Clinton's tax bill, which puts small businesses in the line of fire.

The difference, of course, is that small business will not take a bullet for the President. It will take a bullet from the President.

Under the President's plan, the effective tax rate for most small businesses will increase by 60 percent, killing thousands of jobs.

The Clinton White House seems to be saying to small business: "Go ahead, punk, make my day. If you are successful at making money in your business, we are going to tax you at a deadly rate."

Mr. Speaker, this is a curious way to treat small business, the most productive job-creating sector of our economy.

When it comes to taxing small businesses, I have this advice for the administration. I urge the President, "Hold your fire."

## WORST THING TO DO ON BUDGET IS TO DO NOTHING

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, following the recent successful G-7 summit in Tokyo, the very worst thing that we can do in Congress is to do nothing whatsoever about the deficit reduction and economic growth plan which is now pending in the House-Senate conference. We can and will debate the issues and we can and will even quibble over some of the details in those plans which have to be reconciled in the conference.

But basically the plans are easily dovetailed, because they both devote most of the earnings that are saved to deficit reduction. They both have a deficit reduction trust fund. They both primarily are progressive, trying to assign most of the revenues raised to those who can afford to pay the most.

There are many differences, Mr. Speaker, but there are many similarities. There is much that can be built on, but once again, the worst thing that we could do for the world's economy, the worst thing we can do for the U.S. economy, the worst thing we could do for ourselves as Members of Congress on both sides of the aisle, is to do nothing. So let us do something. Let us pass the budget conference report.

## CLINTON TAX-AND-SPEND BILL WILL DEVASTATE SMALL BUSINESSES

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, today on Cost of Government Day let us recall that the Democrat-controlled House has passed a tax-and-spend budget bill which will absolutely devastate small businesses and cost jobs in this country. The Democrat-controlled Senate has passed a bill which will absolutely devastate small businesses and cost jobs in this country. And the Democrat President is telling us that he's confident he'll get an even better bill out of the conference committee. Given his track record, that's kind of scary.

Small businesses generate the bulk of this Nation's new jobs. And they will be the hardest hit by the Clinton tax-and-spend budget. Because, when you raise taxes, you kill jobs. When you raise taxes, consumer prices inevitably rise, demand falls off, and small businesses begin to collapse.

Each and every Member of this body represents small businesses. We have an obligation to defend them and the jobs they create. We have an obligation to protect them from the largest tax increase in American history.

Mr. Speaker, I would urge my colleagues to talk with their small business constituents and their employees. Listen to what they say. And remember them when you vote on the Clinton tax grab.

## ACHIEVING A FAIR DEFICIT REDUCTION PLAN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, our President has just completed a very successful G-7 meeting. His hand was strengthened by the prospect of a deficit reduction package that is working its way through Congress.

It has been a long time since Americans and those who look to America have seen a fair and honest deficit reduction plan.

President Clinton's plan calls for a $500 billion deficit reduction in 5 years, $100 billion more in deficit reduction than the Republican plan.

While President Clinton plans to help seniors, the middle class, small business, students, and children, the Republicans seek to help the wealthy.

Mr. Speaker, a recent editorial in the Washington Post entitled "The Republicans Fake It" says very clearly about the Republican deficit reduction plan, and what was the object of all this? It was mainly to save or to grandstand in the name of saving the richest people in the country from the higher top income tax bracket rate the Democrats would rightly impose to achieve the necessary deficit reduction fairly.

□ 1220

## CLINTONOMICS ALL-STARS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the "Cardinal" rule this All-Star Week is whether this Congress will be "Brave" and cut spending first or be "Dodgers" and deal three strikes on the American economy: "Giant" taxes, "Expo"-nential, "Astro"-nomical new spending, and a river of "Reds" ink.

Well, com-"Padres," I am not optimistic. With the Clinton administration's "Rocky" start and the fact that the Senate can't "Phillie"-buster away all those unpopular Clinton taxes, the House-Senate conferees, economic "Pirates," and tax-and-spend "Twins" will "Brew" up a makeshift tax plan to "Sox" all Americans with new taxes, from the oldest "Indian" chief to our youngest little "Tiger" "Cubs". We must do better. I say to my friends, it will take all the "Angels" in Heaven and "Rangers" on Earth to send President Clinton and this liberal Congress a message. Until Washington cuts spending first, even the "Marlins" in the sea and the "Blue Jays" in the air will know this Government will not have "Met" the challenge. Now play ball.

## CONGRESS IS RESPONSIBLE FOR THE LOSS OF JOBS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Nike basketball shoes are made in Indonesia.

Nike basketball shoes are made in Indonesia.

Mr. Speaker, Nike workers are paid 19 cents an hour.

Just think about this:

Those sneakers are sold in America for $125 a pair, and it takes 19 cents, about 1 hour, to make them, and $125 to buy them.

Mr. Speaker, we have got all of these free-traders saving all our jobs who are saying, "If we don't have these cheap imports to keep our prices down, you're going to lose your job." Beam me up, Mr. Speaker.

My colleagues, what are the sneakers made out of? Solid gold? These Nike executives are dunking and dribbling all the way to the bank, and they are saying, "Don't worry. Congress will do nothing. In fact, Congress is going to approve a free-trade agreement with Mexico, and they are paid much higher, 50 cents an hour."

I say, Mr. Speaker, that American jobs will be wearing Nike sneakers and sprinting out of our country, and Congress ought to be ashamed of itself. Congress is responsible for the loss of jobs in America.

## CLASS WAR IS HELL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, class war is hell. Especially on the economy.

I wish the President would keep that in mind as his tax plan goes to conference.

President Clinton has said that only the wealthiest will pay the bulk of the taxes.

What he has not said is that small business owners will be hit the hardest. In fact, 80 percent of all small businesses file as individuals.

If the President's plan to hit those making over $200,000 is enacted, it will hit those small businesses like a Tomahawk missile.

The result will be lost jobs, lower productivity and slow economic growth.

Tax fairness is a two-way street. If we raise taxes on small businesses, they will be forced to lay off workers or go out of business.

Class war is, indeed, hell. I urge the President to give up the fight and work to expand economic growth.

This tax bill does not have to be.

## NATIONAL SERVICE TRUST ACT

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, the National Service Trust Act is one of the most positive and hopeful initiatives the 103d Congress will consider. It will build community spirit by promoting community involvement, education, and the participation of our young people in our national life. Through the incentive of financial assistance to help cover education costs, our youth will be encouraged to become involved in and contribute to the life of their communities through service opportunities.

Too often our youth have wanted to contribute to our society, but have been limited by economic realities that constrain their choices. The National Service Trust Act will give them that chance. It will enable our young people to serve and contribute to our national life, and at the same time to have part of their collegiate debt burden eased. It will provide a wonderful opportunity for your youth to find fulfillment through meaningful employment opportunities, and build a sense of community spirit, which this country desperately needs.

Robert Kennedy once said that youth is "not a time of life, but a state of mind—a temper of the will, a preponderance of courage over timidity." Young people can be motivated with this special kind of program which can use that youthful courage and energy in service which benefits both themselves and our Nation. I ask my colleagues to join me in supporting this visionary legislation—the National Service Trust Act.

## THE NEW HAMPSHIRE INTERNATIONAL SPEEDWAY

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, on Sunday, I had the privilege of attending my first Winston Cup NASCAR race. The "Slick 50" 300 was held at the New Hampshire International Speedway in Loudon, NH.

The most amazing part of the race was that it even took place. Only a couple of years ago the raceway was nothing more than a pile of tires. The Bahre family had a vision for the speedway and they turned that pile of tires into one of the finest speedways in America. The drivers themselves said the track was one of the best on the NASCAR circuit.

While some people talk about economic development, the Bahre family has created economic development. More than 65,000 people poured into the State for this event and spent over $150 million, giving a much-needed boost to the New Hampshire economy. This is the kind of economic development that creates jobs without putting the Federal Government further in debt.

Today I rise to salute the Bahre family and their vision, and on behalf of the people of New Hampshire, I want to thank them for their efforts in strengthening our State's economy.

Mr. Speaker, I also want to express my deep sadness at the passing of Davey Allison, who I spent time with on Sunday, and who died this morning as a result of a helicopter crash in Alabama yesterday. I am sure I speak for the whole body when I express my sympathy to the entire Allison family.

## BALTIMORE'S FIELD OF DREAMS

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, today is a joyous day for Maryland and particularly the Third Congressional District. Baltimore—the city that brought the world Brooks Robinson, Cal Ripken, Jr., Jim Palmer, Frank Robinson, and Earl Weaver, the city that gave birth to the legend of Babe Ruth, the city whose team the Orioles, has won three world championships, six American League pennants and seven American League Eastern Division titles in only 39 years, the home of the Negro League Elite Giants, Homestead Grays, and Baltimore Blacksocks—tonight Baltimore will proudly host major league baseball's 64th midsummer classic at its own field of dreams, Oriole Park at Camden Yards.

There won't be players popping out of Iowa corn fields tonight, but all the stars from Cal Ripken, Jr., to Barry Bonds to Ken Griffey, Jr., will be on hand as we watch the game while remembering past All-Star highlights like Pete Rose crashing into Ray Fosse in 1970, Carl Hubbell striking out future Hall of Famers, Lou Gerhig, and Marylanders, Babe Ruth and Jimmy Foxx consecutively in 1934, and the Babe hitting the first home run in All-Star history back in 1933.

In addition to hosting the All-Star Game, my district is honored to host this year's All-Star FanFest. The FanFest has been called "a magical baseball theme park" by its organizers. FanFest features include the world's largest baseball memorabilia collection outside of the Baseball Hall of Fame in Cooperstown, NY.

So, tonight, have a hotdog and some peanuts in Maryland's Third Congressional District, and at 8:30 p.m., when the world's eyes will be watching, my constituents and I will be proud to welcome you to Baltimore's field of dreams.

## DO THE RIGHT THING

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, the heat is on in Washington. It is not just the mercury in the thermometers; the tempers of the American people are also on the rise. As official Washington comes back to town—the people who pay our salaries are hot under the collar as they watch to see how much the tax and spend Democrats will cost them in higher taxes.

President Clinton will have to utilize all his persuasion and muscle—in addition to the ongoing White House media blitz—to get necessary support from the Hill because Americans know more taxes and spending are not the answer. I voted against my own party's President the last time the tax-and-spend Democrat Congress misled this Nation into trading higher taxes now for empty promises of spending cuts later. And it was not easy for me. But it was the right thing to do. I urge House Democrats to do the right thing. Vote "no" on higher taxes. Cut spending first. Polls show 9 out of 10 Americans disapprove of the House economic package. This is unmistakable heat.

## MIDWEST FLOOD VICTIMS DESPERATELY NEED OUR HELP

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, never before have I, or the people of Missouri's Sixth District, seen such devastation as that caused by the flood we are experiencing.

Homes and businesses have been severely, some irreparably, damaged. Our rich farmland is under water. People are struggling to save themselves and their loved ones. But the spirit of the people of north Missouri is strong, and they will survive. But they, and all the victims of the Midwest flood of 1993, desperately need our help—and they need it now.

There is no way yet to know the full extent of the damage. Conservative estimates in Missouri alone place the cost at between $500 million and $1 billion—and the waters continue to rise. As a matter of fact, more rain is forecast for Missouri today.

Mr. Speaker, I urge my colleagues' support for emergency flood relief for all victims of this most devastating of natural disasters.

□ 1230

## LIMITED MILITARY INVOLVEMENT IN MACEDONIA—A RECIPE FOR DISASTER

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, why is President Clinton putting American combat troops into Macedonia? One would think that with all of America's experiences with Lebanon and now Somalia, President Clinton, who is supposedly so brilliant, would be more circumspect.

The Balkans is a pile of kindling wood. The policy there makes no sense. It is like putting gasoline in your attic when there is a raging fire in your kitchen.

So why is the President doing it? The Washington Post in an article said something like this: "The U.S. forces are arriving amid some skepticism from U.N. officials and troops here. There is speculation that the Clinton administration is shouldering its way into Macedonia for political purposes."

This is serious business. Why is Congress not involved? Why are the Members of Congress not questioning this policy? Why have the American people not been informed?

Mr. Speaker, this is a dangerous step for our troops and our country. President Clinton owes an explanation to this Congress and to this country now.

## MANY RECOGNIZED FOR HEROIC EFFORTS IN DISASTROUS MIDWEST FLOODS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I have seen first hand the awesome devastating power of Mother Nature. During this past week I toured flood ravaged counties in my district and never have I seen the extent of flooding and damage which is occurring all along the Mississippi and Missouri Rivers at the present time.

This year alone in Missouri we have seen a 100-year flood and now a 500-year flood all within a few short months. There are 15 counties in my district that have been declared major disaster areas and several thousand individuals have been forced from their homes and businesses with many of their belongings and memories left behind to be washed away by the swollen rivers. Thousands of acres of farm land are underwater, as well as many businesses having been destroyed. However, the spirit and will of those who live along the raging rivers has not been broken.

I want to take this opportunity to thank the Army Corps of Engineers, the Missouri National Guard, and all of the volunteers for their outstanding work in combating the flooding. Without their combined, extraordinary efforts the flooding and damage would be more extensive. Again, I want to extend my thanks and praise to everyone who has volunteered their time and resources to assist those who are threatened by the flooding.

## A STRANGE VIEW OF TAX FAIRNESS

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, President Clinton has a strange view of tax fairness.

He would prefer to raise taxes on small business by 60 percent, while increasing the rate on large corporations by only 1 percent.

Is that really fair to the American economy and the American people?

Between the years 1988 and 1990, businesses with fewer than 20 employees created 4.1 million jobs. During that same period, big corporations with over 500 employees had a net loss of a half a million jobs.

Under the Clinton plan, small business, the most productive, job-creating sector of our economy, gets hit the hardest.

Corporate America, perhaps because it signed on early to Clintonomics, gets hit only a little.

The administration's tax fairness punishes success and rewards failure in the business community.

That may sound good to the President's political advisers, but it is a prescription for disaster for our economy and work force.

Let us not punish those who create the vast majority of jobs in this country, Mr. Speaker.

## FOR U.S. WORKERS, NAFTA MEANS FEWER MANUFACTURING JOBS, MORE BURGER JOBS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker Japan violates every trade agreement that we have with them, and we lose jobs. China floods the American market with slave-labor and child-labor-made products, and we lose jobs. The United States is now taking action against 19 nations for dumping steel into this country, and we have lost jobs from that dumping. Russia is dumping aluminum into the United States, and we are losing jobs.

We are now asked to give Mexico a free reign through the North American Free-Trade Agreement.

What is going on in America? We cannot continue to be a sugar daddy to the rest of the world. NAFTA must not pass. America is going to lose more jobs, more manufacturing jobs, and will only gain more burger jobs.

Mr. Speaker, NAFTA is a cockamamie idea whose time has not come, and Congress must say, "No more."

## THE ADMINISTRATION'S ECONOMIC PRONOUNCEMENTS—DOUBLESPEAK AT ITS BEST

(Mr. THOMAS of Wyoming asked and was given permissions to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, it is disappointing that the

American taxpayers are required to decode and decipher the statements that come from their own Government. It is more than disappointing, Mr. Speaker, it is wrong.

The administration continues to tell us that we are going to have an economic growth plan and continues to tell us that there will be cuts in spending and a reduction in debt. That is doublespeak in its most advanced form.

The folks at home, however, have translated it pretty well. Spending cuts are on the President's verbal menu. Usually one would think that a spending cut means you had spent more last year than you are going to spend this year, and that you would spend less the next year. Wrong. There may be some programmed cuts out in the future, but in fact spending will go up $200 billion next year more than we spent last year.

Deficit reduction usually means the debt will be reduced. In fact, the national debt will grow at the same pace as it did last year. The national debt is scheduled to grow a trillion dollars a year in each of the next 4 years.

Mr. Speaker, that is doublespeak at its best. We need straight talk from our Government, and we deserve it.

## CUTTING THE INTELLIGENCE BUDGET

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the cold war is over. The Soviet Union no longer exists. Russia and other former enemies are now seeking admission to NATO.

Given that context, given a $4 trillion national debt and enormous unmet social needs at home, I find it incredible that an intelligence authorization bill is making its way to the floor of the House—which maintains funding for the CIA and other intelligence agencies at about the same level as last year.

Mr. Speaker, we must develop a rational sense of priorities in this country. We must significantly cut CIA spending and address the real needs of our people.

Over the past few weeks, we've seen major cuts in the administration's proposals for funding student financial aid—we passed an appropriations bill that cut student aid by $1.4 billion below the President's request. We cut employment and training programs to put Americans back to work by $1.9 billion. We cut funding for summer jobs for youth, small business loans and funds for wastewater treatment plans—programs that could put our people back to work and help rebuild America. We passed a reconciliation bill which would cut Medicare by over $50 billion over the next 5 years.

Mr. Speaker, it is absurd to cut education, environmental protection, job training, and the needs of our senior citizens while maintaining a bloated and unnecessary CIA budget. In the weeks to come, I look forward to working with my colleagues in cutting the CIA budget and restoring sanity to our priorities.

## LIMITED FIREBREAK FORCE IN MACEDONIA TERMED A MISTAKE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I share the concerns and sentiments of my colleagues from Missouri about the flooding in our region, but I must speak about the deployment of United States troops this weekend in Macedonia.

Mr. Speaker, this Member supports and indeed recommended President Clinton's decision to deploy American troops to the former Yugoslav Republic of Macedonia. However, the decision to deploy only 300 troops to that nation, lightly armed, under U.N. control, and with a limited mission that amounts to being observers, is a recipe for disaster. These United States troops are now, by their sharply limited mission, armament, size, and ambiguous command, inviting and very vulnerable targets for anyone who wants to kill an American or escalate the unrest in that region of the Balkans. Indeed, this is a more vulnerable force than the marines who were slaughtered at the Beirut airport some years ago.

Mr. Speaker, there should be at least 10 times as many United States troops deployed in Macedonia, heavily armed, under direct United States command and control, and with stated rules of engagement which would permit them to defend themselves and strike back with overwhelming force. Furthermore, it should be clear that this firebreak force is deployed to Macedonia in our national interest to avert the further internationalization of the warfare, and to defend Macedonian sovereignty. We need to make it clear that United States troops in Macedonia will be protected by the full and immediate military force of the United States. Not only are the lives of United States troops at stake, a failure to perform this mission well may damage the success and credibility of future United States or multilateral peace keeping or deterrent actions.

Mr. Speaker, those of us in Congress must immediately urge President Clinton and the Clinton administration to immediately rectify this mistake in deploying our troops.

## MEXICO'S LOW-WAGE, HIGH-SKILL WORKERS ARE COSTING UNITED STATES JOBS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, in the last 2 years, my State of Connecticut has lost 180,000 jobs. Good jobs. Jobs for high-skill, high-wage workers. Working people cannot afford to have this trend continue. Yet if we approve the North American Free-Trade Agreement, the United States will lose many of its best jobs to Mexico.

NAFTA supporters have argued that Mexican workers cannot compete for high-skill jobs. But that myth was recently exploded in a study done by University of California economist Harley Shaiken.

Shaiken points out that Mexico's workers produce a number of high technology products. For example, Mexican workers quickly mastered the sophisticated skills and machinery needed to produce car engines, and made Mexico the world's largest automobile engine exporter. And as for quality, a Nissan plant near Mexico City achieved the lowest number of defects of any Nissan plant worldwide.

Mexico has deliberately pursued a low-wage, high-skill strategy that has so far taken away an estimated 600,000 jobs that might have been located in the United States, and NAFTA will dramatically speed the process of shifting jobs from the United States to Mexico.

We cannot let NAFTA send hundreds of thousands of our best jobs south. I urge my colleagues to oppose NAFTA and save the high-skill jobs that are the backbone of the American way of life.

□ 1240

## COST OF GOVERNMENT DAY—REGULATORY OVERKILL

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, today, July 13, marks the first annual Cost of Government Day—this is the day when Americans have finally fulfilled their total financial obligation to government in terms of the cost of taxes plus the cost of regulation.

Mr. Speaker, my home State of New Jersey has lost its manufacturing base at a rate four times the national average. Businesses that leave or shut down cite high taxes and onerous inefficient regulations as the deciding factors.

I believe that many of our regulatory programs have vitally important goals, such as cleaner air and water. But too often, mandates are passed by Congress and regulations enacted by Federal agencies with no consideration of their impact on jobs. Until this changes, too many Americans will find themselves out of work.

## NORTH AMERICAN FREE-TRADE AGREEMENT WILL COST AMERICA JOBS

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, the North the North American Free-Trade Agreement may well be decided by this Congress within the next 4 months—and with it, the lives and livelihoods of hundreds of thousands of American workers.

I have fought this sweeping agreement since negotiations began, and I will continue that fight for one simple reason—jobs.

NAFTA is not a free-trade agreement. It is a free, greedy, short-view investment agreement that would cost American jobs.

Whatever benefits might emerge from NAFTA would come at the cost of American workers—primarily manufacturing workers in places like my own home State of Michigan, where jobs now paying good, decent wages would be lost.

The world leaders who met last week at the G–7 summit spent much of their time bemoaning flagging economies and talking about the need for jobs, jobs, jobs.

They were right. Creating and stabilizing jobs are the most important factors we must consider. And that means turning our backs on agreements like NAFTA that would leave the United States measurably weaker and poorer for thousands upon thousands of Americans.

For the sake of American workers, we cannot afford to pursue such disastrous policies.

Mr. Speaker, I urge my colleagues not to pass NAFTA.

## COST OF GOVERNMENT DAY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I rise today to note that this is a sad day indeed. The Americans for Tax Reform Foundation calculates that not until today, July 13—Cost of Government Day—has the average American worker earned enough income to pay off Federal, State, and local government imposed financial obligations.

I am astonished that in this climate of regulatory and tax overkill, the President wishes to further increase the financial burden on our citizens.

A November 1991 study by Ronal Utt for the Institute for Policy Innovation concluded, "The combined effect of all government regulations may be costing Americans between $400 and $500 billion annually, or a staggering $4,000 to $5,000 per household per year."

And, of course, President Clinton's tax bill promises to increase that burden even more. How much more can we stand, Mr. President? How much more?

## TRIBUTE TO JAMES A. HUDSON

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I rise in tribute to a special man, a Vietnam veteran who survived that war, but nevertheless died in service to his country, here on July 5. James A. Hudson's 8 years as a much celebrated National Park Service employee earned him the classification "temporary."

As two front page Washington Post articles and an editorial this morning recount, Mr. Hudson was well known for his devoted work attending the great Lincoln Memorial statue. He suffered a heart attack on duty after working three shifts over 2 days during the busy July 4 weekend heat wave.

James Hudson worked 8 long years, for longer hours than most Americans, as a temporary employee. Thus his wife Marlene and their seven children are not entitled to life insurance and retirement benefits.

Mr. Hudson's tragic death points out the exploitation of 150,000 temporary Federal workers who are denied health care and other vital benefits.

James Hudson's sacrifice warrants the effort I am making to make him an exception to the rule. Changing the rule sanctioning a second-class Federal work force, however, is the only appropriate memorial to James A. Hudson.

## CONGRESSIONAL ALL-STAR BASEBALL TICKETS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, Major League Baseball offered Members of Congress the opportunity to buy tickets to tonight's All-Star Game in Baltimore.

Major League Baseball assured us this was not an attempt to influence Members of Congress on legislation dealing with baseball's antitrust exemption.

It is just a coincidence, that baseball's antitrust exemption is being considered this year. It is just a coincidence that this is also the first year that All-Star tickets have been offered to Congress. Sure.

Major League Baseball, with a chuckle and a smile, assured us that the opportunity to buy $60 tickets could not be considered a bribe.

And that does make sense. Unless you read the Washington Post's classified ads.

In the classifieds, All-Star tickets are in fairly high demand.

Here's six seats—600 bucks each.

Here's four, in a row, for $4,400.

And here—two seats, congressional box seats, for sale for $1,000 each—or best offer.

Mr. Speaker, that is probably just a coincidence too.

## MISSISSIPPI RIVER NATURAL DISASTER

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, those of us who have grown up along the Mississippi view this great river as a thing of beauty, a source of recreation, and the most important inland waterway in America. But on occasion the good Lord reminds us who is in charge, and the mighty Mississippi and its tributaries today reflect his fury.

We have all seen the damage and devastation reported in the press. Today I want to salute the survivors and those who struggle. Even as I speak, the level of stress along the flooded Mississippi rises with the water. I want to acknowledge the fine work of government agencies at all levels, the Salvation Army, the Red Cross, and scores of local charities who sustain the victims. The indomitable spirit of the people who live through this disaster will endure, but those of us who live in the Midwest would like to offer a little prayer to God that he would at least save his rain for a few weeks.

## DEFICIT REDUCTION? OR SLIGHTLY REDUCED SPENDING INCREASES?

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, there has been much discussion about the President's deficit reduction package as passed by both the House and the Senate. Despite the rhetoric, the only reduction in Federal spending is the difference between the projected increase in spending and the President's plan which is a slightly lower increase.

Under the so called deficit reduction spending cut bill going to conference spending actually increases. Compared to the current spending level of $1.45 trillion, the budget packages adopted by the House and the Senate would increase annual spending to $1.75 trillion in just 5 years.

The fact is that the House- and Senate-passed plans increase spending every year. Spending would increase 21 percent by 1998. There are some spending cuts, but they are more than offset by other spending increases.

Slowing the growth of spending from the CBO baseline and reducing the amount we might have overspent is too often viewed by the media as spending cuts and deficit reduction.

I have two graphs that show how Congress has failed to reduce spending, or reduce the growth in the public debt. Federal spending increases while the total public debt continues to rise in spite of the record high tax increase.

Growth in Federal Spending—Increases: 1993 to 1994 $60 billion increase; 1994 to 1995 $60 billion increase; 1995 to 1996 $50 billion increase; 1996 to 1997 $70 billion increase; and 1997 to 1998 $70 billion increase.

Growth in Public Debt—Increase: 1993 to 1994 $372 billion increase; 1994 to 1995 $366 billion increase; 1995 to 1996 $356 billion increase; 1996 to 1997 $359 billion increase; and 1997 to 1998 $370 billion increase.

Remember, if everything goes as planned under the House- and Senate-passed bills, without any supplementals, without any interest rate increase, without any reductions in anticipated revenues, the public debt would increase $1 billion a day for the next 5 years. In 1998, we will be talking about our $6.2 trillion public debt.

☐ 1250

## DEMOCRATS HAVE A PLAN

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the message was clear in my district. When my colleagues head back and the congressional recess is over, it is time to get the budget process over as well.

I think the previous speaker illustrates well the differences here. The difference is that while they can complain about the budget plan, they do not have a plan. They can complain about taxes, but they do not tell us that three-quarters of those taxes that are proposed are on the upper income, the 6 percent, the folks that have had a good time for the last 12 years.

They can complain that there are not cuts, but there are $250 billion worth of cuts, and in their package, they use Democratic cuts for their specific cuts and then use broad-based "We do not quite know where we are going to go but how about caps" for their cuts.

The Democratic package had targeted incentives to create jobs. Did you forget about them? They did, because they did not have targeted incentives.

The Democratic package has targeted investments to spur growth. Did you forget about them? They sure did, because they do not have them in their package either.

The fact is, they have got nothing and we have got something. It is time to get on with it.

## TAX FREEDOM DAY

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, the foregoing political announcement was brought to you without much blush, because if you are taxing Social Security recipients that make $25,000 and you live in an urban area, you do not consider yourself rich and neither do the people. That is why this plan is going down in the polls that will be held in 1994.

Mr. Speaker, many Americans are familiar with Tax Freedom Day, the symbolic day in May when the overburdened taxpayer is finished paying taxes for Big Government.

Today, however, we are celebrating a day that represents the true cost of Big Government—the cost of Government Day.

This day includes more than just taxes—it includes other costs passed on to taxpayers, such as user fees, regulations, and mandates.

The cost of Government Day this year, as calculated by the Americans for Tax Reform Foundation, is today, July 13—the latest it has ever been. In other words, taxpayers and businesses are paying more than ever before for an inefficient and wasteful Government.

In fact, Americans for Tax Reform calculates that the true cost of Government, takes 53 percent of our net national product. That is 53 percent of our economy that the private sector cannot invest to create growth and new jobs.

Mr. Speaker, American small businesses and American taxpayers need relief. We need to reduce the cost of Government and commit to an agenda of lower spending, lower taxes, less litigation, and less regulation. And the time to do it is now, before it is too late.

## GOVERNMENT IS NOT WORKING

(Mr. DICKEY asked and was given permission to address the House for 1 minute.)

Mr. DICKEY. Mr. Speaker, today I ask that this Congress look back into the heartland of America and really listen to what the people are saying.

I think you will find—at least in the fourth district of Arkansas—the people are saying "cut Government spending—please, please do not raise our taxes."

The cost of managing this bureaucracy is at the highest level ever—and the solution just recently passed by this body was not to reduce out-of-control spending, but instead to ambush the middle class with a devastating Btu tax.

The average American has to work 193 days—more than half a year—to pay for all these regulations, programs, and taxes.

What has been the return on their investment? We see loss of jobs, crime soaring, schools deteriorating, and social values declining.

Well folks, more government has not worked yet—and at least 218 members in this body need to learn that the more control you take away from the American people, the more damage and destruction you do to the heart and soul of this Nation.

## SMALL BUSINESS TAX BURDEN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, have you forgotten where 77 percent of the new jobs created in America come from? Of course, it's from small business. But how long can small business last with Clinton's tax and spend plan?

The administration has proposed new tax increases on business, a Btu tax or gas tax or whatever it's called today, and of course new regulations and more paperwork.

Small businesses cannot shoulder the burden alone. Our economy needs incentives such as tax credits or reductions in capital gains taxes. Give entrepreneurs the freedom to create jobs and build America.

Small business will be stopped cold with up to 49 percent marginal taxes.

All small business owners are asking the familiar question "Where is the debt reduction?"

This budget reconciliation is better named America's job destruction plan. Let us cut spending, first.

## COST OF GOVERNMENT DAY

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of the resolution of the gentleman from Texas [Mr. DELAY] establishing today, July 13, 1993, as Cost of Government Day.

Cost of Government Day incorporates Government spending, Federal regulatory costs, and State regulatory costs.

The cost of Government in 1993 is the highest ever and accounts for a full 53 percent of net national product. This leaves far too little to encourage business and so it is no wonder that when the cost of Government goes up, the economy slows down. When the cost of Government is low and declining, the economy grows.

Regulations cost jobs. It is estimated that Federal regulations have cost approximately 6.6 million jobs.

Regulations cost people time. The Department of Interior estimates that Americans spend about 12 billion hours per year simply dealing with Federal forms. That is about 120 hours per worker.

These statistics confirm the belief of most Americans that Government costs working men and women far too much and spends that money recklessly. We do not need more regulations. We do not need more taxes.

The stimulus we need is to have less regulation and less taxes. That will get our economy going.

## COST OF GOVERNMENT DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, it is Tuesday, July 13, 1993. Today, a Big Mac will cost you $1.89: Mom's apple pie from the bakery: $6.99; a Chevrolet Corvette: $35,000; and a medium-sized home in the suburbs: $120,000.

That is what your money buys today in America.

"OK" you ask, "but what about the Government? How much will Uncle Sam and all his relatives set me back this year?" The answer, courtesy of the Americans for Tax Reform, is $3 trillion.

Mr. Speaker, when you buy a Corvette, you get the fastest production automobile in the country. When you buy a Big Mac, you get the most popular sandwich in the history of the world. And when you buy mom's apple pie, you get a little piece of home. But what do we get for $3 trillion?

This year we will spend $250 billion on public education. Are your children smarter?

We will spend $320 billion on public health care. Are Americans healthier?

Finally, over the past 25 years, we have spent $2.5 trillion on the war on poverty. Are the poor better off?

Mr. Speaker, Bill Clinton thinks we should increase the cost of Government. He thinks we do not spend enough on Uncle Sam. I disagree. I think Uncle Sam's overpriced. And it's time we started cost-cutting. Not raising the expense of Government.

□ 1300

## FORBES' ADVICE: SELL U.S. STOCKS, BUY EUROPEAN AND ASIAN

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, have the Members seen the cover of the latest edition of July 19 of Forbes magazine? It says "Bullish On America: Sell U.S. Stocks, Buy European And Asian," says Morgan Stanley's Barton-Riggs. Then, going inside to page 102, Mr. Riggs said, "'We want to get our clients' money as far away from Bill and Hilary as we can,' Barton-Riggs, Chairman of Morgan Stanley Asset Management, tells Forbes. 'The President is a negative for the U.S. market. I am embarrassed that I voted for him and contributed money to his campaign.'"

That is really cold. What is it that Morgan Stanley is recommending? They are saying, sell American stocks, buy shares in European and Far Eastern companies, and why? Because the tax increases and the so-called spending cuts simply will not shrink the Federal budget deficit close to the half a trillion dollars that Clinton claims.

Who is going to be hurt by this sham and this charade, Mr. Speaker? Surely not Barton-Riggs or the multimillionaire clients that he represents; surely not you, surely not me, but those at the bottom of the economic ladder who are trying to enter the mainstream, who are working hard and trying to get a piece of the American dream.

## PROVIDE AMERICANS WITH BETTER SERVICE AT OUR NATIONAL PARKS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, across the country, the school year has ended and millions of American families are preparing to hit the open roads and visit our national parks.

When they arrive, they will have the opportunity to experience soaring mountains, cascading rivers, and remarkable wildlife—the best nature has to offer. Unfortunately, they probably will not receive the same level of satisfaction from the food or souvenirs on sale at the parks.

Of course, many concessionaires provide high quality goods and services to park visitors, but this is not often the rule. Too much merchandise at national park concessions is outdated and overpriced. Food choices are limited and of mediocre quality. Consumers at our national parks are often treated with a captive-audience mentality, not with the customer-is-always-right mentality.

To address this problem, I have introduced H.R. 2146, the National Park Concessions Policy Reform Act of 1993. This bill would require regular competitive bids for concessions contracts in the parks, and provide an additional portion of winning bid fees to improve park programs and maintenance, and help our environment.

I would like to encourage my colleagues to cosponsor H.R. 2146 and make the services at our national parks as good as the scenery.

## UNITED STATES TROOPS IN MACEDONIA

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, yesterday most of the 300 United States ground troops arrived in the former Yugoslav Republic of Macedonia without a clearly defined mission.

The Danish commander of our troops clearly revealed that they will serve as a tripwire when he said, "If the Serbs attack, then I want the Americans there."

Mr. Speaker, it's clear that 300 United States troops, and a total U.N. force of 1,000, are obviously no match for a Serbian assault and would not be in a position to defend the 260-mile border which separates Macedonia from Serbia and Albania.

As Gen. Colin Powell has stated, the first rule of U.S. military engagement should be this: Before deploying U.S. forces anywhere and putting American lives at risk, it is absolutely imperative to first define their mission.

Today I will introduce a resolution expressing the strong concerns of Congress with the administration's unilateral troop commitment without a clearly defined mission.

I urge my colleagues to cosponsor my resolution and let President Clinton know that American troops must not be used as symbolic pawns anywhere in the world.

Mr. Speaker, we cannot let American troops be sitting ducks anywhere.

## THE DEMOCRATS SHOULD LISTEN TO THEIR CONSTITUENTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I like to come down to the well and listen to all of the Democrat speeches before I say anything, because it gives me food for thought. It ought to give every American food for thought. They say that the Clinton budget is good for America's small business people.

Last week they all went home to parades for the Fourth of July and talked to their constituents. I can tell the Members that their constituents are not for these big tax increases, that their constituents want to cut spending first. Yet they come down here and tell us what they are offering, what President Clinton is offering, is good for small business and good for America.

It is going to create more joblessness, it is going to create bigger deficits, and it is going to create a huge national debt. As a matter of fact, projections show that the deficit is going to go up each of the next 5 years under the Clinton plan, with all these huge taxes, the largest in history, by $300 billion a year, and the national debt is going to go from $4.3 to $6.5 trillion. That is the Clinton plan.

The Democrats ought to listen to their constituents. Defeat the Clinton budget and come back with one that will work, that will get this economy moving.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, and following consideration of House Resolution 215.

## AUTHORIZING TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2561) to authorize the transfer of naval vessels to certain foreign countries, as amended.

The Clerk read as follows:

H.R. 2561

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN COUNTRIES.**

(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the auxiliary repair dry dock (ARD 23). Such transfer shall be on a grant basis under section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m; relating to transfers of excess defense articles).

(b) AUSTRALIA.—The Secretary of the Navy is authorized to transfer to the Government of Australia the "CHARLES F. ADAMS" class guided missile destroyer GOLDSBOROUGH (DDG 20). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the auxiliary repair dry dock (ARD 32). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(d) GREECE.—The Secretary of the Navy is authorized to transfer to the Government of Greece the "CHARLES F. ADAMS" class guided missile destroyer RICHARD E. BYRD (DDG 23). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the auxiliary repair dry dock WINDSOR (ARD 22). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(f) TURKEY.—(1) The Secretary of the Navy is authorized to transfer to the Government of Turkey the "KNOX" class frigates REASONER (FF 1063), FANNING (FF 1076), THOMAS C. HART (FF 1092), and CAPODANNO (FF 1093). Such transfers shall be on lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(2) The Secretary of the Navy is authorized to transfer to the Government of Turkey the "KNOX" class frigate ELMER MONTGOMERY (FF 1082). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

**SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.**

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(2) In case of a grant under section 519 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(3) In the case of a sale under section 21 of the Arms Export Control Act, section 546 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102-391) and any similar, successor provision.

(4) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

**SEC. 3. COSTS OF TRANSFERS.**

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

**SEC. 4. EXPIRATION OF AUTHORITY.**

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under subsection (f)(1) of that section may be renewed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just explain briefly what this bill is about and why we are considering it today.

This bill authorizes the transfer of 10 naval vessels: 1 each to Argentina, Australia, Chile, Greece, and Taiwan, and 5 to Turkey. These vessels either have been, or are on the verge of being decommissioned by the Navy. This transfer authority was requested by the administration.

Under section 7307(b)(1) of title 10 of the United States Code, these transfers require congressional authorization. This requirement applies to the sale, lease, or grant to a foreign country of any naval vessel in excess of 3,000 tons or less than 20 years of age. It is necessary for the House to act on this legislation today in an effort to ensure that the transfer of naval vessels to the Government of Turkey will occur prior to the retirement dates of those particular vessels. The U.S. Government will incur $6.5 million in immediate retirement costs for these ships if these vessels are not transferred shortly. If there is delay in this legislation it will cost the taxpayers $6.5 million. Hence we are trying to act expeditiously on these transfers.

The United States will receive $15.8 million in leasing fees over the next 5 years from the Government of Turkey. It will receive $7.4 million from the sale of naval vessels to the Governments of Australia, Chile, and Taiwan.

The net budget impact of this transfer is $29.7 million in the black for the U.S. Government. It is not often that we have the opportunity to have such a clear, positive impact on the budget.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the committee indicated, the purpose of this legislation is to authorize the transfer of 10 ships to six countries—Argentina, Australia, Chile, Greece, Taiwan, and Turkey.

Three of the proposed transfers—one repair dry dock to Argentina, one *Charles F. Adams* class guided missile destroyer to Greece and one *Knox* class frigate to Turkey—will be grant transfers pursuant to section 516 and 519 of the Foreign Assistance Act. The United States will incur no costs as a result of these transfers.

Three of the proposed transfers—two repair dry docks to Chile and Taiwan and one *Charles F. Adams* class guided missile destroyer to Australia—will be sold pursuant to section 21 of the Arms Export Control Act. As a result of these sales, the United States will receive $7.4 million.

And four of the proposed transfers—*Knox* class frigates to Turkey—will be leased pursuant to section 6 of the Arms Export Control Act. The United States will receive $15.8 million from Turkey over the initial 5-year lease period. I might also add that the U.S. Navy expects that by proceeding with these leases, the United States will accrue an additional $180 million in training, supplies, support, and repair costs over the period of the leases.

Finally, I understand that the U.S. Navy strongly supports the transfer of these vessels to advance the valuable, cooperative relationships that we have developed with each of these nations' navies.

Accordingly, Mr. Speaker, I urge my colleagues to support this legislation.

□ 1310

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation being considered.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

Ms. MOLINARI. Mr. Speaker, I wish to call to the attention of the Congress that the U.S.S. *Capodanno* is to be decommissioned from the U.S. Navy on July 30 of this year. The legislation we are considering today, H.R. 2561, will transfer the U.S.S. *Capodanno* to the Turkish Navy.

This ship was named for the Reverend Vincent Capodanno, a 38-year-old Navy chaplain and native of Staten Island, NY. Reverend Capodanno died while ministering to wounded marines during a battle in Vietnam in September 1967. He received posthumously the Medal of Honor for conspicuous gallantry above and beyond the call of duty.

In an interview in the field a year before his death, Father Capodanno said:

> I want to be available in the event anything serious occurs; to learn firsthand the problems of the men and to give them moral support. I feel I must personally witness how they react under fire—and experience it myself—to understand the fear that they must feel.

Wherever the marines went in battle, so did Father Capodanno to offer moral support and comfort in the most troubling of moments in life. And Father Capodanno was there for his fellow man, when he lay dying on the battlefield, to administer the last rites. He was always there for his fellow marines. In his final moments of life he was doing what he felt he was called to do, offering comfort and administering to fellow soldiers who lay on the field of battle.

Mr. Speaker, it is a fact that ships out live their usefulness and so are decommissioned. The U.S.S. *Capodanno*, its officers and crew have served the U.S. Navy, with honor and pride much as Father Capodanno served his Nation. It is time for them to go on to new assignments. But the memories of valiant individuals like Father Capodanno will live on. His memory is alive in the hearts of the people he served with and in the hearts of all Staten Islanders who are proud to call him ours.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 2561, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1916) to establish a marine biotechnology program within the National Sea Grant College Program, as amended.

The Clerk read as follows:

*H.R. 1916*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Marine Biotechnology Investment Act of 1993".*

***SEC. 2. FINDINGS.***

*The Congress finds that—*

*(1) the oceans have for millennia been a source of food, minerals and other natural products;*

*(2) molecular biology and biotechnology hold tremendous potential to expand the range and increase the utility of products from the oceans;*

*(3) marine biotechnology can improve the condition of marine ecosystems by developing substitute products that decrease the harvest pressure on living resources, improving the production of aquaculture, providing new tools for understanding ecological and evolutionary processes, and improving the techniques for remediation of environmental damage;*

*(4) the United States is currently preeminent in marine biotechnology but its competitive edge is threatened by inadequate public investment compared with other leaders in this field; and*

*(5) in order to support job creation, stimulate private sector investment, and maintain preeminence in marine biotechnology, the United States should establish a national program for marine biotechnology within the National Sea Grant College Program and greatly increase its investment in this promising new area of research and development.*

***SEC. 3. MARINE BIOTECHNOLOGY PROGRAM.***

*The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended by inserting after section 205 the following:*

***SEC. 206A. MARINE BIOTECHNOLOGY PROGRAM.***

*"(a) DEFINITION OF MARINE BIOTECHNOLOGY.—As used in this section and section 203(4), the term 'marine biotechnology' means the application of molecular and cellular biology to marine and fresh water organisms for the purpose of identifying, developing, and enhancing products derived from those organisms.*

*"(b) MARINE BIOTECHNOLOGY PROGRAM.—Subject to the availability of appropriations under section 212(c), the National Sea Grant College Program provided for under section 204 shall include a marine biotechnology program under which the Secretary, acting through the Director, shall—*

*"(1) make grants and enter into contracts in accordance with this section; and*

*"(2) engage in other activities authorized under this Act;*

*to further research, development, risk assessment, education and technology transfer in marine biotechnology.*

*"(c) ADMINISTRATION.—In carrying out the marine biotechnology program, the Secretary shall—*

*"(1) coordinate the relevant activities of the directors of the sea grant colleges and the Marine Biotechnology Review Panel established under subsection (f); and*

*"(2) provide general oversight of the review process under subsection (f)(1) to ensure that the marine biotechnology program produces the highest quality research, development, education, and technology transfer.*

*"(d) GRANTS AND CONTRACTS.—*

*"(1) APPLICATIONS.—Applications for grants and contracts under this subsection shall be—*

*"(A) made in such form and manner, and include such content and submissions, as the Secretary shall by regulation prescribe;*

*"(B) forwarded through the appropriate directors of sea grant colleges to the National Sea Grant Office; and*

*"(C) reviewed by the Marine Biotechnology Review Panel in accordance with subsection (f).*

*"(2) TERMS AND CONDITIONS.—Any reference in subsection (d) of section 205 or in the last sentence of subsection (a) of section 205 to grants and contracts provided for under that section shall be treated, as the context requires, as including any grant applied for or made, or contract applied for or entered into, under this section.*

*"(3) AWARDING OF GRANTS AND CONTRACTS.—*

*"(A) PANEL RECOMMENDATIONS.—Subject to subparagraph (B) and subsection (e), the Secretary shall award grants and contracts under this section on the basis of the recommendations for award made by the Marine Biotechnology Review Panel under subsection (f).*

*"(B) GENERAL EXCEPTIONS.—The Secretary shall not award a grant or contract if the Secretary determines that the award—*

*"(i) is based on a recommendation from the Panel that may involve a conflict of interest;*

*"(ii) fails to meet the requirements of this section; or*

*"(iii) fails to comply with relevant governmental or institutional procedures for the management of external grant or contract programs.*

*"(C) EXCEPTION RELATING TO GENETICALLY MODIFIED ORGANISMS.—The Secretary shall not award a grant or contract involving the release of genetically modified organisms, as defined in subsection (e)(1), unless the activities proposed in the grant or contract that involve genetically modified organisms—*

*"(i) have been reviewed and approved under other applicable Federal law; or*

*"(ii) are found by the Secretary, based on a written assessment, to pose no significant environmental risk.*

*"(D) DOCUMENTATION.—The Secretary shall document, and promptly inform the Panel of, each recommended award that is rejected under subparagraph (B) or (C).*

*"(E) FUNDING.—Grants made, and contracts entered into, under this section shall be funded with moneys available from appropriations made pursuant to the authorization provided for under section 212(c).*

*"(e) RESEARCH ON GENETICALLY MODIFIED ORGANISMS.—*

*"(1) DEFINITION.—As used in this subsection, the term 'genetically modified organism' means a living marine or freshwater organism in which the genetic material has been purposely altered at the molecular or cellular level in a way that could not result from the natural reproductive process of that species.*

*"(2) SAFE CONDUCT OF CERTAIN RESEARCH.—The Secretary shall ensure that any activity funded by the National Sea Grant College Program involving genetically modified organisms complies with—*

*"(A) the guidelines for research involving recombinant DNA molecules published in the Federal Register on May 7, 1986 (51 F.R. 16958 et seq.); and*

*"(B) when promulgated (unless paragraph (3) applies), the performance standards for safely conducting research involving genetically modified finfish and shellfish developed by the Agricultural Biotechnology Research Advisory Committee.*

*"(3) SEA GRANT PROGRAM PERFORMANCE STANDARDS.—The performance standards referred to in subparagraph 2(B) shall not apply*

*if the Secretary publishes in the Federal Register performance standards for the National Sea Grant College Program for safely conducting research involving genetically modified finfish and shellfish.*

*"(4) TERMINATION OF AWARD.—The Secretary shall promptly withdraw any award of the National Sea Grant College Program for activities involving genetically modified organisms if the Secretary determines that the grantee or contractee in question has failed to abide by the guidelines and applicable performance standards referred to in this subsection.*

*"(f) MARINE BIOTECHNOLOGY REVIEW PANEL.—*

*"(1) ESTABLISHMENT AND DUTIES.—Subject to the availability of appropriations under section 212(c), the Director, in consultation with the directors of the sea grant colleges, shall convene a panel, to be known as the Marine Biotechnology Review Panel, that shall—*

*"(A) review, on a competitive basis, the applications made under this section for grants and contracts to determine their respective scientific, technical, educational, and commercial merits and likely contributions toward achieving the purposes of this section; and*

*"(B) on the basis of the review under subparagraph (A), and with due regard for the overall balance and coordination of the marine biotechnology program, make recommendations to the Secretary regarding the awarding of grants and contracts under this section.*

*"(2) COMPOSITION.—The Marine Biotechnology Review Panel shall—*

*"(A) consist of not more than 15 individuals with scientific or technical expertise in marine biotechnology or relevant related fields, including at least 1 qualified individual with expertise in marine or freshwater ecological risk assessment;*

*"(B) reflect a balance among areas of expertise consistent with the purposes of this section;*

*"(C) not include Federal employees or directors of sea grant colleges; and*

*"(D) reflect geographic balance, consistent with the primary objectives of a high level expertise and balance among areas of expertise.*

*"(3) ALLOWANCES.—Each member of the Marine Biotechnology Review Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.*

*"(4) FACA NOT APPLICABLE.—The Federal Advisory Committee Act does not apply to the Marine Biotechnology Review Panel.".*

***SEC. 4. AUTHORIZATION OF APPROPRIATIONS.***

*Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—*

*(1) by striking out "209," in subsection (b) and inserting "209 but not including section 206A,";*

*(2) by redesignating subsections (c), (d), and (e) as subsection (d), (e), and (f), respectively; and*

*(3) by inserting after subsection (b) the following:*

*"(c) MARINE BIOTECHNOLOGY PROGRAM.—*

*"(1) GRANTS AND CONTRACTS.—There is authorized to be appropriated to carry out the provisions of section 206A (other than for administration) an amount—*

*"(A) for each of fiscal years 1994 and 1995, not to exceed $20,000,000; and*

*"(B) for each of fiscal year 1996 and 1997, not to exceed $25,000,000.*

*"(2) ADMINISTRATION.—There is authorized to be appropriated for the administration of section 206A, an amount—*

*"(A) for each of fiscal years 1994 and 1995, not to exceed $200,000; and*

*"(B) for each of fiscal years 1996 and 1997, not to exceed $250,000.".*

***SEC. 5. DEFINITION.***

*Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4)) is amended by inserting "marine biotechnology," after "marine technology,".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1916, the Marine Biotechnology Investment Act of 1993. If enacted, this bill would stimulate research and development and allow the exploration of the great promise of marine biotechnology in food production, pharmaceuticals, and industrial applications.

H.R. 1916 gives the green light to an industry with incredible potential to produce the high-wage, high-skill jobs that our Nation so badly needs. In addition, by increasing the production of aquaculture and creating better methods of environmental remediation, this technology can help heal our wounded oceans.

But along with great promise comes certain risks. With biotechnology, we now have the capability to create organisms far different from their wild ancestors.

The bill before the House today ensures that genetically modified organisms cannot be released into the environment without a review of the potential environmental impacts of that release. In addition, the bill requires that all Sea Grant research on genetically modified organisms comply with guidelines to safeguard against the accidental release of these organisms.

The potential of this technology is great. The key is in using it wisely. H.R. 1916 promotes the wise use and development of marine biotechnology and I urge my colleagues to support it.

At this point I would like to include a letter from our distinguished colleague and chairman of the Science, Space, and Technology Committee, GEORGE BROWN, on a jurisdictional issue related to this legislation.

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
*Washington, DC, July 13, 1993.*

Hon. GERRY E. STUDDS,
*Chairman, Committee on Merchant Marine and Fisheries, Ford House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Committee on Merchant Marine and Fisheries has indicated its intention to bring to the floor H.R. 1916, the Marine Biotechnology Investment Act of 1993, under suspension of the rules. While the Committee on Science, Space, and Technology has certain jurisdictional interests in the bill, I have no objection to the bill moving on the suspension calendar at this time.

As you are aware, the Committee on Science, Space, and Technology has jurisdiction over scientific and environmental research under the Rules of the House, and pursuant to this jurisdiction, has received referral of bills relating to marine biotechnology research (H.R. 5922, the Marine Biotechnology Research Act [101st Congress]) and biotechnology research in general (*see, e.g.,* H.R. 4502, the Biotechnology Science Coordination and Competitiveness Act of 1988 [100th Congress]).

Since H.R. 1916 is drafted as amendment to the National Sea Grant College Program Act, which is under the jurisdiction of the Merchant Marine and Fisheries, the Committee on Science, Space, and Technology does not intend to assert its jurisdictional claims at this time. However, this agreement should not be construed to waive the Committee's jurisdiction over aspects of the bill. I would ask that a copy of this letter be inserted in the record of the debate on this measure in the House.

I am pleased to be able to cooperate on this legislation and look forward to continued close cooperation in the future on issues of mutual interest.

Sincerely,

GEORGE E. BROWN, Jr.,
*Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am speaking on behalf of the ranking Republican member of the Committee on Merchant Marine and Fisheries on H.R. 1916, the Marine Biotechnology Investment Act of 1993.

I appreciate the cooperation that the committee staff has shown in developing the text of this bill and, apparently, the committee all feel highly supportive of the bill. As you may recall, there were significant issues raised by members of the Committee on Merchant Marine and Fisheries, on both sides of the aisle, regarding a balance that the bill struck between the environmental concerns as associated with the release of genetically altered organisms into the marine environment and the need to fund research in this promising and cutting-edge field.

The amendment that has been offered today does recognize the arguments made by both camps on this issue and resolves it nearly to everyone's satisfaction. The only other alternative would be to not fund this type of research, and I do not think such a drastic step is called for, given that genetically altered marine species have not proved to be a threat to marine ecosystems. With this type of research, it has tremendous potential in improving aquaculture and the health of our native fisheries.

Again, I want to congratulate the committee on this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON], a member of the committee.

Mr. WELDON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 1916, the Marine Biotechnology Investment Act of 1993. I am proud to be a cosponsor of this legislation, the first bill scheduled for floor action this Congress, originating from the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf, where I serve as ranking Republican member.

Our marine environment constantly faces a number of growing and devastating pressures that impact our natural resources. As a result, problems such as overharvesting of our fish resources, coastal and marine pollution, and the destruction of coastal habitats have occurred. This, coupled with other growing problems, indicate that it is time to develop effective management and enhancement programs that are designed to improve our marine ecosystem. Marine biotechnology does just that.

In addition, the marine environment has proven to be a veritable bounty of useful drugs and other products. For example, a group of chemicals have been isolated from sponges and used to combat certain viruses and cancers, as well as provide relief from arthritis and gout. Other cancer-fighting compounds have been found in sea squirts, and coral has been used to aid bone grafts. And let us not forget that old medicine chest remedy, cod liver oil.

President Bush initiated a marine biotechnology research drive through the National Sea Grant College Program in the 1980's. While small, this program has been an effective inducement in developing research ideas. The time is now to expand the program and elevate marine biotechnology so that it receives the attention it deserves. This legislation does so.

I also want to commend Chairman STUDDS for the effort he has made to accommodate those who are concerned about the possible environmental risks posed by marine biotechnology which involves the release of genetically manipulated marine species. While we have not quite developed to the point where we can have an underwater Jurassic Park, there is some real concern that improper containment of modified marine organisms could disrupt marine environments. I also understand the concerns of the research community that placing prohibitive restrictions on such work is unnecessary. I find that the compromise presented here in Chairman STUDDS' amendment is a reasonable one.

We should all commend Chairman GERRY STUDDS and Chairman SOLOMON ORTIZ of the Oceanography Subcommittee for their leadership in this fascinating and worthwhile area of research. I urge support for the bill and the committee amendment.

Mr. GILMAN. Mr. Speaker, I want to thank the Republican Member, the gentleman from Pennsylvania [Mr. WELDON] for his pertinent remarks.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I rise today to express my support for the Marine Biotechnology Act. First, I want to commend Chairman STUDDS for sponsoring this important and timely legislation. We hear everyday about advances in genetic research that seem like miracles. Unfortunately, one aspect of genetic research that has not received the support it deserves is marine biotechnology. H.R. 1916 helps to remedy that, and I am thankful for Mr. STUDDS' insight and leadership on this issue.

The promise of genetic research was recognized in President Clinton's budget, which earmarked some $4 billion for biotechnological research in fiscal year 1994. However, only about 1 percent of those funds are directed toward work at marine research facilities. Overall, funding for marine biotechnology has not increased for 5 years.

Other countries have not been standing idle. Under the direction of the Ministry of International Trade and Industry, Japan will invest almost $200 million in marine biotechnology this decade. Other Pacific rim countries are following their example. We cannot expect to retain our lead in this vital technology if we do not make investments in research.

The Marine Biotechnology Investment Act is a big step forward. It establishes a broad-based program within the sea grant system. It incorporates a process to ensure that proposals are funded on the basis of scientific merit, and it promotes public-private cooperation in research by requiring a one-third match of Federal funds from other sources.

H.R. 1916 represents the kind of forward-looking investment in blossoming new technologies that this country needs if we are going to compete in the global market of the 21st century, and I urge my colleagues to support it.

Mr. Speaker, it can be argued that over the next few decades no other science or technology will match the potential of molecular biology to transform our lives. Today molecular technologies are being applied to the study of marine organisms, but we have just begun to tap their promise. The purpose of the existing Sea Grant Program is to better people's lives through the appropriate use of marine and coastal resources. The Sea Grant Program has achieved important successes, which only hint of future possibilities. The Marine Biotechnology Investment Act is an important improvement to the Sea Grant Program.

The development of biodegradable, nontoxic water treatment chemicals based on the natural inhibitors of crystallization found in oyster shells; methods to control the mobility of herbicides and decrease their contamination of our waters; the possibility of genetically altered algae which can remove heavy metals from wastewater; are just three examples of ways marine biotechnology can help us clean our environment.

Other biotechnology applications that are coming to fruition include new classes of anti-inflammatory drugs, vaccines to combat microbial diseases in salmon and other fish, gene probes for the detection of contaminated seafood or ocean waters, and microbes for bioremediation of oilspills.

H.R. 1916 will tap the scientific and commercial potential of genetic research in marine organisms by creating a program of grants from marine biotechnology research and development. The program will be administered by the National Sea Grant College, using Federal funds to stimulate State and local governments and the private sector to invest in marine biotechnology. In keeping with Sea Grant's mission, a mixture of research, development, technology transfer, and educational projects would be supported in each funding cycle. In this program, marine biotechnology proposals would compete only against others in the field.

Sea Grant is an ideal conduit for stimulating the development of private sector biotechnology. Sea Grant will provide vital support with product identification and development. It will provide assistance in adapting the results of basic and applied research to industrial uses and will generate jobs. In addition, advances in aquaculture and the production—on land—of products derived from the sea will relieve the pressure of excessive harvesting on natural marine stocks.

In San Diego, the University of California and the Scripps Institution of Oceanography are already taking the lead in marine Biotechnology. This spring, UCSD established the Center for Marine Biotechnology and Biomedicine, devoted exclusively to research and commercialization of marine biotech. The center's goal is to make marine biotechnological discoveries easily available for commercial use by initiating a joint project between Scripps Institution of Oceanography, the UCSD School of Medicine, and other UCSD programs which have a biotechnology focus. We hope that this center can become the core of a statewide California consortium for marine biotechnology.

H.R. 1916 will provide much needed assistance to programs like UCSD's new center. I look forward to seeing the important scientific advances generated by this bill.

Again, Mr. Speaker, I commend Chairman STUDDS and all the members of the Merchant Marine and Fisheries Committee who worked to bring this bill to the floor, and I urge all my colleagues to support it.

□ 1320

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the subcommittee, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 1916, the Marine Biotechnology Investment Act of 1993.

I would like to recognize the leadership of Chairman STUDDS in introducing this legislation and the hard work he has put into bringing it to the floor.

I believe that this bill addresses a very important area of research which provides tremendous potential for economic payoff.

This program will establish Sea Grant as a national leader in marine biotechnology research.

Sea Grant has made a real difference in my State of Texas, not just conducting quality research, but taking this research to communities and private industry where it can be applied to create jobs, businesses, and enhance utilization and management of our marine resources.

Mr. Speaker, we are currently in jeopardy of losing our competitive advantage in marine biotechnology to other countries, who invest more than $180 million per year in this area of research.

I think that this legislation is just the kind of effort which is needed to make good on our investment in marine biotechnology, and I urge my colleagues to support this bill.

Mr. STUDDS. Mr. Speaker, I want to commend the distinguished chairman of the subcommittee, the gentleman from Texas [Mr. ORTIZ], the distinguished ranking member, the gentleman from Pennsylvania [Mr. WELDON] and the members of both sides who have once again in the typical fashion of this committee produced a bipartisan product of which we are all very proud.

Mr. WELDON. Mr. Speaker, I thank my colleague and chairman of our committee for his effective leadership on this issue, and my colleague and chairman of the subcommittee with whom it is a sincere and great pleasure to work with on oceanography and Outer Continental Shelf issues.

We do have one speaker, the gentleman from California [Mr. CUNNINGHAM]. I know he wanted to speak on this issue. He has been very actively involved, but we will simply place his comments in the RECORD under general leave.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 1916, the Marine Biotechnology Investment Act of 1993. The marine environment off the coast of the United States faces many challenges in the future. Virtually the entire population of southern California is affected by the use and management of the ocean for jobs, for goods and services, and for recreation. Therefore, the intelligent use and management of the ocean's resources are of vital concern to me and all Californians.

In realizing the importance of this vital resource, marine environment and biotechnology has proven to be a field of vast possibilities. The University of California Scripps Institute of Oceanography is a leader in the field of oceanography and the development of new marine products. Its marine chemistry and pharmacology program has collected and tested the biological activity of over 800 compounds for marine organisms. Of these, approximately 17 are viewed as being novel and pharmacologically potent enough to warrant patent application. One such compound, pseudoptersoin, derived from a Caribbean soft coral, not only is an effective anti-inflammatory drug, but also is a potent pain-reliever.

My colleague Mr. WELDON mentioned that President Bush initiated a marine biotechnology research drive through the National Sea Grant College Program in the 1980's. This was an excellent place to start, however, it is time to move forward to bring this type of research the attention that it deserves. I am proud to state that the California Sea Grant Program is the largest State program in the Nation, and legislation such as the marine biotechnology bill will enable our institutions to further the important studies that are needed for this critical natural resource.

Mr. Speaker, we in San Diego are particularly proud of the work done at the Scripps Institute of Oceanography, part of the University of California at San Diego. Scripps has achieved global recognition for its pioneering work in oceanography.

I also want to commend Chairman STUDDS for the effort he has made to assure that this legislation make it to the floor today. It was my privilege to spend some time with the chairman last week in San Diego where we had a committee field hearing. It is so important that the work being produced at such institutions continue. I urge my colleagues to support the bill.

Mr. FIELDS of Texas. Mr. Speaker, I appreciate the cooperation you and your staff have shown in developing the text of a bill that we can all feel good about. As you recall, there were significant issues raised by members of our committee on both sides of the aisle regarding the balance that the bill struck between environmental concerns associated with the release of genetically altered organisms into the marine environment and the need to fund research in this promising and cutting-edge field.

I think the amendment that you will offer today does recognize the arguments made by both camps on this issue and resolves them nearly to everyone's satisfaction. The only other alternative would be not to fund this type of research. I don't think such a drastic step is called for, given that genetically altered marine species have not proven to be a threat to marine ecosystems and that this type of research has tremendous potential for improving aquaculture and the health of our native fisheries.

Again, I congratulate you on this legislation. I am proud to be a cosponsor and I look forward to its quick passage.

Mr. WELDON. Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1916, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 1916, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## NATIONAL AVIARY IN PITTSBURGH

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 927) to designate the Pittsburgh Aviary in Pittsburgh, PA as the National Aviary in Pittsburgh.

The Clerk read as follows:

H.R. 927

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Pittsburgh Aviary in Pittsburgh, Pennsylvania is designated as the "National Aviary in Pittsburgh".

**SEC. 2. LEGAL REFERENCES.**

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aviary referred to in section 1 is deemed to be a reference to the "National Aviary in Pittsburgh".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 927 which designates the Pittsburgh Aviary as the "National Aviary in Pittsburgh." The bill was introduced by Congressman COYNE, requires no Federal funds, and simply authorizes a name change.

We have a National Zoo and a National Arboretum in Washington, a National Aquarium in Baltimore, and I hope to see the day when we have a national Marine Mammal Stranding Center somewhat north of here. However, there is no National Aviary. And other than through this legislation, I know of no efforts to establish one.

The Pittsburgh Aviary is the only free-standing, indoor aviary in the

United States—all others are operated as parts of zoos. I know of no aviary more deserving of this designation, and I urge Members to support the bill.

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 927 a bill to designate the Pittsburgh Aviary in Pittsburgh, PA, as the "National Aviary in Pittsburgh."

The people of the city of Pittsburgh can and should be proud of this excellent locally funded facility. The Pittsburgh Aviary has the unique status of being the United States only freestanding, indoor aviary, not associated with a larger zoo. The aviary is also a nationally respected conservation center and breeding facility for endangered and threatened bird species.

Mr. Speaker, I do not know of any opposition to this bill and again would like to point out that there is no Federal funds associated with it. I would also like to compliment my colleague, WILLIAM COYNE, for the introduction of this bill, and Chairman STUDDS for moving this bill through the Merchant Marine and Fisheries Committee.

Mr. Speaker, I support adoption of H.R. 927.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the author of the bill, the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise in strong support of H.R. 927, a bill to designate the National Aviary in Pittsburgh.

First, I want to thank Chairman STUDDS and the members of the House Merchant Marine and Fisheries Committee for approving this bill and reporting it to the House. This action is greatly appreciated by friends of the Pittsburgh Aviary and by the city of Pittsburgh.

H.R. 927 seeks to recognize the outstanding work done by the Pittsburgh Aviary by renaming this institution the National Aviary in Pittsburgh. This designation simply provides that any future reference to the aviary in Pittsburgh, PA, in any law, regulation, document, record, map or other paper of the United States shall be deemed to be a reference to the "National Aviary in Pittsburgh." Simply stated, this bill puts Pittsburgh's Aviary on the map as the National Aviary in Pittsburgh.

The aviary is the largest indoor aviary in the Nation independent of a larger zoo, and was one of the world's first zoos to feature its collection in large, walk-through, natural habitat enclosures. The aviary currently features nearly 450 birds of over 250 species, including 15 endangered and 25 threatened species.

The aviary is fully accredited by the American Association of Zoological Parks and Aquariums. This institution also participates in the international species survival program and is home to breeding pairs of a number of endangered species from around the world. Finally, the aviary has placed birds raised or bred in Pittsburgh at zoos around the world.

Designation of the National Aviary in Pittsburgh follows the precedent set for establishing the National Aquarium in Baltimore. It should be noted that this new designation does not involve the expenditures of any Federal funds for the aviary in Pittsburgh nor does it convey to the Federal Government any liability for the operation of the aviary. This bill does, however, recognize in an appropriate manner the premier role played by Pittsburgh's Aviary in the exhibition, study and conservation of birds.

The aviary in Pittsburgh already is host to visitors from across the United States and around the world. Of the nearly 100,000 visitors who tour the aviary annually, fully 60 percent come from outside the city of Pittsburgh. The aviary in Pittsburgh should be designated the National Aviary in Pittsburgh.

Mr. Speaker, designation of the National Aviary in Pittsburgh would ensure that the American people have an enhanced opportunity to enjoy one of the United States' great natural treasures. I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 927. This bill is a simple, yet important bill, which designates an aviary in Pittsburgh, PA, as the National Aviary in Pittsburgh. Similar designations were made for the National Zoo here in Washington, DC, and the National Aquarium in Baltimore, MD.

The aviary is home to nearly 450 birds, representing over 220 species from almost every continent. I am particularly impressed with the fact that the aviary is nationally recognized as a conservation and research center, specializing in preserving endangered species. We should be encouraging the captive breeding of threatened and endangered species wherever we can, whether they are birds, reptiles, mammals, or even fountain darters.

This legislation does not provide Federal funds of any kind but its official designation as the National Aviary should raise the public consciousness as to the significance and stature of this institution.

Therefore, Mr. Speaker, I urge that my colleagues join in supporting this bill.

Mr. WELDON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time. And I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 927.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 927, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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## PANAMA CANAL COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1522) to authorize expenditures for fiscal year 1994 for the operation and maintenance of the Panama Canal, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

**SEC. 2. AUTHORIZATION OF EXPENDITURES.**

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses shall be limited to $51,742,000, of which not to exceed—

(1) $11,000 may be expended for official reception and representation expenses of the Panama Canal Commission Board of Directors;

(2) $5,000 may be expended for official reception and representation expenses of the Panama Canal Commission Secretary; and

(3) $30,000 may be expended for official reception and representation expenses of the Panama Canal Administrator.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). The purchase price of each vehicle purchased under this subsection may not exceed $18,000, and each such vehicle purchased by the Commission must be built in the United States.

**SEC. 3. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.**

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

**SEC. 4. EMPLOYMENT OF EMPLOYEES OF THE PANAMA CANAL COMMISSION WHO ARE NOT CITIZENS OF THE UNITED STATES BY AGENCIES AND ORGANIZATIONS AFFILIATED WITH THE GOVERNMENT OF PANAMA.**

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the last paragraph of section 9 of Article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in that subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978, and by the Administrator of the Panama Canal Commission.

**SEC. 5. LABOR-MANAGEMENT RELATIONS.**

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking "supervisors." and inserting "supervisors; and"; and

(3) by adding at the end the following:

"(3) any negotiated grievance procedures under section 7121 of such title 5, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available, in accordance with their terms, to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.".

**SEC. 6. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect October 1, 1993.

(b) SPECIAL RULE.—The amendments made by section 5 shall take effect on the date of the enactment of this Act, and shall apply with respect to any grievance arising on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support on H.R. 1522, the Panama Canal Commission Authorization Act for fiscal year 1994. This bill authorizes the Commission to spend money from the Panama Canal revolving fund necessary to maintain, improve, and operate the Panama Canal during the coming fiscal year.

The Panama Canal Commission, an agency of the United States Government, was established by the Panama Canal Treaty of 1977 to operate and maintain the canal and provide for its smooth transition to the Republic of Panama on December 31, 1999.

The Panama Canal Commission is a unique Government agency—it actually pays for itself. The Commission collects tolls from merchant, passenger, and recreational vessels transiting the 51-mile-long canal, and deposits these revenues in a revolving fund in the Treasury. H.R. 1522 authorizes the Commission to use this money to pay for operating and maintenance expenses. The Commission expects to collect approximately $542 million in the upcoming fiscal year.

The bill, as amended, includes two provisions requested by the Commission to address its unique personnel issues. Both provisions are within the jurisdiction of the Committee on Post Office and Civil Service, have been reviewed by that committee, and Chairman CLAY has no objection to their inclusion. I wish to thank the distinguished chairman of the Post Office and Civil Service Committee for his help and cooperation and request that his letter on this matter be included in the CONGRESSIONAL RECORD at this point.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 16, 1993.*

Hon. GERRY E. STUDDS,
*Chairman, Committee on Merchant Marine and Fisheries, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 8, 1993, concerning H.R. 1522, the Panama Canal Commission Authorization Act for Fiscal Year 1994.

You advise that H.R. 1522 was introduced without two employee-related provisions originally requested by the Panama Canal Commission because of our Committee's jurisdiction over those matters. One of the provisions concerns the right of Commission employees who are not citizens of the United States to accept civilian employment with agencies and organizations affiliated with the Government of Panama. As pointed out in your letter, this proposal requires the consent of Congress under the Emoluments Clause of the Constitution.

The other provision reinstates the right of nonpreference-eligible bargaining unit employees of the Commission to challenge adverse personnel actions through a negotiated grievance procedure.

You are prepared to offer both of the proposals in question as amendments to H.R. 1522 when such legislation is considered by the House.

We have reviewed the two employee provisions as well as the supporting documents furnished by the Panama Canal Commission. We agree that the provisions are reasonable and, therefore, we have no objection to your offering them as amendments to H.R. 1522.

We would appreciate your including a copy of this letter in your remarks on H.R. 1522 when such legislation is considered by the House.

Your cooperation with respect to this matter is appreciated.

Sincerely,

WILLIAM L. CLAY,
*Chairman.*
FRANK MCCLOSKEY,
*Chairman,*
*Subcommittee on the Civil Service.*

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1522, the Panama Canal Commission Authorization Act for fiscal year 1993.

Mr. Speaker, the Panama Canal Commission is charged with operating and maintaining the Panama Canal for the world's shipping community. Every year the canal provides safe passage for over 13,000 vessel passages, and over 190 million net tons of cargo.

It is refreshing to note that this independent U.S. Government agency does this at no cost to the U.S. taxpayer. It is a tribute to the personnel of the Panama Canal Commission that the Commission is able to maintain this important waterway from the collection of tolls and other revenues from the users of the canal.

Mr. Speaker, the legislation before us today authorizes the Panama Canal Commission to obligate funds for the operation and maintenance of the canal for fiscal year 1994. I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1330

Mr. STUDDS. Mr. Speaker, I know that the distinguished chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from Louisiana [Mr. TAUZIN] wishes to speak, but I do not see him here, so he will have to put his remarks in under general leave.

Therefore, Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I rise in strong support of H.R. 1522, the Panama Canal Commission Authorization Act For Fiscal Year 1994 and wish to express my appreciation to Committee Chairman STUDDS, committee ranking member FIELDS, and subcommittee ranking member COBLE for their assistance and leadership in this matter.

The Panama Canal Commission is the U.S. executive agency established pursuant to the Panama Canal Treaty of 1977 and the Panama Canal Act of 1979. The Commission is charged with the responsibility to manage, operate, and maintain the Panama Canal until the termination of the treaty on December 31, 1999.

Currently, 89 percent of the canal's work force are Panamanians. That figure will reach 100 percent by 1999 when the canal is transferred to the Government of Panama. In the mean time, it is the committee's responsibility to assist in any way possible with the proper operation and maintenance of the canal. The committee amendment being considered today is H.R. 1522 as reported by the Subcommittee on Coast Guard and Navigation and the Committee on Merchant Marine and Fisheries. The amendment includes two additional sections discussed in detail at the subcommittee and committee markups and offered today with the approval of the chairman of the Committee on Post Office and Civil Service. Both new sections deal with the rights of canal personnel. Because canal employees are U.S. Government employees, both new sections fall within Post Office Committee jurisdiction.

H.R. 1522 is a straightforward authorization which authorizes the Panama Canal Commission to take from its tolls and other revenues moneys necessary for the operation and maintenance of the canal during fiscal year 1994.

The Commission is authorized to borrow in emergencies but no taxpayer funds go to the Panama Canal.

Mr. Speaker, H.R. 1522 is a good measure in support of the Panama Canal, the Panama Canal Treaty of 1977, and the many men and women who dedicate their lives to the operation of this modern engineering wonder.

Mr. Speaker, I urge my colleague's support for H.R. 1522.

Mr. FIELDS of Texas. Mr. Speaker, H.R. 1522 is the Panama Canal Commission authorization for fiscal year 1994. As a cosponsor of this legislation, I rise in support of the bill. It is a very straightforward piece of legislation and it deserves the support of the House of Representatives.

As many of my colleagues know, the Panama Canal Commission is an independent U.S. agency which operates entirely on tolls and other revenues generated by canal operations. No taxpayer funds are used by this agency to operate the canal. This is an important fact that should be remembered, but regrettably is frequently overlooked.

The Commission has a treaty obligation to maintain and operate the canal in a sound manner. It also has responsibilities to the world's shipping community to keep this vital waterway open for vessels and cargo.

I am pleased to report that the Commission has done such a superb job of maintaining the canal, and their work force deserves tremendous credit their outstanding efforts over the past 15 years.

Mr. Speaker, at the appropriate time, the Merchant Marine and Fisheries Committee will be offering a committee amendment which incorporates two additional modifications to H.R. 1522. These additions involve two employee relations issues and they were requested by the Panama Canal Commission. The provisions are under the jurisdiction of the Post Office and Civil Service Committee and I am pleased that our two committees have exchanged letters allowing these provisions to be incorporated within this legislation.

The first provision will allow Panamanian employees of the Panama Canal Commission to accept civilian employment outside the Commission with an agency or organization which is associated with the Government of Panama. With the Panamanian employment within the Commission reaching almost 90 percent, this change will be helpful to those individuals who have been offered positions, such as with the University of Panama, which they are currently unable to accept.

The second provision would reinstate the ability of certain Commission employees to challenge adverse actions through a negotiated grievance process. As I stated earlier, both of these provisions were requested by the Panama Canal Commission and have been thoroughly examined by both the Merchant Marine and Post Office and Civil Service Committees.

Thank you, Mr. Speaker, and I urge my colleagues to support this legislation.

Mr. COBLE. Mr. Speaker, as an original cosponsor of H.R. 1522, I am pleased to rise and join Chairman TAUZIN in support of the Panama Canal Commission Authorization Act for Fiscal Year 1994.

As the ranking Republican member of the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation which has jurisdiction over the Panama Canal, I am pleased to support the authorization of a Federal agency which funds itself without taxpayer assistance. The Panama Canal Commission is an independent Federal agency which relies on user tolls and revenues for its operating expenses.

Our subcommittee approved this legislation on May 20 and the full Merchant Marine and Fisheries Committee adopted the bill on May 26.

I will also support two additions to H.R. 1522 which deal with employee relations. Both of these provisions were requested by the Panama Canal Commission and were approved by the Post Office and Civil Service Committee which has jurisdiction over these issues. One addition would allow the Panamanian employees of the Panama Canal Commission to hold outside employment with agencies or organizations affiliated with the Government of Panama. The other addition reinstates the right of Panama Canal employees to challenge adverse actions through a negotiated grievance process.

I urge my colleagues to vote in favor of this legislation to reauthorize the Panama Canal Commission.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1522, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 2010, NATIONAL SERVICE TRUST ACT OF 1993

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 215 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 215

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 215 provides for 3 hours of general debate on H.R. 2010, the National Service Trust Act of 1993. This rule has been recommended to the House by the Committee on Rules as a means to start the debate on this important policy initiative. Amendments to the bill, however, will not be considered by the House until Thursday.

I should note that when the Committee on Rules met to consider H.R. 2010 before the July Fourth district work period, Chairman FORD stated that it was his intention to ask the Committee on Rules to report an open rule but to also require preprinting of amendments. To prepare for such an eventuality, the committee announced and circulated a "Dear Colleague" suggesting that all proposed amendments to H.R. 2010 be printed in the RECORD prior to consideration of the bill for amendment. All Members were afforded the opportunity to prepare amendments to the reported bill during the recess and to print them in the RECORD yesterday and today in order to assure that their amendments will be eligible for consideration.

Mr. Speaker, as I stated at the outset, the rule before us today provides for general debate only on H.R. 2010. However, in order to consider the bill, the rule also waives points of order against its consideration for failure to comply with section 302(f) of the Congressional Budget Act. Section 302(f) prohibits the consideration of any measure which would cause the appropriate ceilings to be exceeded. H.R. 2010 contains some provisions which impact on section 302(f) of the Budget Act. For example, section 194 contains technical violation of the Budget Act, by creating positions which are to be compensated by level IV of the Executive Pay Schedule. Another example would allow Peace Corps and certain VISTA volunteers who later become Federal employees to credit time served in their computation of retirement benefits. The Committee on Rules has recommended the waiver in order that this important policy initiative be brought to the House for full discussion and debate.

House Resolution 215 provides for 3 hours of general debate which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. These 3 hours of debate will afford the House ample opportunity to debate the issues associated with creating a Corporation for National Service.

Finally, Mr. Speaker, the rule provides that after general debate, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

I urge adoption of the rule in order that the House may begin its debate on this most important initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule. Once again our Committee on Rules has chosen to employ a two-part rule to deal with a very important piece of legislation.

As I have noted in the past, two-part rules are bad floor procedure. This rule separates the general debate on this expensive national service legislation from the very important amendment process. This detracts from the debate of important issues that surround this bill.

Mr. Speaker, I look forward to our Committee on Rules meeting which will take place upstairs, and I hope that we will eventually honor the request of the chairman of the committee, the gentleman from Michigan [Mr. FORD], and the distinguished ranking member, the gentleman from Pennsylvania [Mr. GOODLING], by granting an open rule on this bill. However, Mr. Speaker, at this time I would urge Members on both sides of the aisle to reject this rule because of this procedure.

The National Service Act is an important piece of legislation. It has the potential to become a multibillion-dollar political and budgetary hot potato in the years to come. There is such a wide array of concerns surrounding the bill reported by the Committee on Education and Labor that I can barely even mention all of them.

For example, the bill creates a paid service program that pays better than millions of private sector jobs. It creates a new $20,000 per student educational assistance program at a time when we are cutting Pell grants back from a mere $2,400 per student. It creates a new and exclusive make-work jobs program that is certain to be abused as political patronage. It provides labor unions, for the first time, with an official role in deciding whether certain service jobs can be filled. And it creates another Federal spending program that is not needs based. Each of these problems deserves ample debate under an open amendment process.

Mr. Speaker, there was a worthy goal that gave birth to the National Service Trust Act. It was to encourage more young Americans to engage in service to their communities and Nation. The problem is, in trying to fashion a Federal Government program for what should be a voluntary decision, we are proposing to pay young people more than they can earn if they go into the private job market.

This bill proposes to pay each participant a stipend of up to $7,400 a year, $5,000 a year in educational vouchers, health care benefits, child care benefits, and family leave benefits. It is estimated that the program might cost up to $20,000 a person.

With the child and health benefits, the community service program is handing out $10-an-hour jobs paid for by the Government. This is not a bad deal for someone just out of high school. Where is the spirit of community service when the alternative for most young people will still be to take college loans, and work lower paying part-time jobs, while going to college? Of course, these generous Federal benefits will only be available to a small fraction of potential students, a lucky 3 percent in 1997.

With this bill, working to help the environment, promote public safety, teach children, or meet human needs is not community service. It is a good job. The problem is, most hard-working Americans have to go out and find jobs in the private sector, rather than be handed jobs with excellent benefits from a Government program. It is really just another example of the make-work job creation mentality of the Clinton administration. Rather than encourage people to attain productive private sector employment, this administration continues to promote big Government programs that spend lots of taxpayer money on inefficient make-work Government-sponsored jobs.

Mr. Speaker, the noble endeavor of promoting community service has been lost in this mix.

☐ 1340

This bill is a priority of the President's, so we should take our job very seriously. If we pass a bad bill, it will become law and we will be forced a few years from now to undo the problems it creates.

Therefore, Mr. Speaker, let us do our community service by defeating this rule and correcting this bill before it is too late.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, let me say to the Members of the House and to the people of this Nation that today we open a historic debate on what role American citizens should play in giving back to their country some effort on behalf of this country for problems that have all too long seemed insoluble, that have been neglected, and that have not been dealt with.

President Clinton has summoned the best of our country and the best of our young and asked them to come forward and give service to this country, and in exchange for that he would provide a minimum stipend while they work over that year's period of time or 2-year period of time. He would also allow them to receive the possibility of paying for part of their college education or their job training, as they see fit to do in their coming years.

This is an effort to engage in a unique American experience where rich and poor and middle class work alongside one another to help all of our communities across the board, to help our elderly, to help our young, to tutor our schoolchildren, to revitalize our natural resources, and to rebuild the infrastructure of our national parks and our wilderness areas and our national forests in this country.

I am somewhat alarmed when I see my colleagues from the other side of the aisle say that this is nothing but make-work jobs. I would invite him to visit the San Francisco Conservation Corps or the East Bay Conservation Corps or the California Conservation Corps that have now received the overwhelming support on a bipartisan basis of the Governors of the State of California, the mayors of the large cities, and the communities, to see the kind of work that these people do when our State is hit with floods, as it was last year, when our State was devastated by earthquake, as it was a number of years ago, to see the kind of work they come forward and are able to present to the cities when the cities are in trouble, to see the kind of discipline they have, and to see the kind of self-esteem that is adopted by these individuals as they provide service on behalf of the people of California.

I would invite my colleagues to visit Teach America, to see the young people who are going into our schools to teach for a year in some of the toughest schools in this Nation, to try to impart their skills, their knowledge, and their ability to others who are less fortunate. That is not a make-work job; it is a real tough assignment. The slogan of the Peace Corps, I believe, is something like this: "The toughest job you'll ever love."

This summons the very best of the young people of our Nation to come forward, those with advanced degrees, those who are just out of high school waiting to go to college or to job training, and to mix that in, to mix that experience, to mix that educational attainment, to mix those skills on behalf of this Nation. That is what this debate is about, whether or not we should participate in that effort.

To suggest somehow that if we abandon this bill, those needs will be filled is simply not the case. America need only look around to its cities and its suburbs, around to its communities and around to its natural resources, to understand that with all the wonderful volunteerism of today, we cannot meet those needs.

This is not a volunteer program. This is a program where you sign up to do your work for a year's period of time, and if the fire comes at 2 a.m. or the flood comes in the middle of the morning, if some community is in trouble, you promise to be there. You do not say, "Well, it's a little late in the morning," or "It's a little early at night. I can't quite be there."

This not what this is about. This is about signing up to deliver your skills, your education, your ability, your values, and mix them with others to improve our communities and the natural resources of this country. We all know of the wonderful, wonderful examples we have heard about, but the brilliance of the Clinton program is this: that he is not creating a bureaucracy. This administration is not trying to create a Federal Youth Service Program. They are building on what we already have within the administration, within the Government of the United States, and adopting and allowing to expand 1-year city programs, conservation programs, Teach America programs, and Urban Youth Corps programs across this Nation. And this should be a job that provides reward because the work is tough.

I would invite all my colleagues over the August break to go out and spend time with the young people and to meet and to know their leaders and to understand the experience that they are imparting to others and that they are imparting to the communities they are helping, and then come back and tell me about the make-work jobs, because that is what this is not about. This is about Americans helping Americans, rich and poor, minority and majority, across all lines to make this a better country to live in.

Mr. Speaker, this is the beginning of a great national debate. I think it is also going to be the beginning of a great national program.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that my friend, the gentleman from California, has very correctly pointed to the fact that we want to see a level of community service. We want to see people involved. We want to see people take on responsibility.

What we should be doing is labeling this measure exactly what it is. It is a jobs-creation program which is compensating at levels which far exceed the levels that are presently out there, and it seems to me it is far too expensive at this time for us to get into it at this kind of an advanced rate.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from the downtown San Dimas, CA, area for yielding this time to me.

Mr. Speaker, this rule provides for general debate only on the national service bill. I am pleased that we will have 3 hours of general discussion on this legislation, because, frankly, I think few people really understand the provisions of this bill or its potential budget consequences.

During Rules Committee testimony we heard many times that this measure was a major priority for President Clinton and represented a cornerstone campaign promise. I have consistently applauded the President for his commitment to national service, and I am hopeful that he agrees the issue deserves our careful attention.

I would certainly hate to see us rush into this complex new program without adequate deliberation—simply to ensure a successful White House photo opportunity to announce a campaign pledge fulfilled. I believe a well-thought-out and carefully designed National Service Program could give our young people a valuable sense of civic and national pride, while improving their quality of life and providing an opportunity to defray the ever-increasing cost of higher education. If done properly it should create some real jobs and real productivity.

Unfortunately, I am not sure this bill will accomplish these goals. Instead, the National Service Trust Act appears likely to bureaucratize philanthropy and turn volunteers into Government workers. I have serious philosophical differences with a program which attempts to give Government a monopoly on good will.

To be honest, I do not know whether this particular bill is a jobs bill, a community service bill, an education bill, or a new entitlement bill. One thing we do know is what this bill is not: This is not a bill about volunteers—in fact when Mr. PORTER of Illinois presented an amendment pertaining to volunteers he was apparently told by the Parliamentarian the he could need special permission from the Rules Committee because "this bill is not about volunteers."

To be sure, under the provisions of this bill participants completing at least 1 year of full-time service or 2 years of part-time service would be paid a minimum wage stipend, health and child care benefits, plus a $5,000 educational award. This could cost the taxpayers $20,000 for each national service volunteer job. The entire program will cost an estimated $7.4 billion after 4 years.

By anyone's standards this bill creates a massive new Federal program with potentially enormous Federal obligations for the outyears as people who participate claim their reward from the Government. We should proceed with extreme caution—I fear creating a major new Federal program at a time when our country is struggling with a serious budget crisis will come back to haunt us.

While I am glad for the time on general debate and I appreciate Chairman FORD's willingness to request an open rule for amendments, I note that today's rule provides a waiver of the Congressional Budget Act, something this Member is always loath to do. We are told this waiver is needed for a very minor purpose—something about a new payroll position with the Federal Government that violates pay-as-you-go procedures. Nonetheless, it is my belief that we should not be waiving the Budget Act—especially when our Nation is already more than $4 trillion in debt.

Mr. Speaker, I am hesitant this huge new bureaucracy will strangle the enthusiasm that currently energizes private initiatives in our communities. While President Clinton obviously has good intentions, he may be too eager to provide a costly, big government answer to the question, "What can I do for my country?" This bill needs a lot of work—let us take the time to do it properly.

☐ 1350

Mr. DREIER. Mr. Speaker, I would like to say that my friend from Florida [Mr. GOSS], made a very important point. This rule waives the Budget Act. It is a two-part procedure. It seems to me that it should be defeated, and I am going to urge my colleagues to defeat it.

Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, the Committee on Rules will meet later this week and will hear the case for various amendments. Obviously there are amendments that will be considered during consideration of this bill. This just provides for general debate.

Mr. Speaker, I have no further request for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 159, not voting 36, as follows:

[Roll No. 322]

YEAS—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thurman
Torres
Torricelli
Traficant
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Woolsey
Wyden
Wynn
Yates

NAYS—159

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—36

Barton
Blackwell
Boehlert
Bryant
Clinger
Condit
Conyers
Cox
Cramer
DeFazio
Dellums
Duncan
Ewing
Gallegly
Gephardt
Henry
Huffington
Kaptur
Kasich
Laughlin
Lewis (FL)
Lipinski
McKeon
Mfume
Mollohan
Moran
Parker
Smith (OR)
Stokes
Taylor (MS)
Thornton
Towns
Tucker
Wilson
Wise
Young (FL)

☐ 1412

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Smith of Oregon against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1189) to entitle certain armored car crewmembers to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept weapons licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

**SEC. 3. STATE RECIPROCITY OF WEAPONS LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.**

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapons license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that—

(1) the crew member has received classroom and range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

**SEC. 4. RELATION TO OTHER LAWS.**

This Act shall supersede any provision of State law (or the law of any political subdivision of a State) that is inconsistent with this Act.

**SEC. 5. DEFINITIONS.**

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriated certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term "State" means any State of the United States or the District of Columbia.

Mrs. COLLINS of Illinois (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Illinois?

Mr. STEARNS. Mr. Speaker, reserving the right to object, while I have no intention of objecting, Mr. Speaker, I yield to the distinguished gentlewoman from Illinois [Mrs. COLLINS], the chairwoman of the subcommittee, so she may have the opportunity to explain the purpose of her unanimous-consent request.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, as the ranking member of the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce, and as a cosponsor of the legislation, the gentleman has provided great assistance in the development of this bill.

I would also like to thank the members of the committee, the former ranking Republican member of the subcommittee, Mr. MCMILLAN of North Carolina, and the distinguished gentleman from Ohio [Mr. OXLEY] for their cosponsorship of this legislation.

Mr. Speaker, on May 18, 1993, the House passed H.R. 1189 by voice vote. The bill, which provides reciprocity for weapons licenses for certain armored car crew members, is a noncontroversial bill. On June 30, the Senate passed the bill with several technical amendments. These technical amendments improved the bill, and the purpose of this unanimous-consent request is to concur in those amendments.

Mr. STEARNS. Mr. Speaker, further reserving the right to object, I would like to thank the gentlewoman for her explanation. I have enjoyed working with the distinguished chairwoman of the subcommittee on this legislation.

This legislation is a commonsense bill which was forged in a true spirit of bipartisanship. It passed the House earlier this year without opposition, and the Senate amendments make no significant substantive changes.

Mr. Speaker, I do not oppose the gentlewoman's unanimous-consent request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

## NATIONAL SERVICE TRUST ACT OF 1993

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 215 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2010.

□ 1417

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2010, to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; with Mr. FIELDS of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 1 hour and 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 1 hour and 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, before yielding any time, pursuant to an informal agreement with the minority, I ask unanimous consent that the majority yield 15 minutes of its time, and the minority yield 15 minutes of its time, to the gentleman from Wisconsin [Mr. GUNDERSON], who shall have the authority to control that time period.

Mr. GOODLING. Mr. Chairman, I yield 15 minutes from this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 30 seconds, in the interest of getting an opportunity for all the people who wish to speak, an opportunity to speak, on the bill during general debate.

Mr. Chairman, throughout Bill Clinton's 1992 campaign, one issue touched Americans of all backgrounds and political persuasions unlike any other. It was an issue that bound together several of our highest ideals. The urge to help solve crushing social problems. The call to serve our fellow citizens. The desire for a better education.

That proposal is now before us. H.R. 2010, the National Service Trust Act of 1993, rewards individual responsibility, and builds community by encouraging Americans of all ages to work together to tackle our common problems. It will also expand educational opportunity for those who participate.

This legislation, in its broad aim, has precedents. After the Second World War, the GI bill gave a generation of returning servicemen the opportunity to educate themselves and help launch America's unprecedented era of prosperity. The GI bill rewarded military service, irrespective of the status of the participant. Its benefits were equally available to all returning servicemen.

As the GI bill's social and economic benefits continued to unfold, President Kennedy appealed to our sense of service in launching the Peace Corps, a mission that secured America's reputation as the most generous nation on Earth. It remains the most admired program of the 1960's.

H.R. 2010 builds on the legacies of these two historic programs, and on the Peace Corps' domestic counterpart, VISTA, the Volunteers in Service to America. From its modest start in this legislation, national service will, we hope, nurture a more compassionate, public-spirited consciousness among our citizens and help to rebuild the sense of community we seem to be sorely lacking.

The diversity of support for the bill is impressive. We have received corporate endorsements ranging from Archer Daniels Midland Co. to Zenith, from Ben & Jerry's to Dow Chemical. The dozens of nonprofit supporters include the American Association of Retired Persons, the Child Welfare League of America, the Close Up Foundation, the National Governors Association, United Way of America, and the Fraternal Order of Police.

On July 9, I received a letter from Elizabeth Dole, president of the American Red Cross, in support of H.R. 2010. I quote:

> We understand that community service is neither a panacea for the nation's problems nor a substitute for traditional volunteerism. However, your bill will enlarge the means by which individuals can make a difference in their community.

I am particularly pleased that the Red Cross has joined so many others in support of this bill.

H.R. 2010 would allow any individual at least 17 years of age to apply to the national service program to serve—not volunteer—on pressing educational, environmental, human and public safety problems. Participants would tutor school children, run recycling programs, aid homebound individuals, and serve in projects dedicated to solving hundreds of other problems that simply are not being addressed.

In return for a year of full-time service, participants would receive a $5,000 educational award, the current VISTA subsistence allowance of $7,400, and health and child care benefits as necessary. Awards could be used to repay loans for higher education or to pay for tuition or approved job training. Individuals could receive up to two $5,000 awards for each 2 years of service.

Qualifying service programs would be operated by Federal agencies, States, local governments, school districts, colleges, or community-based not-for-profit organizations. The National Service Trust, a Government corporation, would help local organizations qualify for the initiative and ensure that their public mission is up to standards of usefulness of participants and communities.

Thus, the bill would establish no new Federal bureaucracy to run programs but rely on existing, local networks. The initiative relies on locally driven programs, allowing participants flexibility and stimulating competition among sponsoring organizations.

H.R. 2010 would authorize $394 million in 1994 appropriations, creating 25,000 to 30,000 slots, and such sums as may be necessary in 1995 and 1996. We would expect that if this program succeeds, if it strikes in reality the nerve it has as a proposal, then national service will grow in the years ahead. If it fails to fulfill needs both for participants and the communities we expect them to serve, we will be prepared to pull the plug on it.

The bill also would reauthorize the school-based service-learning programs for grades K–12 and college youth, for $45 million; the VISTA and Older American Volunteer Programs under the Domestic Volunteer Service Act, for $319 million; and the civilian community corps and the Points of Light Foundation. All out-year authorizations are for such sums as may be necessary.

Mr. Chairman, in recent days, I have seen an issues brief circulated by the House Republican Conference about national service. I want to correct some misstatements in that paper for my colleagues.

First of all, H.R. 2010 has nothing to do with the direct lending proposal that is part of the budget reconciliation bill.

As I have noted, the bill before us does not provide a multi-billion-dollar authorization. This was originally proposed by the administration, but was modified after consultation with Members on both sides of the aisle.

As Congress is to provide appropriations, the National Service Act would establish no entitlement. No one is entitled to participate in the program, and no program is entitled to receive funds. All programs will be selected competitively. Grants will be evaluated frequently and bad programs will be weeded out. Finally, the administration never proposed to create an entitlement.

Because funds are to be appropriated through the HUD-VA subcommittees, national service will not compete with funding for Pell grants and other education programs that are provided through the Labor-HHS bill. We are not taking away money from poor students to fund national service.

Further, the Labor-HHS bill that passed the House restored the major part of campus-based aid funds and we have been assured by the administration that it will continue to work with the appropriators to fully fund campus-based aid programs.

In its formulation in the White House, Members may recall, some were concerned that the benefits of national service would exceed those of military service. Military service people receive more than participants in national service. And military pay is considerably higher than that proposed for national service participants. I want to acknowledge the role played by Chairman MONTGOMERY in this regard and to note that he is an original cosponsor of the bill.

There are concerns that this bill would create another bureaucracy on top of existing programs that support community service. In fact, we would streamline these dispersed programs and merge the old ACTION and the Commission on National and Community Service. The Corporation for National Service is modeled on the Corporation for Public Broadcasting, an entity that spreads authority to local agencies. We are not creating a new bureaucratic monster.

Some of my colleagues may be wary that national service would displace paid jobs or be a threat to unions and their members. Unions endorsing the bill include the American Federation of State, County and Municipal Employees and the American Federation of Teachers, Service Employees Union, as well as the FOP. The bill would require consultation with employee representatives to ensure it does not displace wage-earning workers.

Finally, some suggest that a lottery should be held to allocate national service slots. That is impractical, since programs have different requirements and participants different interests. Under the bill, the programs—the people on the ground, working on these tasks—would select participants on a nondiscriminatory basis.

National service is not a make-work program. It is not welfare. It is not an entitlement. It does not replace voluntarism. It is a trade—education aid in return for service of important and lasting community value.

I urge my colleagues to vote for the bill.

□ 1420

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of H.R. 2010. Among other provisions, H.R. 2010 consolidates the administration of existing service programs; such as ACTION, VISTA, and the Peace Corps; with the administration of the new national and community service programs provided in this legislation. Provisions of the legislation relating to compensation and personnel practices within the new Corporation for National Service are within the jurisdiction of the Committee on Post Office and Civil Service.

I want to express my appreciation to the chairman of the Education and Labor Committee, Mr. FORD, the sponsor of this bill and chairman of the Subcommittee on Human Resources, Mr. MARTINEZ, and the chairman of the Subcommittee on Select Education and Civil Rights, Mr. OWENS, for their willingness to work with the Committee on Post Office and Civil Service to improve this legislation. I also want to express my appreciation to the administration. The legislation before us not only promotes national and community service, but ensures that the service programs will be competently administered by professional staff on a nonpartisan basis. I urge my colleagues to support H.R. 2010.

Mr. GOODLING. Mr. Chairman, I yield what time he may consume to the distinguished gentleman from Illinois [Mr. MICHEL], the minority leader.

Mr. MICHEL. Mr. Chairman, what we are going to be debating today is not just the details of H.R. 2010, although they are important, but the very concept of national service.

We all agree that it is a good thing to inculcate in our young people what have been called the habits of the heart, the predisposition to serve the large community voluntarily. Indeed, we all want to capture the idea of community itself, an idea which has fallen on hard times of late.

But the proposal before us today is a step away from voluntary community service, because it is a system of government rewards for those who serve.

The true purpose of community service should be for the individual voluntarily to put aside his or her private goals in order to serve the needs of others.

I am reminded of the story of the man who came upon a volunteer working in a hospital ward dealing with the most horrible of burn cases. And the man seeing the horror all around him said to the volunteer, "I wouldn't do your job for a million dollars." And she replied: "Neither would I."

That is the true spirit of community service. If we cannot get this idea across to our young people, and if we settle for the idea in this proposal, what we will have told our young people is: Do not perform community service unless you are reimbursed for it in some economically beneficial way, or receive a reward for it.

The proposal, in my view, is yet another example of a persistent and troubling pattern of this administration. We get inspirational campaign rhetoric, in this case with a Kennedyesque ring to it, about a desirable goal. But the administration has not the foggiest idea of how to translate that rhetoric into an effective program to reach the goal.

What we get in the end is another big government program in which Big Daddy creates a system of rewards. But Government-run community voluntarism is a contradiction in terms.

And why are we considering a potentially massive new spending program at this time when the budget debate has not yet been completed? Does it really make sense to provide a very limited number of persons, not defined by income category or age, with a minimum wage job, health benefits, child care, and education benefits totaling $15,000 per year per person when we are not yet fully funding our Pell grants for truly needy students?

Should the community service jobs be open ended, or should they be targeted more directly to serve a real need in our communities?

Someone once said a tragedy may be defined as the "killing of a beautiful theory by an ugly fact." The ugly facts just have not been considered by the administration, intoxicated as it is by its own rhetoric.

Let me say to those who support this concept, the habits of the heart cannot be inculcated by bureaucratic disbursal of tax dollars. The idea of community cannot be enhanced by looking to Washington to tell us what community service is, or indeed what community itself is.

Only when millions of individual volunteers in tens of thousands of America's communities tell Washington through their actions what community service is can we truly reflect the strength of this Nation of communities.

This proposal, in my judgment, misses the point of voluntarism entirely. It is not effective as an aid to education and it tells young Americans that they should always look for a payoff when helping their community.

But in America, for 200 years, the idea of helping the community itself has been the payoff. And I would urge my fellow colleagues not to weaken or destroy that great concept by putting it in the hands of another governmental bureaucracy.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 20 seconds.

For Members who are still in their offices and Members on the floor, the gentleman who just spoke indicates to me that he has not had time to look at what we have before us. We have a 302-page bill, a piece of proposed legislation. We have a 341-page explanation of the bill, and I call Members' attention particularly to page 83 and following which recites in two pages the full history of how this bill got here, where it comes from, and maybe we will not have a repeat of the misinformation that the gentleman from Illinois just gave us.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ], the principal sponsor of the bill and chairman of one of the subcommittees with jurisdiction over it.

Mr. MARTINEZ. Mr. Chairman, I can see two reasons for H.R. 2010. One is to instill in young people today the spirit of our forefathers for community service. And the other is to provide an opportunity for these same people to receive higher education without the cloud of enormous debt hanging over their head when they finish their schooling.

Mr. Chairman, in every desperate era, the Goverment—in living up to its mandate of promoting the general welfare—has provided the policy leadership and programs necessary to that end. For my older brothers, it was the CCC's of the 1930's—for those of you too young to remember, those years were the height of the Depression.

That program—replicated in this bill—took young people out of ghettos and gave them a small stipend and room and board in exchange for community service—but the money they received was not their reward—the community service experience was their reward. It gave them a sense of being a part of their community and a pride that changed their lives forever.

In this bill we provide that opportunity for both rural and urban youth. And we do much more than that.

This bill also reinvents government by consolidating and streamlining the existing Federal administration of service and volunteer programs.

It abolishes the Action Agency and the Commission on National and Community Service and delegates the functions of both agencies to the Corporation for National Service. Thus allowing for a flexible and quality-driven personnel system that may very well redefine merit-based Government service.

At the same time, it gives full consideration to the employees of the Action Agency for their years of invaluable service by retaining their competitive status protection as employees of the new corporation.

Mr. Chairman, one of my colleagues claims that participants in this program won't learn the service ethic because they are "* * * being paid a healthy sum to do the service." I only remind my colleague that no one can argue that the Peace Corps participants didn't learn the service ethic—the evidence is overwhelming to the contrary.

I would also like to remind my colleagues that Peace Corps cost are comparable to this program. The big difference is that the community service provided in this bill is done here, not in a foreign country. It's one way of putting our people first.

Mr. Chairman, I, like many of us here, feel fortunate to have been born when I was. Most of us have had the best of all worlds. We, as children raised through a depression saw our parents live the tough life of providing a better life for us.

In turn we lived our parenting time thinking we would provide a better life for our children, but the world changes and now we find the bad economy and the education requirements of a high tech society are making it tougher for our children to succeed.

Mr. Chairman, a member of the Rules Committee's objection to the bill was that we are doing too much for young people and the Government can't afford it. I guess the inference was that young people today don't have the gumption to do for themselves.

Mr. Chairman, I don't believe that it's that simple. In most cases we have not provided the opportunity to them to work for their own gratification and to develop expectations for themselves.

Mr. Chairman, my dad used to say that most people only appreciate and value the things they work for and earn themselves. In this bill we provide the opportunity for young people to earn and learn—to develop a sense of community and have confidence in themselves and others.

Mr. Chairman, beyond earning and learning, we provide the opportunity for young and old to serve as well as be served and finally let me state emphatically that the components of this bill are based on proved concepts. I urge my colleagues to support the National Service Trust Act of 1993.

□ 1430

Mr. GUNDERSON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman and Members, I rise in support of the National Service Trust Act. I do that as a Republican because I think, first of all, this is a test of whether this Congress, Republicans and Democrats alike, can work with this President in a bipartisan manner to get something done when the President is willing to meet us halfway.

I also rise in support of this legislation because, very frankly, it is a real test of this Congress as to whether or not we are going to have the courage and the ability to redesign some of our Federal delivery systems, to find ways in which we can solve local and national problems and, quite frankly, a more cost-effective way than the present delivery system.

Let us understand what national service is and what it is not. National service is not student financial aid; national service is not paid voluntarism. National service is a public partnership from the Federal, State, and local level to meet a unique and urgent local or national need with particular opportunities for professional and personal growth for those young people involved.

Mr. Chairman, we have worked with the administration through this legislation. This is not the original Nunn/McCurdy proposal that required all students who receive financial aid to give national service. This is not the entitlement program the President talked about in the campaign.

This is a dramatically redesigned program that is going to be subject to the legislative and budget priorities of this Congress every year.

This bill, as we deal with it today, is a program which combines the best of, frankly, the Democratic Party's ideals for public service, with the Republican Party's ideals for efficiency, for local control, in that delivery system. We have a bill today that is a small beginning, not a big new entitlement.

It is a bill that says, "You ought to work; you are not just going to get free grant money." It is such sums, not entitlements; it is controlled at the State and local level, not the Federal level; it requires local cost shares. It even requires subminimum wages if they design it and the program is taken on a competitive review process.

Participants are not a part of the Federal civil service system; they are unique applicants and participants for a short period of time.

So, what we have done in this legislation is bring together what we believe can be the beginning of a way in which we can better meet those local needs when we are cutting Medicare and Medicaid, when we are cutting CDBG's and our other programs.

I urge all of my colleagues, take a look at this, it might meet your test.

Mr. FORD of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. MCCURDY], the longest continuous and most ardent proponent of national service among all of us here on the floor today.

Mr. MCCURDY. Mr. Chairman, this is a proud day for those who have labored for years, through the Democratic Leadership Council and other forums, to keep the idea of national service alive.

Bill Clinton was elected last year in large part because he promised that he would be a new Democrat. The President's national service plan is the most powerful symbol of the philosophy of mutual obligation that he promoted during the campaign.

National service represents a new approach to social programs, an approach emphasizing individual responsibility. National service views Government as a partner in, rather than manager of, efforts to address our social problems.

To a great extent, American Government has become detached from the individual. From State houses and from Washington, our governmental institutions assess taxes, create programs, and enforce rights, often in ways that are bewildering to the average American. But with detachment comes disenfranchisement, and an abdication of responsibility. Without a stake in their community or a voice in their politics, many Americans have abandoned both.

According to a recent Atlantic magazine article, less than half of all Americans now believe that sacrifice for others is a moral virtue. And yet millions of us look to Government—that is, to our fellow citizens—for security against unemployment, ill health, and retirement.

It was against this background that Bill Clinton introduced his notion of a New Covenant. In his vision, citizens and Government would be bound by a new commitment to shared principles, to the building of local and national communities, to the reinvigoration of the national economy, and to the rebirth of the idea of service to others.

National service lies at the very core of this agenda. This legislation will challenge Americans to repay their debt of opportunity with service to their country. It will allow our young people to recall their sense of obligation and to choose commitment over apathy, involvement over disenfranchisement, community over individualism.

The administration's national service plan is too often described as a student loan program. It is not. The educational benefit offered to those who volunteer is important, but the basic purpose of national service is to allow young Americans to exercise their responsibilities as freely as they exercise their rights.

A broad-based national service plan can make many contributions to our society. It can help rebuild our infrastructure, protect our environment, tutor our young, and care for our old. It can enrich the lives of its participants by demonstrating the satisfaction to be gained from giving to others, instilling young people with valuable life-management skills, and bring people together from diverse backgrounds.

National service will accomplish these goals while promoting a new, participatory model of Government activism. By using an independent corporation for management, tapping the American spirit of voluntarism, and focusing on grassroots organizations, national service will address social needs without an expanded Government bureaucracy and at relatively low cost.

This message transcends traditional Republican and Democratic philosophies. It goes to the core of what is wrong with American politics and, at a deeper level, American society. If national service helps to create a new sense of community in America, it will make a profound contribution to our political system and our society.

Those who believe that the American ethos need a new infusion of responsibility, of duty, of concern for others, should support this bill.

Mr. Chairman, I would like to commend my colleagues on both sides of the aisle, the distinguished chairman of the Committee on Education and Labor, the gentleman from Michigan, [Mr. FORD] for his stewardship of this legislation through his committee; the gentleman from California [Mr. MARTINEZ] for his long-standing support of national service; and I want to commend my colleagues on the other side of the aisle, the gentleman from Connecticut, [Mr. SHAYS] and the gentleman from Wisconsin, [Mr. GUNDERSON] for their dedicated leadership and strong support for this initiative.

It is a program that has bipartisan support because it does capture the true spirit of America, and that is, giving something back for your country, to your country, and abandoning this philosophy of having something for nothing.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the committee.

Mr. BALLENGER. Mr. Chairman, I am all for the idea of service, I have served in the Navy Air Corps and volunteered for every local program. So what could be better than service on a national scale? But if we are honest here, H.R. 2010 has very little to do with service. The students who participate will receive not only an educational benefit, but a living stipend, child care and health care. This sounds like a new welfare program to me.

It is simply not the responsibility of the Government and the American taxpayers to create jobs and then pay for the living and educational expenses of students working in those artificially created jobs, all under the auspices of a national service program.

If this were truly a service program, the students would perform voluntarily for the purpose of helping others, not earning a living. They might still be regarded with an educational stipend, but that would be incidental. The motivation for joining the program would be to meet the needs of the community, not earn a living and an education at the expense of others. I do not understand why this new program is allegedly necessary. Many private and Federal volunteer programs are already in place which have significantly contributed to our communities. Now is simply not the time to undertake a new spending program.

One particularly troublesome facet of this bill is the blatant conflict-of-interest provision involving labor unions. The bill requires grant applicants to consult with, and in some cases receive the concurrence of labor unions, who may apply for those same grants. The unions have the power to influence the outcome of grants to nonunion applicants, while they themselves may apply for those same grants. This distinct advantage given to labor unions, over other applicants, is ludicrous.

It seems that there has been some confusion over the eligibility of labor unions to apply for grants. In a legislative summary sent to some offices, the Democratic Study Group focused on the provision in this bill that states that labor unions may not apply for a grant with the intent to use that money to pay volunteers to help the union organize union workers. However, the DSG did not mention that the national service bill explicitly states that labor unions may apply for grants if the grant would be used to provide for community service. It is not ethical if one of the applicants is given a distinct advantage over the other applicants. And yet that is exactly what this provision in the bill would do.

I plan to offer an amendment to delete this obvious conflict-of-interest giving unions an unfair advantage over other applicants. I urge my colleagues to support my amendment. It is essential to delete this provision that is rife with the potential for abuse.

□ 1440

Mr. FORD of Michigan. Mr. Chairman, I yield 3 minutes to the ranking member of the committee, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, in the debate over the National Service Trust Act, the word volunteer has inspired as much rhetoric as any specific provision of the bill. Opponents have used it to criticize the proposal, because national service volunteers will receive a basic level of benefits in return for their service.

However, we readily refer to our armed services as an All-Volunteer Force. We use this term even though military personnel receive many benefits and rewards. We use it because we recognize that the job of defending our Nation requires real personal sacrifice. To do that work for little or no pay would be above and beyond the call of any American's duty in peacetime.

It is true that national service participants would receive a basic living allowance, plus health and child care benefits, if necessary. They could also acquire marketable skills and credentials. And yes, they would be eligible for modest educational awards, regardless of their family income.

But we offer nothing less to the men and women of our Armed Forces. No one would argue that soldiers and sailors live in luxury, or that they are doing make-work jobs. But we understand that some basic level of compensation for service is necessary if the Nation is to remain strong.

The National Service Trust Act is based on this principle. It would strengthen the Nation by encouraging and rewarding service in our communities. That service—the day-to-day work of teaching our children, making our streets secure, and reviving our most troubled communities—is of undeniable importance to the Nation.

Several amendments will be offered to this bill that would limit the reasonable benefits it would provide. Some will seek to eliminate the funding for living allowances or other basic needs. Others will seek to lessen the educational reward. I believe both of these approaches not only reduce the incentive to engage in service, they imply that the service performed is of lesser value. We do not means-test benefits earned during military service. We should not devalue service in our communities by requiring participants to exhaust all other avenues of educational funding before they can receive even part of the reward they have earned.

We rightly provide for, and reward, the men and women who voluntarily defend our Nation. We should do no less for those who will voluntarily help to rebuild it. I urge my colleagues to oppose amendments that would reduce our commitment to them, and to support the National Service Trust Act.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we were to enact this legislation in its present form, it would probably be one of the most immoral acts that this Congress has ever perpetrated upon the American people. Immoral is the only term I can use, because it is Robin Hood in reverse. If ever there was Robin Hood in reverse, you have it in this legislation.

I do not have any problems with national service, public service, whatever you want to call it. We have 30-some Federal service programs going on at the present time.

In fact, it is over a billion dollars that we spend. It might be a good idea sometime to get all those together and see what it is we are doing, and what we are not doing, and what we should be doing in the area of national service.

My problem with this is that it is Robin Hood in reverse. We are now finding that we must cut grants to States for needs-based higher education assistance. We are finding that we must cut work study programs. Many colleges and universities, as a matter of fact, require their students to go out and do public service in their college work-study programs. You do not have to create a new bureaucracy to do that. If you want to do it, use the bureaucracy that is there, mandate that a certain percentage of the people who receive work study grants serve the community in which they go to school.

You are saying to those who cannot afford an education, over 3 million who presently receive some funds from the Federal Government to get a higher education or a post-secondary education, you are saying to them, "Sorry, we don't have money for you. Sorry, we have to cut work study. Sorry, we have to cut State grants. Oh, but we just happen to have $15,000 a year to anybody, no matter what your family's income may be. We cannot help those of you in need, but boy, we sure can throw out $15,000 a year to those who are not in need."

Now, you are going to get the cry that, oh, when you do a program like this, you have to have a cross section. Well, let me tell you about the cross-section. The last bill we passed, the higher education bill, depending which college or university you go to, that takes you up to $70,000 or $75,000. That is a pretty good cross section. I do not believe you need to go out and hunt a cross section. You have to take care of those in need before you take care of those who are not in need. That is the big problem with the legislation.

I will offer an amendment to try to do something about that when we get to that point.

Now, to those who like, somehow or other, to mix this up with GI benefits—GI benefits—can you imagine volunteering for this National Service Program and then, somehow or other, saying it has something to do with serving in the military? All of a sudden to be called up and go to the Middle East, all of a sudden 300 going to Macedonia. How would you like to be one of 300 going to Macedonia? You will be a pigeon there, waiting for them to pick you off. It is criminal to do something of that nature.

We are not talking about the same kind of benefits. We are not talking about the same kind of pressures, the same kind of death threats, and so forth, that all those people who serve in the military go through.

Read what the American Legion is saying about the legislation. They are not jumping up and down in delight and somehow comparing apples and oranges, as people would like to do here.

One other thing we are doing with the legislation, now you are going to get people going this route, rather than volunteering for the military service.

Let me tell you, if we are going to wipe out Korea tomorrow, and we are going to defend Macedonia today, and we are going to do something else to Yugoslavia the next day, we better have a force there, and not a force who are sitting there, as I said, like ducks waiting to be picked off. They should be protected.

We have to look at this legislation for what it is. First of all, we have to needs test the educational part of these benefits.

How can you tell 3 million in need that you have to go through a needs-test program, but you do not have to do it if you join this program?

Positively, you should have to go through that same procedure and then it would be fair to all.

So Mr. Chairman, I hope that some of the amendments that are available for this legislation will become law, or I have to repeat what I said at the beginning, to pass it in its present form is immoral at the best.

Mr. ORTIZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of the National Service Trust Act.

National service will change lives. More of our young people will be able to gain education and training beyond high school. And, as they volunteer to better their own lives, they will improve the lives of others.

At the same time, important and meaningful volunteer programs will receive new life and new assistance to meet unmet social and community needs.

Mr. Chairman, I am particularly pleased that the National Service Trust Act does not restrict volunteers based on income. At a time when too many Americans define themselves by their differences, I value this opportunity to bring together young people from diverse backgrounds. Youth from middle-class families will have the opportunity to work side-by-side with peers from the very communities they are serving.

President Clinton conceived of national service as a way to build a new sense of community in America. I support this goal, and I urge my colleagues to do so, as well, by voting for the National Service Trust Act.

Mr. GUNDERSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. HOEKSTRA], a member of the committee and a good friend who has worked hard and close with us on this bill.

Mr. HOEKSTRA. Mr. Chairman, I rise today to voice my support for the National Service Trust Program. This legislation will give people from a variety of walks of life the opportunity to serve their communities in exchange for awards to attend post-secondary schools of their choice.

This program will enable people from all over the country from a variety of ethnic, economic and educational backgrounds, to work on some of the most pressing needs facing their local communities.

This experience is not only sure to change their communities, but also change the participants in a dramatic way.

□ 1450

I would like to stress that I do not believe that this program will replace volunteer programs that are currently taking place, but will, instead, support them and allow them to flourish. While some participants will work in new programs, many more will serve in existing programs, existing programs that have been dreaming about expanding the roles that they are playing in their local communities. What they will now have is access to young volunteers who are willing to work 40 hours per week to support their programs. They may also use their participants to expand into new areas that they simply have not had the ability to tackle before, and these local agencies will be the best informed to address and identify the pressing needs within their communities.

During the first year of operation, Mr. Chairman, this program would allow an average of 500 volunteers per State. I would gladly put all 500 that will be in Michigan to work in my district alone. They could work with latchkey kids in an after-school program. They could buy groceries and provide other services for shut-ins. They could teach at a youth volunteer corps fine arts camp for inner city youth. They could build and renovate new homes with Habitat for Humanity. They could participate in environmental cleanups along the shores of Lake Michigan, and the list goes on and on.

Mr. Chairman, I would urge my colleagues to look carefully at this legislation asking young people to give of their time and energy before they receive financial assistance from the government. It is a new concept and, I believe, very American. I am, therefore, supporting the National Service Trust Act of 1993 and encourage my colleagues to do the same.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act of 1993. The establishment of a program of national service is one of President Clinton's highest legislative priorities, and I congratulate him for sending us this excellent initiative.

The program created under H.R. 2010 will provide the opportunity for thousands of young men and women, and citizens of all ages, races, and income levels, to come together and take an active part in the improvement of their neighborhoods, towns, and cities. This program will foster a new level of public spirit, and all participants will be even better citizens as a result of their national service experience.

Under the program, Mr. Chairman, young people will have the opportunity to earn education benefits in exchange for working to improve their communities. The benefit level established under H.R. 2010 is reasonable, and I really do not expect the national service program to interfere with the ability of the armed services to recruit the high quality men and women that we do need.

That is a very important point to make here today, Mr. Chairman, that I do not believe this will interfere with the recruiting of persons that come into our military service as they do it on a voluntary basis, so this is a good bill, and I support it, and I urge my colleagues to do the same.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, for some time now I have been listening to this debate more with amusement than dismay, but I think dismay is winning out.

It was merely amusing to learn that all these pressing, unmet needs supposedly blighting our Nation can only be solved by a new Federal spending program devised by 25-year-old Harvard graduates and run by Washington bureaucrats. My experience is that a bad idea can only be born in a bad environment isolated from reality. Which explains this bad idea. It came from the universities directly to Washington, and remains isolated in the only two communities that will benefit from it: The academics and the politicians.

But heck, this is the big-government solution to everything. I would almost be disappointed if I did not hear it in this Chamber.

My amusement began giving way to dismay when I was told, "This bill is going to make college education affordable again—if you're one of the 1 percent lucky enough to be included, but for the rest it doesn't reduce the costs of college one penny." In fact, Mr. Chairman, by pumping more money into universities, it will probably drive the cost of college up for everyone.

But the argument that brings me to the floor today is the assertion that this bill is necessary to revive the American spirit of service alleged to have been smothered during the so-called Reagan era of greed, and how are we going to revive this spirit of service? By dangling $20,000 in cash and benefits before the noses of America's young idealists.

Mr. Chairman, this is not a noble attack upon greed. It is more akin to a welfare program for the aspiring yuppies of America.

Mr. Chairman, I oppose this bill because it displaces private charity with government-managed, well-paid social activism, based on the elitist assumption that community service is not taking place right now. To my mind, community service is working hard, earning a paycheck, feeding and schooling your children, paying your taxes, and taking part in your church and your community—not some government-paid service job.

The truth is, 80 percent of Americans already perform some form of voluntary service—free of charge. Unfortunately, some in Washington cannot see something happening unless a government program is making it happen. And, of course, they miss the best of what is happening in America. Like the fact that in 1991 individual Americans gave $103 billion in charitable contributions—a 58-percent increase over what they gave in 1980—and $176 billion in volunteer time. Corporations gave $21 billion—a 52-percent increase over what they gave in 1980. So the American people gave a total of $300 billion in charitable effort in that one year alone, and yet we are supposed to believe that another $7 billion in government spending over 4 years is going to reawaken the dormant spirit of service in our land? What an affront to the American people.

This bill also has an identity crisis. Is it a service program or a loan program? To the professional service crowd, it claims to meet pressing, unmet needs through meaningful service, but to the labor unions, it promises not to displace any real workers who are busy meeting real needs. And this bill cannot even bring itself to decide who deserves the larger monetary reward—college students raking leaves, or veterans who have served this Nation's flag.

From first line to last, this bill seems calculated to increase the American people's dependence upon, and gratitude to, big government. I wonder whether that might not be the only real unspoken motive behind this legislation.

Remember, Mr. Chairman, the politics of greed. If I might borrow a word the Democrats believe they own, the politics of greed is always best served up when wrapped in the language of love. Mr. Chairman, from my point of view, the worst thing about this bill is it is so darned undignified. I say to my colleagues, do yourself a favor and vote against it.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act. Finally the gridlock has been broken, the gridlock between theory and implementation has been ended. I congratulate President Clinton for his speedy action. This legislation unites, streamlines, and reinvigorates what was a fragmented and moribund policy on national service. It has been developed with bipartisan support and in close consultation with a wide array of constituencies. This process of dialog and collaboration has yielded a bold initiative to renew and strengthen the commitment of Americans to serving their communities and each other. The legislation includes provisions to ensure that individuals will be able to participate in full-time national service, regardless of their socioeconomic circumstances. Those who live in the communities where help is needed will be able to work alongside those who come from the outside.

There are some among us who would lead you to believe that we are instituting a system to pay for volunteers. However, the truth is that this bill establishes a national core of people willing to give of their time, energy, talent, and most importantly, of themselves, in service to others. This legislation has reignited the spirit embodied by John F. Kennedy's VISTA initiative in which the philosophy of giving and sharing of oneself within the greater context of the community has one ultimate goal, helping others to help themselves.

As chairman of the Subcommittee on Select Education and Civil Rights, the subcommittee of jurisdiction over the ACTION Agency and the VISTA Program, I am particularly pleased that the intent and integrity of VISTA has been so well preserved. President Clinton is one of the many supporters of VISTA who recognizes the importance and power of the VISTA ideal, which relies on the essential dignity and hard work of people within their own communities to encourage growth and development, of both the individual and the community. It is this ideal upon which the National Service Trust Act is founded.

The ACTION Agency has administered the VISTA Program and the Older American Volunteer Programs for over 20 years. The employees of this agency will continue to contribute their many years of experience with community service programs as part of the new Corporation for National Service. The Corporation will also include a decentralized field structure, similar to the one already in existence at ACTION. This structure provides vital assistance and coordination at the State and local levels. This type of contact is essential to the success of national service, for while this initiative is national in scope, it will be nourished and sustained by local roots.

I want to thank Chairman FORD, Mr. MARTINEZ, and the members of the Committee on Education and Labor and their staffs for their diligent work and dedication in making this legislation more reflective of our concerns. I urge my colleagues to vote favorably for the National Service Trust Act.

☐ 1500

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI], a member of the committee.

Ms. MOLINARI. Mr. Chairman, I thank the ranking member for yielding this time to me.

Mr. Chairman, I rise today to express my support for President Clinton's goal of encouraging all citizens to engage in service for their Nation and their community.

In fact, 7 months after I was sworn in as a Member of Congress, I strongly supported the National Service Act of 1990, legislation authored by the gentleman from Oklahoma [Mr. MCCURDY], which helped stimulate national service at all levels of government.

However, today, in its current form, the National Service Act has created more problems than it solves. Relative to salary, educational benefits, and guarantees of child care and health care at a time when the Federal Government is struggling to find the money to support worthwhile and proven projects, it seems inappropriate and unwise to create a costly new program, one which will be able to serve a small fraction of individuals who will qualify. And there is another way.

Let me say that $389 million has been requested for this year to allow 25,000 participants to serve. The administration states that by 1997 the program will allow another 150,000 individuals to participate, costing at today's numbers close to $4 billion.

That, Mr. Chairman, is less than 3 percent of the students eligible for aid. Not everyone will be allowed to participate. Those most in financial and social need may not be allowed, and those who are currently truly volunteers without remuneration can well say, "What's the point?" And those who will be paying the bill can ask the question, "Who is going to pay?"

There is another way, Mr. Chairman. Later this week we will be offering amendments to talk about ways that national service can be brought together for some compensation, but not the type we are talking about today.

Mr. Chairman, national service is a terrific goal, perhaps the most noble one we together can create. But it is a goal, I believe, that can be met without an exorbitant price tag. It is a goal that can be met without a salary and without several benefits. It is a goal that can be met by inspiring our citizens, by calling upon our citizens to help one another and by allowing them to redefine their future.

Mr. Chairman, I truly believe that most Americans will consider that the best paycheck they will ever earn.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. NEAL], a cosponsor of the bill.

Mr. NEAL of Massachusetts. Mr. Chairman, I speak from fond experience when I rise to urge my colleagues to support H.R. 2010, the National Service Act. In 1990 the Service to America Act was the first piece of legislation I helped to author that became law. This legislation was based on a community service learning program I established as mayor of Springfield, MA. I am proud to say that many cities and towns have modeled their service program after this most successful plan. I only hope that this plan on the national level will be as successful as the program in Springfield.

This legislation will bring a sense of civic responsibility to thousands of Americans. Those willing to join will have the opportunity to work toward solving problems in their own communities. For many it will be their first encounter to work with people of different races, creeds, and economic backgrounds in the pursuit of a common goal.

What this legislation does is recognize and reward those who put the greater good of their community ahead of their own self-interest. It will provide additional funding for college students without strict regard to financial means. While this legislation will help students afford higher education we must never forget its most important contribution. As president Wilson stated over 70 years ago, "There is no cause half so sacred as the cause of a people. There is no idea so uplifting as the idea of the service of humanity."

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA], who has been a long-time advocate of national service.

Mrs. MORELLA. Mr. Chairman, I am pleased to add my voice to those of my colleagues in support of H.R. 2010, the National Service Trust Act. This legislation aims to involve every young American, from kindergarten to adulthood, in service. To learn that Service is rent we pay for living.

H.R. 2010 would create opportunities to connect our young people to their communities, and enable them to make meaningful contributions to society. This act would open the doors to a higher education by offering financial awards to students in return for community service to help those individuals and programs most in need: children, elderly, sick, homeless, providing programs to assure public safety.

I have long been an advocate of providing financial assistance to students in return for service. In the 100th Congress, I introduced legislation to provide scholarships to students in return for service in the Peace Corps: A Peace Corps ROTC.

The Peace Corps Volunteer Education Demonstration Act was approved by the 101st Congress, as part of the National Service Act. And students in the Peace Corps helped by that program are now promoting peace and friendship while fighting hunger and poverty in developing nations.

Participants in the National Service Program would be like the Peace Corps volunteers, taking a year or two of their lives to devote themselves to service projects.

In my own district of Montgomery County, MD, the Community Year Program, under the able auspices of Molly Callaway, is a working model of the National Service Trust initiative. Under the Community Year Program students between the ages of 17–23 work from September until June, on community projects around Montgomery County.

In exchange for their service, each participant receives a $5,000 scholarship. Young people from diverse backgrounds, from college graduates to at-risk youth, work together in teams, building ramps for the physically disabled and working in shelters for the homeless.

The National Service Trust Act, like the Community Year Program, would promote opportunities for young Americans from different backgrounds to work together toward a common goal, building mutual respect, and learning tolerance for diversity.

The Community Year Program is funded, in part, by a grant from the Commission on National and Community Service. The National Service Trust Act would strengthen this Commission through its Serve-America Program, which would incorporate service-learning in the curriculum of every school in America.

All over America, there is a new spirit of community service. Meeting and talking with young people in my district, I see an idealism and an eagerness to help others. I see an interest in working together to meet the social and technological needs of the future.

The time has come to provide American students with a program which channels their youthful energy and challenges them to discover the untapped resources within themselves.

We must encourage this spirit of service in our country by passing the National Service Trust Act. Linking academic study and community service will prepare our Nation's youth for a world where compassion and a willingness to help others will strengthen America and indeed make a difference.

□ 1510

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN], a sponsor of the bill and a member of the committee.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of the National Service Trust Act of 1993. As a cosponsor to this bill, I am working to ensure that it is passed and becomes a permanent part of our education and job training environment and also provide a service to fellow Americans.

This bill moves us in the right direction by providing options for our graduates and opportunities for them to serve the community and repay their financial obligations. This bill picks up where our economy leaves off. Since we have shortages in important areas such as teaching and health care, this bill opens the doors to these careers to students who might otherwise be unable to afford them. No longer will students face the burden of large student loan payments and the threat of default if they cannot find a job. These students will pay their debt and grow in the process to gain work experience and return something to their community. This is a triple win.

In the district I represent in Houston, there is an incredible need for increased education opportunities, health care services, and more police protection. By implementing this plan we can meet these needs at the same time we provide education and job skills to young people.

Again I would like to state my support of this bill and my appreciation to the President, the Chair, and members of the Education and Labor Committee for their hard work on this important piece of legislation.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in strong opposition to H.R. 2010, the National Service Trust Act.

I believe this bill is an assault on our existing national volunteer system, because it reaches into our local communities and federalizes the idea of voluntarism.

We are saying to 94 million American volunteers—you know, you have not been doing a good enough job, so we are going to pay 150,000 people to do your volunteer work. So, pack your bags, go home, do not worry, big brother Government is here to help.

Yes, Mr. Chairman, this bill creates a cadre of volunteer elite in this country. All the work of the Boy Scouts, Girl Scouts, the Red Cross, the Salvation Army, Boys Clubs, the United Way, community improvement volunteer groups, the YMCA, the YWCA, literacy councils, church groups, the Optimists, the Kiwanians, the Rotarians, the Jaycees, chambers of commerce, just is not good enough.

No, your big brother is going to be taking care of midnight basketball games, helping people to read, cleaning up the park, teaching English, the local food bank, the YMCA, the Toys for Tots campaign, and Bible school.

So, go home. But we will be sending you, the American taxpayer, a $7.4 billion bill in the mail, for the tab that has been run up by the volunteer elite.

Mr. Chairman, I urge my colleagues to reject this notion of creating a corps of volunteer elite. If we really want to bring the community together and help our fellow Americans, we should reduce Federal spending, rather than adding to the huge national debt.

Mr. FORD of Michigan. Mr. Chairman, might I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] has 55 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 54 minutes remaining, and the gentleman from Wisconsin [Mr. GUNDERSON] has 23 minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK], a member of the committee and a cosponsor of the bill.

Mr. KLINK. Mr. Chairman, I rise today in strong support of H.R. 2010, the National Service Trust Act.

Like 220 other Members of the House, I am a cosponsor of H.R. 2010. This legislation will help to realize the vision of the President, and many others, of a nation where an expensive education will not dictate the kind of job one must take. Those who choose to can repay their educational debt through service.

This bill will provide opportunity, both to learn and to serve. It will make it easier for young people to afford to choose lower paying public service jobs and create incentives for many Americans to serve their country and their communities. The ultimate result will be a supply of fresh energy in the neighborhoods and new ideas for old problems.

This renewed national commitment to national and community service will benefit local communities and schools, health clinics, and public safety and environmental programs.

This bill will offer equal opportunities for service. It will benefit urban and rural communities, the young and the old, and men and women of all racial, ethnic, and religious backgrounds. I believe it will also promote cooperation in the community and provide participants with a sense of real achievement and civic pride.

I commend my colleagues on the Education and Labor Committee: Chairman MARTINEZ for introducing this bill and Chairman FORD for moving the bill quickly to the floor. I look forward to the National Service Trust Act becoming law in the near future.

I urge all my colleagues to support H.R. 2010, the National Service Trust Act.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my good friend, the distinguished gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of H.R. 2010, the National Service Trust Act, and I commend the gentleman from California [Mr. MARTINEZ] for introducing this important measure. Additionally, I would like to thank the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Wisconsin [Mr. GUNDERSON] for their leadership role on this measure.

As the cost of higher education continues to escalate, the National Service Program has been viewed as one of the better opportunities for young people to fund their education. Students who are graduating with a heavy burden of loan indebtedness will have the opportunity to forgive part of their loans by serving their communities. In addition, this program will allow those not yet in college to earn money toward their education.

H.R. 2010 will benefit both our Nation's youth as well as the Nation as a whole. Under the National Service Program, young Americans will have the chance to advance themselves, as they tackle many of our Nation's ills. I strongly believe that our Nation's youth possess the knowledge and energy to work on projects that will combat illiteracy, aid the homeless, and revitalize our neighborhoods.

Mr. Chairman, as we know, the cost of higher education is skyrocketing, placing an enormous financial burden on students and their families. H.R. 2010 allows us to help provide educational opportunities by reducing that financial burden, and, at the same time, allows our young people to help provide unmet needs in our environment, for our human needs, education, and public safety.

Accordingly, as a cosponsor of this bill, I urge its adoption.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD], a valuable new member of the committee.

Mr. UNDERWOOD. Mr. Chairman. I rise to express my support for this bill. I am proud to be an original cosponsor of H.R. 2010, the National Service Act. This is a bill that invests in our young people; it is awashed in optimism and believes in the essential goodness of human beings. Edmund Burke once stated, "There never was a bad man that had ability for good service." This bill believes that we have many more good men and women than bad men—but we need to give them increased opportunities to provide service to the community. This bill represents innovative public policy founded on traditional American values of offering educational opportunity, demanding personal responsibility, and making a contribution to the community. This initiative will rebuild America by providing community leadership through a new domestic Peace Corps which brings Americans together to tackle pressing national problems such as unmet educational, environmental, and public safety needs. The bill also supports and strengthens a number of outstanding programs such as Youth Conservation Corps, VISTA, and senior citizens programs.

□ 1520

I am pleased that Guam and other Territories will be active participants in this program. We want to be participants in bridging the gap between generations, between the rich and poor and between ethnic groups and help build a society marked by a sense of community, mutual respect, and service.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise this afternoon in opposition to the National Service Trust Act. I think it is important to be very clear about what we are talking about here. This is not an education program nor is it about voluntarism. It is nothing more than an expensive, $3.4 billion, program and paid service.

At a time when the House Budget Committee predicts that our deficit will run about $300 billion a year, it is ludicrous to assume that we can afford a program like this. I think we all recognize the value of community service. It is an important part of our national heritage. As someone who has participated in any number of volunteer programs and boards in my own community, I fully understand and share the value and importance of voluntarism. I believe my involvement in community service has provided me with a well-rounded background to be here today. It put me in touch with people from all walks of life in my area. In addition, I have encouraged by own children to participate in community service, as they work their way through college. So, I am no stranger to the value to both the giver and the receiver of volunteer community service activities.

There are already any number of Federal programs supporting community service ranging from the Youth Service Corps to the RSVP Program for senior citizens. The total cost of the existing programs to the Federal Government now is $1.5 billion annually. So we do not need, nor can we afford to pay for more paid community service.

And, just how is the Federal Government supposed to decide which activities constitute community service? The act establishes the new Corporation for National Service to dole out federally subsidized compassion in direct competition with the many wonderful, long-established nonprofit community service organizations already meeting many of the needs of our communities. We do not need to create a bloated expensive bureaucracy to provide services our private, voluntary sector organizations are already doing.

In a year when we have not been able to fully fund popular student aid programs such as the Pell grant, why should we take on this liability? The promise that this program will expand education opportunities is a myth. About 25,000 students could benefit from the program in 1994, and that would increase to 150,000 people by 1997—less than 1 percent of the 16 million students currently enrolled in post-secondary education.

The Federal Government currently helps students pay their education expenses through the guaranteed student loan program and through the Pell grant program. Combined Government grants and loan programs serve 6 million students today.

It is rather startling to note that the average cost of the national service program per student, which includes a stipend and other benefits, is estimated to be over $20,000 per year. But, only $5,000 for each year of participation actually goes toward education expenses.

On top of the outrageous costs, participation in the program is not based on need. Efforts in committee to qualify participation were defeated. Financial assistance is given to everyone, including the rich, and takes away funds from those that truly need financial aid.

In short, the national service program is ill-conceived and poorly timed. We do not need it, and we cannot afford it.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I want to applaud the President and Chairman

FORD and the members of the Education and Labor Committee for advancing a bill that speaks to the best of what our Nation is and what our Nation can be. With national service, we open a new world of hope and potential for a new generation of Americans.

As we look to the future and the challenges we face, two things are certain: We need to come together in common purpose; and we need to maintain the right of each American to a good education.

With a strong commitment to these basic principles we can face the future with the confidence that has always helped us succeed. That is what national service is all about.

At the heart of this bill stands the belief that every young American should be given the opportunity to reach their full potential, while at the same time nurturing the values that have made our Nation great—responsibility, community service, and respect for one's fellow citizens.

This bill promises those who seek it the opportunity to obtain a higher education linked to a higher purpose: solving our Nation's pressing unmet social needs.

With national service we can rejoin our citizens to their communities, rekindle the bond of common purpose, the belief that each of us has an obligation to help others help themselves, while giving a new generation the opportunity to obtain the education necessary to meet the challenges they will confront as adults.

If we are to succeed in building a well educated, highly skilled work force, we must have an educational system that is open to all, not just to the few who can now afford it. This bill takes an important step in that direction—it tells our young people that they will be given the opportunity to receive a higher education in return for hard work in service to their Nation and community.

The bill says that our Nation is willing to help those who are willing to help their country. In this way, we will build an America that once again understands that its future is a shared one, held together by a bond of shared aspirations and shared obligation.

I urge my colleagues to support this important legislation.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I rise today in support of the National Service Trust Act, H.R. 2010, as reported by the Committee on Education and Labor. I am a strong advocate of this program and was one of the original cosponsors.

The purpose of the National Service Program is to provide financial assistance to postsecondary students, of all ages, by utilizing their skills in the community to address unmet educational, environmental, human, or public safety needs. In return for 2 years of full-time service, students who participate in the program will receive up to $10,000 in the form of an educational grant to be paid directly to the institution which they attend.

I strongly support President Clinton in this bipartisan effort to develop a program that incorporates the spirit of volunteerism in the community with the spirit of discovery that exists in our universities and colleges across the land.

This is not a new idea on our campuses. As president of California State University, Long Beach, I stressed community service in my first remarks to the students and the community in the fall of 1970. Over 8,000 students, interns and volunteers did service during each year.

Our States, cities, and neighborhoods are suffering from the breakdown of the family structure, the culture of gangs and drugs, and a recession which has affected all of us. This program takes a positive step toward using the resources of students for the betterment of our communities.

In return, participants will not only have made a valuable contribution to their communities, but will also have acquired a unique education which can only be derived from actively giving of oneself to the benefit of others; from learning by doing.

This legislation has bipartisan support. It deserves that support. I encourage my colleagues, on both sides of the aisle, to vote for the National Service Trust Act of 1993.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support for H.R. 2010, the National Service Trust Act. I have long been an advocate of this concept and am delighted its day has come.

The national service goes to the heart of what it means to be an American. It is true our Nation faces a variety of economic and social problems. Yet, all too often we forget that we are still such a fortunate Nation. However, with the advantages and privileges of being Americans comes responsibility.

This bill asks our young people and our seniors to dedicate themselves to a higher standard of excellence. It asks them to respond to this challenge of responsibility, to give back to this great country and to fulfill the promise that is America. As a Member of Congress, as an American, I believe in civic obligation. I believe in helping the less fortunate; I believe in helping each other. And I know there are more like me who believe this as well. We believe in hard work, and equal sacrifice for the common good. These values are key to our stature in the world, our survival, and our future.

There can be no doubt that there is a real need for voluntarism. As we begin the 1990's we face a budget crisis that severely limits the Government's ability to respond to needs. National service asks all Americans, both young and old, to involve themselves in positive activities. By doing so, they help both their country and themselves.

We are entering a period in the United States when we will be called upon to provide additional services. These services, as we know, are costly, time consuming, and require extensive manpower. But we need day care, we need a reformed welfare program, and we need to make health care available and affordable. We can pass progressive proposals that address these problems, but in order to finance them and provide the facilities and people to make them work, we need a pool of workers to draw from. National Service gives us that pool.

Mr. Chairman, this measure incorporates much of President Clinton's proposal for a program in which participants who agree to work on community service programs could receive up to $10,000 to pay for their education. Importantly, these programs will be carried out by already existing Federal, State and local agencies, nonprofit organizations, and colleges. The President stressed his commitment to national service during the campaign last year. I commend Chairman FORD of the Education and Labor Committee and its members for their hard work.

I have long supported national service, and have even sponsored national service legislation, and I stand with great pleasure today to support this proposal. This bill signals the renewal of commitment, by both the young and old, to our families, our communities, and our Nation.

Mr. Chairman, I urge my colleagues to join me in supporting the National Service Trust Act.

□ 1530

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong opposition to H.R. 2010, a bill to establish a National Service Program. This bill has a superficial attractiveness which fades quickly upon closer examination.

As a member of the Armed Services Committee and the Veterans' Affairs Committee, I am concerned that the nonmilitary National Service Program offers a better level of education benefits than the armed services, and threatens to decimate recruitment.

The competition for the best and brightest of our young people grows increasingly intense because the pool of 18- to 25-year-olds is shrinking at a time when schools, industry, and the military all need to attract qualified new entrants. President Clinton's national service plan adds another competitor whose attractiveness is defined by this legislation.

This competition would only compound increasing recruiting difficulties resulting from a widespread misconception among young people that the armed services are not recruiting because they are being reduced in size. Certainly the numbers of men and women in uniform are being reduced, but the United States will continue to maintain one of the world's largest standing military forces and will continue to rely on volunteers to fill its ranks.

The Army this past spring for the first time in many years had to accept some volunteers who tested low in mental aptitude to meet its quotas. Commanders are concerned, since the Army cannot readily use many of these soldiers on the high technology battlefield. They are unable to master complex weapons systems fast enough to do most jobs. Military recruiters say that the overall quality of recruits remains high for now, but that they doubt it can be maintained with a superior National Service Program education benefit added to the obstacles they already face.

The GI bill provides $4,800 in education benefits per year for up to 3 years, but the service member must commit to 3 years of service and pay in $1,200 of his or her own money during the first year of service to qualify for the benefits. Refusal to complete the service commitment is a crime.

Compare this with the national service plan, which would provide $5,000 in education benefits per year for up to 2 years to students who need not put up a dime, who commit to only 1 year and who can walk away at any time. This stark contrast does not even take into account the fact that a service member faces the dangers, hardships and separations from home which are unique to military life.

Mr. Chairman, the best and brightest will not have any trouble figuring out which is the better deal. For many of them, the education benefit will be the deciding factor. This is especially true because the Clinton administration has simultaneously proposed to increase the up front pay reduction to qualify for GI bill benefits and to freeze military pay.

The American Legion in a May 4, 1993, letter to Members of Congress, expressed its disappointment and deep concern about the inequities between the national service plan and the GI bill.

It stated in part:

> The National Service Plan provides our young people a better option for receiving funding for education than does the current GI Bill for those young people who deployed to the Persian Gulf to support Operation Desert Storm or to Somalia or may possibly be sent on air strikes to Bosnia.

If H.R. 2010 becomes law, the national service plan will siphon off many of the recruits our armed services would otherwise attract. The All-Volunteer Force has achieved the highest quality armed services in history. That quality could quickly be lost and would take years and enormous cost to regain.

Mr. Chairman, I have other concerns as well. How would the Government pay the 5-year cost of $2.9 billion in Federal outlays for the program? The program's funding mechanism, the Corporation for National Service, is apparently to be placed in the same appropriations subcommittee allocation as veterans, the Environmental Protection Agency, NASA and HUD, to mention just a few. We have no assurance the allocation would be increased by $2.9 billion, and I doubt additional funding is suddenly going to appear to pay for a new education entitlement. This is precisely the kind of out of control, don't know where the money's coming from spending which got us into the deficit mess we face today.

The first year cost alone for the startup phase of the program would be $389 million for fiscal year 1994. Some of the money for the National Service Program, if authorized, is likely to come from existing programs. The big question is, Which ones? Not veterans, hopefully, because they are already seriously underfunded, as I pointed out in some detail on June 28, 1993, during consideration of H.R. 2491. To take money from veterans' programs, perhaps those helping Vietnam veterans, to fund the President's national service plan would be especially ironic. Rest assured, veterans' advocates will be watching carefully.

Not only is this very expensive, it is also anything but cost effective. Estimates vary on the per volunteer cost, but most are in the range of $15,000 to $20,000 per year. America needs volunteers, to be sure—the old fashioned kind who give old fashioned contributions of time and effort to worthy causes they select. For VA medical centers alone, 94,000 volunteers, who were real volunteers, performed 14.3 million hours of national service in 1992.

The community services selected by this administration may not be what many of us had in mind. I don't see anything in this bill to prevent Federal funds from being funneled to all sorts of controversial groups, such as those supporting abortion rights under the heading of family planning, those supporting the homosexual agenda under the heading of civic pride, those supporting needle exchanges for narcotics addicts under the heading of AIDS prevention, those supporting condom distribution to high school students under the heading of community health, and on and on.

Finally, Mr. Chairman, as others may have pointed out, this program would not come close to offering every American the opportunity to obtain $10,000 for college expenses and generous benefits while serving. At its projected peak, it would be open to a select group of only 150,000 individuals. Who would be chosen among an estimated 10 million college age students? We have no idea.

Mr. Chairman, the national service plan advanced by the administration is fundamentally flawed. It discourages military service, its specifics are opposed by many veterans, and it sends the wrong message to our young people about the nature of community service and true voluntarism. It is also overpriced and I urge my colleagues to reject it.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act of 1993.

This landmark legislation will provide the opportunity for thousands of young people to serve their country in return for educational and job training benefits. In the best tradition of U.S. domestic service with VISTA and the international success of the Peace Corps, this new National Service Program will call on Americans to help address unmet environmental, educational, and public safety needs. In the tradition of the GI bill, national service will provide important benefits to help young people pay for their college education or get more job skills. I commend President Clinton and Office of National Service Director Eli Segal for their vision and hard work in developing the National Service Trust Act, and my colleagues, led by Chairman BILL FORD on the Education and Labor Committee, and I urge positive action by the House and Senate on this important initiative.

I am especially pleased that the reported version of H.R. 2010 contains language to establish a Public Lands Corps in the Departments of the Interior and Agriculture. This section is based on legislation I introduced along with Representative GEORGE MILLER, chairman of the Natural Resources Committee, and Representative PAT WILLIAMS, chairman of the Subcommittee on Labor-Management Relations. I would like to thank Mr. MILLER, Mr. WILLIAMS, and Chairman FORD for their work which led to the inclusion of the Public Lands Corps in the National Service Trust Act.

The Public Lands Corps will help address unmet environmental and conservation needs on national and native American lands while providing young people with new skills training and education gains and importantly, an appreciation of our natural and cultural heritage, and the opportunity to pay back college loans or get job training through the national service initiative. One-third of our Nation is national or native American lands. Our parks, forests, wildlife refuges, historic sites and Indian reservations are experiencing intense use, too often inadequate maintenance and a deteriorating infrastructure. Interior Secretary Babbitt and Agriculture Secretary Espy have both testified about the huge backlogs in labor intensive work on Federal lands and about the opportunities of the national service initiative to address these unmet needs. This new initiative will address real needs that will go lacking if the present status prevails. It will supplement not supplant existing efforts on national and State lands.

The Public Land Corps Act builds on a long and proud tradition of conservation service on Federal lands dating back to President Franklin D. Roosevelt's Civilian Conservation Corps. The CCC enlisted 3 million young Americans in a peace time army to plant trees, fight fires, maintain trails, and build shelters in parks and forests across the United States. More recently, the Youth Conservation Corps in the Departments of the Interior and Agriculture have provided hundreds of thousands of young people with skills and experience while accomplishing valuable conservation work worth $1.50 for every $1 spent.

Today the CCC boys, as they refer to themselves, are celebrating their 60th anniversary and the memory and positive impact is still serving represented in the values, celebration, and life long association that these old CCC boys represent.

While the Public Land Corps Act has its roots in this rich tradition of conservation service, it also embodies the most contemporary thinking about national service. All of the provisions regarding length of service, educational benefits, matching funds and nondisplacement of the National Service Trust Act would apply to the Public Land Corps. Like the National Service Trust Act, the Public Land Corps bill employs a nonbureaucratic partnership approach in terms of its organization and administration.

The purpose of the legislation is to give greater authority and flexibility for the Secretaries of the Interior and Agriculture to both participate in the National Service Program and to increase conservation service opportunities on Federal lands outside of the confines of the National Service Program. There is a demand for conservation service opportunities. A recent public opinion survey by the Roper Organization found that 6 out of every 10 Americans would like to volunteer in some sort of environmental protection activity. Existing conservation corps often have to turn away hundreds of participants because of a lack of funds.

The bill establishes a year-round Public Land Corps for 16- to 25-year-olds. Participants would carry out conservation, restoration, and rehabilitation projects on Federal and Indian lands such as tree planting, fire-fighting, trail construction, erosion control, and historic preservation. There clearly is a need for this kind of work. A Congressional Research Service report concluded that there was over 900,000 years of labor intensive backlog work which could be done by the conservation corps in the Departments of the Interior and Agriculture. These are certainly not make work projects, nor are they projects which put existing employees out of work. They are projects which need to be done but which never will be done unless there is a new infusion of labor.

The authority to establish the Public Land Corps is necessary because the current Youth Conservation Corps is only a summer program open to 15- to 18-year-olds and the President's National Service Program is for people 17 and above and is a year-round program. Once the National Service Program is enacted, the Secretaries of the Interior and Agriculture can compete with other Federal and nonprofit agencies for funding and positions from the National Service Trust Program. Common sense dictates that a federally funded national service effort should allow for some portion of the national service work performed to be of benefit to Federal lands which are managed on behalf of present and future generations of Americans. However, the Public Land Corps could also exist outside the confines of the National Service Trust Program.

Last Friday I had the opportunity to work with members of the Minnesota Conservation Corps on the Minnesota River flood cleanup project in my district. I was very impressed with the accomplishments that this Minnesota Conservation Corps has made in its 12-year existence. The Public Lands Corps will expand opportunities for the Minnesota Conservation Corps and other State and local corps throughout the country by encouraging the development of contracts and cooperative agreements between Federal agencies and existing State, local and nonprofit youth and conservation corps to carry out projects on Federal lands. This provision would provide service opportunities to many young people who may not be participating in the full-fledged National Service Program. The past decade has seen an explosion of new State and local conservation corps. Currently, some 25,000 young people are enrolled in 75 youth service programs in 27 different States, and this number continues to grow. These State and local conservation corps provide direct assistance and opportunities for economically disadvantaged populations. Many of these conservation corps are located near Federal lands and would greatly benefit from increased opportunities to carry out projects on Federal lands. State, local or nonprofit organizations would be required to provide a 25 percent match in the form of funds or services for the cooperative agreements authorized under the act.

The Public Land Corps Act has a long legislative history dating back to the early 1980's, when then Congressman John Seiberling introduced legislation to establish the American Conservation Corps. This legislation had strong bipartisan support in Congress but was regrettably vetoed by President Reagan in 1984. Modified versions of this legislation were considered in subsequent sessions of Congress and a small portion of the ACC legislation was included in the 1990 National and Community Service Act. When the 1990 legislation went a long way toward furthering civic responsibility and assisting in the development of State and local conservation corps, the bill did not include a direct role for the Federal lands or the Federal land managing agencies in conservation service programs. This omission in an otherwise fine law would be rectified by the passage of the Public Land Corps Act.

The Subcommittee on National Parks, Forests and Public Lands, which I chair, held a hearing on opportunities for conservation service on February 18, 1993. Witnesses from the National Park Service, the Fish and Wildlife Service and the Forest Service indicated their support for legislation which would give them greater flexibility in their youth programs by allowing older participants and year-round conservation service opportunities. The Public Land Corps Act was developed on the basis of recommendations presented in this hearing, past legislative efforts in this area and consultation with Federal agencies, the National Association of Service and Conservation Corps, the Student Conservation Association and other interested groups. It has the support of all of these organizations as well as the major environmental organizations.

Finally, Mr. Chairman, I would remind my colleagues that today across this Nation are marginalized in our society today, the National Service Program and the Public Land Corps initiative will help provide a means to connect young Americans and to build upon the success and values that still is alive in the 1930 era CCC boys in the 1990's.

Mr. Chairman, I urge my colleagues to support the National Service Trust Act.

I include for the RECORD a copy of a letter and organizations referred to.

NATURAL RESOURCES COUNCIL OF AMERICA,
*Washington, DC, July 6, 1993.*

Senator ——,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ——: We, the undersigned organizations, members of the Natural Resources Council of America, write to convey our strong support for the Public Land Corps Subtitle within the National Service Trust Act of 1993 (S. 919). This amendment to the Youth Conservation Corps Act of 1970 provides the Secretaries of Interior and Agriculture with new incentive and authority to engage young people in much needed conservation, restoration and rehabilitation work in our national parks, forests, wildlife refuges and other public lands. Moreover, it will ensure that conservation activities on federal public lands are an important part of the national service landscape—a critical component thus far overlooked in the provisions and implementation of the current National and Community Service Act.

The new Subtitle encourages and authorizes the public land management agencies to expand their own youth conservation corps programs and to enter into contracts or cooperative agreements with state and local youth corps and other non-profit organizations to accomplish the substantial backlog of work on public lands. It enables the Secretaries of Agriculture and Interior to apply to the new Corporation for National Service for partial funding of these endeavors and to develop innovative sources of new support.

We believe that the Public Land Corps will greatly increase opportunities for young people to serve their country, while developing an appreciation for the natural environment and their future employment skills. And, of course, their hard work will bring vast benefits to the nation's public lands. Finally, the Public Lands Corps complements and in no way duplicates or conflicts with the Civilian Community Corps—a military-style residential youth service demonstration program, established in the 1992 Defense Authorization Act.

We urge you to vote for the National Service Trust Act and to retain the Public Land Corps Subtitle.

The Natural Resources Council of America is an association of over 80 diverse non-profit groups dedicated to the professional management, conservation and protection of the nation's natural resources.

Sincerely,

J. MICHAEL MCCLOSKEY,
*Chair.*

John Herrington, Executive Director, American Chestnut Foundation.

Charles W. Sloan, President, American Hiking Society.

R. Neil Sampson, Executive Vice President, American Forests.

Kevin J. Coyle, President, American Rivers.

Betsy A. Cuthbertson, Director, Government Affairs, American Society of Landscape Architects.

Richard Martyr, Executive Director, American Youth Hostels.

David G. Startzell, Executive Director, Appalachian Trail Conference.

Patrick F. Noonan, President, The Conservation Fund.

Rodger Schlickeisen, President, Defenders of Wildlife.

I. Garth Youngberg, Executive Director, The Henry A. Wallace Institute for Alternative Agriculture.

John Grandy, Vice President for Wildlife & Habitat Protection, The Humane Society of the United States.

Maitland Sharpe, Executive Director, Izaak Walton League of America.

Jean Hocker, President, Land Trust Alliance.

Ron Tipton, Vice President for Governmental Relations, National Audubon Society.

Paul C. Pritchard, President, National Parks and Conservation Association.

Ginger Merchant, Executive Vice President, National Wildlife Refuge Assn.

James W. Giltmier, Executive Vice President, Pinchot Institute for Conservation.

George Lea, President, Public Lands Foundation.

David G. Burwell, President, Rails-to-Trails Conservancy.

Norman A. Berg, Washington Representative, Soil and Water Conservation Society.

Norville Prosser, Vice President, Sport Fishing Institute.

T. Destry Jarvis, Executive Vice President, Student Conservation Assn.

Steve Moyer, Director of Government Affair, Trout Unlimited.

Charles Howell, President, Trust for the Future.

Thomas M. Franklin, Vice President for Conservation, The Wildlife Society.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes and 30 seconds to my colleague and friend, the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Chairman, I am not afraid to step up to the plate and oppose any President, Republican or Democrat, when I think that he is wrong. I also will not hesitate to step up to the plate and support a President when I think that he is right.

I thank this President and his administration for working with the Republicans on this particular issue. We need to help families whose children want to go on to higher education. Unfortunately, college costs are quite a bit higher than when all of us went. In fact, I did a little checking with my own situation. For myself, I went to a State University, an in-State student, and I paid about $300 a semester.

Today at the University of Michigan it costs $4,500 a year, not to include boarding, food, and housing. At Kalamazoo College, a wonderful college in my district, today tuition for a year is $15,135, and again, room and board is another almost $5,000. At Western Michigan University, a great State school, again, in my district, the cost for an in-State student is $7,700 per semester.

Mr. Chairman, these costs have far outpaced inflation. This bill provides a constructive alternative to help ease the burden for the students and their families to cope with the increasing costs. The youth of today are going to need strong skills and an excellent education to compete as future leaders. I know this is a goal we can accomplish, and the legislation we are debating today goes a long way toward meeting that goal.

Thousands of college students across our land will benefit from this bill, because they will have the chance to better themselves and to better their community. By stressing community, responsibility, and opportunity, all young students can use their energy and talents to make a lasting change in the lives of their fellow Americans.

My Republican colleagues, I would echo the statement of both the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Wisconsin [Mr. GUNDERSON], that this bill really is a Republican bill because it builds upon existing service programs, therefore preventing the growth of a huge Federal bureaucracy. By having a viable and vigorous competition for funds, only the most efficient and productive groups will receive money.

Decisions on what works best will be made at the local and State level, not by out-of-touch bureaucrats or Government agencies trying to impose one-size-fits-all. This act is an effective means to coordinate and expand service programs and opportunities throughout the Nation. It is a program full of diversity and challenge. I hope my colleagues will vote "yes" on this legislation to promote sound public policy while helping young Americans achieve the dream of a college education.

Mr. FORD of Michigan. Mr. Chairman, I yield the gentleman 15 seconds, and ask him if he would yield to me.

Mr. UPTON. I yield to the chairman, the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I rise for the express purpose of thanking the gentleman for this fine demonstration of bipartisan concern. Since we come from the same State, I am not out of line when I tell the gentleman that I am proud of him. He has joined our new Member, the gentleman from Michigan [Mr. HOEKSTRA], in demonstrating that we can work together in our State. I thank the gentleman for his fine statement.

Mr. UPTON. I thank the chairman.

□ 1540

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise today in strong support of the National Service Trust Act. This bill represents a real turning point for this Congress and the new administration. It is the fulfillment not only of a promise by the President, but also of the promise that we, as Americans, have made to ourselves and our children: that through hard work, we can make a better life. That is an American tradition. It is the American Dream.

But these days, that is often just not the case. Thousands of students each year work their way through college, accruing thousands of dollars of debt along the way. After graduation, they can spend years paying off these debts with every spare penny, or worse, defaulting on their loans.

In fiscal year 1994, the National Service Trust Act can help up to 25,000 students go to college in exchange for their work. That means 25,000 more Americans serving America. Twenty-five thousand diplomas in the hands of 25,000 Americans who will be able to make better lives for 25,000 families. In future years, we hope to be able to extend that opportunity to 150,000 students a year.

But this is about more than students aid. This bill emphasizes our new priorities. It brings young Americans face to face with the needs of the country, and asks them to work to meet those needs. It demands responsibility from young people, and rewards those who can rise to the occasion.

Americans have always rewarded hard work and service to country. Millions of American men and women who have served their country in the military have earned money for higher education. The National Service Trust Act would extend that opportunity to thousands more. It is an invaluable opportunity both for the country and for each individual who participates.

Our future as a nation depends on our competitiveness. Our competitiveness depends on our commitment to rewarding hard work and a desire to learn. These are the qualities which define the productive American worker. These are the qualities which we strive to instill in our children. We must not abandon the promises we have made to them and to ourselves. We must not allow our commitment to hard work and education to wane. I urge each of you to recognize this landmark legislation as the fulfillment of our promise to our children and support its passage.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I had a wonderful statement set up here, and I am not going to deprive Members of that because I will put it in the RECORD. But I sat here and listened for a good length of time, more than you usually listen in a debate of this kind, and frankly, I am amazed at what I am hearing.

I am an advocate of voluntarism. I have spent my life working with volunteers. But they were genuine volunteers who volunteered to do something they were not paid for by the Government. I have been so interested in voluntarism, as matter of fact, that I have spent some time studying about de Tocqueville who came to this country to see what it was that was unique about a democracy, and one of the things was volunteers, people who did things in their communities by themselves. But they did not do it because they were paid for by a Federal program. They did not do it because there was a bureaucracy that decided what they were going to do.

I am amazed at what I am hearing. I am an advocate of voluntarism, but I also have a philosophy, and the philosophy is that we did not get to where we are in the private sector by having a government agency decide what kind of voluntarism we were going to do. I cannot believe it.

I hope the sponsors of the bill will talk a little bit about what the costs will be over time. It is going to be $7.4 billion the first time, and that is a very small percentage of eligible people. What is it going to cost a little later? Does it take away from other programs? I understand it takes away now from the conventional programs we have.

Where does this $7.4 billion come from? Do we take it away from Pell grants? I think we ought to talk a little bit about that.

One of my friends mentioned that there is no bureaucracy, that we already have a system to do this. That is a surprise. Where are we going to have a bureaucracy to manage this thing in all of the communities in this country?

Mr. Chairman, I am very much surprised, and obviously I rise in opposition to the bill. It is the perfect example of something that makes a great sound bite on MTV during the campaign, but it translates into terrible policy. It reminds me a little in the West of a guy who was a cowboy who was all hat and no cows, and that is kind of what I think this program amounts to.

I thank the gentleman for his leadership on this issue.

I rise today in opposition to this legislation. This bill is the perfect example of good intentions gone astray.

I don't argue with the goals of this legislation. We all support the idea of voluntarism assisting in higher education—in fact it's been a proud tradition of our country since its inception.

Anyone who has watched the news of the last week knows the American ethic of voluntarism is alive and well. Entire communities have banded together to help their neighbors through terrible circumstances in the Midwest.

The commitment we see during times of trouble can be found in smaller doses in communities throughout America every day. We see it in the soup kitchen lines, hospital waiting rooms, classrooms. Literally everywhere we look in America we can find folks giving of themselves—spending time to help people in their community.

Unfortunately, it's my belief that this bill will undermine that great tradition. It strikes at the very heart of the idea of true voluntarism and service, and at a great cost to the taxpayer.

There are several reasons why I can't support this legislation:

First, the program costs too much: $7.4 billion over the next 5 years. That's money we don't have.

Second, the idea of a national service plan ignores the service millions already do on behalf of their Nation. The vast majority of Americans perform some form of true volunteer work right now, without direct aid from the Federal Government.

A national service plan will be destructive to that volunteer spirit in the long run. Programs that aren't chosen to participate in the national plan will be at a disadvantage. For those that are chosen to participate, the program furthers the entitlement mentality of big government.

I've already received calls in my office from folks who wonder how they can volunteer somewhere for a couple hours a week to pay off their student loan. Instead of reinforcing that attitude, why don't we concentrate on creating real jobs for these folks?

Third, the national service plan is in direct competition for funds with established Federal student financial aid programs targeted on the poorest students. If our goal is to make college more affordable, we can help many more students using the existing programs.

Simply said, this program doesn't deliver what was promised.

At first we heard this program would help students pay for college. Surely there are better ways to do that than spend $7.4 billion for the benefit of 1 percent of the eligible population.

Then we heard this program would encourage the idea of community service. In reality the program would divide the volunteer community into the haves and the have-nots and undermine the true spirit of service.

This is a perfect example of something that makes a great sound bite on MTV during the campaign, but translates into terrible policy.

This plan reminds me of the cowboy who's all hat and no cattle, and it deserves to be defeated.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the National Service Act. Today we have an opportunity to clearly stand behind a fundamental principle in our society, a fundamental principle in our country, and that is opportunity, because this legislation gives all of our people an opportunity to learn and also an opportunity to serve.

It also provides a forum by which we can stress not only the rights we enjoy as citizens, but our responsibilities to reach out and to help other people in our community. That is happening right now across this country.

In my home State of Rhode Island the campus compact is directing college students to go out and serve in the communities to help other people as mentors, to get involved. This National Service Act will provide a more concentrated, comprehensive, and focused approach to those efforts, and it will indeed also complement ongoing Federal efforts to provide assistance, financial assistance to students who seek to better themselves through Pell grants and through Stafford loans, through a range of programs.

So today we have a real opportunity to move forward consistent with the very core values of our society: giving everyone a chance, an opportunity, not just for selfish interests, but for community service, and not just for self, but for others. This is a wonderful bill and I strongly urge its adoption. And I proudly am a cosponsor of this wonderful legislation.

Mr. Chairman, I rise today in support of H.R. 2010, the National Service Trust Act of 1993.

When I was elected to Congress, I requested a seat on the Education and Labor Committee because I believe improving our country's educational system must be one of our highest priorities. This legislation is an exciting initiative, one which marks a substantial Federal commitment to expanding service and educational opportunity.

Our country has entered a new era, one in which our citizens are concerned about difficult domestic problems—economic performance, violence and drugs, racial tension, and the plight of the underserved. The President's national service bill creates a system of service which builds on the spirit of community service that has multiplied throughout the country in recent years.

Having graduated from the U.S. Military Academy, I certainly recognize the value of service and civic responsibility.

At the heart of this proposal are the dual goals of providing needed services and building an ethic of civic responsibility across socioeconomic lines. When people serve, they make a substantive contribution to their communities and/or underserved areas in addressing unmet needs. And in the act of serving, they often make a decisive difference in their own lives—developing their own knowledge, skills, character, and self-esteem.

As I travel throughout Rhode Island, the various unmet needs in our communities are all too obvious. This legislation will encourage the provision of services in communities which need them the most. Rhode Island has already begun to tap its resources through programs such as the campus compact based at Brown University and the University of Rhode Island. This program is a network of colleges and universities around the country that promotes mentoring programs and supports innovative community service projects. I am also pleased that City Year of Boston will be expanding into Providence next year.

While I support rewarding needed service with educational awards to make college more affordable for thousands of young people, I cannot stress enough that we must not lessen our commitment to the Federal financial aid programs—including SSIG, Pell grants, and Federal guaranteed student loans—that have enabled generations of needy students to attend college. This national service program should not replace needs-based financial aid.

As President Clinton noted in his speech in New Orleans when he unveiled his national service proposal, "Over the last 10–12 years, the cost of a college education is about the only essential thing that has risen even more rapidly than health care costs." Now more than ever, Congress must increase its commitment to reducing the growing gap between family resources and college costs and to providing equal educational opportunity to all Americans.

This legislation represents one step toward empowering our citizens and strengthening our communities. I urge my colleagues to support this bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the other gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise today in support of H.R. 2010, the National Service Trust Act.

It is now mid-July and the new graduates all across the country have left their college campuses, eager to enter the work force. But along with their diplomas, many of them will carry a significant financial debt. And let us not forget the students who are not even lucky enough to have that debt—the students who could not even afford to enter college.

The Government will be providing education grants, as well as health benefits and basic living expenses. But this is not a welfare program. Each participant who receives an education grant in this program will be required to serve 1,700 hours of community service. These hours of service will be spent teaching our children, fighting to save the environment, or helping provide shelter to the needy. This program is value received.

We need to pass this legislation to send two messages: First, that our youth will have an opportunity to attend college through meaningful community service, and second, that this Congress is ready to start investing in the long-term success of our Nation.

This bill represents a compromise in the truest sense. Some Members did not want direct lending, so direct lending was dropped. Some Members did not want this to undermine the GI bill, so the voucher amounts were reduced. The National Service Program calls for a maximum $10,000 for students over a 2-year period. But eligible participants in the military can receive $15,000 over 3 years, or $10,500 over 2.

Some Members didn't want a huge Federal bureaucracy in charge of this program, so the Federal bureaucracy was kept to a minimum by giving the States greater roles.

The members of the committee should be commended for making this bill's journey to the House floor relatively conflict-free.

This bill should not be seen as a conflict between military and civilian service or a conflict between Republicans and Democrats. The idea is to work for the good of the community, not to tear it apart.

We've heard other critics of this legislation complain about the cost. But this Government has got to start being able to distinguish between pork and prudence. This plan is an investment in the future of our children and the future of this country.

The National Service Program reinforces the bipartisan belief in personal responsibility—and not Government handouts. It will give students a stake in their future and instill in them a commitment and dedication to their community. The National Service Program is a wise investment, for both the individual and for this country.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 2010.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the National Service Trust Act. I want to commend President Clinton, Chairman FORD, and Chairman MARTINEZ for this visionary and innovative legislation. It would guarantee that the foremost criteria for higher education is one's will, not one's wallet.

The bill would establish an education trust fund and a long overdue domestic peace corps.

□ 1550

By funding higher education, the trust fund would fortify our young people with the skills to compete and win in a global economy. In return, those young people would enrich our communities, our inner cities, our barrios, by tackling problems that we otherwise cannot afford to solve.

This bipartisan initiative would help to solve many local and national problems in a more cost-effective way and rely on locally driven initiatives catered to individual communities across this Nation.

Mr. Chairman, I urge my colleagues to support this bill. It would be the best money we have ever invested.

I thank the gentleman for yielding.

Mr. GOODLING. Mr. Chairman, I believe the delegation from Rhode Island has gone. I just wanted to report to them that the entire delegation from Wyoming is in opposition to the bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, today I rise reluctantly to oppose H.R. 2010, the National Service Trust Act.

I say reluctantly, because most of us have participated in true volunteer efforts throughout our lives and we understand their value to our great Nation. Today, millions of Americans contribute to their schools, hospitals, and communities in a variety of ways, all without pay.

Indeed, Thomas Jefferson expressed the American ideal of service when he wrote that, "A debt of service is due from every man to his country." I do not think he intended this kind of pay for such service.

H.R. 2010 would enable participants to earn educational benefits of up to $10,000 for 2 years of community service, regardless of financial need. In addition, participants are eligible for a minimum wage stipend and health and child care benefits, placing the cost per participant per year at better than $15,000.

Mr. Chairman, there are already at least 24 existing volunteer programs throughout six Federal agencies at a cost to taxpayers of $1.2 billion. During a time in our Nation's history when this Congress is being forced to cut money available for Pell grants, which go to financially needy college students, it seems a dubious extravagance to create a new 5-year, $1.2 billion program.

I am also extremely disturbed by the negative impact this program could have on programs affecting our Nation's veterans. First, I have been told that the money for this program will come out of the VA-HUD appropriations bill, rather than from the bill funding education programs. This will force the VA to compete with yet another domestic program.

Over the years, the VA budget has been a victim of the budget deficit. Federal spending on veterans' programs when adjusted for inflation has not increased in more than a decade, and the overall share of Federal spending dedicated to VA programs has been steadily decreasing. This year, we have been forced to cut veterans' programs by an additional $2.5 billion. I fear that adding another major national program to the VA-HUD appropriations bill will compound the funding shortfalls currently plaguing the VA system.

Moreover, many veterans service organizations have expressed strong concerns about the inequities between the benefits paid under the President's proposed national service plan and the Montgomery GI bill. The President's proposal would give education awards of $5,000 a year to people age 17 or older who perform community service. On the other hand, a person who has served his country under the sacrifices of absences from family, low pay, career interruption, and so forth, and decides to use the Montgomery GI bill receives considerably less for their military service.

The national service plan provides our young people with a better option for receiving funding for education than the current GI bill. Consequently, the national service plan would be in direct competition with the Department of Defense recruiting efforts for highly talented young men and women.

How can our Armed Forces attract bright, hard-working individuals if the Government offers an education package for national service that is superior to the GI bill? How can we explain to a young soldier who survived a Scud attack on his barracks in Saudi Arabia that he is not entitled to as good an educational benefit program as a college student who is cutting grass in a State park?

Mr. Chairman, community service is a national tradition, one we should applaud and honor. However, I believe efforts to bureaucratize this American instinct is ill-advised, especially in these tough budgetary times, when other educational programs aimed at needy students are being cut, and so, Mr. Chairman, we must defeat this well-intended but ill-written legislation.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], the former chairman of the Hispanic caucus, and a deputy whip.

Mr. RICHARDSON. I thank the gentleman for his authorship of this legislation, and I thank the bipartisan nature of this legislation. I think this is a bill that we are all proud to support amidst all the divisiveness that has occurred this year.

Mr. Chairman, I think credit also should go to Eli Segal, of the White House staff, who performed an excellent job in a bipartisan way, getting the people and ideas together.

I think the compromise was struck with the veterans, with the number of Republicans in this body that makes this legislation probably one that will pass with, hopefully, one of the strongest votes we have had.

It also gives President Clinton credit for starting a new idea, a new idea almost in the vanguard of a Peace Corps, which was started by President Kennedy years ago. This bill has been called the Domestic Peace Corps. I think also it is one of the most important educational bills that we have passed in a long time, providing college tuition in exchange for community service.

We need in this country to increase voluntarism, to give our young people ideals, to make sure they participate in the political process. What we have now is a bill that combines the best of voluntarism and educational experience.

This act promises to boost our Nation's Community Service Corps significantly. Currently, there are 35,000 people working full time in volunteer national programs. Under this proposal, an additional 25,000 individuals could participate in fiscal year 1994 and could expand to about 150,000 by 1997.

Mr. Chairman, this is a good program, a good new idea, a good new program that deserves strong bipartisan support from this body.

This act initiative embodies the new direction represented by President Clinton and the new face of Democrats in Congress. National service underscores the values of family, hard work, and education, as well as a vision of government which creates opportunity but expects a commitment in return.

By providing educational awards in exchange for participation in national service programs, this act will give hope to our Nation's youth and spur a renewed sense of community across our country. During the past two decades, college tuitions have skyrocketed, saddling parents and children with huge debt, and placing higher education out of reach for a growing number of youth.

It is the middle class, and lower income families, who have had to deplete their savings in order to help their children cover their college tuitions. By offering an educational benefit of $5,000 in exchange for year of community service, this legislation will make college financially feasible for thousands of American families.

The National Service Trust Act promises to boost our Nation's Community Service Corps significantly. Currently, approximately 35,000 people work full time in volunteer national service jobs. Under this proposal, an additional 25,000 people could participate in fiscal year 1994, and this number could expand to 150,000 by 1997.

Passage of the National Service Act will fulfill President Clinton's pledge to create increased educational opportunity for our Nation's youth, while providing our country with an able corps of community service workers. Finally, this act will serve our Nation's long-term interests by creating a better educated generation of youth. I am proud to lend my support to H.R. 2010 and urge my colleagues to do the same.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to a distinguished colleague, the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I rise in strong support of the National Service Trust Act of 1993. I have supported the concept of national service since the earliest days of my efforts for this seat and I am proud to be an original cosponsor of this legislation. I believe that the National Service Program will offer educational opportunities, demand personal responsibility, and build American communities by mobilizing citizens to tackle common problems.

Nothing so discredits government, however, as a program that begins in idealism and ends in a bureaucratic nightmare. It will be imperative for those who run the umbrella agency to shut down bad programs fast and build in ways of detecting failure early. It is also imperative that Congress provide effective oversight. I pledge to do my utmost to ensure that the National Service Program is both administrable and accountable.

This program has been carefully designed to ensure its success. Money for the program will originate in a bipartisan Corporation for National Service and assistance will be distributed on a competitive basis. No program will have an entitlement to funding. Moreover, future funding will have to be earned from Congress based on the merits of the program.

I also want to praise the process by which this bill was handled in the Committee on Education and Labor. I am happy to say that the committee was receptive to my concerns regarding provisions for quality management evaluations of national service programs, and I am satisfied that changes adopted by the committee has strengthened the program overall.

I am confident that the National Service Program will rekindle this Nation's commitment to community service and, at the same time, provide much-needed assistance for education and training. The program aims to build a foundation for service among America's youth, inspiring them to serve the Nation and instilling in them the great values upon which this country was built.

We cannot underestimate the amount of hope that is inherent in this bill. I believe it has the potential to provide successive generations of Americans with a richer quality of life by providing better access to educational benefits and exceptional experience that will allow them to better contribute to a better America.

☐ 1600

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Chairman, I support the National Service Trust Act because I believe we have a great reservoir of Americans who want to give of their time and talent in service to our great country.

In recent years we have neglected to attend to many of the real needs of our communities. It has been popular to be self-centered, to be hostile toward those who are less fortunate, and to absolve ourselves of a patriotic responsibility to give ourselves in service to others.

Without question, our country needs citizen-servants at this time in our history.

The facts are clear:

We have an increasingly violent society—we are turning against each other.

Greater numbers of our people are incarcerated.

More and more of our children are living in poverty. Can the National Service Act change these awful facts? No. But galvanizing our citizens to care more for each other, providing opportunities for our young people to work for society's greater good, and encouraging an inclusive commitment to national brotherhood will be a step in the right direction.

John Gardner has said, "Some people strengthen the society just by being the kind of people they are."

Mr. Chairman, I believe the National Service Act will result in the development of such citizens. And I encourage my colleagues to support this bill.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise today in strong opposition to H.R. 2010.

I am an ardent supporter of voluntarism. This bill is not the vehicle in which to promote service.

A volunteer is one who gives of his or her time and energies willingly and without necessarily receiving monetary compensation. This bill, if enacted, would make a mockery of what we call voluntarism.

Today, the Government already spends over $1.2 billion on 24 existing Federal community service programs. We do not need another, more expensive program. We need to improve and better manage existing programs and not add to the existing Federal bureaucracy.

This legislation is expensive both in terms of actual costs as well as opportunity costs. In terms of real costs, this bill will charge American taxpayers $7.4 billion over 4 years. It is absurd that in this time of economic crisis that we are even discussing beginning an entirely new program with this high a price tag. There are also opportunity costs to society including the time students lose from learning the skills they will use in their future careers and the loss of the services of qualified students to society.

Also, the bill will only serve 100,000 students. This represents just 2 percent of the estimated 4 million students who are currently eligible for student financial aid. This bill will spend approximately $15,000 per student without targeting these dollars to students based on financial need.

This bill will be open to abuse. There is a requirement in the bill that grant applicants consult with, and in some cases, receive the concurrence of, labor unions. This provision gives unions a distinct advantage over other applicants and the power to influence the outcome of grants to nonunion applicants. This will create a blatant conflict of interest and lead to potential widespread abuse.

This bill will not "expand educational opportunity, reward individual responsibility, and build the American community together to tackle common problems," as proponents of the bill claim. National service would not, in fact, encourage voluntarism and genuine service, but distort its meaning. This program, unlike the military or Peace Corps, requires no special sacrifice or risk. Rather, it would confer upon its participants the same kinds of public honor, and greater Government benefits that these programs bring about, without expecting the same levels of individual responsibility.

Just as individuals and corporations never have the time and money to perform every task that they wish, neither can Government officials, using taxpayers dollars, fix every problem of society. While voluntarism should be encouraged, it should not be a function of the Federal Government. This bill is simply another costly, bureaucratic Government spending program. For America's taxpayers, national service is an expensive venture with few, if any, net gains.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise today in strong and enthusiastic support of the National Service Trust Act.

I salute President Clinton, Chairman FORD and the members of the committee for their vision.

We have much to accomplish for our country. There are many discordant notes in our communities today on how best to meet our Nation's many needs.

H.R. 2010 unites Democrats, Republicans, and Independents, because it fuses together education, community service, and responsibility by unleashing the incredible energy and talent of our youth to renew our Nation.

This legislation will give thousands of bright young people a heightened sense of community and enlist them to serve our people and rebuild our communities.

Vice President GORE recently met with future national service leaders at a national service boot camp on Treasure Island in San Francisco. I was inspired by the idealism and the compassion of the volunteers. They have a commitment to service and a unity of purpose that harkens back to the idealism of John Kennedy's Peace Corps.

Many projects in my district were chosen as training sites in this program and have already benefited from the efforts of this prototype.

Imagine this effort on a national scale, 150,000 young people building homes for the homeless, teaching preschool youngsters, acting as femtors and mentors, caring for the infirmed and the elderly and assisting our local police departments.

Clearly the possibilities are endless, and quite simply this legislation makes sense for all of us. It speaks to the best of us and I am confident that this will be the great legacy of the 103d Congress and of our President for generations to come.

I urge my colleagues to support this magnificent piece of legislation.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise with grave concerns regarding this legislation. What concerns me, and I am anxious to see the amendments that are going to be offered later this week and next week, is the prospect of another new Federal program that is going to tell us how to serve our country and create more volunteers.

Now, let me first of all give you my perspective. I was born and raised the youngest of nine children in an impoverished community in this country in Pennsylvania. I could not have gone to college except for student loans which financed my entire education, which I paid back 5 years after I taught school.

I got involved in politics because I was a volunteer in my community. Like my father and my brothers, I was active in the volunteer fire company.

I became the Boy Scout troop committee chairman and served on the Red Cross Board. As a matter of fact, I eventually became the president and chief of the local volunteer fire company, and then went on to become the countywide director of fire training for 78 other fire organizations on Saturdays and weekends, none of this with any prodding from the government, either Federal, State, or local.

I got involved with volunteer efforts here primarily to help those men and women who service our emergency needs all across the country, and 5 years ago formed what is now the largest caucus in Congress, the fire and emergency servicemen's caucus, which works with 30,000 fire and emergency service departments in every one of your districts.

I have traveled to 48 States of the 50 over the last 3 years. And do you know something? I have never heard one of those people ask for this program.

Now, 1.5 million men and women, we heard them mentioned in the flood. They are out there today in that flood in the Midwest. They were in the wildlands fires in Yellowstone, down in Hurricane Andrew in Florida, and every day doing a service, 1.5 million of them, 85 percent of them volunteers serving our country. Have they asked for this? Absolutely not.

What is even worse, were they even consulted? I asked one of my colleagues who is working this legislation if the National Fire and Emergency Services Council was consulted, and he said no.

So here we have people who have been serving this country longer than this country has been a nation, 280 years, and we did not even talk to them.

We are going to create a program that is going to do what they have been doing for 280 years before this was America, the great Nation, in every city and town in this country.

If we would have listened to these people in their 30,000 departments, we would have heard what they are saying. They are saying, "Don't pay us. Give us the resources we need. Help us buy the fire equipment, the ambulances, the EMT units. We will do the training."

What has Congress done? Well, let me tell you, some of the same proponents of this bill are the same people who gave us SARA-title III and they are talking today about wanting a new spirit of public service.

□ 1610

What does SARA-title III do?

For those of my colleagues who cannot remember, the superfund reauthorization amendments provide a level of training and resource requirements for local towns that 90 percent of the communities in America cannot fund. That is our commitment to community service. What has happened? Those towns all across America have not been able to recruit volunteers because they cannot train them and they cannot buy the resources to allow them to serve their towns, and yet we are going to create another Federal bureaucracy that these people have not asked for.

My colleagues, I say that listening to the rhetoric on the floor today makes me really wonder what we are all about. Go out and listen to those people who are truly performing American public service, who are not asking for a college education, who are not asking for a $5,000 contract and benefits, but who want to serve their town and want to do it because it is the right thing to do. That is what we should be focusing on, and this legislation does not meet the mark.

Let us be honest. This is a feel-good, politically correct vote, but it is not going to foster community service.

I would ask my colleagues to rethink this whole issue.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for yielding this time to me, and I rise today in strong support of H.R. 2010, the National and Community Service Act. I commend President Clinton, the gentleman from Michigan [Mr. FORD], the gentleman from California [Mr. MARTINEZ], and the gentleman from Oklahoma [Mr. MCCURDY] for their leadership on this important issue. President Clinton's vision for the people of the United States includes access to an affordable higher education. H.R. 2010 helps make this vision a reality by offering our citizens the opportunity to serve their communities in return for educational grants.

Mr. Chairman, our colleagues have gone over the provisions of this legislation. I, instead, want to tell my colleagues that I had the distinct honor of welcoming Vice President AL GORE to San Francisco, to Treasure Island, on June 21, to launch the summer of service. The kickoff was truly a celebration. The students who began a week of training for the summer months ahead were alive with hope and enthusiasm in anticipation of the experience before them. These young people will serve disadvantaged children across the country. They will tutor inner city children, work in health facilities for children, rehabilitate and immunize urban children, and they are excited about the challenges they will face.

I wish every one of my colleagues would have seen the enthusiasm and energy present on Treasure Island. I wish my colleagues could all have seen the diversity of the young people from all of the communities represented in our country. I wish my colleagues could have seen them speak with hope and enthusiasm about the opportunity that this legislation carries for their future and the future of our country.

Mr. Chairman, I told them that I would tell my colleagues how excited they were about it and how hard we would work to make this legislation and this vision a reality.

Again, I want to commend the gentleman from Michigan [Mr. FORD] for bringing this legislation to the floor.

Mr. GUNDERSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I only do this because I think it is important that everyone understand exactly what we are talking about here today in this legislation. I say to our good friend and colleague, the gentleman from Pennsylvania, that there is no one in this House who is a stronger advocate for volunteer firemen than he is, but I think it is important to understand the difference between paid voluntarism, as he was describing, and this bill that deals with national service. So, as we go on with the debate, my colleagues, let us understand this is not paid voluntarism. This is not student financial aid. This is national service.

Do my colleagues know what? Every volunteer fire department in America can put together, if they can create a competitive grant that meets a unique, local, national service that can be approved on a competitive peer review based on the amount of money we appropriate here. Then they can apply for that grant like everybody else. But the reason they were not consulted is because we are not trying to design a paid volunteer program across this country. We are trying to design a national service program where we meet unique and critical national and local needs.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Ms. SHEPHERD], a dynamic new Member of the Congress.

Ms. SHEPHERD. Mr. Chairman, the National Service Trust Act is a bill whose time has come. It will be a bridge that links education and service. Finally, young people who want to serve can complete their education and follow that opportunity by actively participating in service to their communities.

The National Service Program will help Utah's students gain organizational skills while it gives them a sense of their communities and an expanded understanding of the world around them. But that is not all. Communities win, too—by gaining a broad volunteer base, a well-trained and experienced work force, and citizens who are immediately connected to the community and a lifetime of involvement.

Mr. Chairman, community service is a State tradition in Utah, and the National Service Trust Act embraces and expands this spirit of service. It's not the answer for every student, but for many it will provide the foundation for a lifetime of service—service which will make each of our communities stronger. I am proud to cosponsor this bill and I urge my colleagues to do the same.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOEHNER], a member of the committee.

Mr. BOEHNER. Mr. Chairman, I will be the first one in this body to stand up and espouse the virtues of a national commitment to community service. It is important for all Americans to do community service, including the young. The American people realize this; that's why 80 percent of the American people are engaged in service in one form or another.

In fact, we have all seen across the nation the goodness of America. Whether it's helping in stemming the floods along the Mississippi River or passing out fans to the elderly during the heat wave along the eastern seaboard, Americans have shown their willingness to lend a hand to help their neighbor. And this dedication to service is played out every day in every town across this Nation. Some acts are met with much fanfare and notoriety, while others are known only to the person lending the hand and the beneficiary of their generosity. These caring individuals are not paid for their service, and they certainly are not subsidized or cajoled by the Federal Government.

There is no question that all Americans should be a part of this community spirit. Young adults should be encouraged to do community service. And the Federal Government can have a role in this process. But, it should not be by paying the young to do the service. Money cheapens the process. Money makes a mockery of the service. And money is an insult to that 80 percent who do community service simply out of the goodness of their heart.

So, what can the Federal Government do? The Federal Government can lend encouragement, serve as a bully pulpit, convince colleges to get involved in the process by requiring community service in order to graduate. National service does not require a new Federal bureaucracy. It does not require Paying Americans to do the service. And it certainly does not require $4.7 billion from the American taxpayer.

President Clinton should know this. After all, he is a big fan of Thomas Jefferson, who, along with his fellow Founding Fathers, believed in, fought for, and preached all about the need for service by Americans to their country. But I really doubt he expected the Federal Government to be involved in the process.

There have also been other great Americans who believed in the goodness of the individual, others who believed in the goodness of all Americans. This faith was proven time and again, especially during the 1980's. For example, charitable donations rose dramatically during this period. Measured in 1991 dollars, Americans donated 70 percent more to charities in 1990 than they did in 1977, giving $128 billion to charities.

Throughout our Nation's history, the American people have always answered the call to aid their fellow neighbor in need. And they did it all without a national service trust corporation.

Mr. Chairman, as one of my colleagues on the Education and Labor Committee put it when we first started considering this bill, the National Service Trust Act is sexy. It looks good and it feels good. But that does not make it good legislation. While it may warm our hearts to think that we are casting a vote to allow students to engage in community service, pay for their college, and get self-actualization, what this bill really addresses is a perceived need. In the process, we're creating more government, spending more money, and deceiving not just the young adults of America, but all Americans as well. Finally, Mr. Chairman, at a time when the Federal Government is $4 trillion in debt, we do not need to spend an additional $4.7 billion, and we do not need to create a new Entitlement Program.

Mr. Chairman, I urge a "no" vote on this bill.

□ 1620

Mr. FORD of Michigan. Mr. Chairman, as a reward for his extreme patience, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I rise today in strong support of the National Service Trust Act, a bill of which I am proudly an original cosponsor.

I support this bill for several reasons. In the brief time I have, though, let me talk about only two. First, I support this bill because the trust is open to all, regardless of socioeconomic status or age.

This bill recognizes a crucial economic truth. Education is no longer a process that ends at age 16 or 18 or 21. Instead, it must be now a continuing renewal and refreshing of skills our citizens need to compete in the world economy. Second, and even more importantly, this bill rejoins two concepts that have become separated, to the great detriment of our society. This bill links rights and responsibilities once again.

National service will provide a vital opportunity for our citizens to improve themselves, giving them the skills they will need to compete in the world economy; yet it will also require from them the equally vital obligation to repay the country and the community that provide that opportunity. Responsibility, opportunity, and community are the principles behind the National Service Trust Act. If our citizens will invest in their communities, our country will invest in them.

Mr. Chairman, I urge my colleagues to support this bill, and I thank the most courteous gentleman from Michigan [Mr. FORD] for yielding time to me in recognition of my patience.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to support the National and Community Service Act, of which I am glad to be an original cosponsor.

One key element of America's greatness has always been community or volunteer service. Whether responding in time of disaster or everyday need, Americans have come through for their fellow Americans, and for people throughout the world. President George Bush sought to recognize the commitment of some of those Americans with the 1,000 Points of Light program.

Today we have an opportunity to encourage young people to become involved in community service, both for the benefit of their communities as well as allowing them to defray some of the cost of a college education.

This program will pay a stipend of 85 percent of the minimum wage for participants, plus funding to defray college costs. Eighty-five percent of minimum wage is not a lot of money, and coincidently, it is the same amount that some have advocated for a training wage for young people.

Critics say this program will only help a few individuals deal with the cost of a college education. They are correct. We have a deficit, and we do not have the money to make this program universally available. But is it not better that we help some students with the cost of college education, even if we cannot help every student? And while we are helping some, is it not a positive step that we are encouraging community service?

The success of this program cannot be measured solely by the community work done by those in the program, or by the number of students who will only be able to attend college because of this program. The real success of this program can only be measured by the volunteer work that participants do long after they have left the program.

I strongly believe Government does not have all the answers. Much of what is right with this country has little to do with Government at all. If we can encourage just a few young people to look to themselves to help their communities, and not look to the Government to solve every problem they face, then we will have indeed accomplished something significant.

I urge colleagues to support this effort to help a few students deal with the cost of a college education, and to encourage all of us to volunteer to help in our cities, towns, and neighborhoods.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER], a member of the committee and a cosponsor of the bill.

Mr. ROEMER. Mr. Chairman, the United States has a long and rich history of service by this country and of the people to this country as well. De Tocqueville in his great treatise on "Democracy in America" talked about what distinguished America from other countries, and he mentioned service to one's country. Presidents have followed that advice all through the decades over 200 years, and we have come up with the Civilian Conservation Corps, we have come up with the GI bill, and we have come up with VISTA and the Peace Corps. And I might say by the way, Mr. Chairman, in terms of the GI bill providing educational assistance for bearing arms, what we are saying with this bill is that you will get educational assistance for lending a hand to others.

I salute President Clinton for the new spirit that he has engaged in as a new Democrat with this legislation to open up education to more and more Americans. And I want to make clear what this bill is not. It is not more bureaucracy because it plugs into existing systems like the University of Notre Dame in my community.

It is not voluntarism. It is promoting service, public service, career service, getting people into teaching and health care, and it is not, as it has been referred to by some Members on this distinguished floor, raking leaves. We are talking about helping the drug addicts in desperation, we are talking about helping the dying in health care, and we are talking about helping the dropouts in our educational system.

Mr. Chairman, I urge my colleagues to support this good legislation for America.

Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act. The purpose of this legislation is to enhance opportunities for national and community service and provide educational awards to persons who participate in such service.

During his campaign, President Clinton talked about changing the direction in which our country has been going for a long time and moving toward a new direction. This legislation will help move our country in a new direction by renewing America's commitment to community service while at the same time help to make the cost of college education more affordable for our young people.

Service to country has a long history in the United States. In the 1930's President Roosevelt established the Civilian Conservation Corps which enabled millions of young people to restore the environment. In the 1960's, the Peace Corps and VISTA grew out of President Kennedy's challenge to Americans; "Ask not what your country can do for you, ask what you can do for your country."

By providing educational opportunities for an entire generation of young Americans, this proposal would go far to promote the spirit of community service and social responsibility that created the framework of more than 200 years of American success.

If enacted, this bill would do for America in the 1990's what the GI bill did in the 1950's. Only this time, instead of receiving educational assistance for bearing arms, young people could earn college money by lending a hand in the areas of unmet needs in education, public safety, and the environment.

Too often, the costliness of higher education prevents many Americans from attending college or receiving additional job training. However, under the National Service Trust Act, individuals over age 17 could receive up to $5,000 a year by volunteering for programs like those at the University of Notre Dame's Center for Social Concerns. The center and its more than 1,500 participating students provide a variety of services in South Bend, IN, which include tutoring, working with the handicapped and senior citizens, and staffing a shelter for the homeless.

The strong dedication to these activities leaves a lasting effect on both our communities and the students who take part. In fact, ten percent of Notre Dame's graduating seniors build on their social consciousness after college by devoting their professional lives to organizations like Holy Cross Associates and Teach for America. They teach in inner-city schools and on Indian reservations; they help drug users overcome their addictions; they give aid to battered women, and assist in rehabilitating convicts so they may again become contributing members of our society.

These young Americans demonstrate that monetary concerns and financial gain are not the only factors that determine their career paths. Often, they hold a fundamental conviction that they should return something to a society that has been rewarding to them. We need to continue to promote young people's desire to give back to their country, and this legislation would allow millions of young Americans the opportunity to act on their beliefs.

And let us never underestimate the impact that charitable service has on our Nation's communities. In the words of Father Edward Malloy, president of the University of Notre Dame:

> The impact is not always easily measured but is often displayed in intangibles like community spirit and hope. The true epiphany for many students * * * is that the community often gives as much to those who serve as it receives.

Mr. Chairman, as a member of the Education and Labor Committee, I know that this legislation will open up educational opportunities for millions of Americans while fostering community service and goodwill throughout the Nation. The National Service Trust Act will leave behind a valuable legacy as America moves into the 21st century, and I hope my colleagues will join me in support of this bill.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, actually, I am glad to have followed my colleague, the gentleman from Indiana who just spoke. We have, both of us, shared the northern part of Indiana, but I know that the people of Indiana are not that much different in South Bend than they are in Kokomo or Logansport or Peru or other parts of northern Indiana. I have visited 21 town meetings in 20 counties throughout north central Indiana, and the theme of what they talked about is a lot different from what I just heard from my colleague.

The people of Indiana have consistently been like other people throughout this country who continue to do more with less. They talk about national service, and I heard the gentleman's response about the voluntarism aspects and also about the GI bill.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. Yes, I am happy to yield to the gentleman from Indiana.

Mr. ROEMER. No, I did not say, voluntarism. What I said was service to the country, and that the two should be very distinct and separate. Voluntarism is one thing that we are noted for in this country, but service is what this bill is about.

Mr. BUYER. I will stand corrected, then.

Mr. ROEMER. All right.

Mr. BUYER. Mr. Chairman, I reclaim my time.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BUYER. Yes, I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I know the gentleman is a veteran of the gulf war, and I used to be the ranking Republican on the Committee on Veterans' Affairs. I just want to remind the Members of what a great President named Ronald Reagan used to say: "Here we go again." Another entitlement program. And make no mistake about it, I say to the Members, this is an entitlement program.

I was shocked when I was sitting in my office a few minutes ago reading the report on the VA, HUD, and independent agencies appropriations bill, and I came across a part that says, "National Service Initiative."

☐ 1630

It says 1993 appropriation, and the space is blank. No money. And it goes on and on and on and on.

My point is this: For years we have robbed the veterans hospitals and veterans programs in this country, and here we go again—$7.4 billion in the next 5 years to fund this bill and we cannot even staff our veterans hospitals, 174 of them, and dozens and dozens of clinics in all of our districts.

Where are we taking money for this bill from? Not out of education and whatever else, but out of veterans program again. When is this going to stop?

Mr. Chairman, every Member in this building ought to vote down this bill. I hope every veteran in this country is listening and will write all Members to opposed this bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise those who are in the gallery that they cannot express any manifestations for or against any proceeding that is taking place on the floor.

Mr. BUYER. Mr. Chairman, reclaiming my time, when the gentleman talked about the cuts in the VA, I have tremendous concern about this national service plan and its effect upon recruitment, not only of the National Guard, but of the reserves and the active force, the tremendous impact that this is going to have over the long period of time.

True, we can talk about the dollars here in the short run, but we are talking about $7.4 billion to 1997 and the growth of a new entitlement bureaucracy beyond that. It will have a tremendous effect upon the military, and we ought to listen to veterans organizations out there, like the American Legion, who have spoken very strongly on this issue.

Right now, when the manpower pool is shrinking for recruitment and the quality has started to decline, we should not be turning our back on that pool. We need to be able to recruit that quality of individual into our force.

Have we stopped to ask about the detailed effects the program is going to have on the military, and will it affect the recruitment? The GI bill provides $4,800 a year for up to 3 years, compared to national service of $5,000 per year up to 2 years. It does not take a brain surgeon to understand that this 18-year-old out there can get some benefit or an entitlement without the risk of military service.

Mr. Chairman, we should be analyzing the present pilot program. We should allow it to run its course and then analyze it before we jump into a new bureaucracy.

Early when I opened this up I talked about the people of Indiana. When I talked about the people of Indiana, I mentioned that because when the President came into this body and spoke during his State of the Union Address, he talked about shared sacrifice, and America was prepared to respond to this President. He talked about shared sacrifice. But part of the confusion he left with America is also with not only the greatest tax increase, but all this new spending, new spending for more entitlement programs.

Mr. Chairman, that is what America is saying no to. They have sent a message overwhelmingly to this body to cut spending first; streamline Government before you ever increase taxes. And what are we doing here again today? Creating new bureaucracy and more Federal spending.

Mr. Chairman, we need to listen more to the American people. Washington is not the tail that wags the rest of this country; the country is the dog that wags Washington. This town has got it mixed up.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA], a member of the committee.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very proud of our President today and very proud as well to be a cosponsor of this legislation.

Last year President Clinton challenged all of us as Americans to serve our country. Well, today President Clinton, through this legislation, has provided us with the leadership, the inspiration, but, most importantly, the mechanism for us to serve.

In national service, what President Clinton is doing is investing in America. I believe that is what we should be focusing on, the fact we are investing in our people.

We are not just spending this money. This is an investment. He recognizes that this country's most valuable resource is its people. He also recognizes that the most precious of those people is its youth.

National service is open to all, young and old, rich and poor, rural and urban. National service is there for your brother, for your mother, for your daughter, or for your grandfather.

Who benefits from the services of these people? National service benefits children through child care, gang diversion, tutoring; it benefits the elderly through hospice care; it benefits our neighbors through the police Explorer programs that it will fund, through the gang diversion and neighborhood watch programs that it will help to create; and it will benefit our environment. But most of all, it will benefit all of us, because we will be providing a service to these youth or the elderly to work and provide a service and ultimately to be able to go on and get a college degree and help us as productive members of our society.

With the cost of college education exploding in some cases to more than $100,000 to receive a 4-year degree, national service is a fantastic investment. It provides a 1-year $5,000 stipend, or a 2-year $10,000 stipend, plus an annual wage of $7,400. That is 15 percent below the minimum wage, and it is only 85 percent of what the Federal Government would provide.

Mr. Chairman, this is an investment we must all take advantage of. I urge Members to support this measure.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Chairman, I rise today in strong opposition to the National Service Program. At a time when Congress is fighting to reduce the Federal deficit, rein in Government spending and reduce Federal bureaucracy, I find it ironic that we are on the verge of implementing a massive new entitlement program which will cost American taxpayers more than $7.4 billion over 4 years.

Mr. Chairman, we must ask ourselves, is it fiscally responsible to implement a new entitlement program? The Federal Government already has at least 23 Federal programs that support and provide for community leadership with a combined appropriation of $1.3 billion and already administers student aid programs which provide assistance to 5 million students. If H.R. 2010 is implemented it will only provide assistance to 3 percent of those students who are currently eligible for student aid at a cost of $22,667 per student annually. Rather than creating a new entitlement program which will assist only 100,000 students when fully implemented, we should look toward fully funding Federal student aid programs which are already in existence.

As a member of the House Veterans' Affairs Committee, I am also gravely concerned with the detrimental affects the National Service Program will have on this Nation's armed services' recruitment efforts. Currently, the GI bill offers $4,800 per year for up to 3 years in education benefits to service members who commit to 3 years of service and contribute $1,200 of there own money. Compare this to the national service plan which will provide a $5,000 voucher each year for up to 2 years, health care and child care benefits in exchange for 2 years of community based service. It does not take a genius to figure out which program is a better deal for students.

Mr. Chairman, the national service plan, although well-intended, is bad legislation. It is expensive. It duplicates current Federal programs and has the potential of severely hampering the recruitment programs of the armed services. I urge my colleagues to oppose H.R. 2010.

Mr. FORD of Michigan. Mr. Chairman, could Members be advised how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] has 23 minutes remaining, the gentleman from Pennsylvania [Mr. GOODLING] has 23 minutes remaining, and the gentleman from Wisconsin [Mr. GUNDERSON] has 9½ minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

□ 1640

Mr. FARR. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for allowing me to speak briefly on this issue.

I rise in support of H.R. 2010, to implement President Clinton's National Service Trust Act.

It was 30 years ago this year that as a young graduate of college, I responded to my President's call of "Ask not what your country can do for you but what can you do for your country." I joined the American Peace Corps and served 2 years in South America.

That experience gave me an opportunity to learn another language and another culture. I lived as a minority in another land. I learned to focus on the unmet needs of that Third World country, the unmet needs in education, the unmet needs in health care delivery, the unmet needs in the lack of environmental remediation, and the unmet needs in public safety.

What I saw in South America 30 years ago I now see in my own country back home. We have unmet needs in all of those areas, and the President has suggested and Congress is considering enacting legislation that would allow people to join national public service.

This is not an expenditure program. This is a program to do without having to spend a lot of money, to involve people in what they do best, and that is giving of themselves to help others.

H.R. 2010 opens up that opportunity for service to all ages. I might remind those who are critical of this program that the Peace Corps also gave a monthly allowance and a stipend, when participants left the Peace Corps, just as this program does.

Those who critique this bill and critique the cost, I believe, are the ones who know the cost of everything and the value of nothing.

I urge support of this legislation. I think my colleagues will live to celebrate it.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Chairman, this week we will vote on the National Service Act. This legislation seeks to promote community service, volunteerism, and higher education—goals that we all support wholeheartedly.

But the reality of America today is that we must carefully choose among the goals we support and the resources we commit to them. That is why I must vote against this bill. To put it simply, we cannot afford this program at this time. The first phase will cost nearly $400 million in fiscal year 1994 to serve 25,000 students, yet there has been no proposal about how to pay for it. Does this mean these funds must come from other, equally worthy, and already proven programs? Programs that already encourage community service and student aid? In the current budget crisis, there simply is no money available for such an experiment, especially when there are already several successful programs promoting these goals.

If our goal is to encourage volunteerism, then let us increase funding for the programs we already have—the Peace Corps and VISTA, for instance. If we fully funded them, would we really need a new National Service Program? And if our goal is to encourage higher education, then let us increase grants and loans to help students go to college. It is estimated that each National Service participant could end up costing the Federal Government $15,000 per year. Is that really the best, wisest, most cost-effective use of this money? That money for one student alone could provide several other students with Pell grants or guaranteed student loans.

I favor loan forgiveness where people go to work in underserved areas and fields. Perhaps we should expand some of these programs to target specific problems, instead of creating a new bureaucracy. I favor the idea of young people giving something back to their communities, but why only this group of people, why not all youth? Most important, I favor making higher education more accessible to more people, and I do not feel this program adequately addresses that goal.

I understand why this proposal is so important to the President. Who among us who came of age during President Kennedy's administration does not endorse the ideal of service to the community? But I have more questions than answers about what this bill is, and whom exactly it would serve. And I have more doubts than certainties about the wisdom of spending this much money on a project whose mission and methods are vague, duplicative, and costly. In the past few weeks I have cast a number of tough votes—against funding for the space station, the superconducting super collider, and other projects. These projects are worthwhile too, but not today, not with our deficit. This is not an easy vote for me either, but it is one I feel must be made.

The bottom line, Mr. Chairman, is that this program is expected to cost several billion dollars each year when fully implemented. Soon, conferees from both bodies will be looking for funding for childhood immunizations, for family preservation, and childhood hunger. These are programs we know are urgently needed and cost-effective. This is no time to create another program whose goals are unclear, and whose funding is nonexistent.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I am happy to join this important debate today—a debate that I believe centers on the idea of priorities.

And this bill tells me that we are beginning to put our national priorities back where they should be—on education, on community service, on building a better America for all of our people.

I congratulate our President for promoting this outstanding piece of legislation.

I encourage this body to adopt the spirit of volunteerism and responsibility—this new spirit of community—as a top priority in our Nation.

National service—the spirit of exchanging our labor to better our community while still helping ourselves—should become the new American spirit of the 1990's.

And it is not only a spirit of community that commends this legislation, it is a spirit of innovation, of problem-solving. It is a spirit that says we will find a way, in spite of budget and deficit difficulties, to put people to work to solve our problems.

Some voices today rise and suggest we find ways to limit this initiative—that perhaps we are serving too many people, or the wrong people, or that they are doing the wrong work.

I suggest that we can never allow enough Americans to serve their community. So instead of debating limits on this bill, let us all decide today to work together to find ways to expand it.

This bill embodies so many aspects of common sense that this body is usually lacking. It is fiscally responsible. It will be effective. It serves people who need help most.

So let us not criticize, let us praise our President for this effort. I urge my colleagues to vote "yes" for a new community spirit, vote "yes" for national service.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise today to say that this bill is a perfect example of what is wrong with Congress. Here we are spending money we do not have on a program we do not need.

Let us ask ourselves several questions before we create another new multibillion-dollar Federal program. Does this duplicate existing programs? The answer is clearly "Yes". There are over 24 national service programs spending in excess of 1.2 billion Federal dollars each year.

Then what makes this program different? Well, this is a new concept—national service with perks, benefits, guaranteed cash payments, health care, and educational benefits that exceed those available to veterans and even our poorest students. This proposal gives a whole new meaning to national public service.

This is a prime example of what is wrong with the philosophy of this Congress and this administration. They continue to believe big government programs work best. Pack the Federal rolls. Spend now, think later.

During the past weeks, I have talked to dozens of graduates from high schools and colleges. You know, I believe they are much smarter than most of the leaders of this Congress and this administration.

Not one of them said I can't wait for this new Government program to get started. Not one of them said, "I look forward to having a chance for a make work position in the public sector."

You know what they said? "I want a real job. I want to work or have an opportunity to enter the business or profession of my choice." They want an opportunity to succeed in the real world.

Mr. Chairman, I say to my colleagues I am afraid that with this proposal before us today—we are not helping to fulfill dreams—we are creating another nightmare.

Mr. FORD of Michigan. Mr. Chairman, I reserve the balance of my time. When others have finished, I reserve the right to finish debate.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in opposition to this bill. If we went to the American people with the proposition that in order to solve our problems in this country what we should do is create 25,000 new Federal employees, my guess is that most of the American people at the present time would look at us and laugh. But that is exactly what this is.

I do not care what title we put on the bill, what we are doing here is we are creating 25,000 new Federal employees. These are a rather interesting group of new Federal employees we are creating. We take them outside of the civil service system.

What does that mean? That means that we are moving beyond the civil service system so that we can assign them perhaps politically, 25,000 new Federal employees that are now going to have political positions in communities across the country. And then beyond that, what we do in the bill is we say, "And, oh, by the way, we are not going to pay them the regular wages. What we are going to do is we are going to pay them a subminimum wage."

□ 1650

What we have now is 25,000 new Federal employees, assigned politically across the country, all being paid subminimum wages. I am not so certain that the American people see that as being something which is going to contribute to the national good. In fact, I think most people see the big Federal Government as part of the problem, if not the problem.

The American people look at thousands upon thousands of Federal employees across the country who seemingly have positions that are supposed to be helping, and yet they do not see the communities getting better. What is the solution that we propose here? To add 25,000 more people to that number?

I would suggest that we would much better put our money to work by reducing the deficit, by reducing the debt, and by doing those things that get the economy moving to produce real jobs, rather than creating 25,000 new Federal employees.

One more thing. Where is the money going to come from for these 25,000 new Federal employees? It is going to come out of the hide of the veterans, out of the hide of our housing programs, and out of the hide of our science and high-technology programs, because that is the account into which they have shoved this money. This committee decided they did not want the account that is in the education field to govern this money. Instead, they put it over into the account that takes the money out of veterans, out of housing, and out of science and high-technology programs. We are going to have 25,000 new Federal employees that are going to be undermining major efforts in this country to do something about moving the economy forward. I do not think that is much of a bargain. As a matter of fact, I think that is a pretty bad deal. We ought to reject this bill. I thank the gentleman for yielding time to me.

Mr. GUNDERSON. Mr. Chairman, I yield myself 1 minute to respond to my good friend, the gentleman from Pennsylvania.

Let me see if I can try to correct all of this. The gentleman says we have created 25,000 new Federal employees. What we have done is, we have created for the opportunity, through competitive grants, of up to no more than 25,000, and we have eliminated the entitlement, which everyone was concerned about beforehand.

Second, he says we have created something outside the Federal civil service. Yes, we did that. That was the second concession to the Republicans, because we did not want to create a new permanent Federal work force, so we created the recognition that this was a unique individual who, yes indeed, would be working for the Federal Government, but for 1 or 2 years at a maximum; would not be anything close to a permanent employee.

He says they will be politically appointed. On that one, he is just wrong, because one of the other concessions that the President made to the Republicans was to guarantee that the boards that would review all these competitive grants would be balanced between political parties, so we have made sure that there will not be partisanship in any way involved in the decisions of who does and does not get these grants.

These are just some of the many reasons why a number of us Republicans, working in good faith through the administration, have found what we think is a fair political compromise.

Mr. FORD of Michigan. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to H.R. 2010, the National Service Trust Act of 1993. I oppose this bill not because I don't believe in voluntarism or the need to help our communities in despair.

To the contrary, while the goals of this legislation are well intentioned, it is the means to achieve those worthwhile goals that I find great fault with. In looking at page 87 of the report from the committee, I reviewed the goals of the act. Three quarters of the way down on the page, I read those goals: and I quote:

> This act has two central goals: (1) to benefit communities by meeting their unmet environmental, educational, human and public safety needs; and (2) to enhance the lives of participants by enabling them to develop a service ethic, strengthening their bonds to their communities and country, improving their skills and, on many cases, providing educational awards.

Now I ask, just before this past recess, did the House not just pass the Labor, HHS, and Education appropriations bill which funds the aforementioned goals? And when we take up the Interior appropriations bill later on this week, are we not going to address some of these goals as well?

Where is all this money coming from? I hear a lot of hollering from my friends that this is the first President that is truly committed to cutting the national debt and reducing the deficit. Well, I ask again, where are we getting the $7.4 billion over the next 4 years to pay for this act? Where?

In hearing my colleagues talk in favor of this bill, it almost sounds like we have to bribe our citizens to be patriotic and useful before they'll consider serving our country. If you are truly committed to helping our students who desire to attend college yet can't afford to go, then I say let us improve the dollars going to Pell grants and Guaranteed Student Loan Program recipients.

I really find it hard to believe that morale and patriotism has sunken to such a low, that our country requires a whole new massive Federal spending program to entice our young to be productive members of our society.

I also find it highly objectionable to the provision that requires grant applicants to consult with, and in some cases, receive the blessing of labor unions. Are we telling our teenagers who want to go to college that "Here's the ticket to an education, go through this national volunteer program, but, whoaaa you had better check with the union because they might not approve of your grant application." So now we have a young citizen who has gotten all excited about going to college, volunteering for his country, but now he cannot do all this because the union does not endorse it. So instead of fostering all this good feeling we are trying to do here, we now have a dejected, unpatriotic teenager. I understand that the local unions do not want to displace local union workers. But frankly, this gives unions a distinct advantage over other applicants and power to influence the outcome of grants.

Mr. Chairman, I hold a letter from Roger Munson, national commander of the American Legion. In his letter, he points out the significant inequities and fundamental unfairness between the benefits paid under this bill and the Montgomery GI bill. I quote from his third paragraph:

> The national service plan provides our young people a better option for receiving funding for education than does the current GI bill for those young people who deployed to the Persian Gulf to support Operation Desert Storm or to Somalia or may possibly be sent on air strikes to Bosnia.

I find it of some concern that today, July 13, 1993, has been designated as "Cost of Government Day." The combined cost of State, local, and Federal Government through taxes, spending, and Government regulations has soared through the roof. And here we are today, about to add another $7.4 billion to that figure.

This bill is seriously flawed and needs to be reexamined before we ask the taxpayers of this country to foot this bill. I ask my colleagues, is now the time to start another Government program? Doesn't the deficit matter? The long-term stability of this Nation depends upon our habits, Government controlling its profligate spending habits. We have not reduced spending to pay for this program. I urge my colleagues to vote "no" on passage of this bill.

Mr. GUNDERSON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Connecticut [Mr. SHAYS], who in my opinion is the Republican Member of the Congress who has been more dedicated, worked longer and harder on this legislation, than anyone else.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the President's National Service Trust Act of 1993. There are good Government initiatives and there are bad Government initiatives. This happens to be an extraordinarily good initiative that is deserving of the bipartisan support it has received.

I want to thank both the chairman and ranking member of the Committee on Education and Labor for yielding 30 minutes to the Republican Members who support this legislation, and thank the President and the White House staff, particularly Eli Segal, for reaching out to both sides of the aisle in helping to draft this landmark legislation.

The chairman, the gentleman from Michigan, Mr. FORD, the gentleman from Oklahoma, DAVE MCCURDY, the gentleman from California, MARTY MARTINEZ, all deserve great credit. So does the gentleman from Wisconsin, STEVE GUNDERSON, and the 18 other Republican cosponsors of this bill.

As a former Peace Corps volunteer, I get down on my knees, figuratively, to President Kennedy and the 87th Congress, for establishing the Peace Corps. The Peace Corps has made a tremendous difference in the lives of the volunteers who served, and it has made a tremendous difference in the lives of the individuals who received the benefits of their service.

I see the President's National Service Trust Act as having far greater impact than the Peace Corps ever had. It is a bill every Republican should be happy to support, because it is a bill that was drafted by Republicans and Democrats. It was a bill intended to deal with the concerns of Republicans and Democrats.

□ 1700

So I am not surprised that Republicans should want to support this bill. The educational grant was lowered because Republicans and veterans were concerned that the education benefit was too competitive with educational benefits under the GI bill. It is not now.

This bill is not an entitlement, and I am absolutely amazed that my colleagues who have been here so long would tell this Chamber that it is an entitlement. We are voting today on an authorization bill. There will be a specific appropriation bill that follows, and that bill will state exactly how many positions will be funded and how much money will be allocated for these positions. An entitlement? No way. It is an authorization bill with an appropriation to follow.

And the bill is decentralized. My God, this is something Republicans have asked for in every piece of legislation that comes before us. It is not a mammoth government program emanating out of Washington. This is a decentralized program. It is designed much the way the Corporation for Public Broadcasting is designed with significant local and State control. Two-thirds of the funds will go to State organizations.

So I look at this bill and see the educational grant has been lowered to deal with legitimate concerns. The program is not an entitlement but an authorization with a subsequent appropriation bill. And further more the program is decentralized. Isn't this what Republicans want in a bill and Democrats as well?

Then I think of the kind of programs we are talking about, the Service-Learning Program where a national service participant, will work in our school systems helping to organize young people for true volunteer service. They will not get minimum wage, they will not get an educational grant. They will be volunteers, hundreds and thousands of them because of one individual National service participants who are there helping to organize them.

I think of the Conservation Corps and what can happen to make those programs more beneficial with this bill. I think of our Urban Youth Corps and how this will expand and improve its efforts. I think of the Literacy Corps Volunteers that many, including myself, envision being established under the act. Because the National Service Program is decentralized I have the ability to go to the State of Connecticut's commission and petition for the establishment of such a program. Imagine a Literacy Corps high school graduate in every first grade urban classroom teaching our young people how to read. I can compete for that program. I can help design it, and our commission can decide whether to fund it.

I think with all my heart and soul that this program is going to lift up our Nation in a way that many of us here may not fully understand.

National service participants' lives will change for the better. The lives of the hundreds of thousands of people they serve will change for the better as well.

There is something magical and inspirational about serving others. Provide today's young people with more opportunity to serve and they will invigorate our Nation and lift it up.

This initiative is not Republican, it is not Democrat, liberal or conservative. It is simply a sound concept based on fundamental American values.

I would like to just conclude with a letter that was sent to Chairman FORD by Elizabeth Dole, who is now the president of the American Red Cross. In past years she served as the Secretary of the Department of Transportation, and also as Secretary of the Department of Labor. In her letter Libby Dole says:

> We particularly appreciate the proposed act's strong emphasis on: Renewing the ethic

> of civil responsibility; engaging locally based and diverse organizations in a system of service delivery that is both decentralized and nationwide; facilitating the replication of existing successful service programs; and providing service opportunities for both stipended and nonstipended participants and for persons of all ages.

She continues by saying:

> We understand that community service is neither a panacea for the Nation's problems nor a substitute for traditional volunteerism. However, your bill will enlarge the means by which individuals can make a difference in their community.

Then she concludes by saying "We look forward to the bill's passage into law." And so do I.

I say to the chairman of the Education and Labor Committee, Mr. Ford, you have an excellent bill. I congratulate the gentleman from Wisconsin, Mr. Gunderson, and others who have worked so hard, and the White House for reaching out to Republicans for our input and support. I believe we have all come together for a noble cause that if implemented with as much care as it has been drafted will help change the course of America's future.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 additional minutes to the gentleman from Connecticut [Mr. Shays] and I ask the gentleman to yield.

Mr. SHAYS. I am delighted to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I want to thank the gentleman for reading Libby Dole's letter into the Record, which was dated only on July 9, so many Members have not had a chance to see it. In her new and important role we will see her almost every day as she works with the problems of the Mississippi River. I worked very closely with her when she was Ronald Reagan's Secretary of Labor, and I hold her in very high regard. We did not solicit the letter that the gentleman has read. She took it upon herself to send it, and for that I am grateful.

I would like to add to what the gentleman read into the Record. We have heard references here to how do people who were involved in Desert Storm feel about this. Well we have a statement that was submitted to my counterpart chairman on the other side of the Capitol from Gen. H. Norman Schwarzkopf, U.S. Army (Ret.): "Statement on National Service. I have often been asked if I am in favor of universal military service," says General Schwarzkopf. "My response has always been that I am not in favor of universal military service. I am in favor of universal service. I feel it is totally appropriate for each young American to earn the right to be called American. In this regard, I feel it is right and proper to ask every young person to serve their country in some fashion."

He goes on at some length and then finishes with this: "I strongly believe that universal national service would provide a source of inexpensive, highly trained manpower to apply against many sectors of our economy that desperately need help, would give a sense of self-worth to many young men and women who are lost today because they do not feel they will ever have a chance to make a contribution, and finally would instill great patriotism in the youth of America who because they earn the right to be called Americans would be proud to be Americans," said General Schwarzkopf.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington, [Mrs. Unsoeld].

Mrs. UNSOELD. Mr. Chairman, I thank my colleagues for the bipartisan support that has worked on this bill, and particularly Chairman Ford. I rise in strong support of the National Service Trust Act.

We are hearing a lot of very good reasons today for supporting the National Service Trust Act, but there is no better reason than Brooke Wallway.

In June 1992, Brooke's grades were so low that she barely graduated from Battle Ground, WA, High School. Her confidence level was just as low. Shy, lacking in self-esteem and without a plan for the future, she joined a Washington Service Corps project and ended up leading and supervising a team of at-risk youth.

Eventually Brooke helped create a "Helping Hands from Youth" effort to repair and take care of homes for the elderly. But more than that, Brooke ripped away a veneer of shyness and self-doubt and replaced it with self-confidence and bold plans for tomorrow. And along with gaining a sense of self, she made a difference in her community.

Today Brooke Wallway works full-time as a care provider for severely disabled children in Vancouver, WA. Service changed her life and enriched the lives of many others near her. And that is what this program is all about.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. Bunning].

Mr. BUNNING. Mr. Chairman, today I rise in opposition to H.R. 2010, the National Service Trust Act.

All of us in Congress understand the need to support voluntarism in America. The call to public service is one we have all heard clearly and I encourage young people to become involved in their communities and volunteer.

However, the National Service Act does not just encourage people to volunteer, it pays them, too. Mr. Chairman, I didn't think that voluntarism came with a price tag. I thought that voluntarism meant giving of yourself and your time, not working on the Federal payroll.

A recent Gallup poll revealed that over 94 million Americans perform volunteer work. No one is paying those 94 million Americans. No one is creating jobs for them. But, if you are one of the lucky applicants who gets grants from the new National Service Trust, you can get the satisfaction of volunteering and the satisfaction of having the Government pad your wallet.

I also do not understand, Mr. Chairman, why we need a new National Service Program when we already have over 20 other federally funded programs that support community service and voluntarism. VISTA, ACTION, RSVP, and a slew of other programs support by the Federal Government already promote community action in America to the tune of $1.2 billion per year.

CBO estimates that the National Service Trust Act will cost over $2.8 billion over the next 5 years. At a time when we are tightening our budgetary belts and struggling to fund the programs that we already have, I do not understand how we can afford to more than double our spending on this type of program.

Mr. Chairman, supporters of the National Service Act also claim that this new program will foster community spirit and will encourage young people to give something back to their communities. Instead, the National Service Trust Act will be the biggest boon to political patronage since Tammany Hall.

The National Service Act will only help at most 100,000 of 10 million eligible applicants. We know that there is a lot of interest in this program and competition for grants will probably be fierce. So the big question will be who decides who gets a grant and who does not.

The answer is "politics." The participants in the new National Service Program will be handpicked by State political appointees. These selections won't be made according to a means tests or objective qualifications outlined in the bill—they will be made by State-run selections processes that will be tainted by politics and patronage.

In some cases, applicants for national service must even consult with the get the approval of labor unions.

Mr. Chairman, this does not sound like national service, it sounds like national patronage. It sounds like just another program for big city mayors and political bosses to use to hand out favors.

Charitable organizations that want to employ national services recipients will have to be approved by a politically appointed national review board. Who knows what politically correct standards charities will have to meet to qualify to participate. Given the moral incorrectness today of the Boy Scouts, troop leaders probably need not apply for National Service grants.

Proponents of the National Service Trust Act claim that it will promote community service, but it only promotes it if you know a political bigwig that can get you a grant or you meet the standards of the political correctness police.

Mr. Chairman, community service is good for America. But the National Community Service Act does not promote community service—it buys it and it plays politics with it. We need community service and we need voluntarism, but we don't need this bill.

I urge my colleagues to defeat this misguided proposal.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia [Mr. Gingrich], the whip on the minority side.

Mr. GINGRICH. Mr. Chairman, I thank my friend from Pennsylvania for yielding the time. I rise, I guess, in a real quandary about this bill.

In many ways I like the bill very much. I like its spirit of trying to reach out for service. I like its effort to be decentralized and to have local involvement. I like the degree to which it emphasizes for younger people a sense of idealism. And I think you can make a very good case that the Clinton administration and the Democratic leadership in the House has worked to try to fashion a bipartisan bill, and many Republicans I think will end up voting for the bill.

□ 1710

And yet, as I walk through it, I cannot help but—at a lighter level than just this bill—almost seeing this entire procedure this week as the perfect classic example of why people are furious about Government and enraged at politicians and why every member of the industrial world who went to Tokyo last week went from a weak Government, in a position of weakness, in a sense of rage because it comes down to these questions: First of all, do we really think Government is too small? Is the only way to achieve these goals more Federal Government?

Second, given the same number of dollars, whether it is in Marietta, GA, or it is in Detroit, MI, or it is in Camp Hill, PA, are we better off to have a $300 billion tax increase sitting in a conference committee now, to take the money away from local people and local institutions and true voluntarism to give it to the Federal bureaucracy to send it back home?

And if the fact Government-run has become a major pejorative—and one recent study, when asked, "Do you believe in Government-run health care," it went through the floor because the baby-boomers have figured out that Government-run is a synonym for waste, inefficiency, bureaucracy, redtape.

So what we are being told is that in the age of Ross Perot and in the age of trying to balance the budget, in the age of trying to cut deficit spending, what we have is the perfect new idea which has to be enacted this year.

Now, I have a real problem with that. I have a problem because I think we ought to find a program, at least one program, of greater cost that we kill if we are going to pass this program. And I would be very open by the time we get to the motion to recommit, if we can find a more expensive program to kill, that we could tie into this program so that before we create this program we kill another program. Then maybe there is an argument that meets the Perot voters and meets the deficit-cutters and meets the balanced-budget folks and says, "Yes, this is a step toward a smaller Government."

But let me tell you what happens in this building: Programs start tiny, they start decentralized, and there is not going to be much bureaucracy and there is not going to be much paperwork and the politicians are not going to decide where the money goes. Then, year by year, they get bigger, and then one morning they are an entitlement. And then suddenly they are gigantic, and then they are 70 percent of the budget, and we are told, "Gee, that is uncontrollable."

After all, 10 years from now when there are several hundred thousand people who must have the money, when we have had a series of fights over quotas and who gets the money and how does it get there, when the Committee on Appropriations is selecting their favorite projects and writing it into the bill, it will be very hard 10 years from now to come back and remember the promise of this program.

So, I could be talked into voting for this under very certain circumstances, which I do not think we will get to. I do not rise and say automatically it is a terrible program. I cannot say there have not been serious efforts to try to meet some very real objectives. But I do have to come down to the final conclusion: You cannot, with a straight face, pass this program unless you include in the bill killing a more expensive program; you cannot, with a straight face, go back home and tell folks you are really trying to balance the Federal budget; you cannot really explain unless you believe the Federal Government inherently spends money smarter than the private citizens of this country, that Government-run is better than private-run voluntary, back-home, local. You cannot really say what we need is one more Federal bureaucracy with one more Federal program.

So, I have to say sadly that at this date, unless I see some amendments passed and a really good motion to recommit, at this date I would vote "no". But I do commend the effort, which I think is sincere, and I do look forward to seeing exactly how the amendments work out over the next several days.

Mr. FORD of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I strongly support the National Service Trust Act, H.R. 2010. It is what this country needs.

Mr. Chairman, for over 200 years, our great Nation has been known as the land of opportunity. Businessmen such as Andrew Carnegie and Cornelius Vanderbilt have made their fortunes here, and immigrants from all over the world have come here for a fresh start.

But hard work is not enough anymore. Our young people need education and training to assure their futures. Unfortunately, higher education has become increasingly expensive in recent years. So expensive that many young people cannot afford to go to college at all. Doors are automatically closed to these young people, and they miss many opportunities.

The National and Community Service Act will provide our young people with the opportunity to obtain the education and training that they deserve. It will allow them to contribute to society and to become better citizens and better Americans. I urge my colleagues to support the National and Community Service Act because the future of our Nation rests with our young people.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I rise in strong support of the National Service Trust Act. I want to thank, in particular, the chairman of the Committee on Education and Labor, the gentleman from Michigan [Mr. FORD], for the tremendous work, and the gentleman from Wisconsin [Mr. GUNDERSON] for their cooperative efforts in getting this legislation onto this House floor. I think, if we look at the major changes that have taken place in the U.S. society over the course of the last couple of dozen years, the fact is that young people have been at the very forefront of the major political changes that have taken place.

Going back to the early 1960's—late 1950's and early 1960's—we heard a lot of credit being given to individuals for the changes that took place in civil rights legislation. But it was only when young people got on buses and traveled throughout the country and demanded that we change the way civil rights were provided to all America that, in fact, changes took place.

The same thing took place in the Vietnam war: A lot of controversy, a lot of heartaches took place in that war. But it was not until hundreds of thousands of young people came to this city and demonstrated and took a stand that we saw the United States begin to change the policies that led us to the eventual difficulties that took place at the end of the Vietnam war.

If we look at what happened with regard to the 18-year-old vote, it was when young people demanded the right to vote in America that changes again took place.

Most recently, in terms of the women's struggle for the equal rights amendment, it has been young people on the cutting edge.

What this bill does is enable those young people to be involved in so many ways throughout our society, in helping a homeless family get a meal from a soup kitchen, in helping a senior citizen weatherize an apartment, in helping clean up an urban park, in helping go out into rural America and assist with the very real needs of our farmers and so many of the poor that exist.

It gives a voice and the ability to young people to go out and be involved in the critical affairs of America.

Mr. Chairman, I strongly support the legislation, and I hope that this Congress does its part.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

I would preface my remarks by saying that one of our colleagues from this committee, whose family at this particular time could certainly use all of our thoughts and all of our prayers, and I am referring to the gentlemen from Michigan [Mr. HENRY], who is extremely critical at this point.

Mr. Chairman, I would like to call your attention to a few things that were said that were said incorrectly. I think two of them may have been an allusion to an amendment that I will be offering when we get to the amending process.

One gentleman indicated that we want the legislation as it is because it gives an opportunity to have people work side by side, people coming in, is the way that he put it, working side by side, no matter what their economic status in life may be.

Nothing in my amendment will preclude that. In fact, it will probably encourage it.

At the present time, many people, young people who volunteer, are financially in a position to volunteer. Many people are not financially in a position to volunteer. My amendment will insure those who presently volunteer that they can continue to volunteer but now they will receive the minimum wage and they will receive the health benefits so that they will work side by side.

The second statement that was made that was totally erroneous indicated that—and again I am sure it was in reference to an amendment that I will offer—that somehow or other my amendment would cause someone to have to borrow money before they could get involved in this program. That is totally false. The bill conforms to the needs analysis in title IV of the Higher Education Act. My amendment does not cause anyone to borrow one penny before they exhaust every other opportunity of grant, including that which is provided in this legislation.

□ 1720

So I want to make sure that that is very, very clear, not one penny to be borrowed until after the needs analysis, they get the grants that would be available to them under title IV and the money that would be coming to them from this experience. Then they would borrow, not before.

Mr. Chairman, what I am saying today is basically what I heard many of my colleagues on either side of the aisle say during the campaign and immediately after the campaign. I heard one colleague say on two occasions when this program was mentioned that that program is stupid when we think about the needs that are unmet at the present time. That is what I am arguing for.

I believe that all should participate, all should receive the benefits up to the benefits in relationship to higher education or postsecondary education.

Then I believe in fairness to the millions out there who need our financial assistance, who cannot afford to have us cut back on State grants, who cannot afford to have us cut back on work study, the needs analysis should protect them so that those who do not have that' kind of financial need for education will not receive money that should go to those who are in need.

As I said earlier, I believe it is immoral to enact the bill the way it is presently written. I would hope as we go through the amendment process, that amendment and another amendment which I would offer which would extend the time for use to 10 years rather than 5 will be amendments that I believe can make the bill acceptable whether it is a good idea or whether it is a bad idea.

So again, when we come before you with amendments, I hope you will be listening and I hope that the rhetoric, some of which was incorrectly stated today, will not be repeated, will be corrected and that we can move ahead with the amendment process whenever that time comes.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman and colleagues, for a quarter century after World War II, America was the world's economic superpower, largely because of a decision that is very similar to the decision that we are being asked to make now. America decided that because of the commitment that our young people made in entering and winning World War II, they had a right to own a piece of America. They had the right through the GI bill of rights to own a home and to have access to higher education. That is the ticket to the middle class, the ticket to success in America. It is still the ticket to success in America, but now 50 years later we find of that 1.8 million 18-year-olds, 700,000 of them are today functionally illiterate. They do not have the verbal and the quantitative skills to have a piece of America, to participate in this economy or this society. That is what this program is all about, to give them an opportunity to get that higher education, to be fully participative, to break out of the limitations that their neighborhoods, that the income of their families, that their prior experience, their peers and all have imposed upon them, to break out and find out what they are capable of doing, what they want to do, and what we need to be doing for the rest of their lives. That is what this is all about, giving them that opportunity, and because of the mountain of debt that we were left by the Reagan and Bush administrations, it does have to start tiny, but I do hope it grows, that it becomes an enormous commitment on the part of America to our young people. They deserve no less and there is nothing more important that we can do for them than to give them this opportunity.

Mr. FORD of Michigan. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise as an original cosponsor and strong supporter of H.R. 2010, the National Service Trust Act.

I applaud President Clinton for presenting this program to the American people, and I applaud the chairman and ranking member for bringing it to the floor of this House.

National service is clearly a win-win-win proposition. Communities win by receiving valuable services. Participants win by the experience and by receiving up to $10,000 in educational assistance, and in the long term we all win by cultivating the kinds of citizens for which this country is so well known.

In our Nation today, there are children who cannot read, but there are also young people who have the patience and energy to teach the children.

In our country today, we have dirty city streets and littered public parks, but we have an abundance of young men and women who want to make our communities cleaner and safer.

In our country today, we have hospitals under tremendous financial stress to cut costs and maintain care, but we also have citizens who are blessed with good health and a generous spirit who want to improve our Nation's health care services.

The National Service Program would channel the energy, the patience, the strength, and generosity of Americans to good purpose.

As a founder of the Urban Corps of San Diego, I know firsthand the value of youth service programs. Our Urban Corps is considered a success by everyone, participants, business leaders, social service agencies, and educators.

Opponents of H.R. 2010 will argue against a new costly program, but we heard today that this bill would not establish a new Federal bureaucracy. This program would be operated by nongovernmental entities.

Also this program is subject to annual appropriations by Congress. In other words, every year the House will have the opportunity to reevaluate this program, to decide how successful it is.

The National Service Trust Act once again taps the richest vein of America's strength, our desire to work for the physical, emotional, and spiritual well-being of our fellow citizens.

Mr. Chairman, I urge my colleagues to support this important piece of legislation.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to congratulate, first of all, the very diligent work of several Congressmen, Congressman FORD, Congressman OWENS, and Congressman MARTINEZ, for they have truly embodied what we call vision around here in the House of Representatives. They have had the vision and have had the foresight to take an initiative by this administration and to work assiduously with Members on both sides of the aisle to make sure that this bill has come very timely to the House floor.

On the eve of the All-Star Game, I am reminded of those things that are endemically and purely American, those things that smack of Mom's apple pie, Chevrolets.

Education is the hallmark of what has made America and Americans great. I myself would not be standing here on the House floor were it not for the wonderful opportunities I have had coming from Compton, CA, to be able to go to schools like Princeton, USC, and even Georgetown University where the President went, had it not been for the opportunity to access education.

This National Service Trust Program is going to give people in communities like Compton, CA, South-Central L.A., and communities all over this country where young men and women have not had the opportunity to avail themselves of a quality education, it is going to give them that opportunity.

It has bipartisan support. It has support from the President, because it is what America needs, and it needs it now.

To those naysayers who cannot come on board on this bill, Mr. Chairman, I say shame, for truly and surely they cannot find a bill that has more merit, that is more laudable than this. I cannot imagine anyone who would not support something as purely American and purely rich in investment in our people than this bill.

So I challenge both Republicans and Democrats alike today, Mr. Chairman, to come on board on this bill, to stop talking about what we can do for Americans, and to get in line and show the American people that we mean business about education.

Mr. FORD of Michigan. Mr. Chairman, I yield myself the balance of the time remaining on this side.

Mr. Chairman, when all else fails, we trot out the same old red herrings that we have seen dragged across this floor for years—create a huge new bureaucracy.

□ 1730

One gentleman, who graced us for all of 1½ minutes, walked to the well and said, "Twenty-five thousand new Federal employees." That is only part of the hogwash that we heard from people who either have not taken the time to read or did not understand what they read, and $7.2 billion is total fiction.

One thing that ought to be borne in mind is that the Corporation for National Service created by this bill virtually absorbs every one of the related programs we already have on the books that are in the jurisdiction of our committee. The ACTION programs, including VISTA, Retired Senior Volunteers, Foster Grandparents, Senior Companions, Student Community Service, special volunteer programs and VISTA illiteracy programs; those are all folded into this program. Conservation and Youth Corps, authorized as recently as 1990, is folded into this program, as well as school-based community service, authorized during the Bush administration in 1990, higher education programs in 1990, a program Mr. Bush talked about, the Points of Light Program. Those are all folded in, Mr. Chairman, as well as the Civilian Community Corps, authorized in 1990. Virtually every service program within our jurisdiction is folded into the Corporation.

Now what does that mean? We are not creating a new bureaucracy. We are bringing the existing bureaucracy into a reduced, more manageable form and having it run, not by one of the regular departments of the Federal Government, but by a newly created National Service Corporation.

In answer to the suggestion that there is 25,000 new Federal employees, Mr. Chairman, I would point out that this legislation provides for approximately 500 Federal employees, all but 75 of whom we already have in these other programs we are folding in. So, the administration will have a grand total of maybe 20 percent of the total Federal work force because the Federal Government is not going to operate these programs.

It is true that a department, like the Department of the Interior, could, like any city or State, apply to the Corporation for a program for environmental work or conservation, but they apply to the same people that they would apply to if they were a State, or a unit of local government, or a nonprofit organization. They do not have any right to have any part of this program because they are a Federal agency, and I suspect that there will be a limited number of Federal agencies that will be able to take advantage of it.

The authorization for this program includes the authorizations for all these programs I just mentioned to my colleagues. Let us get it through our heads. This is not an entitlement. This late in the budget process we should not be confusing entitlement with authorization, and for the gentleman from the Committee on Rules, I was a little surprised that he would make that kind of mistake because he, above all, knows the difference between an entitlement and an authorization. This is an authorization of $389 million and such sums thereafter, and I say to my colleague, "If you can turn that into $7.2 billion, you can only do it one way because the legislation makes it very clear that we do not advocate any appropriation in the second, third, and fourth years unless we can satisfy the Appropriations Committee that this program is working, and then only to the extent that we can establish that it is working we ask them to appropriate funds." It is true, as the gentleman said, that it would be funded out of HUD and VA appropriations, but let us not think about this as some clever legislative trick. What we are creating here is a new independent agency, as we did when we created the Post Office and when we created a lot of other——

Mr. SOLOMON. Mr. Chairman, would my friend yield?

Mr. FORD of Michigan. And it is funded like all other independent agencies. I do not decide that, and my committee does not decide that. That is decided by the rules of the House, and it is just the way the cookie crumbled when it crumbled and where the crumbs fell.

Mr. Chairman, having referred to the gentleman from New York [Mr. SOLOMON], I am going to yield to him. I hope that he was here when I quoted General Schwarzkopf about his support for this.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, let me say to my good friend, the gentleman from Michigan [Mr. FORD], that I appreciate the position that he is taking, and I thank both him and the ranking member, and my good friend, the gentleman from Wisconsin [Mr. GUNDERSON], for accepting the amendment in committee which deals with drug testing in his bill.

Mr. Chairman, I am pleased that the committee incorporated my drug prevention language into the bill and appreciate Mr. GUNDERSON offering the amendment. I also would like to thank Mr. GOODLING and Chairman FORD for their support.

My amendment suspends eligibility in national service for any individual convicted of using and selling drugs. We will not bestow Federal benefits to individuals who refuse to stop using and selling illegal drugs.

It is not unreasonable to ask the participants in this program, who will be serving others in exchange for Federal benefits, to stay away from drugs. You cannot adequately provide a service to others when you are involved with illegal drugs.

This drug language is supported by an overwhelming majority in both Houses and I hope that the committee will work to make it part of the final bill.

Under the terms of this bill, national service participants, convicted of possession or sale of a controlled substance would have their eligibility in any National Service Program suspended for a certain period of time.

The bill provides that first-time offenders who enroll in a drug rehabilitation program will be allowed to continue in the National Service Program. Repeat offenders would be required to complete drug rehabilitation before they could regain their eligibility. In other words, it steers people with a drug problem into a rehabilitation program.

This language is both firm and fair. It is fundamentally designed to encourage people with a drug problem to get help.

It also sends the message to our young people that you will not receive the Federal benefits if you cannot abide by our laws. Young Americans must be responsible for their own actions before they sign up to serve others.

Mr. FORD of Michigan. Mr. Chairman, reclaiming the balance of my time, I have one more duty before I finish.

I think it should not go unnoticed that this is the most bipartisan presentation that has been on the floor in this Congress. There are people who say that we have snarled ourselves up so badly, up here, that we cannot work together. Now, it is true that some people said things on the floor about what was in the bill, and they believe it because this bill is a little bit different than what the administration proposed, and it is to the administration's, in my opinion, credit that they worked with both Democrats and Republicans, conservatives and liberals, to modify their original proposal to meet what we thought were the realities of the budget that we would be facing in the next few years, and nobody deserves more credit for that than the gentleman from Wisconsin [Mr. GUNDERSON] of the Committee on Education and Labor and the gentleman from Connecticut [Mr. SHAYS] who is not a member of the committee, but if I could draft him, I certainly would, and also the new Member, the gentleman from Michigan [Mr. HOEKSTRA] who is a member of the committee and spoke earlier today in favor of the legislation. They have all had suggestions, they have all been accommodated, and this truly is not something that a bipartisan group of people came forward to embrace. It is something that a bipartisan group of people worked on together.

Mr. Chairman, I would hope that many other important issues that we have coming through our committee in this Congress can be approached in the same fashion, and it should be noted that there were people on the committee, on both sides of the aisle, who started out with severe reservations, and to the best of our ability we have met those, and the others we will meet when the amendments are offered. We are not yet operating under a rule on the amendment process for this bill, which should be noted, and I know the gentleman from New York [Mr. SOLOMON] will give me some points for this. I went to his committee and asked for an open rule so that no Member would be denied an opportunity to present any amendment that is permitted under the general rules of the House to this bill, and we will have, I am sure, a full and complete discussion of everybody's concerns when we get to the amendment process.

Mr. Chairman, I apologize to the gentleman from New York [Mr. SOLOMON] for having to cut him off.

Mr. HASTINGS. Mr. Chairman, I rise today to announce my strong support for H.R. 2010. This bill will allow young people who participate in community service jobs to receive financial assistance for education. It will also provide educational awards in return for participation in approved national service programs, and will fund the President's season of service.

H.R. 2010 will establish the Corporation for National Service, which may be full-time or part-time—including summer program—will make grants to states public, private nonprofit organizations, elementary and secondary schools and institutions of higher education. This bill will not establish new Federal bureaucracy. National service projects will be operated by nongovernmental entities, existing Federal, State, and local agencies, and colleges. Some programs would include individuals with graduate and professional degrees to provide health or legal aid to the poor or teaching in inner city schools. The bill will also establish an urban youth corp program under which youth between 16 and 25 years of age would participate in year round public works, public housing, or transportation programs in urban areas.

National service is not just for the poor, it's for everyone, regardless of their social and economic background. The National Service Program is a wonderful trade-off, education aid in return for service that is both important to the participant and of lasting value to the community. I urge my colleagues to join me in voting for H.R. 2010.

Mr. GUNDERSON. Mr. Chairman, I enthusiastically rise in support of the National Service Trust Act. I commend President Clinton and his staff in drafting legislation which will enable Government, at all levels, to effectively join with the private sector to revitalize communities throughout America. I would like to take this opportunity to outline the reasons that I strongly endorse the National Service Program.

First and foremost, national service provides public service opportunities for our youth while also giving them the chance to pursue postsecondary education. The National Service Trust Act offers an educational award of $5,000 to any student 17 years or older, regardless of income, who performs 1 year of full-time or 2 years of part-time service in a public service program designated by a State or by the Federal Government.

Second, the public service projects that will be conducted through the National Service Program will address unmet needs in many communities. Four priority areas have been outlined in this legislation: education, environment, human services, and public safety.

Education: Through public service efforts, tutors, teachers' aides, and other volunteers will be extremely helpful in trying to lower our dropout rate through reading and other literacy programs, helping parents become involved in their children's education at all levels, especially through early childhood education. Early childhood education programs throughout this Nation do not have the number of staff necessary to provide individualized attention which is so important to preschool age children as they develop their cognitive skills.

Environment: A current program that will be enhanced through the new National Service Trust Act is the Conservation Corps. The Conservation Corps has played a key role in cleaning our rivers and preserving and protecting our landscapes. As we have all witnessed the destruction caused by the floods throughout the Mississippi Valley, this Nation's Conservation Corps has been assisting many communities. I would particularly like to express my appreciation to the Wisconsin Conservation Corps, which has been especially helpful to several western Wisconsin communities that have been devastated by the flood. Their activities have included sandbagging, moving furniture, and debris cleanup.

Public safety: Our police departments and schools are in desperate need of committed individuals who will assist in organizing crime prevention education and anticrime activities.

Human services: I believe human services programs, especially the health care field, will be enhanced through national service. There are currently over 2,000 health professional shortage areas in the United States; over half are rural communities. Participants in the National Service Program could be extremely useful in providing medical assistance to those underserved areas, especially emergency medical services.

A third reason I support national service is that it combines democratic idealism with republican philosophy. My rationale for this statement is based on the following: First, working for an educational benefit and not obtaining a free grant, second, this program is not a financial aid program, third, this initiative encourages diverse participation for both the participants and the designated projects, fourth, local programs are required to provide a 25-percent match of program costs, fifth, flexibility is allowed regarding minimum wage, sixth, offers people instead of dollars as the solution for problems, seventh, opportunity for personal growth and responsibility, eighth, builds upon current projects funded by the National Community Service Commission which has awarded 58 grants to over 200 colleges and universities, ninth, funding will be based on success of program—the first year is funded in the legislation and subsequent years include such sums for funding language, and tenth, the $5,000 education award does not compete with the GI bill.

I urge my colleagues on both sides of the aisle to not only support this bill, but to go back to their districts and work with local communities in developing national service projects and see how those projects can have a positive impact on communities. Leslie

Lenkowski, the president of the Hudson Institute, said in a May 19, 1993, letter that:

> National Service makes government a partner, but not a lonely actor. National Service can point the way toward the proper role of government—not to solve our problems or even to try, but to make a limited investment in the people who will make the real difference.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of H.R. 2010, the National Service Trust Act. This is a bill that will benefit the nation on two levels; first by providing our young people with help to pay for college or to pay off college loans, and also by providing much needed services to and for the people of this country.

H.R. 2010 authorizes $389 million in fiscal year 1994 and such sums as may be necessary in fiscal years 1995 and 1996 for a national service program that would provide educational awards in return for participation in approved national service programs. This includes programs that assist those who are in most need of help, or help to rebuild our cities or protect and preserve the environment.

In the 1980's, we watched our young college graduates flock to Wall Street in search of wealth and instant prosperity. At the same time, our youth growing up in urban areas watched as prosperity came to others through seemingly little effort, while opportunity seemed to slip further away from their reach until it was nowhere in sight. As a result, our youth have turned to the illegal sale of drugs and violence as a way to pass the time. Our urban youth saw the sale of drugs as their only means of achieving prosperity. Our country has produced a generation that seems to have fallen victim to the trappings of instant self-gratification and did not think twice about helping their neighbors. We have raised a generation that believes that those who cannot help themselves should not be helped at all.

The National Service Trust Act is an attempt to return to the notion that we are all in this together, that we cannot succeed as a nation if there are people starving on our front steps while we sit back and discuss finances with our accountants. We must return to the belief in helping ourselves succeed by aiding others in their attempts to succeed.

There are many people who wish to offer their volunteer services to others, but simply cannot financially afford to take a job that will not help them pay for school or help to pay off their college loans. This is particularly true of students of color who wish to give something back to their communities, but their financial obligations unfortunately outweigh their richness in spirit. National service can aid these students by providing them with $5,000 in educational awards for 1 year of service.

At a time when the slow economic recovery has the potential to pit Americans against each other in the scramble for job security, I cannot think of a more effective way to unify this Nation than through national service. I strongly urge my colleagues to support this timely and progressive legislation.

Mrs. LLOYD. Mr. Chairman, I rise in support of the National Service Trust Act of 1993. This bill will give more lower and middle income students the opportunity to gain a postsecondary education. This legislation expands the Federal commitment to postsecondary education and at the same time addresses many unmet needs in our communities.

We have always prided ourselves on having one of the finest and most competitive university systems in the world. A look at current university enrollments confirms that the student population is representative of many different countries. Unfortunately, financial burdens have denied many American students of these educational opportunities provided in their own back yard.

As college costs rise and the trend toward using loans to pay these costs have risen in recent years, pursuing a higher education has become less attainable for many young people, particularly those from lower and middle income families who rely on loans and scholarships to pay for college. Many students are forced to work their way through college and often lose focus on their studies. I have heard from many of my constitutes about their desire to pursue a postsecondary education, but financial limitations obstruct their aspirations.

It is imperative that we make higher education accessible and affordable for all Americans. Education provides our work force with the skills to prosper in the marketplace. We must break down the financial barriers that inhibit our progress in education. The National Service Trust Act is an investment in our communities and is a significant step in making postsecondary education a reality to all students.

This legislation benefits both students and communities, alike. Our Nation has many crucial needs that can be met by public service. The national service plan is an incentive to serve communities in a variety of ways including teaching children in Head Start programs, initiating recycling programs, helping the elderly and disabled with daily chores, and assisting the police with public safety.

Mr. Chairman, this plan will encourage young Americans to serve fellow citizens and play a pivotal role in rebuilding our country. In return, this initiative will enable many students to pursue a postsecondary education they otherwise would be denied. I urge my colleagues to support this bill.

Ms. SNOWE. Mr. Chairman, the National Service Trust Act of 1993 provides Congress with an opportunity to empower Americans to assist their communities, gain important skills, and earn money for higher education. I am proud to be a cosponsor of this innovative legislation.

The National Service Trust Act would enable participants to earn as much as $10,000 for the college, university, technical training school, or vocational school of their choice. By fanning out into our Nation's communities to perform desperately needed services, participants will earn every penny of this educational award. It is money that every participant will feel very proud of having earned.

Many financially strapped localities have countless unmet needs. National service volunteers could meet some of these needs, thereby enhancing the quality of life within our Nation's communities. By performing tasks such as tutoring the illiterate, working in public health clinics, setting up community crime watch task forces, cleaning public parks and streets, renovating housing projects, and raising drug awareness, participants would make an invaluable contribution to our country.

Civic responsibility comes when people believe that taking responsibility is important and has an impact. The National Service Trust Act will show that it does. The National Service Trust Act would bring Americans from all social strata, and unite them in working toward a common goal—to better society and enrich the lives of others. The national service experience would leave an indelible and favorable mark on each participant.

The National Service Trust Act would harness the energy of the countless dedicated Americans and socially conscious organizations across the country. I urge my colleagues to support the National Service Trust Act.

The CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DELAURO) having assumed the chair, Mr. FIELDS of Louisiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2010, National Service Trust Act of 1993, which we have just debated.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## NATIONAL VETERANS GOLDEN AGE GAMES WEEK

Ms. BYRNE. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 190) designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week," and ask for its immediate consideration.

□ 1750

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Madam Speaker, reserving the right to object, and I shall not object, I would simply like to inform the House that the minority has no objection to the legislation now being considered, and I am rising in support of the legislation.

Madam Speaker, every year the Department of Veterans Affairs hosts the National Veterans Golden Age Games, a national multievent sports and recreational competition for veterans, age 55 and older, who are currently receiving medical care from a veterans medical center.

Previous games have been held in Georgia, Colorado, Indiana, Texas, Florida, and Michigan. This year the games will be held at the Veterans Medical Center at Mountain Home, TN, which is located in the congressional district of my colleague, JIM QUILLEN.

To commemorate this week-long competition, Representative QUILLEN has introduced House Joint Resolution 190, designating the week of July 17-23, 1993, as National Veterans Golden Age Games Week. Sports and recreation are integral components in veterans rehabilitative medicine and help improve the health and quality of life for older veterans. Veteran athletes from across the country will compete in events such as swimming, bicycling, tennis, bowling, and several other activities. Special wheelchair competitions will also be held.

Madam Speaker, I am pleased to be a cosponsor of House Joint Resolution 190, and I support passage of this resolution.

Mr. GILMAN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 190

Whereas from July 17, 1993, through July 23, 1993, the Department of Veterans Affairs Medical Center at Mountain Home, Tennessee, will host the seventh annual Veterans Golden Age Games;

Whereas the games are a national multievent sports and recreational competition for veterans, age 55 and over, who are currently receiving medical care from the Department of Veterans Affairs;

Whereas sports and recreation are integral components in the rehabilitative medicine programs offered at Veterans Administration hospitals, and help improve the health and quality of life for older veterans;

Whereas veteran athletes from across the United States will compete in events and competitions at the games;

Whereas the National Veterans Golden Age Games Program serves as a showcase for the prevention and therapeutic medical value that sports and recreation provide in the lives of all older Americans; and

Whereas the games provide further recognition of the valiant service given to the Nation by its veterans: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That July 17 through July 23, 1993, is designated as "National Veterans Golden Age Games Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

Ms. BYRNE. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 54) designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Madam Speaker, reserving the right to object, I would like to commend the gentleman from Ohio [Mr. APPLEGATE], who is the chief sponsor of this legislation.

Madam Speaker, I rise in strong support of Senate Joint Resolution 54 designating April 9, 1994, as "National Former Prisoner of War Recognition Day." This resolution is identical to House Joint Resolution 6, which I am pleased to cosponsor in the House. I would like to commend my distinguished colleague from Ohio [Mr. APPLEGATE] for his tireless efforts to honor those who were held as prisoners of war and resolve the fate of American servicemen currently held as captives of war in hostile nations.

As we honor our former prisoners of war, let us bear in mind that there is a great deal of evidence that the governments of Vietnam, Laos, and Cambodia hold information which could resolve the status of many Americans who are still unaccounted for. Despite the difficulties involved, we are deeply committed to resolving the POW-MIA issue. This issue is a humanitarian matter of such great importance that it is difficult to understand why some governments continue to stonewall our Nation. For this reason, I continue to oppose the normalization of relations with Vietnam, and I oppose the granting of additional IMF loans to Vietnam as well.

By supporting Senate Joint Resolution 54, we will be taking an important step to honor Americans who have served in the Armed Forces, particularly those who were formally held as prisoners of war, as well as those who may still be held in captivity.

Let us observe April 9 as a day to commemorate the courage and determination of these brave Americans in upholding the principles of freedom and democracy.

Accordingly, Madam Speaker, I urge my colleagues to support this resolution.

Madam Speaker, I am pleased to yield to the distinguished gentleman from New York [Mr. SOLOMON], who is the ranking member of our Committee on Rules.

Mr. SOLOMON. Madam Speaker, I certainly thank the ranking member of the Committee on Foreign Affairs, with whom I had the privilege of serving for so many years on that committee. The gentleman from New York has also served for many, many years, I think every year I have been here for 15 years, as a member of the Task Force on POW-MIA issues.

The gentleman has been the chairman of that task force, and I have served in that capacity myself. I want to commend him, and I want to commend the gentleman from Ohio [Mr. APPLEGATE], who has also served in that capacity, for bringing this resolution before us.

It has always been American foreign policy never, never to forget our POW's and MIA's and to always pursue the final accounting for each and every one of them. As a matter of fact, we are still pursuing these matters even back to the Korean war. As the gentleman knows, just the other day the People's Republic of North Korea finally accounted for some additional remains of some soldiers from that period of time. We will never forget them, and again I just want to commend the gentleman for all he has done. I notice the bracelet he is wearing, and I commend him for his efforts.

Mr. GILMAN. Madam Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for his continuing efforts on behalf of our POW's and MIA's. Yes, I served with the gentleman from New York [Mr. SOLOMON] when he chaired our task force on MIA's and POW's as part of our work in the Committee on Foreign Affairs. He is always there when we need help for our veterans, and I thank him for his service on the Committee on Veterans' Affairs.

Madam Speaker, I urge my colleagues to support this joint resolution.

Mr. GILMAN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 54

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment; and

Whereas the great sacrifices of such prisoners of war and their families deserve national recognition: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That April 9, 1993, and April 9, 1994, is designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

### AMENDMENT OFFERED BY MS. BYRNE

Ms. BYRNE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BYRNE: page 2, line 3, strike "April 9, 1993, and".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Virginia [Ms. BYRNE].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

### TITLE AMENDMENT OFFERED BY MS. BYRNE

Ms. BYRNE. Madam Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Ms. BYRNE: Amend the title so as to read: "Joint resolution designating April 9, 1994, as 'National Former Prisoner of War Recognition Day'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Ms. BYRNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

## CONCERNS OF A CONSTITUENT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. WELDON. Mr. Speaker, we have heard a lot of rhetoric from my colleagues on the other side trying to defend the largest tax increase in the history of the world. It is time to listen to the constituents we represent.

I got a letter recently from Spike Yoh, the chief executive officer of Day & Zimmerman, one of the Nation's largest engineering firms.

I quote from his letter to me:

Orders were starting well this year, but they have now been put on hold while clients have taken a wait-and-see attitude about the impact of the President's economic plan and the soon-to-be-announced health care program. Those of you in the Congress may not be aware of the breaking effect that these two huge unknowns are having on the willingness of business leaders to commit to investment right now. Capital projects in the private sector have all but stopped. Expansion, improvement and modernization projects seen as essential to keeping American business competitive in world-class markets have been shelved.

He goes on to say:

The simple truth is that jobs are not created through the transfer of capital from the private sector to the public sector.

He goes on to say:

Let us not follow the lead of New Jersey, which is now suffering.

He goes on to say:

History has repeatedly proven that economic growth is not fueled by higher taxes.

I say to my colleagues, let us listen to the people of America. Let us vote down the Clinton economic tax plan.

Mr. Speaker, I include for the RECORD the letter to which I referred:

DAY & ZIMMERMANN, INC.,
*Radnor, PA, May 27, 1993.*

Hon. CURTIS WELDON,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WELDON: As you prepare to vote on President Clinton's tax package, I thought it worthwhile to give you a view from the marketplace to help inform your decision process on a yes or no vote for the package as presented.

By the way of background, Day & Zimmermann is a 93 year old company headquartered in southeastern Pennsylvania with a substantial proportion of its 12,000 worldwide employee population located here in the Delaware Valley.

During our long history of growth, we have weathered economic cycles well, except for the great depression, through aggressive management and diversification. This year, however, is presenting a different picture. It started well, with new business orders continuing to come in. But these orders have been put on hold while clients have taken a wait and see attitude about the impact of the President's economic plan and the soon-to-be-announced health care program.

Those of you in the congress may not be aware of the braking effect that these two huge unknowns are having on the willingness of business leaders to commit to investment right now. Capital projects in the private sector have all but stopped. Expansion, improvement and modernization projects seen as essential to keeping American business competitive in world-class markets have been shelved.

As a consequence, and in spite of our diversification, Day & Zimmermann is in the unfamiliar and uncomfortable position of having to let employees go, across a broad range of specialties.

If the tax program as presently stated is passed, it will cost more jobs in the Delaware Valley. The simple truth is that jobs are not created through the transfer of capital from the private sector to the public sector. We have proven that locally with the end of economic growth in Pennsylvania with the enactment of the billion dollar tax increase of '92, and in New Jersey with its now second highest unemployment rate in the country and loss of 400,000 jobs after passing its largest tax increase in history.

As important an issue as the deficit is, I do not believe that it can be improved by crippling the private sector. History has repeatedly proven that economic growth is not fueled by higher taxes.

In the best interests of the people of the Delaware Valley—and of our country as a whole—I ask you to vote no on the Clinton tax bill.

Sincerely,

SPIKE.

## VACATION OF SPECIAL ORDER AND INSTITUTING NEW SPECIAL ORDER

Ms. BYRNE. Madam Speaker, I ask unanimous consent to change the 60-minute special order of the gentleman from New York [Mr. TOWNS] for July 13, 1993, and substituting therefor a 50-minute special order.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

## VACATION OF SPECIAL ORDER

Ms. BYRNE. Madam Speaker, I ask unanimous consent to vacate the 60-minute special order on December 5, 1993, for the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

## ECONOMY MUST GROW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 5 minutes.

Mr. DOOLITTLE. Madam Speaker, I have had some things on my mind for some time, and each day it seems I am reminded of this and the theme is strengthened.

Today's Washington Post discusses Mr. James Hudson, the man who worked at the Lincoln Memorial for the National Park Service and who was paid $29,000 a year. It turns out he worked for 8 years but was still considered a temporary worker, and therefore had no benefits of any kind. He was a good worker. He passed away due to a heart attack which he sustained during the heat spell, and leaves behind, I understand, a wife and seven children.

That was troubling to me, to think that we have an individual in this country in that sort of a situation.

I have also been carrying around a Sacramento Bee story which discusses, oddly enough, hunger in California. Their statistics indicate that 1 in 9 Californians does not have enough food every month, that the Golden State has fallen on hard times. We have the longest economic depression in California since the Great Depression of the 1930's.

This article contains a story about another couple which I would like to just briefly share. Theran and Karen Norman of the Silicon Valley once had a combined income of $80,000. Now they drive to and from the San Jose homeless shelter in a 1929 Mercedes Benz they are desperate to sell. Their six grown and teenage children are living with others, and one day last month their world consisted of the car, $3 in cash, and a half a tank of gas.

"We haven't told anyone in our family where we are at," Karen Norman said. "We are in shock." Last year the couple were both employed, but had little savings. Then Theran Norman's job went overseas, along with 1,500 others, when Atari Corp. sold to a Taiwanese company last year. Karen Norman, who made software for a computer programming company, was laid off in May.

Such stories are becoming more common throughout California where the recession continues to devastate businesses and lives, pushing welfare rolls and other measures of hunger to record levels.

I have received a couple of letters from my own constituents which at this point I think time does not permit me to read, but I shall read portions of them in the future. But basically they are in a similar vein.

Then I read in the July 12 issue of Fortune magazine, in fact, I am having a graph reproduced for future discussion before the House, but in the July 12 issue of Fortune, which I think is the current issue, they make this statement: "For workers, from Wall Street to Main Street, real compensation, including benefits and bonuses, but not options, fell 1.5 percent over the past two decades."

I have a graph of this, but I will just explain it because I do not believe people can see it. But this graph shows that, say, from 1950 through 1970, real compensation per worker, so that is adjusting for inflation, real compensation per worker increased from $14,000 to $24,000. From 1970 to where we are today, 1993, it has actually slightly decreased.

Now, what is the implication of that for our future as Americans? The implication is not good, to say the least.

A couple of years ago, August 12, 1991, Fortune magazine, they have an article on retirement, "How Safe Is Your Nest Egg," and related articles.

It makes the startling statement in there that today's baby boom generation, when they retire, will have one-half the real wealth that their parents had accumulated.

Madam Speaker, the reasons for this are clear: Our economy has been growing at a much lower rate. Even considering the relatively good years of the 1980's, the rate began to slow down in the middle 1970's, and we have never recovered from that.

The slow growth, I believe, is due to the interaction of the high deficit, the high debt, and the annual deficit that produced it, and perhaps as important, if not more important, the amount of regulation. These two factors are sapping the economy of its vitality.

Today we heard in 1-minutes is the Cost of Government Day, meaning today, by July 13, every dollar you earn from now to the end of the year is your own, and every dollar earned from January 1 until today is a dollar you owe the Government.

This is outrageous, Madam Speaker. We must do Americans a favor, whether they are liberals or conservatives, Republicans or Democrats or Independents. It is our job to make this economy grow, to cut the spending, to cut the taxes, to help the families stimulate the economy, and get us back on track, recognizing, as President Kennedy said, that a rising tide lifts all boats.

## ORDER OF BUSINESS

Mr. SOLOMON. Madam Speaker, I ask unanimous consent that the gentleman from California [Mr. HERGER] be allowed to precede me in the order of special orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## TRIBUTE TO THE HONORABLE EUGENE A. CHAPPIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HERGER] is recognized for 60 minutes.

Mr. HERGER. Mr. Speaker, today my colleagues and I have asked for this special order to pay tribute to a former Congressman, Gene Chappie of northern California, who passed away this past year.

Gene Chappie, or Gino, as his friends called him, served in this body from 1980 to 1986, and was my predecessor representing California's Second Congressional District.

His three terms in the Congress capped a remarkable 40-year career in public service.

Gene served in the Pacific with the Army in World War II, and also in the Korean war. He won his first election in 1950, to fill an unexpired term on the board of supervisors of El Dorado County. He served on the board for 14 years, and as a result, he had a keen understanding of the problems facing local governments.

In 1964, Gene was elected to the State assembly, where he spent 16 years representing many of northern California's rural counties. His years in the legislature included the period when Ronald Reagan was Governor, and Gene forged a lasting friendship with the Governor that continued when Gene was elected to the Congress and President Reagan was in the White House.

In 1980, Gene ran for Congress, and after a vigorous campaign in a sprawling 12-county district, he defeated the dean of the California delegation, who was also chairman of the Public Works Committee.

As he had done in the legislature, Gene fought tirelessly for rural communities whose economies depended on agriculture and timber.

Gene retired from the House in 1987 because he said he "didn't want to be like some of the old codgers who leave Congress only when they're taken out on a stretcher." However, in 1989 he was brought out of retirement by Gov. George Deukmejian, who appointed him to a vacancy on the El Dorado County Board of Supervisors. It was fitting that his career came full circle back to local government in his home county.

Gene was known as an able legislator who could get things done. However, Gene was never one to take himself or anyone else too seriously.

One of my greatest regrets is that I never had the opportunity to enjoy the camaraderie of serving with Gene. He had a keen sense of humor, and he loved practical jokes. He set a tough standard for me to measure up to.

I succeeded him in the State assembly, and when he left the Congress, I again followed in his footsteps in the House. He was a tireless campaigner, and he managed to visit every corner of his district frequently. That was quite an achievement, since his district was larger than 10 States of the Union. Even though he served in elected office for more than 40 years, he remained a man of the people. When I was a freshman here in the House it never ceased to amaze me how everyone knew and loved Gene Chappie.

That included the Capitol Police, the maintenance people, and the elevator operators, and other service people who Gene befriended. He kept them laughing with jokes and stories, and he remains one of their favorite Members even to this day.

I might point out that this was characteristic of Gene, and it tells us what kind of man he was, because none of these people lived in his district or could vote for him. These were people he appreciated, because they were the people who do so much of the work around here. They loved him, and I know they miss him a great deal.

Gene was a great supporter of mine in all of my campaigns, and I learned a great deal from him. He gave me valuable advice on dealing with people and with particular communities in the districts we represented. He helped me learn things that you wouldn't really have discovered until you had served for a few years.

Gene's experience greatly benefited the people of northern California not only when he was serving them himself, but as well through those who came after him, who had his advice and support. Gene was always someone who was there to help and that will always be remembered with our sincere gratitude.

There were many times I enjoyed listening to the colorful stories that only Gene Chappie could tell. They were truly unique.

Whether it was in a small group or before a large crowd, he could really say it like it was. He could joke about it, see the humor in it, and have fun with it in a way that we could only describe today, quite frankly, as politically incorrect. But, in being politically incorrect, he brought people together to laugh at themselves and at the ridiculous situations we can create.

□ 1800

Madam Speaker, I yield to a colleague of his who was elected at the same time that Gene Chappie was, in 1980, the gentleman from California [Mr. DREIER].

Mr. DREIER. Madam Speaker, I thank the gentleman for yielding to me.

I would like to congratulate the gentleman for taking out the time on this special order. As I was walking over here thinking about what I was going to say about Gene Chappie, I was just having an exchange with my friend, the gentleman from Rockland, CA [Mr. DOOLITTLE], who is now walking out of the Chamber because he is probably nervous about what I might say about Gene Chappie, I was struck by the fact that there is so many things that I could say which cannot be said here on the floor of the Congress.

The gentleman from California [Mr. HERGER] very nicely referred to the fact that Gene Chappie kept everyone laughing with his jokes, but he was so much of a diplomat in his statement that he did not say that many of those jokes are, quite frankly, very off-color. And I will say that he had Members on both sides of the aisle laughing regularly.

He had, yes, the elevator operators, Robbie, the officer who stands right outside the corner of Independence and New Jersey, people all over this Capitol in stitches.

The point that comes home to me on this issue, Madam Speaker, is the fact that Gene Chappie was a caring person who enjoyed seeing people happy, and that is why he would go to a great deal of effort to ensure that that story, which he could only tell in his inimitable way, came through loudly and clearly.

I will say that he was a very caring person. I found that out on many occasions.

I had the privilege of being elected with him in 1980. We came in, and the gentleman from California [Mr. HERGER] reminded me that we, Gene Chappie and I, were among the 33 Republican Members who unseated entrenched Democrat Members of the House of Representatives. Gene Chappie unseated the chairman of the Committee on Public Works and Transportation, Mr. Johnson. And he campaigned by riding in his Jeep, starting in Cool, CA, his home, all over that large district to which the gentleman from California [Mr. HERGER] referred. And he had all kinds of great stories that he used to tell about those campaign experiences.

But he had a grassroots organization that really was built from the ground up. He did it, obviously, in his other campaigns for county supervisor and as a member of the State legislature.

I was reminded, when we recently planted a tree here, our friend, the gentleman from Redlands, CA, Mr. LEWIS, talked about the fact that Gene Chappie had been chairman of the rules committee in the assembly when the Republicans were in the majority in 1970. And that, of course, made him one of the most influential people in the entire State of California. So he had that leadership position. He very much wanted to see this House of Representatives go into Republican hands. He and I talked many times about the fact that we were going to see a majority, and I remember one of the last things that he said to me, when he made his decision to retire in 1985, was that he said, "DAVID, you are going to have a chance to see a Republican majority in that House."

And I will say that, as I see my friend, the gentleman from Glens Falls, NY [Mr. SOLOMON], and the gentleman from California [Mr. DOOLITTLE], and the gentleman from California [Mr. HERGER] and others who desperately want to see that happen, I want Gino to know that we are still struggling with hope that we will soon have a Republican majority in the House. But quite frankly, we all know it has not happened yet.

So I stay here because I enjoy this work, and there are other reasons. One of those is I often think about how Gene Chappie said to me, as he decided to retire from this institution in 1986, that we are going to see a Republican majority.

One of the little instances that comes to mind, he would go around this Capitol doing all kinds of wild and slightly irreverent things. One day I was going to his office, which was in the penthouse of the Longworth Building, and he never chose to move from that office, as I recall. He moved into that office in his first term and stayed there throughout his entire tenure here.

But on his birthday, several members of his staff got a little pig and put it in his office. And he came in for his birthday, and this pig was running all over his office. And that created a bit of havoc as members of the media and constituents came in to visit him. But he also took his work here very seriously. Even though he was one of the most lighthearted people you could possibly have serving in this institution, he was very committed to the outdoors.

He represented that massive district, which I guess is shared by the gentleman from California [Mr. DOOLITTLE] and the gentleman from California [Mr. HERGER], and I do not know who else has parts of that original district that Chappie represented now. But Gene was clearly a man of the people and the Earth, and he was regularly enjoying it.

I deeply regret the fact that I never seized the opportunity to visit Nancy and Gino, when they were regularly extending invitations for me to come up to northern California and visit them. It is one of the regrets I will always carry with me that I did not get a chance to go up and visit.

I saw pictures, and I heard great stories about it. I want to say that I love the gentleman from California [WALLY HERGER], but there was a real void created when Gene Chappie left this place.

□ 1810

I have missed him ever since, and was very saddened a year ago when I heard of his passing. I am glad that we are able to rejoice in the great life that he had here and in California. I was glad that we were able to plant that tree out here on The Mall a few weeks ago.

I was bugging WALLY HERGER on a regular basis over the past year, saying, "Why can't we take time to talk about this great life of Gene Chappie," and I am happy that we are finally able to be here tonight doing that.

I wish well to all the members of his family, and I want him to know, I want all of the members of his family, to know that I greatly, greatly miss their father and husband, who was an inspiration and a source of much fulfillment and entertainment for many of us here.

I thank my friend for yielding to me.

Mr. HERGER. I thank the gentleman very much for his comments, and sharing some of his experience with our good friend, Gene Chappie.

I would like to recognize another gentleman from California [Mr. DOOLITTLE], an individual who was elected to the California State Senate at the same time that Mr. Chappie was elected to Congress. As a matter of fact, all three of us were running in portions of Congressman Chappie's district. I had the assembly seat that he left.

I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for yielding to me. I am certainly pleased to be here to participate in this special order.

I first saw Gene Chappie when I worked at the legislature as a staff member. As Mr. HERGER alluded to, we did not serve in elective office in the legislature at the same time, because I was elected in 1980, just as he was moving on to Congress.

Gene Chappie, like B.T. Collins, whom we talked about on the floor here a while ago, was another one of those individuals who would be properly characterized as a living legend. He was a legend right there in the California Legislature. Everybody knew Gene Chappie and knew about Gene Chappie and knew his traits and so forth, as some of the stories that we have heard others tell.

The story I remember, and I cannot even remember what was said, but my first encounter with Gene Chappie was a wisecrack made in a crowded elevator as he was going down. The doors closed, and I do not remember exactly what the words were, but it was funny. He was a funny man. He really could have served, I think, in the entertainment business and earned a good living at it. He was very natural, very down-to-earth. People responded to him. He was a warm human being.

My first memory of Gene Chappie as an elected official was when he was in Congress and I was in the State senate. We both represented the County of Siskiyou, in the far north of California. Every year there is a parade, and this year, which I guess would have been, I do not know, 1985, something like that, or 1986, maybe, we were both up there for the parade. It was a very short parade, just two blocks long, because Etna is not a very big town, but it is the only time I have ever ridden an elephant. I remember standing there with Gene Chappie, both of us, and Gene Chappie, I thought to myself, "My word, here is a man that has held elective office for," in fact the gentleman may have read it in the record, I do not know how long, but probably at least 20 years or longer, in different capacities.

Mr. HERGER. A total of 40.

Mr. DOOLITTLE. A total of 40 years, I thank the gentleman; a very extensive career.

I thought, "Here he is, at his station in life, he is still out there on the hustings." He climbed up on that elephant. In fact, he went before I did, as I recall. Riding an elephant is no big deal, I suppose, but it is an unusual experience. When you are on an elephant, your feet are about 8 feet off the ground. It is quite a high animal.

One of the things you think about when you are on top of it is that you kind of hope that you do not fall off. They had a little seat for you there. Gene, I remember, before the ride and afterwards, we were sort of waiting in a place while the next event was to occur. He was wisecracking about the things one has to, you know, put up with in public office. He did it cheerfully, and it is just a memory that will always stick with me in my mind. It was sort of a special memory I have of Gene Chappie, for someone who has now passed on.

The last time Gene and I actually interacted in a public place was at the debate in Placerville in 1990. He had been appointed by Governor Deukmejian to fill out the balance of the term on the board of supervisors, and I guess the board of supervisors is where he started, there in El Dorado County. This was, of course, 1990 was a very difficult time in California. That was the harbinger of 1992. We had just had the budget summit agreement, and at that time, I did not necessarily attribute it to that, but in retrospect, I think people were not in a very happy mood in that election, in our part of the State particularly. The recession had taken effect and people were very much not at rest with incumbent elected officials.

I remember the packed room, and once again, I thought to myself, "Here is a man, a truly distinguished public servant, who has had a long career and done many things for the benefit of his constituency, and no slack was cut Gene Chappie. He had an opponent that ran against him, never held public office, and Gene was having to defend votes he cast in Congress. This was, of course, a race for county supervisor.

The man had a lot of character. He was a tough man. He was up there, fielded all the questions, and stayed the course through the election. I always admired Gene Chappie. What you saw was what you got. He spoke plainly, and people respected that, particularly the people that worked around any of the places where he might have been: The legislature, the House of Representatives, in the county of El Dorado, the people that one could go by and not notice if one were inclined to do that, but Gene Chappie always noticed them, always took an effort to inquire about them, to let them know that he cared about them. I think people sensed a very special rapport with him.

When I think of Gene Chappie, I think of the Jeep. The two go hand-in-hand. That was one of his trademarks, so to speak. I remember him telling stories about the problems he had with the Jeep here in Washington, DC, in terms of it being stolen, or perhaps vandalized, but that was something he always had was a Jeep.

I understand that it was not just for show. He would go and run this in the races that they would have with off-road vehicles, one in particular every year that he would participate in, at least one that I know of.

Gene would shock people. Sometimes they would go into his office and they would find something nailed to the wall. They were not sure what it was. It was a dried cow pie. He was just a character. He liked to shock people, in that sort of a sense.

He was a good, loyal American, a good Republican. He was a man who had, I think, quite a profound understanding both of government and of politics, and insight into people's needs. He truly was beloved of the people, and we could see that, certainly, at his funeral service.

Everywhere he went, even today, those who know Gene Chappie would mention his name and a smile comes to their face as they remember him.

It was my pleasure to know Gene. We were not close friends, just because of the way our careers were situated. We did not have that much opportunity to interact, but I always paid attention to him, because I always felt I was dealing with someone who was just a little bit larger than life. I think that is how he would be remembered.

It is certainly my pleasure today to join in the special order to commemorate his life, his career.

□ 1820

Mr. HERGER. I thank the gentleman from California [Mr. DOOLITTLE] for sharing some great experiences of our former colleague and good friend, Gene Chappie.

At this time I yield to the gentleman from New York who served with Congressman Chappie for 6 years, Mr. SOLOMON.

Mr. SOLOMON. I thank the gentleman for yielding. I hesitate to speak at this time because there are so many Californians here who genuinely loved and respected Gene Chappie. But I just want you to know that it is not just a California affair. Just as Governor Deukmajian, former Governor of California, had such respect for Gene Chappie, and, incidentally, Governor Deukmajian was from upstate New York from near my home, a very fine gentleman indeed, but those of us on both sides of the aisle had such great respect for Gene. I did for a number of reasons.

But I used to look up at his name up there under the "C's" and you would see a red light over next to SOLOMON's name, and a red light over next to Chappie's name, and I would say to my colleague, the gentleman from California [Mr. HERGER], I noticed you are following right in the same vein with lots of red lights. And it reminded me of Gene Chappie's philosophy somewhat, because I used to sit right back there in that Cloakroom with him, and he would have a cigar, or the stub of a cigar in his hand, but you never saw it lit. But he always had that cigar in his hand, and I would think of his philosophy because of all of those red lights. And I would remember what was Abraham Lincoln's philosophy, and Abe Lincoln used to say we should only provide those services to the people that the people cannot provide for themselves. In other words, small government. He came from, I guess, a philosophy of people like myself that served in local governments, went on to the State government, and finally came to the Congress. But they knew what mandates were on private industry, they knew what mandates were on school districts, what they were on local governments, and that is why you saw so many red lights up there.

But without taking up too much of the time, because I know you have other speakers, I just want to say that Gene Chappie did have a great sense of humor and, yes, the policemen and the elevator operators loved him. But so did we.

Some of us tend to, I think, take ourselves too seriously at times, and I can recall being very serious, and storming off the floor, and going back into the Cloakroom. And there would be Gene, sitting there, and he would tap you on the shoulder, and he would tell you a little funny story, and it kind of lightened things up. And he was one of the reasons why some of us have not gotten ulcers around here, I guess, in all of these years.

But Gene was only here for 6 years. It seems like a lot longer than that. He was just a great man, a great human being, and a great American, and I appreciate the gentleman taking the time for this special order to honor this type of an individual.

Mr. HERGER. I thank the gentleman from New York for sharing that with us. As he alluded to, Gene Chappie did vote no a lot, and I think it was for the reasons you mentioned.

I can remember Gene sharing with me the story of his parents who came over from Italy, and his growing up on a small farm up in cool California in the El Dorado County up in the foothills above Sacramento, and his working. I remember him indicating how proud he was as an immigrant whose parents had emigrated here that he was able to be elected to office, again, first as a member of the board of supervisors, then to the State legislature. And it was always his dream, I believe, to have the opportunity someday perhaps as the son of an Italian immigrant to be able to serve in the Congress of the United States. And certainly he was able to achieve that and did so very well in that capacity.

I would now like to yield to another gentleman from California who served with Congressman Chappie, Mr. LEHMAN.

Mr. LEHMAN. I thank the gentleman for yielding, and Madam Speaker, I thank my colleague, WALLY HERGER, and appreciate very much his doing this this evening. I was in my office, frankly, doing some work with the television on, tuned to the House floor and saw that this was happening, and I just felt compelled to come down here, unprepared as I am, just for a few brief moments to speak about my friend, Gene Chappie.

I met Gene Chappie when I went to the California legislature in 1976, and I can say without fear of contradiction that he was one of the best friends I had there in the legislature. I am a Democrat. He was a Republican. But those things did not matter that much. We sat together on committees as Democrats and Republicans together, and I served on the Agriculture Committee together with him, and we served on the Water Committee together, and we generally shared the same interests.

I will never forget the man, Gene Chappie. There was a lot of talk there tonight about Gene Chappie being a Republican, but I remember him primarily as a man, and a real man in the strongest sense of the word, who believed above all in honesty and in keeping your word. And in fact, one of my fondest memories of a lesson in the assembly was one time—and I know my colleague, Congressman LEWIS who is here was there in those days and shares many of these memories with me as well—but I will never forget there was a very important vote on the Republican side of the aisle on leadership. And a freshman Republican, I guess, had voted against the way he had professed he would vote on that matter. And a few days later on the floor of the assembly there was a crucial vote in which this Republican member had a bill up, and Geno, as we used to call him, was up in his office listening to his squawk box, he heard the vote was up and it was tied on the House floor. He walked down to the floor late that night, and they lifted the call, and he cast his vote against the Republican. And I will never forget the Republican coming over to Geno and he said, "Well, why did you do that?" And Gene said, "My friend," and his cigar was in his mouth, "one thing you got to learn around here is how to keep your word." And he taught lessons like that to people on both sides of the aisle at all times.

Again, some of my fondest memories of Gene were in the social settings that we got together with him in Sacramento. Often on these late night sessions, as we invariably had, we would find ourselves finding our way to Gene's office late at night where we would all sit around, Republicans and Democrats together, talking about what was going on on the floor, and sharing stories, and maybe easing some of the pain and also the tensions that we had in those days. And Gene was a great one at helping people to relieve tension. Again, I do not think he cared so much about where you stood, but that you stood for something, and that you came from someplace solid inside of you when you made those decisions, because he certainly did.

Also I remember every year he used to sponsor a bus trip that we would take up to the Auburn Dam site, and he would get all of the Members who wanted to go to ride up there in that bus with him to take a look at that big hole in the ground that was sitting there. And we would circumnavigate the dam site, and then hear Gene's perspective on things, and then we would go to a nice restaurant up in Gene's district for the rest of the evening.

He was dearly loved by everybody in the legislature, and I know is as greatly missed out there as he is back here. He brought the same type of character to this House, the same type of commitment to the people that he represented, and the same type of friendship with anyone who would look him in the eye. And I am just proud to have spent some time with him, and to have known him, and to have considered him a dear friend of mine, a person who I will miss very much, and a person who I can honestly say taught me some things just watching the way that he operated, the way he represented his people, they way he stood up for his beliefs, and the great sense of humor that he used in going about the very serious business of life that always made it much easier for everyone.

He was a man who loved the Earth, who loved the outdoors, who was, as was mentioned earlier, someone who really loved to go around in Jeeps and other vehicles in the mountains, and had a real sensitivity towards the area that he represented, and a real relationship on a human level with all of the people he represented, Democrats and Republicans. He was a true man of that district, and a true Californian in the great historical sense of great men in our State.

I loved him very much, and like the rest of the people speaking tonight, I am going to miss you, Gino.

Mr. HERGER. I thank the gentleman from California [Mr. LEHMAN] for sharing those memories of our good friend, Gene Chappie. There is a point that comes across with each of our colleagues who are sharing time this evening, and that is the friend that Gene Chappie was to everyone. I mentioned earlier about the friend he was not just to people in his district, but to the elevator operators and to the police, to those people who worked around us here. But he was a friend to everyone.

I remember very vaguely when I was running the first time again, Gene Chappie, who had served 16 years in the State Assembly, was running against a 22-year incumbent in 1986. Nineteen eighty-six was not a particularly good year for a Republican running against a Democrat, but yet Gene Chappie was doing so. And with an incredibly tough race that he had, an incredibly tough challenge, Gene Chappie was still there to work with me when I was running for my first elective office, to help me know the lay of the land, to help me know the different elected officials in the different counties, the different individuals that it would be important he felt for me to meet, and the different little pointers that I should know.

☐ 1830

And again Gene did not have to do this. He could very well have spent all the money working on a very tough campaign of his own, but again, another example of Gene Chappie's being a friend to everyone.

And, Madam Speaker, I yield to another longtime friend of Gene Chappie's, who served with him many years in the State legislature, served with him here for 6 years and shared a very close relationship with him, and also someone who had been working together with us on this Gene Chappie memory time.

Madam Speaker, that is the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Madam Speaker, I thank the gentleman from California [Mr. HERGER] for taking this special order and giving us an opportunity to express our feelings for our good friend.

I suppose I have never experienced a time in my life when it was more difficult for me to talk about a friend than it has been to talk about Gene Chappie since the moment of his death, at the memorial service we had here several months ago, and this evening as well.

I was thinking as I sat here looking at our Speaker, the gentlewoman from California [Ms. ESHOO], who I do not believe had the opportunity to serve specifically with Gene, and I am not really certain how well she knew him, but I can tell you this, the more you knew him, the more you loved him.

He in turn would, without any question, go beyond providing lessons for all of us, would have in a very real way shown his own affection and his friendship to you and yours.

Gene Chappie: I remember at the memorial service that we had here, where I was reminded of that etching on one of our great buildings in the State capitol in which it is said, "Bring me men to match my mountains."

On that occasion, I mentioned that of all the people I had ever known, surely Gene Chappie was one for whom that statement was meant.

Beyond that, there is an old commentary about "the most unusual character I have ever met." That comment, if it fits anybody, it fits my friend Gino Chappie, a very, very unique individual. They call him "the gentleman from Cool," Cool, CA, a community that got its name because Gene plucked that name out of the air, enjoying the cool atmosphere of his district and at the same time, making fun of the society that talked a lot about cool in those days.

Gene had a most unusual sense and understanding of people, the people of California, especially the people of the gold country that he represented for so long. He cared about every human being who took the time to get to know him or where he had the chance to get to know about that individual and his or her individual problems.

Mr. HERGER. I yield to the gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the gentleman for yielding.

Madam Speaker, I think that is an appropriate time at this time: Gino was a person that I got to know very well, basically because he got to know me very well. I had the privilege, like many of the members of the delegation, of serving with him in the assembly and then in the House of Representatives.

He was a very partisan person, but he also always understood the issue, most importantly, and he also understood the other side of the issue and always respected other people's views.

I also had the pleasure of traveling with Gino on several occasions, and one of the things that other Members have talked about was his great sense of humor. He had good insight and good chemistry while watching people.

I can recall on a codel that the California delegation took to Japan, he delighted in walking into a restaurant with my wife, while Nancy and I would wait outside for a minute, because he wanted to see the Japanese reaction to this white man walking in with what appeared to be his black wife.

I also recall once, that I loaned Gino a camera that had film in it from a codel that I chaired while in Grenada. He was kind enough to not only develop that film for me, but he put captions about all the Members of Congress who were on that codel, and what he thought they were doing at the time.

I do not think that we can really sum up the life of Gino Chappie, because he is somebody that will live on in legend, in the State legislature, for his many novel approaches to legislative issues; yes, his practical jokes from time to time; and here in the Congress he was a fighter for his district and a fighter for his cause, but he was always willing to listen and understand the other side.

I recall one day when I was at home on a Saturday afternoon that he had only been married a short time to Nancy, and I was walking down the street and I saw Gino and Nancy together. Gino was taking a sensitivity seminar that happened to be housed in the recreation room of the apartment building where I lived. After that he came up and shared some wine with us. In fact, he expressed that Nancy opened his eyes to many things that he had not appreciated before. I think that was the essence of Chappie, that he was willing to listen and always had his antenna positioned to be receptive, not only to other people's thoughts and to respect them, but he was receptive to new ideas.

So, his life, I think, is one that we will remember for the sense of humor, the sense of being receptive to others, and we shall always remember that he was truly a gentleman.

I thank the gentleman for yielding.

Mr. LEWIS of California. I appreciate the gentleman's comments.

Gene Chappie, known by his friends across the State of California and the country, not so much as a Republican or Democrat, but a human being who really did care about our business, which is public affairs.

I cannot help but recall when I first got to know Gino. He came into real power in the State legislature just at the end of the Jess Unruh era, when, for a very, very, short period of time, Republicans actually controlled the State assembly.

My speaker, Robert T. Monagan, Bob Monagan had to look very carefully and think carefully about who would be his right hand.

The chairman of the committee on rules in the State legislature is certainly the third most significant position—the Governor, the speaker, and then the rules committee chairman—in the assembly, the third most powerful, important position in our Government in the State.

A lot of people do not realize that.

He turned, to fill that spot, to the gentleman from Cool, and not lightly, because he had dealt with Gene Chappie through many a battle over a number of years. He needed an intelligent, talented, experienced, and just as important, even-handed individual. Gene Chappie fit the mold of the perfect rules committee chairman.

You have got to be tough with members of elected office when you are responsible for handing out all the assets or the prequisites of our office, the number of staff, where you park your car, any number of things. But when you are adding or subtracting from one individual member, Democrat of Republican's office, staffs, the amount of paper he has, that can be a real battleground. He needs somebody who can deal with people on a straightforward basis and have them know that he is going to be fair.

Gene was phenomenal in that respect. He could be tough as the world, but no small part of that responsibility was dealing with not just the personalities of elected officialdom, but the people who make up the legislature, the staff, professional staff, and the like.

Gene was loved by virtually all of them, on the Democrat as well as the Republican side of the aisle. He made a difference because he cared about their personal lives as well as their professional work.

Gene believed very much in Government. First, he believed we should not have any more of it than we absolutely have to have. He knew by his basic nature that people did things best for themselves, left on their own. And if they absolutely could not accomplish that which was needed by themselves, individually, or as a family, then one should turn to Government. But the closer the better.

□ 1840

While in the State legislature he reflected that view of supportive local government. He served in those committees, was constantly a voice that you heard that said, "My goodness, let us not take more power into the State, and indeed, not be willing to pay the price for those responsibilities. People need their governments at home."

He carried that view here to Washington as well.

I must say that during the years that he and I served together, I remember beyond the friendship most of the lessons that I learned.

Gene was a person who was really willing to listen and really did care. He made State government fun to be a part of when we served in the legislature together.

I remember the time, for example, it was the age of the miniskirt in California. It had to be in the early seventies. Gene was the Rules Committee chairman and with that responsibility, and noticing suddenly this change of dress, one day he made nationwide news by announcing to his engineers that if it did not change, If the skirts did not get longer, he was going to make the engineers raise the drinking fountains in the capital building. Gene knew how to make his point in his own special way.

In those very early days, the very powerful chairman of the Assembly Rules Committee could make or break your life in terms of your committee work, in terms of your very existence as it relates to comfort. Gene did not play partisan favors in terms of those responsibilities.

Each of us was a professional who had a job to do in terms of representing our districts, and he made sure that he kept that in mind—separate from party—all the time.

Gene Chappie, among other things, was strong as a bull. You could tell that immediately when you shook hands with this guy. He was kind of thin as a wire, and yet no question, tough as nails. Gene took great care of himself and cared about other people doing the same.

You knew that he had to go home every weekend, kind of like pictures of Ronald Reagan, but this had to be real. He chopped wood and pounded nails or something, or you could not stay in that condition.

He was a person who loved the Sierre country. He went out of his way to try to see that other people understood and appreciated it.

Among other things, one of his most well-remembered activities involved the Jeepers Jamboree, in which he got people who had Jeeps from all over the State to come to his country, and they would have this fantastic time together over several days in convoy with Jeeps going over, I mean absolutely impassable country roads, over river and dale. They would gather together in the evening by combination of song, weather, and friendship, and now and then I suppose an ice cream soda together.

Gene Chappie loved his country, and he wanted to make sure people understood just how important his part of the country was.

You know, one could not have had in public affairs a more loyal friend, for loyalty was everything to Gene.

He was, as I said, always ready to help, ever ready to inject humor as well.

From time to time, you find yourself in this business getting a little bit bigger than yourself. I sometimes say that I had a great week, maybe a bill passes or otherwise, and I go home to beautiful downtown Redlands and I walk across the pool and I get wet every time.

Gene loved to kind of bring you up when you got into that condition.

I remember this rather sizable, and I might share at least at this moment, that rather pompous member of the State assembly, who happened to be a woman. She did not sit very far away from Gene, and that particular evening, we were discussing the budget or something intense like that. Gene kind of snuck off to the side of the Chamber, and there was a small powderroom for ladies only. Gene Chappie snuck in there and he took a piece of cellophane and tightened it over the marble portions of the commode that was there.

My goodness, when that lady came out of that powderroom, you could hear the bellow all the way to the top of the Sierras. It was really something, and it brought the House down for those who understood the circumstances.

To all the people, that particular member of the assembly would never forget anyone, but Gene Chappie was a person that you could not help but forgive, because he was making a special point in his own special kind of way.

I must say that maybe the first time I heard Gene make that point, "Be careful about how big you are today," was in a small group of new members. I happened to be a new member at the time. He happened to be my seatmate during my freshman year. I remember his saying that it is very important that those of us who have the privilege to serve in public affairs recognize that the office in which we are now serving in an awful lot more important than we are individually.

"Remember, Jerry, that the office is an awful lot more important than you are."

His philosophy of smaller government, not bigger government, less taxes, not more taxes, was Gene Chappie; but to suggest that he did not see a role for government in caring for those who truly were in need would be to miss the point of this man, because he knew by way of mankind, for he came from that background that suggested that there are people in our society who do struggle and those who are struggling to make it for themselves often need the assistance of their government. When that was the case in Gene's mind's eye, philosophically he had no problem with going to the wall, doing whatever was necessary to see that those who were less fortunate than he or we were tended to in a very special form.

I might mention also that Gene Chappie was the person for me who coined the phrase, "In politics and in public affairs, your word is everything. If you don't have that, then you have nothing."

Gene came to the Congress after a number of years of the highest level of leadership in our State government. He always has wanted to serve in the House. He came here with a great deal of enthusiasm, but I cannot tell you that he was always enthusiastic about our work here. While the subjects are interesting and fascinating, it can be such a huge bureaucracy, so difficult to penetrate, so much more difficult to get to know people in a personal way. Gene was not quite comfortable with that, but he went about his work here seriously representing his district and making a great contribution to California.

Above and beyond that, I saw his personal assistance to Member after Member, friend after friend. There has not been in all my time in public affairs any better Member of a legislative body, any finer friend than Gene Chappie.

I will never, ever forget his saying to me time and time again, "Son"—he always started by saying "Son"—"Son, you got to remember this. Son, you got to do it that way," or "Son, would you mind helping with that problem that one of our friends has."

Gene Chappie was a great American, a great Californian, a great friend. He will be missed by all of us, especially he will be missed by Nancy, by Paula, and by all of his children.

Madam Speaker, I thank my friend, the gentleman from California [Mr. HERGER] for yielding to me.

Mr. HERGER. Madam Speaker, I thank the gentleman from Redlands, CA, Mr. LEWIS, for sharing some very outstanding experiences that he has had with our good friend.

Madam Speaker, I yield to another gentleman from California [Mr. BERMAN], an individual who served with Gino Chappie in the State legislature as well and then in 1982 was elected to the Congress and served with Gene for another 4 years.

Mr. BERMAN. Madam Speaker, I thank the gentleman for yielding to me. I thank the gentleman for calling this special order.

Some time has passed since Gene's passing, but nonetheless it is always timely to pay tribute to this great American who served with me here in Congress, who the gentleman from California succeeded to in the U.S. Congress and with whom, as he mentioned, I had an opportunity to serve with for 8 years in the State legislature in an occupation where it is not infrequent that people who get elected all of a sudden become very full of themselves and take on a certain sanctimonious air, a certain self-righteousness.

Gene Chappie, in addition to being a very talented Representative, was one of the most down-to-earth, human, real kind of person ever to serve in this Chamber or in Sacramento.

□ 1850

I got to know him particularly well after he married Nancy, who I had known for years in Los Angeles, and, whether it was the passion of his advocacy or the tremendous sense of humor that he had, Gene always made a great impression on someone who I had tremendous respect and admiration for and perhaps even more affection for.

I remember once on the floor of the legislature I had a very controversial bill up trying to reform the bail bond industry. I had done something Gene had asked me for a while before that time. I was having a very difficult time with this legislation. It was opposed passionately by the whole bail bond industry. Knowing Gene, my guess is he knew every bail bondsman in the Sierra Nevadas at the time and undoubtedly had his own pressures, but I spent all day trying to get my 41 votes that one needed to pass the bill in the State assembly and had the bill on call all during the day trying to cajole and twist arms. And on this bill that I guess was not one of Gene's favorite three of the year, he ended up giving me a 41st vote. A group of his colleagues on the Republican side rushed up to him, "How could you vote for that? How could you do this?"

Gene said, "There are times when you just remember your relationships with your colleagues and what they might have done for you, and this was the time for me," and that was a quality of Gene Chappie's that anyone who served with him knows, the bond of relationships and friendships that can grow in a collegial body. With Gene it was felt very strongly. It crossed partisan lines. It crossed ideological lines.

So, I again want to close by wishing my very best to Nancy and Gene's family, and my admiration for my friend from California for taking the time for this special order for us to pay tribute to Gene Chappie.

Mr. HERGER. Madam Speaker, I thank the gentleman very much, the gentleman from southern California [Mr. BERMAN] who, again, served with Gene for many years.

Again, I think about my experiences with Gene Chappie. I guess one of the great regrets that I have in my political office is that I never actually had an opportunity to serve in the same legislative body with Gino. Again, when he ran for Congress, I was elected to his assembly seat, and then when he finally retired in 1986, I was elected to his congressional seat. But I did have an opportunity to travel around with Gene on a number of different occasions since my legislative seat and his congressional seat, there was an overlap, and it was always a—they say it was a kick to travel with him and to be with him. That is really a great understatement. Just to be with Gene Chappie was an experience unlike any experiences I can recall with anyone else.

Gene was really very unique. He was an individual who was known, as one speaker mentioned earlier, literally a legend in his own time. His way of communicating also was not like any other political person that I have known. Perhaps today we would say that he was not politically correct in the way he would address things, but he had a way of making people laugh. He had a way of making people, again as has been mentioned by a number of different speakers, at a time when so often we take ourselves too seriously, and it is not that we do not have very serious challenges before us, but yet Gene Chappie had a way of getting to the crux of the problem, of doing it in a very humorous way, again like you had to experience Gene to know, but he is a special person.

I remember also the last month of his life. I had the opportunity to go up and visit with him and Nancy up at their beautiful mountain home up above Cool, CA. It was an experience common and similar to so many meetings with Gene Chappie. Gene Chappie had a nickname for many people and I remember coming into his room and him saying, "Well, there's the Herg," as he would refer to me, and I remember that great visit we had. We reminisced some, and that great fight that was in Gene always was there.

Gene was, among other things, a very good dancer, and he had an occasion on several different times to dance with my wife, Pam, and one of the things he said was how he was looking forward to dancing again and dancing with Pam. Again, that fight was there. Gene Chappie was someone who never gave up. He was someone, again, who was a legend and will always be a legend, and even though Gene has been away from this body for some 6½ years now, his memory will be here for those of us who serve here, for his many friends, many of whom have spoken earlier this evening. It will be here forever, not only for Members, but, again, the police, Capitol Police, who work here, the elevators, all who knew Gene in a very special way.

And we had also a great opportunity here just a couple of months ago of planting a tree, a tree in memory of Gino, and we had his wife, Nancy, who was here at that time and several members of his family, and this tree is probably in one of the most ideal locations I have ever seen with a full look at the Capitol, a view of the Capitol from where it is placed out on the west side of the Capitol. It is probably about a block and a half away, and so good old Gino, not only will he be looking down from where he is in heaven, guiding us, as he did so often, to me, to myself and to others, but his tree will be here for many, many years to come as well.

So, I would like to let Gene know that he may not be with us in person, but Gino will always be with us in our heart.

Mr. SENSENBRENNER. Mr. Speaker, on May 31 of last year, the House of Representatives lost a dear friend and former colleague, but we all retain the friendship he left behind. I am, of course, referring to Gene Chappie, who so ably represented the constituents of California's Second District for 6 years.

During his three terms in the House in the early 1980's, Gene demonstrated the skill and competence that earned him the respect and admiration of his colleagues during 16 years in the State legislature. His understanding of politics and procedure made him a valuable part of the House during Reagan's Presidency. Whether he was addressing the concerns of farmers and ranchers in his district or dealing with critical drug issues on the Select Committee on Narcotics, Gene's wit and wisdom made him a pleasure to work with.

I join with my colleagues in offering my deepest sympathy to his family and am proud to offer my tribute to Gene Chappie's dedicated service.

Mr. PACKARD. Mr. Speaker, I rise today to pay tribute to Gene Chappie, a former Congressman from California who served for three terms before retiring in 1987. Gene was known for his distinct personality that characterized his honesty and uniqueness. His commonman, smalltown character lent itself to his approachable manner. Mr. Chappie passed away a year ago at the age of 72.

Chappie's political career began as an El Dorado County Supervisor four decades ago. He was a State assemblyman from 1965 to 1981 and gained a seat in Congress in 1980. While serving the House of Representatives, he served on the Agriculture, Small Business, and Select Narcotics Abuse and Control Committees.

Gene Chappie was a man of strong beliefs. When other politicians were in disagreement with him, he did not hesitate to engage in debate. When he disagreed with you, he told you so in a jovial manner. A manner, which itself generated the respect which fellow politicians had for Gene Chappie.

He was in touch with the needs and concerns of the people of northern California. His farming and ranching background strengthened his ability to communicate effectively with his constituents while serving in Congress. After leaving Congress, he retired to the community of Cool, and cared for the family's farm, in a State where he served for so long.

We will all miss Gene Chappie. We will always appreciate his tremendous contributions to our community and to the entire East Bay. To his ex-wife Nancy, the rest of his family, and all the members of the extended Chappie family, I express my deepest condolences, and once again note the great enjoyment I had in knowing Gene Chappie.

Mr. MAZZOLI. Mr. Speaker, we pay tribute today to a man known for his straight talk and down-to-earth manner, our late former colleague, Gene Chappie of California. Gene and I served together here in the House from 1981 through 1987. All of my colleagues and I recall him with fond affection and hold precious memories left with us as a result of his service as a Member from the second District of California.

Despite being known as a practical joker, Gene had a knack for getting the job done with a certain flair, flamboyance, and great humor. Yet, he had his serious moments too. He had little patience for speeches and posturing. He represented hard working and self-reliant constituents in northern California and reflected this in his work on the floor and in committees on issues affecting timber, ranch land, and rural matters. In Congress, Gene served with talent on the Agriculture, Small Business, and Narcotic and Abuse and Control Committees.

Politics was always in his blood but he retired after only three terms. He never slowed down, even in retirement, and stayed active in issues affecting his fellow human beings.

The Honorable Gene Chappie—a people person—is very much missed by his colleagues, friends, and family, and we come together today, as a body, to pay tribute to our dear friend, Gene.

Mr. WOLF. Mr. Speaker, I am honored today to recognize the service of Gene Chappie to our Nation and the House of Representatives.

Gene entered Congress with me in 1981, and represented the Second Congressional District of California for 6 years before deciding to retire in 1987. His tenure in Congress capped an outstanding 40-year career of public service, during which Gene served as a county supervisor and a member of the California State Assembly.

Gene, who was a farmer and rancher by trade, earned the respect and admiration of his colleagues on both sides of the aisle with his hard work, straightforwardness, and honesty. He was truly a Jeffersonian "citizen-legislator," who recognized the needs of his constituents in northern California and served them, as well as our Nation, ably and skillfully. He also was a dedicated husband and father, and I am pleased Gene's wife and children were able to be here with us today to celebrate the memory of Gene.

Like so many of my colleagues, I miss Gene's wisdom and strength in the House of Representatives, and it is an honor for me to join today to posthumously thank Gene and acknowledge his family for their many contributions and sacrifices for the House and our Nation.

Mr. BLILEY. Mr. Speaker, this special order honors our good friend and former colleague Gene Chappie, who passed away at the end of May of this year. An honorable and able legislator, Gene spent a good part of his life dedicated to public service and the citizens of northern California.

Gene and I both came to Capitol Hill in 1980—freshmen Congressmen bent on carrying our conservative message to Washington. A former county supervisor and State legislator, Gene often worked long hours to secure a better life for the people he served. As a loyal follower of then-Governor, Ronald Reagan, Gene gained a reputation as "the common man"—a straight shooter who would tell it like it is.

In Congress, Gene rapidly gained the respect of other Members for his strong beliefs and easy-going leadership style. Always quick with a joke or one-liner, Gene added a realistic humor to a place that is often overburdened with difficulties. I admire a man who has the unique ability to not only enjoy his work but to help others enjoy theirs as well.

California and the U.S. Congress have become better places due to the lifelong public service of Gene Chappie. I was told it was only 3 months from the time he discovered he was ill until his untimely passing, but this did not surprise me since Gene was not one to sit around and wait for things to happen.

Like preparing for his beloved Jeepers Jamboree, I am certain Gene donned his red bandanna and drove off into the Sierra Mountain sunset.

Mr. MARTINEZ. Mr. Speaker, in the often grey and unintelligible institution of Congress, Gene Chappie's black and white personality stood out like a lone oasis in a barren desert. His straightforward manner and his offbeat, indomitable humor were as refreshing as a cool drink to the weary traveler. One could not speak with Gene Chappie and fail to go away feeling buoyed and invigorated.

Gene proved that an affable, straight-talking politician and colleague could also be an effective legislator. Few representatives served the needs of their constituents more faithfully and more successfully than Congressman Chappie. For 6 years in Congress, and 16 years before that in the California State Assembly, Gene was known as a legislator who could get the job done. All of us who served with Gene as members from the California congressional delegation know that in Gene Chappie, California had an able and honest representative whose loss, even after retirement from public service, will be dearly felt.

But I will keep this short and simple, the way I think Gene would have liked it, and just close by saying that Gene Chappie was truly a good man, a good legislator and a good American, and all who knew him were the better for it.

Mr. THOMAS of California. Mr. Speaker, I rise today to commemorate one of our own, former Congressman Gene Chappie. Although Gene served in the House of Representatives for only 6 years, it was the culmination of years of service to the people of northern California—14 years as a county supervisor and then 16 years as a State legislator. His career was truly that of a citizen legislator. He was a rancher, a winemaker, a farmer, and a veteran of two wars—a truly admirable career. But simply recalling Gene for these things would miss the essence of the man and why we commemorate him today.

Gene was truly a man of the people. He loved representing the people in his district, becoming personally involved in their problems. He was a tireless worker on behalf of the farmers and loggers who formed the backbone of his district's economy. He worked with a style that made you like him and listen to him even when he was arguing the other side of an issue. Through it all, he managed to keep and use his sense of humor in a way that always made working with him enjoyable.

Gene's reputation as a humorist is well-founded, and his ability to find something amusing in everything he did kept his spirits—and many others'—elevated during even the most difficult legislative actions. He was a tremendous practical joker and he loved telling stories just to see if he could make others laugh. There was more to his jokes than simple humor. He also believed Congress takes itself far too seriously, and that laughing about the system helped provide perspective in what is truly the people's house.

In the end, Gene may not be remembered as a great orator or a conspicuous public figure, but he should be remembered as a tireless public servant and the kind of representative we should always aspire to be: A man who represented his constituents with energy and a style that helped make the legislative process a bit more human.

Mr. Speaker, I would also like to include in my remarks the following statement by our former colleague, Chip Pashayan.

### GENE CHAPPIE, AS I KNEW HIM

(By Charles Pashayan, Jr.)

I cannot remember exactly when I first heard the gravelly voice followed by the high-pitched laugh, or saw the sinewy frame crowned by the bird-like face; but it was here, in Washington, not Sacramento.

Gene's reputation had preceded him: different, blunt, rough, unpredictable, at least half wild, at best half tame.

On the occasion of our introduction, Geno treated me to a characteristically aggressive salvo: was it an insult or was it brazen humor? I hurled something equally aggressively back. There was a pause, and then he laughed, and so did I.

Geno had laughed first. I had made the Great Tormentor laugh at my barb first.

We had countless laughs thereafter, and indeed Geno's laughter was a window to his essence. He loved action, he loved pasta and practical jokes. Next to Nancy and his family, he loved the general human relationship the most. At Phil Burton's funeral, Geno, who had fought Burton so hard on almost every land-use issue, unashamedly wept aloud.

Some say his irreverent humor was the mirror of a man wholly irreverent, but nothing could be further from the truth. He revered America, and often told of his parents and his recent immigrant antecedents; he revered the great outdoors, wished the same for all Americans, and upheld the people's right to share the beauty of their public lands, in their vehicles if they chose; he revered honest politics, and always kept his word; her revered the truth, and exposed hypocracies and falsehoods with his sharp and perceptive wit. If he held any true irreverence, it was to self-important persons unwilling to laugh at themselves.

Others say that in Washington, Geno was a square peg in a round hole. If so, it must be because he felt firsthand what so many Americans felt instinctively; the pomp and circumstance of Washington was detracting from the serious business of governance. He would have none of it; rather, let Government do less, but do it well and unpretentiously. Maybe these cynical times would indeed be less cynical if there were more such square pegs as Geno. He gave more than he took, and Capitol Hill has known no truer gentleman.

It is one of the saddest moments of the human condition when someone as vigorous, as lively, as at peace with himself as Geno was, departs too soon for our mortal understanding. Maybe God wanted a little balance in Heaven, and needed someone to tweak Geno's beloved "posey pluckers" and "tree huggers," as only Geno could do in his own way.

In 1992 in Fresno, I went to buy a Jeep Grand Wagoneer, Geno's long-favorite vehicle. "It's the last one in California," the salesman told me.

As if animated by a mysterious force, my response was instantaneous.

"No it's not," I said, "the last Grand Wagoneer in California is in Georgetown, and its name is Gene Chappie." The salesman was bewildered, but I knew my words.

I later called Gene and told him the story of how he had been elevated from what he was to an it, but also that it somehow really seemed to symbolize his grand love of life.

He laughed, and laughed heartily, throwing some deserved epithat back at me.

Gene Chappie laughed last.

Mr. SKEEN. Mr. Speaker, my friend, Gene Chappie, was a unique individual. He symbolized what a real American is. He was the son of immigrant parents, who distinguished himself as a leader, starting at the local level—from county commissioner to U.S. Representative from the Second District in his home State of California—where I came to know him so well in the class of 1981. Gene was one of the older new Members in 1981 who had one of the youngest out looks concerning the legislative process and the realities of Government. Gene was a good friend who's company was always welcome and enjoyable. He was entertaining and informative. Many of us were disappointed at his decision to leave at such an early point in his legislative career but it was understandable because of his love of his home State of California. I was saddened by the news of his illness and death. He will always be remembered for his many talents to include being trilingual and his great sense of humor. He is and will be for a long time, sorely missed.

Mr. MATSUI. Mr. Speaker, I rise today to honor our late colleague, Gene Chappie, whose affiliation with this body from 1980 to 1987 left an indelible mark on all those who knew him. Gene's candid and forthright manner was an inspiration to many in Washington, DC, and his dedication was respected by all.

I always felt a special affinity to Gene because we shared the same vision of serving California and our country through public service. As a young politician involved in public service on the local level, I remember following Gene's unswerving efforts for his constituency in the California State Assembly.

Throughout his career, Gene served tirelessly and faithfully for the people of his district. He began his political career as an El Dorado County supervisor. After more than a decade in this role, he was elected to the State assembly where he served from 1965 to 1980 before coming to Washington to represent Californians at the Federal level. During Gene's tenure on Capitol Hill, his straightforward manner enabled him to bring the concerns of his constituency from the largely rural northern Californian territory to the forefront. Certainly, his efforts to restore the California Trinity River and it surroundings to its original state will be remembered for generations to come.

Mr. Speaker, I ask that my colleagues join me in saluting Gene Chappie for his long career of dedicated service to the people of California and this country. He always will be remembered for outstanding leadership in public service.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in paying tribute to my late friend and former colleague, the Honorable Gene Chappie. Though Gene Chappie and I were from opposite ends of the State of California, from opposite parties, and often of opposite views, I came to regard Gene with deep affection and great respect.

When I arrived in Sacramento in 1969 as a freshman Democratic assemblyman, Republicans had a majority in the assembly. The second most powerful assemblyman was Rules Committee Chairman Gene Chappie. I will always remember the lengths to which he went to welcome me and assure me that he and the Rules Committee had no intention of slighting even the most junior members of the opposition party. He kept his word.

Gene Chappie was a gentleman in the most profound meaning of that word. The tensions, the competitiveness of the parties and of individual members never affected Gene. He had a personal code of decency and integrity that transcended the passions and issues of the moment. I believe I speak for all of us who knew and served with Gene in stating that he was a man of unsurpassed honor, decency, and integrity. He will be long remembered by those privileged to know him.

### GENERAL LEAVE

Mr. HERGER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of my special order tonight.

The SPEAKER pro tempore (Ms. ESHOO). Is there objection to the request of the gentleman from California?

There was no objection.

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## TELEPHONE PIONEERS OF AMERICA ANSWER THE CALL FROM FLOOD DISASTER VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Madam Speaker, I represent the Second Congressional District in Missouri. One of the counties in my district, St. Charles County, is partly under water as we speak here today. A number of States and counties in the United States are in that position, and it is a tragedy and a devastation for those counties up in it. Thousands of people are out of their homes, many homes having to be evacuated. We had power shortages the other day. It is a 500-year flood in the history of the Mississippi River, one of the worst disasters that people in that situation have ever encountered, and that is the tragedy that we are facing.

There is, however, a silver lining, if my colleagues will, to this cloud, and that is how the community, the community of individuals in my district and in the St. Louis area, have pulled together, and I want in the next few days and weeks, as we continue to fight this flood and this tragedy, to highlight some of the people who are making it a little less bad, who are shining a little light into the lives of their neighbors who are adversely affected. Tonight I would like to discuss the work of the George F. Durant chapter 11 of the Telephone Pioneers of America headed up by Nicholette Papneck. There are about 10,000 people in this chapter, Madam Speaker, and what they do is make themselves available in disasters to answer telephones and to do all kinds of work related to disaster relief. With regard to this flood, Madam Speaker, they have answered the call, the call for action, within 4 hours after it went out. Since July 8, Madam Speaker, 6 to 8 volunteers have been manning the phones at the St. Charles emergency management agencies. Volunteers have been managing ham radios, volunteers have been sandbagging, and over 100 volunteers from this chapter alone have been involved in providing some relief to their neighbors during this difficult time.

□ 1900

Just the psychological effect of knowing that people care is important in a time like this. I would like to salute them and the thousands of volunteers who are working in my district alone to make this disaster a little less disastrous for the people involved. I know we will pull together in the weeks and months to come and get past this terrible time.

Madam Speaker, my friend, the gentleman from Georgia [Mr. KINGSTON], has some remarks he would like to make on the subject of health care, and I would like to yield to him for that purpose.

Mr. KINGSTON. Madam Speaker, I thank the gentleman from Missouri for yielding. I did want to talk a little bit about health care, but I also wanted to say as a Representative and resident of the low country of Georgia-South Carolina, we had the disaster several years ago of Hurricane Hugo, and I too was extremely impressed with the caliber and dedication of the volunteers as they brought ice to the area, chain saws, and backhoes. They worked Saturdays and Sundays. It is moving to see that sort of thing in the face of such a grim disaster as that. I want you to know that the folks in our part of the country are praying for you, and we hope that your area recovers as quickly as possible.

Mr. TALENT. I thank the gentleman for those kind remarks.

Mr. KINGSTON. On the subject of health care, we hear so many things about it. Just to throw out some of the rhetoric we are hearing now, and I say it is rhetoric, but it is not, but it is just rhetorical, let me clarify that. But America spends $8 billion a year on health care. We spend $1.7 million per minute on health care.

We hear that there are 35 million Americans who are uninsured. We hear that $1 out of every $7 spent by the Federal Government is spent on health care, and that the cost to the Federal Government is $314 billion a year alone.

We also hear that the current economic recovery package, the budget that we will be getting from the House-Senate conference committee this month, does not have money for taxes allocated to health care dollars. So when the Health Care Task Force comes out with its idea for change, we will possibly be faced with another tax increase.

These are some of the issues that we are concerned about as Representatives, and certainly as citizens of the United States.

I have a number of ideas which I think will help the health care crisis and develop a solution. So what I wanted to do is talk tonight about some of these ideas and some of the things that I believe have been done in other States and are being done successfully.

I cannot hit that point too hard, because as we go about health care reform in national health care revision, it is important for us to realize that we have 50 States, and that is 50 laboratories for health care reform.

Right now one of the big dangers of coming out with a broad, comprehensive national health care program is that we will automatically eliminate the initiative, the flexibility in the State government level, so that they can address these problems. Right now, as the gentleman knows, the President has just returned from, or maybe still is in, Hawaii. He praised their system. He said it is a great model. It is a model he would like to see other States use.

I agree with the President. But I also know that what might be good in a small State such as Hawaii may not do the trick in California or New York. It may be great in South Carolina, but Georgia is about twice as big as South Carolina. It might not fit us.

But let us try it. The Hawaiian system could be good for 20 or 30 States, but I do not know that it is going to be universally true.

That is what I am trying to say. The Federal Government could throw out all State initiatives, and I would hate to see that. Let us let those on a State level govern as they can do best, closer to the people, closer to the problem, not here in Washington in a remote ivory tower where we are saying this is what ought to happen when we change this law, because so often what we think is going to happen does not necessarily happen.

One of the ideas that I think we should allow is the States to eliminate some of the State-mandated benefits on health care. What typically happens is State legislatures can say well, we want to require insurance companies to offer certain benefits.

Well, it might be that those benefits are not needed by the customer and that those benefits are going to drive up the cost of health care to the customer.

States need to have flexibility on decisionmaking, but we need to encourage them on the Federal level to realize what this can do to the buyer.

Mr. TALENT. The gentleman has just raised a very good point, and it is something a lot of people back in my district raised with me. Many of the people who are currently unsponsored, not covered by any insurance, are in that position because they are working for employers who do not provide health insurers. One of the reasons they do not provide health insurers is that it costs too much. If we could get the cost of health insurance down, even with no frills basic coverage, then the problem of the working poor, if you will, or people working for employers who do not provide health insurance, would be substantially alleviated by itself.

There is an insurer in my district who is able to market a plan they call the Basic Blue. It is the Blue Cross in my district. They are able to offer it to employers and cover families of four for $100 a month or less.

If you get the cost of insurance down to that level or below, then you have millions of people who have access without new taxes or new bureaucracies. So I think the point the gentleman makes is an excellent one.

Mr. KINGSTON. If the gentleman will yield further, what we are saying is to somebody who does not have a car, that a Ford is fine, they do not need a Cadillac, and I might say a beat up Ford. They are both good automobiles. But the fact is the basic policy is better than no policy, and that is what an awful lot of people have now.

One of the other problems is for mom and pop employers, unincorporated businesses, which employ most of the people in America, that is where most of the jobs are, in the small shops, not in the huge Fortune 500 companies. But they do not get the full deductibility of health care premiums that a large corporation does. Large corporations can deduct on their taxes 100 percent of their health care costs. Small businesses are limited to 25 percent. Yet 70 percent of people in America who have insurance get it through their employer.

Let us make it more affordable to employers. If we do that, it will be more accessible to the public. That will also help the people that you are talking about getting on an insurance roll, if you will, so they will have some coverage.

There are a couple of other steps that we could take, and none of these really require massive new programs. Some of them take basic changes in law. Some of them are regulatory changes.

For example, if we can require that physician fees be disclosed, this is one of the problems. I always say to folks, you drive down a street in your neighborhood, or not even in your neighborhood, but in your hometown, that you do not live on, and you know how much the houses are. You see a car, you know how much the car is. You know how much a suit is worth. But if you break your arm, you do not know if that is $75 or $750. You do not have any idea.

If we can increase consumer education in health care the way that it is with cars or houses or stereo systems or hamburgers, the American public is one of the shrewdest buyers in the whole world. We could bring down the cost of health care just by that one device, making it more competitive and educating our people more on it.

Mr. TALENT. Taking that a little further, I appreciate the gentleman's comment about the American consumer being a shrewd consumer. I agree with that comment.

One of the problems it seems to me we have, and I like your comment on this, is that we do not give people enough of an incentive to be an informed consumer with regard to health care, because basically we have a situation where people have no responsibility for the cost of the services that they are getting.

It seems to me if we went to some kind of a health care IRA system, where, for example, we encouraged insurers to provide high deductible policies, say a $3,000 instead of a $300 deductible, to save money on the premiums, and pass through the money to the employers to be placed in a health care IRA to be used to pay their deductible, then people would in effect be paying their own money. It would be the employer's money, they would not be out a penny, but they would be writing a check out of their health care IRA to pay for this first $3,000 worth of coverage which they got from their employer. If they did not spend it all, they could keep it. They would be spending their own money in that sense and would have an incentive to find out what the fees are, as you put it, and to make sure they were an informed consumer and did not get health care they did not really feel they needed.

Mr. KINGSTON. The gentleman is absolutely right, because there is nothing like the American consumer when it comes to saving money, being motivated by getting the return on the savings that they realize.

Mr. TALENT. One example with regard to that, I talked to a physician who said a fellow will come in and say he has a strained knee.

□ 1910

And the physician says, "Well, I am 98 percent certain that it is just a muscular problem but maybe you ought to get a CAT scan." If the CAT scan is $600 and the insurance company is paying for it, you have no incentive not to get it. But if you feel financially responsible, because if you do not spend that money, you can keep it at the end of the year, you say, I will go home and put some lotion on my knee and see if it is better or not in a week.

So we are driving health care spending up artificially. And the physician has a real incentive to prescribe the CAT scan, because if not, he might get hit with a medical malpractice suit. So we are encouraging the physicians to prescribe the CAT scan and encouraging people to take it.

Mr. KINGSTON. I agree with you. One of the analogies I have heard is that if an insurance company was doing your grocery shopping every night, you would eat steak because you would not care. You would never have to eat tuna fish, like I was raised doing.

But one of the things that I think is important in this step is there is House Resolution 150, and I cosponsored it and believe that it will move us toward this system. And it will be workable in that regard.

I met yesterday, actually, with a nurse practitioner from one of our area universities. She sort of tied into this and put it into an interesting perspective. A nurse practitioner is an advanced trained R.N., and they have a high degree of skill and the ability to do many of the things that an M.D. can do.

What she was saying is, if they had direct reimbursements, then what would happen is people, if they had stitches, could go to a nurse practitioner rather than a doctor and get the stitches sewn up. And it would have a cost advantage. But also in rural areas—and I know you have a number of rural areas in your district—it could provide, there is a niche out there. There is a need.

I know in one of the counties I have, for example, women have to drive to another county to have babies. Midwifery would help tremendously to alleviate some of that problem.

Now all this is sort of getting into a turf area, and there is dispute in the medical community about it. I think that the idea is that we have a problem. We have an obligation to explore all sorts of alternatives and to see what will do the trick.

Another thing that has sort of happened in recent years, long-term care and home health care, home health care generally has the price tag about 30 percent of institutionalized care. You can have a nurse go to a house and administer medicine, give shots, and so forth, a physical therapist. But the patient is still in his house, not a hospital bed, no late-night interruptions, no costly medical bills. You are at home with the ones you love. That makes so much sense, not just from a medical standpoint, but from a human standpoint.

Mr. TALENT. I have had some experience with home health care like diversionary programs. I was in the legislature in Missouri. The concept is a good one.

You do have to be careful that you are not in a situation where you create expectations; political authorities create expectations that we are going to divert a certain number of people from nursing homes. And you end up pushing people out of the homes who really are not appropriate for home health care.

Most of the people in nursing homes today are there because they need to be there. But certainly, home health care, where it is appropriate, is both less expensive and usually the preferred course of action for the individual involved.

Mr. KINGSTON. It is a start.

Again, it is something that we need to consider. It is part of the puzzle. And where it fits in, I am not certain.

Another thing that we have, and I always give the analogy that when I started in 1973 at Michigan State University, we voted to not allow calculators because pocket calculators were $159 in 1973. And yet by the time I graduated from college, everyone had a pocket calculator that was $10, and it was a better calculator. And they were universal at that time, in 4 short years.

The same thing has happened with cellular telephones and personal computers, and so forth. But what happens when your hospital wants to go from a CAT scan to an MRI; suddenly the cost of that same high technology that has saved America millions of dollars in the business world increases the cost in the medical world. And a lot of this is because of excessive Government regulations and redtape. So we need to reduce that bureaucratic burden on our health care providers and our hospitals so that we can get that technology in there to help the patient and lower the cost of medicine.

Another thing along that line is reforming the antitrust laws. Hospitals now, on a regional basis, cannot exchange certain information because they would be considered price fixing and telling too much. I believe that we ought to let hospitals have a dialogue back and forth because if it can save a life and save a dollar in 1993, we want that dialog to take place.

Just jumping around a little bit—I certainly appreciate the use of the gentleman's time tonight—one of the things that we Americans need to do, and we are doing it more and more each year, but is proactive health care. We need to go out and have the prostate tests and the mammograms and pap smears and annual physicals. We need to eat right, and we need to take care of ourselves. Part of the health care problem right now is that medicine is generally reactive and not proactive. We fix the stitch. We mend the broken arm. We take care of somebody who is overeating, but we do not do it up front.

We need to practice proactive medicine and really drill into people that, hey, you can do these things up front.

We talk about immunizations. One of the counties in my area came up with an interesting way to get these children in for their immunization, because, as you know, 86 percent of the children in America have access to free immunizations right now. The problem has been that their parents will not bring them in.

So what Glynn County, GA, did is they put the parents on an automatic dialing machine. If you have been at home at night, between the hours of 6 and 8 p.m., you get all sorts of solicitations and phone calls that drive you crazy. There is nothing quite as obnoxious as an automatic dialing machine.

But if you get that call every night, saying your child still has not been immunized, you are going to respond to it. It is expensive. It was done on a local level. It did not take a Federal grant or big law or Federal Government intervention. It was a local initiative. They did it in Glynn County, GA. It has been very successful. As a result, many, many more children have been immunized.

There are some of the ideas I have. This is a long road. This is a road that I hope will be opened to Members of both parties, that this will not be done in a partisan fashion.

I was very disappointed that the Health Care Task Force that Mrs. Clinton is managing did not have any Republicans named to it. I understand it is a new administration and they make mistakes. I hope that the administration realizes that people who do practice medicine or who are in the insurance business or who are in the legal business have a right to be at the table. People who are in the real world, the business world, have a right to get together and negotiate on these things. It should not matter what your wealth is or what your political party or what area of the country you come from. Everyone should be in on this debate.

Probably the best news about health care is that the folks back home are not sitting around waiting for Washington. They are moving ahead with it.

There are a number of examples of corporations coming up with innovative approaches, new ideas. States are doing things. So we are moving along.

Washington is a little bit sluggish right now, but the rest of the world seems to be moving ahead.

I thank the gentleman for yielding time to me. I certainly appreciate all that he is doing for health care reform and look forward to working with him on these and other ideas in the months and years ahead.

Mr. TALENT. Madam Speaker, without necessarily associating myself with the particulars of every idea the gentleman suggested, I think he is definitely in the ballpark.

I especially like his comments regarding we cannot wait for Washington to do this whole thing. People who believe that Washington should dominate the health care system must believe that the system has screwed up the welfare system and the criminal justice system and cannot come within $350 billion of balancing its own budget, we now should put in charge of allocating health care decisionmaking.

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I was very willing to yield time to the gentleman to discuss his particular ideas.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOEHLERT (at the request of Mr. MICHEL), for today and tomorrow until 2 p.m., on account of a death in the family.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:

Mr. WELDON, for 60 minutes, on July 27.

Mr. DOOLITTLE, for 5 minutes, on July 13.

Mr. SOLOMON, for 60 minutes each day, on August 2, 3, 4, 5, and 6, September 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes each day, on July 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 and August 2, 3, 4, 5, and 6.

Mr. TOWNS, for 5 minutes each day, on July 20 and 22.

Mr. FLAKE, for 5 minutes each day, on July 13 and 14.

Mr. HOYER, for 60 minutes, on July 15.

### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. COMBEST.

Mr. FIELDS of Texas.

Mr. LEWIS of California in two instances.

Mr. ROTH.

Mr. HASTERT.

Mr. GINGRICH.

Mr. SKEEN.

Mr. GILMAN in three instances.

Mr. BEREUTER.

Mr. GUNDERSON.

Mr. SOLOMON in two instances.

Mr. COX.

Mr. SCHIFF.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matter:)

Mr. GORDON.

Mr. TORRES.

Mr. DICKS.

Ms. MALONEY.

Mr. DEUTSCH.

Mr. MILLER of California.

Mr. SWETT.

Mr. FAZIO.

Mr. ACKERMAN.

Mr. GLICKMAN.

Mr. RICHARDSON.

Mr. MATSUI.

Mr. COLEMAN.

Mr. STARK in 4 instances.

Mr. LANTOS.

Mr. MANN.

Mr. FORD of Michigan.

Mrs. SCHROEDER.

Mr. BROWN of Ohio.

Mr. BLACKWELL in 2 instances.

Mr. COPPERSMITH.

Mr. ANDREWS of Texas.

### SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 412. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes; to the Committee on Public Works and Transportation.

S. 464. An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office"; to the Committee on Post Office and Civil Service.

S. 1205. An act to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes; to the Committee on Agriculture.

S. Con. Res. 28. Concurrent resolution expressing the sense of the Congress regarding the Taif Agreement and urging Syrian withdrawal from Lebanon, and for other purposes; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

### BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

On July 2, 1993:

H.R. 765. An act to resolve the status of certain lands relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

H.R. 1876. An act to provide authority for the President to enter into trade agreements to conclude the Uruguay round of the multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional fast-track procedures to a bill implementing such agreements.

H.R. 2118. An act making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

### ADJOURNMENT

Mr. KINGSTON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 14, 1993, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1542. A letter from the Chairman, Farm Credit Administration, transmitting the annual report for the calendar year 1992, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

1543. A letter from the Acting General Sales Manager, Foreign Agricultural Service, transmitting his determination that the minimum quantity of agricultural commodities prescribed to be distributed under title III of Public Law 480 during fiscal year 1993 has been amended, pursuant to 7 U.S.C. 1721(b); to the Committee on Agriculture.

1544. A letter from the Secretary of Agriculture, transmitting the annual animal welfare enforcement report for fiscal year 1992, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

1545. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend Public Law 100–518 and the United States Gain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; to the Committee on Agriculture.

1546. A communication from the President of the United States, transmitting a request for fiscal year 1993 emergency appropriations for the Department of Agriculture, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–108); to the Committee on Appropriations and ordered to be printed.

1547. A letter from the Comptroller General, the General Accounting Office, transmitting status of the President's fifth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–113); to the Committee on Appropriations and ordered to be printed.

1548. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–114); to the Committee on Appropriations and ordered to be printed.

1549. A letter from the Under Secretary of Defense, transmitting certification of major defense acquisition programs reflected in the selected acquisition report [SAR] for the quarter ending December 31, 1992, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1550. A letter from the Director, Congressional Budget Office, transmitting a study entitled "The Federal Home Loan Banks in the Housing Finance System"; to the Committee on Banking, Finance and Urban Affairs.

1551. A letter from the Secretary of Education, transmitting Final Regulations—Federal Direct Student Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1552. A letter from the Secretary, Department of the Treasury, transmitting the audit of the Student Loan Marketing Association, with any necessary comments for the year ended December 31, 1992, pursuant to 20 U.S.C. 1087–2(k); to the Committee on Education and Labor.

1553. A letter from the Secretary, Department of Health and Human Services, transmitting an interim report on "Demonstration Projects to Study the Effect of Allowing States to Extend Medicaid to Pregnant Women and Children Not Otherwise Qualified to Receive Medicaid Benefits," pursuant to Public Law 101–239, section 6407(g)(2) (103 Stat. 2267); to the Committee on Energy and Commerce.

1554. A letter from the Administrator, EPA, transmitting a report entitled "Anthropogenic Methane Emissions in the United States: Estimates for 1990," pursuant to Public Law 101–549, section 603(a) (104 Stat. 2670); to the Committee on Energy and Commerce.

1555. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Intelsat (Transmittal No. DTC–25–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1556. A communication from the President of the United States, transmitting his justification for waiving legislative prohibitions on approval of United States-origin exports to the People's Republic of China, pursuant to Public Law 101–246, section 902(b)(2) (104 Stat. 85); to the Committee on Foreign Affairs.

1557. A communication from the President of the United States, transmitting developments since the last report concerning the national emergency with respect to Haiti, pursuant to 50 U.S.C. 1703 (H. Doc. No. 103–109); to the Committee on Foreign Affairs and ordered to be printed.

1558. A communication from the President of the United States, transmitting a report on developments since his last report of December 30, 1992, concerning the national emergency with respect to Libya, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 103–110); to the Committee on Foreign Affairs and ordered to be printed.

1559. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Roland Karl Kuchel, of Florida, to be Ambassador to the Republic of Zambia; Alan H. Flanigan, of Virginia, to be Ambassador to the Republic of El Salvador; Robert Gordon Houdek, of Illinois, to be Ambassador to Eritrea; and John T. Sprott, of Virginia, to be Ambassador to the Kingdom of Swaziland, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1560. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on Foreign Affairs.

1561. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1562. A communication from the President of the United States, transmitting a report on progress of U.S. efforts towards peace and stability in the vital Balkan region (H. Doc. No. 103–111); to the Committee on Foreign Affairs and ordered to be printed.

1563. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2343 and S. 80, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1564. A letter from the Farm Credit Banks of Texas, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1565. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2118, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Operations.

1566. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the Corporation's management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1567. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1568. A letter from the Assistant Attorney General (Legislative Affairs), transmitting the annual evaluation report on drugs and crime for 1992; to the Committee on the Judiciary.

1569. A letter from the Assistant Attorney General (Legislative Affairs), transmitting the Department's report on important programs, initiatives, and other activities conducted during fiscal year 1992, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

1570. A letter from the Chairman, National Advisory Council on the Public Service, transmitting the Council's first year report on the public service for June 1993, pursuant to Public Law 101–363, section 8 (104 Stat. 427); to the Committee on Post Office and Civil Service.

1571. A communication from the President of the United States, transmitting a copy of the President's determination that the "Agreement on Trade Relations Between the Government and the United States and the Government of Romania" will promote the purposes of the Trade Act of 1974 and is in the national interests, pursuant to 19 U.S.C. 2437(a) (H. Doc. No. 103–112; to the Committee on Ways and Means and ordered to be printed.

1572. A letter from the Comptroller General, General Accounting Office, transmitting a report on the audits of the financial statements of the Resolution Trust Corporation for the years ended December 31, 1992 and 1991, pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under the clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 927. A bill to designate the Pittsburgh Aviary in Pittsburgh, PA as the National Aviary in Pittsburgh (Rept. 103–169). Referred to the House Calendar.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1916. A bill to establish a marine biotechnology program within the National Sea Grant College Program; with an amendment (Rept. 103–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2530. A bill to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal year 1994, and for other purposes; with amendments (Rept. 103–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 1727. A bill to establish a program of grants to States for arson research, prevention, and control, and for other purposes, with an amendment (Rept. 103–172). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 1757. A bill to provide for a coordinated Federal program to accelerate development and dissemination of applications of high performance computing and high-speed networking, and for other purposes; with an amendment

(Rept. 103–173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STARK: Committee on the District of Columbia. H.R. 1631. A bill to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia (Rept. 103–174). Referred to the Committee of the Whole House on the State of the Union.

Mr. STARK: Committee on the District of Columbia. H.R 1632. A bill to amend title 11, District of Columbia Code, to remove gender-specific references, with an amendment (Rept. 103–175). Referred to the House Calendar.

Mr. STARK: Committee on the District of Columbia, H.R. 1633. A bill to create a Supreme Court for the District of Columbia, and for other purposes; with an amendment (Rept. 103–176). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. BUNNING (for himself, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 2617. A bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces; to the Committee on Ways and Means.

By Mr. CLAY (by request):

H.R. 2618. A bill to provide for a pay adjustment for the Chairman, members, and general counsel of the Federal Labor Relations Authority; to the Committee on Post Office and Civil Service.

By Mr. EMERSON:

H.R. 2619. A bill to establish Federal grant programs to identify and address the foreign language needs within the United States for the purposes of enhancing economic competitiveness, ensuring national security, and promoting the national interest; jointly, to the Committees on Foreign Affairs and Education and Labor.

By Mr. MATSUI (for himself and Mr. HERGER):

H.R. 2620. A bill to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976; to the Committee on Natural Resources.

By Mr. MONTGOMERY:

H.R. 2621. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 2622. A bill to amend title 18, United States Code, to make certain drug offenses under State law predicate offenses under the armed career criminal statute; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.R. 2623. A bill to amend the Communications Act of 1934 in order to facilitate utilization of volunteer resources on behalf of the Amateur Radio Service; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.R. 2624. A bill to provide for comprehensive health care and health care cost containment; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, the Judiciary, Armed Services, and Post Office and Civil Service.

By Mr. BONIOR (for himself, Mr. SERRANO, Mr. UPTON, Mr. DIXON, Mr. BARCIA of Michigan, Mr. BEILENSON, Mr. FILNER, Mr. LEHMAN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. RICHARDSON, and Mr. TORKILDSEN):

H.R. 2626. A bill to establish a system of National Historic Ball Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.J. Res. 228. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Romania; to the Committee on Ways and Means.

By Mr. DELAY (for himself, Mr. ARCHER, Mr. BAKER of California, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COLLINS of Georgia, Mr. GINGRICH, Mr. HEFLEY, Ms. DUNN, Mr. EVERETT, Mr. LINDER, Mr. KIM, Mr. HERGER, Mr. THOMAS of Wyoming, Mr. HORN, Mr. GOODLATTE, Ms. PRYCE of Ohio, Mr. HOKE, Mr. SMITH of Texas, Mr. FRANKS of New Jersey, and Mr. GOODLING):

H.J. Res. 229. Joint resolution establishing July 13, 1993, as "Cost of Government Day"; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. GILMAN:

H. Con. Res. 119. Concurrent resolution to urge the Secretary of State to provide to the Congress an emergency plan to vastly improve the visa issuance process of the Department of State to prevent terrorists from entering the United States; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H. Con. Res. 120. Concurrent resolution stating the disapproval of the Congress regarding the President's unilateral deployment of United States troops as peacekeepers to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

## MEMORIALS

**Under clause 4 of rule XXII, memorials were presented and referred as follows:**

217. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the pharmaceutical industry in the field of corporate philanthropy; to the Committee on Energy and Commerce.

218. By the SPEAKER: Memorial of the House of Representatives of the State of Florida, relative to Cuba and Haiti; to the Committee on Foreign Affairs.

219. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to construction or upgrading of airport access roads and facilities; to the Committee on Public Works and Transportation.

220. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the construction of a veterans hospital in Lakewood Township, Ocean County, NJ; to the Committee on Veterans' Affairs.

221. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Social Security benefits for "Notch Year Babies"; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

**Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:**

By Mr. ANDREWS of Maine:

H.R. 2625. A bill for the relief of Olga D. Zhondetskaya; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 2627. A bill for the relief of Ovidio Javier Morla Paredes, Maria Estrada de Morla, Javier Alfredo Morla Estrada, and Carolos Andres Morla Estrada; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 2628. A bill for the relief of Marlene Anita Hudson; to the Committee on the Judiciary.

By Mr. ROMERO-BARCELÓ:

H.R. 2629. A bill relating to the petition filed with respect to certain customs entries; to the Committee on Ways and Means.

By Mr. WHEAT:

H.R. 2630. A bill for the relief of Richard Wayne Tribble and Tammy Tribble; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 58: Mr. RAVENEL.

H.R. 65: Mr. DELLUMS, Mr. MCCRERY, and Mr. JOHNSON of South Dakota.

H.R. 84: Ms. BROWN of Florida, Mr. BROWN of California, Miss COLLINS of Michigan, Mr. DE LUGO, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HASTINGS, Mrs. MEEK, Ms. NORTON, Mr. OWENS, Mr. STOKES, Mr. WHEAT, and Mr. WYNN.

H.R. 106: Mr. WYNN.

H.R. 115: Mr. DELLUMS.

H.R. 118: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. GUTIERREZ.

H.R. 146: Mr. DELAY.

H.R. 290: Mr. WYNN.

H.R. 300: Mr. HINCHEY and Mr. KIM.

H.R. 302: Mr. ANDREWS of New Jersey.

H.R. 303: Mr. DELLUMS, Mr. HALL of Texas, Mr. MCCRERY, and Mr. JOHNSON of South Dakota.

H.R. 306: Mr. LIVINGSTON.

H.R. 349: Ms. THURMAN.

H.R. 406: Ms. THURMAN.

H.R. 419: Mr. MCDERMOTT.

H.R. 431: Ms. SCHENK.

H.R. 493: Mr. BALLENGER.

H.R. 507: Mr. VALENTINE.

H.R. 509: Mr. SPENCE and Mr. PACKARD.

H.R. 557: Mr. KLEIN.

H.R. 563: Mr. GALLEGLY and Mr. PACKARD.

H.R. 567: Mr. INHOFE.

H.R. 643: Mr. KLEIN.

H.R. 667: Mr. KIM.

H.R. 702: Mr. HYDE, Mr. BARTLETT of Maryland, Mr. FROST, Ms. DUNN, Mr. BOEHNER, Mr. PETERSON of Florida, Mr. SANTORUM, Mr. WISE, Mr. TAYLOR of Mississippi, and Mr. KIM.

H.R. 743: Mr. SHAYS.

H.R. 763: Mr. PACKARD.

H.R. 818: Mr. KENNEDY, Ms. SLAUGHTER, and Ms. FURSE.

H.R. 824: Mr. DUNCAN.

H.R. 840: Mr. WYNN.

H.R. 885: Mr. SCHAEFER.

H.R. 911: Mr. OLVER, Mr. EMERSON, Mr. COBLE, and Mr. LANTOS.

H.R. 929: Mr. MANZULLO.

H.R. 963: Mr. Brown of California.

H.R. 998: Mr. Cox.

H.R. 1012: Mr. Bilirakis, Ms. Pelosi, Mr. Roemer, Mr. Rowland, and Mr. Sarpalius.

H.R. 1015: Mr. Smith of New Jersey.

H.R. 1036: Mr. Lewis of Georgia, Mr. Barrett of Wisconsin, Mr. Dicks, Mr. Bacchus of Florida, and Mr. Martinez.

H.R. 1078: Mr. Miller of Florida.

H.R. 1079: Mr. Miller of Florida.

H.R. 1080: Ms. Pryce of Ohio.

H.R. 1081: Mr. Miller of Florida.

H.R. 1082: Mr. Miller of Florida and Mr. Engel.

H.R. 1094: Mr. Gejdenson, Mr. Scott, Mr. Serrano, Ms. Velazquez, and Mr. McDermott.

H.R. 1098: Mr. Portman.

H.R. 1154: Ms. Snowe.

H.R. 1155: Mr. Gejdenson.

H.R. 1164: Mr. Edwards of California, Ms. Eddie Bernice Johnson of Texas, and Mr. Andrews of New Jersey.

H.R. 1171: Mr. Visclosky.

H.R. 1172: Mr. Pastor and Mr. Engel.

H.R. 1181: Mr. Crapo, Mr. Mazzoli, Mr. Young of Alaska, Mr. Kildee, and Mr. Wyden.

H.R. 1191: Mr. Hastert.

H.R. 1222: Mr. Hyde.

H.R. 1251: Mr. Pete Geren of Texas and Mr. Upton.

H.R. 1257: Mr. Mfume.

H.R. 1270: Mr. Wynn.

H.R. 1277: Mr. Gilman.

H.R. 1280: Mr. McDermott, Mr. Hinchey, Mr. Serrano, Mr. Deutsch, Mr. Mfume, Mrs. Collins of Illinois, Miss Collins of Michigan, Mr. Wynn, Mr. Reynolds, Mr. Hall of Ohio, Mr. Towns, Ms. Roybal-Allard, Mr. Flake, Mr. Studds, Mr. Bilbray, Ms. Norton, and Ms. Slaughter.

H.R. 1283: Mr. Levy, Mr. Saxton, Mr. Hastert, and Mr. Gonzalez.

H.R. 1292: Ms. Roybal-Allard, Mr. Engel, and Mr. Wynn.

H.R. 1312: Mr. Spence.

H.R. 1325: Mr. Inslee.

H.R. 1354: Mr. Wynn.

H.R. 1360: Mr. Brown of California and Mr. Kreidler.

H.R. 1362: Mr. Lipinski.

H.R. 1385: Mr. Zimmer, Mrs. Lloyd, Mr. Ramstad, and Mr. Skeen.

H.R. 1386: Mrs. Lloyd and Mr. Skeen.

H.R. 1397: Mr. Vento and Mr. Swett.

H.R. 1399: Mr. Manzullo.

H.R. 1404: Miss Collins of Michigan, and Mr. Bereuter.

H.R. 1419: Mr. Hinchey, Mr. Kopetski, Mr. Owens, Mr. Wynn, Ms. Norton, Mr. Jefferson, and Mrs. Lloyd.

H.R. 1423: Mr. Thomas of California, Mr. Rose, Mr. McCollum, Ms. Molinari, Mr. Rogers, Mr. Castle, Ms. Eshoo, Mr. Buyer, Mr. Markey, Mr. Stupak, Mr. Hoke, and Mr. Pastor.

H.R. 1437: Mr. Wynn.

H.R. 1493: Mr. Glickman.

H.R. 1504: Mr. Lazio, Mr. Blute, Mr. Clinger, and Mr. Bartlett of Maryland.

H.R. 1517: Mr. Dingell and Mr. Jefferson.

H.R. 1534: Mr. Foglietta.

H.R. 1542: Mr. Sanders.

H.R. 1552: Mr. Cunningham and Mr. Kim.

H.R. 1555: Mr. Machtley.

H.R. 1560: Mr. Markey.

H.R. 1565: Mr. Bartlett of Maryland.

H.R. 1586: Mrs. Mink, Mr. Traficant, and Miss Collins of Michigan.

H.R. 1605: Mr. Stark, Mr. Frank of Massachusetts, and Mr. Shays.

H.R. 1607: Mr. Olver.

H.R. 1620: Mr. Boehner, Mr. Doolittle, and Mr. Moorhead.

H.R. 1645: Mr. Wynn and Ms. Woolsey.

H.R. 1667: Mr. Kopetski and Mr. Mfume.

H.R. 1670: Mr. Ballenger and Mr. Hansen.

H.R. 1683: Mr. Dellums, Mrs. Mink, and Mr. Hinchey.

H.R. 1697: Mr. Hoyer, Mr. Olver, Mr. Porter, Mr. Doolittle, Mr. Saxton, Mr. Studds, Mr. Stark, Mr. Romero-Barceló, Mr. Burton of Indiana, Mr. Levy, Ms. Furse, Mr. Deal, Mr. Franks of New Jersey, Ms. Brown of Florida, Mr. Bateman, Mr. Inhofe, Mr. Boucher, Mrs. Meek, Mr. Ford of Michigan, Mr. Weldon, Ms. Dunn, and Mr. Bishop.

H.R. 1709: Mr. Lipinski, Mr. Callahan, Mr. Frank of Massachusetts, and Mr. Farr.

H.R. 1718: Miss Collins of Michigan and Mr. Wynn.

H.R. 1719: Mr. Murphy, Ms. Byrne, and Mr. Wynn.

H.R. 1727: Mr. Klein.

H.R. 1738: Mr. Smith of Oregon.

H.R. 1755: Mr. Greenwood.

H.R. 1788: Mr. Inhofe.

H.R. 1796: Mr. Fish, Mr. Levy, Mr. King, Mr. Towns, Mr. Bateman, and Mr. Barlow.

H.R. 1823: Mr. McDermott, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1824: Mr. Wynn.

H.R. 1886: Mr. Dellums, Mr. Owens, Mr. Parker, Mr. Payne of New Jersey, Mrs. Morella, Mr. Walsh, Mr. Fish, Mrs. Unsoeld, and Mr. Hastings.

H.R. 1888: Mr. Parker, Mr. Frost, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, Mr. Gilman, Mr. Wynn, and Mr. Jefferson.

H.R. 1900: Mr. Becerra, Mr. Gene Green of Texas, Mr. Schumer, Mr. Foglietta, Mr. de Lugo, and Mr. Serrano.

H.R. 1910: Mr. Barlow, Mr. Barcia of Michigan, Mrs. Roukema, Mr. Peterson of Florida, Mr. Goodling, Mr. Peterson of Minnesota, Mr. Gunderson, Mr. Doolittle, Mr. Camp, and Mr. Boehner.

H.R. 1916: Mr. Thompson, Mr. Lewis of Florida, Mr. Blute, Mr. Machtley, Mrs. Mink, Mr. Romero-Barcelo, Mr. Montgomery, Mr. Brown of California, Mr. Pallone, and Mr. Cunningham.

H.R. 1923: Mr. Clay, Mr. Owens, and Mr. Stokes.

H.R. 1925: Mr. Gutierrez and Mr. Owens.

H.R. 1930: Ms. Norton.

H.R. 1938: Mr. Hoagland and Mr. Coyne.

H.R. 1945: Mr. Jacobs, Mr. Barlow, Mr. Minge, Ms. Thurman, Mr. Bartlett of Maryland, and Mrs. Meyers of Kansas.

H.R. 1961: Ms. Norton.

H.R. 2050: Mr. Inglis of South Carolina.

H.R. 2076: Mr. Kildee, Mr. Visclosky, Ms. Maloney, Mr. Klein, and Mr. Martinez.

H.R. 2093: Mr. Parker, Mr. Wise, and Mr. Payne of New Jersey.

H.R. 2095: Mr. Costello.

H.R. 2130: Mr. Wilson, Mr. Markey, Mr. Kopetski, Mr. Wynn, Mr. Ballenger, Ms. Furse, and Mr. Wilson.

H.R. 2140: Mrs. Unsoeld and Mr. Hall of Ohio.

H.R. 2146: Mr. Greenwood.

H.R. 2151: Mr. Hinchey and Mr. Evans.

H.R. 2152: Mr. Hinchey and Ms. Maloney.

H.R. 2216: Mr. Shays.

H.R. 2241: Mr. Kopetski.

H.R. 2245: Mr. Smith of Texas and Mr. Allard.

H.R. 2322: Mrs. Meyers of Kansas.

H.R. 2331: Mrs. Unsoeld, Mr. Jefferson, and Ms. Maloney.

H.R. 2346: Mr. Kleczka, Mr. Zimmer, Mr. Pete Geren of Texas, Mr. Solomon, Ms. Velazquez, and Ms. Norton.

H.R. 2392: Mr. Levy and Mr. McHugh.

H.R. 2414: Ms. Unsoeld, Mr. Brewster, and Ms. Norton.

H.R. 2415: Mr. Cox, Mr. Walsh, Mr. Miller of Florida, Mr. Crapo, Mr. Everett, and Mr. Solomon.

H.R. 2420: Ms. Eddie Bernice Johnson of Texas, Ms. Slaughter, Mr. Clay, Ms. Norton, Mr. Watt, Mr. Jefferson, and Mr. Bonior.

H.R. 2421: Mr. Fish.

H.R. 2434: Mr. Saxton and Mr. Quinn.

H.R. 2451: Mr. Neal of Massachusetts.

H.R. 2481: Mr. Dellums, Mr. Hall of Ohio, and Mr. Ackerman.

H.R. 2484: Mrs. Meek, Mr. Frank of Massachusetts, Ms. Norton, Mr. Dellums, Mr. McDermott, Mrs. Unsoeld.

H.R. 2515: Mr. McMillan.

H.R. 2547: Ms. Fowler, Mr. Ravenel, Mr. Torkildsen, and Mr. Laughlin.

H.R. 2583: Mr. Farr.

H.R. 2598: Mr. Barca of Wisconsin, Ms. Kaptur, and Mr. Boehlert.

H.R. 2602: Mrs. Roukema, Mr. Gallegly, and Mr. Moran.

H.J. Res. 44: Mr. Bartlett of Maryland.

H.J. Res. 86: Mrs. Mink, Mr. Moran, Mr. Murphy, Mr. Olver, Mr. Skeen, and Mr. Spence.

H.J. Res. 88: Mr. Lipinski.

H.J. Res. 106: Mr. McCloskey and Ms. Pelosi.

H.J. Res. 122: Mr. Andrews of Maine.

H.J. Res. 129: Mr. Hastert.

H.J. Res. 137: Mr. Visclosky, Mr. Rowland, Ms. Norton, Mr. Wynn, and Mrs. Morella.

H.J. Res. 139: Mr. Stark.

H.J. Res. 145: Mr. Torkildsen, Mr. Royce, and Mr. Paxon.

H.J. Res. 148: Mr. Gallegly, Mr. Quinn, Ms. Lowey, Mr. Hobson, Ms. Eshoo, Mr. Talent, Mr. Kildee, Mr. LaFalce, Mr. Sarpalius, Mr. Berman, Ms. Danner, Mr. Hilliard, Mr. Miller of California, Mr. Olver, and Mr. Dellums.

H.J. Res. 165: Mr. Mollohan, Mr. Waxman, Mr. Moran, Mr. Rahall, Mr. Ackerman, Mr. Barca of Wisconsin, Mr. Durbin, Mr. Gallegly, Mr. Machtley, Mr. Kopetski, Mr. Montgomery, Mr. LaRocco, Mr. Fazio, Mr. Schumer, Mr. Dellums, Mr. McCrery, Mr. Greenwood, Mr. Manton, Mr. Smith of New Jersey, Mr. Hamilton, Mr. Murtha, Mr. Pete Geren of Texas, Mr. Hefner, Mr. Browder, and Mr. Tanner.

H.J. Res. 173: Mr. Armey and Mr. Montgomery.

H.J. Res. 175: Miss Collins of Michigan, Mr. Vento, Mr. Young of Florida, and Mr. Waxman.

H.J. Res. 194: Mr. Gordon, Mr. Bilirakis, Mr. Castle, Mr. Kreidler, Mr. Hughes, Mr. Fish, Mr. Hobson, Mr. LaFalce, Mr. Leach, Mr. Schumer, Mr. Serrano, Mr. Traficant, Mr. McCloskey, Mr. McDade, Mr. Murphy, Mr. Payne of Virginia, Mr. Poshard, Mr. Stokes, Mr. Underwood, Ms. Maloney, Mr. Spratt, Mr. Lancaster, Mr. Markey, Mr. Tauzin, and Mr. Wynn.

H.J. Res. 204: Ms. Slaughter, Mr. Richardson, Mr. Dingell, Mr. Engel, Mr. Emerson, Mr. Price of North Carolina, Mr. Shaw, Mr. Inhofe, Mr. Andrews of New Jersey, Mr. Bacchus of Florida, Mr. McCloskey, Mr. Moakley, Mr. Taylor of Mississippi, Mr. Johnson of South Dakota, Mr. Hutto, Mr. Fazio, Mr. Brewster, Mrs. Bentley, Mr. Moorhead, Mr. Gunderson, Mr. Rose, Mr. Lancaster, Mr. Evans, Mr. Whitten, Mr. Sundquist, Ms. Molinari, Mr. Oberstar, Mr. Hall of Ohio, and Mr. Pallone.

H.J. Res. 212: Mr. Tejeda, Mr. Hobson, Mr. Levin, Mr. Dellums, and Mr. Barca of Wisconsin.

H.J. Res. 214: Mr. Torricelli, Mr. McCollum, Mr. Quillen, Mr. Swett, Mr. Roberts, Mr. CASTLE, Mr. SMITH of Oregon, Mr. MCHUGH, Mr. GALLO, Mr. LANCASTER, Mr. WILSON, Mr. COSTELLO, Mr. HAYES, Mr. BLILEY, Mr. BARTLETT of Maryland, Mr. WISE, Mr. KREIDLER, Mr. INSLEE, Mr. VALENTINE, Mr. RAHALL, Mr. SANDERS, Mr. PETERSON of Minnesota, Mr. SAWYER, Mr. NEAL of Massachusetts, Mr. SKELTON, Mr. HOAGLAND, Mr. KLEIN, Mr. HUNTER, Mr. FRANK of Massachusetts, Mr. COBLE, Mr. OXLEY, Mr. CALLAHAN, Mr. HASTERT, Mr. CRANE, Mr. UPTON, Mr. KNOLLENBERG, Mr. ROGERS, Mr. MCNULTY, Mr. FIELDS of Louisiana, Mr. WASHINGTON, Mr. NUSSLE, Mr. STUMP, Mr. BAESLER, Mr. CLEMENT, Mr. TANNER, Mr. NATCHER, Mr. SWIFT, Mr. MCDADE, Mr. GRANDY, Mr. TAUZIN, Mr. SCHUMER, Mr. SARPALIUS, Ms. SLAUGHTER, Mr. BARLOW, Mr. BREWSTER, Mr. FALEOMAVAEGA, Mr. REYNOLDS, Mr. HAMILTON, Mr. ROWLAND, Mr. ANDREWS of New Jersey, Mr. FAZIO, Mr. PAYNE of Virginia, Mr. QUINN, Mr. LAFALCE, Mrs. MEYERS of Kansas, Mr. HOCHBRUECKNER, Mr. SHAW, Mr. DUNCAN, Mr. POSHARD, Mr. MONTGOMERY, Mrs. LLOYD, Mr. SYNAR, Mrs. JOHNSON of Connecticut, Mr. BEREUTER, and Mr. RAVENEL.

H.J. Res. 226: Mr. HUGHES, Ms. ROYBAL-ALLARD, Mr. VOLKMER, Mr. DE LA GARZA, Mr. RICHARDSON, and Mr. CHAPMAN.

H. Con. Res. 42: Mr. WYNN.

H. Con. Res. 66: Ms. MALONEY.

H. Con. Res. 80: Mr. VISCLOSKY.

H. Con. Res. 91: Ms. DANNER, Mr. MILLER of Florida, Mr. MANZULLO, Mr. SHUSTER, Mr. GALLEGLY, Mr. ACKERMAN, Mr. RANGEL, and Mr. BARCA of Wisconsin.

H. Con. Res. 95: Mr. FILNER, Mr. PASTOR, and Mr. BEREUTER.

H. Con. Res. 98: Mr. KREIDLER, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. KOPETSKI, Mr. FARR, Mr. DORNAN, Mr. FINGERHUT, Mr. MARTINEZ, Ms. HARMAN, and Ms. FURSE.

H. Con. Res. 100: Mr. GREENWOOD, Mrs. COLLINS of Illinois, Mr. PORTER, Mr. KENNEDY, Mr. MACHTLEY, Mr. WISE, Mr. GALLO, Mr. GRANDY, Mr. CASTLE, and Mrs. UNSOELD.

H. Con. Res. 107: Mr. BORSKI, Mr. STUPAK, Ms. BYRNE, Ms. MALONEY, Mr. DARDEN, Mr. WATT, Mr. GEJDENSON, Mr. HASTINGS, Mr. WILSON, and Ms. VELAZQUEZ.

H. Con. Res. 108: Mr. WYNN.

H. Con. Res. 113: Mr. PAYNE of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KOPETSKI.

H. Res. 13: Mr. CASTLE and Mr. SPRATT.

H. Res. 134: Mr. HOBSON, Mrs. MEYERS of Kansas, Mr. BAKER of California, and Mr. ALLARD.

H. Res. 175: Mr. ZELIFF and Mr. RIDGE.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

52. The SPEAKER presented a petition of the city of Henderson, NV, relative to a new mission for the Nevada test site; and other matters relating thereto; which was referred to the Committee on Armed Services.

## AMENDMENTS

**Under clause 6 of rule XXIII, proposed amendments were submitted as follows:**

### H.R. 2010

By Mr. FORD of Michigan:

—Page 30, beginning on line 3, strike "paragraph (1)" and insert "subparagraph (A)".

—Page 11, line 18, insert the following after "cash": "(including not more than 85 percent of the cost of providing a health care policy described in section 140(d)(2))".

—Beginning on page 65, strike line 19 and all that follows through line 6 on page 66, and insert the following:

"(2) OPTION.—A State or other recipient of assistance under section 121 may elect to provide from its own funds a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation.

—Page 62, line 4, insert "who participates on a full-time basis" after "participant".

—Page 63, strike line 6 through 11, and insert the following:

"(5) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(6) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program which was in existence on the date of enactment of the Nation Service Trust Act of 1933.

—Page 63, line 12, strike "(6)" and insert "(7)".

—Page 70, strike lines 18 through 23, and insert the following:

"(4) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(5) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program which was in existence on the date of enactment of the National Service Trust Act of 1993.

—Page 70, line 24, strike "(5)" and insert "(6)".

—Page 164, strike lines 5 through 7.

—Page 172, strike lines 14 through 16.

—Page 185, line 2, insert the following before the period at the end: ", and shall constitute assistance to an education program or activity for purposes of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)"

—Page 199, after line 5, insert the following:

"(6) LIMITATION ON MEMBER PARTICIPATION.—

"(A) GENERAL LIMITATION.—Except as provided in subparagraph (B), a voting member of the State Commission (or of an alternative administrative entity) shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in subsection (e)(9) in any period during which there is pending before the Commission (or such entity) a grant application submitted by a program or entity of which such member is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

"(B) EXCEPTION.—If, as a result of the operation of subparagraph (A), the number of voting members of the Commission (or of such entity) is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by subparagraph (A) may participate in the administration of such program, notwithstanding the limitation in subparagraph (A), to the extent permitted by regulations issued under section 192A(h)(10) by the Corporation.

"(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall be construed to limit the authority of any voting member of the Commission (or of such entity) to participate in—

"(i) discussions of, and hearing and forums on—

"(I) the general duties, policies, and operations of the Commission (or of such entity); or

"(II) the general administration of such program; or

"(ii) similar general matters relating to the Commission (or such entity).

—Page 211, line 24, strike "and" at the end.

—Page 212, line 2, strike the period at the end and insert "; and".

—Page 212, after line 2, insert the following:

"(10) for purposes of subsection (i)(2) and section 178(d)(6)(B), issue regulations to waive the disqualification of members of the Board and members of the State Commission (or of an alternative administrative entity) selectively in a random, nondiscretionary manner and only to the extent necessary to establish the quorum involved, including rules that forbid each member of the Board and each voting member of a State Commission (or of such entity) to participate in any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity of which such member of the Board or such member of the State Commission (or of such entity) is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

"(i) LIMITATION ON PARTICIPATION.—

"(1) GENERAL LIMITATION.—Except as provided in paragraph (2), a member of the Board shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in section 121 in any period during which there is pending before the Corporation a grant application submitted by a program or entity of which such member of the Board is, or in the 1-year period before the submission of such application was, an officer, director, trustee, partner, full-time volunteer, or employee.

"(2) EXCEPTION.—If, as a result of the operation of paragraph (1), the number of members of the Board is insufficient to establish a quorum for the purpose of administering such program, then members excluded from participation by paragraph (1) may participate in the administration of such program, notwithstanding the limitation in paragraph (1), to the extent permitted by regulations issued under subsection (h)(10) by the Corporations.

"(3) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a member of the Board to participate in—

"(A) discussions of, and hearings and forums on—

"(i) the general duties, policies, and operations of the Commission (or of such entity); or

"(ii) the general administration of such program; or

"(B) similar general matters relating to the Corporation.

By Mr. GOODLING:

—Page 83, line 8, insert before the semicolon the following: "or an unsubsidized loan pursuant to section 428H (20 U.S.C. 1078–8)"

—Page 86, beginning on line 17, strike out paragraph (6) and insert the following:

"(6) MAXIMUM AWARD NOT TO EXCEED FINANCIAL NEED.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed $5,000, and shall not, when combined with any other student financial assistance available to the individual (excluding any loan to such individual or such individual's parents), exceed the student's financial need as determined under part F of title IV of the Higher Education Act of 1965.

Page 90, after line 19, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(4) ELIGIBILITY FOR PERKINS LOANS.—Section 464(b) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(b)) is amended by adding at the end the following new paragraph:

"(3) The amount of the loan to any student for any academic year shall not exceed the difference between—

"(A) the student's estimated cost of attendance (as determined under section 472); and

"(B) such student's estimated financial assistance (as determined under section 428(a)(2)(C)(i))."

—Page 77, line 6, strike "FIVE-YEAR" and insert "TEN-YEAR".

—Page 77, lines 9 and 19, strike "5-year" and insert "10-year".

By Mr. HEFLEY:

—Page 218, after line 6, insert the following new subsection:

"(f) FULL FUNDING OF COSTS TO STATE AND LOCAL GOVERNMENTS OF REQUIREMENTS UNDER NATIONAL SERVICE LAWS.—Notwithstanding any other provision of law, a national service law may not impose any requirement that a unit of State or local government conduct an activity (including the requirement that a State maintain a State Commission pursuant to section 178 or a requirement that such a government meet national standards in providing a service) unless and until all amounts necessary to pay the direct costs incurred by the unit in conducting the activity are provided to the unit by the Government of the United States.

By Mr. MINETA:

—Page 167, after line 19, insert the following new paragraph:

(5) The term "Secretary" means the Secretary of Housing and Urban Development or the Secretary of Transportation.

—Page 167, beginning line 22, strike "appropriate executive departments of the Federal Government" and insert "Department of Housing and Urban Development and the Department of Transportation".

—Page 168, line 1, strike "Secretaries of such departments" and insert "Secretary of Housing and Urban Development and the Secretary of Transportation".

—Page 168, line 16, add after the period the following new sentence: "As part of the Urban Youth Corps established in the Department of Transportation, the Secretary of Transportation may make grants to States (and through States to local governments) for the purpose of establishing, operating, or supporting qualified urban youth corps that will perform appropriate service projects relating to transportation resources or facilities."

By Mr. WALKER:

—Page 68, line 4, strike the close quotation marks and the final period.

Page 68, after line 4, insert the following new section (and conform the table of contents accordingly):

**"SEC. 142. AGREEMENT TO PERFORM MILITARY SERVICE IN EVENT OF NATIONAL EMERGENCY.**

"(a) AGREEMENT REQUIRED.—Subject to subsection (b), each participant in a national service program carried out using assistance provided under section 121 who is selected to serve in an approved national service position shall be required to enter into an agreement with the Secretary of Defense to be available, throughout the term of service of the participant in the position, for temporary enlistment in the Armed Forces at the call of the Secretary in the event of a national emergency declared by the President.

"(b) QUALIFICATIONS.—Only participants who are at least 18 years of age at the time of their temporary enlistment pursuant to this section and who are otherwise qualified for enlistment under regulations prescribed by the Secretary of Defense may be enlisted under the Authority provided by this section.

"(c) TERM OF ENLISTMENT.—A temporary enlistment under this section may not exceed the duration of the national emergency for which the call is made plus six months.".

By Mr. WATT:

—Page 212, after line 2, add the following subsection:

"(i) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—As part of the agenda of meetings of the Board under subsection (a), the Board shall review projects and programs conducted or funded by the Corporation under the national service laws to improve the coordination between such projects and programs and the activities of other Federal agencies that deal with the individuals and communities participating in or benefiting from such projects and programs. The ex officio members of the Board specified in section 192(a)(3) shall jointly plan, implement, and fund activities in connection with projects and programs conducted under the national service laws to ensure that Federal efforts attempt to address the total needs of participants, their communities, and the persons and communities they serve.

# EXTENSION OF REMARKS

## EMERGENCY PLAN TO PREVENT ISSUANCE OF VISAS TO TERRORISTS, HOUSE CONCURRENT RESOLUTION 119

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 119, in an effort to bring to the attention of the highest levels of the State Department, as well as the American people, the deplorable conditions that exist in our State Department overseas visa processing system in preventing terrorists and other criminal elements from gaining visas to travel freely to the United States.

Recent terrorist events in New York, from the Trade Tower bombing, to the thwarted plot to blow up the U.N. complex and New York City commuter tunnels and attacks on our political leaders, make it clear that international terrorism has come home to America's own soil. It is no longer a problem just in the Middle East, or on the continent of Europe, it is a serious and real threat on the streets and in the offices and buildings of America's very own cities.

My concurrent resolution simply calls for preparation of a emergency plan by the Secretary of State in 60 days to improve the visa process, and report to the Congress on his plan. The Secretary's plan should set out what can be done to immediately close the glaring hole in America's front line defense against terrorists, and other criminal elements that would enter the United States and mean this Nation harm, on visas obtained at our overseas U.N. Embassies and consular posts. Antiquated microfiche records of possible terrorists in overseas high threat posts that process visa applicants, is totally unacceptable in this day and age of modern communications and computer technology. The neglect of our visa processing system at the State Department has gone on long enough.

Quite frankly, when the conditions I have outlined in my concurrent resolution are examined by my colleagues, they will readily agree I am confident, that the visa control system is badly broken, outdated, and needs immediate high level attention. From outdated and inefficient microfiche equipment and lack of basic information sharing, both within the State Department itself, and among U.S. law enforcement agencies and others, the visa lookout system intended to deny potential terrorists, and other criminal elements, easy access to the United States, is badly in need of repair.

With America's very safety at stake, the Secretary of State himself needs to take personal charge of the problem and bring the visa processing situation under control. My resolution intends to bring about change, which the American people will surely demand once they realize the extent of the hole in our national defenses against terrorism at our U.S. Embassies and consular posts that issue visas to travel to the United States.

The unbelievable bungling reflected in the mistaken issuance of the visa to Sheik Omar Abdel Rahman while he was on the State Department's own visa lookout list, can only be addressed by a top-to-bottom reform of the entire system under the personal and direct supervision of the Secretary of State.The Secretary must drain this swamp himself.

My resolution will hopefully bring about an emergency plan and appropriate response from the Secretary of State within 60 days, that will help make the visa lookout system at the Department of State the front line defense against terrorists that the America people expect from our State Department.

Accordingly I ask my colleagues to join with me in cosponsoring House Concurrent Resolution 119, and helping to bring public pressure to bear on the State Department and those responsible for administering our overseas visa processing function.

The bill follows:

H. CON. RES. 119

Whereas recent terrorist acts in the United States have made it abundantly clear that terrorism has come to American soil, and now threatens the very security of the Nation;

Whereas it is evident from recent revelations that the State Department's current visa operations and procedures are not adequate to provide a modern front line defense to prevent terrorists from entering the United States under visas provided by United States embassies and consular posts around the world;

Whereas many overseas State Department posts are still using outdated and inefficient microfiche systems to maintain visa lookout and watch lists for known or suspected terrorists who may seek United States visas to travel to the United States;

Whereas the lookout list microfiche system is outdated, not easily maintained or updated in a timely fashion, is labor intensive and easily subject to human error, and is totally inadequate and outmoded in this era of modern communications and travel;

Whereas many United States embassy and consular posts are still on the outdated microfiche system in many areas of the world where the threat is great from terrorists and drug dealers or narcotics traffickers who may desire visas to enter the United States;

Whereas the microfiche visa lookout system has already resulted in the unfortunate and mistaken entry of radical Sheik Omar Abdel Rahman into the United States on a United States visa, despite his links to known terrorist activities prior to issuance of the visa;

Whereas the mistaken issuance of the visa to Sheik Rahman in error in Khartoum in 1990, despite the fact he was on the State Department's lookout list on microfiche at this post for possible terrorist links, has created numerous and serious problems for the United States, including his possible inspiration and encouragement of terrorism following his entry into the United States, both here and in Egypt by his followers;

Whereas several of Sheik Rahman's followers have been arrested in connection with the New York Trade Tower bombing or relating to a terrorist plot to attack the United Nations complex, New York City commuter tunnels, the Secretary General of the United Nations, and political leaders in the United States, and many of those arrested entered the United States with visas issued by the State Department;

Whereas the entry of Sheik Rahman into the United States by the mistaken issuance of a visa by the State Department has even reportedly strained our relations with the Government of Egypt;

Whereas it is also evident that the necessary information sharing within the State Department, and with other United States law enforcement and intelligence agencies on possible terrorists or other criminal elements, is not being conducted on an appropriate basis to make the visa lookout system current and effective enough to prevent possible terrorists from entering the United States with visas;

Whereas the shortcomings and failures in the current visa processing system at the Department of State have been well known by the Department for many years and no major overhaul, improvements, or recommendations to overhaul the system are forthcoming from the Department of State, the Inspector General, or the General Accounting Office for several months;

Whereas a 1991 Department of State Inspector General audit of the visa referral system at the Department found serious shortcomings in the automated visa lookout system (AVOLS), including "Information regarding foreign nationals with serious grounds for visa ineligibility" was not always in the automated visa lookout system even though government agencies had this information available;

Whereas the same 1991 audit also found that "At one post visited it was determined that not all convicted drug traffickers in the Drug Enforcement Agency local data base were in AVOLS";

Whereas the same 1991 audit went on to find that "The absence of this information (law enforcement data) poses a serious problem to the nonimmigrant visa process since it can result in the issuance of visas to dangerous and undesirable individuals.";

Whereas the Department of State, on the basis of the 1991 audit, has been on notice of the shortcomings in the visa lookout system for more than 2 years, and apparently little or no progress has been made to improve the system;

Whereas recently the Secretary of State has personally acknowledged the need to modernize the visa system to meet the new threat of terrorism directly targeted at the United States;

Whereas the American people demand and expect the Department of State to maintain an effective and modern system to prevent terrorists from obtaining visas to travel to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the United States and threaten property, institutions, and lives in the United States;

Whereas the current visa processing system and procedures at the Department of State are totally incapable in meeting the new threat of international terrorism to the United States and threaten the very security and safety of the United States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the Secretary of State, within 60 days after the date of adoption of this resolution, should submit a report to the Congress setting forth an emergency plan to improve visa issuance procedures and equipment and to modernize the visa processing system including—

(1) short-term and immediate plans to modernize high threat United States posts around the globe now currently on outdated microfiche;

(2) plans to improve information sharing within the Department of State itself to keep the visa lookout system current and updated on possible terrorist who might seek visas to travel to the United States;

(3) plans to improve information sharing with other United States agencies to provide timely and efficient exchange of information for inclusion in the visa lookout system to prevent terrorists and other alien criminal elements from gaining access to the United States under visas issued by United States embassies and consular posts overseas;

(4) a date certain when the Department of State will resume checking the criminal record histories of visa applicants with the Federal Bureau of Investigation, prior to issuance of any visa, as was the case prior to 1991; and

(5) long-term plans to make the visa lookout and watch system a modern and effective tool to prevent terrorists, and other criminal elements, from gaining easy access to the United States under visas issued by United States embassies or overseas consular posts.

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## HARRISON HOUSE NURSING CENTER EARNS PREMIER AWARD

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize the Harrison Nursing Center which recently earned the Ohio Health Care Association's Premier Award. It is the highest award for excellence given to providers of long-term care in Ohio. Harrison House is only the second facility in the State to receive this special recognition.

I extend my congratulations to the management and dedicated staff of Harrison House on their outstanding professional achievement.

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## TRIBUTE TO FRANK LINK

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a true public servant. Mr. Frank Link is retiring as the city manager of Sandusky, OH, after serving in that post for the past 21 years. He has gone about his duties with dedication and distinction.

But Mr. Link's record of service goes far beyond his position as city manager. He has been active in community organizations such as the Heart Association, the Jaycees, the Rotary, and the Sandusky Central Catholic Foundation, to name a few.

Too often we focus on the negative aspects of society. That is why I feel it is important to recognize citizens that have made a positive impact on their community. I ask my colleagues to join me in honoring a true public servant, Mr. Frank Link. He has set a fine example to which all of us in this body can aspire.

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## TRIBUTE TO THE MEMORY OF LOUISE EDRINGTON

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to the memory of Mrs. Louise Edrington, a truly beloved woman who dedicated her life here on Earth to the Lord above.

Louise was always there for her family and friends, and took no greater pleasure than in serving the Lord at her church, The Church of God of Prophecy, where she served in several distinguished capacities. Louise was always ready to help the congregation, and dedicated nearly all of her waking hours to the betterment of the church and the entire community.

Those who knew Louise Edrington would be quick to attest to her compassion, kindness, and extraordinary generosity. Louise was always ready to help others before helping herself, and she lived her life with the greatest sense of dignity.

Mr. Speaker, Louise Edrington touched the lives of so many people, and no doubt, her presence made the world a better place for many. I would like to ask my colleagues to rise as we pay our respects to this gracious and dear woman. On behalf of the entire U.S. Congress, I would like to express my most sincere condolences to Louise's beloved husband Henry, her entire family whom she loved dearly, and of course, her cherished friends at the congregation of the Church of God of Prophecy, where Louise's legacy of kindness and virtue will endure forever. May God bless Louise Edrington, who is certainly at peace as she walks with her Lord.

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## A TRIBUTE TO THOMAS BENJAMIN SHARPE

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding service of Tom Sharpe who is retiring from the county of San Bernardino following 38 years of dedicated service. He will be recognized at a dinner in his honor at the San Bernardino Elks Lodge on July 23.

Thomas Benjamin Sharpe was born in Covina, CA, and graduated as a straight A student from San Bernardino High School in 1951. Tom graduated from San Bernardino Valley College in 1953 and used a 3-year scholarship to attend Colorado State Mine University. Tom was married to his wife Pat in 1956, had four children between 1958–62, and owned his own drafting business with offices in Palm Springs, Desert Hot Springs, Redlands, and Loma Linda.

Tom began his career with San Bernardino County on August 31, 1955 when he was hired by the County Highway Department. Over the years, he has received numerous promotions: Engineering assistant II, 1958; right-of-way engineering department, 1959; engineering assistant IV in the FAS design division, 1960; engineer, 1962; engineer II, 1964; principal engineering technician, 1965; right-of-way engineer, 1967; and senior right-of-way engineer, 1973.

To say the least, Tom will be missed. His professionalism and innovative, flexible approach to his work is well known and admired by those who have worked by his side.

Mr. Speaker, I ask that you join me, our colleagues, and Tom's many friends in recognizing the many contributions Tom has made in 38 years of service to San Bernardino County. His commitment to, and support of our community has made a tremendous difference in all of our lives. It is fitting that the House of Representatives recognize him for his contributions today.

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## ENERGY TAX WOULD HURT STATE BUSINESSES AND TAXPAYERS

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. ROTH. Mr. Speaker, rarely has anything in Washington been subject to so much obfuscation and rhetoric as the Clinton tax plan. Taxes masquerade as spending cuts and paying more in taxes is somehow an American's patriotic duty. In addition, we are supposed to believe that the largest tax increase in history is the only way to achieve real deficit reduction, even as Clinton's own budget calls for over $200 billion in new Government spending.

In reality the Clinton tax plan is nothing more than a cleverly wrapped version of the old-fashioned tax-and-spend plans of past years. Simply put, if the Clinton tax plan becomes law it will cause inflation, unemployment, and recession.

A recent article in the Milwaukee Sentinel by Mary Jo K. Paque exposes in plain language the horrendous effect that just one portion of President Clinton's tax plan—the energy tax—would have on the American economy. I recommend it as essential reading for all Members of Congress.

### ENERGY TAX WOULD HURT STATE BUSINESSES—AND TAXPAYERS

(Reaction from Mary Jo K. Paque, director of government affairs, Metropolitan Milwaukee Association of Commerce)

Earlier this month, President Clinton acknowledged the negative impacts of his proposed Btu tax, and the plan seemed to be dead.

However, with the announcement by his budget director Wednesday that the administration will fight to restore a version of the Btu tax in the House-Senate conference committee, it is clear he does not recognize that an energy tax "compromise," or another business tax increase, would contain the same fatal flaws.

Any new energy tax would only serve to hurt U.S. companies and leave them unable to compete on an international level. If we are to revitalize the economy and create new jobs, spending cuts must be a priority—not a last resort.

The impact of an energy tax on our balance of trade also must be considered. American manufacturers and farmers would be forced to raise prices to cover higher energy costs. Foreign competitors—who wouldn't be subject to the tax—would gain market share, resulting in an even larger trade deficit.

Wisconsin's energy intensive manufacturing companies such as Harnischfeger, Briggs & Stratton and A.O. Smith would be particularly hard-hit, as would those relying on energy intensive raw materials, such as steel and chemicals.

Where the new tax can be passed on to the consumer, the results are equally disastrous. Higher prices mean increasing inflation and government costs, leading to reduced consumption, a depressed GDP and, again, increased unemployment.

Candidate Clinton promised a middle-income tax cut, but his new energy tax would mean a major middle-income tax hike through rising prices on utility bills, gasoline and virtually everything made or transported in the United States.

Energy costs account for 7% of the consumer price index; thus, any increase in cost will have an inflationary impact on items from clothing to furniture to food.

According to estimates by Wisconsin's Division of Energy and Intergovernmental Relations, Wisconsin consumers and businesses would pay an additional $473.7 million on their energy bills every year.

Former Carter Energy Secretary James Schlesinger estimates a family of four earning $40,000 a year would pay an average $470 more a year due to the Clinton energy tax.

In addition, according to the National Association of Manufacturers, the energy tax would reduce employment by 610,000, reduce our GDP by $73 billion and reduce investments in future productivity.

The Btu tax is especially dangerous because it is a stealth tax. Consumers pay in the form of higher prices, so it's not noticeable—and it's easier to raise.

Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.) said about the value added tax tax, "We can keep incrementally turning up the percentages and you wouldn't even know it." The same holds true for a Btu or other energy tax.

But perhaps the most problematic aspect of the Clinton plan is that it will not accomplish its basic purpose—to reduce the deficit. Since World War II, for every $1 Congress increased taxes, it spent $1.59.

This tax plan is not going to reverse that trend.

First, more than half of the revenue from the Clinton energy tax will not go to deficit reduction.

Second, $36 billion dollars in new spending is only part of the total of more than $200 billion in new spending contained in the Clinton economic plan. Two-thirds of those taxes will be used for new spending, not to reduce the deficit.

Clinton's bill contains $6.06 in new taxes for every $1 in spending cuts—a net tax increase of $291 billion.

Sen. Daniel Patrick Moynihan (D-N.Y.), the Democratic chairman of the Senate Finance Committee, called it "the largest tax increase in the history of public finance in the United States or anywhere else in the world."

Republicans and Democrats alike are urging the president to drop the new energy tax and cut more spending—for the sake of the economy.

Let's hope he'll listen—for the sake of the economy.

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## CONGRESSMEN PETER DEUTSCH, LINCOLN DIAZ-BALART, ROBERT MENENDEZ, AND CONGRESSWOMAN ILEANA ROS-LEHTINEN OFFER TRIBUTE TO CWO STEVEN M. KABICK

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. DEUTSCH. Mr. Speaker, we rise today to honor CWO Steven M. Kabick, U.S. Coast Guard, a dedicated seamen and loyal supporter of the causes of the Key West community. Chief Warrant Officer Kabick retires on Friday, July 16, 1993, in Key West, FL, after over 21 years of faithful service to the Coast Guard.

After having attained his enlisted goal of scoring No. 1 on the servicewide exam and appearing on the top of the promotion list for advancement to master chief quartermaster with under 15 years of service, Officer Kabick accepted his commission to warrant officer in 1987, and last served as a security officer in Key West. Officer Kabick wears a permanent Cutterman's Pin for years of sea service aboard a number of Coast Guard vessels, including the U.S. Coast Guard Cutter [USCGC] *Blackthorn*, USCGC *Salvia*, USCGC *Kaw*, and finally as the executive officer aboard the USCGC *Cape York* during the Grenada invasion in 1984. In addition, Officer Kabick has numerous personal and unit awards including the Coast Guard Commendation Medal, two Coast Guard Achievement Medals and four Commandant Letter of Commendation Ribbon bars.

Chief Warrant Officer Kabick leaves the Key West community with his wife Maritia and his two sons, where he will be best remembered for his work with hurricane and disaster preparedness, and for his efforts to ease the painful transition of the large number of Cuban immigrants. Perhaps no part of the Key West populace will miss Officer Kabick more than his numerous friends in the Cuban-American community, to whom he has dedicated a great deal of his life. Officer Kabick was one of the founders of Hogar de Transito Para Los Refugiados Cubanos, an organization founded in the wake of Hurricane Andrew independently of the Coast Guard and the Immigration and Naturalization Service [INS] to establish a halfway house for the many Cuban immigrants that arrived in Key West in August and September of 1992.

Because of Andrew's devastation to the greater Miami area, INS notified the Coast Guard that all Cuban immigrants would be sent to Key West, creating a nearly overwhelming situation for USCG Group Key West. Officer Kabick was able to acquire support from local Key West church groups, World Relief, Inc., and Community Relations Services [CRS] to establish an organization capable of accepting Cuban immigrants from group Key West and later placing them in the south Florida community. With the help of CRS, Officer Kabick was able to furnish the halfway house with used equipment. As a result, a problem that had been discussed without resolution at the Coast Guard and the INS was solved because of Officer Kabick's philanthropy, creativity, and the priceless work of Hogar de Transito Para Los Refugiados Cubanos.

The U.S. Coast Guard, the city of Key West, and the entire Cuban-American community of south Florida will greatly miss the leadership of this devoted and passionate man. We join them in expressing our gratitude and admiration for CWO Kabick's many achievements and contributions, both as an officer and as a tireless advocate of the cares and concerns of south Florida. We wish him luck with all his future endeavors.

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## TRINITY LOWER EAST SIDE LUTHERAN PARISH BREAKS GROUND ON NEW CHURCH

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mrs. MALONEY. Mr. Speaker, I rise today to recognize the outstanding achievements of the Trinity Lower East Side Lutheran Parish located in my New York City district. On April 25, 1993, 500 members of the community gathered at Avenue B and Ninth Street to celebrate the groundbreaking of a new church and community center for their parish. The celebration included joyful songs and musical selections, as well as a procession of clergy and choirs representing congregations from the entire New York metropolitan area.

The Trinity Lower East Side Lutheran Parish's commitment to the community shines as brightly today as it did 150 years ago when Pastor Theodore Brohm held his first service on June 4, 1843. From its earliest days, the Trinity Parish has been an integral part of the Lower East Side community, one of our Nation's most historic neighborhoods. It has provided a center for the enlightenment and education of generations of children, a refuge for the weary, and a haven for the troubled. Indeed, Pastor Brohm's dedication has carried forth through the years as the Trinity Lower East Side Lutheran Parish continues to serve the community. The parish now offers Sunday School, a daily afterschool program, a summer day camp, a soup kitchen, as well as many other volunteer programs to help enrich the lives of thousands of New Yorkers.

In 1843, Pastor Brohm was forced to teach school from the basement of his own home. April's groundbreaking marks the latest chapter in the Trinity Lower East Side Parish's century and a half of growth and development. The new church will be equipped to meet the needs of the community and will also serve as a visible witness to the work of the Lutheran Church in the entire New York Metropolitan Synod.

Mr. Speaker, I ask my colleagues to join with me today in congratulating all those who have dedicated their time and effort to the construction of this new church and community center. This groundbreaking is an example of how much can be achieved when we work together for a greater goal and a symbol of hope for our future. Those who have donated their efforts to this project are to be recognized for their outstanding community involvement.

## A TRIBUTE TO RAYMOND W. SPORE

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. FAZIO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Chief Raymond W. Spore of the West Plainfield Fire District, who recently retired after 18 years of dedicated service to the community.

Chief Spore began his career in fire protection in 1974, when he joined the West Plainfield Fire Protection District. After several years of service, Ray was elected vice president of the Volunteers Association in April of 1982. The next September, he was elected captain, specifically as a medical officer. Finally, Ray was appointed chief of the West Plainfield Fire District [WPFD] in November of 1987.

During his career in fire service, Chief Spore underwent extensive training in several fields of fire protection including incident command, prevention, hazardous materials, instructor 1 series, aircraft disaster management, and fire sprinkler systems. Furthermore, Ray was one of the first emergency medical technicians in the WPFD.

As chief, Ray was the force behind many of the significant accomplishments achieved by the fire district. He promoted training that resulted in all WPFD volunteers achieving State certification at the volunteer firefighter I level. Chief Spore also worked with the Yolo County Board of Supervisors to promote a rural residential sprinkler amendment and participated in the Supervisors' Fire Advisory Board. He secured the adoption of the Uniform Fire Code by the WPFD and established a prevention division within the WPFD. Furthermore, Ray suppported the formation of the Yolo County critical incident stress management team.

Ray's accomplishments had early beginnings, prior to his career in fire prevention. After living in Mexico for the first 6 years of his life, Ray and his family moved to California where he attended school. While attending junior high school, Ray was selected to attend Boys' State in Sacramento. He later attended junior college in El Centro and received his bachelor of science degree in entomology from the University of California, Davis. Ray continued his academic success at the University of California, San Francisco, and earned his doctor of dental surgery in 1964. In 1965, Ray opened his own dental practice.

In addition to his many years of community service, Ray is an active participant in many local organizations. He selflessly gives his time to the junior chamber of commerce, Davis Chamber of Commerce, the Elks Lodge, the Kiwanis, and the Masonic Lodge.

Mr. Speaker, I am honored to have the opportunity to recognize Ray Spore's outstanding career in the fire protection profession. I ask my colleagues to join me today in wishing Ray a prosperous and fulfilling retirement, and continued success in the years to come.

## A TRIBUTE TO THE NEW HAMPSHIRE PARTICIPANTS OF THE ODYSSEY OF THE MIND PROGRAM

### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to the students who participated in this year's Odyssey of the Mind Program. I would also like to commend the parents, teachers, and other volunteers who donated their time and effort to help these students obtain such a high level of academic achievement.

The 1 million Odyssey of the Mind participants, ranging in age from kindergarten to graduate school, creatively solve complex problems using the teamwork approach.

The Odyssey began with students competing against their fellow schoolmates for the right to represent their institution in later State, regional, or provincial contests. These competitions culminated at the world finals at the University of Maryland in College Park. It included representatives from over 700 teams from over 18 countries in addition to those from the United States.

Mr. Speaker, I ask my colleagues to join me in commending each and every one of the students who participated in the Odyssey of the Mind Program. In particular, I would like to laud the accomplishments of those participants from my district in New Hampshire. They are: Kevin Mortimer, Andy La Mora, Chris Breault, John Morgan, Dan Vail, Laura King, Laura Gagliuso, Luke D'Alessandro, Kevin Morrissey, Joey Bartolo, Ankica Pogorzelski, Rachel Karajgi, Christy Liu, Jillian Hack, Carol Snaith, Mike Golding, Robby Fischer, Katelyn Powers, Joe Slattery, Nick Matthews, Kathy Newcomb, Chris Massie, Neal Pelletier, Wayne Burton, Allison Gumbel, Beth Merchant, Brian Belanger, Anne McCourt, Christopher Bassett, Erin Gumbel, Matt Newcomb, Mark Norris, Matt Crowley, Steve Bull, Thomas Bassett, Kitty McCourt, Pam Williams, Kristin Celentano, Christine Webster, Abby Call, Michael Lynn, Robin Goulette, Melanie Roberge, Jeremy Scott, Jared McGuire, Jason Alosky, Kara Hubbard, Katie Wright, Mara D'Angelo, Craig Halbmaier, Krystal Aube, Shanna Theriault, Bethany Arsenault, Kevin Griffin, Jeremy Hinton, April Frechette, Jason Carbol, Jan Massie, Judy Newcomb, Tom Mortimer, Richard Gagliuso, Sherrie Vail, Richard Goulette, John Merchant, Vaughn McCourt.

Mr. Speaker, I need not remind my colleagues that America's children are America's future. It is unfortunate that so many times our Nation focuses on the faults of our youth and neglects students, like these, who are participating in truly worthwhile activities. A sound educational system must be at the top of our list of priorities if we are to remain the vanguard of the new world order. I encourage my colleagues to join me in support of educational programs like Odyssey of the Mind, and in congratulating these remarkable young Americans.

## TRIBUTE TO REV. DAVID L. RANDOLPH, SR.

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to one of Philadelphia's most beloved clergymen. On Friday, July 9, Rev. David L. Randolph, Sr., will be honored at an appreciation service by the South Philadelphia Cluster of Churches. To commemorate this most special occasion, I would like to take a moment to reflect on the remarkable career of this outstanding individual.

Born the youngest of eight children to the late Rev. Samuel B. Randolph and Rev. Mary Randolph in Oxford, PA, it is clear that Reverend Randolph was born into a family of the utmost piety. Following his successful advancement through the public school system, Reverend Randolph attended Lincoln and Temple Universities where he received his bachelor of arts degree in business administration. Reverend Randolph then expanded upon his initial degree by attending Manna Bible College, Philadelphia College of the Bible, and Southeastern University, where he received his master's of divinity degree.

Mr. Speaker, from 1956 to 1959, Reverend Randolph served his country with the greatest sense of honor and duty as a lance corporal in the U.S. Marine Corps. One year later in 1960, he was ordained as elder and pastor of the First Church, Mount Zion AME Church in Ellendale, DE, where he will long be remembered for erecting their first parsonage. From 1966 to 1971, he served as pastor of the Richard Allen, AME Church in St. Georges, Bermuda.

From 1971 to 1989, Reverend Randolph served as the pastor of Tyree AME Church in Philadelphia, where he undertook extraordinary capital improvements to renovate the sanctuary. Reverend Randolph is also the founder, and organizer of Tyree's Older Adult Center, which has provided a countless number of seniors with an invaluable resource center.

Mr. Speaker, from 1989 to 1993, Reverend Randolph was the pastor of Zion, AME Church in Philadelphia. Presently, he serves as pastor of the Metropolitan AME Church in New York. In addition, Reverend Randolph still serves a congregation in Bermuda, and as chairman of the education committee and chaplain staff at Presbyterian Hospital. Reverend Randolph was elected as a delegate to the General Conference in 1971, and he continues to serve diligently in that capacity.

Mr. Speaker, Rev. David L. Randolph, Sr., has also been a major asset to our community. As a member of PUSH, the NAACP, and the New Direction Rehabilitation Center, just to name a few, Reverend Randolph has constantly dedicated his time and boundless energy to the betterment of our community.

I would like to ask my colleagues to rise and join me in paying our greatest tributes to Rev. David L. Randolph, Sr. I would also like to extend our warmest appreciation to Reverend Randolph's beloved wife Nancy, and their son, David, Jr. On behalf of the entire U.S. Congress, I would like to offer my greatest thanks and appreciation to Rev. David L. Randolph, Sr. May God continue to bless and smile on this truly great man.

## A TRIBUTE TO DR. BRUCE LENSCH

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding service of my very good friend, Dr. Bruce Lensch of Chino, CA. Bruce will be honored for his many years of service at a dinner in his honor later this year.

Bruce is one of those rare individuals who not only excels in his chosen profession but has given back a great deal to the community. He has provided a great deal of leadership in a number of church, school and service club projects, served as a city councilman, and initiated successful fundraising efforts for local charities through communitywide recreational events. In addition, Bruce founded and led the Chino Civic Authority, the agency responsible for the rebirth of the city's new civic center including the new civic buildings, courthouses, library and senior citizens' center.

Bruce is also very well known for his years of service promoting beneficial health legislation. For several decades, he has served the dental profession as either president or chairman of many local, State, and national organizations.

Mr. Speaker, I ask that you join me, our colleagues, Bruce's wife Audrey, and his many friends in honoring this outstanding man. His commitment, dedication and many years of service has enriched us all and our community. It is fitting that the House of Representatives recognize him for his contributions today.

## A TRIBUTE TO BRUCE CHRISTENSEN, PRESIDENT OF MARE ISLAND NAVAL SHIPYARD ASSOCIATION

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. MILLER of California. Mr. Speaker, on July 16, 1993, the employees of Mare Island Naval Shipyard in Vallejo, CA, will say goodbye to Bruce Christensen as he retires after 35 years of Government service. But judging from his extensive community involvement, I am certain this will not be the last we see of this accomplished man. It gives me great pleasure to offer this special recognition of his contributions to his community and to this country.

Mr. Christensen began his career in Government service at the Mare Island Naval Shipyard in 1957, holding various engineering positions. Through his hard work and dedication, he became the shipyard's head nuclear engineer.

Throughout the years, Bruce Christensen has held many professional positions as well. He is the president of the National Association of Naval Shipyards and a former chairman of the Northern California Naval Civilian Employees Council.

Mr. Christensen's community service boasts a notable record of activities, including president of the Junior Chamber of Commerce, president of the California Junior Chamber of International Senators, member of the Vallejo Chamber of Commerce armed services committee, and currently a member of the Mare Island Helmsmen Toastmasters.

I had the honor of working with Bruce as members of the mayor of Vallejo's base closure steering committee in our advocacy of Mare Island Naval Shipyard during the base closure and realignment process. Throughout our fight to keep the shipyard open, Bruce, who was president of the Mare Island Naval Shipyard Association, acted as one of our strongest leaders, a valued counselor, and a stern defender of Mare Island's employees and their families. Bruce helped us deliver before the Defense Base Realignment and Closure Commission what one Commissioner described as the best presentation he has seen to date.

Mr. Speaker, I am proud to join his wife Sharon; his children Bruce, Mike, and Cathy; his grandchildren; and his friends in honoring this truly accomplished and dedicated man. Bruce Christensen has earned our deepest respect and admiration for his service to the U.S. Navy and the city of Vallejo.

I ask that my fellow Members of the House of Representatives join me in wishing Bruce Christensen the very best in his retirement. I know we will continue to hear from him and benefit from his future achievements.

## JOSEPH A. ZODL WRITES BOOK REGARDING SMALL BUSINESSES

### HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July, 13, 1993*

Mr. COPPERSMITH. Mr. Speaker, I wish to call to the attention of my colleagues a book by a constituent of mine, Joseph A. Zodl, entitled "Export—Import: Everything You and Your Company Need to Know to Compete in World Markets." I recommend this book to you and to your small business constituents.

Mr. Zodl has written a much needed guide for small businesses interested in selling internationally, With the coming of the North American Free Trade Agreement and with the progress I hope to see from the Uruguay round of GATT, many small businesses will want and will need to add export and import. This book will make this transition easier for those businesses.

The globalization of international trade means every business must think about foreign markets. No longer can any business, no matter how small, write off exporting as too complicated or unnecessary. In his book, Mr. Zodl has explained and simplified marketing a product abroad, contacting and contracting with a potential distributor, setting up an order system, and creating a payment plan. With the aid of this easy-to-read, step-by-step approach, small businesses will have the information they must have to compete in the global economy.

## VOLUNTARY PRICE INCREASES EXCEED INFLATION REPORTS BUREAU OF LABOR STATISTICS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. STARK. Mr. Speaker, as part of their grassroots disinformation campaign, the Pharmaceutical Manufacturers Association [PMA] continues to spend hundreds of thousands of dollars on ads which attempt to convince Congress and the public that the drug price problem is under control. But the evidence continues to indicate the contrary.

Last month I noted that the PMA's ads refer to a price index which shows the retail price changes of 20 prescriptions which include dispensing fees and markups. Using this index they claim that drug price inflation for May is approximately equal to the general rate of inflation, as measured by the Consumer Price Index—Urban [CPI–U]. What they do not show is that drug price inflation in May 1993 was 4.5 percent as compared to the general rate of inflation of 3.2 percent. The index which measures manufacturers' drug price changes is the Producer Price Index [PPI] for pharmaceuticals. The table below compares the year-over-year changes in drug prices, general inflation and the difference between the two.

CHANGES IN INFLATION AND DRUG PRICES

[In percent]

| | General inflation CPI–U | PPI-drug manufacturers price increases | Drug inflation exceeds CPI–U |
|---|---|---|---|
| From May 1992 to May 1993 ... | 3.2 | 4.5 | +1.3 |

Source: Bureau of Labor Statistics.

The Bureau of Labor Statistics calculates subindices of specific therapeutic groups of pharmaceutical products within the Producer Price Index. The table below presents the 1-year price increases in five major therapeutic categories. The table also shows the amount by which these increases exceeded general inflation in May 1993.

CHANGES IN PRICE FOR SPECIFIC THERAPEUTIC CATEGORIES

[In percent]

| | Analgesics | Antiarthritics | Diabetes therapy | Diruetics | Muscle relaxants |
|---|---|---|---|---|---|
| Price up by ............ | 5.4 | 7.0 | 5.2 | 6.7 | 8.5 |
| Exceeds CPI by ....... | 2.2 | 3.8 | 2.0 | 3.5 | 5.3 |

The straight facts indicate that pharmaceutical companies are continuing to increase their price voluntarily. To provide a fair balance for consumers, insurers, and manufacturers, I have proposed this creation of a Prescription Drug Prices Review Board. This Board would set reasonable limits on drug price increases and establish a mechanism for public review of new, excessive drug prices when necessary. To date, 30 of your colleagues have already cosponsored H.R. 916. I urge you to do the same.

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# AID EFFORTS IN THE FORMER SOVIET UNION

## HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. DICKS. Mr. Speaker, I am extremely pleased to learn that the U.S. Government, through the Agency for International Development [AID], has enlisted the boundless creativity, technology, and capital resources of American agribusiness and agriculture in its foreign assistance response to New Independent States of the former Soviet Union [NIS].

The NIS Task Force of AID has designed and implemented an innovative public-private sector partnership for development that, using both public and private funds and resources, will engage American agribusiness and agriculture as catalysts for development—to help the peoples of the NIS move from communism to democracy and pluralism, from central planning to free and market-based economies. The name of this important public-private sector partnership for development? The Food Systems Restructuring Program.

Before I describe the specifics of the Food Systems Restructuring Program and particularly as they relate to my home State, Washington, let me compliment AID and their NIS Task Force for initiating such a dramatic and historic program, a program every bit as dramatic and historic as the events to which it responds. AID's NIS Task Force concluded, and rightly so I might add, that if it formed a collaborative partner relationship with American agribusiness, it could leverage the private sector's enormous ability, known-how, and resources to help AID address the truly enormous and daunting development challenges which exist in the NIS.

Mr. Speaker, I observe that the administration has repeatedly stated its support for a public-private sector partnership for development like the Food Systems Restructuring Program. Secretary of State Warren Christopher has said:

> In an era in which economic competition is eclipsing ideological rivalry, it is time for diplomacy that seeks to assure access for U.S. businesses to expanding global markets. * * * We must organize our foreign policy around the goal of promoting the spread of democracy and markets abroad.

And President Clinton added:

> American jobs and prosperity are reason enough for us to be working at mastering the essentials of the global economy, but far more is at stake. For this new fabric of commerce will also shape global prosperity or the lack of it and with it the prospect of people around the world for democracy, freedom, and peace. * * * we need to promote the steady expansion of growth in the developing world, not only because it's in our interest but because it will help them as well.

I fully agree with the President. A public-private sector partnership like the Food Systems Restructuring Program by promoting growth in the emerging democracies and economies of the NIS, therefore is in all Americans' interest, and consequently will help them—the peoples of the NIS—and us. The program will strengthen American agriculture and agribusiness, better position them in an increasingly competitive global market, and help them deliver American trade, investment, creativity, and capital to the NIS. And increased American trade and investment in the NIS will create jobs here in America, jobs for Americans. A 1992 Federal Reserve study found that more than the value of the dollar, the level of investment spending worldwide determines the level of U.S. exports (New York Times, 5/10/92). And more U.S. exports mean more jobs for American workers.

The Food Systems Restructuring Program will benefit the peoples of the NIS by transferring American know-how, trade, and investment—assistance which will in turn encourage democracy, economic empowerment, and social and political stability—exactly what the peoples of the NIS have said they want and need. They do not want more useless studies, more delegations, more consultants. They want American trade and investment. They want American private enterprise as joint venture partners.

But perhaps the biggest winner from a public-private sector partnership for development like the Food Systems Restructuring Program are the American people themselves, receiving from their highly leveraged taxpayer dollars more "technical assistance bang for the buck." And everyone indirectly benefits as the public-private sector foreign assistance partnership draws our countries, economies, and peoples closer together—encouraging economic growth and creating jobs and economic opportunity on both sides of the ocean.

Mr. Speaker, I am happy to announce with special pride that a Seattle-based agribusiness, TPC Foods, Inc., has received from the Citizens Network for Foreign Affairs, one of the three implementors of the Food Systems Restructuring Program, a subgrant to assist in restructuring the Russian Far East food system.

What is the Citizens Network's Food Systems Restructuring Program? To begin, the Citizens Network created the Citizens Network Agribusiness Alliance [CNAA] in 1991 to respond to the historic changes taking place in the former Soviet Union and bloc. The CNAA is a consortium of over 150 major American agribusinesses, trade associations, farm and commodity organizations, and universities, representing the best agriculture infrastructure in the world.

The CNAA's strategy is basically twofold: To directly employ American agribusinesses and enterprises in assisting the peoples of the NIS in the development of sustainable democracies and market-based agriculture economies, and to highlight the U.S. economic stake in expanding markets for American business and workers through the development of trade and investment linkages that benefit the economies of both the United States and the NIS.

AID asked the Citizens Network to engage its CNAA agribusiness members' unsurpassed expertise and experience in the NIS through the Food Systems Restructuring Program. In response to an AID competitive request for applications [RFA], the Citizens Network put together a proposal which brought to bare the unparalleled resources and experience of 24 of America's leading international food and agribusiness companies, representing more than 30 years of experience in the former Soviet Union and an aggregate financial investment in the past 5 years alone of almost $100 million. The Citizens Network proposal generated a pool of potential projects valued at more than $700 million dollars, almost 75 percent of which would be directly financed by the American agribusinesses and their NIS joint venture partners.

The Citizens Network received a 4-year, $44.5 million award from AID under the Food Systems Restructuring Program to provide subgrants to American agribusinesses and their NIS joint venture partners to help create efficient and effective food systems in the NIS. The CNAA Food Systems Restructuring Program will have lasting impact on the economies and societies of the NIS by providing technical assistance and American know-how to break the bottlenecks in the food chain, and by increasing trade and investment in the NIS. The program addresses the areas of greatest need in the NIS: the post-harvest food system; that is, storage and handling, processing, distribution, communications, wholesale and retail marketing, banking and credit, and policy reform.

Back to my home State. TPC Foods and its Giant joint venture partners, will work to build a comprehensive and integrated market-driven, privately owned food system in the Primorski Krai. The project will fundamentally change the food industry in Russia by operating the first realistic model of a food system which, based on private ownership and American practices, is designed specifically for the realities of Russia and to serve Russian consumers. For every $1 of public funds, TPC Foods and its Russian partners will contribute almost $4. TPC Foods has extensive experience in Russia, having worked in the Russian Far East for more than 2 years.

TPC Foods has a hard job ahead of it. The situation in the Russian Far East appears bleak. For want of an alternative to state subsidies several enterprises are going bankrupt and giving up on privatization entirely. In the short-term, the Giant joint venture will make the situation less bleak by hiring many Russians over the next several months and organizing a massive training effort through Giant University. The implementation of the TPC Foods project will provide substantial momentum toward privatization throughout the region's food system and will create a series of opportunities upon which regional government reform can capitalize.

The single most critical problem facing the NIS as it strives to adopt a democratic political system in a stable economy based on free market principles, is ensuring a steady supply of quality food to its people. The TPC Foods project will work to show the Russians positive and real examples of how a market economy improves peoples' lives—sorely needed to ensure the continuation of the political and economic reform process. It is therefore exceptionally critical that a functioning model of a comprehensive food system model be created to demonstrate visible results as soon as possible.

As a public-private sector partnership between AID and American agriculture and agribusiness, the CNAA Food Systems Restructuring Program, as exemplified by the TPC Foods project, represents an unprecedented effort to spark the creative involvement of the American private business sector in support of sustainable international development activities in the NIS. And Mr. Speaker, let me conclude by reiterating that based on all the evidence, based on good old American common sense, based on the axiom: always get the right person to do the job—I believe that a public-private sector partnership for development like the CNAA Food Systems Restructuring Program is indeed the brightest future of America's foreign assistance beyond the borders of the NIS, beyond the 20th century.

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## CONGRESS PAYS TRIBUTE TO PAUL J. PROPER, SR., FORMER SHERIFF OF COLUMBIA COUNTY, NY

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. SOLOMON. Mr. Speaker, I'd like all of you to join me today in honoring a special man.

First, I should ask what we can do for a man after he's had a building named after him, because that's what has happened to Paul J. Proper, Sr., former sheriff of Columbia County, NY.

In a recent ceremony, the Public Safety Building in Greenport was renamed in honor of Mr. Proper, who spent 26 years in law enforcement and was elected to four terms as sheriff.

During his 13 years as sheriff, Mr. Proper sold the board of supervisors on a much-needed new jail and public safety building. He was also responsible for many organizational changes, such as bringing in competitive civil service exams and upgrading the department's in-service training program. His peers thought enough of him to make him president of the New York State Sheriff's Association.

Mr. Proper worked under two sheriffs, Dewey Lawrence and Frank Appleton, before getting the top slot himself. His successor, James Bertram, worked under Mr. Proper for 13 years. Sheriff Bertram is quick to credit his predecessor for turning over to him a well-organized department.

The Public Safety Building, completed in 1988, represents an increase to 120 jail cells from the old facility's 56 cells, and brought all departmental functions under one roof.

Columbia County previously had to farm out some of its prisoners to other counties. Now, the Columbia County actually generates revenues housing prisoners from other counties.

In other words, Mr. Speaker, if you know Paul Proper, and if you know his record and the impact he's had on local law enforcement, you would know that naming the Public Safety Building for him was the right thing to do. The building will serve as a fitting monument for one of the finest public servants I've ever met.

And so, Mr. Speaker, I would ask all Members to join me in adding our own tribute to Paul J. Proper, Sr., an outstanding figure in law enforcement, a great American, and a good friend.

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## HONORING JAMES LAROCCA

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. ACKERMAN. Mr. Speaker, I rise today to join my constituents on Long Island in honoring James L. Larocca, a most unique and effective individual who is retiring as president of the Long Island Association.

James Larocca has created over these many years a record of service that has expanded and enhanced the Long Island communities and its many residents. Early on in his law career, Mr. Larocca began an involvement with public service that grew into a model for effective leadership. He served as counsel to the vice-chairman of the National Commission on Water Quality, as well as counsel to New York's Gov. Hugh Carey in Washington, DC. Serving as New York State's first commissioner of energy, he chaired the State's Energy and Development Authority. Recognizing his distinct ability as a leader and innovator, Gov. Mario Cuomo, in 1983, appointed Mr. Larocca commissioner of transportation, where he spearheaded the $1.25 billion Rebuild New York Program.

It was not long before the people of Long Island realized the tremendous capabilities possessed by Mr. Larocca, and he agreed to assume the presidency of the Long Island Association, the region's largest business and civic organization.

Jim Larocca's activities serve as a model for productive leadership and dedication to public improvement. He cochairs the New Long Island Partnership Inc. and is vice chairman of the Long Island Housing Partnership Inc. He is a member of the council of the State University at Stony Brook and a member of the Board of Visitors the Marine Science Research Center. In addition, he also serves as a member of the Governor's School-Business Alliance Task Force and the Long Island Business Development Council, as well as the Governor's Citizen Advisory Council on Bias.

In recognition of his many accomplishments and contributions, Mr. Larocca has received the American Society for Public Administration's Charles Evans Hughes award and the prestigious George M. Estabrook award from Hofstra University.

Mr. Speaker, as James Larocca moves on to enhance the field of law, I ask all the Members of the House of Representatives to join with me in paying homage to this truly exceptional citizen.

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## TRIBUTE TO PATRICK B. GILLESPIE

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to a man who has constantly dedicated his time and boundless energy to the cause of helping others. As the Philadelphia chapter of Unico National prepares to present their prestigious "Salute to Labor" Gold Medal Award to Mr. Patrick B. Gillespie, I would like to take a moment to reflect on the remarkable achievements of this outstanding individual.

As a 27-year veteran of Operating Engineers Local No. 542, Pat is now in his 11th year of service as the Philadelphia Building and Construction Trades Council's business manager. In this demanding capacity, Pat is charged with the responsibility of being the voice for approximately 130 business agents in the building and construction trades.

That position alone could certainly occupy the time and energy of an average person, but Mr. Speaker, Pat Gillespie is no average person. In addition to his work as business manager, Pat finds time to serve as vice-president of the Philadelphia AFL–CIO Council, cochairman of Built Rite, an executive committee member of Independence Blue Cross, and the Philadelphia Industrial Development Comm. just to name a few.

Pat Gillespie's service to his country and the great city of Philadelphia is unparalleled. As a former State representative, Pat was well respected for his outstanding legislative abilities, and his reputation for fighting for his constituents in Harrisburg. Pat has also been a member of the Greater Philadelphia First Corp., the Philadelphia Bar Association Foundation, and the Philadelphia Criminal Justice Comm.

Mr. Speaker, Pat Gillespie is also deeply involved in several charitable endeavors. The

Variety Club, Deborah Hospital, and the United Cerebral Palsy Association have all benefited from Pat Gillespie's giant and gracious heart. Pat has also been recognized for his renowned leadership abilities, receiving the Torch of Liberty Award from the Anti-Defamation League of B'nai B'rith, and the 1991 Outstanding Labor Leader Award from Laborers Local 322 Friends of Labor.

Mr. Speaker, having had the good fortune to know Pat Gillespie for a great many years, I can personally attest to his outstanding leadership abilities, and his warm and giving personality. He is a friend whom you can always count on, and a confidant whom you can always trust. I would like to ask my colleagues to rise and join me in paying our greatest tributes to Mr. Patrick B. Gillespie. On behalf of the entire U.S. Congress, I would like to thank you Pat, for all of your unfailing years of dedicated service to the city of Philadelphia, and the United States of America.

## COST OF GOVERNMENT DAY

## HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. HASTERT. Mr. Speaker, I rise today to call attention to the celebration of Cost of Government Day. It's hard to believe, but Americans must work until today, more than half of the year, to pay the combined costs of taxes, government spending, and regulation. Starting tomorrow, Americans can begin to work for themselves.The regulatory system imposed by the Federal Government is far too heavy-handed. A recent report states that total regulation costs for the average American family will run over $8,000 a year. These hidden taxes are on everything from groceries to a haircut. The redtape burden is then compounded by the State and Federal taxes that they must pay.

Too often, it seems like those inside the beltway forget that American businesses—especially small business—create the jobs and products that drive our economy. And too often, the most well-intentioned regulations do nothing but create an expanding web of forms and paperwork.

It is time that we stop running Illinois business from Washington. It is time that we ease their burden so that they can, in turn, create jobs and get our economy growing again.

## WHIRLPOOL AND ITS WORKERS ARE CONGRATULATED

## HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GORDON. Mr. Speaker, I want to commend Whirlpool Corp. for winning the $30 million competition to develop a CFC-free super-efficient refrigerator. This competitive bid process was sponsored by the Super Efficient Refrigeration Program, Inc. [SERP], energy-efficient, ozone-friendly refrigerators.

Whirlpool won the environmental contest over 13 other companies that submitted bids. Whirlpool employees in my district in LaVergne, TN, as well as workers at Whirlpool plants in Benton Harbor, MI, Evansville, IN, and Fort Smith, AR, led the companywide effort which has resulted in development of a 22-cubic-foot, side-by-side refrigerator-freezer that not only exceeds the 1993 Federal energy efficiency requirements by 25 to 50 percent but also contains no ozone-damaging CFC's.

SERP is a nonprofit corporation comprised of 24 utilities, in collaboration with the Environmental Protection Agency, the Natural Resources Defense Council, the Electric Power Research Institute, and the American Council for an Energy-Efficient Economy.

I applaud this type of market initiative that brings together government and business in cooperation rather than as adversaries. In the end, these kinds of partnerships can be a model for joint efforts to produce new industrial techniques and manufacturing processes that will maintain our Nation's role as the world's economic and technological leader.

The consumer is also the winner, since domestic electric bills will decrease while the refrigerator will provide all the latest design features, styles and conveniences at a cost comparable to current like-sized refrigerators.

I congratulate Whirlpool Corp. for its global leadership and most of all, I congratulate the workers who have once again shown that American ingenuity is the best in the world.

## IN MEMORY OF PATRICK LIPPERT

## HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GLICKMAN. Mr. Speaker, I rise today in sadness to share with my colleagues the death of a friend, not only of mine but of young people throughout this Nation. Patrick Lippert, the executive director of Rock the Vote, passed away yesterday. A young man, he was, nonetheless, a singularly powerful and effective force of change.

Under this tireless and remarkable leadership, Rock the Vote—a nonpartisan, nonprofit organization dedicated to encouraging young people to register and vote—metamorphasized into a singularly successful operation, giving young people a vote and a stake in their futures. The recent signing into law of the motor-voter bill was but one of Patrick's accomplishments. More generally, by soliciting the help of America's most popular young stars of film and music, Patrick made it cool for young people to register to vote and to take seriously the challenges facing this Nation.

This success was a direct result of Patrick's idealism, his passion, and his irresistible personality. Patrick had an energy and a charm that won him friends too numerous to count and a manner that made each of his friends feel that they were special and important. Of course, among Patrick's friends are some of the most well-known and successful people in the entertainment world. But, star status in itself did not matter to Patrick. What mattered to Patrick was that they get involved in making this country a better place.

In fact, Patrick was personally responsible for taking many a young actor or actress by the hand and leading them into dedicated work on the environment or voter registration. But, when Patrick touched them, they were committed for life. They, in turn, would then work to get other young people involved.

Many of us in this body have participated in the Congressional High School Art Exhibition opening and have seen the excitement and sheer joy of winning art students in our districts who have had the opportunity to meet and have their pictures taken with Tom Cruise, Sarah Jessica Parker or Meg Ryan. What many of my colleagues do not know is that Patrick made this possible, to the extent that young actors would virtually compete to join these students in Washington—often flying across the country to do so.

Quite simply, Patrick had a magical quality, one that he put to use to empower young people, to make sure that they always knew that their lives and their voices counted.

Patrick's death is a loss, and I extend my deepest and most heartfelt condolences to his entire family. But, Patrick's legacy lives on, in the hand of that young man or woman—one of millions—who reaches out to cast his vote and says to himself or herself, "I make a difference."

## SPENDING CUTS HAVE A WAY OF BEING FORGOTTEN

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all my colleagues the following article by Ronald Reagan, which appeared in the Wall Street Journal on July 8, 1993. Former President Reagan has, in this article, once again reminded all of us why he was twice elected President, and why the Reagan era was a time of jobs, prosperity, and hope.

President Reagan reminds us of two big truths, one economic, one political. The economic truth is that we can't have jobs and economic growth unless we give investors the incentive to invest, and that incentive is lower marginal and capital gains tax rates. The big political truth, which some Democrats seem intent on relearning the hard way, is not to believe in congressional assurances of spending cuts in future budgets.

As Ronald Reagan says, at his age he lives by three rules: "Don't buy green fruit. Don't sign up for long-term magazine subscriptions. And don't believe in 'future spending cuts'."

The article follows:

### HURRY UP AND WAIT

(By Ronald Reagan)

Anyone who's ever been in the military has heard the expression, "Hurry up and wait."

Although it won't admit it, the Clinton administration is telling the American people the same thing. Through its new tax-and-spend plans, it wants to "hurry up" with the tax increases—the largest in the 217-year history of this country. But as for the "spending cuts" that are supposed to offset the taxes and reduce the deficit—well, we'll just have to wait . . . and wait . . . and wait. Much of the so-called deficit reduction through spending cuts isn't scheduled to take place until four or five years from now.

Take it from one who dealt with a Democrat-controlled Congress: Despite the "assurances," "promises," "pledges" and "commitments" you are given, the spending cuts have a way of being forgotten or quietly lobbied out of future budgets. But the tax increases are as certain to come as, well, death and taxes.

In 1982, Congress wanted to raise taxes. It promised it would cut federal spending by $3 for every $1 in new taxes. Being a new kid in town, I agreed to this. Unfortunately, although the taxes went into effect, Congress never cut spending by even a penny.

In the latest round, several key Democratic senators made it clear that the budget President Clinton lobbied through the House was too heavy on taxes and too light on spending cuts. They wanted to get closer to what the administration had first proposed but later reversed. That is, $3 of spending cuts for every $1 of new taxes. Sound familiar?

PROMISING START

The senators were off to a promising start when they decided to rid the budget package of the so-called BTU tax. This was to be a broad-based tax on all energy. It was the stealth bomber of taxes for, once passed, its rates could be gradually increased without the average taxpayer noticeably feeling the pinch. In the House, several industries and groups managed to exempt themselves from the tax, effectively turning it into a Swiss cheese tax—full of holes. The Senate Finance Committee was wise to knock it out entirely. They then stirred into the budget several new ingredients to take its place, but they forgot an essential one: economic growth.

Economic growth is created by people who produce things. The more that's produced to meet increasing demand, the more new jobs and services are created in turn. Other than short-term make-work projects, the government does not create jobs; the private sector does. How? By investng in new plants and equipment, and by researching and developing new products. And how does the private sector do all that? By having enough corporate profits to reinvest and enough incentives to make such expenditures desirable. What will they get from the Democratic Senate's budget bill? The opposite incentives: inhibitors to growth.

The main inhibitors are a capital-gains tax increase and higher income-tax rates on some of our most productive citizens. For example, the bill would raise the capital-gains rate of 30.8% from 28%. Who pays capital-gains taxes? Proponents of high rates paint a picture of wealthy coupon-clippers who have not been paying their "fair share." The real picture is very different. An important source of capital gains are investors who provide venture capital to promising high-tech start-up companies. This higher tax will discourage them from making such investments. Rather than turn over their funds by taking their gains and moving on to new investments, they will tend to hold on, waiting for an improved tax climate down the road. No new jobs there.

If anything, cuts in the capital-gains tax rate are in order. The last time this occurred, with passage of the Steiger Amendment in 1978, there was a very large increase the next year in the amount of venture capital available to new businesses. Alas, some politicians, now as then, lack the courage and the realism to explain back home that it is necessary to let someone make a profit in order to create the pool of investment money that makes jobs.

What the White House has been camouflaging with its class warfare rhetoric is that a substantial portion (about 40 percent) of the nation's small businesses are taxed under the so-called "Subchapter S" provision of the tax code, by which corporate profits are paid at the individual rates of the owners. The income-tax increase will hit hard at these businesses, historically our greatest source of job creation.

As it is, not only capital-gains and individual income-tax rates will go up, but the corporate income tax will go up as well under the Clinton-Senate budget. And Social Security recipients who earn more than $32,000 a year will have 85 percent of their long-ago-paid for benefits taxed. This is a disincentive for healthy, productive older people who want to work.

Basic economic behavior is not very complicated. If you give people incentives to invest, they'll do it. If you put obstacles in their way, they will either work around the obstacles or sit tight until these are removed.

Simply put, the Clinton administration seems to favor more government as the answer to stimulating the economy and reducing the deficit. To them, I ask this question: Apart from the defense and security of our country, how many cases can you name where the government has run a program or provided a service with greater efficiency than the private sector?

With regard to raising revenues, we've seen time and time again that increased taxes only result in decreased government revenues. Working people eventually reach a point when it just doesn't make economic sense to work a little harder or invest a little more of their money if the resulting income is only to be lost to higher taxes.

After witnessing the failed policies of its Democratic predecessors, I thought the Clinton administration would come up with something new. But, as the film "Jurassic Park" has shown us, some people are willing to go to great lengths to resurrect dinosaurs.

In the early 1980s we set out to create conditions that would expand the U.S. economy. We passed tax cuts across the board for every taxpayer. We eliminated income taxes altogether for lower-income citizens. All of this triggered a 92-month economic expansion, the longest peacetime boom in the nation's history. During that expansion some 19 million jobs and tens of thousands of new businesses were created. And the expanding economy increased federal revenues.

MISSING INCENTIVES

The other half of the successful growth mix of the 1980s—incentives—is virtually missing in the new budget. Indeed, the increased capital-gains, incomes and corporate taxes may result in job shrinkage and reduced investment in R&D and new companies. Both the original Clinton budget and the Senate Democrats' substitute seem to be based on the old lower-the-bridge theory. That obstructs economic flow. What we need to do instead is raise the river.

I urge the budget makers to take another, more realistic, look at the budgeting process. Each year's budget should stand or fall on its own. If there are to be tax increases, let's see the spending cuts the same year, not at some point down the road. Not only will such an approach add more honesty to the system, but it may also actually accomplish the goal of deficit reduction.

I hate to be impatient, but I've been around long enough to have doubts about spending cuts that won't be seen for five years, if ever. In fact, at my age, I live by three rules: Don't buy green fruit. Don't sign up for long-term magazine subscriptions. And don't believe in "future spending cuts."

## CONGRESSMAN WILLIAM D. FORD HONORS IVA L. MECKS

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. FORD of Michigan. Mr. Speaker, this year we have placed a special emphasis on the importance of family. I rise today in recognition of Iva L. Mecks, one of my constituents, who has dedicated herself to serving the children and families of Wayne County, MI. This summer Iva is retiring after 25 years of devoted service from Out Wayne County Head Start.

Iva Mecks began her affiliation with Head Start in the summer of 1968 when she volunteered as a classroom assistant teaching creative dramatics for Westwood Head Start. That fall Westwood Head Start employed her as their parent coordinator. She spent the next 2 years there and in 1970 she joined the Out Wayne County Head Start staff as the grantee parent involvement coordinator. In this capacity she organized the first Head Start Policy Council. She continues to work closely with the policy council in her position today as grantee administrative assistant.

Iva Mecks has also been active in Head Start on the State level. As one of its original members, she has served as an officer for the Michigan Head Start Association. Mrs. Mecks was recognized for her exceptional contributions to Head Start at a Project Head Start 15th anniversary celebration at the White House.

She devotes her spare time to her husband, six children, five grandchildren, and even one great-grandchild. She also sews wedding gowns, bridesmaids' dresses, and Easter suits and enjoys baking and decorating cakes for all occasions, especially wedding cakes. She is an active member of the Second Grace United Methodist Church. Iva sings in the Wesleyan Choir and performs biblical dances. Upon her retirement on August 31, 1993, she plans to open an art and drama school for children.

Iva Mecks exemplifies the meaning of dedication and family. She has touched a countless number of lives in her 25 years of service. She is always discovering new ways to celebrate and encourage family and is a continuing inspiration to us all.

## INTRODUCTION OF LAND TRANSFER LEGISLATION

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. MATSUI. Mr. Speaker, Representative HERGER and I are introducing today legislation which will facilitate a land transfer in northern California. This land transfer will allow the Bureau of Land Management [BLM] to add a critical piece of property to the Gene Chappie/Shasta OHV Area.

The intent of this legislation is to allow a parcel of land which was acquired by the Forest Service to be exchanged by BLM in order to achieve the land exchange. The Forest Service land is an isolated tract which was acquired for the Delta Point Lookout on April 20, 1936, under the Emergency Civil Works Act of March 31, 1933. The lookout is no longer needed, and was removed from the parcel, returning the land to its former unimproved status.

The Forest Service parcel is entirely surrounded by private lands, which are owned by the Cibula family of northern California. Consequently, the Cibulas have long been interested in acquiring this parcel. By the same token, the Cibula family owns the parcel of land sought by BLM for purposes of expanding the Gene Chappie/Shasta OHV Area. The Cibulas will consider giving up their parcel only if they can obtain the Forest Service parcel their property surrounds. They will not accept a cash transaction, nor will they accept other offered lands. Therefore, the only apparent way for BLM to acquire the parcel for the OHV area is to be able to offer the Cibulas the land acquired by the Forest Service.

Although the Forest Service if fully willing and cooperative in the effort, under existing legal authorities the Forest Service is authorized to dispose of the acquired parcel only in return for lands which become part of the National Forest System. Since the Cibula parcel is needed for a BLM public domain project, there is no apparent way to achieve the shared goals of the Forest Service, BLM, and the Cibulas under existing law.

The legislation Representative HERGER and I are introducing today will allow the Cibulas to work with the two Federal agencies in order to work out the mutually agreeable transaction: the Cibulas will receive the Forest Service parcel in exchange for their family parcel, which will be received by BLM.

His legislation does not require the exchange to take place; it merely allows the parties to proceed should terms agreeable to BLM, the Forest Service, and the Cibulas be established. Our legislation also recognizes all the Federal legal requirements for land exchanges.

Mr. Speaker, our legislation should not be controversial; it merely serves as a mechanism in order to allow BLM, the Forest Service, and a private citizen to exchange properties to the advantage of all concerned, including the Federal Government. It is our hope that this legislation receives an early hearing and is soon considered by the House.

## LACK OF FUNDING FOR NED—A SETBACK FOR DEMOCRACY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. GILMAN. Mr. Speaker, the cause of democracy recently suffered a setback with a vote of the House of Representatives to eliminate funding for the National Endowment for Democracy. As I argued at the time, NED is a cost effective addition to the U.S. Government's support for democratic institution building around the world. As an independent organization, NED is able to reach areas to which our Government may not have access. The kind of people-to-people programs sponsored by NED are aimed at developing indigenous expertise to support democratic institutions. This foundation provides the stability necessary to sustain the major economic, social, and political reforms being undertaken in several countries.

There are many others who recognize the significant service that NED provides on behalf of our national democratic values.

The New York Times column of July 13, 1993, by A.M. Rosenthal articulating the value of funding the National Endowment for Democracy follows:

CAN IT BE HAPPENING?

(By A.M. Rosenthal)

Iraqis fighting Saddam Hussein say one American organization in particular helps keep alive their hopes that democracy has a chance in their country. China's dissidents, at home or in exile, know and bless its name—the National Endowment for Democracy.

So do veterans of Polish Solidarity and the Czech freedom movement. They are emotional in their thanks for past aid and passionate in their hope that other freedom fighters facing their own make-or-break years will get the help they did.

What they got was a little money and a lot of political comradeship. The money went for things like presses, books and pamphlets to spread about in lands parched for information and free thought, new political groups for labor and women, observers to watch out for election fraud—basic sustenance. The comradeship came in visits to America, to talk with working people and intellectuals like them, and in the knowledge that they would be remembered not just at time of crisis, but all the time.

From its beginning in 1983 the N.E.D. had the support of the President in office—Reagan, Bush, Clinton. Both major political parties are strong for it, as are the A.F.L-C.I.O. and the U.S. Chamber of Commerce.

The Clinton Administration even asked for an increase in its budget—from about $30 million to $50 million. The Administration, and the leaders of both parties, figured that in tight times the N.E.D. was one of the best political and ethical bargains in the budget.

So in response to the achievements of the organization, the sweeping political bipartisanship, the backing of labor and business, the gratitude and hope of freedom fighters past and present, the House of Representatives voted to wipe out the whole thing.

When I heard that I thought there must be some mistake—not the N.E.D., for Heaven's sake. But there it is in the Congressional Record for June 22—all N.E.D. money eliminated by a vote of 243 to 181 on a motion by Representative Paul E. Kanjorski, Democrat of Pennsylvania.

Mr. Kanjorski got right to the heart of it. What else could it mean but conspiracy, an "unholy alliance," when so many important groups, Democratic and Republican, labor and management, support the same organization?

The statesman-sleuth figured it out. Instead of having to go through the Federal bureaucracy, the N.E.D. is allowed by law to distribute its money through allied American foundations and directly to foreign democrats—openly, audited by the U.S. Government all along the line. Ah, cries Mr. Kanjorski, the political, business and labor big shots love the N.E.D. because they help decide how the money is spent.

Anyway, he wants to know, who needs it with the Berlin wall fallen? Mr. Kanjorski wanted to kill the N.E.D. before the wall even cracked but I can't find that in his speech.

The story has meaning, and danger, beyond even the fate of the N.E.D. Mr. Kanjorski won with the help of first-term members—the majority of freshmen Democrats and Republicans.

What were they saying? That democracy is none of our business? That democracy now has a free ride? That the U.S. was interested only in defeating Communism and did not and does not give one damn what follows after—Fascism, militarism, chaos, democracy, makes no difference to us? Can they be that cynical, those who voted for the execution of N.E.D.? Or was it that they really did not know exactly what the N.E.D. was, or who those foreigners were: today's Walesas and Havels?

In the Senate the N.E.D. will have a chance to get its budget restored. If that fails, the loss will be to America and to millions of people who still believe we care for their freedom, at least enough to maintain one of the smallest publicly funded organizations in Washington.

Letters are coming in from the endangered species of democrats—from Burmese suffering under a military junta, from Kurds, from the Caribbean and Africa, from an Iraqi writer, from Serbian democrats, from the former President of Lithuania, from Chinese in exile. All say what the N.E.D. means to people like them, and plead it be saved.

This is my own letter, to my Senators. Please write or phone yours now. Otherwise, we are Kanjorskis.

## MOST-FAVORED-NATION STATUS FOR ROMANIA

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. RICHARDSON. Mr. Speaker, Romania is in the midst of great reform. Democracy has taken root in this formerly communist country and continues to flourish. Romania's progress in economic, social and foreign policy has been admirable. It is time that we acknowledge Romania's progress. It time to consider most favored trade status for Romania.

Romania's political system continues its transition towards democracy. The recent election provide that opposition politics are alive and well in Romania. Over 18 political parties—including one which represented the political interests of Romania's Hungarian minority—united under the banner of the Democratic Convention during the recent elections. According to staff of the Senate Foreign Relations Committee, who visited Romania in the fall of 1992, those elections were free and fair. Additionally, human rights have been bolstered in Romania with the Jewish and Hungarian minorities being allowed greater freedom. The most troubling problems to many in the West is the plight of the thousands of orphans as a result of past government policy. The Romanian Government has pursued a remedy to this situation and recently passed a law which should ease the restriction on foreigners try to adopt Romanian orphans.

Economically, Romania has moved decidedly toward freer market. The government has embarked on land reform and economic privatization of state assets. Romanian investment laws have been amended to allow for greater foreign investment and to encourage joint ventures. The Romanian Government has also made inroads toward diminishing, and in some instances, eliminating state subsidies. These reforms, however, have had negative consequences for the quality of life of the Romanian people. It is in our interest and the interests of Romania that we renew out ties to this emerging democracy.

The vast majority of U.S. trading partners enjoy MFN status, including most new democracies of Eastern Europe. Extending MFN would send a signal to Romania indicating United States support for Romania's economic, political, and cultural reforms. Romania holds the promise of becoming a thriving economy in this rapidly developing corner of the globe. Prior to 1987 United States trade with Romania was robust and United States businesses will be the beneficiary of a newly developing Romanian economy. Romania is in the midst of transition and the United States' interests can be served through extending most favored trade status to Romania.

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## CARLISLE TOWNSHIP FIRE DEPARTMENT CELEBRATES 50TH ANNIVERSARY

### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize the accomplishments of the Carlisle Township Fire Department, on the occasion of their 50th anniversary.

Thanks to the great foresight of trustees Walter Hadaway, Carl Diedrick Sr., H.H. Druesendahl; and clerk, George Robson, the Carlisle Township Fire Department was founded in March 1942. Seeing that the city of Elyria could no longer supply adequate fire protection for the township, the late Harold Bruce was appointed by the trustees to head the effort to form a township fire department.

Chief Bruce began to train men at the old West Carlisle Schoolhouse. Soon, however, it became apparent that this building would not accommodate the needs of the department. It was necessary to add an additional wing onto the building in order to house the two firetrucks. Carlisle Township was the first township in Lorain County to have its own full-time, 24-hour fire department. Dedicated volunteer firemen took turns manning the station at night and on weekends.

The department's first recorded fire call was on July 17, 1943, just 17 days after being organized. A barn was struck by lightning on the B.J. Squires farm at the corner of routes 301 and 10. Even with the fire breaking out when most of the firemen were already home for the evening, the department was able to save the barn which was situated just 20 feet away from a larger cattle barn. The newly organized fire department had passed its first test. They have proven their worth many times since that first call 50 years ago.

As of June 1, 1993, the Carlisle Township Fire Department has responded to 4,885 calls. These calls have been answered under the leadership of only two fire chiefs, the late Harold E. Bruce, Sr., and the present chief, Raymond R. Hildebrandt.

Through the hard work and dedication of many people, Carlisle Township now has four full-time firemen and 30 volunteers. These individuals, as well as all past members of the department, should be commended for their efforts; they have contributed much, and have helped the lives of many. Please join me in saluting those who have served the Carlisle Township Fire Department.

Mr. Speaker, I rise today to pay tribute to an outstanding citizen from my district, Mr. Donald Simms, as he celebrates over 50 years of service to the Carlisle Fire Department.

Appointed as a volunteer firefighter on June 21, 1943, Mr. Simms became one of the charter members when the Carlisle Fire Department was organized on July 1, 1943.

Mr. Simms was promoted to lieutenant in 1949, and was elevated to the position of captain in 1958. He is the only original charter member who is still active in the department today. On January 1, 1971, Mr. Simms was promoted to assistant chief, the position he still holds today.

Throughout his 50 years of service, Mr. Simms has been involved in every major project attempted by the department. Appointed as a training officer for Carlisle Fire Department, Mr. Simms has played a part in the training of every firefighter currently in the department. In addition Mr. Simms served as an instructor in firefighting techniques for the North Central Fireman's Association.

Having 50 years of firefighting skills and experience, Mr. Simms has been involved in many worthwhile programs. It was Mr. Simms insight in fire safety which led to the procurement of a fire safety house for the North Central Fireman's Association. This house is used to teach schoolchildren the correct behavior in case of a fire in the home.

Mr. Simms is an invaluable asset to the Carlisle Fire Department. His contributions have been great, and his commitment exemplary. It is an honor to have someone of his caliber living in my district. Please join me in saluting Mr. Simms for his many accomplishments.

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## LETTER OF SUPPORT FOR THE CONGRESSIONAL MEDAL ACT OF 1993

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. STARK. Mr. Speaker, there is an enormous need in this Nation for available and suitable organ donors. Currently, there are more than 26,400 individuals waiting for organ transplants in the United States and thousands more awaiting tissue transplantation. A new name is added to the national patient waiting list approximately every 20 minutes. Last year alone, more than 2,500 adults and children died while awaiting a transplantation.

On February 18, I introduced H.R. 1012, the Gift of Life Congressional Medal Act of 1993 to increase awareness of the donor shortage and to effectively encourage such donation. The "Gift of Life" medal would be awarded to individual donors or their families in recognition of the courage it took to provide a stranger with the most precious gift imaginable—life.

I urge my colleagues to help generate additional donors and honor those who have donated by cosponsoring H.R. 1012, the Gift of Life Congressional Medal Act. I would also like to share with my colleagues a letter I received from the son of an organ transplant recipient. I believe his letter does a fantastic job of explaining why the "Gift of Life" medal is needed and worthy of your support.

> DEAR CONGRESSMAN STARK: Thank you thank you for your efforts on behalf of transplant donors. I feel the gift of life medals to honor donor families would be a wonderful tribute to the memory of their loved one and the strength of the family.
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> In April of 1991, my mother received a liver transplant at the University of Wisconsin. The liver was the most precious gift imaginable. Mom is doing great, and dotes on her first grandchild, born in October of 1992. The transplant gave her the opportunity to see and love that child. At the time of her surgery, there were seven people in the hospital that received organs from one donor . . . kidneys, liver, corneas, pancreas and more! It was a miracle, but probably a tough decision for the donor's family. I wish there were a way to thank them.
>
> The Gift of Life medals would be a terrific way to express the gratitude of the recipients families. It's funny how you don't really think about organ donation until it happens to someone you love. The medals would be proof that heroes don't always have to save children from burning buildings or foil a bank robbery. A hero is also the one who gave a precious gift . . . or the family who made the decision to help others. Again, thank you, Congressman Stark, and best of luck in your efforts to make the Gift of Life medals legislation a reality.

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## JUSTICE DELAYED IS JUSTICE DENIED

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. LANTOS. Mr. Speaker, I rise today to speak for those employees whose rights have not yet been addressed. I am speaking of a group of hardworking Food Lion supermarket employees. Our Government has failed to protect them from an abusive employer, and our Government has been unresponsive in bringing the violator to justice.

As Chairman of the House Government Operations Subcommittee on Employment and Housing during the last several Congresses, I conducted an extensive investigation of Food

Lion which uncovered widespread and blatant violations of the Fair Labor Standards Act. At these hearings we heard testimony by employees who worked as many as 30 hours of overtime a week without pay. The Department of Labor conceded it had had significant problems in enforcing the Fair Labor Standards Act and revealed that it had found substantial overtime and child labor violations at Food Lion. The Department of Labor's investigation of Food Lion found over 1,400 child labor violations which was the largest number for which a single employer has been cited.

Eight months ago, Food Lion agreed to waive the statute of limitations for all wage and hour law violations involved in the Food Lion investigation. This was intended to allow the Department of Labor and Food Lion to reach an acceptable settlement while preserving the potential value of employees claims against Food Lion. On May 6 of this year, the Department of Labor extended the waiver for another 3 months. Because of this second extension, thousands of current and former Food Lion workers are no closer to receiving the wages legally owed them.

Labor Department officials assured Congress that they were preparing to take action. And yet, to date we have seen only bureaucratic delays. I want to emphasize, however, that my concern is not directed at the new Secretary of Labor. The Bush administration's Labor Department failed to act and stonewalled on this case and, unfortunately, that tired bureaucratic mentality continues today.

Mr. Speaker, employers like Food Lion should not be permitted to continue to wilfully violate our labor laws with impunity. The Labor Department has determined Food Lion to be in violation of our labor laws in hundreds of cases over the years. And in the face of the Labor Department's conclusions, Food Lion's reaction has been one of denial. Instead of admitting to their unscrupulous and unlawful labor policies and seeking solutions, they have blamed everyone else but themselves including the media, Congress, and even the aggrieved workers themselves.

For hundreds of Food Lion employees, justice delayed is justice denied. We have had enough of bureaucratic delays. I urge my colleagues to join me in calling on the Department of Labor to conclude this investigation without further delay. The Department of Labor's nonaggressive enforcement policy and Food Lion's continued delaying tactics only serve to shortchange American workers of the legal protection and wages to which they are entitled under the law.

## COMMEMORATING THE CENTURY COUNCIL'S SECOND ANNIVERSARY

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. BEREUTER. Mr. Speaker, the key to reducing the number of fatal alcohol related crashes is to have tough antidrunk driving laws on the books, to make sure the public is aware of those laws, and to ensure that those laws are swiftly and effectively enforced.

In my home State, the Nebraska State Legislature recently enacted an administrative license revocation [ALR] law, which permits a police officer immediately to seize the license of a driver whose blood alcohol content exceeds the legal limit or who refuses to take a blood alcohol content test.

Many Nebraskans, including Mothers Against Drunk Driving and the Nebraska Department of Motor Vehicles, helped make this law possible. A special role, however, was played by the Century Council, a not-for-profit organization dedicated to reducing alcohol abuse across the United States. The council hired a skilled advocate to persuade the Nebraska Legislature to move on the bill. The council also underwrote, with the Nebraska Department of Motor Vehicles, a series of public service announcements that more than doubled public awareness of the new law in the weeks before it took effect.

For the past 2 years, the Century Council has been working in support of ALR laws and other effective responses to the problems of drunken driving and underage drinking. The council's efforts are underwritten by over 500 concerned companies in the licensed beverage industry. This Member congratulates the Century Council on its second anniversary, and urges the council and its underwriters to keep up the good work.

## A MAGNIFICENT POINT OF LIGHT FOR HEALTH CARE: DR. DONALD J. SCHERL, PRESIDENT, THE STATE UNIVERSITY OF NEW YORK HEALTH SCIENCE CENTER AT BROOKLYN

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July, 13, 1992*

Mr. OWENS. Mr. Speaker, Dr. Donald J. Scherl is a dedicated health professional who was and has been a man ahead of his time. His insight into providing quality health care for the country and more importantly Brooklyn, NY, has distinguished him as an expert in the field of clinical and basic science research. As a trailblazer, Dr. Scherl has been a pioneer in defining new and creative ways to educate and train health care professionals in handling and understanding the special concerns and needs of women and children with AIDS.

Dr. Donald J. Scherl was appointed president of the SUNY Health Science Center in May, 1981. Throughout his tenure, Dr. Scherl has worked diligently to redefine the role of the center and its relationship to the people in the surrounding community. As a research scientist, he has received national prominence by brining much needed attention to the importance of clinical research and thus attracting, over the years, a number of noted expert physicians from around the country to Brooklyn.

Mr. Speaker, it is important to note that since Dr. Scherl's appointment, external research funding has grown 100 percent and enrollment at the center in Ph.D. programs is the highest in over a decade. Enrollment in all center academic programs reflect Dr. Scherl's commitment to educating minority students for health science careers. The newly built $52 million Health Science Education Building—the latest symbol of the center's renewed vitality—is one of the most sophisticated health education facilities in the country.

Before coming to Brooklyn, Dr. Scherl was associate professor and acting chairman of the Harvard University Department of Psychiatry at the Children's Hospital Medical Center and served as Massachusetts Undersecretary of Human Services.

Dr. Scherl, who received his M.D. from Harvard, is active both nationally and locally in numerous medical organizations, foundations, and task forces. He is president of the Greater New York Hospital Association, a trustee of the Hospital Association of New York State, has just completed a term as chairman of the Association of Academic Health Center's Task Force on Health Promotion and Disease Prevention, and is a member of the editorial board of the Archives of General Psychiatry. He currently serves the American Psychiatric Association as chairman of the budget committee and of the work group on the relative value scale after having chaired the council on economic affairs for 4 years.

Mr. Speaker, the master plan for the improvement of health care in America must develop many components. At the heart of his great effort we must not forget to recognize the vital role of the medical profession. In addition, to the professional contributions of doctors, we must also welcome their general social wisdom. It is an honor to salute Dr. Donald J. Scherl a magnificent point of light for health care.

## TRIBUTE TO FRANK MARES

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mrs. SCHROEDER. Mr. Speaker, significant progress has been made in recent years toward creating new areas of economic opportunity for Americans with disabilities. In my home State of Colorado, the Department of Rehabilitation Services has been in the forefront of this national effort, and a prime example of this leadership was recently brought to my attention through an article published in the Career College Times.

Under the headline, "Blind Student Prepares for Court Reporting Career," this article tells the story of Frank Mares, a musician currently enrolled in the Denver Academy of Court Reporting. Blind since birth, Mr. Mares plans on graduation to work as a court reporter, a career made possible by the great technological strides now being made in that profession.

Mr. Speaker, the story of Frank Mares that follows is both inspirational and instructive:

> Frank Mares worked for some 20 years as a professional musician in the Denver area. But recently he decided it was time to seek retraining in another field, and eventually he enrolled in the Denver Academy of Court Reporting in Denver, CO.
>
> Mares, who has been blind since birth, demonstrates the importance of electronic technology, as well as motivation, in career accessibility. (He was also born deaf, but his

hearing was restored when he was 2 years old.)

Court reporting was just one of the options provided by the Colorado Department of Rehabilitation Services, Mares says. He is currently enrolled in a three-year course at the Denver institution.

"I really enjoy school," he emphasizes. "I didn't just stumble into this field; I chose it because it combines keyboards with law. I've always enjoyed law, and my years as a musician mean I'm familiar with keyboards."

Although one might think eyesight is a requirement for court reporting, as the reporter may be asked to read back from a transcript, Mares cites current technology that helps him to do the job as well as a sighted person. He has a Braille navigator, which converts his computer or Stenograph input into a Braille printout. The only concern he mentions is making sure the reporter receives descriptions of exhibits, which he cannot see as they are presented during the proceeding.

On the down side, Mares says court reporting is probably the only career where a Braille navigator must be used instead of a speech synthesizer, which converts input into audible form. The problem is that listening to depositions and court proceedings is central to the reporter's work, so additional sound would interfere.

Mares points to both the stresses and the rewards of the court reporting course. "It's a very hard school to go to, but the school is much harder than the job will be," he says. Students must be able to transcribe up to 225 words per minute to be eligible for graduation, while normal speech is only 125-150 words per minute.

Upon graduation, Mares plans to work free-lance as a court reporter so he can also continue his musical career.

## GOOD CAP, BAD CAP

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. ANDREWS of Texas. Mr. Speaker, in today's issue of the Washington Post, Alain C. Enthoven, professor of management at Stanford University Graduate School of Business, writes that a tax cap which merely limits the range of employee health benefits is a bad idea. He argues that restraining health care prices requires a tax cap that ends the unlimited tax subsidies for the choice of a health plan regardless of its cost. I commend the following op ed to my colleagues:

GOOD CAP, BAD CAP

(By Alain C. Enthoven)

The main reason health care costs are soaring is that practically all the incentives in the field reward decisions to increase cost. Fee-for-service payment encourages doctors and hospitals to choose the most costly method of treatment. Meanwhile, insured patients have little or no reason to care about the costs.

Health system reform isn't going to be effective unless we get the basic economic incentives right—that is, unless we let people keep for themselves the savings that result from their economical choices.

Many employers offer employees a choice of plans and pay the full cost of any plan the employees choose, in part because it is tax-free to the employee, without limit. This practice deprives employees of the reward for choosing the less costly health care plan. Worse yet, it deprives the health plans of any incentive to cut cost and price. In fact, the incentive provided by this practice is for the low-cost plans to raise premiums to just below the most expensive level (a practice known as "shadow pricing").

The best answer to this problem is for employers to offer their workers choices that include the most efficient HMOs, and then contribute toward the employee's purchase of coverage only as much as it costs to subscribe to these lowest-priced plans. This makes employees responsible for paying the difference if they want a plan with a higher premium. It gives employees motivation to seek the best value for the money, and health plans an incentive to try to provide it.

Unfortunately, there is a provision in the Internal Revenue Code that cuts the effectiveness of this responsible policy in half. Let me use my employer, Stanford University, as an example.

Stanford offers families a choice among four health plans, including Kaiser Permanente, the lowest-priced, at about $420 per month, and the Blue Shield Preferred Provider plan at about $520. Under the terms of Section 125 of the Internal Revenue Code, the employee who wants to choose the Blue Shield plan can ask Stanford to reduce his or her salary by the $100 premium difference and to pay the premium for the employee with pre-tax dollars.

The effect of this is that the additional cost to the employee of the higher-priced plan is only about $50 per month in net-after-tax income. (The precise tax saving will depend on the employee's specific circumstances, but 50 percent is a pretty good approximation for large numbers of people.) Where does the other $50 come from? From tax remission, of course, which will contribute about $70 billion this year to the federal government's revenue loss.

This provision is in effect a heavy tax on health care cost containment. The family that chooses the cheaper Kaiser plan, by not taking advantage of the larger tax break that goes with choosing Blue Shield, will pay $50 per month more in taxes than the family that picks Blue Shield. In a nation desperate for health care cost containment, it makes no sense to tax it.

The most destructive aspect of this situation is the effect it has on the incentive of the least costly plan to reduce further its cost and price. The tax code cuts in half the health plan's marketplace reward (i.e., more subscribers) for restraining price. No wonder we don't see enough price restraint.

The cure for this perverse incentive is a cap on the employee's tax break, set at amounts (for individual, couple and family coverages) that do not exceed the prices of the lowest-priced plan that meets quality and coverage standards ("the good cap"). Employers must be required to make fixed-dollar contributions that do not vary with choice of plan. It would make sense to adjust the tax cap for health costs or wage levels in each region. Employer cost savings could be passed on to employees through wages.

The same tax break for health insurance should be extended to the self-employed, to workers whose employers do not provide coverage, to pre-Medicare retirees—in short, to individuals who currently buy coverage with after-tax dollars.

A reasonable version of such a cap might save the federal budget some $20 billion a year. Without it, the budget's revenue loss will continue to grow rapidly. This saving would be an excellent source of funds to subsidize coverage for the poor. The "good cap" corrects health incentives and raises revenue without raising the marginal income tax rates.

Under one proposal floated recently by the administration (I call it the "bad cap"), employees could have—to use the Stanford example again—either the $420 Kaiser plan or the $520 Blue Shield plan tax-free, provided both covered no more than the federally specified benefits package. Ironically, under this concept, if the Kaiser plan passed on some of its economies in the form of benefits better than the federally specified package—such as more extensive home care—employer contributions to it would be taxable!

The bad cap simply does not address the incentives problem. With no tax cap or "the bad cap," states will not be able to do managed competition effectively. The federal government would continue to be in the way, taxing efficient choices, subsidizing wasteful choices.

To achieve good policy, the president must be willing to fight for a plan that gets the basic incentives right. A consensus favoring an ineffective program might be a short-term political success, but it would be a long-run economic failure.

## TRIBUTE TO THE STARS AND STRIPES

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. COX. Mr. Speaker, my friend and constituent, Dr. Jo Ellen Allen, recently brought to my attention this moving and eloquent tribute to the Stars and Stripes.

In light of the recent nationwide celebration in honor of our Nation's birthday, I wish to share it with my colleagues.

MY NAME IS OLD GLORY

(By Don Miller)

I am the flag of the United States of America. My name is Old Glory. I fly atop the world's tallest buildings. I stand watch in America's halls of justice. I fly majestically over great institutes of learning. I stand guard with the greatest military power in the world.

Look up! And see me! I stand for peace—honor—truth—and Justice. I stand for freedom. I am confident—and I am arrogant and proud.

When I am flown with my fellow banners my head is a little higher. My colors a little truer. I bow to no one. I am recognized all over the world. I am honored—I am saluted—I am respected—I am revered—I am loved, and I am feared.

I have fought every battle of every war for more than 200 years: Gettysburg, Shilo, Appomattox, San Juan Hill, the trenches of France, the Argonne Forest, Anzio, Rome, the beaches of Normandy, the Deserts of Africa, the cane fields of the Philippines, the rice paddies and jungles of Guam, Okinawa, Japan, Korea, Viet Nam and scores of places long forgotten by all those who were with me. I was there. I led my soldiers—I followed them, I watched over them. They love me. I was on a small hill in Iwo Jima. I was dirty, battle worn and tired, but my soldiers cheered me, and I was proud.

I have been soiled, burned, torn and trampled on the streets of countries I have helped to set free. It does not hurt, for I am invincible. I have been soiled, burned, torn and trampled on the streets of my own country, and when it is by those whom with I have served in battle—it hurts, but I shall overcome—for I am strong.

I have slipped the bonds of earth and stand watch over the uncharted new frontiers of space from my vantage point on the moon.

I have been a silent witness to all of America's finest hours. But my finest hour comes when I am torn into strips to be used for bandages for my wounded comrades on the field of battle, when I fly at half mast to honor soldiers, and when I lie in trembling arms of a grieving mother at the graveside of her fallen son. I am proud my name is Old Glory. Long may I wave. Dear God—long may I wave.

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## RUSSIAN AID

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. SOLOMON. Mr. Speaker, I would like to call attention to a piece that has just been published by the Center for Security Policy. The article shows how the recent Russian aid package that we just passed here in the House may be contributing to the perpetuation of imperialistic tendencies in Moscow.

As you know, on June 25, Russia cut off gas supplies to Estonia, just 1 day after President Yeltsin compared Estonia's citizenship laws to apartheid. Mr. Speaker, we all know this is poppycock. While we may not agree entirely with Estonian laws, the notion of massive human rights violations of Russians, as Moscow claims, is preposterous. Virtually every international rights-monitoring group, including our own Helsinki Commission staff, has verified this.

What worries me, Mr. Speaker, is that a large part of the administration's aid package, which we endorsed wholesale, is in the form of direct assistance to Russia's oil and gas sector. Not only does this not make economic sense, as we are propping up an archaic state-owned industry, it also allows Russia to wield its energy weapon against helpless republics like Estonia.

Russia's action, even though they have apparently resumed gas deliveries, also underscores the futility of another of the administration's aid ideas, that of building houses for Russian soldiers returning from the Baltics. President Yeltsin's recent statements about Estonia, as well as his remarks at Vancouver, can leave no doubt whatsoever that the real reason for the slow Russian pullout from the Baltics is to exert political pressure on Estonia and Latvia, and not a supposed housing shortage in Russia.

The Soviets got out of Afghanistan, Vietnam, and most of Eastern Europe without us building houses for their soldiers. Are we to believe that just now, with only 40,000 Baltic troops to go, they just suddenly ran out of apartments? Housing is a big problem in Russia, but that is too much to believe for me.

Besides, where is the reform in this proposal? Where is the freedom? In addition to being tantamount to ranson, in addition to being based on a false premise, it is just another statist idea. It is just more public housing, and public housing has been a resounding failure in Russia. It is just more central planning. These soldiers will not even get to choose where they will live. The Russian Government, like it has for decades, will decide.

Mr. Speaker, I would hope that when this bill comes to conference, we will do the right thing and kill some of these aid proposals. Any program that involves government-to-government aid, any program that props up state-owned industries, any program which pays ransom to get the Russians to retrench, and any program that allows Russia to bully its neighbors should be ripped out of the bill and forbidden by Congress. They will all be a waste of money and may even do much harm. We owe the taxpayers, the Estonians, the Russians, and all of the former Soviet people no less.

I thank the Speaker for the time and would like to insert the brief from the Center for Security Policy into the RECORD.

HARBINGER OF THINGS TO COME? RUSSIAN ENERGY SECTOR IMPOSES BOYCOTT ON ESTONIA AFTER GETTING U.S. AID

WASHINGTON, D.C.—With the world's attention squarely focussed over the weekend on the U.S. strike against Saddam Hussein's intelligence facilities, President Boris Yeltsin conducted a strike of his own: He abruptly halted natural gas supplies to Estonia—a move eerily reminiscent of the 1990 energy blockade imposed on the Baltic states by then-Soviet President Mikhail Gorbachev.

This declaration of economic war followed a 24 June threat by Yeltsin that Russia "has possibilities to remind" Estonians of "some geopolitical and demographic realities." The reason: Russian nationalists' agitation over alleged mistreatment of fellow Russians at the hands of majority populations in Estonia (and other former Soviet republics). In a statement issued by his press office, Yeltsin said "It must be understood that Russia cannot remain a disinterested observer if the ethnic Russian population were to show a natural desire to defend itself against crude discrimination."

HARDLY "APARTHEID"

On 21 June, Estonia's parliament enacted legislation which prohibits residence permits to persons who have previously worked for the Soviet Union's secret police or to current and retired Soviet military officers. The law requires non-citizens to apply for a residence permit within one year. All permanent residents, however, will be permitted to vote—regardless of ethnic background.

Moscow hysterically condemned the new citizenship law stating that "it can be regarded as the practice of ethnic cleansing and the introduction of an Estonian version of apartheid." This stance derives from Russia's claim that all Soviet citizens who have settled in Estonia during its occupation by the USSR must be accorded full citizenship rights.

Under international law, formerly occupied states are not obliged to make such a concession. Such a practice would, after all, equate the rights of those who have wrongly suffered occupation with their oppressors. It could even encourage such occupations and forced resettlement of populations in the affected territory for the express purpose of assuring the occupying power of its continued domination even after physical control is relinquished.

Importantly, investigations into allegations of Estonian mistreatment of Russian nationals have been conducted by both the United Nations and the Conference on Security and Cooperation in Europe (CSCE) this spring. They found no evidence of international discrimination against the Russian-speaking minority. Indeed, some 14 inquiries by various international organizations have been received by Estonia and all have concluded that human rights are fully guaranteed in Estonia.

OMINOUS PATTERN OF RUSSIAN COERCION

Regrettably, Russia's energy boycott is but the latest in a series of steps taken in recent months against its Baltic neighbor. These include the following:

Last year, Russia froze and confiscated $80 million of Estonia's assets when the Estonian government discarded the ruble and introduced its own currency.

Russia has been dragging its feet on its commitment to withdraw the remaining 8,000 troops from the tiny Baltic republic, and is unlikely to meet its promised target date of 1 August for the withdrawal of all forces. Indeed, Russian negotiators have lately begun talking instead in terms of 1999 for a complete withdrawal.

On 29 May, Russia began construction of what is planned to be the largest commercial port on the Baltic Sea at Ust-Luga, adjacent to the Russian-Estonian border. Estonians are fearful that the facility, scheduled to be completed by 1995, will take traffic away from ports located in the Baltic states. The Russians are seeking funds from the U.S.-supported European Bank for Reconstruction and Development for the project.

Russia attempted to thwart Estonia's entry into the Council of Europe and, when it was nonetheless admitted nearly unanimously on 13 May, Russian Foreign Minister Andrei Kozyrev sent an angry letter, decrying Estonia's membership as "premature."

In April, Russia's Northwestern Group of Forces engaged in a four-day exercise on how to capture strategic facilities in the Baltic states.

THE REAL REASON FOR RUSSIA'S FURY—ENVY?

In contrast with Russia and most of the other former Soviet republics that are coping poorly with deteriorating economic conditions, Estonia's economy is thriving. As the Washington Post reported on 21 June 1993:

"[Estonia has become] a model of stability and serenity. . . . Estonia has taken drastic steps that no other former Soviet republic has yet been willing to risk. It cut off subsidies to industry, allowed prices to rise freely while keeping wages down, prohibited its central bank from printing new money and forced itself to live under a balanced budget."

Where Russia's deficit is burgeoning and the value of its currency is plunging, Estonia's leaders have taken practical steps to control both. The Estonian government is operating under laws requiring a balanced state budget and tying the issuing of additional currency to the increases in gold and foreign currency reserves. Inflation, once at a monthly rate of 100 percent, is down to 3 percent. U.S. Ambassador Strobe Talbott, who visited Estonia on 14-15 May, praised the country's radical reforms and urged other former Soviet republics to adopt their model. He enthused, "Estonia is a success story, a political and economic miracle."

"MESSAGE TO MICHEL: GAZPROM'S WAY OF SAYING THANK-YOU FOR U.S. CREDITS

The mechanism for implementing President Yeltsin's energy blockade of Estonia is the Russian state-owned enterprise, Gazprom. Gazprom's vice president, Bogdan Budzulyak, however, claimed that the cut-off of gas supplies to the Estonians which occurred last Friday was undertaken over Estonia's failure to pay $8 million for previously delivered supplies—even though this amount represents just 10 percent of the $80 million in Estonian funds expropriated by Russia last year. In February, Gazprom threatened to stop its gas shipments to Ukraine. Just over one month ago, Gazprom employed similar tactics against Lithuania, halving its natural gas supplies and threatening to cut off supplies altogether. On Monday, Russia made good on its promise and suspended deliveries of natural gas to its Lithuanian commercial customers.

Interestingly, Gazprom is the beneficiary of an $86.2 million direct loan approved by the U.S. Export-Import Bank in February 1993 in order to finance the sale of close to 300 Caterpillar earth-movers to Russia. These machines are to be used for the development of a large pipeline system connecting the Yamal peninsula to Gazprom's existing gas pipeline network west of Torzhok.

At the time, Russia was non-creditworthy and would ordinarily have been denied such an Eximbank loan. When House Minority Leader Bob Michel (R-IL) and Senator Paul Simon (D-IL) applied political pressure in favor of the transaction, the normal taxpayer protections were set aside and Eximbank financing for their constituent's sale was approved by the Clinton Administration. In a letter to House Banking Chairman Henry Gonzalez on 16 March 1993, however, Eximbank's Director Rita Rodriguez conceded that "All transactions in Russia carry a substantial risk. Because of Russia's arrearages . . . we assumed that 27% of the loan would not be recovered."

### DON'T JUST STAND THERE, DO SOMETHING

The Clinton Administration should strongly condemn Russia's heavy-handed pressure tactics against Estonia and other former Soviet republics. At the very least, cooperation between the United States and Russia in the energy area—notably the massive financial assistance Moscow is slated to obtain under Eximbank's Oil and Gas Framework Agreement—should be made contingent upon the Kremlin refraining from the use of its energy resources as a weapon of economic warfare.

There are a number of vehicles for implementing such conditionality. For example, on 15 April, Eximbank issued a preliminary commitment of $500 million to Russia's Ministry of Fuel and Energy pending the finalization of the Agreement. The World Bank is now considering an application Russia submitted last month for a waiver of the Bank's negative pledge clause—a precondition for Eximbank funding. Implementation of the former and approval of the latter should be put on hold.

Another Western leverage point could be the EBRD's underwriting of the Ust-Luga port project. In any event, the United States and its Western allies should take steps to reduce the Baltic states' dependence on Russian gas supplies.

### THE BOTTOM LINE

Previous experience with the Kremlin's coercive use of energy supplies as a precursor to more violent action against the Baltic states and other victims of Soviet imperialism requires that the United States and its G–7 partners make clear where they stand: Energy embargoes—or the threat of such embargoes—will preclude Western energy-related assistance to Russia.

The Center for Security Policy believes that it is vastly more important for the G–7 to support properly structured, conditioned and transparent privatization efforts in the former Soviet Union than for the West to augment Russia's capability to threaten its neighbors by withholding energy resources. Although Russia reportedly resumed its gas supplies to Estonia today, it must be disabused of the notion that the West will ignore such actions and proceed with loans and technical support for the purpose of revitalizing Russia's energy sector even as Moscow once again seeks to use the power of that sector for unacceptable purposes.

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## COMMENDATION TO NEW MEXICO'S FINEST STUDENTS OF THE FIRST CONGRESSIONAL DISTRICT

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## HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1993*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the winners of the Congressional Certificate of Merit. These students, from the First Congressional District, are graduating seniors honored for their outstanding academic, community, and personal achievements. It gives me great honor to announce them to you today. They are:

Erica DeBois, Albuquerque Academy.

Sarina Hazeltine, Albuquerque Evening School.

Yvonne Castillo, Albuquerque High School.

Shaia Riboni, Albuquerque School on Wheels.

Harper L. Phillips, Bernalillo High School.

Lisa J. Collins, Cibola High School.

Jennifer Miver, Del Norte High School.

Kirk Cessac, Eldorado High School.

Julie Ford, Estanica High School.

Amy Dawn Henderson, Evangel Christian Academy.

Jason Chavez, Freedom High School.

Dana Pappas, Highland High School.

Clinton Snead, Hope Christian High School.

Carrie Parker, La Cueva High School.

Elise M. McHugh, Los Lunas High School.

Mario Trujillo, Manzano High School.

Cindy de la Fe, Menaul High School.

Tate Whale, Moriarty High School.

Julie A. Rodriguez, Mountainair High School.

Julie Saine, New Futures High School.

Brian MacFarlane, Rio Grande High School.

Sharon E. O'Connell, St. Pius X High School.

Nanonbah Becker, Sandia High School.

Barnaby and Christopher Peake, Sandia Preparatory School.

Jaymie A. Yost, Valley High School.

Cindy Corriz, West Mesa High School.

As a member representing the First Congressional District of New Mexico, I, along with all New Mexicans, are proud of these individuals and wish them the very best in their future endeavors.

# SENATE—*Wednesday, July 14, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Mildred Thorpe. She works in the carryout restaurant in the basement of this building. She is in a coma in the Baltimore Trauma Center, having had brain surgery because of an automobile accident.

*Blessed is the nation whose God is the Lord* * * * .—Psalm 33:12.

God of creation, Lord of history, Ruler of the nations, as the celebration of independence and liberty lingers fresh in our memories, we celebrate the faith that inspired our Founding Fathers and generated the political system which has made us the greatest nation in the world. We recognize that the Founders of our country were not saints, any more than we are; they were sinners like us. But they believed in a God of love Who promised redemption and forgiveness of sin.

Their faith fueled their courage to demand independence and to establish a government that would secure the liberties endowed by Thee. In their fight for freedom and their struggle for nationhood, they looked to Thee in the conviction that, without Thee, their struggle would be futile.

In these critical days, so loaded with opportunity and peril, grant to our leadership the vision and the faith which motivated and sustained our Founding Fathers.

We pray in His name in Whom they trusted for life and light. Amen.

## APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC., July 14, 1993.*

*To the Senate:*

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour will be under the control of the Senator from Wyoming [Mr. WALLOP] or his designee. The Senator from Utah [Mr. BENNETT] also has 30 minutes reserved.

Mr. WALLOP. Mr. President, I would yield 5 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I thank my friend from Wyoming.

## TERRORIST ACTIVITIES IN NICARAGUA

Mr. MCCAIN. Mr. President, first of all, I would like to make some remarks about the story that is on the front page of the Washington Post this morning. It concerns the explosion in Managua which revealed caches of arms, ammunition, surface-to-air missiles, and information concerning terrorism and kidnaping orchestrated and carried out from Nicaragua: that is, the Sandinistas, for many years.

Mr. President, those of us who have followed these issues were not surprised at the activities, although I am certainly surprised at the apparent scope of the activities, that the Sandinistas have been involved in.

Most of us foresaw that this could happen when Mrs. Chamorro decided to retain Humberto Ortega as the chief of the defense forces of Nicaragua following her election. Facts are facts, Mr. President, and the fact is that the Sandinistas are continuing to export terror and subversion throughout Central America, throughout the world, posing an incredible danger to the lives of millions of innocent people as evidenced by the uncovered stockpile of surface-to-air missiles.

Mr. President, today the United States of America should stop all aid and assistance to Nicaragua until such time as a thorough and complete investigation has been conducted, those who are guilty of these heinous crimes are brought to trial and we can be assured that this spread of terrorism is stopped and is stopped completely. We cannot allow this to continue.

Mr. President, the details of these terrorist activities on the part of the Sandinistas are documented in the Washington Post story. More will be coming out, including more about the passports from Nicaragua that were connected with the bombing of the World Trade Center.

Mr. President, stop the aid today. Let us have an investigation. Let us see that this kind of outrageous terrorism is stopped.

Those of us, who supported freedom and democracy and aid to the Contras are again vindicated by the clear record of what the Sandinistas were doing with the help of Cuba and others. Recent events are an indication that the subversion continues.

I am sorry to say that none of this comes as much of a surprise to me. I have always been proud of my support for freedom in Nicaragua generally, and my past support for President Chamorro specifically. To my deep disappointment, the prospect for freedom in Nicaragua—so vivid on the day of President Chamorro's inauguration—has been squandered completely by her Government, led by Minister Antonio Lacayo, as it ceded all of its real authority to the Sandinistas for the honor of serving as a figleaf.

It is inconceivable that the kind of terrorism activities operating out of Managua could have done so without the knowledge and active cooperation of the Sandinistas who control the Army, the National Police and the intelligence services of Nicaragua. More disturbing, is the increasing suspicion that some officials of the Chamorro government must know that Nicaragua is still being used as a center to destabilize its neighboring countries, and to facilitate the murderous ambitions of some of the world's most cruelest terrorists.

In recent months hundreds of former Nicaraguan freedom fighters have been murdered. The Sandinistas have continued plundering the country

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

unabated by the elected Government. Old crimes and new have gone unpunished. And Nicaraguan fingerprints have continued to appear on some of the most extreme episodes of terrorism in the world. This includes the Nicaraguan passports which were issued to some of the terrorists implicated in the bombing of the World Trade Center in New York last February.

Because of this depressing evidence that the democratic revolution in Nicaragua has been crushed by the continued Sandinista tyranny, I and several other colleagues have called for a cessation of United States assistance to that country. Our concerns have been if not dismissed, then underappreciated by the Clinton administration. I would hope that with this new compelling evidence, the administration would recognize that continued support of the Nicaraguan Government is the worst thing we could do if we are truly interested in rescuing the democratic aspirations of the people of Nicaragua.

Again, I strongly urge the administration to freeze all further assistance to the Government of Nicaragua until such time that an international body has investigated fully the crimes that have been revealed by this recent explosion. We cannot rely on the Nicaraguan Government to conduct a fair and thorough investigation because the implications of that investigation may very well cause the downfall of some leading officials of that Government. I would also urge that our own Federal Bureau of Investigation be involved in this effort.

The American people would be hard pressed to understand how the U.S Government could continue supporting a government which poses a direct threat to the security of other nations in this hemisphere including our own. By taking this first necessary step, we can begin to rescue the democratic revolution which the people of Nicaragua thought they had achieved when three years ago they elected Violeta Chamorro to save them from the tyranny of the Sandinistas.

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## THE HISTORY OF BUDGET SUMMITS

Mr. McCAIN. Mr. President, my constituents continue to deluge me with complaints about the proposed budget agreement that's soon to be voted on. I have no doubt that there will be a tax-and-spend package passed by the Congress of the United States. I should remind my colleagues what has happened in budget summits in the past.

Mr. President, in 1982, when Ronald Reagan and Tip O'Neill put their arms around each other and there was a promise of $3 of spending cuts for every dollar in increased taxes, the target for the deficit was $104 billion. In 1983, it actually ended up to be $208 billion.

Mr. President, in 1984, we had another budget summit. The deficit in 1984 was $185 billion; the deficit target was $181 billion. The deficit turned out to be $212 billion.

We did it again in 1985. The fiscal year 1985 deficit was $212 billion; the target was $150 billion. What did we end up with? A $221 billion deficit. In 1987, we did it again. The fiscal year 1987 deficit was $150 billion; the target was $144 billion. And we ended up with a $155 billion deficit.

Again, and again, and again. This is why the American people are so cynical, Mr. President.

In the 1989 budget summit, the deficit was $152 billion; the target was $100 billion. And the actual FY 1990 budget deficit was $220 billion.

Then, Mr. President, there was the 1990 budget summit agreement. The 1990 budget summit promised a $527 billion deficit. The CBO projection for the deficit is now $1.4 trillion.

Mr. President, we are about to do it again. And how are we doing it? We are promising the American people spending cuts. We are enacting tax increases. And the fact is the spending cuts never take place and the tax increases go into effect. The spending is not only not cut but it is dramatically increased. We are doing it again. As one of my colleagues in the House said the other day, there will be no reduction in the deficit next year or the year after or the year after that.

The American people know it and that is why they reject it.

Finally, Mr. President, I would like to end with the words of a well-know member of the White House staff, Mr. Gergen. Mr. Gergen, on March 8, 1993 said:

> But the White House's own figures reveal two sobering problems that cannot be wished away. Under the President's plan, Federal spending will continue to mushroom, growing from $1.5 trillion in 1993 to $1.8 trillion in 1998. Moreover, the deficit will only drop from the $319 billion now scheduled for 1993 and $241 billion in 1998—less than $80 billion. And that is before Washington starts cheating on the agreement, as it has done in every budget agreement since 1982. Is this the best we can do?

Mr. President, is this the best we can do? I do not think so, nor did Mr. Gergen before he changed employers. For my colleagues' information I ask that a summary of the history of failed budget summits be included in the RECORD.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

### THE LESSONS OF HISTORY—THE FAILED BUDGET SUMMITS FROM 1982 TO 1990

It has often been said that those who do not heed the mistakes of the past are doomed to repeat them. Well, as the estimable wordsmith Yogi Berra noted, "its like deja vu all over again." Because if recent history has told us anything, it is that promises of spending cuts and deficit reductions rarely, if ever, materialize.

On six occasions within a decade, Congress agreed to combinations of large tax hikes and promised spending cuts in order to reduce the deficit. In each instance the result was the same—increased tax burdens, more government spending and ever larger deficits. It is inevitable that the Clinton budget plan that will be considered by the conferees later this week will have the same result.

#### 1982

Most budget summits take place during periods of fiscal crises of one kind or another. In this case, interest rates were extraordinarily high and unemployment remained problematic as the severe 1980–82 recession dragged on. The plan adopted by Congress called for $98 billion in tax increases and $31 billion in promised spending cuts. Just a year later, however, the projected deficit target of $104 billion had doubled to $208 billion. Rather than being cut, spending actually increased by $106.8 billion (in real terms) over three years.

#### 1984

Encore to the previous deal. The new three year plan provided for $49 billion in tax hikes and promised to reduce spending by $150 billion. Again, the promised targets were not achieved—the 1985 deficit was $31 billion more than planned and real spending was $60 billion more than the previous year.

#### 1985

Watershed year in which Gramm-Rudman-Hollings was enacted. Prior to passage of GRH, another budget accord was reached to reduce the deficit to $150 billion with $52 billion in defense, Social Security and other domestic program cuts. Real spending actually increased $24 billion in 1986 and the deficit rose to a new record of $221 billion.

#### 1987

The prospect of $23 billion of automatic across the board spending cuts as required by GRH and the 1987 stock market crash provided the impetus for yet another budget summit. This time around, Congress said it would increase taxes by $28 billion and reduce spending by $49 billion, thereby reducing the deficit by $77 billion. Instead, the deficit rose by $5.4 billion and $11 billion during the next two years and spending increased by $15.8 billion and $22.4 billion, respectively.

#### 1989

In the face of an automatic sequester of $16 billion under the revised GRH targets, the White House and Congress agreed to cut $28 billion from the 1990 deficit—evenly split between tax increases and spending cuts. The proposed deficit target for 1990 under this agreement was $99 billion. However, real spending actually rose $37 billion the next year and the deficit ballooned to $220 billion.

#### 1990

The granddaddy of budget summits (and the downfall of George Bush). After intense negotiations between the Administration and Congressional leaders, OBRA was passed which promised $500 billion in total deficit reduction over 5 years. This package included $164 billion in new taxes and promised $336 billion in spending cuts (a ratio of $2 in spending cuts for every dollar in tax increases). While fixed deficit targets were conveniently eliminated as being too onerous, the cumulative deficit of 1991–95 was to total $527 billion. CBO now estimates a five year total deficit of $1.4 trillion, or $875 billion more than was promised.

Given this less than distinguished track record, it is not at all surprising that the American public is less than convinced that

Congress "really means it this time." The constituents I have talked to have indicated a willingness to make "sacrifices" to reduce the deficit—but not to support more taxes and more government spending. Their message to me, to Congress, is to cut spending first. Promises of spending cuts some time in the distant future simply do not cut the mustard.

What is truly amazing are the parallels between the 1990 budget summit and this year's version of Let's Make a Deal. The 1990 budget agreement promised $500 billion in deficit reduction—so does the Clinton plan. The 1990 budget agreement included a record tax increase—so does the Clinton plan, easily surpassing the 1990 tax hike. The 1990 agreement promised to reduce spending—so does the Clinton plan. The 1990 agreement avoided fixed deficit targets and enforceable spending reduction mechanisms—the same is true with the Clinton plan. (The one significant difference between the 1990 agreement and the Clinton plan is that the 1990 deal was weighted much more toward spending cuts, while the Clinton plan is weighted much more toward tax increases.) We know the results of the 1990 deal—higher taxes, more spending and a bigger deficit—and it is all too easy to predict the outcome of the latest deal.

The lessons of history are painfully clear. Tax increases combined with promised future spending cuts have not reduced, and will not reduce, the deficit. While the new taxes are imposed immediately, the promised spending cuts are ignored or are more than offset by new federal spending. This is a cycle we have seen repeated time and again.

This is not a formula for fiscal prosperity, it is a formula for financial disaster with slower growth, higher unemployment, and ever higher levels of national debt. It is well recognized that no nation in modern history has taxed its way to prosperity. We will not be the first to do so. I hope that the Administration will stop reading fiction novels, and instead learn something from the history books.

The Clinton budget plan should be rejected and we should start from scratch to work out a bipartisan plan that will cut government spending, provide incentives for savings and investment, and eliminate the budget deficit.

In this regard, I would note the admonition of an astute Washington commentator:

"The White House's own figures reveal two sobering problems than cannot be wished away. Under the President's current plan, federal spending will continue to mushroom, growing from $1.5 trillion in 1993 to $1.8 trillion in 1998. Moreover, the deficit will only drop from the $319 billion now scheduled for 1993 to $241 billion in 1998—less than $80 billion. And that's before Washington starts cheating on the agreement, as it has done in every budget agreement since 1982. Is this the best we can do?"

The writer of this cogent analysis is none other than the President's new right and left hand man, David Gergen. And he's exactly right—we can do better.

Mr. WALLOP. Mr. President, I yield 7 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon [Mr. PACKWOOD] is recognized for 7 minutes.

Mr. PACKWOOD. Mr. President, I thank my good friend from Wyoming.

## THE HOUSE-SENATE BUDGET SUMMIT NEGOTIATIONS

Mr. PACKWOOD. Mr. President, we will start tomorrow the negotiations between the House and the Senate on the budget summit.

So far, the Republicans have not been a part of the negotiations at the request of the Democrats. We have not been involved in the technical drafting sessions and, frankly, understandably. I give the Democrats credit on this for good faith in the sense that they want to do the bill by themselves. They do not want our input, and they have indicated that from the start. And there has been no crossing or no line. They want to do it themselves.

I am delighted to let them do a bill that is going to be $6 in taxes to $1 in spending, if it is the House bill; and $3.50 in taxes to $1 in spending, if it is the Senate bill. Spending cuts in the Senate bill—usually in conferences between the House and the Senate, we split the difference. So I am going to take a guess. Their bill, when it is finally done—I think the Democrats will have it done before the August recess—will have about $4.50 in new taxes for every $1 of spending cuts in the bill itself. I am going to emphasize the difference when I say "in the bill itself."

The taxes are real. They are now, they are here, and all permanent. Some of them are going to be retroactive, and we will be collecting them for past months, maybe years. The taxes will be around $260 billion to $280 billion over 5 years. The spending cuts, in my judgment, will be around $60 billion, almost all of it in Medicare and Medicaid over the 5 years.

Then there will be a promise in the bill of further spending cuts and a claim of a cap on spending that will automatically be enforced if we go over the cap, except if we declare in subsequent legislation that we want to go over the cap. Then we do. That is what we have always done in the past.

I want to alert the Congress however to perhaps the most dangerous new fact that has come out. About 10 days or maybe 2 weeks ago, the Bureau of National Affairs, which is one of the very good, excellent specialty trade reports, indicated that the Office of Management and Budget was now predicting that if we do nothing—if we do not pass any bill at all—there will be about $100 billion greater in interest savings than we otherwise would get. The bill itself, if we pass it, projects $55 billion in interest savings. But this is, if we do nothing, $100 billion, and it is permanent, on the lower interest rates.

What the Government is doing is taking long-term Treasury bonds as they become due, with a relatively higher interest rate, and rolling them over into short-term bonds with lower interest rates, and going on the assumption that the interest rates are going to remain low when these short-term bonds become due. Therefore, we are going to save about $100 billion.

This money, if we save it, could be used for deficit reduction. But I was struck by something—I think it was in an interview with Dan Rather that the President had in Tokyo in which he was asked about a particular program. He said that our projections are that we are going to have greater interest savings than we thought, so we can spend that money on this particular program.

At the time he said that, I had not read the Bureau of National Affairs report. I wondered what these extra interest savings were that he was talking about. Now I realize what it is. It is the hope that interest rates will remain low for the next 5 years, and you can count on very low interest rates on your bonds in comparison to the bonds that are now becoming due. Well, first, that is about as chancy a guess as to whether or not we are going to have savings as you can have. What are the interest rates going to be in 2, 3, 4, or 5 years? Because if they go up, the savings are not only illusory, we do not get them. If they go up, and if we have committed already the spending of the savings to other programs, you have a double hit.

I fear that in the conference, the temptation may be to use these illusory savings rather than make hard choices as to either spending cuts, real spending cuts built into this bill, in statute now, or taxes; and that, as we move toward this accommodation between the House and the Senate in conference, you will have a situation where the House says: You cut too much in Medicare and Medicaid; we cannot vote for it; if you have savings of that magnitude, reduce the savings and pay for it out of the interest savings we are going to have.

And the Senate will say to the House: You have too much in taxes. We cannot pass this bill if you have so many taxes in there. And the Senate will say: Let us take the revenues out of the interest savings that are projected.

It is a happy marriage. You do not have to vote for as many spending cuts; you do not have to vote for as many taxes. And on the hope and a promise of interest savings, you get the revenues.

Mr. President, this bill was bad enough for the economy of this country as it passed either the House or the Senate. It is going to result in increased unemployment; it is going to result in a slower growth than we hoped—maybe a recession—but a slower growth than we hoped and a bigger deficit. I do not know how you can say to business in this country: We are going to raise your corporate taxes; we are going to raise your individual taxes; we are going to raise your energy taxes—be that gasoline taxes or Btu taxes—and now that we have done all that, go out and hire more people. Mr. President, that does not equate.

But the most dangerous thing of all and the worst thing we can do to the economy is to presume we are going to have savings—savings from interest—spend the savings, and have a deficit that is $350 billion instead of $220 billion and no money to make up the difference because we have spent it.

Why will we spend it? It is very simple. If you take only four programs, Mr. President: Medicare, Medicaid, Social Security, and other retirement—military retirement, civilian retirement—and interest, just those four programs: Medicare, Medicaid, Social Security, and other retirement, those four plus interest, in 1963, they were 24 percent of all the money the Federal Government spent; in 1973, 37 percent; in 1983, 47 percent; in 1993, 54 percent; and 10 years from now, it is projected that 69 percent of all the money we spend will go for those four programs plus interest.

If that is the case, then all of the other programs of Government—the Defense Intelligence Agency, the Environmental Protection Agency, education, airport safety, Amtrak—everything we spend money on is going to have less of the whole to spend because we are going to spend more and more.

But on these four programs, what are they going to do? They will come to the President and say: Mr. President, we are only $500 million; we are only $1 billion in the budget of $1.8 trillion, and we were kept down by the Reagan-Bush administration. Can we not just have $500 million or $1 billion? And here we have a potful of taxes sitting there that was supposed to go for deficit reduction.

We now have an extra $100 billion of interest savings that we presume we will get. And the President says: $1 billion; what is that—until you realize you have hundreds of little programs coming to you.

Am I happy that the Republicans have nothing to do with this bill? You bet I am. If this bill is defeated, and the President were willing to have a genuine bipartisan negotiation and a genuine willingness to build into a bill spending reductions that were real in law, with the passage of the bill, I think he would have Republican support. But he does not want it. And that is his choice.

So what I see is economic disaster for the country, an inflation rate that is increasing, interest rates that are increasing, and a deficit that goes up, not down, every year during this present administration.

Mr. President, I ask unanimous consent to place in the RECORD the Bureau of National Affairs article to which I made reference in my speech.

I thank my good friend from Wyoming for yielding to me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REGULATION, ECONOMICS AND LAW

### ECONOMIC POLICY

Continued low interest rates will allow the Clinton administration to show savings of more than $100 billion over the next five years in federal borrowing and significant long-term deficit reduction below projections made earlier this year, Office of Management and Budget officials said June 25.

In mid-July the government will issue its midsession budget review, which will show more than $100 billion in savings because low interest rates reduce the government's borrowing costs. "It's going to be big money," Joseph Minarik, OMB associate director of economic policy, told a group of reporters.

OMB Director Leon Panetta said he did not know exactly where the re-estimates would put the administration's new deficit projections, but he said he expected it to be below the $322 billion projection for fiscal 1993 made earlier this year.

Minarik said that the deficit revision for the short term is "not going to be terribly different," but suggested it would be larger in the out-years of the five-year budget. The recent slow quarter of economic growth has a fast-acting impact on the deficit projections in the near term, while low interest rates are "slow-acting," he noted.

The OMB officials stressed that enactment of President Clinton's economic program—versions of which have now cleared the House and Senate—will greatly contribute to economic confidence and continued low interest rates, which will have a stimulative effect on investment and job creation.

President Clinton made the same point June 25, saying passage of legislation by the House and Senate sends "a clear signal to the financial markets that its interest rates should stay down and people should be able to refinance their homes and finance their businesses at lower interest rates."

Without enactment of the economic plan, interest rates will rise rapidly, Panetta warned.

The OMB director expressed confidence that an economic program to reduce the deficit will be enacted and suggested that the Federal Reserve is looking for that achievement.

"Right now, it behooves everybody to kind of be steady-as-you-go, including the Fed right now," Panetta said. "I think it's a very important signal to consider in whatever it [the Fed] ultimately decides to do," he said.

"That's been made clear, I think," the budget director continued. "They are looking to see whether, in fact, this plan can be put in place. My sense is that if that happens, the ability to kind of hold interest rates at a low level is going to be more assured just by virtue of having done that."

Regarding other economic impacts related to enactment of an economic program, Panetta agreed that the tax changes narrowly approved by both chambers and headed for a conference committee could have a constrictive impact on economic growth.

He argued, however, that the tax increases passed by the House and Senate apply to various sectors of the economy broadly. "You're impacting across the board," he told reporters, noting that the tradeoff is the stimulative effect on the economy of locking in a program to cut the deficit. The market's recognition of a credible deficit reduction program, and resulting low interest rates, has the effect of counteracting the damper of higher taxes, he said.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. Mr. President, I thank the Senator from Oregon. Before he leaves, I would just like to read a couple of quotes to bolster his argument.

Monday, July 12, New York Times, in an article in the business section, says: "Protecting a fragile recovery—White House seeks to limit damage." What the White House seeks to limit is damage from the Clinton tax plan.

Mr. President, the Clinton tax package has not even been passed, and it is already causing damage to the economy. One really has to wonder what has taken place in the minds of those who create the jobs, invest the money, and fire up this economy, that the White House—Laura Tyson and others—would begin to express worry about this plan before it is even passed.

I also refer to a statement by David Wilhelm, chairman of the Democratic Party, who characterized the passage of the tax package in both Houses as "a crucial step in a progressive redistribution of income."

Mr. President, we thought that the whole objective of this exercise is deficit reduction, not social engineering. If there is any one reason the White House is now trying to protect a fragile recovery and limit damage to the economy, it is because its purpose has not been focused on reducing the deficit. Let me refer you to comments by the President, who says: "The Democratic Party and this administration have proved that we have the discipline to bring the deficit down. * * * I think it will help the economy bring in more revenues and permit us to spend more."

A senior administration official says: "Until further notice, we are sticking with our previous positions, and one of them has always been there is no acceptable alternative to the energy tax that raises the revenue needed to pay for some of the investments and things we want to do."

The Senate Majority Leader, Senator MITCHELL, was quoted on the first of July saying that he thought Clinton's spending concept was economically sound and represents "the kind of rational distinctions that good policy should make. * * * Now, will he be able to do all he wants? No. Will he be able to afford all these things? No. But, I think the direction is right, I think the emphasis is right, and to the extent that we can, consistent with restraints of the budget, I think that's the proper areas for emphasis."

The emphasis, Mr. President, is on spending the money that we are taxing out of the pockets of Americans. We thought that the idea of the whole deficit reduction program was to cut spending first. The President and Ross Perot, throughout the campaign, managed to persuade Americans that the time for sacrifice was now. But the purpose of sacrifice was to reduce the deficit, not to raise taxes to expand

Government. And that is why Laura Tyson and others are in the process of trying to find ways to limit the damage of the President's program, even before it is passed.

Mr. President, I yield 5 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, there is little I can add to the brilliant and thoughtful remarks of the Senators from Oregon and Wyoming. I do reflect, however, that at the beginning of this debate, when one major element of the President's program was a sweeping tax on energy, called the Btu tax, a number of commentators and Members on this side almost immediately began to refer to the Btu tax as the "big time unemployment tax." That slogan caught on. I think it may have had something to do with the fact that the Btu tax was the most sensitive single item in this tax proposal as it went through the House of Representatives and so sensitive that it was abandoned by the Senate.

Nevertheless, this Senator reflects on the proposition that that attack was too modest. It was not just that energy tax that was a big time unemployment tax, it is the entire proposal. I believe that my friend from Wyoming has illustrated dramatically the fact that that is true, and it has gotten through even to the economic advisers of the administration, which has proposed this entire tax package.

It is tremendously harmful to the economy. It is tremendously harmful to people. It is tremendously harmful to people who will not even be directly affected by the tax. The President, while asking for sacrifice, has taken great pains to point out that almost all of these taxes will be paid by the top 2 percent of the population of the United States. He has taken great pains to avoid talking about the fact that much of this money will come out of the pockets of small businesses, which are organized subchapter S corporations or partnerships or sole proprietorships and whose tax rate will increase by a vastly greater amount than the tax increases for large, normal types of corporations.

A number of economists, Martin Feldstein and others, have pointed out that it is beyond doubt that this increase in taxes will not increase revenues to nearly the amount the President has estimated. In fact, Martin Feldstein estimates that it will produce only about 25 percent of what the President estimates. He can be off by half and it will still only produce one-half of what the President claims it will produce. Why? Because people will change their behavior when they are penalized for economically productive behavior.

Clearly, under any scenario, they will not be able to employ the number of people they employ at the present time. They will not be able to grow at the rate at which they have grown during the course of the last several years. Some have been quoted as saying a recession would be better for their business than this tax program, and we know that very little hiring takes place during the course of a recession.

So, Mr. President, it is not just the energy tax in this proposal that is a big time unemployment tax, it is the entire proposal from top to bottom. As the President himself admitted on one ill-fated foray into California, he knows of no example, of no nation, of no time in the history of this Nation, when a huge tax increase has actually created prosperity, expanded employment opportunities and more chances for Americans to move up on the social and economic scale. This one will be no different. This will, in fact, if it is passed, be a big time unemployment tax.

This morning's Washington Post talks of tensions between the House and the Senate and especially between the majority parties in the House and the Senate of the United States. Nothing could be better for the people of the United States than to have that tension result in the collapse of this tax bill and the return of the President of the United States to this Congress with a genuine bipartisan proposal which cuts spending first.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. WALLOP. Mr. President, I also point out that one of the reasons the country at large is so nervous is because the tax proposals are based on class envy. There is a mean-spiritedness to some of these proposals, which is just beginning to dawn on Americans. For example, we tell Americans that we are a country which does not save; that saving is an ethic we ought to develop in this country; and that we ought to provide some means of stimulating savings.

Then guess what this bill does? For estates and trusts, which allow people to save to provide for their children, the tax bill would begin taxing trusts and estates at the new 36-percent tax rate for taxable income above $5,500. That is Bill Clinton's rich. Now $5,500 is not going to buy a year's college tuition, but the new 36-percent tax rate will trip in at that level on trusts and estates, set up for purposes such as education.

Mr. President, we are not going to improve this country by raising our taxes to levels greater than those of England, or by trying to show Europe that we can outdo them in social engineering.

Mr. President, I yield 7 minutes to the Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida [Mr MACK] is recognized for 7 minutes.

Mr. MACK. Thank you, Mr. President, and I thank the Senator for yielding me that time.

I would like to thank our colleague, the distinguished chairman of the Finance Committee, Senator MOYNIHAN, for clearing up an issue that has been plaguing the President's tax package.

The President's plan calls for higher taxes on the so-called rich in order to bring the deficit down. But this is the same method that was tried and failed in the budget agreement of 1990. Many of us have been asking why we should try the same thing in 1993 that failed in 1990.

The same question, in essence, was posed to Senator MOYNIHAN on "Meet the Press" this past Sunday: The question was, and I quote:

> In 1990 we were promised $500 billion in deficit reduction, and taxes on the rich were increased. Revenues collected from those making over $200,000 went down. The deficit didn't go down. How can you tell us this morning that this plan will be any different than 1990?

The initial and candid reaction of the distinguished chairman of the Finance Committee was, "I'm not."

He is absolutely right. There will not be any difference between 1990 and this plan. Tax rates on the rich will be raised but the revenues will never materialize, and the deficit will go up.

Let me make three points to support Senator MOYNIHAN. First, the evidence from income tax receipts for 1991 is now being reported by the IRS. Remember, 1991 is the first year that was affected by the higher tax rates on the rich as a result of the 1990 budget agreement.

The evidence is this: total income tax receipts fell in 1991, the first decline since 1983. Even though we were in a recession, total income rose 3.3 percent for the year.

But the rich—defined as those making over $200,000 a year—had their tax payments drop by 6.1 percent. They paid $6.5 billion less even though their tax rates were higher.

What about everyone else? Well, their tax payments rose, not fell, by 1 percent, and this chart makes the point. The effort was to sock-the-rich. Let us try to force them to pay more in taxes. Let us raise their tax rate. The end result after raising their tax rates was to see a decline from $106.1 billion in 1990 to $99.6 billion in 1991.

And, as I said a moment ago, interestingly enough everybody else's taxes went up. So you cannot blame the fact on the economy that was in recession because, as I said a moment ago, incomes actually rose by 3.3 percent during that period of time.

The point again is you cannot raise tax rates and assume that you are going to get more revenue.

Why did the rich pay less taxes? Paul Gigot wrote in Friday's Wall Street Journal that, It's impossible to know for sure, but the likely answer is that they changed their behavior in response to higher rates. Maybe they sheltered more income. Or stuffed more of it into 1990 to take advantage of that year's lower rates. Or perhaps they worked less. In short, they responded to "incentives", as economists say, and produced less income subject to tax.

The bottom line is that when tax rates were raised on the rich, the rich did not pay more taxes. Everybody else did instead.

This is a classic example of the law of unintended consequences. Congress tried to soak the rich, but drenched the middle class instead.

The second point to support Senator MOYNIHAN regards to the luxury tax. In 1990, Congress also tried to soak the rich by hiking taxes on luxury items like boats and planes.

Everybody now agrees that was a bad idea, and even the President's tax plan repeals the luxury taxes. The luxury taxes did not hurt the rich. They only hurt working Americans who built the boats, planes, and other items subject to the luxury tax.

But that theory—to soak the rich by raising taxes—that proved so wrong with luxury taxes is now being proposed across the board. The President and congressional democrats who admit the folly of the luxury tax still want to pretend it will have a different effect when they impose luxury taxes on income.

The third point to support Senator MOYNIHAN comes from Martin Feldstein. Feldstein was Chairman of President Reagan's Council of Economic Advisors and was criticized, you may remember, for supporting higher taxes to lower the deficit.

Feldstein says the Clinton tax increases on the rich will not work. He figures that wealthy Americans will change their earning patterns, and only a quarter of the revenues the President hopes to gain from taxing the rich will ever materialize.

In fact, he says that only small changes in their earning behavior such as sheltering or reducing 10 percent of their income, will cause Clinton's revenue bonanza to disappear completely.

Where is the benefit in a tax policy that discourages investment, stifles the economy, and reduces revenue? There is no benefit.

I can only reach one logical conclusion from Senator MOYNIHAN's comment that the failed 1990 tax policies will not work this time: The issue is not revenue, the issue is spending.

The Federal Government does not have a revenue problem; it has a spending problem. In 1990, the American people got hit with higher taxes and promises of spending cuts later. What happened? Revenues declined, jobs were lost, the deficit grew and spending soared. This flawed budget deal is no different, as Senator MOYNIHAN suggested.

It is no wonder the American people do not trust Congress and the administration to cut spending first. That is why I introduced the Spending Reduction Commission to force Congress into making the spending cuts that are necessary to bring down the deficit and unleash the economy.

The Commission is not a substitute for Congress to do its job, it is an enforcer.

We simply will not bridle this deficit without spending cuts.

If this budget package will lower revenues as Senator MOYNIHAN suggested, if this budget package will burden a stagnant economy as I believe it will, why not focus on spending cuts, instead?

Senator MOYNIHAN's honesty is to be commended. Now, we are looking to his leadership to make certain the budget package rests with spending cuts, not tax hikes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. Mr. President, I will recognize the Senator from Georgia in a moment, but first, I thank the Senator from Florida, and would also note from Paul Gigot's column in the Wall Street Journal that it is difficult to argue 1990 was a bad year for the rich and a good one for everyone else.

What has now emerged is a very distinct difference between the Democratic Party and the Republican Party. The Democratic Party believes two things: that revenues are raised by rates and that if a tax today raises $1,000 at 10 percent, an increase to 15 percent will raise $1,500.

Tax increases have never worked that way. The Democrats do not seem to realize that there is a creative human response in Americans who are trying to protect their income for their families.

The second point I would make is that the Senator from New Jersey, the sire of Bradley-Gephardt, who was among one of the most articulate men in America arguing for simplification of the tax code so that we could reduce the rates, and for capital gains as the engine of small business growth, that Senator, the same Senator from New Jersey, is not the sire of the surtax on capital gains for the rich.

This will not raise money. Mr. President, there are $8 trillion worth of capital gains backed up in the system because of the tax rates applied to those gains. Were we to lower the rates, or index capital gain for inflation, we could trigger more money than is now being raised or proposed to be raised out of any of these tax increases—more revenues for the Government that create a little growth at the same time.

I yield 5 minutes to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I thoroughly enjoyed the comments being made this morning by the Senators from Wyoming and Florida. They have covered this subject exceedingly well.

But I would like to bring to the attention of the Senate some microinformation. I thought it would be valid to ask my constituents directly, and not just a measurement of telephone calls or mail, but to formally inquire as to their view with regard to these economic debates and proposals.

I have asked them specifically their view on this very intense debate on the ways to reduce the Federal deficit.

It is very interesting and startling to know the results. Half of the voters in the State of Georgia, 49 percent specifically feel that this is no time to raise taxes; 36 percent would agree to the sacrifice concept if—and I repeat, "if"—it were a one-to-one ratio; and 93 percent—I would characterize that as virtually unanimous—do not believe in a concept that envisions $3, $4, $5, $6 of revenue with only $1 of spending cuts.

What they are saying loud and clear is: Focus on spending disciplines, not on taxes.

Well, we asked them: Will this administration's economic plan reduce the deficit?

Good question, because that seems to be the monitor that has been placed on this proposal.

I find it striking and interesting that 55 percent of the Georgia electorate do not believe that this plan will reduce the deficit one iota.

Well, then, since we have had so much discussion about gridlock and obstructionism, we said: Well, what do you think? Should we agree with this concept carte blanche or should we try to change it? Sixty percent of the electorate in the State of Georgia said, "By George, change it. Change it."

Now, we could say to ourselves: Why this overwhelming rejection? Why this overwhelming endorsement of change? And I will tell you why. It is because, when this question is posed, "Well, doesn't it take a balance of new revenues and spending cuts?," they are saying to themselves: "We have been through the revenue piece, we have been through having our taxes raised, what we are waiting for is when do we ever get to the spending cut part."

It was only 30 months ago that they had their taxes raised in historical proportions. They were promised then a $500 billion deficit reduction. They were promised then that there would be substantial spending cuts. It did not happen. They feel betrayed.

They no longer believe that our Government will seriously attack the disciplines of spending. They have said, "Enough is enough. You gave us the taxes, you promised us the spending cuts, you promised us the reduction in the deficit that never occurred, and so now we are saying you must do that first."

And that is what this electorate is telling me, and I believe that is what this Nation is telling its Government.

Mr. President, I yield back to the distinguished Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from Georgia.

I want to ask him quickly before he leaves the floor if he is aware of the new CBO projections which, as I understand them, indicate that we would get move deficit reduction if we did none of this program and left that which is now in place, than we would if we enacted this package. Has the Senator heard that?

Mr. COVERDELL. Mr. President, I say to the Senator from Wyoming, yes, I have heard that. And it is obvious to me that these citizens understand that. They understand that the only way for these families and these businesses to make a substantial contribution to the health of this Government is by having expanding businesses, which they cannot do if we hear a sucking sound that is moving all resources to Washington, DC.

Mr. WALLOP. I would just say to the Senator that the administration recognizes it, too.

I pointed out earlier, Monday's New York Times article entitled "Protecting a Fragile Recovery—White House Seeks To Limit Damage"—damage caused by a bill that has not yet been passed.

I quote a comment by Laura D'Andrea Tyson, Chairwoman of the President's Council of Economic Advisers. "I would hope in the process of reconciliation some thought would be given to the signals the economy is giving out."

Clearly some of the advisors closest to the President are concerned about the effects that the proposed tax levels will have on the economy.

I thank the Senator from Georgia.

Mr. MACK. Will the Senator yield for a moment?

Mr. WALLOP. I am happy to yield to the Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MACK. I want to go back to a point that you made a little bit earlier. If I remember correctly, the Senator was saying at a 10-percent rate on $1,000 of income, you get $100. And there is an assumption that you could go to a 15-percent rate and collect $150, something in that neighborhood.

Mr. WALLOP. That is correct. Human behavior is unaffected by rates.

Mr. MACK. The underlying point in all that is you could just keep raising the rate and, each year at a higher rate, collect the same percentage of the income; in other words, there would be no behavioral change, there would be no diminishing returns, I guess would be another way to say that in economic terms.

The articles that we have kind of referred to this morning, the one that Paul Gigot wrote in Friday's Wall Street Journal, and there was another by Robert Barro, both of those in essence were talking about the now much maligned Laffer curve. And I want to say to the President that these two articles and the evidence that came in from the tax receipts for 1991 actually say that the Laffer curve is alive and well and held in high regard by the people of the country who pay the taxes.

Now let us just make one further point. There is one thing that we know for sure. We know that there are two tax rates where we could absolutely predict that the Federal Government will collect zero taxes. That is zero percent and 100 percent. And I think it is fairly obvious to most people that if it is zero, you obviously do not get any revenue from that. And it ought to be just as obvious at 100 percent that you get no revenue as well because no one would be working. Why work and give it all to the Government.

So there is implied in that statement that there is some rate that is an optimum rate. In other words, there is a curve that goes something like this, and it is somewhere on that curve that there is an optimum rate that could be charged that would be the optimum amount of money that would be collected by the Federal Government.

And this evidence that we have both talked about this morning, that with the higher rates that went into effect in the 1990 deal, the assumption was that there would be more revenue collected from the rich in 1991. We now have evidence, even after a growth of 3.3 percent in all revenues, that the wealthy paid less in taxes.

We are saying in that is that this plan that is being proposed now, that the conference committee is going to be working on, that is going to raise taxes on the wealthy, the message that: "Don't anyone in the country worry, only the wealthy are going to pay more in taxes," the result of the first year 1991 is that tax payments by the wealthy declined 6.5 percent and taxes paid by everybody else went up 1 percent.

I thank the Senator for yielding and giving me that additional opportunity.

Mr. WALLOP. I thank the Senator from Florida.

Mr. President, I have made note of the politics of envy, and the politics of class that have crept into the debate to persuade the American people that those who worked long hours in the 1980's somehow or another profited unfairly. I would also note that another new word has come back—which is actually an old phrase we used to hear in the 1970's in Jimmy Carter's time—is "tax expenditures." The theory of a tax expenditure, if followed to its logical conclusion, is that by not taxing something, the Government is, in effect, spending money.

Mr. President, the Senator occupying the chair and everybody else I know, understands that this means we owe everything first to the Government.

Under the tax expenditure theory, Government owns Americans. They own us lock, stock, and barrel. We only keep what we keep by the grace of government.

Mr. President, that is not a way for America to cut spending first. That is a way to divide us, to pit our classes against each other, to result in envy and to take away from Americans the opportunity to dream that they, too, might progress.

Mr. President, I yield 5 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Wyoming that he has 12 minutes remaining.

Mr. WALLOP. I yield 5 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

### CLINTONOMICS: WHERE WILL IT TAKE US?

Mr. CRAIG. Mr. President, I thank the Senator for yielding and taking out this special order today to talk about an issue the American people are extremely concerned about at this moment. And that is Clintonomics: Where will it take us, what will it do for us, and what might it do to us?

Without question, I think Americans have gone beyond the point of concern. I held a town meeting in Ashton, ID, a small agricultural community in southeastern Idaho during the Fourth of July break. I not only heard concern, I began to hear fear, fear expressed that this is an administration that lost its vision the day it took office; that it moved from its campaign rhetoric of change and moderation and spending control and deficit reduction to one of an old Democrat attitude; and that is, a bigger Government and higher taxes and somehow all of this is going to produce a better world.

Except those people at that town meeting had everywhere from 15 years of life to 90 years of life experience. Yes, there was a 90-year-old there and they were telling me: "But, Senator, we have tried all of those things and it doesn't work. Government just keeps getting larger and as it gets larger, it takes more from us and it controls more of us."

Of course, in that community, they know well because it is a community with a lot of public land around it and they are finding out they can do little on that public land compared with what they used to be able to do because of Federal rules and regulations, because of a Federal attitude that human activity on public lands somehow damages an environment and, as a result, the way to control it is to control the people. That is what they are fearful of with the Clinton administration.

In 1984, we feared that because there was a novel that said there was going to be a "Brave New World." This administration is doing something very unique. They are creatively defining with words things that the average person says are real. For example, no longer do we call it spending here. We call it investment, investment in our futures.

If investing in our futures is taking 45 percent more in taxes from small businesses, men and women who work their hearts out in 18 hours a day to create something for themselves and their children, then let me tell you, that ain't investing in the future. That is robbing from the working people.

Mr. President, you ought to know better than that. If you are going to have a business meal tax and destroy 165,000 jobs in America, Mr. President, you ought to know better than that. If you want to go to the G–7 meeting in Tokyo and talk about creating jobs when you have just brought down a spotted owl decision over the Endangered Species Act in Oregon, Washington, and Idaho and northern California that is going to destroy 60,000 jobs, Mr. President, you are talking out of both sides of your mouth, and you ought to know better than that. That is not what you said throughout the long, hot campaign of a year ago. You said you were going to change, you were going to control the deficit, you were going to control the debt, and you were going to create jobs, and now all of your rhetoric calculates in less jobs and a stagnant economy, and you ought to know better than that.

There is an old liberal adage, and that is: Tax everything that moves and somehow it will make the world better. Let me tell you what the new adage of Clintonomics is: Tax everything, including the patience of the American people. "And, Mr. President, you ought to know better than that."

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from Idaho. We are in a very stressful time in America. One thing is certain: There is no one who does not believe that the deficit is a major problem with which the country must deal. There is big disagreement as to how we must deal with it. But I think that it is important to note a couple of things.

One, despite the President's rhetoric, this is not the largest deficit reduction package in history. It is the mirror image of the one we passed in 1990. I have seen film clips of President Bush and now OMB Director, then chairman of the House Budget Committee, Leon Panetta, walking out of the doors of the building at Andrews Air Force Base, proclaiming the largest deficit reduction package in history, and saying the words "$500 billion."

That budget package was long on taxes and short on spending cut specifics. Similarly, Clinton's package is long on taxes and short on specifics, as well as a projection of mythical specifics.

One thing we have not done but will hear about in a little while, is talking about the rest of the President's program, which is a massive increase in the presence of Government in our lives through new regulations at every level, new powers for the Environmental Protection Agency and other agencies of Government, and new fees for those who use the resources of the public lands.

From the very beginning, this program was designed to attack the most productive sectors of America. But it will not produce the revenue claimed.

Let me conclude as follows: Productive America is dreaming America. It is the small businessmen and women of each of our States. My State of Wyoming is the largest small business State in America per capita. The problem that these people see is that they will not be allowed to hire whom they wish, to create growth in ways in which they would like, and to make deposits in banks and other institutions without being penalized for being thrifty and saving.

(Mrs. MURRAY assumed the chair.)

Mr. WALLOP. Madam President, the whole problem with this bill and this administration's attitude is that productive Americans are somehow an anathema to the goal of Government. They threaten Government because they wish to produce on their own, not hand in hand with Government but free from Government.

I will conclude by drawing the attention of Members of the Senate to the statements of the Chairman of the Federal Reserve, Mr. Greenspan, when I asked him in the Finance Committee: How come this recovery was not being accompanied by more jobs?

He pointed out the fact that Americans are now working the longest week in their history. Overtime is taking the place of new hires.

Second, he pointed out that temporaries were at their highest number in history. Temporaries were taking the place of new hires.

And he pointed out that increased Government regulations and new pending legislation were putting America's hiring sector on guard, telling them that they had better be careful about committing themselves before they had seen the regulations.

Madam President, I ask unanimous consent that the article from Monday's New York Times, the article by Mr. Barro in Friday's Wall Street Journal, and the column by Paul Gigot also in Friday's Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### OOPS! WEREN'T WE GOING TO SOAK THE RICH?

(By Paul A. Gigot)

On his way out the door in January, a cheeky Bush official scribbled the same tax phrase again and again on a Treasury blackboard for the new Clinton team: "Low rates, broad base."

The incoming Clinton Treasury minions, more rueful than cheeky, erased the phrase each time the new White House requested ever higher tax rates.

Mark the rueful down as prophets. The first evidence on income-tax receipts for 1991 is now rolling in from the Internal Revenue Service, and the usual eye-glazing numbers are suddenly eye-popping.

To wit, the rich paid less in taxes even though their tax rates went up. The nonrich paid more even though their tax rates stayed the same. President Clinton, meet the Laffer Curve.

This news is the elephant in the room of this year's tax debate, since we keep hearing that the fate of the world hangs on President Clinton's promise to reduce the deficit by "$500 billion." Most of this windfall, Mr. Clinton assures us, will come from "the rich." But what if those tax revenues from the rich turn out to be a mirage?

Then isn't the Clinton tax program doomed to fail, even as mere deficit reduction? And shouldn't Democrats think again before they commit tax hari-kari at next week's House-Senate conference? Of course they should, but this year's Democratic theme song seems to be that old "M*A*S*H" movie anthem. "Suicide Is Painless."

The 1991 numbers are so striking because they's the first since the Great 1990 Budget Deal, which was more or less the test drive for Clintonomics. Rates had to be raised on "the rich," we were told then, in order to produce a river of new tax revenue.

Well, this is one river that didn't run through it. For we now know that total income-tax receipts fell in 1991, the first decline since 1983. And they fell in a strange and revealing way.

For the rich—defined as the top 850,000 income-earners in each year (making about $200,000 or more)—1991 tax receipts fell by $6.5 billion, or 6.1%. But for every one else, tax receipts actually rose in 1991—by $3.3 billion, or 1%. this odd dichotomy makes it difficult to attribute the revenue decline merely to a slow economy: The rich wouldn't have a bad year if everyone else had a good one. And, in fact, total income rose 3.3% for the year.

So what happened to the rich? It's impossible to know for sure, but the likely answer is that they changed their behavior in response to higher rates. Maybe they sheltered more income. Or stuffed more of it into 1990 to take advantage of that year's lower rates. Or perhaps they worked less. In short, they responded to "incentives," as economists say, and produced less income subject to tax.

This reverse-windfall is underscored by other 1991 numbers. Income from businesses fell 5.5% for the rich, but rose 2.2% for the nonrich. for so-called Subchapter S small businesses, which would get slammed again by Mr. Clinton, income dove 10.5% for the rich but rose 6.2% for everyone else.

All of which proves what populist, middle-class free-marketeers like me call the paradox of progressivity: To really soak the rich, keep their tax rates low.

Listen to Martin Feldstein, the Harvard economist who has never been mistaken for a wild supply-sider: "The evidence is strong that in 1991 they picked up rates at the top and revenue fell. this should make Democrats think twice about whether the tax rates they're now talking about will raise the revenues they expect." Mr. Feldstein figures they'll get only about a quarter of the $25 billion a year they advertise.

The Clinton administration knows all this, by the way, but wants it kept quiet until the tax pill passes. Treasury economist Alicia Munnell is in denial, even though her staff has calculated that Mr. Feldstein is right. Treasury's Larry Summers knows better, but is preoccupied with Japan and trade. Other Democrats don't even want to hear about it. That's because for them taxing "the rich" is about class-war politics, not revenue. It's about having a foil to run against.

But that's no excuse for Republicans, who've been just as silent about all this. Bob Dole's timid Senate Republicans didn't even offer an amendment to strip the higher rates out of the tax bill. Ohio Rep. John Kasich, supposedly the boy wonder of the budget, has made people wonder by endorsing higher rates. Like George Bush and Nicholas Brady, too many Republicans are still afraid James Carvill might accuse them of belonging to a country club.

But now is the time to lay down markers for the next economic debate, educating voters about the con job they are about to experience. An optimist said last year that either the Clinton presidency would be successful, or it would be educational. But that assumes someone does the educating.

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## HIGHER TAXES, LOWER REVENUES

(By Robert J. Barro)

Although the debate over the administration's tax package has focused on energy levies, the bulk of the projected revenue comes from increases in marginal income-tax rates on the "rich." This revenue underlies the administration's contention that the fiscal package is an equal mix of spending cuts and tax increases, and also forms the basis of alternate estimates that peg the ratio of spending cuts to tax increases at between 1 to 2 and 1 to 5.

A key issue, however, is whether increases in marginal tax rates at the top will raise any revenue at all. The history of responses to tax-rate changes from 1981 to 1991 suggests that the receipts generated by this part of the fiscal package probably will be close to zero and may actually be negative. Upper-income people are very "responsive" to changes in the tax code: that is, they readily move their money around or change their behavior in response to new tax law.

The debate about ratios in the administration's proposals has therefore had a surreal character. If Congress decides to abandon all new levies on energy—levies that would harm the economy, but really would raise the kind of revenue legislators are looking for—then tax receipts would be roughly constant. The magical ratio of spending cuts to tax increases could then be infinite (even though the package contains little in spending cuts).

### AN ORPHAN ARGUMENT

Amazingly, neither the Democrats nor the Republicans want to make this argument. The Democrats, of course, do not want to acknowledge that the higher tax rates on the rich will generate little revenue. The Republicans do not want to press the point because, first, they do not want to look like the advocates of the rich, and, second, if tax receipts do not rise, then they could not argue that the Democrats had raised taxes (falling here into the common confusion between tax rates and revenues). One would have thought, however, that an increase in tax rates that produces no revenue is even worse than one that generates lots of revenue.

The chart shows the fraction of total federal income taxes paid by the upper 0.5 percent of the income distribution in the years 1960 to 1991 (returns with adjusted gross incomes above about $220,000 in 1991). The most relevant experience for evaluating the current fiscal proposals is the period of changing tax policy from 1981 to 1991.

For the top 0.5 percent of the income distribution, the most important changes are the shifts in the marginal tax rates at high incomes. For most of the years 1960 to 1980, years with relatively high top marginal rates, the high-income group contributed well under 20 percent—and even 15 percent—of the revenue pie. But even more relevant is the 1981-91 period. Its featured a cut in the top marginal rate on unearned income of 50 percent from 70 percent in the 1981 law, a cut in the top rate on all forms of income to 28 percent in the 1986 law (except that this law raised the top rate on long-term capital gains to 28 percent from 20 percent), and an increase in the top rate to 31 percent (or a couple of percentage points more because of phaseout provisions for deductions) in the 1990 law.

The first observation from the figure is that the increase in reported taxable incomes of the rich after the 1981 law was great. It was so great that the share of taxes paid by this group rose to 18 percent in 1984-85 from 14 percent in 1981, despite (or rather because of) the reduction in the top marginal tax rate. The Laffer curve argues that increasing tax rates beyond a certain point means lower revenues—and that cutting rates widens revenues. The much-ridiculed curve turned out to work brilliantly at upper-income levels.

The share the rich paid in taxes for 1986—21 percent—is inflated by the surge in capital-gain realizations in anticipation of the rise in the capital-gains tax rate in 1987. But the principal observation about the 1986 reforms is that the share paid by this group remained between 20 percent and 22 percent from 1986 to 1990, well above the values from before 1986. In 1988, the final year of the Reagan administration—and, in that sense, the pinnacle of the "greedy 1980s"—the share of taxes paid by the rich reached its peak of 22 percent. (I do not know whether one-fifth is a "fair share" for the top 0.5 percent of income recipients to pay, but it does mean that the average person in this group pays 40 times as much in federal income taxes as the typical person.)

Additional evidence came when the rise in the top rate in the 1990 law was followed by a decline in the fraction of taxes paid by the rich to 19 percent in 1991 from 20 percent in 1990. Thus, the pattern in which changes in the top tax rates cause a dramatic response in the top tax rates cause a dramatic response in the opposite direction of reported taxable incomes works for tax-rate increases as well as for tax-rate decreases. This finding is significant, because the current income-tax proposals are basically more of the same that was contained in the 1990 law.

Treasury officials claim that their estimates of large revenue gains from increased tax rates on the rich already take account of behavioral responses that lower the base of reported taxable income. This claim is misleading, however, because the responses that the Treasury seems to consider are portfolio shifts, such as the increased incentive to hold tax-exempt bonds (an effect that has to be trivial if the total supply of tax-exempt bonds does not change).

Left out of these calculations are the principal shifts in reported incomes that underlie the data in the figure. The details of these shifts are not well understood, but they seem to involve changes in the timing of income, exploitation of tax loopholes, and alterations in work effort. (People work harder after tax cuts.) In any event, the best way to project how tax payments by the rich will react to changes in tax rates is to use the information provided by the history of the responses to the 1981, 1986 and 1990 tax laws, and the Treasury's estimates fail to take account of the clear message from this history.

### LIBERAL FRIENDS

Suppose that it is true that the higher tax rates on the rich will not raise revenue. Even so, the rich will suffer from the higher tax rates. The various methods employed to lower taxable income—including creating tax loopholes and working less—are undesirable activities that these people would have preferred to avoid. The income-tax proposals will succeed in burdening the rich even if they fail to generate revenue.

To me it is obvious that a tax-rate boost that makes one group suffer—even the rich—but provides no revenue is bad economic policy. Since I do not trust my instincts, however, I surveyed some liberal friends: What do you think of a policy that makes the rich worse off, but produces no revenue and therefore provide no direct benefits for the nonrich? Remarkably, the results were mixed. Some of the respondents would be willing to give up resources (revenue)—and, in fact, suffer themselves—for the sake of taking away money from the rich, so that some measures of income inequality would narrow. Apparently, the presence of wealthy people is viewed as similar to environmental pollution. One can only hope that this viewpoint is not the main driving force behind the administration's economy policies; otherwise, the economy will be in serious trouble.

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## PROTECTING A FRAGILE RECOVERY

(By Steven Greenhouse)

WASHINGTON.—Discouraged by recent weak economic reports, Administration officials are nervous that President Clinton's deficit-reduction plan could slow the economy further. But they see no need for an emergency stimulus package because they are confident that growth will pick up in the second half of this year.

Reluctant to start a new battle over economic stimulus after losing one in April—and not convinced that stimulus is needed now—the Administration appears resigned to tinkering around the edges of the budget package to insure that any near-damage it causes to the economy will be minimal.

Administration officials said they would urge House and Senate negotiators, when hammering out a compromise budget plan, to pay attention to how leaving in or lopping out certain provisions, like investment incentives, would affect growth.

### ECONOMIC SIGNALS

"I would hope that in the process of reconciliation some thought would be given to the signals the economy is giving out," Laura D'Andrea Tyson, chairwoman of the President's Council of Economic Advisers, said in an interview.

Ms. Tyson said the Administration would soon lower its growth forecast for this year to about 2.5 percent, down from the 3.1 percent prediction it made in January. But she predicted that the economy would grow at a rate of more than 2.5 percent in the second half of this year, a forecast consistent with those of many private-sector economists. That would be considerably more than the sluggish 1.5 percent growth rate that many economists estimate for the first half.

She said that once President Clinton's budget package wins Congressional approval, growth should accelerate because most of the uncertainties nagging at business would disappear.

Many corporate executives say—and Republicans are quick to echo them—that the uncertainties surrounding President Clinton's budget package and the forthcoming health plan are undermining business confidence and causing companies to hold off on hiring and new investments.

To help protect the fragile economy, some Administration officials want to urge Congressional conferees to delay the increase in personal income taxes to July 1, the date the Senate has approved, from last Jan. 1, the date the House approved. The theory is that this delay would make consumers feel richer and thus more willing to buy new homes and cars. But some officials argue against such a delay, saying it will deprive the Government of revenues and probably do nothing to lift the economy.

The Administration is also considering whether to stretch out the phase-in period for proposed energy taxes.

Administration officials admit to feeling gun-shy about proposing a new stimulus plan after Senate Republicans defeated the President's $19 billion jobs plan last April. Nonetheless, the President is eager not to be viewed the way many Americans viewed President George Bush: as someone who sat on his hands while the economy floundered.

Administration officials point to Mr. Clinton's strenuous efforts at the Tokyo summit meeting to get Europe and Japan to stimulate their economies and help American exports. Unfortunately for Mr. Clinton, growth in those economies is not expected to pick up until next year.

The Administration's view is that President Clinton, by proposing his jobs plan and his $500 billion deficit-reduction package, has demonstrated that he is far more aggressive than his predecessor in seeking to nurse the economy back to health. But some liberal Democrats say that after he campaigned to turn the economy around, the President is not being aggressive enough—and should not have given up his fight for a stimulus package so soon.

Of course, if the economy stumbles for several more months and Mr. Clinton does not take vigorous action to set things right, he might start hearing complaints that he is being as feckless on the economy as Mr. Bush was often perceived to be.

Historically, deficit-reduction plans bit into economic growth by increasing taxes and cutting Government spending. But this time around, Administration officials are optimistic that Mr. Clinton's package will result in faster growth by pushing down interest rates.

Treasury Secretary Lloyd Bentsen has often said that the drop in long-term interest rates of a full percentage point since last November will give the economy a stimulus equivalent to that of $100 billion in extra Government spending.

Ms. Tyson said most of the benefits of lower rates had still not percolated through the economy. Some of the Administration's economic models show that only 30 percent of the benefits of falling interest rates are felt in the first year, with the remaining 70 percent felt in the subsequent years.

The Republicans are not as sanguine about the effects of the President's budget package, asserting that its $250 billion in tax increases will pull the economy back toward recession. They see the tax increases as ammunition they can use in the 1994 Congressional elections.

Appearing today on CNN's "Newsmaker Sunday," Labor Secretary Robert B. Reich acknowledged that taking $500 billion out of the economy through tax increases and spending cuts could hurt the fragile recovery.

### LEGITIMATE QUESTION

"If we're taking that much out of the economy in terms of trying to reduce the budget deficit, at the same time we're trying to come out of the gravitational pull of the recession, are we taking out too much too soon?" he asked. "That is a legitimate question."

Ms. Tyson also acknowledged that deficit-reduction plans often slow growth, but she said the drop in interest rates would more than offset this. She said such "fiscal drag" would not become substantial for several years, if at all.

One White House official said it would be inappropriate to float a stimulus proposal now because the Administration is focusing on getting the budget package passed and does not want to see itself—or Congress—sidetracked by controversial new economic issues.

In the view of one senior official, the Administration might consider some special stimulus measures if there are several more months of disappointing economic news.

The consensus among Administration officials is that a few weeks of bad economic reports—coming after huge jumps in employment in April and May—are not enough to send them scrambling to put together a new stimulus package.

"There's been a tendency to overreact to the June employment figures," when the number of jobs rose by just 13,000, one Administration official said.

Many officials say the economy's recent stumbles demonstrate that the Republicans were misguided to kill President Clinton's $19 billion jobs plan. For their part, Republicans respond that the stimulus package was larded with pork-barrel projects and that the recent economic softness has been caused by Mr. Clinton's proposed tax increases and the uncertainties surrounding his budget package.

With the economy stumbling along, one thing many Administration officials do not want is for the Federal Reserve to raise short-term interest rates. Alicia Munnell, Assistant Treasury Secretary for Economic Policy, said she was confident that inflation would remain in control this year and that as a result, a rate increase would not be needed.

Mr. WALLOP. Madam President, it appears that all time has been used. I yield back whatever time may be left.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there time for the Senator from New Mexico to speak in morning business?

The PRESIDING OFFICER. The Senator from Utah has 30 minutes reserved. The Chair advises there is a vote scheduled at 10:30.

Mr. DOMENICI. I did not see the Senator. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

## SMALL BUSINESS TAKES A LEGISLATIVE BEATING

Mr. BENNETT. Madam President, I rise today because of several reasons. One, it is an anniversary. I have been in the Senate for roughly 6 months, and I think perhaps at this time I might make a review of the first 6 months of my career here.

Second, because I had a question asked of me during the recess that I think summarizes the first 6 months and the two come together. I would like to talk about that for a bit.

I was with a small businessman who was telling me his various problems, asking if there were any relief for some of those problems.

And then he summarized it, after we had our conversation, with this question. He said, Senator, isn't there anybody back there that listens? Isn't there anybody back there that pays any attention to what we are trying to say?

Well, I am not sure anybody is going to listen today, but I ask this question rhetorically, as I give my review of what I have seen this body do in the 6 months that I have been here.

Now, I came here as a small businessman. My career has been in business. I ran a small business, and I promised the people of Utah that I would represent small business. So that is the perspective that I have, and this is what I have seen in the last 6 months.

Small business has received the highest possible rhetorical praise in the 6 months that I have been here, starting with President Clinton and going through virtually every Member of this body. Everybody is in love with small business, if you listen to what they have to say. At the same time, legislatively, small business has received a serious beating, and the net result in my view has been the slowing of job growth just as we are going into a time when everybody says job growth is just what we need.

Now, let me illustrate. Here is an example of the praise that we get from small business. I am quoting from the most recent edition of Fortune magazine. It says:

> Small business is the dynamo of U.S. job growth. Firms with fewer than 500 employees accounted for 10 million of the eighties boom, an extraordinary 1.4 million new jobs. By contrast, the Fortune 500 industrials lost nearly 2 million jobs in that period.

That is the kind of rhetoric we have had.

But there are three areas, in my view, where small business has received the legislative beating that I am talking about, and that is what I am going to discuss today.

We have passed specific proposals in this body, in all three of these areas, that have done damage to small business.

Let me give you the examples. By the way, I find, Madam President, that these three areas are the three areas of greatest misunderstanding on the part of Members of this body with respect to how small business really works, and they are the ones which answer the question that my constituents ask: "Isn't anybody listening?"

These are the three areas where I think people need most to listen.

The first one is regulation. Excessive regulation destroys jobs. And in the 6 months I have been here, I have seen this body pass excessive regulation on small business, very specifically the Family Leave Act, which puts a regulatory burden on small business. We all know the arguments and the details. I wish to put a face on it.

A few weeks ago, I was at a breakfast with a series of small business people and seated next to a woman who owns a small business. And we got to talking. I said, "What kind of business are you in?" She told me. And I said, "How big is it?" She looked at me and she said, "Senator, we are 49 and holding." In other words, we have 49 employees and we will not hire the 50th because as soon as we have that extra employee, the 50th, we qualify for the regulation that you people passed in the creation of the Family Leave Act.

Now, she said, if we did not have the regulatory overhang that comes with 50 employees, I could hire an additional 5, 7, or 10 people. I could do it tomorrow. But I am not going to. We are 49 and holding. And she said, I know a lot of businesses in that same circumstance.

The question I asked her, Madam President: Do we know how many businesses are in the category of 49 and holding, that is, deliberately restricting their growth in order to avoid the kind of regulatory overburden this body has passed? The answer is no; we do not have the statistics. But I suggest—I firmly believe—that there are a number of jobs not being created by people like this woman who says "49 and holding." The real cost of excessive regulation is the loss of potential jobs.

I have a chart here which indicates the annual regulatory costs in the United States, and how they are going up year by year. This is historic as well as projected. It goes back to 1977 and then goes forward in its projections to 1998, based on what we have been doing here in Congress.

The second area where I think small business has taken a beating is excessive taxation. Excessive taxation destroys jobs, in my view. We are talking now again of what has been done in this body in the last 6 months, where we have seen adoption of the President's proposal with respect to what he calls a millionaire surtax. Well, the surtax, we are told, will only hit the rich. It will only hit those who earn $250,000. Those people who made money in the excesses of the eighties now have to pay it back. I have heard that kind of rhetoric on the floor.

Well, who are the rich? Who are these people who made all this money in the 1980's that they now have to pay back? Donald Trump? Michael Jordan? Bill Gates? Undoubtedly, those people will have to pay more. But the fact is that of those tax returns filed in the brackets that qualify as the rich under the definition of this administration, 80 percent—8-0—are filed by S corporations, sole proprietorships, or partnerships. In other words, small business.

Although $250,000 is a lot of money for an individual, $250,000 a year is not a lot of money for a business. It is a business on the edge many times, and yet 80 percent of those people who will see their taxes increased in that circumstance are filing in their business capacity rather than their individual capacity.

This is one of the areas, as I say, of greatest misunderstanding, as fellow Senators say to me: Well, if they are S corporations and they want to get out of it, why not just incorporate? Senators do not realize an S corporation is a corporation. They have already incorporated. They have made the S selection rather than the C selection. I do not want to get into the details of how that words, but they made the S selection because they need the money to grow, and the S selection makes it possible for them not to pay taxes twice on their dividends and their earnings the way General Motors stockholders pay taxes twice.

Partnerships, sole proprietors, S corporations—80 percent of the tax returns are in those brackets that the Government considers rich.

Going back to Fortune for a moment, they summarize it pretty well, talking about the impact of higher taxes on this segment of our economy:

Unlike big companies with access to public capital markets, small outfits have found capital scarce in the 1990's. And when the job dynamo can't get fuel, it sputters out. The inability of small businesses to grow and hire lies at the root of the anemic job growth of the 1990's, a key administration concern.

And now Fortune explains how it works in ways that I hope everyone in the Senate can understand. I have had personal experience with this. I can testify that this is true.

Small entrepreneurs still in the grip of capital crunch despite the administration's pledge to help ease it, now face a tax hike in President Clinton's budget plus an unknown hit from health care reform, and these look more like blows to expansion and hiring.

About half of all small businesses pay taxes either as subchapter S corporations or as sole proprietorships, and they pay at the same rate as unmarried individuals. Consequently, outfits earning more than $115,000—think of that in terms of business now, a small auto repair shop, a family farm—an outfit earning more than $115,000, the level at which individuals become the rich in the administration's eyes, will likely see their marginal tax rates rising from 31 to 36 percent and on earnings over $250,000 to 39.6 percent. Their ability to fund growth out of their earnings will shrink proportionately.

I have some statistics to show the size of what we are talking about here. Here is a chart relating to job growth in the past 5 years. It starts in 1987 and goes to 1992. It is by age, not the age of the individual, the age of the company. Here is where the jobs have come from in the last 5 years.

Companies that are less than 4 years old, the age is zero to 4, have grown at 7 percent; companies that are a little older, 5 to 14, have grown about 6 percent; companies that are 15 years to 30 years in age, have only grown at about 2.5 percent; and companies that are 30 years old or older have shrunk. The job growth has come in the new companies. And as you might suspect, Madam President, the new companies are the small companies.

We go to the next chart. Companies in this 5-year period that have employed between 1 and 19 people, have accounted for over 78 percent of the new jobs created in this country. When they get a little bigger, companies from 20 to 99, are about 25 percent of the new jobs; then the companies between 100 employees and 5,000, about 10 percent.

Now, you say, wait a minute, that adds up to more than 110 percent. Yes. It does because companies with over 5,000 employees have shrunk and have lost jobs by the rate of about 10 to 15 percent. This is where the new jobs are. This is not an estimate; these are past historical data. It is the small companies that have created the jobs, and it is the small companies that are growing, that are reaching the $250,000 threshold who will be paying the increased taxes.

Once again, those are the statistics. As I did when I talked about regulation, let me try to put a face on it. I go once again to the Fortune article that does that for us.

"Over the past 6 years," says Fortune, "Ron Bullock, CEO of Bison Gear and Engineering in Downers Grove, IL, has expanded his company from $7 million in annual sales and 75 employees to $24 million in sales and 150 employees by heavily investing in R&D and new equipment."

Here is someone in this category, doubled the size of his company in this 5-year period. He is on the chart. This is what he has to say:

"We basically have put every penny we have earned after taxes back into the business here." He reckons that on Bison's $1 million earnings, the new tax rates will take out an additional $115,000 that he will not be able to plow back. That may mean delaying a planned plant expansion. It will certainly mean a hiring freeze. There is no question that excessive taxation as passed by this body in the last 6 months will kill the job growth in Downers Grove, IL.

I have talked about excessive regulation killing job growth, excessive taxation killing job growth. What is left? I said there are three areas where people did not fully understand the impact on small business, three proposals that have passed this body in the 3 months that I have been here that have hurt job growth. The third one has to do with capital availability for small business. We are talking about the increase passed in this body in the capital gains tax rate. Once again, I will give the specifics, put a face on it. But this time I am going to be personal and tell the history of the circumstances in which I played a role.

Some years ago my brother-in-law came to me with an idea. He was in his fifties. He had been laid off from a big corporation. If you will, he was prototypical of the kind of thing that is going on in the economy right now every day. The big corporation was downsizing, there had been a change in the direction, all of the other reasons, but he was on the street and, because of his age, he was not employable. He was looking at really difficult times. But he had an idea and he also had a house, and with the real estate boom in the seventies, he had pretty good equity in his house. He said, "I want to start a business, and I am willing to take out a second mortgage on my house to raise the money for the down payment on the business. Will you help me?"

I said, "Yes, I will be happy to help you."

He went to an investor and asked him for some money. The investor said, "I will be happy to match the amount of money you are putting up as a result of your mortgaging your house." That was enough to get the business started. It was not enough to lease the equipment he needed to make the business go. That is when he came to me. I put a mortgage on my house to guarantee the equipment that had to be leased. That was a very interesting conversation that I had with my wife explaining to her that our house was now a risk on her brother's business ability to make this thing go. Fortunately, she liked him, and we did it.

It is one of these success stories. We came out with that business, we got it started. We sold the stock to the venture capitalist for $1 a share. A few years later, the business was valued at $30 a share. We made it.

The great American success story was repeated once again. I was able to get the lien off my house, used it, pledged it for a downpayment on another business I was involved in.

The venture capitalist came to us and said, "Well, we have had the ride in this business. It has been really good. I have gone from $1 a share to $30 a share. The time has come for me to get my money out and put it into something else, and I have a venture right here that I think I can make 25 percent a year return on, and your business, now that the main growth is over, will flatten out a little. It will only increase about 10 percent a year. I want my money out of the 10 percent a year deal and into the 25 percent a year deal."

We said, "Fine. We can find people who will buy your stock and will be satisfied with a 10-percent return because the risk now is pretty well over. We have gotten over the hump. But let us explain to you what you are doing."

Here, if I might refer to the chart again, we said, "With the present capital gains rates, by the time you pay capital gains taxes at the Federal level and your State tax burden, you are not going to have $100,000."

But for the sake of keeping the numbers simple, let us say he put in $3,000 and it grew to $100,000 as the stock went from 1 to 30. "You now have an equity of $100,000. You are not going to have $100,000 after you pay your capital gains tax if you take the money out of our business. You will have $65,000 because you are going to pay 28 percent to the Federal Government and you are going to pay 7 percent to the State. You are going to end up with $65,000.

"Now, you say our venture will continue to earn 10 percent a year and the new venture that you would invest in would earn 25 percent. Here are the numbers. The first year—we have not compounded these—on $100,000, your investment would go up to $110,000; on $65,000, the first year, at 25 percent, it would go to $81,250. And so on. At the end of 4 years, if you stay here, your investment will be worth $140,000. If you invest in the new venture, even at the 25-percent return for 4 years, you are only at $130,000. You cannot afford to take your money out of our business and put it into somebody else's even though we could find someone willing to invest in our business because of our track record."

What have we done in this body? We have increased the capital gains tax rate so that now he could not even get $65,000 out of that business if he tried.

To show how dramatically the thing would have been changed, if President Bush's proposal to lower the capital gains tax rate to 15 percent had passed, and assuming the same kind of stake money for this fellow and, under those circumstances, the $100,000,.the 10 percent numbers stay the same. If he had $80,000 left at 25 percent—the same venture—at the end of 4 years, he would have $160,000 instead of $140,000. You can see how it goes up.

It is the lack of understanding of the impact of the capital gains tax rate that caused this body to increase the capital gains tax rate and lock up investment capital in existing businesses, starving the new businesses from the opportunity to get the capital that they need. The higher capital gains tax rate passed in this body will add to the credit crunch for small business.

Well, there is the summary. In the 6 months I have been in the Senate, I have watched this body increase, not cut, the regulatory burden on small business and thereby discouraging job creation. In the 6 months I have been in the Senate, I have watched this body increase, not cut, the tax burden on small business and thus discourage job creation. In the 6 months I have been in the Senate, I have watched this body increase, not cut, the pressures on investment capital and thus discourage job creation.

Why do we do it? That is the question I was asked by my constituent. I will tell you why we do it. We do it in the name of deficit reduction. All of these things are necessary so we can get the deficit under control. We are told that again and again on this floor.

I am all for deficit reduction. Like everybody else, I ran in a campaign that said let us reduce the deficit. But it is obvious to me that the best way to reduce the deficit is to increase jobs. Workers pay taxes and support the delivery of Government services. People on unemployment consume taxes and use Government services. So why do we do it? Well, we do it because the forecasting system that we use to tell us the effects of what we do is fatally flawed.

This is not going to be a CBO-bashing session. I have great respect for the CBO staffers I have met. They work hard and, in my opinion, they do their very best to be objective, fair and honest, but the system they use, quite frankly, is nuts. We only have to look at the results to see the truth of that statement.

One last chart. This again is from Fortune magazine. The yellow line here—and again I have gone back in history so I am dealing with past facts nor forward conjecture. The yellow line here was the official CBO estimate of what the deficit would be, made in 1989. The red line is reality. That is what has actually happened.

May I ask rhetorically, if you are a businessman and you had put your faith in this forecast, you bought plant and equipment based on this forecast, you hired people based on this forecast, and then you are confronted by these facts, would you go back to the same forecasting firm that gave you this and say "Tell me what is going to happen in the next 5 years?" Of course, you would not.

Why do we do it? Well, it reminds me of an old story that we have heard so often. We have heard the punchline so often it has become a cliche, but it is time to repeat it again and understand the context of the punchline. It is about the miner who was off in the hills, gone for 6 months to a year. He comes out of the hills and has a bag filled with gold nuggets and is excited. He comes into town and says, "I have not seen another human for over 6 months. I have to get some action. Where is the game, the casino; I have to gamble." The fellow in town says, "You know, there is a game over at the Dirty Dog Saloon, but it is fixed; you are guaranteed to lose. So do not go there." About an hour later the local happens to be in the Dirty Dog Saloon, and there is the miner, and he is gambling like crazy and losing. The local says, "What is the matter with you? I told you the game is fixed." He says, "I know, but it is the only game in town."

Well, sometimes we look at this as though it is the only game in town, so we keep making our decisions in this body based on this kind of forecasting circumstance. It is nuts. CBO's estimates are not the only game in town. There is another game that is not fixed, that has met projections that can be used to project the future, and that is the track record of small business creating jobs. That track record is very clear. It is easily documented. In the last 5 years, as we have shown, virtually all of the job creation that has occurred in this country has come from the small businesses that have been beaten up now in the three areas that I have described.

Well, Madam President, as I became a Senator, I got some good advice from another legislator, one who does not sit in this body. He said, "I think you should remember and try to get your fellow Senators to remember that money does not come from the budget; money comes from the economy." There are a lot of politicians who think when they pass a budget, they have created money. When they pass a budget, they think they have created numbers that are etched in stone. Money comes from the economy. And if you want a healthy budget, you must first create a healthy economy.

In the 6 months I have been here, I have seen us do—in the three key areas I have described: regulation, taxation and capital formation—great damage to that portion of the economy that has proven its track record in job creation. For that reason, Madam President, I think the only way out is for us to repeal or reject the work of the Senate for the last 6 months and see if we cannot start all over again and get it right this time.

I yield the floor.

Mr. DOMENICI. Madam President, is there a time certain for a vote.

The PRESIDING OFFICER. A vote has been scheduled for 10:30.

Mr. DOMENICI. Before the new Senator, Senator BENNETT, who has just spoken, leaves the floor, let me congratulate him. Frankly, I am sorry that we have so structured ourselves that there are only a couple of us here on the floor. It seems to me that a lot more Senators ought to hear what the Senator just said, and I hope a lot of Americans heard it. I hope he continues to deliver this message, not necessarily his 6-month message, but the same message for as long as it is true.

I am hopeful that we will come to our senses before we put so many burdens on small business that they will create less jobs rather than more. But in the event we continue down the path we seem destined and dedicated to under this President and with the majority in the U.S. Senate, I hope the Senator will continue to deliver his message—on the one hand a message of hope, because there are enterprising people, men and women who want to make their businesses work so we can hire people.

There are many of them. I just hope we do not destroy that enthusiasm and energy that will truly add jobs for our American people and our standard of living will grow.

I thank the Senator for his excellent remarks. I might say as a Republican I am very proud that Mr. BENNETT joined us and he is now one of our colleagues.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. I thank the Senator from New Mexico for his very generous remarks and appreciate his leadership in teaching me some of the lessons I have had to learn in the 6 months I have been here. I assure him I will be repeating the same message for the full 6 years I am here if necessary.

Mr. DOLE. Madam President, I wish to congratulate my friend and colleague from Utah, Senator BENNETT, for the outstanding statement he made earlier this morning. As a businessman, he understands the issues he talks about, which I think brings a very good perspective to all the deliberations in this body, whether we happen to be Democrats or Republicans. So I commend him for his effort this morning.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt stood at $4,333,686,507,733.04 as of the close of business on Monday, July 12. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,871.85.

## PATRICK LIPPERT

Mr. JEFFORDS. Madam President, it is with great sadness that I rise today to note the passing of a truly exceptional individual. For nearly a decade, I have had the pleasure and honor of working with Patrick Lippert on a number of projects and have come to recognize his excellence and appreciate the friendship which I developed with him.

Patrick had been a great friend of the arts caucus in part because of his commitment to the congressional high school art competition. His dedication to this project grew, in part from the joy which he received from watching the talented young artists from across the country, many for the first time, experience the greatness of this country—in giving them an opportunity to see how things in Washington work. Thanks to him, each year young celebrities would participate in the opening ceremonies. They too were introduced to politics, yet more importantly, they served as an inspiration for these high school artists, offering them example, encouragement, and praise as well as challenging them to pursue their dreams. He was convinced that young people have an important role to play—be it in voicing their concerns through voting or by being active on specific issues. He committed his life to making sure they were ready for it.

As executive director of Rock the Vote, Patrick used his energy and remarkable disposition to interest the next generation of young Americans and to ensure that they had the opportunity and knowledge to get involved in the political process. Working tirelessly on the motor-voter bill, even while facing his own struggle with a terminal illness, he continued to rally and strive for its passage.

Patrick Lippert was a young man whose commitment was unyielding and his dynamism unmatched. Patrick has left a legacy—his life was an example of what can be achieved through strength of spirit and dedication to a goal. To his family, I offer my most sincere and heartfelt condolences. He will be missed.

## MIDSESSION REVIEW

Mr. DOMENICI. Madam President, article 1106 of title XIII of the United States Code requires the President to transmit to the Congress a supplementary summary of his most recent budget prior to July 16. This budget has come to be known as the midsession review.

July 16 is this Friday, and while there are rumors that the President may choose to delay or postpone this midsession review, I have come to the floor to ask he meet the requirement of the law and not delay in submitting this important review. I think I can convince the Senate, and perhaps the executive branch, that he ought to do so because we should have all of the current information about the deficit before we complete our summit, our reconciliation conference. I make this request, therefore, for a couple of reasons.

First, the conference on this reconciliation bill is scheduled to begin deliberations tomorrow, on July 15. This is a very important conference. Big decisions are going to be made about America's future. The decisions made by the conferees should benefit from the latest and best estimates of the budget deficit, tax receipts, and spending levels. The midsession review would provide the conferees with a timely update of these key data items as they assess the need for new taxes or new spending cuts.

Second, one of the President's arguments for the large tax increase in the deficit reduction package he proposed last February was that the deficit estimates had worsened from the time he was campaigning for the Presidency. Before the Congress embarks on a budget conference, I believe the question needs to be asked, if this is still the case. Has the deficit worsened significantly to justify the huge tax increases that would take place from the two bills in conference under the assumption that those kinds of taxes would help our economy and reduce the deficit, neither of which I really believe?

Again, a timely update of the actual budget data in the midsession report would provide us with an answer to the deficit forecast for the current year and beyond.

I cannot do that. My staff and the Budget Committee, both minority and majority, cannot do this kind of projecting with the accuracy that the OMB can.

On this latter point, let me say that there is some evidence to suggest that the deficit for the current fiscal year will be significantly lower than what the administration thought it would be just 3 months ago. In April, the administration projected the deficit for the current year would be $322 billion. We now know that, based on actual Treasury data, with three-quarters of this year complete, that the deficit is very likely to be significantly lower than the $322 billion that the administration said it would be in its April forecast.

While it is always risky to estimate anything around here, we ought to be able to forecast at least the remaining 4 months of this fiscal year with some confidence of not being very far off. And it is my educated estimate that, based on what normally happens in the months of June through September every fiscal year, and with some allowance for the emergency supplemental that will have to occur because of the flooding in this country, that the deficit is going to be $50 billion lower than the administration thought it would be in April.

I believe, instead of the $322 billion that to some extent justified the President moving away from his campaign promises to another plan, I believe the deficit will be around $260 billion to $270 billion, fully $50 billion less than predicted and projected in February.

I do not hold any patent on estimating the deficit, but if I am even close to correct, then I think it is worth the administration's effort to provide us and the American people with the best estimates in this midsession review and to tell Congress what is happening.

From my review of Treasury numbers to date, it is clear that spending to date in this fiscal year is only 1.8 percent higher than the comparable period last year, and this is nominal; that is not plus inflation.

A significant portion of this restraint on spending is because of defense. But it also comes from the area of financial institution funding, banks and savings and loans. As we all know, that was a very large drain on our expenditures. Also, interest payments on our debt are down about 2.5 percent compared to last year because of lower interest rates. But before anyone claims that most of the reductions in the deficit are due to lower interest rates, it has been calculated and confirmed by CBO that these interest rates for this year will cause the deficit to be reduced by less than $3 billion of that $50 billion that I just told the Senate about.

Revenues are the significant thing that have happened. For the first 8 months of this year, they are up nearly 5.5 percent compared to a comparable period last year. The recovery is, indeed, bringing in more revenues. Both individual and corporate taxes are up 9 percent in the first 8 months of this year compared to the same period last year. These are not projections by somebody or anybody. These are real, actual numbers from the Treasury's monthly tabulations.

Now, I do not know if these numbers will hold for the remainder of the year or even if they will continue into the future. It is clear that spending on entitlement programs still is growing at excessively high rates, but it is equally clear that, if we can hold spending to less than 2 percent annually as we have done in the first 8 months of this year, and if, without embarking on any new taxes, receipts could continue to grow at 5.5 percent annually as has happened in the first 8 months of this year, then I might say the deficit will clearly decline and be on a downward path.

That is, but for the entitlement programs, clearly something significant and very good news. Indeed, simple mathematics. A 2-percent annual increase in spending and a 5.5 percent annual revenue increase under existing law with no new taxes would result in a deficit declining well beyond the $200 billion predicted by the President under his plan after the imposition of $250 billion in new taxes.

It is this type of actual numbers and the assessment of what they mean that I think a midsession review could provide Congress before it begins the deliberations on the reconciliation bill.

So I repeat, I believe the law is clear that a midsession review is due to us and the American people on the 16th of this month. I think the administration should provide Congress with this midsession review. I believe they have the numbers and the projections. I think they are done. All they have to do is decide to release them, and I think they ought to do that before the conferees embark on a major new tax scheme.

I thank the Chair and the Senate for the time.

I yield the floor.

Mr. DOLE. Madam President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Madam President, I will reserve the remainder of my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRAVELGATE

Mr. DOLE. Madam President, the White House's internal review of its Travelgate scandal only gives more credence to those of us who view the administration's scrambling on this one as little more than damage control.

At least, the White House finally admits that senior political appointees pressured the FBI for political purposes.

At least, the White House admits to an appearance of favoritism and agrees that the travel office employees were treated without sensitivity and decency.

White House officials can describe their efforts as candid and thorough, and they can apologize for all the mistakes and misstatements.

But the American people are not fooled for a minute.

They know that the Travelgate antics demand far more than just an apology: They demand a no-holds-barred, independent investigation. Not by employees of the White House. Not by friends of President Clinton. And not by staff lawyers from the home team.

That is why the New York Times has called for a congressional hearing.

That is why liberal columnist Mark Shields believes an independent probe is necessary.

And that is why I have written to Attorney General Reno requesting the appointment of a special counsel to get to the bottom of the Travelgate fiasco. Former Attorney General William Barr appointed special counsels to investigate the House bank scandal and the Inslaw case. So, There is plenty of precedent for the special counsel approach.

And, Madam President, there are still plenty of unanswered questions:

Did Harry Thomason, a friend of the President and an investor in an airline charter company, violate the Federal conflicts-of-interest statute?

Were any ethical or legal standards broken when World Wide Travel, a company with close ties to high-level White House officials, was hired to run the travel office on an interim basis?

Did the White House staff or others in the executive branch exert pressure on the IRS to initiate an investigation of Ultrair, the airline charter company that formerly did business with the travel office?

Why did White House staff claim that the travel office investigation was a routine part of Vice President GORE's national performance review, when this clearly was not true?

Did any action taken during the travel office affair violate the Federal statute prohibiting the promise of future employment as a reward for past political activity?

And why did the FBI respond so quickly to the initial White House request for a criminal investigation? Why did three high-level FBI unit chiefs go to the White House to investigate a complaint that should have been handled by an FBI agent in the Washington metropolitan field office?

These are just some of the questions that a special counsel should seek to answer.

So, while the administration is slapping itself on the wrist with its internal reviews and sanitized reports, the American people are slapping themselves on the forehead, wondering what is going on.

When will the Travelgate filibuster finally end?

And how long do the American people have to wait for an independent, impartial review of this sorry episode of mistakes, misstatements, and downright wrongdoing?

Madam President, I ask unanimous consent that my letter to Attorney General Reno requesting the appointment of a special counsel be inserted in the RECORD immediately after my remarks.

I also ask unanimous consent that a letter from FBI Director William Sessions and an editorial that appeared in Sunday's edition of the New York Times be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
*Washington, DC, July 13, 1993.*
Hon. JANET RENO,
*Attorney General of the United States, Department of Justice, Washington, DC.*

DEAR ATTORNEY GENERAL RENO: After reviewing the White House Travel Office Management Review (the "White House Report"), I am more convinced than ever of the need to conduct an independent investigation into the entire Travel Office affair.

I am, therefore, writing to urge you to appoint a special counsel to conduct a thorough review of the events leading up to the firings of the Travel Office employees and the possible White House manipulation of the Federal Bureau of Investigation and the Internal Revenue Service to justify these firings. As you know, you have the legal authority to appoint a special counsel. See 28 U.S.C. 533. There is also precedent for this approach. Most recently, former Attorney General William Barr appointed special counsels to investigate the House Bank scandal and the Inslaw case.

The White House Report raises a number of disturbing questions that merit close scrutiny:

1. Did Harry Thomason, a partner and one-third owner of Thomason, Martens & Richland ("TMR"), an airline charter company that sought business from the Travel Office, violate 18 U.S.C. section 208, the federal conflicts of interest statute? As you know, Section 208 prohibits government employees and "special government employees" from taking actions on matters in which they may have a financial interest.

The White House Report itself suggests that Thomason may qualify as a special government employee. According to the White House Report, Thomason "had been asked to consult on the staging of presidential events and was provided with an access pass of the kind issued to staff, allowing him open passage throughout the White House complex. He was permitted temporary use of an office in the East Wing (White House Report, p. 6)." Thomason's presence in the White House was such an accepted part of daily life there, that "[n]o one objected when he began looking into the affairs of the Travel Office, which clearly extended beyond what he was originally asked to do (White House Report, p. 21)."

The White House Report also suggests that Thomason took specific actions that would benefit TMR. For example:

In early February, Thomason telephoned White House Press Secretary Dee Dee Myers and asked whether the White House charter company business was subject to competitive bidding. Myers assumed that it was, and Thomason told Darnell Martens, his business partner in TMR, to contact Myers (White House Report, p. 5).

In late March, Thomason mentioned to President Clinton himself that "he thought there was trouble in a White House department having to do with travel * * * (White House Report, p. 5)."

In early April, Thomason telephoned David Watkins, the Director of the White House Office of Administration, and told him that he had heard allegations about corruption in the Travel Office (White House Report, p. 5).

On May 10, Thomason asked Watkins about the status of the Travel Office. Watkins said that he had placed a staff assistant, Catherine Cornelius, in the Travel Office. Following his meeting with Thomason, Watkins called Cornelius to ask her to meet with Thomason. Thomason then asked Martens to fax his February memo on the Travel Office to the White House (White House Report, p. 6).

On May 12, Thomason met with Watkins, Cornelius, Deputy White House counsel Vincent Foster, and Associate White House counsel William Kennedy, to express concerns about the Travel Office (White House Report, p. 7).

On May 17, Watkins wrote a memo to White House Chief of Staff Thomas McLarty in which he stated that review of the Travel Office "was accelerated in response to the urgings of Harry Thomason and Catherine Cornelius" (White House Report, p. 10).

Even the White House Report admits that Thomason acted inappropriately. It states that "Thomason should have avoided continued involvement in a matter in which his business partner and his friends in the charter business stood to benefit and in which there was an *appearance* of a financial conflict of interest (emphasis added)." White House Report, p. 21. Some might suggest that Thomason's actions involved an *actual* conflict of interest, rather than the appearance of one, and that Thomason himself stood to benefit as well, not just "his business partner and his friends in the charter business."

2. After the dismissal of the Travel Office employees, did the hiring of World Wide Travel to run the Travel Office on an interim basis violate any ethical or legal standards? I have been informed that World Wide is owned, in part, by Worthen Bank. Worthen is a client of the Rose Law Firm of Little Rock. Kennedy, Foster, Associate Attorney General Webster Hubbell, and the First Lady are all former partners of the Rose Law Firm. It is also my understanding that World Wide Travel is a former client of Watkins.

3. Did the White House staff or others in the executive branch exert pressure on the IRS to initiate an investigation of Ultrair, the airline charter company that formerly did business with the Travel Office? The White House Report admits that Kennedy threatened to go to the IRS, if the FBI did not act on the Travel Office matter immediately. See White House Report, p. 17. According to the White House Report, Kennedy also indicated in his conversations with the FBI that the Travel Office matter was "being directed or followed at the highest levels of the White House." See White House Report, p. 8. Although the White House Report denies any direct White House contacts with the IRS about the Travel Office, were any indirect contacts with the IRS made by other members of the executive branch?

4. Did any action taken during the Travel Office affair violate 18 U.S.C. section 600? As you know, this statute prohibits anyone from promising employment, compensation, or other benefit to any person as a reward for political activity.

5. Did the FBI act properly in its response to the White House request for an investigation into potential wrongdoing in the Travel Office? According to a letter to me from FBI Director William Sessions, dated June 28, 1993, the FBI determined that there was "sufficient predication to initiate a criminal investigation" into the Travel Office on May 14, one day after FBI agents first met with White House officials on the matter and five days before the Travel Office employees were publicly fired.

According to the Sessions letter, the FBI and the Justice Department did not rely at all on the findings of the Peat Marwick auditors, who began their work on May 14. Instead, it appears the FBI concluded that there was "sufficient predication to initiate a criminal investigation" based solely on a series of conversations and meetings with Kennedy, Foster, and Cornelius, who at no time revealed her own interest in the Travel office. The FBI officials who participated in these meetings are some of the highest-ranking officials in the Bureau—Unit Chief Howard B. Apple, Interstate Theft/Government Reservation Crimes Unit; Unit Chief Patrick J. Foran, Safe Streets/Policy and Planning Unit; and Unit Chief Richard B. Wade.

Do the FBI and the Justice Department normally act so quickly in determining that a criminal investigation should be initiated—in this case, just one day after the first face-to-face meeting with White House officials? Is it standard practice for three FBI Unit Chiefs to involve themselves directly in the decision-making process leading up to a criminal investigation, particularly when the potential "crime" involves some lax accounting procedures and a relatively minor sum—$18,000 in unaccounted-for petty cash vouchers? Wouldn't criminal allegations of this nature normally be handled by non-supervisory personnel in the FBI's Washington Metropolitan Field Office?

Finally, I would like to take this opportunity to express several additinal concerns.

First, the White House Report states the Kennedy initiated contact with the FBI about the Travel Office by telephoning Jim Bourke, an FBI agent with whom he had daily contact on background checks. At the time of the telephone call, the White House Report claims that the White House had a policy in place regulating White House involvement in pending criminal matters, but that it had no policy for dealing with potential criminal matters, such as potential criminal wrongdoing in the Travel Office. The White House Report argues that Kennedy's initial contact with Bourke violated no policy.

With respect to White House policy for pending criminal matters, the White House Report cites a memorandum, dated February 22 and prepared by White House Counsel Bernard Nussbaum, providing that inquiries about criminal matters "will be transmitted by the Counsel's Office to the office of the Attorney General and the Deputy Attorney General." See White House Report, p. 16.

As one of its proposed "reforms," the White House Report cites a new policy providing that "all contacts concerning ongoing FBI investigations or possible criminal activity will occur only between Counsel's Office and the Attorney General, the Deputy Attorney General, and the *Associate Attorney General* (emphasis added)." See White House Report, p. 23.

In my view, adding Associate Attorney General Webster Hubbell to the list of those whom the White House counsel's Office may permissibly contact on criminal matters is a mistake. Quite simply, it suggests the potential for more politics rather than less. As you know, Foster, Kennedy, and Hubbell are all former partners of the Rose Law Firm of Little Rock. They have a prior, independent relationship that could lead to the perception that political considerations will play a role in contacts between the Counsel's Office and the Justice Department.

Second, the White House Report states that the "former Travel Office employees were not interviewed because the Attorney General expressly requested that we refrain from doing so. (See letter from Deputy Attorney General, Exhibit A)." The letter from Deputy Attorney General Philip Heymann to John Podesta, an Assistant to the President, is dated July 1, 1993, the day immediately preceding the release of the White House Report on July 2. Surely, you or someone else within the Justice Department had conveyed your concerns about interviewing the Travel Office employees before July 1. If not, I would appreciate learning why you delayed communicating these concerns until July 1. I think it's fair to assume that the White House Report had been substantially completed by that date. Quite frankly, the letter appears to be an after-thought, solicited by the authors of the White House Report to justify why they had not interviewed the Travel Office employees as part of their internal investigation.

Third, my office recently contacted John Collingwood, the FBI's Director of Congressional and Public Affairs, to request a meeting to clarify some of the points raised by FBI Director William Sessions in his letter to me of June 28, 1993. My staff subsequently received a telephone call from a Mr. Joseph Graupensperger, an Attorney-Advisor in the Justice Department's Office of Legislative Affairs. In this call, Mr. Graupensperger stated that Collingwood would meet with my staff, but that the meeting would be a "one-shot deal" and that the Justice Department "did not intend to send FBI agents to the Hill."

Quite simply, I consider Mr. Graupensperger's comments to be unreasonable, if not outrageous. As Director of the FBI's Office of Congressional and Public Affairs, Collingwood is responsible for fielding inquiries from Congressional offices about FBI matters. That's his job. I also find it highly irregular that three FBI Unit Chiefs and several other FBI agents would be sent to the White House to investigate a matter involving $18,000 in unaccounted-for petty cash vouchers. Yet, when my staff requests a meeting to clarify some ongoing correspondence between myself and the FBI Director, we are told it's a "one-shot deal" and that no further help will be forthcoming.

I would appreciate being informed if Mr. Graupensperger was acting on behalf of someone else in the Justice Department. I would also appreciate knowing if Mr. Graupensperger was acting pursuant to either a formal or informal Justice Department policy.

Attorney General Reno, thank you for your prompt consideration of this request. I look forward to hearing from you soon.

Sincerely,

BOB DOLE.

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[From the New York Times, July 11, 1993]

A STEALTHY, EVASIVE CONFESSION

When the White House was getting ready to fire all seven employees of its travel office, why was notice sent to Hillary Rodham Clinton and not her husband the President? And why, even after the public had learned how Clinton friends engineered the travel office flushout, did the staff feed President Clinton the discredited line that the firings were simply economy measures?

These are among many questions that remain unanswered after the White House release of what it styles as a "management review" of the travel office fiasco that unraveled in May. Thomas McLarty, the chief of staff, hoping to contain the scandal, calls his report "complete and thorough."

But his accounting is replete with the "mistakes were made" format of White House dodges of the past. The mistakes, the report insists, were simply bad judgment and inexperience, nothing venal. The report's confessions were delivered almost by stealth on July 2, presumably in hopes that anyone interested in its contents would be safely at the beach. In any event, more than mistakes were made: Misstatements were made and wrongs were committed.

The report commendably concludes that the travel office employees were cashiered without "sensitivity and decency," that assigning a Clinton cousin to replace them "fed the appearance of favoritism" in dishing out a White House perk, and that it was "not a good practice" to give Clinton friend Harry Thomason roaming privileges in the White House and not cut off his interventions for his business associates. But surely more than appearances were involved here. Mr. Clinton's friends and relatives abused their White House access to gain advantages for themselves or for their cronies.

The White House also acquits itself of anything much worse than bad appearances in the abuse of the Federal Bureau of Investigation. The staff summoned an F.B.I. official to bolster insinuations that the travel office, instead of being reshuffled for friends, was under investigation for possible criminality. That maneuver, along with suggestions that the Internal Revenue Service might be called in, didn't just look bad. It was bad.

The White House management study says the First Lady inquired about the travel office and was sent a copy of a memo about the impending firings. No one seems to have asked the nature of her interest. The study also says that Bernard Nussbaum, the White House counsel, and two members of his legal staff attended that key meeting with the F.B.I. official. No one asked why Mr. Nussbaum, the in-house ethical watchdog, didn't intervene to stop the obvious pressure on the bureau to make the travel office look crooked as well as inefficient.

The management study concludes that it was wrong to tell reporters that the F.B.I. was probing for criminality but doesn't repent the rest of the White House tale: that the probe of the travel office began as a routine part of Vice President Al Gore's efficiency survey. President Clinton's staff kept giving him that line to sell to the public long after the public had rejected it.

Attorney General Janet Reno may not find criminal abuse of office when she reads this management review. But the Senate Republican leader, Bob Dole, however, partisan his impulses, is on the right track to call for a Congressional look at this catalogue of mistakes and deception.

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FEDERAL BUREAU OF INVESTIGATION,
*Washington, DC, June 28, 1993.*

Hon. BOB DOLE,
*U.S. Senate, Washington, DC.*

DEAR SENATOR DOLE: Thank you for your letter of June 7th. Answers to your questions have been prepared based on the internal review the FBI conducted and are attached. Some of the questions are not answered fully because to do so requires disclosing information directly relevant to the substance of the ongoing criminal investigation. It is a long-standing policy of the Department of Justice and the FBI not to disclose the substance of pending criminal investigations. We likely will be in a better position to respond to those questions at the conclusion of the investigation.

The answers to these questions and this response have been coordinated with the Department of Justice. Senator Hatch likewise has submitted questions to the FBI. I have taken the liberty of sharing this letter and the enclosures with him.

Sincerely yours,

WILLIAM S. SESSIONS,
*Director.*

Enclosure.

1. Your letter states that "on May 12, 1993, William Kennedy, Associate Counsel to the President, called an FBI official with whom he had day-to-day contact on background investigation matters and advised that he needed guidance and assistance on a matter involving possible embezzlement of funds."

In light of this statement, would you please:

a. Provide the name of the FBI official whom Mr. Kennedy contacted on May 12th.

Unit Chief James A. Bourke, Special Inquiry Unit, Criminal Investigation Division (CID).

b. Describe any relevant experience the FBI official may posses on the issue of "embezzlement of funds."

Unit Chief Bourke's position involves background investigations of appointees/nominees by the White House employees and does not involve the issue of "embezzlement of funds." However, he is an experienced Special Agent trained in conducting criminal investigations.

c. Explain whether Mr. Kennedy's contact with the FBI agent followed standard procedures governing White House-FBI contacts on potential criminal matters. Did Mr. Kennedy indicate that his contact with the FBI official had been authorized by someone else within the Executive Branch?

There were no existing policies or procedures governing White House-FBI contacts on the reporting of potential criminal matters. All existing guidance related to ongoing investigations. Mr. Kennedy did not indicate he had been authorized by anyone to make the initial contact.

d. Provide a copy of the Memorandum of Understanding between the White House and the FBI pursuant to which Mr. Kennedy had "day-to-day contact with the FBI on background investigation matters."

A copy of the Memorandum of Understanding, dated 11/10/92, entitled Federal Bureau of Investigation Background Investigations for the President-Elect of the United States of America is attached. (See Tab A)

2. Your letter states that "[o]n May 13th, FBI officials met twice with Mr. Kennedy at his office after Mr. Kennedy declined to discuss the matter further on the telephone. The FBI went to the White House for the purpose of accepting a complaint of possible misconduct."

In light of this statement, would you please:

a. Provide the names and titles of the FBI agents who met with Mr. Kennedy on May 13th. Who at the FBI authorized these agents to attend the White House meeting?

The initial meeting was attended by Unit Chief Howard B. Apple, Interstate Theft/Government Reservation Crimes Unit and Unit Chief Patrick J. Foran, Safe Streets/Policy and Planning Unit, CID. Deputy Assistant Director (DAD) Danny O. Coulson, CID, designated Unit Chiefs Apple and Foran to meet with Mr. Kennedy and he notified Assistant Director Larry A. Potts and Associate Deputy Director—Investigations W. Douglas Gow. The second meeting was attended by Unit Chief Richard B. Wade and Supervisory Special Agent (SSA) Thomas L. Carl, Governmental Fraud Unit, CID. That second meeting was held after consultations with DAD Coulson and DAD Fred B. Verinder, also of CID.

b. Provide the names of everyone with whom the FBI agents met at the White House on May 13. For example, did the agents meet with Ms. Catherine Cornelius? If so, were they advised of her interest in assuming control of the Travel Office? Did the agents meet with Mr. Harry Thomason, Mr. Darnell Martens, or Ms. Penny Sample? If so, were they advised of their involvement in the airline charter business? Please include the names of all Executive Branch employees present, including White House staff.

Unit Chiefs Apple and Foran met only with Mr. William Held Kennedy III. Unit Chief Wade and SSA Carl met with Mr. Kennedy, Mr. Vincent W. Foster and Ms. Catherine Cornelius. Unit Chief Wade and SSA Carl were not advised of any interest by Ms. Cornelius in assuming control of the White House Travel Office. They did not meet with Mr. Harry Thompson, Mr. Darnell Martens, or Ms. Penny Sample. No other employees of the Executive Branch were present.

c. Describe the "complaint of possible misconduct" accepted by the FBI agents. Upon what evidence did Mr. Kennedy base his complaint? Who, within the White House, compiled this evidence? Did the FBI agents recommend a course of action to Mr. Kennedy?

No course of action was recommended to Mr. Kennedy. He was advised that the FBI was only authorized to conduct criminal investigations. The remainder of the questions pertain to matters directly related to the substance of the investigation.

3. Your letter states that "[on] May 14th, Mr. Kennedy on two occasions contacted the FBI by telephone and provided additional information an audit being conducted at the Travel Office and discrepancies being found by the auditors."

In light of this statement, would you please:

a. Identify the names and titles of the individuals at the FBI who were contacted by Mr. Kennedy on May 14.

Both calls were directed to Unit Chief Wade.

b. Describe Mr. Kennedy's representations to the FBI about the "audit being conducted." Did Mr. Kennedy indicate who within the Executive Branch had proposed that an audit be performed? It is my understanding that Peat Marwick conducted only a preliminary review of the Travel Office, not an audit, and that the preliminary review did not begin until sometime in the afternoon on May 14. Peat Marwick subsequently wrote a heavily-qualified report to Mr. Kennedy, dated May 17th.

During the May 13th meeting described in the answer to 2b, Mr. Vincent Foster indicated he intended to have a "performance review" conducted by outside auditors.

c. Describe, if possible, the "discrepancies" that Mr. Kennedy stated were "being found by the auditors" on May 14th.

A response to this question would reveal matters directly related to substance of the pending investigation, which would be inappropriate.

4. Your letter states that "[t]he discussion [with the Public Integrity Section of the Department of Justice] centered around the information received, a preliminary assessment of that information, potential evidentiary issues and the predication for the *investigation*. At that point, the Public Integrity Section agreed with the FBI that there was sufficient predication to continue the *inquiry* (emphasis added)."

In light of this statement, would you please:

a. Provide the names of the officials in the Public Integrity Section and the Fraud Section with whom the FBI consulted.

Mr. Joseph Gangloff, Acting Chief, Public Integrity Section and Mr. Gerald McDowell, Chief of the Fraud Section, Department of Justice (DOJ).

b. Provide a summary, if possible, of the "information received" and the FBI's preliminary assessment of that information."

The information received during the course of the contact directly relates to the substance of the pending investigation. It would be inappropriate to disclose information relating to an ongoing investigation.

c. Provide the names of the FBI officials who determined that "there was sufficient predication to continue the inquiry." Did these officials consult with anyone outside the FBI or the Department of Justice before making this determination?

The initial determination that sufficient predication existed to continue the inquiry was made by Section Chief Thomas T. Kubic. The final determination that there was sufficient predication to initiate a criminal investigation was made by Mr. Gangloff after being briefed by SSA Carl."

d. Provide a copy of the Department of Justice guidelines for determining whether there is "separate sufficient predication to continue an inquiry."

Attached is a copy of the pertinent portions of the Attorney General's Guidelines applicable to FBI criminal investigations. (See Tab B)

e. Explain whether the FBI distinguishes between "investigations" and "inquiries."

The FBI distinguishes between "investigations" and "preliminary inquiries." The FBI Manual of Investigative Operations and Guidelines (MIOG) sets forth in full text the Attorney General Guidelines (attached above), which contain Departmental policy regarding those matters, and further clarifies the distinction between the two operational techniques in conjunction with procedures involved in specific criminal violations. Sections of MIOG which provide clarification of the AG Guideline are attached. *See* MIOG, Part I, Section 7–5 *et seq.* and Section 58–6.2 *et seq.*

An "investigation" may be initiated by the FBI when facts or circumstances reasonably indicate that a Federal crime has been, is being, or will be committed. The standard of "reasonable indication" requires an objective factual basis for initiating the investigation, i.e., specific facts or circumstances indicating a past, current, or impending violation.

A "preliminary inquiry" is conducted solely to obtain the information necessary to make an informed judgment as to whether an investigation is warranted. The investigative techniques employed during the inquiry are generally less intrusive and involve, for example, limited interviews, source contacts, and/or record reviews in response to an allegation or information indicating the possibility of criminal activity. If facts or circumstances, which "reasonably indicate" that a Federal criminal violation has occurred, is occurring, or will occur, have been developed during the preliminary inquiry, an investigation may be instituted.

5. Your letter states that "the White House announced at one of its daily press briefings that the FBI had in fact been called in to investigate and the FBI had been to the White House on May 13th and May 15th."

In light of this statement, would you please:

a. Identify the names and titles of the FBI officials who went to the White House on May 15th. Who at the FBI authorized the FBI officials to go to the White House on May 15th? Who at the White House requested the FBI visit?

SSA Carl and SSA David M. Bowie, Washington Metropolitan Field Office (WMFO) met with Mr. Kennedy at his request at the White House. Authorization was based on previously detailed discussions within the FBI and the decision by DOJ that sufficient predication existed to initiate a criminal investigation. The meeting was held at the request of Mr. Kennedy.

b. Provide a list of everyone with whom the FBI officials met during their White House visit of May 15th. For example, did they meet with Ms. Catherine Cornelius, Mr. Harry Thomason, Mr. Darnell Martens, or Ms. Penny Sample? Please include the names of all Executive Branch employees present, including White House staff.

FBI personnel met with Mr. Kennedy, White House employee Ms. Patsy Thompson, and auditors from Peat Marwick.

c. Explain the purpose of the White House visit by FBI officials on May 15th. For example, you stated that FBI officials went to the White House on May 13th for the purpose of "accepting a complaint of possible misconduct?" Did FBI officials visit the White House on May 15th for a similar purpose?

The meeting, at the behest of Mr. Kennedy, was to allow FBI personnel to receive a further update about the preliminary findings of the "performance review."

6. Your letter states that "[on] May 19th, the White House, at one of its daily press briefings, publicly acknowledged that the FBI was being called in to investigate financial irregularities in the White House Travel Office. In response to the large number of press inquiries generated as a result of the announcement, the FBI prepared and issued a short press release indicating that the FBI *would review the matter* (emphasis added)." Your letter also states that *"[on May 20th]*, the FBI prepared a more lengthy press 'response' indicating that *the FBI would analyze the findings of the auditors called in by the White House and then decide on the next steps to take in the investigation* (emphasis added)." It is my understanding that the FBI issued a press statement on *May 21st* indicating that "additional *criminal* investigation is warranted (emphasis added)."

In light of these statements, would you please:

a. Provide copies of the FBI press release of May 19th and the press response of May 20th.

Attached are copies of the May 19th press release and the two May 20th press responses used by the FBI. The FBI did not issue a press statement on May 21st. (See Tab C)

b. Explain what the FBI knew on May 21 that it did not know on May 19 and May 20, justifying a public statement of potential criminal wrongdoing by the former employees of the Travel Office? For example, by May 21st, had the FBI already analyzed the findings of the auditors? If so, please describe the scope of this analysis.

The FBI's May 20th press response was modified on May 21st in response to issues developing in the media, i.e., that the FBI had no legitimate basis for conducting a criminal investigation and was intended to make the response consistent with the position that the FBI had taken.

c. Explain what steps the FBI took to evaluate the validity of the "findings of the auditors?" For example, before issuing the May 21st press statement, did the FBI determine whether the "audit" was performed in accordance with generally accepted government auditing standards? Did the FBI make a separate determination that the auditors were independent of the White House, in fact as well as in appearance? Did the FBI first determine that enough time and resources were allocated to perform the audit adequately? Did the FBI base its determination that a criminal investigation was warranted solely on the "findings" of the auditors?

The FBI did not use the report of the auditors to make a determination that sufficient predication existed to conduct a criminal investigation. That determination was made on May 14th, one week before the FBI received a copy of the auditors report. See the answers to question 4 above.

7. Your letter states that "[o]n May 21st, the FBI was receiving media inquiries asking specifically if the FBI believed it had a basis to conduct a criminal investigation. At that point, the FBI began confirming that criminal investigations are carefully governed by Attorney General guidelines and that the threshold for conducting a criminal investigation had been met. * * *"

In light of this statement, would you please:

a. Identify by name and news organization those members of the media to whom the FBI confirmed—prior to the release of the FBI press response by the White House—that the threshold for a criminal investigation had been met. Please identify the FBI official who confirmed these reports.

The FBI does not maintain records reflecting every contact with the media. The FBI receives literally hundreds of contacts on a daily basis that are handled by a variety of officials throughout the FBI. By the afternoon of May 21st, inquiries about whether the FBI believed it was being duped by the White House to lend support for the firing of White House travel office employees had come from the major networks and several major newspapers. Inspector-in-Charge John Collingwood and his staff responded to press inquires by stating the threshold for a criminal inquiry had been met.

b. Describe the threshold that must be met for a criminal investigation to be initiated by the FBI.

A copy of the pertinent Attorney General Guidelines provision is attached. See the answer to question 4d. (See Tab B)

c. Provide a copy of the Justice Department Media Guidelines that govern the circumstances that would allow the FBI to confirm a criminal investigation.

A copy of the Department of Justice Media Guidelines is attached. (See Tab D)

8. Your letter states that "[on the] afternoon of [May 21st], a staff member in the White House Press Office asked the official that oversees the FBI's Press Office to the White House for the stated purpose of ensuring the description used by the White House of the FBI's involvement was accurate and whether it could be said that the FBI believed it had a basis to conduct an investigation. The descriptions given were confirmed as accurate."

In light of this statement, would you please:

a. Provide the name of the staff member in the White House Press Office who contacted the FBI official heading the FBI's Press Office.

Mr. David Levy, White House Press Office staff member.

b. Provide a specific description of the conversation that took place between the staff member in the White House Press Office and the FBI official heading the FBI's Press Office prior to the FBI official's decision to attend the White House meeting. For example, did the staff member in the White House Press Office indicate that he or she was acting on behalf of someone else? Was the FBI official pressured, in any way, to attend the meeting? Did the FBI official express any reservations about attending the meeting, which White House officials have publicly described as a "political strategy session?"

While at lunch, Mr. Collingwood was paged by his office and told that he was being asked to go to the White House Press Office. In a subsequent brief telephone conversation with Mr. David Levy, Mr. Collingwood was asked to go to the White House Press Office in connection with the White House Travel Office matter. Upon arriving at the White House, Mr. Collingwood went to the press office where a meeting was already underway. Mr. Collingwood was advised by Mr. George Stephanopolous that he had been asked to come to the Press Office because Mr. Stephanopolous wanted to ensure his facts were straight and his description of the FBI's involvement was accurate. The meeting was not described as a "political strategy session" to Mr. Collingwood.

c. Explain whether the FBI official received, or sought, authorization from you or from anyone else prior to attending the White House meeting.

Mr. Collingwood acted within his own authority. Neither the Director or other FBI officials were aware he had been summoned to the White House.

d. Provide a detailed summary of what was said at, and who attended, the White House meeting May 21st, including the "descriptions" that were given to the FBI by the White House, which the FBI subsequently confirmed.

The meeting attended by Mr. Collingwood lasted ten to fifteen minutes. It largely consisted of members of the White House Staff conferring, then making a statement and asking if that statement was accurate. The stated purpose of the meeting, as stated by Mr. Stephanopolous, was to ensure the events being described by the White House Press Office were accurate.

Mr. Stephanopolous indicated he understood that the FBI had been called by the White House on May 12th and had come to the White House on May 13th, and again on Saturday, May 15th. Mr. Stephanopolous also said he understood that the FBI had been confirming to the media that it was conducting an investigation and asked whether it could be said that the FBI believed it had a basis to conduct an investigation. All of that was confirmed as accurate.

Those in attendance included Mr. Stephanopolous, White House Press Secretary Dee Dee Myers, White House staff member Dave Levy, and others not known to Mr. Collingwood.

e. During the White House meeting of May 21st, or at anytime during the FBI's investigation into the Travel Office, was the FBI made aware of the participation of the Internal Revenue Service in the investigation? Did the FBI have any contact with the Treasury Department or the Internal Revenue Service concerning the Travel Office investigation?

The FBI was not aware at the May 21st meeting, or anytime thereafter, of an IRS investigation of the Travel Office. The FBI learned of IRS interest in the Travel Office through media reports.

9. Your letter states that "the FBI revised its press 'response' in recognition of the nature of the current press inquiries being received by the FBI and the likelihood that the White House would again discuss that point at the press briefing."

In light of this statement, would you please:

a. Explain how the FBI press response was "revised," including any specific revisions that were made or suggested.

The revisions to the press response are as follows, noting changes are indicated *by underlining*:

On May 20, The FBI prepared the following press response:

"At the request of the White House, the FBI has had preliminary contact with the White House and the auditors brought in to audit the White House Travel Office. We anticipate receiving the final report of the auditors soon and will analyze their findings and conduct appropriate investigation. Beyond that, we are not in a position to comment."

Later, on the afternoon of May 20, the press response was modified to read as follows:

"At the request of the White House, the FBI has had preliminary contact with the White House and the auditors brought in to audit the White House Travel Office. We anticipate receiving the final report of the auditors soon and will analyze their findings to *determine the next steps in the investigation*. Beyond that, we are not in a position to comment." (changes indicated in italic)

This modification was made to be more consistent with what was being stated.

On May 21, the response was modified again as follows:

"At the request of the White House, the FBI has had preliminary contact with the White House and the auditor brought in to audit the White House Travel Office. *The contact produced sufficient information for the FBI to determine that additional criminal investigation is warranted*. We anticipate receiving the final report of the auditors soon and will analyze their findings to determine the next steps in the investigation. Beyond that, we are not in a position to comment." (changes indicated in italic)

This modification was made by Mr. Collingwood subsequent to his return from the White House. The modification was done with a two fold purpose: 1) to reflect the fact the FBI did have a predication for a criminal investigation; 2) to respond to press inquiries to the effect the FBI had been "duped" into supporting a White House decision to fire the staff of the Travel Office and to replace the staff with political appointees and a relative of the President be placed in charge.

b. State whether any White House official suggested or requested the revisions. If so, please provide the text that the White House proposed to add to the press response and the text that the White House proposed to delete from the FBI draft. Please identify the White House official or officials who may have made these suggestions or requests.

Mr. Collingwood did not believe that anyone had either asked or suggested that he change the response.

c. Provide a detailed summary of the "current press inquiries" that were then being received by the FBI.

Almost as soon as the White House publicly stated that the FBI would be called in to investigate financial irregularities at the White House Travel Office, the FBI began receiving inquiries from the media concerning the extent of the FBI involvement, the basis of the FBI's involvement, and whether the investigation was a criminal investigation. The reference in the June 2nd letter from Director Sessions to "current press inquiries" was a reference to a focus by the media on the issue of whether the FBI was being used by the White House to provide a legitimate basis for firing White House Travel Office employees.

10. Your letter states that the "White House unexpectedly distributed the response."

In light of this statement, would you please:

a. Explain why the distribution of the response by the White House was "unexpected."

A press response is normally used for internal guidance and assistance for FBI employees in responding to press inquiries. A press release is a statement which is affirmatively distributed to the media, even in the absence of an inquiry.

b. Explain the extent to which FBI officials instructed White House officials that distribution of the press response would be inappropriate.

The White House had received the original press response, as well as the first revision. It is generally understood that responses are for the purposes of providing guidance and are not to be released. This was never discussed.

c. Describe assurances, if any, provided by White House officials that the response would, or would not, be distributed to the media.

The response was not intended to be used as a press release and was drafted to be used by the FBI to respond to inquiries. The FBI was not advised that the White House was going to release the response and on prior occasions when informational copies had been provided, they were not released. See the aforementioned June 2nd letter.

d. Explain why the press response was on Justice Department stationery if it was not intended for public release. Is it customary FBI practice to propose press responses on Justice Department stationery?

That was the customary FBI practice.

e. List and describe any contacts or communications between White House officials and the FBI after the response was unexpectedly distributed to the media.

The FBI has had contact with White House personnel during the course of the criminal investigation. The substance of those conversations and interviews pertained directly to the substance of the investigation. On Monday, May 24th, Mr. Collingwood spoke to Ms. Dee Dee Myers who confirmed that the White House Press Office had in fact, released the FBI press response.

11. Your letter states that it "is our practice [to issue a press release] only with high profile investigations that have been confirmed publicly by a credible source or with other major investigations. . . . Recent examples include the bombing of the World Trade Center, the investigation into allegations of tampering with then presidential candidate Clinton's passport files, and the murder of U.S. Court of Appeals Judge Vance."

In light of this statement, would you please:

a. Provide copies of all press responses and press releases issued in connection with these investigations.

The FBI makes public statements about pending investigation as described in Director Session's June 2nd letter. For example, during the investigation of the New York World Trade Center bombings, FBI officials appeared on many national news shows, gave many interviews and participated in frequent news conferences. Comments take the form of oral statements, speeches, and interviews as well as written releases and responses. Attached are various items reflecting those comments as well as other pertinent examples. (See Tab E)

## U.N. PEACEKEEPING AND NATION BUILDING: THE LESSON OF SOMALIA

Mr. PELL. Madam President, a recent article by Jonathan Moore, the former U.S. Coordinator for Refugee Affairs and Ambassador at Large, who also served as a member of the U.S. delegation to the United Nations, discusses the new challenge that faces the world: How to combine U.N. peacekeeping with the urgent need for reconstruction and development summed up in the concept of nation building.

Writing in the June 30 Los Angeles Times, Ambassador Moore describes how the United Nations "is struggling to combine its efforts to stop war and feed people with its efforts to promote—indeed, sponsor—political, social, and economic rehabilitation." He cites Somalia, Cambodia, Afghanistan, and Mozambique as places where this new set of challenges is especially immediate.

Ambassador Moore writes: "Is the United Nations getting too ambitious? It has no choice but to try."

Ambassador Moore recognizes that the interconnectedness of peacekeeping and nation building is both mind boggling and purse threatening, and that we have a tendency to resist its inherent complexity and the implicit commitment it demands of us. He cites Somalia as a place where the United Nations' deliberations on whether relief required security, or security required relief were resolved by the startling discovery that each was dependent on the other.

He writes:

> The United States was mistaken in its plan to get the Marines in and out of Somalia fast, then turn over mop-up responsibilities to the United Nations. The Marines did a good job. The fighting was stopped. The starving were fed. But the security and stability the Marines created was incomplete and superficial. The United Nations was neither prepared nor equipped to take on the far-tougher countrywide assignment.

There is a lesson here, and it is that the United Nations needs to look to the wider obligation it undertakes with its traditional peacekeeping role. It is not enough to see this responsibility as something that can be accomplished by a short-run military action. Rather, from the start it needs to address the broader and longer term challenge of reconstruction, the task Ambassador Moore identifies as nation building.

Our initial intervention in Somalia, while laudatory in its humanitarian purpose, can be seen as having been too modest—or alternatively, not modest enough. We should have recognized the broader obligation of helping the Somali people establish the peaceful structures of a working government and economy, rather than thinking our forces could accomplish their purpose by a substantial, but by its own terms brief, intervention. This not only failed to address the broader needs but also may have contributed to the current problems of a deteriorating security situation with United States and other outside forces incurring the wrath of many Somalis as we carry out continuing military operations against a dissident warlord.

Perhaps the intervention should have been truly limited to policing the safe movement of food and other humanitarian supplies and their distribution by the United Nations, the Red Cross, and other organizations. Such a modest goal would not have raised expectations for the continuing involvement that we now have.

But once it was clear that we and the United Nations would be in for the long haul, then we should have addressed up front the broader responsibilities of nation building that Ambassador Moore describes so well.

Madam President, I ask unanimous consent that the full text of the June 30 Los Angeles Times article by Ambassador Moore be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.N. TURNS TO BUILDING NATIONS

(By Jonathan Moore)

WASHINGTON.—The post-Cold War world is forcing the United Nations to dramatically enlarge its peacekeeping role. Its chief—and best known—mission of providing emergency assistance and resolving conflicts still comes first. But what is becoming increasingly clear is that unless that undertaking is reinforced by restoration and reconstruction programs—nation-building—failure will surely come, either now or later. If a country cannot be helped—and guided—in its transition from chaos to a sustainable government and economy, it will revert to violence and deprivation, and the peacekeepers and humanitarian workers will have to return. Peacekeeping and nationbuilding are inseparable.

In Somalia, Cambodia, Afghanistan and Mozambique, for example, the United Nations is not simply keeping the peace. It is struggling to combine its efforts to stop war and feed people with its efforts to promote—indeed, sponsor—political, social and economic rehabilitation. This is a long-term and high-cost undertaking. It is a much more difficult, much more complicated and much less understood mission. Is the United Nations getting too ambitious?

It has no choice but to try.

There are several manifestations of the U.N.'s changing role. The wrestling and wrangling evident in the Security Council's early Somalia deliberations on whether relief required security, or security required relief, was resolved by the startling discovery that each was dependent on the other. Similarly, the success of security and relief will not be sustained without political and economic rebuilding. For example, the warlords in Somalia must be replaced or combined with clan elders and other representative leadership to form a government, and jobs must be created, crops harvested and social services reinstituted. Lack of progress at any stage will grease the slide back into chaos.

The truth of this interconnectedness of peacekeeping and nation-building is both mind-boggling and purse-threatening. We resist its inherent complexity and the implicit commitment it demands of us.

The United States was mistaken in its plan to get the Marines in and out of Somalia fast, then turn over mopup responsibilities to the United Nations. The Marines did a good job. The fighting was stopped. The starving were fed. But the security and stability the Marines created were incomplete and superficial. The United Nations was neither prepared nor equipped to take on the far-tougher countrywide assignment. Now, the U.S. military is active again in Somalia, with relief and rehabilitation programs effectively suspended, because the country's violent factions were not disarmed and a political restoration had not effectively begun.

Bosnia is, in many ways, a different case, where war is rampant—security and relief efforts are far more daunting and fragile—and the state of economic, social and political development is much more advanced to begin with. To the extent that the United Nations is engaged in nation-building there, it is in the form of activities—political and map negotiations—preliminary to it.

The United Nations recognizes that it is not enough to alleviate the terrible symptoms of a collapsing country. The underlying causes also have to be redressed. There is simply no way to abbreviate the process if dependence is to be shed and self-sufficiency is to be built. This must be done collectively, and can't happen quickly or without the cooperation of the indigenous population.

But the member states who authorize the United Nations to undertake comprehensive action in Somalia and elsewhere have demonstrated neither the will nor the capacity to back up their Security Council resolutions with the political, financial and institutional power necessary to give the efforts they endorse a decent chance at success. So the United Nations' intensified peacekeeping and simultaneous nation-building proceed on a lick and a prayer—with little margin for error, hoping for a miracle, but expecting plenty of blame in the event of failure. "Overstretched" as a description of the U.N. presence in Somalia, and in several other countries with similar problems, is a naive understatement.

What the new U.N. challenge comes down to is bringing an afflicted country to the point where it is not automatically doomed and has a fair chance to survive on its own. The 10 priorities listed in the U.N. Office for Somalia's preliminary relief and rehabilitation plan flush out this role. Among them are the re-establishment of regional and local administrative capacities, the reintegration of refugees and displaced persons, restoration of public health and sanitation systems and basic education. The U.N. efforts in Mozambique, Cambodia and Afghanistan are similarly far-reaching, with electoral, disarming and human-rights responsibilities added. In all these countries, conflict is continuing or is threatening to break out again, and the national government is either nonexistent, transitional or fragile. The United Nations is playing a surrogate role.

There are, of course, many other countries where the United Nations is keeping the peace and helping to build a nation. But both the differences in internal circumstances and in the degree of international recognition and response are confounding. Sometimes, the United Nations is present in force; other times, it is virtually absent. El Salvador is a "success." Angola is a "failure." Sudan is a fundamentalist trap. Liberia will be left to the region. What about Zaire? What about Haiti? The former Soviet Republics seem to be in another world. Bosnia-Herzegovina and the rest of former Yugoslavia are caught in a special hell between internal hatred and intransigence and external cynicism and timidity.

The question of by what authority the United Nations intervenes in conflicts and humanitarian emergencies and engage in nation-building is a related problem. In most cases, U.N. assistance will be in response to a request from a needy country, or incorporated into peace accords, as in Cambodia and Mozambique. In some cases, there may not even be a sufficient local authority, as in Somalia. Where a national government or indigenous political factions resist or oppose U.N. involvement, as in Bosnia, the Security Council most dramatically faces the issue of national sovereignty. This usually requires a finding of a threat to international peace and security, and the United Nations must, in any event, assess its own political consensus, will and assets before taking action.

We don't know what will constitute the Security Council's criteria for future candidates for intervention. The variables are too complicated to calculate: the degree of consensus among the major powers; willingness of the United States to use its military forces; source of the request; nature of the threat to international peace and security; potential viability of the given state; conditions for warfare; geopolitics; prospect of large losses of life, and so on.

Which brings us to money. On top of shortfalls and deficits as a result of peacekeeping operations, there is certainly not enough money for sustained nation-building. In Somalia, a March appeal for $150 million for relief and rehabilitation in 1993 has attracted only $35 million. In Cambodia, a request for more than $800 million to pay for rehabilitation programs has drawn about $150 million. Mozambique looks better, with pledges from international donors currently approaching the estimated $300 million a year needed for relief and rehabilitation. But in Afghanistan, no special appeal for rehabilitation has even been issued to the international community.

What the United Nations is obliged to do by logic and the basic tenets of its Charter, it cannot pay for. It lacks the political and financial support to do what it is urged to do by its noble mandate—to keep and build the peace—and by its authorities—providers and recipients. So, it goes ahead and tries anyway, on the cheap.

It is difficult to predict what will happen. There are two alternative scenarios, and both are menacing in their own way.

The first is adequate support for the United Nations to carry out its aspirations. This would require a transformation in perception, values and behavior among the relatively rich and developed, as well as among concerned poorer, nations—which is unlikely to materialize. Or, the United Nations is forced to make painful choices to live within its means. This would require a pulling back and sorting out—selective criteria, triage, exclusion of certain kinds of needs now expecting to be addressed—and would cause demoralization, disillusionment and divisiveness.

The concept of global interdependence—a sense that the prosperity or tragedy of nations across the globe infect each other—remains an empty vessel employed in rhetoric but not operationalized as policy. Whether the international community will have the moral imagination and courage to meet this challenge is another story.

## LIFTING THE TRADE EMBARGO ON VIETNAM

Mr. PELL. Madam President, the recent decision by President Clinton to allow international financial institutions to extend loans to Vietnam is an important first step in the process of normalizing America's relations with Vietnam. It is a step away from a policy that for too long has been dictated by the pain of the past and toward a policy that recognizes the realities of the present. I encourage President Clinton to continue this process by lifting as soon as possible the United States trade embargo on Vietnam, and, ultimately, normalizing relations with Vietnam.

In March, Senator LUGAR and I wrote a letter to the President urging him to take these very steps. I am pleased that he is moving in this direction. In that letter, we told the President that further resolution of the prisoner of war/missing-in-action issue, so long used as an argument against normalization, would, in fact, be aided by a closer relationship with Vietnam. It is within Vietnam's capability to do much more in assisting the resolution of the POW/MIA issue, but the prospects for success will be enhanced through intensified American and international contact with Vietnam.

I also believe that further engagement with Vietnam will enable us to influence Vietnam to improve human rights. Amnesty International has documented the continued arrest of prisoners of conscience, such as the detention of people for the peaceful expression of their religious beliefs. I believe that we will have greater influence on Vietnam's human rights situation with normalization than we would without such relations.

Finally, I urge President Clinton to lift the trade sanctions that the United States, alone of all the world's nations, still employs, so that American business will be able to compete more effectively with other countries and other international businesses for the promising Vietnamese market. By allowing American companies into Vietnam, the President will be helping not only the American economy by providing it a new, growing market for its goods, but helping the Vietnamese people, who have suffered in one of the world's poorest and most authoritarian nations for too long.

I believe that, rather than an obstinate and cold silence, it will be an aggressive and enlightened bilateral and multilateral dialog with Vietnam that will eventually result in democratic change in Vietnam, and achieve a more complete resolution of the POW/MIA issue. Therefore, I applaud President Clinton's first step toward ending Vietnam's economic isolation from the world community and encourage him to take the further steps toward normalization needed to help alleviate the continued suffering of the Vietnamese people.

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## DIRECTOR OF INTERNATIONAL MIGRATION ORGANIZATION CALLS FOR POLICY TO ADDRESS CAUSES OF CROSS-BORDER MOVEMENTS

Mr. PELL. Madam President, Mr. James N. Purcell, the distinguished American expert on refugee and migration issues who was recently elected for a second term as Director General of the International Organization for Migration [IOM], headquartered in Geneva, has written a thoughtful analysis setting forth a framework for a world policy for orderly migration.

Writing in the July 8 International Herald Tribune, Mr. Purcell notes that many governments, including the United States, are undertaking stronger measures to enforce border controls against migration. Mr. Purcell writes:

> But the flow of migrants cannot be turned off and on at will. Isn't it time to focus on the reasons pushing the huge number of people to seek asylum? Isn't it time for a policy that addresses causes, rather than adopting measures that react to effects?

Mr. Purcell, a former Director of the U.S. State Department Bureau for Refugee Programs and a senior analyst on these issues at the Office of Management and Budget, has had an unparalleled combination of senior management responsibility and firsthand experience with international refugee and migration issues. His article sets forth a blueprint for action including these points:

International development aid should target migration-producing countries;

There should be information programs directed at potential migrants;

Migration structures need to be strengthened and coordinated in sending and receiving countries; and

Migration policies need to deal with different categories including humanitarian resettlement, labor-based migration, and temporary and return migration.

Mr. Purcell writes:

> Migration is clearly a global issue. It requires a coherent strategy, not a patchwork of hastily conceived policies. The migration system we have today, developed in the aftermath of World War II, needs to be rethought. Serious consideration is needed of the relationship between national migration policies and overall domestic and international aid, trade and growth policies.

I request that Mr. Purcell's article from the July 8 International Herald Tribune be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE WORLD NEEDS A POLICY FOR ORDERLY MIGRATION

(By James N. Purcell)

GENEVA.—Many Western nations feel besieged by migrants knocking on their doors and landing illegally on their shores. Unprecedented numbers of asylum seekers are clogging the political machinery that was intended to help them. And migrant workers who were welcomed in an era of economic prosperity are now ostracized in their adopted countries.

France and Germany have enacted restrictive immigration laws, and the United States is considering tougher enforcement at the border.

But the flow of migrants cannot be turned off and on at will. Isn't it time to focus on the reasons pushing the huge number of people to seek asylum? Isn't it time for a policy that address causes, rather than adopting measures that react to effects?

The opportune moment is at the Group of Seven summit meeting in Tokyo. The leaders can fore a solution if they only take up the challenge.

A blueprint for action could consist of these points:

International development aid has to target migration-producing countries. The goal is to increase job and wealth creation, fostering development. True commitment is required to achieve this goal. In addition, there must be clearer recognition of the links between internal and international migratory trends, and better early warning systems. The migration variable must be incorporated into development aid and demographic planning.

Programs should be designed to disseminate credible information to potential migrants about opportunity, including legal requirements. The goal is not necessarily to dissuade would-be emigrants but to provide the basis for informed decisions.

Governmental migration structures need to be strengthened in sending and receiving countries. This would entail international information-sharing and cooperation.

Migration policies have to be revised to better match external pressures and domestic needs Humanitarian settlement categories must be maintained, but labor-based migration also needs to be addressed. Return migration and temporary migration linked to training, ideally designed as part of overall development strategies, such as by financing of small-scale enterprises.

Migration is clearly a global issue. It requires a coherent strategy, not a patchwork of hastily conceived policies. The migration system we have today, developed in the aftermath of World War II, need to be rethought. Serious consideration is needed of the relationship between national migration policies and overall domestic and international aid, trade and growth policies.

The industrialized nations have been responding to migration pressures resulting from war, economic dislocation, population growth and uneven distribution of income and opportunity. Expensive systems have been set up to support and deal with compelled migrants while solutions, usually temporary, are sought.

But the donor community has been unable to deal with the problems of the developing world, which generates most of the compelled migrants.

An orderly migration system should aim to bring a sense of planning to that migration which nations or circumstances decide. It would see the interactions between economic developmental, demographic and human rights policies on the one hand and possible immigration consequences on the other. And it could offer increased predictability, giving nations greater capacity to offer emergency and/or humanitarian solutions when they are required.

An orderly migration system would also help clarify who does not qualify for immigration.

In the short term, greater efforts will be required of the industrialized nations to assist the dignified return of foreigners who do not qualify for permanent immigration, in particular unsuccessful asylum seekers.

One crucial point should not be overlooked. Nations need migration policies that they can live with, that can be amended to reflect the needs and capacities of the time. But each country needs to know where it is headed, how it will justify its difficult choices, how it will coordinate its actions with those of its international partners. Even today many industrialized countries have no formal, recognized migration policies.

The absence of an articulated policy leaves migration to chance. Not to have a clear migration policy can send out false messages of hope to some and create unnecessary fear for others. The meeting in Tokyo would be a good place to begin to fill these gaps.

## NEW DIRECTIONS IN AMERICAN-CHINESE RELATIONS

Mr. PELL. Madam President, today's New York Times carries an interesting opinion piece authored by University of Michigan Prof. Kenneth Lieberthal entitled "Forget the Tiananmen Fixation." I request that a copy of his article be printed in the RECORD.

While no one can forget the terrible tragedy in Tiananmen Square, Professor Lieberthal makes several constructive suggestions concerning relations between the People's Republic of China and the United States. I visited China late last year and was impressed by the strong economic progress that has been made there. I would agree with Professor Lieberthal that we need to establish a new foundation for our policy toward China which, in his words, "maximize[s] our overall effectiveness."

I would encourage President Clinton's efforts in this regard and am eager to work with the administration as they advance their dialog with China on human rights, proliferation, and trade issues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 14, 1993]

### FORGET THE TIANANMEN FIXATION

(By Kenneth Lieberthal)

ANN ARBOR, MI.—The U.S. should stop punishing China for the massacre of demonstrators in Tiananmen Square in 1989. China is too important to make this the pivot of our policy.

China—a nuclear power with intercontinental ballistic missiles and a permanent member's seat on the United Nations Security Council—has enormous capacity to do mischief on the world stage.

Besides, China contains 22 percent of the world's population and has perhaps the world's third largest and most rapidly expanding economy. Unlike Japan and the four "tigers" of East Asia—South Korea, Taiwan, Hong Kong and Singapore—China has an entire continent to develop, and this will provide major opportunities for foreign business.

America alone among the industrial countries still imposes sanctions because of the massacre. In May, President Clinton slightly modified our policy. He achieved bipartisan support in the Congress to renew China's most-favored-nation trade status without conditions this year. But he also tied renewal of that status in 1994 to Chinese progress on specific human rights and trade issues. He also suggested that he is seeking additional channels in which to resolve issues such as allegations of proliferation of Chinese missile and nuclear technology.

While Mr. Clinton's incremental steps are welcome, our approach needs a new foundation, not minor tinkering. We should stop viewing everything in terms of rewarding and punishing China and try instead to maximize our overall effectiveness in dealing with Beijing.

The President ought to take the following steps:

Declare that America has a national interest in a China that is reform-minded, stable, modernizing and that plays a constructive international role.

This could shift our relationship from constant niggling to a focus on broad mutual strategic interests. Without this change, our relations will remain deeply troubled and fragile.

Renew regular cabinet-level contacts between both governments.

Our refusal since the crackdown to deal regularly with Beijing at the cabinet level imposes a very high cost on relations. No Clinton Cabinet secretary has visited China in the past two years in any capacity—but China has changed enormously in that time. Cabinet contacts greatly increase mutual understanding. Besides, almost without exception recent Congressional visitors have found China more vibrant and open than they had expected. But virtually no top Chinese leader has heard the views of his U.S. counterpart argued forcefully and directly, and this does us little good. High level visits also force both bureaucracies to resolve issues, which makes the whole relationship more dynamic.

Renew direct military-to-military contacts.

China's military is extremely important politically, especially in view of the impending succession. Its officers deeply resent our refusal since Tiananmen to deal directly with them. We discuss nonproliferation matters with the Foreign Ministry, but the military appears to delight in demonstrating that the ministry does not speak with authority on such issues. This may be affecting the military's decisions on some weapon and missile sales, especially those controlled by the military itself, from current stocks.

Establish a bilateral human rights commission to discuss broad human rights issues and specific cases of rights violations regularly.

Nothing will quickly change China's grossly inadequate record on civil liberties, as further evidenced by the arrest of Fu Shenqi, an outspoken Shanghai dissident, on June 26. But this commission would keep the issue on the agenda and might make the successors to Beijing's gerontocratic leadership more amendable to considering international standards on human rights. There is evidence that Beijing would agree to formation of such a commission.

Drop restrictions on providing assistance to China in the United States-Asia Environmental Partnership, led by the Agency for International Development.

China's huge size, rapid economic growth and coal-based energy structure will make it a prime source of increased global environmental damage during the decade. We cannot deal realistically with environmental issues in Asia without cooperating with China in this arena.

In short, China can vastly complicate or simplify international efforts to insure peace, to control proliferation of weapons and to deal with environmental change.

Beijing's actions are especially important for East and Southeast Asia. Instability in China would more likely increase the flows of refugees than usher in democracy.

In sum, America must be tough and effective with Beijing in the 1990's. We can do both only by putting the Tiananmen fixation behind us.

## IN MEMORY OF JAY YORK

Mr. DURENBERGER. Madam President, I rise today to ask my colleagues to join in remembering Jay York, former president of the National Rural Electric Cooperative Association, who died of a heart attack on July 3.

Jay York was a member of the class of 1940 at Lake Wilson High School, continuing his education at what is now St. Cloud State University. He served America as a member of the U.S. Marine Corps from 1943 through 1946.

I had the honor of working with Jay during his tenure as president of the Cooperative Power Association in Eden Prairie, MN, to which he was able to dedicate a good deal of time and energy—despite the demanding responsibilities of running his own local electric cooperative, Nobles Cooperative Electric based in Worthington, MN. In addition, since 1947, Jay operated his own farm in Lake Wilson.

For many years, I had the greatest admiration for Jay's commitment to rural electric cooperatives and to his goal of supplying affordable power to much of west-central and southern Minnesota.

Jay shared his life and his successes with his wife, Doris, who died last February, and his five children—Lee, Jim, Lois, Marcia, and Jennifer. I have known Jay for many years, and I join his many friends and relatives in saying that he will be greatly missed.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 185) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Roth amendment No. 563, to clarify the penalties for a violation of the Act.

AMENDMENT NO. 563

The PRESIDING OFFICER. Under the previous order the question now occurs on the amendment of the Senator from Delaware [Mr. ROTH].

The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Virginia [Mr. WARNER], are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER], is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—88

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simpson
Smith
Stevens
Thurmond
Wallop
Wofford

NAYS—7

Campbell
Durenberger
Feingold
Lieberman
Shelby
Simon
Wellstone

NOT VOTING—5

Grassley
Harkin
Jeffords
Specter
Warner

So the amendment (No. 563) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

EXPLANATION OF ABSENCES

Mr. DOLE. Madam President, let me indicate the Senator from Iowa [Mr. GRASSLEY] missed this vote, the first vote he has missed in a long, long time. He may miss other votes today, but he really has no choice in the matter.

The President of the United States is in Des Moines, IA, his home State. They are ravaged with floods all over the State of Iowa, and Senator GRASSLEY is necessarily absent today because of the catastrophic conditions in his home State, where he is, and where he should be at this very moment.

Mr. President, Senator WARNER is necessarily absent. He is with one of his children, who has undergone major surgery. The operation was a success and Senator WARNER will be returning later today.

Ms. MIKULSKI. Madam President, as a cosponsor of the Hatch Act reform amendments, I strongly urge my colleagues to vote for this bill.

Federal employees are citizens and should possess all the rights of citizens, including the right to participate in the political process.

This is a good, reasonable, balanced bill. It restores to Federal employees the right to participate in political activities in their spare time, while at the same time protecting these employees from undue pressure to participate in partisan activity.

Under current law, the secretary who works for FDA and lives in Rockville, MD, cannot go door-to-door on a Saturday afternoon on behalf of her favorite candidate for mayor. The attorney who works for the FTC cannot host a get-together in his home for his college roommate who is running for the State legislature.

Why should we impose these unreasonable restrictions on citizens who simply want to have a voice in how their communities are governed?

Madam President, political participation is growing. Grassroots organizing is again becoming a way of life. More Americans are getting involved in the process and making their voices heard. We need this active participation of the citizenry to keep democracy alive.

But at the same time, we are telling Federal workers—who are among the brightest, best-informed and most public-spirited Americans—that they are not allowed to make their voice heard. That does not make sense. We should welcome their active involvement, should they choose to devote their spare time to political activity.

AMENDMENT NO. 564

(Purpose: To provide that employees of the District of Columbia shall remain covered under the provisions of the Hatch Act, and for other purposes)

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who seeks recognition?

The Senator from Delaware.

Mr. ROTH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 564.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 10, strike out "or".

On page 14, line 12, add "or" after the semicolon.

On page 14, insert between lines 12 and 13 the following new subparagraph:

"(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

On page 23, strike out lines 17 through 19.

On page 23, line 20, strike out "(b)".

Mr. ROTH. Madam President, under current law, employees of the D.C. government are covered under those provisions of the Hatch Act which apply to Federal employees. There is another provision of the Hatch Act which applies to State or local employees who are employed in activities funded in whole or in part by the Federal Government.

Under S. 185, employees of the District of Columbia would be moved from coverage as if they were Federal employees and instead covered by the Hatch Act as it covers State and local employees. The difference between the two provisions is that coverage for State and local employees is more liberal with regard to the types of partisan political activities that employees can engage in.

Why am I concerned, Madam President? Because of a series of reports that I have read in the Washington Post regarding the fundraising activities of employees of the D.C. government. The Post has reported that top officials, at the Mayor's request, called vendors with city contracts and told them they were passing their names on to the Mayor's reelection committee. The committee was promoting a $1,000 a person event to be held around that time.

According to a January 30 Washington Post article, several members of the Mayor's cabinet said they felt uncomfortable making the calls, and some vendors said they did not appreciate the heavyhanded approach to fundraising.

The January 30 article went on to say that employees in the D.C. Office of Constituent Services were being used, on duty, to sell $25 tickets for a different fundraiser, one sponsored by Friends of D.C., the Mayor's political action committee. The event was billed as a "drive for D.C. statehood." However, the Post article describes how a question has been raised as to who benefited from the funds, since the sponsor of the event was the Mayor's political action committee, and not an independent statehood committee.

According to the Post, the Office of Constituent Services' telephone number was included on a flier trumpeting the event, the Mayor gave the number out on a radio program, and city employees answering the telephone confirmed that tickets could be purchased there during normal working hours.

Soon after these initial reports, the Office of Special Counsel, the independent Federal agency responsible for enforcing the Hatch Act, began an investigation. It is my understanding that the investigation is proceeding, and that the Office expects to soon begin analyzing the information it has collected to determine whether any Hatch Act violations have occurred.

According to the Post news reports, D.C. law prohibits campaign activities by the constituent services office. In addition, the D.C. Office of Campaign Finance is examining the events described in the Post articles. I ask unanimous consent that the entire Washington Post series of articles on these events be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 29, 1993]

(By James Ragland)

Top city officials have been calling vendors who contract with the city government to encourage them to buy $1,000 tickets to a political fundraiser tomorrow for Mayor Sharon Pratt Kelly, according to administration officials and contractors.

Three Kelly administration officials said the mayor herself had urged agency heads to invite vendors and developers to the event, which is intended to raise money for her 1994 reelection campaign.

Other Kelly administrators discussed the fund-raising strategy at meetings last week, sources said.

The federal Hatch Act generally forbids federal and District government employees to engage "in any partisan political activity intended to influence others."

In addition, employees in the D.C. Office of Constituent Services, which helps connect residents to city services, are being used to sell $25 tickets for another fund-raiser tomorrow sponsored by Friends of D.C., the mayor's political action committee.

The mayor gave out the phone number for that city office Monday while on a radio show. City employees answering the number yesterday confirmed that the tickets could be purchased there.

According to city law regarding the constituent services office, "No campaign activities shall be conducted nor shall campaign literature or paraphernalia be distributed as part of citizen-service programs."

Vada Manager, the mayor's spokesman, declined to comment on the fund-raising efforts and what role the mayor and city administrators may have had in them. He and other communications officials referred all calls to the mayor's chief fund-raiser.

David Byrd, the mayor's former policy adviser and now treasurer of her reelection committee, said he does not know if any city officials made solicitations. If so, he said, it was not at his request.

"I'm the treasurer of the committee, and I'm doing the fund-raising calls," he said.

Fund-raising for the mayor has gotten "more aggressive," Byrd said. "People are probably responding more to change than any impropriety."

William Reukauf, associate special counsel for prosecution in the federal Office of Special Counsel, said that if city employees were being "coerced into political activities such as fund-raising, we would open an investigation."

The penalty for such infractions range from a minimum 30-day suspension without pay to termination, he said.

Under the Hatch Act, elected officials are barred from using executive authority "for purpose of influencing an election" by using government resources, including employees under their charge, Reukauf said.

Some administration officials said they felt uncomfortable being asked to make the calls. And some vendors contacted said they did not appreciate the heavy-handed way the calls were made.

The mayor—elected two years ago on a pledge to return integrity to government—has been the focus of several investigations into possible conflict-of-interest violations.

After one investigation, she returned a fee and hotel expenses she accepted from a company that received business from her administration.

The acting head of the D.C. Office of Campaign Finance, which monitors the fund-raising and ethical conduct of public officials, said yesterday she had not received any complaints about city workers engaged in political fund-raising.

"If that's indeed happening, that would be something we'd want to take a look at," said Deborah Price, appointed to the position last week by Kelly on an interim basis.

George W. Brown, assistant city administrator for economic development, said he was not aware of any agency heads' calling contractors to sell tickets.

"I am not, nor do I know others who are inviting people to come," said Brown. "If anything has been expressed to us, it is that, to make sure any requests [for money] comes from [fund-raisers] outside the government."

Although some contractors and business leaders said privately that it is not unusual for politicians to convey not-too-subtle messages that they are expected to attend fundraisers, they said "political operatives" rather than Cabinet members usually make the calls.

"Under the Barry administration, you didn't have to speak it; it was understood," said the head of one group of vendors whose members had been contacted by a department head. "The mayor's problem is she doesn't have the political operatives to carry out this. And as a result, it's fallen on members of the Cabinet."

He said he had gotten one complaint this week from an association member who had been called by an agency head.

The two events in question include the $1,000-a-head dinner dance called the Sharon Pratt Kelly '94 Tour, which will be held at 9 p.m. at the marble-and-glass atrium of Columbia Square, the same place where the mayor held her birthday/fund-raising gala last year. It is sponsored by the mayor's reelection committee.

The other is a $25-a-head concert at 7 p.m. at Constitution Hall. The event, called the "We Love D.C. Gala Performance," is described on the invitation as a "drive for statehood." It is sponsored by Friends of D.C., the mayor's political action committee.

By law, PACs can support only multiple political candidates and issues, but Kelly's advisers and fund-raisers have said that Friends of D.C is controlled by the mayor, who has transferred funds between the two committees.

Dorothy Brizill, president of the Columbia Heights Neighborhood Coalition, said the use of a city office to pass out ticket information for the $25 fund-raiser "is clear evidence that the mayor is using a city government office to raise money for her own political organization."

Some would say the event is not for the mayor but to support statehood, Brizill said. "But the money benefits Mayor Kelly's political action committee, not an independent statehood committee."

Last year, Kelly held two similar events, a $20-a-head public birthday party at the Old Post Office Pavilion and a $500-a-person midnight supper dance at Columbia Square. She raised more than $250,000.

But this year, three administration sources said, ticket sales had been slow so the mayor and some of her advisers adopted the strategy of having agency heads call vendors.

Sources said the department heads were advised not to ask specifically for money, which they knew would violate the Hatch Act, but to tell vendors that they were passing their names along to the fund-raising committee, which would give them a follow-up call or send them an invitation.

Byrd said he is not twisting anybody's arm to give.

"Those who ride the gravy train get called," he said. "We're not going to call people who can't afford to give $1,000."

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[From the Washington Post, Jan. 30, 1993]

### TWO PROBES FOCUS ON FUND-RAISING BY D.C. MAYOR

(By James Ragland)

The federal office of special counsel and the D.C. office of campaign finance have launched preliminary review of fund-raising tactics by Mayor Sharon Pratt Kelly to determine if city employees and resources were used illegally, officials for both agencies said yesterday.

Specifically, the office of special counsel is looking into reports that top city officials at Kelly's request, had been calling vendors with city government contracts to encourage them to buy $1,000 tickets to a fund-raiser today for the mayor.

Several members of the mayor's Cabinet said they felt uncomfortable making the calls, and some vendors said they did not appreciate the heavy-handed approach to fund-raising.

Kelly did not return phone calls Thursday or yesterday to discuss the allegations. Her spokesman would not respond to the complaints Thursday and did not return calls yesterday.

David Byrd, Kelly's chief fund-raiser, said the fund-raising committees were in charge of the solicitations. But he said, "I think it's difficult to have your Cabinet members not know about it and not want to participate."

He said Kelly's Cabinet members are politicians too, by virtue of the fact that the mayor appointed them to serve at her pleasure.

However, he said, as far as the fund-raising is concerned, "it was made clear to them that all references to solicitations and specific pledges were to be made by the host committee, and that's the way we handled it."

William Reukauf, associate special counsel for prosecution for the federal agency, said his office is looking into the allegations reported in The Washington Post "and other information that has come in to determine if we should open an investigation."

Reukauf said his office would be checking to see whether any of the activities ran afoul of the federal Hatch Act, which generally forbids federal and District government employees to engage "in any partisan political activity intended to influence others."

In addition, the city's campaign finance office is looking into reports that city-paid employees in the D.C. office of constituent services were handling tickets for another fundraiser scheduled for today.

The $25 tickets were to benefit the Friends of D.C., a political action committee that has raised money for Kelly.

"We would look to see what in fact happened; if any violations of the campaign finance laws or conduct codes were violated; and to what degree, an at what levels, these violations occurred," aid Deborah Price, who was appointed last week by Kelly as acting director of the campaign finance office.

Price said she had discussed the issue of the $25 tickets, but not the $1,000 tickets, with Kelly's chief of staff, Karen A. Tramontano.

"What I was told by her is the constituent services office was told they could provide information [about the fund-raiser], but not sell tickets," Price said. "That's what I was told."

Yet the office's telephone number was included on a flier trumpeting the event, the mayor gave it out Monday on a radio program, and city employees answering the number Thursday confirmed that tickets could be purchased there during normal business hours.

Tramantano did not return phone calls yesterday.

Byrd said yesterday that the administration didn't believe there was anything wrong with using city-paid workers during business hours to help process the $25 tickets because the event was being billed as a "drive for [D.C.] statehood."

However, according to city law regarding the Constituent Services Office: "No campaign activities shall be conducted nor shall campaign literature or paraphernalia be distributed as part of citizen-service programs."

And one ethics official, who asked not to be identified, said the problem with the argument that the event was nonpartisan and nonpolitical is the fact that it was sponsored by a group, the political action committee, "that is clearly a political entity."

Dorothy Brizill, president of the Columbia Heights Neighborhood Association, agreed. She said she was drafting a formal complaint that she intends to file with the agencies conducting the preliminary reviews.

"This is clear evidence that the mayor is using a city government office to raise money for her own political organization," she said.

Three administration officials said the mayor had urged agency heads to invite vendors and developers to the $1,000-a-head dinner-dance at Columbia Square to raise money for her 1994 reelection campaign.

Other Kelly officials discussed the fund-raising strategy at meetings last week, administration sources said.

Several elected officials in the city are trying to raise money before a new law restricting political contributions goes into effect this spring. The law, pushed by a coalition of citizens groups, sets maximum contributions to mayoral candidates at $100 a person.

Kelly, who was elected two years ago on a pledge to return integrity to government, has faced at least three investigations into possible conflict-of-interest violations.

After one investigation, she returned a speaking fee and hotel expenses she accepted from a company that received business from her administration.

Also, at a $500-a-person fund-raiser last February, the D.C. Housing Finance Agency spent $4,000 in agency funds for tickets that went to the Sharon Pratt Kelly Committee.

The donations from the independent city agency were disclosed in August, after media scrutiny of campaign finance disclosure forms. Kelly's committee returned the money to the agency, whose director, M.L. Carstarphen, was fired by the agency board over the incident. That agency is the focus of several city and federal investigations.

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[From the Washington Post, Feb. 3, 1993]

### Mayor Kelly's Fund-Raising

Political fund-raising is almost a full-time activity for today's top elected officeholders. But using full-time government employees to pass the hats—and to hit up vendors who deal with the government—is illegal. Last week contractors as well as officials in the administration of Mayor Kelly reported that top city officials had been calling vendors to encourage them to buy $1,000 tickets to a political fund-raiser. Still other government employees—in the D.C. Office of Constituent Services—were reported to have been used to sell $25 tickets for another fund-raiser, sponsored by Mayor Kelly's political action committee. Given the number and range of sources that reported this to staff writer James Ragland, there is sufficient reason for thorough reviews of Mayor Kelly's fund-raising practices.

Two agencies have initiated action. The federal office of special counsel is looking into reports about the top city officials calling city vendors. Several members of Mayor Kelly's cabinet have said they felt uncomfortable making such calls; vendors, too, have said they didn't appreciate the heavy-handed approach. The federal interest here is whether any of the activities violated provisions of the Hatch act generally barring federal and District employees from engaging "in any partisan political activity intended to influence others."

The city's campaign finance office is looking into the reports about city employees handling the $25 tickets to benefit the Friends of D.C., a PAC that has raised money for Mayor Kelly. Responses from the mayor's office so far haven't come close to clearing the air. Explanations from her chief fund-raiser, David Byrd, also come up short. "I think it's difficult to have your cabinet members not know about it and not want to participate" in activities like these, Mr. Byrd said, adding that Mayor Kelly's cabinet members are politicians, too, by virtue of the fact that the mayor appointed them to serve at her pleasure. He did state that as far as fund-raising was concerned, "it was made clear to them that all references to solicitations and specific pledges were to be made by the host committee, and that's the way we handled it."

Mr. Byrd also said the administration didn't believe there was anything wrong with using city-paid workers during business hours to help process the $25 tickets because that event was being billed as a "drive for statehood." But you can call it a drive for anything—and if the sponsor is a political action committee, there's a legal question.

There is no question, however, that certain city employees were made uncomfortable—on company time—by talk of participating in these political activities. While the federal and local reviews continue, Mayor Kelly should make it clear publicly that she will allow absolutely no fund-raising on her behalf by government employees using their offices in any way that could be interpreted as a conflict of interest.

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[From the Washington Post, Feb. 12, 1993]

### Fund-Raising by Kelly Investigated

(By James Ragland)

A federal agency will conduct a full investigation into allegations that top District officials, at Mayor Sharon Pratt Kelly's request, called vendors with city contracts to encourage them to attend a $1,000-a-ticket fund-raiser last month, a spokesman for the agency said yesterday.

"It's going to our investigation division for a full investigation," said William Reukauf, associate special counsel for prosecution for the Office of Special Counsel. He said the decision was made after a preliminary review of complaints filed with his office.

"This means there's enough information we need to look at," he said. "There'll be a bunch of people we'll have to talk to."

The independent office, under the U.S. Office of Personnel Management, investigates improprieties in the use of government resources and personnel and levies civil penalties against government workers.

The office cannot penalize the mayor but can encourage an investigation by the U.S. Department of Justice, which can bring criminal charges against elected officials. A spokesman for the Justice Department said he could "neither confirm nor deny" that the agency will look into the matter.

David Byrd, treasurer of Kelly's reelection committee, said that if the investigation will "clear the air, we welcome it."

Kelly's press secretary, Vada Manager, said yesterday that the mayor denies that Cabinet members were involved directly in selling tickets to her fund-raisers.

"You can just reiterate her position . . . that clearly Cabinet officers were aware and informed and participated, but all solicitations came from the SPK Committee," Manager said. "They were not involved directly in sales."

Kelly has not returned numerous phone calls, including one to her office yesterday, to discuss the allegations. In brief exchanges at recent news events, the mayor initially dismissed the allegations as nonsense, saying employees under her charge are "free citizens" and can do what they want.

Now in her third year in office, Kelly has been the focus of three city probes into possible ethical conflicts, including one involving her acceptance of a speaking fee and hotel accommodations from a company doing business with the city. After the investigation was launched, she gave the money back.

At issue now is whether Kelly and senior administration officials violated the federal Hatch Act, which forbids federal and District employees to engage in political activity and to participate in political campaigns and fund-raising.

An infraction carries a penalty ranging from a minimum 30-day suspension without pay to termination.

Employees of the District, which gained limited home rule in 1974, are still subject to some federal personnel rules, including the Hatch Act. The Office of Special Counsel enforces that law.

Four citizens groups—D.C. Common Cause, the Columbia Heights Neighborhood Association, Concerned Citizens for a Better D.C. and the Association of Community Organizations for Reform Now—have requested investigations into two separate events sponsored Jan. 30 by two Kelly fund-raising committees.

"You can't have elected officials using government workers for their own political purposes," said Denice Zeck, chairwoman of Common Cause, a national organization that monitors public officials and policy matters. "It's clearly a violation of the Hatch Act."

Specifically, the federal agency is investigating allegations first reported in The Washington Post that senior administration officials called city contractors and encouraged them to come to a dinner-dance given by the Sharon Pratt Kelly Committee, the mayor's reelection and main fund-raising committee.

Byrd has said that city agency heads had been told not to ask vendors for specific pledges. He said the committee made those phone calls.

Still, some administration officials said privately they felt uncomfortable being asked by Kelly to call the vendors. And some vendors complained that they got calls from agency heads and described the tactic as heavy-handed.

The federal agency, as well as the D.C. Office of Campaign Finance, also is looking into allegations that employees in the D.C. Office of Constituent Services were dispensing information and $25 tickets to a concert benefiting Friends of D.C., the mayor's political action committee.

The mayor, while on a radio show, gave the phone number to that city office as a way for listeners to get tickets. City employees answering the number confirmed that tickets could be purchased there.

Officials from Friends of D.C. have not returned phone calls.

Byrd, of the reelection committee said that event was to benefit statehood, not the mayor, and therefore he saw no problem with it. Friends of D.C. has given money to the mayor's reelection committee and has spent money primarily on promotional and fund-raising activities for the mayor.

Kelly's two committees raised more than a half-million dollars during her first 18 months in office.

Her reelection committee came under scrutiny last year when campaign finance reports revealed that it had accepted $2,000 from an independent city agency. As a result, the director of the Housing Finance Agency was fired, and the agency is now the subject of several local and federal investigations.

Kelly's reelection committee has come under additional fire in recent days for failing to file a Jan. 31 required report indicating how much money was raised and spent in the previous six months. Byrd, who sought an extension, said the report will be filed "any day now."

Deborah Price, acting director of the city's campaign finance office, said her preliminary investigation into the fund-raisers is still in progress. But she said the late report has slowed down the inquiry.

"We'd like to review the campaign finance record for that period, and of course that still hasn't come in yet," she said.

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[From the Washington Post, Feb. 13, 1993]

### KELLY QUESTIONS NEED FOR FEDERAL PROBE; D.C. MAYOR DENIES URGING AGENCY HEADS TO INVITE CITY CONTRACTORS TO FUND-RAISER

(By Hamil R. Harris and James Ragland)

Mayor Sharon Pratt Kelly yesterday called a federal investigation of her fund-raising tactics unwarranted, saying she did not issue any directive to city agency heads urging them to invite vendors with city contracts to a $1,000-a-ticket fund-raiser.

Kelly, who made her comments shortly before attending a leadership conference sponsored by the National Rainbow Coalition at the Hyatt Regency Hotel, dismissed the allegations as politically motivated.

"I have no problems with somebody scrutinizing us. * * * I didn't issue any directive of any kind that was anything other than in * * * what I view to be high ethical standards and within the spirit of the law," said Kelly, a lawyer. "So I can't fathom that anything operated any other way."

The U.S. Office of Special Counsel announced Thursday that it will investigate allegations that top city officials, at Kelly's request, called vendors with city contracts and told them they were passing their names on to Kelly's reelection committee.

The agency also is looking into allegations that another Kelly fund-raising committee used a city building and employees to dispense information and tickets for a $25-a-ticket fund-raiser held Jan. 30, the same night as the $1,000-a-person event.

The federal special counsel is appointed by the president and confirmed by the U.S. Senate to a five-year term. The independent office is responsible for enforcing the federal Hatch Act, which forbids federal and District employees to engage in political activity and participate in political campaigns and fund-raising.

Any formal administrative or civil complaints by the agency would be filed with the three-member Merit System Protection Board for adjudication.

The civil penalty for violating the Hatch Act ranges from a 30-day suspension to firing.

The special counsel also can refer criminal charges to the U.S. Justice Department for review.

Some city administrators have said they were uncomfortable when the mayor asked them to call vendors and encourage them to attend the $1,000 dinner-dance.

And some vendors, who have objected to being identified for fear of reprisal, complained that the calls and invitations were heavy-handed.

Asked if she made any calls herself, Kelly said, "Well, I have a right to call anybody I want on my behalf because I'm not Hatched. But I didn't. I don't beat up on folks if that's what you mean."

The mayor is not entirely exempt from the Hatch Act. she and D.C. Council members are allowed to wage political campaigns, but they are not allowed to use their "official authority or influence for the purpose of interfering with or affecting the result of an election."

D.C. Common Cause, Concerned Citizens for a Better D.C., the Association of Community Organizations for Reform Now and Dorothy Brizill, president of the Columbia Heights Neighborhood Association have requested investigations of the mayor's fund-raisers.

Now in her third year in office, Kelly has been the target of three city probes of possible ethical conflicts. One was about her acceptance of a speaking fee and hotel accommodations from a company doing business with the city. After the investigation was launched, Kelly gave back the money and reimbursed the company for the hotel expenses.

In addition to the federal investigation underway, the D.C. Office of Campaign Finance is looking into complaints about the $25-per-person event, which Kelly and David Byrd, her chief fund-raiser have described as a part of a "drive for statehood."

That review, which could result in a formal investigation as well, has been slowed because the Sharon Pratt Kelly Committee has not filed a financial disclosure report that was due Jan. 31. The committee requested an extension, and is expected to file the report next week.

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[From the Washington Post, Feb. 19, 1993]

### KELLY FUNDRAISING EFFORT FLAGS IN LAST 6 MONTHS; SOME SAY DROP MEANS SHE'S VULNERABLE

(By James Ragland)

Mayor Sharon Pratt Kelly's 1994 reelection committee raised $93,100 in the last six months, far less than she collected at this time last year, according to campaign finance reports filed this week.

The relatively modest amount, which came from 75 contributors between Aug. 1 and Jan. 31, is an early signal that Kelly is a vulnerable first-term incumbent without a solid base of support, according to some political observers.

"It says to me the door is open," said Terry Lynch, a supporter of Kelly's who is executive director of the Downtown Cluster of Congregations. "She's left the door open, politically speaking."

One prospective mayoral rival, Council Chairman John A. Wilson, who began his fund-raising in earnest last summer, raised $242,900 from more than 600 contributors during the same six months.

As she has in the past, Kelly spent most of the money she raised, $74,400, on political and media consultants and on entertainment for her fund-raising events.

Still, Kelly's reelection committee has raised more than half a million dollars in the last two years and had $191,467 on hand at the end of last month. Wilson, who also spent the bulk of the money he raised on political and media consultants, had $175,749 in his coffers.

The mayor's political action committee, Friends of D.C., also raised about $50,000 in the last six months, bringing its total to $216,980. The committee had $22,540 on hand when it filed its report Jan. 27.

The fund-raising is bound to get more intense as prospective mayoral candidates start waging behind-the-scenes campaigns to line up support and as the mayor tries to shore up her base. Some Kelly aides have said that the mayor's reelection committee hopes to raise at least $1 million this year to stave off challengers.

Kelly's fund-raising tactics came under fire last month after The Washington Post reported that she had urged top city officials to call vendors with city contracts and encourage them to attend a $11,000-a-ticket fund-raiser.

In addition, Kelly's political action committee was criticized for allegedly using city employees to dispense information and tickets to another fund-raiser.

The mayor has denied asking city employees to help raise funds.

The U.S. office of special counsel is investigating those events to determine if Kelly or city employees violated the federal Hatch Act, which forbids most government workers to engage in political activities or fund-raising.

The D.C. office of campaign finance and ethics also is conducting a preliminary probe.

Kelly's latest report covers the period in which the Jan. 30 fund-raiser was held. But it is unclear whether all receipts and expenditures for the $1,000-a-ticket event were included, since some checks usually arrive and some bills are paid after the books are closed.

David Byrd, treasurer of the Sharon Pratt Kelly Committee, could not be reached yesterday.

The committee filed the report Wednesday, more than two weeks after it was due.

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[From the Washington Post, Feb. 24, 1993]

### CAMPAIGN OFFICE TO PROBE KELLY FUND RAISING

(By James Ragland)

The D.C. office of campaign finance has launched a full investigation into complaints about Mayor Sharon Pratt Kelly's fund-raising tactics, about two weeks after a federal office began a similar probe.

However, Deborah A. Price, the acting director of the city agency, has recused herself from some decision-making responsibilities in the inquiries because she has a personal loan from a city contractor that contributed to Kelly's reelection committee.

The investigations by the campaign finance office and federal office of special counsel focus on allegations that Kelly urged certain agency heads to call vendors with city contracts and encourage them to attend a $1,000-a-ticket fund-raiser for the Sharon Pratt Kelly Committee.

The agencies also are looking into separate allegations that on-duty city employees and resources of the office of constituent services were used to dispense information and tickets to a second $25-a-ticket fund-raiser sponsored by Friends of D.C., Kelly's political action committee.

Regena Thomas, director of the constituent services office, said yesterday that her office did give out information about the fund-raiser but did not sell tickets to it.

Kelly has denied any wrongdoing.

"We have concluded that, yes, our office does need to take a comprehensive look at the activities in both areas," Price, acting director of campaign finance, said yesterday after a two-week preliminary review. "Through the discovery of documents and through interviews, we determined that full investigation is warranted."

One discovery that Price made was a likely conflict of interest of her own.

Price said she had received a $3,500 personal loan from Vesharn Scales, owner of MTI Construction Inc., a city contractor that contributed $2,000 to Kelly's reelection committee on Jan. 29.

Price said she is a friend of Scales's wife, Patricia Scales, whose company, Liberty Construction Inc., gave $2,000 to the mayor's committee on Jan. 28. The campaign finance report was filed last week.

Price, who is also a deputy director of the Department of Public and Assisted Housing, said MTI has received contracts from the city housing agency. But, she said, she "didn't have anything to do with them."

Price said she saw no real conflict of interest or violation of law having the loan.

But a D.C. law explicitly bars District employees from accepting a loan "from someone who is seeking to obtain contractual or business or financial relations with the D.C. government."

Previously staff director of the city administrator's office, Price moved to the housing department on July 6, 1992, less than two months after she received the loan from Scales.

The company, she said, "was already under contract with [the department of assisted housing] when I got there." She said the company also has contracts with the D.C. Department of Public Works that she was aware of prior to accepting the loan.

Although she had received a loan from Scales, and not his company, Price said she was recusing herself because the relationship "may give an appearance of conflict."

Victor Sterling, a senior staff attorney of the campaign finance office, will be in charge of the investigation of the $1,000-a-ticket event. Price will remain in charge of investigating the $25-a-ticket event.

D.C. Common Cause, the Association of Community Organizations for Reform Now and Dorothy Brizill, president of the Columbia Heights Neighborhood Association, had asked Price to recuse herself for another reason—alleged loyalty to Kelly.

Appointed by Kelly last month to the campaign finance office, Price is expected to return to the housing department. The mayor has also appointed her as an alternate member of the Metro board.

"We would call on her to recuse herself from the [investigation of the] $25 event as well," said Denice Zeck, chairwoman of D.C. Common Cause, a watchdog group that monitors public policy and officials. "That has been a concern all along, that she is temporary and serves at the pleasure of the mayor."

Meanwhile, the investigations are expected to take several weeks, if not months, to complete, officials said.

The office of special counsel enforces the federal Hatch Act, which forbids most federal and District government employees from engaging in political activities and fundraising. Violation of the law is a civil infraction, with a penalty ranging from 30-day suspension without pay to termination.

The office also can refer criminal violations, such as extortion, to the U.S. Justice Department.

The campaign finance office talked last week to Thomas, from whose office information about and tickets to the $25 fund-raiser were dispensed.

Thomas acknowledged that her office, in the Reeves municipal building, supplied information about the event. But she denied selling tickets. After The Washington Post reported the allegations two days before the event, she said, she handed out 3,700 free tickets.

"But we also gave out information about the [presidential] inauguration, and I don't see anyone raising questions about that," she said.

Robert L'Heureux, associate special counsel for investigations in the office of special counsel, said the agency anticipates having "the field work done by the end of March."

And once that is finished, he said, a legal analysis of the findings would be done to determine if any laws were broken.

"We're going to talk to anybody who knows anything relevant to this," he said. "And if anybody wants to talk to us, we'd invite them to do that too."

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[From the Washington Post, Mar. 11, 1993]

### LIGHTFOOT URGES CLOSING KELLY OFFICE THAT HE SAYS TRIED TO SELL TICKETS

(By Nell Henderson)

A D.C. Council member proposed yesterday abolishing a city office that he said tried to sell him tickets to a recent fund-raiser for Mayor Sharon Pratt Kelly's political action committee.

Federal and city investigators are examining allegations that Kelly's Friends of D.C. committee used the office of constituent services, during working hours, to dispense information and tickets for a $25-a-ticket fund-raiser held Jan. 30.

Investigators are examining whether the office violated the federal Hatch Act, which forbids federal and District employees to engage in political activity, including campaigns and fund-raising.

"I know from personal knowledge that they are employed in political activities," council member Bill Lightfoot (I-At Large) said during a council committee meeting yesterday. "I personally got a call" from an office employee trying to sell tickets, he said.

"I would like to terminate that office," Lightfoot said during a discussion of the budget for several government offices. "It's not about delivering services. It's not about delivering programs. It's about politics, and I don't think we should be using taxpayer dollars to fund political activities."

The office of constituent services, with a budget of about $167,000 a year and four employees, is responsible for responding to citizen complaints and questions about government services. That is in addition to several other offices or divisions that attend to the concerns of specific constituent groups, such as Latinos, Asians and Pacific Islanders, senior citizens and women.

Separately, the U.S. office of special counsel and the D.C. office of campaign finance are investigating allegations that Kelly directed top city officials to call city contractors and invite them to a $1,000-a-ticket fund-raiser for her reelection committee.

Kelly has said the investigations are unwarranted.

Regena Thomas, director of the constituent service office, has said that her office did give out information about the fund-raiser but did not sell tickets to it.

Kelly's spokesman, Vada Manager, said, "The office of constituent services is not frivolous. It is essential toward resolving many issues government has to grapple with daily."

Manager did not dispute Lightfoot's claim that the office tried to sell him tickets. But Manager said that "no one has proven that" the office sold tickets to the event and that it "is not correct" to say the office has been used for political purposes.

Manager also said the fund-raiser was not a political event because it was aimed at rallying support for statehood. However, the political action committee has not spent money on statehood events before and has transferred money to Kelly's reelection committee.

The council's Committee on Government Operations did not act on Lightfoot's proposal to abolish the constituent service office, but agreed to refer the idea to the full council for discussion.

Council member Jim Nathanson (D-Ward 3) said he would support the idea because the office "has been highly politicized by this mayor, no question."

However, council member Harry Thomas, Sr. (D-Ward 5) disagreed. "I think the mayor should have that office. I think every mayor in the country has a constituent service office. Whether they are doing what they are supposed to be doing is something we can look at."

The discussion of the constituent services office came as council committees were in their third day of redrawing Kelly's $3.4 billion budget proposals for this year and next.

The mayor has offered a combination of tax increases, job cuts and other spending reductions to cover a $247 million gap this year and $500 million hole in the year that starts Oct. 1.

Each committee, analyzing the budgets for different departments, has suggested ways to nick at Kelly's spending proposals to shift money or avoid some or all of the mayor's proposed tax increases. Some committees also have recommended raising fees for some city services or imposing new taxes.

All of the committee reports will be subject to approval by the entire council before they are submitted to the mayor, Congress and the White House.

The Consumer and Regulatory Affairs Committee, for example, voted Tuesday to recommend that the council impose a new tax on delivery services, such as couriers or Federal Express service. The committee report included no rate, but Chairman John Ray (D-At Large) said later that he would suggest a 6-percent sales tax.

The committee also voted to recommend requiring D.C. registration of commercial vehicles that regularly conduct business in the city.

Those two proposals together would raise at least $2 million a year, according to committee estimates. That is nearly as much as the mayor had expected to raise through the proposed advertising tax, which she withdrew Monday after a storm of opposition.

The Government Operations Committee voted to trim spending by several administrative offices by more than $2 million this year and next below the amounts recommended by the mayor, primarily by eliminating vacant positions.

The committee recommended that some of that money be used to reduce the mayor's proposed increases in residential property tax rates and to reject her proposal to eliminate a property tax exemption for some high-income households.

Some of the money should be used to finance the hiring of 45 additional police officers above the level proposed by Kelly, the committee said.

The Public Services Committee voted to reduce funding for the mayor's youth initiative by $1.2 million this year and $50,000 next year, primarily because the program was not prepared to spend all the money it has received.

Nancy Ware, acting director of the program that aims to deter young people from crime and violence, said, "We're comfortable with the committee recommendation for our budget."

Other committees voted to direct the mayor to hire more building inspectors and tax auditors to collect more revenue for the city.

Several committees have rejected Kelly's plans to reorganize government agencies, saying that the mayor should introduce legislation to do so, rather than shifting money around in the budget.

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[From the Washington Post, Apr. 23, 1993]

### U.S. WIDENS PROBE OF KELLY FUNDRAISING

(By James Ragland)

A federal agency investigating allegations of improper fund-raising tactics by Mayor Sharon Pratt Kelly has extended the probe and is questioning dozens of lower-level city officials.

"All that we can say is there have been additional developments in the case that have made it necessary to interview significantly more witnesses than we initially anticipated," said Paul Ellis, a spokesman for the office of special counsel. He said it will take at least 30 days more to talk to everyone on the list.

For nine weeks, the special counsel has been investigating allegations that top D.C. officials, at Kelly's request, called vendors with city contracts and told them they were passing their names on to Kelly's reelection committee. The committee was promoting a $1,000-a-person event that was held Jan. 30.

The special counsel also is probing allegations that another Kelly fund-raising committee used a city building and city employees to dispense information and tickets for a $25-a-ticket fund-raiser held Jan. 30, the same night as the event that some contractors were asked to attend.

Kelly has denied issuing "any directive of any kind that was anything other than in . . . what I view to be high ethical standards and within the spirit of the law."

A source in the office of special counsel had said in February that investigators would talk to many of Kelly's three dozen Cabinet members. Administration officials said the agency had begun interviewing many of the 40 or so public information officers who work for Kelly.

Asked if Kelly would be among those interviewed, Ellis said, "First we really don't know. The mayor will find out when that time comes. But we really couldn't say anyway."

Three officials who have been questioned by the two federal investigators in charge said they had been asked broad questions, such as whether any employees were told they would be fired or furloughed if they didn't help sell tickets and whether lists of private companies with city contracts were circulated.

Several people interviewed said that they were seated in a small room with two investigators, that they were asked to take an oath and that their testimony was taped in some instances.

"They didn't ask any serious questions," said one department head who asked not to be identified. "They're not serious; it's intimidation."

Some administration officials who said they didn't want to be blamed for any wrongdoing said they have consulted or hired lawyers at their own expense. They said the scrutiny has created some unease among those who have gone, or have been asked to appear, before investigators.

"There is a feeling that the federal government is going to go after you with everything they've got," one top administration official said on background. "Everybody's scared. There's a paranoia in the D.C. government; you have to understand that. It's a feeling of helplessness."

Ellis said the federal agency is conducting its investigation methodically and meticulously and will talk to as many people as necessary.

"We're not stalling; we're moving as quickly ahead as possible," he said.

The federal special counsel is appointed by the president and confirmed by the Senate to a five-year term. The independent office is responsible for enforcing the federal Hatch Act, which forbids federal and District employees to engage in political activity and participate in political campaigns and fund-raising.

Any formal administrative or civil complaints by the agency would be filed with the three-member Merit System Protection Board for adjudication. The civil penalty for violating the Hatch Act ranges from a 30-day suspension to firing.

The special counsel also can refer criminal charges to the Justice Department for review.

Mr. ROTH. Madam President, I do not bring this issue to the Senate's attention to prejudge or to influence the necessary, independent investigation into this case. The employees involved are guaranteed their due process rights, and I am not here to make a judgment as to what may have happened. And according to the Post reports, the Mayor has denied any wrongdoing. Yet, it does raise concerns with regard to whether we should be loosening the Hatch Act for D.C. employees as this bill does.

If the allegations are true, and I am not commenting on whether they are or not, this fundraising would be a violation of the Hatch Act. The individuals concerned are covered by the Hatch Act now, and current law prohibits such individuals from taking an active part in political management or political campaigns.

If S. 185 is enacted, D.C. employees would be covered under the Hatch Act law for State and local employees. This covers individuals principally employed by State or local executive agencies in connection with programs financed in whole or in part by Federal loans or grants. Assuming S. 185 were in effect with the situation as described in the Post series, the State or local standard would have to be applied to determine whether these D.C. employees were covered by the law.

Even if they were covered under the State and local provisions of the Hatch Act, it is far from clear that the activities they allegedly engaged in would be prohibited under the act. On-the-job activities by individuals covered under the State or local provisions of the Hatch Act are not prohibited, by current law or by S. 185. According to the Special Counsel, if activity is not expressly prohibited, employees are not in violation.

Madam President, given the current investigation by the Office of Special Counsel into these allegations of improper political activity, I am concerned about the impact this legislation will have on public's perception of the nonpartisan administration of Government. Constituent services selling fundraising tickets, on duty? Cabinet officers soliciting contributions from city contractors?

Madam President, the nature of these current investigations point out the dangers of mixing politics and the civil service. Since 1974, most Hatch Act restrictions have been lifted on State and local employees in federally funded jobs. The Office of Special Counsel reports that more than 50 individuals have been charged or prosecuted under the State and local Hatch Act provisions since 1980.

This includes at least three major prosecutions, one of which is currently ongoing. In one instance, the Office of Special Counsel successfully prosecuted three individuals, including the Director of the Akron, OH, Municipal Housing Authority for soliciting political contributions from subordinates. In a second case, the Office of Special Counsel successfully prosecuted several political and supervisory personnel of the Niagara Frontier Transportation Authority for soliciting subordinate employees.

In March 1993 the Office of Special Counsel filed a complaint with the Merit Systems Protection Board charging the commissioner of the Tennessee Public Service Commission, his executive assistant, and 13 officers of the Motor Carrier Safety Division with coercively soliciting subordinate employees for contributions of money and labor in support of the commissioner's campaign.

Madam President, when we talk about the impact this bill could have on the merit system, we cannot be oblivious to the types of concerns which spring forth from the examples I have just mentioned. Right here in the District of Columbia similar concerns have been raised. We should not ignore the potentially serious outcomes.

My amendment is a simple one. It simply says that we should keep employees of the District of Columbia under the Hatch Act governing Federal employees, including the amendments made by this bill, instead of the looser restrictions governing State and local employees.

Madam President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I basically agree with my colleague across the aisle in what he is trying to do with this amendment. There was no intent with this legislation to say that the District should be out from under the restrictions of the Hatch Act as have applied in the past, for whatever reasons. This was not meant to be a loosening of the Hatch Act regarding D.C. employees, and he clarifies this very well, I believe. So I am happy to accept this amendment on our side, if that is the will of my colleague on the other side of the aisle.

Mr. ROTH. Madam President, I thank the distinguished chairman. I am pleased that the majority side is willing to accept the amendment.

Mr. GLENN. There could have been some misunderstanding on this, and I think it is good that the Senator brought this up so that there could not be a misunderstanding, and so that district employees could not be operating under the illusion that they are free to do whatever they want to do. This is being investigated, and it is proper. I think the legislation Senator ROTH proposes clarifies this very well, and I am happy to accept the amendment.

Mr. ROTH. I am satisfied with a voice vote, if the chairman wants to proceed along those lines.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 564) was agreed to.

Mr. ROTH. Madam President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Madam President, yesterday, we had a debate about S. 185, in which I mentioned that there were a significant number of opponents to this legislation, including Common Cause and the National Academy of Public Administrations. Later on, the chairman responded by reading a long list of supporters. At that time, I did raise the question as to whether or not these new supporters were only supporters of the garnishment amendment, which, of course, is new to this bill and of which I am one of the principal sponsors. So I ask the question whether or not these supporters were only endorsing the garnishment provisions of S. 185 or the legislation as a whole.

In any event, I have today received a letter from these new supporters which were read off yesterday by our chairman, indicating that their support runs only to the garnishment provision and in no way did endorse or not endorse the Hatch Act amendment.

Madam President, I will read this letter dated July 13, 1993.

It says:

> DEAR SENATOR ROTH: The Equal Judicial Remedy Coalition is a coalition representing over 900,000 large and small businesses, as well as State and national organizations formed solely for the purpose of promoting legislation to allow garnishment of Members of Congress' and Federal employees' wages to recover bad debt.

It attaches a list of the national organizations that are members of the EJRC. They include the U.S. Chamber of Commerce, the National Federation of Independent Business, American Bankers Association, National Independent Automobile Dealers Association, National Retail Federation, Savings and Community Bankers of America, U.S. Business and Industrial Council, National Association of Federal Credit Unions, National Apartment Association, Independent Sewing Machine Dealers Association, Coalition of Higher Education Assistance Organizations, National Small Business, American Collectors Association, Society of Industrial and Office Realtors, Commercial Law League of America, International Credit Association, Automotive Service Industry Association, Associated Credit Bureau, American Guild of Patent Account Management, National Association of Texaco Wholesalers, National Association of Realtors, Citizens Against Government Waste.

The letter continues:

> Last session, the Senate passed the Garnishment Equalization legislation and the House voted it favorably out of the Post Office and Civil Service Subcommittee on Civil Service. Congressional support continues to be widespread and bipartisan. In the 102nd Congress, nearly 200 Members of Congress, representing 46 states, cosponsored the legislation; the number of current cosponsors continues to grow daily. All impacted Executive Branch agencies testified in favor of the purpose of the garnishment legislation.
>
> On behalf of our Coalition, I want to express our deep appreciation for your continued leadership role as a current cosponsor of the Garnishment Equalization Act, S. 253. Your support and the efforts of your excellent staff have been key elements in bringing this long overdue legislation to final enactment. As you know, the Garnishment Equalization bill language was included in the Senate version of the Hatch Reform Act, S. 185. The EJRC, as a coalition, does not take a position on amending the Hatch Act or on any of the provisions within the Senate or House Hatch Act Reform bills, other than the provisions pertaining specifically to the garnishment of Members of Congress' and federal employees' wages to recover bad debt.

So I only read that, Madam President, because I think it is important that the record be clear that this coalition, while strongly in support of the garnishment position, is not taking a stand in respect to the Hatch Act changes as proposed in S. 185.

I yield the floor.

Mr. GLENN. Madam President, I listened very carefully to the explanation of the distinguished floor manager on the other side of the aisle. I can say that when we were contacted by the Equal Judicial Remedies Coalition, their support—when they contacted the committee, it was not indicated that their support was only for that one provision. They indicated they wanted passage of S. 185. They did not say just one part of it. They did not indicate to our staff that it was qualified in any way, and they in fact indicated they were working for passage of the bill. They were working to get it passed.

I am sure that the many different organizations support passage of S. 185 for their own particular interest areas. If other groups that are members of that Equal Judicial Remedies Coalition feel they do not want to support the bill, or only support parts of it, then I think it is good that this is being clarified.

I did not read the total list of groups yesterday that support S. 185. I read those that had been represented by the Equal Judicial Remedies Coalition, and they had not indicated that any of their member organizations were taking exception to any parts of it, which my distinguished colleague from Delaware has indicated this morning. I think it is well that that be clarified in our debate today. I would like to indicate some other organizations that I did not mention yesterday. In fact, I cut the list short and asked that it be entered into the RECORD.

Since this came up again, I will indicate that the following organizations have given unqualified support, in any way, in support of passage of S. 185:

National Association of Letter Carriers, AFL–CIO;

National Federation of Federal Employees;

Federally Employed Women;

International Association of Fire Fighters;

The National Treasury Employees Union;

American Federation of Government Employees, AFL–CIO;

American Federation of State, County and Municipal Employees;

American Foreign Service Association;

American Civil Liberties Union;

American Postal Workers Union;

American Psychiatric Association;

Epsilon Sigma Phi;

Federal Executive and Professional Association;

Federal Managers Association;

Graphic Communications International Union;

International Federation of Professional and Technical Engineers;

International Union of Operating Engineers;

Military Sea Transport Union SIU;

National Association of Air Traffic Specialists;

National Association of ASCS County Office Employees;

National Association of Federal Veterinarians;

National Association of Postal Supervisors;

National Association of Postmasters of the United States;

National Association of Retired Federal Employees;

National Labor Relations Board Union;

National League of Postmasters of the United States;

National Postal Mail Handlers Union/LIUNA;

National Rural Letter Carriers Association;

Organization of Professional Employees of the Department of Agriculture;

Overseas Education Association/NEA;

Public Employee Department [AFL–CIO]; and

Service Employees International Union.

While I did not read those on the floor yesterday, I wanted to make sure everyone knows of their support and there has been no qualifications of support from any of those particular unions.

So, I think it is good that the Senator from Delaware has clarified this this morning.

If some of the member organizations I read off yesterday are not supporting the position of the Equal Judicial Remedies Coalition of which they are members, then I think it is good that they correct that and make their views known. And that has been done here this morning.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 565

(Purpose: To express the sense of the Senate that Federal employees should not be authorized to solicit political contributions from the general public or to be a candidate for a local elective public office)

Mr. ROTH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 565.

Mr. ROTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, add after line 12 the following new section.

**SEC. 11. SENSE OF THE SENATE RELATING TO FEDERAL EMPLOYEE SOLICITATION OF FUNDS AND CANDIDACIES.**

It is the sense of the Senate that Federal employees should not be authorized to—

(1) solicit political contributions from the general public; or

(2) run for the nomination or as a candidate for a local partisan political office, except as expressly provided under current law.

Mr. ROTH. Madam President, the sense-of-the-Senate resolution I am offering expresses what I believe to be the overwhelming view of this body. In my discussions about S. 185 with many Senators, it has become evident to me that proponents and opponents do agree that it would be a great mistake to allow Federal employees either to run for partisan political office, even for local office, or to solicit political contributions from the general public.

Members should be on notice about two very significant facts: First, the House has already acted on legislation that permits Federal employees to run for local partisan political office and to solicit political contributions from the general public; second, the President has indicated through the Director of the Office of Personnel Management who testified before the Senate Committee on Governmental Affairs that he will sign the House bill if presented to him.

Previously, when the Congress acted on Hatch Act legislation, the proponents were forced to present a narrower bill to the President because the former President had signaled his intent to veto any significant changes in the Hatch Act. But now the current President has made it known he will sign anything the Congress presents.

So if there is to be any restraint in this legislation, it must come from the Senate. The chairman has long signaled his dislike of the House position. However, it has been the opposition of Republican Presidents that has in the past helped the Senator cause Congress to present narrower legislation for signature.

So it is my hope that the amendment I am offering will replace that factor in the political equation. A strong showing by the Senate will strengthen the chairman's hand in dealing with the House. It is important to put the House on notice that the Senate will not accept either of the provisions rejected by this resolution.

It is time that we all recognize that H.R. 20 or S. 185—one or the other, or some compromise—will be the law. Which is the better?

I can well understand that for those of us like myself who oppose both bills, we have not made it very clear that S. 185 could be a lot worse. It could be H.R. 20.

In my discussions with Senators, it has become clear that what is the greatest concern—the first to trip off any one's lips—is the permission granted by H.R. 20 to Federal employees to solicit contributions from the general public.

I have not found a Senator who relishes the thought of an IRS auditor or a Justice Department lawyer soliciting political contributions from the public at large. Frankly, I am amazed that the other body adopted this position.

The other provision I have discussed—allowing Federal employees to run as candidates for partisan political office—is nearly as objectionable. The notion that one can confine the partisan politics of being a candidate to off-duty hours, fighting tooth-and-nail in the evening in the political arena and administering Federal programs by day in a neutral, nonpartisan manner, is incredible. Even if an employee were schizophrenic, moving between two distinct personalities, no member of the public would believe it.

This provision cannot stand alongside the evenhanded administration of Government programs, which the public desires and is entitled to.

Madam President, I wish to commend the chairman for his strong opposition to these House provisions. I do not agree with him that it is these provisions alone which have accounted for the torrent of recent newspaper editorials opposing changes in the Hatch Act. But I do agree that these provisions are not in the public interest, and I urge my colleagues to go on record in opposition to these House provisions which the President would sign into law if included in the legislation presented to him.

I yield the floor.

Mr. GLENN. Madam President, I will first say that I do not think a sense-of-the-Senate resolution such as this is really necessary because the issue that we are talking about is covered specifically in the Senate bill. So what we are doing with a resolution such as this is stating that what is in the bill is in the bill and we are serious about it and it will remain. We are repeating ourselves in effect.

I do not object to doing that on something we feel strongly about, and I am aware that perhaps on both sides of the aisle, particularly on the Republican side, I know there have been some people who really wanted to have this stated very carefully and clearly so there could be no misunderstanding about it and so they are on record as stating that what we have in the Senate bill is really what we mean with regard to not only running for office but also regarding going out and asking for contributions from the general public.

I say it is unnecessary, but if we want to adopt that, I certainly have no objection to stating that what is in the bill is what we really mean is in the bill.

Another reason why I say I do not think it is necessary is that I feel duty bound when we go to conference that I represent, as a member of that conference, the position that the Senate passed, I take that very seriously. I know that sometimes, in conference with the House, we look at this as sort of a little game to see what we can give and we get something in return. Sometimes even legislating in conference is not unheard of. I have been in those conferences, as well as my distinguished colleague from Delaware, where we get in there and someone brings up something that was not actually passed on the floor of either the House or the Senate and we wind up accepting that in conference. That is supposed to be prohibited by the laws we all operate under or by the precedent we operate under around here. It should not happen that way. Sometimes it happens. So I can understand why there might be some hesitancy about that.

Let me add one other thing. It was brought up that the President would support whatever version came over. I have not talked to the President specifically about this. I know he was quoted in that regard. We did have some testimony before the committee by the head of OPM that it was his understanding that the President would support either version. I think he stated that in the committee in testimony. I do not know whether Mr. King had actually checked with the President or not to find out that, if it came over with legislation like this, he would actually accept that or not. I think I would probably want to double check that.

I will say I think what Mr. King was referring to when he gave his testimony before the committee—the House had already passed their bill. So I presume he was aware of all these things that were in it and stated properly the President's position.

Madam President, I am happy to accept this amendment, accept the sense of the Senate, if that is the will of the distinguished floor manager on the other side.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, first of all, I appreciate the chairman's support of this sense-of-the-Senate resolution. Frankly, I think it is important not only that we have the resolution adopted, but I believe it is also important that it be adopted by a recorded vote. I know many of my colleagues feel very strongly about these two issues. We think the record should be clear as we go into the conference, partly for the reasons the chairman has pointed out, because sometimes they are pretty free-flowing.

I agree with the chairman in his statement that the head of OPM in testifying before us indicated that the administration was supporting the House bill. I think it is a matter of record; the current administration was on record as supporting the House bill. But in any event, I think it is critically important that on these two matters there be a recorded vote to demonstrate we are not willing to yield on these.

Now, I wish to caution my good friend and colleague, there are other areas of this legislation that we think should be further amended and we will offer those proposals subsequently. But again I appreciate his willingness to accept this and at the appropriate time I would ask for the yeas and nays.

Mr. GLENN. Fine

Madam President, I know that Senator SIMON has a short statement he wishes to make. It would be all right with me, if it is all right with my distinguished colleague, that we break for 5 minutes to let him make his statement. Then we will go back on this bill.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNITED STATES PRESENCE IN SOMALIA

Mr. SIMON. Mr. President, yesterday our distinguished Senate President pro tempore and chairman of the Appropriations Committee said that the United States should withdraw our troops from Somalia.

I have a great respect for Senator BYRD. He contributes immensely to this body and to this Nation. And anyone who has any sense of what a real Senator ought to be, needs to read his statements about ancient Rome, and the series he has been providing here on the floor of the Senate. They are fascinating.

As I say, I have great respect for him, but I think he is wrong on his call for that.

I was over in Somalia in early November last year with Senator METZENBAUM, and saw things that I hope I will never see again in any other country anywhere in the world, and I have seen a lot of grim things around the world.

President Bush's finest hour, I think, was when he made the decision we were going to rescue more than 2 million people who are going to starve to death. And then President Bush asked other countries to join in the effort over there. There are 20 nations over there right now providing some assistance.

Have some mistakes been made? Yes, some mistakes have been made. But I think it would be a great mistake for the United States to leave. We now have 4,000 troops over there and it would be a great mistake for the United States simply to abandon our responsibilities there. We have residual forces that help in very basic things like providing clean water for the troops of other countries there. That is very basic in a country that has no government. What threatens the world today is not world communism. It is instability and Somalia is a perfect illustration of instability if we do not do our part there.

For us to have asked these other 20 nations to come over there, and now to say we are going to leave you; I think, would be a great mistake.

I talked this morning with Ambassador Madeleine Albright, our Ambassador to the United Nations, who was just over there. She indicated that the overall situation in Somalia is a good one despite the difficulties in Mogadishu, the capital city, and that the United Nations is making a great contribution, as is the United States.

I hope that we do not abandon the course we have adopted over there. We are in a world where our leadership is needed. Whether we like it or not, we are the No. 1 military and economic power in the world. We have to provide leadership. It should be a shared leadership. And in Somalia today it is shared. Twenty other nations over there now and we are doing the right thing by staying there. I hope we do not abandon our responsibilities there.

Mr. President, I yield back the remainder of my time.

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COHEN pertaining to the introduction of S. 1217 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. GLENN. Mr. President, so that all Members of the Senate and their staffs will know what the schedule is, and to plan their day a little bit better, I believe we have unanimous consent on both sides of the aisle.

I ask unanimous consent that the pending amendment be laid aside so that Senator ROTH may offer his amendment on the subject of employees referendum; that at 2 p.m. the Senate vote on or in relation to Senator ROTH's amendment No. 565; that immediately upon disposition of that amendment the Senate vote on or in relation to Senator ROTH's employee referendum amendment; that the time between now and 2 p.m. be equally divided between myself and Senator ROTH; that no other amendments be in order prior to the disposition of these two amendments; and that any quorum call be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, in the interest of continuing to clarify the record as to who supports and does not support S. 185, as I mentioned earlier, members of the Equal Judicial Remedies Coalition wrote me a letter indicating that they supported the garnishment provisions of the legislation but took no stand either for or against the changes in the Hatch Act itself.

Since then, I have received a copy of a letter from the Business and Industrial Council, which is one of the members of the Equal Judicial Remedies Coalition, in which we are advised that the Business and Industrial Council does indeed oppose the changes in the Hatch Act.

In the letter from the director for Government relations, C. Bryan Little of the Business and Industrial Council, he writes:

> Since the issue first arose, the Council has supported efforts to permit garnishment of the wages of federal employees and to allow them to be treated like all other American citizens. We have also consistently opposed efforts to modify the Hatch Act, which we believe protects federal employees from untoward political influence by their superiors, both in government and in their unions.
>
> I take this opportunity to re-iterate the Council's firm opposition to any change in the Hatch Act. It is our sincere hope that this bill, which has been defeated each time it has been brought forward since 1976, will again be defeated.

So I just offer that as part of the record of opposition to the Hatch Act reform.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. ROTH. I am happy to yield to my distinguished chairman.

Mr. GLENN. Mr. President, I would only say that people cannot have it both ways. They cannot say, "I am for a bill," and then when the bill is out on the floor, say, "I just supported one little part of that bill and did not mean it on the rest of it."

You either support something or you do not. It is a package once it comes to the floor unless that bill is altered.

So I know the Senator from Delaware is trying to clarify this, and I am glad to have it clarified. But we also, on the committee and the committee staff, operated in good faith when this organization, the Equal Judicial Remedies Coalition, purporting to represent all of its member organizations, said that they were for S. 185, the Hatch Act reform. They did not say they were for only one part of it and will oppose all the rest of it. Now they are wanting it both ways.

It is a rare piece of legislation that goes through on the Senate floor in which every single supporter and every supporting group says, "Yes, we agree with everything in that bill, unequivocally; it should be a 100–0 vote in the United States Senate." There are always gray areas in this.

But now, to come out at this stage and now be pulling back support and saying, "We still support garnishment," this is not a garnishment bill; this is a reformed Hatch Act bill. It has a number of different things we deal with in this. One of them is garnishment.

I appreciate their support for the bill that they expressed originally. I assumed when I gave the remarks I gave yesterday that they were still in support of the bill, as they had indicated repeatedly to the staff that they were.

I am very glad to have their clarification of this; that is fine, so we make the record clear. I would not want to be sailing under false colors, but what I said yesterday on the floor was exactly what they represented to us. They did not say, when they called staff on the Governmental Affairs Committee; that: We support the garnishment provision on this thing, and we hope you can keep this in, or something. It was that they support S. 185. Their support may have been contingent on having that garnishment provision in there and that without that, they would oppose all the rest of the bill. But that was not made clear to us.

I want to make sure the record shows that we acted in good faith on this in saying exactly what they had been telling us.

So that is all the comment I have. I will move off that. I think we have spent enough time on this particular issue, on which organizations do what. I would like to move ahead.

Mr. ROTH. Mr. President, I just have one further comment. If the Senator will strip the bill of all aspects except the garnishment, I will be happy to support the legislation.

Mr. GLENN. I do not think I will choose to respond to that.

### AMENDMENT NO. 566

(Purpose: To provide that the employees of the executive branch, and the Postal Service may select either current law or the proposed amendment to subchapter III of chapter 73 of title 5, United States Code, to apply, and for other purposes)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 566.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, strike out line 19, and insert in lieu thereof the following:

**SEC. 10. EMPLOYEE REFERENDUM ON APPLICABLE LAW.**

(a) Notwithstanding any other provisions of this Act, the provisions of this section shall apply.

(b) No later than 120 days after the date of the enactment of this Act, the President, or his designee, shall conduct—

(1) a referendum of all employees of the executive branch on whether such employees shall be governed by—

(A) the provisions of subchapter III of chapter 73 of title 5, United Stated Code, as in effect before the effective date of this Act; or

(B) the provisions of subchapter III of chapter 73 of title 5, United States Code, as amended by section 2(a) of this Act; and

(2) a referendum of all employees of the Postal Service of whether such employees shall be governed by—

(A) the provisions of subchapter III of chapter 73 of title 5, United States Code, as in effect before the effective date of this Act; or

(B) the provisions of subchapter III of chapter 73 of title 5, United States Code, as amended by section 2(a) of this Act.

(c) No later than 120 days after the date of the enactment of this Act, the President shall submit a written certification of the results of such referendum to the Congress.

(d) The provisions of law selected under each referendum conducted under subsection (b) shall be the applicable law for employees of the executive branch and employees of the Postal Service, respectively, for the 10-year period beginning on the date on which the President submits a certification under subsection (c).

(e) Before the end of the 10-year period referred to under subsection (d) and again for each 10-year period thereafter, the President shall conduct a referendum as provided under subsection (a) and certify the results of such referendum under subsection (c) and such selected provisions of law shall apply for the respective 10-year period.

(f) The President, or his designee, shall promulgate regulations—

(1) governing procedures and other matters for the conduct of any referendum under this section;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency (including the Postal Service).

(g) If in any referendum conducted under this section, the employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(h) Notwithstanding section 11(a), the provisions of this section shall take effect on the date of enactment of this Act.

**SEC. 11. EFFECTIVE DATE.**

Mr. ROTH. Mr. President, this amendment would give Federal and postal employees a choice. It would allow employees to vote on whether they would prefer being under either the current Hatch Act or the proposed amendments in S. 185.

This amendment would provide Federal employees with an opportunity to vote in a referendum on whether they wanted the expanded Hatch amendments to apply. What could be fairer than that, to give the employees themselves a choice? In fact, there would be two elections held at the same time. One would cover all civil servants within the executive branch, the second would cover all postal employees. Every 10 years, each group—civil servants within the executive branch and postal employees—would vote to decide whether the group should be covered by current law or the proposed changes under S. 185.

The amendment requires the executive branch and the Postal Service to each hold an employee referendum every 10 years to determine whether to have this legislation or the current Hatch Act law apply.

The purpose of my amendment is simple: It is to provide employees with the choice to select either current law or S. 185. Make no mistake, Mr. President, this legislation before us will have a dramatic impact on the merit system. Employees should have the opportunity to decide whether they prefer the Hatch Act protections or they do not. Let us let the civil servants, who will have to contend with the subtle pressures, decide whether the executive branch and Postal Service should remain hatched.

Under this amendment, current law would remain in effect for 120 days. At the end of 120 days, there would be two employees referendums—one for the Civil Service and one for the Postal Service. Each group would decide whether they wanted current law or the amendments made by S. 185. The results would be binding for the entire group for 10 years, at which point the referendums would be conducted again. Whatever choice was made, employees would have 10 years of experience under that system before deciding whether to continue the status quo or opt for the different regime.

Proponents of S. 185 will argue that the bill provides the employee with the choice of whether to be politically active. But that is not the decision that is at stake here. It is whether the employee chooses to be protected. And in my view, and the view of the National Academy of Administration, Common Cause, and more than 100 newspapers around this country, that the current Hatch Act is the best protection an employee has against the inferred expectations and subtle pressures that will develop if this bill is enacted.

So why will proponents of S. 185 speak against this amendment? Because they know that the majority of Federal employees oppose fundamental changes in the Hatch Act.

In annual surveys by the Federal Executive Alumni Institute Association in 1988, 1990, and 1991, respondents opposed changes in the Hatch Act by a margin of 2 to 1.

In the summer of 1989, the Merit Systems Protection Board surveyed nearly 16,000 Federal employees. Employees were asked to indicate whether they "would like to be able to be more active in partisan political activities." According to this survey, less than a third responded that they wanted to be more active.

In 1987, the Senior Executive Association surveyed their members on the Hatch Act amendments. Their members were asked whether they favor or oppose the more expansive House version of the Hatch Act reform. Twenty-one percent of their members responded to the survey: 74 percent opposed reform, 22 percent favored reform, and 4 percent had no opinion. A majority, 53 percent, said the organization should not support the legislation even if it had changes.

In 1988, Government Executive magazine surveyed its readership. The question was asked: "Should the Hatch Act be amended to permit Federal workers to run for office and manage and raise money for campaigns on their own time?" Mr. President, I am aware this is not exactly what S. 185 would allow, but the House version is more expansive. And the administration has, at least it is our understanding testified that it would sign either bill. More than 3,200 Federal employees were interviewed: 60 percent said they opposed the premise of the question, 39 percent agreed with the question.

Proponents of S. 185 continue to ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 185 would set them free. The truth is the very opposite. The Hatch Act protects Federal employees from inside and outside coercion.

The Hatch Act is the Federal employees' civil rights act. S. 185 would, in practice, restrict their freedom.

Given the subtle nature of inferred expectations, penalties are ineffective in preventing the pressures an employee will feel to become actively involved in political causes in which the employee has no desire to participate.

The employee is thus deprived of his civil rights even though there is no civil rights violator. The majority's willingness to provide for greater punishment for violators reveals their fundamental misunderstanding of what S. 185 would do.

Mr. President, my amendment would give Federal and postal employees the right to choose which Hatch Act law they desire—the permissive provisions of S. 185 which would open the door to subtle coercion, or the protections of current law.

I believe the employees will choose the latter. This amendment gives them that opportunity. They deserve that opportunity. And whether they vote for one or the other, it seems to me that this proposal is preeminently fair in giving the opportunity to those most impacted to make the selection of their choice.

I urge the adoption of this amendment.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I must reluctantly rise in opposition to this amendment.

The rights of our citizens to participate are not put up to majority vote of those in the particularly affected area. Surely we would not advocate depriving anyone of their civil rights because a majority voted to withhold those rights.

Nothing in this legislation forces anyone to take part in any political activity that they do not wish to participate in. They are not forced into it, just as we do not force our people to go to the polls to vote.

But those who wish to participate, even if they are a minority, should be allowed to do so even if the others do not.

The opponents of Hatch Act reform often suggest reform is not a good idea because a majority of Federal employees may not care to be politically active. And I never, ever argued that the vast majority of Federal and postal workers would suddenly jump into partisan politics. I have always assumed these employees would be very much like the population at large, the general population of the United States. Some people want to be involved; others do not.

But that is really pretty much beside the point. In this country, majority opinion is not necessarily legitimized by restricting basic rights, in most cases constitutional rights, of a minority that want full expression. That is just not how our system works. The purpose of our Government is to establish individual rights in a free society. We do not decide constitutional rights by a referendum.

I would say that this amendment is a modified version of an amendment that was offered by Senator DOLE to the Hatch Act reform amendment bill in 1990. It was defeated by a vote of 62 to 36, 2 to 1.

I do not think we should go out on a referendum and say, well, OK, some people in this country want to budget a certain way and other people want another. Well, we will have to go out on a referendum. We will, in effect, go on a big polling expedition to see what we want to do with regard to the budget.

We do not, over in Defense, say, well, we cannot make our mind up on the B–2. Some people are for the B–2 bomber and other people are against the B–2 bomber, so we will go out on a referendum.

We do not say, OK, we have people in the military. Are we going to go into combat or not? Well, let us take a vote. Let us have a referendum of people in the military to see if they want to get shot at.

Let us go out to doctors, if we are going to consider health care, let us have a referendum of doctors and see whether they want to have a health care plan or not.

So what we are sent here to do, Mr. President, in a representative democracy, is the people trust us to come here and make these decisions on what is best for the population in the way the U.S. Government runs. That is our job here, to give that kind of representation.

If we deem it, in the wisdom of the Congress and it is signed by the President and agreed to by the executive branch, that we are going a certain way, then we represent the people of this country in saying we believe that that is the way things should go. We do not take every item and take the affected group of people and say, well, we will have a referendum on what they want, because of one thing. Not that we might not get a good expression out of it but, because, if a vote happened to go against that particular group, it means that the people within that group that might be a minority would not have their considerations considered in full, would not have their rights represented in full.

So I do not assume that everyone wants to be politically active in civil service. I do not anticipate that a higher percentage of the people in civil service will run out and vote because we do or do not pass amendments to the Hatch Act here.

But I say, those people that want, under very close restriction, under very careful control to make sure that they do not abuse the system, if they want to go out and be a little more politically active—and I would say a little more, and that is all it is—and in return for that give up any, any, political activity on the job, then that is a fair swap as far as I am concerned, and I think it deals very fairly with some of the difficulties we have had with the Hatch Act through the years.

I will not go back through all of our opening statements again, but you can wear a button on the job now that gives an idea how the boss might want you to vote or who he might want you to support. We prohibit that. We went through several things yesterday here on that, and I will not repeat all of those now.

But I think this is a bad idea to have a referendum. We are sent here to decide what is best and to make laws regarding the civil service, Hatch Act, Government reform, the military, defense, agriculture, health care, so many things, and we do not go out and have a referendum of all the affected groups to decide exactly what direction we are going to go, and I do not think we should do it here either.

If we had a referendum, I am not sure exactly what would occur. The referendum, I suppose, would be advisory for us only, and I think we would come right back to where we are now. We would come full circle back to what is right, what is wrong. And are we going to change the Hatch Act to make it more fair, to cut out the abuses of the Hatch Act that occurred through the years. That is what this all about.

This is not a repeal of the Hatch Act, as we have seen in some of the editorials. The House version goes much further than we do here, so we have to be careful what we are referring to here. It is not the House version. But what we have before us now is S. 185, the Senate version, which is much different from that one.

I think to go out for a referendum does not accomplish very much, and I would have to reluctantly oppose this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, perhaps I was under a misconception about what the amendment provides. I would like to ask my distinguished colleague from Delaware, under his amendment, if a majority, let us say 51 percent of the people that voted in this referendum, said, OK, we do not want the Hatch Act changed in any way, shape, or form, would that be binding then, after such a referendum, that there could be no reform of the Hatch Act by that vote of 51 percent?

Mr. ROTH. What the proposed amendment would do is, if a majority, say, of the executive branch, voted against change, then they would continue to serve under the Hatch Act.

So it would be binding on the employees, but, of course, it would not be binding on Congress. Congress still would have the freedom, if at some future time they wanted to make some change. There is no way you can restrict, that I am aware of, constitutionally the Congress from taking some action in the future.

Mr. GLENN. No, but I think the point I made a moment ago then is very valid. What we are doing is just throwing our responsibilities over to a vote of the people in the executive branch of Government and saying what the Congress thinks or what we care about does not make any difference on this; we are not really prescribing how civil service should run. Civil service is prescribing how civil service should run; is that correct?

Mr. ROTH. I would not say that is entirely correct. What we are providing under this amendment is a choice. We think that it makes for fairness, it makes for equity, it makes for justice to let the employees who are most affected by this proposed change in the Hatch Act to decide how their civil rights can be best protected.

To be frank with you, I think the way they can be best protected is by continuing, in general, the current Hatch Act. But others, like yourself, think it should be reformed.

Before we reform it, we think why not let the Federal employees make that choice. We would give them that choice every 10 years. To me it is just a matter of fairness. If the Federal employees decide that they want to be involved in partisan politics, then they have that opportunity. If they do not want to do it, then they can vote accordingly. I think this amendment is a matter of fairness.

Mr. GLENN. Mr. President, I refer back to the Merit Systems Protection Board survey around a couple of years ago. It was quoted on the floor yesterday and the statement they surveyed was: "I would like to legally be more active in partisan political activities."

The five categories were: Strongly agree; agree; neither agree nor disagree; and disagree or strongly disagree. Those who agreed strongly that they wanted to be more active—either strongly agreed or agreed—was 32 percent of the people surveyed.

Of those neither agreed nor disagreed, about 41 percent. So they did not express an opinion one way or the other.

Those who disagreed or strongly disagreed, in other words they did not want to be more active politically, was only 27 percent.

Even if you added in the ones that could not make up their minds, in the middle, that still leaves 32 percent who said that they would like to legally be more active in partisan political activities. We do not even permit that in this bill. This goes beyond what we would do in this bill.

I think this shows that there are many employees who want to be more active; and why should they not be? What is wrong with a person, because they are in Government, going out and doing some things as long as they are not running for office or not soliciting contributions, and so on? I submit that they should not be denied the right to do so, even if a majority of their peers feel otherwise. That is not right.

For those reasons, I oppose this amendment. I know although the yeas and nays have not been called for, it is my understanding they will be. I hope we will defeat this amendment. I yield the floor.

The PRESIDING OFFICER. Does the Senator from Delaware yield time?

Mr. ROTH. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, as I have stated throughout the debate on S. 185, what we have in the Hatch Act of 1939 reflects the same concerns which Presidents from the time of Thomas Jefferson on down have expressed. President after President—Democrat, Republican or whatever—have been concerned about political activity of Federal employees.

President Thomas Jefferson, in an 1801 circular distributed to all Government offices said:

> The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained or, however given, shall have any effect to his prejudice. But it is expected that he will not attempt to influence the vote of others nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

So my distinguished chairman and colleague says he does not think it is fair for anyone in public service to be denied the opportunity to be involved in partisan politics, and certainly that is a legitimate point of view to have. But the fact is that down through the history of our Nation, beginning with President Thomas Jefferson, President after President has stated they feel it is in the interest of the democracy of our Republic that while an officer or employee of the Federal Government should not be restrained in exercising the right to vote, they should, however, not use their position to influence the minds or votes of others.

I am now quoting from President John Tyler who made this statement in 1841:

> * * * such conduct being deemed inconsistent with the spirit of the Constitution and the duties of public agents acting under it; and the President is resolved, so far as depends upon him, that while the exercise of the elective franchise by the people shall be free from undue influence of official station and authority, opinion shall also be free among the officers and agents of the Government.

Again, President Hayes, in 1887 said:

> No officer should be required or permitted to take part in the management of political organizations, causes, conventions or election campaigns. Their right to vote and to express their views on public questions * * * is not denied * * *.

President Theodore Roosevelt, 1907. He amended civil service rule 1 to provide that:

> Persons who, by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinion on all political subjects, shall take no active part in political management or political campaigns.

Franklin Roosevelt, 1939, said:

> The Attorney General has advised me that it seems clear that the Federal Government has the power to describe as qualification for its employees that they refrain from taking part in other endeavors which, in the light of common experience, may well consume time and attention required by their duties as public officials.

He pointed out that such qualifications cannot properly preclude Government employees from the exercise of the right of free speech or from their fight to exercise the franchise.

The same general sentiments are expressed by more recent Presidents. President Jerry Ford in 1976, when he vetoed similar legislation stated:

> If, as contemplated by H.R. 8617, the prohibitions against political campaigning were removed, we would be endangering the entire concept of employee independence and freedom from coercion which has been largely successful in preventing undue political influence in Government programs or personnel management. If this bill were to become law, I believe pressures would be brought to bear on Federal employees in extremely subtle ways beyond the reach of any coercion statute so that they would inevitably feel compelled to engage in partisan political activity.

That statement is, I think, of particular importance, Mr. President, because it is the subtle pressures that are going to cause the problem.

We had testimony before our committee that a bright, ambitious civil servant, if he or she are able to be involved in partisan politics, is going to do so to move ahead. We do not think that is the way to go.

Again, George Bush in 1990 expressed similar concerns in vetoing the proposed amendment to the Hatch Act at that time.

To me, one of the interesting things is what these various Presidents down through the years have written about is reflected time and again by senior executive members of the civil service. I would just like to read a few of what they had to say.

One said:

> In the long run, the Hatch Act is beneficial because it forces a "hands off" policy and instills the notion that careerists are neutral.

Another wrote or said, "There's already too much political influence. The civil service will be torn to pieces by political parties." Again, another one said, "If it ain't broke, don't fix it." And I think that expresses the sentiment of many of our Federal employees. As a matter of fact, if you look at the various polls, and so forth, many are not even answering. And the reason is because of the sentiment expressed right here: "If it ain't broke, don't fix it." So why bring about change?

Another Federal employee said, "There's no way you can work for and serve one political party while campaigning for the other." Unquestionably, if we permit partisan politics on the part of Federal employees when you have a change of an administration, the new administration is not gong to trust, is not going to have confidence in the Federal employees who are on the other side of the political fence. So that makes for difficulty.

One employee writes that "The Hatch Act is our only shield. The public would lose respect without it." Again, "The proposed law would exacerbate tensions between political appointees and civil servants."

Time and again we see where the top employees of the Federal government, the senior executives express their concerns with modifying the Hatch Act.

(Mrs. FEINSTEIN assumed the chair.)

Mr. ROTH. So, Madam President, in an effort to be conciliatory we have proposed an amendment that would put the choice with the Federal employees as to whether or not they want to get involved in partisan politics.

The reform act, S. 185, does cut out the guts of the current Hatch Act. The current Hatch Act says you will not be involved in partisan politics whereas the proposed reform provides just the opposite. If we are going to make this kind of monumental change, it seems to me eminently fair to give the employees in the executive branch that choice as well as the postal employees. And for that reason I would hope my amendment is adopted.

Madam President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I obviously oppose this particular amendment. We are now going back over some of our original arguments. As to some of the statements made here, the inflammatory statements made on this series of quotes that we have on these cards, I can understand them if they refer to the House bill that would dramatically change the protections under the Hatch Act. I can understand that.

Madam President, this is not what S. 185 is all about. We do not cut the guts out of the Hatch Act. We try to make it more fair, and we do make it more fair. Simply put—and I will have to go back over some of our original statements yesterday—basically what this does, what S. 185 does is say that you do not even permit anything on the job that has been permitted all these years under the Hatch Act. You cut it out. There will be no politics on the job, none.

Now, read some of these statements here. If you put them in that context, they do not make any sense at all because we are not talking about permitting more political activity on the job. My distinguished colleague from Delaware would almost indicate that somehow you are going to require people to take political activity if they are in civil service.

I never proposed that. I have not said that. I have not given any indication of that. Nothing in S. 185 would do that. In fact, it is pretty much the opposite. On the job, you can do nothing, period.

Now, off the job but still with very major restrictions, it would allow America's civil servants to reclaim what every other citizen has as a constitutional right by participating in our Nation's political process voluntarily on their own time. Private citizens, if they are coerced into doing anything, if they are coerced into any political activity whatever, the person doing the coercing can be fired right then on the first violation. We just accepted that amendment a little while ago. They can be fired immediately, there can be a penalty of 3 years in prison, and up to $5,000 fine, and that is for the first offense.

Now, I think that is pretty tough for political activity on the job. And I would not cut that back any. I think that is justified. If we try and open up a little bit, say OK, people can have a little more political activity than they have had in the past, then that is fine. I think it is OK we go that route.

Why change it all? We went through that yesterday. This is like what someone says on the chart here: "If it ain't broke, don't fix it," which was just quoted here.

Well, 1993 conditions are very much different for Federal employees than they were back in 1939 when the Hatch Act was passed. Many of the Hatch Act rules as currently written have become arbitrary, capricious, inexplicable, indefensible, do not make any sense, and also because Federal employees should not be treated like second-class citizens and be forced to forfeit their constitutional rights when they opt for careers in public service.

Here are people giving their lives to the Government, and we tell them OK, but you cannot take part in the political processes. I do not want them to take part in the political processes where they are coercing people or being coerced themselves into acceptance of roles that would be improper. I support the Hatch Act. I support the Hatch Act, but I also support making the Hatch Act fair. The Hatch Act was passed in 1939 before the development of a professional civil service and at a time when Federal jobs were awarded not only on the basis of merit competition but they were awarded as patronage plums for political contributions. FDR was quoted as making some statements here, and it was under FDR many of these changes were taking place.

Only six departments of Government under the civil service—the rest of them were political appointments. Abuses? There sure were. That is why the Hatch Act was passed. But that was back in 1939. It is now 1993. Back in those days, to protect civil servants in such a climate it was deemed necessary to bar them from taking part in most political activities. But here we are 54 years later. We have an Office of Special Counsel. We have a Merit Systems Protection Board. Anyone that feels they have not been dealt with fairly can file a complaint with the Office of Special Counsel and have the protection of law if they have been dealt with unfairly, then whoever did that unfair dealing with them will be brought to justice. You could not do that back in 1939 but you can in 1993.

The point is we have a well-established, a professional, a classified merit-based civil service which ensures that promotions in the vast majority of Federal jobs go to those with what? With the best qualifications and not the best political connections.

I would not alter that one iota in this, nor does anything in S. 185 alter that one iota.

We have a Merit Systems Protection Board to which appeals could be made, and if an employee feels he or she has been dealt with unfairly, we have a whole batch of other laws, a whole welter of other laws on the books that further protect Federal employees from political coercion and manipulation.

I should note that these jobs we are talking about are not the 2,000 or so top-level Government officials that are appointees of each new President and who serve at the pleasure of the President. But the fact is that we have a number of Hatch Act rules and regulations on the books that just make no sense and that deprive Federal employees of many basic rights that all other Americans take for granted.

All sorts of dire portent has been put out that if we join the House in reforming or redoing or repealing the 1939 Hatch Act that all sorts of partisan political activity will result. Well, I would say we have not joined the House; that it has not occurred. The big if that says that if we go with some of the provisions in the House act which permit you to go out and permit civil servants to go out and solicit the general public for contributions, we have not agreed to that. That is not in this bill. It is not in S. 185.

So those big if's that if we agree with them, then all these dire things might happen, I do not disagree with that, if, if we did that. But we are not doing that. And that to me is what most of these statements here that my distinguished colleague from Delaware had put up here, that is exactly what they referred to. They refer to the provisions of the House act. That is not what this bill S. 185 provides. The House bill has very different provisions.

Let me give a couple of them here. The Senate bill brings some clarification, understanding, fairness to what has been a muddled, confusing maladministered Hatch Act. There have been some 1,500 identified rulings, regulations, and interpretations grow up around the Hatch Act so that the people did not know what the Hatch Act did or did not do. Many of these were conflicting. They were unclear. Some have been corrected, and some have not.

Let me give a couple of examples. A civil service employee like every other American under current law is permitted to contribute up to $1,000 to a Federal candidate of his choice.

Let us say here is a neighborhood in Washington DC. We go out in Bethesda, people are living side by side, they are civil servants out there. One says OK I want to give $1,000 to X—whoever it is for—their campaign. The person next door has a couple of kids in college. They are really being hit by some of the bills for higher education. They do not have that extra $1,000 to give. But they want to go down. They say "I would like to go down, drive a car, help out. I have as much interest in seeing what the direction of the country is. It is a little way to express myself. I don't have $1,000, but I will stuff envelopes for those people. I will help them out a little bit." Or "I will drive a car for the campaign."

No. You cannot do that. It is illegal. In other words, if you have the money, if you have the dough, you can go ahead and be politically active. But if you do not have the money, you cannot go down and stuff envelopes to help out.

Is that fair? I do not think it is.

Let me bring up another one here.

We can have civil servants, those same two people out there. And the one person gave $1,000. The other person says, "Well, I support that same person but I do not have a thousand dollars to give. But send me out some yard signs and I will put them up in my yard out here. I want to show my support."

Fine. That is legal. You can do that. They can have 50 signs all over the yard. They can have a support sign in every window of the house if they want to have it. They can show their support. They can put signs all over their automobile. They can drive around, park, point to it, they can do all sorts of things to show their support. It is also legal for them to go to a political rally.

But they go to that political rally. They walk in the back door. Somebody walks by and says "Here is a sign I would like to have on the car out here. Do you want to hold it here?"

"Yes, I will hold it here." They are in violation and by law they can be fired from their civil service position. That would be an extreme case, if they were, I must admit. But that is what the law provides right now.

Some of those things are what we try to straighten out with S. 185. Should it be illegal, should it be a violation, should it be a threat to their livelihood, a threat to their civil service position that they held a sign in the back of a hall at a political rally when they are permitted to put that sign, 100, all over their lawn, all over their house, all over their car? But it is illegal if they hold one of those signs at a political rally. That has been what the interpretation of the law has been through the years. It is that kind of thing that we try to correct.

The law says now Federal employees may publicly express their opinions about political candidates. But they cannot make a speech on behalf of their candidate.

Will someone, pray, tell me the difference between expressing yourself publicly about political candidates but not making a speech? Let us define it. Is the difference whether they put a microphone in front of you or not? What do you define as expressing yourself? You cannot make a speech. Is it if there are 2 people in front of you, or 3 people, even 1,000 people? That gets to be a speech. I admit that. So that is prohibited.

But you can go out and be on TV and you only have one interviewer in front of you. You speak into that microphone. It goes out to 10 million people all over the country. Is that defined as a speech? Do you know? How about if it is with TV? Radio is OK, TV it is not? If you talk to a print reporter is that OK? Others are listening, it may go out to a wire story to millions of people all over the country. Is that ridiculous? Yes. I think that is what we try to prevent.

Right now, a Federal employee can wear a candidate's campaign button any size on the job. But that same person, civil service person, is prohibited from campaigning for or against that candidate. I think it would be good to note that in that particular case, let us say the boss comes in some morning. He is in civil service. You are a civil servant. Your boss would walk in some morning, it would be absolutely legal for him to come in wearing a button 6 inches across that says "Clinton-Gore," "Bush-Quayle," whatever the election season is at that particular time. I would think that would certainly give you a little hint of what the boss wants and what the boss is hoping you will follow his or her lead on. That is permitted now.

Under this bill, S. 185, that would be prohibited, not even a button, a little button, as big as a little thumbnail on your little finger, a button 6 inches, no button, any kind, on the job, no kind of political activity on the job period. That to me makes sense. That is not what these quotes here would have you believe.

They would have you believe that what we are trying to do with S. 185 is take all restrictions off, everybody can be political in government, you can be coerced, whatever. Read some of these things here. And they mislead us.

I will not continue with these. But in these few examples it is obvious that current rules are inconsistent, they are confusing, and they have been in need of overhaul and have been in need of it for a long time.

All this bill would do is rationalize the rules and retain all of the basic prohibitions of the original Hatch Act. And I say to my colleagues here on the floor today, and to my colleague across the aisle here, those Hatch Act original prohibitions are just as valid today as they were in 1939, and I support the Hatch Act.

Under my bill, S. 185, that we passed out of committee, Federal employees would still be barred from running for partisan political office. The House bill permits such candidacies. Under this bill, Federal employees would still be barred from soliciting political contributions from the general public. The House bill permits Federal employees to solicit contributions from the general public. This bill does not do that. Under S. 185, the coercion of subordinates, Federal employees, would not only still be banned but subject to greatly increased penalties: Up to a $5,000 fine, 3 years in prison, and dismissal from the job on the first offense. The House bill has far lower penalties. In fact, this is not the bill that is referred to here by such remarks as we have seen that were put up on the billboards next to me here.

This makes a long needed and clear distinction between political activity on the job and political activity, still under close controls, off the job, away from work, and on an employee's own time. On-the-job political activity would be prohibited, even including the wearing of campaign buttons on the job, which current law permits. No political activity on the job—zero—including even what is permitted today.

I make the Hatch Act more restrictive and tougher than it now is on the job. It tightens it up and makes it a tougher Hatch Act. I am surprised people are not rushing to support that. But voluntary political activity off the job after hours, still with sensible controls and restrictions, would be recognized for just what it is—a basic right, something we encourage in all other segments of our society. We try to get people involved politically and get them out to vote. I think that is a crucial ingredient of a free and democratic society, for whatever political party—1939 was a long time ago, and the time and circumstances change. So should the Hatch Act—sensibly. That is what S. 185 does.

So all these things that have been tossed up about how dire it would be, and that we are going to have all sorts of political activity, I oppose that as much as anyone else. But I do think that some of the examples I gave a moment ago indicate that we need some reform of the Hatch Act. That is what this is. This is not repeal; it is reform. It lets us bring some sensible approaches to the Hatch Act. It brings it up to 1993 instead of 1939. I am not for repeal of the Hatch Act; I am for making it more workable so people know what it does and what it does not permit.

That is all we try to do with this. So all of the references that have been made by some of the editorials, and all of the quotes against liberalizing the Hatch Act—referring, apparently, to our colleagues on the other end of the Capitol—that is not what this bill is. It does not make those same provisions. I know it is difficult for people to say that the Hatch Act is being considered in the Congress, and not refer to what they see as the worst bill that is in the Congress now, which has already passed the House. This is not that bill. I think we ought to limit our comments here to those that apply to S. 185.

S. 185 does not cut out the guts of the current Hatch Act. It improves it and makes it workable. It gives people more protection on the job, and permits some political activity. They still cannot run for partisan political office while in civil service. You still cannot go out and solicit contributions from the general public. It keeps the basic protections we have come to know through the years and relied on in the Hatch Act, but it makes it more workable and sensible. Therefore, to me, it makes it a better Hatch Act because of what we are trying to correct here with S. 185.

The fact as to whether this might be a referendum or not, what we are discussing now, some say, well, if a majority says we do not want to change this, then we will not change it. And to me, all that means to me is we are abrogating our responsibilities here. It means we are avoiding our responsibilities as legislators here under a republican form of Government, or a democratic form of Government, where we represent the people. We are sent here to make these judgments on behalf of the people of this Nation, with regard to civil service, and with regard to the military, agriculture, and to all sorts of things. That is our form of Government.

To say that every time we run up against something that is not fair, if we have a small group of people or somebody in a certain constituency that says let us have a referendum, all we will do is run Government as a big polling organizations and run around taking polls all day. And it is the old bit: There go my people; I must rush out and lead them. We must take polls to see what we are going to decide for the next day. I submit that that is not what we were sent here to do.

We want to make the Hatch Act more fair. It should be binding. For those people who are in the minority under such a referendum, should they still have a right to believe they will be protected on the job from any political activity? Absolutely. Should they have a right to feel they are still voting Americans, Americans that go out there and have legitimate, proper political activity without being coerced? Why not? What is wrong with that? We encourage every other American to take that kind of activity serious and to be active.

Yet, we are saying: Oh, no, you cannot do that. We do not have the abuses there. But they might be there. That is the bogeyman. There might be something hiding back here that might do something wrong. If they do, under S. 185, we have very, very tough sanctions against them; very, very tough penalties. They will be dealt with—up to 3 years in jail, a $5,000 fine, and dismissal from the job if they coerce anybody under them. That is pretty tough.

So I think we are making far too much out of this thing as to what might occur. We do not have evidence that that has been occurring. All we try to do is say, these things that have been confusing to people in civil service where they did not know what to do, regarding signs or attendance at rallies and such things, what S. 185 does is make sense out of that. It tries to say that we are going to finally make sense out of this and bring the Hatch Act up to 1993 and make it more workable, more of a protection for our civil rights.

There are some comments here where, obviously, people felt it was either the House bill or some even worse bill that was going to be passed or would be considered. I would probably join in some of those statements if I thought the bill was going to be made worse. I think we make it more workable for every single civil servant in this country.

It is up to us to make those decisions, whether we are talking about civil service and the Hatch Act, or whether we are talking about the military, or whatever we are talking about. We are sent here to represent the people of this country, study the issues, put our best judgment to them, provide guidance, and debate these things out on the floor as we are doing here, and then pass legislation that regulates what happens across the whole United States of America. That is what this is all about.

We do not go out taking polls all the time and deciding, well, whatever the poll shows, that is the way we obviously should go. That is not the way our political system works. It is not the way our governmental system works.

Madam President, obviously, I oppose this amendment and urge my colleagues to vote against it at the appropriate time. At the appropriate time I will move to table the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, if the proposed reform, S. 185, is such outstanding legislation and in the interest of the Federal employees, then I do not understand why the distinguished chairman will not let the Federal employees have a voice in determining whether or not it applies to them because, if it represents their interests, there should be no concern on the part of those supporting S. 185 of putting it to a vote.

Mr. GLENN. Madam President, will the Senator yield?

Mr. ROTH. I am happy to yield.

Mr. GLENN. My objection is that this would become law. The referendum, by the statement of my distinguished colleague from Delaware, would become law once they had expressed themselves. That means they take over our activity here. That is what I disagree with.

Mr. ROTH. Well, all we are proposing is that we give, through our legislation, that choice to the Federal employees, that they be the ones who determine whether or not it is in their interests to have the Hatch Act modified as proposed in S. 185.

The chairman keeps talking about how conditions have changed, that we need to update the Hatch Act because 1993 is significantly different from 1939. No one would disagree with that basic premise. Nineteen thirty-nine was much different from the days of Tom Jefferson. But all of them, practically every President down through the years, have seen a need, a requirement, that Federal employees not be permitted to be involved in partisan politics. So while conditions have changed in many ways, human nature has not.

The problem we are concerned with is the subtle pressures that will be put upon the Federal employees to become involved in partisan politics. As Jerry Ford so eloquently said several years ago in vetoing similar legislation, the legislation was bad, or rather, to put it the other way, the Hatch Act was good for the Federal employee, it was good for the public. And with that I strongly agree.

Now, this debate began partly over some of the comments that have recently been made by members of the Senior Executives Association. The Senior Executives Association, of course, consist of our top Federal employees. While some of the remarks are directed at the House bill, many of them are so broad that what they are saying, in effect, is that there should be no reform because the Hatch Act is working well. Let me point out No. 4, where the Federal employee said, "If it ain't broke, don't fix it." He is not talking there about either the Senate bill or the House bill. He is saying that the Hatch Act is accomplishing what it was intended to do, that it is working well, so do not change it.

Again, in No. 10, another employee says: "The Hatch Act is our only shield. The public would lose respect without it."

So employee after employee, if you look at these carefully, is coming out in favor of continuing the Hatch Act because it assures the public that the laws are administered in a fair way, not partisan. As has been said on this floor many times, if a person is involved in the evening in partisan politics, will the public really look upon that person as being neutral in the daytime? If you are having your accounting records audited and you are of one party and the auditor is of the other party that has become involved in partisan politics, are you gong to have a lot of confidence? The best answer is the answer that Thomas Jefferson gave many years ago and that is that the office should not be used for political purpose, that the Federal employee should not be able to try to influence anyone, the public, in partisan matters. That made sense back in the days of Thomas Jefferson, and it makes sense today.

The changes that have come about and will continue to come about have not done away with the need for the Hatch Act. Recently, in our hearings before the Senate Government Affairs Committee, the former executive director of the Civil Service Commission, Bernie Rosen, who spent a lifetime in Government service, testified that change since 1939 in the civil service have not removed—have not removed—the need for the Hatch Act. And I quote. He says:

> The merit system is fragile and it can be easily undermined. Its two greatest assets for recruiting and retaining high confidence to serve the American people are, first, the open, competitive examining system and, second, the existing prohibitions on political activity. The prohibitions on political activity build public confidence that the civil service will be fair and impartial.

Now, that is what we are proposing to do away with. The chairman says we are not revoking the Hatch Act; we are just modifying it. But, frankly, S. 185 is changing the guts, the heart of the legislation. I will just point to what the committee report issued by the Senate Governmental Affairs Committee had to say about this legislation. It points out that section 9(a) is widely regarded as the heart of the act—the heart of the act.

What does section 9(a) provide? Section 9(a), which is the current law, says: "An employee in an executive agency or an individual employed by the Government of the District of Columbia may not"—may not—"take an active part in political management or in political campaigns."

What does S. 185 provide? Just the opposite, 180 degrees different. It provides that an employee may take—may take—an active part in political management or in political campaigns. So this is a very wrenching revision in the Hatch Act. Technically, it may not revoke it, but it is cutting out the heart of the act, and make no mistake about that.

Madam President, there has also been talk about, well, we have strengthened the penalties of the legislation and, therefore, there will not be coercion. But I think that misses the point. The problem is and people who have testified before the Governmental Affairs committee have stated that it is the subtle incentives that we have to be most concerned about. The reality of the employer-employee relationship is that subordinates consciously or unconsciously try to please their superiors to further their own career. Federal employees would not complain about political shakedowns because the attendant risks, such as loss of employment or favor in the boss' eyes, would far exceed the cost of acquiescence. So what you are going to see as you permit Federal employees to become involved in partisan politics is more and more they will be taking a partisan role to get ahead. The more this happens the less confidence there will be on the part of the public that the laws of this great land are being administered in a fair and impartial way.

It was said that we were seeing a bogeyman in suggesting that the Hatch Act should not be reformed.

But I would just point out that over 100 different newspapers throughout this country have recently editorialized against Hatch Act reform.

Let me just read that one or two of them had to say.

In New Jersey, the Gloucester County Times on May 12 of this year said: "Preserve Hatch Act Shield."

The newspaper says:

> Congress ought to leave the Hatch Act alone if it can't come up with something far better than either of the current proposals to "reform" it. * * *
>
> The Senate bill * * * is described as more moderate than the bill passed by the House in March. Both are bad. * * * Hands off the Hatch Act.

So I do not think they see this as a bogeyman.

In Florida, the Pensacola News-Journal, May 6, 1993: "Hatch Act Revision by Congress Bad Idea."

The editorial goes on to say:

> Don't change the Hatch Act.
>
> The House has again passed a Hatch Act revision that allows federal employees to run for local office and solicit campaign contributions—so long as they do it outside the office. * * *
>
> And the Senate version allows federal workers to volunteer for political candidates, even including managing their campaigns.
>
> How soon do you think it will be before powerful politicians are linking up with powerful bureaucrats to center power even more firmly within the Capital Beltway?
>
> We have to agree with the Republicans in Congress who charge that amending the Hatch Act opens the gates for a "spoils system" within the federal government. * * *
>
> Voters already look with too much disdain upon government. Opening up federal ranks to political partisanship—and the inevitable abuses—is a step backward.

Now, just let me point out that the Washington Post is full of articles discussing the problems in the District of Columbia, where the mayor is accused—we cannot say whether appropriately or not—but is accused of having employees in the D.C. government sell tickets to a fundraising event for her. So you cannot say the problem of abuse is dead.

Just let me read what the Washington Post says:

> Political fund-raising is almost a full-time activity for today's top elected office holders. But using full-time Government employees to pass the hats—and to hit up vendors who deal with the Government—is illegal.

Now I will not read the entire editorial, but I just want to make the point that we are just as much likely to have abuse today as we were in 1939 or 200 years ago. So that this is not a bogeyman but, in fact, a real problem.

In Massachusetts, the Patriot Ledger says: "Leave the Hatch Act Alone."

It goes on to say:

> We see no good reason for dismantling the law that has proved its worth for so many years. The argument that the Hatch Act unfairly strips federal workers of political rights is not persuasive, given the more important public benefits of insulating the civil service from partisan politics and the fact that the act has been upheld by the U.S. Supreme Court.

Then we have the Winchester Star, in Virginia, on May 20, 1993: "Good Law—The Hatch Act Must Be Preserved."

It says:

> The Hatch Act was good law in 1939; it remains so today, an opinion roundly seconded by * * * the Civil Service Workers themselves. * * *
>
> Repeal of this act would signal a return to the old and far-from lamented days of patronage when the adage "To the victor belongs the spoils" truly applied. The last thing this nation needs is for federal employee unions to become organs of political patronage.
>
> Essentially, only the Hatch Act stands between this reality and a certain degree of integrity in Civil Service hiring and promotion.

Madam President, I think the facts are that the Hatch Act in its current form does provide a valid service, that it should be continued as it now exists in principle, and particularly we should not reverse or gut the heart of the act.

Let me just make one further point and then I will yield the floor. The chairman says that this a civil rights bill. If so, it is the first such bill forced on those who are supposed to benefit. So my question is: why not let the employees decide? If this is a civil rights bill in their interests, should they have to accept it if they do not think it serves their interest?

That is the reason for my amendment. I can understand why the chairman is afraid that the comments of Federal employees show that they do not want this form of a civil rights bill and might reject it. But, in any event, under my amendment the people most impacted would have a choice every 10 years, one for the executive employees, one for the Postal Service, and as the situation changed they would be given the opportunity to vote again every 10 years.

So for that reason I urge the adoption of my amendment.

Madam President, I ask unanimous consent that the editorials that I referred to be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Gloucester County (NJ) Times,
May 12, 1993]

### PRESERVE HATCH ACT SHIELD

Congress ought to leave the Hatch Act alone if it can't come up with something far better than either of the current proposals to "reform" it. Anachronisms and all, the Hatch Act's various prohibitions on political activity by the 2.2 million federal employees are effective in shielding them from political favoritism.

The Hatch Act was part of a conservative backlash against Franklin D. Roosevelt. It was passed in 1939 amid revelations of political coercion in the government and concerns that FDR, then sniffing an unprecedented third term, would use federal workers to help him get re-elected.

We are not more principled now.

President Clinton wants the act gutted. "Whatever the Congress approves, we would like," Clinton's director of the Office of Personnel Management told a Senate committee in late April.

What little hope there is of beating the Hatch-killer bills seems to lie in a Republican filibuster in the Senate.

The Senate bill, sponsored by Sen. John Glenn, D–Ohio, is described as more moderate than the bill passed by the House in March. Both are bad.

Glenn's bill would let federal workers volunteer, on their off hours, of course, for political candidates and help do things such as stuff envelopes, distribute literature and manage campaigns. On-the-job political activity would still be banned, as would coercing colleagues or subordinates to join.

Rather than deal with the dangers of forced volunteerism, Glenn would have us focus on oddities in the 55-year-old act such as federal employees being permitted to give $1,000 to a candidate while being prohibited from volunteering to register voters.

All the whining about the rights of federal employees is a smoke screen. The workers knew about the Hatch Act when they signed up. The Hatch Act protects those employees—and us—from their bosses and union leaders.

Hands off the Hatch Act.

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[From the Pensacola (FL) News-Journal,
May 6, 1993]

### HATCH ACT REVISION BY CONGRESS BAD IDEA

Don't change the Hatch Act. President Clinton and Congress are all aglow with enthusiasm to change the Hatch Act, which for 50 years has kept politics among federal workers at a low pitch.

Congress passed revisions to the Hatch Act during the Bush administration, but the president vetoed it, as well he should.

Now the House has again passed a Hatch Act revision that allows federal employees to run for local office and solicit campaign contributions—so long as they do it outside the office.

Well, that ought to be prevent any shenanigans, won't it?

And the Senate version allows federal workers to volunteer for political candidates, even including managing their campaigns.

How soon do you think it will be before powerful politicians are linking up with powerful bureaucrats to center power even more firmly within the Capital Beltway?

We have to agree with the Republicans in Congress who charge that amending the Hatch Act opens the gates for a "spoils system" within the federal government.

Proponents of change say it simply gives federal workers political rights they should have.

But anyone seeking federal employment knows—or should know—going in that accepting a federal job carries with it restrictions against political activity.

That makes it the individual's choice, to accept the restrictions with the job or to turn it down.

Voters already look with too much disdain upon government. Opening up federal ranks to political partisanship—and the inevitable abuses—is a step backward.

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[From the Quincy (MA) Patriot Ledger, Mar.
9, 1993]

### LEAVE THE HATCH ACT ALONE

Congress shouldn't open the gates to partisan politics in the federal civil service. The Senate should reject a House-passed bill that would allow this by weakening the half-century-old Hatch Act.

Yes, times have changed since 1939 when that law was passed, but the reasons for it remain valid. It's not a good idea to have federal workers engaged in partisan political activity.

The Hatch Act prevents federal employees from running for political office, soliciting campaign funds or participating actively in political campaigns. These restrictions were enacted to stop a blatant abuse: Federal workers pressured to contribute to political parties and help out in election campaigns. The "or-else" part was understood. If you didn't kick in, you might lose your job to a more cooperative citizen or forget about a promotion.

While protecting federal workers from partisan intimidation the Hatch Act also helped insure the public and administrations of both parties that they would be served impartially by the nonpartisan civil service. In turn, federal workers could expect to be treated like professionals by both Republican and Democratic administrations.

Loosening these restrictions, as legislation passed last week by the House would do, runs the risk of politicizing the federal service, to make merit less important than political orientation. The bill would permit civil service and postal employees to run for local office, though not for federal or state office, on their own time without taking a leave of absence. More seriously, it would allow federal workers to manage political campaigns and raise money for candidates, though not during office hours.

The bill would not relax the present ban on federal employees using their positions or information they receive at work to advance political goals or candidates.

Even so, we see no good reason for dismantling a good-government law that has proved its worth for so many years. The argument that the Hatch Act unfairly strips federal workers of political rights is not persuasive, given the more important public benefits of insulating the civil service from partisan politics and the fact that the act has been upheld by the U.S. Supreme Court.

The Hatch Act isn't broken. Congress shouldn't tamper with it. And President Clinton, who has said he would sign the legislation, should not be encouraging this ill-considered "reform."

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[From the Winchester (VA) Star, May 20,
1993]

### GOOD LAW: THE HATCH ACT MUST BE PRESERVED

Rights, rights, rights—everyone, or so it seems, is in a swivet over their rights, real or imagined. Little is said about "privilege" or "responsibility."

The latest cudgel brandished over "rights" has been raised (supposedly) on behalf of this nation's 3 million Civil Service workers. Certain members of Congress would have us believe that the political rights of these federal employees have been abridged or restricted by the provisions of the Hatch Act, the 1939 law passed specifically to protect these workers from political coercion and to shield the electorate from the machinations of a politicized federal work force.

The Hatch Act was good law in 1939; it remains so today, an opinion roundly seconded by—you guessed it—the Civil Service workers themselves. A 1992 survey by the Merit Systems Protection Board determined that a whopping 70 percent of these employees either oppose evisceration of the Hatch Act or see no need to change this landmark federal law.

This study is apparently lost on Congress, but then, as the old saying goes, "there are none so blind as those who will not see." By a decisive 333–86 count last February, the House voted to all but repeal the Hatch Act. A similar bill will come to a vote any day now in the Senate.

In 1990, when a veto of similar legislation by then-President Bush was barely upheld, both Virginia senators, Republican John Warner and Democrat Charles Robb, cast their lot with those who would gut the Hatch Act. We strongly urge them not to do so again.

Our two senators need to understand that, in addition to the fact that federal employees do not wish to see this law erased from the books—by and large, they cherish the protection it provides—repeal of this act would signal a return to the old and far-from-lamented days of patronage when the adage "To the victor belongs the spoils" truly applied. The last thing this nation needs is for federal employee unions to become organs of political patronage.

Essentially, only the Hatch Act stands between this reality and a certain degree of integrity in Civil Service hiring and promotion. To be sure, federal employees forfeit the "right" to actively engage in partisan politics, but then such is the responsibility inherent in the "privilege" of working for the U.S. government.

Such is the principle that animated passage of the Hatch Act in 1939; such is the principle that must inspire its protection today.

**Mr. ROTH.** How much time remains, Madam President?

**The PRESIDING OFFICER.** Four minutes and 57 seconds.

**Mr. ROTH.** I yield the floor.

**Mr. GLENN** addressed the Chair.

**The PRESIDING OFFICER.** The Senator from Ohio.

**Mr. GLENN.** Madam President, how much time do I have remaining?

**The PRESIDING OFFICER.** Six minutes and 55 seconds.

**Mr. GLENN.** I thank the Chair.

Just a couple of short comments. I will not go back through all of the previous points we made, for which I am sure everyone will be grateful.

I do want to remark that President Ford's veto of the legislation back in, I believe, 1976 keeps coming up here. I would submit what President Ford vetoed, major parts of that were what we see in what we have over in the House bill. That bill in 1976, I believe, permitted solicitation in the public by civil service employees, permitted them to run for partisan political office. It was vetoed and I do not disagree with that at all.

Much was made of the fact, "if it ain't broke, don't fix it," which someone quoted on the chart here. But under the Merit Systems Protection Board, at least 32 percent of the people said they thought some fixing was needed and 41 percent did not have an opinion one way or the other. They could have broken either way on that. So at least 32 percent of the people said they felt it did need some fixing, basically.

As far as Federal employees saying do not do away with the Hatch Act, I agree with that 100 percent. And I agree with the former director of the civil service, Mr. Rosen, who testified before the committee, as was quoted here a few moments ago, saying, since 1939, we did not need to make changes and the fact that time had gone by did not remove the need for the Hatch Act.

I have said repeatedly on this floor that I support the Hatch Act. All we are doing is making it better, with careful controls. At the heart of all this argument is whether there is going to be coercion or not, will civil service employees be coerced. We put in very tough penalties against that. The newspaper reports quoted repeatedly I believe refer to the House act. In fact, some of them specifically say that and we should not be dismantling the law. How anybody can conceive anything in S. 185 that is going to be dismantling the law is—if you read it, that is not what this does.

As far as managing political campaigns, which would be permitted, I submit we need remember that the other provisions in here that prohibit raising any money, cannot go out and solicit contributions—if you cannot do that and you are going to be a political manager, it seems to me you are not going to manage anything of any substance, if you are not able to go out and ask for any money whatsoever.

What this does do is permit places like Connecticut that has a caucus—they decide things by caucus—we would permit people to go to those caucuses and express themselves as part of that caucus? Absolutely. We encourage them to do it. Why not? We are supposed to be encouraging Americans to take part in their political system as much as possible, within limits in this case; within limits.

As far as the references to the District of Columbia, I will say this: While the investigation is going on in the District of Columbia as to whether they have violated any law in how they raise their money, under S. 185, the penalties for people who violate the law in the District of Columbia will be higher than they are under present law. In other words, we tighten up.

So if we are going to try and get something that is going to apply, that is going to bring the District of Columbia into line, as far as violations of fundraising, under S. 185, they are going to have greater penalties than they have right now.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Madam President, in just a very few minutes, there will be two votes on Roth amendments. The first vote will be on a sense-of-the-Senate resolution which would provide that that the conferees would, in effect, make it clear that Federal employees cannot run for partisan politics; and second, it would also provide that Federal employees cannot solicit the public for contributions for partisan purposes. We think this is a critically important sense-of-the-Senate resolution, particularly in the sense that it gives direction to the conferees when we meet with the House conferees.

My second amendment would provide Federal employees with an opportunity to vote in a referendum on whether they want the expanded Hatch amendments to apply. There would be two elections held at the same time. One would cover all civil servants within the executive branch. The second would cover all postal employees. Every 10 years, each group—civil servants within the executive branch and postal employees—would vote to decide whether the group should be covered by current law or the proposed changes under S. 185. The amendment requires the executive branch and the Postal Service to each hold an employee referendum every 10 years to determine whether to have this legislation or the current Hatch Act law apply.

The purpose of this amendment is simply to provide our employees with a choice to select either current law or S. 185. Make no mistake, Madam President, this legislation will have a dramatic impact on the merit system. Employees should have the opportunity to decide whether they prefer the Hatch Act protections or not. Let us let the civil servants to will have to contend with the subtle pressures decide whether the executive branch and Postal Service should remain intact.

I urge my fellow colleagues to vote favorably, to vote aye on each of these amendments. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Ohio.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, it is my understanding we have to set aside the current legislation being considered and go back to the unanimous-consent request that was agreed to where the sense-of-the-Senate resolution will be voted on first and then the other amendment will be voted on secondly. Have the yeas and nays been ordered on the sense-of-the-Senate resolution?

The PRESIDING OFFICER. They have not.

Mr. ROTH. I so request the yeas and nays, Madam President.

The PRESIDING OFFICER. Is this a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### VOTE ON AMENDMENT NO. 565

The PRESIDING OFFICER. The question is on agreeing to amendment No. 565. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Iowa [Mr. GRASSLEY] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Wellstone
Wofford

NAYS—4

Lieberman
Metzenbaum
Moseley-Braun
Simon

NOT VOTING—4

Grassley
Harkin
Specter
Warner

So the amendment (No. 565) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON AMENDMENT NO. 566

The PRESIDING OFFICER. The question now occurs on the Roth amendment No. 566.

Mr. GLENN. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Iowa [Mr. GRASSLEY] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Craig
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wofford

NAYS—34

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Gregg
Hatch
Helms
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Thurmond
Wallop

NOT VOTING—4

Grassley
Harkin
Specter
Warner

So the motion to lay on the table the amendment (No. 566) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, so that we will have some idea of the order here on the floor for the rest of the afternoon, for a little while anyway—and I think it has been agreed to on both sides—I ask unanimous consent that Senator DODD be recognized for a statement for 10 minutes and that, following that, Senator MCCAIN be recognized to present an amendment. And while there is no time limit on that, I ask there be no second-degree amendments to the McCain amendment.

Mr. CHAFEE. Madam President, I wonder if I might ask the parties involved here, I would also appreciate being able to have 10 minutes for a statement, as in morning business. I appreciate the Senator from Arizona is maybe waiting impatiently; I do not know, maybe patiently. I wonder if I could get in there for 10 minutes after the Senator from Connecticut.

Mr. GLENN. I modify the request to that effect; that Senator DODD be recognized for 10 minutes, Senator CHAFEE be recognized for 10 minutes, and Senator MCCAIN then be recognized for an amendment, with no amendment thereto.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Will the Senator yield to me for 30 seconds?

Mr. DODD. I am happy to yield.

### EXPLANATION OF ABSENCES

Mr. DOLE. Madam President, I want the record to reflect, as I did earlier, that the Senator from Iowa [Mr. GRASSLEY] is necessarily absent because of the damaging floods in Iowa; the Senator from Virginia [Mr. WARNER] is absent because of surgery on his daughter today in Philadelphia; and, of course, the Senator from Pennsylvania [Mr. SPECTER] is absent because of his own operation and recovery. And, I might say to my colleagues, he is doing quite well.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Thank you, Madam President.

Let me begin by thanking my colleague from Ohio, as well as the Senator from Arizona and others for their indulgence here.

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## NOMINATION OF DR. M. JOCELYN ELDERS TO BE SURGEON GENERAL

Mr. DODD. Madam President, I rise this afternoon to strongly support President Clinton's nominee for U.S. Surgeon General, Dr. Jocelyn Elders. Despite her numerous qualifications and the many endorsements that she has received—and they are truly many—I believe and I fear that her confirmation is going to be contentious, based on some of the reports which we have heard already.

Madam President, Dr. Elders has proven throughout her career, as both a pediatrician and public servant, that she will be a strong champion for the public health of this Nation, and particularly—and the reason I take the floor today—because she will be a strong champion for the well-being of children.

And as Chair of the Subcommittee on Children, Families, Drugs and Alcoholism, I am particularly interested in her record and background as an advocate of children during her tenure of almost 6 years as the head of the health department for the State of Arkansas.

Dr. Elders' commitment to children is clear and her accomplishments in this area I find to be tremendously impressive.

She began her medical career as a pediatrician and became the first black chief resident in pediatrics at the University of Arkansas. From there, she became a research fellow, an associate professor, and in 1976, a full professor. Her research has focused on diabetes and growth disorders in children, and she has authored more than 150 articles in scientific publications. Truly a remarkable academic record and career.

I do not think anyone would argue or quarrel with her qualifications as an educator, as a professor, or teacher, or her professional qualifications to the job to which she has been nominated. Indeed, her strong record led then Governor Clinton to name her as director of health in the State of Arkansas, as I mentioned a moment ago, and she held that position for almost 6 years. In that role, she became known not only in her own State but throughout the country for her ability to draw attention to the health needs in her State and the special needs of youth. She oversaw improvements in public health in Arkansas, including improved childhood immunization rates and prenatal care programs.

But her distinguished résumé is only part of the story. Dr. Elders is well known not just for her résumé, but also for her actions—most important her willingness to take on difficult problems.

This country needs, in my view—and I think and I hope the view of all of us—a surgeon general who is willing to tackle some of the difficult questions and bring them to the attention of the American public and the Congress and the executive branch.

We face many, many public health problems. For some of them, answers seem almost impossible. Certainly we see an appallingly high infant mortality rate, an AIDS epidemic that is growing by leaps and bounds, low rates of immunization and teenage pregnancy just to mention a few of the problems. Even in States like mine, where we purchase the vaccinations, we only have a 63-percent immunization rate.

More than a million teenagers in this country get pregnant each year. More than 40 percent of the girls in our Nation become pregnant before they are 20 years of age, and close to one-quarter of all adolescents—male and female—become infected with a sexually transmitted disease.

I wish those facts did not exist. I wish they were not the case. I get upset even reading them. But, frankly, for too long, I think, we have not wanted to hear these things, hoped they would stay away, stay in the cities, or stay in some rural community, and not enter our own lives. The fact of the matter is they are very much a part of our lives and they threaten the very fabric of this country. We need someone to stand up and remind us that they are there and try to help us come up with some intelligent solutions.

In my own State of Connecticut, more teenage girls in Hartford will have babies than graduate from high school. That ought to scare everybody in this country.

Let me repeat it. In the capital city of Hartford, CT, more teenage girls will get pregnant than get a high school diploma. That is a fact that is frightening.

The fact we have someone who has been nominated for this position, who spent some time wrestling with these questions, trying to come up with some answer, I think ought to be applauded rather than argued about. Teen pregnancy is not a problem we can ignore, nor one we just accept and address only after the fact.

Dr. Elders has expressed her commitment to change this sort of statistic so that our young people can finish school and take control of their lives.

Dr. Elder's opponents are going to claim, and have already, that she is radical, dangerous, that she has radical ideas, dangerous ideas. They say that she will tarnish the innocence of children. I just ask you this afternoon, it is 3 o'clock, to turn on your TV's. Watch the soap operas this afternoon and ask yourself whether or not they are going to be tarnished by Dr. Elders or the tripe that comes across television soap operas in the afternoon where 6- and 7-year-olds are watching programs that have a far greater effect on their innocence than Dr. Elders, who has a distinguished record in trying to deal with these problems?

We have been told she is outspoken, she is blunt, that she is very direct and does not mince words. It sort of reminds me, with all due respect, of the Presiding Officer, in a way, who is appreciated immensely in this body. But let me tell you somebody else who has qualities like that. A person by the name of C. Everett Koop.

Let me tell you, Madam President, I regretfully voted against Dr. Koop's nomination when his nomination came before this body a number of years ago. I thought that maybe he was just too far out, in a way, for that kind of position. We do not often stand here and admit mistakes or votes we wish we could have back. But if I could have that vote back, I would like to have it back because he did a tremendous job. He was direct, he was blunt, he spoke out honestly about things as he saw them. Frankly, I think we are better as a country because he served.

In many ways, Dr. Elders is sort of like C. Everett Koop. They have the same sort of personalities. Frankly, I think that is good for the country.

I wanted to take the floor this afternoon to express my strong views about it. On inspection, Dr. Elders' ideas and goals are ones that I believe most of us would agree with. We are told they are dangerous, radical. What does she really want to do? What has she done? She wants to keep the children healthy by educating them to avoid harmful behavior. What a radical idea. She wants to provide them with access to primary and preventive care. For example, Dr. Elders saw that children were not using the State's public health clinics so she established clinics in the schools. A radical, dangerous idea. Today, everyone applauds it in Arkansas. It has made a tremendous difference in their lives.

Yet, she is considered dangerous for that radical idea. These clinics now reach children who otherwise would not have had any access to health care. I do not think that is radical or dangerous. I think it is common sense. It is about time many other people woke up to the fact.

Dr. Elders' opponents charge she supports sex education for kindergartners and contraceptives in schools, as if she hopes to steal the innocence of our Nation's youth. They misrepresent her goals and her actions. It is unfair and it is wrong to tarnish the record of this distinguished physician with accusations like this.

Dr. Elders always said sex education should be tailored to a child's age. She stated in a speech to the American Association of University Women that comprehensive health and family life education—and I quote her—"* * * should be appropriate to the child's ability to understand and the need to know."

I said a moment ago, you can turn on your television sets and watch in the afternoon what is having a far greater impact on children's innocence, if you will, than some of the suggestions that Dr. Elders has come up with in trying to address this problem. Dr. Elders pushes to educate at younger ages because she knows, as publicly stated, the messages they get from television, videos, older siblings and even parents do not respect their ages at all when these matters are being addressed.

In her efforts to educate youths about sexuality, Dr. Elders has worked to make youth more responsible and healthier, not to tarnish their innocence. She has been described by Harry Ward, the medical chancellor at the University of Arkansas Medical School—and I quote him—as "the conscience of health care in our State, speaking out in a very candid way on every major health care issue, from teenage pregnancy to poverty."

We clearly need, in my view, a Surgeon General to serve as the conscience of health care for our country. What is wrong with that? Who will face the realities that make us all uncomfortable, to some degree, but maybe make us wake up to the reality?

I had the pleasure of meeting her recently. We discussed the problems and obstacles facing our Nation's youth. We talked about a particular concern of mine—youth violence. Dr. Elders understands the relationship between the high rate of violence and other social problems. She knows health problems and other social ills are linked, and she is right. She knows to improve health, we have to address the related problems of drugs, alcoholism, homicide, suicide, accidents, AIDS, teen pregnancy, sexually transmitted diseases and the like. You cannot deal with these in a vacuum.

Opponents want to make her out as an extremist somehow. My colleagues should recognize Dr. Elders' willingness to speak out on difficult issues and not bow to political pressures does not make her extreme. It would be rather like fresh air, in my view, to have the kind of Dr. C. Everett Koop involvement in our health care issues.

I just would like to point out lastly, if I could, Madam President, that she has received many endorsements—and I think this is worth noting. We all get different views from other people. What do the people in Arkansas think about her? Let us assume for a second not everybody in Arkansas is a radical or dangerous or an extremist. What about the people who worked with her for 6 years in that State?

She received the American Medical Association's Nathan Davis Award and its National Congress on Adolescent Health Award for outstanding efforts on behalf of the Nation's children. The National Governors' Association has given her its Distinguished Service Award. As of July 9, close to 100 private and nonprofit and public organizations have endorsed her nomination.

Of particular note are those she has gotten from her own State: The Arkansas Chapter of the Society for Public

Health Education; the Arkansas Hospital Association, the Arkansas Medical Society—that is a radical group, I am sure—the Arkansas PTA—that must be a radical group—the Parent Teachers Association in Arkansas; the Arkansas Public Health Association, and the list goes on.

All I say is that before we start listening to those who have just come to find out that Dr. Elders exists and all of a sudden want to make case against her. I urge my colleagues to go back and look at the people who have known her, worked with her, and spent the last 6 years with her on issues of common concern.

So I hope that as we take up the nomination later this week in committee that we will focus on the promise that I think she offers our country, particularly our children. President Clinton has emphasized the need for change in this country. I think Jocelyn Elders embodies what President Clinton has described. I urge my colleagues, before taking any premature position on this issue, to give her the benefit of at least looking at the record, examining what others who worked with her have said about her. I think they will come to the same conclusion that I have.

Madam President, I urge her nomination and confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

## MASS SHOOTINGS BY DISGRUNTLED PERSONS

Mr. CHAFEE. Madam President, in May of this year, I reintroduced my Public Health and Safety Act, which is legislation to ban the sale, the manufacture, and the possession of handguns. My legislation, which is Senate bill 892, would establish a grace period of 6 months, during which time a handgun owner could turn in his or her firearm and receive the weapon's fair market value or $25, whichever is greater. After the 6-month period, no one may possess a handgun, except for law enforcement, military, antique collectors, target shooters who belong to some club, and security guards.

No one in this country could have failed to hear about the grisly mass shooting that took place just 2 weeks ago this afternoon in San Francisco at a law firm. Fifty-five-year-old Gian Luigi Ferri entered the building at 101 California Street in downtown San Francisco, took an elevator up to the 34th floor, and began shooting. He first shot into a glass conference room where lawyer Jack Brennan—I might say, Madam President, Jack Brennan went to Brown University in my home State. So I feel some sort of a tie. I have never met Jack Brennan, never heard of him but he went to Brown University in my State—he was in this conference room talking with a client, Jody Sposato. Also present in the room was a defense attorney, a Ms. O'Roke and a court reporter, Deanna Eaves. They were having a deposition in this conference room.

Brennan and Sposato were killed in that first burst of gunfire. O'Roke and Eaves were seriously wounded. The gunman, armed with three semiautomatic handguns, continued to go around the perimeter of the law office and killed a lawyer, Allan Berk, critically wounded a gentleman named Brian Berger. He then took the stairs to the 33d and 32d floors and stopped at each floor killing and wounding several more employees. When the slaughter was over, eight people were dead and six people were badly wounded. This is the largest mass murder in San Francisco history.

Madam President, this incident is horrifying, but is it surprising? We have 70 million handguns in the United States of America, with 2 million being added every single year.

What is happening across the country? Let us listen.

October 1992, Watkins Glen, NY. John Miller walked into the County Department of Social Services in the tiny town of Watkins Glen, shot four female employees with a 9-millimeter semiautomatic handgun. All four were killed instantly. He said he was angry because he had to pay child support.

January 1993, Miami, FL. Steve Alford, a new employee at A&E Aircraft, shot and killed with a handgun his former girlfriend and two coworkers at the company Christmas party.

February 1993, Tampa, FL. Paul Calden, an insurance manager fired after a stormy 2-year period with Fireman's Fund Insurance Co., walked into a cafeteria where five company executives were lunching and pulled a handgun out from under his coat, saying, "This is what you get for firing me," and shot all five, killing three, and wounding two of them.

February 1993, Houston, TX. After being fired for theft and harassment, Fernando Ruiz, an employee of Dahn's Fresh Herbs, went to his car, found his semiautomatic pistol, returned to his boss' office, shot him several times in the upper body, then turned on a coworker and critically wounded her.

February 1993, Santa Fe Springs, CA. Wanda Rodgers, fired from her job as a social worker with the Los Angeles Department of Children's Services, disguised herself with a wig, walked into her former boss' office, and shot her boss in the face.

February 1993, El Dorado, AR. Thirty-seven-year-old Michael Burns opened fire at his place of employment, Prescolite Co., apparently because he was upset at being harassed by a coworker. He was stopped only after he was hit on the head with a pipe by another employee. Meanwhile, he killed one person and sent eight to the hospital with severe wounds.

April 1993, Dallas, TX. A former Avis Rent-a-Car employee, fired after an altercation with a coworker who had also been his girlfriend, returned to the agency and shot her and two others with a .38-caliber semiautomatic handgun.

April 1993, Burlington, NC. A disgruntled employee opened fire at the local Winn-Dixie supermarket, killed a coworker and wounded two others.

In post offices across the country since 1981, there have been 11 shooting sprees and 36 people have been killed.

Listen to this: Today, murder is the No. 1 cause of fatal, on-the-job injuries for women. And it is the No. 3 cause for men. Think about it. Murder—not accidents with machinery or falls or poisonings or motor vehicle accidents—murder is the No. 1 cause of death for women on the job. Murder is a major cause of death for men on the job.

Now, what does the National Rifle Association say about all this? After the San Francisco shooting that I just described to you—eight people killed, six wounded—the National Rifle Association said that calls for gun control were sideshows and that the debate should focus on the criminal justice reform system to keep violent people in prison.

Well, let us talk about that. The San Francisco gunman had gone across the State line into Nevada and bought three semiautomatic handguns, which was perfectly legal there. The FBI says he had no criminal record. His acquaintances and even his ex-wife said he was a genial person who hated violence. There was no outward indication of his violent intentions, no criminal past. Who would have said that he, as the NRA said, was what they term a violent person.

In virtually every case of a disgruntled employee, the gun used was a handgun. Why not? Anybody can buy a handgun. We all know it. There are more than 70 million handguns in the United States, as I said before, with 2 million being added every year. Anyone can get their hands on a handgun. And that includes people with no criminal record who may be under a strain or disgruntled or angry or drugged and who may use that handgun to cause untold injury and suffering.

Madam President, this slaughter is going to continue across our country until we do something about it. And there is no way of doing it until we get to a total ban on handguns. So I urge my colleagues to join in support of my Public Health and Safety Act, S. 892.

Madam President, I ask unanimous consent there be printed in the RECORD with these remarks an article from this week's Newsweek entitled "Waging War in the Workplace. How employers are struggling to deal with a rising tide of violence on the job"—violence in nearly every instance coming from handguns.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, July 19, 1993]

WAGING WAR IN THE WORKPLACE

Americans are used to seeing a stream of funerals for victims of violent crime. But consider 10 particular July funerals, each for someone who was killed, in the space of one week, in a place that seemed the least likely to be visited by violent death. Each was killed at work.

Maria Escobedo, 26, was shot at Meridian Oil Inc. in Houston, where she was a secretary. Bruce Flippin, 49, was killed at the John Dewar meatpacking company in Boston, where he was plant manager. Lawyer John Scully, 28, and seven other people were killed at the offices of Pettit & Martin in San Francisco: Scully died shielding another wounded lawyer, his wife. The San Francisco murderer was Gian Luigi Fern, a failed businessman who blamed lawyers, among others, for his problems, and took two 9-mm semiautomatic pistols up to the 34th floor of a downtown skyscraper to prove his point.

While the San Francisco killings made national headlines, news of the others blended into the usual busy flow of crime reports. But these deaths mark the invasion of violence into another seemingly safe place in the social landscape. Crimes of the workplace manifest themselves in different ways. Ferri was a former client of Pettit & Martin, and he believed they gave him bad advice. Escobedo was killed by an estranged boyfriend after a domestic dispute spilled over at work. But for many killers, the workplace itself is the target. The U.S. Postal Service, where 38 employees have died violently since 1986, is studying ways to give workers more voice in their work lives. The Department of Energy is evaluating potential threats at nuclear and other facilities. Private employers are installing hot lines to pick up tips on employees most likely to explode when a layoff is announced.

Since 1980, at least 750 people a year have been murdered at work, making it the third leading cause of occupational death, and the first cause of death for women at work, says the National Institute for Occupational Safety and Health, a government agency. The numbers of managers killed by employees doubled, to 24 a year from 12, says James Fox, dean of the College of Criminal Justice at Northeastern University. First Security Services in Boston now fields eight times the number of queries it did a year ago from executives threatened with violence. Last fall NIOSH issued a report declaring workplace homicide a "significant" public-health problem, and recently asked the Federal Bureau of Investigation to begin tracking these homicides separately. Deaths themselves are just the "tip of the iceberg," says Joseph A. Kinney, executive director of the National Safe Workplace Institute. Garry Mathiason, a San Francisco lawyer, estimates that there are at least 30,000 violent incidents a year.

Such statistics paint a picture of the problem, but hardly answer the hard questions:

WHY IS THIS HAPPENING NOW?

The violent workplace mirrors an increasingly violent society. The proliferation of guns, for example, is a factor; 75 percent of workplace homicides are committed with firearms, says NIOSH. Domestic violence has spilled into the workplace, ironically, as it has been pushed out of the home; a man who is slapped with a restraining order on a woman's home can still track her down at the office.

But in a flat economy, many people with mounting bills, a pressured job or the loss of one sees their employers and other organizations as the source of the problem. Last week a man who officials said had lost his disability pay stormed a state insurance office in Las Vegas. Most employees who kill managers or colleagues have been fired or feel mistreated. When "employees are treated as disposable commodities," says Bruce Blythe, president of Crisis Management International, the company loses moral authority. Reports of sky-high executive salaries exacerbate such anger, says a compensation expert. "We have a war of haves and have-nots," says Ira A. Lipman, chairman of Guardsmark, Inc., a security firm. The have-nots probably won't rise up and revolt. But the workplace has become an ad hoc battlefield.

WHEN DOES SOMEONE ANGRY BECOME MURDEROUS, AND WHO IS LIKELY TO EXPLODE?

If the workplace murder is the result of a robbery or a domestic-violence dispute, the profile is familiar. But with other cases, people are tempted to dismiss the killer as a crazy or criminal individual who would have committed murder somewhere, sometime, and simply couldn't be stopped. Experts say it isn't that simple. "The idea of a normal person snapping is absolutely wrong" says attorney Mathiason, but "it is also wrong to view them [all] as a criminal type." Some show anger and suspicion that border on clinical paranoia. But many, argues John Hamrock, head of the employee-assistance program for Amoco Corp., are people whose unanswered résumés and unpaid medical bills mount until "they become so overwhelmed with feelings of futility that they just explode."

Those who target the workplace fit a general profile: they are primarily white males who have few social supports, tend to "externalize" or blame others for their problems and are preoccupied with weapons. San Francisco Police said Ferri had gun magazines in his apartment. Even more than most Americans, these men identify themselves with their work. "His primary anchor to society is his job," says Steve Kaufer, a Plan Springs security consultant. "When he loses his job, he goes ballistic." When Larry Hansel was fired from Elgar Corp. in 1991, he killed two supervisors he deemed responsible.

BUT WHAT CAN EMPLOYERS DO?

According to experts, quite a lot. Many killers, for example, signal their intention, but companies may ignore the signs. When claims manager Paul Calden was fired from Fireman's Fund Insurance in Tampa, Fla., last year, he told the personnel executive, "You haven't heard the last of this," according to Det. Sgt. Harold Sells. She wrote up the comment in a memo to supervisors, but nothing was done. In January of this year, eight months later, Calden returned, killing the personnel manager. Fireman's Fund, which could face lawsuits, declined to comment.

If managers hear of a problem, consultants believe, intervention is possible. Late last year Blythe was called into one company after a longtime employee began to act menacingly. He had swung a piece of pipe at a wall near another worker's head and told the plant nurse that he'd like to kill people. Aided by plainclothes police and a psychiatrist, Blythe and a union/management team confronted the man, demanding that he take a paid leave and get help. Six months later he is on medication for depression—and back on the job.

Particularly autocratic work environments can be a problem. When an employee feels powerless, he may be more likely to strike out. The Postal Service now holds focus groups for employee input and is hiring managers with better interpersonal skills. Sensitivity to employees is particularly vital when layoffs are announced. Don't follow the example of General Dynamics Corp., warns Northeastern's Dean Fox. Earlier this year the company gave a longtime employee a pink slip on the day he returned to work after burying his 6-year-old son. This is especially striking, says Fox, because it was at General Dynamics a year earlier that former employee Robert Earl Mack shot and killed a supervisor, after he was fired while on a forced leave he believed was temporary (page 34). General Dynamics admitted that the layoff this year was mishandled.

Even where violence clearly comes from outside the workplace, employers can make a difference. When you hear of yet another convenience-store robbery, for example, you may not think of it as workplace homicide. But robbery has become an occupational hazard, say safety advocates, akin to handling molten metal in a steel plant. An employer, they say, must provide bulletproof glass for a store clerk, just as he would a pair of safety goggles. A NIOSH task force is studying the design and operation of convenience stores to develop a set of such safety measures. Some states have already acted; a new Florida law requires that such stores install cameras and alarms and put at least two clerks on duty at night.

Domestic violence that migrates to the workplace can also be an employer's business. Mathiason cites a client who intervened and saved a life. When the company discovered that its receptionist's husband was threatening her, says Mathiason, he advised that it contact police, get a restraining order and move the woman from the lobby to the second floor. Days later the husband drove a truck into the building, crushing the desk his wife had occupied.

Still, there are obstacles—many of them legal—to companies' efforts to protect employees. Firing an employee who seems dangerous because of an alcohol or emotional problem could violate laws protecting disabled workers. Warning a prospective employer about an unstable applicant could provoke charges of slander. Investigation of an employee's problems can raise issues of violations of privacy.

But companies will have to find answers. If for no reason other than financial. Courts in Florida and Texas ruled that employers found negligent have to pay awards to families of murdered victims. Insurance premiums are going up, and fearful employees and managers alike are preoccupied. In 1977, when Johnny Paycheck sang "Take This Job and Shove It," millions could sing along—and laugh. These days, there's little to laugh about.

Mr. CHAFEE. I thank the Chair, and I again thank my distinguished colleague from Arizona.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Arizona.

Mr. MCCAIN. If the Senator from Rhode Island has more, I would be more than willing to grant him additional time.

Mr. CHAFEE. I thank the Senator very much. No. That completes my remarks. I thank the Senator for giving me the time.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 567

(Purpose: To provide military personnel the same political freedoms as civilian personnel)

Mr. MCCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 567:

On page 14, strike lines 13 and 14 and insert in lieu thereof:

"or

(D) any member of the uniformed services, including any National Guard or reserve personnel;"

Mr. MCCAIN. Madam President, the amendment that I am proposing is very simple and straightforward. It ensures equality under the law for military as well as civilian employees of the Government. Specifically, it amends the bill's definition of employee to include and not exclude members of our Armed Forces.

Madam President, I would like to say at the onset I regret finding myself on the opposite side of this issue with my friend from Ohio, who has extensive military experience and background, as we know. But I do believe it is an issue of basic fairness and equity, and I think it has some more consequences associated with it if we fail to allow the members of the armed services, the men and women in an All-Volunteer Force, the same kind of political liberties that we are going to—and I have every confidence that this revision of the Hatch Act will pass—extend to those men and women who are in employment of the Federal Government.

I have supported this legislation. I believe that the Hatch Act is outdated and has acted to unduly restrict the right of Federal employees. But I also believe that the same holds true for members of the military.

Madam President, there is another disturbing part of the bill that I will talk about later on concerning garnishment, but I hope that there are going to be some corrections made as far as that is concerned.

I have great confidence in the members of the military, as I do with the civil service, that this new freedom would not be abused or violated. As we all know, in case of abuse or violation of the restrictions that are still remaining, there will be serious punishment. And I believe that we can depend on the men and women in the military to exercise this liberty judiciously and, frankly, with the maturity that we find prevalent throughout the military.

Let me point out why I think it would be wrong to exclude the military. We have an All-Volunteer Force. We did away with conscription many years ago. The All-Volunteer Force in the judgment of all has been successful from a military standpoint.

The performance of the men and women in the operations in Desert Storm in the Persian Gulf were exemplary and probably the most efficient performance that we have seen perhaps in the entire military history of this Nation.

But I also see another aspect of the All-Volunteer Force that disturbs me. That is that we are now seeing a certain separation between men and women in the military and those who are not. When I was much younger and reached the age of 18, it was clear in our country that a male—in those days a male was either going to go to school and then serve in the military or go into military service. We had basically uniform military service by all male members of our society.

This, I think, made an enormous contribution to our society. I think it gave men from all walks of life the opportunity, the experience of serving in the military. I think it served them in good stead. I think it gave them a sense of discipline and a sense of patriotism that sometimes is lacking in some members of our society. And I believe that if we returned to conscription, that would hold true for women as well as for men.

But now I see a society—and I see this reflected in the press to some degree—where the members of the military service are sometimes treated as sort of very different from average society. They are described as "they" and "them," not "we" or "us." I see the volunteers coming into the military service coming from fundamentally one economic strata of our society. I have to say in all candor, Madam President, it has been a long time since I have seen the children of very wealthy parents enlisting in the armed services of the United States. I would add, in all fairness, that there were ways to avoid military service when we had conscription. Many took advantage of it. Many more took advantage of ways to avoid military service in the Vietnam war, but the Vietnam war period was an aberration as opposed to the normal custom and habit of American citizens, which was to serve their country for a certain period of time in the military for most of this century.

So now we are telling the men and women in the military, those who volunteer for military service, that we are going to allow other people who work for the Government of the United States to engage in a fairly broad latitude of political activity, but we are going to tell the men and women in the military service, I am sorry, but you are going to continue to be restricted by what Senator GLENN described as outmoded rules and regulations, but the rest of the men and women who work for the Federal Government, for our Government, will be free to engage in political activity in a much broader way. I think, frankly, it is fundamentally unfair. The argument will be raised that men and women in the military are on duty 24 hours a day, so, therefore, they would not have off-duty time in order to engage in political activity.

First of all, if they are on duty 24 hours a day, so are the men and women who work for the FBI and the CIA. Yet, I see no exclusion for those people, who are also in the Secret Service, who are on duty 24 hours a day as well.

We also know that under most circumstances in peacetime there is off-duty time for the military when they can put on their civilian clothes, leave the base, go to the movies, enjoy recreation, in this case not political activity because, according to the Hatch Act, they are not allowed to and according to this provision in the Hatch Act they are not allowed to.

So I guess my point is, Madam President, that we are now in a situation in our society where there is a certain difference, a gap, between those who serve and those who do not. There is a certain segment of our society who do not serve in the military anymore. But, thank God, there is an outstanding group of young men and women who do serve our country in the military. And by passing this legislation, which I support, and without allowing them the same freedom as other public servants, we are penalizing them for their service to our country in the riskiest and most dangerous part of public service.

My friend, Senator GLENN, gave one of the best arguments that I have heard to vote in favor of this amendment when he was speaking on the underlying legislation. I quote:

> The right of American citizens in good standing to participate in the politics of the Nation is a fundamental principle of our democratic society. To deny just a few is not American. This is a fundamental principle of our society.

I would say to my friend, the Senator from Ohio, that his words are absolutely correct. I agree with him. I would certainly not want a select few of our citizens not to enjoy the liberties that he is trying to extend to so many other wonderful and outstanding public servants.

This issue was voted on the last time around. I do not expect it to prevail. But I do think that it is very important that we all understand what we are voting on here. What we are voting on is a fundamental issue of fairness.

Unfortunately, the men and women in the military, the bulk of whom make less than $20,000 a year, the majority of whom average in the late teens and early twenties, do not have any lobbyists. When I go out here by the elevator, I see people who are friends of mine, who are here lobbying in behalf of a broad spectrum of public servants and who have written to me, who have contributed to my campaigns, who have been extremely active not only here in Washington but back in the States. I see their pressure brought to bear in order to ensure—which is their right to do, not only their right, but it is, in some ways, their duty to do. This is the highest priority of many of the Government employees that will be affected by this legislation.

But, unfortunately, Madam President, there is no representative out there for the men and women in the military. There is nobody there who is representing the people who are representing this Nation and defending our vital national security interests and defending the very lives of many others all over the world. There is nobody there representing them. And I regret that. I would not allege that that is the reason they are being left out of this legislation, but I deeply regret that their voices are not heard. I know I speak for them because I have talked to many of them. They believe that they should have the same political rights as others who serve this Nation.

I hope that my colleagues will understand that even though they are not standing out there by the elevator, even though they have no representatives here in Washington who have offices and telephones and fax machines here in Washington in order to galvanize their employees and their supporters, their voice should be heard. I believe that I am speaking for them today in this amendment because I think the majority of them clearly want and deserve a fair and equal opportunity to engage in the political process of this country.

Madam President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, the distinguished Senator from Arizona, as usual, brings up a very interesting aspect of this and one that perhaps we should have considered more when we were reforming this legislation.

As Senator McCAIN mentioned, we both spent a considerable portion of our lives in the military and are very sympathetic to the military tradition in many, many ways. Part of that tradition, I believe, is the tradition we have had of treating military employees of the U.S. Government differently than civilian employees. By military employees, I mean military personnel.

There are different requirements on people in service to their Government, whether on the civil side or the military side. Over on that military side, we have a different pay system for the military. We have never said that civilian pay and military pay should be the same. In fact, we have tried several times to get them back together in some ways but have said, no, they are basically different. We have a different retirement system. I think that is entirely appropriate because I think it is proper that we have a different retirement system for those whose lives are actually out there on the line as opposed to those who serve their Government in a peacetime atmosphere, a peacetime role. We have different insurance systems. We have a different health care system for the military.

In addition, when you put on a military uniform, you agree to be treated differently than civilians in very major ways. You are on call 24 hours a day. That is not to say some other people are not on call, too, such as the Secret Service, FBI, people who could be brought back on duty. That is part of the agreement they signed when they signed on for the jobs that they have.

In the military you are literally on call 24 hours a day, and even though you may be off base and at home, or in your quarters on a base, you are still subject to immediate call, subject to orders that may send you out anywhere around the world. So it is a different kind of system. You are subject to a different system of promotions and restraints that are not exactly like the civil service. In fact, they are quite different from the Civil Service System.

All those differences, I submit, suggest that when it comes to active political activity, perhaps the military should also be treated differently. For instance, should the military be able to form a PAC and within their own ranks solicit money, not going outside to the public, but within their own ranks, and contribute to political funds, to particular races?

I do not believe we want to see that happen. I know that some of our NATO allies have gone exactly along that line. But without mentioning any particular nationality, we have seen unions in some of the military forces—and I am sure my distinguished colleague from Arizona would agree that we do not want to see things like that happen here. Nor am I throwing up the specter that that is about to happen here. I think if we were to consider letting the military form PAC's and solicit and contribute, we would have to talk about that very carefully before we set up a system that would permit that to occur.

In fact, I think what we are talking about are changes in the military that are far more profound than the changes that this bill makes for civilian employees. Back when the Hatch Act was originally put into law, the military was specifically not covered, back there in 1939, and was left to what devices they might want to put into place, to do basically the same thing in the military that the Hatch Act does for civilians. They did that. The military restrictions in fact are more strict, more restrictive than those provided in the Hatch Act.

I say to my good friend that when this legislation was being considered in the Governmental Affairs Committee, we did not consider whether military employees should be treated the same as civilian employees and whether there should be differences as far as political activity is concerned. These are very major changes, as the Senator from Arizona is well aware.

I do not say we should not consider this in the future. I know it was brought up last year, and maybe we should have considered it this year before we brought this piece of legislation back out again. We considered it in 1990. Maybe a profound change like this should have been taken into consideration, but this is a very profound change. It has had no hearings per se, no study, no examination of the consequences.

So I reluctantly have to oppose it. At the appropriate time I will move to table. But I do not want to restrict debate on this. For the reasons given, I have to disapprove at this time and will move to table at the appropriate time.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Madam President, the McCain amendment would extend the coverage of the Hatch Act to members of the Armed Forces. The Department of Defense currently has detailed regulations governing the political activities of military personnel in order to maintain the nonpolitical, nonpartisan tradition of military service. These regulations restrict a variety of political activities, while preserving many of the basic political rights of military personnel. It is my understanding that these restrictions have worked well, an that the regulations have not been found to be deficient. These restrictions are specifically tailored to the unique conditions of a military service, including worldwide deployment and 24-hour-a-day duty status.

I am concerned about whether the amendment, which has not received any hearings, would supersede or complicate the administration of current regulations. In my view, before any significant change in the political rights and activities of military personnel is enacted, there should be detailed hearings before both the Armed Services and Governmental Affairs Committee. Accordingly, I will support the motion to table the McCain amendment offered by the distinguished chairman of the Governmental Affairs Committee, Senator GLENN.

Mr. MCCAIN. I understand the Senator's desire to state the intent to table the amendment at the appropriate time. I am not sure there is a great deal more to say on the issue. I understand his concerns; I think they are legitimate. I will respond as far as raising money for PAC's is concerned.

I am told that the bill says that PAC's would be restricted to only those that are in creation at this time. I know of no military PAC that is being created. So I do not think that would apply if the military were included under this bill. If I am incorrect in that, I would be glad to be corrected.

Mr. GLENN. As I understand it, according to the staff, the only way they can raise money, which I brought up, would be if they had an employee's union, which has been formed by some NATO allies. If they formed a union within the military, they could form a PAC and raise money.

I would not favor such an activity, obviously. But that would be the way it could occur.

Mr. MCCAIN. Well, I say to my friend that on page 15 at the bottom of the page under 7323(a), and I do not want to get too much into it——

Mr. GLENN. On the bill?

Mr. MCCAIN. Yes. It says:

> A member of the same Federal labor organization as defined under section 7103(4) of this title, or a Federal employee organization, which as of the date of enactment of the Hatch Act reform amendments of 1993 had a multicandidate political committee.

I read that as being restricted to only those that were formed as of the date of enactment, whether the formed a union or not. It seems to me this reading of the legislation means they could not form a PAC.

It is not a critical point, I say to my friend from Ohio.

What I get back to, I guess, is my concern about the issue of fairness and equity. I do understand the concern of my friend from Ohio about the possibility of the unionization of the military, et cetera. I do not think that is a likely happenstance. I do believe the result of including members of the military in the Hatch Act—when they are off duty, they would be motivated to engage in a certain level of political activity which has been the object of many of the efforts of the Senator from Ohio and from me and from this body. One of the primary objectives, as I understand it, of campaign finance reform is so we could involve more of our citizens. The great danger to our democracy as we know it, in the minds of many, is that fewer and fewer number of Americans participate in the political process.

I believe that what this amendment would do, obviously, would free up and motivate the men and women of the armed services—as we know, they are a relatively young age—to be involved in the political process.

I also regret that it was not part of the hearings. I do not know whose responsibility it was. Perhaps it was mine.

I, again, want to emphasize the fundamental point that I made earlier, which is that we better be very careful how differently we treat members of the military. If we have a segment of our society that becomes so different that it eventually becomes alienated, then there is some danger to our society. I am not in any way predicting that because of their failure to be included in this legislation, it would ultimately lead to that very unpleasant situation. But what I am saying is that these are men and women who voluntarily agree to serve their country for a certain period of time—some of them their entire adult lives, and most only for a few years. To deprive them of the right of political activity and penalize them for doing so, while at the same time they are entering a profession which entails the greatest risk, I think is a serious mistake and, frankly, a penalty which we should not exact on these young men and women.

So, Madam President, I am ready for Senator GLENN's tabling motion at this time.

Mr. GLENN. Madam President, I will move to table in a moment here.

I point out the Senator's legislation provides for any member of the uniformed services, including guard and reserve personnel, which I do not want to debate that right now, but it is all the more reason we ought to look at these carefully. You may have a number of personnel already in civil service and also in the guard and reserve.

What the implication of all that would be right now is something we have to look into.

As to who has been derelict in not looking into this, perhaps I am; perhaps the Senator from Arizona is; perhaps we both are. We have been on the Personnel Subcommittee on the Armed Services on the Governmental Affairs Committee now. So perhaps we can take the initiative in this in looking into it.

I am happy to work with the Senator from Arizona doing that.

Madam President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table the amendment No. 567.

The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Virginia [Mr. WARNER], are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. SPECTER], is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cochran
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—33

Bennett
Brown
Burns
Campbell
Coats
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Gorton
Gramm
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—5

Faircloth
Grassley
Harkin
Specter
Warner

So, the motion to lay on the table the amendment (No. 567) was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, I believe that the Senator from Arkansas has an amendment that he is prepared to offer at this time.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 568

(Purpose: To provide for the promulgation of regulations to garnish the pay of members of the uniformed services, and for other purposes)

Mr. PRYOR. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. CRAIG, proposes an amendment numbered 568.

Mr. PRYOR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, beginning with line 9, strike out all through "2101(3)" on line 10.

On page 33, strike out lines 11 through 20 and insert in lieu thereof the following:

"(A) by the President or his designee for each executive agency, except with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;

On page 34, line 7, strike out the quotation marks and the second period.

On page 34, insert between lines 7 and 8 the following new subsection:

"(k)(1) No later than 180 days after the date of the enactment of this Act, the Secretaries of the Executive departments concerned shall promulgate regulations to carry out the purposes of this section with regard to members of the uniformed services.

"(2) Such regulations shall include provisions for—

"(A) the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.); and

"(B) consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.

"(3) The Secretaries of the Executive departments concerned shall promulgate regulations under this subsection that are, as far as practicable, uniform for all of the uniformed services. The Secretary of Defense shall consult with the Secretary of Transportation with regard to the promulgation of such regulations that might affect members of the Coast Guard when the Coast Guard is operating as a service in the Navy.".

Mr. PRYOR. Madam President, in behalf of Senator CRAIG and myself, I send this amendment to the desk. It is very simple. It is my understanding—I hope I am not overspeaking myself—that this amendment has been accepted not only on our side but also on the other side of the aisle.

This amendment relates to garnishment of wages to the Federal employee sector, which has never been prevalent in the past. It is now going to be incorporated in the future in legislation that is going to be made the law of the land. However, the Clinton administration recently has expressed some very deep concern, grave concern, as a matter of fact, that the language approved by the Senate did not, in fact, adequately address the very unique situation that members of the uniformed services of the military may encounter because of their particular military duty.

In order to ensure that we do not create an unintended and inappropriate consequence for those in the military, I am joining today with my colleague and friend, Senator CRAIG—who, by the way, I might add, has done a tremendous amount of work in this whole field of Federal garnishment—in offering an amendment which provides latitude by removing the military from the formal garnishment procedures and, instead, provides for the Secretary of Defense to promulgate regulations authorizing involuntary allotments only when necessary to satisfy commercial debt.

This amendment, I might add, incorporates by reference the protections of the Soldiers and Sailors Relief Act of 1940. It goes a step further in requiring that the Secretary's regulations recognize those differences of military duties that may not be covered by the 1940 act.

Also, this amendment will make no change to existing child support enforcement laws.

This letter was sent to me on May 19, 1992, following our subcommittee hearings on Senator CRAIG'S original garnishment bill. General Alexander has testified in general in support of that bill. He offered, I thought, some very constructive suggestions in his letter as to how we might address certain of his specific concerns. The amendment I offer today, supported by Senator CRAIG, incorporates all of the general's recommendations and tracks closely his proposed legislative language.

I have the letter from General Alexander. I ask unanimous consent that the letter and several pages of questions and answers submitted by General Alexander be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, May 19, 1993.*

Hon. DAVID PRYOR,
*Chairman, Subcommittee on Federal Services, Post Office and Civil Service, Committee on Governmental Affairs, U.S. Senate.*

DEAR MR. CHAIRMAN: This is in reply to your letter of April 3, 1992 concerning the Subcommittee's hearing on the Garnishment Equalization Act of 1991. It was my privilege to appear on behalf of the Department of Defense.

Enclosed for the record are answers to the questions asked in your letter. We are also enclosing legislative language to address our concerns more fully.

Thank you for your support of our servicemembers and their families.

Sincerely,

ROBERT M. ALEXANDER,
*Lieutenant General, USAF, Deputy Assistant Secretary (Military Manpower & Personnel Policy).*

Q & A GARNISHMENT HEARING

1. Question: At the hearing you referred to DoD Directive 1344.9, which allows creditors to have the commander advise the military member of the member's obligation to pay just debts in a timely fashion. How often and to what extent is the military contacted by commercial creditors regarding commercial debt?

Answer: Commercial creditors normally contact the affected military member's immediate commanding officer, who counsels the military members. The actual counselling may be delivered by the commanding officer or another member of the commander's staff. A legal assistance officer is available to provide advice on the legality of the debt. the Department of Defense does not maintain statistics on how often commercial creditors contact the thousands of commanding officers we have worldwide. The Department therefore is also unable to indicate how often the military member agrees with the commercial creditor's claim, and how often the military member disputes it. Unless the alleged debt is a just debt, commanding officers have no authority to do more than advise the military member of the member's obligation to pay any and all just debts. A just debt is one that has been reduced to a court judgment or been acknowledged by the military member. If the servicemember fails within a reasonable time to pay a just debt, the commanding officer may take disciplinary or administrative action.

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PROPOSED LEGISLATIVE LANGUAGE

( ) Except as provided in 42 U.S.C. 659, the Secretary of Defense, after consultation with the Secretary of Transportation when the Coast Guard is not operating as part of the Navy, may issue regulations to provide for the involuntary allotment of the military pay of members of the armed forces for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction. The Secretary may prescribe such terms and conditions as the Secretary deems necessary to carry out the purpose of this section.

( ) The term "armed forces" includes the Coast Guard.

Mr. PRYOR. Madam President, I yield the floor. I understand my colleague is on the floor now.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me thank Chairman PRYOR for his consideration in dealing with this issue that is fully addressed in section 9 of this legislation. This is the basic language of my bill, S. 253, that was introduced and passed the Senate by a unanimous voice vote last year.

The chairman has been tremendously cooperative in assisting me in the garnishment of Federal employees. The amendment he has just put forth is certainly an important part of this. We have had support from the Department of Defense.

As the chairman mentioned, General Alexander testified before the subcommittee speaking to this issue, recognizing the importance of those people in the armed services paying their bills, and when a judgment by a court is so appropriate in just debt collection, that they not be exempt. But at the same time, I think we all recognize that there are those unique circumstances that our military find themselves in in the service of this country that we think separate them from other Federal employees, to some degree.

While I think part of the answer to all of this certainly lies in the Soldiers and Sailors Civil Relief Act, it was the military's concern that that was not as complete as it ought to be as it relates to the whole of section 9. So I am pleased to join in the support of this amendment.

The bottom line is that people should pay their bills. This is an ethic most Americans accept and I think live by, and it is the premise that underlies our credit system. It is also the commonsense understanding behind the legal remedies, including garnishment, that creditors can use against those who do not pay their bills.

So the Garnishment Equalization Act that I introduced several years ago, that is now incorporated and has become section 9 of S. 185, supplies assurance that the remedy of garnishment applies equally to all debtors, regardless of who employs them.

It would plug the current loophole that allows Federal employment to be used as a shield against garnishment. Frankly, there are a good many people across this country who never really knew that that portion of the law existed. We know this reform is workable because it already works in a couple of sections of the Federal Government where some debts are collected and can be collected through garnishment.

For example, in the area of child support payments and alimony, we have already made those exemptions to the current law. You might say we have had a pilot program for many years, which shows that the Federal Government can, in fact, manage the idea of attaching salaries when a debt is well established through the court process. And that is, of course, exactly what we care approaching now in a uniform fashion.

Surely, no one would question the fairness of this kind of reform. It cannot be seriously argued that a particular group of workers should be insulated from paying their debts that they have freely incurred. Federal workers themselves do not make that argument. Indeed, they are strong proponents of applying equal treatment to private and public sector employees. That is why we are debating S. 185 today. Federal workers are asking to be treated more like other non-Federal civilian employees. This portion, section 9, addressed it in the sense of garnishment.

Furthermore, this garnishment reform will help a large portion of the Federal work force who are honest and serious and do pay their bills. Because of the current law, anyone who does business with a Federal employee has to worry about taking a loss if that Federal employee defaults or fails to make payment. Knowing garnishment is unavailable against a defaulting Federal employee could influence a lender to withhold approval of loans to such employees.

By extending the remedy of garnishment, this legislation may help prevent a credit crunch for creditworthy Federal employees.

I might add, Mr. President, we have had numerous phone calls from Federal employees across this country who have related to us those experiences where they went out, they were creditworthy, they looked for a loan, but they ran into a lender who knew there was a provision in the law that could, under the right circumstances, allow them to walk, and they were denied that credit.

Although there are relatively few Federal workers who have taken advantage of their employment status to avoid paying their debts, those few have amassed a surprising amount of debt. Estimates vary, but one well-supported economic study concludes that American business writes off more than $1.2 billion annually in Federal employee bad debt. Well, that translates to a loss of about $300 million a year in tax revenue.

Let me talk about the supporters that have worked with us to provide for this fair and significant reform. First and foremost are individuals across this country who have been writing and telephoning to let me know they want this reform passed. Many of them belong to thousands of local, State, and national organizations and businesses that have formally endorsed the Garnishment Equalization Act, as I mentioned, that is embodied in section 9 of this bill.

Among those who have worked tirelessly year after year to see this reform enacted are members of the Equal Judicial Remedies Coalition, who together represent some 900,000 members. I know the names of the coalition member organizations have already been read on the floor in this debate, but I think it bears repeating considering the diversity of the interests represented by them, from the U.S. Chamber of Commerce to the National Federation of Independent Businesses, the American Bankers Association, the National Independent Automobile Dealers Association, the National Retail Federation, the Savings and Community Banks of America, the U.S. Business and Industrial Council, the National Association of Federal Credit Unions, the National Apartment Association, the National Independent Sewing Machine Dealers Association, the Coalition of Higher Education Assistance Organizations, National Small Business United, the American Collectors Association, Inc., the Society of Industrial and Office Realtors, Commercial Law League of America, International Credit Association, Automotive Service Industry Association, Associated Credit Bureaus, American Guild of Patent Account Management, National Association of Texaco Wholesalers, National Association of Realtors, and Citizens Against Government Waste.

Mr. President, these are not just labels. These are organizations that literally make up millions of Americans who want to see a change in Federal law to permit fairness and equity across the board and to make sure that when the courts levy a fine against some person who has intentionally avoided payment of their debts and is capable of doing so and attaches garnishment, that also applies to Federal employees. This is the essence of the legislation that I introduced several years ago and is incorporated in the current bill.

I worked on this issue, when I was in the House, with ANDY JACOBS, a Democrat from Indiana. It has become, over the years, clearly a very strong bipartisan issue. As I mentioned, Chairman PRYOR has worked with the committee. Let me also recognize our ranking Republican, BILL ROTH, who has stood with us to make it a bipartisan issue as we have moved the legislation along from a freestanding piece now attached to this important Hatch Act reform.

This is the essence of section 9, the very importance of it. At this time I am glad to see that it was incorporated and that we have resolved the issue with DOD. It has enjoyed the support of well over 150 sponsors in the House, with a substantial number of cosponsors here. I am pleased to see that it may ultimately become law as it is tied with this important Hatch Act reform.

With that, I yield back the remainder of my time.

Mr. LIEBERMAN. Mr. President, if there is no further debate, I urge adoption of the amendment offered by the Senators from Arkansas and Idaho.

The PRESIDING OFFICER (Mr. WELLSTONE). The question is on agreeing to the amendment.

The amendment (No. 568) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, at this time I would like to speak generally to the bill and express my strong support of S. 185. Major overhaul of the Hatch Act is long overdue.

Mr. President, it matters little to the Republic, but considerably to me, that when I was in law school I actually wrote a paper on the Hatch Act, and, appropriate to my status as a law student, I argued that it was grossly unconstitutional. It gives me a feeling of great satisfaction and pride to stand here as a Member of this august body from the State of Connecticut to express that same view after these many years, unchanged in my opinion.

The bill before us, S. 185, does not fully express the view I wrote in my paper at law school, but nonetheless it certainly represents an improvement and accommodation between the political rights of Federal workers and the need to protect them and the public against political coercion.

Mr. President, the approach taken by the Federal Government since the Hatch Act was passed in 1939 has been to place broad categorical restrictions on the political rights and freedoms of Federal workers. Federal workers are still permitted to vote and to contribute money to a partisan political campaign, but they can do very little else. If the candidates for an elected office are nominated by political parties, a Federal employee cannot even volunteer to stuff envelopes, drive voters to the polls, or make telephone calls on a phone bank.

In my own State of Connecticut, where candidates for local office are nominated by parties, the Hatch Act means that a Federal employee, solely because he or she is a Federal employee, cannot run for the school board, the town council, or the board of finance.

Mr. President, I believe that these categorical bans, across-the-board bans on political activity by Federal employees during off-duty hours cannot be upheld except by reading the first amendment's promise of political freedom for every American to have a clause that says "except for Federal employees."

I reject the notion that the first amendment rights of Federal employees should be subject to less rigorous constitutional protection than those of people who are not Federal employees.

The Supreme Court has held, and I think all of us would agree on this point, that a citizen's political activity is speech and expressive conduct subject to the protection of the first amendment. As such, any restriction on political activity should be justified by a compelling governmental interest unrelated to the suppression of free expression and the restriction must be narrowly tailored to the interest sought to be addressed.

Mr. President, the current Hatch Act can hardly be said to pass this test. While the Federal Government's interest in preventing political coercion of and by Federal employees and in maintaining a merit-based civil service system are compelling interests, the restrictions imposed by the Hatch Act are not at all narrowly tailored.

The Hatch Act does not simply prohibit the types of conduct feared, such as coercion of subordinates for political reasons, the abuse of official authority, for instance, to influence or interference with an election, or political coercion of citizens doing business with a Federal agency. No. The Hatch Act clearly goes much further than preventing the specific misdeeds that one could reasonably be worried about.

A review of what the opponents of S. 185 believe Federal employees can do under this bill itself illustrates the tremendous overbreadth of the current Hatch Act.

Mr. President, the Republic surely will not fall, and the civil service will surely not be destroyed simply because Federal employees can do the following deeds which are under S. 185: Distribute campaign literature and solicit votes, but only while off duty; organize and participate in phone banks, but only while off duty; organize and participate in a political meeting, but again only while off duty; publicly endorse candidates and urge others to support them, but only while off duty; solicit contributions to the PAC of a Federal employee organization to which both the soliciting Federal employee and the donor belong, but only while off duty and only if the soliciting Federal employee is not the donor's superior.

In other words, a Federal employee under this bill cannot solicit a campaign contribution from just anybody, and obviously cannot solicit anybody doing business with his or her Federal agency. They can only solicit another Federal employee and only while off duty and only so long as the donor employee is not a subordinate of the soliciting employee, so there is no implied or explicit coercion.

Finally, this bill does allow Federal employees to hold office in a political party, but it does not permit them to carry out the duties of such an office while on duty.

So again I repeat, those who oppose the bill are opposing allowing Federal employees to take and exercise those specific political freedoms that I have just enumerated.

The approach taken by the committee in its revision of the Hatch Act cuts back on the overbreadth of the Hatch Act without meaningfully sacrificing protection of Federal employees and the public. What we really fear—the conduct that we really want to stop—still is strictly prohibited.

For instance, it will be illegal—it will be a crime—to attempt to coerce any Federal employee to engage in or refrain from engaging in a political activity.

Under this bill, if passed, it will still be a crime for Federal employees to solicit political contributions other than for their Federal employee organization PAC.

It currently is and will continue to be a crime for a Federal employee to use his or her official authority for the purpose of interfering with or affecting a Federal election; to promise directly or indirectly any employment, position, compensation, contract, appointment or other benefit as a consideration, favor, or reward for political activity.

It will continue to be a crime for any Federal employee to deprive or threaten to deprive any person of any employment, position, work, compensation, or other benefit on account of political activity.

And, if this bill is passed, it will continue to be a crime for any Federal employee to solicit political contributions in any Federal building or office.

Mr. President, S. 185, as reported by the Committee, continues the categorical ban against Federal employees running for elected office in partisan elections even at the local level.

I must say personally—I speak only for myself—I am not convinced that such a categorical ban is justified. The State of Connecticut has long permitted its employees to stand for election in partisan elections and that right has not been abused. It has not resulted in politicization of the civil service of the State of Connecticut.

Federal employees, like other citizens, should be able to stand for election in local races even if those races are partisan—as incidentally, has been provided in the House-passed bill under an amendment that I am proud to say was offered by my colleague from Connecticut, Congresswoman NANCY JOHNSON.

Mr. President, the fact is that when we talk about allowing Federal employees to participate in local elections, even if they are partisan, as candidates for local office, we are doing so not simply to protect the freedom of Federal employees. We are doing so to improve the quality of local governance, because by this Hatch Act ban we are depriving thousands of local communities throughout this country of the opportunity to have Federal employees experienced in questions of governance, obviously committed to public service, to take those motivations and that experience and apply them for the benefit of the citizens of the community in which they live, whether it is on the board of education, the board of finance, the common council or any other local governmental organization.

So I would like to see us go beyond what this bill, S. 185, provides and allow Federal employees to be involved in partisan local elections. But I come back and say that this bill will not allow Federal employees to this. For those who are concerned on the other side of this question, this bill only allows Federal employees to be candidates in nonpartisan local elections, as they already are permitted to do.

Mr. President, this is a matter, in my opinion, of fundamental fairness to those individuals who have chosen to make public service their career. We should stop penalizing them and denying them their first amendment rights simply because they are public servants. It is time to enact fair Hatch Act reform. This bill, S. 185, would do exactly that.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to support S. 185, the Hatch Act reform amendments.

Mr. President, I think I will have more to say perhaps tomorrow on the floor of the Senate, but as I was presiding and listening to the analysis of the now occupant of the chair, I thought it might be timely for me to speak for a short period of time about this reform legislation.

Under the bill, Federal employees could carry posters at political rallies. Under this legislation, Federal employees could distribute campaign material or stuff envelopes. Under this proposed legislation, and I believe will become the law of the land because I believe we will pass it in the Senate, and I believe the President of the United States of America will sign this bill. Under this bill, Federal employees could participate in voter registration or drives or phone banks. Under the bill, Federal employees could not run for partisan elective office, although I agree with the Chair; I would prefer that they could. I think it is their political right to do so. They could not solicit political contributions from the general public or subordinate employees. That prohibition makes sense in terms of being a safeguard against any abuses.

I am pleased to support this piece of legislation, and I guess now that I have been in the Senate for about 2½ years or so, I am looking forward to voting for this. I am looking forward to this long overdue change and reform. I think it gets down to political rights of Federal employees. I do not know about the occupant of the Chair or what would be the situation of the Senator from Ohio who is now on the floor, but so often, Federal employees have come up to me and have said they would really like to work on a phone bank or do voter registration, but they cannot do it.

I cannot remember how many times I have been asked whether or not I would support this reform, whether or not I would make it possible for people to more fully participate in the political life of this country, and if there is one thing I guess I am a big believer in, it is in expanding political participation. I feel very strongly that our country will be a better country, to the extent that we can expand political participation, enlarge the electorate, and involve people in politics in a deep and significant way.

I think for too long a period of time Federal employees have not had that right. I would like to see the bill go further in terms of expansion of those political rights. I think it is a huge step forward. There are plenty of safeguards here against potential abuse. But what we need to change is essentially a situation where people cannot exercise their full political rights in the United States of America.

I argue that this is a good government reform bill, because I think anything that expands participation, within clearly reasonable terms, any proposed piece of legislation that involves citizenry, any proposed piece of legislation that involves more people in our elections is a good thing.

One of the problems is that we have such dismal, low rates of participation. So that would be all for the good of this country. I am pleased with the work of Senator GLENN and others. It is not all that I desire; I would like to push it further. Quite often that is the case for me in the Senate, but I am pleased to speak for this.

I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 1224 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPORT FOR THE UNITED NATIONS IN SOMALIA

Mrs. KASSEBAUM. Mr. President, I would like to speak for just a moment about the evolving situation in Somalia and to express my strong support for the U.N. operation in that country.

I share the concerns of many about the recent violence in Mogadishu. At times, the United Nations has acted with a heavy hand. These actions have, unfortunately, only increased the popularity of General Aideed—who has really, in many ways, I would suggest, Mr. President, been a thug—and have led, however, to rifts within the U.N. peacekeeping operation.

Nevertheless, I strongly disagree with those who believe that the United States should withdraw from the U.N. effort in Somalia. We have accomplished much in that country, and we must not lose sight of that fact. Leaving now would only compound the current tragedy and exacerbate the violence.

The United Nations has called for the arrest of General Aideed, and U.N. troops, I think, should move quickly to arrest him. To leave him there to conduct these hit-and-run raids only encourages the population to support him as a martyr. I think as long as he is out there acting in this capacity, he wins by those actions alone. He is a war criminal who has committed countless atrocities.

But while the growing violence in Mogadishu is serious, we should keep these events in perspective.

Mr. President, outside Mogadishu, the situation is increasingly stable and hopeful. In the region between the Scebeli and Juba Rivers—the area that has been hardest hit by the famine last year and the civil wars—a good harvest is expected. Schools have been turned into feeding centers; the Somalia police force has been created.

In addition, real progress is being made on the political front. Last week, local government councils were established giving all Somalians, not just the warlords, a role in running their country. Because of the U.S.- and the U.N.-led humanitarian mission, the overwhelming majority of the people in Somalia are back on their feet and resuming normal lives. Much of the media and many in Congress have ignored this success.

We should also note that the United Nations operation in Somalia is not a United States effort. Of the 21,000 U.N. troops that are in Somalia, only 4,000 are United States troops, and those are largely there for logistic support. Pakistan has more troops in Somalia than the United States. France, India, Zimbabwe, Belgium, and Morocco all play key roles in the U.N. effort.

The next few weeks, Mr. President, will be critical for the future of the U.N. operation in Somalia. I strongly agree with the relief agencies that we must keep in mind the overall objective in the U.N. effort, and it is one that has been there since the very beginning of this operation—at the end of 1992—to create a political and economic environment for conditions that are necessary for the Somali people to help themselves.

I suggest that that has been a goal of the U.N. effort. It has been a goal of the United States to assist in this effort, and we must not lose sight of what is happening in all of Somalia, in light of the tragedy that has been occurring in south Mogadishu.

The United Nations has accomplished much in Somalia. I do not dismiss or underestimate the difficult challenges that lie ahead, but if the United Nations abandons Somalia, the country could easily degenerate back into civil war and mass starvation.

That is what we intended to address, and it was stopped. Now is the time for perseverance. Now is not the time to give up.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for no longer than 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE BUDGET

Mr. DOMENICI. Mr. President, later this evening—perhaps within the next hour or so—I will send to the President to his personal attention and to the attention of the OMB Director Leon Panetta a letter that will be signed by the Republican leadership here. And it is late in the evening. So I cannot get all of the minority Senators—but leadership plus myself and a few others will sign this letter.

The letter is a very simple one. It says that according to the law of the land, that is, section 1106 of title XXXI of the United States Code, the administration is requested to transmit to Congress a supplementary budget prior to July 16, of each year. The day after tomorrow is the 16th. This supplementary budget has taken on a nomenclature, a name that is called a midsession review. It is intended to come before the end of the year so that we can see exactly where we are, and how far off we have been on our estimates made earlier in the year of the deficit, and if there have been changes in that deficit, what has changed.

Frankly, in this letter we will suggest to the President that it is already on the table and rather public, that the deficit is very different on July 16—2 days from now—than it was in February when the President sent it up here and sent his vision and the proposals that he put together which he chooses to call a jobs package, or an economic package.

Obviously, I cannot say that without saying I do not think it will produce any jobs. I do not think it is an economic recovery package. But having said that, it is pretty much understood that that deficit, Mr. President, is $50 billion less today—and will be that tomorrow, and it will be that on the 16th—than it was in February when the President sent up his vision plan and his budget.

Frankly, that is a lot of money. In fact, one might remember that it was around that time that the very large deficit of $322 billion, which was the February estimate, that the President said, well, I have to send you a different budget than I campaigned on. Do you remember that? It was different because the budget deficit had gone up, the President said, since he campaigned.

There, again, I do not want to even leave that statement as if I agree with that, because the truth of the matter is that increase that showed up in August of the election cycle. It came from none other than the Congressional Budget Office, the office which the President said is the real genuine referee.

So I think the administration knew or should have known that the deficit was up when the President was campaigning, during which time he made a lot of commitments to the American people, among them just off the top of my head, there would be no gasoline tax. There is now.

We will cut the middle-income taxes somewhat to make up, as he put it in his campaign, for the middle income of America having lost out.

Well, the truth of the matter is that the deficit is down by almost as much as the President said it was up. I would think that would be an interesting official number to have out here in front of Congress and the American people as the conferees from both Houses vote on a tax package which is supposed to bring the deficit down over time.

Again, I am not all sure it will do that. And some of it was predicated upon the fact that the deficit had gone up too much from August or July of the Presidential cycle year to February or March. Well, it is back down. I think that is common knowledge.

What we need is what the law says. We need the midsession review which is an official document under the auspices of the President through Budget Director Panetta that says here is what the estimate is for the deficit for 1993.

I am suggesting that I am getting words out of OMB that say: You are not wrong, Senator DOMENICI, it is down. In fact, I think the Congressional Budget Office said to a reporter from the Washington Post: Yes, it is down in the neighborhood of $260 billion. Well, if $260 billion is the number, from $322 billion, then it is $62 billion less than it was when the President sent his budget up. But what we need to know is why. I do not think we should accept from the White House, the President, or Mr. Panetta, my long esteemed friend, that we do not need that. We will wait until the big deficit package, with that $250 to $280 billion in new taxes, is put together. And then we will give you this, Mr. President, if in fact this deficit is coming down. Because of some numbers, I believe that may be true, such as the revenue stream to the United States Treasury is up over the estimate in February by 5.5 percent. That is a pretty big revenue stream increase without any new taxes; because, in fact, the economy got out of the deep trough and started back up.

If that is expected to continue, even at 2 or 2½ percent GDP growth, we ought to know that. In fact, I could give you numbers right here that would be startling. If that revenue stream continues at that pace and the expenditures of the Government keep on at the pace that those expenditures occurred during the first 8 months of 1993, believe it or not, the deficit will be substantially less in 1998 than it will be after we put all of the taxes on and the entire economic plan.

I am not suggesting that is the case. But I think we ought to know, are their experts already projecting that revenues are going up without this bundle of new taxes? Will it be consistent? I do not know.

But I believe, once again, that the public should know. They are being asked to pay a huge new tax, part of it in 1993. I think the occupant of the chair knows that the new income tax was, at one point, retroactive to January 1 in its totality; $37 billion in new income taxes were going to be put on, effective last year, or January 1. That is kind of unheard of. It sort of sounds un-American to tax retroactively. The amount was cut in half for the year, but it is still retroactive. It is half spread out over the whole year. Actually, that should have a negative effect, if my understanding of economics is right. And next year's would have more of an economic effect by putting the taxes on top of a recovering set of economic activities led by small business.

Nonetheless, the law is relatively clear. It is not as if anything can be done about it. It just says the President or the administration shall submit this. I also want to say that I am fully aware that there is an enormous reduction in the total expenditures of the Federal Government, year over year, thus far; 1992 expenditures versus 1993 expected expenditures are way off. They are much lower. And some might say they are lower because of one-time events.

The S&L bailout is not costing nearly what we expected. That is a big item. Some will say it is new savings accruing because interest rates are down. I think we have that figured. That is $3 billion out of the $50 or $60 billion. The revenue is a big part of it, and we actually have the expenditures of our Federal Government down, in addition to the one-time events like the S&L bailout, RTC funding, and the like.

I just think we ought to put them all on the table and get them official. We do not have to have any confusion, or anybody making claims about how we got the deficit down. That muddles up the reasons, because to the extent that this comes down by $60 or $50 billion, nobody can take credit for that in this administration.

The reason I mentioned interest rates is because the President does, from time to time, take credit for interest rates being lower. That is very questionable to me, but let us give him that. That is $3 billion of his package, although I do not agree that very much of that has to do with a budget plan that has never been adopted yet. Some people think it has.

All the rest are the natural occurrences flowing from the budget agreement that existed prior and to reductions in expenditures, including very significant reductions in defense, and to the revenue stream of taxes from the American people coming in on the upside again at 5.5 percent, the new revenue stream over the year before.

So I do not think there ought to be a big argument over this. I do not come to the floor particularly to make a partisan issue out of this. And let me make it clear. I do think there is a real chance that if this is not done—and clearly the work is done; I cannot believe OMB is really not ready. They knew about it, and it has to be ready. It is in the law. But there is a real chance that there will be a suspicion that the reason it is not being done is that you can cloud the issue after you pass the big, new package and kind of muddle up what did the new package do versus what happened without it.

I am not accusing anybody of that. But I think it will naturally be almost impossible to get a clear statement of this $50 to $60 billion and its effect on the next 4 years if what you are going to do with a midsession review that is due on July 16, 1993, if you include in that this huge, gigantic tax increase and reconciliation bill, and say we will put them all together—and it will not be a July 16 stopover point and looksee point; it will be perhaps a September lookover point.

I do not think that is right. I just do not think it is the way to do business, especially in these days when people are very, very profoundly disbelieving. I do not think we want to be in a position, as the minority party, in September, to be making accusations about the economic plan of the President's. But we want facts, and then we will state facts.

Frankly, I think it should be obvious that this is a very much-needed, very simple approach. There are many reasons for it to be done and few reasons for it not to be done. It can be confusing if we do not do it. It can be the subject matter of long debate as to what really did what; who really did the positive things that caused the economy to come down.

Frankly, right now, if the revenue stream is up like I said, and if that is going to be consistent, then the taxpayers can claim that they got the deficit down.

They are already paying the additional taxes by way of this new revenue stream without another new tax. So they ought to know it. They ought not be confused that they were already paying this new tax that came from the 1990 agreement. Now you are going to pay more and we are really trying to make it so you really will not know is which.

I do not think the President would like that. I just do not believe that is what they want. I do not think that is what our friend Leon Panetta wants. Maybe they have just not seen it our way thus far, and maybe we are just seeing it our way for reasons that are not very rational to others, in which event it would be nice to have an explanation.

But I believe the Senate should go on record eventually as saying we ought to have this. If is fair. It is mandated by law. Why not do it?

If for some reason the decision was made some time back by the administration—and July 16 is very close. You know, I would listen to reason if they could not do it for 3 or 4 days after that deadline. But I remain convinced, until proven otherwise, that that can be done very quickly. I just know enough about how it is all put together to think it is not sitting out there waiting to be done. My best, best intuition tells me, based on a lot of facts and a lot of things that I know about, that it is probably in the oven getting cooked, getting baked—should not used cooked because it sounds kind of like—getting batched up like I am working on something very nice in the kitchen, when it comes out it is something very good. That is where it is.

I hope we will not have this problem tomorrow or the next day, but that the President will give his OMB Director instructions to get it done, and then we will not have any reason to be second-guessing or doubting; we will all be less confused, much more forthrightly attentive to the new package without flipping our attention back and forth on which package or what really brought this deficit down.

Mr. President, I ask unanimous consent that our letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, July 14, 1993.*

The PRESIDENT,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: As you are aware, Section 1106 of Title 31, United States Code, requires the Administration to transmit to the Congress a supplementary budget prior to July 16 each year.

In fairness to everyone and before the Congress begins its conference on the Budget Reconciliation bill, this Mid-Session Review of the budget should be made available.

It is now clear that the current year's deficit will be significantly lower than what your Administration projected in April—maybe as much as $50 billion lower. This appears to be largely due to spending restraint, reduced interest payments, and lower spending for ailing financial institutions. At the same time the Treasury Department reports that, while tax rates have not changed, revenues for the first eight months of the fiscal year have increased nearly 5.5-percent compared to the comparable period last year. These are positive signs. It would be timely and appropriate to assess the policy implications of these lower deficit estimates.

Furthermore, I am certain you would agree that Congressional conferees meeting to forge a budget should have access to the most current figures. Such information could prove invaluable as we move to shape a budget plan that will reduce our annual deficits while encouraging economic growth and job creation.

We believe the Mid-Session Review serves as an essential milepost, informing Congress and the American people where we are, how far we have come, and the distance that remains as we move to reduce the federal deficit. Therefore, it is our hope the Office of Management and Budget will submit to Congress the Mid-Session review before the Friday, July 16 deadline. We look forward to receiving it.

Sincerely,

Pete V. Domenici, Ranking Republican Member, Senate Committee on the Budget; Bob Dole, Republican Leader; Bill Roth; Trent Lott; Phil Gramm; Bob Packwood; Don Nickles; Nancy Landon Kassebaum; Thad Cochran; Strom Thurmond; Ted Stevens.

Mr. DOMENICI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

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## FAMILY VALUES—A WEST VIRGINIA VERSION

Mr. BYRD. Mr. President, much talk is heard in political circles about "family values."

Unfortunately, that term—"family values"—is used too often in a vague, almost polemic sense, with little effort to define the meaning of "family values," and more unfortunately, with little finite evidence by which to dramatize "family values."

I hope today to give a more concrete shape to that phrase, "family values," and to provide an outstanding example of family values in action and in results.

Longtime friends of mine, in Raleigh County, WV, where my barber of many years—my barber of many years, Mr. Walton Riffe, and his wife Alma; Mr. Riffe is deceased now—but the Riffes had 18 children, of whom 17 survived to adulthood.

Last year, I stopped to visit with Mrs. Riffe during one of my engagements in southern West Virginia, at which time I requested a group portrait of the surviving Riffe family.

The Riffes graciously sent me a contemporary group portrait, and included with that portrait two earlier group portraits and a letter updating their overall situation.

The immediate offspring of Walton and Alma Riffe of Raleigh County, WV, count among themselves 12 bachelor's degrees, 5 master's degrees, and 1 law degree, for a cumulative 72 years of higher education through which Walton and Alma Riffe and their assorted siblings supported one another and themselves by work and through shared bank accounts. As each brother or sister completed college and entered the work force, that one supported the next brother or sister in his or her turn.

Further, six of the nine Riffe boys served in the military, both in peacetime and war, representing among them the Army, the Air Force, and the Navy.

Now respected members of their communities, the sons and daughters of Walton and Alma Riffe have provided 30 grandchildren and 13 great-grandchildren to enhance the Riffe name.

Considered in this light, "family values" represents no political shibboleth to hurl at one's opposites, but a living confirmation of a value system that is older than America itself—a value system based on family love and loyalty, shared burdens, mutual unselfishness, patriotism, and genuine foresight—a value system without which, regardless of a nation's military prowess, superpower status, economic vigor, or international prestige, no nation can expect long to exist, much less forestall the exigencies of history or the caprice of those forces that swell and shrink the fortunes of empires and states.

But such an example of living family values is not alien to other communities in West Virginia.

Mr. President, I could go throughout many counties and communities in all parts of West Virginia and shine a proud spotlight on countless West Virginia families of many ethnic and religious backgrounds that embody, over numerous generations, the value systems and the faith that made, and have kept, this country strong, both in war and in peaceful pursuits. Again and again, those qualities that made the Riffe family remarkable have made other West Virginia families unique as well.

With pride, I salute the family of Alma Riffe for their sterling achievements and for the principles that their collective and individual success represent, and I ask that the letter accompanying their framed group portraits be printed in the RECORD as written evidence that the deepest of American values are alive and flourishing in West Virginia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 26, 1992.

The Honorable ROBERT C. BYRD.

DEAR SENATOR BYRD: Enclosed is the picture you requested. We are very flattered by your interest and inquiry regarding our family and we thought we would take this opportunity to tell you a little about the family's accomplishments.

Sitting around the Thanksgiving Day dinner table today discussing our good fortune certainly prompts us to reflect on some of the things for which we are thankful. Among the many are the 72 years of higher education that Mommy and Daddy supported us through resulting in five Masters degrees, one Law degree, 12 Bachelors degrees and too many certifications to count. We all worked to put ourselves and our brothers and sisters through college; often sharing bank accounts which provided a means for one to supply the funds while another prudently utilized the funds. When requirements for graduation were met, this sibling was prepared to assist another through the same process. It's amazing how little it really takes to get through if you know the supply is limited. Luxuries were seldom afforded.

We can also boast that six of the nine boys served in the military, during peace time and war, and represented proudly the Army, the Air Force, and the Navy. All were honorably discharged and brought home many an earned medal.

We all still try to get together as often as we can and update the family pictures and have for several generations set aside the Fourth of July for the official family reunion. There were some years as we were growing up that some of the children could not make it home because of serving in the military or other obligations. We stayed in touch and always knew where "home" was.

As you may recall, Daddy worked long hours in the Barber Shop, usually after tending a garden or caring for farm animals in the early morning hours. There were always farm chores to be shared and completed by the children. Mommy always kept the home fires burning and, as you know, clothing and feeding a family of 19 was no small task. She continues to serve as a saintly example for us and for this we are grateful. We all pulled our end of the load and continue to practice the moral and ethical standards our parents imparted. We were raised to be humble but proud; resourceful but honest. We are proud of our state and country and still get misty eyed when we hear the National Anthem. We have succeeded by supporting one another and are making an attempt to impart the same family values that were precious to our parents on to the 30 grandchildren and 13 great-grandchildren. And, yes, if this sounds a little old fashioned, you will find us guilty of loving and respecting our mother; honoring and supporting our country and flag; gathering as often as we can to enjoy the fruit of someone's labors and indulging in some homemade apple pie.

Mr. Byrd, it is quite an honor for Mom to receive you as a guest in her home and entertain your phone calls. We appreciate the attention you have given her and others in the community and ask that you continue to remember them even with your very busy schedule.

Respectfully yours,

THE CHILDREN OF ALMA
AND WALTON RIFFE.

Mr. BYRD. Mr. President, I invite my colleagues to come by my office and see this beautifully framed portrait of a beautiful family. I see my friend of Roman ancestry on the floor, PETE DOMENICI. The early Romans were noted for their family values. I hope he will come by and see this portrait of the Riffes.

And also my good friend from Alaska, TED STEVENS. He has a wonderful family. A daughter, Lily, who is a splendid young lady, a fine example, and he must surely be, as I know he is, a fine example of a father, a good father, one who gives some time to his family, one who has loved his family and whose family loves him.

I want to close by congratulating TED STEVENS and his wife Catherine, and all the others in the Senate who are true to their families and who give of their time to their children and who teach their children to respect and to honor their fathers and their mothers. Such people are the Riffes at Crab Orchard, Raleigh County, WV.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am glad of the comments of my good friend from West Virginia. I only wish what Senator BYRD has said would be totally true. I think those in the Senate at times neglect our children and do not get to the baseball games or the ballet recitals or to the school plays that we should get to because of our penchant to stay late into the night.

But I am grateful to him for his comments personally and for his recognition of my children, and particularly my daughter, Lily, who is really one of the Senate families. She has grown up here in the Senate. I appreciate his comments very much.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I want to comment on why I support this bill that is before the Senate, the Hatch Act Reform Amendments of 1993, S. 185. I have reminded my colleagues on this side of the aisle from time to time that I was the author of the bill that would have reformed the Hatch Act under the

Ford administration. It was a bill that went much further than this bill. It was vetoed by my good friend President Ford. I regretted that, and I have been working since that time to try and fashion a bill that would become law.

I am hopeful this will become law because I happen to believe that being a member of the staff of the Federal Government should not disqualify a person from the rights that are guaranteed under the Constitution. If I had been a member of the Supreme Court, I would have voted contrary to the precedents and had ruled that the Hatch Act, insofar as it prohibited voluntary political activity and voluntary political contributions by those Americans who work for our Government, as being unconstitutional. I do not believe that we should have denied these rights. I do believe that the Federal employees should have the protection, as was in the original Hatch Act, to prevent those in high public office from coercing Federal employees to contribute or from coercing them to participate in political activity, but voluntary activity on behalf of any American to support our system under the concepts of free speech, in my opinion, should be preserved.

This bill goes a long way toward restoring those rights to our Federal employees. It does not go as far as I would go, as the drafter of the bill that was vetoed in 1976. My bill would have allowed contributions to be solicited by Federal employees from the general public. It would have allowed partisan political activities, running for partisan elective office. The 1976 bill did not prohibit Federal employees from running for political office at any level. I do believe that is right.

It is obvious that there is not the general sentiment here to go that far, and I do believe that the bill we have brought out of committee—I commend my friend from Ohio, Senator GLENN, for his willingness to get a bill that could be signed.

Beyond that, I come to the floor to sort of tell some of the people who think that there is partisan advantage to this bill that they ought to wake up and read some of the headlines and they ought to realize that Government employees are not necessarily members of the Democratic Party or necessarily members of the Republican Party. They are a sizable portion of the American public that works for the Federal Government trying to keep our Federal system working. I believe they pursue their own personal interests the way any other American would in attempting to elect people to represent them.

I have a whole series of quotes. I am not going to put them all in the RECORD. I am just going to read some of the quotes. These are from the Federal Times this year on their quotes from the Federal Employee Union or Federal employee organization leaders about politics, and some of them are pretty strong.

I want to print them all in the RECORD, Mr. President. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"It's good politics to beat up on federal employees. The Clinton folks are really good at running a campaign."—John Sturdivant, president of the American Federation of Government Employees, regarding Clinton's proposal to freeze Federal employee pay.

"It reminds me of some of the bad old days. * * * It takes away a little of the dewy-eyed innocence that any of us may have had. It was a shock to me."—Robert S. Keener, president of the National Federation of Federal Employees, regarding Clinton's proposal to freeze Federal employee pay.

"Within the context of other proposals this is unconscionable. Employees are already taking a double whammy, but now they are being hit three times. * * * We haven't accepted these types of proposals from Republicans and we certainly don't intend to accept them from Democrats we've worked hard to elect."—John Sturdivant, president of the American Federation of Government Employees, regarding the Clinton proposal to revise the formula to determine the Government share of FEHB premiums.

"It stinks. President Clinton vowed to spare people who make less than $30,000 per year, arguing correctly that those in this group have sacrificed enough in the past 12 years. But 46 percent of federal workers fall into this category, and for them, the pay freeze and the health insurance cuts amount to a 6-percent increase in their income tax rate."—David Schlein, national vice president of the American Federation of Government Employees.

"When this administration is advocating new spending for college tuition grants * * * how do they justify a proposal to eliminate what can only be seen as educational assistance income for the surviving children of their own former employees? We are surprised and saddened that an administration which correctly touts the importance of responsibility for families and children can initiate plans for reducing the benefits of widows and children which its own staff retirement program has historically provided."—Charles Carter, president of the National Association of Retired Federal Employees, regarding the Clinton proposal to reduce benefits to surviving children and spouses.

"Clinton must find alternatives to undermining the federal work force, and find revenue to replace provisions of his plan which unfairly target the career work force, whose support and creativity he needs to keep the government operating."—AFGE Local 3354 (St. Louis).

"After the hard work and support for the election of the Clinton-Gore team, AFGE members were hurt once again by the pay freeze."—John Sturdivant, president of the American Federation of Government Employees.

"It will make a distrustful and skeptical work force even more cynical about the prospects of having their work evaluated and rewarded fairly."—Robert Tobias, president of the National Treasury Employees Union, regarding the Clinton proposal to tie locality pay and annual raises to performance.

"Now that the time has come for President Clinton to put candidate Clinton's plan into action, we are discovering that federal employees will be expected to shoulder a hefty portion of the burden involved in repairing America. * * * Only six months into the administration we looked forward to with such great anticipation, and already the federal work force has taken three major hits (pay freeze, cut survivor benefits, delay locality pay)."—Robert S. Keener, president of the National Federation of Federal Employees, in a letter to the editor.

Mr. STEVENS. Mr. President, I have in my desk copies of the original editions of the Federal employees Federal Times. My friend, John Sturdivant, who is President of the American Federation of Government Employees said, regarding the President's proposal to freeze Federal employee pay:

> It's good politics to beat up on Federal employees. The Clinton folks are really good at running a campaign.

Robert Keener, president of the National Federation of Federal Employees said about the same proposal:

> It reminds me of some of the bad old days * * * it takes away a little dewy-eyed innocence that any of us may have had. It was a shock to me.

John Sturdivant made another statement:

> Within the context of other proposals this is unconscionable. Employees are already taking a double whammy, but now they are being hit three times. We haven't accepted these types of proposals from Republicans and we certainly don't intend to accept them from Democrats.

Another quote from David Schlein, national vice president of the American Federation of Government Employees about the President's proposal. He said:

> It stinks. President Clinton vowed to spare people who makes less than $30,000 per year, arguing correctly that those in this group have sacrificed enough in the past 12 years. But 46 percent of Federal workers fall into this category, and for them the pay freeze and health insurance cuts amount to a 6 percent increase in their income tax rate.

Charles Carter, president of the National Association of Retired Federal Employees about the proposal of the administration to reduce benefits to surviving children and spouses, said:

> When this administration is advocating new spending for college tuition grants, how do they justify a proposal to eliminate what can only be seen as educational assistance income for the surviving children of their own former employees? We are surprised and saddened that an administration which correctly touts the importance of responsibility for families and children can initiate plans for reducing the benefits for widows and children which its own staff retirement program has historically provided.

The AFGE local in St. Louis said:

> Clinton must find alternatives to undermining the Federal work force, and find revenue to replace provisions of his plan which unfairly target the career work force.

Again, another quote from John Sturdivant:

> After the hard work and support for election of the Clinton-Gore team, AFGE members were hit once again by the pay freeze.

Robert Tobias, president of the National Treasury Employees Union, said about tying locality pay and annual raises to performance:

> It will make a distrustful and skeptical work force even more cynical about the prospects of having their work evaluated and rewarded fairly.

I mentioned Robert Kenner before, National Federation of Federal Employees:

> Now that the time has come for President Clinton to put candidate Clinton's plan into action, we are discovering that Federal employees will be expected to shoulder a hefty portion of the burden involved in repairing America. * * * Only 6 months into the administration we looked forward to with such great anticipation, and already the work force has taken three major hits (pay freeze, cut survivor benefits, delay locality pay).

My point in reading those is not to get political, Mr. President, but it is to say no one can take for granted where the Federal employee is going to be in coming elections. This bill is going to restore a portion of their rights to participate in the political process, and anyone on this side of the aisle or that side of the aisle who assumes they are going to stay rigid in terms of any party identification, in my opinion, is wrong. I think they break down in terms of party affiliation as the national scene does in terms of Republican and Democrat, Independent or otherwise. And they should not be put into one category or the other.

I have told some of our friends who are standing outside in the Hall, some of the union representatives who are advocating passage of the bill, that they should not think the passage of this bill is going to mean it is going to increase their membership or it is going to decrease their membership.

What is going to happen is they are going to have to work harder because of more people out there who will participate directly in politics. Up until now, the only Federal employees who can participate in politics are those people who are part of the PAC process, those who take leave from Federal Government jobs and participate in raising funds or participating in the activities of the union organizations or employee organizations for political purposes.

Now, once this passes, there is going to be a lot of them involved, and they are not gong to be just a few that can be brought into a room and encouraged to be on one side or the other as far as the political process is concerned.

I think that is healthy. I think these Federal employees deserve the right to participate as all other Americans do, to go to precinct meetings, to go to the district conventions, to go to the State conventions, to go to the national conventions.

This bill prohibits running for elective office. That is all right with me; I do not think there are too many who want to do that. If they do, and they really are sincere about it, they can leave their jobs and pursue a political career.

But in my judgment, this bill needs to be passed. We ought to get this behind us. We have been after amendments to reform the Hatch Act since World War II, and it is high time we recognize in this day and age there is no reason to deny a person the right to volunteer to participate in the political process. There is every reason to continue the protections that prevent people from being coerced, as I said, to participate in the political process.

I am one who believes that if we look at this bill now before us, it is a bill which deserves the support of the majority of the Members of the Senate and the Congress as a whole. I hope that it will be implemented with foresight by the current administration. In my judgment, the reason to pass this is that it makes sense and it is right. There is no other reason I know of to pass a bill such as this. It really does make good sense, and it is right to reaffirm the rights and privileges of those people in this country who are Federal employees to reaffirm our confidence in them as members of the public to participate in the processes of our democracy.

Mr. President, I am hopeful we will get to it and pass the bill soon. I am delighted to have the bipartisan support we do have, and I hope that when the bill comes back from the conference, it is substantially similar to the bill now before us, S. 185. There are a number of us on this side of the aisle who are supporting it because it is a balanced piece of legislation and we want to assure that it remains so.

I thank the Chair.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, it has been about 2 weeks since I first made a motion to proceed to the bill which is now before the Senate. There has been, therefore, ample notice for any Senator to be aware that the bill was coming up this week, since our first motion was made I believe 2 weeks ago tomorrow.

Initially, I sought to gain consent to proceed to the bill. But my Republican friend and colleague objected, and I was therefore forced to file a motion to invoke cloture to end the filibuster on the motion to proceed to the bill. It was understood at the time that the minority leader would seek, during the intervening days, to determine whether consent could be given to proceed to the bill this week. And that in fact did occur.

A few days before we resumed session on Tuesday, we were advised that the vote on the motion to invoke cloture would not be necessary, and that we could in fact proceed to consideration of the bill on Tuesday provided that there were no votes on the bill on Tuesday, but that votes would be put over until today.

I acceded to that request, and we considered the bill yesterday and have been on the bill throughout the day today. I believe there have been votes on four amendments, the last of which occurred at about 3:30.

No amendment has been offered for approximately 4 hours now. The reason for that is that this afternoon, Senator DOLE delivered to me a letter indicating that Republican Senators would be willing to agree to a time certain for a vote on final passage of the bill if we, the majority, would accept three amendments, which were specified and identified in a document accompanying the letter.

I told Senator DOLE that I would turn the letter over to Senator GLENN, the chairman of the committee, the author of the bill and the manager of the bill. And since then, Senator GLENN has been discussing the matter with Senator ROTH, the ranking member of the committee and the manager of this matter on the Republican side.

So far they have not been able to reach an agreement. I understand they are continuing in their discussions.

The most obvious course of action, of course, would be for Senators to offer these amendments on the floor and have them debated and voted on. In fact, two of them I am advised were offered in that fashion in the last Congress—they were debated, were voted on, and were defeated in 1990, I am advised, when we last considered this matter.

If we cannot reach an agreement, I want to make clear to my colleagues that we invite any Senator who wants to offer one of these proposals as an amendment, wants to debate it, wants us to vote on it, to do so and let the Senate work its will on the amendment. That is legislative process.

In our earlier discussions, our Republican colleagues indicated that acceptance of these three amendments, including the two which had previously been debated and rejected by the Senate, was essential if we were to hope to get a vote on final passage of the bill. Otherwise, we were told, a filibuster would be mounted, and it would require us to file a motion to end the filibuster by 60 votes, if we could obtain the necessary 60 votes.

Throughout these last several hours, the discussions have been continuing, and in good faith, I might say, on both sides in an effort to see if the issues raised by the letter from the minority leader to me and the three amendments could be resolved.

It had been my intention, in light of the fact that it is clear that if these issues cannot be resolved there will be a filibuster—and we would have to file cloture to do so this evening, because under the Senate's rules, of course, a day must intervene between the time a motion to end a filibuster is filed and when the vote on that motion can occur. So for there to be a vote on the motion to end the filibuster this week, that is Friday, the motion would have to be filed before the close of business today.

I have been advised by my colleagues—and I am going to ask both Senators ROTH and GLENN to comment on my remarks when I finish, first, in case I have misstated anything, to ask them to correct it, and if not to confirm it—that the negotiations are continuing and there remains at least some possibility that the matter could be resolved. I have been asked to refrain from filing a motion to end the filibuster this evening, and to wait until tomorrow, with the understanding that if I do refrain and we do wait until tomorrow, and then negotiations do not succeed tomorrow, I will be able to file the cloture motion tomorrow and again consent to have a vote on that motion on Friday, in effect as though it had been filed this evening.

That is a very reasonable request, and one to which I readily accede, because nothing would be lost under those circumstances.

So, Mr. President, and Members of the Senate, we are now in a situation where for at least the last 4 hours, no Senator has chosen to offer an amendment, even though any Senator could have done so. And, I repeat, any Senator is welcome to offer an amendment if he or she wishes to at this time. Negotiations are underway and are expected to continue throughout the evening. And with the expectation that a decision point would be reached sometime tomorrow, either that the negotiations will produce an agreement or they will not, and we will then proceed to file the motion to end the filibuster and have the vote on that not later than Friday morning.

So I would like, if I might, to invite both the distinguished chairman of the committee and the distinguished ranking member first, if I have misstated anything at all in my remarks, to correct me; and secondly, to indicate whether they have anything they wish to add to what I said on the matter.

Mr. ROTH. Mr. President, I say to the distinguished majority leader that he has accurately portrayed the intentions of the minority side. It is correct that we have been, I think, proceeding expeditiously today. We have had four votes on four separate amendments. A number of other amendments have been considered late this afternoon, and early this evening we have been discussing in good faith the letter with the core amendments in an effect to seek some kind of an agreement as to how to proceed.

In proceeding on those core amendments, of course, it is also our hope that we could discourage, as a general rule, other amendments, although that would still be the right of the individual Senator.

So I would say, yes; the majority leader is correct in what he has said.

The Republican leader, before he left to go to another meeting, indicated that if we could not reach agreement tomorrow on resolving these three core matters, he would agree to a vote being held on cloture Friday, as if it were filed today.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think the distinguished majority leader has very accurately stated the situation, as has Senator ROTH. We have been trying to work these things out. There were three basic differences that we had, and we could not come up with a permutation of this. I think the best thing to do is probably go ahead and vote each one of these individually and get going on them. This was being done on the premise that if we accepted these three things, we would be able then to have a time agreement, and with the understanding or the hope that there would be no more amendments except these.

In our discussions, it turned out that there still might be other amendments. There was no guarantee that we would cut off amendments and others might be offered. That was sort of a new wrinkle from where we started out, as I saw it. But the three core amendments were basically—the first was that they were insisting on—if we are to move ahead—to exempt high ranking careers across Government from the legislation, such as the senior executive service, high-level managers and supervisors, administrative law judges, and contract appeal board members. That takes probably a couple hundred thousand people out of this, when you include high level manager and supervisors, and so that would be a big block of people out.

Second, this would exempt people looked at as national security of law enforcement agencies from this legislation. The bill provides for an exemption for FEC, but all of the rest of the different agencies, such as the IRS, NSA, and all the rest they wanted, were people that we feel have as much rights as anybody else.

Third, was to prohibit Federal employees from soliciting, accepting, or receiving a political contribution. This is another way of saying there would be no such thing as Government PAC's. The last two of those, No. 2 and 3, are things that have been voted on here before. In fact, three was voted on, and about a 2-to-1 majority voted against that when it came up in 1980. So those are the things at issue, basically. I think we better do what the majority leader outlined, since we have not been able to get an agreement; just have them submitted and vote them up or down, and if there are other amendments, or if we have to go to cloture, so be it. That is the best way to work our way out of this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO MAJ. GEN. DAVID C. MOREHOUSE

Mr. GORTON. Mr. President, I would like to bring to your attention today the fine work and outstanding public service of one of our country's top military men, Maj. Gen. David C. Morehouse, the Judge Advocate General of the Air Force. Major General Morehouse will be retiring after an especially distinguished military career on August 1.

General Morehouse was commissioned as a first lieutenant in the Department of the Judge Advocate General, U.S. Air Force Reserve, in August, 1960. A graduate of the National War College in 1977, he served, among many assignments, as the Staff Judge Advocate, Headquarters Tactical Air Command, Langley Air Force Base, VA, followed by his service in the same position at Headquarters Strategic Air Command, Offutt Air Force Base, NE.

He attained a bachelor of science degree from the University of Nebraska in 1957, a juris doctor degree from Creighton University in 1960, and a master of law degree from George Washington University in 1972. His military education also includes Squadron Officers School.

This Vietnam veteran who served at Bien Hoa Air Base, Republic of Vietnam, was instrumental in providing necessary legal advice to command at the time and concurrently providing legal assistance to our troops of all grades when that function was extremely more important to those individuals than it ever had been before, or probably since.

He has been involved in the key issues in the personnel and acquisition arenas in his role as both Deputy Judge Advocate General and the Judge Advocate General here in our Nation's Capital since the spring of 1988.

General Morehouse's military decorations include the Distinguished Service Medal, Legion of Merit with one oak leaf cluster, Bronze Star Medal, Meritorious Service Medal with one oak leaf cluster, and Air Force Commendation Medal.

Mr. President, I ask that you join me, our colleagues, and General Morehouse's many friends in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife, Sally, and sons, Joe, who is a captain flight surgeon in the Air Force, and Mark, are extremely proud of his accomplishments. It is fitting that the Senate pay tribute to him today.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 11:45 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the Speaker has signed the following enrolled bill and joint resolution:

H.R. 588. An act to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver, Utah, as the "Abe Murdock United States Post Office Building."

H.J. Res. 213. Joint resolution designating July 2, 1993 and July 2, 1994 as "National Literacy Day."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1189) to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

The message further announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. HOYER, Mr. MFUME, Mrs. BENTLEY, and Mr. SKEEN.

The message also announced that pursuant to the provisions of section 3 of Public Law 93-304, as amended by section 1 of Public Law 99-7, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint to the Commission on Security and Cooperation in Europe the following Members on the part of the House: Mr. HOYER, Co-Chairman, Mr. MARKEY, Mr. RICHARDSON, Mr. MCCLOSKEY, Mr. CARDIN, Mr. PORTER, Mr. SMITH of New Jersey, Mr. WOLF, and Mr. FISH.

The message further announced that pursuant to the provisions of section 169(b) of Public Law 102-138, and the order of the House of Thursday, July 1, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, July 2, 1993, did appoint to the United States delegation to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe the following Members on the part of the House: Mr. HAMILTON, Vice Chairman, Mr. HOYER, Mr. GEJDENSON, Mr. LANTOS, Mr. MCCLOSKEY, Mr. CARDIN, Mr. MORAN, and Ms. SLAUGHTER.

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At 2:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh.

H.R. 1522. An act to authorize expenditures for fiscal year 1994 for the operation and maintenance of the Panama Canal, and for other purposes.

H.R. 1916. An act to establish a marine biotechnology program within the National Sea Grant College Program.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week."

The message also announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day."

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1522. An act to authorize expenditures for fiscal year 1994 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Armed Services.

H.R. 1916. An act to establish a marine biotechnology program within the National Sea Grant College Program; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Sheldon Hackney, of Pennsylvania, to be Chairperson of the National Endowment for the Humanities for a term of four years.

Thomas Payzant, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1025. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Environment and Public Works, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-1026. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report that funds proposed for rescission are available for obligation; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-1027. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of an impoundment of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, and to the Committee on Foreign Relations.

EC-1028. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Agriculture, Nutrition and Forestry.

EC-1029. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of a delay in submitting an implementation plan; to the Committee on Armed Services.

EC–1030. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report of an Antideficiency Act violation repair and alteration in St. Louis, Missouri; to the Committee on Appropriations.

EC–1031. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to a salary plan for its graded employees; to the Committee on Banking, Housing, and Urban Affairs.

EC–1032. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the need for appointment of a conservator or receiver for certain savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC–1033. A communication from the Acting President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report of the Board on the Resolution Funding Corporation for calendar year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1034. A communication from the Acting President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1035. A communication from the Acting President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the audited financial statements of the Resolution Trust Corporation for the year ending December 31, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1036. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report of the Office of Thrift Supervision's 1993 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–1037. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual consumer report for calendar year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1038. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual report on the preservation of minority savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC–1039. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC–1040. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Haiti; to the Committee on Banking, Housing, and Urban Affairs.

EC–1041. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1042. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report on authority and functions for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1043. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Interstate Land Sales Registration Program; to the Committee on Banking, Housing and Urban Affairs.

EC–1044. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the HOME Program for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1045. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report of 1993 salary rates; to the Committee on Banking, Housing and Urban Affairs.

EC–1046. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual enforcement report for the period January 1, 1992 through December 31, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1047. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the Resolution Trust Corporations' 1991 and 1992 financial statements; to the Committee on Banking, Housing and Urban Affairs.

EC–1048. A communication from the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1049. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1050. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1051. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the Traffic Alert and Collision Avoidance System; to the Committee on Commerce, Science and Transportation.

EC–1052. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on domestic airport vulnerability assessments for 1991; to the Committee on Commerce, Science and Transportation.

EC–1053. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on accomplishments under the Airport Improvement Program; to the Committee on Commerce, Science and Transportation.

EC–1054. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the national airway system for fiscal year 1991; to the Committee on Commerce, Science and Transportation.

EC–1055. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the National Transportation Safety Board's Recommendations to the Secretary of Transportation for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC–1056. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on assessment of current rules and regulations over National Park System Units; to the Committee on Energy and Natural Resources.

EC–1057. A communication from the Acting Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC–1058. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on program accomplishments in the Forest Service for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–1059. A communication from the Acting Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1992; to the Committee on Energy and Natural Resources.

EC–1060. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–1061. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, notice of an informational copy of a prospectus; to the Committee on Environment and Public Works.

EC–1062. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report of a Building Project Survey for Cape Girardeau, Missouri; to the Committee on Environment and Public Works.

EC–1063. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, notice of an informational copy of a prospectus relative to a fiscal year 1993 reprogramming request; to the Committee on Environment and Public Works.

EC–1064. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Value Engineering on Federal-Aid Projects"; to the Committee on Environment and Public Works.

EC–1065. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Use of Recycled Paving Material"; to the Committee on Environment and Public Works.

EC–1066. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on hazardous waste management activities for calendar year 1992; to the Committee on Environment and Public Works.

EC–1067. A communication from the Inspector General of the Federal Emergency Management Agency, transmitting, pursuant to law, an audit report of the permanent and temporary relocation components of the Superfund Program for fiscal year 1991; to the Committee on Environment and Public Works.

EC–1068. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the period January through March 1993; to the Committee on Environment and Public Works.

EC–1069. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Anthropogenic Methane Emissions in the United States: Estimates for

1990"; to the Committee on Environment and Public Works.

EC-1070. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on expenditure and need for worker adjustment assistance training funds; to the Committee on Finance.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 1217. A bill to protect the elderly against fraudulent practices, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. JEFFORDS):

S. 1218. A bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COATS:

S. 1219. A bill to extend the existing suspension of duty on chemical intermediate; to the Committee on Finance.

S. 1220. A bill to suspend temporarily the duty on exomethylene ceph v sulfoxide ester; to the Committee on Finance.

S. 1221. A bill to extend the existing suspension of duty on (6R,7R)-7- {(R)-2-Aminophenylacetamido}-3-methyl-8-oxo-5-thia-1-azabicyclo{4.2.0}oct-2-ene-2-carboxylic acid disolvate; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. PELL, and Mr. CHAFEE):

S. 1222. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself and Mr. HOLLINGS):

S. 1223. A bill to extend the existing suspension of duty on power-driven weaving machines for weaving fabrics more than 4.9 meters in width; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Ms. MOSELEY-BRAUN):

S. 1224. A bill to prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, and Mr. SIMON):

S. 1225. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. 1226. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans Affairs.

By Mr. WOFFORD:

S. 1227. A bill to make technical correction to emergency unemployment benefits provisions; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. MCCAIN, Mr. PRESSLER, Mr. MACK, Mr. BURNS, Mr. SMITH, Mr. FAIRCLOTH, Mr. BENNETT, and Mr. CRAIG):

S. 1228. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWN (for himself, Mr. MCCAIN, Mr. PRESSLER, Mr. MACK, Mr. SMITH, Mr. FAIRCLOTH, Mr. BENNETT, and Mr. CRAIG):

S. 1229. A bill to repeal the provisions of the Service Contract Act of 1965; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. BOND, Mr. GRAMM, Mr. ROTH, Mr. MACK, Mr. FAIRCLOTH, Mr. BENNETT, and Mr. DOMENICI):

S. 1230. A bill to provide for community development banks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself, Mr. DOLE, Mr. BOREN, Mr. WALLOP, Mr. GRASSLEY, and Mr. CHAFEE):

S. 1231. A bill to provide for simplified collection of employment taxes on domestic services, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. PELL, Mr. BOREN, and Mr. SIMON):

S.J. Res. 112. A joint resolution entitled the "Collective Security Participation Resolution"; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 1217. A bill to protect the elderly against fraudulent practices, and for other purposes; to the Committee on the Judiciary.

### ELDERLY CONSUMER FRAUD PROTECTION ACT

Mr. COHEN. Mr. President, today I am introducing legislation to increase the enforcement authority of the Federal Government against consumer scams targeting the elderly and to provide restitution to victims of these fraudulent schemes. This legislation is a result of a hearing on consumer fraud and the elderly held last September by the Special Committee on Aging.

While seniors represent just over 12 percent of the population, over 30 percent of the victims of consumer fraud are senior citizens. Many unscrupulous businesses are targeting senior citizens as the primary victims of their scams. Every day there are new examples of the outrageous tactics that swindlers use to rob senior citizens of their savings, independence, and dignity.

The Aging Committee's investigation uncovered four scams that preyed upon our Nation's citizens, including many seniors. These scams ranged from mail order and home repair fraud to extravagant prize giveaways and misrepresentations in selling and drafting living trusts.

At our hearing, we heard testimony for several State attorneys general who described how some seniors had been pressured by door-to-door salesmen into paying far more than necessary to obtain a living trust. In some instances, the sales pitch misrepresented how expensive and complicated it would be to go through probate. Even worse, in some cases the trusts were improperly drafted, making the documents worthless.

We also uncovered home repair fraud in which unscrupulous contractors lured seniors into taking out second mortgages to pay for worthless home repairs and products. The contractors then disappeared, leaving the victims holding the bag with mortgage rates as high as 25 percent and, in some cases, losing their homes through foreclosure.

We heard compelling testimony from Archie Wilcox, a 76-year-old Minnesota resident who described how he became the victim of a guaranteed price scheme. In these scams, consumers are duped into purchasing merchandise or paying handling fees with the promise that they'll receive a substantial cash award or other valuable prize. Mr. Wilcox lost approximately $5,000 of his life savings to these telephone con artists.

Finally, we examined a case involving mail fraud by a mail order shoe company that operated out of Virginia. Thousands of elderly women ordered shoes from this company, only to find after months of waiting that they would get neither the shoes they ordered nor their money back.

Our investigation found that telemarketing and other types of consumer scams are on the increase and that consumers are paying for them dearly. It is estimated, for example, that consumer fraud costs our citizens over $40 billion.

Currently, it is just too easy for scam artists using telemarketing, credit card and other means to get away with defrauding consumers. We need tougher laws, increased enforcement and, most importantly, better educated consumers. This legislation tightens up loopholes in current statutes while sending a message to prosecutors and law enforcement officials that Congress is taking these crimes more seriously.

Specifically, this bill increases the criminal penalties for fraud crimes against the elderly and requires restitution for victims of these crimes. The bill also reallocates resources to U.S. attorneys to prosecute consumer fraud cases and to the Department of Justice to establish consumer education programs.

It also improves coordination of Federal efforts against consumer fraud, strengthens the Federal Trade Commission's authority to pursue consumer fraud cases, and calls for model state licensing laws for home contractors, mortgage companies and other operations that could target the elderly for fraudulent schemes.

Mr. President, it is time to crack down on telemarketers and other unscrupulous scam artists who prey on senior citizens and other vulnerable consumers. I look forward to working with Senators HATCH and BIDEN, ranking member and chairman of the Judiciary Committee, who have introduced similar legislation dealing with telemarketing abuses, and hope we will be able to enact legislation this year to deal with this growing problem.

Mr. President, I ask unanimous consent that a section-by-section analysis and a copy of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

(a) The Congress finds that—

(1) fraudulent activity in the United States has a devastating effect on the elderly;

(2) as the fears of the elderly over financial security have increased over the years, so too have the deceptive tactics of unscrupulous groups that prey on those fears;

(3) elderly citizens represent 12.5 percent of the population, but they are 30 percent of the victims of fraud;

(4) elderly citizens are far more likely to be subjected to questionable and unscrupulous sales practices than any other age group;

(5) elderly citizens, because they are home more than younger citizens, are more accessible to fraudulent practices involving the telemarketer's call or the knock of a door-to-door salesperson;

(6) schemes to bilk the elderly are becoming increasingly common as dishonest persons manage to sell inferior, worthless, unnecessary, and sometimes nonexistent products to thousands of elderly citizens nationwide;

(7) schemes to bilk the elderly involve outrageous tactics and rob the elderly of their savings, independence, and dignity;

(8) phony vacations, fraudulent credit repair services, and free prizes are but a few of the practices and activities involving consumer fraud carried out against the elderly;

(9) persons engaged in consumer fraud against the elderly are highly mobile and prosecution is difficult; and

(10) such practices and activities are a blight on reputable businesses engaged in legitimate marketing practices.

**SEC. 2 FEDERAL TRADE COMMISSION.**

(a) PARTICIPATION IN THE FINANCIAL CRIMES ENFORCEMENT CENTER.—The Federal Trade Commission shall participate in, and be on the receiving list of law enforcement products of, the Financial Crimes Enforcement Center of the Department of the Treasury.

(b) VENUE.—Subsections (a) and (b) of section 13 of the Federal Trade Commission Act (15 U.S.C. 53) are each amended by adding at the end thereof the following: "Whenever it appears to the court that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, the court may cause such person, partnership, or corporation to be summoned without regard to whether they reside or transact business in the district in which the suit is brought, and to that end process may be served wherever the person, partnership, or corporation may be found.".

(c) CRIMINAL CONTEMPT AUTHORITY.—Section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(A)(1)) is amended—

(1) in subparagraph (A) by striking "civil" the first place it appears and inserting in lieu thereof "Federal court"; and

(2) by adding at the end the following: "The Commission may bring a criminal contempt action for violations of orders obtained in cases brought under section 13(b) of this Act in the same manner as civil penalty and other Federal court actions to which this subsection applies. Such cases may be initiated by the Commission on its own complaint, or pursuant to its acceptance of an appointment by a court to assist it in enforcing such orders pursuant to Rule 42(b) of the Federal Rules of Criminal Procedure.".

**SEC. 3. SENTENCING GUIDELINES.**

(a) FRAUD AND DECEIT.—The United States Sentencing Commission shall amend its sentencing guidelines relating to fraud and deceit so as to provide for increases in offense levels based on the number of persons that the offender has victimized.

(b) VULNERABLE VICTIMS.—The United States Sentencing Commission shall amend its sentencing guidelines relating to vulnerable victims so as to provide that if the offender knew or should have known that the victim was unusually vulnerable or that the victim was otherwise particularly susceptible to the offense, the offense level shall be increased by 7 levels.

**SEC. 4. MANDATORY RESTITUTION.**

(a) ORDER OF RESTITUTION.—Section 3663(a) of title 18, United States Code, is amended by striking "may order" and inserting "shall order".

(b) PROCEDURE.—Section 3664(a) of title 18, United States Code, is amended by striking "in determining whether to order restitution under section 3663 of this title and the amount of such restitution" and inserting "in determining the amount of restitution under section 3663".

**SEC. 5. SENSE OF CONGRESS CONCERNING THE NATIONAL TELEMARKETING FRAUD WORKING GROUP.**

It is the sense of Congress that—

(1) all United States Attorneys should regularly enter information on telemarketing fraud into the database of the National Telemarketing Fraud Working Group; and

(2) the National Telemarketing Fraud Working Group and the States should continue to cooperate with each other in coordinating the prosecution of offenders in venues that are convenient to the victims of their offenses.

**SEC. 6. CONSUMER AND ANTI-FRAUD ACTIVITIES.**

(a) ADDITIONAL U.S. ATTORNEYS.—The Attorney General shall designate 50 existing full-time equivalent positions for attorneys and sufficient support staff to be assigned to the prosecution of consumer fraud and for law enforcement and consumer fraud education programs.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

**SEC. 7. FORFEITURES.**

(a) CIVIL FORFEITURE.—Section 981 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by inserting "(i)" before "Any" and redesignating clauses (i), (ii), (iii), (iv), (v), and (vi) as subclauses (I), (II), (III), (IV), (V), and (VI), respectively;

(B) by striking "(E) With respect to an offense listed in subsection (a)(1)(D)" and inserting "(ii) With respect to an offense described in clause (i)"; and

(C) by adding at the end the following new subparagraph:

"(E) Any property, real or personal, that constitutes, represents, is derived from, or is traceable to the proceeds of a violation of section 1029, 1341, or 1343 of this title if such violation relates to crimes against individuals 55 years of age or older. Notwithstanding the provisions of section 524 of title 28, United States Code, up to 25 percent of the amounts forfeited pursuant to this subparagraph for an offense may be used to provide restitution to any victim of the offense.".

(b) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(5) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate, section 1029, 1341 or 1343 of this title, affecting an individual 55 years of age or older, shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation. Notwithstanding the provisions of section 524 of title 28, United States Code, up to 25 percent of the amounts forfeited pursuant to this paragraph for an offense may be used to provide restitution to any victim of the offense.".

(c) CRIMINAL CONTEMPT AUTHORITY.—Section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)(1)) is amended—

(1) in subparagraph (A) by striking "civil" the first place it appears and inserting in lieu thereof "Federal court"; and

(2) by adding at the end the following: "The Commission may bring a criminal contempt action for violations of orders obtained in cases brought under section 13(b) of this Act in the same manner as civil penalty and other Federal court actions to which this subsection applies. Such cases may be initiated by the Commission on its own complaint, or pursuant to its acceptance of an appointment by a court to assist it in enforcing such orders pursuant to Rule 42(b) of the Federal Rules of Criminal Procedure.".

**SEC. 8. MONEY LAUNDERING.**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting after "1014 (relating to fraudulent loan or credit applications)," the following: "1029 (relating to fraud relating to access devices),".

**SEC. 9. UNIFORM LAWS GOVERNING LICENSING OF HOME REPAIR CONTRACTORS, MORTGAGE COMPANIES, AND PRIZE GIVEAWAY COMPANIES.**

The Attorney General, in consultation with the American Law Institute, the National Conference of Commissioners on Uniform State Laws, or other interested persons, shall prepare model State law on each of the following subjects:

(1) Licensing of home repair contractors.

(2) Licensing of mortgage companies.

(3) Licensing of prize giveaway companies.

**SEC. 10. MAIL FRAUD.**

(a) OFFENSE.—Section 1341 of title 18, United States Code, is amended—

(1) by inserting ", or places in any private courier service office or authorized depository for receipt of matter to be delivered by private courier service," after "mail matter,";

(2) by inserting "or by a private courier service" after "Postal Service"; and

(3) by inserting "or private courier service" after "by mail".

(b) DEFINITION.—

(1) PRIVATE COURIER SERVICE.—Section 1346 of title 18, United States Code, is amended to read as follows:

**"§ 1346. Definitions**

"In this chapter—

"'private courier service' means a private entity providing services provided by the United States Postal Service.

"'scheme or artifice to defraud' includes a scheme or artifice to deprive another of the intangible right of honest services.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the item for section 1346 and inserting the following item:

"1346 Definitions"

Section 1. This part is an introductory preamble that describes the devastating effect of fraudulent activity on the elderly and the vulnerability of seniors to this activity.

Section 2. FTC Authority: This section deals with Federal Trade Commission issues. (a) Directs that the FTC shall participate in, and be on the receiving list of law enforcement products from the Treasury Department's Financial Crimes Enforcement Center (FINCEN). FINCEN is an organization designed to address the problems of money laundering and other financial criminal activities.

At one point, the FTC was an agency that received FINCEN assistance but it no longer has access. The FTC finds it helpful in its investigations to have access to computerized bank Currency Transaction Reports and other FINCEN reports in order to determine where companies engaged in fraud are placing and/or hiding their assets.

(b) Amends Title 15 to allow the FTC to bring criminal contempt actions for violations of court orders in the same manner as civil penalties and other federal court actions. The FTC currently has only civil contempt authority. This would enable the FTC to more aggressively pursue consumer fraud cases.

(c) Amends Title 15 to consolidate venue and service of process for FTC actions. This provision will ease the joining of parties in cases where multiple defendants reside in several jurisdictions. Currently, there is no single court to deal with such cases.

Section 3. Increasing Penalties: In order to raise the penalties associated with fraud crimes against the elderly, this section strengthens the sentencing guidelines as set forth by the U.S. Sentencing Commission.

By increasing sentencing offense levels, this provision would create longer prison terms for those engaging in serious consumer fraud. The Aging Committee investigation found that current criminal penalties are inadequate, especially in comparison to the detrimental effect that such fraud has on elderly victims.

(a) This part amends the sentencing guidelines relating to fraud and deceit to provide for increases in offense levels (which determine the length of imprisonment) based on the number of persons that the offender has victimized. The current criteria that increases offense levels is primarily based on pure monetary loss.

(b) Amends the Victim-Related Adjustment Guideline so as to provide that, if the offender knew or should have known that the victim was otherwise particularly susceptible to the offense, the offense level shall be increased by 7 levels (currently it is only 2 levels). For example, if a convicted individual, who is a first-time offender, were given a term of imprisonment of 0 to 6 months in jail, our provision would raise that term of imprisonment to 18 to 24 months in jail.

Section 4. Mandatory Restitution for Victims: Amends the federal sentencing statute regarding restitution of victims so that the final decision by a Court to impose restitution is not discretionary but mandatory.

Section 5. Coordination of Federal Efforts Against Fraud: This section deals with the National Telemarketing Fraud Working Group, a coordinated federal/state effort. Not enough U.S. Attorneys actively participate in this group to ensure its effectiveness.

The bill includes a sense of the Congress provision to state that U.S. Attorneys should (a) enter information into its database and should (b) continue to cooperate with states in coordinating prosecution of offenders in venues that are convenient to the victims of the offense. The Aging Committee investigation found that more cooperation between federal and state entities is necessary for successful prosecutions of consumer frauds.

Section 6. Increase U.S. Attorney Resources for Consumer Fraud: This section directs the Attorney General to reallocate existing funds, as of the effective date of this Act, to provide more funds to the U.S. Attorneys for designating 50 full-time Equivalent (FTE) positions for Attorneys and support staff to be assigned to the prosecution of consumer fraud, and for establishing law enforcement and consumer fraud education programs in the Department of Justice.

Section 7. Forfeiture: (a) Amends civil and criminal forfeiture to allow for the forfeiture of profits arising from mail, wire and credit card violations in connection with serious fraud schemes against the elderly.

(b) Allows 25% of the illicit gains seized or frozen in consumer fraud cases to be used, after conviction, to provide restitution to victims as well as to provide funds to law enforcement agencies involved in consumer fraud investigations.

Section 8. Money Laundering: Adds credit card fraud to the money laundering statute so that this statute can be used to pursue credit card fraud.

Section 9. Model Licensing Law: Directs the Department of Justice, in consultation with the American Law Institute and the National Conference of Commissioners on Uniform State Law, to prepare a model State statute that establishes a state licensing requirement for: home repair contractors, mortgage companies, and prize give-away companies. Our Aging Committee investigation found that more consistent and uniform State licensing of these industries could prevent and/or weed out fraudulent operations.

Section 10. Private Carriers: Amends the Mail Fraud Act to cover private mail carriers or commercial courier services. Many fraudulent telemarketers use private carriers to complete transactions, thus avoiding federal penalties.

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By Mr. PELL (for himself and Mr. JEFFORDS):

S. 1218. A bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, and for other purposes; to the Committee on Labor and Human Resources.

### ARTS, HUMANITIES, AND MUSEUM AMENDMENTS OF 1993

● Mr. PELL. Mr. President, as chairman of the Subcommittee on Education, Arts and Humanities, I am introducing legislation today that will provide for an extension of the authorization statute which governs the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

This proposal provides for a simple extension of existing law for these agencies for a 2-year period through fiscal year 1995. The funding levels authorized in this legislation are consistent with the President's proposed budget for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.

These three agencies were last reauthorized by the Arts, Humanities, and Museums Amendments of 1990 which was enacted on November 5, 1990, for a 3-year period. Since this authority expires on September 30, it is important that we complete action on this simple extension in an expeditious manner.

This plan of action should in no way imply that changes in the legislation are not needed. To the contrary, many important issues concerning these agencies await to be debated. This discussion, however, will occur over the next 2 years as we lead up to the next reauthorization in 1995. I will welcome the input from all interested parties during this period.

This schedule is necessary because I believe the Clinton administration should have as full a role as possible in the debate over the future course of these agencies. Since we do not yet have fully confirmed Chairmen for the Endowments nor a new Director for the Institute of Museum Services, it is prudent to delay any consideration of substance. These individuals and their staffs will be crucial partners in the eventual full-scale review of these programs.

I look forward to this process which, hopefully, will reaffirm our Government's commitment to the support of our Nation's culture and set that commitment on a renewed and positive course. In the meantime I ask my colleagues to join in supporting this simple 2-year extension of the existing authority for these agencies.●

Mr. JEFFORDS. Mr. President, as cochair of the congressional arts caucus and ranking member of the Subcommittee on Education, Arts, and Humanities, I rise today in support of S. 1218, the Arts, Humanities, and Museum Amendments of 1993. Having been a primary sponsor in the House of Representatives of the Museum Services Act in 1976, I am particularly pleased to be a cosponsor of this bill which is being introduced by my colleague Senator PELL, chairman of the subcommittee. This legislation is clear and simple.

The bill extends for 2 years the authorization for the National Foundation on the Arts and Humanities Act of 1965 and the Museum Services Act. The legislation does not make any changes in the agencies, their functions, operations, or procedures for funding grant requests. It allows them to continue to do their valuable work in promoting access to the arts across America.

Current authorization expires on September 30, 1993. As ranking member of the authorizing subcommittee, I support Senator PELL'S decision to seek a straight 2-year extension. There is simply not enough time for Congress to consider a full reauthorization of these two acts. Rather, a 2-year extension will give Congress adequate time to consider a full reauthorization in 1995. Over the next 2 years we will have the time before the reauthorization to look at the agencies under these two acts. I am hopeful that constructive progress can be made in improving the acts for a full reauthorization in 1995.

This legislation is not trivial. I believe this extension is fundamental to the continuity of America's cultural legacy. The grants made by the Endowments and IMS over the past quarter century have fostered artistic creativity, scholarship, and the preservation and display of some of America's most treasured artistic creations and historical objects. Without this critical Federal support, the rural and inner-city areas of the United States would do without the art, music, literature, and dance that much of America enjoys.

Mr. President, I am pleased to support this simple, yet important, piece of legislation, and hope it can be enacted without delay.

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By Mr. KENNEDY (for himself, Mr. KERRY, Mr. PELL, and Mr. CHAFEE):

S. 1222. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

### BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR ACT

Mr. KENNEDY. Mr. President, today I am introducing legislation to enhance a very successful historic preservation effort already underway in Massachusetts and Rhode Island—the Blackstone River Valley National Heritage Corridor.

This legislation will modify the boundaries of the corridor to include additional communities in the valley that are essential components of the region's history. It will also extend the Blackstone River Valley National Heritage Corridor Commission, which has been so effective in bringing local groups together to preserve these important cultural and natural resources. The bill will increase the Commission's funding, to build on current preservation efforts and address the broader responsibilities that will result from the larger Corridor boundaries.

I am joined in this legislation by my colleagues from Massachusetts and Rhode Island, Senators JOHN KERRY, CLAIBORNE PELL, and JOHN CHAFEE, who have all shown a strong commitment to our effort to protect this vital part of our national heritage. A companion bill is being introduced today in the House of Representatives by Congressman RICHARD NEAL, with the sponsorship of Congressmen PETER BLUTE, RONALD MACHTLEY, and JACK REED, who are working in the same spirit of bipartisan and bi-State cooperation.

The Blackstone corridor is unique in many respects. Historically, it is distinctive as the place where industrial America was born. The country's first factory, Slater Mill, was built on the banks of the Blackstone River. It was here that the widespread industrial use of water power in the United States was first developed.

Much of this early development is still intact, with approximately 10,000 historic structures, and a canal system and dams that harness the force of the river, which drops dramatically at many points along its 46-mile course. Dozens of 19th century mill villages and communities sprang up along the river to take advantage of the water's power. Many other aspects of the landscape—the farms and pastures that provided food for the mill workers, and the beautiful woods and scenic areas along the river—remain intact for the enjoyment of visitors.

The Blackstone corridor is also distinctive because it represents an innovative and highly cost-effective way for the Federal Government to assist in preserving historic and natural resources. Rather than acquiring and managing vast acres of land and historic structures, the National Park Service and the Blackstone Commission serve as a guiding hand to foster restoration projects that are predominantly funded with local resources. The Federal role is one of providing technical expertise and recognition. These efforts encourage local citizens, businesses, nonprofit historic and environmental organizations, schools and universities, 20 local governments and two State governments to work together to protect their valley's heritage, and to do so in a way that is consistent with National Park Service standards.

When the Blackstone corridor was first established by Congress in 1986, this public-private partnership was highly experimental. Neither Congress nor the Park Service was certain that the concept—so different from the traditional Federal ownership and control—would work. Now, it is clear that the corridor is a success and serves as a model for similar efforts across the country. A report last year by the advisory board of the Secretary of the Interior on National Parks gave Blackstone a glowing endorsement, calling it "an outstanding initiative and partnership model." Earlier this year, the National Trust for Historic Preservation hosted a conference on heritage areas in which the Blackstone project was featured as the prime example of Federal seed money being used effectively to encourage local preservation.

Because the Blackstone corridor has been such an unqualified success, other communities in the valley want to participate, and they have petitioned for official inclusion in the corridor boundaries. The Blackstone Commission has conducted a comprehensive evaluation of these communities—Worcester and Leicester in Massachusetts and Burrillville, Glocester and Smithfield in Rhode Island. The Commission found that each of these communities has significant historic and natural resources warranting inclusion in the project.

One of the most valuable features of the corridor, as described in its cultural heritage and land management plan approved by the Secretary in 1990, is its wholeness—the survival of representative elements of entire 18th and 19th century production systems, power and transportation methods, communities, workplaces and machinery. The expansion will help ensure the protection of the entire corridor, including the headwaters of the Blackstone River, to tell a fuller story of America's industrial revolution.

Extension of the Blackstone Corridor Commission is also essential. Existing law terminates the Commission's authority in 1996, undermining opportunities for the new areas to participate in the corridor and undercutting the Commission's effective ongoing efforts within the existing boundaries.

This legislation will extend the Commission an additional 10 years, and permit continuation beyond that date without further congressional action upon findings by the Secretary of the Interior, the Governor of Massachusetts and the Governor of Rhode Island that the Commission continues to be effective in protecting and interpreting the Corridor through the partnership approach. The Secretary's advisory board recommended reconsideration of the 1996 sunset clause in its report on Blackstone last year, stating that after the planning stage, there should be a program into which the corridor can feed, one with parameters as carefully drawn as those governing traditional park units.

The legislation proposes a modest increase in the Commission's operating budget to $650,000 a year. It authorizes up to $5 million over the next 3 years in matching funds for development projects that will be largely financed through local contributions. These funds will enable the Commission to continue its excellent work in the 20 towns now comprising the corridor and to expand its outreach efforts to the additional communities. These investments are highly cost-effective. The corridor is the largest National Park Service-affiliated area in New England. The Commission deserves this vote of confidence by Congress for the impressive groundwork it has laid and for the important tasks it has set for itself in the years ahead.

I urge my colleagues to support this legislation. It offers us an excellent opportunity to build on the success of the Blackstone River Valley National Heritage Corridor, and help keep an important part of the American heritage alive, available and accessible for future generations.

Mr. KERRY. Mr. President, I am pleased to join my colleague from Massachusetts, Senator KENNEDY and the distinguished Senators from Rhode Island, Senator CHAFEE and Senator PELL, in proposing a bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor.

When the Blackstone River Valley National Heritage Corridor was established in 1986, it represented a unique experiment which sought to reconcile resource preservation with economic growth through the cooperation of the community, its businesses, the State government, and the National Park Service. Now, 7 years later, the success of this partnership can be seen in all of the 20 townships and 5 cities that comprise the corridor. From the historic preservation of buildings to the construction of parks, bikeways and river access, the corridor has effectively blended the beauty of a New England landscape with the preservation of the region's history shaped so indelibly by the industrial revolution. This project has been so successful for all involved that five additional cities and towns—two in Massachusetts and three in Rhode Island—have petitioned to be included in the commission.

For those of us who represent States east of the Mississippi and who are concerned with the aesthetic value of the landscapes of our States, this project is particularly exciting. Unlike Western States where large tracts of land are protected by the National Park Service, most Eastern States simply do not have open expanses of land available to develop as national parks in the traditional sense. The Blackstone River Valley National Heritage Corridor is a model for other regions interested in preserving their unique characteristics and their historic resources without disturbing their economic base. Just as the great national parks of the west symbolize the expansiveness and independence that is part of our history, the Blackstone corridor captures another aspect of our collective heritage—a heritage that is rooted in the communities and industries of the east coast and which helped define the 19th century American experience. This architectural and industrial landscape stands today as a reminder of our past and its contributions to both our spiritual identity and our industrial development.

As Blackstone Valley should serve as a model for the preservation of our unique heritage, it also can serve as a model for the process by which the plan for preservation has been developed, promoted, and implemented. This project exemplifies what can be accomplished by a solid partnership of Federal, State, and local government and local residents working in unison to leverage resources to obtain maximum results through such means as use of local volunteers and financial support. Unlike the costs of upkeep for the traditional western-style parks which are primarily supported by the Federal Government, the comparatively minuscule funding for the Blackstone Commission is used to attract community and private sector resources that contribute to preservation activities while enhancing economic growth in the region. Thus, every dollar put into the Commission yields considerably more than a dollar's value to the towns and businesses of the Blackstone Valley as well as to the preservation of this region for the education and enjoyment of all Americans and visitors from around the world.

While there is widespread agreement that this project has been tremendously successful, we must ensure that the hard work and resources that have contributed to that success are not compromised. Through this legislation, the boundaries would be expanded so that the five communities of Massachusetts and Rhode Island which have requested inclusion would be able to participate in the commission-sponsored activities. The Corridor Commission would be extended another 10 years and the operating budget would be increased, allowing the Commission the leeway it needs to continue in its mission.

I sincerely hope that the Corridor's success as both a national park and as an example of a positive public-private partnership in pursuit of conservation objectives will be replicated in other areas of the country. If we are to hold Blackstone Valley up as such a model, however, we first must ensure that it is provided with the resources it needs. For these reasons I look forward to positive action on this legislation.

Mr. PELL. Mr. President, I am delighted to join with the senior Senator from Massachusetts [Mr. KENNEDY] in introducing legislation to reauthorize the Federal funding programs needed for the Blackstone River Valley National Heritage Corridor Commission to carry out its mission of preserving and interpreting an important legacy of our Nation's past.

Nothing succeeds like success, and the Blackstone NHC is a wonderful example of successful coalition building, between States, among various levels of government, among communities, and among business, industry and a variety of civic, historic and public interest groups.

Our legislation would expand the Blackstone NHC—the largest national park or affiliated area in New York or New England: 250,000 acres, including 20 towns or cities in 2 states—and reauthorize its Federal funding programs.

As written, our bill would authorize $650,000 a year for operations and less than $5 million in total development funds over 3 years. We arrived at these figures only after close consultation with the Corridor Commission. The funding levels, frankly, are modest but sufficient.

As proposed, our legislation would add four towns—Leceister, MA, and Burrillville, Glocester, and Smithfield, RI—and one city—Worcester, MA, to the existing corridor along the watershed of the 46-mile-long Blackstone River.

We take a great deal of pride in the fact that America's industrial revolution was born on the banks of the hardworking Blackstone River, which flows from Worcester, MA, to Pawtucket, RI.

This legislation, which builds on a reauthorization that I sponsored in 1990, will help to spotlight that legacy for the Nation.

The national historic value of the Blackstone, and it's role as cradle of our industrial revolution, was recognized by the Congress with the enactment of the Blackstone Valley National Heritage Corridor Act—Public Law 99-646—in 1986.

The Blackstone Corridor Commission, created by this law, has done an excellent job of planning to create a chain of linear parks along the banks of the river to preserve, protect and tell the national story of the Blackstone Valley.

This is truly a bipartisan effort and I am delighted that my colleagues, the junior Senator from Rhode Island [Mr. CHAFEE] and the junior Senator from Massachusetts [Mr. KERRY] are joining us in introducing this important measure.

When I testified in 1986 in support of the original authorization, which was sponsored by my colleague, Senator CHAFEE, I noted that the Blackstone River is our link not only to the past, but to the future.

That, I think, is the most important point we can make about the Blackstone River Valley Heritage Corridor. By preserving and highlighting our pioneering industrial past, we can foster a better future and an increasing sense of pride for our citizens.

That was the vision I had back in the spring of 1983. It was then I initiated the first meeting of the National Park Service, the Rhode Island and Massachusetts Departments of Environmental Management, and representatives of congressional delegations from both Rhode Island and Massachusetts to coordinate plans for the Blackstone River.

The birthplace of the American Industrial Revolution is well worth preserving and we, on the Federal level, should continue to do what we can to support that effort.

We are in extremely difficult economic times, but that should serve to underscore for us the lessons to be learned from the Blackstone River Valley National Heritage Corridor. When we look at historic battlefields throughout America, we should not overlook one of our most important battles—the economic battle of the industrial revolution.

There is another, more modern lesson to be learned: The Blackstone NHC is an extraordinary bargain for the taxpayers. With only a modest Federal contribution, the corridor has leveraged funds by sometimes as much as a 20-1 match.

We continue to look for examples of imaginative, efficient, and cost-effective concepts. We need to look no further than the Blackstone Valley—not only for where those concepts were born but where they continue to be practiced and developed to this day.

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By Mr. BREAUX (for himself and Mr. HOLLINGS):

S. 1223. A bill to extend the existing suspension of duty on power-driven weaving machines for weaving fabrics more than 4.9 meters in width; to the Committee on Finance.

### DUTY SUSPENSION LEGISLATION

• Mr. BREAUX. Mr. President, I am pleased to introduce a bill which would renew until December 31, 1994, a prior duty suspension bill for certain wire weaving looms. These looms manufacture machine clothing which itself is ultimately used in the production of paper products.

Wire weaving looms are critical to the production of various kinds of paper products. Different kinds of paper require machine clothing of differing specifications. Wire weaving looms produce these varying machine cloths and are an important step in an important value added process. In fact, the entire process of converting wood into paper would not be possible without the looms which produce the paper machine clothing. Forming fabrics, press felts, and dryer felts and fabrics fulfill the essential function of carrying and supporting the paper sheet when it is formed, pressed, and dried.

Because these looms are not manufactured in the United States, they must be imported. The looms themselves cost in excess of $2 million each. Costs associated with the 4.7-percent duty rates on these looms are eventually passed onto consumer of the finished paper products and consequently affect the competitiveness of our U.S. paper industry.

I urge my colleagues to support this critical component of our world class paper industry and renew the duty suspension on these wire weaving looms. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1223

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY ON POWER-DRIVEN WEAVING MACHINES FOR WEAVING FABRICS MORE THAN 4.9 METERS.**

Heading 9902.84.46 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/90" and inserting "12/31/94".

**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendment made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer on or before the 180th day after the date of the enactment of this Act, and entry, or withdrawal from warehouse for consumption, of goods described in heading 9902.84.46 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1990; and

(2) before the 15th day after the date of the enactment of this Act;

and with respect to which there would have been no duty or a lower duty if the amendment made by section 1 had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on the date that is 15 days after the date of the enactment of this Act.•

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By Mr. METZENBAUM (for himself and Ms. MOSELEY-BRAUN):

S. 1224. A bill to prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved, and for other purposes; to the Committee on Labor and Human Resources.

### MULTIETHNIC PLACEMENT ACT OF 1993

Mr. METZENBAUM. Mr. President, I rise today to speak about children, not all children but some children. Make no bones about it. One of my great passions in life has to do with children. To me, it is something wonderful. They are fresh and have open minds. They have the whole world to conquer before them. They represent the best in all of us and our best hope for the future. All of my life I have found myself sharing that concern about children, no matter the circumstances of their birth. I believe that those children need to be treasured and nurtured.

Not all children are born well. Not all children are born in the families of means. Many children have real challenges facing them as they are born. Whether it is a baby born with AIDS and addicted to crack or my own wonderful grandchildren, I, frankly, want to do everything in my power to make sure that every child grows up in a loving, caring, stable, and safe environment.

Sadly, children in America today are in more danger than ever before. Poverty, crime, substance abuse are tearing families apart. The number of children in the foster care system has exploded from 276,000 in 1986 to 450,000 in 1992—an unbelievable expansion. Children are entering foster care at a younger age, in record numbers, and are staying in the system for far longer periods of time.

The Government's goal for most children in foster care should be reunification with their families. We must also increase the funding for programs that prevent the breakup of families in the first place and help them to stay together once they are reunited. However, family reunification is not always possible nor is it appropriate. As a result, thousands of children of all races and colors are presently waiting to be adopted in America. The vast majority are living in foster care homes, some of which are good, some of which are passable, and some of which are horrible—just terrible, terrible conditions.

I believe that every child who is eligible for adoption should have the right to be adopted by parents of same race if that is possible. Teaching a child to embrace his or her racial and cultural heritage is more easily accomplished when parents and children are the same race or ethnic group. I strongly support efforts to recruit prospective adoptive parents of all races.

Despite these efforts, same race placement is not available for the overwhelming majority of children in foster care homes—and I repeat—although it is desirable, although I think it is optimum, the fact is same race placement is not available for the overwhelming majority of children in foster care homes. This unfortunate situation is made even worse when State agencies prevent foster care children from being adopted by available and qualified adults solely because the child is of a different race than the prospective parents. Several State and local child welfare agencies virtually prohibit multiethnic and transracial foster care in adoption placements. Indeed, some agencies prevent the adoption of children by prospective parents of a different race, even after the child and parents have bonded through years of living together in a loving foster care home.

For example in Minnesota, a biracial couple was being forced to give up their 4-year-old black foster son who they are trying to adopt, solely because of a State law that discourages transracial adoptions. For shame, I say, for shame. The child's concern should be the primary concern. The little boy and his foster family have shared a caring and nurturing interracial home for more than 3 years. In Arizona, a white couple is seeking to adopt a 3-year-old black foster daughter who came to live with them when she was only 3 months old. Although this couple have been wonderful foster parents, they face an uphill battle to preserve their loving family because of State policies where race is the controlling factor in placement decisions.

In instance after instance there are cases where there are wonderful opportunities for black children to be adopted by white parents—no black adoptive parents being available, being in a position to make the adoption, and that little child has a chance to grow up in a healthy home, get a decent education, and have a loving and caring family. But now some welfare agencies think that that is wrong, that there is some reason to oppose it.

Something must be done to help these and other children of all races and colors and national origins who are being denied the opportunity to be part of stable and caring interracial family when placement with a same race family is not available.

Today I am introducing a bill to strengthen the Federal Government's commitment to improving the lives of children and fighting harmful discrimination. I believe that same race placement is always desirable, if possible and if the prospective parents are appropriate. For that reason my bill states that race, national origin or color may be one of many factors to consider in determining the placement that is in the best interest of the child. However, my bill will also make it clear that race, national origin, or color cannot be the only consideration in making foster care and adoptive placements. Policies prohibiting racial and ethnic mixing have no place in determining what is in the best interests of any child.

I fully understand that transracial homes present special adjustments and problems for all those involved. But I have also seen firsthand they can provide the loving care and stable home that all children deserve. Moreover, I strongly oppose that which is too often the case today. Too many social workers prefer warehousing children in foster care homes and institutions over their placement in loving, permanent interracial homes. They are wrong in their policy and in their acts.

I expect that my bill may initially be of some concern to some who are committed to increasing the numbers of same race placements for children of color. I also prefer same race placements of children of all colors. But the unfortunate reality is that the number of children of color needing adoptive homes far exceeds the available number of persons of color seeking to adopt. I hope that someday there is an appropriate same race foster care or adoptive placement for every child who needs one.

But while we work toward that important goal, our bill simply restates the basic principles of title VI of the 1964 Civil Rights Act. This well settled law bans discrimination on the basis of race, national origin, or color in any program or activity that receives Federal funding. In addition, our bill provides for the same remedies that are allowed for title VI violations. HHS is directed to deny adoption assistance administrative funds to any agency found to be in violation of this law. Our bill also allows victims of discrimination to seek relief in Federal court.

All of us who profess a love for children and laudable values of this country must put aside our politics and prejudices. Our commitment to children in the fight against institutionalized bigotry must come first.

I urge my colleagues to support this legislation which I now send to the desk on behalf of Senator CAROL MOSELEY-BRAUN and myself.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

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By Mr. BINGAMAN (for himself, Mr. MCCAIN, and Mr. SIMON):

S. 1225. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission; to the Committee on Foreign Relations.

### UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the United States-Mexico Border Health Commission Act. Joining me in this bipartisan effort are the distinguished Senators from Arizona and Illinois, MCCAIN and SIMON. We are pleased to be working on this initiative with our colleagues in the House, the chairman of the House border caucus, Representative COLEMAN, and the members of the House border caucus.

Through this legislation, I believe we can begin to lay the foundation for effectively addressing the serious and far-reaching border health challenges that face our nation and Mexico. This is an issue that should be of tremendous concern to all of us. Developing solutions will require that we work together, in a bipartisan and binational manner, toward common goals.

Before discussing our legislation, I first want to commend the House Border Caucus, the American Medical Association and the Texas Medical Association in particular for their efforts to increase awareness nationally about border health issues and to develop long-term solutions to the many problems we face.

I was born a short distance from the United States-Mexico border, and I grew up in a small New Mexico town less than 90 miles north of the border. My father still lives there, in Silver City, today. Over the years, I have seen the border area change and grow. I have seen the problems first-hand, and I know we face an enormous task. I also know that our task will grow in urgency and importance as the United States and Mexico continue to open their borders and increase international trade and development. That is why I am committed to working to enact the United States-Mexico Border Health Commission Act.

Mr. President, in October 1991, the Texas Medical Association hosted a Border Health Conference in McAllen, TX. The idea for the legislation Senators MCCAIN, SIMON, and I are introducing today—and which Representative COLEMAN introduced last month—was born at that conference. In McAllen, a commitment was made by the medical societies of the border States—Texas, New Mexico, Arizona, and California—to draft legislation that would lay the groundwork for a high-level, binational commission which would work in coordination to protect the health and well-being of the residents of both countries. The Commission's key duty would be to develop a comprehensive, long-term plan of action. The plan would include goals, priorities, and methods for measuring and reaching those goals.

My home State of New Mexico was still in its infancy with respect to border health problems and border awareness in 1991, but we knew it was time for action. We knew we needed to develop strategies for dealing with the future. We knew that if we acted quickly and rationally, our State could avoid many of the environmental and health problems that already threatened our neighboring border States. New Mexico, if we acted quickly, would be a national experiment for economic development. And it could become a national model for success.

New Mexico—like the other border States—has grown and changed in the year and a half since the McAllen conference. Today, the need for this legislation and the binational commission is greater than ever.

In New Mexico, the border region is one of the State's fastest growing areas. Dona Ana County which is our State's most populous border county, grew by 40 percent between 1980 and 1990. It is projected to grow by another 30 percent before the year 2000. But despite this rapid growth, or perhaps because of it, New Mexico's border region is one of the poorest areas of the United States. Dona Ana County has been ranked as the 10th poorest county in the Nation, in terms of per capita income. Of the county's total population, 56 percent are Hispanic. More than one-third of them live below the poverty line.

Las Cruces, the county's largest city and the State's third largest, ranks as the fifth poorest city in the Nation in terms of per capita income. The average per capita income is less than

$9,500 in Las Cruces, with children under the age of 18 making up 30 percent of the population.

These statistics alone would force tremendous stress on the health care infrastructure of any region. But the residents of Las Cruces, Dona Ana County, and the rest of New Mexico face another serious challenge: They, along with the people of Texas, Arizona, and California, are on the frontline of our country's environmental and health problems.

Already, the over-developed environments of the Texas, Arizona, and California borders have been seriously degraded by water and air pollution from unregulated industries, widespread lack of sanitation facilities, toxic waste and other ground contaminants, and rapidly growing populations. Today, the threats these hazards pose are spreading. No longer are these problems exclusive to a geographic region or a State. Disease and death do not know political boundaries. They threaten all of us, Americans and Mexicans alike.

With this legislation, we have the opportunity to assess our border problems in the proper framework. We also have the opportunity in New Mexico to create a model for developing comprehensive solutions to these serious binational problems.

The Commission we are advocating, composed of officials and experts from the United States and Mexico Governments and key States will develop a workable binational plan of action. It will be a long-term plan, with clear goals and mechanisms for measuring progress.

We have a lot of work ahead of us, Mr. President, but together, with a common plan and common goals, I am confident we can improve the quality of life for our border residents and for all the people of the United States and Mexico.

To further explain the Commission and its duties to my colleagues, I ask unanimous consent that a summary of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY: UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

I. BACKGROUND:

The concept for the U.S.-Mexico Border Health Commission Act was developed at a border state health conference hosted by the Texas Medical Association in 1991. Since that time, members of the medical communities in Texas, New Mexico, Arizona, and California have worked closely with the American Medical Association and the Congressional Border Caucus to develop the bill and generate support.

This bill is a first-step toward an effective, comprehensive and long-term answer to the many health challenges facing U.S. and Mexico residents as our borders become more populated and more industrialized.

II. LEGISLATION:

The bill authorizes and encourages the President to enter into an agreement with Mexico to establish a Binational Commission on Border Health. The commission will:

(1) conduct a needs assessment to identify, evaluate, prevent, and resolve health problems affecting the border population of both countries;

(2) develop and implement an "action plan" for carrying out the activities recommended by the needs assessment, through:

(a) helping to coordinate public-private efforts to prevent and resolve border health problems;

(b) helping to coordinate public-private, culturally-competent border health education efforts; and

(c) developing and implementing culturally competent health-related programs where an unmet need currently exists; and

(3) develop a reasonable method, to be recommended to the governments of both countries, by which one government could reimburse a provider (public or private) for providing health care to a resident of the other country.

To carry-out these duties, the commission would:

(1) conduct and support investigations, research, and studies that will identify, study, and monitor border health problems;

(2) conduct and support a binational, public-private health data collection and monitoring system for the U.S.-Mexico border area; and

(3) provide financial and technical assistance to public and private efforts aimed at addressing border health problems.

Details of the U.S. section of the Commission are:

(1) 13 members: including the Secretary of Health and Human Services; the four commissioners of health for the U.S.-Mexico border states; two individuals from each of the four border states who have demonstrated an interest or expertise in border health issues.

(2) Regional offices: the Commission may establish regional offices to facilitate its work.

(3) Annual Reports: the Commission will report annually on its activities to the governments of both countries.

(4) For purposes of the Commission, the border area will be defined as the areas located in the U.S. and Mexico within 100 kilometers of the U.S.-Mexico border.

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By Mr. AKAKA:

S. 1226. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

READJUSTMENT COUNSELING SERVICE AMENDMENTS OF 1993

Mr. AKAKA. Mr. President, today I am introducing legislation that would make improvements in the Department of Veterans Affairs' [VA] Readjustment Counseling Service [RCS], the management entity for the Department's veterans readjustment counseling centers, more commonly known as "vet centers." Specifically, my bill would: Make RCS a permanent, statutory service within VA; raise the status of the RCS director; expand eligibility for RCS services; preserve the confidentiality of RCS records; make improvements to the Advisory Committee on the Readjustment of the Vietnam and Other War Veterans; expand the Vietnam Veteran Resource Center pilot program; and, establish a pilot program authorizing the provision of primary health care services at vet centers.

Mr. President, the vet center program was authorized by Congress in 1979 to provide readjustment counseling services to Vietnam era and Vietnam combat veterans. Originally based on a model first developed by veteran self-help groups in the late 1960's and early 1970's, and further developed by the Disabled American Veterans, vet centers were established as informal, community-based facilities where a veteran could obtain assistance without encountering significant bureaucracy. The centers' informal atmosphere, distance from traditional VA institutions, and highly trained, empathetic staff, many of them Vietnam veterans themselves, gave them credibility in the eyes of veterans who, for whatever reason, remained reluctant to seek Government-provided services.

Since their inception, vet centers have helped more than 1.4 million clients readjust to civilian life. The number of vet centers has steadily increased from the original 87 to 201 today, operating in all 50 states, the Virgin Islands, and Guam. Because of the program's great success and popularity, Congress expanded eligibility beyond the original Vietnam-era population to include theater veterans of post-Vietnam conflicts, such as Lebanon, Grenada, Panama, and the Persian Gulf.

RCS has been a dynamic force in addressing the most topical issues facing the veteran population it serves. While the primary goal of the vet center program is to provide psychological counseling to assist veterans readjust to civilian life, it has also been active in other areas as well. For example, vet centers have taken a leading role in addressing post traumatic stress disorder [PTSD], a syndrome brought on by extraordinary mental trauma such as combat, whose devastating effects is only just beginning to be understood by the mental health profession.

Vet centers have also assumed additional responsibilities in the areas of homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans. Where vet center counselors have been unable to assist veterans, they have been helpful in identifying and providing access to appropriate services offered elsewhere within VA or the community at large. Indeed, it is their very willingness to do whatever it takes to help veterans, with a minimum of redtape, that makes vet centers so special.

In this respect, vet centers fully live up to RCS's motto, "Help Without Hassles."

Yet, Mr. President, in spite of the program's widespread popularity and demonstrable record of success, several aspects of RCS's organization, administration, eligibility criteria, and scope of services need to be preserved, modernized, or changed altogether. A number of important improvements must be made to ensure that the program is up to the challenge of meeting the needs of a changing veteran population. This is particularly critical in view of the imminence of health care reform, which is expected to transform the health care environment and force VA to undergo fundamental changes if it is to remain competitive with other health care providers. If these improvements are not made, I am convinced that the Vet Center Program stands in danger of becoming an anachronism, unable to meet the actual needs of the men and women it was created to serve.

For these reasons, I am proposing a number of changes in the program. A brief discussion of my bill's major provisions follows:

### ORGANIZATION AND BUDGET

Vet centers are administered directly by the RCS leadership in Washington through seven regions. All administrative and professional—clinical—control is exercised by direct line authority. In other words, vet centers across the country report directly to their superiors in RCS, not through local VA medical centers or regional benefits offices. Thus, vet centers enjoy significant independence, which is key to their ability to respond quickly and appropriately to the specific needs of the clientele that vet centers serve.

This line authority and organizational structure make high levels of war veteran and minority staffing in vet centers possible, and are responsible for maintaining quality control levels unique within the Department. In addition, the current structure promotes cost-effectiveness. Since the first vet center began operations in 1980, the cost-per-veterans visit has dramatically decreased from $87 to $20 in 1980 constant dollars—$87 to $67 in current dollars. In a recent letter to me, Secretary Brown asserted that one of the reasons that this has occurred is due to:

> Various management and operational improvements which are able to be carried out on a continuous basis as a result of the fact that VA's vet center system is operated on a fully-centralized basis, whereby combined professional and administrative supervision and control are exercised by the VACO [VA Central Office] component and seven regional managers and their staffs.

Despite the obvious advantages that derive from the existing organizational structure, various attempts have been made over the years to undermine RCS's independence from other health care entities or programs. Some years back, beginning in 1987, there was an effort to close a number of vet centers or to relocate them to VA medical centers. Proponents of this initiative hoped by this means to bring vet centers under the more traditional administrative and clinical oversight of local medical centers. Fortunately, Congress recognized this as an ill-disguised attack against the vet center movement, and swiftly enacted legislation barring relocation or closure of any vet center without congressional notification or review.

More recently, in the last 2 years, another proposal was raised to bring RCS and the vet centers under the control of local hospitals. Under this new plan, vet centers would simply be subject to the administrative control of the chiefs of staff of VA hospitals, rather than be physically incorporated into the medical centers. Fortunately, this proposal was dropped after several veterans organizations and members of the Senate Committee on Veterans' Affairs expressed strong opposition to the ploy, recognizing it as a thinly disguised reprise of earlier attempts to emasculate the vet center program.

Yet, Mr. President, the institutional forces which have never recognized the valuable role that vet centers play in the well-being of thousands of veterans continue to lie in wait for another opportunity to curtail RCS's autonomy and render the vet center program just another clinical service.

Section 2 of my bill would put an end to attempts to curtail the operational independence of vet centers by making the service a statutory organization, and freezing its administrative structure as of January 1993. But my legislation would also give VA the flexibility to propose organizational changes to the service, provided that Congress is duly notified of such changes and is given an opportunity to review them.

In addition, section 2 provides that each budget submitted to the Congress would specifically cite the amount requested for the operation of the RCS as well as the amount requested for Advisory Committee review of the RCS. This provision will help prevent the diversion of funds from this program, something which has occurred in the past only because RCS does not have the institutional clout to protect itself from budget raids by other clinical services.

### STATUS OF RCS DIRECTOR

Mr. President, RCS administers a service with 850 employees, 201 vet centers, seven regional offices, and a budget upward of $56 million. The unique readjustment counseling services and mental health programs that RCS manages are central to the mission of VA and vital to the health care of veterans. Yet, because RCS represents a relatively new, nontraditional approach to health care, it has not gained universal acceptance within the Department, and specifically within the Veterans Health Administration. The service's budget and programs have suffered as a result.

While the Director now reports directly to the Associate Deputy Chief Medical Director for Clinical Programs, as do the heads of other clinical services—for example, hospital services, ambulatory care, nursing, geriatrics and extended care, dentistry, environmental medicine and public health—the perception that RCS is a lower level entity, and thus is less able to hold its own vis-a-vis other services in terms of resource allocation, is underscored by the fact that the Director is at a lower salary and administrative level than the heads of these services.

Section 3 of my bill simply raises the Director of RCS to the level of Assistant Chief Medical Director, thus giving him or her equal status with the heads of most other clinical services. Section 3 also clarifies the academic and experience requirements for the position, specifically opening the job to psychologists, social workers, and other health professionals, and requiring at least 3 years of clinical experience and 2 years of administrative experience within RCS or comparable mental health counseling service. This will give those who have actually worked in vet centers, or similar facilities, an opportunity to hold the highest position in their service.

### EXPANSION OF ELIGIBILITY TO OTHER VETERANS

Under current law, only certain veterans are entitled to readjustment counseling. These include Vietnam-era veterans, and theater veterans of Lebanon, Grenada, Panama, and the Persian Gulf. Section 4 of my bill expands entitlement for readjustment counseling to all veterans, regardless of period, including World War II and Korean war veterans.

Mr. President, considering that so many veterans have shown a need for the services offered through vet centers, it is time to recognize that potentially all veterans require vet center services at some time in their lives. With regard to World War II or Korean veterans, most have long since adjusted to their circumstances. However, a few of these older veterans, for example, prisoners of war who were subjected to torture and starvation, still suffer from recurring effects of PTSD and other war-related problems. It is patently unfair to deny these individuals the services that are available to their younger counterparts. Indeed, many vet centers flout the law to assist these older veterans, despite the fact that they are not strictly authorized to do so.

Since 1987, the Senate Committee on Veterans' Affairs has reported legislation that would entitle Korean and World War II combat veterans to vet center services. Each of the four times that the Senate adopted such legislation, it was opposed by the administration and rejected by the House. My legislation again expresses the Senate's position on this issue but goes one step further, by expanding the entitlement to all veterans, not merely combat veterans.

There is a very sound reason for extending entitlement to all veterans. Very simply stated, a veteran does not have to see combat to experience trauma associated with service to his or her country. Serious training accidents can cause as much psychological damage as incidents experienced during wartime. We need to recognize that PTSD and other mental health problems do not recognize the artificial distinctions we use to distinguish between a declared period of war and peacetime. It is time that title 38 is changed to reflect this fact.

### BEREAVEMENT COUNSELING FOR VETERANS' SURVIVORS

Another original feature of my legislation is extension of eligibility for vet center services to immediate survivors of military members killed in action or in the line of duty. Section 4 of my bill authorizes vet centers to provide grief counseling to survivors of those who died in combat or as a result of a service-connected condition. As my colleagues are aware, vet centers currently provide family counseling; however, this counseling is only provided as a means of supporting the readjustment of the veteran. I believe that if a member of the military services has made the supreme sacrifice and died in the defense of his or her country, we have an obligation to offer counseling to his or her survivors to deal with their loss.

The Department of Defense technically provides basic bereavement counseling and assistance. However, as most of us are aware, more often than not this counseling consists of an official notification process rather than actual bereavement counseling. In addition, while there are services available to a service person's spouse and dependents, there is nothing available for the parents of deceased service members. In effect, family members are left to fend for themselves, or are helped by informal support groups made up of other caring individuals or families. Who among us can say that these parents have not suffered an irreplaceable loss in the name of their country, or that they are not deserving of minimal grief counseling?

For these reasons, I propose to expand the role of the vet centers to provide bereavement and family counseling to family members of those killed in the line of duty. Vet center personnel are well trained in the provision of such assistance. This benefit would be limited to grief counseling and would not extend to the full range of counseling services. Furthermore, these services will be provided on a resource-available basis; as such, they should not detract from the services available to veterans.

### CONFIDENTIALITY OF RECORDS

A major appeal of the vet centers is their physical remoteness and administrative independence from VA hospitals and regional offices. Some veterans, particularly Vietnam veterans, bear a profound distrust of the authority and bureaucracy represented by most VA facilities. Others fear that sensitive information divulged in confidence, and taken out of context, could be used against them by individuals or agencies outside the vet center system. Yet others, including some who may be current VA employees, fear the stigma associated with mental health treatment, and would never risk entering a vet center unless their files could be protected not only from the public, but more specifically from other VA entities.

Protecting the confidentiality of records is crucial to the relationship between such veterans and their counselors. Veterans entering a vet center must be able to have absolute confidence that the counselor can guarantee the privacy of their care. It would be morally unfair, ethically untenable, and clinically disastrous if a vet center file were opened to non-RCS personnel, in all but the most extreme and dire circumstances.

Thus, even attempts to seek access to confidential files for the best of reasons should be treated under the very highest standards of confidentiality. For example, attempts by outsiders to gain access to RCS records under the guise of research must be very carefully supervised by vet center personnel in a manner that will meet these needs, but never at expense of the confidentiality implicitly promised to veterans. This is not to say that data should not be collected. Collecting vet center workload data is essential, but the specifics of an individual veteran's care and treatment must be kept inviolate.

Because confidentiality, and therefore trust, is the key to an effective vet center program, section 5 of my bill codifies existing policies regarding confidentiality which have been carefully developed by RCS over the years and which appear to have worked extremely well in practice. Under section 5, a veteran's record could be provided to non-RCS personnel only if the veteran consents, if there is a medical emergency, if there is imminent danger to the veteran or others, or if a competent court orders the release of the record.

### ADVISORY COMMITTEE ON THE READJUSTMENT OF VIETNAM AND OTHER WAR VETERANS

The Advisory Committee on the Readjustment of Vietnam and Other War Veterans is the chief advisory body to the Secretary on readjustment issues. The committee's purpose is to serve as a forum for consumer representatives to systematically review, evaluate, and advise VA on the provision and coordination of services relative to veterans' post-war readjustment to civilian life.

Because the advisory committee is comprised of non-VA members, it represents a point of view independent from the Department, and thus serves as an invaluable check, or barometer, of RCS's performance. As such, I believe that it is important that RCS always have the benefit of the committee's advice and oversight. However, the panel's future is potentially threatened by a recent Executive Order 12838 calling on various departments and agencies to phase out one-third of their advisory committees by the end of the year. While I fully expect that Secretary Brown will not seek to abolish the advisory committee, I fear that future Secretaries, who may not fully understand its importance to the vet center program, may not support the panel.

To forestall efforts to eliminate the committee, section 6 calls for its permanent authorization, with the stipulation that at least two-thirds of its membership be comprised of combat or combat-era veterans. Section 6 also requires that the committee provide annual reports to the Secretary, who shall formally transmit them to Congress.

### PLAN FOR EXPANSION OF VVRC PILOT PROGRAM

In 1985, Congress authorized a program under which a number of vet centers, to be known as Vietnam Veteran Resource Centers [VVRC's], would be supplemented with additional staff who would provide benefit counseling; employment counseling, training, and placement; intake, referral, and follow-up services for alcohol- and drug-related problems; and assistance in coordinating benefits and services. The idea behind these super centers was to provide centralized, one-stop services for veterans. The VVRC concept was tested at 10 sites between December 1986 and August 1988. VA's report to Congress at the conclusion of the program indicated that the VVRC concept enjoyed considerable success.

According to the report, which was based on a survey of the team leaders of the 10 VVRC's, the mix of services available at the VVRC's were clinically relevant and appropriate to the needs of Vietnam era veterans. The additional staff and augmented services at VVRC's enhanced the staffs' capacity to provide more comprehensive readjustment counseling services. In addition, the added staff and services were successfully incorporated into the preexisting service mix of counseling, outreach, and social services. Finally, the internal case management and interagency liaison activities were upgraded and enhanced.

Perhaps most significantly, the report also stated that the 10 VVRC sites had been so effective in meeting the needs of local Vietnam veterans that the Department intended to continue the program at those sites indefinitely. As I understand it, the 10 sites are continuing to function successfully to this day; apparently, only a lack of management initiative and uncertainty over the availability of staffing resources have prevented the VVRC concept from being extended to other vet centers.

To promote the VVRC concept, section 7 of my bill requires the Secretary to submit to the House and Senate Veterans' Affairs Committees a plan and schedule for the expansion of the VVRC program to all vet centers nationwide. It is my hope that development of the plan will encourage VA to reassess its priorities with respect to the VVRC program.

### HEALTH CARE PILOT PROGRAM

Mr. President, as I have noted previously, it is an unfortunate fact that many veterans who seek out vet centers also are either unable or unwilling to seek treatment at VA medical centers or outpatient clinics. Vet centers tend to attract a significant number of veterans who are reluctant to brave the more formal, bureaucratic atmosphere which attends hospital-based services. Other veterans, while otherwise eligible for medical care, either cannot or will not travel to their local VA medical center. Some veterans simply do not wish to be inconvenienced by traveling to a hospital that is distant from home. Still others, such as indigent or homeless veterans, have few means of transportation at their disposal, or are simply unaware of their eligibility for hospital care.

I am convinced that VA can make a greater effort to outreach such veterans. If the mountain cannot come to Mohammed, Mohammed must go to the mountain. VA should begin to examine innovative ways to provide medical care to veterans who would otherwise not be present for care at medical centers. I believe that vet centers, which tend to be easily accessible and located where veterans reside, are ideal venues in which to provide user-friendly, accessible primary medical services.

Section 8 of my legislation calls for VA to establish a 2-year pilot program to test the feasibility of offering limited health care services through vet centers. It requires the Secretary to test three different health care models. In the first model, a qualified health professional would provide basic ambulatory services and health care screening on a part-time basis. In the second, a qualified health professional would provide a full range of ambulatory services for at least 40 hours a week. In the final model, a minimum of 120 hours of physician services would be required. These models would be tested at 12 to 15 vet centers located in various geographic settings, including rural and urban areas, and serving veterans from a variety of economic, social, and ethnic backgrounds.

I believe that the pilot initiative will reveal what we already know from anecdotal data—that there are significant numbers of veterans who are underutilizing their health benefits. By offering basic health services in user-friendly vet centers, VA may be able to capture some of these veterans and, if necessary, bring them into the hospital system for more extensive care. The clinics established at vet centers could serve as initial screening and referral points to VA medical centers for eligible veterans, or community institutions for noneligible veterans. The vet center-based clinics could also be used for routine aftercare by veterans discharged from hospitals.

The test program would be helpful in securing information relevant to health care reform. Since its inception in 1979, by stressing outreach and consumer satisfaction, the vet center program has been a new and innovative provider of service for a designated segment of the veterans' population. Assuming that health care reform will force VA to compete against other large health care providers for business, I believe that a system of primary health clinics based in existing vet centers would help make the VA system more accessible, and thus attractive, to potential patients. Thus, this pilot program has significant implications for the future viability of the VA system. It will help VA exploit the potential benefits of the tremendously successful RCS program and its potential for expansion into the medical delivery realm.

### CONCLUSION

Mr. President, there can be little doubt as to the importance of the work of RCS and the vet centers. In the area of PTSD alone, increasing workloads confirm findings that 479,000 Vietnam theater veterans currently suffer from the disorder, but that only 20 percent have ever received care. The Persian Gulf war has created a new generation of war-zone veterans whose incidence of stress disorders is as yet undetermined, but which may be as high as 10 percent. Our recent military activities in Somalia is bound to produce additional readjustment needs. And who knows what demand for vet center services will arise if the United States steps up its involvement in the Balkans.

It is clear that the demand for vet center services is unlikely to fall off in the foreseeable future. But certain changes to the program must be made to give it the flexibility to respond effectively to new demands and changing circumstances. At the same time, the basic integrity of the program must be maintained. I believe my legislation accomplishes both purposes. On the one hand, it maintains what is best in the program by codifying and enhancing RCS's organizational structure and administrative practices. On the other, it gives vet centers the authority and flexibility to take up new challenges, by expanding their eligible client base and exploring the vast potential of vet center-based primary health care and benefits services.

Mr. President, the vet center program is well worth preserving. It is a national resource that has proven its worth may times over since its establishment 15 years ago. My bill will give RCS the tools it needs to move successfully into the next century. I wish to work with the veterans community and my colleagues in both Houses to develop the best, most practicable legislation possible. I welcome my colleagues' suggestions and hope they are able to support this important measure.

By Mr. WOFFORD:

S. 1227. A bill to make technical correction to emergency unemployment benefits provisions; to the Committee on Finance.

### EXTENDED UNEMPLOYMENT BENEFITS LEGISLATION

• Mr. WOFFORD. Mr. President, today I am introducing legislation to fix what some may call a technical problem with the availability of extended unemployment benefits. But it is a problem that affects thousands of unemployed people and their families in Pennsylvania and around the country.

Because of persistently high unemployment levels, Congress has extended unemployment benefits for those whose regular State jobless benefits ended. Earlier this year, extended benefits were provided to those whose regular benefits were set to expire on or before October 2.

However late last week, the Department of Labor announced that beginning July 11 it was reducing the maximum duration for new extended benefits claims. For Pennsylvanians, this decision will have the impact of reducing extended benefits from 20 weeks to 10 weeks. In States with higher unemployment rates, extended benefits will be reduced from 26 to 15 weeks.

It was wrong to reduce these benefits. This is not to say that we have not received some good employment news recently. Nationally, the unemployment rate has gone down from 7.7 percent in June of 1992 to 7.0 percent in June of this year. In Pennsylvania, the unemployment rate has gone down from 8.2 to 6.8 percent since January—with total employment up by 149,000.

But the fact is that many people are still having a hard time finding a job because of the slow rate of job growth. The Department of Labor estimates that this decision will affect 780,000 new entrants into the extended benefit program between July 11 and October 2.

In Pennsylvania, tens of thousands of workers will receive fewer benefits. And these people are often the victims of mass layoffs in communities where there are not enough new jobs being created in the near term.

It is not clear whether the Department of Labor needed to make the decision it did. The Department of Labor based its decision on statutory language requiring a reduction in benefits when the average rate of total unemployment for all States for the most recent 2-calendar-month period is at least 6.8 percent but less than 7 percent. A plain reading of this language has led to the unfortunate result of reducing benefits when the national unemployment rate went up from 6.9 percent in May to 7 percent in June. I believe that Congress meant the period for extended benefits would be reduced only when the national unemployment rate is below 7 percent for 2 months.

Now we in Congress are left with the responsibility to fix this decision. Today, I am introducing legislation to do just that. This legislation is identical to section 13274 of the House-passed reconciliation bill. It is my hope that this legislation will be included in the final reconciliation bill.

Extending unemployment compensation benefits is only a temporary stopgap. But it's a vital one. Not only for the people who need the help, but for an economy that needs them to return to the work force.•

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By Mr. BROWN (for himself, Mr. McCain, Mr. Pressler, Mr. Mack, Mr. Burns, Mr. Smith, Mr. Faircloth, Mr. Bennett, and Mr. Craig):

S. 1228. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant costs savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

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By Mr. BROWN (for himself, Mr. McCain, Mr. Pressler, Mr. Mack, Mr. Smith, Mr. Faircloth, Mr. Bennett, and Mr. Craig):

S. 1229. A bill to repeal the provisions of the Service Contract Act of 1965; to the Committee on Labor and Human Resources.

### REPEAL OF THE DAVIS-BACON ACT OF 1931 AND THE SERVICE CONTRACT ACT OF 1965

• Mr. BROWN. Mr. President, I introduce two bills which will provide relief to business and the taxpayer. These bills would repeal the Davis-Bacon Act of 1931, and the Service Contract Act of 1965. These antiquated laws have artificially increased the cost of Federal construction and service contracts. The Congressional Budget Office estimates repeal of these laws will save the Federal Government nearly $6 billion over 5 years.

The Davis-Bacon Act now requires that construction contracts of more than $2,000 entered into by the Federal Government specify minimum wages to be paid to the various classes of laborers and mechanics working under those contracts. The minimum wages are based on the prevailing wage in the locality of the project for similar crafts and skills for comparable construction work, as determined by the Department of Labor.

The Service Contract Act requires Federal contractors to pay wages and fringe benefits equivalent to the prevailing wage in the locality when contracting for a service worth more than $2,500. These costs are ultimately passed on to the taxpayer.

In addition to higher costs resulting from prevailing wage requirements, these laws also burden private firms with tremendous paperwork. Contractors must submit extensive weekly payroll reports proving compliance with the law.

The harmful effects of Davis-Bacon Act are felt by more than the businesses burdened with paperwork, and the taxpayers who must pay the higher cost of Federal contracting caused by the Davis-Bacon Act and the Service Contract Act. I recently learned of a small community library in Oregon which was never built—because of the Davis-Bacon Act.

Last fall, the people of Philomath, OR raised over $600,000 to construct a new library for their town. Hundreds of citizens donated time, money, and supplies for the project. The critical factor in making the project affordable was the townspeople's willingness to volunteer to help with construction.

Because a $112,000 Federal library construction grant was awarded to the town for its new library, the Davis-Bacon Act applied to the whole project. Volunteerism was outlawed, and the city was ordered to pay each laborer the prevailing wage of $20–$25 per hour. The loss of volunteer labor added tens of thousands of dollars to the cost of the project, and the town was forced to abandon its dream for a new library—all because of an antiquated 60-year-old law.

Mr. President, the time has come to repeal these laws. I am pleased to be joined by Senators McCain, Mack, Pressler, Faircloth, Bennett, Burns, Smith and Craig, in introducing these bills. Economic recovery for all business hinges on restoring opportunities for profit in the marketplace. Congress can help best by working to reverse longstanding Government policies that have increased costs of production, impeded access to markets , and eroded our ability to compete.

I urge my colleagues to consider cosponsoring this legislation.•

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By Mr. D'AMATO (for himself, Mr. Bond, Mr. Gramm, Mr. Roth, Mr. Mack, Mr. Faircloth, Mr. Bennett, and Mr. Domenici):

S. 1230. A bill to provide for community development banks; to the Committee on Banking, Housing, and Urban Affairs.

### COMMUNITY DEVELOPMENT BANK ACT

• Mr. D'AMATO. Mr. President, along with Mr. Bond, Mr. Gramm, Mr. Roth, Mr. Mack, Mr. Faircloth, Mr. Bennett, and Mr. Domenici, today I am introducing legislation designed to increase the flow of credit and capital to our distressed inner cities and rural communities. Throughout our country there are neighborhoods in decline because of a lack of capital and credit. In hearings before the Banking Committee earlier this year, we heard testimony that community development banks can provide a powerful tool in reestablishing neighborhoods and turn decay into prosperity by providing a combination of loans, seed capital, and technical assistance. Rural farm communities can also benefit from community development banks through the provision of farm loans and development capital.

Some banking organizations have already begun programs to develop distressed communities. The Shorebank Corp., is a bank holding company that provides funds for neighborhood development and renewal, banking services, and technical and business assistance for distressed areas in Chicago. This profitable organization has become a model for community development banks throughout the Nation. Community Capital Bank in Brooklyn, NY, is a successful bank specializing in urban renewal projects. Southern Development Bankcorporation is a bank holding company in Arkansas that is promoting economic growth in rural areas of that State.

Mr. President, one common feature of existing community development banking organizations is that while they are profitable, they are not earning a rate of return that can attract capital from the market. Instead, these organizations depend to a large extent on grants or capital investments from philanthropic organizations that are willing to accept a lesser rate of return than private investors.

My legislation would provide an alternate source of capitalization for existing community development banks—as well as incentives for the formation and capitalization of new institutions—without any Government assistance. Under my bill, banks and thrifts would be given incentives, in the form of relief from some of the regulatory paperwork burden under the Community Reinvestment Act, to invest in existing or newly chartered community development banks. The community development banks, in turn, could take this capital investment and use it to raise enormous sums for community development purposes.

If every bank in the country participated in the program, and invested up to 5 percent of their capital—the current legal limit—in a community development bank, it would dedicate almost $12.9 billion to revitalizing our inner cities and poorer neighborhoods. This translates into a potential pool of $193 billion in new credit for community redevelopment. That's real money—even by Washington standards.

Mr. President, there are those who will say that this idea would enable banks to buy their way out of CRA. But I say this is the best way for banks to buy into CRA. Instead of building mountains of paperwork in the name of CRA, banks can be building affordable housing and stores for small businesses. Under CRA, banks should get credit for giving credit.

Mr. President, the Clinton administration is expected to announce tomorrow a proposal to create a nationwide network of community development financial institutions and a task force on Community Reinvestment Act reforms. The Banking Committee will hold a hearing on these ideas and initiatives with testimony from Secretary Bensten and Secretary Cisneros, among others. There may be differences between my proposal and the administration's, but I want to underscore that we are both trying to achieve the same goal. It is in that spirit that I am introducing this legislation today.

Mr. President, I ask unanimous consent to have printed in the RECORD the bill and a more detailed section-by-section description of the proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1230

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Development Bank Act".

### SEC. 2. STATEMENT OF PURPOSES.

The purposes of this Act are as follows:

(1) To increase the amount of credit available for the economic revitalization of distressed urban and rural communities.

(2) To enable economically disadvantaged persons and small, minority-owned, and women-owned business to have improved access to the resources of our financial system, and to use such resources as a foundation for economic growth, increased employment and community development.

(3) To increase the supply of mortgage credit and other financing necessary for the private sector to rehabilitate the housing stock in inner cities and rural areas for low- and moderate-income families.

(4) To provide capital for housing construction and development, small businesses, and community development projects.

(5) To provide technical and managerial assistance to small businesses and other entrepreneurs located in economically distressed areas.

(6) To encourage the establishment of privately capitalized community development banks to serve the credit needs of financially underserved residents of urban and rural areas of our country.

## TITLE I—COMMUNITY DEVELOPMENT BANKS

### SEC. 101. ESTABLISHMENT OF A COMMUNITY DEVELOPMENT BANKERS' BANK.

(a) IN GENERAL.—The Comptroller of the Currency is hereby authorized to issue a certificate of authority to commence the business of banking to a national banking association that is owned exclusively (except to the extent directors' qualifying shares are required by law) by one or more insured depository institutions and will be engaged primarily in community development activities.

(b) REQUIRED NAME.—A national banking association chartered pursuant to subsection (a) shall be known as a "community development bank", and shall use the term "community development bank" and the name of the community in which it is located and will serve, in its title.

(c) REGULATION.—A community development bank chartered pursuant to subsection (a) shall be subject to such rules and orders as the Comptroller deems appropriate, and, except as otherwise specifically provided in this title or in such rules and orders, shall be vested with and subject to the same rights, duties and limitations that apply to other national banking associations, including the right to accept deposits.

(d) BOARD OF DIRECTORS.—At least 25 percent of members of the community development bank's board of directors shall be individuals residing in and representing the interests of the community that the bank will serve.

### SEC. 102. AUTHORITY TO INVEST IN A COMMUNITY DEVELOPMENT BANK.

An insured depository institution may invest in the shares of one or more community development banks. Such investment may not exceed, in the aggregate, an amount in excess of 5 percent of the depository institution's tier 1 or core capital or, in the case of a particular institution, such lesser amount as the appropriate Federal banking agency determines to be necessary in order to protect the safety and soundness of the institution.

### SEC. 103. EXPEDITED PROCEDURES.

Within 6 months after the date of enactment of this Act, the Comptroller of the Currency shall develop and publish in the Federal Register expedited procedures for the consideration of applications for a certificate to commence the business of banking for a community development bank. The Federal Deposit Insurance Corporation shall develop expedited procedures for consideration of an application by a community development bank for deposit insurance. Final decisions shall be made by the Comptroller and the Federal Deposit Insurance Corporation within 9 months after the receipt of completed applications.

### SEC. 104. COMMUNITY DEVELOPMENT BANK ACTIVITIES.

(a) PRIMARY PURPOSE.—A community development bank may only make loans and other investments designed to provide a reasonable economic return to the bank and its shareholders, consistent with its primary purpose of providing credit, capital, and related services to targeted persons and targeted geographic areas within its community.

(b) LOAN AND INVESTMENT ACTIVITIES.—In order to accomplish the purposes of this Act, a community development bank may engage in activities consistent with this Act, including the making or providing of the following:

(1) Residential mortgage loans.

(2) Residential construction loans.

(3) Small business commercial loans.

(4) Home improvement and rehabilitation loans.

(5) Neighborhood commercial revitalization loans.

(6) Small farm loans.

(7) Industrial development loans.

(8) Equity investments in low- and moderate-income real estate development and rehabilitation projects.

(9) Equity investments in community development corporations and projects.

(10) Equity investments in small business development corporations.

(11) Marketing and management assistance.

(12) Business planning and counseling services.

(13) Financial and technical services.

(14) Vocational training.

(15) Deposit funds in credit unions serving predominately low-income members as defined by the National Credit Union Administration Board.

(c) COORDINATION.—A community development bank shall coordinate its activities with activities and programs of the Department of Housing and Urban Development, the Department of Veterans Affairs, the Department of Commerce, the Small Business Administration, and other agencies with respect to the development and financing of community development organizations and projects and small businesses.

(d) COMPETITION WITH EXISTING INSTITUTIONS.—A community development bank shall target its activities to customers not adequately served by existing depository institutions.

### SEC. 105. OTHER COMMUNITY DEVELOPMENT BANKS.

Any insured depository institution may apply to the appropriate Federal banking agency to be certified as a "community development bank". The agency shall issue such certification if it finds that such bank is primarily engaged in community development activities, and otherwise complies with the provisions of this Act, other than subsections (a), (b) and (c) of section 101, and that such certification will further the purposes of this title.

### SEC. 106. COMMUNITY REINVESTMENT ACT EVALUATION.

(a) EXAMINATION.—The appropriate Federal banking agency shall conduct an annual onsite examination and evaluation of every community development bank in order to determine compliance with this Act and to assess the bank's record of meeting the credit needs of its community, as described in section 804 of the Community Reinvestment Act of 1977.

(b) HEARING REQUIRED.—Prior to issuing a final Community Reinvestment Act evaluation and rating, the appropriate Federal banking agency shall—

(1) publish in 2 or more newspapers of general circulation a statement that an informal hearing on the bank's success in meeting the credit needs of its community is to be held; and

(2) directly notify known representatives of consumer and community groups located

within the bank's community that an informal hearing is to be held.

(c) NOTICE.—The publication and notice required under subsection (b) shall state the date and place for the hearing, which must be at least 30 days following the date of the publication or mailing of the notice, and shall invite interested persons and organizations to provide oral and written testimony concerning the performance of the community development bank.

(d) CONSIDERATION OF TESTIMONY.—The appropriate Federal banking agency shall consider and take into account the testimony and statements provided by community representatives in evaluating the performance of a community development bank under this section.

(e) FINAL EVALUATION.—Following the hearing, the appropriate Federal banking agency shall provide a final Community Reinvestment Act of 1977 evaluation and rating, including a written explanation for any findings and conclusions.

(f) RE-EVALUATION.—A community development bank that receives a final rating that is less than a satisfactory rating shall be reevaluated within 90 days by the appropriate Federal banking agency in order to determine whether it has made the necessary changes in policies or practices to warrant a satisfactory rating.

### SEC. 107. COMMUNITY REINVESTMENT ACT COMPLIANCE.

(a) EFFECT OF RATING.—For purposes of the Community Reinvestment Act of 1977, the evaluation and rating of a community development bank shall be deemed to be the evaluation and rating of each insured depository institution that has made a qualifying investment in such community development bank. Any insured depository institution receiving a satisfactory or outstanding rating pursuant to this section shall be deemed to have met the credit needs of its community.

(b) COORDINATION WITH OTHER LAW.—An insured depository institution that maintains a qualifying investment in a community development bank shall not be subject to an evaluation conducted pursuant to section 804 of the Community Reinvestment Act of 1977.

(c) EFFECT OF NON-QUALIFYING INVESTMENT.—An insured depository institution that makes an investment that is not a qualifying investment shall have that investment considered by the appropriate Federal banking agency when that institution is evaluated under sections 804 and 807 of the Community Reinvestment Act of 1977.

### SEC. 108. BANK HOLDING COMPANY ACT.

No person shall be considered a bank holding company, or subject to the Bank Holding Company Act of 1956, due to an investment in a community development bank authorized under this title.

### SEC. 109. DEFINITIONS.

For purposes of this title—

(1) the term "community development bank" means—

(A) a bank established pursuant to section 101, or

(B) certified as a community development bank pursuant to section 105,

that is primarily engaged in the business of providing credit and investment capital and related services to targeted populations and targeted geographic areas;

(2) the term "targeted population" means minority-owned and women-owned businesses, nonprofit organizations, community groups, and economically disadvantaged persons;

(3) the term "targeted geographic area" means a neighborhood or other geographic area that is suffering economic distress, as measured by unemployment, poverty, condition of housing stock, availability of credit, or other indicator of relative economic condition;

(4) the term a community development bank's "community" means 1 or more contiguous geographic areas that represent the combined market or service areas of the financial institutions that have made qualifying investments in such bank;

(5) the term "insured depository institution" shall have the meaning given such term in section 3 of the Federal Deposit Insurance Act;

(6) the term "appropriate Federal banking agency" shall have the meaning given such term in section 3 of the Federal Deposit Insurance Act; and

(7) the term "qualifying investment" means an investment in the equity shares of a community development bank in an amount that is equal to the maximum permissible amount for that investing institution, as prescribed in section 102.

### SEC. 110. SAFETY AND SOUNDNESS.

Nothing in this title shall be deemed to interfere with the authority of the appropriate Federal banking agency or the Federal Deposit Insurance Corporation to limit the permissible activities or investments of an insured depository institution or depository institution holding company, by order or regulation, in order to protect the safety or soundness of such institution or holding company.

### SEC. 111. DISCRIMINATION AND FAIR HOUSING.

(a) IN GENERAL.—Nothing in this title shall be deemed to interfere with the authority of the appropriate Federal banking agencies to examine institutions for compliance with or to enforce the Equal Credit Opportunity Act, the Fair Housing Act, or the Home Mortgage Disclosure Act.

(b) APPLICABILITY OF SECTION 107.—Section 107 shall not apply to any institution found, in a civil or criminal judicial proceeding or final agency adjudication, to have violated any law described in subsection (a).

## TITLE II—CONFORMING AMENDMENTS

### SEC. 201. COMMUNITY DEVELOPMENT REVOLVING LOAN FUND FOR CREDIT UNIONS.

(a) REPEAL.—Section 120(k) of the Federal Credit Union Act (12 U.S.C. 1766(k)) is repealed.

(b) AMENDMENT.—The Federal Credit Union Act is amended by inserting after section 129 (12 U.S.C. 1772c) the following new section:

### "SEC. 130. COMMUNITY DEVELOPMENT REVOLVING LOAN FUND FOR CREDIT UNIONS.

"(a) IN GENERAL.—The Board may exercise the authority granted it by the Community Development Credit Union Revolving Loan Fund Transfer Act (Public Law 99-609) including any additional appropriation made or earnings accrued, subject only to this section and to regulations prescribed by the Board.

"(b) INVESTMENT.—The Board may invest any idle Fund moneys in United States Treasury securities. Any interest accrued on such securities shall become a part of the Fund.

"(c) LOANS.—The Board may require that any loans made from the Fund be matched by increased shares in the borrower credit union.

"(d) INTEREST.—Interest earned by the Fund may be allocated by the Board for technical assistance to community development credit unions.

"(e) DEFINITION.—As used in this section, the term 'Fund' means the Community Development Credit Union Revolving Loan Fund.".

### SEC. 202. STUDY OF COMMUNITY DEVELOPMENT CREDIT UNION.

(a) IN GENERAL.—The National Credit Union Administration Board in consultation with representatives of the credit union industry shall conduct a study of community development credit activities by credit unions. In conducting the study, the Board shall consider—

(1) the role of these institutions in providing credit and related financial services to inner city and rural areas,

(2) the failure rate of these institutions in the past,

(3) the desirability of establishing a special examination force for community development credit unions, and mentor programs,

(4) the desirability of establishing a clearinghouse for the recirculation of startup equipment and furniture for community development credit unions, and

(5) appropriate startup and permanent financing programs for such credit unions.

(b) REPORT.—Not later than October 1, 1993, the Board shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives on the study and the regulatory and legislative changes that may be necessary to ensure that community development activity by credit unions become and remain viable and productive.

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## SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—The title of the Act is the "Community Development Bank Act."

Section 2. Purpose.—The purpose of this legislation is to increase the flow of credit and capital to distressed urban and rural communities through the use of privately capitalized Community Development Banks. These funds will be used for housing rehabilitation, new business growth, the development of existing small and minority-owned businesses, and similar purposes.

### TITLE I—COMMUNITY DEVELOPMENT BANKS

Section 101. Establishment of Community Development Bankers' Bank.—The Comptroller of the Currency is given the authority to charter a special type of bank that would be owned entirely by one or more depository institutions. This "community development bank" would have all of the powers of a national bank, including the authority to accept FDIC insured deposits. However, it would have as its primary mission the economic development of distressed rural and urban communities through the provision of loans and other services to targeted populations. Existing community development banks and community development credit unions, as well as other insured depository institutions could also become "community development banks" under section 105.

Section 102. Authority to Invest in a Community Development Bank.—Depository institutions are given the authority to invest in community development banks. In order to ensure that such investment will not impair the safety of the investing institution, the maximum investment cannot exceed an amount equal to 5 percent of the investing bank's capital. The appropriate Federal banking regulator could determine that for a particular institution a lower investment limit is necessary for safety and soundness reasons. An investment in a community development bank would not be deducted from the institution's capital. Instead it would be booked as a dividend paying asset.

Section 103. Expedited Procedures.—The Comptroller of the Currency is directed to develop expedited procedures for the consideration of applications to establish Community Development Banks. The FDIC is also directed to develop expedited procedures for the processing of insurance applications by these institutions.

Section 104. Community Development Bank Activities.—A Community Development Bank will be able to accept deposits and make housing and small business loans, neighborhood revitalization loans, small farm loans, equity investments in low- and moderate-income housing projects, equity investments in community development projects, and provide marketing, financial and other technical assistance. Loans and other investments must be expected to provide the Community Development Bank with a reasonable economic return. However, the bank may not target its activities to customers that are adequately served by existing depository institutions. Finally, the Bank must coordinate its activities with existing Federal and State programs to foster community development, such as those that are conducted by the Department of H.U.D. and the Small Business Administration.

Section 105. Other Community Development Banks.—Existing community development banks and community development credit unions may apply to their Federal regulator to be certified as a "Community Development Bank." In addition, state chartered banks may also apply for this certification. In order to be certified, the banking agency must find that the bank is primarily engaged in providing community development activities and complies with the provisions of the Act.

Section 106. Community Reinvestment Act Evaluation.—The appropriate Federal banking agency must conduct an annual onsite Community Reinvestment Act (CRA) examination of every Community Development Bank. Prior to issuing an evaluation and rating the agency must conduct an informal hearing at which the views of community groups will be solicited. Following the hearing, and after consideration of the views of the community groups, a final evaluation will be issued. If the Community Development Bank receives less than a "satisfactory" rating, it must be reexamined within 90 days to see if the deficiencies have been corrected.

Section 107. Community Reinvestment Act Compliance.—The evaluation and rating of a Community Development Bank shall be deemed to be the rating and evaluation of each depository institution that has made its maximum permissible investment in such bank. Such an investing institution shall not be independently examined for purposes of CRA compliance. Further, if the Community Development Bank has received a "satisfactory" or "outstanding" CRA rating, each depository institution that has made its maximum permissible investment in that Bank shall be deemed to have met the credit needs of its community.

A depository institution that makes less than its maximum permissible investment in a Community Development Bank shall receive appropriate credit for such investment for purposes of CRA compliance evaluations.

Section 108. Bank Holding Company Act.—An institution investing in a Community Development Bank shall not be considered a bank holding company due to such investment.

Section 109. Definitions.—A "Community Development Bank" means a bank chartered or certified as a Community Development Bank under this bill, that is primarily engaged in providing credit and investment capital and related services to targeted populations and targeted geographic areas. "Targeted populations" are minority-owned and women-owned businesses, other small businesses, nonprofit organizations, community groups and economically disadvantaged persons. "Targeted geographic areas" are neighborhoods or other geographic areas suffering economic distress.

A Community Development Bank's "community" means one or more contiguous geographic areas that represent the combined market or service areas of the investing depository institutions.

Section 110. Safety and Soundness.—This section clarifies that the bill does not effect existing regulatory authority to limit the permissible activities of depository institutions and holding companies.

Section 111. Discrimination and Fair Housing.—This section clarifies that it does not effect existing laws to prevent discrimination: the Equal Credit Opportunity Act, the Fair Housing Act, and the Home Mortgage Disclosure Act. Any institution found violating any of these laws will not qualify for the provisions of section 107 of this bill.

### TITLE II—CONFORMING AMENDMENTS

Section 201. Community Development Revolving Fund.—This section provides that the N.C.U.A. Board may invest funds in the Community Development Credit Union Loan Fund (established in 1979) in Treasury securities. Interest earned on such investments may be used to provide technical assistance to community development credit unions.

Section 202. Study of Community Development Credit Unions.—The NCUA Board, in consultation with representatives of the credit union industry, is required to conduct a study of community development activities by credit unions. The NCUA Board is to report, by the October 1, 1993, to the Congress on legislative and regulatory changes that may be necessary to ensure that such activities become and remain viable and productive.●

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By Mr. MOYNIHAN (for himself, Mr. DOLE, Mr. BOREN, Mr. WALLOP, Mr. GRASSLEY, and Mr. CHAFEE):

S. 1231. A bill to provide for simplified collection of employment taxes on domestic services, and for other purposes; to the Committee on Finance.

### SOCIAL SECURITY DOMESTIC EMPLOYMENT REFORM ACT OF 1993

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Social Security Domestic Employment Reform Act of 1993. It is the aim of this bill to simplify the requirements regarding the payment of Social Security taxes for domestic employees, and to improve Social Security coverage for such workers.

Specifically, the purpose of the bill is threefold. First, it would update and increase the wage threshold used since the Eisenhower administration to determine whether an employer must pay Social Security taxes on wages paid to domestic employees. Second, it would replace the current requirements for quarterly filing of such taxes with a simplified annual reporting procedure, through the IRS form 1040, in order to improve public awareness of the requirements and compliance with them. Finally, this legislation would exempt from Social Security taxes the wages paid to domestic workers under the age of 18.

Mr. President, as recent events have shown, these changes are long overdue. It appears that many people are unaware of their responsibility to pay Social Security taxes for domestic employees. This fact has been highlighted by problems in this area for some nominees for high Government office in the present administration.

Currently, an employer is required to pay Social Security taxes if he or she pays a domestic employee $50 or more in a calendar quarter. When this threshold was adopted, an employer paying the minimum wage could easily employ a housekeeper each week without reporting these wages. Today, it is possible to exceed the $50 test by occasionally hiring a neighborhood teenager to babysit or to mow the lawn. As a result, many citizens find themselves liable for reports and tax payments on the small sums paid for occasional domestic services.

The $50 per quarter threshold for domestic employees was adopted in 1954. At that time, $50 in wages was needed under the Social Security Act to be credited with a quarter of coverage. A quarter of coverage is, in a sense, the unit of measure used to determine eligibility for Social Security benefits. For example, 40 quarters of coverage is generally what is required now to qualify for retirement benefits. This year a worker must earn $590 to be credited with a quarter of coverage, and can earn a maximum of four in a year. This amount is indexed to rise with average wages. In 1954, the requirement or a quarter of coverage and the coverage test for domestic employees were the same. My proposal would restore this historic relationship.

Under this proposal, the threshold in 1994 would be an estimated $610, depending on the indexed increase in the amount required for a quarter of coverage. This test is significantly lower than other proposals that are under consideration, yet it is higher than the $300 test that was included in H.R. 11, the revenue bill of 1992, which was vetoed last November. I believe that a $610 coverage test strikes a reasonable balance between the desire to provide Social Security coverage to domestic employees, while at the same time relieving private citizens of the burden of reporting the small sums paid for occasional domestic services.

In addition, this bill would simplify reporting by eliminating the current requirement that employers make quarterly reports of wages paid to domestic employees and quarterly tax payments. Instead, employers would report the wages of domestic employees only once each year, when they file their personal income tax returns. Use of the 1040 for this purpose should improve public awareness of the rules in this area, increase the number of employers who comply with these requirements, and provide increased Social Security coverage for domestic workers. Currently, the Internal Revenue Service estimates that only 25 percent of the employers who are required to do so actually report the wages they have paid to their domestic employees.

Finally, this legislation would relieve employers entirely of the responsibility of reporting wages paid to teenagers under age 18 for any domestic services they perform, such as babysitting and lawn care.

Mr. President, it is important that those workers who perform domestic services get the Social Security coverage they deserve. It is also important that we make employers aware of their legal obligations in this regard. For the information for Senators, the Finance Committee will be holding hearings on this issue in the near future.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Social Security Domestic Employment Reform Act of 1993".

**SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.**

(a) Threshold Requirement for Social Security Taxes.—

(1) Amendments of Internal Revenue Code.—

(A) General rule.—Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (other than service described in subsection (g)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (y)) for such year;".

(B) Applicable dollar threshold.—Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(y) Applicable Dollar Threshold.—For purposes of subsection (a)(7)(B), the term 'applicable dollar threshold' means the amount required for a quarter of coverage as determined under section 213(d)(2) of the Social Security Act for calendar year 1994. In the case of calendar years after 1994, the Secretary of Health and Human Services shall adjust such amount at the same time and in the same manner as the amount under section 213(d)(2) of the Social Security Act, except that such adjustment shall not take effect in any year in which the otherwise adjusted amount does not exceed the amount in effect under this subsection for the preceding calendar year by at least $50."

(C) Employment of domestic employees under age 18 excluded from coverage.—Section 3121(b) of such Code (defining employment) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year."

(D) Conforming amendments.—The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(y)) for such year".

(2) Amendment of social security act.—

(A) General rule.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (other than service described in section 210(f)((5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(y) of the Internal Revenue Code of 1986) for such year;".

(B) Employment of domestic employees under age 18 excluded from coverage.—Section 210(a) of such Act (42 U.S.C. 410(a)) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year."

(3) Effective date.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1993.

(b) Coordination of Collection of Domestic Service Employment With Collection of Income Taxes.—

(1) In general.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

**"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.**

"(a) General Rule.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the 4th month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) Domestic Service Employment Taxes Subject to Estimated Tax Provisions.—

"(1) In general.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) Special rule where taxes are paid on or before April 15.—If, on or before the date described in subsection (a)(2) or, if earlier, the date the return is filed, the employer pays in full the domestic service employment taxes computed on such return as payable for any calendar year, then no addition to tax shall be imposed under section 6654(a) with respect to any underpayment of any required installment of such taxes for the taxable year beginning in such calendar year.

"(3) Annualization.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(4) Transitional rule.—For purposes of applying section 6654 to a taxable year beginning in 1994, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such preceding taxable year.

"(c) Domestic Service Employment Taxes.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' does not include service described in section 3121(g)(5).

"(d) Exception Where Employer Liable for Other Employment Taxes.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) General Regulatory Authority.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) Authority To Enter Into Agreements To Collect State Unemployment Taxes.—

"(1) In general.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) Transfers to state account.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) Subtitle f made applicable.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1)."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1993.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

By Mr. BIDEN (for himself, Mr. PELL, Mr. BOREN, and Mr. SIMON):

S.J. Res. 112. A joint resolution entitled the "Collective Security Participation Resolution"; to the Committee on Foreign Relations.

### THE COLLECTIVE SECURITY PARTICIPATION JOINT RESOLUTION

• Mr. BIDEN. Mr. President, today I am introducing, along with Senators PELL, BOREN, and SIMON, the Collective Security Participation Resolution, a measure designed to encourage the activation of collective security mechanisms embodied in the U.N. Charter. My friend and colleague, Representative TORRICELLI, has introduced an identical resolution in the other body.

One remarkable development of recent years—a true precursor of the new world order—is the United Nations' active and competent role in fostering the settlement of conflicts in Namibia, Western Sahara, El Salvador, and Cambodia.

This momentum in collective action must be sustained, and its purpose widened to include combat interventions where principle and justice warrant.

In calling for American leadership to strengthen the institutions of collective security, I am compelled to pause—to lament that Congress, due to its own shortsightedness and a lack of leadership from previous administrations, has failed to provide the fairly assessed U.S. contribution to existing U.N. peacekeeping activities, on which we stand in arrears even as we continue to allocate hundreds of billions of dollars for national defense. No behavior could be more foolish—or cost-ineffective—than to shortchange the United Nations just as it has begun to fulfill a peacekeeping role long envisioned but, through most of its existence, seldom possible.

Rather than lagging behind, we should be taking the lead, in the upgrade of the U.N. Security Council's available military powers. As well as blue helmets to preside over cease-fires, actual combat units should be at the Security Council's disposal, and not merely on an ad hoc basis where the process of assembling a consensus, followed by troop commitments, may be too slow to meet urgent need.

It is, I believe, well understood that the collective military assault mounted against Iraq in the gulf war was not conducted by a U.N. force per se. Rather, the United Nations acted under article 42 to sanction the use of "operations by air, sea, or land forces of Members of the United Nations." In effect, the United States gathered and then led a coalition—with U.N. approval.

The coalition-building process that proved successful in the gulf war does not constitute an adequate paradigm for all interventions the United Nations may deem necessary. Future crises may require greater speed, and we should strive to create circumstances that do not impose upon the United States the onus either to act unilaterally or to galvanize a U.N. action in which we supply the preponderance of military power.

It was precisely this preference that Pentagon planners exhibited in the strategy document last year that envisaged, with some relish, the exercise of worldwide American military hegemony in the post-cold-war era. Once leaked, this concept, which I dubbed "America as Globo-cop," was repudiated by the Bush administration as an embarrassment. But in truth, the unilateralist mind-set continues to blind many in Washington to our new and expansive opportunity to involve other nations more fully and systematically in international security.

To realize the full potential of collective security, we must divest ourselves of the vainglorious dream of a Pax Americana and look instead for a means to regularize swift, multinational decision and response.

The mechanism to achieve this lies—unused—in article 43 of the UN Charter, which provides that "all members undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces * * * necessary for the purpose of maintaining international peace and security."

Article 43 provides that "the agreement of agreements shall be negotiated as soon as possible." But for 48 years that condition has not been met: The cold war polarization that beset the United Nations made it impossible for such force commitments to be negotiated. The agreements envisaged by the U.N. founders—under which nations would designate specific units to be available to the Security Council—have never been made. Article 43, at present, is a promise unfulfilled.

The time has come: The United States, in conjunction with other key nations, should now designate forces under article 43 of the U.N. Charter.

Let it be underscored, for all who would quaver at this proposal, that such action does not require a leap of faith: It does not mean the entrusting of American security—or the entrusting of American troops—to a collective body or questionable reliability. The assignment of United States and other forces to the United Nations means only that specifically designated troop units are committed, first, to participate in advance planning for coordinated use, and second, to be available for action pursuant to a U.N. Security Council decision to which the United States itself must be a party.

If deployed under U.N. auspices, a designated American unit or units, a force that might number some 3,000–8,000 troops, would be used only in conjunction with other forces and for a purpose agreed to by the United States as a leading member of the Security Council.

The essence of such an arrangement is not to increase the probability of American casualties in combat. On the contrary, our purpose in proceeding under article 43 is to build multilateral institutions in which collective force can be reliably used without constant dependence on American Armed Forces. Article 43 provides the opportunity to resolve our current dilemma: in which force is not likely to be used, even when needed, unless American troops are deployed unilaterally or to carry the main load in a multinational force.

The United States would designate forces under an article 43 agreement only if it entailed similar and substantial commitments by other powers. Thus, by designating a relatively small contingent of American forces, we would draw other nations into obligations of military responsibility.

In sum, the assignment to the U.N. Security Council of American and other military units would enhance one valuable instrument of American foreign policy—that is, participation in collective military action—without increasing the overall risk to American forces and without the slightest detriment to our ability to act alone if necessary.

Stated conversely, if we do not move to realize the potential of collective action under article 43, we consign ourselves to future dependency on the kind of ad hoc, American-led response that characterized the gulf war. That model may be attractive to some, in that it gives us primacy of place. But in my view, it is unfair, unnecessary, and unwise.

Article 43 represents a means by which the United States can enhance the efficacy of collective security while reducing the likelihood that future crises will compel the men and women of the American Armed Forces to bear a disproportionate burden in collective security.

To encourage negotiation of article 43 commitments by the United States and other powers, I today introduce the Collective Security Participation Resolution. This joint resolution would affirm congressional support for the consummation of an article 43 agreement; and it would reaffirm the intent of Congress expressed in the United Nations Participation Act of 1945, in three important respects:

First, an article 43 agreement "shall be subject to the approval of the Congress by appropriate Act or joint resolution."

Second, "the President shall not be deemed to require [further] authorization of the Congress to make available to the Security Counsel on its call" the military units designated in the agreement.

Third, this authorization may not be construed as authorization to use forces "in addition" to those forces designated.

Clearly, the enactment of this measure would be only a first step. But it is intended, and I believe it could serve, to create momentum.

What the Collective Security Participation Resolution would signify is congressional acceptance, in advance of any article 43 negotiation, of the premise of article 43: that the major powers should be positioned to act, without further delay, once the U.N. Security Council has achieved a consensus to use predesignated forces.

As a dedicated defender of the war power as a shared constitutional power, I stress that this arrangement, if achieved, would not represent an abdication by Congress of its responsibilities. Rather, it would be a judicious congressional exercise of the war power: the delineation by statute of conditions under which the President has limited authority to use force.

At some point, it will be wise to incorporate any such authority into a full rewrite of the War Powers Resolution. But that effort, if it is to produce a satisfactory outcome, must succeed on the basis of a Presidential signature on a new or revised law, rather than enactment over a veto.

My own concept of a sound revision of the War Powers Resolution—operationally and constitutionally sound—is presented in a Georgetown Law Journal issue of 1988, written shortly after I conducted exhaustive hearings as chairman of the Senate's Special Subcommittee on War Powers.

Enactment of the Collective Security Participation Resolution, while not necessary as a matter of legal technicality, would be valuable as a matter of political reality.

For four decades—beginning with the Korean war and extending through the Vietnam war to the gulf war—we have engaged in an agonizing constitutional struggle over the war power. Against that background of chronic dispute, in which I myself have been a dedicated participant, I believe it important that the Congress of today render a modern affirmation concerning the war power: by endorsing a principle of collective security—and the mechanism to carry it out—that the founders of the United Nations and the Congress of 1945 were prepared to affirm nearly half a century ago.

By doing so, we can encourage Presidential initiative within the United Nations and provide a solid footing for American leadership in strengthening the United Nations as an instrument of collective security.

To recapitulate: A future crisis could be of such magnitude as to require a major commitment of American forces, which in turn would require specific congressional authorization. In the absence of such authorization, the President would, under a congressionally approved article 43 agreement, be preauthorized to commit designated forces—but only designated U.S. forces, only in combination with the designated forces of other powers, and only pursuant to a Security Council decision to which the United States would be a party.

In strengthening the institutions of collective security, a well-negotiated article 43 agreement would help to move the world beyond the current expectation that effective military action will be taken only with American forces in the lead.

By enacting the Collective Security Participation Resolution, Congress would affirm its support for a sound article 43 agreement as integral to a serious American agenda for a new world order.

The potential value of enhanced institutional preparedness for collective military action is underscored by recent experience in Somalia and the former Yugoslavia. In Somalia, the world stood by and watched as a horrible famine—exacerbated by a breakdown of civil order—threatened to decimate the Somalia population. Although the U.N. Security Council had approved the use of force to protect international relief operations, the effort to assemble an effective force faltered until the United States, under the leadership of President Bush, made a substantial military commitment; thereafter, many other nations volunteered military contingents.

In the former Yugoslavia, a barbarism unexpected in modern Europe has unfolded in the face of outside disbelief and a growing recognition of the world's unreadiness, even after the gulf war, to act decisively with collective military force.

Despite a common horror at the wanton brutalities being inflicted by Serbian forces, the West has failed to adequately confront Serbian aggression. But this failure of political will has also been hampered by the lack of readily available military forces. Even now, as the Security Council seeks to implement the meager palliative embodied in the safe-haven resolution, the West—specifically Britain and France—struggle to find the necessary armed forces to carry out the plan.

The question of intervention in Somalia and Yugoslavia instructs us: If our multinational bodies are to act when needed, we must first prepare them to act.

If we are to find any gain from these tragedies, it must be in the momentum it provides in moving us more swiftly down both paths of expanded commitment to collective military action—the formal adoption by NATO of a peacekeeping and intervention role, and a more formal commitment by key U.N. members to military action under the auspices of the U.N. Security Council.

Just as Neville Chamberlain's trip to Munich in 1938 stands as a permanent warning of the futility of appeasement, the unabated slaughter in Bosnia offers a new lesson: If we do not prepare for collective action, the end of the cold war could usher in not a new world order but an era of endless interethnic bloodletting.

American leadership to achieve this expanded commitment to collective security will serve, together with a new strategy of worldwide weapons containment, to complete the military dimension of the new world order agenda I outlined in three addresses to the Senate last year.

In closing, I note that this resolution has already been the subject of consideration by the Senate Foreign Relations Committee. Last September, a panel of experts on collective security and international law—including the current Director of Central Intelligence—gave their support for the activation of article 43 in a hearing before the full committee. Subsequently, the committee approved the resolution—without dissent—on a voice vote. I am hopeful that this year will again be favorably considered by the committee, and ultimately, the full Senate; I urge my colleagues to support it.

I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 112

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. TITLE.**

This Resolution may be cited as the "Collective Security Participation Resolution".

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) the global framework embodied in the United Nations Charter for maintaining

international peace and security, forged with American leadership at the end of World War II, for four decades largely failed to provide security guarantees promised by the Charter;

(2) the end of the Cold War has opened unprecedented opportunity for multilateral cooperation, under United Nations auspices, to maintain and, where necessary, restore the peace through collective military and other actions;

(3) collective military action in response to Iraq's invasion of Kuwait was taken under Article 42 of the United Nations Charter, under which the Security Council may undertake "operations by air, sea, or land forces of Members of the United Nations";

(4) with the authorization of the Security Council under Chapter VII of the Charter, and pursuant to authorization by the Congress, the United States undertook military actions in Kuwait and Iraq as leader of a multinational coalition with United Nations sanction;

(5) despite Security Council approval of an armed mission to Somalia to protect international relief operations from attack, efforts to assemble an effective force faltered until the United States offered to make a substantial military commitment there under United Nations auspices, after which a considerable number of other nations volunteered small military contingents;

(6) the Charter contemplates that the Security Council might take action to maintain or restore international peace and security with forces made available to the Council pursuant to Article 43, which provides that "all members undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage necessary for the purpose of maintaining international peace and security";

(7) although Article 43 provides that "the agreement or agreements shall be negotiated as soon as possible," no agreement under Article 43 has ever been reached during the U.N.'s 48-year history;

(8) from the American perspective, the formal designation of forces from various nations under Article 43 offers the opportunity to involve other nations more promptly and reliably in future collective security actions, and could thereby strengthen the institutions of collective security while spreading the burden of collective security more equitably;

(9) U.S. leadership in achieving special agreements among members of the United Nations under Article 43 would therefore serve the interests of the United States and of all U.N. members;

(10) The United Nations Participation Act of 1945 (22 U.S.C. 287d) provides that:

(A) the President is authorized to negotiate an agreement with the Security Council "providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with Article 43 of the charter";

(B) any such agreement "shall be subject to the approval of the Congress by appropriate Act or joint resolution";

(C) "the President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call . . . pursuant to such special agreement or agreements the Armed Forces, facilities, or assistance provided for therein";

(D) this authorization shall not be "construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements;

### SECTION 3. AGREEMENT AND ACTION UNDER ARTICLE 43 OF THE UNITED NATIONS CHARTER.

(a) OBLIGATIONS UNDER ARTICLE 43 OF THE U.N. CHARTER.—Congress finds that members of the United Nations are obligated under the Charter to act "as soon as possible on the initiative of the Security Council" to negotiate a "special agreement or agreements" under Article 43 to make available to the Security Council forces and facilities necessary "for the purpose of maintaining international peace and security."

(b) NEGOTIATION OF AGREEMENT.—Congress urges the President to initiate discussions among members of the Security Council, the General Assembly, and the Military Staff Committee leading to negotiations, under Article 43 of the United Nations Charter, of "a special agreement or agreements" with equitable terms under which designated forces from various countries, including the United States, would be available to the Security Council.

(c) UNITED STATES SITE FOR INTERNATIONAL FORCES TRAINING.—Congress affirms its support of the commitment made to the United Nations General Assembly by President George Bush to make bases and facilities available to the Security Council for multinational training of forces under the United Nations.

(d) CONGRESSIONAL ROLE.—Congress:

(1) urges the President to consult with the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Forces of the Senate in the course of negotiating an Article 43 agreement;

(2) expresses its intent to give prompt consideration to any such agreement negotiated under Article 43 of the charter.

(e) PRESIDENTIAL AUTHORITY PURSUANT TO CONGRESSIONAL APPROVAL OF AN ARTICLE 43 AGREEMENT.—Congress reaffirms its commitment to the principle, embodied in the United Nations Participation Act of 1945, that congressional approval of a United States agreement under Article 43 of the charter shall have the effect of providing the President with full authority to direct that the United States Armed Forces designated in such agreement be employed as may be necessary to support decisions of the United Nations Security Council.●

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## ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 91

At the request of Mr. THURMOND, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 466

At the request of Mr. DASCHLE, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 466, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 469

At the request of Mr. WARNER, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 484

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 484, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 540

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 575

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

#### S. 578

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 578, A bill to protect the free exercise of religion.

#### S. 579

At the request of Mr. SMITH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 579, a bill to require Congress to comply with the laws it imposes on others.

#### S. 724

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 724, a bill to extend the temporary suspension of duty on 2,3,6-Trimethylphenol (TMP).

#### S. 994

At the request of Mr. PRYOR, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 994, a bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

#### S. 1063

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

#### S. 1093

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1093, a bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of an FSC attributable to military property.

#### S. 1111

At the request of Mr. KERREY, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

#### S. 1118

At the request of Mr. HATFIELD, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Hawaii [Mr. AKAKA], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

#### S. 1145

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1145, a bill to prohibit the use of outer space for advertising purposes.

#### S. 1151

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

#### S. 1172

At the request of Mr. MCCAIN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1172, a bill to amend the National Defense Authorization Act for Fiscal Year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that Act.

#### SENATE JOINT RESOLUTION 59

At the request of Mr. WELLSTONE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes.

#### SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week."

#### SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

#### SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. COATS], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

#### SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. D'AMATO], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

#### SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

#### SENATE JOINT RESOLUTION 111

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. AKAKA], the Senator from Maine [Mr. COHEN], the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. WARNER], the Senator from Colorado [Mr. BROWN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

## AMENDMENTS SUBMITTED

## HATCH ACT REFORM ACT

### ROTH AMENDMENT NOS. 564–566

Mr. ROTH proposed three amendments to the bill (S. 185) to amend title 5, United States Code, to restore Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

#### AMENDMENT NO. 564

On page 14, line 10, strike out "or".

On page 14, line 12, add "or" after the semicolon.

On page 14, insert between lines 12 and 13 the following new subparagraph:

"(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

On page 23, strike out lines 17 through 19.

On page 23, line 20, strike out "(b)".

#### AMENDMENT NO. 565

On page 35, add after line 12 the following new section:

**SEC. 11. SENSE OF THE SENATE RELATING TO FEDERAL EMPLOYEE SOLICITATION OF FUNDS AND CANDIDACIES.**

It is the sense of the Senate that Federal employees should not be authorized to—

(1) solicit political contributions from the general public; or

(2) run for the nomination or as a candidate for a local partisan political office, except as expressly provided under current law.

AMENDMENT NO. 566

On page 34, strike out line 19, and insert in lieu thereof the following:

**SEC. 10. EMPLOYEE REFERENDUM ON APPLICABLE LAW.**

(a) Notwithstanding any other provision of this Act, the provisions of this section shall apply.

(b) No later than 120 days after the date of the enactment of this Act, the President, or his designee, shall conduct—

(1) a referendum of all employees of the executive branch on whether such employees shall be governed by—

(A) the provisions of subchapter III of chapter 73 of title 5, United States Code, as in effect before the effective date of this Act; or

(B) the provisions of subchapter III of chapter 73 of title 5, United States Code, as amended by section 2(a) of this Act; and

(2) a referendum of all employees of the Postal Service of whether such employees shall be governed by—

(A) the provisions of subchapter III of chapter 73 of title 5, United States Code, as in effect before the effective date of this Act; or

(B) the provisions of subchapter III of chapter 73 of title 5, United States Code, as amended by section 2(a) of this Act.

(c) No later than 120 days after the date of the enactment of this Act, the President shall submit a written certification of the results of such referendum to the Congress.

(d) The provisions of law selected under each referendum conducted under subsection (b) shall be the applicable law for employees of the executive branch and employees of the Postal Service, respectively, for the 10-year period beginning on the date on which the President submits a certification under subsection (c).

(e) Before the end of the 10-year period referred to under subsection (d) and again for each 10-year period thereafter, the President shall conduct a referendum as provided under subsection (a) and certify the results of such referendum under subsection (c), and such selected provisions of law shall apply for the respective 10-year period.

(f) The President, or his designee, shall promulgate regulations—

(1) governing procedures and other matters for the conduct of any referendum under this section;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency (including the Postal Service).

(g) If in any referendum conducted under this section, the employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(h) Notwithstanding section 11(a), the provisions of this section shall take effect on the date of enactment of this Act.

**SEC. 11. EFFECTIVE DATE.**

## McCAIN AMENDMENT NO. 567

**Mr. McCAIN proposed an amendment to the bill (S. 185), supra, as follows:**

On page 14, strike lines 13 and 14 and insert in lieu thereof:

"or

(D) any member of the uniformed services, including any National Guard or reserve personnel;"

## PRYOR (AND CRAIG) AMENDMENT NO. 568

**Mr. PRYOR (for himself and Mr. CRAIG) proposed an amendment to the bill (S. 185) supra, as follows:**

On page 29, beginning with line 9, strike out all through "2101(3)" on line 10.

On page 33, strike out lines 11 through 20 and insert in lieu thereof the following:

"(A) by the President or his designee for each executive agency, except with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;

On page 34, line 7, strike out the quotation marks and the second period.

On page 34, insert between lines 7 and 8 the following new subsection:

"(k)(1) No later than 180 days after the date of the enactment of this Act, the Secretaries of the Executive departments concerned shall promulgate regulations to carry out the purposes of this section with regard to members of the uniformed services.

"(2) Such regulations shall include provisions for—

"(A) the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.); and

"(B) consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.

"(3) The Secretaries of the Executive departments concerned shall promulgate regulations under this subsection that are, as far as practicable, uniform for all of the uniformed services. The Secretary of Defense shall consult with the Secretary of Transportation with regard to the promulgation of such regulations that might affect members of the Coast Guard when the Coast Guard is operating as a service in the Navy."

## DEPARTMENT OF VETERANS AFFAIRS PROJECTS AND LEASES ACT OF 1993

## ROCKEFELLER AMENDMENT NO. 569

**Mr. GLENN (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1079) to authorize major medical facility projects and leases for the Department of Veterans Affairs, to revise and extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases, to authorize the disposal of Pershing Hall, France, and for other purposes, as follows:**

On page 4, between lines 3 and 4, insert the following:

**SEC. 3. INCREASE IN AMOUNT OF MAJOR MEDICAL FACILITY PROJECT THRESHOLD.**

Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

**SEC. 4. FACILITY ACQUISITIONS SUBJECT TO HEALTH-CARE RESOURCE SHARING CONSIDERATIONS.**

Section 8102(d) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) in paragraph (1), as so designated, by striking out "for any project" and all that follows through "$2,000,000," and inserting in lieu thereof "for any major medical facility project (other than by an acquisition by exchange),"; and

(3) by adding at the end the following:

"(2) In this subsection, the term 'major medical facility project' has the meaning given such term in section 8104(a)(3)(A) of this title.".

**SEC. 5. INCREASE IN THRESHOLD FOR REQUIREMENT RELATING TO EXPENDITURES FOR PARKING FACILITIES.**

Section 8109(i)(2) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

On page 4, line 4, strike out "3." and insert in lieu thereof "6.".

On page 4, line 6, strike out "(a) AUTHORITY FOR INCREASED TERM OF CERTAIN LEASES.—".

On page 4, strike out line 11 and all that follows through page 5, line 26.

## NOTICE OF HEARINGS

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

**Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the flood and disaster relief in the midwest. The hearing will be held on Friday, July 16, 1993, at 10 a.m. in SR-332.**

**For further information, please contact Pat Westhoff at 224-5207.**

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

**Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on July 14, 1993, at 1 p.m. on reauthorization of the Marine Mammal Protection Act.**

**The PRESIDING OFFICER. Without objection, it is so ordered.**

### COMMITTEE ON FOREIGN RELATIONS

**Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 14, 1993, at 10**

a.m. to hold a hearing on ACDA authorization and consideration of ACDA's future status and responsibilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session to consider the nominations of Sheldon Hackney to be chairman of the National Endowment for the Humanities, and Thomas Payzant to be Assistant Secretary for Elementary and Secondary Education at the Department of Education, during the session of the Senate on Wednesday, July 14, at 9:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Comprehensive Occupational Safety and Health Reform Act: "Making the Case for Reform," during the session of the Senate on Wednesday, July 14, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN WATER FISHERIES AND WILDLIFE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 14, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on nonpoint source pollution.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Wednesday, July 14, 1993, at 9:30 a.m., in open session, to receive testimony on international peacekeeping and peace enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON COMMUNICATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet at 9:30 a.m. on July 14, 1993, on S. 1086, Telecommunications Infrastructure Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 14, 1993, to hear different perspectives from Federal employees and others on the recurring problems with bureaucracy, rising costs, inflexibility, and overreliance on private contractors of the Federal Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 14, 1993, at 2 p.m. to hold a hearing on the fiscal year 1994 foreign assistance authorization: "Report of the Task Force To Reform A.I.D.-Development Assistance."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. GLENN. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Rural Economy and Family Farming be authorized to meet during the session of the Senate on Wednesday, July 14, 1993, at 9:30 a.m. The subcommittee will hold a hearing on alternative agriculture and rural economic development.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Congressional Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of Congressional action on the budget through July 1, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.7 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated June 30, 1993, Congress approved and the President signed Public Law 103–50, the 1993 spring supplemental. These actions changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, July 13, 1993.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through July 1, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 29, 1993, Congress approved and the President signed P.L. 103–50, the 1983 Spring Supplemental. These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS. AS OF CLOSE OF BUSINESS JULY 1, 1993

[in billions of dollars]

| | Budget resolution (H. Con. Res. 287) | Current level[1] | Current level over/under resolution |
|---|---|---|---|
| On-budget: | | | |
| Budget authority | 1,250.0 | 1,248.4 | −1.6 |
| Outlays | 1,242.3 | 1,243.0 | .7 |
| Revenues: | | | |
| 1993 | 848.9 | 849.4 | .5 |
| 1993–97 | 4,818.6 | 4,820.0 | 1.4 |
| Maximum deficit amount | 420.8 | 392.4 | −28.4 |
| Debt subject to limit | 4,461.2 | 4,239.9 | −221.3 |
| Off-budget: | | | |
| Social Security outlays: | | | |
| 1993 | 260.0 | 260.0 | |
| 1993–97 | 1,415.0 | 1,415.0 | |
| Social Security revenues: | | | |
| 1993 | 328.1 | 328.1 | (2) |
| 1993–97 | 1,865.0 | 1,865.0 | (2) |

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 1, 1993

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | 0 | 0 | 849,425 |
| Permanents and other spending legislation | 764,283 | 737,413 | 0 |
| Appropriation legislation | 732,061 | 743,943 | 0 |
| Offsetting receipts | (240,524) | (240,524) | 0 |

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 1, 1993—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Total previously enacted | 1,255,820 | 1,240,833 | 849,425 |
| ENACTED THIS SESSION | | | |
| CIA Voluntary Separation Incentive Act (Public Law 103–36) | 1 | 1 | 0 |
| Unclaimed Deposits Amendments Act (Public Law 103–44) | 0 | 1 | 0 |
| 1993 spring supplemental (Public Law 103–50) | 1,003 | 1,199 | 0 |
| Total enacted this session | 1,004 | 1,201 | 0 |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | (8,443) | 922 | 0 |
| Total current level [1] | 1,248,381 | 1,242,955 | 849,425 |
| Total budget resolution [2] | 1,249,990 | 1,242,290 | 848,890 |
| Amount remaining: | | | |
| Under budget resolution | 1,609 | 0 | 0 |
| Over budget resolution | 0 | 665 | 535 |

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

| | Budget authority | Outlays |
|---|---|---|
| Public Law: | | |
| 102–229 | 0 | 712 |
| 102–266 | 0 | 33 |
| 102–302 | 0 | 380 |
| 102–368 | 960 | 5,873 |
| 102–381 | 218 | 13 |
| 103–6 | 3,322 | 3,322 |
| 103–24 | 4,000 | 4,000 |
| Offsetting receipts | (4,000) | (4,000) |
| 103–50 | 0 | (30) |
| Total 1993 emergency funding | 4,500 | 10,333 |

[2] Includes a revision under section 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.•

## TRIBUTE TO WEST LIBERTY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of West Liberty in Morgan County, KY.

The State of Kentucky is blessed with topographical, geological, and environmental diversity. Kentuckians live in a region that boasts the picturesque Appalachian Mountains in the east, rolling coal fields in the west, and beautiful bluegrass country in the central portion of the State. West Liberty enjoys what few other towns in Kentucky are able to enjoy by having a geographical vantage point in both the mountains and the bluegrass. Because Morgan County is home to a river valley in the foothills of eastern Kentucky, residents of West Liberty have the best of both worlds. Those who live in this area have the uncommon ability to seek out both urban and rural environments. West Liberty is only minutes from the Daniel Boone National Forest and a short drive from the city of Lexington.

West Liberty also boasts a thriving local economy. The town is home to the Eastern Kentucky Correctional Complex, an important economic asset that has an $8 million annual payroll. The prison, the largest correctional facility in the State, holds 1,500 inmates. In addition, the town has recently intensified its dedication to education by welcoming the Licking Valley Extended Campus of Morehead State University to West Liberty.

Clearly, West Liberty is a town with much to offer. Accordingly, I would like to recognize West Liberty as one of the finest communities in Kentucky.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

### WEST LIBERTY

(By Gil Lawson)

Placing the Eastern Kentucky Correctional Complex in a place called West Liberty may seem like some bureaucrat's idea of a bad joke, but in this part of Eastern Kentucky most people don't seem to notice.

They're just happy to have the medium-security prison, the more than 400 jobs associated with it and the fact that to date, no inmate has been liberated prematurely.

The prison sits about a mile from town on top of an old strip-mine site. Signs caution motorists not to pick up hitchhikers, and guards in blue uniforms can be seem on their way to and from work. The prison has brought new people to this small town on the edge of the Appalachian Mountains.

"They fit right in to the community," said Lynn Nickell, a retired postal worker and local historian. "The change has been for the better—no doubt about it."

West Liberty actively recruited the prison, hiring a public relations firm to help lobby state officials.

"We felt like we had a fighting chance to get it," Morgan County Judge-Executive Sid Stewart said. "We weren't going to get an IBM or Ford plant. We just felt like it was an opportunity to give us stable jobs."

The modern-looking complex, which opened in 1990, was built to hold 1,100 prisoners, but it currently houses about 1,500 inmates.

The jobs have been a boost to West Liberty. A few years ago, when a shoe factory closed and several hundred jobs were lost "things looked pretty glum," said Earl Kinner Jr., editor of The Licking Valley Courier. The prison, along with another new factory in the area, has made people more optimistic about West Liberty's future.

Local officials say one of the reasons they got the prison was that there was near-unanimous support for the project. Morgan County has had its share of political fights, but Stewart said "political factions melt away when they identify something that's good for the county."

Prison officials are active in community groups and inmates help maintain roads and parks. Warden Michael O'Dea said he made a special effort to show residents the security measures before the $73 million prison opened.

"It's their prison, too," O'Dea said. "It's not just up there on the hill."

Although West Liberty sits in the hills, there is enough flat land in the area for tobacco and cattle farms. Morgan County was dubbed "the Bluegrass county of the mountains" in 1961 by Kinner's father, Earl Kinner Sr., the long-time publisher of The Licking Valley Courier. The elder Kinner wrote that Morgan County was unique because it was "neither in the Coal Fields of the mountains nor the Limestone of the Bluegrass—but halfway between, and possesses most of the best of both."

Residents seem to like being in the middle. Lexington is too big. More remote Eastern Kentucky counties have even more problems recruiting business.

"We're as close to Lexington as we need to be," said Stewart, a Knott County native who settled in West Liberty because he often passed through on his way to study at Morehead State University. "We don't want to be any closer to big cities than we are."

In 1987, Morehead State opened an extended campus in West Liberty because of the prison. Applicants for prison jobs had to have the equivalent of high school diploma. The Licking Valley Extended Campus, housed in an old bowling alley, offers adult-education and literacy classes, job training and education programs for inmates. In May, five inmates received degrees.

"People here are hungry for education," said Jonell Tobin, who runs the center.

Residents worry, however, that once high school graduates leave the county, they won't come back. John Motley, the president of the local chamber of commerce, is one of those who left for a job but was able to return to West Liberty to help oversee the construction of the prison. He was later hired as a deputy warden.

Motley noted that there are five engineering students at the University of Kentucky from Morgan County, "A lot of them would like to come back, but there's no jobs for them. We're losing the cream of the crop."

Motley hopes an industrial park planned by the city will attract some high-tech jobs that would allow more local students to stay home.

Morgan County has also benefited from an industrial park it shares with neighboring Wolfe and Magoffin counties. Whiting Manufacturing, a Cincinnati-based firm that makes materials for beds, opened a 100,000-square-foot factory there in 1990 and employs about 190 people.

West Liberty also draws thousands of people to town every September with its Sorghum Festival.

"We feature some of the best crafts in the mountains," said Kathleen Blair, who helped get the event started in 1971. "It was started because we liked the crafts."

The festival is held along Main Street, which has recently undergone a face-lift. Five fires on Main Street, the most recent in 1989, have left their mark on West Liberty. The last blaze destroyed a hardware store, a pharmacy and several offices and damaged a theater and clothing store.

The theater, Towne Cinema, has since reopened and a few other stores have come back. A Main Street renovation program has added trees, street lights and benches.

Another project on the drawing board is the renovation of an old Works Progress Administration school dedicated by Eleanor Roosevelt in 1937. The four-story structure was used as a school until 1989.

Last year, U.S. Rep. Harold "Hal" Rogers helped West Liberty obtain a $1 million federal grant to fix up the building. The grant was announced just before the election, which was significant because 96 percent of the registered voters in Morgan County are Democrats and Rogers, a Republican, was running there for the first time because of redistricting.

Stewart hopes the WPA building can be used for county offices and a recreational facility. He says there is a need for a community center because many young people end up cruising town in their cars and trucks.

"If it's not organized, a lot of bad habits develop," Stewart said.

Just a block from downtown is Wells Mill Park, named after the settlement that preceded West Liberty. According to tradition, West Liberty's name came about when officials were planning a county seat for Morgan County in 1823. Pike County, to the east, was contemplating the name Liberty for its county seat. So the Morgan County officials went with West Liberty.

The folks in Pike County settled on Pikeville while Morgan County stayed with West Liberty. But there is a Liberty in Kentucky's Casey County south of Lexington.

The histories of West Liberty and Morgan County are dominated by men, but in recent years, women have played a more visible leadership role.

Mayor Lena Black is the second woman to serve in the office. Morgan Circuit Clerk Alice Franklin, the president of the Kiwanis Club, has served since 1972, and women hold the county clerk's office and two of the five school board seats.

In 1959, four women ran as write-in candidates for six vacant seats on the city council, and won. The headline in The Licking Valley Courier read "West Liberty Women Take Over City Council With A Surprise Write-in Campaign Against The Men."

Blair was one of those women who decided at the last minute to run for city council. "I didn't know I was running until about 11 o'clock the night before the election," Blair said. The write-in campaign was prompted by a sewer project that left city streets a mess. Members of women's groups stood at each polling place on Election Day and handed out names of the write-in candidates.

Blair said the women helped get the streets fixed. "The majority of people were pleased," she said.

Two years later, Margaret Stacy, wife of former state senator C. K. Stacy, ran for the senate, but lost to a member of the powerful Turner faction from Breathitt County who asked voters in a newspaper advertisement to elect "a fighting man for your senator."

The Stacy family has played a major role in West Liberty's political and business development. C. K. Stacy ran the Commercial Bank. His son, Joe, also served as state senator. Joe D. Stacy started his own bank—Bank of the Mountains—in 1973 after a family squabble.

Two grandsons of C. K. Stacy run the banks. Another grandson, John Will Stacy, a West Liberty businessman, is the state representative. A great-grandson, Scott Wells, is running for mayor of West Liberty.

The Commercial Bank was recently purchased by an out-of-town bank, and John Will Stacy said "that took the edge off things."

Stewart, the county judge, agreed.

West Liberty residents "are a lot more independent voters than they ever have been," he said. "People have really come a long way in deciding their own fate."•

## THE TOKYO G–7 SUMMIT

• **Mr. PRYOR.** Mr. President, last week, the leaders of the seven major industrialized states met in Tokyo for their 19th annual summit, in order to discuss ways to enhance opportunities for world economic growth and job creation.

The G–7 summit was a tremendous victory for the United States, a victory for President Clinton, and a victory for Congress.

I congratulate both President Clinton and Congress for the successful G–7 summit.

Why should we congratulate Congress? Because the United States' negotiating position in Tokyo was far stronger than it had been in a decade, because a majority in Congress followed President Clinton's lead and finally took the first steps toward tough and serious action on deficit reduction.

The $500 billion deficit reduction package passed by both Houses of Congress allowed President Clinton to negotiate from a position of strength. For the last 12 years, the other G–7 leaders told the United States to reduce our budget deficit problem before we sought concessions from them—President Clinton was able to fulfill that request after the past 12 years of failure, and it paid off at the negotiating table.

With this strengthened position President Clinton was able to achieve progress in many areas. The summit members agreed on a $3 billion package of aid for Russia and also agreed to send senior officials to the United States this fall for a jobs summit. President Clinton also negotiated an important trade framework with Japan, which will open Japanese markets to many American products and services. And progress was made on a market access package that is important for the Uruguay round of GATT negotiations.

Now Congress must finish the difficult task.

Mr. President, this week, the conference committee on the budget reconciliation bill begins its difficult work to resolve the differences between the House and Senate versions of this historic and important deficit reduction package.

Mr. President, as a member of that conference committee, I am quite aware of the large challenges that we face in the coming days. To meet this challenge, it is my hope that Members of this body will have an active role during the process of negotiations to assure final passage.

This will not be an easy bill to pass, but the Tokyo summit showed all of us one of the many reasons why it must pass.•

## TRIBUTE TO DOUGLAS LESTER

• **Mr. McCONNELL.** Mr. President, I would like to take this opportunity to sincerely congratulate and pay tribute to Douglas M. Lester.

Mr. Lester, irrefutably one of the most successful and industrious business leaders in the State of Kentucky, is currently chairman, president, and chief executive officer of Trans Financial Bancorp, Inc. of Bowling Green. This progressive institution is soon to become the State's second-largest independent banking company, thanks in large part to the energy, experience, intelligence and hard work of Douglas Lester. With over two decades of banking know-how, Mr. Lester came to Bowling Green in 1984 with bold goals, high hopes, and even loftier expectations. Mr. Lester inherited a small holding company, Kentucky Southern Bancorp, with little more than $160 million in assets. Not even a decade later, this enterprise, complete with a name change and multiple bank acquisitions on the books, boasts over $1.7 billion in assets and 7 consecutive years of record profits. Mr. Lester predicts future acquisitions in Louisville, the Bluegrass region, and northern Alabama.

Shrewd bank and thrift purchases, aggressive lending, and skillful management under the entrepreneurial leadership of Mr. Lester have undoubtedly contributed to Trans Financial's success. Diligence, integrity, and ingenuity are clearly responsible for the success of this exemplary institution. Douglas Lester's commendable achievements are testaments to hard work, dedication, and individual initiative. His efforts should serve as a model to all of us, not only as a lesson in business, but a lesson in life as well.

Mr. President, I take great pleasure in congratulating Mr. Douglas Lester for his tremendous accomplishments and I applaud his efforts in the highly competitive world of banking and finance. I ask that a recent article from the Lexington Herald-Leader be printed in today's CONGRESSIONAL RECORD.

The article follows:

### BANKING COMPANY BUYS BANKS, THRIFTS ACROSS TWO STATES

(By Jim Jordan)

BOWLING GREEN.—Trans Financial Bancorp Inc. bought three Tennessee thrifts and two Kentucky banks in 1992.

The Bowling Green company nearly doubled its profits and its assets and moved up six notches to become the state's third-largest independent banking company.

Trans Financial could be No. 2 by the end of 1993 as it brings more banks under its green banner and expands outside its traditional markets in southern Kentucky and middle Tennessee.

"It is unusual for an institution their size to roam across the state and across state lines to make acquisitions," said Don Mullineaux, Du Pont professor of banking and financial services at the University of Kentucky.

"They have been a bit like a mini-Banc One"—gaining financial strength while aggressively buying banks and thrifts, Mullineaux said. "They have excellent management."

On Tuesday, Trans Financial moves into Eastern Kentucky by completing the purchase of The Citizens Bank of Pikeville for $18.5 million.

The company views the Pikeville bank as the first link in a chain of banks it hopes to create in Eastern Kentucky, West Virginia and Virginia, said Douglas M. Lester, Trans Financial company's president, chairman and chief executive officer.

At least one acquisition in northern Alabama also is expected this year.

Lester said Louisville and the Bluegrass, Kentucky's largest banking markets, also are potential expansion markets.

"We definitely would look at the Louisville market," said the 50-year-old Kansas native who has headed Trans Financial since 1984. "We definitely feel there is some opportunities in the Bluegrass, maybe not right in Lexington but in some of the surrounding markets."

### THE MOVE TO NO. 2

By year's end, Lester expects Trans Financial to pass Pikeville National Corp, to become the second-largest independent banking company based in Kentucky.

Pikeville National ended 1992 with $1.28 billion in assets, and Trans Financial will have $1.17 billion after it completes the Citizens Bank purchase.

The leader continues to be Liberty National Bancorp of Louisville, which ended 1992 with $4.3 billion in assets.

For Trans Financial, the goal is not just to get bigger but to continue producing above-average returns for stockholders, Lester said. "Size becomes a by-product of that."

How many more banks and thrifts can Trans Financial buy?

"We feel that we are well positioned to do a number of them in fairly rapid succession," he said.

Trans Financial is headed for its seventh consecutive year of record profits, and its stock is attractive to investors, he said. The company will pay cash, trade its stock or combine the two to acquire banks or thrifts.

Trans Financial had a 4-for-3 stock split in 1992 and another in 1993, when its quarterly dividend was increased 2 cents, to 17 cents a share, for an increase of 80 percent in the last five years.

Trans Financial seeks banks or thrifts in smaller towns. They must have above-average profit potential and good managers who will continue in the same jobs after Trans Financial becomes their employer.

The largest city where Trans Financial owns a bank is Clarksville, Tenn.—population 75,000—but the company has loan origination offices in Nashville and Chattanooga.

Trans Financial specializes in lending to corporations and businesses and in trust and brokerage services. "We are basically in the business of dealing with businesses in the middle market of the retail side," Lester said.

Because Trans Financial's customer base is different, Lester said, the company has no trouble competing with much larger banking companies that operate in or near its markets, such as National City Corp. in Bowling Green, Banc One in Pikeville, and NationsBank and First Union in Tennessee.

"We don't necessarily look at competition as a negative. We really feel the better the competition is the better the job that we probably do ourselves," he said.

Those larger companies are also potential buyers of Trans Financial, if the company's policy of remaining independent should change.

"The bigger they get and the more successful they are, the more likely they are to be acquired," Mullineaux said. "They could become a victim of their own strategy."

For now, Lester said, Trans Financial is buying, not selling.

"We feel like the shareholders are probably well-served in the position we are in," he said. "We are not saying that someday that might not change, but we don't expect any change in the foreseeable future."

### HUMBLE BEGINNINGS

Trans Financial began as The Citizens National Bank of Bowling Green, which had $160 million in assets when it formed a holding company, Kentucky Southern Bancorp, in 1984. The name was changed to Trans Financial within two years. The company had decided to move into Tennessee and thought "Kentucky Southern" might not be well received in the Volunteer State.

Lester, who had 22 years of banking experience in Kansas and Missouri, joined the company in. April 1984 after the Bowling Green bank decided to hire an executive who could create a regional company.

The first acquisition, Citizens Bank and Trust Co. in Glasgow, was announced in January 1985.

To avoid the pitfalls of rapid growth, Lester said, Trans Financial is constantly improving its procedures for loan review, internal audits, compliance with government regulations and data processing.

As new banks and thrifts are acquired, they are linked immediately to the company's computer network and satellite communications system.

Trans Financial signs are put up, generally on the day the merger occurs, and any internal changes are made immediately at the acquired bank to eliminate uncertainty for customers and employees.

What doesn't change in most cases, is the bank's top managers. Trans Financial will set goals for the bank and let local managers decide how the goals will be met.

"The people in the communities where we operate know those markets much better than we do. We are going to be in 37 locations as of July 6. It would be impossible for us to know those 37 locations better than the people who are there and running them everyday," Lester said.

### AN AGGRESSIVE LENDER

Trans Financial's most critical need is for good loan officers and loan quality overseers.

"We're an aggressive lender," he said, "We have double-digit loan growth every year—and have had for seven years now—and yet we have very few problem loans."

The reason? "We have excellent loan officers and a very strong credit culture. It's very stringent, and we don't back off those requirements," he said.

If borrowers don't quality, they are told immediately. Except for extremely large or complicated loans, the decision is made at the local bank, not in Bowling Green, Lester said. For those who quality, Trans Financial tries to become their sole source of loans and other financial services.

### BANKS ACQUIRED BY TRANS FINANCIAL

Main acquisitions of Trans Financial Bancorp:

Citizens Bank and Trust Co., Glasgow, 1985.

First Federal Savings and Loan Association, Russellville, 1990.

Future Federal Savings Bank, branches in Glasgow and Tompkinsville, 1991.

First Federal Savings Bank of Tennessee, Tullahoma, Tenn., 1992.

Maury Federal Savings Bank, Columbia, Tenn., 1992.

Heritage Bank for Savings, five branches in middle Tennessee, 1992.

Dawson Springs Bancorp Inc., which owned Commercial Bank of Dawson and Kentucky State Bank in Scottsville, 1992.

Citizens Bank of Pikeville, 1993.●

## VOTES DURING ABSENCE DUE TO ILLNESS

● Mrs. MURRAY. Mr. President, during the weeks of June 21 and June 28, I was absent from the Senate due to illness. I am grateful to the majority leader and the floor staff for announcing votes for me. However, I was unable to be announced for several votes on the omnibus budget reconciliation bill, and wish to state for the record now how I would have voted had I been present. On June 24, on rollcall vote No. 171, I would have voted "no"; on rollcall vote No. 174, I would have voted "yes"; on June 25, on rollcall vote No. 183, I would have voted "yes"; on rollcall vote No. 186, I would have voted "no"; on rollcall vote No. 188, I would have voted "no"; and on rollcall vote No. 189, I would have voted "yes."●

## RELIGIOUS FREEDOM RESTORATION ACT

● Mr. MACK. Mr. President, today, I join 54 of my colleagues in cosponsoring the Religious Freedom Restoration Act [RFRA]. Passage of the act is of great importance to reestablishing the sanctity and value of religious freedom. RFRA will effectively overturn a troubling decision by the U.S. Supreme Court in Employment Division versus Smith (1990), a case that severely curtailed the free-exercise clause of the first amendment, by restoring the standard by which religious freedom claims should be resolved.

I endorse this legislation with some qualification, however. I am concerned about the act's impact on local, State, and Federal correctional facilities. Although this bill has the commendable goal of protecting religious freedom, I believe the act, as it currently stands, could upset the precarious balance between the rights of inmates and the security needs of our jails and prisons. Twenty-six State attorneys general, including Florida's, as well as the Governor of Florida and our secretary of corrections, have all expressed concern over the act's effect of raising the legal standard prison administrators will be required to meet in instances where inmates assert entitlement to special treatment based on religious rights.

The current legal standard requires prison administrators to reasonably accommodate the free exercise rights of individual inmates, but allows a balance to be struck between such rights and institutional order. S. 578 will elevate the asserted individual inmate rights over the operational needs of prisons and thereby impose additional and unnecessary costs for incarcerating felons.

Florida citizens are already besieged by crime, and simply should not be required to shoulder a greater financial burden in order to accommodate such requests. Therefore, although I join now as a cosponsor, I also intend to support Senator REID's amendment, which merely exempts prisons from coverage under the act.●

## ORDER OF BUSINESS

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL EMPLOYEES LEAVE SHARING AMENDMENTS ACT OF 1993

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 124, S. 1130, the Federal Employees Leave Sharing Amendments Act of 1993; that the bill be deemed read the third time, passed, the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1130) was deemed read the third time, and passed, as follows:

S. 1130

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

### SEC. 2. AUTHORIZATION FOR CONTINUATION OF LEAVE TRANSFER AND LEAVE BANK PROGRAMS.

Section 2 of the Federal Employees Leave Sharing Act of 1988 (Public Law 100-566; 102 Stat. 2844) is amended by striking out subsection (d).

### SEC. 3. ELIMINATION OF ADVANCED LEAVE AS AVAILABLE PAID LEAVE.

(a) LEAVE TRANSFER PROGRAM.—Section 6331(4) of title 5, United States Code, is amended by inserting before the period "(except such paid leave shall not include advanced leave)".

(b) LEAVE BANK PROGRAMS.—Section 6361(6) is amended by inserting before the period "(except such paid leave shall not include advanced leave)".

### SEC. 4. ACCRUAL OF LEAVE.

Section 6337 of title 5, United States Code, is amended by—

(1) striking out subsection (c); and

(2) striking out subsection (b)(2) and inserting in lieu thereof the following new paragraphs:

"(2) Subject to the provisions of paragraph (3), any annual or sick leave accrued by an employee under this section shall be—

"(A) credited to the annual leave or sick leave account of such employee, as appropriate; and

"(B) available for use by such employee as provided under this subchapter.

"(3) If an employee's medical emergency terminates as described under section 6335(a)(3), no leave shall be credited to such employee under this section.".

### SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK PROGRAMS AND LEAVE TRANSFER PROGRAMS.

(a) IN GENERAL.—Section 6373 of title 5, United States Code, is amended to read as follows:

**§ 6373. Employee participation in leave bank programs and leave transfer programs**

"(a) An agency may—

"(1) establish a leave bank program under the provisions of this chapter and a leave transfer program under the provisions of subchapter III; and

"(2) provide for an employee of such agency to participate in either or both such programs.

"(b) The Office of Personnel Management shall prescribe regulations to include procedures to carry out this subchapter when a leave contributor and a leave recipient are participants in different programs under this subchapter.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by amending the item relating to section 6373 to read as follows:

"6373. Employee participation in leave bank
programs and leave transfer
programs.".

### SEC. 6. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to leave accrued or accumulated before, on, and after such date.

## MEASURE TO BE REFERRED TO ENERGY AND NATURAL RESOURCES COMMITTEE—S. 1216

Mr. GLENN. Mr. President, I ask unanimous consent that when the Senate Committee on Indian Affairs reports S. 1216, a bill to resolve the 107th meridian boundary dispute between the Crow Indian and Northern Cheyenne Indian Tribes, the bill then be referred to the Senate Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT OF 1993

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 90, S. 616, the veterans compensation COLA bill; that the committee amendments be agreed to; the bill be deemed read the third time, passed, the motion to reconsider be laid on the table, and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise today to urge my colleagues to pass S. 616, the proposed Veterans Compensation Cost-of-Living Adjustment Act of 1993. I am very pleased that every member of the Committee on Veterans' Affairs is an original cosponsor of this measure, including ranking Republican member FRANK MURKOWSKI and Senators DENNIS DECONCINI, GEORGE MITCHELL, BOB GRAHAM, DANIEL AKAKA, TOM DASCHLE, BEN NIGHTHORSE CAMPBELL, ALAN SIMPSON, STROM THURMOND, ARLEN SPECTER, and JIM JEFFORDS.

Mr. President, effective December 1, 1993, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans. The rates would increase by the same percentage as the increase in Social Security and VA pension benefits. The compensation COLA would become effective on the same date as the increases for those benefits take effect.

Mr. President, there are 2.2 million service-disabled veterans and 345,000 survivors who receive VA compensation. These veterans and survivors have endured enormous sacrifice on behalf of our Nation. We have a fundamental obligation to address the needs of these brave men and women, and doing so is one of my foremost priorities as chairman of the Veterans' Affairs Committee.

Mr. President, these veterans and their families are an integral part of America's proud military history. Ever since I entered public life to serve the people of West Virginia, I have worked very closely with veterans and their families. I represent a State where military service is held in the highest esteem. Now, as chairman of the Committee on Veterans' Affairs, I have been allowed the opportunity to work closely with veterans and families from across the country.

Mr. President, the adjustments provided under this bill will affect the daily lives of over 2½ million veterans and veterans' survivors. It is our responsibility to continue to provide COLA's in compensation and DIC benefits to ensure that the value of these top priority, service-connected benefits is not eroded by inflation. America's veterans should continue to receive the benefits they have earned through service to our country.

Mr. President, I am proud that Congress consistently has met its responsibility to maintain the real value of compensation benefits. Annual increases in VA compensation rates have been provided by Congress every fiscal year since 1976, and I urge all of my colleagues to continue the overwhelming support they always have shown for these important adjustments.

Mr. President, most recently, on October 24, 1992, Congress enacted Public

Law 102-510, providing a 3.0-percent increase in these benefits, effective December 1, 1992.

Mr. President, the Congressional Budget Office currently estimates that the December 1, 1993, Social Security and VA pension COLA will be 3 percent. This is a preliminary estimate, but I expect the actual increase will be close to this estimate. The Congressional Budget Office estimates that a 3-percent COLA would cost $325 million in budget authority and $324 million in outlays over current law. The CBO baseline already assumes these amounts, so this bill would have no cost over the CBO baseline.

Mr. President, there is no price we can place on the sacrifice our country's service-disabled veterans have honorably made. Men and women who have become disabled as a result of their service, or survive the death of their service-disabled spouse, are reminded daily of the costs of freedom. We all benefit from their sacrifices, and share the responsibility of ensuring they receive appropriate compensation.

Mr. President, I urge all of my colleagues to support this important measure.

So the bill (S. 616), as amended, was deemed read the third time and passed, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and parts of the bill intended to be inserted are shown in italics, as follows:)

### S. 616

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1993".

**SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.**

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1993, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115, 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased pursuant to section 2 of the Veterans' Compensation Cost-of-Living Adjustment Act of 1992 (Public Law 102-510; 106 Stat. 3318; [38 U.S.C. 101 note] *38 U.S.C. 1114 note) and each of the rates provided for in paragraphs (1) and (2) of section 1311(a) of such title as amended by section 102(a) of the Dependency and Indemnity Compensation Reform Act of 1992 (title I of Public Law 102-568; 106 Stat. 4321)*. The increase shall be made in such rates and limitations as in effect on November 30, 1993, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 ([2] *72* Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1993, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

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## VETERANS' MEDICAL FACILITY PROJECT AND LEASES ACT

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 86, S. 1079, the veterans construction authorization bill; that an amendment by Senator ROCKEFELLER at the desk be agreed to; that the bill, as amended, be deemed read a third time; that the Veterans' Affairs Committee be discharged from further consideration of H.R. 2034, the House companion, that all after the enacting clause be stricken and the text of S. 1079, as amended, be inserted in lieu thereof; that the bill be deemed read a third time, passed, that the motion to reconsider be laid upon the table; that the title be appropriately amended and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 569) is as follows:

On page 4, between lines 3 and 4, insert the following:

**SEC. 3. INCREASE IN AMOUNT OF MAJOR MEDICAL FACILITY PROJECT THRESHOLD.**

Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

**SEC. 4. FACILITY ACQUISITIONS SUBJECT TO HEALTH-CARE RESOURCE SHARING CONSIDERATIONS.**

Section 8102(d) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) in paragraph (1), as so designated, by striking out "for any project" and all that follows through "$2,000,000," and inserting in lieu thereof "for any major medical facility project (other than by an acquisition by exchange),"; and

(3) by adding at the end the following:

"(2) In this subsection, the term 'major medical facility project' has the meaning given such term in section 8104(a)(3)(A) of this title.".

**SEC. 5. INCREASE IN THRESHOLD FOR REQUIREMENT RELATING TO EXPENDITURES FOR PARKING FACILITIES.**

Section 8109(i)(2) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

On page 4, line 4, strike out "3." and insert in lieu thereof "6.".

On page 4, line 6, strike out "(a) AUTHORITY FOR INCREASED TERM OF CERTAIN LEASES.—".

On page 4, strike out line 11 and all that follows through page 5, line 26.

So, the bill (H.R. 2034), as amended, was deemed read a third time and passed.

So, the title was amended to read as follows: Amend the title so as to read: "To authorize major medical facility projects and leases for the Department of Veterans Affairs, to revise and extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases, to revise certain authorities relating to Pershing Hall, France, and for other purposes."

### S. 1079: REVISION AND IMPROVEMENT OF VA CONSTRUCTION AND FACILITIES PROGRAM

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to give their unanimous consent to S. 1079, legislation that would revise and improve the construction and facilities program for the Department of Veterans Affairs, as it will be amended by a committee modification that I am proposing. The measure as reported by the Veterans' Affairs Committee on June 8, 1993, which I will refer to as the committee bill, would authorize major facility projects and leases for the VA, revise and extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases, and modify the Secretary's authority in connection with Pershing Hall, France. The committee modification would: First, change—from $2 to $3 million the amount at which a VA facility project is considered a major medical facility project for purposes of congressional authorization; and second, delete the Secretary's authority to dispose of Pershing Hall and close the Pershing Hall revolving fund.

#### BACKGROUND

Mr. President, the VA health care system includes 171 medical centers, 362 outpatient activities, 129 nursing home care units, and 35 domiciliary care facilities. It is critical to the VA's mission that it maintain its capital investment and modernize the physical plants where appropriate to ensure that the VA health care system can provide state-of-the-art medical care and respond to the changing needs of our Nation's veterans. To accomplish this, VA has the largest medical facility construction program in the Nation. VA employs a number of processes intended to ensure that needed health care programs are identified and that when those needs require renovation or new space, the space is appropriately planned, designed, and procured through sharing, construction, lease, or public-private ventures.

Section 301 of Public Law 102-405 amended section 8104(a)(2) of title 38, United States Code, to prohibit funds from being appropriated for any fiscal year or spent, if appropriated, for major medical facility projects or leases unless funds for those projects or leases have been specifically authorized by law.

In February 1993, the General Accounting Office [GAO] report on VA's major construction program, VA Health Care: Actions Needed to Control Major Construction Costs, suggested that, because of the ongoing prospects for national health care reform, consideration should be given to limiting VA construction for additional acute care capacity until the future effects on demand for VA health care services can be determined. This and related issues were reviewed at the committee's hearing on May 6, 1993.

Because the various provisions in the committee bill are described in detail in the committee's report accompanying this measure, Senate Report No. 103-53, I will at this time just set forth a summary of the provisions and highlight each section. I refer my colleagues and all others with an interest in the committee bill to the committee report for more complete information on it.

### SUMMARY OF PROVISIONS

Mr. President, the committee bill would:

First, authorize the Secretary of Veterans Affairs to carry out the VA major medical facility projects and leases requested in the fiscal year 1994 budget that the President submitted to Congress. Additionally, authorize $111,600,000 to be appropriated for those major medical facility projects and $50,123,105 for those major medical facility leases.

Second, authorize the Secretary to make payments for the use of space or services acquired under VA's enhanced-use lease authority from funds appropriated to the Department for construction.

Third, extend the Secretary's authority to enter into enhanced-use leases from December 31, 1994, until December 31, 1996.

Fourth, extend the Secretary's lease authority for Pershing Hall, France, from 35 years to 99 years as the maximum period of lease.

### AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Mr. President, section 1 of the committee bill would authorize the Secretary of Veterans Affairs to carry out the major medical facility projects and leases for which funds were requested in the fiscal year 1994 administration budget, and would authorize the requested amounts to be appropriated.

The VA budget request specified the following five major medical facility projects not previously approved by the Congress at a cost of $11,600,000: First, the modernization and seismic correction of the VA Medical Center in Memphis, TN; second, a nursing home care unit in Baltimore, MD; third, a new psychiatric building at the VA Medical Center in Lyons, NJ; fourth, a replacement bed building at the VA Medical Center in Muskogee, OK; and fifth, a new medical facility as a VA joint venture with Elmendorf Air Force Base in Anchorage, AK.

I note that three major medical facility projects in the VA fiscal year 1994 budget submission were partially funded in a prior year and therefore do not require authorization under Public Law 102-405. These projects are at the VA medical centers in Palo Alto, CA; Tuskegee, AL; and Temple, TX.

The VA budget request of $50,123,105 specified 11 VA major medical facility leases in the following communities: Albuquerque, NM; Boston, MA; Cleveland, OH; Decatur, IL; Las Vegas, NV; Mayaquez, PR; Redding, CA; Rochester, NY; Sacramento, CA; San Jose, CA; and Santa Barbara, CA.

Generally, the major medical facility projects authorized by the committee bill focus on infrastructure and correction of life safety deficiencies and provision of long-term care and ambulatory care services. I am satisfied that the five major medical projects for which funds are authorized to be appropriated in fiscal year 1994 are needed and would be compatible with whatever role VA is to play under national health care reform.

Mr. President, I am not satisfied, however, with the VA construction planning and management process and believe, as the committee directs in the committee report accompanying this legislation, that the Secretary should request an independent review of VA's construction program, the findings of which should be reported to the committee prior to the submission of the President's budget for fiscal year 1995.

### ENHANCED-USE AUTHORITY

Mr. President, section 2 of the committee bill would authorize the Secretary to make payments for space or services acquired under VA's enhanced-use lease authority from funds appropriated to the Department for construction and would extend the Secretary's authority to enter into enhanced-use leases to December 31, 1996.

In 1991, Congress provided VA with a 3-year authority to enhance the use of its property through a leasing program. Section 401 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law 102-86, codified as subchapter V of chapter 81, title 38, United States Code, authorized the Secretary to lease unused or underused VA property—for the most part, portions of medical center campuses—to a developer for up to 35 years as a means of obtaining facilities, services, or funds for veterans' programs that otherwise would be unavailable or unaffordable.

Currently, section 8162(b)(4) of title 38 requires that any payment by the Secretary for the use of space or services on property that has been leased under this enhanced-use lease authority may only be made from funds appropriated to the Department for the activity that uses the space or services; that is, any such funds must come out of the operating budget of the local medical center that has the enhanced-use lease.

In some instances this statutory restriction has inhibited VA's use of enhanced-use leasing authority to obtain needed facilities or services which are unaffordable through the conventional construction process. For example, due to property size limitations or other reasons, a developer may require a VA contribution to project funding in an amount larger than is reasonably available from a medical center's operating budget. Although the proposed project would be significantly less expensive if acquired under VA's enhanced-use lease authority, it becomes unavilable, from a practical standpoint, because of the statutory funding source restriction.

To address this problem, the committee bill would provide VA with an alterative means of funding an enhanced-use lease project. In addition to the use of local medical center operating funds, the Secretary would be able to use funds appropriated to VA for major or minor construction for this purpose. In so doing, the committee bill would specify that such VA enhanced-use lease payments would be treated as a project for the acquisition of a medical facility. Thus, if a payment were to exceed the amount by which a major medical facility is statutorily defined, that project would have to be authorized by the Congress prior to any funding being appropriated for it. If, on the other hand, the payment were to be less than the amount by which a major medical facility is defined, the project funding could come from the construction, minor projects, appropriation without a specific project authorization.

Mr. President, I have been supportive of the enhanced-use lease program and concerned with VA's slow start in testing the concept. I am encouraged, however, that the program now is underway and that VA has identified a variety of potential new projects. Currently, VA's authority to enter into enhanced-use leases expires December 31, 1994. If that authority is not extended, it may expire before sufficient examples of developed projects would be available for the benefit of the concept to be adequately determined. I believe that an extension of VA's enhanced-use lease authority for 2 more years would allow sufficient time for VA to complete its program assessment and that extending VA's authority now should add stability to the program and allow staff to proceed with confidence.

### REVISION OF AUTHORITY RELATING TO PERSHING HALL

Mr. President, section 3 of the committee bill would extend the Secretary's lease authority for Pershing Hall, a facility in Paris, France, to 99 years as the maximum period of lease.

In 1991, Congress gave VA the responsibility for the rehabilitation, operation, and use of Pershing Hall, an existing building located in Paris, France. Through managing the property over the past 18 months, VA has determined that the authorizing legislation needs to be modified to improve Pershing Hall's value as an asset of the U.S. Government. The VA believes that the Secretary should be able to negotiate a lease for up to 99 years so as to maximize VA's return on a development contact. VA has indicated that the current 35-year lease authority is contrary to the custom and practice in Paris and that financial advisers have advised VA that the value of redevelopment proposals for a 35-year lease will be 30 to 40 percent of what the Department should be able to receive if it follows the Paris custom and practice, which is to provide for a 99-year lease. Because it appears that VA would lose nothing in terms of control over the building if the lease term were extended because of the overall control it would still maintain as lessor, the committee believes that increased lease authority should provide the Secretary with an additional option to review and compare as it makes decisions about the facility.

### COMMITTEE MODIFICATION OF THE BILL AS REPORTED

Mr. President, at this point I will discuss provisions that I am offering on behalf of the committee as a modification of S. 1079 as reported. The modification deals with the amount at which a major medical facility project is defined as "major" for purposes of congressional authorization and with the fate of proceeds from the possible sale of Pershing Hall.

In summary, the provisions of the committee modification would:

First, increase the statutory limitation for defining a "major medical facility project" from $2 to $3 million.

Second, by reference to the new statutory definition of a major medical facility project, modify the statutory requirement for VA to consider the possibility of a sharing agreement with the Department of Defense when evaluating a proposed project.

Third, increase statutory limitation for treating a parking facility at a medical facility as a major medical facility project from $2 to $3 million.

Fourth, delete the authority of VA to dispose of Pershing Hall and close the Pershing Hall revolving fund.

### INCREASE IN AMOUNT OF MAJOR MEDICAL FACILITY PROJECT THRESHOLD

Mr. President, the committee modification would amend section 8104(a)(3)(A) of title 38 so as to increase from $2 to $3 million the threshold for defining the term "major medical facility project." This title 38 threshold has been in effect since fiscal year 1981.

Beginning in fiscal year 1991, Congress, through the appropriations process, changed the amount of "major construction projects" to those "where the estimated cost of a project is $3 million or more * * *." The change reflected increased costs for construction as a result of inflation and a resulting increased burden caused by the statutory requirement to review all major construction projects. The $3 million amount was continued in both the fiscal years 1992 and 1993 Appropriations Acts.

In practice, although the title 38 and appropriations definitions have differed, Congress has used one definition of major construction projects since fiscal year 1991. Since fiscal year 1991, both the authorization and appropriations committees separately and Congress collectively and the administration, through the VA, have, through their actions, accepted a definition of major construction projects as one in excess of $3 million. Since fiscal year 1991, only those projects in excess of $3 million have been submitted to Congress by VA pursuant to section 8104(b) of title 38 that requires a prospectus of proposed major medical facility projects. Notwithstanding the fact that the authorization language was not changed to reflect the increase in the major construction threshold in appropriations acts, the authorization and appropriations committees have reviewed only those projects costing over $3 million—not those costing between $2 and $3 million. In fiscal year 1991, there were 26 VA construction projects costing between $2 and $3 million. In fiscal year 1992, there were 20; and in fiscal year 1993, 43.

Mr. President, it might be argued that the two exiting statutory definitions of a major construction project are for different purposes—one for authorization and one for appropriations—and that their different threshold amounts are not in irreconcilable conflict. It can also be argued that if the two different definitions were in irreconcilable conflict, the more recent statute, as the latest expression of Congress, should govern. Practically speaking, however, the administration of a construction program using two different definitions and procedures for projects between $2 and $3 million would be unnecessarily chaotic.

Public Law 102-405 excepts from its requirement for major construction project authorization those projects for which funds have been specifically authorized by law. Mr. President, I believe that because the VA, HUD, and Independent Agencies Appropriations Act for Fiscal Year 1993, Public Law 102-389, was enacted 3 days before Public Law 102-405, projects costing between $2 and $3 million for which funds were authorized for fiscal year 1993 are excepted from the Public Law 102-405 requirement that they be authorized. However, I do believe that construction projects for fiscal year 1994 requiring new funding of between $2 and $3 million would need authorization under current law. I note to my colleagues that there are 41 projects proposed by VA for fiscal year 1994 that would cost between $2 and $3 million and that none is covered by the committee bill as reported.

My proposed modification of the committee bill would resolve the two-definition confusion by bringing title 38 in line with Appropriations Committee legislation and congressional practice since fiscal year 1991.

### FACILITY ACQUISITION SUBJECT TO HEALTH-CARE RESOURCE SHARING CONSIDERATIONS

Mr. President, current section 8102(d) of title 38 provides that in considering the need for any project for the construction, alteration, or acquisition of a medical facility which is expected to involve a total expenditure of more than $2 million, the Secretary of Veterans' Affairs must give consideration to the sharing of health care resources with DOD as an alternative to all or part of that project.

The committee modification would delete from section 8102(d) the use of a specific dollar level and substitute a reference to the statutory definition of a major medical facility project in section 8104(a)(3)(A) of title 38—the definition I propose to revise in the committee modification.

### INCREASE IN THRESHOLD FOR REQUIREMENT RELATING TO EXPENDITURES FOR PARKING FACILITIES

Mr. President, the committee modification would amend section 8109(i)(2) of title 38 to increase the defining limit for treating a parking facility at a medical facility as a major medical facility project from $2 to $3 million. This change would make the parking facility requirement consistent with the other proposed changes in the committee modification.

### DEPOSITION OF PERSHING HALL REVOLVING FUND RESIDUE INTO THE TREASURY

The committee modification would delete section 6(b) and section 6(c) of the committee bill as reported. These two sections would have authorized the Secretary to dispose by sale or otherwise, of Pershing Hall if the Secretary determined that sale or other disposal would be in the best interest of the United States, and close the Pershing Hall revolving fund upon disposal of Pershing Hall.

Mr. President, I deleted the authority to dispose of Pershing Hall to avoid the direct-spending effects attributed to the expenditure of proceeds from the possible sale of Pershing Hall, despite my strong belief that the Congressional Budget Office estimate in their initial cost estimate of S. 1079 as reported, that there would be direct-spending effects—is incorrect. While I do not believe that the basic assumption underlying the CBO estimate—that there are direct spending effects—is correct, the fact remains that the CBO estimate did create a problem for this legislation under the pay-as-you-go rule. Deleting the Secretary's authority to dispose of Pershing Hall and close the revolving fund eliminates any pay-as-you-go problem.

### CONCLUSION

Mr. President, in closing I express my deep appreciation to all members of the committee for their help in the development of and action on this legislation.

I am also grateful for the contribution of the Veterans' Affairs Committee staff members who have worked on this legislation—Todd Houchins, Michael Cogan, Chuck Lee, Bill Brew, and Jim Gottlieb—and for the diligent work of Charles Armstrong of the Legislative Counsel's Office in the crafting of the measure.

Mr. President, it is important that VA maintain its capital investment, modernize its physical plants where health care is provided, and correct life safety deficiencies. Thus, I urge the Senate to give its unanimous approval to the pending measure.

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 86 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENDING THE TERMS OF VARIOUS PATENTS

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 102, S. 409, relating to the patent extensions, that the committee substitute amendment be adopted, that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table and that my statement and Senator DECONCINI's relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the committee amendment was agreed to.

So, the bill (S. 409), as amended, was deemed read a third time and passed, as follows:

### *SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.*

*(a) IN GENERAL.—The terms of United States patents numbered 4,005,195, 4,005,196, and 4,034,083 (and any reissues of such patents) shall each be extended for a period beginning on the date of its expiration through December 31, 1997.*

*(b) POST-MARKET SURVEILLANCE.—The holders of the patents extended under this section shall, following the first permission for marketing olestra, undertake a post-market program that shall provide data regarding the influence of olestra-containing products upon the overall dietary intake of fats. Such data shall be subject to the usual standards of professional peer review. At the end of the study period, such data shall be submitted to the Food and Drug Administration for review. Such study data shall be in a format which shall be made available to Congress for public review. The requirements of this subsection shall not in any manner preempt the authority of the Food and Drug Administration to request and to receive any other information it determines necessary in the course of its ongoing regulatory activities.*

### *SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.*

*(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.*

*(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.*

*(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.*

### *SEC. 3. INTERVENING RIGHTS.*

*The renewals and extensions of the patents under section 2 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.*

### *SEC. 4. EFFECTIVE DATE.*

*The provision of this Act shall take effect on the date of the enactment of this Act.*

### TO EXTEND KEY PATENTS ON OLESTRA AND THE TERMS OF THE BADGES OF THE AMERICAN LEGION

Mr. GLENN. Mr. President, I rise in support of S. 409, which I introduced in February and is cosponsored by my distinguished colleagues, Senators HATCH, GRASSLEY, DURENBERGER, HEFLIN, THURMOND, FEINSTEIN, and COCHRAN. S. 409 will extend certain patents, including a limited extension for three key patents on olestra, a revolutionary zero-calorie fat replacement made by Procter & Gamble, one of America's premier manufacturers, headquartered in Cincinnati, OH. It will also extend the patent terms of the badges of the American Legion, the American Legion Women's Auxiliary and the Sons of the American Legion.

This bill is really unfinished business from the 102d Congress. The olestra provisions of this bill were included in H.R. 5475, which was passed by the House by an overwhelming margin on August 4, 1992, and in S. 1506, which was passed by the Senate on October 8, 1992 by voice vote. The patent for the American Legion's badges also passed both the Senate and the House during the 102d Congress.

I would like to commend my colleagues Chairman DENNIS DECONCINI of the Subcommittee on Patents, Copyrights and Trademarks; ORRIN HATCH, the ranking member of the Judiciary Committee; and Chairman JOSEPH BIDEN of the Senate Judiciary Committee and their staffs for the fair and thorough handling of this bill.

Procter & Gamble invented olestra in the 1960's, and began working with the FDA in 1971. More than two decades later, olestra has still not been approved. Without approval, it cannot be manufactured for and used by the Nation's consumers. P&G has already invested $200 million in olestra, and would need to invest many more hundreds of millions to construct manufacturing facilities here in the United States to produce this substance. The primary olestra patent expired in 1988 and three others—which are the subject of this legislation—will expire in early to mid-1994, which I understand is the earliest possible date that the FDA could be in a position to approve the food additive petition. In other words, after more than two decades and over $200 million in research, Procter & Gamble has still not realized a return on its efforts.

Nobody is faulting the FDA; approval of olestra has posed unique and unprecedented scientific questions that had to be researched. Relief is in order, but not just to be fair to Procter & Gamble. Without providing this modest extension I'm afraid other manufacturers will be discouraged from investing in other long-term, high-risk research that is so important to the Nation's health and the economy.

The problem arises because American patents by law only last 17 years, while regulatory reviews by FDA must of necessity be open-ended to ensure safety of new food additives. Olestra is unique, virtually unprecedented as a new food type because of its likely impact on the American diet, and because it is a non-adsorbable, noncaloric fat replacement. While most food additives constitute, at most, a fraction of one percent of the human diet, olestra could eventually replace as much as 10 percent or more. Accordingly, the FDA has approached this unprecedented food additive with appropriate prudence, and P&G has been required to invent new protocols to test olestra's safety for human consumption, because olestra did not fit the existing regulatory mode.

I have worked for the last 2 years on this bill because I continue to believe that Federal policies should encourage innovation by American industry—rather than reward the manufacturer who merely waits for the patent of an investor who has assumed all the risks of innovation to expire. Our patent system is designed to encourage innovations such as olestra. At the same time, our regulatory system is intended to ensure safety. In most instances these two functions work in harmony and serve the public well. In rare instances, however, the length of the safety assurance process can consume much, or all, of the 17 years of exclusivity granted an inventor under patent law. In these extraordinary instance, Congress has extended patents to maintain balance. I believe that olestra is one of these extraordinary cases.

The olestra provisions of S. 409 were approved by bipartisan majorities of both houses during the 102d Congress. This occurred only after scrutiny by the respective House and Senate Judiciary Subcommittees, chaired by Senator DECONCINI and Representative WILLIAM HUGHES. This year, the bill cleared the Senate Subcommittee on Patents, Copyrights and Trademarks and was overwhelmingly passed by the full Judiciary Committee.

I have great pride in the fact that my legislation also includes the extension of the emblem patents for one of our Nation's finest nonprofit organizations, the American Legion and its affiliates: the American Legion Auxiliary and the Sons of the American Legion. Established in 1919, the Legion will soon begin celebrating its diamond jubilee 75th anniversary of service to America's veterans and their families.

Under the very able leadership of National Commander Roger Munson from Mentor, OH, the American Legion exemplifies community services. Few organizations touch the lives of so many Americans as does the Legion. Many Members of Congress are Legionnaires. Many Americans have been participants in Boys State or Girls State during their junior year in high school. Still others receive Americanism, Citizenship, Essay or Marksmanship medals from local Legion posts in recognition of their achievements.

Each year, the American Legion rewards hard work and dedication by awarding college scholarships to the winners of the National Oratorical Contest, the Legion Baseball Player of the Year, the Scout of the Year, and the Junior Shooting Sport Champion. Overall, the American Legion contributes nearly $35 million a year to children and youth activities.

Legionnaires, auxiliary members, and members of the Sons of Legionnaires volunteer for more than 1.5 million hours in Department of Veterans Affairs health care facilities and over 3 million hours in other community service activities.

During the Persian Gulf war, the American Legion established its family support network to assist the families of those veterans deployed to the Persian Gulf. The American Legion awarded over a half million dollars in grants to families facing financial problems as a result of the deployment. In addition, members of the American Legion Post in Dhahran, Saudi Arabia, hosted troops in their homes. Since the start of Desert Shield, over 150,000 troops benefitted from its Host a Soldier Program.

Unfortunately, this worthy organization has frequently fallen prey to profiteers who use the Legion emblems without permission to solicit contributions and to sell counterfeit products. These illegal products and practices have occasionally undermined the credibility of legal activities. Therefore, the protection of the Legion's emblems from unauthorized reproduction and use is now imperative.

Mr. President, I believe that this is important legislation and I appreciate the efforts of my colleagues in moving the bill forward. I recommend the bill and I ask the Senate to join me in voting for its passage.

Mr. DECONCINI. Mr. President, I want to commend Senator GLENN on his efforts in passing S. 409. As chairman of the Judiciary Subcommittee on Patents, Copyrights and Trademarks, I have closely watched the progression of this legislation over the last two Congresses.

S. 409 extends the design patents for the badge of the American Legion, the badge of the American Legion Women's Auxiliary, and the badge of Sons of the American Legion. I am pleased to see the passage of these design patent extensions since they were legislative measures that I pursued over the last few Congresses. S. 409 also will extend three patents for olestra, a zero-calorie fat replacement developed by Proctor & Gamble [P&G], until the end of 1997.

An cxtension for olestra was initially sought in the 102d Congress as S. 1506. S. 1506, as introduced, would have extended the term of four patents covering different aspects of olestra for 10-year periods that would begin after the Food and Drug Administration's [FDA] approval of olestra as a food additive.

Normally, I am reluctant to support commercial patent extensions such as those requested by P&G. Our constitutionally mandated patent system provides for a patent life of 17 years. Undoubtedly, a regulatory review period can diminish the life of a commercial patent. However, in 1984 we passed important legislation that provided a uniform patent extensions for regulatory delay. Because of that act, there is little reason to provide additional patent extensions for individual patent owners. Indeed, I believe that someone seeking a patent extension has a strong presumption to overcome in seeking a patent extension. With regards to P&G's patent extension request, we were presented with some exceptional circumstances.

The scrutiny applied to the patent extension request for olestra has been long and arduous, spanning the course of two Congresses. On August 1, 1991, the Subcommittee on Patents, Copyrights and Trademarks held a hearing on patent extensions for olestra and other patent extensions.

Following that hearing, as well as an October hearing on the companion measure in the House, Chairman HUGHES and I requested the General Accounting Office [GAO] to conduct a review of the regulatory process that allegedly delayed FDA approval for the patents covered in S. 1506.

The GAO conducted a 4-month investigation. As part of the investigation, which included extensive discovery, the GAO reviewed a large volume of FDA and company records and conducted comprehensive interviews with FDA and company officials. Their final report was presented to both the Senate and House subcommittees.

Twenty-two years have elapsed since P&G obtained its first patent on olestra. The GAO concluded that many factors have contributed to the extended period of time it is taking to obtain FDA approval for olestra. In part, the delay is caused by a lack of a clear approval process for such substances. Olestra is a unique product in that it could eventually replace as much as 10 percent or more of the human diet, as opposed to the usual 1 percent that similar products replace. Accordingly, the FDA has approached this unprecedented food additive with caution. Thus, P&G has been required to invent new protocols to test olestra's safety for human consumption since olestra does not fit the existing regulatory mold.

The Judiciary Subcommittee on Patents, Copyrights and Trademarks held a markup on May 21, 1992. I offered a substitute amendment to S. 1506 that would extend the three unexpired olestra patents until December 31, 1997, but would provide no extension to the patent that expired in 1988. Following debate, the amendment was accepted by voice vote. The subcommittee then favorably reported S. 1506 by a vote of 5 to 2.

On August 12, 1992, the Judiciary Committee then considered S. 1506 at an executive business meeting. Senator KENNEDY offered an amendment, which was accepted, requiring P&G to conduct postmarketing surveillance of the health effects of the dietary usage of olestra.

S. 1506 passed the Senate by voice vote on October 8, 1992. H.R. 5475, containing the olestra provisions, passed the House on August 4, 1992. As a result of delays in the final hours of the 102d Congress, the House adjourned before the differences in these two bills could be reconciled.

S. 409 grants the same relief as the substitute version of S. 1506. The extension olestra receives under this bill has been greatly reduced from the 10 years after FDA approval originally requested to a justifiable 3½ years. Indeed, after this substitute was passed by the Judiciary Committee, P&G's competitors no longer opposed this legislation.

P&G has expended an extraordinary amount of time and money developing and testing olestra for commercial use. Yet, to this day, they have not received any return on their enormous investment. By granting P&G this extension, we are providing that company fair relief for patents that were entirely spent in regulatory review.

## ORDERS FOR THURSDAY, JULY 15, 1993

Mr. GLENN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 9 a.m., Thursday, July 15; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senator DASCHLE or his designee for up to 45 minutes; Senators WALLOP and GORTON for up to 10 minutes each; Senator BIDEN for up to 20 minutes and Senator KERREY for up to 20 minutes; that at 11 a.m., the Senate then resume consideration of S. 185, the Hatch Act Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 9 A.M.

Mr. GLENN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:29 p.m., recessed until tomorrow, Thursday, July 15, 1993, at 9 a.m.

# HOUSE OF REPRESENTATIVES—*Wednesday, July 14, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Even as we begin our duties and responsibilities and with the business of the day, we remember those who suffer or are in need because of the flooding and destruction in our own land. We rejoice in the attitude of cooperation and support that people have expressed toward each other even as we lament the loss of life and goods. O gracious God, protect, sustain, and encourage all those who face adversity and keep them and us always in Your everlasting arms and Your sustaining grace. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Virginia [Mr. GOODLATTE] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. GOODLATTE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## A SALUTE TO THE HEROES OF THE MIDWEST FLOODS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to take 1 minute today to recognize the thousands of people throughout the Midwest of our country who are this morning fighting a historic flood which has engulfed their homes and businesses and lives.

Mr. Speaker, I do not rise to give the statistics this morning. We have read them all in the paper and heard them on television. I simply rise to recognize the thousands and thousands of people, some of whom I have seen over the last week, and many that I have not, who are fighting valiantly with their families to put their lives back in order, to keep the raging rivers out of their communities and out of their businesses, and to now, as the flood hopefully begins to subside over the next weeks, to put their lives back together.

In Ste. Genevieve, MO, I saw an entire community of 7,000 working together as a unit day and night, children, mothers and fathers, community officials, National Guard officials, sandbagging 24 hours a day to save historic structures in that very historic community.

I am sure that is being repeated in Iowa, Illinois, South Dakota, Kansas, Nebraska, and all of the other States that are involved.

All of us in the House of Representatives today salute the heroes of thousands and thousands of people fighting for their lives.

## THE ELECTRICITY TAX, A DECOY FOR LAME DUCKS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, this weekend, the chairman of the Finance Committee in the other body confirmed that the tax conferees will take a serious look at an electricity tax as a replacement for the Btu tax in the President's proposed economic plan.

This is the same tax that the Finance Committee looked at and rejected just last month. In fact, they rejected an electricity tax for the same reasons they scuttled the Btu tax.

There is an old country saying that if it looks like a duck, quacks like a duck, and waddles like a duck, it must be a duck.

Well, an electricity tax looks like a Btu tax, sounds like a Btu tax, and waddles like a Btu tax. In fact, its impact, when coupled with the other body's transportation tax, is virtually identical to a Btu tax.

Like a Btu tax, an electricity tax is bad for the American economy, bad for jobs, bad for competitiveness and bad for every taxpayer, notably senior citizens and those on fixed incomes.

I hope that our colleagues will not fall for the Btu tax decoy in the form of an electricity tax, particularly after the Btu fiasco, lest they become lame ducks themselves.

## THE CANDIDATE AND THE PRESIDENT

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, guess who said this: "My plan will not add new taxes on small business. I know that 85 percent of the new jobs in this country are generated by small business, and I am committed to helping them prosper."

The answer: Candidate Bill Clinton.

Unfortunately, as we have seen on issue after issue, Candidate Bill Clinton is different entirely from President Bill Clinton.

President Bill Clinton's tax package will raise marginal rates on small business by over 60 percent.

This tax package will have an additional capital gains tax.

And it will not have the many small business tax breaks that the President promised when he first introduced it.

In other words, President Bill Clinton will add new taxes on small business, despite the fact that 85 percent of the new jobs in this country are generated by small business.

Mr. Speaker, we need to oppose the President's package so we can help small business prosper and create jobs.

## DIDN'T WORK THEN, WON'T WORK NOW

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, despite the fact that taxing our way to prosperity has never worked, the Clinton administration wants us to believe that this time it will. The 1990 Budget deal should have taught us something, since it has cost us so much. Under that agreement—an agreement we are still supposedly in—deficit spending today is over twice what it was in 1989, going from $152 billion then to $310 billion now.

The deficit went up despite the large tax hike that deal included. The deficit went up because Congress spent all it got and more. The deficit went up because of the recession caused by taxes. That was true in 1990 and will be true in 1993; it didn't work then and it won't work now. Despite this, we are still getting the tax to end all taxes from the Clinton administration.

A constituent called my office just the other day and asked if the debt was $400 trillion. He was told that in fact it is about $4 trillion. I am sure he felt he had been wrong. My colleagues, he was not wrong so much as he was early.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With the kind of logic that keeps trying over and over again on bigger and bigger levels, policies that don't work, that have never worked, and will never work, we will get to $400 trillion sooner than you think.

□ 1010

## BUDGET RECONCILIATION BILL PROVIDES ASSISTANCE FOR SMALL BUSINESSES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the budget reconciliation bill passed by this body takes an important step in putting our Nation back on the road to fiscal responsibility while at the same time providing real help to the main engine of our Nation's job growth—small businesses. I urge our conferees to fight hard to hold to the provisions passed by the House that are vital to our small businesses.

In the last decade, it was small business that created the jobs that fueled our Nation's prosperity. Throughout the decade there was a growing vibrancy of an entrepreneurial economy in America. Small businesses—both new and established—were busy creating new jobs.

But this changed when the recession took hold and the small business job engine came to a halt. Small businesses in Connecticut, like small businesses elsewhere, are looking for help.

The House plan answers their plea. It extends the kind of investment that will make a real difference for small businesses. It offers incentives for businesses that reinvest in themselves, cuts the capital gains rate for small business investments and provides health deductions for the self-employed. And 95 percent of small businesses are exempted from tax increases. They will see no change in their individual or corporate tax rates.

Small businesses are ready to start investing again in new jobs. Let us give them the help they need to succeed.

## NEW TAX ON IRRIGATION WATER IS UNFAIR

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, we are all aware, because of the significant talk around the country, of the important new taxes that we are facing; the energy tax, the impact of these taxes on small business, and the impact on the middle class. But there is a lot of other information—there are a lot of other taxes in this bill—which are not being talked about.

I want to talk today about one that is dealing a significant blow to western agricultural interests, the new tax on irrigation water.

Yes, there is a new tax on irrigation water proposed that will deal another significant blow to irrigation and agricultural interests. This one has a special little twist to it. It has a minimum level, but no upper limit. That is right, the Secretary of the Interior could impose the amount that he deems appropriate in perpetuity to raise from irrigation interests in this country the amount of taxes needed for whatever special purpose may come to be deemed appropriate.

We have got to learn the message that the problem in Washington is not that there are too many taxes and too many ways to find the ways to tax; the taxes in this package are real, the cuts are not. Let us tell the conferees to drop this onerous tax as well as the others.

## POLITICAL COURAGE AND FORESIGHT DEMAND SUPPORT FOR DEFICIT REDUCTION

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, as we prepare to pass the Democratic deficit reduction package, the economic future of our country is at stake.

Those Members of Congress who choose to guard the gridlock and vote against $500 billion in deficit reduction. Vote against a return to tax fairness, and vote against long-term economic growth will be taking the easy political road, a very well-traveled road the last 12 years.

Those Members of Congress who stand up and fight for the economic future of this country will show that they are not afraid of the tough choices and not afraid to cast the tough votes needed to get this deficit under control.

Only by substantially reducing the deficit will we create new, stable jobs and get this country on the road to long-term economic growth.

For too long, this Nation has been governed with an eye toward the next election rather than the next generation.

I urge my colleagues to act with political courage and foresight, to cast their vote on the economic plan looking down the road at the years 2004 and 2024, not November 1994.

## DEMOCRATS DON'T HAVE A CLUE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Democrats are talking about whether the House or the Senate tax bill will cut the deficit more. What they are not saying is that none of their plans includes cutting spending.

The reason is simple. The White House doesn't have a plan to cut spending. In fact, the White House doesn't even have a clue how to cut spending. Under their plan, spending climbs to $1.7 trillion in 1998 from $1.4 trillion today. That is not a cut and that is not deficit reduction. Even worse, that doesn't include the administration's health program.

The White House plan would not cut Federal expenses, but it would gut our Nation's defenses. The only spending cuts the White House can even imagine—and they are imaginary—are supposed to come in their plan's last years and are supposed to come on top of deep cuts already being made in defense.

The Democrat plan for America's economy can be reduced to this: A guarantee of new taxes now and a promise of unrealistic defense spending cuts. No wonder the more Americans know about the Clinton plan, the more they know they will get more taxes, no spending cuts, and no deficit reduction.

## THE MARKETS HAVE RESPONDED

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, throughout the 1980's, we had high real interest rates. Even when inflation was tamed, interest rates remained high. That is because people didn't have sufficient confidence about the long-term future. The markets knew that high interest rates were the only way of attracting foreign lenders in a climate of borrow-and-spend policies and huge budget deficits.

But this is changing. After President Clinton made it clear he was determined to attack the deficit, the bond markets responded favorably. Since then, interest rates have dropped to a record low, and mortgage rates remain at a 20-year low.

And these low interest rates are good news. Businesses large and small are better able to finance new investments—the kind of investments that create good paying jobs and put people back to work.

Every time mortgage rates go down a point, an additional 350,000 families can afford to buy homes. And a family who refinances their 10 percent interest $100,000 mortgage at 7.5 percent saves over $2,000 a year, after refinancing costs are subtracted. That interest savings is several times the very modest energy tax a middle income family is likely to pay under this serious deficit reduction plan.

Low interest rates also mean that millions of Americans are saving money every month with lower car payments, lower small business loan payments, lower consumer loans, and lower college loans. If interest rates stay at this level, an estimated $100 billion in additional money will be pumped back into the economy this year alone. That's part of what's at stake in passing a conference agreement on the budget.

And that is real savings—and hard evidence that the Clinton economic plan is getting this country back on track.

### RAISING TAXES LOWERS REVENUE INTAKE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, there is a dark little secret that the administration and the majority in Congress does not want to get out of the closet. It is the tax revenue results from 1991.

Remember 1991? Mr. Speaker, we raised taxes on the rich from 28 to 31 percent, and the just-published tax revenue results on the top 850,000 earners in this country, those who are making $200,000 or more per year, the results on them showed that the receipts from this group fell by $6.5 billion, or 6.1 percent.

In other words, raising tax rates decreased actual tax revenues.

Now, come on, Mr. Speaker, this administration needs to wake up. Not only is this proposed tax increase on the rich bad politics, which it is, because remember in general Americans do not want to punish the rich, we want to become the rich; but it also is bad economics.

As the analysis of the 1991 tax receipts prove, it just will not work; less revenue, not more, will be raised.

### THE ECONOMICS OF ILLEGAL IMMIGRATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, illegal immigration has gotten so bad that Congress is now being asked to pay their medical bills. That is right, the budget bill provides $300 million for health care for people who have jumped the fence illegally. This is unbelievable.

Thousands of homeless in the Midwest battling floods, roads and bridges falling apart, 40 million Americans without health care. Mr. Speaker, millions of Americans unemployed, and Congress says, "Sorry, Charlie, we can't help you."

Then we raised the taxes and provide $300 million to illegal aliens for health care.

Beam me up, ladies and gentlemen. I say it is time to take our borders back, start bringing some of these troops who are falling out of chairs without armrests overseas, put them on our borders and straighten our country out.

### DEMOCRATS PROPOSE $300 MILLION ADDITIONAL SPENDING FOR ILLEGAL ALIENS' MEDICAL CARE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I had another 1-minute that I was going to give, but I want to answer my colleague, the gentleman from Ohio [Mr. TRAFICANT]. He is exactly right; we are spending $300 million in this bill, in the spending bill, the Democrats have put through the Congress, for illegal aliens' medical costs.

Not only that, there were 37,000 illegal alien babies born in Los Angeles County last year alone, in one county in California, that is costing $25 million a month in AFDC payments.

I point that out to my colleagues, that it is the Democrats who are proposing this $300 million additional spending for illegal aliens' medical care costs. Not only that, in MedCal in California they are advertising in Spanish on the border, giving out pamphlets telling illegal aliens they can have babies and they will not even be reported as illegal aliens.

□ 1020

Now, the Democrats are in control in this body. They are the ones who put that $300 million in there for this new program.

The American taxpayers do not want their money spent on health care for illegal aliens.

The gentleman from Ohio is exactly right. So Democrats, get the message.

### LET US GET ON WITH THE BUDGET PROCESS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to state continued support for the President's economic plan and to encourage the conferees to move quickly and decisively in their deliberations. As Democrats we know that there is no free lunch. The Republicans have failed to come up with a credible plan, yet they still demand more cuts in spending without explaining which cuts they want to make.

First of all, the same people who are asking us to make cuts are the ones who are calling on us, saying we need to vote for the RTC. We need to vote for the space station. I voted for the space station, but I am willing to pay for it, and that is what the reconciliation is about.

Today, 100 Members of the Congress will be chosen to shape the future of our economy by finalizing the budget plan. As this process continues it is important that the American people clearly understand what the goals of the Democratic plan are:

First, we aim to reduce the budget deficit by $500 billion over 5 years.

Second, we want to encourage the growth of small business by providing incentives for investment and expansion.

Third, we want the plan to be fair by asking those most able to pay their fair share.

In the Houston area which I represent, this plan will mean more jobs by increased investments by small business and help for our real estate market which is still in recovery from the 1980's.

### COSTS FOR LEGAL FEES SOAR AT THE RTC

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Associated Press recently reported that a New York law firm had received over $4 million in contracts from the RTC since one of the firm's lawyers became the Agency's associate general counsel.

This week we are scheduled to take up a bill to give the RTC $18.3 billion more to continue the savings and loan bailout.

Even with a huge surplus of lawyers all over the Nation, and with very good lawyers willing to take cases at very reasonable rates, Government agencies continue to hire outside lawyers at ridiculously high fees.

Last year we found out that the FDIC paid one New York firm $600 an hour for legal work.

The Federal Government has thousands of lawyers. Yet every time they get any type of difficult case, they rush to hire some outside private firm, usually at exorbitant fees.

According to the AP story, Sheila Cahill of the RTC gave her former firm almost $4 million in legal business.

She probably hopes to go back there at some very high salary after she leaves the RTC.

Before Ms. Cahill went to the RTC, her firm got just $286,000 in business from the Agency.

The story yesterday said this was in violation of Government ethics rules.

This mess needs to be cleaned up now, or we should stop providing billions to an Agency that has given out one sweetheart deal after another.

## IN SUPPORT OF SINGLE-PAYER HEALTH CARE SYSTEM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to alert my colleagues to the recent decision by the well-respected New England Journal of Medicine to support a single-payer health care system.

Last month, the Journal announced that the single-payer system would slash administrative costs and prevent medical and business expenses from being shifted unfairly.

Mr. Speaker, the single-payer system works. The projected United States per capita health care cost this year is $3,380—45 percent more than Canada, and 150 percent more than Britain. We are spending far, far more per citizen than any other country in the world. And still we have 37 million uninsured.

Mr. Speaker, I urge my colleagues on both sides of the aisle who are concerned with bureaucratic redtape and wasteful spending to read the Journal article and to sign onto the Americal Health Security Act—the true fiscally conservative health care reform proposal.

## DON'T ASK? DON'T TELL? INSTEAD—DON'T COMPROMISE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this morning on WTOP radio, I heard the Defense Secretary Les Aspin's staff briefed a homosexual rights lobbying group on the proposed compromise to change the ban on homosexuals in our Armed Forces. He wanted to get their approval before he moved further.

Mr. Speaker, please ask the Secretary of Defense when he is going to brief the veterans' organizations in this country? When is he going to brief the enlisted personnel currently wearing the uniform? Are they less important than the homosexual rights lobbyists? I do not think so.

I have with me here five boxes provided by the Fleet Reserve Association containing more than 21,000 signatures of Americans vehemently opposed to changing the ban. The organization is comprised of active duty Reserves and retired members of the Navy, Marines, and Coast Guard services. Earlier this month, my Task Force on Military Personnel released a survey of hundreds of generals and admirals, the top leadership of this country, who are overwhelmingly against compromise and changing this ban.

Meanwhile, lobbyists for the homosexual rights groups get special briefings on a plan that Congress and the American people will have to wait in line for.

Mr. Speaker, let us listen to these 21,000 citizens and the hundreds of thousands of others in middle America who do not want the finest military in the world used for social experimentation.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind the gentleman that it is not correct to direct remarks to the Secretary. He should direct them to the Chair.

## LIFTING THE BAN ON GAYS IN THE MILITARY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as the previous speaker indicated, shortly we will be getting word on what the recommendation from the President will be on lifting the ban on gays and lesbians in the military. This will be a very difficult decision for our President, for this Congress and for our country.

Mr. Speaker and my colleagues, I call on you and the President to act definitively to lift the ban that keeps patriotic Americans from serving in the U.S. Armed Forces because of their sexual orientation. Even those most vehemently opposed to lifting the ban agree that throughout our Nation's history, gay people have proven their ability on the battlefield, demonstrating their love for their country.

Mr. Speaker and my colleagues, the policy, "Don't ask, don't tell" will not work. First, "Don't ask" must be more than removing a question from a form. The military would ask be able to investigate the sexual orientation of our service personnel. Witch hunts and interrogations of thousands of our personnel would continue, wasting millions of taxpayer dollars.

Mr. Speaker, conduct, not status, must be the issue. Please respect the gays and lesbians in the military. Lift the ban. End discrimination.

## GREAT NEWS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, gridlock is over. The President is back on track. Those are two battle cries we hear almost daily from those of us on the left-hand side of the aisle. Fortunately, I sit on the right-hand side of the aisle.

Gridlock is over. Great news if you like laws. Great news if you think the Congress can solve the problems of America. Great news if you want more Government interference and regulations.

To date, this House has passed in this session 214 laws. The Senate has passed 184.

Wonderful news. Gridlock is over. The Government is now going to come in your bedroom, in your living room and every sector of your life, the Government is there.

The President is back on track. Again, great news if you like what the President is doing. Great news if you like higher taxes. Great news if you want higher taxes on your grandmother's Social Security. Great news is you want more regulation on the Mom and Pop businesses on your Main Street.

Great news if you want more welfare and more social engineering; but if you are a member of the nonpolitical, non-Washington, nonliberal mainstream, you may have a problem with this.

The next time you hear the cry, "Write your Congressman," tell us to slow it down.

## NAFTA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, U.S. District Judge Charles Richey ruled last week that NAFTA, the North American Free-Trade Agreement, violates the National Environmental Policy Act, and he forbids the administration from submitting that plan to the Congress, at least until certain stipulations are made which may take months or years.

Also last week, the Economic Policy Institute in a comprehensive study says that NAFTA will reduce real incomes for a majority of American workers.

Only recently it was revealed that the National Bank of Mexico through an investment fund scheme intends to buy companies in America and move them south of the border into Mexico, much with borrowed American tax dollars.

□ 1030

Now we will not need any "buy American" provisions in law by the year 2000 because we will not be making enough, so it will not make any difference, and I say to my colleages, "If you really want to balance the budget, real American manufacturing jobs is what's going to do it, and NAFTA isn't going to do it," and I say that Congress and the administration better wake up to what the people are saying, and pay attention, and give priority to the Americans and the American worker.

## REAL PEOPLE LOSING REAL JOBS

(Mr. BACHUS of Alabama asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, officials in the timber industry are saying that the combination of the President's higher taxes on small businesses and his new plan to limit timber harvests in the Northwest may mean that Sarah Lewis and thousands of Americans like her may lose their jobs.

Who is Sarah Lewis? Sarah Lewis is a millworker at National Woodworks in Birmingham, AL. Ms. Lewis coats the inside of window sashes with a bedding compound and inserts the panes of glass into the compound so that they won't leak.

She earns $7.05 an hour. This income has allowed her to put two daughters through college and buy her own home.

But a combination of the President's higher taxes and his new plan to limit timber harvests in the Northwest could put an end to all this. Sarah Lewis and thousands of Americans like her in the woodworking industry may soon be out of a job. Real people losing real jobs. Mr. Speaker, that's too high a price to pay.

And Mr. Speaker, if you'd pass those remarks on to the President, Sarah Lewis and I would appreciate it.

## WEALTH PROTECTED BY STEALTH

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the Republicans are still protecting the wealthy, but now they are doing it in a new stealthy way in their opposition to the President's economic package, and that is by talking about it in the guise of protecting small business. Let us look at the facts:

With the Clinton economic package, Mr. Speaker, small businesses are certainly going to enjoy the lower borrowing costs, the lowest long-term interest rates in 20 years. The Clinton-House plan includes increased expensing for small business. It includes capital gain tax cuts for investments in small business. The Clinton-House plan includes relief in the corporate minimum tax for capital investment. It includes an extension of the 25 percent deduction for health insurance for the self-employed. Some 96 percent of the small businesses in this country are not affected by increased individual tax rates, and the increased corporate rates to not affect small business at all.

Mr. Speaker, listen carefully to who the GOP, the Guardians of Privilege, are really protecting in their opposition to this economic plan. They are not here to protect the small business community. They are here to protect the same old wealthy contributors who fuel their campaigns.

## CLINTON TAX PLAN A GUILLOTINE FOR SMALL BUSINESS

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, I would like to take exception to the remarks of my colleague who just spoke, the gentleman from California [Mr. FAZIO].

Today is Bastille Day, the day that France celebrates the beginning of the French Revolution. To American small business though, Mr. Speaker, Bill Clinton must seem like Robespierre, the infamous leader of that revolution. His tax plan is a guillotine for small business. It will cut off the heads of many who are struggling to succeed in small business. From an increase in the capital gains tax, an increase in the capital gains tax, to a new 45-percent tax rate on small business, small business is going to take the brunt of the President's and the Democrats' new tax bill. In fact, small business faces a 60-percent tax increase in these two bills.

When President Clinton spoke of getting America moving, Mr. Speaker, most Americans thought he meant forward. Now we are starting to wonder.

If the Democrats' tax plan goes through, there will be change all right. Many small businesses will go out of business. That is not the kind of change that I had in mind.

On Bastille Day, my colleagues, let us bust open this tax prison and give small business their tax freedom once and for all.

## DR. JOYCELYN ELDERS

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, once again another brilliant, superbly qualified African-American women is under a vicious character attack.

Dr. Elders has been nominated by President Clinton for the position of U.S. Surgeon General. Dr. Elder's sterling record of achievement as director of the Arkansas Health Department, her accomplishments as a widely respected researcher in the study of children's health, and her work as a pediatrician, superbly qualifies her to be Surgeon.

Dr. Elders believes that discussions of public health must include candid and realistic solutions such as school-based health clinics, comprehensive sex education, birth control, and AIDS prevention. She has been targeted by the right wing because she is pro-choice and because she supports birth control, as do the majority of Americans.

We must not permit Dr. Elders to become another victim of a smear campaign. We need a strong and independent voice as Surgeon General who is willing to take on the special interests, and challenge conventional wisdom about our public health policy. This Nation needs Dr. Elders. Let your voice be heard in a positive way.

## CLINTON TAX PLAN KILLS HOPES AND DREAMS

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Last Fall, Mr. Speaker, all we heard was "it's the economy, stupid" and "jobs, jobs, we must create jobs."

We do not create jobs by raising taxes over 60 percent on small businessowners, who are willing to risk their capital to create jobs and seek profits.

When taxes take too much money away from employers we tax away the incentive and the ability to expand the business; we tax away the ability of businesses to hire people; we tax away jobs.

That is exactly what the Clinton tax plan does, Mr. Speaker, it raises the taxes on huge corporations 6 percent, from 34 to almost 36 percent. It raises the taxes on small businesses 60 percent from 28 to 45 percent.

Mr. Speaker, I say to my colleagues, you don't help the economy by taking away the owners' incentive to expand and create jobs. You don't create jobs with a tax plan that encourages tax shelter investment. You don't create jobs by increasing the restaurant tax.

The Clinton tax plan doesn't soak the rich. It kills the hopes and the dreams of business owners across America. It stops their ability to expand and create jobs.

In short, Mr. Speaker, the Clinton tax plan bites the hand that feeds us. I know, Mr. Speaker, because I am a small businessman that has been in the process for 34 years.

## DEFICIT REDUCTION REQUIRES A DELICATE BALANCE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, let us not forget balance and fairness. As the conference committee works to reconcile the House and Senate reconciliation bills, we must remind them that deficit reduction requires a delicate balance.

We must have $500 billion in deficit reduction and if we are to have a future, our children must be healthy, well-fed, educated, and secure. They need to grow up and believe that hard work will be rewarded. They will not believe that if their parents work one or two jobs and still live in poverty.

The final budget reconciliation package adopted by this Congress must include a substantial increase in food stamps to keep children from hunger. It must include an energy assistance increase to keep both the old and the young from extreme cold in the winter. It must include enough earned income tax credit to keep a family of four from falling below the poverty line.

What this Congress must realize is that the poverty line is also the hope line. A responsible Congress cannot ignore the priority of keeping its families and children safe and secure, because if the children are not secure, our future is not secure. I want to ask the House members of the conference committee on reconciliation to remember balance and fairness. Mr. Speaker, it is time to remember the children.

## NORTHERN EXPOSURE

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, a fresh breeze blew in from the north yesterday by virtue of an article in the paper entitled "Canada's Vox Populi Roars Its Disapproval—Senators Surrender Boost in Expenses." In response to a recent $5,000 increase in their expense allowance the Senate rescinded these actions because as one Senator said that "the Senate should not have something that other Canadians do not have," and they repealed that $5,000 increase.

Now, Mr. Speaker, this body could benefit from some northern exposure. This body currently has a $3,000 expense allowance that no other American has, and it seems to me that one of the things we could do in the reconciliation bill, in this tax bill, is to remove something that no other American has.

I think we ought to follow Canada's model and do away with the $3,000 living expense allowance available only to Members of Congress.

□ 1040

## TAX RATES ON WEALTHY GO UP, BUT TAX RECEIPTS GO DOWN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the 1990 budget deal raised taxes on the much-reviled rich to punish them for the supposed excesses in the 1980's.

But, the Internal Revenue Service now reports that the rich—those Americans who make more than $200,000 in adjusted gross income, paid $6.5 billion less in income taxes in 1991 than they did in 1990. That is right, after their taxes went up, the wealthy paid billions less in taxes.

Now these are not Dick Armey's figures. These are IRS statistics.

Mr. Speaker, raising tax rates on the rich may help guilt-ridden liberals sleep a little better at night. And class-envy politicians in the Democrat Party apparently believe it is good politics. But it does not bring in more revenue—it brings in less.

The $125 billion President Clinton and Democrat majority plan to squeeze out of the rich will never be collected, and their plan will not reduce the deficit. What it will do is kill jobs and cripple the economy.

Mr. Speaker, Armey's axiom is never let your politics define your economics. That is what President Clinton and the Democrat majority have done. Go back to the drawing board. Mr. President, Your plan won't work.

## JOBS AND MANUFACTURING

(Mr. KLINK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, NAFTA supporters have maintained that jobs lost to Mexico will be low-paying jobs that will be replaced by high-paying jobs in high-technology companies that will then export products to Mexico. They could not be more wrong.

There is evidence that as many as 500,000 high-paying jobs will be lost to Mexico under the NAFTA agreement. Currently there are literally thousands of Mexicans working in some of those high-technology companies, companies like Zenith and Sanyo, making some very complicated electronic equipment.

Up to a total of 2.9 million jobs would be lost to the Mexicans under NAFTA. There are thousands of people in my district, the Fourth District of Pennsylvania, who would be willing to work at those low-paying jobs or any jobs for that matter. We cannot afford to export our jobs anywhere, even low-paying jobs. We have already lost too many jobs.

The northeast and midwest sections of this country have lost over 1.5 million good manufacturing jobs since 1975. My State of Pennsylvania lost 27 percent of its manufacturing jobs during that period. That is almost 360,000 good-paying jobs that have left the Keystone State alone.

Even some large corporations like PPG Industries and others have expressed their concerns about NAFTA. They admit that jobs will be lost. We must defeat NAFTA.

## A NEW PROGRAM FILLED WITH PROMISE, LOADED WITH DEBT

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, let me say to the Members of Congress, that I just learned that they did not hold an election last November, the public is really happy, the Ross Perot movement does not exist, and the public is demanding a larger, more bureaucratic Government.

Take today's vote, for instance, on creating a new national service corps for students and those that will not be enlisting in the Armed Forces.

The figures are as follows: 25,000 young adults are to be enrolled and will receive $5,000 each that can be applied to college.

The beginning cost will be $389 million for the first year or $15,000 per enrollee. That is two dollars for the bureaucracy for each dollar given to the enrollee, a typical ratio for the bloated Federal bureaucracy.

What happens to the enrollee when their time is up? Do we expand Government to put them on the backs of the taxpayer, or do we dump them back out on the streets to join the teams of unemployed, a number that will grow as the Clinton tax increases are levied?

How about the $389 million to begin this program? Do we have it or should we expand the national debt?

No, Virginia, there is no Santa Claus, no national debt, no public anger at a Congress and President bound by the past Democratic tax and spend philosophy.

Here in Washington, it is business as usual: a new multi-million-dollar program filled with promise loaded with debt.

## BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS ACT OF 1993

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, today I join my colleagues RICHIE NEAL, RON MACHTLEY, and JACK REED in introducing the Blackstone River Valley National Heritage Corridor Amendments Act of 1993.

The Blackstone Valley Corridor runs from my district in central Massachusetts down into Rhode Island. It is home to a number of wonderful State parks and forests, and is dotted by numerous old mills which tourists love to visit each year in order to get a taste of the true character of New England. The area is rich in cultural and natural resources, and its scenic beauty makes it a real national treasure.

In 1986, the Congress enacted legislation that established the Blackstone River Valley National Heritage Corridor, and created a commission that would work to preserve and protect it. The amendments that we are offering today will simply expand on a good thing.

Our bill would reauthorize the Blackstone Valley Commission for a period of 10 years, would expand the boundaries of the corridor to include the city of Worcester, in my district, and other areas, and would continue the partnership between the Commission and the National Park Service. These are things which must be done in order to adequately preserve and protect this beautifully historic area.

I ask all of my colleagues to please join us in perpetuating the spirit of old New England for generations to come by supporting this legislation.

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## GOOD NEWS ON BASEBALL, BAD NEWS ON THE ECONOMY

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, first I have some good news, and then some bad news. They are not related, but the good news is that I want to say congratulations to Kirby Puckett of the Minnesota Twins, who won MVP honors last night at the annual All-Star Baseball Game held in Baltimore.

Now the bad news: Judging by recent events, it looks like President Clinton and his fellow Democrats are well on their way to fulfilling their lifelong dream, and that is breaking the all-time record for the biggest tax increase in history. While most taxpayers are aghast at this dubious distinction, I believe we should give our Democratic colleagues credit for all they have had to overcome to achieve the distinction. First, they have had to overcome the landslide rejections of George McGovern, Jimmy Carter, Michael Dukakis, and Walter Mondale, all of whom proudly campaigned under the banner of higher taxes.

They have overcome Republicans, Independents, and even Members of their own party who oppose the President's tax plan. They have also overcome the objections of historians and Nobel economists who argue that higher taxes only lead to increases in Government spending, bigger deficits, and a weakened economy.

Finally, they have overcome the strong objections of the American people, who in Texas, Los Angeles, and across the Nation have made it clear that they do not want higher taxes.

Yes, Mr. Speaker, our Democratic colleagues are having to overcome a lot to earn the distinction of being the biggest tax increasers in history. If they succeed, I only hope our economy will be as resilient as they have been.

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## WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 214

*Resolved*, That all points of order against consideration of the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, are waived. During consideration of the bill, all points of order against the following provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived: beginning on page 4, line 22, through page 5, line 13; beginning on page 14, line 1, through "construction" on line 11; beginning on page 54, line 1, through line 4; beginning on page 58, line 14, through line 22; beginning on page 78, line 8, through page 80, line 10; beginning on page 85, line 15, through page 86, line 15; beginning on page 86, line 20, through page 87, line 3; and beginning on page 89, line 18, through line 21. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph.

□ 1050

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 214 is an open rule which waives all points of order against consideration of the Interior appropriations bill.

The rule waives all points of order for failure to comply with clauses 2 and 6 of rule XXI for 13 specific provisions which are noted by page and line number in the rule.

Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in general appropriations bills, and clause 6 of rule XXI prohibits reappropriations in general appropriations bills.

Finally, the rule provides that where only a portion of a paragraph is protected, a point of order may be applied only against the balance of the paragraph which is not protected and not against the entire paragraph.

Mr. Speaker, I would like to commend Chairman SID YATES, ranking Republican RALPH REGULA, and the Interior Subcommittee members for once again bringing a very difficult and complex piece of legislation to the floor.

Chairman YATES and his subcommittee held 34 days of hearings and received testimony from over 950 witnesses, which is recorded in 13 published volumes totaling over 13,000 pages.

H.R. 2520 is the product of hard work, long hours, and careful consideration of the facts and issues surrounding many diverse and intricate subjects.

Chairman YATES and the subcommittee are responsible for funding programs and initiatives which range from alternative fuels research to national park acquisition and management to energy conservation to managing our Nation's forests and streams to funding health and education programs for native Americans.

The issues and agencies funded by this bill are both dynamic and diverse. Considerable time, knowledge, and dedication are prerequisites to managing the many demands placed on the subcommittee by Members of Congress, Federal agencies, and private citizens.

This year's bill is $253 million less than the administration's request, and $45 million under the subcommittee's 602(b) allocation.

I would like to once again congratulate Chairman YATES, ranking Republican RALPH REGULA, and the subcommittee's staff for their efforts.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from Tennessee, Mr. GORDON, has thoroughly described the provisions of the rule, and I urge my colleagues to join me in opposing it.

Mr. Speaker, if we are going to continue this trend of legislating in appropriation bills, and waiving the rules of the House to protect legislative language, then it's only fair that Members be granted appropriate waivers to offer amendments to such legislative language.

The Interior appropriations bill contains a number of legislative provisions and unauthorized appropriations, although many of these provisions have been left unprotected and subject to a point of order. However, there were some very worthy amendments presented to the Rules Committee that deserved to have been made in order. I don't generally favor waiving House rules to protect bill language or amendments, but again, if we're going to provide waivers for a bill, then in fairness we should provide them for relevant amendments.

Mr. Speaker, in the Rules Committee, Mr. SMITH of New Jersey offered an amendment to set a formula for the allocation of land and water conservation fund moneys between State side and Federal side. Mr. SMITH of Texas presented an amendment to cut 5 percent from salaries and expenses to set up a Government reserve account for the purpose of deficit reduction. And Mr. THOMAS of Wyoming requested the right to offer amendments en bloc to simply offset an increase in one program with a decrease in another. The Rules Committee has allowed Members to do this on other appropriations bills, and I know of no legitimate reason to deny Mr. THOMAS that same opportunity. However, all of these amendments were voted down in the Rules Committee by party-line votes.

It is time to put a stop to discrimination against Members because of their party affiliation. All of us are here to represent the American people, and we all deserve equal opportunity to exercise our legislative rights as Members of Congress. This rule does not provide equality to Members, and I urge its defeat.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA], the ranking member on the subcommittee on the Interior.

Mr. REGULA. Mr. Speaker, I rise reluctantly in opposition to the rule. I think the gentleman from Tennessee [Mr. QUILLEN] has outlined a number of reasons why this is not a fair rule. My opposition goes beyond that point. It is because the rule is deficient in addressing a substantive policy issue, and that is the issue of grazing fees.

Mr. Speaker, on three previous times the rule has protected the grazing fee provision, and in one instance this body has voted on the BLM authorization to increase grazing fees. It is clear that it is the will, by a very substantial vote, of the Members of this body, that grazing fees be increased, and we provided in the committee bill for a modest increase. However, without the protection of the rule, this will be subject to a point of order.

The administration claims to support an increase in grazing fees. But what are we doing today by agreeing to this rule? How are we supporting their efforts to not only improve the condition of the rangeland, but also to ensure that the Federal Government receives a fair return for the use of its lands? What is our first word to the new administration about where this body stands on the issue of grazing fees? Our message is we care more about congressional gridlock than protecting the Federal rangelands. We are going to allow the provision to increase grazing fees by a modest 33 percent to be struck on purely jurisdictional grounds.

Mr. Speaker, I want to say that my concern is this, and the reason I think this language needs to be in the bill is to protect it when we conference with the other body. The Secretary of the Interior, and I give him credit for this, is working on a program by Executive order to deal equitably with the grazing issue. It would recognize the preservation of the fragile elements of our grazing lands. It would hopefully provide for distinction between the small and large lessees. I think, from what I know of his intentions, it would be a good balance on the grazing fee issue. He feels that he can do this by Executive order.

However, there might be a possibility that it would require some statutory change to achieve the objectives of the Secretary of the Interior.

By having the grazing fee language in this bill, we preserve a spot in conference at which we can address whatever the needs might be to implement the program of the Secretary of the Interior. I know that the Secretary has spent a lot of time meeting with all the various interested parties. He toured the West, met with ranchers, and is making every effort to produce a fair solution to what has been a contentious issue for many years, and that is a modest increase in grazing fees. I notice also there is some discussion in the Senate about the possibility of making changes. I think it is important we preserve an opening within our bill to address this.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding.

Like the gentleman from Ohio [Mr. REGULA], I too would have liked to have seen the House presented with the question of increasing grazing fees. Certainly the country can use the additional income, and the lands on which grazing takes place can certainly stand an improvement. It seems to me, as the gentleman well knows, that we are confronted with an agreement which we have with the legislative committee that we will not propose legislation in an appropriations bill without their consent.

□ 1100

As a matter of fact, there is a provision in this bill which is legislative, which was inserted at their request. I assume that will come out during the latter course. But because of that agreement, I felt constrained not to ask the Committee on Rules for the opportunity to allow grazing fees to come to the floor waiving the rules against legislative provisions.

Mr. REGULA. Mr. Speaker, I thank the gentleman for his contribution.

I understand that and agree. I think the point I wanted to make here is that we have an opening and, hopefully, the Secretary's program will provide a fair resolution of the grazing fee issue. If a grazing provision were in the bill, it would allow us an opportunity to legislatively deal with it, if that is needed, to implement what the administration claims to support, i.e., an increase in grazing fees.

In any event, for the reasons that the gentleman from Tennessee has outlined and also for this reason, I very reluctantly oppose this rule and hope that the Secretary can address the grazing fee issue with an Executive order and, if not, that we can give him the support he needs to accomplish that goal.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, as we have waded deeper into appropriations season, up in the Rules Committee we have been witness to a battle royal between the power brokers. The appropriators—the people who spend the money—have been fighting with the authorizers—the people who decide where the money should be spent. The result has been a series of confusing and patchwork rules on spending bills that, to borrow from one appropriator, has left this House "a little bit pregnant" on the subject of whether we believe in House rules or not.

Supposedly we do not legislate on appropriations bills or spend money on things that are not authorized—except sometimes, when the majority leadership decides to break the rules.

No wonder most Americans are less than pleased with Congress. Today we have the Interior appropriations bill with a rule that protects 12 provisions from points of order while leaving the rest of the bill vulnerable to the rules of the House. Although this rule allows for an open amendment process, it is another inconsistent application of House rules.

For instance, provisions in this bill affecting timber sales were given special protection, while other provisions regarding higher grazing fees on Federal lands were not. Both would be considered legislating on appropriations bills and both are disallowed under normal House rules, yet the Democrat leadership has decided to treat them differently. I find that both puzzling and distressing.

With regard to the underlying Interior appropriations bill, there are some noteworthy provisions for which I would like to applaud the Committee and Chairman YATES. Specifically, I refer to the bill's recognition of the national significance of the Gulf of Mexico and the dangers of offshore oil and gas drilling in the Outer Continental Shelf.

As many people know, for years the Florida delegation has worked toward a long-term national energy strategy including a consistent policy toward drilling in the gulf. So far we have been unsuccessful and have had to fight for annual drilling bans through the appropriations process, a procedure no one enjoys. I implore the administration and this Congress to develop a meaningful and workable OCS policy.

The Interior bill also identifies the Everglades as a national priority, underscoring the commitment we have already heard from the Secretary of the Interior, Mr. Babbitt. This is certainly good news for Florida and the entire Nation, as the Everglades is truly an irreplaceable national treasure.

Finally, I wish to commend the committee for its responsible attention to the needs of our Nation's parks and wildlife refuges, not just in Florida but around the country. Millions of Americans and foreign visitors enjoy and learn from our national parks and refuges and it is important that we ensure wise stewardship of our Nation's precious resources.

That being said, Mr. Speaker, I once again underscore my concern about the erratic way the rules of the House are applied on this floor, and I urge the House majority leadership to restore fairness and consistency to our procedures.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, simplicity is not a virtue of this particular rule. I want to thank the gentleman from Massachusetts [Mr. MOAKLEY] and the members of the Committee on Rules for their patience in terms of working on what are very complex and important matters to the Members of this body.

Each provision of this bill has been looked at. There has been open discussion between the members of the Committee on Appropriations and the leadership and members of the various committees that are impacted.

For that, I want to say thanks. In the past, there have been a number of issues here that are subject to points of order, and I will be making points of order on those matters. There are other issues that are not.

One which is subject to a point of order, which I know will be made, is the important issue dealing with the fees charged for grazing on the public ranges in the West. I want to commend and recognize the work that has been done by the gentleman from Ohio [Mr. REGULA], our ranking member on the Subcommittee on Interior of the Committee on Appropriations, and the gentleman from Illinois [Mr. YATES] on this matter, as well as my good friend and colleague, the gentleman from Oklahoma [Mr. SYNAR].

In the past, the House has made a decision to move forward on the appropriations bill with the modification of reform of the grazing fees. That has not persisted. The other body has been effective in both the appropriations process and in rejecting House initiatives on that matter and in the regular authorization process for the BLM, where we have chosen to reform the grazing fees charged the permitees in the West.

I hope this year, with the strong support of the administration and Secretary Babbitt, that we can move forward on that policy. I will bring to the House floor as soon as possible a bill dealing with BLM authorization, which will provide for that.

Mr. Speaker, beyond that, I notice that there are some exceptions in this bill with the rule that are legislation on appropriations matter, which, frankly, are very difficult. But I point out that many of these issues or most of them really represent a crisis.

I would like to have the Pacific Northwest problem resolved more quickly. It obviously has been an issue where people are in crisis, where local communities depend upon funding, where there is a necessity and a justification to continue that particular funding so that the crisis does not avert to something far worse.

The President has announced a policy on that issue. Hopefully, the Congress, after the issue has crystallized, will be able to take legislative action in a more open process than simply the continuation. But I would point out to Members, it is a crisis.

This is a good rule. I think it is balanced and it does, I think, respond to the needs, the many important needs of the individual Members from across the country in this bill.

It is a good bill. I hope Members will vote for it.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2520, which we are about to consider, and that I may be permitted to include tables, charts, and extraneous material.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

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## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

□ 1110

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would just like to know the sequence of events. During general debate we will not be going through on points of order, will we, or will we not?

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, would the gentleman repeat his question?

Mr. BURTON of Indiana. Mr. Speaker, I was inquiring, will points of order be raised against the bill during general debate?

Mr. YATES. If the gentleman will continue to yield, as I understand it, that is not the time for that.

Mr. BURTON of Indiana. We will do that after general debate?

Mr. YATES. Yes, points of order may be made during the reading of the bill for amendment.

Mr. BURTON of Indiana. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Kansas [Mr. GLICKMAN] as Chairman of the Committee of the Whole, and requests the gentleman from Tennessee [Mr. GORDON] to assume the chair temporarily.

□ 1111

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2520, with Mr. GORDON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I am proud to present to you the fiscal year 1994 appropriations bill for the Department of the Interior and related agencies. This is an excellent bill. It includes $13.7 billion and is below the President's request by $240 million. It also is below the 602b allocation for budget authority by $45 million and below the 602b allocation for outlays by $2 million.

This bill is $1.2 billion over the comparable 1993 level. But there are good reasons for this which I would like to explain.

In fiscal year 1993, this bill had $309 million in program offsets that are not available this year. Among these were hardrock mining fees of $79.3 million and payments to States from mineral receipts of $38 million which this year have already passed the House through the reconciliation process. Other offsets last year included use of excess oil acquisition money of $125.6 million to pay strategic petroleum reserve operating expenses and $49 million from the biomass energy development account to offset Energy Information Administration costs. Use of these offsets helped keep the overall numbers down last year while the actual program level was higher than reflected in those numbers.

There is $250 million more for clean coal technology charged against this bill in fiscal year 1994 than in fiscal year 1993 although the actual appropriation was made in fiscal year 1990.

An increase of $64.6 million is related to payments for Indian water and land claims. While these payments officially are described as discretionary, in reality the Appropriations Committee has little discretion unless the Congress decides to abrogate these legislative settlements.

Once the bill has been adjusted for the 1993 program offsets and the unusual circumstances surrounding clean coal technology and Indian settlements, the program increase is a modest 4.5 percent. Where have we put this money? It has gone into energy conservation programs, protecting oil in the strategic petroleum reserve, Indian health and education, and toward reducing maintenance backlogs, protecting our natural renewable resources, and meeting the demands of increased visitation at national parks, wildlife refuges, forests, and the public lands in the West.

The President requested, and the committee has strongly supported, a large increase for the energy conservation programs of the Department of Energy. The increase of $124 million, or 21 percent, will provide an additional $28 million to weatherize the homes of low income people; an additional $38 million for development of cleaner alternative fueled vehicles of which $17 million is for cleaner, more efficient battery-powered, fuel cell-powered, or hybrid vehicles; an additional $15 million of more efficient industrial processes; and $23 million more to improve the efficiency of residential and commercial buildings through both research and more stringent standards.

The Secretary of Energy identified to the committee emerging problems with the oil stored in the strategic petroleum reserve. We were told that approximately 200 million barrels of oil in the reserve have excess gas content and high temperatures making them unsafe to ship. Therefore, the committee has recommended an increase of $34.1 million to start processing the oil to correct these problems. This effort will take 2 to 3 years.

For Indian water and land settlements, the committee has included $103 million. This is an increase of nearly $65 million over fiscal year 1993. The committee has little, if any, control over these settlements. Simply put, we are presented with a bill and the bill must be paid.

Where else have we made increases? One theme throughout the land management agencies is augmentation of operating programs. We agreed with the administration that these programs have been shortchanged in recent years. Operations for the Bureau of Land Management are up by 11 percent; Fish and Wildlife Service operations are up by 14 percent; national park operations are up by 11 percent; and there is an 8 percent increase in resource/ecosystem management activities of the Forest Service.

Why have we done this? More and more Americans are taking advantage of the wonderful natural and cultural resources that the National Park System and other areas embrace and these visits are now spread out over a longer period of time. New legislative requirements related to removal of hazardous waste on the public lands have increased costs. We are attempting to meet the legislative requirement to conserve the scenery and the natural and historic objects and the wildlife in these areas and to provide for their use in a way that will leave them unimpaired for future generations to enjoy. This task has become increasingly complex as development comes ever closer to the doorstep of our parks, our refuges and our forests, and as visitation increases.

The Committee is also proud to establish a new agency within the Department of the Interior, the National Biological Survey. This new agency consolidates in one agency the research capability of the Department of the Interior. It will provide an enhanced capability to inventory the Nation's natural resources and will provide the capability to monitor these resources.

Another emphasis in this bill is the provision of vital services for Indian people. The Committee has increased Indian Health Service operations by more than 8 percent and Bureau of Indian Affairs operations by 10 percent to provide health care, education, and other services delivered by these agencies. These agencies have many demands on them. The Indian population has been growing at a rate four times greater than that of the general population. Bureau of Indian Affairs school enrollment is up by 21 percent in just 3 years. The Indian Health Service reported to the committee that the level of funding for basic Indian health services is only about 75 percent of actual needs. Some specific areas are far lower, such as public health nursing which is at 33 percent of need, dental services which are funded at 44 percent, and urban Indian health programs which are funded at 22 percent.

Unemployment on Indian reservations is also a chronic problem. Nationwide, the unemployment rate on reservations is approximately 35 percent, although it is not uncommon to find rates exceeding 50 percent on many reservations.

But this bill is not just about spending. The activities in this bill are expected to generate receipts to the Treasury of approximately $8.7 billion in fiscal year 1994. This goes a long way toward offsetting the recommended new budget authority.

This bill also tries to alleviate a serious timber theft problem on the national forests. We have attacked the problem in two ways. First, we have established a separate law enforcement authority within the Forest Service and second, we have proposed that all new sales be tree measurement sales. The separate law enforcement authority is based on findings by the committee's surveys and investigative staff in its June 1992 report on Forest Service administration of timber contracts. There have been other reports detailing the problem of interference with criminal investigations by non-law-enforcement supervisory personnel. According to the investigative report, the crux of the problem lies with the Forest Service organizational structure which prevents appropriate supervision of the law enforcement program, and fosters the potential for management interference.

The investigative staff report also found that 80 to 85 percent of all timber theft relates to log accountability problems associated with timber scaling. Accordingly, the committee has placed a prohibition on the preparation of timber sales using the timber scaling method. This provision will begin with new sales being prepared during fiscal year 1994.

I think it is also important to note that while the overall bill total is higher than fiscal year 1993, there are several areas where the committee has recommended reductions. They include the Bureau of Mines and the National Indian Gaming Commission in the Department of the Interior; the Naval Petroleum Reserves, economic regulation, and emergency preparedness in the Department of Energy; the National Forest System; the Smithsonian; and the construction accounts in the Forest Service, the Indian Health Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. In addition, the Land and Water Conservation Fund is reduced by $61.6 million below the comparable 1993 level.

Moratoria on Outer Continental Shelf leasing and related activities are continued in the bill this year, with the same provisions as are in effect currently, as requested by the administration. The entire Atlantic and Pacific coasts, the eastern Gulf of Mexico off Florida, and Bristol Bay in Alaska are recommended for protection from any new leasing efforts.

Mr. Chairman, this is a good bill, a bill which will keep our natural resources, energy, cultural, and native American programs healthy in fiscal year 1994.

□ 1120

In closing, I want to thank all of the members of the committee, particularly my good friend, the gentleman from Pennsylvania [Mr. REGULA], the ranking Republican member, whose contributions to this bill were unlimited.

I also want to thank the other members of my subcommittee, all of whom have made contributions to the bill.

I also want to thank the staff, the hard workers who make the Members look good, particularly thanks to Neal Sigmon, chief of staff, Bob Kripowicz, Kathy Johnson, Loretta Beaumont, Angie Perry, and Craig Lobdell, and to Mary Bain and Adrianne Moss of my own staff. Unfortunately, Adrianne is leaving the office, leaving my staff this week. I say unfortunately because she is a person of many, many talents, and we wish her the best of luck where she goes.

At this point I ask that a table be inserted in the RECORD, detailing the various accounts in the bill.

## FY 1994 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2520)

| | FY 1993 Enacted | FY 1994 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF THE INTERIOR | | | | | |
| Bureau of Land Management | | | | | |
| Management of lands and resources | 540,246,000 | 600,844,000 | 595,040,000 | +54,794,000 | -5,804,000 |
| Fire protection | 118,296,000 | 117,143,000 | 117,143,000 | -1,153,000 | |
| Emergency Department of the Interior firefighting fund | 112,674,000 | 116,674,000 | 116,674,000 | +4,000,000 | |
| Emergency contingency | (51,200,000) | | | (-51,200,000) | |
| Construction and access | 15,676,000 | 7,167,000 | 7,167,000 | -8,509,000 | |
| Payments in lieu of taxes | 104,108,000 | 104,108,000 | 104,108,000 | | |
| Land acquisition | 27,796,000 | 16,377,000 | 14,877,000 | -12,919,000 | -1,500,000 |
| Oregon and California grant lands | 82,415,000 | 88,552,000 | 83,052,000 | +637,000 | -5,500,000 |
| Forest ecosystems health and recovery | 991,000 | | | -991,000 | |
| Mandatory | | 1,500,000 | 1,500,000 | +1,500,000 | |
| Range improvements (indefinite) | 10,747,000 | 10,025,000 | 10,025,000 | -722,000 | |
| Service charges, deposits, and forfeitures (indefinite) | 7,932,000 | 7,932,000 | 7,932,000 | | |
| Payments to counties | | 26,111,000 | 12,000,000 | +12,000,000 | -14,111,000 |
| Miscellaneous trust funds (indefinite) | 7,380,000 | 7,505,000 | 7,505,000 | +125,000 | |
| Total, Bureau of Land Management | 1,028,261,000 | 1,103,938,000 | 1,077,023,000 | +48,762,000 | -26,915,000 |
| United States Fish and Wildlife Service | | | | | |
| Resource management | 530,537,000 | 496,312,000 | 492,229,000 | -38,308,000 | -4,083,000 |
| Construction | 81,387,000 | 78,438,000 | 53,209,000 | -28,178,000 | -25,229,000 |
| Natural resource damage assessment and restoration fund | 4,645,000 | 8,760,000 | 7,260,000 | +2,615,000 | -1,500,000 |
| Land acquisition | 75,544,000 | 55,404,000 | 61,610,000 | -13,934,000 | +6,206,000 |
| Cooperative endangered species conservation fund | 6,565,000 | 10,571,000 | 9,571,000 | +3,006,000 | -1,000,000 |
| National wildlife refuge fund | 11,748,000 | 14,079,000 | 11,748,000 | | -2,331,000 |
| Rewards and operations | 1,191,000 | 1,169,000 | 1,169,000 | -22,000 | |
| North American wetlands conservation fund | 9,171,000 | 13,957,000 | 11,257,000 | +2,086,000 | -2,700,000 |
| Wildlife conservation and appreciation fund | | 1,000,000 | 1,000,000 | +1,000,000 | |
| Total, United States Fish and Wildlife Service | 720,788,000 | 679,690,000 | 649,053,000 | -71,735,000 | -30,637,000 |
| National Biological Survey | | | | | |
| Research, inventories, and surveys | | 179,445,000 | 163,604,000 | +163,604,000 | -15,841,000 |
| National Park Service | | | | | |
| Operation of the national park system | 971,655,000 | 1,128,667,000 | 1,059,333,000 | +87,678,000 | -69,334,000 |
| National recreation and preservation | 35,903,000 | 42,929,000 | 35,606,000 | -297,000 | -7,323,000 |
| Historic preservation fund | 36,617,000 | 40,000,000 | 40,000,000 | +3,383,000 | |
| Construction | 229,831,000 | 185,700,000 | 184,699,000 | -45,132,000 | -1,001,000 |
| Urban park and recreation fund | | 5,000,000 | 5,000,000 | +5,000,000 | |
| Land and water conservation fund (rescission of contract authority) | -30,000,000 | -30,000,000 | -30,000,000 | | |
| Land acquisition and state assistance | 117,900,000 | 77,600,000 | 89,460,000 | -28,440,000 | +11,860,000 |
| John F. Kennedy Center for the Performing Arts | 20,629,000 | 20,260,000 | 20,629,000 | | +369,000 |
| Illinois and Michigan Canal National Heritage Corridor Commission | 248,000 | 250,000 | 250,000 | +2,000 | |
| Total, National Park Service (net) | 1,382,783,000 | 1,470,406,000 | 1,404,977,000 | +22,194,000 | -65,429,000 |
| United States Geological Survey | | | | | |
| Surveys, investigations, and research | 576,748,000 | 597,364,000 | 584,685,000 | +7,937,000 | -12,679,000 |
| Minerals Management Service | | | | | |
| Leasing and royalty management | 195,339,000 | 196,686,000 | 193,197,000 | -2,142,000 | -3,489,000 |
| Oil spill research | 5,331,000 | 5,331,000 | 5,681,000 | +350,000 | +350,000 |
| Total, Minerals Management Service | 200,670,000 | 202,017,000 | 198,878,000 | -1,792,000 | -3,139,000 |
| Bureau of Mines | | | | | |
| Mines and minerals | 174,235,000 | 153,656,000 | 169,336,000 | -4,899,000 | +15,680,000 |
| Office of Surface Mining Reclamation and Enforcement | | | | | |
| Regulation and technology | 111,716,000 | 110,009,000 | 110,552,000 | -1,164,000 | +543,000 |
| Receipts from performance bond forfeitures (indefinite) | 1,190,000 | 1,190,000 | 1,190,000 | | |
| Total | 112,906,000 | 111,199,000 | 111,742,000 | -1,164,000 | +543,000 |
| Abandoned mine reclamation fund (definite, trust fund) | 187,930,000 | 191,629,000 | 190,107,000 | +2,177,000 | -1,522,000 |
| Total, Office of Surface Mining Reclamation and Enforcement | 300,836,000 | 302,828,000 | 301,849,000 | +1,013,000 | -979,000 |
| Bureau of Indian Affairs | | | | | |
| Operation of Indian programs | 1,342,385,000 | 1,473,306,000 | 1,492,650,000 | +150,265,000 | +19,344,000 |
| Construction | 149,613,000 | 114,110,000 | 172,799,000 | +23,186,000 | +58,689,000 |
| Indian land and water claim settlements and miscellaneous payments to Indians | 38,609,000 | 204,260,000 | 103,259,000 | +64,650,000 | -101,001,000 |
| Navajo rehabilitation trust fund | 3,966,000 | 2,466,000 | 2,466,000 | -1,500,000 | |
| Technical assistance of Indian enterprises | 1,970,000 | 1,970,000 | 1,970,000 | | |
| Indian direct loan program account | 2,479,000 | 2,484,000 | 2,484,000 | +5,000 | |
| (Limitation on direct loans) | (11,300,000) | (10,890,000) | (10,890,000) | (-410,000) | |
| Indian guaranteed loan program account | 9,687,000 | 9,690,000 | 9,690,000 | +3,000 | |
| (Limitation on guaranteed loans) | (68,800,000) | (69,000,000) | (69,000,000) | (+200,000) | |
| Total, Bureau of Indian Affairs | 1,548,709,000 | 1,808,286,000 | 1,785,318,000 | +236,609,000 | -22,968,000 |

## FY 1994 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2520)—Continued

| | FY 1993 Enacted | FY 1994 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Territorial and International Affairs | | | | | |
| Administration of territories | 52,223,000 | 53,237,000 | 54,387,000 | +2,164,000 | +1,150,000 |
| Northern Mariana Islands Covenant | 28,980,000 | 27,720,000 | 27,720,000 | -1,260,000 | |
| Total | 81,203,000 | 80,957,000 | 82,107,000 | +904,000 | +1,150,000 |
| Trust Territory of the Pacific Islands | 23,051,000 | 20,338,000 | 24,038,000 | +987,000 | +3,700,000 |
| Compact of Free Association | 10,368,000 | 10,602,000 | 12,102,000 | +1,734,000 | +1,500,000 |
| Mandatory payments | 10,000,000 | 10,000,000 | 10,000,000 | | |
| Total | 20,368,000 | 20,602,000 | 22,102,000 | +1,734,000 | +1,500,000 |
| Total, Territorial and International Affairs | 124,622,000 | 121,897,000 | 128,247,000 | +3,625,000 | +6,350,000 |
| Departmental Offices | | | | | |
| Office of the Secretary | 63,092,000 | 64,496,000 | 64,111,000 | +1,019,000 | -385,000 |
| Office of the Solicitor | 31,457,000 | 33,709,000 | 33,359,000 | +1,902,000 | -350,000 |
| Office of Inspector General | 23,539,000 | 24,683,000 | 24,283,000 | +744,000 | -400,000 |
| Construction Management | 2,172,000 | 2,194,000 | 2,494,000 | +322,000 | +300,000 |
| National Indian Gaming Commission | 2,040,000 | 1,500,000 | 1,000,000 | -1,040,000 | -500,000 |
| Total, Departmental Offices | 122,300,000 | 126,582,000 | 125,247,000 | +2,947,000 | -1,335,000 |
| Total, title I, Department of the Interior (net) | 6,179,952,000 | 6,746,109,000 | 6,588,217,000 | +408,265,000 | -157,892,000 |
| Appropriations | (6,209,952,000) | (6,776,109,000) | (6,618,217,000) | (+408,265,000) | (-157,892,000) |
| Rescission | (-30,000,000) | (-30,000,000) | (-30,000,000) | | |
| (Limitation on direct loans) | (11,300,000) | (10,890,000) | (10,890,000) | (-410,000) | |
| (Limitation on guaranteed loans) | (68,800,000) | (69,000,000) | (69,000,000) | (+200,000) | |
| TITLE II - RELATED AGENCIES | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| Forest Service | | | | | |
| Forest research | 182,715,000 | 194,383,000 | 193,083,000 | +10,368,000 | -1,300,000 |
| State and private forestry | 156,227,000 | 175,657,000 | 155,903,000 | -324,000 | -19,754,000 |
| Emergency pest suppression fund | (26,000,000) | | (15,000,000) | (-11,000,000) | (+15,000,000) |
| International forestry | | 36,996,000 | 16,996,000 | +16,996,000 | -20,000,000 |
| National forest system | 1,307,274,000 | 1,337,253,000 | 1,237,272,000 | -70,002,000 | -99,981,000 |
| Forest Service law enforcement | | | 67,781,000 | +67,781,000 | +67,781,000 |
| Forest Service fire protection | 189,163,000 | 190,108,000 | 190,108,000 | +945,000 | |
| Emergency Forest Service firefighting fund | 185,411,000 | 190,222,000 | 190,222,000 | +4,811,000 | |
| Emergency contingency | (188,000,000) | | | (-188,000,000) | |
| Construction | 255,259,000 | 274,160,000 | 237,423,000 | -17,836,000 | -36,737,000 |
| Timber receipts transfer to general fund (indefinite) | (-75,366,000) | (-71,895,000) | (-71,895,000) | (+3,471,000) | |
| Timber purchaser credits | (110,669,000) | (60,000,000) | (60,000,000) | (-50,669,000) | |
| Land acquisition | 62,412,000 | 63,955,000 | 56,700,000 | -5,712,000 | -7,255,000 |
| Acquisition of lands for national forests, special acts | 1,180,000 | 1,212,000 | 1,212,000 | +32,000 | |
| Acquisition of lands to complete land exchanges (indefinite) | 198,000 | 203,000 | 203,000 | +5,000 | |
| Range betterment fund (indefinite) | 5,264,000 | 4,600,000 | 4,600,000 | -664,000 | |
| Gifts, donations and bequests for forest and rangeland research | 104,000 | 96,000 | 96,000 | -8,000 | |
| Payments to counties | | 25,000,000 | | | -25,000,000 |
| Total, Forest Service | 2,345,207,000 | 2,493,845,000 | 2,351,599,000 | +6,392,000 | -142,246,000 |
| DEPARTMENT OF ENERGY | | | | | |
| Clean coal technology | -525,000,000 | -150,000,000 | -150,000,000 | +375,000,000 | |
| Fossil energy research and development | 418,353,000 | 398,442,000 | 438,163,000 | +19,810,000 | +39,721,000 |
| Alternative fuels production (indefinite) | -7,500,000 | | -5,200,000 | +2,300,000 | -5,200,000 |
| Naval petroleum and oil shale reserves | 236,070,000 | 231,216,000 | 214,772,000 | -21,298,000 | -16,444,000 |
| Energy conservation | 578,903,000 | 778,439,000 | 702,825,000 | +123,922,000 | -75,614,000 |
| Economic regulation | 14,441,000 | 12,994,000 | 12,994,000 | -1,447,000 | |
| Emergency preparedness | 9,168,000 | 8,901,000 | 8,901,000 | -267,000 | |
| Strategic Petroleum Reserve | 176,167,000 | 173,110,000 | 206,810,000 | +30,643,000 | +33,700,000 |
| SPR petroleum account | -125,625,000 | | | +125,625,000 | |
| Energy Information Administration | 82,341,000 | 89,373,000 | 86,053,000 | +3,712,000 | -3,320,000 |
| Biomass Energy Development (Transfer) | -49,000,000 | | | +49,000,000 | |
| Total, Department of Energy | 808,318,000 | 1,542,475,000 | 1,515,318,000 | +707,000,000 | -27,157,000 |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | |
| Indian Health Service | | | | | |
| Indian health services | 1,524,779,000 | 1,601,309,000 | 1,652,394,000 | +127,615,000 | +51,085,000 |
| Indian health facilities | 333,640,000 | 278,811,000 | 296,997,000 | -36,643,000 | +18,186,000 |
| Total, Indian Health Service | 1,858,419,000 | 1,880,120,000 | 1,949,391,000 | +90,972,000 | +69,271,000 |
| DEPARTMENT OF EDUCATION | | | | | |
| Office of Elementary and Secondary Education | | | | | |
| Indian education | 80,583,000 | 84,006,000 | 83,500,000 | +2,917,000 | -506,000 |
| OTHER RELATED AGENCIES | | | | | |
| Office of Navajo and Hopi Indian Relocation | | | | | |
| Salaries and expenses | 27,698,000 | 28,336,000 | 26,936,000 | -762,000 | -1,400,000 |

## FY 1994 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2520)—Continued

| | FY 1993 Enacted | FY 1994 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Institute of American Indian and Alaska Native Culture and Arts Development | | | | | |
| Payment to the Institute | 9,312,000 | 9,563,000 | 12,563,000 | +3,251,000 | +3,000,000 |
| Smithsonian Institution | | | | | |
| Salaries and expenses | 295,560,000 | 299,649,000 | 302,083,000 | +6,523,000 | +2,434,000 |
| Construction and improvements, National Zoological Park | 7,833,000 | 5,400,000 | 5,400,000 | -2,433,000 | |
| Repair and restoration of buildings | 24,193,000 | 24,000,000 | 24,000,000 | -193,000 | |
| Construction | 16,687,000 | 10,400,000 | 10,400,000 | -6,287,000 | |
| Total, Smithsonian Institution | 344,273,000 | 339,449,000 | 341,883,000 | -2,390,000 | +2,434,000 |
| National Gallery of Art | | | | | |
| Salaries and expenses | 51,188,000 | 51,018,000 | 51,908,000 | +720,000 | +890,000 |
| Repair, restoration and renovation of buildings | 3,531,000 | 2,831,000 | 2,831,000 | -700,000 | |
| Total, National Gallery of Art | 54,719,000 | 53,849,000 | 54,739,000 | +20,000 | +890,000 |
| Woodrow Wilson International Center for Scholars | | | | | |
| Salaries and expenses | 6,252,000 | 6,252,000 | 6,352,000 | +100,000 | +100,000 |
| National Foundation on the Arts and the Humanities | | | | | |
| National Endowment for the Arts | | | | | |
| Grants and administration | 144,318,000 | 144,451,000 | 144,451,000 | +133,000 | |
| Matching grants | 30,142,000 | 30,142,000 | 30,142,000 | | |
| Total, National Endowment for the Arts | 174,460,000 | 174,593,000 | 174,593,000 | +133,000 | |
| National Endowment for the Humanities | | | | | |
| Grants and administration | 151,222,000 | 151,300,000 | 151,300,000 | +78,000 | |
| Matching grants | 26,191,000 | 26,191,000 | 26,191,000 | | |
| Total, National Endowment for the Humanities | 177,413,000 | 177,491,000 | 177,491,000 | +78,000 | |
| Institute of Museum Services | | | | | |
| Grants and administration | 28,754,000 | 28,777,000 | 28,777,000 | +23,000 | |
| Total, National Foundation on the Arts and the Humanities | 380,627,000 | 380,861,000 | 380,861,000 | +234,000 | |
| Commission of Fine Arts | | | | | |
| Salaries and expenses | 791,000 | 809,000 | 805,000 | +14,000 | -4,000 |
| National Capital Arts and Cultural Affairs | | | | | |
| Grants | 7,000,000 | 7,189,000 | 7,500,000 | +500,000 | +311,000 |
| Advisory Council on Historic Preservation | | | | | |
| Salaries and expenses | 2,757,000 | 2,809,000 | 2,959,000 | +202,000 | +150,000 |
| National Capital Planning Commission | | | | | |
| Salaries and expenses | 5,750,000 | 5,868,000 | 5,868,000 | +118,000 | |
| Franklin Delano Roosevelt Memorial Commission | | | | | |
| Salaries and expenses | 535,000 | 49,000 | 49,000 | -486,000 | |
| Pennsylvania Avenue Development Corporation | | | | | |
| Salaries and expenses | 2,686,000 | 2,738,000 | 2,738,000 | +52,000 | |
| Public development | 4,947,000 | 4,489,000 | 4,289,000 | -658,000 | -200,000 |
| Land acquisition and development fund | 6,445,000 | 7,193,000 | 7,193,000 | +748,000 | |
| Total, Pennsylvania Avenue Development Corporation | 14,078,000 | 14,420,000 | 14,220,000 | +142,000 | -200,000 |
| United States Holocaust Memorial Council | | | | | |
| Holocaust Memorial Council | 21,268,000 | 21,679,000 | 21,679,000 | +411,000 | |
| Total, title II, Related Agencies | 5,967,587,000 | 6,871,579,000 | 6,776,222,000 | +808,635,000 | -95,357,000 |
| (Timber receipts transfer to general fund, indefinite) | (-75,366,000) | (-71,895,000) | (-71,895,000) | (+3,471,000) | |
| (Timber purchaser credits) | (110,669,000) | (60,000,000) | (60,000,000) | (-50,669,000) | |
| Grand total: | | | | | |
| New budget (obligational) authority (net) | 12,147,539,000 | 13,617,688,000 | 13,364,439,000 | +1,216,900,000 | -253,249,000 |
| Appropriations | (12,177,539,000) | (13,647,688,000) | (13,394,439,000) | (+1,216,900,000) | (-253,249,000) |
| Rescissions | (-30,000,000) | (-30,000,000) | (-30,000,000) | | |
| (Timber receipts transfer to general fund, indefinite) | (-75,366,000) | (-71,895,000) | (-71,895,000) | (+3,471,000) | |
| (Timber purchaser credits) | (110,669,000) | (60,000,000) | (60,000,000) | (-50,669,000) | |
| TITLE I -DEPARTMENT OF THE INTERIOR | | | | | |
| Bureau of Land Management | 1,028,261,000 | 1,103,938,000 | 1,077,023,000 | +48,762,000 | -26,915,000 |
| United States Fish and Wildlife Service | 720,788,000 | 679,690,000 | 649,053,000 | -71,735,000 | -30,637,000 |
| National Biological Survey | | 179,445,000 | 163,604,000 | +163,604,000 | -15,841,000 |
| National Park Service | 1,382,783,000 | 1,470,406,000 | 1,404,977,000 | +22,194,000 | -65,429,000 |
| United States Geological Survey | 576,748,000 | 597,364,000 | 584,685,000 | +7,937,000 | -12,679,000 |
| Minerals Management Service | 200,670,000 | 202,017,000 | 198,878,000 | -1,792,000 | -3,139,000 |
| Bureau of Mines | 174,235,000 | 153,656,000 | 169,336,000 | -4,899,000 | +15,680,000 |
| Office of Surface Mining Reclamation and Enforcement | 300,836,000 | 302,828,000 | 301,849,000 | +1,013,000 | -979,000 |
| Bureau of Indian Affairs | 1,548,709,000 | 1,808,286,000 | 1,785,318,000 | +236,609,000 | -22,968,000 |

## FY 1994 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2520)—Continued

| | FY 1993 Enacted | FY 1994 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Territorial and International Affairs | 124,622,000 | 121,897,000 | 128,247,000 | +3,625,000 | +6,350,000 |
| Departmental Offices | 122,300,000 | 126,582,000 | 125,247,000 | +2,947,000 | -1,335,000 |
| Total, Title I - Department of the Interior | 6,179,952,000 | 6,746,109,000 | 6,588,217,000 | +408,265,000 | -157,892,000 |
| TITLE II - RELATED AGENCIES | | | | | |
| Forest Service | 2,345,207,000 | 2,493,845,000 | 2,351,599,000 | +6,392,000 | -142,246,000 |
| Department of Energy | 808,318,000 | 1,542,475,000 | 1,515,318,000 | +707,000,000 | -27,157,000 |
| Indian Health | 1,858,419,000 | 1,880,120,000 | 1,949,391,000 | +90,972,000 | +69,271,000 |
| Indian Education | 80,583,000 | 84,006,000 | 83,500,000 | +2,917,000 | -506,000 |
| Office of Navajo and Hopi Indian Relocation | 27,698,000 | 28,336,000 | 26,936,000 | -762,000 | -1,400,000 |
| Institute of American Indian and Alaska Native Culture and Arts Development | 9,312,000 | 9,563,000 | 12,563,000 | +3,251,000 | +3,000,000 |
| Smithsonian | 344,273,000 | 339,449,000 | 341,883,000 | -2,390,000 | +2,434,000 |
| National Gallery of Art | 54,719,000 | 53,849,000 | 54,739,000 | +20,000 | +890,000 |
| Woodrow Wilson International Center for Scholars | 6,252,000 | 6,252,000 | 6,352,000 | +100,000 | +100,000 |
| National Endowment for the Arts | 174,460,000 | 174,593,000 | 174,593,000 | +133,000 | .................... |
| National Endowment for the Humanities | 177,413,000 | 177,491,000 | 177,491,000 | +78,000 | .................... |
| Institute of Museum Services | 28,754,000 | 28,777,000 | 28,777,000 | +23,000 | .................... |
| Commission of Fine Arts | 791,000 | 809,000 | 805,000 | +14,000 | -4,000 |
| National Capital Arts and Cultural Affairs | 7,000,000 | 7,189,000 | 7,500,000 | +500,000 | +311,000 |
| Advisory Council on Historic Preservation | 2,757,000 | 2,809,000 | 2,959,000 | +202,000 | +150,000 |
| National Capital Planning Commission | 5,750,000 | 5,868,000 | 5,868,000 | +118,000 | .................... |
| Franklin Delano Roosevelt Memorial Commission | 535,000 | 49,000 | 49,000 | -486,000 | .................... |
| Pennsylvania Avenue Development Corporation | 14,078,000 | 14,420,000 | 14,220,000 | +142,000 | -200,000 |
| Holocaust Memorial Council | 21,268,000 | 21,679,000 | 21,679,000 | +411,000 | .................... |
| Total, Title II - Related Agencies | 5,967,587,000 | 6,871,579,000 | 6,776,222,000 | +808,635,000 | -95,357,000 |
| Grand total | 12,147,539,000 | 13,617,688,000 | 13,364,439,000 | +1,216,900,000 | -253,249,000 |

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and my colleagues, before I get into the merits of the bill, I simply want to say that this has been a product of a subcommittee that works very well together. It was totally nonpartisan, in terms of a subcommittee which had an opportunity to participate in the committee deliberations, and I certainly commend the chairman, the gentleman from Illinois [Mr. YATES], for a very evenhanded approach to handling this legislation and great patience in listening to hundreds of witnesses that appeared before the committee in the 34 days of hearings. Every effort was made to ensure that we could hear the voices of many different interested groups that are concerned.

I also want to commend the staff for both the majority and minority, and particularly today to wish the chief of staff of the majority side a happy birthday. It is a nice way to celebrate a birthday; to pass a bill that is a blessing to all the people of America.

People cherish their public lands, and in this bill we attempt to administer and to manage these lands in a way that will preserve their great values for future generations.

Can you imagine a New York City without a Central Park? And yet somebody had to have a vision decades ago to save this oasis of greenery in New York City, and likewise in this bill we are trying to preserve and enhance the many oases of natural beauty that will be enjoyed by both today's and tomorrow's generations.

We had a lot of Member requests, over 300 Members who suggested things that they would like to see done in their communities. I think this gives you an idea of the breadth of public lands in the United States and the breadth of involvement of communities in terms of the public lands assets.

Most people do not realize that one-third of the United States is made up of Federal lands, and it is those 750 million acres that are covered in this bill in terms of management. Perhaps to get an idea of how people enjoy these lands, I would point out that last year 279 million visitors enjoyed the 367 park areas covered by this bill.

Likewise an unnoticed secret is the asset of the national forests in terms of recreation. We think of our national forests as a place where we cut timber and, of course, that is very important because our people today continue to need housing. That is one of the strengths of America is the fact that we have a lot of individual housing and ownerships, perhaps the largest percentage of people of any country in the world that have individual family homeownership. The resources of our national forests are important for that reason.

But they are also very important in terms of visitor days. Forty-one percent of the visits to Federal lands, this 750 million acres, are in our national forests, people going out to birdwatch, to camp, to hunt, and to generally enjoy nature. It is a multiple-use type of activity, and this means that people can have a diversity of enjoyment, and in some areas even four-wheel or off-road vehicles. The forests offer diversity that you cannot get in the other public lands.

Likewise, the Bureau of Land Management has under its control the assets that are used for grazing. They are used for other types of interests on the part of people, and as the chairman pointed out very clearly in his opening statement, the lands that are managed under this bill produce $8.7 billion in receipts, and this is offset by approximately $13.4 billion in outlays, so it is one of the few, if not the only, appropriation bill that actually generates about 60 percent of the cost.

So the management of these lands becomes extremely important, and that is what we have tried to do in this bill is to ensure that we do have good management.

I think there is another dimension to this that we do not fully recognize, and that is that if you read the medical literature today, you note that stress, part of this resulting from the urbanization of America, has become a very important element in terms of adverse medical impact on our population. I think that when we get to a health bill, we are going to hopefully discover that preventive medicine will be a very important part of the policies that will be in this legislation.

Preventive medicine means, in part at least, an opportunity to get away from the urban centers, to get outdoors, to relieve the stresses that are so much a part of our fast-moving society. And again, these public lands, these national parks, these forests, these fish and wildlife facilities, and these Bureau of Land Management areas provide an outlet that I think have a great benefit to the overall health of Americans.

And there is another reason that we need to do a good job of management. We need to enhance the resources. It is a growing problem, and I regret that we did not have more funds available to do all that is needed to be done in operations, maintenance, and so on.

Of course, we were unable to do any starts of new visitor centers, because the resources are not there.

I would point out, for example, that we are seeing the horror stories of limiting access to our national parks, including the Blue Ridge Parkway, Independence Hall, plus others. In an article in USA Today on May 13, it said, "National parks trim hours, services, highlight the surprises park visitors would be in for this summer including shorter hours, fewer rangers, closed trails and campgrounds," and so on, and they emphasize in there how much this restricts the ability of people to enjoy these facilities. We have heard about rationing at Yosemite, for example, and I could go on and on about the restrictions on usage that are occurring because we do not have the resources to adequately staff the facilities or the resources to in many instances deal with operations and maintenance.

A part of that is the safety of visitors. We live in a different kind of society and, therefore, safety is a growing concern. The park rangers have challenges that they have never had in the past to ensure the security of those who are there to enjoy the 367 parks, monuments, seashores, battlefields, and historic sites.

Again, we have done the best job we could in allocating the resources.

Another area that does not get a lot of attention in this bill is the fact that we fund the Department of Energy fossil and conservation budgets. We do not do the nuclear, but we do all the fossil and conservation, and I think all of us are very aware of how important energy is to a society or to an economy that we want to grow, that we want to provide more jobs.

□ 1130

And, therefore, it becomes very important that we fund energy resources with a budget that will accomplish this goal.

We have heard a lot about the global environmental problems. Of course, the meeting in Rio emphasized those, and the President and Vice President have talked a lot about protecting our global environment.

I would point out it is the United States that is the leader; it is the United States which has developed the clean coal technology; it is the United States that has developed many of the other technologies that will be very important in the consumption of energy in terms of protecting the global environment.

So those are things that are covered in this bill, along with the development of natural gas programs for cities so that they can meet the Clean Air Act standards, in terms of the engines that are allowed in mass transit or in the delivery trucks and so on.

So, all of these things could probably be summarized by saying that this bill is the quality-of-life bill for the United States of America. It is the quality of life in so many dimensions: clean air, clean water, recreational opportunities, protection and development of our environmental resources, our endangered species, the species which are important to the environment, and the protection of our timber resources.

I think it is a bill that the chairman and I and other members of the subcommittee can strongly recommend to you, our colleagues, as being one that you would want to support if you care about the quality of life for the people whom we represent in this body.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, I rise in support of the Interior appropriations bill for fiscal year 1994. This is the 11th appropriations bill for fiscal year 1994 to come before the House. Nine bills are now pending in the Senate. Tomorrow we will complete action on the Commerce, Justice, State, Judiciary bill. This will leave Transportation for consideration next week followed by Defense. The Defense bill is ready to be brought forward pending resolution of the scheduling of the authorization bill.

I want to commend the gentleman from Illinois [Mr. YATES], chairman of the Subcommittee on Interior Appropriations, and also the gentleman from Ohio [Mr. REGULA], the ranking minority member of the subcommittee on the excellent job they have done in bringing out this bill.

The gentleman from Illinois, as he always does, has carefully crafted this bill, and we appreciate him and the excellent work he and the rest of the subcommittee have done. This applies to every member of the subcommittee. Also, Mr. Chairman, we have an excellent staff on this subcommittee as we do on all of our 13 subcommittees. We are grateful for the hard work they have done.

Mr. Chairman, this bill provides for important natural resource protection and energy research. It is a difficult bill to develop under constrained funding because of many different programs it contains, its wide geographic impact, and the sensitive issues that are involved. The subcommittee has done an excellent job.

Mr. Chairman, at this time I would like to report on how the committee and the House have done so far on our fiscal year 1994 appropriations bills. For the nine bills the House has passed so far, we are $8.378 billion below the budget request and $1.798 billion below the budget resolution allocation. This speaks well for the committee and the House. This speaks well for the Committee and for every Member of the House on both sides of the center aisle. We on the committee appreciate the cooperation of all Members as we bring these bills to the floor.

Again, I want to commend the chairman and the ranking minority member and all the other members of the subcommittee for another job well done.

I recommend adoption of this bill.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican on the full Committee on Appropriations, and also a member of our subcommittee.

Mr. MCDADE. Mr. Chairman, I want to thank my dear friend, the gentleman from Ohio [Mr. REGULA], for yielding to me.

I want to pay tribute to both he and the gentleman from Illinois [Mr. YATES], both of whom have crafted, year after year, a bill that they bring to the floor that is in the highest traditions of our land, protects the resources of this great Nation, develops those resources and shepherds them for generations yet unborn.

Mr. Chairman, this is not an easy bill to work. There are many conflicting pressures in it. But today there is no problem in supporting this bill.

The gentleman from Illinois [Mr. YATES], the chairman of the subcommittee, and the gentleman from Ohio [Mr. REGULA], have diligently worked to make sure that the resources that we have are being used in the best interests of the future generations of Americans.

Mr. Chairman, I commend them and hope this bill will be adopted as is.

The bill before us today provides $13.4 billion to fund the Department of Interior, the Forest Service, Indian education and health, conservation and research programs of the Energy Department, and a number of arts and cultural programs. Receipts to the Treasury from timber leases, mineral and oil development, and other programs are estimated to reach over $8.6 billion during the coming fiscal year.

The bill touches the lives of nearly every American as it provide for the stewardship of our public lands, responds to our energy research needs, preserves our cultural heritage, and protects our natural resources.

H.R. 2520 falls within the 602b allocation in both budget authority and outlays, but on paper, this bill appears to be $1 billion over the fiscal year 1993 enacted level. A closer review reveals that these are not all programmatic increases but a loss of scorekeeping adjustments taken last year in the amount of $600 million that were not available to the committee this year. Some items, such as mineral receipts and mining fees, were not included because they are part of the House reconciliation package. Others, such as a $65 million difference from last year's funding levels for Indian land and water settlements, are required by law.

The remaining program increases come in National Park Service operations, Bureau of Indian Affairs school operations, Indian health and education needs, and energy conservation programs which are consistent with passage of the Energy Policy Act of 1992.

There will be an attempt to bring the bill's total more closely in line with fiscal year 1993 levels by an across-the-board cut.

Of particular note are increases in the bill for national park improvements, energy conservation, wildlife protection, and Forest Service law enforcement.

A large increase is recommended for national park operations. Limited funding in recent years has led to reduced hours of operation at national park units throughout the country and a serious deterioration of facilities and resources. Most parks had to cut back on seasonal programs, have deferred maintenance, and have reduced park police patrols. this increase will help alleviate some of the financial strain placed on the Park Service.

Acquisition costs in the natural resource accounts have been cut by over $60 million in line with the administration's request, and the construction accounts are $90 million under the fiscal year 1993 level.

The bill prepares the Nation for its energy future through a 21-percent increase in transportation, industrial, buildings, and utility energy conservation research, including a $28 million increase in weatherization. The bill also funds the maintenance of fossil energy research, continuation of the Clean Coal Technology Program, and funding for acquisition of 10,000 barrels a day for the strategic petroleum reserve.

The bill adds $34 million to the administration request for operation of the reserve's storage facilities. The money is needed to begin correcting recently discovered problems dealing with excessive gas content and rising temperatures affecting about 200 million barrels of oil now held in the reserve.

A new initiative, the National Biological Survey, is earmarked at $163 million. This total represents $20 million in new moneys, the balance of which are transfers from other accounts. The creation of the National Biological Survey as a free-standing bureau within the Department of the Interior will attempt to fill the vacuum that currently exists for broad scale biological information and assessments of the Nation's natural resources.

The bill includes a new account for Forest Service law enforcement. This will help address a serious timber theft problem that has affected the Forest Service for over 20 years. The report also contains strong language directing that the Forest Service convert to tree measurement system rather than timber scaling. According to law enforcement personnel, 80–85 percent of all timber thefts relates to log accountability problems associated with timber scaling.

The subcommittee also adopted an amendment in markup to raise grazing fees on Federal lands by 33⅓ percent, which is consistent with past House legislation. The bill also contains some mining law reforms that have been a part of the House bill for the past several years. A final resolution to this issue is expected later this year from the authorizing committee.

Mr. Chairman, H.R. 2520 is an excellent product which deserves our support. It is a bill which meets our obligations to our environment, responds to changing needs, and reflects the priorities of the House. I urge its favorable consideration.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I rise to express my support for H.R. 2520, the Interior appropriations bill for fiscal year 1994. As a new member of the Interior Appropriations Subcommittee, I wish to express my appreciation to Chairman YATES and the ranking minority member, Mr. REGULA, for producing a sound, balanced, responsible bill. I also wish to express my appreciation for the work of the professional staff of the subcommittee.

Serving on the Interior Appropriations Subcommittee is a truly gratifying experience. While the issues before the subcommittee are sometimes controversial, they are also important issues—especially for the West. Moreover, the programs and agencies funded by the bill embody great public trusts for both present and future generations.

The controversies which this bill attracts are largely an outgrowth of conflicts over management and use of our public lands and resources—which makes them western-centered issues. Given the substantial changes under way in the West, I don't find this surprising.

What we are witnessing are the tensions inherent in change: The merging of an old West—dominated by a grazing, mining and timber economy—with a new West—characterized more by urban development, tourism, high-technology enterprise, and environmental concern. As a result, public policy is shifting from a sole emphasis on commodity production to encompass recreation and environmental protection. Subsidies for extractive industries are being reduced, and programs to advance ecosystem management are being created.

This bill does not make those changes occur, but it does presume and in some ways facilitate them. This bill ends funding for narrow-interest grazing advisory boards, in favor of multiple-use councils. It reduces funding for forest roadbuilding, assuming that the Forest Service will move forward with a phaseout of below-cost timber sales. It imposes a moratorium on patenting land under the 1872 mining law, to give Congress and the Department of the Interior time to design and implement reforms.

The bill includes specific language urging the Forest Service to implement its proposed phase out of below-cost timber sales by an appropriate rulemaking, based upon an amendment I offered in subcommittee. The phaseout of below-cost timber sales is an initiative which I support, because it can save taxpayers dollars and help protect the environment. In fiscal year 1994, this initiative will save $46 million—a savings that is reflected in the reduced funds appropriated by this bill for timber sales and roadbuilding.

While I support this initiative, I also believe that it must be undertaken in a responsible, open manner—which is the reason for the bill's sense-of-Congress provision. Industry, environmental groups, local governments, and others have expressed serious concern about being excluded from the decisionmaking process. The below-cost phaseout initiative will have wide-reaching consequences, and should not be designed and implemented through a closed, internal process. In adopting my amendment, the subcommittee expressed its support for the view that the Forest Service can reduce uncertainties, improve the accountability of its effort, and avoid unnecessary impacts upon local economies and the environment by proceeding with the proposed initiative through a rulemaking which complies with the Administrative Procedure Act. Such a rulemaking would give all concerned and interested parties an opportunity to review the Forest Service plan, submit comments, and be considered in formulation of the final document.

It is my hope that the Forest Service will thoroughly consider all costs and benefits in calculating what constitutes a below-cost timber sales. This should include the full range of road construction costs as well as the timber program overhead of the Washington and regional offices—expenses which are not now considered. In addition, I expect the Forest Service to include a complete consideration of the environmental and ecosystem costs of proposed timber sales and subsequent harvesting. Based upon the Forest Service's testimony before the subcommittee, it is my expectation that when all of the environmental costs are considered, many of the most contentious timber sales now planned for Colorado's national forests will not go forward, particularly those involving old growth areas and roadbuilding into roadless areas.

This bill also includes specific language prohibiting further funding of grazing advisory boards, based upon an amendment I offered. These boards are a waste of taxpayers dollars, and violate the requirements of law that advisory boards be representative. Additionally, the committee report directs the Secretary of the Interior to examine critically all of the various advisory bodies of the Department and to eliminate those which do not comply with the Federal Land Policy and Management Act.

Setting aside the debate over grazing fees, abolishing grazing advisory boards is an important step toward achieving more balanced management of our rangelands. These boards provide direction and advice about the investment of $10 million in rangeland betterment funds. According to the BLM's funding justifications, these funds are part of the Bureau's ecosystem management efforts. Yet, at the moment, only the very narrow interests of grazing permittees are represented on the boards. The language I offered would compel the BLM to comply with existing law and expand the diversity of input it receives about investing these public funds. BLM needs to broaden the scope of its vision beyond sheep and cattle operators to include all of the groups interested in management of the public rangelands.

Notwithstanding these provisions, the fiscal year 1994 Interior appropriations bill does not resolve the controversies over forest management, mining law reform, or rangeland policy. The major public policy decisions will still be made by the authorizing committees or the respective Federal agencies. While we may hear echoes of these controversies today, the full volume will be reserved for future legislative debates.

The central work of the Interior Appropriations Subcommittee is to decide, within the limitations of the budget, how to allocate funds among the Federal agencies and programs within its jurisdiction. The subcommittee is responsible for appropriating the funds for the management of nearly one-third of our Nation's lands—the public lands administered by the agencies of the Department of the Interior and Agriculture. These lands are treasures passed to us by our parents and grandparents, which we will pass on to our children and grandchildren. These lands are also a great source of enjoyment, economic strength, and spiritual renewal for the people of America. The fiscal year 1994 Interior appropriations bill makes wise investments of the available funds in our public land heritage.

The Interior Appropriations Subcommittee is also responsible for appropriating the funds for some of the most important programs of the Department of Energy. Of particular interest to me are the Department's efforts to promote sustainable energy technologies—renewable energy sources, energy efficiency technologies, and alternative fuels. The fiscal year 1994 Interior appropriations bill includes a 22-percent increase in funding for DOE's energy efficiency and alternative fuels programs.

This bill also includes sorely needed increases in funding to meet our trust responsibilities to the American Indian peoples, and to meet the needs of America's remaining territories. Finally, if includes funding for many important programs which support our cultural heritage, including support for the National Endowment for the Arts, the National Endowment for the Humanities, the Institute for Museum Studies, and the Advisory Council on Historic Preservation. Our support not only means a broader public access to the arts but makes room for innovation and diversity. Public arts endowments democratize the arts by making them available to everyone, not just those living in large urban areas.

Working within its budget allocation, the subcommittee has produced a sound bill. But, I must point out that we faced many difficult decisions. Additional funding for many of the programs within the jurisdiction of the subcommittee would have been legitimate and responsible. Some of the programs within this bill urgently needed more funding than the budget allowed the subcommittee to provide.

Our parks, forests, wildlife refuges, and rangelands are facing a host of immediate problems which demand attention. Our parks desperately need repair. Our national forests and rangelands are deteriorating in the face of extraordinary ecosystem pressures. The habitat supporting our wildlife populations is increasingly threatened by pollution and encroaching development.

The fiscal year 1994 Interior appropriations bill provides more funds to address the immediate resource and environmental problems of our public lands. Funding for critical maintenance needs of our national parks is increased. Additional funds are provided for renewable resource management by Bureau of Land Management [BLM]. Dollars are shifted from commodity production to ecosystem protection and wildlife management in the Forest Service. Meanwhile, however, funds to acquire additional lands have been cut back.

As a Coloradan, I am acutely aware of the potential impact and cost of these problems. At just one abandoned mine site in Colorado—the Summitville gold mine—taxpayers are paying $50,000 a day to prevent 160 million gallons of cyanide from pouring into the Rio Grande River. The ultimate cleanup of this site is expected to cost at least $60 million. Hundreds of such mines have been started in what some call the second Colorado gold rush.

The fiscal year 1994 Interior appropriations bill includes new funding to support U.S. Fish and Wildlife Service enforcement efforts at cyanide-leach gold mine sites. If we avoid just one Summitville mine in the future, this investment will return savings many times over for the taxpayer—not to mention the benefits derived for public health and safety and protection of fish and wildlife resources.

This is just one small example of how this bill, by providing more funds to address immediate resource and environmental problems, represents a wise investment of the available funds. These problems may cost millions of dollars to address today, but hopefully will avoid much greater future costs. A report released last week by the Natural Resources Committee highlights this point. This report concludes that the liability which the Government, and the taxpayers, may face due to environmental contamination of our public lands could rival the savings and loan bailout.

One of the most difficult choices for me was the decision to reduce land acquisition funding for nearly every land management agency significantly compared to last year. This shift is consistent with the President's budget request in emphasis, but not in degree. The committee bill does increase funding above the agencies requests for some urgent land acquisitions.

There is a large and growing backlog of authorized land acquisitions. The National Park Service alone has a land acquisition backlog in the lower-48 States of some 350,000 acres of land estimated to cost over $1 billion. These acquisitions represent what the Park Service considers the minimum necessary to protect existing park resources. Recognizing the urgent need to move forward with this backlog, this bill increases funding for Park Service land acquisitions $11 million over the President's budget, but even with that increase fiscal year 1994 funding falls $28 million short of fiscal year 1993 levels. We reached similar decisions regarding acquisition funding for the other land management agencies.

While I am disappointed with the funding we were able to provide for some important programs, I believe that the bill represents a fair trade-off among the urgent priorities presented to the subcommittee. I wholeheartedly urge my colleagues to support this bill.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a distinguished member of the subcommittee.

Mr. KOLBE. Mr. Chairman, I rise this morning in support of the Interior appropriations bill for fiscal year 1994, and at the outset I want to extend both my appreciation and congratulations to the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], a gentleman who has served for many years and, I think is known as a rock of support in this body for our public lands, for public institutions, for the arts in our society.

I also want to pay special tribute to my distinguished colleague on my side of the aisle, the gentleman from Ohio [Mr. REGULA], ranking member of this subcommittee.

□ 1140

This is the first year I have served on this subcommittee and it is really a joy to serve on it. It is truly a collegial operation. It is one in which all Members are treated equally and with decency and their views are heard, and I do appreciate the courtesies that have been extended to me by both the chairman and the ranking member and by their staffs.

I think the work of the Interior Subcommittee has produced a fair and a responsible bill. As has been suggested by earlier speakers, it is a tough one. All of us, and I am sure this is true of other subcommittees, wish that we had more to work with under our 602(b) allocations, but we are $45 million below the allocation given by the Budget Committee. We are $260 million less in this subcommittee than the amount requested by the administration.

As the gentleman from Ohio [Mr. REGULA] has pointed out, this really is the quality of life subcommittee for our Congress, because it is in the Interior Subcommittee that we find appropriations for those things which we believe represent the treasures, the assets of the United States; our public lands, our public parks, recreation and other uses of those public lands.

I think that the legislation appropriates much-needed dollars for improvements for energy conservation, for land and for wildlife protection.

I would be remiss, however, if I did not say that I have concerns and disagreements with some aspects of the bill, particularly as they relate to timber support programs and harvest levels that I think are too low in order to sustain a reasonable timber harvest in our country—one that will allow for timber production and for the much-needed building of new homes to stimulate the construction industry.

Moreover, the moratorium in the bill on mining patents threatens to cause further flight of U.S. mining companies to other countries, most notably in Latin America.

I am most strongly opposed to the language included in the bill that would increase the grazing fees and abolish grazing fee advisory boards.

I will not take the time in this discussion today to go into why I think this is inappropriate and wrong, but plainly and simply put, the current grazing fee we have is fair and it works. I think the basic method by which it works is one we ought to retain. Even Members who support an increase in grazing fees ought to oppose this provision in an appropriation bill, because it does not belong here.

I had intended, along with my colleague, the gentleman from Idaho, to offer an amendment to strike this provision, but because the Rules Committee has not protected it, at the appropriate time I will move on a point of order to strike this provision.

Having said all this, I do believe this bill is balanced and fair and I want to compliment the chairman and the gentleman from Ohio [Mr. REGULA] for leading the efforts to produce a bill which this body can support.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a very good, fine member of our subcommittee.

Mr. PACKARD. Mr. Chairman, as we take up fiscal year 1994 Interior appropriations today, I would like to take this opportunity to thank my colleagues and the staff for their hard work on this bill.

First, I would like to thank Chairman YATES for his stewardship on this legislation. As a new member of the Appropriations Committee, it was a pleasure to serve under him on the Interior Subcommittee.

I would also like to thank the ranking Republican on the subcommittee, RALPH REGULA, for his leadership during the extensive hearings we held on this bill.

I would like to note the funding for the Natural Communities Conservation Planning Program [NCCP] in this legislation. This is an innovative plan that the State, county, and local governments are participating in. Since a small bird, the gnatcatcher, was listed as a threatened species, it is vital that we provide this funding for planning. Otherwise, the alternative may very well be that all development in southern California is brought to an absolute halt.

The plan envisions concessions from both sides of the debate: Development and the environmental community. By setting aside wildlife preserves for the safety and preservation of many species, we avoid the extreme amounts of money and time spent in litigation that occurs when species are considered on an case-by-case basis.

The $3 million in this bill will allow the State of California to move forward with its plans to implement the NCCP Program. Without this commitment, along with the additional employees provided for in the bill, a successful solution to the jobs versus the environment battle will not be found in southern California.

The bill also contains funding for vital energy programs that will help the United States to become independent from foreign energy sources. Research money for fuel cell technology will help us to accomplish this.

This legislation also increases grazing fees on public lands by about 33 percent. As a Member from California, this action concerns me as I fear it will devastate the livelihood of cattle ranchers in the West in general.

I also oppose the Clinton administration's plan to phase out so-called below-cost timber sales.

Aside from these concerns, I support this legislation and urge my colleagues to do so. In these times of tight fiscal constraint that we face, this legislation represents a successful distribution of scarce resources to manage and maintain our natural environment. I would like my colleagues to note that the bill is below the administration's fiscal year 1994 request in the budget.

Finally, I would like to thank the Interior Subcommittee staff and full committee staff for their dedication and hard work on this bill. They were a great help to me, and I sincerely appreciate their efforts.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I am more than pleased to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding to me.

I would like to associate myself with the gentleman's remarks.

Mr. Chairman, I would like to congratulate the subcommittee chairman, Mr. YATES, and the ranking member, Mr. REGULA, as well as their hard-working staff for putting together a tight bill at a time when increasing attention is being focused on the preservation of our Nation's natural resources. While the bill's budget authority is $1.21 billion over the fiscal year 1993 level, the budget authority of this bill still falls well below the President's request.

Again this year, the subcommittee has been most helpful in meeting the critical needs of my vast congressional district which includes national forests, national monuments, national scenic areas, as well as millions of acres of desert conservation areas. I would again like to express my appreciation to the members of the subcommittee who were so helpful several years ago in the designation of a beautiful place after a very special lady.

First, this past January, I had the opportunity to tour Death Valley National Monument, which is new to my district, on its 60th anniversary. While touring this magnificent area, I asked the monument superintendent to identify the monument's No. 1 need. First, he encouraged me to support the regional request of $45 million to fund the National Park Service's top 220 priorities. Second, he stated that in the event there is a chance to add to the NPS request, employee housing is the top priority at Grapevine, Death Valley. Currently, many of the monument employees must commute from Tonopah, NV, which is over 80 miles away. The only employee housing on site at the present time is constructed over an earthquake fault line. California code requires that this facility be relocated. Because of these deficiencies, the subcommittee was supportive of providing funding to assist in the planning and design of new employee housing.

Second, the San Bernardino National Forest [SBNF] is one of the most heavily used forests in the Nation. It annually receives more than 10 million visitors. There is a $5.5 million backlog in facility repair on the forest. The unit costs for care and security are higher at the SBNF because it is an urban forest. The current recreation budget reflects only 61 percent of the SBNF operations need. With these budget levels, the SBNF will never eliminate its backlog and is at risk of losing major capital investments. The subcommittee has been most helpful in providing funds to reduce this backlog.

Third, the SBNF is also in dire need of funding for land acquisition. An estimated 70,000 people live within the boundaries of the SBNF. Currently, over 100,000 acres within the forest are developed. There are more than 15 presently undeveloped, private parcels within the forest which could be developed. As many as 10,000 new homes could possibly be built within the forest during the next 10 years. If this occurs, a significant portion of the national forest will become unmanageable and threaten the integrity of the ecosystem. Again, the subcommittee has been quite helpful in providing funding to assist the SBNF acquire private land within the forest boundary.

The examples I have just mentioned are only a small cross section of the type of worthwhile requests members of this subcommittee must balance. Again, I commend the subcommittee for their hard work, diligence, and fiscal restraint.

Mr. YATES. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong support of H.R. 2520, the fiscal year 1994 Interior appropriations bill. I am pleased to serve as a member of the subcommittee that developed the bill under consideration, and I want to thank our outstanding chairman, the gentleman from Illinois [Mr. YATES], and our very able ranking minority member on the Interior Appropriations Subcommittee, Mr. REGULA, for once again showing great leadership in developing an excellent bill to bring to the floor, one which serves the best interests of the American people through the various programs receiving funding.

Mr. Speaker, I want to bring attention to one of the most significant achievements in the bill, that being the inclusion of $30 million in funding in fiscal year 1994 through the U.S. Forest Service budget to move forward with a comprehensive regionwide watershed restoration program for Washington, Oregon, and northern California.

All three States have been working to address endangered species concerns, with a great deal of attention focused in recent years on the northern spotted owl and its primary habitat, the old growth forests. There will be continued efforts to move forward with a scientifically credible management plan to ensure sufficient protection for the spotted owl and other species that live in the old growth forests. However, it is becoming increasingly evident that protecting salmon stocks is the new area of critical focus, and where a great deal of work needs to be done in the region.

The rivers of the Northwestern States and northern California serve as habitat for the most magnificent runs of wild salmon stocks in the world. A major benefit to initiating a comprehensive, regionwide watershed restoration program is so that we can get ahead of the curve in species protection. The implementation of a watershed restoration program will aid in listing prevention because the focus will be on preventing further degradation to existing healthy habitat, and where feasible will allow for slope stabilization and the rehabilitation of streambeds.

One of the goals of this funding anticipates that by working with the administration and the Federal natural resource agencies, the State lands commissioners, and State wildlife and fisheries departments, and the local communities, a comprehensive approach to watershed restoration will develop in which the key issues of watershed analysis, restoration, and monitoring will all be adequately addressed. It is clear that appropriate watershed analysis is needed to select the most critical areas to carry out the work. The restoration work itself is the key to reversing the problem on the ground. Finally, there has to be a significant degree of monitoring of the health of the watershed ecosystem to ensure that the progress of actions taken is maintained.

In addition to the clear ecological benefits of habitat restoration and ensuring the viability of salmon populations, I am pleased that the initiation of a comprehensive watershed restoration strategy will create over 7,000 family-wage jobs in the region, and in rural timber-dependent communities where they are needed most.

Watershed restoration work in the Northwest region will serve as an important building block towards comprehensive ecosystems management. All of the best known science looking at what is required through on-the-ground management responses to multiple species protection in a preventive way focuses significantly on riparian protection and watershed restoration.

I am pleased that the administration recognizes the importance of watershed restoration, and has chosen to include a regionwide watershed initiative as a key element in the President's recently announced forest plan for addressing the conflict in the Northwest over timber harvesting versus old growth protection.

Finally, I want to say that we already know that this kind of initiative can work in the Northwest and produce meaningful ecological results, because such results are currently being achieved on the Olympic National Forest, which received $1 million in fiscal year 1993 to carry out watershed activities within its boundaries.

Let me briefly show several enlarged photos of the watershed work that was done in fiscal year 1993 on the Olympic National Forest, to demonstrate why these moneys represent such a credible investment in the region. Let me also say that the Olympic National Forest, as well as the Olympic Peninsula as a whole, is a geographic locality in serious need of this kind of investment. According to research data developed by the American Fisheries Society, 12 stocks of fish have been identified as at risk on the peninsula, and 27 percent of the rivers within the Olympic Forest are at risk because of sediment violations.

The photographs of watershed work taking place on the Olympic National Forest demonstrate the following:

(Photographs not reproducible in the RECORD.)

Photo 1.—A state-of-the-art bioengineering technique in slope stabilization. This represents a crib wall construction utilizing willow and alder.

Photo 2.—Crib wall stabilization showing the effect of bioengineering; alder and willow are sprouting and there will be eventual root establishment.

Photo 3.—Shows sidecast failure restoration through the use of biodegradable coconut fiber straw matting.

Photo 4.—Shows the application of hydromulch on unvegetated road cuts and fills, with work performed by a local contractor.

Photo 5.—Shows expanded view of work area using biodegradable coconut fiber straw matting. During the following spring, native trees and shrubs will be planted in the area.

Photo 6.—Shows Secretary of Interior Babbitt on a tour of the Le-Bar Creek Watershed restoration project in the Olympic Forest.

Photo 7.—Shows gully erosion stabilization completed with local displaced loggers.

Photo 8.—Shows aerial hydromulch application as a final step following road obliteration.

□ 1150

Mr. Chairman, the reason I take the time to present this to the House today, and to the committee, is my feeling that this is one of the ways that we can help provide some employment, and to head off further listings of endangered species. My colleague, the gentleman from Minnesota [Mr. VENTO], has held hearings on this subject. There have been hearings held by the House Committee on Merchant Marine and Fisheries, and I am convinced that, as we are reducing timber harvest activity in the Pacific Northwest that we need to create some new job opportunities in the rural parts of our States, and I, frankly, believe that this kind of approach, this kind of work, can have a positive environmental impact.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO], my good friend and classmate.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Washington [Mr. DICKS] for his work. I want to commend him for doing an outstanding job in terms of championing the concepts and principles of watershed restoration. It is especially important in these tough terrains.

Mr. Chairman, this is an enormously important step forward in terms of reforming the activities and putting in place innovative means to deal with the threats to the vertebrate species of the various fish and others that are likely to be listed as threatened. This type of positive work is terribly important, and we have literally thousands of miles of timber roads that need to be hardened, need to be remediated before and as they discontinue use.

The photos and the work that the gentleman is illustrating in the well of the House do reflect the work and also, incidentally, has the positive effect of providing employment for some that otherwise would and have been idled by the environmental problems that exist. We hope we can break that gridlock. I look forward to working with the gentleman from Washington, and I commend him for his efforts on watershed restoration.

Mr. DICKS. Mr. Chairman, I want to thank my colleague, the gentleman from Minnesota [Mr. VENTO], for his leadership. I want to recognize the gentleman from Washington who has the Mount Baker-Snoqualmie Forest area and who also has been very interested in these endeavors.

Mr. Chairman, I yield to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Washington [Mr. DICKS] very much for yielding to me.

In particular, Mr. Chairman, the Skagit River in the Mount Baker-Snoqualmie was designated over a decade ago as a wild and scenic river, and essentially nothing has been done to, in fact, make it a wild and scenic river since that time. In fact, there is some threat on the part of some environmentalists to provide lawsuits for failure to act on the part of the Federal Government.

It is also important to everybody in the region in that the runs are so weak in the Skagit River that it has become what they call a driver river. That is the take of the fish everywhere in Puget Sound, and down the coast, even to California, is determined by what run has to come back to the Skagit River. So, the more we do for that river, the more we do for the fisheries throughout the whole region.

Mr. Chairman, I thank the gentleman from Washington [Mr. DICKS] for having yielded to me.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, as always the Interior appropriation is of great importance to Western States, such as Nevada, which are predominantly public lands.

I want to thank my colleagues on the Appropriations Committee for their hard work putting the bill together, although there are indeed provisions within it with which I do not agree. Mostly, I'd like to thank Chairman YATES and ranking member RALPH REGULA for not seeking an all-protective rule to prevent points-of-order challenge on grazing fee enactment, for example.

Mr. Chairman, I also serve on the authorizing panel of jurisdiction for many of the programs in this bill, the Natural Resources Committee. We take our mandate seriously and object to legislating on spending bills, in most instances. There will be ample opportunity before this session adjourns for Members to debate grazing policy, mining law reform, and other issues of importance regarding our Nation's public domain lands. But, this bill is not the proper place to set such policy.

The huge grazing fee increase in this bill will be struck on a point of order as violating clause 2 of House rule XXI. To my colleagues who insist upon legislatively amending the formula for public lands grazing, I say wait for the Bureau of Land Management reauthorization bill to come to the floor. It was marked up in committee just 2 weeks ago, so it will be here soon. I'll fight you then—not now.

There is an ill-advised moratorium on the processing of mineral patent applications in this spending bill again this year. I remain opposed to this limitation on the rights of miners to continue to seek secure tenure to their discoveries. I note that the Western Governors' Association agrees with me and urges Congress to keep patenting as an option in reforming the mining law.

Furthermore, I would point out to my colleagues that a Federal judge in Utah ruled last year that a similarly imposed moratorium on oil shale patent processing did not suspend the requirement for then Secretary Lujan to follow the law and act upon a properly filed application. Should this moratorium become law, lawsuits will follow based upon this precedent.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman. I rise today in support of H.R. 2520, the Interior and related agencies appropriations bill. The committee did a good job allocating funds among many deserving programs in a year when funding is particularly tight. I particularly compliment the distinguished chairman of the subcommittee for increasing the funding for energy efficiency programs at the Department of Energy, while balancing those increases with cuts elsewhere.

Energy efficiency is one of the most important sources of energy we have today. Since 1973, Americans have saved more energy through efficiency than the increases in production of all traditional sources of energy put together. Efficiency makes sense from many points of view.

First, energy efficiency saves consumers and businesses money. By using energy more efficiently we can save on utility bills for heating our homes, power our cars further on a gallon of gasoline, and produce a ton of steel for less money. These savings translate into more competitive products for export.

Second, energy efficiency is a winner for the environment. By using less energy to accomplish the same task we do not have to burn as much oil, mine as much coal, or dispose of as much nuclear waste. Energy efficiency helps reduce air pollution, water pollution, and solid waste disposal. When it comes to the threat of global warming, pursuit of greater energy efficiency is one of the few policies that can reduce greenhouse gases while at the same time saving money.

These benefits are the reason that Congress made energy efficiency a cornerstone of the Energy Policy Act of 1992, the most important energy legislation since the 1970's. Over one quarter of the bill was devoted to energy efficiency. The American Council for an Energy-Efficient Economy estimates that the energy efficiency provisions of the Energy Policy Act alone will save 5 percent of the energy the Nation would otherwise use in 2010, if they are fully implemented. That is why I was pleased when the administration requested enough funding to implement these energy efficiency provisions, as well as other important provisions dealing with alternative fuels and global warming. That is also why I am disappointed that the Appropriations Committee deleted funds requested by the Department of Energy for important energy efficiency and alternative fuel programs, while adding funds for other programs that were not requested by the administration.

The following is a list of small, yet important programs that were authorized by the Energy Policy Act, requested by the administration and yet totally unfunded by the Appropriations Committee. The number beside each item represents the amount requested for these programs by the administration. Individually, none of these programs are very expensive. In general, they support deployment of existing technologies, rather than developing new technologies. That means they are likely to make a difference in our economy in the near future. This is in contrast to research and development programs such as nuclear fusion or oil shale that will not pay off for 30 years, if ever.

### BUILDING AND LIGHTING CENTERS: $4 MILLION

This program would provide seed money to help start 10 centers to teach builders, architects, engineers, and contractors about the latest ways to build energy efficiency into buildings. A couple of these centers already exist in the country and have been quite successful. The program is for limited duration and requires that the hosts provide matching money that is equal to or greater than the Federal share.

### ASSISTANCE TO STATES FOR BUILDING CODE: $2 MILLION

This program provides grants to States to help them upgrade the energy efficiency portions of their building codes which will mean more efficient homes and lower utility bills.

### VOLUNTARY TRADE ASSOCIATION EFFICIENCY PROGRAMS: $0.15 MILLION

A great deal can be accomplished through voluntary programs of information sharing and technology transfer within industries. This small amount was requested by the administration to start a cost-shared program with interested trade associations.

### INTERNATIONAL MARKET DEVELOPMENT: $0.5 MILLION

This request was for the formation of an interagency task force to coordinate export assistance for American energy-efficient technologies. Not only would this help U.S. firms, but it would also help other countries develop economically in an environmentally sound way.

### EFFICIENCY JOINT VENTURES: $3 MILLION

This program was modeled after the Clean Coal Program and was intended to allow DOE to solicit proposals from industry for cost-shared development of energy-efficient technologies or processes. It would give DOE more flexibility to work with industry in ways that best fit their needs.

### GRANTS TO STATES UTILITY COMMISSIONS FOR INTEGRATED RESOURCE PLANNING: $3 MILLION

These grants are to help States comply with requirements in the Energy Policy Act that require them to formally consider instituting integrated resource planning for their gas and electric utilities. This small program can help leverage far larger amounts and result in a far more energy efficient electric system.

### CLEAN COAL EXPORT PROGRAM: $1 MILLION

This $1 million would be used to start up a clean coal export program to help American manufacturers of clean coal technologies match up with foreign powerplant owners to improve the environmental performance of foreign plants. This will not only aid American exports but also improve the local environment in host countries and reduce emissions of greenhouse gases that may lead to global warming. According to recent DOE analysis, simply upgrading the currently inefficient stock of Chinese coal-fired powerplants to United States standards would yield 100 million tons of carbon dioxide equivalent reductions. For purposes of comparison, 100 million tons is the amount of growth in U.S. carbon dioxide emissions expected by the year 2000.

### GREENHOUSE GAS DATA COLLECTION: $0.9 MILLION

Section 1605 of the Energy Policy Act requires the Energy Information Administration to do a baseline inventory of greenhouse gas emissions in the United States from 1987 to 1990; set up guidelines to allow companies to voluntarily report any carbon dioxide emissions reductions; and collect data on those voluntary reductions. The Appropriations Committee cut $900,000 from the administration's request which means that EIA will not be able to actually collect the data. Without data collection, companies that want to reduce carbon dioxide emissions will receive no credit for doing so.

### ALTERNATIVE FUELS IMPLEMENTATION: $0.8 MILLION

This money would have provided information and technical assistance to States, local governments, and companies that are interested in using alternative fuel vehicles. This would be seed money in a sense and should result in the purchase of far more vehicles than if the money were spent directly on buying vehicles for the Federal Government. Not only would this type of program leverage non-Federal money, but it would also result in a wider range of purchasers becoming familiar with the technology. It is penny wise and pound foolish to use all our funds to purchase vehicles for the Federal Government while ignoring the leverage we could get from encouraging others to buy alternative vehicles as well.

Mr. Chairman, these are all worthy, yet small programs that will leverage additional, non-Federal money and have the potential for near-term results.

In this year of the deficit, I would not urge additional spending in this bill. However, if the Senate sees fit to cut other programs and to include these programs in their bill, I hope you will consider approving them in conference. I also urge you to take another look at these programs next year. I believe their small size and significant near-term potential warrants funding them instead of a number of other energy projects.

In addition to having some small differences with the Appropriations Committee on programs they did not fund, I also take issue with one project they did fund—oil shale research at Lawrence Livermore Laboratories. Oil shale is a resource that could not have commercial application for at least 30 years, and probably never. In addition, the technology has already been tried on a commercial scale. The Synfuels Corp. spent hundreds of millions of taxpayer dollars on this technology only to prove it to be complex, environmentally troublesome, and uneconomic. I will be offering an amendment to terminate the oil shale program at Lawrence Livermore by deleting $5 million from this bill.

Despite these disagreements, the overall structure of this bill is sound and I will be supporting it. I urge my colleagues to vote for it as well.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in strong support of the 1994 House Interior appropriations bill.

I thank the distinguished chairman, subcommittee members, and the subcommittee staff for all of their hard work.

In particular, I am pleased that the subcommittee included funding for acquisition of the Phleger addition to the Golden Gate National Recreation Area.

This 1,235-acre property is key to completing a contiguous open space corridor down the spine of the peninsula south of San Francisco.

The property is magnificent in its setting and its resources, with its mixed evergreen forest and towering redwoods.

I highlight this property not only because of its breathtaking beauty, but because it serves as a model for local-Federal partnerships.

A local agency, the Peninsula Open Space Trust, raised over $10 million for the purchase of this property, representing half the purchase price.

This may be the largest local contribution ever toward Federal land acquisition in the United States.

In addition, the regional park agency, the Mid-Peninsula Open Space District, has agreed to manage the property, so the National Park Service will not have to pay for the management of the property.

This level of commitment is inspiring—at a time when budgets are so tight, the community-wide dedication to this cause makes a compelling case for this partnership with our Federal Government.

Because such a partnership has been forged, we are able to add another jewel in the crown of the GGNRA for generations to come.

Mr. Chairman, I urge my colleagues to support this legislation for this and all the other worthy projects it funds.

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Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Chairman, I remember when President Reagan said:

"A tree's a tree. How many more do you need to look at?"

That, in 13 words, was the environmental policy of the 1980's. For a decade, the Reagan and Bush administrations gave us deceit, gridlock, and bureaucratic chaos that put at risk the greatest natural treasures in this country.

Two weeks ago, the Clinton administration stepped forward with science, and with respect for law, to begin reversing this decay. The Clinton plan for the Pacific Northwest forests is scientifically credible, is based on reality, and is a framework for the rest of the Nation.

And today, with this bill, we can make a real commitment—a commitment backed by scarce Federal dollars—to restoring rivers, and ancient forests, and our national parks.

The chairman and the committee have done an outstanding job, and I thank them for their dedication to the hard work of conservation. I want to mention just a few of the important achievements of this bill:

It funds the National Biological Survey, to develop an inventory of wildlife species and help us avoid future conflicts like the spotted owl and salmon controversies that have torn the Pacific Northwest apart.

It increases funding for maintenance in our national parks, to repair some of the damage 273 million visitors can do.

It maintains the moratorium on oil and gas drilling in our most sensitive offshore areas, including the Washington and Oregon coasts.

It shifts $30 million from Forest Service road building to badly needed watershed restoration in the forests of the Northwest.

It increases fees for grazing on Federal lands, reducing a subsidy that cannot be justified when this Government cannot pay its bills.

Mr. Chairman, President Clinton has opened a new chapter in America's commitment to environmental protection, and this bill reflects the commitment of Congress as well. I urge my colleagues to support this legislation.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise to express strong support for the Interior appropriations bill. I thank the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], and the gentleman from Ohio [Mr. REGULA] for their diligent work over the years in regard to the Appalachian Trail.

Mr. Chairman, I rise today to express my strong support for the Interior appropriations bill and thank both Chairman YATES and the ranking member, Mr. REGULA, for their diligent work over the years with regard to the Appalachian Trail.

The Appalachian Trail is a public footpath that stretches across thousands of miles along the Appalachian Mountain ridgelines from Maine to Georgia. The trail is protected by Federal or State ownership or by rights-of-way, and was designed, constructed, and marked in the 1920's and 1930's by volunteer hiking clubs joined together by the Appalachian Trail Conference.

I am pleased to learn that this year's bill will allocate $5 million for the Appalachian Trail to be used for acquisition purposes to continue to build upon the trail's beauty. I am also pleased to learn that lands that are both within Sterling Forest and border the Appalachian Trail will be eligible for Appalachian Trail acquisition, thus providing a buffer zone for the trail and increasing its beauty for the millions who hike the trail year after year.

Accordingly, I urge all of my colleagues to support this bill and to continue to support the Appalachian Trail.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in support of H.R. 2520 and I want to commend the chairman of the Appropriations Subcommittee on Interior, Mr. YATES, and the ranking member, Mr. REGULA, for their efforts in bringing the bill to the floor.

Mr. Chairman, every appropriations bill represents its product of hundreds of difficult choices, and this one is no different. The bill provides funding that will make it possible to carry out research and continue projects that are vital to the future of the upper Mississippi River system and to the millions of Americans that live and work in that ecosystem.

I would like to point out a few programs for which this appropriation makes money available that are especially important to the Nation and to constituents in Wisconsin's Third Congressional District. The first involves research into containment and ultimately eradication of the zebra mussel. The explosive growth of zebra mussel populations in the Great Lakes has cost communities, States, the Federal Government, and private businesses and individuals hundreds of millions of dollars in public infrastructure, private property, and environmental damage. This bill makes over $1 million available for research into ways to better cope with this plague, and to eradicate this economically and environmentally damaging pest. I'm proud to say that much of this research, which will benefit the entire 28 State Mississippi River drainage basin, is carried out at the National Fisheries Research Center in La Crosse, WI.

This appropriation also makes approximately $600,000 available for research which will speed the process for FDA approval of drugs and chemicals vital to American aquaculture. The limited commercial market for these fishery chemicals has slowed research into their safety and efficacy, and thus the entire FDA approval process. As a result, American aquaculture has suffered. The moneys provided in H.R. 2520 will fund the research necessary to win FDA approval for the highest priority drugs and chemicals needed to control disease, reduce stress, and better manage water quality in aquaculture facilities across the Nation. Again, I am proud to say that the National Fisheries Research Center in La Crosse will play a leading role in this important research effort.

Finally, Mr. Chairman, H.R. 2520 would fund nearly $1.5 million of research on preservation of America's environmentally complex large river systems. As many of my colleagues know I have long been involved in efforts to foster better management and more efficient stewardship of these national resources. An environmental management program targeted to this objective has been in place on the Upper Mississippi since 1986, and I have introduced new legislation, H.R. 2500, which would build on this model to create national programs. Piecemeal management of these critically important natural resources has been ineffective and has led declines in important sport and commercial fish stocks in our large river systems, Mr. Chairman. We need to do better, and the funding made available in this bill will allow us to do so.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from New Mexico [Mr. SKEEN], a distinguished member of the full committee and a former member of the subcommittee. Let me say, Mr. Chairman, that we are very happy to have him back with us.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] is recognized for 2½ minutes.

Mr. SKEEN. Mr. Chairman, I appreciate this opportunity to address two concerns I have with this year's Interior appropriations bill. It is my hope that we can satisfy both of my concerns by the time this bill returns from conference with the Senate.

The first issue I would like to address will be taken care of when Congressmen KOLBE and LAROCCO rise during consideration of the bill to strike the grazing language as a violation of House rules which prevent authorizing on an appropriations bill.

By now most of my colleagues know that I have continually argued that the Interior appropriations bill is not the appropriate vehicle to consider this controversial issue. Congress should not preempt the administration's attempt to address the Federal grazing fee issue this year, nor should we attempt to end-run the authorizing committee. And finally, an arbitrary, untested and drastic increase in grazing fees would unravel the already marginal economic condition of many western rural communities.

The public lands ranchers need a predictable and stable fee structure, based on market conditions, for which the banks will lend them money to make improvements on the range. If it weren't for these ranchers, the land would remain barren and vacant without anyone to watch over it on a daily basis. And if we force ranchers off the public lands, in the West, the resulting loss of revenues to the Federal and State Governments will be significant.

I do not believe it is in this Nation's best interest to force these stewards out of business. In the West, we depend on them, and this fee increase which Congress considers annually deprives local communities of all stability and predictability.

Next, I would also like to alert Chairman YATES and Mr. REGULA to a disturbing trend in the allocation of funds for the Southwest region of the Forest Service.

It has come to my attention that funding for the Southwest region, when compared to funds allocated to other Forest Service regions, is grossly inequitable. I want to clearly state that I do not have a problem with the funding level for the Northwest region, I simply want to point out that the Southwest region deserves equitable treatment.

It is interesting to note that the Southwest region contains 21 million acres while the Northwest region contains 24 million acres, yet the Northwest region has almost twice the funds to manage nontimber-related resources than does the Southwest region—$95.2 versus $56.3 million in fiscal year 1993—and indications are that this will occur again in fiscal year 1994.

I would like to make the point that the methods used to evaluate the funding needs of one region should apply to all of the regions. In fact, this same inequality and disproportionate funding occurs in the Southwest region's range management, recreation watershed and road management accounts when compared to the other Forest Service regions. I would like to submit for the RECORD a detailed comparison of each of the nontimber-related categories.

This is not a newly transformed bias; the Southwest region has historically been treated like a stepchild.

I want to assure you that I am not arguing to cut any other region's Federal funding. All I want is a formula that offers the Southwest region a fair share.

Again, I would appreciate Chairman YATES' and Mr. REGULA's attention to this matter and hope that we can find some accommodation by the time this bill returns from conference with the Senate.

DETAILED COMPARISON

For an overview, the bottom line compares the two regions in non-timber related National Forest System funding. These funds would include maintenance and administration funds of all activities except those associated with timber planning, harvesting and sale administration. Funds also not included are those called "timber support" such as wildlife funds used to help prepare the timber sale program. For a size comparison Region 6 is about 24 million acres about half of which are non-timber, Region 3 has a little over 20 million acres about 18 million of these considered non-timber component acreage. This basically illustrates that R6 has more than twice the funds to manage all its non-timber resources than available to R3. Perhaps this is justified, so let's compare just some of the accounts that make up this overview comparison.

The top line compares the recreation use load for each region. This is a very coarse measure and cannot be used as a definitive measure of program work. It is, however, an indication. Clearly R6 is a heavier used region, it is about 1.6 times that of R3. The funding is 2 times greater in R6 than it is in R3. There are no obvious factors that explain this large of a funding difference. Preliminary draft allocation figures for FY94 shows R6 increasing by nearly $3MM, and R3 increasing by less than ⅓ that of R6.

Wildlife and Fish funding is consistently low for R3, however the draft 94 does show some relative gain. It does not, however, give the total picture. For R6 collects and spends many millions in timber receipts to use for wildlife. R3 uses these receipts as well. In total in FY 93 R6 had about $27MM to manage wildlife, R3 had around $9MM.

The watershed funding in R6 is 2.3 times that of R3. Neither the watershed conditions nor the acreage differences explain this magnitude of funding disparity. Draft FY94 allocations does show a significant increase for R3, but it still remains the least funded region in the lower 48, and still only half that of R6.

The Range funding shows an R6 funding capability nearly equal to R3. Yet the range program in R3 is 3.5 times larger than R6. In addition R3's range management program is considerably more intense because of yearlong grazing and a more fragile ecosystem. R6's program is more seasonal in nature and requires less permit administration. Draft allocation figures for FY94 show R6 with a higher appropriated range allocation than that for R3. Draft FY94 figures show a national range allocation increase of $4.5MM, R3 allocation is a $1.5MM decrease. The R4 (intermountain region) shows a draft FY94 range allocation of over $10MM. R4's range program is comparable in size to R3. R4 not shown in attachments.

Road maintenance on a per-mile basis is less than half that available to R6.

Again, these are just some examples of the disparity between the regions. There are many reasons for some differences. But either in part, or in total, the funding difference between the two regions is not explained by either the resource conditions or the demands by the public.

| | R–6 | R–3 | FS |
|---|---|---|---|
| FISCAL YEAR 1993 FINAL | | | |
| Recreation Visitor Days (thousands for 1989) | 36,249 | 26,463 | 252,495 |
| PACT Days | 17,000 | 15,100 | 140,000 |
| Recreation Mgmt Funding (thousands) | $35,785 | $18,595 | $227,670 |
| Wildlife and Fish Mgmt Funding (thousands) | $11,457 | $7,950 | $85,381 |
| Grazing (Animal Use) (thousand AUM's) | 575 | 1,951 | 8,073 |
| Range Mgmt (in thousands) | $5,347 | $7,516 | $43,135 |
| Range Betterment (thousands) | $20 | $1,407 | $5,264 |
| KV Range (thousands) | $1,579 | $76 | $3,776 |
| Total Range Funding | $7,346 | $8,999 | $52,174 |
| Road Maintenance: | | | |
| Miles maintained | 89,700 | 53,400 | 368,000 |
| Funding (thousands) | $21,859 | $6,051 | $82,198 |
| NF Acres (1,000 acres)[1] | 24,662 | 20,467 | 186,763 |
| Non-Timber acres | 12,100 | 18,000 | NA |
| NFS Total Funds | [1]$236,938 | [1]$98,107 | [1, 2]$1,185,357 |
| Total NFS/Acres | 9.61 | 4.79 | 6.35 |
| Less: Timber Mgmt + Refor. & TSI + RTF & GA (thousands) | $128,861 | $36,513 | $591,949 |
| Funding per acre | $4.38 | $3.01 | $3.18 |
| Less Tim Support | $12,918 | $5,307 | $49,714 |
| Funding for non-timber activities | $95,159 | $56,287 | $543,694 |
| Funding per non-tiber acre | $7.86 | $3.12 | NA |
| FISCAL YEAR 1994 DRAFT | | | |
| Recreation Visitor Days (thousands for 1989) | 36,249 | 26,463 | 252,495 |
| PACT Days | 17,000 | 15,000 | 140,000 |
| Recreation Mgmt Funding (thousands) | $38,714 | $19,387 | $233,464 |
| Wildlife and Fish Mgmt Funding (thousands) | $11,786 | $9,147 | $91,387 |
| Grazing (Animal Use) (thousand AUM's) | 575 | 1,951 | 8,073 |
| Range Mgmt (thousands) | $6,328 | $6,002 | $44,397 |
| Road Maintenance: | | | |
| Miles maintained | 89,700 | 53,400 | 368,000 |
| Funding (thousands) | $21,865 | $6,574 | $81,360 |
| NF Acres (1,000 acres)[1] | 24,662 | 20,467 | 186,763 |
| NFS Total Funds | [1]$221,694 | [1]$92,360 | [1, 2]$1,170,585 |
| Total NFS/Acres | 8.99 | 4.51 | 6.27 |

[1] Excludes National Grasslands, Northwest equals 111,000,000 acres, Southwest equals 262,000,000 acres.

[2] Excludes $117,945 for Washington Office and Other.

Note.—This data came from the Forest Service annual report, fiscal year 1989 or the draft initial funding allocation to the field for fiscal year 1994.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I just want to tell the gentleman from New Mexico that I am glad he is back. I hope he is now enjoying very good health after the ordeal he went through.

Mr. SKEEN. Mr. Chairman, I thank the chairman of the subcommittee for his concerns, and I want to thank everybody for all their concerns. It was most heartening to have that kind of support, and I am glad to get rid of the pain in this leg and be able to stand here and look at the Members without having to grimace.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. First, Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], for an exceptional job, as he always does, and especially for his handling of the many important issues for us in the Pacific Northwest.

Mr. Chairman, I want to commend the chairman of the subcommittee and the distinguished Member from Washington, Mr. DICKS, for their fine efforts to begin the work of restoring the salmon populations in the Pacific Northwest. This bill includes significant funding for the restoration of critical salmon habitat—$30 million—that will help restore the salmon presence that is so critical to the Pacific Northwest's economy and regional identity.

Although a variety of human development activities have historically degraded watershed ecosystems and salmon habitat, forest management practices—in particular road building—have significantly contributed to the dangerous demise of Pacific Northwest watersheds.

An early indicator of the demise of our rivers and streams is the over 100 populations of fish—including salmon, steelhead, trout, and char—that have been driven to extinction.

This devastation may be only the tip of the iceberg. Over 200 additional fish populations are currently at risk of extinction in the region, as well as over 100 species of riparian associated animals.

In late March, Mr. DICKS, myself, and other Members from the Northwest sent a letter to the President asking for his support for fish restoration, and I'm happy to report that this effort has received the strong support we requested.

I applaud the subcommittee for its outstanding work to restore riparian habitats in the Pacific Northwest and urge this House to support their efforts and vote for this bill.

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 31, 1993.*

DEAR MR. PRESIDENT: As members of Congress from the Pacific Northwest, we are writing to express our appreciation that you are coming to our region Friday for the Forest Conference. You and the Vice-President are to be commended for your commitment "to a balanced and comprehensive long-term policy that recognizes the importance of the forests and timber to the economy and jobs in the region as well as the importance of America's precious old-growth forest . . ."

Your Administration has shown a great willingness to listen first-hand to our constituents, and give our friends and neighbors the opportunity to share their views about forestry, and for that we are most appreciative.

Northwest residents will share their views with you Friday about many important issues, and we would like to offer for your consideration an idea that may not have yet come to your attention: the funding of critically needed fish restoration and enhancement projects could be partially addressed through revenues that have long been used for building roads.

By using funds no longer required for road construction, to help bring back fish runs in our streams and rivers you would be sending a very powerful message that the forestry of tomorrow will be very different than that of the past.

New forestry management policies based on the needs of our entire ecosystem require a new relationship between the forests and the fish habitats and developing this new relationship could receive a healthy boost through the proposal we make today.

We hope that you will incorporate our suggestion into your upcoming budget proposals and that you make this idea a part of the comprehensive solution to the management of Northwest natural resources.

Sincerely,
RON WYDEN.
JOLENE UNSOELD.
NORM DICKS.
ELIZABETH FURSE.
MIKE KOPETSKI.
AL SWIFT.
MARIA CANTWELL.
PETE DEFAZIO.

Mr. Chairman, again I want to commend the gentleman from Washington [Mr. DICKS] for all the work he has done, and I yield to him.

Mr. DICKS. Mr. Chairman, I thank the gentleman from Oregon [Mr. WYDEN] for his kind words, and I want him to know that the Washington and Oregon delegations and the Members from northern California are working together on this issue.

I would also like to give the gentlewoman from Washington [Mrs. UNSOELD] an opportunity to express her concerns. She has been a leader in our State, working with me on this important matter.

Mrs. UNSOELD. Mr. Chairman, if the gentleman will yield, I want to commend my colleagues from Washington State and Oregon and my chairman, because they have all gotten the President's plan started before he had it ready to present to the public. The work they have done on this restoration, I say to the gentleman from Washington [Mr. DICKS], is just phenomenal.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I think one thing that is so great is that we have had Cabinet Secretaries come out and look at this. We have had examples in Oregon where we had the Pacific Rivers Council and other groups involved. I think this is the way to go in the future.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I would like to thank the gentleman from Illinois [Mr. YATES] for yielding this time to me, and I rise in support of the fiscal year 1994 appropriation bill for the Departments of the Interior and Energy.

Mr. Chairman, as a new member of the House Appropriations Subcommittee on Interior and Related Agencies, I am pleased to express my support for H.R. 2520, the fiscal year 1994 appropriations bill for the Departments of Interior and Energy. I also want to commend the leadership of Chairman SIDNEY YATES and the ranking member, RALPH REGULA, for crafting a bill which falls within the section 602(b) discretionary allocation for both budget authority and outlays.

The bill reflects the many hours of committee hearings this year which highlighted the great needs of our National Park System; wildlife refuges; national forests; issues related to the health, education, and welfare of native Americans; and funding for important energy initiatives, including research and development of alternative fuels.

I want to thank my colleagues on the committee for supporting my efforts to enhance Department of Interior and Energy activities along the United States-Mexico border region. For example, the bill contains provisions to upgrade National Park Service facilities and services in Texas, particularly at Chamizal National Memorial, Guadalupe Mountains National Park, and Big Bend National Park. The legislation also calls for a study of the Camino Real in west Texas and New Mexico for inclusion of the National Trails System and review of the El Paso historic missions for inclusion in the National Park System. The bill also supports activities of the National Park Service's Office of Mexican Affairs which relates to cooperative efforts and initiatives with our southern neighbor. Finally, I want to thank the committee for adopting report language supporting a resource inventory along the Southwest border region.

In closing, I want to thank the subcommittee staff for their excellent work in support of the subcommittee's work. I commend this bill to my colleagues and urge its passage.

Mr. YATES. Mr. Chairman, I have no further requests for time.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

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Mr. CLINGER. Mr. Chairman, I rise today because I am deeply concerned about the timber sales program in our national forests. President Clinton included a $46 million decrease in the budget targeted toward reducing below-cost timber sales. However, I understand that during the appropriations process this funding has been further reduced for the timber sales program. I am not sure that any funding reduction for the timber sales program will achieve the goal of eliminating below-cost timber sales. In fact, I believe that this may very well be a case of cutting off our nose to spite our face.

I am one of many Members that have a national forest in my district, the Allegheny Forest in Pennsylvania. This forest is an above-cost forest, one that returns funds to the U.S. Treasury every year. In fact, last year we returned close to $3 million to the Treasury. Yet this decrease in funds will probably mean that my forest, like many others, will suffer even though it is fiscally and environmentally well managed. For every $1 spent in the Allegheny National Forest, $6.50 is returned. In addition, such a decrease in funds, ironically, will make it very difficult for the Allegheny Forest managers to properly administer and manage timber sales contracts.

But beyond this, we must look at what this type of a decrease will do to our Nation's economy and jobs. I understand that the level recommended for the timber program is now 4.1 billion board feet—the lowest level in over 4 years. What does this mean? It means less jobs. It means fewer housing starts. It means higher housing prices. And it means that we are further slowing down economic recovery. I don't think that this is the direction that any of us want to go.

We do need to address these very complex timber sales policy issues carefully through other channels. These are not simple issues that have simple answers. I understand that the administration plans to do so administratively. In doing so, though, I hope that we will first be looking toward trimming the fat in the program to ensure that the Forest Service becomes more cost efficient. This includes some resolution of the appeals process which has thwarted the timber sales program. In the last 2 years over 3,000 administrative appeals were filed, many of which are not serious but are simply used to hamstring the process. These appeals are costing taxpayers millions.

I urge the Forest Service to resolve this issue and other contentious issues as quickly as possible to ensure that we get the timber sales program back on track. I also urge sufficient funding of the timber sales program. If we continue along the path we are on, we will end up wiping out one more domestic industry. And we just cannot afford to do this.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Interior appropriations bill because of the drastic reductions in the Forest Service timber sale program. Despite the fact that 75 to 85 percent of our national forests in California are already totally off limits to timber harvesting, the extreme environmentalists have used endless litigation and abuse of the appeals process to bring the timber sale program to a standstill on even the remaining 15 to 25 percent of land available. As a result, thousands have lost their jobs, families are being torn apart, and whole communities are being destroyed by this economic adversity.

At a time when economic growth and jobs are the No. 1 issue in the minds of the American people, this legislation will increase the already intolerable unemployment in timber-dependent communities. The administration's budget request for the Federal timber sale program was the lowest in 40 years. By dramatically reducing the timber sale program even further below the administration's request, this bill is certain to aggravate the timber crisis in California, Oregon, and Washington.

Moreover, the economic impacts of this legislation will go well beyond California and the Pacific Northwest. The unwarranted reduction in harvests from Federal lands will continue to cause further increases in the price of lumber as demand picks up with any economic recovery. This will affect virtually all Americans. Voting for this legislation is a vote to price thousands of Americans out of the affordable home market.

Mr. Chairman, I urge my colleagues to oppose this legislation.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise for two reasons. One is to thank the leadership of this committee for their cooperation and efforts to work with all of us on this important bill, and second, is to comment on the importance of this Interior appropriations bill to the West, particularly to those of us who live in public land States, and Wyoming is 50 percent owned by the Federal Government. So the decisions made with regard to the management of the resources in the West has a very direct impact on our economic future.

Mr. Chairman, I want to tell you that some of the things that we ask for, some of the things that we work with, are not for us. They are public facilities, such as Yellowstone, such as Teton, those kinds of facilities. So let me make just a couple of points.

One is it seems to me we have to be very careful to maintain those facilities that are very important to this country. I think we have tended to authorize more new projects than we ought to and taken away the opportunity and the resources to protect those that we have, such as Yosemite, such as Yellowstone, and such as Teton, and it becomes a very difficult thing to do.

Second, I think we need to look at, and the committee has given us some encouragement to look at, the matter of royalty collections and MMS. These are important features, both to the Federal Government and to the States. It has become apparent that the States can collect their resources, mineral royalties, much less expensively than MMS, and we are in the process of taking a look at that.

Third, we need to continue to work at the notion of multiple use and utilizing the resources we have on public lands, both from their economic value and the environmental value. These are really issues which are pivotal to the economy and the well-being of Wyoming.

Mr. Chairman, I want to thank the leadership for this bill and their cooperation in developing it.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a couple of points I want to make. First of all, when you put the calculations in the terms similar to what we have used in the past, in real terms this is only 4.5 percent above last year's funding. When you allocate that against the enormous demands on our public lands, it is a very modest increase.

As the Chairman has pointed out very clearly, we are under the President's request and we are under the 602(b) allocation. The members of the subcommittee worked very diligently to respond to the 300 Members' request, plus all the outside interest groups, and at the same time has been fiscally responsible.

The second point I would like to make, that I did not earlier in the statement make, is the fact that we get millions of foreign visitors that come to our national parks. I think this is a real tribute to the leadership in the Department of the Interior, the quality of programs they offer. It is a tribute to the personnel in the Department, all up and down the line, because they provide for our foreign visitors a very meaningful experience, and this in turn brings many more to our shores. It certainly helps us in our balance of payments problems because these visitors not only go to the Grand Canyons and the Yellowstones and the Yosemites, but they also visit other parts of America. I think this is a point that we should keep in mind, and it is a real tribute to the management of our parks and to what we do in this bill.

Ms. FURSE. Mr. Chairman, I rise in strong support of the Porter-Synar-Schenk amendment intended to protect roadless areas in our national forests. In my State of Oregon, the hard-to-reach, unlogged, forest areas have been the key to the survival of the watersheds which support our salmon populations.

To me, this amendment is not just about a way to get access to more timber. It is an issue that triggers a chain reaction. The building of new roads in these currently untouched areas would result in increased disturbance, which results in habitat degradation through erosion and siltation of our streams, causing declining watershed conditions, and threatens the survival of fish populations dependent on healthy river and stream conditions. The salmon populations of the Northwest support many of my constituents whose livelihoods depend on commercial and recreational salmon fisheries. Too many of our watershed areas on Federal lands have been ruined as a result of activities associated with logging and cattle grazing allowed by our agencies.

A priority of the President's forest plan is to protect watersheds that support fisheries. This amendment would contribute to that priority by protecting currently undisturbed watershed areas located outside of the reserve areas protected in the President's forest plan.

I believe it is extremely important to retain the integrity of areas as yet undisturbed. These areas have remained untouched for a reason. These are the precarious and difficult-to-log lands that have, until now, been rejected by timber interests. They consist of steeply graded terrain and fragile soils. Such difficult areas are more than likely to be the most costly areas to build roads and conduct logging. Additionally, nearly all new timber site areas result in below-cost timber sales, largely due to the work involved to obtain access to these areas. Below-cost means that it costs the Government, at the expense of taxpayers, more to administer logging activities than it makes by the timber sales.

This type of practice just doesn't make sense. Our taxpayers pay for roads to allow private entities to turn a sizable profit from Federal timber, and to allow new inroads in the decline of natural systems dependent on these forests. We need to reexamine business as usual, and encourage activities that protect and manage for future generations the lands we hold in public trust. I urge my colleagues to support the Porter-Synar-Schenk amendment.

Mr. RAHALL. Mr. Chairman, I want to commend the Appropriations Committee for including in this bill a provision which would place a 1-year moratorium on the Interior Department from finalizing an ill-conceived proposed rule involving the issue of valid existing rights.

In July, 1991, the Interior Department proposed a regulation pertaining to the question of whether or not we will sanction surface coal mining operations in units of the National Park System, the Forest System, and within buffer zones around homes, cemeteries, and roads.

This proposal, which represented a throwback to the Jim Watt philosophy of land management, has yet to be withdrawn by the new administration.

It would be my preference that this issue be settled immediately. However, as it stands, the ability to deal with this matter in a regulatory forum may have been jeopardized by intervening circumstances.

Because of this situation, it is essential that we continue through fiscal year 1994 a 1-year moratorium on finalizing this proposed rule that was enacted as part of last year's National Energy Act.

The extension of this moritorium hopefully would enable either the Interior Department or the Congress to have the opportunity to settle this matter once and for all.

I would also note that this bill contains the budget request for State Reclamation Program grants under the abandoned mine reclamation fund.

While this amount, $135 million, is less than the $200 million I believe the States can readily spend in fiscal year 1994, I can appreciate the extremely tight budgetary constraints to which this bill has been subjected.

We should not underestimate the fact that reclamation construction projects not only improve the coalfield environment, but help alleviate the unemployment situation in some severely depressed areas of the country.

Finally, I would continue to caution the Appropriations Committee to closely monitor the Office of Surface Mining's alleged simplified grant funding pilot project.

This initiative represents a last ditch effort by Bush administration political appointees who, under their new federalism banner, sought to further weaken the agency's ability to conduct oversight of both State regulatory and abandoned mine reclamation programs.

To this end, I would urge the Interior Department to immediately rescind an 11th-hour Bush administration directive to OSM field offices stipulating that they are not to question the priority ranking given by a State prior to approving funding for an AML project.

Mr. VENTO. Mr. Chairman, the Chair has properly sustained a point of order against inclusion in this appropriations bill of provisions to change the method for setting the grazing fee for public rangelands managed by the Bureau of Land Management and the Forest Service. That provision clearly constituted legislation on an appropriations measure. But that is not the end of the issue.

The subject of grazing fees is a matter within the jurisdiction of the Committee on Natural Resources, and in fact our committee has ordered reported a bill to which a grazing fee amendment will be offered. That is H.R. 2530, a bill to reauthorize appropriations for the Bureau of Land Management, for which the Natural Resources Committee intends to seek an open rule that would allow the House to work its will on grazing fees.

I fully support reform of rangeland management, including revision of the current grazing fee structure, and have introduced a bill—H.R. 1602—dealing with that subject. The administration also has indicated its intention to work to improve the management of the nationally owned rangelands.

So, we should understand what has just happened. While the grazing fee provisions have been deleted from this appropriation bill, Members should note that the House soon will have an opportunity to revisit this and related issues on their merits, in the proper legislative context. I urge all supporters of rangeland reform to join in making good use of that opportunity.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2520, a bill making appropriations for the Department of the Interior and related agencies for fiscal year 1994.

The chairman of the Interior Subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, are to be commended for the very fine job they did in this particularly difficult year.

This bill, like all of the appropriations bills brought before the House this year, is an extremely prudent bill. This bill is below the spending ceilings for budget authority and outlays provided to the subcommittee from the passage of the budget resolution.

It is over one quarter of $1 billion below the President's budget request. Specifically, the committee cut $253.2 million from the President's budget request.

The bill also provides 20 percent less funding than last year for land acquisition from the land and water conservation fund. The committee provided just $222.6 million for LWCF activities, including the State assistance, $56 million less than last year.

Despite the very severe spending restraints imposed on the committee and reflected in the bill, the measure before us today does a great deal to protect and allow for the better management of our natural resources, improve the health and educational opportunities of the native American population, and advance research and development in energy efficiency and fossil fuel technologies.

In particular, Mr. Chairman, I would like to thank the chairman and the ranking minority member for their ongoing attention to the many demands which my own State of California places on this very important bill. The members of the subcommittee have always paid very careful attention to, and have largely met, these competing needs. Despite the severe budget restraints imposed on the committee, this year was no different.

I am particularly grateful for the assistance of the committee in meeting the many land acquisition needs of my part of the State. The bill provides $4 million to continue U.S. Fish and Wildlife willing seller acquisitions for the Sacramento River National Wildlife Refuge, $800,000 for the BLM to purchase acreage around Fish Creek, a very important part of the Cache Creek watershed, and $1.5 million for acquisitions in the Consumnes River watershed and $1 million to initiate Federal acquisition of land as part of the Stone Lakes National Wildlife Refuge.

I also appreciate the committee's continued support for the Santini-Burton single-family lot acquisition program in the Lake Tahoe Basin to help reduce erosion and water quality degradation in Lake Tahoe.

Mr. Chairman, despite my strong support for the bill, I would like to point out to the Members that this is the third year in a row that my colleagues and I in the northern part of the State have requested funding to initiate work on a visitor center as part of the Lassen Volcanic National Park. The Lassen Volcanic National Park is the only national park in the lower 48 States that does not have a visitor center.

Lassen Volcanic National Park and Forest, which will jointly run the interpretive center within their existing budgets, together receive over 2 million visitor days per year. And, the Lassen ranks 3d out of 18 parks in region 5 in terms of fees collected.

Local matching contributions have been raised. The Lassen Volcanic National Park Foundation which is coordinating the private sector efforts has committed to raise $1.1 million of the $3.6 million price tag.

So, this is a very worthwhile project and I am very disappointed the committee was unable to provide funding for this important effort. But I encourage the committee to continue to look for ways to start work on this important and modest proposal.

Mr. Chairman, at this time, I also want to express my opposition to the provision in the bill which would increase grazing fees for use of public lands. As you know, Mr. Chairman, the House approved a similar provision as part of the fiscal year 1993 Interior appropriations bill. It is my belief, however, that the grazing fee formula used in the bill is based on erroneous data, is arbitrary, and does not include all of the costs associated with use of public grazing lands. Therefore, the grazing fee increase contained in the bill will not lead to market-based assessments for use of public rangelands.

This said, I also believe that the current grazing fee formula, developed in the Public Rangelands Improvement Act of 1978 [PRIA], needs to be reformed and a grazing fee increase may be warranted. The new formula should reflect prevailing economic conditions, similar to private sector leases. The new formula should include production costs like fencing, water improvement, roads, and predator control. These costs are included in private leases, but are not included in the formula being considered today. And, the new formula should include the forage value.

Perhaps more importantly, we have a new administration that has committed itself to addressing this issue. Secretary Babbitt is now developing an incentive-based fee system to resolve some of the deficiencies of the PRIA formula. Secretary Babbitt has already held grazing meetings in four Western States and will unveil a comprehensive Federal grazing reform plan by August 1. I would strongly encourage my colleagues to let this process unfold before initiating a more arbitrary increase in the current grazing fee.

Clearly, Congress has the responsibility to protect public lands and to require users of these lands to pay their fair share for its use. Yet, we also have the responsibility to ensure that the policies we enact to achieve this end are based on sound data. Mr. Chairman, let's give Secretary Babbitt an opportunity to lead in this area. Let's give him the opportunity to develop a real and sound grazing fee policy that will protect public lands and protect a fragile livestock industry which uses these lands. Let's strike the grazing fee provision from this bill.

Mr. Chairman, again, H.R. 2520 is a good bill, and again I urge its adoption.

Mr. GOODLING. Mr. Chairman, I would like to thank the chairman of the subcommittee Mr. YATES, ranking member Mr. REGULA, chairman of the full Interior Appropriations Committee Mr. NATCHER, and ranking member Mr. MCDADE and the members of the Interior Appropriations Subcommittee for their recognition of the significant contributions and needs of south-central Pennsylvania in regards to historic preservation. Specifically, I appreciate the support for Gettysburg and the Gettysburg National Military Park where one of the most significant battles of the Civil War was fought.

The appropriation in this bill allows us to continue to implement the Gettysburg National Military Park boundary legislation which was passed in 1990 and sets a final and permanent boundary for the park. While the committee recognizes we still have a long way to go, this appropriation is a significant step in the process of implementing the final boundary. The boundary law protects the significant historical areas and provides the communities the ability to plan effectively. I am especially pleased the committee has approved $100,000 in technical and planning assistance which will allow local governments to manage lands adjacent to park areas consistent with the values of the park.

Again, I appreciate the committee's consideration in assisting the residents of south-central Pennsylvania in preserving and promoting our American heritage.

Mr. REED. Mr. Chairman, I rise to bring my colleagues' attention to the Department of Energy research funding for the metal casting industry included in H.R. 2520.

H.R. 2520 contains $1.5 million dedicated solely to increasing international competitiveness in the metal casting industry, and private industry will contribute an equal amount of matching funds to this initiative.

While I am pleased that the chairman included these much needed research funds in the fiscal year 1994 Interior appropriations bill, it is unfortunate that this $1.5 million will not be sufficient to support metal casting extension centers to disseminate the results of this research and development program. Without these extension centers, many small- and medium-sized metal casting companies in Rhode Island may find it more difficult to access this information. In light of this, I would urge the Department of Energy to use its existing communication methods to convey this information to smaller metal casting companies.

In addition, I urge the Department of Energy and its private industry partners in this program to concentrate on the competitiveness of small metal casting corporations when choosing research proposals.

I commend the subcommittee and Chairman YATES for recognizing the need to preserve and enhance our Nation's metal casting industry, and I urge the Subcommittee to strongly consider funding the extension center proposal in the future.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2520, appropriations for the Department of the Interior and related agencies.

Funds appropriated through the Fish and Wildlife Service and the National Park Service have been crucial in New Jersey's effort to protect and preserve important habitat and naturally, historically and environmentally significant resources in one of the fastest growing States in the Nation.

I am pleased that the committee recommended $300,000 for acquisition of properties into the E.B. Forsythe National Wildlife Refuge. This amount is necessary to follow through with the National Park Service's current negotiations to purchase historical property in Port Republic and incorporate it into the adjacent refuge.

This property holds great significance for the State and the Nation as the historic site known as Chestnut Neck. It was here that Fort Hill, a Revolutionary War encampment, was located which served to protect shipping and privateering during the American Revolutionary War. The site is also the location of a battleground at which a large contingent of Continental soldiers was massacred by a British raiding party in 1788 while the community of Chestnut Neck was burned to the ground.

I am also pleased that funds have been included to expand the Cape May National Wildlife Refuge. The refuge provides critical habitat for a myriad of local and migrating birds and many threatened, rare and endangered plant and animal species. These species have the Cape May Refuge as their best change of survival. Moreover, these Wetlands are vitally important to Cape May County for aquifer recharge, flood storage, and shore stabilization.

Although the appropriation to expand the refuge falls short of current requirements, the recommended $2 million will nevertheless enable the service to follow through with some options and negotiations now in progress.

Last year Congress designated some 129 miles of the Great Egg Harbor River as components of the National Wild and Scenic Rivers System. This was a landmark occasion for New Jersey—the State's first wild and scenic river. This watershed constitutes a major source of drinking water and hosts many recreational, cultural and historical points of interest.

The committee recommendation for $81,000 in the general management planning account will enable the National Park Service to assist in the development of local river management plans, in preparing the comprehensive river protection plan, and in entering into agreements with local, State, and other Federal groups. These funds are necessary to prevent further delay in carrying out the goals of this designation and provide long-term protection to this unique natural resource.

I am also pleased that the committee included $550,000 for the New Jersey Coastal Heritage Trail. The recommended level of $330,000 in Park support and $255,000 in construction will enable the trail to meet the required needs for its operation as well as to continue development of signs and an interpretive program. The continued success of the New Jersey Coastal Heritage Trail will build greater public support for the identification and preservation of important cultural, historical, and ecological treasures in south Jersey and throughout the country.

I understand that concern has been expressed by the authorizing committee that the trail has exceeded its authorization level. I want to assure the committee that I will work with my colleagues to review the project and to pass reauthorization language this session that realistically reflects the current and anticipated future needs of the trail.

In the meantime, I urge my colleagues to support fiscal year 1994 funding for the trail. Indeed, the trail has been successfully funded since its implementation and consequently has made significant progress. Eliminating this support at this time without providing the opportunity for sufficient review and reauthorization would cause undue hardship for the trail and hinder the advances made to date.

These projects represent rare opportunities to preserve the important environmental, cultural, and historical values of New Jersey and the Nation. In the face of increasing developmental pressures in one of the fastest growing State in the Nation, it is important to protect these resources while the opportunity still exists.

Despite these austere times and the necessary budget cuts, this bill reflects Interior's strong commitment to the preservation and protection of our natural and historical resources. This is a rational bill and I urge my colleagues' support for its passage.

Mr. RICHARDSON. Mr. Chairman, I rise in support of H.R. 2520, the Department of the Interior and Related Agencies Appropriations Act of 1994.

As chairman of the Subcommittee on Native American Affairs, I commend the chairman of the Subcommittee on Interior Appropriations for his good work in the area of Indian Affairs. I am especially pleased with the sections of the bill which address the Bureau of Indian Affairs and the Indian Health Service.

In the Bureau of Indian Affairs budget, I support the recommendation of an increase in the tribal priority allocations. These funds support the concept of tribal self-determination by providing tribes with the opportunity to be directly involved in establishing tribal priorities and related funding levels on an annual basis. Many tribes are expected to use these funds for badly underfunded law enforcement and courts programs.

In BIA education construction, I support the committee's recommendation for school construction. There are currently 16 schools of the BIA construction priority list that have needs that will hopefully be addressed by this bill.

I agree with the increase of funds for resources management for the Navajo Indian irrigation project, a project, which has been authorized for 31 years but not fully funded. Also included is an earmark for the Pueblo of Jemez irrigation project. I fully support these recommendations which are critical to economic development for both these Indian tribes.

Also important to economic development are the loan programs within the BIA. I support the committee's recommendation that the Indian Direct Loan Program be increased by $5 million and that the Indian Guaranteed Loan Program be increased by $3 million. These programs will stimulate new businesses on reservations across the country.

In the area of Indian health services, I fully support the recommendation for Indian health services budget for fiscal year 1994. Indians have the highest rates of diabetes, tuberculosis, and fetal alcohol syndrome in the country. This modest increase is badly needed.

I am pleased to see that the committee supports self-determination and a greater tribal role in decisionmaking on key issues of Indian health. This bill recommends a $26 million increase in contract support funding over the 1993 enacted level and that staffing reductions are to be achieved through increased use of tribal contracting. This is the direction we should be heading in Indian affairs with more power and responsibilities shifting to the tribes.

Mr. Chairman, Indian tribes are in dire need of these resources, especially in the area of health care. I urge my colleagues to support this bill.

Mr. FARR. Mr. Chairman, I rise today in support of this bill and to commend the committee for including an important level of funding for U.S. Forest Service land acquisition in the Los Padres National Forest.

I applaud the committee for its commitment in providing $2 million for Forest Service land preservation in the Big Sur area of California's central coast, which includes the Sur Sur Ranch. Sur Sur Ranch is located on the ocean facing slopes of the Santa Lucia Mountains and its property extends from mountain ridges to the Pacific. This undisturbed property is characterized by wide expanses of grassy meadows, dense redwood forests, and rugged cliffs. From its crests, campers and hikers can enjoy sweeping vistas of rocky coastline and dramatic seas to the west, with interior pine, oak and chaparral-covered hills to the east. Acquisition of the property is necessary to protect Sur Sur's many natural scenic and wildlife resources and to secure access to this important stretch of Big Sur for future generations.

The Congress included in last year's appropriations measure funding necessary to begin acquisition of this pristine 1,714-acre property. After considerable delay, the first stage of the projected two-phase purchase is nearing completion. With funding provided under this bill, the Forest Service may continue under the congressional mandate to preserve this land in the public domain.

Also, Mr. Chairman, I wish to praise the leadership of the committee for including a moratorium on oil and gas leasing in the Outer Continental Shelf. It is imperative that the Congress continue to preserve these sensitive areas through this moratorium as the administration works to establish permanent protections.

Again, I commend the chairman and the committee for approving this important legislation and I urge my colleagues to support its passage.

Mr. GUTIERREZ. I am sad to say that we have heard a wide range of ridiculous reasons today why we should not fund the National Endowment for the Arts.

Critics have come up with wild ideas ranging from the idea that art somehow ruins the minds of our children to the even more fanciful idea that we must choose between money for flood relief and money for artists.

Unfortunately, I don't believe we have heard nearly enough about the obvious, common sense reasons to support fully funding, and working to increase funding, for the NEA.

Let me ask my colleagues who feel that our communities gain nothing aesthetically or culturally from—which I believe is an indefensible and illogical position—to support the NEA for a quite different reason.

Quite simply, supporting the arts because the arts are one of our Nation's leading tools of economic development.

Let me tell you something about the district I represent.

In neighborhoods from Wicker Park to Pilsen to Bucktown, the fabric of my community is being made stronger by Chicagoans who are involved in the arts.

All through my neighborhood, poets and musicians and actors are helping to revitalize areas that have long been neglected.

They are creating jobs by opening galleries and theaters. They are improving our housing by investing their dollars in buildings that have fallen into disrepair. They are making my neighborhood safer by working with young people.

So when opponents of the NEA say we cannot afford to fund the arts, I say that in the Fourth Congressional District of Chicago, we simply cannot afford to allow the arts to go unfunded.

Quite simply, while I strongly believe that the cultural contributions the arts make to our Nation is more than enough to support NEA funding.

But I know there are some in this body who disagree with me.

So I rise today to strongly encourage my colleagues who feel that the contributions of their symphony orchestras or community youth choirs, their neighborhood theaters and art museums and galleries are not enough for the NEA to deserve their support, to support this bill because it means jobs in their district.

Please, consider these factors and join me in giving your strongest support to full funding of the National Endowment for the Arts.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the National Endowment for the Arts [NEA] and in opposition to proposals that have been mentioned that would undermine—or worse yet, destroy—this invaluable institution. Quite frankly, the Endowment has become a target for right wing ideologues who look to the distant past, ignoring important reforms that have already been made, and refusing to look to the future.

Today, there is no good reason at all for this Congress to be attacking the Endowment. In fact, when it comes to being a cost-effective operation, few in Washington can compare with the tremendous ripple effect that accrues from our investment in the NEA. The grants are provided to promote the arts throughout this diverse Nation of ours are supplemented over and over again by private support.

Some in this body might say, then why not leave it to the private sector? Well, let me tell why, my friends. Support from the Endowment—which comes only after a thorough and vigorous peer review process—serves, in many ways, as an important seal of approval for struggling artistic endeavors. Seed money from the Endowment tells individuals who are supportive of the arts that here is a project that has real merit and reflects serious artistic talent. It says, this is one worth investing in.

And those investments reap incredible rewards for our society. I would hazard to guess that every Member of this House has seen the results of the Endowment's work in their own communities. I know that I have seen the artistic successes which the Endowment has supported: in New Rochelle's schools, at Mamaroneck's Emelin Theatre, and throughout the New York metropolitan area. And those endeavors enrich the lives of our communities, and they help artists in the formulative years of their careers who go on to create works, on canvas, with their voices, and on the stage, that touch Americans from coast to coast.

I call on my colleagues today to look back on the great contributions the National Endowment for the Arts has made to our society over the last three decades. Managing this bill is our esteemed colleague, Chairman SID YATES, who is indeed the father of the NEA. He was present at the creation of the Endowment, and he has nurtured it for these many years into an organization that has broad support around the Nation. He has done so by insisting that artistic merit be the driving force behind the NEA.

And I call on you to look forward, to the potential that the Endowment, if properly funded, can offer for the future quality of life in our Nation. Support the Endowment and oppose attacks on its effectiveness.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2520

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

## TITLE I—DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

### MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $595,040,000, of which the following amounts shall remain available until expended: $1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a(i)), and $69,418,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $15,300,000 for Mining Law Administration program operations to remain available through September 30, 1994, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final fiscal year 1994 appropriation estimated at not more than $595,040,000: *Provided further*, That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

### FIRE PROTECTION

For necessary expenses for fire management, emergency rehabilitation, fire presuppression and preparedness, and other related emergency actions by the Department of the Interior, $117,143,000, to remain available until expended.

### EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation, severity presuppression, and wildfire suppression activities of the Department of the Interior, $116,674,000, to remain available until expended: *Provided*, That such funds also are available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

### CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $7,167,000, to remain available until expended.

### PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $104,108,000, of which not to exceed $400,000 shall be available for administrative expenses.

### LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $14,877,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $83,052,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California landgrant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,025,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

## UNITED STATES FISH AND WILDLIFE SERVICE

### RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $492,229,000, of which $11,799,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $2,500,000 shall be provided to the National Fish and Wildlife Foundation for endangered species activities: *Provided*, That such amount shall be matched by at least an equal amount by the National Fish and Wildlife Foundation.

### CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $53,209,000, to remain available until expended of which $1,800,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh.

### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $7,260,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337) for damage assessment activities: *Provided further*, That sums provided by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98-244 to be carried out by the National Fish and Wildlife Foundation, $61,610,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, $9,571,000 for Grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $11,748,000.

### REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $1,169,000, to remain available until expended.

### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $11,257,000, and in fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

### WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $1,000,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 130 passenger motor vehicles, of which 112 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

## NATIONAL BIOLOGICAL SURVEY

### RESEARCH, INVENTORIES, AND SURVEYS

For expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; and for the general administration of the National Biological Survey, $163,604,000, of which $162,177,000 shall remain available until September 30, 1995, and of which $1,427,000 shall remain available until expended for construction: *Provided*, That the National Biological Survey is authorized to accept lands, buildings, equipment, and other contributions, either cash or in-kind, from public and private sources, and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the National Biological Survey is authorized to accept the services of individuals or entities without compensation.

## NATIONAL PARK SERVICE

### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,599,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $1,059,333,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $78,559,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation.

### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $35,606,000.

### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $40,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1995.

### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $184,699,000, to remain available until expended of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That not to exceed $4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That of the funds provided under this heading, $3,000,000 shall be available for the Lincoln Center in Springfield, Illinois: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt Memorial may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18: *Provided further*, That the $250,000 for Great Basin National Park, Nevada is for the Baker Water and Sewer General Improvement District to cover the additional cost for oversizing the system to serve National Park Service facilities at the administrative site.

### URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501-2514), $5,000,000, to remain available until expended.

### LAND AND WATER CONSERVATION FUND

### (RESCISSION)

The contract authority provided for fiscal year 1994 by 16 U.S.C. 4601-10a is rescinded.

### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $89,460,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $28,053,000 is for the State assistance program including $3,303,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $9,000 shall be available in 1994 for administrative expenses of the State grant program.

### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the John F. Kennedy Center for the Performing Arts, $20,629,000, of which $12,697,000 shall remain available until expended.

### ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 447 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 345 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds in this Act may be used to upgrade the Burr Trail National Rural Scenic Road in Utah except to meet health, safety and environmental concerns: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds in this Act may be used to pay overtime to any individual employee of the United States Park Police in excess of $20,000 per year: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

### United States Geological Survey

#### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $584,685,000, of which $63,488,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of an addition to the EROS Data Center in Sioux Falls, South Dakota may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

#### ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

### Minerals Management Service

#### LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $193,197,000, of which not less than $65,896,000 shall be available for royalty management activities; and an amount not to exceed $5,000,000 for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to current preset receipts and from additional fee collections relating to OCS administrative activities performed by the Minerals Management Service over and above what the Minerals Management Service currently collects to offset its costs for these activities: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1995: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That the sixth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 102–381 (106 Stat. 1385–1386) is amended by striking the words "this account" after the words "shall be credited to" and inserting in lieu thereof "the leasing and royalty management account of the Minerals Management Service".

#### OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, and title VII of the Oil Pollution Act of 1990, $5,681,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

### Bureau of Mines

#### MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $169,336,000, of which $105,063,000 shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

### Office of Surface Mining Reclamation and Enforcement

#### REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $110,552,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1994: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1994 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

#### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $190,107,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That of the funds herein provided up to $20,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which not more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed

$12,000,000: *Provided further*, That 16 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

### BUREAU OF INDIAN AFFAIRS

### OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,492,650,000, including $316,111,000 for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1994, and shall remain available for obligation until September 30, 1995, and $52,582,000 for housing and road maintenance programs, to remain available until expended, and of which, payments of funds obligated as grants to schools pursuant to Public Law 100–297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed $74,764,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1995; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1994 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which $1,983,000 for litigation support shall remain available until expended, $4,934,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,179,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93–531 (25 U.S.C. 640d–18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That $199,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That $297,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further*, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any such change must be part of a comprehensive tribal plan for reducing the long-term need for general assistance payments: *Provided further*, That any such tribal plan must incorporate, to the greatest extent feasible, currently existing social service, educational training, and employment assistance resources prior to changing general assistance eligibility or payment standards which would have the effect of increasing the cost of general assistance: *Provided further*, That any net increase in costs to the Federal government which result solely from tribally increased payment levels and which are not part of such a comprehensive tribal plan shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1994, may be transferred during fiscal year 1995 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1995: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1994: *Provided further*, That the Bureau shall form a Joint Task Force with representatives of Alaska Natives and Alaska schools to examine the needs of the schools and formulate recommendations to address those needs in fiscal year 1994.

### CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $172,799,000, to remain available until expended: *Provided*, That $1,500,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Salt River Pima-Maricopa Water Rights Settlement Act, Southern Arizona Water Rights Settlement Act and Fort McDowell Indian Community Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis.

### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 100–512, 101–486, 101–602, 101–618, 101–628, 102–441, 102–575, and for implementation of other enacted water rights settlements, and for necessary administrative expenses, $103,259,000, to remain available until expended: *Provided*, That of the funds provided herein, $1,260,000 shall be available pursuant to Public Laws 96–420, 98–500, 99–264, and 100–580; and $3,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), and (2) to restore to Individual Indian Monies trust funds amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default.

### NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93–

531, as amended (25 U.S.C. 640d–30), including necessary administrative expenses, $2,466,000, to remain available until expended.

### TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,970,000.

### INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,484,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $10,890,000.

### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,784,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $69,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000.

### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 260 passenger carrying motor vehicles, of which not to exceed 212 shall be for replacement only.

## TERRITORIAL AND INTERNATIONAL AFFAIRS

### ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $82,107,000, of which (1) $77,569,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, drug interdiction and abuse prevention, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,538,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99–396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation.

### TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $24,038,000, to remain available until expended, including $18,605,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1994 shall be credited as an offset against fiscal year 1994 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99–658), if such Compact is implemented before October 1, 1994: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

### COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, $22,102,000, to remain available until expended, as authorized by Public Law 99–239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99–658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101–219.

## DEPARTMENTAL OFFICES

### OFFICE OF THE SECRETARY

### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $64,111,000 of which not to exceed $7,500 may be for official reception and representation expenses.

### OFFICE OF THE SOLICITOR

### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $33,359,000.

### OFFICE OF INSPECTOR GENERAL

### SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, $24,283,000.

### CONSTRUCTION MANAGEMENT

### SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,494,000.

### NATIONAL INDIAN GAMING COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 111. None of the funds in this Act may be used to issue permits necessary for the construction of jetties at Oregon Inlet, North Carolina.

SEC. 112. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.

SEC. 114. None of the funds in this Act may be used to publish a National final rule defining the term "valid existing rights" for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or to publish a final rule disapproving any existing State definition of valid existing rights.

SEC. 115. None of the funds appropriated or otherwise made available in this title may be used to fund operation or support of Grazing Advisory Boards established by order of the Secretary of the Interior.

## TITLE II—RELATED AGENCIES

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

### FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $193,083,000, to remain available until September 30, 1995.

### INTERNATIONAL FORESTRY

For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $16,996,000, to remain available until September 30, 1995.

### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $155,903,000, to remain available until expended, as authorized by law: *Provided*, That of the funds previously appropriated under this head as a grant to the National Tree Trust Foundation, $3,000,000 shall be provided as a grant to the Texas Reforestation Foundation.

### EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $15,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available in fiscal year 1994 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", "Forest Service Law Enforcement", and "Land Acquisition", $1,237,272,000, to remain available for obligation until September 30, 1995, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1993, shall be merged with and made a part of the fiscal year 1994 National Forest System appropriation, and shall remain available for obligation until September 30, 1995: *Provided further*, That timber volume authorized or scheduled for sale during fiscal year 1993, but which remains unsold at the end of fiscal year 1993, shall be offered for sale during fiscal year 1994 in addition to the fiscal year 1994 timber sale volume to the extent possible: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

### FOREST SERVICE LAW ENFORCEMENT

For necessary expenses for Forest Service law enforcement, including criminal investigations, as authorized by law, $67,781,000, to remain available for obligation until September 30, 1995.

### FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, $190,108,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

### EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $190,222,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

### CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $237,423,000, to remain available until expended, of which $96,495,000 is for construction and acquisition of buildings and other facilities; and $140,228,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1994 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $60,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $56,700,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and $300,000 which shall be derived from funds appropriated under this head in Public Law 101–512 for acquisition of land and interests therein at and near the Old Chief Joseph Gravesite and which shall be available for all activities under this heading.

### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,212,000, to be derived from forest receipts.

### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $96,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 182 passenger motor vehicles of which 20 will be used primarily for law enforcement purposes and of which 164 shall be for replacement only, of which acquisition of 122 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 28 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advanced approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 102–116.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

None of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

None of the funds available in this Act shall be used for timber sale planning, scoping or preparation using clearcutting in the Ouachita and Ozark-St. Francis National Forests, Arkansas.

None of the funds available in this Act shall be used to alter the current understory, midstory or overstory composition or the current proportion of pines and hardwoods through the life of each timber stand in the Ouachita and Ozark-St. Francis National Forest, Arkansas.

None of the funds available to the Forest Service in this Act shall be used to plan or conduct timber sales or to plan or build roads in the Rocky Face, Hidden Creek or Johns Mountain areas of the Chattahoochee National Forest, Georgia.

Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary of Agriculture may negotiate sales of Pacific yew at not less than appraised value, to parties manufacturing taxol in the United States in accordance with the requirements of section 505 of the Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in humans. Moneys received from the sale of Pacific yew are hereby appropriated and made available until expended by the Forest Service to fund the costs associated with the harvest of Pacific yew.

The Forest Service may offer for sale salvageable timber in Region 5 and Region 6 in fiscal year 1994: *Provided*, That for forests known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further*, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.

Pursuant to section 405(b), and section 410(b) of Public Law 101–593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

None of the funds available to the Forest Service in this Act shall be used to begin preparation of timber sales in fiscal year 1994 using the scaling method.

It is the sense of Congress that the Secretary of Agriculture should issue rules at the earliest practicable date on the issue of below-cost timber sales.

## DEPARTMENT OF ENERGY

### CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101–512, as amended, is further amended by striking the phrase "$150,000,000 on October 1, 1993, and $100,000,000 on October 1, 1994" and inserting "$100,000,000 on October 1, 1993, $100,000,000 on October 1, 1994, and $50,000,000 on October 1, 1995" and by striking the phrase "$250,000,000 on October 1, 1993, and $250,000,000 on October 1, 1994" and inserting "$150,000,000 on October 1, 1993, $250,000,000 on October 1, 1994, and $100,000,000 on October 1, 1995".

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $438,163,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

### ALTERNATIVE FUELS PRODUCTION

### (INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1993, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

### NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $214,772,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply in fiscal year 1994.

### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $702,825,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1994 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That $261,325,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $213,600,000 for the weatherization assistance program, $18,810,000 for the State energy conservation program, and $28,915,000 for the institutional conservation program: *Provided further*, That $3,000,000 made available in the third proviso under this head in Public Law 102–154 (105 Stat. 1022–1023) shall be available without restriction for use in the weatherization assistance program: *Provided further*, That $19,366,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190), and implementation of steel and aluminum research authorized by Public Law 100–680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further*, That funding provided under this head for electric and hybrid vehicle battery research and development conducted on a cooperative basis with non-Federal entities shall be available only as matched on an equal basis by such entities: *Provided further*, That hereafter the Department of Energy, for a period of up to five years after the completion of individual projects may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from activities conducted by the United States Advanced Battery Consortium or its contractors, or participants in the hybrid vehicle propulsion development program and their contractors and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in the United States Advanced Battery Consortium or in the hybrid vehicle propulsion development program.

### ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $12,994,000, to remain available until expended.

### EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,901,000, to remain available until expended.

### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $206,810,000, to remain available until expended: *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels: *Provided further*, That the requirements of 42 U.S.C. 6240(g) shall not apply in fiscal year 1994.

### SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1994 resulting from the use of funds in this account shall not exceed $79,580,000: *Provided further*, That no outlays resulting from appropriations made in fiscal year 1993 for acquisition, transporting, and drawing down oil to be stored in the Strategic Petroleum Reserve for national defense purposes shall be counted against any outlay ceiling established for the SPR petroleum account.

### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,053,000, to remain available until expended.

### ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to the Indian Health Service, $1,652,394,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $337,848,000 for contract medical care shall remain available for obligation until September 30, 1995: *Provided further*, That of the funds provided, not less than $11,526,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $8,000,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1995: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $296,997,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

## DEPARTMENT OF EDUCATION

### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

### INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, $83,500,000, of which $60,304,000 shall be for subpart 1, $19,161,000 shall be for subparts 2 and 3, and $200,000 shall be for collection and analyses of data on Indian education: *Provided*, That $1,735,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1995.

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $26,936,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

#### PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, Part A), $12,563,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

### SMITHSONIAN INSTITUTION

#### SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $302,083,000, of which not to exceed $27,579,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

#### CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $5,400,000, to remain available until expended.

#### REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

#### CONSTRUCTION

For necessary expenses for construction, $10,400,000, to remain available until expended.

### NATIONAL GALLERY OF ART

#### SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,908,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

#### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $2,831,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

#### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,352,000.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### NATIONAL ENDOWMENT FOR THE ARTS

#### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $144,451,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

#### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,142,000, to remain available until September 30, 1995, to the National Endowment for the Arts, of which $13,187,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

### NATIONAL ENDOWMENT FOR THE HUMANITIES

#### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $151,300,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $5,000,000 for the Office of Preservation shall remain available until September 30, 1995.

#### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $26,191,000, to remain available until September 30, 1995, of which $14,228,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

### INSTITUTE OF MUSEUM SERVICES

#### GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $28,777,000.

#### ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That none of the funds in this Act may be used for the President's Committee on the Arts and the Humanities.

### COMMISSION OF FINE ARTS

#### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $805,000.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $7,500,000.

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

#### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $2,959,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

### NATIONAL CAPITAL PLANNING COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,868,000: *Provided*, That all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV.

### FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $49,000, to remain available until September 30, 1995.

### PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

#### SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,738,000 for operating and administrative expenses of the Corporation.

#### PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, $4,289,000, to remain available until expended.

#### LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $7,193,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92–576, as amended.

### UNITED STATES HOLOCAUST MEMORIAL COUNCIL

#### HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $21,679,000.

## TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 309. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands in the State of Texas which will be exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 310. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1994 receipts shall not be less than 70 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1994.

SEC. 311. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1994 receipts derived from the Oregon and California grant lands shall not be less than 70 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1994 or $38,111,000, whichever is lower.

SEC. 312. Section 314 of Public Law 101–512 (104 Stat. 1959–1960) is amended by striking the words "cooperative agreement" and inserting in lieu thereof: "any other agreement or compact".

SEC. 313. Section 1405, subsection (a) of title 36, United States Code, is amended by striking all of the first sentence through the words "confirmation of the Council and who" and inserting in lieu thereof: "There shall be an Executive Director of the Holocaust Memorial Museum who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council, who may be paid with nonappropriated funds, and who, if paid with appropriated funds,".

SEC. 314. Section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), is hereby amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of law, the Secretary of Agriculture, with respect to National Forest lands in the 16 contiguous western states (except National Grasslands) administered by the Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public domain lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish beginning with the grazing season which commences on March 1, 1994, an annual domestic livestock grazing fee equal to fair market value: *Provided*, That the fee charged for any given year shall not increase nor decrease by more than 33.3 percent from the previous year's grazing fee.

"(2)(A) For purposes of this subsection, the term 'fair market value' is defined as follows:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value Forage Value Index}}{100}$$

"(B) For the purposes of subparagraph (A)—

"(i) the term 'Forage Value Index' means the Forage Value Index (FVI) computed annually by the Economic Research Service, United States Department of Agriculture, and set with the 1993 FVI equal to 100; and

"(ii) the term 'Appraised Base Value' means the 1983 Appraisal Value conclusions for mature cattle and horses (expressed in dollars per head or pair month), as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled 'Grazing Fee Review and Evaluation', dated February 1986, on a westwide basis using the lowest appraised value of the pricing areas adjusted for advanced payment and indexed to 1993.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

"(d) The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards, shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under law.

"(e) Funds appropriated pursuant to section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904) or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forests lands in the 16 contiguous western States shall be used for restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of this Act and other interested parties.".

SEC. 315. Section 42 of title 20, United States Code, is amended by inserting "the Speaker of the United States House of Representatives," immediately after the phrase "the Chief Justice of the United States,".

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the entire bill be considered as read, printed in the RECORD, and open to amendment through page 89, line 21.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I have several points of order which I want to raise against this bill. If I do not object to this, will that not allot me to raise these points of order?

The CHAIRMAN. Points of order will be made. If the unanimous-consent request is granted, then the Chair would recognize Members to raise their points of order at the beginning. Before we could even begin the amendment process, we would have to go through and resolve all the points of order. The Chair would then recognize Members to raise their points of order.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all debate on this bill and any amendments thereto terminate no later than 4:20 p.m.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I have been discussing this with our leadership, as has I believe, the gentleman from Pennsylvania [Mr. WALKER], and I think that they feel we should at this time not allow this kind of a time limit.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

□ 1220

Mr. WALKER. Mr. Chairman, the problem we have with an overall time limit on the bill is that we ran into some real trouble out here on the floor with regard to some Members offering amendments just within the last week before we broke for recess. What we would prefer to have happen would be to have each amendment to get a time limit so that we deal with the time limits amendment by amendment rather than an overall time limit on the bill.

If the gentleman would agree to work that way, I think it would work out much better and would be acceptable to our leadership.

Mr. BURTON of Indiana. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Illinois [Mr. YATES.]

Mr. YATES. Mr. Chairman, I am willing to accept the gentleman's objection. At a later time, I again may ask unanimous consent, after we see how the bill progresses. I do not want to cut any Member off. I just want to take care of the requests I have had from numerous Members to try to get through the bill as promptly as possible. That was the reason for my request.

Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman withdraws his request.

Are there points of order to be raised?

### POINT OF ORDER

Mr. WILLIAMS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAMS. Mr. Chairman, I make a point of order against part of the language in title III, General Provisions.

The language I refer to begins on page 86, line 23, section 314, beginning with the words "Section 401 of the Federal Land Policy and Management Act" through the words "interested parties" on page 89, line 12–17.

The language is in violation of the House Rules, clause 2 of rule XXI. It is legislation on an appropriations bill.

Mr. Chairman, the rule did not protect this language. There is no authorization for this increase in grazing fees charged for grazing livestock on Federal lands managed by the Bureau of Land Management and Forest Service.

Further, Mr. Chairman, the language abolishes existing grazing advisory boards and returns their functions to local land use councils. There are no requirements in law that authorize the abolition of grazing boards. That language is legislative in nature and in violation of clause 2 of rule XXI.

The language would also provide that Federal grazing fee receipts may be used only for restoration and enhancement of fish and wildlife habitat, restoration and improvement of riparian areas and for implementation and enforcement of land management plans and regulations regarding livestock grazing.

Again, there is no provision in law specifically requiring the use of Federal grazing receipts for enforcement of land management plans and regulations regarding livestock grazing.

In summary, Mr. Chairman, there is no authorization for an increase in grazing fees. Further, House Rule XXI, clause 2 provides for a point of order to prevent legislation on appropriations measures so that members of this body can develop laws through due consideration of the authorizing committees, and that consideration is currently underway. The conditions specified in the language represents legislation in an appropriations bill.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. The Chair will hear all Members who wish to be heard on this point of order.

### PARLIAMENTARY INQUIRIES

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, I think the gentleman's point of order, if I may help the distinguished gentleman, should have been made through line 17 on page 89, rather than through line 12. I think the gentleman would prefer that as well. That was the reason that I rose.

The CHAIRMAN. The Chair believes the point of order has been made against section 314 of the bill. That is the way the Chair understands it; that would be the appropriate section.

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KOLBE. Mr. Chairman, would the Chair please restate what the point of order made by the gentleman from Montana was.

The CHAIRMAN. The Chair believes that, to paraphrase the gentleman from Montana, he is making a statement that section 314 of the bill is legislation on an appropriations bill and, as such, ought to be stricken from the bill.

Mr. KOLBE. I am still not clear. Is the gentleman making a point of order for specific lines to be stricken?

The CHAIRMAN. It is the judgment of the Chair that the gentleman is making a point of order on all of section 314 of the bill, the entire section 314.

Mr. KOLBE. That is correct, but I do not believe that is what the gentleman from Montana said.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I rise in support of this point of order and believe that the gentleman from Montana has correctly stated it. As a member of the subcommittee and a member of the full committee, I made this argument in the subcommittee.

It is my view that the grazing fee issue is one which should be resolved through legislation. We have had this issue before. We have a process that is underway with the Secretary of the Interior, with hearings that have been held in the West.

There will be proposals. It would be extraordinarily inappropriate for us in an appropriations bill, of all years, to be doing this this year.

I think that the Committee on Rules made the right decision in not protecting this particular provision.

Mr. Chairman, I do support the point of order against this provision.

The CHAIRMAN. Does any other Member desire to be heard on the gentleman's point of order?

Mr. LAROCCO. Mr. Chairman, I rise in support of the point of order of the gentleman from Montana.

Two weeks ago I testified in front of the Committee on Rules to leave this section unprotected. If that were not the case, then the gentleman from Arizona [Mr. KOLBE] and I had planned to offer an amendment to strike this section from the bill.

I believe that the correct place for this type of legislation is in the authorizing committee.

Furthermore, the administration plans to release a plan dealing with grazing fees and the management of our public lands with regard to grazing in the near term.

I, therefore, support the gentleman's point of order and ask that the point of order of the gentleman from Montana be upheld.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to support the point of order. This has, of course, been a point of controversy in several years. There is certainly evidence that we are moving forward on resolving this.

It ought to be resolved in the authorizing committee and, therefore, I support the gentleman's point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. PACKARD. Mr. Chairman, I also rise in support of the point of order. It is a very important issue to the western ranchers, and I hope that we will be able to resolve it.

The CHAIRMAN. Does any other Member desire to be heard on the gentleman's point of order?

Mr. REGULA. Mr. Chairman, I am not going to contest the point of order. I recognize that this is properly brought.

I just want to make the point that the authorizing committee should address these problems, not only this one, but there will be subsequent points of order. And they arise because the authorizing committees have not taken the action that should be taken.

I would urge them to consider these policy issues, they are very important, and consider them in the authorizing venue and bring them to this floor for action by the full House.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. VENTO. Mr. Chairman, I would just concur in the point of order and suggest to the gentleman from Ohio that the authorization committee has dealt with this in the past 2 years. It is the other body, the Senate, that has not.

We will deal with it and, hopefully, have it before the gentleman to deal with it.

The CHAIRMAN. Does any other Member wish to be heard on the point order?

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). Does any other Member wish to be heard on the point of order?

If there are no other Members who wish to be heard on this point of order, for the reasons stated here, the point of order is sustained. Section 314 is stricken from this bill.

Are there other points of order?

POINT OF ORDER

Mr. THOMAS of California. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS of California. Mr. Chairman, I rise to a point of order against title III, section 308. I believe it is in violation of rule XXI, clause 2(b) and is legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] wish to be heard on the point of order?

The gentleman makes a point of order against section 308 of the bill in title III.

Mr. YATES. Mr. Chairman, I think the gentleman is correct. Certain aspects of this section are legislative and, therefore, I will concede the point of order.

The CHAIRMAN. Does any other Member desire to be heard on the gentleman's point of order?

Mr. REGULA. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

Are there other points of order?

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VENTO. Mr. Chairman, I would make a point of order against the provision beginning on page 8, line 13 through line 21, authorizing cooperative printing services by the BLM, as a violation of clause 2 of rule XXI of the House.

□ 1230

The CHAIRMAN. The gentleman is making a point of order on page 8.

Mr. VENTO. Lines 13 through 21.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. The proviso is stricken.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the provision beginning with "Provided" on page 14, line 11, through line 18. This authorizes the National Biological Survey to accept gifts and donations and use volunteers. I would make a point of order that is a violation of clause 2, rule XXI of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. YATES. Mr. Chairman, in view of the gentleman's hostility toward volunteers, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the new construction in the paragraph beginning on page 16, line 6, through line 3 on page 17. This contains funding for the purposes of the New Jersey Heritage Trail, the Lackawanna Heritage Park, not authorized, and also includes language for the Lincoln Center Visitors Center, which is not authorized, and directs specific requirements and legislative functions for the FDR Memorial activity, which is not authorized. As such, it violates clause 2 of rule XXI of the House.

Mr. YATES. Mr. Chairman, I concede the gentleman's point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. The entire paragraph is stricken, from line 5 on page 16 through line 3 on page 17.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the proviso beginning on page 15, lines 11 through 17, that this determination of concession contract is a violation of clause 2 of rule XXI of the House.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. The proviso on page 15 is stricken.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I make a point of order against the paragraph on page 58, line 4 through line 13. This regards the sale of the Pacific yew. The authorization is already in law in the Pacific Yew Act passed in the last Congress, Public Law 102-335.

I make a point of order that this is a violation of clause 2 of rule XXI of the House.

Mr. YATES. Mr. Chairman, I am delighted to know that this particular subject matter has been enacted by the Congress. There is no need for this provision by the Appropriations Committee. I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained, and the paragraph is stricken.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I raise a point of order against the provision beginning on page 2, line 2, and all that follows through page 3, line 6, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2(a) of rule XXI and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would suggest the gentleman may want to start at line 3.

Mr. BURTON of Indiana. Mr. Chairman, I did say page 2, line 2.

Mr. YATES. Mr. Chairman, it is line 3, I believe. I have no objection to the gentleman amending that to line 3.

The CHAIRMAN. The gentleman amends his point of order to start at page 2, line 3, with the words "Management of Lands and Resources."

Mr. BURTON of Indiana. That is fine, Mr. Chairman.

Mr. YATES. With that correction, Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I raise a point of order against the provision beginning on page 4, line 5 and all that follows through page 4, line 9, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2(a) of rule XXI and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. The paragraph is stricken.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I raise a point of order against the provision beginning on page 5, line 14 and all that follows through page 6, line 2, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2(a) of rule XXI and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained, and the paragraph is stricken.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I raise a point of order against the provision beginning on page 6, line 3 and all that follows through page 7, line 6, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2(a) of rule XXI and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained, and the paragraph is stricken.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I raise a point of order against the provision beginning on page 7, line 7 and all that follows through page 7, line 15, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2(a) of rule XXI and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained, and the paragraph is stricken.

### POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, on my last point of order, I raise a point of order against the provision beginning on page 7, line 16 and all that follows through page 8, line 21, of the bill because it is an expenditure in an appropriations bill not previously authorized by law and therefore in violation of clause 2 of rule XXI, and also in violation of section 318(a) of the Federal Land Policy and Management Act of 1976.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

Are there further points of order?

### POINT OF ORDER

Mr. DOOLITTLE. Mr. Chairman, I rise to make a point of order against the proviso on page 19, lines 1 through 5, on the grounds that it is legislating on an appropriations bill, in violation of clause 2, rule XXI.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. The proviso on page 19 is stricken.

Are there further points of order?

### POINT OF ORDER

Mr. THOMAS of Wyoming. Mr. Chairman, I raise a point of order against the provisions beginning on page 29, line 13, beginning with the words "Provided further" and all that follows through page 29, line 22, and ending with the word "Committees" because it is legislation in an appropriations bill and therefore in violation of clause 2(b) of rule XXI.

Mr. Chairman, this basically has to do with authorizing a study in BLM reorganization; it is before the authorization committee, and it seems to me that is where it ought to be. I raise the point of order.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained. That proviso is stricken.

Are there further points of order?

The Chair would again admonish Members that this is the time when all the points of order should be made, because the bill has been opened for amendment at any point up to the last two lines.

### POINT OF ORDER

Mr. BROWN of California. Mr. Chairman, I raise a point of order against the language on page 62, beginning with line 6 and going through line 9 on page 63, as constituting legislation on an appropriation bill.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained, and that portion is stricken from the bill. There are several provisos there on the pages noted by the gentleman from California [Mr. BROWN].

Mr. YATES. Mr. Chairman, I move to strike the last word, if that is in order at this point.

The CHAIRMAN. If there are no other points of order, the gentleman is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to explain the action of our subcommittee and our committee in placing the provisions in the bill that were stricken by a point of order. Those provisions, for the most part, have been contained in our appropriation bills over the years. They have provided for funds for the Bureau of Land Management. They have provided for expeditious handling of certain aspects of funding. In view of the fact that the legislative committees have requested us to seek no longer a rule to protect those provisions, and grazing fees as well, we agreed to act in accordance with the suggestions of the legislative committees, and did not seek a rule from the Committee on Rules which would have protected them.

□ 1240

For those reasons, Mr. Chairman, it was necessary for us to concede the points of order as they were raised.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I would like to thank the gentleman for the way in which he has approached this. As he has indicated, at least with the language which I raised a point of order against, it has been in the bill for a number of years, and it has to do with energy research and development, for which there was no authorization.

I think now and I thought before that it would be appropriate that the bill contain this, which was quite useful, but last year we passed an energy research and development authorization bill which covers most of this, and in some cases has a somewhat different authorization than is contained in this language. I think it is appropriate that we proceed in this fashion, and I thank the gentleman very much.

Mr. YATES. I thank the gentleman for his statement.

### AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. PORTER:

Page 47, line 20, strike "$1,237,272,000" and insert "$1,225,413,000".

Page 49, line 14, strike "$237,423,000" and insert "$231,267,000".

Page 49, line 17, strike "$140,228,000" and insert "$134,072,000".

Page 59, after line 8, insert the following:

None of the funds appropriated or otherwise made available to the Forest Service by this Act may be used for the construction of roads or the preparation of timber sales, in roadless areas of 3,000 or more acres in size.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the amendments.

Mr. DICKS. Mr. Chairman, I reserve a point of order on the last amendment.

The CHAIRMAN. Is there objection to considering the amendments en bloc?

Mr. DICKS. Yes, I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, we want to do these separately, and I want to reserve a point of order on the third amendment. I believe that amendment comes at a point where it is a general provision to the bill and cannot be considered until after.

The CHAIRMAN. The objection has been made.

Mr. DICKS. Mr. Chairman, this is a limitation on appropriations and would have to be considered at the end of the bill.

The CHAIRMAN. Objection has been made to the amendments being considered en bloc.

The Clerk will re-report the first amendment.

### AMENDMENT OFFERED BY MR. PORTER

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 47, line 20, strike "$1,237,272,000" and insert "$1,225,413,000".

Mr. PORTER. Mr. Chairman, I would like to thank the gentleman from Illinois, chairman of the subcommittee, and my colleagues on the Appropriations Subcommittee on Interior, and the full committee for bringing us a very, very fine bill. The committee and subcommittee ought to be commended for their efforts to reduce funding for the so-called below-cost timber sales and construction of logging roads on our national forests.

This bill reduces the funds available for construction of logging roads by an impressive $40 million. But, Mr. Chairman, while it reduces the budget for road construction, the bill does not take specific action to protect the most ecologically important tracts of national forest from road development. I am referring to the roadless areas of intact forests that are managed by the U.S. Forest Service.

It is not only environmentally damaging to build roads in these areas, Mr. Chairman, but it is also uneconomical and a waste of precious taxpayer dollars.

Along with my colleagues, the gentleman from Oklahoma [Mr. SYNAR], and the gentlewoman from California [Ms. SCHENK], we are offering amendments to eliminate $6.156 million from the Forest Service road construction budget, and I intend to offer amendments to cut $11.85 million in the Forest Service sales preparation budget to stop road construction and timber sales in roadless areas. These amendments are both fiscally responsible and environmentally sound.

Mr. Chairman, I have a statement here signed by over 100 national and local environmental and taxpayer groups which calls on the Congress to put an end to road construction and timber sales in these roadless areas. The letter is signed by the National Taxpayers Union, the Wilderness Society, the Sierra Club, and Friends of the Earth, among many others.

Mr. Chairman, there is good reason why these areas have remained roadless. It is costly and environmentally unsound to harvest timber from these areas. Most of the roadless areas are extremely remote, mountainous, and generally not well suited to timber harvesting. The cost of harvesting and removing timber from these areas is tremendous, and because of the difficulty of constructing good roads on steep slopes, timber sales in roadless areas almost always lose money. Logging and roadbuilding in these areas carries enormous environmental costs as well. Roads contribute to soil erosion and sedimentation of rivers that harm fish and other aquatic organisms.

I understand there has been $30 million reprogrammed to restore the ecosystems damaged by roads, and I think that is a step in the right direction.

Mr. Chairman, the Forest Service has also claimed that it is moving toward ecosystem management. If that is true, and I certainly take them at their word, it should not be building roads in these remote and untouched tracts of forest lands.

The Forest Service has already wasted over $5 billion of taxpayer dollars over the past decade from below-cost timber sales. These costly sales, which cost more to administer than they generate in revenue, must be stopped. According to TSPRS, the Forest Service's own accounting system, more than three-fourths of national timber programs lost money last year. The Forest Service reported losses from 83 out of 120 national forests totaling $175 million in fiscal 1992.

As bad as that sounds, actually the Wilderness Society has calculated that when the costs of full road construction are taken into account, 101 of the 120 national forests lost a total of $352 million last year.

Mr. Chairman, why would we knowingly build roads and harvest timber in areas where it is uneconomic and environmentally damaging to do so? For far too long, the timber industry has received an enormous subsidy from the U.S. taxpayer to exploit our most precious national resources. This policy is unique. It wastes taxpayer dollars and scarce natural resources at the same time.

Mr. Chairman, these forests belong to the American people, not to the timber companies of the West, and I believe the American people want to put an end to below-cost timber sales. The first sales to be eliminated ought to be those that have the greatest financial and environmental costs, timber in roadless areas.

When groups as diverse as the National Taxpayers Union and Friends of the Earth unite politically, it should tell us something significant. I urge my colleagues to join me in saving the taxpayers $18 million and, at the same time, protect the environment.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time be limited on this amendment to 15 minutes, half to be controlled by the gentleman from Washington [Mr. DICKS] and half by the gentleman from Illinois [Mr. PORTER].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. PORTER. Mr. Chairman, reserving the right to object, would the gentleman consider making it 20?

Mr. YATES. Mr. Chairman, I amend my request to make it 20 minutes.

The CHAIRMAN. Does the unanimous-consent request also refer to amendments to the amendment as well?

Mr. YATES. Yes, Mr. Chairman.

Mr. PORTER. Further reserving the right to object, Mr. Chairman, this is on the first amendment that we are talking about?

The CHAIRMAN. This is on the first amendment. That is the only amendment before the Committee right now.

Mr. PORTER. And the request is on the first amendment?

The CHAIRMAN. That is correct, and amendments thereto. The gentleman has only offered one amendment.

Mr. PORTER. Continuing to reserve my right to object, Mr. Chairman, may I inquire of my colleague, the gentleman from Washington [Mr. DICKS], whether he intends to offer an amendment to the amendment?

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I have not made up my mind yet.

Mr. PORTER. On that basis, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

First of all, I want to say to my friend from Illinois [Mr. PORTER] and my friend from Oklahoma [Mr. SYNAR] that our subcommittee has done I think an outstanding job on this issue.

□ 1250

I recognize that there has been concern about the amount of money in this budget for road construction. You cannot have a timber program, by the way, without having some road construction. Our committee this year cut from this bill on this line item $54 million.

I have been criticized that we went too far, that we have cut back timber roads too far. We took out $10 million from timber roads, $6 million from recreation roads, $8 million from general-purpose roads, and we took $30 million, and we put $30 million into watershed restoration to try and restore the salmon runs and the fish runs, steelhead, throughout the Pacific Northwest.

The Clinton administration, the new administration, has come forward with a new plan which, in the Northwest, will dramatically reduce the harvest on timber. I think it is too drastic, but we have to have some funding left in this budget so that we can have a road program even though the timber-harvest program is going to be much smaller.

I would urge my colleagues to trust the judgment of the Committee. This number, $54 million reduction, is probably the largest that has ever been made to this account, and I would urge my colleague, we have done a good job, and I think to come to the floor now and say that we have got to cut $6 million more is a mistake, and I would urge my colleagues in the Committee to reject this amendment.

This is going to cost us jobs. This is going to be another hit on the timber industry that has already been savaged, because of the Endangered Species Act.

You have got to have some of these roads.

Now, I would tell you this, that this is the administration of George Frampton and Jim Lyons. These are two individuals who are known for being environmentally sensitive, and they are not going to go out and go into roadless areas unless there is no other choice.

The administration has a very stringent program, and I think that at some point, by cutting timber sales preparation further, we are going to do even further damage to the people, to the communities, to jobs in our region of the country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, my colleagues, I think we are overlooking a couple of things here. First, we need access to these timber resources, in an environmentally responsible, manner for housing in this Nation.

If any of you have talked to builders, you know that the price of timber has gone up, and it has increased the cost of a house probably $5,000 a year. There is a limit to what we should be doing in restricting access to something that is renewable.

Second, we are ignoring the multiuse feature of our national forests. As I mentioned earlier, 271 million visitor days last year, 41 percent of the recreation on Federal lands, was in the national forests, and if you restrict through the absence of roads, you are keeping out the senior citizens, you are keeping out the handicapped, you are keeping out the people who have difficulty getting access to enjoy these assets.

Therefore, I think it is important that the roads serve this multipurpose use to allow access not only for sales of timber but also for the recreational dimension of our national forests.

The committee, as the gentleman from Washington has pointed out, has already cut below the administration's request. We have reduced it from 7 billion board feet in 1993 to 3 to 4 billion board feet. That is a tremendous drop, and it is going to affect the price of housing even more prospectively, but at least let us not go beyond that, beyond the responsible position of the subcommittee.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. YATES. Mr. Chairman, reserving the right to object, may I renew my unanimous-consent request that time for discussion of this amendment be limited to 20 minutes, half to be controlled by the gentleman from Illinois and half to be controlled by the gentleman from Washington?

Mr. PORTER. Mr. Chairman, reserving the right to object, I would again ask my colleague, the gentleman from Washington, whether there is going to be an amendment offered.

Mr. DICKS. If the gentleman will yield, Mr. Chairman, I will not offer a substitute, but I cannot speak for the rest of the Committee.

Mr. PORTER. Obviously.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. YATES] on limitation of debate to 20 minutes, divided so that 10 minutes would be controlled by the gentleman from Illinois [Mr. PORTER] and 10 minutes would be controlled by the gentleman from Washington [Mr. DICKS]? That is this amendment and all amendments thereto?

Mr. OBERSTAR. Reserving the right to object, how is the time to be allocated, Mr. Chairman?

Mr. DICKS. Mr. Chairman, if the gentleman will yield, it will be done fairly and equitably, on the basis of seniority.

Mr. YATES. Mr. Chairman, I withdraw my reservation of objection.

Mr. PORTER. Mr. Chairman, I withdraw my reservation of objection.

Mr. OBERSTAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. There will be 20 minutes of debate on this amendment, 10 minutes to be controlled by the gentleman from Illinois [Mr. PORTER] and 10 minutes to be controlled by the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment. I have visited recently the lumber companies and the timber towns of northern California, and this amendment would literally devastate them and close down many of those communities that are wholly dependent upon the timber industry for their survival.

The economy of California would not permit us to further impact the timber sales and the timber access. It would be a tragedy for our State and the economy of our State to implement this amendment.

I rise in strong opposition to the amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I would simply like to say that this committee has already cut the timber-sales preparation account more deeply than the administration itself asked for, as I understand it.

In fiscal 1993 that account provided $92 million for timber-sale preparation. The President asked that the Congress cut it to $79 million. The committee cut it to $75 million.

It just seems to me, given the other instructions we have given to the Forest Service in terms of dealing with low-cost timber sales, they need whatever remaining flexibility there is in that account. I think it would be a very bad mistake to try to go beyond the already deep cuts produced by the committee.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Washington.

Mr. DICKS. The gentleman is absolutely correct.

I would point out on this amendment we are dealing with the timber sales preparation. We have reduced this amount by $17 million from the fiscal year 1993 levels. Now, to have this second-guessed on the floor here at this last moment is a mistake.

Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, may I suggest to the House that we ought to oppose this amendment overwhelmingly.

I am a little concerned with my good friend who proposed the amendment when he cites the Sierra Club and the Friends of the Earth, and all of these organizations.

Now, think about it a moment, I just came from the city of Sitka, AK, where they just shut down the only operating timber operation up there at a cost of 400 jobs, 2,000 jobs spinoffwise.

And if all of you bleeding hearts on the floor talk about that we have got to save the roadless areas, and also you talk about building low-cost housing for the homeless and the poor. But what are you going to build it out of? We have got the trees.

In our committee we set aside 9 million acres in the last 5 years for roadless areas, for areas to protect the environment. And now what little is remaining you want to cut down more of it.

I say shame on you. We talk about this economy and you talk about jobs. Jobs are in the timber industry for the people of America. It is absolutely important, Mr. Chairman. It is absolutely important that we recognize this committee has already cut this a tremendous amount far beyond my desires, and now you want to do more. Shame on you.

Think about the workers of America. Quit thinking about those people who are dictating to you from those organizations just because you want to have an environmental vote on your record. I say shame on you. Think about America and stop thinking about those people who live in those high-rise buildings, those people who are waffle-stomping, backpacking individuals who go out and take jobs away from the workingman. I say shame on you.

Mr. PORTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise in support of the amendment today.

Let me try to get us back to the debate and away from the hyperbole and exaggeration.

First of all, there is nothing in the amendment that the gentleman from Illinois offers that will cut one job, save maybe a couple of Forest Service people who are doing some accounting which has at best been very shabby.

Second, it will not cut back on the number of board feet that are going to be cut throughout this country.

□ 1300

What this amendment simply says is that there will be no new roads cut in this country in roadless areas because in most cases, when we sell the timber off that land, we are losing money. We are saying that the taxpayers of this country are no longer going to build roads to lose money. It is a very simple proposition.

Now, why do we need this? I think two simple facts will really tell the story. The first is that in selling timber from 100 national parks, we lost money. Sixty percent of the harvests were sold below cost. What did that cost the taxpayers of this great country? It cost $370 million.

Fact No. 2: Do you need more roads? After $4 billion of road construction and now with over 360,000 miles of roads in our forests, which literally can go around the world 14 times, Mr. PORTER offers an amendment to cut a mere $18 million, and you would think that was stealing the first-born male child of the Forest Service. That is not the case.

Let us not subsidize below-cost timber sales into roadless areas. Let us demand out of the Forest Service a plan of action which will guarantee that we get the fair market value for the timber that we are selling. This is not going to affect jobs. It is not going to affect the number of board feet. What it is going to do, is to insure that we make this Government run like a business and protect the taxpayers' dollars.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, as I read the amendment, it does not have the word "roadless" in it, nor does it have the words "below-cost timber sales" in it. It does not reduce one below-cost timber sale, and it does not stop one road in a roadless area.

And to the gentleman I say I would like to point out—now, wait a minute, I am getting irritated by this—because the gentleman, does the gentleman know the name of Jim Lyons?

Mr. SYNAR. I do, Mr. Chairman.

Mr. VOLKMER. Has the gentleman talked to Jim Lyons about roadless?

Mr. SYNAR. We have. In fact, we have a letter from Mr. Lyons that he was trying to solve the problem that Mr. PORTER brings forward. But the letter was insufficient to convince us progress is being made.

To respond to the gentleman from Missouri's comment, the reason we are not able to have the specific language that he would have requested is because the gentleman from Washington [Mr. DICKS] objected to the amendments being considered en bloc which would have outlined the entire program that we are trying to deal with. We would be more than happy to reoffer all these amendments en bloc so that we could have one vote on the entire issue at one time rather than going through it on three different occasions.

Mr. PORTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of this amendment. Whether we have budget deficits or not, how do we justify a policy of timber management that costs our Government more than we make on timber sales in national forests? Our Government should be the conservator of our natural heritage—not its exploiter. We have a duty to assure that the natural resources we enjoy today are available to support our children and our grandchildren.

As pointed out, there are already 360,000 miles of roads in our national forests. This is ample road infrastructure to support the President's proposed 4 billion board-foot timber harvest this year.

The Forest Service has said that it wants to move toward a more ecologically sound program of ecosystem management. And I applaud this approach.

It seems to me that as the Forest Service makes this historic shift in its approach to land management, it would be a mistake to move ahead with the construction of roads into previously roadless areas. Let us determine the best management policy before we obviate the possibility of sustainable timber management by constructing ecologically unsound roads.

Mr. Chairman, our amendment will allow the Forest Service to design an ecosystem approach to timber management without compromising its future policy with environmentally questionable construction.

I am very sensitive to the allegations that this amendment might destroy jobs; but this is simply not the case.

This amendment does not reduce the level of logging below the President's goals. The areas with roads in the national forests will support the 4 billion board-foot harvest supported by the administration.

The solution to job loss in timber dependent areas is a sustainable timber management policy. Building roads in economically untenable areas means opting for short-term jobs at the cost of long-term, sustained unemployment.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. SCHENK. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentlewoman for yielding.

Mr. Chairman, I would just point out that this is the Clinton administration, it is Bruce Babbitt, it is Mike Espy, it is Jim Lyons, it is George Frampton. They are not going to go out and do timber sales in roadless areas. I think you have to give this new administration an opportunity.

This amendment would have been fine in some other administration, but not this one.

Ms. SCHENK. I certainly understand this administration's position.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO], who represents probably the one district in America hardest hit by this change in timber policy.

Mr. DEFAZIO. I thank the gentleman for yielding.

Mr. Chairman, we have been promised by the administration in making a major revision in the way we manage and harvest timber in this country and dramatic reductions in the harvest, that there will be a significant economic assistance package that follows through.

This is a tiny fraction of a downpayment of the economic assistance package in this bill, and this amendment cuts that because this administration intends to get the economic assistance package through reprogamming of already appropriated funds, not through new appropriations.

So, this will not cut or stop a single below cost timber sale; this will take $18 million out of the President of the United States, a Democratic administration's proposal to provide some assistance for a tourist just like we are going to provide assistance to close military bases.

I urge people to vote against this. It sounds great on paper. It is not doing what these people are purporting.

Mr. DICKS. The purpose here is to implement the Clinton plan.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, let us be sure we understand. This amendment also applies to forests in the eastern part of the United States, as in Kentucky and the others. That is why I am opposed to it. This is cut beyond the committee's cut of $31 million, an extra $18 million cut. The gentleman from Illinois believes that ending this below-cost timber sale will save taxpayer dollars; let me assure you it will not. Instead, cutting the timber sales account will cost 20,000 jobs nationwide, at least $119 million in lost revenues to the Federal Government.

Timber harvesting on national forests is an integral part of sound forest management and wildlife restoration. Without timber, the timber sales program, the cost of managing national forests will rise, lumber prices will rise, new home starts will lag, jobs across this country will be lost. In short, this amendment will not save taxpayer dollars, Mr. Chairman. It will not put an end to logging on national forests.

But, instead, it will put an end to responsible forestry across this country. I urge defeat of this amendment.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to support the amendment offered by the gentleman from Illinois. The Forest Service has, over the years, spent millions and millions of taxpayers' dollars to put roads through areas of significant importance to wildlife. Over everything else the Forest Service has had a dedication to timber sales, and these roads are almost entirely built to support these timber programs. Moreover, the cost of these roads is not reported in a straightforward manner in terms of the accounting system used by the Forest Service. Indeed, the Congressional Research Service has just come out with an important report criticizing this accounting system. I urge you to support Mr. PORTER's amendment not only to protect the few remaining roadless areas and potential wilderness areas in our national forests and the plants and animals that live there but also to send a strong message to the Forest Service that enough is enough. There are already enough roads crisscrossing our national forests and we do not need any more that will cut across wildlife migratory routes and further fragment our forest ecosystems. Enough is enough: The Forest Service must begin to develop a real policy of multiple use of the forests with a new emphasis on scientific study, recreation, and environmental protection and restoration. Cutting their budget for new roads will send them such a message and save taxpayer money at the same time. I urge Members to vote "aye."

□ 1310

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I suspect that most of our colleagues, either offering or voting for this amendment, have never been on a logging road, have never been in a commercial or a national forest, have not the foggiest idea of what they are talking about and have no sense of distinction between the high value added commercial forests of the high productivity of the West and the forests in transition of the Eastern United States east of the 100th meridian, where we are in the National Forest System there doing what environmentalists, what forest ecologists, what forest managers said needed to be done 30 years ago, which is to transition from the high-value long-fiber soft woods to the lower-value short-fiber hard woods, such as popular that are of considerably lesser value and quicker rotation species, and we are now doing that, but it takes more ingenuity on the part of forest products processors and more investment to the development of those forests, and we have achieved the goal of above cost harvest of timber, especially when you add in all the costs and all the benefits that result from development of the road areas.

Mr. DICKS. Mr. Chairman, I yield 45 seconds to the distinguished chairman of the Committee on Agriculture the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I rise against this amendment for the simple reason that the chairman of the Committee on Merchant Marine and Fisheries, the chairman of the Committee on the Interior and the gentleman from Texas in the well are working on a possible solution to the whole ecosystem, to the whole problem of the forest lands in the Pacific Northwest. We are going with scientific evidence. We have to finish our work.

This is no way to legislate. This is no way to send a message to the Forest Service. We are going to do it in the Congress and the way to do it is the right way with the technical information necessary.

I appeal to you not to vote for this amendment. let us legislate a proper solution. This is no way to legislate.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I want my colleagues to understand that this is not a cut in timber sale road money, rather this is a cut in timber sale preparation dollars.

Now, to my colleagues who are environmentally aware and pride themselves on that and want to sustain the forests of the Pacific Northwest, you have to understand that an aye vote on this amendment is an any vote to cut the funding for biologists, cut the funding for landscape architects, cut the funding for hydrologists, botanists, ecologists, cut the funding for cultural resource specialists.

This is not to cut funding for roads. This is to cut funding to sustain the forests.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise today to express my opposition to the Porter-Synar-Schenk amendment to the Interior appropriations bill. This amendment is designed to reduce funds to the Forest Service for the construction of roads for the preparation of timber sales, in roadless areas. The amendment is also designed to reduce funds to the Forest Service for timber sales in roadless areas by $12 million.

This effort is designed to expedite the elimination of below cost timber sales in our national forests, an effort that the Appropriations Committee planned on handling administratively with due consideration being given to minimizing economic impact and community disruption. In addition, the committee had proposed that in the planned phase out of below-cost timber sales, the Forest Service must be sensitive to the economic impact that would occur in communities that depend on national forest activities. The enactment of this amendment would scuttle the effort of the Appropriations Committee to give a measure of consideration to the economic effects the elimination of below-cost timber sales would have.

I would like to remind Members of the importance that the so-called below-cost timber sales have on the economies of numerous rural communities. These communities are dependent upon the employment and revenues generated by timber sales on national forest lands. This amendment would seriously impact these economies by effectively expediting the elimination of below cost timber sales without regard to the economic displacement it would cause.

Also, I believe that this amendment does not consider the countless millions of dollars for unemployment benefits, job retraining, and social service expenditures for those who will be out of work as a result of adopting this amendment. In essence, I believe the amendment would devastate areas of the country that rely heavily on timber sales. I urge rejection of the Porter-Synar-Schenk amendment.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, this bill is not about putting roads in roadless areas. It does not say anything about it. It is not about the low-cost sales. It certainly is not about subsidized sales.

In our area, we make the Government $255 million a year.

What it is about is laying off more people, putting more people out of work. Some 27 mills have closed in my area, and 75 to 85 percent of our forests are already off limits.

When is enough enough?

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Chairman, let me say to my colleagues that I come from a district with five national forests, and this has nothing to do with the good management of the forests. This is going to prevent timber from going to the mills. This is going to prevent us moving ahead to an ecosystem management.

And let me tell my colleagues, Republicans and Democrats, that I am endorsed by the Sierra Club, and I strongly oppose this amendment. It has nothing to do with good management. We already have laws on the books that are adequately supportive of good environmental practices.

Let me tell you, we cannot even get salvage sales moving in my district right now because of all the laws on the books.

This has nothing to do with good management, and if you think it is going to prevent clear cutting and all the rest of it, you are sadly mistaken. Vote "no" on this amendment.

Mr. PORTER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I might say that all the gentlemen who have spoken on the amendment are working on obfuscation here. We attempted to offer these amendments en bloc. That was denied and objected to.

The amendments taken together cut $12 million in timber preparation, $6 million in building roads in roadless areas, and the third one defines roadless areas. Taken together, it is $18 million to prevent building roads in roadless areas.

I might say, Mr. Chairman, that we talked this morning with Secretary Lyons, the Assistant Secretary of Agriculture for Natural Resources, and he indicated to me verbally that there was no intention to build roads in roadless areas, with several notable exceptions.

I said to the gentleman that if he would provide us a letter and specify the exceptions, we would undoubtedly be able to drop the amendment and proceed.

He did not provide such a letter. He provided a letter that was very, very general and vague, and unfortunately did not make the commitment that we think we need.

We do not need roads in roadless areas. Let us be serious about this. All they are going to do is damage the environment. We are not talking about jobs here. They are not going to build those roads in any case.

Let me say, Mr. Chairman, in closing that this amendment, despite what the previous speaker said, is very strongly supported by the Sierra Club.

It is strongly supported by the Wilderness Society.

It is strongly supported by Friends of the Earth and it is supported by the Grace Commission, Citizens Against Government Waste, and the National Taxpayers Union.

It is an environmentally sound and fiscally responsible amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 262, not voting 13, as follows:

[Roll No. 323]

AYES—164

Allard
Andrews (ME)
Andrews (TX)
Applegate
Baker (LA)
Barca
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Berman
Bilirakis
Blute
Bonilla
Brown (CA)
Brown (OH)
Bryant
Byrne
Cardin
Cooper
Coppersmith
Costello
Cunningham
DeLauro
Deutsch
Duncan
Edwards (CA)
Eshoo
Evans
Ewing
Farr
Fawell
Fingerhut
Fish
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Green
Greenwood
Gutierrez
Harman
Hefley
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hughes
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Kanjorski
Kennedy
Kennelly
Kim
King
Klein
Klug
Knollenberg
LaFalce
Lambert
Lantos
Lazio
Levy
Lewis (FL)
Linder
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCollum
McCurdy
McHale
McHugh
McKeon
Meehan
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Moorhead
Moran
Morella
Nadler
Neal (NC)
Nussle
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Porter
Poshard
Quinn
Rahall
Ramstad
Ravenel
Reed
Richardson
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Sangmeister
Saxton
Schaefer
Schenk
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Sisisky
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Stark
Strickland
Synar
Tanner
Thurman
Torkildsen
Torres

Torricelli
Upton
Valentine
Vento
Walker
Walsh
Waters
Waxman
Weldon
Woolsey
Young (FL)
Zimmer

NOES—262

Abercrombie
Ackerman
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLay
Dellums
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Everett
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (MI)
Fowler
Frost
Gephardt
Geren
Gonzalez
Goodlatte
Gordon
Grams
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hobson
Hoekstra
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kildee
Kingston
Kleczka
Klink
Kolbe
Kopetski
Kreidler
Kyl
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Mann
Manton
Martinez
Mazzoli
McCloskey
McCrery
McDade
McDermott
McInnis
McKinney
McMillan
McNulty
Meek
Menendez
Mfume
Michel
Mineta
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Myers
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quillen
Rangel
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Scott
Serrano
Sharp
Shuster
Skaggs
Skeen
Skelton
Smith (OR)
Snowe
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Visclosky
Volkmer
Vucanovich
Washington
Watt
Wheat
Williams
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—13

Boehlert
Conyers
Faleomavaega (AS)
Henry
Leach
Lightfoot
Romero-Barcelo (PR)
Schiff
Smith (IA)
Spence
Thompson
Whitten
Wilson

□ 1340

Messrs. ORTON, BUNNING, BURTON of Indiana, LEWIS of California, SAM JOHNSON of Texas, BACHUS of Alabama, ROYCE, ZELIFF, and CRANE, and Ms. DANNER changed their vote from "aye" to "no."

Ms. HARMAN, Mrs. LOWEY, Mrs. SCHROEDER, and Messrs. MCHUGH, MCCURDY, GLICKMAN, MARKEY, and BECERRA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1340

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAY: Page 16, line 1, strike "40,000,000" and insert "33,000,000".

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 15 minutes, half the time to be controlled by the gentleman from Texas [Mr. DELAY] and half by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. DICKS. Mr. Chairman, reserving the right to object, I ask the gentleman from Texas, is this the money to eliminate the National Historic Trust?

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. DELAY. No, Mr. Chairman. It is not eliminating the National Historic Trust. This takes them off the Federal dole, but it does not eliminate it.

Mr. DICKS. Mr. Chairman, further reserving the right to object, does it eliminate all Federal funding for the National Historic Trust?

Mr. DELAY. Mr. Chairman, if the gentleman will continue to yield, this amounts to less than 20 percent of their budget.

Mr. DICKS. Mr. Chairman, further reserving the right to object, I think that is too short a timeframe.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. DELAY. Mr. Chairman, reserving to right to object, I have to tell the gentleman that I have many speakers on my side. I do know we have about 4 speakers besides myself on my side to explore this issue.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, certainly all of them will not want a full 5 minutes.

Mr. Chairman, I ask unanimous consent that debate be limited to 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The time will be limited to 30 minutes, 15 minutes on each side. That will cover all amendments to this amendment. The gentleman from Texas [Mr. DELAY] will be recognized for 15 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the amendment I am offering today does nothing to dissolve the National Trust for Historic Preservation; it does nothing to destroy the Trust or the good things they do. My amendment simply takes the Federal Treasury out of the equation.

The Trust gets 80 percent of its funding from the private sector. The Federal subsidy amounts to about 20 percent of the Trust's annual $30-plus million budget.

My amendment is based on the very simple concept that the Federal Government, in this time of tight budgets, should not and cannot financially support every special interest groups, particularly those which have demonstrated the potential to be self-sufficient.

My amendment would cut $7 million earmarked for the Trust. I want to make it clear that I am not opposed to preserving the heritage of this country. However, if this country is not financially secure first, we will never have the opportunity to set aside funds to protect our national legacy. We must, therefore, carefully examine each and every expenditure.

While my amendment would strike the earmark for the Trust for 1 year, it is important for Members to realize that my amendment would do nothing to dissolve the Trust. As I stated previously, in recent years, Federal funds have made up less than 20 percent of the annual budget of the Trust. A similar amount of their annual funding comes from membership dues and an even greater amount comes from their annual donations. In 1991, over 800 persons gave $1,000 to the Trust.

Further, the Trust could still compete for Federal funding from a variety of sources. In 1991, the Trust received grants from the Department of the Interior, Department of Agriculture, Federal Institute for Museum Service, and the National Endowment of the Arts, to name a few.

When established by an act of Congress in 1949, its primary mission was to receive and preserve buildings, sites, and objects of historic significance, which did not belong in Federal trusteeship. Since that time, the Trust has acquired 18 such historic properties. But today, the Trust only allocates about 20 percent of their annual $30-plus million budget to this primary mission. In fact, the Trust has adopted significant administrative barriers to its primary mission. The Trust does not accept new properties unless they are fully endowed to cover all future operating expenses.

The bulk of the Trust's operating funds, 80 percent, is spent on activities which facilitate public participation in the preservation of historic sites, buildings, and objects.

According to the Trust's annual report, in 1991, they spent $772,000 for lobbying, entertaining, and catering. They have become a major lobbying force at the local, State, and Federal levels. In one case, they sent bulletins to all their Virginia members urging them to write their State senator or delegate to oppose pending legislation and even provided sample letters.

They have also been very involved in lobbying for certain Federal legislation through articles in their magazine and press releases. The cover of their 1988 annual report declares Victory At Manassas reflecting their extensive lobbying efforts to convince Congress to approve a legislative undertaking at a cost of over $150 million.

Since I am not a tax attorney, I don't understand how they do all this lobbying and still maintain their 501(c)(3) status, but I presume it is all legal.

In 1991, the Trust litigation department had a budget of over $700,000. In the last 5 years, the Trust has entered over 30 lawsuits against the Federal Government including suits against the FAA, State Department, Army Corps, EPA, FCC, ICC, NASA, and even the Justice Department, and Interior Department, which by law sit on their board of trustees.

Every year, the Trust publishes a list of the 11 most endangered historic places in America. Just a few weeks ago, the Trust declared that the entire State of Vermont was the No. 1 most endangered place in America. It appears that they want to keep the entire State as it is, forever.

But the merit of Trust activities is not the primary issue today. Rather, we must focus on the funding issues raised by this amendment.

In the last 4 years, Federal funding for the Trust has increased by 33 percent, with the 1994 request of $7 million reflecting a 14 percent increase over last year. At the same time, revenue to the Trust from non-Federal sources has also increased. In fact, over the last 5 years, revenues have exceeded Trust expenses every year. The Trust has developed a portfolio of assets which now exceeds $50 million.

Mr. Chairman, as I stated at the outset, I am not seeking to abolish the Trust or the many good programs they carry out, I just want to remove an unnecessary Federal subsidy. The Trust was established in 1949 but did not receive any taxpayer funds until it successfully lobbied for an earmark in 1968. The Trust existed for its first 20 years without Federal funds just as it can without this $7 million.

Finally, I would point out that it appears to me that the Trust already envisions itself as free of any limitations which might exist on its activities by virtue of this Federal funding. In a 1992 letter, the former president of the Trust wrote, "the National Trust is a private, non-profit organization, and not an agency or instrumentality of any government."

Mr. Chairman, I urge my colleagues to grant the wish of the former president of the Trust and set them apart from the Federal Government.

The question to supporters of the Trust is this: Isn't it time we in Congress began to distinguish between programs which are worthy and programs which are worthy of Federal funding? I urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I will not take all my time, but I do want to point out that this is a group that was chartered by the Congress in 1949, and its mission reaffirmed and expanded in 1966, so it is a creature of this body. The reason we have been putting funding in is to leverage the private sector.

If all of our programs were as successful in leveraging as this one has been, we would be in great shape. For the $7 million we get far more from private sector donations. This reflects the fact that they have confidence in the National Trust to provide leadership in historic preservation.

Not only do they bring to that responsibility knowledge, but they also provide for local communities experts that can help them determine what they should preserve. There is a great interest in preservation of historic buildings. I think a classic example is the Old Executive Office Building. As I understand it, at one point it was decided to tear it down and build some typical modern structure.

Thanks to people who had a concern for historic preservation, like the National Trust, that building was preserved, and if any of the Members have visited the Old Executive Office Building, they know what a treasure it is in this city.

Here we have an opportunity to provide help to communities all across the Nation who want to preserve some of their historic treasures. I think, given the fact that that $7 million leverage far more private dollars, we should continue our support for this program.

Mr. HOAGLAND. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Nebraska.

Mr. HOAGLAND. Mr. Chairman, I would just like to point out, if I might, the experience we have had with the National Trust for Historic Preservation in Omaha, NE. Let me tell the Members, over the years we have had many, many of our most important buildings in downtown Omaha renovated and preserved as the result of the find work of this organization.

I can just tell the Members, as one voice from the Midwest, I think it would be a very serious mistake for this body to zero out these funds.

Mr. DELAY. Mr. Chairman, may I ask the Chair how much time I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] has 8 minutes remaining.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in support of the amendment of my colleague, the gentleman from Texas [Mr. DELAY]. We are not trying to get rid of the National Trust. Far from it. It has a $30 million annual budget, of which $7 million is from the U.S. Treasury.

As my colleague pointed out, it has only been since 1969 that they have received any Federal funds. For the first 20 years of its existance they operated entirely on private funds. They only use $6 million for its original purpose, which is to preserve and maintain historic properties.

What it does do is, as the Members know, publish "Endangered Historic Places," and it listed recently the whole State of Vermont. It pays its president $225,000. It pays its president $225,000 a year. It expended $777,000 on lobbying, entertaining, and catering, and it spends, and get this, $700,000 suing the Federal Government. There have been 30 suits filed in the last 5 years. Of the 45 total that they have filed, 30 have been against the Federal Government.

At a time when we are desperately short for cash, at a time when Independence Hall is requesting private donations in order that it may stay open, I think we could better put this $7 million to other uses.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by my good friend, the gentleman from Texas [Mr. DELAY].

The gentleman has a good record in cost control and I do not want him to weaken it.

The gentleman seeks to strike $7 million from overall $40 million in the Interior bill for a 1:1 matching grant to the National Trust for Historic Preservation.

With all due respect to the gentleman, I oppose it.

The National Trust was created by Congress in 1949 to stimulate, educate, and preserve significant properties of our historic heritage, most recently the home of James Madison.

It has an outstanding record which time will not allow me to review. The Republican Research last fall held hearings which documented many of their efforts.

Its education programs have stimulated enormous private-sector rehabilitation of historic properties. The list is long: Boston, Charleston, New Orleans, Baltimore, and Washington, and the amount of private investment is multiples of the small government investment. It is main street program alone has spanned over $2.8 billion. Interestingly, North Carolina and Texas are among the top six States.

It privately raises over $22 million to match Federal funding of $7 million by better than 3 to 1. We do not get that kind of return on anything.

Now, I appreciate the zeal of the gentleman to save money. But for those who would seize upon this paltry amount to score Bulldog of the Treasury points, let us examine how they vote on pocketbook items for their own States; for example, $1.6 billion supercollider or space station.

Let me leave you with the question. Would Texas be Texas if it has the supercollider and no Alamo? I think not.

Mr. Chairman, I would simply ask the gentleman to take into account the fact that this is simply a very paltry savings and is worthy of our continuing to make private sector investment in the United States.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I rise today in support of the DeLay amendment.

First, let me make it clear that I support the National Trust. I support the job it does in preserving and administering historic sites. I hope the National Trust continues to go on and work within the outline of its charter.

Having said that, however, I do oppose Federal funding for the Trust. Why would I do that? The Trust existed, as has already been said, for 20 years without any Federal funds. The Trust has a $50 million surplus. The Trust only spends 20 percent of its $30 million budget each year operating its properties, and the Trust spends over 80 percent on administration, outreach, lobbying, lawsuits against the Federal Government.

Mr. Chairman, why is the Federal Government giving money to an agency to bring lawsuits against it? As other speakers on this amendment have pointed out, the Historic Trust spent over $700,000 in 1991 suing the Federal Government. It also spent $770,000 in lobbying, entertaining, and catering. These might be necessary expenses, but the U.S. taxpayers should not be subsidizing them.

Mr. Chairman, we have a $300 billion deficit. We have a $4 trillion debt. We are considering the world's largest tax increase. The National Trust for Historic Preservation is a successful nonprofit organization that does not need Federal assistance.

□ 1400

The amendment recognizes that.

No one is saying that the National Trust was not a good idea when it was formed in 1949, and no one is saying that the National Trust has not done some good things. But the question is simply: Is it something we have to do with Federal dollars at a time when we are having such a terrible budget crisis. I think not. It is a good role for the Federal Government to start something and then to spin it off to the private sector and then let the private sector carry it.

I hope my colleagues will support the amendment.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in opposition to the amendment offered by my friend from Texas.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment and would submit that the Federal Government's involvement in this program has been crucial to the private sector participation with the National Trust. It is that partnership between private and public sectors that has made this program the success it is, a technical success as the National Trust brings expertise to local historic preservation efforts and a financial success as the Federal Government's contribution is $1 to $4 coming from other sources.

The only reason, Mr. Chairman, that I can imagine for supporting the amendment of the gentleman from Texas is if Members might be opposed to preserving this Nation's rich architectural heritage, or feel that the Federal Government should have no involvement whatsoever in that process. The National Trust is a real success story. The Federal Government's participation with them has been a real success, and I urge Members to oppose this amendment.

Mr. DELAY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I have some prepared remarks that I will submit for the RECORD. But I would just like to say that no Member that I have heard speak is opposing the National Trust for Historic Preservation.

This is an organization that has been in existence for a very long while, and for many years functioned without any Federal contribution at all. The Federal Government does not have to be involved in funding, or helping to fund every activity and every aspect of our lives. They clearly have enough money from the private sector, and they do not need additional money from the Federal Government.

We can make a statement here of purposes, that we are looking for opportunities to reduce the deficit, to hopefully one day be able to reduce the enormous debt that our country has. I think Abraham Lincoln expressed the fundamental principle here when he said that government should only do for its citizens what they cannot do for themselves. It is very clear that our citizens can do this for themselves. They have been doing it. There is a $50 million surplus here and we do not need the $7 million.

Let us make the proper statement today. I rise in strong support of this amendment.

I rise today in strong support of the amendment to delete the $7 million earmark for the National Trust for Historic Preservation.

Our constituents have sent us here to do a job; to prioritize spending and make cuts where necessary. I have agonized over some tough votes since I came to Congress, however, this is not one of them.

We do not need to appropriate $7 million to the National Trust. It has an annual budget of $30 million, with over 80 percent of this from private contributions.

Annual revenues have exceeded expenditures at the trust over the last 5 years and the trust now has assets which exceed $50 million. This does not seem like an organization which is in need of funding from a bankrupt Federal Government.

Abraham Lincoln asserted that government should only do for its citizens what they cannot do for themselves. Clearly, charitable contributions from the private sector can be totally adequate to support the National Trust for Historic Preservation.

Furthermore, the Trust should earn the respect of the private sector contributors by deleting expenditures such as the $770,000 on lobbying entertainment and catering costs and $700,000 for its legal department which has entered into more than 30 cases against the Federal Government in the last 5 years.

Mr. Chairman, this amendment does not abolish the National Trust, it simply permits the Trust to continue its function with private funding which was its only source of funding for its first 20 years.

The National Trust for Historic Preservation is a good idea which does not need support from the Federal Government. It is liberally supported, as is appropriate, by the private sector.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, let me just say, with due respect to my close friend from Houston, I think this is a very bad amendment.

The issue today and the debate on the various amendments are about choices and about spending and about history and preservation. We do have to make some very difficult decisions.

There is no better group in this country than the National Trust for Historic Preservation. Their cost-effectiveness, their leadership, their ability to assess priorities and raise private dollars is the very best way America can go about preserving its history and preserving its most important architecture.

This program is a tremendous success, and we would be pound foolish as a Congress to cut off this modest contribution to the National Trust, and I urge the defeat of this amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise in opposition to the amendment. The gentleman who just alluded to Charleston, SC, is correct. You know there are really only two different cities in America. One is Charleston, SC, and the other one is San Francisco. And those who have not been to Charleston, you really ought to come.

Most communities would boast if they have a single historic house, and if they have 8 or 10 they really think they are lucky. Go to Charleston and you have an 18th and 19th century city intact, thousands of houses down there and it is a living city. We live in it, and there is hardly a project that has been restored down there, preserved or that is ongoing that the National Trust for Historic Preservation has not been involved in.

Taking $7 million, I say to the gentleman from Texas [Mr. DELAY], is just really a pittance when you reflect it into the magnitude of our budget. It is just a pittance when spread over the entire Nation. And for what they do, for what they do I think that that little bit of money that we put into their budget is well worthwhile.

I would certainly urge all of my colleagues to vote against the amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment.

The National Trust for Historic Preservation really has become the conscience of cultural preservation, of historic preservation in this Nation.

This amendment speaks to the price and the cost, and I think what it really does not talk about is the legacy of our national heritage. it is I think a situation where some can name the price of everything but the value of nothing.

I think if we really look at this process, we spend a very small amount of money in terms of accomplishing a great deal of good. Today is a day where we talk about partnerships and working with the private sector. The National Trust for Historic Preservation has been a successful partner for over 43 years in establishing those partnerships.

I guess the motto here with this amendment might be if it is successful, kill it. And we have to remember that the National Trust for Historic Preservation is a catalyst that actually stimulates the investment and education of the public for an awareness of our cultural and natural resources.

□ 1410

The fact of the matter is that someone suggested they had $30 or $40 million in surplus. Most of that money is endowments that are committed to specific projects, to the properties, and to which the donations that have specifically been made.

The fact is that the National Trust runs efficiently. It is working. It acts as the national conscience in terms of bringing issues to the forefront that are important, whether it is the west front of the Capitol, whether it is the Old Executive Office Building, whether it is Independence Park, whether it is the State of Vermont. Incidentally, in the State of Vermont, the Governor and the congressional delegation favored the endorsement and recognition of the State as an endangered cultural legacy. The National Trust has again exercised a traditionally and important role.

The National Trust has done immense good. Our Nation has got our money's worth, and more, and I would hope the Members would strongly oppose this DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is amazing to me. This is why the American people are so fed up with this place.

We cannot even cut $7 million and change a policy, and the whole argument is we do not want to destroy this wonderful agency where none of the supporters and all of the wonderful things they have to say about this trust will change one iota if my amendment passes. We are not killing the agency. We are not killing the trust.

They can continue to go on. In fact, a number of rich people that called me today trying to stop me from doing this could write a check to cover the $7 million.

As far as the leverage is concerned, that is a sham. They do not leverage this money. This is a way of getting extra little moneys. They have gone for 20 years without any Federal moneys, and now all of a sudden they have found a little treasury, and they started getting a little bit and a little bit more. The last 4 years they have increased their Federal moneys by 33 percent. This year it is a 14-percent increase. It is not leveraging money, because they deal with a lot of rich people that contribute a lot of money to this organization. That is what has happened here.

I cannot tell you the number of calls I got this morning, generated from this trust trying to save this $7 million so they could spend it, from rich people. Now, you talk about you want to tax the rich, you want to get the rich. If you vote against my amendment, you are protecting the rich. That is who deals with this trust fund. That is who enjoys the efforts.

It has nothing to do with the good work that they do. They have projects in my district. They did a great job on the Main Street program in Angleton. They did a great job with the courthouse in my home county of Richmond.

We all know what this is. This is a rich man's playground. They enjoy going to historical foundation-type events. They enjoy having these kinds of things. Some of them make money off of it, like historical areas within cities where they bring tourists to, and they like the Federal Government to be involved in this. We all know what this is.

What I am trying to do is change policy. They could continue the good work that they can do by raising private funds. They do not need Federal funds, and those organizations that do not need Federal funds ought to exist on their own, and they can do that.

Vote "aye" on the DeLay amendment.

Mr. YATES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Texas [Mr. DELAY], my good friend, says that he is amazed. I am amazed at the gentleman from Texas [Mr. DELAY].

Over the years on the Committee on Appropriations, I have watched his actions. He has been a champion of private enterprise. He has been a paladin for the balanced budget, and here we have an organization that has a balanced budget. The National Trust has balanced its budget in each of the last 5 years, and he is opposed to its operating with a balanced budget.

Now, that is not a reason for denying the trust its Federal grant, nor does it mean that the Federal grant is not necessary to its operations.

The fact is the grant is necessary. It is necessary for it to operate its seven regional offices, to supply technical support to localities and nonprofit groups all across the country and to maintain its house museums.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am happy to yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to make my colleagues aware of the fact that among the many jewels that I represent in the district of Philadelphia is Independence Hall. Perhaps this is the very foundation of our history in America.

But this national treasure was at risk from years of neglect, and I am delighted that this bill contains funding for the restoration program to take Independence Park out of the risk, and as a result of that put it on a priority basis.

To a large extent, that is because of the work of the National Trust for Historic Preservation. So many of our links of the past are at risk here in America. Some are threatened by neglect, decay, and still others by bulldozers and overdevelopment.

I ask my colleagues to vote against the DeLay amendment and to continue to work on the National Trust for Historic Preservation.

The CHAIRMAN pro tempore (Mr. BILBRAY). All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 315, not voting 8, as follows:

[Roll No. 324]

### AYES—116

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Bartlett
Barton
Bentley
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Edwards (TX)
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Gallegly
Gingrich
Goodling
Grams
Grandy
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kyl
Levy
Lewis (CA)
Linder
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Michel
Minge
Montgomery
Moorhead
Murphy
Myers
Nussle
Orton
Paxon
Penny
Petri
Porter
Poshard
Ramstad
Rangel
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shays
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stenholm
Stump
Taylor (MS)
Thomas (CA)
Thomas (WY)
Young (AK)
Young (FL)
Zeliff

### NOES—315

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Snowe
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

### NOT VOTING—8

Conyers
Faleomavaega (AS)
Henry
Leach
Lightfoot
Mfume
Smith (IA)
Wilson

□ 1436

Mr. KILDEE, Ms. MCKINNEY, and Ms. PRYCE of Ohio changed their vote from "aye" to "no."

Messrs. MCCOLLUM, CRAPO, and HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT OFFERED BY MR. LANCASTER

Mr. LANCASTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANCASTER: On page 44, strike lines 17 through 19 and renumber the subsequent sections accordingly.

Mr. LANCASTER. Mr. Chairman, my amendment simply deletes section 111 of the bill.

My amendment has no budgetary impact whatsoever; it neither increases nor decreases the amounts appropriated.

The amendment will ensure that the environmental review process of the Manteo (Shallowbag) Bay project on the North Carolina Outer Banks will go forward under regular order, as recently directed by Interior Secretary Babbitt.

The Manteo (Shallowbag) Bay project is a congressionally authorized water project. The project seeks to deepen and stabilize Oregon Inlet, a critical point of access for fishermen between the Atlantic Ocean and the vast North Carolina sounds. Oregon Inlet's treacherous waters and shoals have destroyed too many vessels and claimed too many lives.

Congress has yet to appropriate construction funds for this project, and there is no such funding in this or any other fiscal 1994 appropriation bill. First, we must satisfactorily complete the required environmental impact analyses, and then Secretary Babbitt must decide whether or not to issue special use permits for Interior Department lands. Staff at the Army Corps of Engineers says that the final environmental impact statement will be finished no earlier than July, 1994, and perhaps later than that. Secretary Babbitt recently advised me that he has made no decision one way or another on the permits and that he will insist that the environmental review process be fully completed before he even considers the matter. Thus, there is no need for the restriction on Secretary Babbitt imposed by section 111.

In summary, section 111 is unnecessary because the environmental review process will consume most, if not all, of fiscal 1994, and Secretary Babbitt has forthrightly stated his neutrality on the project and has declared his determination that the environmental review process fully run its course. My amendment, which is supported by North Carolina Governor Jim Hunt, costs no money. Let's allow the normal decisionmaking process to go forward.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we have no objection to the amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this is language in which I have had an interest. It involves 1½ mile long jetties on the Outer Banks of North Carolina. They were authorized in 1970. Virtually nothing has been done since. I would note that since that time all but one Secretary of Interior has opposed this project.

While I continue to oppose construction of these jetties from an environmental and economic perspective, I am not going to object to the amendment today. I have had an assurance by letter from the Secretary of the Interior that there would be no action taken with respect to issuance of permits necessary for construction, during fiscal year 1994. That, in effect achieves the same objective as the language does, so I will not oppose having it withdrawn by the amendment offered by the gentleman from North Carolina.

I do want to say that my concern is that these jetties potentially will have a detrimental impact on Cape Hatteras National Seashore and Pea Island National Wildlife Refuge, so I do think we need to proceed with great caution. I want to quote from a letter to me from the Director of the U.S. Geological Survey, Dallas Peck:

> In the case of jetties, however, there is considerable evidence that jetties can cause appreciable long-term damage, unless appropriate measures are taken to accommodate to the coastal processes that continue to operate. Studies have shown that sand management can be effective, but such mitigation is a major long-term and potentially costly undertaking.

There is an environmental impact statement underway.

The Corps of Engineers will deliver that statement to the Department of the Interior.

The Secretary, as I mentioned earlier, has assured me that under no circumstances would there be any action in fiscal year 1994. Given that assurance, I will not oppose the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from Ohio for the agreement that he has accomplished. I will not object. I will concur, but I want to thank the gentleman from Ohio for his work. I have the same concerns that he has that this would affect the littoral movement of the lands in the eastern seaboard and would affect other natural resources in terms of this type of work.

I have a deep concern about the Oregon Inlet issue that is being raised here.

With that understanding, I would concur with the action here.

Mr. LANCASTER. Mr. Chairman, I would simply state that the studies I believe will satisfy the concerns of the gentleman from Minnesota [Mr. VENTO] and the gentleman from Ohio [Mr. REGULA].

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to speak on this particular amendment at this time.

What I do want to talk about is an amendment that may come up later on. The reason why I take this time is because we may have to defeat the motion to rise in the committee in order to deal with this amendment

As most Members know, at the present time there is a good deal of concern about the amount of money that will have to go into the Midwest to clean up the flood damage in that part of the country.

□ 1440

There can be absolutely no doubt that this Congress is going to have to respond to that emergency; the administration is going to have to respond. It appears clear that within a matter of a few hours the administration will come forward with an emergency bill to begin paying some of the costs of dealing with that crisis in the Midwest. On the other hand, it is also clear that in fiscal 1994, Mr. Chairman, we are going to have additional expenses perhaps amounting to billions of dollars for the cleanup of that particular disaster.

From this gentleman's viewpoint, Mr. Chairman, we ought to begin to plan now for the kinds of costs that we are going to incur to clean up flood damage in the Midwest. We ought not just pile all of this on deficit money.

I have developed an amendment which would be made in order or would be in order should the committee refuse to rise that would essentially set aside 1 percent of the moneys in this bill, and also it then would be applied to other appropriation bills, a set-aside of 1 percent of their moneys to be used for disaster relief in the Midwest in the upcoming fiscal year. It seems to me that this is a responsible approach to take on this issue, that what we will do is to begin to allocate money now that secretaries will know is allocated for flood relief, and we will have then a fund available that will not require us to increase deficit in order to respond to this emergency.

Members will have to vote against the motion to rise in order to get to this amendment. This is an amendment that comes as a funds limitation, but the way in which it is stated would ensure that 1 percent of the moneys in the bill would be set aside for flood relief.

So, Mr. Chairman, at the appropriate time I will be asking Members to vote against the motion to rise so that we can deal with this issue of how we are going to pay for the flood relief in the future, and I would hope that the Members of the House would come down in favor of the idea of allocating a certain percentage of moneys in each of the appropriation bills for this particular kind of relief effort.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand the gentleman's objective, but most of the appropriations bills have moved to the Senate, and how do we accomplish the goal of getting a small amount from each of the appropriations bills?

Mr. WALKER. Mr. Chairman, I thank the gentleman from Ohio [Mr. REGULA] for his question. I think it is an important question.

The only reason why this comes up on this bill, and it is not a case of picking on this bill, but this is the first bill since the disaster. It is the intention, and I have talked to the members of the Republican leadership who will be happy to cooperate on this, but it is our intention to go to the Senate and also ask them to include such language on each of the appropriation bills as they come over there so it would be a conferenceable item on each of the appropriations bills that arrive in conference, and we have every reason to believe, if the House endorses this concept, there would be no problem in having the conferences then agree to the concept as well.

So, Mr. Chairman, it is our intention to ensure that it gets applied. If it were applied to each of the appropriations bills, we would come up with a pool of between $3 to $5 billion of money that would then be available in the upcoming fiscal year to deal with this disaster.

Mr. Chairman, that appears to be the sum which is very, very close to what would be necessary in fiscal year 1994.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Ohio for his question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. LANCASTER].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move to strike the last word, and, Mr. Chairman, I shall not take the full 5 minutes. I just want to say a few words with respect to the point raised by the gentleman from Pennsylvania [Mr. WALKER].

Mr. Chairman, it is my understanding that the President of the United States proposes to address this subject. I think it would be well, in view of the fact that the gentleman has the consent of his leadership to have the Senate do something of this nature later on, to wait for the President's announcement, which I understand will come within the next day or two.

I propose to support the motion to rise. I do not think that we ought to open the bill up for that purpose. I think it is a very complicated subject that the gentleman raises as to how it should be paid and under what circumstances it should be paid, and it is something that I do not think we should act quickly upon.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. Of course I will yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the point is, if we do not begin to act, we cannot begin to set aside the funds as these appropriation bills come through. If the gentleman is saying we have to wait 2 or 3 days, the fact is two more appropriations bills will then have left the House, and we will not have acted on reserving money for the upcoming fiscal year. There is no reason why this could not be dropped in conference if it is inappropriate at that time, but it does seem to me that the House may want to send a signal that we do indeed want to at least in the upcoming fiscal year find a way of paying for disaster relief. This gives us the opportunity to do so in a way which does fit the rules of the House.

Mr. YATES. Well, as the gentleman himself has pointed out, 10 appropriation bills have already been approved by the House and are now over in the Senate. I do not see what is gained by delaying the next one, two or three appropriations bills. If the gentleman proposes to deal with 10 of them in the Senate in the same way, I do not know what is gained by it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The appropriate signal to send to the Senate though is that this is an action that the House desires to take. The way in which the House can make that clear is by adopting the measure. If we simply say to the Senate that the House would like them to do this and then have no action, it is not likely that the Senate would act, but this is a way of ensuring that we can act and send a signal to the Senate, and that is the only reason why I would suggest to the gentleman having a vote in the House today would be a proper thing to do.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I just would like to comment on this debate for a moment.

Mr. Chairman, my district is one of those which has been inundated by the flooding on the Mississippi River, and I would like to say to the gentleman from Pennsylvania [Mr. WALKER] that I am supportive of ideas to try to find ways to fund disaster assistance. That is a reasonable thing to do. But I would also add the following:

The river has not crested. We do not have a notion as to what this is going to cost us in terms of Federal disaster relief. The gentleman just believes that it is within $5 billion. I hope he is right, but he has no way of knowing because God has not decided at this point when to stop visiting this fury on the people who live along that river, and let me add this.

This gentleman has been on this floor supporting year in and year out California earthquake relief, Hurricane Andrew relief, relief requested by previous Republican Presidents for international crises involving the Kurds, the Kuwaitis, the Somalis and everyone else, and now we have the people of the United States of America needing a helping hand, and the gentleman says, "Well, let's wait and see if we can get it through the appropriations process."

Mr. Chairman, I will not stand for that, and I do not believe the House will either.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. Not at this point, but I will yield to the gentleman from Pennsylvania in a few seconds.

Mr. Chairman, it has been pointed out to me by one of the gentlemen from Louisiana that they expect a hurricane in October all along the gulf coast. At that point what are we going to do? Are we going again to take something out of the appropriations bills in order to pay for that?

Mr. Chairman, this is a new kind of procedure, that the gentleman wants to use to take care of floods, which is different from every other disaster. I do not think we ought to do it.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for yielding to me because I think the gentleman from Illinois [Mr. DURBIN] has badly misinterpreted my point.

The point is that we are going to pass a disaster relief bill for this fiscal year. I do not think there is any doubt that a supplemental appropriation is going to be asked for by the President and that it will pass the House of Representatives. That will be added on deficit money.

It is also clear, with the new fiscal year only just a few months away, that additional money will be needed in that fiscal year. It is that setaside that I think we ought to begin to bill, and I do not suggest that I know that it is going to be $3 billion or $5 billion. What I am suggesting is I know it is going to be at least that much and that we ought to begin setting aside the money now.

Mr. Chairman, we can begin that process here today. It does not cancel out the desire of the American people to respond immediately. We do not have to wait for the appropriations process to move forward. We simply want to make certain that the appropriations process, as it moves forward, responds to what is going to be a legitimate need in the upcoming year.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

### AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act. It is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any

> product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a standard amendment offered to all appropriation bills and accepted. It is a buy-American amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman of the subcommittee

Mr. YATES. Mr. Chairman, this side has no objection to the amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we accept the amendment. I strongly support the buy-American concept.

Mr. TRAFICANT. Mr. Chairman, I hope when we deal with all these tragedies and disasters, we use American-made products made by Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a provision in the bill, which I support, that establishes a joint task force with representatives of Alaska Natives and Alaska schools to examine the needs of the schools and formulate recommendations to address those needs. This provision will help foster much-needed dialog and cooperation on educational issues in rural Alaska, and I applaud the chairman of the subcommittee for including it in the bill.

However, there is one small point that requires some clarification. Most schools in Alaska are operated by local school districts as is the usual case in the lower 48 States. However, in the rural areas the State operates a number of schools directly through its department of education. Because of the isolation of many of the smaller rural school districts, the State also provides technical and administrative assistance, as well as a high level of direct financial support. Because of this dual responsibility, the State Department of Education and the school districts should both have a voice on the task force.

I would like to ask the gentleman from Illinois, who is also chairman of the subcommittee, if it is his understanding that the committee intended the term "Alaska schools" to refer generally to both the local school districts and the State Department of Education?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the understanding of the gentleman from Alaska is correct.

### AMENDMENT OFFERED BY MR. SHARP

Mr. SHARP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SHARP: Page 60, line 3, strike "$438,163,000" and insert "$433,163,000".

Mr. SHARP. Mr. Chairman, today on behalf of myself, Representative KLUG, Representative SWETT, and Representative UPTON, I am asking you to support a bipartisan amendment to the Interior appropriations bill (H.R. 2520) which would cut $5 million for an oil shale research project by the Department of Energy [DOE].

The amendment is supported by the Office of Management and Budget, the Department of Energy, Council for Citizens Against Government Waste, the National Taxpayers Union, and nine major environmental groups.

Since 1944, the Federal Government has spent millions of dollars every year on oil shale research despite no prospect of oil shale becoming economic and despite overwhelming environmental problems.

In fact, $300 million in research has been spent since fiscal year 1976 despite repeated attempts by Presidents Reagan, Bush, and Clinton to severely curtail or eliminate this program.

An additional $114 million was paid to oil shale producers during the last decade as part of a production subsidy program. The United States paid $50 a barrel for oil shale when world oil prices were $18 a barrel. Despite these efforts all heavily subsidized oil shale production has been abandoned by industry.

For fiscal year 1994, President Clinton, like President Bush in fiscal year 1992, recommended no funding for oil shale. Despite this, the Interior appropriations bill contains $5 million in funding.

To produce oil from shale one must mine large volumes of rock, crush it, heat it to high temperatures to extract a poor quality oil, dispose of spent shale, then upgrade the low-quality shale oil to normal crude oil then finally refine it into useful products. This is an incredibly complex and expensive process which will not be changed significantly by further research.

Supporters of oil shale claim that the big breakthrough is always around the corner but it never seems to arrive.

As far back as the 1940's the Bureau of Mines was claiming that "oil shale can be mined underground for less than the cost of finding new petroleum reserves"; 50 years later this is still not the case.

According to a June 30 OMB letter, "It is highly unlikely that our relatively large oil shale resources * * * will ever make a significant contribution to our domestic energy supply."

Another sobering assessment comes from Petroleum Geology a standard geology textbook:

> The problem of retorting such volumes of shale is stupefying. Whether it can be achieved with a net gain in energy and without depriving large territories of their entire water supply has yet to be demonstrated.

Oil shale is a disaster for the environment for at least four reasons:

First, it produces an exponentially larger volume of solid waste compared to oil drilling, requiring enormous areas to be covered with spent oil shale;

Second, it requires large volumes of water for processing but oil shale deposits are located in western desert areas;

Third, it is worse from a global warming perspective than all fossil fuels including coal because of the large ratio of carbon emissions to useful energy; and

Fourth, it produces a nitrogen rich oil which if not treated would lead to increased $NO_x$ emissions.

Unocal, the final oil shale producer, ceased operations in 1991, having spent $1.2 billion, or over $200 for every barrel of shale oil produced.

In total the largest U.S. oil companies have a combined annual research budget of over $3 billion. If they believe in this technology they can do the research themselves. They have declined to invest their dollars and we should too.

Oil shale is just too expensive to mine when compared to the price of a barrel of oil and would be extremely harmful to the environment if it ever were produced in significant quantities.

Let us terminate a program for a change. Cutting the funds will not hack it. Enough is enough. Vote for the Sharp-Klug-Swett-Upton amendment to eliminate funding for oil shale research.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this side will be glad to accept the amendment of the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I appreciate the support of the gentleman.

Mr. YATES. If the gentleman will yield further, let me say for the benefit of my friend, the gentleman from Ohio [Mr. REGULA], the ranking member, the reason we have accepted this is not because it terminates the oil shale research that we have been carrying on for many, many years. I think that over the years it has been necessary for us to conduct that research because of the question of shortages of petroleum in this country and because we have so much shale in this country. We look for the possibility of being able to extract oil from the oil shale and use it.

However, up to this time it seems that the possibility of that extraction process providing oil at price levels that are comparable to the cost of other oil, is in the far distance. Therefore, I am inclined to agree with the gentleman from Indiana [Mr. SHARP] and have no objection to the amendment.

I also would like to correct certain impressions left, not the least by a Washington Post article of July 13, that the amount provided in this bill for oil shale was a result of a mysterious process, taking care of freshman Republicans, and resulting from an inexplicable urge to provide pork to all comers.

First, no Member of Congress has ever asked the committee to fund this project. I had no idea in whose district it was located.

Second, this $5 million continues an existing facility through the third and final year of a cooperative research and development agreement [CRADA] between Lawrence Livermore National Laboratory and major shale oil industrial partners—Amoco, Unocal, Chevron, and Conoco.

Third, the original research on hot solids retorting which this project continues, was initiated by the Department of Energy, not Congress, and was included in the President's budget as recently as fiscal year 1993.

Fourth, oil shale research is one of the items specifically authorized for funding in section 2012 of the Energy Policy Act of 1992. The gentleman was one of the main supporters of that legislation. Our appropriations are actually below the authorization.

I regret that the rhetoric and publicity over this project have been blown completely out of proportion to its overall significance. In the face of such outcries, justified or not, it would be difficult to support this modest continued effort to improve oil shale technology, given the budget cutting mood of the House. I therefore accept the gentleman's amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I would point out, and I am not going to object to the amendment, but in section 2012 of the Energy Policy Act of 1992, this was authorized at $6 million. I believe the gentleman's committee produced that bill, if I am not mistaken. Is that correct?

Mr. SHARP. Mr. Chairman, actually another committee produced the bill. It was authorized. As the gentleman from Ohio [Mr. REGULA] well knows, the gentleman's committee struggles for money to implement the National Energy Act and has not been able to come up with enough money for a variety of authorizations, as is the customs around here.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, we have heard so much today about the lack of authorization, and I thought it might be worthwhile to point out that in this instance it was authorized, but perhaps not felt we should appropriate the money after the authorization.

Mr. SHARP. Mr. Chairman, this gentleman certainly has no complaint with the Subcommittee on Interior Appropriations with respect to authorization.

Mr. REGULA. Mr. Chairman, having said that, I have no objection to the amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize the chairman and ranking Republican accepts the amendment, but I do believe the research ought to continue.

Mr. Chairman, I rise in opposition to the Sharp-Klug amendment to eliminate all funding for oil shale research. Recently, Lawrence Livermore entered into a CRADA, a cooperative research agreement with four oil companies: AMOCO, Chevron, Conoco, and UNOCAL to conduct research on oil shale.

American needs to wean itself off of our dependence on foreign oil. The United States has massive oil shale reserves. This funding will help our Nation develop a new method of producing domestic oil.

Estimates from Lawrence Livermore state that it is certainly possible that we can develop oil through the oil shale process at a competitive price. Congressman SHARP's estimates are quite simply hard to believe.

There are people in this country who do not wish to develop new sources of energy. If you are among them vote for this amendment.

If you support domestic oil production oppose this amendment. If our dependence on Middle East oil bothers you oppose this amendment. If you support research oppose this amendment.

I urge my colleagues to take a close look at this amendment, and am convinced that if you do, you will oppose this antidomestic oil production research amendment.

Mr. KLUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I thank both the chairman and also our ranking member for the indications that they have made that they are willing at this point to support the amendment. But let me make the following point for the record and emphasize what my colleague, the gentleman from Indiana [Mr. SHARP], has said.

Mr. Chairman, neither the Department of Energy nor the President wants this program. In fact, no President since Carter has been behind this program wholeheartedly. The Reagan administration tried to reduce funding by 90 percent. President Bush asked for only token funding, at best. This program has continued to survive, as if written in stone.

As stated before, shale oil is not productive. It has been tried before, and is not profitable. In 1982, Exxon Corp. closed its Colony project near Grand Junction, CO, after spending $1 billion. In January, 1991, Occidental Petroleum shut down its Colorado shale oil project as part of a corporate restructuring. That project had a book value of $30 million. UNOCAL lost $199 million between 1987 and 1990 before suspending its operation.

The Los Angeles Times reported that during UNOCAL's best year of production, it lost $7 million. This is while the United States was subsidizing the program at a cost of $114 million to cover the difference between the market price and the guaranteed price of $49.77, the current world price is $17.95 a barrel. The chairman of UNOCAL admitted in the same article that it could only cover costs of production if oil was at $42 a barrel at 3.3 million barrels per year. That's without making a profit.

Contrary to the committee report, no significant industry interest in this program exists. This is because of the negative profit margin at current oil prices. Congressional Research Service estimated startup costs at $5 to $6 billion for a medium-sized 50,000 barrels-per-day plant. Delays in construction would increase the costs. Chairman of UNOCAL, Richard Stegmeier: "We gave it a good try, but were obviously unable to do that. With all the fixed costs and low production and low on-stream efficiency, we would have had to take in well over $50 a barrel to break even."

The Department of Energy does not expect shale oil production to be economical in the near- to mid-term timeframe. 2025 is the earliest technology is forecast to exist to make shale oil a significant contributor to liquid fuels.

The oil shale program cost over $300 million alone in fiscal years 1976 through 1993 and the price support program added another $114 million to its price tag. The Synfuels Corporation, which counted oil sale among its research work, abandoned it and all other projects after spending over $15 billion.

If the program has legitimate merits, it should be able to qualify for moneys under the National Energy Policy Act, passed in the 102d Congress, or other competitively bid DOE projects.

If funds are appropriated, funding would be required in fiscal year 1995–96 to complete the projects. The administration would prefer to use the money for closeout costs unless it can be demonstrated that significant national benefits in the near-term can be delivered by proceeding with this activity.

If shale oil production were to reach 1 million barrels per day, half of the goal set in the 1980's, the already strained Colorado River Basin will be put under more stress: 5 percent of western water will be needed for shale development in the region. Congressional Research Report states: "The availability of water is likely to remain over the long term a dominant constraining factor" for shale production in the West. "Industry will affect visibility and air quality not only near the facilities but also in nearby parks and wilderness areas," the report concludes.

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Mr. SWETT. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I support this amendment to delete $5 million for the Department of Energy's oil shale research program.

The sponsor of the amendment has listed the reasons why my colleagues should support this amendment. Oil shale never will be economical, not at $200 per barrel. Oil shale is a disaster environmentally, wasting valuable water. Oil shale is bad for the budget.

But, I have a particular reason for supporting this amendment. The more money we spend on fossil fuel research, the less money and attention we as a nation devote to nonfossil, renewable energy sources.

Mr. Chairman, we as a nation and a legislative body appear to have learned nothing in the past twenty years when it comes to energy policy. We continue to treat polluting, nonrenewable fuels as the only real source of energy.

For years, I have spoken for more attention to alternative fuels, especially for solar energy. Renewable fuels are not depleted by their use. They do not pollute our air or threaten the ozone layer.

Earlier this year, I noted on this floor the advantages of renewable energy in the areas of jobs creation, cost savings to consumers, and trade expansion. We disregard those advantages when we continue to fund petroleum-related energy projects.

This country needs to look to the future for its energy supplies and not to the past. Oil may have been the lifeblood of 20th century American industrialism, but renewable energy should be the source of our economic strength in the 21st century.

Oil shale is the past. I urge my colleagues to support the amendment.

Mr. SWETT. Mr. Chairman, I would like to thank the chairman and the ranking member for their support of this amendment. Mr. Chairman, given our massive Federal deficit, we have got to do everything we possibly can to eliminate unnecessary government spending. The problem is, we never seem to be able to kill Federal programs once they get started.

The advanced liquid metal reactor program, which we voted to kill several weeks ago, was a good example of an unnecessary program which needed to be terminated. The oil shale program is another.

Mr. Chairman, the Federal Government has been conducting research on oil shale for 50 years—with few positive results. When the process is completed, you've got a huge amount of waste—which is an environmental problem—and you have used up incredible volumes of water in an area where water often is scarce.

It takes a ton of shale to produce each barrel of oil—and it's ridiculously expensive oil. The last time a commercial company tried to sell their oil from shale, their costs were around $200 a barrel—more than 10 times the current price for a barrel of oil.

Mr. Chairman, I believe we should be looking toward the future, not the past. The President's energy budget significantly increases funding in the direction we ought to be going—toward energy efficiency and renewable energy. We should not continue spending millions of taxpayer dollars trying to wring a few more drops of oil from rocks.

Oil companies have abandoned their efforts in this area, despite massive government subsidies.

Because the oil shale program doesn't make sense, Presidents Reagan, Bush, and Clinton have all tried to reduce or eliminate it. For fiscal year 1994, the administration has recommended zero funding for oil shale.

Nevertheless, like many government programs that refuse to die, the oil shale program has been funded for this year at $5 million.

Recovering oil from shale is an incredibly complex and expensive process. First you have to mine huge volumes of rock. Then you have to crush the rock into fine particles, heat it to high temperatures to extract a low quality oil, upgrade the low quality oil to normal crude oil, and then finally refine the oil to make it useful.

Mr. Chairman, we should stop spending millions of taxpayer dollars each year for something which appears to have no prospects of ever making economic or environmental sense.

I'd like to point out to my colleagues that this amendment is supported by the administration, along with the National Taxpayers Union, Citizens Against Government Waste, and nine major environmental groups.

Mr. Chairman, continuing the oil shale program is throwing good money after bad. I urge my colleagues to join me in supporting this amendment—kill the oil shale research program.

Mr. YATES. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendment thereto be limited to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I am sorry I was not here earlier. I understand it has been accepted by both sides and it is somewhat noncontroversial at this particular point. However, I would like to point out something, if I may.

That is that we go through the peaks and valleys of this idea of the price of fossil fuels. Many of us who have been in the Middle East know without a doubt that there is a good possibility that we will be cut off from time to time from Middle East oil. What we further have to realize, if we are cut off, it is as inevitable as the Sun coming up, is the price of fossil fuels in the United States is going to go up.

Have any Members been driving in the Pacific rim or Europe lately? They will see that they are paying a large amount for fossil fuels.

I do not know if Members realize this or not, but in three States in the United States, we have more oil in oil shale than we have in the entire Saudi Arabia. It is sitting there waiting to be developed.

The time is going to come, let me just play prophet here for a moment, the time will come and shortly will be when we are going to be standing here saying, "Why weren't we prepared when we saw this drawback and there was no oil to be had? Why weren't we doing the technology that is necessary to be ready for this?"

Members will say, "We got all kinds of oil shale out in Colorado and Wyoming and Utah and, if we were prepared, like the Canadians, who have been able to do it, we would have a source of oil."

Mr. Chairman, I just say, in my humble opinion, we are being very penny-wise and pound-foolish on this amendment, cutting it off. It will look good. It will play good back home and make good press, but we are going to be cutting off our nose when it comes to something we are going to need. And we do not have to be prophets to realize what is going on in the Middle East where a majority of our fossil fuels are coming from at this particular time. I hope that the other body uses a little more sense in this particular area.

Mr. Chairman, I yield back the balance of my time to the gentleman from Ohio [Mr. REGULA].

The CHAIRMAN. The gentleman yields back 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, we depend on monarchs and dictators for fuel now. Congress votes every time to stop and cut back on nuclear utilization. We talk about all of these pie-in-the-sky energy programs.

Most of the oil shale has been done politically out in the West, where it is deep in the Earth's crust. There are no consumers, no pipelines.

The State of Ohio has a 40-year supply of oil, uninterrupted, for all of America's needs trapped in shale rock, and we are going to kill it here. I know it is going to be killed.

I am not going to ask for any vote. I think Congress is so damn dumb, they could throw themselves on the ground and miss.

We have a huge trade deficit now. Most of it is oil. And we are stopping the research.

Do Members realize that the first cost-per-barrel oil shale was about $200? There are some costs now bringing it down to about $37.

Yes, we have this cheap import now, and we also have energy trapping America by people overseas that really do not care about our independence.

This $5 million is not a waste of taxpayers' dollars. Much of it has been done out there on the west coast. We could do it on the east coast where it is closer to the surface, closer to the consumers, closer to those transmission lines, and this would be much more cost-effective.

I am a little bit upset that there was not more of a fight made in this area. America is about as close to energy independence as a Third World nation. I think Congress should be ashamed of itself.

□ 1510

Mr. REGULA. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BAKER].

The CHAIRMAN. The gentleman from California [Mr. BAKER] is recognized for up to 3 minutes.

Mr. BAKER of California. Mr. Chairman, I would just add to what the gentleman from Ohio [Mr. TRAFICANT] has said. I would not have spoken on this. However, the reason I am speaking is twofold.

We have 600 million barrels of oil in the ground in reserve waiting for technology to bring it up. We know we have problems in the Middle East, yet we are willing to turn our back on a $7 million appropriation to continue the scientific research.

The second reason I am opposing it is not because of the oil reserves, but because of the press release style in which this nonsense was brought before us, running around saying, "This is pork." Whose pork is this? Whose district is this in? Who put this in the budget? Do the Members know who put it in? The subcommittee chairman, when he had the appropriation bill. That is where it was.

Now we are talking about allocating money. It came from the Department of Energy. It did not come from a Member. It does not benefit a Member. This is not pork, this is energy.

Do we want to be energy-independent? Do we want to continue the research? They do this at the National Laboratories, and one of the national laboratories that is working on it has told me they have gotten rid of the carbon dioxide that was a byproduct of this. Now they are working on the sulfur dioxide. It is going to take some time, because they are not just trying to produce oil, they are trying to produce a clean fuel. They take natural gas, run a laser through it, and try and take the last particulates of pollution out of there so we can have a clean fuel. When these folks discover that, they are going to come back with press releases and say,

> There is a pork project. Do you know they are trying to build hydrogen fuel? And it is a few years off, so let us cut it and be big heroes.

That is the wrong policy for America if we want it to be energy-independent. I do, and I will not support this amendment, Mr. Chairman.

Mr. Chairman, in our energy strategy, we need a policy of consistency. This amendment would kill funding for the third year of a 3-year CRADA—cooperative research and development agreement. When our Government enters into research agreements with industry, we should remain consistent and follow through with our end of the bargain. This program was authorized in section 2012 of the National Energy Policy Act of 1992, and the work conducted is in accordance with the law.

OIL SHALE RESEARCH IS ECONOMICALLY SOUND

Production of oil from shale, like other technologies, becomes cheaper with experience. The Canadian tar sands experience is the closest example of a technology which started out 50 percent more expensive than ultimately possible.

Currently, estimates for production of oil from shale are in the $30 per barrel range. If oil shale has received the same research funding level as coal liquefaction, the ultimate price of production would already have dropped.

Beyond the cost is the products. Comparing shale oil products with petroleum crude is misleading. For one, the price of crude is volatile and subject to change; second, shale oil has other uses which would bring in a much higher market value than petroleum crude. One of these is shale oil modified asphalt binder. This binder has been found to greatly improve the life of asphalt roads and can sell for as much as $150 per barrel. Also, as much as 40 percent of shale barrel could be converted to the asphalt modifier product, greatly improving the economics of a shale plant, even at small scale.

The U.S. shale resource is enormous. It is a resource treasure rather than a liability to the country, if reliable, economic extraction processes can be developed to tap this resource in an environmentally acceptable manner. The Lawrence Livermore National Laboratory [LLNL] in Livermore, CA, has joined with four major oil companies to do just that. They have made improvements in the technology, improving the reliability and reducing the costs of shale production. They are solving the key technical questions and developing a plan for the next steps needed toward commercialization. They have determined that spent shale leaving the process is nonhazardous, presenting no special disposal problems. They have developed a design which uses less water and coproduces electric power as a byproduct. These innovations have transformed the process from an expensive petrochemical plant, to a simple power generation plant with shale coproduction. This, coupled with the improved economics for several key components, will allow shale oil to become competitive much faster than previously thought possible.

OIL SHALE IS ENVIRONMENTALLY SOUND

The technology for producing oil from shale involves many of the same steps needed for the copper mining industry. The shale must be mined, processed, and discarded. Economic impacts of a few operating shale plants will not stress the region. The spent shale is nonhazardous and suitable for landfill. Shale oil produces more carbon dioxide, $CO_2$, than foreign oil, but not more than domestic oil. In shale production, $CO_2$ is generated operating the process machinery. Old processes, which allowed all of the carbonate rock in the shale to decompose also produced excess $CO_2$. Modern processes limit the amount of carbonate decomposition and recover much of the heat energy through electric power production. Thus shale oil production produces approximately the same amount of $CO_2$ as coal. Domestic petroleum production also produces more $CO_2$ than the resource itself, since stream flooding and other reservoir enhancement techniques consume energy and produce $CO_2$. Thus a shale oil industry is no more environmentally unacceptable than domestic petroleum production in terms of $CO_2$, and the major byproduct, spent shale, does not present a disposal problem. In fact, Unocal received an award for the management and disposal of their spent shale during operations of their process.

THE BENEFITS OF OIL SHALE ARE WIDESPREAD

The oil industry did not stop their shale development due to environmental concerns, but rather, the need to focus on short-term profits. And, yes, industry and the Government have spent many millions on research and development. At present, the only viable effort on shale development in the United States is the LLNL-Department of Energy-industry partnership. This oil shale CRADA has for the first time been able to bring together all participants with 20 years of experience, to aid in advancing the LLNL developed hot-recycled-solid process. This represents a fresh opportunity to develop a technology building on the experiences and expertise developed over time. The fact that the Livermore CRADA has attracted and kept participation with four major oil companies, Amoco, Chevron, Conoco, and Unocal, throughout a period of severe staff reductions within the industry, is a strong indicator as to the success of the project. If fiscal year 1994 funding is cut, DOE will be relinquishing its commitment to the project and turning its back on the first and largest CRADA signed between LLNL and industry. This sends a very bad message to industry that DOE cannot be counted on to keep its commitments in Government-industry partnerships.

Here's what industry participants have to say about the importance of the shale oil cooperative research and development agreement [CRADA]:

Amoco:

> I had hoped that this CRADA would continue * * * based upon sound technical progress. I would like to see this cooperative program continued. * * * The U.S. oil industry spent billions of dollars in a rush to develop oil shale during the decade following the crude oil embargo. Only a very small portion of these funds were used for research on advanced process technology. The LLNL CRADA represents a unique opportunity for government and industry to work together to advance the state of the art in oil shale processing. This CRADA is probably the last chance to build on the practical experience gained from this industrial effort.

Unocal:

> I believe oil shale can figure into the energy needs of the U.S. The future use of oil shale is dependent upon factors beyond our control (for example OPEC) and factors within our control. One essential factor within the nation's control that needs to be in place for any large commercial development of oil shale to take place is a cost effective and proven technology. One approach is to wait until the need arises to begin developing the technology which results in a significant delay in the nation's ability to use this resource when it most needs it.

Chevron:

> The program is in the second year of operation and should be continued for one more year to conclude the specific research tasks contemplated by the CRADA and to realize value from the investments made and work completed to date. This work is essential for addressing certain technical problems that need to be resolved before the HRS technology can be used to commercially produce shale oil from our proven domestic oil shale reserves.

The CHAIRMAN. The gentleman from California yields back the balance of his time to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I would like to suggest one thing about this amendment. People talk about a great saving. Actually, it is going to take about $3 million to stop this project, so the net gain is very little.

The fact that has been brought to this conversation before concerns the dependency we have on foreign oil. By the year 2005, we will be dependent 75 percent on foreign oil; not American jobs, not American oil workers, but we will be dependent upon foreign countries.

There is a tremendous amount of oil in this shale. I agree with what the gentleman said, it is probably more economical if we did not have to compete against the world prices, but we are competing against world prices. That does not mean the world price is always going to be $18, $19 a barrel. It could go as high as $50 or $60 a barrel, or one day, it will be projected to be $100 a barrel.

Mr. Chairman, I would suggest we are being very shortsighted here. There is not going to be a vote on it, it has been accepted, but I hope the American people will listen to what is happening here today.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has 3 minutes remaining.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the Sharp amendment, which would cut $5 million for an oil shale research project by the Department of Energy. Since 1944, Congress has been looking at ways to make squeezing oil out of rocks profitable. We've spent over $279 million in the past 15 years, and we're still not even close to developing a technology that can compete on the free market with crude oil.

The President requested termination of the project, and the two previous administrations sought to eliminate it. A bipartisan coalition of taxpayer groups and environmentalists have pulled together in support of this amendment.

Crude oil prices remain less than half of the Government-supported price for oil shale. Current research indicates there are no prospects for turning oil from shale into a viable source of energy. Environmentalists oppose its use because of solid waste problems and the enormous amount of water that must be used in its extraction.

I hope in this watershed year of fiscal restraint, we can put our money where our mouth is and stop pouring taxpayer money into projects that don't make sense, both fiscally and environmentally. I urge support of the amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I think we have heard previously in this debate the very good reasons to support this amendment. I salute its sponsors, as well as the chairman and ranking member, for proposing and accepting this amendment.

We have heard about the history of this program, how three administrations have tried to kill it. We have heard about the terrible economics, how there is no significant private sector interest. We also have heard about the environmental problems, as well as overriding the budget issues involved.

I just want to make two points for the record. First, contrary to a statement by a prior speaker, I have a copy of a letter dated June 30, from Secretary O'Leary of the Department of Energy saying that scarce Federal funds should not be used for this program at this time, given the long-term nature of any eventual payoff and the lack of substantial private industry interest. The Department of Energy supports this amendment to delete the unrequested $5 million from this bill.

Second, we also have heard about the physics involved, how this process requires more energy to produce fuel than the fuel contains. There is also an unwritten law of physics involved here, call it Newton's Fourth Law, that a program in funding tends to remain in funding. I hope we can show our voters that this fourth law does not apply always, that we finally can kill this program.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise in support of our amendment, because it is time to end this program. There is no reason to put another Federal dollar into oil shale. Enough is enough. The age of oil shale is not over, it never began. Its advocates insisted that shale would blossom as soon as the price of oil rose high enough or the level of subsidies reached a critical point. Mr. Chairman, the price of oil increased tenfold in 6 years, and the Federal Government made tens of millions of dollars available for oil shale development. The private sector, as indicated by the gentleman from Wisconsin [Mr. KLUG] invested its own billions of dollars too, and yet oil shale went nowhere.

It cannot be produced at less than $100 per barrel of oil, five times today's price. It cannot be developed without doing gross damage to the environment.

The theory behind oil shale development involves mining the shale, turning it into rubble, and heating it to squeeze a substance called kerogen out of the rock. However, it will not work economically, even though it may be technically feasible. What is not feasible is squeezing more money out of the Federal Treasury. I urge my colleagues to support this amendment by voting yes.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SHARP].

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 37, not voting 7, as follows:

[Roll No. 325]

AYES—395

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—37

Baker (CA)
Brooks
Carr
Chapman
Clinger
Gilman
Gonzalez
Hall (TX)
Hansen
Hayes
Hefley
Hunter
Johnson (CT)
Kolbe
Lewis (CA)
McCrery
McDade
Michel
Murtha
Myers
Orton
Packard
Pickett
Quillen
Regula
Ridge
Smith (OR)
Stearns
Stump
Sundquist
Thomas (WY)
Torricelli
Traficant
Vucanovich
Williams
Yates
Young (AK)

NOT VOTING—7

Conyers
Faleomavaega (AS)
Henry
Leach
Lightfoot
Smith (IA)
Wilson

☐ 1538

Mrs. MINK and Messrs. FOGLIETTA, HEFNER, SMITH of Michigan, MOLLOHAN, and DARDEN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 78, strike line 10 and all that follows through line 7 on page 79.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. CRANE] and 20 minutes on our side.

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I think it is important that we know how many Members intend to speak on this amendment.

Mr. CRANE. Mr. Chairman, reserving the right to object, is it possible to get some kind of a show of hands? I know of four or five.

The CHAIRMAN. The request is for 40 minutes total time, 20 minutes on each side.

Mr. BURTON of Indiana. I object. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, will it change his mind if we make it 30 minutes on each side?

Mr. CRANE. Mr. Chairman, continuing my reservation of objection, I would be inclined to accept 30 minutes on each side limitation. I do not think, in fact, we will end up consuming all of that time.

Mr. YATES. Will the gentleman permit me to get the limitation, and then if we do not finish it, fine.

Mr. CRANE. Yes. Thirty minutes on each side as the limitation?

Mr. YATES. Yes.

The CHAIRMAN. The unanimous-consent request is for a total time of 1 hour on this amendment, 30 minutes on each side, 30 minutes controlled by the gentleman from Illinois [Mr. YATES] and 30 minutes controlled by the gentleman from Illinois [Mr. CRANE].

Is there objection to the request of the gentleman from Illinois [Mr. YATES]?

Mr. WALKER. Mr. Chairman, reserving the right to object, this is not a time limitation beyond this amendment? It is just on the Crane amendment?

The CHAIRMAN. Just on the Crane amendment and all amendments to the Crane amendment.

Mr. WALKER. I withdraw my reservation of objection.

Mr. CRANE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] will be recognized for 30 minutes.

☐ 1540

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to put this question into a bit of an historical perspective if I might and remind those present who are not familiar with what the amendment does that it eliminates all funding for the National Endowment for the Arts, a program that was set up in 1965, during the guns-and-butter era of President Lyndon Johnson.

It was the conviction of some at that time that this initial $2.5 million that was allocated for this program would help promote the furtherance of art in this land, and the escalation of funding since then has gone up dramatically, so that the past several years it has been in the $170 to $180 million per year range.

That is not an inconsequential number when we are looking for areas where we can make budget cuts that do not do injury. Clearly, this budget cut falls into the category—the elimination of $174 million—when private sector funding for the arts is currently running at $9.3 billion a year. That is private sector funding for the arts.

I think it is important to realize that that is an 18-percent increase over 1991 levels of funding, which were $7.9 billion. If you look at it since 1989, private donations have increased by a total of 37 percent.

The fact of the matter is the National Endowment for the Arts is an unnecessary program. But beyond being unnecessary, there is a question that should trouble every Member, if he harkens back to when he raised his hand here after the election and took the oath of office. Then he swore to uphold that Constitution, so help him God.

The fact of the matter is this issue was debated in Philadelphia, and Charles Pinkney introduced an amendment at that time, and the Pinkney amendment was to use Government funding at the national level to promote literature, art, the humanities. It was overwhelmingly rejected at that time by the Framers of our Constitution as an item that was beyond the purview of the functions of our national Government. We continued to adhere to that constitutionally proper position from 1789 down to 1965, when we made this modest venture and departure that may have seemed inconsequential at the time but, like so many other programs here, they may start out on an inconsequential basis but then they have the ability to achieve a life of their own.

Now, we are talking in the billions of cumulative dollars that have been spent here unnecessarily when, as I say, we have this generous donation of giving and funding to the arts by those in the private sector.

In addition to this, I think it is important for people to realize that when Government bureaucrats make a grant, as happens every year in the allocation of moneys under the Endowment for the Arts, they are denying moneys from the taxpayers to other beneficiaries.

Mr. Chairman, who died and made Government bureaucrats the supreme authorities on arts? The fact of the matter is that it is in the eye of the beholder. But to give you some idea of the potential inequity in this, in 1991 the allocation of resources for the petitioners was 4,251 beneficiaries out of 17,677 who had requested funding.

One of the arguments advanced, "Well, if you are a beneficiary, that helps attract some of that private sector money." To be sure, it may. But on the other hand, that is at the expense of 13,000, almost 14,000 people who did not get recognized. So it puts them at a disadvantage.

In addition to that, historically there has been a disproportionate allocation of resources. The funding process indeed is parochial. Twenty-three percent of all grants in 1992 went to the State of New York, 14 percent went to California. And Arkansas, Idaho, Kansas, Mississippi, Nevada, North Dakota, Oklahoma, South Carolina, South Dakota, West Virginia, and Wyoming received less than one-half of 1 percent of all NEA grants.

In addition to that, there was an article by James Kilpatrick not long ago wherein he pointed out how there were people in the dance programs who were serving as individuals on the panels to make grants. And they did not vote themselves moneys, but the fact of the matter is, he pointed out, panel B allocated grants to panel A. Panel C allocated grants to panel B. And panel D allocated grants to panel C. In short, there is a good ole boy network obviously that prevails here.

The final point that I will try to stress with you is that if you think back to some of the great artists in our national history, our great artists performed without any kind of Government assistance, just as they will continue to perform without any governmental assistance.

My amendment, unlike ones we have had on the floor here before, is not making a commentary on the quality of the work that receives grants. I have my own personal predilections about that and I have voted accordingly in the past.

But the fact of the matter is, however, we do not have constitutional authorization to continue funding of this kind of a program, A; and, B, when we are faced with the prospects of these astronomical deficits and we are contemplating the biggest tax increase in the history of mankind as one way of addressing it, I submit to you a preferable way is to eliminate waste and go back to fulfilling that constitutional oath of office that we all took by recognizing the Founding Fathers said this is not constitutional.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself 5 minutes. If I may have the attention of the gentleman from Illinois [Mr. CRANE]: Do I understand the gentleman to be opposed to all Federal subsidies for arts institutions?

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. CRANE. I thank the gentleman for yielding.

Mr. Chairman, all of the NEA subsidies would be eliminated under my amendment.

Mr. YATES. This is true. But is this because the gentleman's arguments assume there should be no grants of Federal subsidies for arts? The gentleman made a constitutional argument about that.

Mr. CRANE. When we authorized, for example, the painting of our first President on the wall over there, a targeted allocation of money for that or even moneys that are for various designated purposes, statuary, that is totally outside the context of putting artists on a dole at public expense.

Mr. YATES. Is the gentleman opposed to Federal grants to the National Gallery of Art?

Mr. CRANE. To granting money to the National Gallery of Art? I would have reservations about that, yes, indeed I would, because we can do that also through the private sector. There is infinitely more money available there than there is at taxpayers' expense.

Mr. YATES. So the gentleman would favor closing the National Gallery of Art?

Mr. CRANE. If the gentleman would yield, no, I would not favor closing it. I would favor promoting the National Gallery through the private sector, and I am confident the National Gallery could survive.

□ 1550

Mr. YATES. Well, then is the gentleman opposed to the grants of Federal funds for the Smithsonian Museums?

Mr. CRANE. For the Smithsonian Institute, for art?

Mr. YATES. Yes.

Mr. CRANE. For art, yes.

Mr. YATES. So we would close down the Hirshhorn and the Freer and the Air and Space Museums?

Mr. CRANE. Mr. Chairman, if the gentleman will continue to yield, the Hirshhorns exist in a multitude out there. The Hirshhorns of this world and this country can continue to promote their designated gifts to enhance our appreciation of the arts. You do not have to do that with Government funding.

Mr. YATES. Would the gentleman be opposed to Federal funding to assist in educating school children in the arts and music?

Mr. CRANE. To educating school children, making art a part of the curriculum?

Mr. YATES. As the Arts Endowment does, the Arts Endowment does make grants for the purpose of educating public schoolchildren in the arts.

Mr. CRANE. It should not be doing that.

Mr. YATES. It should not?

Mr. CRANE. That is what we have local taxes for and that is why we include art as a part of the curriculum in all our educational programs.

Mr. YATES. Is the gentleman opposed to Federal funding of such institutions as the Lincoln Memorial, for example?

Mr. CRANE. Funding the Lincoln Memorial? A national memorial, a statute that we have here at the end of The Mall, funding for the statue is not within the context of promoting the arts.

Mr. YATES. I see. So the gentleman would not be opposed to that?

Mr. CRANE. National statues, basically I would not have a problem with, but I do not put that in the context of the National Endowment for the Arts.

Mr. YATES. Well, I thank the gentleman again. I was just trying to find out what the gentleman's total philosophy in this connection was, and I believe I have.

This is the gentleman's attempt which he makes every year, our annual visit to the floor of the House to try to kill the appropriations for the arts.

I must say to my good friend that he is adroit. He is fast, if nothing else. Last year the basis for his argument was that this kind of a grant is unconstitutional. This time he says the arts grants are not needed to the National Endowment because the arts gets enough money through private sources, and he gave us a figure of an increase of about 18 percent.

I suggest to the gentleman if he checks that figure, he will find that it is not an increase of 18 percent, but 1.8 percent. I checked that with the organization that puts out those statistics, because I could not understand why it would go up by 18 percent, and they said it did not. It went up by 1.8 percent.

Mr. CRANE. Mr. Chairman, will the gentleman continue to yield?

Mr. YATES. I am glad to yield to the gentleman from Illinois.

Mr. CRANE. The figures for 1991 were $7.9 billion. The figures for 1992 were $9.3 billion.

Mr. YATES. But I point out to the gentleman, I am glad the gentleman raised that point——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. Mr. Chairman, I yield myself 5 additional minutes.

If the gentleman will look at that category again, he will notice that the grants are not only for the arts that he speaks about, the grants are for the arts, for culture and for the humanities, for three categories.

I asked in my call to the organization that made the statistics available to give me a breakdown of that, and they pointed out what that category is made up of, arts, culture, and the humanities.

For example, arts, culture, and the humanities, is made up of film, video, and holography. It includes television. It includes printing, publishing, including newspapers, literary journals, other publishers, producers of print materials. It includes history museums, which the arts do not cover. It includes maritime museums, including historic ships which are under our National Park Service and not under the National Endowment for the Arts.

It includes natural history, natural science museums, including anthropological and Native American museums.

I will tell the gentleman, I am reading from the sheet that that organization gave to me. I would be glad to turn that over to the gentleman at any time.

But I will continue with what I was trying to say. They also include science and technology museums. They also include sports and hobby museums and specialized museums.

In addition to that, the category includes subjects such as art history.

Now, art history is exclusively the province of the National Endowment for the Humanities, not for the National Endowment for the Arts.

History and archeology are included.

Classical languages are included. Foreign language schools and services. Language and linguistics. Literary services, philosophy, ethics, theology, comparative religion, theology schools, education, historic preservation, historical societies, genealogical organizations, commemorative events, centennials, fairs and festivals, veterans' war memorials, all the contributions for these events which are totally beyond the appropriations for the National Endowment for the Arts are included in that category and in that sum that the gentleman read.

Now, it is obvious to me, I do not know whether it is to the gentleman, it is obvious to me that that sum for $9 billion which the gentleman treated as a comparable sum for funding private arts is not applicable in this case.

Mr. CRANE. Mr. Chairman, if the gentleman will yield, I would argue that the majority of it is indeed applicable.

Mr. YATES. But the gentleman does not know that. I have read to the gentleman 20 to 30 different other categories which attract contributions.

Mr. CRANE. Isolated, in many instances insolated grants, individual grants, but cumulatively I am arguing still, Mr. Chairman, that these appropriations that we are making here at the national level are a fraction of what the private sector is allocating for the promotion of art in this country.

Mr. YATES. I do not know how much that may be, and I suggest the gentleman does not.

I would say to the gentleman that in a broad category he may be right, because the National Endowment for the Arts acts as a stimulus for private giving. It is because the National Endowment for the Arts has been in existence over the years that you find the private giving for the arts going up and up.

I suggest to the gentleman that if the National Endowment for the Arts were eliminated, you would not find nearly as great an impetus for private giving as you would because the Arts Endowment is in existence at the present time.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. There was an interesting article in the Wall Street Journal a few years ago that showed a correlation between 1965 when the Endowment was created and the increase in Federal funding.

I always remember one phrase. They said a grant from the National Endowment for the Arts was like the Good Housekeeping Seal of Approval. That is what it has meant for the private sector. They want to know, does the Endowment support this particular activity, and if they do, then there is a willingness on their part to match those funds.

Earlier, when we talked about the trust, it was 29 to 1. The Endowment for the Arts is about 10 to 1 in terms of matching funds. Under the law in the challenge grant area, you might put up a dollar and it has to be matched by $3 in the private sector, so the money is used for leveraging and it has worked very effectively.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. YATES. Mr. Chairman, I yield myself 4 additional minutes.

Mr. DICKS. Mr. Chairman, will the gentleman continue to yield to me?

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. I would argue, Mr. Chairman, that if we took away the funding for the Endowment, which by the way, I think we spend like 70 cents per citizen in the United States, compared to France which spends something like $32 per citizen. We have one of the smallest funding levels for the arts of any of the major countries in the world. It is almost embarrassing.

But I would say this. If we took away the money for the arts, you would see private contributions reduced as well, because there would not be the sense that we are in a partnership here with the Federal Government. I think it has worked well. We have kept the funding at a pretty stable level. It has not increased, but I feel that the National Endowment for the Arts has been one of the best investments we have ever made.

I think the gentleman from Illinois [Mr. YATES] has done more work, oversight, and brought them in every single year, he brings every panel up to have them discuss the work that they are doing.

I know there have been a few controversial grants over the years. When you consider the thousands and thousands of applications that have been considered and approved, many of which are not approved, I think they have done an incredible job. They have had tremendous citizen involvement in the panel system.

I think the record of the Endowment is one of the very finest, and I think it is something of which we in the Congress should be exceedingly proud.

So I would urge that the amendment would be defeated, that we would continue to fund this, and I would just compliment the chairman for his great leadership on this issue.

Mr. YATES. Mr. Chairman, the gentleman is correct about his other remarks, and I thank him also for the remarks he has made about this.

Reclaiming my time, Mr. Chairman, let me just say that our committee has decided that the arts and the humanities are important. The Congress has been one of the great champions of the arts and of the humanities over the years since it was organized in 1965, and our committee, every member of our committee supports the appropriations that we have made. They believe that the arts are a necessary part of our American way of life, that they indeed made their contribution not only to the joy and to the quality of our lives, but to our economic well-being as well.

Let me quote from the beloved Barbara Jordan of Texas who will be remembered by many Members of the House as one of our brightest colleagues. She recently made a speech on the Arts Endowment and its activities.

> The arts are integrally related to the United States economy and contribute to our Nation's wealth, competitiveness, and growth.

□ 1600

She estimated the contribution of the arts to be more than $173 billion to our GNP, which incidentally is more than the restaurants contribute. I say that because the gentleman has just sent a "Dear Colleague" letter around urging a particular tax exemption for business expense deductions.

Are the arts a priority? Let me tell the gentleman what the Arts Endowment does. Let me tell the gentleman about the little town of Jesup, IA, a rural area, a farm area of 2,500 people.

During one of our subcommittee's hearings this year we listened to the testimony of people from Jesup, IA and from other small communities. They are not famous people. We had famous people coming before our committee and testify: Opera singers, violin virtuosos, all kinds of famous people. But this was Amy Berns, a high school student, from Jesup, IA, who traveled to Washington to tell the Congress what it meant to her and her community to have a quartet, a quartet of chamber music called the Ying Quartet, come into their lives for a year, a school year. They were part of an NEA rural residency program, and listen to this, may I say to the gentleman from Illinois.

The citizens of Jesup raised $13,400, half the cost of sustaining the Ying Quartet, provided free housing and rehearsal space to bring the Ying Quartet to the town of Jesup, and in exchange the Yings provided string lessons to their children, gave concerts in remote places in the area, dropped by classrooms to help with class projects, shared their experiences and their travels with the residents of Jesup.

As for the town, Amy Berns' mother came here, and she started to cry at our hearings. She started to cry as she described what it has meant to her daughter to have had that NEA grant sending that Ying Quartet to Jesup, IA, to do what it did in teaching the children and bringing this joy and quality of life to the people of that town.

We heard also from the people of Rockport, ME; Kodiak, AK; from Blytheville, AR; from Manitou Springs, CO; from Carrboro, NC; Morristown, TN. They all came to share their experiences with National Endowment grants.

So I say to the gentleman that I am sorry that he has offered this amendment. I think the NEA has made a magnificent contribution to the quality of life of the American people, not only in the urban areas, but in the rural areas as well. The money is distributed throughout the programs.

So, Mr. Chairman, I say to the gentleman with all respect that I hope that his amendment meets the same fate that it met last year when it was defeated by over 200 votes.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the commentary of the distinguished gentleman from Illinois [Mr. YATES] and his poignant story about Iowa, Iowa has better than one-tenth of our national population. In terms of the allocation of funds though from the NEA they get seven-tenths of 1 percent. It is hardly a fair redistribution, and this gets to the point that I have made earlier in my comments about California, big State of California, biggest in the Union. We could add California, Illinois, Massachusetts, Minnesota, Texas, Florida, and they do not begin to get what the Sate of New York gets, just one single State, and it is illustrative to me of the misallocation of resources whenever we get government involved in programs like this.

Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, after struggling with NEA funding for years, and years, and years, I believe last year was the first time I supported the amendment of my good friend and colleague, the gentleman from Illinois, to completely abolish the funding. I am going to explain again today why I support the Crane amendment.

I have no quarrel with all the good things that the distinguished gentleman from Illinois [Mr. YATES] said about NEA funding. But, Mr. Chairman, we ought to have a ground rule around here. The rule should say that we will not fund with mainstream American taxpayer money so-called works of art that cannot be discussed in this Chamber. Where children visiting with their taxpaying parents are in the gallery. I cannot in good conscience describe some of the vile nihilism at the Whitney Museum of American Art in the city of my birth, the once beautiful New York City. If we cannot discuss it on the floor of Congress, how can we possibly fund this garbage?

Mr. Chairman, the NEA used to, with every dollar, fund legitimate artists and worthy thespians. Now it funds pornography and sodomy. It may only be a tiny percentage, but as I told the gentleman from Illinois [Mr. YATES] last year, this $175 million feeds the nihilistic cancer eating away at our country.

How can any of my colleagues at a townhall meeting defend the following. I will try and figure out some way to get through this without offending the youngest child in the gallery, Mr. Chairman. I will do the same hosting the "Rush Limbaugh Show," on Monday, Tuesday, and Wednesday of next week. This show reaches 20 million people, 20 times more than are watching the proceedings of this Chamber.

The Whitney Museum of American Art in New York City received general operating funds from the NEA to the tune of $200,000 over the last 2 years. Thus, every Whitney exhibit has indirect NEA support. This is fact.

Now Whitney currently has two exhibits. One is called "Abject Art." It is designed to be foul, and vile, and repugnant. It says in the brochures, "You will find this repugnant," and, if you do, I guess then you're an art aficionado. The other exhibit is called, "The Subject of Rape."

Now here comes my painful exercise in trying to describe vaguely an exhibit indirectly funded by the NEA without offending any Americans.

"Abject Art," and this is from their brochure, "describes a body of work which incorporates or suggests abject materials such as dirt, hair, excrement, dead animals, menstrual blood, and rotting food."

Further quoting from their brochure, "employing methodologies adapted from feminism, queer theory, poststructuralism, Marxism and psychoanalysis."

I cannot read the next line that my staffers, including female staffers, wrote for me.

In this exhibit a young woman is shown going No. 1 in the toilet. I, as my colleagues know, softened that a little bit. There is also a 3-foot mound of doodoo. I softened that a little bit. There is a dismembered sculpture of two women having—I cannot read that at all. Then there are framed samples of baby fecal stains. Since I have just welcomed my ninth grandchild into the world, I know what fecal stains look like. Drying them and framing them? I do not understand why American taxpayers have to fund that garbage. Then there is a film by two American homosexual men titled "Skull" followed by the f-word. In this piece, one man is shown shoving his head into—I cannot read this. Let us say he puts it into the other man's body. I did not know one could do that, but, oh, yes, it can be done on film and funded by American taxpayers. The journal explanation reads, "When the perpetrator withdraws, his head—" blankety blank. I cannot read it. I cannot say what he does with his head.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. CRANE. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] has 18 minutes remaining.

Mr. CRANE. I yield the gentleman from California 2 additional minutes.

Mr. DORNAN. Then the man wipes his head off with his hands, and then he does something with his tongue and his hands that I cannot describe.

Then there is a film called "A Spy" where our Savior, Jesus Christ who died for our sins, is depicted as a woman standing naked with all various body parts exposed. They love to get into blasphemy, some of these phony so-called artists.

This trash, this garbage, Mr. Chairman, passing for art should make every lady and gentleman in this Chamber blush. I truly hope we are asked about this at our townhall meetings. If this is as far as the self-proclaimed elite artists can push their God-given imaginations, then our Nation is in worse shape than any of us can suppose. Our Federal Government cannot continue supporting NEA until we figure out a way to carve out this vile, blasphemous and scandalous garbage from the public dole.

□ 1610

I will put in the RECORD one of the best columns I have read on our cultural war by Mona Charen. It is found on the front page of today's commentary section of the Washington Times. Just listen to this opening:

> Venture with me once more into the world liberalism has created: New York City. New York City has been governed politically, educationally, spiritually and morally by liberal ideas for at least 30 years. Fads that merely sideswiped other parts of the Nation—like high school condom distribution and a therapeutic approach to crime—have become institutional pillars of New York's liberal superstructure. So how are they doing?

She goes on to talk about sexual assaults by gangs of up to 30 teenage boys on little 12- or 13-year-old girls in New York swimming pools.

Why are they doing this? Go to the Whitney Museum of Art, and you will see. We are witnesses to a tragic decline in our culture and American civilization.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume in which to tell the gentleman from California [Mr. DORNAN] that the show to which the gentleman referred, the abject art was not funded by the National Endowment for the Arts

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would point out to the gallery that applause is not permitted. We would ask the gallery to listen, and not indicate any support or opposition to the speeches of any Members.

Mr. YATES. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I had not intended to speak to this matter of obscenity, but given what has just transpired here in the well, let me remind my colleagues that I had the privilege of leading the last two reauthorizations of the National Endowment for the Arts. Those reauthorizations, just as the NEA has, had their difficulties, but issues were raised. The NEA was restructured and reformed. And when we finished those debates, I think that the vast majority of the Members not only in this chamber and in the Senate, but in the country, were supportive of the National Endowment of the Arts.

One of the reasons they were supportive is because I put language in the National Endowment of the Arts legislation that says the following: "Obscenity is without artistic merit, is not protected speech, and shall not be funded by the National Endowment for the Arts."

So that debate is over. That debate is over. It is illegal for the National Endowment for the Arts to fund obscenity.

Let us get on to the real issue, and that is the value of the National Endowment for the Arts to this country.

Prior to the National Endowment for the Arts there were 37 professional dance companies in America; today there are more than 300. Prior to the National Endowment for the Arts, there were 27 opera companies in this country; today there are 110. Prior to the National Endowment for the Arts, there were 58 orchestras; today there are more than 1,000 community orchestras throughout this country. There were 22 professional theaters in America prior to the National Endowment for the Arts; today there are 422.

Mr. Chairman, let me put it another way. Last year 17 million Americans attended National Football League games. Twenty-four million Americans attended the symphony. Fifty-two million Americans attended live theater.

Americans are a people that enjoy the arts, and this is a country that has set this small agency aside with a relatively small amount of money to help leverage the funding for such things as the Vietnam Memorial Wall, and "Driving Miss Daisy." The National Endowment for the Humanities sponsors the Civil War series by Ken Burns.

These endowments, particularly the National Endowment for the Arts, have over this past quarter of a century enlivened this country.

Could it ever substitute for the private sector? Of course not. Nor does it intend to. It simply provides a little yeast for new emerging artists, for the arts to be spread across this country in ever widening waves and ripples, so that people that live in the small communities, as well as those who live in midtown Manhattan or downtown Chicago, can enjoy the best of art, which is the best that this country has to offer.

A vote for the gentleman's amendment would be a vote to strike that heritage from this country. A vote for the gentleman's amendment would be a mistake. That is why a vast majority of the people in this country do not accept what the gentleman is trying to do, but rather what the majority of us will do, and that is to vote to continue funding for the National Endowment for the Arts.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I want to respond to the challenge that no NEA money went to "Abject Art" or the "Subject of Rape" at the Whitney Museum. I will read the exact words that I used.

I said, and these are my exact words, that the Whitney Museum of American Art received general operating support with NEA tax dollars to the tune of $200,000 over the last 2 years. Thus, ergo in Latin, thus every Whitney exhibit has indirect NEA support. Not gainsayable. Proven. Fact.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make one comment. The one comment is that there is no logical correlation between the massive escalation of funding of the arts and the existence of the NEA.

Second, I would like to point out to my colleagues, the disproportionate allocation of funds certainly is no way of trying to provide a justification as the chairman did when he cites little tiny Iowa there. But little tiny Iowa does not get a fraction of the money it pays to underwrite the program.

Mr. Chairman, I yield 5 minutes to my colleague from a neighboring district, the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, this past week I was in a helicopter and toured the 16th Congressional District of Illinois, and it is under water. The debate over the NEA is a debate over priorities. With a $4.22 trillion debt, we as Members of Congress have to realize that our purpose here is to finance only those programs that are absolutely necessary to the functioning of this Government.

Every year Congress spends up to its maximum allowance. We leave ourselves very little room to pay for unanticipated emergencies like the flooding that has hit the Mississippi River plains and buried little East Dubuque under water, and flooded tens of thousands of acres in Stevenson County, and hundreds, if not thousands, of farmers in the process of losing their generations and generations and generations on the family farm.

Why can we not make the not-so-tough decision to ax programs of secondary priority to pay for disaster relief? Why can we not help the people of the flood damaged Midwest and not increase the Federal deficit?

□ 1620

I am not singling out the NEA. I voted 58 times in this body, since coming here in January, to cut spending. I encourage my colleagues to read the Interior spending bill, because it contains other programs of low priority besides the NEA.

Mr. Chairman, northern Virginia will receive $450,000 to repair a bicycle path. My district is drowning in the floods. Mr. Chairman, what would $174 million do to the people of the Midwest who are drowning in water? We checked with a major relief organization, and here is what $174 million would do to the people who have been savaged by the Mississippi River that does not know its bounds.

It would pay for 7.3 million meals, 159,000 people could be housed for months in temporary shelters, and 200 emergency mobile feeding centers could be sent to the Midwest.

Mr. Chairman, this is not a matter of art. This is a matter of priority. We are wrestling to find money in this country to literally, physically bail out the devastating floods that have hit the Midwest, and that is why we have to cut wherever it is necessary, to get rid of programs that are not absolutely necessary to the functioning of this Government.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman is not suggesting that if this amendment is not enacted that Congress is not going to support flood relief for the emergency in the Midwest, is he?

Mr. MANZULLO. Mr. Chairman, what I am suggesting is that this $174 million could be used toward that because my understanding is that the supplementary appropriations bill that will come here probably will be added to pure deficit financing.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I would suggest to him, I think the Congress is very sensitive about the plight that people in his district and his State are facing. That is a separate issue.

Mr. MANZULLO. Mr. Chairman, it is not a separate issue. The people that are drowning are taxpayers.

Mr. DICKS. But to say that we should eliminate the National Endowment for the Arts because we have an emergency in the Midwest, this Congress is capable of dealing with emergencies in California with earthquakes, Mount Saint Helens in the State of Washington, now this terrible flood. We had a terrible problem in Florida. These are emergency situations.

This is, on the other hand, a program that has been in existence since 1965, that has admirably served the American people.

I would suggest to the gentleman, drawing this analogy or comparison is not really in the American interest.

Mr. MANZULLO. Mr. Chairman, we are talking about dollars. We are meeting with the SBA, FEMA, all the sheriffs, the Governor of the State of Illinois, and there is no money. There is no money to bail out the situation.

Mr. DICKS. There is an emergency provision.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I have here the President's plan for dealing with the Midwest floods. It is pure deficit add on. It is $2.5 billion of pure deficit add on for just the next 3 months. It does not even speak about next year.

Earlier today, when I suggested that we ought to begin to deal with the problem for next year, that was rejected, too.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the gentleman is not suggesting that we should not deal with the flood, is he?

Mr. MANZULLO. Mr. Chairman, what I am suggesting here is this: I am not attacking the NEA in a singular position. I have gone after other programs.

I am simply saying, this Government has no money. When I look at the dairy cattle that are stranded and there is no feed and I look at the farmers who come to me saying, "Congressman Manzullo, what can be done, we are going to lose our farms," how can I justify to them that $174 million is going to fund something that is not absolutely necessary for the function of this Government?

I am talking about priorities. I am talking about people who are on the verge of losing everything they have.

That is what this Congress is about. It is supporting only what is necessary to live on. I invite my colleagues to get in the helicopters, to see the devastation that is happening and ask themselves, should we be voting in favor of a program that is not absolutely necessary?

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

In order to reply to the gentleman from Illinois [Mr. CRANE], I asked the NEA about the Whitney exhibit. I will tell the gentleman from Illinois [Mr. CRANE] that I received the following reply:

"In August 1992," during the Bush administration I may say, "the National Council on the Acts recommended a $20,000 grant to the Whitney's ISP. In September 1992, the then-acting chairperson, Anne Imelde-Radice, approved the Council's recommendation for the ISP grant application. The fellows organized one or more exhibits to be presented at the museum or one of its branches, like the exposition on abject art. The Endowment did not fund the exhibition."

This is from the NEA.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise today to oppose this misguided attempt to efforts eliminate funding for the National Endowment for the Arts. While the arts are viewed by some, obviously, as a luxury which should be invested in only during times of national prosperity, such people fail to recognize the huge impact that the arts have on our Nation's economy, on our citizens' education, and on all Americans' quality of life.

The NEA contributes substantially to our national economy. It has been estimated that 6 percent of our gross national product is generated by the arts industry—making the arts a larger industry than agriculture.

In addition, investment in the arts have a tremendous multiplier effect on the economy. The $116 million invested by the NEA in 1992 is estimated to have generated local economic activity totalling $1.68 billion, an almost fifteenfold return in jobs, services and contracts. A Federal commitment to the arts is not a luxury; it is a necessity for our country's economic well-being.

There is also a common misconception that NEA funding is concentrated in urban areas. Federal arts dollars, however, reach far beyond our Nation's cities. The congressional district which I represent in New York City includes many of our Nation's finest cultural institutions, and is home to hundreds of artists. But the buck does not stop there.

A recent study tracked 100 nonprofit cultural institutions in New York, which provide services or performances in States throughout the country. Illinois, for example, was the recipient of more than 30 programs, which although originating in New York, provided hundreds of performances and services in Illinois, plus many additional ones in other States.

NEA funding reaches 10,000 artists-in-residence at more than 11,000 community sites in all 50 States, benefiting approximately 4.5 million students a year.

Over the past 5 years, combined audiences of over 336 million have participated in events supported by the Endowment.

This is as much a part of our cultural landscape as our farms and our factories. I urge defeat of this amendment.

Mr. CRANE. Mr. Chairman, I would just like to comment that the District of Columbia gets a larger percentage of NEA funding than all but two of the States of the Union. There is a good working relationship here. I can appreciate the gentleman from New York defending the NEA program inasmuch as his State gets almost one-fourth of all the NEA funding.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, in the 102d Congress, as a freshman, I listened to the chairman and supported the NEA because there he told me that the language would stop some of the activities, as my friend from California pointed out. That did not happen. Language is not stopping obscene art supported by the NEA.

The second point is, the Ying Quartet. It is very touchy, but why should my taxpayers in California pay for the Ying Quartet? My children did not hear it.

We talk about funding, 17 million in a football game, 24 million went to a symphony.

□ 1630

I went to a symphony the week before last and was given the Golden Baton Award. I wrote a check out of my own account for $1,000 for the San Diego Symphony. That is how it should be funded.

I would say to the gentleman from New York, there are 6 million people in New York, and over 1 million are on welfare. How about putting some of the money toward the welfare recipients? The gentleman said 6 percent of the GDP comes out of the arts. Then it ought to pay for itself. If there is $24 million going, then it ought to pay for itself. If there is $1.68 billion, a fifteenfold return out of the arts, then it could pay for itself.

Again, it is not a question of what the art funds, it is the fact that it funds. American taxpayers are having to foot the bill in a time when we have a deficit of $4 trillion, $1.5 billion a day. We are cutting 30 percent out of defense, and the President's budget is cutting an additional $127 billion out of it.

I think the NEA should be cut, and let it stand on itself. If art is art, then let it support itself.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Illinois to cut funding for the National Endowment for the Arts, and I urge my colleagues, on both sides of the aisle, to join me in voting "no."

For those Members who are contemplating voting for this amendment to save money, I ask them to think again, because the NEA is one of the most powerful seed grant programs working today.

In fiscal year 1992, the $153 million in program funds invested by the NEA leveraged $1.68 billion in contributions and funding from businesses, groups, individuals, and other sources. That figure means that each dollar invested by the NEA, produces $11 in matching funds. In turn, this creates a 20-fold return in jobs, services, and contracts.

Since the Endowment's founding in 1965, the number of orchestras has increased from 110 to 230; nonprofit theatre companies have gone from 37 to 450; opera companies have grown in number from 27 to 120, and dance companies from 35 to 450. In California alone, the number of performing arts companies, museums, and arts organizations grew from 650 to over 1400.

My district, the two counties, north of San Francisco—Marin and Sonoma, have received close to $100,000 this year for such diverse programs as individual creative writing grants to the Headlands Center for the Arts in Sausalito, which has a terrific open studio program for visual artists. The wonderful Marin Symphony and Public Art Works Company also received seed grants to bring their services to more people.

The total Federal commitment to the arts is less than two ten-thousandths of 1 percent of our budget. It costs the individual taxpayer 68 cents a year.

Mr. Chairman, I firmly believe that cutting unnecessary and unworkable programs is vitally important. If my colleagues are serious about having a real impact in debt reduction, look elsewhere in the budget. The NEA is an excellent program and it deserves Federal support. Please, vote "no" on this amendment.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I rise in support of the Crane amendment, and want to explain why. I want to do so, admitting that I do have some mixed emotions, knowing that the NEA does do a lot of things that are good things, but I think there are three messages we need to convey to the NEA and those who support it, and particularly within the NEA organization.

No. 1, they need to be more sensitive. No. 2, they need to be more accountable. No. 3, we in the U.S. Congress need to save more money.

I am doing this without any bitterness, maliciousness, or anger. My daughter wants to be an artist, my father is an artist, I was a member of the Georgia Arts caucus. However, I do so because of the demands of the constituents back home. People are very outraged. I think we need to address their concerns.

In World War I, it was a trench warfare. Often the American forces and the Allied forces found themselves in trenches abandoned by the German forces. Today I find myself in a trench abandoned by those who fight for inclusion, by those who fight for women's rights and civil rights and religious toleration.

Today, in the name of censorship, those very people have abandoned their trench. Yet only yesterday, we debated a voluntary service bill that had in it language to prohibit funding for any institution that practices gender bias. In fact, our universities all over the country are going through their textbooks and cleansing in the name of political correctness. Is that not censorship? Is that not what the Federal Government is demanding right now?

What would have happened if the offensive pictures would have used as their victims minorities or women? Would these groups have abandoned their trenches? No. The fact is, the victim of this was Christians, in many cases, and they are offended. Like any other group in the United States of America, they need to be defended by our Government.

I say to the Members, they have the right to be defended, and we have the right to demand sensitivity by the NEA. I support freedom of speech, but I believe that, second, the NEA must be accountable. If I ask someone to paint a picture of a cow by a stream, and I am paying for it, and I am given a picture of a naked lady, we have a problem. I can withhold the money, and that is the case.

Finally, let me say that we are $4 trillion in debt right now. If the NEA is doing as well as football and other entertainment, let them do as football and baseball and basketball, and carry their own weight.

Mr. YATES. Mr. Chairman, I yield myself 30 seconds in order to reply to my friend, the gentleman from California [Mr. CUNNINGHAM], who said that his children were unable to hear the Yin Quartet play in Iowa, and why should he spend money for that?

I should like to point out to my good friend, Mr. CUNNINGHAM, that his children can hear some things that the children in Iowa cannot hear. For example, in San Diego, the NEA has been making grants to the San Diego Opera, the Old Globe Theater, the Laguna Playhouse, the San Diego Museum of Art, the San Diego Chamber Orchestra, an orchestra just exactly like the Ying Quartet, the San Diego Museum of Contemporary Art.

Let me say to the gentleman, his children are very lucky. All of the grants go to provide art for his children and for the other children in the San Diego area.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman would get all of the liberal Members who are going to vote for this to give $1,000, like I did last week, he can pay for this amendment. If he wants to support it, support it privately.

Mr. YATES. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Ohio [Mr. REGULA], the distinguished ranking member of our committee.

Mr. REGULA. Mr. Chairman, I have not been a big fan of the NEA, as those Members who have been here in past years would recognize. I do think, as was pointed out by the gentleman from Montana, that in the reauthorization process we set in standards that prevent obscenity, that require citizens and not bureaucrats make decisions on the grants, that encourage and require, as a matter of fact, that the arts money go back to the State in a greater share. Generally, I think that reauthorization did a lot to improve the way in which the National Endowment for the Arts is operated.

I was interested, the previous speaker mentioned that football, baseball, and basketball are not subsidized. I would, I believe, observe that many of the stadiums that are built around the country are built with taxpayers' money. That is certainly a direct form of subsidy to sports.

In any event, the arts money does leverage, as was pointed out earlier, a great amount of private money. Many of the private donations are based on approval by the NEA for a small portion. It becomes a way in which we can encourage private contributions.

Of the major industrial countries in the world, the United States contributes the least in public tax dollars because of this leveraging feature. We do encourage private contributions, and as the gentleman from Illinois [Mr. CRANE], who is a member of the Committee on Ways and Means, knows, we provide for tax deductibility of those contributions, which is another form of tax subsidy, because we recognize on balance that the arts contribute to the national character, they contribute to the rich cultural heritage of our Nation.

Also, I would like to read a statement from a Lachan Richardson that was made in front of our committee.

□ 1640

She said this, and she is from Washington, DC:

> Maybe when you think about funding the arts, you think about entertainment. That's not what it is all about. I would like you instead to think about young people. Young people like me, not just watching the arts, but actually using the arts every day of our lives. The reason that I want you to think about it is that funding the arts is more than supporting entertainment. For me and my friends art is a life-line. The arts have changed my life.
>
> My name is Lachan Richardson. I am 17 years old and I attend Ballou High School in DC. I also have a eight-month-old baby girl. I am a participant in the Living Stage Theatre Company's Teen Mothers of Today project. In this program a group of teenagers my age go to the theater every week to do creative work with the acting company. They do plays for us about important things and we get to be artists also because we write endings for them to act out.

So these programs do reach out to many people in all walks of life, and I think make important contributions to our national cultural heritage.

Mr. CRANE. Mr. Chairman, I remind the gentleman from Ohio [Mr. REGULA] that huge Ohio gets only one-third of the money from NEA that the District of Columbia gets. It is hardly a fair redistribution.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding the time. I have listened with interest as proponents of this spending talked about the need to have operas and orchestras and art buildings, and I concur that we need those things. But we do not have the right to ask working families to pay their tax money to such endeavors.

Right now, if you go across the array of publications about the state of the average blue collar worker and his family in this country, and his inability to meet his bills, his inability to send his children to a university, his inability to make mortgage payments, and the difficulty in just keeping his head above water in today's life, the idea that these people should be subsidizing art is one that absolutely should be rejected by this body.

For those who talk about the values of art to young artists, I would like them to think of Olaf Wieghorst, who is from San Diego and who was the dean of the Western artists. When he passed away several years ago at the age of 90, he was the highest priced artist in the world. He painted million-dollar pictures, and he did it without ever receiving a dime of subsidy, and he was proud of that. And he did something that was unique in the art world. He worked his way through his career.

He was a cowboy, and he worked in the border areas with the American cavalry in the last part of the last century and the first part of this century. He was a New York mounted policeman. He came to San Diego County and worked with his hands, and he built buildings out of adobe with his own hands that are still there.

That is the artistic ethic that we should endeavor to have our young people follow, the idea of self-reliance, of rugged individualism, and yes, of free enterprise. And the idea that we are creating the ethic that Government controls and funds art is exactly the wrong idea to be giving our young people. And I support the Crane amendment.

Mr. CRANE. Mr. Chairman, I yield myself my remaining minute.

Last month, the House of Representatives voted 243–181 to eliminate funding for the National Endowment for Democracy [NED]. While embodying a noble purpose, the NED, like many Federal programs, has outlived its usefulness. I commend my colleagues who voted last month for fiscal responsibility, and I call on those same budget-minded reformers to support my amendment to the Interior appropriations bill to strike the funding for the National Endowment for the Arts [NEA]. After all, art should go before democracy.

I would reiterate finally, Mr. Chairman, my original statement. It is a constitutional question. It was debated in the Philadelphia Convention, and funding for this sort of thing was rejected by the Founding Fathers who crafted our Constitution, and which we all faithfully swear to uphold.

The CHAIRMAN. All time of the gentleman from Illinois [Mr. CRANE] has expired. The gentleman from Illinois [Mr. YATES] has 1 minute remaining.

Mr. YATES. Mr. Chairman, I yield my remaining 1 minute to the distinguished gentlewoman from New York [Ms. SLAUGHTER], chairperson of the House Arts Caucus.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding the time. I am going to disregard my speech. I think the speakers before me have made the case for the great economic benefit that the arts has to this country and to revitalizing cities and small towns all over the country.

I want to spend my time talking about the benefit to children. I recently heard on the radio, on NPR, a child psychologist from Chicago say that by the time their patients were 12 years old, 60 percent of them had watched someone shot to death or stabbed to death before their eyes. We know that there is not only a physiological but psychological shutdown when that occurs in a very small child.

One way we know how to deal with that is through the arts. I had the opportunity of watching a little boy, 5 years old, working with his hands on a collage and he was able to say to the boy next to him, "Did you know that my brother was dead. He was shot," and then the tears started rolling down his eyes.

We know also what happens with children who have the benefit of arts programs, both music and art, that they are eventually better students for the discipline that they learn from art.

There are two things we want to work with, and that is the violence on the streets and what it does to our children, and we want to make them better academic students. If the arts does that, it is money well spent.

Mr. KYL. Mr. Chairman, my constituents in Arizona have told me time and again that they want Congress to "cut spending first."

They have told me time after time, for example, that they want an end to Government subsidies. And, as a result, I have cast some very tough votes—against agricultural subsidies, for example, even though some Arizonan farmers certainly benefit from those subsidies.

We have before us today an amendment to defund the National Endowment for the Arts [NEA]. To the extent that the Endowment is helping to educate people, children in particular, about the importance of art and artistic expression, I believe it serves a worthwhile function, especially if the private sector cannot for some reason fulfill that task.

However, the NEA also subsidies individual artists across the Nation, and as with other subsidies, we have to ask why? These are individuals who have chosen their own profession. They know the risks and the rewards.

Like any other American, they must find a way to sell themselves and their work in the marketplace. Some will succeed, and some will fail. The outcome is determined by their own ability and hard work, and whether or not there is public demand for the work as evidenced by ticket sales, sales of art work, and the like.

If there is sufficient demand for an artist's work, there is no need for taxpayer subsidies. By the same token, if there is not sufficient public demand, then that should be reason enough to demonstrate that taxpayer subsidies can't be justified.

As we look for ways to cut huge budget deficits, and as resources become ever more scarce, we must begin to prioritize. If faced with a choice between funding more basic needs—such as nutrition and housing for the needy—or subsidizing the careers of artists, I believe most of us would opt for the former over the latter. But there is a mentality that prevails around here—that we can have it all—that has brought this Nation to the brink of financial disaster.

Mr. Chairman, it is unfortunate, but subsidies are not the only issue here. It appears that the NEA is at it again, funding works that many Americans can't help but find obscene or offensive.

This time, the grantee is the Whitney Museum in New York City, and the exhibit is one on "Abject Act." It includes, for example, a depiction of a three-foot mound of "synthetic" excrement. If the museum wants to exhibit excrement, fine. Let them pay for it. But, my guess is they would find better ways to spend their own money.

It is really a shame that this kind of abuse has not been rooted out by the NEA and the arts community, before we have had to address it here. Instead, it has too often been defended as an aberration that should not taint the other good work that the Endowment does. But, it has.

Taxpayers are furious. They are furious with how Congress wastes their money, and they ought to be. If we can't even get the NEA to end grants for the exhibition of excrement, how will we ever make the really difficult cuts in spending needed to reduce the Federal budget deficit?

Mr. Chairman, I am voting for this amendment to send the NEA a message that business-as-usual has got to come to an end.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is language in the bill that has caused great concern among some of my constituents in Arkansas, so I rise for the purpose of entering into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES].

Mr. Chairman, the plain language of the bill states that the limitation included is on the planning, scoping, or preparation of timber sales using clearcutting in the Ouachita and Ozark-St. Francis National Forests. Therefore, incidental cuts occasioned by natural disasters or necessitated to address a threat to Forest health would not be covered by this limitation. Additionally, the Forest Service Wildlife Program for maintaining on enhancing wildlife habitat or for habitat for endangered or threatened species would not be affected.

Am I correct?

Mr. YATES. Mr. Chairman, if the gentleman will yield, the gentleman is correct.

Mr. HUTCHINSON. Mr. Chairman, It is also my understanding that the gentleman would have no objection to the insertion of the word "permanently" on line 20 of page 57 preceding the word "alter."

Mr. YATES. Mr. Chairman, if the gentleman will yield further, the answer to that is no.

Mrs. ROUKEMA. Mr. Chairman, as Congress ponders new tax increases and deficit reduction, I believe this body must work hard to eliminate all unnecessary Federal spending. Freezing spending at fiscal year 1993 levels is a start, but Congress must work to do more. I am pleased the House was able to trim the total appropriation in H.R. 2520, during consideration of the bill, yet I remain unable to support the final measure on its fiscal merits.

Mr. GEREN of Texas. Mr. Chairman, I rise in opposition to Mr. DELAY's amendment to eliminate funding for the National Trust for Historic Preservation.

We created the trust to educate the public about our historic resources, what they mean and how to preserve them. It is the only national organization with this mission and this Federal grant is essential to its operations.

The $7 million grant for the trust was requested by President Clinton and is subject to a matching requirement. In years past, the trust has far exceeded a 1-to-1 match from private sources and has very effectively leveraged private funds. This money will allow the trust to continue its public education, technical assistance and outreach work of seven field and regional offices across the country.

These offices provide a wide range of support to localities and nonprofit groups, as well as fund the maintenance and operation of 18 historic house museums across the country. This grant also enables the National Trust to dedicate a portion of privately raised funds to direct grants for much needed preservation projects such as deserted downtown neighborhoods and rural communities.

I want to make it very clear that none of this money will be used to fund new programs but instead will be used to save at-risk communities and outreach to new audiences.

The trust is a good example of a public partnership that works. It makes no sense to punish the National Trust because it is able to leverage its Federal grant by raising a substantial portion of its budget from the private sector. We should support and encourage public-private partnerships that work and I therefore ask that you join me in opposing Mr. DELAY's amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 322, not voting 12, as follows:

[Roll No. 326]

AYES—105

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barcia
Bartlett
Barton
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fields (TX)
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Grams
Greenwood
Hall (TX)
Hancock
Hastert
Hayes
Hefley
Herger
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
King
Kingston
Knollenberg
Kyl
Laughlin
Levy
Lewis (FL)
Linder
Livingston
Manzullo
McCandless
McHugh
McKeon
Michel
Moorhead
Myers
Orton
Paxon
Petri

Pombo
Quillen
Quinn
Roberts
Rohrabacher
Roth
Royce
Sarpalius
Sensenbrenner
Shuster
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Vucanovich
Walker
Young (AK)

### NOES—322

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Goss
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

### NOT VOTING—12

Conyers
Dingell
Faleomavaega (AS)
Frank (MA)
Henry
Leach
Lightfoot
Rangel
Smith (IA)
Studds
Torres
Towns

☐ 1706

Mr. MENENDEZ and Mr. MACHTLEY changed their vote from "aye" to "no."

Messrs. HAYES, COX of California, and PETE GEREN of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had come to no resolution thereon.

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## REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2010, NATIONAL SERVICE TRUST ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-177) providing for further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a corporation for national service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS OF H.R. 2010, NATIONAL AND COMMUNITY SERVICE ACT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Massachusetts?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object to the request of my good chairman, but if I could just continue on with my reservation, I would yield to the gentleman to make his statement so that I could ask a question or two when he finishes.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, the Rules Committee has granted a second rule to determine floor consideration on amendments of H.R. 2010, the National Service Trust Act of 1993. The rule, which is otherwise open, requires that amendments be printed in the CONGRESSIONAL RECORD no later than Monday, July 19. I want to alert Members on this requirement for H.R. 2010 so that they will be prepared with their amendments.

Any Member who wishes to offer an amendment to the National Service Trust Act must have that amendment appear in the CONGRESSIONAL RECORD no later than Monday, July 19, 1993.

Amendments should be titled "Submitted for printing under clause 6 of rule XXIII (23)" and submitted at the Speaker's table.

☐ 1710

Amendments do not need to be submitted to the Rules Committee.

Mr. SOLOMON. If I might continue my reservation, Mr. Speaker, on the statement the gentleman just made, is the House going to be in session on Monday? That is important, we have to know whether we can file amendments on Monday.

Mr. MOAKLEY. I have been informed that the House will be in session Monday, Mr. Speaker, but I am not sure there will be any votes on Monday.

Mr. SOLOMON. But it will be appropriate for Members who may be home over the weekend to file amendments on Monday for consideration on Tuesday or later?

Mr. MOAKLEY. That is right.

Mr. SOLOMON. So that they would be printed in the RECORD for the following day on Tuesday?

Mr. MOAKLEY. The gentleman is correct. We extend the time, as the gentleman knows, because when we reported out the second part of the rule, we extended the time until Monday.

Mr. SOLOMON. If I could just say to the gentleman, as he knows, since he is the chairman of the Rules Committee and I am the ranking Republican, we had a considerable discussion about this rule which would require preprinting. This is an entirely new program that many Members still are up in the air on. We have concerns about it because we are not sure whether these preprinted amendments would be subject to secondary amendments.

Just for example, I have an amendment which we have been working on all day which would transfer the funding of this new program out of the veterans part of the pie of the budget and place it in the education part; in other words, transfer it from function 800 to function 500.

I guess my question is, with this preprinting requirement, would my amendment that I would be offering that is preprinted be subject to any secondary amendments, or would this amendment have to stand by itself?

Mr. MOAKLEY. Mr. Speaker, as the gentleman knows, any amendment that is germane will be allowed and a secondary amendment could be appended to it.

Mr. SOLOMON. It would be in order to it?

Mr. MOAKLEY. Yes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

As I say, we are going to oppose the rule when it comes to the floor.

Mr. MOAKLEY. Mr. Speaker, I am glad the gentleman brought it up, because any Member can submit his amendment. The only prerequisite is that it has to be filed by Monday and be germane. Otherwise, there is no problem.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for clarifying this for the Members of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Mr. SABO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2264) entitled "An Act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994," with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. KASICH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to H.R. 2264, be instructed to reject increases in Federal spending within the scope of the conference by excluding from the conference report all provisions that increase direct spending, except social security.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it is certainly good to be back after the Fourth of July recess getting an earful about how the American people feel about how we are managing things in Washington. It is interesting.

I not only received a lot of comments from my people at home about the fact that we ought to be cutting spending first, but I just received a very interesting letter from a lady by the name of Martha Tillman from Stone Mountain, GA. I would like to read part of this letter because I think in a nutshell it describes people's frustration with what is going on in Washington, DC.

This letter is addressed to:

> DEAR REP. JOHN INDY KASICH: While watching you debate the budget one evening on C-Span, it came to me. Put an old brown hat on his head and a whip in his hand and there is the real live Indiana Jones. Like him, you have undertaken a crusade which has more obstacles to overcome than Indy ever had. Changing the budget process may prove to be more difficult than finding the ark. You even have your own snake pit, the Rules Committee, to deal with. Keep fighting those fires and someday you will clear a path to real reform.

The lady from Stone Mountain, GA, sent me all the Indiana Jones replica information, and she says, closing her letter:

> It was important that Indiana Jones won the fight, but what is more important is that the Republicans and those who are concerned about cutting spending first, including my colleagues on the Democrat side of the aisle, win this fight.

What the motion to instruct conferees does is basically to strip out all the new entitlement spending that represents the difference between what we did in the House and what we did in the Senate.

The question would be, do we not approve of any of these new entitlement programs? The answer is no. That is not the judgment. That is not the decision here.

When President Clinton came to the House floor to present his budget to the Members of the House and the Senate, he said we are going to have a major deficit reduction package, and that package is designed to reduce the Federal deficit. In fact, he even proposed a deficit reduction trust fund, and he said all the taxes would go into this trust fund in order to reduce the deficit.

And here we turn around and we find that the House bill has $39 billion in new increased direct entitlement spending. The Senate only has $18 billion.

Our motion is to reduce the new spending in the House bill to the level that the Senate has. So essentially it is a savings of $21 billion.

Really, what the American people are saying, I know they are saying it during your Fourth of July parades and my Fourth of July parades and in Stone Mountain, GA, is to cut spending first. If you are going to step up to the plate and raise taxes, you ought to at least put it in a situation where it is being used to reduce the deficit, not to increase and explode new entitlement programs.

I may not even find fault with some of the recommendations in these new entitlement programs. Some of them actually make sense, but the increase in welfare spending ought to be part of the Comprehensive Welfare Reform Package.

The increased spending in Medicare and Medicaid ought to be part of Mrs. Clinton's overall health care reform package.

This is not the vehicle we should use to tax and spend. That is exactly what this vehicle presently is, tax and spend. You raise taxes on the people, then you turn around and you create more new entitlement programs.

What this motion to instruct conferees says is let us control spending. Let us not use more taxes to have more spending.

I remember when President Clinton was running for President. He got up on TV, and I thought it was very good. He said, "You know, the Republicans are going to get that old record out and they are going to put it on the phonograph and they are going to say, Bill Clinton, he is tax and spend, tax and spend."

Well, do you know what this represents? This means that Bill Clinton and the Democrat leadership got that old record out themselves and put it on the phonograph and that record is tax and spend, tax and spend.

What we are trying to do is keep you from spending so much.

You want to raise taxes? We do not agree with that. But if you are going to raise the taxes, the American people certainly do not want them to be used for new spending programs.

So I urge you to support the motion to instruct conferees to cut spending, approve these new programs in some other way at some other time within existing funding. Create new priority programs.

Let us not use these taxes to raise more spending and drive the deficit even deeper.

□ 1720

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to instruct, and I would urge Members to defeat the previous question when that vote comes, at which point I will offer a substitute amendment for the motion offered by the gentleman from Ohio [Mr. KASICH] which would delete his language, but which would instruct the managers on the part of the House to accept in conference the provisions as relate to the Senate provisions relating to the taxation of Social Security benefits under the income tax code.

Mr. Speaker, we have back before us today the Senate version of reconciliation. While we have some disagreements, there is fundamental agreement in 85 to 90 percent of the bill between the House and the Senate. It is a bill that reduces the deficit, the House and Senate both reduce the deficit, by about $500 billion over the next 5 years through a combination of spending cuts which are real. The fact is that spending cuts come first in both House and Senate bills through tough, tough limits on discretionary spending over the next 5 years which are enforced through cuts in entitlement programs and through raising revenues primarily by increasing the taxes on the most wealthy in our society. Over two-thirds of the revenues in this bill come from those making over $200,000 a year, 70 to 75 percent comes from people making over $100,000 a year.

However, Mr. Speaker, there are other problems in our society that we also have to deal with. Both House and Senate in some fashion deal with some of the basic inequities that exist in our society. One of the fundamental recommendations of the President was an expansion of the earned income tax credit and a fundamental belief that people who are working full time in America should not be in poverty. The Senate modified the House's provision as it relates to the ITC, but they retained a substantial part of it. Clearly, we must negotiate those differences in conference. As I understand, and I am not sure what the total interpretation of my friend from Ohio's motion is, he would eliminate most of those provisions.

We also deal with some of those people who are in fundamental hunger in this country and do not have money to buy food. Through some modification of the food stamp program the Republican substitute and instruction would out of hand reject any discussion between the House and the Senate on that issue.

So, Mr. Speaker, we go to conference, we will deal with those differences between the House and Senate in a rational, fair way. We do not want to prejudge those things which deal with fundamental fairness for some of the people in our society. We want to deal with creating a very progressive, new method of raising revenue in our country, but at the same time the House at this point is willing to say to our conferees that we are willing to accept the higher thresholds and changes of taxation in Social Security in conference.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I want to make sure that I understand this. The gentleman originally passed out of this House the Democrat plan that increased taxes on Social Security recipients in the upper income levels, and now the policy is changing; is that correct?

Mr. SABO. We have a different threshold figure in the House and the Senate. Our instructions to conferees would be to say, "Accept the Senate version."

Mr. BURTON of Indiana. And the Senate is lower than the House?

Mr. SABO. Higher.

Mr. BURTON of Indiana. It is higher than the House?

Mr. SABO. Right.

Mr. BURTON of Indiana. So the tax on the Social Security recipients would be less in effect?

Mr. SABO. That is accurate.

Mr. BURTON of Indiana. Well, I want to say, "Congratulations. At least you're starting to see the light on the horizon."

Mr. SABO. Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding this time to me. Today we are in the process of appointing conferees to work out the differences between the two bodies on the largest tax increase in the history of the country. The gentleman from Ohio [Mr. KASICH] is our ranking member on the Committee on the Budget, and he has exercised his prerogative of offering a motion to instruct the conferees as he sees fit. I rise in support of his motion for a number of reasons.

Mr. Speaker, we have been told over and over again by our Democrat colleagues that this is a deficit reduction bill. Well, if the President and the Democrats in the Congress are serious about reducing the deficit, then why is there $39 billion of spending increases in the House-passed version and $19 billion of spending increase in the Senate-passed version of this reconciliation legislation that we are considering going to conference on? If I may be permitted to use the President's favorite euphemism, Mr. Speaker, Americans are being asked to make a contribution so that there can be more Government spending. We are instructing conferees today that at the very minimum they should reject spending increases as allowed within the rules of the conference.

I ask my colleagues, "Why include massive new spending in a bill purported to reduce the deficit?" It is because this is not truly deficit reduction legislation, but the same old Democrat one-two punch, tax and spend. I would like to remind my colleagues that the major spending increases in the House-passed version of this legislation, the $7 billion increase for the Food Stamp Program and the $28 billion for the earned income tax credit, are solely there, quite frankly, to mitigate the impact of the $72 billion Btu energy tax on lower income Americans.

Mr. Speaker, I say to my colleagues, "If you oppose the Btu energy tax which hits middle-class Americans hardest, then you should support this motion to instruct conferees."

I would ask my colleagues to join us today, Mr. Speaker, in instructing conferees that they should at the very least not agree to increase new spending in the legislation. Republicans would have preferred to reduce the deficit through reducing the size of the Federal Government, not by asking Americans, including middle-income Americans, to contribute to a larger Federal Government and Federal bureaucracy. We have said all along, in justification of the gentleman from Ohio's budget substitute, that the gentleman and those of us on our side preferred not to spend so much and, thereby, foreclose the necessity for increasing taxes, which seems to be the inclination on the part of the Democrat side.

So, again I would ask my colleagues to vote for this motion to instruct the conferees and thereby indicate their opposition to the increases in spending that the conferees on the reconciliation bill must decide on.

Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for having yielded me such time.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I thank the gentleman from Minnesota [Mr. SABO], the chairman of the Committee on the Budget, for having yielded this time to me.

I would like to engage the gentleman from Ohio. I tried to get him to yield to me before, but I know he was preoccupied with what he was doing, so I have asked for this time. I want to ask him about one subject matter area.

I know that there is a school of thought in politics that says: "If you say something often enough, especially if you say it in a medium like television, whether it is true or not, people will believe it," and the gentleman used the tax and spend mantra very effectively, and the gentleman knows that I respect him, that I respect his vision, and his commitment, and his courage, and I have told him so in other fora, and I am telling him here today.

I ask the gentleman, If you had to choose between borrowing $500 billion and spending it, and taxing $500 billion and spending it, which would you choose?

□ 1730

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. WASHINGTON. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, that is like asking me to pick between the devil and the deep blue sea. I have a different way in which I think we can reduce it.

I say to the gentleman, we raised taxes in 1990, and I can tell the gentleman that raising those taxes did not produce the revenue and also hurt the economy and defeated George Bush.

Mr. WASHINGTON. When did the gentleman from Ohio [Mr. KASICH] come to Congress?

Mr. KASICH. 1982. 1983 is when I was sworn in.

Mr. WASHINGTON. So did the level of debt and the amount of deficit each session of Congress rise because Congress borrowed money and spent the money, or taxed for the money and spent the money?

Mr. KASICH. Mr. Speaker, I am glad the gentleman asked that.

Mr. WASHINGTON. I am, too.

Mr. KASICH. Because in 1982 we raised taxes, and in 1983 the deficit went higher. We raised taxes in 1990, said we were going to do certain things, which we did not do and did not generate the revenue, and the deficit went higher.

Mr. WASHINGTON. Mr. Speaker, I would ask the gentleman, how about 1981?

Mr. KASICH. If the gentleman will yield further, in 1981, that is when the tax cut and the spending cut bill came to the floor and it generated incredible economic growth starting about the end of 1982 into 1983.

Mr. WASHINGTON. Did the deficit go up after the tax cut, or did it go down?

Mr. KASICH. Mr. Speaker, the deficit went up. But I say to the gentleman, the revenues went up. The problem was that spending went up far greater then the revenue went up. The revenue was going up by about $90 to $95 billion every year, but the spending leapfrogged.

Now, I will say to the gentleman from Texas [Mr. WASHINGTON] that one area I did not agree with the Reagan administration on was the significant level of increase in defense spending. I thought it was too much. But, frankly, it is both the White House and the Congress that has been unable to control the spending monster. I do not blame one party.

But this package is significantly different than the package that was presented to us when Bill Clinton was a candidate for President.

Mr. WASHINGTON. Mr. Speaker, reclaiming my time, we come back to my question. I know that the gentleman would not want to be put in that position, but sometimes life comes down to two choices. And if you were the king of the universe and you had to choose between raising $500 billion by taxing the citizens to raise it, or by borrowing the money, which of those two alternatives, if those were the only available and you wanted to raise the money, would you choose?

Mr. KASICH. If the gentleman will yield further, I would say to the gentleman, just like Indiana Jones. You know, when he was caught in that snake pit down there, we thought he only had one option. But you know what? Indy figured out another way.

What we put on the table, and the gentleman knows this, are the specific spending cuts that we think can reduce the deficit as much as what the President proposes, without tax increases and without killing the economy.

Mr. WASHINGTON. Mr. Speaker, that reminds me of the shell game that some of my clients used to play when I practiced criminal law. They take three walnut shells and they put them down on some unsuspecting soul that could not figure the difference out, and tear the end off of a pencil and put it down and move them around and ask them to bet money under which one of the walnut shells the eraser was. And the answer was it was under none of them.

I know and the gentleman knows that if you have to choose between those, if you had any common sense at all, it is more responsible to raise the money by taxes than it is by debt. Because at the end of the year, you still have the debt to pay.

Mr. KASICH. If the gentleman will yield further, I want to say to the gentleman from Texas [Mr. WASHINGTON] that I think all of us are guilty of two things. First, it is easy to spend, and it is easy to raise debt. It really is. And it is a tragedy for our country.

I want to say to the gentleman, this year the Republican members of the Committee on the Budget laid the specifics down. We laid down all of it. So if there is pain, it can be dosed out to us. In fact, the Democratic National Committee tried to run a campaign against my colleagues based on our plan.

Mr. WASHINGTON. Mr. Speaker, if I could reclaim my time for just one moment, I think the gentleman will find with the National Taxpayers League, that I am probably in the 97 percentile in the bottom in the amount of money that I vote to spend. I am a liberal, but that does not mean it has anything to do with how much I vouchsafe the Treasury. I do not spend the taxpayers' money. But I would rather tax for the money than borrow for the money, because you still have the debt to pay.

Mr. KASICH. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I just want to take a second and say to the gentleman from Texas [Mr. WASHINGTON], I think the gentleman is a man of integrity.

Mr. WASHINGTON. I thank the gentleman.

Mr. KASICH. Mr. Speaker, I also believe that it is a legitimate debate to wonder whether you can tackle deficits by increasing taxes, or whether you ought to cut spending. It is my feeling, and I think we have demonstrated in an intellectually honest way, that we can cut spending without taxes. I respect the position of the gentleman from Texas [Mr. WASHINGTON] that we should raise the taxes.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I will be glad to yield.

Mr. WASHINGTON. Mr. Speaker, that was not my point at all. My point was if we go around saying tax and spend, tax and spend, and the people out there that watch television think those are the only options and forget about the fact that we have a $4.3 trillion deficit, not from taxing and spending, but from borrowing and spending, and the gentleman knows it, and I know it, and everyone on the floor knows it.

Mr. KASICH. Mr. Speaker, reclaiming my time, let me say to the gentleman, I think the taxes have aggravated the problem that forces us to borrow and spend more. But I cannot disagree with that. But what I said to the gentleman is at least we have come, as members of the Committee on the Budget and our conference, in terms of laying a specific plan down that can be judged.

We did not just try to stand here and criticize you, stand here and throw bombs. We are trying to put the intellectual honest debate on the table.

I appreciate the gentleman from Texas [Mr. WASHINGTON] pointing out what is really a problem. And we have to really stop running away from it, because we are going to bankrupt this country.

Mr. WASHINGTON. If the gentleman will yield further, we know that then and now when you had the courage to bring an alternative to the floor, the gentleman from Ohio [Mr. KASICH] knows that I complimented him then and I compliment him now, because that is the way we solve our problem, not by throwing brick bats at each other.

Mr. KASICH. Mr. Speaker, I would say to the gentleman, if we talk any longer, I will have to come to his district and campaign for him.

Mr. Speaker, I withdraw my motion to instruct conferees.

MOTION TO INSTRUCT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. KASICH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to H.R. 2264, be instructed to reject increases in Federal spending within the scope of the conference by excluding from the conference report all provisions that increase direct spending (except Social Security) and to accept the higher thresholds on the treatment of Social Security benefits in section 8215 of the Senate amendment.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, I am curious: How many times can the gentleman from Ohio [Mr. KASICH] withdraw a motion and substitute a new one?

The SPEAKER pro tempore. Under clause 2 of rule XVI, the gentleman may withdraw his motion prior to a determination thereon and enter a new motion.

Mr. KASICH. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, what we are really trying to do is put my friend in a fix, because he was trying to put us in a fix.

You see, what we want to do is we want to cut the $21 billion in new spending. What the gentleman was attempting to do was to try to say, "Well, wait a minute. If you vote against that, then you'll have an opportunity to raise the threshold whereby senior citizens are going to get taxed."

By the way, I think most senior citizens do not know they are going to get taxed.

Mr. Speaker, what we have done is we have incorporated the motion of the gentleman in our motion, so you can have a "two-fer" now. We are going to give you two for one. We are going to allow you to vote to cut spending, and we are going to allow you to raise the threshold on when we begin taxing our senior citizens from $32,000 to $40,000.

Of course, we on this side feel we ought not be putting this burden on the senior citizens and raising their taxes to 85 percent. I would say to the gentleman from Texas [Mr. PICKLE], 85 percent of their Social Security benefits are going to be taxed if they are at $40,000.

In Ohio $40,000 is not rich. I know down in Austin, TX, it is not rich. And what I say is we have incorporated both: Cut the new spending out, and do not put new entitlements in a reconciliation bill designed to reduce the deficit. Make it deficit reduction: Do not make it a creation of new spending programs. That is what the President said he wanted to do.

At the same time we are also going to give you a chance to raise the threshold under which you are going to be taxed for Social Security.

□ 1740

So I think this is a great motion to instruct conferees. I would urge the Republicans and Democrats, both sides, to vote to control the increase in new Federal spending programs and also to raise the threshold on which our senior citizens are going to begin being taxed to 85 percent of their Social Security benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

I, again, rise in opposition to the revised Kasich motion and would ask the Members to vote against the previous question. Being the motion as revised, we will have a revised substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself 30 seconds.

What I want the membership to understand is the vote will be, if Members vote for the motion to instruct conferees that is being offered on this side today, they will be voting to reduce the new spending increases in the bill and also to raise the threshold at which senior citizens are going to be taxed. If they are in favor of the new spending entitlement initiatives, vote against me. But if they are in favor of eliminating the new spending initiatives and have them included in the welfare reform or Hillary's reform bill and they also want to help the senior citizens, they will vote "yes."

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to bring this back down to Earth a little bit. The answer to the question from the gentleman from Texas is to cut spending. To cut spending, we do not necessarily have to cut it under existing levels. We are simply talking about the rate of increase.

Two items in the motion of the gentleman from Ohio deserve to be focused on. Medicare is first.

Under current law, CBO projects that Medicare spending will total $1.1 trillion over the next 5-year period. That is with no change. Annual spending will increase almost $100 billion a year, from $178 billion in 1994 to $272 billion in 1998.

The House reconciliation package, however, contains a $2 billion increase in Federal spending in this category in 1994 and $29 billion worth of incremental programs over the next 5 years, over the already massive increase.

The Senate package contained only $18 billion of increases over those 5 years. There is no good reason to include Medicare expansions, when Congress is anticipating a major health care reform proposal from the administration.

On Medicaid, according to CBO, Medicaid spending will increase from 94 billion in 1994, that is just the Federal share, to $146 billion in 1998. To the $598 billion projected to be spent on Medicaid over the next 5 years, the spending increase provisions proposed herein would add $332 million in 1994 and over $3 billion over 5 years.

The 1-year $300 million entitlement for illegal alien health services simply increases Federal dollar outlays to pay the States' share of cost for certain States and not solve the problem.

The Republican motion would instruct House conferees to delete this provision from the conference agreement. There is, again, no good reason to include Medicaid expansions, when Congress is anticipating a major health care reform proposal from the administration.

If Medicaid or Medicare expansions are appropriate, they should be contained in health care reform, not in a deficit reduction reconciliation bill.

I urge the support of all my colleagues of the motion of the gentleman from Ohio.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I just want to respond to some of what has come from the other side, because I think it typifies what we have had throughout this debate. We have had a lot of great speeches, a lot of great histrionics. We just do not have much of a budget. And so we talk about no new spending cuts. We have seen really what is no new spending. It is a popular tag, but there is a problem.

The problem is that we are going to have to have a very delicate mixture in any kind of economic growth package which, yes, focuses on deficit reduction. There are $250 billion worth of cuts already in the House version, more than $7 worth of cuts for every dollar of tax increases.

We are going to have to have to have deficit reduction but, Members, you do not get there from here without some stimulus. George Bush tried it, and we can see where he is economically and politically.

Others have tried it. The fact of the matter is, we have to do some delicate surgery. It is going to also have to include some stimulus measures. For instance, how about rewarding people who are married, who are working, who are trying to get out of poverty and rewarding them with a little more of an earned income tax credit? How about that? Is that all right?

Some would say no. I think that it is time to look at doing what needs to be done for economic growth. There are real spending cuts in there. Yes, there are tax increases, but what they are not telling us from the other side is that three-quarters of those tax increases in the House bill, more in the Senate, three-quarters of those tax increases go to the very wealthy, those whose incomes doubled in the last decade while the middle income persons saw theirs go up 3 to 4 percent at best.

So in crying for no tax increases, what they are doing is trying to shield those who benefited the most from paying their fair share. So I think it is very important to get this thing to conference, to recognize the siren song that we are hearing, but to recognize it for what it is.

It is an excuse for doing nothing and particularly not moving this economy forward.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Republican Conference, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

This debate is fascinating. It is like reading a John Kenneth Galbraith novel. The fact is, colleagues, we are talking about a package of real tax increases, real spending increases, and fictional spending cuts.

The gentleman from Ohio has come forward and said, "Look, if you are really serious about deficit reduction, then at least vote for my motion to instruct conferees to take out the new spending programs in this package."

The gentleman from Minnesota has said,

> If you offer that, we will use the extraordinary parliamentary procedure of defeating the moving of the previous question so that we can make the question not a question of eliminating the new spending programs in this deficit reduction package but giving you the choice to vote between this tax and that tax.

Their compulsion to tax is so strong that they must keep the focus on which tax do we want, our tax or the tax of the other body.

If, in fact, we are fool enough to fall for this parliamentary gimmick, then we will be fool enough to believe the gentleman from West Virginia who characterized the package under consideration as an economic growth package. My colleagues, this is not an economic growth package. This is a growth-in-Government package.

If we want to have a bigger Government, then vote with the gentleman from Minnesota, defeat the moving of the previous question and then make the question a question of which tax do we want to impose on the retired citizens of America. If we want to, in fact, stop the growth of government, slow it down, impede it, just get in the way a little bit, then vote to move the previous question, get on with the question posed by the gentleman from Ohio and cut out the new spending programs in this deficit reduction package.

Please, to my friends on the left, please cut out the baloney.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank the chairman of the Committee on the Budget for yielding time to me.

One of the things that I think we really need to focus on is a point that the previous speaker tried to make and, I think, incorrectly so.

I for one am sick and tired of Members suggesting that this proposal does not contain any spending cuts. This is just absolutely untrue. I am going to talk about the entire proposal before us, not just what is in the reconciliation package, but let us review it.

We are talking about $110 billion in cuts in the military industrial complex, and this is going to involve laying off probably a million people in this country, maybe a million-and-a-half people.

In addition to that, we are talking about cutting Medicare, some $50 to $60 billion, depending on where we end up between the House and the Senate versions.

We are talking about cutting Medicaid. We are talking about cutting agriculture $3 billion over the next 5 years. We are talking about cutting veterans benefits.

□ 1750

We are talking about freezing the entire discretionary part of the budget for the next 5 years at roughly $580 billion. We have never done this before. We are talking about freezing pay. That has not been done before, in the time that I have been here. We are talking about cutting COLA's.

For any Member of this body to take the well and try to tell the American people that we are not talking about cutting spending is absolutely dead wrong. I hope we do not hear any more of that nonsense.

Are there spending increases in this proposal? Yes, there are. Are there tax increases? Yes, there are. When we hear this rhetoric about this being the biggest tax increase in the history of the world, let us look at that for just a second, also.

When I went home in the last few weeks and I talked to my constituents, those making $30,000 and $40,000 and $50,000 a year, they were expressing deep concern to me about these tax increases. I asked them, Do you realize that if we drop the Btu tax, which is going to happen, that the only tax that you will be confronted with is maybe a 5-cent-a-gallon gas tax increase? Your income taxes are not going up, your payroll taxes are not going up, you are talking about a gas tax of 5 cents a gallon.

Then I remind them that Ross Perot was talking about 10 cents a gallon for 5 years. Then people say, "Well, that does not sound like the biggest tax increase in the history of the world."

I tell them, "If you are making $200,000 a year or more, yes, you are going to see your rate bumped from where it is now to somewhere in the neighborhood of 40 percent, depending on how we calculate it."

I think it is time for us to tell the American people the truth so they understand these proposals in terms of how it affects them personally.

It is dead wrong for Members of this body to try and mislead the American public and tell them that we are not cutting spending, because we are cutting spending with these proposals.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH], who is going to tell us about the deep cuts we are going to have in spending over the next 5 years.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

First, let me just quickly comment on tax increases. The average of the tax proposal from the Senate and the proposal for the House averages about a $260 billion tax increase. It is the largest tax increase in the history of the world.

Let us talk about the growth in Federal spending. There are spending cuts, but for every spending cut there is a modifying spending increase that more than offsets it.

Take a look at this chart for a minute. Every year we are increasing the amount of spending: From 1993 to 1994, $60 billion; 1994 to 1995, $60 billion; then $50 billion, $70 billion, $70 billion. Every year there is an increase in spending above inflation, with the largest tax increase in history.

Let us look at what happens to the public debt. Every year we increase the public debt. The average of the increase in the public debt is $365 billion a year for the next 5 years, $365 billion divided by the number of days. That equals a $1 billion a day increase in the public debt for every day for the next 5 years.

We have got the largest tax increase in history. We continue to increase spending at faster than inflation, and we increase the way we put ourselves into public debt from the existing approximately $4.26 to $6.2 trillion, a 50-percent increase in the public debt in this 5 years.

We have got, sadly enough, up to $4 trillion in the 217 years that we have been in existence.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, if we take a look at the 1980's, I am fearful we can take a look at our history in this body and figure out where we are going to go in the 1990's when it comes to Federal programs and Federal spending.

In 1980 the American taxpayer sent to Washington, DC, $517 billion. That is B, as in billion. By 1990, the American taxpayer had to dig twice as deep, because they took twice as much money out of their wallets and sent to Washington, DC, in excess of $1 trillion, so in a 10-year period the American taxpayer sent to Washington, DC, twice as much money as they had when they began that decade.

In spite of the fact that we asked them to dig deeper and deeper and send us more and more, we could not control an insatiable appetite to take not only what they sent us in terms of twice the time, two times the taxes that they had begun the decade with, but we quadrupled the debt.

We have, with this motion, perhaps the defining philosophical and intellectual moment for both parties and for individuals to define themselves. There are not an infinite number of ways we can deal with the deficit. There is not an infinite number of ways that the pain that everybody talks about can be shared.

There are only two ways. We can either share the pain by taxing people more, or we can share the pain by reducing the size and the number of Government programs. Maybe, maybe there is a third option, if we truly increase taxes, to legitimately reduce the deficit.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I want to point out that Federal spending is going to increase by $122.5 billion, $122.5 billion over the next 2 years under this plan; in the next 2 years, $122 billion. Is that called starving the Federal Government?

Mr. RIDGE. Mr. Speaker, we cannot tax our way to prosperity and we cannot bluff our way to honest deficit reduction. We are heavy on the emphasis on taxes. The leadership in both the House and the Senate has said, "Let us tax." We are not sure which tax we want, but we are going to tax. The promised spending reductions do not materialize in the aggregate, as demonstrated by the preceding speaker, because, in fact, every year Government spending increases. We cannot tax our way to prosperity. We either choose between reducing the size of Government or reducing spending.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding time to me again.

Mr. Speaker, when we talk about spending increasing over the next 5 years, let us be honest, again, with the American public and say, Yes, spending is going to increase. it is going to increase under the Kasich plan, according to the House Committee on the Budget numbers that I have, from roughly $1.47 trillion in 1994 to about $1.7 trillion in 1998, so that is under the Kasich plan. In addition to that, under the Republican plan the debt, will be much bigger than it would be under the House plan.

The other point that I want to make when we talk about spending, it is important for us to acknowledge why spending has increased since 1990. Let me give the Members some real numbers. Since 1990, over a 4-year period, the discretionary spending increased approximately 7 percent in aggregate over the 4-year period of time. That is not where the spending problem is. I think we all know that.

The spending problem is with entitlements, the part of the budget that amounts to about 50 percent right now, that many Members of this body do not want to touch. What has happened to that? Medicaid has gone up 124 percent since 1990, Medicaid. Who is down here talking about cutting Medicaid? I do not hear much discussion about it.

Medicare has gone up 56 percent since 1990. We are talking about trying to trim that back between $50 and $60 billion over the next 5 years. Those are the programs, coupled with Social Security and the retirement programs, that are giving this budget the upward boost that we are all struggling with.

When in the world are we going to level with the American people and talk to them about the need for us to get entitlements under control? I would point out to my colleagues that this budget resolution contains, for the first time in history, caps, the toughest caps we could get on the entitlement part of the budget.

□ 1700

As far as I am concerned, that is a very important, fundamental procedural reform that must be retained in the conference.

Mr. KASICH. Mr. Speaker, I yield myself 3 minutes.

Boy, am I glad we are back to the budget debate between the Republican and Democrat plan. And let me tell you this: Three-fifths of the cuts in the Democrat proposal come in year 4 and 5, they come in year 4 and 5. If this plan passes, we are going to have a new President in the fifth year.

And let me tell Members another thing, three-fifths of the spending cuts come in year 4 and 5. And you know what? Under the total 5-year plan, domestic spending goes up 15 percent and defense spending, I say to my friend from northern Virginia whose people are being affected by this base closure bill, is going to go down 11.4 percent. So what we are doing is we are slashing defense spending and we are going to throw 2 million people out of work, and three-fifths of the cuts come in year 4 and 5. The bulk of the cuts are in defense, and domestic spending is going up 15 percent.

Under your plan the national debt goes up well in excess of a trillion dollars. And that is based on the fact that these silly taxes you are putting in place are going to generate revenue.

Our President, George Bush, was wrong about the 1990 tax bill. That tax bill hurt the economy. It did not generate revenue.

The bottom line is do you want to cut spending and control the size of government. My colleague from Kansas says oh, we have got devastating cuts in here. Domestic spending going up 15 percent is not a devastating cut. Defense going down 11.4 percent is a very, very deep cut, and is going to result in millions of Americans being put out of work.

And do you know why we are cutting defense this much? Not because we are downsizing the Department of Defense in a responsible way. Candidate Clinton wanted $50 billion in cuts. President Clinton is proposing $129 billion in defense cuts, cuts in the outyears of as much as $30 and $40 billion. They are going to wreak havoc across this country.

Talk about base closings, now just wait until these numbers start to bite. It is going to devastate people.

And you know what we do with that defense money? We use it for more domestic spending increases.

This is precisely the opposite program of what the new candidate for President, the new Democrat was proposing. These figures cannot be twisted or distorted. They are very simple.

If you are for cutting defense 11.4 percent, if you are for increasing domestic spending, creating a whole new gaggle of entitlement programs, and raising taxes for the largest tax increase in the history, as the Senator from Kansas says, the largest tax increase in the history of mankind, vote against our motion. If you are for controlling the Federal Government's spending, vote for the motion to instruct. Let us derail this package before it derails the economy of America.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I think public opinion polls make quite clear the fact that the public thinks that the Republican Party in Congress is opposing the President's budget for political reasons, not substantive reasons. I think the public knows that when it comes to economic policy in this Congress, the Republican Party has essentially been on strike since January.

I think the record clearly shows that the Republican Party does not want to work with the majority party. I think they want to make a record. I do not think they are really interested in cooperation. I think they are interested in trying to make it more difficult for us to govern.

Now, I also think we know what we have gotten from your side of the aisle for the last 10 years. When your crowd took over the White House in 1980 the budget deficit was $73 billion. That was the deficit. It grew to $300 billion under policies rammed through this place by Ronald Reagan and George Bush with your supine cooperation, and unfortunately, some on our side of the aisle as well.

The fact is you say there are no spending cuts, but the fact is this Congress, this year, in the 9 appropriation bills that have passed so far has cut more than 100 programs below the 1993 level. Look at the record. They are in all of the appropriation bills that many of you voted against. The record is there. Take a look at the facts.

Forget the politics. Get out of the way and let us get the job done.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. ARMEY], the chairman of the Republican conference.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to thank the gentleman from Wisconsin for that wonderful sermon. Other than being totally wrong and completely inappropriate, it was entertaining.

Look, this is your package. You have your man in the White House, your majority in the House, you have your majority in the Senate. You put your package together, and you cannot sell it to your own people. And the reason you cannot sell it to your own people is because they cannot go home and reckon up with their people if they vote for this massive tax increase.

Now you do not talk to us about Republican obstructionism. What you guys are calling Republican obstructionism is a euphemism for Democrat ineptness.

Now get your act together. Deal with this thing honestly, and deal with the American public honestly. Quit cooking the books, and quit pointing that dang foolish finger of yours at us.

If you cannot get your act together, you will not have a package passed, and if you do not pass this package, you might save your President.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Members of the House, we have had an interesting debate. But it is time that we start talking about the fact of where we are and what we are trying to do today.

We have an awful deficit problem that was created over 12 years, and the deficit, without placing blame anywhere, was achieved as a result of 12 consecutive budgets proposed and passed by Republican Presidents. That deficit now reaches $4 trillion, and that was the setting in which President Clinton came and brought a plan to the people and the Congress to deal with the problem in a reasonable way.

And, yes, 219 Democrats on this side passed that plan. And now we go to conference. We are asking today, and will ask for an instruction which asks the conferees to go up on the threshold on Social Security taxes, because we believe that is the proper instruction.

It is easy to get up and say that this is wrong and that is wrong. The truth is it is time for someone in this country to take responsibility, to deal with this dagger that is pointed at the heart of the American people. And 219 Democrats in this House took that responsibility, and I admire them for it, because it was the right thing to do for the Congress and for the country. Now we must put together a conference report, which we must pass here in a few weeks, and we will pass it. We will pass it because people in this country know that what we have been doing and the economic policies we have been following have been wrongheaded.

I would add that when we had Republican Presidents there were many times Members on this side were not even willing to vote for their Republican President's budget. In fact, there were years they would not even bring them up, because they had lost faith in the theory and the philosophy of those budgets.

But mark my words. We were following those budgets and the outline of that plan was in place and has been in place for 12 years. It is time to give this side a chance. It is time to give President Clinton a chance to do something about a dagger that is pointed at the heart of this country.

Vote against the Republican motion to instruct. Vote for the Democratic motion to instruct and put this country back on the road to sanity.

□ 1810

Mr. KASICH. Mr. Speaker, I yield such time as he may consume to the distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I was not originally going to plan to speak on this motion which I support but which I thought could be handled on the merits and which could be debated on the issue of whether we should vote today to instruct that we cut spending or whether we should vote to increase spending. I thought that was a fair and a legitimate and a straightforward question everywhere America is at and that those who wanted to raise taxes and to raise spending would be able to vote "no" against the gentleman from Ohio [Mr. KASICH], but those who wanted to cut spending and, therefore, lower the need to raise taxes could vote "yes." I thought that we would have a debate on the principle.

I have heard, as I understand it, two of my colleagues, Democrats, come to the floor and explain that they have been totally irresponsible, that even though their party has run the House since 1955, January 1955, when Samuel Rayburn was sworn in as Speaker and has been Speaker, and I was, I must confess, only 11 at the time, old by the standards of some of our freshmen, but 11, and from the time I was 11 until this year when I had my 50th birthday, the Democratic leadership has been in charge. They have been in charge of the Speaker's chair, they have been in charge of every committee, every committee, they set up the ratio in the Committee on Rules to always get the rule they want except for the most rare occasion, they get the big offices, the big staffs, they get the majority leader, positions of enormous power. They set the schedule.

Every bill under our Constitution which spends money comes out of the Congress, every tax bill which raises taxes comes out of the House, and the Democrats have controlled this House since 1954, and they are proud of it. A few of them have the courage to actually applaud, and I assume would actually take responsibility for the size of the deficit, the size of the taxes, and the failure of the welfare state which has been part of that legacy.

But my good friends came over today, and they say that, oh, for the last 12 years the Republicans have been in charge. Now, this is not a parliamentary democracy. Under our Constitution, Senator MITCHELL and the distinguished powerful Members of the other body can do much to obstruct the President, and certainly under our Constitution, Speakers O'Neill, Wright, and FOLEY, all Democrats, could do much to obstruct the President.

To say with a straight face that Ronald Reagan got his program through with his changes and his reforms, that we had the entitlement reforms Reagan would have wanted, everyone here knows that if Reagan, like Thatcher, had had a parliamentary system, if he could have won a straight vote in this House, and I think that this is an important and legitimate intellectual debate about whether at this moment America should raise taxes in order to raise spending, which is the Democratic Party leadership position, or whether America should cut spending first, which is what the gentleman from Ohio [Mr. KASICH] is going to try to offer in a minute.

But I think that that should be debated on the merits.

I, as a history teacher, want to stay on this one theme for a minute. Under our Constitution, the Congress is very powerful. If you read the Federalist Papers, the Founding Fathers said that in peacetime the Congress would be more powerful than the President, and that the House would be the more powerful because it is the more numerous of the bodies.

I would simply say to my Democratic friends that it demeans your own party's proud history of running this place since 1954; it demeans the Constitution; and it demeans the factual history of the House to suggest that Ronald Reagan got what he wanted.

As somebody who has served with President Bush and was the whip on the Republican side, I can assure you that he did not get what he wanted. I can assure you that he only agreed to taxes in 1990, the biggest mistake of his career, because the Democratic leadership said, "If you do not cave in and break your word, we will walk out of the budget summit." I can assure you that if BOB DOLE had been the majority leader and BOB MICHEL would have been the Speaker, we would have passed a 1990 budget deal built like the Kasich budget, around spending cuts, not around tax increases.

I will be glad, if you get time from your side, to answer questions or to comment.

All I will say is that any person who gets up here and suggests that in the last 12 years the Reagan-Bush programs were passed intact is, in fact, not being accurate. That is not historically correct. That is not how it happened.

As I said earlier, Ronald Reagan was not Margaret Thatcher, and he could not pass his program by a parliamentary vote.

So all I would say is that why do we not spend the rest of this debate on the focus of today's motion: Should we cut spending first, or, as the Democratic leadership wants, should we defeat Kasich so we can raise taxes in order to raise spending?

I understand, and if I were the Democratic leadership with the current polls in this country, with the country by 77 to 6 favoring spending cuts, with the country by a clear plurality opposed to the economic tax increase package, with the country worried about bigger taxes leading to recession, I would try to go back and offer an alternative vision of the past, too.

But I challenge the Democrats, for the rest of this debate, stay on the question: Should we cut spending first, or should we raise taxes in order to raise spending?

And if your side has time, I will stay here and answer questions. I am not afraid to debate. I just do not want to use up his time.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I just did not want the minority whip to appear that he was afraid to yield to me for a question.

I have just one question: Tell us in which year when Ronald Reagan and when President Ronald Reagan was President or President George Bush was President that the Congress passed any of those spending bills that you are complaining about over either of their veto.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WASHINGTON. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Let me suggest to you that you look for——

Mr. WASHINGTON. Which year?

Mr. GINGRICH. You look for any year in which the Congress passed their programs.

Mr. WASHINGTON. Which year? Which year? Which year, which year did Congress pass it over their veto, sir?

Mr. GINGRICH. You are missing the point.

Mr. WASHINGTON. No. I am not missing the point.

Mr. GINGRICH. You are missing the point.

Mr. WASHINGTON. The President has the right to veto any of those spending bills that you are complaining about, did he not, under the Constitution?

Mr. GINGRICH. And some of them he did veto.

Mr. WASHINGTON. No; of course he did not veto it.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. WASHINGTON. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. President Reagan and President Bush signed those bills for 12 straight years. No one forged them downtown. They signed those bills.

Mr. WASHINGTON. Be intellectually honest, at least.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just want to make this point, because I love the cleverness of that comment.

Under our Constitution the President cannot govern by himself.

We sat in this House, and we sustained vetoes of continuing resolutions, and you attempted, your side attempted, to impose your will.

The fact is Republican Presidents signed compromise bills that did not meet what they wanted because it was the best they could get from the Democratic Party that would not help.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. The fact is that for many of those years the Democratic Congress has wrapped all of the bills in continuing resolutions so they could not be vetoed. And that is an absolute travesty to suggest that those were somehow President Reagan's creations.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we have just seen an example of a phenomenon known to psychiatrists, the ability to blank out entirely unpleasant memories.

For 6 years—for 6 years—the Republican Party controlled the U.S. Senate. Now, I was here, and I understand why my colleagues forget about that.

You have heard talk about how the Democrats controlled the Congress. For 6 years, 6 of Ronald Reagan's 8 years, the current minority leader was, for part of that time, the majority leader, so, in fact, of the three branches, the President, the House, and the Senate, they had two out of three. You can check the record.

No mention will pass their lips of the Republican Senate. I admire that discretion, but not their accuracy.

The gentleman from Georgia is a better literary critic than he is a history teacher, if he can talk about that and not mention the Senate.

In fact, as far as the appropriation bills were concerned, George Bush did veto one or two about abortion, but the great bulk of the bills passed independently, not through continuing resolutions, and he signed every single one of them.

But I will concede one thing the gentleman from Georgia said was accurate. He said that if Reagan had his way he would have gotten his entitlement reform. True. Look at the budgets. The people who benefited from Medicare would have been much worse off, because year after year after year Ronald Reagan proposed, and George Bush proposed, deep cuts in Medicare. This Congress rejected them.

So, yes, it is true we did not give the entitlement reform to Ronald Reagan that he wanted in the form of cuts in Medicare, and that is one thing of which I am proud.

I thank the gentleman from Minnesota.

□ 1820

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, I simply want to refresh people's memory on history. The same day that President Reagan's tax package passed this Congress, none other than Secretary of Treasury Donald Regan said the following: "Our program is now in place. President Reagan has hit a home run."

I invite you to remember history the way it happened, not the way you wished it had happened.

Second, I would point out the most that any Congress has ever changed any President's budget submission, going back to 1948, is 3 percent. That is hardly enough to change economic policy.

The fact is that during the Bush and Reagan Presidencies, this Congress appropriated $20 billion less than was requested by Presidents Reagan and Bush combined.

The issue is not, however, the past; the issue is the future and the fact is that it is clear that the Republicans are willing to savage entitlements such as Medicare in order to protect the very wealthy from finally having to pay their fair share of taxes. And that is the real issue that divides the two parties.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, I am a little hesitant to take part in this debate, when it started out with the gentleman from Ohio likening himself to the most fantastic of fantasy characters, Indiana Jones, with his brown hat and his whip.

So, it leaves one with the question of whether this is a serious proposal that has been put forward by the minority party on the other side. To paraphrase from another fantasy character, Alice in Wonderland, "Things get curiouser and curiouser."

But I think it is worth us looking at what exactly the gentleman from Ohio [Mr. KASICH] is proposing to cut when he makes his motion, to remember that the motion to instruct says that they are excluding from the conference report all provisions that increase direct spending.

Well, look back and ask what that cuts. If you look at the difference between the Senate and the House bills, it cuts childhood immunization; one of the spending increases, childhood immunization, when we have childhood diseases returning to the American population, to American children. They want to cut childhood immunization.

It cuts family preservation and support moneys. They are always talking about family values and about how to support families and how to keep families together. And they want to cut the provisions in this bill for preserving families.

It involves cutting, on their part, the Hunger Act, the Childhood Hunger Relief Act. They, the Republicans, want to cut the Childhood Hunger Relief Act provisions out of this legislation.

They want to cut the provisions in this bill, the earned income tax credit. One provision in this legislation provides for working people, working people with children, so that they will get a tax break in this legislation. But the motion to instruct conferees cuts that provision for an earned income tax credit relief for working people with children so that they will get some additional tax relief. The Republicans want to cut that as well.

Well, I think it is really time that we got away from the voodoo economics of the last 12 years and away from this Rambo theory of fantastic characters like Indiana Jones with the whip and brown hat, and get on with providing for $500 billion of deficit reduction, real deficit reduction for the first time in at least a dozen years.

I hope that the motion will be rejected.

Mr. KASICH. Mr. Speaker, in order to get back to the future—and we talk about the future—I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Speaker, in an attempt to focus on the item at hand, which is the reconciliation package, which is the largest part of the President's deficit reduction plan, let me just describe the package to everyone in this House.

It is about $250 billion of new taxes, increased taxes over 5 years; about $20 billion of fee increases. You can call those spending cuts, if you like, but it is $20 billion of fee increases.

About $55 billion of savings, not due to spending cuts but due to savings, for interest; that is, interest savings. You cannot really call that a spending cut.

Also, $44 billion of spending cuts in the President's deficit reduction package are already scheduled to happen under the 1990 budget agreement.

So, you cannot really claim credit for those spending cuts either, can you?

That leaves a net spending reduction over 5 years of $130 billion, $111 billion of which are defense cuts.

I submit to you that those defense cuts will never happen to that extent; something is going to come up in the world where we are going to say that we need to spend more money on defense, and you will not get the spending cuts you want, you will get the tax increases.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. The point I would like to make for the record, as long as we are remembering or trying to remember history, is it seems to me there is a certain schizophrenia in the debate. I keep hearing that there was a Reagan revolution. There either was or there was not. On the one hand, they say there was a Reagan revolution. Now they say there was not.

I was here in 1981. I know how it all happened. I know that Charlie Halleck of Indiana—speaking of Indiana—once said he was the minority leader and leader of the majority because there were enough Democrats with the Republicans in the House to form a majority. That is exactly what President Reagan had during his first 4 years in office—not the second 4, but the first 4 years, which set the pattern.

He had a majority in both houses, in effect, for his program. That is why his program started, why it got passed. He had a net tax cut in the first 4 years of about half a trillion dollars because he had a $750 billion cut in the 1981 act, and that means that one defense contractor—who, by the way, in 3 years with a $20 billion profit, paid absolutely nothing in taxes to the U.S. Government, most of which he made from the Government—and he also signed, in real dollars, the highest tax increase in history, including this one, in 1993 dollars, $308 billion. It was $200 billion-some then.

That is what really occurred. The spending was increased $1 trillion in Mr. Reagan's first 4 years.

To be fair with him, some of that was Social Security. But essentially, the social programs were cut, as everybody knows. That was the Reagan revolution, was it not?

And the increases were in four areas: They were in farm subsidies. Mr. Reagan's farm subsidy which passed was exactly six times the size of Mr. Carter's farm program in 1980, by the mid-1980's. It was in foreign aid. It was in the space program. And of course, it was in military procurement.

That is where the spending increases took place. Some of us think that it was wrong to take the load off at the same time that you are increasing spending. But some of us thought that there was a laughable—or Laffer curve that was going to make all that balance the budget in 1984. Well, it did not happen.

The Democratic plan does not cut enough for me, even the Republican plan does not cut enough for me. But I just think a little less fantasy about what actually happened ought to be entered in the RECORD.

□ 1830

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

I listened to the majority leader tell us to be responsible. This motion to instruct the conferees is responsible. It directs the conferees to take the lowest spending increases that the House made and the lowest spending increases that the Senate made. If you vote for this motion you are voting to save $21 billion.

This motion to instruct the conferees does not cut taxes. It does not deal with any other issue. It simply reduces spending by $21 billion.

Under the President's plan spending will go up 22 percent in the next 5 years. It increases from $1.4 to $1.7 trillion.

Under the President's plan, the national debt will increase $1.8 trillion. It will go up from $4.3 to $6.1 trillion. This is a 42-percent increase over 5 years.

Does the President's plan do the job? Is increasing the national debt $1.8 trillion responsible? I do not think so.

It amounts to a billion dollars a day, day in and day out.

The President's plan includes major tax increases. And they will all be enacted this year. All 100 percent of the taxes will be voted on now. They will be in place in 1994 and 1995 because of action of this 103d Congress. They will be in place in 1996 and 1997 because of action of the 104th Congress.

And they will be in place in 1998 because of action of the 105th Congress.

So you will vote for taxes now and lock them in for all those years. But what do you do with the spending cuts?

This Congress will only implement 22 percent of the President's proposed spending cuts. You are telling the next Congress that it will have to implement 44 percent of the President's proposed cuts. And you are telling the next President and the next Congress after that, that it will have to implement the remaining 34 percent of the President's proposed cuts. So you are locking in the taxes now. But you are saying that future Congresses have to make the majority of the President's proposed cuts.

The bottom line to our motion is that it instructs the conferees to take the lowest spending increases made in the House and in the Senate, and saves us $21 billion.

Take the lowest increases. Vote for our motion. Save $21 billion.

Mr. SABO. Mr. Speaker, in closing, we have had a lot of discussion of history with varying interpretations today. The reality is that however that history is interpreted, we arrive at 1993 with a Federal budget that is substantially in deficit.

We arrive in 1993 with a history of an economy where the richest have grown wealthier, where the poor have fallen behind and most of the middle class has been left static or fallen behind.

We have a new President with a Congress, with a potential to act. The House has acted. The Senate has acted. We will now move on to conference.

There are several key components as we move forward. Number one, there are real spending cuts. Forget about what has been said by some of our opponents today. We have the toughest feeeze on discretionary spending for the next 5 years that has ever been adopted by this Congress.

We have real changes in entitlement programs which will produce lower spending.

There are some modest increases, significantly less than the spending cuts, primarily aimed at the people who are the most left out in our society.

Yes, Mr. Speaker, there are revenue increases and those are aimed at those people who benefited the most by both tax policy and economic change during the 1980's and the 1990's.

Clearly, our friends on the other side, while they do not want to talk about it, that is what they really object to.

Two-thirds of the revenues in this bill come from people with incomes over $200,000. Over 70 percent comes from people with incomes over $100,000.

We are asking those people who benefited most during the 1980's and the 1990's to make the biggest contribution to reducing the deficit in the years ahead.

What about the politics of it? Clearly, our friends on the other side of the aisle are in the minority and like to frustrate us in the majority. For the majority to pass a bill and end gridlock is not easy.

I noticed earlier when we had a Republican substitute on the budget resolution, 40-some Republicans did not vote for it, even though nobody paid any attention really to what was in it.

We are in the process of ending that gridlock, this side working with the Democratic President. We are going to pass a real package. It is going to have real spending cuts, new revenues in an equitable fashion, some adjustments to make sure that those people who have been most left behind by recent administrations have some of their problems solved, so I would urge Members to reject the motion and vote for the substitute that will be offered later.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Ohio [Mr. KASICH] is recognized for 2 minutes to close.

Mr. KASICH. Mr. Speaker, let me say to my Democratic colleagues about past history, you might remember that when George Bush trotted his budget out here on the House floor, JOHN KASICH trotted out an alternative budget because I thought Bush was spending too much. I did it three times. It was not a lot of fun. The first time I got 39 votes. So I can share in the concern about the past, but of course this vote is about the future.

Now, this is what is going to happen. I am going to ask for a vote on the previous question.

Now, let us get down to a little bit of laying our cards on the table. If you vote no on the previous question, you deny me the opportunity to have a vote on spending cuts.

Now, if you believe in these spending increases, then give me a chance. When it comes up and you have a chance to vote on new spending, vote no, but do not deny me a chance to have the right to have a vote on these spending cuts.

What I am suggesting to my colleagues, you know, I have been cooperative. I try to be a good colleague to everybody on both sides of the aisle. Sometimes it gets frustrating.

You know, when I went out to work with my good friend, the gentleman from California [Mr. DELLUMS] to kill the B-2, people slapped me on the back. They said, "Great job."

You know what I am asking for? I am asking you to give me a chance to offer this. I am asking my Democrat colleagues to put the cards on the table. I am asking you to let me have a vote on cutting $22 billion in new spending. Give me the right to have that vote by voting yes on the previous question.

We also have incorporated in our motion, the motion to instruct of my good friend on Social Security retirees. We are with you on that. We are with you more than a hundred percent. As George McGovern used to say, we are 100 percent with you on that. We want to get rid of that tax altogether.

□ 1840

But the bottom line here is: "If you come to the floor, and you vote no on the previous question, you are voting against the motion to reduce spending in this bill by $22 billion."

I say to my colleagues, "Vote yes on the previous question, vote yes to cut spending and to help our senior citizens."

Mr. SMITH of Texas. Mr. Speaker, if this motion to instruct conferees is approved, it would result in $21 billion less spending over the next 5 years than would otherwise occur. Federal spending is projected to grow from $1.4 trillion this year to $1.7 trillion in 1998 under the administration plans. With all this new spending, there is plenty of room to make this one-fourth of 1 percent cut in total spending.

It is truly regrettable that it takes so much effort to take out spending that should never have been there in the first place. This is supposed to be a deficit reduction bill. Everyone knows you do not cut the deficit by increasing spending.

But I guess if it makes sense to someone to try and cut the deficit by increasing spending, then it also appears plausible to boost the economy by boosting taxes.

It is little wonder that this administration's popularity continues to go down as its taxes continue to go up. This new Presidency now has the highest disapproval rating in history to go along with the largest tax hike in history.

So it is no surprise that 57 percent of the American people disapprove of the way the President is handling the economy, only 38 percent approve.

Putting hundreds of billions of dollars in new taxes on a weak economy is not an economic plan; and putting these taxes squarely on the backs of the middle class and small business is not fair.

This administration is savaging the middle class and small businesses to try and salvage a discredited policy of tax and spend and spend and tax. What the Nation needs is a policy of cut and cut.

I wish this motion could remove all of the President's new spending and new taxing from the plan—spending and taxing that should never have been there in the first place—but at least this is a start.

Mr. KASICH. Mr. Speaker, I move the previous question on the motion to instruct conferees.

The SPEAKER pro tempore (Mr. McNULTY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KASICH. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 238, not voting 12, as follows:

[Roll No. 327]

YEAS—184

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Conyers
Henry
Leach
Lightfoot
Michel
Rush
Sharp
Smith (IA)
Thomas (CA)
Torres
Towns
Waters

□ 1900

The Clerk announced the following pair:

On this vote:

Mr. Thomas of California for with Mr. Rush, against.

Mr. PETE GEREN of Texas changed his vote from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

□ 1900

## PARLIAMENTARY INQUIRIES

Mr. KASICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state it.

Mr. KASICH. Mr. Speaker, since the motion on the previous question was defeated, then the gentleman would be allocated how much time and would I be able to receive part of that time, since he is amending my motion?

The SPEAKER pro tempore. The gentleman would be entitled to 1 hour and the yielding of time would be at his discretion. The gentleman from Ohio would not automatically be entitled to time.

Mr. SABO. Mr. Speaker, I will yield to the gentleman from Ohio more time than we take.

Mr. KASICH. Mr. Speaker, would the gentleman from Minnesota yield me an equal amount of time in order to present the case against his amending my motion?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, in the case of the previous debate just completed, the 1 hour of time, how was the time allocated?

The SPEAKER pro tempore. It was allocated 30 minutes on each side.

Mr. WALKER. Was that done by virtue of the amendment?

The SPEAKER pro tempore. It was done pursuant to the rules of the House. Under clause 1(b) of rule XXVIII, the time for debate on the original motion was equally divided. Recognition after the rejection of the motion for the previous question, however, is under the hour rule, and the Member recognized for that hour may yield time at his discretion.

Mr. WALKER. So it would have to be a matter of courtesy to this side for him to give us an equal amount of time; is that correct?

The SPEAKER pro tempore. The Chair has stated what the rules are.

## AMENDMENT OFFERED BY MR. SABO AS A SUBSTITUTE FOR THE MOTION TO INSTRUCT OFFERED BY MR. KASICH

Mr. SABO. Mr. Speaker, I offer an amendment as a substitute for the motion to instruct.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SABO as a substitute for the motion to instruct offered by Mr. KASICH:

In lieu of the instructions in the motion offered by Representative Kasich, insert the following:

"I move that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to H.R. 2264 be instructed to accept the higher thresholds on the treatment of Social Security benefits in section 8215 of the Senate amendment."

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SABO] is recognized for 1 hour.

### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, it is very difficult to hear in the House right now. Do I understand the substance of the amendment before us is to strike the language of Kasich and then replace half the language of Kasich by amendment?

The SPEAKER pro tempore. The motion was just reported to the House.

Mr. WALKER. Mr. Speaker, it was very difficult to hear it.

The SPEAKER pro tempore. Without objection, the Clerk will report the motion.

The Clerk reread the motion.

The SPEAKER pro tempore. The Chair will not further characterize it.

Mr. WALKER. Mr. Speaker, so the effect of the amendment is to strike the spending increase portions of the Kasich budget?

The SPEAKER pro tempore. The Chair will not further characterize the motion.

The gentleman from Minnesota [Mr. SABO] is recognized for 1 hour.

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, are we going to debate this or are we going to have a series of speeches inserted in the RECORD that will show up as having been debated in the House on this subject matter?

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman is going to get an hour's worth of time. We want half of the time to discuss our position.

Mr. SABO. Mr. Speaker, I will take less than 2 minutes. I will yield to the gentleman 5 minutes.

Mr. KASICH. Mr. Speaker, if the gentleman will continue to yield, at least I have got 5 minutes. If we keep talking, maybe I can get up to 10 or 15.

Mr. SABO. Mr. Speaker, reclaiming my time, I think everything has been said. I am not sure everyone said it.

The motion is obvious. I urge the adoption of the substitute amendment. I urge members to vote "yes" on the previous question on which we will move following the comments of the gentleman from Ohio [Mr. KASICH].

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, here is the situation we are faced with right now. The gentleman from Minnesota is trying to substitute language for my amendment, which already includes the language he is trying to substitute it for. That is bizarre.

In other words, we have got the language of the gentleman from Minnesota [Mr. SABO] in our amendment.

What he is trying to do is to gut the spending increase, the spending increase cuts.

What I am suggesting to my colleagues—that is why they tie us in these parliamentary knots, if they are in favor of cutting spending, they need to vote "no" on the motion of the gentleman from Minnesota. If that motion is defeated, we will then have a right to vote again on my motion to include the spending cuts and his motion. So they will get a twofer. If they vote "no" here, they get a right not only to help the senior citizens but to cut the new spending.

Mr. Speaker, I urge my colleagues to vote "no." And if we do not win this vote, they will then have an opportunity to vote for my motion as amended. It will eliminate the new spending cuts but at least we will have made an effort to cut spending first and also to help senior citizens.

I would urge my colleagues to vote "no" on the Sabo motion.

Mr. SABO. Mr. Speaker, I yield back the balance of my time and move the previous question on the amendment and on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Minnesota [Mr. SABO] as a substitute for the motion to instruct offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 183, not voting 16, as follows:

[Roll No. 328]

AYES—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—183

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes

Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery

McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema

Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Clay
Conyers
Dicks
Henry
Kennedy
Leach

Lightfoot
Markey
Michel
Smith (IA)
Smith (OR)
Swett

Thomas (CA)
Torres
Towns
Wilson

☐ 1925

So the amendment offered as a substitute for the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. KASICH], as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 19, as follows:

[Roll No. 329]

AYES—415

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett

Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher

Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman

Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton

Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney

McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays

Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak

Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento

Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—0

NOT VOTING—19

Applegate
Clay
Conyers
de la Garza
Henry
Kaptur
Kennedy

Leach
Lightfoot
McMillan
Michel
Pickett
Smith (IA)
Smith (OR)

Thomas (CA)
Torres
Towns
Wilson
Yates

☐ 1943

So the motion to instruct, as amended, was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. SABO, GEPHARDT, and KASICH.

As additional conferees from the Committee on the Budget, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Messrs. STENHOLM, POMEROY, KILDEE, SMITH of Texas, and ALLARD.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference Ms. SLAUGTHER, Messrs. MOLLOHAN, GORDON, and SHAYS, and Ms. SNOWE.

As additional conferees from the Committee on the Budget, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Mr. FRANKS of Massachusetts, Mr. BLACKWELL, Ms. WOOLSEY, Mr. LAZIO, and Mr. HOKE.

As additional conferees from the Committee on the Budget, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. KILDEE, Mr. PRICE of North Carolina, Mrs. KENNELLY, Mr. MILLER of Florida, and Mr. SMITH of Michigan.

As additional conferees from the Committee on the Budget, for consideration of sections 5000–187, 13234, 13242, 13264, 13400–571 of the House bill, and sections 7000–501, 7601(c), 7801, 7802 (b) and (c) and 7904 of the Senate amendment, and modifications committed to conference: Mr. BEILENSON, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, Mr. McMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of sections 5200–44, 5301, 9006–07 of the House bill, and sections 4001–11 and 6001 of the Senate amendment, and modifications committed to conference: Messrs. BRYANT, COYNE, COSTELLO, McMILLAN, and HOBSON.

As additional conferees from the Committee on the Budget, for consideration of title VII of the House bill, and title XI and sections 4008(c), that portion of section 12011 which adds a new section 455j to the Higher Education Act, 12045(7), 12047(a), and 12105 of the Senate amendment, and modifications committed to conference: Mr. ANDREWS of Texas, Mr. MOLLOHAN, Ms. WOOLSEY, Mr. SMITH of Texas, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mrs. KENNELLY, Mr. COSTELLO, Mrs. MINK, Ms. SNOWE, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title IX and sections 1402, 5301, 11002 of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Mr. BRYANT, Mrs. MINK, Mr. BLACKWELL, Mr. KOLBE, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of titles VI and X and sections 10001–02, 13702, and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ANDREWS of Texas, GORDON, KOLBE, and MILLER of Florida.

*Provided*, that for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, Messrs. COX and SMITH of Michigan are appointed in lieu of Messrs. KOLBE and MILLER of Florida.

As additional conferees from the Committee on the Budget, for consideration of title XI and 9004–05 of the House bill, and section 6002 of the Senate amendment, and modifications committed to conference: Messrs. WISE, COSTELLO, BERMAN, LAZIO, and FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Messrs. PRICE of North Carolina, COYNE, JOHNSTON of Florida, HERGER, and INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of titles XV and XVI of the House bill, and title XIV of the Senate amendment, and modifications committed to conference: Messrs. STENHOLM, WISE, FRANK of Massachusetts, SHAYS, and COX.

As additional conferees from the Committee on Armed Services, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Messrs. HUTTO, SKELTON, SPENCE, STUMP, and KYL.

*Provided*, for consideration of section 12009 of the House bill, and section 13003 of the Senate amendment, Mr. McCURDY is appointed in lieu of Mr. MONTGOMERY; and Mr. HUNTER is appointed in lieu of Mr. STUMP.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, VENTO, SCHUMER, LEACH, and McCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, CLAY, MILLER of California, MURPHY, WILLIAMS, GOODLING, and PETRI, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5200–44 of the House bill, and sections 4001–11 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, MARKEY, TAUZIN, and MANTON, Ms. SCHENK, and Messrs. MOORHEAD, FIELDS of Texas, and OXLEY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5000–5091, 5100–87, 13010(a), 13234, 13242, 13264, and 13431–13571, 14411 of the House bill, and sections 1105(b), 7000, 7201–7501, 7601(c), 7801, 7802 (b) and (c), 7904, 7951, 12101–12205, and 12321 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, WYDEN, TOWNS, SLATTERY, MOORHEAD, BLILEY, and BILIRAKIS.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5301 and 9006–07 of the House bill, and section 6001 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SHARP, WASHINGTON, KREIDLER, SWIFT, MOORHEAD, BILIRAKIS, AND BARTON of Texas.

As additional conferees from the Committee on Foreign Affairs, for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Messrs. HAMILTON, BERMAN, FALEOMAVAEGA, MARTINEZ, ANDREWS of New Jersey, and GILMAN, Ms. SNOWE, and Mr. HYDE.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Messrs. STUDDS, TAUZIN, LIPINSKI, ORTIZ, MANTON, FIELDS of Texas, and BATEMAN.

*Provided*, for consideration of title VIII of the House bill, and section 4051 of the Senate amendment, Mr. INHOFE is appointed; for consideration of section 9004 of the House bill, Mr. SAXTON is appointed.

As additional conferees from the Committee on Natural Resources, for consideration of title IX and sections 1402, 5301, 11002, of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Messrs. MILLER of California, VENTO, DE LUGO, LEHMAN, RICHARDSON, YOUNG of Alaska, and HANSEN, and Mrs. VUCANOVICH.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of title X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mrs. SCHROEDER, Mr. McCLOSKEY, Ms. NORTON, Miss COLLINS of Michigan, Mr. MYERS of Indiana, Mr. BURTON of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title XI and 8002, 9005(a) of the House bill, and section 5002(a), 6002 of the Senate amendment, and modifications committed to conference: Messrs. MINETA, OBERSTAR, APPLEGATE, RAHALL, DE LUGO, SHUSTER, CLINGER, and BOEHLERT.

As additional conferees from the Committee on Rules, for consideration of title XVI and sections 13560, 135605, 15201–15212, of the House bill, and sections 14001–04 of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, BEILENSON, FROST, BONIOR, SOLOMON, QUILLEN, and GOSS.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Messrs.

MONTGOMERY, EVANS, ROWLAND, SLATTERY, SANGMEISTER, STUMP, SMITH of New Jersey, and BURTON of Indiana.

As additional conferees from the Committee on Ways and Means, for consideration of title XIV and section 13601–705 of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, ARCHER, and CRANE.

As additional conferees from the Committee on Ways and Means for consideration of sections 13001–20 of the House bill, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, JACOBS, ARCHER, and BUNNING.

As additional conferees from the Committee on Ways and Means for consideration of sections 13201–84 of the House bill, and sections 7601–03 and 7802 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, FORD of Tennessee, ARCHER, and SANTORUM.

As additional conferees from the Committee on Ways and Means, for consideration of title XVI and sections 4032, 4033(3), 5000–91, 5117, those portions of section 5181 which add new sections 2161 and 2173(b) to the Public Health Service Act, 5181(b), 8002, 9004, 11001, 12004(b), 13400–571, and 15301 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7000–305, 7433, 7601–03, 7701–02, 7802, 7901 (a) and (c), 7902–04, 7950–54, that portion of section 12011 which adds a new section 457 to the Public Health Service Act, 12055, 12101–02, that portion of section 12202 which adds a new section 2148(b) to the Public Health Service Act, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, CRANE, and THOMAS of California.

□ 1950

## THE BLACKSTONE VALLEY: PRESERVING AMERICA'S INDUSTRIAL HERITAGE

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NEAL of Massachusetts. Mr. Speaker, today I am joining Senator KENNEDY, our House colleagues Mr. BLUTE, Mr. REED, and Mr. MACHTLEY and Senators KERRY, PELL, and CHAFEE in introducing a bill designed to expand the service area and extend the life of the Blackstone River Valley National Heritage Corridor Commission of Massachusetts and Rhode Island.

This Commission was first established by Congress in 1986 with the purpose of preserving the natural and historic character of the Blackstone River Valley, which runs from Worcester, MA, to Providence, RI. The Blackstone River Valley is often referred to as the birthplace of the industrial revolution in America. The Blackstone was an ideal river for the small mills that were built along the 46-mile river in the late 1800's. The Blackstone River Valley National Heritage Corridor Commission has done an excellent job of preserving this vital piece of our Nation's history.

I am also introducing for the RECORD an excellent recent article on the Blackstone and its role in our history. I salute the Commission on their fine work to date and am proud to join with my colleagues from the region in continuing the effort to preserve the Blackstone River Valley.

[From the Boston Sunday Globe, June 6, 1993]

### A VALLEY FILLED WITH HISTORY—AND ACTIVITY

(By Christina Tree)

Congress and the National Park Service have recognized it formally as one of the most historic pieces of America. Kids know it as home of New England's biggest zoo and of Purgatory Chasm. Canoeists are discovering its miles of canal and river, and hikers enjoy its waterside trails and views.

Remarkably few Bostonians, however, ever have heard of the Blackstone River Valley.

Less than an hour's drive southwest of Boston, this rural bi-state area flanks the 46-mile Blackstone River, which rises in the central Massachusetts uplands near Worcester and empties into Narragansett Bay.

What fascinates historians about the Blackstone River Valley is the way it looks: woods and pastures, spotted with 18th-century meeting houses and early 19th-century mill villages, each carefully formed like a well-crafted bead strung along a thread of river.

What fascinates me about this valley is the way these historic layerings seem to stop with the '50s. It's still small-town America with no fewer than three drive-in theaters.

Technically the Blackstone River Valley includes Worcester and Providence, but cities are not what it's about. For historical purposes, its gateway is the small, yellow clapboard Slater Mill in Pawtucket, R.I. Completed in 1793, this is the first place in which cotton was successfully spun by machine in America.

America loves "firsts." So it happens that the Old Slater Mill has been a museum since the 1920s. Now finally, after years of local lobbying (a Blackstone River National Historical Park was first proposed in 1936), this entire valley is getting its due. In November 1986, Congress passed an act establishing The Blackstone River Valley National Heritage Corridor, recognizing that the Slater Mill is just the opening paragraph in the first chapter of the Industrial Revolution, a chapter that's written all over the face of the Blackstone Valley.

Admittedly a national corridor isn't a national park.

"This is a new approach for the feds" said Jim Pepper, executive director of The Corridor, a 250,000-acre, 20-town area supported by a federally funded staff of 12, including four park rangers. Pepper's mandate is to preserve and interpret "certain historic and cultural lands, waterways and structures within the Blackstone River Valley," to do so by working as a catalyst with state agencies, towns and volunteers.

So don't expect elaborate visitor centers, shuttle boats or buses. At least not yet. Visitors centers are planned in Pawtucket, Lincoln, Woonsocket and Uxbridge, a tour boat will be launched in July, and signage throughout the valley is in the works.

At present, however, exploring the Blackstone Valley is still what chief ranger Chris Stein calls "pioneer tourism." And the valley's firstever CanalFest will be held next Saturday (rain date June 13), noon to 8 p.m. at Riverbend Farm in Uxbridge, Mass. (From Boston, take the Massachusetts Turnpike west to Interstate 495 south to exit 20 in Milford, then Route 16 west to Oak Street in Uxbridge and follow signs.)

Horse-drawn carriages and hayrides, a rubber duck and a canoe race, paddle boat rentals and a canoe flotilla, music and plenty of food are all planned. The setting is a waterside spread of meadowland that includes a natural amphitheater, a picnic grove and hiking paths stretching in both directions along the canal.

This is The Blackstone Canal, completed in 1828 to link Worcester and Providence. By the 1820s, dozens of small mills lined the Blackstone River, which drops 438 feet through innumerable rapids and falls, each eventually a mill site. This uneven terrain meant no less than 49 locks on the canal, 90 percent of which had to be dug.

In 1830, the fastest way to get from Worcester to Providence was aboard a 50-passenger canal barge; in 1847, the Providence and Worcester Railroad came along, reducing travel time from 12 to 2 hours, and the canal was out of business. Today only a half dozen of its original miles are still "watered."

Riverbend Farm is part of the 1,005-acre Blackstone River and Canal Heritage State Park, created and maintained by the Massachusetts Department of Environmental Management. From Riverbend Farm, you can walk a mile or so under arching trees to the vintage 1851 Stanley Woolen Mill in the middle of Uxbridge. Or you can walk north to the point at which the river and canal join at the graceful Stone Arch bridges.

Muskrat and great blue heron are frequently sited along the Goat Hill trail, which continues another couple miles along the edge of Rice City Pond. A trail on the other side of the pond leads to King Philip's Rock, a high stone stage on which the 17th-century Indian chief should have stood if he didn't. The view is of rolling green hills and wetlands punctured by just one smokestack in the distance.

National Park rangers and volunteers will be on hand next Saturday to guide visitors along with trails and to tell the valley's story. They may try to convey what it was like in the 1790s just after the Revolution had been won, but America was still economically dependent for clothing on England. Samuel Slater, a young Englishman who knew how the water-powered spinning frame worked, managed to slip through British security and, in Providence, to find financial backing and an ingenious mechanic to build spinning machines.

You begin to understand the sense of pride with which these early mills were built, Slater, you learn, was able to employ youngsters from Pawtucklet's leading families to man his first looms, and mills looked more like cathedrals than factories.

More than 100 cotton mills were soon salted through this area, most inspired by Slater's desing, which is now known as the

Rhode Island System. In contrast to the mammoth mills of Lowell and Lawrence (now known as the Waltham System), these factories were usually run by the owner (rather than by agents for absentee investors), employed entire families for whom they provided housing (rather than mill hands for whom they built boardinghouses) and remained relatively small, compact and human-scaled throughout the 19th century. Some three dozen distinct mill villages survive within the valley.

Park rangers can supply maps and detailed driving directions for the following tour.

In North Uxbridge, less than a mile from Riverbend Farm, the Crown & Eagle Mill looks more like a Yankee version of a Loire Valley chateau than a factory. Built in 1826 of local granite with clerestory monitor windows and a handsome bell tower, it spans the Mumford River and is set in formal parklike grounds. Burned by vandals in 1975, the mill has since been restored as housing for the elderly and its village still includes a school, the original 1810 Clapp Cotton Mill, handsome brick housing and a store.

A mile away, the mansard-roofed, brick Linwood Mill, built in 1870, overlooks a pond-shaped stretch of river. The mill housing is next door, and the ornate mill-owner's mansion, now The Victorian inn and restaurant, is just up the road.

Another mile brings you to Whithrough "Fat Man's Misery" if you dare.

The National Park Service has published a glossy map picturing as well as locating the valley's natural and historic hot spots. Its most striking illustration is a 19th-century print depicting a cluster of mills, shops, churches and housing in Manchaug, fewer than 5 miles west of Whitinsville. Here the granite B.B. Knight Cotton Mill is another beauty with an ornate tower and wrought-iron balconies, across from an early dam and waterfall.

The very first planned industrial village in America is Slatersville, R.I., a dozen miles southeast of Manchaug along winding old roads. En route you might want to stop in at the double-porched E.N. Jenkes Store in East Douglas, built before 1825, still stocked as it was in the 1880s.

Planned and built by Samuel and his brother John Slater around 1806 and the largest textile operation in Rhode Island for its first two decades, Slatersville looks more like an unusually quaint New England village than a mill town. The graceful, granite mill (built in 1826 to replace its wooden predecessor) sits off a triangular common, which is framed by Federal houses for workers as well as supervisors and mill owners, set behind white picket fences.

The Rhode Island section of the Blackstone Valley is less rural but easier to find your way around than the Massachusetts stretch. But if you are heading back to Boston from Slatersville, there is still plenty to see.

The most beautiful walk in the valley, for instance, is through Blackstone Gorge, little more than 2 miles west of Slatersville Park in Blackstone near the wide, gently curving waterfall at Rolling Dam and walk south through the pines and maples, above the river as it rushes through steep granite walls.

Follow Route 122 (the old north/south road that hugs the Blackstone River) north to Millville to see one of the best preserved granite locks on the old canal and then out Chestnut Street to the vintage 1769 Chestnut Hill Meeting House, its gallery and box pews recently restored, a peaceful thoroughly 18th-century place to sit a spell.

If you have children along, don't fail to stop by Southwick's Zoo, little more than a mile up the road. Begun as a hobby on their 300-acre farm in the 1950s, Southwick's is way and away the largest zoo in New England, with more than 500 animals, including zebras, water buffalo, antelope, white as well as yellow tigers, African lions, kangaroos, parrots, camels, white rhinos, bears and chimps. All this plus a petting zoo (goats, sheep and llamas), daily circus performances, kiddy rides and picnic areas.

For families, the Blackstone Valley actually offers a summer's worth of day trips: a waterslide (Breezy Picnic Grounds in Douglas), swimming (Douglas State Forest and West Hill Dam and Reservoir in Northbridge and Pratt Pond in Upton), for starters.

For canoeists, bicyclists and generally stressed-out urban couples who would like to downshift for a weekend into the '50s, the Blackstone Valley offers a half-dozen outstanding bed and breakfasts. On June 12, you might want to stop by the Mendon Unitarian Church Strawberry Festival (10 a.m.–3 p.m.: antiques, crafts and childrens' games as well as strawberry shortcake).

## THE FACTS ABOUT NAFTA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, in yesterday's New York Times, Patrick Lucey said people who are concerned about the job loss associated with the proposed trade treaty between the United States and Mexico have shown a disregard for the facts. Well, today, I want to talk about the parade of jobs moving south.

What are the facts, Mr. Lucey? You have to look no further than your own State of Wisconsin, where many of your State's good-paying jobs have moved to Mexico. Take Allen-Bradley Manufacturing, an electronics manufacturing company based in Milwaukee. During the 1980's, Allen-Bradley moved 2,000 good-wage manufacturing jobs to Mexico. They paid workers in Mexico $4.50 a day. In Wisconsin, the average wage was $11.50 an hour. A difference of $87.50 a day in earnings.

We cannot afford the loss of these good-paying jobs, and hundreds of thousands like them from all over our country. Our choice is between NAFTA, which will accelerate this job loss, and a future agreement that addresses the structural differences between the United States and Mexico.

NAFTA will lock in the flow of United States jobs to Mexico. Next time, Mr. Lucey, why do you not look in your own back yard.

Mr. Speaker, I am including at this point in the RECORD the article from the New York Times, as follows:

### THE LIES OF NAFTA'S CRITICS

(By Patrick J. Lucey)

MEQUON, Wis.—In the debate over the North American Free Trade Agreement, opponents have shown an outrageous disregard for the facts. Their familiar litany of false premises threatens to derail an economic treaty that would benefit both countries.

The truths are these: Mexico may well have more than 100 million people by the year 2000. It and the U.S. share a 2,000-mile land border. It makes sense that we be partners. Nafta is vital to continuing Mexico's economic reforms, which have been a source of growth and prosperity for Mexico as well as an economic opportunity for the U.S. In the absence of a secure trade relationship with the U.S., Mexico would be forced to turn elsewhere for investment and economic cooperation, most likely to Japan.

Yet critics of Nafta continue to advance the discredited arguments that the pact would depress U.S. wages and send jobs to Mexico.

First, let's look at wages. President Clinton was elected on a platform of creating high-tech, high-wage jobs. He strongly supports Nafta because it's an important element in achieving that goal. Nafta would open a growing market to U.S. goods and services, creating U.S. jobs. Mexico is already America's fastest-growing export market. Between 1986, when Mexico began lowering its tariffs, and 1992, U.S. exports to Mexico have soared 230 percent—creating more than 400,000 U.S. jobs.

Do Nafta critics point this out? No, nor do they concede an equally important point: Export-related jobs pay more than the average U.S. job. According to the Department of Commerce, jobs related to exports pay approximately $3,500 more per year than those unrelated to international trade.

Critics repeatedly raise the specter that Nafta would cause U.S. factories to relocate in Mexico because of lower wages. But labor costs are only one element in deciding where to situate a business. Companies also consider productivity, transportation and technology—areas where the U.S. is unsurpassed. If low wages were all that mattered, Haiti and Bangladesh would be industrial giants.

There's nothing to stop companies from moving to Mexico right now. Some that do relocate do so because Mexico's tariffs and domestic content requirements make it necessary to be in Mexico in order to sell there. By removing tariffs and replacing domestic content requirements with North American content requirements, Nafta would be a disincentive to companies considering a move to Mexico. Also, millions of small and medium-sized firms in the U.S., important sources of jobs, would have access to the Mexican market for the first time. They are now unable to do much business in Mexico because they lack the time and resources to contend with Mexican trade barriers.

Critics create a stereotyped picture of Mexico as it was years ago. Too often, they resort to the last refuge of Nafta-bashers, illegal immigration. With or without Nafta, illegal immigration will continue to be a fact of life. But Nafta would help keep illegal immigration to a minimum.

That's because both the U.S. and Mexico would win under Nafta. Just as U.S. exports to Mexico would increase so would Mexican firms be able to export their products to the U.S., creating jobs for Mexican people. As living standards rise, there would be less incentive for Mexicans to seek work here. This is what President Carlos Salinas de Gortari means when he says, "We want to export our goods, not our people."

He has taken dramatic steps in the last few years to bring economic growth and stability to Mexico. Inflation is under control, most state-owned industries have been sold, foreign debt reduced. A new Mexico is emerging, one with a strong affinity for U.S. goods: Mexico buys 70 percent of its imports from the U.S.

President Clinton is pursuing Nafta—with side agreements to strengthen its labor and environmental provisions—because he understands these facts. And his decision to appeal the Federal District Court ruling earlier this month that called for an environmental impact statement of the accord shows his understanding that the agreement will improve the environment. While opponents of Nafta continue to promote outdated visions of the old Mexico, Nafta charts a prudent policy toward our new partner.

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## PENNSYLVANIA FOOD DISTRIBUTOR POINTS TO IMPACT ON CONSUMERS UNDER NEW TAX PLAN

(Mr. WELDON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. WELDON. Mr. Speaker, we continue to hear the generalized rhetoric coming from the other side about the Clinton economic plan. What it all comes down to is that the Clinton tax plan will hurt the economy and kill real jobs.

Each day I am focusing on one specific company in America that has written to me unsolicited talking about the impact this legislation will have. Today I offer as an example the Fleming Companies, the largest food distributor in America, supplying one in ten supermarkets in this country.

Company president, James Pinciotti, estimates that under the Clinton tax plan passed by the House his utility costs will soar. Quoting his letter, he says this: "Using Fleming's 1992 figures, the Clinton tax hikes will cost this company over $10 million a year. More than 9.2 percent of the company's total earnings for the entire year will be spent just to pay these new taxes." And he points out, that that does not even count the new corporate income tax rates.

And where will these increases be passed on to? In his letter, he points out that it will increase the cost of food which the average American consumer who shops in those supermarkets will have to pay.

Mr. Speaker, I ask my colleagues to listen to real America. Listen to those who provide the real jobs for American workers. Defeat the Clinton economic plan.

Mr. Speaker, I include the text of the letter to which I referred as follows:

FLEMING COMPANIES, INC.,
*King of Prussia, PA May 28, 1993.*

Hon. CURT WELDON,
*Member of Congress, Washington, DC.*

DEAR REPRESENTATIVE WELDON: The proposed BTU tax will be costly to Fleming Companies and translate to significant food cost increases for all consumers. Let me share this information with you.

As you know, we are America's leading food distributor. We purchase, warehouse and distribute a full line of groceries, meat, fruits, vegetables, dairy products, delicatessen items, frozen food and non-food items to more than 4,800 food stores in 36 states. We are the supplier to one in every 10 supermarkets in the country.

Our industry as a whole is very competitive, characterized by high gross sales and minuscule net margins. In 1992, Fleming's sales totaled nearly $13 billion with net earnings of just over $113 million or less than .09 cents per dollar of sales.

The food distribution system in this country is the envy of the world and provides great benefit to the American consumer. In 1991, the U.S. Department of Agriculture estimated that Americans spent just 7.2% of their disposable income on food at home. This is a remarkable statistic when you compare that in 1961, the American family spent 13.7% of its disposable income on food at home.

For us, the proposed BTU tax will impact all our operations. To arrive at the projected cost to Fleming, we estimated our utilities will increase by 5%, our diesel fuel cost by 8.3¢ per gallon, and gasoline by 7.5¢ per gallon.

Using 1992 expense figures, the BTU tax would cost Flemining $10,350,307. That is 9.2% of our reported net earnings. An increase in the corporate tax rate would be over and above that number.

Envision the energy use at each step in delivery of food to the table. There is the growing and production stage. There is harvesting and transporting to storage and/or the processor. There is the actual processing or manufacturing and then transportation from plant to storage or to a food distributor. The food distributor in turn warehouses and transports as many as 25,000 items to a retail store. At retail, utilities are typically the third largest expense factor behind cost of goods and labor. In this context, you can see a BTU tax would add significant costs to each of these steps and ultimately to the price of food.

Costs of the magnitude of the BT tax cannot be absorbed. With each level in the food distribution chain experiencing similar BTU tax-caused cost increases, tremendous price velocity is created. Rapid food price inflation will result. If the total cost is not easily passed on immediately, the lag time would depress earnings, lower tax receipts and raise the specter of a long period of troublesome food price inflation.

We have been cautious in our approach to the BTU tax, as we share President Clinton's stated goal of reducing the Federal deficit. However, after analyzing his proposal and trying to anticipate possible modifications, I must tell you that we think a BTU tax is not the correct policy. It should not be enacted in its present or any modified form.

We urge you to reject it outright.

Sincerely,

JAMES V. PINCIOTTI,
*President.*

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□ 2000

## THE CLINTON TAX PLAN WILL KILL SMALL BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I strongly support small business and oppose President Clinton's attempt to increase taxes on small business.

Despite his campaign promise to support small business, President Clinton has proposed higher taxes on small business, higher energy and gas taxes, and now they want to increase taxes on capital gains.

Mr. Speaker, I was a businessman myself before I came to Congress just 7 months ago. I know first hand what it is like to meet a payroll and create jobs.

It is hard, especially during these tough times. The last thing businesses need are more financial obstacles created by their own Government.

Too many politicians in Washington forget that small businesses are not like the Government.

When the Government runs out of money, it simply raises taxes and tells the treasury to borrow more money from hard-working Americans.

But, when a small business runs out of money, it has to lay off employees or simply close its doors and go out of business and file bankruptcy.

Many of these small business owners are hard-working citizens—50 or 60 hours a week, just to make it through the recession. The lucky ones have survived. Now President Clinton wants to raise taxes 45 percent on small businesses.

Actions speak louder than words. Politicians say they support small business. Then, they should listen to small business. I challenge those in this House who support more taxes to find me the small businesswoman who thinks that higher income taxes will help her business.

I challenge these bureaucrats to find me the small businessman who thinks that higher gas taxes will help his business.

And, I challenge them to find me the entrepreneur who thinks that higher capital gains taxes will encourage investment and growth.

I know they won't find any in my State, California. Small businessmen and women are outraged about this plan for more and more taxes. They can't believe that in these tough economic times they are being asked to pay more taxes for more wasteful Government spending.

Supporters of the Clinton plan say they are taxing the rich—the so-called fat cats. Small businesses are not fat cats but they better have nine lives, because if Mr. Clinton's tax plan is passed, it will kill small businesses around the Nation.

Do they not know that many small businesses are taxed at individual rates? That means when taxes are raised on so-called millionaires—they're really being raised on small businesses. By the way, "millionaires" are defined as those whose incomes exceed $200,000.

We should never forget that every time Washington tells small businesses to pay higher taxes, people lose jobs.

Who knows how many small businesses never get started because of all the new taxes and regulations that kill the dreams of new businesses before they are even started.

Mr. Speaker, last year candidate Clinton said, "Small businesses create most of the jobs in this country and they need to flourish if we are all to prosper." He was right, small business does create most of the new jobs in America.

When is the last time a Fortune 500 company announced it was going to hire 1,000 new employees?

In fact, large corporations are still laying off workers by the thousands. We need new, growing, small businesses to pick up the slack and provide new jobs. It is time to support new jobs through supporting small business.

Mr. Speaker, the answer to the Federal budget crisis is to cut Government spending—not raise taxes. No nation has ever taxed itself into prosperity.

I urge my colleagues to practice sound business. Support real economic growth. Reject President Clinton's new taxes and cut Government spending.

## A REVEALING COMPUTER GLITCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, some years ago there was a movie with Bob Hope and Phyllis Diller called "Boy, Did I Get a Wrong Number." I think I have got a pretty good case of boy, did I get a wrong number, Mr. Speaker, tonight. I got a mailing at my office within the last couple of days from the Speaker of the House, not the acting Speaker, but the real Speaker of the House, the gentleman from Washington [Mr. FOLEY], and it was headlined: "How You, Robert S. Walker, Can Help President Clinton Succeed."

Mr. Speaker, I opened it up, and it has got a lot of fascinating stuff in here about how I can help the President, mainly how I can help the President by sending money to the Democrat Congressional Committee and also by sending back their survey.

But I was fascinated by some of what was in this letter. It was addressed to me. I mean it says: "Dear Robert S. Walker," and then it says to me: "You are one of a select group of Democrats from around the nation whom I'm asking to take part in this important survey."

Now obviously this is a computer glitch that got this to me, but it did reveal some very fascinating things. For example, there is an underlying paragraph here that says:

"Unfortunately Newt Gingrich and his right-wing allies succeeded in cutting our congressional majority in last year's election," and all I could say was: "Yippee," and, "So, that was the right thing."

I also kind of had the feeling at that point that I ought to start flapping my right wing, but the fact is that they are admitting here that the gentleman from Georgia [Mr. GINGRICH] has in fact gotten his message across to the American people and that we are in fact beginning to win new majorities.

But then it goes on, and it tells the American people a couple of fascinating things. It says here, "Because the success or failure of the Clinton administration depends upon which party has control of the Congress."

"Right-o," I say to my colleagues, "if you wanted to have the Clinton administration succeed, what Tom Foley is telling you in this letter is you want Democrats in the Congress. If you don't want the Clinton administration to succeed with higher taxes and more spending, you want to change the Congress."

The gentleman from Washington [Mr. FOLEY] is absolutely right, and I am pleased that he sent me this letter.

Then he went on down here. This is a fascinating little P.S. that they put on the letter. It says:

"If the Republicans gain more control in Congress, it will severely cripple Bill Clinton's agenda."

□ 2010

Well, let me tell you: After spending some time at home over the last several weeks and listening to what people are having to say about Bill Clinton's agenda, my guess is that this is an admission by Speaker FOLEY that the Republicans are going to take control of the Congress.

Let me repeat that to you. It says, "If Republicans gain more control in Congress, it will severely cripple Bill Clinton's agenda."

America at this point wants to cripple Bill Clinton's agenda. They have decided that this tax and spend is not what they want. TOM FOLEY is telling you, America, what you should do. TOM FOLEY is saying elect Republicans to Congress, because if Republicans gain control of the Congress, we will stop Bill Clinton's agenda.

Thanks, Speaker FOLEY, for this letter. This is a very revealing document. I appreciate it.

Now, I did notice that you asked me to send a contribution. I do not think you are going to get one. You asked me to return the survey. I do not think I am going to do that.

On a serious note, I am a little concerned about the fact that it arrived at the Rayburn House Office Building, because solicitations of funding in a Federal office building are against the law.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I just wanted to ask one question about what you said. You said it said in the solicitation that the Congress was essential in order to get his agenda passed. Is that not what they said?

Mr. WALKER. Yes.

Mr. BURTON of Indiana. The reason I asked that question is all day today in the debate on the reconciliation bill, we have heard them blaming Presidents Reagan and Bush for the deficits and the problems we have had. Yet in this piece he is sending out soliciting funds, he is saying hey, the Congress is the thing that is going to make Clinton successful or fail.

Why did they not think about that earlier today when we were talking about the budget?

Mr. WALKER. The gentleman is absolutely right. It says here, "because the success or failure of the Clinton administration depends upon which party has control of the Congress," that must mean that the success or failure of the Bush and Reagan administrations is dependent upon who has control of the Congress, and they had control of the House during that whole period of time. So what they are doing is admitting here that all of the stuff we heard on the floor today was simply fallacious.

It also tells you something about the competence of the party. Now, here are people who are saying trust us, we know how to do all this tax-and-spend policy, and you will not get hurt. Yet what they are doing is mailing to the Republican leadership a letter?

I am a member of the Republican leadership. They mailed me a letter that says, "You are one of a select group of Republicans around the country." It is a computer glitch, folks. I know that. But a very revealing one.

## CHARTER DAY IN ALBANY, NY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MCNULTY] is recognized for 5 minutes.

Mr. MCNULTY. Mr. Speaker, on July 22, 1686, Gov. Thomas Dongan signed a charter that made Albany a city for the first time. Pieter Schuyler then became the first mayor of Albany—the oldest city in the Original Thirteen Colonies still functioning on its original charter.

On July 23, 1993, we will celebrate the 307th anniversary of the establishment of city government in Albany, with a series of Charter Day events in honor of Mayor Thomas M. Whalen III, Albany's 70th mayor.

In the more than 300 years of its existence, Albany played important roles in four major colonial wars with the French, in the War of Independence, and in the global and regional conflicts that followed.

Despite these crises, Albany remained rooted in the Dongan Charter, growing from a community of 1,452 in 1697, to a present population of more than 100,000. It is also the home of the first railroad, and the oldest girls school in our country.

Today, it is the capital of the great Empire State, renowned for its educational and medical institutions. It is also an important center for the arts, banking, and commerce.

We take pride in Albany's heritage—in the fact that an Albany native, Philip Livingston, was a signer of the Declaration of Independence; That two Albanians became Presidents of the United States and two became Vice Presidents. But it was the people through past and present generations who made Albany the important center it is today.

On this historic occasion, I salute them and Mayor Thomas M. Whalen III, who—in his term of office—has left an indelible imprint on this great city. I congratulate him on his many important achievements, and wish him continued success in all he undertakes, because he is retiring this year.

I am happy to report, Mr. Speaker, that the senior Senator from the State of New York, the Honorable DANIEL PATRICK MOYNIHAN, just recently announced that he is sending the name of Mayor Whalen to President Clinton for appointment to the Federal bench. I look forward to the opportunity to appear at the witness table over at the committee room of the Senate Judiciary Committee to formally join with Senator MOYNIHAN in presenting Mayor Whalen to Senator BIDEN and the members of the committee for his official confirmation.

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## REASONS FOR FISCAL PROBLEMS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, we listened today to a very prolonged debate about the reconciliation bill and who was to blame for the fiscal problems that this country faces right now. While the debate was very interesting, the thing that interests me the most was we took our eye off the ball, and that is where we are today and where we are going to be tomorrow and what we are going to be enduring as a Nation as far as the fiscal problems facing us.

Now, the Democrat plan that passed the House increased spending by $39 billion. The bill that passed the Senate is going to increase spending by $19 billion.

We are facing the largest tax increase in U.S. history, and that does not include Hillary Rodham Clinton's health care proposal, which they are probably not going to bring down this year. It will come up next year, but it will be another $100 to $150 billion, which will make the total tax increase thus far in this administration close to half a trillion dollars, more than double the largest tax increase in U.S. history.

Yet they tell us and told us on the floor today that there was going to be dollar for dollar spending cuts for every dollar in new taxes. There is no doubt that they want the American people to believe that. But the fact of the matter is, all of their spending cuts, or the vast majority of them, about 65 percent of their spending cuts, are in the third, fourth, and fifth years of their program. It is a 5-year program.

The tax increases America is going to suffer immediately. They are going to levy these taxes and people are going to be hit immediately, everybody, including Social Security recipients. But the spending cuts, the vast majority of them, are going to take place in the third, fourth, and fifth years.

What does that mean? It means that the national debt is going to go from $4.3 trillion to about $6.2 trillion over the next 5 years. We are going to have a $350 billion deficit every year for the next 5 years.

The spending cuts they are talking about will never be realized. Why will they not be realized? It is because we are going to elect two Congresses between now and then, and we are going to elect a new President. I believe it will be a new President, because I do not think the American people are going to elect this guy again.

So what does that mean to all of us? It means that the spending cuts they are talking about will never happen, because the next Congress is going to have to face very difficult problems, and the one after that will face very difficult problems. What they will do is they will come back and start talking to us about more taxes instead of cutting spending, which is going to be very, very difficult.

Now, earlier this year in the Republican Conference my colleagues and I debated what kind of a proposal we ought to come up with as an alternative to the Democrats' tax and spend proposals we are faced with today. We ended up at the conference, I think the majority of us, wanting to go with a freeze, a freeze plus no more than 2 percent growth for the next 5 to 6 years.

If we had gone with that, the American people would have embraced it. Polls show across this Nation that the American people want to freeze Government spending. They do not want more taxes. We could have frozen Government spending at current levels, plus a small growth rate of 2 percent a year to come close to keeping pace with inflation, and could have balanced the budget in 5½ to 6 years, without a tax increase, and we would not have done any harm to the economy of this Nation.

Well, that plan, although it was supported by a majority of the Republicans in our conference, was not the one we came up with. We came up with another one. But even that plan was superior to the one the Democrats wanted, because it did not increase taxes. It cut spending and made some very, very difficult decisions.

So what we want to get across to the American people tonight in our special order is that when the Democrats start talking about spending cuts, that is all they are doing; they are talking about spending cuts that are not going to materialize.

☐ 2020

The fact of the matter is, they are raising taxes by over $300 billion, and the spending cuts that they are talking about are not going to take place.

The American people are going to end up with more taxes, more spending and bigger deficits, more unemployment in the next 4 to 5 years, because this is a wrong-headed approach to solving our problems.

I believe, and I think most of the members in the Republican Conference believe, the way to stimulate economic growth is to hold the line on spending or cut spending. Do not increase taxes. Keep our fiscal house on a straight line, instead of these huge tax increases.

With that, I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for yielding to me and holding this special order.

There has been so much deception engaged in here on this matter of the deficit and the economy and hearing about all these wonderful future promised spending cuts that we are going to receive. Every time I listen to President Clinton talk about his $500 billion of spending cuts, I wonder if America really realizes what he means by that.

They are not spending cuts in any sense in which the average person would understand the use of that term. All they are are reduced increases. They project out what the spending—this is all completely theoretical—what the spending would likely be year after year after year into the future. Then they come up with a plan that causes the spending to be greater than it is now but less than what it would be in this completely theoretical projection. The difference between the two figures is termed a cut.

Now, we all would understand a cut to mean that you would take whatever we are spending now and say that is *X* and the cut would be *X* minus 10 or *X* minus 20, *X* minus 15. That is not what the Clinton administration means.

As was pointed out in the debate, and I think we have to emphasize this, the choice we are really looking at here, we are going to go through the largest tax increase in history. We are also going to go through, and I credit the gentleman from California [Mr. COX], a Representative from the Orange County area, with coming up with this figure, we are also going to go through the largest spending increase in history. Yes. Yes.

Consider the irony of that. The tremendous deficit, which is the annual deficit that we have, $230 billion, I think it is projected to be for fiscal year 1993, which ends September 30. We have $4 trillion in total national debt. Yet, we are going to have the largest spending increase in history under a plan that is being advanced on the premise that we are going to do something about the deficit.

What is so pathetic to me is that this President could represent with a straight face, and the majority party in this House could stand here and debate, represent to the American people that this is going to fix the deficit.

The jig is up. The emperor has no clothes, Mr. Speaker. This nonsense has been tried again and again and again.

It was tried in 1982, when I think President Reagan made the greatest mistake of his tenure, when he went along with it and went along with what was then the greatest tax increase in history, the Tax Equity and Fiscal Responsibility Act.

It was tried, to a lesser degree, in 1984. It was tried in 1987 and in 1989. Each of these was a 5-year plan.

The only 5-year plan I had ever heard of was the Stalin 5-year plan they came up with, which did so much for Russia.

All of a sudden, we find the Congress, in the early 1980's, coming up with 5-year plans and basically blackjacking the Republican Presidents into going along with them. I wish, frankly, they had stood up and vetoed it and let the chips fall where they may. But they compromised and went along with it.

Ronald Reagan has written an article, I believe it is not today, it is in the last day or two, in the Wall Street Journal. I do not have it in front of me. A very good article, warning people, he admits that the 1982 TEFRA was a mistake because he saw what happened. It was the same old formula that we are being offered right now.

It was immediate tax hikes and promised future spending reductions, which they called cuts.

Mr. BURTON of Indiana. One of the things that is interesting about that TEFRA bill you are talking about was they promised $3 in spending cuts for every $1 in new taxes. The fact of the matter is, instead of the $3 in spending cuts, they got $1.58 in spending increases so when they raised the taxes by $1, instead of getting the $3 spending cuts, they had $1.58 in new spending. That was a $4.58 misrepresentation to the American people.

Mr. DOOLITTLE. And this misrepresentation has continued to go on. I will tell my colleagues something else about 1982 and about 1990.

I think I mentioned all these 5-year plans were in 1987, 1989, and 1990. In 1982 and 1990, something else happened, which we should focus upon for a minute. I do not have the charts with me tonight. I think it is critical.

They did this 5-year plan in 1982 and in 1990, another 5-year plan. And then they would project what the deficit was going to be. What is shocking to realize is that the projection made in 1982 of the deficit for 1983 was way off. In fact, the deficit that resulted in 1983 was three times what it had been, what had been projected back a year earlier, when they did the deal, which ostensibly, as we will recall, was to do something about the deficit.

The same story in 1990, where we had the one that still holds the record as the largest tax increase in history.

Mr. BURTON of Indiana. For every dollar in 1990, we were supposed to reduce spending again by $2 to $3. Instead, we had a $2.70 increase for every $1 in new taxes. So every time we raised taxes, they said, it is going to be a 2-for-1 spending cut, a dollar in new taxes or a 3-to-1. It ended up costing more in spending than the tax increase covered.

Mr. DOOLITTLE. That is what is going to happen at the end.

I represent, as does the gentleman from California [Mr. CUNNINGHAM], here tonight, we represent California.

I know I read in the newspapers that we are supposed to be now in the second year, supposedly, of the recovery from the recession, nationwide, although there are none of the hallmarks of recovery. It is very tentative, very uncertain for the Nation as a whole.

In California, which represents 11 percent of this country's population, we have not recovered in any sense from the recession. We are still deep in this recession with no relief in sight.

When I think of what has happened in 1982, 1984, 1987, 1989 and 1990, all these bogus 5-year plans that this body has legislated and the Presidents have mistakenly gone along with, when I realize what has happened here in the past in terms of the deficit being projected 1 year plus, in fact, it has twice or three times that amount after the economy reacted negatively to the tax hikes, think what is going to happen to the deficit if we do this Clinton plan.

Using President Clinton's own numbers, in 5 years we are going to have an annual deficit in excess of $200 billion. Now, should the deficit turn out to be greater than that, as happened in 1982 and 1990, it could be $600 or $700 billion, the national debt, which is really bottom line what counts, because that is what we pay interest on every year. If the national debt, instead of increasing by over $1 trillion, like President Clinton's numbers say it will increase, yes, increase of the cumulative national debt by over $1 trillion, that does not sound like spending cuts to me. What if their projections are off, as has happened many times in the past with the other administrations and that debt ends up being an additional trillion.

□ 2030

So that instead of adding $1 trillion during the Clinton administration, we added $2 trillion? It will sink us. "Bankruptcy 1995" is one of the best-selling books right now in all the book stores, by Harry Figgy. It talks about what is going to happen, what the trend has been in this country.

In my mind, we are steadily impoverishing the people of the United States, and it is being done by the U.S. Congress, which is mismanaging this economy. It is being done now with this President, who is submitting proposals to the Congress, far from helping the situation, that are going to make it infinitely worse, because it is going to result in fewer jobs.

This energy tax that keeps surfacing, that he originally proposed, and that in fact we hear may be reemerging in some fashion in the conference committee, was going to cost a couple of hundred thousand jobs in this country. It was not going to increase jobs, it was going to cost jobs.

There is data out to suggest, which we will have to have graphed and bring out here to discuss, that President Clinton admires the socialist economies of Europe. If we follow those, and I know they claim to be capitalist, but they all have more governmental involvement than ours does. As bad as our country is in this fashion, every place else is worse. In Europe, why, the Government is much more involved in the economy.

There is an article out that says that the more spending on social welfare there is in a country, the higher the unemployment rate. If we think about it, Europe for years has had a high unemployment rate. We have a high unemployment rate, by historical standards, in the United States, but look what is happening. Our spending has accelerated so dramatically.

We heard the story here the other day raised by the Delegate from the District, and it was discussed in the Washington Post, of the poor man who died at the Lincoln Memorial making $29,000 a year, a job with no benefits. I thought about that, and realized, there is an article in Fortune Magazine that shows that the growth in real compensation, meaning compensation adjusted for inflation, has been from 1950 through 1990. It is a sharp diagonal upward through the middle 1970's. After that, there have been peaks and valleys, but it has been actually a slight decline.

So for two decades, the last two decades, even considering the relatively good years of the 1980's, the real compensation for workers from Main Street to Wall Street, including benefits and bonuses, but not options, not many people get options, anyway, but including benefits and bonuses, real compensation has actually fallen 1½ percent.

This is what troubles me, as I sit here as a Member of the House of Representatives and listen to the distortions in the debate coming from the other side that are claiming they are going to do something about the deficit, they are going to get the economy moving again.

I have said before, and we need to recognize the gentleman from San Diego here in just a minute, but if President Clinton—I could buy into his campaign promises, I believe in those. I am going to say that right now, that I do believe in those. He told us he was going to get the economy moving again and create jobs for this country. He told us that he was going to give us a middle class tax cut, and he told us that he was going to give us affordable health care.

Mr. Speaker, we are not getting any of those things. We are killing jobs under his proposals. We are not helping the economy, we are sending it into an economic tailspin. Anybody who knows anything ought to be very worried about the future of this country right now, when they see all of these indicators coming out and the realization that we are not getting better, we are getting worse, and with the prospect of getting dramatically worse in the economy if these proposed tax increases take effect.

Mr. BURTON of Indiana. Mr. Speaker, let me just interrupt, and then I will yield to my colleague, the gentleman from San Diego, CA, Mr. CUNNINGHAM. He is being very patient.

People listening to our discussion, Mr. Speaker, might say, "Boy, these guys are real prophets of doom," but let us look at the facts very briefly, and then I will be happy to yield to my colleague in just 1 second. We had a $1 trillion debt 10 years ago, and it took us 200 and some years to get there. Now it is $4.35 trillion. By the projections under the Clinton proposal, it is going to go to $6.18 trillion, and the interest alone on the debt will be very close to the largest single expenditure in our total budget. Maybe as much as 25 to 30 percent of all Government spending in just about 2 to 3 years will be interest on the national debt.

If interest rates go up because the economy starts to founder or because inflation starts to go up, then the cost of interest on the national debt will go even higher, and could be as high as 40 or 50 percent of the total tax revenues coming in. When that happens, we will not be able to take care of defense, the senior citizens, the entitlements, the military, all of the things that we have to deal with, because such a large part of our spending will be going for interest on the debt.

It probably will be worse than what we are talking about. I think it will be closer to $7 trillion in national debt. If that happens, the only way the Federal Reserve can deal with it or this Government can deal with it, and the Federal Reserve can print money without any act of Congress, is the Federal Reserve will have to default on our financial obligations here, at home, and around the world, or they will have to print money to pay it off.

What they have done throughout history is, they have printed money to pay off the debt, rather than to default on the debt. If they print money to pay it off, and let us say we have paid off half of $7 trillion, and that will be $3.5 trillion of new currency in the marketplace, we would have what is called hyperinflation. when that happens, the value of currency goes down, the cost of everything goes up, and the standard of living drops like a rock.

Those are the things we face. The book to which the gentleman alluded, and another book by Larry Burkette called "The Coming Economic Earthquake," every American ought to take a look at those and talk to their Representatives about them. If we do not get control of Government spending and start cutting instead of raising taxes, we are going to face exactly the calamity these gentlemen are talking about.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from San Diego, CA, Mr. CUNNINGHAM, our very patient and dear colleague.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Indiana, and say to my colleague, the gentleman from California [Mr. DOOLITTLE], both of us together could add up our efforts to cut pork barrel spending and we would not even come close to the gentleman from Indiana. Every single day he sits on the House floor and battles, and maybe once every 2 months we win an amendment to cut that pork barrel. I would like to tell the gentleman from Indiana [Mr. BURTON], my colleague, thank you.

I would like to talk about kind of what went on this afternoon, and also enlighten my colleagues about some of the things that they talked about in a little bit deeper realm, give them some food for thought.

The gentleman from Ohio [Mr. KASICH] today offered a recommittal. What that recommittal did was cut $20 billion out of new spending; not old spending, but out of new spending.

Old KASICH is kind of a clever gentleman. He is a rascal. The other side of the aisle came up and thought they would embarrass him by having their recommittal or substitute with social security increasing the cap. But old KASICH decided he would outfox them. He put that, in the recommittal, he put that into his own, which we thought would force them to vote for it. It did not work that way, but it was a good try.

What happened today sheds light on the responsibility of this body as far as increasing the national deficit. If we take a look, the other side of the aisle won a vote today, they have a majority, but they lost the battle. It clearly showed all the little amendments that people are offering for smoke and mirrors, to cut $500,000, cut $1 million here, cut $2 million, is all for naught when we can cut $20 billion at one swoop.

The House had an increase in new spending, and I would like to emphasize "new spending," by $39 billion.

The gentleman from Kansas [Mr. SLATTERY] in his debate said, "There is nowhere that we can cut. It is obtuse to try and cut any more." His own colleagues in the Senate cut it down to $19 billion in increased spending, so again, it shows the lack of capability of the House to control its own spending.

If we take a look at some of the cuts and take a look at the 1990 tax bill, in 1990, the famous George Bush "watch my lips," only 33 Republicans voted for that bill, only 33. It was not a gridlock against a President, it was a gridlock about increasing taxes. Now we are doing the dame thing with the Democratic administration with Bill Clinton in office.

My colleagues across the aisle and I were listening recently to a town hall meeting that the gentleman from New Jersey [Mr. COX] and the gentlemen from California, DANA ROHRABACHER, BOB DORNAN, and RON PACKARD, put on, and a Democratic doctor stood up and asked a very good question. He said, "How is it that you can blame the Democrats when the Republicans held office for the last 10 years or more?" And I did not think we did the gentleman justice, so I would like to reply to that just a little bit tonight.

□ 2040

Why did those 33 Republicans vote for it, but why, more important, why did all the rest of the Republicans not vote for the 1990 budget agreement? If you take a look, and you have covered a little bit, with a TEFRA bill that raised, with a Republican President, increased taxes by $87 billion, and the deal was to cut spending. There was a verbal agreement between Republicans and Democrats for no more spending, we are going to balance this deficit. Well, that did not happen.

Then take a look in 1986, the budget deal again, $1 for every tax that comes in we are going to cut spending by $3. And we do not believe Congress can do that. Since 1940 it has increased in spending. So we are going to put a mechanism there to control Congress' insatiable spending, and that was called Gramm-Rudman. And if Gramm-Rudman was violated, then it went into an automatic sequester, which basically froze everything.

But how did the other side of the aisle get around that? With continuing resolutions and emergency spending bills.

Mr. BURTON of Indiana. If the gentleman will yield, you might explain to many of our colleagues, or anybody else that is paying attention what a continuing resolution is.

Mr. CUNNINGHAM. Go ahead.

Mr. BURTON of Indiana. A continuing resolution is a catch-all bill that you just stack full of spending, and you pass it at the 11th or 12th hour of a legislative session, and you run it through, and it literally is impossible to peruse everything in the bill because it waives the 3-day-layover rule. We have a rule around here where you are supposed to lay any spending bill or any legislation on the desk for 3 days so that we can go through it. But what happened was those continuing resolutions would come through with 2,000 or 3,000 pages in them, and they would waive the rules so that you did not have enough time to study them. They would come in here with string around them, and big red lines through them, and nobody knew what was in them. And they violated Gramm-Rudman, and they spent way beyond the limit that has been set by previous legislative action and agreements. And what we did was just went right ahead, and they were budget busting bills. And we had agreements to hold the line in spending, and passing the continuing resolution just runs that spending right through the roof.

Mr. CUNNINGHAM. I thank the gentleman.

I would ask my colleagues who are responsible, a President who made an agreement to work with the Democrats, and under an enforcement to control spending, who violated that spending? The Republican President or the Congress? It was the Congress, of course.

Let me talk about the Kasich debate today.

Mr. DOOLITTLE. If the gentleman will yield before he gets into that because I think I have a comment that sheds further light on that.

Mr. CUNNINGHAM. Yes, I am happy to yield to the gentleman from California.

Mr. DOOLITTLE. I remember every year, and I was not in the Congress when Ronald Reagan was President, but every year he would submit his budget, and I think it would get submitted in I believe it was January sometime, and there would always be a news story in the local newspaper, and it was the same I am sure throughout the whole country, "Reagan budget pronounced dead on arrival." Now it would be MITCHELL, or the then-Speaker of the House, or the Ways and Means chairman, whoever, you know would be making the statement, some prominent leader of the opposition party, "dead on arrival."

And then they would go through, and they would submit their own budget. Then they would basically blackjack President Reagan into going along with it, because he was trying to build up our defenses, and defeat communism. And the tradeoff was if he wanted his defense buildup he had to go along with all of the Democrats' additional social spending.

Mr. BURTON of Indiana. If I might just add one thing there, you know a lot of people who are paying attention to this discussion will say well, how do you blackjack a President, especially a man of the caliber of Reagan? You remember we were fighting the Soviet Union, the cold war was in full swing, 11 countries had gone Communist. We had problems in Nicaragua, in Central America, in El Salvador and elsewhere, and we were concerned about the spread of communism. Reagan would talk to the Democrat leaders of the House here, and they would say if you want your spending to deal with this problem, then you are going to have to take this, or else you are not going to get the spending bill. And that is the problem that Presidents face.

The purse strings are controlled by this body. And he might say we want to cut here, here, and here, and they would say no, no. If you want this for defense, or whatever it is, then you have to take this stuff over here. The analogy I have always used is they will give you steak. That is one-third of the meal, and they will give you two-thirds garbage, and you have to eat the garbage to get the steak or else you do not get either one. And I think that was the problem that Presidents faced, both Bush and Reagan.

Mr. DOOLITTLE. That is why we believe in the need for the line-item veto, so that that cannot happen again.

With that I yield back to the gentleman from California.

Mr. CUNNINGHAM. I would like to take a look at the debate this afternoon. They said well, let us tax the rich because they are not paying their fair share. I would like to claim that I found this information, but it was the great Senator SIMPSON. In here he congratulates Senator HUTCHISON for her fine colloquy. But in here I would like to make a statement, and there was an attempt here, it said, of course, there is no way to solve this terrible suffering except to get at the rich. They are not paying their fair share. Their taxes have gone down. This is the statement of my good friend, DANNY ROSTENKOWSKI of this body in 1986 concerning the rich.

I also have a statement in here by the illustrious Mr. GEPHARDT, and also one by the Speaker, Tip O'Neill. And I think it typifies what we are talking about, the smoke and mirrors.

This is Mr. ROSTENKOWSKI: "Tax reform is the great equalizer between income classes." We have heard that before. "We have structured under the 1986 bill the rest of the code in such a way as to leave the new income tax system more progressive." Again, "The Tax Reform Act of 1986 promises a more progressive tax in every income range than does present law." And then 7 years later DAN ROSTENKOWSKI, "Tax reform, political appeal and political force is the promise of fairness."

Then I quote the majority leader, Mr. GEPHARDT. This is again on the 1986 tax bill. "This bill has got the best minimum tax that we have ever had. It makes me angry that 250 families earned over $1 million last year. This bill makes sure that that doesn't happen again." This is in the 1986 tax bill.

Now I quote from Mr. Speaker Tip O'Neill: "This is the best antipoverty bill we have ever had. It shifts the burden of taxation from the average individual taxpayer to those who have avoided taxes through the years."

Then about the rich. "The budget is $1.5 trillion. If you took every penny from the rich, it would be $310 billion, and that wouldn't run this country for 12 weeks."

Now, the 1990 tax bill in which President Bush moved his lips and tried again for every tax dollar that came in that there was going to be a cut in spending, and they said Gramm-Rudman did not work, and automatic sequester did not work so we are going to put caps on each of the appropriation bills, and in there we are going to put firewalls so that you cannot steal from Peter to pay Paul. And that is going to protect you, and under that guise President Bush said I am a President that wants to work with Congress, even though no one else has made it work. There is a spending mechanism in there, and I am not going to veto the bill. I am going to raise taxes. And I think even President Bush realizes that it was a mistake, and that is why only 33 Republicans supported that.

But let us take a look at what happened. The caps were violated through emergency spending. My friend, Mr. BURTON, tried to take out a road in Mississippi between two military bases. The military did not want it, but a member on the Appropriations Committee had a constituent that had a business, and he wanted a $5 million road to go through there. I believe it was $5 million.

Mr. BURTON of Indiana. I think it was close to that, yes.

Mr. CUNNINGHAM. We voted that out in committee, in subcommittee, and we got rid of it in the full committee, because even Republicans and Democrats knew that it was pork. And in the full House we voted it out for the same reason.

But remember the emergency bill for the hurricane that affected Florida, Louisiana, and Hawaii? Well in there was an additional $2 billion in pork barrel spending, and this is one item in all of that $2 billion. And guess what showed back up because they knew everybody would vote for that? The $5 million road again.

Mr. BURTON of Indiana. If the gentleman will yield just a second, in addition to that, the new Budget Director for Mr. Clinton is Leon Panetta of California. And in Mr. Panetta's district was a new language center that he tried to get in there that we beat on the floor.

Mr. CUNNINGHAM. The Defense Language School.

Mr. BURTON of Indiana. The new language school, and that language school was about $16 million. We defeated that and stopped it. And then in that hurricane bill you are talking about to take care of the people who suffered in Florida and Louisiana, in addition to the $5 million you are talking about for that road was the $16 million for that language center that was not needed.

□ 2050

And when I said to Mr. Panetta, "How in the world could you put that in a humanitarian bill," he looked me right in the eye and said, "That ain't all I've got in there, DANNY,"

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend from Indianapolis for yielding, and I congratulate my friend from Rocklin and my friend from Del Mar. We are surrounded by Californians.

In connection with spending cuts, and, as we expected, the so-called spending package brought forward by Mr. Clinton, I was struck by the fact that many in the media said that we, as Republicans, were trying to defeat this proposal, and that we had no alternative, but we have. There were a number of us who have offered an alternative, and I think all three of us are cosponsors of H.R. 1885, and I wanted to touch on that.

I was just in my office working, and I heard you discussing the need to bring about cuts, and I think this issue of economic growth is something that we should focus attention on, too, and I think that the American people and our colleagues should be aware of the fact that we have a strong stimulus and economic growth package that we want to put forward.

H.R. 1885 basically has four simple points to it. We know that in the Senate package here, they have increased the capital gains tax, and we all know that that increase in the capital gains tax is going to hurt most of those senior citizens who may have attained a little gain in their home. I know my friend, the gentleman from California [Mr. DOOLITTLE], I know his parents very well, and we see people who have gained a little appreciation there, and they are going to be hurt by this capital gains tax increase.

H.R. 1885 takes that 28-percent capital gains tax rate and reduces it to 15 percent.

The second aspect of H.R. 1885 takes the proposal that my friend from Indianapolis has regularly offered, that 2-percent solution, basically a freeze on Federal spending, to address a lot of the items that all of you have been talking about here.

Let me hit the third and fourth points quickly, and then I look forward to a question.

Mr. CUNNINGHAM. Will the gentleman just yield for one question?

The SPEAKER pro tempore (Mr. LAROCCO). The Chair would remind the gentleman that the gentleman from Indiana controls the time.

Mr. BURTON of Indiana. I will give my colleagues the utmost latitude, because I think so much of them.

Mr. DREIER. Well, I will yield back to my friend from Indianapolis, and he can yield to my friend from Del Mar.

The third point of this is basically a freeze on the regulations, a moratorium on regulations imposed. You can recall about a year-and-a-half ago when President Bush imposed a 90-day moratorium on new regulations being imposed on especially the small-business sector of the economy. I did not hear of any deleterious effect from that. Clearly a moratorium on those regulations would be very beneficial, and the fourth aspect of this economic growth package is an expansion of individual retirement accounts.

We know that in the 1981 tax till, the only tax bill that I had the privilege of voting for in the time I have served here, we put into place individual retirement accounts allowing people to plan for retirement.

In H.R. 1885 what we do is allow for withdrawal for a new home purchase, for education that is a need, or health care, those three exceptions.

If we could get this kind of four-point economic growth package in place, which I know my three colleagues here support, Mr. Speaker, and I know that my Republican Members have supported, and, frankly, a few of our very thoughtful Democrat colleagues have supported, that is a positive response to what many in the media have said is simply a negative vote by the Republican side of the aisle, so we do have a positive solution.

I would love to take a question from my friend from Del Mar if he would like.

Mr. BURTON of Indiana. I will be happy to yield to my colleague for a question.

But let me just say that it is one of the things that really concerns me is that every time we get into a debate or a colloquy with our Democrat colleagues they say, "You guys do not have an alternative." We have had three or four alternatives, one of which he just described, and I think it is really unseemly for them to continue to tell the American people that we do not have a program, because we do. We have one that will work and not raise taxes. It will cut spending.

I yield to my colleague.

Mr. CUNNINGHAM. I would ask my colleague from California, is it not true that Japan only has a 1-percent capital gains tax, and then they turn the rest of it into the infrastructure?

Mr. DREIER. If my friend from Indianapolis will yield so I can respond, I want to get that clear, Mr. Speaker, that I am asking the gentleman from Indiana [Mr. BURTON] to yield to me.

It seems to me that we have to realize that the United States of America is today the only developed nation on the face of the Earth without a capital gains tax differential, the only developed nation in the world without it, so my friend from Del Mar is absolutely right, that if you look at that extraordinarily low tax rate on capital gains, clearly that has played a role in economic growth. Why we cannot see that that differential is going to encourage private-sector investment and growth is really beyond me.

Mr. BURTON of Indiana. The thing that is interesting is that if you cut the capital gains tax to 15 percent, that would encourage people who have assets who are holding them now, farmers, stocks, homeowners, and others, to liquidate, if they are so inclined, and that will free up capital for investment in businesses and other enterprises which will create jobs. That is one of the things that is absolutely essential if you are going to get this economy moving again.

I cannot understand why my colleagues on the other side of the aisle cannot see that if you restrict people from selling their assets, if you make it impossible for them to do that without suffering greatly, they are not going to sell them. A farmer who has a farm, he might say, "I would like to sell that and invest in something, maybe buy a place in Florida or invest in a new business, but I am not going to do it if I am going to pay that exorbitant tax," but if you give him a tax incentive, he will invest it in something else, and you will keep that money moving through the economy, thus creating more jobs.

Mr. DREIER. We need to have it invested in California, because we have in our State an incredibly high unemployment rate, and we have so many serious economic problems, and I believe that taking a measure like this would go a long way, an awful long way, toward encouraging economic growth in our areas.

Mr. BURTON of Indiana. It will do that in California, and it will do it throughout the entire Nation.

Mr. CUNNINGHAM. I think it is important that my colleague, the gentleman from California, brought up a very good point. It is not just putting a cap on spending and not raising taxes, but you have to have a plan to stimulate the growth of the country, and that is through jobs, whether it is through capital gains reductions, tax credit, or what, but some of the things that we are doing in this body are stymieing even those initiatives.

Capital gains was only for the rich, but yet other countries use it to build up their infrastructure and use venture capital.

But I take a look at even the cuts that they are making in defense, $50 billion, this Congress, and that equates to 30 percent of defense, and I had two of my colleagues from California from the other body stand up in California and say, "Do not close any of our bases. It is not fair. Do not close any of our bases." But yet both of them sat on the Budget Committee and voted to cut defense an additional $127 billion, so the smoke and mirrors is not only in this body, but it is in the other body as well.

If you take a look at what our future is in defense and how we tax the rich, in the last session we just came out with what we call a luxury tax, again a tax against the rich.

What did we do? We put hundreds and thousands of people out of work, and it cost us more to collect that tax now than the tax, but yet it put people out of work. That is not a positive gain.

Mr. BURTON of Indiana. You know, you might elaborate just a little bit on that, because people who are paying attention to our discussion might like to know that they put a luxury tax on boats and planes and things like that.

Mr. CUNNINGHAM. Jewels and furs.

Mr. BURTON of Indiana. Yes, and we thought we were going to hit the rich. What happened was they quit buying the boats. When they quit buying the boats, the blue-collar guy, the union guy who worked making the boats, was out of a job, because if they could not sell the boat, he was not going to be able to make them.

Mr. DREIER. Would the gentleman yield for a question on that?

Mr. BURTON of Indiana. Yes, I yield to the gentleman.

Mr. DREIER. Would I be correct in concluding that those thousands of people in the boatbuilding industry and small-aircraft industry thrown out of work are not only no longer providing tax revenues to the Treasury but would not some of them be drawing unemployment if they are thrown out of work, therefore costing the U.S. taxpayer even a greater amount when we were geared toward increasing revenues with that so-called luxury tax?

Mr. BURTON of Indiana. When we do things like that and put people out of work, for each 1 percent of unemployment, it increases the cost to the Treasury of the United States by $42 billion, and so when we passed that luxury tax to sock it to the rich, we put the blue-collar worker out of work, because they quite buying those boats, and the blue-collar worker came up here saying, "Hey, this is terrible, reduce that tax or remove it." And what happened was, as you said, they drew unemployment compensation and other benefits costing all of us $42 billion for each 1 percent.

Mr. DREIER. Of course, that whole plan generates that whole us-versus-them mentality which is to me one of the most un-American things we have going. We are all one people.

We have so many problems here that anything we can do to make sure this Nation comes together, I think, is positive, and yet in the Congress when we try to impose something like a so-called luxury tax, we are exacerbating that us-versus-them battle out there.

Mr. BURTON of Indiana. I will yield to my friend from California, but let me just say one thing. Every American ought to think about when we raise taxes on anybody, rich, poor, middle income, that is money coming out of their pockets, and if it is money coming out of their pockets, that is money they are not going to spend, that they are not going to buy products with, and if you do not buy those products collectively, people start being laid off, and when you raise taxes, you are bound to increase unemployment, because you are taking the buying power away from the collective pockets of Americans.

□ 2100

And that is the thing that drives up unemployment and causes the economy to flounder. I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Let me say, and I say this on unapologetically, although listening to the arguments of our friends in the majority party here, you should think that we would cower and be afraid to say it: As Representative of California's Fourth District, my goal is to increase the opportunity for people to become rich. That is the American dream. That is what we all ought to be pursuing.

In my mind, one of the No. 1 moral issues that this country is presently facing and will be facing in the remainder of the Clinton administration is the deliberate impoverization of the American economy.

We are stealing the future and it is being done deliberately.

We now have evidence, talking about the rich, we now have preliminary assessments by the IRS of what the effect was of that 1990 tax hike on the 1991 revenues. It has been written about in the Wall Street Journal. I would be very happy to provide articles for anyone who is interested in them.

On July 9, Paul Gigot wrote about it: "For the rich, 1991 tax receipts," and he defines rich as people earning more than $200,000 a year, which I think is a fair assessment of what the rich really are, not President Clinton's definition of the rich, which reaches way down and touches people earning, I think, $45,000 a year, that phony definition.

Those people are not rich. People earning more than $200,000 a year are doing pretty well, by most people's standards. That has been the traditional measure.

Anyway, "For the rich, 1991 tax receipts fell by $6.5 billion, or 6.1 percent. But for everyone else," and this is why I am so disturbed, "for everyone else, tax receipts actually rose in 1991 by $3.3 billion, or 1 percent."

Now, why does President Clinton want that energy tax? Because it is not the rich that are being impacted, they are relatively small in number, but the energy tax hits everybody, rich and poor, middle class. It is the middle class that is the backbone of this country. It is the middle class that are slowly being driven down.

Mr. BURTON of Indiana. I wish the gentleman would mention that one more time, because we raised some tax rates on the wealthy to try to raise tax revenues from the wealthy back in 1990. What did the gentleman say, that even though we raised the tax rates on them?

Mr. DOOLITTLE. When you raise the tax rates on the rich, to total amount of revenue that the rich pay decreases.

Mr. BURTON of Indiana. How much did it go down?

Mr. DOOLITTLE. It went down, receipts fell by $6.5 billion, or 6.1 percent.

For everybody else it increased by 1 percent. So, for the gentleman who died here the other day in Washington who made $29,000 a year, with seven children, it is that individual and many others who end up paying taxes because they cannot escape them. And then when President Clinton and Hillary lay on us their proposals for health care, we are going to see an even larger tax increase than the one that is now actively being proposed by this administration.

Who is that going to impact the most, again? It is not the rich, because I can quote to you here. How do the rich avoid paying taxes? How is it that the rich actually paid less in taxes in 1991? Let us go into that answer because I think that is important.

So, what happened to the rich? Quoting Gigot:

> It is impossible to know for sure, but the likely answer is that they changed their behavior in response to higher rates. Maybe they sheltered more income or stuck more of it into 1990 because they can take more advantage of that year's lower rates. Or perhaps they worked less. In short, they responded to incentives, as economists say, and produced less income subject to tax.

This is an illustration of how the Laffer curve is a perfect model, at least for the upper middle class and the upper class. It is absolutely true: When you increase the rates, people shift around their investments, adjust their income so that they end up paying less in taxes.

But for the middle class, they do not have enough income that they can be investing like that. Everything they earn is pretty much going for present, ordinary living expenses. So they get hit with the full impact of it.

Mr. BURTON of Indiana. I just want to point out one thing: When we cut the taxes, the tax rates, back in the early to mid eighties, we were bringing in about $500 billion a year in tax revenues. Because of the tax cuts, we increased tax revenues by more than double, to $1.1 trillion. You would have thought that the tax revenues would have gone down because we cut taxes.

The fact of the matter is we went from $500 billion to $1.1 trillion because we stimulated economic growth and created 21 million new jobs; hence, 21 million new taxpayers. That is a thing most people do not understand: When you reduce taxes or hold the line, you stimulate economic growth and create more tax revenues because you stimulated people to produce more.

I yield to my friend from California.

Mr. DREIER. I thank the gentleman for yielding.

You know, it is very interesting to observe that there were many—and I had the thrill of being here when we had that very narrow margin on that vote in August 1981, 12 years ago next month—and as we looked at that vote, there were many who argued that with that tax cut we were going to be able to stimulate economic growth.

My friend from Indianapolis, Mr. BURTON, is absolutely right. We did, to an extent. But you have got to remember, and I know my friend, the gentleman from California [Mr. DOOLITTLE], mentioned the Laffer curve and economic growth; the fact of the matter is we did not really allow that to take effect. Why? Two simple and basic reasons: We saw in increase in the Social Security payroll tax, which preceded it in the early 1980's, and we continued to see bracket creep whereby with inflation people were forced into higher income tax brackets.

The combination of those two things is what prevented us from having an even greater increase in the level of revenues that flowed into the Federal Treasury at that point. I think that the lesson that has come forth from this, and I wish very much that my colleagues in the Congress would learn this, if you tax something, you get less of it; if you subsidize something, you get more of it.

In America we tax work, growth, savings, investment, productivity, and we subsidize nonwork, welfare, consumption, debt. We need to realize that if we do in fact want to turn the corner on this problem of a national debt and this deficit, which Mr. DOOLITTLE has accurately pointed out as being passed onto future generations, the thing that we should do is stimulate economic growth, and the best way for us to turn the corner on this question is to grow the economy.

As we look at this proposal which has come forward from the President, I believe it is going to be a great disincentive for people to invest or save and see the economy grow.

I believe the bill which I introduced with my colleagues here as cosponsors, H.R. 1885—with that capital gains differential, the freeze on Federal spending, expanded individual retirement accounts, moratorium on new regulations for the business sector of the economy—would go a long way toward doing exactly what is necessary.

Mr. BURTON of Indiana. I am glad to be a cosponsor of that bill, and I only wish we could get a fair hearing. Maybe since the gentleman from California [Mr. DREIER] is on the Committee on Rules, he could hit somebody over the head up there and get it to the floor.

I yield to my colleague.

Mr. CUNNINGHAM. I would like to make two real quick points, and then I would yield back all the rest of the time to the gentleman.

I would like to leave you with the fact that it is not all doom and gloom. 1982, with Gramm-Latta, we could not enforce that and increase spending; in 1986, Gramm-Rudman; in 1986, we could not enforce that. And with the 1990 tax bill, the highest in the history of this country, we could not enforce caps or firewalls. But we have probably the most important vote that is going to come up on the floor, and that is the balanced-budget amendment. That is the only way in which this Congress can be controlled. That is by putting the change of the Constitution of the United States on our backs. But I guarantee you, the other side of the aisle will not let us have a full balanced-budget amendment, because it cuts their power to empower themselves to get reelected.

If I build a hospital, church, road between two facilities, then people like me and I get reelected. We have got to control Congress from their spending.

I would ask my colleagues, is it the President that is responsible for violating those, or is it the U.S. Congress? It is the U.S. Congress. Whether it is a Republican Congress and President or a Democratic Congress and President; President Clinton could be all of our heroes, including mine, if he would just cut the spending and really work to balance the deficit. Because, the middle class that my colleague from California [Mr. DOOLITTLE] was talking about, that has all of their dollars going to just make ends meet, and that is because of the $4 trillion deficit.

Mr. BURTON of Indiana. Let me just say I appreciate the gentleman's contribution, and I know he remembers, and my colleague, the gentleman from California [Mr. DOOLITTLE] remembers, when President Clinton was a candidate he said he was not going to raise taxes on the middle class, he was only going to hit the people making over $200,000, there was going to be some real, positive stimulus to the economy, we were going to solve the health care problem and all of those things you have enumerated just a few minutes ago have not come to pass.

□ 2110

As a matter of fact, instead of not raising taxes on the middle classes, he said he is hitting the middle class. He is hitting the lower income. He is hitting everybody in this country with a tax increase in violation of his pledge. I think that the American people ought to hold him accountable for that.

Mr. DOOLITTLE. Mr. Speaker, if the gentleman will yield further, I want to thank the gentleman for leading this special order.

I realize there are not many people in this Chamber present, but we have the opportunity to discuss issues that over 1½ million people will be focused on who view this through C-SPAN proceedings. Indeed, in future days I hope we can give as much light to these issues as is possible, because it is quite clear to me that the overwhelming majority of Americans do not agree with the administration's approach. They do not buy more spending by Government and they do not buy more taxes laid on them in order to fund that additional spending by the Government. They are concerned about the economy. They want a tax cut, not a tax increase, and yes, they want to do something to improve the quality and affordability of health care. We must continue to focus on these issues and advance them.

Mr. BURTON of Indiana. Mr. Speaker, I would like to end up by thanking all my colleagues for being with me and working with me on this special order.

I would like to close by quoting a Clinton supporter, a man who voted for Bill Clinton and a man who made major contributions, a very wealthy man who made major contributions to Bill Clinton. His name is Barton Riggs. He is the asset manager of one of the major investment companies in America, Morton Stanley.

On the front page of Forbes Magazine this week it has a picture of him in a bear outfit with a bear head under his arm. He is saying that he wants to get as far away from Bill and Hillary Clinton as is humanly possible and he is advising his investors to divest themselves of U.S. investments in our stock market and to invest a large part of their portfolio overseas in Asia, Europe, and elsewhere. The reason he said he is suggesting that is because the Clinton economic package, the tax and spend package that we are debating here right now, is going to put this economy into a major downturn and he does not want his stock investors to suffer the consequences of that.

This is one of the leading financial experts in America, a man who voted for Bill Clinton, a man who sent him money for his campaign and now he is saying he wants to get himself and his investors as far away from it as he possibly can and he is suggesting that they invest overseas and he is taking large parts of their portfolio for the next year and putting them in Europe and Asia and everyplace else in the world.

That ought to tell the American people something.

I just say to my colleagues, when we go back to our districts we ought to tell them to contact their Congressman and Senator and urge them, convince them as much as possible not to support this devastating economic package that we are talking about tonight, and if they do they ought to be removed from office next year so we can do something about resuscitating and getting the economy heading in the right direction.

With that, Mr. Speaker, I yield back the balance of my time.

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## NAFTA

The SPEAKER pro tempore (Mr. LAROCCO). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, my friend, the gentleman from Indiana, has reminded me that I am supposed to talk about NAFTA. NAFTA is indeed the issue I will focus on this evening.

Mr. Speaker, I am here this evening, gathered with my friend, the gentleman from Ohio [Mr. BROWN] and my friend, but on the opposite side of this issue, the gentleman from California [Mr. DREIER] to talk about the North American Free-Trade Agreement and the impact it will have on jobs and manufacturing in this country.

I am here with the gentleman from Ohio [Mr. BROWN] and others to let the American people know that the impact of the NAFTA Agreement, the North American Free-Trade Agreement, will be devastating on the economy of this country.

American workers are the best in the world and they can compete and they can win in the new global marketplace if they are given a chance, if the playing field is fair and level; but NAFTA threatens to take away that chance, threatens to put us at a tremendous disadvantage.

Why? Because primarily there is a systematic policy in Mexico to keep wages low. The minimum wage is just 58 cents an hour. Even in the highest paying jobs, Mexican workers earn less in a day than American workers earn in an hour.

Because productivity is rising rapidly in Mexico, and why should it not be? The multinationals are pouring their investment dollars into Mexico, chasing after these very low wages, building the newest plants with the best equipment there, while our plants in our Industrial Belt and other places around the country are left to rust.

No, American workers will not be given a chance if NAFTA is ratified.

The people in my district know the story well. Workers at the Chesterfield Trim Plant, it is a Ford plant in my district which I have visited on occasion, they build seats and other interior auto parts, these sections of the plant have been idled for numerous shifts in recent years while Ford is turning out a similar product component in Mexico.

You go up the road a little west in my district and you come across the TRW plant in Washington Township. Less than 100 workers are still making seatbelts there. It used to be a huge operation. You guessed it. TRW is now making most of those seatbelts in Mexico instead.

I could go on and on, and I know the gentlewoman from Toledo, OH, who we will hear from in a little while can talk about the specifics with respect to plant shutdowns all across the country.

It is not just jobs. It is the vitality of whole communities that is at stake. Anybody who has seen the devastation that results when plants shut down in places like Youngstown, OH, or McKeesport, PA, or Flint, or Marion, OH, or anyplace in the Industrial Belt of this country, the places that made the great middle class in this country, that made America great and an industrial power, knows the pain, knows what I am talking about if this agreement goes through, and we will hear some of those stories tonight.

What we hear will leave us no choice but to reject NAFTA. I am going to talk about this for a second, and then I will be happy to yield to my colleagues who are here.

Prof. Harley Shaiken reports on Mexican productivity, Professor Shaiken is with the Center for United States-Mexican Studies at the University of California in San Diego. He did a study that backs up with facts what most Americans and most American workers have known all along, that the ratification of NAFTA poses a very real and a very immediate threat to American jobs, good jobs, American manufacturing jobs, the kind of jobs that you raise families with, that you buy homes with, that you put a little aside so you can send your kids to college.

Now, this research documents three main points.

No. 1, Mexico's newest manufacturing facilities, the newest ones they are building down there, are every bit as sophisticated as plants here at home.

The second point. Mexico's wages are only a fraction of the wages here in the United States, a very small fraction.

No. 3 wages make a big difference, even in high-technology manufacturing.

Add these three points together and you get one conclusion. NAFTA will gobble up American jobs faster than the dinosaurs in "Jurassic Park" will gobble up people.

Now, Mexico's newest manufacturing facilities are very sophisticated. Newer Mexican manufacturing facilities are every bit as sophisticated as the plants, as I have said, right here at home.

In fact, because of the way the current investment dollars are pouring into Mexico, the true state of the art technology is more likely to be found in Mexico than here in the United States.

You take the Ford Motor Co., for instance. They have a $500 million assembly and stamping plant at Hermosillo, Mexico; or Matrix Aeronautica, a $250 million aircraft and maintenance repair facility in Tijuana, or the General Motors plant in Mexico which won the J.D. Powers Bronze Award for quality last year. Production out of that plant consistently gets among the highest quality ratings of any G.M. plant in North America.

Last year, high-technology plants in Mexico exported almost 1.3 million automotive engines, making Mexico the world's largest exporter of engines. Anyone who knows anything about engine production knows it is one of the most sophisticated manufacturing operations of any industry.

□ 2120

The goods that are now being beginning to be produced in Mexico are of the same high technology products that we should be making right here at home. Keeping that in mind, and keeping in mind the fact that Mexicans' minimum wage is just 58 cents an hour, 58 cents an hour——

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Just a second, and then I will be happy to yield, and we can talk about each one——

Mr. DREIER. I just wanted to get into some sort of exchange here.

Mr. BONIOR. And I actually look forward to that, but I am going to finish my statement.

Mr. DREIER. Absolutely.

Mr. BONIOR. I appreciate my colleague coming and engaging in this debate.

Fifty-eight cents an hour in the highest paid manufacturing facilities with total compensation costs, including benefits; they average just a paltry $1.68 an hour in Mexico in 1992. American workers earn more in an hour than Mexican workers in a day, and wages have remained low in spite of rising productivity. In fact, Mexican wages have actually declined during this recent period of rapidly decreasing productivity. Manufacturing wages in Mexico in 1992 were roughly 25 percent lower than they were in 1979.

So, Mr. Speaker, if productivity is so high in Mexico, and wages are so low, and the Government rolls out the red carpet called NAFTA, the big multinationals would be crazy not to use that red carpet to close up shop here and move south of the border, and every person with common sense in my congressional district, and believe me, this is the No. 1 issue that is raised.

When I went back during this recent recess I did not get very many comments about the budget reconciliation bill. People cared about health care, and they cared about this so-called Mexican Free-Trade Agreement, and they know instinctively in their hearts that jobs are going to flow south. In fact, a report that was issued by the last administration and kept under covers indicated that we could lose up to 40 percent of our jobs in auto, in textiles, and steel in this country.

Now wages do matter in manufacturing. Faced with the evidence of Mexico's high technology facilities and faced with the evidence of Mexico's extremely low wages there are those who would still try to defend NAFTA by saying wages do not matter too much one way or another, and especially not in highly automated high tech plants where wages are only a small part of costs. Well, that is wrong because here are the numbers:

At roughly 20 labor hours for final assembly total compensation costs of nearly $40 an hour in the United States and total compensation costs of less than $5 an hour in Mexico, assembly in Mexico knocks off about $700 off the cost of every car built there. You add that onto the phenomenal price we are paying for the sticker price of a car, for United States health care to cover the workers' health care and the retirees' health care, and you are down $2,000 to start with respect to the sale of a United States auto versus our competitors.

Now whoever said that $700 for a car does not matter has got this thing all figured out wrong. Over the course of a year that could amount to $136 million or more in savings by moving a plant from the United States to Mexico, and that is just for the final assembly. Think about the savings that could pile up by moving the whole operation to Mexico.

I want to talk about runaway plants. The Resource Center, a nonprofit research center on border issues, has done research which indicates that at least 96,000 people in over 250 work sites in the United States saw their jobs shipped to Mexico in the last dozen years. Almost a hundred thousand people in over 250 work sites, and I know my colleague from Toledo, the gentlewoman from Ohio [Ms. KAPTUR] who has been so vigilant on this issue has been trying to put together and document each of these sites in this country—a hundred thousand people almost, their jobs shipped to Mexico in the last dozen years. These are just the documented cases. Estimates actually range as high as 180,000 jobs lost directly as a result of relocation to Mexico. The U.S. Department of Commerce statistics indicate that these direct losses caused indirect losses of another 358,000 jobs in the firms and industry that service and supply the relocated firms, and, while many of these losses were in lower skilled positions, up to one-fourth were in high-skilled, high-wage jobs that we need to keep competing in the global marketplace right here at home.

In Michigan alone, Mr. Speaker, we have lost at least 2,200 jobs documented by plants relocating in Mexico, and even the Bush administration, in an unreleased report, estimated we could lose 40 percent of the jobs that I indicated in auto, steel, apparel, and textile if NAFTA goes through.

I want to deviate for just a second and then we will come back to this question of jobs and wages, but I think to understand it in its context one has to fully appreciate the political and judicial system, the social economic system within Mexico.

Mexico's government is dominated by a deeply entrenched one-party system. The ruling PRI Party has been in complete control of the Government since 1929, over 60 years. This one-party system has created extensive corruption. Even the judicial system is controlled by the President, all-powerful President. Justice is based on politics and bribes, often not law, and in a country where 50 percent of rural families and 23 percent of urban families live under the poverty line and where over 17 million people live in what is considered extreme poverty, especially in the south, a system of justice based on one's ability to pay is an absolute travesty.

Election fraud and political repression: Election fraud is rampant now in Mexico and is well documented.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. BONIOR. I will, I will. I will come back to all of these, and I will be happy to yield to my colleague.

In State elections last summer neutral election monitors recorded 44 types of irregularities at 200 sites in the State of Michoacan alone. But the Mexican system is so heavily weighted in favor of the ruling PRI Party that outright fraud is not even necessary for PRI to retain control.

In March President Salinas asked 30 of Mexico's wealthiest businessmen to contribute $25 million each to PRI in preparations for the 1994 election campaign. This is part of a campaign finance system that will allow the ruling party, PRI, to spend $800 million or more to retain the Presidency.

Mr. DREIER. Can I just ask my colleague one question on that point?

Mr. BONIOR. Yes.

Mr. DREIER. What happened to those dollars that the President asked those business leaders to contribute to the PRI Party?

As I recall from what I saw, those dollars were given back, and there was a limitation which the President then imposed, and so there was clear recognition on the part of President Salinas that this was an incorrect thing to do, and he, in fact, has ended the policy to which my friend has just referred.

Mr. BONIOR. Well, I would suggest to my friend that President Salinas also had a dinner party recently. Maybe it was not so recently, but he asked, often these same people, about 21 financial groups who control about 25 percent of the families in Mexico—they own about 60 percent of Mexico's gross domestic product—he had them all in, and he asked them each for a good load of money. I believe he raised somewhere in the neighborhood of $25 to $35 million.

Mr. DREIER. That sounds like a Democratic campaign fund——

Mr. BONIOR. I wish it were.

Much of that, quite frankly, was to hire lobbyists in this town to influence the outcome of this debate on issues which are critical to retaining jobs in this country.

Mr. BROWN. of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, it is interesting from my friend from California, that he would defend President Salinas with this kind of activity.

Mr. DREIER. I was not defending President Salinas. I was simply responding by saying that the contributions to which my friend from Mount Clemens referred have, in fact, been returned.

Mr. BROWN of Ohio. There is a pattern of President Salinas in Mexico. He solicits, or demands, or extorts $25 million each from 25 families. The American media writes about it, so he backs off, and he accepts only $300,000 from each family.

Then President Salinas also earlier this year set up a fund where they could raid American businesses, set up a fund, help capitalize a company in New York, a firm in New York, to raid American businesses that were paying $6 and $7 an hour saying, "Do you think you're paying too much? Move to Mexico. We'll cut your wages. We'll do it much more cheaply." That was brought to light by Majority Leader Gephardt. President Salinas backed off and said he was sorry.

There is a whole pattern of President Salinas being embarrassed because he wants this treaty, wants this agreement, and he will continue to back off as long as the agreement is before Congress, and at the same time he will spend the $20, or $30, or $40 or $50 million that these families have provided him, and the taxes on the poor in Mexico, to lobby this in Congress. Never in the history of world economics has one country spent tens, and tens, and tens of millions of dollars to lobby something in another country, to lobby another country's elected representatives.

□ 2130

That means the deal stinks to begin with, let alone all the good arguments, the very, very good arguments that the gentleman from Michigan [Mr. BONIOR] is making about the economics of the issue, that we are losing jobs, that we are going to lose more jobs if this is agreed to. And it makes no sense for places in Maryland and Michigan and Ohio and in southern California to agree to this agreement.

Mr. DREIER. If my friend would yield?

Mr. BONIOR. I will in just a second. Let me respond, and then I will yield to my friend and then my friend from the State of Maryland.

The basic problem is, as I see this treaty, is that the Mexican people, and God knows the American people do not want this, but the Mexican people do not want this. The worker, those who are concerned about changing the political system, to reform that system, those who are concerned about human rights and reforming the judicial system, they do not want this treaty.

And why do they not want this treaty? If is very simple. They feel, and I have talked to many of them and many of their leaders, they feel this treaty will institutionalize the PRI and the corruption which surrounds the PRI. It will institionalize low wages, it will institutionalize the judicial system that is controlled by the PRI Presidency. It will institutionalize a labor system in the country of Mexico which is not free to do free bargaining and collective bargaining on behalf of the workers. It will institutionalize an environmental system that is devastating the air, the land, and the water of Mexico. That is why they want it to go down.

The concept behind this is not bad. The concept of providing Mexican workers the opportunity to rise in their standard of living and then be able to purchase products in the United States and have a free flow of trade like we do with Canada is not a bad concept.

I supported the American-Canadian Free-Trade Agreement because there was some sense of parity between both countries with respect to democracy, the judicial system, wages, all the things that we hold so valuable between our countries in terms of a relationship.

Mr. DREIER. If my friend would yield on just one point on that, I thank my friend for yielding. I would like to respond to a number of the statements that have been made here.

I am not going to stand here on the floor of the U.S. Congress and defend the political system of Mexico. But I will do this: it is very apparent that the things to which my friend from Mount Clemens has referred are clearly things of the past.

Over the past several years we have seen the most incredible changes that have taken place in that 60-year history of the Institutional Revolutionary Party, the PRI party in Mexico.

Let me just point to them. In 1981, which was my first year as a Member of this institution, I was privileged when the Speaker appointed me to serve as a member of the United States-Mexico Interparliamentary Conference. I went to Mexico. Having been elected the year Ronald Reagan was on this platform of bringing about a greater level of economic freedom and opportunity.

Well, President Jose Lopez Portio at our meeting said very proudly that he was preparing to nationalize the banking system of Mexico. I think that all of my friends here, my friend from Toledo and I used to serve on the Committee on Banking, Finance, and Urban Affairs together, would acknowledge that nationalizing industries is obviously not the wave of the future.

Well, President Portio did that in 1981. And during the 1980's we saw a horrendous debt crisis in Mexico. We saw a tremendous number of economic problems that followed.

Now, the next administration, President Miguel de la Madrid, towards the waning part of his 6-year term as President, began moving towards privatization. And we have seen under President Carlos Salinas de Gortari the most unprecedented moves toward economic freedom and privatization. We have seen privatization of the banking industry, the telephone industry, and a wide range of other industries in Mexico.

Am I going to argue that it is a perfect system? Am I going to argue that their political system is perfect? Absolutely not. But I will argue that it is greatly improved.

So as this economic freedom has proceeded, as we have found throughout history, what follows economic freedom is political freedom. What follows political freedom is economic freedom.

So what has happened? If we look at the specific elections which have taken place in the governorships and the mayor seats throughout Mexico, I represent a border State, California. Ernesto Rufo is the Governor of Baja California, a State in the northern part of the country. He is not a member of the Institutional Revolutionary Party. He is a member of the National Action Party, the pawn party, the opposition party.

The governor of Sonora, Mexico, also in the north, and these are unprecedented. And we have seen dozens and dozens of mayors of the opposition party elected.

Now, again, I am not going to argue that it is a perfect system. But the change which I know my colleagues would like to see in Mexico is taking place today.

Mr. BONIOR. I would be happy to yield to my colleague from Ohio.

Ms. KAPTUR. I know that our colleague from California is a world traveler and certainly lives closer to our border with Mexico than I do. I also have traveled there. And I wanted to ask the gentleman, knowing your concern for democracy around the world, if you feel that the current President of Mexico was freely elected and how do you verify that?

Mr. DREIER. Well, let me respond. I followed that campaign closely. The main opposition that came to Mr. Salinas came from the Cardinista Party and Mr. Cardinist, who was his opponent. The National Action Party had a candidate, Mr. Clothier, who ran. There was a great deal of controversy that surrounded that election.

Ms. KAPTUR. Do you believe he was freely elected?

Mr. DREIER. I cannot be the judge to say whether he was or was not freely elected. And I am not here to argue that he was freely elected.

Mr. BROWN of Ohio. Would the gentleman from California [Mr. DREIER] support a side agreement on the NAFTA agreement negotiated by us and Mexico that would set some standards and some oversight and some monitoring of Mexican elections so that there were in fact provably with evidence free and honest elections in Mexico? Would you support a side agreement like that?

Mr. DREIER. If my friend from Mount Clemens will yield to me, I would say that as we look at this issue of side agreements as they relate to the environment, labor displacement, those are being at this point discussed by our fantastic Trade Representative, my fellow Angelino, Mickey Kantor, who is working diligently to bring about fair and balanced side agreements. And I have been talking with him at length about that on several occasions and will be in the future. And if this is part of it, I think it is something to look at.

I will say though that as we consider embarking on a North American Free-Trade Agreement, for us to basically dictate the exact strictures of the free and fair elections to take place in Mexico I think would be clearly overstepping our bounds.

Let me say this: there have been elections that have been held her in the United States, and frankly for this body, which very clearly come into question. And I recall a race in Indiana——

Mr. BONIOR. The gentleman is not asserting that the electoral process in the United States or even in this institution is comparable with what happened in Mexico, is that your assertion?

Mr. DREIER. I am not saying that this system is identical to the one that exists in Mexico. Absolutely not. And I said that I am not a defender of the political system as it exists in Mexico.

But I will stand here and proudly talk about how it has proceeded.

Now, this question of side agreements, I am not in a position to say right now whether I want to see a side agreement which is going to be created to specifically deal with the politics within Mexico. But I will say this: I have been very displeased with the elections that I have seen in the past. I cannot say whether President Salinas was elected in the freest and fairest election around.

But I will say this: the fact that we have seen opposition party candidates for the first time in the 60-year history of the PRI party's control, and I will acknowledge that, of Mexico, take place in the past several years, is, I believe, a very positive sign of an improvement in political pluralism which is necessary.

Mr. BONIOR. Let me respond to that, and then I will yield to my friends. Because I want to talk about this socalled improvement in political pluralism or in democratic democracy vis-a-vis unions or in human rights. Because I think it has to be responded to. And I appreciate my colleague's comments with that, although I disagree with them.

Let us take unions, for instance. If a union steps out of line in Mexico, the people who step out of line are punished. And it just is not something that happened 20, 10, 5 years ago. In 1992 the case of Agapeto Gonzalez, who was a very independent person who wanted to raise the wage standards and the working standards of his people, he was arrested on trumped-up charges of tax evasion, for trying to organize a strike in the Matamoros area.

□ 2140

The charges were eventually dropped, but Mr. Gonzales languished in jail for over 6 months, and the strike was broken. That is typical. You try to be independent, you try to raise your voice for workers and into the slammer you go.

Let me say something else about the history of human rights abuses, because I think they need to be addressed.

The National Human Rights Commission, which was reluctantly established in 1990 by President Salinas as the official human rights monitor, has studied 323 cases of disappearance, 736 complaints of torture, 10,000 instances of illegal arrest or detention. And because these numbers are official Government figures, you can be sure they only begin to scratch the surface. The list goes on, political imprisonment, abysmal prison conditions, repression of the labor movement, censorship, unfair trials, murders and assassination. It is, frankly, a very corrupt social, political society.

Mr. DREIER. I am hardly going to stand here and defend any of those horrendous acts. I join with my friend in decrying this kind of activity. But I would say that that was a very subjective statement that was just made saying that President Salinas reluctantly established this human rights monitoring organization.

Mr. BONIOR. He was pushed for years to do it.

Mr. DREIER. The mere establishment of an organization which is going to be propounding these figures is a sign of acknowledgement and improvement. The question that I would ask of my friend, the gentleman from Michigan [Mr. BONIOR], the gentleman from Ohio [Mr. BROWN], anyone here, have we not seen, by virtue of the establishment of that human rights monitoring organization, have we not seen, by the seating of governors of the opposition party and mayors of the opposition party, an improvement in the level of political pluralism and political opportunity that we had decades ago?

Mr. BROWN of Ohio. The world is watching President Salinas. The world is watching what he does with his economy. The world is watching what he does with drug dealers. The world is watching what he does with the violence that his Government directs against his people.

Because the world is watching, he is a little better in the last few months than he has been. But I just find it so curious that someone who stands on this floor day after day after day and rails about too much government defends a country, defends a government where this kind of privatization you talk about has made the 30 families of Mexico that control 50 percent of the wealth even richer because so many of these public enterprises in Mexico, like the phone company, were sold off at bargain basement fire rate kind of prices so that his rich friends could get richer and richer and that you would defend things like Mexican elections and that you defend the 58 cents an hour minimum wage.

Mr. DREIER. I think that is a bit of a stretch. I am not standing here as a representative from the Republic of Mexico. I am standing here as one saying there has been a great deal of improvement in the past several years.

Mr. BROWN of Ohio. That is an interesting question. I find that so many people that support NAFTA, so many of America's largest corporations, so many people that are supporting NAFTA seem to be just defending the Mexican Government. They seem to be apologists for President Salinas, apologists for his actions, apologists for the 58 cents minimum wage.

Never in world history have two economies that are this far apart tried to negotiate a trade agreement. You simply cannot have free trade without free elections. If you were unwilling and would not agree to it on the floor a minute ago, if you are unwilling to say, yes, I want a side agreement that will guarantee free elections in Mexico, we cannot have free trade until we know that we can have free elections in Mexico, period.

Mr. BONIOR. Free trade does not work when one of the parties has a society that is not free.

I want to get back to this question of freedom and human rights, because it is a very basic part of the equation.

I recently met with a woman named Marieclaire Acosta. She is the founder and the president of the Mexican Commission for the Defense and Promotion of Human Rights, a nongovernment group set up to monitor the Government's supposed human rights efforts.

She is a very fine person, a fair person.

She provided me with a report that details how the political and the judicial system in Mexico colludes to keep the most human rights abusers immune from punishment.

It is a systematic policy to protect those who violate the basic tenets of the society. If you do not believe her, let me quote from a conservative Latin American politician and one of the great authors of the Americas, Mario Vargas Llosa of Peru.

He said, and I quote, "The perfect dictatorship," this is a conservative Latin American political intellectual figure.

Mr. DREIER. A presidential candidate.

Mr. BONIOR. "The perfect dictatorship is Mexico, because it is a camouflaged dictatorship. It may not seem to be a dictatorship but has all the characteristics of dictatorship, the perpetuation not of one person but of an irremovable party, a party that allows sufficient space for criticism, provided such criticism serves to maintain the appearance of democracy, but which suppresses by all means, including the worst, whatever criticism may threaten its perpetuation in power."

Now, doing business in Mexico, and then I will yield to my friend from Toledo, OH, because I think it is for our business community, who have embraced this thing to a large extent in our country, to understand what they are getting into.

In an article in the November 1992 issue of World Trade magazine, it recounts the story of Jack Andrews, an export businessman from Salt Lake City.

In 1984, he found himself in a car and was chased on a dusty Mexican road. He had no idea why he was being chased, so when he saw the passenger in the car chasing him was brandishing a machine gun, he did not stop to find out. Andrews and his partner narrowly escaped and made their way to the U.S. border.

At Customs, they reported the incident. The local sheriff told Andrews the men chasing them were federales, Mexican federal police. Andrews finally figured out why they were after his briefcase, which contained photographs and original contracts that documented his claims against the Mexican company that had backed out of a $4 million deal.

Four of the six defendants in the Andrews case settled out of court. The key player, the Mexican Coffee Institute, was named in a 1991 default judgment in the United States District Court of California. But could Andrews collect? Of course not.

Disgruntled traders like Andrews warned that American exports stand to lose their shirts because of widespread corruption and the lack of a reliable Mexican court system to address these commercial disputes.

You can talk to businessmen who have been down there, and they will tell you that this is an inherent flaw within the Mexican system. He is not alone. Thousands of small and midsize exporters have written off billions of dollars in unrecovered claims against Mexican business entities over the past 10 years.

I yield to my friend from Ohio.

Ms. KAPTUR. I thank the distinguished leader from Mount Clemens, MI, for providing this opportunity this evening and to my colleague from Lorain, OH, SHERROD BROWN, a new Member who is truly an asset in this institution, and the cochair of the delegation of woman, the gentlewoman from Maryland [Mrs. BENTLEY], a group that we took to Mexico back in late April, and our colleague, the gentleman from California [Mr. DREIER], who always makes a positive contribution to debate.

We know that as we get into this in more depth we are going to carry you with us and your excellent knowledge to help improve an agreement that I think anyone on its face value would say is seriously flawed.

Our end result will be, I believe, a continent where democracy will flourish rather than be thwarted.

Mr. DREIER. That is what we want.

Ms. KAPTUR. I wanted to mention that in addition to the loss of jobs, which is my major concern, I have many concerns about this proposed treaty. We now know there are over 2,000 U.S. companies that have already located south of our border, largely because of some of the incentives that were created when some of the tariffs were removed over the last few years. The acceleration since 1985 of that corporate dislocation from the United States directly from our districts, we can track it. It is just like taking spaghetti. You can put one of the spaghetti in your district. You can follow where it goes down into Mexico.

We can watch the jobs in our communities dry up, and we see those jobs open up in Mexico.

I wanted to comment on the jobs. One of the other concerns that I have has to do with what this is going to cost us in terms of tax dollars spent.

□ 2150

This is an issue that we have not paid a lot of attention to, but we see the flooding out in Iowa, and we know we are going to be asked for several billion dollars here to try to correct that terrible situation and help the families of this country.

This week the Congressional Budget Office released a study they have been working on for quite a while, and I would say to the taxpayers of the United States, hold onto your wallets, because this trade agreement with Mexico is going to such them dry, too.

How much does the CBO, the Congressional Budget Office, say NAFTA will cost us? At least $40 billion to begin with. That sounds incredible, but in fact, it is a result of the fact that some of the current tariffs that try to equalize our marketplaces will be removed. That will cost us over $3 billion in tax revenue. We are going to have to somehow pay for the U.S. workers if this agreement passes, which I hope it does not, that are going to lose their jobs; add another $2 billion there.

How about all of the improvements to the road systems, the sewer systems, et cetera? Thirteen billion dollars to twenty billion dollars. Extra customs inspectors at the border to try to get some handle on this drug trafficking that is going on, and extra spending on agricultural programs because of the farmers of our country that are going to be hurt by this agreement.

The cost to our people in terms of lost jobs and added spending, for which revenue sources have not been dedicated, is truly troubling. It is not even talked at all about in this agreement, and we find ourselves in the incredible situation where workers in Toledo, in Mount Clemens, in Lorain, and I know in California, too, are going to lose their jobs but then be asked to pay the bill for the cost of this, for the investment that is going on there.

I think it is really an incredible situation, and I am really happy to have the opportunity to reference it tonight.

Mr. BONIOR. What is troubling about that, when we take it a step further, is that it is all going to be in the disguise or the guise, if you will, that, well, we will increase the living standard of the Mexican population, they will get a higher wage, and they will be able to purchase products here in the United States.

The problem with that—and, of course, we will be able to employ people, because of their purchases here, that is how the theory goes. The problem with that theory is that the Government of Mexico has a systematic program to keep wages low. That is why wages since 1979 have gone down 25 percent, number one, so it is going to be difficult for them, if not impossible, under this system to improve their situation so they can purchase American products.

Number two, let us assume that happens, and I do not concede that one iota, but let us assume for the sake of argument that it happens. How long will it take for Mexico to be economically viable to create a system where they are going to purchase consumer goods to create jobs? It will be a generation.

What do we do in the meantime with our workers? We are sacrificing them to a generation of hope that the Mexican economy and political and social system will change. That is crazy.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield on that?

Mr. BONIOR. I will yield in a second, because I know my friend, the gentlewoman from Maryland, has a comment on that.

The problem here is that the disparity between Mexico wages and the United States, in terms of economics, is humongous, 13 or 12 to 1. The European Community has been trying to put a free-trade agreement cooperation together there for 30 years. They spend billions of dollars trying to do it, and equalize these nations.

There the disparity between the richest and the poorest is about 3 to 1. In 2 years we are going to try to create this thing with Mexico, with this great disparity, overnight. It will hurt our workers. It will put us out of work. It will hurt this economy. It will throw this economy, if not into a deep recession, into a depression.

Mr. Speaker, I yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I really want to pick up on that very important point that the gentleman from Michigan has made on the length of time that we are trying to level out the United States with Mexico, and what the European Community did. I think we need to emphasize that more and more.

I think basically in the long term, most of us believe that there has to be some kind of agreement along for the Americas. The point is what kind of an agreement and over what period of time.

The European Community, when they were bringing in Greece, Spain, and Portugal, which were three countries which had just about half of the wages of the rest of the European Community, their social standards were not that far apart, but they had a 15-year agreement to bring those three countries in. At the end of each year those three countries had to reach a certain goal, achieve a certain goal that had been set. When they achieved that goal, then they took the next step and the European Community helped them.

It took 15 years for that, and here we are in 3 years saying that the United States and Mexico are going to be on the same playing field? You know what is going to happen, we are going to go down. They are not going to come up, there is no way that they can come up like that.

That point and the loss of our sovereignty I think are two points that I think are lost throughout all of these talks, that we need free trade so they can buy more things. They have not bought more things.

I would say to the gentleman from California [Mr. DREIER], I have to say wherever you have the fact that the average wage in Mexico is $2.35 an hour is wrong. It is nowhere near that. The gentlewoman from Ohio [Ms. KAPTUR] and I, when we were down there, we saw the pay scale, the weekly pay checks of workers from there. Let me tell the Members, it is 58 cents an hour, with a lot taken out from that 58 cents an hour.

Mr. BONIOR. Mr. Speaker, I would be interested in the gentlewoman's comments, and the comments of the gentlewoman from Ohio [Ms. KAPTUR], about their trip. I know they have been there and they have witnessed what is happening in Mexico. I would be interested in learning a little bit about their experience.

Ms. KAPTUR. If the gentleman will yield, I thank the gentleman for asking, and I think one of the most surprising features of our visit as we were going down through companies and through the countryside was that the people that will lose their jobs in our country are largely women, women in the work force in assembly jobs, in textile jobs, in service industries.

At least 70 percent of those that are expected to lose their jobs here in America will be women, and when we went down to Mexico, we made a specific effort to meet with the women who are working in those companies, in companies like Zenith, in companies that were manufacturing goods and automotive parts, in health equipment, to see that they were earning 50 cents to $1 an hour. We went, rather than just into the companies, which is where you were always taken, you know, because they are brand new, we went to where they lived. We looked at their pay checks. We saw what their pay checks would buy. One woman particularly stands out in my mind. She took home $15.75 a week for 48 hours' work after 10 years working in that plant. She had to somehow figure out how to feed her family.

Her statement to us was, "I work for hunger wages," which I had never heard before. It cost her $3 for a box of rice for a family of seven. I mean, that is hardly enough for one meal. We almost do not believe it. We almost cannot believe that this could actually be happening to people.

It is the most grotesque form of exploitation I have seen on our continent. I have not traveled to Honduras and Guatemala and some of the other countries, but what I saw down there was absolutely wrong. I was very appalled that our companies would help perpetuate a kind of economic system that would displace people, be they men or women, north of the border, out of work here with no hope for them, and then take advantage of those workers down south of our border whose government is in cahoots and in collusion with our large companies, and other foreign companies that are located down there, and not give those people a chance to better their way of life.

Mr. BONIOR. The final tragic piece of that is when those products return here, or return to other Western democracies, do you think they shaved the price dramatically?

Mrs. BENTLEY. No.

Mr. BONIOR. You bet your bottom dollar they do not shave the price that goes into the pockets of the multinationals, and that is why this treaty is a treaty of elite corporations.

The workers in America, the workers, the vast majority of people in Mexico, do not want this thing.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The issue is not just what it does, but certainly what it does to Mexican workers. The gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from Maryland [Mrs. BENTLEY] have illustrated so well what it does, and what it does to American workers is so well illustrated by the gentleman from Michigan [Mr. BONIOR]. It is also what happens to small business in this country.

First of all, larger businesses can afford the investment dollars to go to Mexico, exploit a Mexican laborer, exploit Mexican labor, evade environmental laws that we have in this country, exploit through getting around worker safety regulations, child labor laws, all that in Mexico.

The big companies can afford to do that, and then beat American small businesses when they did have that excessive advantage back in the United States. Small business also cannot afford to go to Mexico as suppliers.

If American companies, if a Ford plant in Lorain, OH, and they make Thunderbirds in this plant in Lorain, and my daughters were lucky enough, with some of the Ford people, who took my daughters and me through the plant the other day, and they got to see cars built, and how exciting that was for them.

If Ford would move more of its production to Mexico, and they have some, they make a few Thunderbirds in Mexico, American small-business suppliers, Ford suppliers in Lorain County, they cannot earn, or in Kent, in Cleveland, or Medina, they cannot follow them to Mexico.

□ 2200

And third, if a big plant leaves, think what it does to everything else in the community.

Over the Fourth of July when all of us were home visiting with people, and having town meetings, and going to parades and all of that, people all over the place would say keep up the good work, beat NAFTA, stop NAFTA, and as Mr. BONIOR said, that is the issue that people are talking about as much or more than almost any other issue.

I went to a cement plant in Medina, OH, and this cement plants employs a couple of hundred people at good wages. And the cement plant, the workers and the management are scared to death of NAFTA, because they are not going to have much work if a big plant moves south, and other businesses close down, and their work is to do commercial development and industrial development. And if they close down, then what happens to the grocery stores in the neighborhood, what happens to the restaurants, what happens to all of us? And it is a tragedy for the Mexican workers, it is a tragedy for American workers, it is a tragedy for small business in America. It is an advantage to the corporate elite in Mexico, to those 30 families that control half of Mexico's wealth, and only to the largest stockholders of the largest businesses in America, and it is a loser for everyone else, for all of the rest of us.

Mr. BONIOR. I thank my friend from Ohio for his eloquent statement with respect to who benefits and who does not.

I yield to my friend, the gentleman from California [Mr. DREIER]. Then I will yield to my friend from Maryland.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would first like to make the statement that as our leadership team begins discussing the prospect of Oxford-style debates during the special order period, I do not particularly want to hold this one up as the model example as I am surrounded by my friend from Baltimore on the Republican side of the aisle, and my new friend from Loraine, OH, my friend from Toledo, and my very dear friend and Rules Committee colleague from Mt. Clemens, I hope as we proceed with the concept of Oxford-style debates, and I know this was not the intention of this evening, and I appreciate my friend allowing me to be here to comment on these things, that we will allow for a more evenhanded exchange in the future.

I do not have a prepared text. There were many things that were said that I would like to respond to, if I could just take a couple of minutes.

Mr. BONIOR. A couple of minutes, and then I have to yield because I have others who want time.

Mr. DREIER. May I inquire of the Speaker how much time is remaining?

Mr. BONIOR. About 13 minutes.

The SPEAKER pro tempore. The Chair would advise the gentleman from Michigan that he has 14 minutes remaining.

Mr. BONIOR. I am a whip. That is what I am supposed to do, know the numbers.

Mr. DREIER. Good counter.

Let me just begin as I look around with the comments that were made by my friend from Toledo. I am the first to acknowledge that we have seen a tremendous flow of United States businesses from the United States to Mexico, and it has concerned me. I will tell you that there are many businesses in my State that have moved out of the State to Arizona, to Nevada, and to Mexico. And I would argue that while we look at this question of the flow of businesses, NAFTA is what is going to allow us to respond to that flow of businesses.

Why? The average tariff on United States goods going to Mexico today is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. The tariff is 2½ times greater for United States goods going to Mexico. So it seems to me that we need to acknowledge that the best way to respond to that flight of U.S. businesses is to work toward a zero barrier.

Now my friend from Baltimore referred to the negotiations that took place in the European Community. And she is absolutely right when she points to Spain, Portugal, and Greece as having a much lower wage rate. The phase-in period of 15 years is actually the goal of this agreement. There is going to be a 15-year phase-in period of NAFTA.

Mr. BONIOR. But is there a difference between that phase in the European phase-in and this phase-in? Does the gentlewoman from Maryland have a response?

Mrs. BENTLEY. Yes, there is a big difference.

Mr. DREIER. But, the goal, of course, we have is a 15-year phase-in.

I would only like to point to the fact that President Clinton is strongly supporting the North American Free-Trade Agreement. I have stood here in the House, and one of our colleagues told me that I have defended President Clinton more on this House floor than a number of Democrats have. I do not know what effect that will have on my reelection next year.

Mr. BONIOR. You will probably not have any opposition.

Mr. DREIER. But President Clinton has realized that trying to diminish rather than establish barriers is clearly the wave of the future.

My friend from Lorain tried to paint me as the defender of the political and economic system in Mexico. I think that it is very clear for the record that I am not standing here as a defender of that system. I am standing here as a defender of the improvement that we have seen in Mexico over the past several years. And I believe that that clearly is the wave of the future, because as I was saying, economic freedom will see political freedom follow. And it already has, because greater economic freedom has taken place.

So I think that recognition of the need to diminish those barriers so we can enhance our opportunity to benefit from those 88 million consumers in Mexico is clearly the wave of the future. If we believe in markets, and I happen to be one who has a great deal of confidence in the free market process, we have to realize that things will balance out.

There is a 15-year phase-in period that is proposed for implementation of the North American Free-Trade Agreement. And we are going to see that phase-in period improve the standard of living on both sides.

I think John F. Kennedy was absolutely right when he argued that a rising tide lifts all ships. There is no benefit to my State of California or the United States for us to have a poor southern neighbor. And immigration is a serious problem that we have.

Mr. BONIOR. No question. And I have no problem, if I might say to my friend from California, with the phase-in. My question is do you provide the goodies before people have performed. They did not in Europe, and that is why they are close to getting a decent agreement over there between them.

We are advocating that you do not have to make the effort, you do not have to prove that you have made some progress in human rights and economic justice and the other things that are important to define a free economic social society. We say here is our gift to you right now, even though your wages are systematically kept low, even though your human rights record is in fact as recently as 1988 deplorable with respect to assassinations, disappearances and all the things we abhor, and we associate with many of the repressive nations just south of Mexico.

Mr. DREIER. But the fact that we have that information clearly demonstrates the Government has provided that information.

Mr. BONIOR. We had that information in El Salvador, we had it in Chile, and that does not necessarily mean that those countries have cleaned it up. They have begun to now because we have insisted that they do so before we help them economically. And we are suggesting that we follow a similar path with respect to the economic activity of Mexico.

Clean up your act. Show us that labor unions can negotiate for the workers. Show us that the human rights abuses will not be tolerated to the level that they have been. Show us in fact that your environmental standards will be enforced.

Mr. DREIER. Every single one of those items that my friend has mentioned have been improving, and clearly if you look at the 1988 Environmental Agreement——

Mr. BONIOR. I will grant you on the environmental front that there have been some improvements.

Mr. DREIER. Closing down the largest oil refinery in Mexico City was a tough thing for Salinas to do.

Mr. BONIOR. With respect to auto emissions and the powerplant and other things, yes. But if you go where Ms. KAPTUR was and where Mrs. BENTLEY went, and to the mequiladoros, and look at the filth, look at the area, look at the water, the hepatitis, the disease, and the miscarriages that are happening to those people down there, and you cannot tell me that they have made any effort at all to deal with that serious problem that not only affects the people in Mexico along that border, but the Americans as well.

Mr. DREIER. They have made a great deal of effort to deal with that by implementing the 1988 environmental law, and quite frankly, we know full well that without newer industries coming into Mexico that it is virtually impossible for them to get the older, heavy industries to comply with those new laws. That is one of the reasons NAFTA is important.

NAFTA, an increased standard of living in Mexico, is going to dramatically increase the demands for an improved environmental quality within the country.

Mr. BONIOR. The gentleman mentioned to me, and I will yield to my friend from Toledo, OH, in a second, about human rights, and you mentioned a little earlier about how Salinas is tackling that problem and cleaning it up. Let me just cite a few statistics.

Mr. DREIER. I did not say he was tackling the problem and cleaning it up. What I said is that the mere establishment in 1990 of that Government-sponsored human rights monitoring organization demonstrates a level of concern on the part of the Salinas government, and demonstrates that they are trying to focus on the problem as they work to improve it.

Mr. BONIOR. Let me cite some figures so that you can see what has happened since 1988 to 1990. Between that period up to 1992, 52 officials of the opposition party have been killed by the federal police or hired thugs, according to a report in a prominent publication, CEO magazine, which is respected and looked upon favorably within the Latin community.

□ 2210

Now, stop and think about that for a moment: 52 people murdered for nothing more than having a difficult point of view and for having the courage to stand up to it and try to change it.

If we pass this treaty the way it is, we will be saying to those people who had that courage, to those labor leaders who have been thrown in jail because of trying to get better wages and working conditions for the people, "You do not matter," these people who are courageous who have been on the front lines of changing that society do not want this agreement.

Mr. DREIER. I totally disagree with that.

Mr. BONIOR. I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman for yielding.

I just wanted to say that I think Mexico's laws on the books are some of the best I have ever read; why, they take up volumes, whether it is election law, environmental law, even the Human Rights Commission itself, which is a governmental body, but the problem with Mexico is she never enforces anything, and the reason that she is doing it now is because she wants this agreement in order to attract more of our companies down there so she can make export earnings to pay off her growing $106 billion debt that she owes to the largest world banks including some of ours on Wall Street.

I do not think it is good public policy to say to Mexico, "Well, look, just take more, more, of our corporations from the United States down to Mexico, and that will help the Mexican companies clean up their act." I think what we ought to say is that first they ought to have a democratically functioning society, and then we ought to talk about free trade, because I do not think free trade comes first.

First comes a free country and free elections, and I am really surprised at the gentleman. I know I am going to get him to agree with me on this: I really think that free elections should be a precondition to any type of free-trade agreement with that country.

Mr. BONIOR. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. I want to describe some of the environmental laws, the enforcement of the environment that you have been talking about. And let me add to what the gentlewoman from Ohio [Ms. KAPTUR] said a little while ago.

In the village where most of the Zenith workers live, the colonia, nine people live in one 10-by-10 room. There is no electric power in any of these huts, but there is an electric power line about 50 feet away from the colonia. They have a central outside toilet that the community uses that all drains down into the canal which ultimately goes on to the vegetables, and that is sent up here. There is a community kitchen that they all use, and when we were shaking hands with different people there, the Air Force doctor who accompanied us would come up and whisper in our ear to, "Make sure you do not touch your face until you wash your hands," to ensure that we would not get some kind of a disease.

Now you are telling me that they are enforcing their environmental laws, and you are telling me that in 3 years we are going to be able to live at that same level.

DAVID, you have had your time, and I am not going to give it up anymore.

You have also said we are talking about the jobs in Mexico and what it is supposed to do. The U.S. Embassy down there told us that once this agreement goes into effect, there are going to be 10 million farmworkers and their families who are going to be put out of work down there. I still do not fully understand why, but that is what their estimate is, and we are going to have that additional immigration flooding up here.

So there is an awful lot yet that has to be done.

Let me tell you how they enforce and protect their intellectual-property laws. Jeffery Wilkerson, who happens to be a constituent of mine and whose mother still lives in my district who has spent 29 years down in Mexico who had developed and had become a leading authority on mesoamerica and he had developed this whole area, and this Salinas government has taken his work plan and has used it to set up a government project under the control of the sister of the Secretary of Commerce.

Jeffery Wilkerson has lost out totally even though we have been protesting, the majority leader and I who have been working on this with the Mexican President's office, but he has lost all of his rights, 29 years of work down there, because one of the family wants this control.

You are now telling me that there is justice? That there is protection, that the American businesses can go down there and be assured of getting fair treatment?

Look at what is going to happen when there is any dispute with this international panel. All of the sovereignty of this country goes down the drain.

And there is no appeal to the courts when this international panel makes its decision against American industry, American business down there. This is something people need to look at.

And how many State laws and how many of our Federal laws are going to be wiped off the books with this?

This is another discussion that needs to be done, I say to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my colleague. We will have an opportunity in the future to discuss this, this important subject that the gentlewoman from Maryland has raised, because I think it needs airing on the House floor.

I have a short period of time left, and I yield to the gentlewoman from Ohio, and if I have time, I will get back to my friend from California.

Ms. KAPTUR. There is just one fact that I would like to bring out, and that is that in spite of the Government of Mexico setting up a Human Rights Commission that was governmentally mandated and pushed by countries like this one, it is very curious that there are over 200 private human rights groups in Mexico simply because the average citizens there that are repressed, investigated, followed, and our delegation of women was followed by the federal police, and it is very interesting "how free that country really is," where 200 human rights groups there have to stand up that are nongovernmental.

Our society has nothing like that, because we have freedoms here.

Mr. BONIOR. Let me just conclude by telling my colleagues that I thank them for sharing their time. It is late in the evening, and they decided to stay here because they care about the communities they represent and about the agreement, and I appreciate them, all of them, coming down here and speaking on this, and I would implore my colleagues and the people in the country that, if you feel passionately about your job and your community, write your Congressman or Congresswoman, write your Senator, and let them know that this treaty is a betrayal of working average good people in this country that want to provide for their families.

I thank my colleagues for their attendance this evening.

The SPEAKER pro tempore (Mr. LAROCCO). The gentleman's time has expired.

The Chair would remind Members not to address the television cameras but to address other Members in the Chamber.

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## THE HOLLOWING OUT OF AMERICA'S ARMED FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Mr. Speaker, I appreciate the indulgence of the House. The hour is late.

We had planned, a number of us had planned a special order tonight on the whole issue of America's defense budget, and specifically we were going to open up debate on the whole issue of the hollowing out of America's forces.

In fact, we have formed an ad hoc Hollow Forces Update Committee. The other Members on that committee with me are the gentleman from Arizona [Mr. KYL], the gentleman from Pennsylvania [Mr. WELDON], and the gentleman from New York [Mr. MCHUGH]. We intended to go into detail and into instances indicating that the Armed Forces or the United States have and are and will continue, unless we change course, to hollow out, and we are not going to do that, given the lateness of the hour tonight, but I did want to say what we intended to do in the future and to introduce the committee to the House tonight and to go over the reasons why we think it important to establish it and to make these points to the House and to the people.

A number of people, Mr. Speaker, probably are not aware of what the term "hollow forces" means. Well, I think the best way to illustrate it is to imagine a house which, from some distance away, looks like it is perfectly adequate; all the windows, all the doors are there, the house is standing, and it looks like it can do what it is intended to do. But as you get close to it, and as things happen, storms happen, you realize that it is woefully inadequate. The paint is peeling, the shingles on the roof are starting to come out, the walls are rotting on the inside, and the people who live there do not know how to keep it up. They are not adequately trained. They do not know what they need to know in order to maintain a house of that kind. The house is hollowing out, if you will. It is really just a shell.

That is what can happen to America's Armed Forces unless—and what will happen, unless we reverse the trends in today's budgeting. It has happened in the 1970's by consensus, that after years of neglect of things like the operations and maintenance budget, after years of neglect of personnel, the quality of recruits, and the quality of people in the Armed Forces, and this is no criticism of the many fine men and women who stayed in the Armed Forces during those years, but the overall quality declined, the readiness of our forces declined, and it resulted in the greatest symbol of it, which was the crash in the desert of the helicopters designed to rescue our hostages in Iran.

It will happen again here unless we change course. Mr. Speaker, it will happen because we are not funding the defense budget, and according to the present intentions of the administration, we are not going to fund the defense budget at levels necessary to maintain the readiness of our forces.

□ 2220

Let me summarize briefly where we have been and where we are now. The United States has been engaged in a build-down, a reduction in defense budget, since fiscal year 1987. Since that period of time, spending on defense has been reduced in real terms by 30 percent. Most of that was under President Bush. He and Secretary Cheney had planned to reduce the defense budget by $50 billion over the next 5 years to produce what they called a base force, which in their view was barely adequate to fight two contingencies like Desert Storm at the same time in the world.

Last year, the then-chairman of the House Committee on Armed Services, now the Secretary of Defense, our distinguished former colleague, Les Aspin, advocated what he called option C, which was a force structure of approximately two-thirds to three-quarters, the base force under President Bush and Secretary Cheney, which he thought we could maintain with additional cuts of approximately $50 billion over the next 5 years.

Mr. Speaker, the plan proposed by the administration for the next 5 years will cut the defense budget two to three times what Les Aspin proposed in his option C last year. It is not going to be possible for us to maintain the Armed Forces at the level we need to with that kind of spending.

This is a tale we are in the middle of now, a story we are in the middle of now, a story for which both parties bear responsibility. It has been a story, and I am afraid it will be a story of some neglect, I am afraid the military budget will become the whipping boy, if you will, of the deficit. Again, unless we change course, it is not going to get better.

A lot of work has been done on this recently, Mr. Speaker, by Senator JOHN MCCAIN in the other body, who asked the members of the Joint Chiefs to respond to a number of written questions, all of them directed at trying to establish whether the force was hollowing out.

They did respond. Senator MCCAIN put that in a report, which all Members should read. I will discuss very briefly some of the items in it tonight. There is a quote in it which I think is particularly significant. It says, "It is not the politicians or the accountants who pay for hollow forces; it is the men and women of the armed services who go overseas to engage in battle on behalf of the United States and do not return."

Some examples, and I am going to touch on several areas of particular concern where the forces are hollowing out as we speak, as we stand here. For example, the Marines report the readiness of the Reserves is declining because of underfunding. And it is particularly significant that the Reserves are declining in readiness and in quality because, according to the total force concept that we have now, it is very important for people to understand, the United States is going to decline, it is going to lower its Active Duty Force strength to the point where it is absolutely necessary that we will rely on the Reserves and beginning on day 1 of any particular struggle of any size whatsoever we are going to have to mobilize the Reserves. It is absolutely vital that the Reserves maintain high-quality training, high-quality equipment.

Yet the marines are already reporting a decline in their quality. Over deployment or too-long-extended deployment at sea—again, this is the Marines reporting—it is going to be a problem in the Navy, which I will explain in a minute. You cannot keep people overseas. You cannot keep them at posts away from their families too long, at least in peacetime, and expect to keep high-quality people in the armed services. They simply will not stay.

Now, the Marines are already reporting that that is a difficulty. That will happen in the Navy as we shrink the carrier base. The number of carriers is going to go down to at least 12, and reports from the bottom-up review out of Secretary Aspin's office is that it may go down to 10. You cannot maintain a carrier task force in the gulf, in the Mediterranean, in the Western Pacific, with that few carriers. You cannot maintain a continual presence abroad unless you keep people at sea for longer than 6 months. It is absolutely clear that if you do that, the high-quality sailors will leave because they will not stay away from their families that long.

Another constant problem throughout the armed services that is getting worse is the issue of turbulence, which, briefly defined, means people reassigned without much notice, from one post to another. Reductions-in-force, even if they are not coerced, even if they are voluntary, people are strongly encouraged to take various kinds of separation packages.

Sudden transfers, high rates of relocation, all of these lower morale. When somebody has to leave a city quickly, his or her spouse may have to find a new job. People get to feel the armed services do not care about them, that the Congress does not care about them, and that lowers morale, and that lowers readiness.

Mr. Speaker, there are a number of other examples. I was sitting in a hearing of our distinguished colleague, the gentleman from Missouri [Mr. SKELTON], who chairs the Military Forces and Personnel Subcommittee, during which we considered the Navy's plan to decommission the *Forrestal,* which is the training carrier for Navy pilots. The Navy is doing that to save an additional $100 million.

These are cuts above and beyond what President Clinton had submitted earlier in the year. That carrier, if the Navy has its way—unless efforts to restore that in the budget are successful, and I certainly support them—that carrier will be decommissioned, which means that training of pilots will have to be carried out by carrier task forces already on active duty. In other words, in between their active duty assignments, they are going to have to train pilots. That is going to reduce the quality of the training; it is going to reduce the quality of the readiness of the task forces already on active duty.

Instance after instance of hollowing out of the forces is already available for the inspection of the Congress. It is our intention to bring that to the attention of the Congress and the people in the coming weeks and months.

In conclusion, Mr. Speaker, we know that we are cutting the defense budget, and there is a consensus that the defense budget is going to be cut further in the future. The question is how much we can cut it and still maintain the obligations of the United States.

It is pretty clear that we have two alternatives at this point. If we continue plans and the budget is at the current plan, we have two alternatives. The first is to recognize that the United States is not going to spend enough money on the defense budget to maintain itself as an international power. The United States is not going to continue being involved in Somalia, in Macedonia, in places all around the world.

Mr. Speaker, our involvement in the world has gotten greater as a conventional matter, not less, since the decline of the Soviet Union and the collapse of the Soviet Union.

To quote the former CIA Director, Robert Gates, "History is not over; it has simply been frozen and now it is thawing out with a vengenance." That requires the application of our policymakers on a bipartisan basis, who evidently believe that requires the application of American power to regional conflicts where our interests are threatened around the world.

We can jettison that foreign policy and beome a hemispheric power and take care of struggles and disputes in the Caribbean, the Western Hemisphere, and we can maintain the power to do that. That is an honest and forthright policy. It is not one with which I agree, but perhaps it can work, We might be able to effect alliances abroad that would allow us to protect our interests in places like the Mideast and in Korea and the Western Pacific without having the military capability to extend our influence there quickly. That is at least an honest policy, it has that virtue. That is not the alternative, however, that we embraced in the 1970's, and it is not the alternative that we will embrace now.

The second alternative is to pretend we have forces we do not have, commit to agreements that we cannot keep, maintain a shell that looks good that you can kid yourself and the pepole with, while actually not maintaining the necessary training and quality and readiness, so that people could do what you have committed them to do around the world. That will result in the extension of American power abroad, in a world that is becoming less secure, not more secure, that needs more American conventional forces and not less. That is going to result in the extension of our forces abroad under circumstances where our people do not have the equipment, the training, do not have the readines to do what we expect them to do.

Remember, Mr. Speaker, it is not the politicians or the accountants or the budgetmakers who will pay the price of hollow forces, it is the men and women in the armed services who are going to engage in those kinds of commitments, who are going to go overseas and may not come back.

□ 2230

## LEAVE OF ABSENCE

Mr. LEACH (at the request of Mr. MICHEL) for today, on account of official business.

Mr. LIGHTFOOT (at the request of Mr. MICHEL) for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOOLITTLE) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 60 minutes each day, on July 20 and 21.

Mr. DOOLITTLE, for 60 minutes each day, on July 15, 20, 21, and 22.

Mr. KNOLLENBERG, for 60 minutes each day, on July 28 and 29 and August 3.

Mr. HORN, for 60 minutes each day, on July 20 and 21.

Mr. KOLBE, for 60 minutes each day, today and on July 20, 21, 22, 23, 26, 27, 28, and 29.

Mr. DORNAN, for 5 minutes each day, today and on July 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. WALKER, for 5 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, on July 15.

Mr. DIAZ-BALART, for 60 minutes, on July 15.

Mr. BEREUTER, for 5 minutes, on July 20.

Mr. DREIER, for 60 minutes each day, on July 14, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30, August 2, 3, 4, 5, and 6, September 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, October 1, 4, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. UNDERWOOD, for 60 minutes, on July 14 and 15.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mr. HANSEN.
Mr. CRANE in three instances.
Mr. PORTER.
Mr. DORNAN in three instances.
Mr. MACHTLEY.
Mr. BLILEY.
Mr. FRANKS of Connecticut.
Mr. GOODLING.
Mr. MCINNIS.
Mr. SOLOMON in two instances.

(The following Members (at the request of Mr. GENE GREEN of Texas) and to include extraneous matter:)

Mr. HAMILTON in two instances.
Mr. JACOBS.
Mr. EDWARDS of California.
Mr. ACKERMAN.
Mr. REED.
Mr. MARKEY.
Mr. DEUTSCH.
Mr. MAZZOLI.
Mr. TRAFICANT in two instances.
Ms. DELAURO.
Mr. FRANK of Massachusetts.
Mr. RAHALL.
Mr. STUPAK.
Mr. POSHARD.
Mr. KLEIN in three instances.
Mr. COSTELLO.
Mr. RUSH in two instances.
Ms. BYRNE.
Mr. CARDIN.

(The following Members (at the request of Mr. TALENT) and to include extraneous matter:)

Mr. MARTINEZ.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1197. An act to make miscellaneous and technical corrections to the Immigration and Nationality Act and related provisions of law; to the Committee on the Judiciary.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 588. An act to designate the facility of the United States Postal Service located at 20 South Main in Beaver, Utah, as the "Abe Murdock United States Post Office Building."

H.J. Res. 213. Joint resolution designating July 2, 1993 and July 2, 1994, as "National Literacy Day."

## ADJOURNMENT

Mr. TALENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, July 15, 1993, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1573. A communication from the President of the United States, transmitting his request for emergency fiscal year 1993 supplemental appropriations, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–116); to the Committee on Appropriations and ordered to be printed.

1574. A communication from the President of the United States, transmitting his certification of his approval of all the recommendations contained in the Commission's report, pursuant to Public Law 101–510, section 2903(e) (104 Stat. 1812) (H. Doc. No. 103–115); to the Committee on Armed Services and ordered to be printed.

1575. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the Strategic and Critical Materials Stock Piling Act to modernize the National Defense Stockpile Program, to allow for more efficient administration, and to authorize disposals of stockpile materials; to the Committee on Armed Services.

1576. A letter from the Chairman, Federal Housing Finance Board, transmitting their annual enforcement report, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1577. A letter from the Secretary of Education, transmitting notice of Final Distribution of Funds, Selection Criteria, and Absolute Funding Priority for Fiscal Year 1993—Centers for Independent Living, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1578. A letter from the Secretary of Education, transmitting Final Regulations—Projects for Initiating Recreational Programs for Individuals with Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1579. A letter from the Secretary of Education, transmitting notice of funding formula and allowable activities for fiscal year 1993; and application procedures for fiscal year 1993, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1580. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 93–24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1581. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 93–17), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1582. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 93–21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Germany (Transmittal No. DTC–28–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1584. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 765 and H.R. 1876, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1585. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1586. A letter from the Assistant Vice President, Western Farm Credit Bank, transmitting the 1992 annual report and audited financial statements of the 11th Farm Credit District Employees' Retirement Plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1587. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

1588. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1992, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

1589. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Accomplishment Report for fiscal year 1992, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Post Office and Civil Service.

1590. A letter from the Secretary of Defense, transmitting a follow-on report on the status of the process for resolution of commercial disputes with governmental entities in Saudi Arabia and the prognosis for such disputes which remain unresolved, pursuant to Public law 102–396, section 9140(c) (106 Stat. 1939); jointly, to the Committees on Appropriations and Foreign Affairs.

1591. A letter from the Comptroller of the Department of Defense, transmitting notification that up to $65 million is proposed to be obligated to assist the Republic of Belarus with various military related activities; jointly, to the Committee on Appropriations and Armed Services.

1592. A letter from the Chairman, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, pursuant to 45 U.S.C. 321f–1; jointly, to the Committee on Energy and Commerce and Ways and Means.

1593. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committee on Foreign Affairs and Merchant Marine and Fisheries.

1594. A letter from the Secretary of Energy, transmitting a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1992"; jointly, to the Committee on Natural Resources and Energy and Commerce.

1595. A letter from the Secretary of Health and Human Services, transmitting the 1992 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant, pursuant to 42 U.S.C. 706(a)(2); jointly, to the Committees on Ways and Means and Energy and Commerce.

1596. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation known as the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States"; jointly, to the Committees on Foreign Affairs, Ways and Means, Armed Services, the Judiciary, Intelligence (Permanent Select), Post Office and Civil Service, and Banking, Finance and Urban Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 217. Resolution providing for the consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes (Rept. 103–177). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARLOW:

H.R. 2631. A bill to provide direct, permanent disaster assistance for crop losses for the 1993 and subsequent crop years, without the proration of benefits; to the Committee on Agriculture.

By Mr. HUGHES (for himself and Mr. MOORHEAD) (both by request):

H.R. 2632. A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself, Mr. BLUTE, Mr. REED, and Mr. MACHTLEY):

H.R. 2633. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Michigan (for himself and Mr. Brown of California):

H.R. 2634. A bill to encourage the use of remote sensing to promote better agricultural management in the United States; jointly, to the Committees on Science, Space, and Technology and Agriculture.

By Mr. THOMAS of Wyoming (for himself, Mr. Boehner, and Mr. Schiff):

H.R. 2635. A bill to amend title 31, United States Code, to provide increased contracting opportunities for private firms by encouraging agencies of the Federal Government to enter into contracts for commercial activities performed for State and local government, and for other purposes; to the Committee on Government Operations.

By Mr. THOMAS of Wyoming (for himself, Mr. Zimmer, and Mr. Schiff):

H.R. 2636. A bill to direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies; to the Committee on Government Operations.

By Mr. VALENTINE:

H.R. 2637. A bill to revise and extend until January 1, 1999, a suspension of duty on Cefixime; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. Ravenel, Mr. Dellums, and Mr. Walsh):

H.R. 2638. A bill to designate certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors, and for other purposes; jointly, to the Committees on Natural Resources, Agriculture, and Merchant Marine and Fisheries.

By Mr. MARKEY (by request):

H.R. 2639. A bill to authorize appropriations for the promotion and development of the U.S. national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McMILLAN (for himself, Mr. Coble, Mr. Taylor of North Carolina, Mr. Lancaster, Mr. Kolbe, and Mr. Valentine):

H.R. 2640. A bill to direct the Secretary of Health and Human Services and the Attorney General to provide exemptions of certain provisions of antitrust law for activities of providers of health care services conducted under joint ventures, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. RAHALL:

H.R. 2641. A bill to amend the Federal Aviation Act of 1958 to prohibit the issuance of a certificate of public convenience and necessity to an applicant which is controlled by a person who has controlled one or more air carriers which have filed, in the aggregate, two or more petitions for bankruptcy; to the Committee on Public Works and Transportation.

By Mr. BACCHUS of Florida:

H.J. Res. 230. Joint resolution to designate the period commencing on February 14, 1994 and ending on February 20, 1994, as "Children of Alcoholics Week"; to the Committee on Post Office and Civil Service.

By Mr. TORRES (for himself, Mr. Becerra, Mr. Berman, Mr. Brown of California, Mr. Coleman, Mr. Filner, Mr. Pete Geren of Texas, Mr. Gibbons, Mr. Gutierrez, Mr. Hastings, Mr. Lewis of Georgia, Ms. McKinney, Mr. Martinez, Mr. Matsui, Mrs. Meek, Mr. Pastor, Ms. Pelosi, Mr. Rangel, Ms. Roybal-Allard, Mr. Sawyer, Ms. Schenk, Mr. Serrano, Mr. Stokes, Mr. Towns, and Ms. Woolsey):

H. Con. Res. 121. Concurrent resolution expressing the sense of the Congress in support of the creation of a North American Development Bank; to the Committee on Banking, Finance and Urban Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

222. By the SPEAKER: Memorial of the General Assembly of the State of Indiana, relative to economic development incentives; to the Committee on Government Operations.

223. By the SPEAKER: Memorial of the General Assembly of the State of Rhode Island, relative to the ratification of the 27th Amendment to the Constitution; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. Hutto, Ms. Brown of Florida, Mr. Quinn, Mr. Taylor of Mississippi, Mr. Shuster, and Mr. Crapo.

H.R. 93: Mr. Barrett of Nebraska, Mr. Stump, Ms. Molinari, Mr. Crapo, Mr. Baker of California, and Mr. Bateman.

H.R. 97: Ms. Norton and Mr. Dellums.

H.R. 123: Mrs. Meyers of Kansas and Mr. Everett.

H.R. 124: Mr. Rangel.

H.R. 125: Mr. Klink, Mr. Lewis of Georgia, Ms. McKinney, Mrs. Unsoeld, and Mr. Serrano.

H.R. 127: Ms. Furse.

H.R. 133: Mr. Doolittle and Mr. Murtha.

H.R. 207: Mr. Meehan.

H.R. 214: Mr. Andrews of New Jersey, Mr. Everett, Mr. Doolittle, and Mr. Meehan.

H.R. 285: Mr. Condit and Ms. Norton.

H.R. 302: Mr. Jacobs.

H.R. 326: Mr. Andrews of Maine, Mr. Thompson, Mr. Montgomery, and Mr. Applegate.

H.R. 369: Mr. Thomas of California.

H.R. 429: Mr. Hutchinson.

H.R. 465: Mr. Doolittle.

H.R. 502: Mr. Packard and Mr. Meehan.

H.R. 513: Mr. Roemer, Mr. Rogers, and Mr. Bachus of Alabama.

H.R. 520: Mr. Watt, Mr. Fish, Mr. Pastor, Mr. Serrano, and Mr. Romero-Barceló.

H.R. 522: Mr. Wynn.

H.R. 535: Mr. Hinchey, Mr. Porter, and Mr. Levin.

H.R. 549: Mr. Meehan.

H.R. 551: Mrs. Bentley and Ms. Danner.

H.R. 553: Mr. Wynn.

H.R. 649: Mr. Flake and Mr. Martinez.

H.R. 656: Mr. Washington, Mr. Owens, and Mr. Miller of Florida.

H.R. 657: Mr. Doolittle.

H.R. 668: Mr. Schiff, Mr. Saxton, Mr. Doolittle, Mr. Rohrabacher, Mr. Bartlett of Maryland, Mr. Sensenbrenner, Mr. Baker of Louisiana, and Mr. Inhofe.

H.R. 684: Mr. McDermott.

H.R. 688: Mr. McHugh and Mr. DeLay.

H.R. 723: Mr. Canady and Mr. Everett.

H.R. 767: Mr. Rose and Mr. Darden.

H.R. 786: Mr. Lancaster.

H.R. 790: Ms. Pelosi, Mr. Inslee, and Ms. Danner.

H.R. 821: Mr. Ramstad and Mr. Sarpalius.

H.R. 830: Mr. Bartlett of Maryland and Ms. Thurman.

H.R. 881: Mr. Johnston of Florida, Mr. Visclosky, and Mr. McDermott.

H.R. 897: Mr. Oberstar and Ms. Pelosi.

H.R. 921: Ms. Norton, Mr. Hinchey, Ms. Furse, Mr. Edwards of California, Ms. Eddie Bernice Johnson of Texas, Mr. Jefferson, Ms. Velázquez, and Ms. Brown of Florida.

H.R. 959: Mr. Nadler.

H.R. 961: Mr. Meehan.

H.R. 985: Mr. Miller of Florida.

H.R. 1000: Mr. Petri.

H.R. 1067: Mr. Miller of Florida.

H.R. 1086: Mr. Johnson of South Dakota and Mr. Fields of Texas.

H.R. 1087: Ms. Danner, Mr. Skelton, and Mr. Underwood.

H.R. 1122: Mr. Meehan.

H.R. 1133: Mr. Mineta.

H.R. 1146: Ms. Shepherd, Mrs. Meyers of Kansas, Mr. Torricelli, Mr. Nadler, Miss Collins of Michigan, and Mr. Meehan.

H.R. 1169: Mr. Meehan.

H.R. 1188: Ms. Norton and Mr. Markey.

H.R. 1230: Mr. McDermott.

H.R. 1251: Mr. Baker of Louisiana.

H.R. 1296: Mr. Inslee, Ms. Eddie Bernice Johnson of Texas, Mr. Price of North Carolina, Mr. Wynn, Mr. Richardson, and Mr. Menendez.

H.R. 1322: Mr. Meehan, Mr. Tauzin, Mrs. Lloyd, Mr. Carr, Mr. Barca of Wisconsin, and Mr. Jacobs.

H.R. 1355: Mr. Hunter, Mr. Stump, Ms. Molinari, and Mr. Packard.

H.R. 1412: Mr. Brown of California.

H.R. 1459: Mr. Goss and Mr. Miller of Florida.

H.R. 1482: Mr. Meehan.

H.R. 1552: Mr. Camp and Mr. Meehan.

H.R. 1583: Mr. Greenwood, Mr. Saxton, Mr. Gallo, and Mr. Shaw.

H.R. 1604: Mr. Meehan.

H.R. 1605: Mr. Meehan.

H.R. 1608: Mr. Ackerman, Mr. Andrews of New Jersey, Mrs. Bentley, Mr. Blackwell, Mr. Bliley, Mr. Blute, Mr. Darden, Mr. de la Garza, Mr. Everett, Ms. Furse, Mr. Hayes, Mr. Hoagland, Mr. Inslee, Mr. Kyl, Mr. Livingston, Mr. Owens, and Mr. Smith of New Jersey.

H.R. 1621: Ms. Furse.

H.R. 1667: Mr. Jacobs and Mr. Camp.

H.R. 1670: Mr. Stump and Mr. Spence.

H.R. 1671: Mr. Menendez.

H.R. 1673: Mr. Meehan.

H.R. 1677: Mr. Deutsch.

H.R. 1697: Mr. Engel, Mr. Deutsch, Mr. Kyl, Mr. Spratt, Mr. Frank of Massachusetts, and Mr. Thornton.

H.R. 1707: Mr. Bilbray.

H.R. 1833: Mr. Blackwell.

H.R. 1834: Mr. Blackwell.

H.R. 1867: Mr. McDermott, Mr. Brown of California, and Ms. Thurman.

H.R. 1917: Ms. Kaptur.

H.R. 1986: Mr. Shaw.

H.R. 1999: Mr. Lightfoot, Mr. Hunter, Mr. Hancock, Mr. Peterson of Florida, Mr. Bilirakis, Mr. Deal, Mr. Linder, Mr. Hastert, Mr. Bishop, and Ms. Shepherd.

H.R. 2019: Ms. Norton.

H.R. 2021: Mr. Stark, Mr. Fish, and Mr. Stupak.

H.R. 2026: Mrs. Unsoeld.

H.R. 2050: Mr. Wyden.

H.R. 2095: Mr. Barlow.

H.R. 2132: Mr. Lipinski.

H.R. 2140: Mr. Kreidler, Mr. Rangel, Mr. Deutsch, Mr. Lipinski, and Mr. Durbin.

H.R. 2211: Mr. BROWN of California, Mr. CONDIT, Mr. FAZIO, and Mr. LEHMAN.

H.R. 2271: Mr. SMITH of Texas, Mr. WOLF, Mr. HOEKSTRA, Mr. BARTLETT of Maryland, Mr. FISH, and Mr. PAXON.

H.R. 2319: Mr. BARCIA of Michigan, Mr. COPPERSMITH, Mr. COX, Mr. CUNNINGHAM, Mr. DREIER, Ms. ESHOO, Mr. EVERETT, Mr. GUNDERSON, Mr. HASTERT, and Mr. MILLER of California.

H.R. 2327: Mr. SKEEN and Mr. ZELIFF.

H.R. 2331: Mr. EDWARDS of California.

H.R. 2338: Mr. DELLUMS.

H.R. 2367: Mr. DOOLITTLE.

H.R. 2378: Mr. BOEHNER and Mr. WATT.

H.R. 2396: Mr. FRANK of Massachusetts.

H.R. 2417: Mr. HINCHEY, Mr. DICKEY, Mr. EMERSON, Mr. PETRI, Mr. SERRANO, and Ms. NORTON.

H.R. 2443: Mr. NEAL of North Carolina, Mr. BACCHUS of Florida, Mr. MCCOLLUM, Mr. LAROCCO, Mr. ORTON, Mr. DEUTSCH, Mr. JOHNSTON of Florida, Mrs. MEEK, Ms. FOWLER, Mr. GIBBONS, Mr. SHAW, and Ms. THURMAN.

H.R. 2449: Mr. FROST.

H.R. 2467: Mr. CLEMENT, Mr. DE LUGO, Mr. KLECZKA, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. QUINN, and Ms. ROYBAL-ALLARD.

H.R. 2481: Mr. KANJORSKI, Mr. KREIDLER, Mr. RANGEL, and Mr. LIPINSKI.

H.R. 2535: Mr. BACHUS of Alabama, Mr. HAMILTON, Mr. CANADY, and Mr. LINDER.

H.R. 2602: Mr. SHAW.

H.R. 2606: Mr. GREENWOOD.

H.R. 2626: Mr. CONYERS, Mr. GUTIERREZ, Mrs. MEEK, and Mr. RANGEL.

H.J. Res. 11: Mr. ANDREWS of Maine, Mr. BONIOR, Mr. DINGELL, Mr. EMERSON, Mr. FISH, Mr. HASTERT, Mr. HOBSON, Mr. KILDEE, Mr. KOPETSKI, Mr. LANCASTER, Mr. LANTOS, Mr. LEVY, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MARKEY, Mr. MILLER of California, Mr. MYERS of Indiana, Mr. NADLER, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. REYNOLDS, Mr. ROGERS, Mr. ROYCE, Mr. SERRANO, Mr. STOKES, and Ms. VELÁZQUEZ.

H.J. Res. 86: Mr. TRAFICANT, Mr. PRICE of North Carolina, Mrs. UNSOELD, and Mr. SARPALIUS.

H.J. Res. 111: Mr. SHARP, Mr. BALLENGER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. MURPHY, Mr. ROEMER, Ms. NORTON, Mr. REYNOLDS, Mr. PALLONE, Mr. ABERCROMBIE, Mr. ZIMMER, Mr. TORRES, Mr. BILIRAKIS, Mr. BROWDER, Mr. WAXMAN, Mr. SARPALIUS, Mr. KING, Mr. KLINK, Mr. BEILENSON, Ms. FOWLER, Mr. HUGHES, Mr. CAMP, Mr. EMERSON, Mr. FAZIO, Mr. KENNEDY, Mr. WYDEN, Mr. RAHALL, Mr. MENENDEZ, Mr. DEFAZIO, and Mr. SKELTON.

H.J. Res. 113: Mr. DELAY.

H.J. Res. 139: Ms. MCKINNEY.

H.J. Res. 175: Mr. SAXTON and Mr. KILDEE.

H.J. Res. 184: Mr. BURTON of Indiana, Mr. BUYER, Mr. COBLE, Ms. DANNER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. GONZALEZ, Mr. HOYER, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MINETA, Mr. OLVER, Mr. ORTON, Mr. RAHALL, Mr. SARPALIUS, and Mr. YOUNG of Alaska.

H.J. Res. 198: Mr. BONIOR and Mr. CARR.

H.J. Res. 206: Mr. SCHUMER, Mr. KLEIN, Mr. FAZIO, Mr. CRAMER, Mrs. MEEK, Mr. MCDERMOTT, Mr. SAXTON, Mr. SPRATT, Mr. DELLUMS, Ms. BYRNE, Mr. MCHALE, and Mr. MAZZOLI.

H. Con. Res. 37: Mr. SCHUMER, Mr. BORSKI, Ms. DELAURO, Mr. SERRANO, Ms. HARMAN, Mr. BROWN of California, Mr. MFUME, and Mr. MARTINEZ.

H. Con. Res. 91: Mr. RAHALL, Mr. MONTGOMERY, Mr. KILDEE, Mr. KREIDLER, Mr. JACOBS, Mr. SLATTERY, Mr. OWENS, Mr. GENE GREEN of Texas, Mr. DEUTSCH, and Mr. FRANK of Massachusetts.

H. Con. Res. 100: Mr. FILNER and Mr. STARK.

H. Con. Res. 103: Mr. SERRANO, Mr. DELLUMS, and Mr. BEILENSON.

H. Con. Res. 104: Mr. BATEMAN.

H. Con. Res. 118: Mrs. JOHNSON of Connecticut.

H. Con. Res. 120: Mr. ROTH, Mr. PACKARD, Mr. LEWIS of Florida, and Mr. SAM JOHNSON.

H. Res. 11: Mrs. COLLINS of Illinois.

H. Res. 26: Mr. LEVY, Mr. MANZULLO, Ms. DANNER, and Mr. SHAW.

H. Res. 165: Mr. CARDIN, Ms. BROWN of Florida, Mr. DUNCAN, Mr. LANTOS, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OXLEY, Mr. SCHIFF, Mr. UNDERWOOD, and Ms. WOOLSEY.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

53. The SPEAKER presented a petition of the Town Council of Pembroke, NC, relative to taxes on tobacco products; which was referred to the Committee on Ways and Means.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 2010

By Mrs. COLLINS of Illinois:

—Page 265, line 2, strike the close quotation marks and the semicolon.

—Page 265, after line 2, insert the following:

"(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out by State or local agencies in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.";

By Mr. PORTER:

—Page 24, line 19, strike "and" at the end.

—Page 24, line 21, strike the period and insert "; and".

—Page 24, after line 21, insert the following:

"(6) encourage national service programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices.

—Page 30, after line 6, add the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

—Page 30, after line 6, insert the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT PARTICIPANT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on participant liability that satisfies the requirements of subsection (h), the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

—Page 33, after line 15, insert the following:

"(h) LIMITATION ON LIABILITY OF PARTICIPANTS.—

"(1) LIABILITY PROTECTION FOR PARTICIPANTS.—Except as provided in paragraphs (2) and (3), any participant in a national service program carried out with assistance provided under this subtitle shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the participant on behalf of such program if—

"(A) such participant was acting in good faith and within the scope of such participant's official functions and duties in carrying out such program; and

"(B) such damage or injury was not caused by willful and wanton misconduct by such participant.

"(2) CONCERNING RESPONSIBILITY OF PARTICIPANTS WITH RESPECT TO PROGRAMS.—Nothing in this subsection shall be construed to affect any civil action brought by any program against any participant in such program.

"(3) NO EFFECT ON LIABILITY OF PROGRAM.—Nothing in this subsection shall be construed to affect the liability of any program with respect to injury caused to any person.

"(4) EXCEPTIONS TO PARTICIPANT LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any participant in a national service program carried out with assistance provided under this subtitle:

"(C) The program shall adhere to risk management procedures, including mandatory training of participants.

"(D) The program shall be liable for the acts or omissions of its participants to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

"(E) The protection from liability does not apply if the participant was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

"(F) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

"(G) The protection from liability shall apply only if the program provides a financially secure source of recovery for participants who suffer injury as a result of actions taken by a participant on behalf of the program. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the program will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

—At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

### TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

**SEC. 501. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many non-profit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with non-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

### SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

### SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity; and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or government entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

### SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory or possession.

—At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

## TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

### SEC. 501. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b), (c), and (d), a volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity; and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting by subsection (a) of liability protection to any volunteer of an organization or entity:

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

### SEC. 502. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer and an individual who is a participant in a national service program for which assistance is provided under section 121 of the National and Community Service Act of 1990;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other political subdivision of any such State, territory, or possession.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF THE "TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE AND PUBLIC BROADCASTING FACILITIES ASSISTANCE ACT OF 1993"

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. MARKEY. Mr. Speaker, today I introduce the Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993. This proposal, which I am introducing at the request of the Administration, sets forth a plan to authorize the National Telecommunications and Information Administration [NTIA] to fund pilot projects that promote a national communications and information infrastructure. The focus of the pilot projects will be those areas that most need communications resources but are least likely to get them: education, health care, and other social services. By using a limited amount of Federal Government resources to establish a model or test-bed, the Government can leverage a modest investment into rich payoffs for our society.

The proposal also recognizes the role that public broadcasting will play in this multifaceted infrastructure by authorizing the NTIA to grant funds to extend and upgrade the facilities of public broadcasters.

I believe the Federal Government has a key role to play in the development of a national infostructure. One aspect of that role—funding of pilot projects—is covered by the legislation I introduce today. These projects will advance our understanding of such critical matters as interconnection and interoperability of multiple communications systems, as well as provide a concrete understanding of what are the communications needs of those who aren't just in the entertainment business. There are other aspects of the infostructure that must be addressed, and we will debate those issues at the appropriate time, but I think it is important that we get started by giving the NTIA the authority they need to be a full participant in the development of a national communications infostructure.

A description of the administration proposal and a section-by-section analysis follows:

STATEMENT OF PURPOSE AND NEED

BACKGROUND

The Administration is committed to accelerating the development of a nationwide information infrastructure that is accessible by all Americans and serves the needs of the nation as we move into the 21st century. This infrastructure includes all the facilities used for delivery and dissemination of information throughout the nation—computers, computer data banks, fax machines, telephones, and video displays linked by high-speed telecommunication links capable of transmitting billions of bits of information in a second. The computing and networking technology that makes this possible is improving at an unprecedented rate, expanding both our imagination for its use and its effectiveness.

Key to the success of accelerating the development of the national information infrastructure is a government-private sector partnership in which the Federal government promotes necessary development of, and interconnection to, advanced networks. The Administration's intent is not to construct, own, or operate a network that competes with private sector communications providers. The private sector currently invests approximately $50 billion annually in the U.S. telecommunications infrastructure. The privately-owned networks funded by such substantial investment will continue to be the principal basis of the U.S. information infrastructure. Government can facilitate further development of this private sector infrastructure by aiding research and development in telecommunications and information technology, stimulating further private sector investment, and promoting interoperability among network providers.

A major role of the government in the development of the information infrastructure is to ensure that all people in the United States have access to its benefits. The infrastructure grant program that is created in this legislation is designed to enable users that provide essential services to ordinary people, such as schools and hospitals, to take advantage of the capabilities provided by advanced telecommunications technologies.

A wide range of demonstrations will be funded that provide the basis for connecting schools, libraries, health care facilities, museums, and other social and community service with interactive data, voice, and video telecommunications capabilities. Demonstration projects in which advanced telecommunications capabilities are used in innovative ways to aid traditional social services (such as education and health care), will be part of the program. These demonstrations will take full advantage of the technical advances that impact network designs, equipment configurations, and service options. Substantial systems growth beyond that possible through direct Federal investment alone could result through the leveraging of Federal funds.

Public broadcasting has long held a special place in American culture. It provides free educational and cultural programming to practically all Americans. Federal assistance to public broadcasters has enabled stations to purchase equipment that would otherwise be beyond their financial means, thus allowing local stations to respond to the unique needs of the communities they serve. Legislation is needed that focuses exclusively on public broadcasters to increase public broadcasting services for blind and hearing-impaired citizens, and extend public broadcasting services to underserved segments of the American public.

THE PROPOSAL

To enable all Americans to participate more fully in the information age, the Administration is proposing legislation to create a new demonstration grant program that will help K–12 schools, state and local governments, as well as non-profit organizations such as hospitals and universities, become part of the national telecommunications and information infrastructure. Proposed program expenditures are consistent with the President's budget. This bill authorizes the Commerce Department to award grants, up to fifty percent (50%) of the total project cost, to entities proposing demonstrations that will enable them to participate in the information age.

Title I of the legislation sets out Congressional findings, the purpose, and definitions. Title II establishes the Telecommunications and Information Infrastructure Program. Title III amends the Public Telecommunications Facilities Program so that it focuses exclusively on the needs of public broadcasters. Title IV reauthorizes appropriations for the National Telecommunications and Information Administration. Title V reauthorizes appropriations for the National Endowment for Children's Educational Television.

Telecommunications and information infrastructure can be configured in almost infinite ways. It is up to the end users of information to decide what they need and how best to obtain it. Accordingly, under the Administration's legislative proposal, the Secretary of Commerce (Secretary) is given wide discretion in determining which demonstrations merit funding. Demonstrations will be designed by the applications, not by the government. They will be evaluated based on criteria that are designed to achieve the following goals: the expansion of telecommunications and information infrastructure for health care, education, and other social service providers; the interconnection of social service providers to telecommunications and information infrastructure; the promotion of accessibility to telecommunications and information for all citizens of the United States, especially traditionally underserved populations; and, the promotion of infrastructure interconnection and interoperability. The Secretary is authorized to monitor and evaluate the demonstrations funded under this new program.

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TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE AND PUBLIC BROADCASTING FACILITIES ASSISTANCE ACT OF 1993

SECTION-BY-SECTION ANALYSIS

TITLE I—GENERAL PROVISIONS

Section 101. Short Title.—"Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993".

Section 102. Findings.

Section 103. Purpose. To facilitate the development of the national telecommunications and information infrastructure, the Secretary shall establish and maintain two separate assistance programs:

(1) The Telecommunications and Information Infrastructure Program shall promote availability of advanced telecommunications technologies to: (a) enhance the delivery of diverse social services, including education and health care to the public; and (b) support

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the formation of a nationwide, high-speed infrastructure through interconnection of telecommunications facilities and improvement of such facilities.

(2) The Public Broadcasting facilities Program shall focus on (a) extending public broadcasting services to underserved Americans, and (b) maintaining and improving the capability of existing public broadcasting facilities.

Section 104. Definitions. This section defines "construction", "interconnection", "public broadcasting facilities", "public broadcasting services", "Secretary", and "telecommunications and information infrastructure".

### TITLE II—ASSISTANCE FOR TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE DEVELOPMENT

Section 201. (a) Changes the heading to subpart C of part IV of the Communications Act of 1934 from "Telecommunications Demonstrations" to "Assistance for Telecommunications and Information Infrastructure".

(b) Section 395 of the Communications Act would be repealed and replaced with the following—

"Section 395. Declaration of Purpose; General Criteria for Approval and Expenditures by Secretary of Commerce; Appropriations; Administration."

(a) Purposes. The purpose of this section is to assist through matching grants, the development of a national telecommunications and information infrastructure. The objectives of these grants are to: (1) expand telecommunications networks or systems for social service and public information providers, including health care providers, educational institutions, and state and local governments: (2) enhance the ability of social service and public information providers through interconnection to access existing and new sources of information; (3) improve the delivery of services; (4) promote innovation; and (5) increase the productivity and efficiency of such services.

(b) Criteria. The Secretary shall base determinations on whether to approve construction grants under this section not to exceed 50 percent of the cost of the project, as long as the project would advance one or more of the following goals—

(1) the enhancement of the telecommunications information infrastructure for social service and public information providers;

(2) the promotion of accessibility to, and universal utilization of, telecommunications and information infrastructure for all citizens, especially underserved Americans;

(3) the development and increased use of telecommunications and information infrastructure;

(4) promotion of infrastructure interconnection and interoperability;

(5) evaluation and demonstration of the efficiency and efficacy of innovative telecommunications facilities.

The Secretary may determine that extraordinary circumstances warrant providing a grant not to exceed 75 percent.

(c) Applications for Grants. This section sets up criteria for each application.

(d)(1) Funding. The Secretary is authorized to fund necessary and reasonable expenses needed for training in the operation of the facilities, systems, or networks. Such expenditures shall be authorized only for a period not to exceed one year after completion. (2) The Secretary is authorized to provide up to 100% of the cost of planning projects or studies.

(e) Rules and Regulations. The Secretary shall establish such regulations as may be necessary to carry out this section.

(f) Special Consideration. The Secretary shall give special consideration to applications for grants that would increase participation by minorities, individuals with disabilities, women and other underserved populations.

(g) Recovery of Funds. If within 5 years after completion of any project, the applicant or other owner ceases to be an entity described in sub-section (c)(5) (A)-(C), or such facilities cease to be used primarily for the intended purposes of the grant project, the United States shall be entitled to recover from the applicant or other owner of such facilities the amount granted.

(h) Authorization of Appropriations. This legislation authorizes an appropriation for fiscal year 1994 of $51,000,000 and for each fiscal years 1995, 1996, 1997 and 1998 such sums as may be necessary.

(i) Recordkeeping requirements.

(j) Accessibility of records.

(k) Duty to monitor. The Secretary shall monitor and evaluate selected projects, within one year of their completion, to determine that such projects fulfill the objectives of this section. Any findings must be reported to Congress no later than two years after completion of such project.

### TITLE III—ASSISTANCE FOR PLANNING AND CONSTRUCTION OF PUBLIC BROADCASTING FACILITIES.

Section 301. (a) The heading to Part IV of the Communications Act of 1934 would be amended as follows—

"Assistance for Public Broadcasting Facilities: National Endowment for Children's Educational Television, Assistance for Telecommunications and Information Infrastructure, Corporation for Public Broadcasting."

Section 390. Declaration of purpose. The purpose of this Title is to assist, through matching grants, the planning and construction of public braodcasting facilities in order to achieve the following objectives: (1) extend delivery of services to as many citizens of the United States as possible; (2) increase services and facilities available to, operated by, and owned by minorities and women; and (3) strengthen the capability of existing public broadcasting entities.

Section 391. Authorization of appropriations. This legislation authorizes an appropriation of $20,600,000, for fiscal year 1994, $21,200,000 for fiscal year 1995, $21,700,000 for fiscal year 1996, $22,100,000 for fiscal year 1997, and $22,600,000 for fiscal year 1998, to be used to assist in the planning and construction of public broadcasting facilities as provided by this title.

Section 392. Grants for construction. (a) Applications for grants. This section sets up criteria each applicant must submit as the Secretary may require to assure their qualification.

(b) Amount of grant. The Secretary shall make a grant to the applicant in an amount determined by the Secretary, and shall not exceed 75 percent of the amount determined to be the reasonable and necessary cost of such project.

(c) Information and assurances.

(d) Studies.

(e) Rules and Regulations. The Secretary shall establish such rules and regulations as may be necessary to carry out this Title.

(f) Special consideration. The Secretary shall give special consideration to applications that would increase participation by minorities, women and underserved populations.

(g) Recovery of funds. If within 10 years after completion of any project for construction of facilities, the applicant or other owner ceases to be an entity as described in section 4(a)(1) (A) or (B), or such facilities cease to be used primarily for the provision of public broadcasting services, the United States shall be entitled to recover from the applicant or other owner of such facilities the amount granted.

(h) Recordkeeping requirements.

(i) Accessibility of records.

Section 393. Criteria for approval and expenditures by Secretary. (a) Construction and planning grants. The Secretary shall consult with the Corporation for Public Broadcasting, public broadcasting entities, and others, to establish criteria for making construction and planning grants.

(b) Basis for determination. The section sets up criteria the Secretary shall use in determining qualification.

(c) Noncommercial radio broadcast station facilities. A substantial amount of sums appropriated shall be available for the expansion and development of noncommercial radio broadcast station facilities.

### TITLE IV—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Section 401. Authorization of Appropriations. This legislation authorizes an appropriation for the NTIA $21,927,000 for fiscal year 1994, $21,697,000 for fiscal year 1995, $21,684,000 for fiscal year 1996, $21,017,000 for fiscal year 1997, and $20,694,000 for fiscal year 1998.

### TITLE V—NATIONAL ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

Section 501. Authorization of Appropriations. This legislation authorizes an appropriation of $1,000,000 for fiscal years 1994 and 1995, and $1,100,000 for each of fiscal years 1996, 1997, and 1998, to remain available until expended.

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## RECRUITING PROBLEMS ARE BACK

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. CRANE. Mr. Speaker, after the last Democrat Presidency, our Army, Navy, Air Force, and Marines were a badly demoralized force. That administration manifested its disdain for the Armed Forces by failing to make the military a priority and by enacting deep budget cuts. The disastrous rescue mission in Iran is perhaps the most lasting and most definitive image of those years of military atrophy.

But the deaths of those brave soldiers and the failure of the rescue also served as a turning point, and the administrations which followed restored military confidence and morale. The United States became, as a result of those refocused priorities, the preeminent power on the world stage. We won the cold war because of that foresight and today, we are primarily responsible for the present period of relative world peace.

Today's peace is being threatened by the Clinton administration's policies that may take us "Back to the Future" and once again lead to an ineffective, weak military which encourages mischief and aggression throughout the world. Eliminating COLA's for both those on active duty and for retirees, allowing homosexuals to serve in the military, and shunning uniformed officers in the White House are all signs of the same degradation and lack of respect displayed little more than a decade ago. It seems likely that if the administration has its way, the greatest fighting force history has ever seen will soon be effectively neutered.

The first practical problems created by the President's attitude are already beginning to emerge, as divulged in the following article, written by Brian Green in the July 1993 issue of Air Force Magazine. Green points out that the armed services, where enlisted men are often eligible for good stamps, are understandably finding it difficult to attract high-quality recruits, and must increasingly settle for second best.

Green points out that the last time recruiters experienced similar problems was in the early 1980's, perhaps coincidentally following the last administration which treated the military with so little respect. I hope President Clinton and those who support his ruinous policies will consider the effects which ensued in the late 1970's. I hope they will recognize that recruiting difficulties are the bellwether of much larger, much more extensive difficulties to follow, and I hope they will all read the following article, which I submit for the RECORD.

The article follows:

RECRUITING PROBLEMS ARE BACK

(By Brian Green)

For the first time in more than a decade, Congress is getting steady, serious warnings about recruiting difficulties in the armed forces. The alarms are being sounded by top uniformed leaders and civilian officials at the highest levels of the Defense Department.

Not since the early 1980s has the U.S. been saddled with this problem. Now, however, the evidence is that internal turmoil has undercut the military's ability to attract sufficient numbers of high-quality recruits. Numerical goals are getting harder to meet, and the trend is toward lower quality.

Secretary of Defense Les Aspin repeatedly told the Senate and House he intends to maintain readiness and prevent the emergence of a "hollow force" of the type seen in the late 1970s. For this, Mr. Aspin testified, strong recruiting is critical.

Nevertheless, warning signs abound.

Mr. Aspin noted that, even though the quality of recruits remains high, the trend is on the downslide. The percentage of new recruits with high school diplomas is ninety-five percent in Fiscal Year 1993, down from more than ninety-nine percent during Fiscal Year 1992.

Air Force Lt. Gen. Robert Minter Alexander, the deputy assistant secretary of Defense for Military Manpower and Personnel Policy, said the percentage of recruits scoring above average in the qualification test dipped during the first half of 1993.

In terms of raw numbers, the Air Force met its recruiting goals over the past year, but only with some difficulty. The Air Force has also seen a jump in recruits scoring in the lower half of the qualifications test.

Uniformed and civilian defense officials attribute the spate of difficulties to several factors, including:

Controversy about military pay. The troops and their supporters have publicly expressed anger at the Clinton Administration's scheme to freeze military pay in Fiscal 1994, limit raises to less than the rate of inflation from Fiscal 1995 through 1998, and reduce the cost-of-living allowances for military retirees.

The furor over homosexual rights. AFA Executive Director Monroe W. Hatch, Jr., pointed out in a letter to House Veterans Affairs Committee Chairman Rep. G.V. "Sonny" Montgomery (D-Miss.) that "issues such as homosexuals serving openly in the armed forces * * * are having a negative impact" on recruiting. Many other veterans organizations have made the same case.

Declining recruiting resources. Secretary Aspin made a strong appeal to Congress to provide better funding for recruiting and advertising. The Air Force believes its $5.6 million advertising budget request is about $2 million short of the minimum to hold even in its recruiting efforts.

Public misunderstanding. Top defense leaders note a broad public impression that the military, because of the continuing drawdown, doesn't need to recruit any new soldiers, sailors, airmen, or Marines. The public is unaware that the services are still recruiting to preserve balance of youth and experience in the ranks. General Alexander said, "Young people seem to believe that the reductions—which they might view as layoffs—mean that we no longer are hiring."

Worse, many in Congress are also ignorant of the necessity of attracting new recruits. "My colleagues in Congress * * * said, 'Why are we still spending money on recruitment here when you're taking 100,000 men and women out of the armed forces this year?'" said Secretary Aspin.

Maj. Gen. John J. Closner III, chief of the Air Force Reserve, warned that AFRES faces several unique recruiting problems. AFRES success depends in part on recruiting trained service members who leave active duty. That pool will shrink dramatically as the active-duty armed forces drop from 2.2 million in 1987 to 1.4 million—and perhaps 1.2 million—in 1998.

Base closures also hurt the Reserve: Moving a base from a densely populated area to an isolated location "severely reduces our ability to recruit the skilled people we need."

Furthermore, AFRES is losing physicians in the aftermath of Operation Desert Storm. According to Air Force Surgeon General Lt. Gen. Alexander M. Sloan, "Dissatisfaction with financial implications and the necessary time commitment are reasons for this persistent loss of physicians."

Solving the recruiting problem will not be easy, according to witnesses. A shrinking pool of potential recruits, inadequate recruiting staff and budget, fewer benefits, and a perceived decline in the military's importance seem certain to complicate the effort.

The military potentially faces competition from President Clinton's alternative national service program. The Clinton plan would provide generous educational benefits to young people in return for community service. Veterans groups argue that these volunteers would receive benefits comparable to or better than the Montgomery GI Bill benefits available to veterans who opted for potentially dangerous military duty. The GI Bill is widely recognized as a key recruiting tool.

At present, officers have not experienced problems with retention—getting experienced veterans to reenlist. However, some worry that the situation could change.

Part of this has to do with the high operational tempo of today's military forces. Air Force Gen. Ronald R. Fogleman, commander in chief of U.S. Transportation Command and commander of USAF's Air Mobility Command, testified about the pressures of long overseas tours and low pay.

"It disturbs me," said General Fogleman, "when I start to see shortfalls in recruiting and enlisted personnel using food stamps. * * * We can't afford to keep burning the candle at both ends. There is a breaking point. I can't define it with any precision, but I know we are closer to it this year than last year or the year before that."

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## FINANCIAL DISCLOSURE FOR 1992

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year in which I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial disclosure statements in May of each year, I also continue to file this more detailed family financial report as I have since 1971. In this way, my constituents are kept fully and completely informed concerning my financial status and that of my family.

*Romano L. and Helen D. Mazzoli income—Calendar year 1992*

| | |
|---|---|
| Salaries and fees: | |
| U.S. House of Representatives (R.L. Mazzoli) | $122,676.74 |
| Alexandria Drafting Co. (Helen Mazzoli) | 29,501.11 |
| Weichert-Mount Vernon Real Estate Co. (spouse referral fees less expenses) | −80.00 |
| Total, salaries and fees | 152,097.85 |
| Interest, dividends, rents, and distributions: | |
| Congressional Federal Credit Union: | |
| No. 62976-0 (member/savings) | 1.24 |
| No. 62976-1 (member/checking) | 75.03 |
| No. 84720-0 (spouse/savings) | 52.37 |
| No. 84720-1 (spouse/checking) | 220.58 |
| Congressional Federal Credit Union certificates of deposit (spouse): | |
| No. 25778 | 171.38 |
| No. 25779 | 279.48 |
| Interest on matured certificates of deposit (spouse): | |
| No. 21128 (matured 11/15/92) | 197.62 |
| No. 23972 (matured 11/15/92) | 89.54 |
| The Cumberland Savings Bank | |
| No. 01-000-001-00610155499 (spouse/savings) (closed, January 1992) | .07 |
| First National Bank and Trust Co.: No. 427-5518-4 (joint/special account) | 11.80 |
| Liberty National Bank and Trust Co.: No. 00922668 (member checking) | 335.17 |

| | |
|---|---|
| Liberty National Bank and Trust Co.: Certificate No. 01-024-0064989 (spouse) | 466.20 |
| U.S. savings bonds series E (member) | 201.13 |
| U.S. Treasury bills (spouse): | |
| No. 912794YW8 | 198.70 |
| No. 912794YZ1 | 195.10 |
| No. 912794ZR8 | 191.10 |
| Interest on matured U.S. Treasury bills: | |
| No. 912794XX7 | 287.70 |
| No. 912794YK4 | 258.30 |
| No. 912794YMO | 242.70 |
| Liberty National Bank & Trust Co.: | |
| IRA No. 01527329 (spouse) | 1,705.71 |
| IRA No. 2905081232 (member) | 1,724.79 |
| Massachusetts Mutual Life Ins. Co.: Profit sharing plan (spouse) | 94.75 |
| Civil Service retirement system voluntary contribution program No. 37943VC (member) | 1,071.57 |
| Federal employee thrift savings plan (401-k) (member) | 1,179.46 |
| Rental property (jointly-held): 929 Parkway Dr., Louisville, KY 40217, rent and interest less expenses | 291.95 |
| Total: interest, dividends, rents, distributions | 9,543.44 |
| Total income | 161,641.29 |

*Statement of financial worth Dec. 31, 1992*

| | |
|---|---|
| Cash, stock, bonds, and certificates of deposit: | |
| Congressional Federal Credit Union: | |
| No. 62976-0 (member/savings) | $27.98 |
| No. 62976-1 (member/checking) | 1,027.18 |
| No. 84720-0 (spouse/savings) | 1,617.23 |
| No. 84720-1 (spouse/checking) | 6,711.31 |
| Congressional Federal Credit Union certificates of deposit (spouse): | |
| No. 25778 | 2,743.48 |
| No. 25779 | 4,474.21 |
| First National Bank and Trust Co. No. 427-5518-4 (joint/special account) | 316.46 |
| Liberty National Bank & Trust Co. No. 00922668 (member/checking) | 9,048.06 |
| Liberty National Bank & Trust Co. certificate No. 01-02400064989 (spouse) | 6,531.22 |
| U.S. savings bonds series E (member) | 3,029.56 |
| U.S. Treasury bills (spouse): | |
| No. 912794YW8 | 10,000.00 |
| No. 912794YZ1 | 10,000.00 |
| No. 912794ZR8 | 10,000.00 |
| Massachusetts Mutual Life Insurance Co. Profit sharing plan (spouse) | 7,085.03 |
| Total cash, stock, bonds, and certificates of deposit | 72,611.72 |
| Retirement funds/individual retirement accounts: | |
| Liberty National Bank & Trust Co.: IRA No. 01527329 (spouse) | 23,105.78 |
| Liberty National Bank & Trust IRA: IRA No. 2905081232 (member) | 20,726.77 |
| Civil Service retirement system contributions since 1971 (member) | 85,806.64 |
| Civil Service retirement system voluntary contribution program No. 37943VC (member) | 26,250.00 |
| Federal employee (401-k): Thrift savings plan (member) | 36,435.72 |
| Total retirement/individual retirement accounts | 192,324.91 |
| Real estate: | |
| Rental/Investment (jointly-held): 929 Parkway Drive, Louisville, KY 40217. Sold on Feb. 12, 1992 for $42,000. Originally purchased on 9/24/87 for $45,000: | |
| Personal (jointly-held): | |
| 939 Ardmore Drive, Louisville, KY 40217: (assessed value, $69,020.00; less mortgage, 1,507.47) | 67,512.53 |
| 1030 Anderson Street, Alexandria, VA 22312 (assessed value, $183,900,00; less mortgage, $32,156.38) | 151,743.62 |
| Total real estate | 219,256.15 |
| Automobiles: | |
| 1965 Rambler (assessed value) | 266.00 |
| 1973 Chevrolet (assessed value) | 923.00 |
| 1985 Chevrolet (assessed value) | 2,122.00 |
| Total automobiles | 3,311.00 |
| Household goods and miscellaneous personal property | 8,000 |
| Net assets | 230,567.15 |

Transactions: Sold real estate rental property on Feb. 12, 1992 for $42,000: 929 Parkway Drive, Louisville, Kentucky 40217. Property originally purchased Sept. 24, 1987 for $45,000. (Jointly held.)

*1992 income tax recapitulation*

| | |
|---|---|
| Total adjusted gross income | $151,982.00 |
| Deductions and exemptions | 37,954.00 |
| Taxable income | 114,028.00 |
| Federal: | |
| Tax withheld | 34,339.00 |
| Tax due | 28,100.00 |
| Refund due | 6,239.00 |
| Kentucky: | |
| Tax withheld | 8,493.00 |
| Estimated tax paid | 1,320.00 |
| Tax due | 6,555.000 |
| Refund due | 3,258.00 |
| Virginia: | |
| Tax withheld | 1,290.00 |
| Tax due | 818.00 |
| Refund due | 472.00 |
| Occupational tax, Louisville and Jefferson County, KY: Tax paid (for previous year) | 1,459.00 |

## TRIBUTE TO A GREAT AMERICAN—A GREAT MARINE: COL. LEN FUCHS OF MARINE CORPS AIR STATION EL TORO

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. DORNAN. Mr. Speaker, I rise today to pay tribute to Marine Col. Len Fuchs who has provided my office and Orange County, CA with tremendous support as community plans and liaison officer for Marine Corps Air Station El Toro. Before serving at El Toro, Colonel Fuchs had a distinguished career including combat tours in Vietnam, Panama, and Saudi Arabia. His numerous decorations include the Defense Superior Service Medal, the Air Medal with numeral 9, the Navy Commendation Medal, and the Navy Achievement Medal. While at El Toro, Colonel Fuchs has been especially helpful with the community and Government officials in the areas of environmental clean-up, base closing proceedings, and real world deployments to Somalia, Africa. I wish Colonel Fuchs and his family the very best upon his retirement from service and commend him for all of his successful efforts to preserve the security of our country. Semper Fi!

## REVIVING THE AIRLINE INDUSTRY

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 7, 1993, into the CONGRESSIONAL RECORD.

REVIVING THE AIRLINE INDUSTRY

The airline industry is going through a very difficult period. Over the past three years it has lost over $10 billion, and an additional $700 million early this year. Several flagship carriers—Braniff, Eastern, PanAm—are out of business, and others are on the verge of bankruptcy. Only Southwest and the Big Three of the industry—American, United and Delta—remain relatively strong.

The issue for Washington policy makers this year is how to help revive the airline industry while maintaining the strong competitive pressures that hold air fares down. In response to this problem, Congress, with my support, created a national commission to propose ways to "ensure a strong, competitive airline industry." The Commission began its work on May 24 and is scheduled to make recommendations to the President and Congress in late August.

Importance of Industry: The U.S. airline industry is one of the critical sectors of our national economy. The airlines employ over 540,000 Americans, earn about $80 billion in revenues, and are vital to many other industries, including aircraft manufacturing and tourism. They provide passenger service to one out of every three Americans each year. This year the airlines will fly nearly 500 million passengers on over 6 million flights, and will ship millions of tons of freight as well.

The airline industry is very important to Indiana. A 1987 study found that commercial aviation generated 113,000 Hoosier jobs and had a $5.5 billion impact on the state's economy. The construction of a United maintenance facility at the Indianapolis Airport is projected to create an additional 6,300 jobs over the next ten years. The number of commercial flights departing the nine major Indiana airports has doubled over the past decade.

Industry Problems: There does not appear to be one single explanation for the downturn in the industry. Some point to broader national and international factors. The recession and sluggish recovery, for example, have curbed passenger travel and industry profits. The Gulf War also hurt the industry as jet fuel prices have soared and the threat of airline terrorism kept travelers at home.

Others attribute the problems to deregulation. In the late 1970s and early 1980s, the federal government relaxed its regulation of many key sectors of the economy, including airlines. Deregulation was designed to make industry more competitive and innovative in serving its customers. The benefits in the airline industry have been mixed. Air travel has become more affordable, but competition has also driven many carriers out of business and the Big Three now dominate several airports.

Other government policies have been criticized as well. The industry says that it is over-regulated and over-taxed, and is hampered by an outdated, over-stressed air traffic control system that produces $3 billion worth of delayed flights and missed connections each year. Some argue that liberal bankruptcy laws have also contributed to difficulties in the industry. Chapter 11 bankruptcy protection has enabled several weak airlines to keep their fares low, forcing other carriers to match them and lose money.

Still others say that some of the industry's problems have been self-inflicted. During the late 1980s airlines invested billions of dollars in new planes. Now they find that they cannot fill the new seats at a profit. During the past 5 years the U.S. commercial fleet has increased by 13%, but there has been little growth in passengers. Questions have also been raised about productivity in the industry, which has lagged behind other sectors of the economy, and about business decisions in the 1980s to load up on debt.

Possible Remedies: Congress and the President will await the findings of the airline commission before taking action to address the problems in the industry. The health of the industry depends largely on private sector efforts, but several possible remedies have been discussed.

First, Congress and the President should work to improve the overall health of the U.S. economy, which in turn would increase passenger travel. This means, first and foremost, cutting the federal budget deficit. The deficit shrinks the pool of savings for private investment, raises long-term interest rates, and curbs growth. The deficit reduction package now under consideration in Congress will address some of these problems and improve prospects for growth in the economy.

Second, the federal government should review the impact of regulation on the airline industry. The airlines say, among other things, that new safety and environmental requirements add significantly to the cost of new aircraft, and that higher fuel taxes would cripple the industry. Some suggest that more should be done to promote competition and reduce dominance at some U.S. airports by one or two carriers.

Third, investment in airline infrastructure could be increased. For example, the federal government could accelerate the development and installation of new airport equipment that could enhance safety and cut delays, and adopt other policies to improve airport efficiency.

Fourth, steps could be considered to liberalize international air travel. Most countries, including the U.S., restrict or bar foreign airlines from flying domestic routes. For example, United cannot fly from Milan to Rome, nor can Lufthansa fly from New York to Los Angeles. Agreements could be negotiated to expand international travel. Many industry experts agree that U.S. airlines, particularly the Big Three are among the most competitive in the world, and would be successful in a more open travel market.

Fifth, easing restrictions on foreign ownership of U.S. airlines could be reviewed as a way to infuse capital into ailing U.S. carriers. Current law limits foreign ownership to 25% of voting rights and 49% of ownership. Recently, British Airways bought 25% of USAir, considerably improving USAir's financial position and improving its international competitive position. The U.S. could consider lifting foreign ownership restrictions if foreign governments reciprocated by allowing greater U.S. ownership of their airlines and/or opening their airports to more flights by U.S. carriers.

Conclusion: A stronger economy will improve the performance of the airline industry, but there are other steps which the federal government might take to enhance its long term prospects. The airline industry is important to the country, and I am persuaded that Washington policy makers must work with industry representatives to help revive it.

## TRIBUTE TO FOUR OUTSTANDING CITIZENS OF NEW JERSEY

## HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to four outstanding citizens of New Jersey. On Tuesday, March 23, 1993, the Passaic Valley Jaycees honored Helene K. Baumann, Raymon Scott Keeley, and Lynn Schoenburger. An Honorary Distinguished Service Award was presented to Anthony Gaita of the Totowa Borough. These citizens devoted tremendous time, talent, and energy to the enrichment and protection of their communities.

Helene K. Baumann is the founder of Little Falls Flower and Garden Club, a coordinator for Little Falls Municipal Alliance for the Prevention of Alcohol and Drug Abuse, and a neighborhood fundraiser for the American Heart Association. Helene has made the air smell sweeter, helped our citizens fight drugs, and kept our hearts beating longer.

Raymon Scott Keeley has served his country as an E–5 petty officer in the U.S. Navy. Currently, Mr. Keeley is a volunteer for the Totowa Fire Department, a member of the Totowa Police Department, and a helpful hand on the Totowa first aid squad. A local newborn was very fortunate to have Mr. Keeley welcome it into the world, recently.

Lynn Schoenburger is a coordinator of the Passaic County Special Olympics, a volunteer on the Paterson first aid squad, and an active assistant to the hearing impaired. Ms. Schoenburger is on her way to becoming a nurse.

Honorary recipient Anthony Gaita is from Paterson, NJ. Mr. Gaita has been active in the Jaycees for 18 years. His concern for his community is demonstrated by the many organizations of which he is a member. They include the American Legion Post 227; Sons of American Legion, Totowa; and the Knights of Columbus. Mr. Gaita is also an auxiliary fireman for the city of Paterson; a commissioner on the Recreation Department of Paterson, and a 15-year veteran of the Democratic County Committee in Paterson. His great diligence and hard work within his community and others merit honor.

Mr. Speaker, I commend Helene K. Baumann, Raymon Scott Keeley, Lynn Schoenburger, and Anthony Gaita for their unselfish contributions that have been an inspiration throughout their communities. I am thankful that these exemplary citizens of New Jersey are continuing in their devoted work for the benefit of all they serve.

## THE WICKS AIR SYSTEM

## HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. FRANKS of Connecticut. Mr. Speaker, I want to alert Congress and the Department of Housing and Urban Development to an invention of one of my constituents that has the potential to save lives. On February 26, 1993, the World Trade Center was bombed at midday by terrorists. One of the most vivid images of that day was the footage of workers coming out of the building with handkerchiefs over their mouths and black soot on their faces. Some of these people who spent hours moving down the stairs of the towers became part of the more than 1,000 injured in the incident. People in the upper stories of the towers broke windows to get fresh air and attract the attention of rescue teams. This incident demonstrated that fires in high-rise buildings still present unique and challenging dangers.

Approximately 8,000 people die each year in the United States as a result of fires in hotels and high-rise buildings. Most of these victims succumb to smoke to toxic fumes during their attempt to evacuate. While people have an inherent fear of fire, they don't have an inherent fear of smoke.

A resident of my district, Mr. Edward Wicks of Danbury, has developed a life line air system which has the potential to save lives in buildings maintained by the Department of Housing and Urban Development. The Wicks life line air system creates refuge rooms out of the bathrooms of multistory buildings for occupants and firefighters to go for safety in the event of smoke. When the Wick system detects smoke, heat, or carbon monoxide, it drains the water from the bathroom pipes and forces fresh air into the room.

This project not only will save lives, but it will also create jobs and promote the spirit of American entrepreneurship. I encourage Secretary Cisneros to investigate the potential of the Wicks life line air system.

## MUST HEALTH CARE REQUIRE NEW TAXES?

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. CRANE. Mr. Speaker, the American people are already feeling the pressure of exploding health care related expenses. Further, we have begun to hear disturbing reports concerning the immense tax burden that the public could be forced to bear if the President's health care plan designed by First Lady Hillary Clinton is eventually adopted. Clearly, we must make every effort to maximize the benefit of the extraordinary amount of money that is already being spent on health care before we even consider asking the overburdened American taxpayer to accept additional sacrifice. Accordingly, I urge my colleagues to read the following article from the April 2, 1993, issue of the Indianapolis Star which describes a novel proposal for employer sponsored health insurance.

[From the Indianapolis Star, April 2, 1993]

HEALTH CARE FOR ALL

The government should not fine people for being sick or injured, although by taxing their medical benefits, in effect that is what it would be doing.

First Lady Hillary Clinton said she thinks that would be unfair. It would. We hope the health care reforms she is helping to draft will reflect her opinion in that matter.

She has said that reforms, now in their formulative stage, could be financed in part by cutting up to $200 billion worth of red tape from the $900 billion health care system.

There are probably few Americans who have given any thought to the issue who will not hope she is right. The confusion, waste of time and costs spawned by the tangled bureaucratic monstrosity are phenomenal as well as infuriating.

But some prospects raised by analysts of the plan being drawn up by Mrs. Clinton and her secret task force are disturbing.

The expense of the Clinton plan in new taxes and deficit spending could carry the annual cost of medical care far above the trillion-dollar mark. Providing health insurance for the estimated 36 million persons who lack it could cost $33 billion to $60 billion. Price control and failure to expand medical personnel and facilities—doctors, nurses, technicians, hospitals and clinics—could saddle the nation with socialized medicine and medical care rationing.

There is a model health insurance policy that Hillary & Co. should not overlook. It is the brainchild of Pat Rooney of Golden Rule Insurance of Indianapolis.

It works like this:

An employer who spends and deducts, for instance, $4,500 a year per employee for family health insurance would have a choice. He could use about 34 percent of that amount to buy each employee a catastrophic health insurance policy that would take effect above $3,000 of medical expenses and pay up to $1 million.

The other 66 percent of deductible expense per employee—$3,000—would be put in a medical account. The employee could draw from it throughout the year for routine family medical expenses.

If less than that $3,000 is spent each year, the balance goes into the employee's individual retirement account (IRA). This gives the employee incentive to avoid seeking expensive treatments for trivial complaints.

In turn, demand would be reduced, and by the normal economic law of supply and demand, prices should fall.

Another plus of the Golden Rule type of policy is that it goes with the employee from job to job. Half of the estimated 37 million lacking health care policies are uninsured for four months or less.

The Golden Rule model policy could provide affordable and adequate coverage for every American family who needs it.

Why not consider expanding it to cover all Americans who need coverage?

## CONGRESS PAYS TRIBUTE TO H. RUSSELL HARRIS OF QUEENSBURY, NY, ON HIS 90TH BIRTHDAY

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. SOLOMON. Mr. Speaker, it will be my privilege to lead this House in a birthday greeting to H. Russell Harris of Queensbury, NY, who will be 90 years young this Friday.

Where do I begin to describe a man who has been a local institution and an inspiration to me ever since I entered public life?

I could begin by describing a man who grew up on a local farm, played an active role in Grange organizations, and still tends a good-sized garden at home. I could talk about his days as a teacher at the one-room schoolhouse at Oneida Corners. Or I could talk about his many years of public service.

In his long and productive life, Mr. Harris has been an insurance salesman, one of the earliest mail carriers, and a constable. He is better known as a former Queensbury town supervisor, town highway superintendent, and, until his retirement in 1967, Warren County Welfare Commissioner.

Mr. Harris was active in Grange activities at the local, county, and State levels for 75 years. In fact, his mother was a charter member of the local grange when it formed in 1913, and young Russell would tag along until joining himself at the age of 14. His wife, Isabelle, also was active, and the two of them worked their way through seven degree Grange ceremonies. Their heyday of involvement in the Grange was also the heyday of small farms and a rich Grange social life. Mr. Harris credits his Grange activities with preparing him for local leadership roles.

But that's not all. He was instrumental in the founding of Adirondack Community College and in the formation of several area volunteer fire companies. He has also been active in masonic organizations, the American Association of Retired Persons, and Queensbury Senior Citizens. And like many men who gave of themselves so willingly, he still found time to raise a family.

And so, Mr. Speaker, I ask you and all other members to join me, not only in wishing a happy birthday, but in paying a well-deserved tribute to H. Russell Harris of Queensbury, an outstanding American, a model public servant, and an honored friend.

## IN HONOR OF RICHARD LOVINS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. COSTELLO. Mr. Speaker, I rise today in honor of Richard Lovins, an outstanding individual from my congressional district whom we remember today.

Richard was an employee at the Charles Melvin Price Army Support Center, working on a contract through a program designed to help the disabled under the Federal Javits-Wagner-O'Day Act. This act insures that the Federal Government allows disabled organizations to secure Federal service and community contracts to provide work for disabled citizens.

Richard's many talents were well utilized by his supervisors. He had an excellent attendance record, and was always counted on for the tasks which were requested of him. It is apparent from all who worked with Richard that he was an extremely unique and outstanding individual.

It was with great sorrow that Richard's family, friends, and coworkers mourned his passing last May. However, his achievements and passion for work have provided a lasting memory. He will be remembered not as a disabled individual, but one who used all of the talent he had to perform his job with great pride and success.

On July 21, an award will be presented to Richard's mother and father by the National Institute for Severely Handicapped. This award will then be presented annually to the top performing disabled worker on a JWOD contract.

It is my privilege to bring to my colleagues' attention the legacy of Richard Lovins and the award that has been created in his memory.

## INTRODUCTION OF LEGISLATION TO REVISE BOUNDARIES OF THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. MACHTLEY. Mr. Speaker, I am pleased to join in introducing legislation today which will revise and expand the boundaries of the Blackstone River Valley National Heritage Corridor in Rhode Island and Massachusetts.

The Blackstone Corridor encompasses 250,000 acres currently encompassing 20 communities between Providence, RI, and Worcester, MA.

Established as a national corridor by Congress in 1986, the resources of the Blackstone are nationally significant as the birthplace of America's industrial revolution.

It is exciting to renew the Federal Government's support for this project at a time when local interest is mounting. This is especially so given that this year we celebrate the 200th anniversary of the start of the American industrial revolution.

At a time when Congress and the American people are looking for ways to take advantage of local resources without further straining the Federal budget, projects such as the Blackstone Heritage Corridor which have the powerful support of local communities stand out as especially deserving.

Unlike other more traditional national parks, the Federal Government does not own or manage lands in the Blackstone.

Instead, in an innovative partnership, a relatively small Federal commitment for this project leverages substantial State, local, and private resources in support of a cooperative plan approved at both the State and Federal level.

I am proud to join my colleagues in sponsoring this important legislation, and I look forward to working with others in the House toward its approval.

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## PERSECUTION OF BAHAIS IN IRAN

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. PORTER. Mr. Speaker, the Iranian Government has once again demonstrated its calculated and despicable policy towards the largest religious minority in Iran, the Bahais.

In a recent incident, government officials destroyed gravesites and exhumed bodies in Tehran's Bahai cemetery, a site with important historical significance for the world Bahai community. The bodies were taken to an unknown location and an Islamic cultural center will be constructed in place of the cemetery. Although many Bahai cemeteries have been pillaged, this current act of desecration marks the first time that bodies have actually been exhumed.

This incident is another in the long line of human rights atrocities which have been inflicted upon members of the peaceful, law-abiding Bahai faith in Iran. Evidently, the government intends to execute its recently revealed secret plan to destroy the Bahai community. Despite receiving international condemnation for its deplorable human rights record, the Iranian Government has not relented in its persecution of religious minorities in Iran, including the Bahais. Next week, I will be introducing the Bahai community emancipation resolution and I urge my colleagues to join me in sending a message of support to the Iranian Bahai community.

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## THE SUPREME COURT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 14, 1993, into the CONGRESSIONAL RECORD:

THE SUPREME COURT

Some years ago, "Impeach Earl Warren" signs dotted the Indiana countryside. More recently, comments to me about U.S. Supreme Court decisions were frequent and sharply critical. In the last several months I can scarcely remember a comment from Hoosiers about the Supreme Court. The change, I think, lies in the lower profile the Court has adopted.

The Court, led by Chief Justice Rehnquist, purports to reject an activist role. It says that elected officials, not courts, should take the lead on public policy issues, interprets statutes narrowly, refuses to read into the law new rights and obligations, and makes no effort to give sweeping guidance on the issues before it. The Rehnquist Court holds the view that the Supreme Court should decide fewer cases on narrower grounds than previous Courts. This year, the Court handed down 107 opinions, compared with the mid-1980's average of 150 rulings a term. Except in important decisions in the areas of criminal law and civil rights, the Court refrained from seeking out cases to overturn. The Court has generally not embraced the Reagan social agenda: abortion is still legal and organized prayer is still not allowed in public schools. In general, this Court is deferential, but when it feels strongly about an issue, the deference fades.

MAJOR DECISIONS

In criminal law, Chief Justice Rehnquist continued to lead the Court in limiting state prisoners' ability to seek federal court review of their cases. For example, the Court ruled that a death-row inmate who found new evidence of his innocence 10 years after his conviction was not automatically entitled to a federal court hearing. The Court did, however, limit the government's power to seize the property of those convicted or suspected of drug crimes, putting a brake on the government's authority under drug forfeiture laws. The Court also deemed that forcing a non-smoking prisoner to share a cell with a chain-smoker may be cruel and unusual punishment. In a unanimous decision, the Court upheld laws which provide longer sentences for hate crimes.

In the area of civil rights, the Court, casting deference aside, ruled that legislative districts drawn in "bizarre" shapes in order to increase minority representation can violate white voters' constitutional rights to equal protection of the law. The Court sent the case back to a lower court to determine whether a "compelling government interest" justifies such redistricting plans. The Court also made it harder for workers to win employment discrimination claims, saying that they are not automatically entitled to a favorable judgment even if their employer lies about the reason it engaged in apparent discrimination.

In several church-state cases, the Court made little new law. It ruled that a local ordinance banning ritual animal sacrifice infringed on the constitutional right to free exercise of religion, and said that a public school district may not prevent church groups from using its classrooms after school hours if other outside groups are allowed to. The Court declined to revisit its decision last year to ban graduation prayers by refusing to review a lower court decision that student-led prayers are acceptable. As a result, these prayers are permissible in only Texas, Louisiana, and Mississippi. The Court also ruled that a public school may provide an interpreter for a deaf child enrolled in a religious school. In its only abortion case, the Court decided that a Reconstruction-era civil rights law cannot be used to stop abortion protesters from blockading clinics. It refused to hear appeals from states where laws banning most abortions have been declared unconstitutional by lower courts. It also upheld the Clinton and Bush policy of intercepting fleeing Haitians at sea and returning them to Haiti without hearings.

SHIFTING ALLIANCES

The previous term was notable for the emergence of the centrist coalition of Justices O'Connor, Kennedy, and Souter, who voted together almost three-quarters of the time and cast the deciding votes in a number of important cases. But this year, they voted together in only 58% of the Court's decisions. Justices Kennedy and O'Connor agreed more frequently this term with the conservatives, though Justice O'Connor was more likely to dissent. Common to both Justices O'Connor and Souter again this term is an inclination towards only incremental change. Justice Souter in particular is driven by the belief that precedent should be overturned rarely. He dissents with increasing frequency in decisions in which the majority takes an activist view. Rather than an advocate of change, he is a defender of decisions he hesitates to overturn.

His views contrast with those of Justices Scalia and Thomas, who often fault past Court rulings and show little hesitation to overturn them. For example, in the decision concerning the chain-smoking inmate, the two argued that 17 years of Supreme Court precedents on prison conditions were wrong. Though the other Justices often do not share in the rationale provided by Scalia and Thomas, enough of them usually agree in the results to ensure a conservative majority.

President Clinton has nominated Judge Ruth Bader Ginsburg to the Supreme Court to replace retiring Justice Byron White. Judge Ginsburg, who has served as a federal judge for over a decade, has a reputation as a moderate, with a conservative bent on criminal and business law but liberal leanings on some social issues. She is reluctant to use a court's power to bring about change in society that conflicts with significant public opinion. It is hard to predict the effect of the likely addition of Judge Ginsberg to the Court. Justice White was generally considered a conservative, and voted most often this term with Chief Justice Rehnquist. It is possible that, if confirmed, Judge Ginsburg could cast the deciding vote in a number of contentious cases.

The Court, easily one of the most fascinating institutions in the U.S. government, is never easy to read or understand because it often follows a zigzag course. Justice White, in retiring, expressed hope that the Court's future opinions would be "clear, crisp," and easy to understand. I have my doubts about that hope.

## TRIBUTE TO RUTH BOYD-CLARKE

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Ruth Boyd-Clarke, who served as the grand marshall of the 1993 Montclair annual Fourth of July parade.

Mrs. Clarke, a resident of Montclair, was born in 1899, and has resided in Montclair for the past 65 years. She was raised in the Georgetown section of Washington, and graduated from the District of Columbia Teachers College. She was awarded a degree from the New York School of Social Work, and attended New York University. Ruth then went on to work for the family and children services of the United Way, from which she later retired.

Shortly after her retirement, she was recalled to be the director of the Newark Day Care Center, and then as a social worker for the Newark Head Start Program. Mrs. Clarke has the distinction of being the first African-American social worker in Montclair. She also served as a Democratic committeewoman for the city.

Her volunteer efforts have been selfless, providing inspiration to all who meet her. Some of her volunteer memberships include: The Montclair-West Essex Guidance Center; the League of Women Voters; the Business and Professional Women's club; and the National Association for the Advancement of Colored People [NAACP].

Mr. Speaker, I am honored to have such a wonderful and hard-working woman in my district. She has been a role model that transcends generation, gender, and race. I ask my fellow colleagues to join with me in congratulating Ruth Boyd-Clarke for her accomplishments.

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## REFLECTED IN THE WHIRLPOOL RITUAL

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. DORNAN. Mr. Speaker, the following article sums up the culture war perfectly.

[From the Washington Times, July 14, 1993]

REFLECTED IN THE WHIRLPOOL RITUAL

(By Mona Charen)

Venture with me once more into the world liberalism has created: New York City. New York has been governed politically, educationally, spiritually and morally by liberal ideas for at least 30 years. Fads that merely sideswiped other parts of the nation—like high-school condom distribution and a therapeutic approach to crime—have become institutional pillars of New York's liberal superstructure.

So how are they doing? One of the things liberals told us they could manage so much better than anyone else was the treatment of women.

News item: At least five teen-age boys have been arrested during the past week in New York for engaging in gang molestation of girls in public swimming pools. In a ritual called "the whirlpool," reports the New York Times, as many as 20 to 30 boys, ranging in age from 12 to 17, link arms and surround a lone girl. They chant a slogan popular at basketball games—"Oops, there it is"—and then attack her, dunking her head under water, frequently tearing off her bathing suit top and sometimes grabbing at her breasts and genitals. This is high humor for the boys, perhaps especially if the girl is reduced to sobs of fear and humiliation.

All right, you say. Teen-agers misbehave. How can you possible blame liberalism?

Consider the response of Betty Gotbaum, New York City commissioner of parks and appointee (presumably) of liberal Mayor David Dinkins. She is the authority here. She is the representative of society's mores. Here's what she said: "This has been going on since time immemorial. And it's not right. But * * * we just have had a really bad five days."

No. New York has had a bad 30 years. "It's not right" is about the most tepid censure in the lexicon. How about "It's outrageous and will not be tolerated." Moreover, Miss Gotbaum betrays her limitations by suggesting that this behavior has been going on since "time immemorial." It has not. This kind of contempt for and cruelty to women wasn't a part of the America I grew up in. It wasn't a part of my mother's America either. Women were never treated this way in the worst days of the Great Depression or in the most libertine era of the Wild West.

No, it required the concentrated assault on "bourgeois values" that began in the '60s to so thoroughly unravel the fabric of civility that had previously survived war, depression and natural disasters.

An informal survey of 50 youngsters from a variety of neighborhoods in the New York area conducted by the New York Times reveals the coarse and vulgar world in which teen-agers now interact. This is a world in which romance is gone—replaced by easy sex and trashy language. Liberals, evangelists of the sexual revolution, never believed that by devaluing chastity they'd be devaluing women. But ask the girls who are almost universally addressed as "bitch" in New York City whether free sex has resulted in greater respect.

The term "bitch" is no accident. It literally refers to a female dog. And the girls reciprocate by addressing boys as "dogs." Derrick James, 18, of Bogota, N.J., was asked by the Times how he accounted for the predatory, pack behavior of teenage boys.

"It's nature," he explained. "Look at a female dog and a male dog: It's the same thing. You see 20 male dogs on a female dog. It's the male nature in a way."

So much for 5,000 years of civilization insisting that human beings, creatures created in the image and likeness of God, are not mere dogs in heat and are capable of better behavior.

This moral swamp we have allowed to emerge threatens the United States far more than huge budget deficits, a failing educational system or the challenges of global competition.

In my lifetime we have gone from a world in which men customarily rose from their chairs when a woman entered the room to a world in which a 14-year-old cannot swim in a public pool without fear of sexual assault. It's been a steep decline.

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## SHELBY MEMORIAL HOSPITAL—ONE OF THE BEST

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. POSHARD. Mr. Speaker, at a time when the subject of health care is uppermost on the minds of the American people, I want to call attention to a hospital in my district which has earned national recognition for its excellence.

Shelby Memorial Hospital in Shelbyville, IL, was recently rated one of the top 11 hospitals in the Midwest and one of the top 100 in the Nation by New Choices For Retirement Living, a magazine for retirees.

The Shelby County area is blessed by the kind of natural beauty and friendly people of all ages. Quality health care is a vital asset for any community, and the people of Shelby Memorial are clearly providing health care leadership on a local and national basis. They are one part of what makes Shelby County such a good place to call home.

I am inserting into the RECORD a copy of an article from the Shelbyville Daily Union which further details this accomplishment. I commend the people who work at Shelby Memorial for attaining such a high honor.

[From the Shelbyville Daily Union, June 21, 1993]

SHELBY MEMORIAL CITED AMONG TOP HOSPITALS

Shelby Memorial Hospital has been rated as one of the top 11 hospitals in the Midwest by a national magazine for retirees—based on the number of deaths per 1,000 cases.

Hospital CEO and President Dan Colby commented today "I've always been very impressed with the quality of the hospital, and I'm pleased that it has been recognized by an independent authority."

"We have a wide range of services that are not normally found in a small rural hospital," he explained. "Our quality is now nationally ranked * * * it's a tremendous compliment to the board and to the community."

Shelby Memorial was included in a list of the 100 "best" hospitals throughout the nation in the May issue of New Choices for Retirement Living, a national magazine. The article was prepared by Maxine Rock, an award winning medical journalist who lives in Atlanta.

The article also listed the worst hospitals—based on the Medicare mortality rate which Colby reported "is nationally recognized." Shelby's rate was listed a 6.6 per 1,000 patients.

Shelby Memorial was one of only seven Illinois hospitals included in the listing. Only three other Illinois hospitals were rated higher; Thorek Hospital and Medical Center in Chicago, St. Joseph's Hospital in Breese and Good Samaritan Regional Health Center in Mount Vernon.

"The Hospital is very proud to be honored and so named in this article and we consider it quite gratifying that the quality of care that we have been providing the people of Shelby County for a number of years has been so recognized," Colby said.

Colby disclosed the hospital's occupancy rate averages "about 55 percent" throughout the year—which is "a little greater than normal for the industry."

He reports the rate has increased 25 to 30 percent over recent years, and is even larger with outpatient activity.

"It's a recognition from the community of the number of services we have to offer and their quality," he pointed out. "It's just a confirmation of how good we are."

Rock's magazine article detailed key criteria which should be considered when selecting a hospital. Among these:

Are there enough nurses?

How many people have died at your hospital in the past year from your particular surgical procedure or illness?

What is the infection rate?

Does the hospital offer community wellness services?"

"The mortality rates are based on a complex model developed by the federal government that takes into account each patient's age, emergency status, underlying condition and other factors," Rock said.

Rock goes on to explain, "though the rankings are based on Medicare data, they reflect the general quality of the hospitals."

The article points out "one out of ten Americans will enter a hospital this year. Yet chances are that most of us check out a mechanic for the family car more thoroughly than we do the hospital which we entrust our life."

Shelby Memorial Hospital is listed in the "Best Hospitals" of the Midwest category along with some very large, prestigious institutions including Rochester Methodist Hospital in Rochester, MN; Indiana University Medical Center in Indianapolis, IN; and Barnes Hospital in St. Louis.

Shelby Memorial Hospital, a 70 bed acute care facility, has been providing medical care for the residents and visitors of Shelby County for 75 years.

## COMMEMORATION OF THE 60TH ANNIVERSARY: DARIUS-GIRENAS TRANSATLANTIC FLIGHT

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. RUSH. Mr. Speaker, it is with exceptional honor that I rise today in recognition of the Darius-Girenas 60th Anniversary Transatlantic Flight Commemoration Committee and their commemorative program. On July 17–18, 1993, Lithuanian-Americans in Chicago will join Lithuania and the world to commemorate the 60th anniversary of the first nonstop transatlantic flight from the United States to Lithuania by Lithuanian-Americans Stephen Darius and Stanley Girenas.

Stephen Darius was born in Rubiskes, Lithuania, on January 8, 1896. He settled in Chicago as a boy, graduated from Harrison High School, and attended Lane Junior College. Darius served in the United States Army and the Lithuanian Army and Military Aviation.

Stanley Girenas was born in Vytogala, Lithuania, on October 4, 1893. He emigrated to the United States in 1910 and settled in Chicago. After serving in the U.S. Army, he became a flying instructor.

On July 15, 1933, Darius and Girenas began their journey from New York. On the night of July 17, they crashed in Pomerania, Germany, 400 miles short of their destination. There were no survivors. The reason for the *Lituanica*'s crash is still not clear.

Numerous streets, parks, squares, schools, and organizations in Lithuania and the United States have been named in their honor. Monuments have been erected in the United States, Lithuania, and Poland.

Mr. Speaker, I ask my colleagues and fellow Americans to join me in paying tribute to the 60th anniversary of the Darius-Girenas transatlantic flight.

## TRIBUTE TO THE SOUTH SIDE SOAPBOX FREEWHEEL

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Second Annual South Side Soapbox Freewheel, a spirited competition that recently took place in my 17th Congressional District of Ohio.

Mr. Speaker, the Freewheel was conceived and implemented by the Rev. Inez Ellis after she asked a number of children in her neighborhood what kind of activity they would like in their area. When she heard race cars, Reverend Ellis did not just dismiss the responses as naive. Rather, she created a "do-it-yourself" event that encourages children from 10 to 15 years old to work with their parents to build a soapbox racer. The child then competes in the Freewheel with the chance to win the speed, originality, and creativity awards. Cash prizes, donated by local businesses, were given to the three or four fastest participants in each age group with the intention that the money will be spend on school clothes.

The competition was fierce this year, Mr. Speaker, but the winners were, in the 14 to 15 year old group: Kevin O'Neil, first, and Andre Price, second; 12 to 13 age group: Tcumps Reese, first, Robert McQueen, second, David Veal, third, and Shaun Rottstedt, fourth; 10 to 11 age group: Clinton Triplett, first, Troy Pollard, second, Randall Ford, third, and Darryll Hall, fourth.

The Freewheel also awarded trophies to contestants with the most innovative soapbox designs. Rottstedt, Derrick Price, and Orrin Brown garnered creativity awards, while Andra Price, Marquis Williams, and Devin Johnson collected originality accolades.

Mr. Speaker, I would like to join the citizens of my district in congratulating Reverend Ellis, the generous donors and, of course, the Freewheel participants. Thank you for your hard work, and may God Bless.

## MICHAEL J. ROCK RETIRES AFTER LONG SERVICE TO RENSSELAER COUNTY LEGISLATURE

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. SOLOMON. Mr. Speaker, one of the finest public servants I've ever known will retire at the end of this month, and I'd like to say a few words about him.

Michael J. Rock is one Democrat I've never hesitated to praise, because he has distinguished himself from his first day in office.

Mr. Rock was appointed to the Rensselaer County Legislature in 1975 when Cornelius Ryan died. His country district covered East Greenbush, North Greenbush, and Rensselaer, which I represented as a Congressman until this year. Mr. Rock was a valued member of such standing committees as Public Safety, Law Enforcement and Judiciary, Public Utilities and Environmental Planning, and Social Services, as well as the Rensselaer County Fire Advisory Board.

I'll always remember him as a stalwart supporter of veterans, youth, and seniors issues. He played an important role in establishing Vietnam and Korean war memorials in the county.

He is a veteran himself, having served in the United States Army during the Korean war.

With his country seat and his job as an engineer with Amtrak, Mr. Rock's time was at a premium. Nevertheless, he found time to be active in St. Mary's Parish Council, the Holy Name Society, the Melvin Roads Post of American Legion, the Disabled American Veterans, the Korean War Veterans Association, the Cardinal Spellman Council of the Knights of Columbus, the LaSalle Institute Fathers Club, and the Ancient Order of Hibernians. He also served as a manager and coach in the local little league.

Like many men who give so willingly of themselves to their communities, Michael Rock was also a devoted family man. He and his wife, the former Catherine M. Shaw, are the parents of four children.

His peers thought highly enough of him to elect him vice-chairman of the county legislature, and to re-elect him in 1989. He announced this year that he would not seek another 4-year term. He is retiring to take advantage of his Amtrak pension.

And while all who know Michael Rock can wish him well, we hasten to add that it's not going to seem the same without him in the county legislature.

Mr. Speaker, I would ask you and all members to join me in tribute to Michael J. Rock, a good railroad man, a good family man, a model public servant, and an outstanding American.

## PROTECTING THE VOTING RIGHTS ACT

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. EDWARDS of California. Mr. Speaker, one of the most powerful weapons in the battle against persistent voting discrimination, the Voting Rights Act, has brought us closer to the ideal of truly representative Government. Any threat to this great piece of legislation—particularly a threat grounded in an ahistorical and unrealistic view of our political system—must be resisted. The Supreme Court's recent decision in Shaw versus Reno may pose just such a threat. The following editorial, published in the June 30, 1993, Washington Post, accurately assesses the uncertainties created by that decision.

A THREAT TO THE VOTING RIGHTS ACT

The Voting Rights Act, one of a handful of powerful civil rights statutes passed in the mid-'60s, may have been seriously undermined by a 5-4 Supreme Court decision announced on Monday. In a judgment that is at odds with earlier rulings, the court cast doubt on the constitutionality of a state's right—indeed, its obligation—under the act to draw election district boundaries in a way that makes the most of the voting strength of minorities.

At issue was the redistricting plan drawn up after the 1990 census by North Carolina. In spite of the fact that about 20 percent of the state's population is black; a minority candidate had not been elected to Congress since Reconstruction. At Justice Department insistence, the plan created two predominantly black districts (out of 12) by concentrating African American voters within boundaries that were admittedly erratically shaped—in part to accommodate a white incumbent. Other states, relying on the Voting Rights Act, have taken similar actions with the result that the number of minorities in Congress doubled this year, from 26 to 52.

Now, however, a slim majority of the justices has ruled that white voters—even those who cannot demonstrate that they have been harmed in any way—can challenge these plans on constitutional grounds. And plaintiffs may succeed if they can show that the boundaries drawn are so "bizarre" as to be inexplicable on grounds other than race. If that is the case, then the courts must determine that the state has a compelling interest in drawing such boundaries and that its action is narrowly tailored to accomplish the goal. Otherwise, the plan may be rejected.

Dissenting justices drew on 28 years of experience under the act and all of the relevant precedents to counter the majority's conclusions. They also correctly pointed out that the opinion provides no guidance for the states. The Voting Rights Act is not overturned, but how is it to be put into effect if race becomes a suspect factor in drawing boundaries? The majority says that not every plan will be rejected. But what, other than some rules as to shape or other factors that the court failed to announce, will make boundaries drawn with race in mind acceptable? There is a history of redistricting plans that create inkblot patterns in order to protect incumbents, forward a party's interest or put farmers, for example, in one district and city folks in another. So why is it constitutionally suspect to draw lines in order to remedy discrimination based on race? The dissenters are right to lament the uncertainty created by the decision.

These matters are difficult, pitting as they do the desire to end racial distinctions against the need to protect minority voting rights. On balance, though, the nation has come a long way since 1965, and protecting and enfranchising African American and other minority voters has been the primary factor in achieving that progress. If, in responding to the many challenges this decision will evoke, the courts weaken the Voting Rights Act, then the promise and progress that have characterized this country's decades-long effort to achieve social justice will be gravely jeopardized.

## RAISE SOCIAL SECURITY TAXES

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. JACOBS. Mr. Speaker, this article on the taxation of Social Security benefits, which appeared recently in the New York Times, was written by Robert Ball, the wise and insightful former Commissioner of Social Security. Few people are more knowledgeable about Social Security than Bob Ball, and we are indeed fortunate to have the benefit of his comments.

[From the New York Times, July 2, 1993]

RAISE SOCIAL SECURITY TAXES

(By Robert M. Ball)

WASHINGTON.—Nobody likes being singled out for a tax increase, and it's no surprise that most higher-income Social Security beneficiaries oppose President Clinton's plan to tax more of their benefits. Nevertheless, it is a good idea.

It is only fair. Why should Social Security—by far our biggest pension system—be taxed differently from private pensions and Government career pensions? Retirees under these other plans pay income tax on the part of their benefit that exceeds what they paid in. They don't pay on their own contributions because those have already been taxed, but the rest of the benefit is income with no more special claim to exemption than other income, like workers' wages.

The President has proposed to tax 85 percent of Social Security benefits for higher-income retirees, as against the 50 percent now taxed.

Mr. Clinton proposed a fixed percentage because it just isn't worth doing (and explaining) the complicated individual calculations necessary to apply the exact rules for private pensions to millions of Social Security beneficiaries. Anyway, virtually every beneficiary will be better off with the 85 percent figure. Employees' contributions to Social Security are almost always less than 15 percent of the expected lifetime benefit because while benefits are indexed to wages and prices, employees pay Social Security taxes as they earn their wages, unaffected by subsequent inflation.

I favor the President's plan not only because it would make the tax code more equitable but because I believe it would strengthen Social Security as an institution. Identifying it with all other earned retirement income would emphasize that Social Security is not welfare. Taxing Social Security like other pensions would show that it is an earned right and help hold off proposals to cut benefits.

Social Security was tax-free until 1983, not because of a specific exemption but because of an interpretation of its benefits as a Government grant, really a gratuity, and not an earned right. When the Social Security law was drafted in 1935, some feared the Supreme Court might rule it unconstitutional because of its unprecedented linkage of levying taxes and granting benefits in a social insurance system. So the parts of the law granting benefits were kept entirely separate from the parts imposing taxes.

But if the benefits weren't connected to the taxes, what were they? One Treasury ruling said Social Security was "considered a payment in promotion of the general welfare and is not taxed," while the taxable portion of a civil service pension was "considered to be in the nature of deferred compensation paid by the employer."

This distinction is damaging to Social Security, which also grows out of employment and is paid for by employees and by employer contributions—a deferred wage.

Besides reinforcing the program's philosophical basis, taxing Social Security benefits would end up costing the elderly less than the benefit cuts proposed as an alternative. Since the proposed tax (like the current tax) exempts single taxpayers making less than $25,000 a year and couples making under $32,000, only 22 percent of beneficiaries would pay. And those taxes would most affect the elderly early on, when they can best afford it. Total income, including work earnings and private pension income, which is not indexed for inflation, often declines over the years. Tax rate brackets and exemptions increase with inflation. So over time, a larger share of income falls into a lower bracket or becomes exempt, allowing retirees to keep more of their benefits in old age, when they most need them.

By contrast, cutbacks in cost-of-living adjustments or an across-the-board reduction in benefits would affect lower-income people as well as higher-income people and would tend to hit harder as retirees grew older.

Ultimately, Social Security should be taxed as regular income, without special low-income exemptions. But eliminating exemptions now would cut too deeply into what many pensioners count on. Instead, inflation will eventually make today's low-income thresholds obsolete, while regular income tax exemptions will insure that about 40 percent of recipients will still pay no taxes on benefits.

The President's proposal would reduce the deficit some $32 billion in five years. But the major virtues of this particular plan are philosophical: to promote tax equity and to emphasize working people's earned right to Social Security by treating it like any other earned pension.

## IN SUPPORT OF THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS ACT OF 1993

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. REED. Mr. Speaker, I rise today in support of the Blackstone Valley National Heritage Corridor Amendments Act of 1993. This legislation, introduced by my distinguished colleague from Massachusetts, Mr. NEAL, would revise the boundaries of this unique national park, and would reauthorize the Blackstone River Valley National Heritage Corridor Commission to allow the preservation and enhancement of the corridor.

Without question, the Blackstone River Valley is one of the most historically significant areas of our Nation. As the birthplace of the American Industrial Revolution, it was here in the mill towns and cities between Worcester and Providence that America emerged as an industrial power. And in this, the 200th anniversary of the opening of the Slater Mill in Pawtucket, RI, the first working mill in America, I believe it is especially appropriate that we take this opportunity to strengthen our commitment to preserving the rich historical, cultural, and natural resources of this region.

I am pleased that boundaries of the corridor will be revised to include the Rhode Island towns of Glocester, Smithfield, and Burriville. As an original cosponsor I believe that this legislation is critical to building on the commitment that has been made to revitalizing this valuable national resource.

I commend the communities throughout the region, and the Blackstone River Valley National Heritage Corridor Commission, for their efforts toward preserving the character of the Blackstone River Valley, and I urge my colleagues to join me in supporting this legislation.

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## TRIBUTE TO THE RASNER FARM OF WALLACE, MI

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the Rasner farm of Wallace, MI, located in Menominee County in Michigan's First District, which I represent. On July 23, 1993, the farm will be honored as a Michigan Centennial Farm. A symbol of pride and dedication, the Rasner farm, owned by Kenneth Rasner, Jr., joins the rank of 22 other centennial farms in Michigan's Upper Peninsula.

A centennial farm is a working farm of 10 or more acres that has been owned by a family for at least 100 years. The Rasner family has proudly worked the 440-acre farm for 108 years. Wilhelm Rasner built the farm in 1885. An example of the American dream fulfilled, Wilhelm immigrated from Germany with his wife and three children in hope of a better life. Originally a barn boss at a sawmill, Wilhelm turned to farming when the mill burned down. He then bought the land which has held the farm, an attribute to American workmanship, for four generations. Inherited by Albert Rasner, he and his wife farmed the land until 1948, when their son, Kenneth Rasner, Sr., assumed the task. After operating the farm for 28 years, the farm was passed to Kenneth Rasner, Jr., who, under the watchful eye of his father, learned the skills that have been passed down from generation to generation. Kenneth now operates the farm with his wife, Linda, and their six children.

The Rasners reside in the original house that was built on the farm, but the farm itself has grown immensely. Four silos, a Harvester, and a barn control the landscape. Kenneth and his father built an addition onto the barn a few years ago which holds up to 80 cows. The rest of the farm consists of corn and alfalfa.

Mr. Speaker, the Rasner farm is a model for America; a model of perseverance, dedication, and industriousness that constitutes the backbone of America. At times, farmers lead a thankless job, providing for others without a word of gratification. Today, I would like to personally thank the Rasners for their tireless efforts in making America into the land of opportunity that it is today. Congratulations Rasners, and best wishes.

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## THE ILLITERACY OF CLINTONOMICS

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. CRANE. Mr. Speaker, despite President Clinton's claim that his economic package will stimulate the economy, the reality is that his proposals will stifle economic growth. As a result of Clinton's heavy taxes, many small businesses will be crippled which will, in turn, cause the unemployment rate to increase and consumer prices to rise. Added to the increases in his budget package, consumers will be hit in the future with even higher taxes to pay for the Clinton health care proposal, which will be coupled with a decrease in quality of those services. In his article from the June 21, 1993 issue of the Wall Street Journal Michael Boskin clearly illustrates the devastating impact of the Clinton economic and health plans. I submit Mr. Boskin's article to my colleagues and urge them to read and consider his conclusions.

### THE ILLITERACY OF CLINTONOMICS

(By Michael Boskin)

The White House seems to believe that President Clinton's problems are the result of communication foul-ups, inadequate focus on his economic program and the media's fascination with haircuts, Hollywood, travel scandals and extremist nominations. I believe that the president and his administration are suffering from a much deeper systemic problem: economic illiteracy.

To be sure, every president has uttered illiterate remarks on the economy. George Bush's after-dinner comment that credit-card interest rates had not fallen with other rates led the Senate to pass a rate cap. This foolish antimarket notion would have bankrupted many major retailers, but fortunately, after much embarrassment to the president, the rate cap was squelched. Sometimes, we end up with harmless nonsense, such as Gerald Ford's "Whip Inflation Now (WIN)" buttons.

On other occasions economic illiteracy has, given the prevailing political winds, produced policies that greatly damaged the economy and ultimately the president. Richard Nixon's wage and price controls and Jimmy Carter's energy regulation are two obvious examples. Probably the most illiterate economic statement ever made by a president was Mr. Carter's late 1978 national TV plea to the Fed to lower interest rates to fight impending double-digit inflation.

#### A FUNDAMENTAL DISTRUST

What is most deeply disturbing about the Clinton administration is that a fundamental distrust of free enterprise permeates its policies and public pronouncements. I raise this issue not to embarrass the president, but in the hope he will get on a sensible course while he still has time. Consider the record of only the first few months of this administration:

First, the president claimed he presented the first "honest budget" in many years. It was to reduce the budget deficit $500 billion over four years. But Mr. Clinton was the first president *ever* to use gross rather than net numbers for his budget presentation. The $500 billion claimed in deficit reduction did not subtract out the $170 billion of new spending (called "investment") and tax cuts the president was proposing. Worse yet, the Congressional Budget Office estimated that the president's spending proposals exceeded the limits in the budget law by more than $60 billion. The congressional budget committees had to include unspecified additional spending cuts to make up the difference.

The president also said there was $1 of spending cuts for every $1 of tax increases. This position came after backing off an original pledge of $2 for $1. The $1-$1 position was accomplished by calling lots of tax increases "outlay reductions" and large entitlement increases "tax cuts"; counting more than $60 billion of spending cuts that were already required by law; and claiming savings from unspecified administrative and managerial reforms and hoped-for interest savings from a twist on the maturity composition of the national debt that will backfire if short-term interest rates rise. An "honest" accounting showed $6 of tax increases for every $1 of spending cuts in the original Clinton program.

Contrary to the president's claims that his program will spur growth and create jobs, there is nothing to help the economy grow—no real attempts to remove the tax barriers to saving, investment and entrepreneurship, nothing to improve the incentive to start or expand a business and create jobs. In fact, his proposal does the opposite.

For example, a sizable fraction of the higher-income taxes are taxes on small business profits. Eighty percent of American businesses are not incorporated and pay taxes on the same 1040 form you and I use. The large increase in tax rates on small businesses will reduce their after-tax profits, a primary source of funds for business expansion in the sector of the economy that creates most jobs. Even with the marginal improvements being made in Congress, the tax increases will still greatly exceed the spending cuts, increase sheltering and retard growth—even more so if Sen. Bill Bradley's capital-gains tax surcharge in the Senate Finance Committee bill becomes law. The new spending programs will grow more than projected, revenue growth will be disappointing, the economy will slow, and the program will reduce the deficit much less than expected.

Next, from months of leaks, it appears that the health-care reform proposals will be a sort of national health insurance in drag, combined with a massive disguised redistributive tax. The government prescribes a standard, comprehensive plan. Voters will be told that they are not paying taxes, just premiums to health alliances. The taxes will be "on employers" (a recent leak suggested a 12% payroll tax), even though this means that wages and employment will decline as employers foot the bill for health insurance. Currently the dollar amount of health insurance for most Americans is deducted from pay directly or indirectly through lower wages. A growing number choose among plans based on cost and services. A tax that is a percentage of wages destroys any link between individual health-care choices and cost, and disguises the redistribution of income. Price controls will be "voluntary," although there will be a backup federal system. The federal government will set global budgets, but they will be enforced by the states.

What does that mean? The amount you spend on something is the price times the quantity, adjusted for quality. That means either price controls, rationing or a decrease in quality—e.g., slower rates of innovation in everything from new life-saving drugs to detection technology. Claims that the costs will be kept down by phasing the plan in are erroneous. That will just disguise the eventual cost. The radical restructuring is overkill, far beyond what is necessary to deal with the problems of access and cost.

Finally, let us consider the remarkable sequence of illiterate microeconomic pronouncements and policies emanating from the administration. First came the lambasting of the pharmaceutical companies, attacked for high prices on their few successful drugs. Next up were the health insurance companies. Then came the energy companies. Then someone discovered that banks were making profits (God forbid!) on student loans. One of the Clintonites' few spending "cuts" is nationalizing the student loan program in the Education Department, allegedly saving $4 billion. Does anybody really still believe that the program can be run more effectively by a large government bureaucracy than by the private sector?

Then came the first lady's famous pronouncements: "too much profiteering," "price gouging," and "too many people are making too much money" in health care. The prospect of price controls and these populist charges surely are not going to get hospitals to hire new workers. Besides, what laws did any of these industries violate? Were the prices rigged? If so, where is the antitrust enforcement? Worse yet, who's next?

My award for the most illiterate statement goes to the vice president's ridiculous claim that a radical expansion of environmental regulation will actually help the economy. The most dangerous statements are those favoring managed trade and targets, thereby sanctioning cartels, undermining the General Agreement on Tariffs and Trade, and risking the trade liberalization that is the world's best hope for stronger economic growth.

### ANTIMARKET ACTIVITY

The administration's rhetoric about the private sector reminds me of my conversations with the then-Soviets and East Europeans in 1989. They had learned the vocabulary of private markets, but they had no conceptual basis and little experience to understand what it meant. Obviously, the Clintonites are better informed than that, but it appears that we are in for a period of unprecedented antimarket government activity at a time when, virtually everywhere, countries are relying less on government and more on private initiative and markets.

The president needs his policies and pronouncements to be based on a coherent conceptual framework that is relevant to late 20th-century market economics, or the world economic community will lose even more confidence in American leadership, and Mr. Clinton will fail to accomplish his laudable objective of enhancing economic growth.

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## TRIBUTE TO NANCY AND PAUL COULOMBE

## HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. FRANK of Massachusetts. Mr. Speaker, on July 3, I was privileged to attend a cookout in an extraordinary place, in which patriotism at its best was being manifested. Nancy and Paul Coulombe maintain a residence for American veterans who have fallen on hard times. The accompanying article from the Sunday Enterprise, of Brockton, MA, does an excellent job of describing the home that Paul and Nancy Coulombe have made for so many veterans. Nancy Coulombe is herself, as the article notes, the daughter of a veteran who was always active in helping his fellow veterans, and her husband Paul is a distinguished veteran as well.

The article by Lois Wheelock describes the wonderful work the Coulombes do. I ask that it be printed here as an example to other people of how two concerned, compassionate citizens express their love for country, and to add my personal testimony, having participated in the Independence Day cookout at the Coulombe's residence, that this is a place where it becomes clear that properly expressed, love of country and love for other people come together perfectly.

### COUPLE'S HOME SERVES AS HAVEN FOR DISABLED VETERANS

(By Lois Wheelock)

PLYMPTON.—For as long as anyone can remember, the large white house on the fringe of town that sits on a knoll overlooking Cedar Street has been a haven for disabled veterans.

Although today there are 12 such men residing there under the supervision of current owners, Nancy and Paul Coulombe, town officials are still not quite certain what to call the home or exactly what category of zoning it falls under. Is it a guest house? Boarding house? Or possibly a rest home?

Confusion over the home's nomenclature is the least of Nancy Coulombe's worries. At one time, when such houses were still under the jurisdiction of the Veteran's Administration, she says, they were termed "foster homes."

'Now,' she says with a bemused smile, "I think we're referred to as "managed-care facilities."

She also asserts that the issue was resolved back in 1987 when she came under the scrutiny of the town's inspectors and worked with them to bring the building up to code. At that time, Coulombe says, she was advised that the home was a pre-existing, nonconforming use, or in other words, "grandfathered."

Of greater concern to her at the moment, in addition to just running the place, which seems to be in a perpetual state of repair and renovation, is protecting her reputation, which recently was called into question by a disgruntled former employee. The woman, who also called the Enterprise with an anonymous "tip," made a series of phone calls to state and local police, Old Colony Elderly Services, local officials and even, according to Nancy, the FBI.

As a result, the Coulombes have had to endure weeks of phone calls, inquiry and investigation by the various departments, all of which ended in vindication for them.

Cathy Nelson of Old Colony Elderly Services, a state-funded protection agency, stated in her finding, "There is no basis for the allegations. The charges could not be substantiated," she added.

Building Inspector John Norrman and Fire Chief John Walker, who recently completed a safety inspection of the home, also gave their stamp of approval.

What troubles Nancy is the ease with which an individual can level unfounded charges, setting off a flurry of official activity that costs taxpayers money. "What happens to her?" she asks, referring to the apparent lack of consequences for her accuser.

As for Nancy and her husband, the last few weeks have taken a toll. "It was nerve-wracking," says Nancy. Despite the fact that someone lied, the allegations lead to suspicions, rumors and all kinds of speculation that is grounded in ignorance. On top of everything, she noted, at about the time the calls were being made, one of the younger boarders, Bobby Calef, disappeared while hiking in the woods in back of the house and was missing for several days.

Calef, who fell after climbing a tree, injuring his hip and leg, eventually dragged himself back to the house after laying in the woods for three days. He was hospitalized briefly and is currently on crutches and receiving physical therapy for his injuries but appears to be taking the incident in stride. As for Nancy, alluding to the account of the "missing man" in the paper, she muttered, "I suppose there were some people who thought we were burying bodies up here."

The Coulombes believe that some of the misunderstanding about the facility stems from their confrontation with the VA six years ago over that organization's attempt to impose federal fire codes, which Nancy says, would have been prohibitively expensive. With money from the sale of her West Bridgewater home, the Coulombes decided to take the matter to court.

Two years and $20,000 later they won the right to operate independently from the VA as a private business. The men under her care, however, are still free to avail themselves of VA services and make frequent visits for recreational events, doctors and social worker visits and therapy.

What money was left from the sale of her former home was spent on renovations to "make the house livable" and bring it up to local codes. "We've gone room by room," says Nancy, adding that her husband, a licensed contractor, and her son-in-law have done most of the work. The most extensive project involved a large addition to the rear of the house with two decks where the men can smoke and look out on the cranberry bogs that surround the property. At present the kitchen is undergoing expansion. At the same time, old shingles are being replaced with clapboard siding as rotted sheathing caused by a leaking gutter is removed and replaced.

Nancy bought the five-acre property from the Lund family 10 years ago with her former husband. Unwilling to face the prodigious amount of work required to upgrade the home, he left, she says, less than a year later. She, however, decided to stick it out.

Everything in her background points to Nancy's making a success of the home. She studied business administration at Boston University and has in the past run here own catering and cleaning businesses. She handles the bookkeeping and administrative work for the home.

Although she never served in the military, she has worked for veterans causes most of her adult life. "My father, who passed away last year at the age of 92," she says, "was a World War I veteran and musician who toured during World War II with the Swingtime Review Show for the USO."

He taught her to play piano and brought her along on tours, she says. Nancy is currently an officer with the Disabled American Veterans Auxiliary and in that capacity assists the Lions Club each year with organizing the Memorial Day Parade.

To this day Nancy volunteers to do music recreation therapy at the VA and performs at jamborees with her Silver Wings Band. It was during one of her performances that she met her current husband, who was at the VA for outpatient care. He turned out to be the lead singer the band was looking for.

"Paul provides the structure here because of his strength of character," says Nancy, adding, "I couldn't run the place without him." She laughs and says, "I'm like the guys' mother, they don't really listen to me."

A combat veteran, Paul is someone the other vets can relate to. In some cases, it is Paul that a new boarder will respond to best, in other cases, it's Nancy who seems to trigger the healing process. They both take pride in their "success stories."

One such success is Jimmy, who Nancy says is "one of our true combat heroes" and what she calls a "star boarder." Paul found Jimmy on the streets in Boston, she says, where his hand had been crushed by a truck while he lays asleep in a gutter. He was bedraggled and incoherent. Today, Jimmy, who was awarded the Marine Silver Star for heroism in Viet Nam, is amiable and gregarious. He often walks the three miles into town for coffee and is a familiar sight striding purposefully along the town streets.

It was Jimmy who recently renamed the home, originally dubbed "Oasis Park" by Paul and Nancy, "Marine Manor." Lately, he told Nancy with a glimmer in his eye, he had been thinking of a new name "Cool House."

Jimmy credits Paul with turning him around and says of the home, "It's a good Christian place." In fact, the men do have Bible study one a week with volunteers who come in. One, Mary Dean of Center Street, who also serves as "chief cook and bottle washer" on occasion, calls the man "a blessing." A priest comes once a month to say Mass, and the men are taken out for church services on Christmas and Easter, says Nancy.

Her most recent success story, says Nancy, is Harold, who was brought to them on a Christmas Eve three years ago, supposedly just for the night. He had long hair and a beard and spoke to no one, she recalls. When it became apparent that Harold wanted to stay, he was apprised of the house hygiene rules to which he promptly conformed. The "wolfman" was transformed into quite a good looking man, she exclaims.

For the first year, Harold would talk only to Nancy, but since then has begun to mingle with the group more and more. The former homeless man and "town character" from a nearly coastal community now comes and goes on his bicycle and reliably turns up to perform his favorite chore, peeling potatoes.

Most of the men living at the home, says Nancy, could not make it on their own, although one former boarder did go on to get married and have children and is now a plumber, she notes. As her husband says, "Everyone is here for a reason." "To run such a place," she says, "you have to have a lot of patience and compassion. You have to love what you do."

## WAYNE ELEMENTARY SCHOOL'S DRUG PREVENTION PROGRAM

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. RAHALL. Mr. Speaker, thanks to a special program at Wayne Elementary School, in Wayne County, WV, students have a greater knowledge of drug abuse and prevention. The program, Beginning Alcohol and Addictions Basic Education Studies [BABES], stems from the Federal Drug Free School and Communities Act and is part of West Virginia Governor Gaston Caperton's Drug Free Communities Program. Leadership from both the State and Federal Government provides this added drug abuse prevention education for children, and a $7,000 grant from the Prestera Center for Mental Health Services funds the program.

This educational approach teaches the dangers of drugs in a simple and nonthreatening way. Through activities such as puppet shows and story lessons, children are taught self-esteem and ways for coping with substance abuse at home. BABES also provides services to the community as an outreach program which involves parents as well as students. It is an outstanding example of what the Nation needs to fight the ongoing problem of drug abuse. Danita Stiltner, an instructor with the BABES Program, calls the educational series "a total systems approach to substance abuse prevention."

This program is a beacon of hope for drug prevention in America; teaching our children early helps them grow up drug free. I commend all of those involved in making the BABES Program a success.

I encourage my colleagues in Congress, Mr. Speaker, to take programs like BABES back to their respective districts. Only through cooperation and support will programs like BABES succeed in reducing the drug problem.

## CANON CITY RESOLUTION

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. McINNIS. Mr. Speaker, last year, Canon City, CO, became the sister city to Valdai, Russia. The people of this American community merit recognition by the Congress for their efforts to establish a friendship and maintain a relationship with this Russian town in a time of conflict and change. Therefore, I request that the attached resolution of commendation be printed at this point in the RECORD. Thank you.

IN THE UNITED STATES CONGRESS, RESOLUTION IN RECOGNITION OF THE CONTRIBUTION OF CANON CITY, CO, AND VALDAI, RUSSIA, TO INTERNATIONAL UNDERSTANDING THROUGH GLOBAL FRIENDSHIPS

Whereas the people of Cañon City, Colorado established the Cañon City Russian Sister City Association in April of 1992 to foster a continuing relationship between the people of Cañon City and the people of a similar community in Russia to promote mutual understanding through cultural, political and economic exchange,

Whereas on May 18, 1992 the Council of Cañon City extended a formal invitation to the City of Valdai, Russia to become the sister city of Cañon City,

Whereas Cañon City, Colorado and Valdai, Russia have exchanged delegations to establish the basis for future cultural, political and economic exchanges,

Whereas on December 14, 1992 official representatives of the City of Valdai, Russia and Cañon City, Colorado signed Sister City Affiliation Agreements pledging to promote international friendship, the observance of universal human rights, free market principles and an appreciation for international law through economic, political and cultural exchange programs,

Whereas the Cañon City Russian Sister City Association is the first Colorado community to have established a sister city affiliation with a Russian community,

Whereas the accomplishments of the Cañon City Russian Sister City Association have been officially recognized by the Governor of the State of Colorado and the Association received a Best First Year Program Award from Sister Cities International in 1993,

Now, therefore, in recognition of the contribution of Cañon City, Colorado and Valdai, Russia to the realization that we are all citizens of one world and members of one human community,

Be it hereby resolved that the Canon City, Colorado and Valdai, Russia are hereby commended and congratulated for their outstanding achievements and are encouraged to continue their efforts to promote world peace through international understanding.

## TRIBUTE TO MELISSA DAWN BRUINS

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Melissa Dawn Bruins, a young woman who is taking an active role in combating the scourge of drugs in North Haledon, NJ, and its surrounding communities. Having completed a 17-week course, Melissa recently graduated from DARE [Drug Abuse Resistance Education] as well as being named a DARE essay award winner.

Through her involvement in DARE, Melissa has educated her peers and local communities on the dangers of drug abuse. Thanks to the efforts of individuals such as Melissa, we can be more confident of someday reaching a drug-free America.

Not only is Melissa a stellar community activist, she is also an honor student at the Eastern Christian Middle School, a recipient of the Presidential Academic Fitness Award, and a first chair violinist for the Ridgewood Symphony Youth Orchestra. Her dedication to academics, music, and community volunteer work is truly exemplary.

Mr. Speaker, I ask my fellow colleagues to join me in honoring Melissa Dawn Bruins for her outstanding contributions to our community. I wish her well in her future endeavors and hope she continues on in the fight to rid our society of drug abuse.

## 50TH BIRTHDAY OF NAVY SEAL/UNDERWATER DEMOLITION TEAM—THE ELITE OF THE ELITE

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. DORNAN. Mr. Speaker, I rise today in recognition of the 50th birthday of one of the most elite combat organizations in the history of warfare, the Navy's Underwater Demolition Team or as they are known today—Navy Seals.

First organized in World War II as the Naval Combat Demolition Unit, these brave underwater warriors were directly responsible for much of our military success, especially the D–Day invasion of Normandy and amphibious operations in the Pacific. Without the preliminary work of the Underwater Demolition Team on enemy barriers and positions, thousands of U.S. servicemen would have lost their lives during these operations.

Today, Navy Seals continue to carry on the brave tradition of the underwater demolition team by serving with distinction in Operation Urgent Fury, Operation Just Cause, and Operation Desert Storm, as well as countless other unpublicized but nevertheless strategically important military operations throughout the world.

I urge all of my colleagues and fellow countrymen to join me in saluting the underwater demolition team and Navy Seals on the occasion of their 50th birthday. Congratulations to the elite of the elite.

## TRIBUTE TO JERRY "ICEMAN" BUTLER

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. RUSH. Mr. Speaker, I rise today to honor Jerry "Iceman" Butler, an award-winning performer, producer, and composer who is being honored for his 35 years in the entertainment industry by the Midwest Radio and Music Association at its third annual convention in Chicago.

Mr. Butler began his distinguished career with Curtis Mayfield in Chicago in 1958. That same year, he wrote "For Your Precious Love," which launched Jerry Butler and the Impressions and became the first of his eight gold records. Other gold records include, "Moon River," "He'll Break Your Heart," "Only the Strong Survive," and "Ain't Understanding Mellow".

A 1991 inductee into the Rock and Roll Hall of Fame, Mr. Butler has been nominated for three Grammy Awards and is the recipient of two Billboard magazine awards, a CLIO Award, several ASCAP and BMI awards for songwriting and producing, and the President's Award from the National Academy of Recording Arts and Science. As a composer and producer, his efforts helped expose the talents of such artists as Jeffrey Osborne, Brenda Lee Eager, Natalie Cole, and Thelma Houston.

Mr. Butler has toured London, Amsterdam, Lisbon, and the Caribbean and performed at some of the world's most renowned showrooms, including Ceasars Palace, the Copacabana, the Apollo Theatre, Carter Barron, the Greek Theatre, and the Regal Theatre.

Since the early sixties, Mr. Butler has been involved in the civil rights movement in this country. As an entertainer, he was often denied accommodations in hotels and restaurants as he toured in the South. He became involved in the political process, helping to elect public officials at all levels of government. In 1986, Mr. Butler launched his own career into public office, successfully being selected to the Board of Commissioners of Cook County, IL. He was reelected in 1990 and continues to distinguish himself as an effective advocate for the needs of the residents of Cook County.

Mr. Speaker, Jerry Butler has been my good friend for many years. A humble, dedicated entertainer, composer, producer, husband, and father, he certainly is deserving of the Midwest Radio and Music Association's tribute. I am privileged to be his friend and proud to enter these words of congratulations into the RECORD.

## IN HONOR OF THE ST. ANDREW LADIES SOCIETY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Ms. DELAURO. Mr. Speaker, on Sunday the St. Andrew Ladies Society will celebrate its 70th anniversary in New Haven, CT. I am pleased to pay tribute to this extraordinary instituion—New Haven's oldest Italian-American women's organization.

Founded by 19 young women in July 1923, the St. Andrew ladies society quickly became an essential part of our community. In the decades since, the group has grown dramatically while retaining its character as an active local force and a preserver of tradition. The women of the society gather each month to nurture special ties, and to help lead the historic Wooster Square neighborhood that is the focus for Italian-Americans in New Haven.

The Ladies are much more than an extension of the St. Andrew apostle society; they have supported its aims but also reached out generously on their own. From student scholarship recipients to St. Michael's Church and the ninth-century Amalfi Cathedral in Italy, many worthy causes continue to benefit from the ladies society. Its members have assumed a critical responsibility—maintaining the Italian heritage that thousands of Greater New Haven residents share. It is a heritage which I grew up with—an entire culture, deeply meaningful and important to our community. That community depends on people like the St. Andrew ladies, who show a tremendous commitment to the traditions and the friendships of Wooster Square. The ladies' mission is to renew our history and help pass it along.

They have richly fulfilled that mission. The St. Andrew Ladies Society now includes third and fourth-generation members, young women inspired by the exemplary involvement of their mothers, aunts, and cousins. In fact, this organization which relies on families has itself developed into a kind of family. Five of the original founding members are still with us: Carmela Verderame Catuogno, Rose Sapiente DelPizzo, Julia Leone Farace, Rose Alfone Proto, and Anna Invingible. They were pioneers 70 years ago, and their efforts are appreciated more every day. I applaud the impact of these women, and I commend all the St. Andrew ladies for the vital role they play. May they enjoy a well-deserved 70th anniversary celebration.

## IN SUPPORT OF THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS ACT OF 1993

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. REED. Mr. Speaker, I rise today in support of the Blackstone Valley National Heritage Corridor Amendments Act of 1993. This legislation, introduced by my distinguished colleague from Massachusetts, Mr. NEAL, would revise the boundaries of this unique national park, and would reauthorize the Blackstone River Valley National Heritage Corridor Commission to allow the preservation and enhancement of the corridor.

Without question, the Blackstone River Valley is one of the most historically significant areas of our Nation. As the birthplace of the American industrial revolution, it was here in the mill towns and cities between Worcester and Providence that America emerged as an industrial power. And in this, the 200th anniversary of the opening of the Slater Mill in Pawtucket, RI, the first working mill in America, I believe it is especially appropriate that we take this opportunity to strengthen our commitment to preserving the rich historical, cultural, and natural resources of this region.

I am pleased that boundaries of the corridor will be revised to include the Rhode Island towns of Glocester, Smithfield, and Burrillville. As an original cosponsor I believe that this legislation is critical to building on the commitment that has been made to revitalizing this valuable national resource.

I commend the communities throughout the region, and the Blackstone River Valley National Heritage Corridor Commission, for their efforts towards preserving the character of the Blackstone River Valley, and I urge my colleagues to join me in supporting this legislation.

## TRIBUTE TO COL. DAVID M. EMLING, USA FORMER COMMANDER OF TOOELE ARMY DEPOT

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. HANSEN. Mr. Speaker, Colonel David M. Emling, United States Army, has served as commander of the Tooele Army Depot [TEAD] complex from July 1991 through July 1993. Headquarters at Tooele, UT, the TEAD complex comprises eight separate sites in six States and employs over 4,000 personnel. During his tenure managing this multimission complex, Colonel Emling administered an annual operating budget of $253 million and was responsible for 67 percent of the Department of Defense's stockpile of toxic chemical munitions. Under Colonel Emling's command, the TEAD complex remained responsive, flexible, environmentally responsible, and cost-effective. He has been adamant that customers' stringent quality and schedule needs be met and has demanded that dollars spend were fully justified and expended wisely.

Colonel Emling was responsible for overseeing the completion of a major military construction project, the Consolidated Maintenance Facility, which is a state-of-the-market automated overhaul facility. As a result of his personal involvement, the $37 million building was completed on time and within projected coss—a rare feat these days—and the $74 million equipment contract was reduced by over $650 thousand with no degradation to required performance. Also, under Colonel Emling's leadership, the closure of Fort Wingate Depot Activity was accomplished a year earlier than scheduled, which, when combined with initiatives such as moving ammunition requiring demilitarization from Fort Wingate to TEAD, resulted in a savings of over $12 million.

Under Colonel Emling's command, TEAD continued its enviable record in the environmental arena. The State of Utah praised the depot for running the best environmental management program of any Federal installation within the State. TEAD was also recognized by the director of Army Safety with a special award of excellence for its proactive safety programs and has won the Department of Defense's Value Engineering Award for four consecutive years—with a total of $53 million saved.

Colonel Emling directed the use of Reserve Component Ordnance and Transportation Corps units to move base realignment and closure ammunition stocks requiring relocation, resulting in a savings of over $500 thousand, as well as providing real world training for reserve soldiers. He was instrumental in the development of the Department of the Army and Army Materiel Command's policy to utilize the Army Arsenal Act allowing depots to compete to manufacture supplies for the Army. Colonel Emling led the efforts to design and manufacture a high-mobility trailer that the Army used as a pilot case for the Arsenal Act authority through the use of make-or-buy decisions, thus paving the way for depots to compete in the future.

During Colonel Emling's tenure at TEAD, defense downsizing resulted in severe workload reductions and budget cutbacks with grave impact on the missions and people of the depot. Besides the closure of Fort Wingate, Colonel Emling provided guidance for downsizing three other depot activities and resized Tooele Army Depot's workforce by cutting it nearly 40 percent to match the funded workload. Though TEAD has faced some of its greatest challenges during his command, Colonel Emling never lost sight of the importance of employees' quality of life, with emphasis on the work environment, morale, and welfare of the people, and his actions have made this concern obvious.

Col. David Emling has distinguished himself as a strong commander through his quick comprehension, prompt attention to business, sterling integrity, and a fine example for his subordinates to emulate. Colonel Emling's outstanding performance of duty is in keeping with the finest traditions of military service and reflects great credit upon himself, Tooele Army Depot, and the U.S. Army.

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## TRIBUTE TO HARRY MESHEL

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Harry Meshel, a political mogul from my 17th Congressional District in Ohio.

Mr. Speaker, the citizens of the Mahoning Valley never had a more effective, successful representative in the Statehouse than Mr. Meshel. In his 22-year career as a public servant, he garnered a substantial commitment of State projects and funding that provided employment opportunities and improved the quality of life for the citizens of my district.

Mr. Meshel began his distinguished career after earning his B.S. degree in business administration from Youngstown State University and his M.A. degree in economics from Columbia University. He was named urban renewal director of Youngstown in 1969, after serving as the executive assistant to mayor Anthony B. Flask from 1964–68. One year later, he was elected to the Ohio General Assembly as a State senator, where he held positions from Democratic majority whip, 1974–75, to Democratic minority leader, 1981–82, to president and majority leader, 1983–84.

His influence as a member of the ways and means, state and local governments and economic development, science and technology committees enabled Mahoning Valley to benefit from over $160 million in grants from the Ohio Department of Development for Valley business, and over $200 million from numerous other resources for highways, water, sewer, and other infrastructure improvements. Because of his savvy, the Valley continues to receive over $320 million each year in State dollars for vital programs and necessary programs.

Mr. Meshel's other accomplishments include the handicapped bill of rights, which opened employment, educational, and civil rights opportunities for the infirm. His legislation creating an economic development program that provided $500 million for business expansion and job creation is unmatched by any other State. Mr. Meshel continues to serve the Mahoning Valley and the State of Ohio as the State chairman of the Democratic Party.

Mr. Meshel has received countless awards for his efforts, including honorary degrees of Doctor of Laws from Ohio University and the Ohio College of Podiatric Medicine, the top legislator award from the Ohio Union Patrolmen Association, and a Distinguished Service Award conferred by the President of the United States. The latter award was presented to Mr. Meshel for encouraging and promoting the employment of the handicapped.

Mr. Speaker, I join the citizens of my district in honoring Mr. Meshel for his tireless efforts on behalf of the Mahoning Valley. The community is a better place because of his work. He has my eternal gratitude.

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## TRIBUTE TO COL. GEORGE P. SHAMER II

### HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

Ms. BYRNE. Mr. Speaker, I ask my colleagues to join me in honoring Col. George P. Shamer II of the U.S. Air Force, an exemplary leader, and most importantly, and loving husband and father.

Colonel Shamer will be retiring July 23 after 24 years of outstanding service to the Air Force and our Nation. He will be retiring from his position as chief, Arms Control Division at the Pentagon. He was assigned to the Office of the Assistant Secretary of the Air Force (acquisition), Long Range Power Projection, Special Operation Forces, Airlift and Training Directorate in 1989.

Colonel Shamer was born July 8, 1947, in Long Beach, CA, and graduated from Porter-Guad School in Charleston, SC. He was awarded a bachelor of science degree and a second lieutenant commission from The Citadel in 1969.

Colonel Shamer is a command missileer with service as a combat crew member in the Minuteman I, II, III, and airborne launch control systems. He completed operational readiness training in the Minuteman I weapon system at Vandenberg Air Force Base, CA, in August 1969. He then served as an instructor to the missile combat crew in the Minuteman I and later the Minuteman III weapons systems at the 90th Strategic Missile Bombardment Wing (heavy), Ellsworth Air Force Base, SD, as an airborne battle staff operations controller in the 4th Airborne Command Control Squadron. In this position, he served as chief of the airborne battle staff on the West Auxiliary Airborne Command and performed as a squadron instructor/evaluator for Joint Chiefs of Staff and Strategic Air Command emergency action procedures. In 1981, while assigned to Headquarters, Strategic Air Command and the joint strategic target planning staff in the Missile Tactics Division he developed special ICBM employment plans and consolidated planning factors used to build the single integrated operational plan—the U.S. nuclear war plan. In 1984, Colonel Shamer was assigned to the 341st Strategic Missile Squadron, Malmstrom Air Force Base, MT. He served as the operations officer for the 12th Strategic Missile Squadron and as commander, 10th Strategic Missile Squadron. He was the first squadron commander to certify as combat ready at Malmstrom Air Force Base.

Mr. Speaker, it gives me great pleasure today to recognize Colonel Shamer before my colleagues and to wish him the very best in the future as he brings to a close a long and distinguished career. His exceptionally meritorious service in the performance of outstanding service to the U.S. Air Force and our country will be genuinely missed. I also salute his lovely wife Christina and his son John who have been by his side the whole way. This family has served our Nation well and I wish them God's blessing in the years ahead.

## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.**

**Meetings scheduled for Thursday, July 15, 1993, may be found in the Daily Digest of today's RECORD.**

## MEETINGS SCHEDULED

### JULY 16

9:30 a.m.

Select on Intelligence

**Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1994 for intelligence programs.**

SH-219

10:00 a.m.

Agriculture, Nutrition, and Forestry

**To hold hearings on the flood and disaster relief in the mid-west.**

SR-332

Environment and Public Works

**To hold hearings to review successes and failures of environmental regulation and to examine the need for new policies to achieve a sustainable future, including environmental and trade policies in a global economy.**

SD-406

Labor and Human Resources

**To hold hearings on the nomination of M. Joycelyn Elders, of Arkansas, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service, Department of Health and Human Services.**

SD-430

11:00 a.m.

Foreign Relations

**To hold hearings on the nomination of Robin Lynn Raphel, of Washington, to be Assistant Secretary of State for South Asian Affairs.**

SD-419

### JULY 19

2:00 p.m.

Armed Services

Defense Technology, Acquisition, and Industrial Base Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-222

Governmental Affairs

Oversight of Government Management Subcommittee

**To hold hearings on S. 885, to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff.**

SD-342

4:00 p.m.

Armed Services

Regional Defense and Contingency Forces Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-232A

### JULY 20

9:00 a.m.

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-222

10:00 a.m.

Commerce, Science, and Transportation

**To hold hearings on the nomination of David Russell Hinson, of Illinois, to be Administrator of the Federal Aviation Administration, Department of Transportation.**

SR-253

Foreign Relations

**To hold hearings on the nominations of Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Oriental Republic of Uruguay, James J. Blanchard, of Michigan, to be Ambassador to Canada, and Jeffrey Davidow, of Virginia, to be Ambassador to the Republic of Venezuela.**

SD-419

Judiciary

**To hold hearings on the nomination of Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.**

SH-216

11:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-232A

2:30 p.m.

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-222

3:00 p.m.

Small Business

**To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Small Business Administration.**

SR-428A

4:30 p.m.

Armed Services

Military Readiness and Defense Infrastructure Subcommittee

**Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-232A

### JULY 21

9:00 a.m.

Armed Services

**Business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-222

Labor and Human Resources

**Business meeting, to consider pending calendar business.**

SD-430

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

**To hold hearings on proposed legislation to authorize funds for programs of the Hazardous Materials Transportation Act.**

SR-253

Energy and Natural Resources

**Business meeting, to consider pending calendar business.**

SD-366

Small Business

Rural Economy and Family Farming Subcommittee

**To hold hearings to examine the Federal role in rural economic development.**

SR-428A

10:00 a.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

**To hold hearings to examine U.S. policy toward Vietnam.**

SD-419

Labor and Human Resources

**To hold hearings on S. 1040, to improve the United States education system to help Americans become more technologically literate and internationally competitive, and S. 1190, to establish an America Cares program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, and to provide technical assistance and public information.**

SD-430

2:00 p.m.

Armed Services

**Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.**

SR-222

Foreign Relations

**To hold hearings on the nominations of Alan H. Flanigan, of Virginia, to be Ambassador to the Republic of El Salvador, and John F. Maisto, of Pennsylvania, to be Ambassador to the Republic of Nicaragua.**

SD-419

Commission on Security and Cooperation in Europe

**To hold hearings to examine the potential for the Yugoslav conflict to spread to other parts of the Balkans, and the effectiveness of U.S. and international efforts to keep the conflict from spreading.**

SD-628

JULY 22

9:00 a.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on U.S. agricultural trade with Mexico.

SR-253

2:00 p.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, and S. 471, to establish a new area study process for proposed additions to the National Park System.

SD-366

JULY 23

9:00 a.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

2:00 p.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

JULY 27

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine the General Services Administration's management of Federal property.

SD-342

10:00 a.m.

Veterans' Affairs

To hold hearings to review the report of the National Academy of Sciences' Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides.

SD-G50

JULY 28

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

JULY 29

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the Department of Energy's efforts to cleanup its nuclear weapons complex, focusing on the scope and cost of the cleanup program, the technological and managerial problems it faces, the standards governing the cleanup effort, and how priorities are set among competing cleanup projects.

SD-366

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 150, to provide for assistance in the preservation of Taliesin in the State of Wisconsin, S. 278, to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, S. 492 and H.R. 240, to provide for the protection of the Bodie Bowl area of the State of California, and S. 845, to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri.

SD-366

JULY 30

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine Federal government contracting procedures.

SD-342

AUGUST 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 318, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and S. 727, to establish a California Ocean Protection Zone.

SD-366

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the Veterans Administration mental health programs.

SR-418

# SENATE—*Thursday, July 15, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Blessed is the nation whose God is the Lord* * * *.—Psalm 33:12.

Almighty God, we have come a long way since our birth as a Republic. But we have wandered somehow. Our Founding Fathers held freedom of religion as fundamental. We have translated their deep conviction into freedom from religion.

We have become technological giants, and spiritual and moral dwarfs. We are sophisticated in scientific progress, primitive in spiritual development. We are knowledgeable in the ways of the world, and ignorant in the ways of God. We live as though man is the center of the universe, and God is a peripheral invention of pious enthusiasts. We are abundantly rich in material resources, and abysmally poor in spiritual and moral capital.

Dear God, help us get our act together before it is too late.

In the name of Him Who is the Way, the Truth, and the Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 15, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from South Dakota [Mr. DASCHLE] is recognized.

Mr. DASCHLE. I thank the Chair.

## PRIVILEGES OF THE FLOOR

Mr. DASCHLE. Mr. President, I ask unanimous consent that Peter Hanson and Richard Hess of my staff be accorded the privileges of the floor during morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE FLOODING IN THE MIDWEST

Mr. DASCHLE. Mr. President, many of us who represent States in the Midwest have felt the need over the last couple of days to report to the Senate on the current situation involving the devastation from the historic floods throughout many of our States. I want to describe the crisis.

I would like to commend the administration thus far for their work, and I would like to urge that we respond as immediately as we possibly can.

Put simply, the devastation is as vast as anything I have seen in South Dakota during my time in public life. The land has been inundated with water as far as the eye can see.

The best land, in fact, the most productive land that we have within our borders, in many cases has been lost for the foreseeable future. Farms have been abandoned and homes have been destroyed. And the rain continues.

The weather forecast for today is for more rain over the entire State of South Dakota and the Upper Midwest. Farmers, businessmen, and families have all been affected by this disaster. In some cases, they now have no income. In some cases, they have experienced severe damage to land, buildings, and their equipment. In some cases, they are distraught and demoralized.

I see their concern. You can fully appreciate the depth of that concern as you see the deep lines in their faces as they peer out over that destruction, as they look at the destruction to their buildings, their offices, and their homes, and as they realize the magnitude of their lost income and look at their children with little hope and little expectation that life can be normal any time in the foreseeable future. These people are looking for answers.

In a normal year, grains in our State are planted by May 1. This year, only one-third of the grain was planted by that date.

Furthermore, crop insurance provides us with a catch-22, Mr. President. You are not entitled to crop insurance benefits if you have not planted. But, in many cases, because of the rain, farmers have not been able to plant, thereby making themselves ineligible for any assistance provided through the crop insurance program.

In a normal year 2.7 million acres of corn are planted in South Dakota. This year, almost 1 million of those corn acres were too wet to plant or flooded. Normally, South Dakota plants 1.9 million acres of soybeans. This year, 1.2 million of those soybean acres were too wet to plant or flooded.

South Dakota, we are told, is one of the hardest hit, with damage estimates in excess of one-half billion dollars for prevented planting alone. However, the problem is now growing worse in South Dakota, and those areas, which were able to plant, are likely to have a crop failure. The reality of this is that farm income will plummet.

I get hundreds of letters from constituents from across our State who have been relegated to describing the situation and asking in humiliating ways for whatever assistance we can provide. Farmers who have survived everything else are not sure they are going to survive this. They are urging that we act quickly; farmers with heartfelt expression of deep concern about where they go from here.

Vera and Richard Perry are farmers like that. They recently wrote an urgent letter and this is what they had to say:

> We have never previously requested Federal assistance for any of our farm problems. But now, we have no choice. We need your help, and we need you to bring it to the attention of President Clinton, Secretary Espy, the U.S. Senate, and the U.S. Department of Agriculture.
>
> The never-ending rainfall and now the flooding by the Vermillion River in Turner County have prevented us from planting soybeans or corn and destroyed the planted crops over much of our 1,137 acres of farmland.
>
> Please understand that we are not newcomers. Our parents and our grandparents have weathered previous floods and drought for some 100 years. But this flooding has created far more damage. It is too late in the

> growing season to take advantage of any of the ASCS identified procedures designed to assist disaster stricken producers. We need help to pay taxes, the cost of seed, herbicides, fuel, fertilizers and so forth, for which there will be no more than minimal income.
>
> Thank you in advance for your effort to make every assurance that we will receive some understanding of the problems we face. We do not need low interest loans which simply add to our debt.

That, above all, is what farmers tell me, Mr. President. They need real help, not more debt, not more loans, not more of the same of that which they have received from the Government for too long.

I compliment the administration thus far on the work and the clear understanding that they have shown for the consequences of the problems that these people face. The President and the Vice President have now been out several times. The President cut short his short vacation in Hawaii to go back again. Secretary Espy, over the last 2 weeks, has now visited the area four times. They have seen the devastation, the flooded fields, the homes destroyed, and the towns washed away. They have that clear understanding.

I commend the Federal Emergency Management Administration as well. For so long they have been criticized, understandably, for the lack of response and the difficulties that they have experienced in attempting to address disasters in the past. Thus far, I think they have done a remarkable job in responding to this one.

I am encouraged by the administration's response overall. No administration to my memory has been more responsive. We need now to assess whether the administration's proposal is adequate, given the changing circumstances. The President himself just this morning has indicated that we may need to do more. We will be meeting with him this afternoon to talk about just that fact.

We do not know exactly what we need. There are things we do know we need. We need to accurately assess the damage. We need to determine the eligibility of those who may need assistance immediately. We need to direct that assistance as soon as humanly possible. I hope in the process we can simplify the means by which we determine the amount of assistance for which disaster sufferers would be eligible.

I do not object to using the same standard as in past disasters, but we must learn from the mistakes of past disasters. And one mistake is the complicated process by which disaster victims are asked to calculate their payments. That must be changed, and we must change it this time.

In summary, let me say this. Let no one minimize the situation. It is extremely grave and it is getting worse. The administration has shown clearly that they understand, and they are prepared to help. Now let us here in the Congress act, and let us act soon.

Mr. President, I yield such time as he may require to the distinguished Senator from South Dakota [Mr. PRESSLER].

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] is recognized.

## THE FLOODS IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, I thank my colleague and commend him on his remarks.

If there were a quiz show and the question was asked, "Which State is hardest hit by the floods?" What would the answer be? Would it be Illinois or Iowa, where the President has visited? Would it be Minnesota or Missouri, where the Vice President has visited? The fact is, the hardest hit, according to an economist at the Federal Reserve Bank in Minneapolis, is going to be South Dakota, in terms of total impact, because of the economic impact agriculture has in South Dakota, and because of the nature of the losses in eastern South Dakota.

We do not hear much about that. Because we are not a population center, the national media has not focused as much on South Dakota. So my first point is, let us not forget about South Dakota in this whole process.

Second, we are all working together on a bipartisan basis for some disaster relief for the flood victims. Yesterday, the Governor of South Dakota was in my office and we met with FEMA and SBA officials and the rest of our congressional delegation. We will be working with the President of the United States on a bipartisan basis to do what we need to do.

When there is a hurricane in Florida or an earthquake in California, there is immediate assistance and there is a lot of attention. Just because an area is smaller or because there are fewer people in an area does not mean the disaster is any less to the taxpayers individually in that area.

South Dakota's numbers are staggering: 33 South Dakota counties have been declared disaster areas by Governor Miller. Assistance will be provided in 41 counties.

Mr. President, 12,580 South Dakota farmers have not been able to plant this year's crops or have flooded acres; 2,351,900 acres are affected—1,116,200 corn acres and 1,235,700 soybean acres.

Farm losses are expected to exceed $500 million and 1,465 personal homes have been damaged or destroyed. Personal property damage is likely to exceed $10 million. Hundred of miles of roads and numerous bridges need repairing. Total economic losses for South Dakota could exceed $1 billion. That is a lot of money. That is a lot of money in South Dakota. It is a lot of money anyplace, but especially so in South Dakota.

During yesterday's meeting, I learned from a high-level official of the Federal Emergency Management Agency that they would be recommending to President Clinton to declare areas of South Dakota as Presidential disaster areas. That announcement will immediately make available much needed assistance. This will bring hope to many South Dakotans.

Mr. President, we are just beginning to understand the magnitude of this disaster. We probably will not have full assessment until the water recedes and this year's harvest is finished. This disaster has impacted every farmer, rancher, and business in South Dakota. We must carefully plan relief efforts. We must work on a bipartisan basis to get disaster assistance to areas devastated by the flood conditions. I am committed to this effort.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

## THE FLOODING IN MINNESOTA AND THE MIDWEST

Mr. WELLSTONE. Mr. President, I rise on the floor of the Senate today to make the plea to the President and to all Members of the House of Representatives and Senate, Democrats and Republicans alike, for support and assistance to the men, women, and children whose lives have been devastated by the recent flooding and torrential rains in the Midwest.

The President yesterday announced that he would request a minimum of $2.4 billion in disaster relief from Congress, and he himself said that was just a beginning figure. I have to say, I think that the President, Secretary of Agriculture Espy, and the Director of FEMA, Mr. James Lee Witt, are doing all that is humanly possible at the moment. A word about Mr. Witt and FEMA. I am very impressed at the responsiveness of Mr. Witt and FEMA. When you talk to the people in the communities that are struggling with this, they are very pleased. I want to say that on the floor of the Senate.

I do not rise on the floor of the Senate today to be critical. I do have some questions, however, some things that I am worried about.

Remember that above and beyond all of the public infrastructure—and FEMA has been very helpful there—in my State, we are talking about over a million unplanted acres. What acres are planted, when you look at the corn and soybeans, all too often are in terrible shape. We are also talking about maybe 1 billion dollars' worth of damage right now. Small businesses also figure into this equation. That is another one of my concerns.

But I also want to say to the President that when he spoke yesterday about what he had seen in Iowa, when he talked about the flooding in Des

Moines, the visibility of it, the pain of the people, I want to emphasize to President Clinton this afternoon—and I think he will be receptive to this because I think he deeply cares about what has happened to people—that in rural Minnesota, in the agricultural parts of our State, in southern Minnesota, the economic devastation and the pain is more hidden than what you see in a city like Des Moines. But it is no less real. It is no less real.

I was in Martin County in southwest Minnesota, in Fairmont, and visited with Keith and Sue Wilken on their farm. Keith Wilken was speaking to me. A group of farmers came out, and he said to me, "I am fine on the outside, but I am really hurting on the inside."

I could continue to try to translate these statistics into human terms, but I do not think I need to because I think the conscience of the Nation has been enjoined. I think people are genuinely horrified by what they have seen on the TV screen and I hope there will be a direct and a very strong response on the part of the President and on the part of the Senate and the House, on the part of Democrats and Republicans alike.

I have to say that I think this original request of $2.4 billion will not be the ceiling. I think the estimates are going to go up. And I am concerned about what might be the formula for the distribution of disaster relief to the farmers.

The usual formula, as I understand it, is that there is a coverage of an average yield of 65 percent of the farmer's land, the farmer being responsible for the other 35 percent. Then farmers are eligible for compensation for damages on 60 or 65 percent of the target price on damages, depending on whether or not they have crop insurance. Apparently, sometime in the early nineties, that formula for compensation was dropped down to 50 percent. So if it is 50 percent of the dollar on only 65 percent of the average yields of the acres of farm, then I am very worried that will not be enough to provide the kind of assistance that farmers and their families need to keep going on.

So I think we have our work cut out for us. I have been gratified at the response of my colleagues, because I do not know of one Senator whom I have talked to who has not directly felt this pain.

If there ever was a role for the Federal Government, it is to respond to people in this hour of dire need. I know that when we speak on the floor of the Senate, people sometimes think, "People are hurting, we have a disaster, and our Senators are giving speeches," but I do not think anybody here today is giving a speech for the sake of words. All of us care fiercely about this. If you have been out there with people, you feel the pain. You want to come through for people; you want to do well for people. That is why we are here in the U.S. Senate.

I really hope, in working with the President of the United States, that Democrats and Republicans alike will be able to come together and provide people with the kind of relief that will enable them to keep going in this difficult time.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

## THANKS TO THE PRESIDENT

Mr. GRASSLEY. Mr. President, I very much appreciate the comments that the good Senator from Minnesota just made about a problem that everybody in America is just beginning to understand. I thank him, and I know that he feels for his constituents as all Americans feel toward the problems of the people in the Midwest.

I also want to thank President Clinton for coming out to Iowa and particularly for saying that our response as a Government to the crisis in the Midwest is going to be on the same basis and with the same fairness and same equity as other U.S. natural disasters, particularly the recent Hurricane Andrew.

So, I thank the President for that standard he has set, and I think that the legislation he submitted yesterday is a start in meeting that goal. We all know, however, that the full extent of the damage will not be known until the fall harvest. It is hoped, for the good of our Nation, as well as the Treasury, there will not be any more damage. As the President noted, if we find out there is more damage and his current response proves to be inadequate, he will come back to suggest the appropriate additional measures. As is the case with every natural disaster, there will be those who question the need for any type of national response. For several decades, our Government has had a policy—maybe not a stated policy but at least an implicit policy—a policy of self-insurance. In the case of crops, we do have a crop insurance program, but not one that can anticipate all natural disasters. We do have a flood insurance program, but not one that can anticipate all the possible damage that can be done.

So above and beyond that, we have a policy of self-insurance, which is basically that we have some disaster programs that are on the books and have been on the books for a long time. We do not have to authorize programs for specific disasters, whether it is a hurricane, whether it is an earthquake, or whether it is a flood situation, both rural and urban. We have programs on the books that we do put some money in at the beginning of a fiscal year in the budget to finance some of these programs.

But when those disasters are greater than we anticipate at the beginning of the fiscal year, we just supplement that. We had been doing that in times of the sixties and seventies when the deficit was under control; and we do that in times when we might be borrowing money for the natural disasters. This year we are under the budget caps by $12 billion; hence, you could argue there is some leeway in the budget to take money for disasters.

But also we know our budget laws provide that when we are over those caps, that the emergency provisions of the budget agreement can be triggered and we can meet our responsibilities. It is not some ad hoc political decision that is made from time to time. It has evolved into a very good policy of self-insurance on the part of the American people toward natural disasters anywhere in our country. We might remind the American people sometimes for natural disasters even beyond the borders of America when we have tried to help people with earthquakes in Armenia and other places, Italy, et cetera, in past years.

Mr. President, by virtue of almost round-the-clock television coverage. I doubt there is a person in this body or even in this country who does not know about the recent problems in the upper Midwest, and particularly in my State of Iowa. We have all heard about the crippled water plan in Des Moines and the quarter million Iowans who will be without drinking water for at least 30 days; about our city of Davenport anxiously awaiting the Mississippi to crest; about the Saylorville and Red Rock Reservoirs which are filled to capacity, unable to stop the rising waters.

Iowans, I assure you, would prefer anonymity and dry weather over rising rivers and national attention. The images on TV, however, do not portray the despair now gripping the citizens of my State.

The statistics of the number of inches of rain, the thousands and thousands of acres flooded, do not convey the lost sense of hope many are now feeling. The pictures of barren fields awash in water where corn was chest high but a year ago, failed to capture the human suffering that will be caused by the flood. Beyond the statistics, the pictures, the sound bites are real people fighting for their survival.

For instance, a farmer contacted my office who is still digging out from the farm credit crisis of the 1980's. He speculates that the floods of 1993 will drive more farmers off the farm than last decade's credit crunch. At his most optimistic, he says he thinks he can survive. He refuses to speculate as to what may happen to him and his family under any other scenario.

Then there is a 70-year-old farmer in southeast Iowa who has had water standing in his field since March. He never got into his field once to plant a crop. His farm borders a tributary of the Mississippi. The Mississippi is over 60 miles from his farm. Because the Mississippi is so high, neither the local river nor his fields can drain. The irony is that levies built long ago to keep the water out now keep the water in. There will be nothing to harvest for him this fall.

Or I heard from the farmer who has been a loyal purchaser of crop insurance for the past several years, who has spent thousands and thousands of dollars on premiums over the years but stands to collect nothing on the acres that he was unable to plant.

I will not go into any detail about my own farming operation in Butler County; I do not think it is appropriate to discuss this on the floor. But my son, Robin, and I, who farm together, have felt all the frustrations, and experienced all the tribulations of farmers all over the Midwest. There is not a single field in which we have been able to go from one end to the other, or a single field that we have been able to get entirely planted. Our lot is not as bad as other farmers in Iowa and elsewhere. But this is the most unusual year that I have ever seen since I started farming in 1960.

I wish to yield the floor to my other colleagues who want to speak on this subject, but I have just one last thought. Like my colleagues, I could go on and on. The point is that the Nation should not—this Chamber should not—lose sight of the human side of this tragedy, of the farmers with loans and bills and other obligations; farmers with spouses and children, farmers with hopes and dreams. Though I sincerely appreciate the attention recently given to my State by President Clinton and Secretary Espy, and I appreciate the much needed sense of hope that their presence conveyed, I know the need is just as great in other parts of the upper Midwest. I pledge my efforts in a bipartisan manner to provide the assistance that our people so desperately need.

I yield the floor.

### ORDER OF PROCEDURE

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I ask unanimous consent that I might be permitted to yield to the Senator from Illinois and that I be recognized at the conclusion of his remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I wish to take 2 minutes, and I appreciate the kindness of my colleague from Wyoming.

## FLOOD DEVASTATION IN THE MIDWEST

Mr. SIMON. Mr. President, first, we have to understand the huge devastation my colleague, Senator GRASSLEY, has just described. Senator CAROL MOSELEY-BRAUN and I have visited in Illinois, and you have to see it to believe it. The devastation is just not the water coming in. After that water recedes—and I have been in flood territories before—then you have the stench, you have the silt, you have all the problems that go with that. The devastation is just unbelievable.

Second, there is a tremendous amount of cooperation from people. In Andalusia, IL, people living up on the hill, not threatened at all, are down there filling those sandbags, doing everything. The mayor of Quincy, IL, Charles Schultz, says they are using a parking lot from Quincy College to fill sandbags. He says, "I don't know where we are going to get the money to pay for all this, but we have to help people." And they are helping people 30, 40 miles away, as well as people in Quincy. So the cooperation has been terrific.

Finally, I would just add to my colleagues real candidly, I support the President's request for $2.5 billion. But we should not fool ourselves that that is going to be the end of the costs to the Federal Government on this because, for example, the President has $45 million in levees. Well, you could absorb that $45 million in Iowa real easily. We could do it very easily in Illinois, and I am sure the same would be true for other States. So there will be some additional long-term costs that we are going to have to face up to.

But I appreciate the help of my colleagues. I was pleased to help in South Carolina and Florida and Hawaii when they had problems, and I appreciate the offers of our colleagues to help when we have problems in the Midwest.

I thank my colleagues from Wyoming for his courtesy, and I hope I have not exceeded the 2 minutes.

Mr. WALLOP. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized under the previous order for a period not to exceed 10 minutes.

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## CONSOLIDATION OF FEDERAL GOVERNMENT POWER

Mr. WALLOP. Mr. President, last year I spoke about the growing tendency of the Federal Government to consolidate its power, especially over State natural resources, especially water, and the unfortunate willingness of the States to permit this consolidation.

I wish that I could report that the trend has been reversed, but so far as I can see, it is accelerating. The administration's proposals to date indicate that Washington thinks those of us living west of the 100th meridian are anachronisms fit only for museums and ancient history courses.

The administration has proposed a surcharge on water users in the West for deficit reduction. Note that they did not propose a general tax on all water users such as the many corps of engineers projects all across the Midwest and east coast, but only those in the West.

Congress has begun discussions on reauthorization of the Clean Water Act. Some proponents join the administration in trying to make the administrator of EPA the effective water master for the entire West. EPA clearly wants express authority to override traditional water law throughout the West and set minimum flow requirements, notwithstanding doctrines of prior appropriation or the limitations of interstate compacts.

As you may know, the clean water legislation introduced last year by the Senator from Montana defined "hydromorphic modifications" as a conventional pollutant, which would make it subject to abatement. "Hydromorphic modification" means any change in a stream—any dam, diversion, or irrigation ditch. Thus, the entire economy of the 17 Western States will be based on what the Federal Government will have determined to be a pollutant.

The ability of the Federal Government to intrude into the affairs of State and local government looms ever larger. A few weeks ago, the House subcommittee considering legislation concerning Yellowstone National Park adopted one of the more inane proposals which has yet been offered. As you know, this entire debate revolves around concern that the church universal and triumphant in Montana would develop a water right which might affect the geothermal features of Yellowstone National Park.

Despite the fact that the National Park Service already possesses ample authority to obtain injunctive or other relief to protect park resources and that no scientific nexus has been demonstrated, I understand the concern which motivates the legislation.

I am one who believes that if any uncertainty exists, we should be safe rather than sorry. The park should be protected against any risk, however small. Where I differ from the advocates of the legislation, is with regard to the appropriate remedy. The Constitution demands that, and I think property owners should be compensated when their property rights are taken by the Federal Government for a public purpose and that Congress should address a specific problem directly. The House seems to believe that regulation to extinction is the preferred alternative.

House Members also decided that the States of Wyoming, Idaho, and Montana need to enact comprehensive ground water laws which are to be approved by the Secretary of the Interior. Moreover, they want State authority over ground water suspended until the Secretary of the Interior has "found that the State has the necessary legal authority and qualified personnel for the regulation and management of regulated resources outside Yellowstone National Park consistent with the requirements of this act."

Apparently Governor Sullivan would have to submit the resume of the State engineer and all the employees of that office and the attorney general's office to Secretary Babbitt to see if we are wise enough to manage our own resources.

I am also concerned over the lack of balance in the appointments which the President has made. When Governor Babbitt came before the Senate Energy and Natural Resources Committee, I specifically questioned him as to who would be appointed to fill certain important positions in the Department. The committee was assured that we were going to see a Bruce Babbitt who would seek balance in his appointments. Frankly, I have not seen that balance.

Maybe George Frampton, John Leshy, and others will turn out to be honest brokers who seek to faithfully administer the laws. I hope so, but I am not encouraged so far. I am especially troubled by some of the appointments who I had believed would take a more moderate approach.

For example, I specifically asked the Secretary as well as Betsy Rieke during her confirmation hearings to be Assistant Secretary for Water and Science, as well as Dan Beard during his confirmation hearings to be Commissioner of the Bureau of Reclamation, whether they intended, as Secretary Babbitt had earlier stated, to open the sacred scrolls of the law of the river. I was assured that they did not have such an agenda.

Those assurances evaporated as soon as the oath of office was administered. Earlier this month, the Assistant Secretary gave a speech at the Natural Resources Center in Colorado and I want to quote several paragraphs:

> In addition to supporting promising efforts, the Department of the Interior should patiently leverage change at the local, State, regional, and Federal level, where there is undue resistance to change—where there is fear of giving up the certainty of what someone has today for the uncertainty of tomorrow.
>
> An example of a region where the Department must patiently leverage change is the Colorado River Basin, particularly the Lower Colorado Basin. The Colorado River, the river of controversy, has been locked up in the chains created by the law of the river, a complex body of law that purportedly only lawyers and other experts can decipher. That body of law makes basinwide planning for municipal growth, shortages, endangered species protection, cost effective salinity control, and the like extraordinarily difficult to achieve.
>
> It is time to figuratively melt those chains and to put on the table everyone's creative ideas for revamping the rules for managing the Colorado River.
>
> The process is already under way, but it is time to accelerate it. Just how we do that remains to be seen. But the Secretary is a committed advocate for comprehensive change, not piecemeal solutions that focus on just one aspect of the problem, such as banking water in Lake Mead or in Arizona's aquifers, or straightening out the central Arizona project's financial dilemma.
>
> The Federal Government must recognize that change threatens to rend the very fabric of certain long-established western ways of life—the only existence many loggers, miners, cattle growers, and farmers have known. Thus, where we can afford to do so, we need to provide transitional aid to those communities to reduce the pain of change.

I have to tell you that those words do not make me feel comfortable. The seven basin States already have the ability to sit down together and work out the water allocation problems facing us. Apparently that is not good enough for the Secretary. He wants to leverage us to do what he and his fellow bureaucrats want rather than what is good for our residents. The Secretary seems to be operating on the assumption that he alone knows what is good for the farmers, ranchers, miners, and those other anachronisms which he finds so distasteful.

So the Secretary will leverage the States, reallocate our heritage, and satisfy his particular breed of special interests. And when he has destroyed our economies, driven our people off their land, and eliminated our productive capacity, then we can all move to Los Angeles, or Phoenix, or wherever the Secretary decides our water will go and become wards of the Federal Government.

We can retain our loggers to wait tables in macrobiotic restaurants while our ranchers can run dude ranches. We will not need farmers since we can import all the food we need, and the Governor can go begging to the Federal Government for annual funds to provide for what is left of our population.

We do not need the Federal Government to leverage the States along the Colorado River. What we need is for the Federal Government to understand that it is the servant of the people, not the reverse. The upper basin of the Colorado River can market water into the lower basin if that is what the States want to do. The Colorado Ute Indians have full authority to market once Colorado agrees to lift its export ban.

Change will come as it always has. We do not need the Federal Government, whether it is the Secretary of the Interior or the Administrator of EPA, to decide to eliminate the certainty of Western water law and deference to State jurisdiction to create some peculiar form of anarchy solely to pander to their pet special interests.

I am not sanguine about what the next few years hold. I see ever increasing efforts to consolidate and enlarge power and control at the Federal level. I hope that the States will not give into Secretary Babbitt's leverage or blackmail. I hope that the environmental and user concerns of reclamation projects are resolved through honest efforts on all sides and not be drowned out and discarded because those efforts do not advance a particular Federal objective.

I hope that we will see some vestige on federalism emerge from this administration. I still have hope, but I suggest that while we not abandon all hope, the West had better start to circle the wagons.

I thank the Chair.

Ms. MOSELEY-BRAUN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

## FLOODING IN ILLINOIS

Ms. MOSELEY-BRAUN. Mr. President, last Monday, I joined Vice President AL GORE and FEMA Director James Witt on an inspection of the Mississippi River flood damage in the metro-east region of Illinois and Missouri, and in Jersey County, IL. In Grafton, IL, where the Illinois and Mississippi Rivers come together, we toured the flooded areas by helicopter and boat. I witnessed the impact of flooding on people who live and work along the river. The destruction is devastating. We saw homes, grain elevators, businesses, and acres of farmland under water.

You can imagine how shocking it is to see what was a grain elevator and all you can see is the tip of the very top of it not submerged under water. That is the kind of thing we saw on our tour of the river of damaged cities. Entire towns have been evacuated—residents have had to move in with relatives or wait out the water in temporary shelters.

People's lives have been thrown into shambles. I was told by the mayor of Grafton that this is the worst flooding this town has seen in 20 years.

In fact it is some of the worst flooding that the entire Midwest has ever seen. In Illinois alone: Twelve counties have already been declared Federal disaster areas—and several more counties will likely join that list; over 10,000 residents have been forced from their homes by flooding; there are 1.5 million acres of farmland under water; close to half a billion dollars in agriculture related losses are expected for the Midwest—this includes potential income from crops that cannot be harvested, as well as equipment and structure damage, and grain in storage that has spoiled because of the flood; eight levees have been broken by the floodwaters and several others are currently in a very precarious stage.

I would add that we just as recently as last night saw the levees at Quincy and at Hardin break. So we are continuing to see even greater damage since my visit 2 days ago.

Almost all commercial use of the Mississippi, as well as other rivers in the region, has come to a halt, and many freight shipments by railroad have been canceled or rerouted, causing severe delays in reaching manufacturing sites.

I might add that the barge industry has ground to an absolute standstill because of the condition of the Mississippi River.

But in the face of this devastation, I must share with you how inspiring it was to witness a fierce determination to overcome the odds by the people who are most affected by this flood. A cooperative spirit has arisen among people in these communities. I want to commend those who have heard the call for help and have responded so quickly. The coordinated response of the Federal, State, and local governments, in cooperation with social service agencies and volunteers, has been incredibly impressive. This tragedy has brought my State and the entire Midwest and the entire country together—neighbors are helping neighbors, and communities are assisting nearby communities.

People are helping each other through the tragedy of this flood. I have been told that volunteers from as far as 100 miles away have arrived to help those who have lost so much. Thousands of people are working hand in hand to deal with this crisis and to start rebuilding all that has been lost.

Mr. President, the people in communities like Grafton, IL, have lost almost everything. But they still have hope that once the river subsides, the help will continue. Local officials told me how impressed they have been with the Federal response to this tragedy. They have seen a commitment to expedite assistance quickly—without the bureaucratic redtape of the past. There is a feeling of human compassion they have never seen before.

This administration has expeditiously released information on programs that are available to help the Midwest recover from the effects of the recent severe storms, heavy rains, and flooding.

I would like to talk about that assistance because I think there is a sense by some of the people I have talked to that they really do not know what is out there, what is available to help them.

This assistance includes: Rental payments for temporary housing; grants for making repairs to homes; grants to individuals to help meet disaster related needs not covered by other Federal programs; unemployment payments for workers who have temporarily lost jobs due to this disaster; low-interest loans to cover uninsured private and business property losses; small business loans that have suffered from disaster-related problems; and loans for farmers to cover production and property losses.

Mr. President, just as those along the Mississippi, as well as northern Illinois and other parts of the Midwest have come together, I call on the Members of this body and the entire country to come together, to hear the call of those who now suffer from this disaster. We must provide the assistance needed to help the recovery begin.

Farmers in flood stricken areas need our help now. A number of proposals will come before this administration and Congress to modify existing agriculture programs or create new initiatives. I would like to expand on two examples of relief we can provide:

First, we must provide for funding flexibility in the agriculture portion of disaster support. Without a final estimate on the cost of this disaster, any bill that comes before Congress should allow for additional spending, if necessary.

Second, we must extend the maturity date of the Commodity Credit Corporation loans. Many producers of 1992 grain are faced with loan maturities in the mid to late summer. Because of serious transportation problems in the Midwest, farmers will be unable to sell their grains to pay off the loans. This extension will provide the time they need in order for the water and rail transportation that work to return to full operation.

Finally, Mr. President, yesterday President Clinton called on Congress to consider emergency funding for many of the programs I have mentioned, and for other critical disaster assistance programs. Just as the flood victims have joined efforts, I hope my colleagues will hear the call for assistance. We must come together to provide the financial help that the flood-ravaged communities so desperately need to cope with the floodwaters now, and to recover from this disaster once the floodwaters have receded.

President Clinton asked for $2.5 billion. We are hearing estimates now in the area of $5 billion. It may even be higher than that. We will not know until the floodwaters have finally receded and we can get an accurate assessment of the magnitude of this problem.

I can tell you that from my tour of the area, the devastation is horrifying. But the spirit is inspiring, and the people have come together. It is now incumbent upon us in this body, in this Congress, to come together to support our President, to support his efforts, and the administration's efforts to provide real and meaningful relief to the people who are so brave in the face of this terrible tragedy.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington [Mr. GORTON] has reserved 10 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1232 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## VISIT TO SHELDON NATIONAL WILDLIFE REFUGE

Mr. REID. Mr. President, we hear so much about what Government does that is not right. I think it is important, on occasion, to talk about what Government does that is right. We hear about so often how much money is wasted in Government. It is important, occasionally, to talk about how money is not wasted in Government.

### THE AREA

I, this past Friday, saw Government at its best in the most remote part of the United States in the lower 48 States. The most sparsely populated parts of the United States I traveled through, with the exception of Florida, this past Friday.

Mr. President, I visited this unique place in Nevada. And while visiting, I had the opportunity to see some of the most beautiful land anyplace in the United States, or perhaps in the world, in the most sparsely populated parts of the lower 48. And I also saw one of the finest examples of public land management anywhere in the United States.

I speak, Mr. President, of something referred to as the Sheldon National Wildlife Refuge. This refuge is located in a remote area of far northwestern Nevada near the California-Oregon borders.

I was born and raised in the State of Nevada, and to indicate how large some of the Western States are, I indicate that my place of birth in the southern part of the State of Nevada is some 700 miles from where I visited on Friday.

This wild and beautiful country covers over 575,000 acres of high desert habitat as a representative area for native plants and wildlife. In addition to natural habitat, the area covers historic mining sites and many sites of archeological significance. Its remote setting, scenic vistas, rugged landscape, and unique ecosystem represent what is best and most worthy of conservation, not only in the Western part of the United States, but all over the United States.

### GEOLOGY OF THE REGION

Perhaps 20 million years ago, this area was covered with pine forests and grasslands. The climate was milder then, with more than 50 inches of rainfall annually. Camels, saber-toothed cats, ancient antelope, and three-toed horses roamed the land. But the area and climate changed. Volcanoes erupted and mountains were thrust up along fault lines. You can still see enormous lakes that covered the great basin, and glaciers and erosion have left their mark on the land.

### EVOLUTION OF THE NEED FOR CONSERVATION

Archeological evidence places humans living in this region perhaps 10,000 years ago along the shores of the now extinct basin lakes left behind by the last major ice age. And 1,500 years ago, the Northern Paiute and Shoshone Indians were hunters and gatherers in this region.

The original nonnative use of this area was for trapping. We do not know what famous trappers came through the area—Jedediah Smith, maybe. But this area has been used for ranching, and ultimately for Fort McGarry, established as a cavalry outpost in 1866. The harsh environment and remote location made this area unsuitable for most of the economic enterprises of man.

The few human activities soon took their toll completely on this fragile area. Range deterioration resulted from excessive use, which can still be seen, Mr. President, with the wall-to-wall sagebrush, which is not native, growing in in that fashion. This deterioration resulted from excessive use until both the ranching industry and the native wildlife and plantlife were in danger. Native wildlife had been exploited for food and was unable to compete with domestic livestock for depleted rangeland.

California bighorn sheep totally disappeared; the mule deer population declined drastically; antelope numbers fell to almost nonexistence; sage grouse and other native birds became rare.

In particular, the antelope population's decline in the late 1800's and early 1900's began to concern both residents and conservation groups. It was occurring the early part of this century.

### HISTORY OF THE REFUGE

There were many people who felt that antelope were going to become extinct in just a few years. It was because of this that a club called the Boone and Crockett Club sought land in this area and, in fact, purchased the first tract of land in 1918. They did this through raising money through their own organization.

They worked thereafter with the Audubon Society. And in 1931, through a donation from the Boone and Crockett Club, approximately 40,000 acres were given to the Federal Government for creating an antelope refuge to preserve and to stop the antelope from becoming extinct. It was just 5 years later that President Franklin Roosevelt created Sheldon Antelope Refuge and added thereto about 500,000 acres.

These areas were combined in one administrative unit. The grazing was regulated by the BLM, and the rest of it by the National Fish and Wildlife Service.

### CURRENT USES

Current uses that have transpired in this almost 60 years, in this harsh environment and sometimes extreme conditions, have shown that there are some really nice amenities that can be available for public use—campsites; motor bike and all-terrain vehicle roads; horseback riding; fishing; boating and rafting; and hunting, in a restrictive fashion.

To show how extreme and harsh these conditions are, I would ask, Mr. President, that you fix your mind's eye on the experiences that took place this past winter when a young man and his wife, with a baby, in an effort to get to the funeral of one of the grandparents in a snowstorm, not being used to the West, decided to take a shortcut because the main freeway was stopped. They went through the refuge and were stopped in the snow on a dirt road, where they waited in their car for 5 or 6 days. After becoming desperate, as you might recall, the man started a heroic walk to safety. He walked over 50 miles in blizzards through the Sheldon Antelope Range and miraculously was saved.

I talked to the men from the Bureau of Land Management and the National Fish and Wildlife Service that were there and helped rescue the woman and the baby. But you have to be there to understand how remote this is.

These people were there 8 days and never saw another human being, and it was fortunate that they were saved. There is going to be a movie made of the husband's heroic efforts to save his wife and baby, and also to show the heroism of this young mother and her baby.

Well, this area, we have established, is remote.

### WETLANDS AND WILDLIFE

Wetlands and wildlife are of critical importance to humans, and of most importance to wildlife in this high desert environment. The very limited amount of riparian habitat that exists provides food sources and cover for over 80 percent of the species found on the refuge.

Over 270 wildlife species make use of this remote part of the United States, including 10 species of waterfowl, sage grouse, pronghorn antelope, bighorn sheep, wild horses and burros, 15 species of reptiles and amphibians, mule deer, and many others.

As I left, driving 80 miles on a dirt road to another remote part of the State of Nevada, Mr. President, I saw, 40 miles into my exit from the antelope range and 40 miles into the antelope range, a huge buck antelope. These antelope, which at one time were becoming extinct, now number, in the United States, almost 2 million. And the reason, of course—one of the reasons—is we have done things like this national refuge in a remote part of the United States, located in Nevada. As I left, I saw this huge buck proudly, even arrogantly, Mr. President, gazing upon me, a visitor to his home.

### RESTORATION ACTIVITIES

My visit to this remarkable area impressed upon me deeply the trust by which we hold the remaining wild areas of this country that are our legacy from us to our children and all future generations. There are our lands. It is in our hands as to whether that legacy is tarnished and depleted, or whether it is a lasting tribute to our vision of the future.

This is a great area, Mr. President. It is a microcosm of the environmental future we leave successive generations, and this future can only be guaranteed by the aggressive actions of this body regarding restoration and preservation of areas like Sheldon.

The riparian zones on the refuge are only at 10 to 15 percent of potential at this time. Upland areas are at about 50 percent of potential. We have the unique opportunity to increase these potentials through the restoration of 75 miles of creeks and streams, and through the preservation of our wild antelope herds, which have recently increased significantly in this area of the Western United States.

Mr. President, we, the Federal Government, have done a good job in preserving this unique and beautiful part of our public lands. We can do better in the future, and I encourage my colleagues to assist in these efforts.

The PRESIDING OFFICER (Mr. DORGAN). The time of the Senator has expired.

The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I thank the Chair.

## UPDATE ON MIDWEST FLOODING

Mr. BOND. Mr. President, I wanted to update my colleagues and those who are interested in the flooding situation in the Midwest on the condition. Having received reports today, unfortunately, I cannot tell you they are getting any better. In fact, they are getting worse.

Last night in northwest Missouri, which has already largely been declared a disaster area, 4½ inches of rain fell. In the town of Trenton, MO, which is not even a county declared a disaster area yet, a 30-foot earth dam holding back a very small river has been topped. There is a highway bridge across the Missouri, the 159, that is in danger of being washed out.

Volunteers, National Guardsmen, and prisoners from the corrections institution are working sandbagging the major highways going into Jefferson City, our capital city, to attempt to keep the roads open into the capital.

On the eastern edge of the State, a brand new lake, the Mark Twain Lake and the Clarence Cannon Dam has reached the point where it can take no more water and it is going to have to start discharging water, which will run very quickly down the South Fork River into the Mississippi, which is already flooded.

We are looking at flood crests which a couple of days ago were supposed to hit on Friday in the central part of the State and Sunday in St. Louis and a little later down the river. But with the continued rain, the heavy downpours, and no place for the rivers to go, we do not yet know how high the crests will be or how long they will last.

There is a growing problem with levees which have been water soaked. There is not a levee left along the Grand River in north Missouri.

Much of our best farmland is flooded out. Almost 2 million acres have either been damaged or flooded out. Twenty percent of our corn crop, 20 percent of our soybean crop, and 15 percent of our wheat crop is gone.

Unfortunately, no end is in sight. The Governor of Missouri has called out a record number of guardsmen; 1,600 National Guardsmen have been called out. That is a record, I know, because I had the previous high when I called out 1,200 guardsmen to deal with the 1973 floods.

Yesterday, I was advised by the Federal Emergency Management Agency coordinator for Missouri that all Federal resources are being coordinated from the Department of Defense to the Department of Transportation, to the Public Health Service. These resources are going to be needed. We are going to be facing public health problems because water sewage treatment plants all along these rivers have been wiped out and, as a result, there is no treatment for the sewage. We are going to have tremendous cleanup problems.

We were gratified yesterday and extremely grateful that the President sent up a request for $2.48 billion for relief. Unfortunately, as the letter said from the Office of Management and Budget, that is for relief along the Mississippi River. Well, there is real devastation along the Mississippi River but, as I pointed out before, we have problems along the Missouri, the Osage, the Grand, the 102, the Black Water, and the rivers whose names I have a hard time recalling and certainly you have not heard of.

But we appreciate very much the prompt response of the President. I hope that he will be able to visit our State in the near future.

The people who have been displaced from their homes have an amazing strength, valor and vitality. The sandbaggers are exhausted. We are straining resources to the limit all throughout the State. And, as I said earlier, the rains keep coming.

This morning, I was contacted by a local radio station, WMZQ. They wanted to know how they could help. This is most gratifying, Mr. President, because we have seen volunteers from other communities coming out to help on the sandbagging. And they are very tough, dirty jobs that have to be done, with people all over this country who are asking how they can help.

Obviously, we have to have emergency relief for Missouri and the Midwest like we did for south Florida. For those individuals who want to help, I suggest the best thing they can do is to provide assistance to the disaster relief efforts of the Red Cross and the Salvation Army.

I have had the responsibility for many years to visit disaster sites in my State, and I know that the first people there, in addition to the Federal and State officials are the Red Cross and the Salvation Army. They are being overwhelmed with the costs and expenses to sustain the volunteers and the staff people who are working in our State, Iowa, Illinois, and elsewhere. Someone who really wants to help could do no better than provide assistance to those agencies.

If you are able bodied and you like to sandbag, we have lots of places where healthy, young people can get some great exercise and do a lot of good. Yesterday, the General Services Administration made $7 million worth of sandbags available. Unfortunately, we are going to use all of those.

Mr. President, I express my thanks again, on behalf of the people of my State, for the tremendous concern and the tremendous outpouring of assistance and the desire to help.

I also thank my colleagues for their interest and their willingness to act quickly on a very, very important relief package that the President has presented to us. It will be larger than $2.48 billion, I regret to say. How large, we do not yet know. The crests will be coming at the end of this week and early in the next, and we will report later.

I appreciate the time and the interest. I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might use 7 minutes of the time allotted to my colleague from South Dakota, Senator DASCHLE, to speak on the flood.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 7 minutes.

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## THE DISASTER IN THE HEARTLAND

Mr. DURENBERGER. Mr. President, I rise to join in expressing the concerns of my colleagues from the Upper Midwest for the consequences of the natural disaster that has befallen our constituents.

I would also like to begin by thanking my colleague from South Dakota, Senator DASCHLE, for arranging special time for all of us this morning.

I thank the Secretary of Agriculture for coming to Minnesota, South Dakota, and Iowa very early on, so that he could express personally to President Clinton the anguish that those of us in the upper part of the Midwest were experiencing several weeks ago and continue to experience.

And, finally, I thank President Clinton. A group of Senators are going to meet with the President this afternoon, and we can personally express our appreciation to him for his personal concern and his commitment to helping the flood-stricken victims in the Midwest.

Mr. President, as you and others in this Chamber know, when a disaster visits the heartland of America, it is different from a lot of other so-called natural disasters, because in the heart of this country—and I think the President knows this as well as most people would because he has lived as close to the Mississippi River as most Presidents we have had lately—the food and fiber which sustains this Nation is produced. People all over the world depend on North Dakotans and Minnesotans and Nebraskans and South Dakotans for their food. Though we are few in number compared to all the rest of the people in the country and certainly all of the rest of the people in the world, there are an awful lot of folks in the world that cannot do without us.

So when we are devastated, it is different. It is really like taking the heart of the economy of this country. It is much more than the pictures of the flood. It really is the pictures of the anguish on the part of the people and the realities that if you do not have a crop, no matter what the price is, you do not eat and you cannot feed.

The second issue that relates to the heart that I would like to speak about this morning is the heart of the country. I talked to our colleague, CHUCK GRASSLEY, who has spent a lot of time visiting with people. He said people's spirits are up. Nobody is talking about when the Government is going to deliver the check and things like that.

There is a heart out there in the heartland that right now is doing the sandbagging and replacing the water supplies. There is a heart represented by farmers helping farmers, and people helping people that is unique in this country.

When we finish the matter before us—the Hatch Act—we are going to be moving to the President's recommendations for national and community service.

I am going to suggest to the President this afternoon that he try to combine a part of this into the Midwest disaster assistance. There are elements of the National Community Service Act that he has proposed that are applicable to the kinds of efforts that are being put in our communities right now to save them, such as volunteers, and voluntary organizations. There are a whole lot of people doing for others what they would expect these people to do for them under similar circumstances.

I cannot think of a better opportunity for the President to tie national and community service together than with this particular tragedy. And I hope that he finds a way to use some of the elements of his proposed act to help us through this disaster.

The third element of heart—and this is little more heart and mind—is whether or not we, as Americans, are going to take some responsibility for the $2 billion, $3 billion, $4 billion, $5 billion, $6 billion that we are going to reinvest in the heartland of America.

I went back and looked at the May 21, 1992, vote on the L.A. riot emergency supplemental. I found the vote was 61 to 36 to spend $1.94 billion in new budget authority; $494.7 million to be directed to Los Angeles to repair damage for rioting, to Chicago to repair damage from flooding, all this kind of thing. There was urban terrorism in one case and urban neglect in another and we decided to spend $1.94 billion without asking any American to pay for it. In effect, we sent the bill on to another generation.

A couple of months later, after Hurricane Andrew and Hurricane Iniki in Hawaii, this body voted 84 to 10 to send $1.2 billion in direct aid to Hawaii, and we agreed to spend $10.538 billion in disaster aid and loans for Florida, Louisiana, Guam, and Hawaii. Not a penny of this was paid for by a living person in the United States. Instead we sent the bill to our grandchildren. Our hearts went out to the people in Hawaii and Florida and places like that, but not our money. Nobody had to worry about any of this because our children and their children would pay for this at some point in time in the future.

This is hard for me to stand up here and say. All my people need help—Minnesotans need a part of this $1 billion, $2 billion, $3 billion, $4 billion. But the people of this country are going to benefit from that reinvestment in South Dakota and Nebraska and in Minnesota. And I think the people of this country need to find a way to participate.

I have one final point, and I direct this to my colleague from South Dakota in particular because he has been so helpful. If in fact we were all participating today in the remedies, we would all be participating in the need to prevent this sort of thing from happening again. We have a Federal Crop Insurance Program that does not work. It may work in the South, but it sure does not work in the North.

In my State, in North Dakota, South Dakota, Nebraska the Federal Crop Insurance Program does not work. I have a farmer in Jackson County, MN, who has paid over $21,000 in premiums in the last 6 years for crop insurance. Even though he sustained a very major loss in 3 of those 6 years he has only gotten back $2,100. The system does not work.

Senator DASCHLE and I worked on our proposal for the first 6 months of 1992, came up with a plan that would be fair to everybody across the country so that farmers actually would want to invest in crop insurance. We presented it last year as the Federal Crop Insurance Fairness Act, reintroduced it with my colleague from South Dakota and others on March 9, 1993, as the Federal Crop Insurance Fairness Act. Our bill would reform the yield average, the late planting coverage, the preventive planting coverage, of the Federal Crop Insurance Corporation. It is supported by the national corn, soy bean, wheat, barley, and oat associations. If our farmers had the opportunity to invest in this kind of insurance program, and if the people of the country had encouraged the farmers of America and the politicians of America to invest in this kind of a program, a lot of this debate would not be necessary about whose dollars we are spending.

So, I just want my colleague from South Dakota in particular to know that I appreciate all his help in developing this and I will certainly look forward to the help he can be to all of us. Perhaps when this emergency supplemental comes along maybe we could even think in terms of an amendment that would incorporate provisions of the Federal Crop Insurance Fairness Act into this program, so at least a part of this program that comes down the line will be new policy that farmers can benefit from as they look ahead to 1994.

Mr. DASCHLE. Will the Senator yield?

Mr. DURENBERGER. I will be pleased to yield.

Mr. DASCHLE. Mr. President, I rise only to commend my colleague for his determination over the years to find ways in which to resolve this problem. As he has so well stated, we have a problem relating to taking responsibility each and every time one of these situations occurs. Again, as he indicated, we are passing on this responsibility to the next generation.

We, this generation, ought to take that responsibility and that is really one of the fundamental needs that I think we find in advocating this crop insurance reform.

But there is also a second, and that is the degree of certainty. Farmers like to be able to calculate just what happens under certain sets of circumstances. They cannot do that under the current set of circumstances. They do not know whether they are going to get a disaster payment, whether they are going to be ignored, whether there is going to be some kind of farm program that will adjust at some point in the future whatever problems they may be incurring. Crop insurance gives them a management tool, it gives them a degree of certainty in management that they do not have today, and that certainty is very, very important.

Third, as the Senator said, the inequity of the current system is just mind-boggling when you think about it. They are in a catch-22. They would like to take out crop insurance to cover their losses, but they are prevented from doing so. Because they are prevented from doing so, they have no coverage, no protection whatsoever, making crop insurance completely meaningless for a lot of these farmers this year.

So we have to enhance the tools more effectively; we have to give them more certainty; and we certainly have to take the responsibility. And that is what the Senator's bill does and that is why I am an enthusiastic supporter.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. I thank my colleague for his comments as well as for his lucid explanation of the problems. I say to my colleagues, be prepared to deal with this issue when the emergency supplemental comes along because we hope to make some positive contributions, not only to our constituents but to public policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of S. 534, and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 534

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Crop Insurance Fairness Act".

**SEC. 2. LEVELS OF COVERAGE IN EXCESS OF 75 PERCENT OF RECORDED OR APPRAISED AVERAGE YIELD.**

Subsection (a) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended to read as follows:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available, as determined by the Board, the Corporation may insure producers of agricultural commodities grown in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved.

"(2) CAUSES.—The insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board.

"(3) PERIOD.—

"(A) IN GENERAL.—Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field.

"(B) DEFINITION OF FIELD.—For purposes of subparagraph (A), in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(4) STANDARD YIELD COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), any insurance offered against loss in yield shall make available to producers protection against loss in yield that covers 75 percent of the recorded or appraised average yield of the commodity on the insured farm for a representative period.

"(B) ADJUSTMENTS.—Average yields established under subparagraph (A) shall be subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, that are subject to the same conditions, may be fair and just.

"(5) LESSER YIELD COVERAGE.—In addition, the Corporation shall make available to producers lesser levels of yield coverage, including a level of coverage at 50 percent of the recorded or appraised average yield, as adjusted.

"(6) ADJUSTED YIELDS.—In the case of any commodity for which the Agricultural Stabilization and Conservation Service has established for the farming unit involved an adjusted yield for the purposes of programs administered by the Service (or a yield for crop insurance purposes under this title), if the yield is greater than the recorded or the appraised yield, as established by the Corporation, of a commodity on the farming unit, insurance coverage may be provided to cover against the loss in yield of the commodity on the basis of the adjusted yield for the commodity established by the Service rather than the recorded or appraised yield as established by the Corporation.

"(7) ADDITIONAL PREMIUMS.—Additional insurance under this subsection shall be provided for an additional premium (for which no premium subsidy or administrative subsidy may be provided) set at such rate as the Board determines—

"(A) appropriate to reflect accurately the increased risk involved; and

"(B) actuarially sufficient to—

"(i) cover claims for losses on the insurance; and

"(ii) establish a reasonable reserve against unforeseen losses.

"(8) LEVELS OF COVERAGE IN EXCESS OF 75 PERCENT OF RECORDED OR APPRAISED AVERAGE YIELD.—The Corporation may make available to producers on a farm located in a growing area a level of coverage in excess of 75 percent of the recorded or appraised average yield, as adjusted, if the Corporation determines that normal variations in yield in the growing area have not resulted in the payment of claims for losses while the level of coverage is limited to 75 percent.

"(9) MAXIMUM LEVEL OF COVERAGE.—Except as provided in paragraphs (6) through (8), the Corporation may not make available to producers any level of coverage in excess of 75 percent of the recorded or appraised average yield, as adjusted.

"(10) PROJECTED MARKET PRICE OPTION.—One of the price elections offered shall approximate (but be not less than 90 percent of) the projected market price for the commodity involved, as determined by the Board.

"(11) UNINSURED LOSSES.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in areas and under circumstances where it is customary to so reseed; or

"(C) the failure of the producer to follow established good farming practices.

"(12) INSURANCE RISKS.—The Board may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk involved.

"(13) AGRICULTURAL INCOME IN COUNTIES.—Insurance shall not be provided on any agricultural commodity in any county in which the Board determines that the income from the commodity constitutes an unimportant part of the total agricultural income of the county, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program.

"(14) ANNUAL REPORTS.—The Corporation shall report annually to Congress the results of the operations of the Corporation as to each commodity insured.

"(15) PROJECT MARKET PRICE LEVEL.—Beginning with the 1992 crop year, the Corporation shall establish a price level for each commodity on which insurance is offered that shall not be less than the projected market price for the commodity, as determined by the Board.

"(16) PRICE ELECTION.—Insurance coverage shall be made available to a producer on the basis of any price election that equals or is less than that established by the Board. The coverage shall be quoted in terms of dollars per acre.".

**SEC. 3. LATE PLANTING COVERAGE.**

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

"(n) LATE PLANTING COVERAGE.—

"(1) IN GENERAL.—Producers on a farm entering into a crop insurance contract under this Act shall be offered late planting coverage that would permit planting after the final planting date for a commodity by up to 25 days for coverage under the contract.

"(2) REDUCTION OF COVERAGE.—If the producers on a farm purchase late planting coverage under paragraph (1), the yield guarantee shall be reduced by—

"(A) 1 percent per day for each of the 1st through 10th days planting is delayed beyond the normal final planting date;

"(B) 2 percent per day for each of the 11th through 25th days planting is delayed beyond the normal final planting date; and

"(C) such other amounts as can be demonstrated to offset the additional insurer risk of providing the coverage.

"(3) PRESUMPTION OF COVERAGE.—The producers on a farm shall have late planting coverage as part of a basic policy of insurance under this Act unless the producers notify the Corporation that the producers waive late planting coverage.

"(4) RAISES IN PREMIUMS.—If the Corporation determines that late planting coverage would raise premiums to such an extent as to discourage participation in the program established by this Act, the Corporation shall offer late planting as a separate endorsement.".

**SEC. 4. PREVENTED PLANTING COVERAGE.**

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 3 of this Act) is further amended by adding at the end the following new subsection:

"(o) PREVENTED PLANTING COVERAGE.—

"(1) IN GENERAL.—Producers on a farm entering into a crop insurance contract under this Act shall have prevented planting coverage as part of the basic policy of insurance under this Act.

"(2) COVERAGE.—If the producers on a farm are prevented from planting a crop of a covered commodity as the result of excess moisture, drought, or other natural disaster, the producers shall be eligible for coverage equal to 50 percent of the guaranteed level of coverage for the crop.

"(3) SUBSTITUTE CROP.—The producers on a farm shall have the option of planting a substitute crop, in lieu of an insured crop, as part of the basic policy of insurance under this Act. The value of the substitute crop shall offset the remaining guaranteed level of coverage for the insured crop.

"(4) PRESUMPTION OF COVERAGE.—The producers on a farm shall have prevented planting coverage as part of a basic policy of insurance made available under this Act unless the producers notify the Corporation that the producers waive prevented planting coverage.

"(5) RAISES IN PREMIUMS.—If the Corporation determines that prevented planting coverage would raise premiums to such an extent as to discourage participation in the program established by this Act, the Corporation shall offer prevented planting as a separate endorsement.".

**SEC. 5. ELIMINATION OF PENALTY FOR DE MINIMIS YIELDS.**

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 4 of this Act) is further amended by adding at the end the following new subsection:

"(p) DE MINIMIS YIELDS.—The Corporation shall, to the extent practicable, establish a procedure under which a producer of an insured crop that has suffered a disaster loss shall not have deducted from the indemnity payment attributable to the loss any amount for actual production of the crop if the estimated market value of the actual production is less than the cost to the producer of harvesting the production.".

**SEC. 6. YIELD AVERAGES.**

Section 508A(b) of the Federal Crop Insurance Act (7 U.S.C. 1508a(b)) is amended by adding at the end the following new paragraph:

"(4) YIELD AVERAGES.—

"(A) IN GENERAL.—Yield coverage under this section shall be based on the average of a producer's actual proven crop yields for a commodity over no less than 4 crop years and no more than 10 crop years, as determined under this paragraph.

"(B) ESTABLISHING A MINIMUM LEVEL OF INSURANCE PROTECTION.—The Corporation shall establish a minimum level of insurance protection for those covered producers who have had reduced yields due to natural disasters.

"(C) USE OF TRANSITIONAL OR ACTUAL YIELDS.—Transitional yield data may only be used to establish a yield for the producers on a farm to the extent the producers have not established actual production history for the first 4 crop years the producers operate the farm. After producers establish actual production history for the first 4 crop years the producers operate the farm, yield coverage under this section shall be based only on the actual production history for the commodity for the farm.

"(D) USE OF YIELDS FOR PREVIOUS CROP YEARS.—In the case of producers on a farm who operate a new parcel of land, for crop insurance purposes, the producers may elect to apply—

"(i) the previous yield history for the land, if the Corporation determines the yield data to be actuarially sound; or

"(ii) transitional yield data to the parcel of land.

"(E) NONSTANDARD CLASSIFICATION PROCEDURES.—The Corporation shall make adjustments in the Nonstandard Classification procedures established under subpart O of part 400 of chapter IV of subtitle B of title 7, Code of Federal Regulations, to account for producer yield declines due to recurrent natural disasters.

"(F) DEFINITION OF TRANSITIONAL YIELD.—For purposes of this paragraph, the term 'transitional yield' means the countywide average used by the Corporation to establish a yield for the producers on a farm if there are no actual production records available for the producers.".

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct. The Senator from Nebraska has an order this morning for 20 minutes and the Chair recognizes the Senator from Nebraska.

## HOMOSEXUALS IN THE U.S. ARMED FORCES

Mr. KERREY. Mr. President, I come to the floor this morning to discuss a decision the President is going to have to make in the next 24 hours, and that is whether to accept the recommendation made by the Secretary of Defense, Secretary Aspin, on the issue of homosexuals in the U.S. Armed Forces.

Let me say first of all I recognize, at least in Nebraska, that people say that the economy is more important, the deficit is more important, the flood that is going on right now and the disaster that is occurring around the flood, is more important.

I acknowledge that this issue is not very high on most people's charts. However, it is something that we must deal with. I have come to the floor today to talk a bit about this issue for the purpose of informing some of my colleagues as to what my own thoughts and feelings are, and perhaps providing a context within which others might make decisions.

The central question is whether or not a homosexual man or homosexual woman is going to be allowed to serve this country, yes or no. Will they be allowed, if they are qualified in all other respects, to wear the uniform of the United States of America in the Army, Air Force, Navy, Marine Corps, Coast Guard—will they be able to serve.

It is critical as we begin this consideration to ask ourselves what is it that our Armed Forces do? What is their role? Their role is to defend America. It is a much different role than ours here in Congress, a much different role than someone working for the Environmental Protection Agency or for the U.S. Department of Agriculture. Defense of the Nation has caused us to develop rather special considerations when we ask people whether or not they want to serve. We have very high standards, in short, Mr. President. And we ought not lower those standards under any circumstances, in my judgment, in order to satisfy some economic or social or sometimes even political consideration.

This is not a question of lowering standards. We have the Uniform Code of Military Justice in place to make sure that those who enter the Armed Forces understand that they are under a higher standard. Indeed, we have the Geneva Conventions, that the United States has led, which have the United States military saying that we are going to set a higher standard and an example for the world, in fact.

Our military serves much more than merely to defend us. Our military serves as an organization that has the highest standards in the world. In addition, no one should suffer under the illusion that personnel policies do not matter. They do matter. The personnel policies of our military have and will have an impact upon our capacity to carry out our mission.

They will determine whether or not we will be successful. They are not an irrelevant consideration. They are far more important, again, inside of the military than they are in any other organization.

But, Mr. President, one of the arguments that I hear people use very often is that if we allow homosexuals in the military, that it will have an adverse effect upon unit morale. My research on this issue has taught me something, in fact, that I did not know before; that is, for the approximately 217 years since we have been organizing a military in this country to defend us, in the first instance, to defend us and to gather our freedom, we have had not a policy based upon unit cohesion, but a policy based upon concerns for the individual.

All of us who lived in the sixties, all of us who have watched our military policy in the seventies and eighties understand that. We have heard people come to the floor of this body and say, we need special legislation to provide compensation for an individual who we consider to have been wronged. Oliver North, in this particular instance, is the individual who comes to my mind.

But all of us in our offices understand that we get requests from constituents who say, "We don't want our son or daughter to go to Desert Storm because they have a family consideration." Our policies have been individually centered.

Yes, it matters that we have unit cohesion. All of us who have been in the military understand that when we enter a particular unit, we take pride in that unit. But the policies have us training as individuals, and the policies have been individually centered.

Make no mistake about it. There is a great argument to be made to have personnel policies that emphasize unit cohesion, there is a great argument to be made that you ought to rotate as a unit, you ought to train as a unit, but if that is going to be our policy, Mr. President, all of us who hear from constituents who say they want individual exceptions made are going to have to say, no, we train as a unit, we have unit policy, you understand that, and we are going to have to abide by it.

I make no apology for my own personal experience in the military. It caused me to drift toward the military point of view on this issue. I could not and still have some difficulty trying to find out how someone who is homosexual serves in a U.S. Navy SEAL team, an organization I participated in over 20 years ago. It is difficult for me to figure that out.

From my own personal experience, as well as my experience with some of the extremists who are out there arguing that the policy ought to be changed, I tended to lock up and say, "Well, let the ban remain." I am prepared, as a matter of fact, to say some of the extremists in Act Up or Queer Nation ought to be permanently banned. If you want to have a stipulation that people who act in reprehensible and extreme fashion cannot meet the high standards of our military, I am prepared to accept that, in fact, Mr. President.

I was drifting, in short, toward accepting the ban, the sort of status quo, saying, "Well, this is a relatively minor problem, why do anything about it?" It is a minor problem. I suspect there are no more than a few thousand openly homosexual people in the State of Nebraska. That is the way it is with civil rights issues. That is the way it is when you have a single individual who says the Government is doing something bad to me. It is easy to say you are just one small businessman, why should I intervene? You are just one working family who had a Government say you cannot have health care, why should I intervene? Just one person, for gosh sakes. I put together coalitions when I run for office. What is a couple thousand people, for gosh sakes, people hardly in the mainstream today? This is not the sort of thing that wins you applause lines, Mr. President, obviously, and it was easy for me to drift and say, "Let the status quo go, I have other things on my plate."

Mr. President, General Schwarzkopf and Col. Fred Peck appeared before the Armed Services Committee not long ago. Colonel Peck did a remarkable thing. Colonel Peck presented to the American people in an unscripted presentation the fact that his own son was homosexual, which he had discovered a few days earlier. It was a very moving moment, Mr. President.

In the midst of that moment, Colonel Peck said, "I still want the ban in place. I still do not want my son to serve in the U.S. Marine Corps," a corps that he had served in for 27 years. But why did he not want his son to be in there? Was it unit cohesion? Was it the morale of the fighting forces of the U.S. Marine Corps? No, Mr. President. He said he was afraid for his son's life; that maybe he would be beaten up, maybe he would be hurt.

I must tell you, Mr. President, in that moment, I said, "Time out." It is time for the military to change. This is not a social experiment, that Scott Peck should feel safe in the Marine Corps. It is one thing to say you are concerned about the fighting spirit of our forces. It is quite another to say that somehow you are afraid that your son might not survive the organization.

I must tell you that I believe the capacity for tolerance inside our Armed Forces is much higher. I believe they have the ability to recognize that the quality that is most important to add to unit cohesion is reliability. When the bullets start, will the individual retreat, will they freeze up? Are they someone upon whom you can depend? Will they be there when you need them the most? Are they someone upon whom you can count when the chips are down? Will they lay down their life for you, if necessary? These are the values that are important.

I must tell you, Mr. President, I had no experience with homosexuality when I was in the SEAL team, but in my own examination of the issue, I realized that if I had the No. 1 soldier, the No. 1 operator in our unit who we all regarded as the best come to me today and say, "Senator, I'm homosexual," I would not conclude that he should be kicked out of SEAL team, that he should be kicked out of the Armed Forces. My own thinking is upside down, I must say, in all this arguing and fear that we have about tackling an issue that we know to be controversial.

Another concern I hear raised very often is there is a national security concern. The whole policy has sort of changed over the years. It started off in the 1940's, when homosexuality was regarded as a mental illness. In the fifties, it was a national security issue. And in the sixties, when I was drafted, I do not remember anybody asking me if I was gay at the time. If there was a ban in place, I was not aware of it. But there was a ban in place, as it turns out. It was just that the draft made it unnecessary to ask.

It would be interesting, in fact, to bring back the draft today for a couple of months. I suspect some supporters and opponents might switch sides on this debate, if the requirement was that everyone serve in our Armed Forces, without exception.

So the reason for the policy over the years has changed, but one of the things that remains to the present is this fear that somehow maybe national security is going to be compromised.

For my colleagues' consideration on this issue, if you are using that argument, I called up the Central Intelligence Agency and asked them: "What would you do if somebody who was openly homosexual applied for a top secret clearance?" They said that would not be a problem.

I said, "What would you do if they were not openly homosexual, but you knew it and a background investigation determined it?" That is a problem, Mr. President. Then they are at risk. What that says to us is that if we are going to keep a ban in place, and acknowledge people are going to remain in the closet, then we have a security risk problem with those who are in the closet today in the military.

Now I daresay, very few people are going to come down here and say that the military's policy ought to be to routinely screen and give polygraph tests from the top all the way down on an annual basis; certainly, we cannot trust the declaration made by an 18-year-old when they come in. If we are really concerned about national security, we ought to administer a polygraph test on an annual basis to determine whether or not someone has a homosexual desire.

I do not think anybody is going to propose that kind of personnel policy in the Armed Forces. I believe most of us would understand that that is a violation of civil rights; that that would, indeed, interrupt unit cohesion and unit morale.

Mr. President, if there are Members of this body concerned that the national security of this Nation is going to be jeopardized as a result of perhaps having people compromised as a result of their sexual orientation, we cannot afford to have a policy then that says that they cannot tell. Disclosure should be the order; otherwise, I think, at least according to the Central Intelligence Agency's assessment of when they would give top security clearances, we would indeed be at risk.

As I said at the beginning, I understand that this is not an issue that is high on anybody's list. But also I understand that rarely is the case. Some of the most important things that I have done in the over 4 years, going on 5 years that I have served the people of Nebraska have been instances where I responded to a letter or a call from someone who had suffered an injury. As an amputee myself, I am called upon from time to time to talk to people who have suffered injuries like that. Some of the most important things I have done is call somebody in the hospital or visit with them in the hospital and try to give them, not so much guidance, but some understanding that I care about them.

That is not an act based upon some desire to put together, as I said, a coalition. That does not show up on an opinion poll. It never does. We cannot afford to allow any of our personnel policies, whether it is in the Congress or in the military, to be guided by intolerant behavior, whether that intolerant behavior is religious or otherwise.

I believe it is time for the military to change its policies. I acknowledge that it is a traumatic change. I suspect that time will show it is not as traumatic as we, or at least some, are saying it is going to be. It is time for the military to change, and those Americans who want to serve their country, those Americans who say their sexual orientation is homosexual and want to serve their country, if they can satisfy all other requirements, if they meet all other standards, we should allow them to serve.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Was leader time reserved?

The PRESIDING OFFICER. Leadership time has been reserved.

## DELAYED RELEASE OF MIDSESSION BUDGET REVIEW

Mr. DOLE. Mr. President, there are reports that Leon Panetta, Director of the Office of Management and Budget, plans to delay release of the administration's required mid-session review of the budget. Apparently, the administration wants to wait for more accurate budget information—information that apparently will not be available until after Congress has dealt with the budget reconciliation bill.

Now, I have great respect for Leon Panetta, and I know he is doing his best to make terrible economic policy look good, but I am afraid that what we are seeing here is just another magic act from the White House. The administration's spin magicians know that the only way to make their massive tax increase look like something wonderful is to turn on the smoke machine, wave a magic wand, and convince you not to worry while they are busy sawing you in half.

Fortunately, Senator DOMENICI, the ranking Republican on the Senate Budget Committee, is blowing all the smoke away so that the American people can see what is really going on.

So here is the trick. The White House is planning a time out, a delay, a retreat, so it can hide the fact that the deficit has already fallen as much as $50 billion this year. That is a $50 billion reduction without any new taxes.

If that is true, we may still have time to convince enough Democrats in Congress that a record tax increase is the last thing the American people and the American economy need right now.

So let us look at some facts: First, long-term interest rates have remained low—thanks in large part to the policies of the Bush administration. Second, Senate Republicans were able to derail the President's original $16 billion spending stimulus proposal by insisting that new spending be paid for with cuts in other programs, instead of just charging it up to the deficit as the Clinton administration demanded.

A pared-down stimulus bill was adopted, but in the end, blocking the President's original deficit increase proposal will keep $11 billion from being added to this year's deficit.

Still, we are getting a lot of mixed signals about the economy and a lot of mixed signals from the White House. First, the President claimed credit for the economy's strong performance in the fourth quarter of 1992—before he even took the oath of office. The same White House that complained the recovery was jobless in February, took credit for creating 700,000 new jobs in April and May, and dismissed reports of job losses in June, now seems to be lowering expectations across the board.

For instance, we know from statements by Council of Economic Advisers Chairwoman Tyson and Secretary Bentsen that the White House plans to drop its official economic growth forecast for this year from a 3.1 percent to about 2.5 percent.

If expectations and forecasts are nosediving, the White House has more reason that ever to take another look at its economic plan—a tax-now, cut-spending-later plan that calls for anywhere from $245 to $275 billion in higher taxes during the next 5 years.

All this talk about taxes in Washington—for deficit reduction and later for health care has paralyzed the American economy, forcing investors, entrepreneurs, employers, and businessmen and women up and down main street to put off any plans to expand or hire new workers.

The mid-session review is legally due today. While there is no official penalty for delay, I agree with Senator DOMENICI, that Director Panetta and his magic consultant, David Gergen, should give the smoke machine a rest and rethink their strategy.

All Members of Congress—Democrats and Republicans—should demand that the administration provide us with the best possible information about the status of the budget and the health of the economy before we are asked to vote on the President's deficit reduction plan.

In fact, we are going to conference today. I think the first conference started this morning at 10 o'clock. We will be meeting in subconferences this afternoon at 2 o'clock, at least the one I am a member of, the so-called Ways and Means-Finance Committee conference, and we would like to have that information.

I would like to include in the RECORD at this point an editorial which appeared in this morning's Wall Street Journal entitled "The Dog Ate It." They are talking about the midsession review, what happened to it, why are we not being told what the efforts are. The President says we can have—in fact, he is quoted as saying the deficit may be $20 billion less because of lower interest rates. That is not what CEO says. They tell us if it is because of not as much spending in the bank bailout, Medicare, other programs. Revenues were up.

So it just seems to me, if people are concerned about the deficit, and if we do not need more taxes, we should not have more taxes. If the deficit is not as big as it was for whatever reason, and we eliminate $50 billion in taxes, it seems to me that will certainly be a step in the right direction.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 15, 1993]

### THE DOG ATE IT

John Maynard Keynes, probably the only dead white male popular in the Clinton inner circle, once said to somebody belaboring him about a flip-flop, "When the facts change, I change my mind. What do you do, sir?" (Apologies to the exact words.)

President Bill Clinton had no trouble changing his mind about offering a middle-class tax cut after he got a load of CBO's January deficit update. "I have to put everything back on the table," he said at the time. "The deficit is now about $50 billion bigger over five years than it was thought to be in August." Thus was the Clinton budget plan born, the table now a veritable groaning board of new tax increases.

Now, however, his own White House budget office, in a report that by law must be released today, is expected to reveal that the deficit will actually be $50 billion smaller than expected in this fiscal year alone.

So does Mr. Clinton change his mind again? Naaaah. The report is being shoved behind a file cabinet at OMB, in defiance of the law. The word around Washington this week has been that it'll stay there until the House-Senate conferees finish the Clinton budget. Why confuse these folks with data? If this subterfuge were Ronald Reagan's doing in 1986, David Obey would be calling for his impeachment.

Pete Domenici, a Republican and certified deficit hawk, suggested on the Senate floor yesterday that the Clintonites are afraid the good news will give wavering Democrats an excuse to jump ship. No doubt, but there's a deeper conundrum here for the Clintonites. OMB's projections are likely to show the deficit shrinking this year, when Mr. Clinton is doing nothing, then shooting up in the outyears, when his program is kicking in. Not exactly the best advertisement for a program that's supposed to slash the deficit. Somebody might catch on.

As if they haven't got enough clues already. Three major "deficit reduction" packages have been inflicted on the economy since 1983, and not a single one led to anything but upward revisions in later deficit calculations. It must finally be admitted that Congress does not enact higher taxes to curb the deficit but to increase spending. Mr. Clinton's turn on this treadmill won't turn out any differently.

Like Inspector Clouseau, the Clintonites are busy searching overseas for the culprit behind the economy's refusal to spin out the usual post-recession job growth. You can't pick up a newspaper these days without becoming instantly aware that the rain of taxes and mandates coming down from Washington is the real reason employers aren't hiring. The budget plan's soak-the-rich taxes will be murder on small business, investors and job creation.

And if Treasury didn't already suspect that these taxes won't yield much in revenues, the fruits of the 1990 budget deal are now in. Turns out that raising taxes on the "rich" actually prompted revenues to shrink for the first time in eight years. Collections from the "rich" went down, while collections from everybody else went up. Maybe OMB could pull out its report long enough to notice one reason why this year's deficit is smaller. "Flukey timing of paychecks," a CBO budgeteer tells us. That's a polite way of saying folks have been moving up income to beat the Clinton taxes.

Joseph Minarik, OMB's deputy chief, recently poked his head out from behind the file cabinet to say lower interest rates were principally behind the shrinking deficit numbers. The Congressional Budget Office disagrees. CBO says slower growth in Medicare, Medicaid and bank bailouts were the reason for the deficit shrinkage, plus an uptick in revenues. Interest rates had almost nothing to do with it. This is the kind of confusion you get when you make "the deficit" the centerpiece of your economic thinking—instead of revenues, expenditures and the incentives they create.

Virtually no one in Washington really believes in the Clinton plan, as you can plainly derive from the formula the Beltway establishment is using to justify voting this arsenic into the economy. The Democrats are reduced to peddling a sob story about how failing to pass the package will doom the "young Clinton presidency." Obligingly, the media is running over its banks with stories about the chemistry between Rosty and Pat, the Odd Couple on whose broad shoulders and pointy head rest the onus of rescuing Bill's political manhood.

On the evidence of the shrinking but invisible deficit, though, it seems to us that Bill's manhood would emerge in fine shape if he said, "The facts have changed, so I'm changing my plan." Put plainly: The U.S. does not need a tax increase.

## THE HATCH ACT REFORM

Mr. DOLE. Mr. President, I would like to include in the RECORD another editorial that appeared in this morning's New York Times.

I certainly have been critical of the New York Times' editorial policy because many of their editorials are aimed directly at me, and maybe with some justification.

But this editorial is called "Save the Hatch Act". It is going to be pending here on the Senate floor in just a few minutes.

I will read just the first paragraph:

> It is greed time in the Nation's Capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

Mr. President, we have offered a compromise. We hoped it could be received. We know that sooner or later the so-called Hatch Act reform will pass this body. We think the Senate bill is much preferable to the House bill. But in any event, I think this editorial does make some points. I hope my colleagues on both sides of the aisle will take a close look at it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> [From the New York Times, July 15, 1993]
>
> SAVE THE HATCH ACT
>
> It's greed time in the nation's capital. Congressional Democrats, grateful from years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.
>
> From the public's standpoint and that of Federal workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.
>
> The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.
>
> Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.
>
> Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."
>
> The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.
>
> For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

## SALUTE TO TOM NOTTINGHAM

Mr. DOLE. Mr. President, one of the true privileges of serving as Senate Republican leader is the fact that I am able to temporarily occupy a very historic suite of offices.

At various times in our Nation's history, the space where my office is now located has served as the floor of the House of Representatives, the Library of Congress, Chambers for Supreme Court Justices, and the Office of the Vice President.

And over the past few years, I have been happy to play tour guide to the men, women, and children, who come into my office for a meeting or a photograph. I long ago lost count of how many folks sign our guest book, but I do know that my efforts as a tour guide pale in comparison to those of Tom Nottingham.

As my colleagues know, Tom retired on June 30 after more than three decades of service to the U.S. Capitol and to America.

Tom has worked in the U.S. Capitol Guide Service the past 30 years—the last 22 of those as chief guide. It is estimated that during those years, approximately 90 million visitors have toured the Capitol.

Tom may not have personally welcomed all of those 90 million visitors on personal tour, but his leadership and guidance have helped to ensure that a visit to the Capitol is a rewarding and inspiring experience.

Tom faced a lot of pressures in his job—most of them coming from the fact that he had 435 Congressmen and 100 Senators asking that their constituents receive VIP treatment. That was no problem for Tom, because he insisted that everyone receive VIP treatment.

Tom knew that this building does not belong just to those of us who work here—it belongs to all Americans, regardless of political party.

I was honored to join Senator MITCHELL in sponsoring Senate Resolution 125, which commended Tom for his outstanding service, and my wife, Elizabeth, joins with me in wishing Tom and his family the best of success in his retirement.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPEREFFICIENT REFRIGERATORS

Mr. BAUCUS. Mr. President, on several occasions over the past few weeks I have spoken about the linkage of our environment and our economy. Companies everywhere are beginning to understand that to stay competitive they must consider the environment in everything they do.

Today, I want to speak about a breakthrough in technology that has the potential to help every American. It can lower utility bills for families while it reduces energy consumption and protects our atmosphere. This is not some new space-age hardware; it is a technology that you do not have to look far to find: the refrigerator.

Refrigerators use one-fifth of the energy consumed in American homes. Overall, some 7 percent of our total energy consumption is for home refrigeration.

Add to that the damage caused to the ozone layer by the CFC's they use, and the common refrigerator becomes an obvious place to start looking for environmental improvement.

That is why 27 forward-thinking utility companies banded together to search for an energy-efficient refrigerator that uses no CFC's. These power companies, which serve a third of American homes, recognize that energy conservation is often a more efficient way of ensuring an adequate energy supply in the future than constructing new powerplants.

Each of these companies contributed money to a winner-take-all competition for the best refrigerator design.

A number of companies, large and small, participated in this contest.

Last week, the sponsors announced that a design by Whirlpool, which uses two-thirds less energy than a conventional refrigerator, won the competition.

But the real winners are the consumer and the environment. By reducing a major source of CFC's, we can also reduce the destruction of the Earth's protective ozone layer. And by reducing energy demand, we can also cut down on emissions of carbon dioxide, thereby reducing the greenhouse effect.

The new refrigerators, which will cost about the same as today's refrigerators, will save the average consumer $150 a year in electricity bills. This is a refrigerator that will pay for itself in a few years, and then go on to save consumers even more over the rest of its life.

When the superefficient refrigerator project was first started, the utilities were not sure whether any American firms would meet their strict criteria. They worried that they might have to open the competition to foreign companies to be able to pick a winner.

But American ingenuity paid off. Whirlpool's design puts America in the lead of this market, and the export potential is tremendous.

### CONCLUSION

Mr. President, this reinforces my belief that if companies think about the environment when they design new products—instead of waiting until after they have built them—we can maximize business opportunities, jobs, and achieve a cleaner environment.

That is why, tomorrow, I will chair the third in a series of hearings to take stock of the relationship between the environment and the economy. The purpose of this hearing is to examine the accomplishments and shortcomings of our current environmental laws and how to apply the lessons we have learned to achieve a sustainable future.

Last year, at the U.N. Conference in Rio, leaders of governments from all over the world agreed that sustainability should be the goal of all of our environmental and economic policies. Now is the time to turn that goal into reality.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

### ORDER OF PROCEDURE

Mr. D'AMATO. Mr. President, I realize morning business ends at 11 o'clock, so I ask unanimous consent that I be permitted to extend the time for morning business by 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## THE BUDGET DEFICIT

Mr. D'AMATO. Mr. President, I do not know if I am going to take 5 minutes. I do not think it is necessary. But I do think it is necessary to make some remarks today, July 15, to call to the attention of this body and put into the RECORD publicly some very important facts. While we are struggling to come to terms with a tax-and-spend package labeled "the deficit reduction package," we are actually raising taxes on everything that moves and some things that do not. We are going along with business as usual with the rhetoric of reducing deficits and covering up why it is that we are raising taxes on the middle class. While we are breaking promises made to the middle class by raising taxes on gasoline; raising taxes on small businesses by up to 37 percent, and increasing spending, we are not prepared to take advantage of the fact that the budget deficit may be lower than expected. If the budget deficit is lower than expected, then the middle-class tax increases become even less convincing. The President's office of OMB had predicted that the deficit would come in at something in the area of $322 billion this year. Their midyear report, which is being delayed weeks beyond its legal deadline, could show the deficit to be about $30 billion smaller. Estimates by CBO suggest the deficit may come in at $50, $60, or even $70 billion less than earlier estimates.

It seems to me that this information is rather important. It seems to me that, while the House and Senate conferees on this budget and tax package are meeting, we should know if the deficit is $30 to $70 billion less.

Yesterday on this floor, Senator PETE DOMENICI, ranking member of the Budget Committee, brought forth some facts that are rather startling and revealing. The fact is that expenditure levels have been capped and have come in at a rather modest increase of some 2 percent. Revenues have come in at 6 percent. The deficit now looks like it will be anywhere from $30 to $70 billion less than what OMB originally estimated for 1993.

Let me ask you: Why do we then want to raise taxes on working middle-class families? Why do we want to go after small businesses? Administration officials have also indicated that a slower growth rate could mean that less tax revenue would be collected from tax proposals now on the table.

Mr. President, let me talk to another issue. Why do we want to wage class warfare? This administration is waging class warfare. Get the rich. Get them. Let us raise your taxes and put a surtax on you. We have made success and targeted success as something bad. It is implied that there are no good people who have accumulated wealth. Somehow, we have stigmatized them.

That is anti-American and flies in the face of what this country is about. I think it is about people having the opportunity to climb the ladder of success on hard work and energy and a work ethic. When we begin this class warfare, this business of getting the wealthy, that is wrong, and that is what we are doing. That is only 2 percent of the vote, so let us pile it on.

If we do that, we do a great disservice about what this country is about. This country is the land of hope and opportunity, where people can rise above the most humble and modest of economic circumstances, because we do provide people with opportunity. But when Government begins to come in and say we are going to penalize you—not that you are going to pay your fair share, but we are going to get you—that implies there is something wrong with the rich guy who makes more than $1 million, and then do not let corporations deduct it. Pile it on because they have not paid their fair share.

Nonsense. In Europe they charge more for gasoline taxes, and all of a sudden Europe has become the paragon. I did not think we wanted to conform ourselves to what European countries tax. Do we want to adopt their living standards as well? Would we impose them on our people? I do not think so.

I say there is something terribly wrong, when we are talking about reducing deficits, not to consider that we have $30 billion to $70 billion that we do not have to raise in additional taxes. Why not do away with the gas tax, if that is the case, or the tax on small businesses, which is going to stifle jobs and job creation. No country has ever taxed itself into prosperity. No country moves ahead and moves economically by going after any one class and using them as the target by which to move forth their programs. That is what we are doing here.

I do not think there is any reason whatsoever why we do not have the facts. OMB is supposed to make a report. And to use the excuse that past administrations have not made that report available to us so that we could look at and ascertain the true facts and financial condition of the economy as we go into this important conference is something that is defensible.

I applaud Senator DOMENICI. I think the media is doing itself a terrible disservice by not demanding what the numbers really are but by sitting by and allowing business as usual. It is not good enough to say past administrations slipped this by. We should not be doing this during this difficult time.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask to extend morning business and that I may speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ARE WE WILLING TO TAKE A RISK?

Mr. DORGAN. Mr. President, last week I presented a medal on behalf of the Marine Corps to a young woman in North Dakota. I was thinking about that today as I listened to some of my colleagues on the floor. The medal was for heroism and bravery.

This is a young 20-year-old woman from Jamestown, ND, a lance corporal in the Marine Corps. She, at her base in Pendleton, CA, was on the telephone speaking to her family in Jamestown, ND, when a man came into the building with a gun and began to pursue another young female marine. The man with the gun shot the marine a number of times, and this young woman from North Dakota, Lance Corporal Balvik, told her folks to hold on for a minute. She dropped the phone and began running after the man who was shooting at the other female marine.

The man ran out of bullets. His gun was empty. He stopped to reload. The other marine had already been wounded severely, and Lance Corporal Kairouan Balvik approached the man and began talking to the man to try to get him to agree to put down his weapon. The man reloaded, and then began pursuing Lance Corporal Balvik and shot her seven times.

Miraculously, both young marines lived; one shot six times, and Lance Corporal Balvik shot seven times. I presented her with a medal that the Marines awarded to this young woman for bravery and heroism.

I was thinking about this. In times of stress and in times of calamity and emergency, what would we all do? If someone comes into a room you are in, firing a pistol, trying to kill somebody else deliberately, do you stop and say, "Wait a second, let me intervene and see if I can try and stop this. Let me risk my life and take seven bullets to see if I can get involved to prevent this killing." Or, do you go behind a desk someplace, or do you get behind a closed door to save your life?

I do not know what it is in the heart of this young woman from Jamestown, ND, that persuades her to drop the phone and say, "just a minute" and go pursue this fellow that is shooting, and take seven bullets and lie in a hospital for months. But that is courage and bravery.

None of us know how we will react under those circumstances. None of us quite know what is inside us until there are times of emergency and panic, and you decide what is in your heart and what it allows you or persuades you to do.

The reason I was thinking about that—and I am pleased to tell my colleagues about this remarkable, brave young woman from Jamestown, ND—I was thinking about courage in this Chamber, with public policies and numbers and programs and challenges. We face some enormous challenges in this country. To deal with some of these challenges appropriately, it requires courage and requires us to step up and say I am willing to risk just a bit of my popularity, a bit of my career to do what is right to solve these problems.

So I have to say that, as I listened to some of the discussion around here, it seems to me that it is much of the same old-same old, and I am not here as a disciple for spending cuts across the board or tax increases across the board. I am here to say that we just have a to make decisions. We have to make tough decisions to fix the problems that confront us.

I have heard today from several people—you know, the deficit is getting much better. It used to be $350 billion; it might turn out to be only $300 billion, so therefore, let us do nothing.

Where is the courage here? Where is the good sense? Where is the requirement that we all step up here and decide we have trouble in this country and it is our responsibility to drop the phone and go meet it and deal with it?

That is our responsibility, Mr. President, and I hope that in the days ahead we cannot gloat about the fact that the deficit is being reduced just slightly. We have a deficit that is far out of control. We have a debt that is crushing and crippling this country's future, and it is our responsibility to deal with it.

Let me mention while I have the floor two other issues this morning.

### RECONCILIATION

Mr. DORGAN. Mr. President, in the conference that started about an hour ago on reconciliation to try to deal with the menu of spending cuts and tax increases, there is something called enterprise zones put in the House of Representatives.

When I was in the House of Representatives, in every case where the House passed enterprise zones I included something that is called rural development investment zones. It is not included in what the House passed this time I guess because I was not there. But I want to make sure that if enterprise zones come out of that conference to the floor of the Senate and House it includes not just enterprise or empowerment zones within urban areas with high poverty but it also includes rural development zones for those counties in rural America where they have an overflow and outmigration of people. We are losing population. My home county lost 20 percent of its population in the last decade.

We need enterprise zones just as much as in an urban area that has unemployment needs enterprise zones. Our outmigration of people, the loss of people, shows up as a loss of people in a rural area.

I want to make sure if enterprise zones are part of the conference report, when we finally vote on it, includes rural development investment zones for rural America.

### SUGAR PRODUCTION

Mr. DORGAN. Mr. President, I just finished testifying this morning at a hearing with the Department of Agriculture on a subject that the person currently occupying the chair is well familiar with, and that is the allocations that have been established for U.S. sugar production.

I must tell you coming from sugar beet country what the U.S. Department of Agriculture has done is fundamentally unfair, especially to our region of the country. In my judgment, the actions taken by USDA do not meet the test of law. The 1990 Act suggests that allocations are appropriate only when we are not going to meet the minimum imports of sugar. Surely we are going to meet the minimum imports and clearly, in my judgment, USDA acted outside the extent of the 1990 law. Not only that, if they cleared the hurdle believing they have the legal authority to go ahead with sugar allocations and allotments, they have a responsibility to do it fairly.

It is my judgment not to take base years in which we had a 100-year drought in our part of the country, use that criteria of what kind of allocation is going to apply.

I think we have a situation that is going to be devastating to our part of the country, to sugar beet growers in the Red River Valley who are going to see $90 billion loss as a result of these actions.

I truly hope the Secretary of Agriculture and USDA will make the right decision to change course and decide not to impose these allocations that they have previously announced and on which there was a hearing this morning.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. GRASSLEY. Will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum?

Mr. DORGAN. I am happy to.

The PRESIDING OFFICER. The Senator from Iowa.

### EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we continue morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Thank you, Mr. President.

## THE LOWER DEFICIT AND HIGHER TAXES

Mr. GRASSLEY. Mr. President, I want to make a brief comment as my colleague from North Dakota just did on the reconciliation process we are going through and the conference committee on reconciliation and the opening session of that conference committee has just ended with opening statements.

I did not attend that opening briefing but I would like to now voice my comments that I would have made there if I had not had a conflict with the Judiciary Committee meeting. And my comments are directed toward what is a phenomenon now that is appearing in the budget that we did not anticipate a few months ago, and that is the lower than expected deficit for the current year. In fact, most of the time we consider the later you get into the fiscal year the more that deficit might be rather than being smaller.

If you ask for my estimation, Mr. President, the lower deficit now appears to mean less of a need for austerity, not on the expenditure side but in the form of increased taxes.

If you remember the debate of why the increased taxes, it was because we are going to have in January and February all of a sudden a bigger deficit than we anticipated so we had to increase taxes to do that. That was the President's reason for spending money and raising taxes beyond what he said during the campaign.

So there is no longer a compelling need to roll back the clock and increase these marginal tax rates and it means that there is no longer a compelling need to place a tax burden on the back of middle-class Americans.

The reason why we do not need a middle-class tax increase now was given by the President himself. He told working men and women that the tax was needed when he proposed it in January because the deficit was bigger than expected. Well, now the deficit is smaller than expected. And so the obvious policy is to drop the middle-class tax increase. If the President and this conference committee that is going to be meeting over the next several days fail to do that it will advocate a policy devoid of any rational or moral foundation.

Let me also say that there is a political aspect to this. We should not make policy based upon politics. I am not advocating that but there is always a history that is behind a lot of decisions that are made here in Washington and I think one that my colleagues and even the President know.

President Clinton ought to remember that Jimmy Carter was rejected in his reelection effort by the American people in large part because of prohibitive marginal tax rates so prohibitively high that with inflation interjected into the formula for taxes, people were ending up with less take-home pay the following year than the previous year. So at that point it is not taxation, at that point it is confiscation.

But what happened after we did lower the tax rates, and this was then with a new President, and it was a policy that was supported, Mr. President, by both sides of this aisle—there was a very small minority that voted against those tax bills in 1981—we saw our economy after a sound tax policy grow robustly.

Other countries observed our actions and they liked what they saw in America and they knew if they did not do something that they would be left out in the cold, and they did likewise. During the 1980's these countries reduced their tax rates: West Germany, Japan, Australia, New Zealand, India, Denmark, and even Sweden.

We have—those of us on this conference committee that is going to be deliberating over the next few days—are going to face the question of whether to raise marginal tax rates on the American worker and on small business. And we will face the question of raising taxes on the middle class.

Will we turn the clock back?

Will we argue with the success of lower marginal tax rates, and they were successful?

Will we raise these taxes even though the justification no longer obtains?

I am one of those, Mr. President, who adheres to the adage "once bit, twice shy." I intend to make it emphatically clear, as often as possible, that I am not going to partake in marginal tax rates. And I will not support a middle-class tax hike—especially since there is no longer a basis.

Lower marginal rates have caused neither the deficit nor the economic slowdown. Neither has the middle class. In fact, both are our greatest assets for getting the economy moving again, and lowering the deficit. So why are we taxing the middle class? I urge my colleagues to take the pulse of the Nation and respond appropriately—by rejecting these prohibitive taxes.

The economy is not growing the way it should grow, as I detected from my town meetings in 22 different countries last week during the recess, because the people who create jobs—middle-class, small business people—do not know what the future holds on taxes.

And so if we want to get jobs expanded, we need to not increase these taxes and we need to take the questioning of whether or not there is going to be tax increases out of the formula.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

## IN MEMORY OF DAVE JENKINS

Mrs. FEINSTEIN. Mr. President, Dave Jenkins, for decades a leader of organized labor and in the advancement of education for working men and women, died on June 28, 1993, in San Francisco after a long illness. He was 79 years old.

I first met Dave Jenkins in 1969. He was an exceptional man, with a wonderful family, who had a jocular sense of humor and a roaring laugh. Throughout his professional years, he distinguished himself as a man committed to improving the lives of the men and women he represented, earning a fitting reputation as a leader among leaders.

In terms of the history and legacy he leaves behind, Dave Jenkins was a rare and unique man, singular in his abilities to organize and forge consensus. To the people who knew and loved him, he was admired, respected, and beloved. The simple fact is that you don't find many Dave Jenkins' in this world.

To honor the life and work of Dave Jenkins, with unanimous consent, Mr. President, I would like to submit to the RECORD, a testimonial written about him on the occasion of his being recognized with an honorary doctorate from San Francisco State University.

To quote:

> Most persons touch a few lives, only a rare few touch many, challenging the complacent, comforting the distressed, molding opinions, shaping ideas, disdaining the obsolete, identifying the promising, seeking, searching, forever widening horizons—his as well as all who knew him. This is Dave Jenkins.

Mr. President, this is the David Jenkins that I knew and this is the Dave Jenkins that the city of San Francisco will never forget, and I ask unanimous consent that the testimonial be printed in the RECORD.

There being no objection, the testimonial was ordered to be printed in the RECORD, as follows:

### TESTIMONIAL

Most persons touch a few lives, only a rare few touch many, challenging the complacent, comforting the distressed, molding opinions, shaping ideas, disdaining the obsolete, identifying the promising, seeking, searching, forever widening horizons—his as well as all who know him. This is David Jenkins.

A working stiff, blue collar, laboring in mines, in ships, in warehouses, born in New York, a San Franciscan most of his life, Dave, as he is known universally throughout the City, has been a profound influence, a reverberating force, a driving, hammering presence. Far beyond the halls of organized labor, in politics, in the arts, in the social and academic life of San Francisco, he has been confidant, benefactor, sponsor, advisor, innovator, advocate.

A school dropout, but a life-long educator, essentially self taught, but always a prolific teacher, Dave, from his earliest days as a labor organizer and seafarer, has been an anchor chain between the rough-knuckled world of sweat labor and the sanctuary of higher learning.

Always reading, constantly inquiring, seeking out new ideas, arguing, questioning not only his colleagues in the workplace, but writers, poets, dramatists, philosophers, professors—his realm of acquaintances and associates is endless—Dave, as only the best teachers can, has ignited the imaginations and inspired the efforts of dockhands and governors, historians and dishwashers.

He left school when he was 15, but he never abandoned learning. Born January 25, 1914, he found an uninterrupted classroom in life itself—as a teenager in the ferment of The Village in New York with its artists and intellectuals in perpetual disputation and, as the 1930's collapsed into the despair of the Great Depression, as an advocate of reform and grassroots activism and a youthful organizer of the unemployed and the disadvantaged. First for the Teachers Union in New York (as a recreational instructor, he taught boxing and basketball to the youngsters of Hells Kitchen), then as an organizer of maritime workers in Virginia, Dave, by the late 1930's, was educational director of the National Maritime Union in New York.

As such, he manifested what became, for him, a life commitment to continuing education. He succeeded in getting shipowners to put more on the shelves of ships' forecastles than dime novels, insisting on the histories and the great literature that informs and stretches the minds.

He shipped out often, sailing into the ports of the world, itself an education, following the ways of his mariner grandfather, who, Dave boasts, "was illiterate in seven languages." On shore, he attended classes in various so-called peoples' colleges, an electric sampling of courses—history, literature, the arts, even metaphysical poetry.

In 1939, he came west to San Francisco, still shipping out as World War II made each voyage dangerous, on shore organizing waterfront workers and, in 1942, making even more emphatic his convictions that the doors to learning should be closed to no one. He became director of the California Labor School in San Francisco, recruiting faculty from Stanford and U.C. Berkeley, establishing campuses in Oakland and Los Angeles, himself going into the classroom to teach labor economics, Jewish History and a course pioneering for its time, Black History.

In his eight years as director, some 56,000 students enrolled in classes that were offered at hours which war workers could attend. The Labor School was a forerunner for the community colleges that offer courses in the practical how-to-do world of vocational training as well as the abstract world of thought and imagination.

Dave unified those two worlds. His own rambunctious intellect, kicking through ideas, stomping on some, lifting up others, his ability to recite the libretto of Rigoletto and most other operas and discern the brush strokes of a Monet or a Manet, his resolute conviction in the principles of justice and the rights of working men and women combined in a force of personality that broke down barriers and opened avenues between labor and academia.

His marriage in 1942 to a San Francisco poet and teacher, Edith Arnstein, her mother a distinguished poet and educator and her father a leader in public health, gave added strength and new dimension to his powerful embrace of town and gown. Dave and Edith's four children testify to the diversity and intensity of their household. Daughter Becky is a radical therapist; Margaret is a renowned dancer and choreographer; son Davis is a professional mediator and a Flamenco guitarist; and Rachel is a psychotherapist. Seven grandchildren enliven gatherings with violin solos and robust songs of the waterfront, crayon drawings of rainbows and smiling giraffes and endless questions about social justice and change.

The Jenkins home on Belvedere Street, not too far from the tumultuous Haight-Ashbury District, itself is a unique salon for poetry readings, musical recitals, political caucuses, fund raisers for racial justice and world peace where persons from all walks of lives gather to enjoy and laugh, sometimes cry in shared sorrow and, inevitably, to debate and argue and explore. The Jenkins' Thanksgivings are legendary with a potluck of immediate family and an extended family of union presidents and rank and file, politicians and poets, musicians and mechanics, radicals and conservatives. It's a wonderful universe of affection and comradeship, of raucous stories and hearty toasts, of youngsters laughing and of memories retold. Always, however, there runs through each gathering a strong current of concern for those in need. There, consistently, is that well spring of commitment for the underdog and the persecuted.

After the Labor School, Dave became educational director of the California State Congress of Industrial Organizations, organizing extension courses and summer school classes in history, politics and journalism.

In 1950, he joined the International Longshoremen's and Warehousemen's Union, an association he continues to this day. He organized the defense committee to fight the Federal government's efforts to deport the union's founding president, Harry Bridges, a fight that was carried victoriously to the Supreme Court.

In the dark days of McCarthyism, when suspicion and intimidation tried to silence this nation into dismal conformity, Dave, with his booming voice and explosive disdain for the status quo, fought unrelentingly against persecution. For a time, he worked for Marine Cooks and Stewards in San Francisco and then for Mine, Mill and Smelter Workers in Denver when those unions came under attack. But the ILWU was his real home, and there he fought for better housing and jobs for Afro Americans and other minorities and was one of the first in the struggle for equality in the workplace for women and for women's rights.

The ILWU, since its founding after the General Strike in San Francisco in 1934, had been one of the few unions to open its doors and positions of leadership to Afro Americans, and in the 1960's it became a leader in developing affordable, integrated housing. Dave was a principal in working with the Redevelopment Agency to use union funds for the construction of St. Francis Square, a national model for racial harmony and neighborliness.

Dave worked to bring new vitality to downtown with construction and jobs along the Embarcadero and neighboring Financial District. He took time off from work on the waterfront to attend meetings of city agencies and the Board of Supervisors, sometimes showing up in bibbed overalls, work stained and rumpled, to advocate for jobs and housing and a break for working men and women.

He was one of the first in labor to reach out to environmentalist and try to forge consensus from old arguments that pitted jobs and construction against conservation and preservation. In 1971, he organized the first conference in San Francisco on jobs and the environment, and, since 1984, Dave has been a member of the San Francisco Bay Conservation and Development Commission.

With the ILWU, Dave helped forge closer ties between organized labor and City Hall, acting as a close advisor and consultant to the succession of mayors since the mid-1960's—Jack Shelley, Joe Alioto, George Moscone, Dianne Feinstein and Art Agnos. There is probably not a Rolodex in City Hall in which Dave isn't included, and his involvement with political leaders spans decades and includes Congressmen from Phil Burton to Nancy Pelosi, Senators Alan Cranston and John Tunney, Assembly Speaker Willie Brown and Governors since Pat Brown.

His politics are progressive, liberal Democrat for the most part, forged in the intense crucible of the Depression and World War II, always with a cutting edge to move forward and open new paths and opportunities for people, never to hold back or remain sheathed and inert.

More than ideology, however, is his faith in the capacity and reach of working men and women. To him, education is the ignition to opportunity and fulfillment, and his abiding quest has been to see that education is not the cloistered privilege of the well-to-do but is the raw resource with which ordinary people can direct and energize their lives.

From his early battle to replace cheap pulps with the classics in ship's libraries and from teaching Black History and racial justice to war workers at the Labor School, Dave has believed that true learning is a "yeasty"—a word he often uses—experience. It comes from the interaction of intellectuals and workers, artists and academics, racial minorities and old-line families, sailors on the waterfront and society women from Pacific Heights getting together, coming to terms with one another, learning from each other. Prejudice and misunderstanding give way to understanding; closed minds are opened to new ideas and the excitement of discovery. Horizons broaden and invite the imagination.

A "yeasty" relationship between community and campus is what prompted Dave's interest in developing labor studies at San Francisco City College in the early 1970's and to work with the Labor Archives at San Francisco State University and, currently, to put his massive energy behind the creation and the funding of the University's Urban Institute where the vast intractable problems of city life—homelessness, inadequate health care, unemployment—can be addressed and incorporated into the academic core of faculty and studentbody. (The relationship of the Jenkins family with SFSU is remarkably close—daughter Becky, a master's in social work, wife Edith, a master's in English literature, and mother-in-law Flora Arnstein were all enrolled at the same time).

Reciprocally, it's this same "yeasty" relationship that prompted San Francisco State, Stanford, U.C. Berkeley and Santa Cruz and the Brookings Institute in Washington D.C. to overlook Dave's lack of diplomas and degrees and to invite him to lecture on labor and politics. And it no doubt was the reason noted historical Page Smith sought out Dave to help formulate his chapters on the labor and progressive movements for "Redeeming the Time," on the 1920's and the New Deal, the eighth volume of his "People's History" of the United States.

Dave's contribution to the intellectual and academic life of this city covers some 60 remarkably productive years. His will be a lasting and indelible imprint on the character and quality of education in this city, forever linking working men and women to the promise of continuing education. Although he dropped out of school at an early age, he never lost the zest for learning, insatiably reading (his and Edith's den sag with hundreds of books), at concerts and in museums, in foreign travel (he led the first exchange visits of U.S. and Soviet labor leaders) and continuously, uproariously, provocatively in lively discourse. No matter the topic, Dave everlastingly evokes controversy, sometimes laughingly, other times with angry conviction, pushing, probing, advocating, drawing the best from himself and those around him, as only a born teacher can do, always reaching for wider vistas. His California Labor School set precedents now followed in the community college movement, and courses he established and personally taught blazed new trails of academic concern and involvement.

Dave knew from experience that the light in the forecastle of an old freighter far at sea was dim, but that the real light came from the ideas that books could offer and education could provide. He brought books to the seafarers and education to the welders and dockworkers of World War II San Francisco, and his contribution to education in this city has continued to this day.

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## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, July 13, the Federal debt stood at $4,335,589,907,030.89, meaning that on a per capita basis, every man, woman, and child in America owes $16,879.26 as his or her share of that debt.

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## SAMMY CAHN—A GREAT LOSS

Mr. KENNEDY. Mr. President, earlier this year, America lost one of its greatest composers with the death of Sammy Cahn after a long and brilliant career. Sammy Cahn wrote songs that made the world smile—and sing along. He was a prolific songwriter and gifted lyricist who has given us a legacy of enduring classics.

His life in the music industry spanned over 60 years. Many of his songs were featured in films and Broadway shows. His colleagues in the industry honored him with an incredible 31 Oscars nominations, and he won the Oscar four times—for songs which are continuing favorites for countless Americans, "Three Coins in the Fountain," "All the Way," "High Hopes," and "Call Me Irresponsible." He also earned an Emmy Award for the popular song, "Love and Marriage." During President Kennedy's campaign in 1960, he offered a variation of "High Hopes" which was quickly accepted as the campaign theme and which captured the imagination of the country as the New Frontier began.

Sammy Cahn's work was often in comedy, very often romantic, and always brilliant. He was a quintessentially American composer who defined the essence of our national character and won the hearts of music lovers everywhere. He was also a committed citizen who gave generously of his time, talent, and energy to many humanitarian causes.

I remember him also as a friend who enlivened every occasion with his extraordinary and infectious ability to burst into song at a moment's notice. His heart was as big as his native New York. Another of his most famous songs was "Come Fly With Me." With Sammy our spirits always soared. He has left us an unparalleled repertoire of beautiful music and warm memories, which are priceless gifts for all Americans to cherish. We mourn his loss, and celebrate his life.

Mr. President, I ask unanimous consent that articles describing Sammy Cahn's unique contributions to American music be placed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Boston Globe, Jan. 16, 1993]

### Sammy Cahn, 79; Lyricist, Wrote Popular Songs, Won Four Oscars

(By John Horn)

Los Angeles.—Sammy Cahn, the prolific lyricist who won Oscars for the songs "Call Me Irresponsible," "Three Coins in a Fountain," "High Hopes" and "All the Way," died yesterday of congestive heart failure. He was 79.

Mr. Cahn collaborated with Saul Chaplin, Jimmy Van Heusen and Jule Styne on hundreds of popular songs.

Frank Sinatra immortalized many Cahn tunes, including "Love and Marriage," which was awarded a special Emmy from a musical version of Thornton Wilder's "Our Town."

Sinatra also sang Mr. Cahn's "Come Fly With Me," "My Kind of Town," "Tender Trap," "Three Coins in a Fountain," "High Hopes," "Time After Time" and "Saturday Night is the Loneliest Night of the Week."

In 1974, he took the stage in the Broadway show "Words and Music," a reminiscence of his musical career. He played on the London stage in a show of the same name in 1987, but illness forced him to cut short its run.

Mr. Cahn's first international hit came by accident. He heard a black duo singing the Yiddish song "Bei Mir Bist Du Schoen." He translated the song, reworked the tune, and gave it to bandleader Tommy Dorsey. Dorsey said no, but a few weeks later The Andrew Sisters spotted the song at Mr. Cahn's house and made it a 1937 smash.

Among his best-known works were "Rhythm is Our Business," "Let it Snow, Let it Snow," "I'll Walk Alone," "Love and Marriage," "Second Time Around," "Pocketful of Miracles," and "All That Love Went to Waste."

As a film composer, his credits numbered "Anchors Aweigh," "April in Paris,," "Meet Me in Las Vegas," "The Tender Trap," "It Happened in Brooklyn," "Romance on the High Seas," "Peter Pan," "Pal Joey," "High Time," "How the West Was Won," "Robin and the Seven Hoods," "A Touch of Class," "Paper Tiger," "The Duchess and the Dirtwater Fox" and "Thoroughly Modern Millie."

On Broadway, Mr. Cahn worked on "High Button Shoes," "Two's Company," "Skyscraper," "Walking Happy," "Words and Music" and "Falling in Love Again."

Mr. Cahn also wrote music for the children's television show "Sesame Street."

The songwriter was born Samuel Cohen in New York City. An early student of the violin, he started playing in a local orchestra at weddings, bar mitzvahs and other parties.

He continued playing the violin at burlesque houses and wrote his first lyrics at age 16. Before going to Hollywood, he scored short films.

He was a president of the National Academy of Popular Music and was a member of the board of the American Society of Composers, Authors and Publishers.

He won Academy Awards in 1954 for "Three Coins in the Fountain" from the film of the same name, in 1957 for "All the Way" from the film "The Joker is Wild," in 1959 for "High Hopes" from "A Hole in the Head" and in 1963 for "Call Me Irresponsible" from "Papa's Delicate Condition."

"Call Me Irresponsible" also won an Emmy award.

He was nominated for Oscars 30 times.

In the 1992 book "Going Strong," on what keeps accomplished older people going, Mr. Cahn said: "My ambition is to make 87, because I want to see the year 2000 and how the world will celebrate."

There was no immediate word on survivors or funeral arrangements.

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[From the New York Times, Jan. 16, 1993]

### Sammy Cahn, Word Weaver of Tin Pan Alley, Dies at 79

(By Stephen Holden)

Sammy Cahn, one of the last American songwriters to embody the scrappy can-do spirit of Tin Pan Alley, died yesterday at Cedars-Sinai Medical Center in Los Angeles. He was 79.

He had been hospitalized two-and-a-half weeks ago for congestive heart failure, said Ron Wise, a hospital spokesman.

A lyricist whose most important collaborators were the composers Jule Styne, Jimmy Van Heusen and Saul Chaplin, Mr. Cahn wrote the words for dozens of songs that became hits, including "All the Way," "Day By Day," "Time After Time," and "Three Coins in the Fountain." The typical Cahn lyric was brashly assertive and often unabashedly sentimental. "When somebody loves you, it's no good unless she loves you all the way," went his opening line for "All the Way," from the 1957 film "The Joker Is Wild." The song became a No. 1 hit for Frank Sinatra and won the year's Oscar.

"Three Coins in the Fountain," "High Hopes" and "Call Me Irresponsible," were the other songs with Cahn lyrics to win Academy Awards. They, too, were hits for Mr. Sinatra, a singer with whom Mr. Cahn had been closely associated since the 1940's. And except for "Three Coins," which had a melody by Mr. Styne, all had music by Van Heusen.

An outspoken champion of the pre-rock songwriting tradition, Mr. Cahn was famous for being able to come up at the spur of the moment with a lyric for any occasion. He wrote special material for the nightclub acts of Mr. Sinatra, Dean Martin, Paul Anka, Sammy Davis Jr., Tony Bennett and many other stars, and was especially well known for his parodies and adaptations of his own and other people's lyrics. "High Hopes," with his rewritten lyrics, became a campaign song for John F. Kennedy in 1960.

At the time of his death, Mr. Cahn was the president of the National Academy of Popular Music (also known as the Songwriters Hall of Fame). It was a post he had held since 1973.

Mr. Cahn, whose original name was Samuel Cohen, was the son of Jewish immigrants on the Lower East Side of New York. He studied the violin as a child, and in his teens worked as an itinerant fiddler with semi-professional bands, playing for weddings, bar mitzvahs and other parties around the city. With his first songwriting collaborator, Saul Chaplin, he wrote special material for vaudeville acts. They had their first hit in 1935 with "Rhythm Is Our Business," which was written for the bandleader Jimmie Lunceford and later became Lunceford's signature song.

In 1938, Jack Kapp, a producer for Decca Records, asked them to write an English-language version of a song from the 1933 Yiddish musical "I Would if I Could." The result, "Bei Mir Bist du Schoen," started the recording career of the Andrews Sisters and became a No. 1 hit for them. Among the other Chaplin-Cahn hits were "Please Be Kind" and "Until the Real Thing Comes Along."

### A NEW PARTNER

Mr. Cahn and Chaplin moved to Los Angeles in the early 1940's to write songs for Columbia Pictures, but they split up after trying unsuccessfully to come up with more hits. While Mr. Chaplin went on to become a well-known orchestrator of Hollywood musicals, Mr. Cahn began a songwriting collaboration with Jule Styne. Between 1942 and 1951 they wrote songs for 19 films, including "Anchors Aweigh" (1944) and "Romance on the High Seas" (1948), which gave Doris Day her first No. 1 recording, "It's Magic."

Many of the team's 1940's songs became synonymous with wartime nostalgia. Among them are "I'll Walk Alone," "Guess I'll Hang My Tears Out to Dry," and "It's Been a Long, Long Time."

A high point of their collaboration was the 1947 hit Broadway musical, "High Button Shoes," whose score included "Papa, Won't You Dance With Me," "I Still Get Jealous," "You're My Girl," and "On a Sunday by the Sea." In 1954, two years before dissolving their collaboration, they wrote the Oscar-winning title song for the film "Three Coins in the Fountain," which in addition to putting Mr. Sinatra in the Top 10 was a No. 1 hit for the Four Aces.

During this period, Mr. Cahn did not write exclusively with Mr. Styne. Other partners included Axel Stordahl and Paul Weston with whom he wrote two of Mr. Sinatra's biggest 1940's hits, "Day by Day" and "I Should Care"; Gene DePaul ("Teach Me Tonight"), and Nicholas Brodszky (the Mario Lanza hits "Be My Love" and "Because You're Mine," and "I'll Never Stop Loving You," for Doris Day).

### SINATRA'S COLLABORATORS

In 1956, after Mr. Styne decided to devote his energies to the Broadway stage, Mr. Cahn began a full-time collaboration with Van Heusen. The two concentrated so heavily on material for Mr. Sinatra, who had brought them together to write the title song for his film "The Tender Trap," that they were almost considered to be his personal songwriters.

Their collaborations for Mr. Sinatra included "Love and Marriage," "All the Way," "High Hopes," "Call Me Irresponsible," "The Second Time Around," "My Kind of Town" and the title songs for four classic Sinatra albums: "Come Fly With Me," "Come Dance With Me," "Only the Lonely" and "September of My Years."

The team also wrote two unsuccessful Broadway musicals, "Skyscraper" (1965) and "Walking Happy" (1966), and the score for the 1967 film "Thoroughly Modern Millie." In 1970, Mr. Cahn reunited with Mr. Styne to write the Broadway musical "Look to the Lillies," which was also unsuccessful. And in 1974, Mr. Cahn opened at the Golden Theater on Broadway in his own one-man retrospective, "Words and Music," which ran for nearly nine months and toured extensively.

His autobiography, "I Should Care," was published in 1974.

Mr. Cahn is survived by his second wife, the former Tita Curtis, a one-time fashion coordinator for the clothes designer Donald Brooks; a son, Steve Kahn of New York; a daughter, Laurie Cahn of San Francisco, and two grandchildren.

### THE OTHER HALF OF SEVERAL MUSICAL TEAMS

Sammy Cahn's work has touched anyone who has ever sung in the shower or hummed a tune on the way out of a Broadway or movie musical. These are some of his most successful songs and partnerships.

*With Saul Chaplin*

Bei Mir Bist du Schoen;
Please Be Kind;
Rhythm Is Our Business;
Until the Real Thing Comes Along.

*With Jule Styne*

Five Minutes More;
Guess I'll Hang My Tears Out to Dry;
I Fall in Love Too Easily;
I Still Get Jealous;
I'll Walk Alone;
It's Been a Long, Long Time;
It's Magic;
I've Heard That Song Before;
Let It Snow, Let It Snow, Let It Snow;
Saturday Night Is the Loneliest Night of the Week;
The Things We Did Last Summer;
Three Coins in the Fountain;
Time After Time;
Papa, Won't You Dance With Me.

*With Paul Weston and Axel Stordahl*

Day By Day;
I Should Care.

*With Nicholas Brodszky*

Be My Love;
I'll Never Stop Loving You.

*With Gene DePaul*

Teach Me Tonight.

*With Jimmy Van Heusen*

All the Way;
Call Me Irresponsible;
Come Fly With Me;
High Hopes;
Love and Marriage;
My Kind of Town (Chicago Is);
The Second Time Around;
September of My Years;
The Tender Trap.

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[From the Riverside (CA) Press-Enterprise, Jan. 15, 1993]

## AWARD-WINNING LYRICIST SAMMY CAHN DIES

(By John Horn)

LOS ANGELES—Sammy Cahn, the prolific lyricist who won Oscars for the songs "Call Me Irresponsible," "Three Coins in the Fountain," "High Hopes" and "All the Way," died yesterday. He was 79.

Mr. Cahn, who lived in Beverly Hills, died of congestive heart failure at Cedars-Sinai Medical Center, hospital spokesman Ron Wise said. Mr. Cahn had been hospitalized since Dec. 30.

Mr. Cahn collaborated with Saul Chaplin, Jimmy Van Heusen and Jule Styne on hundreds of popular songs.

Frank Sinatra immortalized many of Mr. Cahn's tunes, including "Love and Marriage," now heard on television's "Married . . . With Children." The song was awarded a special Emmy for a musical version of Thornton Wilder's "Our Town."

Sinatra also sang Mr. Cahn's "Come Fly With Me," "My Kind of Town," "Tender Trap," "Three Coins in the Fountain," "High Hopes," "Time After Time," and "Saturday Night is the Loneliest Night of the Week."

In 1956, after Styne decided to concentrate on writing Broadway musicals, Mr. Cahn began a fulltime collaboration with Jimmy Van Heusen. The two concentrated so heavily on material for Sinatra—who had brought them together to write the title song for his film, "The Tender Trap"—that they were almost considered to be his personal songwriters.

Mr. Cahn sang his own songs, too. In a 1963 interview, he said he considered himself the most expensive singer in the world. "I sing a song once and if you like what you hear, you owe me $12,500," he said.

In 1974, he took the stage in the Broadway show "Words and Music," a reminiscence of his musical career. He played on the London stage in a show of the same name in 1987, but illness forced him to cut short its run.

Mr. Cahn's first international hit came by accident. He heard a black duo singing the Yiddish song "Bei Mir Bist Du Schoen," He translated the song—it means "To Me You Are Beautiful"—reworked the tune, and gave it to bandleader Tommy Dorsey. Dorsey said no, but a few weeks later the Andrew Sisters spotted the song at Mr. Cahn's house and made it a 1937 smash.

Among his best-known works were "Rhythm Is Our Business," "Let it Snow, Let it Snow, Let it Snow," "I'll Walk Alone," "Second Time Around," "Pocketful of Miracles," "My Kind of Town," and "All That Love Went to Waste."

As a film composer, his credits included "Anchors Aweigh," "April in Paris," "Meet Me in Las Vegas," "The Tender Trap," "It Happened in Brooklyn," "Romance on the High Seas," "Peter Pan," "Pal Joey," "High Time," "How the West Was Won," "Robin and the Seven Hoods," "A Touch of Class," "Paper Tiger," "The Duchess and the Dirtwater Fox" and "Thoroughly Modern Millie."

Gene Kelly, who appeared in "Anchors Aweigh" called Mr. Cahn "a great talent.

"His list of hits speaks for itself," Kelly said.

Composer Burt Bacharach said: "He was always interested in what he was doing, and stayed alive to write and perform. He never really retired, and I loved that about him, too."

A high point of the Styne-Cahn collaboration was the 1947 hit Broadway musical "High Button Shoes," with a score that included "Papa Won't You Dance With Me," "I Still Get Jealous," "You're My Girl," and "On a Sunday by the Sea." In 1954 they wrote the title song for the film "Three Coins in the Fountain," which was a No. 1 hit for the Four Aces and a Top 10 song for Sinatra.

During this period, Mr. Cahn did not write exclusively with Styne. Other partners included Axel Stordahl and Paul Weston, with whom, he wrote two of Sinatra's biggest 1940's hits, "Day by Day" and "I Should Care"; Gene DePaul ("Teach Me Tonight"); and Nicholas Brodzsky (Mario Lanza's first hit, "Be My Love").

Mr. Cahn also wrote music for the children's television show "Sesame Street."

The songwriter was born Samuel Cahn in New York City. An early student of the violin, Mr. Cahn started playing in a local orchestra at weddings, bar mitzvahs and other parties.

He continued playing the violin at burlesque houses and wrote his first lyrics at age 16. Before coming to Hollywood, he scored short firms.

He was a president of the National Academy of Popular Music and was a member of the board of the American Society of Composers, Authors and Publishers.

He won Academy Awards in 1954 for "Three Coins in the Fountain" from the film of the same name, in 1957 for "All the Way" from the film "The Joker is Wild," in 1959 for "High Hopes" from "A Hole in the Head" and in 1963 for "Call Me Irresponsible" from "Papa's Delicate Condition."

"Call Me Irresponsible" also won an Emmy award.

He was nominated for an Oscar 30 times.

In the 1992 book "Going Strong," on what keeps accomplished older people going, Mr. Cahn said: "My ambition is to make 87, because I want to see the year 2000 and how the world will celebrate."

Mr. Cash is survived by his wife, Tita, son, Stephen, and daughter, Laurie. Funeral services will be private, and a memorial service will be announced at a later date.

[From the Los Angeles Times, Jan. 16, 1993]

### SAMMY CAHN, OSCAR-WINNING LYRICIST, DIES

(By Myrna Oliver)

Sammy Cahn, the burlesque violinist who grew up to write some of America's favorite songs and win four Academy Awards for such tunes as "Three Coins in the Fountain" and "All the Way," died Friday. He was 79.

Cahn died at 1 p.m. in Cedars-Sinai Medical Center, where he had been under treatment since Dec. 30 for congestive heart failure, hospital spokesman Ron Wise said.

In addition to the award for "Three Coins in the Fountain," written for the 1954 film of the same title, the lyricist garnered Oscars in 1957 for "All the Way," written for the film "The Joker Is Wild"; in 1959 for "High Hopes," for the film "A Hole in the Head," and in 1963 for "Call Me Irresponsible," for the film "Papa's Delicate Condition."

Cahn also won an Emmy in 1955 for the witty song "Love and Marriage," written with composer Jimmy Van Heusen for a musical version of Thornton Wilder's "Our Town." The song is now the theme song of the popular television series "Married—With Children." Cahn also wrote music for the children's television show "Sesame Street."

Cahn penned lyrics for such Broadway musicals as "High Button Shoes" in 1947 and "Skyscraper" in 1965, and in 1974 staged a Broadway revue of his songs, titled "Words and Music."

He was considered the nation's highest-paid songwriter, often earning more than $1,000 a word.

Cahn, once described by Barbra Streisand as looking "like a Jewish dentist," was proud of the hucksterism he used to sell his songs.

"I am the king of the demonstrators," he said. "When we finish a song, my collaborator . . . and I get down to what we consider the most important work. We learn the song—woodshedding, we call it—find the right tempo and phrasing, the right attitude. Then comes the moment of truth the demonstration."

Of all vocalists, Cahn was most associated with Frank Sinatra. He wrote such signature songs as "My Kind of Town" and "September of My Years." Sinatra also popularized Cahn's "Come Fly With Me," "Tender Trap," "Time After Time" and "Saturday Night Is the Loneliest Night of the Week."

Cahn began working with Sinatra when the singer was with the Tommy Dorsey Orchestra in the 1930s and later wrote songs for a dozen of Sinatra's films. Sinatra could not be reached for comment late Friday, spokeswoman Susan Reynolds said.

"I can't imagine him not being here," commented Doris Day, for whom Cahn co-wrote her first movie, "Romance on the High Seas."

"I started in movies because of Sammy Cahn and Jule Styne. They wrote so many fabulous songs for me," she said. "(Sammy) was really ageless. I thought he would live to be at least 120. He was truly invincible, in his spirit."

Composer Burt Bacharach said Cahn offered to co-write a song with him when he was an unknown, something he always appreciated although the song was never written.

"Sammy was a great lyric writer who always kept going," Bacharach said. "He was always interested in what he was doing, and stayed alive to write and perform. He never really retired, and I loved that about him too."

Bacharach's partner and lyricst Carol Bayer Sager added, "Great songwriting and Sammy Cahn are one and the same. He's an inspiration to songwriters everywhere because his songs have stood the test of time. As a lyricist, he set a standard that all other lyricists can only hope to aspire to."

Dancer, singer and actor Gene Kelly, who starred in the Cahn film "Anchors Aweigh," which featured a hit song of the same name, called him "a great talent." Over 33 years, 26 numbers with lyrics by Cahn were nominated for Academy Awards as best song of the year, and in four separate years, two of his songs competed for the award.

The Oscar contenders were written with several composers, most notably Jule Styne and Van Heusen. His many other collaborators included Sammy Fain and George Barrie.

Cahn's highly successful association with Styne led Time magazine to say the team was as important to popular music as Richard Rodgers and Oscar Hammerstein II were to the theater. Their tunes read like a hit parade—"I've Heard That Song Before," "Let It Snow! Let It Snow! Let It Snow!," "I'll Walk Alone," "Give Me Five Minutes More," "Time After Time," "It's Been a Long, Long Time" and "It's Magic."

The lyricist was born Samuel Cohen on June 18, 1913, in New York.

His mother got her wish that he learn violin, but gave up trying to make him a doctor or lawyer after he dropped out of high school to play in Bowery burlesque and vaudeville houses. The teen-age Cahn often made up ribald parodies for the strippers, and soon formed his own dance band, persuading his pianist, Saul Chaplin, to take over composing chores.

"I played the violin so badly," Cahn told The Times years later, "I was almost forced into making up songs. It was easier than going to work."

Cahn, who at 18 wrote his first lyric—"Like Niagara Falls, I'm Falling for You," achieved almost instant success when he teamed up with Chaplin. The duo wrote "Rhythm Is Our Business" for Cahn's boyhood chum Jimmy Lunceford who was appearing at the Apollo Theater, and the tune was recorded for Decca, scoring an immediate hit.

The partners soon won a contract with Warner Bros. Vitaphone Studios in Brooklyn, which Cahn often cracked, had the motto "We don't want it good—we want it by Thursday!"

Hearing the Yiddish song "Bei Mir Bist Du Schoen" performed at the Apollo, Cahn wrote English lyrics for it and Chaplin composed a new arrangement. Bandleader Tommy Dorsey rejected the tune, but a new trio called the Andrews Sisters recorded it for Decca. The tune and the trio became a smash hit in 1937.

When Vitaphone closed in 1940, Cahn and Chaplin moved to Hollywood, but got no more assignments from Warner Bros. They worked briefly for Columbia, but soon split up.

Cahn's attempt to enlist in the service during World War II failed because he suffered from ulcers. He later worked for the USO, entertaining troops.

At Cahn's first encounter with Styne, he put the composer in agony by exclaiming at the first tune he played. "I've heard that song before!" No, he assured Styne, he had never heard the melody; those were simply the lyrics he felt, belonged with it. The collaboration had begun.

Although Cahn teamed up with several other composers when Styne did a stint on Broadway in the late 1940s, Sinatra got them back together in 1954 for the 20th Century Fox film "Pink Tights." The film was shelved because Sinatra's co-star, Marilyn Monroe, backed out, but 20th Century Fox soon offered them "Three Coins in the Fountain."

Cahn paired with Van Heusen in 1955 to create several Sinatra classics including the theme song for his film "The Man With the Golden Arm" in 1956. The partnership, which lasted until 1969, also produced a four part television spectacular in 1959 titled "The Frank Sinatra Show."

In addition to supplying Sinatra with songs, Cahn wrote material recorded by Dean Martin, Sammy Davis Jr., Vic Damone, Tony Bennett and Rosemary Clooney.

For fun as well as profit, he wrote parodies and original material for show business friends, politicians and corporations. His parody of his own, "High Hopes" became John F. Kennedy's presidential campaign song in 1960.

Cahn's autobiography, "I Should Care: The Sammy Cahn Story," was published in 1974.

Elected to the Songwriters Hall of Fame in 1972, Cahn served as its president. He also served as president of the National Academy of Popular Music and was a member of the board and a vice president of the American Society of Composers, Authors and Publishers.

"Sammy was one of our greats and a devoted and dedicated part of the ASCAP family," ASCAP President Morton Gould said Friday, "As a lyricist, to paraphrase one of his famous lyrics, we would call him irreplaceable."

Cahn is survived by his second wife, Tita; his son, Stephen, who lives in New York; his daughter, Laurie Cahn of San Francisco, and two grandchildren.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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## HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 185) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SIMPSON. Mr. President, I rise to speak in regard to the Hatch Act reform legislation.

While the manager and sponsor is here, let me commend him. He is a very able legislator, a very lovely friend, and he is dogged in his duties and devotion to this cause.

I know the feeling. I have been involved in that same intensity of activity with regard to immigration legislation, and Senator GLENN has been involved for many years of his legislative life in efforts to reform the Hatch Act. He has presented his proposal, but still to me, it is not acceptable, for reasons that have nothing to do with the ability and skill of the sponsor.

I have seen many things since I have been involved in politics. My father, who was involved in politics for many years, also saw some very remarkable things that happened to people, things which were motivated by small-minded people in politics. Unfortunately there are plenty of those in both the Democratic Party and the Republican Party who are solely dedicated to seeing how they can "diddle" the other party. Those types of people forget that the real mission of politics has something to do with governing or trying to work together in a bipartisan way. And people who love to spend all their waking hours stiffing their fellow man and woman in political ways are going to find that this bill creates a haven for that type of activity, once again. This is why over 50 years ago the Hatch Act was enacted—to stop that precise type of activity.

I come at this issue with a graphic remembrance of my father. After having been elected Governor, he went to Cheyenne. There was an interesting cadre of Republicans that went through the parking lot of the Capitol building to find out what bumper stickers there were on the cars. The purpose: To see if anyone was going to still be working who might have worked for my father's opponent.

It was difficult to tell who had which bumper sticker, except by knowing the size of the candidates' stickers. You could still determine, through the dirt and road debris, the original size of the sticker, even when it had been removed. So, therefore, you could find who had voted against Milward L. Simpson, the new Governor of Wyoming. Then these folks could go through these employees' dossiers and "sack them"—"send them packing" because of their conduct.

If you do not think that similar activity is going to happen under this bill you are very wrong. This is the way small-minded people in politics do their business. It does not have anything to do with laudatory motives like ensuring the individual's rights of expression, or ensuring people the right to participate in a democracy. Those are marvelous phrases, but they do not have anything to do with small-minded people who love to play vicious little political games.

So I think this is an issue that we should be ever so careful about. Small-minded political motivations will never be subdued. Notwithstanding how this bill differs from the bill President Ford vetoed during his term—we are still repealing the heart and soul of the Hatch Act.

With this legislation, I think we all are witnessing a collective amnesia of the way things were for Federal employees prior to 1939. It seems clear to me that the Senate is now ready to simply ignore the reality of human nature and revert to the days when many Federal employees had to "sell their souls" to the "powers that be" if they wanted to work for the Federal Government.

The Hatch Act had its genesis in 1907, when President Theodore Roosevelt issued an executive order which prohibited employees from "taking an active part in political management or political campaigns." That, my friends, is the keystone and the absolute essence of the Hatch Act, which represents the codification of that principle. So when we refer to this as an exercise in reform, we must remind ourselves of what is really happening here.

Page 15 of this bill, under section 7323, takes all of the wisdom and the vision from our predecessors and simply tosses it into the nearest trash can. On page 15, you will find these words:

"An employee may take an active part in political management or in political campaigns .*.*.* and may knowingly solicit, accept, or receive a political contribution from any person who is a member of the same Federal labor organization."

Now, there it is—the exact opposite of Teddy Roosevelt's original executive order. In fact, they changed the words from "may not" to "may." You cannot flip it on its head any better than that.

So why is it that many of us feel compelled to gut the Hatch Act? Is it a "front-burner" issue for most of the American people? Is it a real gut issue for the Federal employee work force? It is not.

The fact is, this issue has not even captured the attention of its primary target, and that is the Federal worker. Only 32 percent—according to apparently reputable polls—of Federal employees favor this bill. The rest either oppose it or could care less. They do not want this change.

So who is lobbying for this change? I think we know who they are. They are the inside-the-beltway Federal employee union activists who will take the latitude provided in this bill and run with it, and love it. They have been waiting a long time for it. And they are going to get some version of it and it will be very pleasing to them. It is just that kind of latitude that we will give them in this legislation and it will be used and abused by them. Those at the top will use that latitude for raw political purposes at the expense of some pretty fine public servants, who were thinking if they could just have a bumper sticker on their car, or if they could just do this, or or whatever else they feel that they may have been deprived of. Unfortunately, those folks won't receive much benefit here.

Lobbyists for Hatch Act reform love to tell us that times have changed—a new era. We have all heard that one over and over again. Thank heavens for this enlightened age.

Well, times have changed, but human beings have not. We all know that there are enough partisan political wackos all across the United States who are waiting in the wings at this very moment. They are waiting to jump-start the old political hack machines that used to run so well—with a lot of oil and plenty of gas—before the Hatch Act was passed.

Two main reasons are cited as the basis for supporting this bill. The first is that the Hatch Act represents an abridgement of first amendment rights. The second is that the Hatch Act is too confusing. All this after 50-plus years.

When it comes to real confusion, those who argue that this bill is needed for first amendment reasons are either confused themselves or trying to confuse others. The Hatch Act does not abridge the freedom of political expression or any other first amendment right.

The U.S. Supreme Court, in its enduring wisdom, has, for over half a century, declined to strike down the act. On two occasions, they ruled the act was constitutional. Further, they stood up and sent a clear message to all Federal employees that the Hatch Act was necessary, as well. Make no mistake, that interpretation did not begin with me.

The issue here is not political participation or the first amendment or freedom of expression. It never has been. The issue is coercion. And it does not matter what kind of language you put in there, human beings will find a way around those provisions which say coercion will not be tolerated.

The other reasons are really nothing more than artificial flavors that are intended to make this whole big ball of stuff easier to swallow.

Yes, the President has indicated his support for this bill. He will sign it into law. But, we should never miss the fact that the issue here is the coercion of Government employees by those engaged in political activity. Do not miss that. We tend to forget that, because that has been the least of our worries since Congress first passed the Hatch Act in 1939.

But there was a time when we did have to worry about it, and that is why we have the existing statute.

And, as I have said, I remember these issues so well from my own experiences in politics, and from my father's when he was Governor and a U.S. Senator. It is the real reason why the Hatch Act is so desperately needed. And I have recounted the experiences in the parking lot at the Capitol.

Interestingly enough, when my father was defeated for reelection, they went back through the parking log again, and the Democrats then found out who had been supporting Milward L. Simpson. They then went through the Capitol Building and sacked those poor souls, too.

That is the way it worked in Tammany Hall. That is the way it worked in some of the toughest machines in the United States. And that is why we have a Hatch Act.

I remember one of the Republican faith—I would not want to give an example of coercion by a member of the same party as the occupant of the chair—who had helped my father get elected—approached my father soon after his election. He had a list in his hand, and he was trembling with anticipation and glee. And he said: "Here is the list, Governor, of the people who ought to be sent packing." He was slavering as he said it.

My father asked why they should be dismissed if they had been there 20 or 30 years. He had not been Governor for 20 or 30 years, he had been Governor for just 20 or 30 minutes.

He said, "Are they good workers?" Think of it, an unheard-of statement like that to come from a politician; an unheard-of thing. He said, "Are they good workers?"

And he was told by this quivering man, who was administering his political venom, that even though they were darned good workers, and even if some of them had received awards, they were still on the other side.

That was the end of the inquiry. That was it. That was all. Whether or not the worker had done a good job and had been recognized as tops among his or her colleagues, that did not matter one whit.

I am proud to say that my father did not take any part in that game. It hurt him, too, when he ran for reelection. He said, "I am not going to get into that. I know those people. This is a small State. That woman has been here for 30 years. Her husband died. That is her job. She's good at it. She's 45 years old—get out of here." And they remembered that my father did not play the game.

Plenty of others played it. They would roll them right out of the State capitol building. And at the Federal level, before the Hatch Act, that was the same name of the game. It was called coercion and patronage.

In conclusion, I wonder how politicizing the Federal work force can somehow be liberating for the Federal employee. I am under no illusion. This bill will pass. It may have a stall along the way, but it will eventually pass. And when it finally does become law, then brownie points—and not hard work—will once again be the grounds for promoting Federal workers. This is inevitable. That is what will occur. And for me this is a very disturbing result because I could think of nothing more restrictive and distasteful than a Federal worker having to endure bowing to partisan pressures with which he or she may disagree—and do not think they will not be here. There is no language on Earth that you can craft to keep zealous pinheaded Republicans and zealous pinheaded Democrats from doing in their fellow man out of pure partisan reasons.

When you consider the terrible consequences of this legislation, it only makes one wonder what is the underlying reason for pushing it through the Congress? And some say, what is the underlying reason for Republicans to resist? I have several reasons. I have just shared them. Others of my faith say, "I cannot believe it. These political action committees give 90 percent of all Federal union PAC money to Democrats." Most likely that has a little something to do with it.

We surely do not need help from Sherlock Holmes to figure that one out. I certainly would agree that Democrats will need all the help they can get for the 1994 elections, but browbeating and belittling Federal employees is certainly not the place to start. I think they will sort it out and perhaps they will see that what was intended for the best of reasons as reform may turn out to be something which lessens them in status, which will leave them anxious and weary at the end of a day. Instead of an employee just kicking off his or her shoes and heading home, they will be asked by their superior to grab their banner, get their checkbook, head out to the old company picnic, and get aboard. And if they do not, their name will be entered upon the rolls and they will be visited by three goons—or should I say "spirits"—but it won't necessarily be at Christmastime.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I rise today to express my opposition to S. 185, the Hatch Act reform amendments. It is unwise, in my view, for the Senate to take this step toward politicizing the Federal work force at a time when public confidence in the Federal Government is at one of the lowest points in our history.

Americans have grown distrustful of their Government and the way in which it conducts its business. It seems ironic that not long after the Congress called for tighter ethics laws for all three branches of Government, and as the Senate just recently completed its debate on campaign finance reform, we are ready to undermine the Hatch Act, a law that has been widely accepted as an important symbol of Government integrity for more than half a century. I believe it is very dangerous for the Congress to further erode public confidence in the Federal Government by allowing partisan political activities to become widespread within the Federal civil service.

The Hatch Act has served to protect not only the interests of the public by ensuring the impartial administration of the laws, but has also protected Federal workers from the subtle coercions and the pressures in the workplace to become involved in partisan politics. In short, the Hatch Act gives Federal workers the right to say no to the importunings of their superiors who may want them to participate in, or support, partisan politics. It is a system that has worked well, and one that should be retained.

Proponents of this legislation have suggested that the current prohibitions on the political activities that Federal employees may engage in are an infringement on their rights as citizens—that these individuals are being unfairly denied the rights that the rest of our citizenry enjoys. On more than one occasion, the limitations on political activity imposed by the Hatch Act have been found constitutional by the U.S. Supreme Court.

Certainly, democracy is promoted by political participation and in fact there are a number of political activities which Federal employees are allowed to engage in under current law. For over 200 years Federal employees have been recognized as different from ordinary citizens. They have civil service job protection, a limited ability to strike, and are responsible for the administration and the implementation of our Nation's laws. The nature of the work of these employees makes them different in this regard from ordinary citizens. The Hatch Act is just one of many ways in which Federal employees are treated differently than other Americans.

I do not agree with those who argue that other provisions of Federal law provide adequate protections for Federal employees from coercion. These provisions do not adequately shield Federal workers from the many subtle means that superiors could employ to retaliate against subordinates for participating or refusing to participate in political activity. Promotions, job assignments, and job evaluations can all be used as means of coercion and retaliation. The current Hatch Act was enacted to prevent such pressures, that usually occur well outside the sight of any witness and which are very difficult to prove, but which are very easy for the Federal employee to feel.

I do, however, believe that there is merit to the claim that the regulations issued under the Hatch Act are confusing, and that such confusion may prevent Federal employees from engaging in the political activities that are permissible under the act. The proper response to this concern, in my view, is to clarify the guidance that is given to Federal employees on what is acceptable and unacceptable under the existing law. To discard the entire Hatch Act simply because its interpretation and implementation needs to be improved would be a gross overreaction and would, in the long run, severely harm the public's trust in, and perception of, its Government.

While I oppose this legislation and do not believe that our civil servants should be allowed to engage in the expanded political activities that this bill allows, the reality is that some form of this legislation is likely to become law this Congress. At a minimum, I believe that employees who perform certain sensitive or investigatory activities should be exempted from this legislation. Employees in sensitive positions such as those involved in tax collection, law enforcement, the awarding of Government contracts and intelligence activities should not, in my view, become identified with partisan political parties and causes. President Theodore Roosevelt noted the importance of ensuring that employees of the Department of Justice do not appear to be subject to partisan political influence in a letter to Attorney General William H. Moody in 1904 in which he said:

> Of all the officers of the government, those of the Department of Justice should be kept most free from any suspicion of improper action on partisan or factional grounds so that there shall be gradually a growth, even though a slow growth, in the knowledge that the federal courts and the representatives of the Federal Department of Justice insist on meeting out even-handed justice to all.

David Burckman, Secretary for the Association of Former Internal Revenue Executives, during his testimony before the Governmental Affairs Committee on S. 185 reminded us of the times when rank and file IRS employees were permitted to take part in politics on their own time. Senior positions in the IRS at this time were filled by political appointees. Scandals erupted and congressional investigations were called.

The results of those inquiries were quite disturbing because they clearly showed that because of the political pressures brought to bear on the employees of the IRS, taxpayers were treated unfairly and a number of revenue service employees were indicted in embezzlement charges. Do we really want to return to those times? Even if the types of past abuses that Mr. Burckman describes do not reoccur, I believe that if an IRS auditor engages in partisan political activities that the public's perception of the impartiality of the IRS will be affected and the agency's ability to do its job will be called into question.

Recently, I came to the floor to raise my concerns about what has come to be known as Travelgate. The issue of appearing to misuse the FBI is not a trifling matter. We should not forget the uproar that was created when the Nation learned how the White House had attempted and, indeed, had used the Director of the FBI to serve the President's political ends during Watergate.

I would like to quote from a letter I recently received from the Director of the FBI concerning this issue. The letter said: and I quote:

> I could not agree with you more that the FBI's investigative mission must be free from even the hint of partisan politics.

I also recall my reaction during the last campaign when we learned that the State Department had been called upon to check out the passport of then-candidate Bill Clinton. Most of the American people were justifiably outraged about the attempt, or the appearance of an attempt, to use the State Department to achieve a political objective. Those individuals who were involved were either forced to resign or were, indeed, fired.

What is at issue here is maintaining the integrity of neutral instruments of Government. The American people are justifiably angry when they sense that one of those instruments has been, or appears to have been, used to achieve a political purpose. We cannot allow the FBI, the IRS, or other Government agencies that are charged with the neutral, impartial administration of our laws to be used to serve political ends.

The proponents of this legislation argue that this is simply a modest reform, but I would suggest something that is quite to the contrary. We should make no mistake about it. There is much more involved here than a modest reform.

Since the beginning of our Republic, the importance of limiting the political activities which our civil servants may engage in has been recognized. It has been recognized by the Supreme Court on several occasions. This legislation substantially reverses the process of insulating our Federal employees from the kind of not only overt pressures that can be brought to bear, but the subtle, the unseen pressures that can be brought to bear.

You can have a situation in which one of the superiors of an individual in the Federal civil service is told: "By the way, we're taking up a collection to support the campaign of Senator Bill Cohen," or his opponent. "You don't have to contribute, but everybody else is." This legislation will do nothing to protect against the kind of not-so-subtle attempt to influence that particular individual's conduct.

Or, members of the same office are going down to raise funds, or to contribute support in some other way, and a superior says: "You don't have to go, you don't have to come, you don't have to contribute, but everybody else is."

The very hint that one's future prospects within that bureaucracy might be at stake is something that I think we do not, and cannot, and in any way legislatively protect against in this bill.

So, Mr. President, I ask unanimous consent that articles that have appeared in Maine newspapers and also, if it has not been done so already, the lead editorial in today's New York Times, be printed the RECORD. It is captioned, "Save the Hatch Act." At the very end of the editorial, it calls upon the Democratic majority to accept the proposals recommended by the Senator from Delaware [Mr. ROTH] and Senator DOLE; to accept this compromise proposal, or be charged with engaging in something other than modest reform.

It concludes by saying:

> For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their coworkers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech and good Government but political money and influence.

That comes not from the Washington Times but comes from the New York Times and has caught the attention of many, certainly on this side of the aisle, because of the importance of that paper and the role that it plays in influencing people's opinions.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Bangor (ME) Daily News, Mar. 16, 1993]

### HATCH ACT REPEAL

While most of the country was preoccupied with the Clinton budget, base closures and the prospect of higher energy taxes, a determined group of congressmen pushed through a bill that would remove important provisions of the Hatch Act which for 53 years has protected the federal system and its workers from the consequences of entanglement in partisan politics.

Although opponents of the act believe this is an excellent time to attack the act—pushing amendments through a new Congress and past a new president—just the opposite is true.

Given the unprecedented level of public unhappiness with elected officials and widespread cynicism about government generally, an assault on the precepts of the Hatch Act, wrong under any circumstances, would be a serious mistake. In this political climate, it could create a destructive backlash that would serve no interest, and possibly place additional restrictions on political participation by federal employees.

The Hatch Act, named for Sen. Carl Hatch, D-New Mexico, was passed in 1939 in reaction to complaints and stories about New Deal workers who had been forced to work in behalf of political incumbents. The country had addressed the worst aspects of the spoils system more than 50 years earlier, but it was clear that the federal government and its employees needed additional protection from the pressures of partisan politics.

Federal workers retained the right to vote, to belong to political parties and make monetary contributions to candidates, but under Hatch they were prohibited from holding party offices, working in campaign offices or managing political campaigns. They can't solicit funds from others in behalf of candidates, or run for elected office.

That's a lot to give up, but the return is substantial: Workers can't be pressed into service in behalf of politicians, or risk losing their job. In the opinion of Common Cause, it "strike an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government."

The Hatch Act has been challenged three times, but upheld on each occasion by the Supreme Court. In its 1973 decision, Justice Byron White observed that it was "in the best interest of the country (that) . . . the political influence of federal employees on others and on the political process should be limited."

Repeal efforts that made it through Congress were vetoed twice, once in 1973 by President Ford and again in 1990 by President Bush. The House this year approved of its repeal, the Senate was awaiting appointment of a new attorney general before making a decision.

The Senate should stand firm against gutting the Hatch Act which despite its cumbersome rules and administration has provided this country with protection against the partisan politicizing of its federal work force.

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[From the Lewiston (ME) Sun-Journal, Mar. 14, 1993]

### KEEP HATCH ACT

When federal workers say they're "Hatched," they're not talking about their mode of entry into this world. They mean they are prohibited from running for partisan political office, managing compaigns or raising money for partisan candidates—activities forbidden under the Hatch Act passed in 1939.

Congress is on the verge of "unhatching" federal workers. The House passed a bill that guts the Hatch Act earlier this month. The Senate will hold hearings in April.

If a bill passes both houses, as a similar one did in 1990, odds are that President Bill Clinton will sign it, say Washington observers. President Bush vetoed the 1990 version.

Overhauling the Hatch Act would be a serious mistake. The law protects federal employees from being coerced by their unions, supervisors or colleagues into actively supporting political candidates. It also protects citizens from intimidation by bureaucrats administering government programs.

The bill that passed in the House would allow federal employees to run for local office, manage political campaigns and solicit contributions on their own time. But suppose an Internal Revenue Service employee asks you for a contribution while your return is being audited. Does it really matter if the request occurs during or after business hours?

The argument that employees would be protected from arm-twisting doesn't wash either. Coercion doesn't have to be blatant to be effective. Subtle means, a little "friendly persuasion" shall we say, can be used to pressure reluctant employees into making contributions or stuffing envelopes.

Some federal employees resent being "Hatched." But many others like having a hassle-free excuse for not getting actively involved in politics. Federal employees are still free to vote, belong to political parties and make contributions. What they're not free to do currently is intimidate fellow employees or citizens into supporting candidates. That's how it should remain.

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[From the New York Times]

### SAVE THE HATCH ACT

It's greed time in the nation's capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

From the public's standpoint and that of Federal workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.

Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.

Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."

The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.

For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

Mr. COHEN. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I was not expecting to speak at any length this morning because we thought we were going to have an agreement worked out.

So that people know where we stand on this, we are still trying to work out an agreement. We made a proposal to the other side and they are responding at the present time. While that is still in process, I will respond briefly to some of the remarks just made by the distinguished Senator from Maine and the prior remarks by the distinguished Senator from Wyoming.

The distinguished Senator from Wyoming indicated that it was going to be a terrible thing that Federal employees might be solicited for a political contribution. I point out to him, although he has left the floor, but I want the record to show that that is done right now. That is in current law. That is nothing new. That is not changed by anything we are proposing here on the floor.

The way it is done right now is there is a prohibition against Federal employees asking anyone for a contribution, even their colleagues. What they actually do de facto is, they have one of their retirees who raises money for the PAC. And that retiree, or group of retirees, goes around and asks for contributions. That is absolutely legal. There is nothing wrong with that. They still have an interest in their colleagues. They still have an interest in the country they served through long careers in the civil service, and so they go out and they ask for contributions for the political action committees. It is all legal as can be.

So what the Senator from Wyoming was disagreeing with is already happening except it has to be done by a dodge. But it is all absolutely legal. So there has to be, I suppose some people might determine, a little subterfuge here that occurs as they go out and ask people for contributions for a political action committee, which every other business in this country can form, any other union can form, any group of private citizens can get together and say we want to form a political action committee, we want to raise money for it, and if people are so inclined, they can contribute to that committee. This is done in this case, and that is exactly the way the political action committees of Government unions have worked. So that is nothing new. You can do that now.

What we do with this legislation is we do not really change that except we say we do not have to go through that dodge; we do not have to go through that dodge of bringing somebody else in to do this for us to keep this legal. We are just saying you can have someone in the union designated for this. They cannot intimidate a subordinate, nor can they coerce them.

The distinguished Senator from Wyoming also talked about going back to the original days of the Hatch Act. No one is proposing that the Hatch Act be repealed. I have repeated that over and over on the floor. As many times as I say it, it seems just as many times they say again: "Well, this is repeal of the Hatch Act," and so on. This is not repeal of the Hatch Act. It is an attempt to make the Hatch Act a little bit more fair than it is right now and to cut out some of the abuses that are in the Hatch Act right now.

As far as protections of people that are in civil service now and the difference from back in those days when the Hatch Act was established in 1939, there are many, many protections.

It was said how the Federal employees, if we alter this, would somehow be left unprotected.

Nothing could be further from the truth. Since those days in 1939, we have a civil service that has developed on merit lines. And if there is any violation of people being promoted on a merit system, they can take what they see as a slight to them and their career or on something they have been dealt with unfairly, and they can go ahead and file a complaint with the Merit Systems Protection Board which hears that complaint and makes their judgment on that complaint. So they are protected that way. Office of Special Counsel also can take up these differences that they may have with the system. So we have all of that.

Not even the Merit Systems Protection Board and the Office of Special Council, however—those are not the sole protections of people who may feel aggrieved in their civil service positions.

I have eight different citations of the United States Code that deal with different efforts to threaten, to intimidate, to coerce, people who want to vote a certain way, to force them to vote a certain way. There is a stiff penalty for that: $1,000 fine, a year in jail, or both.

People who would try to interfere in the nomination or election of a candidate, President, Vice President, Senate Member, House of Representatives and other citations under the United States Code—that one is 595. The first one was under title 18 United States Code, that is 594. The next one was 18 U.S.C. 595 on the nominations.

Another one is 18 U.S.C. 599, trying to influence through promises or pledges the appointment or employment, either one. Stiff fine for that one also. That one goes up $10,000 and 2 years.

Title 18, United States Code, section 600: If you are promising an employment position, compensation, contract, or any other benefit—any benefit, as a matter of fact—in return for the support of, or opposition to, any candidate or political party. That one is $10,000, again, 1 year or both.

Title 18, United States Code, section 601: If you attempt to cause any person to make a contribution of anything of value, including services, for the benefit for or against, or deny or deprive people working for somebody else they may want to work for, that once again is covered by a fine, and a year in prison, or both.

Title 18, United States Code, section 602: It is unlawful for an officer or employee or any person receiving a salary or compensation from the Treasury, to solicit any contribution from any other officer, employee or person. Anybody who violates that can be fined not more than $5,000 or imprisoned, no more than 3 years or both.

Now, they get around that right now by having retirees do the soliciting.

Title 18, United States Code, section 607:

> It shall be unlawful for any person to solicit or receive any contribution * * * in any room or building occupied in the discharge of official duties * * * or in any Navy yard, port, or arsenal.

In other words, people cannot come in and make a contribution to you in an office right here. I believe that we have designated people who can do that. But can a person solicit or receive contributions on that type Federal property? The answer is no.

Title 18, United States Code, section 610, which would be added by this bill, if this bill is passed, says this. This is part of S. 185. This has not been passed yet, but I hope that this does become law. It says:

> It shall be unlawful for any person to intimate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce any employee of the Federal Government * * * to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than 3 years, or both.

I should also indicate another section provides that any person who shall do any of those things will also lose their employment in civil service immediately.

So we find very stiff penalties in this not only in the Merit Systems Protection Board area or the Office of Special Counsel that have grown up since those days of 1939 when the Hatch Act was put in, but also these citations I just read out of the United States Code indicate the stiff penalties that have developed for any violations since those days in 1939.

We do not repeal any of those. We do not alter those. I wish to leave those in. If anything, I would strengthen them, as we did yesterday when we accepted one of the proposals from my distinguished colleague, Senator ROTH, floor manager on the other side, who indicated there should be dismissal immediately for violations instead of making it the second violation. I did not disagree with that. Fine with me. If they want to toughen this thing up in that area so we do not have violations, I will support such toughening up of the Hatch Act.

That is basically what we do to the Hatch Act with this bill. All these things that bring up all these extraneous matters regarding the Hatch Act and how we should not return to the days of partisan politics, I agree with 100 percent. I am a backer of the Hatch Act. I favor the Hatch Act. I do not favor repeal of the Hatch Act.

What I do favor is making the Hatch Act workable and making it fair. And what we do by this legislation is we say basically that on the job—on the job—we tighten up the Hatch Act. We strengthen current prohibitions against on-the-job political activity by Government employees. We beef up penalties for violators such as I just read. And we say there will be no political activity on the job. There are no exceptions to that. There will be no political activity of any kind on the job.

How about off the job? Now, we say, still with major restrictions, major controls, that off the job we should allow America's 2.5 to 3 million civil servants to reclaim their constitutional rights by participating in our Nation's political process, voluntarily, on their own time, as private citizens, nonpartisan, not as Republicans or Democrats. They cannot run for partisan office. In that area, we still keep exactly the same restraint.

Now, could they be active in party politics? Yes, sure. What is wrong with being a precinct committeeman, a ward committeeman, something like that. I see nothing wrong with that.

What we do also is eliminate or clarify current rules that are confusing, that are really nonsensical, that are contradictory.

So things are different, as I said, in 1993 than they were in 1939 because of the Merit Systems Protection Board, because of the Office of Special Counsel activities, and because of the United States Code where we have had the passage of laws through the years that do protect civil servants and restrict civil servants from any of the activities I indicated a moment ago.

This is a professional civil service. It is well established. It is merit based. And there are protections if anyone thinks they can get away from that merit-base protection.

There is one thing I would have to point out, and that is one of the greatest and most confusing things that has come up around the Senate bill, the fact that the House of Representatives passed their own version of Hatch Act reform which, I have to admit, comes a lot closer to Hatch Act repeal than does this bill we have in the Senate now before us. The bill over in the House would let people run for partisan political office—very few restrictions on that. It would let people solicit contributions, solicit them from the general public. Civil servants out soliciting from the general public, I cannot agree with that. So I disagree with the House bill.

There are those who would deliberately confuse us. I heard a lot of the editorials from around the country that were quoted here, some from my home State of Ohio, as a matter of fact. Some of those editorials even started off saying "If the Senate agrees with the House bill." Then they go ahead and criticize the House bill and me indirectly, of course, because I somehow am advocating passage of this bill that they presume is somehow going to get watered down and be the House bill before we get finished with this bill. That is just not the case.

So let us deal with facts. The facts are that this bill is not the House bill. The facts are that this is a bill that we should be considering on its own. It is not the House bill. I have already advised my colleagues, some of them over in the House, that if the House bill would prevail and I would have to bring that back out of conference, I do not think there would be a bill because there is much objection to it in the Senate.

So they are separate. They have very different provisions. What the Senate bill does is bring some clarification.

Through the years, under the Hatch Act, there have been some 1,500 different rules and regulations and interpretations that have grown up. Many are conflicting, many are unclear. Some have been corrected and some have not.

Let me just give a couple of examples that are still conflicting and unclear.

We already have been through them a couple times in the last couple days of debate.

Anybody in this country is free to give up to $1,000 to any Federal candidate, the candidate of your choice. People in the gallery, people on the floor, civil servants, anybody else, by law you can give $1,000 to anybody you want. If you are a civil service person, you are over here in one of the agencies, you want to contribute to the President or Senator or Congressman who is running, you can do that, $1,000.

Now, let us say that out in Bethesda, a suburb of Washington, you have a couple of civil service people living side by side, one with a large family, one does not, say, and the person with a large family wants to give $1,000, and they do.

The person next door has just as much political interest in that same candidacy, whichever party it may happen to be, the second person has a couple of kids in college. A lot of people who are within the sound of my voice know how expensive that is these days.

So you say, "Well, OK, we have a couple of kids in college. So we don't have that much money but I have just as much interest in that candidate. I have just as much interest in my country. I have just as much interest in the processes that every American should feel free to participate in. I have every bit as much interest as anybody else. I just don't have the cash. So I will tell you what I am going to do. In lieu of having the cash, I am going to go down and I will stuff envelopes, help whoever the candidate is down at the headquarters."

It may be a Presidential race. Maybe I will drive a car in a campaign. Can you do that? No. The present law says no. If you have money, you can contribute, but you cannot contribute anything else in kind. Is that fair? Is that right? I certainly do not think so.

I think that in-kind contributions—stuffing envelopes, licking stamps, driving a car in a campaign—should people who have an interest but do not have the thousand dollars to contribute be permitted to participate in our political system? Should they be prohibited from doing that just because they happen to be in civil service? Well, I do not think they should be prohibited, myself.

Let us take another example. You have a political rally down here tonight. Here is a person who is going to go to that political rally. That is legal in the civil service. You can go to that rally if you are a civil servant. You are interested in that same campaign I talked about a little bit. You went down and got some yard signs, brought them up home and put them up in your yard. You maybe put 50 yard signs in support of whomever it is in your front yard. There is no doubt about where you stand. That is for sure. You even save 10 out there. You put 10 of them—bumper stickers all over the car. You are driving around like a mobile billboard in support of the candidate of your choice. That is fine. When you drive downtown in that car, it has stickers, bumper stickers, windshield stickers, card signs all over it in support of a candidate, and you park it right out front and you stand there beside it. You walk in inside, and here is the rally going on inside. You are standing back in the hall as that civil servant. You stand back in the hall and you are standing there and someone comes by and says, "Hey. Hold this sign a minute"—the same sign you have on the car outside. "Hold this sign a minute." Got you. If somebody sees you do that, they want to file a charge against you. You cannot at a political rally hold a sign. That is illegal. You can have it all over your car, you can have signs all over the house, all over your front yard. You can put them anywhere you want to put them. But you go to a political rally and hold that same sign, just one of them, you are in violation, and you can lose your civil service job because of that. Does that make any sense? That is the kind of inconsistency that has grown up around this.

Another one. The law says now Federal employees can publicly express their opinions. Good, fine, they can express their opinions about political candidates. They can express their opinions. But the law also says you cannot make a speech on behalf of that candidate.

Well, when we think of a speech, we think of a big crowd, and so on. But let us define that speech so people will have some idea of what they are permitted to do or what they are not permitted to do. What is a speech? Does it mean 2 people in front of you—3, 5, 5,000? What if you are standing there by yourself and a reporter walks up and sticks a microphone in front of you. You start talking about the candidate of your choice into that microphone. Is that a speech? It may be going out to 100,000 people or 1 million people over television of radio. Is that a speech? Or is it only a speech if the size of the crowd is defined? If you go out on TV or radio, is that OK? Or let us say it is only a print reporter so it is not going to be your voice going out, but your views are going to be expressed and that goes out to a couple of million people on the wire service. Is that a speech? If it is a print reporter or no others are listening, is that OK? You can see what kind of a situation we are into.

Let me give another one.

You are not supposed to have political activity on the job. But right now you can go to work as a civil servant, you can have a campaign button on. There is nothing that says a campaign button has to be as big as your little fingernail or it can be a foot across if you want to have a button that big. That is a pretty big button I must admit. You can have any size button. If you walk in with that button on, that is absolutely legal. But we are talking about coercion here. What I am talking about is the boss can walk in with a great big sticker on that says "Bush-Quayle" or "Clinton-Gore" or whatever the campaign is. And I would say if that does not border on coercion, I do not know what does because the boss is parading around the office with lapel buttons on—campaign buttons on. If that does not give somebody a little hint about what they had better believe, then I missed my diagnosis of that.

And this bill would prevent that. This bill would say on the job, you can do absolutely nothing political. You cannot have a campaign button on. You cannot do anything. The point of this is there is so much in current law that is inconsistent. It is confusing, and we desperately need to overhaul just to clarify it. That is what this would do.

Under this bill, Federal employees would still be barred from running for partisan political office. They could be active as a ward or in the political party. They could not run for partisan political office. And they would still be barred from soliciting political contributions. The House permits both of those things to still happen.

We say that for coercion—that word has been bandied about here on the floor the last couple of days. Coercion of subordinates would not only still be banned but subject to greatly increased penalties, which the House does not do, up to $5,000 fine and 3 years in prison.

In short, this bill, not the House bill, this bill makes a long-needed, clear distinction between political activity on the job and political activity off the job.

Those who rise on this floor and keep saying over and over again, keep referring to repeal of the Hatch Act, and that we should not go back to the days of 1939, I agree with them 100 percent. I do not know what they are arguing about. They are not referring to this S. 185, to this bill because that is not what this bill does. It does not repeal the Hatch Act.

What it does is make it so people will know what the Hatch Act permits and does not permit. On the job, nothing. You cannot have any political activity, even wearing something as innocuous as a campaign button on the job. Off the job, you have a little bit more freedom to participate in a campaign—to stuff envelopes if you do not have that $1,000 and want to make an in-kind contribution, which permits some things like that. That is basically what this bill does. It does not undo the protections of the Hatch Act. I want to keep the protections of the Hatch Act also. And I have committed that many times here on the Senate floor over the last couple of days.

Mr. President, I yield the floor.

I know there are others waiting to speak.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IN SUPPORT OF THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Mr. President, in the fall of 1940, as the war clouds rumbled across the globe, President Roosevelt signed the Selective Service and Training Act. By this signature, the President gave birth to our modern Selective Service System and instituted the Nation's first peacetime draft.

Today, we are fortunate to no longer need a draft, however, the Selective Service System still provides the Nation with an inexpensive national defense insurance policy. The registration system managed by the Selective Service is an unqualified success. Nearly 99 percent of the Nation's draft eligible men, ages 20 through 25, are registered. Additionally, because of the Agency's ongoing program and continuous mobilization planning, the System is ready to resume a draft at a moment's notice, should the Congress and the President decide that conscription is needed in an emergency.

While the peacetime registration program is an important and highly visible part of the Selective Service Agency's mission, its primary mission is mobilization readiness. At present, Selective Service is capable of placing the first draftees in uniform within 13 days of being given the legal go-ahead. The high compliance afforded by peacetime registration guarantees that any future draft, if needed, would be the fairest and most equitable in history.

In anticipation of future needs, the Selective Service System is completing plans for a standby health care draft. It is prepared to respond immediately to any congressional and Department of Defense requirement to provide large numbers of health care personnel in a crisis. The health care personnel delivery system is being developed at the request of the Congress because of a justifiable concern that there would be a critical shortage of medical specialties and health care personnel in a war involving high casualty rates.

We all hope and pray that our Nation is never again involved in a crisis of such magnitude that a draft becomes necessary. However, we must maintain the capability of mobilizing America's manpower should it be needed. The Selective Service System provides that capability, a hedge against the unknown.

Mr. President, last month the House Appropriations Committee reduced the funding for the Selective Service. If the Senate follows suit, it would be a travesty. The Selective Service provides an enormous emergency capability for a relatively small, annual budget. For over 50 years, it has provided critical functions in the areas of peacetime draft registration, mobilization and, most recently, a health care personnel delivery system. Since it is impossible to forecast the military challenges which lie ahead and the Nation is drastically reducing the size of its military services, it is imperative that we maintain the capabilities of the Selective Service System.

Mr. President, I urge my Senate colleagues to vigorously oppose any attempt to eliminate the Selective Service System. It is our Nation's insurance policy for future mobilization, and like any insurance policy, if we want the benefit, we must pay the bill.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Delaware.

Mr. ROTH. Mr. President, in the last few days there has been considerable discussion as to what the impact is of S. 185, the Senate proposal to modify the Hatch Act. It has been argued by the distinguished chairman and others that it does not represent a revocation of the Hatch Act which, since 1939, has so effectively protected the interests of Federal employees and has assured the American public that the laws are administered in a neutral, nonpartisan way.

In this discussion, I have mentioned a number of times that many distinguished organizations, like the Federal Bar or Common Cause, to just mention two, as well as a number of newspapers, have editorialized against any changes or any basic reform of the Hatch Act.

The chairman has argued that these editorials are essentially directed at the House bill which, admittedly, goes much further than the Senate bill. Nevertheless, many of the editorials, including one that appears this morning in the New York Times, make it very clear that they are editorializing against both the House and Senate legislation. As they say, "If it ain't broke, don't fix it."

The New York Times of this morning has an editorial in it. The lead editorial is entitled "Save the Hatch Act."

In the first paragraph, it very sharply points out why there is such interest in this legislation. I read from the New York Times editorial of today:

> It's greed time in the Nation's Capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees and eager for more help in the future, are about to relax Hatch Act restrictions on active

> partisan political activity by Federal employees.

It continues:

> From the public standpoint and that of Federal workers, who would face pressure to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revisions that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

Well, Mr. President, I think this chart here shows why the majority side is so interested in promoting PAC's within Government. As this chart points out, the Federal and postal worker PAC's, in the 1990 and 1992 election cycles, gave 89 percent of their funds to Democrats—89 percent. And only 11 percent went to Republicans. No wonder the New York Times starts their editorial by saying that it is greed time in the Nation's Capital.

Is it not ironic that at the very time we are talking about campaign reform and doing away with PAC's as a means of financing campaigns, that this so-called reform package, S. 185, would open up, would extend permissible conduct in connection with PAC's directly contrary to what many of us voted in the recent campaign reform legislation?

As the New York Times article points out, it seems inevitable that some weakening of the 1939 act will happen this year. And then it goes on to challenge the Democratic leadership to accept what it calls a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fundraising game.

So we think this is a good idea. Frankly, I personally would prefer that there would be no major reform of the Hatch Act, because it has been a successful piece of legislation.

But it does seem to me that if there is going to be a relaxation of the rules and the Federal employees are going to be permitted to become involved in partisan political action—exactly the opposite of what is the case now—we should take steps to ensure that the relaxation does not apply to those employees in sensitive positions and that we should continue to keep all Federal employees out of political fundraising.

Mr. President, we offered to the Democrats, in a letter from the Republican leader to the majority leader, a number of core amendments which the New York Times categorizes as reasonable and urges the Democrats, the majority, to accept.

The third one, as I said, would prohibit Federal employees from soliciting, accepting, or receiving a political contribution. The bill provides that employees who belong to the same employee organization currently operating a PAC may solicit from one another. As I pointed out, this is exactly contrary to the spirit, the intent, of campaign reform where we are trying to limit, if not outright restrict, such PAC's. The bill language makes clear the overt special-interest character of this legislation because, as I said, Federal employees may not—may not—currently solicit political contributions at all. That is the way it should be. The legislation accepts this principle in general but makes a glaring exception for labor employee PAC's.

This legislation has the potential to create extremely powerful national Federal and postal PAC's. It would clearly create the situation where far more money could be collected than is currently possible. And, as I said, is it not ironic, that at the same time the Congress is considering campaign finance reform, including the possibility of eliminating PAC's altogether—I might point out the Senate voted to ban PAC's—this legislation would do just the opposite. It would expand PAC's to make it possible for Federal employees to solicit other Federal employees for contributions to a PAC.

Not only would this legislation expand PAC's, but when one examines where Federal and postal PAC contributions go, one begins to understand the very impetus behind this legislation. Of the total political contributions given by these PAC's in 1990 and 1992, 89 percent went to Democratic candidates and 11 percent went to Republicans. In 1987 and 1988, 88 percent went to Democrats and 12 percent went to Republicans. In 1985 and 1986, 92 percent went to Democrats and 8 percent went to Republicans.

This legislation will expand by almost 1 million individuals the number of persons who could solicit contributions for these PAC's. Congress will have created a much greater political force in Federal and postal employee organizations, and, on the basis of our previous political experience, it would be our judgment that this new political force would devote its efforts primarily to electing Democratic Party candidates. For us, this explains why Democratic Senators seem to be oblivious to all the considerations raised in these issues. Why else, why else would anyone disregard principles of a nonpolitical civil service which have evolved over two centuries and works so well?

Just let me point out on this chart in greater detail how the contribution from the various Federal and postal worker PAC's have been distributed. These involve the 1990 and 1992 election cycles.

The National Association of Letter Carriers, 88 percent to the Democrats, 12 percent to the Republicans; American Postal Workers Union—let me point out these are not small sums. In the case of the letter carriers, it was over $3 million for Democrats, $407,000 for Republicans; the American Postal Workers Union, $1.7 million for the Democrats, only $107,000 for Republicans, or 94 percent to 6 percent; National Rural Letter Carriers Association, again 87 percent for the Democrats, 13 percent for the Republicans. Skim over to the American Federation of Government Employees here, $319,000 for the Democrats, $14,000 for the Republicans, again a comparison of 96 percent for the Democrats and only 4 percent for the Republicans.

Overall, all these Federal and postal workers in this period of 1990–92 gave a total of $7.277 million to the Democrats, $925,000 to the Republicans, for a comparison of 89 percent to the Democrats and only 11 percent to Republicans.

So, as I said, one can understand why the other side is so interested in expanding these PAC's because the expansion will mean greater funds, greater sums, and, of course, they are overwhelmingly going to be given to the Democratic side.

I would emphasize that in the interest of neutral administration of the laws, in order to gain greater respect on the part of the American public for their Government, it is crucially important that the Federal employees not be involved in soliciting or accepting contributions for partisan purposes. And it was for that reason, as we included in our proposal to the majority, that we would prohibit all Federal employees from soliciting, accepting, or receiving a political contribution. As I pointed out earlier, the New York Times agreed that that is a valid idea and one that should be accepted by the majority.

Mr. President, as has been pointed out in the New York Times editorial, there are two areas of concern to review. The New York Times editorial admits that there is going to be some relaxation, some weakening of the 1939 Hatch Act, which they do not support either in the form of the House legislation or the Senate legislation, but they urge and challenge the majority to accept the reasonable Republican proposal, which, as I have already pointed out, would keep all Federal employees out of the political fundraising game.

But the other two proposals that were part of the core amendments that we urged the majority to accept deal with the problem of maintaining the current Hatch Act restrictions for the most sensitive Government posts and agencies.

In our proposal of core amendments, one amendment would exempt high-ranking career employees across Government from the relaxation, the weakening, of the Hatch provisions. The second one would exempt Federal employees employed by national security and law enforcement agencies from the legislation.

Specifically, in exempting high-ranking employees across Government, we would exempt career senior executive service employees, high-level managers and supervisors, administrative law judges, and contract appeal board members. Our amendment would protect the band of high-ranking career employees who make many important Governmental decisions and work closely with political appointees, such as at the Cabinet level or, in the case of the administrative law judges, serve as independent adjudicators or judges within the executive branch.

We think this exception to the weakening of the Hatch Act makes great sense, because these career employees would sort of provide a band of protection from permitting the executive branch to be politicized. They are the ones, of course, that work with the Presidential appointees.

Frankly, one of the concerns we have is that when you have a change of administration from one party to the other—and it makes no difference whether it is from Democrat to Republican or Republican to Democrat—but when a new administration of the opposite party comes into power, the fact is that if the senior executives have been involved in partisan politics of the opposite party, they are not going to be trusted by the new administration.

Even under the Hatch Act today, many people feel that this is a problem that is only going to be accentuated by the so-called Hatch Act reform when the Federal employees are not only permitted but encouraged to be involved in partisan politics. All that will do is complicate transitions from one administration to the next. For that reason, we think it is critically important that there be this buffer zone by exempting the senior executives.

It is also important, from the standpoint of being fair to the Federal employees below the senior executive, it is important that the Federal employees think that their promotions and assignments and careers are controlled not by, or are determined not by, partisan politics but by merit, by how well they perform.

We are greatly concerned that, under this legislation, there will be subtle pressures for many Federal employees to become involved in partisan politics if they are going to move up the ladder.

Again, it makes no difference whether you are talking about a Democratic or Republican administration. The fact is that if there is freedom to be involved in partisan politics, it is going to be read by many Federal employees that if I want to get ahead, if I want to succeed, if I want to move up the ladder, I better please my superiors who are of one political party or the other.

That should not be the case. The Federal employees—and we have a great group of them—should be judged by their performance and not by how active or inactive they are in partisan politics.

The other paragraph of sensitive employees deals with the Federal employees that are employed by national security and law enforcement agencies. Again, we think they should be exempt from the coverage of the Hatch Act. In other words, they should continue to be Hatched.

Specifically, we propose that certain agencies which perform sensitive missions should be exempt from the relaxation of the Hatch provisions.

We would exempt the Internal Revenue Service. Does the average American want to have his or her return audited by someone who at night is politically active, and then expect justice to be done to them in the daytime, particularly if they are an active member of the other political party?

We would exempt the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, all sensitive missions that should not be involved in partisan politics. The same is true of the Department of Justice, the Federal Bureau of Investigation, the Secret Service, the Customs Services, the Bureau of Alcohol, Tobacco and Firearms, the Merit System Protection Board, and the Office of Special Counsel.

In our group of core amendments that we offered to the majority, we urged that these employees in sensitive positions should be exempt and not be permitted to become involved in partisan activity.

As Common Cause, in a letter to us dated March 8, 1993, writes.

> Repeal of the Hatch Act basic protections as proposed in S. 185 will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of Federal workers.

Mr. President, over the past decade, the Hatch Act debate has been framed in terms of broad themes—the first amendment rights of Federal employees, versus the need to protect employees from coercive pressures to become active in partisan politics against their will. Unfortunately, this level of debate has failed to identify concerns which apply to specific aspects of this legislation—primarily, the impact this legislation would have on, as I say, employees within the executive branch who perform particularly sensitive missions, missions which must be performed in an absolutely nonpartisan fashion if our Government is to be recognized as serving all the American people fairly and in an even-handed manner.

Mr. President, I ask unanimous consent that selected editorials from the series be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. Mr. President, to go back, just briefly, to the New York Times, the editorial that appeared in the morning paper under the title, "Save the Hatch Act," it points out that critics of the Hatch Act complain it stifles the political rights of Federal employees. But then the editorial goes on to note that:

> * * * even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.
>
> Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."
>
> The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.
>
> For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

Just let me say in closing, that we are in the process of negotiating the so-called core amendments with the majority side. I am hopeful that we can make some resolution of this matter so that we improve upon the reform package which, admittedly, is likely to go through in some form. As the New York Times editorial points out, that being the case, it is critically important to this Government that we agree on these areas in order to ensure to the American people that there will not be a return to the spoils system, and that we will not permit partisan politics to interfere with the neutral nonpartisan administration of our laws.

I yield the floor.

EXHIBIT 1

[From the Lewiston (ME) Sun-Journal, Mar. 14, 1993]

KEEP HATCH ACT

When federal workers say they're "Hatched," they're not talking about their mode of entry into this world. They mean they are prohibited from running for partisan political office, managing campaigns or raising money for partisan candidates—activities forbidden under the Hatch Act passed in 1939.

Congress is on the verge of "unhatching" federal workers. The House passed a bill that guts the Hatch Act earlier this month. The Senate will hold hearings in April.

If a bill passes both houses, as a similar one did in 1990, odds are that President Bill Clinton will sign it, say Washington observers. President Bush vetoed the 1990 version.

Overhauling the Hatch Act would be a serious mistake. The law protects federal employees from being coerced by their unions, supervisors or colleagues into actively supporting political candidates. It also protects citizens from intimidation by bureaucrats administering government programs.

The bill that passed in the House would allow federal employees to run for local office, manage political campaigns and solicit contributions on their own time. But suppose an Internal Revenue Service employee asks you for a contribution while your return is being audited. Does it really matter if the request occurs during or after business hours?

The argument that employees would be protected from arm-twisting doesn't wash either. Coercion doesn't have to be blatant to be effective. Subtle means, a little "friendly persuasion" shall we say, can be used to pressure reluctant employees into making contributions or stuffing envelopes.

Some federal employees resent being "Hatched." But many others like having a hassle-free excuse for not getting actively involved in politics. Federal employees are still free to vote, belong to political parties and make contributions. What they're not free to do currently is intimidate fellow employees or citizens into supporting candidates. That's how it should remain.

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[From the New Bedford (MA) Standard-Times, Mar. 10, 1993]

### HATCH ACT REPEAL WILL LEAD US TO A RICH VEIN OF CORRUPTION

For the past half century, the federal bureaucracy has been immunized against infestation by political hacks by the Hatch Act, which sharply restricts the employees political activities.

In place of the corrupt environment the Hatch Act was enacted to repair, we now have a federal work force that, it can be argued, is quite professional. Robert Tobias of the National Treasury Employees Union proudly told a House panel, "We are not political cronies."

This, evidently, is unacceptable to the House and to President Clinton, who are determined to eviscerate the Hatch Act and turn the clock back to the days when getting a federal job or a federal promotion often meant carrying out blatant political favors.

Although the provision of the Hatch Act were upheld by Supreme Court decisions in 1947 and 1972, a vague notion that the Hatch Act is unconstitutional, or at least un-American, propels this ill-advised repeal movement.

How convenient for the political power structure. Loosen the restrictions of the Hatch Act by allowing federal employees to raise political money, conduct campaigns, and even run for office, and—presto! Three million people are suddenly available for enlistment in congressional and presidential campaigns. (But they can't run for Congress. That would be going too far.)

And they will be enlisted, make no mistake. Fifty years of the Hatch Act hasn't changed human nature, and that claim of professionalism in the ranks is directly traceable to the fact that when the boss or the congressman came around looking for political favors, the employee could simply say, "Get lost." Repeal the Hatch Act, and these people will start getting fund-raising ticket books in the mail from their politically connected bosses, representatives and unions—in their off-hours, of course.

Meanwhile, even though the law still will prohibit political activity while on duty, there will be political activity on duty. Ask anyone on Beacon Hill. They know.

Beyond that, federal employees at all levels will be left to wonder whether this or that promotion or transfer was because of some favor he or she did or didn't do for someone. Perhaps this is why a 1992 survey found only 30 percent of federal employees wanted relaxation of the Hatch Act, while 30 percent were opposed and 40 percent were neutral. Perhaps 70 percent of the federal workforce realizes that the Hatch Act is at least as good as it is bad—for them personally, and for the nation.

This backsliding couldn't come at a worse time for the country. No sooner had we started thinking seriously about program cuts, military base closings, and all the other hard budget decisions, then Congress and President Clinton set out to unleash a political army with a vested interest in the status quo. What congressman is going to take a hacksaw to a federal bureaucracy that runs thick with potential contributors and campaign workers? What employee, or group of employees, would fail to take advantage of the new political leverage they will have against threats to their public sector jobs? At a state and local level, what happens when tax auditors, prosecutors and the like start taking jobs on public boards or political committees? How would we like it if the U.S. attorney were chairman of the Democratic Party in Massachusetts, or the manager of a Senate campaign in his "spare time"?

Those who contend that there won't be abuses—enormous abuses—are deluding themselves. After 50 years of the Hatch Act, we have not experienced the kind of institutional corruption that produced it. When we look at the size of the federal bureaucracy today, and the vast machinery of politics, the removal of restraints is positively frightening in its possibilities.

Presidents Reagan and Bush rightly vetoed previous attempts to dismantle the Hatch Act. What they did was good for the nation, and enabled that union representative to maintain a credible claim of untarnished professionalism. Those claims will vanish overnight if the Hatch Act is repealed, to be replaced by a whole new layer of suspicion and political manipulation.

Doubt it? Do you want to risk giving it a try? Democratic Reps. Barney Frank and Gerry Studds evidently do, since they were among the 331 eager Democratic votes for repeal (there were two defectors). Rep. Peter Blute, the freshman Republican, was one of the 86 courageous "no" votes. Now all that stands in the way of Hackerama II is the Senate. Brace yourself.

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[From the Atlanta Journal, May 4, 1993]

### HATCH ACT CHANGES MEAN RETURN OF THE SPOILS SYSTEM

In 1939, under a Democratic president and through a Democratic Congress, an abuse that had plagued America since its founding finally was fixed. The Hatch Act was passed to protect federal employees from political coercion and the rest of us from what Thomas Jefferson called "electioneering" and succeeding generations called the spoils system.

Since 1939, the Hatch Act has stood as a bulwark against political padding of the federal payroll and it has given citizens reason to have confidence in what Sen. Bill Roth (R-Del.) calls "non-partisan administration of government." The law prohibits federal workers from active involvement in campaigns.

Now 54 years of reform are in jeopardy. With little fanfare in March, the House passed a bill that virtually repeals the Hatch Act. The Senate, led by Sen. John Glenn (D-Ohio) has begun hearings on its own version. President Clinton favors the bill, which won a majority vote in the Senate just three years ago.

The political support of the measure and the push for it by organized labor flies in the face of surveys of federal workers sound common sense. The workers know that repeal of Hatch would allow union leaders and politicians to force them into campaign work. As Mr. Roth notes, "employees will feel obligated to participate in partisan campaigns in order to gain a promotion or a bonus." Federal workers might even join campaigns they don't believe in simply to better their position at work.

Washington is moving slowly to give federal managers more authority to hire, fire, promote and demote in the name of productivity. Repealing the Hatch Act while giving managers more authority is a dangerous brew. And it is made more dangerous by the monopoly bargaining status given to key unions.

The bills before Congress attempt to make a distinction between off-duty activities and behavior at work. But pressure at work can lead to campaign activity off-duty. The bills' supporters cast their cause as a First Amendment issue, but no one's right to speech is unlimited. Repeal of the Hatch Act confuses speech and the vote with direct action.

Repeal of the Hatch Act is an issue that has been flying beneath the public radar. As it draws closer, senators are going to need to know their constituents are concerned.

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[From the Boston Herald, Mar. 8, 1993]

### HATCH ACT ENDANGERED

Feeling their oats after last year's election, the unions which represent federal workers are moving to gut the Hatch Act. This attempt to inject politics into the federal workplace must be defeated.

Last week, the House voted 333 to 86 to allow government employees to openly endorse candidates for public office and even to organize fund-raisers—on their own time, sponsors assure us. If the Senate concurs, all that will be left of Hatch is the prohibition against federal workers actually running for partisan office.

The Hatch Act has always been a necessary protection against politicization of the federal workforce. It was enacted in the 1930s, after considerable arm-twisting of government workers to enlist them in electoral causes.

U.S. Supreme Court Justice Byron White, a Democratic nominee to the bench, put the matter well: "It is in the best interest of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Federal workers themselves perceive the utility of Hatch, which protects them from forcible political recruitment. In a 1989 poll of government workers by the Merit Systems Protection Board, only 32 percent favored weakening the law.

If President Clinton is serious about getting federal spending under control, he will have to tackle the bureaucracy. Giving federal unions more political clout will make that task next to impossible.

The Hatch Act has served the nation well for more than half a century. Due to their positions of trust—as well as their vulnerability to partisan coercion—federal employees need the protection it affords. Perhaps now more than ever.

[From the Tampa Tribune and Times, Mar. 21, 1993]

### KEEP THE HATCH ACT INTACT

Back in 1939, a United States senator from New Mexico, Democrat Carl Hatch, introduced a measure that for more than half a century has served this nation well by forbidding federal employees from engaging in partisan political activity.

A series of newspaper articles depicting New Deal workers being coerced into supporting incumbents had influenced Hatch's enthusiasm for reform. The series won a Pulitzer Prize and the Hatch Act went a long way toward cleaning up American government.

Now Hatch's Democratic descendants on Capitol Hill, influenced by the labor lobby, seek to eviscerate the Hatch Act and permit the 3 million government employees once again to engage in partisan political activity, including running for office, as long as they do it on their own time.

On the surface, the thinking behind the attack on the Hatch Act has some appeal. Why, foes of the act ask, should government employees be denied the same freedom to indulge in politics that the rest of us enjoy? Is that not discriminatory on its face?

Rep. Pat Schroeder, D-Colorado, has said repeal of the Hatch Act would finally make federal employees "full-class citizens." In fact, so appealing is this argument that earlier this month the House of Representatives passed the repeal legislation by a wide margin, 333 to 86, with 85 Republicans joining the majority.

It now awaits action in the Senate and, if it passes there, the signature of President Clinton that would make it the law of the land. He has indicated he will sign it, given the opportunity.

But if federal employees are to perform their non-partisan duties unimpeded by the need to tailor their activities to some political agenda, then they can't be given the same political rights as their fellow citizens. To do so is to create a clear conflict of interest, and while many, perhaps even most, of these employees might choose to remain apart from the political process, there is no way they could all escape the pressure to join what will be seen as the good cause.

This is the third time in recent years that Congress has attempted to dismantle the Hatch Act, but President Bush vetoed the repeals the two previous times. The act is so sound and so sensible that it has also survived three challenges before the Supreme Court.

Judging by a 1989 survey, few government employees who would gain the right to engage in politics through the repeal of the act actually favor the change. Instead, the push is largely coming from public employee union leadership (government employees who now cite the Hatch Act as their reason for refusing to contribute financially to political campaigns would no longer be able to use it as an excuse) and politicians who seek or even depend upon union support.

Among the repeal's more persuasive opponents is Common Cause, a public interest group most Americans regard as more liberal than conservative. There's nothing progressive about a return to the old-fashioned spoils system, which is what the Hatch Act was designed to destroy.

The repeal is expected to sail through the Senate and land on the President's desk. Those who are convinced, as we are, that his signature on this measure would set American politics back 50 years should make their voices heard. President Clinton, after all, has vowed to be the President who listens to America. Let's give him an earful on this one.

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[From the Stuart (FL) News, Feb. 23, 1993]

### HATCH STILL ON GUARD

Employment applications that stress squooshy "experience" over concrete knowledge already have made the federal workforce less of a meritocracy. But the politicization of the bureaucracy will take a quantum leap if Congress much dilutes the 1939 Hatch Act.

Passed after Scripps Howard reporter Thomas Stokes revealed how New Deal politicos were forcing federal workers to campaign for Democratic candidates, the act insulates government employees from partisan politics.

Essentially, these employees cannot work in campaigns, run for office or solicit political donations from fellow workers. Our believe is that most Americans support such restrictions, which foster public trust in the impartiality of the nation's civil servants.

What of the government workers themselves? Some claim that Hatch abridges their First Amendment right to free expression, though they can still vote and discuss politics. The Supreme Court, however, has upheld the act, Justice Byron White noting that "the political influence of political employees on others and on the electoral process should be limited." Besides, most federal workers must enjoy protection from bosses' shakedowns.

Presidents Ford and Bush vetoed congressional attempts to water down Hatch, but President Clinton endorses the idea. Legislation sponsored by Sen. John Glenn, D-Ohio, and Rep. Bill Clay, D-Mo., would send federal workers down the partisan path by allowing them during off-hours to carry posters at political rallies and to distribute campaign materials. Bad business. Another revision, permitting work in voter-registration drives, seems unobjectionable.

The core of Hatch should not be disturbed, however, because it reminds bureaucrats that their first job is to serve the public's abiding interest, not politicians and their lieutenants. Already the Justice Department is investigating whether State Department staffers crossed this line by searching for passport dirt on presidential candidate Bill Clinton.

Perhaps President Clinton will ponder that sort of abuse when the latest attempt to hobble Hatch lands on his desk.

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[From the St. Petersburg (FL) Times, Mar. 21, 1993]

### GUTTING THE HATCH ACT

Democrats, seeing a friendly face at the other end of Pennsylvania Avenue for the first time in more than a decade, are trotting out all the bills they couldn't get past Ronald Reagan and George Bush.

There are some good ones, like the family leave legislation recently signed by President Clinton. And there are some bad ones, like the proposal (HR 20) now moving through the House of Representatives to rescind the Hatch Act. The proposal had been blocked by both Presidents Reagan and Bush. Clinton supports the revision, as does organized labor.

The Hatch Act was passed in 1939 to protect the expanding federal work force from political exploitation. Named for a senator from New Mexico, the act prohibits federal workers from actively participating in partisan politics. But the Hatch Act doesn't cut federal employees out of the electoral process. They can still contribute money to candidates of their choice, volunteer in off hours for non-partisan political activities, and they can vote.

The House bill, and its companion in the Senate, still would prohibit federal workers and postal employees from running for political office and soliciting public funds, but it would open the door to lots of other political activities. Employees could become active in partisan campaigns, attend political conventions and be open to solicitation for political action committees of the various federal employee unions.

While easing those prohibitions may seem benign on the surface, there are dangers here. Government workers in state and local elections are often intimidated into contributing to and working for their elected bosses. There is no reason to believe that same situation wouldn't happen at the federal level if the Hatch Act is gutted.

Not everyone who opposes HR 20 is a neanderthal Republican, as some proponents of the bill suggest. Common Cause, the citizens advocacy group, thinks repeal is a terrible idea.

"With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers," says Common Cause president Fred Wertheimer.

What about federal workers? Are they dying to snap the chains of the Hatch Act? The Merit Systems Protection Board, a quasi-judicial agency that oversees federal-employees issues, conducted a survey last year that found only 30 percent of the federal workers wanted the legal right to engage in partisan politics, with the remainder either neutral or opposed to repeal of the Hatch Act.

Given the current political climate, some revisions of the act appears inevitable. Some proposals, including those which allow federal workers greater involvement in local political issues, are reasonable enough. As things stand, however, advocates of the repeal see no reason to compromise.

In this season of change and catch-up, the old-fashioned ideas at the heart of this 54-year-old law are worth keeping.

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[From the Ocala Star-Banner, Mar. 24, 1993]

### KEEP ACT INTACT

For half a century, the Hatch Act has prohibited federal employees from taking active roles in partisan politics.

To ease a restriction that has worked successfully in behalf of the federal workers themselves and the general public would be a damaging mistake. Yet the House has pulled the rug from under the Hatch Act.

The Senate should refuse to go along with the lower chamber's action that would open the door to federal employees serving as officers of a political party, soliciting contributions for partisan political purposes or running as partisan candidates for public office.

If the Senate does vote to gut the act, President Clinton should refuse to sign the legislation, although frankly his close ties to Big Labor leave little hope of this happening. Union leaders are anxious to gain political control over the nearly 3 million federal workers.

Repealing the act will open the door for the rampant abuses that resulted in its enactment in 1939. Before the act was passed, many government employees supposedly while working for the public were actively involved in actions designed to perpetuate the power of the ruling clique and the individual office-holder they worked for.

Federal employees were forced to perform endless hours of political services or to make political contributions they couldn't afford under pressure of losing their jobs.

Surely, our nation does not want to return to such shenanigans. The Hatch Act protects federal workers and the public alike. It is to the credit of many of those workers that they recognize the value of keeping the act intact. A recent survey by the Federal Merit Systems Protection Board resulted in 68 percent of the participating employees supporting the Hatch Act.

Employment and promotions with the Federal table of organizations should not depend on political preference. Federal employees should and must be free from pressure to perform political chores.

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[From the Durango (CO) Herald, Mar. 10, 1993]

### DON'T WEAKEN THE HATCH ACT

The Hatch Act, when passed by Congress in 1939, was designed to protect civil servants, whose numbers were rapidly increasing under FDR's New Deal, from political interference.

It has worked well, by and large.

Under the act, federal employees are prohibited from partisan political activity. In turn, they have the protection of civil service so that when administrations change, their jobs remain secure.

Today, in the name of free speech, there is a move in Congress to weaken the Hatch Act. Proponents of H.R. 20, designed to amend the act, say that it limits the rights of federal employees. They should be able to run for office, solicit political contributions and, in general, behave as private citizens do politically, the argument goes.

"Wait a minute," say opponents of the proposed change, "You want a fellow working for the IRS auditing your tax return coming over in the evening asking for a campaign contribution for one of his buddies in the service?"

It's an argument worthy of thought.

Fear of a politicized body of civil servants has existed from the beginning of the republic.

Thomas Jefferson opposed electioneering by federal workers. He said it was "inconsistent with the Constitution."

Hatch has been challenged three times before the Supreme Court since its passage.

That came about because in Depression-ridden Kentucky a number of federal employees were pressured to support, financially and otherwise, the re-election bid of a U.S. senator. After a series of news stories told of the coercion and fraud, Congress acted.

Surveys of federal employees show that the overwhelming majority like the protection of the Hatch act. Most belong, however, to unions and union leadership wants the partisan advantage.

President Clinton has said he wants to reduce the federal work force through attrition by 100,000 over four years. He will never accomplish that goal, nor will any other president, if the Hatch Act is weakened and the public employees unions become political machines.

Any belief in a bureaucrat as a public servant is gone.

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[From the Arizona Republic, Mar. 4, 1993]

### HATCH ACT "REFORM": POLITICS AT WORK

If the proposed reform of the federal Hatch Act, now on the congressional fast track, is the kind of change to be expected from Bill Clinton's Washington, Americans can be excused if they yearn for the good old days of gridlock.

The Hatch Act, for those rusty on their poly-sci, was enacted more than a half-century ago to protect the public and government workers from a politicized federal bureaucracy. The rapid expansion of the New Deal had been accompanied by an exponential growth of the federal work force, and political appointees were making concerted efforts to compel federal workers into actively supporting incumbent politicians and their programs.

Since its adoption, the Hatch Act has worked pretty much as intended and continues to do so. It has insulated the bureaucracy and government workers from the ravages of a political spoils system, simultaneously keeping the public from being overwhelmed by the self-interest of highly partisan public servants.

In exchange for accepting modest and prudent restrictions on certain types of political activity, federal workers won protection from a civil service system that goes to great lengths to provide a measure of job security uncommon in the private sector. The act prohibits most federal employees from active participation in political campaigns, running for office or soliciting political donations from fellow workers or the public, though they may make voluntary contributions to political causes and candidates.

According to several recent surveys, most rank-and-file federal workers have scant interest in modifying the Hatch Act. Nonetheless, leaders of several public employee unions, including the powerful National Association of Letter Carriers, want all political restrictions removed. Democrats in Congress and some within the Clinton administration say they are ready to oblige.

The potential for mischief should be obvious. As Supreme Court Justice Byron White pointed out some years back when the Hatch Act restrictions were unsuccessfully challenged: "It is in the best interests of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Joe Vacca, president of the Letters Carriers union, has a different opinion. Until the Hatch Act is changed, he says, federal employees will never win the right to strike.

Other backers of Hatch Act "reform" include all the usual suspects—special interest groups and supporters of the leviathan state in and out of Congress. They fairly smack their lips at the thought of enlisting the 3.1 million-strong federal work force in the endless campaign to confiscate whatever tax dollars Washington allows the private sector to retain for its own use.

Even Common Cause, the liberal lobby, warns that the proposed change "opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service." Considering the heavy price Americans pay to fund the federal bureaucracy, the least they have a right to expect are public employees who serve the public, not narrow partisan interests.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, in some of the editorials and some of the remarks made on the floor here, both today and yesterday, I wish I recognized S. 185. Because it does not do a lot of the things purported to it. The New York Times editorial, when they say my bill "would still prohibit Federal employees from running for partisan elective office and soliciting political contributions from the public," they are absolutely right.

They do not go ahead to say that it would tighten up existing Hatch Act restrictions of on-the-job things people do right now on the job: Campaign buttons, bumper stickers, whatever. It tightens up on that, makes a tighter Hatch Act. I would think the New York Times and all the rest of the people and my colleagues on the other side of the aisle would be falling all over themselves to support that. Tightening up the Hatch Act, more protection, and cutting out some of these foolish ambiguities in the law that I have read off repeatedly here over the last couple of days.

We have been in negotiation on this. Before my distinguished colleague from Delaware leaves the floor, if I could have his attention for just a moment, we have been in negotiation on this, and negotiation, and negotiation, and negotiation, and negotiation. I hope we can get an answer back.

I would point out it was 3:30 on Wednesday afternoon, almost 24 hours ago, since the last amendment was submitted. I do not know whether this is filibuster by negotiation, a new tactic, or filibuster by silence or what. I have not wanted to go to the third reading or something, but I know the majority leader is not going to want to just go on and on with this. Whether it is cloture or whatever, we made another proposal several hours ago here, and now I am told we are still waiting to get something like, I was told, 30 or 40 pages copied before we can consider something. We thought there were about three pages that needed to be looked at and that is it.

So I suggest the distinguished minority leader on S. 185 here, pointed out these things that have been proposed. I think maybe the best way to go on this is just go ahead and propose them and we can vote them in turn and get on with it. Unless we can come to some agreement. I thought we were very close to this. I was surprised at the remarks, because I thought we were just about on the verge of having this. But if we are going to negotiate on and have filibuster by negotiation, I think we ought to just go ahead and call up the amendments and get on with votes, do whatever has to be done, file cloture, and so on.

Mr. ROTH. Will the distinguished chairman yield?

Mr. GLENN. I hope my colleague could give me some idea when we will have an answer here so we will know whether we can go ahead with the compromise or not.

Mr. ROTH. It has been my thought, I would say to the distinguished chairman, that both sides have been and are negotiating in good faith. We did make a written proposal last night. We got the response from the majority side at 11 o'clock this morning. We have had further discussions seeking some kind of a resolution of the differences that remain between us. I remain hopeful that will work out.

But I do want to point out that the response came at 11 this morning. It took us some time to analyze that, as you understand, because these are complex matters. And we did at a subsequent time discuss, at the staff level, our counterproposal. We hope to be able to proceed along this line and reach agreement.

Mr. GLENN. OK. The majority leader will, I am sure, when he comes out of the meeting he is in, be wanting to take some action to move things along here on the floor. I hope the distinguished minority leader on this bill could get an answer back to us as soon as possible, here, so we could move on.

The PRESIDING OFFICER (Mrs. MURRAY). The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Madam President, I ask unanimous consent that I may proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONFIRMATION PROCESS FOR RUTH BADER GINSBURG

Mr. BIDEN. Madam President, next week the Senate Judiciary Committee will convene hearings on the nomination of Ruth Bader Ginsburg, to be a Justice to the U.S. Supreme Court. Today, I would like to lay out for my colleagues, and those who have inquired, the process the committee will pursue in conducting these hearings.

I ask unanimous consent that at the end of my statement a copy of a speech I made on June 25, 1992, relative to reforming the confirmation process, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Madam President, because of the speech I made roughly a year ago on how I thought we should reform the process and because I made specific proposals, I would like the Senate to understand how I plan, as chairman of the committee, to implement those proposals relative to the upcoming hearing.

As I said, today I will lay out the process the committee will pursue in conducting these hearings.

The confirmation process, at its best, is a debate over the most fundamental issues that shape our society, a debate about the nature of our Constitution, in both the literal and symbolic sense. We will ask and should ask what kind of people are we? What rights do we respect and reserve to each individual American? What power do we cede to our Federal Government, and what responsibilities do we expect, under the Constitution, our Government to assume?

The answers to these questions determine the shape of our lives, and who we put on the Supreme Court will impact upon the shape of our lives in a more profound way, with all due respect, than either the Presiding Officer or the Senator from Delaware will, because they will be there for a lifetime. The only issues that basically get to the Supreme Court are the most contentious, divisive, and important issues facing the country. They affect our ability as individuals to fulfill our dreams, to make critical choices about our families, if we will have families; about our children, if we will have children; about our jobs and our rights that pertain to our employment.

Similarly, the answer to these questions determine the responsibility of Government to regulate the economy and to what extent it can do that, assure the safety of workplaces and our homes, protect our environment, and safeguard our most individual reforms.

Madam President, some of the most arcane questions in the mind of the public have profound constitutional consequences on our lives. For example, there is a new debate under the takings clause of the fifth amendment as to what constitutes a legitimate Government taking, requiring the Government to compensate the individual for having taken their property.

We all know how it works for highways. A highway goes through your yard, they can take your property if it is for the public good under the fifth amendment, but they have to compensate you. Historically, there has been a position for 200 years that where the public interest is at stake, where the police powers of Government are raised as reasons for making you do something relative to your property, then what happens is the Government does not have to compensate you. The Government does not have to compensate you right now if it says in your residential neighborhood you cannot build a 22-story skyscraper. They do not have to say we are preventing you from building a skyscraper and the value of the skyscraper will be $10 million, $20 million, or $100 million and the value of your home is only $200,000, ergo, the Government has to pay you $1 million, $2 million, $500 million to keep you from building that skyscraper.

The way the clause has always been read, to oversimplify in the interest of time, has been the police powers are at stake, the ability of the neighborhood to be safe, roads, congestion—all of those are reasons enough for the Government to say you cannot build there, under our zoning law, that particular type of building.

There are those who believe the takings clause should take on a role that the 14th amendment did pre-Lockner era and say that no matter what is done relative to your property, that the police powers should be viewed in a very different way. So, therefore, in our environmental laws, if we say out in the Northwest you cannot put an effluent into a stream because it has two parts per billion of a carcinogenic substance, right now the courts say, "Well, that is a police power."

Under the proposal many are making and constitutional scholars are arguing, they have to maybe meet a tort standard, which is a much higher standard to meet. Therefore, if you wanted to stop Company X from dumping into the Puget Sound, they would have to pay Company X tens of millions of dollars to keep them from doing that because that would be the cost of them having to put in machinery to keep that from happening.

These are profound questions, although arcane in the minds of most people, and the next Justice will decide upon those kinds of questions.

So, literally, Madam President, the questions that we raise and should be raised in the context of a Judiciary Committee hearing and on the Senate floor with regards to a nominee can literally shape the specific circumstances of our life. It is the Justices of the Supreme Court who will ultimately decide how the broad concepts in our Constitution are brought to bear on our day-to-day lives.

Everybody thinks the Constitution is really clear and crystal clear. What does liberty mean in the 14th amendment? What does the liberty clause mean? Does that apply to women? Does it apply only to blacks because it was a Civil War amendment? Does it apply to women with the same standard that it applies to minorities? These broad concepts of liberty and due process have a methodology by which each Justice interprets them, and how they are interpreted literally, literally determines our ability to run our lives in ways which we may want to remain or not want to.

The confirmation process, thus, provides a unique opportunity to debate these questions, and to ask the nominee, how she or he will go about deciding these global issues. Through this process, we debate the very nature of our future as a people and as a nation. So it is important to make sure that the confirmation process works, that the Senate has confidence in the confirmation process and the American people think it is fair and it does, in fact, shed light and not darkness.

Although it is clearly within the authority of the Senate to examine a Supreme Court nominee, not only for his or her personal fitness, but also on the basis of his or her constitutional vision, when that examination becomes caught up in a political effort to radically reshape the Court to one ideological extreme, it does damage to the process. For this reason, the recent contentiousness of the confirmation process has been very troubling to me personally and I think troubling to the Senate generally. While a variety of factors ultimately contribute to this result, the instigating factor, in my view, is that prior White Houses over the past decade have ignored the historical tradition that had governed Supreme Court nominations in previous divided Governments.

By divided Government, I mean when one party controls the White House and the other controls the Senate. To set it straight, the Constitution says the U.S. Senate has equally as much authority and power to determine the third branch of the Government and its makeup as does the President. That is the process. That is how it is supposed to be under the Constitution. When we have had divided Government—that is, the two political bodies deciding who should sit on the nonpolitical body—we have, in the past, the distant past, reached certain accommodations.

These two traditions—that is, that the one in the past where we would have negotiation when we had a divided Government and one where there was no such consultation—these two traditions were, first, where different parties controlled the White House and the Senate in the past, Presidents commonly took the Constitution at its word and asked for the Senate's advice and consent. Past Presidents, for example, did consult with the Senate prior to making nominations.

The second tradition, that these Presidents also balance their nominations so that no single ideology would dominate the Court. In so doing, they recognized that the American people had not sanctioned control of the Court by any one party, since one party was controlled by the President and one party controlled by the Senate.

Thus, conservative Republican Herbert Hoover named conservative Chief Justice Charles Evans Hughes, but he also named moderate Owen Roberts and liberal Benjamin Cardozo, the latter choice in particular reflecting the then Senate's strongly expressed views. There was compromise. There was consultation.

Similarly, President Eisenhower's choices for the Court included conservative Justices Harlan and Charles Whittaker, moderate Potter Stewart and liberals Earl Warren and William Brennan, all from the same President, Madam President, when we had a divided Government.

More recently, President Nixon moderated his Supreme Court choices, balancing conservatives Warren Burger and William Rehnquist with moderate Republicans Harry Blackmun and conservative Democrat Lewis Powell.

But this was not the model Presidents Bush and Reagan followed. They departed from the historic precedent. They refused to consult with the Senate on the selection of Supreme Court nominees, and they refused to moderate their choices. Instead, they publicly announced their intention to reshape the Supreme Court by moving it far to the right, which is their right to attempt to do. What is always right is not always wise. What is a right someone has is not always wise to exercise.

Throughout the past decade, many of us in the Senate had called for consultation and moderation. We asked each of the two Presidents to restore the historic tradition of consulting with the Senate on Supreme Court nominees during periods of divided Government, and we recommended a return to the formerly common practice of seeking ideological balance, of choosing nominees who represent the full spectrum of the philosophic and jurisprudential views of both parties in a divided Government.

Last year, in fact, prior to the election, I advised both then President Bush and nominee—now the President of the United States—Clinton, I advised whomever won the White House to abide by two traditions I had mentioned in order to heal what had become a troubled Supreme Court confirmation process.

Now, even though we are no longer in a period of divided Government in a historic sense, even though the American people have put one party in control of both political branches that will make this decision for the Supreme Court, and the same party in control of the appointments to the Court, President Clinton has done what I had advised.

Notwithstanding there is not a divided Government, on his first Supreme Court nomination, he has acted to enhance the confirmation process by consulting with both parties in the Senate.

His consensus choice is Ruth Bader Ginsburg. Her nomination reflects the partnership envisioned by the Founders when they so astutely wrote the advice and consent clause into the Constitution.

I do not mean to suggest that President Clinton must choose a moderate candidate in every instance. But in making his initial appointment following the period in which the confirmation process has been subject to extraordinary stress, I believe the President has acted wisely to reaffirm the integrity and the critical importance of the confirmation process. And in so doing he has begun to repair some of the damage of the last decade.

Indeed, his nomination of Judge Ginsburg has met with greater acclaim and less controversy across the political spectrum than any nominee in recent years.

Now that we have the nominee, what more can we do to make the confirmation process work to return to the American people this great opportunity for reflection on the most serious issues of our time?

My answer to that question, Madam President, is that our overriding goal as we proceed is to provide a fair process in which the Senate can perform its constitutional duty to review the fitness, the character, and the constitutional philosophy of the nominee. And toward that end, we should keep several thoughts in mind, in my view.

First, we can appreciate what the hearings are supposed to be—not a dramatic spectacle, which they have become, not a trial, but a legislative proceeding that is but one part of the consideration of a nominee's fitness for office. The determination of Senators and the public about a nominee should be based not only on the hearings but also on his or her record of service, writings, and speeches, on background checks and investigations, on a review of the nominee's experience and credentials, and on a weighing of the views of the nominee's peers and the nominee's colleagues.

The hearings, as important as they are, Madam President, in the Senate Judiciary Committee, are only a part of the full process, and that part should not be confused with the whole. In this respect, it is useful to recall that testimony before the Judiciary Committee by Supreme Court nominees is a new phenomenon.

Appearance before the committee became a standard part of the confirmation process only in the year 1955, with John Marshall Harlan. No Supreme Court nominee testified personally until 1925, when Attorney General Harlan Fisk Stone responded to allegations of prosecutorial misconduct in the investigation of a Senator.

The next five nominees did not testify at all, and it was not until 1938 that Stanley Reed appeared. The next year, Felix Frankfurter testified, but William O. Douglas waited outside the committee hearing room without ever being called in as a witness. And in 1949, Sherman Minton was called to testify at the hearing on his nomination to the Court. He refused to appear on the grounds that his record as a Senator and as appellate judge spoke for itself. He refused to come. He was called before the committee in 1949. He refused to come and he was confirmed by the Senate.

Now, Madam President, I am not trying to denigrate the role of the Judiciary Committee, but I point out it is not the only thing to be considered.

Thinking about the nomination currently before the Senate shows why personal testimony was for so long considered unnecessary. Judge Ginsburg has an extensive record and a long and distinguished career in public life. Her record and her career can be evaluated by every Senator, if they have the time or inclination to review it. Nothing Judge Ginsburg says at her hearing will be nearly so important as what she has done the past 30 years.

Of course, the hearings are the most public part of the confirmation process, the part where the citizens of this country can most easily discover and evaluate the character and views of the nominee. It is during the hearings that the debate on the nominee and on the meaning and character of our Constitution widens to include each and every one of us in this country, the time when "We the people," in the words of the Constitution, can most easily hear and be heard. And so, the hearings themselves must proceed in such a way as to enable and encourage the most responsible and forthright debate, in a way that allows the confirmation process to serve its intended function.

As I have said, the hearings are not a trial, nor are they, no matter how long, how fruitful, or how thorough, the entire process. Put another way, we have hearings, Madam President, not to prove the case against a nominee, but, rather, to give the nominee a fair chance to explain his or her record and writings to the committee. Thus, the hearings can be and should be the crowning jewel of this evaluation process, a final chance to clear up confusion or firm up soft conclusions. But they cannot be the entire process itself.

Anything that we can do to broaden the base on which Senators make their decision will be a valuable improvement in the confirmation process. This means, first, that the debate on judicial philosophy and values must be full and open without in any way intruding on the ethical obligations of the nominee not to predecide any case or controversy. It means that debate must ensure without imposing rigid ideological standards of litmus test that the nominee has the necessary intellect and temperament to serve on the Court, and, further, that the nominee will bring to that ultimate forum of our law a sound approach to interpreting the Constitution under which we govern our lives.

In my view, the public is served best by questions that initiate a dialog with the nominee, not about how she will decide any specific case that may come before her, but about the spirit and the method she will bring to the task of judging.

There is a real difference, Madam President, between questions that focus on specific results or outcomes, the answers to which would risk compromising a nominee's independence and impartiality, and questions on judicial methods and philosophy. The former can undermine the dispassionate and unprejudiced judgment we expect the nominee to exercise as a Justice. But the latter are essential and contribute critically to our public dialog.

Some cynical observers of the Bork confirmation hearings have concluded that less discussion or vague answers are in the best interests of the nominee. The facts dispute such a conclusion. Judge Bork's nomination was defeated by the extreme nature of his views as fully documented in his public record before any hearing was ever held, not by his discussion of his views at the hearing. Justices Kennedy and Souter, both confirmed by the Senate by large margins, both supported by the chairman of the committee, came before the committee and discussed in some detail their philosophies of various constitutional doctrine, including such matters as substantive due process, the role of precedents, and the theory of original intent. In contrast, Justice Thomas, who decline to discuss most subjects, had several Senators vote against him, in part because of his reticence to discuss his philosophy. Such reluctance, in my view, serves no one. The Senate is deprived of a meaningful opportunity to exercise advice and consent, the public is deprived of its opportunity to hear a nominee describe his or her vision of the Constitution and of our system of government, and the nominee is deprived of the opportunity to show how his or her confirmation will contribute to the continuing definition, now more than two centuries in the making, of what American democracy is and what it ought to be.

The final, no less critical step toward restoring the integrity of the hearings relates to the manner in which the committee handles investigative matters.

I can assure my colleagues who is presiding, we could have the Lord Almighty be nominated, and someone in this country will communicate to the chairman of the committee and the committee something negative about that person, in this case the Lord Almighty. And it is very important we handle these investigative matters in a way that is fair to the nominee and does justice to an investigation. And I believe it is important to improve the public confidence and to protect the legitimate rights of the nominee in our investigation.

So we have changed certain policies. I plan on changing certain policies concerning Supreme Court nominees as it relates to the investigative side. I laid out these investigatory reforms, which I will now intend to follow after the Thomas hearing last year. And they are in the speech that I asked to be put in the RECORD.

First, as in the past, the committee will review all, and fully, FBI reports on the nominee. Staff, and only staffers with security clearance predesignated, will review that file and other investigative materials on a confidential and bipartisan basis. An important change in procedure that I am going to implement, Madam President, has been adopted to ensure that the Judiciary Committee will not again be placed in the difficult position of possessing information about a Supreme Court nominee from a source unwilling to share that information with all other Senators.

So I want everyone to understand—everyone should understand this, and the press should know it, and my colleagues—any source, any individual, who comes to the Judiciary Committee with allegations against the Supreme Court nominee is now notified that all that information will be placed in the nominee's confidential file and shared, on a confidential basis, with all U.S. Senators, not just those on the committee, before the Senate votes on that nomination.

Second, because ultimately the questions with respect to investigations of Supreme Court nominees is the credibility and character of the nominee, the committee will conduct a closed session with all future nominees starting with Judge Ginsburg. No issues of policy or jurisprudence will be discussed in this closed portion of the hearing. The purpose of the session will be to ask the nominee face to face on the record under oath about any investigative issues that have been raised. The hearing will be conducted in accordance with Senate rule XXVI, which permits the committee to go into closed session to protect the privacy of the nominee in considering confidential information. And any Senator under the Senate rules who violates the confidentiality of that hearing is subject to expulsion from the U.S. Senate. A closed hearing will be conducted for each and every nominee whether or not there has been any investigative matter raised. It will be routine. So the holding of the closed hearing as part of the public hearing will be routine. And every single nominee, as long as I am chairman, will be part of that closed process I described.

The transcript of that session will be made part of the confidential record of the nomination and made available to all Senators under penalty of expulsion if they divulge the information. The closed session for Judge Ginsburg will be held on Friday, July 23. We will start the open session on Tuesday, July 20. That is when the hearing will begin. We will go into closed session routinely on this nomination and every other one several days into the hearing so any investigative matter can be dealt with in a closed session.

Third, to ensure that all Senators are aware of any charges in the committee's possession, the committee will hold a closed, confidential briefing session for Senators on all Supreme Court nominations; Senators only, no staff. So every Senator should be put on notice. Before we close down the nomination hearing, in the Senate Judiciary Committee room—closed—any Senator, just like with the CIA material, will be able to come over himself or herself and sit down on a day designated with the investigative staff sitting there and ask any question about anything that has been raised and made available to them—all that has been raised.

At this briefing, all Senators will be invited, under rigorous restrictions to protect confidentiality, to inspect all the documents and reports we will have compiled. The briefing will be offered following the completion of the committee action and before the nomination goes to the floor. I intend these three steps to help restore the confidence in our investigative procedures and to reassure the public about the seriousness with which we take such matters as a part of the confirmation process and, equally important, to protect the integrity and privacy and the rights of the nominee.

I also hope that the whole of this nomination and confirmation process will contribute to enhance the confidence of the American people in the women and men who will serve on the Supreme Court.

I intend in these next few weeks to do all that I can to further these goals. I ask my colleagues in the Senate and on the Judiciary Committee to join me in considering the nomination of Ruth Bader Ginsburg fairly, efficiently, and with the public good foremost in our mind.

I thank the Chair.

I yield the floor.

EXHIBIT 1

### REFORMING THE CONFIRMATION PROCESS: A NEW ERA MUST DAWN

(By Senator Joseph R. Biden, Jr., Chairman, Senate Judiciary Committee, June 25, 1992)

Seven years ago, Harvard Law School Professor Laurence Tribe reflected on what was then the second oldest Supreme Court in history and wrote, "A grayed Supreme Court is . . . a sort of Halley's Comet in our constitutional universe: a rare apparition arriving only once in each lifetime, burning intensely in our legal firmament for a brief period, before returning to the deep space of constitutional history." He added that a quiet period, in which there were just two Supreme Court nominations in 15 years, was "the calm before the constitutional storm that surely lies ahead," predicting that "sometime in this decade we will be tossed into the turbulent process that has gripped this nation in the past."

Today, after the naming of seven men to fill five vacancies on the Court in just five years, we find ourselves in the midst of the storm Professor Tribe forecast. In those five years, the United States Senate has endured three of the most contentious confirmation fights ever:

The 1986 nomination of William Rehnquist, who was confirmed with the most votes cast against any Justice in history;

The 1987 rejection of Robert Bork—at the end of an epic conflict between competing constitutional visions—and the subsequent withdrawal of Douglas Ginsburg just days after his selection to succeed Bork as the nominee;

And the fierce fight, in 1991, over Clarence Thomas's confirmation to the Court, which broke Chief Justice Rehnquist's record for receiving the most negative votes in Senate history.

The immediate product of these conflicts—the change at the Court over the past few years—has already been dramatic, but, as Duke University Professor Walter Dellinger has pointed out, there is every reason to believe that we may see as many as five more Justices retire within the next four years.

In all likelihood, then, we stand at only the half-way point in the remaking of the Supreme Court, with as many confirmation controversies in the coming Presidential term as we saw over the past two terms combined.

By the time we arrive at the next election year, in 1996, there is a substantial chance that no member of the Court who was serving in June of 1986 will remain on the bench. Such a complete replacement of the Court in just 10 years has only one precedent since the Court was permanently expanded to nine members over 100 years ago.

Today, as we stand at the midpoint of this dramatic change, I want to discuss what has transpired over the past few years with respect to the confirmation process. I also want to discuss the question of what should be done if a Supreme Court vacancy occurs this summer. And finally, I want to offer four general proposals for how, I believe, the nomination and confirmation processes should be changed for future nominations.

But let me start, first, with a consideration of the confirmation process of the past decade.

### OLD PARALLELS, NO PARALLELS

As I mentioned earlier, President Reagan and Bush have named eight nominees for six positions on the Court during their Presidential terms. This is not the first time in our history that a strong, ideological President, and his loyal successor, have combined to shape the Court.

Presidents Washington and Adams made 18 nominations, of which 13 were confirmed and served among the Court's six Justices. Presidents Lincoln and Grant nominated 13 candidates for the Court, of whom 9 were confirmed and served. And Presidents Roosevelt and Truman named 13 Justices, all confirmed, in their combined terms of service.

What distinguishes the Reagan-Bush Justices from these historical parallels, however, is that half of them have been nominated in a period of divided government.

In the Washington-Adams period, a Federalist Senate joined with these Federalist Presidents to make the Supreme Court an institution that shared their vision of a single nation, with a powerful central government. In the Lincoln-Grant period, a Republican Senate joined with these Republican Presidents to insure that the Court would facilitate their vision for Reconstruction and national economic growth in the post-Civil War era. In the Roosevelt-Truman period, a Democratic Senate joined with these Democratic Presidents to steer the Court away from its hostility to the New Deal and other economic and social programs, and make it into an institution that deferred to the political branches in these areas and focused instead on the protection of individual rights.

In each of these times, a sweeping nationwide consensus existed—as reflected by the election to both of the political branches like-minded officials—which justified sweeping changes at the Supreme Court.

But over the past two decades, no such consensus has existed. Since 1968, Republicans have controlled the White House for 20 to 24 years; Democrats have controlled the Senate for 18 years of this period. The public has not given either party a mandate to remake the Court into a body reflective of a strong version of our respective philosophies—and both of our parties should honestly have conceded this fact.

Of course, this is not the first period when a divided government has been required to fill the Third Branch. About one-fifth of all Supreme Court Justices have been confirmed by Senates of a party different from the President's; one-third of all Justices confirmed since 1930 have been approved under these circumstances. It was a Senate controlled by Progressive Republicans and Democrats that confirmed three of President Hoover's four nominees for the Court and a Democratic Senate that reviewed and approved four Eisenhower nominees.

Yet in these previous periods of divided government—and indeed, in some periods where a President and the Senate shared the same party—Presidents have commonly taken the Constitution at its word and asked for the Senate's "advice" as well as its "consent." These Presidents have consulted with the Senate about their choices for the Court and have chosen nominees with balanced or diverse ideologies.

Thus, the conservative Republican Hoover named conservative Chief Justice Charles Evans Hughes, but also named the moderate Owen Roberts and the liberal Benjamin Cardozo—the latter after heated Executive-Senate consultations.

Similarly, President Eisenhower's choices for the Court included conservatives John Harlan and Charles Whittaker, moderate Potter Stewart and liberals Earl Warren Brennan. Even President Nixon—who showed no reluctance to take full advantage of Presidential prerogatives—balanced his choices of conservatives Warren Burger and William Rehnquist, with the moderate Republican Harry Blackmun and the conservative Democrat Lewis Powell.

### A DANGEROUS NEW PATH

This, of course, has not been the model that Presidents Reagan and Bush have followed. Instead, even lacking the broad support for their vision of the Court which Presidents Washington and Adams, Lincoln and Grant, and Roosevelt and Truman had, Presidents Reagan and Bush have tried to recast the Court in their ideological image, as these Presidents did.

Put another way: this is not the first time that a tandem of Presidents have sought to remake the Supreme Court, nor is it the first time that divided government has had to fill a number of seats of that body—but it is the first time the both have been attempted simultaneously.

And that, more than anything else, has been at the root of the current controversy surrounding the selection of Supreme Court Justices.

It was to cope with this stress—a stress created by the decisions of Presidents Reagan and Bush to attempt to move the Court, ideologically, into a radical new direction which this country does not support—that the modern confirmation process was created.

And on this point, there should be no doubt or uncertainty: the use that Presidents Reagan and Bush made of the Supreme Court nominating process, in a period of divided government, is without parallel in our history. It is this power grab that has unleashed the powerful and divisive forces that have ravaged the confirmation process.

If the American people are dissatisfied with where they find this process today, they must understand where the discord that has come to characterize it began: with Presidents Reagan and Bush and their decision to cede power in the nominating process to the radical right within their administration.

### AN UNPRECEDENTED PROCESS TO COPE WITH UNPRECEDENTED CHALLENGES

It was in the face of this unprecedented challenge to the Supreme Court selection process that we, in the Senate, developed an unprecedented confirmation process.

The centerpiece of this new process was a frank recognition of the legitimacy of Senate consideration of a nomination of a nominee's judicial philosophy as part of the confirmation review. At the time I first set forth this notion, during the Bork confirmation debate, it was widely controversial. Yet scholarly works, reaffirmed by the recent article by Chicago Professors David Strauss and Cass Sunstein, have always found a solid basis for this approach, in the intentions of our framers and the history of our nation.

In my view, the debate over the Senate's review of ideology has been fruitful. We have quashed the myth that the Senate must defer to a President's choice of a Supreme Court Justice—the men and women at the apex of the independent, Third Branch of government—as the Senate properly does for nominees for the Executive Branch.

The role of the Senate as a vital partner in reviewing Supreme Court nominations has been enhanced. And the debate over this role has caused even those who were initially skeptical—like Professor Henry Monaghan, who outlined the grounds for his "conversion" in a 1988 article in the Harvard Law Review—to join in a broad consensus over the propriety of more active Senate participation in this process.

More fundamentally, the serious and profound debate that the Bork nomination sparked was among the most important national discussions about our constitution, its meaning and the direction of our Supreme Court this century. Before the Bork confirmation fight, the legacy of the Warren Court was seen as tenuous by scholars and was ill-supported by the public. The legal right thought that "judicial activism" was a rallying cry that would move Americans against the Court's protection of personnel freedoms, its one person/one vote doctrine and other progressive decisions. And the legal left feared that the right might be correct in its assessment of popular opinion.

But the public reaction to Judge Bork's views—its rejection of the right's legal philosophy and judicial shibboleths—proved just the opposite. And while some aspects of the Warren Court legacy remain under assult—particularly in the area of criminal law—others have been irrevocably secured in the hearts and minds of most Americans—such as the Court's recognition of a right to privacy, inviolable by the state. That could not have been said before the Bork confirmation fight and yet it can be safely proclaimed today.

Nor do I limit the successes of this process to the Bork rejection only. I am equally satisfied, albeit for different reasons, as to how the process functioned in approving Justices Kennedy and Souter.

As I said when I supported these confirmations, neither man is whom I would have chosen were I President. But each reflects a balanced selection—a non-ideological conservative—that stands between the White House's philosophy and the Senate's. While I have disagreed with some decisions by each of these two jurists, I know that President Bush must say the same: such as with Justice Kennedy's vote to strike down the Texas Flag Protection statute.

Justice Kennedy has written several progressive opinions in the area of freedom of speech; he expressly rejected Justice Scalia's formula for limiting the right to privacy, in the Michael H. case; he has ruled for criminal defendants in three, critical, five-to-four decisions; and he wrote the opinion that overturned 200 years of practice in our courts, to ban private parties from using racial considerations in striking potential jurors.

While Justice Souter has less of a track record, he, too, has shown his independence. He is on the record categorically rejecting the Supreme Court's new, restrictive test for protecting religious freedom; he has sided with narrow Court majorities to extend the Voting Rights Act to cover judges and Title VII to strike down all fetal protection policies; and he has joined "liberal" justices in dissenting in several free speech cases.

Again, both men have issued some opinions that I sharply reject. But in a period of divided government, both were the sort of compromise candidates who are appropriate for the Court and whose confirmations I supported.

In my view, the contemporary confirmation process functioned well in rejecting Judge Bork and in approving Justices Kennedy and Souter. And yet, sadly, even in so succeeding, one could see within that process the seeds of the explosion that was to come with the Thomas nomination—and the destructive forces that were going to tear it apart.

### THE THOMAS NOMINATION: AN INEVITABLE EXPLOSION

As I said earlier, the root of the current collapse of the confirmation process is the administration's campaign to make the Supreme Court the agent of an ultra-conservative social agenda which lacks support in the Congress or in the country. In describing, as I am about to, how the resulting reactions by different forces and factions have brought about the difficulty we now face, I do not want anyone to lose sight of the fact that it is the administration's nominating agenda that is the root cause of this dilemma.

This is, if you will, the "original sin" which has created all the problems that plague the process today: the administration's desire to placate the right wing of its party, which is driven buy a single issue—overturning Roe v. Wade. To the members of this Republican faction, no mere conservative, such as Justice O'Connor or Justice Powell, is "safe"—the administration is urged to reach for a Scalia, a Bork, a Thomas.

But if this is the original sin behind today's woes, it is not the only cause of the confirmation deadlock. And here, there are three consequences of this Reagan-Bush nominating strategy that have contributed to the problem.

First, Democrats and moderate Republicans have played into the hands of the Republican Right by accepting Roe as a divining rod in reverse—making a nominee's views (or refusal to state his views) on this question the overriding concern of confirmation.

Yet in joining the right in permitting a single issue to dominate the debate, the center and the left have lost sight of the fact that nominees who are chosen by Republican ultra-conservatives tend to embrace other constitutional and jurisprudential views, unrelated to abortion, but equally at the far end of the spectrum.

Put another way: the center and the left, which won such broad public support for their position against Judge Bork's nomination, have allowed themselves, too, to be defined as single-issue participants. This has given rise to even more frustration about the process—from both participants and observers—and was one cause of the schism that emerged in the Thomas confirmation debate.

Moreover, the focus on Roe prevents the Committee from exploring many legitimate issues in our hearings, because questions about the nominee's views on many matters—from the cutting-edge issue of the right to privacy to the age-old legal doctrine of stare decisis—are immediately assumed to be covert questions about abortion. Among the most frustrating aspects of the Souter and Thomas hearings was that when I tried to question the nominees on whether they thought individuals had a right to privacy, everyone—the press, the public, the nominees, my colleagues—thought that I was trying to ask about abortion in disguise.

No matter how many times I said, frankly, "No, this question is not about abortion. I want to know how you will face the many unknown questions that will confront the Court into the 21st Century; I must know whether you think individuals have a right to privacy?"—no matter how many times I insisted, everyone believed I was asking about abortion. That is just how powerfully that issue dominates our process.

Second, in the period between the Bork and the Thomas nominations, there developed what could be called an unintended "conspiracy of extremism," between the far fringes of the right and the left, to undermine the confirmation process, and to question the legitimacy of its outcomes.

Simply put, the right could not accept that any process which resulted in the rejection of Judge Bork was fair or legitimate. Notwithstanding the contemporaneous declaration of many Republican Senators that the hearings and process for handling the Bork nomination were fair, a subsequent mythology has developed that claims otherwise.

We are told that the hearings were tilted against Bork—but there were more witnesses who testified for him then who appeared in opposition. I have heard his defeat blamed on the scheduling of the witnesses—but we simply alternated, pro and con, one panel after the other. The list of excuses goes on and on. It was the camera angle; the beard; the lights; the timing—all unfair, we are told.

In sum, the conservative wing of the Republican Party has never accepted the cold, hard fact that the Senate rejected Judge Bork because his views came to be well understood and were considered unacceptable. And because this rejection of their core philosophy is inconceivable to the legal right, they have been on a hunt for villains ever since.

They have attacked the press, as in a recent, intemperate speech by a conservative federal judge bashing two New York Times reporters who are among the finest to cover Supreme Court hearings. But most of all, these movement conservatives have attacked the confirmation process itself, and the Senate for exercising its constitutional duties to conduct it.

At the same time, the left, too, has clothed its frustration with its inability to persuade the American public of the wisdom of its agenda, in anger about the confirmation process as well.

The left has refused to accept the fact that when one political branch is controlled by a conservative republican and the other has its philosophical fulcrum resting on key Southern Democrats, who hold the balance on close votes in the Senate, it is inevitable that the Court is going to grow more conservative. Acceptable candidates must be found among those who straddle this ideological gulf, such as Justices Kennedy and Souter, who were approved by a combined total of 188 to 9 in the Senate.

Efforts to persuade the Senate and the public of something else—of either the soundness of the liberal social agenda, or of the view that the only acceptable Justices are those who adhere to it—have been unsuccessful. And, as with the right, this has resulted in the left, too, blaming the process for its failure to win public support.

The confirmation process has thus become a convenient scapegoat for ideological advocates of competing social visions—advocates who have not been able to persuade the generally moderate American public of the wisdom of either of their views, when framed in the extreme. In effect, then, these advocates have joined in an ad hoc alliance, left and right, to undermine public confidence in a process aimed at moderation—hoping, perhaps, to foment a great social and cultural war in which one or the other will prevail.

Third, the confirmation process has been infected by the general meanness and nastiness that pervades our political process today. While I believe they played little or no role in the outcome, the inaccurate television ads that were run against Judge Bork's confirmation only taunted increasingly cutting responses from the right.

The Thomas nomination included a level of personal bitterness that may be typical of our modern political campaigns but is destructive to any process dependent on consensus.

After the nomination was announced, one opponent of Judge Thomas threatened to "Bork him"—a menacing pledge that served no purpose. And then, as the hearings were about to begin, the same conservative group that produced the infamous Wilie Horton ads ran television commercials attacking several members of the Judiciary Committee—myself included—intending to intimidate our review of the nomination.

I find it ironic that we can recognize the cost—if not find answers for—this nastiness in the context of Presidential elections, but lack the same insights with respect to the Supreme Court confirmation process.

Many of the same voices who have criticized the committee for not going "hard enough" after allegations that Judge Thomas had improper travel expenses, spitefully transferred a whistleblower at EEOC, or was friends with a pro-apartheid lobbyist—many of these critics of our Committee are among the first to bemoan the fact that the Presidential campaign of 1992 has been dominated by questions of personal wrong-doing instead of the "real issues."

I, too, believe that the nation would be better off if the current campaign was centered on disputes over public policy rather than gossip about marital fidelity and marijuana use. But I must say that the same is true about our review of Supreme Court nominees: the nation is enriched when we explore their jurisprudential views; it is debased when we plow through their private lives for "dirt."

As with Presidential campaigns, the press—perhaps because it is easier, perhaps because it sells papers—has too often focused their coverage of Supreme Court nominees on such gossip and personal matters, rather than on the substantial—but difficult—task of trying to discern their philosophy and ideology.

Let me make it clear, here, that I am not now speaking of Professor Hill's allegations against Judge Thomas, which were certainly serious and significant enough to merit the full investigation that the Committee conducted, both before and after their public disclosure. Rather, I am speaking of the numerous lesser allegations against nominees Bork, Kennedy, Souter and Thomas which the most extreme Committee critics say we have done too little to pursue.

Some examples of what these critics wanted to see us delve into come to mind: Judge Bork had his video rental records exhumed and studied for possible rental of pornographic films. Judge Souter has his marital status questioned and felt obligated to produce ex-girlfriends to testify to his virility. Judge Thomas was assaulted by a whispering campaign that spread unsubstantiated rumors of about the cause of the end of his first marriage.

Each time, the airing of these charges enraged Republican allies of these nominees, who considered the charges unfair and a violation of their right to privacy. And each time, when the Committee—at my direction—refused to explore these tawdry rumors, the more extreme critics of our process grew more and more frustrated with the results.

This was another tension which came to a head during the Thomas nomination and which exploded when Professor Hill's charges were made public.

To sum up, then: the confirmation process launched in 1987—an attempt to provide a means for dealing with the Reagan-Bush campaign to transform the Supreme Court ideologically at a time when those ideological views lacked public support—has been torn asunder. The process lacks the sort of broad-based support that could make it work, and its credibility has been slowly eroded by the criticism it has received from both liberal and conservative ideologues.

A legitimate process that was built in good faith to identify and confirm consensus nominees has been destroyed by many of the same corrosive influences that have so devastated our Presidential politics and our national dialogue on public affairs.

Consequently, it is my view that—particularly if the reality of divided government during a time of great change at the Court continues in the next administration—future confirmations must be conducted differently than the preceding ones. The pressures and tensions on the existing process—which exploded during the Thomas nomination fight—make a restoration of what came before Judge Thomas's nomination—even if it was desirable—a practical impossibility.

### THE UNIQUE HISTORY OF ELECTION YEAR NOMINATIONS

Having said that, we face one immediate question: Can our Supreme Court nomination and confirmation processes, so racked by discord and bitterness, be repaired in a Presidential election year? History teaches us that this is extremely unlikely.

Some of our nation's most bitter and heated confirmation fights have come in Presidential election years. The bruising confirmation fight over Roger Taney's nomination in 1836; the Senate's refusal to confirm four nominations by President Tyler in 1844; the single vote rejections of nominees Badger and Black by lame duck Presidents Fillmore and Buchanan, in the mid-19th Century, and the narrow approvals of Justices Lamar and Fuller in 1888 are just *some* examples of these fights in the 19th century.

Overall, while only one in four Supreme Court nominations has been the subject of significant opposition, the figure rises to one out of two when such nominations are acted on in Presidential election years.

In our own century, there are two particularly poignant cases. The 1916 confirmation fight over Louis D. Brandeis, one of America's great jurists—a fight filled with mean-spirited anti-semitic attacks on the nominee—is an example of how election year politics can pollute Senate consideration of a distinguished candidate. And the 1968 filibuster against Abe Fortas' nomination—an assault that was launched by 19 Republican Senators, before President Johnson had even named Fortas as his election—is similarly well known.

Indeed, many pundits on both the left and the right questioned our Committee's ability to fairly process the Bork nomination—a year before the 1988 campaign—without becoming entangled in Presidential politics. While I believe this concern was misplaced, and ultimately disproved, it illustrates how fears of such politicization can undermine confidence in the confirmation process. Moreover, the tradition against acting on Supreme Court nominations in a Presidential year is particularly strong when the vacancy occurs in the summer or fall of that election season.

Thus, while a few Justices have been confirmed in the summer or fall of a Presidential election season, such confirmations are rare—only five times in our history have summer or fall confirmations been granted, with the latest—the latest—being the August 1846 confirmation of Justice Robert Grier.

In fact, no Justice has ever been confirmed in September or October of an election year—the sort of timing which has become standard in the modern confirmation process. Indeed, in American history, the only attempt to push through a September or October confirmation was the failed campaign to approve Abe Fortas' nomination in 1968. I can not believe anyone would want to repeat that experience today.

Moreover, of the five Justices who were confirmed in the summer of an election year, all five were nominated for vacancies that had arisen before the summer began. Indeed, Justice Grier's August confirmation was for a vacancy on the Court that was more than two years old, as was the July confirmation of Justice Samuel Miller, in 1862.

Thus, more relevant for the situation we could be facing in 1992 is this statistic: six Supreme Court vacancies have occurred in the summer or fall of a Presidential election year, and never—not once—has the Senate confirmed a nominee for these vacancies before the November election.

In four of these six cases—in 1800, 1828, 1864 and 1956—the President himself withheld making a nomination until after the election was held. In both of the two instances where the President did insist on naming a nominee under these circumstances—Edward Bradford in 1852 and Abe Fortas in 1968—the Senate refused to confirm those selections.

Thus, as we near the summer of this Presidential election year, it is time to consider whether this unbroken string of historical tradition should be broken.

### 1992: CONFIRMATIONS AND ELECTIONS DO NOT MIX

In my view, what history supports, common sense dictates in the case of 1992.

Given the unusual rancor that pervaded the Thomas nomination; the need for some serious reevaluation of the nomination and confirmation processes; and the overall level of bitterness that infects our political system, it is my view that the prospects for anything but conflagration with respect to a Supreme Court nomination this year are remote.

Of Presidents Reagan's and Bush's last seven selections for the Court, two were not confirmed and two more were approved with the most votes cast against them in U.S. history. We have seen how, in my view, politics has played far too large a role in the Reagan and Bush nominations to date; one can only imagine that role becoming over-arching if a choice is made this year.

Should a Justice resign this summer and the President move to name a successor—actions that will occur just days before the Democratic Presidential Convention and weeks before the Republican Convention meets—a process that is already in doubt in the minds of many will become distrusted by all. Senate consideration of a nominee under these circumstances is not fair to the President, the nominee, or the Senate itself.

Where the nation should be treated to a consideration of constitutional philosophy, all it will get is partisan bickering and political posturing—from both parties, from both ends of Pennsylvania Avenue.

As a result, it is my view that if a Supreme Court Justice retires or resigns at the end of this term, President Bush should consider following the practice of a majority of his predecessors, and not name a nominee until after the November election.

The Senate, too, must consider how it would respond to a Supreme Court vacancy that would occur in the full throes of an election year. It is my view that, if the President goes the way of Presidents Fillmore and Johnson, and presses an election year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after this political campaign season is over.

Some would criticize such a decision and say that it was nothing more than an attempt to "save the seat" in hopes that a Democrat will be permitted to fill it. But that would not be our intention, if that were the course we chose. Instead, it would be our pragmatic conclusion that, once the political season is underway, action on a Supreme Court nomination must be put off until after the election campaigning is over. That is what is fair to the nominee, and to the process.

Others may fret that this approach would leave the Court with only eight members for some time. But as I see it, the costs of such a result—the need to reargue three or four cases that will divide the Justices four-to-four—are quite minor. And in the end, this may be the only course of action that historical practice and practical realism can sustain.

### FOR THE FUTURE: A NEW PROCESS, OR NO PROCESS AT ALL

But my purpose today is not limited to addressing the prospect of a Supreme Court confirmation battle in 1992; rather, my goal is to offer my views on how the process must be changed in the years following 1992—in four years that may, as I suggested at the outset—produce even more change at the Court than we have seen in this current Presidential term, or the preceding one of President Reagan.

And though the actual implementation of any of these proposals is still a long time away, I want to lay them out now, in advance of any existing Court vacancies, or awareness of the election results. In this way, all of the participants in the process can be clear, well in advance, of how I intend to approach any future nominations.

One other note: though my remarks lay out principles I will follow no matter who wins the Presidential election and no matter which Party controls the Senate, they will address primarily the prospect that President Bush wins reelection and the Democrats continue to have a Senate majority. If, by some chance, the Republicans take the Senate, my views on the process would not change—though they become vastly less significant.

Similarly, if Governor Clinton should win this fall, then my views on the need for philosophical compromise between the branches would not be softened, but rather, the prospects for such compromise would be naturally enhanced.

With this in mind, let me start with the nominating process and how that process might be changed in the next administration.

### COOPERATION OR CONFRONTATION: NO OTHER OPTIONS

It seems clear to me that, with the Bush administration, the process of selecting Supreme Court nominees has become dominated by right-wing ideologues, intent on using the Court to implement an ultra-conservative social agenda that the Congress and the public have rejected.

As I detailed during the hearings and subsequent confirmation debate over Judge Thomas's nomination, this agenda involves changing all three of the pillars of modern constitutional law:

First, it proposes to reduce the high degree of protection that the Supreme Court has given to individual rights, when those rights are threatened by government intrusion—imperiling our freedoms of religion, speech and personal liberty.

Second, it proposes to vastly increase the protection given to the interests of property, when our society seeks to regulate the uses of such property—imperiling laws concerned with the environment, worker safety, zoning and consumer protection.

And third, it proposes to radically alter the separation of powers, to move power to the Executive Branch—imperiling the bipartisan independent regulatory agencies and the modern regulatory state.

As I noted before, efforts to transform the confirmation process into a good faith debate over these philosophical matters—as was the Bork confirmation process—have been thwarted by extremists in both parties and by cynics who have urged nominees to attempt to conceal their views to the greatest extent possible.

And the President, unwilling to concede that his agenda in these three areas is at odds with the will of the Senate and the American people, seems determined to continue to try to remake the Court—and thereby, remake our laws—in this direction.

In light of this, I can have only one response: either we must have a compromise in the selection of future Justices, or I must oppose those who are the product of this ideological nominating process. To put it another way: if the President does not restore the historical tradition of genuine consultations between the White House and the Senate on Supreme Court nominations, or instead restore the common practice of Presidents who chose nominees who strode the middle ground between the divided political branches, then I shall oppose his future nominees, immediately upon their nomination.

This is not a request that the President relinquish any power to the Senate, or that he refrain from exercising any prerogatives he might have. Rather, it is my statement that unless the President chooses to do so, I will not lend the power that I have in this process to support the confirmation of his selections.

As I noted before, the practice of many Presidents throughout our history supports my call for more Executive-Senate consultations. More fundamentally, the text of the Constitution itself—its use of the phrase "advice and consent" to describe the Senate's role in appointments—demands greater inclusion of our views in this process.

While this position may seem contentious, I believe that it is nothing more than a justified response to the politicization of the nominating process. To take a common example: the President is free to submit to Congress any budget that he chooses. He can submit one that reflects his conservative philosophy, or one that straddles the difference between his views and ours. It is his choice. But when the President has taken the former course, no one has been surprised or outraged when Democrats like myself have responded by rejecting his proposal outright.

If the President works with a philosophically differing Senate, or he moderates his choices to reflect this divergence, then his nominees deserve consideration and support by that Senate. But when a President continues to ignore this divide—and to pick nominees with views at odds from the constituents who elected me, with an even larger margin than they supported him—then his nominees are not entitled to my support in any shape or form.

Some will view this position as contentious, while still others say that it is not confrontational enough. They suggest that since the Court has moved so far to the right already, that it is too late for a progressive Senate to accept compromise candidates from a conservative administration.

But I believe that, so long as the public continues to split its confidence between the branches, compromise is the responsible course for both the White House and the Senate. Therefore, I stand by my position: if the President consults and cooperates with the Senate, or moderates his selections, then his nominees may enjoy my support, as did Justices Kennedy and Souter. But if he does not, as is the President's right—then I will oppose his future nominees, as is my right.

### BEFORE THE HEARINGS: MORE DISCUSSION, LESS DRAMA

Once a nomination is made, the evaluation process begins. And here, there has been a dramatic change from the Bork nomination in 1987 to the Thomas nomination last year.

Let me start with this observation: in retrospect, the actual events surrounding the nomination of Judge Bork have been so misremembered that observers have completely overlooked one great feature of these events—that in most respects, the Bork nomination served as an excellent model for how a contemporary nomination and confirmation debate should be conducted.

Shortly after Judge Bork was nominated, after studying his record, writings and speeches, I announced my opposition to his confirmation. Several other members of the Judiciary Committee did the same.

What ensued was, I think, an educational and enlightening summer. I laid out the basis for my position in two major national speeches; other Senators did likewise. The White House issued a very detailed paper, proposing to outline Judge Bork's philosophy; a group of respected consultants to the Committee issued a response; and the administration put out a response to that response.

While there were excesses in this debate—as I mentioned earlier—by and large, it was an exchange of views and ideas between the two major constitutional players in this controversy—the President and the Senate—which the nation could observe and evaluate. The fall hearings, then, were significant—not as a dramatic spectacle to see how Senators should jockey for position on the nomination—but to see the final act of this debate.

Unfortunately, though, those of us who announced early opposition to Judge Bork were roundly criticized by the media: major newspapers accused me of rendering a "verdict first, trial later" for the nominee. I say that this was unfortunate because this criticism of our early positioning on the Bork nomination has resulted in, as I see it, four negative consequences on the confirmation process.

First, it gave rise to a powerful mythology that equates confirmation hearings to something closer to trials than legislative proceedings. The result has been, in the end, even more criticism for the process, when the hearings do not meet this artificial standard. Confirmation hearings are not trials—they are Congressional hearings; Senators are not judges—we are Senators; our decision on a nominee is not a neutral ruling as a judge would render—it is, as the Constitution designed it a political choice about values and philosophy.

We should junk this trial mythology and the attendant matters that go with it: arcane debates over which way the "presumption" goes in the confirmation process; over what the standard of review is; over which side has the burden of proof. All of these terms and ideas are inapt for our decision making on confirmation, as they are for our decision making on passing bills or voting on constitutional amendments.

Second, the criticism of taking early stands on nominees has pushed Senators out of the summer debate over confirmation and has left that debate to others: most especially, the interest groups of the left and the right. Instead of an exchange of ideas, then, the summer becomes Washington at its worst: the nominee hunkers down with briefers at the Justice Department, preparing for the hearings as a football team prepares for a game. Outside the two branches, busy efforts are under way to form coalitions, launch TV attack campaigns, issue press releases and shout loudly past one another.

This transformation hit its apex during the Thomas nomination, when, by my count, there were twice as many summer news stories about how interest groups were lining up on the nomination than there were about the nominee's views. As with our Presidential campaigns, public attention in the pre-hearing period has been turned away from a debate by principals about the real issues into a superficial scrutiny of the "horse race"—"Is the nominee up, or is he down today?"—and discussions among spin doctors, insiders and pundits.

The only way to move the focus from the tactics of the confirmation debate to the substance of it is for Senators to stake out positions on a nomination, if possible, and debate them freely before the hearings begin. Where Senators remain undecided about the nomination, I hope more will do what I did with the Souter and Thomas nominations, and try to publicly address the issues of concern for confirmation before the hearings get under way.

Third, the taboo against early opposition to a nominee has created an imbalance in the pre-hearing debate over confirmation, for it seems that no similar taboo exists against pre-hearing support for a nominee: in the case of Judge Thomas, while no Senator announced his opposition to confirmation before the hearings started, at least 30 announced their support for the nominee before the Committee first met.

Thus, Senator Rudman, for Judge Souter, and Senator Danforth, for Judge Thomas—along with many other Senators—became outspoken advocates for confirmation from day one, while no Senator spoke in opposition. In my view, such an imbalance is unhealthy, and again, puts too much responsibility for, and control over, the confirmation debate in the hands of interest groups instead of elected officials.

Fourth, and perhaps least obviously, the taboo against early opposition to a nominee has contributed to making the confirmation hearings a far too significant forum for evaluation a nominee.

Conservative critics of the modern hearing process often note that for the first 125 years of our history, we reviewed Supreme Court nominations without confirmation hearings. Yet what they ignore is that the rejection rate of such nominees was even higher—and the grounds of rejection, far more partisan and far less principled—than it has been since such hearings were begun.

In my view, confirmation hearings—no matter how long, how fruitful, how thorough—can not alone provide a sufficient basis for determining if a nominee merits a seat on our Supreme Court. Here again, the burden of the trial analogy unfortunately confuses the role of the hearings instead of elucidating it.

As they did before there were confirmation hearings, Senators—and the public—should make their determination about a nominee based on his or her record of service, writings and speeches, background checks and investigations, a review of the nominee's experience and credentials, and a weighing of the views of the nominee's peers and colleagues.

To put it another way: we have hearings not to prove the case *against* the nominee, but rather, in an effort to be fair to the nominee, and give that nominee the chance to explain his or her record and writings to the Committee. Thus, the hearings can be the crowning jewel of this evaluation process—a final chance to clear up confusion or firm up a soft conclusion—but they can not be the entire process itself. Anything we can do to broaden the base on which Senators make their decisions will be a valuable improvement in the confirmation process.

### IF THE QUESTIONS ARE PROPER, THEY MUST BE ANSWERED

Having urged a lessening in significance of the hearings, I nonetheless want to suggest some changes for this part of the process, too. And here, in this third area of reform, I have focused on the questioning of the nominee at his or her confirmation hearing.

As I talk to people about the confirmation process, one of the questions I am most often asked is, "Why didn't you *make* the nominee answer the questions?" As I have said time and again, the choice about what questions to ask belongs to us on the Committee; the choice about what questions to answer belongs to the nominee. Lacking any devices of the Medieval Inquisition, we have no way, as Senators, to *make* someone answer questions.

Having said that, though, I do not want to undercut my strong displeasure with what has happened to this aspect of the confirmation process since the Bork hearings. As most people know, Judge Bork had a full and thorough exchange with the Committee. After his defeat, many "experts" on the confirmation process came to associate this frankness with the outcome.

But this is a false lesson of the Bork confirmation. I believed then, and I believe now, that Judge Bork would have been rejected by an even larger margin had he been less forthcoming with the Committee. And Justices Kennedy and Souter, with some exceptions, particularly in the area of reproductive freedom, were likewise fairly discursive in their answers to our questions, and they were overwhelmingly confirmed.

In contrast, Judge Thomas, who had the beginnings of a judicial philosophy that was quite conservative, decided not to be as forthcoming as were Justices Kennedy and Souter. Moreover, because the written record to establish his views was not as fully developed as Judge Bork's, Justice Thomas concluded that he did not need to use the hearings as an opportunity to try to explain his philosophy—to garner support notwithstanding it—as Bork had.

As a result, we saw in the Thomas hearings what one of my colleagues called a version of a "ritualized, Kabuki theater." Committee members asked increasingly complex and tricky questions in an effort to parry the nominee's increasingly complex and tricky dodges. To gain advantage, perhaps some on the Committee asked questions which we knew the nominee would not—could not—answer. Perhaps the nominee dodged some questions which he knew he could—should—answer, but chose not to because he saw little cost in it.

In the end, each side struggled for advantage in a debate that generated far more heat than light. If we are to refocus the confirmation process so it pivots on a nominee's philosophy, instead of questions of personal conduct, then the hearings must be a forum for a full exploration of that philosophy.

Conservatives can not have it both ways; they can not ask us to refrain from rigorous questioning of judicial philosophy and instead focus on a nominee's personal background—as they did during the early phase of the Thomas nomination—and then complain loudly when this examination of personal background turns into a bitter exploration of the nominee's conduct and character. This turn in the process was the product of *their* disdain for our questioning on jurisprudential views, more than anything else.

The Senate can not force nominees to answer our questions. But as I voted against Judge Thomas's confirmation, in part, because of his evasiveness, I will not countenance any similar evasion on the part of any future nominees. To make this point as clearly and as sharply as possible, I want to state the following view: In the future, I will be particularly rigorous in insuring that every question I ask will be one that I believe a nominee *should* answer; and if the nominee declines to do so, I will, unless otherwise assured about a nominee's approach to the area in question, oppose that nominee.

Again, this is not to say that all nominees should have answered every question directed to them by the Committee in the past—some refusals, such as those by Justice Marshall, during his confirmation hearings, were wholly proper. I am not saying that I will vote against any nominee who refuses to answer any question by any Senator. But if we are to redeem this process—give it clear guidelines and rules that all will know, and make it focus more on philosophy and less on personality—then the basic principle I have laid out must be included. As a Senator, I can not make a nominee answer those questions I deem appropriate and important—but I need not vote for one who refuses to do so, either. And I will not.

### NEW PROCEDURES FOR INVESTIGATIVE MATTERS

Fourth, we must address the manner in which the Committee handles investigative matters concerning Supreme Court nominees.

No aspect of the confirmation process has been more widely discussed than our handling of Professor Hill's allegations against Judge Thomas before those charges became public.

Many have questioned whether we took Professor Hill's charges seriously, investigated them thoroughly and disseminated them appropriately. In my view, we did all of these things, within the limits that Professor Hill herself placed on us.

I wrestled at length with the difficult decisions we faced. We can debate these anguishing choices over and over again—Should we have overridden Professor Hill's wishes for confidentiality? Should we have pushed her to "go public" with her charges even if she did not choose to do so?

People of good conscience can differ over these and the other dilemmas we faced. But in my view, the anger with the Committee's handling of this matter goes far beyond how we resolved these difficult questions.

As I see it, the firestorm surrounding the Hill charges is an understandable rage, fueled by misperceptions of the facts and ignited by disgust with the way in which Republican Senators questioned Professor Hill and Judge Thomas at the public hearings.

But even this alone does not explain it, for this anger is rooted, at bottom, in a justifiable frustration with the lack of representation of women in our political system. Many Americans were, and still are, properly mad that there were no female members of the Judiciary Committee when we heard Professor Hill's charges. I, for one, join these people in the movement to make the 1992 elections a watershed on this front.

And yet, there is a still bigger issue at stake, for the public outcry over these hearings was not about Clarence Thomas; it was not about Anita Hill. It was about years of resentment by women for the treatment they have suffered from men in the workplace, in schools, on the street and at home. It was about a massive power struggle going on in this country, a power struggle between women and men; between minorities and the majority. These are issues that deeply divide us as a nation—issues of gender, race and power—issues that were front and center at those dramatic hearings last fall.

I believe our handling of Professor Hill's charges, prior to their public disclosure, was proper. But I also believe that there are some things we should do differently in the future, to improve public confidence in our handling of investigative matters.

First, I do not want the fourteen members of the Judiciary Committee, ever again, to be placed in the awkward position of possessing information about a Supreme Court nominee which it has pledged to keep confidential from other members of the Senate, as we did with Professor Hill's charges.

In the future, all sources will be notified that any information obtained by the Committee will be placed in the FBI file on the nominee and shared on that confidential basis with all Senators, before the Senate votes on a Supreme Court nomination.

Second, to insure that all Senators are aware of any charges in our possession, the Committee will hold closed, confidential briefing sessions concerning all Supreme Court nominees in the future.

All Senators will be invited, under rigorous restrictions to protect confidentiality, to inspect all documents and reports are compiled.

Third, because, ultimately, the question with respect to investigations of a Supreme Court nominee is the credibility and character of that nominee, in the future, the Committee will routinely conduct a closed session with each nominee to ask that nominee—face-to-face, on the record, under oath—about all investigative charges against that person.

This hearing will be conducted in all cases, even when there are no major investigative issues to be resolved, so that the holding of such a hearing can not be taken to demonstrate that the committee has received adverse confidential information about the nominee. The transcript of that session will be part of the confidential record of the nomination made available to all Senators.

No doubt, these rules, too can be criticized. Frankly, there are no easy answers when questions of fairness, thoroughness, civil liberties and the future of the Supreme Court collide. Other changes, too, may be needed, and I shall consider them as they are proposed.

But I hope that these three steps will help increase confidence in our investigative procedures and the seriousness with which we take such matters as part of the confirmation process.

### OUR INSTITUTIONS ENDURE, BUT WHAT OF PUBLIC CONFIDENCE IN THEM?

Let me conclude, now with a painful fact: the picture I have painted today about the state of my confirmation process and the future of our Supreme Court, is largely negative. I am afraid that my tone is as it must be, for though my fundamental optimism about this country remains unshaken, I know that the public's confidence in our institutions is not. Americans believe that their President is out of touch with their lives; their Congress is out of line with their ethical standards; and their Supreme Court is out of synch with their views.

I can not predict whether the current political season will be the first step in restoring lost confidence in our institutions, or the final act in shattering it. I only know that when this year is over—whoever wins control of the White House and the Senate this November—rebuilding trust between the American people and their government must be a preeminent goal.

The confirmation process is an important component of such a reform agenda, for three reasons. First, it is a highly visible public act: more people watched the Thomas confirmation hearings than any act of American governance, ever, in our history. As a result, citizens' perceptions of the confirmation process profoundly color their perceptions of their government as a whole.

Second, the confirmation process is the one place where all three of our branches come together: the President and the Senate decide jointly whether a particular person will become a member of the Court. Thus, the confirmation process asks the question, "Can the branches function together, as a government?" That is a vital question to the American people, and how the confirmation process functions does much to shape their sense of the answer to that question.

Third, the confirmation process—at its best—is a debate over the most fundamental that shape our society: a debate about the nature of our Constitution, in both the literal and symbolic sense. What kind of country are we; what rights do we respect; what powers do we cede to the government?—these are the questions that the confirmation process forces us to ask.

However this process operates, our institutions will endure. But unless this process is required—unless all three branches take their responsibilities to it, to each other and to the American people seriously—the credibility of these institutions will continue to suffer.

To some, this may be of little concern. Indeed, some may be quietly pleased to see the public further lose faith in its government. But for those, who, like I, still believe that the government can be the agent of social change; that our institutions can be harnessed to make our nation a more just, safe and prosperous country—the growing division between the American people and their government is a disheartening development.

Unless that fundamental trust is restored, there is no hope that the American people will put confidence in their elected officials to rebuild our economy; to provide for the needs of our children; to deal with the failures of our health care and education systems; and to clean up our environment and our inner cities.

This, at bottom, is what is at stake in reforming the confirmation process, for the crisis of confidence that plagues that process is symptomatic of the crisis of confidence that plagues our government and institutions at large.

Together, we must resolve this crisis and restore the bond of trust that has been served. Nothing we can do in the next six weeks, six months, or six years is more important for the long term course of our political system and our country.

That is our challenge—let us act on it today.

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## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, I rise to talk about the bill before us. Frankly, I am pleased that we are negotiating with reference to sensitive departments of the Federal Government, to see if we cannot make a little more sense out of which departments of this National Government should be more restricted than others with reference to political participation, being solicited, and contributing funds in the election process.

The last time this bill was before us that issue, which is currently being negotiated, was the subject matter of an amendment that I offered. It failed then on almost a party-line basis. But the idea has gained a lot of momentum. Should the CIA employees be participating in politics, as provided either in this bill, S. 185, or in some other measure as included within the confines of the House bill on the Hatch Act so-called reform? How about the National Security Agency, the Defense Intelligence, or the FBI?

In that measure, that amendment, which the Senator from New Mexico offered, we excluded all of those that I have just mentioned, and others, such as the Bureau of Alcohol, Tobacco and Firearms, the Merit Systems Protection Board, Office of Special Counsel, clearly the FBI, and the Internal Revenue Service. I understand there are some who want some of those agencies to be granted the expanded privileges for political participation.

I come from a State with many, many Federal employees. Frankly, I do not see a great outpouring from the grassroots of Federal employees that they want this so-called reform. Frankly, I do not think it makes any sense to put agencies within these new privileges of partisan politics that face the people of this country in confrontational types of atmospheres or environments. Why do we need the men and women of the Internal Revenue Service Department, those who collect our taxes, who write the rules and regulations for the taxes of this country—why should we not say, if you want to work in this kind of department of the Government, you are going to have somewhat less political rights, political privileges, than ordinary citizens?

I think the people deserve to know that those who are enforcing tax laws are minimally involved in politics and are minimally involved in contributing to candidates.

So I think we are making a mistake if the amendment recommended by the Senator on our side who is managing this bill, Senator ROTH—if we do not agree in the Senate to keep as many of these agencies as possible with minimal political privileges, so they can be, in the eyes of the public, without partisan taint, and in the reality of the arena of life where they have to come and audit people and try to get them to pay more money, or the opposite. Why should we not be exempting them from the new privileges that are going to be granted here, and even the broader privilege of running for public office?

Would it not be an exciting thing for the American people to have the Director of the FBI in Albuquerque, NM, running for a partisan position? That is not this bill, it is the House bill, part of the so-called reform. What about the Internal Revenue Service Director in my home city and State. Do you think the people would be more confident or less if you find that person running for county commissioner? Would you think they would be more confident or less if he turned out to be running, as a Democrat or Republican?

It seems to me that he ought not to run for either. It ought to be very clear that if you are going to have those kinds of jobs, you cannot. I compliment Senator GLENN, because in this bill we do not permit people within the Government to run for partisan offices. But, essentially, I think we ought to take departments such as the ones I mentioned, such as the one we voted on the last time under an amendment which I proposed to the Senate, and say to the IRS, CIA, National Security Agency, Bureau of Alcohol, Tobacco and Firearms, you do not get the new privileges.

It is a privilege to work for these agencies, and clearly you have to be beyond reproach and suspicion and beyond giving any impression that anything you might do is being done because of partisan politics. I do not think that is too much to ask of about 250,000 or 300,000 people who work for the U.S. Government, out of a work force that is much larger than that, as we all know.

Having said that, I am very hopeful that in these negotiations which are going on now, serious negotiations, that many of those agencies, departments, or bureaus of the Federal Government, will be prohibited from further participation in partisan politics, which would be granted either by this bill or the House counterpart.

Frankly, I hope, with the sense-of-the-Senate vote which was overwhelming, that the bill that clears here will be essentially the bill that goes back through the House and comes to the Senate out of conference for final approval. It seems to me that there are a number of Senators who are going to vote for it or who will not filibuster because of the bill that is here and the tacit commitment, in many cases, and explicit commitment included in the sense-of-the-Senate resolution of just yesterday or the day before, regarding some of these issues.

In that regard, it is better than the House bill. I regret to say I do not really think it is good enough. I cannot understand why we have to expand the provisions of the Hatch Act as are even in S. 185 before us. One of the big problems of our day and concerning the American people as we look out at the myriad problems—I do not think anywhere near the top 20, 25, or maybe even the top 50 issues, is the issue of letting the Federal Government employees become more political, rather than less.

I believe the overwhelming sense would be less rather than more. And I wish we could move in the direction of leaving the law, with the few clarifications that my friend from Ohio has spoken of many times, so they are more rigid and understandable—with the exception of those, I wish we could leave it alone.

I will talk about one other amendment, and I will suggest that it is now in the hands of Senator GLENN and his staff. It is filed at the desk. It is amendment No. 571.

What I am finding in discussing this matter with some Federal employees that are willing to discuss matters such as this with the Senator from New Mexico, is that something like this is of great concern. Let me try to state it to the Senate. Within a given department of the Government, let us say the Bureau of Indian Affairs, or the Department of the Interior, where people all work for the same department or agency, the concern is that within that kind of workplace there are constant promotions, there are constant denials of promotions. But within that, somebody who is on par with you today may be your supervisor in 2 years, or even in 1 year, or even in 6 months.

The concern that some have is if there is intradepartment participation, intradepartment solicitation, indeed that will be part of what one of the employees who gets promoted might carry with them. And, thus, they would pass judgment on an employee who used to be their equal, who is now subservient, as the merit and achievement and promotional files are put together. It is subjective, as we know, and as I have been told by friends who work in the Federal Government. I think if you can prevent from within the department people moving up and becoming supervisors over the people in that department who might have chosen to contribute to a PAC that was going to be used for a Democratic candidate or a Republican candidate—and I understand the facts are that it would be very seldom it would be for a Republican candidate.

Nonetheless, it would seem to me that we ought to eliminate that, and I have this amendment at the desk that says you cannot solicit intradepartment nor can you participate intradepartment with fellow employees.

Frankly, there are a lot of dos and do nots in this law, and perhaps the answer will be we are already prohibiting this, that, and the other. I think there would be a good sense of feeling of well-being if Federal employees knew that intradepartment there could be nothing that would be held against one by a fellow employee from that department who might in due course be part of ranking that person as to whether he or she gets a promotion or the like.

Essentially, I would hope that the manager of the bill on the Democratic side might see his way clear to accept that amendment, the one I have just alluded to. I would hope that in the negotiations on the other issue of exempting from further political partisan political privileges agencies like the FBI, the IRS, and the like, which I have just alluded to, I would hope that we try to exempt as much of that and as many of those as possible rather than as few as this negotiation goes on.

Having said that, Madam President, I want to talk a bit about another issue.

## THE BUDGET, TAXES, AND RECONCILIATION

Mr. DOMENICI. Madam President, I do not know how close we are to wrapping up the amendments on the Hatch Act, but I have been on the floor twice now yesterday, once in midafternoon and once in late afternoon talking about an issue that is vital and important to the Congress of the United States and to the people of this country regarding the budget, taxes, and this giant reconciliation bill that is supposed to reduce our deficit and stimulate our economy. And I stress the words "supposed to" because from this side of the aisle I clearly believe it will do neither. It will not stimulate the economy and create jobs, and it clearly will not stimulate small business and others to grow and prosper.

Having said that, what am I talking about? I am talking about a law that is currently part of the Code of the United States that says unequivocally, just very simply, that the President of the United States shall submit to the Congress on tomorrow, the 16th day of July, and he shall do this every year, a midsession review of his budget.

Madam President, what this means is that the people and the Congress are entitled to see the latest, the very latest budget in terms of the impact of it on the deficit, entitled to see the latest economic projections of the President—do they expect inflation to go up; do they expect interest to go up or down, versus February when the President was supposed to submit his first budget of the year?

I think that law makes common sense, and to me it is absolutely necessary that the President give us this midsession review, this bringing-up-to-date budget. Let me tell you what I already know.

First, I know that the President of the United States in his campaign promised things, like a middle-income American tax cut. He was going to give them a tax cut. There was other things—no gasoline tax, as I recall, and other things.

When it came time to produce the vision estimate, after he was elected, the President, said, I am sorry—I am paraphrasing—I worked as hard as I can, never worked harder on anything, but the truth of the matter is the deficit is higher than I expected and that I knew about when I was running, so I cannot do these things; in fact, I have to do some other things, including raising more taxes from the American people.

Frankly, I cannot make that statement in the RECORD, without suggesting that the President should have known that because everybody else knew, and he prided himself in that campaign with knowing information right now and relating it to the American people. The fact that it had gone up in the projections of the Congressional Budget Office was known well before he was elected. But that is water under the dam.

However, since he sent us a budget which contained about $290 billion, maybe $300 billion in new taxes and receipts from users around the country, which is now reduced to about $250 billion in the Senate version of his budget, the evidence is clear: The deficit is down, I say to my friend from Washington, not up. In fact, I believe it is fair to say that it is down by $50 billion, or thereabouts, from about $322 billion to about $260 billion, or $270 billion.

The Senator from New Mexico and his minority staff in the Budget Committee and with my minority members, we are not supposed to produce a full-blown budget review. We do not have the evidence, the equipment, the time, or the people. That is why we tell the executive branch to do this.

But we already know that five things have changed dramatically.

One, the revenue coming into the Federal Treasury without any new taxes is up, I say to my friend, Senator GORTON. We think it is up, according to Treasury information, about 5½ to 6-percent higher than was expected, not a net 5½ percent, but 5½ to 6 percent over what was expected.

We also know defense is cut more than rather than less. That is some additional money.

We also know that we are spending less on the S&L bailout, and for some reason the overall expenditures of the Government for the year 1993 above the S&L and the other funding that is down, spending is not going up this year as fast as expected.

Mr. GORTON. Madam President, will the Senator yield for a question?

Mr. DOMENICI. Absolutely.

Mr. GORTON. Is that lower rate of increase spending in some of the more expensive entitlements, such as Medicare and Medicaid; they are not costing as much as we expected them to cost?

Mr. DOMENICI. I was then going to cover that as a separate item, because I said five, and we were at four, and the fourth is that the mandatory expenditures, like Medicare and Medicaid, are not growing as fast in expenditures as expected.

We do not know what any of this means in terms of the next 5 years. But we know that when you start adding it up and then add about $3 billion in interest savings, not 20 or 30, but we think about 3, because interest was already expected to be low—it is just slightly lower—you add it up and it looks like about $50 billion less in deficits for 1993 than when the President sent, not a budget because he never sent us a budget—that is another interesting notation; he never sent us a budget—but when he sent the vision statements and gave estimates it looks like it is going to be about between $35 and $50 billion less.

I say to fellow Senators that the law makes sense. Give us the midsession review. There is no reason that it ought not to be almost ready. It has to be forthcoming soon, if not on the 16th, soon. You have to tell the American people and the Congress what the real deficit looks like based upon the best and latest information.

So why would we be busy producing a so-called 5-year budget plan with over $250 billion in new taxes—if you go by the House bill it is much more than that—without finding out how much is the deficit in 1993 and how much is that big reduction impact on the outyears? It may very well be, Madam President, that if we had those numbers we would say let us tax the American people less. In fact, we may very well say maybe we ought to be worried about putting all those taxes on, be it the seniors, or the Btu tax that hits everybody in that House bill, or the gasoline tax, or the so-called tax on the rich which half of which hits small business in America. Maybe we would be saying just on these new numbers we can get to the same place with half as much.

I do not know that. I do not know that. But none of the conferees who are going to write this new law know that either. And, equally as important, the American people are being asked to pay more taxes to fix this deficit—which I do not believe is going to get fixed by taxes; I think it is going to cause the economy to come down, rather than up—but should they not know so that they can help us as constituents and voters in America pass judgment on whether we need $250 billion or $290 billion in new taxes or not?

Mr. GORTON. Will the Senator yield for a question?

Mr. DOMENICI. I am pleased to yield.

Mr. GORTON. Is it not true that even if this change has no impact on future years, the almost $50 billion by which the deficit will be lowered in this current year is equal to one-fifth, or 20 percent, of these $250 billion in new taxes? Is it not the firm opinion of the Senator from New Mexico that if taxes were lowered to that degree, particularly on those business enterprises which produce employment in the United States, that that reduction could have a very positive impact on economic growth and job opportunity?

Mr. DOMENICI. The Senator is absolutely correct.

In other words, if we are worried about the cumulative deficits which equal additions to the debt, we are going to have $50 billion taken out of that, if these numbers I am saying turn out to be right—if the President were to comply with the law which says tomorrow he gives us the official estimates regarding that, that would mean that over 5 years, you clearly would have a deficit reduction package that is already $50 billion to the good.

Now, frankly, I think we need to know that. I think everybody needs to know that.

I sent a letter to the President last night in behalf of myself, Senator DOLE and a large number of Republicans—I had no time to get around to all or I think I would have had every single one. We are not doing this because we either want to be a nuisance, disruptive or partisan. It is fair. It is fair to us, it is fair to the Democrats on that side of the aisle and the American people that we know where we start this deficit reduction package from.

Why will we not get it? I do not know. I cannot understand why they would not be jumping to give this to us and say things are better.

Mr. GORTON. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. GORTON. Has the Senator from New Mexico come up with the slightest rationale for the administration's refusal to abide by the law? One could see, perhaps, political motivation if the figures were worse than had been expected. But when they are so much better than was expected, why in the world would the administration not trumpet that fact and say, "Wow, we are already on the right road and at least you Members of Congress ought to know where we are before you make a decision on so important a bill" as their tax package is going to be.

Mr. DOMENICI. I say to the Senator, I have thought that through both ways. First of all, I hear about this $35 to $50 billion. I hear all kinds of versions. I do not hear anybody in the administration really denying this. I mean there is something in the newspaper. They have not responded to me, yet. Obviously, they will soon.

It says, well, it is all because the interest rates are down; and that, of course, is all because of the President's budget.

Of course, you know, some others say, "Well, how could it be? We have not done anything."

I mean, the budget may all fail, so how could the President take credit, unless just offering something would be such a certainty to the marketplace and the money markets and the rest that they would just say that is going to be it, so we are going to lower interest rates as if it were real? Frankly, I do not believe any of that.

Nonetheless, one reason, it seems to be on the plus side to go ahead and get this out there and take credit for it. Although, clearly, I must tell you, if that were the case, there is the other side of the coin and surely Senator DOMENICI and others would be saying, "What do you mean take credit for it? What happened is the 1990 agreement started to bite and we started to get some savings. And once we got out of this economic trough, revenues started coming in and it had nothing to do with the next Clinton economic package."

However, the point of it is, there is nothing to hide and there is nothing to gain from not doing this. I cannot see anything.

I have tried my very best to try to figure out why they will not do this. I mean, it has been sitting around these months without keeping current on what is happening to the accounts of Government. I mean, they have such refined equipment that they could tell you month by month what the trends are in Medicare and Medicaid. And between them and HCFA, the agency that knows about Medicare, you know they are pretty close to telling you month by month what is happening. The appropriated accounts, they monitor them within the departments, they know where money is not being spent and where it is.

So, whatever the reason, whatever the reason, if it is something other than what we are talking abut, we are rational people, why do they not tell us?

Maybe the machines broke down, I say to the Senator. Maybe the calculators, the equipment over there, broke.

Maybe—I have been thinking about this—maybe they do not have a budget. It is an interesting concept; is it not? Maybe they do not have a budget. That sounds kind of goofy; does it not? Well, maybe.

I will tell you why. They never had a budget sent to Congress. Think about that now.

The Senator from New Mexico went to the floor when we had the budget resolution and said, "Where is the budget?" And we were told, "You don't need a budget. Just do the budget resolution, the President doesn't need a budget."

That may be coming home to roost. It is a thought. It is a thought. Maybe they never did put a budget together from that vision statement and maybe, just maybe, if you use that vision statement for a budget, I say to Senator GORTON, you might have a very strange looking midsession review, because you understand the vision statement was way off the mark as far as what Congress approved. But this then was what the President said he wanted. "Do not wait around for it to be put into a budget," they said, "just pass the budget resolution."

So, to my dismay, we want around acting like we knew what we were voting on. In terms of where is the President's request, where is his budget, we did not have one.

So we kind of built on last year's in the tradition of budget resolutions. And it could very well be, it could very well be that the logic of saying to the Congress and the people, we will give you the best about the budget of the United States when you finish your work in Congress, because we will use what Congress did as the budget—and that has never be done. But that is a nice way to not be accountable for the budget that you did not do but you should have. That is a good way.

Say, "Well, we will sneak by here for a month or so and when you get this Congress thing, we will make all of our budgets off of those numbers," rather than telling us "Here is how our budget has changed because of economics, and inflation, and interest rates, and tax revenues."

And I understand gross domestic product increases quarter over quarter and predicted over time will be an important part. And I understand, in the interest of being conservative perhaps, the administration has lowered the GDP growth over time. We ought to be entitled to know what that does.

On the one hand, it should make our job more difficult, but when you have revenues coming in stronger than expected and interest rates coming down somewhat, maybe it wipes that out and maybe it is plus and you are getting a better effect on the deficit.

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## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I say to my friend, Senator GLENN, I spoke with him on the floor here about that amendment that I had, the intradepartmental, no solicitation, no participation amendment on the Hatch Act. I have left that for awhile and talked about something that is a little different. But that is one of our wonderful privileges as Senators.

But I do have an amendment by way of a concurrent resolution that I want to—I am going to deliver it to the desk, rather than tendering it, so I can get copies of it and give it around to Senators—I intend to offer it today.

We could not do it right now. There is an amendment pending, is there not? Is there an amendment pending?

The PRESIDING OFFICER. The only pending amendment is the committee substitute.

Mr. DOMENICI. I will nonetheless say to the distinguished manager of the bill, in short order, sometime here in the next half hour or so, I will send a resolution to the desk which is a sense-of-the-Senate resolution that the President of the United States should comply with the law and send us the new midyear estimates of the Federal budget so we can decide, as Senators, whether we want to tell our President to do what the law says. It will help everybody. Or do we want to vote no, and send a signal to the President that he need not comply with this law, and we can wait awhile until it complies with what the President and his OMB want, when the law says tomorrow he should send us this review?

At this point, I will be awaiting a response from Senator GLENN on my very minor amendment. But I do want him to know in short order I will offer a resolution regarding this July 17 requirement of the President.

I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, when I learned that the Washington Post, the New York Times, and Common Cause all opposed this legislation, I scratched my head and said maybe I am mistaken here; maybe I am on the wrong side. But sure enough, the bill was as I anticipated it was, and the Washington Post, the New York Times, and Common Cause have simply shown good judgment on this occasion.

The Hatch Act has special meaning in Kentucky. As a matter of fact, it could be persuasively argued that activities that occurred in Kentucky in 1938 directly led to the passage of the Hatch Act.

In 1938, Alben Barkley was the majority leader of the Senate. He was from Kentucky. He subsequently became Vice President of the United States.

The Governor of Kentucky at that time was a colorful young man in his early thirties, who was later to burst onto the national scene, by the name of Happy Chandler. Chandler was later to become baseball commissioner after serving part of a term in the Senate. But Chandler was a very ambitious young man and he decided to challenge the sitting Democratic majority leader in the U.S. Senate in the Democratic primary.

It was a robust contest, and in the course of the contest, Barkley was accused of, in effect, trucking into Kentucky—to participate in the primary—employees of the WPA. A Scripps-Howard newspaper chain reporter by the name of Stokes, I believe, Thomas L. Stokes, wrote a series about this and won a Pulitzer Prize, which brought national attention to the abuses that occurred in the primary in Kentucky in 1938. And out of that publicity grew the passage of the Hatch Act, which has served this country well for over 50 years.

As I understand the legislation before us, the Senate version of Hatch Act reform, if this bill were to become law in its current form, Federal employees could do the following: They could hold office in a political party; distribute campaign literature and solicit votes, off duty; organize and participate in telephone banks, off duty; organize and participate in political meetings, off duty; publicly endorse candidates and urge others to support them, off duty; and solicit contributions to the PAC or Federal employee organizations to which both the employee and the donor belong, off duty.

This is not, in my view, a minor revision of the Hatch Act. I have heard it argued by the principal sponsor and others that this is not a repeal of the Hatch Act, it is simply some modifications—adjustments, if you will—of the Hatch Act. It seems to this Senator at least that this goes right to the heart of repeal of the Hatch Act.

These provisions, if enacted into law, would in fact present the opportunity for Federal employees to be heavily involved in the political process—heavily involved.

What does that do to the confidence of the American people that they have a nonpartisan civil service, not involved in the political process?

This whole issue of whether or not rights are being denied under the Hatch Act has been previously litigated by the Supreme Court. The Supreme Court has held that this is a reasonable infringement on the rights that most Americans enjoy in return for a nonpartisan, politically uninvolved civil service.

Who wants this bill? I am unaware of any studies that indicate that Federal employees want this bill. I already indicated the Washington Post, the New York Times, and Common Cause think it is a bad idea to revise the Hatch Act in this fashion. It is, indeed, frightening to think of the Federal work force out, involved in the political process across America.

Once again, we are passing a bill that, it seems to me, is clearly not in the best interests of our country. Like clockwork, one bill after another seeking to kind of rig the political process has come down the pike this year. First out of the chute was the motor-voter bill, which zoomed out with utter disregard for the cost to States and the integrity of the political process. Next, it was campaign finance reform, which limped out of here with only grudging regard for the cost to taxpayers, and utter—I repeat—utter disdain for the Constitution.

Now we have this measure, the Hatch Act reform bill; yet another political scheme, in my judgment, that is reform in name only. It seems to this Senator that it actually guts a reform that has served this country well for over five decades. In fact, I consider this Hatch Act revisions deform, and not reform.

I will take just a moment to recount the dubious achievements of this Senate before we caulk up another step backward. We turned the welfare state into the Department of Voter Registration in the motor-voter bill. We voted to turn the electoral system into a welfare state for politicians in the campaign finance reform bill. Apparently, this is what the President meant when he said he wanted to change welfare as we know it.

Now, with the Hatch Act deform bill, we are going to turn the welfare state and every other arm of the Government into an arm of the political parties. Most likely, given the political views of virtually all Government workers, most likely the Democratic Party will certainly benefit from this bill.

Perhaps the voters did not speak loudly enough last November. The American people, particularly taxpayers, want change. They want less Government, less taxation, and less interference by the Government in their lives. What we have done with this reform agenda is further expand the Government, further empower Government bureaucrats.

We have heard a lot of talk about streamlining Government and doing things differently. The only action so far this year is in the opposite direction. How in the world are we going to cut Government after we have turned the entire Government into a political machine? I know that is not the intent of the sponsors of this legislation, but that is in fact what is going to happen. The plain meaning of these activities that will now be allowed if this legislation becomes law is to turn the entire Government into a political machine.

Perhaps the more critical consideration is how Government employees could be used to save others' political jobs. When one controls the Government, the inclination is to use it to save one's hide.

Witness Travelgate. When the heat was turned up on the White House because of its travel office fiasco, the President's staff pressured the FBI for help and even discussed using the IRS.

Mr. President, those who oppose this Hatch Act deform are cognizant of swimming against a strong current. The labor union bosses, the Government employee unions, activist Government employees—all of those folks would like these changes. I expect we will hear the old refrain that echoes in other reform debates: What are we afraid of? How many times have we heard that this year?

I, for one, am afraid of a Federal Government political machine on a scale unimagined in the 1930's when the Hatch Act was enacted to protect employees and citizens. I am afraid that Government employees will be coerced, either explicitly or implicitly, into supporting candidates and causes. I am afraid that with this Hatch Act deform, we will never be able to get a handle on the massive bureaucracy.

In sum, I fear our Nation will be harmed by this gutting of the Hatch Act: 3 million Federal employees unleashed on the electoral process, soliciting campaign contributions, running for office, managing campaigns, manning telephone banks. After five decades of protection under the Hatch Act, Federal employees would now be subject to pressure to exercise these new-found rights, if you will, and American taxpayers would be threatened by an empowered, entrenched partisan bureaucracy.

Perhaps ironically, as I indicated earlier at the beginning of my remarks, the Hatch Act of 1939 was praised by President Roosevelt, the architect of the New Deal programs from which much of the bureaucracy stems. President Roosevelt wrote at the time:

> It is my belief that improper political practices can be eliminated by the imposition of strict statutory controls.

The Hatch Act was enacted to protect Federal employees and American taxpayers from the spoils system. By prohibiting certain partisan political activities among Federal employees, the act served to ensure the integrity of the civil service. The Hatch Act deform bill would pave the way for a new spoils system on an unprecedented, massive scale.

Proponents of the bill would have people believe the goal is to enable Federal employees to realize their first amendment rights. Coming on the heels of the blatantly unconstitutional campaign finance bill, it is difficult to take this state of concern seriously. Nevertheless, the Supreme Court has twice—not once, but twice—ruled on the issue, dismissed the charges of first amendment infringement both times and affirmed the act's constitutionality. The Court rightly deemed the Hatch Act as a necessary minimal safeguard to ensure a politically neutral Federal civil service.

On the subject of free speech, I would like to draw my colleagues' attention to a point made by the New York Times in an editorial just today. The Times said:

> Creating a climate in which Government employees are likely to feel compelled to engage in politics also offends free speech.

Employees covered under the current Hatch Act law can vote, contribute money to candidates, and volunteer in their off hours for nonpartisan political activities. Federal workers' political rights, as well as prohibited activities, are delineated in the law. In fact, by Federal standards, they are fairly clear and concise. Nevertheless, proponents of reform contend that they are confusing and need to be clarified. The fact is, this matter could be dealt with administratively.

Mr. President, promoted under the guise of civil rights and free speech, the Hatch Act deform bill would leave Federal employees vulnerable to coercion by supervisors and union bosses engaging in partisan politics and soliciting contributions for union political action committees engaged in partisan politics.

As I indicated earlier, my home State of Kentucky is well acquainted with the dangered inherent in a partisan work force. The Works Progress Administration, the WPA, brought thousands of desperately needed jobs to Depression-era Kentucky, as well as to other areas of the country. This and other New Deal programs were enacted to aid the poor and other victims of the Great Depression of the thirties, yet those programs were exploited by local political bosses to reward loyal party workers.

As I indicated earlier, Thomas Stokes, in a Pulitzer Prize-winning series of articles, revealed corruption surrounding WPA's activities in Kentucky. As those articles and a later Senate investigation documented, some WPA supervisors coerced contributions from Federal employees and relief workers in the 1938 Senate reelection campaign of Senator Alben Barkley, who was, at that time, the majority leader of the Senate and later went on to become Vice President. It was, as I indicated earlier, in that hotly contested race between Alben Barkley and "Happy" Chandler that these abuses came to light.

Many would argue, I guess, at this point, 50 years later, that the time for a WPA-type scandal has passed and that the vigilance of the press and Federal employee unions can replace the Hatch Act's protections.

Mr. President, that is a leap of faith this country cannot afford. The Federal Government is more pervasive than it has ever been in our society, affecting virtually every aspect of American life. Many people are understandably alarmed at the prospect of Internal Revenue Service agents having a political agenda on the side. There are many more frightening scenarios. Think about the implications of a politically active Central Intelligence Agency or FBI. Just recently, think about Travelgate.

While the union leaders, such as the AFL–CIO, who once boasted control of the committees and the agenda on the floor, and their partisan allies are understandably excited at the prospect of inducting the Federal work force into their political army, the American people would not be served by such an action, nor would the majority of Federal employees, who simply would like to do their job and not be drafted into political combat.

It is inconceivable to me—it is inconceivable to me—that the Federal employees want this bill. I understand there are competing studies flying around about what the employees want. I remember work done by Congressman FRANK WOLF here in northern Virginia, who represents a large number of Federal employees, who opposes this bill and is absolutely convinced that there is no groundswell; in fact, there is opposition among Federal employees to this legislation.

If this Hatch Act deform is enacted, Federal criminal laws would not be sufficient to fight patronage crime. The very nature of patronage crime makes it difficult to prove beyond a reasonable doubt. Subordinate employees who usually are the subjects of patronage schemes are motivated to please and protect their superiors. They rarely are willing to come forward as witnesses.

Serving in the U.S. Government is an honor and a privilege. It also entails some sacrifices. All of us elected, appointed, and civil service employees are supposed to be public servants. In the case of Federal employees, they forfeit some political rights, admittedly. But in the exchange, they receive protection from political pressures on jobs, for which they should feel extremely fortunate.

Public confidence in Government already is at a dismally low level. Politicizing the Federal bureaucracy by deforming the Hatch Act would be yet another blow imperiling the integrity of our Government and the faith of the American people.

Let me just say again, Mr. President, in conclusion, that the Hatch Act got its start in my State. We have experienced firsthand the abuse of the Federal work force before the Hatch Act. It was those abuses which came to light as a result of the Democratic primary in Kentucky in 1938 which led to the series of articles by Thomas Stokes of the Scripps-Howard newspaper chain, his receipt of a Pulitzer Prize, and the passage of the Hatch Act.

Now, Mr. President, it has served us well for 50 years. There is no groundswell for this legislation. And while I know that the sponsor and others who support it are well-intentioned, it just seems to this Senator that clearly this is a step in the wrong direction.

For once I can stand before the Senate and say the New York Times, the Washington Post, and Common Cause are correct. I cannot recall ever having had an opportunity to make that statement before, but they are right this time. The Hatch Act is not broken, and we ought not to fix it.

So, Mr. President, I hope that ultimately this legislation will not be approved, or, if it is approved, that at least it will be modified in such a way it will not be possible for Federal employees to be impressed into political activity against their own interests, against the interests of taxpayers, and certainly against the interests of this country.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, before the distinguished Senator from Kentucky leaves the floor, I would like to have him clarify something for me.

I have listened very intently to his comments and his reference to this as the Hatch Deform Act of 1993, and so on. I am not sure he is talking about the same bill actually because that is not what we do at all, as I have said repeatedly on the floor in pointing out the differences. But here is what I would like to ask.

Back in 1990, my distinguished colleague from Kentucky introduced a bill that would have protected the rights of law enforcement officers to engage in political activities. The opening part of that—it is called a bill of rights, and it says "Political Activity of Law Enforcement Officers."

The very first part of that bill he introduced says, and I will read it:

"Section 1. Except when on duty or acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity. This section shall not apply to law enforcement officers covered by chapter 15, title V, United States Code."

That last part, as I understand it, defines those officers in States where salary or portions of it may come from Federal funds. But I would point out that this section—I do not see anything wrong with that actually, but both Federal and State and local police officers are, accordingly, in sensitive positions; all of them investigate crimes; all of them investigate complaints.

Surely, when you talk about intimidation, coercion, I think if you are stopped by a State police officer, you are probably as intimidated as you would be if an FBI officer came up off duty and asked you to sign a nominating petition or whatever.

I do not know what the explanation of this is. I do not see that much difference between a State officer and a Federal officer. And yet perhaps my friend from Kentucky believes in tough sanctions against violations would prevent police officers in the States from abusing their positions. But I do not see that they should be trusted any more than Federal officers. Obviously, I think Federal employees can be just as trusted to obey what we have called a bright line between their job and their off-duty political activities. So I do not know what the difference is, as to the Hatch Act and the changes that we are proposing here in S. 185, how they are different really from what the distinguished Senator from Kentucky put in as a bill in the Senate in 1990.

Mr. MCCONNELL. I would be happy to respond to my friend from Ohio. I do not know whether he would like to debate the police officers' bill of rights. I would be happy to do that.

As a matter of fact, I would be willing to offer it as an amendment to this bill, if my friend from Ohio would be willing to accept it and then fight for it in conference.

But as the Senator indicated in his observations, that related to State and local police officers in this country. I believe this legislation is about Federal employees who have a 50-year history of being essentially uninvolved in the political process. That is not the case with local police officers across the country.

But I would say, if it is important to my friend from Ohio, to be entirely consistent, I would be happy to offer the police officers' bill of rights as an amendment to this legislation, which is likely to pass, and hope that the Senator from Ohio would help it stay in conference.

Mr. GLENN. I would ask my friend from Kentucky, if that is the rationale then that there is a 50-year history of involvement but on the State level there is a 50-year history of political involvement and that makes it OK, we cannot do the same thing at the Federal level; is that correct?

Mr. MCCONNELL. I think there are a lot of distinctions, I would say to my friend from Ohio, in the way that we treat Federal employees and the way that State employees are treated. That is apples and oranges.

The Hatch Act I think is clearly about Federal employees, and the restrictions that we have, if I may finish, and the restrictions we have had for 50 years which, by all accounts, have served us well.

If my friend from Ohio is suggesting that in order to be entirely consistent we should deal with the police officers' bill of rights in the context of this bill, I will be more than happy to offer it as an amendment.

Mr. GLENN. I am talking about section 1 of the bill that says they should be protected, to be able to engage in political activity.

Mr. MCCONNELL. They are now. Most are now at the State and local level. And I do not think we have had a history of abuse, at least I am unaware of the history of abuse, that we have had under the Federal system over the years.

Mr. GLENN. I gather that my friend from Kentucky would say that the civil service employees then cannot be considered as trustworthy as State officials, as State police, is that correct? Because that is the only differentiation I can make. When you want political activity at the State level by section 1, that is exactly what it says. The Senator says they have had a 50-year political history of doing exactly that, and yet we say we cannot do the same thing at the Federal level. Why?

Mr. MCCONNELL. Let us be consistent, I say to my friend from Ohio. I will be glad to get the police officers' bill of rights up here and offer it as an amendment.

Mr. GLENN. Let us go with section 1. Is the Senator for it or not?

Mr. MCCONNELL. Why not just deal with this whole issue at both the Federal and State level, if that is what my friend from Ohio would like to do. I will be more than happy to offer the police officers' bill of rights, which I gather the Senator from Ohio must support, as an amendment to this bill.

Mr. GLENN. I am referring to what was the No. 1 item, very No. 1 item in the bill of rights. And I have not gone through all the other parts of it. Maybe I will agree with the whole thing. I do not know. But the No. 1 item that the Senator from Kentucky had in this bill, the title of which is "Political Activity of Law Enforcement Officers," it says in section 1:

> Except when on duty, or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity, or be denied the right to refrain from engaging in such activity. This section shall not apply to law enforcement officers covered by chapter 15, title V, United States Code.

That is section 1. Now, whether I would agree with the rest of it or not, I do not know. But that says it is OK at the State level for people to be politically involved as law enforcement officers but somehow at the Federal level it is wrong. That is not consistent.

Why can we not trust people at the Federal level who are every bit as devoted to their country as anybody at the State level, yet we say a State trooper or a State law enforcement officer should be able to engage in political activity, according to the Senator's words, because there is a 50-year history of doing it?

Is he here to tell me on the floor today there has been no abuse of police activity in any of the States and so he trusts them far more than he would trust civil service people?

Mr. MCCONNELL. Is the Senator asking a question?

Mr. GLENN. Yes.

Mr. MCCONNELL. I might inform the Senator from Ohio, I am in the process now of getting the police officers' bill of rights amendment ready to offer as an amendment to this bill, and I am pleased to hear he finds that is something he may be in sympathy with. I am hoping that if that amendment is adopted, the Senator from Ohio will fight for it in conference. I thought the bill before us was a bill about Federal employees, but if the Senator from Ohio would like for us to deal more broadly than that, I will be happy to do it.

Mr. GLENN. I think the implication on the floor that somehow Federal employees are not involved in politics in any way right now, which was basically what the Senator from New Mexico said a while ago, is just flat wrong.

I am sure the Senator from Kentucky is very much aware that a member of the CIA or an employee of the CIA is permitted right now to give a $1,000 check to the Senator from Kentucky if they so desire for his next campaign. They are permitted to put his signs out on the lawn or they can put them on their car. They can put bumper stickers on, go to a political rally right now.

So that applies to the Secret Service, the FBI, and everybody else. They can identify themselves as being a member of one party or another if they so choose. They are not prohibited from that.

What we do say is that on the job we even tighten that up. I think the distinguished Senator from Kentucky would be for that.

Right now you can walk in as director of the CIA, if you wanted to, at a lower level, say one of the supervisory people, with a big campaign button on his or her lapel. That gives a person an idea of who they are for, and tries to coerce them by the very fact that they are wearing it. We cut that out. We prohibit; that there be no political activity on the job. Yet what was proposed here in the legislation of the Senator from Kentucky, introduced in 1990, January 30, 1990, was to protect the rights of State police officers to engage in political activity. Yet somehow we cannot give that same level of trust to Federal employees. Why not?

Mr. MCCONNELL. The Senator is asking again the question he has asked three other times.

Mr. GLENN. I have not gotten a good answer yet.

Mr. MCCONNELL. Let me read from the report what this bill the Senator is promoting purports to do. It purports to allow Federal employees to hold office in a political party; distribute campaign literature and solicit votes off duty; organize and participate in phone banks off duty; organize and participate in political meetings off duty; publicly endorse candidates or urge others to support them off duty; solicit contributions to the PAC of the Federal employee organization to which both the employee and donor belong.

I say I have already expressed my concerns about in effect encouraging the Federal work force to get into those kinds of activities. My good friend from Ohio persists in talking about the police officers' bill of rights. I gather that is because he has some sympathy with that legislation.

I will be happy to offer it as an amendment in the course of the debate on this bill, and maybe the rest of the Senate which is so anxious to allow the Federal work force to become involved in politics will want to deal with an unrelated piece of legislation related to police officers out around the country. It could well be.

I had not frankly thought of this legislation, Mr. President, as a vehicle for the police officers' bill of rights. Maybe it makes sense since my friend from Ohio seems to believe there is some parallel here between the police officers' bill of rights dealing with State and local police, and the Federal Hatch Act, that there is some correlation there, some nexus. It maybe that this is the proper vehicle for that amendment.

Mr. President, I just simply repeat what I said earlier in my prepared remarks extemporaneously about the Federal work force, which is what I thought this bill was about. It seems to this Senator that it is not a good idea to make these kinds of changes. And if it is only an incremental change, then why is the legislation needed?

My friend from Ohio says they can do all of these things now. If that is the case, why pass this bill? This is a meaningless bill unless it changes something from the status quo.

I read straight from the committee report, Mr. President, entitled "Additional Activities Employees Could Do Under S. 185." Presumably this is in addition to the current political activities that are allowed. So presumably that is what this legislation is about.

Mr. GLENN. Will the Senator yield for a question?

Mr. MCCONNELL. Yes.

Mr. GLENN. I agree with his reading of the list. It is very correct. He says that it is bad to expand that. Yet, at the same time he says with the law that he submitted back some time ago, which he says he is considering again, that all those same things can be done to protect. It does not put any restrictions whatsoever; protects the rights of law enforcement officers to engage in political activity, period. It does not have any qualifications to it.

They would be permitted, and what he is proposing is State officials be permitted to do all of those things and anything else politically they wanted to do, and yet at the same time turns around and argues against the Hatch Act here that would just say that Federal employees should be able to do some of those same things but with strict limits.

I would say there is a fundamental inconsistency there, whether he is willing to admit it or not. He is saying, yes, it is all right, we take all of these things, and we can do them at the State level, and put in the legislation to protect their right to do that at the State level, call it the bill of rights of the police officers, and at the same time turn around and say, if you are a civil servant working for the Federal Government, you cannot do that.

Mr. MCCONNELL. Mr. President, I believe I yielded for a question. What is the question?

Mr. GLENN. The question is, What is the difference?

Mr. MCCONNELL. Mr. President, the question is, I gather: What is the difference? That is the question that the Senator from Ohio is asking.

I have said three times, and let me say it four times, if the Senator from Ohio believes that this legislation dealing with Federal employees should be extended to State and local employees, I will be happy to do it.

As a matter of fact, we are getting the police officer bill of rights now, so we can all produce an amendment to this bill. The Senator from Ohio I am sure is going to support that.

Mr. GLENN. This will be a question. Will the Senator propose as an amendment then this afternoon that for Federal employees except when on duty or acting in an official capacity, no law enforcement officer or any other civil service employees, shall be prohibited from engaging in political activity or their right denied from engaging in such activity? Will the Senator agree to that?

Mr. MCCONNELL. Of course not. I do not share the view of the Senator from Ohio that all government employees should be treated precisely the same. I think we have a 50-year history of success with the Hatch Act. I do not think the Federal work force ought to be involved in politics. I, unlike the Senator from Ohio, do think that Federal employees and State employees are not all the same. Their principles are quite different.

I think this law has served us extremely well. But if the Senator from Ohio believes that consistency argues for dealing with State and local employees, police officers, under this bill, I will be happy to accommodate him.

Mr. President, I think we have waltzed around this maypole now for 15 minutes. I do not know what can be added.

If I have the floor, I will be happy to yield it.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I remember candidate George Bush during the 1988 Presidential election campaign surrounded by a sea of blue-uniformed police officers. He was accepting their endorsement for the Presidency of the United States.

I do not know whether my friend from Kentucky had that same kind of endorsement from the FOP in Kentucky or not. Probably he did. It made a great political visual display for the former President. Those employees I would note were State or local employees. Their salaries were paid for by taxpayer dollars.

I would wholeheartedly agree with former President Bush if he said that the actions of those officers in publicly endorsing him that it did not affect their ability to objectively carry out their law-enforcement duties.

I do not think Federal employees would act any differently. I think there is a fundamental inconsistency here where we say at the State level because there is a history of 50 years out there that they could be trusted but Federal employees cannot be trusted. I think that is just not true on the face of it.

I certainly trust Federal employees. Most of them are very honorable people who want to do the right thing. They are not going overboard in these areas. What we have done is say that with this bill on the job they cannot do anything. We cut out even the things they can do on the job right now, the things where they can wear a campaign button. We say: You cannot do that on the job, nothing.

Off the job, but still with very major restrictions with stiff penalties, we say that voluntarily and on their own time. They still cannot run for public office, partisan office as they can in the bill that passed the House.

The House says they can go out and make solicitation of contributions from the public. We say no, you cannot do that; still limited to only the people within your own union, nobody else, cannot go even to another union and ask them for any money. You cannot go to anybody that is not a union member and ask them for any money. I do not see any problem with that.

And all of these things that have been brought up about the 50 years of the Hatch Act and it is all going to go down the tube. I just do not see why it is not inconsistent to say that at the State level you can trust people because there is a 50-year history of trusting them, and then say that Federal employees cannot be trusted the same way. That seems to me to be fundamentally inconsistent.

I disagree with my colleague from Kentucky on that particular subject. I think those who imply that we have no political activity now at the Federal level, as I said, should be aware that whether you are in the Secret Service, CIA, IRS, whatever, you have certain political rights that you can exercise now—and many do. You can give a check for $1,000 to a Federal candidate if you like, or any portion thereof, and can put signs on your cars, as you drive in to work, or bumper stickers, or you can put a sign in your yard. You can attend a political rally and identify yourself as favoring one party or another.

So these are activities permitted by everyone right now. As was brought out earlier, there is too great a tendency and you might want to coerce somebody by very subtly implying a preference one way or another. I do not think you have to be that subtle about it. Right now, under current law, which some people think should not change, you do not have to be that subtle. You can walk in with a campaign button, a 6-inch button, if you want to; you do not have to say, "This is who I am going to vote for." We might not be able to discuss this in the workplace, but you can use signs and buttons.

Some people say, but you have to be subtle in this new regime, and if we pass this, it is going to open things up so much that if you have a conversation with somebody, it may influence them unduly. If you think what they said influences you unduly, you can file with the Office of Special Counsel and let them judge whether you were coerced or dealt with unfairly, and let them deal with it. That is the protection we have here. We have far greater protections at the Federal level than in any of the State governments. My colleague from Kentucky had a provision in the legislation he introduced in 1990 that said: "Except when on duty or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity."

Well, I do not see yet why we can trust people at the State level to have that kind of law apply to them and not do the same thing with our civil service people at the Federal level.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

AMENDMENT NO. 596

(Purpose: Expressing the sense of the Senate that assistance to Nicaragua be halted)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 596.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34 between lines 18 and 19, insert the following:

**SEC. 10. SENSE OF SENATE RELATING TO ASSISTANCE TO NICARAGUA.**

(a) FINDINGS.—Congress finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

On page 34, line 19, strike out "10." and insert "11.".

Mr. McCAIN. Mr. President, this amendment is a sense-of-the Senate resolution stating that no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with participation of the United States Federal agencies, of the Sandinista National Liberation Front.

It further states that such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

A very startling event took place at dawn on May 23, in the suburbs of Managua, Nicaragua. From the debris have emerged a guerrilla arsenal that threatens the Salvadoran peace process even U.S. security. Among other things, documents were uncovered detailing a Marxist kidnaping ring directed against Latin American millionaires. Hundred of false passports and identity papers were uncovered. Perhaps most significant to those of us involved in the effort to bring peace and democracy to El Salvador, a massive cache of arms belonging to the FMLN were also discovered.

Many of us have long suspected that following the election of Violeta Chamorro as the President of Nicaragua, the Sandinistas continued to maintain effective control of that government, through the control of its security apparatus, and army.

Investigations to date indicate that the accidental blast occurred while weapons were being removed from storage for sale. The blast, upon being investigated, has revealed a far-reaching worldwide terrorist network, shedding light on the five passports of Nicaraguan origin in the possession of one of the suspects in the bombing of the World Trade Center.

The situation is serious. The information that we have is extremely serious. I would like to quote from some of the media reports concerning this situation.

According to the Miami Herald, of July 5:

MANAGUA.—The shocking news came long after President Violeta Chamorro had defeated the leftist Sandinista Front and vowed no more revolutionary monkey business, like the training of foreign guerrillas on Nicaraguan soil.

Down in Chile, two local leftists were claiming from their jail cells that they had trained for guerrilla warfare near Managua a full year after Nicaragua had voted the Sandinistas out of power.

Despite Chamorro government denials, Nicaragua today remains a flickering beacon for the foreign leftists, revolutionaries and terrorists who flocked here in the 1980s to bask and train under the Sandinista hospitality.

Strands from events as far removed as the World Trade Center bombing in Manhattan, the kidnappings of wealthy Brazilian businessmen and the arraignment of Basque terrorists in Spain all lead back to Managua.

And when investigators look into allegations of Sandinista involvement in such mysteries they inevitably get nowhere, raising further suspicions about the influence wielded by the Sandinistas despite their absence from official power.

### BLAST REVEALS CACHE

The most recent example of the Sandinistas' dubious legacy came May 23, when an accidental explosion in a Managua neighborhood revealed a secret arsenal of assault rifles, explosives and even anti-aircraft missiles. Reluctantly, a Salvadoran Marxist guerrilla group with longstanding ties to the Sandinistas later took responsibility.

In the same cache, authorities also found documents indicating the existence of a multinational ring of leftist guerrillas that has kidnapped businessmen in Brazil and Mexico and may still be active even today.

Chamorro's critics blame the situation on the deal that she struck with the Sandinista Front after the 1990 elections. To assure a smooth transition, she agreed to retain Sandinista chieftain Humberto Ortega as head of the army and allow him to take control of the vast Sandinista state security apparatus that was previously under the Interior Ministry.

The ministry's General Directorate for State Security, known by its Spanish initials DGSE, maintained secret ties for more than a decade with foreign radicals such as Argentine and Chilean Marxists, Basque terrorists, Italian and Salvadoran guerrillas and Arab radicals.

### IRAN, LIBYA, PLO EMBASSIES

The legacy of those contacts lives on. Nicaragua today is the only Latin country besides Cuba to host full-fledged embassies from Iran, Libya and the Palestine Liberation Organization.

The Chamorro government, managing an economy almost totally dependent on foreign aid, is loath to admit any sign that the Sandinistas are not fully subject to its authority. The training of the Chilean guerrillas in 1991 is a case in point.

Diplomatic sources told The Herald earlier this year that the Chileans jailed in Santiago had confessed in 1992 that they had received explosives and weapons training by both Sandinista police and army officers near Managua in 1991.

When news of the confessions reached Managua, the Chamorro government was so upset that it immediately sent former army intelligence chief Lt. Col. Ricardo Wheelock and a deputy foreign minister to Santiago in July of 1992 to look into the allegations.

When first asked about the matter, Foreign Minister Ernesto Leal claimed no knowledge of the case. But after the weapons cache exploded in Managua. Wheelock acknowledged the two jailed Chileans indeed had been in Nicaragua in early 1991.

Wheelock confirmed they were members of a splinter group of the Revolutionary Movement of the Left, or MIR and that they had trained at a civilian gun club and rifle range some 15 miles south of Managua.

### BACK-DATING PAPERS

"What was found was a civilian marksmanship association that had no links to the [government] . . . or to the army. We have absolutely nothing to do with this." Wheelock said in an interview.

But one Managua-based diplomat said that, after the allegations of Sandinista training for the Chileans surfaced, the Sandinista People's Army gave the implicated officers retirement papers back-dated to a time before the training was supposed to have occurred.

Wheelock called those allegations false and "reckless."

### COVERING THE TRACKS

Contradictory stories also emerged after the May 23 explosions shook the Santa Rosa neighborhood and blasted open an underground chamber filled with Soviet-made anti-aircraft missiles, automatic rifles, mortars, grenades and forged passports.

Tomas Borge, the Sandinista interior minister for 11 years, turned up at the site of the pre-dawn blasts in his night clothes even though he now holds no government job.

In April, the pro-Sandinista newspaper El Nuevo Diario printed big chunks of a transcript of a conversation between Mas Canosa, head of the Miami-based Cuban-American National Foundation, and a mid-level Foreign Ministry official in Managua.

Mas Canosa was merely asking the Managua official for assistance in obtaining a document that would allow some relatives in Cuba to emigrate to Nicaragua.

But the evidence of wire-tapping boosted allegations of crimes by Sandinista intelligence agents.

Foremost among the unsolved crimes linked to state security was the murder of Enrique Bermudez, the former commander of the contra forces, in a well-lit Managua hotel parking lot only a few yards from military headquarters on Feb. 16, 1991.

### FORMER AGENT A FUGITIVE

State security has also been linked to the emergence of the Punitive Forces of the Left, a terrorist group of ex-army officers that struck its first blow last November with the slaying of a rancher fighting for the return of lands confiscated by the Sandinistas.

The army says the officer identified as the group's leader, Lt. Col. Frank Ibarra, a DID chief in the northwestern city of Leon, was discharged at least four months prior to the killing.

But human rights monitors say Ibarra did not appear on a list of discharged officers issued at the time, indicating that the claims of his discharge were phony. Ibarra fled after the assassination and remains a fugitive.

With such delicate political crimes still unsolved, it remains unclear just how forthright the intelligence apparatus has been with the Chamorro government—and how hard the government presses for information when the Sandinistas may be involved.

### SLANT OF DATA IS SUSPECT?

Nicaraguan intelligence operations are now monitored only by Chamorro, a soft-spoken widow of a slain newspaper publisher, and her chief of staff and son-in-law, Antonio Lacayo, an MIT-trained engineer and former Jesuit seminarian.

Some diplomats contend that the Sandinista security agents have beguiled Lacayo with dirt on his growing list of political adversaries.

"I heard that he loves to read intelligence reports. He's fascinated by them," said a Latin American diplomat based in Managua.

Faced with a tightening circle of confidants, Lacayo is relying more on the reports to stay in touch, said a European military attaché. "He gets the information that they want to give," the attaché said.

A former Pentagon official concurred, saying the army reports "are going to be filtered and slanted toward the direction that they want to go."

### LACAYO MONITORS INTELLIGENCE

One of the diplomats said Lacayo meets daily with Col. Lenin Cerna, the former chief of Sandinista state security who now heads the DID unit within the army. A shadowy figure, Cerna has been accused of personally torturing contras during and even after the civil war.

Lacayo did not respond during a two-week period to repeated requests by The Herald for an interview to discuss the charges that the Sandinistas in fact control the DID's intelligence operations.

While Chamorro is nominally the defense minister, no actual ministry exists and legislators do little more than approve a lump sum disbursement once a year for the army. Cerna has testified before the National Assembly only once in the past three years.

Officials say they have considered following the system of most Western democracies, separating national security functions from the army and putting them under presidential control, but it is costly.

"To create a civilian intelligence apparatus costs money," said Frank Cesar, deputy minister of governance, the ministry that supervises the National Police. "It means training and selection of personnel and a lot of other things."

Mr. President, this story is one that is not only unsavory but alarming. Following the election of 1990, a freely elected government was in place in Nicaragua. In defiance of the expressed will of the people, however the Sandinistas continued to control key parts of government, including state security and the army. Humberto Ortega and his Marxist henchmen, since the election, have wielded their power with a diabolical shrewdness. The same despotic nature of the FSLN that brought civil war to Nicaragua and spread subversion through the hemisphere now threatens us right here at home.

There is no justification whatsoever for this Government to supply any assistance to the Nicaraguan Government until there is a thorough and complete investigation and until we are sure that there will be no repetition of this kind of activity. The export of terrorism must be stopped.

Mr. President, I ask unanimous consent that the article from yesterday's Washington Post be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, July 14, 1993]

## Managua Blasts Rip Lid Off Secrets

(By Douglas Farah)

Managua, Nicaragua.—Explosions that ripped through a car repair shop on the outskirts of Managua at dawn May 23 sent shock waves far beyond Nicaragua. From the debris have emerged a guerrilla arsenal threatening the Salvadoran peace process, documents detailing a Marxist kidnapping ring directed against Latin American millionaires, and hundreds of false passports and identity papers.

The three blasts that tore through the Santa Rosa neighborhood killed two people, damaged 16 houses and exposed a sophisticated bunker beneath the shop containing tons of weapons, including 19 surface-to-air missiles.

The underground vault also held the passports, falsified identity papers and documents laid to the kidnapping ring. Investigators and diplomats said there is strong circumstantial evidence that the arsenal and the ring operated with at least the tacit approval of Nicaragua's leftist Sandinista National Liberation Front, which held power from 1979 until 1990 and whose leaders still control the army and state intelligence.

The vault "looked like a one-stop shopping center for terrorist activities, where you could get guns and documents," said a diplomat familiar with the case. "You would have to be extraordinarily naive to think this was not under the aegis of some part of the intelligence operation of the Sandinistas."

Because some fraudulently obtained Nicaraguan passports were discovered in March at the home of a suspect arrested in New York in connection with the Feb. 26 bombing of the World Trade Center, U.S. investigators have also visited here twice to see if any links exist between the cache and the New York blasts. A U.S. Embassy spokesman said he could not comment on the continuing investigation.

When they arrested Ibraham Elgabrowny in Brooklyn in early March, U.S. authorities found five Nicaraguan passports, five Nicaraguan birth certificates and two driver's licenses. The passports contain photographs of El Sayyid Nosair, his wife and children. Nosair is in prison in New York, convicted of a weapons charge after being acquitted of the 1990 murder of Rabbi Meir Kahane.

A Nicaraguan judge in April convicted six present or former immigration officials of fraudulently issuing the passports found in New York. No connection has emerged publicly between these passports and the underground vault operation but authorities reported promised to investigate. Senior government officials declined requests for interviews on the matter.

Whether or not more connections are found, the blasts' consequences in El Salvador and Nicaragua have been serious. In El Salvador, the fallout has threatened to derail the United Nations-mediated peace process because it showed at least one faction of the umbrella Farahundo Marti National Liberation Front (FMLN) failed to destroy its weapons as promised.

In Nicaragua, new questions have arisen about the Sandinista party's past ties to terrorist organizations and possible ongoing links. Doubts that President Violeta Chamorro has any real control over her country's army or intelligence operations have been renewed.

In a June 11 letter to U.N. Secretary General Boutros Boutros-Ghali, former Salvadoran guerrilla commander Salvador Sanchez Ceren admitted the weapons in the vault belonged to his FMLN faction, the Popular Liberation Forces. He apologized for falsely telling the United Nations the weapons had been destroyed and said none had been removed since the peace accords were signed last year. Besides the surface-to-air missiles, the vault contained hundreds of AK-47 assault rifles, machine guns, rocket-propelled grenades and tons of ammunition and explosives, including some C-4 plastic widely used in terrorist bombings.

In a July 1 report to the Security Council, Boutros-Ghali said hiding the weapons was "an extremely grave" violation of the peace accords and said the ex-rebels deliberately deceived him. Since the Popular Liberation Forces recognized its ownership of the arsenal, President Alfredo Cristiani and other conservative politicians have asked that the FMLN, now a legal political party, be suspended from participating in next year's elections, at least until all arms are destroyed.

But as serious as the illegal cache of arms is for El Salvador, investigators, opposition politicians and diplomats here said the long-term implications for Nicaragua were greater. They said the continuing operation of the vault is strong evidence that the Sandinistas may still be tied to a shady network that turned Nicaragua into a haven and operational center for leftists.

Evidence fills 45 bulging Manila folders in the tiny chambers of Judge Martha Quezada of the Fifth Criminal Court, who is investigating the case. Last week she let reporters review the documents. She said there were 310 passports, many blank, from 21 countries. There were scores of other false identification papers, blank permits from the Sandinista government to carry weapons and immigration stamps from various countries.

With the documents were reams of detailed studies of companies and more than 100 wealthy families in Brazil, Mexico, Ecuador and other Latin American nations who were potential kidnap victims, noting personal habits, family and political ties, net worth, surveillance techniques and potential ransoms.

Most of the documents appear to date from the period 1986–90, while the Sandinistas were governing. But there are papers from the Spanish Basque separatist group ETA from earlier this year, and documents of the Salvadoran ex-guerrillas from May 1993. Investigators charge that the ring was active at the time of the explosions.

In a June 30 news conference, Romeu Tuma, vice president for North and South America of the international police agency Interpol, said the agency had used the documents to tie six kidnappings—two in Mexico and four in Brazil—to the group operating from Managua. He said the ring appeared to be the result of an alliance formed among leftist Latin American groups at meetings in Hamburg, Germany, and elsewhere in the late 1980s.

Besides the recent papers, there is other evidence that the cache was currently active. According to Sandinista military sources and international investigators, and contrary to the ex-guerrilla leader's statement about no weapons being moved, the explosions were set off when guns and explosives were being loaded from the vault into a car, perhaps to carry out an arms sale.

Quezada said in her preliminary finding in June that the vault was used to sell weapons up to the time it exploded. She found that one person who had five passports and a Mexican work permit "directed in Nicaragua the operation of selling weapons to other countries." She still does not know his real name.

Few familiar with the case believe such an operation could have been set up without at least the Sandinista Front acting as a willing host. Following the triumph of their revolution in 1979, the Sandinistas developed, with the help of Soviet Bloc and Cuban advisers, the most sophisticated intelligence operation in Central America. The Sandinista Front also hosted groups from the PLO, Italian Red Brigades, ETA and Libya. As a legacy of the Sandinista era, Nicaragua is the only Latin American country besides Cuba to be host to Libyan, Iranian and Palestine Liberation Organization legations.

All ties to irregular groups supposedly were cut when Chamorro, a favorite of the United States, defeated the Sandinistas in the 1990 presidential elections. But investigators and diplomats charge that because she left the Sandinistas in charge of the military, police and intelligence operations, the Sandinistas have been able to maintain most of their old network.

Humberto Ortega, who was defense minister in the Sandinista government, continues as head of the army. The principal intelligence agency, the General Directorate for State Security, was transferred from the once-powerful Interior Ministry to the Sandinista People's Army under Ortega and renamed the Defense Information Directorate. Lenin Cerna, the head of the agency when it was under the Interior Ministry, was transferred to head the new agency in the army and given the rank of colonel.

Given the intelligence network and the size and sophistication of the the vault—with hydraulically operated metal doors and chambers connected by tunnels—the sources said it could not have been functioning without the knowledge of the Sandinistas. All the groups tied to the vault were allies of the Sandinistas in the 1980s.

Former Salvadoran guerrillas said the vault had been in use for at least five years, with Sandinista permission. "Nicaragua was a large arms fair, a sort of huge, gray market," said one former Salvadoran rebel who bought weapons in Nicaragua. "You could get anything."

"It is inconceivable the Sandinistas did not know," said a diplomat. "It is just too easy to do these types of things here. The intelligence apparatus that was in place is still there, with the same old happy people."

Suspicion was already high that the Sandinistas had moved to protect terrorists and revolutionaries during their last days in office. In the two months between losing the elections and turning over the governments to Chamorro, the Sandinista government granted citizenship to 890 foreigners from more than 30 countries, according to diplomats and published reports.

Former Sandinista president Daniel Ortega has visited Iraq at least once and Libya twice this year, once immediately after the arms cache was discovered.

Also after the blast, a former Sandinista intelligence worker gave the government the names of three ETA leaders wanted in Spain on murder and other charges. The three, living with false identities here, were immediately deported. All three worked for former Sandinista interior minister Tomas Borge in the 1980s, the diplomatic sources said. The Sandinistas protested the deportations as illegal.

According to court documents, the operator of the repair shop, Miguel Larios Moreno, was a Basque who obtained Nicaraguan citizenship from the Sandinistas in 1982 on the basis of a falsified Ecuadoran diplomatic passport. He vanished after the blast. Other bits have emerged to intrigue diplomats looking at the case, including eyewitness accounts that Borge, a hardline Sandinista, was one of the first to arrive at the scene—in his pajamas—after the explosions, even though he holds no government position.

The diplomatic sources also affirmed a report in the anti-Sandinista daily La Prensa that serial numbers were removed from 16 of the 19 surface-to-air missiles immediately after the blasts to make it impossible to trace their origin. The sources said the missiles, picked up by the army, were black with soot and ash except for shiny spots where the serial numbers should have been.

Chief military spokesman Lt. Col. Ricardo Wheelock, former head of the Sandinista military intelligence, called the charge "slanderous" and said that if the army wanted to hide the origin of the missiles, it could simply not have turned them over. He also said the Sandinistas had no direct knowledge of FMLN activities in Nicaragua in the 1980s or now, or of the kidnappings.

"We turned a blind eye to what the Salvadorans were doing," Wheelock said. "We did not chase guerrillas, we were fighting a war [against the U.S.-backed contra rebels]. We know that what [the Salvadorans] were doing was helping us."

Sergio Ramirez, a Sandinista leader and former vice president, denied current Sandinista involvement with armed groups, but said the Sandinistas "need to distance themselves from everything to do with armed struggle." Asked if that implied the party had not done that, he responded: "We have been doing it, but we need to do it more."

Asked about such Sandinista ties while in power, Ramirez said it "would be fruitless to discuss what happened before 1990. If we did that, then we would have to pull out a list of what the United States was doing to Nicaragua."

Investigators said it could take years to trace the information sitting in Quezada's office and they were uncertain whether Managua was the center of the kidnap group or one of several centers.

Among the documents found were seven U.S. passports, three blank. In addition, there were Spanish, Ecuadoran, Swiss, German, Canadian, Mexican, Venezuelan, Central American, British, Belgian, Grenadian, and Mexican passports.

Tuma said the Brazilian kidnappings tied to the Managua operation included that of Abilio Diniz. He was freed after police captured 10 suspects, while the other victims paid a total of about $10 million in ransoms. He said the two Mexican kidnappings apparently ended in ransom payments as well.

It was the 1989 Diniz case that first suggested to investigators that different leftist groups had formed an alliance for kidnapping. Among those convicted were people with links to the Chilean Revolutionary Leftist Movement and their Argentine counterparts. The vault contains news accounts of the abduction and other papers relating to it.

Two Canadians, Christine Lamont and David Spencer, suspected at the time of ties to the Popular Revolutionary Forces, were convicted in the case and are serving sentences in Brazil. Multiple false identifications, credit cards, checkbooks and personal letters for the two were found in Managua.

A Brazilian newspaper, Folha de Sao Paulo, said that one of the Chileans arrested in the Diniz case first told police about a series of meetings in the late 1980s among the different groups to discuss kidnapping to finance their operations.

The documents list potential victims, often with the state of their finances, bank account and credit card numbers, where they liked to eat, how they treated their workers, and the ransom they would bring.

A section on Ecuador titled "Families with Money" included entries such as the following:

"Family: Maspaus Guzman. Objective: Santiago or Alberto, heads of the group and with the largest personal fortunes. Net worth: $500 million. Amount that can be negotiated: $30 million. Operational situation: Real possibilities to carry out the job, and it would be easier in Quito than in Guayaquil. Actual policy: The government would try to stop police actions and would be disposed to negotiate, especially if we leave no clues."

The Wright-Duran Ballen family, relatives of Ecuadoran President Sixto Duran Ballen, carries a similar listing, with a family tree and the net the family's worth put at "$200–$250 million." The entry says: "Amount to negotiate: $10 million, but could be more with negotiations."

On a separate typed list of Mexicans are handwritten notations beside each name. The note about Isaac Saba says: "A Jew. He has no social prestige." TV magnate Emilio Azcarraga is described as "a person hated by society. He treats his workers poorly. He is arrogant." In contrast, it is said of Lorenzo Servitje: "has social prestige. Nationalist. It would have a social cost."

Escape routes were also meticulously charted. For example, there are descriptions of routes from Brazil to Bolivia, Peru and Colombia, together with the number of border checks, hours that customs offices are open, bus and airline schedules and whether surveillance is strict.

"It has unquestionably been true that the Sandinistas allowed terrorist activity, and the cache is pretty good evidence that it still is true," said a diplomat.

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### WEAPONS CACHE RAISES QUESTIONS IN NICARAGUA

WASHINGTON.—An arsenal that included 19 surface to air missiles uncovered following a May 23 explosion in Managua, Nicaragua, has led investigators and diplomats to call it a serious violation of the Salvadoran peace accord, the Washington Post reported Wednesday.

The explosion destroyed a car repair shop, killed two people and damaged 16 houses.

A subsequent investigation also uncovered a sophisticated guerrilla arsenal that held passports, falsified identity papers and other documents, according to the report.

The unnamed diplomats told the Post there is strong circumstantial evidence that the arms cache operated with at least the tacit approval of Nicaragua's leftist Sandinista National Liberation Front.

Former Salvadoran guerrilla commander Salvador Sanchez Ceren admitted to U.N. Secretary General Boutros Boutros-Ghali that the weapons in the vault belonged to his FMLN, Marti National Liberation Front, faction.

The underground vault also held passports, falsified identity papers, and documents laid to a kidnapping ring, the newspaper said.

An unnamed diplomat familiar with the case said the vault "looked like a one-stop shopping center for terrorist activities, where you could get guns and documents."

The discovery has raised new questions about the Sandanista party's links to terrorist organizations and renewed doubts that President Violeta Chamorro has any control over her country's army or intelligence operations. Boutros-Ghali said hiding the weapons was "an extremely grave" violation of the peace accords and said the former rebels has deceived him.

President Alfredo Cristiani and other conservative politicians have asked the FMLN, now a legal party, be suspended from participation in next year's elections.

Diplomats say the continuing operation of the vault is strong evidence that the Sandinistas may still be tied to a network that tied Nicaragua into a haven and operation center for leftists.

U.S. investigators were looking for links in the discovery of false Nicaraguan passports and identity papers found at the home of a suspect in the World Trade Center bombing and the finding of hundreds of false passports and identity papers in the exposed arsenal.

Investigators said the explosion was touched off when guns and explosives were being loaded from the vault to a car.

Judge Martha Quezada of the Fifth Criminal Court said her preliminary finding in June held that the vault was used to sell weapons at the time of the explosion.

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[From the Economist International, July 10, 1993]

### NICARAGUA: SUSPICIOUS SANDINISTS

An odd affair. One of the suspects arrested after the bombing of New York's World Trade Centre in February was found with five Nicaragua passports. What had Muslim militants to do with Nicaragua? But stranger goings-on have surfaced since then, embarrassing not just that country's remaining Sandinists but President Violeta Chamorro, who has to live with them.

A sinister picture began to emerge on May 23rd, when an explosion ripped apart a car-repair shop in Managua. Investigation revealed a cache of rifles, explosives and 19 anti-aircraft missiles in a cellar below the premises. The weapons were found to belong to a Salvadorean guerrilla group, the People's Liberation Forces. The discovery, proving a breach of last year's UN-brokered peace agreement in El Salvador, has humiliated guerrilla leaders eager to win respectability as politicians. They have apologized to the Nicaraguan government and have revealed other caches.

Still more startling was the discovery of files detailing what appears to be an international left-wing kidnapping ring, with ties to Spain's ETA Basque separatists and groups elsewhere, including Chile and Argentina. These revelations come hard on the heels of evidence that radical Sandinists continue secretly to entertain Latin American left-wing guerrillas in Managua and are using that state security system to watch and bug their enemies. Diplomats say the documents point to an ill-defined radical faction within the Sandinist Front, which appears to have operated clandestinely since the mid-1980s, collaborating with extremists in Latin America and the Middle East.

The files revealed plans to kidnap more than 100 people in Brazil, Bolivia, Mexico and Venezuela. Some of the kidnappings have already been carried out. Also found were travel documents, including blank passports of several counties, stamps for fake exit and entry dates on passports, false driving licenses and identity cards.

The kidnapping ring is believed to be headed by Basque separatists who fled Spain in 1980 and found refuge in Nicaragua, then under Sandinist rule. The repair shop was owned by one Eusebio Arzalluz, an ETA guerrilla who was given an assumed name and Nicaraguan citizenship by the Sandinists. He has slipped away. But three other "Nicaraguan" Basques were arrested after the explosion and deported to Spain.

The affair is now being investigated by a Nicaragua judge, as speculation mounts that the group must have had some tacit approval from Sandinist officials. Critics of President Chamorro are now demanding an end to the power-sharing agreement that she made with the Sandinists, in the name of national unity, after her election victory in February 1990. She has allowed them to retain control of the army and the state security forces, which are still made up largely of former Sandinist soldiers and spies trained in the Soviet block Lenin Cerna, a shadowy character who ran the secret police under the left-wing regime, now controls the army intelligence corps.

Under Sandinist rule, the general directorate for state security (DGSE) was controlled by the interior ministry. Intelligence officials in the United States have long suspected that it used Latin American and European terrorists for international operations, including the 1980 murder in Paraguay of Nicaragua's ousted dictator, Anastraio Somoza. After they lost power, the Sandinists kept control of the DGSE by transferring it to the army.

New evidence has also surfaced which suggests that extreme Sandinist elements may be linked to a bomb explosion in 1984 aimed at Eden Pastora, a prominent leader of the anti-Sandinist contra fighters. The bombing at La Penca, a jungle outpost on the border between Nicaragua and Costa Rica, left three journalists dead and 17 others injured. Investigations till now had suspected that the guilty men were right-wing assassins with ties to America's CIA. But the new evidence paints a different picture. An American private investigator who has discussed it with Sandinist leaders says they deny complicity, but "none could assure me that a renegade element of the security apparatus had not been involved."

Mrs. Chamorro is not the only leader who risks embarrassment. After the discoveries, Mariano Baselga, Spain's ambassador to Nicaragua in the early 1980s, started to make noises in Madrid. He says he had caught wind of Sandinist connections with terrorist movements even then, and had informed his own government, then as now headed by Felipe Gonzalez. But the ex-ambassador says his political masters, reluctant to upset fellow socialists in Nicaragua did not listen. Instead, he says, they bowed to the wishes of the Sandinist government and sacked their ambassador.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## A DISASTER OF EPIC PROPORTIONS

Mr. HARKIN. Mr. President, I want to take this time on the Senate floor today to speak about a disaster of epic proportions that is now occurring in my State of Iowa. And, indeed, I know Iowa is not entirely unique. I know that the flood is hitting Missouri, Illinois, Wisconsin, Minnesota, parts of South Dakota, and parts of Nebraska, also. I daresay that Iowa has been the hardest hit of all.

I just spent about 5 days touring the State, observing the devastating effects of this flood firsthand. Yesterday, I had the privilege of being with President Clinton when he stopped in Iowa on his way back from the summit in Japan. The President was kind enough to spend a good deal of his time in Des Moines, our capital city, yesterday, taking a helicopter tour of the area around Des Moines and Polk County that has been hit by the flood that has been widely reported in the press, of course, and the electronic media.

In riding back to Washington with the President yesterday on Air Force One, and having the opportunity to speak with him about the flood itself, I could tell that he was quite shaken by what he had seen. I think it was widely reported in the press that the President said he had seen floods before, of course, as Governor of Arkansas, but this was the worst that he had ever seen. He had never seen anything like it.

Indeed, Mr. President, I am sure that all of us in this body at one time or another witnessed floods or other acts of nature in our States that have hit certain areas. I do not think a year goes by that we do not have some river that has gone out in Iowa or a little stream and affects a little area. This is nothing like that. This is a flood that has inundated the entire State of Iowa. All 99 counties have been declared a Federal disaster area.

It has left literally no one untouched in the State of Iowa. If, in fact, a house has not been inundated by water or a community has not been submerged, then their services have been cut or severely hampered; transportation has been hampered in Iowa; food—just the normal things we take for granted; all of these things. It has affected everyone in the entire State.

As I said, in the past few days, I took a helicopter tour. I started in Davenport, if you visualize the State of Iowa, I started in Davenport with a National Guard helicopter, flew down to Missouri to Burlington, Fort Madison and down to Keokuk, and then flew up the Des Moines River. Keokuk is where the Des Moines River flows into the Mississippi. Usually it is just a nice little river that flows into the Mississippi at the confluence at Keokuk.

Flying over it, the helicopter pilot, who had served a tour in Vietnam, said it reminded him of the Mekong Delta. You could barely see across. There was no river. It was just a huge massive body of water that had flooded all of the surrounding farmland, farmsteads, small towns, and communities; flying up the Des Moines River to towns like Bonaparte, Keosauqua, the famous Manning Hotel, a national historic landmark under water; Eldon, Ottumwa, IA, where I witnessed, again, acts of heroic proportion by the people of that city and what they had done to stem the flood waters from coming into Ottumwa.

I arrived in the afternoon and went down to the riverfront where there was this huge levy of dirt. It must have been about 10 feet high and about 20 or 30 feet thick, at least at the base, and stretched for several blocks. The mayor, Carl Rodosovich told me last night that dike was not there and that literally within a 24-hour period of time, they had moved a hill from outside of town right to downtown Ottumwa. They did it with the National Guard, the Army Corps, and literally hundreds of volunteers went out and dug up that hill and moved it and put this levy up to keep the flood waters out of Ottumwa.

These are the kinds of acts, selfless acts, of heroism taking place every day in the State of Iowa, people working 18, 20 hours a day, and that is not unique. It is happening all over the State.

Continuing up the Des Moines River toward Red Rock, you cannot even see the river. The river is just one big mass of lake that stretches for, well, literally a quarter of a mile, half mile, some areas maybe 2, 3 miles wide. It looks like a big lake that stretches all across the State of Iowa. Farms that I am sure thought they would never be in floods are now inundated with water.

I hold up these pictures, Mr. President. I think maybe you can see them. This is a small business and surrounding farmland that is below Red Rock Dam, totally inundated. This is not unique. This is happening all over the State of Iowa. The whole area is just completely under water.

This is the community of Valley Junction which is near Des Moines. I was born and raised about 10 miles from this community. The whole downtown area is completely under water, every business. Not one, not one was left untouched. Railroad tracks—I guess they are south in this picture—the railroad tracks just washed out from the force of the water. Homes, houses completely inundated with water. And, of course, now some of the water has receded and you ought to see the mess—the mud, the sewage, everything else left there in this city that has to be cleaned up. Businesses, as I said, totally damaged.

Here is a picture of the city of Des Moines. I know you have read a lot about the capital city of Des Moines, 250,000 people. This is just some of the surrounding floodwaters of Des Moines that stretches on down into part of the downtown area, some of the businesses affected.

The water treatment plant sits right over here. The water treatment plant for Des Moines was put out of business.

Mr. President, imagine, if you can, a city of 250,000 people with no drinking water, cannot take a shower, cannot take a bath, cannot flush the toilet. Think about what that would mean in a city of 250,000 people. Everyone has to go down to certain points they have set up now around the city where you take plastic bottles and jugs to get water to take home.

I might also add, Mr. President, that the businesses have tried to continue to work in downtown Des Moines. They have skeleton crews. Because of the lack of power, they have cut off air-conditioning so people are going to work in T-shirts and shorts.

But again, no drinking water, cannot flush the toilets, cannot do anything like that that we take for normal activities. The problem is that now they think Des Moines will be without drinking water for up to maybe 30 days. They have been pumping out the water treatment plant. They put a big dike around it. The National Guard and the Army Corps and volunteers have been working day and night to put up the levees around the water treatment plant.

Let me just backtrack a little bit here, Mr. President. People wonder how could the water treatment plant have been flooded. We had a levy, a dike around the water treatment plant that was not only built to specifications; it was built high enough to meet a 100-year flood and then they added 4 feet on top of it. So the dike around the water treatment plant was 4 feet higher than any anticipated flood that they would ever have, and yet the water came over the top of it. That is the kind of water we are talking about.

So it knocked out our water treatment plant in our capital city and it is going to take some time to get it back up on line.

On Sunday—and here gain I wish to say a big thank you to FEMA, the Federal Emergency Management Administration, and to James Lee Witt, the new Director. I had never met Mr. Witt before. But on Sunday morning we had a conversation. I had heard from the mayor of Des Moines, Mayor Pat Dorian, that the hospitals in Des Moines had no safe drinking water, and they needed some water purification units.

So I talked to Mr. Witt and told him we needed some water purification units. I did not even know what they looked like. But he went to work and found them someplace in the country, got some Air Force C-5A's, loaded them on, and about 24 hours later in Des Moines the hospitals were hooked up to these water purification units. I think most of them were hooked up by Tuesday, if I am not mistaken, so they could continue to operate and function. So I just want to make that point, that FEMA responded and responded well. I really thank FEMA for all the work they have done in Iowa.

But, I guess, Mr. President, as I said, the real heroes and heroines are the people of Iowa as the President saw them yesterday, working down there, filling those sandbags. I do not mean only during the day, I mean all night long filling sandbags—men, women, young kids out there, helicopters coming in to pick up these sandbags because you could not get trucks through the water. So they had to have helicopters come in and pick up big nets full of sandbags and then putting them down on the dike around the waterplant and other places like that. And then some of the businesses—a grocery store making all the sandwiches and giving free food to people out there working.

I wish I had one here to show you. Anheuser-Busch in St. Louis canned water like beer cans, only they were full of drinking water—I never seen anything like that—and shipped them up on trucks to Des Moines so we would have drinking water.

So all of these things pulling together to try to get through a devastation that is hard to describe. Someone asked me earlier today if I had ever seen anything like it before. I said no, but I read something like this before. I read about it in the Bible. This is a flood of biblical proportions.

For 47 out of the last 51 days, we have had rain in Iowa—and I do not mean just a drop or two; I mean rain. The Army Corps of Engineers described it to me this way. They said all of the ground is saturated, so it cannot hold any more. The reservoirs—Red Rock, Coralville—that the Army Corps built to hold back water for periodic floods, they are full. They are overflowing. And the rivers are out of their banks. Any rain that we get now, an inch of rain, an inch and half of rain, it just floods it out more, and the Mississippi cannot hold any more. And so we pray that we do not get any more rain because there is nothing we can do about it, absolutely nothing we can do about it.

But we are working hard and people are putting up more levees and more dikes, and we have a situation in Des Moines but it is not just Des Moines. It is all over the State—Cedar Rapids, Council Bluffs, Dubuque, Clinton, Denison, in the western part of the State—as I said, all 99 counties in the State of Iowa.

Mr. President, in times of crisis this country has always pulled together. If one part of our country is hurting because of a natural disaster, this country has pulled together to respond to that. We did it for Hurricane Andrew. We did it for Hugo. We have done it for earthquakes, typhoons. And that is the proper thing for this country to do.

I think one of the major tests of our Government ought to be how well it responds to devastations like this.

So the President of the United States, President Clinton, responded rapidly. They have a bill that they have already sent up here. It is now going to work its way through the House and then we will have it here in the Senate.

Quite frankly, the sums of money are a little bit too low, but the President said yesterday—and I congratulate him for this—he said:

> We will leave it open because we know it will have to be adjusted upward and it will have to be because there is no way that individuals, small businesses, and communities can work themselves out of this one.

We have done it in the past. If you have a small flood or a small amount of destruction, sure, the State can get together and we can answer those problems. But nothing of this magnitude. It is going to require the assistance of the entire country.

We have over 6,000 people who have been made homeless—6,000. That is just a conservative number. Thousands more are unemployed because the simply cannot get to work. Businesses are trying to meet their payrolls to keep people going and they cannot do it much longer.

So we have a real crisis in the State of Iowa.

Just think about it this way. Even our hotels, you cannot stay in a hotel in Des Moines. There is no drinking water, no running water. So all of the hotels are closed. People who live in Des Moines, who lived in some of the apartment houses, had to move out.

I guess if I could describe it for people who may live in Washington, imagine if it rained 50 straight days on the Potomac River and the river went over its banks. Imagine, if you can, the Jefferson Memorial under water; the Vietnam War Memorial, the Wall, under water. How about the Oval Office flooded, with about 1 foot of water in the Oval Office? That is the kind of devastation we are talking about here, something that has never happened before.

So the numbers do not just tell the story. It is in the human terms of what has happened to people there, and the way they have pulled together. I guess, if I may just close my remarks, Mr. President, I will say that we people in Iowa are very proud of our ability to pull through crises. We have done it in the past. We have had droughts. We have had tornadoes. Yes, we even have had floods in the past, too. We have always pulled through them. We will pull through this one, too.

But we are going to need the aid and assistance of the United States of America. I know this country is big enough to respond. I know that we have a deficit. I know we have problems in the budget. We have to reduce that deficit.

But as one of the newscasters on the news programs the other night said, think of it this way. Say, you are a homeowner, and you get the roof blown off your house. You may have debts and you may be in trouble. But nothing is going to happen; you cannot do anything until you put the roof back on the house.

That is the way we are in the Midwest. We cannot do anything until we put the roof on the house. We have to get these businesses rebuilt, clean up the mess, get the homes restored, get the jobs back, and get the transportation and water systems back on line.

That is the magnitude of what I am talking about.

So I want to thank the people of Iowa for what they have done in working so hard. I just cannot again begin to describe to you what they have done.

I want to thank everyone from around the country who has responded. The Red Cross has been magnificent; the Salvation Army; I mentioned the National Guard; the Army Corps of Engineers—and just people.

Mr. President, I was on the levee yesterday with President Clinton. I looked up at a man standing up there. His shirt was off. He had been sweating; he was dirty. He told me he had been there many hours working. I asked where he was from, and he said he came all the way down from Michigan. He got in his car to drive down just to help out.

People all over the country are responding. I guess that is the beautiful thing about America. When we are in crisis, people pull together.

So, Mr. President, someday when people remember the flood of 1993, they may say that the rain and the rivers broke our levees and they broke our dikes and they broke through our floodwalls; but they did not break the spirit of the people of Iowa.

It is that spirit that is going to get us through this.

Mr. President, I hope that when that bill gets over in the Senate, that we will meet our responsibilities as a great and caring Nation to make sure that these people, who have worked hard and who have not asked much of the Government in the past get help. I know we are going to be made whole. That is not the purpose of this. It is not to put everybody in the situation they were in before the flood hit, but to get us back on our feet again and get the businesses operating; and, as I said, our water systems and transportation systems; and to get people back in their homes, to rebuild the houses and the communities.

With that, we will be back on our feet and making our contributions to American society once again.

Mr. President, I thank the Senate for its indulgence in order for me to lay out what has happened in Iowa. Again, I thank my colleagues for all of their expressions of concern and compassion that they have, I know, given to me and to my colleague, Senator GRASSLEY from Iowa, and others.

Again, Mr. President, I know that we will meet our responsibilities when the time comes. I thank the President.

I yield the floor.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

### AMENDMENT NO. 596, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that my amendment be modified as a sense-of-the Senate resolution throughout.

The PRESIDING OFFICER. The Senator has the right to modify the resolution.

The amendment is so modified.

The amendment (No. 596), as modified, is as follows:

On page 34 between lines 18 and 19, insert the following:

**SEC. 10. SENSE OF THE SENATE RELATING TO ASSISTANCE TO NICARAGUA.**

(a) FINDINGS.—The Senate finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere

On page 34, line 19, strike out "10." and insert "11.".

Mr. MCCAIN. I yield the floor, Mr. President.

Mr. GLENN. Mr. President, I want to thank the distinguished Senator from Iowa for his remarks, his very touching remarks, about some of the heroism and the devastation that has been going on in his State of Iowa. We certainly are concerned about that. I hope we can take effective action here in the Senate as fast as we possibly can.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senate in a period for the transaction of morning business?

The PRESIDING OFFICER. The Senate is on the bill, S. 185, the Hatch Act reform.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## U.N. PEACEKEEPING COSTS AND MISSIONS

Mr. BYRD. Mr. President, the escalating costs of U.N. peacekeeping and peace enforcement operations continue to soar despite the economic hard times that all of the world's industrial nations, the U.N.'s biggest contributors, are enduring.

In 1991, the cost for all U.N. peacekeeping missions around the world totaled some $700 million, of which the United States paid $140.5 million. By 1992, with the addition of new operations in Cambodia, Somalia, and Mozambique, total U.N. costs for peacekeeping and peace enforcement reached some $2.8 billion. The U.S. share of this was $464 million.

In 1993, the total U.N. bill for peacekeeping is estimated to reach as high as $3.6 billion, which would put the U.S. bill at about $1.1 billion. The Congress appropriated only $460 million to pay the U.S. share, and has not yet been willing to approve a supplemental request for an additional $293 million to pay U.S. past-due assessments.

How are we going to pay for the rest of our 1993 bill? Despite the escalating costs, the preliminary decision by the subcommittee of jurisdiction in the House of Representatives has been to reduce the administration's request for peacekeeping funds in the State Department budget by one-third, by $219.2 million, from a request of $614.7 million.

This does not, in my mind, bode well for the success of the administration's fiscal year 1994 overall request of nearly $1 billion, which includes $300 million in the Department of Defense budget for peacekeeping. In the past, the United States has been assessed 30.4 percent of all U.N. peacekeeping operations, higher than the 25-percent level set for the U.S. regular contribution to the United Nations.

But recently, the level of the U.S. assessment has been climbing, up to 31.7 percent, in order to make up for shortfalls in contributions from former Warsaw Pact nations and others. This sets a precedent for other nations. Just stop paying, and Uncle Sam's deep pockets will cover you. Mr. President, those pockets may be deep, but they are also rapidly emptying.

The United States is the United Nations biggest debtor, as well as its biggest contributor. We owe the United Nations $829 million, by its count; $517 million for the regular budget and now $312 million for peacekeeping. This is just part of the total owed by other U.N. contributors for peacekeeping alone of $1.3 billion. And the full bill for 1993 is not yet in.

Traditional peacekeeping conducted under chapter 6 of the U.N. Charter employs lightly armed troops in a largely confidence-building role, operating under a negotiated settlement between the parties to the conflict. Many of these operations have been underway for decades. Peace enforcement conducted under chapter 7 of the U.N. Charter is a new post-cold war animal.

Only in 1991 did the United Nations begin intervening in civil conflicts before a settlement was near. These peace enforcement missions are much larger in scale and much more costly. When combined with national reconciliation and "nation building" or so-called "peace building" activities designed to establish a new governmental structure, these peace enforcement operations would also likely require large, costly, and long-term commitments on the part of the United Nations.

The operation in Somalia has been estimated to cost $1.5 billion for 1 year. The peacekeeping, reconciliation, and rebuilding effort in Cambodia, which at least enjoys the partial security of a negotiated settlement, is estimated to cost $1.9 billion for a single year, and it is likely that this effort will last through the end of this decade. I do not know, Mr. President, how many such efforts like this the United States or any other country can afford to support.

In short, I think there needs to be a serious reality check in certain quarters. I do not detect overwhelming support in this Chamber for funding open-ended U.N. operations that the Congress of the United States, to which the first article of the U.S. Constitution addresses itself, has never sanctioned. I do not believe that the American people are eager to spend their hard-earned tax dollars on a series of global U.N. enforcement actions which have, at best, a rather murky goal and a limited chance of success.

Mr. President, in the New York Times of July 11, 1993, appears the following news story entitled: "U.N. Troops Begin an Effort To Take Over Somali Streets."

I read excerpts therefrom.

> After weeks of rarely venturing outside their compounds, United Nations troops have begun setting up checkpoints in the streets of Mogadishu as part of an effort to wrest control of the city from Somali militiamen. The move to reestablish a visible military presence in the capital was the first since June 17.

Get this:

> Three Italian peacekeepers and six Somali employees of the United Nations have been killed in separate incidents in the last 10 days. An Italian soldier and four Norwegians were wounded on Friday, Reuters reported, and today, three French soldiers were wounded by sniper fire while unloading relief supplies at this city's port.

Listen. Hear now what I am about to read.

> "It's vicious out there, and it's going to get worse," a senior United Nations military official said. "The war is not over. Once you decide to go to war, you have to finish it."

Who declared that we go to war? Who declared that the United Nations go to war? Who declared that the United States be a part of that war if and when it is declared? Has the Senate so declared? Have Senators so voted? "It's vicious out there, and it's going to get worse," a senior U.N. military official said. "The war is not over. Once you decide to go to war, you have to finish it."

Another excerpt:

> A principal goal of the occupying force is to disarm the competing factions in the Somali civil war. Now, United Nations military officials say that although they plan—

Get this—

> to start house-to-house searches for weapons, they will not begin for a few weeks, waiting for the arrival of at least another 6,000 peacekeepers. "We're going to add a lot of troops to the city of Mogadishu," a senior United Nations military official said. "In a city of 500,000, if you're going to disarm, you've got to take it apart section by section. We're going to do that over the next couple of months."
>
> There are 13,255 United Nations troops in Mogadishu, plus 1,052 members of the United States "quick reaction" force based here.

What are we about to get into in the United Nations exercise here in which, according to this newspaper report:

> Now, United Nations military officials say that although they plan to start house to house searches for weapons* * *?

Continuing the quote:

> In a city of 500,000, if you're going to disarm you've got to take it apart section by section. We're going to do that over the next couple of months.

Mr. President, this Senator and this Senate did not vote to send American forces to Somalia to go from house to house to disarm the participants in the internecine battles between Somalian warlords.

This Senator, for one, does not ever remember voting to grant the U.S. military the authority to chase down competing African warlords and conduct house-to-house searches in Mogadishu to confiscate weapons. I thought I voted to allow United States forces to go into Somalia and feed hungry people.

Everyone remembers the vivid, depressing, sad pictures on the television news evening after evening, which brought into the living rooms of the American people night after night, pictures of starving people, children who were nothing but skin and bones, mothers carrying their dying children in their arms. We all wanted to do something about that. So we all were behind the effort—"all" I think is a fairly safe way of explaining it, behind the effort—to open the channels for the delivery of food to the starving peoples who, through no fault of their own, were being deprived of the simplest and most basic of foods to keep body and soul together. We all favored that.

It has been quite a long time since I have noted a television newscast picturing those peoples starving. Perhaps I have missed something.

But in any event here, what are we doing now? We are part of a U.N. force that is telling us, at least through one of its so-called senior U.N. military official spokesmen, that "the war is not over. Once you decide to go to war, you have to finish it."

The American people have not bought into that. We simply do not have the financial resources to risk getting involved militarily in a series of global catfights.

I said yesterday that not everybody would be happy with what I was saying, and to those in this Chamber who wish to disagree and who think, oh, we should go along and be part of this great worldwide effort in the holy cause of restoring peace between these warring African despots, little autocratic despots, I say to those in the Senate who advocate that, where are you going to get your money? We cannot feed some of our own people adequately, and if we talk about peacekeeping, we had better bring those people back here and put them in the capital city if we are going to go from house to house and disarm individuals. We can do that. We do not need the U.N. forces to do that.

Somewhere, someone had better take a hard look at the huge disconnect between our financial and intellectual support of the United Nations and its goals, and what the American people and the Congress will actually sanction.

So to those who say, oh, we are on the right track, we do not agree with Senator BYRD in this, we ought to continue our efforts there; how do you stand on a balanced-budget amendment? Are you for a balanced-budget amendment?

Well, if you are, how can you say that we ought to continue down this road. The Congress did not vote to go to war in Somalia. So I am at a loss to understand what this man means, this senior U.N. military official, "The war is not over. Once you decide to go to war you have to finish it."

Well, Mr. President, I have never been told that I have to stand and salute the United Nations. I was taught to salute when the American flag was passing by.

So let me repeat, someone had better take a hard look at the huge disconnect between our financial and intellectual support of the United Nations and its goals, and what the American people and the Congress will actually sanction. To fail to consider what our own people will support in the international arena before signing on to every global adventure that the United Nations undertakes, is a prelude to disaster.

Now, I am quick to say, as I said yesterday, the United Nations performs a valuable service. I do not want to be misunderstood in what I am saying. But what is happening in Somalia is something else.

The future of the U.N. peacekeeping mission and American support for it is open to debate and should be debated. We all need to clearly understand where we are leading in this area, what it will cost, because the bills are going to come due.

My distinguished friend from New Mexico who sits on the Appropriations Committee and on the Budget Committee, was present in the recent conference on the supplemental appropriations bill, and so was the Senator from Oklahoma [Mr. NICKLES]. I did not detect any great support in that conference for paying our past U.N. peacekeeping bills. I tried to help come up with $293 million on our past bills. There was not any groundswell in that conference, and finally we did not get it.

So it seems to me that all the big talk and all the highfalutin superiority that seem to be exuded from the belligerent, bellicose statements that are being made by some U.N. military leaders may well need to have a little realistic checkpoint. Who is going to pay the bill in treasure and in blood?

We all need to clearly understand where we are headed in this area, what it will cost, what we can afford, and what kinds of situations Americans are being put into. Some kind of understanding as to the rules of this game needs to be reached in the very near future before this Nation becomes embroiled in a quagmire somewhere on the globe which has zero support here at home.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of July 11, 1993, entitled "U.N. Troops Begin an Effort To Take Over Somali Streets."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.N. TROOPS BEGIN AN EFFORT TO TAKE OVER SOMALI STREETS

(By Donatella Lorch)

MOGADISHU, SOMALIA, July 10.—After weeks of rarely venturing outside their compounds, United Nations troops have begun setting up checkpoints in the streets of Mogadishu as part of an effort to wrest control of the city from Somali militiamen.

The move to re-establish a visible military presence in the capital was the first since June 17, when United Nations troops mounted a ground attack against the headquarters of Gen. Mohammed Farah Aidid, a clan leader whose fighters were held responsible for an ambush on June 4 in which 24 Pakistani peacekeepers were killed.

The American-led retaliatory raid forced General Aidid into hiding and destroyed some of his weapons, but his fighters have become increasingly bold recently.

#### ATTACKS ON U.N.

Three Italian peacekeepers and six Somali employees of the United Nations have been killed in separate incidents in the last 10 days. An Italian soldier and four Norwegians were wounded on Friday, Reuters reported, and today, three French soldiers were wounded by sniper fire while unloading relief supplies at this city's port.

"It's vicious out there, and it's going to get worse," a senior United Nations military official said. "The war is not over. Once you decide to go to war, you have to finish it."

United Nations officials have become virtual prisoners in their compound, the huge, fortified building that was once the United States Embassy. The streets are considered so dangerous that civilian employees living near the airport are now ferried in every day to the compound by helicopter, and many employees have not left the grounds for a month.

"We're being held hostage here," one official said. "As it stands this week, Aidid is winning. He has intimidated the United Nations with straight gangster tactics."

The military is not the only group worried about the ebbing of security in the capital.

#### RELIEF WORKERS FEARFUL

"We've never felt so much at risk," said Michael McDonaugh, the director in Mogadishu for Irish Concern, a relief agency. "In all our time here, the streets have never been so unsafe as when the troops are not on them. The United Nations is not facilitating us. They're obstructing us at this point."

Pakistani troops set up checkpoints on main roads on Friday, and in the largest show of United Nations force, several hundred heavily armed Italian troops in tanks and jeeps returned to the checkpoint they had abandoned during an ambush on July 2 in which three Italians were killed.

For more than a mile, the Italian armored column maneuvered through a gantlet of several thousand Somalis yelling pro-Aidid slogans and occasionally lobbing stones. Then, as hundreds of youths encircled his vehicle, the Italian commander, Brig. Gen. Bruno Loi, addressed the crowd.

"Attention Somalis!" he said through a loudspeaker in Italian, a language understood by many in this former Italian colonial capital. "I thank you. Today we have established the principle that we can negotiate. It is necessary now for both sides to stop shooting."

#### A GOAL: TO DISARM THE FACTIONS

The Italians' return to Checkpoint Pasta, named for a destroyed spaghetti factory nearby, had been negotiated for two days by Italian commanders, Somali elders and members of General Aidid's party. Officials close to General Aidid said that as part of the agreement, the Italians had promised not to resume searches for arms in that neighborhood for the time being.

The Italian negotiations, the first such talks since General Aidid went into hiding on June 17, were criticized by some United Nations officials as undercutting the international effort to isolate the clan leader.

A principal goal of the occupying force is to disarm the competing factions in the Somali civil war.

Now, United Nations military officials say that although they plan to start house-to-house searches for weapons, they will not begin for a few weeks, waiting for the arrival of at least another 6,000 peacekeepers.

"We're going to add a lot of troops to the city of Mogadishu," a senior United Nations military official said. "In a city of 500,000, if you're going to disarm, you've got to take it apart section by section. We're going to do that over the next couple of months."

There are 13,255 United Nations troops in Mogadishu, plus 1,052 members of a United States "quick reaction" force based here.

United Nations officials concede that for security to improve, General Aidid has to be dealt with. United Nations military officials say he is still in Mogadishu, moving from safe house to safe house every 24 hours.

#### REWARD FOR INFORMING ON AIDID

In another step to neutralize the general, the United Nations announced today that it was offering a $25,000 reward for any information leading to his arrest. The offer was publicized on 500 posters and 60,000 leaflets dropped over the city.

But even with General Aidid in hiding, his militiamen have fed the city's instability, using force and intimidation, and they are now beginning a terror campaign against Somali civilians, officials said.

The six Somali employees of the United Nations who were killed this week were slain after their car was stopped by gunmen, who warned passers-by that this would be the fate of all United Nations workers, officials said.

In a statement broadcast from his mobile radio transmitter, General Aidid has declared that all United Nations staff members, including Somalis, are targets. In the last week, Somalis have been stopped by the general's supporters on the street, searched for United Nations identity cards and beaten if any were found, United Nations relief officials said.

"This is a new phase," a senior official said. "There are increasing terrorist attacks against the local people, and people are getting scared. It will get worse."

**Mr. BYRD. Mr. President, I yield the floor.**

**Mr. DOMENICI addressed the Chair.**

**The PRESIDING OFFICER. The Senator from New Mexico is recognized.**

**Mr. DOMENICI. Mr. President, before Senator BYRD leaves the floor, might I just say to him, I think he has once again raised a very, very important issue for this Senate and for the House and for the people of this country.**

**It is one thing to talk about peacekeeping—and almost everybody speaks favorably of it, because it seems to be the opposite of war—but, frankly, we need an American policy as to how we are going to pay for it.**

First of all, I do not think it is good for the greatest Nation on Earth and the strongest one militarily to have some kind of a commitment to pay for part of this that we do not live up to. It just seems to me almost absurd that we are going to have peacekeeping missions that are important to the world and the United States does not have a game plan by the way of policy that says here is how we are going to pay for it.

And that is not all our responsibility. Part of that is I think the President is caught with some new and different things. We did not have this much peacekeeping.

But, frankly, the time has come to get it understood between the President and the Congress, at least, a basic framework. Otherwise, how are we going to to do this? It seems to me we are not getting anywhere.

I thank the Senator.

Mr. BYRD. Mr. President, I thank my distinguished friend.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Arizona [Mr. MCCAIN] is pending.

Mr. GLENN. I would ask my distinguished colleague from New Mexico, would he mind if we voted on that? It has been cleared on both sides, so we do not have to put it on this other agreement.

Mr. DOMENICI. I have no objection. I would like, if the Senator would permit, to reserve my right to the floor. I have been waiting a long time and I wanted to speak.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe, as I indicated, the McCain amendment is pending. The Senator from Arizona is not on the floor, but that amendment has been cleared on our side of the aisle. I find it acceptable and I believe it has been accepted on the other side.

Mr. ROTH. That is correct.

Mr. GLENN. Mr. President, I ask that the amendment be agreed to. We do not need the yeas and nays.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 596), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

### AMENDMENT NO. 597

Mr. DOMENICI. Mr. President, I send to the desk an amendment. My cosponsors are Senators DOLE, D'AMATO, GRASSLEY, GORTON, COCHRAN, and NICKLES. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DOLE, Mr. D'AMATO, Mr. GRASSLEY, Mr. GORTON, Mr. COCHRAN, and Mr. NICKLES, proposes an amendment numbered 597.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

> At the appropriate place insert:
>
> It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required.

Mr. DOMENICI. Mr. President, I am going to speak only for about 2 minutes on the amendment and then get copies of it and then circulate them, and then return in due course to talk about it.

Essentially, this says:

> It is the sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required.

The 16th is the date that the law says we should have this mid-session review or, as I call it in the resolution, this supplementary budget. All the matters from February and March, it brings them current to the 16th in terms of the economy, inflation, interest rates, and jobs, so that we know what the deficit is now as compared with then.

I think it is a very important part of this year's budget activities and I think the people should know and the Congress should know.

So, I do not intend to use a lot of time tonight, but there are probably four or five Senators on my side of the aisle who want to talk about this, and I want to accommodate them.

In speaking to it at this point, I would indicate to them—Senator D'AMATO and others—that I am going to yield the floor for a few moments while I make sure everybody understands this resolution. I will return as soon as I can and, when I can get recognition, I will proceed to debate this further and try to make it relevant to what is gong on in the big reconciliation bill, where we are intending to tax the American people based upon one set of facts. I think the facts are considerably different 7 or 8 months from the starting point.

I yield the floor at this point.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, I first wish to compliment my colleague, Senator DOMENICI, for his resolution. I am happy to cosponsor it.

Mr. President, I ask unanimous consent to proceed as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF DR. M. JOYCELYN ELDERS TO BE SURGEON GENERAL

Mr. NICKLES. Mr. President, today I rise in opposition to the nomination of Dr. Joycelyn Elders to be Surgeon General.

I do not do this often. As a matter of fact, I have only made a couple of speeches in my Senate career against a nominee.

Tomorrow morning, the Senate Labor and Human Resources Committee is scheduled to hold a hearing on her nomination. I hope that the Senate Labor Committee would postpone that hearing. I will go through this statement and I will give several reasons why I think they should postpone it, because I think there are several questions that are very important that need to be reviewed prior to this hearing.

Mr. President, Americans look to the person who serves as Surgeon General for guidance and leadership on issues of public health. The position calls for a person of sound judgment and a person with a balanced view of controversial health-related issues. But, based on numerous statements that Dr. Elders has made on a wide range of issues, I have concluded that Dr. Elders does not meet these requirements.

While she may be a fine physician and a very able advocate for a political agenda, Dr. Elders has an agenda that can be fairly described as extreme. I do not want you to take my word for it. I hope that you will listen to what she has said on public health issues.

Mr. President, I am going to go through several quotations that are from Dr. Elders. I will tell you right now, some of these quotations are extreme, some are offensive, and some are offensive to different groups and different people.

Mr. President, on June 19, 1993, less than a month ago, Dr. Elders appeared on a CNBC Television program called "Talk Live." A caller asked her what she intended to do as Surgeon General about crack-addicted prostitutes who give birth to crack-addicted babies. Here is Dr. Elders' response.

> I would hope that we would provide them Norplant so they could still use sex if they must to buy their drugs.

Mr. President, is this the sort of statement that we expect from a Surgeon General? Even if we are to lay aside the moral objections that most of us have to prostitution and drug abuse, even if we are to ignore the fact that prostitution and drug abuse are against the law, even then, Mr. President, this statement makes no sense.

Do we want a Surgeon General who thinks the most important thing we can do for drug-addicted prostitutes is to keep them from getting pregnant so that they can continue to sell sex to buy drugs? I do not think so.

Mr. President, drug-abusing prostitutes are getting AIDS and they are giving this deadly disease to other people. It is costing lives. Has Dr. Elders not taken notice of that?

Mr. President, based on her own comments, it is exactly this exchange of sex for money and drugs that Dr. Elders seems to want to protect by making Norplant more widely available to prostitutes.

Mr. President, Dr. Elders' views on abortion are also radical and extreme. The Department of Health and Human Services has been putting out press releases over the last week or so stating that Dr. Elders is not pro-abortion, but that she is merely trying to reduce the number of abortions performed. Someone should tell this to Dr. Elders.

On May 23, 1990, Dr. Elders testified in favor of the Freedom of Choice Act before the Senate Labor and Human Resources Committee. In that testimony Dr. Elders stated:

Abortion has had an important, and positive, public health effect.

I have been engaged in the abortion debate on and off. I have talked to people who are on the pro-choice side of the agenda, but I have never heard anyone say that abortion has an important and positive public health effect.

Dr. Elders then went on to describe some of those positive public health effects:

Abortion has reduced the number of children afflicted with severe defects. The number of Down syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion.

Mr. President, Dr. Elders believes that one of abortion's virtues is that it cuts down the number of children with Down syndrome. How does it reduce the number? Not by curing Down syndrome but by destroying unborn children with Down syndrome.

This is an extreme position on abortion. And it reflects a profound insensitivity to people with Down syndrome in their families. That is why the executive director of the National Down Syndrome Congress sent a letter to my distinguished colleague from Mississippi stating that Dr. Elders' testimony, "raises some important questions in our minds as to her qualification for the position of Surgeon General."

He continues:

> Does this mean Dr. Elders feels that children with Down syndrome are not worthy of life in our society? Dr. Elders appears to be saying persons with severe defects (her definition) do not warrant a life and the state would be better off without them being born. I can only assume she refers to the dollars and not to individual rights and values. * * * It would appear from her testimony and written statements that her concern is more toward the cost of an individual's life as opposed to the value of human life. It would not be a good choice to have the Surgeon General of the United States of America espousing such ideals.

This letter was not written by someone on the radical right, someone who is on the extreme pro-life position. This letter was written by the executive director of the National Down Syndrome Congress in response to a statement that Dr. Elders gave before a congressional committee—not an ad lib statement but a statement that was actually written and prepared as well as stated.

But Dr. Elders did not stop there in singing the praises of abortion. She went further when she told the Labor Committee:

> Abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977.

Dr. Elders says that abortion decreases infant mortality. Well, I suppose it does. If your life is ended before you are born, there is absolutely no chance you will die after birth. So she is correct. But what a solution.

Dr. Elders' position on abortion goes beyond the controversy over abortion rights and the right of unborn children to live. Dr. Elders is not a person who just supports abortion rights. She is not just pro-choice. Her positions advocate abortion. Her statements suggest that she sees abortion as a means of eliminating disabilities by eliminating unborn children with disabilities and as a means of reducing infant mortality by increasing prenatal mortality. That is extreme. That is radical.

Dr. Elders has also shown a profound intolerance for people who disagree with her view on abortion. She is quoted in the January 19, 1992 edition of the Arkansas Democrat Gazette as saying:

> We would like for the right to life and antichoice groups to really get over their love affair with the fetus and start supporting children.

Mr. President, tens of millions of Americans oppose abortion. I happen to be one of them. Many of us oppose abortion out of a profound respect for human life and out of a conviction that the law should protect innocent unborn children against the violence of abortion. Her statement that people should get over their love affair with the fetus is not fitting for someone who aspires to be the Nation's chief medical officer.

But Dr. Elders does not stop at ridiculing people who disagree with her on abortion. She goes much further. In the January 11, 1993, edition of the American Medical News, it is reported that she referred to people who oppose abortion as, "non-Christians with slave-master mentalities."

I hope people will think about this language that she uses. Again, I have never heard anyone who is on the so-called pro-choice side of this argument use such offensive language. To declare that people who are—who happen to be pro-life as non-Christian with slave-master mentalities is ridiculous. It is radical. It is extreme. And it certainly is not language that should come from a nominee or potential Surgeon General.

If this were not offensive enough, she also attacked the religious beliefs of people with whom she disagrees. Speaking at a pro-abortion rights rally in Little Rock in January 1992 Dr. Elders said:

> Look who's fighting the pro-choice movement: a celibate, male dominated church.

This language is offensive. This language is intolerant. This is language that should not be used by the No. 1 health officer of this country. There are a lot of people in this country who are very strongly committed in trying to protect the lives of unborn children. Dr. Elders has been leading the fight in the opposite direction—again, showing no compassion, no understanding, no tolerance whatsoever for individuals who happen to disagree with her.

I think it is important to note for my colleagues, Dr. Elders has made these statements. She has made many more. It is also interesting to note that she has refused or has not apologized for any of these remarks that I am aware of, despite repeatedly being asked to do so.

Dr. Elders also seems to take a rather flippant attitude toward the distribution of birth control to young people.

One of the reasons why this nomination is so important is because it will affect every family in America. It will affect all the children of America.

In the February 16, 1993 edition of the Washington Post, it is reported that she keeps an "Ozark Rubber Plant" on her desk. "Its stalks," according to the Washington Post, "are sprouting condoms, and an attached note reads: 'Blooms mostly at night. Blooms vary in length, depending on owner. Blooms may wilt in chilly atmosphere.'"

I do not think that being flippant about condoms and condom distribution is really the kind of attitude we really want a Surgeon General to have. I do not think that is what the American people expect of the Surgeon General. Nor do I think many Americans appreciate some of the things she says about adolescent sexuality. She said in a video presented to the National Commission on Children, on April 2, 1993:

> We have had driver's ed for our kids. We've taught them what to do in the front seat of

the car, but not what to do in the back seat of the car.

I do not want Dr. Elders teaching my children what to do in the back seat of a car. I find it a little bit unusual that a doctor would have a condom tree sitting in his or her office. I have probably been in thousands of offices over the years, a lot of doctors' offices, but I have never seen a condom tree in anybody's office. I find that to be rather strange.

Then I also look at another of Dr. Elders' comments. She talks about a rather peculiar role for parents.

> I don't know of any parent who wouldn't go out at midnight and try to find contraceptives to start their children properly.

That was made in the Arkansas Gazette on July 3, 1988. I know a lot of parents who do not want to do that and I am shocked that President Clinton would nominate a person with such radical stated beliefs.

These statements, I have given the dates, are direct quotes by Dr. Elders. Some were made this month. Some of them were made last month. Some of them were made over the last 2 or 3 years. Some of them before congressional committees. So they are her statements. They are not mine. They are her positions.

I find them quite offensive. I think millions of Americans will find those statements and those positions on these issues very offensive. The idea of having a person with these beliefs elevated to the post of Surgeon General is very offensive and a serious mistake.

I do not mind people being outspoken. I was asked that. Dr. Elders is outspoken. I congratulate her for that. It is her beliefs about which she is speaking that I vigorously oppose, not the fact that she is an adamant, articulate spokesperson for her position. It is that her position is so radical, so extreme on issues that will affect every family in America that I aggressively oppose her nomination.

There are several other things concerning questions of ethics, questions of character that have been raised that I do not have the answers to. But, again, it is reason why I think the hearing that is now scheduled for tomorrow should be postponed. If the hearing is scheduled for tomorrow, it should not be the last hearing because there are several critical issues that need to be answered and need to be answered in detail before the Senate votes on this nominee.

I will just raise some of these. Again, I state I am not an expert on these, but I look at some of the allegations that have been made in the papers and by individuals and, again, we need some answers.

I will mention that the attorney general of Arkansas, on July 13, 1990—and I will offer several of these statements for the RECORD—Attorney General Steve Clark says there are grounds for a legal challenge to how Gov. Bill Clinton's administration pay Dr. Joycelyn Elders, State health department director.

Clark said "it may reasonably be concluded" that Elders' compensation package could be challenged as an improper, indirect, end-run around a State law barring State agencies from entering into professional service contracts with State employees.

Elders' pay has come under scrutiny because she earns much more than the maximum salary established for her health department job by the State legislature. The legal maximum salary set for the health department director is $76,440, but Dr. Elders makes about $103,000 a year. Her pay comes from both the health department and the University of Arkansas for Medical Sciences, where she formerly worked as a pediatric endocrinologist.

The last quote says Clark also said while the contract under which Elders was paid actually was between the University of Arkansas and the health department, it "may reasonably be concluded that her pay arrangement violates the intent of State law barring contracting with State employees."

Mr. President, another Arkansas attorney general, on May 13, 1993, issued an Opinion No. 93-102, and I will insert this in the RECORD as well, to Representative Riable. It says:

> This is in response to your request for an opinion on the method of compensation of Dr. Joycelyn Elders, the director of the Arkansas Department of Health and a faculty professor at the University of Arkansas. * * *
>
> The relevant law. * * * No director or any other department head of any agency of this State shall receive additional compensation under this section.

Different paragraph:

> Dr. Elders, of course, is the director of an agency of this State, and as such is prohibited from receiving additional compensation under Arkansas Code 19-4-1701.

Again, this raises a serious question as to whether her salary is in violation of State law. You have two attorneys general of the State of Arkansas who say her salary arrangements appear to violate State law.

Mr. President, there has also recently come to light that Dr. Elders, in addition to receiving her State compensation, is also receiving compensation as a Federal consultant today. In looking at this, I see that Dr. Elders last year earned $105,371. It is also reported that she is currently being paid $42,119 for 3 months on an extension. That computes to about $14,000 per month.

It is reported in the paper as well that she is being paid as a consultant to Secretary Shalala and is being paid $550 a day salary, plus $135 a day for expenses.

Now it is reported that as of July 5, that she is working full time for HHS. We need to find out, is she being paid $550 a day, 5 days a week, for every working day in July? If that is the case, then she is going to earn about $12,100 a month as a consultant. If she receives per diem for 31 days in July, that is $4,185. Her salary and her contract extension with the State of Arkansas comes out to $14,000 for a month. That is over $30,000 for the month of July, if she is receiving her State salary, some of which the Arkansas attorney general says may be illegal, and receives compensation as a full-time consultant.

In looking at that, Mr. President, it is conceivable she is receiving $30,000 in compensation from the Federal Government and the State government today? How much is she receiving per day? If that continued on an annual basis, that is over $360,000 per year. That is a lot of money. I think the taxpayers need to find out what she is doing. Is she breaking the law? Is she double-dipping, as reported?

Another issue—again, somewhat in reference to the question of, did she obey the law or not—has been raised on whether or not she violated a State amendment which passed and became law, prohibiting the use of State money to provide for the distribution of condoms in school clinics. When that amendment passed, Dr. Elders said, and I will quote:

> I feel that for the sake of the children we will make the best of it, and I will still continue to move forward trying to institute health clinics and to provide contraceptives to all the schools desiring contraceptives.

In other words, she is quite willing, after something became law, to violate the intent of the law. And I might add that she continued to do so. A lawsuit was filed. I will also add that lawsuit was dismissed.

Another issue has been raised just recently concerning the payment of taxes for an employee, a nurse, to care for her mother-in-law, who is 97 years old and now has Alzheimer's. The nurse's name was mentioned: Audrey Faye Ruffin. She is employed by the Elders family, and I do not know for how long. We need to find out how long. We need to find out what the salary was. We need to find out the amount of taxes that were not paid. Are we talking about not paying Social Security taxes or are we also talking about not paying State taxes? Are we talking about not paying Federal taxes?

If we are talking about a significant salary, if we are talking about a significant period of time; we are talking about a significant violation of the law.

I might also note that the Department of Health and Human Services spokesperson said:

> If there is any problem, it is the senior Mrs. Elders' problem.

This is Ms. LaVelle, for HHS:

> Dr. Elders made it very clear that Audrey Ruffin was never an employee of hers.

Mr. President, that is one of the most ridiculous statements I ever heard come out of HHS, to say that Dr. Elders and her husband should not be held responsible. We are going to hold the 97-year-old mother-in-law of Dr. Elders responsible, and she has Alzheimer's? That is a ridiculous statement.

We need to find out, do we have a Zoe Baird problem or something? I do not know. Certainly we need to find out. We need to get the facts and we need to get the facts, frankly, before the hearing.

I might mention another issue that comes out, and this concerns Dr. Elders in her position as a board member of a bank in Arkansas. A suit was filed alleging negligent mismanagement, lending, and investment practices. The suit sought to recover $1.5 million in losses and bad loans the plaintiffs said were made in violation of the National Banking Act. The suit also sought unspecified punitive damages from Dr. Elders and other board members.

It was just announced today that Curtis Bowman, an attorney for the former directors, said he thought they had a good defense, but that it would have been expensive and time consuming to go to trial.

> On that basis, judgment was made by all my clients to settle the case on terms they felt were favorable to them. * * *

That may be fine for Mr. Bowman, and settlement was made. But we need to know before we confirm Dr. Elders: Did they break the law? An allegation was made the board members broke the law. If they broke the law, we need to know it. We need to know the extent of Dr. Elder's involvement. Was she aware of them breaking the law?

There are serious allegations that were made, and I will include in the RECORD a statement from the Arkansas Gazette on January 9, 1993, that enumerates some of the charges. I do not know if the charges are accurate or not. I do know, according to today's press release, that they settled the claim. Of course, they wanted to get this behind them.

At least we should know. We should know if the law was broken, and I think we should know what the terms of the settlement are. And also we should know the extent of the involvement of Dr. Elders.

Mr. President, there is also the case of Dr. Malak, and this is a case where we need more answers as to how Dr. Elders repeatedly intervened to keep an allegedly incompetent State medical examiner on the State payroll. In September, 1991, Dr. Elders named Dr. Malak, who was an embattled medical examiner for the State of Arkansas, to a senior post in her department. Dr. Malak's appointment came despite a departmentwide hiring freeze.

Dr. Malak had been under fire since 1985 for a host of controversial autopsy results, several of which were later reversed by a grand jury. Here is a sampling of Dr. Malak's work then, taken from a lengthy newspaper account in the March 24, 1991, edition of the Arkansas Gazette.

Dr. Malak concluded, in 1989, that an Arkansas man died accidentally in 1989 by strangling himself during a sexual act. A grand jury overturned Malak's ruling, saying that the man had been murdered by an unidentified assailant.

Among his other maligned findings: were that a man shot five times in the chest had committed suicide; that two teenagers run over by a train had fallen asleep on the tracks after smoking marijuana; and that a deputy coroner who had ordered life support withdrawn from a brain-dead patient had committed murder. Dr Malak later apologized for falsely accusing the deputy coroner, a charge that arose because Dr. Malak had misread a notation in the deceased patient's medical chart.

Mr. President, in all, Dr. Malak was challenged at least 17 times between 1984 and 1991, a total that five outside medical examiners told the Arkansas Gazette was exceptionally high and would not have been tolerated in their States.

Mr. President, Dr. Elders chaired the State Medical Examiner Commission, the only entity that had the power to fire Dr. Malak, but Dr. Elders did not fire Dr. Malak. Instead, she defended him at every turn. She told the Associated press she felt he was "a very capable pathologist" and that she urged him to remain State medical examiner.

Mr. President, again, questions need to be answered.

Mr. President, I ask unanimous consent that the several articles that I have read from be printed in the RECORD, including a letter from the National Downs Syndrome Congress.

Mr. President, I also ask unanimous consent that a statement by Suzanne Fields in the Washington Times, July 15, be printed in the RECORD. I will just read from one quote. She said:

> Dr. Elders didn't accomplish in Arkansas what she wants to try out on the rest of the country. Arkansas' teen pregnancy rate is still the second highest in the Nation despite her use of the bully pulpit. During her tenure as Arkansas Health Director, teen pregnancy rose from 68.3 live births per 1,000 women ages 15 to 19 in 1987 to 80.1 per 1,000 in 1991.
>
> When the President nominated Dr. Elders he said she would "really be able to effect change."
>
> That is exactly what some of us are afraid of.

Mr. President, I also have an editorial written by Cal Thomas, July 15, 1993, in the Washington Times. It says:

> When Dr. Elders says pro-lifers need to get over their "love affair with the fetus," that seems to be a dogmatic denunciation of those who disagree with her about the nature and the value of the unborn.

I ask unanimous consent that the editorials be printed in the RECORD.

Mr. President, two other editorials I wish to enter, and I could enter many more. One is from the Daily Oklahoma, dated July 13, 1993. I will just read one paragraph. It says:

> Elders believes sexual training should begin in kindergarten, favors condom distribution in schools, and supports taxpayer-funded abortions for poor women. Without such aid, she says, they are "slaves breeding another class of slaves."

And finally, Mr. President, an editorial that was in the Washington Times today says:

> Sex education programs for 5-year-olds, Dr. Elders argues, "combat not just teen pregnancy, but also drug and alcohol abuse, sexually transmitted diseases, and apathy and depression among teens."
>
> "I tell every girl," Dr. Elders has said on national television, "that when she goes out on a date, put a condom in her purse."

Mr. President, the end of this editorial says:

> In choosing Dr. Elders, whose radical ideas on social policy set her far outside the mainstream, Mr. Clinton has once again managed to take a step away from the beliefs and concerns of ordinary Americans.

Mr. President, I think that is exactly right.

Mr. President, I will conclude with a comment. I thank my friends and colleagues for their patience. I urge this committee to postpone the hearing tomorrow, or, if they do not postpone the hearing tomorrow, that they would allow for another hearing so these questions of impropriety, these questions of ethics, these questions of fact can be discerned, so we will know the facts, so we will know the facts about the amounts of her salaries, so we can find out whether or not State law has been broken, so we can find out whether or not national banking laws have been broken.

Allegations have been made. I do not know if they are correct or not. I do not want to be involved in character assassination. I do know that these are serious allegations, that they can and that they must be answered before the Senate votes on this nomination. And, again, I urge my colleagues on the Labor Committee to postpone this hearing until we have a chance to find out the answers from the relevant people.

Mr. President, I yield the floor.

Mr. President, I ask unanimous consent that all of the material to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta (GA) Gazette, July 13, 1990]

### ELDERS' PAY COULD BE CHALLENGED

(By Mark Oswald)

Attorney General Steve Clark says there are grounds for a legal challenge to how Gov. Bill Clinton's administration pays Dr. Joycelyn Elders, state Health Department director.

Clark's opinion also could affect Dr. Terry Yamauchi, director of the state Human Services Department.

In an official but non-binding opinion released Thursday, Clark stopped short of declaring outright that Elders' salary arrangement—in effect, she gets paid by two state agencies—was illegal.

But Clark said "it may reasonably be concluded" that Elders' compensation package could be challenged as an improper, indirect end-run around a state law barring state agencies from entering into professional services contracts with state employees.

Also, Clark said it was his opinion that contracts such as the one Elders works under "will be struck down by the courts" when they are "negotiated for the purpose of avoiding applicable salary restrictions or other laws."

Elders' pay has come under scrutiny because she earns much more than the maximum salary established for her Health Department job by the state legislature.

The legal maximum salary set for the Health Department director is $76,440, but Elders makes about $103,000 a year. Her pay comes from both the Health Department and the University of Arkansas for Medical Sciences, where she formerly worked as pediatric endocrinologist.

Like Elders, Yamauchi worked previously at UAMS and is now paid under an arrangement similar to Elders'. He gets about $115,000 a year, while the legal maximum for his Human Services job is $75,401.

Elders said she hadn't seen the opinion. She said if she'd had to take a pay cut to accept the Health Department job, "I would have obviously thought about it an awful lot longer."

Mike Gauldin, Clinton's press secretary, said Clark had raised some "technicalities, but we think it's based on limited information on what duties Dr. Elders performs for UAMS."

He said the opinion would be reviewed and if any real problems with Elders' pay were found, other options—possibly including joint employment by the Health Department and UAMS—would be considered.

The opinion on Elders' pay arrangement was requested by the Legislative Joint Auditing Committee, whose staff has questioned the legality of the compensation package.

Elders and Yamauchi actually are paid by UAMS, after the Health Department and Human Services first provide UAMS with money equal to the two officials' legally authorized salaries in their respective departments.

UAMS adds supplements to bring the salaries up to the level of pay for staff positions specifically designated for Elders and Yamauchi at UAMS. They work under contracts between UAMS and their two departments.

Clark's opinion said it was not illegal for a state officer or employee to be paid by more than one state agency. However, such arrangements require certification that a secondary job does not interfere with a state employee's duties in his or her primary job, Clark said.

Whether Elders' job as Health Department director "interferes" with her officially designated job as a faculty member of UAMS is, Clark said, "a factual question which would, it seems, require consideration of the fact that the contract between UAMS and the Department of Health requires 260 days [a full 52-week work year] of actual work [by Elders] at the Health Department."

Clark also said that while the contract under which Elders was paid actually was between UAMS and the Health Department, it "may reasonably be concluded" that her pay arrangement violates the intent of the state law barring contracting with state employees.

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State of Arkansas,
Office of the Attorney General,
*May 13, 1993.*

Opinion No. 93–102.
Hon. Mark Riable,
*State Representative,*
*Burlington Road,*
*Little Rock, AR.*

Dear Representative Riable: This is in your response to your request for an opinion on the method of compensation of Dr. Joycelyn Elders, the Director of the Arkansas Department of Health and a faculty professor at the University of Arkansas for Medical Sciences ("UAMS"). Specifically, you indicate that it is your understanding that Dr. Elders receives a salary as the Director of the Health Department and also receives a salary from UAMS as a professor. You inquire as to whether this situation results in a violation of Arkansas law, and if so, whether the "taxpayers have a right to seek recovery of the monies unjustly paid."

I have enclosed, for your information, a copy of Op. Att'y Gen. No. 90–050, which addressed this question. That opinion outlines and discusses the legality and constitutionally or the method employed to compensate Dr. Elders for the 1988 and 1989 fiscal years. It is my understanding that the mechanism used to finance Dr. Elders salary for the present fiscal year is substantially similar to that described in Opinion No. 90–050, a mechanism which involves the use of a "professional services contract." The opinion concluded that potential challenges to the funding arrangement might arise under subchapter 17 of the "General Accounting and Budgetary Procedures Act" (A.C.A. §19-4-1701—1715), under the "Regular Salary Procedures and Restrictions Act" (A.C.A. 19-4-1601), and under Art. 16, §4 of the Arkansas Constitution. The opinion also notes the possibility of a taxpayers' remedy under Arkansas Constitution, art. 16, §13.

The relevant law on the subject has not changed since the issuance of Opinion 90–050, except in one respect. Act 1221 of 1991 amended A.C.A. §19-4-1701(2) (the definition of a "contractor" for purposes of professional services contracts) to add a provision stating that; nothing in [19-4-1701] shall be construed to prohibit an institution of higher education from executing a contract with a state agency under which services will be performed by employees of the institution of higher education. An employee or employees of an institution of higher education performing such services to a state agency may receive additional compensation provided;

(A) The institution of higher education request and receives written approval from the Chief Fiscal Officer of the State as to the amount of additional compensation to be paid to any employee; and

(B) The total salary payments received from the employee's regular salaried position and amounts received for services performed under a professional services contract shall not exceed one hundred twenty-five percent (125%) of the maximum annual salary authorized by law for the employee's position with the institution of higher education. No Director or any other department head of any agency of this state shall receive additional compensation under this section.

The emphasized language was added as a House amendment to the original Senate Bill 692 giving rise to Act 1221 of 1991.

The 1991 act allows an employee of an institution of higher education (such as UAMS) to be a "contractor" under a professional services contract, and to receive "additional compensation" under such contract provided the Chief Fiscal Officer approves and the total compensation received does not exceed 125% of the line-item maximum for the position at the institution of higher education. The amendment to the 1991 bill, however, states that "[n]o Director or any other department head . . . shall receive any additional compensation under this section."

Dr. Elders, of course, is the Director of an agency of this state, and as such is prohibited from receiving additional compensation under A.C.A. 19-4-1701. The question of whether she in fact receives "additional compensation" by virtue of this contract, under her particular compensation arrangement, is, as it was in Opinion 90–050, a question of fact.

In any event, your question may soon be moot, as it is my understanding that the mechanism for currently funding the salary of the Director of the Department of Health will not be in place after July 1, 1993. The biennial appropriation for the salary of the Director of the Department of Health increases effective July 1, 1993 to $123,876 per year from the 1992–93 appropriation of $84,273. See Acts 1993, No. 1173 and Acts 1991, No. 1181.

The foregoing opinion, which I hereby approve, was prepared by Deputy Attorney General Elana C. Willis.

Sincerely,

Winston Bryant,
*Attorney General.*

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[From the Associated Press, July 15, 1993]

## Governor Dissatisfied With Elders' Dual Work Arrangement

(By James Jefferson)

Little Rock, AR.—To the chagrin of the Arkansas governor, President Clinton's nominee for a surgeon general, Dr. Joycelyn Elders, is being paid as a federal consultant while still collecting her salary as state health director.

"I didn't know about this, didn't approve of this and wouldn't have approved of this," Gov. Jim Guy Tucker said Wednesday through spokesman Max Parker.

State officials said there apparently was no prohibition to bar Elders from serving during her vacation as a federal consultant to Health and Human Services Secretary Donna Shalala. A spokesman for the U.S. Public Health Service said it was not unusual for presidential nominees to receive government consulting fees while awaiting confirmation.

"They come on board in consulting positions to, in effect, learn the job, get acquainted with the offices, catch up on the issues and be of help to the agencies that they'll eventually be operating with," spokesman Bill Grigg said in Washington.

Meanwhile, a Republican senator said today that Elders' confirmation could be jeopardized by her strong positions on abortion and birth control.

She "characterized people opposed to abortion as non-Christians with slavemaster mentalities," Sen. Don Nickels, R-Okla. said on ABC. "I've heard a lot of people on the pro-choice side of the issue but I've never heard such a radical statement."

He said Elders would likely be confirmed by the Senate Labor Committee, but "I think her nomination is in jeopardy before the full Senate."

Confirmation hearings begin Friday.

Shalala, speaking on the same broadcast, re-affirmed the administration's support for Elders.

"Her style is straightforward and very American," Shalala said. "We like plainspoken, outspoken people in this country, particularly on health issues."

In an unrelated matter, Elder's husband said Wednesday night that he did not pay Social Security or income taxes for a nurse he hired to care for his 97-year-old mother. Oliver Elders said his wife was not responsible for handling his mother's affairs and that he hoped his error would not provide fuel for critics' efforts to derail her nomination.

"I should have paid them, I didn't pay them and (I'm) going to," Elders said. "But my wife had nothing to do with that, and if they construe it any other way, that would be wrong."

The nurse, Audrey Faye Ruffin was employed by Leona Elders who is suffering from Alzheimer's disease, said HHS spokeswoman Avis LaVelle.

"If there is any problem, it is the senior Mrs. Elders' problem," Ms. LaVelle said. "Dr. Elders made very clear that Audrey Ruffin was never an employee of hers."

Payment of taxes for household employees arose as an issue for Clinton appointees in January when Zoe Baird withdrew her nomination to serve as U.S. attorney general.

Elders is being paid $42,119 for three months on an extension of her job as Arkansas health director, a post she has held since 1987. She earned $105,371 in that post last year. As a consultant to Shalala, she is being paid $550 per day, plus $135 a day for expenses, according to HHS spokesman Campbell Gardett.

HHS spokesman Victor Zonana said Elders began working two days a week as an adviser to Shalala on April 18. The job turned full-time July 5, he said.

During her absence, Elders keeps up with state health matters, deputy state health director Tom Butler said. "I can still get a hold of her and do business with her," he said.

"Dr. Elders is always on top of things. She is very accessible through the Health Department."

Elders did not return several phone calls seeking comment.

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[From the Associated Press, July 15, 1993]

### MISMANAGEMENT LAWSUIT AGAINST DR. ELDERS, OTHER BANK DIRECTORS, SETTLED

LITTLE ROCK.—Parties have settled a $1.5 million lawsuit alleging mismanagement of a bank by its former president and directors, including Joycelyn Elders, the nominee for surgeon general, a lawyer said.

Mrs. Elders was one of nine directors ousted from the board of the National Bank of Arkansas after a management struggle in March 1989.

Terms of the settlement are confidential, said Gary P. Barket, attorney for the bank.

"It is all settled," Barket said. "It is what is known as history."

In 1992, the North Little Rock bank and its parent company, National Banking Corp. of North Little Rock, filed suit against Elders and other former directors, alleging negligent mismanagement, lending and investment practices. The suit sought to recover $1.5 million in losses and bad loans the plaintiffs said were made in violation of the National Banking Act.

The suit also sought unspecified punitive damages from Mrs. Elders, former president and director Ron Tullos, Emma W. Hall, William H. Moore and Loyd C. Stanley.

Complaints against three of the directors, Lyndell Lay, William H. Moore and David Shewmaker, were later dismissed.

Curtis Bowman, an attorney for the former directors, said he thought they had a good defense, but that it would have been expensive and time-consuming to go to trial.

"On that basis, judgment was made by all my clients to settle the case on terms they felt were favorable to them, and the bank apparently felt they could live with as well," Bowman said.

Bowman said members of the U.S. Senate Labor and Human Resources Committee had called him about the bank lawsuit. The committee begins a confirmation hearing Friday on Mrs. Elders' nomination.

Mrs. Elders, director of the state Health Department, does not plan to make any public statements or answer ques (illegible) Department of Health and Human Services. Mrs. Elders is working as a consultant at that agency.

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### ELDERS, UP FOR CABINET, UNCONCERNED ABOUT PENDING SUIT

(By Jonathan Groves)

Dr. Joycelyn Elders, nominee for U.S. surgeon general and director of the state Department of Health, will go to her Senate confirmation hearing with an unresolved $1.5 million lawsuit lingering in federal court.

But that situation doesn't bother her.

"I don't know that I need to be real worried about it," she said Friday.

Elders was one of nine former board directors of the National Bank of Arkansas in North Little Rock ousted after a management struggle on March 28, 1989. The bank's stockholders then picked a new slate of directors, now headed by Don Parks of Little Rock.

In March 1992, the bank and its parent holding company, National Banking Corp. of North Little Rock, slapped the former board, including Elders with a U.S. District Court lawsuit alleging negligent management, lending and investment practices.

The suit seeks to recoup $1.5 million in losses and bad loans allegedly made in violation of the National Banking Act, and asks for unspecified punitive damages from Elders, Ron Tullos, Emma W. Hall, William H. Moore, and Loyd C. Stanley, according to the complaint.

The directors denied the charges, according to court documents. Lyndell Lay, William H. Moore and David R. Shewmaker, who were part of the original list of defendants, had complaints against them dismissed, court records show.

But Elders, Tullos, Hall, Moore, Stanley, and Justin Matthews III still have the complaint pending against them. No punitive damages are being sought from Matthews.

"Our lawyers are taking care of that," Elders said, "I don't feel there was ever any wrongdoing on the part of the directors or certainly myself."

The case is set for jury trial Aug. 23 in federal court. But attorneys for both sides haven't ruled out the possibility of settling before then.

"If they can't be settled, obviously you resort to having someone decide it for you," Gary Barket, the bank's attorney, said Friday. "Settlement is something that is always an option."

Among the losses detailed in the suit are:

The bank's dealings with Little Rock businessman James R. Hodges, who filed a $115 million Chapter 7 bankruptcy in January 1988.

Hodges received $2.82 million in loans from the bank over five years, from August 1982 to March 1987. The bank had to write off those loans, which caused a $531,669 loss, the suit alleges.

Other allegations in the suit say the board knew that the Hodges loans would violate the National Bank Act, possibly leading to insolvency. Lending limits during the five-year period peaked at $607,838.

The suit also contends that the board had discussed the loans on 17 occasions from June 1985 to December 1987.

An attempt to bail out Hodges led to another $498,933 loss, the suit alleges.

On June 26, 1985, the directors allegedly approved a loan to Dan Walker, president of First American Savings Association of Benton, Ill., for Walker's oral commitment guaranteeing a loan to Hodges. That loan would allow Hodges to repay NBA.

But the deal stopped after Walker received his loan, according to court documents. First American Savings was placed in receivership, and Hodges never received his loan.

The board should have known such loan-tying arrangements were illegal, the suit alleges.

Ten of the board's 11 members in February 1982 gave themselves each a $230,000 unsecured line of credit to use, the suit alleges.

The bank lost $330,000 after investing $500,000 in a Louisiana Finance Authority bond issue, the suit contends. The bank's legal investment limit for that kind of loan was $410,000.

The board paid more than $200,000 to a bank-law specialist and $95,000 for legal counsel in fighting Parks' takeover attempt. At least $130,000 was spent on an "unfounded anti-takeover suit," according to the complaint.

The defense disputes all charges and says the complaint, which was not filed until 1992, has passed the statute of limitations of three years.

"We feel that we have a very good case and an appropriate case," Elders said.

Elders and the other directors also have filed a counterclaim asking for more than $8,500 each. The counterclaim alleges that the board lent a total of $60,000 at 11.5 percent interest to the bank, which has not been repaid.

The bank argues that the loan violated federal banking laws and was not valid, according to court documents.

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[From the Arkansas Gazette, Sept. 21, 1991]

### THREE SUE TO STOP CONDOMS—SUIT ALLEGES STATE MONEY USED FOR SCHOOL CLINICS

(By Michael Arbanas)

State Rep. Tim Hutchinson of Bentonville and two parents of public school students filed suit Thursday to stop the state Health Department from handing out contraceptives at school-based clinics.

The suit, as expected, challenges the health department's assertion that only federal money is being used to distribute condoms and other birth control devices at the clinics. State law, passed during the 1991 legislative session, prohibits the use of state money to buy or distribute contraceptives.

The suit, filed in Pulaski County Chancery Court, also seeks a court order blocking requests for or payment of state money for contraceptives.

Named as defendants are Dr. Joycelyn Elders, director of the Health Department, Burton Elliott, director of the state Department of Education; JimmieLou Fisher Lumpkin, the state treasurer; and Julia Hughes Jones, the state auditor.

The other plaintiffs are Craig Banks of North Little Rock and Beverly Sutterfield of Conway, who have children in public schools, but not in schools with clinics that dispense contraceptives.

The case was assigned to Chancellor Lee Munson.

The lawsuit was developed by the Family Council, a conservative Christian group that also has opposed abortion. Jerry Cox, president of the group, vowed at the end of the legislative session to stop the practice through litigation.

Conservative Christian groups have long charged that distributing contraceptives in the school-based clinics, intended to halt the rise of teen pregnancy, actually encourages students to have sex.

The issue was the major source of debate in the waning days of the 1991 legislative session, with clinic opponents holding up passage of the Health Department's budget until an amendment was attached barring the use of state money to buy or distribute contraceptives.

Gov. Bill Clinton and supporters of the clinics quickly said the clinics could go on operating as usual because the condoms were purchased with federal grant money and those clinic staffers actually involved in buying or distributing them were paid with federal money as well.

Tom Butler, the department's administrator, said the federal money was kept in separate accounts from the state money the clinics received and was not mingled with the state money.

"When the law was passed and they threatened to sue, we looked very closely at the clinics and how they are funded," he said. "The accountants have been going back and looking at it for the fourth or fifth time, and they've said not to worry about a thing."

Cox, however, rejected the argument that no state money was spent on the controversial practice.

"If there was not a school building, there wouldn't be a clinic to distribute them in," he said. "By nature of the fact that it's being done in a place that's built with state funds, equipped with state funds, heated with state funds, and possibly some of the salaries are being paid with tax dollars, I think it's hard to argue that state money isn't being used."

He said Elliott was being named in the suit in his role as director of the Department of Education, which ultimately has some responsibility for what goes on in the school system.

"We certainly weren't expecting to be involved, but then we get surprised all the time," Elliott said Thursday. "The school boards make the decisions about the clinic, and then they apply to the Health Department for them."

(State law requires the local school board's approval for the clinics to offer contraceptives.)

The complaint says that the department has distributed contraceptives in at least three clinics since the law took effect July 1. Rita Looney, attorney for the plaintiffs, said Wednesday the schools referred to in the suit were Little Rock's Central High School, Lincoln High School in Washington County and Eudora High School in Chicot County.

A Health Department employee told the Arkansas Gazette Thursday that the three were the only clinics in the state approved for full service by their school boards. However, Thurman Ford, the Eudora superintendent, said that district's clinic was not operating yet.

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[From the Arkansas Gazette, Mar. 28, 1991]

### CLINIC BACKERS REVERSE DEFEAT

(By Mark Oswald)

Just when it looked like Gov. Bill Clinton and other supporters of school-based clinics were beaten Wednesday, they turned the situation around and, ultimately, proclaimed victory.

After the Senate passed the Health Department budget bill about 9 p.m. Wednesday at the end of a day of fighting over various amendments some observers assumed the final version of the bill was a defeat for Clinton.

After all, the amendment had been tacked onto the bill in the House to bar use of state money to buy or distribute condoms at the school clinics.

But Clinton quickly explained that the amendment was essentially meaningless. The clinics will continue to operate as usual, Clinton said, since the nurses who staff them are paid with federal funds. The governor said he didn't know if condom opponents realized that.

Mark Lowery, director of Christian Coalition of Arkansas, initially proclaimed victory. "We're very pleased," he said.

But later he acknowledged his group had not intended for the bill to allow clinics to continue to distribute contraceptives.

Coalition members knew the federal funds existed, he said, but they were not aware that the amendment they supported left open a giant loophole.

"If we had known about that, we would have told our legislators about that possible outcome," he said. And Lowery said using federal money for contraceptives might be illegal if the money isn't earmarked for that purpose.

Rep. Travis Dowd of Texarkana, a clinic opponent, said before Clinton's victory remarks that he realized all along what was happening when the amendment was attached to the bill with the Christian Coalition's support.

"We had it beat," he said of the department's budget. "There was no way they could have gotten the bill out. When they said FLAG (Family Life America God, a part of the coalition) supported the amendment, it got out. They caved in."

The bar on state money for contraceptives "doesn't matter," Dowd said. "When you got school-based clinics, the feds can come in and they can issue the condoms and they're going to distribute 'em," Dowd said. "They (clinic supporters) got what they want, and that's it."

Dr. Joycelyn Elders, the outspoken department director, expressed mixed emotions over the outcome.

"I certainly do think that it has been a setback," she said. But, at the same time, she said federal money would allow clinic operations to continue as they are.

"I feel that, for the sake of the children, we will make the best of it," she said, "and I will still continue to move forward trying to institute health clinics and to provide contraceptives to all the schools desiring contraceptives." Rep. Jerry Hunton of Prairie Grove said the Legislative contest which had the department budget bill bouncing between the House and Senate all day might actually smooth the way for more health-based clinics.

"I think the battle was fought here and won't have to be fought in every school district," Hunton said.

Rep. James Allen of Hot Springs, a leading Elders critic, finally voted for the amended Health Department budget. "I just thought it was time to put it to bed and see if the Senate would go for it," Allen said.

"I still don't feel good about it," said Sen. Jack Gibson of Boydell, who favored no restrictions on distribution of contraceptives. "I think that we should have done the right thing, but they say there's a way around it, so if there is, it's all right."

Sen. Vic Snyder of Little Rock, another clinic supporter, said he and a number of other senators were convinced the amendment would not affect services at the clinics.

"The governor assured us that this amendment will not interfere with his ability to work with school districts to set up these clinics, and that includes the full complement of reproductive health services," Snyder said.

Sen. Jay Bradford of Pine Bluff, another clinic supporter, voted against the final version of the bill.

"To me, it was just another barrier placed in front of persons from impoverished homes in the Delta who are teen parents and whose mothers were also teen parents to try to stem the tide of teen pregnancy," Bradford said.

Sen. Stanley Russ of Conway, a school contraceptive opponent, said he was happy with the amendment and believed it was restrictive. But he added, "Clinton is supporting it, so you can be sure it would allow the distribution of donated material."

Staff reporters Max Parker, David Woolsey, Caroline Decker and Michael Arbanas contributed to this report.

HEALTH BUDGET TALK

Sen. Mike Beebe of Searcy (left), Christian Coalition of Arkansas Director Mark Lowery, Family Council Action Committee Executive Director Jerry Cox and Sen. Morril Harriman of Van Buren talk in the House gallery Wednesday night. The House was debating the Health Department's controversial budget.

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[From the Washington Times, July 15, 1993]

### CULTURAL WARRIOR

Joycelyn Elders is her own worst enemy. She shoots from the lip. She's likely to hit just about anyone.

When the pediatrician nominated to be surgeon general testifies at her confirmation hearings this week, she'd be wise to drop her pistol-packin' sound bites.

When appointed director of the Arkansas Department of Public Health in 1987, she was asked if she planned to distribute condoms in public school.

"Well," she replied, "we're not going to put them on their lunch trays, but yes."

Her defenders admire her tough medicine. Her critics want a different prescription.

When she was asked about public school sex education for youngsters, she said: "Give me the choice of trying to educate a 3 year old or trying to educate an 18 year old, and I'll take the 3 year old every time."

Even those who appreciate her concern for teen-age pregnancy are troubled by her zealousness. Her heart may be in the right place, but what about her head?

"We taught them what to do in the front seat [of a car]," says Dr. Elders with a touch of over-the-back-fence sarcasm. "Now it's time to teach them what to do in the back seat." Oh?

She can hardly win the affection of blacks, nor can she persuade many whites, with cliched metaphors of slavery. (That was then and this is now.) She accuses the religious right of having "slavemaster mentalities." She says a poor teen-ager with a baby is "captive to a slavery the 13th Amendment did not anticipate." (If Dan Quayle said that. . .)

At a recent protest against her nomination, black women joined a coalition of pro-family groups on the Capitol steps to speak out against her nomination. They compared her pro-abortion stance to "black genocide," her condom giveaways to preaching promiscuity.

Despite her verbal sallies, Dr. Elders is likely to prove a much more attractive nominee than Lani Guinier. She speaks with a passionate voice, with more emotion than intellect, tutored by experience. She's a self-made woman who graduated from the University of Arkansas Medical School but couldn't attend her graduation dinner at the infamous all-white Country Club of Little Rock, favored by many in Mr. Clinton's administration. She was the only black in her class.

The White House is not likely to walk away from this fight. After his first meeting with Dr. Elders, the president said he felt like Abraham Lincoln on being introduced to Harriet Beecher Stowe: "This is the little lady who started the war."

Her civil war is really a cultural one. Neither friend nor foe question her determination to cut into the epidemic of teen-age pregnancy. They don't all agree on how to do it.

Conservatives want values to come from parents. Dr. Elders puts her faith in public-school clinics. Most Americans, as reckoned by all the polls, favor requiring parental consent for a pregnant daughter to get an abortion. Dr. Elders, putting her trust in the bureaucracy, wants to leave the parent out of it.

Defenders call her an "unflinching realist." Critics call her a "resolute cynic" who reduces sex education to the lowest common denominator. By focusing only on the children who have no parents or church to teach them, she undermines the moral message for the majority who do.

Ultimately, teen-agers aren't as malleable as she seems to think they are. Kids who have trouble obeying their elders aren't likely to listen to Dr. Elders, either. Is a teenage girl who can't say "no" going to insist that her companion of the night put on a condom? Will teen-age boys who can't handle authority follow the advice of sex-ed teachers?

Dr. Elders didn't accomplish in Arkansas what she wants to try out on the rest of the country. Arkansas' teen pregnancy rate is still the second-highest in the nation despite her use of the bully pulpit. During her tenure as Arkansas health director, teen pregnancy rose from 68.3 live births per 1,000 women ages 15 to 19 in 1987 to 80.1 per 1,000 in 1991.

When the president nominated Dr. Elders, he said she would "really be able to effect change."

That's exactly what some of us are afraid of.

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[From the Washington Times, July 15, 1993]

### LISTENING TO ELDERS AND SAYING NO

(By Cal Thomas)

Isn't it hypocritical for liberals who opposed the nomination of C. Everett Koop for surgeon general 12 years ago to blast conservatives who oppose the nomination of Jocelyn Elders to the same post now?

When Dr. Koop was nominated, his critics said little about his medical skills, which were considerable after a 40-year record of exemplary practice. Rather they opposed him for his views and required him to take a kind of "disloyalty oath," vowing that he would not impose his views if liberals were to acquiesce to his confirmation.

It was clear then that liberals in and out of government did not want Dr. Koop to use the office to promote practices with which they disagreed. Because they could not fault him on medicine, they tried "Borking" him before Robert Bork had been "Borked."

Rep. Henry Waxman, California Democrat, said, "Dr. Koop frightens me . . . he's dogmatically denounced those who disagree with him, and his intemperate views make me wonder about his and the administration's judgment." Mr. Waxman also hauled out an all-purpose condemnation, saying Dr. Koop was "a man of tremendous intolerance."

When Dr. Elders says pro-lifers need to get over their "love affair with the fetus," that seems to be a dogmatic denunciation of those who disagree with her about the nature and value of the unborn.

But there is more to Dr. Elders than her views. As director of Arkansas' State Department of Health since 1987, she has a record. The Senate and the public have a right and an obligation to judge her based on her performance, since she will be bringing her worldview to the office of surgeon general should she be confirmed.

Reducing the number of teenagers who become pregnant is a high priority for Dr. Elders. Yet, under her "leadership," Arkansas went from having the fourth-highest teen birthrate in the country to the second-highest, according to the publication "Vital Statistics of the United States." That teen pregnancy rate, despite Dr. Elders' goal, reached a 10-year high. Under her "leadership," the incidence of sexually transmitted diseases rose dramatically. Between 1989 and 1992, there was a 130 percent increase in syphilis cases among Arkansas teenagers and a 150 percent jump in teens affected with HIV.

Her prescription then, as now, was based on a near-absolute faith in condoms, which she would make available to every public school student who wants them. She said on CNBC television that she would provide the long-term contraceptive Norplant to drug-addicted prostitutes "so they could still use sex if they must to buy their drugs."

Her defenders say she would not give a kindergarten student the same type of sex education she would advocate for a student in high school. Maybe not, but the information would be based on the same flawed philosophy that ultimately leads to the free condoms, abortion advice and other views about sex that conflict with the values and beliefs of many, if not most, parents.

Bill Jones, past president of the Arkansas medical society, told The Washington Post, "She is a rabble-rouser . . . she polarizes people pretty quickly." Apparently it is all right to polarize people if a liberal is doing the polarizing, but not if someone of Dr. Koop's background does it.

Jocelyn Elders is the medical equivalent of Lani Guinier, President Clinton's failed nominee for the Justice Department's civil rights division. The two come from the same ideological mold, but Dr. Elders could do great damage because her philosophy would trickle down to infect America's children.

It is a safe bet with Dr. Elders that what we have read of her performance in Arkansas and heard in her interviews will be the agenda she would continue as surgeon general.

If those views haven't produced desired results in Arkansas, why should we expect them to succeed in the rest of the country?

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[From the Daily Oklahoman, July 13, 1993]

### A DANGEROUS DOCTOR

If President Clinton wants to avoid another messy controversy over a political appointment, he should give his nominee for surgeon general the Lani Guinier treatment and send her back to Little Rock.

Guinier, whose radical views on race and other matters cost her a high Justice Department job, looks like a saint compared to Joycelyn Elders, Clinton's choice for the nation's top health post. The former director of the Arkansas health department had a low success rating in her three-year tenure, and she has a record of advocacy that would shock most Americans.

Here is a sampling of her remarks:

On abortion: "America must give up its love affair with fetuses."

On prostitutes: "I would hope that we would provide them Norplant (a birth control implant) so they could still use sex if they must to buy their drugs."

On sex education: "We taught them (in driver's education) what to do in the front seat. Now it's time to teach them what to do in the back seat."

Elders believes sexual training should begin in kindergarten, favors condom distribution in schools, and supports taxpayer-funded abortions for poor women. Without such aid, she says, they are "slaves . . . breeding another class of slaves."

A hearing on the Elders nomination is scheduled later this week. Hoping to block her appointment is Concerned Women for America, the nation's largest women's group, and coalitions for Christian principles and traditional values.

Sen. Don Nickles, R-Ponca City, is fighting her confirmation on grounds that she would politicize the office of Surgeon General and polarize health issues.

"Her public comments and previous actions do not reflect what mainstream health experts consider to be correct policy," he says.

Nickles needs the support of Oklahomans in defeating this outrageous and dangerous appointment.

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[From the Washington Times, July 15, 1993]

### THE CONTROVERSIAL DR. ELDERS

Tomorrow, Dr. Joycelyn Elders will sit before the Senate Labor and Human Resources Committee for a hearing on her nomination as Surgeon General. Since 1987, Dr. Elders has been director of the Arkansas State Health Department. She has also been the focus of virtually uninterrupted controversy. Why?

For one thing, she has been involved in some rather hazy financial machinations. Her salary as Arkansas health director, for example. The maximum salary ($69,395) set by state law for the position would have meant a pay cut for Dr. Elders. So then-Gov. Bill Clinton arranged for her to take the job "on loan" from the University of Arkansas Medical Center, where she is a tenured professor, and to continue drawing her university salary, in addition to the state income, which brought her salary up to $103,297 in 1988. (Dr. Elders seems to have brought this sort of creative public-service accounting with her when she followed Mr. Clinton to Washington after his election. She now reportedly is paid by the Arkansas medical school, the Arkansas Health Department and the U.S. Department of Health and Human Services, where she serves as an assistant to Secretary Donna Shalala.) She is also currently the target of a lawsuit for alleged malfeasance as one of five former directors of the National Bank of Arkansas, a case that will come to trial in August; among other things, the five are accused of giving themselves unsecured lines of credit of $230,000 each.

Then there was her involvement in the case of Arkansas State Medical Examiner Fahmy Malak. Dr. Malak's chief claim to fame is that he declined to investigate charges in 1981 that Bill Clinton's nurse-anesthetist mother had contributed to the death of a patient in her care. By the time Dr. Elders came on the Arkansas health scene, Dr. Malak had been a medical examiner for some eight years, and his competence was being seriously questioned by many. Special juries had overturned his findings an unheard-of three times; in 17 other cases his work had been challenged by other pathologists. Nevertheless, in 1988, Dr. Elders stood by him and even recommended him for a raise. Three years later, she appointed him head of the health department's AIDS program, despite his lack of experience in the field. Today Dr. Malak heads the Arkansas Health Department Laboratory, to which position he was appointed by Dr. Elders. She denies that any pressure was brought to bear in her preferential treatment of Dr. Malak, though top aides to then-Gov. Clinton were present when Dr. Malak was offered the AIDS job.

Disquieting as these ethical vagaries may be, however, it is her positions on public health, as well as her unequivocal outspokenness in advocating those positions, that have aroused the greatest outrage in her home state. Dr. Elders's pet peeve is teen-age pregnancy, and her prescription for dealing with it includes unrestricted and tax-funded abortion, sex education beginning in kindergarten and free distribution of condoms in schools.

Abortion, she declared in Senate testimony in support of the Freedom of Choice Act, "was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977." Those who would limit Medicaid payments for poor women to prenatal care and delivery of a baby, and exclude abortion, in her opinion have a master-slave mentality and have found "a way to keep people poor, ignorant and enslaved."

Sex-education programs for 5-year-olds, Dr. Elders argues, "combat not just teen pregnancy, but also drug and alcohol abuse, sexually transmitted diseases, and apathy and depression among teens."

"I tell every girl," Dr. Elders has said on national television, "that when she goes out on a date, put a condom in her purse." Virtually her first act as Arkansas health director was to announce that she favored school-based medical clinics that would distribute condoms—and she set about establishing those clinics. When the General Assembly passed legislation several years later specifically written to ban use of state funds for the purchase or distribution of condoms at the clinics, Dr. Elders and her mentor, Mr. Clinton, made an end-run around the wishes of the elected representatives of the people of Arkansas by using federal money for the condoms.

Not that her condom-distribution program had the desired effect on teen-age pregnancy in Arkansas. On the contrary, teen pregnancy rates, which had dropped by 10 percent in the early 1980s, have risen by 17 percent since Dr. Elders took over the health department. And the incidence of sexually transmitted disease has also increased on her watch. A recent study by the American Public Health Association ranked Arkansas as worst in the nation in every public health category.

By what reckoning does Dr. Elders qualify to be Surgeon General of the United States? Granted, it is not a position of any substantial political or bureaucratic power. But as chief presidential spokesman on the nation's health, and as official caretaker of that health, the Surgeon General wields a different sort of power: the power of ideas. In choosing Dr. Elders, whose radical ideas on social policy set her far outside the mainstream, Mr. Clinton has once again managed to take a step away from the beliefs and concerns of ordinary Americans.

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NATIONAL DOWN'S SYNDROME CONGRESS, THE NATIONAL ORGANIZATION OF PARENTS AND PROFESSIONALS,
*Atlanta, GA, July 13, 1993.*

Senator TRENT LOTT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LOTT: From the testimony given on March 27, 1990, to the Committee On Labor and Human Resources of the United States Senate Dr. Elders raises some important questions in our minds as to her qualification for the position of Surgeon General of the United States.

In her testimony, and also in her prepared statement, she raises questions about her values when it comes to persons with a disability. Dr. Elders stated ". . . abortion has reduced the number of children afflicted with severe defects: the number of Down's Syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion." Does this mean Dr. Elders feels children with Down's Syndrome are not worthy of a life in our society? Dr. Elders appears to be saying persons with severe defects (her definition) do not warrant a life and the state would be better off without them being born. I can only assume she refers to dollars and not individual rights and values.

Being a doctor one would think that if she were up-to-date in her field she would also know Down's Syndrome is not an "Affliction". Also her own industry refers to Down Syndrome as "Down" not "Down's".

I would hope you would take an opportunity to get more information on Dr. Elder's position on the dignity of human life and the respective values of individuals. It would appear from her testimony and written statements that her concern is more toward the cost of an individual's life as opposed to the value of the human life. It would not be a good choice to have the Surgeon General of the United States of America espousing such ideals.

Sincerely,

FRANK MURPHY,
*Executive Director.*

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Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, there have been several other discussions today not dealing with S. 185, the Hatch Act reform, that was being debated most of the day.

I ask unanimous consent that these other subjects be included in the RECORD at a place other than during the debate on S. 185.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

## NOMINATION OF DR. JOYCELYN ELDERS

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

I was just actually passing through the Senate Chamber, Mr. President, and I stopped to listen to my very good friend and neighbor from the State of Oklahoma talking about the President's nominee for Surgeon General, Dr. Joycelyn Elders.

Mr. President, I am not surprised today at the innuendos and the assertions raised against Dr. Joycelyn Elders. I am not surprised at all because we were, in fact, very prepared for such an attack to take place on the President's nominee for Surgeon General.

Mr. President, we were prepared for such an attack and we will face each and every allegation raised by the Senator from Oklahoma at the appropriate time. Hopefully, Mr. President, if the committee actually holds its hearing on Dr. Elders' nomination, during that time many of the concerns raised by the Senator from Oklahoma will be adequately answered. I will not attempt to go at this time into each and every allegation, each and every innuendo.

Mr. President, these innuendoes and these assertions and these attempts at character assassination, or at least the questioning of the character of the nominee for Surgeon General, I think certainly should be aired and I believe will be aired to the satisfaction of the majority of this body.

But, Mr. President, let me tell you why this nominee is controversial. She is controversial and she is going to be controversial because she is dealing with a controversial subject matter that this society does not discuss. We continue to sweep under the rug the fact—and I hope the Senator from Oklahoma will realize this—that every 32 seconds in this country a child is born of a teenage mother.

Mr. President, every 35 seconds in America, a child is born into poverty. We are not talking about Uganda. We are not talking about Africa or India. We are talking about America, our America. That is exactly what this nominee, if she does become Surgeon General, is going to talk to this country about, and is going to try to shake us to our senses about: That we must face this dilemma which faces the American family structure, which faces every community throughout this land and threatens to destroy the fabric of American society.

Mr. President, Dr. Joycelyn Elders is 59 years of age. She is a distinguished pediatrician and endocrinologist, and an educator. She has written over 150 articles in medical journals about these subjects of alcohol abuse, of drug, abuse, of teenage pregnancy, the circle of poverty, the enslavement that is visited upon these teenagers should they become pregnant.

She has attempted in every way that she can, Mr. President, in our State, to convince the people of Arkansas that we do need education in our educational systems about the dangers of adolescent sexual activity, about the dangers of what can happen to the American family and to their individual lives if they engage in this type of activity.

Dr. Elders has also reminded us in our State, as she ultimately, we hope, will have that opportunity to remind people in this country that every 32 seconds an infant is born in our country, the United States of America, to a teenage mother; that every 14 minutes an infant dies in the first year of life; that in 1965 some 10 percent of all children under the age of 18 lived in a single-parent home; in 1985, 20 years later, 21 percent of the children under the age of 18 live in America in a single-parent home.

Mr. President, I understand some of the concerns expressed this afternoon by the Senator from Oklahoma. I can say with regard to the so-called bank situations, they have been thoroughly aired in the State of Arkansas. I invite the Members of this Senate to thoroughly examine those transactions and her tenure on financial boards in the State.

Mr. President, with regard to the so-called consulting fee that Dr. Elders has been drawing from the Department of Health and Human Services, let me remind my colleagues and my friend from Oklahoma that in many sub-Cabinet level positions, not only in this administration but in every Republican administration as far as we can remember, that there have been consulting fees provided. Dr. C. Everett Koop, for example, when he was nominated by President Reagan, had a long and lengthy period when Dr. Koop was not actually in the position itself of Surgeon General. However, Dr. Koop at that time drew a consulting fee, just as Dr. Joycelyn Elders is today drawing a consulting fee.

I do not know how many other individuals are out there waiting to be confirmed by the Senate, passed on by the committees, approved by the FBI, who are today drawing consulting fees. But the Senator from Oklahoma has chosen Dr. Joycelyn Elders as the target of his attack. We will invite our colleagues to examine those records at the appropriate time and, hopefully, the committee will ask these particular questions, and the answers will satisfy my friend from Oklahoma, and will satisfy my colleagues in the U.S. Senate as we proceed, hopefully, with the confirmation of this very bold woman, Dr. Joycelyn Elders, who we hope will become our Surgeon General.

Let me conclude, Mr. President, this afternoon—once again, I had not prepared to speak, I had not prepared even to respond in case anyone raised a question here. But I felt that we should respond when these concerns come up on the floor of the Senate, and we should take that opportunity to clear the air, and we should take the opportunity to set the facts straight.

I would just say, Mr. President, that, yes, this is a controversial person. She is a controversial person in our State. She is a person who grew up in poverty—no electricity, no running water, no automobile—who fought her way out of poverty, and who can speak of poverty and feel of poverty because she knows of poverty.

She has lived in poverty. She has escaped from poverty. And she is hoping that the thousands and thousands of young women and men in the cycle of poverty today do not have to have the same experience she had when she was growing up.

I am proud today, Mr. President, to announce my strong support for Dr. Joycelyn Elders, to be confirmed as the next Surgeon General of the United States of America. I think that she will make one of the great Surgeon Generals that we have had in our long history and that she will add to that long list of distinguished Americans who have served in this capacity.

Mr. President, I thank the Chair. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to make sure that the Senator understood, while he is here, that I announced in my statement that I was not making a personal attack. I did say that there are several allegations that have been raised; one concerning the salary, one concerning the bank board, one concerning her employment of other people. Those have been raised. I might mention too they have been raised by the Arkansas Gazette.

My colleague from Arkansas raised the similarity with Dr. Koop. I remember sitting in on the confirmation of Dr. Koop. And I remember it being fairly controversial. I remember a significant amount of time was engaged in Dr. Koop and his testimony before the committee. I also remember a lot of people opposing his nomination.

I do not remember that he received the salary from whatever State he was from of $14,000 a month, or $42,000 for 3 months, nor I do not remember anybody alleging that he had a salary that was in excess of what State statute provided. That is just what I have read. I do not know. I will tell my colleague, I do not know the facts. But I did read statements by the Arkansas Attorney General that said her salary appears to be in violation of State law.

I just mention about five or six areas that I think need to be reviewed, need to be investigated, need to be thoroughly discussed and analyzed. The same thing as far as paying taxes on an employee that is providing nursing care for Dr. Elders' mother-in-law. I just hope that those facts became public. I think they need to become public before we vote on her nomination.

I think the committee—at least as I understand it still plans on proceeding with the hearing tomorrow morning—is moving too quickly, because some of these allegations that have been made, as the Senator from Arkansas knows, have been made today or yesterday. I was contacted about a couple of them today. I will tell my friend from Arkansas I said I do not know, but I do think we need to know the facts and, frankly, we need to know a little bit more before the hearing, or possibly have an additional day of hearings so we can get all of the facts out and make a good decision concerning the next nominee for Surgeon General.

I will tell my colleague and reiterate, my position is, I believe, very strongly not to be involved in character assassination. I read the paper. I read allegations. These allegations are not allegations made by DON NICKLES. They are allegations in the Associated Press today. I think we need answers to those before the committee finishes its process. That was the purpose of my speech today.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, I would like to respond to my friend and colleague from Oklahoma for a moment.

First, I am not on the committee, Mr. President, that will hold the nomination proceedings for Dr. Joycelyn Elders. I have full faith that the committee members, its chairman and ranking member are going to hold a fair and impartial hearing on Dr. Joycelyn Elders.

I think that they will hold that hearing for as many days or as many hours as necessary to allow her not only to make her presentation but to answer the questions and any allegations raised against the nominee, Dr. Joycelyn Elders.

I would also say that Mr. President, that I am a little bit concerned when my friend from Oklahoma says that his statement today is not character assassination; he is not making all these allegations; he is just reporting what some of the press people are saying about Dr. Elders.

I am reminded of one time when I thought about running for a particular office. I went to a sort of soothsayer in our State and I said what do you think about me running for a certain office, Mr. So and So? He said, young man, I think you ought to do it. He said, I think you ought to raise that allegation about all of that bank stock that a certain bank gave that man that you are thinking about running against.

I think you ought to run that allegation about the used car that this fellow never paid for down in so-can-so's Ford Motor Co. I think you ought to raise the allegation about the time that he and his wife took a trip and charged the trip to the credit card but never paid the credit card.

I said, "My goodness, I did not realize all of this about this gentleman."

He said, "Wait a minute. I did not say it was true. I just think you ought to ask him about them."

That is what is happening here. It is by innuendo and by a little miscalculation and circumvention through the back door that these issues are being raised against Dr. Joycelyn Elders.

I am urging my good friend and colleague from Oklahoma, let us put this all in perspective, and let us give the committee an opportunity to hear Dr. Elders. Let us give her the opportunity to talk about that Social Security issue, to talk about those bank situations, which I think have all been adequately settled and are past history. Let us give her the opportunity to talk about some of these alleged statements that she has been making about birth control and contraceptives. I think that, once again, when she is given this opportunity, when the questions are asked to Dr. Elders, I think her responses, hopefully, will be satisfactory.

In conclusion, Mr. President, I might add that if a Senator in that committee or in this Chamber, or whatever the forum might be, asks Dr. Elders a question, do not expect an easy, fluffy answer, because what you see is what you get. What she says is what she believes. She is going to be a direct individual, an honest, forthright, unadulterated Dr. Joycelyn Elders.

I am hopeful that our committee members will see that it is this type of individual, dealing with the types of problems in our country today, that we are going to need to occupy the office of Surgeon General of the United States.

I thank the Chair, and I thank my friend from Oklahoma.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Ohio.

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## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, what is the legislation before the Senate?

The PRESIDING OFFICER. Amendment No. 597, the Domenici amendment, is pending.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we need to pass the Hatch Act Amendments Act of 1993 and create clear and common sense guidelines for our Federal employees. This bill is not about eradicating the Hatch Act. It's about reforming a policy that is out of date, confusing, and damaging to our Federal employees and to our democracy.

Current law allows a Federal employee to write a $1,000 check, but not stuff an envelope after work; wear a partisan button to work, but not wave a poster at a weekend rally. These policies don't make sense and they need to be changed.

By drawing a clear line between political activities on and off the job, the Hatch Act Amendments Act strikes a critical balance between the democratic rights of Federal employees and our need to have a Federal work force free from political coercion.

Under S. 185, Federal and postal employees would still be prohibited from running for partisan elective office. They would still be prohibited from soliciting contributions from the general public—on or off the job. They would still be strictly prohibited from enhancing in any sort of political coercion. Finally, they would be prohibited from engaging in any political activity while wearing something that identifies them as a Federal or postal employee.

We have laws that appropriately punish abuses of professional power and position. The bill is perfectly clear on that point. Political coercion and intimidation are unacceptable and they will be punished.

Political participation is one of the cornerstones of our democracy. All Americans should be able to exercise these rights—the right to express your views, work for ideas and candidates that you believe in, and speak out when you believe that something needs to be changed.

When we pass the Hatch Act Amendments Act, we will be saying that it's unfair to make Federal employees shed their constitutional and democratic rights when they join the Federal work force.

We must fight to eradicate and head off political coercion and abuses of power whenever and wherever they rear their ugly heads. We must fight to provide our Federal employees with clear guidelines. We must fight to give our Federal workers the fundamental right to participate in the democratic process. The Hatch Act Amendments Act of 1993 gives us the opportunity to do all of these things. We must move quickly and pass it.

## CITIZENSHIP FOR OLGA D. ZHONDETSKAYA

Mr. COHEN. Mr. President, earlier today, the Senate Judiciary Committee took a rather extraordinary action. It has been the practice of both the chairman of the Senate Judiciary Committee and the ranking members on the subcommittee, which has jurisdiction over immigration policy, not to support private relief measures brought before the committee. But an extraordinary case has developed which warranted them making an exception to their practice.

A woman by the name of Olga Zhondetskaya was born in Russia; she is now 83 years old. She and her husband were persecuted by the Communist regime. During World War II, she was imprisoned by the Nazis and lost her husband during that war. Her one desire was to immigrate to the United States—a desire and dream that she carried in her heart for some 40-odd years. She was able to finally immigrate to the United States about 4½ years ago. She located in New York.

She moved to Maine a short time ago and, unfortunately, with only 5 months to go before she will qualify for citizenship in the United States, she was diagnosed as having a terminal disease.

I met with Olga over the weekend, and she is an extraordinary woman. She is a novelist. She has written a novel about a character who has survived the czars, the Communists, and now the post-cold war Soviet Union. She has a lively sense of humor. She is extraordinarily intelligent.

But what is most evident about this woman is her passion, her absolute passion to become an American citizen. She knows that her days may be numbered, and that she has been given a very bad prognosis. Hopefully, that prognosis will not prove to be correct. Nonetheless, it is her burning and fervent desire to become a U.S. citizen before her final days.

Her story has captured the imaginations of people all over the State of Maine—and I believe NBC's "Today Show" carried a segment on Olga as a result of the exposure that her case has had. Because of the compelling story that she has to tell, the chairman of the Judiciary Committee, Senator BIDEN, Senator KENNEDY, Senator SIMPSON, and Senator HATCH, all have supported this effort, along with the majority leader, Senator MITCHELL, to grant her relief so that she may become a citizen of this country in a very short period of time.

It is my hope that, this evening, the Senate Judiciary Committee's action will receive the full acceptance of the Senate itself, and we can pass this bill and send it to the House so that it can become law in a matter of the next few days.

I want to say a couple of other words about Olga. She reminds us of how we take for granted every single day the liberties that others are dying for every second of every day. She has seen government oppression, and she has seen Communist brutality. Her one desire has been to live in a country in which people can breathe free, can live without government oppression, or tyranny, or terror, and can pursue their own individual dreams and put to their fullest their individual talents.

She has found only one country in the world that is worthy of that particular dream, and that is the United States of America.

At a time when we in the United States are trying to find ways in which we make it easier for people to register to vote, we look around the world and we find people facing the possibility of being shot as they stand in line to cast a ballot.

This woman reminds us that she has endured every form of oppression and she has kept alive her dream of one day coming to this country and becoming a U.S. citizen, to enjoy the freedoms that we take for granted every single day.

So, I stand on the Senate floor tonight to say that the action today in the Senate Judiciary Committee was one of uniqueness because we are dealing with a unique individual. It does not set a precedent for every other private relief bill because there is no other bill that I am aware of that would really reflect the kind of individual that we are talking about with Olga. It is my hope tonight that we will pass this measure and send it on to the House and it may receive favorable treatment there and we can sign into law a bill that will provide the realization of a dream that has been held for nearly 50 years.

## RELIEF OF OLGA D. ZHONDETSKAYA

Mr. COHEN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 132, S. 1174, a bill to provide relief of Olga D. Zhondetskaya; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

Madam President, I indicate it has been cleared by the majority and by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (S. 1174) was deemed read three times and passed, as follows:

S. 1174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GRANT OF NATURALIZATION TO OLGA D. ZHONDETSKAYA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, Olga D. Zhondetskaya shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of enactment of this Act.

## PRIVATE RELIEF FOR OLGA ZHONDETSKAYA

Mr. MITCHELL. Madam President, I rise in support of S. 1174, legislation to waive the 5-year waiting period requirement for citizenship for Olga Zhondetskaya. The purpose of a private bill is to provide relief to an individual in extraordinary circumstances. It permits our Government to respond in a humanitarian way to suffering that cannot be addressed through current law. It provides the ability to allow common-sense exceptions to policies that are written for the average circumstance, not the unusual.

Ms. Zhondetskaya's case demands private relief for all of these reasons. Under current law, there is no waiver to the 5-year waiting period before an immigrant may become a citizen. Ms. Zhondetskaya would pursue normal routes for citizenship if she were assured of living that long. Tragically, she will probably die months before her 5-year waiting period ends. A private relief bill remains the only option for her to obtain U.S. citizenship prior to her death.

Ms. Zhondetskaya seeks citizenship not for any of the tangible benefits that this privilege confers. Instead, she seeks citizenship for the invaluable symbolism of becoming an American.

Ms. Zhondetskaya lived under and strongly opposed the Communist government of the Soviet Union. For nearly a half century, she sought to come to the United States. When she finally arrived in 1988, she had achieved the first step in her lifelong goal of attaining American citizenship. For one who lived her life as an outcast in the Communist society, there could be no greater vindication that to become a citizen of the country that came to represent to her all that she could not have as a Soviet citizen—freedom, democracy, individual rights.

I urge the Senate to pass S. 1174. Passage of this legislation would be a fitting tribute to Olga Zhondetskaya's perseverance in seeking citizenship and to her love and appreciation of our country.

Mr. COHEN. Madam President, I thank Senator MITCHELL, Senator KENNEDY, Senator SIMPSON, and the chairman of the Judiciary Committee, Senator BIDEN, for their very expeditious handling of this matter. It is something of great importance to this individual and it is of great importance to those of us in Maine who are privileged to represent her. I commend my colleagues for their support.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 598

(Purpose: To modify the committee amendment)

Mr. GLENN. Madam President, I send to the desk a technical amendment to S. 185 and ask for its immediate consideration.

Madam President, I ask unanimous consent that Senator DOMENICI'S amendment that was the pending business be set aside temporarily for the consideration of this technical amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 598.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 9, strike out "section 7323" and insert in lieu thereof "section 7323(a)".

On page 25, line 19, insert before the period "making such recommendation or statement on the basis of the party affiliation of the employee or applicant".

On page 29, line 8, insert "(including a Member of Congress as defined under section 2106)" after "agency".

On page 17, insert between lines 22 and 23, the following new subsection:

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

Mr. GLENN. Madam President, I believe this has been cleared on both sides of the aisle.

Mr. ROTH. There is no objection on the minority side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 598) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, 54 years ago, in 1939, Congress enacted the Hatch Act to ensure Federal workers freedom from partisan political pressures—and for more than a half-century Americans have enjoyed a Federal work force virtually free from political corruption. Contrast this tradition of a nonpartisan civil service to the political corruption that plagues bureaucracies in so many other nations.

The pending bill, if and when it becomes law—which I fervently hope it will not—will transform an impartial and nonpartisan civil service into a thing of the past; it will tear down the very pillar upon which the integrity of our Nation's civil service has been built.

Proponents of this legislation call it Hatch Act reform. It is not reform. It is repeal. Madam President, section 9 of the existing Hatch Act, which is recognized as the heart of the Hatch Act, provides that "An employee may not take an active part in political management or in political campaigns." The bill before us eviscerates this provision altogether by stating that "An employee may take an active part in political management or in political campaigns * * *."

The sad irony is that this so-called reform bill is a bad deal all the way around. For Federal employees it leaves open the possibility of coercion by their superiors into partisan political activity, and that an individual's politics—instead of merit—will become the standard by which his or her job performance is judged. For those who value good government it means the U.S. Government will no longer be a neutral, nonpartisan administrator of programs. And the American people—the taxpayers who pick up the tab for all Government programs—will lose the assurance of a politically neutral civil service.

Madam President, the explosion of Federal agencies during the 1930's brought with it rampant and pernicious political corruption, thereby necessitating the Hatch Act. Today with a Federal Government many times larger than in the 1930's—and likely to grow even more under the present administration—the Hatch Act is needed more than ever.

In 1907, President Theodore Roosevelt recognized the necessity for a nonpartisan civil service when he stated, "no person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof." President Roosevelt was but echoing the wise admonition of Thomas Jefferson that:

> The right of any officer to give his vote at elections * * * is not meant to be restrained * * * it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Proponents of Hatch Act repeal talk as if a Federal employee loses all of his or her political rights upon joining the civil service. This is simply not true. The Hatch Act, as it currently stands, permits Federal employees to: Contribute money to partisan political campaigns; attend political conventions as spectators; assist in voter registration drives; participate as election judges or poll watchers; attend political fundraising events; wear political buttons while off duty; participate in nonpartisan campaigns; and run as independent candidates in certain partisan elections in areas with high concentrations of Federal employees.

However, the authors of the Hatch Act wisely and deliberately prohibited a Federal employee from pressuring other Federal employees or citizens to support a particular partisan candidate.

This balance of rights and restrictions in the current Hatch Act: First, protects the American public from a politicized civil service; second, protects a Federal employee from a superior's pressure to support particular candidates or parties against the employee's will; and third, accords the Federal employee as many political rights as possible without infringing upon the right of the American public to be protected from a politicized Federal bureaucracy.

Repealing the Hatch Act will destroy this delicate balance—and we will end up with the kind of political corruption which necessitated the Hatch Act's passage in 1939.

Madam President, under the pending bill, 2 million Federal employees will be allowed to: Organize and participate in political meetings; hold office—such as State or national party chairman—in a political party; publicly endorse, and urge others to support, partisan political candidates; solicit political contributions from fellow Federal employees on behalf of Government employee unions; solicit votes and distribute campaign literature; and organize and participate in phone banks.

At first glance, these new powers may seem innocuous, but nothing could be further from the truth. Under the pending bill, career Federal employees—who cannot be fired for political reasons—will be able to work visibly and publicly to defeat the President for whom they work. Can any President be confident that his policies will be effectively carried out when the U.S. Government's senior civil service workers actively support his political opponents?

More importantly, what assurance will the American people have that political hacks in the Federal bureaucracy will not use Government benefits and services to extort votes from citizens for partisan political candidates? Do we want IRS tax auditors and Federal prosecutors to engage overtly in partisan politics? How will the American taxpayer feel when the IRS agent auditing him or her, endorses political candidates the taxpayer opposes. Even worse, American taxpayers will be outraged when their tax returns are audited by IRS agents who may solicit taxpayers for political contributions after work.

And, Madam President, what about the rights of Federal employees themselves? Repealing the Hatch Act will allow members of the Federal employee unions to coerce political contributions from fellow employees. Can there be any doubt that subtle, imperceptible pressures will be exerted on Federal employees to make political contributions? If this bill is enacted, civil servants will lose the Hatch Act's current protections from this kind of coercion.

In short, repealing the Hatch Act will be a great loss to civil servants who want nothing more than to do their job—serving the public. Union agents should not be permitted to prey upon our country's 2 million Federal employees. If we follow the herd and repeal the Hatch Act, that is exactly what will happen.

Madam President, as I mentioned at the outset, Congress passed the Hatch Act in direct response to political corruption in the 1930's. The most egregious public corruption occurred in the Works Progress Administration [WPA]. Employees in the WPA experienced this political corruption firsthand. Their superiors actually deducted political contributions from employees' paychecks to fund senatorial campaigns. Do we want to relive this era of political corruption?

During the first debate on the Hatch Act back in 1939, Congressman J. Will Taylor of Tennessee said:

> No one in this country ever dreamed that the time would come in the United States when public money, appropriated for the alleviation of human distress, could be sabotaged and prostituted as it was [to extort votes] * * * to a greater or lesser degree in every State in the Union.

Madam President, just as no one dreamed that it could happen then, no one dreams that it can happen now. But, Madam President, I know that just as it happened 54 years ago, it will happen again if we pass this bill. Human nature has not changed. Repeal of the Hatch Act is bad for Federal employees; it is bad for Government; it is bad for Americans; and it is bad for democracy.

Mr. SARBANES. Madam President, I rise today in strong support of S. 185, the Hatch Act Reform Amendments of 1993. This long overdue reform of the Hatch Act is necessary to lift the coercive restrictions which continue to prevent Federal employees from exercising their constitutional rights to participate in the political process.

Twice the Congress has sent Hatch Act Reform legislation to the President's desk, and I am pleased to have strongly supported both of these efforts—most recently in the 101st Congress and previously, as a Member of the House of Representatives, in 1976. Regretfully, vetoes by Presidents Bush and Ford respectively have prevented this critically needed reform from becoming public law.

But today in a different time. We now have a President who understands the importance of this legislation and has stated he will sign it if we put it on his desk. And that is exactly what we plan to do.

Madam President, this 1939 Hatch Act is an anachronism which has outlived its original purpose. It was enacted at a time when most civil servants were captive to a patronage system and thereby subject to real threats of partisan abuse and intimidation. However, we have since overhauled the civil service system and replaced the patronage system with one based on merit.

Accordingly, we established a statutory and regulatory framework which safeguards our Government from personnel decisions based upon individual preference or bias. The structure of our merit system, and its inherent protections, renders obsolete the arcane and oppressive restrictions which continue to govern the political activities of the Nation's Federal and postal workers.

Furthermore, the morass of regulations pursuant to the Hatch Act have served to intimidate employees into nonaction depriving them of even those limited activities which are allowable. These regulations are at best confusing if not indecipherable and lead to problems both interpreting and enforcing existing law.

S. 185 would lift this coercive yoke from the shoulders of Federal and postal workers and permit them to participate freely in otherwise legal political activities, making explicitly clear those activities which are permissible and those which are not. Under the provisions of the bill, Federal and postal workers could stuff envelopes, distribute literature and brochures, or work at phone banks. However, the bill would prohibit Federal and postal workers from any type of political activity on the job, including the wearing of political buttons which is allowable under current law.

At the same time, the legislation before us provides stiffer penalties and criminal sanctions for those found guilty of political intimidation or coercion for partisan purposes. Those who violate these prohibitions will be subject to fines, criminal sanctions, loss of their job, and suspension without pay. Furthermore, to assist in pursuing those suspected of violations, the bill gives broader investigative powers to the Office of the Special Counsel.

S. 185 unquestionably strengthens protections against political abuse and limits all voluntary activities permitted under the act to employees' off duty hours. However, under S. 185, Federal and postal workers, for the first time, will have the ability to choose freely whether they want to participate in lawful political activities. No longer will employees be intimidated into nonaction by the overly restrictive and arcane provisions of the 1939 law and thereby deprived of participating in the workings of our democracy.

Madam President, reform of the Hatch Act is critical to restoring to the 3 million postal and Federal workers their full constitutional rights as American citizens. It is important we do this not only to reenfranchise these employees but also to uphold one of the basic tenets of our democracy—that our political process should be open to all people. I commend Senator GLENN for his leadership on this issue and urge my colleagues to support the swift enactment of S. 185.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 597), as modified, is as follows:

It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required, but in no event later than July 26, 1993.

Mr. DOMENICI. Madam President, the modification, so the chairman of the Budget Committee will know, just says after July 16, it says, "in no event later than July 26, 1993." That is the modification.

I think we have agreed tonight we will take 10 minutes on a side, and then we will finish the debate come Tuesday, where each side will have 20 minutes. But that arrangement will be made in a unanimous consent later on. I want to use no more than 5 minutes of my time and save 5 minutes for Senator D'AMATO. If the Chair will remind me when I have spoken for 5 minutes, I would appreciate it.

Madam President, essentially I come before the Senate requesting that the Senate express its consent. I really do not know why this cannot be bipartisan. This just says the Senate insists that the President submit his midsession review of the budget of the United States by July 16, or no later than the 26th. The statute laws says the 16th.

If for some reason the OMB and the President need additional time, since this issue was raised only a few days ago, because it came to my attention only a few days ago, I am willing, as I did, to modify the sense-of-the-Senate resolution for an additional 10 days.

I am sure the other side is going to say midsession reviews are not always timely. But I will call to everyone's attention right now that in the 4 years of President Bush, even with two summits, the midsession review was never later than July 24. I have modified it so we give this President to July 26.

The most important thing about this, however, is that the President of the United States made a big deal of the fact that when he took office the deficit was higher than he expected, therefore, he could not keep his campaign promises, especially to cut the taxes for middle-income Americans and that there would be no tax on gasoline, and there is. Under the House bill it is 7.8 cents; under the Senate bill 4.3 cents. Those are two things he said I have to change my mind on and not do what I promised because the deficit is higher than I expected.

I do not believe he is right. It was not higher. Everybody knew it was higher before he got elected. But I will take the President at his word for tonight and merely say that if it were higher, then we ought to know with specificity by way of a midsession review how much lower it is on July 16 than it was on April 8, when the President submitted a facsimile of a budget.

I do not believe he ever submitted a real budget. Maybe the excuse will be: Since we do not have a real budget, we cannot give you a real reestimate of the budget. You may recall we did our budgeting in the Senate without a Presidential budget. Maybe they do not have one. I have never seen a real one with all the details.

But the truth of the matter is that even according to the press secretary for the President this afternoon, the deficit is down substantially. They would say that it is only down from a high of $310 billion, by some $20 to $25 billion lower. I submit the document on April 8 says the deficit was going to be $322 billion. That is the latest document we got from them. So it is in the neighborhood of $35 to $40 billion less. And my best estimates are, if they will do it right and give us what they ought to give us, it will be $50 billion less.

Is that not an important number to have? Is it not important for the public and the Congress to have the verification of the OMB and all their apparatus for doing things with certainty on expenditures and the like? Why can they not give us that now before we set about to tax the American people more than the President had said he wanted to during his campaign, the excuse for more being the deficit had gone up, when as a matter of fact now it has come down dramatically?

So what I really believe—I do not accuse anyone of anything—but it seems fair to me that the President should comply with the law. If they have an excuse that is justifiable, they ought to tell us. They have an official request from the Republican leadership. They should at least answer us officially. I like reading press releases, but I would much prefer having a letter from the President saying why he is not going to do this.

Do we not think that, as the largest tax increase in history imposed on the American people is taking place, we ought to know what the deficit is that we are applying it to? If it has no effect in the future years, why do they not tell us that—the deficit is just what it has always been.

Madam President, the reason I am concerned is because I hear a lot of rumbles around that there is big interest savings. I hear a lot of rumbles around that there is great big interest savings. I heard one today—my friend Senator SASSER—the President said something to the effect: We will find the money; we will find the money for the flood disaster. Yes, we will find the money. We ought to do that. Maybe that is even an emergency and we ought to do that. But he said do not worry about it because we are saving money on interest.

You know what happens when the interest goes up, as it will probably do sometime in the not too distant future? Do we then cut more out of the deficit or do we just let the deficit go up?

Frankly, I think we ought to know what the impact is within their ability to discern it at OMB. And I ask for this tonight in the name of the American people, who are going to be taxed and taxed and taxed, to know whether we have saved money in the last year because of better economics and the like. In fact, I do believe part of it is because of increased revenue. I believe the revenues are up because we are out of the recession and the revenues are up substantially. We ought to know that, too.

I yield the floor at this point reserving what I have for Senator D'AMATO.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, as I understand it, there was 10 minutes to a side allocated this evening?

Mr. DOMENICI. That is correct.

Mr. SASSER. Madam President, for the life of me I cannot understand what all this is about over here this evening. My friend from New Mexico is upset because we do not have the administration's midterm review, which he says is due by July 15.

The truth is, in the past 16 years the midsession review had come in on time only four times—in the past 16 years.

In 1985 and 1986, when my friend from New Mexico was chairman of the Senate Budget Committee, we did not get the midterm review until August 15, in 1985, and August 30 of 1986. But I, or others on my side, were not over here trying to get some kind of sense-of-the-Senate amendment that the midterm review ought to come in on time. I do not recall my friend from New Mexico, who was then chairman of the Budget Committee, over here in 1985 and 1986 exhorting the Reagan administration to bring in the midterm review.

So what is this all about? It is alleged that the administration did not even produce a budget. Madam President, there it is. That is the budget of the U.S. Government, fiscal year 1994. A very, very thick document. That is the budget that the President did produce.

What is the problem here? I do not—for the life of me, I cannot see the problem. In other words, if indeed we are going to have the good news, and I think my friend is right about this, that the deficit is going to be less than was originally projected in January—less than was projected in April—then I think that is great news. If we are not going to have a $300 billion-plus deficit and we are going to have a $260 or $270 or $280 billion deficit for fiscal year 1997, I say hurrah. That is great news.

But I still say the deficit is too high. From what my distinguished friend from New Mexico is saying, I infer from his argument that simply because the deficit is going to be perhaps $270 billion that we need to reshuffle the deficit reduction proposal that is before us.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SASSER. Throw out some of the revenues or some of the spending. I just do not get it.

I was reading a press release put out by the distinguished ranking member, whom I have the highest regard for, and he is aware of that. He says, "From my review of the Treasury numbers to date, it is clear the 1990 budget agreement"—which I was a party to and worked on with my friend from New Mexico in producing, worked with President Bush in producing, but he says: "From my review of the Treasury numbers to date, it is clear the 1990 budget agreement with its constraint on spending, on defense is working."

I think he may be right about that and I hope he is.

Interestingly enough, there is one thing that is left out in this description of the 1990 budget agreement that is working. They say nothing about the $130 billion in taxes that was contained in that 1990 budget agreement that we voted for on both sides of the aisle. Back in 1990, we realized that if you are going to reduce the deficit, you have to have more revenues on occasion. By 1993, that concept is obsolete, at least on that side of the aisle; we are going to do it totally with spending cuts, mostly with unspecified spending cuts, mostly through entitlement caps. That is the way they propose to do it.

Madam President, I am confident that what the administration is doing here—and I do not know this; I have not discussed it with them—but I am confident they are holding back on the midterm review, I would guess, until this reconciliation bill has been completed and this can be put into the equation. Then they can give us a more accurate estimate of precisely where we are going with regard to the deficit projection for 1993.

That would be my guess on it.

What happens in this budget reconciliation agreement is clearly going to have some impact on interest rates. Long-term bond rates today were at a 30-year low—a 30-year low. Interest rates are low, and I think interest rates are low for a number of reasons, but a significant reason is the markets are seeing that this administration is serious about deficit reduction.

Of course, this deficit reduction proposal that we passed in the Senate has 498 billion dollar's worth of deficit reduction over 5 years, $1.06 of spending restraint for every $1 of revenues; a little better on the House side, they had $503 billion or $504 billion in deficit reduction over 5 years.

So, the President and the U.S. Senate—a majority of us anyway—and the House of Representatives are serious about deficit reduction. That has had a very salutary impact on interest rates.

So I am delighted that this deficit is coming down, and coming down partly because the Government is simply having to pay less money on the money that it borrows.

I think it would send really an unfortunate signal to the financial markets if we rushed out and said we want the midterm review. Here is the midterm review, and it shows we are going to be $30 billion or $40 billion or $50 billion below the deficit projection we got in April. So with that in hand, let us see if we cannot reduce our deficit reduction efforts. Do you know what would happen to interest rates? They would go up.

I just got through being interviewed on one of the financial channels by some financial experts and economists and they were asking about interest rates. Simply because one of our colleagues yesterday made a press statement that perhaps we ought to not go to $500 billion in deficit reduction, that we ought to go to $400 billion instead—and I do not criticize our colleague for making that statement; everybody is entitled to their opinion—but simply because he made that statement, these financial experts were telling me it had an adverse effect on the financial markets. I spent 10 minutes explaining to them that we were really serious in the Congress about reducing the deficit, and really serious about trying to stick to the $500 billion number or very close to it.

So if we pound on the administration for the midterm review and then use that to try to run around here and say, "Well, maybe we do not want to have as much deficit reduction as we thought we were going to have; maybe we do not need as much as we thought we were going to need," then I think that would be most unwise. I think one of the impacts would be more uncertainty in the financial market, and we might very well see rates going back up.

Madam President, it is not going to cause any great problem if the administration is a week or two late with the midterm review. As I said before, the administrations in a bipartisan way have been late with the midterm review in 8, really 12 out of the last 16 years.

In the 8 years of President Reagan's administration, they got the midterm review to us in a timely way one time in 1982, and they missed it for the next 7 years. The Republic did not collapse, although we did see, I might say, the largest peacetime deficits in the history of the country during the Reagan administration. That is one of the reasons that we have been struggling now for all of these months in trying to come up with a significant deficit reduction package.

So let us not get this issue confused. The midterm review will say what it is going to say tomorrow, or 2 or 3 weeks down the line. Let us keep our eye on the deficit reduction target.

Madam President, my time has expired. I ask unanimous consent that a listing of the Carter-Reagan-Bush administration and their failure to meet the midterm review deadline be printed in the RECORD.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

MIDSESSION RELEASE DATE COMPARED TO JULY 15 DEADLINE

| Fiscal year budget | Release date |
|---|---|
| Bush administration: | |
| 1993[1] | July 24. |
| 1992 | July 15 |
| 1991[1] | July 16. |
| 1990[1] | July 18. |
| Reagan administration: | |
| 1989[1] | July 28. |
| 1988[1] | August 17. |
| 1987[1] | August 6. |
| 1986[1] | August 30. |
| 1985[1] | August 15. |
| 1984[1] | July 25. |
| 1983[1] | July 30. |
| 1982 | July 15. |
| Carter administration: | |
| 1981[1] | July 21. |
| 1980 | July 12. |
| 1979 | July 6. |
| 1978[1] | July 16. |

[1] Missed deadline.

Source: CRS/OMB.

Mr. DOMENICI. Madam President, do I have 5 minutes left?

The PRESIDING OFFICER. Four minutes left.

Mr. DOMENICI. I yield those to Senator D'AMATO from New York.

The PRESIDING OFFICER. The Senator from New York.

## PROMISES MADE, PROMISES BROKEN

Mr. D'AMATO. Madam President, I think the senior Senator from Tennessee said it correctly when he said he would not be surprised if the administration was holding back on this midterm report until the budget reconciliation process was over. Imagine, we are going to enact the biggest tax increase in the history of this country without knowing what the figures are.

Why do you increase taxes on gasoline? If this budget deficit package is $50 billion, $60 billion, or maybe $70 billion less, and we have reason to suspect it may be—and, by the way, OMB said it was going to be $322 billion and, oh, the Republicans gave us this big deficit, and that is why we have to raise taxes. Promises made, promises broken. That is right.

When President Clinton was running for office, he said, "I will not raise gasoline taxes. It is wrong."

Now he says, "Well, I have to raise gasoline taxes because the budget was bigger, $50 billion more than what I thought the deficit would be."

On April 8, OMB said $322 billion. Today we have reason to believe that it is not $322 billion, not $300 billion, not $280 billion, maybe $260 billion. Why should we raise taxes an additional $62 billion or $50 billion? Why should we raise taxes on small businesses? No Government has ever taxed itself into prosperity.

Give the taxpayers a break. If we have $50 billion less in deficits, my gosh, roll back taxes on the Social Security recipients, do away with that ridiculous gas tax, and stop taxing small businesses.

I have to tell you one of the things I see that this administration is doing. New class warfare: Let us get the rich. Somehow we have made people who are successful a target. We are not supposed to say that because it is only 2 percent. So let us get the millionaire, let us get the small businessman, let us get the entrepreneur.

Let me tell you something, when we begin to single out successful people, it is backward, it is inside out, and it is certainly not the American way.

We say we are a country where people have an opportunity to grow, to rise by work and hard effort, and achieve. Every day we talk about the miracle of America to the immigrants, and about making a better way of life for themselves and future generations.

Yes, I am sorry to say, I think the senior Senator from Tennessee has it just right. This administration is deliberately going to hold back this report.

You can say you missed deadlines in the past. Let us take a look: July 24, 1992, that is when the Bush administration put in their last one. July 15, 1991; July 16, 1990. They missed by a day, they missed by two days, they missed by 6, 7, or 8 days.

We said by July 26, before this conference, this reconciliation is done, let the people who are going to be imposing the biggest tax—I do not think my friends on the other side, the Democrats, want to increase taxes unnecessarily. If you can save $50 billion, $60 billion or $70 billion of taxes that should not go on small businesses, that should not be levied on people simply because we say we want more money.

Do you want to reduce the deficit by $500 billion? Why not do it by not raising taxes? Senator DOMENICI is absolutely right when he says we need this information before we make up our minds as to whether or not these taxes should be passed.

I do not think they should. We have an opportunity, a unique opportunity to save, $50 billion, $60 billion or $70 billion.

I thank the Chair for its indulgence. I commend Senator DOMENICI for his amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I now ask unanimous consent that the following be the only amendments remaining in order to S. 185, the Hatch Act reform bill, with no second-degree amendments in order:

A managers' amendment containing the modified text of the so-called core package, on which there shall be 10 minutes for debate;

A Kassebaum amendment regarding antisolicitation on which there will be 40 minutes for debate;

A Roth amendment regarding exempting IRS offices from examination on which there shall be 30 minutes for debate;

A Roth amendment regarding exempting the Criminal Division of the Justice Department on which there shall be 30 minutes for debate;

A Domenici amendment regarding midsession review, that is, amendment No. 597, which is pending, on which there shall be 40 minutes remaining;

That there be 1 hour for debate on the bill and committee substitute inclusive;

That all time for debate be equally divided in the usual form;

That no motion to recommit be in order during the pendency of this agreement;

That when the Senate resumes consideration of the bill on Tuesday, July 20, at 8:45 a.m., Senator DOMENICI be recognized to debate his amendment; that upon the completion of that debate his amendment be laid aside and Senator ROTH be recognized to offer one of his amendments; that upon the completion of that debate, the amendment be laid aside and Senator ROTH be recognized to offer a second amendment; that upon the completion of that debate, Senator KASSEBAUM be recognized to offer her amendment; that upon the completion of that debate, her amendment be laid aside; that any votes ordered in relation to these amendments occur beginning at 2:15 p.m. on Tuesday, with the votes occurring in the sequence in which the amendments were offered, with the first vote being a 15-minute vote and succeeding votes being 10 minutes each;

That upon the disposition of the above amendments, S. 185 be read a third time, it then be laid aside and the Governmental Affairs Committee be discharged from further consideration of the House companion, H.R. 20; the Senate then proceed to its immediate consideration, that all after the enacting clause be stricken, and the text of S. 185, as amended, be inserted in lieu thereof; that the bill be read a third time and a vote occur on final passage of the House bill, as amended, without any intervening action or debate;

That upon disposition of H.R. 20, S. 185 then be indefinitely postponed, and the Senate proceed to the consideration of Calendar No. 110, S. 919, the national service bill.

Mr. ROTH. Reserving the right to object, and I do not intend to object, I do have one question in respect to the managers' amendment. There does not seem to be any specific time for its adoption. Am I correct in understanding either that could be done tonight or in the hour that is reserved on Tuesday for the managers?

Mr. MITCHELL. The agreement states "on which there shall be 10 minutes for debate."

Mr. ROTH. The point I am raising, I would say to the majority leader, is that it is not included in the sequence of when these amendments will be adopted.

Mr. MITCHELL. It is my understanding that the proposal by the managers is to have that voted in sequence after the Kassebaum amendment.

Mr. ROTH. Or we could do it at any time——

Mr. MITCHELL. I am advised it was the staff's understanding that the amendment may be ready this evening and could be accepted and adopted this evening, and that is why it was not put in the sequence. If it is not so adopted, then it is my understanding they intend to do it in sequence after the Kassebaum amendment.

Mr. ROTH. Either way is satisfactory. I just wanted to make sure that was clear.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, if I might first ask the managers, does that complete action but for this one amendment on which they are waiting?

Mr. GLENN. It is still being prepared, and since it is not here we can handle that on Tuesday.

Mr. MITCHELL. Madam President, I would just like to make a comment about the amendment which was last pending and the debate which has just occurred.

First, I think it is rather significant that in 10 of the 12 years in which Presidents Reagan and Bush held office the midyear report was submitted on time in accordance with law twice—excuse me, in 12 years it was submitted on time twice, and in 10 of the 12 years it was not submitted.

I have asked the staff to review the record, and we can find no record of any protest by any Republican Senator of those failures. I invite anyone to correct me if our staff research has been defective and if Republican Senators did in fact protest when a Republican President failed to submit the midyear review in accordance with the deadline.

I think clearly what is happening is this is a purely political effort. Ten times a Republican President fails to submit the midyear review precisely on schedule. Not once does a Republican Senator complain about it. Not once does a Republican Senator offer a resolution about it.

Now a Democratic President fails to meet the precise deadline, and we have a resolution and debate with a lot of insinuations that I think are unjustified.

Second, there is a logical, rational reason to permit action to occur on the reconciliation bill prior to the time the review is submitted.

There has been a great deal of confusion and debate between the budget deficit this year and the projection included in the midyear review which is for the next and succeeding fiscal years. If an economist is to estimate and attempt to project what will occur in future years, not in this year but in future years, it makes a great deal of sense that action on the reconciliation bill have been completed prior to that estimate being made so the future projection can be more solidly grounded upon what laws are likely to be in effect, what changes in tax and other laws, rather than the other way around.

Our colleagues have turned logic on its head by confusing in the debate the effect of whether or not the deficit is to be lower or higher in this fiscal year with economic projections as to what is to concur in future fiscal years.

So I submit to my colleagues that this transparently political effort ought to be seen for what it is and reject it for what it is.

If it is so bad to submit a midyear review a little later than the prescribed deadline, why did not someone complain about it when Republican Presidents failed to do it 10 times out of 12 years?

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, under the unanimous consent agreed to a little while ago, there was time for a managers' amendment containing the modified text of the so-called core package. There was to be 10 minutes for debate, evenly divided, if we wished to use that time. The core package, I add, has been worked out over the last day or so. After extensive consultations back and forth, we are happy with the way the whole thing worked out. We appreciate the cooperation of Senator ROTH and his staff on this.

### AMENDMENT NO. 599

(Purpose: To provide that the current provisions of subchapter III of chapter 73 of title 5, United States Code, shall apply to certain employees, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 599.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, beginning with line 12, strike out all through line 15 and insert in lieu thereof the following:

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.".

Mr. GLENN. Mr. President, I think we understand it has been cleared on both sides. At the proper time we will urge its adoption.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, as the chairman has pointed out, the core amendment was an attempt to deal with a major problem, the problem of treatment of sensitive agencies. It was our thought that law enforcement agencies, those that are involved with intelligence, should be exempted from the relaxation of the Hatch rule.

So, when we proposed our core amendment, it was an effort to deal with this particular problem but, frankly, not with every problem that we saw with S. 185. The amendment that has been offered by the chairman does not include all that we sought. It is a compromise that has been worked out between the majority and the minority and, of course is acceptable to us.

This amendment would exclude certain employees performing sensitive missions from coverage under the legislation. Specifically, career Senior Executive Service employees, administrative law judges, Contract Appeal Board members, and Federal employees in certain national security, and law enforcement agencies should be exempt from coverage under the bill and maintained under the current law. In addition employees of the Office of Special Counsel and the Merit System Protection Board would be covered under current law.

Administrative law judges are Federal employees appointed under section 3105 of title 5, United States Code, to perform adjudication functions under the Administrative Procedures Act. Administrative law judges make determinations that impact the daily lives of millions of Americans.

ALJ's rule on Social Security entitlement and benefit appeals, civil money penalty cases arising under the Fair Housing Act and Clean Water Act, consumer protection and false advertising disputes under the jurisdiction of the Federal Trade Commission, and regulatory and licensing at the Securities and Exchange Commission. These are just a sampling of the hundreds of types of disputes that administrative law judges are required to decide.

To have these administrative judges engaged in partisan political activity would not provide comfort to a Social Security recipient who is appealing a reduction in benefits, or a company involved in a workplace safety dispute. A radio station challenging the denial of a license would not find comfort in a hearing presided over by an ALJ actively involved in the management of a partisan campaign.

But under S. 185, ALJ's would be permitted to actively participate in partisan politics. The individual litigant's perception of a nonpartisan administrative judiciary will surely be influenced, in a negative way, if ALJ's are permitted to become active in partisan politics.

Comparable to administrative law judges, Contract Appeal Board members would be able to actively participate in partisan politics with enactment of S. 185. These adjudicators decide appeals in Government contract cases. Like ALJ's, participation in partisan politics would raise questions of impartiality to litigants before Board members.

In many aspects of our daily lives, including the operations of the Federal Government, the appearance of impropriety is just as important as reality. Our concern is that Federal employees at this level of Government decisionmaking who become identified with partisan political causes will lead to the public's perception that partisan considerations have influenced what should have been a determination on the merits. Even if the adjudicator makes the decision on a nonpartisan basis, the public's perception will be different.

It is for this reason that other senior career officials within the Federal Government should be exempt from this legislation. Career members of the Senior Executive Service are the highest ranking career executives of the Federal Government. Long after political appointees have moved on, these employees remain to administer the Government on a daily basis in a nonpartisan manner.

Even the perception of political influences intruding upon these decisionmakers will have an enormous impact in the public's perception that Government is no longer evenhanded, that to the party in favor belongs the spoils.

Not only am I concerned about the public's view toward Government, but I am also concerned about the subtle pressures which will be the norm if these employees are allowed to participate in partisan political activity. These are the individuals that work directly with the political appointees and are the most likely to be subject to coercive pressure. What will be allowed will become expected.

On June 21, 1990, the day the Senate considered President Bush's veto of legislation virtually identical to that reported by the committee, the New York Times pointed out in its editorial, "Don't Destroy the Hatch Act":

> [Proponents] say the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes."

In addition, a new administration replacing one from the other political party is likely to have great distrust in these top Federal careerists if these employees are politically active during the campaign. It is recognized today that incoming administrations have doubts about the willingness of the career service to implement the new President's policies. A politically active corps of career executives will clearly enhance distrust between a new administration and the civil service.

How will a new administration feel if the highest ranking career employees at the Environmental Protection Agency, Department of Justice, or the Office of Management and Budget actively campaigned against them in the last election? What level of confidence will these career employees have that their jobs will be secure once a new administration takes the reins of power?

In addition, if these employees were prohibited from taking an active part in a partisan political campaign, there would be no basis for lower grade civil service employees who could be politically active to assume that their supervisors will give them better assignments, promotions, or bonuses based on partisan political activity.

The committee heard testimony from the National Academy of Public Administration, the former Executive Director of the Civil Service Commission, Bernard Rosen, and the Federal Bar Association, all of whom advocated that employees performing sensitive governmental missions be exempt from the bill.

The Federal Bar Association testified that employees such as administrative law judges and other independent adjudicators are in positions which should be exempted from the bill because the public should be particularly assured that there is no semblance of political partisanship.

The National Academy recommended that if the committee decided to proceed ahead with this legislation, an exception should be made for career Senior Executive Service personnel and managers. These employees, NAPA points out, "are already well established in personnel law and regulation and are treated different from other employees with regard to classification and pay." This amendment covers the Senior Executive Service.

The Senate must provide assurance to the American public that some of our Government's most sensitive work is not tainted by partisan political appearances. Even if the reality is different, in politics, perception is reality and the change advocated in these views is necessary to ensure that certain sensitive decisions do not even have the appearance of partisan influence.

Mr. GLENN. Mr. President, I concur in Senator ROTH's remarks. It was a compromise and, as in most legislation here, neither side gets everything they want in a compromise. We understand that. But in the interest and comity of moving ahead, we work these things out. This has been the subject of a lot of negotiating over the past 2 days.

So we are very happy to come to this point and have this core amendment agreed with because it was key to moving ahead on everything else we are trying to do with the Hatch Act reform of 1993.

I yield back the remainder of my time and urge adoption of the amendment.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 599) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent we now proceed in a period for morning business and Senators be allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AN INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, on January 28, 1993, I introduced Senate Joint Resolution 32, a joint resolution calling on the United States to support efforts of the United Nations to establish a permanent international criminal court. This measure has been making steady progress through the legislative process. On May 20, the Foreign Relations Committee voted to approve this measure by an 11–7 vote. Last month, virtually identical language was added to the State Department authorization bill by the Subcommittee on Terrorism, Narcotics and International Operations.

I introduced this measure, Mr. President, because I wanted to foster and encourage debate in this country over this very important concept. Ever since the end of the Nuremberg Trials after World War II, the international community has recognized that it is possible to enforce the rule of law on an evenhanded, multilateral basis. However, past efforts to develop a permanent structure to adjudicate crimes against the international order have not borne fruit, primarily due to the difficulties of reaching agreement on such a structure during the cold war.

Today, with the cold war over, the United Nations has embarked on this task once again. In fact, a U.N. body known as the International Law Commission has been examining the issue of the international criminal court at every one of its annual meetings since 1990, seeking to promote a consensus on the many issues that must be resolved before such a court can come into being. However, the debate on this issue has been hampered by the fact that most members of the general public are unaware of the work of the Commission or the importance of this issue.

Accordingly, in an effort to build a more comprehensive public record on this matter, it is my intention to submit for the CONGRESSIONAL RECORD on a regular basis materials and documents that are relevant to the consideration of this issue. The purpose of this effort is simple: to allow Members of Congress and their staff—as well as any individuals with an interest in public affairs—to see for themselves the extensive and groundbreaking work that has recently been done on this issue by the international community.

I will begin today by including for the RECORD a summary of the report of a working group established last year by the International Law Commission. This working group, chartered for the sole purpose of considering the issue of an international criminal court, came to the conclusion that such a court would indeed be feasible and provided several suggestions as to how such a court might operate. Acting on the working group's recommendation, the U.N. General Assembly last fall asked the ILC to begin preparing a draft statute for such a court at its 1993 session. That session began this past May in Geneva and will conclude later this month.

Mr. President, in this rapidly changing world we are seeking to bring an end to the cold war brand of thinking and develop an international order based instead on the rule of law. In my opinion, an international criminal court should be an integral part of this new international order. I enter this information into the CONGRESSIONAL RECORD in the hope that it will prove helpful to those who share my interest in promoting and one day helping to implement these very important ideals.

I ask unanimous consent that a copy of Part A: Summary and Recommendations from the Report of the Working Group on the Question of an International Criminal Jurisdiction, as included in the 1992 Report of the International Law Commission, be placed in the CONGRESSIONAL RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED NATIONS REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION, 4 MAY–24 JULY 1992

### ANNEX

### *Report of the Working Group on the question of an international criminal jurisdiction*

### A. Summary and recommendations

393: General Assembly resolution 46/54 (9 December 1991) asked the Commission to "consider further and analyse the issues raised in its report on the work of the forty-second session concerning the question of an international criminal jurisdiction, including proposals for the establishment of an international criminal court or other international criminal trial mechanism in order to enable the General Assembly to provide guidance on the matter * * *."

394: The Commission discussed these issues at its forty-fourth session, within the framework of its discussions on the draft Code of Crimes against the Peace and Security of Mankind, and on the basis of the tenth report of the Special Rapporteur (Mr. Doudou Thiam) (A/CN.4/442). It then established a Working Group on an International Criminal Jurisdiction, chaired by Mr. Abdul Koroma.[1] The mandate of the Working Group was as follows:

"To consider further and analyse the main issues raised in the Commission's Report on the work of its forty-second session concerning the question of an International Criminal Jurisdiction, including proposals for the establishment of an international court or other international criminal trial mechanism. In so doing, the Working Group will take into account the issues raised by the Special Rapporteur in his Ninth Report (Part II) and Tenth Report, in the light of the discussions thereon held at the Commission's past and current sessions. The Working Group will also draft concrete recommendations with regard to the various issues which it will consider and analyze within the framework of its mandate."

395: The Working Group held 16 meetings, at which draft papers prepared by some members of the Group were extensively discussed and revised. The Working Group proceeded throughout on the basis that it was necessary to draft "concrete recommendations", and thereby to assist the Commission in discharging the mandate of the General Assembly referred to in paragraph 393.

396: Since the Commission now seeks to go beyond the analysis and exploration of possible options and to adopt "concrete recommendations", it was necessary for the Working Group to agree on the basic approach to be adopted in its Report. The Working Group agreed on a number of basic propositions which form the basis of its report to the Commission. They are as follows:

(i) An international criminal court should be established by a Statute in the form of a treaty agreed to by States parties;

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[1] The members of the Working Group were Mr. Abdul G. Koroma (Chair); Mr. Doudou Thiam *er officio* (Special Rapporteur on the topic: "Draft Code of Crimes against the Peace and Security of Mankind"); Messrs. Husain M. Al-Baharna, Gaetano Arangio-Ruiz, James R. Crawford, John de Saram, Kamil Idris, Andreas J. Jacovides, Vaclav Mikulka, Alain Pellet, Patrick Lipton Robinson, Robert Rosenstock, Christian Tomuschat, Vladlen Vereshchetin and Francisco Villagrán Kramer. Mr. Thiem acted as Chair of the Working Group for several meetings, in Mr. Koroma's absence.

(ii) In the first phase of its operations, at least, a court should exercise jurisdiction only over private persons, as distinct from States;[2]

(iii) The court's jurisdiction should be limited to crimes of an international character defined in specified international treaties in force. This should include the crimes defined in the draft Code of Crimes against the Peace and Security of Mankind (upon its adoption and entry into force). But it should not be limited to the Code. A State should be able to become a party to the Statute without thereby becoming a party to the Code;[3]

(iv) The court would be essentially a facility for States parties to its Statute (and also, on defined terms, other States). In the first phase of its operations, at least, it should not have compulsory jurisdiction, in the sense of a general jurisdiction which a State party to the Statute is obliged to accept ipso facto and without further agreement;

(v) In the first phase of its operations, at least, the court would not be a standing full-time body. On the other hand, its constituent instrument should not be a mere draft or proposal, which would have to be agreed on before the institution could operate. Thus the Statute should create an available legal mechanism which can be called into operation when and as soon as required;

(vi) Other mechanisms were suggested and considered, as reflected in Part B (paras. 473–487) of this Report;

(vii) Whatever the precise structure of the court or other mechanism, it must guarantee due process, independence and impartiality in its procedures.

397: These propositions form the basis for the Report which is attached, and which contains "concrete recommendations" with regard to the various issues which the Working Group has considered and analysed within the framework of its mandate, and in some cases more detailed discussion of various options. The Working Group believes that a structure for an international criminal court, along the lines suggested in the attached Report, could be a workable system. It believes that it could be an appropriate basis for the initial establishment of an international criminal court, if this is judged to be opportune. In that sense, it reiterates the Commission's earlier conclusions (in 1950 and again in 1990) that such a body is possible.

398: Certain members of the Working Group continue to have doubts about whether even a comparatively modest and flexible system of the kind suggested would serve a useful purpose. In their view, the system of prosecution and trial of accused persons before national courts is the only realistic method of the administration of criminal justice. One member, in particular, believes that it is sufficient at this stage for the envisaged international trial system to be elaborated as a draft text for use by particular States when required; at this point it could be established by bilateral treaty or even by resolution of a competent international organization.

399: Other members of the Working Group would have preferred to go even further, favouring a more extensive system, including a court with compulsory and exclusive jurisdiction over certain offences. But they are prepared to accept the proposal outlined in this Report, on the basis that the proposed mechanism can at least be given the chance to establish itself, and to provide its utility, after which additions to its jurisdiction and powers may prove easier to achieve and more acceptable to States.

400: Whatever differences exist in this regard, there is no disagreement on one essential point. The Working Group believes that the phase of preliminary consideration and analysis, called for by the General Assembly in 1989, is completed. It is now for the General Assembly and for Member States to resolve whether the Commission should proceed to the detailed work that will be required in drawing up a Statute and associated rules of procedures for an international criminal jurisdiction, on the general basis outlined here, or on some other basis.

401: The Working Group accordingly recommends to the Commission:

(i) That it accept the attached Report in discharge of the mandate of the Working Group;

(ii) That it endorse the basic propositions enumerated in paragraph 396 above, on which the Working Group has proceeded, and the broad approach to the question of "an international criminal court or other international criminal trial mechanism" which is set out in the Report;

(iii) That it report to the Assembly:

(a) that, following the ninth and tenth reports of the Special Rapporteur on the topic of the draft Code of Crimes against the Peace and Security of Mankind and the debates thereon in plenary, and through the Report of the Working Group (which would be an Annex to the Commission's Report), it has completed the task of analysis of "the question of establishing an international criminal court or other international criminal trial mechanism" entrusted to it by the General Assembly in 1989;

(b) that its more detailed study confirms the view, expressed earlier by the Commission, that a structure along the lines of that suggested in the Working Group's Report would be a workable system;

(c) that further work on the issue requires a renewed mandate from the Assembly, and needs to take the form not of still further general or exploratory studies, but of a detailed project, in the form of a Draft Statute; and

(d) that it now is a matter for the Assembly to decide whether the Commission should undertake a new project for an international criminal jurisdiction, and on what basis.

## JAPANESE CONSTRUCTION

Mr. MURKOWSKI. Mr. President, I think it is appropriate that this body reflect on the political crisis in Japan that is coming to fruition as a consequence of the elections on July 18.

I have an extended statement here concerning the political reform and our hopes that Japan will allow more open access to United States companies interested in doing business in Japan, particularly in the area of construction. It is our hope that the Japanese media, as well as the Japanese public, will recognize the contribution of American firms, particularly in public works projects, providing them with a competitive market in order to provide a substantial savings to the Japanese taxpayer.

### POLITICAL REFORM MAY HOLD HOPE FOR MORE ACCESS TO PUBLIC WORKS PROJECTS IN JAPAN

The current political crisis in Japan is a result of the ordinary citizens' outrage at corruption in government: The Kanemaru scandal; and the no-confidence vote for Prime Minister Miyazawa leading to elections scheduled for July 18.

A classic example of this corruption is Japan's closed and corrupt public-works bid rigging, dango:

Ministry of Construction invites 10 construction groups to bid for a major project; chooses the 10 according to undisclosed criteria, and consultants with close ties to contractors assess the bids. Builders lobby politicians and bureaucrats to make the list. Once in, they take turns winning projects.

The status quo represents a cozy arrangement for a triad of vested interests—a Golden Triangle of politician, bureaucrats, and construction industry.

For politicians, the construction industry—employing 6.2 million people and accounting for 20 percent of GNP—means votes and money.

Powerful bureaucrats are rewarded upon retirement for not rocking the boat—either by assurance of construction-industry jobs or with political careers. Of the LDP's 380 parliament members, 17 are former officials of the Ministry of Construction.

Construction firms like the dango system because it assures that every insider eventually gets to build a publicly funded bridge, dam or building.

The Dango system is stealing money from Japanese taxpayers and, as accurately described in recent Japanese newspaper articles is "a rejection of economic justice".

Construction costs in Japan are two or three times more expensive than in the States.

This costs the Japanese taxpayer an estimated $50 billion a year in overcharges.

The Japanese news media are adding to the pressure for reform, carrying harsh editorials calling for an end to an institution that to many symbolizes what is wrong with Japan.

The dango system keeps the Japanese market fundamentally closed to American firms:

Despite the 1988 Major Projects Agreement [MPA] between Tokyo and Washington, of the estimated 31 projects covered by the agreement so far, United States firms took only a 2 percent share—or a dismal 0.02 percent, $189 million, of Japan's approximately $700 billion construction market.

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[2] This is consistent with the approach taken by the Commission in relation to the draft code of Crimes against the peace and security of mankind, hereinafter "draft Code of Crimes". See Report of the Commission on the work of its thirty-sixth session, Official Records of the General Assembly, Thirty-ninth session, Supplement No. 10 (A/39/10) para. 65. See also article 3 of the Draft Code of Crimes as provisionally adopted on first reading by the Commission in 1991.

[3] This leaves open the question whether any of the offenses defined in the Code should be exclusively within the competence of an international criminal jurisdiction. Some members of the Working Group, at least, believe that the Code is inconceivable without an international criminal jurisdiction, and that it would be desirable, if not essential, to provide that a State party to the Code would thereby accept ipso facto the Statute of a court.

The 1992 share was a 37-percent decrease of total contracts won by U.S. firms in 1991.

Japan firms operating in the United States, on the other hand, did some $1.3 billion worth of business here in 1991; or 0.3 percent of the overall United States market of $1.6 billion—1992 figures unavailable.

The political crisis in Japan could result in significant changes in the political and economic culture, and could eventually produce a genuine multiparty democracy in which candidates would compete for office on ideas rather than their ability to raise money and dispense pork-barrel projects to designated contractors—but don't hold your breath.

Political corruption has protected the designated bidder and dango systems. Political reform may be the key to unlocking Japan's construction market to foreign competition.

The crisis atmosphere could help the Clinton administration in negotiations with the Japanese over their closed construction market:

In April, the Clinton administration identified Japan as a country which discriminates against American firms in Government procurement, under section 7003 of the 1988 Trade Act.

In light of political uncertainty in Japan, the President waived a June 30 deadline for imposing far-reaching sanctions until November 1, 1993.

An implementation agreement, separate from the recently announced United States-Japan framework, must be agreed upon or the United States will impose sanctions against Japanese firms bidding for United States Government contracts.

Sanctions are not preferable outcome—an open market is.

The United States should press for the abolition of Japan's so-called designed bidding system, the main vehicle for dango.

Let there be no mistake: Congress is watching to ensure that a strong outcome is negotiated or sanctions are imposed.

If a satisfactory resolution is not reached by November 1, Congress will consider for itself what response is appropriate.

I thank my friend on the minority side for allowing me this time.

I thank the Chair.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 248. Daniel K. Tarullo, to be an Assistant Secretary of State.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel K. Tarullo, of Massachusetts, to be an Assistant Secretary of State.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

## PARAGRAPH 2 OF RULE XXV AMENDMENT

Mr. FORD. Mr. President, on behalf of the majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 132) to amend paragraph 2 of Rule XXV.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 132) was agreed to, as follows:

S. RES. 132

*Resolved*, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows, strike "13" after "Governmental Affairs" and insert in lieu thereof "14".

## COMMITTEE APPOINTMENTS

Mr. FORD. Mr. President, on behalf of the majority leader, I send a resolution to the desk.

The PRESIDING OFFICER. The Clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 133) to make appointments to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Special Committee on Aging.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 133) was agreed to, as follows:

S. RES. 133

*Resolved*, That the Senator from Nevada (Mr. Bryan) is hereby appointed to serve as a member on the Committee on Armed Services for the One Hundred Third Congress;

That the Senator from Tennessee (Mr. Mathews) is hereby appointed to serve as a member on the Commerce, Science, and Transportation Committee for the One Hundred and Third Congress;

That the Senator from North Dakota (Mr. Dorgan) is hereby appointed to serve as a member of the Energy and Natural Resources Committee for the One Hundred and Third Congress; and

That the Senator from Michigan (Mr. Riegle) is hereby appointed to serve as a member on the Special Committee on Aging, for the One Hundred and Third Congress.

## NATIONAL VETERANS GOLDEN AGE GAMES WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the House Joint Resolution 190, a joint resolution to designate the week of July 17 to 23 as National Veterans Golden Age Games Week, just received from the House, that the joint resolution be deemed read three times, passed; that the preamble be agreed to and the motion to reconsider laid upon the table; further that any statements relating to the passage of this measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 190) was deemed read three times and passed.

## RELATING TO CERTAIN PATENTS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 128, S. 298, a bill relating to patents on certain biotechnological processes, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 298) was deemed read three times and passed, as follows:

S. 298

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—BIOTECHNOLOGICAL PROCESS PATENTS

**SEC. 101. CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.**

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second unnumbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section;

"(2) the claimed process is a biotechnological process as defined in subsection (d); and

"(3)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter—

"(i) are entitled to the same effective filing date; and

"(ii) appear in the same patent application, different patent applications, or patent which is owned by the same person and which expires or is set to expire on the same date.

"(d) For purposes of this section, the term 'biotechnological process' means any method of making or using living organisms, or parts thereof, for the purpose of making or modifying products. Such term includes recombinant DNA, recombinant RNA, cell fusion including hybridoma techniques, and other processes involving site specific manipulation of genetic material.".

**SEC. 102. NO PRESUMPTION OF INVALIDITY.**

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

**SEC. 103. EFFECTIVE DATE.**

The amendments made by this title shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

### TITLE II—BIOTECHNOLOGICAL MATERIAL PATENTS

**SEC. 201. INFRINGEMENT BY IMPORTATION, SALE OR USE.**

(a) INFRINGEMENT.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using a biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent.".

(b) CONTENTS AND TERM PATENT.—Section 154 of title 35, United States Code, is amended—

(1) by inserting "(a)" before "Every";

(2) by striking out "in this title," and inserting in lieu thereof "in this title (1)";

(3) by striking out "and, if the invention" and inserting "(2) if the invention";

(4) by inserting after "products made by that process," the following: "and (3) if the invention is a biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States the product made or using such biotechnological material,"; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'biotechnological material' is defined as any material (including a host cell, DNA sequence, or vector) that is used in a biotechnological process as defined under section 103(d).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect six months after the date of enactment of this Act and, subject to paragraph (2), shall apply only with respect to products made or imported after the effective date of the amendments made by this section.

(2) EXCEPTIONS.—The amendments made by this section shall not abridge or affect the right of any person, or any successor to the business of such person—

(A) to continue to use, sell, or import products in substantial and continuous sale or use by such person in the United States on the date of enactment of this Act; or

(B) to continue to use, sell, or import products for which substantial preparation by such person for such sale or use was made before such date, to the extent equitable for the protection of commercial investment made or business commenced in the United States before such date.

Mr. LAUTENBERG. Mr. President, I rise today to support the Biotechnology Patent Protection Act. I am proud to be an original cosponsor of this measure.

In New Jersey, biotechnology is an important source of innovation, growth, and jobs. My State has the second highest concentration of biotechnology companies in the Nation. New Jersey's publicly traded biotech firms employ more than 35,000 people and generate hundreds of millions of dollars in sales.

Biotech is precisely the type of industry that can lead New Jersey and the Nation to an economic revival. This industry relies on American brainpower and produces high-skill, high-wage jobs.

However, in order to ensure that this industry flourishes, we must also ensure that American innovation is protected. And that is what this bill sets out to accomplish.

The legislation takes two important steps to bolster patent protection of biotechnology inventions.

First, the bill overrules a widely criticized Federal circuit court decision that has been routinely misapplied by the U.S. Patent and Trademark Office. Under the legislation, an inventor will now be able to obtain a patent on the method of making or using a product if either the starting material or the end product itself can be patented.

Second, the bill closes a loophole that has allowed foreign entities to unfairly profit from American biotechnological innovations. Currently, the holder of a U.S. patent on biotechnological material cannot prevent another entity from using that material overseas, and then exporting the final product back to the United States, often to compete with the patent holder's final product.

This bill, however, would amend the patent law to ensure that patented biotechnological material used to make a product—for instance, a gene or host cell—can itself be enforced at the border against an infringer who uses the material overseas to make a product for export to the United States. This provision is modeled on an existing law, which I had a hand in crafting, that provides similar protection against products made overseas with a process patented here.

If we are to build an American economy that creates jobs and raises incomes, we must rely on our most powerful economic resource: the creativity and ingenuity of our people. But as New Jersey's own Thomas Edison taught us, innovation does not come easily or quickly. It requires constant trial-and-error and countless late nights in the lab. So, when the breakthrough happens, it is crucial that the inventor's hard work and ingenuity are rewarded and protected.

Therefore, on behalf of the ingenious workers, scientists, and entrepreneurs who make New Jersey's biotech industry one of the world's leaders, I urge my colleagues to support this legislation.

Mr. DECONCINI. Mr. President, I rise in support of S. 298, the Biotechnology Patent Protection Act of 1993, which I introduced on February 3 of this year. It is cosponsored by Senators HATCH, HEFLIN, KENNEDY, KOHL, LAUTENBERG, SPECTER, GRASSLEY, BROWN, DOMENICI, and FEINSTEIN. Representatives BOUCHER, MOORHEAD, and several other Representatives have introduced companion legislation in the House.

Mr. President, the United States is currently the world leader in biotechnology. This vibrant industry generates billions of dollars for our Nation's economy. Like many high-technology industries, however, biotechnology vitally depends on patents to protect the vast research and development costs necessary for technological breakthroughs and commercial development.

Patent protection assures venture capitalists that they can recover their investment, and motivates inventors to devote time and energy to the realization of technological innovation. Unfortunately, our current patent system has failed to adequately protect the intellectual property of our Nation's biotechnology industry.

The Biotechnology Patent Protection Act of 1993 will strengthen the patent position of our Nation's biotechnology industry in two ways. First, the bill would eliminate barriers to biotech process patenting. Second, the bill would close a loophole in current law which currently allows a competitor to exploit a patented host cell overseas and then import the resulting product back into the United States.

Title I of the Biotechnology Protection Act would overturn in re Durden, a troublesome Federal circuit case that is being used as a basis for rejecting biotechnology process patent claims.

In Durden, the Federal circuit held that the use of a new starting material in an otherwise known process did not constitute a patentable process. The application of Durden in the biotechnology area has denied protection to innovations that can only be protected through process patents.

This bill would overturn Durden by amending the Patent Code to provide that a biotechnological process of making or using a product may be considered nonobvious if the starting material or resulting product is novel and nonobvious. The effect of this provision is to provide drastically needed certainty and incentives to the biotechnology industry.

Title II of the act would close a loophole in current law, to prevent blatant foreign exploitation of patented biotechnological material. Under current law, the holder of a patent to an organism can preclude another from using the organism in the United States. However, without patent protection for the process of using that organism, a competitor can take the patented organism to another country, use it to produce a protein-based product, and then import that product back into the United States.

Title II of the Biotechnology Protection Act will stop this exploitation by providing a remedy against infringing foreign competitors. This legislation will create a level playing field by allowing a patent owner to enforce a patent claiming a host cell against a foreign manufacturer who imports a product made using the host cell.

Mr. President, this bill passed the Senate last year but unfortunately was not acted on by the House. Therefore, I urge my colleagues to assist me in passing this legislation again to protect our Nation's dominance in biotechnology.

This bill will provide incentives to venture capitalists and inventors alike. It will stop intellectual property pirates from stealing the ideas and innovations of our scientists and engineers. It will reduce litigation costs by providing certainty in the law. Most importantly, this bill will allow the United States to continue to lead the world in biotechnology research and will provide essential protection to this multibillion-dollar industry.

Mr. KENNEDY. Mr. President, I am an original sponsor of S. 298, the Biotechnology Patent Protection Act, and I urge all of my colleagues to join in passing this important bill.

The United States is the world's leader in the research, development and manufacture of biotechnology products. More than 100 million people are treated annually with medicines derived from biotechnology and more than 100 new products are being developed to treat Alzheimer's disease, AIDS, cancer, cystic fibrosis and many other illnesses. Our country is unsurpassed in translating cutting-edge science into economic growth and improved human health.

Common sense tells us to reward innovation and punish imitators, but the opposite is true in our current patent laws. In a research-intensive industry, the need to protect innovation is particularly urgent. Piracy is simple and easy when breakthroughs are published and disseminated in scientific journals. The threat that imitators will manufacture duplicate drugs is enough to dissuade some companies from developing new drugs.

This current piracy must be halted. It poses insurmountable economic drawbacks for innovative companies. Without adequate patent protection, they cannot attract the venture capital investment needed to pursue promising new therapies. Companies must have assurances that rival firms cannot pirate their original research.

The current patent law also leads to inconsistent decisions. Patent litigation is expensive and time consuming, and drains companies' research resources.

The Biotechnology Patent Protection Act solves each of these problems. The act closes a loophole that allows unfair imports of biotechnology-derived products to be sold in the United States. Patent protection will be extended to cover an inventor's process of making a product. This kind of protection is routinely granted in Western Europe and Japan, and is already available for inventions in other industries.

Our current patent law grants foreign competitors unnecessary and unfair advantages and leaves U.S. researchers legally powerless to protect their ingenuity. These reforms will benefit the public interest by stimulating biomedical innovation, and promote competition through a stricter patent standard that ensures parity with foreign competitors.

The act is supported by the academic research community as well as the pharmaceutical and biotechnology industries. It enjoys wide bipartisan support. The Bush administration supported the bill, and President Clinton has indicated his support as well.

This bill provides an important legislative remedy for current inadequacies in our patent laws. By granting adequate protection to biotechnology products, it ensures that the Nation will benefit from cutting-edge therapies and the biotechnology industry will remain innovative and competitive.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS ACT OF 1993—MESSAGE FROM THE PRESIDENT—PM-31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

I am pleased to submit to the Congress the "Community Development Banking and Financial Institutions Act of 1993." This legislative initiative will promote the creation of community development financial institutions that will empower individuals and communities and provide for greater economic opportunity. Also transmitted are a statement of the Administration's principles embodied in this proposal and a section-by-section analysis.

In too many urban and rural communities, there is a lack of capital and credit. Lending in distressed communities, particularly to small businesses, can be complicated. It may require special expertise and knowledge of the borrower and the community, credit products, subsidies, and secondary markets. Community development financial institutions—including community development banks like South Shore Bank in Chicago, community credit unions such as Self-Help in North Carolina, community development corporations, micro-enterprise loan funds, and revolving loan funds—have demonstrated that they can provide capital, credit, and development services in distressed areas and to targeted populations.

The bill proposes establishment of a Community Development Banking and Financial Institutions Fund that would support a program of investment in community development financial institutions. The Fund would provide financial and technical assistance to, and serve as a national information clearinghouse for, community development financial institutions.

This initiative reaffirms my commitment to helping communities help themselves. By ensuring greater access to capital and credit, we will tap the entrepreneurial energy of America's poorest communities and enable individuals and communities to become self-sufficient.

My Administration is also committed to enhancing the role of traditional financial institutions with respect to community reinvestment. As a complement to the community development financial institutions initiative, we will adopt regulatory changes to more effectively implement the Community Reinvestment Act of 1977. These changes will replace paperwork with performance-oriented standards and will include tougher enforcement measures for noncompliance.

In order to secure early enactment of legislation in this crucial area, I urge the Congress to consider the Community Development Banking and Financial Institutions Act of 1993 as a discrete bill, separate from general issues of financial services reform and any other nongermane amendments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 15, 1993.*

## MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following as managers of the conference on the part of the House:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. SABO, Mr. GEPHARDT, and Mr. KASICH.

As additional conferees from the Committee on the Budget, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Mr. STENHOLM, Mr. POMEROY, Mr. KILDEE, Mr. SMITH of Texas, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Ms. SLAUGHTER, Mr. MOLLOHAN, Mr. GORDON, Mr. SHAYS, and Ms. SNOWE.

As additional conferees from the Committee on the Budget, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Mr. FRANK of Massachusetts, Mr. BLACKWELL, Ms. WOOLSEY, Mr. LAZIO, and Mr. HOKE.

As additional conferees from the Committee on the Budget, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. KILDEE, Mr. PRICE of North Carolina, Mrs. KENNELLY, Mr. MILLER of Florida, and Mr. SMITH of Michigan.

As additional conferees from the Committee on the Budget, for consideration of sections 5000–187, 13234, 13242, 13264, 13400–571 of the House bill, and sections 7000–501, 7601(c), 7801, 7802 (b) and (c), and 7904 of the Senate amendment, and modifications committed to conference: Mr. BEILENSON, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of sections 5200–44, 5301, 9006–07 of the House bill, and sections 4001–11 and 6001 of the Senate amendment, and modifications committed to conference: Mr. BRYANT, Mr. COYNE, Mr. COSTELLO, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of title VII of the House bill, and title XI and sections 4008(c), that portion of section 12011 which adds a new section 455j to the Higher Education Act, 12045(7), 12047(a), and 12105 of the Senate amendment, and modifications committed to conference: Mr. ANDREWS of Texas, Mr. MOLLOHAN, Ms. WOOLSEY, Mr. SMITH of Texas, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mrs. KENNELLY, Mr. COSTELLO, Mrs. MINK, Ms. SNOWE, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title IX and sections 1402, 5301, and 11002 of the House bill, and titles V and VI and section 1503 of the Senate amendment, amd modifications committed to conference: Mr. BRYANT, Mrs. MINK, Mr. BLACKWELL, Mr. KOLBE, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of titles VI and X and sections 10001–02, 13702, and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. BERMAN, Mr. ANDREWS of Texas, Mr. GORDON, Mr. KOLBE, and Mr. MILLER of Florida: *Provided,* That for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, Mr. COX and Mr. SMITH of Michigan are appointed in lieu of Mr. KOLBE and Mr. MILLER of Florida.

As additional conferees from the Committee on the Budget, for consideration of title XI and sections 9004–05 of the House bill, and section 6002 of the Senate amendment, and modifications committed to conference: Mr. WISE, Mr. COSTELLO, Mr. BERMAN, Mr. LAZIO, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title XII of the House bill, and title XIII (except 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. PRICE of North Carolina, Mr. COYNE, Mr. JOHNSTON of Florida, Mr. HERGER, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of titles XV and XVI of the House bill, and title XIV of the Senate amendment, and modifications committed to conference: Mr. STENHOLM, Mr. WISE, Mr. FRANK of Massachusetts, Mr. SHAYS, and Mr. COX.

As additional conferees from the Committee on Armed Services, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. HUTTO, Mr. SKELTON, Mr. SPENCE, Mr. STUMP, and Mr. KYL: *Provided,* That for consideration of section 12009 of the House bill, and section 13003 of the Senate amendment, Mr. MCCURDY is appointed in lieu of Mr. MONTGOMERY; and Mr. HUNTER is appointed in lieu of Mr. STUMP.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. LEACH, Mr. MCCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, and 13420 of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. WILLIAMS, Mr. GOODLING, Mr. PETRI, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5200–44 of the House bill, and sections 4001–11 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. TAUZIN, Mr. MANTON, Ms. SCHENK, Mr. MOORHEAD, Mr. FIELDS of Texas, and Mr. OXLEY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5000–5091, 5100–87, 13010(a), 13234, 13242, 13264, 13431–13571, and 14411 of the House bill, and sections 1105(b), 7000, 7201–7501, 7601(c), 7801, 7802 (b) and (c), 7904, 7951, 12101–12205, and 12321 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. TOWNS, Mr. SLATTERY, Mr. MOORHEAD, Mr. BLILEY, and Mr. BILIRAKIS.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 5301 and 9006–07 of the House bill, and section 6001 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. WASHINGTON, Mr. KREIDLER, Mr. SWIFT, Mr. MOORHEAD, Mr. BILIRAKIS, and Mr. BARTON of Texas.

As additional conferees from the Committee on Foreign Affairs, for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. ANDREWS of New Jersey, Mr. GILMAN, Ms. SNOWE, and Mr. HYDE.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mr. STUDDS, Mr. TAUZIN, Mr. LIPINSKI, Mr. ORTIZ, Mr. MANTON, Mr. FIELDS of Texas, and Mr. BATEMAN: *Provided*, That for consideration of title VIII of the House bill, and section 4051 of the Senate amendment, Mr. INHOFE is appointed; and for consideration of section 9004 of the House bill, Mr. SAXTON is appointed.

As additional conferees from the Committee on Natural Resources, for consideration of title IX and sections 1402, 5301, and 11002, of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Mr. MILLER of California, Mr. VENTO, Mr. DE LUGO, Mr. LEHMAN, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. HANSEN, and Mrs. VUCANOVICH.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of title X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mrs. SCHROEDER, Mr. MCCLOSKEY, Ms. NORTON, Miss COLLINS of Michigan, Mr. MYERS of Indiana, Mr. BURTON of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title XI and sections 8002 and 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference: Mr. MINETA, Mr. OBERSTAR, Mr. APPLEGATE, Mr. RAHALL, Mr. DE LUGO, Mr. SHUSTER, Mr. CLINGER, and Mr. BOEHLERT.

As additional conferees from the Committee on Rules, for consideration of title XVI and sections 13560, 13605, 15201–15212, of the House bill, and sections 14001–04 of the Senate amendment, and modifications committed to conference: Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. FROST, Mr. BONIOR, Mr. SOLOMON, Mr. QUILLEN, and Mr. GOSS.

As additional conferees from the Committee on Veterans Affairs, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. MONTGOMERY, Mr. EVANS, Mr. ROWLAND, Mr. SLATTERY, Mr. SANGMEISTER, Mr. STUMP, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

As additional conferees from the Committee on Ways and Means, for consideration of title XIV and sections 13601–705 of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. ARCHER, and Mr. CRANE.

As additional conferees from the Committee on Ways and Means for consideration of sections 13001–20 of the House bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. JACOBS, Mr. ARCHER, and Mr. BUNNING.

As additional conferees from the Committee on Ways and Means for consideration of sections 13201–84 of the House bill, and sections 7601–03 and section 7802 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. FORD of Tennessee, Mr. ARCHER, and Mr. SANTORUM.

As additional conferees from the Committee on Ways and Means, for consideration of title XVI and sections 4032, 4033(3), 5000–91, 5117, those portions of section 5181 which add new sections 2161 and 2173(b) to the Public Health Service Act, 5181(b), 8002, 9004, 11001, 12004(b), 13400–571, and 15301 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7000–305, 7433, 7601–03, 7701–02, 7802, 7901 (a) and (c), 7902–04, 7950–54, that portion of section 12011 which adds a new section 457 to the Public Health Service Act, 12055, 12101–02, that portion of section 12202 which adds a new section 2148(b) to the Public Health Service Act, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) entitled "An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994":

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005 (a)–(c) and (f) of the House bill, and title I and sections 5001, 5002 (a), (b), and (d), and 5003 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE, Mr. GLICKMAN, Mr. VOLKMER, Mr. PENNY, Mr. ROBERTS, Mr. EMERSON, and Mr. GUNDERSON.

As additional conferees from the Committee on Government Operations, for consideration of section 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. ENGLISH of Oklahoma, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029, and 13560 of the House bill, and those portions of section 12011 which add new sections 453(a)(4) and 456(a)(2) to the Higher Education Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. WAXMAN, Mr. SPRATT, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. SPRATT, Mr. SYNAR, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001–111, 15206, and 15301 of the House bill, and modifications committed to conference: Mr. CONYERS, Mr. SPRATT, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. SYNAR, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. EDWARDS of California, Mr. CONYERS, Mr. SYNAR, Mr. MOORHEAD, Mr. COBLE, and Mr. FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, and section 12045(7) of the Senate amendment, and modifications committed to conference; Mr. BROOKS, Mr. CONYERS, Mr. SYNAR, Mrs. SCHROEDER, Mr. BERMAN, Mr. FISH, Mr. GALLEGLY, and Mr. MOORHEAD.

As additional conferees from the Committee on the Judiciary, for consideration of section 12105 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. GEKAS, Mr. RAMSTAD, and Mr. FISH.

At 6:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

## MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, PA as the National Aviary in Pittsburgh; to the Committee on Environment and Public Works.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1071. A communication from the Secretary of Labor, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Labor, for the period October 1, 1992 through March 31, 1993; to the Committee on Finance.

EC-1072. A communication from the Secretary of Health and Human Services, transmiting, pursuant to law, a report entitled "Payment For Blood Clotting Factors Administered to Medicare Inpatients Who Have Hemophilia"; to the Committee on Finance.

EC-1073. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medicare prospective payment system; to the Committee on Finance.

EC-1074. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report on determinations and investigations for the period July through December 1992; to the Committee on Finance.

EC-1075. A communication from the Chairman (Cultural Property Advisory Committee), U.S. Information Agency, transmitting, pursuant to law, a report on the extension of the emergency import ban on antique textiles of the community of Coroma, Bolivia; to the Committee on Finance.

EC-1076. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Generalized System of Preferences; to the Committee on Finance.

EC-1077. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements and background statements relative to Argentina; to the Committee on Foreign Relations.

EC-1078. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the texts of international agreements and background statements relative to Sweden; to the Committee on Foreign Relations.

EC-1079. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of the list and texts of international agreements relative to Taiwan; to the Committee on Foreign Relations.

EC-1080. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on efforts made by the United Nations and specialized agencies to employ a fair share of Americans; to the Committee on Foreign Relations.

EC-1081. A communication from the Chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, a report on the U.S. Information Agency and public diplomacy activities; to the Committee on Foreign Relations.

EC-1082. A communication from the Executive Director of the Board For International Broadcasting, transmitting, a draft of proposed legislation entitled "Board for International Broadcasting Act, Fiscal Years 1994 and 1995"; to the Committee on Foreign Relations.

EC-1083. A communication from the Acting Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on arms control and disarmament studies completed in 1992; to the Committee on Foreign Relations.

EC-1084. A communication from the Deputy Director (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, a report entitled "The Operation of the Enterprise for the Americas Facility"; to the Committee on Foreign Relations.

EC-1085. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the People's Republic of China; to the Committee on Foreign Relations.

EC-1086. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to commercial disputes with governmental entities in Saudi Arabia; to the Committee on Foreign Relations.

EC-1087. A communication from the Director of the U.S. Information Agency and the Chairman of the Board for International Broadcasting, transmitting, a draft of proposed legislation entitled "U.S. International Broadcasting Act of 1993"; to the Committee on Foreign Relations.

EC-1088. A communication from the Acting Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 1994 Arms Control Impact Statement"; to the Committee on Foreign Relations.

EC-1089. A communication from the Director of Central Intelligence, transmitting, a draft of proposed legislation entitled "Intelligence Authorization Act for Fiscal Year 1994"; to the Select Committee on Intelligence.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 521. A bill to assist the development of tribal judicial systems, and for other purposes (Rept. No. 103-88).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1174. A bill for the relief of Olga D. Zhondetskaya.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

William Christie Ramsay, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: William Christie Ramsay.

Post: Brazzaville, Republic of Congo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: John C. Ramsay, none; Frances Ramsay, none.
5. Grandparents names: William Ramsay; Elizabeth Warburton Ramsay; Elmore Yeager; Clara Ball Toll Yeager (all deceased).
6. Brothers and spouses names: Elizabeth Gustafson, none; John Gustafson, none; Christine Covey, none.
7. Sisters and spouses names: James P. Covey, none; Ellen F. Keller, none.

William H. Dameron, III, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Nominee: William H. Dameron, III.

Post: Ambassador to the Republic of Mali.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Phoube Dameron, none.
4. Parents names: William H. Dameron, Jr., none; Geraldine S. Dameron, none.

5. Grandparents names: Ethel Crew, deceased; John Saviers, deceased; William and Mattie Dameron, both deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Linda * * * (single), none.

Joseph A. Saloom III, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Joseph A. Saloom, III.

Post: Conakry, Guinea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anne M. Saloom, none.

3. Children and spouses names: Elizabeth, none; Charles, none.

4. Parents names: Ilyas Joseph Saloom (father), January 14, 1988, $1,000, Congressman Ed Markey (MA); September 25, 1988, $100, Congressman Mavroules (MA); October 12, 1988, $100, Representative Richard Krauss (Massachusetts State Rep.); November 5, 1989, $150, Congressman Atkins (MA); November 9, 1989, $100, Congressman Bonear; November 13, 1989, $500, Senator John Kerry (MA); November 13, 1989, $100, Congressman Markey; November 28, 1989, $250, Senator Kerry (MA); December 11, 1989, $125, Congressman Atkins; January 29, 1990, $500, Congressman Markey; February 22, 1990, $100, Congressman Mavroules; March 26, 1990, $100, Congressman Atkins; June 17, 1990, $250, Congressman Dorgod; October 3, 1990, $100, Congressman Atkins; October 3, 1990, $100, Senator Kerry; October 15, 1990, $100, Congressman Atkins; March 12, 1991, $100, Congressman Atkins; May 20, 1991, $25, Mass. Democratic Party; June 16, 1991, $500, Congressman Markey; September 24, 1991, $500, Congressman Atkins; November 18, 1991, $100, Congressman Atkins; February 17, 1992, $250, Paul Tsongas (MA); March 16, 1992, $500, Congressman Fazio (CA); June 12, 1992, $100, Congressman Atkins; July 29, 1992, $500, Congressman Markey; Barbara Saloom (mother), none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Peter & Linda Saloom, none.

7. Sisters and spouses names: Susan & John Femiani, none; Helen & Marco Rizzo, none; Barbara & David Capobianco, none.

Dennis C. Jett, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Dennis C. Jett.

Post: Maputo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Brian Jett, none; Allison Jett, none.

4. Parents names: Helen Jett, none; Clifton Jett, deceased.

5. Grandparents names: All deceased.

6. Brothers and spouses names: Paul Jett, none; Mr. and Mrs. Michael Jett, none; Mr. and Mrs. James Jett, none.

7. Sisters and spouses names: None.

Laurence Everett Pope, II, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: Laurence Pope.

Post: Chad.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Laurence Pope, none.

2. Spouse: Elizabeth Pope, none.

3. Children and spouses names: Eleanor and Elizabeth, none.

4. Parents names: Eleanor H. Pope (mother), none; Everett P. Pope (father), $100 annually to the Investment Company Institute, PAC.

5. Grandparents names: Laurence Pope (deceased); Ruth Pope (deceased).

6. Brothers and spouses names: Ralph Pope (bother) $50 annually to the Aircraft and Pilots Associations, PAC.

7. Sisters and spouses names: Jean Pope (sister-in-law), none.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Howard Franklin Jeter.

Post: Republic of Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Howard F. Jeter, none.

2. Spouse: Donice M. Jeter, none.

3. Children and spouses names: Malaika M. Jeter (13 yrs.), none; Jason C. Jeter (11 yrs.), none.

4. Parents names: James W. Jeter, Jr. (deceased); Emma M. Jeter (deceased).

5. Grandparents names: James W. Jeter, Sr.; Clara Jeter; Rev. James S. Maddox; Ella Smith Maddox (deceased).

6. Brothers and spouses names: James R. Jeter, none; Jacqueline Jeter, none.

7. Sisters and spouses names: Jacqueline P. Taylor, none; Col. Fred D. Taylor, Sr., none.

Andrew J. Winter, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Nominee: Andrew Jan Winter.

Post: Ambassador to the Republic of The Gambia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Andrew J. Winter, none.

2. Spouse: Christine Bo Yuan-Winter, none.

3. Children and spouses names: Joanna K.C. Ning, none.

4. Parents names: Ernest Winter, deceased; Ilona Winter, none.

5. Grandparents names: Hugo Winter, deceased; Marie Winter, deceased; Theodore Roubicek, deceased; Ida Roubicek, deceased.

6. Brothers and spouses names: John T. Winter, none; Maureen A. Winter, none.

7. Sisters and spouses names: N/A.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs:

Victor P. Raymond, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

By Mr. INOUYE, from the Committee on Indian Affairs:

Ada E. Deer, of Wisconsin, to be an Assistant Secretary of the Interior.

**(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)**

By Mr. BIDEN, from the Committee on the Judiciary:

Eleanor Acheson, of Massachusetts, to be an Assistant Attorney General.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:**

By Mr. GORTON:

S. 1232. A bill to amend the Motor Vehicle Information and Cost Savings Act to require the establishment of Federal requirements regarding the disclosure and reporting of salvage vehicles and manufacturer buyback vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1234. A bill to authorize the payment of Servicemen's Group Life Insurance in accordance with title 38, United States Code, as amended effective on December 1, 1992, in the case of certain members of the Armed Forces killed in an aircraft accident on November 30, 1992; to the Committee on Veterans Affairs.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. BOREN, and Mr. BAUCUS):

S. 1235. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. BUMPERS):

S. 1236. A bill to reauthorize the National Women's Business Council, and for other purposes; to the Committee on Small Business.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 1237. A bill to extend the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Finance.

By Mr. CHAFEE:

S. 1238. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1239. A bill to extend the temporary suspension of duty on theobromine; to the Committee on Finance.

S. 1240. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

S. 1241. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

S. 1242. A bill to extend the temporary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1243. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1244. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1245. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1246. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1247. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. BROWN, and Mr. CHAFEE):

S. 1248. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. HATCH, Mr. WOFFORD, Mr. DURENBERGER, Mr. WELLSTONE, and Mr. SIMON):

S. 1249. A bill to amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWN:

S. 1250. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain Park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1251. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S.J. Res. 113. A joint resolution designating October 1993 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL):

S. Res. 132. A resolution to amend paragraph 2 of Rule XXV; considered and agreed to.

By Mr. FORD (for Mr. MITCHELL):

S. Res. 133. A resolution to make appointments to the Committee on the Armed Services, the Committee on Commerce, Science and Transportation, the Committee on Energy, and Natural Resources, and the Special Committee on Aging; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1232. A bill to amend the Motor Vehicle Information and Cost Savings Act to require the establishment of Federal requirements regarding the disclosure and reporting of salvage vehicles and manufacturer buyback vehicles; to the Committee on Commerce, Science, and Transportation.

### USED CAR CONSUMER NOTIFICATION AND REPORTING ACT

Mr. GORTON. Mr. President, every day hundreds of thousands of consumers look into buying used cars. For many, this is a major purchase made possible by saving hard-earned money for months. These consumers will examine prospective purchases carefully—kick the tires, take them for test drives, ask the dealers a hundred different questions, and buy under the impression that the purchases are in solid working condition. A few weeks down the road, some of these people will discover that the cars they purchased have serious problems they were unaware of when they bought. For instance, some may have transmission problems that are costly to repair, and some may even have brake problems that could endanger their safety. When these unsuspecting consumers take their cars to the shop, they may discover that they have unknowingly purchased cars that were lemon law buybacks never repaired, or cars that were involved in serious accidents and were subsequently salvaged, or rebuilt.

Today I am introducing the Used Car Consumer Notification and Reporting Act. This legislation will provide consumers with important information about the history of used cars that were either salvage or lemon vehicles, and it will put an end to the washing to vehicle titles that allows salvage and lemon fraud to occur. This type of fraud not only costs American consumers billions of dollars each year, but it allows thousands of unsafe vehicles unknowingly to end up in the hands of unsuspecting buyers. both "60 Minutes" and "Inside Edition" have run stories exposing the problems of salvage and lemon fraud. The story on "Inside Edition" featured consumers from my own State who are blowing the whistle on this deceptive and menacing problem.

Typically, when a car is totaled in a crash and subsequently rebuilt, most States require that the title of a salvaged vehicle signify that the vehicle has sustained major damage. Similarly, when States determine a vehicle to be a lemon, or when a vehicle is repurchased because of a nonconformity or defect in the car covered under its warranty, some require that this information be noted on the title. Despite these efforts to let consumers know about the vehicles they are buying, unscrupulous individuals can easily obtain a washed title free from the salvage or lemon designation. They simply retitle the vehicle in States which do not have such requirements, as current law does not require States to carry this information forward from a previous State's title. Even fewer States provide for consumer disclosure aside from the information on the vehicle's title—despite the fact that most consumers do not typically see the vehicle's title until after the vehicle has been purchased.

Unsuspecting consumers then buy these vehicles without knowledge of their history—and all too often at a price well above those vehicles' actual values. Consumers lose billions of dollars every year to vehicles with inflated price tags. According to the National Auto Auction Association, the practice of selling rebuilt cars as undamaged used cars costs consumers and the auto industry as much as $4 billion a year. It estimates that in Michigan and Pennsylvania alone, 70 percent of totaled cars may return to the highway. Also, the Center for Auto Safety has estimated that at least 50,000 vehicles are repurchased annually as a result of lemon law arbitration or litigation—and these vehicles can then be recycled into the marketplace, back into the hands of unsuspecting citizens, and back onto the streets.

Not only does this type of fraud perpetuate economic abuse to consumers, but unknowing buyers may end up with cars that have serious engine, transmission, or brake problems that may endanger their safety. According to the Department of Transportation, rebuilt motor vehicles may not have passed rigorous safety inspections and the consumers who end up with them face an increased risk of death or serious injury in motor vehicle accidents.

The lack of uniformity among the States also creates hardship on the auto industry. State disclosure requirements that do exist are inconsistent with one another and require the use of various forms and administrative procedures that are duplicative, burdensome, and confusing to consumers.

It is important to note that this legislation does not establish a national lemon law, nor does it provide a national uniform definition of salvage vehicle. Rather, the determination of what constitutes a salvage or lemon vehicle is left to the States. The Used

Car Act will simply provide a mechanism by which consumers can be assured that they will have important information about the vehicles on which they are preparing to spend their hard-earned money.

My own State of Washington has one of the best lemon laws in the country, but the lack of uniformity among States can drill holes through even the toughest lemon laws. Despite the efforts of my State and others to provide their citizens with this important information, salvage and lemon vehicles can still find their way, undetected, into the hands of consumers who should be protected by even the best of lemon laws.

The Used Car Consumer Notification and Reporting Act contains four major provisions. First, it will provide for a sticker to be placed on salvage and lemon vehicles to alert consumers to their history. Second, it provides for a nationally uniform consumer disclosure statement that provides further information about vehicles' salvage and lemon histories. Third, the bill will require the Department of Transportation to establish a nationally uniform certificate of title that will disclose whether a vehicle was a salvage or lemon vehicle. Finally, it will require all States to carry forward any salvage or lemon designation from one State to another.

Our greatest safeguard against consumer fraud is education. When people are able to make decisions with all the facts and pitfalls in clear view, they are no longer defenseless, and certainly less vulnerable. The Used Car Consumer Notification and Reporting Act will allow consumers to make informed decisions about their used car purchases—and it will play an important role in combating the deceptive and menacing problems of salvage and lemon fraud.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1232

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be referred to as the "Used Car Consumer Notification and Reporting Act".

### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Many States do not have specific requirements regarding the disclosure of a motor vehicle's history and even fewer States require that the motor vehicle's title be stamped or branded to indicate that it is a salvage vehicle or a manufacturer buyback vehicle.

(2) The State disclosure requirements that do exist regarding a motor vehicle's history are inconsistent with one another in scope and language, require the use of various and different forms and administrative procedures, and are duplicative, burdensome on interstate commerce, and confusing to consumers.

(3) The fact that a motor vehicle is a salvage vehicle or a manufacturer buyback vehicle is material to any subsequent sale of the vehicle.

(4) Many salvage vehicles and manufacturer buyback vehicles are subsequently resold at auction or by used motor vehicle dealers and thus recycled back into the marketplace, back onto the streets, and back into repair shops.

(5) Rebuilt motor vehicles may not have passed a rigorous safety inspection and may pose a safety risk, according to the National Highway Traffic Safety Administration, and consumers who unknowingly buy these motor vehicles face an increased risk of death or serious injury in motor vehicle accidents.

### SEC. 3. MOTOR VEHICLE DAMAGE DISCLOSURE REQUIREMENTS.

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting at the end the following new title:

### "TITLE VII—MOTOR VEHICLE DAMAGE DISCLOSURE REQUIREMENTS

### "SEC. 701. DEFINITIONS.

"For the purposes of this title, the following definitions shall apply:

"(1) CERTIFICATE OF TITLE.—The term "certificate of title" means a document issued by a State evidencing ownership of a motor vehicle.

"(2) MOTOR VEHICLE.—The term "motor vehicle" has the same meaning as the term "passenger motor vehicle" in section 2 of the Motor Vehicle Information and Cost Savings Act.

"(3) MANUFACTURER BUYBACK VEHICLE.—The term 'manufacturer buyback vehicle' means a motor vehicle that has been repurchased, replaced, or reacquired by a motor vehicle manufacturer, distributor, or dealer due to a nonconformity in the motor vehicle pursuant to a State lemon law by—

"(A) an order or judgment by a court of law; or an agreement between the parties to settle before trial;

"(B) a decision by a formal, informal, or mandatory arbitration procedure; or

"(4) SALVAGE VEHICLE.—The term 'salvage vehicle' means a motor vehicle that has been issued a title in any State bearing any word or symbol signifying that the motor vehicle is a 'salvage', 'junk', 'reconstructed', or 'rebuilt' motor vehicle, or that the motor vehicle has been severely damaged by flood.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

### "SEC. 702. DISCLOSURE REQUIREMENTS.

"(a) REGULATIONS.—The Secretary shall promulgate regulations, which shall become effective not later than 180 days after the date of the enactment of this title, that establish uniform Federal requirements, as provided in subsection (b), regarding the disclosure to consumers that a motor vehicle is a salvage vehicle or a manufacturer buyback vehicle.

"(b) SPECIFIC REQUIREMENTS.—In carrying out the provisions of subsection (a), the Secretary shall—

"(1) prescribe the form and content of a national uniform certificate of title that discloses that a motor vehicle sold on or after the effective date of such regulations is a salvage vehicle or a manufacturer buyback vehicle;

"(2) prescribe the form and content of a national uniform sticker, to be affixed, prior to the sale of the motor vehicle, to the windshield of a salvage vehicle or a manufacturer buyback vehicle sold on or after the effective date of such regulations, which discloses that the motor vehicle is a salvage vehicle or a manufacturer buyback vehicle;

"(3) prescribe the form and content of a national uniform consumer disclosure statement that—

"(A) includes the motor vehicle make, model, year, vehicle identification number, and any prior title numbers and prior States of title; and

"(B) discloses that a motor vehicle sold on or after the effective date of the regulations promulgated pursuant to this section is (according to records available to the State issuing the certificate of title, including records from any State in which a certificate of title has previously been issued for such motor vehicle) a salvage vehicle or a manufacturer buyback vehicle and the reason for such designation; and

"(4) provide that a motor vehicle, the ownership of which is transferred on or after the effective date of the regulation, may not be licensed for use in any State unless the State discloses in writing on the certificate of title whether records readily accessible to the State indicate whether the vehicle is a salvage vehicle or a manufacturer buyback vehicle; and

"(5) provide for a civil penalty, not to exceed $10,000, which shall be assessed by the Secretary for each violation of a regulation promulgated by the Secretary pursuant to this section.

### "SEC. 703. UNFAIR TRADE PRACTICE.

A violation of any regulation promulgated by the Secretary pursuant to section 4 shall be deemed an unfair or deceptive act or practice for purposes of section 5(a)(1) of the Federal Trade Commission Act.

### SEC. 704. EFFECT ON STATE LAW.

Effective on the date the regulations promulgated pursuant to section 4 become effective, the provisions of this title shall supersede any provision of the law of any State relating to the disclosure of whether a motor vehicle is a salvage vehicle or manufacturer buyback vehicle to the extent that the provision of State law is inconsistent with the provisions of this title or a regulation promulgated pursuant to this title.".

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By Mr. DECONCINI:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes; to the Committee on Energy and Natural Resources.

### ARIZONA WILDERNESS LAND TITLE RESOLUTION ACT OF 1993

• Mr. DECONCINI. Mr. President, today I am introducing legislation to settle a longstanding dispute concerning the status of certain lands in the Prescott National Forest in Arizona.

This legislation, the Arizona Wilderness Land Title Resolution Act of 1993, will effectuate settlement of a very substantial claim to lands, parts of which are in the Apache Creek and Juniper Mesa Wilderness areas, designated by the Arizona Wilderness Act of 1984. This bill has the unique quality of being supported by all parties including: the claimants, Perrin Properties, the Departments of Agriculture, Justice, and Interior and the Wilderness Society.

The subject lands, consisting of some 14,632.72 acres, were included in a grant made by this great body in 1866 to the Atlantic and Pacific Railroad Co., the predecessor of the Santa Fe Pacific Railroad Co. In 1896, the railroad conveyed the lands to members of the Perrin family, predecessors of Perrin Properties. In 1907, the lands, which were not surveyed until the mid-1930's, were included in the Prescott National Forest by Presidential Proclamation. They form a checkerboard pattern and constitute large parts of the Apache Creek and Juniper Mesa Wilderness areas.

In 1940, Congress enacted the Transportation Act by which the land grant railroads, including the Santa Fe, in exchange for surrendering their rights to lands to which were entitled under their grants, but which had not been patented, were relieved of obligations under their grants to carry the personnel and freight of the Government at reduced rates. Where a railroad had previously conveyed unpatented lands to which it was entitled to third parties, the Transportation Act provided that the railroad should submit a list of such parties to the Secretary of the Interior and that their rights would be preserved and protected if they were found to have purchased the lands from the railroad in good faith and for value.

With respect to the lands that are the subject of this legislation, the Santa Fe duly listed the Perrins as good-faith purchasers for value and the Secretary of Interior confirmed their status as such. In 1977, on behalf of Perrin Properties, Santa Fe applied to the Secretary of the Interior for patent to the lands. The Secretary of the Interior, although acknowledging that the Perrins were good-faith purchasers for value whose interest in the land had been listed by Santa Fe and recognized by the Secretary in accordance with the Transportation Act of 1940, held that their interest had been extinguished by reason of their failure to have recorded it under the Recordation Act of 1955.

In 1987, the United States Court of Appeals for the District of Columbia Circuit reversed and remanded the Secretary of Interior's decision on the grounds that the Recordation Act did not apply to Perrin's claim. *Santa Fe Pacific Railroad Company* v. *Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987).

To establish a datum for itself for the purpose of participating in the settlement effort, Perrin procured a professional appraisal which valued the lands in excess of $7 million several years ago. After extensive negotiations, the parties agreed that, in consideration of Perrin conveying all of its interest in the claim area, to settle for $3,854,000.

Having ascertained that Perrin was agreeable to settling for the monetary value of $3,854,000 as determined by the Forest Service, the Forest Service and the Department of Justice, with the approval of the Department of the Interior, jointly sought permission from the General Accounting Office to obtain money from the judgment fund to effect the settlement. By letter of March 23, 1992, to the Department of Justice, the GAO denied this request, apparently on the ground that money from the fund could not be used to settle a claim to land, as distinguished from a claim for money.

Mr. President, if this legislation is not passed and resolution of this issue not completed, the lands will pass into private ownership and will effectively do away with the wilderness areas. Should this occur, this Congress will have to appropriate funds to reacquire the lands by purchase or condemnation at a probable cost several times higher than that for which their status can now be resolved. This must not be allowed to happen.

All of the agencies involved, Agriculture, Justice, and Interior, agree that the only feasible way to settle the claim is by legislation and they fully support the legislation I am introducing. Conservation groups, including the Wilderness Society, support the legislation since the potential impacts to the two wilderness areas absent this legislation would be devastating. Perrin Properties is distressed by the protracted effort to settle the claim and agrees that settlement by legislation is now, by far, the best course.

Mr. President, the purpose of this legislation is clear: To effectuate settlement to which all of the interested parties, Federal and private, have agreed; to resolve the status of the lands involved; to ensure that the lands remain in Federal ownership, and to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas in accordance with the Arizona Wilderness Act of 1984.

The passage of this legislation will provide the necessary conclusion to a protracted settlement which has been carried out with good faith by all parties. This settlement is fair, reasonable and clearly in the public interest. I ask my colleagues to support passage of this needed legislation.

Mr. President, I ask unanimous consent that a letter of support from the Wilderness Society be included in the RECORD.

Mr. President, I also ask unanimous consent to print in the RECORD the full text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1233

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Arizona Wilderness Land Title Resolution Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telephone Line from the States of Missouri and Arkansas to the Pacific Coast", approved July 27, 1866 (14 Stat. 292), granted a right-of-way in Arizona to the Atlantic and Pacific Railroad Company, together with certain alternate sections of public lands on both sides of the right-of-way;

(2) patents were not issued to some of the lands in the grant described in paragraph (1);

(3) as successors in interest to the Atlantic and Pacific Railroad Company, the Santa Fe Pacific Railroad, and Perrin Properties, Inc., a California corporation—

(A) claim rights to approximately 14,632.72 acres of the lands described in paragraph (1); and

(B) applied to the Secretary of the Interior for a patent to the lands;

(4) the Secretary of the Interior denied the application for the patent, which was filed in the name of the Santa Fe Railroad Company for the benefit of Perrin Properties, Inc., on the ground that the claim had been extinguished by failure to record the claim in accordance with the Act entitled "An Act to require the recordation of scrip, lieu selection, and similar rights", approved August 5, 1955 (69 Stat. 534; 43 U.S.C. 274 note) (commonly known as the "Recordation Act");

(5) on appeal, the United States Court of Appeals for the District of Columbia Circuit ruled in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987), that such Act was not applicable and did not bar the issuance of a patent;

(6) ultimate resolution of the question of the title to the 14,632.72 acres may require years of additional litigation;

(7) the Arizona Wilderness Act of 1984 (Public Law 98-406) designated certain lands in the Prescott National Forest in Arizona as components of the National Wilderness Preservation System established by the Wilderness Act (16 U.S.C. 1131 et seq.), including the Apache Creek Wilderness and the Juniper Mesa Wilderness;

(8) the 14,632.72 acres are in the Prescott National Forest and comprise large portions of the Apache Creek and Juniper Mesa Wilderness areas; and

(9) if the 14,632.72 acres are patented to private owners, the creation of a checkerboard ownership pattern over the wilderness areas will effectively preclude management of the area as wilderness.

(b) PURPOSES.—The purposes of this Act are—

(1) to resolve the status of the title to the approximately 14,632.72 acres in the Prescott National Forest described in section 3(c);

(2) to ensure that the lands are permanently retained in Federal ownership; and

(3) to preserve the integrity of the Apache Creek and Juniper Mesa Wilderness areas consistent with the Arizona Wilderness Act of 1984 (Public Law 98-406).

**SEC. 3. RESOLUTION OF STATUS OF LANDS.**

(a) PAYMENT BY THE SECRETARY OF THE TREASURY.—

(1) PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to Perrin Properties, Inc., the sum of $3,854,000 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(2) INTEREST.—No funds shall be made available for the payment of interest on the amounts payable under paragraph (1).

(b) CONDITIONS OF PAYMENT.—The Secretary of the Treasury shall make the payment described in subsection (a) if the Attorney General of the United States notifies the Secretary of the Treasury that the appellants in *Santa Fe Pacific Railroad Company, et al. v. Secretary of the Interior*, 830 F.2d 1168 (1987), and Perrin Properties, Inc., have executed in forms satisfactory to the Attorney General all documents necessary—

(1) to dismiss with prejudice all litigation involving the title to the lands described in subsection (c); and

(2) to release and quitclaim to the United States all right, title, and interest of the appellants and of Perrin Properties, Inc., arising out of the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coasts", approved July 27, 1866 (14 Stat. 292), in and to lands in the Prescott National Forest.

(c) DESCRIPTION OF LANDS.—The lands described in this subsection are the approximately 14,632.72 acres of land in the Prescott National Forest in Arizona described in the decision by the Interior Board of Land Appeals, *Santa Fe Pacific Railroad Co.*, No. 82-449, 72 IBLA 197 (April 19, 1983).

(d) MANAGEMENT OF LANDS.—Upon the execution of documents and dismissal of the litigation as described in subsection (b), the lands described in subsection (c) shall be managed in accordance with the laws, rules, and regulations pertaining to the National Forest System. Lands described in subsection (c) that lie within the boundaries of a wilderness area, as designated on or before the date of enactment of this Act, shall also be managed in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

To reimburse the permanent judgment appropriation for the payment authorized by section 3(a), there is authorized to be appropriated to the Department of Agriculture $3,854,000.

THE WILDERNESS SOCIETY,
*Washington, DC, March 29, 1993.*

Hon. DENNIS DECONCINI,
*U.S. Senate, Washington, DC.*

DEAR SENATOR DECONCINI: I am writing to urge your favorable consideration of efforts to resolve a longstanding land title claim affecting two significant wilderness areas in the Prescott National Forest in the State of Arizona. Specifically, major portions of the 5,420 acres of the Apache Creek Wilderness and the 7,600 acres of the Juniper Mesa Wilderness could be conveyed to private ownership if steps are not taken to resolve a decades old land title dispute. Based on information provided by the Forest Service and its legal counsel, we are able to assess this situation as follows.

A land investment corporation named Perrin Properties, Inc., is the successor in interest to 14,632.72 acres of certain railroad grants to the Santa Fe Pacific Railroad arising under the Act of July 27, 1866. Because of the difficulty and delay in surveying the public lands in this part of Arizona, the lands were never patented to the railroad. Nonetheless, the title claim to the lands remains viable as a result of almost 20 years of litigation.

The United States Court of Appeals for the District of Columbia Circuit ruled in 1987 that various public land laws enacted in 1940 and 1955 did not constitute a bar to patenting these lands to Perrin Properties, Inc. See: *Santa Fe Pacific R. R., et al.* v. *Secretary of the Interior*, 830 F.2d 1168 (D.C. Cir. 1987). As a result of this unfavorable decision for the Government, the Departments of Interior, Agriculture and Justice entered into settlement negotiations with Perrin Properties.

The Forest Service took the lead in settlement negotiations since the patenting of the 14,632.72 acres would overlay the Prescott National Forest with 22 sections of privately owned lands in a checkerboard ownership patter. If this occurred, the potential impacts on the aforementioned wilderness areas would be disastrous.

In the settlement negotiations, various valuations were placed on the 14,632.72 acres. Perrin Properties estimated the value at $11.2 million. A subsequent appraisal made by a private contract appraiser estimated the value at $7,435,000. The Forest Service's zone appraiser estimated the low end of the value range at $4,390,000.

Various settlement options were considered in the form of equal value land exchanges. However, the exchange mechanism proved impossible because of the disparity of valuations and because of the archaeological and cultural resources located on much of the land being considered for exchange. Ultimately, after long negotiations, the parties agreed to settle all claims for a cash payment of $3,850,000, with the payment coming from the Judgment Fund. This settlement figure was agreed to by Perrin Properties, and the Departments of Interior, Agriculture and Justice.

Unfortunately, the settlement was thwarted by the refusal of the General Accounting Office to certify the availability of the money from the Judgment Fund. Our discussions with lawyers for the Agriculture Department indicated great frustration with the GAO decision because it was inconsistent with other GAO Judgment Fund payments made in analogous cases. GAO concluded that the settlement was merely a land acquisition rather than resolution of a title claim and, therefore, the Forest Service should use LWCF monies to "acquire" the lands. Of course, this position overlooks the very nature of the land title claim and the legal impediments to the Forest Service using land acquisition authorities to address such claims.

Our understanding at this juncture is that, without money to settle this case, there is the prospect for several years of additional litigation (apparently the Court of Claims decision did not resolve all issues). However, the Government's ability to ultimately prevail in litigation and thereby prevent patenting of the lands is very problematic. If the lands are patented, the result will either be private development incompatible with wilderness values, or the Government will be compelled to buy the land back at prices double or triple the amount of the proposed settlement.

In our opinion, legislation is the only way this matter can now be resolved. An enactment by Congress could provide for quieting title to the 14,632.72 acres in the United States in return for a cash payment to Perrin Properties for $3,850,000. We understand that officials of Perrin Properties have contacted their local Congressman, Wally Herger (2nd District, California), about possible legislation. However, it is generally recognized that such legislation will not be possible without your support and assistance.

The Wilderness Society is greatly concerned about the potential impact that this land title claim poses to the Apache Creek and Juniper Mesa Wilderness areas. We would strongly support legislation which would effect the fair and reasonable settlement negotiated between three departments of the Federal Government and Perrin Properties, Inc. We ask your attention to this matter and we urge your support for the settlement.

Sincerely,

KARIN P. SHELDON,
*President.*●

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By Mr. BAUCUS:

S. 1234. A bill to authorize the payment of Servicemen's Group Life Insurance in accordance with title 38, United States Code, as amended effective on December 1, 1992, in the case of certain members of the Armed Forces killed in an aircraft accident on November 30, 1992; to the Committee on Veterans Affairs.

PRIVATE RELIEF LEGISLATION

Mr. BAUCUS. Mr. President, I rise today to introduce private relief legislation that, frankly, I would rather not have to introduce.

Sadly, on November 30, 1992, 13 Air Force fliers lost their lives when two C–141B jet transports collided during a night-time refueling mission near Harlem, MT.

Nine of these men had previously filed for supplemental life insurance which was scheduled to take effect on December 1, 1992. Because this tragedy occurred approximately 2 hours before their $100,000 policies took effect, the Department of Veterans Affairs has ruled that no benefits will be paid to the families of these men.

This is wrong. At the time of this tragic disaster, the people of Montana were profoundly saddened. Ours is a small State, a State where people know and care about each other. While the victims of this tragedy were not Montanans, we felt the grief of this loss; we felt as one with their family and friends.

These young, proud, servants of our country were killed in the line of duty. These soldiers and their families have paid the ultimate price for America. And their families deserve to be treated justly and fairly.

The legislation I am introducing today will reverse this unfortunate situation. I strongly urge my colleagues to support this bill. It is simply the right thing to do.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1234

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for purposes of applying subsection (e) of section 1967 of title 38, United States Code, to the 13 members of the Air Force killed on November 30, 1992, in the mid-air collision of two C-141 Starlifter aircraft during a night air-to-air refueling exercise near Harlem, Montana, the amendment made by section 201 of Public Law 102–

568 (adding such subsection to such section 1967) shall be treated as having become effective on November 30, 1992 (rather than on December 1, 1992).

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By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. BOREN, and Mr. BAUCUS):

S. 1235. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Finance.

### TRIBAL GOVERNMENTS TREATMENT ACT OF 1993

Mr. MCCAIN. Mr. President, I rise today on behalf of myself and Senators INOUYE, BOREN, and BAUCUS to introduce a bill to provide authority for Indian tribal governments to offer pension plans to their employees under section 403(b) of the Internal Revenue Code of 1986.

Under present law, no salary deferred pension plans are available to Indian tribal governments and their employees. Thus, Indian tribal governments may be the only employers which do not have the ability to make such plans available to their employees. Further aggravating the situation is the fact that several Indian tribes have already purchased plans provided for under section 403(b) of the Code from insurance companies, only later to find that such plans were not intended for their use. These retirement funds, affecting several Indian tribes and thousands of tribal employees, are now in jeopardy.

A strong employment benefits package is one of the primary factors that individuals take into consideration when they apply for a new job. Although many Indian tribal governments are now competitive in the area of salary and health care, the Internal Revenue Code has been interpreted as prohibiting Indian tribal government from offering any form of salary reduction pension plan—one of the most sought after retirement benefits offered to prospective employees.

Mr. President, there is no sound policy reason for excluding Indian tribal governments from being able to offer 403(b) plans to their employees. Correcting this oversight, I believe, is a matter of simple equity. Correcting this oversight would not have a significant budget impact. Indeed, the Joint Committee on Taxation has estimated that this bill would have a negligible revenue effect on Federal budget receipts.

The Salt River Pima-Maricopa Tribe of Arizona, the Blackfeet Tribe of Montana, the Chickasaw Tribe of Oklahoma, the Pueblo of Santa Ana in New Mexico, the Poarch Band of Creek Indians in Alabama, and the Colville Tribe of Washington have all expressed their strong support for this legislation.

I urge the Senate Finance Committee to give this matter prompt consideration; and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1235

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER SECTION 403(b).

In the case of any contract purchased in a plan year beginning before January 1, 1993, section 403(b) of the Internal Revenue Code of 1986 shall be applied as if any reference to an employer described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501 of such Code included a reference to an employer which is an Indian tribal government (as defined by section 7701(a)(40) of such Code), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or a corporation chartered under Federal, State, or tribal law which is owned in whole or in part by any of the foregoing.

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By Mr. MITCHELL (for himself and Mr. BUMPERS):

S. 1236. A bill to reauthorize the National Women's Business Council, and for other purposes; to the Committee on Small Business.

### NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION ACT OF 1993

Mr. MITCHELL. Mr. President, I am pleased to introduce a bill to reauthorize the National Women's Business Council. Historically and currently, women have faced unique difficulties in initiating and sustaining business ventures. The National Women's Business Council was created in 1988 to help women overcome barriers in the workplace and thereby mine an intellectual and managerial resource which had gone untapped too long.

In the past 4 years, the National Women's Business Council has taken great steps to establish and advance women in the professions. Pursuing its goal to dramatically improve the ability of women business owners to successfully compete in and contribute to the U.S. economy, the National Women's Business Council has laid a foundation that facilitates the entrance and advancement of women in business.

In its first 4 years of existence, the National Women's Business Council has developed invaluable national resources for women in business. Since 1990, the council has held eight hearings and symposia to examine the present state of women in business and plot their future course. These hearings focused on a range of topics including procurement, certification, and women's access to capital.

The information gained from the businesswomen and experts who participated in these hearings gave rise to three reports that the council submitted to the President and Congress in the past 3 years. These reports included specific recommendations aimed at expanding opportunities available to women in business.

The achievements of the National Women's Business Council extend beyond its role as a source of information and policy recommendations. After the council's hearing in Dallas, the Dallas Federal Reserve Board changed its procurement policy to make funds more readily available to women business owners.

The National Women's Business Council has also successfully established a national network. Its efforts on a national scale include the development of a national directory, which provides contacts and information on State and national issues affecting women in business. In addition, the National Women's Business Council has succeeded in inspiring interest in recreating its symposia at the State level. California has established the Council To Promote Business Ownership by Women, and the Federal Reserve Board's Board of Governors has expressed interest in developing a local version of National Women's Business Council symposia as a part of its community affairs program.

Despite the gains the National Women's Business Council has already achieved, barriers to women's entrepreneurial success still remain. The U.S. Small Business Administration estimates that although more than one third of all businesses in the United States are owned by women, only 1.5 percent of all Federal procurement money dollars are awarded to woman-owned businesses. Clearly, the barriers to women in business have not been fully eroded.

If the National Women's Business Council is reauthorized by Congress, as it definitely should be, it plans to continue to submit recommendations to the Congress and President, as well as track the implementation and discerning the impact of these recommendations. The council also intends to continue its efforts to expand the breadth of its impact on the State and local level.

In its first 4 years, the National Women's Business Council has laid a foundation for success of women in business. Now it is time to build on this foundation. This legislation would enable the National Women's Business Council to influence the implementation of its recommendations and expand its assistance to the Nation's businesswomen. I hope you will join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Women's Business Council Reauthorization Act of 1993".

**SEC. 2. MEMBERSHIP.**

(a) NEW MEMBERS.—Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)—

(A) by striking "nine" and inserting "eleven";

(B) in paragraph (1), by inserting ", the Secretary of Labor (or such Secretary's deputy)," after "(or such Secretary's deputy)";

(C) in paragraph (2), by striking "and" at the end of the paragraph;

(D) in paragraph (3), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(4) one member shall be appointed by the President.".

(b) TERMS OF CURRENT MEMBERS.—Any member appointed under paragraph (2) or (3) of section 403(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) and serving prior to the date of enactment of this Act shall continue to serve until the expiration of the term for which the member was appointed.

**SEC. 3. AUTHORIZATION.**

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

**"SEC. 407. AUTHORIZATION.**

"(a) There are authorized to be appropriated $500,000 for each of the fiscal years 1994 and 1995.

"(b) New spending authority or authority to enter into contracts as authorized in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(c) This title shall cease to be effective 2 years after the date of enactment of the National Women's Business Council Reauthorization Act of 1993.".

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By Mr. CHAFEE (for himself and Mr. PELL):

S. 1237. A bill to extend the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing a bill to extend the duty suspension on the importation of stuffed dolls and stuffed toy figures.

The dolls and toy figures in question are imported because there is no domestic industry that makes them. Since there is no manufacturing of these items here in the United States, the continuation of this suspension will not harm a domestic industry.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that this suspension lapsed on December 31, 1992, and that for the past 7 months our toy industry has been paying duty on these imported products. It has been and is costly for our toy industry to do so, and is to no one's benefit. In fact, it makes these toys—toys that parents buy for their children—more expensive.

The bill I am introducing today would extend the duty suspensions for 5 years through December 31, 1997, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include this provision.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY ON STUFFED DOLLS, CERTAIN TOY FIGURES, AND THE SKINS THEREOF.**

Headings 9902.95.01, 9902.95.02, and 9902.95.04 of the Harmonized Tariff Schedule of the United States are each amended by striking "12/31/92" and inserting "12/31/97".

**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this Act apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.95.01, 9902.95.02, or 9902.95.04 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.•

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By Mr. CHAFEE:

S. 1238. A bill to extend the temporary suspension of the duty on 1-chloro-5-hexanone; to the Committee on Finance.

S. 1239. A bill to extend the temporary suspension of duty on theobromine; to the Committee on Finance.

S. 1240. A bill to extend the temporary suspension of the duty on lasamid; to the Committee on Finance.

S. 1241. A bill to extend the temporary suspension of the duty on N-acetylsulfanilyl chloride; to the Committee on Finance.

PHARMACEUTICAL CHEMICALS DUTY SUSPENSION LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing four bills to extend the duty suspensions on the importation of four pharmaceutical intermediates that are used to manufacture drugs for patients.

The first two intermediates—chlorohexanone and theobromine—are used to manufacture pentoxifylline, which is the active ingredient in the product Trental, used in the treatment of arterial disease. The third intermediate, lasimid, is used in the manufacture of a drug that is prescribed to treat diabetes. The fourth intermediate, known as ASC, is used in the production of sulfonamide medicinal products.

I understand that none of these four pharmaceutical intermediates are produced in the United States, and thus, that the extension of the current duty suspensions will not harm domestic industry. In fact, these suspensions will allow domestic pharmaceutical industries to complete on a level basis with their foreign competitors, who do not have to pay such added costs. Moreover, the suspensions can contribute to keeping down medical costs by reducing the cost of producing three important drugs relied on by many Americans.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that these four suspensions lapsed on December 31, 1992, and that for the past 7 months our industry has been paying duty on these four intermediates. It has been and is costly for our pharmaceutical industry to do so, and is to no one's benefit.

The bills I am introducing today would extend the duty suspensions for 2 years through December 31, 1994, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include these provisions.

Mr. President, I ask unanimous consent that the four bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1238

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 1-CHLORO-5-HEXANONE.**

Heading 9902.30.20 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.30.20 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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S. 1239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. THEOBROMINE.

Heading 9902.31.01 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.31.01 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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## S. 1240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. LASAMID.

Heading 9902.29.86 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.86 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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## S. 1241

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. N-ACETYLSULFANILYL CHLORIDE.

Heading 9902.29.97 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.97 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.•

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By Mr. CHAFEE:

S. 1242. A bill to extend the temprary suspension of the duty on 4-chloro-2-nitroaniline; to the Committee on Finance.

S. 1243. A bill to extend the temporary suspension of the duty on chloramino base; to the Committee on Finance.

S. 1244. A bill to extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate; to the Committee on Finance.

S. 1245. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Finance.

S. 1246. A bill to extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide; to the Committee on Finance.

### TEXTILE CHEMICALS DUTY SUSPENSION LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing five bills to extend the duty suspensions on the importation of five chemical intermediates that are used in the production of printing dyes and pigments for textiles.

The International Trade Commission [ITC] has confirmed that none of these five chemicals are produced in the United States, and thus, that the extension of the current duty suspensions should not harm any domestic chemical industry.

Moreover, these suspensions will help the domestic textile industry—which as has been hard hit—compete on a level footing with foreign competitors. Our competitors do not have to pay the extra costs imposed by these duties, and that means by paying these duties our industry is placed at a competitive disadvantage.

During the last Congress, the Congress failed to approve duty suspension legislation. That means that these five suspensions lapsed on December 31, 1992, and that for the past 7 months our industry has been paying duty on these five intermediates. It has been and is costly for our textile industry to do so, and is to no one's benefit.

The bills I am introducing today would extend the duty suspensions for 2 years through December 31, 1994, and would make the suspensions retroactive to December 31 of last year. I hope that Congress will move to enact comprehensive duty suspension legislation that will include these provisions.

Mr. President, I ask unanimous consent that the five bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

## S. 1242

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. 4-CHLORO-2-NITROANILINE.

Heading 9902.29.25 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.25 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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## S. 1243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. CHLORAMINO BASE.

Heading 9902.29.42 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.42 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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## S. 1244

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. 3,4-DIAMINOPHENETOLE DIHYDROGEN SULFATE.

Heading 9902.29.45 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

### SEC. 2. EFFECTIVE DATE.

(a) In General.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.45 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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S. 1245

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NITRO SULFON B.**

Heading 9902.29.07 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.07 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

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S. 1246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 2,5-DIMETHOXYACETANILIDE.**

Heading 9902.29.52 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/94".

**SEC. 2. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry of an article described in subheading 9902.29.52 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992, and

(2) before the date which is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.●

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By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1247. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

### THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM TERMINATION AND DEFICIT REDUCTION ACT OF 1993

● Mr. FEINGOLD. Mr. President, today I am introducing legislation entitled "The Extremely Low Frequency Communication System Termination and Deficit Reduction Act of 1993." I am pleased to be joined in introducing this bill by the senior Senator from Wisconsin [Mr. KOHL].

The ELF project is a U.S. Navy communication system developed during the cold war as a device for the Trident submarine fleet to communicate through deep-water signals. It has two transmitter sites, each miles long—one in Clam Lake, WI, and one in Republic, MI.

ELF operates as a messenger—or bell ringer, sending electromagnetic waves with one-way, phonetic letter spelled out [PLSO] messages to SSBN/SSN submarines deployed in deep waters. The PLSO messages tell the deep-water submarine when it needs to come to shallow waters to receive a message. The Navy claims that ELF contributes to the increased safety of the nuclear submarines because it enables them to remain longer in deep waters without having to travel to shallow waters to check for messages. In essence, its purpose is to protect submarines by allowing them to surface in shallow waters only when they know they have messages, rather than forcing them to surface periodically to check for messages. However, as we all know, the naval nuclear threat has greatly diminished since the collapse of the Soviet Union.

Wisconsin residents for years have been trying to terminate ELF. Senators and Congressmen who were here long before I was—particularly Congressman DAVID OBEY—have been actively opposing the system since its inception in the 1980's. The safety and security benefits it offered then were marginal at best. Today, I believe, a thorough review of ELF's original purpose would reveal that it does not serve a viable function any longer.

Furthermore, there may be environmental and public health hazards associated with ELF. Though the Navy claims the electromagnetic waves emanating from the transmitter are similar to the electromagnetic fields produced by ordinary civilian electric power companies, ITT Research in Chicago has been conducting a study on ELF since 1982, which has thus far yielded no information. Some residents are further concerned because a 1992 Swedish study found that children exposed to relatively weak magnetic fields from power lines develop leukemia at almost four times the expected rate.

In 1984, a U.S. district court, ruling on State of Wisconsin versus Weinberger, ordered ELF to be shut down because the Navy paid inadequate attention to ELF's possible health effects, and violated the National Environmental Policy Act. An appeals court threw out the ruling, claiming that the national security threat from the Soviets was more important. While our national security is still of utmost importance, this ruling should be reconsidered in light of new geostrategic realities.

Project ELF should also be considered in light of another national security threat: the Federal deficit. With the Federal deficit as bloated as it is; with the budget of the Department of Defense as large as it is; and with the transition of our military to a post-cold-war force, I hope we seize the opportunity to save money, and terminate Project ELF.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Extremely Low Frequency Communication System Termination and Deficit Reduction Act of 1993".

**SEC. 2. PROHIBITION OF FURTHER FUNDING OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.**

(a) PROHIBITION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated on or after the date of the enactment of this Act to or for the use of the Department of Defense may not be obligated or expended for the Extremely Low Frequency Communication System of the Navy.

(b) LIMITED EXCEPTION FOR TERMINATION COSTS.—Subsection (a) does not apply to expenditures solely for termination of the Extremely Low Frequency Communication System.●

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By Mr. DANFORTH (for himself, Mr. BROWN, and Mr. CHAFEE):

S. 1248. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

### INTERSTATE COMMERCE COMMISSION FUNCTIONS TRANSFER ACT OF 1993

● Mr. DANFORTH. Mr. President, the legislation I am introducing today with Senators BROWN and CHAFEE would save as much as $45 million annually by transferring all Interstate Commerce Commission [ICC] functions to the Department of Transportation [DOT]. It also would improve safety programs administered by the Federal Highway Administration.

Highway safety functions now are split between DOT and the ICC. In the past few years, the ICC and DOT have failed to work together to promote the safety of the Nation's trucks and buses. This breakdown has led to serious compromises in safety. After six bus passengers were killed in a bus crash near

Vernon, NJ, last July, the National Transportation Safety Board discovered that as many as 45 percent of the 1,098 new passenger carriers approved by the ICC between 1988 and 1991 were unknown to DOT in 1992. As a result, bus companies, such as the one involved in the Vernon wreck, received no DOT safety oversight.

This legislation would transfer all statutory ICC functions, including those related to highway safety, to DOT on October 1, 1993, without transferring funding authority or staff positions. The bill would sunset the five-member Commission, whose authority would be assumed by the Secretary of Transportation. The legislation would not affect previous ICC decisions.

Much of the ICC's $45 million budget and 620 staff positions would be redundant upon transfer since support functions—including personnel, general administration, and external affairs—would be provided by existing DOT offices. By March 31, 1994, the Secretary would submit recommendations to Congress for the elimination or streamlining of former ICC functions, based on an assessment of related benefits and costs.

Given the DOT's proposed fiscal year 1994 operating budget of $14.7 billion and 68,000 civilian staff positions, the transfer of ICC responsibilities should not affect significantly the performance of DOT's ongoing duties.

Mr. President, we can contribute to the reinvention and streamlining of government by putting all transportation functions under one roof. I urge my colleagues to support this initiative to improve motor carrier safety and cut government costs.●

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. HATCH, Mr. WOFFORD, Mr. DURENBERGER, Mr. WELLSTONE, and Mr. SIMON):

S. 1249. A bill to amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis, and for other purposes; to the Committee on Labor and Human Resources.

### TUBERCULOSIS PREVENTION AND CONTROL AMENDMENTS OF 1993

Mr. KENNEDY. Mr. President, the rapid rise of tuberculosis over the past 4 years has placed an enormous burden on the health care system. Over 30,000 new active cases are reported each year in the United States, with over 1,700 deaths.

In the 1950's science thought it had TB under control. The disease rates were dropping and the available drugs were working well. America was lulled into a false sense of security. Money for basic and applied research on TB dwindled. Applications stopped for new drug research in a market that already had four successful anti-TB drugs. Today we face an epidemic of TB now capable of resisting every drug we have, and we are armed only with the basic disease knowledge of the 1950's.

The problem is exacerbated by the fact that the public health infrastructure has deteriorated in recent years due to the economic recession. Funding cutbacks at the Federal, State, and local levels have worsened the situations for the poor, the homeless, and the unemployed. These cuts have led to overcrowding in hospitals, homeless shelters, and prisons, with persons often sleeping in rooms with poor ventilation—an environment highly conducive to the transmission of TB.

Yet in conditions such as these, many of the Nation's most dedicated health care workers go to seek out their patients and provide medical assistance. These workers are placing themselves at high risk. If their skin test is positive, they have no way of knowing if they have contracted drug-sensitive TB or drug-resistant TB. Transmission of resistant TB to health care workers and prison guards is now a fact of life. In one city, at least nine health workers have developed active drug-resistant TB, and five of them have died.

The majority of TB in cases in this epidemic occur among the racial and ethnic minorities, especially African-Americans and Hispanics, and among children, young adults, immigrants, and refugees. The recession has clearly enlarged the susceptible population.

TB also accompanies HIV infection. TB rates have increased dramatically where HIV infection is most prevalent—in large urban areas and among young men 25 to 44 years old.

We need to close the 40-year gap in knowledge. We do not understand how the TB organism works. How does it develop resistance to drugs? How does it make patients sick? Why do some health care workers, heavily exposed to the organism, never get the disease while others do? Answers to these questions and many others are essential if we are to develop new ways to deal with drug-resistant strains we are finding today.

In addition to basic research questions, there are difficult diagnostic questions. Current tests require at least 48 hours before TB can be confirmed and at least 3 weeks before the strain of TB can be determined. This 3 weeks delay requires patients to take several different drugs until the strain's sensitivity can be confirmed. In addition, many labs lack the capability to perform these tests. We need to upgrade these labs and develop more rapid and accurate tests to determine the strain of TB and its susceptibility to drugs.

Finally, we need to ensure that TB patients take their medication. This may sound like a simple task, but the majority of the people who suffer from this disease are often the most difficult to find. Many are homeless, alcoholics, or drug abusers, and live on the margin of society. Failure to take the complete course of medications permits the disease to develop drug resistance. The patient continues to infect others and TB spreads in the community.

New efforts are being made to help, but much more needs to be done. Today, I am introducing legislation to control the spread of TB by developing an improved TB test and upgrading the capability of our TB laboratories, by expanding health care services for the homeless, and by improving epidemiology and treatment compliance programs.

In the long term this legislation gives priority to other important goals, such as quickly developing an antibiotic implant, testing new and existing drugs, conducting research on infection control methods, and conducting basic research on the organism itself and how it develops resistance to drugs.

I look forward to working with Congress and the administration to enact this measure as soon as possible. Strong and decisive action is clearly required in order to combat this unexpected and spreading epidemic. We cannot continue to fight today's diseases with yesterday's knowledge. Forty years of complacency must end, and end now.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tuberculosis Prevention and Control Amendments of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) between 10,000,000 and 15,000,000 people in the United States have been infected with tuberculosis, nearly 26,000 new active cases are reported each year, and over 1,700 tuberculosis-related deaths occur each year;

(2) the number of reported cases of tuberculosis has risen from 22,201 in 1985 to 26,673 in 1992, representing 51,000 more cases than those that would have been expected since 1985;

(3) a recent national survey discovered that 14.4 percent of all active tuberculosis cases were resistant to at least one drug;

(4) drug resistant tuberculosis strains can cost more than $150,000 to treat, and even then, between 40 and 60 percent of the patients receiving such treatment die;

(5) in 1992, tuberculosis cases were reported to the Centers for Disease Control and Prevention by all 50 States, and cases resistant to one or more tuberculosis drugs were reported in at least 36 States, the District of Columbia and Puerto Rico;

(6) in 1992, 27 percent of the reported cases of tuberculosis occurred in foreign born persons;

(7) one third of the world's population harbors tuberculosis; and

(8) among infectious diseases tuberculosis is still the number one killer in the world with an estimated 8,000,000 new cases each year and 2,900,000 deaths.

### SEC. 3. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PROVISION OF SERVICES FOR PREVENTION, CONTROL, AND ELIMINATION.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended in the first sentence by striking "and" after "1991," and all that follows through "1995" and inserting the following: ", $104,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

(b) STATE TUBERCULOSIS PLAN.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) With respect to an application submitted by a State for a grant under this section for the prevention, control and elimination of tuberculosis, such application shall contain a State plan that demonstrates that amounts received under the grant will be expended in a manner that ensures that tuberculosis services will be provided to those at the highest risk of contracting tuberculosis, or in those areas with the highest rates of tuberculosis infection.

"(B) Such plans shall demonstrate that the applicant will work closely with and provide support to entities receiving funds under sections 329, 330, 340, 340A, or titles V or XIX, and to correctional facilities, and nongovernmental organizations such as community-based organizations.

"(C) Such plans shall demonstrate that grant funds will be used for directly observed therapy or other effective interventions with respect to populations with the highest rates of active infection with tuberculosis.".

(c) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—

(1) IN GENERAL.—Section 317(k)(2) of the Public Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by inserting "(A)" after the paragraph designation; and

(C) by adding at the end thereof the following new subparagraphs:

"(B) In support of grants referred to in subparagraph (A), the Secretary may conduct or support applied research and training regarding the surveillance, diagnostic methodologies, prevention, control, and treatment of tuberculosis, including intramural projects and extramural projects.

"(C) For the purpose of carrying out subparagraph (A), there are authorized to be appropriated $26,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence is in addition to the authorization of appropriations established in subsection (j)(2) for carrying out this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended by striking the last sentence.

### SEC. 4. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—

(1) IN GENERAL.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. In carrying out section 446, the Director of the Institute shall conduct or support basic research and research training regarding the cause, diagnosis, early detection and treatment of tuberculosis.".

(2) CONFORMING AMENDMENT.—Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after "Diseases" the following: "(hereafter in this subpart referred to as the 'Institute')".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) of the Public Health Service Act (42 U.S.C. 284c(a)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out section 447 (relating to research on tuberculosis through the National Institute on Allergy and Infectious Diseases), there are authorized to be appropriated $46,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence may not be construed as terminating the availability for such purpose of any other authorization of appropriations.".

### SEC. 5. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

Chapter V of the Food, Drug and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following new section:

### "SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.

"(a) AUTHORITY.—The Commissioner of Food and Drugs shall implement a tuberculosis drug and device research program under which the Commissioner shall—

"(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

"(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

"(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each fiscal year.".

Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senator KENNEDY in the introduction of the Tuberculosis Prevention and Control Amendments of 1993. This legislation authorizes activities by the Public Health Service to curb the growing tuberculosis public health threat.

Once thought to be under control, tuberculosis is again plaguing the citizens of this Nation. Since 1985, cases have been on the rise. While this alone is a reason for concern, the rise in drug-resistant tuberculosis presents an even more serious problem. Currently, 14 percent of tuberculosis cases are resistant to one or more antibiotics. The cost of caring for one of these cases can be more than $150,000. Even then, between 40 and 60 percent of persons receiving treatment die. Because tuberculosis is transmitted through the air, it represents a health threat to all who unknowingly come in contact with an infected person.

The causes of this current situation are many. Federal categorical funding of State tuberculosis treatment and screening programs steadily declined in the early 1980's when the problem was thought to be under control. In addition, because of their weakened immune systems, people with AIDS began to catch this illness and spread it to people around them. Finally, the increasing numbers of homeless individuals living in crowded shelters began to catch and spread the TB germs among themselves and to others.

The difficulty of treating tuberculosis is a major reason this illness is spreading. Current drug therapies were developed decades ago. A standard treatment regimen requires a person to take three or four different antibiotics each day for 6 to 9 months. Due to the complexity of this regimen, many do not complete treatment, which causes drug-resistant cases to develop. In addition, the process of culturing tuberculosis may take weeks or months, making it difficult for health care providers to decide if they are treating patients with the proper medicines.

In order to combat the growing TB problem, the Public Health Service has initiatives under way at the National Institutes of Health [NIH], the Centers for Disease Control and Prevention [CDC], and the Food and Drug Administration [FDA].

Mr. President, the legislation the senator from Massachusetts and I are introducing today authorizes these activities and will enable the Public Health Service to continue and expand its current efforts. This legislation calls for enhanced research on drugs and devices in addition to the development of effective treatment and control methods. It also increases funding for a grant program for State treatment and prevention programs.

I am pleased that Senator KENNEDY accepted my recommendation to prevent the duplication of research activities by the NIH and the CDC. Furthermore, it is our intention that the FDA drug research provisions would not expand existing research authority delegated to the FDA by the Secretary of Health and Human Services.

This tuberculosis bill will enable the Public Health Service to protect the American people from this public health threat. I urge my colleagues to join with Senator KENNEDY and me in support of this important initiative.

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By Mr. HOLLINGS:

S. 1251. A bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; to the Committee on Agriculture, Nutrition, and Forestry.

### DISASTER ASSISTANCE EXTENSION ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today in a call for relief for the American farmer. While the preponderance of media attention has focused on the floods along the Mississippi, another disaster has stealthily scorched the farmers of the Southeast. In my own State, farm losses are already estimated to be over $200 million, with weather forecasts bringing little hope of relief. Our corn crop has been wiped out, with losses ranging from 90 to 95 percent. Other crops, such as cotton and soybeans, face a make-or-break next few weeks.

Mr. President, by flood or by fire, it seems that the American farmer is under attack from forces way beyond his or her individual control. In an attempt to remedy this difficult situation, I am today introducing Senate legislation to move forward in our efforts and provide assistance to those farmers scarred from their battles against Mother Nature.

This bill is similar to legislation introduced by House Agriculture Chairman DE LA GARZA and cosponsored by 26 Members of the House. Modeled after the disaster assistance provisions included in the 1990 Farm Act, this proposal would authorize disaster assistance to producers of program or nonprogram crops who suffer production losses due to damaging weather or related conditions.

The President should be commended for his personal attention and hard work in developing a comprehensive strategy to aid those individuals affected by the flood of the Mississippi. It is my hope that this legislation will help to complement these ideas and, be they soaked or scorched, bring speedy relief to those farmers facing such devastating losses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF EMERGENCY CROP LOSS ASSISTANCE.**

(a) EXTENSION OF ASSISTANCE.—Chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 note; 104 Stat. 3962) is amended to read as follows:

### "CHAPTER 3—EMERGENCY CROP LOSS ASSISTANCE

**"SEC. 2240. SHORT TITLE.**

"This chapter may be cited as the 'Agricultural Disaster Assistance Act'.

### "Subchapter A—Annual Crops

**"SEC. 2241. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.**

"(a) DISASTER PAYMENTS.—

"(1) PAYMENT ACRES.—Effective only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) within the payment acres for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to 65 percent of the established price for the crop for any deficiency in production greater than 40 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent) for such crop.

"(2) FLEXIBLE ACRES.—Payments shall be made available for a crop of a commodity planted for harvest in accordance with section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464), and for which prevented planting credit was provided for such crop, on the same terms and conditions as provided for such commodity under section 2242, 2243, or 2244, as applicable. Such payments shall be based on the reduction in the quantity of the crop of the commodity that producers are able to harvest on such acres.

"(3) LIMITATIONS.—

"(A) ACREAGE IN EXCESS OF PAYMENT ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the payment acreage for the farm for the commodity.

"(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 2247.

"(4) REDUCTION IN DEFICIENCY PAYMENTS.—The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

"(5) ELECTION OF PAYMENTS.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph shall apply for a crop year, effective only for the crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, to producers on a farm who—

"(i) had failed wheat, feed grain, upland cotton, extra long staple cotton, or rice acreage during such crop year; or

"(ii) were prevented from planting acreage to such commodity because of damaging weather or related condition.

"(B) ELECTION.—The Secretary of Agriculture shall (within 30 days after the date on which assistance is made available under this subchapter for a crop year) permit producers referred to in subparagraph (A) to elect whether to receive disaster payments for such crop for such crop year in accordance with this section in lieu of payments received for such crop under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural Act of 1949.

"(6) SPRING WHEAT AS REPLACEMENT CROP FOR WINTER WHEAT.—In providing assistance under this section or section 2242 for a crop of winter wheat, the Secretary shall disregard spring wheat that is planted as a replacement crop for such winter wheat.

"(b) ADVANCE DEFICIENCY PAYMENTS.—

"(1) APPLICATION OF SUBSECTION.—This subsection shall apply only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year.

"(2) FORGIVENESS OF REFUND REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if because of damaging weather or related condition the total quantity of such crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter in this section referred to as the 'qualifying amount'), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) with respect to that portion of the deficiency in production that does not exceed—

"(i) in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent of the qualifying amount; and

"(ii) in the case of other producers, 40 percent of the qualifying amount.

"(B) CROP INSURANCE.—Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(3) ELECTION FOR NONRECIPIENTS.—The Secretary shall allow producers on a farm who, before the date on which assistance is made available under this subchapter for a crop year, elect not to receive advance deficiency payments made available for the crop for such crop year under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) to elect (within 30 days after such date) whether to receive such advance deficiency payments.

"(4) DATE OF REFUND FOR PAYMENTS.—If the Secretary determines that any portion of the advance deficiency payment made to producers for a crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) must be refunded, such refund shall not be required prior to July 31 of the year following such determination for that portion of the crop for which a disaster payment is made under subsection (a).

**"SEC. 2242. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES AND PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES ON FLEXIBLE ACRES.**

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective only for a crop year for which the producers on a farm elect not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and for such crop on flexible acres as provided under section 2241(a)(2)), if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or in the case of producers who obtained crop insurance for such crop, 65 percent) of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 40 percent for the crop (or in the case of producers who obtained crop insurance, 35 percent).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted to the commodity for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATIONS.—

"(1) ACREAGE LIMITATION PROGRAM.—The amount of payments made available to producers on a farm who elect not to participate in the production adjustment program for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

"(2) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

**"SEC. 2243. PEANUTS, SUGAR, AND TOBACCO.**

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective for a crop year only for crops of peanuts, sugar beets, sugarcane, and tobacco in such crop year, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the applicable payment level under paragraph (3), as determined by the Secretary, for any deficiency in production greater than—

"(A) in the case of producers who obtained crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 35 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 35 percent of the farm's effective marketing quota for such crop for such crop year; and

"(B) in the case of producers who did not obtain crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 40 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 40 percent of the farm's effective marketing quota for such crop for such crop year.

"(3) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall be equal to—

"(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

"(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 2244(a)(2); and

"(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for crops of sugar beets and sugarcane for the crop year involved, and that, insofar as is practicable, shall reflect no less return to the producer than under the price support levels in effect for such crop year.

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying for a crop year the limitations contained in paragraph (2) to take into account crop rotation practices of the producers and any change in quotas for crops of tobacco for such crop year.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

"(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

"(2) payments made under this section shall be made taking into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

"(3) the quantity of undermarketings of quota peanuts from a farm for a crop that may otherwise be claimed under section 358-1 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

"(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

"(1) the quantity of undermarketings of quota tobacco from a farm for a crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

"(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

"(f) SPECIAL RULE FOR SUGARCANE.—For purposes of determining the total quantity of a crop of sugarcane that the producers on a farm are able to harvest, the Secretary shall make the determination based on the quantity of recoverable sugar.

**"SEC. 2244. OILSEEDS AND NONPROGRAM CROPS.**

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—

"(A) ELIGIBILITY.—Effective for a crop year only for the crops of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) and nonprogram crops, the Secretary shall make a disaster payment under this section available to the producers on a farm if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers are able to harvest is less than—

"(i) with respect to oilseeds, the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the State, area, or county yield, adjusted for adverse weather conditions during the three immediately preceding crop years, as determined by the Secretary, for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(ii) with respect to nonprogram crops (other than as provided in clauses (i), (iii), (iv)), the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the yield established by the Commodity Credit Corporation under subsection (d)(2) for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(iii) with respect to crops covered in section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h), 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the historical annual yield of the producers for such crops, as determined by the Secretary; and

"(iv) with respect to fish or seafood, 60 percent of the historical annual yield of the producers of such crops, as determined by the Secretary.

"(B) PAYMENT RATE.—The payment shall be made to such producers at a rate equal to 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 40 percent for oilseeds and other nonprogram crops for the crop, except that in the case of producers who obtained crop insurance, if available, for such crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 35 percent.

"(C) LIMITATION ON ASSISTANCE FOR AQUACULTURE.—The total amount of payments made available to all producers under subparagraph (A)(iv) shall not exceed $30,000,000 in any year.

"(2) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"(3) CALCULATION OF PAYMENTS FOR DIFFERENT VARIETIES.—

"(A) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under this subsection on a crop-by-crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

"(B) DIFFERENT VARIETIES.—For purposes of determining the payment levels on a crop-by-crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity, and commodities for which there is a significant difference in the economic value in the market.

"(C) DOUBLE CROPPING.—

"(i) TREATED SEPARATELY.—In the case of a crop that is historically double cropped (including two crops of the same commodity) by the producers on a farm, the Secretary shall treat each cropping separately for purposes of determining whether the crop was affected by damaging weather or related condition and the total quantity of the crop that the producers are able to harvest.

"(ii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply in the case of a replacement crop.

"(D) NAVEL AND VALENCIA ORANGES TREATED AS SEPARATE CROPS.—For the purpose of programs administered under this chapter and the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), navel oranges and valencia oranges shall be considered separate crops.

"(4) EXCLUSIONS FROM HARVESTED QUANTITIES.—For purposes of determining the total quantity of a nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude—

"(A) commodities that cannot be sold in normal commercial channels of trade; and

"(B) dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to the crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR NONPROGRAM CROPS.—

"(1) NONPROGRAM CROP DEFINED.—

"(A) INCLUDED IN DEFINITION.—Except as provided in subparagraph (B), for purposes of this section, the term 'nonprogram crop' means—

"(i) all crops for which crop insurance through the Federal Crop Insurance Corporation was available for a crop year; and

"(ii) other commercial crops for which such insurance was not available for such crop year, including but not limited to—

"(I) ornamentals, such as flowering shrubs, flowering trees, field or container grown roses, or turf;

"(II) sweet potatoes; and

"(III) fish or seafood produced in established freshwater commercial aquaculture operations.

"(B) EXCEPTION.—The term 'nonprogram crop' in subparagraph (A) shall not include a crop covered under section 2241, 2242, or 2243, or oilseeds.".

"(2) FARM YIELDS.—

"(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops to carry out this section.

"(B) PROVEN YIELDS AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years, the yield for the farm shall be based on such proven yield.

"(C) PROVEN YIELDS NOT AVAILABLE.—If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity, or by using other data available to it.

"(D) COUNTY AVERAGE YIELDS.—In establishing county average yields for nonprogram crops, the Commodity Credit Corporation shall use the best available information concerning yields. Such information may include extension service records, credible nongovernmental studies, and yields in similar counties.

"(3) RESPONSIBILITY OF PRODUCERS.—It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of crop losses for a crop year resulting from damaging weather or related condition in order for such producers to obtain disaster payments under this section.

### "SEC. 2245. CROP QUALITY REDUCTION DISASTER PAYMENTS.

"(a) IN GENERAL.—To ensure that all producers of crops covered under sections 2241 through 2244 are treated equitably, the Secretary of Agriculture shall make additional disaster payments to producers of such crops for a crop year who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition, as determined by the Secretary.

"(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 2241, 2242, 2243, or 2244, as appropriate).

"(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, except that such rate shall not exceed 10 percent, as determined by the Secretary, of—

"(1) the established price for the crop, for commodities covered under section 2241;

"(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 2242;

"(3) the payment level under section 2243(a)(3), for commodities covered by section 2243; and

"(4) the payment level under section 2244(a)(2), for commodities covered under section 2244.

"(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster, as determined by the Secretary.

### "SEC. 2246. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

"In the case of producers on a farm who obtained crop insurance for a crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall reduce the amount of payments made available under this subchapter for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this chapter for such crop exceeds the amount determined by multiplying—

"(1) 100 percent of the yield used for the calculation of disaster payments made under this chapter for such crop; by

"(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 2241, the eligible acreage established under paragraphs (1) and (3)(A) of section 2241(a)); by

"(3)(A) in the case of producers who participated in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, the established price for such crop of the commodity;

"(B) in the case of producers who did not participate in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and, with respect to flexible acres as provided under section 2241(a)(2), in the case of those producers who did participate in such program for such year), the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for such crop of the commodity;

"(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 2243(a)(3); and

"(D) in the case of producers of oilseeds or a nonprogram crop (as defined in section 2244(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

### "SEC. 2247. CROP INSURANCE COVERAGE FOR NEXT CROP YEAR.

"(a) REQUIREMENT.—To be eligible to receive for a crop year a disaster payment under this subchapter, an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to damaging weather or related condition, or forgiveness of the repayment of advance deficiency payments under section 2241(b), the producers on a farm shall agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the first crop year that begins after the producer receives the payment, loan, or forgiveness for the crop of the commodity for which such payments, loans, or forgiveness are sought.

"(b) LIMITATIONS.—Notwithstanding subsection (a), producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

"(1) unless such producers' deficiency in production, with respect to the crop for which a disaster payment under this chapter otherwise may be made, exceeds 65 percent;

"(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

"(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the preceding crop year in the county in which the producers are located;

"(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness received; or

"(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (17 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

"(c) IMPLEMENTATION.—

"(1) COUNTY COMMITTEES.—The Secretary of Agriculture shall ensure (acting through the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 2241 through 2245 are implemented, and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

"(2) OTHER SOURCES.—Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

"(3) COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

"(d) REPAYMENT OF BENEFITS.—Notwithstanding any other provision of law, if (before the end of the crop year for which multiperil crop insurance is obtained pursuant to subsection (a)) such crop insurance coverage is canceled by the producer, the producer—

"(1) shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay; and

"(2) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a) made subject to this section.

### "SEC. 2248. CROPS HARVESTED FOR FORAGE USES.

"Not later than 45 days after funds are appropriated to carry out this subchapter for a crop year, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish a yield for that crop year with respect to crops that were, or will be, harvested during such crop year for silage and other forage uses.

### "SEC. 2249. PAYMENT LIMITATIONS.

"(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive for a crop year under one or more of the programs established under this subchapter may not exceed $100,000.

"(b) NO DOUBLE BENEFITS.—No person may receive disaster payments for a crop year under this subchapter to the extent that such person receives a livestock emergency benefit for lost feed production in that year under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d).

"(c) COMBINED LIMITATION.—

"(1) IN GENERAL.—No person may receive any payment under this subchapter or benefit under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) for livestock emergency losses suffered in a crop year if such payment or benefit will cause the combined total amount of such payments and benefits received by such person in such year to exceed $100,000.

"(2) ELECTION.—If a producer is subject to paragraph (1), the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949 (7 U.S.C. 1471g) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

"(d) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

### "SEC. 2250. SUBSTITUTION OF CROP INSURANCE PROGRAM YIELDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary of Agriculture may permit each eligible producer of a crop of a commodity who has obtained multiperil crop insurance for such crop for a crop year or, as provided in subsection (c), the preceding crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to substitute, at the discretion of the producer, the crop insurance yield for such crop, as established under such Act, for the farm yield otherwise assigned to the producer under this subchapter, for the purposes of determining such producer's eligibility for a disaster payment on such crop under this subchapter for the crop year involved and the amount of such payment.

"(b) ADJUSTMENT OF ADVANCED DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, if an eligible producer of wheat, feed grains, upland cotton, extra long staple cotton, or rice for a crop year elects to substitute yields for such producer's crop under subsection (a), the producer's eligibility for a waiver of repayment of an advance deficiency payment on such crop under this chapter shall be adjusted as provided in paragraph (2).

"(2) AMOUNT.—The amount of production of such crop on which the producer otherwise would be eligible for waiver of repayment of advance deficiency payments under this subchapter shall be reduced by an amount of production equal to the difference between—

"(A) the amount of production eligible for disaster payments under this subchapter using a substituted yield under this section; and

"(B) the amount of production that would have been eligible for disaster payments using the farm program payment yield otherwise assigned to the producer under this chapter.

"(c) MULTIPERIL CROP INSURANCE NOT AVAILABLE.—A producer may use the crop insurance yield for the producer's crop of a commodity for the preceding crop year for purposes of substituting yields under subsection (a) if the producer demonstrates to the Secretary that, through no fault of the producer, multiperil crop insurance under the Federal Crop Insurance Act was not made available to the producer for the producer's crop of the commodity for the crop year involved.

"(d) DEFINITION OF ELIGIBLE PRODUCER.—For purposes of this section, the term 'eligible producer' means a producer of a crop of wheat, feed grains, upland cotton, extra long staple cotton, rice, or oilseeds.

**"SEC. 2251. DE MINIMIS YIELDS.**

"The Secretary of Agriculture may determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subchapter. The de minimis yield shall be set at a level that will minimize any incentive (because of the prospect of disaster payments) for a producer to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subchapter.

**"SEC. 2252. SEPARATE TREATMENT OF EACH PRODUCER ON A FARM.**

"A producer on a farm who produces any crop of a commodity for which disaster payments are made available under this subchapter shall qualify for a disaster payment if the total quantity of the commodity that the producer is able to harvest on that farm is reduced as a result of damaging weather or related condition in an amount that meets the criteria of section 2241, 2242, 2243, or 2244, even though the producers on the farm, collectively, may not meet such criteria.

**"SEC. 2253. DEFINITIONS.**

"For purposes of this chapter:

"(1) DAMAGING WEATHER.—The term 'damaging weather' includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind (or any combination thereof) that occurs during the calendar year in which the crop involved is intended to be harvested or the preceding calendar year.

"(2) RELATED CONDITION.—The term 'related condition' includes but is not limited to insect infestations, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

"(3) PERSON.—The term 'person' shall have the meaning given such term by the Secretary in regulations, which shall conform, to the extent practicable, to the regulations defining such term issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note).

### "Subchapter B—Orchards

**"SEC. 2255. ELIGIBILITY.**

"(a) LOSS.—The Secretary of Agriculture shall provide assistance under section 2256 to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of damaging weather or related condition occurring in 1993 or a subsequent calendar year.

"(b) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if such orchardist's tree mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

**"SEC. 2256. ASSISTANCE.**

"The assistance provided by the Secretary of Agriculture to eligible orchardists for losses described in section 2255 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting trees lost and rehabilitating or restoring trees damaged as a result of damaging weather or related condition in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

**"SEC. 2257. DEFINITION.**

"For purposes of this subchapter, the term 'eligible orchardist' means a person who produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees.

**"SEC. 2258. DUPLICATIVE PAYMENTS.**

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

### "Subchapter C—Forest Crops

**"SEC. 2261. ELIGIBILITY.**

"(a) LOSS.—The Secretary of Agriculture shall provide assistance, as specified in section 2262, to eligible tree farmers that planted tree seedlings in a calendar year or the next calendar year for commercial purposes but lost such seedlings as a result of damaging weather or related condition occurring in such next calendar year, as determined by the Secretary.

"(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

**"SEC. 2262. ASSISTANCE.**

"The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 2261 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to damaging weather or related conditions in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

**"SEC. 2263. LIMITATION ON ASSISTANCE.**

"(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subchapter may not exceed $25,000 for a calendar year, or an equivalent value in tree seedlings.

"(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

**"SEC. 2264. DEFINITION.**

"For purposes of this subchapter, the term 'eligible tree farmer' means a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees.

**"SEC. 2265. DUPLICATIVE PAYMENTS.**

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

### "Subchapter D—Administrative Provisions

**"SEC. 2266. INELIGIBILITY.**

"(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this chapter.

"(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

"(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

"(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

**"SEC. 2267. TIMING AND MANNER OF ASSISTANCE.**

"(a) TIMING OF ASSISTANCE.—

"(1) ASSISTANCE MADE AVAILABLE AS SOON AS PRACTICABLE.—Subject to paragraph (2), the Secretary of Agriculture shall make disaster assistance available under this chapter for a crop year or a calendar year, as applicable, as soon as practicable after the date on which appropriations are made available to carry out this chapter for such year.

"(2) COMPLETED APPLICATION.—No payment or benefit provided under this chapter shall be payable or due until such time as a completed application for such payment or benefit for a crop of a commodity has been approved.

"(b) MANNER.—The Secretary may make payments available under subchapter A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

**"SEC. 2268. COMMODITY CREDIT CORPORATION.**

"(a) USE.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this chapter.

"(b) EXISTING AUTHORITY.—The authority provided by this chapter shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

**"SEC. 2269. EMERGENCY LOANS.**

"Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply for a calendar year to persons who otherwise would be eligible for an emergency loan under subtitle C of such Act, if such eligibility is the result of damage to an annual crop planted for harvest in such year.

**"SEC. 2270. REGULATIONS.**

"The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this chapter as soon as practicable after the date on which appropriations are made to carry out this chapter, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

### "Subchapter E—Appropriations

**"SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.**

"Any benefits or assistance (including the foregiveness of unearned advanced deficiency payments or any emergency loans) made available under this chapter shall be provided for a year only to the extent provided for in advance in appropriations Acts. To carry out this chapter, there are authorized to be appropriated such sums as may be necessary. Sums appropriated under this section shall remain available until expended.

**"SEC. 2272. PRORATION OF BENEFITS.**

"Any funds made available for carrying out this chapter for a calendar year in appropriations Acts shall be prorated to all producers eligible for assistance under this chapter in such year.

### "Subchapter F—Application of Chapter

**"SEC. 2273. APPLICATION OF CHAPTER.**

"(a) ANNUAL CROPS.—Subchapter A and section 2269 shall apply only with respect to the 1993 and subsequent crops.

"(b) ORCHARDS AND FOREST CROPS.—Subchapters B and C shall apply only with respect to the 1993 and subsequent calendar years."

(b) APPLICATION FOR ASSISTANCE.—

(1) PRODUCERS AFFECTED BY AMENDMENTS.—In the case of agricultural producers of 1993 or subsequent crops who are affected by the amendments made by this section, the Secretary of Agriculture shall allow those producers to submit applications for initial or additional assistance under chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) until the later of—

(A) the date established by the Secretary under section 2267(a) of such Act for final submission of applications;

(B) the end of the 60-day period beginning on the date of the enactment of this Act; or

(C) the end of the 60-day period beginning on the date on which funds are appropriated to provide assistance for losses resulting from disasters as provided under chapter 3 of subtitle B or subtitle C of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990, or under this Act.

(2) NOTICE OF DETERMINATION.—Not later than 60 days after the date on which the Secretary receives an application for assistance under subsection (a), the Secretary shall inform the producer submitting the application of the Secretary's determination with regard to the application.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended—

(1) by inserting after the item relating to the chapter heading of chapter 3 of subtitle B of title XXII of such Act the following new item:

"Sec. 2240. Short title.";

(2) by striking the item relating to section 2242 and inserting the following new item:

"Sec. 2242. Payments to program nonparticipants for target price commodities and payments to program participants for target price commodities on flexible acres.";

(3) by striking the item relating to section 2244 and inserting the following new item:

"Sec. 2244. Oilseeds and nonprogram crops.";

(4) by striking the item relating to section 2247 and inserting the following new item:

"Sec. 2247. Crop insurance coverage required for next crop year.";

(5) by striking the item relating to section 2251 and inserting the following new items:

"Sec. 2251. De minimis yields.

"Sec. 2252. Separate treatment of each producer on a farm.

"Sec. 2253. Definitions."; and

(6) by inserting after the item relating to section 2272 the following new items:

"SUBCHAPTER F—APPLICATION OF CHAPTER

"Sec. 2273. Application of chapter.".

**SEC. 2. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.**

(a) INCLUSION OF PERMANENT FARMWORKERS AND PACKINGHOUSE WORKERS.—Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) by inserting ", permanent," after "migrant" each place it appears; and

(2) in subsection (b)—

(A) by inserting "(including a packinghouse worker)" after "an individual"; and

(B) by inserting "or packinghouse work" after "farm work" both places it appears.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The section heading of such section is amended to read as follows:

**"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.".**

(2) TABLE OF CONTENTS.—The item relating to such section in the table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended to read as follows:

"Sec. 2281. Emergency grants to assist low-income farmworkers and packinghouse workers.".

**SEC. 3. EMERGENCY FEED ASSISTANCE.**

Title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) is amended—

(1) in section 602(1)(A)(i) by striking "livestock or a dairy producer" and inserting "livestock, a dairy producer, or a beekeeper";

(2) in section 602(1)(A)(ii) by inserting after "husbandry," the term "beekeeping,";

(3) in section 602(1)(B) by inserting after "husbandry," the term "beekeeping,";

(4) in section 602(2) by inserting after "production of food," and the term "bees,"; and

(5) in section 602(b)(1)(A) by inserting after "ranching," the term "beekeeping,".

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By Mr. DECONCINI (for himself and Mr. D'AMATO):

S.J. Res. 113. A joint resolution designating October 1993 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

• Mr. DECONCINI. Mr. President, I am honored to rise today along with my esteemed colleague from New York, Senator D'AMATO, to introduce a resolution designating October 1993 as Italian-American Heritage and Culture Month. This month of October will serve as a time for all Italian-Americans to celebrate the achievements of their ancestors and acknowledge their own contributions to this country and the world today.

On October 12, 1492, Christopher Columbus discovered the New World and, in the process, paved a path for future Italians, and persons of other nationalities, who wished to partake in the opportunities offered by this country. Italy has also given the world the renowned music of Vivaldi and Scarlatti, the wondrous literary works of Dante, and the spectacular art of Giotto, Leonardo da Vinci, and Michaelangelo. My colleagues and I are also reminded daily of the beautiful artwork of Brumidi that can be seen throughout the U.S. Capitol.

Americans of Italian descent are no less accomplished than their forefathers. William Paca, of Maryland, was one of the signers of the Declaration of Independence, and Philip Mazzei, of Virginia, assisted Thomas Jefferson with the composition of that innovative document. Joe DiMaggio was one of the greatest baseball players ever to participate in our national pastime. It is hard for one to forget Fiorello LaGuardia, the beloved mayor of New York City, or Enrico Fermi, winner of the 1938 Nobel Prize for physics. Geraldine Ferraro was the first female Vice-Presidential candidate, Mario Cuomo serves as the Governor of New York, Antonin Scalia is an Associate Justice of the U.S. Supreme Court, and Anthony S. Fauci, M.D., is Director of the National Institute for Allergy and Infectious Diseases.

Mr. President, it is important to recognize and honor the accomplishments of this bright and vibrant community. Italian-Americans deserve the recognition that Italian-American Heritage and Culture Month would bring them.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 113

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1993 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That October 1993 is designated as "Italian-American Heritage and Culture Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.•

• Mr. D'AMATO. Mr. President, it is an honor and a privilege to stand alongside my distinguished colleague from Arizona, Senator DECONCINI, to introduce a resolution designating the month of October, 1993 as "Italian-American Heritage and Culture Month." All Italian-Americans can share a collective sense of pride, achievement, and joy knowing that this month shall be a time for them to embrace their Italian heritage.

Italians have always been part of building our country. From the discovery of the New World just over five centuries ago this October 12 by Christopher Columbus, to the present-day accomplishments of Italian-Americans, Italian culture, history, and tradition have been key elements in the successes of our Nation. William Paca, an Italian-American, was one of the signers of the Declaration of Independence. His patriotism set an example for all Americans to be proud of.

Italian-Americans can be found everywhere where there is work to be done, in every endeavor, in every field of study, in every occupation. The 1938 Nobel Prize for physics was won by nuclear science pioneer Enrico Fermi. Italian-Americans such as Supreme Court Justice Antonin Scalia are steadfast upholders of American law and order. American sportsmen of Italian descent, such as baseball's beloved Joe DiMaggio, exemplify all that is best about American competition, teamwork, integrity, and drive.

Italian-Americans are students, workers, statesmen, business leaders, soldiers, diplomats, scientists, priests, and teachers. We should all recognize and honor the contributions and achievements of this wonderful community of Americans. Italian-Americans have earned the recognition which Italian-American Heritage and Culture Month will provide.•

## ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 103

At the request of Mr. COVERDELL, his name was withdrawn as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 106

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 106, a bill to modernize the United States Customs Service.

S. 235

At the request of Mr. REID, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 377

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 469

At the request of Mr. ROTH, his name was added as a cosponsor of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor program.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 600

At the request of Mr. BOREN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 670

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 737

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 737, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1054

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1054, a bill to impose sanctions against any foreign person or United States person that assists a foreign country in acquiring a nuclear explosive device or unsafeguarded nuclear material, and for other purposes.

### S. 1055

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1055, a bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes.

### S. 1119

At the request of Mr. ROBB, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1119, a bill to amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

### S. 1154

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

### S. 1158

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1158, a bill to authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects, and for other purposes.

### S. 1159

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana [Mr. COATS] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1159, a bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States.

### S. 1172

At the request of Mr. MCCAIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1172, a bill to amend the National Defense Authorization Act for Fiscal Year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that Act.

### SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

### SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

### SENATE JOINT RESOLUTION 97

At the request of Mr. PACKWOOD, the names of the Senator from Indiana [Mr. COATS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. EXON], the Senator from Nevada [Mr. BRYAN], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to commemorate the sesquicentennial of the Oregon Trail.

### SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. FEINGOLD] the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

### SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BROWN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Current Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

## SENATE RESOLUTION 132—RELATIVE TO RULE XXV

Mr. FORD (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

### S. RES. 132

*Resolved*, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Third Congress as follows,

Strike "13" after "Governmental Affairs" and insert in lieu thereof "14".

## SENATE RESOLUTION 133—RELATIVE TO COMMITTEE APPOINTMENTS

Mr. FORD (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

### S. RES. 133

*Resolved*, That the Senator from Nevada (Mr. Bryan) is hereby appointed to serve as a member on the Committee on Armed Services for the One Hundred and Third Congress,

That the Senator from Tennessee (Mr. Mathews) is hereby appointed to serve as a member on the Commerce, Science and Transportation Committee for the One Hundred and Third Congress,

That the Senator from North Dakota (Mr. Dorgan) is hereby appointed to serve as a member on the Energy, and Natural Resources Committee for the One Hundred and Third Congress,

That the Senator from Michigan (Mr. Riegle) is hereby appointed to serve as a member on the Special Committee on Aging, for the One Hundred and Third Congress.

## AMENDMENTS SUBMITTED

## HATCH ACT REFORM AMENDMENTS OF 1993

### KASSEBAUM AMENDMENT NO. 570

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill (S. 185) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 15, line 22, beginning with the comma strike all through line 19 on page 16 and insert a semicolon.

### DOMENICI AMENDMENTS NOS. 571–572

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

#### AMENDMENT NO. 571

On page 16, line 7, strike "a subordinate employee" and insert "a person employed or holding office in the employing office of such employee".

On page 16, line 22, strike "or discourage" and insert ", influence, or discourage".

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17 between lines 6 and 7, insert the following:

"(C) is a person employed or holding office in the employing office of such employee.

#### AMENDMENT NO. 572

On page 15, strike beginning with line 21 through line 19 on page 16 and insert the following:

"(2) knowingly solicit, accept, or receive a political contribution from any person;

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17 between lines 6 and 7, insert "the following:

"(C) is a person employed or holding office in the employing office of such employee.

## ROTH AMENDMENTS NOS. 573–590

(Ordered to lie on the table.)

Mr. ROTH submitted 18 amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

### AMENDMENT NO. 573

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(14)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(14); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(14).

### AMENDMENT NO. 574

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(15)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(15); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(15).

### AMENDMENT NO. 575

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5104(13)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5104(13); or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5104(13).

### AMENDMENT NO. 576

On page 17, line 8, after "sion" insert "or the National Security Agency".

On page 17, line 12, after "Commission" insert "or the National Security Agency".

### AMENDMENT NO. 577

On page 17, line 8, after "sion" insert "or the Central Intelligence Agency".

On page 17, line 12, after "Commission" insert "or the Central Intelligence Agency".

### AMENDMENT NO. 578

On page 17, line 8, after "sion" insert "or the Defense Intelligence Agency".

On page 17, line 12, after "Commission" insert "or the Defense Intelligence Agency".

### AMENDMENT NO. 579

On page 17, line 8, after "sion" insert "or the Department of Justice".

On page 17, line 12, after "Commission" insert "or the Department of Justice".

### AMENDMENT NO. 580

On page 17, line 8, after "sion" insert "or the Federal Bureau of Investigation".

On page 17, line 12, after "Commission" insert "or the Federal Bureau of Investigation".

### AMENDMENT NO. 581

On page 17, line 8, after "sion" insert "or the Secret Service".

On page 17, line 12, after "Commission" insert "or the Secret Service".

### AMENDMENT NO. 582

On page 17, line 8, after "sion" insert "or the Customs Service".

On page 17, line 12, after "Commission" insert "or the Customs Service".

### AMENDMENT NO. 583

On page 17, line 8, after "sion" insert "or the Bureau of Alcohol, Tobacco, and Firearms".

On page 17, line 12, after "Commission" insert "or the Bureau of Alcohol, Tobacco, and Firearms".

### AMENDMENT NO. 584

On page 17, line 8, after "sion" insert "or the Merit Systems Protection Board".

On page 17, line 12, after "Commission" insert "or the Merit Systems Protection Board".

### AMENDMENT NO. 585

On page 17, line 8, after "sion" insert "or the Office of Special Counsel".

On page 17, line 12, after "Commission" insert "or the Office of Special Counsel".

### AMENDMENT NO. 586

On page 14, line 14, before the semicolon insert the following: "or a person covered under chapter 54 of this title".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person covered under chapter 54 of this title; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person covered under chapter 54 of this title.

### AMENDMENT NO. 587

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 3132(a)(4)".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 3132(a)(4)"; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 3132(a)(4).

### AMENDMENT NO. 588

On page 17, line 8, after "sion" insert "or the Internal Revenue Service".

On page 17, line 12, after "Commission" insert "or the Internal Revenue Service".

### AMENDMENT NO. 589

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5372a".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5372a; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5372a.

### AMENDMENT NO. 590

On page 14, line 14, before the semicolon insert the following: "or a person employed in a position described under section 5372".

On page 17, strike lines 7 through 15 and insert the following:

"(b)(1) A person described in paragraph (2) may not—

"(A) request or receive a political contribution from, or give a political contribution to—

"(i) an employee;

"(ii) a Member of Congress;

"(iii) an officer of a uniformed service; or

"(iv) a person employed in a position described in section 5372; or

"(B) take an active part in political management or political campaigns.

"(2) The persons referred to under paragraph (1) are—

"(A) an employee of the Federal Election Commission (except an officer appointed by the President, by and with the advice and consent of the Senate); and

"(B) any person employed in a position described under section 5372.

## GRAMM AMENDMENTS NOS. 591–594

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 185, supra, as follows:

### AMENDMENT NO. 591

On page 17, strike out line 7 and all that follows through the period on line 15; and insert in lieu thereof:

"(b)(1) An employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns."

### AMENDMENT NO. 592

On page 14, line 14, insert before the semicolon "or an employee of the Federal Bureau of Investigation or the Central Intelligence Agency".

On page 20, insert between lines 10 and 11 the following new subsection:

"(b) The provisions of subchapter III of chapter 73 of title 5, United States Code, (and any regulations promulgated under such provisions) in effect before the effective date of the amendments made under subsection (a) of this section shall continue to apply to any employee of the Federal Bureau of Investigation or the Central Intelligence Agency."

On page 20, line 11, strike out "(b)" and insert in lieu thereof "(c)".

### AMENDMENT NO. 593

On page 14, strike line 14 and all that follows through line 11, page 20, and insert in lieu thereof the following:

"services or an employee of the Federal Bureau of Investigation or the Central Intelligence Agency;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

**"§ 7323. Political activity authorized; prohibitions**

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

**"§ 7324. Political activities on duty; prohibition**

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

**"§ 7325. Political activity permitted; employees residing in certain municipalities**

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

**"§ 7326. Penalties**

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

"(b) The provisions of subchapter III of chapter 73 of title 5, United States Code, (and any regulations promulgated under such provisions) in effect before the effective date of the amendments made under subsection (a) of this section shall continue to apply to any employee of the Federal Bureau of Investigation or the Central Intelligence Agency."

"(c)(1) Section 3302(2) of title 5, United States Code,".

### AMENDMENT NO. 594

At the appropriate place, add:

"(b)(1) An employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency, the Federal Bureau of Investigation, or the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns."

## DOMENICI AMENDMENT NO. 595

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 185, supra, as follows:

On page 17, line 2, strike "or".

On page 17, line 6, strike the period and insert "; or".

On page 17, between lines 6 and 7, insert the following:

"(C) is a person employed or holding office in the employing office of such employee.

## McCAIN (AND OTHERS) AMENDMENT NO. 596

Mr. McCAIN (for himself, Mr DOLE, and Mr. HELMS) proposed an amendment to the bill, S. 185, supra, as follows:

On page 34 between lines 18 and 19, insert the following:

**SEC. 10. SENSE OF CONGRESS RELATING TO ASSISTANCE TO NICARAGUA.**

(a) FINDINGS.—Congress finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK-47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere and the Free World.

On page 34, line 19, strike out "**10.**" and insert "**11.**".

## DOMENICI (AND OTHERS) AMENDMENT NO. 597

Mr. DOMENICI (for himself, Mr. DOLE, Mr. D'AMATO, Mr. GRASSLEY, Mr. GORTON, Mr. COCHRAN, and Mr. NICKLES) proposed an amendment to the bill, S. 185, supra, as follows:

At the appropriate place, insert the following: "It is the Sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16 and the requisite information therein required."

## GLENN AMENDMENTS NOS. 598–599

Mr. GLENN proposed two amendments to the bill, S. 185, supra, as follows:

### AMENDMENT NO. 598

On page 19, line 9, strike out "section 7323" and insert in lieu thereof "section 7323(a)".

On page 25, line 19, insert before the period "making such recommendation or statement on the basis of the party affiliation of the employee or applicant".

On page 29, line 8, insert "(including a Member of Congress as defined under section 2106)" after "agency".

On page 17, insert between lines 22 and 23, the following new subsection:

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

### AMENDMENT NO. 599

On page 17, beginning with line 12, strike out all through line 15 and insert in lieu thereof the following:

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XIII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.".

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 20, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Robert Nordhaus, nominee to be general counsel for the Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 15, 1993, at 2 p.m. to hold a hearing on the administration's community development bank proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 9:30 a.m. on July 15, 1993, on the nomination of Loretta L. Dunn to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10 a.m. on July 15, 1993, on Senate Resolution 117, Senate Resolution 124, and prohibition of the Olympic games in Beijing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 15, beginning at 9 a.m., to conduct a hearing on the Nuclear Regulatory Commission's handling of allegations of intimidation and harassment that are raised by employees in the nuclear industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 15, 1993, at 10 a.m., to mark up the fiscal year 1994–95 Foreign Relations Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 15, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the nomination of Ada Deer to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on S. 843, veterans' reemployment rights legislation, and S. 1030, legislation concerning VA health care programs, and the nomination of Victor P. Raymond to be Assistant Secretary of Veterans Affairs for Policy and Planning. The markup will be held in room 418 of the Russell Senate Office Building at 2:30 p.m. on Thursday, July 15, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on barriers to adoption, and the Subcommittee on Aging be authorized to meet for a reauthorization hearing on the Centers for Disease Control Breast and Cervical Cancer Mortality Prevention Program, during the session of the Senate on Thursday, July 15, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ADDITIONAL STATEMENTS

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### SEVEN-YEAR MORATORIUM ON BGH APPROVED BY THE EC COMMISSION

• Mr. FEINGOLD. Mr. President, I rise to announce to this body that Tuesday the Commission of the European Community announced their recommendation to the European Parliament that a 7-year moratorium be placed on commercial use of the product bovine growth hormone [BGH]. The Parliament will most likely approve the recommendation. The significance of this event cannot be overemphasized.

The U.S. Federal Government, State governments, taxpayers, consumers, and dairy farmers have struggled with the policy questions created by BGH for many years now. I, personally, have been trying to address the problems created by this technology for over 7 years. I authored a 1-year moratorium for my home State of Wisconsin. I also introduced a 1-year moratorium earlier this year in the Senate, which this Chamber passed last month as part of the budget reconciliation package. The moratorium will decrease the budget deficit by at least $15 million in 1994 alone.

The moratorium in and of itself is not what is significant about the EC's actions. The significance is the time length of the moratorium. The EC has had a moratorium on BGH in place for several years now. They simply extended short-term moratoriums until they could answer the questions posed by this product.

Mr. President, they have answered those questions with great affirmation. The length of the moratorium makes clear the intentions of the European Community with regard to this product. The EC has determined that BGH would be wholly incompatible with their common agricultural policy for milk production. The Commission determined that the product would disrupt both milk and beef markets by increasing the number of dairy cows sent to slaughter. They also cited numerous studies that indicated strong consumer opposition to BGH both within the EC and non-EC countries and concluded that BGH would result in reduced consumption of milk by tarnishing its wholesome image.

Given the actions of the Commission, the question before the policymakers of this country becomes more clear.

The Senate's action last month was based on the budget costs of BGH to the Federal taxpayers. A moratorium through the end of September 1994 would save taxpayers $15 million. That is because this product results in greater milk production which in turn increases the costs of the dairy program to taxpayers, who ultimately pay for the surpluses.

Tuesday's action by the EC Commission raises another issue before this body. Now we can say with almost total certainty the European Community will have a ban on this product for 7 years. We must deal with the longer term trade questions associated with this technology, which will have additional adverse impacts on both our Federal deficit and trade deficit.

As many have feared, the trade impacts of BGH could be devastating to the dairy industry. Our domestic dairy industry is just now beginning to get their feet wet in the trading of dairy products. That is due in large part to the Dairy Export Incentive Program [DEIP]. The DEIP has dramatically increased exports of dairy products in countries who have imported products almost solely from the EC in the past. This program has allowed us to expand into markets, such as Algeria, where we would not have otherwise had access due to the subsidized exports of the EC.

Continued access to export markets is extremely important to the dairy industry since a surplus of just a few percentage point over current domestic use can cause a dramatic plunge in milk prices. Mr. President, the commercial use of BGH in the United States—by any producers—would mean that we may not have access to those markets. The EC will have a clear marketing advantage over the United States when it tries to sell its products abroad.

The EC's action virtually guarantees that we will not have access to the markets of the EC to which we exported 36 million dollars' worth of dairy products in fiscal year 1992. That represents nearly 6 percent of our exports of dairy products for that year. That is significant. Those are mostly value added products as well, which have the most opportunity for growth in trade. The Federal Government may have to purchase the surplus milk products that U.S. producers are no longer able to export to the EC.

If members were not convinced that a 1-year moratorium would save U.S. taxpayers dollars before, the action by the EC should make it clear just how important this moratorium is. If we lose export markets while simultaneously increasing production in this country, taxpayers will end up picking up the tab for the surplus. The budget costs will certainly exceed the $15 million CBO estimate when the Senate passed its moratorium.

Mr. President, I recognize that some Agriculture Committee conferees in the House do not support the moratorium, despite the budget savings and despite the wishes of their dairy farmers and consumers. But now, the conferees have something else to consider, a 7-year EC ban on BGH. Are they willing to jeopardize our export markets for dairy products?

Several years ago the EC banned imports of beef from the United States because our cattle industry uses several growth hormones in domestic beef production that are banned for use in cattle production in the EC. This has caused the beef industry hardship. Can we sit back and watch the same thing happen to dairy products? Not only will the 1-year moratorium save taxpayer dollars but it will provide this country with the time and opportunity to prevent a major trade disaster in dairy. My message to the conferees—Give us at least 1 year to address these trade concerns that will plague dairy for at least the next 7 years.

In this time of budget deficit reduction, I can't tell my constituents that BGH is good for U.S. taxpayers and dairy farmers. Is there any Member of this Congress who can?

I urge the conferees to retain the 1-year moratorium on BGH in the budget reconciliation package.•

## MONTREAL CANADIENS, 1993 STANLEY CUP WINNERS

• Mr. JEFFORDS. Mr. President, I would like to take this opportunity to congratulate the Canadiens on their recent 1993 Stanley Cup win. Since Vermont has no hockey team to call its own, those Vermonters in the northern part of the State have adopted the Canadiens as their team. I should remind you that I could be presenting this speech before the Canadian Parliament, possibly in French, if Vermont had successfully negotiated with the Canadian Government in becoming a province or territory in Canada.

There is another reason why I congratulate the Canadiens, however. It was the exceptional performance of fellow Vermonter John LeClair in the finals that led to the team's winning of the 1993 Stanley Cup. His overtime goals in games three and four were instrumental in gathering the team's momentum. In game five, John tallied two assists to secure the Montreal Canadiens their 24th Stanley Cup title.

I am proud, as are the people of Vermont, of John's dedication to the sport of hockey. He has been on skates since he was a small boy in St. Albans, VT. He excelled in high school there, leading the team to two State championship wins. He accepted a hockey scholarship at the University of Vermont, where he also played exceptionally well. This landed him a position as a forward with the Montreal Canadiens two years ago.

This young man has been an inspiration to the State of Vermont. His perseverence and skills have paid off. I am proud of his accomplishments.•

## RECOGNITION FOR YOUNG DEMOCRATS CHAIRMAN DONNA J. CAMPBELL

• Mr. WOFFORD. Mr. President, I rise today to salute Ms. Donna J. Campbell, Esq., of Philadelphia, PA, on her recent confirmation as chairman of the Pennsylvania Young Democrats.

Ms. Campbell's political career began as a campaign aide for Councilman Nicholas Hood of Detroit, MI. She presently serves as a legislative assistant for Philadelphia councilwoman-at-large Augusta Clark. Ms. Campbell has also served as a former president of the Philadelphia chapter of the National Bar Association, Women Lawyers Division.

She was recently appointed to the Racial Bias in the Courtroom Committee. Ms. Campbell is a former member of Governor Casey's 1990 Board of Pennsylvania Legal Service Centers. Currently her board membership includes: the Philadelphia Dance Company, the Pennsylvania AIDs Law Project, and the Cultural Diversity Board of the Philadelphia Orchestra.

Again, I offer my congratulations and best wishes to Ms. Campbell, her family and all those associated with the Pennsylvania Young Democrats.•

## CHURCHES FOR MIDDLE EAST PEACE

• Mr. HATFIELD. Mr. President, members of the organization, Churches for Middle East Peace, have shared with me their letters to President Clinton which expressed deep concerns about the June 26 bombing of Iraq. I share their concerns and have expressed my own opinions here in the Senate. Today I would like to include their letters in the CONGRESSIONAL RECORD so that these voices of peace and reconciliation will be heard.

I ask that the attached be printed.

The material follows:

AMERICAN FRIENDS SERVICE COMMITTEE,
*Philadelphia, PA, June 28, 1993.*

President BILL CLINTON,
*The White House, Washington, DC.*

DEAR PRESIDENT CLINTON: We feel deeply that Saturday's missile attack against Iraq was wrong. We recognize that any violation of UN Security Council resolutions or international law by the Iraqi government must be taken seriously by the world community. Your decision to attack Iraq, however, was a morally unacceptable response to recent Iraqi actions.

You have stated that the attack was launched in response to the alleged involvement of Iraqi intelligence services in a plot to assassinate former President George Bush. This plot is said to have been hatched in retaliation for the US-led war on Iraq in 1991. Already, fears are being raised of Iraqi retribution for Saturday's missile attack, and possible US retaliation in kind.

The cycle of violence and revenge must stop. We appeal to you to display courage and moral leadership by refraining from military action in the face of apparent provocation.

According to Pentagon officials, a long-range missile attack on downtown Baghdad was likely to kill some innocent civilians. Is this the proportionate, measured response you proclaimed the attack to be? What new standards of international justice are set when innocent people are condemned to death for another's crime, even before trial and conviction?

We recognize that relations with the Iraqi government are complex and frustrating. The temptation to employ a quick military fix may be strong. Yet in this situation we believe that there are no quick and easy solutions. We are convinced that the full range of differences dividing Iraq and the United States can be resolved only through determined diplomatic efforts and patient, non-military international action.

The 1991 Gulf War did not bring about lasting peace and mutual security, and we are convinced that further acts of war will be no more successful. War was not the answer then; acts of war are not the answer now. We strongly urge you to reject any further recourse to military action in Iraq.

Sincerely,

KARA NEWELL,
*Executive Secretary.*

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CHURCH OF THE BRETHREN
GENERAL BOARD,
*Elgin, IL, June 30, 1993.*

President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: As one of the historic peace churches, the Church of the Brethren always deplores acts of violence. We are therefore deeply disturbed by the United States missile attack on Baghdad last Saturday. We consider the attack morally unjustifiable and politically counterproductive.

Last year our church, along with other church and humanitarian agencies, called for the lifting of sanctions against Iraq. Our assessment then, and now, is that Iraqi civilians have little influence in shaping their country's policies yet they suffer the greatest consequences of the economic sanctions. Now, in an even more deadly and direct manner, Iraqi civilians who had nothing to do with the crimes charged against their leaders have been killed by a US military strike in an effort to "send a message" to the Iraqi leadership.

You have stated that your goal in directing this attack is to return Iraq to the community of nations. However, it is difficult to understand how one more missile attack might achieve this end when the massive death and destruction visited upon Iraq during and after the Gulf war apparently failed to convince Iraq's leaders to cooperate more fully with the international community.

Rather than continuing to rely upon brutal and politically outmoded unilateral military approaches in response to such concerns, the U.S. could demonstrate true moral and global leadership by utilizing multilateral agencies such as the World Court or the United Nations. These agencies provide an appropriate forum to bring charges against Iraq for its role in plotting to assassinate Mr. Bush. Instead, the US risks damaging its relations within the community of nations through this unilateral military assault. In addition, it is likely that Saddam Hussein's support within Iraq and in other countries will increase in the aftermath of this military strike. We believe the missile attack was seriously counterproductive as well as morally unjustified.

We applaud your efforts to achieve substantial change in US domestic policies and today urge you to assume a much needed role in shaping international policies that strengthen the means for diplomatic and nonviolent conflict resolution initiatives. We urge you to seize this opportunity to provide creative and courageous leadership within our global community that rejects the unilateral use of force and undergirds diplomacy and international peacemaking. In such pursuits you have our wholehearted support.

Very respectfully yours,

DONALD E. MILLER,
*General Secretary.*

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FRIENDS COMMITTEE
ON NATIONAL LEGISLATION,
*Washington, DC, June 29, 1993.*

President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

DEAR PRESIDENT CLINTON: The Friends Committee on National Legislation is deeply disturbed by the United States' missile attack on Baghdad last Saturday. We believe it was an unwise and morally wrong response to a complex situation.

You and others speaking for your administration have acknowledged that this action did not (and was not expected to) destroy Iraq's capability for future terrorist actions, but that it was intended primarily to "send a message" that no one can "tread upon" the United States. We do not think that the sending of messages is a moral justification for the killing of civilians, some of them children, who had nothing whatever to do with the crimes charged against their leader.

If the massive death and destruction visited upon Iraq during the Gulf war and its aftermath have not managed to convince Iraq's rulers to cooperate more fully with the international community, why should we imagine that one more missile strike would do so?

Indeed, it is far more probable that dramatic armed attacks such as this most recent one serve only to bolster Saddam Hussein's control and win him sympathy and support, both within Iraq and in numerous other countries. This U.S. action was not only immoral, it was seriously counterproductive.

The United States needs to begin without delay to apply the skills of patient diplomacy, international reconciliation, and peacemaking, even in such difficult and frustrating situations as that presented by the intransigence of Iraq. The old cliches about wielding a big stick just do not work in today's world, despite their purported political appeal at home. Why not take the case of Iraq's plot against Mr. Bush to the World Court? Not only is that a more appropriate forum than the streets of Baghdad, it would also strengthen the Court's standing for use in future disputes.

Mr. President, you have spoken eloquently about the need and the opportunity for change on the domestic agenda. FCNL applauds that. We think the need for fundamental change in the way we deal with international disputes is equally urgent. FCNL greatly appreciates the patience and persistence with which your administration has used diplomacy to try to bring about a just and peaceful resolution to the crisis in Haiti. We also endorse your decision not to "go it alone" in Bosnia, but to work in coalition with the UN and the European nations. The FCNL—and no doubt many others as well—would support your administration if it chose to adopt multilateral, diplomatic strategies toward Iraq, instead of brutal and outworn military approaches.

The United States must take the lead in rejecting the unilateral and too-facile resort to force. How creatively this nation manages to deal with Iraq's provocations is a test for how well it can lead the world toward a truly peaceful new world order. We are saddened that the U.S. and your administration have so far failed that test.

Sincerely,

JOE VOLK,
*Executive Secretary.*

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NATIONAL COUNCIL OF THE CHURCHES
OF CHRIST IN THE USA,
*New York, NY, June 30, 1993.*

President BILL CLINTON,
*The White House.*

DEAR PRESIDENT CLINTON: During the period between Iraq's invasion of Kuwait and the onset of the Gulf War, member churches of the National Council of Churches expressed to the administration of President Bush and to the Congress their deep misgivings about the use of military action to resolve the crisis in the Gulf. For some of our member churches the use of force itself represents a violation of deeply held pacifist principles; for others the criteria of the "just war" were judged not to have been met by the situation in the Gulf area. For all of us, the resort to military action represented "a failure for the human spirit," an inability to achieve reconciliation between human communities.

Assessments of the outcome of the Gulf War vary. Some will argue that important political, national and humanitarian goals were achieved—the liberation of Kuwait, the removal of significant quantities of weapons of mass destruction from the Iraqi arsenal, the assurance of the security of strategically important oil reserves. Others, including churches in the region and humanitarian organizations with which our churches work, will point out that the wider impact of the Gulf War has included the creation of large refugee populations, situations of malnutrition and famine in Iraq itself, a deepening Muslim antagonism against what is perceived to be the "Christian" West. They would further point out that after the war human rights abuses persist not only in Iraq, but also in countries that joined in the coalition against Iraq, including Syria, Saudi Arabia, Egypt and Kuwait itself.

It is not our purpose in this letter to revisit old arguments. Yours is a new administration, one in which we and the American people have invested great hopes. It is our fear that your decision to attack Iraq in retaliation for the plot against the life of former President Bush signals to the people of the region a continuity of attitudes and behavior that many Middle Easterners will find disturbing. We continue to hope that your administration will work to break past cycles of violence, of attack and retaliation. it is our observation that violence in the Middle East, however rationalized, tends to be cumulative rather than purgative. Each military action plants the seeds for the next. The deaths of civilians, however unintended, are never seen by their neighbors as "collateral damage": they are remembered as the deed of a nation believed to consider Middle Eastern lives less valuable than those of Americans.

We wish that you had permitted the judicial process in Kuwait to have reached its conclusion. Assuming that the Iraqi leadership was found to have been culpable in the plot against President Bush, we wish that the U.S. then could have taken its case to the United Nations or to an international tribunal. Then any punitive action taken would have had the moral authority of the international community, including Islamic countries. As matters now stand, the United States is accused of employing a double standard: of unilaterally and promptly punishing Muslim people for an attempt upon the life of prominent American while being unwilling or unable to take action against those who slaughter, torture and rape Muslins in Bosnia. The distinctions drawn by members of your administration between the two situations may have legal merit, but they are not politically persuasive. We believe that the good will of the United States will not be believed until that good will is expressed in deeds. That could, in turn, change the political culture of the region.

For this reason also we would urge you to pursue the Middle East peace process as an expression of the U.S. wish to be a full partner, seeking the best outcomes for Israelis and Palestinians alike. A process that would produce self-determination and security for both peoples, and for their neighbors, would contribute greatly to peace in the region and to a perception of the United States as a nation that cares not only for its own immediate short-term interests, but also for the longer term best interests of the people in the region. We believe that one important result of such a process could be a reconciliation among faith traditions whose current growing alienation from each other poses a serious threat to the peace of the world.

You have an opportunity, Mr. President, to do something new in the Middle East, to reverse past behavior and to signal an approach that genuinely respects the integrity and the aspirations of the people of the region. We urge you not to let this opportunity pass. We stand ready to be of assistance to you in the realization of a just peace in the Middle East.

Sincerely,

(The Rev.) JOAN B. CAMPBELL,
*General Secretary.*

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CHURCH LEADERS CRITICIZE CLINTON'S BOMBING OF BAGHDAD

In a letter sent to President Bill Clinton June 30, the leaders of two Protestant churches criticized the United States' June 26 missile attack on Baghdad.

The Rev. Paul H. Sherry, president of the 1.6-million-member United Church of Christ, and the Rev. C. William Nichols, general minister and president of the 1-million-member Christian Church (Disciples of Christ), told Clinton they could not support the U.S.'s unilateral use of force, and urged him to act in the future through the United Nations Security Council and other international channels.

Here is the text of the letter sent to the president by Sherry and Nichols:

"In recent days, we have listened to, and prayerfully considered, the public statements made by you and other administration officials about your decision to bomb Iraq's intelligence headquarters in Baghdad on June 26. Though we both understand your felt need to respond firmly to acts of aggression, neither of us can support this unilateral use of force by the United States.

"The firing of U.S. missiles on Baghdad has done little to undermine Saddam Hussein's power and popularity, certainly has brought no gain commensurate with the loss of civilian lives it caused, and has further alienated our country from other countries and peoples of the Middle east and elsewhere. If it is true that Iraq was involved in trying to assassinate former U.S. President Bush, then its government and its leader, Saddam Hussein, deserve censure. But, in the future, we urge you, Mr. President, to seek such censure through the United Nations Security Council and other appropriate international channels."

The United Church of Christ, with national offices in Cleveland, and the Christian Church (Disciples of Christ), with general offices in Indianapolis, have shared a unique "ecumenical partnership" since 1985.

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GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
*Washington, DC, June 30, 1993.*

MARGIN OF ERROR IN BAGHDAD

(A statement by Thomas White Wolf Fassett, General Secretary of the General Board of Church and Society)

The regrettable decision by the Clinton administration to bomb the Iraqi Intelligence Service headquarters in Baghdad demands that citizens voice their opposition to making violence the first response to international disputes. United Methodists can base such opposition on the strong Social Principles statement, "We believe war is incompatible with the teachings and example of Christ. We therefore reject war as an instrument of national foreign policy and insist that the first moral duty of all nations is to resolve by peaceful means every dispute that arises between or among them . . ."

With the end of the Cold War, people throughout the world expected a release from violence, a time of conciliation and peace making. Joyful evidence of new hope stemmed from the fall of the Berlin Wall, the break-up of the Soviet Union, and the signing of peace accords by the Central American nations. Then came Desert Storm.

Now, we hear that US missiles have destroyed a military site and killed eight or more civilians. The summary of our government's announcements tells us that they are sorry, but "missiles do have a margin of error."

What is Christ's answer to that "margin of error" bypassing talks for reconciliation and moving to swift, "surgical strikes" that take the lives of innocent civilians? How can the United States, which promotes the judicial process, respond violently before a trial and conviction takes place? What can we expect from the people of Baghdad but to draw together in fear and to develop more animosity toward the United States?

Our church has also stated in its Book of Resolutions, "We affirm the full meaning of God's peace. We are called to seek every possible means of establishing justice, achieving peace, and solving conflicts by active nonviolence."•

## HONORING ST. JOHN'S BAPTIST CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute St. John's Baptist Church on the occasion of their 100th anniversary.

Since its founding in 1893, the church continues to play a vital role in the spiritual and social development of Camden, NJ, and the surrounding communities.

On April 3, 1993, the church demonstrated its commitment to the notion of community service, during dedication ceremonies for the St. John's Youth Development Center. Funded by Randall Cunningham, of the Philadelphia Eagles, the all-purpose center serves as a working model for many churches throughout the community.

Again, I offer congratulations and best wishes to Reverend Townsend, St. John's members, and all those associated with the youth development center.•

## DEFENSE CONVERSION WITHOUT THE FACTS: THE REPORT OF THE INSPECTOR GENERAL ON THE FAILURE OF THE DEPARTMENT OF DEFENSE

• Mr. McCAIN. Mr. President, we have heard a great deal from the new administration about its concern for defense conversion and for the defense industrial base. We have heard that it is seeking to create a new type of defense industrial base that will rely on dual use technology, and help increase America's competitiveness. I am concerned, however, that several aspects of the administration's rhetoric do not match reality.

### DEFENSE CONVERSION OR GLITTERING GENERALITIES

Several aspects of the administration's proposals to deal with the reshaping of our defense industrial base, and with defense conversion, have already presented serious problems.

In its initial budget plan, as presented in "Vision for America," the administration dealt in undefined generalities. The administration proposed funding nearly $20 billion worth of programs without distinguishing whether it was carrying on the programs of the Bush administration, expanding existing programs, or creating new ones.

Moreover, much of the proposed funding for defense conversion was actually going into new civil technology programs without any real prospect of converting existing defense firms.

We still live in a world of such glittering generalities. To date, the administration has not specified a single major program to preserve a single major sector of the defense industrial base. It has not identified programs specifically designed to aid industry in defense conversion. It has not complied with any of the bipartisan legislation covering these issues that was passed in the fiscal year 1993 Defense Authorization Act.

### TRADING NEW JOBS FOR OLD

This lack of serious planning has been coupled to unrealistic rhetoric about jobs. What the administration fails to comprehend, or chooses to ignore, is that the downsizing of defense will result in substantial job losses of both military and civilian personnel.

Shifting some of the resulting savings to conversion programs can only ameliorate the number of jobs lost. It will not create any new jobs. At best, this is robbing Peter to pay Paul and then pay Paul only 15 cents on the dollar.

There is no way that defense conversion programs can get around the fact that they ultimately trade new jobs for old. When resources are declining, every dollar that is put into a new program is taken away from someone else's salary. Every job that is created or preserved is actually taken away from someone else.

Moreover, the administration conveniently forgets that new programs take time to implement and require new bureaucracies. As a result, any shift in Federal funds inevitably creates at least temporary loss in employment and—almost inevitably—creates new bureaucrats.

### THE REPORT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE ON THE INDUSTRIAL BASE

I have recently received a report from the inspector general of the Defense Department that raises even more serious issues about the new administration's approach to preserving our defense industrial base.

The inspector general drafted this report at my request to examine the reasons that the Department of Defense had failed to comply with legislation that I had developed in the fiscal year 1991 Defense Authorization Act calling for a comprehensive report on the defense industrial base.

This report traces, in considerable detail, the failure of the Department of Defense to develop any effective data base and organization for examining the impact of declining defense budgets on the defense industrial base.

I should stress that some of the blame for this failure is bipartisan. The previous administration failed to see the importance of this issue in time, and failed to organize an effective effort to understand what was happening to our defense production, technology, and development capabilities. In an effort to avoid an industrial policy, it created a situation where it also did not understand enough to be sure that market forces would be adequate, to know how to properly encourage competition, or prepare for those cases where we can only afford a single major supplier.

The problems affecting our defense industrial base have grown far more critical as a result of the massive additional cuts the new administration has proposed in the defense budget. We face sharper and more precipitous cuts in the defense industrial base, and far greater difficulties in preserving critical capabilities in aviation, armor, advanced electronics, intelligence, shipbuilding, and nuclear submarine construction.

This is why I believe that every Member concerned with defense conversion, the defense industrial base, and national security should read the report of the inspector general on the Department's review of the industrial base.

### DEFENSE CONVERSION WITHOUT DATA, PLANS, OR MANAGEMENT

It is one thing to argue about different policies and different solutions to a problem. It is another for the administration failure to gather the basic facts involved, and to deliberately argue from ignorance.

Yet, this is precisely what the inspector general's report says the Department of Defense is doing. In his transmittal letter to me, Derek J. Vander Schaff, the deputy inspector general states:

> We concluded the lack of a data base on which to build a comprehensive assessment of the defense industrial base has been a recurring problem. * * * The lack of an adequate data base in 1993 continues to impede an effective analysis of the defense industrial base. That obstacle, coupled with the effects of ongoing vacancies in mid and senior level leadership positions within the Department, will make the timely submission of the required reports in 1993 difficult.

We are now in our seventh consecutive year of real cuts in defense spending. We have cut real procurement spending nearly 50 percent since 1985, and yet the inspector general of the Department of Defense has stated that the Department still has no real idea of what is happening to the defense industrial base.

A LACK OF ORGANIZATION AND MANAGEMENT

It is also clear from the inspector general's report that the Department lacks the organization and management to deal with these issues. It has been amazingly slow to comply with the bipartisan legislation passed last year in an effort to develop the information needed, and plans to preserve vital national defense production capabilities.

The inspector general states in the executive summary of his report that:

> The 1993 Act requires the formation of an interagency council, chaired by the Secretary of Defense, and including the Secretaries of Energy, Commerce, and Labor. That council is to develop a Capabilities Assessment and Capabilities Plan for the defense industrial base and to submit them annually to the House and Senate Armed Services Committees.
>
> To date, that Council has not been formed, nor have implementing regulations been prescribed (due by January 21, 1993) or has a defense industrial base analysis program (due by April 23, 1993) been established.
>
> In view of the limited coordinated work that has taken place between agencies, departments, and directorates on preparing the 1993 Capabilities Assessment and Capabilities Plan, it is highly unlikely that a report meeting the requirements of the law * * * will be prepared.
>
> * * * Primary factors contributing to the lack of coordinated action and delays include:
>
> The absence of a clear statement of Administration policy on the defense industrial base;
>
> The current lack of mid-level leadership due to vacancies within the agencies and departments involved;
>
> The continued absence of an effective information system that would support an analysis of the overall defense industrial base.

This is not subtle or ambiguous bureaucratic prose. The inspector general of the Department of Defense is saying that the new administration has effectively done nothing to try to understand the changes taking place in the defense industrial base, to understand the problems involved, and to take action to solve them.

The inspector general is saying that the administration has no factual or valid analytic basis for its new programs for defense conversion, and no real means of understanding their effect. He is saying that—in spite of statements by Secretary Aspin and Deputy Secretary Perry that preserving our industrial base would have a high priority—no effective steps have been undertaken to even begin to deal with the issues involved.

THE NEED FOR ACTION, NOT RHETORIC

This situation simply is not acceptable. We may well cut the size of our defense industrial base by another 10 percent over the next 2 years. We cannot abandon the men and women in these industries to a form of industrial Darwinism where no real effort is made to determine our true national security needs.

We cannot afford to risk our national security and technology base in an unplanned build-down. We cannot afford to waste billions of taxpayer dollars on defense conversion programs that are not tied to any concept of defense conversion, to any clear estimate of conversion priorities, or to any measures of effectiveness.

The time is long overdue for the administration and the Defense Department to come to grips with reality, and to substitute planning for rhetoric, and information for ideology. Until it does so, we will match any increasingly hollow force structure with a defense conversion program that is little more than a hollow farce.

Mr. President, I respectfully request that Mr. Vander Schaaf's transmittal letter, and summary excerpts of his report, be entered into the RECORD at the end of my report.

The material follows:

DEPARTMENT OF DEFENSE,
*Arlington, VA, June 24, 1993.*

Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: In reply to your letter of February 9, 1993, we recently completed a review of the Department's reporting on the defense industrial base. The review focused on the quality of the 1991 report, the reasons no report was submitted in 1992 and the steps taken to ensure that future reports are completed on time and meet congressional requirements. A copy of the report on our review is enclosed.

We concluded the lack of a data base on which to build a comprehensive assessment of the defense industrial base has been a recurring problem. While meeting the letter of the law, the 1991 report was limited in scope and depth, primarily as a result of the lack of validated data to support an assessment that would meet congressional expectations. The failure to establish an effective information collection and management system to correct the problem led the Department to seek other means to meet the statutory requirements for the 1992 report. When those efforts also failed, the Department was unable to draft a 1992 report prior to the enactment of the Defense Authorization Act of 1993 and subsequently terminated its efforts to produce a report.

The lack of an adequate data base in 1993 continues to impede an effective analysis of the defense industrial base. That obstacle, coupled with the effects of the ongoing vacancies in the mid and senior level leadership positions within the Department, will make the timely submission of the required reports in 1993 difficult. There are, however, several steps included in the enclosed report for the consideration of the Department, which we believe would facilitate compliance with congressional mandates.

I hope the report will be of assistance to you. If you should have any questions, please contact me or John R. Crane, Office of Congressional Liaison, at (703) 614–0491.

Sincerely,

DEREK J. VANDER SCHAAF,
*Deputy Inspector General.*

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[Inspector General, Department of Defense, June 1993]

REVIEW OF THE DEFENSE INDUSTRIAL BASE

EXECUTIVE SUMMARY

In a letter dated February 9, 1993, Senator John McCain requested that the Inspector General, Department of Defense, examine certain issues related to the preparation of the 1991 and 1992 Department of Defense Reports to the Congress on the defense industrial base. Senator McCain also asked what steps the Department has taken to ensure that future reports will be submitted on time and will meet the requirements of Congress. The Deputy Inspector General subsequently directed a review to assess Department of Defense compliance with the reporting requirements of the 1991 Defense Authorization Act, to determine why no 1992 report was submitted, and to assess measures taken by the Department of Defense to meet the reporting requirements directed by the 1993 Defense Authorization Act.

The review concluded that the requirements contained in the 1991 Defense Authorization Act were clear and well defined. However, the Department did not have a comprehensive information system capable of supporting a detailed analysis of the defense industrial base. As a result, the 1991 Report to the Congress was abridged in scope and depth and of limited use in helping Congressional leaders make informed judgments about the ability of the defense industrial base to meet the national security needs of the United States.

The Department of Defense faced the same obstacle in attempting to prepare the 1992 Report. To compensate for the absence of an adequate data base, the Deputy Secretary of Defense and the Under Secretary of Defense for Acquisition decided that the 1992 report would focus on the process the Department intended to use in monitoring the industrial base. The intent was to develop a methodology based on the techniques used to resolve the major issues that had been identified in connection with the study of the shipbuilding industry already underway. The methodology envisioned would include a hierarchy of questions that could be used not only in the shipbuilding study, but also to evaluate the other defense technology and industrial sectors as well.

However, the shipbuilding study became bogged down in policy issues, such as the respective roles of the Office of the Secretary of Defense and the Military Services in the acquisition process. When those could not be resolved in a timely manner, the core of the 1992 Report was put on hold. When the 1993 Defense Authorization Act was enacted on October 23, 1992, new reporting requirements were established and the section mandating the 1992 Report was repealed. At that point, all efforts to complete and submit the required 1992 Report to the Congress ceased.

The requirements contained in the 1993 Act are much more detailed than those promulgated by the 1991 Act. The 1993 Act requires the formation of an interagency council, chaired by the Secretary of Defense, and including the Secretaries of Energy, Commerce, and Labor. That Council is to develop a Capabilities Assessment and Capabilities Plan for the defense industrial base and to submit them annually to the House and Senate Armed Services Committees. To date, that Council has not been formed, nor have implementing regulations been prescribed (due by January 21, 1993) or a defense industrial base analysis program (due by April 23, 1993) been established. In view of the limited coordinated work that has taken place between agencies, departments and directorates on preparing the 1993 Capabilities Assessment and Capabilities Plan, it is highly unlikely that a report meeting the requirements of the law, even in the preliminary forms authorized for the first submissions, will be prepared by September 30, 1993, (Assessment) and December 1, 1993 (Plan). Primary factors contributing to the lack of coordinated action and delays include:

The absence of a clear statement of Administration policy on the defense industrial base;

The current lack of mid-level leadership due to vacancies within the agencies and departments involved;

The continued absence of an effective information system that would support an analysis of the overall defense industrial base.

Notwithstanding the authorization given to provide the information in a preliminary form, the failure of the Department to provide clear policy guidance, meet any milestones, or prescribe implementing regulations puts in question whether the Department has made a reasonable effort to comply with the provisions of the 1993 Defense Authorization Act.

If the Department of Defense, in conjunction with the other departments, is to meet current statutory reporting requirements, the following actions should be taken:

Identify and promulgate a clear policy (including goals, objectives, and guidelines) with respect to management and reporting on the defense industrial base.

Establish a Primary Action Office for industrial base issues and reporting within the Department of Defense.

Formalize a plan, including identification of milestones and funding, to comply with statutory requirements.

Select, fund, develop, and maintain a comprehensive data base capable of supporting the Department's reporting responsibilities under the 1993 Act.

STATUS OF THE 1993 REPORT

Some day-to-day activity (i.e., work on the shipbuilding study, industrial base questionnaires, and production base planning) is taking place in individual sections and offices of the Department of Defense. However, as of April 20, 1993, we found no evidence of coordinated work among agencies, departments, and directorates to complete the 1993 Report. The lack of an adequate data base within the Department of Defense continues to hamper analysis and reporting on the defense industrial base.

Of greater significance, however, is the fact that no specific and clearly defined statement of the new administration's policy toward management of, and reporting on, the defense industrial base has been officially promulgated within the Department of Defense. The individuals and offices that could, or should, be involved in preparing the reports required by the 1993 Defense Authorization Act stated that some changes in philosophy, policy, and priorities were expected with the change in administration, but that none have been specifically announced nor has continued support for the policies of the previous administration been confirmed. As a result of a February 21, 1992, memorandum from the Deputy Secretary of Defense, the basic directives of the Industrial Preparedness Program (Department of Defense Instructions 4005.1, 4005.3, and 4005.3–M) were cancelled on November 3, 1992. Although at least two drafts have been proposed to replace the cancelled directives, no updated instructions have yet been promulgated to provide new direction to the Industrial Preparedness Program.

Given the dominant role that administration policy played in the 1991 and 1992 reporting process, the lack of a strong policy statement on the defense industrial base by the senior Department of Defense leadership has, at this point, fostered a "wait and see" attitude among those likely to be responsible for drafting the 1993 report. While the law is clear and the requirements well defined, bureaucratic inertia has been allowed to continue. The policies and programs in place prior to the transition period have, in general, continued but the staff has also devoted time to new programs such as the "bottom up review." Notwithstanding the specific statutory requirements contained in the 1993 Defense Authorization Act, we found senior Department managers have not set clear priorities to reallocate the resources needed to complete the requirements of the 1993 Capabilities Assessment and Plan.

*Lack of direction*

The lack of direction and guidance in matters involving analysis and reporting on the defense industrial base has been further aggravated by the number of vacancies that remain at the mid and senior levels of leadership within the Department of Defense. That is particularly apparent where decisions need to be made in adjusting funding and resource allocations to meet the 1993 Congressional reporting requirements. Funding was authorized in the 1993 Defense Authorization Act to support activities, such as the program to analyze the defense industrial base, but no funds were subsequently appropriated. The failure to appropriate funds means that decisions redirecting and reprioritizing resources are required. However, without general policy guidance and policy-level decision makers, those decisions are not being made.

*Lack of guidance*

We found further indications of the lack of strong policy guidance in defense industrial base issues. For example, the Department of Defense has not designated a Primary Action Office for the Report or officially identified a single focal point within the Department of Defense for industrial base matters. In commenting on the draft of this report the Principal Deputy Assistant Secretary of Defense (Production and Logistics) stated that the focal point for the sector analyses and the corresponding reports will be the Industrial Engineering Quality Division of the Office of the Assistant Secretary of Defense (Production and Logistics). During our review, however, we found that the assignment of specific responsibilities and areas of concentration were unclear at the working levels.

*Council not established*

At the interagency level, the National Defense Technology and Industrial Base Council has not been established. As of April 20, only one interagency meeting had been held to begin laying the groundwork for the Council. While some interagency work involving the Department of Defense, National Economic council, Office of Science and Technology Policy, and other agencies has taken place, the vacancies in the Department of Defense and in the other agencies have adversely affected the establishment and utilization of effective channels of interagency coordination.

*Non-compliance with 1993 act*

The public law enacting the 1993 Defense Authorization Act directed that the Secretary of Defense, within 90 days following enactment of the law, prescribe regulations, including milestones for actions, to ensure the timely and thorough collection of information, completion of assessments, and issuance of plans required by the Act. Although due not later than January 21, 1993, no regulations or instructions have been promulgated and we found none under development during our review. Further, the legislation required the Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, to establish a program for analysis of the national technology and industrial base by April 23, 1993. While some efforts have occurred to establish the Council, no program has been established. We believe the date the Act was passed may have affected compliance with the statutory provisions. The short time period between passage of the legislation and the election, coupled with the change in Administration, made the January 21, 1993 (90 day) deadline difficult to meet. Despite the timing, however, the statutory requirements are clearly defined and the Department could have proceeded to collect the data required by the Act.

PART III—OVERALL CONCLUSIONS

The review concluded that the Department of Defense Report on the Defense Industrial Base, submitted to the Congress in November 1991, met the minimum requirement of the law in terms of content. However, the report was of limited value in meeting the Congressional objectives, as defined by Senator McCain in his letter of February 9, 1993, to the Deputy Inspector General. The quality and timeliness of the Report were determined primarily by:

The "free market" philosophy of the Administration with respect to management and analysis of the defense industrial base, and

The lack of a comprehensive data base that would enable effective analysis and reporting.

The Department of Defense efforts to produce a 1992 report were affected by the same factors, plus the Department's plans to use the SEAWOLF study as a key component of the 1992 Report. The inability of the Department of Defense to resolve the policy issues associated with the SEAWOLF program constituted an obstacle that the Department of Defense was unable to overcome prior to the passage of the 1993 Defense Authorization Act with its associated changes in reporting requirements.

For 1993, several important issues may further affect Department of Defense programs and policies for industrial base reporting. The basic philosophy of the new Administration and its approach to defense industrial base matters has yet to be promulgated. The policy issues involved, along with delays already incurred, when coupled with problems in assembling a data base capable of supporting an effective industrial base analysis, combine to make the timely completion of the required Capability Assessment and Capability Plan highly unlikely.

In authorizing the presentation of the information in a preliminary form for the first periodic assessment and the first periodic plan, the Congress has provided the Department a degree of flexibility. The law specifies that the information can be in preliminary form "to the extent that the necessary information cannot reasonably be collected, analyzed, or presented in accordance with section 2505 and 2506, respectively, of Title 10, United States Code, by the dates specified." We concluded, however, that the Department's actions to date indicate the defense industrial base reporting requirements are a secondary concern. The failure of the Department to provide clear policy guidance, to meet any milestones to date, or to prescribe regulations for the preparation of the report will make it difficult, in our opinion, to establish the "reasonableness" of the Department's efforts to comply with the statutory requirements, even in a preliminary form.

### PART IV—RECOMMENDATIONS

If the Department of Defense, in conjunction with the other departments, is to comply with the statutory requirements to complete a 1993 Capabilities Assessment and a Capabilities Plan of the defense industrial base and its ability to support national security objectives, the following actions are recommended:

The Secretary of Defense should promulgate within the Department of Defense a clear statement of the Administration policy with respect to management and reporting on the Defense Industrial Base. That policy statement should include goals, objectives, and guidelines in sufficient detail to support prioritization of plans and resource allocation.

The Secretary of Defense should establish a Primary Action Office for industrial base issues and reporting within the Department of Defense.

The Primary Action Office should develop and disseminate a plan of action, including identification of milestones and funding, to ensure full compliance with Administration policy in meeting the statutory reporting requirements.

The Secretary of Defense, in conjunction with the other departments, should select, fund, develop, and maintain a comprehensive data base capable of supporting defense industrial base management and reporting responsibilities.•

## HONORING CANDLELIGHT ASSISTED LIVING PERSONAL CARE HOME

• Mr. WOFFORD. Mr. President, I rise today to congratulate James F. Miles, owner of the Candlelight Assisted Living Personal Care Home, on its recent citing as a residential care facility of the year by the National Association of Residential Care Facilities. Located in Washington, PA, Candlelight Assisted Living is 1 of 50 facilities out of more than 28,000 nationwide chosen for such an honor.

Mr. Miles has a long and distinguished record in the personal care home industry. At the age of 18 he became the youngest licensed personal care homeowner in Pennsylvania. Since acquiring the Candlelight Assisted Living Home in 1980, Mr. Miles has consistently demonstrated his commitment to offering quality and efficient personal care to all residents of the home.

Again, I offer my congratulations and best wishes to Mr. Miles, administration, staff, and residents of the Candlelight Assisted Living Personal Care Home.•

## ORDER OF BUSINESS

Mr. FORD. Mr. President, I might advise the Chair that all items that I have offered this evening have been cleared by the Republican side.

## ORDER OF PROCEDURE

MR. FORD. Mr. President, the distinguished Senator from Massachusetts has a statement he wishes to make.

I ask unanimous consent that Senator KERRY be permitted to speak and at the conclusion of his statement the Senate then stand in recess, as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and I thank the acting majority leader.

## SENATOR KENNEDY'S 31 YEARS OF SERVICE

Mr. KERRY. Mr. President, I had hoped to be able to get to the floor earlier today to talk about this but, as the distinguished Chair knows, we were wrapped up in a markup on the authorization bill for the State Department today.

But I did want to come to the floor to mark a very, very significant moment, really, in the career of my distinguished colleague, the senior Senator from Massachusetts [Mr. KENNEDY].

Today, according to an analysis undertaken by Martin F. Nolan of the Boston Globe, the senior Senator from Massachusetts has become the seniormost Senator from Massachusetts in history for the length of service that he has given to his Nation and to his State. According the Globe, he has served now longer than Henry Cabot Lodge, who held the record to this time. He has served longer than Daniel Webster; longer than Charles Sumner.

Senator TED KENNEDY, rightfully, and with extraordinary capacity, has earned his right to be viewed as the greatest Senator that has served from the Commonwealth of Massachusetts.

In the 31 years that he has served our Nation and our State, we have gone from the Presidency of his own brother, John F. Kennedy, to the Presidency of a man who came into politics and into Washington in a program where he was inspired by shaking the hand of President Kennedy, the brother of Senator KENNEDY.

Much has obviously changed in the world in that course of time. The Berlin Wall has fallen, communism is dead. We have preserved and prospered. And throughout all of this and a great deal more, TED KENNEDY has stood fighting for the people of Massachusetts, for the things that be believes in, for the fundamental American values, year after year, even decade after decade.

From the time that TED KENNEDY entered the Senate, he became one of the most important and first voices for health care in this country. He had an opportunity to become, in a sense, the legislator's legislator. He gained skills and expertise in the process of this institution that neither of his brothers who served here with him had an opportunity, because of their career paths, ever to achieve.

He was, as I know full well and others remember, one of the great voices for peace during the course of the Vietnam war, showing the characteristic courage which has marked many of the positions he has taken and the efforts he has made.

He was a beacon of hope for those who wanted to see peace and change during the 1960's. During the time when the arms race was flourishing, Senator TED KENNEDY was again one of the foremost voices of reason, for restraint, for arms control. And he fought for and gained a nuclear test ban which we have achieved only finally again this year, after three decades of struggle.

His work on health care has really defined his capacity for foresight and for defining the issues of our time. Indeed, for being ahead of his time, again, and again, and again.

The things that TED KENNEDY said we need to do in health care, like universal coverage, were revolutionary when he first talked about them, and they met their wall of opposition. But notwithstanding the wall of opposition, again, and again, and again, TED KENNEDY went out to this country, he carried that banner, and today health care is on everyone's agenda. But it was on TED KENNEDY's first.

He has been the champion of civil rights in the U.S. Senate, in the country. He has been a national leader, working to give every single American a fighting opportunity, a chance to achieve their dreams and to meet their needs. I think one of the great characteristics of TED KENNEDY is, despite the great privilege which his family and background afforded him, he has clearly never forgotten what it means to be a champion of people, and to fight for the everyday working person of the United States.

He has been one of the great advocates of the U.S. Senate for the poor and for the disenfranchised.

He has fought simultaneously to make our streets safe for everyone. His work on the Judiciary Committee, once as chairman, now as senior member, is without parallel. He has fought to try to guarantee that the addicted get treatment, that children are protected, and that others—the weak and the elderly who do not have the capacity always to fight for themselves—will have a voice here that fights for them.

He has helped to make America a symbol of hope for all people and all nations across this planet. He has carried that torch well, whether it has been in South Africa or in Poland or in

Russia. He has stood by the dissidents. He has fought, again, for those who believe in what our country is all about.

I will say as one who has watched him in Massachusetts, this is a man, despite the breadth of the scope of his legislative effort and his interest and passion, when it comes to Massachusetts there is no one who fights harder for jobs or fights harder for the people of our State. When there were tricky moments here on the floor of the Senate for the passage of the Third Harbor Tunnel and Artery, one of the most important projects we have in our State and one of the largest in the Nation, it was Senator TED KENNEDY who was here on the floor, fighting to make certain that legislation passed and that it leapt over all of the last-minute hurdles that were placed in front of it.

When it comes to mass transit, or high-speed rail, or promoting research and development, or helping our research hospitals, or dealing with biotechnology, or defense conversion, the range of TED KENNEDY's interests and accomplishments is absolutely unmatched by any Member of this institution.

There are millions of women today who are freer because of the work that TED KENNEDY has done to protect the right to choose, to end the gag rule that prevents doctors from telling women about their choices and limiting those choices.

Literally millions of children in the United States of America are protected against disease today and may grow into healthy adults and may lead productive lives because Senator TED KENNEDY championed the Federal funds that are available for immunizations against disease. There are homeless people today who have shelter because TED KENNEDY was willing to fight to guarantee—against the odds at times—that there would be money in our budget to do so.

If you look at the breadth of the Labor and Human Resources Committee, and the breadth of his efforts through the Armed Services Committee, and the breadth of his efforts through the Judiciary Committee, this U.S. Senator, I think it can fairly be said, is one of the very few in this body who has set the agenda of this institution, year after year, decade after decade.

I think Massachusetts has never had a better Senator than TED KENNEDY, and I am absolutely convinced that it never will have a better Senator than TED KENNEDY.

I think for most of us, though, beyond the power of the passion of his arguments and the advocacy which he is so tenacious and consistent with, there is a personal side to this man which all of us have come to know here, and love. There is probably not a Senator here who could not recount the story of TED KENNEDY picking up the phone at a time of stress or distress, and being responsive and caring. There is not a person who has not run for office who has not had TED KENNEDY offer help or provide help. There are those who have gone through difficult times who have found that one of the first people there at that moment is TED KENNEDY.

The examples of his largess and caring are legion.

I remember once when I had pneumonia. I suddenly had a phone call, and the next thing I knew, TED KENNEDY has made his house available for my recuperation and, indeed, urged me to go and take advantage of it. That is the kind of person he is.

So, Mr. President, we are all the better for having had this man legislate with us, and we are the better for having had this man as a friend.

I congratulate him on the occasion of this remarkable achievement. I am absolutely confident that TED KENNEDY will have the ability to continue to press the agenda of the American people for as long as he wants and that Massachusetts truly is lucky to have such a powerful and persuasive and passionate advocate.

I thank the Chair, and I yield the floor.

## ORDERS FOR FRIDAY JULY 16, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, July 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each; with the first 80 minutes under the control of Senator DASCHLE or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Friday, July 16.

Thereupon, the Senate, at 7:39 p.m., recessed until Friday, July 16, 1993, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 15, 1993:

### DEPARTMENT OF STATE

AURELIA ERSKINE BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

JOHN S. DAVISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORINDARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JAMES ROBERT JONES, OF OKLAHOMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NELSON A. DIAZ, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE FRANCIS ANTHONY KEATING, II, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

### LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. JOHN C. CHASE, [redacted] 3/24/93
MAJ. ERIC L. CINTRON, [redacted] 3/5/93
MAJ. LARRY R. DAVIS, [redacted] 3/6/93
MAJ. STEVEN P. FUNDKHOUSER, [redacted] 3/29/93
MAJ. WILLIAM R. GAIN, [redacted] 3/2/93
MAJ. ANTHONY M. GRAVAGNE, [redacted] 3/7/93
MAJ. MICHAEL L. HAPPE, [redacted] 3/22/93
MAJ. DON S. JACKSON, JR., [redacted] 3/29/93
MAJ. JOHN P. JANSON, [redacted] 2/25/93
MAJ. ERIC J. JASPER, [redacted] 3/25/93
MAJ. CHRISTOPHER M. KENNEDY, [redacted] 1/1/93
MAJ. DAVID A. KINGSELLA, [redacted] 3/13/93
MAJ. DAVID F. KIRST, [redacted] 3/16/93
MAJ. JAMES W. KWIATKOWSKI, [redacted] 2/2/93
MAJ. MARK W. LAVERTY, [redacted] 3/13/93
MAJ. JOSEPH B. LEADINGHAM, [redacted] 3/5/93
MAJ. RAYMOND B. MAGEE, [redacted] 3/6/93
MAJ. GARY L. NICHOLS, [redacted] 3/23/93
MAJ. MICHAEL R. OPITZ, [redacted] 3/5/93
MAJ. JOHN E. PARROTT, [redacted] 3/29/93
MAJ. MARK W. PEARSON, [redacted] 3/2/93
MAJ. KARL J. PROVOST, [redacted] 3/29/93
MAJ. MICHAEL D. REDMAN, [redacted] 1/26/93
MAJ. RONALD L. RODNEY, [redacted] 3/25/93
MAJ. WILLIAM P. SKAINS, [redacted] 3/29/93
MAJ. WENDYL B. STEWART, [redacted] 3/15/93
MAJ. JOSEPH R. STONE, [redacted] 3/18/93
MAJ. GARBRIEL V. TREMBLAY, [redacted] 3/18/93
MAJ. ROBERT F. WELLMAN, [redacted] 3/25/93
MAJ. JAMES J. WHITE, [redacted] 2/25/93
MAJ. CHARLES E. WILLIAMS, [redacted] 3/15/93
MAJ. BRENT E. WINGET, [redacted] 3/6/93

### JUDGE ADVOCATE GENERALS DEPARTMENT

*To be lieutenant colonel*

MAJ. ROBERT W. BISHOP, [redacted] 3/13/93
MAJ. DAVID N. POWELL, [redacted] 3/12/93

### CHAPLAIN CORPS

*To be lieutenant colonel*

MAJ. WILLIAM M. ZIEGLER, [redacted] 3/25/93

### MEDICAL SERVICES CORPS

*To be lieutenant colonel*

MAJ. WILLIAM G. DAVIS, [redacted] 2/21/93

### MEDICAL CORPS

*To be lieutenant colonel*

MAJ. JIMMY D. CODY, [redacted] 3/13/93
MAJ. HUGH F. JOHNSTON, [redacted] 3/6/93

### NURSE CORPS

*To be lieutenant colonel*

MAJ. DALE M. HOWARD, [redacted] 3/16/93

### DENTAL CORPS

*To be lieutenant colonel*

MAJ. ROBERT C. PAOLILLO, [redacted] 3/13/93

## CONFIRMATION

Executive nomination confirmed by the Senate July 15, 1993:

### DEPARTMENT OF STATE

DANIEL K. TARULLO, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Thursday, July 15, 1993*

The House met at 10 a.m.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, almighty God, that as we strive to know the truth about ourselves and our world, we do not lose sight of the gifts of the spirit—that spirit that gives vigor and vitality and power to all we do. We know that we can so easily see the things of the world—the world of the physical and the world of what is called reality. Open our eyes, O God, to see not only what is before us and around us, but to see more clearly the reality of the spirit that gives rise to hope and love and to all the values of the heart. Give us, O God, Your spirit of love and understanding, that binds us to all people and allows us to serve with graciousness and integrity. Bless us this day and every day, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Indiana [Mr. VISCLOSKY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed, with amendments in which concurrence of the House is requested, a bill of the House of the following title:

H.R. 2034. An act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 409. An act to extend the terms of various patents, and for other purposes.

S. 616. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

## THE PRESIDENT'S ECONOMIC PLAN IS STRONG ON DEFICIT REDUCTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, it is high noon again. The conference committee on the President's economic plan starts today.

Mr. Speaker, the President's plan is strong on deficit reduction. We will accomplish the largest deficit reduction in history and lock it into a deficit trust fund.

The rich will pay their share, requiring the 6-percent wealthiest in this country to pay at least three-fourths of all the new taxes in the plan.

The President's plan creates jobs, and we target incentives for businesses to create these jobs. Investment specifically is targeted to spur growth, and Social Security is protected. We will protect older Americans from draconian cuts in Social Security, Medicare, and VA benefits that the Republicans have proposed.

Mr. Speaker, the Wall Street Journal had an analysis of the Republican plan. There is nothing there. There is no alternative to the President's economic plan, one that is equitable, that is fair, and will get us moving in the economy again.

## THE BUSINESS FOR SMALL BUSINESS

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, President Clinton's laser beam on the economy is more of a death ray on small business and jobs. Perhaps nowhere else in the Clinton agenda is there a broader chasm between what this President says and what he does.

In his speech to Congress February 17, 1993, President Clinton said, and I quote:

> Because small business has created such a high percentage of all the new jobs in our nation over the last 10 to 15 years, our plan includes the boldest targeted incentives for small business in history.

And what are those incentives? A job burning Btu tax and while America's 50 largest corporations will pay 3 percent more taxes, small businesses get from Clinton up to a 60-percent tax hike, and 10 percent capital gains tax increase. And Clinton's class warfare soak-the-rich program: it does not soak the rich. It drowns small businesses. Bill Clinton's economic program has historic incentives for small business, all right. The Clinton incentives encourage small business to go out of business.

## TIME TO SUPPORT AMERICA

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, if we are going to put people first, we must remind our Republican colleagues of what this budget debate is really about. It is about children. The Republicans want to cut funding for child immunization and Head Start. Family preservation provisions passed by the House will save lives and reduce child abuse.

This is a deficit cutting package. But it is also a responsible one. Behind the facade of the Republican cry over spending caps is the elimination of provisions aimed at helping children and poor families. Continued tax breaks for the rich is not the backbone of our society and economy. That was tried and failed. It is time to pass the President's $500 billion deficit reduction plan which takes responsibility for the deficit that grew out of control during the Reagan-Bush years.

They will help keep children safe and improve foster care and adoption assistance for children at risk. If the Republicans have their way, they will deny increased food assistance to children whose families cannot buy enough food due to high housing costs.

The earned income tax credit will reward poor families that help themselves through hard work. I think it is time for Members of both parties to be responsible for the decisions we make today for future generations.

## DON'T BET ON IT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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**☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

**Matter set in** this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

Mr. BALLENGER. Mr. Speaker, will Clintonomics create jobs, spur economic growth, and promote prosperity?

Let us ask those on the front lines of the economy, the small business owners.

Ralph Reiland, who owns a restaurant in Pittsburgh, has this to say about the Clinton style of Government:

> Clinton's mass of proposed new taxes, mandates and regulations has spooked American business, especially the ones that create jobs. As the owner of a small restaurant I am looking at higher energy taxes, higher minimum wages, new family leave costs, insurance liability increases, higher alcohol taxes, new health-care taxes, and smaller entertainment deductions for my customers . . . I must react to higher costs by cutting jobs. In fact, I already know which cooks and servers I have to fire, and I know they have done nothing wrong.

Mr. Speaker, this story could be repeated tenfold.

Will Clintonomics spur economic growth? Don't bet on it.

## BOSNIA NEEDS HELP IMMEDIATELY

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, the images from Sarajevo compel me to rise. We are sickened by the horrible carnage wrought by a Serbian mortar shell striking a crowd waiting to get water. Twelve people were killed.

After the attack, surgeons were forced to operate on the wounded without anesthesia, without monitors for vital signs, with only flashlights for illumination.

This senseless killing in which we have somewhere in the neighborhood of between 140,000 and 200,000 people either killed or missing within the last year is a sad metaphor for the fate of this city in this once great land.

Sarajevo has not had electricity, tap water, natural gas for 5 weeks. Dysentery is widespread, and diseases are spreading throughout the city.

Unfortunately we have not allowed the Bosnians to do much on their own behalf. We have to act immediately to fulfill the U.N. mandate to deliver humanitarian aid, and we must lift the arms embargo to allow the Bosnians to defend themselves. It is the least, Mr. Speaker, that we can do.

## HIGHEST EARNERS PAY LARGEST SHARE OF TAXES

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, as you know, the Internal Revenue Service [IRS] just released its analysis of all tax returns filed in 1991.

Yesterday, I pointed out to our Members that raising the top tax rate in 1991 about 10—from 28 to 31 percent—had the perverse yet entirely predictable affect of decreasing Federal revenues by 6 percent among wealthiest taxpayers.

Today, I would like to expose and explode another tax myth that the Clinton administration is promoting to sell its $322 billion tax increase—the myth that the rich just don't carry their fair share of the tax burden.

According to the IRS' own data, the top one-half percent of all income earners pay nearly a quarter of all taxes. That's right. In 1991, the top 850,000 taxpayers paid $100 billion in taxes out of a total of $349 billion.

Now, you tell me, when one-half of 1 percent of the people are paying 22 percent of the taxes is that unfair?

Or, is it strictly a demagogic appeal to mean-spirited and un-American class warfare?

Mr. Speaker, we won't find the solution to our deficit problem by raising taxes. The solution is to decrease the size of Government. Cut spending first.

□ 1010

## PRESIDENT CLINTON'S ECONOMIC PLAN OFFERS REAL CHANGE AND A BRIGHT FUTURE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, President Clinton and the Democrats have a plan to reduce the deficit by $500 billion. The Republican plan falls short of $500 billion while using the same gimmicks that quadrupled our debt during the past 12 years.

The Democrats' plan makes 200 specific cuts in Federal spending. Even though the Republicans say "cut spending first" their latest plan didn't offer even one additional cut above what is included in President Clinton's plan.

The Democrats make the richest 6 percent of Americans pay 75 percent of all new taxes. The Republicans protect the rich at the expense of our children, and the middle class.

The Democrats' plan has created lower interest rates, making it easier to own a home. In fact, refinancing a $100,000 mortgage from 10 to 7.5 percent will save working Americans $175 a month, which more than offsets the $17 a month in increased taxes.

Mr. Speaker, it is clear that the economic plan proposed by President Clinton and the Democrats is good for the country. It offers real change and it will work to secure the brightest future for our Nation.

## NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, opponents of the North American Free-Trade Agreement [NAFTA] keep pulling rabbits out of the hat in trying to justify their continued opposition to NAFTA.

First, they say there is no way that the American worker can compete against low-paid Mexican workers, despite the fact that American workers are already competing and winning, as reflected in our trade surplus with Mexico.

Then, leftist environmental groups hold up Judge Richey's decision requiring the administration to submit an environmental impact study on NAFTA, despite the fact that NAFTA will allow us to help Mexico improve its environmental standards.

Mr. Speaker, it is time to quit the magic act and look at the fact that NAFTA will increase trade—period. And, anytime you increase trade, you create jobs and increase the standard of living—these are proven historical facts.

I urge my colleagues to approve NAFTA.

## GENOCIDE GOES UNCHECKED IN BOSNIA

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, genocide continues in Bosnia. In 50 years, the United Nations has never proved so impotent. In fact the United Nations has encouraged genocide by denying Bosnia—one of its members—the fundamental right of self defense.

No atrocity, not 200,000 slaughtered for their religion, not deliberate starvation of besieged refugees, not wholesale destruction of religious shrines, not bombardment of children in schoolyards or people lined up to get water or mourners burying their dead; not even the death of wounded and premature babies in hospitals denied medicine and fuel and electricity to operate is enough to shame the European Community to action.

The only unabashedly Communist dictator left in Europe who boasts of the final solution, using Hitler's very words, will be given exactly what he wants.

And the United States, the world's beacon of religious freedom and ethnic diversity, and the most powerful nation in history, does nothing. What a disgraceful performance.

## AMERICANS ARE SAYING CUT SPENDING FIRST

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, during the break I had the experience of traveling to 16 cities in my district and I talked and spoke to people. Most importantly, I listened.

It is still out there, they are still saying it: "Cut spending first."

They know that since 1982 we have had five tax increases designed to reduce the deficit. Congress was quick to increase taxes, but when it came time to do the cutting, Congress had forgotten all about it. Not one of the five had reduced the deficit or done anything to reduce our national debt.

The people also know that they are paying about 40 to 50 percent of their income in taxes. You add it up—and I challenge folks who are listening to do this—you add up your property tax, your sales tax, your utility tax, your insurance premium taxes, ad valorem taxes, your license fees, your income tax on city, State, and Federal levels, and you are already paying more than you need to be paying. You are patriotic enough, you do not need to invest.

Two weeks ago, I had the opportunity to speak to some Soviet Georgians, and I asked them, "What is your highest tax bracket?" And they said, "22 percent." That is from a former Communist country.

Mr. Speaker, folks in my district and all over America are saying it right: "Cut spending first."

### APPROVAL OF CLINTON PLAN—A STEP TOWARD BALANCING FEDERAL BUDGET

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, as we move toward conference, I want to ask the American people to join together and send a message to the naysayers in Congress to quit bickering, tell the truth and pass the President's budget. Of course, there are things in this proposed budget that must not stand final passage, especially the barge tax and Btu tax that will unduly harm the barge industry and farmers. However, with a few changes, the President's budget will serve as a very important first step for America toward the eventual balancing of the Federal budget.

To those in the minority, I say: Quit distorting the facts. Rise above partisan politics and pull together for the benefit of our Nation that I know you respect and love. The truth is that the budget plan that we passed does cut the overall spending trend. It does provide $500 billion in deficit reduction over the next 5 years rather than only $335 billion as the minority has proposed. It does make those citizens who have benefited the most pay their fair share while keeping taxes low on working men and women. We must show the American people that we can successfully rise to meet our national challenges. America's economic future hangs in the balance.

### DEMOCRATS, SAVE YOUR PRESIDENT: VOTE AGAINST HIS PLAN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, President Clinton's administration is again showing why they cannot be trusted with words or numbers.

First, they redefine income to allege that only the rich will pay the tax increase, the largest in American history.

Mr. Speaker, now, to answer the criticism that his plan will clobber small business, the Clinton Treasury Department has defined away small business. As the Wall Street Journal reports, the Treasury Department "refuses to count anybody who gets more than half his income as wage or salary, which effectively whittles the business-owning population down from 21 million to 7 million."

It does not matter how President Clinton messes up the English language, the reality is that nearly 1 million small business owners are going to face a whopping tax increase under the Clinton plan. It is small business, my Democrat friends, that creates three out of four new jobs in the economy.

You cannot raise taxes $300 billion and only effect the rich.

I implore my Democrat friends, save your President, vote against his plan. After all, you owe it to yourselves.

### UNITED STATES LACKING IN RESOLVE ON TRAGEDY IN FORMER YUGOSLAVIA

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, I rise today to express my outrage over the situation in the former Yugoslavia. I am not, this morning, advocating that we take one position or another, or even that we endorse one side over another. I am saying that we cannot be seduced into forgetting about the conflict because it is easier to push it out of our minds than it is to remember that these people are suffering tremendously and we have done little to help them.

Sarajevo has not had water, natural gas, or electricity in weeks. Schools have been closed, food supplies are virtually nonexistent. People on all sides of the conflict are being slaughtered mercilessly while their leaders are stalling the peace talks and strutting about with pathetic machismo.

I understand the President's position on avoiding unilateral actions and agree that the European Community must also take responsibility for bringing about a resolution to this conflict. But even if we cannot solve the situation singlehandedly, we cannot stop thinking about the children who go to sleep at night worrying if there will still be a roof over their heads when they awake. The children of the former Yugoslavia are not going to camp this summer—they are dodging mortar. They are not complaining about having to get up to go to school in the mornings—they are already out looking for food.

We cannot ignore the fact that lives are being ruined and families are being destroyed. Do I have an answer? No. Do I have a better idea than that already put forth by this administration? No. What do I plan to do about it? I plan to remember every single day that while my own children are safe and my mother is well taken care of, that people only a short plane ride away are being massacred because of intangible hatreds and long-remembered slights. I will think about them, pray for their safety and hope that someday they will forgive us for our lack of resolve.

□ 1020

### HEALTH CARE FOR ILLEGAL ALIENS

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I am in shock.

President Clinton and the Democrats in Congress want to provide $300 million so illegal aliens can have health care at taxpayer expense.

At a time when not all Americans have health insurance, when our Federal debt and deficit are at record highs, and when this administration is about to pass the largest tax increase in the history of the world, how can the President even consider spending one dime for health care for illegal aliens?

I can tell you that my constituents in Contra Costa and Alameda Counties in California do not want to pay the medical bills for people who sneak into this country. First, they want American citizens to have access to quality, affordable health care.

I am still outraged to know that illegal aliens already receive some Federal medical assistance free of charge. But to add insult to injury, the President wants to make the Federal Government foot the whole bill.

This makes no sense at all. The President and the Democrats in this body are sending a message to the world: "If you have a problem, come to the United States, we'll take care of you."

Mr. Speaker, I urge my colleagues and our President to rethink this horrendous idea.

## FLOOD LOSSES BY FARMERS

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, I rise today to correct disinformation that appeared last night on the CBS News regarding flooding losses suffered by farmers. The thrust of the report was that these farmers do not deserve assistance from their Government because they chose not to have flood insurance. Such logic would suggest that people who choose to live in California should not be entitled to earthquake relief and people who choose to live in Florida or Hawaii should not be entitled to hurricane relief.

More importantly, for thousands of farmers who did purchase insurance, the insurance program itself is a disaster.

These farmers cannot collect a thin dime because they were not able to plant the seed. They have seen their coverage disappear because the Draconian provisions of the program further penalize them because they could not plant on time due to the flooding.

Mr. Speaker, the people in my home State of Minnesota have not seen a disaster of this dimension for 100 years. If the Government is not here to help them in this time of crisis, then I ask, what does the Government exist for?

## DEMOCRATIC SPENDING

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the tax-and-spend Democrats are at it again. They have come to the floor today claiming that what they want to do is tax the rich, but the American people have already figured out that the rich in their definition are $20,000 a year families and small business operators.

And what are all those new taxes going to go for? Well, they have told us today what they are going to go for. They are going to go for bigger Government. The country is better, they believe, when the Government is bigger.

Just look at the national service bill they have on the floor right now that adds 25,000 new Federal employees in the name of bigger Government.

They also want more welfare. Listen to the people who have talked here today. No matter how they couch the terms, the reality is that they want more social welfare spending. They want welfare, rather than work. They want spending, rather than saving. They want bigger Government, rather than better Government.

The American people have figured this all out. That is why the Democrats have become so worried. Their welfare state is not wanted by the people who have to pay the bill.

Not one Republican is expected to vote for the tax-and-spend package. Every dime of new taxes will be Democrat taxes. Every dime of new debt will be Democrat debt. Every dime of new spending will be Democrat spending. Every dime of new deficit will be Democrat deficit.

## OUR RIDICULOUS CHINA POLICY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the free traders in Congress have given China most-favored-nation trade status. They say that China is moving toward new free market reform.

Check out this new reform. China has a new consumer protection law. Here is how it works. If you do shoddy work, you can get a life sentence in jail. If you knowingly produce a faulty product, Mr. Speaker, you get the death penalty.

I guess those two prison laborers over there are saying, "What happened to number 126?"

They are saying, "Well, he made a faulty toaster."

Mr. Speaker, this is not reform. This is ridiculous. China is now our No. 2 trade deficit partner, and it is time we straightened it out.

This is not reform. This is stretching quality control a little too far. The free traders better take a look at it.

## NAFTA, THE JOB KILLER

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, why is our Trade Representative in such a hurry to force the flawed North American Free-Trade Agreement on the American people? The North American Free-Trade Agreement is a job killer.

What happens to small business under NAFTA? Recently over July 4, I visited a cement plant in Medina, OH, in my district. Workers and management are scared to death of the North American Free-Trade Agreement. How do they compete with a large American firm that moves to Mexico and hires workers at 58 cents an hour and avoids environmental laws and evades job safety and child labor laws? How do they compete?

If a plant leaves Ohio or leaves the United States and moves south, NAFTA, the job killer, kills communities. It hurts the schools. It hurts other businesses. It hurts insurance agents and florists and all kinds of retail outlets that serve those workers that are now unemployed.

Mr. President, slow down and get it right. Get it right for American business, get it right for American jobs, get it right for American workers.

Mr. Speaker, the more the American people know about NAFTA, the less they like it.

The SPEAKER pro tempore (Mr. OLVER). The gentleman should address his remarks to the Chair and not to the President.

## HEALTH CARE FOR ILLEGAL ALIENS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, the House version of the tax bill, or so-called deficit reduction bill, includes $300 million in Medicaid funds for additional health benefits to illegal aliens. In the 6 months I have served in this body, I have seen some bad legislation. But the proposal to spend $300 million more of taxpayers hard-earned dollars to pay the health care costs of illegal aliens takes the cake.

I hope those Members who are opposed to spending Federal dollars on illegal aliens will use their influence to encourage the House conferees to strip this $300 million boondoggle from the budget proposal. The time has come for this body to take responsibility for how it spends the hard-earned dollars of American taxpayers.

Mr. Speaker, we do not know for sure how many illegal aliens are residing in this country today, but the number is estimated to be at least 5 million. This number is increasing daily, and according to one study the cost of supporting these illegal aliens is at least $7 billion annually.

During the July recess, I had meetings with over 150 business and civic leaders from my district. Their message was to cut benefits for illegal aliens and defeat the Clinton tax plan.

## APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore (Mr. OLVER). Without objection, the Chair appoints the following additional conferees on H.R. 2264, the Omnibus Budget Reconciliation Act of 1993:

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005 (a)-(c) and (f) of the House bill, and title I and section 5001, 5002 (a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, ROSE, GLICKMAN, VOLKMER, PENNY, ROBERTS, EMERSON, and GUNDERSON.

As additional conferees from the Committee on Government Operations, for consideration of sections 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification

Act, of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, ENGLISH of Oklahoma, PETERSON of Minnesota, BARRETT of Wisconsin, WASHINGTON, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029 and 13560 of the House bill, and those portions of section 12011 which add new section 453(a)(4) and 456(a)(2) to the Higher Education Act, of the Senate amendment, and modifications committeed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. TOWNS, WAXMAN, SPRATT, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. SPRATT, SYNAR, WASHINGTON, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001-111, 15206, and 15301 of the House bill, and modifications committed to conference: Messrs. CONYERS, SPRATT, and WAXMAN, Mrs. COLLINS of Illinois, and Messrs. SYNAR, CLINGER, MCCANDLESS, and HASTERT.

As additional conferees from the Committee on the Judiciary for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, HUGHES, EDWARDS of California, CONYERS, SYNAR, MOORHEAD, COBLE, and FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, CONYERS, and SYNAR, Mrs. SCHROEDER, and Messrs. BERMAN, FISH, GALLEGLY, and MOORHEAD.

As additional conferees from the Committee on the Judiciary, for consideration of section 12105 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, BRYANT, GLICKMAN, FRANK of Massachusetts, BERMAN, GEKAS, RAMSTAD, and FISH.

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The Chair advises the gentleman from Pennsylvania [Mr. WALKER] that these are the Speaker's additional appointments to the conference committee under rule X. Unanimous consent is not required under the rule, and consequently reservations of objection are not in order.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Just before the Speaker took the chair, the action before the House then was without objection that these appointments would be made. I understand rule X, but are we going to now revise the procedure on the floor, and is the Speaker announcing such?

The SPEAKER. The gentleman is correct.

IN THE COMMITTEE OF THE WHOLE

Mr. STEARNS. Mr. Chairman, I ask that my amendment be considered as an en bloc amendment.

The CHAIRMAN. The Chair will state to the gentleman that that request is not necessary. The gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes in support of his amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment, and all amendments thereto, be confined to 20 minutes on each side, with the gentleman from Florida [Mr. STEARNS] controlling half of the time and myself controlling half of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. STEARNS. Mr. Chairman, reserving the right to object, that is satisfactory. As I understand it, the request is just for my amendment; it does not apply to subsequent amendments?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct.

Mr. STEARNS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The request is only for the amendment offered by the gentleman from Florida [Mr. STEARNS] and all amendments thereto.

The gentleman from Illinois [Mr. YATES] will be recognized for 20 minutes, and the gentleman from Florida [Mr. STEARNS] will be recognized for 20 minutes.

Mr. STEARNS. Mr. Chairman, I rise to offer an amendment which would reduce funding for the National Endowment for the Arts by 5 percent. This cut would result in a $8.7 million reduction from the $174.5 million amount requested by the committee and leave $165.9 million to the NEA.

For the last several years, I have offered amendments to the Interior appropriations bill to reduce funding for the National Endowment for the Arts. I continue to feel strongly that the U.S. Government must take a stern approach in reducing our national deficit. In these times of budgetary crisis, it is necessary to reduce funding for a program that is not vital to the economic health of this Nation.

We must concentrate our resources on what is absolutely necessary, not just desirable. I seriously question Federal funding of the NEA when private funding for the arts was $9.32 billion in 1992. When the vast majority of arts funding comes from private sources, why is NEA funding considered absolutely necessary when our deficit continues to climb toward $400 billion?

When Congress is asking our constituents back home to accept more taxes, how can we justify spending $174.5 million on this program. Oftentimes when I am on the floor of the House, I hear Members comment that an $8 or $10 million reduction is not significant, but let me assure you $8 million is significant back home. The $8.7 million that we save here can be spent on a school lunch program or a Head Start Program.

Throughout the past few weeks, we have cut spending in many programs, both large and small. These proposals have spanned from the elimination of the superconducting super collider and a reduction in the space station to reductions in construction costs of Federal buildings. We will continue to see similar proposals in the appropriations bills that have not yet reached the floor of the House. In light of this, it seems appropriate that we should reduce the funding of such a controversial program as the NEA.

This current funding proposal for the NEA is $39 million more than the funding for breast and cervical cancer prevention passed earlier this year. We must ask ourselves what is more important—promotion of the arts or the health of the women of this Nation?

Several years ago, the NEA was involved in tremendous controversy over funding programs that were considered unfit for public viewing. More recently though, the NEA has litigated with artists who claim discrimination against their artwork. When these subsidies result in so much controversy, we should review the existence and the importance of funding this organization. These court battles have absorbed even more of our taxpayers' money. It makes sense to reduce the funding level so the NEA can fund only the most important cultural projects and avoid projects which could result in controversy.

My colleagues, we simply must prioritize our spending, and a 5-percent cut in the NEA is a good place to start. We must continue to be diligent in our spending reductions. Although this $8.7 million reduction is a small start, it is a start nonetheless. We must begin somewhere.

Last, many Members have asked me to cut more. I understand their concern, but I think this is a good start. And for those Members who did not want to eliminate the NEA but wanted a vote on this matter showing that they wanted to reduce NEA funding, I believe this amendment is a fair way to do that.

□ 1040

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Florida [Mr. STEARNS], predicated his argument upon the same arguments that were presented yesterday by the gentleman from Illinois [Mr. CRANE], and I think that in the course of that debate it was shown that the figures used by the gentleman from Illinois [Mr. CRANE] to indicate that there was no need for public funding of the arts anymore because private funding had increased to the point where it could adequately supply funds for all the arts organizations in the country, were in error. Nothing is further from the truth, Mr. Chairman.

Just as the gentleman from Illinois [Mr. CRANE] used distorted figures, my friend, the gentleman from Florida, uses the same figures when he quotes the sum of $9 billion being available annually for the arts from private sources. I read, in response to the argument by the gentleman from Illinois [Mr. CRANE], that that was an inappropriate figure. The facts from the document that had been used to establish that figure are that the figure was established not on the basis only for the arts. It was established based upon a category that included, as well, funds for the humanities and funds for so-called culture. When we consider the amount of funds that went into the other two subcategories, it leaves a relatively low sum available for the arts.

For example, the figure is based upon grants to organizations such as communications organizations like film, video, and holography, television, print, publishing, newspapers, literary journals, publishers, producers of print material, radio, also to history museums, to marine and maritime museums, to natural history and natural science museums, anthropological and Native American museums, science and technological museums, sports, hobby museums, specialized museums, art history, history and archeology, classical languages, foreign language schools—I could go on and on, Mr. Chairman. This is just about half of the organizations which received grants that are included in that figure and which have no relationship to the arts.

So that figure is totally irrelevant in making an argument that arts organizations receive this vast amount of private funds.

In addition to that, Mr. Chairman, my friend, the gentleman from Florida [Mr. STEARNS], talked about the sensational art that NEA was financing. The fact is, Mr. Chairman, that it is an aberration of the usual grant when NEA has art that is sensational. You could count them on the fingers of both hands, compared to the amount of grants by NEA that are the kind of grants that the people of America want and cherish and which make up their approval of the arts endowment.

So I say to my friend, the gentleman from Florida, that his cut will hurt NEA. A cut of $8.7 million will have enormous impact upon the arts funding in this country. It will mean the difference between life and death for numbers of arts organizations which depend upon NEA and upon the private giving that NEA stimulates, the private giving that each grant requires in order that the grant be approved, a match of one to one, from private giving, or more than that, up to as much as 1 to 5 or 1 to 10 in many circumstances. If this seed money is cut out by this kind of amendment, an amendment that deprives the arts of over $8 million, Mr. Chairman, the arts indeed will be terribly, terribly hurt.

Mr. Chairman, I hope the gentleman's amendment is disapproved.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have just a few comments. I want my friend and colleague, the gentleman from Illinois [Mr. YATES], to know how much respect I have for him. I think he does an able job presenting the other side.

The argument I am trying to make here is one of fiscal restraint, and I would say this to the gentleman: He and I have talked about this over a period of 2 or 3 months now, and my argument this morning is that if all programs in Congress are talking a reduction of 1 or 2 percent, certainly the NEA could take a reduction of 5 percent.

□ 1050

I want to say to the gentleman I understand the budget this year has only gone up about $100,000 over last year, and I think that is a good step. I want to compliment the gentleman for that. But I would say to the gentleman, a 5-percent cut in anything is probably a prudent position, and I think the seed money the gentleman is talking about could be garnered through more efficient operation, or in many ways prioritized the different projects you were going to award for.

Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I want to begin by reiterating my respect for the gentleman from Illinois [Mr. YATES]. The gentleman certainly is a worthy proponent of the arts on the House floor. Yesterday, with great sorrow I voted for total abolition of NEA funds. Why? Because of the arrogance of a handful of people who continue to offend the sensibilities of hardworking American taxpayers by funding disgusting and sophomoric pseudo-art. Yes, these offensive works can be counted on the fingers of two hands, out of thousands of grants, but these instances of arrogance, blasphemy, and desecration of American virtues make up in offense what they lack in numbers. The assault on virtues held dear to the overwhelming majority of American people are so egregious and so arrogant that we must have at least this 5-percent cut. We must get a message across to the bureaucrats who administer the National Endowment for the Arts that we are not going to tolerate this filth. How else are we ever going to get control of these precious dollars for the arts?

Now, I would say to my colleague, the gentleman from Illinois [Mr. YATES], that I was driving around Los Angeles last weekend. While driving through the Sepulveda Pass from the west Los Angeles area to the San Fernando Valley, I saw giant cranes building one of the Nation's largest art museums. This was sponsored by one person, long gone to his eternal reward, J. Paul Getty.

The Getty Foundation is building a museum in the hills of the Santa Monica Park area that will cost more than the entire NEA appropriation.

If we should take the $9.2 billion figure of private money spent on general cultural projects and whittle it down because I did not hear a bottom line figure from the gentleman from Illinois [Mr. YATES]. If it is $9 billion and you take out all the maritime museums and everything else that the gentleman enumerated, what is it, $7, $6, $5, $4, $2 billion that the private sector spent on art?

The last Van Gogh painting on the market sold for more than 30 percent of the entire NEA budget. This painting was created by an artist who never sold a painting in his life.

I mentioned a column yesterday by a great commentator, Mona Charen, and I just want to read two paragraphs. Before that, however, I went to talk again about this Whitney Museum in New York, because yesterday we nitpicked to death whether or not the $200,000 given in the last 2 years to the Whitney Museum of New York City has spent on one of these offensive, ugly, blasphemous displays. The question is whether or not if we give $200,000 of taxpayer funds to turn on the lights, to heat or cool the place, to pay for the security guards, the cleaning people. We are paying for this particular abject art exhibit. Are we not being more than disingenuous, and maybe a little phony, to say that no public money is going to the ugly exhibit that is at the Whitney Museum at this moment? Does the money just melt into thin air?

Listen to what Mona Charen says about our country. She says,

> This moral swamp we have allowed to emerge threatens the United States far more than huge budget deficits, a failing educational system or the challenges of global competition.

She said in a paragraph earlier,

> Liberals, evangelists of the sexual revolution, never believed that by devaluing chastity they would be devaluing women. An information survey of 50 youngsters from a variety of neighborhoods in the New York area conducted by the New York Times reveals the coarse and vulgar world in which teenagers now react. This is a world in which romance is gone—replaced by easy sex and trashy language. Ask the girls, who are almost universally addressed as bitch in New York City, whether free sex has resulted in greater respect.

Would we like to take some of these kids to the Whitney Museum right there at 945 Madison Avenue on the corner of 75th Street? I went to the first and second grades in New York City, not six blocks from this museum. Imagine that we take them to this publicly funded institution on a field trip, and what do they see? This abject art exhibit, with a young woman relieving herself in a toilet; a three-foot mound of excrement; a dismembered sculpture of two women engaging in sodomy; framed samples of baby fecal stains; a film by two homosexual men called Skull, and then the street word for intercourse, where one man is shown—and again I cannot read this—inserting his head into another human being's body and then engaging in more perversion, a film titled "Spy" with Jesus Christ our Savior depicted as a woman standing naked with all of the genitalia exposed.

Mr. Chairman, I repeat what I said yesterday: there should be a ground rule that the tax dollars from hard-working men and women across this country should never go to anything that we cannot discuss in detail on the floor of this House.

You bet I come to the floor in support of the amendment of the gentleman from Florida [Mr. STEARNS].

I came to the floor a few weeks ago and read a phrase from George Washington's first inaugural address. I saw the original document in the Archives in his own handwriting. The Father of our Country said there is an "indissoluble link between virtue and happiness." That is 1789.

Many people do not like to speak about virtue here on the House floor. They are afraid that speaking of virtue might seem to suggest that we elected officials are forcing our morality on those that we represent. That is the view of those who believe that we live in a tyrannical political system with Members of Congress dictating to the entire country their own personal whims.

Well, nothing is further from the truth. Just the opposite is the fact with the National Endowment for the Arts. When the NEA can fund indirectly—hear that word, colleagues—indirectly, $200,000 to the Whitney Museum to set up this abject art exhibit and one on rape, the American people are disgusted. These exhibits are a disgrace when our country leads the world in rape, with every 15 seconds someone being raped in this country alone. Then we call this garbage, this degrading of women and our whole society, art. Please vote for this 5-percent cut.

Mr. Chairman, I would like to respond to the convoluted reasoning of some of my colleagues. They contend that even though the Whitney receives indirect funding through the NEA no funds went toward this particular exhibit. If Federal funds given to an institution are not in any way used for major exhibits within that institution, then what are the funds used for? If the Whitney can put on exhibits without the NEA then why do we fund them? It has been conceded that the Whitney does not need the NEA to put on its exhibits. That is the argument we have been making over the last couple of days. Let the Whitney continue their work without taxpayer funds. I commend the following article to my colleagues' attention.

[From the Washington Times, July 6, 1993]

### ART TURNS HEADS, STOMACHS

(By Joyce Price)

As Congress considers bills to reauthorize the National Endowment for the Arts, an NEA-funded museum in New York is displaying an art exhibit featuring images of excrement and homoerotic acts.

A catalog for the "Abject Art: Repulsion and Desire" exhibit at the Whitney Museum of American Art says the show is intended to "confront taboo issues of gender and sexuality" using subject matter offensive to conservatives.

The catalog's introduction explains that "abject art" is a "body of work which incorporates or suggests abject materials such as dirt, hair, excrement, dead animals menstrual blood and rotting food."

Martin Mawyer, president of the Christian Action Network (CAN), viewed the show last week.

"The goal of the exhibit was to repulse, and I was repulsed," Mr. Mawyer said. "I guess that makes me an art connoisseur."

The NEA, which has endured several battles over its funding of controversial artists and artworks, has given $302,000 to the Whitney Museum since 1990.

Since 1991, the federal arts endowment has provided $65,000 to the Whitney's Independent Study Program, which mounted both "Abject Art" and a second exhibit, "The Subject of Rape." The two exhibits currently are the only ones on display at the museum.

Whitney spokesman Steven Schlough said the "Abject Art" exhibit has not received funds from the NEA or any other government source.

"Of the Independent Study Program's $350,000 annual budget, the $20,000 received last year from the NEA was allocated entirely for operating costs of the museum's studies programs," Mr. Schlough said.

CAN officials this week hand-delivered letters to the 114 freshman members of Congress and Republican congressional leaders urging them to abolish the NEA. The letter cites "Abject Art" as a prime reason to end NEA funding.

Mr. Mawyer blamed the depictions in the exhibit on the Clinton administration.

Although the Whitney's Independent Study Program was last awarded an NEA grant in 1992, during the Bush administration, Mr. Mawyer charged that "the fact that no one is at the helm of the NEA is exactly why these types of grants get abused at museums."

In the absence of a permanent chairman, the NEA is being run by Anna Steele, a senior deputy director.

"I feel that if Anne-Imelda Radice were still at the helm of the NEA, she would have denounced the exhibit and demanded the money back," Mr. Mawyer said.

Miss Radice took over as NEA chairman after President Bush fired John Frohnmayer. She won the support of many conservatives by insisting that are supported by the endowment should reflect the values of the majority of Americans.

NEA spokeswoman Ginny Terzano said the CAN president's comments "indicate how Mr. Mawyer's organization and other special interest groups spread misinformation about this agency."

"The [Whitney] grant was awarded by the previous administration. For him to blame it on the lack of a Clinton-appointed head of the endowment makes absolutely no sense," Ms. Terzano said.

As for "Abject Art," the museum catalog says the exhibit was "deemed urgent" because of recent American politics.

The introduction decries the "art censorship" of the late 1980s and early 1990s, the "verbal attacks on artists such as Robert Mapplethorpe, Andres Serrano, . . . Annie Sprinkle and Karen Finley" and the "rhetoric" of "Jesse Helms, Patrick Buchanan, and David Duke, not to mention Presidents Reagan and Bush."

"Employing methodologies adapted from feminism, queer theory, post-structuralism, Marxism and psychoanalysis, our goal is to talk dirty in the institution and degrade its atmosphere of purity and prudery," wrote Jack Ben-Levi, Craig Houser, Leslie C. Jones and Simon Taylor, all participants in the Whitney's Independent Study Program during 1992–93.

"Abject Art" includes depictions of:

A 3-foot mound of "synthetic" excrement.

A dismembered sculpture of two women engaging in oral sex.

A film showing one man pushing his head into another man's rectum.

A film titled "A Spy," which depicts Jesus Christ as a woman standing naked with her breasts exposed.

A film by porn star Annie Sprinkle titled "The Sluts and Goddesses Video Workshop or How to be a Sex Goddess in 101 Easy Steps."

Andres Serrano's "Piss Christ," a photo of a crucifix standing in a jar of urine, and the late Robert Mapplethorne's "Self-Portrait," a photo showing him with a bullwhip in his rectum.

In the CAN letter, Mr. Mawyer tells freshman House members they "have been elected to Congress to reform a government fraught with waste and fraud. The NEA is a classic example . . . There exists no principled reason for allowing the federal government to fund art—especially when that art may not reflect the values and culture of the taxpayers footing the bill."

He also points out that the Serrano and Mapplethorpe works included in the show ignited the political controversy that has surrounded the NEA since the late 1980s. The Serrano and Mapplethorpe works are the "same two pieces of art which the House chose to defend in 1989," he says in the letter.

The House cut $45,000—the total amount the NEA had provided in grants for two exhibits that included the Serrano and Mapplethorpe photographs—from the endowment's budget in fiscal 1990.

One freshman House member, Peter T. King, New York Republican, said Thursday he "opposes the NEA" and will vote to strike the $174.59 million in funding being sought for the agency in fiscal 1994. That amount is $130,000 over current funding levels.

Mr. Chairman, I come to the floor today in support of Mr. STEARN's amendment. There are many good arguments for cutting the NEA, but the most compelling I believe is that the NEA no longer serves the taxpayers of our country. American art used to represent the virtues of our country. Pre-postmodern artists were trying to push the American pioneering spirit of adventure into the realm of art and intellect. Instead of those explorations, today we find callow pandering to the worst in the human spirit. This infantile shock art passes for intellectual and spiritual sustenance. I have already detailed some of the worst abuses of the NEA but I would like to keep focused on the larger issue. Because in this NEA-funded art, we find an assassination of virtue.

I came to the floor a few weeks ago to read a phrase from George Washington's first inaugural address. In that address our first President said that there is an "indissoluble link between virtue and happiness."

Many people don't like to speak about virtue here on the floor of the House. They are afraid that speaking of virtue might seem to suggest that we elected officials are forcing our morality on those that we represent. That is the view of those who believe that we live in a tyrannical political system with Members of Congress dictating to the entire country our own personal whims. Nothing could be further from the truth. We are here because we represent people, citizens, who have consented for these 2 years to give us legislative power over this body and the laws of this Nation. They have empowered us to come here and try to write laws that conform to the virtues of our community. These laws are the moral instruments of our day. Their essence is profoundly moral. We are here to say how our affairs will be conducted, how our public money will be spent and how America should move forward. If our Federal Government is not constantly fighting for excellence and virtue on every front, the Nation's stable happiness will be degraded.

For these reasons, I believe an NEA that does not fit with the virtue of our communities should cease to exist.

Yes, art can make us question our society, our norms, and our roles. That is why last year $9.32 billion was spent in the private sector on art, an incredible increase of $1.42 billion over the previous year. Allow the critique of capitalism, the critique of virtue, the critique of America to take place on someone else's dime. My constituents are striving for a more virtuous world, and one in which they can better attain happiness. The NEA is no longer a part of that world. Therefore, I urge everyone to support the Stearn amendment.

### REFLECTED IN THE WHIRLPOOL RITUAL

(By Mona Charen)

Venture with me once more into the world liberalism has created; New York City. New York has been governed politically, educationally, spiritually and morally by liberal ideas for at least 30 years. Fads that merely sideswiped other parts of the nation—like high-school condom distribution and a therapeutic approach to crime—have become institutional pillars of New York's liberal superstructure.

So how are they doing? One of the things liberals told us they could manage so much better than anyone else was the treatment of women.

News item: At least five teen-age boys have been arrested during the past week in New York for engaging in gang molestation of girls in public swimming pools. In a ritual called "the whirlpool," reports the New York Times, as many as 20 to 30 boys ranging in age from 12 to 17 link arms and surround a lone girl. They chant a slogan popular at basketball games—"Oops, there it is"—and then attack her, dunking her head under water, frequently tearing off her bathing suit top and sometimes grabbing at her breasts and genitals. This is high humor for the boys, perhaps especially if the girl is reduced to sobs of fear and humiliation.

All right, you say. Teen-agers misbehave. How can you possibly blame liberalism?

Consider the response of Betty Gotbaum, New York City commissioner of parks and appointee (presumably) of Liberal Mayor David Dinkins. She is the authority here. She is the representative of society's mores. Here's what she said: "This has been going on since time immemorial. And it's not right. But . . . we just have had a really bad five days."

No, New York has had a bad 30 years. "It's not right" is about the most tepid censure in the lexicon. How about "It's outrageous and will not be tolerated." Moreover, Miss Gotbaum betrays her limitations by suggesting that this behavior has been going on since "time immemorial." It has not. This kind of contempt for and cruelty to women wasn't a part of the America I grew up in. It wasn't a part of my mother's America either. Women were never treated this way in the worst days of the Great Depression or in the most libertine era of the Wild West.

No, it required the concentrated assault on "bourgeois values" that began in the '60s to so thoroughly unravel the fabric of civility that had previously survived war, depression and natural disasters.

An informal survey of 50 youngsters from a variety of neighborhoods in the New York area conducted by the New York Times reveals the coarse and vulgar world in which teen-agers now interact. This is a world in which romance is gone—replaced by easy sex and trash language. Liberals, evangelists of the sexual revolution, never believed that by devaluing chastity they'd be devaluing women. But ask the girls who are almost universally addressed as "bitch" in New York City whether free sex has resulted in greater respect.

The term "bitch" is no accident. It literally refers to a female dog. And the girls reciprocate by addressing boys as "dogs." Derrick James, 18, of Bogota, N.J., was asked by the Times how he accounted for the predatory, pack behavior of teenage boys.

"It's nature," he explained. "Look at a female dog and a male dog: Its the same thing. You see 20 male dogs on a female dog. It's the male nature in a way."

So much for 5,000 years of civilization insisting that human beings, creatures created in the image and likeness of God, are not mere dogs in heat and are capable of better behavior.

This moral swamp we have allowed to emerge threatens the United States far more than huge budget deficits, a failing educational system or the challenges of global competition.

In my lifetime we have gone from a world in which men customarily rose from their chairs when a woman entered the room to a world in which a 14-year-old cannot swim in a public pool without fear of sexual assault. It's been a steep decline.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to respond to the gentleman from California [Mr. DORNAN]. Apparently the gentleman did not hear my reply yesterday that I received from the Arts Endowment. The Arts Endowment specifically says it did not supply the money for the art exhibit to which the gentleman makes reference. That was a student project. It was funded by private funds given to the Whitney Museum. It was not funded by NEA.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I was going to talk a little bit about arithmetic, for the NEA but I would like to start off talking about the Whitney Museum.

Mr. Chairman, I think that these are false accusations. The Whitney Museum is one of the great museums in this country. Every 2 years it has a project which exposes the American public to all the avant garde art. There it is, out there, for everyone to see. Some is great, some is horrible; some is good, some enduring. Then they cut the program. This is all, repeat all, privately funded. The accusations against the Whitney, in brief, are a red herring.

In any event, I rise here today in opposition to the Stearns amendment. I have great respect for the gentleman from Florida, I understand where he is coming from. I understand the desire to cut expenses and to be a responsible public servant.

But frankly, I think this is a ridiculous approach. If you do not like Federal support of the arts, say so. But do not nibble. Nibbling does not produce cost cuts. If one does not like the size of the Federal expense budget, cut it. Do not wave at it. Do not toy with it. That is not how you really get a big, important savings.

But I have a feeling, and I, of course, may be wrong, that the real thrust in this amendment is not to cut costs at all. It is to eliminate Federal arts funding altogether. The words are not there, but the arithmetic is.

Two years ago there was a suggestion to cut $7 million; 1 year ago there was a suggestion to cut $3 million. This year it is $8.7 million. At a compounded rate, you eliminate the whole arts budget in 6 years.

Private funds help big cities. They do not help rural communities. I live in a small community. Over the years we have contributed privately, both corporately and individually, more funding for the arts than I suppose almost any community our size in the country. It still was not enough. NEA came to the rescue, along with State funds.

□ 1100

The private funds will not do it alone, and cultural training is not an exotic area out there by itself. It is education, just as reading and writing means education.

Do we cut Spanish from schools because we are mad at El Salvador? Do we cut science because of the Challenger tragedy?

If we are going to cut because we have budget difficulties, then cut—do it—and tell people why. Do not camouflage the objective.

Once again, I plead that we not appear brave, which we are in fact timid—and in the process, snip at the edges. This gives us the worst of both worlds. We keep a program we really do not want while we delay the death notice.

Frankly, that is not what we are about here.

Mr. STEARNS. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very fair and reasonable and moderate amendment by the gentleman from Florida [Mr. STEARNS]. I commend him for offering this amendment, and I thank him for yielding time to me.

When a family is broke and not only broke but deeply in debt, they spend their limited resources on the basics like food, clothing, shelter and medical care. They do not spend their limited funds on expensive artwork.

Our Nation is in that same situation today. As almost everyone knows, we have a national debt of over $4 trillion, $4.2 trillion. As staggering as that is and as bad as that is, even worse, if something could be worse, is that we are continuing to lose money at the Federal level of almost $1 billion a day every day. Today we will lose almost $1 billion in the Federal Government.

We have got to cut spending. Every place I go today, my constituents are saying, cut spending first. All over the Nation we are hearing that cry. In the national media, from Prime Time Live to many other national organizations, we are hearing the cry of reducing spending.

The national polls show that 75 to 80 percent of the American people want us to balance the budget. Yet we cannot do it unless we start cutting someplace. This will save at least $8.9 million. At least it is a start. I urge my colleagues to support his very reasonable effort by the gentleman from Florida [Mr. STEARNS].

Mr. YATES. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, yesterday the distinguished gentleman from Montana [Mr. WILLIAMS] came to the floor. There has been a question raised here about some of the grants that have been made by the National Endowment for the Arts. I would argue that over its history, we are talking about 100,000 grant applications that have been made by the Endowment. In very few cases has anyone raised a question about the judgment of the Endowment.

In some instances, money is awarded to an artist under the artists program, the new artists program. And we do not know for sure just exactly what they are going to do.

But in order to deal with this issue, as the gentleman from Montana [Mr. WILLIAMS] pointed out yesterday, I want to read this language into the RECORD, he said, and I quote him, and this is the language that was put into the legislation reauthorizing the National Endowment for the Arts, that is, "Obscenity is without artistic merit, is not protected speech, and shall not be funded by the National Endowment for the Arts." As he said, "The debate is over. The debate is over. It is illegal for the National Endowment for the Arts to fund obscenity."

In fact, here in the statute, it says, this is under section (b), "Section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

> No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the chairperson. In establishing such regulations and procedures, the chairperson shall ensure that "artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and (2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this act from the National Endowment for the Arts.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as I said before, the exhibition which was referred to in the debate during the course of this as being an indecent exhibition was not paid for by the National Endowment for the Arts.

Mr. DICKS. Mr. Chairman, the point I am making is, we have a panel system which consists of some of the very best people in this country who review these applications for funding very closely. The record, over a period from 1965 to 1993, is extraordinary. The amount of money in this budget today is below the 1992 funding level. Congress has cut this budget back, has reduced this funding.

The other thing is, if we factor in inflation, we are continuing to erode the amount of money that is there for the National Endowment for the Arts. I frankly am embarrassed that we are not doing more for the arts in this country than we are. So I would urge my colleagues, knowing full well that the gentleman is offering a sincere amendment, not an amendment to eliminate the arts but a sincere effort to reduce it, but I think the committee, again, has done a good job. We have done the work. We have looked at the fiscal realities. We have held the funding down.

I would urge the House to reject this amendment.

Mr. STEARNS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, whether we are talking about direct or indirect taxpayer support of pornographic arts, it amounts to the same thing, as far as I am concerned. The gentleman over here keeps saying that none of the money that went from the National Endowment for the Arts went to fund this pornographic art exhibit at the Whitney Museum. The fact of the matter is, let me state this clearly, like the gentleman from California [Mr. DORNAN] did, $200,000 of taxpayers money went to the Whitney Museum.

The Whitney Museum put on this exhibition that has a young woman urinating in the toilet, a 3-foot mound of excrement, a dismembered sculpture of two women having oral sex, and on and on. Maybe there was not a direct subsidy of that art, but the fact of the matter is the museum that gave this demonstration or gave this exhibition was being funded by the National Endowment for the Arts.

The American taxpayers do not want their tax dollars spent for that. Very pure and simple, if my colleagues go out to any district in the country and start talking about this thing, they do not want direct or indirect subsidies of pornographic art. We have got enough problems with the fiscal problems of this Nation right now without using taxpayers dollars for this. The debt is $4.35 trillion; the deficit is running $300 billion, $400 billion a year. We are spending taxpayers dollars for this.

Members say it is not undermining the moral fiber of this country. We have more rapes, more sexual crimes, more violent crimes than we have ever had before in the history of this country, and we wonder why it is happening. It is because our kids get a steady diet of this in the movies and on television and even with our taxpayers dollars directly or indirectly funding this kind of trash.

For the gentleman from Florida to offer a minimal 5-percent cut, I think, is the right direction that this Congress ought to take. Yesterday we had a complete cut of the National Endowment for the Arts. I voted for that, not because I am not for the symphonies or ballets or other forms of art that is helpful to a society like ours, but because we want to send a message to the National Endowment for the Arts that we do not want our taxpayers dollars being spent for this kind of pornography.

We could not get that passed. I submit to my colleagues, a small 5-percent cut will at least send a message to the National Endowment for the Arts that we do not want the taxpayers, the hard-earned money of the people of this country going for this kind of trash, directly or indirectly.

I will say to the gentleman one more time, $200,000 came from the NEA to the Whitney Museum that sponsored this trashy pornographic exhibition.

□ 1110

Mr. STEARNS. Mr. Chairman, I would ask the gentleman from Illinois [Mr. YATES] if he has any more speakers.

Mr. YATES. Mr. Chairman, I would tell the gentleman I have one more speaker.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has one more speaker, and is entitled to close.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume, in order to finish my concluding comments.

Without belaboring this amendment, Mr. Chairman, it is merely a 5-percent reduction. I ask my colleagues who wanted to vote for some type of spending reduction, this is their opportunity. I think that the debate has shown that most programs in Congress have been reduced. This is one that should be.

The argument that the private sector is not providing $9.2 billion, as the gentleman from California [Mr. DORNAN] has pointed out, maybe it is not $9.2 billion, maybe it is $9 billion, but at any rate, it is a multiple of what the Federal Government has been doing. Before this whole program was started under President Lyndon Johnson, we were able to fund the arts adequately through private funds.

My position is that this is a modest reduction, and I ask my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, respecting what the gentleman from Indiana [Mr. BURTON] has said about the funds going to the Whitney, the Whitney receives both public funds and receives private funds. Public funds were not used for this exhibition. Private funds were used for this exhibition. If I remember the arguments made by the gentleman from Indiana [Mr. BURTON] and by those who speak, as he does, against the arts ordinarily, he said, "I do not care what you do with your private funds, you can do anything you like, you cannot do it with public funds."

Public funds were not used for this purpose. The Whitney used private funds for that purpose. The gentleman may think, as he does, that money is fungible and if we had not given this money, the NEA money, the exhibition would not have taken place.

The exhibition would have taken place without the NEA funds, because it was financed by private funds.

In closing, Mr. Chairman, let me point out that the arts are considered an integral part of a student's education. I quote from the speech of the Secretary of Education, Mr. Riley, on March 17, 1993, when he said: "Our literature, paintings, dance, and music are part of what defines us as Americans. Those subjects are just as important as history, politics, and geography in understanding what it means to be an American."

I would add science to that, Mr. Chairman. The National Science Foundation receives $3 billion a year for distribution, for its grants and for education in the sciences and mathematics throughout the country. Yet we compare the paltry sums that the arts receive for education with the amount of education that is financed by the National Science Foundation.

I think our education requires the well-roundedness that the arts bring to this. I have no opposition or hostility to the National Science Foundation grants for education purposes. I think they are excellent. I think we have to establish a foundation in the sciences and in mathematics, but I believe also that we have to teach the arts; that we deprive our children of this country of the opportunity of listening to Mozart and to Beethoven and to the great composers, and to see the artists as they go to the museums, the Impressionists and everybody else, if we approve a cut of the kind of the gentleman from Florida [Mr. STEARNS].

I hope, Mr. Chairman, that this amendment will be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 184, not voting 15, as follows:

[Roll No. 330]

AYES—240

Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOES—184

Abercrombie
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop

Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coppersmith
Coyne
Danner
Darden
de Lugo (VI)
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lowey
Machtley
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Price (NC)
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skeen
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Torricelli
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Yates

NOT VOTING—15

Ackerman
Bevill
Conyers
Faleomavaega (AS)
Henry
Kolbe
Lehman
Packard
Pomeroy
Sarpalius
Tauzin
Torres
Towns
Waxman
Young (FL)

□ 1134

The Clerk announced the following pairs:

On this vote:

Mr. Kolbe for, with Mr. Waxman against.

Mr. Packard for, with Mr. Ackerman against.

Mr. SHARP changed his vote from "aye" to "no."

Messrs. ENGLISH of Oklahoma, DOOLITTLE, and ORTIZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 84, after line 18, insert:

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, this is an amendment that prohibits the use of any of the funds in the act to plan, prepare, or offer for sale timber from trees that are classified as giant sequoias. I do not think all of you who have not seen the giant sequoias know what magnificent specimens they are. Too many have already been cut in the harvests that have taken place. Only a few remain. This amendment seeks to protect those that remain from being cut down in the future.

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word to inquire whether this is an amendment to the appropriation.

The CHAIRMAN. The gentleman has offered the amendment.

Mr. THOMAS of California. In what way does this relate to section 308 of title III, which was subject to a point of order as legislation on an appropriations bill yesterday?

The CHAIRMAN. The Chair cannot interpret the amendment. No point of order was made against the amendment.

Mr. THOMAS of California. I understand that.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. Certainly I yield to the chairman.

Mr. YATES. I thank the gentleman for yielding.

I will tell the gentleman that the point of order was addressed to the section as a whole, and the section as a whole contained the following language; that is, this language plus, "Until an environmental assessment has been completed and the giant sequoia management implementation plan is approved," and that is obviously legislative language. This is not. I am offering this as a funding limitation.

Mr. THOMAS of California. Could the chairman tell me how this amendment affects the mediated settlement between environmentalists and the Forest Service dealing with the protection and preservation of the giant sequoia?

Mr. YATES. They are working on an environmental assessment at the present time.

Mr. THOMAS of California. The mediated settlement has been agreed upon. How does this affect that mediated settlement?

Mr. YATES. I do not think it affects it in any way.

Mr. THOMAS of California. The chairman does not think it affects it?

Mr. YATES. If the gentleman is asking me that question, I will tell the gentleman I think that the language that was stricken yesterday which carried conditions may have had something that the gentleman wanted, that conditioned the action. This says that none of the funds may be used to destroy those trees.

Mr. THOMAS of California. Can the chairman tell me under what law giant sequoias can currently be planned, prepared, or offered for sale?

Mr. YATES. Well, under the general legislation which authorizes the Forest Service to offer timber in the national forests for sale.

Mr. THOMAS of California. Does the chairman know that it is against the law to log giant sequoias? And not only is it against the law to log giant sequoias, but the mediated settlement creates a significant buffer zone around the giant sequoia, and not only is it illegal to harvest giant sequoia, it is illegal to harvest any tree with a diameter greater than 30 inches anywhere near the buffer zone of the giant sequoia.

□ 1140

I need to know the reason for this language, since it is totally superfluous.

Mr. YATES. Well, it may be totally superfluous. The information we have is the giant sequoia is still under threat for destruction of that kind.

Mr. THOMAS of California. The purpose of the mediated settlement was to make sure that they were not under threat.

Mr. YATES. Well, this language goes further and says they shall not be under further threat.

Mr. THOMAS of California. It is against the law to do this.

Mr. YATES. Well, then, none of the funds may be used for that purpose.

Mr. THOMAS of California. Mr. Chairman, this is exactly the kind of amendment that drives this House crazy. Currently, nothing can be done that this amendment is trying to prevent. You cannot do what the amendment says it wants to prevent from being done.

Now, I guess we can be redundant on every point and every subject in the universe to give somebody some assurance somewhere.

What this body should be doing is dealing with relevancy. This amendment is totally irrelevant to what is going on in the real world.

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

I commend the gentleman for persisting on this amendment, notwithstanding the fact there are points of order yesterday where he could have, I think, dealt with some of the concerns of the gentleman from California.

The existing limitation, I understand, is a restriction in the appropriation bill today, so one set expires this year and the agreements, obviously, are administrative agreements, so they do not provide necessarily—I hope ideally they would—but they do not necessarily provide the protection that the chairman rightfully, and the Appropriations Subcommittee, is seeking for these giant sequoias in California.

Furthermore, there are other expenses that are involved in other expenditures that could take place short of cutting the tree.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman on this point.

Mr. YATES. Mr. Chairman, I should point out to the gentleman from California that I am advised by staff that there is no law on the books forbiding the cutting down of giant sequoias. The only protection the giant sequoias have had over the years is the funds limitation that we have put in our appropriations bill every year, which has had the force of law. There is no law on the books at the present time, I will tell the gentleman.

Mr. VENTO. Mr. Chairman, I would urge support for the amendment, and yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am a little confused about the form of the amendment, given the discussion the chairman and I had yesterday.

As I understand this amendment, it is a funds limitation amendment. It is therefore an amendment that is supposed to come at the end of the bill after the motion to rise.

The chairman explained to me yesterday that I could not have such a funds limitation amendment to deal with the problems of the Midwest flood because that would not be proper form.

Now the chairman himself comes along and offers a funds limitation amendment on his own, while denying me the opportunity to come to the floor to try to deal with the Midwest flood situation in a responsible way by limiting funding.

Can the gentleman explain to me why it is not proper for this Member to deal with the subject matter of some importance, and the chairman himself offers an amendment that would otherwise not be in order?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman has the same rights as I have in offering this amendment. As I understand it, this amendment is subject to a point of order because it was not made after rising. The point of order was not made. Had it been made, it might have been sustained. I do not know that anybody had a point of order against this amendment, because we struck the legislative provisions on a point of order yesterday.

If the gentleman wants to offer his amendment at this time, I propose to make a point of order against it.

The gentleman has the same rights as I have of offering an amendment, subject to the House rules.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his explanation.

I guess what we are going to have to do then, Mr. Chairman, is demand absolute order in the House, because in all honesty it was not clear what was happening here.

I certainly would have made a point of order if clearly this was happening.

Since the gentleman has indicated that he would not allow others the same rights that he has taken for himself, it seems to me then that we are going to have to make some points of order to prevent this kind of thing from happening on the floor.

It seems to me that what is good for the leaders of the committee out here ought to be good for the rest of the membership in the House.

Mr. YATES. Mr. Chairman, if the gentleman will yield, that is exactly the fact here. As I explained to the gentleman, it was subject to a point of order.

I have asked unanimous consent to withdraw my amendment at this time, because the gentleman felt that he was unfairly dealt with at the time the amendment was read.

Mr. Chairman, I, therefore, ask unanimous consent to withdraw that amendment at this time and ask that it be presented at this time.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois [Mr. YATES] is withdrawn.

There was no objection.

The CHAIRMAN. Does the gentleman reoffer the amendment?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I reoffer the amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES:

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands.

POINT OF ORDER

Mr. THOMAS of California. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS of California. Mr. Chairman, I believe this amendment is out of order, because under the rule a limitation amendment cannot be presented until after the motion to rise has been defeated, and, therefore, it is not appropriate to offer this amendment at this time.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 15, line 2 after "program" insert the following: ", $38,400 for a lump-sum payment to Marlene Anita Hudson of Washington, District of Columbia, which payment shall be in addition to any other amount that is otherwise payable under any other provision of law based on the death of James A. Hudson".

Mr. YATES. Mr. Chairman, this is a provision to pay to the widow and the family of a National Park Service employee who for 8 years was a temporary employee of the National Park Service. As a temporary employee, he did not enjoy any of the privileges of permanent employment, and obviously he was continued as a temporary employee during a period when he should have been shifted to permanent employment which would have entitled him to the benefits which are contained in this bill.

He was an employee whose services were described by all those who knew him, by his superiors, by his supervisors, as being super-excellent. He was conscientious. He was industrious. He did good work.

It is the purpose of this amendment to indicate to the Park Service that, the extended use of temporary employees is a practice that ought not to be continued and that, where the Service has situations of this kind of temporary employment, it ought to be corrected.

☐ 1150

Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 20 minutes, 10 minutes on our side, and 10 minutes on the other side.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Reserving the right to object, Mr. Chairman, I do not intend to object to the amendment. On the other hand, how is that time going to be divided? Is there a Member in opposition?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that he may have time on his side and I will take the time on my side, unless he would prefer Mr. REGULA to be in charge.

Mr. WALKER. Yes, we may give the time to the gentleman from Ohio.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. So the unanimous-consent request is for 10 minutes on each side, the gentleman from Illinois [Mr. YATES] controlling 10 minutes and the gentleman from Ohio [Mr. REGULA] controlling 10 minutes, 20 minutes total debate time on this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for his gracious and generous support of the amendment that also has the support of the administration. I will ask unanimous consent that that support be entered into the RECORD.

Members may have read about this man in two front-page stories in the Washington Post and a recent editorial. This amendment, cosponsored by our colleague, the gentleman from Nebraska [Mr. BARRETT], is an important, and small and compassionate one-time measure providing financial relief to the family of James A. Hudson. The amendment calls for a lump sum payment of $38,400, Mr. Chairman, which is the equivalent of a minimum life insurance benefit from the Federal Employees Group Life Insurance Program to Marlene Anita Hudson, the surviving spouse of this devoted Federal worker and family man who left seven children after his recent death occurred on the job. Last week James A. Hudson, a temporary employee of the National Park Service, well known for his work attending the great Lincoln Memorial statue, died while on the job after having worked three shifts over 2 days during the extreme heat of the July 4 holiday weekend. As a temporary employee, even with 8 years of service, James Hudson was not eligible for the basic health care, life insurance, and retirement benefits available to permanent Federal employees. Thus his wife, Marlene, and their seven children cannot receive the usual benefits.

Mr. Chairman, Mr. Hudson's tragic death points up the serious problem created by Federal agencies who abuse the temporary employee classification by carrying these employees and that employment status for many years while they are denied essential benefits that would otherwise have been awarded to them. Legislation will also be necessary to remedy this situation by providing temporary workers with a basic benefits package. Meanwhile, Mr. Chairman, this is a one-time emergency, compassionate measure, and I will be especially grateful if this body would favorably consider this amendment in that light, as a compassionate measure necessary to assist the widow and the seven Hudson children.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentlewoman from the District of Columbia [Ms. NORTON] for her statement.

Mr. Chairman, I think that this is an unusual measure. I hope, and I do not think that anyone intends it to be a precedent for seasonal or temporary employees in the National Government, but the fact is that I know, especially in the land management agencies, that I think there has been misuse, if not abuse, of the use of seasonal and temporary employees. I think it is regrettable because they do not accrue the health insurance benefits, they do not provide the other host of benefits, that we expect would be accorded employees in the fair and equitable manner, and that is a concern. But I think this allows me and others to speak out.

Recently the Park Service, specifically the Vail Conference, talked about these seasonal employees, part-time employees. There is a role for them, but I think it has gone well beyond that.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to concur with my friend, the gentleman from Minnesota [Mr. VENTO]. I think one of the tragedies of temporary employment, and this is all over the Government; this is not just the Park Service, but this is the Defense Department, this is in every Government Agency; they use temporaries as a way, and this is not a cold-hearted private sector here, but this is the Federal Government not paying retirement benefits, not paying health care benefits, not taking care of the basic requirements for people, and I think this is a demonstration of the concern that this House has about the way we treat temporaries.

Mr. Chairman, I hope that the committees that have jurisdiction over this will take this step as a first step in trying to correct this problem. I think we have got to give a basic benefit package to temporary workers, and I am glad that the gentlewoman from the District of Columbia [Ms. NORTON] has raised this issue because I think, as we look at this, we need to think about the rest of the people who work for the Federal Government all over this country, all over the world, who do not get health care, who do not have retirement, who do not have the basic benefit package, and I am certainly glad to vote for this amendment.

However, Mr. Chairman, I hope we can go far beyond this in correcting the problem that faces thousands, if not millions, of people who work for the Federal Government, and I thank the gentlewoman from the District of Columbia [Ms. NORTON] for having yielded to me.

Ms. NORTON. Mr. Chairman, I submit for the RECORD a letter from the director of the United States Office of Personnel Management and the article from the Washington Post entitled "James Hudson in Life and Death":

OFFICE OF PERSONNEL MANAGEMENT,
*Washington, DC, July 15, 1993.*

Hon. ELEANOR HOLMES NORTON,
*Chair, Subcommittee on Compensation and Employee Benefits, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE NORTON: I have discussed with the Office of Management and Budget your effort to amend H.R. 2520, the Department of Interior Appropriations bill, to provide a payment of $38,400 to the survivors of James Hudson. I am pleased to advise you that the Administration supports your effort.

Mr. Hudson's tragic death last week has focused our attention not only on the unfortunate circumstances in which his family now finds itself but also on the inequity of denying most benefits to dedicated long-time Government employees whose work is by no means temporary. We pledge our efforts to reform the process of employee temporary employees in the federal workforce and praise your efforts on behalf of Mr. Hudson's survivors.

Please let me know if I may be of some personal assistance in this important effort.

Sincerely,

JAMES B. KING,
*Director.*

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[From the Washington Post, July 13, 1993]

JAMES HUDSON IN LIFE AND DEATH

When President Clinton spoke last year about honoring and rewarding those who work hard and play by the rules, he could have been talking about James Hudson. Mr. Hudson, who died last week while on his job caring for Abraham Lincoln's statue, took his responsibilities seriously, and he worked hard. It was Mr. Hudson and his wife Marlene—and not the government—who raised their five children mostly on his $29,000-a-year salary. In the end, when his heart gave out after working his third shift in two days in above 90-degree temperatures at his beloved Lincoln Memorial, his family learned that although he worked full-time for the government, he was not entitled to a pension or government-supported health or life insurance. James Hudson wasn't the only American in this fix. There are about 150,000 others in comparable situations. They're called temporary employees—people whose jobs last a year or less. Mr. Hudson had been working temporarily for the U.S. government for the past eight years with no benefits—except the good news that his job was being extended year after year. Even though he never received the benefits, he kept on working hard, starting as a laborer and rising to foreman of a seven-member crew who maintained America's cherished national shrines.

The Lincoln and Jefferson memorials, the Washington Monument—they were all his. Lincoln was his personal responsibility, in the dead of winter or in the heat of summer. That's why after he left his 16-hour shift on the Fourth of July, he was back there sweeping and mopping the marble floors of the Lincoln Memorial. He kept a newspaper photo of himself standing on Lincoln's shoulders hanging on his living room wall. When he wasn't doing the job, he was at home with his children and other neighborhood kids. He did more than serve his country on the Mall; he had served in Vietnam.

In the end, the man who never sought something for nothing got nothing for all he did. His family had to be driven to the funeral by neighbors because they couldn't afford the $100 for the limousine, what with the funeral and burial costs. There's a chance the Hudson family may be eligible for benefits under worker's compensation, if the Labor Department agrees with the Park Service that his death was work-related, and we understand they may also be eligible for Social Security benefits. They shouldn't have to wait to find out what the government will do. They are at least entitled to that consideration. But should that be all? We don't think so.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we recognize the compassionate nature of this amendment and will not oppose it, but I do want to point out that I think in conference we should tighten the language so that we do not create a precedent here that would give rise to claims, both prospectively as well as retroactively.

I think also that it is important that the authorizing committees, that have responsibility for establishing the parameters for employment, should address this problem long term so that we are not faced with these kinds of individual choices. This would also give a sense of security to the part-time employees.

So, again we need to ensure that we are not establishing a precedent that would create problems that we do not anticipate today. I think we will have an opportunity to deal with that in conference.

Having said that, Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in wholehearted support of the amendment offered by the gentleman from Illinois [Mr. YATES] and the gentlewoman from the District of Columbia [Ms. NORTON], and I thank the chairman and also the gentlewoman from the District of Columbia for their interest in this issue which has come to our attention just in the post-July 4th period. I also thank the ranking member, the gentleman from Ohio [Mr. REGULA], for his cooperation and his concern in this issue as well.

Mr. Chairman, as the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Illinois [Mr. YATES] have explained, this is a straightforward amendment. We are asking the House to set aside in the appropriations bill for the operation of the National Park System the sum of $38,400. This money would provide the family of James A. Hudson a lump sum payment that approximates the amount that would have been paid to the family, had Mr. Hudson been allowed to participate in the basic Federal employees group life insurance program.

In dollar amounts, this amendment is very modest in comparison to the spending we are usually debating on this floor. The arithmetic we often use to round off some spending levels, accounts for far more than the $38,400 we are proposing. Certainly, in the context of this $13.4 billion bill, it's almost insignificant.

But, to a recent widow and her now fatherless seven children, this amendment is significant. It is important. It says that Government is not a calloused employer. It says that James A. Hudson was an appreciated and valued employee of the Federal Government.

Mr. Chairman, I am certain I was not the only Member of this House to return from my district after our July 4th recess to read of James Hudson's death and, then, to be shocked that the family of this dedicated, exceptional employee—a decorated veteran of the Vietnam war—was not entitled to any survivors' of life insurance benefits because he had been exploited by his employer for 8 years as a temporary full-time employee.

Let me repeat that. Mr. Hudson was a temporary employee for 8 years. A temporary Federal job is defined as having a duration of less than 1 year. There's something wrong with those numbers and the system that allows them.

Working to address this situation during the last couple of days, I've been told time and time again by some of my colleagues that facing up to Mr. Hudson's situation would be opening a can of worms, setting a precedent for other Federal employees.

Well, I say to my colleagues, this is a can of worms that we should open wide and clean out. We're not elected to ignore problems; I always understood that we were here to try to address them.

I fully realize that Federal agencies have been using temporary employees to stretch their budgets. It was reported to me that there are as many as 145,000 temporary full-time employees in the Federal work force at this time. Many of them could be in the same situation as Mr. Hudson, working long and hard without even the chance to participate in benefit programs and protect their families.

The Federal Government should not be taking advantage, and exploiting employees in this fashion. To the contrary, we should be setting the example.

As a Republican—and I speak to my fellow Republicans—we oppose mandates on private-sector employers, because we argue that they know the right thing to do, to take care of their work force. How can we expect this to be true in the private sector, when it is not true in the example we set in the Government?

Obviously, we cannot afford a fix for all the past mistakes and mistreatment, even if it was possible to identify those workers. But we can fix this oversight and abuse from this point forward. Mr. Hudson's death, leaving seven children, brought the problem into full light. Let's fix it for his family and from this point forward.

I joined with the gentlewoman from the District of Columbia [Ms. NORTON] to draft this amendment, because I have assurances from her that her Post Office and Civil Service subcommittee, along with Mr. MCCLOSKEY's subcommittee, is moving forward immediately with legislation to address the issue of full-time, but temporary workers. There was, in fact, a hearing on this issue just recently. The gentleman from Indiana [Mr. MYERS], the ranking member of Post Office and Civil Service, also tells me of his plans to move forward with legislation on the issue.

Mr. Hudson's widow and seven children are strapped financially now. Thankfully, they have Ms. NORTON on their case trying to expedite release of Mr. Hudson's last paycheck and trying to expedite the application for Social Security and, possibly, workers' compensation benefits. This amendment is the quickest, surest way to get this modest payment to the family. It is the right thing to do.

I urge my colleagues to support the amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for yielding this time to me, and I applaud the offering of this amendment from the gentlewoman from the District of Columbia and the chairman of the subcommittee. This is an issue that has confronted the Congress for some time.

Mr. Chairman, some of my colleagues will recall in the defense appropriation bill the gentleman from Indiana [Mr. MCCLOSKEY] and I put in an amendment there calling upon the Defense Department to review this policy with reference to temporaries, and that review has been completed, and, as a consequence, the gentleman from Indiana [Mr. MCCLOSKEY] called a subcommittee meeting a few weeks ago in which this matter was very strongly viewed, and we had assurance by the Office of Personnel Management that they would take strong measures to correct this problem. So, I am really appreciative of the initiative of the gentleman from Illinois [Mr. YATES] here in presenting this issue and bringing sharper focus to the problem.

Mr. Chairman, there are tens of thousands of employees in the Federal Government, in all departments, who are confronted by this issue of being a temporary year, after year, after year and not having the benefits of health care, and insurance and retirement.

□ 1200

There are many in my district who brought this issue up, and as a consequence I introduced a bill. I am really very, very grateful that finally we have some momentum created here to correct this problem. With the tragedy of this death here in the District of Columbia of a temporary who had worked as long as 8 years without any health coverage, we might conclude perhaps that the lack of health coverage caused his death, when one stops to think of the fact that he had no protection whatsoever in terms of his own family.

So I call upon this Congress not just to support this amendment and then walk away from the issue but to carry it forward and do something and pass a law. My own bill says that if a temporary works for 2 years cumulatively, he should automatically be given the protection of health coverage. I think that kind of support is required here for our temporaries.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

I have a question for the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES]. I do not plan on opposing this amendment, but I have this question: I understand this is just for one time and does not set precedents?

Mr. YATES. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct.

Mr. CUNNINGHAM. Mr. Chairman, I laud both the gentleman from Illinois [Mr. YATES] and the gentlewoman from the District of Columbia [Ms. NORTON], but let me say this: The amendment brings attention to the fact that we are talking about Federal employees right now, but in the upcoming health care plan of the President's wife, I am sure there would be a lot of small businesses who are going to do the same thing to avoid costs. I would ask the chairman of the subcommittee to also look at the cost of any measure such as this. When we have been increasing the size of Government, I would ask the gentleman to look at the cost to the American taxpayer and also the cost to small business, because it could affect them desperately also.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, if the gentleman will look at the form of the amendment, it is to be taken out of existing funds, so there would be nothing else added for expenditures from the budget.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time to me.

No one is going to oppose this particular item for this particular family as a hardship case that needs to be addressed, but I do think the House had better focus on a couple of things here.

First of all, we are establishing a precedent of going around the House rules as they are presently written. This kind of a bill would normally go through the channels of a private bill. It is exactly that kind of thing that the private bill calendar is established for, and we are doing an end run around the rules of the House, around the process, in order to get by that particular factor.

The second thing is that I enjoy all the nice features here about these temporary employees and that this is not going to set a precedent, and I think it is something that has to be corrected. But we are in the process of creating 25,000 new temporary employees without these kinds of protection in the national service bill. So all the Members who have been up here making these kinds of statements, when it comes to the national service bill, I wonder where they are going to be because we are creating exactly that kind of temporary employee there who also is not going to have these kinds of protections, and the question is going to be, when one of them finds themselves in a circumstance like this, whether or not we are going to be back here citing this precedent and suggesting that for these national service employees we ought to be doing the same thing as we did in this particular case. that could amount to real big expenses that we are not going to be able to take out of existing funds.

So, Mr. Chairman, I ask the chairman of the subcommittee this question specifically: Is this in any way a precedent in any way, shape, or form that could be used in the future for people engaged in national service should that become the law of the land?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the subcommittee chairman.

Mr. YATES. Mr. Chairman, the answer to that question is an emphatic "no." And if the gentleman will yield further on the first point, I recognized when I offered this amendment that it was subject to a point of order, because, as the gentleman pointed out, it did violate the House rules. In accordance with the gentleman's admonition earlier, order had been declared, and no Member made a point of order on it. We have had our debate on the amendment, and in response to the gentleman's second point, the answer to that again is "no."

Mr. WALKER. Mr. Chairman, I thank the gentleman, and let me say that the gentleman is absolutely correct, that we specifically decided not to raise a point of order. But I did raise the point that there are processes that can be utilized for exactly this kind of case, and we would be better off in most cases sticking to the process rather than going for these ways around what is the legitimate aims of the House to deal with emergency situations.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I thank the distinguished chairman of the subcommittee for this time.

I appreciate the contours of this very important debate. I might say that the gentlewoman from the District of Columbia [Ms. NORTON], the gentlewoman from Hawaii [Mrs. MINK], and I have been working on these concerns for some time.

The simple fact is that this process is an outrage. Some of us had 19 and 20 and 21 years as cases in our districts in which people have been strung along as temporary employees with no protection.

This afternoon, at 2 o'clock, Jim King, the Director of OPM, the gentlewoman from the District of Columbia [Ms. NORTON], the gentlewoman from Hawaii [Mrs. MINK], and I will be announcing improvements to be made right now, particularly as to health insurance and life insurance for temporary employees. Later on today a bill will go in to take care of more long-range and permanent measures in effect to abolish and reform this totally oppressive system.

I would ask for the support of the House, and I will ask for cosponsors of the legislation immediately.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MCCLOSKEY. I would say this: It does not go to national service, those who are not career employees.

Mr. YATES. Mr. Chairman, I yield myself 1 minute, and I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I want to thank the chairman of the subcommittee and the Members on both sides for their remarks and their compassionate treatment of this bill and indicate that I am a cosponsor, along with the gentleman from Indiana [Mr. MCCLOSKEY], of a bill that we are going to entitle the James Hudson Temporary Employee Equity Act of 1993.

We have a bill that is not going to cost the Government anything but would allow true temporary employees to buy into the Federal employee benefit program themselves after 6 months and pay for their own health benefits. It would also allow them to buy life insurance after their first day of employment, and if Mr. Hudson could have bought his own life insurance policy, of course his seven children would not be left in the condition they will be in.

Mr. Chairman, I want to thank the subcommittee chairman once again and the Members on both sides for the way in which they have treated this issue.

Mr. YATES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WALKER: Page 61, line 23, strike "$19,366,000" and insert "$18,091,000".
>
> Page 66, after line 22, insert the following:
>
> REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY
>
> The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. REGULA. Mr. Chairman, I ask that the question be divided on this amendment.

Mr. WALKER. Mr. Chairman, I do not believe the amendment in its present form is subject to a question of division.

The CHAIRMAN. As between the two parts of the amendment, the one on page 61, line 23, and the one on page 66, after line 22, it would be subject to a division of the question. Those two parts would be subject to a division, if that is how the gentleman is offering this amendment.

Mr. WALKER. All right. I thank the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Will the Chair describe again just what the parliamentary situation is? What amendment are we considering at the present time?

The CHAIRMAN. A demand for a division of the question has been made. The first vote will occur on the portion of the amendment which is on page 61, line 23, the striking and inserting of dollars. The second vote will occur on page 66, after line 22, inserting the following.

Mr. YATES. I thank the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes in support of his amendment.

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Mr. WALKER. Mr. Chairman, let me explain the situation we have. We have two parts to the amendment.

Mr. YATES. Mr. Chairman, we do not have a copy of the amendment.

The CHAIRMAN. The Clerk will provide a copy.

Mr. YATES. Mr. Chairman, may I reserve a point of order at this moment?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has begun debate. We have passed the point of a point of order on this amendment.

Mr. YATES. Mr. Chairman, had we really?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] asked unanimous consent that the amendment be considered as read and printed in the RECORD, so debate had begun on the amendment.

Mr. WALKER. Mr. Chairman, I think it is all right and this would not be subject to a point of order.

Mr. Chairman, let me explain the amendment. Because of the requested division, it is in two parts. The first part simply brings an aluminum research program down to the present authorized level. Essentially it strikes the figure $19,366,000 and inserts $18,091,000. The sum of $18,091,000 is the present authorized level for the program, and so that is what it does.

The second part of the amendment is the real thing that I am doing here. What that does is cuts about $50 million from the fossil energy research and development program by cutting coal R&D and fossil operating expenses consistent with President Clinton's request. But at the same time what it does is puts some of the money back into the conservation program. So what you get is a cut in the coal R&D, but at the same time it puts the money into energy conservation.

The reason for this cut is again going to the authorizing intent. When we had an authorization bill we decided that the coal research program should be at a particular level. This committee bill exceeds that by about $50 million.

I am attempting to bring the figure back down to the authorized levels, and at the same time though put the money back in that we had intended for conservation programs and so on.

The result of this is that it is a savings of about $25 million. It is about $25 million also going then to conservation. The whole thing puts the appropriations bill, both in conservation and in coal R&D, in line with where the authorizing committee had its bill when we passed the Energy Policy Act.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have had the opportunity to read the amendment of the gentleman from Pennsylvania [Mr. WALKER], and I must tell the gentleman I do not understand it. If the gentleman will refer to the wording of his amendment, I do not see where in there the designation of the amount sought to be cut is. If the gentleman will examine the amendment, let me give him the amendment that I received.

Mr. WALKER. Mr. Chairman, reclaiming my time, I have seen the amendment. I am told this was drafted by legislative counsel and was drafted, in all honesty, as a way of attempting a division of the question on the fossil energy program. It is done by transferring money from the fossil energy research and development account to the energy conservation account in the amount of $24,873,000.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 20 minutes, to be controlled equally by the gentleman from Pennsylvania [Mr. WALKER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume in order to address this amendment.

Mr. Chairman, I am frank to say that I do not understand this. I have never seen an amendment like this. It says:

> The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

Mr. WALKER. Mr. Chairman, if the gentleman would yield on that point, I now sought clarification on it, and the way the wording is, if you take a look at the comma, what it assures is that the account is cut by $24,873,000, and there is also transferring money by that amount. So you cut it by and also transfer from the remaining amount another amount equal to that. So you have a reduction of the amount by $24,873,000, and you also have a transfer from the remaining money of that $24 million.

It is not the same amount of money. It is a total of $49 million.

Mr. YATES. In other words, it is double this figure?

Mr. WALKER. It is double that figure, because you are transferring that amount of money out of the remaining accounts and you are also cutting the fossil energy research and development by that amount.

Mr. YATES. If I understand correctly, the purpose of the gentleman is to cut the energy conservation accounts.

Mr. WALKER. No. I am cutting the fossil energy research and development account by that amount, and I am transferring an amount of almost $25 million into energy conservation. So it pumps up the energy conservation number and reduces by $49 million all told the fossil energy research and development account.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am very much opposed to this, because what it does is it takes money out of very important ongoing research, and that is coal research which I think is important not only for the United States, but for our world leadership in improving the global environment.

Many of the emerging countries are depending on coal as a fuel for the production of electricity of many, many years to come, and they look to the United States for leadership in developing technologies that will allow them to burn this coal in an environmentally safe manner.

Now, we can say that what happens in China, or Indonesia, with the fourth largest population, is immaterial, but that simply is not true.

We have heard a lot about the global environment, and here is a classic example of ways in which it will be abused if we do not continue the basic research.

Mr. Chairman, I would point out that coal research in this bill is 8 percent below 1993 and 23 percent below 1992. If we cut further, we are going to damage our ability to develop clean burning coal techniques.

It does provide for cost sharing. I think that is an important element. Yesterday we eliminated oil shale, research, as a future source of energy. To now take a big hit on coal research would be in my judgment a great mistake environmentally.

As we well know, China is a fast growing economy. They depend largely on coal as their source of energy, and they look to the United States not only just for leadership in technology, but it is a big market for American technology.

Earlier today one of our colleagues pointed out that we have a deficit balance of payments with China and it will probably be a growing problem. This offers an opportunity to sell them this technology that is developed as a result of our fossil energy research successes. I think as a policy issue it would be a great mistake for this body to reduce, even further than the committee has done, our commitment to coal research and to the development of clean burning and more efficient technologies for the use of this fuel.

Even the United States has coal as its greatest source of energy in terms of Btu's. Therefore, just from the standpoint of our own country, it is very important that we continue this research in coal burning technology.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I appreciate the opportunity to say a few words about this. Normally I would not be identified with the gentleman from Pennsylvania [Mr. WALKER] in support of a purely cutting amendment, but in this particular case the amendment combines two virtues. It actually cuts $25 million approximately out of the figure, and then it readjusts the remaining amount about another $25 million from coal research, which I have supported in the past, but which in this bill is something like $40 million over what the President has requested.

□ 1220

I am supporting a transfer of about $25 million to the Conservation Act, which funds a number of very important initiatives.

One of the previous speakers has indicated how important coal research is in terms of meeting the needs of the Third World, such as China and so forth. I want to assure all of the Members that there is nothing more important than the research which allows us to develop the technologies for conservation and for alternative forms of energy which will be able to supplant the use of coal in the Third World. This will end up giving a market to the United States far greater than any coal market. We are not going to sell much coal to China or any other place, because they have the coal. But they will buy the technology, which will substitute for coal and which will allow them to conserve in their overall use of energy.

It is for this reason that I am supporting this kind of an amendment, which actually reflects the priorities set by this House in the energy policy bill which we passed last year.

This change, and I compliment the gentleman from Pennsylvania [Mr. WALKER] for it, reflects the administration's views. It rebalances the allocation of funds to conform to what the President wants.

I urge support for this amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I stand in strong opposition to this amendment.

I would say to the Members of the House of Representatives, we are talking about an industry in America which is on the ropes. We are talking about an industry where because of our Clean Air Act and a lot of changes in our energy demands, coal production in America is threatened.

I live in a State that is one of the major coal producers in our Nation.

I can tell Members over the last 12 years what has happened in my State. We have gone from 20,000 coal miners in Illinois to 8,000 coal miners. These are men and women who work hard for a living and are losing their jobs because of Federal legislation and our lack of research to find new technology to use this coal.

That plea may fall on deaf ears in this Chamber, because there are Members who have bases being closed and are losing jobs right and left. But if Members do not feel for the families that are involved here, and I do, but if they do not feel for them, think about the future of this country if we ignore this energy resource.

We are still dependent on foreign energy resources, a dependence which drags us into wars, which costs us dearly, which literally threatens the lives of our children. Can we afford $50 million in research to find safe, clean ways to use American coal? We can find billions of dollars to fight a war in the Middle East. We cannot find $50 million for research? We certainly can.

I urge the Members of the House, take this amendment seriously. Defeat the Walker amendment. Reduce our dependence on foreign energy.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I rise in support of this amendment. First, because I believe we have to begin reducing the Government's role in these types of activities and, second, the money should be used in part to reduce our Federal deficit.

One thing I would like to talk about is, I received a copy of the National Taxpayers Union letter supporting this amendment itself. It states some key points very well, so I just want to read from that letter.

> The President requested $216 million for clean coal, technology, the intent being to wind down the Government's role in the development of the process and to allow commercial ventures to take over. The Appropriations Committee added almost $50 million to this total, thereby, subverting the intention that this technology finally be subject to the rigors of the marketplace.
>
> In any year, the goal of cutting the Federal pursue strings from a technologically mature project such as clean coal would be desirable. In this fiscal year, however, when Congress faces a $300 billion plus deficit, this amendment is essential. Supporting your amendment would be an important sign of Congress' intent to assign budgetary priorities and allow the market economy to determine the feasibility and viability of energy technologies.

I strongly support this amendment. First, $50 million would be cut from coal with $25 million of that going to spending reductions, $25 million to conservation R&D. I fully support the intent to get the Government out of the way, turn it over to the private sector.

I commend the gentleman from offering this amendment, and I urge my colleagues to support it.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, the amendment we offer today reduces appropriations for fossil energy research and development by $49.7 billion and increases the appropriation for energy conservation programs by $24.8 million. The remainder of the savings—$24.8 million are dedicated to budget deficit reduction.

The committee's mark for fossil energy R&D is 22 percent over the administration's request. In my judgment Clinton didn't propose enough spending reductions. We ought to support the President when he tries to save money. Additionally, this appropriation contravenes the intent of the Energy Policy Act which clearly sets a policy for reducing spending on these R&D programs. Furthermore, unlike other Federal science programs, many of the fossil research programs receive a Federal cost share of 70 to 90 percent, depending on the project. It is clearly time, Mr. Chairman, to shift more of the funding of these technologies to the private sector.

Mr. Chairman, we can provide additional funding for programs as long as it is done on a pay-as-you-go basis. This amendment is fiscally responsible because it reduces spending $25 million while at the same time shifting a comparable amount to energy conservation programs. I urge adoption of the Walker-Penny-Brown amendment.

Mr. BARLOW. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Kentucky.

Mr. BARLOW. Mr. Chairman, I rise in opposition to this very unwise amendment.

I rise in strong opposition to the Walker amendment to cut $50 million from the clean coal technology program of the Federal Government. Half of our energy in America comes from coal-fired power plants. Even higher percentages of energy are generated from coal in other nations around the world. Tens of thousands of American jobs are involved in our coal economy. Emissions from coal burning do have impacts on environmental conditions in our Nation and the world. I strongly support every dollar of expenditure for research into coal burning that will clean up emissions. This will support growth of energy generation to boost our Nation's economy. We will also be generating thousands of jobs in the coal industry which will help local economies and expand tax revenues across the Nation.

Mr. WALKER. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me.

I just want to point out that we are $123 million over last year for conservation. We are $15 million below last year on coal research and development. We have $703 million in here for conservation and only $173 million for coal research.

I think that the committee bill represents good balanced policy. I just want to clarify that conservation is way up; coal research is down in the committee bill.

If we go with this amendment, it will be totally out of proportion.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I commend Chairman YATES for his efforts in bringing the bill before us today. This is a compromise amendment to provide reallocation of funding within the Department of Energy and I rise in support of the amendment. The proposed transfer would provide funding to restore essential conservation research and development activities and to fund high-priority areas that we authorized in the Energy Policy Act. This could include funding for buildings, industry, and the transportation programs including advanced materials and manufacturing, and to restore funding for the electric and Hybrid Vehicle Program.

The amendment also contributes to deficit reductions.

Mr. Chairman, I urge my colleagues to support the amendment.

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Mr. WALKER. I would ask the Chair, do I have 2½ minutes remaining?

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. WALKER. Mr. Chairman, I understand the gentleman from Illinois [Mr. YATES] has one speaker remaining. I would ask the gentleman, is that correct?

Mr. YATES. If the gentleman will yield, yes, that is correct.

Mr. WALKER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this is one of those situations when there seems to be some confusion about who makes policy in the House and who decides on funding levels. The policy with regard to where we are going with our energy programs was established in the Energy Policy Act. Under the Energy Policy Act, our intention was to move us away from more and more of these mature technologies, move them on into industry, and they have more in the way of research and development in some of the new areas, such as energy conservation.

That is exactly what the authorizing committees decided to do. We, too, hold hearings on these things. We, too, make decisions. We, too, decide what are the priority efforts for the country.

We have decided that we ought to move away from some of the mature technologies that have been developed in coal R&D and move toward energy conservation efforts and toward some of the newer technologies that are necessary for the country.

This amendment is in line with that authorizing intent. This amendment takes money out of an area where the authorizing committee thought we ought to begin to move down the funding level, puts money into the areas where we thought we ought to move up the levels of funding. At the same time, what we are able to do is cut some spending, in line with what the Clinton administration has requested.

I would say to my colleagues, what they get out of this particular amendment is a $25 million cut in terms of deficit reduction. At the same time they get $25 million more in energy conservation, and it comes out of an account that the authorizers have decided is an account that should begin coming down in cost. That particular account is one which the Energy Policy Act said should be dropped, so we are in line, then, with the authorization, and at the same time, I think, achieving something in both deficit reduction and in better energy conservation for our future.

I would ask for the Members' support of this bill. It is a good measure, I think, environmentally; it is a good measure economically; and it does meet the intent of the law that Congress endorsed just a matter of months ago in energy policy.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. YATES. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong opposition to this amendment.

All over this country, Mr. Chairman, there are coal-producing communities which stand, not on the brink of economic disaster, but in the midst of economic disaster. A once-proud heritage of working people, whose livelihood and contribution to the prosperity of this country has been to go down into the belly of the Earth and bring up the coal that has supplied the energy needs of this country for years, these proud people and the main streets they have supported all across rural America are now finding their lives, and their main streets, shutting down.

Why? Has some economic colossus across the oceans outproduced them? No. Has some other energy source proved itself to be more valuable in supplying the incredible amounts of electrical power this Nation uses? Can solar, can wind, can hydroelectric, can nuclear? No. We have enough coal reserves to supply our total energy needs in this country for 200 years.

What is the problem? The problem is, many of these reserves cannot be used because the sulfur content of the coal is too high to comply with Federal clean air standards. Mr. Chairman, there is not a single coal miner, not a single coal operator, not a single coal user in this country who does not want the cleanest air possible. We have families, too. We want a safer, cleaner world for our children just like every American. But we have to know how to clean this coal so it can be used safely to benefit our country, to make us less dependent on foreign energy. That is what this bill does. It gives us the opportunity through fossil energy research and development programs to find the technology to clean the coal. That is good for America, unemployment rate 7 percent, but it is better for Perry County, IL, unemployment rate 27 percent; Hamilton County, IL, unemployment rate 26 percent; Saline County, IL, 18 percent. It is good for coal communities all over this country, who suffer at 3 and 4 times the national unemployment rate.

We can stand here in this House of the people today, and with a sharp, sterile, antiseptic cut of the knife, eliminate $49 million of research meant to help provide jobs for the poorest regions of the country. And we will go home touting our record of fiscal responsibility. But we will not have to look into the eyes of poverty of children in the Mississippi Delta or the Appalachian regions of this country or the Midwest and explain that vote. Vote against this amendment today.

Mr. MARKEY. Mr. Chairman, I rise in support of the Penny-Walker amendment to cut Federal spending and to improve our energy funding priorities.

This amendment will cut $49 million from coal-related spending that is over the amount requested by the administration. The Federal Government is supporting cost-share programs with the coal industry to the tune of 70, 80, even 90 percent. This is oversubsidizing a mature technology.

Half of the savings would go to deficit reduction; half of the savings would go to energy conservation programs, including low-income weatherization, conservation R&D, State energy office grants, and much more. Even with this amendment, the Interior Appropriations bill will contain less in it for energy conservation than requested by the President.

The energy conservation programs that will be supported by this amendment are more than just essential energy policy: they are important high-technology and economic development programs. For example, the Massachusetts Energy Advisor Service has used Federal support to identify energy cost-cutting opportunities for 500 companies. One of those companies, Kraft-Sealtest, was able to keep open an ice cream factory saving jobs in Framingham because the energy advisor service was able to identify enough energy-saving opportunities to slash the factory's utility bills. I am including some information in the RECORD on this excellent program.

These are some of the best programs from the taxpayers' point of view: a recent survey found that for every $1 of Federal funds for State energy conservation grants, the States leveraged $43 in State, private, and other funds, 43–1. That's not only great energy policy, it's great budget policy.

This amendment will cut Federal spending and restore a stronger balance to energy spending that will lead us into the future with a proenvironment, proconsumer, probusiness energy policy.

MASSACHUSETTS DIVISION OF
ENERGY RESOURCES,
*Boston, MA.*

ENERGY ADVISOR SERVICE

The Energy Advisor Service (EAS), a program administered by the Massachusetts Division of Energy Resources, identifies energy cost-cutting opportunities for industries. The Energy Advisors are private-sector engineers contracted to provide custom, on-site engineering. Their cost-effective recommendations are as varied as Massachusetts' industries, ranging from the investigation of industrial process opportunities to cogeneration-feasibility studies. Under EAS, oil overcharge funds (returned to states for restitution to customers overcharged by oil companies in the 1970's) are used to pay over 85% of the cost of engineering analyses of private manufacturing processes.

Over 490 Massachusetts industries have been assisted by the EAS program in identifying energy cost-cutting opportunities at their facilities. Nearly $60 million in annual savings opportunities were identified for 440 clients. These opportunities had an average payback of 2 years. Manufacturers interested in increasing their economic competitiveness through energy efficiency, should take advantage of this program by contacting William Eddy or Clifford Sullivan at the Massachusetts Division of Energy Resources (617–727–4732).

*Statewide*

| | |
|---|---|
| Total number of clients: some are in progress | 490 |
| Summary for 440 clients: | |
| Total identified annual savings | $60,000,000 |
| Cost to install recommended measures | $108,670,805 |
| Average payback | 2 years |
| Average identified annual savings | $132,529 |

——

MASSACHUSETTS DIVISION OF
ENERGY RESOURCES,
*Boston, MA.*

DOER/KRAFT-SEALTEST FACT SHEET

*Energy efficiency for industry*

The Massachusetts Division of Energy Resources (DOER) has been helping Massachusetts industry cut energy costs and become more competitive.

DOER's technical assistance service, known as the Energy Advisor Service (EAS), has worked with over 440 companies to identify approximately $54 million in annual energy savings.

DOER clients include well known companies such as Digital Equipment Corporation of Maynard, Raytheon Company of Lexington, Acushnet "Titleist" Company of New Bedford, and Polaroid Corporation of Cambridge.

DOER's technical service is flexible and cost effective. The energy advisors, private sector engineers, specialize in eliminating waste in manufacturing processes.

*DOER at Kraft-Sealtest*

Kraft General Foods is the second largest packaged food company in the world. Kraft-Sealtest in Framingham, Massachusetts is an ice cream and frozen dessert manufacturing plant which produces nearly 20 million gallons of ice cream annually. Kraft-Sealtest products include Sealtest, Breyers, Frusen Gladje, and Light n' Lively ice creams.

DOER served as a catalyst for the dramatic energy efficiency improvements at Kraft-Sealtest. DOER identified and recommended energy conservation measures that will reduce the plant's energy bills by over $425,000 per year. DOER then helped to arrange for utility financing of those conservation measures.

*Utility incentives for Kraft-Sealtest*

Kraft-Sealtest became the first project for Boston Edison's new Energy Efficiency Partnership, a $213 million plan under which the utility will invest in conservation.

Mrs. MORELLA. Mr. Chairman, I speak in support of the Walker-Penny-Brown amendment which transfers needed Federal funds from coal R&D Programs into energy conservation R&D. This transfer brings the research and development total closer to the administration's request. The amount in the bill for conservation R&D, which is $703 million, would increase by $24.8 million. I have just come from a hearing on green technologies. Energy conservation R&D, I hope, will assist the United States in taking the lead in promoting technologies that are good for the environment and the pocketbook.

I urge my colleagues to support this amendment.

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition to the Walker-Penny amendment to cut $49.7 million from the DOE fossil energy research and development program. This year, Congress worked hard to increase the administration's request for coal research and development, to boost our Nation's most bountiful energy source and in turn help areas which rely on coal for their source of employment. This amendment would delete one of the most ambitious and important coal research projects, to be located in my congressional district at Southern Illinois University at Carbondale.

Mr. Chairman, one of the most important ways to offset loss of use for Illinois coal is to find new markets. This project will turn coal into an environmentally sound form of coke for use in our steel factories and foundries.

To date, our project has received almost $6 million in Federal funds. Last year, no funds were appropriated in the House but were later restored in a House-Senate conference committee. However, with the appropriation included in today's legislation, Congress is sending a strong signal to the U.S. Energy Department to break ground and move the project forward.

In today's legislation, Congress is speaking loud and clear in saying that we want this project to begin immediately. Congressman GLENN POSHARD, Congressman DICK DURBIN, Congressman SID YATES, and I are dedicated to work with our two Senators to see that this project is equally supported in the other body.

The project, cosponsored by SIU-Carbondale and the Institute of Gas Technology, has been selected by the Department of Energy to demonstrate the mild gasification of coal. While most conventional gasification technologies convert coal to a synthetic gas fuel, mild gasification converts the coal to a char briquette. The primary use for this char will be in the form of coke briquettes for steel factories, an environmentally sound alternative to conventional coke ovens. A team headed by Kerr-McGee is currently under contract with DOE to build a one-ton-per-hour scaleup of this technology at the Illinois Coal Development Park at SIU-Carbondale, with 20-percent cost sharing provided by the State of Illinois.

Mr. Chairman, this project is a benefit to both the coal and steel industries, and an excellent project for all of Illinois. Construction on the project will begin as soon as DOE completes an environmental review of the project. Today's appropriation would expedite that process, with a potential groundbreaking late in 1993. I urge my colleagues to defeat this amendment and move forward on essential technology to our Nation's future.

Mr. REGULA. Mr. Chairman, I withdraw my demand for a division of the question.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] withdraws his demand for a division of the question.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER), there were ayes 14, noes 11.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 144, not voting 19, as follows:

[Roll No. 331]

AYES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)
Eshoo
Everett
Farr
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Harman
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Livingston
Lloyd
Machtley
Maloney
Mann
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDermott
McHugh
McInnis
McKeon
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Ortiz
Orton
Pallone
Parker
Paxon
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Portman
Price (NC)
Quinn
Ramstad
Rangel
Ravenel
Reed
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Sanders
Saxton
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wilson
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—144

Applegate
Barlow
Bateman
Bentley
Berman
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brooks
Brown (OH)
Callahan
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Costello
Coyne
Danner
de Lugo (VI)
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford (MI)
Franks (NJ)
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Hastert
Hilliard
Hobson
Hoke
Houghton
Hoyer
Hyde
Jefferson
Kanjorski
Kaptur
Kasich
Kleczka
Klink
Kopetski
Lightfoot
Linder
Lipinski
Long
Lowey
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McKinney
McMillan
Mica
Michel
Mineta
Moakley
Mollohan
Murphy
Murtha
Myers
Natcher
Oberstar
Obey
Owens
Oxley
Pastor
Payne (NJ)
Payne (VA)
Pickett
Pomeroy
Porter
Poshard
Pryce (OH)
Quillen
Rahall
Regula
Reynolds
Rogers
Rostenkowski
Roukema
Sabo
Sangmeister
Santorum
Sawyer
Schenk
Scott
Serrano
Sisisky
Skeen
Slaughter
Smith (IA)
Spence
Stokes
Strickland
Sundquist
Swift
Taylor (NC)
Thomas (WY)
Torricelli
Traficant
Tucker
Underwood (GU)
Visclosky
Washington
Wheat
Whitten
Williams
Wise
Yates
Young (AK)

NOT VOTING—19

Allard
Bevill
Conyers
Cox
Faleomavaega (AS)
Hastings
Henry
Kolbe
Lehman
Packard
Ridge
Romero-Barcelo (PR)
Rush
Sarpalius
Schaefer
Thompson
Torres
Towns
Waxman

☐ 1303

The Clerk announced the following pairs:

On this vote:

Mr. Waxman for, with Mr. Towns against.
Mr. Kolbe for, with Mr. Rush against.

Messrs. HYDE, PORTER, SUNDQUIST, HOKE, WHEAT, FOGLIETTA, and GUTIERREZ changed their vote from "aye" to "no."

Messrs. HEFLEY, NADLER, BARCIA of Michigan, NEAL of Massachusetts, VOLKMER, LAFALCE, and Mrs. UNSOELD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: on page 16, after line 4 insert:

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $183,949,000, to remain available until expended of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That not to exceed $4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That the $250,000 for Great Basin National Park, Nevada is for the Baker Water and Sewer General Improvement District to cover the additional cost of oversizing the system to serve National Park Service facilities at the administrative site.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

POINT OF ORDER

Mr. FAWELL. Mr. Chairman, I raise a point of order against the proposed amendment, though I have not, I must confess, seen it. But on the basis of what I believe is in it, I raise the point of order because it constitutes legislation on an appropriation bill as well as limitations on expenditures in an appropriation bill, and also constitutes expenditures in an appropriation bill not previously authorized by law.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] makes a point of order against the amendment.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The gentleman from Minnesota [Mr. VENTO] concedes the point of order, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an alternative amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: on page 16, after line 4 insert:

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $183,949,000, to remain available until expended of which $2,000,000 for the Boston Public Library shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. FAWELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FAWELL] has raised a point of order on the amendment, and his rights will be protected.

Is there objection to the request of the gentleman from Minnesota that the amendment be considered as read and printed in the RECORD.

There was no objection.

Mr. VENTO. Mr. Chairman, yesterday, on my action on a point of order, I struck the Park Service construction account, which had the effect of deleting all the Park Service construction funding for the bill. While I did not prefer this course of action, it was necessary in order to get unauthorized projects and legislative language contained in the National Park Service construction paragraph. The difficulty that arises here with my friend from Illinois [Mr. FAWELL] and his point of order against the original amendment is because there was limitation language and other language which was acceptable to me that was not necessarily legislation on an appropriation bill, but it is subject to the limitation language of the previous amendment.

This simply restores the bulk of the funding, when the deletion or modification of two projects that were unauthorized; one was the New Jersey Coastal Heritage Trail Route, which has no authorization, and also this amendment then deletes the money for it, $255,000, and we delete the $495,000 of the $670,000 earmarked in the committee report for the Lackawanna Heritage Park. All that will remain is the technical assistance in the amendment at that point.

I would be happy to yield to the chairman of the committee, who I believe supports this amendment.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I do support this amendment. I understand that it no longer contains any provisions which are subject to points of order, and this side of the aisle accepts the amendment.

Mr. VENTO. Mr. Chairman, I would yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, and members of the committee, we also accept the amendment. It is vitally important that we do these construction projects.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FAWELL] still insist on his point of order?

Mr. FAWELL. Yes; I do, Mr. Chairman.

POINT OF ORDER

The CHAIRMAN. The gentleman will state his point of order.

Mr. FAWELL. Mr. Chairman, I have just had a short time to review this, but it would seem to me that the language in reference to the $2 million, the wording, "to remain available until expended, of which $2 million for the Boston Public Library shall be derived from historic preservation fund pursuant to section 16 U.S.C. 470a," still would constitute expenditures in an appropriation bill not previously authorized by law, in violation and that it would constitute also legislating.

Mr. VENTO. Mr. Chairman, I would like to be recognized on the point of order.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized.

Mr. VENTO. Mr. Chairman, this is authorized language in terms of the Historic Preservation Act. This is entirely consistent. A certain percentage of the dollars can be—up to 10 percent of the appropriation—can be reserved in this particular manner. In this instance, out of the $40 million, $2 million is, in the wisdom of the Appropriations Committee, being utilized for this particular purpose.

So, it is entirely consistent with the authorizing language with which I am familiar and which has been researched and evidenced. So, this language is simply using the authorities and powers that the Appropriations Committee has and is authorized in the law for that particular purpose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I have just one comment: I do make special reference in regard to my questions about legislating in an appropriations bill to the rather ancient law, but it is set forth in section 451 of title XVI, where it states that no expenditure for construction of administration or other building costs in case of any building exceeding $3,000 shall be made in any national park except under express authority of Congress, and it does appear to me that that express authority——

Mr. VENTO. Mr. Chairman, that is not in the amendment at the desk. I regret the gentleman does not have a copy. He is referring to the original amendment, to the second phrase with regard to the act of August 24, 1912. That has been deleted because, and the gentleman is correct, we have a technical corrections bill that will correct that.

□ 1310

Mr. FAWELL. I do understand that was deleted. I agree that that is an important deletion and I accede to that point; however, in reference to the wording about a certain amount of money in the amount of $2 million remaining available until expended, of which $2 million for the Boston Public Library shall be derived from the Historic Preservation Fund, it does appear to me that that still would be in violation of existing law which I just referred to. Section 415 still exists.

It does seem to me that it sets forth that there must be express authority from Congress for any expenditure for construction or other building costs exceeding $3,000. You must have express authority from the Congress.

Mr. VENTO. Well, of course, the express authority is in the Historic Preservation Act that sets aside these dollars in terms of the amounts and authorizes and permits this type of designation in terms of percentage of those funds up to 10 percent of the funds for this purpose.

In other words, the authority is in the Historic Preservation Act, so the gentleman's argument is not a point of order basically, It may go to the substance of the law.

Mr. FAWELL. Well, I am not aware that there is a $2 million express authority of Congress.

Mr. VENTO. The code citation for the $3,000 limitation is dollars spent within national parks.

On the Historic Preservation Fund, this is generally money that is not spent within parks, but the dollars are going to the fund to be expended in a different manner; so the limitation the gentleman is applying is an archaic limitation that really only deals with expenditures within the national parks. It does not deal with the Boston historic library.

Mr. FAWELL. Well, I would seek a ruling from the Chair on that point. I do not quite agree with that.

The CHAIRMAN (Mr. GLICKMAN). The Chair is prepared to rule.

The Chair has a copy of the statute in question, the Historic Preservation Act, which is referred to in the amendment, 16 U.S.C. 470a–e (1), (2) and (3).

Mr. FAWELL. Mr. Chairman, is that not 451?

The CHAIRMAN. No. It is 470a. It is described correctly in the amendment. The Chair understands that the Boston

Public Library has in fact been designated as a national historic landmark threatened with impairment pursuant to this section of the law.

Therefore, the Chair does not find any problem with respect to this language in terms of legislation on an appropriations bill.

The Chair overrules the point of order.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I am a little confused how made available until expended cannot be legislation in an appropriation bill.

But the point of order I make is that this does go beyond the scope of the bill, and therefore it is not an appropriate amendment because it exceeds the scope of the legislation before us.

The CHAIRMAN (Mr. GLICKMAN). The Chair would rule that this amendment is germane to the bill as a whole, and the subject matter of funds for construction for the National Park Service contained with respect to the Historic Preservation Act is relevant to the appropriations bill under consideration.

So the Chair would overrule the gentleman's point of order.

Is there any further discussion on the amendment?

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 31, line 19, delete "." and insert ": *Provided further*, That $650,000 of the funds made available in this Act shall be available as a grant to the Bering Sea Fishermen's Association, of which $400,000 shall be used for rehabilitation and upgrading of four fish processing facilities in the villages of Quinhagak, Bethel, Mountain Village, and Kotzebue, Alaska and $250,000 shall be used to market fish products from these facilities."

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, my amendment would grant $650,000 to the Bering Sea Fishermen's Association to rehabilitate and upgrade fish processing plants owned by four Native villages in Alaska and to market fish products from these facilities. This grant is needed because these four villages have no other renewable natural resource to develop. The commercial fisheries in these four villages are still developing and would provide economic opportunities to many of the residents. Residents in these four villages support this grant proposal because it would provide many local jobs in the fish processing facilities, freight transportation, and an opportunity for many of the residents to compete in developing commercial fisheries. I cannot stress the many positive economic opportunities this would provide for the residents in these villages.

Mr. Chairman, I am aware that, as a general rule, the Interior Appropriations Subcommittee is very reluctant to earmark money for economic development. These are often sound policy reasons for this rule and I respect it. Therefore, I will not insist on my amendment at this time. However, I am sure that the chairman and ranking member of the subcommittee are sensitive to the fact that agencies sometimes resist the will of their committee and the Congress in the manner in which they administer grant programs. In the July 1992 Interior appropriations report, the committee directed the BIA to appropriately consider an application for a similar grant. Unfortunately the potential grantee was told that money would not be available because of other worthy priorities, which I suspect amount to informal earmarks from one source or another.

As a result, Mr. Chairman, these worthy and important projects have not been funded and the communities involved have seen their hopes for economic self-sufficiency ignored. I think we owe Native Americans in Alaska a better deal, especially when they have shown the ability, desire, and likelihood of success as these villages have.

Since this is really just the first stage of the process, I will continue to work with the other members of the Alaska delegation and the leadership of the Appropriations Committee to ensure that these villages are treated fairly.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Alaska [Mr. YOUNG] is withdrawn.

AMENDMENT OFFERED BY MR. ANDREWS OF TEXAS

Mr. ANDREWS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Texas: Page 15, line 7, strike "$1,059,333,000" and insert "$1,056,207,000".

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time on this amendment and all amendments thereto be limited to 20 minutes, 10 minutes to be controlled by the gentleman from Texas [Mr. ANDREWS] and 10 minutes by the gentleman from Pennsylvania [Mr. MCDADE].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. REGULA. We object, Mr. Chairman. We need more time.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, may I ask, how much time does the gentleman need?

Mr. MCDADE. My understanding is that there is going to be an amendment to the amendment. I do not know that to be the case. It has not been offered yet. So, I would ask if we can limit it to 10 minutes and 10 minutes on this amendment alone.

Mr. ANDREWS of Texas. Mr. Chairman, I am not aware there is going to be an amendment to the amendment.

Mr. YATES. Mr. Chairman, I will amend my request to make the time pertain to this amendment alone.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The time on this amendment will be limited to 10 minutes on each side on this amendment alone, 10 minutes controlled by the gentleman from Texas [Mr. ANDREWS] and 10 minutes controlled by the gentleman from Pennsylvania [Mr. MCDADE].

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to end what is one of the worst misappropriations of tax dollars in recent memory: Steamtown, USA in Scranton, PA. My amendment would reduce the National Park Service's operations budget by $3,126,000, the amount requested to operate Steamtown, USA for next year.

Should this amendment be successful, I plan to introduce legislation giving the Park Service the discretion to put this project back where it belongs: in the private sector.

Protecting and preserving our history and national parks is one of the great responsibilities of every Congress. At a time of such scarce Federal resources, Congress must act responsibly.

Mr. Chairman, the case against Steamtown, USA is indefensible. This is not a unique project of great historical importance: America already has 217 railroad museums across the country. Historians have noted that Scranton is of only modest historical significance, as compared to Chicago, recognized as the greatest rail center in the Nation since 1870, St. Louis, historically the second largest hub and already home to a magnificent rail collection, or nearby Baltimore, home of the Mount Clair shops, which date to 1830. These sites were much more important to the growth of the railroads and would be more appropriate sites for a national rail museum.

Steamtown's collection of steam engines is not of great historical significance, either. Over 25 percent of the steam engines at Steamtown are Canadian in origin, not American.

Mr. Chairman, others far more familiar with this project than I echo my sentiments. The president of the National Parks and Conservation Association, a watchdog group overseeing the National Park System, has stated: "Steamtown is nothing more than an abuse of the public trust and should be sidetracked immediately."

The Smithsonian Institution's transportation curator called Steamtown "an inconsequential collection [which] largely duplicates what can be found elsewhere in better condition."

More than once, I have heard the project described as a second-rate collection of trains on a third-rate site. Hardly what one would call an essential part of our National Park System.

Steamtown, however, does stand out in the manner it has been developed and funded. It began as a private venture in Vermont and was moved to Pennsylvania in the early 1980's. When private funding dried up, proponents turned to Congress. So, Congress studied the proposal, received comments from the Park Service, and made a responsible addition to the National Park System, right? Wrong. Steamtown was first authorized in a continuing resolution appropriations bill late in the 99th Congress in 1986, thus bypassing the normal authorizing process and the usual review by the National Park Service. The project has received $66 million through fiscal year 1993, although it was originally authorized for only $20 million. This $66 million is enough to operate the Grand Canyon National Park for roughly 6 years, and Steamtown's operation costs are 10 times per visitor that of Grand Canyon's.

This year, the Park Service has requested $3.126 million for the operation of Steamtown, an increase of 33 percent from the fiscal year 1993 level. A recent GAO study finds that upon completion the park will need in excess of $6 million a year for operations. This is not a one-time expense. This is $6 million every year for a project that is really nothing more than a hometown jobs program.

Mr. Chairman, I am as interested in historical preservation as anyone in this chamber. That is another reason why I offer this amendment. Funding for projects like Steamtown diverts the National Park Service from its historic mission of preserving and maintaining great national parks like Yosemite and Yellowstone. Both of these parks have had to scramble in recent years to provide scaled-back services to users, such as fewer patrols, longer response time to requests, and less interpretive services. Yosemite has actually had to keep closed campgrounds that would normally have opened this summer. Noting this, the New York Times stated: "it's galling to let a boondoggle siphon even another penny from the Park Service's worthier, maintenance-starved projects." I think it is a travesty that we neglect two of the true gems of our Park System so that we can fund Steamtown.

Mr. Chairman, my opponents will likely rise and proclaim the many supposed merits of this dubious project. But, if it has merits, then surely the private sector will jump at the chance to participate in its operation. This simply is not a project that the Federal Government should be funding.

Steamtown is an embarrassment to the Congress and the National Park System. It is a runaway train loaded with pork barrels, and it's time to throw the switch. I urge my colleagues to vote for my amendment.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, at the outset I want to briefly set the record straight about who is in favor of this national park: the National Park Service in this administration, the National Park Service in the last administration, the Governor of Pennsylvania who is a Democrat, the former Governor of Pennsylvania who is a Republican, and both Senators from Pennsylvania, one from the Republican Party, one from the Democrat Party. It has had full hearings and full authorizations twice in front of the Committee on Natural Resources.

I deeply regret, may I say, Mr. Chairman, that the gentleman from Texas [Mr. ANDREWS] has chosen to bring forward this amendment. In my opinion it is destructive, and it is irresponsible.

I have been a Member of this body for 31 years, and I have been a member of the Appropriations Subcommittee on the Interior for 29 of those 31 years. During that time I think I have served with some of the finest people I have met in this Congress, and I have worked on a bipartisan basis with Members from that side of the aisle, Members from this side of the aisle, to develop the cultural and natural resources of this country. I do not believe there has been a Member that I have not been able to work with in a bipartisan and cooperative spirit.

One of the developments in the system that I view as having great significance is the Steamtown National Historic Site. Let me repeat, Mr. Chairman, that this project was unanimously authorized by the House in 1986 after full hearings in front of the Subcommittee on Public Lands of the Interior Committee and then in the full committee. Funding for construction has already been provided annually in this bill in 1987, 1988, 1989, 1990, 1991, and 1992 with support by the Congress of the United States, and it was reauthorized in February of last year.

Mr. Chairman and my colleagues, a total of $66 million of Federal tax funds have been invested, and it has been complemented by $20 million, roughly $10 million of which is State funding, $5 million of which is city of Scranton funding, local funding, and $5 million of which is private support. All those funds, State, Federal, and local, have been combined to support the construction of this national historic site, and this system is open and running. Last year 400,000 people visited this site from all 50 States in the Nation and from 40 foreign countries, and the comments of the people who go there, who bring their children there, are uniformly, uniformly, complimentary.

I say to my friend that the best definition I ever heard of a national park is a window on the past, and our parks raise various kinds of windows on the past. I say to my colleagues, if you go to Yosemite or Yellowstone, you look through that window, and you see the pristine beauty of this great Nation as God created it. You can go to Independence Park, and you open the window in Independence Park, and you look in, and you see what the Framers of the Constitution and the Declaration of Independence did at the time they did it, as they did it. You breathe the air as they breathed it, you see the scene as they saw it. And, when you go to this historic site, you see the Industrial Revolution in this country that took place from 1830 to 1920, as it cannot exist, and does not exist, any place else like this in the country. You can take your children there. They can hear it, they can feel it, they can see it, they can watch the locomotives, the rails, that tied this Nation together and changed us from an agrarian nation into one of the great industrial powers of the world.

Now comes this destructive amendment well after the ninth inning, $66 million in Federal dollars appropriated, $20 million in State, and private, and local, and says to the American public, "Keep out. Take out the operating money. We're going to lock the door, turn this into a rust bucket." It says to the people who work there, "Get out on the streets. You have been working here for 7 years, but you're through now. We're not going to use this resource."

If I ever, Mr. Chairman, saw an amendment that was ill considered, penny-wise and pound-foolish, it is this one that tries to say we can save $3 million by throwing away $86 million in investments.

Mr. Chairman and my colleagues, I hope this amendment is roundly defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise today in support of the Andrews amendment to H.R. 2520, which will eliminate funding for the Steamtown National Historic Site.

This site has little purpose or worth, yet Steamtown needs $3.1 million to operate in fiscal year 1994. To put this into perspective, that is one-sixth of the operating costs of Yellowstone, $18,247 million; one-fifth of the operating costs of Yosemite, $15,910 million; and one-fourth of the operating costs of the Grand Canyon, $11.241 million. Moreover, this site has received over $66 million to date, enough to run any one of these parks for several years. This is a substantial amount of money for a site that is of modest historical significance and which is at best second rate. To continue to fund this site would be an unwise use of taxpayer dollars.

I urge my colleagues to cut the funding for Steamtown and to support the Andrews amendment.

Mr. MCDADE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MCDADE] for yielding this time to me.

Mr. Chairman and my colleagues, the Akron Beacon Journal, which is one of the most respected papers in the State of Ohio, in last Sunday's travel section had a very extensive story about Steamtown U.S.A., inviting the people in Ohio to come and visit. Now I think this points out that here is a facility that will serve millions of people. It is accessible to New York City, to Philadelphia, to Ohio, to many people who otherwise would not have an opportunity to see a facility of this type and who understand that railroads made this Nation great. This is a rich part of our Nation's history. As the Beacon Journal states "Steamtown keeps alive railroad's past and its natural habitat in the Scranton train yard."

□ 1330

It goes on to say in this article, "There are dozens of railroad museums in North America, but Steamtown National Historic Site in Scranton is special." It goes on to say, "The collection of 35 steam locomotives and 78 cars is regarded as one of the country's finest."

I think it would be a tragedy not to make this facility, which is a part of the National Park System, available to those millions of people that will have an opportunity to understand an industry that has built this Nation and is respected particularly in the eastern part of the United States.

I would point out, this has been reauthorized unanimously by this body, so that the authorizing committees, and this body, have made it very clear that they support this as a national park.

Mr. VENTO. If the gentleman would yield, I would point out to the gentleman that there has not been a reauthorization bill passed. It was the subject of House passage, but it was not acted on by the Senate. So in essence it is not authorized.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from Minnesota [Mr. VENTO] knows, we do not control the other body. When the gentleman and I talked about it, we had extensive hearings in front of the gentleman's committee. The bill was reported out and passed by the House without dissent and it got locked up in the other body. We do not control the other body, and that happens a lot around here.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MCDADE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, again this issue is before the House today, not before the other body, and this body has reauthorized this as a national park. I would also point out that this is unique in that there has been a public-private partnership. I think this is the future direction we must go as far as the development of resources of this type, and we will see more of that. The local community and State have put assets into this park to make it a success.

Mr. Chairman, I urge my colleagues to reject this amendment.

The CHAIRMAN. The Chair would point out that the gentleman from Ohio [Mr. REGULA] has the right to close debate, representing the committee's position on this issue.

Mr. MCDADE. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCDADE] is correct.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, my four kids love the story of the little engine that could. But Steamtown USA is no bedtime story. It is a nightmare for American taxpayers.

The National Park Service did not originally request this project. In fact, every dollar spent on Steamtown USA is a dollar we cannot spend on national parks and other sites of greater historical significance.

Last year the Committee on Interior and Insular Affairs considered authorization of the Steamtown project. But it is important to stress that the justification for authorization was to finally put the brakes on this program by limiting its authorization level.

Mr. Chairman, it is time to take the steam out of Steamtown. Over the past several years, as a result of pork-barrel politics at its worst, American taxpayers have forked over $66 million to finance this venture. Now taxpayers are being asked to foot the bill for the annual operating costs.

It is an embarrassment that this Steamtown train ever left the station. It is a shame that this project has been kept on track with $66 million of appropriations through the years.

Steamtown is not a national priority, it is a national disgrace. It ought to be derailed. I urge support for the Andrews amendment.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply reply to the remarks of the gentleman from Minnesota [Mr. PENNY] about the National Park Service not requesting this park. Let me say to the gentleman that we are not sent here to be people who have no authority. We are not sent here to be penny-wise and pound-foolish, as I said earlier.

Mr. Chairman, between 1970 and 1990 there were 116 units added to the National Park Service. Only 56 of those were formally recommended by the National Park Service. Sixty of them were independent and unilateral actions taken by this Congress.

Listen to the ones I am talking about: Golden Gate National Recreation Area. You can turn that over to San Francisco and say, "You pay for it." You can turn over the Padre Islands in Texas and say, "OK, Texas, you have got the money; you pay for it."

You can turn over Big Bend or Golden Gate. Gateway National Park on the east coast was not recommended by the National Park Service. The Lyndon Johnson National Historic Park in Texas was not recommended by the National Park Service; it was done by Congress. Neither was Glen Canyon, nor Tuskegee Institute. Valley Forge was not recommended by the National Park Service. It was done by this Congress. And the list goes on. More than half of the initiatives taken were congressional initiatives.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself 15 seconds to say that Steamtown, USA is no Valley Forge.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, cutting spending is not easy. None of us like to come to the floor of the House and confront a colleague that we all admire and like, who we have a lot of respect for his efforts. The fact that he has tried to push this project through for years is something we do not enjoy taking on. But I think in making the decision that we have to make here today, we have to make one basic choice, and please listen to this choice: Are we willing to raise taxes to pay for Steamtown, yes or no?

If you cannot go home to your constituents and look your constituents in the eye and say that we have got to raise taxes to build Steamtown, then your vote today is a simple yes vote for the Andrews amendment to terminate this project.

A lot of arguments can be made for this project and other projects. But when we are raising taxes, and no one likes to raise taxes, the gentleman from Kansas does not and the gentleman from Pennsylvania does not either, but when we have a $300 billion deficit and when we are facing the reality of raising taxes to deal with that, and then dealing with this kind of spending, we have to honestly answer that fundamental question: Will we raise taxes to fund Steamtown, yes or no?

The gentleman from Kansas says no. I cannot go home to Kansas and sell a tax raise in Kansas to fund Steamtown.

Now, if my colleagues can, then they should vote for Steamtown and vote against the Andrews amendment. I am going to vote for the Andrews amendment because I cannot go home to Kansas and sell a tax increase to fund these kinds of projects.

Mr. McDADE. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I would just point out in Kansas we are spending $655,000 to operate Fort Larned, with 51,000 visitors. And for Fort Scott, we are spending $572,000 to operate it, with 87,000 visitors.

Mr. Chairman, you heard the gentleman from Pennsylvania [Mr. McDADE] give the number of visitors at Steamtown.

Mr. SLATTERY. Mr. Chairman, if the gentleman will yield, the gentleman will check further, the gentleman will find out when it comes to the National Park Service, Kansas gets probably less money in total than any other State of the Union. In terms of the National Park Service, Kansas gets a lot less than most States.

Mr. McDADE. Mr. Chairman, the gentleman ought to confer with his delegation about how to remedy that, and not take it out on the rest of us.

Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

The CHAIRMAN. The Chair is restraining himself from this debate.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is wrong in this debate to try to measure something like Steamtown against some of our great western parks. This seems to be trading off as a West versus East situation.

Mr. Chairman, the railroad train is a very important part of our history. I can tell you as the great grandson of one of the engineers of the great railroads, the Lackawanna Railroad, in the Scranton, Carbondale, Truth areas, that I think this is an important landmark. I think this is important to save. It is an important part of our history, and it is a very dangerous situation when you start talking about going into a bill and picking out small items, as this is a very small item relative to some of the other items that are in this particular bill.

Mr. Chairman, I would urge a "no" vote on this amendment.

The CHAIRMAN. Both the gentleman from Texas [Mr. ANDREWS] and the gentleman from Pennsylvania [Mr. McDADE] have 1 minute remaining. The gentleman from Pennsylvania has the right to close.

□ 1340

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself 30 seconds.

I want to point out to the Members a recent GAO study reflects that the operational expenses for Steamtown, USA, will be into the future $6.5 million a year. At the same time, taxpayers are spending only $10 million a year to run Grand Canyon National Park. Something is dramatically wrong here. Let us stop this absolute waste of taxpayer dollars and spend our money where it can be most effective, to help our parks that count and matter.

Mr. Chairman, I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I yield myself the balance of my time.

I just want to bring the direction of the House around a little bit to some of the conversations we have had about taxes. $3 million is the sum we are talking about here.

Let us look at the State of the gentleman from Texas and the annual operating costs of the park system there: Big Thicket Preserve, $1.5 million every year; Chamizal National Park, $1.4 million; Big Bend, $3.5 million; LBJ Historic Site, $2.6 million; Padre Island National Seashore, $2 million; San Antonio Missions, $1.5 million; Lake Meredith Recreation Area, $1.6 million; Amistad National Recreation Area, $1.5 million; Fort Davis National Monument, about $700,000; the Guadaloupe National Park, $1.4 million; for a grand total of $17.9 million.

We could make the same argument against all of these. In fact, maybe when we get around to it, maybe what we ought to do is just close all these parks and put a fence around everything.

Mr. Chairman, I hope this amendment is roundly defeated. It would throw away $88 million and almost 10 years of effort in a very inequitable effort.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. ANDREWS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 18 as follows:

[Roll No. 332]

AYES—192

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Bachus (AL)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bilbray
Bilirakis
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Canady
Cantwell
Cardin
Carr
Castle
Clement
Coble
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Danner
Deal
DeFazio
Derrick
Deutsch
Dooley
Doolittle
Dornan
Duncan
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Franks (NJ)
Furse
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Goodlatte
Gordon
Green
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hayes
Hefley
Hoagland
Hoke
Holden
Huffington
Hutchinson
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennedy
Kildee
Kingston
Kleczka
Klug
Kreidler
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Long
Maloney
Mann
Manzullo
McCandless
McCurdy
McDermott
McHale
McInnis
McKeon
McKinney
Meehan
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moorhead
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Ramstad
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rohrabacher
Rostenkowski
Roth
Roukema
Royce
Sanders
Sangmeister
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Smith (MI)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Thurman
Torricelli
Vento
Volkmer
Walker
Wheat
Williams
Woolsey
Wyden
Yates
Young (FL)
Zimmer

NOES—229

Abercrombie
Ackerman
Applegate
Armey
Baesler
Baker (CA)
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Buyer
Byrne
Callahan
Calvert
Camp
Chapman
Clay
Clayton
Clinger
Clyburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Coyne
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
DeLauro
DeLay
Dellums
Diaz-Balart

Dickey
Dicks
Dingell
Dixon
Dreier
Dunn
Durbin
Edwards (CA)
Engel
Farr
Fazio
Fields (LA)
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hansen
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Jefferson
Johnson, E. B.
Kanjorski
Kennelly
Kim
King
Klein
Klink
Knollenberg
Kopetski
LaFalce
Lantos
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lowey
Machtley
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McDade
McHugh
McMillan
McNulty
Meek
Menendez
Michel
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Petri
Pickett
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Regula
Ridge
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Rush
Sabo
Santorum
Saxton
Schiff
Scott
Serrano
Shaw
Shuster
Sisisky
Skeen
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Swift
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Whitten
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—18

Bevill
Coleman
Conyers
Faleomavaega (AS)
Ford (TN)
Hastings
Henry
Johnston
Kolbe
Lehman
Murphy
Obey
Packard
Romero-Barcelo (PR)
Sarpalius
Thompson
Torres
Towns

☐ 1402

Mrs. COLLINS of Michigan, Mr. FARR of California, Mr. ABERCROMBIE, Mr. SERRANO, Mrs. LOWEY, Mr. CUNNINGHAM, Mrs. UNSOELD, Ms. SLAUGHTER, and Messrs. ZELIFF, DREIER, MCHUGH, HERGER, and HALL of Ohio changed their vote from "aye" to "no."

Messrs. MCCANDLESS, SMITH of Michigan, BARCIA of Michigan, MFUME, and LEWIS of Georgia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YATES. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Wyoming [Mr. THOMAS] and I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. I thank the gentleman for yielding, Mr. Chairman.

I rise for the purpose of entering into a colloquy with the chairman of the subcommittee, Mr. YATES.

Mr. Chairman, the administration's budget request included construction funding for several fish hatcheries. It is my understanding that the Fish and Wildlife Service is currently reviewing its hatchery system and the committee decided to defer these funding requests until such time as that review is complete and a comprehensive hatchery policy is in place.

As you know, Mr. Chairman, the Jackson National Fish Hatchery in Wyoming has a spring pipeline that is in dire need of replacement. Spring water is supplied to the hatchery through a 34-year-old steel pipeline that is leaking along most of its length. The pipeline is buried along a hillside and through wetland areas that creates shifting and provides an unstable base for the pipeline. A primary focus of the Jackson hatchery program is to sustain healthy populations of Snake River cutthroat trout, a species of concern throughout its range, so that the species will not require listing under the Endangered Species Act. Should the pipeline fail, not only is the hatchery's entire fish production for 1 year in danger, but the adult broodstock for the Snake River cutthroat trout could be wiped out, a population that would take 7 years to replace.

This is a situation we are all very concerned about for obvious reasons. The committee report lists funding for emergency construction projects under the Fish and Wildlife Service at $1 million. Is it the chairman's understanding that if the Fish and Wildlife Service deems the hatchery is at risk, the Service could utilize some of the emergency funding for the Jackson National Fish Hatchery?

Mr. YATES. Yes, the gentleman is correct. I would encourage the Fish and Wildlife Service to use the emergency funding for this purpose, as necessary.

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the chairman of the subcommittee for his consideration.

Ms. SHEPHERD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2520 and I thank Chairman YATES and the committee for their wise choices in this difficult year. One provision with which I am particularly pleased relates to the Book Cliffs area of Utah, a spectacular, little-known mountainous plateau with rugged, wilderness characteristics. The elevation is approximately 8,500 feet at the Book Cliffs Divide and 6,500 feet at the lower elevation, with precipitation at as much as 18 to 20 inches at the higher elevations. The north slopes give way to deep, sharp canyons of sagebrush, browse, pinon/juniper, and riparian areas. The lower elevation has broad flats between the draws and canyons and produces forewing, serviceberry, mahogany, wheatgrass and pinon/juniper. The vast plateau is almost completely uninhabited and the huge public lands grazing allotments are controlled by only five ranches.

This year's land and water conservation fund includes an appropriation of $2.45 million to the Bureau of Land Management intended to fund the acquisition of the S&H Ranch and part of the Cripple Cowboy, two privately owned ranches. These are riparian lands along Bitter Creek, Chipeta Canyon, Sweetwater Canyon, South Canyon, Main Canyon, Meadow Creek, and Willow Creek and includes Utah's only designated roadless area. The lands at the higher elevations will provide increased forage for a variety of wildlife and the Utah Division of Wildlife Resources has already begun moose transplants. Bighorn sheep and bison were once found in the areas and will be reintroduced. Wildlife such as deer, black bear, mountain lion, raptors, and small mammals will once again become part of the landscape.

This effort to acquire and preserve the cultural and resource values of these ranches was a project of the Book Cliffs conservation initiative, a cooperative program between the Bureau of Land Management and the Utah Division of Wildlife Resources. I had the pleasure of voting as a Utah senator to support this acquisition. Several local and national conservation organizations, including the Nature Conservancy, the Rocky Mt. Elk Foundation, and the Foundation for North American Wild Sheep, are working together in the initiative and will provide additional funding. The Book Cliffs conservation initiative will result in increased and improved wildlife habitat on over 600,000 acres of public and private land. Because the lands acquired include vast contiguous tracts encompassing entire watersheds, the initiative will have the opportunity to create a model for ecosystem management.

Again, I commend the chairman for his hard work and thank him for his foresight in helping to preserve these priceless lands.

Mr. YATES. Mr. Chairman, I move to strike the last word in order to engage in a colloquy with the gentleman from Montana [Mr. WILLIAMS]. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding. Along with expressing my appreciation for your work on this bill, Mr. Chairman, I would like to clarify that the National Appropriate Technology Assistance Service [NATAS] was funded in the fiscal year 1994 Department of Energy appropriation.

Mr. YATES. The gentleman is correct. The administration requested $1.4 million for fiscal year 1994 in its budget for energy conservation and our bill supports the NATAS program in full.

Mr. WILLIAMS. My understanding is that the NATAS program has been run successfully from its inception by the nonprofit organization, the National Center for Appropriate Technology [NCAT]. It is the chairman's intent that this program should be continued to be administered by NCAT to ensure continued quality?

□ 1410

Mr. YATES. To the extent that I can do so, I would be willing to say yes.

I am aware of NCAT's good work and strong program management and expect the NATAS program to be continued to be managed by NCAT as indicated in the budget submission.

Mr. WILLIAMS. I wish to thank the chairman. As the chairman is aware NCAT has demonstrated good innovation and solid technical support and has received special acknowledgment by consumers and industry alike.

Mr. Chairman, I thank him and his colleagues on the committee for their continued support.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 15, line 7, strike "$1,059,333,000" and insert "$1,045,333,000".

Mr. DUNCAN. Mr. Chairman, this bill, as it presently stands, has a 122-percent increase in funding for the Presidio in San Francisco.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and amendments thereto may close after 20 minutes on each side, 20 minutes to be controlled by the gentleman from Tennessee [Mr. DUNCAN], and 20 minutes to be controlled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, as it presently stands, has a 122-percent increase in funding for the Presidio in San Francisco.

The bill increases funding from $11.4 million this year to $25.4 million this coming year.

My amendment is a simple freeze of this funding. It would save $14 million. This amendment is supported and has been endorsed by the National Taxpayers Union, the Citizens for a Sound Economy, and the Citizens Against Government Waste.

This amendment would save the taxpayers $14 million.

The GAO estimates a one-time cost of between $850 million and $1.2 billion to convert this base from a military base to a National Park.

After that, the Presidio will cost at least $45 million a year to operate, three times as much as the Yellowstone National Park and five times as much as the Great Smoky Mountains National Park.

This park will be the most expensive national park in the country. It will drain money from every other park in the Nation.

All of this to create a park out of a base that now contains a pet cemetery, a bowling alley, a movie theater, and 1,200 units of 1950's-style housing.

In 1970, the Park Service professional staff specifically recommended that the major developed portions of the Presidio not be transferred to National Park Service jurisdiction.

The original bill recommended that only the coastal and historic areas be made a park.

This would require only about one-third of the acreage now being covered in this bill. The GAO has told us that $49.3 million has already been allocated in the Department of Defense Budget to spend on improvements at the Presidio.

Mr. Chairman, over the last 2 years, Congress has appropriated $15.4 million to the National Park Service for activities at the Presidio. Although the original schedule of the Park Service provided for the agency to develop a final plan for the Presidio in 1993, they have yet to even release a draft plan for public review.

Yet, the budget request by the administration, and this bill before us today, would allocate an additional $25.4 million to the National Park Service for Presidio programs in fiscal year 1994. This bill seeks approval of the Congress to blindly go along with funding for this project, a project which is destined to be the most expensive park in the National Park System. I would like to provide my colleagues with a little history of this project.

The idea of turning the Presidio into a park originated in a single obscure sentence in the 1972 legislation establishing Golden Gate national recreation area in San Francisco. This sentence simply stated that if the Army ever determined that the Presidio was surplus to their needs, jurisdiction over the area would be turned over to the National Park Service.

Since there were no plans for the Army to leave in the foreseeable future, this provision was not extensively debated. However, the House report accompanying that bill made it clear that Congress did not believe the National Park Service should take over the entire Presidio. Therefore, it is entirely appropriate that Congress fully review this issue before allocating millions of scarce dollars.

The Presidio has a long history of military service and it has numerous historic buildings and natural resource areas which should be preserved. But the Presidio also has such facilities as huge hospitals, a bowling alley, a golf course, over 1,200 housing units, a medical research lab, a church, a supermarket, warehouses, a pet cemetery, and numerous other buildings and facilities.

In all, there are over 6 million square feet of building space within the Presidio. These buildings and facilities are not needed for any park purpose, nor is the Park Service, or even the Federal Government, best suited for their management.

Recently, the Base Closure Commission recommended that the 6th Army should continue to use the Presidio as its headquarters. However, that will provide for continued Federal occupation of less than 10 percent of the building space at the Presidio.

Unfortunately, like many of our Federal facilities around the country, the Presidio has not been adequately maintained by the Defense Department and is in need of massive amounts of funding for rehabilitation.

The current estimates are that about $77 million is needed for initial toxic waste cleanup—excluding lead paint and asbestos removal—$93 million is needed for infrastructure repair and somewhere between $678 million and $1 billion is needed to rehabilitate the 870 buildings.

In all, the total cost to rehabilitate this park is projected by the GAO to be somewhere between $850 million to $1.2 billion. Of course, toxic waste cleanup is a necessary Government expense, but the other 93 percent of the costs need not be Government expenses, unless the Government proposes to permanently occupy the entire area.

I must also add that just last year, the National Park Service estimated that rehabilitation of the buildings would cost somewhere between $110 and $325 million, so one can only wonder how high actual costs will really soar.

This one-time billion dollar cost for fixing up the Presidio is just the beginning. After initial startup costs comes the permanent cost of operating the park. The Park Service and Army have jointly estimated that the average cost of operating the Presidio over the last 5 years has been about $45 million.

Even if costs of operating the Presidio as a park are no higher, this will still be the most expensive park to operate in the country by far; about 3 times the annual cost of operating Yosemite National Park.

In light of our Federal budget problems, imagine the outrage of hard-working Americans if they learned that a military base we are closing in San Francisco, in order to save taxpayer money, is going to actually cost the taxpayers over $1 billion to convert into a national park.

The Park Service is proposing a not too novel concept to reduce the burden to the Federal Government of operating this project. Since the National Park Service readily agrees that the building space is far in excess of any conceivable future agency needs, they want to just become landlords and lease it out.

The problem is that just 15 months before the National Park Service is scheduled to take over, they have just one tenant. I should not fail to mention that the Park Service is currently reviewing all sorts of imaginative proposals from such groups as the Pickle Family Circus and bungee jumping groups to name a few.

The preliminary National Park Service plan also includes such concepts as tearing down hospitals and destroying quality housing in a city where affordable housing is virtually nonexistent. These proposals are neither logical or economically justifiable.

It is my opinion that the Federal Government does not make a very good landlord. And, as is obvious from the underwhelming response to the Park Service's call for interested tenants, there is no great interest on behalf of the private sector to come in and invest hundreds of millions of dollars in Government facilities, which the Government will turn around and rent back to them at fair market value.

Perhaps some of my colleagues who have been here longer than I will remember what happened when the Park Service was identified as the agency to take over and run Union Station as the National Visitor Center. Despite pouring tens of millions of Federal dollars into that project over a 13-year period, the building came very close to succumbing to the wrecker's ball, leaking roof and all—until Congress passed legislation turning the building over to the private sector to rehabilitate and operate.

Well, the Presidio is the complexity of Union Station times 1,000. It is far beyond the capability of the National Park Service to operate, as their progress to date amply illustrates.

In my opinion, the best solution to this situation is for the Federal Government to retain only those Presidio lands which truly meet the high standards we have set for inclusion in the park system, and to divest itself of the remainder of the lands and facilities to the benefit of the Federal taxpayer, the U.S. Treasury, and the city of San Francisco.

We must not ignore options for non-Federal management of this site, because of a single sentence enacted over 20 years ago. However, I recognize that we will probably not debate the merits of such authorizing legislation here today.

What we must instead debate today is the merits of whether we should concede to the administration proposal to spend $25.4 million, which the administration presents as half the annual future cost of operating the Presidio as a national park, before there is any agreed upon plan.

My friends, buying into this proposal is the beginning of a tumble down a long slippery slope. I think that we must avoid committing huge amounts of additional Federal dollars to this project until we have a better idea of its total magnitude.

I believe that this project is one which we cannot afford, at a time when we are shutting down military bases all over the country to save taxpayer dollars and at a time when the existing park system is so underfunded and understaffed that visitors and resources are suffering.

I ask my colleagues who have a national park in your district if that park is adequately funded today, and I ask you to think what a billion dollar liability would do to your ability to secure the funds needed to fully operate those existing parks.

Today, the National Park Service faces a backlog of several billion dollars in land acquisition, about $400 million in annual park operations, and billions of dollars in construction. All these high priority needs at existing parks will be pushed aside in an effort to meet the needs at the Presidio.

Proposals to provide adequate employee housing, fix park roads, protect park resources from vandals, search for lost visitors, provide adequate interpretation, and save historic buildings around the country will be impacted by this project. It is not acceptable to me to take precious funds from the operation of Yosemite, Yellowstone, or other National Park System areas to operate a bowling alley or golf course at the Presidio.

I know that each year, members of the Interior appropriation committee work very hard to meet all the requests of members, and I cannot imagine how much harder their jobs will be if we allow this billion dollar project to march forward.

I want to also point out to members, as I said earlier, that the bill which provided for Park Service takeover of the Presidio also established Golden Gate National Park. It is important to recognize that the Federal Government already owns extensive park lands within the city of San Francisco and surrounding counties.

The 73,000-acre Golden Gate National Recreation Area, which was established in 1972, will continue to provide recreation opportunities to millions of people at an annual operation cost of over $10 million in 1994. In fact, the entire Presidio could still be developed as parkland, it is just that the total cost should not be underwritten by the Federal Government, as is currently envisioned.

Mr. Chairman, I urge my colleagues to support this simple freeze amendment, and I suggest we hold the line on spending at this site until we have a better idea of where we are going.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself 2 minutes to correct several statements the gentleman made.

The gentleman said that this funding was not authorized. It is authorized, Mr. Chairman. It is authorized by the basic legislation creating the Golden Gate National Recreation Area.

The gentleman was correct in citing the law which says that at such time as the Department of Defense indicated that it had decided to turn over the Presidio, to surrender it for civilian use, it would become a national park. That is now the law.

All that the Committee on Appropriations seeks to do at this time, Mr. Chairman, is to provide caretaker funds. We are not enhancing the park. We are not embellishing its facilities.

This is an area that is one of the most beautiful in the entire United States, overlooking the Pacific Ocean. The real estate industry would dream about taking this over for subdivision.

We, the Army, the Department of the Interior, the administration, those who are responsible for deciding what to do with the Presidio, have not yet made a decision, and I think that we have to preserve the grounds. We have to preserve the resource qualities of the unit. We have to do those things which will not permit it to diminish in value. That is the reason we have put this money in.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Presidio is a beautiful piece of property, as anybody knows who has visited it. My point is we simply cannot afford it. It is not worth borrowing more money so that we can add a new park like this to the national system.

We have had testimony, and the evidence is clear and indisputable, the National Park Service has had a 50-percent increase in operating and maintenance funds over the last 5 years. What business do we know of that can lay claim to that kind of an increase?

The tragedy is that once we go forward with this, as you can see from this chart, the annual costs of maintenance and operating the Presidio are going to be at about $45 million per year.

□ 1420

It is going to be 2½ times as expensive to operate and maintain the Presidio as Yellowstone Park. Now, when we are closing campgrounds within the existing parks right now and limiting the use of facilities ostensibly because we do not have enough money, I cannot see why we would want to go forward with this project when the bay area already has so many high-quality recreational areas, other facilities that can be used.

If we are serious about reducing the deficit, we ought to take one of the first steps right here and vote for the Duncan amendment. This is a responsible amendment.

We are not saying the Presidio is a bad project; we just cannot afford it. At a time when we are proposing to hike the tax on Social Security benefits from 50 to 85 percent, levy an energy tax, and dramatically increase the taxes on small businesses and individuals, we should not be continuing to squander public money in this fashion.

I would ask your support for the Duncan amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, the law now says that it shall be a national park. Inasmuch as the law now says that, we have to take care of it as a national park.

The amount of money that we, the Committee on Appropriations, put into this bill is money that must be maintained until such time as the legislative committee decides whether it will remain a park or whether it is too expensive to maintain as a park, as the gentleman asserts. Perhaps that is the case. But I can see no choice at the present time except to preserve this very valuable property.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the original legislation dealing with this—I have the actual language here right in front of me—it says:

> Altogether, the Presidio of San Francisco totals about 1,400 acres of land. Under the terms of H.R. 16444, only 494 acres would be converted to recreation uses.

The original bill on this in 1970 specifically stated in the report accompanying that bill that not the entire Presidio would be converted into a park. That was never the intention of the Congress.

Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the Subcommittee on the Interior of the Committee on Appropriations, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman and members of the committee, here is an example of how we drifted into a situation that is going to create large problems in the future. It has been pointed out there is no management plan; it has been pointed out this is going to cost $45 to $50 million a year to operate once it is taken over. I think for the Defense Department, with a budget of $240 billion, to dump this onto the Park Service, with a budget of $1 billion, does not make any sense as a national policy.

There are 870 buildings in this facility; what do we do with them? There are contaminants. This will be a Superfund site, probably, before it gets done.

The total Park Service operating budget, is only $1 billion. Yet it is estimated that just to rehab the buildings will cost $1 billion.

The point I want to make today is that we need to stop and decide whether that one sentence that pushed the Presidio into park development was a correct national policy. If we simply continue to fund this year after year, the problem will grow. I think now is the time to step back and say, "Does this make sense for the Park Service to become responsible for 870 buildings?"

Certainly there are many environmental values there including natural habitat that would be a wonderful addition to Golden Gate. But let us address that and separate out the buildings, let us separate out the problems that are being handed to the Park Service by the Defense Department in this action.

I think it was a bad policy initially. Let us not add to that bad policy by simply putting money in. Fund it at last year's level, $11 million, save $14 million and let us get the plan that has been in the works for about 3 years finished.

What is the proper policy, given the fact that we have 367 parks and museums, and so on, that need to share the $1 billion annual operating budget for the Park Service? To put such a large share of that funding into one unit simply does not make good policy. There must be a better way, and we need to address it at this time.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished congresswoman from San Francisco, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding.

Mr. Chairman, I commend the chairman and members of the committee who crafted such a balanced Interior appropriations bill that addresses the important natural resource needs of our Nation and offers us a good road map on the difficult journey to protect our national parks, rivers, wilderness areas, as well as programs important to the arts and other cultural and historical resources. Chairman YATES, ranking minority member MCDADE, Mr. DICKS, Mr. MURTHA, Mr. REGULA, and all the other members and staff who worked diligently on this measure deserve our appreciation. Again I thank the chairman.

Mr. Chairman, I rise, obviously, in opposition to the amendment of the gentleman from Tennessee [Mr. DUNCAN].

The Presidio project is an authorized project which has already received congressional funding and is in the advanced stages of development as a national park.

Mr. Chairman, this is perhaps one of the most exciting base closure conversions projects in the country. You will recall a few years ago Congresswoman BOXER and I came before this body and beseeched the House of Representatives to resist closing the Presidio because it had a 200-year history in our community, the Army did, and we thought it would cost the taxpayers money to convert that into something other than an Army base.

The Presidio plan that we are working on now, we hope, will be, as I said, a model. It will be a source of jobs, it will preserve the beauty of the Presidio and the Golden Gate National Recreation Area, and it will, yes, indeed, it will produce revenue to help reduce the deficit.

The Presidio plan will be available in September, I say to the gentleman from Ohio [Mr. REGULA]. I am sure he is looking forward to the plan, which is not here. It will outline future uses of the park and the many ways to mitigate the cost to the Federal Government.

Every effort is being made to maximize revenues to the park and minimize the impact on the Federal Treasury. The Presidio has been a military installation since the Declaration of Independence was signed. Now, it represents a remarkable model for Defense conversion where swords can really be turned into plowshares. After over 200 years of military control, we can now march into the future knowing we have made our best attempt to preserve the important history of the Presidio and its unique natural resources for the generations to follow.

The Golden Gate National Recreation Area, of which the Presidio will become a part, is the most visited park in the national system.

I urge my colleagues to listen to this: It is an international treasure, and almost 20 million people—some years it is 20 million, other years it is more than 20 million, some years it is fewer than 20 million people—visit each year from throughout the United States and around the world.

That is, please listen, three times as many visitors to the Golden Gate National Recreation Area than visit Yosemite and Grand Canyon combined each year.

Given the importance of the Presidio as a natural resource, a historic treasure and a place of beauty for the enjoyment of all Americans—and the fact that the Park Service will soon release documents containing facts critical to any discussion of the future of the base as a park—it would be irresponsible to act today in this very capricious manner that could jeopardize the viability of this important public resource.

I believe we can look forward to an exemplary national park that will continue to benefit millions of worldwide visitors, bringing revenues to our park and that many generations will walk its paths after us.

Mr. Chairman, our colleagues, Chairman VENTO, Chairman MILLER, Chairman DELLUMS, and Chairman MURTHA, Chairs of the committees of jurisdiction governing the agreement between the Army and the Park Service, sent a "Dear Colleague" on this subject, and I would just like to read a little bit from the "Dear Colleague."

There they said:

> The Presidio of San Francisco, one of the most beautiful and historic military bases in the Nation, will become a national park in 1994. Its conversion marks an unprecedented opportunity to reshape a natural and human-made resource into a world-class urban park and a global center for solutions to problems of the natural and human environments.
>
> Under the 1988 Base Realignment and Closure Act enacted by Congress, 86 military installations in the United States were mandated for closure or realignment. Only the Presidio will remain under Government management as part of the national park system. Because of the efforts of former Congressman Phillip Burton, the Presidio will become part of the Golden Gate National Recreation Area, the largest urban park in the world and the most heavily visited park in the country.
>
> The Presidio represents a perfect example of how swords can be turned into plowshares.

☐ 1430

I repeat for my colleagues' information:

Three times as many people visit the GGNRA as visit Yosemite and Grand Canyon National Parks combined this year.

This fall the Park Service will release their plan.

Over 400 organizations have responded to calls for interest that sought expression of interest from potential tenant institutions.

Our colleague, the gentleman from Illinois [Mr. PORTER] was on the floor earlier and I thanked the gentleman because the Base Closure Commission this time gave us the Army as a tenant for a few more years to come.

With that, Mr. Chairman, I close my remarks by asking my colleagues to vote no, no, no on the Duncan amendment.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply like to point out that nothing in my amendment would prohibit turning the coastal areas and the historic areas of the Presidio into a national park, but the pet cemetery, the bowling alley, the movie theater, the 1,200 acres of 1950-style housing, some of that does not belong in a national park.

In addition, the leases that are mentioned, 15 months before departure by the Department of Defense there is only one non-Federal tenant that has leased any space there so far.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank my colleague, the gentleman from Tennessee, for yielding me this time.

I just want to ask my colleague. Also does not the Presidio consist of golf courses, warehouses, and supermarkets, too?

Mr. DUNCAN. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. STEARNS. Mr. Chairman, I rise in behalf of Mr. DUNCAN's amendment to freeze the funding for the Presidio. Last year the National Park Service was appropriated $11.4 million to run the areas of the Presidio which fall under its jurisdiction. This year the amount was increased to $25.4 million to care for the base.

It is my understanding that, at this time, there is no final plan for utilization of these buildings. To my knowledge, the Park Service has four proposals which range in cost from $850 million to $1.2 billion for transforming these buildings into park facilities. I believe we need take a step back and determine what the best utilization will be of the existing facilities before we fund a program for their transition.

In the bill, $25.4 million is appropriated for maintenance of the areas previously under jurisdiction of the Park Service and for the areas to be under the Park Service's jurisdiction in the future. By freezing this funding we save $14 million, and there is still enough for maintenance.

There are many other national parks and forests, who have been waiting years for a couple million dollars for construction and renovation projects, which have not been granted funding this year because of budgetary constraints. Yet, this bill includes funding for a plan that has not been developed. The Army will be departing the Presidio in 14 months. Why not wait until then—when we have a better idea of what we will be funding.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Natural Resources, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would hope that we would reject the Duncan amendment to cut the funding for the planning and maintenance of the Presidio.

As has already been stated in this debate, we are talking about a world-class urban park, national park, a park that has garnered more interest internationally than any other park that we have. Its visitors days exceed anything we have seen in any other of our national parks.

As the critics of this program quite correctly point out, we do not have a plan in place yet. The plan is dealing with the development of that park. They suggest that we will be running supermarkets and fire stations and items such as that. We do not know that.

We know that the planning process, and Congresswoman PELOSI and myself and others have talked to the National Park Service and explained to them that this must maintain and include the attributes and the assets and the values that we place in national parks as they develop that plan.

We will have to see what happens to all the buildings and all the real estate.

But let me explain to you. This may be one of the more successful efforts we have ever had in economic conversion from a military base to civilian use.

Across the bay in my district, this Congress is going to spend over a billion dollars to do nothing more than close the facility, without any understanding or any plan or even any thought about how it will be used in the future.

Many of the costs that are attributed to the Presidio are there whether it was a park or it was simply a closed facility.

We have requests from people who want to be rent-paying tenants, international organizations of international significance that want to contribute to the participation and the support of the Presidio, and at the same time we are able to maintain one of the great urban resources in this entire country.

This amendment does nothing more than make this process more expensive. This amendment does nothing more than interrupt an ongoing planning process so we can start to decide what it is the taxpayers of this country should start to pay for and what it is that others will have to pay for if they want to maintain those facilities or real estate that does affect the programs and the assets and the value of the National Park System.

So I want say to my colleagues that this is a very unwise amendment. We had a quick look at this amendment, this proposal, in the Committee on Natural Resources and we rejected it. We rejected it out of hand.

When the Park Service comes forward with that plan, it is the intent of the Committee on Natural Resources to hold hearings on that proposal, to make sure that we protect both the values of this park and we protect the taxpayers who will be expected to fund that share of it.

I would hope, Mr. Chairman, that we would vote "no" on the Duncan amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the Duncan amendment.

The Duncan amendment and the proponents of this would try and turn the clock back. The fact is that the Golden Gate National Recreation Area which has been derived from the Presidio almost in its entirety, most of this land was national military land, and wisely a policy was put forth that provided when and if the military withdrew, and/or they found less use for some of these important lands, it would go into a public recreational area and for other values related to this park unit.

And why? Because many of the features of the Presidio are outstanding. It contains federally and State-listed rare, threatened, and endangered plant and animal species.

The Presidio represents 228 years of land use and occupation by three nations as a permanent military garrison.

The Presidio's military architecture even today contains styles that span every period of military history from 1848.

The Presidio has been a logistical center for every military engagement since the Mexican-American war.

The Presidio is a place of unique scenic quality and contains a broad range of recreational activities within a major metropolitan area.

It is simply the most visited park unit in the Nation, with over 20 million visits.

The point is that whether we want to spend this money or not, if the Park Service does not spend it, then another pocket of the national government, the military must.

As a matter of fact, many of the expenses that they are maintaining in terms of cleanup and other expenses are expenses that legitimately must be borne by the military under the present policy path.

To cut this funding today simply is to try to turn back history. This will prevent the Park Service from moving ahead with its plan, from trying to implement the adaptive leasing and the other types of innovation that are necessary to fulfill the role envisioned under law and necessary to be performed by the National Government.

We stand ready and prepared to deal with the special problems that are presented with the assessment of the park unit by the planning process now in place, but the NPS cannot do what must be done if we don't move forward with the plan, and that is what this amendment frustrates, so I urge defeat of the amendment. It is a major retreat from facing problems at the GGNRA/Presidio.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in opposition to the Duncan amendment.

I can remember very well when Congressman Phil Burton of California passed this legislation. Part of the legislation was that at some future date if the base was closed down that significant parts of it, or I guess all of it, would be transferred to the Park Service.

□ 1440

Mr. Chairman, I would just like to ask a question of the gentleman from Minnesota [Mr. VENTO].

Is there a plan that is being developed about what will be, in fact, transferred to the Park Service, or has that been accomplished?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, working on a plan for several years. There are several problems with some of the buildings and facilities. Some of them may well be retained by the military, but that is evolving. None of the money here is expended on buildings that are inappropriate. We are looking for activities that would be appropriate, like the adaptive leasing under the Historic Preservation Act, and, as the gentlewoman has pointed out, the hope is that much of the expense of this park could be offset by such long-term leasing. We may need to rewrite some of the leasing laws to facilitate the unique problems presented by this transfer of land and buildings.

Mr. DICKS. Mr. Chairman, I would just say that I have been out to the site twice, and I think it is one of the great treasures of our country, and this notion that we can only have a park in a rural area I think is a mistake. We have urban parks all over the United States, and this particular site is probably one of the most striking that any individual will ever see. Congressman Burton did, I think, a brilliant job in setting this thing aside and having a great vision, and I think the numbers, like 88.5 million people, went to that park last year. I mean that is unbelievable, and I know that obviously it is expensive, and we are worried about being able to take care of our—20 million; I am corrected here properly, 20 million people went.

I mean we need parks in urban areas. Not everybody is financially capable in this society of ours, especially with the standard of living dropping, of going out to Yosemite, so I would urge opposition to the Duncan amendment. Let us support this and work with the committee to make the best possible judgment about the future.

Mr. DUNCAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio [Mr. REGULA], who spoke earlier and who has also been to the site.

Mr. REGULA. Mr. Chairman, we have no disagreement with the park portions. The park land is beautiful. I have been to the Presidio. I have been to Golden Gate. Both are terrific assets.

The problem is 870 buildings that are going to become a burden for the park service. The problem is the contaminated areas, and, when we are faced with rationing in Yosemite, when we are faced with closing down facilities, or restricting hours, to take this amount of money to save the defense budget does not make any sense. This is a Defense Department problem, and it, therefore, should be paying for this.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I share the gentleman's concern about any contamination by the military. This is not an uncommon problem with military withdrawals across the country.

Mr. REGULA. That is why the park department should not be paying the bill.

Mr. VENTO. I agree, but the dollars that are being cut here are not going for the cleanup purpose. They are going for the adaptive leasing and management of the park unit.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. YATES. Mr. Chairman, I yield an additional minute to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as my colleagues know, I regret that this debate did not take place some years ago. I think we backed into this one, and it was put in there in an overnight fashion. We should have been debating all of these policy issues. But, nevertheless, at some point, we have to step back and say, "Given the obligations that the chairman, and I, and the members of the subcommittee have to 367 parks, is this going to cripple our ability to meet needs in other areas?" That is the reason why I support this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. The Defense Department has committed itself to pay $62 million for the cleanup that the gentleman referred to.

Mr. REGULA. But we have no idea what the total cost will be. We are talking about a potential $1 billion to deal with the contamination and rehabbing the buildings.

Mr. YATES. Well, the gentleman and I, I think, are together on what we want to do. We do not want to have an overexpenditure, but we have put into this bill, the gentleman and I, the amount of money that was requested by the Park Service—

Mr. REGULA. I understand.

Mr. YATES. Purely for caretaking, and I cannot escape the conclusion that, if the amendment offered by the gentleman from Tennessee were to prevail, we are going to cripple the activities of the Park Service in taking care of this very valuable property, and I know the gentleman would not want that.

Mr. REGULA. I appreciate the value of the park portion.

The CHAIRMAN pro tempore (Mr. CLEMENT). The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. TAYLOR], another member of the Committee on Appropriations.

Mr. TAYLOR of North Carolina. Mr. Chairman and my colleagues, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. DUNCAN]. Today I think we have the opportunity to do what the people have been saying for several months, and that is, cut spending first. They recognize it is going to mean sacrifice in some areas. They recognize that it is not going to be pleasant to all parts of the country, but they are saying it is needed and that it must be done now.

The question comes to their minds, I am sure, as to why, as the gentleman from Tennessee pointed out, we are taking on a pet cemetery, hospitals, medical research labs, bowling alleys, churches, and other facilities that have nothing to do with national parks, but the cost of that also is a question. Now the GAO estimates the cleanup at somewhere between $1 and $1.2 billion, not to mention the additional funds that we have.

I would like to point out that the leases that we have been talking about, one has applied, several have inquired. The Pickle Family Circus School has inquired about a lease, the Golden Gate bungee tower, the frisbee golf course, the surf condition hot line, and the Institutes for Public Golf. Those may be perfectly legitimate uses for this land, but not to be paid for by the people, the taxpayers in this area, at a time when we need to cut spending.

I will tell my colleagues that in the Smokies right now, on the North Carolina side, taking up 85 percent of those counties unemployment runs 20 to 25 percent, and we cannot get a few million dollars to open a heritage center, or to do road work, or to take care of overworked camp areas where people have to wait in line to get into those, and we are talking about putting hundreds, hundreds of millions of dollars in a new facility.

Mr. Chairman, it is not right. It is not what the people of this country want. I hope my colleagues will support the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, may I inquire how much time we have remaining on this side?

The CHAIRMAN. The gentleman from Tennessee has 2 minutes remaining.

Mr. DUNCAN. Mr. Chairman, to close our debate on our side, I yield my remaining 2 minutes to my good friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Tennessee [Mr. DUNCAN] for yielding this time to me, and I would just like to say that here is a classic example of how things get out of control. We misprioritize spending around this place, and here we are talking about spending $1.2 billion on a new park when right next door there is a 74,000-acre park, and the park department is only spending $10 million a year on that one, and they want to put $25 million or so, $25.4 million, into this this year. The gentleman from Tennessee [Mr. DUNCAN] wants to cut that by $14 million, thus leaving $11.4 million for this particular facility. That is still more than the Golden Gate Park which is only getting $10 million.

And what is this going to do? Without further study, without completely studying this issue and this project, we are going to be spending ultimately $1.2 billion for hazardous waste cleanup, and we do not know how severe that is going to be.

Infrastructure rehabilitation, personal property replacement, building rehabilitation, two hospitals, a golf course, a bowling alley, pet cemetery; give me a break. The gentlewoman from California said that there was going to be a lot of receipts coming in from this, and many people would be led to believe by that remark that that would help pay off the cost of this $1.2 billion.

There is an old song by Zager and Evans that said, "In the year 2525, if man is still alive." Well, maybe in that length of time we would have enough receipts from this project for it to pay for itself.

□ 1450

But the fact of the matter is, we are not going to live that long, and if we keep spending like this, the country will not live that long. We have got a $4.3 trillion debt, skyrocketing towards $7 trillion. The interest alone is going to be one of the biggest expenditures in our budget. We must prioritize spending. This issue must be studied fully before we appropriate this kind of money for this.

Mr. Chairman, I think all of my colleagues, if they are really concerned about fiscal responsibility, if they are really concerned about what President Clinton promised, getting control of spending, they ought to vote for the amendment of the gentleman from Tennessee [Mr. DUNCAN] to cut this back to $11.4 million. It is the right thing to do. It is the right thing to do at this time, because this economy is on the road to disaster if we do not get control of spending and do not start prioritizing around this place.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Indiana [Mr. BURTON] said that he wanted a break. Rather than giving him a break, we will give him the truth about his figures.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, a "Dear Colleague" distributed by our friends advancing this amendment has figures and representations that are inaccurate. They attribute the figures to the GAO.

The GAO has provided no cost estimate as to what the total costs for the Presidio transfer would be.

Mr. Chairman, they suggested in their "Dear Colleague" that such dollar numbers are $850 million to $1.2 billion. These are not GAO figures. So I challenge the gentleman not to use or refer to this in terms of their debate here, nor Members to consider it valid with regard to making a judgment today.

What is in this bill and what is at the heart of this amendment is cutting out building maintenance repair of $9 million; $1.8 million in police and fire; utilities, concessions, business management, some $14 million.

The truth is the NPS need those dollars to shift the ownership and implement the plan and to accomplish and implement a rational program of management. The military would have many expenses no matter what occurs here today. Hopefully, Congress will not let them walk away from the toxic and other problems that they should resolve. This Member and others will fight to be certain that these obligations are met.

But the citizens in this community are looking to have this become part of the park. There is no other place or entity prepared to take over this area. We made the decision on closing the base. Now we have to step up and do the job with regards to the remainder of the law that exists and complete the policy and meet our responsibilities. Vote "no" on the Duncan amendment.

Mr. YATES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. CLEMENT). The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 230, not voting 16, as follows:

[Roll No. 333]

AYES—193

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—230

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Bevill
Coleman
Conyers
Faleomavaega (AS)
Fish
Ford (TN)
Hastings
Henry
Kolbe
Lehman
Packard
Pickle
Rush
Sarpalius
Torres
Towns

☐ 1511

Messrs. POMEROY, PAYNE of Virginia, and KENNEDY changed their vote from "aye" to "no."

Mr. KASICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. UNSOELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill reflects a new direction in the stewardship of our Nation's Federal lands and natural resources. The mismanagement of the past has undermined both healthy forest ecosystems, timber-dependent communities, salmon runs, and hydroelectric customers. Now, a new administration and a new management approach offers us an opportunity to sustain natural resources for both habitat and human needs. This bill marks an important transition point in this change.

Thanks to the leadership of the chairman, the gentleman from Illinois [Mr. YATES], my Washington State colleague, NORM DICKS, other members of the committee, and the indefatigable staff; this bill moves us into a new era of resource stewardship. While the full transition cannot take place overnight, the Interior appropriations bill reflects the restructuring of the national forest system under the administration's gridlock-breaking forest plan; it begins to shift the emphasis—from narrow, short term, profit-based resource management that led to the species-by-species crisis to a broader ecosystem management approach; it highlights the vital importance of watershed protection and restoration to ecosystem health if we are to have sustainable use of our resources; it boosts recreation as a management goal by calling for the conversion of old logging roads to recreational trails; and it helps provide good jobs in the same communities that have depended on our natural resources.

Mr. Chairman, not everyone is happy or ready to accept the kinds of change advocated by the new administration and reflected in this bill. Those advocating more forest preservation, for example, attempted to reduce the Forest Service's road construction budget to further reduce timber harvests. But the House sent a message to these people when it rejected that amendment. The message was that we are prepared to work together with this administration to break through the court injunctions and bring back some stability and certainty to our timber-dependent communities. After 5 years of rhetorical debates in this body that produced nothing but false hopes, I see no acceptable alternatives.

This is not an easy process, but the committee has done a commendable job of balancing the need for change with the impact of change on affected communities. It has done this delicate balancing within tighter budget constraints than ever before. And I want to commend the committee for its progress toward this new era of resource stewardship.

Finally, Mr. Chairman, I want to thank the chairman of the subcommittee for his support of a project I call roads to trails and, in particular, for setting aside $200,000 for a roads assessment in Washington's Gifford Pinchot National Forest.

Due to declining timber sales, many roads in our national forests no longer are needed. In most cases, these roads cannot simply be abandoned. They are affecting natural resources now, or will do so in the future, without costly regular maintenance. Sidecasting, slope, and culvert failures, slumping, and other problems cause siltation of streams and degradation of water quality. Removing roads requires planned reconstruction, including removing fill slopes, bridges, and culverts, establishing original slope contours, and replanting road alignments with native vegetation.

Roads to trails conversion projects offer opportunities to expand recreation by converting the roads into trails rather than obliterating them. Such projects also could save money by eliminating maintenance costs on unneeded roads and preventing expenditures on rehabilitation of watersheds damaged by road failures in the future. In fact, it is cheaper to expand the trails network through roads-to-trails conversion than it is to construct new trails. The cost of constructing new trails in the Gifford Pinchot is, on average, three times greater than converting roads to trails.

Roads to trails projects also will provide employment opportunities for dislocated workers in timber communities—jobs in the forest. The public is demanding that we protect ancient forests and manage timber production for sustainable yield. Entire timber communities are affected by this change in policy, and we must assist them by supporting real jobs within the forest—as opposed to retraining programs in big cities hundreds of miles away.

H.R. 2520 sets aside $200,000 from the Forest Service budget for the Gifford Pinchot National Forest to complete a comprehensive inventory and assessment of roads, to identify roads that should be scheduled for permanent closure or obliteration, and to determine which of those roads are suitable for conversion to recreational trails. The inventory should identify all roads that should be closed, abandoned, or obliterated for fisheries wildlife, watershed protection or recovery, ecosystem management, cultural resource protection, or fiscal reasons.

The Gifford Pinchot's inventory and assessment process should use effective public participation to identify roads to trails project proposals—including conversion standards and potential trail users. This inventory and assessment should identify potential roads to trails conversion areas which would expand recreational trails and help alleviate multiple use conflicts.

The process also should include comprehensive review and input by Forest Service and other agency resource specialists to ensure all resource concerns are identified. Through the advice of resource experts, the public and the Forest Service should be discouraged from investing energy in project proposals that have resource conflicts, such as trails for motorized vehicles in endangered species recovery areas.

The inventory and assessment on the Gifford Pinchot can be a model planning process for national forests across the country. In fact, while money is specifically earmarked for the Gifford Pinchot, the committee intends roads assessments to be conducted on all of our national forests where roads are scheduled for permanent closure or removal. I am encouraged by the committee's foresight in supporting a creative forest management program to help restore natural resource areas, cut spending, create jobs, and enhance the quality of life for everyone who visits our national forests.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. WISE) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Committee resumed its sitting.

### AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment on page 15, line 23.

The Clerk read as follows:

Amendment offered by Mr. VENTO: On page 15 line 23, strike "$35,606,000," and insert in lieu thereof "$34,838,000.".

Mr. VENTO. Mr. Chairman, subsequent to preparing my amendment to delete funding for the National Institute on the Conservation of Cultural Property, I have had discussions with Chairman YATES regarding the use of these funds, and I believe this matter can be addressed to the satisfaction of both of us by a colloquy.

The gentleman from Illinois [Mr. YATES] has consented to agree to such a colloquy. I would ask the gentleman, as I said, I am prepared to withdrew the amendment with the understanding and concurrence of the chairman, that any grant for such purpose be competitively awarded; that the National Park Service may decide to do this work internally if it so chooses, and that any grants be coordinated with other National Park Service activities, specifically with the Center for Preservation Technology and Training.

I would ask the chairman of the subcommittee if he agrees with my comments.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, that is my understanding of it, yes.

Mr. VENTO. Mr. Chairman, with that understanding and concurrence, I ask unanimous conset to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

### AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment on page 15, line 7.

The clerk read as follows:

Amendment offered by Mr. VENTO: On page 15, line 7, strike "$1,059,333,000," and insert in lieu thereof "$1,059,033,000,".

Mr. VENTO. Mr. Chairman, this simply deletes $300 million earmarked for the committee report for an unauthorized project in New Jersey called the Coastal Heritage Trail Route.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, just to correct the gentleman, the correct amount is $ 300,000, and we accept the amendment.

Mr. VENTO. Mr. Chairman, I appreciate the correction.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am glad to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we accept the gentleman's amendment.

Mr. VENTO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

□ 1520

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to take a moment to highlight the significance of my point of order, which was sustained, against the original amendment offered by the gentleman from Minnesota [Mr. VENTO] on National Park Service construction. That amendment would have waived the provisions of the act of August 24, 1912, as amended (16 U.S.C. 451) which state: "No expenditure for construction of administration or other buildings cost in case of any building exceeding $3,000 shall be made in any national park except under express authority of Congress."

Consequently, that amendment would have preserved the Appropriations Committee's earmarked funding of nearly all of the $49.84 million for 56 site-specific projects included in H.R. 2520 and the accompanying report (House Report 103–158, pages 29–33).

As a result of my point of order, the final bill language on National Park Service construction approves $183,949,000 for all the Service's construction—including, regrettably, an additional $2,000,000 for the Boston Public Library under the authority of the Historic Preservation Fund—subject to the provisions of 16 U.S.C. 451. This has the effect of completely eliminating the other $47.84 million in earmarked projects contained in H.R. 2520 and in House Report 103–158, because they are not expressly authorized and are obviously in excess of $3,000.

I also want to point out that the inclusion of these earmarks resulted in the committee deleting $51.591 million impacting 74 projects which the Park Service had proposed in its fiscal year 1994 construction budget. I particularly want to note that the committee cut nearly $11 million for restoration of the Martin Luther King, Jr. National Historic Site in Atlanta, GA, and funding for many, many other worthy projects which had passed the scrutiny and procedures of the professionals in the National Park Service. A complete list of these earmarks and deletions, as well as Park Service comments on these projects are attached to my statement for the Record.

Unless the act is amended or unless waived in the Senate or in the conference committee on this bill, none of the funds contained in the Park Service's construction budget may be used "for construction of administration or other buildings cost in case of any building exceeding $3,000 * * * in any national park except under express authority of Congress." We must, therefore, watch carefully to see to it that the act is not repealed and/or otherwise waived in the continuation of the appropriations process for this bill.

### NATIONAL PARK SERVICE CONSTRUCTION

The Committee recommends an appropriation of $184,699,000, a reduction of $1,001,000 from the Administration's request of $185,700,000, and a decrease of $45,132,000 from the FY 1993 level of $229,831,000. (House Report 103–158, pages 29–33; H.R. 2520, page 16 line 5 through page 17, line 3.)

The Committee recommends 57 specific increases totaling $50,590,000, including 56 increases totaling $49,840,000 as listed below.

1. *Allegheny Portage Railroad National Historic Site, Pennsylvania*—Line Item Construction: $1,930,000 increase to $0 request for Lemon House rehabilitation. (House Report 103–158, page 30.)

*NPS:* "Very low SWP [Servicewide Priority]; should be deferred".

2. *Boston National Historical Park, Massachusetts*—Line Item Construction: $2,700,000 increase to $0 request for Old South Meeting House. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority]; should be deferred".

3. *Boston National Historical Park, Massachusetts*—Line Item Construction: $700,000 increase to $0 request for Dorchester Heights. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority]; should be deferred".

4. *Boston Public Library, Massachusetts*—Line Item Construction: $2,000,000 increase to $0 request for rehabilitation. (House Report 103–158, page 30; H.R. 2520, page 16, lines 9–12.)

*NPS:* "The library is not affiliated with the NPS. However, as a National Historic Landmark, it could receive funds under the National Preservation Act. The estimated total cost for rehabilitation is expected to total $50 million."

5. *Chamizal National Monument, Texas*—Line Item Construction: $840,000 increase to $0 request for landscape, lighting. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority]; should be deferred".

6. *Chickamauga-Chattanooga National Military Park, Tennessee*—Line Item Construction: $5,000,000 increase to $0 request for road relocation. (House Report 103–158, page 30.)

*NPS:* "Low SWP [Servicewide Priority]; additional work could be deferred".

7. *Coulee Dam National Recreational Area, Washington*—Line Item Construction: $416,000 increase to $0 request for boat launch. (House Report 103–158, page 30.)

*NPS*: "Low SWP [Servicewide Priority]; should be deferred".

8. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $1,264,000 increase to $0 request to rehabilitate historic structures. (House Report 103–158, page 30.)

*NPS*: "No SWP [Servicewide Priority]; should be deferred".

9. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $2,000,000 increase to $0 request for railroad track and bridges: $2,000,000. (House Report 103–158, page 30.)

*NPS*: "No SWP [Servicewide Priority]; should be deferred".

10. *Cuyahoga Valley National Recreational Area, Ohio*—Line Item Construction: $2,500,000 increase to $0 request for Boston General Store. (House Report 103–158, page 30.)

*NPS*: "No SWP [Servicewide Priority]; should be deferred".

11. *Delaware Water Gap National Recreational Area, Pennsylvania*—Line Item Construction: $195,000 increase to $0 request for trail development. (House Report 103–158, page 30.)

*NPS:* "Not part of overall rehabilitation project; should be deferred".

12. *Gateway National Recreational Area, New York*—Line Item Construction: $5,200,000 increase to $0 request for Jacob Riis Park. (House Report 103–158, page 30.)

*NPS*: "Lower SWP [Servicewide Priority]; could be deferred".

13. *Gettysburg National Military Park, Pennsylvania*—Line Item Construction: $100,000 increase to $0 request for technical assistance: $100,000. (House Report 103–158, page 30.)

*NPS*: "No SWP [Servicewide Priority]; non-park related local support should be deferred".

14. *Glacier National Park, Montana*—Line Item Construction: $600,000 increase to $0 request to rehabilitate chalets. "A total of $1,000,000 has been provided to bring National Historic Landmark chalets at Glacier National Park into compliance with Montana and Federal health and safety standards. In providing this appropriation the Committee expects the National Park Service to continue providing a valued visitor experience; to assure a safe, efficient, and cost effective operating plan; and to provide appropriate disposal systems that will ensure the long term capability of these facilities to operate in an environmentally responsible manner." (House Report 103–158, pages 30 and 31.)

*NPS:* "No SWP [Servicewide Priority], should be deferred; $200,000 would need to be used for planning".

15. *Great Basin National Park, Nevada*—Line Item Construction: $250,000 increase to $0 request for water system. "The general management plan for Great Basin National Park designates that administrative, maintenance, housing and visitor contact facilities be placed on the 80-acre administrative site adjacent to Baker, NV. These new facilities will require construction of adequate water and wastewater services. The new administrative site will hook into the joint National Park Service/Baker water and sewer system. The Committee has provided $250,000 to the Baker Water and Sewer General Improvement District to cover the additional cost for oversizing the system to serve Service facilities in addition to the community of Baker, NV." (House Report 103–158, pages 30 and 32, and H.R. 2520, page 16, line 24; page 17, line 3.)

*NPS:* "No SWP [Servicewide Priority], amount is lower than current estimates, archeo work needed".

16. *Ice Age Scientific Reserve, Wisconsin*—Line Item Construction: $500,000 increase to $0 request for exhibits. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], non-NPS area should be deferred".

17. *Indiana Dunes National Lakeshore, Indiana*—Line Item Construction: $125,000 increase to $0 request for Long Lake Wetlands Overlook. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], non-safety/preservation issue should be deferred".

18. *James A. Garfield National Historic Site, Ohio*—Line Item Construction: $1,311,000 increase to $0 request for site, building restoration. (House Report 103–158, page 30.)

*NPS:* "Additional phase of ongoing rehabilitation could be deferred".

19. *Jean Lafitte National Historical Park, Louisiana*—Line Item Construction: $100,000 increase to $0 request for Barataria levee recreation plan. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], non-safety/preservation issue should be deferred".

20. *Lackawanna Heritage Park, Pennsylvania*—Line Item Construction: $670,000 increase to $0 request for technical assistance. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority]; non-park related local support should be deferred".

21. *Lincoln Research Center, Illinois*—Line Item Construction: $3,000,000 increase to $0 request "for the Lincoln Center to be developed in Springfield, Illinois in conjunction with the Lincoln Home National Historic Site. The National Park Service should not use this money until the appropriate authorization is in place which sets out the overall scope of the project." (House Report 103–158, pages 30 and 32, and H.R. 2520, page 16, lines 15–18.)

*NPS:* "No SWP [Servicewide Priority], not NPS area related, funds cannot be obligated in FY 1994".

22. *Lincoln Home National Historic Site, Illinois*—Line Item Construction: $709,000 increase to $0 request for Dubois House rehabilitation. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], structure not jeopardized, work could be deferred".

23. *Lincoln Home National Historic Site, Illinois*—Line Item Construction: $707,000 increase to $0 request for Morse House rehabilitation. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], structure not jeopardized, work could be deferred".

24. *Lyndon B. Johnson National Historic Site, Texas*—Line Item Construction: $100,000 increase to $1,300,000 request for exhibits. (House Report 103–158, page 30.)

*NPS:* "Additional amounts for exhibits can be obligated".

25. *Mount Vernon Bicycle Trail, Virginia*—Line Item Construction: $450,000 increase to $0 request to correct safety hazards. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], work should be deferred".

26. *Natchez Trace Parkway, Mississippi*—Line Item Construction: $4,000,000 increase to $0 request for Parkway construction in addition to $5,500,000 request in the Federal Lands Highway Program. (House Report 103–158, pages 30 and 31.)

*NPS:* "Additional phase could be deferred, ongoing work in progress".

27. *New Jersey Coastal Heritage Trail, New Jersey*—Line Item Construction: $255,000 increase to $0 request for signage/interpretative plan. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], would develop interpretative plan, trails, exhibits".

28. *North Cascades National Park, Washington*—Line Item Construction: $40,000 increase to $0 request for Sterling Munro Nature Trail. (House Report 103–158, page 30.)

*NPS:* "No SWP [Service Priority], work more appropriately accomplished in ONPS [Operation of the National Park System] program".

29. *Port Chicago National Memorial, California*—Line Item Construction: $40,000 increase to $0 request for memorial fabrication/construction. (House Report 103–158, page 30.)

*NPS:* "No SWP [Servicewide Priority], not an NPS area, funds could be appropriated to the Navy".

30. *Salem Maritime National Historical Park, Massachusetts*—Line Item Construction: $1,300,000 increase to $0 request for various projects. $1,300,000. (House Report 103–158, page 30.)

*NPS:* "Additional Central Wharf exhibits, waysides, etc., should be deferred."

31. *San Antonio Missions National Historical Park, Texas*—Line Item Construction: $1,406,000 increase to $0 for exhibitions. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], exhibit work should be deferred".

32. *Stones River National Battlefield, Tennessee*—Line Item Construction: $700,000 increase to $0 for trail connector. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], non-safety/preservation work could be deferred".

33. *Thomas Stone National Historic Site, Maryland*—Line Item Construction: $1,170,000 increase to $0 for main house restoration. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], non-safety/preservation issue should be deferred".

34. *Ulysses S. Grant National Historic Site, Missouri*—Line Item Construction: $150,000 increase to $0 to restore historic structures (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], only planning work could be undertaken in FY 1994".

35. *Upper Susquehanna Heritage, Pennsylvania*—Line Item Construction: $50,000 increase for technical assistance. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority]; non-park related local support should be deferred".

36. *War in the Pacific, Guam*—Line Item Construction: $500,000 increase to $0 request for monument. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

37. *Weir Farm National Historic Site, Connecticut*—Line Item Construction: $395,000 increase to $0 request to restore historic structures. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], next phase of work could be deferred".

38. *Yosemite National Park, California*—Line Item Construction: $250,000 increase to $0 request for Bearbox installation. (House Report 103–158, page 31.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

39. *Boston National Historical Park, Massachusetts*—Planning: $315,000 increase to $0 request for Old South Meeting House. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

40. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $185,000 increase to $0 request for riverbank stabilization. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

41. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $200,000 increase to $0 request for railroad maintenance facility.

*NPS:* "No SWP [Servicewide Priority], should be deferred".

42. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $50,000 increase to $0 request for Snowville and Dover reclamation: $50,000. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

43. *Cuyahoga Valley National Recreation Area, Ohio*—Planning: $80,000 increase to $0 request for Tinkers Creek Aqueduct. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

44. *Fort Necessity National Battlefield, Pennsylvania*—Planning: $775,000 increase to $0 request for Historic Structures Report; exhibit plans; archaeological research.

*NPS:* "No SWP [Servicewide Priority], should be deferred".

45. *Glacier National Park, Montana*—Planning: $400,000 increase to $0 request to rehabilitate chalets. "A total of $1,000,000 has been provided to bring National Historic Landmark chalets at Glacier National Park into compliance with Montana and Federal health and safety standards. In providing this appropriation the Committee expects the National Park Service to continue providing a valued visitor experience; to assure a safe, efficient, and cost effective operating plan; and to provide appropriate disposal systems that will ensure the long term capability of these facilities to operate in an environmentally responsible manner." (House Report 103–158, pages 31 and 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred; would need $200,000 more from line item to do".

46. *James A. Garfield National Historic Site, Ohio*—Planning: $210,000 increase to $0 request for site, building restoration. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

47. *Olympic National Park, Washington*—Planning: $2,464,000 increase to $336,000 request for Elwha Dam removal. "Funds provided to implement the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102–495) shall also allow for baseline studies to be conducted to consider potential impacts on water quality that would occur from the removal of the Elwha dams. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

48. *Thomas Stone National Historic Site, Maryland*—Planning: $150,000 increase to $0 request for main house restoration. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

49. *Zion National Park, Utah*—Planning: $360,000 increase to $0 request for transportation system. (House Report 103–158, page 32.)

*NPS:* "No SWP [Servicewide Priority], should be deferred".

50. *Salt River Bay National Historical Park and Ecological Preserve, Virgin Islands*—General Management Plans: $125,000 increase to $0 request. "In addition, the Committee recommends $125,000 within the general management plan budget for Salt River NHP, VI." (House Report 103–158, page 32.)

*NPS:* "Earmarking $125,000 for Salt River will affect one or more of the GMP projects on the NPS priority list. Either amounts will be decreased on several projects, or the lowest ranked project (Wolf Trap Farm Park or Regional Office Projects) will be reduced substantially."

51. *Camino Real, New Mexico and Texas*—Special Resource Studies: $150,000 increase to $0 request. (House Report 103–158, page 32.)

52. *El Paso Missions, Texas*—Special Resource Studies: $150,000 increase to $0 request. (House Report 103–158, page 32.)

53. *Golden Gate Recreation Area, California*—Special Resource Studies: $10,000 increase to $0 request. (House Report 103–158, page 32.)

54. *Hudson Valley Greenway, New York*—General Management Plans, Special Resource Studies: $200,000 increase to $0 request. (House Report 103–158, page 32.)

55. *Rutherford B. Hayes, Ohio*—General Management Plans, Special Resource Studies: $100,000 increase to $0 request. (House Report 103–158, page 32.)

56. *Toledo Urban Waterfront, Ohio*—General Management Plans, Special Resource Studies: $150,000 increase to $0 request. (House Report 103–158, page 32.)

57. *Emergency, Unscheduled, and Housing Projects:* $750,000 increase to $2,000,0000 request.

The Committee recommends decreases totaling $51,591,000 impacting 74 projects; decreases of $45,642,000 for 15 line-item construction projects; a decrease of $760,000 for special resource studies results in the elimination of 10 ongoing studies and 9 planned new studies; and a decrease of $5,159,000 for 40 planning projects.

### NPS LINE-ITEM CONSTRUCTION DECREASES:
### $46,415,000 FOR 15

1. Biscayne National Park, Florida: $1,500,000 decrease of $4,855,000 request for equipment exhibits, trails. "The reduction to the Biscayne NP, FL construction project defers the trails portion for a subsequent appropriation." (House Report 103–158, page 31.)

*NPS:* "Defers mangrove restoration requiring more expensive phase".

2. Cuyahoga Valley National Recreation Area, Ohio: $3,930,000 decrease to $5,055,000 request for Krejci toxic waste cleanup. (House Report 103–158, page 30.)

*NPS:* "The NPS is currently violating hazardous materials storage health and safety laws. If the full $5,055,000 is not restored, the project will have to shut down. The State will issue a Notice of Violation against the Service. Restart of cleanup work in a future year will cost more because of mobilization costs."

3. Cuyahoga Valley National Recreation Area, Ohio: $275,000 decrease to $400,000 request for Armington Dam No. 1 safety modifications. (House Report 103–158, page 30.)

*NPS:* "Revised amount can be obligated".

4. Delaware Water Gap National Recreation Area, Pennsylvania: $1,250,000 decrease to $1,250,000 request for Pahaquarry Copper Mines. (House Report 103–158, page 30.)

*NPS:* "High SWP [Servicewide Priority], safety concerns for mine stabilization".

5. Denahli National Park and Preserve, Alaska: $1,487,000 decrease to $1,487,000 request for mountain rescue center. (House Report 103–158, page 30.)

*NPS:* "High SWP [Servicewide Priority], leased building cannot handle increased rescue incidents".

6. Denahli National Park and Preserve, Alaska: $2,200,000 decrease to $2,200,000 request for Teklinika restrooms. (House Report 103–158, page 30.)

*NPS:* "If this project is not built, visitors on the popular park road will continue to use unhygienic portable chemical toilets and be forced to stand in line outdoors for extended periods of time in an area of heavy mosquito infestation and frequent storms."

7. Gateway National Recreation Area, New York: $6,430,000 decrease to $13,030,000 request for Great Kills Bathhouse. (House Report 103–158, page 30.)

*NPS:* "High SWP [Servicewide Priority], however, project could be phased, one year delay".

8. Great Smoky Mountains National Park, North Carolina: $5,000,000 decrease to $5,000,000 request for Oconalluftee Visitors Center infrastructure. (House Report 103–158, page 30.)

*NPS:* "High SWP [Servicewide Priority], deferral will increase costs.

9. John D. Rockefeller Parkway, Wyoming: $2,159,000 decrease to $2,859,000 request to relocate Flagg Ranch. (House Report 103–158, page 30.)

*NPS:* "The House substituted the $700,000 component contained in the FY'93 Economic Stimulus Program for underground power lines in lieu of the FY'94 project to construct a contact station and staff housing. This means there will be no NPS visitor contact for interpretation or dissemination of safety information nor any public restrooms at the concessionaire's new Flagg Ranch facility."

10. Klondike Gold Rush National Historical Park, Alaska: $1,015,000 decrease to $1,015,000 request to restore Skagway Historic District. (House Report 103–158, page 30.)

*NPS:* "High SWP [Servicewide Priority]".

11. Martin Luther King, Jr., National Historic Site, Georgia: $1,000,000 decrease to $1,800,000 request to restore Birth Home block historic structures. (House Report 103–158, page 30.)

*NPS:* "Dr. King's birthhome block contains structures that are deteriorated, historically inaccurate, and one important historic structure has already collapsed. Without full funding, the birthhome block, the historic resource of this park, will continue to be a substandard unit of the National Park System."

12. Martin Luther King, Jr., National Historic Site, Georgia: $9,982,000 decrease to $9,982,000 request for visitor facilities. (House Report 103–158, page 30.)

*NPS:* "Without this project, the park will not have a facility to interpret Dr. King's contribution to America, and, since current visitation cannot be handled by current facilities (parking and comfort stations, exhibits), the park will be totally unable to handle expected visitation during the Atlantic Olympic Games in 1996."

13. National Capitol Parks, District of Columbia: $3,100,000 decrease to $3,100,000 request to restore Washington Monument grounds. (House Report 103–158, page 30.)

NPS. "High SWP [Servicewide Priority], defers and makes more expensive first phase".

14. Yosemite National Park, California: $1.214,000 decrease to $1,214,000 request for sign plan implementation. (House Report 103–158. page 31.)

*NPS:* "Very high SWP [Servicewide Priority], safety concern disrupts visitor traffic flow".

15. Yosemite National Park, California: $5,100,000 decrease to $5,100,000 request to rehabilitate electrical system. (House Report 103–158, page 31.)

*NPS:* "Very high SWP [Servicewide Priority], poses severe safety issue, system rapidly decaying".

NPS, SPECIAL RESOURCE STUDIES DECREASES: $760,000 FOR ELIMINATION OF 19

1. African American Heritage, New Jersey/Pennsylvania—Special Resource Studies: $0 for proposed new study.

2. Agricultural/Industrial Heritage, Iowa—Special Resource Studies: $0 for proposed new study.

3. Bear Tooth Highway, Montana—Special Resource Studies: $0 for proposed new study.

4. Big Two-Hearted River, Michigan—Special Resource Studies: $0 for proposed new study.

5. Blood Run, Iowa—Special Resource Studies: $0 for proposed new study.

6. Carnegie Steel Mill Towns, Pennsylvania—Special Resource Studies: $0 for proposed new study.

7. Great Cypress Swamp, Delaware—Special Resource Studies: $0 for proposed new study.

8. Kennicott-McCarthy, Alaska—Special Resource Studies: $0 for proposed new study.

9. Oak Hill, Virginia—Special Resource Studies: $0 for proposed new study.

10. Atchafalaya Basin, Louisiana—Special Resource Studies: $0 for ongoing study.

11. Bear River Massacre Site, Idaho—Special Resource Studies: $0 for ongoing study.

12. Buffalo Prairie National Park, Nebraska—Special Resource Studies: $0 for ongoing study.

13. Lower Eastern Shore, Maryland—Special Resource Studies. $0 for ongoing study.

14. Missouri National Recreation Center Area, Nebraska/South Dakota—Special Resource Studies: $0 for ongoing study.

15. New Jersey Delaware Bay, New Jersey—Special Resource Studies: $0 for ongoing study.

16. Route 66, Illinois/California—Special Resource Studies: $0 for ongoing study.

17. Susan B. Anthony, New York—Special Resource Studies: $0 for ongoing study.

18. Underground Railroad Study, Multi-State—Special Resource Studies; $0 for ongoing study.

19. Wounded Knee, South Dakota—Special Resource Studies: $0 for ongoing study.

NPS, PLANNING DECREASES: $5,189,000 IMPACTS 40

1. Acadia National Park, Maine—Planning: Decrease to $150,000 request to restore carriage roads.

2. Alaska Regionwide—Planning: Decrease to $550,000 request for regionwide employee housing.

3. Appalachian National Scenic Trail, Connecticut/Maine/Maryland/Massachusetts/New Hampshire/New Jersey/New York/Pennsylvania/Vermont/Virginia—Planning: Decrease to $250,000 request to restore sites, rehabilitate structures, remove unsafe conditions.

4. Biscayne National Park, Florida—Planning: Decrease to $150,000 request to replace visitor and support facilities.

5. Crater Lake National Park, Oregon—Planning: Decrease to $383,000 request for reevaluation of development concept plan/environmental assessment.

6. Delaware Water Gap National Recreation Area, Pennsylvania/New Jersey—Planning: Decrease to $1,300,000 request to rehabilitate visitor and support facilities.

7. Denali National Park and Preserve, Alaska—Planning: Decrease to $150,000 request for Teklanika comfort stations.

8. Denali National Park and Preserve, Alaska—Planning: Decrease to $150,000 request for South Side Denalhi Environmental Impact Statement.

9. Fort Sumter National Monument, South Carolina—Planning: Decrease to $200,000 request for Charleston tour boat facility, Phases I and II.

10. Gateway National Recreation Area, New York—Planning: Decrease to $75,000 request for rehabilitation of Jacob Riis Bathouse.

11. Gateway National Recreation Area, New York—Planning: Decrease to $1,300,000 request for construction of Great Kills Park facilities.

12. Gateway National Recreation Area, New York—Planning: Decrease to $400,00 request for Floyd Bennett Field water system repairs.

13. George Washington Memorial Parkway, Maryland—Planning: Decrease to $1,200,000 request for Glen Echo utilities and buildings.

14. Grand Canyon National Park, Arizona—Planning: Decrease to $600,000 request for employee housing.

15. Great Smoky Mountains National Park, North Carolina—Planning: Decrease to $225,000 request for Oconoluftnee visitor center.

16. Harpers Ferry National Historical Park, West Virginia—Planning: Decrease to $750,000 request to rehabilitate Shipley and Grandview schools.

17. Independence National Historical Park, Pennsylvania—Planning: Decrease to $7,564,000 request to rehabilitate Park utilities.

18. John D. Rockefeller Memorial Parkway, Wyoming—Planning: Decrease to $425,000 request for Flagg Ranch facilities, Phase I and Phase II.

19. Kenai Fjords National Park, Alaska—Planning: Decrease to $225,000 request for development concept plans.

20. Klondike Gold Rush National Historical Park, Alaska—Planning: Decrease to $200,000 request to restore Skagway Historic District.

21. Lake Mead National Recreation Area, Nevada/Arizona—Planning: Decrease to $100,000 request to implement entrance station program.

22. Lyndon B. Johnson National Historical Park, Texas—Planning: Decrease to $130,000 request to provide Park operations/headquarters building, Phase IV.

23. Martin Luther King, Jr. National Historic Site, Georgia—Planning: Decrease to $850,000 request for visitor facilities and exhibits.

24. Mount Rainier National Park, Washington—Planning: Decrease to $150,000 request to rehabilitate Paradise Valley water and sewer systems.

25. Mount Rainier National Park, Washington—Planning: Decrease to $455,000 request to replace Sunrise Lodge.

26. Mount Rainier National Park, Washington—Planning: Decrease to $97,000 request to replace employee dorm at Paradise.

27. National Capital Region, Central, District of Columbia—Planning: Decrease to $1,260,000 request to restore Washington Monument grounds.

28. National Capital Region, Central, District of Columbia—Planning: Decrease to $2,200,000 request for Lincoln and Jefferson Memorials. Phase IV and future phases.

29. National Capital Region, White House, District of Columbia—Planning: Decrease to $100,000 request to rehabilitate White House heating and air conditioning systems.

30. North Cascades National Park, Washington—Planning: Decrease to $350,000 request for environmental impact statement for Stehekin implementation plan.

31. Ozark National Scenic Riverway, Missouri—Planning: Decrease to $1,050,000 request for Akers Ferry Campground. Phases I and II.

32. Sequoia National Park, California—Planning: Decrease to $1,180,000 request to replace Giant Forest facilities.

33. Shenandoah National Park, Virginia—Planning: Decrease to $60,000 request for employee housing facilities development.

34. Upper Delaware Scenic and Recreational River, New York/New Jersey—Planning: Decrease to $750,000 request for restoration of Roebling Bridge.

35. Yellowstone National Park, Wyoming/Montana—Planning: Decrease to $800,000 request for employee housing, Phase I.

36. Yosemite National Park, California—Planning: Decrease to $390,000 request to rehabilitate electrical system.

37. Yosemite National Park, California—Planning: Decrease to $300,000 request to remove facilities from Yosemite Valley.

38. Yosemite National Park, California—Planning: Decrease to $195,000 request for El Portal maintenance facilities.

39. Yosemite National Park, California—Planning: Decrease to $750,000 request for El Portal employee housing.

40. Yosemite National Park, California—Planning: Decrease to $250,000 request to implement parkwide sign program.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I am glad to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman has some information, and I have not heard all of the gentleman's statement, but I would just suggest that the $3,000 limitation he referred to only refers to where there is not a specific authorization for construction in a park. Very often there is.

Mr. FAWELL. Reclaiming my time, I would agree with the gentleman, if there is a specific authorization.

Mr. VENTO Second, I would disagree with the gentleman and would point out specifically that the provision for the set-aside we made from the Historic Preservation Fund is entirely appropriate and consistent with the law, and is not in the same category as the other types of earmarks that have been appropriated that the gentleman has referenced. I also share many of the gentleman's concerns about unauthorized projects and earmarking in these projects. I did not hear the gentleman's entire statement, but I wanted to make certain that he knows I will work in good faith with him to establish sound policy based on legislative action.

Mr. FAWELL. I appreciate those words, and I do not think I basically disagree with them, as long as there is a specific authorization there. And I certainly have no problem in that regard.

Mr. DE LUGO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to commend the chairman and ranking member of the committee for the provisions in here relating to the insular areas, and also commend the staff for the work done, and urge support for H.R. 2250.

Mr. Chairman, I rise in support of H.R. 2250, a bill making appropriations for the Department of Interior for fiscal year 1994.

As chairman of the authorizing subcommittee with general jurisdiction over the U.S. insular areas which receive assistance through the Department of the Interior, I want to commend my friend and distinguished colleague, the chairman of the Appropriations Subcommittee, SIDNEY YATES, for his hard work and dedication in bringing this bill to the floor today. I also want to express my thanks and appreciation to him for his continued sensitivity to the Federal responsibilities and needs of the U.S. insular areas.

Mr. Chairman, H.R. 2250 includes the President's request for reconstruction grants related to the devastation of Hurricane Hugo in the Virgin Islands. These funds are to complete essential projects at the University of the Virgin Islands, including renovations to bring facilities into compliance with basic safety standards. I testified before Chairman YATES' subcommittee in support of this request earlier this year and I am very pleased to see that this request for the University of the Virgin Islands was included in the bill before us today.

H.R. 2250 would also provide funding for land acquisition at the Salt River National Historical Park on St. Croix in the Virgin Islands which was established last year, as a result of legislation which I sponsored.

The de Lugo Salt River bill protects a unique complex of natural and cultural resources that goes back as far back a 2000 BC. It is a 912 acre park that will bring about an unprecedented degree of joint Federal/territorial management of the resources of the area.

The enactment of the de Lugo Salt River bill was an achievement of which I am particularly proud. It was the culmination of my efforts to save Salt River which began in 1958, when I sponsored legislation as a member of the local legislature of the Virgin Islands, to purchase 50 acres of the area including the 5-acre beach where Christopher Columbus landed on his second voyage to the New World.

Initially, there was little political support for a park at Salt River, partly because many did not understand the enormous economic benefits that such a park could generate for the island and the people of St. Croix. Also, many did not believe it was possible to establish a jointly managed park as my legislation did.

I wish to thank the chairman of the Subcommittee on National Parks Forests and Public Lands, BRUCE VENTO and GEORGE MILLER, chairman of the Committee on Natural Resources for their support of this unique park. I also want to thank the Governor of the Virgin Islands, Alexander Farrelly, who has become a strong supporter of the park and whose wife is a member of the management commission.

I also want to thank Virgin Islanders like Jessie Thompson, Rudy O'Reilly, Jr., and William J. Cissel, a noted historian with the National Park Service on St. Croix, for their support as well. In addition, I would like to thank groups like the St. Croix Environmental Association and the Nature Conservancy and Liz Wilson and Helen Gessing of the League of Woman's Voters for their help also.

Salt River continues to enjoy widespread support in the Virgin Islands, and I am very hopeful that with the enactment of this legislation we can begin the process of making this truly unique national treasure a reality.

Mr. Chairman, I would also like to thank Chairman YATES for his support of the needs of the other insular areas particularly American Samoa and Palau where there continues to be great needs but with very little economic resources for the people there to draw upon to help meet these needs.

In conclusion I want to again thank the chairman of the Subcommittee, Chairman YATES, and the ranking member of the subcommittee, RALPH REGULA, for the support they have shown to the people of the U.S. offshore areas. I also want to thank the chairman of the full Appropriations committee, the distinguished gentleman from Kentucky, BILL NATCHER for his support as well, and I urge my colleagues to support this bill.

### AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 46, line 17, strike "$155,903,000" and insert "$148,955,000".

Mr. BURTON of Indiana. Mr. Chairman, this amendment would strike the funding of $6.9 million for the Forest Legacy Program. This is another case of the Federal Government attempting to purchase additional parkland when we do not even have the resources to take care of the parks that we already have and wilderness areas we already have in this country.

Under the Forest Legacy Program the Federal Government has authority to purchase virtually any woodland with the potential for development. Given the current economic circumstances, taxpayers do not need to see further erosion in their property tax base, especially in rural areas. The Federal Government confiscates the property or takes the property, and it erodes the property tax base, and it hurts local communities around this country that rely on property taxes to run their local governments.

Given today's economic conditions, how can Congress justify spending $6.9 million on this program?

The Forest Legacy Program was enacted by circumventing the normal committee process. No public hearings were held, no input from local government was ever requested. It was never even debated by either the House or the Senate.

This money would be far better spent on forest management and fire protection for our current forests rather than further expansion.

I would like to also point out that the Forest Legacy Program is strongly opposed by the American Farm Bureau. Let me quote what the Farm Bureau said about this program.

As written, the authority to purchase forest land or place easements on forest land is not limited to lands that offer unique or significant environmental values. Instead, it

> extends well beyond environmentally valuable lands to make eligible for Federal purchase virtually any woodland that may be developed.
>
> Second, as organization of landowners and taxpayers, a large portion of whom own forest and woodland, we do not consider the purchase of land that offers no unique and special value a wise public policy or an efficient use of tax dollars.
>
> Third, furthermore, we do not need to see further reduction in the property tax base, especially in rural areas.
>
> Fourth, and finally, from the standpoint of private property rights, we are concerned about the impact this legislation has on those entering the long-term contracts as well as on adjacent and nearby property owners. We believe that the forest legacy program will result in a further erosion of private property rights.

There have been no open hearings in the House or Senate on this program. It was established with the support of environmental extremists in the 1990 farm bill, literally in the dead of night and behind closed doors.

The program is opposed by the forest products industry. It is opposed by the American Farm Bureau and opposed by property rights organizations.

I hope my colleagues will show their support for the Farm Bureau and the people who want to keep their property without Government infringement by supporting this amendment, and I hope my colleagues on the committee will look with favor on supporting it.

□ 1530

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment may close in 5 minutes, if that is acceptable to the gentleman, and that I be allowed to control 3 minutes and the gentleman from Indiana [Mr. BURTON] be allowed to control the remaining 2 minutes, if he wants it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this program was authorized in the 1990 farm bill to meet a need identified in a study requested by Congress to provide a mechanism for conserving and protecting forest lands in the New England States, New York, and Washington State. Only local governments who are willing to participate may receive funding to acquire easements which will then provide for long-term protection of remaining forest lands in these States.

The goal is to conserve environmentally important private forest lands threatened with conversion to nonforest uses. For some cases, the right to public access becomes part of the conservation easement.

This was a program, Mr. Chairman, that was initially funded in the Senate, and as far as the House is concerned, we went along with the Senate on this.

The amendment offered by the gentleman is one that, I think, ought to be opposed. It does offer opportunities for those municipalities, and only those municipalities, that want to participate, and I would urge a vote against the amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman and Members, I support this amendment.

We have 750 million acres of land now in the public domain. We have a tough time, as we have heard in the last 2 days, financing what we have. Let us not start taking more. Certainly in this Nation we have a great respect for property rights and, therefore, in this instance, I do not think, this program makes good policy. I certainly support the amendment of the gentleman from Indiana.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just would urge a vote against the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just end up by saying to my colleagues that there have been no open hearings on this bill. It is opposed by the Farm Bureau. It is opposed by many private-property-rights organizations, and local governments opposite it because it allows the Federal Government to take property away, and that erodes their property tax base.

This is a very good amendment, and I hope you will support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. POMBO: Page 11, line 20, strike "$61,610,000" and insert "$60,610,000".

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment be limited to 10 minutes, 5 minutes to be controlled by the gentleman from California [Mr. POMBO] and 5 minutes to be controlled by the gentleman from California [Mr. FAZIO].

The CHAIRMAN. The unanimous-consent request is for 10 minutes, 5 minutes on each side.

Is there objection to the request of the gentleman from Illinois?

Mr. POMBO. Mr. Chairman, reserving the right to object. I will agree to 10 minutes on each side.

The CHAIRMAN. The gentleman from California [Mr. POMBO] does not agree to that unanimous-consent request. He suggests that it be 10 minutes on each side.

Mr. YATES. All right. Mr. Chairman, I will amend my request to make it 10 minutes on each side to the amendment, and all amendments thereto.

The CHAIRMAN. To this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. POMBO] will be recognized for 10 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will cut $1 million from H.R. 2520, the Department of the Interior appropriations for fiscal year 1994.

I propose to reduce the Fish and Wildlife Service acquisition appropriation by $1 million.

It is my intention to have this $1 million cut come from funds intended for my district.

The committee report provides that $1 million be directed toward the Stone Lakes Wildlife Refuge, the vast majority of which is included in my congressional district.

Many of my constituents who reside near this refuge are opposed to the Stone Lakes Refuge.

Mr. Chairman, I would like to give a few reasons why. One of the main reasons that has come up over the last couple of years that we have been working on this issue is the health reason. We have the potential of creating a health problem in a very populated area and an area nearby which is planned for development.

I would like to read, if I may, an excerpt from a letter that was sent October 7, 1991, from the Department of Health Services in Sacramento. It states:

> I am concerned about locating this refuge in particular, and any wildlife refuge in general, adjacent to human habitation. The draft environmental impact statement [DEIS] does not address the potential public health impact from production of insects and other animals which may harbor or transmit disease organisms to man.
>
> A major concern is mosquitoes. When land is intermittently flooded, several species of mosquitoes may be produced. Not only are floodwater mosquitoes voracious feeders and therefore directly injurious, but one common species has been implicated in the transmission cycle of Western equine encephalitis, a serious disease of horses and humans. Quiescent water gives rise to the carriers of

western equine and St. Louis encephalitis and of malaria, all of which have occurred in the area of the proposed refuge.

Mr. Chairman, I would also like to make comment as to a letter sent out by the mosquito and vector control district on April 1 of this year, and a portion of the letter states:

> As a Board we are mindful of the consequences of being constrained from doing our job of mosquito abatement and the effect this could have on nearby urban populations of Laguna, Elk Grove and South Sacramento neighborhoods. It seems as a society we have forgotten how important mosquito control is. Many think only of the nuisance caused by mosquito populations. The truth of the matter is that these mosquitoes can pose a significant health risk as they can transmit many harmful disease organisms to man.

Mr. Chairman, those are just a couple of things that have been pointed out recently on the health issue, and it is becoming a serious issue in the northern part of my district.

Recently, we have had an outbreak of equine encephalitis in the area, and it is of immense concern to myself and to many of my constituents as to how we handle that matter.

The other issue that has been brought out by my constituents has to do with property rights. I believe that it is extremely important that we protect the property rights of our citizens.

These particular farmers and ranchers who are in this area feel that they have not had their day in court, so to speak, and have not had their property rights effected. What happens many times with the Fish and Wildlife Service is they will step in and designate an area as a future wildlife refuge, which devalues the property in the area and puts restrictions on what they are able to do in the area. What has happened in this particular area is many of the ranchers and farmers are having a difficult time obtaining financing because of the wildlife-refuge designation, and I feel that it is important to preserve the property rights of those who are affected.

Mr. Chairman, I am including at this point in the RECORD the letter dated October 7, 1991, from the Department of Health Services, and the letter dated April 1, 1993, from the Sacramento-Yolo Mosquito and Vector Control District, as follows:

DEPARTMENT OF HEALTH SERVICES,
*Sacramento, CA, October 7, 1991.*

PETER JEROME,
*Refuge Manager, U.S. Fish and Wildlife Service, Sacramento, CA.*

DEAR MR. JEROME: Thank you for the opportunity to make comments on the "Jones and Stokes Associates, Inc., 1991. Environmental Impact Statement for the Proposed Stone Lakes National Wildlife Refuge. Draft (JSA 91-046.) Sacramento, California."

I am concerned about locating this refuge in particular, and any wildlife refuge in general, adjacent to human habitation. The draft environmental impact statement (DEIS) does not address the potential public health impact from production of insects and other animals which may harbor or transmit disease organisms to man.

A major concern is mosquitoes. When land is intermittently flooded, several species of mosquitoes may be produced. Not only are floodwater mosquitoes voracious feeders and therefore directly injurious, but one common species has been implicated in the transmission cycle of western equine encephalitis, a serious disease of horses and humans. Quiescent water gives rise to the carriers of western equine and St. Louis encephalitis and of malaria, all of which have occurred in the area of the proposed refuge.

The recent actions of the U.S. Fish and Wildlife Service and the project consultants in working with the local mosquito and vector control district is commendable and supported by the Department. However, I am concerned that a system, however well designed, can fail unless properly operated and maintained. Existing refuges in the Sacramento Valley continually undergo mosquito surveillance and chemical control efforts by local agencies. Furthermore, I am made extremely uncomfortable by the stated efforts by some refuges elsewhere in the nation to use "incompatible activities" as reasoning to get out from under the jurisdiction of mosquito abatement agencies. The DEIS does not address the use of pesticides for public health. While I strongly favor limited use of pesticides, I equally strongly support the judicious use of chemical mosquito control to protect people from mosquitoes and mosquitoborne diseases.

Diseases such as Lyme disease and rabies may be problems associated with the proposed refuge. We are just learning to understand the distribution of Lyme disease, transmitted by ticks. Rabies, however, is known to be endemic in the area. The proposed refuge will support increased numbers of skunks and promote an increase in the incidence of rabies.

There is a place for refuges, certainly. That place however, is not immediately adjacent to existing or planned residential areas.

If you have any questions, please contact me at (916) 445-0498.

Sincerely,

DON J. WOMELDORF,
*Chief, Environmental Management Branch.*

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SACRAMENTO-YOLO MOSQUITO AND
VECTOR CONTROL DISTRICT,
*Sacramento, CA, April 1, 1993.*

Re Stone Lakes National Wildlife Refuge—South Sacramento Preservation Council versus Plenert.

HOWARD ELLMAN,
*Ellman, Burke, Hoffman & Johnson, San Francisco, CA.*

DEAR MR. ELLMAN: This letter is to inform you of the Sacramento-Yolo Mosquito and Vector Control District, Board decision, to instruct its counsel to seek leave of the court to file a non-party amicus curiae ("Friend of the court") brief in support of plantiffs' case. Said case focuses on the potential mosquito impacts and the failure and reluctance of the U.S. fish & Wildlife Service (USF&WS) to date to fully disclose and mitigate mosquito impacts resulting from the creation of Stone Lakes National Wildlife Refuge. We have been attempting in good faith to reach a memorandum of understanding (MOU) for more than a year with the USF&WS to no use. Despite these good faith efforts by the district, we have not come very far toward a workable MOU that is acceptable to the District. Further, unless the Service commits to adequate funding even a well worded MOU is useless in the fight for a decent level of public health and safety.

It is interesting that the complaint alleges that the "Service is currently engaged in disputes with mosquito abatement districts in the Sacramento Valley who contend that the Service is obstructing abatement on other refuges, material facts that cast out on the efficacy of vague promises of 'cooperation' and non binding management agreements." (Complaint, p. 16.) This is a clear reference to the recent discussions with Service personnel concerning the problems encountered by the Colusa Mosquito Abatement District in its efforts to apply pesticides last year at the Colusa National Wildlife Refuge. The Sacramento-Yolo District and its staff have been participating in these discussions because of similar problems that are anticipated concerning pesticide application at the Stone Lakes National Wildlife refuge.

As a Board we are mindful of the consequences of being constrained from doing our job of mosquito abatement and the effect this could have on nearby urban populations of Laguna, Elk Grove and South Sacramento neighborhoods. It seems as a society we have forgotten how important mosquito control is. Many think only of the nuisance caused by mosquito populations. The truth of the matter is that these mosquitoes can pose a significant health risk as they can transmit many harmful disease organisms to man.

We feel it is our responsibility to protect our ability to do our job in the most effective manner possible unhampered by unreasonable Federal Government constraints. To that end we have instructed our counsel Mr. Shanahan to cooperate with you fully as he prepares our amicus curiae brief. Further, we have instructed our staff to cooperate with you in providing any information about vector control that you require and is in their ability to provide, also to cooperate with you on providing details of our negotiations with the USF&WS to develop a MOU. If you need any further help please don't hesitate to call me directly. We look forward to a positive solution to these troublesome issues.

Sincerely,

JOHN GOLDEN,
*President, Sacramento-Yolo Mosquito and Vector Control Board.*

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. POMBO].

First of all, I want to say that this wildlife refuge is located in southern Sacramento County, an area that I represented prior to reapportionment. The gentleman from California [Mr. POMBO] has inherited a concern that I dealt with for a number of years.

I might say that I was the last elected official to sign on to the support for Stone Lakes National Wildlife Refuge, after spending a good deal of time working on behalf of the farmers and landowners in the area. But I have now done so, and I rise in opposition to striking the funds, knowing full well that this project has very broad bipartisan support.

It was supported by both the administration of President Bush before President Clinton requested funds again this year.

The committee was unable to proceed last year because of a moratorium on new starts.

It also has the support of the gentleman from California [Mr. PACKARD], a member of the subcommittee and a Republican member of the California delegation, and I believe the support of the gentleman from California [Mr. PACKARD] is predicated on the continuing support of Governor Wilson. The Governor recently signed into law funding for State purchase of land from willing sellers in this area. He chose not to blue-pencil, or line-item veto, language that funded the State contribution. The Governor continues to support this project.

□ 1540

The refuge also has strong bipartisan support at the local level. The mayor and the city council in Sacramento support it. The chairman of the Sacramento County Board of Supervisors also. In fact, as I think I have already indicated, I was the last public official to support this.

I was the author of a provision that directed the Fish and Wildlife Service to study the possibility of creating this refuge. But it was only after I worked with local landowners and helped gain significant protections for agriculture in southern Sacramento County that I officially endorsed the project.

A number of accommodations have been made to address the concerns of the landowners, many of whom are involved in agriculture. Mr. POMBO and others have asserted that the United States Fish and Wildlife Service has not taken into consideration the concerns of these individuals. I really think they have.

At my request, the American Farmland Trust stepped in to help negotiate a settlement to the conflicts between the landowners and U.S. Fish and Wildlife Service. The American Farmland Trust, a national organization of farmers committed to voluntary habitat protection, worked with the service and the landowners to see that the concerns of agriculture were addressed. An agreement was struck that addressed the vast majority of the concerns raised by the landowners, and the American Farmland Trust has endorsed the creation of this important refuge.

No less than seven major concessions were made to landowners in the area in response to the concerns they raised.

### KEY CONCESSIONS

In general, the agreement directed USFWS to reduce the size of the refuge, delete significant agricultural areas from the refuge boundary, and protect wildlife and habitat values primarily through cooperative agreements and the purchase of conservation easements.

The key compromises reached, included the following:

The fee acquisition of land by USFWS was reduced by more than two-thirds of what was originally proposed for acquisition, from 9,167 acres to no more than 3,017 acres.

USFWS adopted a policy of making all acquisitions on a willing seller basis. To emphasize this point, our committee included language in last year's report to accompany the Interior appropriations bill which stated that "all land acquisitions shall be from willing sellers only, consistent with the environmental impact statement."

The committee further directed USFWS to minimize, to the greatest degree practicable, the fee acquisition of existing farm land. As a response to this language and at the urging of the American Farmland Trust, USFWS added a provision to the Record of Decision that requires the Service to cooperate with landowners, private organizations and county, State and Federal agencies to minimize the need for fee acquisitions of existing farmlands in the core area of the refuge.

The Service also adopted a provision in the EIS that will prohibit the reintroduction of federally listed threatened or endangered species, so there will be no future issue of that as the wildlife refuge boundaries are flushed out.

The Service agreed to create appropriate buffers on USFWS-controlled lands wherever wetlands are established next to private agricultural lands, in order to avoid conflicts with adjacent landowners, particularly over pesticide and herbicide use.

The Service agreed to work with the Sacramento-Yolo Mosquito Vector Control District to establish a memorandum of understanding that would define wetland design criteria and annual operating procedures for the control of mosquitos at the Stone Lakes National Wildlife Refuge.

By the way, I want to make very clear that in a June 23 letter to Mr. POMBO from the Mosquito Vector Control District, they stipulate that a position of theirs was mistakenly reported and that the board of trustees of the district has never gone on record in opposition to this wildlife refuge's creation. I think it is important to make clear that the public health of the community is being given consideration. That letter makes it clear that we are working together, and a memorandum of understanding has been reached so that there will not be any breakout of infectious diseases based on the wetland's creation.

In addition, I want to say that this binding and meaningful agreement between the mosquito abatement district and the Fish and Wildlife Service is in place and I believe we can, through the use of binding arbitration over disputes between the agencies, make sure that the public health and safety is protected.

I think we have gone a long way to minimize the environmental impact of this on the surrounding landowners and farmers. I think we have made every legitimate effort that we could to accommodate the concerns of people in the region. But this is not simply a local project; it is an extremely important one for the entire Sacramento area, and I believe we have gone about as far as we can go to accommodate the legitimate concerns of people who, I maintain, in some instances still utilizing their right to go to court, oppose the project.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. I thank the gentleman for yielding.

Mr. Chairman, I am familiar with this area as well. I was approached by some of the unhappy landowners who are very much opposed to creating this refuge and they asked me to visit the site. At the time, this was near my district, which is now that area taken over by the gentleman from California [Mr. POMBO]. He now represents the area previously represented by Mr. FAZIO, where much of this property is located.

What struck me was that this is prime farmland. This is undoubtedly some of the finest farmland in the United States. These landowners are very happy farming it.

They are terribly opposed to having this idea of this kind of wildlife refuge established there which will preclude them from carrying on their business. It is very hotly contested.

You know, like so many other things, if we had the money as a Government and we did not have a deficit and we had a surplus in terms of having no national debt, maybe this would be one thing to consider someplace—not here, but someplace.

But the fact of the matter is that we are going to be borrowing money to buy up more public land. We cannot properly manage the public land we have now, as we have heard from both sides of the aisle in earlier parts of the debate today.

Here we are going to buy up even more land. I think this is a terrible mistake. I certainly support the amendment of the gentleman from California [Mr. POMBO], and would urge Members to support him in that.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion on this, the gentleman from California [Mr. FAZIO], and the gentleman from California [Mr. MATSUI], and I have talked about this since I have been in Congress. Even though I am a new Member, one of the first groups that approached me, as a new Member, was the affected farmers and ranchers and landowners in this area about their concerns for this project and what it was going to do to them.

I spent a good deal of time with them going over what their issues were, and I have to agree with them that they were having part of their property rights taken away from them.

They felt that the Fish and Wildlife Service was coming in with a heavy hand and coming down on top of them.

The gentleman from California [Mr. FAZIO] pointed out previously that buffer zones had been created as part of this agreement. What scares all these farmers is that because they are unwilling sellers, that they have now become buffer zones. That would further restrict their farming activities in the area.

□ 1550

Most of these guys have been there for a great deal of time. They are very happy doing what they are doing. They have no intention of doing anything else, and they would like the opportunity for their farms to go on to their children and their grandchildren. They are very concerned about the creation of another wildlife refuge in the area.

There is another wildlife refuge that is located about 30 miles south of here that is underfunded, as this one would be, even with the $1 million passed.

One of my major concerns about this kind of legislation is what we are in effect doing. We are in effect creating wildlife refuges all over the country without the money to fund buying them; so we will go in and we will put a little bit of money in to start the process and buy a small part of it and restrict the use of all the rest of the land, and in the meantime we do not have the money to buy it.

So we are in effect taking part of the property rights of these individuals without paying them for it and we have no hope of being able to pay for it as this country continues to slip further and further into debt. This is a major concern of mine and it is a concern of many Members of this body, as has been voiced already today.

If you are going to go in and take people's lands, whether it is through regulatory taking or whether it is just through drawing a funny color on a map over their property, then you have got to pay them for it. This does neither. This takes their property and it does not pay the owners that are affected. That is what I am trying to stop here.

In conclusion, Mr. Chairman, I would just like to say there is a current lawsuit that has been filed on this. They hope to go to court sometime in September. Hopefully within the near future there will be some kind of settlement. The property owners will feel their day in court has been heard and we will not have these kinds of battles in the future.

It is my hope to delay any funding for this until at least that time.

Mr. Chairman, I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, I yield the remainder of my time to my colleague, the gentleman from Sacramento, CA [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. FAZIO] for yielding me this time.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from California [Mr. POMBO].

As the gentleman from California [Mr. FAZIO] has indicated, this has strong bipartisan support in northern California and throughout the State of California. The Governor's office, Pete Wilson's office, supports this.

This initiative actually began under President Reagan. President Reagan and President Bush did long-term environmental studies. We are talking about a 12- to 13-year study that, last year on July 17, 1992, culminated in declaring this area a National Wildlife Refuge.

The reason for it is because this has major value in terms of a major wetlands area, the only wetlands area left in northern California.

What we are talking about here is a mere $1 million only, only for willing sellers. This is not going to be done through condemnation.

This is an effort that has been going on approximately 12 to 15 years. It has strong bipartisan support. The city council of Sacramento, which is comprised of Democrats and Republicans, and the board of supervisors of Sacramento, bipartisan support for this effort as well. It is a project that the decision was already made.

Second, as the gentleman from California [Mr. FAZIO] has mentioned, the manager of the Sacramento Mosquito District, Allen Hubbard, says:

> I am not aware that there has ever been any opposition in any board meeting on the Stone Lakes National Wildlife Refuge.

This was dated June 23, 1993, just a month ago.

So this project is one in which we have to move ahead on. We are asking for $1 million. We originally asked for $12 million. Now it is $1 million for only purchases from willing sellers.

Mr. Chairman, I hope the membership strongly votes "no" on this amendment.

Mr. MATSUI. Mr. Chairman, I am pleased to have this opportunity to speak in support of the appropriation for willing seller land acquisition at the Stone Lake National Wildlife Refuge. This project and the other acquisition projects supported by H.R. 2520 are vitally important to California as our State becomes even more heavily populated and open spaces and natural areas continue to diminish.

A portion of the Stone Lakes Refuge is located in the southern portion of my congressional district. California's rapidly increasing population places tremendous pressure on available land and resources, and population patterns and development have decreased the amount of lands available to flora and fauna. Native Central Valley plant communities and their associated fish, wildlife, and plant species are at risk, and we must act now if we are to preserve the natural diversity which make California such a beautiful and appealing State.

Stone Lakes goes a long way toward achieving the goal of preserving both wildlife and necessary habitat. Standing alone, Stone Lakes is a vital part of Sacramento's plan for preserving our natural environment in the context of a rapidly expanding metropolitan area. But Stone Lakes is also a major link in California's chain of wetlands and wildlife refuges which has been sorely overburdened and taxed to the brink by urban development patterns, agricultural needs, and water resources and flood control projects.

Over the past 20 years, the decline of a significant portion of our aquatic natural resources in California has contributed to a steady decrease in waterfowl and other wildlife populations. The $1 million earmarked for the acquisition of prime wildlife property from willing sellers will help ensure the viability of this resource, so important to endangered, threatened, candidate, sensitive, and special concern species, as well as to waterfowl and shorebirds which make heavy use of the area in winter and as a migratory staging area.

Local government officials have expressed strong support for Stone Lakes, which would greatly increase the valley's carrying capacity for migratory waterfowl and help restore the Sacramento Valley to its earlier state in which incredible numbers of waterfowl and other fauna and flora made the area spectacularly alive. Support comes from the mayor of Sacramento, the chairman of the Sacramento Board of Supervisors, and local State government elected officials. It is my hope that the House will recognize the importance of this project and will support Stone Lakes so that species such as the American coot, the American avocet, the Swainson's hawk, the pied-billed grebe, and the long-billed marsh wren can live and flourish in California.

My colleague from Tracy, Mr. POMBO, has put forward several reasons why he is opposed to preserving this superb natural resource which will be visited by thousands of Sacramentans and other northern California residents each year. I strongly disagree with the position of my colleague, and I would like to discuss briefly why the issues he raises are red herrings and should be discarded.

In a letter dated June 15th of this year and distributed to Members of the House of Representatives, my colleague stated that he opposed Stone Lakes because the refuge would create "a perfect wetland habitat for mosquitoes * * *" Setting aside the issue of whether California needs to protect its wetlands resources, as it most assuredly does, my colleague's public health concerns are really without merit. There is no question that we must be concerned about health risks associated with mosquitoes and other wildlife. However, just 2 days ago the local abatement district voted to sign the memorandum of understanding it has painstakingly developed over the past few months with the Department of Fish and Wildlife, an MOU which details the abatement plan which will protect against an overabundance of mosquitoes at Stone Lakes.

My colleague's letter states that the Sacramento-Yolo Mosquito and Vector Control District opposes Stone Lakes. This simply is not true. The manager of the district has informed Mr. POMBO that the district is not opposed to Stone Lakes Wildlife Refuge. In fact, Stone Lakes enjoys wide-spread support throughout Sacramento. Supporters include elected officials, Government agencies, and the people of Sacramento.

My colleague's letter also states that "the local tax base would be damaged by the loss of this productive acreage." My colleague from Tracy fails to take into account the fact that Stone Lakes is an extremely important resource which will preserve Sacramento's unique and attractive environment. People from all over the country move to Sacramento precisely because of our region's rich natural beauty. Sacramento is still a uniquely hospitable large city. The Stone Lakes Refuge will help preserve Sacramento's attractiveness to my constituents and others, and will help preserve our tax base as well. Ugly cities will eventually drive people away and will rot the tax base. Rather than hurting our city's revenues, I am certain that Stone Lakes will actually enhance our tax base.

A liveable environment creates jobs and spurs economic growth. Stone Lakes will help preserve the beauty of California and will help ensure that the Central Valley remains an economically vibrant area in the long run. And the importance of Stone Lakes cannot be viewed myopically; what happens at Stone Lakes affects wildlife throughout the Western United States. If Stone Lakes is not preserved, another key link in the chain of refuges for migratory and shore birds will be lost, and the famous Pacific Flyway will be damaged. In order to preserve the human and natural environment throughout the west coast, we must take action and preserve areas like Stone Lakes. Not only for the future of the flora and fauna which are dependent on the resource, but also for our children and their children, so they might be able to enjoy the natural beauty of the great Central Valley and the wildlife that makes northern California such a unique place to live.

Mr. POMBO is also concerned about the rights of property owners. I can assure my colleagues that Stone Lakes respects the rights of landowners. Land will be acquired only from willing sellers, and the Fish and Wildlife Service is precluded from forcing property owners to sell their land. Additionally, buffer zones are included in the plans for Stone Lakes in order to minimize any problems with farmers who use pesticides and herbicides.

Flood control concerns have also been raised with respect to Stone Lakes but, as with the others, this objection is another red herring. The Department of Fish and Wildlife has determined that the establishment of Stone Lakes will not have significant hydrologic effects on the Stone Lakes area and would have minimal conflicts with ongoing flood protection and levee management in Sacramento. Flood control is constantly at the forefront of my thoughts as Sacramento is still in serious jeopardy of suffering tremendous damage and loss of life from floods. If I believed Stone Lakes would increase our flood risk, I would oppose the project, at least until Sacramento achieves adequate flood protection. But Stone Lakes does not aggravate our flood control problem according to experts, and so this issue is merely a distraction.

Mr. Chairman, the Stone Lakes Wildlife Refuge is vitally important to the protection of California's wildlife. I urge my colleagues to join with me in support of the Stone Lakes National Wildlife Refuge, and I urge you to defeat the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and on a division (demanded by Mr. POMBO) there were—ayes 17, noes 25.

### RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 246, not voting 19, as follows:

[Roll No. 334]

### AYES—174

Allard
Archer
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

### NOES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hoekstra
Holden
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

### NOT VOTING—19

Armey
Bevill
Bonior
Coleman
Conyers
Faleomavaega (AS)
Gephardt
Hastings
Henry
Hochbrueckner
Hoyer
Kolbe
Lehman

McKinney
Packard
Sarpalius
Torres
Towns
Washington

☐ 1614

The Clerk announced the following pair:

On this vote:

Mr. Kolbe for, with Mr. McKinney against.

Mr. SKELTON and Mr. HOEKSTRA changed their vote from "aye" to "no."

Messrs. LIVINGSTON, SMITH of New Jersey, FISH, and LAZIO changed their vote from "no" to "aye."

Mr. BLACKWELL changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 46, line 11, strike "$16,996,000" and insert "$11,996,000".

Mr. BURTON of Indiana. Mr. Chairman, this amendment would cut $5 million from the Forests for the Future Program. This bill originally had increased it by $10 million. I have reached an agreement with both the chairman and the ranking Republican on this committee to cut this by $5 million. Because of that, I will not elaborate further on the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the statement of the gentleman from Indiana [Mr. BURTON] is correct. We will accept the amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to say we accept the amendment, and also add this is a good amendment. I would have liked to have seen $10 million. I think this is a bad program, but at least $5 million is progress. For that reason, we are very enthusiastic about accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in a moment we will have the potential of a motion to rise. Some of us will be seeking to defeat the motion to rise in order to get to an amendment that seeks to set aside some money for fiscal 1994 for purposes of providing Midwest flood relief. The President has made a good faith effort, and I am supportive of what he is attempting to do, in moving in fiscal 1993 to provide some immediate help to the people in the Midwest. There is no doubt that is needed.

But the fact is we already know there is going to be obligations in 1994. We know that the extent of the damage is so massive that we are going to have obligations in 1994.

Mr. Chairman, some of us believe that the way to begin to prepare for that is by setting aside some money now that could be used for that kind of damage protection. So I will be offering an amendment that would set aside 1 percent of the funds in this bill, and we would hope to do it in each of the appropriation bills, that would give us about a $3 million to $5 billion pool that could be used to provide the help that will be necessary in the Midwest in fiscal 1994. It seems to me it is appropriate that we do something, where we know we have got an obligation ahead of us, that will assure that we do it in a fiscally responsible way. This is a way we can do it.

Mr. GRANDY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to rise in support of the gentleman being allowed to offer this amendment and defeating the motion to rise, for the following reasons: In about 15 minutes Members from the Midwest will be meeting with the President to talk about the disaster package. My conservative estimate at this point is it will be closer to $5 billion than the $2.5 billion the President has predicted. That is because the damage is not yet complete.

Yet we will, during these discussions, be talking about the need to provide better benefits through crop insurance, the need to provide better coverage through flood insurance, and it seems to me appropriate that this Congress begins to start buying insurance against the disasters that we have seen every year since this gentleman has been a Member. Although we cannot predict a disaster, we can certainly presume one will occur.

It is clearly worth a percentage of our appropriation bills annually to be set aside in a disaster contingency fund to prepare for these eventualities. If they are not spent, so much the better. Then the deficit is reduced accordingly, or we roll them into the next year. But emergency funding mechanisms, although convenient, add to the deficit.

Mr. Chairman, this is an important issue, and I hope it will allow us to change some of the precedents that we use in this body to fund disaster programs. There are usually disasters. We do not know where the money comes from. But I think this is an opportunity to discuss this fully, and I hope that when the motion comes to rise, it will be defeated simply to put this issue on the table. It is something I intend to bring up with the President at these meetings, and I hope that whatever happens today will be a signal to the administration that we want to find appropriate ways to buy insurance to prepare for these eventualities. We ask our constituents to buy crop insurance, to buy flood insurance.

☐ 1620

We should be asking ourselves to buy disaster insurance.

I thank the gentleman for yielding to me.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would point out that at the time of the 1990 Budget Agreement, it was presumed there would be these emergencies, and the cap was set lower so there would be room for emergencies. So it is already taken care of in the 1990 Budget Agreement.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman's statement. The problem is, however, that the deficit has continued to mount. And one way that we can begin to prepare to bring down some of the deficit numbers would be to set aside some money that we know is going to be spent.

I do not think the gentleman would disagree with me, knowing in his State that we are probably going to incur at least $3 billion and probably as much as $5 billion of obligation in the next year.

This is simply an attempt to begin to deal with that situation now in a responsible way.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, I also support his effort to do this. If a family found themselves in a situation like this, they would have to trim back on their own budget for their own emergency that they found. We need to do the same thing.

That is not to diminish the necessity for the emergency funds or the need for the disaster at all. But I join many flooded State Members that say, look, we have to start paying for these obligations.

I am also joining a group of Members that will today send a letter to the chairman of the Committee on Appropriations to ask to work together in order to find those offsets.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman realizes that we have this bill plus, as I understand, three more, is all that is remaining.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, in order to try to recoup, at 1 percent, unless we take most of it out of defense, I do not see that we are going to arrive at the gentleman's figure. One percent out of this bill right now is only about $100 million.

Mr. WALKER. Mr. Chairman, reclaiming my time, it is my intention, and I have already begun the process of talking to the Senate about if this House indicates that this is a direction they would like to go, we think we can find sponsors in the Senate to take the same kind of effort there so that it would be a conferencable item on each of the appropriations bills, as they come through. But we can start the process here by showing the Senate that this is what our intention is.

We will have a couple of other appropriations bills and the total of that would get us to the $3 billion to $5 billion.

I am aware of that. The problem is, of course, we did not have the emergency before the other appropriations bills went through. But I do believe that we can handle that situation and that the Senate may respond very positively. I have had very positive indications from Members that I have spoken to already today.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for yielding to me.

In response to the gentleman from Iowa [Mr. GRANDY], if the provisions of the Agriculture appropriations bill prevail in the Senate, then these farmers will not be able to get crop insurance next year because they had a loss this year. So they will not be eligible for crop insurance. I quite agree, that would be the right way to go.

Mr. GRANDY. Mr. Chairman, if the gentleman will continue to yield, I would just say that crop insurance is not a program that I think any of us have any confidence in. It cries out for reform.

One of the great problems that we will confront in this disaster bill is there will be no coverage for farmers who were prevented from planting.

My point is, in creating this disaster emergency fund that regardless whether it is crop damage or inner-city damage or damage to public works projects, we should start budgeting annually for these kinds of disasters, because we see them every year. I think that ought to be a normal appropriations process. That is why I think the gentleman's amendment should be made in order.

Mr. WALKER. Mr. Chairman, I thank the gentlemen.

I would also point out that if, as the gentleman from Indiana makes the case, the fact is that it makes it even more of a case that we are going to need some of this money next year, and the question is whether or not we are going to prepare for that contingency now.

All I am seeking to do is offer an amendment. All I am doing is seeking to offer an amendment that will allow us to do it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would point out to the gentleman that the normal process for dealing with these disasters is, of course, a supplemental appropriations bill. I am sure the President intends to ask for that.

Second, I would point out to the gentleman that this bill, after the actions of the House today and after the actions of our committee, has been cut $932,219,000 below the President's budget already. If we were to take an additional 1 percent out of this bill, it would go over $1 billion that we will have taken away from these agencies.

Mr. WALKER. Mr. Chairman, I thank the gentleman. The point is that we are going to have to do it on some of the other bills, too. It is not just directed at his bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Just let me respond to what the chairman said. I am aware, the President has sent up his proposal for the supplemental. The President's supplemental only calls for spending for 1993. And in his letter, Leon Panetta makes it clear that this is necessarily preliminary, and they are going to be seeking more in the future.

All I am suggesting is that if there is going to be more needed for the future, maybe we ought to get away from this idea of adding on to the deficit and maybe we ought to begin to prepare now.

We can, in fact, prepare now by beginning a process of setting aside some money. That is all I would seek to do.

The gentleman from Illinois wanted to cooperate with me offering this amendment. It was the gentleman from Kentucky who said we could not offer this amendment. I regret that, because it seems to me that the way to go here would be to have this amendment on the floor and see whether the House chooses to go the route of deficit add on each time we have an emergency or setting aside some money for emergency.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not want to quarrel with what the gentleman is trying to do. My concern is, all but four bills are already in the Senate.

Mr. WALKER. Mr. Chairman, I just explained that. In fact, I believe that the Senate will respond. If this House shows a determination to move in this direction, I believe there are Members in the Senate who will respond and we will have on the other bills a conferencable item that hopefully the committee would take up.

So we are going to have to have some cooperation from the Senate. Obviously, if the Senate does not cooperate, this is something that we could drop at that point. But for right now, it would be an important way of saying to the Senate, here is a way of moving ahead.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I have noted in the past 24 hours in the House that funding could have been made for the Midwest bill out of the flooding situation as follows: Yesterday, we voted on the possibility of cutting $174 million from the National Endowment for the Arts. We spent $3 million on the Presidio. The Interior bill contains $450,000 for a bike path in Northern Virginia.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. Chairman, the gentleman from Missouri just said 1 percent is only $100 million. That is $277 million.

We checked with the relief agency yesterday. That $277 million that we could save today will do as follows: It will buy 14 million meals. It will house 400,000 people for a period of time for several months until the waters go down. It will also provide for at least 400 emergency food centers to be opened up along the Mississippi River. In the past 24 hours, we could have taken care of a good portion of the flood relief. Instead, we are spending it on items that have nothing to do with the function of the Federal Government.

Mr. WALKER. Mr. Chairman, the point being here, though, what we are attempting to do with this money is simply to have this 1 percent that would be set aside for preparation for next year. I realize that is not going to get to the immediate emergency. The President is responding to the immediate emergency. I congratulate him for that.

□ 1630

This House has some degree of responsibility, it seems to me, to think ahead and look out for the future. That is all we are attempting to do with this particular amendment.

Mr. YATES. Reclaiming my time, Mr. Chairman, the reason I am reclaiming my time is to tell the gentleman that obviously his course of action depends upon whether the motion to rise is defeated. I propose now to go toward that motion to rise so that the House can exercise its will on that motion to rise.

I do not want to cut anybody off, but I would think we have debated this bill enough, really.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Missouri.

Mr. HANCOCK. I appreciate the gentleman yielding to me.

Mr. Chairman, I represent Missouri's Seventh Congressional District. While we have been spared the worst of the flood damage in the present crisis, seven of the counties in my district have been designated for disaster relief.

As much as I want to make sure that the people of my district are taken care of, I do not see why such disaster relief must always add to the Federal deficit.

Like a family or business, the Federal Government should have a contingency fund for such disasters; a rainy day fund, if you will.

We have created FEMA and the SBA disaster loan program. We should budget the necessary funds, in advance. By creating a revolving disaster loan fund now, we can avoid the need for emergency, budget-busting appropriations down the road, which often serve as an excuse to avoid deficit targets.

We know disasters will come. In fact, history tells us we will have at least one major disaster a year. In 1990, we had the California earthquake. In 1991, we had Hurricane Hugo. In 1992, Hurricane Andrew. And now, the floods of 1993.

It is just common sense that we prepare for these things in advance. That is why I support setting aside 1 percent of the Federal budget for such natural disasters. Such a plan will enable the Federal Government to respond more quickly and will avoid the higher deficits of unplanned appropriations.

Financial advisors try to educate individuals to set aside a portion of their income for emergencies. Why cannot the U.S. Congress follow this commonsense advice?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, let me point out that we had a revolving fund with several billion in it to take care of disasters. The Credit Reform Act abolished the fund and put the money into the general treasury. We just went through this a year ago. If the Members wanted to do this, they should not have voted for the Credit Reform Act. That is exactly what it did, was to abolish the fund that we had to take care of disasters.

We cannot go both ways. We already had it, and I was not for it. I did not vote for it. I think we ought to have a revolving fund, but the Members ought not to vote for abolishing a revolving fund and then complain about it afterward.

Mr. DARDEN. Mr. Chairman, I rise in support of H.R. 2520 and commend the distinguished chairman of the subcommittee for the excellent work that he and the other members of the subcommittee have done in crafting the bill that is before us today. Trying to balance competing demands for limited funds is an unenviable task in any year but is particularly difficult as the Congress works to meet the administration's deficit reduction challenge.

Mr. Chairman, I recognize the severe budgetary constraints and reduction in acquisition funds confronting the subcommittee in drafting the fiscal year 1994 interior appropriations bill. However, I would like to highlight an important land acquisition project in the Chattahoochee River National Recreation Area [NRA] in Georgia that the subcommittee was not able to include in this year's bill.

The Hammett Tract, located in the Holcomb Bridge unit of the Chattahoochee River NRA, is a strategically important parcel of land that would, if acquired, provide the only legal public access to 175 acres of Federal park land in the Holcomb Bridge unit of the Chattahoochee River NRA. As this property is under intense development pressure, it is my hope and expectation that the National Park Service will give serious consideration to using existing funds to acquire the Hammett Tract is fiscal year 1994.

Mr. Chairman, I appreciate the consideration that Chairman Yates has always shown the Chattahoochee River NRA. Since its establishment in 1978 and urge the Members of this body to support the Interior Subcommittee's bill.

Mr. VENTO. Mr. Chairman, I would note my opposition to the language in the House Interior Appropriations Committee report on H.R. 2520 that directs the Forest Service to create a separate independent law enforcement organization within the Forest Service. If the Forest Service were to implement this direction it could forever change, in a negative way, how the Forest Service interacts with the public. For years, I have consistently warned and opposed turning America's natural resource agencies into police agencies. It is important that our forest and park rangers remain resource stewards primarily and not a specialized police force.

This report language completely overturns the Forest Service's line officer organizational structure. Law enforcement employees would no longer report to forest supervisors or even regional foresters. If line officers lose their authority over law enforcement, they lose some of their ability to be effective land and resource managers.

I am aware of the assertions that the Forest Service has not rigorously pursued certain timber theft cases aggressively enough. Each instance of such event should be dealt with thoroughly and aggressively, rather than using such problem or shortfall as an excuse to create a new organizational structure. If there are certain forest supervisors who are not fulfilling their law enforcement responsibilities, this situation can and should be corrected on a case-by-case basis without a major reorganization of the Forest Service which takes away needed authority from the majority of forest supervisors who are doing a good job.

The Forest Service already is moving forward with needed reforms in its law enforcement program. The Forest Service has created a director of law enforcement in its Washington Headquarters, has directed the regional foresters to do an assessment of their law enforcement organizations and has established a timber theft task force, a new internal investigations unit, a new whistle blowing hot line and a new national system to track all law enforcement cases. We should permit such actions to crystallize before taking policy action to set up a new organization.

I agree with the Appropriations Committee on the need to hold the Forest Service accountable for its law enforcement actions but I do not endorse the committee's attempt to set up a specialized police force. The committee report language does not have the force of law and has not been endorsed by any of the authorizing committees that have jurisdiction over the Forest Service. The Forest Service should not establish the new law enforcement organization described in this language.

Mr. DOOLEY. Mr. Chairman, I rise in support of striking the language included in H.R. 2520 to increase the Federal grazing fee by implementing a new formula and to abolish grazing advisory boards. This is only my second term in Congress and this is the third time that I have seen the Appropriations Committee attempt to address the sensitive issue of grazing fees in the Interior appropriations bill.

I think that most Members would agree that a reevaluation of the Federal grazing fee formula is in order. As cochair of the Congressional Beef Caucus I have been working with my friend, the gentlemen from Oregon, BOB SMITH, to try to develop a proposal that balances the need to protect rangeland resources, the taxpayer, and the livelihoods of thousands of family ranchers. This is a difficult task, but I believe that a solution can be found. However, I strongly oppose efforts to make a change as part of the appropriations process.

The Secretary of Interior recently completed a series of hearings in the West as part of his effort to develop a fair adjustment in the Federal grazing fee formula. The Secretary has not yet announced his proposal, but has indicated that the grazing fee formula will be changed and the fees will increase. We should give the administration the chance to make a proposal before we make an arbitrary increase in the fee.

In addition, a number of bills are pending in the House to address the grazing fee issue. These bills and the administration proposal should be considered by the proper authorizing committees.

Mr. Chairman, with increasing regularity the House of Representatives is confronted with issues in which the economy and the environment must be balanced. The choices are not easy. I do not believe that we should take a shortcut or a stab in the dark in addressing these issues. The process may be long and painful, but the grazing fee issue, like other resource issues, must be examined carefully and we must make a decision based on the best information available.

I urge my colleagues to support the removal of section 314 of H.R. 2520.

Mr. ZELIFF. Mr. Chairman, I want to take a few minutes to discuss the U.S. Forest Service's below-cost timber sale program and its importance for my State. The bill before us expresses the sense of Congress that the Forest Service issue rules for the phasing out of the below-cost program as soon as possible. If this program was eliminated, the losses would devastate dozens of New Hampshire towns, the environment in the White Mountain National Forest, and two of the State's top four industries.

The White Mountain National Forest takes up nearly the whole north-central part of the State of New Hampshire. Bordering the forest are many small towns with a large amount of their property tax base eaten up by the Federal land.

The Federal Government reimburses these towns for the use of their land to the tune of $466,000 statewide. While this may not seem like a lot to many here in Washington, it is a significant amount to a small town of 1,000 people in rural New Hampshire.

The White Mountain National Forest also maintains one of the most comprehensive forest management programs in the country. The program is designed to meet the needs of the many different uses of the forest.

These needs include wildlife protection and habitat protection, trail maintenance and upkeep, and proper timber contract enforcement to guard against unauthorized cutting.

The below-cost program also contributes to the State's overall economy. New Hampshire's top industry is tourism, and No. 3 is timber harvesting. The proper management of the forest is a necessary part of maintaining the integrity of those two industries and the jobs they provide.

The State government has estimated that should the below-cost program be eliminated, the timber industry alone could lose 11 percent of its current business.

If the Forest Service is unable to continue proper management of the forest, including maintaining summer and winter trails, mountain huts, camping grounds, and bridge repair, the tourism industry will suffer as well. The forest and all its natural beauty is one of the top tourist destinations in New Hampshire.

Finally, Mr. Chairman, allow me to run through some numbers to further make my point. In New Hampshire alone, the below-cost timber sale program creates 438 jobs, and that number is over 22,000 nationally. The economic activity generated in the State exceeds $20 million, and the resulting Federal tax revenues are $123 million nationwide.

Mr. Chairman, simply eliminating the below-cost program without looking at the economic and environmental benefits it provides is simply shortsighted.

There are nearly 65 national forests at risk if the program is eliminated. This may save the Government some money and make the bottom line look better, but the lost revenues, jobs, and environmental benefits will come back to haunt us all if this program is eliminated.

I urge my colleagues to join me in opposing the elimination of this vital program.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1994".

Mr. YATES. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion to rise and report the bill back to the House offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 19, as follows:

[Roll No. 335]

AYES—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh

Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Andrews (NJ)
Bevill
Coleman
Conyers
Faleomavaega (AS)
Gingrich
Hastings
Henry
Kolbe
Lehman
McKinney
Nadler
Packard
Ramstad
Sarpalius
Torres
Towns
Washington
Waxman

□ 1651

Mr. TEJEDA and Mr. ORTIZ changed their vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. SOLOMON. Mr. Speaker, I would respectfully request separate votes on the so-called Sharp-Klug-Swett-Upton amendment, the so-called Walker-Penny-Brown amendment, and the so-called Stearns amendment that successfully passed the House.

TRIBUTE TO FALLEN HEROES

(By unanimous consent, Mr. HOYER was given permission to speak out of order for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise to take this opportunity to inform the House of a terrible tragedy that occurred yesterday. The U.S. Customs Service lost four people when the helicopter in which they were flying crashed in a rural area in Georgia.

There were four persons onboard, three Customs crewmen and a special agent from the Georgia Bureau of Investigations. They were identified as Customs pilot, Rick Talfous, age 40, of Ponte Vedra Beach, FL; Alan Klumpp, age 32, of Jacksonville, FL; criminal investigator, David DeLoach, age 31, of Jacksonville, FL; and Georgia Bureau of Investigations special agent, Les DeLoach, age 29, of Claxton, GA.

Mr. Speaker, as we all know, freedom and its defense, at times demands a heavy sacrifice. There is no doubt in my mind that these men died in the service of their fellow citizens, trying to make our society better, safer, and freer than today.

These agents, along with their brother and sister agents in law enforcement, risked their lives day in and day out in the performance of their duties. They were on an investigation when the accident occurred—and they paid the supreme price in the service of their country.

I know that all of the Members of this House join me in extending our sadness at this great loss to the families of these brave men and our prayers that the Lord will give them strength during this trying time.

The SPEAKER pro tempore. On behalf of the Speaker, the Chair would ask the Members to observe a moment of silence in memory of these outstanding servants. The Members will please rise.

Mr. STRICKLAND. Mr. Speaker, I could not hear the gentleman from New York when he made his request. I would request a separate vote on the amendment offered by the gentleman from Minnesota [Mr. PENNY] and the gentleman from Pennsylvania [Mr. WALKER] that dealt with pages 60 and 61 of the bill. I am not sure if the gentleman requested a vote on that.

The SPEAKER pro tempore. That vote has already been demanded. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 60, line 3, strike "$438,163,000" and insert "$433,163,000".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces that votes on subsequent amendments, if ordered, will be reduced to a minimum of 5 minutes according to rule XV. This is a 15-minute vote which may be followed by two more 5-minute votes and a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 380, noes 37, not voting 17, as follows:

[Roll No. 336]

AYES—380

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff

Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence

Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Tucker

Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—37

Baker (CA)
Brooks
Carr
Chapman
Gilman
Gonzalez
Hall (TX)
Hansen
Hayes
Hefley
Hunter
Johnson (CT)
Lewis (CA)

Lightfoot
McCrery
McDade
Michel
Mollohan
Myers
Orton
Pickett
Quillen
Regula
Ridge
Smith (IA)
Smith (OR)

Stearns
Stump
Sundquist
Thomas (WY)
Torricelli
Traficant
Vucanovich
Whitten
Williams
Yates
Young (AK)

NOT VOTING—17

Bevill
Buyer
Clinger
Coleman
Conyers
Hastings

Henry
Kolbe
Lehman
McKinney
Nadler
Packard

Sarpalius
Torres
Towns
Washington
Waxman

□ 1714

The Clerk announced the following pairs:

On this vote:

Mr. Nadler for, with Mr. Kolbe against.

Mr. Waxman for, with Mr. Packard against.

Mr. DERRICK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 61, line 23, strike "$19,366,000" and insert "$18,091,000".

Page 66, after line 22, insert the following:

REVISION OF AMOUNTS FOR DEPARTMENT OF ENERGY

The amounts otherwise provided by this title for the Department of Energy are revised by reducing the amount made available under the heading "Fossil Energy Research and Development" by, and also transferring from the remaining amount made available under such heading to the appropriation for "Energy Conservation" an additional, $24,873,000.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, and it may be followed by another five-minute vote and a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 278, noes 137, not voting 19, as follows:

[Roll No. 337]

AYES—278

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)

Eshoo
Everett
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamburg
Hancock
Harman
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klug
Knollenberg
Kreidler
Kyl
LaFalce
Lambert
Lancaster

Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Livingston
Lloyd
Machtley
Maloney
Mann
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDermott
McHugh
McKeon
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Pallone
Parker
Paxon
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Portman
Price (NC)
Quinn
Ramstad
Ravenel
Reed
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sanders

Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon

Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Tucker

Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—137

Applegate
Barlow
Bartlett
Bateman
Bentley
Bishop
Blackwell
Bliley
Boehner
Bonior
Borski
Boucher
Brooks
Brown (OH)
Callahan
Chapman
Clay
Clement
Clyburn
Collins (IL)
Collins (MI)
Cooper
Costello
Coyne
Danner
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford (MI)
Gibbons
Gillmor
Gilman

Gonzalez
Goodlatte
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hilliard
Hobson
Holden
Hoyer
Hyde
Jefferson
Kanjorski
Kaptur
Kasich
Kleczka
Klink
Kopetski
Lightfoot
Lipinski
Long
Lowey
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McMillan
Meek
Mica
Michel
Mineta
Moakley
Mollohan
Murphy
Murtha
Myers
Natcher
Oberstar
Obey
Owens

Oxley
Pastor
Payne (NJ)
Payne (VA)
Pickett
Porter
Poshard
Pryce (OH)
Quillen
Rahall
Rangel
Regula
Reynolds
Ridge
Rogers
Rostenkowski
Roukema
Sabo
Sangmeister
Santorum
Sawyer
Schenk
Scott
Serrano
Sisisky
Skeen
Slaughter
Smith (IA)
Stokes
Strickland
Sundquist
Swift
Taylor (NC)
Thomas (WY)
Thompson
Torricelli
Traficant
Visclosky
Washington
Wheat
Whitten
Williams
Wilson
Wise
Yates
Young (AK)

NOT VOTING—19

Bevill
Carr
Coleman
Conyers
Gephardt
Hastings
Henry

Hunter
Kolbe
Lehman
McInnis
McKinney
Nadler
Packard

Pomeroy
Sarpalius
Torres
Towns
Waxman

□ 1724

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the final amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 78, line 14, strike "$144,451,000" and insert "$137,228,450".

Page 78, line 22, strike "$30,142,000" and insert "$28,634,900".

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote which will be followed by a vote on final passage. Members are requested to remain in the Chamber.

The vote was taken by electronic device, and there were—ayes 244, noes 174, not voting 16, as follows:

[Roll No. 338]

### AYES—244

Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOES—174

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Coppersmith
Coyne
Danner
Darden
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McDermott
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Natcher
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skeen
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Torricelli
Tucker
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Yates

### NOT VOTING—16

Bevill
Coleman
Conyers
Gephardt
Hastings
Henry
Hunter
Kolbe
Lehman
McKinney
Nadler
Packard
Sarpalius
Torres
Towns
Waxman

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Kolbe for, with Ms. McKinney against.

Mr. BERMAN changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MYERS of Indiana. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill H.R. 2520 to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendment:

At the end of the bill, insert after the last section the following new section:

Section . Notwithstanding any other provision of this Act, except for the amount provided under "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and Expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars: "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capitol Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation and Holocaust Memorial Construction each amount appropriated or otherwise made available under this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by / per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, does the gentleman's motion to recommit contain by any chance the proposal of the gentleman from Pennsylvania [Mr. WALKER]?

Mr. MYERS of Indiana. Mr. Speaker, reclaiming my time, it does not.

Mr. Speaker, this is a 1 percent cut, which exempts some of the very small programs in the bill. This is a good bill, but it is one-half billion dollars presently over last year's level. We are led to believe that this year we are cutting spending. We are really not.

Considering this bill and all of the 10 appropriation bills that have been passed this far, we are about $26.75 billion above last year's level. We are below the President's request and below our 602(b) allocation, but if we are serious about cutting spending, this is the way to do it.

Mr. Speaker, this is a very minimal reduction, 1 percent. It takes us down to last year's level, and I think all of us can vote for that.

Mr. Speaker, I yield back the balance of my time.

Mr. YATES. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, this, in my friend's words, may be a minimum amendment, but it will have a maximum effect, because this bill has already been cut by action of our committee and by action of the House by close to $1 billion. The exact amount is $930 million.

I will say to the House that agencies cannot afford another cut of this type. I would hope and request that the motion of the gentleman from Indiana [Mr. MYERS] be defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 138, not voting 18, as follows:

[Roll No. 339]

### AYES—278

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

### NOES—138

Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hastert
Hayes
Hefley
Hoekstra
Hoke
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Levy
Lewis (FL)
Linder
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Michel
Miller (FL)
Minge
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Ridge
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Thomas (CA)
Upton
Walker
Weldon
Whitten
Wolf
Zeliff
Zimmer

### NOT VOTING—18

Bevill
Coleman
Conyers
Gillmor
Hastings
Henry
Kolbe
Lehman
McKinney
Miller (CA)
Murphy
Nadler
Packard
Roukema
Sarpalius
Torres
Towns
Waxman

□ 1750

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, due to a prior official commitment, I was unable to be present for the vote on rollcall No. 339.

Mr. Speaker, had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, I wish to advise the House of my absence for part of the debate on H.R. 2520, the fiscal year 1994 Interior appropriations bill.

Consideration of H.R. 2520 was originally scheduled to be completed before today. As a result of numerous House scheduling changes, however, debate on the bill unexpectedly continued into today. Regrettably, I had already committed to participating in an important NAFTA related conference in San Antonio today.

The conference was held to develop strategies to address critical United States/Mexico border infrastructure needs on the environment, housing, energy, and transportation. It was attended by key private sector entities and top government officials, including the U.S. Secretaries of Commerce, HUD, Energy, and Transportation, the EPA Administrator and many of their counterparts from Mexico, among others.

The conference is a key component of the President's plan to develop an assistance package for the border. Border infrastructure issues are of vital importance in southern Arizona. This was an important opportunity to continue working with the President to develop plans to meet the border infrastructure needs in Arizona and other border States.

Had I been present for consideration of H.R. 2520, I would have voted aye on the following votes: rollcall numbers 330, 331, 333, 334, 337, 338, and 339. I would have voted nay on the following votes: rollcall numbers 335 and 336. I made advance preparations to pair my votes with opposite voting members so as to minimize the impact of my absence.

## PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 330, 333, 338, and 339.

I would have voted no on rollcall votes numbered 331, 332, 334, 335, 336, and 337.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. DICKS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2520, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER pro tempore. (Mr. McNulty). Is there objection to the request of the gentleman from Washington?

There was no objection.

## MAKING IN ORDER CONSIDERATION IN THE HOUSE OF HOUSE JOINT RESOLUTION 208, DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that it be in order to consider in the House a joint resolution (H.J. Res. 208) disapproving the extension of nondiscriminatory treatment, or most-favored-nation treatment to the products of the People's Republic of China; that all points of order against the resolution and its consideration be waived; that the joint resolution be debated for 1 hour, to be equally divided and from New York [Mr. Solomon], and the gentleman from Illinois [Mr. Rostenkowski] or his designee; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974, shall not apply to any other joint resolution of the 103d Congress disapproving the extension recommended by the President on May 28, 1993, of most-favored-nation treatment to the People's Republic of China.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, on my reservation, as the author of the resolution which would disapprove the extension of most-favored-nation treatment of trade with the People's Republic of China, I take this reservation to indicate my support for the chairman's request.

The purpose of this unanimous consent request is to reduce from 20 hours to 1 hour the debate on my disapproval resolution without having to go the Committee on Rules to make that procedural change.

Mr. Speaker, I want to commend the chairman on reporting the resolution, though I would have preferred a favorable rather than adverse report. I urge my colleagues to support my resolution of disapproval when it is called up next week.

Mr. Speaker, with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise for the purpose of asking the majority leader to enlighten us as to the schedule for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentlemen yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, obviously, votes are finished today. There will not be votes on tomorrow.

On Monday, July 19, the House will meet at noon to consider five bills on suspension. Recorded votes will be postponed until Tuesday, July 20.

We will consider H.R. 2239, SEC Authorization; H.R. 1305, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1993; H.R. 631, Colorado Wilderness Preservation Act of 1993; H.R. 1631, District of Columbia Justice Reform Act of 1993; H.R. 1632, To Remove Gender-Specific References in District of Columbia Code.

On Tuesday, July 20, the House will meet at noon to take up the Commerce, Justice, and State appropriations for fiscal year 1994, and the National and Community Service Act, under a modified open rule.

On Wednesday, July 21, and the balance of the week, the House will meet at 10. We will be taking up a number of pieces of legislation: House Joint Resolution 208, disapproving the extension of nondiscriminatory treatment to the products of the People's Republic of China; H.R. 2490, Transportation appropriations for fiscal year 1994; a House resolution on disaster assistance supplemental; H.R. 2200, the NASA Authorization Act for 1994; H.R. 2150, the Coast Guard Authorization Act of 1993; H.R. 1340, the Resolution Trust Corporation Completion Act; H.R. 2530, the Bureau of Land Management authorization.

Mr. SOLOMON. I thank the gentleman. If I might just ask, to clarify, the gentleman, I believe, said there would be no votes on Monday. Any votes that were called would be laid over until Tuesday?

Mr. GEPHARDT. If the gentleman will continue to yield, that is correct.

Mr. SOLOMON. I would say to the majority leader, I would just call attention to the membership that the National and Community Service Act is scheduled for Tuesday. Our good friend, the gentleman from Massachusetts [Mr. Moakley] had previously asked Members to have their amendments prefiled at least by Monday, so they would be printed in the Record prior to consideration, which would take place on Tuesday.

I would remind the membership of that, and just ask the majority leader, for the purpose of planning, is there a likelihood of votes next Friday?

Mr. GEPHARDT. If the gentleman will yield further, I cannot say to the gentleman at this point whether or not we will have votes on Friday, for the reason that we have this disaster assistance supplemental that we have to get done next week. I am not sure exactly what day it can be brought up. We will make every effort to avoid having votes on Friday. That may be possible, but I cannot give him a concrete assurance at this point.

Mr. SOLOMON. I thank the majority leader. Just one more question, if I might. There was a resolution of inquiry on the so-called Travelgate matter. Is there any plan to bring that up at any time next week?

Mr. GEPHARDT. If the gentleman will continue to yield, it is my understanding that it must receive 3 days layover to receive minority views, and that period will not expire until next week. The bill may be brought up next week, or more likely, the week after.

Mr. SOLOMON. More likely the week after. I certainly do thank the majority leader, and I hope he has a nice weekend.

Mr. GEPHARDT. I wish the gentleman the same.

## ADJOURNMENT TO MONDAY, JULY 19, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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## GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993

Mr. ENGLISH of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 20) to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes, and ask for its immediate consideration.

The SPEAKER pro tempore. The Chair would ask the gentleman from Oklahoma if this has been cleared.

Mr. ENGLISH of Oklahoma. It is my understanding that it has, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the title of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Oklahoma [Mr. ENGLISH] to offer an explanation of this bill.

Mr. ENGLISH of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Speaker, on May 25, the House passed by voice vote H.R. 826, the House version of this legislation. S. 20, as amended and passed by the Senate, is virtually identical to the House bill. The only significant difference is a clarification in S. 20 of the responsibilities of the U.S. Postal Service. That language has been agreed to by the chairman of the Committee on Post Office and Civil Service, and his cooperation and assistance is greatly appreciated.

The Government Performance and Results Act of 1993 takes the first step toward the President's pledge to reinvest government. It would require Federal agencies to develop strategic plans, set performance goals, and report annually to Congress and the Office of Management and Budget the precise results that that program achieves.

After a series of pilot projects, the act will eventually be implemented Governmentwide, where all programs will be evaluated and budgeted based on their performance. This legislation will give program managers the flexibility to achieve their goals in exchange for better accountability. It enjoys widespread bipartisan support, and is eagerly awaited by the President.

Mr. Speaker, there is a clarification that needs to be made in the report that was filed to accompany the House version of this bill, and I include that clarification for the RECORD.

□ 1800

Mr. CLINGER. Continuing my reservation of objection, Mr. Speaker, I join with the gentleman from Oklahoma in support of this legislation.

As I have said many times before, the need is great for a Governmentwide performance measurement system tied to the appropriations process. The House has the rare opportunity today to approve legislation which has had support on both sides of the aisle from both bodies of Congress and from the President. This legislation will for the first time ask Federal program managers to prove the success and progress of their programs.

I appreciate the efforts of everyone involved in getting this legislation to the President for his signature, particularly the hard work of Senator WILLIAM ROTH in originally drafting this bill some years ago, and I would urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 20

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Government Performance and Results Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

**SEC. 3. STRATEGIC PLANNING.**

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

**"§306. Strategic plans**

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget and to the Congress a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission.".

**SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.**

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

**"§ 1115. Performance plans**

"(a) In carrying out the provisions of section 1105(a)(29), the Director of the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A)(i) a minimally effective program, and

"(ii) a successful program, or

"(B) such alternative as authorized by the Director of the Office of Management and Budget,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may submit with its annual performance plan an appendix covering any portion of the plan that—

"(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

"(2) is properly classified pursuant to such Executive order.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section and sections 1116 through 1119, and sections 9703 and 9704 the term—

"(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

"(2) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' means the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

**"§ 1116. Program performance reports**

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the agency performance plan under section 1115, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified in an alternative form under section 1115(b), the results of such program shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(b)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) An agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"(f) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of program performance reports under this section shall be performed only by Federal employees.

**"§ 1117. Exemption**

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

**SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

**"§ 9703. Managerial accountability and flexibility**

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

"(f) For purposes of this section, the definitions under section 1115(f) shall apply.".

**SEC. 6. PILOT PROJECTS.**

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

**"§ 1118. Pilot projects for performance goals**

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9703 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

**"§ 9704. Pilot projects for managerial accountability and flexibility**

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(f) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

**"§ 1119. Pilot projects for performance budgeting**

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, and 9703 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105.".

**SEC. 7. UNITED STATES POSTAL SERVICE.**

Part III of title 39, United States Code, is amended by adding at the end thereof the following new chapter:

### "CHAPTER 28—STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

"Sec.
"2801. Definitions.
"2802. Strategic plans.
"2803. Performance plans.
"2804. Program performance reports.
"2805. Inherently Governmental functions.

**"§ 2801. Definitions**

"For purposes of this chapter the term—

"(1) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(2) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(3) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(4) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(5) 'program activity' means a specific activity related to the mission of the Postal Service; and

"(6) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Postal Service programs achieve intended objectives.

**"§ 2802. Strategic plans**

"(a) No later than September 30, 1997, the Postal Service shall submit to the President and the Congress a strategic plan for its program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the Postal Service;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Postal Service;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required under section 2803 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the Postal Service and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required under section 2803 shall be consistent with the Postal Service's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the Postal Service shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan, and shall advise the Congress of the contents of the plan.

**"§ 2803. Performance plans**

"(a) The Postal Service shall prepare an annual performance plan covering each program activity set forth in the Postal Service budget, which shall be included in the comprehensive statement presented under section 2401(g) of this title. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless an alternative form is used under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If the Postal Service determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Postal Service may use an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, the Postal Service may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation.

"(d) The Postal Service may prepare a nonpublic annex to its plan covering program activities or parts of program activities relating to—

"(1) the avoidance of interference with criminal prosecution; or

"(2) matters otherwise exempt from public disclosure under section 410(c) of this title.

**"§ 2804. Program performance reports**

"(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(g) of this title.

"(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2))—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and

"(4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

**"§ 2805. Inherently Governmental functions**

"The functions and activities of this chapter shall be considered to be inherently Governmental functions. The drafting of strategic plans, performance plans, and program performance reports under this section shall be performed only by employees of the Postal Service.".

**SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

**SEC. 9. TRAINING.**

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

**SEC. 10. APPLICATION OF ACT.**

No provision or amendment made by this Act may be construed as—

(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act; or

(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.

**SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

(c) AMENDMENT TO TITLE 39, UNITED STATES CODE.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end thereof the following new item:

**"28. Strategic planning and performance management .................... 2801".**

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ENGLISH of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## TRAGIC SHOOTING OF OFFICER ROBERT INGRAM, COBB COUNTY, GA

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, Cobb County, GA, has suffered a terrible tragedy. Marietta native Robert Ingram, 24, a member of the Cobb County police force for 2 years, was killed while on duty Tuesday. He is the first Cobb County Police Department officer to ever be slain in the line of duty.

He had radioed to a dispatcher to say he was stopping to question a suspicious person. When the dispatcher was unable to reach Officer Ingram on the car radio, additional units were sent to the scene to investigate. When they arrived, they found Officer Ingram lying on the road. He had been shot twice. His pistol was still in its holster when he was found.

When a police officer dies in the line of duty, it reminds us of the remarkable character of these individuals—those willing to take an oath to serve and protect and sometimes, unfortunately, suffer the tragic consequences. We are hopeful that the individual responsible for this crime will be brought to justice swiftly.

Mr. Speaker, this tragedy is just further evidence that we must take a strong stand against the rising tide of crime in this country by approving tough, anticrime legislation, including the death penalty for those who murder police officers.

Our sympathy and prayers are with the family of Officer Ingram, especially his wife of 3 months, Jennifer, and his fellow officers as they work through this tragedy personally and professionally.

Let us always be mindful of the great sacrifice of law enforcement personnel who put their lives on the line daily for us.

## COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS ACT OF 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs, and ordered to be printed:

*To the Congress of the United States:*

I am pleased to submit to the Congress the "Community Development Banking and Financial Institutions Act of 1993". This legislative initiative will promote the creation of community development financial institutions that will empower individuals and communities and provide for greater economic opportunity. Also transmitted are a statement of the Administration's principles embodied in this proposal and a section-by-section analysis.

In too many urban and rural communities, there is a lack of capital and credit. Lending in distressed communities, particularly to small businesses, can be complicated. It may require special expertise and knowledge of the borrower and the community, credit products, subsidies, and secondary markets. Community development financial institutions—including community development banks like South Shore Bank in Chicago, community credit unions such as Self-Help in North Carolina, community development corporations, micro-enterprise loan funds, and revolving loan funds—have demonstrated that they can provide capital, credit, and development services in distressed areas and to targeted populations.

The bill proposes establishment of a Community Development Banking and Financial Institutions Fund that would support a program of investment in community development financial institutions. The Fund would provide financial and technical assistance to, and serve as a national information clearinghouse for, community development financial institutions.

This initiation reaffirms my commitment to helping communities help themselves. By ensuring greater access to capital and credit, we will tap the entrepreneurial energy of America's poorest communities and enable individuals and communities to become self-sufficient.

My Administration is also committed to enhancing the role of traditional financial institutions with respect to community reinvestment. As a complement to the community development financial institutions initiative, we will adopt regulatory changes to more effectively implement the Community Reinvestment Act of 1977. These changes will replace paperwork with performance-oriented standards and will include tougher enforcement measures for noncompliance.

In order to secure early enactment of legislation in this crucial area, I urge the Congress to consider the Community Development Banking and Financial Institutions Act of 1993 as a discrete bill, separate from general issues of financial services reform and any other nongermane amendments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 15, 1993.*

## THE REAL IMPACT OF THE CLINTON TAX PLAN ON REAL PEOPLE AND REAL BUSINESSES

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WELDON. Mr. Speaker, I rise to continue my focus today on the real impact of the Clinton tax plan on real people and real businesses.

I recently received a letter from Thomas L. French, president of the Owosso Group, a conglomerate of 12 small manufacturing firms, headquartered in West Conshocken, in Montgomery County, PA.

Most of these firms are small subchapter S corporations that file personal tax returns. They will be hit with a new top marginal tax rate of 42.5 percent—up from the current rate of 31 percent. That is a dramatic increase.

It should be noted that these subchapter S corporations employ 800 people and have created more than 200 jobs since 1989.

Yet President Clinton has decided that no good deed should go unpunished: if you take risks, if you make investments, if you create jobs, you will be taxed until you bleed.

I spoke with the chief financial officer of Owosso, George Lemmon, Jr., and he told me: "These taxes will mean that we will take fewer risks, we will make fewer investments, and we will have less working capital."

What does that mean? It means lower economic growth and fewer jobs.

I think Owosso Group president Thomas French put it best when he wrote: "The tax package now under consideration will kill this fragile economic recovery."

Maybe the armchair Iaccocas that write the tax bills around here ought to consider that in the weeks ahead.

Mr. Speaker, I include the following letter from Thomas L. French, president of the Owosso Group:

THE OWOSSO GROUP,
*June 29, 1993.*

Hon. CURT WELDON,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE: The attached comparison shows proposed tax increases on Sub S Corporations vs. C Corporations. Since most of the job growth in this country comes from small businesses (often S-Corporations) this proposal seems particularly crazy.

The tax package now under consideration will kill this fragile economic recovery.

I was sorry to miss the meeting regarding Tax Policy you held in Media. I'd very much like to attend any future meeting.

Very truly yours,
THOMAS L. FRENCH,
*President.*

## THE COST OF NAFTA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, these days we hear a lot of talk about cutting spending. Well, what about the proposed trade agreement with Mexico? How much will it cost U.S. taxpayers in actual dollars?

I say to my colleagues, "Hold on to your wallets, because NAFTA is out to suck them dry."

How much will NAFTA cost? Forty billion dollars just to start off with. That is for the cost of paying for American workers who will be thrown out of their jobs, the cost of building roads and sewers south of the border, more customs inspectors, loss of tariff revenues to our Government and price supports related to farmers in our country who are going to lose income. That sound incredible, but that is what it says right here in yesterday's New York Times based on administration and Congressional Budget Office figures.

Let me put this incredible $40 billion in perspective. Compare it to the flood relief we are going to have to give to Iowa. We expect the President to come in here and ask for $2½ billion. What a waste it would be to pass this treaty and send our workers' jobs to Mexico. What a waste, and what an incredible waste to spend $40 billion to do it.

Mr. Speaker, this treaty is the place to cut spending first.

Mr. Speaker, I include the following article on this subject which appeared in the New York Times:

### A LOOK AT THE NORTH AMERICAN PACT'S ADDED COSTS

(By Keith Bradsher)

WASHINGTON, July 13.—As the Clinton Administration and Congress grapple with the political problems of the North American Free Trade Agreement this summer, one issue keeps coming up: the potential cost of the pact to the Federal budget.

Estimates range up to $40 billion in lost tariff revenue, benefits for American workers who are unemployed as a result of new competition from Mexican factories, and bridges and highways to carry additional traffic.

Congressional pay-as-you-go budget rules require that such revenue lost be made up. This has produced an increasingly desperate search in Washington for ways other than Federal taxes to raise money. The Administration and Congress are looking for as much of this as possible from state, local and private sources.

In the Administration's first public discussion of some of the costs of the agreement, Commerce Secretary Ronald H. Brown said today that $15 billion to $20 billion would be needed over the next decade for roads, bridges, sewage-treatment centers, improved housing, electric-power plants and environmental cleanup projects along the Mexican border.

### MEETING IN SAN ANTONIO

But he also said that the Administration expected business to spend most of the money, spurred by potential earnings from tolls and fees from the sewage and power facilities.

On Thursday and Friday, Mr. Brown said, Clinton Cabinet members will try to drum up commercial interest at a meeting in San Antonio with Mexican Cabinet ministers and with about 400 investment bankers, engineers and state officials.

The Secretary said that private companies had ignored the potential in border investments for many years and are now recognizing it because of the proposed North American pact.

Others, though, questioned some of Mr. Brown's assumptions, including the idea that industry would step forward to provide services often supplied by the Government.

"If they're going to try to do this on the cheap, my vote counts and everyone else's vote counts show they come up short," said Charles Kamasaki a vice president of the National Council of La Raza, a Hispanic advocacy group that supports the trade pact.

### BUDGET OFFICE'S ESTIMATE

After several months of work, the Congressional Budget Office this week released a detailed analysis of the prospective costs. It estimates that the agreement would cost $2 billion to $3 billion in tariff revenue over five years.

The pact would also result in extra spending on worker retraining, some agricultural programs and transportation and environmental programs on the border, the budget office said, providing few specific figures.

Another source of help is the Inter-American Development Bank, an institution like the World Bank, which seeks to help poor Western Hemisphere nations. It has quietly offered to create a $10 billion fund for project loans. The Federal Government would be required to contribute only $250 million of this, and the rest would be raised through bond issues, an international financial official with a detailed knowledge of the plan said.

Representative Esteban Torres, Democrat of California, said today that he plans to introduce legislation this week to create a North American Development Bank. The bank would be set up with $1 billion in Federal money and would issue $5 billion in bonds to pay for transportation, environmental and community-development projects anywhere in North America, not just in border states.

### IDEA OF LOS ANGELES ACADEMIC

Creation of that bank is the idea of Raul A. Hinojosa-Ojeda, an assistant professor of planning at the University of California at Los Angeles. Mr. Hinojosa-Ojeda has strong political ties in Washington and Mexico City, and this combined with his connections with national Hispanic groups, have gained attention for his idea in the Administration and Congress.

Mr. Kamasaki said his group supported the new bank partly because its proposed charter would provide for extensive consultation with local businesses and residents.

By making loans across the nation to communities struggling to cope with international competition, the bank could also lessen opposition to the trade agreement from members of Congress who feel that border states will be the main beneficiaries.

Representative Robert T. Matsui, a California Democrat who is organizing House support for the trade pact, said Congressional interest in the new bank was growing. But he said that a small tax on trade across the border might also be necessary.

Corporations bitterly oppose such a tax, contending that it would undo part of the benefit of tariff reductions. Mr. Matsui said that a tax could be set as low as one-quarter of 1 percent.

Current United States tariffs average 4 percent on Mexican goods, although a few items, like table glassware, face tariffs up to 30 percent.

### FREE TRADE: THE COSTS . . .

Lower tariff revenues.—Estimated by the Congressional Budget Office at $2 billion to $3 billion over five years.

Retraining of workers who lose their jobs.—Predicted by the Clinton Administration to exceed the $1.68 billion over five years that had been estimated by the Bush Administration.

Extra border bridges, highways and sewage treatment.—Commerce Secretary Ronald H. Brown said today that it would cost $15 billion to $20 billion over the next decade.

Extra customs inspectors.—Some in Congress want more staff members to prevent drug trafficking and other smuggling.

Extra spending on agricultural programs.—Price supports and export-finance programs would rise slightly, according to the Congressional Budget Office.

### . . . AND THE POTENTIAL REVENUE SOURCES

International Boundary and Water Commission.—This Mexican-American commission—whose limited authority along the border includes controlling the salinity of the Rio Grande, approving new bridges and maintaining boundary buoys—could issue bonds to pay for bridges.

North American Development Bank.—A new institution, backed by taxpayers money from Canada, Mexico and the United States, would issue bonds to pay for projects in North America.

Inter-American Development Bank.—An existing lending institution jointly controlled by Western Hemisphere goverments could create a $10 billion fund, $250 million of which would be Federal money. The rest could be borrowed using the bank's AAA credit rating.

Flat tax on cross-border trade in goods and services.—Critics of the proposal by Senator Max S. Baucus and the House majority leader, Representative Richard A. Gephardt, say that it would merely replace tariffs with taxes.

## VACATION OF SPECIAL ORDER

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from California [Mr. KIM] scheduled for today be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## TRANSFER OF SPECIAL ORDERS

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that the special orders reserved for the gentleman from Michigan [Mr. BONIOR] on July 20 and 27 and August 3, 1993, be allocated to the gentlewoman from Connecticut [Ms. DELAURO].

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1810

## COLLEGE FOOTBALL IS NO MONEYMAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I have addressed the House on many occasions on the subject of gender equity in sports. Twenty-one years ago, Congress passed title IX, which provided an equal opportunity to men and women in education, including athletics. Unfortunately, women still face unequal treatment and discrimination when it comes to college sports.

Over the past year, the argument I have heard most often from opponents of gender equity is that we shouldn't touch football, because football is a big revenue producer that funds the rest of the athletic budget including women's sports.

Now, I have been researching this issue, and have found that just is not the case. With the exception of a handful of schools, football is not a big moneymaker. In most instances it is a big money loser.

The most recent study of college athletic budgets was performed by Prof. Mitchell Raiborn for the NCAA. Professor Raiborn analyzed budgets and financial trends from 1985 to 1989. A questionaire was sent to all 803 NCAA institutions, and 454 responded.

According to the survey, 45 percent of the Division I-A schools reported a deficit in their football programs. In other words, they spent more on football than the revenues it produced. Division I-A schools are the big schools that you see on television. Among Division I-A schools, a whopping 94 percent reported a deficit. Those are schools like the historically black colleges and universities that you rarely get to see on television. Among Divisions II and III schools, 98 percent operated at a deficit.

What is perhaps even more alarming is the trend. It appears that each year, fewer schools are sharing in the financial benefits, and more schools are losing money. In 1981, only 24 percent of Division I–A schools reported a deficit. By 1985, the number was up to 31 percent. By 1989, 45 percent reported a deficit.

It is important to note that the amounts involved are significant. Among the 45 percent of the Division I–A schools reporting a deficit in their football program, the average shortfall was $638,000. This was up from an average of $251,000 in 1981.

How are these deficits covered? They are paid with student activity fees, higher tuition costs, or in the case of public schools, taxpayer subsidies. These costs and taxes are paid for by men and women equally. When it comes to covering costs and paying taxes, gender equity has always been with us.

Although the other major revenue producing sport, men's basketball, has grown in popularity, it also presents a bleak financial picture at most schools. At Division I–A schools, 34 percent of the schools reported a deficit in the men's basketball program. At Division I–AA and Division I–AAA schools, 75 percent reported a deficit. At Division II schools, the number was 90 percent, and at Division III schools, 99 percent reported a loss.

The study confirmed one fact that I have pointed out in previous special orders. In 1989, Division I–A schools spent 82 percent of their operating expenses on men's programs and a mere 18 percent on women's programs.

Right now there is an ongoing dispute between the NCAA and college football coaches over the NCAA's attempt to rein in spending on football. For example, the NCAA has proposed an end to the practice of housing the home team in a hotel on the night before a game. That's right—the home team.

Iowa coach Hayden Fry, who is also head of the American Football Coaches Association disagrees. He was quoted as saying, "There are parties and a lot of other stuff going on. I can't say, 'Jim, you've got to be in bed by 11.' I can't control that. They don't understand that the atmosphere is different. Our requirements are legit."

If coach Fry cannot explain to his players, nearly all of whom are on full scholarship, why it is important to get a good night's rest before a game, and instead spends thousands of dollars on hotel rooms, something seems to be wrong with college sports. This example must be placed in the context of women looking for a few thousand dollars to maintain their program. Women at these same schools often have to sleep at friends' homes on away games, or must sleep four to a room. Meanwhile, the football team is sleeping in hotel rooms before home games.

So the next time you hear someone tell you that football is funding women's sports, ask to see the facts. The truth is that in nearly every college, women are paying for football.

## HATE MONGERING: NOT IN OUR BACK YARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York, [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, this week, residents of Whitestone and Bay Terrance, Queens, New York, found their neighborhoods plastered with day-glo stickers seeking recruits for the neo-Nazi, white supermacist group, the National Alliance. People throughout the community were outraged, as I am. They are tearing down the signs and saying not in my back yard to hate mongering.

These are racially mixed neighborhoods of decent, hard-working people. They have made a life for themselves and now outsiders, intent on pitting people against one another, are coming in and trying to divide them and fuel unrest.

There should be no mistake about it. This group has ties to the American Nazi Party and the Klan. They have done too much damage already, and they have no place in our community.

I want the National Alliance and those with whom they are working to hear our message loud and clear: No hate mongering in our back yard.

## TRIBUTE TO KENAN SLINIC AND BRAVE EMERGENCY RESPONSE TEAMS THROUGHOUT THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I take out this special order and rise to another tragic development in the conflict in Bosnia and Herzegovina, specifically in Sarajevo.

As many of my colleagues are aware, approximately 2½ months ago here in the Nation's Capital, we held the fifth annual national fire and emergency services dinner where we assemble all the leaders of the emergency response community in this country for a night of celebrating the good work they do and talking about their legislative priorities nationally for the following year.

At that dinner in late April we had 2,000 leaders from around the country joined by over 200 Members from both this body and the other body. We had special guests including our keynote speaker, Vice President AL GORE, but also our special guests on that evening were from faraway countries, the head of the fire and emergency services from Moscow for all of Russia, and we also had as a special guest Kenan Slinic, who in fact has been the chief of the Sarajevo fire brigade undergoing terrible turmoil in that troubled land.

During the day we had a competition down on the Mall where five Democrats and five Republicans were assembling for a competition that was then going to be followed by firefighters from all over America in a spirited competition, and in fact, Mr. Slinic as well as the Russian firefighters joined with my Democrat colleagues because they were short some Members, and in fact beat us in the competition that occurred that day.

In the evening, we had the dinner; we also honored John Jordan, a volunteer firefighter from Rhode Island who has been going back and forth to Sarajevo for the last several months supplying life-safety equipment and emergency supplies for the people of that country, and on that evening at that event, Mr. Slinic gave a very emotional speech to the fire service of America where he talked about those members of his brave emergency response network, 10 of whom had been killed up until that point in time, who have been risking their lives to help protect the property and save lives regardless of the nationality of the people in Sarajevo and the surrounding communities.

Mr. Speaker, I am inserting in the RECORD the entire handwritten speech of Mr. Slinic, because much of it talks about the turmoil in his country and the need to have the turmoil end and stop the slaying, not just of the emergency response people but of all the innocent people in Bosnia and Herzegovina and specifically in Sarajevo.

At the end of our dinner meeting that night, I had special meetings with Senator BIDEN and STENY HOYER, cochair of the Helsinki Commission, with Mr. Slinic to talk about his very firsthand experiences. We, in fact, were preparing to go over to Sarajevo in June to deliver a planeload of supplies to the Sarajevo fire brigade, but had to push it back until August, because the fire apparatus and the other equipment had not yet been prepared. In fact, that trip is still planned.

□ 1620

Since that speech was given, three more emergency responders have been killed in Sarajevo. Yesterday, tragically, the chief of the Sarajevo fire brigade, Slinic, a warm, gentle man who cared about his comrades and his citizens, was shot behind the head twice and assassinated.

I extend the deepest and heartfelt sympathies of my colleagues and the entire fire emergency network of this country to his young wife and 6-year-old daughter. I think all of us have to reflect upon the situation in that troubled land and renew our effort to find some kind of solution to this terrible turmoil.

I insert the speech that I referred to, for the RECORD;

Vice President Gore, Congressman Weldon, fellow firefighters, ladies and gentlemen.

My name is Kenan Slinic. I live in Sarajevo with my wife and 6 year old daughter.

I am commander of the Sarajevo firemen's brigade. Sarajevo is my country's capital.

In 1992 my country B/H became the youngest member in the United Nations family of nations.

On April 5, 1992 war came to my country, my city, and my people. Sarajevo and other cities of B/H were put under seige.

For one year, now Serbian artillery and rockets have rained death on Sarajevo.

Their shells have destroyed churches, mosques, and temples. They have killed Christians, Moslems, Jews, and others.

My brigade had 300 men one year ago. They are men like you.

In one year of war, 10 have been killed and 38 wounded. The Sarajevo fire brigade has responded to over 1,500 fires while under military fire in this war.

Firemen are the specific targets of antiaircraft and machine gun fire.

Serbian forces say they are fighting against Moslems. They say Christians and others are not safe in B/H.

To know the truth I ask you to speak to the Rhode Island volunteer group, your own firemen who have fought fires with us in Sarajevo.

They will tell you of Sarajevo's 500 year history of racial ethnic and religious diversity.

They will tell you of churches, temples and mosques—side by side. They will tell of the men of the Sarajevo firemen's brigade who are Serb, Muslem, Croat, Jew and others, all praying to their gods and all looking to America, the most powerful democratic and diverse of nations to help our young nation to a free and democratic future for all its citizens.

In closing I would like to thank my host, Congressman WELDON for inviting me to this caucus.

And am especially grateful to the courageous American fireman Mr. John Jordan and his team, who saved our citizens directly and who saw and suffered a part of the horror in our lives.

I hope that I will be able to attend the next national Fire and Emergency Services dinner under much better circumstances for my country.

Thank you and God bless.

## UPDATE ON NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I realized that it is 6:22 here in Washington and many of our colleagues have already left to return to their districts. But I felt compelled to take this special order out this evening in order to respond to a number of things that we said here on the House floor last night as I was given a little time to challenge some of the points that had been made by my colleagues concerning the North American Free-Trade Agreement.

So I decided this evening to try to respond to a few of those points and to talk, specifically, about that treaty.

Mr. Speaker, it is no secret that I am standing here alone without any of my colleagues here in the House Chamber. What I would like to do is to welcome any of my colleagues who would like to come over and either join in and participate in support of the things that I am saying or, and frankly more important, I would like any of those who are opponents to the North American Free-Trade Agreement to come and challenge me on any of the points that I am going to be making in the next few minutes.

This is really a goal that I believe we should need to have here; that is, a free exchange of ideas on this very, very hotly debated and now rather controversial issue; and that is, the implementation of the North American Free-Trade Agreement.

As I have said repeatedly here from this well and at the desk there, I happen to believe that reducing trade barriers is clearly the wave of the future. And if we are going to enhance the opportunity for U.S. workers to produce more, we have to do it through exports.

As we look at the past several years, the overwhelming majority of economic growth which has taken place in this country has been through exports. So I am concerned about creating jobs in the United States of America, and I am also concerned about an issue which is very near and dear to me as a Californian; and that is, the flight of illegal immigrants coming across the border from Mexico into the United States. That clearly is one of the most pressing problems that we have in California, because due to the fact that we here in Washington impose unfunded Federal mandates on State and local Governments, we basically tell them what they have to do, without providing the resources for them; so Californians are shouldering the cost of providing welfare, health care, criminal justice, education, and a wide range of other services for people who have entered this country illegally. And it is costing people in my State of California literally billions of dollars.

These concerns have played a key role in leading me to believe that implementation of the North American Free-Trade Agreement will get to the root of these problems. I supported strongly the amendment offered by my colleagues, the gentleman from California [Mr. MOORHEAD], and the gentleman from California [Mr. HUNTER], and others last week to increase the border patrol. I think that we should strengthen our border patrol so that people do not come across illegally. But, clearly, people will find a way to penetrate that border. What we need to do, in getting to the root of that problem, is do everything that we possibly can to ensure that they have an incentive to stay at home.

As we look at the reason people flee Mexico and come to the United States, there really is only one, and it is economic opportunity, whether it is a job or whether it is these welfare services to which I have referred.

What we need to do is realize that many people come from Mexico across the border to make money to send back home to their families.

So, one of the things that is very important for us to do is not to provide United States dollars in foreign aid to the Mexican Government, but play a role in strengthening our relationship between the two countries, which will lift the economy of Mexico and lead people who might today feel inclined to come illegally into the United States to seek employment opportunities to send those dollars back home, to instead stay in Mexico as job opportunities are created.

Now, last night as I was engaging in the exchange with my colleagues, Messrs. BONIOR, BROWN, and Mrs. BENTLEY and Ms. KAPTUR here in the Chamber, there were a number of issues raised, and one of those was discussed by Ms. KAPTUR of Toledo, OH, who referred to the fact that many United States businesses have flowed from the United States to Mexico. She is absolutely right. I am the first to admit that we have seen many businesses leave the United States and Mexico. Do you know what? There is nothing today at all that exists that would prevent United States businesses from moving from this country to Mexico.

Let me say that again: The status quo, if we leave everything as it is today and do not implement NAFTA, there is nothing that prevents United States businesses from leaving the United States and going to Mexico.

Now, there are a wide range of reasons as to why businesses leave the United States and go to Mexico or to other parts of the world. I would like to take a few minutes to go through some of the reasons why businesses move.

There are basically three major reasons that a company would consider producing overseas: They are, No. 1, expanding sales in a current export market, basically moving from this country to Mexico so that they can take advantage of the 88-million-strong consumers who are there in Mexico.

The second reason is the opportunity to penetrate a new foreign market.

And the third is to reduce their operating costs.

Now, the majority of United States-owned factories in Mexico have been located there for the first two reasons that I have mentioned. In fact, over 70 percent of the production of American-owned manufacturing plants in Mexico produce items that are sold in Mexico, not items that are exported back to the United States. One of the things that we constantly hear from opponents of NAFTA is that U.S. businesses move to take advantage of what they call 58-

cents-an-hour labor—and it is nothing near that. The average wage rate for those in the manufacturing industry in Mexico is $2.35 an hour. And yet the American worker is at least five times more productive.

But there are many who will argue that they move to Mexico so that they can sell those goods back into the United States. The fact of the matter is that 70 percent of those items produced by American-owned manufacturing companies in Mexico are sold in Mexico.

□ 1830

Now, if a company is interested in lowering their costs of production, what is it that they look for? Obviously, wages and the burdens of excessive regulations are important, but they are really only the tip of the iceberg, Mr. Speaker. There are many other considerations.

First, access to markets, to which I referred. Manufacturers need to be able to ship their products to market, respond to rapid changes in demand and service and provide service for their products. Each of these costs goes up as production is moved away from the final market.

It is a benefit to produce in the United States because the United States is the largest sales market. So it seems to me there are many businesses that are going to want to remain in the United States, and probably the best example came in a joint announcement that we received here a couple weeks ago from General Motors and the United Auto Workers when they decided to move a plant from Mexico back to Lansing, MI. They are building the Chevrolet Cavaliers and other vehicles, moving those from Mexico back to Lansing, MI.

Why? Because they realize that it is best for them to be closest to their largest sales market, and they also know that the American worker is five times more productive than the worker in Mexico.

Access to resources is also very important. Most production involves some raw materials, energy commodities, or standard energy commodities, or standard products used in manufacturing. Access to these resources and supplies, along with transportation costs, is something that a business must also take into consideration.

Most factors of production other than labor are much cheaper in the United States. For example, energy and transportation costs in Mexico are extremely high.

The third point is the quality and cost of infrastructure. Government must extend water, sewer and power to the location of a new plant, and the costs of those services are very important considerations that a business must make.

The cost and availability of land are also very important. Mexico is very far behind the United States when it comes to the issue of industrial infrastructure.

Also, the fourth point, transportation infrastructure itself, the proximity to direct service airlines and major trade centers is very important, as are quality road and rail networks to keep transportation costs and delays down.

All forms of transportation infrastructure, road, rail, air, and sea, are much more developed in the United States This lowers U.S. transportation costs and clearly increases reliability.

The proximity to retail suppliers, reliable suppliers. Companies must be able to acquire telecommunications service, machinery, supplies and transportation, along with financial and other information services. Most American firms have extensive supplier networks in the United States, most of which cannot easily be replaced and which cannot relocate. Therefore, they stay together in the United States.

The sixth point, exchange rate costs. Fluctuating exchange rates or the inability to easily shift capital in and out of a country can cause very serious disruptions in business. Conversely, companies desire investments in countries with stable currencies.

Now, doing extensive business in Mexico with the peso is historically risky, considering that there have often been controls on exchanging pesos into dollars and taking profits out of Mexico.

The seventh point, government policies. Time is money, and dealing with inefficient, corrupt or intrusive local state and national government bureaucracies can be very costly. Unfortunately, the Clinton administration may eliminate all advantages here.

The eighth point that I would like to make, education, training, and skills of labor. If workers cannot read, write, or do math, their skills may not match the level required of the new industry. Mexican workers are clearly much less, often five to six times less, as I was saying, productive than the American worker.

Work practices and work ethics. Companies cannot assume labor abroad is the exact same as labor at home. There are different senses of time and work. For example, workers in Mexico expect their plants to shut down for the hottest hours every day.

Also, speaking the same language is a tremendous plus.

When all these factors are considered, most American firms determine that producing in the United States is clearly the best deal.

Now, this whole issue of trying to gain access to markets and seeing companies move from the United States to Mexico to export back here really is a red herring when you think about the fact that the goal of the North American Free-Trade Agreement is to bring that tariff ultimately down to a zero rate.

Now, the average tariff, as I have said here many times before, on United States goods going into Mexico today is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. So it seems to me that we have to realize with a 2½ times higher tariff moving that rate down to zero is going to greater enhance the opportunity for us to sell in Mexico, meaning that any companies that have felt compelled to move to Mexico to take advantage of that labor force to sell things back into the United States will not have the need to do that whatsoever, or to have to move to Mexico to take advantage of the 88 million Mexican consumers, will not need to do so.

Why? Because we will have a zero tariff, so U.S. businesses will not have to move into Mexico so that they can have access to the Mexican market. They will be able to remain right here in the United States, take advantage of that zero tariff, and providing goods and services to those 88 million Mexican consumers.

Now, one other item that was raised last night that has been of great concern and we continually hear it, 58 cents an hour is the wage rate for Mexican workers. Clearly, that is not the case. People do not work in Mexico for that wage rate. The average wage rate in the manufacturing industry, and this was challenged to me last night when I was here on the floor, is $2.35 an hour. This is actually information that came from the Department of Labor.

Now, we also have to realize there are a wide range of benefits that are provided to the Mexican workers that are not provided to American workers.

As we look at the goal of trying to have the United States compete internationally, and again I congratulate our U.S. Trade Representative, Mr. Kantor, and President Clinton for seeking a goal of trying to reduce trade barriers internationally so that we can benefit the American worker with greater opportunities for exporting the goods that they manufacturer and benefit the American consumers so that they can in fact buy the best quality product at the lowest possible price, the direction we are headed in is a very positive one.

There was a meeting that was held just yesterday, sponsored by the Atlantic Monthly. Two of the participants were the former U.S. Trade Representative, Ambassador Carla Hills and the present U.S. Ambassador Mickey Kantor. One of the questions that was posed was what is the major difference in trade policy between the U.S. Government under the Bush administration and under the Clinton administration?

I was very pleased to see that we are seeing a continuation under the Clinton administration of a policy of trying to diminish those trade barriers so that we can take advantage of greater exports and benefit the American consumer.

Mr. Speaker, one of the other items that was raised last night that concerns me greatly was this point that was made about the corruption within the Mexican Government. My colleagues were providing some very tragic instances, and I am very sympathetic with the concerns that were raised as it relates to the standard of living for many of the workers there, human rights violations which have taken place in Mexico.

Let me say again for the record, as I said here last night. I am in no way an apologist for human rights violations for a government which would relegate its people to substandard levels of living and environmental quality. I do not support those things.

I happen to believe that implementation of NAFTA is clearly going to help us address all those items.

Now, some have said, I think it was my friend, the gentleman from Ohio [Mr. BROWN] who said that Mr. Salinas is simply complying with things like establishing a government-sponsored human rights monitoring organization so that he can gain the support of the United States and the Canadian Government and the rest of the international community for implementation of the North American Free-Trade Agreement.

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Well, quite frankly, whatever the reason is, if it is a goal of trying to expand trade opportunities, and they are working to improve the human rights situation and other problems that exist in Mexico, I congratulate them for that. It is a positive sign.

As we look at that acronym that we have used, NAFTA, the North American Free-Trade Agreement, the most important word there is the middle word, the word that comes after "North America" and the word that comes before "Trade Agreement." It is "Free." We have to realize that the goal is to expand freedom.

Now, it we have this free trade taking place, clearly there are going to be fewer opportunities for the kinds of corruption which we have seen in the past take place. Why? Because there is going to be greater access and exposure to the American market, to the U.S. market.

Mr. Speaker, one of the points that needs to be made, which has been raised by a number of critics of the North American Free-Trade Agreement, is that once we get into it there is no way we can get out of it if there are problems. Well, frankly people should look at the agreement. Any of the three countries involved, Canada, the United States or Mexico, have the opportunity to withdraw from that agreement at any time that major concerns are raised.

Now one of the things that we have also seen in the past is a one-party system of government, and last night my colleagues were talking about the fact that since 1928, when we saw the beginnings of the nationalization of the oil industry in Mexico under the Institutional Party, Institutional Revolutionary Party, which was founded by Mr. Cardinas, the father of the Presidential candidate who was running in Mexico, we have seen all kinds of corruption, all kinds of problems in Mexico, and I am the first to admit that it is very bad and very wrong, and I said here last night that in the early 1980's, under President Jose Lopez Portillo, we saw the arm of the Institutional Revolutionary Party growing even longer, extending into the banking industry, nationalizing industries, having this one-party government take control of industries which up to that point had been in private hands. But as we looked at the mid-1980's through the end of the last decade, now into the early and approaching the middle 1990's, we have seen dramatic improvement.

Now the Institutional Revolutionary Party has been in control of the presidency and the legislature since 1928. The fact of the matter is we have now seen a wide range of other candidates win in local elective office, win in governorships in Mexico, and we have also see, as I was saying last night, a great level of privatization. President Miguel de la Madrid, who was the last President of Mexico, in 1985 and 1986 began moving on this road toward privatization, which is a very positive sign.

And I was asked here last night to proclaim that the election of President Carlos Salinas de Gortari was, in fact, a free and fair election. I cannot stand here and made that claim, but I cannot say that it was not, and I should also say that the prime opposition party in Mexico, the National Action Party, the PAM, the PAM Party, was a party which made the case throughout its existence of exactly what President Salinas has been doing.

The PAM Party is, quite frankly from my perspective, like the Republican Party here. The Republican Party, and I do not mean to make this at all partisan here, I say to my very good friend from Sacramento, but the Republican Party and the PAM Party do have in common the fact that they have as their platform less government, a free economy, those kinds of things which are major planks of our platform, and, while I know there are many thinking Democrats who pursue those goals, the Republican Party frankly has that as its main, main goal and main planks of its platform, and frankly, the National Action Party of Mexico has that, too.

President Salinas throughout his Presidency, as he has moved for privatization of the telephone industry, the banking industry, a wide range of other industries, has in fact lessened the control of the Government and his party, the Institutional Revolutionary Party, on those industries, and they have done the kinds of things that the prime opposition party, the PAM Party in Mexico, has called for for a number of years.

So, Mr. Speaker, the point I would make is I am not going to certify the elections of Mexico and say how perfect they are, but I will say this: If we want to see improvement, which we have seen over the past several years, much of that improvement has taken place because of the prospect of implementing a North American Free-Trade Agreement.

Several months ago there was an article in Reason magazine which went through about six pages harshly criticizing the North American Free-Trade Agreement pointing to the many flaws that exist in that agreement, and yet the last four paragraphs of that Reason magazine article point to the fact that with all the problems that exist with NAFTA it is light-years ahead of the status quo, and so, as I listen to so many of my colleagues who have consistently stood here in the well and talked about how we cannot allow NAFTA to be implemented, we must ask them this question: Is the status quo better than implementing a North American Free-Trade Agreement?

And, Mr. Speaker, I am very happy to be joined here by my very good friend from Sacramento, CA, a member of the Committee on Ways and Means and the Trade Subcommittee which had the great opportunity to have me testify before it earlier this week, and the gentleman seems to have survived my testimony before the Trade Subcommittee, and at this point I am happy to yield to one of the strongest advocates of free trade and diminishing barriers, including the barriers, including the barrier that exists between Mexico and the United States.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for having this special order tonight, and I am very pleased to be able to join him and participate in this special order on NAFTA.

I have to say to the gentleman that I appreciate his remarks in particular because there has been so much misinformation regarding NAFTA, and I guess one of the problems and the reason this exists is because, when President Bush completed the NAFTA agreement, it was in August of 1992, not quite 12 months ago, and, as my colleague knows, the Members of Congress were on recess, the American public was focussing finally on the election process, the Democrats just had their convention in July, and the Republicans were in convention in the month of August, and then we came back in September. Members were focusing on getting out of session, completing the budget, and then the general election, the Presidential election, and then after the election on November 6, the focus became the transition, and then from the transition we went into the period of the President being inaugurated into office. And now we have been preoccupied with the budget, so there really has not been a focus on the NAFTA and what it really all means and, when one thinks about NAFTA, what it is really all about.

Mr. Speaker, it is reducing tariffs. For every $4 of tariffs that the United States imposes on Mexico's products coming into the United States, Mexico has $10 worth of tariffs on products of the United States going into Mexico. It is a 10-to-4 relationship, or Mexican tariffs are 2½ times larger than the tariffs in the United States, and basically what this agreement does is, over a 15-year period, a 15-year period, reduces tariffs on both sides of the border to zero. That is exactly what the NAFTA does. It is certainly in the favor of the United States.

In fact, Mr. Speaker, the CEO of IBM Corp., Louis Gester, who just took over and, as my colleagues know, that company is downsizing now, and they are going through some problems, but they are going to make it. Louis Gester met with me about a month ago, and he said, "You know, the Mexicans want our computers. They want IBM computers. But the Japanese, and the French, and the Germans are all going in there at the same time, and, as you know, once you buy a computer product, you usually stay with that brand unless you're really dissatisfied," and he said, "My concern is that we're probably going to have to open up an IBM plant in Mexico because right now Mexico has a 25-percent and ad valorem tariff on any computers going into Mexico, and we can't afford that cost."

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So he says, "We will probably have to open up a plant in Mexico in order to compete with the Japanese and Germans and other countries. But if you pass NAFTA, I won't have to do that, because within 24 months after NAFTA is signed into law, that 25-percent tariff goes down to zero." He says, "In that case, I can stay in the United States, build the computers here, and ship them for nothing in terms of a tariff."

Almost every business in America will gain in terms of their exports into Mexico as result of this agreement.

Mr. DREIER. I would like to underscore one important point that my friend has just made, and that is, you know, we so often hear that the Mexican people cannot afford United States goods.

Mr. MATSUI. Let me respond to that. What is ironic, just last night I heard part of the debate, and there is a sense that Mexico is this undeveloped country with mass poverty like Somalia.

The Japanese on a per capita basis today buy $400 worth of United States goods a year. For each Japanese in Japan they buy $400 worth of United States goods a year.

Mexicans buy $380 per year per capita in United States goods. So they are only $20 short of the Japanese.

Mr. DREIER. And most people certainly think that the people of Japan have a higher standard of living than the people of Mexico.

Mr. MATSUI. Exactly. If we assist the Mexicans in the sense of helping them open up their markets and become a free market economy, they will probably triple that in the next 10 years, and maybe quadruple that. This agreement is really to the advantage of the United States.

Mr. DREIER. If I could make one more point on that particular item, and that is one of the things I have found, where we represent a border state, having been in Mexico, is that the Mexican people clearly want to have the opportunity to acquire United States-manufactured goods. It is something that is greatly desired by them.

Mr. MATSUI. If I may also just state that there has been predications both ways, a number of different ways, in terms of how many jobs will be created, and this really comes down to an issue of job creation.

Almost every credible study indicates that this will create anywhere from half a million jobs, maybe up to a million jobs. Conservative studies show that it will create 200,000 jobs over the next 5 to 10 years. So there is just no question that this is in the interest of the United States.

I might point out that I would ask Members to read this recent CBO paper and CBO study. The CBO study came out in July of this year, from the Congressional Budget Office, a nonpartisan study that indicates this will create jobs. It is a net plus to the United States over the next decade in terms of our gross domestic product. So this agreement has a lot of misunderstandings.

If I may just make one additional comment, there is always this talk about job loss. What is ironic is whenever you hear a Member or anyone talk about job losses of jobs going into Mexico, it is happening now. It is happening now without NAFTA.

The reason it is happening without NAFTA is because right now what is going on is that when companies want to go down there, they can go down there. We are not going to stop investments from going off of our borders or off of our shores. So what they are talking about is a current existing situation. NAFTA has nothing to do with the fact that there are companies down there.

In fact, one interesting thing is that the big three auto companies want to sell cars in Mexico. Well, the Mexican government, without NAFTA, said, "Before you can do that, you have to build plants in Mexico." So that is why there are some big three auto plants down there. It is not because they want to go down there; it is because they were asked to do it before they could sell their products. Essentially that would not have happened had we had a free trade agreement with the Mexicans.

Mr. DREIER. As I was saying a few minutes ago before our friend joined us here, the decision by the United Auto Workers and General Motors to move their plant from Mexico back to Lansing, MI, was based in large part on the fact that the American worker is at least five times more productive than the Mexican worker, but also the opportunity that they will have with a zero tariff to sell automobiles manufactured in the United States in that Mexican market. I think that point needs to be made here, that as we have listened to all the problems that people have discussed as it relates to Mexico and the rhetoric that has come out over the past several weeks and months, we have to realize that while we constantly believe we are buying all these cheap goods from Mexico, that in 1985 we had a $4.9 billion trade deficit with Mexico. We in fact were buying $4.9 billion more in goods and services from Mexico than they were buying from us.

Yet, as this privatization to which I was referring earlier has taken place, privatization of the banking industry, these tremendous moves which have taken place, and maintenance of basically the current tariff structure, it has not changed dramatically—there has been some improvement, but not dramatically over the past few years—we have seen us move from that $4.9 billion trade deficit to a nearly $6 billion trade surplus last year.

Basically, these people, who are so impoverished and cannot afford to buy any U.S. goods, as opponents of NAFTA like to say, bought $6 billion more in goods from the United States than we bought from them.

Mr. MATSUI. I appreciate the gentleman bringing that up, because we have a trade surplus that will grow with continuing trade with Mexico.

Let me just make two points, because I know you have other gentlemen that would like to comment.

Mr. DREIER. I hope the gentleman will stay with us, because we would like to have an exchange of ideas here.

Mr. MATSUI. Mr. Speaker, we have heard concern about the environment. Whenever we talk about NAFTA, people say, "Look at the environment. Look at what is happening right now down there in Mexico."

Well, the way we deal with this issue is by having NAFTA. Then the United

States will be able to have supplemental agreements. You might have a border development bank that we are talking about now. That is the way you clean up the borders, by having a relationship, an economic relationship.

Second, also it helps because you are going to raise the standard of living of the Mexicans, just as you help our economy. As a result of that, the Mexicans will want to put some of those resources into environmental quality, into environmental cleanup.

Last, and I think this is important as well, although the issue is jobs, we really have to focus on jobs. This will create jobs. But in addition to that, there is the immigration problem. If the Mexican standard of living increases, you will not see the flow of immigrants coming into the United States.

We heard last night in terms of the fact that it was said that Mexico is a dictatorship. President Salinas, who is a Harvard grad—and I guess we could hold that against him—but he is a Harvard grad, he knows the United States well. He wants a country that is democratic. He wants a country that is a free market like the United States and a democratic country. He has taken a major political risk at this time by supporting and strongly pushing NAFTA, because what he wants to do is open up his markets, open up this country to the liberal philosophy that we have in terms of the free expression of free ideas. And the only way he is going to get that is by having continuing trade and a flourishing economy in his country.

Mr. DREIER. I would argue that one of the reasons that President Salinas has taken this bold risk of supporting a North American Free-Trade Agreement is that as you look at some of the other risks that he has taken, he has had a great deal of success with them: that move towards privatization, where the government got out of a wide range of industries; looking at the improvement of the environment by passing in 1988 the toughest environmental laws modeled after ours; closing down the largest refinery in Mexico City, which forced 5,000 Mexican workers out of work so that he could improve the quality of life in Mexico City. He was heralded or taking those risky, controversial moves. I think that laid the groundwork for him to take this tough and bold, very positive move, which clearly is the wave of the future.

At this point I would like to yield to my friend from Orange County, and I would like to ask him a couple of questions. Then I would like to ask a couple of questions of my friend from Sacramento.

Mr. ROHRABACHER. Mr. Speaker, I would like to support both of my colleagues. I think it is notable that we have Members here from both parties. My colleague, Mr. MATSUI, presented to us a Congressional Budget Office study. For those who are listening to this presentation, let us note that the Congressional Budget Office, no one has ever accused it on this side of the aisle of being this bastion of business and bastion of capitalism. In fact, if we were going to think that there would be any bias in the Congressional Budget Office study on an issue like this dealing with a commercial treaty, we would think it would be skewed in the other direction.

So the fact that it shows there is going to be growth in jobs in the United States and it will be helpful to our economy indicates and underscores that this is truly going to be a positive factor for the United States of America and for employment in the United States of America.

Also I was very, very pleased to hear the discussion about the environment. Just on theory, before you go into specifics on Mexico, I want to note that Mexico's environment has been damaged greatly during the years when the economy in Mexico was so bad.

Many of the things they point to in Mexico to say look how terrible the environment is are things that happened not under Mr. Salinas' administration, but things that happened when the economy in Mexico was sinking.

All over the world we find that when you have industrialization and growth in the economy, that is when those countries can afford to invest in the modern technology that reduces pollution and reduces the threat to the environment.

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Mr. DREIER. If I may interject on that one point, some of those who were criticizing NAFTA here last night said that Mexico has the greatest laws on the books and yet they do not enforce them.

One of the things that I have been told by Herminio Blanco, who is the chief negotiator on the North American Free-Trade Agreement on behalf of the Mexican Government, is that, yes, it is very tough for them to regulate these heavy industries that, as the gentleman from California [Mr. ROHRABACHER] has said, grew under a government system that was more corrupt, less concerned about environmental quality.

So what they have said is that about the only way that they can really improve the environmental quality is through NAFTA, because obviously, as we increase the standard of living, the demand for a cleaner environment on the part of a wealthier, more successful people will be enhanced. And what we will see, of course, is that new industries coming in will be better equipped to comply with those environmental regulations which now some older, heavier industries could never comply with whatsoever.

Mr. ROHRABACHER. Because the wealth does not exist. Unless you have an upward growing economy, the wealth will not exist to invest in the technology which will solve these pollution problems.

Unfortunately, Mexico, over the last 40 years, has suffered under administrations that were corrupt and often incompetent. And quite often, in order to excuse their corruption and incompetence, they would stir up hatred against the United States of America.

At last we have an administration in Mexico that is trying their very hardest to work with the United States so that we can work in cooperation so that both our countries will progress. I think the worst possible signal we could send to the world is that when at least you have an administration that is attempting to reform, that has been so long overdue in Mexico, that America slaps it down.

If that happens, what is going to happen to Mexico at that point? What will happen to their economy? For the last few years, the economy has been growing because of the reforms. If we slap the reformers down, it will be back to the old ways. Talk about an illegal alien problem. Then when the economy is on the downturn in Mexico, talk about environmental problems, when their economy goes into a downturn because they have thrown out the reformers.

Mr. DREIER. What kind of signal does that send in this hemisphere when the United States of America is more than willing to embark on a free-trade agreement with Israel, on a free-trade agreement with Canada? And yet, our southern neighbor, right at our border, we will not embark on a trade agreement there. When we look at the hundreds of millions of people who live in this hemisphere, in the Americas, it is imperative for us to not stick our head in the sand. It is imperative for us to try and figure out ways in which all countries in this region can take advantage of markets and labor.

Mr. ROHRABACHER. This would be worse.

Mr. MATSUI. I would like to add to that, because it almost borders on paranoia for people to be concerned about the Mexican economy. I hear people say that they are not competitive. Our time was in the past, and we cannot compete with the Mexicans.

People have to understand that the Mexican economy is just 2 percent of what the United States economy is. They have 80 million people; we have 250 million people. But their economy is only about 2 percent of our economy.

Mr. DREIER. There are so many people here in this country who are absolutely scared to death about that.

Mr. MATSUI. What we see, what I envision is over the next 20 years a market that wants to grow. And this is where United States products will come in: automobiles, high-technology equipment, computers, you name it, the Mexicans will want our equipment and our manufacturing base. It is just going to be a very positive element of growth.

In fact, it is one of the few elements of growth in California, as the gentleman from California know.

Mr. ROHRABACHER. If their economy continues to grow, which we all hope and pray that it will, who will be selling them those computers, those automobiles, the hospital equipment? In Orange County, we have a tremendous industry in hospital technology. Who will be selling that technology, that equipment, those machines, those products that are produced with high-quality American jobs?

Mr. DREIER. And the environmental technology that is going to be demanded there is another growing industry.

Mr. ROHRABACHER. Who will sell those things? If we slap down the NAFTA treaty, that means the United States will be competing on an equal footing with our foreign competitors in Europe and in Asia. If we, instead, have a free-trade agreement with Mexico, as the Mexican economy grows, we will be supplying those needs from within the tariff barriers instead of having to compete with our competitors outside of the tariff barriers.

It is a formula. It is a win-win formula for Mexico and the United States.

Mr. DREIER. I think that is one of the most important points that needs to be made here. There are so many who look at the issue of trade and believe that it is a zero-sum game. It is not a zero-sum game. It is a win-win situation for us.

As we look at the European Community, and a number of Members last night were talking about the difficulty in negotiating amongst some of the wealthier countries in Western Europe, countries like Spain, Portugal, and Greece, where wage rates were significantly lower.

Quite frankly, we have to realize that there was a beneficial arrangement that was embarked upon, phased in as this package will be phased in over a period of time. So it has been a win-win. But as we look at that powerful emerging market there and then as we look to the Pacific rim, where we see countries unifying in free-trade agreements, one of the things that has to be, if you look down at South America and see Argentina and Brazil, the unification that is taking place among South American countries, how we in the United States can believe that we can stand here, pound our chests, stick our heads in the sand and say that we are going to be totally self-sufficient and not realize that the tremendous growth which this country has enjoyed over the past several years has come overwhelmingly due to exports to so many of those markets.

Mr. ROHRABACHER. The statistics that you mentioned earlier, a $6 billion surplus today versus a nearly $5 billion deficit only a few years ago. If that can be attributed directly to a Mexican economy that is now growing and an administration that is reaching out to have a cooperative relationship with the United States, as the gentleman from California [Mr. MATSUI] stated, that the Mexican economy is so small now, so if it continues to grow, what a tremendous amount of new jobs will be created here as Mexico grows and we are providing them with computers. And we are providing them with the office equipment and we are providing them with the heavy machinery and the bulldozers, et cetera, that they need to build a stronger and bigger economy.

That growth, that change around from a $5 billion deficit to a $6 billion surplus was done in a very short period of time simply because the Mexican economy began to grow. The reformers were on the ascendancy. If we can look forward to that type of change in the next 20 years, what a tremendous impact it will have on our society.

Mr. DREIER. Absolutely. We know full-well that there are other countries in Latin America who are closely watching the negotiating process and the activities here in the U.S. Congress as it relates to NAFTA. Why? Because they want to be able to take advantage of markets and provide labor themselves. They want to see the kind of exchange that they can embark upon with the United States throughout Central America and other parts of South America.

Mr. MATSUI. If the gentleman will continue to yield, what he says is correct. Not only about Latin America watching us on this NAFTA issue but also the Europeans and the Japanese.

As you know, the President was in Tokyo last week. And he came up with a framework with the Prime Minister of Japan, and that will be further negotiated, trying to open up the Japanese markets.

Now, if we turn NAFTA down, I can tell you, the Japanese will not continue negotiating with the United States. So what is ironic is that it is in the interest of those Members that represent the Rust Belt to actually support NAFTA.

First of all, it will not hurt their region but, second, it will make the President stronger in terms of his negotiations in opening up the Japanese market.

In addition to that, as you know, the GATT negotiations, even though we made major strides in terms of some of the tariff reductions and market opening provisions at the Tokyo round just last week, some of the tough decisions still have to be made.

For example, the French, on the agricultural subsidies issue, many of the French political leaders are worried that they have offended their agricultural base, political base in France. If we do not pass NAFTA, the French are going to say, "Why should we stick our necks out on GATT?" That will jeopardize the GATT discussions.

So the NAFTA issue is one in which the world, in addition to Latin America, the world is looking at the United States in terms of our leadership.

Mr. DREIER. That is a very good point that my friend makes. I think we need to reiterate that one more time.

If you look at the prospect of any kind of international trade agreement in which the United States of America hopes to participate, then rejection of NAFTA will basically say the word of the United States is basically worthless.

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We will have embarked on this agreement, we will have, in good faith, negotiated it with Canada and Mexico, and then people here in the United States decided to just throw it out the window. Other countries will say, "Gosh, why should we sit down with these people, who basically do not keep their word and basically do not want to proceed on the road toward reducing the tariff barriers that exist?"

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the flip side of this same argument that the gentleman is making, one side is if we turn it down, we have lost credibility, but on the other side, if we succeed with Mexico, it gives us tremendous leverage in negotiating with the Japanese and others who now know we do not need them as much, because we have a free trade zone here on the North American Continent that can match in resources and in human potential any trade zone in the world, including the EC and including what we can face in Asia.

The fact is, it will give our negotiators tremendous leverage in dealing with potential customers, and we can get a better deal on the next negotiation.

Mr. MATSUI. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. MATSUI. The gentleman is correct. We will have, if we have this free trade agreement passed, we will have a market of 360 million people. It will be the largest free market in the history of the human race.

Mr. DREIER. Six trillion dollars.

Mr. MATSUI. Incomprehensible. It will create so many more jobs, so many more investments and opportunities. That is why both President Clinton, President Bush, former President Reagan, the USTR, Mickey Kantor, the former USTR, Carla Hills, they all support this.

The experts in the area of trade and foreign policy and jobs support this agreement, including the Secretary of Labor, Bob Reich. As we know, he supports very strongly NAFTA, because he knows that this is going to create American jobs.

Mr. DREIER. The gentleman mentioned just a few minutes ago that some in the Rust Belt might not be inclined to be supportive of NAFTA. We know of the opposition that has come from them.

Frankly, as we look at many of the heavy industries that exist in this country today, they are exporting in great numbers to Mexico today. Even with the tariff structure that exists, with that 10 percent tariff to which we have been referring, that happens.

If we look at trying to eliminate that barrier, these heavy industries, like Caterpillar and other industries, are going to be greatly enhanced with the opportunity to export even higher levels with a zero tariff in Mexico.

Mr. ROHRABACHER. If the gentleman will continue to yield, I have been shocked recently by statements of opponents, maybe not public statements but private statements, made by opponents of the NAFTA agreement who are portraying President Salinas, and I would say to the gentleman, Mr. MATSUI, before he leaves, I would like to just ask him, because he has met President Salinas, I would like his personal analysis of this man.

I met President Salinas only once, but I was tremendously impressed, and have been tremendously impressed with his commitment in Mexico to reform. Many people have been portraying him as some sort of a negative figure. I happen to believe that President Salinas is probably one of the more heroic individuals in our lifetime.

Mr. DREIER. I will respond. I have met with President Salinas probably a dozen times over the past several years. I know his father very well. In fact, in my first United States-Mexico Interparliamentary Conference that I attended in 1991, when President Lopez Portillo bragged about nationalizing the banking system, I was sitting with now President Salinas' father, who is an economist who lives in Mexico City.

Clearly the training that he received here in the United States and the recognition that the wave of the future, with the crumbling of the Berlin Wall, the changes and moves of totalitarian countries to freedom and free markets, is obviously the route to take.

President Salinas has recognized that. He recognized it early on. He had it as a positive goal. I cannot say enough about his economic program, which has been designed to improve relations there.

I am sure my friend, the gentleman from Sacramento, CA [Mr. MATSUI] has also met with him.

Mr. MATSUI. If the gentleman will yield further, yes, there is just no question that President Salinas is a visionary. He wants to make the Mexican system of government similar to the system we have in the United States. He is doing it at a major, major political risk.

As we all know, Mexico has been a nationalistic country over its history. We have had battles with Mexico, as the Members know, in the 1800's. They claim that we took a third of their territory, so they are very, to some extent, anti-American, but President Salinas has gone in and he has attempted over a period of years to change that.

He wants to foster a strong, positive relationship between the United States and Mexico. For us, for us in this country to even consider turning down this great statesperson would be tragic, and it would be tragic in terms of our long-term bilateral relations, not only economically, but diplomatically as well.

Mr. ROHRABACHER. If the gentleman will yield, I believe there are men and women like President Salinas throughout the world who would step forward and offer leadership to their people and start working together, not only with the United States but with others, to build a better world, but if they would step forward, and if we do this to President Salinas and slap him down, so he loses face with his own people, I believe that the people all over the world will take that as a signal that "We cannot trust the Americans," people of integrity.

As I say, here is a president who probably exemplifies a higher level of integrity and certainly capability than past presidents of his country. This man has stepped forward. He has put himself on the line. If we want others around the world to take courageous steps to better their people and to make a better humankind, we have to stick with Salinas.

Mr. DREIER. Let me say, those who are not here this evening, and obviously, as we discussed earlier, there are many people who have left town, clearly I think the RECORD should show that we are more than willing to stand here virtually every evening, if we possibly can with the exigencies of our schedule, to discuss this issue.

At the outset I said that I would welcome any opponents to NAFTA to come here and raise questions of us, and we will try our darnedest to provide answers, because we are in no way trying to control this issue.

I think last night I had my dear friend, the gentleman from Mount Clemens, MI [Mr. BONIOR], my colleague on the Committee on Rules, yield a little of his time to me so I could raise some questions and respond to some of the criticism that has been leveled.

I would say that anyone who has followed this debate should certainly raise questions of us, contact our offices, and I think when one looks at what it is we are trying to accomplish, we want to create jobs in the United States of America, we want to boost economic growth here, we want to decrease the flow of illegal immigration from Mexico to the United States.

What we have done is, we have realized that John F. Kennedy was absolutely right when he said that, "A rising tide lifts all ships." There is no benefit whatsoever to the United States in trying to attain those goals of increasing the half million jobs in the United States that NAFTA will create, increasing economic growth, and decreasing the flow of illegal immigration, if we abandon our southern neighbor. There is no benefit to us whatsoever to have a poor southern neighbor.

Our time, I have just been told, is waning here. Would my friend like to offer one more comment?

Mr. ROHRABACHER. On another subject, actually, if the gentleman would yield to me at the end of his presentation.

Mr. DREIER. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, Covina, CA, could be the start of a trend.

This morning in the House-Senate conference the largest tax bill in the history of the world got underway.

As the conferees begin their work they, and all my colleagues, should take heed of a recent event in the city of Covina, CA.

Recently the city council in Covina enacted a 6-percent utility tax. This equates to about $12.60 per household per month.

The 219 Members who voted for the Clinton tax bill earlier this year, take note.

The day before yesterday Covina held a recall election—the entire Covina City Council was recalled, remember New Jersey, it once had a legislature solidly controlled by big-taxing, big-spending Democrats.

So that the 219 Members who voted for the largest tax increase in the history of the world can reflect on what the Covina recall might mean to their careers.

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I would like, in order to underscore this point, to include in the RECORD a copy of an article from the Los Angeles Times about the election in Covina, CA.

The article referred to follows:

[From the Los Angeles Times, July 15, 1993]

### FEAR OF RECALL TREND GROWS WITH LATEST OUSTER

(By Andrew LePage)

The resounding recall Tuesday of the entire Covina City Council because of the city's 6% utility tax is the latest sign that voter resentment over new taxes and fees is growing, city officials, taxpayer groups and academics say.

"We're seeing more and more of these recalls efforts, many of them successful, throughout the state," said Alan Heslop, a professor of government studies at Claremont McKenna College. "Generally, money in the form of some kind of tax or fee is at the bottom of the dispute."

"I suspect a lot of city council members throughout the state will be very frightened by what occurred in Covina," said Sheri Erlewine, spokeswoman for the California League of Cities. "We are seeing recall being considered more and more in communities."

"It's ugly out there—every city is facing what Covina is facing," Erlewine said. "There just isn't enough money anymore to pay for what the people want."

Record numbers of Covina voters, angry over the tax on gas, electricity, water and telephone bills that the council imposed last year to balance its budget, flocked to the polls to dump their council members. The vote set up an Oct. 5 special election in which five newcomers will be elected. Until then, current members will remain on the council.

"It's tough. I'm extremely disappointed and I'm sorry for the community," Councilman John King said. "I think we're seeing a desperate moment in Covina's history. Our financial problems won't go away—it won't be any easier for the new council."

Mayor Henry Morgan and council members King, Chris Richardson, Chris Lancaster and Richard Gratton were defeated. Morgan will lose his seat on the South Coast Air Quality Management District.

All of them said they had done everything in their power to convince voters that they adopted the tax on utility bills only after cutting the city budget to the bone. Further cuts, they said, would weaken police, fire and library services.

But recall leaders argued that the tax would not be needed if the council had kept a tight rein on finances. The tax costs the average household about $12.60 a month.

"This recall will have a broad impact—cities will start checking their budgets two or three more times to make sure they've done everything possible to cut costs," said Kris Vosburgh, executive director of the Howard Jarvis Taxpayers Assn.

A growing number of citizen groups have been calling his organization, he said, for advice on fighting new taxes and fees in their communities.

"The common thread is that these people feel their elected officials are detached, arrogant and don't share the [financial] problems of the average taxpayer," Vosburgh said.

The electorate of Covina, a town of 43,000 in the flatlands of the east San Gabriel Valley, includes a sizable population of elderly people on fixed incomes.

Retirees started the petition drive that forced the council into a recall election, helping to organize 200 volunteers and to raise about $8,000 in donations for pro-recall mailers and signs that dotted lawns throughout the community.

"We're overwhelmed by the outcome," said Stop the Utility Tax Committee leader Earl P. Purkhiser, a retired economics and accounting professor at Mt. San Antonio College in Walnut. "The next council will have to spend money like it was its own."

City officials elsewhere say that they have had little choice but to raise taxes, but that educating the public is the key to avoiding voter backlash.

In Pasadena, where voters last month overwhelmingly approved a $1.3-million tax to bolster the library system, Mayor Rick Cole said the city's yearlong campaign to educate residents on the need for the tax was the key to success.

Despite the successful recall drive in Covina over the utility tax, he said, it would be "stupid to draw the conclusion that you can't raise taxes."

Rather, he said, council members should realize that the public "can't be railroaded," and councils must take the time to build community understanding of their budget crisis and possible solutions before imposing a new tax.

The same day the Covina council went down to defeat, the nearby community of Sierra Madre tentatively approved a 6% utility tax. City officials said there was little opposition to the tax because the city reached out to the public at several community meetings to discuss the budget deficit.

Utility taxes have been around for years, but cities have increasingly turned to them, and to assessment fees that appear on property tax bills, during harsh economic times. Taxpayer groups say the taxes and fees are convenient ways to skirt Proposition 13 because most do not need to go before voters.

The anti-tax backlash in Covina is hardly unique. Over the last two years, several recall groups in the state have succeeded in recalling a majority of the council members.

Upset over an assessment for lighting and landscaping, voters in the Northern California town of Pacifica ousted four of five council members last year. In Morgan Hill, council approval of a 9% utility tax led to the recall of three of five council members in December, 1991.

For taxpayer groups, Covina's recall election is convincing proof that the tax revolt of the proposition 13 era is note dead.

"We think San Gabriel Valley governments will sit up and take notice that people want spending under control," said Tom Biesek, a founding member of a citizen taxpayer association in South Pasadena that is fighting a proposed landscaping fee.

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## THE VIETNAM WAR MEMORIAL: SONS OF GUAM SHALL BE REMEMBERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Mr. Speaker, the Vietnam War Memorial is one of our Nation's most powerful monuments, and over and above that, it has added meaning to those of my generation. Stoic black granite slabs bear names of thousands of Americans who lost their lives in the war. It is this image of names—simple, silent, palpable reminders of real people who died and the places that they come from lends such poignancy to the memorial.

But to truly honor the names on that wall, we must make sure that the monument's directory contains accurate information. Today, I rise to remember those service members from Guam who lost their lives in Vietnam but who, due to bureaucratic errors, are not listed as sons of Guam.

For my generation the names of those who died bring to mind the memories of friendships and relatives, good times and bad times, our time together in schools, on playgrounds, and even times that we played war, little knowing that for some members of that generation, a real war awaited them with real sacrifices and real danger.

It even brings to mind those who did not fight but who were part of the same generation, those who even expressed doubts about the policy which was being pursued. All of these images come to mind as we reflect on the names on the wall; as we look at the letters of individuals like Vicente Guerrero and Alan Damian and see in those letters the brave brown faces who represented their generation and their island and their contribution to the Nation.

This Saturday, a replica of the Vietnam Memorial will be publicly displayed on our island. The families of those servicemen from Guam who are not listed as such deserve, at the very least, an examination of the record and an attempt to set it straight.

It is fitting that the replica of the Vietnam War Memorial come to Guam a few days before the 49th anniversary of the liberation of Guam during World War II. The people of Guam will be unable to separate the war experience of the previous generation with that of the current one. Unveiling the war memorial on July 17 and celebrating Liberation Day on July 21 offers some very direct lessons.

Just like the generation who experienced World War II suffered like no other American community during the war, the Vietnam war generation also contributed disproportionately to the names of that wall. The 72 names of Guam's young men represented a sacrifice far in excess of that experienced by any similarly sized community. Guam suffered more causalities per capita in the Vietnam war than any other territory or State in this country.

It would be less than honest, and a disservice to the memory of these men, to not let the rest of the Nation know that these men died in honor of a flag and a set of principles and values which were not, and are still not extended to their homeland. Their island of Guam still has not exercised full self-determination, their island of Guam still does not have a form of government which proceeds from their own authority, their island of Guam still does not have full representation in the Nation's Capital, their island of Guam still deals with the Federal Government in an unequal relationship born of a colonial context nearly 100 years ago in the Spanish American War.

Giving the absolute and supreme sacrifice willingly and without conditions should not mean that these men and the land they represent should be taken for granted. Indeed, the fact that they put themselves in harm's way unselfishly should mean that their homeland of Guam should be allowed to govern itself as a new commonwealth in partnership with the United States. This is what their brothers and sisters in their generation have clearly decided as the next step in their political development. And this is why I have introduced H.R. 1521, a bill to grant commonwealth status to the island of Guam.

Earlier this week, I contacted the Vietnam Veterans Memorial Fund, the Department of the Army, and the Commandant of the Marine Corps to express my concern that some of Guam's young men in the Vietnam War Memorial Directory are not listed as being from Guam. Jan Scruggs of the Memorial Fund told me in a letter that he would work with me and the Department of Defense to correct the record.

My office received a memo from the Commandant of the Marine Corps. His staff will conduct research at the National Personal Records Center in St. Louis and strive to rectify any inaccuracies in the memorial names directory.

I also received a letter from the Department of the Army. They were appreciative to learn of possible errors in the directory of names and assured me that every effort will be made to investigate the names submitted by my constituents and, where appropriate, make changes in the record.

I am grateful to the armed services and the Vietnam Veterans Memorial Fund for their quick responses to my office's inquiries. I am also thankful to John Blaz of Guam's Department of Veterans' Affairs for shedding light on this issue. I want to relay my thanks and congratulations to former Guam Senator Jerry Rivera for his efforts in bringing the wall to Guam and Northwest Airlines for bringing the wall to Guam and we thank John Devitt—the builder of the wall.

I am attaching for the RECORD a complete list of all the servicemen from Guam who lost their lives in the Vietnam war. It includes men who are shown incorrectly as residents of States or territories other than Guam.

I intend to take every step necessary to make sure all the sons of Guam are accounted for. I do this for their families and for all of us who cherish our island and who wish to demonstrate to our fellow citizens the extent of our contribution to the Nation.

Let us never forget to honor the sacrifices of these men. Let us never forget their names or their faces. But let us also never forget who they were as a people, what they experienced, what their parents and their grandparents experienced, what their homeland has been through and where their homeland wants to go. Let us understand their sacrifice in the full light of democracy, in the full glory of democratic principles, in the bright sunshine of the natural desire to govern oneself. Let us recognize their sacrifice by extending to Guam the full meaning of democracy and self-government which the Stars and Stripes draped on their coffins represent.

### SONS OF GUAM

Listed below in alphabetical order are the names of the 72 men from Guam whose names appear on the Vietnam Veterans Memorial in Washington, DC:

Aguon, Jose Q.
Asanoma, Francisco M.
Benavente, David G.
Biagini, Mark F.S.
Blaz, Anthony M.
Blaz, James L.
Borja, Juan S.
Cabrera, Joaquin C.
Camacho, David B.
Camacho, Gregorio M.
Castro, Juan P.R.
Cepeda, Juan D.
Cruz, Edward C.
Cruz, Enrique S.
Cruz, Joseph A.
Cruz, Joseph W.
Cruz, Pedro A.
Cavsito, Ronald P.
Damian, Allan I.
De Leon, Herman B.
Delta Cruz, Frederico
Diaz, Edward R.
Doyle, Albert B.
Duenas, Jose B.
Duenas, Juan L.B.
Espinosa, Vincente T.
Esteves, Fernando B.
Eustaquio, Joseph M.
Finney, Harold J., Jr.
Flores, Denny S.N.
Flores, David C.
Funes, David John
Gordon, David A.
Guerrero, Pedro R.
Guerrero, Vicente F.
Herrera, Jose B.
Mariano, Jesus R.
Mendiola, Roberto L.G.
Meno, George S.
Meno, Jesus Q.
Meno, Roy F.
Mesa, Thomas R.
Moreham, Vincent P.
Nededog, Emilio N.
Pangelinan, Gregorio L.
Pangelinan, Pedro C.
Pereda, Henry P.
Perez, John A.
Perez, Vicente D.
Quenga, Johnny C.
Quidachay, Jesus A.
Quintanilla, Jeffrey I.
Reyes, Tomas G.
Rippel, Eugene R.
Rivera, Tomas S.
Rodriguez, Lucas H.
Sablan, Antonio Q.
Sablan, Ignacio E.
Sablan, John T.
Sablan, Thomas Q.
San Nicholas, Rufo S.
San Nicholas, Victor P.
Sanchez, George S.
Santos, Enrique R.
Santos, Ernesto P.
Santos, James A.
Santos, Rafael S.
Taitague, Johnny S.
Torre, Francis S.N.
Torres, Prishado T.
Violett, James A.
Yokoi, Ralph S.

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## THE SECOND ANNUAL MEETING OF THE CSCE PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CARDIN] is recognized for 60 minutes.

Mr. CARDIN. Mr. Speaker, I take this time, and I hope I will be joined by the gentleman from Maryland [Mr. HOYER], who had also taken time this evening in order to report to the House and to the American people on the U.S. delegation to the Parliamentary Assembly of the Commission on Security and Cooperation in Europe.

We had a very successful meeting of our delegation in Helsinki, Finland, and I am pleased to report on some of the progress that took place during the meeting.

It was the second meeting of the Parliamentary Assembly, which is a group representing the 53 member states of the CSCE, whose parliamentarians meet once a year in order to take up issues that are important under the Helsinki accords. At this meeting we had 300 parliamentarians who were present representing 45 states.

Mr. Speaker, at this time I would like to yield, if I might, to the chairman of our delegation, but before I do, I want to express on behalf of all of the Members who participated in the U.S. delegation, on behalf of the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] and the gentlewoman from New York [Ms. SLAUGHTER], our deep appreciation to the leadership that was exhibited by the gentleman from Maryland [Mr. HOYER] in leading our delegation.

The gentleman from Maryland [Mr. HOYER] has developed an international reputation for being an outspoken leader in favor of human rights and speaking up for those people around the Nation who need a champion on human rights issues.

We were very proud to have as our chairman of our delegation the gentleman from Maryland [Mr. HOYER], and he was recognized by the other parliamentarians around the CSCE when they chose him to be the chairman of the human rights basket of the Helsinki meeting, not only for the second meeting of the Parliamentary Assembly, but elected him as their ongoing chairman for those issues.

It is my pleasure to yield to Congressman HOYER.

Mr. HOYER. Mr. Speaker, I thank my good friend and colleague, the gentleman from Maryland [Mr. CARDIN], and one of the two newest members of the Commission on Security and Cooperation in Europe, known as the Helsinki Commission. The gentleman from

Maryland [Mr. CARDIN] has been a very faithful participant in raising the banner of human rights and international cooperation as he has participated in numerous meetings, hearings, and, indeed, visitations with reference to the Helsinki Commission's work.

I am also pleased to be here on the floor with my good friend, the gentleman from Indiana [Mr. MCCLOSKEY], who has also just been appointed as a member of the Helsinki Commission.

The gentleman from Maryland [Mr. CARDIN] has briefly outlined the parameters of the CSCE Parliamentary Assembly on which we are reporting tonight, 53 nations, recently grown to that figure from the original 35 as the Soviet Union broke up into constituent parts, and many new and independent sovereign states were formed. They have joined the Helsinki process and are now signatory states to the Conference on Security and Cooperation in Europe.

As the gentleman from Maryland [Mr. CARDIN] said, nearly 300 parliamentarians participated from 45 CSCE countries in the meeting that was recently held in Helsinki. In addition, the Council of Europe was represented, the Western European Union was represented, the North Atlantic Assembly, the Interparliamentary Union, and NATO. The former Yugoslav Republic of Macedonia was also represented, as was Japan for the first time.

Ilkka Suominen, Speaker of the Finnish Parliament, presided over the plenary sessions in his capacity as president of the CSCE Parliamentary Assembly and did an outstanding job. Several distinguished speakers also addressed the parliamentarians that were assembled in Helsinki, including Madam Ugglas, the Foreign Minister of Sweden, and Chairman-in-Office of the CSCE Council of Ministers; Vladimir Petrovsky, Director-General of the United Nations, also addressed us; and Max van der Stoel, CSCE High Commissioner on National Minorities; and Mr. Franchis, Deputy Secretary General of NATO.

Mr. Speaker, while the U.S. delegation was less than a third of its allotted size, its members were strong and active. We left Helsinki, I believe, firmly convinced that the meeting would have been significantly different had our delegation not attended.

The work of the Parliamentary Assembled was divided, as the gentleman from Maryland [Mr. CARDIN], I think, has already referenced, into three committees.

The gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] played a leading role in the General Committee on Political Affairs and Security, where their strong amendment covering the appalling situation in Bosnia and Herzegovina prompted heated debate over the course of the meeting. The resolution which they introduced on behalf of the United States delegation called for a series of very specific and meaningful actions in response to the continued aggression and genocide in Bosnia and Herzegovina; first, lifting of the arms embargo against Bosnia, a policy which many of us have advocated for some period of time, a policy which we believe says to one of the combatants in a confrontation which is taking the lives of not only combatants but innocent children, innocent women, innocent men, standby folks who are not involved in the war, but who wish to live free and to live peacefully but are not allowed to do so because of the marauders invading their communities.

In addition, it called for neutralizing of heavy weapons in the hands of irregular forces, and it called for effective and unimpeded delivery of humanitarian assistance and the unimpeded access to detention camps.

In addition, the proposal called upon the participating states to uphold Bosnia and Herzegovina's territorial integrity in keeping with international law and CSCE principles. Other provisions condemned the systematic and widespread use of rape and sexual abuse in the former Yugoslavia and expressed use of rape and sexual abuse in the former Yugoslavia and expressed strong support for the provision of assistance to the victims and the prosecution of those responsible for war crimes and crimes against humanity.

Indeed, on all but the lifting of the arms embargo there was unanimous support when that measure finally came up for a vote, and as I said earlier, but for, in my opinion, the presence of the American delegation, that resolution would not have been nearly as strong as it was, would not have spoken as forthrightly and directly to the dramatic situation in Bosnia and Herzegovina, as it ultimately did.

Other provisions were added to the resolution by other members of our delegation of which I will speak.

But, finally, the proposal, the one introduced by the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN], called for the admission of the former Yugoslav Republic of Macedonia into the CSCE as a full participating state and urged those states which had not already done so to recognize that country. We believe that was an appropriate act. We believe it was a stabilizing act as well.

The United States now has 300 of its own personnel in Macedonia. I had the opportunity to discuss with the President today that we needed to send a very strong and clear message to Mr. Milosevic that any incursion into Macedonia would result in very significant multilateral international response with the full participation of the United States.

The comprehensive United States initiative served as a focal point for much of the discussion of the former Yugoslavia. Divergent opinions were evident, particularly in connection with the suggested lifting of the arms embargo, as I have said, an element which was later dropped despite a passionate and outstanding defense of that provision by the gentleman from Indiana [Mr. MCCLOSKEY] and by the gentleman from Virginia [Mr. MORAN].

In particular, the gentleman from Indiana [Mr. MCCLOSKEY], I think, moved all of the international representatives as he spoke to the compelling case for humanitarian relief of those in Sarajevo. The Assembly overwhelmingly approved the rest of the U.S. resolution.

The gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Virginia [Mr. MORAN] also introduced an important amendment calling upon the Russian Federation to conclude and implement without further delay appropriate bilateral agreements including timetables for the early, orderly, and complete withdrawal of its troops from the territories of the Baltic States. This amendment was unanimously agreed to, and I might say, as the gentleman from Maryland [Mr. CARDIN] knows and the gentleman from Indiana [Mr. MCCLOSKEY] knows, the representatives of the Russian Federation were very positive and accommodating and responsive and understood the need to resolve this matter.

I might say that all of us were very pleased to see the positive discussions that occurred between the representatives of Estonia and Latvia and Lithuania and the representatives of the Russian Federation.

The gentleman from Maryland [Mr. CARDIN], who I thank again for yielding to me and for his outstanding service on the delegation, covered the General Committee on Economic Affairs, Science, Technology, and Environment, where he singlehandedly introduced probably more language into the resolution than any other representative on that committee. He introduced language urging measures reforming countries of Central and Eastern Europe and the former Soviet Union, reforms that they should take to encourage foreign investment.

He also called for the establishment of a new CSCE mechanism or institution to coordinate and promote environmental policies and protection. He may speak more extensively on those during this hour.

We plan, as a Commission, to follow up on this valuable recommendation with Secretary Christopher and EPA Administrator Browner.

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Representative LOUISE SLAUGHTER of New York, herself a very strong, outspoken advocate of the rights of others, not only in this country but around the world, participated actively in the General Committee on Democracy, Human Rights and Humanitarian Questions, which, as BEN CARDIN, my friend, has indicated I was honored to chair. That resolution Ms. SLAUGHTER sponsored, and in which she played the leading role, ensures the adoption of a strong amendment condemning the use of rape as an instrument of war and classifying rape—as clearly it is—specifically as a war crime.

Mr. Speaker, I am pleased to report the U.S. delegation was instrumental in shaping the final Helsinki Declaration of the CSCE assembly.

In addition to the work conducted in Helsinki—and again, the gentleman from Maryland [Mr. CARDIN] may discuss this further because he and Ms. SLAUGHTER visited Estonia in July at a critical time, he will speak further of that, and I will revise and extend my remarks on that matter—but it was a very important representation, and in my opinion both Mr. CARDIN and Ms. SLAUGHTER provided meaningful advice at a critical time in deescalating the tensions between the Estonians and the Russian minority that lives in Estonia.

I am pleased to report that a number of their concerns, particularly over the arbitrary nature of some of the provisions of the law on citizenship were later addressed, as discussed by Mr. CARDIN and Ms. SLAUGHTER, by the Parliament the very next day. The delegation assured the Russian-speaking minority that the United States is, indeed, concerned that their rights not be circumscribed.

The Helsinki Declaration of the CSCE Parliamentary Assembly is an impressive document that includes strong language and recommendations regarding a broad range of issues of immediate concern, from refugees to national minorities to an international war crimes tribunal to a forceful declaration on the former Yugoslavia. Our task now is to ensure that these bold statements serve as a blueprint for meaningful action and not simply remain words on paper.

Mr. Speaker, I again congratulate my colleagues, Mr. CARDIN, Mr. MCCLOSKEY, Ms. SLAUGHTER, and Mr. MORAN, on the very positive role that they played.

Mr. Speaker, these trips are sometimes criticized. In this case, we left on Monday night, flew all Monday night and got there Tuesday morning, started into meetings at 4 that afternoon and flew back on Friday; not sufficient time to overcome jet lag on either leg.

I believe we had a strong message to deliver both as related to human rights, as to security and economic relations and environmental concerns, so that the purposes of the Conference on Security and Cooperation in Europe result in a more peaceful, more cooperative, economically and environmentally sounder international community would result.

I thank my colleagues for participating in this important meeting.

Mr. CARDIN. I want to thank the gentleman from Maryland [Mr. HOYER] for a very thorough report on our trip.

As he pointed out, we had a small delegation in numbers; we were entitled to have a larger delegation. But I do not think any delegation was more effective than the U.S. delegation in the final products that came out of this meeting. And that was due to the gentleman's outstanding leadership, the gentleman from Maryland [Mr. HOYER] and I really want to thank him on behalf of the entire delegation for using the talent that was there and dividing us into different baskets for our work and keeping us on target, setting priorities that were important for the people of our Nation in these meetings. It was really, I think, due to the gentleman's extraordinary knowledge and leadership in the process that we were able, with only five Members, to have such an impact on so many different areas of the final actions that were taken by the parliamentary assembly.

Mr. HOYER. I thank the gentleman for his comments.

Mr. CARDIN. As the gentleman pointed out, the Helsinki Agreements, the final act that was signed in 1976 in Helsinki, broke the agreements down to three baskets of cooperation among the member states.

The gentleman from Maryland [Mr. HOYER] has been the most active in our country on the human rights issues and on other issues and has reported, I think, rather thoroughly on that third basket known as the human rights basket. The first basket is the basket on political affairs and security, on which the gentleman from Indiana [Mr. MCCLOSKEY] served along with the gentleman from Virginia [Mr. MORAN] as two of our representatives on that committee.

The basket dealt with many issues, including the new problems of security among the member states, due to the ethnic differences and religious differences and protection of minorities within the political boundaries of the emerging countries of Europe. As Mr. HOYER has already reported, it dealt with the Baltic Republic and the fact that Russian troops are still within the Baltic Republic.

I must underscore that one point, though, that Congressman HOYER pointed out, and that is that we had the cooperation of the Russian federation in trying to work out specific timetables for removal of the remaining Russian troops from the three Baltic Republics.

But by far the most controversial issue that took most of our time dealt with Bosnia and Hercegovina. And there was no more active person among the 300 parliamentarians—and I know the gentleman from Maryland [Mr. HOYER] will agree with me—there was no more active participant among the parliamentarians, active parliamentarians, than Mr. MCCLOSKEY. Everyone in the assembly knew of Mr. MCCLOSKEY and his commitment to make sure that the people of Bosnia were heard and that the world attention was caused to be focused on the tragedies that were taking place as we were meeting in Finland.

I yield to the gentleman from Indiana [Mr. MCCLOSKEY]. I know he is on the floor. Perhaps he could help summarize how we proceeded in the meetings as they relate to the matters in which the gentleman was involved.

Mr. McCLOSKEY. I thank the gentleman for yielding.

Mr. Speaker, a week ago, I was in Helsinki for the Parliamentary Assembly of the Council for Security and Cooperation in Europe, as a member of the U.S. delegation led by my distinguished colleague STENY HOYER. I am proud the U.S. delegation came to that CSCE Assembly prepared to call for concrete action to address the Balkan crisis. I am proud of what we achieved there in terms of CSCE Assembly support for the use of NATO air power in Bosnia, as well as CSCE Assembly support for international recognition of Macedonia and its full membership in the CSCE.

I want to thank the gentleman from Maryland [Mr. CARDIN] for calling this special order and also for his leadership in these issues and participation and companionship at the conference. And to Mr. HOYER, our speaker, I know the gentleman, Mr. CARDIN, would share my gratitude.

I would like to extend my exceeding thanks for the opportunity to be on the commission and also to make this trip.

I think, as the gentleman from Maryland [Mr. HOYER] has mentioned, I think it obvious that despite the small number of our delegation, the five of us, that we did make a definite impact, particularly as to the problems in the Balkans and also, as Mr. HOYER said, the gentleman from Maryland's [Mr. CARDIN] efforts in the economic and Estonian areas. I am proud to realize that, in essence, for all the discussion that was scheduled as to the former Yugoslavia and the Balkans, there would have been no suggestions as to an action plan or how to proceed or what to do from this point in time, I think, without the participation of the American delegation, and particularly in that regard I want to say that, as we all know, Mr. HOYER has been one of the leaders in the Congress on this issue. I think he has been a leader in the Congress and, quite frankly, a leader internationally for months and more than months, he has been speaking up for justice to be backed by forthright action, particularly in the form of the Hoyer-DeConcini resolution, which in some substance was, as we know, recently passed out by the House Foreign Affairs Committee, in all candor, I might add, with some strong leadership and innovative efforts by the gentleman from Illinois, HENRY HYDE.

I regret deeply that largely due to the resistance of the French and British delegations, the United States delegation was not able to get the full CSCE Assembly on board the lifting of the U.N. arms embargo from Bosnia. Twice during this century the United States has assured the self-defense and indeed the defense of France and Britain. The current governments of these two European powers should be deeply ashamed of their refusal to let Bosnia act in its own self-defense.

I asked the parliamentary delegations in Helsinki to think about Sarajevo for a minute—remembering that conditions in the rest of Bosnia are generally much worse than in this brave city.

Sarajevo has been under brutal siege for over 450 days. For these 450 days its people—380,000 men, women, and children, Bosnian Moslems, Croats and Serbs alike—have been subjected to shelling and sniper fire from the surrounding mountain tops.

Tens of thousands of noncombatant men, women, and children have been intentionally killed and maimed—randomly, suddenly, senselessly.

All of these people—people just like us—have been subject to constant fear of death for themselves and for loved ones, to gradual starvation, to darkness and cold, to the most primitive living conditions, to the absence of medical care, to the destruction of their property, and the loss of their livelihoods.

All of these people have been subject to the terrifying reality of being trapped, with no means to drive off their tormentors, and no means to escape.

Remember the proud boast of the Bosnian-Serb war criminal Karadzic, who crowed that he had the people of Sarajevo "trapped like mice in a pumpkin," and boasts to the Western press that his artillery can "blow Sarajevo to bits." Remember the savage words of his military chief Mladic, egging on his artillery men to "hit, hit, burn, burn" Sarajevo.

All of these people of Sarajevo have been subject, as well, to the black despair of hopelessness, and the bitter realization that they have been abandoned by the Western world to which they belong and on which they counted so idealistically.

Western governments have stood by and let this happen. Worse than that, they have intervened on the side of the perpetrators of this cruel and senseless siege, on the side of genocide. They have denied the Bosnian Government the right and the means to self-defense, by maintaining on Bosnia the U.N. arms embargo applied to the former Yugoslavia.

Western governments have sought to shroud their complicity in the murder of Sarajevo, the murder of Bosnia and 200,000 of its people, with the most sanctimonious hypocrisy that one could possibly imagine.

Think a minute of all the European leaders, like the Prime Minister of Britain, who have had the gall to reject lifting the U.N. arms embargo from the Bosnian Government because this would be "the policy of despair."

Whose despair? The despair of Western politicians at having to admit their responsibility for policies which have abetted genocide in Bosnia?

What about the despair of the people of besieged Sarajevo? What about the despair of the 200,000 Bosnian victims of systematic murder? What about the despair of the tens of thousands of Bosnian victims of systematic rape? What about the despair of the hundreds of thousands of Bosnians who have been forcibly driven from their homes, separated from their loved ones, and denied a future as a people?

It seems now the European governments and Washington want to wash their hands of Bosnia completely—with Owen and Stoltenberg doing their dirty work for them.

The U.N. Security Council, the G-7 Summit, the CSCE and NATO all continue to mouth lip service to the U.N. Charter, the Helsinki Final Act, the London Conference on former Yugoslavia, and the myriad U.N. Security Council Resolution on Bosnia.

Meanwhile, Owen and Stoltenberg implement the real policies of Western governments. This real policy is clearly to attempt to impose surrender on the Bosnian Government. Owen and Stoltenberg therefore endorse the partition schemes of Milosevic and Tudjman, Karadzic and Boban.

Owen becomes the virtual alter ego of Karadzic and Mladic. Karadzic threatens the Bosnian Government with total war if it does not come to the surrender table. Owen insists that they really must—even if the negotiating table has only served as a cover for Bosnia's gradual extermination for the past 16 months.

And now, and mark this well, Owen and Stoltenberg join Karadzic in threatening the Bosnian Government. Owen and Stoltenberg have adopted the position that if the Bosnian Government does not agree now to negotiate on the basis of the Serb-Croat partition plan, they may seek a full U.N. withdrawal from Bosnia—the end of the modicum of protection provided by the peacekeepers, and the end to the modicum of humanitarian relief provided by UNHCR.

Who mandated Owen and Stoltenberg—or before them, Vance and Owen, or before them Carrington and Cutilheiro—to negotiate the ethnic partition of Bosnia? Are not the current efforts of Owen and Stoltenberg flagrant violations of the Helsinki Final Act, the U.N. Chapter, and the U.N. Security Council's resolutions on Bosnia since May 1992? And who ever instructed Owen and Stoltenberg to use strong-arm pressure tactics on the Bosnian Government? Why are Western governments even tolerating the behavior of these two men?

Meanwhile, Western governments stand by, silent and passive—very much as if all they want is for the Bosnians to curl up and die, and thus end their embarrassment.

Never in my political life have I seen such an obscene gap between high-road words and low-road deeds. Never have I seen so much obfuscation and equivocation, so much moral and political cowardice, or so much energy expended in the hope of evading responsibility.

Never could I have imagined the governments of the transatlantic community so deeply embroiled in pious rationalization, face-saving posturing, and wishful self-delusion.

How can we tolerate a situation where genocide is raging in southeastern Europe? How can we tolerate a situation where our governments, and we, continue to mouth pious rhetoric—while Owen and Stoltenberg, as agents of the United Nations, European Community, and Council for Security and Cooperation in Europe, are working hand in hand with the perpetrators of this genocide?

And how can we imagine even for a minute that this travesty will somehow lead to peace in the Balkans? Are Western governments so delusionary as to believe that a greater Serbia created by genocidal aggression will lead to a stable Balkans?

Do Western governments imagine that Milosevic and his thugs will desist from genocide in Kosovo, the Sandzak, Vojvodina, and independent Macedonia—after being rewarded for it in Bosnia?

There is only one path out of the Balkan crisis. Western governments must shake off their defeatism.

They must lift their strategies to the level of their core values and principles, instead of letting their core values and principles be corrupted by compromise with evil.

They must finally take sides with the Bosnian Government, help it arm itself instead of hobbling it with an arms embargo, and use NATO air power to enforce the Security Council's resolutions.

They must realize and act on the reality that Milosevic will continue to traumatize the Balkans, to destabilize Europe, and to threaten international peace and security until he is defeated militarily and contained.

For Sarajevo and its 380,000 men, women, and children, this Western action must come now. This capital of a sovereign, independent CSCE and U.N. member state has become one vast concentration camp. Its people are on the verge of mental and physical collapse that could come within days. While we debate our resolutions and rhetorical statements, they face their darkest hour.

I pray that we will see Western action, within days, that will earn the respect to Sarajevo's embattled people.

Press reports indicate President Clinton has asked his National Security staff to review options to lift the siege of Sarajevo. I believe the President understands the moral and strategic stakes in Bosnia, and the human and historic imperative of lifting the siege of Sarajevo. I hope his National Security staff can rise to the occasion to help him meet this imperative.

I believe President Clinton's leadership can generate strong and energetic support for the use of all necessary means, including U.S. military force, to break the siege of Sarajevo.

This action will liberate Sarajevo from the nightmare it has suffered for the past 16 months. It will liberate America and Europe from what otherwise will be a historical disgrace. It will let Bill Clinton walk the path of Harry Truman—and have the same kind of historical impact on the post-cold-war world as Harry Truman had on the postwar era.

□ 2000

Mr. CARDIN. Mr. Speaker, I want to congratulate again the gentleman from Indiana [Mr. MCCLOSKEY] not only for his report here, but for his commitment to the people of that region who have been devastated by what has been occurring.

I am glad to yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for yielding, and I want to congratulate, as he has, the gentleman from Indiana [Mr. MCCLOSKEY] not only on his statement, but for his work in Helsinki and in so many different fora, both in Europe and here in this country, on behalf of a besieged people.

As my colleagues know, we, it seems, refer to this in sort of an intellectual framework, and it does not have a human face. Earlier today our colleague, the gentleman from Pennsylvania [Mr. WELDON], a Republican and the cochairman of the fire service caucus, which I have the privilege of chairing this year, spoke, and he spoke about a gentleman named Kenan Slinic, S-l-i-n-i-c. Kenan Slinic is a young man, and he made a statement. He is the chief of the fire service in Sarajevo, and the gentleman from Pennsylvania [Mr. WELDON] inserted his statement as he made a statement on the floor today, a handwritten statement that he made at the fire service caucus a few months ago.

He said:

> In 1992 my country, Bosnia-Herzegovina, became the youngest member in the United Nations family of nations. On April 5, 1992, war came to my country, my city and my people. Sarajevo and other cities of Bosnia-Herzegovina were put under siege.

He went on to talk about his experience, the loss of 10 firefighters, unarmed, carrying out a service to their community to try to put out fires started by the shelling from Serbian artillery in the hills surrounding Sarajevo and 28 of his colleagues who were wounded in 2 such shellings.

Yesterday, Mr. Speaker, this young man, who has a 6-year-old daughter and a young wife, was shot twice in the back of his head. He was killed, a young firefighter, unarmed, trying to put out fires, trying to protect his community.

Now there is no embargo on fire equipment, and, as a matter of fact, the gentleman from Pennsylvania [Mr. WELDON] will be accompanying a delegation to take some fire equipment to Sarajevo in August.

There is a young firefighter from this country whose name is John Jordon who is over there working with the fire department. Unfortunately, although there is no embargo on fire equipment to save property and persons from fire, there is an embargo on saving besieged people and giving them the right to self-defense.

No one has raised that issue more pointedly, more dramatically, more cogently, than our colleague, the gentleman from Indiana [Mr. MCCLOSKEY].

I say to my colleagues, "Tears come to your eyes when you read the third page of the statement made by Mr. Slinic." He concluded his speech or brief talk to 2,000 assembled firefighters from across Canada, the United States, and other nations. He said this:

> I hope that I'll be able to attend the next national fire and emergency services dinner under much better circumstances for my country.

That young man, of course, will not be able to do that. He will not be able to do it because, in violations of the norms of international behavior, in violations of international law, in violations of all international documents related to human rights, Bosnia and Herzegovina has been put under siege by an invader.

What we raised at the parliamentary assembly was the question as to whether or not we can have a new world order if the world stands silently and if the world stands without action to assist those invaded, those who find themselves and their democracy undermined in the worst violations of human rights that we have seen in this decade.

And so, Mr. Speaker, I am pleased to join in this special order and was pleased to join with this delegation in raising for the international community, on behalf of our country, these compelling issues, not just for this young fireman, but for the people, and not just in Bosnia and Herzegovina. We are going to have hearings next week in the Helsinki Commission about the spillover effect.

Mr. Speaker, this was the cradle of World War I. This is where it started because the world watched, and waited, and took no action. We should learn the lessons of history and let those who would destabilize the international community by force know that it will not be tolerated, not just by the superpower, the United States, but by the nations united in league against the violations of international law.

Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for having yielded further.

Mr. CARDIN. Mr. Speaker, I appreciate the gentleman from Maryland [Mr. HOYER] bringing to our attention the brave firefighter who literally gave his life for his country. He pointed out very clearly that, although the cold war is over, problems, very deep problems, still exist in Europe that very much affect each of us here in this country

I would like to, if I might, talk about a success story. We talk about the problems that we are having, and there are many problems, but a potential problem may have been avoided in Estonia.

Estonia has a very explosive situation where the Russian-speaking minority represent over one-third of the population of this new country, a country that is just establishing its democratic principles and institutions of government, that is trying to deal with tremendous change and their market economy, where they have gone to a market economy, where they have changed rather quickly, where they have developed their own currency, were the first Balkans to develop their own currency and be disciplined by economic reform which brought about some significant changes in the economic circumstances of the people that live in Estonia.

But Estonia, as my colleague knows, most of the Russian-speaking people who now live in Estonia were brought to Estonia against their will. Estonia was annexed to the former Soviet Union against its will, an act that this Nation never recognized, and it is understandable that the people of Estonia resent the fact that a population was brought into their country against their will in an effort mainly for military purposes, and now that Estonia has gained its independence, there are many people who are family members of the population that is now residing in Estonia that is Russian-speaking, and they now need to deal with the rights of protecting all the people in their country, including the Russian-speaking people who now wish to live and become citizens of Estonia.

So, the gentleman from Maryland [Mr. HOYER] mentioned that we visited Estonia, the gentlewoman from New York [Ms. SLAUGHTER] and I have visited Estonia, on July 8. It was a very historic moment because the President had just called back the Parliament into an extraordinary session. When we arrived there we were not sure whether, in fact, there would be a quorum present for this Parliament because it was an extremely controversial meeting. The Estonia Parliament had passed a law for aliens that raised very serious questions whether the Russian-speaking people that reside in Estonia would be given the full protection of citizenship and be able to become citizens of Estonia, and it was a very controversial act. It was understandable, the reaction by the people of Estonia, but it was the law that was passed that raised very serious problems for the international community. CSCE sent a communication to the President of Estonia.

□ 2010

Many of the Council of Europe sent communications to Estonia and asked the President to please reconsider that act, even though the local political environment, the only people that can vote in Estonia are Estonians. The Russian-speaking population, over one-third, are not permitted to vote. So the constituency did not want to see a change in that law of aliens. They thought it was appropriate, considering the historical aspects of why the Russian-speaking population had come to Estonia.

But it was wrong, the law. And we spoke out against it and we sent communications to the people. We had a chance when we arrived in Estonia to meet with the Prime Minister, Mr. Laar, a very young person, and the Foreign Minister, Mr. Velliste, as well as the minister who is in charge of negotiations between Russia and Estonia, Mr. Lujak. We had a chance to also meet with the representatives from the various Russian-speaking groups, including the community of Narva, which is up in the northeast and is a majority, overwhelming majority, of Russian-speaking people, that border the Russian Federation, to talk about the problems, to open up dialogue, to try to get changes made in the law of aliens that we thought were improper, that put too much subjectivity as to whether the Russian-speaking people who had lived in Estonia for many years and considered themselves to be Estonians, would get the full protection of citizenship in that country, including the right to vote and participate fully in the economic activities of their society. And we were not sure when we arrived in Estonia whether that would become a reality.

We were very pleased by the attitude of the public officials, their willingness to accept the recommendations of the international community, and their willingness to set up a dialogue with the representatives from the Russian-speaking population.

The representatives from the Russian-speaking population and the representatives from the Estonian Government were together in making sure that this issue was resolved peacefully, through negotiations, and fairly. And when people are committed to talking out their problems, we do not have the bloodshed that took place and is taking place in the former Yugoslavia. I hope we were able to avoid that in the Baltic Republic of Estonia, and I am very optimistic that we can. Because the day that we were there we got some commitments from the Prime Minister of Estonia as to changes that they anticipated would be made.

The following day, July 9, actually the Parliament acted late July 8, the day we were there, and the following day we received the results of the action taken by the Estonian Parliament to modify the law affecting the Russian-speaking people who are in Estonia.

I must tell you I was very disappointed when I saw the international press account of it that evening, because the international press account tried to provoke some controversy between the Russian-speaking people and the Estonians, when in reality the changes made by the Estonia parliament were those suggestions that were made by CSCE and the Council of Europe. And we received a communique from the European Community in support and thankful of what the Government of Estonia did to change their laws, to protect the Russian-speaking people that live in Estonia today.

We also received a communique not only from the Estonian Government, but from the representatives from the Russian-speaking population in Estonia, speaking to the fact that a roundtable discussion has taken place and will continue to take place; that a mechanism has been set up for the Russian-speaking representatives to meet on a regular basis with the Estonian officials so they can resolve not just the citizenship laws affecting the people of Estonia, but also local governance issues, economic issues, passports, all the other aspects. Some of the people in Estonia may very well want to become Russian citizens, or may want to become citizens of other countries, but need protection while they are in Estonia. And these dialogues we are very optimistic will work out the status of what is taking place in that country.

So we were extremely optimistic that the CSCE process is working; that we were able here to hopefully avoid problems that have taken place in too many of the new republics of Europe.

I think it really speaks to the fact that our presence, the presence of the United States in these meetings, has had very, very positive results. The people of the Baltic Republics reminded us of how important it was for the United States to stand by them when their voices were not being heard by any other people.

They specifically wanted me to bring back and mention to the gentleman from Maryland [Mr. HOYER] their very deep appreciation for the delegation that the gentleman led there 2 years ago during the darkest moments in the Baltic Republics, when people were being slaughtered on the streets and it was the U.S. delegation that arrived that gave the people of the Baltic Republics hope to stand by their convictions.

Estonia has avoided violence. It avoided violence during that period of time.

So I really want to speak of how pleased the gentlewoman from New York [Mr. SLAUGHTER] and I were to participate in those meetings in Florida and how pleased we were that the process appears to be working.

Now, I want to make it clear, it is far from resolved. Whenever you have such a large number of people, and some are extremely radical, on both sides, the chances of serious problems erupting is there. But we are convinced that by our presence and our continued interest in working with the government and the representatives of the Russian-speaking population, that we can make a very constructive part of resolving their problems. So we were very pleased to participate in that meeting on behalf of our delegation.

Mr. HOYER. If the gentleman will yield, the CSCE, which was signed in 1975 by President Ford, as the gentleman knows was controversial. It was controversial because it was perceived perhaps as the Soviet Union winning a recognition of the de facto borders that then existed in Europe.

It created not a bureaucracy, not a structure of people, but it created a mechanism for communication, and created international meetings on a regular basis.

What we found during the course of those meetings was that as people discussed the principles that have now become essentially the principles of the international community, principles of which, frankly, the United States is one of the principal proponents and examples of in the world, it was found that the discussion of these principles and ideas, particularly as they were applied to specific cases of individuals whose human rights or individual rights had been violated, or groups of people whose rights had been violated, ultimately could not stand up to the light of day and the light of discussion.

Your visit, along with the gentlewoman from New York [Ms. SLAUGHTER] to Estonia, and your representation that the international community cares about this situation, that the international community is prepared to honestly participate in trying to solve this, went a significant way toward deescalating, as the gentleman points out, a very tense situation, that could and might still erupt in a violent confrontation.

It is this process that has been created that will ultimately lead to a new world order of resolving differences through discussion, debate, compromise, and agreement, that will ultimately make for a safer, more secure world. And as we in this country grapple today and this week and next week and the week thereafter in strengthening our own economy, to create jobs and opportunity for this generation and generations to come in this country, the opportunities for our young people in the future will be greatly enhanced if we have success in creating an international community that resolves its differences, not through violence, but through cooperation, discussion, and agreement.

Mr. CARDIN. I think the gentleman has stated that very, very well. It certainly is in the interest of this country for our participation. I really appreciate the Speaker's appointment to the Commission. I have now been a member of the Commission I guess for now 2 weeks, and I am really looking forward to working with you on these issues.

It is clear, and I think the American people understand the security issues involved in our meetings in CSCE, and on human rights we have taken the leadership role internationally on human rights, and I think the people of this Nation are proud of the role we have played. And the Helsinki Commission is known for its statements on human rights.

□ 2020

Also, now the economic issues, the environmental issues are going to become more and more important. You mentioned that we pushed tough environmental standards internationally. We are all suffering from what happened at Chernobyl. We do not want to see another Chernobyl. We know, for example, that the nuclear power facilities do not have the safety standards in the former Republics of the Soviet Union that they should.

We spoke out about that. It is in the interest of the people of this Nation. It is in the interest of all of the citizens of the participating states of CSCE to be concerned about these issues.

Sometimes I know it is difficult for our constituents to understand our participation in these international groups, but it is clear to me that the Helsinki Commission has had a history of very effectively representing the rights of this country and the interests of this country in these meetings.

I very much look forward to working with you to hopefully resolve problems so they do not make the front pages of the paper. That is our objective, to avoid the types of tragedies that we have seen too frequently in this world.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEVILL (at the request of Mr. GEPHARDT), for today, on account of wife's illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. CUNNINGHAM, for 60 minutes today, and on July 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and August 2, 3, 4, 5, 6, and September 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. DREIER, for 60 minutes, on October 5.

Mr. THOMAS of Wyoming, for 5 minutes today.

Mr. KINGSTON, for 60 minutes each day, on July 20, 21, and 22.

Mr. WELDON, for 5 minutes, today.

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. CARDIN, for 60 minutes, today.

Mr. OBEY, for 60 minutes each day, on July 15, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and August 2, 3, 4, 5, and 6.

Mr. OWENS, for 60 minutes each day, on August 2, 3, 4, 5, 6, and September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. POSHARD, for 60 minutes each day, on July 19, 20, 21, 22, and 23.

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous matter:)

Mr. HOYER, for 60 minutes, on July 20.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. CRANE.
Mr. BEREUTER.
Mr. BLUTE.
Mr. COLLINS of Georgia.
Mr. SMITH of Michigan.
Mr. EWING.
Mr. GILMAN.
Mr. GOODLING.
Mr. CAMP.

(The following Members (at the request of Mrs. LOWEY) and to include extraneous matter:)

Mr. ROSE.
Mr. MANTON.
Mr. HOCHBRUECKNER in two instances.
Mr. BROWDER.
Mr. RAHALL.
Ms. SCHENK.
Mr. FAZIO.
Mr. BROWN of California in three instances.
Mr. OBERSTAR.
Mr. JACOBS.
Mr. MATSUI.
Mr. TRAFICANT.
Mr. WYDEN.
Mrs. KENNELLY.
Mr. SISISKY.
Ms. PELOSI.
Mr. BILBRAY.
Mr. NEAL of Massachusetts.
Mr. COPPERSMITH.
Mr. OWENS.
Mr. DE LUGO.
Mr. DOOLEY.
Ms. KAPTUR.
Mr. MENENDEZ.
Mr. KREIDLER.
Mr. MFUME.
Mr. RICHARDSON.
Mr. CRANE.
Mr. KILDEE.
Mr. BRYANT.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Ms. LONG.
Mr. DEUTSCH.
Mr. ROEMER.
Mr. HUGHES.
Mrs. LLOYD.
Mr. NEAL of Massachusetts.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 409. An act to extend the terms of various patents, and for other purposes; to the Committee on the Judiciary.

S. 616. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes; to the Committee on Post Office and Civil Service.

## ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

## ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.) under its previous order, the House adjourned until Monday, July 19, 1993, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1597. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to South Africa, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1598. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Jeffrey Davidow, of Virginia, to be Ambassador to the Republic of Venezuela; Donald C. Johnson, of Texas, to be Ambassador to Mongolia; James J. Blanchard, of Michigan, to be Ambassador to Canada; Walter C. Carrington, of Maryland, to be Ambassador to the Republic of Nigeria; and Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Oriental Republic of Uruguay, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1305. A bill to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service; with amendments (Rept. 103–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2239. A bill to authorize appropriations for the Securities and Exchange Commission, and for other purposes; with an amendment (Rept. 103–179). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1758. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code; with an amendment (Rept. 103–180). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWETT:

H.R. 2642. A bill to provide for financing of certain recreational facilities in the White Mountain National Forest; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 2643. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 2644. A bill to authorize appropriations for the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. FARR:

H.R. 2645. A bill to provide for the disposal of certain surplus real property located at Fort Ord, CA; to the Committee on Armed Services.

By Mr. HUNTER (for himself and Mr. Cunningham):

H.R. 2646. A bill to direct that certain Federal financial benefits be provided only to citizens and nationals of the United States; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, and Argiculture.

By Mr. KREIDLER:

H.R. 2647. A bill to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line; to the Committee on Veterans' Affairs.

By Mr. McCLOSKEY (for himself, Ms. Norton, Mrs. Mink, Mrs. Morella, Mr. Moran, Mrs. Schroeder, Mrs. Unsoeld, Mr. Dicks, Mr. Jacobs, Mr. Towns, Mr. Sanders, Mr. Johnson of South Dakota, and Mr. Williams):

H.R. 2648. A bill to amend title 5, United States Code, to ensure the availability of Federal health insurance, life insurance, and retirement benefits with respect to certain Federal employees serving under temporary appointments; to the Committee on Post Office and Civil Service.

By Mr. MINGE (for himself, Mr. Penny, Mr. Peterson of Minnesota, Mr. Vento, and Mr. Oberstar):

H.R. 2649. A bill to authorize States and political subdivisions of States to control the movement of municipal solid waste generated within their jurisdictions; to the Committee on Energy and Commerce.

By Mr. HUGHES:

H.R. 2650. A bill to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 2651. A bill to amend the Federal Water Pollution Control Act to provide for confined spoil disposal facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROEMER:

H.R. 2652. A bill to amend the Public Health Service Act to provide for the establishment through the National Institutes of Health of a data system and an information clearinghouse with respect to rare diseases; to the Committee on Energy and Commerce.

By Mr. SANTORUM:

H.R. 2653. A bill to amend section 6(d) of the U.S. Housing Act of 1937 to increase the amount of payments made by public housing agencies in lieu of paying State, city, county, and local taxes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SARPALIUS (for himself, Mr. English of Oklahoma, Mr. Stenholm, Mr. Roberts, Mr. Combest, Mr. Edwards of Texas, Mr. Laughlin, Mr. Andrews of Texas, Mr. Pete Geren of Texas, Mr. Brooks, Mr. Ortiz, Mr. Chapman, Mr. Glickman, Mr. Hall of Texas, Mr. Volkmer, Mr. Montgomery, Mr. Dooley, Mr. Orton, Mr. Penny, Mr. Hayes, Ms. Eshoo, Mr. McCurdy, Mr. Smith of Oregon, Mr. Johnson of South Dakota, Mr. Young of Alaska, Mr. Poshard, Mr. Dornan, Mr. Skeen, Mr. Wilson, Mr. Hansen, Mr. Smith of Texas, Mr. Williams, Mr. Emerson, Mr. Traficant, Mr. Stump, Mr. Bonilla, Mr. Rohrabacher, Mr. Hutto, Mr. Manzullo, Mr. Pastor, Mr. Barrett of Nebraska, Mr. Coleman, and Mr. Peterson of Minnesota):

H.R. 2654. A bill to authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the groundwater monitoring requirements contained in landfill regulations promulgated by the Agency; to the Committee on Energy and Commerce.

By Ms. SHEPHERD (for herself, Mrs. Schroeder, Ms. Furse, Mr. Miller of California, Mr. Vento, Mr. Beilenson, Mr. Hinchey, Mr. Conyers, Mr. Waxman, and Mr. Edwards of California):

H.R. 2655. A bill to prohibit the Secretary of Defense from carrying out the launch of a missile as part of a test program in any case in which an unavoidable or anticipated result of the launch would be the release of debris in a land area of the United States outside a designated Department of Defense test range; to the Committee on Armed Services.

By Mr. SUNDQUIST:

H.R. 2656. A bill to encourage States to ensure the quality of private security services, and the competence of private security officer personnel, by authorizing funds for that purpose; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. TAUZIN:

H.R. 2657. A bill to direct the Coast Guard to establish the Gulf of Mexico Regional Fisheries Law Enforcement Training Center; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN (for himself and Mr. Lancaster):

H.R. 2658. A bill to direct the Secretary of Transportation to establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology; to the Committee on Merchant Marine and Fisheries.

By Mr. WAXMAN (for himself, Mr. Hall of Texas, Mr. Rowland, Mr. Towns, Mr. Upton, Mr. Klug, and Mr. Franks of Connecticut):

H.R. 2659. A bill to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow; to the Committee on Energy and Commerce.

By Mr. WYNN:

H.R. 2660. A bill to amend the act known as the "Miller Act" to raise the value of contracts for which performance bonds and payment bonds are required under that act; to the Committee on the Judiciary.

By Mr. GRAMS (for himself, Mr. BEREUTER, Mr. LEACH, Mr. SMITH of Iowa, Mr. MCCOLLUM, Mr. NUSSLE, Mr. PETRI, Mr. GILCHREST, Mr. RAMSTAD, Mr. BARRETT of Nebraska, Mr. EMERSON, Mr. VOLKMER, Mr. LIGHTFOOT, Ms. DANNER, Mr. TALENT, and Mr. WHEAT):

H.R. 2661. A bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RICHARDSON (for himself, Mr. MACHTLEY, Mr. MFUME, Ms. ROS-LEHTINEN, Mr. ORTIZ, Mr. TORRES, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. OBERSTAR, Mr. DE LUGO, Mr. HASTINGS, Mr. PETERSON of Minnesota, Mr. LEWIS of California, Mr. BILBRAY, and Mr. MATSUI):

H.R. 2662. A bill to amend the Small Business Act to modify the small business and capital ownership development program, and for other purposes; to the Committee on Small Business.

By Mr. SANGMEISTER (for himself, Mr. LIPINSKI, Mr. COSTELLO, Mr. HOCHBRUECKNER, Mr. TRAFICANT, Mr. PETERSON of Minnesota, and Mr. HASTINGS):

H.R. 2663. A bill to amend title 5, United States Code, to improve the ability of the United States to attract and retain qualified air traffic controllers by offering controllers premium pay for Saturday work, and by raising the controller differential from 5 to 15 percent; to the Committee on Post Office and Civil Service.

By Mr. VOLKMER (for himself and Mr. GUNDERSON):

H.R. 2664. A bill to achieve needed savings in net Federal expenditures under the milk price support program through establishment of a milk producer self-help program to dispose of surplus dairy products, expand exports, and stabilize the market for milk and dairy products, and for other purposes; to the Committee on Agriculture.

By Ms. MALONEY (for herself, Mr. BILIRAKIS, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. MANTON, Mr. GILMAN, Ms. LOWEY, Mr. RAVENEL, Ms. SNOWE, Mr. HUGHES, Mr. BATEMAN, Mr. FAZIO, Mr. SHAYS, Mr. MCNULTY, Mr. STUDDS, and Mr. DELLUMS):

H. Con. Res. 122. Concurrent resolution concerning the Former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts:

H. Con. Res. 123. Concurrent resolution encouraging United States businesses to adopt a voluntary code for applying internationally recognized human rights principles when engaging in commerce in the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. COBLE:

H.J. Res. 231. Joint resolution to designate the week of November 6, 1994, as "National Elevator and Escalator Safety Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.J. Res. 232. Joint resolution to designate the 10-year period beginning January 1, 1994, as the National Decade of Historic Preservation; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 233. Joint resolution designating the oak as the national arboreal emblem of the United States; to the Committee on Post Office and Civil Service.

## MEMORIALS

**Under clause 4 of rule XXII, memorials were presented and referred as follows:**

224. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to saving the rain forests; to the Committee on Foreign Affairs.

225. Also, memorial of the Senate of the State of Washington, relative to the spotted owl; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS

**Under clause 1 of rule XXII,**

Mr. EDWARDS of Texas introduced a bill (H.R. 2665) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Compass Rose*; which was referred to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 133: Mr. MEEHAN.

H.R. 299: Mr. WYDEN and Mr. RICHARDSON.

H.R. 417: Mr. GUTIERREZ, Mr. CRANE, and Mr. QUILLEN.

H.R. 466: Mr. KENNEDY and Ms. FURSE.

H.R. 509: Mr. CALVERT.

H.R. 544: Mr. ANDREWS of New Jersey.

H.R. 642: Mr. BAKER of California.

H.R. 688: Mrs. VUCANOVICH, Mrs. LLOYD, and Mr. TUCKER.

H.R. 702: Mr. BARRETT of Nebraska, Mrs. MORELLA, Mr. GREENWOOD, Mr. POMBO, Mr. WASHINGTON, Mr. MILLER of Florida, and Mr. ORTON.

H.R. 749: Mr. SERRANO.

H.R. 769: Ms. DELAURO.

H.R. 794: Mr. SKEEN and Mrs. MEEK.

H.R. 814: Mr. MEEHAN.

H.R. 830: Mr. BLUTE and Mr. GOODLATTE.

H.R. 833: Ms. SNOWE and Mr. MACHTLEY.

H.R. 883: Mr. PORTMAN, Mr. RAVENEL, Mr. SHAYS, and Mr. KIM.

H.R. 886: Mr. GILLMOR, Mr. BONILLA, Mr. ORTON, Mr. KOLBE, and Mr. THOMAS of California.

H.R. 911: Mr. NEAL of North Carolina and Mr. FRANK of Massachusetts.

H.R. 915: Mr. WYNN, Mr. FOGLIETTA, Ms. NORTON, and Ms. MCKINNEY.

H.R. 963: Mr. STUPAK.

H.R. 1006: Mr. THOMAS of California.

H.R. 1095: Mr. TORKILDSEN.

H.R. 1141: Mr. INSLEE, Mr. BARCIA of Michigan, Mr. WALSH, Mr. TANNER, Ms. SHEPHERD, Mr. MCCLOSKEY, Mr. PETE GEREN of Texas, Mrs. BENTLEY, Mr. VALENTINE, and Mr. BAKER of Louisiana.

H.R. 1149: Mr. KREIDLER.

H.R. 1151: Mr. SANDERS, Mr. STUPAK, Mr. ANDREWS of Maine, and Ms. NORTON.

H.R. 1195: Mr. PETRI.

H.R. 1200: Mr. FORD of Tennessee.

H.R. 1237: Mr. WYNN, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. EVANS, and Ms. MCKINNEY.

H.R. 1245: Mr. BERMAN and Mr. DELLUMS.

H.R. 1312: Mr. ENGLISH of Oklahoma and Mr. SMITH of Oregon.

H.R. 1403: Mr. TORRES, Mr. TOWNS, Mr. DE LA GARZA, Mr. DEUTSCH, and Mr. SERRANO.

H.R. 1434: Ms. BYRNE.

H.R. 1475: Mrs. MEYERS of Kansas and Mr. INHOFE.

H.R. 1480: Mr. BARCA of Wisconsin, Mr. SMITH of New Jersey, and Mr. EMERSON.

H.R. 1505: Mr. DOOLITTLE and Mr. ROYCE.

H.R. 1521: Ms. VELAZQUEZ and Mr. DELLUMS.

H.R. 1551: Mr. ORTON, Mr. CRAMER, Mr. BROWDER, Mr. LANCASTER, Mr. BARTLETT of Maryland, Mr. INSLEE, Mr. LEWIS of Florida, Mr. STUMP, and Mr. PRICE of North Carolina.

H.R. 1604: Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. SHAYS, and Mrs. ROUKEMA.

H.R. 1605: Mr. KING.

H.R. 1608: Mr. DELLUMS, Mr. INHOFE, Mr. MARKEY, Mr. DEFAZIO, Mr. FAZIO, Mr. GEJDENSON, and Mr. HEFLEY.

H.R. 1707: Mr. HASTINGS.

H.R. 1821: Mr. GILMAN.

H.R. 1887: Mr. FIELDS of Texas, Mrs. MEYERS of Kansas, and Mr. WYNN.

H.R. 1921: Mr. BACHUS of Alabama and Mr. WYNN.

H.R. 1980: Mr. RICHARDSON.

H.R. 1981: Mr. QUINN, Mr. MARKEY, Mr. KYL, Mr. DUNCAN, Mr. MCCLOSKEY, Mr. OLVER, Mr. BAESLER, Mr. GEKAS, Mr. BALLENGER, Mr. PRICE of North Carolina, Mr. HOBSON, and Mr. VALENTINE.

H.R. 2094: Mr. FRANK of Massachusetts.

H.R. 2121: Mr. PRICE of North Carolina, Mr. PAXON, Mr. GOODLATTE, Ms. PRYCE of Ohio, Mr. RICHARDSON, Mr. WILLIAMS, Mr. MCHUGH, Ms. FURSE, Mr. KREIDLER, Mr. GALLO, Mr. PORTMAN, Mr. BARCA of Wisconsin, Mr. SARPALIUS, Mr. BOEHLERT, Mr. PAYNE of New Jersey, Mr. TAYLOR of Mississippi, Mr. STUMP, Mr. PETERSON of Florida, Mr. HORN, and Mr. SENSENBRENNER.

H.R. 2292: Mr. GONZALEZ and Mr. GINGRICH.

H.R. 2305: Mr. ANDREWS of Texas, Mr. BONILLA, Mr. BROOKS, Mr. BRYANT, Mr. DE LA GARZA, Mr. DURBIN, Mr. EDWARDS of Texas, Mr. FIELDS of Texas, Mr. FILNER, Mr. PETE GEREN of Texas, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAUGHLIN, Mr. ORTIZ, Mr. PASTOR, Mr. RICHARDSON, Mr. SARPALIUS, Ms. SCHENK, Mr. SCHIFF, Mr. SERRANO, Mr. SKEEN, Mr. SMITH of Texas, Mr. STENHOLM, Mr. TEJEDA, Mr. TORRES, Mr. WASHINGTON, and Mr. WILSON.

H.R. 2310: Mr. TOWNS.

H.R. 2346: Mr. LEHMAN and Mr. PETRI.

H.R. 2365: Mr. FRANKS of Connecticut, Mr. HINCHEY, and Ms. SLAUGHTER.

H.R. 2370: Mr. FROST, Mr. JEFFERSON, and Mr. APPLEGATE.

H.R. 2488: Mr. CONYERS and Mr. DIXON.

H.R. 2572: Mr. JEFFERSON.

H.R. 2607: Mr. ABERCROMBIE and Mr. MCDERMOTT.

H.R. 2626: Mr. BROWN of Ohio, Mr. GORDON, and Ms. MALONEY.

H.J. Res. 103: Mr. DEFAZIO and Mr. PORTMAN.

H.J. Res. 106: Mr. ANDREWS of New Jersey, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. HEFNER, Mr. KINGSTON, Mr. KLECZKA, Mr. MURPHY, Mr. UNDERWOOD, and Mr. WOLF.

H.J. Res. 118: Mr. CARR and Mr. YOUNG of Florida.

H.J. Res. 119: Mr. BARCA of Wisconsin, Mr. BARLOW, Mr. CARDIN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 131: Mr. TANNER, Mr. SCOTT, Mr. PETERSON of Florida, Mr. GUTIERREZ, Mr. PETE GEREN of Texas, Mr. JOHNSTON of Florida, Mr. EMERSON, Mrs. CLAYTON, and Mr. PASTOR.

H.J. Res. 165: Mr. SAXTON, Mr. UNDERWOOD, Mr. POSHARD, Mr. DARDEN, Mr. PAYNE of New Jersey, and Mr. RANGEL.

H.J. Res. 198: Mr. EMERSON, Mr. FIELDS of Texas, Mr. TANNER, Mr. HASTERT, and Mr. BILBRAY.

H.J. Res. 202: Mr. RANGEL, Mr. McDERMOTT, and Mr. OWENS.

H.J. Res. 204: Mr. SPRATT, Mr. McNULTY, Mr. TRAFICANT, Mr. HANSEN, Mr. MAZZOLI, Mr. GREENWOOD, Mr. SAWYER, Mr. JACOBS, Mr. SABO, and Mr. SMITH of New Jersey.

H.J. Res. 205: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGRICH, Mr. SARPALIUS, Mr. McDERMOTT, Mr. KASICH, Mr. RAVENEL, Mr. GORDON, Mr. GEKAS, Mr. PETERSON of Florida, Mr. QUILLEN, Mr. SUNDQUIST, Mr. BARCIA of Michigan, Mr. GRANDY, Mr. STARK, Mr. CALLAHAN, Mr. LANCASTER, Mr. QUINN, Mr. HINCHEY, Mr. HILLIARD, Mr. HYDE, Mr. ROBERTS, Mr. WALSH, Mr. DURBIN, Mr. RANGEL, Mr. FROST, Mr. FISH, Mr. SLATTERY, Mr. SKEEN, Mr. TANNER, Mr. HASTERT, Mr. HASTINGS, Mr. MAZZOLI, Mr. McHUGH, Mr. CRAMER, Mr. LEWIS of Florida, Mr. HOBSON, Mrs. MEYERS of Kansas, Mrs. MEEK, Mrs. MORELLA, Mr. DIAZ-BALART, Mr. HAYES, Mr. SHAW, Mr. COSTELLO, Mr. CLEMENT, Mr. JOHNSON of South Dakota, Mr. COX, Mr. EWING, Mr. FAWELL, and Mr. BILIRAKIS.

H. Con. Res. 6: Mr. HUTTO.

H. Con. Res. 46: Mr. WASHINGTON.

H. Con. Res. 59: Mrs. MORELLA.

H. Con. Res. 84: Mrs. MINK.

H. Con. Res. 107: Mr. KLINK, Mr. ANDREWS of New Jersey, and Mr. BONIOR.

H. Con. Res. 110: Mrs. VUCANOVICH.

H. Con. Res. 120: Mr. McCOLLUM, Mr. DOOLITTLE, and Mr. SOLOMON.

H. Res. 175: Mr. BACCHUS of Florida.

## AMENDMENTS

**Under clause 6 of rule XXIII, proposed amendments were submitted as follows:**

### H.R. 2010

By Mrs. COLLINS of Illinois:

Page 265, line 2, strike the close quotation marks and the semicolon.

Page 265, after line 2, insert the following:

"(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year;".

By Mr. HALL of Ohio:

Page 18, line 20, strike "(14)" and insert in lieu thereof the following:

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discharged as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15)"

By Mr. SOLOMON:

Page 247, after line 3, strike the close quotation marks and the final period.

Page 247, after line 3, insert the following new subsection:

"(d) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

Page 284, after line 4, insert the following new paragraph:

"(5) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

By Mr. STUMP:

Page 79, strike line 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of services in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(1) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(2) 80 percent."

# EXTENSIONS OF REMARKS

## ADDITIONAL INFORMATION ON THE WORLD BANK

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**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BEREUTER. Mr. Speaker, based on additional information provided through the World Bank and House staff resources, this Member would like to further extend my remarks of June 17, 1993, during the debate on continued funding for the IBRD window of the World Bank. In particular, these remarks may be of interest to Members who voted against the amendment of the distinguished gentleman from Ohio [Mr. KASICH] during the consideration of H.R. 2295 making fiscal year 1994 appropriations for foreign operations.

This statement provides some additional facts about issues raised in the debate on the amendment offered by the distinguished gentleman from Ohio.

### GOLF COURSE

The World Bank does not own a golf course in Potomac, MD. The IMF, another international organization with a diverse international staff, owns a golf course in Germantown, MD, which was established in the 1960s when similar facilities in the Washington area were not open to non-whites, such as Indian and African staff members of the IMF, because of racial discrimination. Staff of the World Bank, and staff of other international organizations in the area, are eligible to join the Bretton Woods Country Club by paying a sizable initiation fee and annual dues. Only a small fraction of the World Bank staff are members, and their memberships are in no way subsidized by the World Bank.

### WORLD CLASS CHEFS

The head cooks who oversee operations at the cafeterias and dining rooms of the World Bank are local Americans employed by Marriott Corporation and Gardner-Merchant (a U.K. firm), the current food service contractors. The food service contract is awarded in a competitive bidding process. Food service is not subsidized by the World Bank.

### $250 MILLION FOR A NEW HEADQUARTERS BUILDING

The new construction at the World Bank headquarters replaces several old buildings, one of which was occupied by the State Department after World War I. According to the World Bank, the buildings had serious health (asbestos) and safety problems, were no longer cost-effective to heat and operate, and could not accommodate increasing needs for upgraded computers and other office equipment. The new building will use space more efficiently, reducing the long-term need for leased space and saving on rental bills. Projected construction costs for the building are modest—$112 per gross square foot—compared to current GSA estimates for construction costs of a new building in downtown Washington of about $155 per gross square foot. Very careful attention was paid by World Bank President Barber Conable (the former Ranking Member of the House Ways and Means Committee) and his Counselor, Bill Stanton (the former Ranking Member of the House Banking Committee), to cost-effective construction and long-term operating costs in planning the renovation. The Architect of the Capitol was one of the advisors to the project. In this respect, the World Bank's operation has been 180 degrees different from the EBRD "marble" situation, and it is misleading to imply otherwise. (This Member immediately called for the resignation of EBRD President Attali and a cessation of U.S. funding of the EBRD, pending his registration, when his inexcusable behavior on the marble and the use of private planes came to light. Attali has since offered his resignation.)

### UNCONTROLLED, UNAUDITED OPERATIONS

The World Bank has a number of external and internal audit and control mechanisms. Externally, the World Bank's books are audited annually by Price Waterhouse, and the audit findings are reported in the World Bank "Annual Report". The Bank has a full-time resident Board of Directors representing the 176 countries who are the owners of the Bank. Each of these Executive Directors votes the shares of the country or group of countries he represents. The U.S. has its own Executive Director because it has the largest single block of shares in the organization (18% of IBRD). The Board sets overall policies, approves the administrative budget, approves all loans, reviews country strategies, and monitors the implementation of all projects. Internally, the Internal Auditing Department reviews and evaluates Bank operations and activities with a focus on procurement procedures, consultant activities, and procedures to ensure the accountability of borrowers. The Operations Evaluations Department does independent, internal reviews of Bank operations and reports directly to the Bank's Board of Directors. It audits all adjustment loans and forty percent of project loans with a focus on assessing efficient use of funds, adherence to established policies and procedures, and lessons learned that can help improve future projects. The President of the Bank has recently proposed the creation of an independent Inspection Panel to investigate and report on the Bank's adherence to its own operational rules and procedures in the design, appraisal, and implementation of Bank-financed projects in response to questions from the Board and from affected parties. This newest proposal for an independent review mechanism has been strongly urged by witnesses before the Banking Committee this year and will be a central item in Members' consideration of the replenishment request for the International Development Association (IDA) lending arm of the World Bank that is currently before the Banking Committee.

### FIRST CLASS TRAVEL

Business or economy class travel is the norm for World Bank travel to or within Zone A (destinations requiring continuous flight segments of less than 12 hours duration). For travel longer than 12 hours continuous flight duration (Zone B) without an overnight stopover, first class is optional. For travel within Zone B, first class is optional if business class is not available. Since January 1993, when the latest modifications in travel policy were adopted, 63 percent of all Bank travel has been business or economy class. The savings that could be achieved from a switch to an all-business-class policy are approximately $11 million per year according to the World Bank.

### $123,000 AVERAGE EMPLOYEE SALARY

The World Bank tells me that the average salary for all World Bank staff is about $66,000 (net). The Bank has only 35% support staff, while most institutions have 50 to 80% support staff. The relatively high average age (44) and experience of World Bank staff also affect the average salary level.

### UNTAXED SALARIES

U.S. citizens working at the World Bank pay both Federal and state income taxes on their salaries. Foreign nationals who are international organization employees are exempt from host country (U.S.) income taxes by a treaty signed by the U.S. Government when the Bank headquarters was established in Washington, D.C. in 1945. This is the same principle under which diplomats worldwide are exempt from host country taxation. Such foreign national employees of the World Bank pay taxes to their own governments, if required to do so. Most governments choose not to tax the salaries of their nationals working for international organizations; the U.S. is one of the very few exceptions. The World Bank, in order to preserve parity among employees of different nationalities at the same pay grade who are subject to different tax treatment by their governments, quotes all its salaries on a "net" (of tax) basis. In the case of employees whose incomes are taxed, the Bank compensates the employee for the income tax attributable to the Bank salary in order to preserve equivalent "net" salaries among employees at the same pay grade. The U.S. Treasury is by far the largest beneficiary of this policy; a sizeable chunk of the salary costs in the administrative budget of the Bank (none of which comes from the U.S. taxpayer) is the tax compensation payments for U.S.-national employees. U.S. local governments, particularly in the Washington, D.C. area, also benefit from local property, sales, and other tax payments by all World Bank staff. Foreign nationals are not exempt from these types of non-income taxes.

### LOAN FAILURES

As noted, a 1991 audit by the Operations Evaluations Department found that 63 percent of the projects it reviewed were "satisfactory"; conversely, 37 percent were unsatisfactory. One of the key criteria that the World Bank expects from a project for a "satisfactory" rating is a real rate of return over 10 percent per annum. (The average *real* economic rate of return found on all Bank projects for which it can be measured is a healthy 16 percent.) Though some 37% of projects would be failures in any sense of the word, it is a matter of interpretation whether a project with a rate of return somewhat under 10 percent, which has achieved its major development objectives, is appropriately characterized as a "failure". Some

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

outcomes of the "unsatisfactory" projects are also attributable to the inherent risks of long-term investments in the face of rapidly changing world economic conditions over which the Bank and its borrowers have little control. This Member applauds the very serious attention that the current World Bank President, Lewis Preston, a former commercial bank CEO, is giving to improving project quality and the quality of the loan portfolio. An action plan for quality control, focused on more supervision, closer collaboration with borrowers and beneficiaries, and reforms in internal World Bank operations, has been adopted by the Bank in response to recommendations from the Task Force on Portfolio Management which Mr. Preston organized. The Banking Committee will be closely monitoring the implementation and results of the action program.

NO NEED FOR FUNDS

Failing to appropriate the last installment of the capital contribution would not hurt the World Bank, but would damage the U.S. national interest. The money being appropriated in FY94 is the final year (not including outstanding arrears) of a six-year funding commitment to purchase the U.S. equity shares in the General Capital Increase of the IBRD agreed to by the Reagan Administration in 1988. It is not a question of whether the World Bank "needs" the money; the question is whether the U.S. wants to honor its commitments which have been duly authorized by Congress in 1988 and to protect its ownership share and its leadership role in the Board of the largest lending institution in the world. Not subscribing to the final 20 percent of the U.S. share of the General Capital Increase would also bring us perilously close to losing the U.S. veto over changes in the charter of the Bank and perhaps decrease the World Bank's ability to tap private capital markets at favorable rates. The good news is that, assuming that this capital increase is indeed fully funded by the U.S. and other member governments, there is indeed not likely to be any need for another capital increase for the IBRD in the foreseeable future. The calculations of the lending margins in the statement of the gentleman from Ohio are based on the assumption that all of the assigned shares of this most recent General Capital Increase are fully funded. If fully funded, the sustainable lending level of the IBRD will be approximately $25 billion per year, enough to accommodate even additional major responsibility for assisting economic reform in the former Soviet Union without the necessity for another general capital increase. Furthermore, the incentives for the World Bank to improve loan quality will get even stronger over time since reflows from loan repayments will come to constitute the major source of financing for all new lending. If there is not another capital increase, the U.S. will also retain its role as the largest shareholder for the indefinite future.

There are a number of recent policy reforms in the World Bank that have been brought about through bipartisan pressure from Congress and the Treasury Department with regard to the environment, nutrition, public health, poverty reduction, private sector development, public consultation and access to information, improving governmental transparency, accountability, and the rule of law, among other topics. Frankly, this Member is pleased with what congressional pressure has achieved through active U.S. policy advocacy and review of each proposed loan, backed by only 18 percent of the power of the board. In addition, the United States has been the most diligent and cost-conscious watchdog on the Bank's administrative spending, all of which is financed out of earnings, principally derived from interest and fees paid by developing countries on loans they receive from the Bank.

It is this Member's hope that this additional information on the World Bank is of use to Members.

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## IN HONOR OF JOHN AND JOAN HUGHES, COORDINATORS OF PROJECT CHILDREN 1993

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the work of John and Joan Hughes, coordinators of Project Children 1993. This wonderful program pairs children from troubled Northern Ireland with American families who host them for the summer, so that they can escape the violence which rocks their land. Mr. and Mrs. Hughes have given generously of their time in working with 27 American families and 28 Irish children who are participating in this year's program.

With each passing year, the occupation of Northern Ireland claims new casualties. The violence there has made it unsafe for the children to remain in their homeland. It is bitterly ironic that each year the children must leave Northern Ireland, but the occupying soldiers remain.

This year, the families from my home State of New Jersey which are sharing their homes with these children, owe a great debt of gratitude to John and Joan Hughes. Their work has made it possible for the children to find safe haven for the summer, when the violence in their homeland is at its worst. These lucky few are able to spend a few months enjoying the simple pleasures of childhood thanks to the generosity of caring American volunteers, and the dedication of people like John and Joan Hughes.

I know that my colleagues will join me today in honoring Mr. and Mrs. Hughes for their devotion to the children. We all pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

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## A MODERN-DAY GANDHI SPEAKS FOR MILLIONS OF EXPLOITED CHILD WORKERS IN INDIA

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BROWN of California. Mr. Speaker, I have been fortunate in the past year to get to know an exceptional young man, Kailash Satyarthi, as I have sought to support his efforts to combat the worst forms of child labor in India. While trained as an engineer, Kailash has declined a more comfortable life to organize and speak out in defense of millions of very young children who are consigned to virtual slavery in the workplace without every having seen the inside of a classroom.

I urge my colleagues to read the following article from the July 8, 1993 issue of the Far Eastern Economic Review about Kailash and the unique and often dangerous work of the South Asian Coalition on Child Servitude and the Bonded Liberation Front.

Sadly, many people and the media in the United States and other developed nations tacitly condone child labor in the production of exports from impoverished developing countries. They do so because they uncritically assume that the only choice for children in these countries is between working 20 hours per day under horrid conditions for little or no pay or living in the streets begging for food and a place to stay.

Kailash Satyarthi and other Third World leaders know better. They correctly point out there are many unemployed adults who would be glad for many of these jobs, provided they paid a livable wage. In fact, if adults were hired at a decent wage to replace the children begin rescued from bondage, then more adult workers in India would be able to support their families and their children could attend school. Therein, lies a real key to breaking the seemingly endless cycle of poverty that traps so many people in so many developing nations.

[From the Far Eastern Economic Review, July 8, 1993]

INDIAN CRUSADER SEEKS TO HALT CHILD SLAVERY

(By Timothy Ryan)

The children sit hunched in long rows over looms, knotting the intricate carpet patterns by hand. They range in age from six to 14, and are often compelled to work up to 16 hours a day. Frequently beaten, tortured and malnourished, locked in the factory at night, they miss the love of their families, and ache for the chance to go to school. Deprived of an education, sunshine, their freedom, they are condemned to work off debts that may have been incurred by their helpless families before they were even born.

Suddenly the doors to the dimly lit, decrepit factory are thrown open, and light floods the cramped space where the children sit huddled. Kailash Satyarthi has appeared on the scene to rescue them from their nightmare, and reunite them with their families. Unique among those in India who decry the child labour problem, Satyarthi and his organization of activists are determined to do something tangible about this exploitation of children.

Satyarthi and those who work with him in the Bonded Liberation Front, and its umbrella group, the South Asian Coalition on Child Servitude (Saccs), have repeated this scene hundreds of times over the past 13 years, freeing over 24,000 children from servitude, and more than 20,000 additional men and women from the modern form of slavery that is bonded labour.

Estimates put the number of child labourers in India as high as 55 million, with over 300,000 in the carpet industry alone. Although Satyarthi wants to raise society's awareness of this problem, he cannot be content with that. So he and Saccs target carpet factories and raid them, physically freeing children from their slavery.

Satyarthi is a lone figure on an Indian political landscape dominated by the politics of opportunism and riven by communalism and caste warfare. A Brahmin by birth and an engineer by training, Satyarthi gave up his social status and opportunities for wealth and advancement to lead the fight against the exploitation of child and bonded labour. In a new India in which 100 million people now live in the middle class and hundreds of millions more aspire to climb the ladder of economic success, Satyarthi is saying that these new riches and success cannot be built on the backs of the poorest of the poor, the most defenceless people in society—destitute children.

"We are approached by parents of bonded children to do something," Satyarthi says in his gentle voice. He is a very tall and handsome man in his late thirties, with a rich, dark beard, and intelligent, soft eyes masking a hard core of determination within. "We went to the authorities and gave details and put in the proper reports and paperwork urging them to rescue these children. But I found this extremely difficult. Because often the information was leaked by the authorities to the exploiters. Often children were beaten and tortured as a result."

"When we started raiding places where children are kept in bondage, it created a tremendous awareness," he says. "This was the first intervention of its kind. Nobody dared to come to help or rescue these children before." After the children are liberated, Satyarthi and Saccs get them social support, return them to their families, and pressure the local government to respect India's constitutional commitment to free, compulsory primary education.

Saccs, founded by Satyarthi four years ago, comprises some 50 non-governmental organizations from countries all over South Asia. It cuts across all boundaries of caste, religion, gender and national boundaries.

A practical man as well as a visionary, Satyarthi is also working with carpet manufacturers, government officials, human-rights groups and consumer groups in the countries that import carpets (principally Germany, Britain and the US). Satyarthi has no patience with those who argue that they hire children because they cannot afford adults. "These businesses, they are getting work, that's why they need other people to do the work," said Satyarthi. "In 1947, India had 10 million children in servitude, and 10 million unemployed. Today there are 55 million child labourers, and about 55 million unemployed adults. If he did not hire children, the carpet maker would still have work that needed to get done, and he could hire adults from the same families of the children he released."

By devising a system of certification that can ensure carpet makers do not use children, but can still export their products, Satyarthi hopes to eliminate child labour, increase adult employment and preserve the export industry, which earns badly needed foreign exchange for India. He already has consumer groups in Germany on his side, has conducted workshops for carpet manufacturers to change their way of doing business, and has convened a working group of activists, government officials and manufacturers to put the certification plan into action. Satyarthi also recently returned from the US, where he met with trade-union and human-rights activists, US government officials as well as legislators and congressional staffers.

By combining the direct action tradition of Gandhi and the coalition-building spirit of the American civil-rights movement, Satyarthi is appealing to governments and businessmen throughout South Asia to cease the exploitation of children.

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## LUMBERTON, NC—DAYLILY CAPITAL OF THE UNITED STATES

### HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. ROSE. Mr. Speaker, I rise today in support of designating the city of Lumberton, NC, as the daylily capital of the United States. The 1993 American Hemerocallis Society [AHS] national convention meets today in Pittsburgh, PA. One of the items to be discussed on the agenda is the selection of a site for a national festival to honor the daylily. These vibrantly colored hemerocallis decorate our gardens, homes, and roadsides. Ancient Greeks might have known the delicate buds as Hemerocallis or beautiful for a day, but my fellow North Carolinians in Lumberton, NC, would like to see them beautiful for a lifetime.

Their overwhelming beauty as a garden perennial with ancient herbal healing powers has inspired the city of Lumberton to seek the title of Daylily Capital of the United States. While the Genus Hemerocallis has been around for centuries, no home has been designated for this flora. I fully support the actions taken by the Lumberton city council and their plan to bring this issue before the AHS board of directors.

"But why Lumberton, NC?" you may ask. I would respond that the people in this growing community have the desire and drive to succeed with their proposed initiative. They seek to achieve a more prominent status for the daylily among its fellow flowers like the well-known roses and carnations.

I believe that Lumberton, NC, would be the perfect location for the daylily capital and national festival. Southeastern North Carolina has the ideal climate to maximize blossom time. In the South, the flower thrives and easily grows from seed to bloom in 1 year. Northern varieties take up to 3 years to blossom. Lumberton is situated along Interstate 95 which runs from Miami to New York City. Every day thousands of people drive past this community which has also been named as an All-American City.

Do not let its ascetic appearance fool you into thinking that this is just another flower your grandmother planted in her garden when you were little. The Chinese have long believed in the healing powers of the daylily's medical value as a diuretic or a treatment for jaundice and breast tumors.

For the vegetarian, the daylily is an exotic gourmet treat. The stamens can be used as sprouts and the blossoms, when dried, can be dipped in batter and fried like a fritter. According to many connoisseurs, the bud with its slightly musky flavor provides a palatable addition to soups, salads, and garnishes.

Mr. Speaker, I urge the AHS board of directors to accept the proposal by the city of Lumberton to be named the daylily capital of the United States. As we all know, "Nothing could be finer than to be in Carolina in the morning!"

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## TRIBUTE TO LOUISE McNEILL PEASE

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. RAHALL. Mr. Speaker, I would like to share the following poem by former West Virginia poet laureate, Louise McNeill Pease. The elegance of her words mirrors the beauty of nature which she describes:

GARDEN MOMENT

Forty years I lived,
Never saw before
What I saw this morning,
And if forty more—
Though I watch forever,
Straining patient eyes—
Shall I see such other
Miracle arise:
See the brown earth cracking—
Rupture of the night—
And the seed, the flower,
Rising to the light.

(Reprinted from *Paradox Hill From Appalachia to Lunar Shore* by Louise McNeill copyright © 1972 West Virginia University Foundation.)

This poem is just one of many that Louise McNeill Pease wrote in her poetry-filled life. As we know, she recently passed away at the age of 82. Ms. Pease, a native of Pocahontas County, WV, was 16 when she first started writing poetry and dedicated most of her writing to the coal miners and the people of Appalachia. Her talent and her commitment to West Virginia State issues led then-Governor Jay Rockefeller, in 1971, to declare Ms. Pease West Virginia poet laureate, a title she kept until her death.

Early in her career, she sold her poems to the Saturday Evening Post for $5 a line. In 1931, she published her first collection of poems, "Mountain White." Since then, she has published six other books. Her last book, "Hill Daughter: New and Selected Poems," was published in 1991.

Ms. Pease graduated from Concord College in Athens, WV, and afterward, taught history and English. She received a master's degree from Miami University in Ohio and earned a doctorate from West Virginia University in Morgantown. She started teaching in a 1-room schoolhouse and later became a professor at Potomac State College and Fairmont State College, before ending her 30-year career in teaching. While she was teaching, Ms. Pease also concentrated on writing fiction and poems for magazines.

Ms. Pease has been called a true daughter of the Mountain State. Her poems about coal miners are regarded by many as a way to study and learn about West Virginia history. Ms. Pease's intellect and spiritual beliefs also can be detected through her words. In 1991, she stated, "I suppose all my books are touched by the earth, the feeling that I'm going to be bound to the earth. I may go on a long journey, but I will be back to the earth."

Mr. Speaker, West Virginia has lost a truly admirable and talented woman who articulated the joys and challenges of Appalachia with such emotion that anyone who reads her poems will experience the passions of Appalachia's people. Louise McNeill Pease will be greatly missed.

## IN HONOR OF MIGUEL PEREZ, ON THE SECOND ANNIVERSARY OF "SIN CENSURA"

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the accomplishments of one of the country's foremost Hispanic journalists, Mr. Miguel Perez. Mr. Perez is the host of the award-winning program "Sin Censura," or "Uncensored," on WSKQ radio. "Sin Censura" celebrates its second anniversary on July 18, 1993. It is one of the area's most popular and controversial Spanish-language radio shows, and so it is with great personal pleasure that I extend my congratulations to Miguel for achieving WSKQ's highest ratings.

Miguel's record of service to the Spanish-speaking community is outstanding. He came to this country in 1962 as a refugee from his native Cuba at the age of 11, without speaking a word of English. But through his hard work and an avid interest in journalism, he became a writer for his high school newspaper, the editor of two college newspapers, and in 1978 earned his master's degree from the Columbia University School of Journalism.

Miguel's career in journalism has brought him success and accolades in television, radio, and print, both in English- and Spanish-language media. His first job out of Columbia was with the New York Daily News, where in 1982 he won the Mike Berger Award, considered the top print-journalism prize in New York. For his four-part series on "Sweatshops: The New Slavery," he was awarded the Public Service Award of the Public Relations Society of America, New York Chapter, in 1980. On television, Miguel has hosted both "Primera Plana," or "Front Page," a Spanish-language political debate show on WNJU–TV, and "Tiempo," an English-language Hispanic public affairs show on WABC–TV.

I know that my colleagues join me in recognizing the work of Miguel Perez and his service to the Hispanic community, and in saluting his remarkable record of achievement and success in both the English- and Spanish-language media. We hope that all aspiring young journalists will learn from his example.

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## OUR NEW SUFFOLK POST OFFICE RETURNS

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to announce the return of the post office at New Suffolk, NY. My constituents from that community are delighted to have their local postal services restored after several months without a local mail facility.

The community of New Suffolk, located in the township of Southold on eastern Long Island, suffered a tremendous loss when its post office burned down on March 18, 1993. Immediately thereafter, I was contacted by Ms. Joan Robbins, president of the New Suffolk Civic Association, and Southold Township Supervisor Scott Harris, to encourage the U.S. Postal Service to retain New Suffolk's postal identity and mailing address. My constituents feared that the temporary measure of having New Suffolk's mail delivered to the Cutchogue Post Office might become permanent.

I wrote to the Long Island Regional Manager of the Postal Service, Mr. Edward Gamache, asking that New Suffolk retain its own post office and mailing address. In addition, I requested that the 263 antique mailboxes that were salvaged from the fire be preserved for their historical value and, if possible, used in the new New Suffolk Post Office. I informed Mr. Gamache that these items were of significant concern to the residents of New Suffolk as they evoke strong feelings of community identity and pride.

Mr. Gamache assured me that the Postal Service would work with the community to select a new site for the post office that would preserve the identity of the New Suffolk community and meet the needs of the Postal Service. The site they chose at the corner of First and Jackson Streets is near the site of the original post office and is more than twice its size. The Postal Service also assured me that it would try to restore and refurbish the antique mailboxes to meet the community's wishes to preserve the history of New Suffolk. The Postal Service confirmed that the antique mailboxes were installed in the new facility.

For several months, the residents of New Suffolk had to travel to Cutchogue Post Office to pick up their mail, which was a hardship, especially for the elderly. Moreover, during the summer months when the population of New Suffolk triples and there is much more traffic, it is even more difficult.

I again contacted the Postal Service to find out if there was any way to get the facility opened sooner. Fortunately, it was just a matter of getting the cement walks installed and the parking lot paved.

The grand opening ceremony for the new New Suffolk Post Office was held on July 12. I was delighted to participate in this ceremony.

A focal point for the grand opening was the reading of an original poem composed for the occasion by Ms. Susan Dingle. Mr. Speaker, I am delighted to represent such a proud community.

The poem follows:

THE SONG OF THE NEW NEW SUFFOLK P.O.

You've heard of zip codes
that serve the famous & the rich,
but here's a switch: the saga of 11956,
New Suffolk, to those in the know!

To the Builders of this Post Office, Bravo!
We celebrate the portal
of this brand new P.O., now immortal,
the new New Suffolk postmark place;

Where Letters pass through caring hands
and each morning finds a friendly face,
and anyone can buy a stamp
(this brand new P.O. has a ramp!);

May our new New Suffolk P.O. always be
the place for "hello" and "how's it going,"
whether we walk or ride or arrive by dory,
the happy home of 11956 and its new old glory.

(Written June 1993 by Susan Dingle in commemoration of the New Suffolk P.O.)

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## A SALUTE TO VETERANS

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. CRANE. Mr. Speaker, it is important for us to remember the sacrifices our men and women in the military make. Indeed, their sacrifices must not be taken for granted.

Not too long ago, our Armed Forces took part in a decisive war. We were grateful for the outcome, yet we must remember it was not as easy as television portrayed it. Therefore, today Mr. Speaker, I offer a piece of poetry written by F3c. Rodney Shields, who is a veteran of the Persian Gulf war. This poem reflects the horrors of all wars, and reminds us that the Persian Gulf war was not an easy war for those who had to fight in it. Mr. Speaker, this poem is a salute to all veterans and the pains they have overcome in service to their country.

SATAN'S BAY

(By F3c. Rodney Shields)

We stood before the straits to hell,
And we knew what we must do,
We'd come half-way around the world,
We had to go on through;

Satan came to collect us all,
It was his happy deed,
But with Young, Callaghan and Ingersoll,
Three others, they were freed;

They'll hurry home to lives they've missed,
And have fun along the way,
While Satan entertains us here,
Day after grueling day;

Some of us, look to the past,
Our memories are a whirl,
But all of us dream ahead,
To the day we're back in Pearl;

So when spring starts to leave the land,
And April turns to May,
Think of me, and shed a tear,
Cause I'm still in Satan's Bay;

Where the days are hotter than the sun,
And the nights are deathly cold,
And all of us here are alone,
With no one to hug or hold;

Where demons in their steel planes,
Come forth with evil might,
But wheel away to play their games,
No sleep for us tonight;

Satan laughs and enjoys the show,
His evil seems to thrive,
And we hope with all our hearts,
To make it home alive;

Strange lands we're sent to protect,
We don't even know their names,
And if ole Satan has his way,
Our lives will end in flames;

But this hell is not eternal,
Regardless what's believed,
Because after we've served our time,
Our ship will be relieved;

Then, we'll hurry home to lives we've missed,
And have fun along the way,
But none of us can forget,
Our time in Satan's Bay.

## TRIBUTE TO STIM SUZUKI

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Stim Suzuki, who is retiring after 34 years of successful public service to the State of California. On July 7, 1993, many of Mr. Suzuki's associates, friends, and family will gather at a retirement luncheon to honor him and recognize the many outstanding contributions he has made to his community.

Mr. Suzuki's career with the State of California began in 1959. In the years that followed, Mr. Suzuki held technical and administrative positions primarily in the business and contracting fields.

Mr. Suzuki played a key management role in the development and implementation of the Statewide Logistics and Materials Management System. This was one of the first computer-based management information systems of its kind in the United States.

In 1981, Mr. Suzuki was appointed to administer the State's small business, minority- and women-owned business programs and served continuously until July 1990, when he was appointed chief of the office of support services, Department of General Services. In addition to the responsibility of making these programs work for their respective business communities throughout California, he was responsible for launching the California State Contracts Register, the only State publication to inform the business community of contracting opportunities with the State of California.

An active member of his community, Mr. Suzuki's civic involvement has included years of service to the Japanese-Americans Citizens League, the KCRA Community Advisory Board, my own Military Academy Selection Board, the Boy Scouts of America, the Asian-Pacific State Employees Association, and perhaps his favorite, the Sacramento Metro Golf Club.

Mr. Speaker, it is with great pleasure that I rise to recognize Stim Suzuki for his commitment to the State of California. He is an example that all civil servants would do well to emulate. I ask my colleagues to join me in congratulating Mr. Suzuki on the occasion of his retirement and wishing him continued success in all of his future endeavors.

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## TRIBUTE TO THEODORE ROOSEVELT BATTLE GROUP

### HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. SISISKY. Mr. Speaker, my fellow colleagues—I rise today to honor and pay tribute to the men and women who currently are sacrificing so much for our country while serving aboard the ships of the Theodore Roosevelt Battle Group.

These fine sailors, numbering over 10,000, serving aboard 11 ships at sea, have been away from their spouses, children, friends, and loved ones for over 125 days to ensure that our country's interests are being protected "* * * from the sea."

Mr. Speaker, since their departure for a 6-month cruise on March 11, and their farewell visit by President Clinton the following day, the Theodore Roosevelt Battle Group has been engaged in an intensive operating schedule. After transiting the Atlantic into the Mediterranean and then the Adriatic, the Theodore Roosevelt Battle Group quickly assumed duty as the chief enforcer of the multi-national operation "deny flight" off the coast of Yugoslavia. The group was then ordered into the Red Sea on June 29 to provide uninterrupted operational support for both the Mediterranean Sea and the Persian Gulf/Indian Ocean operating area—a feat that has not been tasked to a single battle group since before Operation Desert Storm.

As I speak, this aircraft carrier battle group is now participating in Operation Southern Watch—an operation which ensures Saddam continues to comply with United Nations directives following Desert Storm. Over 5,800 aircraft sorties have been flown from the deck of the "TR", countless numbers of real world taskings have been accomplished, as well as an intensive array of multi-national and joint training exercises throughout this period.

Through this all, the men and women of the Theodore Roosevelt Battle Group have had precious little rest—having only 5 days in port since they departed the United States over 125 days ago.

As you can see Mr. Speaker, the "Teddy Roosevelt" and its accompanying battle group are continuing to do what we have come to depend upon our Naval forces to do best—that is to provide a continuous forward presence in order to ensure American interests abroad are being protected. Drawing down below 12 carrier battle groups will make it increasingly more difficult for the Navy to maintain this type of flexible forward presence in the future.

Mr. Speaker, I ask my colleagues to join me in saluting the thousands of sailors of the Theodore Roosevelt Battle Group for the sacrifices they have made to make this world a safer and more peaceful place for us to live over the past 4 months.

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## TRIBUTE TO BRUCE J. ZOLDAN

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Bruce J. Zoldan, an individual whose generous donations of money and time have enhanced the lives of the citizens of my 17th Congressional District in Ohio.

Mr. Speaker, Mr. Zoldan will receive the City of Hope's most prestigious honor, "The Spirit of Life" award, on August 5, 1993. The City of Hope is a research institute in Ohio dedicated to saving lives. It sponsors more than 300 programs aimed at fighting our most feared diseases, including AIDS, cancer, leukemia, Alzheimer's, and diabetes.

Mr. Zoldan's story could not have been better written by Horatio Algier. He began his highly successful career by selling fireworks from the trunk of his car while attending Youngstown State University. After years of aggressively marketing his unique products, Mr. Zoldan's operation, B.J. Alan Co., Inc., is now a multimillion-dollar fireworks retail outlet chain employing over 400 people in my community. His recent acquisition of a local candy company will generate an additional 75 jobs.

But, Mr. Speaker, as Mr. Zoldan dedicated his time and effort into strengthening and expanding his business, he tirelessly worked to give back to the community in which he thrived. In 1983, a Youngstown resolution honored and commemorated his many outstanding contributions to the Mahoning Valley, including the organizations of humanitarian efforts such as the Youngstown POW/MIA, the Mahoning County emergency committee to save babies from Vietnam and flood disaster relief sending food, cleaning supplies, and clothing, for Man, WV and Johnstown, PA. Today the Zoldan and B.J. Alan Co. names are listed as supporters of many community causes.

Mr. Speaker, I join the citizens of my community in honoring Mr. Zoldan for his generous efforts, and in honoring his wife, Rori, and two sons, Alexander and Ron, for their strong support. I am fortunate to have such a family in my district.

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## INSTRUCT THE HOUSE CONFEREES ON THE 1993 BUDGET RECONCILIATION ACT

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. DEUTSCH. Mr. Speaker, today I rise to instruct the House conferees who hold the important responsibility of negotiating the differences between the House and Senate versions of the 1993 reconciliation bill. Tomorrow, House-Senate conference committee will hold its first meeting, and I would like to say to the conferees: Don't balance the budget on the backs of America's senior citizens.

Mr. Speaker, the economic plan that this reconciliation bill sets forth is based on fairness, and as such I urge the conferees to support the House action on Medicare and the Senate action on Social Security because, taken together, they represent the fairest policy for America's middle-income senior citizens.

On Social Security, the House action unfairly burdens middle-income seniors with a higher average tax than the Senate position. By subjecting 85 percent of Social Security benefits to taxation for those individuals with incomes above $25,000 or couples with incomes above $32,000, the House adds taxes to more seniors than the Senate plan. Indeed, the only persons in the lowest tax bracket whose income taxes will increase are seniors. Many of these senior citizens, who have already been experiencing falling incomes due to declining interest rates, will also be hit by the other taxes that the House and Senate bills create.

The Senate version of the Social Security tax addresses the deficit problem by applying the new tax only to those individuals making $32,000 and couples making $40,000. By instituting these new tax thresholds, the Senate provides some relief to middle-income seniors and furthers President Clinton's goal of restoring progressivity to our tax system.

Turning now to Medicare, the House bill provides for $48 billion in cuts to Medicare, while the Senate version provides for $58 billion in cuts. The additional $10 billion in cuts proposed by the Senate will severely hurt the Medicare system by decreasing the access to health care that our senior citizens so dearly need. By further reducing the payments to doctors and hospitals, the Senate plan may result in more providers turning away Medicare patients. As a result, our Nation's seniors may not be able to obtain the health care they need and deserve. Many doctors and hospitals no longer accept senior citizens as patients since the Government does not reimburse them adequately; specifically, increased taxes on home health care have been shown to limit access in that vital area. Health care access is a serious problem in States with large senior populations such as Florida, Arizona, New York, and California. This trend cannot be allowed to continue. I urge you to support the House version of the budget bill that relates to Medicare.

Mr. Speaker, middle-income seniors didn't create our national deficit. We shouldn't attempt to balance the deficit on the backs of our senior citizens. I hope that the House conferees will support the Senate Social Security tax and the House Medicare cuts—our Nation's seniors are counting on them.

## TRIBUTE TO JOAN FREEDHEIM KRAUS COLLINS

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Ms. PELOSI. Mr. Speaker, on July 1, the world lost an inspiring humanitarian, San Francisco resident Joan Freedheim Kraus Collins. My sympathy goes to her family and friends who will miss her deeply.

During her long association with both the Population Institute and Planned Parenthood, Mrs. Collins was a dedicated and tireless advocate of universal accessibility to modern, effective and safe family planning. She travelled to many parts of the world to observe and evaluate efforts by developing countries to extend this basic human right to the poorest women in the world.

Joan Collins understood that when couples are unable to determine the number and spacing of their children, the results range from an exacerbation of poverty, misery and child and maternal morbidity and mortality to urban deterioration and environmental degradation. She dedicated much of her time, her efforts, and her energy to doing whatever she could to avoid these unacceptable consequences.

Two blocks east of this U.S. Capitol building, the Joan F. Kraus Collins World Population Center, the headquarters of the Population Institute, stands as a most appropriate monument to her meaningful life and distinguished career. Her deepest commitment was toward making a real difference in a world where complacency too often seems the norm. Mrs. Collin's obituary from the San Francisco Chronicle of July 2 follows:

JOAN COLLINS

Joan Freedheim Kraus Collins, a national leader in family planning, died yesterday of cancer at her home in North Beach. She was 64.

Mrs. Collins, vice chairwoman and a longtime board member of the Population Institute, was honored by the organization three months ago when it named its new headquarters building in Washington, D.C., in her honor. Representative Nancy Pelosi, D-San Francisco, was among the public figures who paid tribute to her at that time.

Mrs. Collins served Planned Parenthood for many years, first as president of the Marin chapter in the early 1960s, when the activities were expanded after the introduction of the birth control pill. She later became a member of Planned Parenthood's national board and executive committee.

In 1990, she received the Marin Planned Parenthood's Margaret Sanger Award, named in honor of the pioneer birth-control advocate.

More recently, Mrs. Collins was on the board of the International Services Assistance Fund, which produced the powerful pro-choice film, "Whose Choice?" broadcast in September on cable television.

A native of Shaker Heights, Ohio, she attended Smith College and Case Western Reserve University, where she received a bachelor's degree.

She is survived by her husband, Donald A. Collins; three children from a previous marriage, Paul Kraus of Tiburon, John Kraus of Santa Cruz, and Theodore Kraus of San Francisco; three stepchildren, Donald Collins Jr. of Atlanta, Lawrence Collins of San Francisco, and Elsbeth Collins of Los Angeles; two brothers, David Freedheim of San Ramon and Dr. Donald Freedheim of Cleveland; and four grandchildren.

Private burial will be in Mount Tamalpais Cemetery, Mill Valley, with a memorial service to be held at a later date. Contributions in Mrs. Collins memory may be sent to the Population Institute, 107 Second Street, N.E., Washington, D.C. 20002, or to Planned Parenthood.

## CELEBRATE THE FAMILY DAY

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. SMITH of Michigan. Mr. Speaker, the Christian Family Center of Adrian, MI, is to be recognized for initiating the first Celebrate the Family Day in 1988. Michigan's tradition for honoring the family through an all-day festival called Family Celebration Day is a ceremony worthy of national implementation.

America's greatest strength has always been its strong family units. Just as American society is more than the sum of its parts, families are more than just collections of individuals. It is within the family that we first learn who we are; that we learn to give and receive love; that we learn to respect ourselves and others.

Dedicated parents sustain families and the Nation as a whole. As models and guides for their children, they help solve our educational problems, our crime problems, and, by teaching respect and hard work, provide the key to a strong economic future. They nurture the strong, healthy adults we need in the larger families of community, country, and the world.

Celebrate the Family Day gives us a chance to honor all families. It is important that we dedicate ourselves to the promotion of strong families, for with their strength, commitment, and loyalty, they form the health and the heart of our national life.

It is hereby commended that communities throughout the United States set aside the first Saturday of August as Celebrate the Family Day.

## IN HONOR OF THE VOLUNTEERS AND PARTICIPANTS OF PROJECT CHILDREN 1993

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to recognize the work of some very special volunteers, who are giving generously of their time and opening their homes to some very special children. These are children whose homeland is occupied by foreign soldiers, and where the everyday violence threatens their young lives. These are the children of Northern Ireland.

Twenty-seven families from my home State of New Jersey are sharing their homes with 28 Irish children, offering them safe haven for the summer, when the violence in their homeland is at its worst. These lucky few are able to spend a few months enjoying the simple pleasures of childhood thanks to the generosity of caring American volunteers.

This year, we welcome Kathleen McGrellis, James Cooper, Ashling Brennan, Geraldine Shiels, Arlene Gallagher, Clare McLaughlin, Clare Robinson, Andrew Quinn, Lesleyanne McNerlin, Conagh Mulhearn, Ryan Smyth, Barry Wilson, Thomas Tracey, Michelle Prenter, Seadhna Billings, Colin Markey, Amanda Donnelly, Oliver Quinn, Bernice Quinn, Laura Holmes, James McQuillan, Colin McCormack, Alison Hartley, Anne Marie White, Elaine Peters, Margaret Mary White, Kyra McBride, and Claire Fullerton to our country.

I know that my colleagues will join me in extending our best wishes to our young visitors, and in commending the generosity and warmth displayed by their American hosts. Further, we pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

## INTRODUCTION OF GREAT LAKES SEDIMENT MANAGEMENT AND REDUCTION ACT

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. OBERSTAR. Mr. Speaker, today I join my colleagues from the Great Lakes in introducing legislation to protect and restore this great inland sea and the abundant wildlife and aquatic life that once thrived here, and is now under intense pressure from pollution.

Of all the toxic pollutant problems in the Great Lakes, contaminated sediment is one of the most pervasive, persistent, and most threatening to aquatic life. Contaminated sediments are listed by 38 of the International Joint Commission's 42 Areas of Concern, as a cause of water use impairment, or failure to achieve the objectives of the Great Lakes Water Quality Agreement. Sediments trap toxic pollutants, including organics and metals, and continually release them into the water column. This means that, no matter how much we tighten industry and municipal wastewater permits; no matter how stringent our NPS prevention measures; the Lakes will never be totally clean as long as this repository of poison lurks at their bottom.

Pollutants in the water column are taken up by plants, by microorganisms, and bioaccumulate up the food web until we see fish with tumors, birds with crossed bills, and children with problems caused by fish consumed by their mothers.

These contaminated sediments hold ominous implications for our future economy on the lakes. Interlake and international shipping, through the St. Lawrence Seaway, is a major sector of the lakes' economy. Harbors and channels must be periodically dredged, and at public cost. Contaminated sediment must now be disposed in confined dredge facilities [CDF's]. However, today's process for approving CDF's pits agency against agency, preventing cooperation and more environmentally sound disposal. Further, under the current system there is no way to assure that existing CDF's are not leaking now, or that they will not leak in the future, and release their poisons back into ground water and the lakes.

If we cannot dredge sediments, and dispose of contaminated sediments in an environmentally sound manner, navigation and harbor cleanup are jeopardized.

For environmental and economic reasons, we must have a more sound sediment management and prevention program.

Today I have introduced the Great Lakes Sediment Management and Reduction Act of 1993, companion to that introduced in the Senate, which would amend the Clean Water Act to create a more protective program for polluted sediments when they are dredged from harbors. Second, the bill will help reduce the deposition of sediments in the first place. If we can take preventive action, and keep sediment on the land, we will spare the American taxpayers the cost of dredging channels and harbors, and the costs of treating and disposing of contaminated spoils.

Section 2 of my bill would clarify and establish procedures for disposal of clean and contaminated spoils. The bill brings the corps and EPA together, along with the U.S. Fish and Wildlife Service, and where appropriate, State and local government. The bill provides for development of guidelines for open-lake disposal of clean spoils. It would also develop procedures for establishing new confined disposal facilities [CDF's] for contaminated spoils. The bill would set up a procedure for evaluating the existing and projected integrity of CDF's, for managing such CDF's, creating remediation plans where necessary, and establishes a permit program for CDF's.

Section 3 of the bill is the logical precursor to section 2: creating a sediment reduction program to prevent sediment from reaching our harbors and channels in the first place. The provision authorizes the corps to develop sediment transport models for major tributaries. These models would help determine how to reduce sediment loading. The bill would then provide grants to States for State-run projects to reduce erosion that contributes to the sedimentation of harbors, channels, and areas of concern. This program, to be conducted in conformance with the Clean Water Act's nonpoint source section 319 programs, the Coastal Zone Management Act and its 1990 nonpoint source amendments, and cleanup under Remedial Action Plans and the Great Lakes Water Quality Agreement, must hold promise of reducing dredging costs by keeping sediment on the land.

This bill will also complement the new Nonpoint Source Water Pollution Prevention Act which I introduced last week.

Mr. Speaker, the current system of disposal in CDF's is unmanageable, and will, I fear, lead to gridlock on facilities that are needed to clean up our waters and keep our channels and harbors open to navigation. This bill, by establishing a clear chain of command and cooperative procedures, will make the CDF process more efficient, while assuring that a major threat to Great Lakes water quality, to aquatic and wildlife, can be permanently removed from the lakes.

I hope the bill can be incorporated in the Clean Water Act, and ultimately become law.

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## TRIBUTE TO THE CENTURY COUNCIL

### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BILBRAY. Mr. Speaker, I rise today to commend the Century Council on its second anniversary. The Century Council is a nonprofit organization dedicated to reducing alcohol abuse across the United States. The council focuses primarily on drunken driving and underage drinking problems. The organization is funded by about 500 concerned brewers, vintners, distillers, and licensed beverage wholesalers, whose efforts through the council show that some in that industry are serious about the role they play in deterring abuse.

The council's Century Cities Program consists of community-based grassroots coalitions that design, locate, and implement a variety of model programs, which are then evaluated to determine their effectiveness. These coalitions have adopted "Think—Don't Drink" high school graduation programs, and retailer seminars on detecting false ID's.

The Century Council has also worked in coalition with highway safety groups, insurers, and others in several States to pass tough, effective, drunk driving legislation known as administrative license revocation [ALR]. In 1992, the efforts of these coalitions helped to pass ALR laws in three more States, and this year, in Texas.

I salute the Century Council and the commitment of its founders and recognize that they have come a long way since their inception. I wish them great success in the years ahead.

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## HONORING DR. GEORGE HILLMAN

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding individual and close friend of mine, Dr. George Hillman, who has been an active and valuable participant in the Long Island public school system for 36 years, and who is officially retiring on Tuesday, July 20.

Dr. Hillman's service to our schools began in 1957, when he was first elected to the Middle Country Central School District Board of Education, holding the positions of president and vice president of the board during his 18-year tenure there. Shortly after his election to the school board, Dr. Hillman took the initiative as one of the founding members of the Nassau-Suffolk School Boards Association, an organization that now represents 126 school districts. He has served on the executive board of that organization since its inception in 1959.

In 1967, Dr. Hillman began his involvement with the New York State School Boards Association. He was a member of that organization's board of directors for nearly 10 years, and in 1974 held the position of president of the association. While active on the State level, he served on various committees, including the executive committee, the committee on operations policy, and the code of ethics committee.

As a founding member of the Brookhaven Town School Boards Association and of the Centereach Lions Club, as well as an active participant in the BOCES 2 program, and the Suffolk County Boy Scouts of America, I can think of no person more deserving of the Distinguished Service Awards that Dr. Hillman received in 1985 and 1990.

Aside from his active participation with the schools, Dr. Hillman also maintained a successful dental practice. He has two children and is also the proud grandfather of two.

Mr. Speaker, Dr. Hillman's dedication and commitment to the Long Island school system and to his community have indeed been outstanding. As George retires on Tuesday, I would like to take this opportunity to congratulate him on all of his personal and professional accomplishments and to wish him the best of luck in the future.

## THE CHILD LABOR DETERRENCE ACT OF 1993 PROMPTING POSITIVE CHANGE

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BROWN of California. Mr. Speaker, last March I was very pleased to introduce the Child Labor Deterrence Act, H.R. 1397, which prohibits the importing of products into the U.S. market which were made by children under the age of 15 who are employed in industry or mining. Senator TOM HARKIN is sponsoring the companion legislation in the U.S. Senate. The following article that appeared in the Washington Post on March 28, 1993 details why more and more American consumers are using their clout in the marketplace to build a better world.

Even the prospect of the enactment of this legislation is resulting in some positive steps being taken against the commercial exploitation of children in the workplace where change is most urgently needed. Just last week, The Journal of Commerce carried the following article on steps being taken against child labor by the Government of India, in part, in response to this legislation.

Clearly, these changes under consideration in law and in practice in India are movement in the right direction. They reflect growing recognition in trade policymaking circles and among consumers that trade is not an end in itself. We must concern ourselves also with the conditions under which exports are made and by whom.

### HOW OUR GREED KEEPS KIDS TRAPPED IN FOREIGN SWEATSHOPS

(By Lyn Kamm)

Praiwan Krasang is 13, lives in Bangkok, hopes to become a scientist and likes to read science fiction in his spare time. But finding spare time is not easy. Praiwan lives and works in a factory.

For $24 a month, he makes leather handbags from 8 in the morning until 11 at night with an hour off for lunch and again for dinner. After work, Praiwan washes his clothes, waits in a long line for a shower and doesn't usually get to bed in his small, dirty room much before 1 a.m. On his days off—the second and fourth Sunday of every month—he heads for the Social Service Center in Bangkok. It's the only place where he can read and educate himself toward his goal of becoming a scientist, he told a reporter for the publication Child Workers in Asia.

The factory where Praiwan works produces 50,000 leather handbags a year, all for export. It has won the "Best Exporter Award" from the industry for four years running. It is a stunning example of the continuing Asian economic miracle. And among its employees are 200 other children like Praiwan.

With more and more of the world's children making consumer goods for export, some human rights advocates are asking Americans to shop with care—and a conscience. Darlene Adkins, coordinator for the Child Labor Coalition, a group of 34 nongovernment organizations, says consumers "need to be as concerned about the conditions under which the product is manufactured as the price of the product."

Yet few of us have any knowledge of those conditions. Even First Lady Hillary Rodham Clinton, an advocate for children's rights and the recent recipient of the Lewis Hine Award of the National Child Labor Committee, served for six years on the board of directors of Wal-Mart—the subject of a recent NBC exposé on its use of child workers in Bangladesh to manufacture clothing under the Wal-Mart label.

Sen. Tom Harkin (D-Iowa) and Rep. George E. Brown Jr. (D-Calif.) want to help Americans avoid goods made by foreign children. They recently re-introduced legislation to prohibit importation of products produced by children under 15 who are employed in either industry or mining. Violators would be liable for civil penalties up to $25,000 and criminal penalties that could include fines as large as $35,000 and imprisonment for one year.

Bill Goold, as aide to Brown and a recognized authority on child labor, observes, "There has never really been this sort of an effort to couple the problem with the means of enforcement." Referring to both the International Labor Organization (ILO) conventions dealing with child labor and the child labor laws of foreign nations, Goold states, "We don't lack laws. What we lack is a set of teeth and a credible deterrent . . . that will create incentives for national governments to enforce the laws that are already on the books."

Child labor comes in many forms. It ranges from the traditional (children working next to their families in fields and paddies) to the unfortunate (Praiwan and his fellow handbag makers) to the unspeakable (children sold into prostitution by their parents).

The ILO, an agency of the United Nations, estimates that child laborers number in the hundreds of millions. Moreover, the agency says, the trend is worsening because of a "global rural-to-urban migration" and a "breakdown of production into more decentralized units." These factors are sending children into the urban "informal sector" as street hawkers and workers in small, unregistered manufacturing plants.

Pharis Harvey, executive director of the nonprofit International Labor Rights Education and Research Fund, attributes the "growing epidemic of child labor" to a globalization of production. "With computerization," he explains, "you can produce fairly sophisticated goods, with the most labor intensive parts singled out and shipped out to be done wherever it's the cheapest." Developing nations typically lure multinational corporations by creating "export-processing zones" with tax incentives and abundant cheap labor. According to Goold, companies who manufacture there usually are exempted from many laws of the nation, and "the first thing they want is no labor laws and no environmental standards."

The most exploitable workers of all, of course, are children. Above all, "child labor is cheap labor," says the Child Labor Coalition's Adkins. There are other advantages: Child workers are easily intimidated, don't know their rights and have no inherent sense of danger in operating machinery.

Most often, children in developing nations work to support their families. According to Harvey, in a country like Indonesia where the minimum wage averages only 40 to 60 percent of the minimum necessary for a family to survive, parents are forced to send their children to work. Moreover, Adkins points out, with Indonesia's adult unemployment rate at 30 percent, the children's wages can be a family's only source of income.

Such reform advocates are under no illusions about how far they can go. Adkins emphasizes that her coalition's goal is not to get rid of youth employment but to make sure "it is not inappropriate and not excessive." According to Goold, the Harkin-Brown bill attempts to target only the commercial exploitation of children.

The toy and garment industries, says Goold, are most often linked to child labor violations. He recalls one personal experience. On a 1991 trip to China with the trade subcommittee of the House Ways and Means Committee, Goold who has two daughters, grimly watched young Chinese girls making a popular U.S. doll in a factory in an export-processing zone.

Another Chinese toy factory was described by staff writer Dinah Lee in a 1988 issue of Business Week. Headlined "Long, Hard Days, at Pennies an Hour," it told of conditions in a plant owned by Kader Enterprise Ltd., Hong Kong's largest toy maker, which had contracts with a number of large American toy corporations. Lee described girls as young as 12 typically working 14 hours a day, seven days a week, for $31 dollars a month plus 12 cents an hour in overtime. For certain seasonal rush orders, the girls were required to work one or two 24-hour shifts, with only two meal breaks, each month. A Kader executive is quoted as saying, "We can work these girls all day and all night, while in Hong Kong it would be impossible."

In an interview last November, David Miller, president of the Toy Manufacturers of America, a group of 235 U.S. toy importers and/or manufacturers, emphatically disputed Lee's article: "To the best of our knowledge, there is no child labor used in China. There is no prison labor used in China. And we are in a better position to know than most industries because safety is such an important part of making our products. We have inspectors in all the factories in mainland China every single day of the year."

Miller described Lee as a fair and competent reporter but maintained, "She was in only one toy factory. She was in other factories where child labor was being used. She didn't see the age cards of these people. She spoke Mandarin in a factory that spoke Cantonese."

Contacted recently, Lee said she does speak Mandarin but also has a working knowledge of Cantonese and was assisted with translation by a Kader employee. She acknowledged she did not check the age certificates; she said they are irrelevant and "can be easily bought." Regarding her description of the ages of the employees, Lee said she was in Asia for 20 years "and I'm pretty good at assessing girls."

Jeff Fiedler, secretary-treasurer of the AFL-CIO's Food and Allied Service Trades Department, specializes in tracking American consumer goods back to their origin. He says there is not much hard evidence that toys are being manufactured by Chinese children. But he notes that the Chinese government freely admits to having a child labor problem. In May 1991, the Beijing China Daily reported that the government, alarmed by the rise in child labor in China, had drafted a document banning the employment of children—a first in the history of the People's Republic.

When huge amounts of money are at stake, allegations of child labor abuses tend to be either vigorously contested, as the Toy Manufacturers of America has done, or ignored, as the Bush administration and the Mexican government have done. The 2,000-page North American Free Trade Agreement contains not a single reference to Mexican child laborers who, some estimate, number from 2 million to 10 million. The ILO reports that up to 18 percent of Mexican children between the ages of 12 and 14 are working.

Statistics on the problem are hard to come by, according to Harvey. Few agencies in Mexico study the problem. Goold is not surprised: "They don't want to. They have very strong incentives not to." The American division of Defense for Children International, a group that promotes and advocates children's rights, is launching its own study of Mexican child labor, focusing on the extent of the problem in the export sector.

Goold believes that the worst forms of child labor ought to be addressed across national borders. Several human-rights organizations agree with him in principle—but not in form. Susan Gunn, a child labor expert with the ILO in Geneva, maintains that "you can't deal with child labor by just legislating it out of existence." She discourages boycotts of products because they can result in children being thrown out on the street to starve.

To prevent this, Jeffrey Newman, executive director of the National Child Labor Committee, calls for a more gradual reduction in the use of child labor by foreign industry than the Harkin-Brown legislation allows.

At a recent Capitol Hill briefing on child labor, however, an aide to Harkin pointed out that the legislation, first introduced last summer, has already had an impact. An association of rug manufacturers in India (an industry notorious for its use of child laborers as young as age 3), motivated by the Harkin-Brown bill, has started a program of labeling to insure consumers that child labor was not used in making their rugs.

Goold sees the problem as essentially "how do you get governments to stop using child labor?" He has found that "moral arguments work with moral people—and then you better have some economic incentives."

But investigations and negotiations, however successful in the reach of time, will do little to sweeten the childhoods and dreams of Praiwan Krasang and millions of other young laborers who help satisfy the world's craving for cheap consumer goods and high profit margins.

## CODE OF CONDUCT FOR PEOPLE'S REPUBLIC OF CHINA

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing a resolution that expresses the sense of Congress that the President should direct the Secretary of Commerce to consult with American leaders having a significant trade with, or investments in, the People's Republic of China to encourage them to adopt a voluntary code of conduct.

The code of conduct would address human rights issues. More specifically, the code of conduct addresses five areas. These five areas are human rights, discrimination, prison labor, workers rights to organize, and political indoctrination. These five areas are important human rights issues. By following a code of conduct, United States businesses would help protect Chinese citizens from the abuses of their government. Also, American businesses would set an example for Chinese businesses to follow in the area of human rights.

On May 28, President Clinton announced his decision to waive for another 12 months the freedom of emigration requirements for China. Also, President Clinton issued an Executive order stating that China will be expected to meet seven conditions in order to receive MFN status beyond July 1994. I commend the President's decision on China and the renewal of MFN policy.

The conditions linked to the renewal of MFN are related to human rights. The voluntary code of conduct for American businesses is closely related to these seven conditions. American businesses engaging in commerce in the United States should be responsible for conducting themselves in at least the same manner as Chinese businesses.

During the expressions of beliefs at the Democracy Wall and Tiananmen Square, the students risked their lives to express their desire to live in a democracy. Some of these students were quoting Thomas Jefferson. These students looked to the United States as a successful democracy. They want to emulate us. I believe it is important that American businesses in China set the appropriate example. I urge you join me in sponsoring this resolution.

## CONGRESSMAN KILDEE SALUTES DUANE O. JOHNSON

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. KILDEE. Mr. Speaker, I rise before you today to urge my colleagues in the House of Representatives to join me in recognizing the lifetime achievements of Mr. Duane O. Johnson, who will be honored at a ceremony in Waterford, MI, on Sunday, July 18.

For over 60 years, Mr. Johnson has been an active member of the Fraternal Order of Eagles. Under his outstanding leadership, Mr. Johnson has helped propel the Eagles into the successful organization they are today.

Joining Aerie No. 1230 in Pontiac, MI, in 1933, Mr. Johnson has held many offices including trustee, vice president, and president. Beyond his service to Aerie No. 1230, Mr. Johnson worked diligently within the Great Lakes region as both chairman, and eventually director. His contributions to the growth of the Eagles have been a vital lifeline for the Fraternal Order of Eagles. He took part in institutionalizing 59 Aeries. As if that were not enough, Mr. Johnson also organized four new Aeries.

Along with these outstanding accomplishments, Mr. Johnson also assisted at many other positions for the Eagles throughout the State of Michigan. He served as director of the Eagles Memorial Foundation, director of employees pension fund, and Great Lakes regional director. Appropriately, Mr. Johnson has been elected to the Michigan Eagles Hall of Fame and to the Grand Aerie Hall of Fame to commemorate his accomplishments.

Mr. Speaker, it is with great pride that I ask you and my fellow Members to join me in saluting Mr. Duane O. Johnson. Self-evident is the lifelong commitment to enhancing the dignity and spirit of all people. I ask the House of Representatives to join me in commending Mr. Duane O. Johnson for his hard work and dedication to our community.

## TRIBUTE TO DAVEY ALLISON

## HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BROWDER. Mr. Speaker, the auto racing community, the State of Alabama, and Davey Allison's many fans mourn the untimely death this week of that popular, young champion.

He died of injuries suffered Monday when his helicopter crashed at the Talladega SuperSpeedway in my district, where he had gone on his day off to watch another Alabama driver take some practice turns. He was 32.

I got to know Davey a little more than a year ago when I had the privilege of serving as grand marshal of the Winston 500 at Talladega. He was one of the drivers I visited during a tour of the pit area and, later, I had the chance to stand with him and his lovely wife as he received the winner's trophy. He impressed me from the beginning as a warm, genuine human being.

He visited my office a few weeks ago and, again, I was impressed by how truly friendly he really was. His family has suffered a terrible loss and my family, my staff and I extend our condolences to them.

As an indication of the affection that Alabamians held for Davey Allison, I submit an editorial written by Ed Fowler, editor and general manager of the Daily Home in Talladega, and another written by Cody Hall and Kim Koster of the Anniston Star.

As the editorialists put it, we celebrate Davey Allison's life even as we mourn his death.

[Editorial from The Daily Home, Talladega, AL, July 15, 1993]

As we mourn the death of Davey Allison it is important to also celebrate his life.

This young man, only 32 but a confirmed superstar in racing circles, accomplished more than most on the tracks of NASCAR. The skill, the courage and the victories that came as a result should be remembered.

But what made Davey Allison so special, and the reason so many here in Talladega and the State are affected so deeply by his death, is the way he conducted himself off the track.

He was no egotistical superstar. He remained a down-to-earth human being who understood that life encompassed more than what happened on an enclosed asphalt oval. He took the time to respond to his fans, to help his friends, to promote his profession and to be a good father, son, and husband.

Those values come from a family that by all accounts is as close as a family can be. Race fans have watched this remarkable family when it was at the top of racing, and when it suffered awful tragedy.

Davey's death follows that of his brother Clifford last year, who died in a practice session at a Michigan track. It follows the career-ending accident that almost killed his father Bobby. And it follows a wreck that ended the career of his uncle Donnie.

The family has suffered great loss. To bury two sons within a year of each other brings unimaginable grief.

Through their grief and tears the Allisons have tried to remind us that Davey was more than a winner on the track. He was a winner in life as well.

Those who knew him well, speak of his warmth, his sense of humor, and his smile.

That smile is what we will remember. Whether he was celebrating one of his 19 Winston Cup victories or holding his children in his arms Davey Allison's smile lit up the world around him.

Now that he is gone the world will be a little darker. We send our condolences and our prayers to his family, his friends and his fans.

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[Editorial from the Anniston Star, July 14, 1993]

That Davey Allison would be involved in a crash at the Talladega SuperSpeedway was hardly a surprise. But for it to be a helicopter that crashed instead of one of the powerful cars he loved to drive so much served to make the news of this young man's death seem almost unreal.

Late Monday afternoon the first telephone calls came—"Crash at Talladega"—then the fragmentary reports on the broadcast media—"Davey Allison * * * helicopter * * * to Birmingham * * * very critical condition."

Young Allison, only 32 but already a championship driver, was enjoying a rare day off Monday when he decided to fly his helicopter from his hometown, Hueytown, to the Talladega track to see a young member of another legendary Alabama racing family, David Bonnett, take some practice turns. Old racing legend and Allison team member Red Farmer, went along for the ride.

Exactly what happened hasn't been established. The helicopter crashed in the speedway infield leaving Allison unconscious with head injuries, Farmer with rib and collarbone fractures from which he is expected to recover.

And then Tuesday morning the sad news came. For the second time in less than a year, death had touched the Allison family. Davey had succumbed to his injuries. Only last August his brother Clifford, 26, was killed during a practice run at Michigan International Speedway.

The last few years have not been kind to the Allison family. In 1988 Bobby Allison, father of Davey and Clifford, was forced to retire after suffering head injuries in a crash. Their uncle, Donnie Allison, was retired in 1981 by head injuries after another crash. Davey had recovered from a concussion and other injuries suffered in a crash at Pocono, PA, just a month before Clifford's death.

Yet Davey never took himself too seriously. Just recently he told a friend that his trials were no different than the people underwater in Des Moines, Iowa, or anyone else who loses a brother. He and his family accepted their tragedies, and went on living.

Going on living. For an Alabama racing family, it may seem nearly impossible to face this latest loss. For Davey's young wife and two children, it will be difficult.

It is always a loss when tragedy strikes down a young star. It is especially poignant when that star is our own. As the state flag flies at half-mast today, we think of Davey Allison and his family, a champion and a family of champions, and we grieve over the loss.

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## TRIBUTE TO DR. RICHARD D. RUPPERT, RETIRING MCO PRESIDENT

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Ms. KAPTUR. Mr. Speaker, rarely in life does one gain the opportunity to pay proper tribute to deserving citizens who build community through their outstanding achievements.

For 16 years, Dr. Richard Ruppert has been an example to Toledo, its citizens and leaders, of what can be accomplished with determination, vision, planning, and talent. With his retirement from the Medical College of Ohio presidency this year, Toledo, and indeed all of Ohio, will be gaining the talents and leadership that MCO has benefited from since the beginning of Dr. Ruppert's tenure.

When Dr. Ruppert assumed leadership of the Medical College of Ohio on Toledo's southside, only three buildings comprised the West Campus, and the college had graduated six medical classes. From his first meeting with the MCO Board of Trustees on September 26, 1977, until today, an amazing metamorphosis has occurred at MCO.

During the first year of Dr. Ruppert's tenure, planning began for a 25-bed child and adolescent psychiatric hospital. Six years later, the Lenore W. and Marvin S. Kobacker Center for Child and Adolescent Psychology was dedicated. Later the same year, affiliation agreements for the training of medical students and residents were finalized with Toledo, Mercy, and Flower hospitals and Toledo Mental Health Center. These agreements solidified the college's educational programs and began a relationship with the community's leading health care organizations that signifies the kind of collaboration that builds toward community involvement and improvement. As stated by Dr. Ruppert, "As you grow, you develop an identity even in the immediate surrounding communities. People begin to realize that the medical students and residents working in community hospitals are from MCO."

Despite the many challenges presented by a period of double-digit inflation and continuing State financial problems that necessitated the cutting of MCO's budget four times in 16 months, construction continued on the MCO campus through 1988. During this period of explosive growth, the Medical College Hospital, the Hospital Support Building, now known as Dowling Hall, the Dana Center, Coghlin Memorial Hospital, the Kobacker Center, the Facilities Support Building, the Health Center, the Henry L. Morse Physical Health Research Center, and the Toledo Hilton, were dedicated.

During Dr. Ruppert's tenure, academic development matched construction growth. Because of the dynamic growth of MCO's campus, the college attracted the attention and support of important benefactors. During this period, three chairs were established—the Helen and Harold McMaster chair in molecular biology, the Eleanor Coghlin chair in rehabilitation medicine, the Clair F. Martig chair in Alzheimer's disease research. All were established during Dr. Ruppert's tenure, as well as a major endowment for laser therapy and transplantation research from the Stranahan family.

In addition, the curriculum experienced tremendous growth under Dr. Ruppert's direction. In July 1980, MCO switched to a 4-year curriculum to provide students the necessary training in clinical areas. The school gained 4-year accreditation in 1981. Also in 1981, the college's doctoral-degree granting level was accredited for 5 years by the North Central Association of Colleges and Universities. In 1980, MCO sought approval for a master of science degree in nursing, a program Dr. Ruppert and suggested when he was a vice chancellor for health affairs. One year later the School of Allied Health accepted its first physical therapy students. Throughout the 1980's, new academic departments were created: radiation therapy, neurological surgery, neurology, rehabilitation medicine, orthopedic surgery, ophthalmology, otolaryngology, urology.

The final component in the Ruppert achievement formula must be termed civic involvement. Dr. Ruppert has been an enthusiastic and dedicated leader in Toledo's civic activities, most recently serving as chair of the United Way of Greater Toledo fund drive and chair of the board of the Toledo-Lucas County Port Authority, Northwest Ohio's lead economic development agency.

As Dr. Ruppert completes his tenure of service at MCO, his legacy is this: a 500-acre campus that is debt free with a balanced budget and reserve funding, an outstanding faculty, an outstanding image in the community, a commitment to community involvement, and a hospital that provides quality patient care. The condition and manner in which Dr. Ruppert passes the mantle of leadership is a lesson to us all and is best summed-up in Dr. Ruppert's own words:

> The key elements are in place for the next president and a talented and committed faculty to continue the institution's growth. The quality of students entering MC is excellent and there is an increasingly larger application pool. In short, we have come a long way during my last 16 years, and I think the future is extremely bright.

We should all hope and strive to leave a similar legacy when we end our tenures in whatever institution or station in life that we serve.

I know my colleagues in this distinguished body as well as all citizens in our community, join me in thanking and congratulating Dr. Richard D. Ruppert on his lifetime of service. Retirement is not a word in his vocabulary so let us wish him continued health, success, and happiness in all his future endeavors.

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## THE FRIENDSHIP FLIGHT OF THE "LITHUANICA III"

## HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. GILMAN. Mr. Speaker, I want to call to the attention of my colleagues a unique event in the history of the Lithuanian people and their relationship with the United States.

In July 1933, Steponas Darius and Stasys Girenas—at great personal cost and with the help of many Lithuanians living in the United States—set out in a second-hand, single-engine airplane to fly nonstop from the United States to Lithuania. That dangerous feat, a flight of 7,186 kilometers, had never been accomplished before that time.

Their flight, intended to symbolically link our two countries and display their pride in Lithuania's new democracy, ended in disaster. Sadly, their plane crashed 640 kilometers short of its destination in what is now Poland. The two men, who had been born in Lithuania and had come to make their lives in America, were killed.

Sixty years to the day later, Edvinas Velonskis will repeat and complete that historic Darius-Girenas flight, departing from the Republic Airport in Farmingdale, NY, for Kaunus in the Gulfstream 4 aircraft, *Lituanica III*, on Friday, July 16.

Lithuania's Ambassador to the United Nations, Anicetas Simutis, consul general in New York, Linas Kucinskas, national president of the American-Lithuanian Community, Vytautus Maciunas, and hundreds of other Lithuanian-Americans will be on hand to see him off.

On Saturday, July 17, Lithuanian President Algirdas Brazauskas, the American Ambassador to Lithuania Darryl Johnson, and hundreds of other welcoming friends will be on hand at Aleksotas Airfield in Kaunus to greet the arriving flight. President Brazauskas will be presented with a "Friendship Gift," a replica of the Statue of Liberty, originally struck to commemorate the 100th anniversary of the statue.

Mr. Speaker, just as it has taken a long time for this symbolic trans-Atlantic flight to finally complete its journey, it has taken a long time for the people of Lithuania to regain their freedom, independence, and the right to democratic rule. I invite all of my colleagues to salute this historic accomplishment and pay tribute to Lithuania as an inspiration for freedom-loving people throughout the world.

## IN HONOR OF DENNIS MULCAHY, FOUNDER OF PROJECT CHILDREN

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mr. Dennis Mulcahy, the founder of Project Children. Mr. Mulcahy's dedication to the children of Northern Ireland led him in 1975 to found the Project, in which American families open their homes for the summer to children whose lives are endangered by the violence in their homeland.

The struggle for freedom in Northern Ireland deprives the children of their lives as children. When the violence peaks each summer, the children must find safety elsewhere. And so, each year the occupation of Northern Ireland forces the children to flee, while the British soldiers remain.

This year, 27 families from my home State of New Jersey are sharing their homes with 28 Irish children, offering them safe haven for the summer. These children, lucky enough to escape the violence, are able to spend a few months of their childhood as children should, thanks to the generosity of caring American volunteers, and the dedication of people like Dennis Mulcahy.

I know that my colleagues will join me today in honoring Mr. Mulcahy for his devotion to the children. We all pray that next year, these children will enjoy the summer breezes in a free Northern Ireland.

## INTRODUCTION OF MOST FAVORED NATION FOR ROMANIA

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for President Clinton's proposal to extend nondiscriminatory treatment to the products of Romania. The time for most favored nation has come. For years Congress granted extension to Romania under the Communist dictatorship of Nicolae Ceaucescu. I note the irony and the tragedy in this. As a nation, we granted Romania most favored nation to a country under the Communist rule of a brutal and heinous dictator. Many of us remember the devastation wreaked on Romania under Ceauscescu's domination—flagrant disregard for human rights, repression of ethnic minorities among them. And yet, Romania enjoyed nondiscriminatory treatment of goods for several years—only to be renounced in 1988 by Ceaucescu himself.

Since Ceauscescu's renunciation, Romania has existed without preferential trade treatment. Most favored nation is necessary to Romania's transition to a market economy. Currently, Romania is the only former Soviet bloc country to which most-favored-nation status has not been restored. Absence of most favored nation will only continue to make things more difficult for a country in need.

It has been a long road for Romania longer and more difficult a road to democracy and a free market than in the other Eastern European nations freed from the ties of communism. In 1989, we debated extending most favored nation to Czechoslovakia, Romania, and Bulgaria. Czechoslovakia received most favored nation quickly. It took longer for Bulgaria but Bulgaria now has it. Romania does not. Romania instead remains stigmatized as the only Eastern European nation without nondiscriminatory treatment of its products.

The United States has supported a program of assistance to this country since the revolution and a new trade agreement between the United States and Romania was signed on April 3, 1992. However, the 102d Congress defeated a bill last September which would have extended most favored nation to Romania. Congressional concerns regarding the Romanian election process, human rights conditions, freedom of the press, and establishment of an independent judicial system were raised and highlighted during debate of this issue. Rather than grant extension, this body insisted on more measurable progress. Mr. Speaker, I would like to point out that progress has been and continues to be made in Romania. In the past 10 months, we have witnessed internationally approved elections, advancement toward democracy and a market economy. A free and open press, and an independent judiciary each signal Romania's effort, interest, and commitment to a progressive and democratic government. Others still in this Congress expressed concern recently for the plight of the institutionalized and orphaned children of Romania. Several years ago, the world watched as a black market emerged in Romania unscrupulously taking children and demanding outrageous payment for them. Romania, with our encouraging, passed an adoption law that would eliminate such practices and such facilitators. This law complies with the Hague Convention. Recently media reports portrayed a hopeless picture of the children of Romania. My colleagues, we were all moved by those images. Who wouldn't be? Much confusion surrounded this issue. The work of intercountry adoption agencies faced serious challenges as a result. Those images did not clearly and accurately describe the plight of the Romanian children who were institutionalized or abandoned. Progress has indeed been made as a result of international children's organizations and international medical teams. These reports did not reflect that progress. Yet, concerns remained. And many of us expressed our concern that proper procedures and rights be accorded the children, the Romanian families, and potential adoptive families in this regard. The Romanian Government also understood these concerns for their own people. It is not our wish to whisk away children of an impoverished nation. Rather, it is up to us to help, as a world neighbor, to improve the lives of those children. Most favored nation will help the children of Romania—hundreds of thousands of children—by allowing their country to trade in goods they need to survive, to grow, to flourish. Without it, families will not be able to support themselves or to care for their children themselves.

Extension of most favored nation will help to sustain Romania's economic recovery, encourage developing markets, and in turn ease the country's poverty. Extension of most favored nation will improve standards of living and enhance the quality of life.

In addition, extension of most favored nation will improve our ability to export to Romania. Most favored nation, afterall, is not a one-way street. In fact, last year, the United States exported over $239 million worth of goods to the Romanian people. Leading exports to Romania and other Eastern European nations were vehicles, aircraft, transportation equipment and machinery, mechanical appliances and electrical equipment. The reduction and the removal of barriers and restrictions to U.S. goods and businesses will enhance our ability to trade with a technically developing nation. And in other terms, exports to Romania mean jobs to Americans.

Financial and technical assistance is flowing into Romania—easing Romania's integration into the world economy. Its integration and progress are deliberate but certainly not as fast as they or we would like. Let me mention that Romania's progress is impeded by lack of hard currency and its role to assure political stability in Eastern Europe. The former Yugoslavia, once its major trading power, is as we all know, currently embattled in its own ethnic and civil strife. In efforts to promote peace and stability in the Balkans, Romania has accepted a role as a neighbor of diplomacy.

As Romania struggles to establish democracy, the people of Romania need our help. The extension of most favored nation signals economic promise. It will spur further economic development of the country's private economy. A flourishing free market can be a mighty force for political reform.

Mr. Speaker, I urge my colleagues to support the President's request for extension of most-favored-nation status to Romania. Such extension offers economic and political promise to a country in a troubled and volatile region of the world.

## TRIBUTE TO THE APPLE BARN

### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. EWING. Mr. Speaker, I would like to take the opportunity to recognize a business in my district which I feel is an outstanding example of a successful family-run enterprise. The Apple Barn, located in Bloomington, IL, has been run by the Birckelbaw family since 1918. It is McLean County's oldest and largest commercial orchard.

For 75 years, the Birckelbaw family has served central Illinois with fresh produce, apple cider, and baked goods. They also host an annual Fall Fest which is truly a family event, complete with hayrides and craft demonstrations.

This type of business is important not only because of the way in which it serves the community, but also because small businesses, like the Apple Barn form the backbone of our Nation's economy. Over 80 percent of all new jobs are created by small, independent businesses. Such establishments need to be encouraged to ensure economic growth.

I extend my congratulations to Bill and Betsy Jo Birckelbaw and the Birckelbaw family. May they continue their tradition of excellence.

## NELSON MANDELA—A MAN OF UNCOMMON COURAGE MARKS HIS 75TH BIRTHDAY

### HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. MFUME. Mr. Speaker, the international community waits expectantly for the moment in history where black South Africans will exercise their right to vote with the birth of real democracy in that country in April of this coming year. When the polls open, one man will walk to a ballot box in his township—embodying the very meaning of courage and the best that the human spirit can summon in the face of adversity. This man who has changed the course of history is Nelson Rolihlahla Mandela, president of the African National Congress.

While many have fought valiantly in the struggle for freedom and justice in South Africa, even giving their lives in this noble cause, Mr. Mandela has made a special mark in history. He has emerged from the atrocity of an indefensible imprisonment from 1961 to 1990, unbroken, and unrelenting in his commitment to establish the right to vote and self-determination for the majority black population of South Africa.

As he returns this week from his tour of America to raise the visibility of the continuing effort to advance the democratic electoral process in his native land, we have pledged our unconditional support to him and the work of the African National Congress.

Mr. Speaker, this extraordinary, elegant, gentle person will mark his 75th birthday on July 18. The members of the Congressional Black Caucus and freedom loving people around the world join in this tribute to his vision and uncommon courage.

## INTRODUCTION OF THE NUTRITION AND HEALTH INFORMATION ACT

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. WYDEN. Mr. Speaker, I rise today to introduce legislation which will improve our understanding of the nutritional needs of all our citizens. With such information we may promote healthier nutrition, particularly for women, children, and older Americans. My bill, the Nutrition and Health Information Act of 1993, amends the Public Health Service Act to require the Surgeon General to prepare biennial reports on nutrition and health. Senator HARKIN will shortly introduce a companion bill in the Senate.

Mr. Speaker, if we are what we eat, fully one-fourth of our Nation's elderly are a walking bull's-eye for diseases that target the malnourished. Recently a national survey was undertaken to learn the views and advice of the Nation's health care professionals regarding nutrition in America's elderly population. Two critical issues emerged from the survey. First, one-in-four elderly people in the richest country in the world suffer clinically significant effects of malnutrition. Second, this report drives home the fact that Americans are also paying a very high price for malnutrition.

Many diseases are known to be caused or exacerbated by poor nutrition—such as diabetes, heart disease, and certain kinds of cancer. This national survey of health professionals strongly suggests that better nutrition will help constrain the enormous economic costs of poor health directly attributed to a poor diet.

Prevention of illness should be the first priority in a cost-effective health care system, and our Nation's health professionals clearly believe that good nutrition is a critical element of prevention. Currently, we are spending 14 percent of our GNP each year on health care, but less than one-tenth of 1 percent of that $900 billion goes to prevention. I believe the time may finally be ripe for progress on this longstanding item on the health reform agenda because the President and Mrs. Clinton have already committed themselves to a health reform package with an emphasis on prevention.

The value of good nutrition is not limited to preventing illness, however. According to these health care professionals, proper nutrition promotes rapid healing and recovery from sickness as well.

The American Dietetic Association has independently developed data supporting the views of health care providers regarding the costly consequences of ignoring basic good nutrition. In a study of elderly patients admitted to a hospital, those who were malnourished had hospital charges double of those who were not malnourished. With a proper diet, they found patients have fewer complications, more rapid healing of wounds, and shorter lengths of stay in the hospital.

Similarly, research shows that many elderly residents of nursing homes are prone to suffer nutrient deficiencies. Understanding and better management of their nutritional requirements improves quality of life, slows physical deterioration, and prevents further hospitalization or the need for a higher level of care.

Mr. Speaker, it seems crystal clear that the more Americans know about their nutritional needs, the better our health care resources will be utilized. To this end, our national health reform initiative must address the nutritional needs of all our citizens, and the nutritional needs of older Americans in particular.

Some Americans find their diet is not entirely under their control, but may be strongly influenced by Government food purchasing programs. I am particularly concerned that taxpayers may be purchasing food for low-income and elderly Americans which is not healthy. We must make certain that the Government does more than provide the proverbial hot meal, but that these meals are also healthy and nutritious.

To promote this effort, I propose that the Surgeon General should every 2 years issue a report on the nutrition and health of the Nation. This idea for this report is modeled after the successful series of reports on Tobacco and Health.

Every year since 1964, the Surgeon General has compiled and released an extensive public report on the effects of smoking. Over the years, these reports have addressed many aspects of the health consequences of smoking: The benefits of cessation, the extent of cigarette use of Americans, and the consequences of nicotine addiction. These reports have won broad public and academic praise for detailing the huge costs in lost lives and the vast health care expenditures that smoking extracts from our wallets each year.

My legislation will require the Surgeon General to evaluate current information on diet and health, and make appropriate proposals for improving the nutritional health of the Nation.

Some of the issues that this report will address are: The role of diet in treatment and prevention of chronic disease; the extent and nature of malnutrition in the United States; the extent to which the nutritional needs of special at-risk populations—like children and the elderly—are being met; and the extent to which nutritional recommendations of Government agencies are consistent with current scientific knowledge.

Now, as Congress is seriously debating reforms in our health care system, I am pleased to be able to say that Congress is also beginning to address both prevention and nutrition issues in a number of important legislative initiatives. For example, as a conferee on the National Institutes of Health reauthorization bill, I worked with Representative LLOYD to add language requiring the NIH to evaluate the effectiveness of nutrition screening programs for the elderly. This provision will require the Secretary to conduct a 3-year study to specifically determine the extent of malnutrition in older Americans and to report on the utility and worth of institutionalizing nutrition screening programs.

My colleagues also agreed to the inclusion of language in the NIH reauthorization that will expand Clinical Nutrition Research Units and the work that they are doing to discover the causes and find the cures for obesity. This program specifically emphasizes the importance of good nutrition for our Nation's young people and for building good dietary habits to last a lifetime.

Mr. Speaker, this Congress is poised to inaugurate an era of fundamental reform in our health care system. Consumer information in the reformed health care marketplace is going to be the name of the game. This bill will provide the data to educate us about the nutritional needs of all Americans, and in so doing will help doctors and consumers to maximize good health through good nutrition choices.

This legislation enjoys the support of over 60 national organizations representing consumers and health professionals, including the American Association of Retired Persons, the American Heart Association, the American Society for Clinical Nutrition, and the Center for Science in the Pubic Interest. I would ask that these letters of endorsement from several of these organizations be included in the RECORD at the conclusion of my remarks.

I thank my colleagues and ask for their continued support in this long-term effort to improve the health of our Nation.

AMERICAN ASSOCIATION OF RETIRED PERSONS,
*Washington, DC, June 15, 1993.*

Hon. RON WYDEN,
*Longworth House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE WYDEN: The American Association of Retired Persons [AARP] wishes to express its support for the "Nutrition and Health Information Act." By requiring a biennial Surgeon General's report on diet and health, this legislation promises to expand knowledge regarding the links between diet and health, increase public awareness of this relationship, and encourage the development of more effective public policy in this area.

Older Americans have a vital interest in the issues addressed in this legislation. The prevalence of diet-related conditions such as heart disease, hypertension, and diabetes increases with age, and failure to consume a "healthy" diet can be life-threatening for individuals who are frail or chronically ill. Particularly significant is the incidence of diet-related diseases among midlife and older persons who are members of minority groups. AARP is pleased that your bill gives special attention to the unmet nutritional needs of these and other vulnerable groups.

The Association also notes that among the topics slated for study in the legislation are the extent to which the public understands the information that appears on food labels, and the extent to which that understanding influences dietary habits. Data on both subjects are limited, and critically important for future policy development.

AARP commends you for introducing this important legislation. We look forward to working with you for successful enactment of the bill.

Sincerely,

JOHN ROTHER,
*Director, Division of Legislation and Public Policy.*

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AMERICAN HEART ASSOCIATION,
*Washington, DC, May 19, 1993.*

Hon. RON WYDEN,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WYDEN: I understand that you are considering introducing legislation that would require an annual Surgeon General's report on nutrition and health. The American Heart Association fully supports this proposed endeavor.

Cardiovascular diseases accounted for more than 930,000 deaths in 1990. Poor dietary habits are a major risk factor for cardiovascular diseases, which are the number one killer in America. A Surgeon General's report on proper nutrition and health can give additional credence and support to public education efforts and enhance scientific research into these areas.

Please feel free to call on me for any additional information for this legislation.

Sincerely,

SCOTT D. BALLIN,
*Vice President and Legislative Counsel.*

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NATIONAL MEALS ON WHEELS FOUNDATION,
*Washington, DC, June 17, 1993.*

Hon. RON WYDEN,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE WYDEN: I am writing on behalf of the National Meals on Wheels Foundation to voice support for the "Nutrition and Health Information Act," which I understand you will introduce this week. As an organization committed to providing daily meals to home-bound senior citizens and those at congregate meals sites, we congratulate you on your leadership in this critical area of health care.

As you are aware, malnutrition is a serious problem among the elderly population. It is compounded by a lack of understanding about the relationship between diet and health among health care professionals, policy makers and the American public. Your new legislation, will be critical in providing a better understanding of this relationship and in highlighting the need for continued education in the area of nutrition. It will provide the necessary framework for a comprehensive national policy to improve the health of all Americans.

The National Meals on Wheels Foundation is also grateful for your support of the Older Americans Act, which under Title III-C provides funding for congregate and home delivered meals and also for your support of legislation for malnutrition research. You have demonstrated your commitment to improving the nutritional status and health care of all older Americans.

Again, we applaud you for creating the "Nutrition and Health Information Act" and for your continued commitment to health care reform. We look forward to working with you in the future.

Sincerely,

ROBERT BLANCATO,
*President.*

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NUTRITION SCREENING INITIATIVE,
*Washington, DC, June 11, 1993.*

Hon. RON WYDEN,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE WYDEN: I am writing on behalf of the Nutrition Screening Initiative (NSI) to express our support for the goals embodied in the "Nutrition and Health Information Act," which we understand you will introduce this week. Your commitment to and leadership in improving the health care of the American people is well established. This legislation is another example of your foresight and responsiveness to critical health care needs that are too often overlooked.

We were honored to join you at your press conference on April 26 to highlight the serious problem of malnutrition among the elderly. We were delighted to introduce legislation to establish and make available national information regarding the relationship between nutrition and health.

As the Hart survey data reveals, the extent of malnutrition in the elderly is shockingly high—even among older persons who are currently receiving health care services. It is clear to those who are participating in the NSI that knowledge about diet and other nutrition-related matters is seriously lacking among health care professionals and policy makers, as well as the general public.

The "Nutrition and Health Information Act," when enacted, can play a critical role in improving knowledge about the relationship between diet and health and the need for educating health care professionals and others about nutrition. We applaud you for your emphasis on vulnerable populations such as minorities, children, women, the disabled, and the elderly. The vital information to be obtained as a result of your legislation will be important in laying the foundation for meaningful national policy to improve the dietary status and, therefore, the health of all Americans.

Again, we congratulate you for your continuing leadership in health care and for introducing the "Nutrition and Health Information Act." We look forward to working with you in the future.

Sincerely,

DAVID MITCHELL,
*Staff Director.*

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CENTER FOR SCIENCE IN THE PUBLIC INTEREST,
*Washington, DC, June 21, 1993.*

Hon. RON WYDEN,
*Longworth House Office Building, Washington, DC.*

DEAR CONGRESSMAN WYDEN: The Center for Science in the Public Interest strongly supports the Nutrition and Health Information Act. Your efforts to require a periodic report from the Surgeon General on nutrition and health should not only improve the public health, but should also help to control health-care costs.

An increasing body of evidence shows that good nutrition is the cornerstone of good health. A periodic report from the Surgeon General would provide both reliable information on various nutrition topics and establish the current scientific consensus on those topics. This is critical in the field of nutrition because of the rapid developments taking place and the public nature of the scientific debate. The reports should provide policy makers and the public with the information they need to formulate food and nutrition policies and to make better individual dietary choices.

CSPI strongly supports your efforts to require a periodic Surgeon General's report on nutrition and health. There is strong and widespread support for the reports, as indicated by the diversity of the 54 organizations that have endorsed such a proposal.

Thank you for your continued efforts to improve the health of the American people through better nutrition.

Sincerely,

MICHAEL F. JACOBSON, Ph.D.,
*Executive Director.*

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CENTER FOR SCIENCE IN THE
PUBLIC INTEREST,
*Washington, DC, June 21, 1993.*

Hon. RON WYDEN,
*Longworth House Office Building, Washington, DC.*

DEAR CONGRESSMAN WYDEN: We urge you to require an annual Surgeon General's report on diet and health.

Good nutrition is essential to good health. A healthy diet can prevent many cases of heart disease, hypertension, diabetes, cancer, and other diseases. Dietary changes can also be helpful in treating several of those chronic diseases. Each year, diet-related diseases cause over 300,000 premature deaths and cost almost $200 billion in medical expenses and time lost from work.

A highly visible Surgeon General's report published annually could encourage dietary habits that promote health rather than disease. The reports should focus on such topics as diet and the treatment of chronic diseases, nutrition and prevention of chronic diseases, diet and cancer, children's nutrition, elderly nutrition, nutrition concerns of women, nutrition and hunger among the poor, and the food environment (advertising, fast-food restaurants, vending machines, etc.).

An annual Surgeon General's report on nutrition would emulate the Surgeon General's report on smoking. That report provides policy makers and the public with timely information on the health effects of various aspects of tobacco use. Each year, the smoking report generates a great deal of publicity.

Without a congressional requirement for an annual report on diet and health, we can expect only occasional attention devoted to this subject. The Surgeon General issued its only major report on "Nutrition and Health" in 1988. Another (focusing on fat) will be published in 1993.

An annual report on diet and health would require minimal government expenditures, but could spur major improvements in health and save Americans billions of dollars in health-care costs.

We would be pleased to assist you in every way possible.

Sincerely,

MICHAEL F. JACOBSON, PH.D.

On behalf of:

American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Retired Persons.
American Cancer Society.
American College of Preventive Medicine.
American Dental Association.
American Health Foundation.
American Heart Association.
American Institute for Cancer Research.
American Medical Association.
American Medical Student Association.
American Nurses Association.
American Public Health Association.
American School Food Service Association.
American Society for Parenteral and Enteral Nutrition.
American Youth Work Center.
Association for Gerontology in Higher Education.
Association for the Advancement of Health Education.
Association of Schools of Public Health.
Association of Junior Leagues International.
Association of State and Territorial Chronic Disease Program Directors.
Association of State and Territorial Public Health Nutrition Directors.
Black Women's Agenda.
Boston Women's Health Book Collective.
Center for Women Policy Studies.
Cancer Research Foundation of America.
The Children's Foundation.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Consumer Federation of America.
Eldercare America, Inc.
Food Research and Action Center.
Gerontologic Society of America.
Group Health Association of America, Inc.
National Alliance of Black School Educators.
National Association of Community Health Centers.
National Association of Meal Programs.
National Association of Nutrition and Aging Services Programs.
National Association of State Units on Aging.
National Asian Pacific Center on Aging.
National Black Child Development Institute.
The National Caucus and Center on Black Aged, Inc.
National Consumers League.
National Council on the Aging.
National Council of Senior Citizens.
National Education Association.
National Hispanic Council on Aging.
National Meals on Wheels Foundation.
National Women's Health Network.
National Women's Health Resource Center.
Older Women's League.
Public Citizen's Congress Watch.
Public Voice for Food and Health Policy.
Society for the Advancement of Women's Health Research.
Society for Nutrition Education.

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## TEACHERS MUST RACE TO CATCH THEIR STUDENTS

## HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. OWENS. Mr. Speaker, last May when 16-year-old Keron Thomas took the controls of a New York City subway train and piloted it, without error, for more than 3 hours, the young man shocked the adult world around him into new debate about more than just the inadequacy of the Transit Authority's security system. This exceptional kid, who had been labeled a slow learner, also upset some smug education experts.

Keron (Keno) Thomas had exhibited an ability to do long-range planning, the ability to memorize a lengthy set of instructions and procedures, the technical skills needed to make his own special tools in order to start the subway engine, great acting skills, and the ability to anticipate and outwit the actions of well paid adult experts.

While Keno Thomas is being acclaimed an exception and even the courts acknowledged that he deserved special treatment by reducing four felony charges to three misdemeanors, Keno is probably not alone. New York City's schools are filled with talented, energetic students who are bored to the point of dropping out because the teachers and instructional methods cannot keep pace with their imaginations. Not only should there be a school system which encourages the Kenos to become good subway motormen, but such students should be led into transportation engineering and the design and manufacture of new subway systems. They should look forward to employment in mass-transit-related professions and occupations that are based in their hometown of New York.

The plight of Keno Thomas and other bored students is not unrelated to the current intense debate concerning new academic standards for our schools and new national testing systems. Before the tests are put in place we must have new teaching methods, new opportunities to learn which utilize the best available educational technology. Our classrooms are alienating our students because they cling to the traditional lecture format with a teacher standing before a class of students who are acclimated to film, video, and exciting sound.

The military has pioneered a great deal of educational technology. Video computers and simulators are regularly used to train soldiers, sailors, and pilots. Keno and his fellow subway enthusiasts should have access to learning by simulation of the many exciting operations of our subway system. The blueprints for the trains, engines, power grids, et cetera should be available to them on computers. The teaching of mass transit offers an abundance of opportunities for the utilization of new educational technology.

It should also be noted that the adults who operate the New York Transit System and the rest of our society have mismanaged matters so badly that all across the country mass transit systems are ordering trains, coaches, and buses from foreign manufacturers. In addition to the provision of better opportunities to learn to operate a subway system, the youth of our cities should be able to look forward to working in plants which build the equipment needed for mass transit. Indeed, adults have made such a great mess of our economy that our only hope is for the youth of Keno's generation to assert themselves and demand some massive changes.

One of the first changes that must take place is change in the way we teach students, in the way our schools operate, in the way we provide modern effective opportunities to learn.

Mr. Speaker, I am submitting a New York Times article describing the resolution of Keno Thomas' case for inclusion in the RECORD. I also offer the following rap poem to further celebrate the significance of Keno Thomas' ride. We adults still have much to learn from this enlightening escapade.

The rap poem and article follow:

### KENO TAKES THE CITY BACK

Keno on the track
Kid Commandos moving
To take their city back
Against the clock
Racing underground
Let young blood stand guard
Where the old folks
Have failed
Sloppy arrogant adults

Are the defendants
Who deserve to be jailed
Keno on the track
To take the City back
Let the cynics
Hit the sack
Suburban parasites
Stay home
The young and brave
Only should roam
On the Big Apple line
A New Yorker with spine
Got to rise
And lead the crew
Underground and on
Neighborhood streets
Spirits must be brand new
Keno on the track
To take the City back
Fixed in majestic
Steel electric pose
The subway is our mistress
Iron arms and legs
Bind our City close
Give Keno the subway turf
Watch it bloom and grow
Your mysterious manuals
Are not what
We really need to know
Your sacred procedures
Are all brain dead
We resurrect better stuff
Right from Keno's head
Keno on the track
To take the City back
Keno got your codes
All memorized
Make your schedules
All on time realized
Teachers called him slow
But now he's on the go
Genius at the wheel
This is more than just
A temper tantrum thrill
Adults procrastinate
Kids must infiltrate
The oppressors
In our schools
Are the ones
Who make the rules
Dumb dull books
Weigh us down
While cool exciting science
Is racing all around
Let Keno keep the track
Help us take the City back
Deadly drunk motormen
Slicksters at the top
Riders running outraged
From high priced slop
Let shabby tradition fall
Kid Commandos demand overhaul
Deadhead transit hacks
Won't honor our skills
Oppressors raise the fare
To buy Japanese wheels
We demand that the system
Build subway trains in New York
Now hear this Kid Commandos
Time to mount the great attack
Keno is calling us
To take the City back.

[From the New York Times, July 15, 1993]

AFICIONADO OF SUBWAY SPARED PRISON; YOUTH GETS PROBATION FOR TAKING A TRAIN

(By Richard Pérez-Peña)

Duty-bound to make it clear that people may not play subway motorman whenever they like but wary of punishing a folk hero—and a mere boy, at that—law-enforcement officials settled yesterday on three years' probation for the 16-year-old who took the controls of a subway train for three and a half hours in May.

The sentence appeared not to dim the youth's dreams even one whit. Walking out of court in Manhattan yesterday with a plea bargain with prosecutors that will keep him out of jail, he said, "I'm going to become a train operator."

Mr. Thomas exhibited the same ingenious certainty that enabled the high school junior to take the controls of a New York City subway train and pilot it without error, for more than three hours. Asked if he planned to obtain formal training for his passion, he said: "I don't have to study. I know what I'm doing."

DREAM REMAINS POSSIBLE

For his escapade aboard an A train, he was originally charged with four felonies, the most serious carrying a maximum penalty of seven years in prison. He pleaded guilty in Criminal Court to three misdemeanors and was sentenced to three years' probation. As a youthful offender, Mr. Thomas can claim a clean record when those three years are over and, according to the Transit Authority, will not be barred from attaining his cherished goal.

With the outcome in court predetermined, Mr. Thomas, a tall, heavy-set youth with a quick, wide grin, seemed thrown off stride more by the attention focused on him than by the hearing. Looking both dazed and amused, he faced a horde of reporters, mumbled brief answers to their questions and expressed surprise that so many people cared.

Mr. Thomas captured the imaginations of many New Yorkers with his daring, guile and manifest skill. Some people were also charmed that the outlaw train operator, unlike so many daredevils, had hoped to slip away, undetected and anonymous.

And to the legions of straphangers who view the subway as at best a convenience and at worst a noisy, smelly necessity, it seemed a bit refreshing to find someone so in love with it.

For Mr. Thomas, trains are the object of the sort of meticulous passion that drives some youths to memorize columns of baseball statistics or to learn to play the guitar solos of their rock idols. In the three years since his family moved from Trinidad to the Brownsville, Brooklyn, he has pored over subway operation manuals, picked up the argot and techniques of a transit worker and, most telling, often pretended he was driving a train.

Robert M. Morgenthau, the Manhattan District Attorney, was charged with finding the appropriate punishment for a boy who neither meant nor did any harm.

The answer, apparently, involved an intimidating brush with the criminal justice system, a few lectures and stern looks and a kind of freedom that can be revoked if Mr. Thomas transgresses again.

On the afternoon of May 8, having somehow obtained a set of driver's tools and a counterfeit Transit Authority identification, Mr. Thomas slipped into the train yard at 207th Street in Inwood, signed in under the name of an off-duty driver as though he were working overtime and took the helm of a train.

He took the train the length of Manhattan, across Brooklyn, to Lefferts Boulevard in Queens and nearly all the way back to Inwood. He made 85 stops along the way, kept to the train's timetable and ferried about 2,000 people without incident, leading some wags to suggest that rather than pressing charges, the Transit Authority should hire him.

The joyride ended after three and a half hours, when the train exceeded the 20 mile-an-hour speed limit on a curve in Washington Heights, tripping an automatic brake and summoning an inspector. The inspector, apparently believing that the young impostor was a genuine motorman, took him to Transit Authority headquarters in Brooklyn for a drug and alcohol screening, but once there, Mr. Thomas escaped.

He was arrested two days later.

REGRETS? YES AND NO

Yesterday, standing before Judge William Leibovitz, wearing a slate blue double-breasted suit, Mr. Thomas did not quite seem the adult he had pretended to be. He told the judge, "I'm sorry for what I did." But outside the courtroom he admitted that while all the attention made him uncomfortable, he had begun to enjoy his new-found celebrity at Brooklyn Automotive High School.

"It's weird," he said.

It may get weirder. His lawyers said Mr. Thomas's family had been approached regarding that most definitive sign of fleeting fame: a television movie.

For the time being, Mr. Thomas's mother, Jacquelin, just wanted to get her son out of the courthouse and safely home. But looking ahead, she added: "I hope he gets that job, driving that train. I hope they hire him some day. It's what he loves."

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## CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has increased both in the Congress and among those who it will help the most, our Nations civic leaders in State and local governments, and small business.

Congressman MORAN and I have received letters from mayors and leaders from all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the

Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors and leaders citizen cosponsors of the FAIR Act. Mr. Speaker, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act follows:

William Hamilton, Holyoke, MA, mayor.
Bowie City Council, MD, mayor.
Steven Sager, Hagerstown, MD, mayor.
Henry Nickleberry, Saginaw, MI, mayor.
Pete Halat, Biloxi, MS, mayor.
Nancy Jenkins, Greensville, NC, mayor.
Samuel Spina, West Orange, NJ, mayor.
Thomas Taylor, Farmington, NM, mayor.
David Berger, Lima, OH, mayor.
Beryl Rothschild, University Heights, OH, mayor.
Steve Means, Gadsden, AL, mayor.
Ken Forgia, Peoria, AZ, mayor.
Raul Perez, Huntington Park, CA, mayor.
Richard Borer, West Haven, CT, mayor.
Rick Barton, Bedford, TX, mayor.
Steve Bartlett, Dallas, TX, mayor.
Ilene Lieberman, Lauderhill, FL, mayor.
Mark Hoehne, Longview, WA, mayor.
Karen Vialle, Tacoma, WA, mayor.
John Hess, Wausau, WI, mayor.

## PROVIDING FOR THE SURVIVORS OF THREE AIR FORCE CRASHES

### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. KREIDLER. Mr. Speaker, Servicemen's Group Life Insurance [SGLI] serves as the sole Government-sponsored group life insurance program for the Uniformed Services.

There is an immediate need to enact legislation to provide for the survivors of SGLI members who died while faithfully serving their country, and to ensure a more instantaneous and equitable effective date for changes to SGLI.

Today I am introducing legislation to accomplish both goals.

The Veterans Benefit Act of 1992—Public Law 102-568, October 29, 1992—increased maximum SGLI coverage from $100,000 to $200,000. Congress established a requirement for participants to voluntarily elect this increased coverage with an effective date of December 1, 1992.

Two fatal mishaps involving three aircraft occurred on November 30, 1992 with no survivors.

Two C–141's from McChord AFB, WA, collided during training, resulting in 13 fatalities.

A B–1B from Dyess AFB, TX, crashed on a low-level training mission, resulting in four deaths.

Nine crew members had signed papers to increase insurance coverage to $200,000; four members had positively declined increase coverage: four others had not yet signed for increased coverage. One Army member, with increased coverage, also died on this date.

The Uniform Time Act of 1966—15 U.S.C. 262—requires the use of local time within a specified time zone for all statutes, orders, rules, and regulations, including benefit changes to the SGLI Program.

A more equitable and instantaneous time determinant needs to be enacted to ensure every eligible member who participates in this Government insurance program is covered at the same moment throughout the world.

Instantaneous coverage for all members based on point in time when effective date first occurs—the international dateline would be equitable for worldwide application.

This would provide coverage for nine Air Force members and one Army member who had signed for increased SGLI coverage and whose deaths occurred on November 30, 1992, based on local dates but after it had become December 1 at the international dateline.

This would also provide consistent and instantaneous coverage for any future statutory changes for SGLI.

Under current law, any change to the SGLI program occurs at 24 distinct and separate times, beginning at the international dateline and ending in the Pacific region. This makes the adjudication process of any SGLI claim unnecessarily cumbersome. With the increased mobility required of today's modern Armed Force, the potential exists for combatant troops to be sent west into a hostile area on a specific day which coincides with an increase in their Government insurance, traveling away from the time determinant used to affect their benefit. If a fatal mishap occurred in a more westerly time zone before the effective local time, these members would never have been covered, even though survivors of a member who died at home station at the same moment would benefit from the increase.

SGLI was established to provide unqualified protection to members whose profession exposes them to combat and high-risk noncombat activities.

In the past, Congress has recognized the need for automatic coverage effective on the date of enactment of the applicable law that increased SGLI benefits. This was done when the maximum SGLI coverage was increased to $35,000—Public Law 97–66—and to $100,000—Public Law 102–55.

However, it was not done for the most recent increase to $200,000 (P.L. 102–568) since the efficacy of the increase was based on administrative ease and a reduction in certain veterans' survivor benefits. A similar delay in the effective date occurred when SGLI maximum coverage increased to $50,000. Public Law 99–166 was enacted December 3, 1985; however, the efficacy of the increased insurance benefit was January 1, 1986. After a fatal accident took the lives of several Armed Forces members, Congress amended Public Law 99–166 by enacting Public Law 99–227 to provide retroactive coverage for these specific fatalities. History repeated itself with the aircraft accidents that occurred on November 30, 1992, within hours of the time determinant used for the $200,000 SGLI increase.

Standardized application of SGLI increased based on Greenwich mean time [GMT] which is universal time used to coordinate military movements including flight operations has been suggested. However, this would disadvantage members assigned or located east of prime meridian—at 0001 GMT—who would already have been covered based on local time determinant.

Funds needed to make any additional payments to beneficiaries as a result of this legislation should come from the SGLI insurance underwriters. However, if enactment of this proposal is viewed under the due process clause of the fifth amendment is impairing the obligations of the contract between the underwriters and the insurance military members, the Department of Defense would be obligated to reimburse the insurance contractor for the additional payments. In this circumstance, $1 million would need to be appropriated to cover the additional $100,000 benefit that would be payable to the beneficiaries of each of the 10 military members who died during the period in question who had not declined the increased insurance coverage.

## TO COMMEMORATE THE 30TH ANNIVERSARY OF THE NAVY PUBLIC WORKS CENTER, SAN DIEGO

### HON. LYNN SCHENK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Ms. SCHENK. Mr. Speaker, I rise today to give special recognition to an exceptional organization in my district, the 49th Congressional District in San Diego, CA. It is with great pleasure that I recognize the Navy Public Works Center, San Diego, on the occasion of its 30th anniversary celebration during the week of July 18 through July 24, 1993.

The Navy Public Works Center, San Diego, is one of only 10 public works centers worldwide. It was formally established on July 1, 1963, as a separate Navy command to support fleet and shore installations by providing a full range of public works goods and services.

Today, the Navy Public Works Center supports over 450 individual commands in the San Diego area. Possessing an experienced and dedicated work force of over 2,400 people, the Public Works Center maintains a comprehensive network of resources to provide the full range of services to our military personnel. The services provided include electricity, water, steam, sewer, and other utility services, professional environmental management services, a full service procurement and contract administration staff, base engineering support services, transportation services, and nearly 8,000 housing facilities for military service members and their families residing in the San Diego area.

The Public Works Center relies on its professional military and civilian work force to be innovative, resourceful, and efficient. This work force continuously strives to ensure that the quality of the goods and services provided to our military personnel rank second to none.

Today, the Navy Public Works Center, San Diego, is recognized as the premier public works center in the Navy and serves as the model for consolidated public works services throughout the Department of Defense.

Mr. Speaker, it is with great honor and pride that I rise to recognize the Navy Public Works Center, San Diego, on its 30th anniversary and I ask my colleagues to join me in extending best wishes and congratulations to this distinguished organization.

## A 50TH ANNIVERSARY TRIBUTE TO THE DELANO CHAMBER OF COMMERCE

### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. DOOLEY. Mr. Speaker, I rise today in celebration of the 50th anniversary of the Delano, CA, Chamber of Commerce.

The Delano Chamber of Commerce had its unofficial inception in 1924 to meet the needs of fledgling local businesses, and was officially incorporated by the State of California in 1943 as a nonprofit organization to further business enterprise.

The Delano Chamber of Commerce has continued to grow and meet the needs of an economy evolving from purely agri-business to one of diverse complexity.

The Delano Chamber of Commerce will be installing officers and directors for the 50th time since it was incorporated on July 22, 1943.

I would like for the Congress of the United States to recognize the valuable contribution made by local chambers of commerce. They are advocates for businesses that are the lifeblood of the American economy. I urge that the Delano Chamber of Commerce be recognized during its golden anniversary as a representative of the free enterprise spirit that has helped to make the United States the leader of the free world.

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## RECOGNIZING COMMISSIONER JUEL T.R. MOLLOY AND STAFF OF THE FOOD STAMP PROGRAM

### HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. DE LUGO. Mr. Speaker, I want to commend the extremely able Commissioner of Human Services in the Virgin Islands, Juel T.R. Molloy, and the staff of the Food Stamp Program in the Virgin Islands that she oversees for the extraordinary job they have done in turning around this important Federal program.

I was able to extend the Food Stamp Program to the Virgin Islands in the 1970's, but for a number of years, for one reason or another, it was very poorly run. Commissioner Molloy took the program under her control and now the program is among the best in the Nation. Commissioner of Agriculture Mike Espy recently wrote Commissioner Molloy that the error rate for the Food Stamp Program in the Virgin Islands is so low that it qualifies for an additional $114,000 in Federal funds.

Some 13,000 people in the Virgin Islands now depend on the Food Stamp Program to assist their families to be able to obtain the nutrition they need to live healthy, productive lives. It is heartening indeed to know that this program that is so important to so many in my District is operating so successfully.

My letter to Commissioner Molloy congratulating her and her staff for a job well done and thanking them for seeing that the Food Stamp Program in the Virgin Islands provides the support that it does follows:

> SUBCOMMITTEE ON INSULAR AND
> INTERNATIONAL AFFAIRS,
> *Washington, DC, July 12, 1993.*
>
> Mrs. JUEL T.R. MOLLOY,
> *Commissioner of Human Services, V.I. Department of Human Services, St. Thomas, VI.*
>
> DEAR JUEL: I want to congratulate you and your staff for the tremendous job you have done turning around the Food Stamp Program in the Virgin Islands as evidenced by the more than $114,000 in enhanced funding you will receive from the Federal Government.
>
> You and your staff have taken a program with one of the worst error rates in the nation and made it one of the best. This took a herculean effort, real dedication by managers and staff, and a commitment to excellence that should be a model for other government programs. It is great to know that professionals like you are doing such a fantastic job.
>
> Agriculture Secretary Mike Espy's letter to Governor Farrelly commending the food stamp program in the Virgin Islands is in itself a real tribute to the superior work you and your staff have done. Moreover, the additional funding that resulted from your efforts is sorely needed in these difficult financial times.
>
> I will be placing a copy of this letter in the Congressional Record and I hope you will see that the many fine workers in the Virgin Islands Food Stamp Program know of my congratulations for a job well done.
>
> Sincerely,
>
> RON DE LUGO,
> *Chairman.*

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## FORTY-EIGHTH ANNIVERSARY OF TRINITY

### HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. COLLINS of Georgia. Mr. Speaker, today I rise to honor a distinguished group of American veterans. July 16, 1993 is the 48th anniversary of "Trinity," the first test of an atomic weapon. Through the years approximately 250,000 veterans of the United States have been involved in at least 235 atmospheric nuclear weapons tests.

Back on July 16, 1945, when that first atomic device known as "Trinity" was detonated, we did not know how that would alter the future of mankind. Since that time we have seen both the benefits and dangers of atomic and nuclear weapons. Thanks to the courageous Americans involved in our atomic weapons program we were able to end World War II with a minimal loss of American lives. It is my hope, and the hope of all Americans, that our world never again witnesses the awesome power of atomic weapons. The end of the cold war, arguably the watershed event of our lifetimes, was a direct result of the nuclear weapons program and the resolve of the American people. I congratulate all American veterans who sacrificed in order to provide America with nuclear deterrence capabilities which helped to maintain peace and hastened the fall of communism in the Soviet Union and Eastern Europe. However, these victories have not come without costs.

The brave servicemen and women who witnessed the "Trinity" and the 234 subsequent nuclear detonations know better than other Americans the irrevocable impact of nuclear weapons. They served our country patriotically never questioning the possible effects on them personally. Research today shows that the ionizing radiation to which many of these veterans were exposed has undoubtedly had a negative effect on their health. They should be recognized for their outstanding service to this country and any illnesses incurred from their exposure to these atomic weapons should be addressed. Only a portion of these veterans are still with us today, but we remain committed to recognizing their service and meeting their health related needs.

Ten years ago, Congress passed a Joint Resolution establishing July 16, 1983, as "National Atomic Veterans' Day." President Ronald Reagan issued the following proclamation:

> Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby designate Saturday, July 16, 1983, as National Atomic Veterans' Day, a day dedicated to those patriotic Americans who through their participation in these tests helped lead the United States to the forefront of technology in defense of our great Nation and the freedoms we as Americans hold so dear. I urge my fellow citizens to join with me in appreciation of their service to their country.

I echo those words. I encourage all Americans to join on July 16, 1993, to remember those same veterans. Ten years later we have made significant progress in addressing the illnesses suffered by these American veterans. Thanks to the leadership of the House Veterans' Affairs Committee a number of legislative initiatives have been aimed directly at this problem. I would like to highlight some of these public laws:

The Veterans Health Care Act of 1981 provided for basic health care services to veterans who were exposed to ionizing radiation during active military service.

The Veterans Health Care Amendments of 1983 required the Administrator of Veterans' Affairs to conduct a study of the long-term effects of exposure to ionizing radiation from the detonation of nuclear devices, and from American occupation of Hiroshima and Nagasaki, Japan, from September 11, 1945 through July 1, 1946.

The Veterans Administration Health-Care Amendments of 1985 extended for 3 years priority VA health care services for veterans exposed to ionizing radiation.

The Veterans Benefits Improvement and Health-Care Authorization Act of 1986 required the VA to maintain an ionizing radiation registry which maintains information all pertinent information on affected veterans.

The Radiation-Exposed Veterans Compensation Act of 1988 provided for the presumption of service connection between illnesses that may be attributable to ionizing radiation and exposure to such materials during military service.

The Veterans Benefits Improvements Act of 1988 extended for an additional 3 years priority VA health care services for veterans exposed to ionizing radiation.

The Radiation Exposure Compensation Act of 1990 authorized payments by the Department of Justice for disability or death due to radiogenic diseases resulting from the Federal Government's atmospheric nuclear testing program.

The Veterans Benefits Programs Improvements Act of 1991 covered presumption of service connection in leukemia cases and provides support eligibility for Reserve and National Guard members.

The Veterans Radiation Exposure Amendments of 1992 expanded the list of diseases covered to include cancer of the salivary gland and cancer of the urinary tract. This law also required additional study about other diseases that could be a result of radiation.

We have made progress in addressing the problems which radiation exposure has caused for these courageous Americans. Because of their dedicated service we live in a land free from tyranny and oppression and democracy has taken flight around the world. Few Americans are more deserving of our thanks than the veterans who were involved in our atomic weapons programs.

I want to say a special note of thanks to one of those Americans, Mr. Clifford Andrews of Newnan, GA. Mr. Andrews is an American veteran who was stationed on the Bikini islands during nuclear tests. He alerted me to the valiant service of the hundreds of thousands of American service members who have been exposed to atomic testing. On July 16, 1993, let us join together to let Mr. Andrews, and the other atomic veterans, know that we remember, we care and we remain committed to them and their families.

## CONGRESSMAN KILDEE HONORS ALFRED HINDES

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding resident in my congressional district, Mr. Alfred L. Hindes.

Mr. Hindes was recently named Michigan's Outstanding Disabled Veteran of the Year. He was honored at the Michigan Disabled American Veteran Convention on June 9, 1993. Mr. Hindes has been recognized for his inspirational efforts on behalf of other disabled veterans in Michigan. He is a member of Disabled American Veterans Genesee chapter 3 in Burton, MI, and he has been active in the DAV for many years.

Mr. Hindes is a World War II veteran who became disabled as a result of injuries suffered during a bombing raid over Germany. He was in severe pain and has had to overcome a multitude of injuries over the years. He was told at one time he would not be able to walk again, but through sheer determination, he learned to walk again and is now walking without any assistance. Soon after, he began his service with the DAV.

It was this same selfless dedication to service that has led to his success in service to others in the DAV. Mr. Hindes has endured many surgeries and is a survivor of cancer. The physical suffering has only strengthened the resolve of Mr. Hindes to serve his fellow veterans. He is a full-time volunteer service officer at chapter 3 and is editor of the chapter's newsletter, which has taken first prize 5 years in a row for excellence in journalism. He was post commander from 1989 to 1991, public relations director as well as Americanism chairman. He singlehandedly has recruited over 250 members for the chapter in the last 5 years. Mr. Hindes has also found time to volunteer at a rescue mission. He is a licensed minister and paints with oils in his spare time.

Mr. Speaker, it is indeed an honor and a pleasure to pay tribute to a true hero, Alfred Hindes. He has shown tremendous courage in face of overwhelming odds and has overcome many obstacles in his efforts to serve the disabled veterans in Michigan. Mr. Hindes epitomizes all that is good about our great Nation. One individual can truly make a difference. Alfred Hindes has made a difference in our community. I know the entire U.S. House of Representatives joins me today in honoring this fine American, Alfred L. Hindes.

## U.S. TRADE REPRESENTATIVE SHOULD ACCEPT FOR REVIEW THE PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BROWN of California. Mr. Speaker, there is an easy way for us to gauge how serious the United States and Mexican trade negotiators are about dealing with trade-related labor repression in Mexico in the NAFTA supplemental negotiations and otherwise.

As you know, President Clinton has committed himself to the negotiation of supplemental agreements to the Bush-Mulroney-Salinas NAFTA that will redress the perverse labor and environmental repercussions and import surges certain to flow from such an unprecedented trade and investment agreement.

While the negotiations on the supplemental agreements continue, there is another action that the United States Trade Representative can take immediately on its own to enhance protection for worker rights inside Mexico—accept for review and public hearing the pending GSP petition that alleges widespread, systematic denial of such fundamental worker rights as freedom of association and the right to organize and bargain collectively in independent trade unions.

Many people do not realize that Mexico already is the leading beneficiary of an existing trade program that allows 140 developing countries and territories to export more than 4,000 products to the United States market duty free—the generalized system of preferences. In 1992, Mexico shipped more than $3.8 billion worth of exports to the United States duty free through this program.

But the GSP law was amended in 1984 to prohibit GSP benefits being extended to any country that is not taking steps to afford internationally recognized worker rights, that is, freedom of association; right to organize and bargain collectively; a prohibition of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to wages, hours of work, and occupational safety and health. At the same time, the law was amended to allow knowledgeable persons and organizations to formally petition the U.S. Trade Representatives to withdraw GSP benefits to countries in violation of the worker rights provision.

During the 1991 annual GSP review, a petition was filed urging that Mexico be removed from the GSP program. But the United States Trade Representative refused to review and hold a public hearing on that voluminous petition which describes egregious worker rights problems in Mexico in detail. Turning a deaf ear to that petition sent exactly the wrong message to the Government of Mexico regarding its systematic labor repression.

Last month a new and even detailed petition alleging widespread worker rights violations in Mexico was filed with the United States Trade Representative as part of the 1993 GSP annual review. It was filed by the International Labor Rights Education and Research Fund and it draws upon extensive firsthand information from Mexicans. It was compiled in close cooperation with a team of lawyers in Mexico who are affiliated with the National Association of Democratic Lawyers [ANAD]. By way of background, ANAD is an association of lawyers in Mexico with chapters in 20 States, dedicated to protecting democratic rights and due process in the judicial system and advocating for democratic reform in the Mexican political system.

In installments starting today, I am going to have this pending petition reprinted in the RECORD in its entirety. I urge my colleagues to carefully review it. It constitutes a searing indictment of complicity between the Government of Mexico and the government-controlled, officially approved labor federation [CTM] to systematically and cynically deny Mexican workers their freedom and basic rights.

There now exits a prime opportunity for U.S. Trade Representative to correct its earlier mistake and to make clear to the Government of Mexico that its desire for increased trade access to the United States market—via continued GSP benefits and the proposed NAFTA—cannot be predicated upon the denial of the fundamental rights of Mexican workers.

I will be writing the U.S. Trade Representative to urge that this Mexico petition be accepted for formal review and that it be scheduled for public hearing at once. This would give many Mexican workers who want to join free and independent trade unions their first opportunity to explain how their rights have been trampled and it would extend to the Government of Mexico an opportunity to answer these very serious allegations on the public record.

[Petition and request for review to the U.S. Trade Representative, June 1, 1993]

### LABOR RIGHTS IN MEXICO

### INTRODUCTION

The International Labor Rights Education and Research Fund (ILRERF) presents this petition requesting the review of GSP Status of Mexico under the provisions of the law which require beneficiary developing countries to "have taken or be taking steps to afford workers (including workers in any designated zone) internationally recognized workers rights."

ILRERF is a non-profit organization incorporated in Washington, DC representing human rights, labor, religious, consumer, academic and business groups dedicated to assuring that all workers labor under reasonable conditions and are free to exercise their rights to associate, organize and bargain collectively.[1]

This petition is based on information contained in the U.S. State Department's Human Rights Report for 1992 on Mexico, on reports by trade union groups, human rights organizations, independent research institutes and other specialized bodies, and information acquired through reports provided by and interviews made with labor lawyers and labor rights activists in Mexico.

This is the second petition seeking review of the GSP status of Mexico under the workers' rights provisions of the Generalized System of Preferences. The Petition presented on 1991 by three trade unionists in Minneapolis was rejected for review in a lengthy argumentative Response (henceforth "Response") by the GSP Subcommittee after much internal government controversy. In brief, The Subcommittee found that the information provided in the 37-page petition was "insufficient to warrant a review, and it was not clear that the information provided fell within the statutory provisions." (Response at 1.)[2]

The November 1991 decision by the GSP Subcommittee rested upon the following considerations:

(a) The proposed North American Free Trade Agreement (NAFTA) will bring Mexico's labor standards up;

(b) Mexico's labor law is quite advanced, and can compare with that of industrialized nations;

(c) The "Subcommittee was unable to confirm that the (PRI-related trade unions and labor federations) are government-controlled in a sense that would call into question the Government of Mexico's provision of worker rights";[3]

(d) The cases of suppression and violence against trade unions or union leaders are isolated and do not reflect a systematic, generalized pattern;

(e) Working conditions are acceptable, insofar as child labor, minimum wages, working hours and workplace safety and hygiene are concerned.

It is the purpose of the Petitioners to provide new evidence of systematic ongoing violations of labor rights and to demonstrate the inadequacy of the conclusions of the subcommittee in refusing to accept the 1991 petition. This is based upon a thorough and updated review of labor conditions in Mexico, further collection of data and an in-depth analysis of Mexico's labor law.

While it is not the purpose of this petition to argue every point of the 1991 petition and the Subcommittee's Response, it will be necessary to challenge the Response on matters where the Petitions believe that the Mexican law or government practice has been misinterpreted or where salient facts and considerations have been ignored.

Other aspects of labor rights violations beyond those submitted in 1991 have been reviewed here, namely:

(1) the manipulation of the labor law by the Conciliation and Arbitration Boards;

(2) the subordination of trade unions and of Conciliation and Arbitration Boards to the government and its political party, the PRI;

(3) the existence of several independent reports on labor suppression and violence against labor movements and labor leaders—in 1992 alone the number of these irregularities peaked—which show that violating labor rights constitutes a regular and systematic government practice in Mexico, especially in the case of groups of workers trying to organize themselves independently of officially-controlled unions.

(4) Finally, data are provided that challenge the conclusion of the subcommittee that conditions regarding child labor, minimum wages, working hours and workplace safety and hygiene are acceptable.

### THE NAFTA FACTOR

Underlying the Subcommittee's conclusion was the belief that NAFTA represents a "historic opportunity to create the largest market in the world," and that "this opportunity is in part due to a remarkable transformation in Mexico away from statist, protectionist policies toward a more open trade and investment regime" (Response at 2).

However it is far from evident that NAFTA of itself will eventually push Mexico towards a more open political regime. Trade liberalization does not amount to political liberalization, nor is there serious evidence to suggest that it necessarily leads to it. In fact, during the Salinas Administration, which has implemented a far-reaching trade liberalization, one-man, unchecked concentration of power has reached unprecedented levels. To illustrate this, Petitioners recall that over a period of five years, the Mexican president has directly intervened in the removal of 16 out of the 32 governors of the country—instructing the state legislatures to do so—substituting them with unelected officials. Even with enforceable labor and environmental NAFTA side agreements, the key question is one of accountability. A beautiful law on paper means nothing if the Executive branch of power subordinates the Legislative and the Judiciary branches, as is the case of Mexico.

In fact, as this Petition intends to demonstrate, the prospect of a NAFTA has led the Mexican government to implement a more restrictive labor policy to attract foreign investment, offering in return political stability, domesticated trade unions, easy labor regulations and especially, low wages.

Finally, the Petitioners express the hope that this petition will be given due consideration in terms of the merits of its contents. The desire of the Administration to conclude a trade agreement is not a relevant consideration in a decision whether to review this petition, although the Trade Act of 1974 as amended provides for the President considerable freedom to ignore or override the findings of such a review based on "U.S. national economic interest." It is the Petitioners' fervent hope that the intent and procedures of the law will be observed in this, admittedly politically charged.

### THE RIGHT OF ASSOCIATION

(I) Legal Barriers to Freedom of Association.

The right of association, as well as the right to organize and bargain collectively face blatant restrictions in the text of the law itself. Below we point out the most evident built-in restrictions in the legislation.

(a) The restrictions on freedom of association of public employees in Article 123 of the Constitution Public employees are denied the right to negotiate a collective bargaining agreement, and can only strike when systematic violations to general work conditions take place. They are forced by law to belong to one labor confederation (FSTSE), which is the only federation that can exist (Art. 84) and must affiliate with the particular FSTSE member union that applies to each individual employee's government branch or agency. This latter provision has been ruled by the ILO to be in violation of Convention 87. (See Appendix I at 1.)

In addition, public employees cannot leave the member union of FSTSE they belong to (Art. 69 of the Federal Law of Government Workers) which infringes on the freedom of association. There is further a prohibition against the existence of two or more unions in any one government agency (Art. 68, 71, 72 and 73); reelection of union officials is forbidden by this law (Art. 75); public workers are prevented from joining industrial trade unions or peasant leagues (Art. 79).

These limitations have been ruled by the ILO to be violations of ILO Convention 87. The Mexican Government has been asked to revise these laws to bring them into compliance with the convention. (Appendix I at 2–4; Appendix II at 1–3.)

(b) The provision under which employees of state-owned banks are covered by part B, with all the restrictions to the right of free association this represents as described in (a) above, while employees of private banks are afforded fuller labor rights under Section A. (Article 123, Section A, Item XXI, and Section B, Item XIII Bis) Furthermore, the Law of Credit Institutions (Art. 121) limits the right to strike, stating that in case of a strike, bank workers have to keep some workplaces open, and essential services continue to be provided.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ruled in 1989 that the restriction on banks was in violation of Convention 87:

In this connection, the Committee has pointed out that prohibitions or restrictions on the right to strike in the public service should be confined to public servants acting in their capacity as agents of the public authority or to services whose interruption would endanger the life, personal safety or health of the whole or part of the population. The Committee on Freedom of Association has also considered, for example, that, in particular, banks, teaching services and radio and television are not essential services in the strict sense of the term (see in this connection, the 221st Report Case No. 1097 concerning Poland, paragraph 84). (Full text at Appendix III.)

In 1991, the CEACR expressed satisfaction that the right to strike of non-state related bank employees had been made subject to the same provisions of the Federal Labor Law as other private employees but noted that the new Law of Credit Institutions should preserve this right.

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[1] ILRERF is grateful for the cooperation and assistance of lawyers in Mexico related to the National Association of Democratic Lawyers (ANAD). ANAD is an association of lawyers in Mexico with chapters in 20 states, dedicated to protecting democratic rights and due process in the judicial system and advocating for democratic reform in the Mexican political system.

[2] Petitioners would note here that the presumed reason for denying the review, the need for further information to demonstrate whether alleged violations were part of a pattern, or as the Response charged, a series of isolated incidents, is itself a strong argument for a review. The Subcommittee's argument against review on the grounds that "it was not clear that the information provided fell within the statutory provisions", also runs counter to reason and common sense. The Subcommittee's lack of clarity on this matter could far better have been remedied by further pursuit of the issue than by denial.

[3] This argument depends on a distinction between "PRI-controlled" and "government-controlled" to which few observers outside the GSP Subcommittee or the U.S. Embassy would give credence.

Employees in banking and credit services that are not bodies of the Federal Public Administration (once the national credit services are transformed into limited companies) will then be governed by section 123, subsection A, of the Constitution and by the Act issuing regulations thereunder, namely the Federal Labor Act. As a consequence, the right to strike of bank employees should be governed by the same provisions as any other employee, as set out in section 121 of the new Act respecting credit institutions.

The Committee notes with interest the positive development regarding the right to strike of bank employees resulting from the above constitutional reforms and requests the Government to supply information on developments in the situation, particularly in banking and credit institutions that are bodies of the Federal Public Administration. (Full text at Appendix IV).

(c) Chapter XVII of Title Six of the Federal Labor Law, that forbids university workers to form a single union, and divides them into three groups, academic, administrative or mixed unions. The ILO has not to the Petitioners' knowledge reviewed this Title in recent years. However, the principle enumerated by the CEACR in challenging Mexico's law requiring all public employees to belong to one union is equally valid in the case of the state barring workers from forming such a single union:

In this connection, the Committee reiterates that the public authorities must refrain from legislative interventions which limit the right of workers to join the trade union organization that they consider to be appropriate (Article 2 of the Convention) and the right to give up their membership of that trade union. (Appendix I at 1.)

(d) The Law of General Routes of Communication, that gives the government the right to requisition or seize the means of transportation, communication, and related services, "in order to prevent possible sabotage provoked by foreign agents." This allows the police or the army, in the case of a strike, to take over these facilities and continue to operate them. While the Response to the 1991 petition (at 14) notes that this provision has not been used by the government to suppress any strikes since 1980, the law remains on the books with potential for overly-broad interpretation as an ongoing threat to workers in this sector. The fact that it has been so used, regardless how many years ago, is relevant to the question at hand.

## BUSINESS IMPROVEMENT ACT OF 1993

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Business Improvement Act of 1993, legislation that would enact long overdue reforms to the 8(a) program administered by the Small Business Administration. For too long, the 8(a) program has failed to channel minority-owned businesses into America's economic mainstream. Despite the changes made in 1988 to the 8(a) program it is evident that further reforms are necessary if the 8(a) program is to promote and sustain minority business opportunities.

In 1992, the Commission on Minority Business Development issued a report outlining its recommendations to improve the 8(a) program. Additionally, the Small Business Administration has long sought changes to the 8(a) program. This legislation incorporates the recommendations made by the Commission and SBA to inmprove the 8(a) program. The Business Improvement Act will make programs for minority firms more amenable to business growth by: Changing 8(a) business mix requirements; expanding competitive procurements through extension of the Small and Disadvantaged Business [SDB] Program to all Federal agencies; making a technical correction to make consistent the eligibility requirements for award of 8(a) contracts; making sole-source the basis for all contracts in the 8(a) program because of competitive opportunities in the SDB Program; and continuing access to business opportunities. This legislation will also suspend graduations until a study establishing appropriate section 8(a) program participation terms is completed. Additionally, this legislation will increase opportunity among America's diverse ethnic population including Native American firms participating in the 8(a) program.

Finally, this legislation will provide for uniform procedures for contesting status in the SDB Program.

I am joined in this effort to reform the 8(a) program by Mr. MACHTLEY and I urge my colleagues to support the Business Improvement Act.

## TRIBUTE TO THE HONORABLE GENE CHAPPIE

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to one of California's most colorful and effective leaders in modern history, the late Gene Chappie. A good friend and colleague to Members on both sides of the aisle, Gene was truly a unique and great presence in these Halls.

My friendship with Gene Chappie—whose name I will never mispronounce after being corrected by his own mother—spanned more than two decades. And while we fought many political wars through the years, our friendship never suffered, but instead grew stronger out of mutual respect and admiration. While I agreed on few issues with Gene, my respect for his fervor, his sense of humor and his unrelenting dedication to the people he represented never waned.

I first met Gene when I came to Sacramento to the State legislature in 1967. His membership in the body at that time had been well established. Gene had been a member of the El Dorado County Board of Supervisors, a role he returned to at the end of his political career, and then had been elected to the State assembly. However irascible or profane he was, Gene Chappie was extremely effective, his persona and sense of humor the tools he used to get the job done.

Gene enjoyed his work and his colleagues, but above all he enjoyed making a difference for the rural and small town district that he represented so well in the various forms it took over the years. Gene had a great sense of humor and a no-holds-barred willingness to use every epitaph ever conceived of to make you laugh or to drive home an argument and, of course, most of the time he used his own humor on himself. And while he was a conservative in the truest sense of the word, he had many friends on both sides of the aisle. I was privileged to be one of them.

I remember a parade in my district in west Sacramento where Gene, dressed as Christopher Columbus, donned a purple costume and tights. Gene was aware, I think, that his legs were not complemented by these tights. I gave him a razzing as he proceeded down the parade route and he found it very hard to restrain from the normal way of communicating with me, which would have been difficult in a public setting. Nonetheless, this ability to not take oneself too seriously, to laugh and enjoy life, was Gene Chappie's trademark.

Gene's 16 years in the State assembly, his three terms in the U.S. House of Representatives, his time spent as a member of the El Dorado County Board of Supervisors and his other years of public service make up a 40-year career and contribution that will live on in California history.

To Gene's entire family, particularly to his wife, Nancy, to all his friends in Sacramento and throughout northern California I offer my sincere sympathy for Gene's loss. He will be deeply missed.

## JONATHAN TOMAL RARE DISEASES PUBLIC INFORMATION ACT

### HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. ROEMER. Mr. Speaker, Jonathan Tomal is a healthy 12-year-old boy living in my district today because of a miracle. And today I am introducing legislation that could create more miracles for children like Jonathan who was not expected to live to see his fifth birthday.

When Jonathan was 3 years old, he was diagnosed with an inoperable tumor on his brain stem. Instead of preparing for him to die as they were told by numerous people in the medical establishment, Jonathan's parents—Dan and Annette—set off on a remarkable campaign to find a cure for their son.

Countless agonizing months later, the Tomals found a miracle in Dr. Fred Epstein of New York University Hospital through the unlikely source of an old magazine article. Dr. Epstein specializes in childhood brain tumors, and was able to successfully treat Jonathan, who has made a wonderful recovery.

Mr. Speaker, the tragedy is that a cure existed and a person existed who could help Jonathan. But dozens of doctors and a number of clinics and hospitals who treated Jonathan were unaware that help existed. The

Tomals lived on the brink of tragedy and only by accident found help.

But there is a reason to hope that other parents in the Tomal's shoes do not have to go through such an agonizing search, perhaps without such happy results. Because of nationwide publicity in printed media and on television about Jonathan's unique story, dozens of other children who might have died are alive today. Other parents who had reached the end of their rope heard Jonathan's story and found Dr. Epstein to cure their own children.

But the attention to Jonathan's story will not last forever.

Mr. Speaker, in order that we may continue to save the lives of our children, our parents, our friends and loved ones, I am introducing legislation today to create, within the NIH, a computerized clearinghouse that will track the names of people and institutions that treat specific rare diseases and disorders.

This bill also covers clinics and other research facilities that are studying diseases and conditions for which there is no cure.

Doctors, hospitals and their patients will have a place they can call to seek out people and places that can help people like Jonathan, who seem to have no hope.

The clearinghouse will find and store information about people like Dr. Epstein whose abilities and specialties are unusual and not well known. It will gather such information on a continual basis, and educate and disseminate in all available avenues, including medical newsletters and publications, through medical and hospital societies, and through the auspices of the NIH and the Department of Health and Human Services.

Mr. Speaker, this bill is named after Jonathan, and I believe it has the potential to save many, many lives. The strength of the Tomal family is a unique and moving story. It is their firm wish that other families do not have to struggle through what happened to them, and they have tirelessly retold their story over and over again with the distinct goal of saving the lives of children, and adults, wherever they can.

This legislation is a direct result of their efforts, and a real solution to evolving their work into a permanent solution to the agony of rare and life-threatening disease to countless American families.

In the coming weeks I will be seeking cosponsors in this effort to make a real difference to the well-being of families who become the victims to the dark circumstances of uncertain sickness.

## THE LEGAL SERVICES REAUTHORIZATION ACT OF 1993

## HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. BRYANT. Mr. Speaker, today I am introducing the Legal Services Reauthorization Act of 1993. The bill is identical to H.R. 2039 as passed by the House of Representatives on May 12, 1992.

The Legal Services Reauthorization Act of 1993 amends the Legal Services Corporation Act to provide authorization for appropriations for the Legal Services Corporation for fiscal years 1993 through 1996. The bill reaffirms the commitment of the Congress to provide the poor with access to our Nation's system of justice. In addition, the bill revises the act to strengthen local control; improves the quality, effectiveness, and efficiency of service provided by the existing delivery system; and makes numerous substantive changes to address problems that have emerged within the Corporation or at the local level since the program was last reauthorized in 1977.

The bill would maintain most of the restrictions that currently apply to the Legal Services Corporation and its grantees, including restrictions on activities involving class actions, representation of aliens, lobbying, and administrative representation. It also would add new restrictions to forbid legal representation in cases concerning redistricting at any level of government and eviction proceedings involving individuals convicted of drug violations.

The bill has a number of provisions that would reduce the likelihood of meritless litigation and increase the ability of defendants to avoid unfavorable settlements in cases that are not well grounded. The bill would establish a right for defendants to recover costs and attorneys' fees from the Corporation if a court finds that a defendant was the victim of a suit brought to harass or retaliate against the defendant, that a plaintiff maliciously abused legal process, or that a plaintiff's action was—frivolous, unreasonable, or without foundation. It also would require that local programs use negotiation and alternative dispute resolution mechanisms, where available, to avoid excessive litigation; and obtain from clients retainer agreements which recite the facts on which a claim is initially based.

The bill would define Legal Services Corporation funds as Federal funds for the purpose of Federal criminal laws designed to outlaw theft and fraud; establish minimum standards for monitoring and investigating the activities of local programs; require the Corporation to develop criteria for evaluating the capability and performance of recipients; clarify the responsibilities of the governing bodies of local programs; continue the existing requirement that at least one half of the membership of such local governing bodies be appointed by the State or local bar association where the recipient is located; require that programs keep records of time spent on cases or other activities and that attorneys and paralegals keep contemporaneous records by case or matter of the time spent on each activity and the source of funds to be charged for the activity; and prohibit the establishment by local programs of "alternative corporations" to evade or avoid the restrictions of the act.

The bill would maintain the ability of programs to engage in fee-generating cases where only statutory benefits are sought and appropriate private representation is not available, and would prevent the Corporation from recouping such fees or offsetting them against grant awards.

Finally, the bill would require the Corporation to study the feasibility of using competition to award some or all program grants.

Mr. Speaker, the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, which I chair and which oversees the Legal Services Corporation, plans to hold hearings on this legislation soon. I hope and trust that this important bill to help provide legal assistance to the Nation's poor will pass the House in the near future.

## AMERICA—THE MORAL VACUUM

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. CRANE. Mr. Speaker, this past June, Americans witnessed atrocious acts of barbarism as individuals killed their countrymen for no excusable reason. Unfortunately, these acts did not take place in war-torn former Yugoslavia, but rather in the capital city of the United States. In a 1-week period, 24 people were killed in Washington, DC.

Unfortunately, these acts of terrorism are being practiced on a regular basis all across our Nation. Politicians, sociologists, and civic leaders too often excuse the behavior; blaming it, for example, on insufficient funding for various social programs. What these people fail to realize is that the eroding moral foundation in our country is contributing to this disturbing trend.

Religion and morality are being attacked from all sides. The church has been forced to retreat as the ACLU and other groups attempt to remove prayer from schools and nativity scenes from public view. In his June 26, 1993, article entitled "America No Longer Safe for Children," Patrick Buchanan explains that our country now has a moral vacuum where once there existed religious beliefs that were so much a part of the founding of our "one nation under God." As Mr. Buchanan explains, it is because of this absence of morality that individuals do not respect the law and do not take responsibility for their actions.

I would like to submit for the record this article, which appeared in a local paper in my district, the Daily Herald, so that my colleagues can share in the wisdom of Mr. Buchanan's remarks.

### AMERICA NO LONGER SAFE FOR CHILDREN

(By Patrick Buchanan)

It was that most innocent of occasions, a recreation center on Benning Road in southeast Washington, a hundred noisy kids jumping in and out of a community pool on a 90-degree day.

Suddenly, a gunman appeared on the hillside. Before he stopped firing with his semiautomatic pistol, six children, 5 to 14, were bleeding from gunshot wounds. In the same 48 hours in which that attempted massacre occurred, 14 people were murdered in the nation's capital.

This same week, Caleb Hughes, serving a 50-year sentence for abducting 5-year-old Melissa Brannen of Fairfax County, saw his conviction overturned. There is insufficient proof Hughes abducted her—with intent to molest, said the Virginia Court of Appeals. Hughes must be tried again. As abduction alone only carries a 10-year sentence, and Hughes has served three and a half, he may be eligible for immediate parole. Melissa was never seen again, after leaving her mother's side at a Christmas party to get some potato chips. Traces of her hair and dress were found in Hughes' car.

These horrors are not confined to urban areas.

It was in a town 100 miles from San Francisco that a mother this spring walked into a courtroom and shot in the back of the head the smirking pervert charged with molesting her son.

In West Memphis, Ark., a Middle American town of 28,000, three teen-agers are charged in the murder of three 8-year-olds boys whose bodies were found in a drainage ditch. Reportedly, one of the teenagers gave police a 27-page statement saying the boys were murdered in a cult ritual, that he watched as his friends choked the boys unconscious, raped one, and sexually mutilated another.

The horror, the anguish of these stories, re-enacted again and again, with trusting children as victims of sex abuse and murder, has induced a terror in the hearts of parents unknown in America.

What became of the America we grew up in, where 8-year-olds were given a brown bag with sandwiches in cellophane, and sent off in safety to the playground for the day?

The day of the pool shooting, a panel of the National Science Foundation reported on the causes of juvenile crime. Among them (as reported in The Washington Post): "(S)chools that have ability tracking, which works against low-achieving students; a health care system that excludes teenagers * * * the absence of any help for students moving from school to jobs; and a justice system that fails to rehabilitate most adolescent offenders."

Sorry, but the same old sociological explanations just won't do.

What we are dealing with here is evil, pure and simple.

Forty years ago, our ideas about right and wrong came out of religious beliefs. Taught in home and school, echoed from pulpits, reflected in film and books, these ideas served as the basis of morality and law.

Today, the conscience-forming, character-forming institutions—family, home, church, school—have broken down. The old ideas of right and wrong are mocked. Popular culture, TV and film, repeat a single theme: Do your own thing. And, into the moral vacuum of weak minds—inhibitions dissolved by TV and film—are slipped the enticements of the forbidden fruits, alluringly presented by pornographic films and magazines, featuring women, even children. From the addiction that follows, from the soul thus corrupted, there ensues the criminal act.

Neither poverty nor unemployment can explain the new barbarism. For, in the 1930s a third of the nation was poor, a fourth without work. Yet, America's cities were decent, safe places. No. the root cause of crime is not poverty; it is evil men of criminal intent whose only concern is getting caught, whose only fear is death.

America's enemy is not in Mogadishu. He is inside the gates. And we will win this war on crime only when the body count of that enemy approaches in number that of the innocent victims of his atrocities.

## TRIBUTE TO LESLIE GREEN

### HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Ms. LONG. Mr. Speaker, I rise today to speak about Leslie Green, a bright and sparkling young woman, who gave so much to her community in northeastern Indiana. Leslie was a member of Immaculate Conception Catholic Church. She was the president of Students Against Drunk Driving, student council president, and an honor student with the highest grade point average in her class at Churubusco High School. Leslie was outgoing, energetic, and looking forward to her senior year in high school.

Leslie was planning to attend the University of Notre Dame after graduation to study engineering, and was also recently chosen to represent Indiana, in the fall, at a national youth leadership council here in Washington, DC. But none of this will ever be. Leslie was killed by a drunk driver on June 28, the day before her 17th birthday.

At Leslie's funeral, Father Daniel Kennerck stated that "a great vacuum has come into" the lives of those who knew Leslie. It is so true that she touched the lives of all who knew her.

I offer my deepest sympathies to Leslie's family and friends. I also invite my colleagues to take just a brief moment to reflect upon this tragedy and the sad irony of a young lady who was killed by the very element that she tried to prevent. I also ask everyone in our Nation to make a personal commitment to do everything possible to not allow such a tragedy to be repeated.

## TRIBUTE TO EDWARD H. ZIEGNER

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. JACOBS. Mr. Speaker, Sinclair Lewis wrote that city people and country people are pretty much the same except that city people have a little bit of a crust around their hearts. He went on to suggest that once you pass the crust, you are dealing in the same material.

That analysis would fit pretty well our departed friend, Ed Ziegner, who for a very long time was the political reporter's political reporter for Indiana.

Crusty he was. Heartless he was not.

The following articles belong on the permanent record of the political history of our country.

[From the Indianapolis News, June 23, 1993]

EDWARD H. ZIEGNER

Edward Ziegner, former political editor of The News, had a journalism career that spanned nearly a half century and touched six decades of Indiana and national political history.

He passed away yesterday.

Ziegner came from a family of journalists. Both his father and brother worked for The News.

"Even in high school," Ziegner said, "I never wanted to be anything else but a newspaperman."

He started work on The News copy desk in 1941, but his career was soon interrupted by World War II. After his discharge in 1945, he returned to The News as a reporter, but quickly gravitated to politics, covering the 1948 presidential election.

He began a regular political column in The News in 1951. Ziegner was also chief of The News' Legislative Bureau. He once wryly observed, "I've been around for 27 regular legislative sessions and seven special sessions, proving there is no limit to how much a man can stand."

Regarded as the "dean" of Indiana political reporters, Ziegner cut his teeth on the likes of former Indiana Sen. Homer Capehart. He was in mid-career when Birch Bayh was speaker of the Indiana House of Representatives, and was writing about Bayh's son, Evan, at the end of his career.

This longevity of experience, coupled with an encyclopedic memory, excellent political instincts and sound judgment, gave him the tools of an outstanding political analyst.

Much of his success, however, was sheer hard work.

Between campaigns and legislative sessions, he toured the state, from Gary to Evansville, talking with county political chairmen, getting to know new candidates and maintaining ties with old ones. When a crucial political story broke, Ziegner already had most of the knowledge in hand, and his telephone would be ringing with sources calling in additional tips.

Ziegner not only wrote—and wrote well—about Indiana politics. He also shaped the political scene.

Countless politicians would come to Ziegner seeking advice about their careers.

They sought Ziegner's counsel because they knew it would be unbiased and unvarnished. And it was.

Ziegner fervently believed that officeholders were public servants and were mere custodians of the offices they held. He was totally unfraid to call to account those who failed to understand the limits of their powers or who violated their public trust.

He would save some of his best barbs for his End of the Session speech—which was always one of the highlights of the Legislature.

In her book "Forgive Us Our Press Passes," Majie Alford Failey, who worked with Ziegner at The News, wrote of Ziegner's retirement from the paper in 1985: "Forty years later (after returning to The News following the war) he retired as chief poitical editor. Except, of course, he really didn't. You never really do. You can't wash out all the ink, the heartbeats and the memories. Eddie belonged, and still belongs to politics in Indiana, as every governor from Shricker to Bayh could have told you."

The News extends its condolences to Edward Ziegner's family and friends. He will be long remembered and greatly missed.

[From the Indianapolis News, June 29, 1993]

REMEMBERING ED ZIEGNER

*To the Editor of the News:*

Ed Ziegner, who died June 22, was a long-time valued friend and colleague at The News and in the 38th Natinal Guard Division.

He was an expert on Indiana government and politics. He was always a jump ahead of the politicians and government officials. As a Statehouse reporter, he became a confidant in many places, starting out at the State Police office, then at the Statehouse and later in the governor's office and elsewhere. He headed the legislative bureau of The News for many years and gave the press farewell "ribbings" to the General Assembly at the end of it sessions.

He was a resourceful reporter and political editor at The News for many years. He had a world of informaiton at his fingertips with an elaborate filing system and a fantastic memory of events in Hoosier history in the 20th century.

Ed took my place on the copy desk at The News when I went into service in World War II. We both went to Officer Candidate School and received commissions. During the war we met on the backside of a high hill in Purple Heart Valley near Cassino, Italy. He was at a forward artillery position, and I was on the way to defense positions near the Rapido River. He later was assigned to the press section of Gen. Mark Clark's 5th Army headquarters.

During the Korean War, we both left The News to attend Army service schools in case we were called to active service again.

I convinced Ed to join the Guard after World War II, and he served with distinction as the public affairs officer for the division. He was master of ceremonies for the annual division parades, the Indianapolis Press Club's Gridiron dinner and many other events. He was an excellent speaker who used both wit and interesting historical information.

Ed was a giant in the newspaper business, and we all missed him and his writings when he retired.

Wendell C. Phillippi, Indianapolis.

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### THANKS FOR THE MEMORIES

(The following is a reprint of the last regular political column written by Edward H. Ziegner, former political editor of The News. It appeared in the Nov. 23, 1985 editions of The News.)

This political column is in the nature of "see you later".

Not necessarily farewell, a final goodbye, and a fast fadeout.

But this is the last of these weekly comments on Indiana political affairs, for I am retiring from The New Tuesday after 44½ years.

I came to work for the paper May 3, 1941, but did take four years out for military leave during World War II.

Before we get into the politics, allow a brief personal note, please.

Excepting two short intervals—1932–35 and 1937–41—a member of my family has been associated with this newspaper since 1915, more than 70 years. My father came to work here in 1915, and was on the staff at his death in 1932. My late brother worked here from 1935 to 1937.

I came in 1941, and my wife, Martha—whom I did not know then—came to work in 1943. I met her here when I came home from the war in 1945.

Back to Indiana politics.

This column has appeared weekly, except for vacation times, since 1951. So I have written between 1,600 and 1,700 of them, not to mention thousands of regular political stories and analysis pieces.

A good many political memories come flooding back.

The first campaign on which I reported was 1948, when I joined in lockstep with thousands of other reporters to decree that Republican Tom Dewey would beat Democrat Harry Truman.

I started out being wrong, and some think nothing has changed in 37 years.

I have worked for some wonderful people, and with some wonderful people over these years. I have known some outstanding politicians and public servants, in both political parties. I have known some lousy ones, too, but we'll only mention the best.

The best three governors have been Harold Handley (1957–61), Matt Welsh (1961–65) and Otis Bowen (1973–81).

The best U.S. senator has been (and still is) Richard Lugar; the best congressman Lee Hamilton, Ninth District, now in his 11th term.

The best two state chairmen—Gordon St. Angelo for the Democrats and James T. Neal for the Republicans. Add to these two names Republican Keith Bulen, and you have the three most skillful and innovative political professionals of my time.

Having reported 27 regular and seven special sessions of the Legislature, the best three speakers in the House were Democrat Dick Bodine (1965), Bowen 1967–72, and Republican Kermit Burrous, who followed Bowen through 1980, with a 1975–76 break in service.

The top president pro tem of the Senate Democrat Robert J. Fair.

The best individual legislator—the late Adam Benjamin of Gary, who went on to Congress.

The best speech I ever heard—out of thousands—was Adlai Stevenson's remarks accepting the Democratic nomination for president in Chicago in 1952.

While there have been times so dull and candidates so bad they defy description, nearly all of it has been great fun.

I'm happy I was there. I wouldn't have missed it.

I thank both the faithful and the sometime readers.

And for all, I bid you an affectionate farewell.

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[From the Indianapolis News, June 23, 1993]

### EDWARD H. ZIEGNER WAS NEWS REPORTER

Edward H. Ziegner, 72, who followed his father as the political editor of The News, died Tuesday.

Calling will be from 3 to 8 p.m. Thursday at Flanner & Buchanan Broad Ripple Mortuary. Services have not been set.

In a career at The News that spanned more than 44 years, Ziegner crisscrossed the state, traveling thousands of miles each year to chat with county political chairmen, attend political meetings, interview state legislative candidates and watch candidates for governor, senator and congressman mix with the people.

As the dean of Indiana political journalists and probably the dean of two-finger typists, Ziegner was noted for his brusque, take-no-prisoners style. Many politicians of both parties experienced his bark, particularly when they gave a story to the competition.

"My husband often called him 'Mr. Integrity.' That was his name for Ed," said Barbara Handley, wife of former Gov. Harold Handley. The Handleys moved next door to Ziegner when Handley became lieutenant governor in 1952.

"I think his writing will be missed because he wrote perceptively and succinctly. I can't leave out his equally delightful anecdotal conversations. You could listen to him for hours. He had a memory like a fox," Mrs. Handley said.

Gov. Evan Bayh said Ziegner's passing is the "end of an era in Indiana public affairs."

"Ed pursued his daily quest for truth with fire, zeal and good humor, while never losing his perspective or his idealism," he said. "No one can replace the position he held as the acknowledged authority on Indiana government and politics."

Gordon St. Angelo, Democratic state chairman from 1964 to 1974, recalled "whenever the national guys came in—(David) Broder (of the Washington Post), Johnny Apple (of the New York Times), Evans and Novak, they always checked in with Ed first to find out what was going on in Indiana. He had that national respect. And he got feedback from them on a national basis that few enjoyed."

Gordon Englehart, retired political editor for the Louisville Courier-Journal, recalled his fierce competition but deep friendship with Ziegner.

"If he was your friend, nobody could be warmer," Englehart said.

Jack Averitt, who covered the Legislature with Ziegner for 37 years, said, Ed was one of the better political writers of his generation because he did his homework. He could be aggressive or extremely kind, depending on the situation. He liked many politicians but wasn't awed by any of them."

Bill "Moose" Roberts, another longtime Legislature reporter for The News, said Ed "was part curmudgeon and part iconoclast. Hardly any Indiana politician or officeholder between South Bend and Jeffersonville escaped his scorn, especially in his end-of-the-session address to the two houses of the General Assembly."

Roberts recalled one speech where Ziegner referred to three members of the Republican State Committee as "the greatest, most incompetent, trite, stumble and fumble comedy opera stars of all time."

Eugene S. Pulliam, publisher of The News, called Ziegner "one of the best political reporters I have ever known. I'm proud to have worked with him."

A member of the Indiana Journalism Hall of Fame, Ziegner joined The News in 1941 after attending Wabash College and Indiana University. He left the paper in World War II and became an anti-aircraft artillery officer.

Ziegner returned to the paper in 1948. From 1953 to 1985, Ziegner led The News' legislative bureau from a temporary, gray wooden shack that was erected every two years in the hallway outside the House of Representatives.

Ziegner covered 27 regular sessions and seven special sessions of the Legislature.

One Saturday morning, Ziegner heard footsteps echoing in the empty Statehouse. He went outside "the shack," leaned over the railing and said "Good morning" to Gov. Roger Branigin. The governor looked up and commented, "I think we're the only SOBs in this building at this hour."

Ziegner retired from The News in 1985 but continued to write a Saturday political column until 1990.

He won the American Political Science Association award for distinguished public affairs reporting and twice was named a Sagamore of the Wabash. He was the Indianapolis Press Club's "man of year" in 1981.

Ziegner remained with the Indiana National Guard after the war, attaining the rank of lieutenant colonel.

Survivors—wife Martha McHatton Ziegner; daughter Anne Gillem; son David E. Ziegner; granddaughters Jennifer Jane Ziegner, Bethany Anne Gillem.

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[From the Indianapolis Star, July 1, 1993]

### STATEHOUSE SERVICE HONORS LATE POLITICAL REPORTER

(By R. Joseph Gelarden)

The governor was in the midst of a legislative crisis, but he took a few moments Wednesday outside his office to join a memorial service for political reporter Edward H. Ziegner. So did the lieutenant governor.

A former governor who also served as a presidential Cabinet secretary drove down from Bremen to offer a tribute, as did a former Indianapolis mayor and a couple of old pals from the legislature.

The audience was peppered with powerful judges, and party officials, and a lobbyist or two.

Not a bad turnout to remember a jot-'em-down reporter whose trademark was blistering the hides off those who like to think they pull the strings of politics and government in Indiana.

Ziegner, a former reporter for *The Indianapolis News*, died June 22. He retired in 1985 after 44 years in journalism, most of those as *The News*' Statehouse bureau chief and chief political correspondent.

Gov. Evan Bayh, Lt. Gov. Frank L. O'Bannon and former Gov. Otis R. Bowen, among others, spoke at the memorial service in the Statehouse rotunda.

"Ed was a quiet, polite, friendly man—until you crossed him," said Bowen. "Then he could be brutal."

Legislators and tourists who peered over the ornate balconies heard former Indianapolis Mayor William H. Hudnut III talk about Ziegner's love of honesty and integrity, his love and admiration for a handful of the state's political leaders. Former state Democratic Party Chairman Gordon St. Angelo remembered Ziegner's love of the political game.

Most remembered the annual address Ziegner gave to the Indiana General Assembly at the close of each legislative session.

Referring to the gridlock and heated partisan political wrangling that have punctuated the current special session, St. Agnelo said:

"If Ed was covering this session, we would have 44 charred bodies in the Senate. The only senators still alive would have been his friends and sources."

O'Bannon remembered Ziegner's sense of mission.

"Political leaders like to shout the good news and whisper the bad. It was Ed's job to make sure everyone heard about the whispers," the lieutenant governor said.

"He always demanded the best out of himself as a journalist and a person. He taught me that we should expect the same of ourselves.

"Thanks, Ed."

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[From the Indianapolis News, June 24, 1993]

## DEATH HITS TOO CLOSE

(By David Mannweiler)

I'm not quite sure when I realized I no longer just turned past the obituary page, but it's relatively new with me. It's unsettling, too, a sign that I've come to a milestone I didn't want to reach.

People I know are starting to die.

I used to just ignore obits. I didn't know anybody who died. Old people died. If they were "important," I knew they had died because they made the front page. If someone died who was linked to me in some way—school, church, the neighborhood—my mother would tell me about it because she knew I'd never see it on the obit page.

Mom would say someone had died and I'd stop at the funeral home, sign the book, say I was sorry and leave quickly. That wasn't the old way, the way my grandmother did it.

A Southsider, she could spend entire afternoons at G.H. Herrmann's East Street Funeral Home at a wake. It became almost a second home for her.

She spent so much time there sitting on chairs talking to other elderly widows that my brothers and I joked that when you got old you went to funeral homes just to show other people you were still alive.

### ONE OF MY HEROES

The phone has rung twice at my house in recent years with the news of death. One call was about my fourth-grade teacher, because we had continued a friendship and a communion long past grade school, high school and college.

Tuesday night, the call was for Ed Ziegner, one of my heroes. I never told him he was a personal hero of mine, but I think he knew it.

I read Ziegner's words in this newspaper long before I came to work here. He wrote careful prose that could glisten on a page. He could cloak ideas in just the exact words and do it effortlessly.

Not everyone agreed with everything he wrote, but when you are writing about politics and both Democrats and Republicans think you're awful and unfair and you favor the other party, then you must be doing your job well.

Ziegner, could distill the dross of an event and find the gold nuggets, recalls Moose Roberts, who wrote about the Legislature with Ziegner beginning in 1955.

### LOVE AMID GRUMBLES

"Nobody was better at dictating a story to a reporter in the office," Roberts said, "Ziegner would come out of a press conference or a committee meeting, grab a phone and dictate a story which was errorless and complete. The biggest problem you had at the other end was trying to tell Ed to slow down.

"He frequently grumbled about the hours and the lousy working conditions in the small shack The News occupied in the Statehouse, but you could tell he loved every minute of it. He wouldn't have been satisfied anywhere else."

The News' legislative bureau operates out of a permanent office at the Statehouse now. The old third-class shack is gone and now so is a first-class man who worked there and truly did love every minute of it.

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[From the Indianapolis News, June 29, 1993]

## AN END-OF-THE-SESSION SPEECH

(By David Rohn)

Goodness knows, if ever there was a session of the Indiana General Assembly that needed an end-of-session speech written and delivered by Ed Ziegner, this one has been it.

Ziegner, properly regarded as the dean of Indiana political reports, passed away last week. Mercifully, this was one session he didn't have to endure until the end.

He regularly delivered his end-of-the session speeches to special joint sessions of the House and the Senate in the House chamber, beginning in 1969 until his retirement in 1985.

Usually, the governor, lieutenant governor and numerous other public officials also would attend, although a couple governors who had been at the receiving end of Ziegner's unvarnished critiques the previous session would chicken out.

The speeches were also a popular hit with lobbyists, legislative aides and the public. There was always a big crowd in the hallways outside the House to hear Ziegner over the public address system.

Had he been called upon to deliver his carefully-chosen remarks this year, well I can hear him now * * *.

I've watched this session very carefully, from the beginning right to this moment, and I've looked at what you have passed, and what you haven't, and listened to what you've said on the floor, and in press conferences, and I have an important message for each and every one of you: "Send not to know for whom the bell tolls. It tolls for thee."

Ziegner would then peer up over his glasses and add:

You remind me of what Jim Watson said when he came out of the smoke-filled room in Chicago which nominated Warren Harding. And when he was asked how it was, Watson replied: "There we were—knee-deep in midgets."

Since 1985, when Ziegner delivered his last speech to the Indiana General Assembly prior to his retirement, there have been five special sessions called.

Many of them, including this special session, have been extremely long ones.

During the 16 years Ziegner took to the podium in the well of the House, there were only three special sessions called—the longest lasting 11 days; one lasting three days; and, another lasting just a day.

They were probably short with good reason. Who wanted to provide Ziegner with any more ammunition than he already had for his annual critique?

Such as:

The Senate offers the greatest proof there is that life exists after death that I've ever seen. When a constituent calls a senator, he or she gets a recorded message which says, "Please leave your name and number and one good reason why I should call you back."

Ziegner was merciless at the microphone. No one—not the governor or the speaker of the House, the lieutenant governor or the president pro tem of the Senate—was too powerful to intimidate him or temper his remarks.

That, of course, was one of the attributes that made him such an outstanding political analyst. He took a democratic (with a small d) view of politics, believing that officeholders were, indeed, public servants who served at the pleasure of the electorate.

They were, at best, trustees of a magnificent constitutional inheritance and were beholden to the consent of the governed.

He understood that public office could be a powerful—even intoxicating—drink for the individual who held it, just as Ziegner also knew full well the moment he retired as political editor of The News, many of his own phone calls, luncheon dates and party invitations would dry up.

But Ziegner had long ago learned that there is life outside of politics, journalism, position or profession and that true friendships would endure.

In a mellower moment, he once said:

This (the Legislature) is a special place, and its genius is that it refreshes and renews itself each two years.

When I think of the friends I have made here over all the years I have been around, I think of Yeats' lines:

"Count where man's glory most begins and ends.

"And say my glory was I had such friends."

For all of his caustic remarks about what annually transpired in the General Assembly, he said in one speech:

I like to believe as I see more of government and politics, and as the years go by, that you in both parties and those of us who are in the press and all the vast apparatus which supports this machine and makes it go, with all the accompanying fits and starts, that all of us are after the same thing—responsible and responsive government in a free society. We think and we vote and we believe and we argue as many, but we pray as one.

This session and its attendant special session no doubt would have sorely tested that belief.

More likely, if given the chance, Ziegner would have said: Essentially, you've done nothing, you've done it elaborately and you're proud of it. You've given new meaning to that old line, "Many a train of thought is just a string of empties."

Or:

The state needs some of this stuff you've passed about as bad as a hog needs a wristwatch.

Oh, my, where is Ed Ziegner when Indiana politics sorely needs him?

## TRIBUTE TO ROBERT RHODE

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a special individual, Mr. Robert Rhode, from Chesaning, MI. Bob is being honored by the Chesaning School System as he retires from 17 years of service as the superintendent of the Chesaning School District.

Originally from a dairy farm in Remus, Bob received his masters in education from Central Michigan University, has been teaching in the Michigan School System for 35 years, and has contributed much throughout his career to the needs of the students of Chesaning. He is an active member of the Trinity United Methodist Church, serves as president of the Chesaning Lion's Club, and is a member of the Saginaw County Business and Education Coordinating Council.

Bob's involvement goes beyond the classroom. Also known as Captain Bob, he has served as MC of the Chesaning Showboat for more than two decades. In addition to all of this, Bob enjoys time with his family, which includes his wife Claudia, and all four daughters, Jill, Jane, Sally, and Joanne.

Bob has provided leadership and direction for the students for the Chesaning School System, and his contributions will reach far beyond their formative years. Through his immeasurable commitment and dedication, he has become a trusted individual to the friends and families of students throughout the area.

Mr. Speaker, Robert Rhode is truly an amazing individual. I know that you will join with me and the Chesaning community in congratulating him on his retirement, and wishing him continued success in future endeavors.

## LEGISLATION DESIGNATING MAURICE RIVER A COMPONENT OF WILD AND SCENIC RIVERS SYSTEM

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 35 miles of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System. I am very proud that New Jersey hosts two such rivers.

Earlier this session, I introduced similar legislation—H.R. 32—designating some 23 miles of the Maurice River and its tributaries as components of the national system. I am reintroducing this legislation today to designate additional miles and clarify any ambiguities that arose earlier due to the interpretation of language pertaining to condemnation authority.

Specifically, the bill requires that management of the designated segments will be at the local level by cooperative agreements between the Secretary of the Interior and local municipalities. These agreements will be consistent with local river management plans which are almost exclusively the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

Under the law, lands cannot be acquired by the Secretary of the Interior for wild and scenic areas within any incorporated municipality which has a valid zoning ordinance which conforms with the purposes of the legislation. As the river management plans have already been adopted by the local municipalities and, in some cases, incorporated into local zoning ordinances, and meet the goals of the Wild and Scenic Act, condemnation of property will be avoided.

The Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides fresh water to the region, and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation or tourism.

We are so fortunate in southern New Jersey to have such beautiful natural resources. We recognize the unique qualities of these majestic resources and the importance of protecting them. That is why we are able today to offer additional protections. If our sister cities in the northern part of our State could go back 100 years, they would have done it differently. There is no question that they would have taken advantage of available planning and management tools to offer similar protection to their natural resources. Instead they are left to cleaning up the mess that we've created.

It is clear that we have a unique opportunity in the southern part of the State to preserve these magnificent areas for our children and their children. This step will be looked upon in the years ahead as one of the more significant events that the leaders in our region have accomplished.

Indeed, the local communities have shown their commitment to the preservation of this very special resource. Since I first introduced this bill last Congress, Maurice River Township and the cities of Millville and Vineland have passed resolutions endorsing designation. And most recently, Commercial Township and Buena Vista Township announced they, too, will introduce resolutions supporting designation of the relevant river segments.

These endorsements enable the designation of approximately 12 additional miles, encompassing all five affected municipalities and almost the entire study site. Such strong support at the local level is unique and reflects many years of hard work from the grassroots level to the Federal Government.

Certainly, we would not be where we are today without the tireless efforts, enthusiasm, and interest of several local officials and citizens. I would like to pay special tribute to Steve Kehs, executive director of Cumberland County Department of Planning and Development, whose efforts to negotiate a consensus, ensure that the local needs were met, and develop a management plan for the river are largely responsible for the success we are realizing today.

I also want to give special recognition to Ed Salmon, who as a member of the general assembly, was one of the original leaders of this effort. A measure of thanks also goes to the members of the Board of Chosen Freeholders, Mayor Feltes, and other community leaders who have been instrumental in developing legislation which meets the need of the river, the community, and the Federal Government, a tremendous accomplishment.

Additionally, Ms. Patricia Weber and the National Park Service have done an outstanding job in working with the affected communities to ensure a full understanding by all participants of the national system. Progress to protect the river is a direct result of the dedication and enthusiasm exhibited by Patty Weber during the study process.

Finally, the real power behind collective action stems from the efforts of local citizens. Jane Galetto and Don Fauerbach, president and founder of Citizens United to Protect the Maurice River and Its Tributaries, rallied local support for this effort and worked endlessly to ensure a complete understanding of the need for and significance of protecting this watershed. The formation of Citizens United alone is an indication of the level of commitment to the preservation of this very special resource.

The result of the collective efforts of local citizens and community leaders is a river management plan which will almost exclusively be the product of local thinking and long-term protection for one of New Jersey's most majestic rivers.

People think of New Jersey as what they see from the Turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. Offering protection to this area at this time, therefore, is an opportunity we cannot afford to miss. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

## SUPPORT OF OCOEE RIVER OLYMPIC DEVELOPMENT

### HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 15, 1993*

Mrs. LLOYD. Mr. Speaker, I rise in support of the development of the Ocoee River area in Cherokee National Park for use in the 1996 Olympic whitewater kayaking competition.

In a time when the Federal Government is facing serious budget constraints, it is important to recognize the economic development value of the Ocoee River project. This project will not only build a national whitewater venue for future world competition in one of the fastest growing international sports, kayaking, but it will bring much needed investment to an economically depressed area.

Polk County, TN, where the Ocoee River is located, has an unemployment rate of 13.5 percent and recently suffered devastating damage to its poultry industry from the Blizzard of 1993. Economic growth has been consistently limited in this county, because more than half of the land is owned by the Federal Government. Clearly a strong justification for a Federal development role exists under these circumstances.

Federal investments in amateur sports programs, such as the Olympics, have in the past induced long-term positive economic returns to economically depressed areas such as Polk County. The development of the currently unused upper section of the Ocoee River will strengthen the existing river-based recreation facilities in the Cherokee National Forest, generating hundreds of new jobs in the area over the post-Olympic period.

Today, 600 people work in the Ocoee River recreation industry and visitors generate nearly $22 million in annual economic impact. The nearby Hiwasee River adds an additional 100 jobs and $4.5 million in related spending. River-oriented recreation in this national forest represents the greatest potential for growth in the region, but is currently operating at maximum capacity on the lower section of the river. The Ocoee River project is a carefully developed complement that will serve the national interest in the multipurpose use of natural resources and significantly increase capacity of the river to entertain tourists by developing previously unavailable sections. Similar projects have quickly recovered initial investments and stimulated the economy by increasing the recreation resources available to the public.

A Peat Marwick study has estimated the pre-Olympic economic impact on Polk and the surrounding counties will be approximately $63 million, six times the 5-year Federal investment. The Tennessee Valley Authority is currently completing a study of the long-term effect of the development, but initial estimates have the figure at $18.8 million annually.

The Hoosier Horse Park Pan American Games development in Indiana is an excellent example of a project that complemented an existing program and increased the area revenues, recovering the total Federal investment within 5 years. This amateur sports development initiated with a $5-million Federal investment in 1988 produced $5.3 million by 1993.

The Ocoee River project involves a unique partnership of Federal, State, local, and private stakeholders committed to responsible management and effective development of the resources in this rural region. Of the estimated $26-million cost of the project improvements, no more than $11.7 million is projected to come from the Forest Service over a 5-year period.

# SENATE—*Friday, July 16, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the acting President pro tempore [Mr. MATHEWS].

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Children, obey your parents in the Lord for this is right. Honour thy father and mother; which is the first commandment with promise; That it may be well with thee and thou mayest live long on the Earth. And, ye fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord.*—Ephesians 6:1–4

God our Father, it is generally agreed that the home and the family are the key to social order, and that the dysfunctional family is the basic cause of family decline in America. We pray for our families—not only the families of Members of Congress, but those of all who labor on Capitol Hill. Forgive us for allowing so many things to preempt the time and interest we should give to our families. Forgive children who do not honor their parents. Forgive parents who frustrate their children. Help us to take parenting seriously and do all in our power to strengthen the relationship between husbands and wives. Inspire the leaders of our Nation to demonstrate leadership in their families and to be an example to the people.

May this weekend be a time of healing, strengthening, and renewal as needed.

In the name of Him who was Love incarnate. Amen.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The first 80 minutes shall be under the control of the Senator from South Dakota [Mr. DASCHLE] or his designee.

The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I would yield such time as he may consume to the distinguished Senator from Nevada.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

## THE TRUTH ABOUT THE BUDGET

Mr. REID. Mr. President, the current debate over the President's budget has become a fitting occasion to talk about Martin Luther, because Martin Luther once said, "Superstition, idolatry and hypocrisy have ample wages, but truth goes a begging."

I bring this to the Senate's attention, Mr. President, because the latest barrage from groups like Citizens for a Sound Economy seems to have ample wages, and that is an understatement, while the truth that they are emitting is lacking in its entirety.

They have ample wages, but the truth about the budget package just passed by the Senate and the House, now in conference, goes a begging.

You see, Mr. President, there is an effort of misinformation, a program of misinformation, an attempt to spread falsehoods about the President's budget all over this country by groups like Citizens for a Sound Economy which portended to be nonpartisan, grassroots lobby groups out in the States protecting the average citizen. But, Mr. President, the truth must be known that the Citizens for a Sound Economy and other such groups are financed by special interest groups and most have been tied to the Republican National Committee.

I would like to point out to the Senate some of the things that the Citizens for a Sound Economy are up to today.

Even before the vote took place, a barrage of press releases was issued. They could not keep the States straight though. In the State of Nevada, as an example, they issued a press release about Senator HARRY REID, the Senator from Louisiana. That has not stopped them, though. They got the State right and they continue to run these ads in Nevada and other such places.

They are running, the Citizens for a Sound Economy—listen to that name, Citizens for a Sound Economy—they are running full-page ads all over our Nation with misinformation about the President's budget package. They are attempting to organize protest rallies with Republican politicians denouncing the proposed tax increases in the budget plan.

I would suggest to my friends across the aisle that if they want to criticize the President's budget package, let them do it on their own terms. They should not, I suggest, side with a group like Citizens for a Sound Economy, which some have done to this point.

Citizens for a Sound Economy has sent out over 10,000 information packets and attempted to organize phone banks, volunteer phone banks that they pay for, to arouse opposition to the plan.

Now, Mr. President, the first question comes, this is a free country, so what? Well, the "so what" is that they are not telling the truth, and I have an obligation, as do other Members of this body, to attempt to give the truth to the American people.

I was in my State last week, as were other Members of this body in their respective States, and I, Mr. President, was appalled at the amount of fiction that this group especially has spread about not only my vote on the budget reconciliation package, but on the package itself.

Who is this so-called nonpartisan, grassroots group that calls itself Citizens for a Sound Economy?

I would like to point out a few facts about this group. This group has as its top officials a family by the name of Koch. Koch family members are known for their ultra—and I stress ultra—rightwing conservatism. And I think even this statement gives conservatism a bad name, which it really does not deserve. They are extreme rightists. I am sorry I mentioned the word conservative.

These officers and directors include Ron Paul of Texas, a former Libertarian candidate for the Senate and for President; William Vandersteel, a former Libertarian Senate candidate from New Jersey. Other directors of this group are the Koch employees and lobbyists, including founder Richard Fink and former CSE president, which, remember, stands for Citizens for a Sound Economy, and current Citizens for Congressional Reform President Wayne Gable. Keep in mind both of these men are employees of Koch Industries and are registered lobbyists for that company.

David Koch is an example of someone who ran for the office of President on the Libertarian ticket. He personally gave over $1 million to his own campaign in that election. I think the people who are looking at these ads that are false and malicious from Citizens for a Sound Economy should know

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

what David Koch stands for. I think it is fair to say that his platform was extremist.

Why do I say that? Because his platform included legalizing drugs, even for children; legalizing prostitution, even for children; ending all forms of public education by prohibiting government ownership, operation, and regulation, or subsidies for schools and colleges.

This is only part of the Citizens for a Sound Economy program. Repealing all compulsory education laws for children; repealing child labor laws and minimum wage laws. Maybe that would help Koch Industries. They could get cheaper labor.

Abolishing Social Security, Medicare, and Medicaid. Let us try that one on as a part of the Citizens for a Sound Economy proposals.

Repealing licensing requirements for doctors; repealing all banking regulation; repealing all taxation; abolishing the FBI; recognizing the right to political secession. We fought that war once. Legalizing discrimination in employment, housing, and public accommodation. Allowing members of the Armed Forces to quit their jobs at will. Privatizing all public roads and highways. Repealing all building codes and zoning laws.

That, Mr. President, is the beginning of Citizens for a Sound Economy.

David and Charles Koch own and operate Koch Industries, which a couple of years ago was rated by Forbes magazine as the second most wealthy privately held company in the United States. They have money to throw around as indicated by what they have done in Nevada, full-page ads. Great bunch of citizens—legalizing child prostitution.

This company we are told by Forbes has holdings in such things as energy—the most wealthy privately owned oil company in America—real estate, manufacturing. They do not want the Federal Government, they do not want the State government, they do not want the city government, they do not want the county government, they do not want government.

Then we find that one of the members is James Miller. Who is James Miller? James Miller was the Director of the Office of Management and Budget during part of the Reagan administration. He is one of the wonders that got us into this mess in the first place, a debt of over $4 trillion, and now he is part of this Citizens for a Sound Economy, who had a person by the name of David Koch who spread all of the information I have just talked about.

I do not know what more could be done to show that I think those people in Nevada and other places that are listening to CSE better take a second look at this group, because they are for anything but a sound economy. All they want is to be left alone so that they can make all the money in the world and not be at all asked by government to contribute anything.

Another group spending a tremendous amount of money in the State of Nevada, and I assume around the rest of the country, to blast the budget package is the American Energy Alliance. I never heard of this group until I saw their full-page ad running in newspapers in Nevada saying Nevadans should contact their congressional delegation and vote against the Btu tax.

Who is the American Energy Alliance? The Washington Times, a newspaper that in the times that I have looked at it I have never seen much of a leftwing bent to it, this Washington Times article says that the American Energy Alliance is a coalition of 1,400 special interest groups, trade organizations. They discovered there was a lot of coordination between the American Energy Alliance and the Republican National Committee.

Mr. President, it is not my intention to slam the individual members of this organization, the American Energy Alliance, but to point out to the American people and the people in the State of Nevada what it is. It is a group of special interests who do not want to tax fuel based upon how much it pollutes. They would rather have the tax on gas.

Personally, Mr. President, I think that the Btu tax was a fine idea even though some of my colleagues might disagree. If we have to have a tax, I think it should be based on how it can help clean the environment with less fossil fuel pollution.

But separate and apart from that, I do not want to slam these special interest groups, other than to say that this group, the American Energy Alliance, is made up of special interest groups and everyone should understand that. These groups are not the angels of mercy that they pretend to be.

Yesterday I got a call from my Las Vegas office. They were concerned because senior citizens were calling saying that they had been informed that their Social Security was going to be taxed if they made over $22,000 a year, and their taxes were going to go up significantly as a result of the President's economic plan. This simply is not true.

I have not been able to find who is doing this. But I am sure if we could sift through the sand, we would find a group similar to the American Energy Alliance and the Citizens for a Sound Economy because the information they are putting out is simply not true. They want to cloud the issues. They want to make this budget deficit reduction package be one that attacks seniors. They want it to be one that does not in any way point out the fact that this deficit reduction is the largest deficit reduction in the history of this country. It is the first honest response to the deficit that I have seen since I have come to Washington, going on 11 years ago.

The fact is that when people start picking senior citizens, trying to use them by spreading falsehoods that their checks are suddenly in jeopardy, that is wrong, it is immoral, and we should not allow that to happen.

Those that oppose the President's deficit reduction package should be called to task to offer something in response. This was done during the debate. It took several days, both in this body and the other body, saying if you do not like what has been presented, come up with something else. That rang very strong in my ears because when I came to Washington we had a Republican President. I did not agree with everything that President Reagan did. I agree with some things he did. And when I agreed, I voted with him. I was a key vote for President Reagan in a number of issues that he had before the other body and this body.

We did not get a single Republican vote for the President's budget reduction package. I think that is wrong because but for Democrats, President Reagan's initiatives that he thought would help the country, which in hindsight have not allowed him to see if his programs would work.

We deserve as much. President Clinton deserves as much. But not a single Republican would support this new President.

I think that is too bad. The worst part is not only have they not supported President Clinton, Vice President GORE, and I think the country, but they have not offered an alternative.

This is not HARRY REID, a Senator from Nevada talking. Let us go again to a newspaper that is deemed to be one not representing the interests of the Democrats Party for sure. That is the Wall Street Journal. The Wall Street Journal said yesterday among other things "In drafting alternatives to President Clinton's deficit reduction program, congressional Republicans left out not only taxes but something Americans have very much wanted lately, change."

Americans want change. This budget deficit reduction plan that is now in conference does that. It changes the way we act here and will change things in this country. "It offers," the article continues, "no general tax cuts or special business incentives to kick start the sluggish economy immediately."

Remember, we have a program that they defeated with a filibuster.

It rejects the administration's new spending proposals to retool the economy in the long run. It would cut the deficit but not as much as the $500 billion that Mr. Clinton calls for. But it was just last November that voters loudly rejected a recipe quite similar to the one that the Republicans offer—as George Bush can readily attest.

Why? The article goes on to say that it is because all of the cuts were unspecified. There were no honest cuts.

The budget reconciliation package that is now in conference has real deficit reductions. It calls for specific reductions in various areas, covering everything in our economy. That is the way it should be. The Wall Street Journal noted that. That is what happened, quite frankly, with President Bush last year. He had a big program that was not specific, and people would not buy it.

Going on:

> "People want to see change," says conservative analyst William Kristol, who learned the lesson himself in 1992 as Chief of Staff to Vice President Quayle. "The great risk of current GOP proposals," he added, "is you end up almost by definition supporting the status quo."

The American public does not want the status quo.

It goes on to say:

> "They are very big people when it comes to beating up on working women and minorities," says Clinton strategist James Carvell, "but when it comes time to take on the deficit or millionaires, they shirk back. It's cowardly."

He is talking about the Republicans. I think fighting this guerrilla war, not willing to come forward and offer a proposal that the Democrats could vote up or down, and completely running from anything the new President offers, is cowardly. That was reflected in the Wall Street Journal.

Even with no specific additional spending cuts, the Republicans came up $100 billion short in cuts to deficit spending, compared to the reconciliation package that passed this body. Citizens for a Sound Economy, American Energy Alliance, the phony Senior Citizens Advocacy Group I mentioned—and I think my friends on the other side of the aisle—have one thing in common, and that is that they generate false and misleading statements about the first attempt in modern history to do something about the deficit. People of the State of Nevada and people throughout this country should be aware of the false and misleading advertising that is being conducted by special interest groups willing to spend large sums of money to maintain the status quo.

Yesterday, a newspaperman from Nevada summed up my feelings when he said that this package that we voted on is not a perfect package, but it is the first real reduction that has taken place in his lifetime. I believe that to be the case. But this, Mr. President, is only the beginning. We have 13 appropriations bills coming up. You are going to see significant cuts in those bills. And the best, the American public should realize, is yet to come. That will be when the President offers his health package this fall. It will do great things to cut the deficit even further. Remember, if we do not do something by next year, health care costs in this country go up over $100 billion.

The deficit reduction package now in conference is not perfect. It has warts, moles, and defects on it. I think there could be a better package, but it is the first package that I have ever had the opportunity to vote on that calls for real deficit reduction, and I am glad I voted for it. It will help the people of the State of Nevada and this country.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nevada for an excellent statement. He has laid bare some of the incredible distortions that have occurred throughout the country, distortions made by organizations claiming to be credible, and certainly they are not; distortions made on the basis of extraordinary exaggeration, unfounded criticism, and downright deception. I think the Senator's points are well taken, and I certainly hope that as we examine the record, look at the facts, and understand the consequence, the wise words of the distinguished Senator from Nevada are heard and considered carefully.

We take the floor this morning because, as everybody understands, the budget reconciliation conference began yesterday. We are now in the final stage of this effort to produce the biggest deficit reduction in history.

For months, as most Americans now know, we have been debating really three choices:

The first choice is to do nothing, to allow the spiraling deficits to wreck the economy, as they have now for 12 years.

The second choice is to embrace a Republican plan, a plan that entails deep cuts in health care, including Medicare, a plan that unfairly burdens seniors and veterans, a plan that hits the middle class harder than anyone, a plan that allows the wealthy to continue to avoid paying their fair share.

Theirs can only be called by one name: the status quo plan. It is the status quo plan because it locks into place what we have done for the last 12 years.

Someone once said that status quo is Latin for "the mess we are in." I think there is a lot to be said for that, because the mess we are in includes making the middle class pay while the wealthy laugh all the way to the bank. It is what they have been doing now for so long.

But we have a third choice. It was the choice that was passed here in the Senate, a choice that was passed in the House of Representatives, a choice now under consideration in conference, that includes the largest deficit reduction in American history; deficit reduction brought about in large measure through spending cuts. Over 50 percent of the deficit reduction in the package passed by this body comes from spending cuts. Ninety percent of all new taxes paid are paid by households earning more than $140,000. This plan also represents the first step toward restoring the economy and creating good jobs.

The Senator from Nevada called the Senate's attention to the article in the Wall Street Journal yesterday. I think it was uncharacteristically demonstrative, really, of Republican intentions. I say uncharacteristic because you do not often get this kind of clear balance from the Wall Street Journal when it comes to politics. But the headline in the Wall Street Journal article is probably the best part. It says, "GOP War Cry of No New Taxes Appears to Have Broadened to No New Anything."

No new anything. As the Senator from Nevada pointed out, it is clearly contrary—that is the Republican position—to what the American people voted for just last November. I thought one of the more revealing quotes in this article was made, not by a Democrat, not by anyone here in the Senate, but by the key adviser to then-Vice President Dan Quayle, William Kristol, now one of the think-tank leaders in Republican circles.

Here is what Mr. Kristol said in the article that appeared in the Wall Street Journal yesterday: "People want to see change. The great risk" of current GOP proposals is "you end up almost by definition supporting the status quo."

The great risk, Mr. Kristol says, of GOP positions is that you end up by definition supporting the status quo.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### GOP WAR CRY OF NO NEW TAXES APPEARS TO HAVE BROADENED TO NO NEW ANYTHING

(By John Harwood)

WASHINGTON.—In drafting alternatives to President Clinton's deficit-reduction program, congressional Republicans left out not only taxes but something Americans have very much wanted lately: change.

Consider the proposal advanced by the nation's top Republican, Senate Minority Leader Robert Dole. It offers no general tax cuts or special business incentives to kick-start the sluggish economy immediately. It rejects the administration's new spending proposals to retool the economy in the long run. It would cut the budget deficit, but not as much as the $500 billion that Mr. Clinton calls for.

Conventional wisdom has it that the Clinton plan is a winner for Republicans. Bearing no responsibility for governing, they can stand on the sidelines, watch the Democrats squirm and benefit at the polls in 1994. "It's their baby," Mr. Dole says of the Democratic plan, adding, "Every day you get a little closer to next November."

But it was just last November that voters loudly rejected a recipe quite similar to Mr. Dole's, as George Bush can readily attest. Indeed, Mr. Dole's plan underscores the potential pitfalls for Republicans in alternatives geared more toward embarrassing the president than advancing a distinctive new agenda.

"People want to see change," says conservative analyst William Kristol, who learned the lesson himself in 1992 as chief of staff to Vice President Quayle. "The great risk" of current GOP proposals, he adds, is "you end up almost by definition supporting the status quo."

Clearly, by hammering away at broad philosophic differences between the two parties, the Republican proposals have placed pressure on the negotiations that begin this week over Mr. Clinton's program, and have helped restore the partisan edge to the tax issue that George Bush's presidency badly blurred.

But Democrats counter that the GOP plans have their own vulnerabilities, especially in their opposition to Mr. Clinton's proposed tax increases on the affluent.

"They're very big people when it comes to beating up on working women and minorities," says Clinton strategist James Carville. "But when it comes time to take on the deficit or millionaires, they shirk back. . . . It's cowardly."

The GOP plan that has earned the best reviews is the House plan drafted by Rep. John Kasich of Ohio. Using spending cuts alone, Mr. Kasich's plan would have reduced the deficit by roughly $445 billion over five years while meeting the president's challenge that advocates of additional cuts be specific. He itemized hot-button proposals to charge Medicare beneficiaries more for services, and targeted a broad range of spending programs including federal civilian pay, military retirement, U.S. subsidies to the World Bank, support for mass transit and new oil purchases to fill the Strategic Petroleum Reserve. He would have also abolished the Commerce Department by 1998.

"This effort was done to demonstrate that you can reduce federal spending without tax increases," Mr. Kasich says.

But it also demonstrated that deficit reduction is more popular in general than in detail. Some 40 of his House GOP colleagues voted against it, a far higher rate of defection than the president suffered in assembling his all-Democratic 219-vote House majority.

In contrast with Mr. Kasich's plan, Mr. Dole glossed over details and managed to hold all but one Republican senator in line behind his plan to cut the deficit by about $410 billion over five years. The only spending cuts that Senate Republicans itemized were those contained in the Democratic plan. Still lamenting the fallout Republicans suffered in 1986 after pushing stiff deficit-reduction medicine, the minority leader relied on numerical spending "caps" to save more money beyond that. He did suggest to GOP colleagues that a Republican alternative might include a small dose of tax increases, specifically a 10% surtax on incomes of $1 million or more. But the Republicans ultimately scuttled the idea as not worth the trouble.

Such posturing leaves some budgetwatchers disappointed in both parties. "There are two elements missing in the budget debate this year," says Carol Cox Wait, director on the centrist Committee for a Responsible Federal Budget. "One is candor, and the other is bipartisanship." She faults Republicans for denying the need for tax increases, and Democrats for suggesting that deep cuts in federal benefit programs, or entitlements, can wait for health-care reform rather than the other way around.

The administration and Republican approaches have some things in common, such as extending the spending caps designed in the 1990 budget deal. The GOP plans, though, would abandon Mr. Clinton's proposed investment spending. The Republicans would also go further in curbing entitlements, which everyone agrees represent the foremost engine of deficit spending. Mr. Kasich proposed cutting $73 billion from Medicare over five years, compared with the $50 billion that House Democrats have approved.

Senate Republicans would save even more. But beyond echoing the entitlement savings advanced by Senate Democrats, they never spelled out how. Instead, the GOP plan would realize Bush administration Budget Director Richard Darman's cherished goal of extending budget caps to entitlements, aiming to save $49 billion beyond the administration's proposal by capping them at current levels adjusted for population growth, inflation and an additional 1% cushion beginning in 1996.

Advocates of entitlement caps, such as Republican Sen. Pete Domenici of New Mexico, say they would goad Congress to reform Medicare to produce the needed savings. But the caps also helped the Senate GOP plan dodge the political problem encountered by Mr. Kasich.

"It didn't force anybody into very many hard choices . . . right now," says former GOP Rep. Bill Frenzel, now a budget analyst at the Brookings Institution.

Of course, the unspoken danger in the deficit-reduction debate is that persistent economic stagnation bares the emptiness of both parties' policies. In their quest to stem the red ink, Democrats and Republicans alike have largely abandoned talk of providing much stimulus to the economy.

Mr. Kristol says Republicans must take a "bolder and more aggressive stance" to restructuring government and the tax system heading into 1994. For Mr. Clinton's part, the slumping economy might even justify abandoning austerity and reviving one of his popular campaign promises.

"Next year he should ask for a tax cut for the middle class," says Salomon Brothers executive Stephen Bell, a former aide to Sen. Domenici and a deficit hawk who contends the economy badly needs a kick-start. Republicans, Mr. Bell adds, "won't know what to do."

### THE NUMBERS GAME

The House and Senate versions of the Democrats' deficit-cutting plan, which are being reconciled in conference, contain more taxes than the GOP plans but also would achieve more deficit reduction.

[5-yr. totals, in billions of dollars]

| | House GOP | Senate GOP | House Democrats | Senate Democrats |
|---|---|---|---|---|
| Cuts in discretionary spending | 270 | 208 | 102 | 102 |
| Cuts in entitlement programs such as Medicare | 125 | 165 | 69 | 97 |
| Tax increases | 0 | 0 | 276 | 243 |
| Interest savings | 50 | 37 | 56 | 56 |
| Deficit reduction | 445 | 410 | 503 | 498 |

Note.—Figures for Republican discretionary cuts adjusted to match Democratic accounting assumptions.

Mr. DASCHLE. Mr. President, it is clear that Republicans in this great debate have opposed change. Republicans status quo clearly has benefited a certain segment of our population. It has ravaged cities. It has ravaged rural America. It has ravaged the middle- and lower-income Americans. It has ravaged the financial foundation of our Nation.

In case anyone needs to be reminded of the facts clearly derived from budgetary analysis, regardless of to whom you turn, the facts are very graphic: We are experiencing the worst economic growth since World War II; the worst job growth since World War II; the lowest rate of average earnings since the late 1950's; the worst rate of personal savings in 50 years; the largest number of individual and personal bankruptcies in history; unprecedented trade deficits; the highest poverty rates since the declaration of war on poverty in the 1960's; two disastrous recessions; three times more in debt in 12 years than the United States of America incurred in the previous 200.

All of this, Mr. President—all of this—and we still find most of our Republican colleagues fighting for, as Mr. Kristol calls it, the status quo.

The Wall Street Journal had it right. The Republican alternative is no new anything; keep those statistics just as they are. The Republican status quo budget proposal would do just that. They say they want deficit reduction. Yet their plan cuts the deficit $139 billion less than the President has proposed. It does not reach the $500 billion target that President Clinton has said to be our bottom line. Their plan says: We will settle for something less. We will settle for a deficit reduction target over the next 5 years of $139 billion less than what the President has proposed. We are for deficit reduction. We just do not want it to be as great as $500 billion. We recognize that the deficit could increase $1.5 trillion over the next 5 years, but our best shot at reducing that falls $139 billion short of President Clinton's. But believe us, we are for deficit reduction.

Most of the cuts that have been made in the Republican plan are the same kinds of cuts we saw all during the 1980's, pure smoke and mirrors. In fact, not one specific mandatory cut in the entire GOP plan can be found. Not one penny is cut from anything, specifically.

And most ironically of all, we have all heard them criticize the Clinton budget for having too many cuts in the outyears; that we are not cutting enough in the first couple of years, and that we are depending upon cuts at the end of that 5-year plan, after the next election. So certainly you would expect to see the Republican plan front-loaded with more cuts up front than in the outyears. But what do you see? Under their plan, even more cuts fall in the outyears. According to the Congressional Budget Office, 65 reduction under the status quo Republican plan occurs in 1997 and 1998. Over half—almost two-thirds—of the cuts and deficit reduction in the entire Republican budget plan occur in the last 2 years of the 5-year plan. According to the Republicans' own figures, the ratio is 76 percent in their plan versus 56 percent in the President's.

What deficit reduction they do include, while not specific, sends a very clear message about who their targets really are: 43.5 percent of the GOP status quo plan hits the elderly and the poor, Mr. President. Only 12½ percent of the President's plan falls on those who can afford it in the least.

So there is the difference. If you want to see who the target is in the two plans, it is pretty clear by looking at who it is who will feel it the most. Almost half of the plan on the Republican side, the status quo plan, does exactly what we have done for the last 12 years, clearly fitting the definition of "status quo." Let us hit the elderly and the poor even more. Just as we have done for the last dozen years, we will hit them again. Forty-six percent of all we propose will fall on their shoulders.

President Clinton said enough is enough; we cannot do that any more. We have to do a better job of distributing the pain, and the vast majority of the responsibility for deficit reduction ought to fall on those who have been spared it the last 12 years. That is what real change is all about, and that is what the President's plan does.

The Republican plan cuts Medicare by $100 billion more than what the President proposed, $165 billion over the next 5 years. We are told that if the Republican plan were to be enacted today, at the end of 5 years, Medicare recipients would have out-of-pocket expenses exceeding $850. That is almost a threefold increase over what they are paying now in out-of-pocket expenses, but they say that is O.K. because that is what we have done throughout the last 12 years. We are just extending the status quo, according to the Republican plan.

But even with all of these unspecified cuts, the President's plan achieves more in deficit reduction than the Republican status quo plan, even with all the pain and the hurt the Republican plan would have on seniors, on veterans, and on the middle class. The President says, "I can do better."

We have to find a way to hit this $500 billion mark. We cannot settle for $139 billion less, as the Republican have proposed.

So, who benefits from the difference? That is pretty clear. Who would benefit from the difference, if we were to enact the Republican plan, are the same folks who benefited from the status quo for so long. Republicans ask the rich to contribute the grand sum of zero to deficit reduction—not a penny. While the President calls upon everyone to sacrifice, Republicans fight to force it all on the backs of the middle class.

While the claim can be made, I suppose, that the Republicans are interested in deficit reduction—they have come up with a plan; it may not be as large as what the President wants and what we have now passed, but it is a plan—I think the real intention ought to be clear. The real intention of many on the other side is very clear as a result of the debate over the last several weeks. The real intention is to embarrass the President. There is no doubt, given their actions over the last 3 months.

Why else would they have fought for capital gains reduction for years, but voted as a unaminous block against the Mitchell-Bumpers small business capital gains reduction plan? Why else would they argue for entitlement caps, but vote against the Sasser entitlement cap amendment last month? Why else would they have voted for tax increases over and over during the Reagan and Bush years?

When President Reagan told them, "We have to have a tax increase," they said, "Yes, sir, Mr. President." When President Bush said, "We have to have a tax increase," they said "Yes, sir, Mr. President." Now, President Clinton says, "President Reagan and President Bush, unfortunately, came to the same conclusion that I had to come to: That we cannot simply reduce the deficit if all we do is cut. We have to raise revenue."

But now they stand unanimously opposed to President Clinton's recommendations. Why else would they criticize the Clinton plan for too many cuts in the outyears, and then offer a plan with even more cuts in the outyears and fewer cuts in the first year than the President's?

Mr. President, the American people do not want more of the same. They do not want us to do nothing. And they do not want us to continue the status quo policies that perpetuate the ravages of the 1980's.

No one has ever been enthusiastic about cuts and taxes. But the American people are even less enthusiastic about the $1.5 trillion in additional debt over the next 5 years if we do nothing.

It is imperative that we succeed, that we put this country on a stronger financial foundation, and that we send the right message to the financial markets and to the world markets. This must be the end of the status quo. Rosy scenario lies somewhere buried in a casket. The American people have at long last been given what they asked for—they have been given real change.

Now let us continue the job in the budget conference.

Mr. President, I yield such time as he may consume to the distinguished Senator from Illinois.

Mr. SIMON. I thank my colleague from South Dakota. And I may be interposing on his time, because I did not come over here really to talk about the deficit, but I want to add words of appreciation for what he has said and Senator REID has said, because what the President has proposed is clearly the course this Nation has to follow.

We have—and I have to say, when I say "we," I have to include Democrats—frankly, we have ducked the deficit in the last 12 years, Republicans and Democrats alike. And now, thanks to the leadership of the President, we are facing up to it. And that is in the national interest and we ought to support the President on that.

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## SOMALIA

Mr. SIMON. Mr. President, I would like to take a few minutes of time, without imposing on the time—I know my colleague is working on the deficit situation—to comment on some remarks of the distinguished President pro tempore, Senator BYRD, for whom I have a high regard and I know we all do. He gives us more of a sense of perspective by far than any other Member of the Senate. He takes us back to Rome, he takes us back to the early years of this Senate. He has really contributed immensely in that way.

He made some comments yesterday that I heard about—and I was just glancing through the RECORD and I was not able to find—part of which I agree with, part of which I disagree with.

The part I disagree with is his suggestion that American troops ought to get out of Somalia. Frankly, we led the effort there in Somalia under President Bush. And I think it was President Bush's finest moment. We led; we assured the other nations that, after we got food so that more than 2 million people would not starve to death, there would be a residual American force to help with some of the problems that are going to be faced in Somalia. And there are problems.

But, I think it would be unfair to the 20 nations—yesterday on the floor of the Senate, or the day before, I mentioned 20 nations; I understand there are 22 nations there now—for us just to pull our troops out. We are needed, among other things, for technical reasons to provide clean water. You know there is no government in Somalia. So I think it is important.

I have also, since I spoke, received a fax from Ambassador Madeleine Albright about a group of leaders, chieftains and tribal elders in various communities in Somalia, who are thanking the United Nations for being there and doing the job that we are doing.

Where I do agree with Senator BYRD in his comments is I think we have to face up to this problem, as we have not, of how much we contribute to various U.N. efforts and in what fashion. Right now, it is kind of a vague, unlimited amount that can be contributed.

The problem with that unlimited number is obvious. We could, in theory, have 100,000 troops in Macedonia in 10 days. Obviously, no one would propose that.

I do believe that there should be a limit and that we ought to say that 5,000 troops—and as far as I am concerned they could be volunteers—and we enact that into law and we say that 5,000 American troops are available on 24 hours' notice for a U.N. action, subject to the approval of the President of the United States, for peacekeeping or peacemaking, so there is a limit.

But, second, so there is a fast response. In Somalia, the United Nations authorized 3,500 troops. It took 6 weeks to get 500 Pakistani troops to the capital city of Mogadishu.

When I returned from my trip in early November to Somalia and the United Nations had authorized 3,500 troops, I called Secretary General Boutros-Ghali and urged him to get the additional 3,000 and—I just picked the number out of the air—10,000 additional troops in as quickly as possible.

He said, among other things, "Well, we are planning to send the 3,000 troops there by ship," I said, "By ship? People are going to starve while we are waiting to get them there by ship." He said "Well, your Government charges us for any planes that we use, so we cannot send them by plane."

We got all this worked out, and that Thursday—this was a Monday morning I made that phone call—that Thursday, President Bush made a decision that we were going to move into Somalia. And it was the right decision.

But I mention this because the United Nations has to be able to move and move quickly. And I think the United States and Great Britain and France and Germany and Japan should make a commitment of *x* number of troops that will be available on 24 hours' notice so that when a situation emerges, whether it is Somalia or Bosnia or wherever it may be, we can respond quickly.

But it should be a limited number and it ought to be authorized by Congress. And that is why I favor something along that line. I have had some brief discussions with Senator BIDEN and Senator BOREN about this. I hope we can develop some legislation.

The point made by Senator BYRD on this is, I think, a valid one.

Mr. President, I thank my colleague from South Dakota for yielding. I do not think he expected me to be talking about U.N. troops here. I just came over. I did not realize we were in a special order here. But I thank him for his leadership.

Let me just add what a great contribution our colleague from South Dakota makes to this body. He is, as many people from South Dakota may not know, part of the leadership. He heads the Democrat Policy Committee. He has been a thoughtful person who helps on problems. South Dakota problems, yes, he fights for South Dakota. But he also is a U.S. Senator and has been helpful—I cannot vouch to the Presiding Officer that he has helped on problems in Tennessee, but when I have gone to him with problems for Illinois, I know he has helped.

I am very grateful to him for being such a splendid Member of this body.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for those very generous words.

I appreciate greatly his comments and also the insight that he has just provided us on Somalia. I happen to agree with him that it would be a mistake for us at this point to pull out of Somalia, at a time when perhaps one could argue we are needed even more.

So I compliment him for his remarks. The contribution he made was not in the context or the purpose of this special order, but it was a valuable contribution, and I appreciate it.

Mr. SIMON. I thank my colleague from South Dakota for typically not complaining when I spoke about something that was not part of the special order.

Mr. DASCHLE. Mr. President, I yield such time as he may consume to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. I am delighted to join my friend and colleague from South Dakota and my friend and colleague from Illinois, as well.

I might add, I, too, support and embrace the comments that were just made by the distinguished Senator from Illinois, both with respect to Somalia and, in passing, with respect to the deficit reduction.

I would say that, although the Senator from Illinois this morning did not address in detail his concern about the impact of the continuing Federal deficit on our Nation's economy and on our ability to meet our objectives and long-term goals, as well as our hopes and aspirations, that he is one of those that has real credibility in this area, and I appreciate the fact that he has continued to work on it.

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## THE PRESIDENT'S BUDGET

Mr. ROBB. Mr. President, I would like to speak for just a couple of minutes this morning about the President's plan that is currently the subject of intense negotiations between the various parties who are engaging in the conference from both the Senate and the House with respect to the budget reconciliation bill. I happen to think that it is extremely important. I think the ultimate product of their work is important to the country and I applaud the President and the leadership here in Congress for taking us to this particular stage.

It has been 25 years since we have had a balanced budget in this country. And during the last half of that period our spending has been essentially out of control. We came from a period a little over 12 years ago when the national debt was under $1 trillion to the point that at the beginning of the new administration it exceeded $4 trillion. It had gone from less than $1 trillion to more than 4 trillion in just 12 years.

There are only two ways we can really address that question in terms of bringing the deficit under control and ultimately doing something about the continued acceleration, at an almost exponential rate, of the national debt. One is to reduce spending, to cut or decelerate the amount of spending we are doing. The other is to increase revenues—in most cases that means taxes. Or we can have some combination of the two. There is simply no other way to do it.

In this regard I commend our President and the leadership here in the Congress for attempting to do just that, to do it in a responsible way, to do it using real numbers for the first time since I have been a Member of this body. We have numbers and projections that are real, that we can trust to the extent any projections can be trusted. And we are not always assuming all of the revenues are going to be at the very highest possible number and all of the expenditures are going to be at the very lowest possible number, thereby exacerbating the situation and contributing to the long-term profligacy that has characterized recent years.

The particular budget the President has put together I believe is fair. I believe it addresses the basic concerns that are confronting this country today. It provides that kind of limited stimulus for job creation and spending in those areas that are important and will continue to contribute to our long-term economic good health. But most important, it reduces the deficit in real terms over the next 5 years by $500 billion. I think that is terribly important because we have not had that kind of commitment in the past.

There is a chart that I hope will be available next week. It has been available in outline form which I saw recently. Many of my colleagues have not focused upon it but it is important to me. I will describe it. It is a very simple chart. It simply shows how much actual deficit reduction or increase on the deficit would occur if you remove from annual budgets the interest on the national debt.

In other words, if we were to look only at the spending that was proposed by a particular President during the time that President would be in office, and excluded the sins of the past, if you will—the interest on the national debt that has to continue but which each new administration has to accept and inherit from the preceding administration—if we take out interest on the national debt, we would see that under the last 12 years the actual increase in the deficit, that is, the increase in spending over revenues that were coming in, exclusive of interest on the national debt, actually was some $716 billion.

What that tells us is that during the last 12 years, if you put aside interest on the national debt, the plans proposed and ultimately enacted increase spending—that cannot be blamed on anybody else, on any prior administration, on any prior Congress, it is simply increased spending and did not account for it in terms of how we were going to pay for it—by $716 billion according to the figures that have been prepared by the Congressional Budget Office.

If you use the same analysis and apply that to the budget that is currently before the Congress, again you are taking out interest on the debt. It is the one item which no administration, no Congress can control. And the principal reason we have to attempt to get control over it, we simply have to pay the interest on the debt. If you take that out, the budget that is currently before the Congress actually reduces the deficit during that period by $127 billion.

What we find is that this plan we are currently considering has incorporated in it $127 billion of true spending cuts over and above the rest of the spending and the revenues that are included in the budget. That means if we had been able to start from a clean slate, at the end of the next 5 years we actually would have a budget surplus of $127 billion. That to me is the measure of what any given administration at any given time in our history is actually doing about deficit reduction—whether they are serious or whether they are not serious. If we are ever going to make any long-term impact we have to recognize this particular challenge that is facing us and do something about it, or we are not gong to succeed on that particular level.

So I commend the President. How has he put this plan together? How have the two Houses of Congress put it together? Basically they have combined approximately equal numbers of reductions in spending and increased taxes. There are very few that applaud specific cuts in spending unless they do not happen to affect them personally, and almost nobody applauds tax increases. Nobody wants to pay more taxes.

Yet I applaud those who recognize the reality, who accept responsibility for the future fortunes of this Nation and future generations and make some of those tough choices. In this particular case we have made enough tough choices that when combined bring about $500 billion of deficit reduction. It might be more.

As a matter of fact, some of us who occasionally kid about being on the troglodyte end of deficit reduction would clearly like to see more. I would like to see more restraint on spending and have proposed amendments and have supported amendments that would do that. But the bottom line is this particular package brings about $500 billion more deficit reduction than we would have without it. That is a a very important step at this particular stage of our history.

There never seems to be a good time to reduce the deficit. I do not care whether we are going into a recession and everyone says we cannot do it now; whether we are in a prolonged period of stagflation of stagnation and everyone says you simply will not be able to pull your way out of it; or if we are coming out and somebody says we do not want to do anything to hurt the recovery—it is never a good time to reduce the deficit. Yet we have that responsibility to our children and our grandchildren.

Let me make one comment on the basics of the plan that the President has proposed and that so far each body of the Congress has approved, although in different variations. The program is as equitable a distribution of the increased burden as I think you could possibly come up with. Those who make $30,000 or less per year are not adversely affected. Indeed, there are a few dollars more that they would get, either through the earned income tax credit or some other form. So they are not adversely affected.

For those who are in the so-called middle-income range, some averages point out that the increased burden is something in the vicinity of $17 per month.

Most of the burden falls on those who are most able to pay. The vast majority of the new taxes that are included in this particular budget come on those making over $100,000 a year. Something like 86 percent, 87 percent of the taxes come from that portion of the electorate. Indeed, something like 78 or 79 percent of all of the burden falls on those making over $200,000 a year.

So, it is designed to be as equitable as possible and it is designed to help those who are most in need of Government help.

With respect to small businesses, there are clear incentives. The plan is designed in such a way that the vast majority of small businesses are helped, notwithstanding what I know is widespread misunderstanding within the small business community. For the most part, the small businesses that bear the brunt of the burden are the same individuals operating as a small business who are the professionals, the lawyers and doctors and others, who are fortunate enough to have a very high income and are thus able to bear their fair share of the load.

So the program, in essence, is fair and equitable. It does real deficit reduction. It does not duck the tough questions. It asks our citizens to make some principled choices, asks all of us to participate to the extent it is fair, equitable, and reasonable to do so, and make some modest commitment to the future so we will not continue this profligate spending that the Government has engaged in over a long period of time.

I am very pleased to join with my distinguished friend and colleague from South Dakota this morning in commending the President for his leadership in this area, as well as the leaders of the Senate and the House for their leadership, and in expressing the hope they will, as soon as possible, come to closure on the remaining issues that are in dispute so we can ultimately pass the plan and get it to the President for signature and get this country back on the right track in terms of getting the economy moving again and making some serious efforts at deficit reduction.

With that, Mr. President, I yield whatever time remains to me. I thank my colleagues for this opportunity to join in standing behind these efforts and the courage that has been shown by the President and by the leaders of the Congress and by those who are willing to make tough decisions and go on the line to do something essential for future generations.

I yield the floor.

Mr. DASCHLE. Mr. President, I want to thank the Senator from Virginia. He is absolutely right. We have to get on with it. We have to bring this issue to closure. Time is running. The American people are expecting this Congress to do something soon, to do something conclusive, to do something that represents a change from the practices of the past.

I commend heartily the comments made must now by the distinguished Senator from Virginia.

I will now yield to the distinguished Senator from North Dakota.

Mr. President, following his remarks, I will yield back the remainder of the time and encourage Senators to seek recognition on their own time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

## WE HAVE TO SET THINGS RIGHT IN THIS COUNTRY

Mr. DORGAN. Mr. President, I thank the Senator from South Dakota for yielding the time.

This is a useful discussion, it seems to me, if only because many of us have for the last week watched Members on the minority side of the aisle in the Senate stepping forward to talk about the economic plan of President Clinton in terms that make that plan almost unrecognizable.

One of the things that has interested me is the charting on the minority side. They bring out pink and blue and black charts that are bright, if not accurate, and they portray them in a manner that would suggest that President Clinton's plan is an attack on the rich in this country. They have put numbers together in a fashion that would cause those who use those numbers to flunk statistics 101.

Let me tell you what I mean. I saw the other day, as I was presiding in the chair, a graph offered by one of the Members of the minority side that had a bright pink bar and a black bar that said, here is what the rich used to pay in taxes and here is what they now pay in taxes. And they said, do you see what is happening? The rich are paying more in taxes. It was only slightly more, but, yes, the rich are paying more in taxes; therefore, we conclude that the Democrats are trying to pile on.

What they did not say in their chart—and I assume they know but they just did not want to share with the American people—is yes, the rich are paying slightly more in taxes, but not nearly as much as they should pay relative to the amount of income they receive.

Let's go back for a decade and take a look. If you were fortunate enough to earn more than a couple hundred thousand dollars a year, you saw your income increase by about 120 percent, but your tax burden did not grow 120 percent. You would expect, as your income grows, your tax burden to grow as well, in about the same proportion. But if you were among the very rich in America during the past decade, your income grew by about 120 percent, but your taxes went up only about half of that, 60 percent.

So the folks on the minority side say: "You see, the rich are paying more in taxes." Slightly more. But the fact is they got out of about half the tax burden they should have had as a result of the tremendous income gains they had in the 1980's. President Clinton says, and quite appropriately in my judgment, let us ask them to pay their fair share.

People get up in the morning, put on some work clothes, go out and work 8 or 10 hours a day, they sweat, they work with their hands, they make a living, they take their lunch box. It is not easy. They pay taxes. If their income doubles, you can bet their tax obligation is going to double too. But what happens if you are making $500,000 or $1 million or $10 million a year? Well, if you are part of that class, during the past 10 or 12 years, you have seen a tremendous gain in income and have not had to pay much more in income tax.

So the President says, let us even that up. Let us make sure there is some responsible commitment on the part of the wealthiest in America to pay their share as well. Is this class warfare? Is it an attack on the rich? Heck, no; it is just saying to those who have benefited the most from the past decades' economic policies: Pay your fair share.

We hear a lot of protests and huffing and puffing in this Chamber from people who throw up smoke screens. Their real motive, it seems to me, is, once again, to say we think the American economy is really dependent on the rich getting richer, and if we can just somehow allow that to happen without having to pay tax obligations that others would pay, that will benefit America.

We have been through that in the 1980's. We had something called supply-side economics. A friend of mine said this is when one side gets all the supplies, and it "ain't" our side. We have been through all that supply-side economics. It does not work. The rich got richer and the rest got poorer. So we are trying to even things up and reduce the deficit by asking the rich to pay some more in taxes, just their fair share. And the minority side says, "No, no, no, that is class warfare, that is piling on."

What a bunch of nonsense. In the last week, what I have heard from the minority side is: "You know, there are numbers now that demonstrate because of lower interest costs, the deficit is going to come down a bit. So maybe we should not do anything." Boy, old habits are hard to break. They have been preaching that for a long, long time. Let us really do nothing. If we just do nothing, things will be just fine; this problem will go away; let us not step up to the plate and make tough choices, just do nothing.

We have heard that now for 3 or 4 days from the minority side.

The fact is this President has proposed a plan. It is not perfect, but it is a plan and I think a good one. He inherited an economy that was spending, through its Federal Government, a billion dollars a day more than it was taking in. Let me say that again because it is important. Every day, 7 days a week, every week, all year this Government spends $1 billion it does not have and floats bonds to charge it to the kids and grandkids.

We have a $4.2 trillion debt and a deficit of a billion dollars a day. The question is: What are we going to do about it? Some would have us keep doing what we did in the 1980's and essentially do nothing. We will talk about it but do nothing about it. This President says, "Let us make tough choices." He said, "Let us cut spending." The other sides said, "Well, he is not proposing spending cuts." Are they blind? Of course there are spending cuts.

I have heard people on their side stand up in this Chamber and complain about spending cuts. How can they, on the one hand, say there are no spending cuts and, on the other hand, complain about the cuts that exist?

The President says let us cut spending and let us raise some revenue. Would I like to do it if I had my choice? No, I would prefer doing none of that. It is not easy telling people we are going to cut programs that are important. It is not easy saying to people that they will have to pay more taxes. The easiest possible decision on these economic issues, manifested by what the House and Senate have done under the leadership of President Reagan and President Bush, is to essentially do nothing and to pretend this problem does not exist.

Of course, that is not the right decision. The right decision is for all of us to decide this is an enormous problem, a problem of almost crisis proportions that we must address and address soon.

So the House of Representatives and the Senate, by narrow margins, went along with this President's plan. The plan is not perfect. It was changed in the House of Representatives, it was changed in the Senate, it likely will be changed again in the conference committee. There are changes that I want to see, some that I insist we make. But I will tell you one thing. When all of the dust settles, I am pleased there is a new President who has decided this is a crisis and he is going to meet it. He is going to ask the tough questions, he is going to recommend tough choices, and despite all those folks we have to drag along into the future to meet this country's challenges, we are going to do it.

I come from a town of about 350 people. I graduated in a high school class of nine. In my hometown, as there are, I suppose, in almost every hometown, almost every morning there are a few people who get up and go down to the local bar and play pinochle. They are good people, but that handful that goes down there and play pinochle complain all day about the Government and what the problems are and they usually have all the solutions, as well.

While they are playing pinochle, there are other folks in town deciding what has to be done to make my town work.

That is kind of the way it is in the Senate. You do not see people visibly playing pinochle, but we have plenty of people who spend most of the day complaining about the way things are but who contribute very little to making things work.

This President is saying to the folks on the minority side: "It is a new day. We are not going to ignore problems. We are not going to pretend they do not exist. If numbers come out tomorrow that say the deficit has been reduced, because of lower interest costs, from $350 billion to $320 billion, you are not going to convince us to do nothing because we know better and the American people know better."

This is the time if we really want to solve this country's problem, if we really want to create opportunity, hope, and jobs again, if we really want to compete and win against increasingly shrewd and tough international competitors, then we have to set things right in this country's economy.

And for all of his flaws—and there are plenty—this President is the first in a decade to step up and say, "Let us do something. Let us do something for our kids. Let us do something good for this country."

While I can think of 100 reasons to do nothing, none of those reasons are compelling for me. I can think of one reason why we must do the right thing now. I have kids who are going to inherit what we leave them, and our current legacy is spending $1 billion a day that we do not have. We just cannot keep doing it because it is crippling this country's economic future.

I am pleased that we are finally moving to solve some of these problems.

I would at this point, Mr. President, yield the floor and yield time to my friend from Michigan.

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I ask unanimous consent to speak for whatever time I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. I thank the Chair.

I thank the Senator from North Dakota for his statement and his leadership on these issues. I think he makes this as understandable and clear cut as anybody who addresses these issues in the Senate, and I thank him for his leadership.

## VOODOO ECONOMICS

Mr. RIEGLE. I would like to try to explain as best I can how this economic problem that we are facing now actually came about and what we must undertake to fix it. The problems that I am talking about are the huge Federal budget deficits that have been building up over the last several years; the fact that we are not seeing the kind of job growth we need in this country; and that we have huge trade deficits.

Basically, when you analyze all of this, you will find that the United States has been following, over the last several years, economic policies that are very hurtful and have really worked against us and created huge problems we now must correct.

I wish to talk about how we fix those problems, and that is to take the outlines of the Clinton plan, to start investing in ourselves, in job creation, bringing down the Federal budget deficit, trying to concentrate on generating real economic growth in our own economy and job creation partly through lower interest rates and a more favorable long-term climate in terms of having more of the savings that we accumulate as a Nation be available for private sector investment and private activity as opposed to being needed to pay for an ever larger Federal budget deficit.

But in order to really understand the need for a new plan and a change in direction, we have to take a minute to look back at what has caused these problems. If we do not do that, then we are likely to have the wrong remedy to fix the current problem. It is very important that we have a package which is going to get the job done.

One of the things I wish to concentrate on today is what happened during the 1980's, because that is really what has brought us to our present difficulty, and to lay out how that happened.

Going back to 1980, when Ronald Reagan was elected, he run on a platform that he called Reaganomics, or supply-side economics, the other name for it. The popular names was trickle-down economics—namely, give more money to people at the top of the income scale and hope that somehow or another in spending that money it would trickle its way down through the economy and there would be something there for everybody else who was not up at the top economic levels in our society.

Well, that trickle-down economics theory was a very bad idea, and it has done tremendous damage to our country. It is going to take us decades to dig out of this. Ironically, the first person who spotted it for the fraud that it was at the time was George Bush. Now, this is when George Bush was running for President in 1980, for the nomination for President, against Ronald Reagan, who was also seeking the Republican nomination for President in that year.

As they were fighting back and forth for that Presidential nomination in their party, George Bush took a look at Ronald Reagan's economic plan and called it voodoo economics. That is where the phrase "voodoo economics" comes from. It came first out of the mouth of George Bush. That was one time when George was right on economic policy matters. He spotted it for the fraud that it was. He called it voodoo economics.

Now, the problem is that after the nomination fight was settled in 1980 and Ronald Reagan became the nominee, he invited George Bush on the ticket as his running mate. And then, as we all know since, George Bush felt compelled, I believe, to embrace voodoo economics because that is what the candidate for President Ronald Reagan was going to go out and put before the country.

So George Bush fell in line, and he then signed on to voodoo economics even though I think in his heart of hearts he knew it was clearly a mistake.

That problem then went on for 8 long years, the 8 years of the Reagan Presidency, and then of course George Bush ran to succeed Ronald Reagan, was elected in that election, and so continued Reaganomics, voodoo economics, if you will, for another 4 years. So we had the 8 years of Reagan and Bush; we had the 4 years of Bush and Quayle. That adds up 12 years of voodoo economics. And it has done tremendous damage to us.

Today, when national opinion polls are done and people are asked if the United States is on the right economic track going into the future or the wrong economic track going into the future, over 80 percent of the American people now say, based on their experience and what they see, they believe that the United States is on the wrong economic track going into the future. And they want a change in direction. That is the central reason, in my opinion, that George Bush was defeated in the last election, because he failed on the economic issue. He had an economic plan for every country in the world, it turned out, except this country, and people rejected that. And they turned him out, and they gave Bill Clinton a chance to come in and to put together a new economic plan that was fair, that would work better for our country, and would put an end to voodoo economics.

So now we are here at a point where there is a plan before the Senate. It is a good plan. It is a balanced plan. It is much fairer. It puts an end to voodoo economics. And as luck would have it, our friends on the other side of the aisle, the Republicans, are continuing to defend voodoo economics and a continuation of that, and they are fighting in every way they can to prevent the new President from being able to change the economic direction, to invest in this country, invest in our own people and start to produce a stronger economic performance here in America.

So they are, unfortunately, on that side of the aisle still wedded to the old ways, even though they have not worked. And they are doing everything they can to thwart the new President as he tries to carry out his commitment to the American people, what he was elected on last year, to change the direction and to make the economy stronger and get some fairness back into our economic plan.

Now, last year, when Ross Perot was a candidate for President, he did a very useful thing in coming on national television and giving a series of presentations, using charts to illustrate what had gone wrong in the American economy. And several of us in the Senate have been doing that for some years because we find that an important way to try to illustrate exactly how voodoo economics worked, how it hurt the country, and now how it must be changed, and the kinds of changes we think are needed.

As Ross Perot was doing those national television shows, as he was using his charts, he was using one of these little metal pointers that extends out and creates a little long metal pointer that you can use to point to different numbers on a chart to illustrate some point that you are making.

After he had done his national television shows two or three times, he was sent by a woman in Louisiana a voodoo stick. Down in Louisiana, out of the old customs and practices, there was an interest in voodoo, and in fact in Louisiana you can get voodoo sticks. And so this woman had sent him a voodoo stick. So he decided to use that as the pointer for his charts.

So I have asked Senator BREAUX of Louisiana, a good friend of mine and a very important leader in the Senate, if he would not get for me a couple of voodoo sticks because I wanted to go ahead and explore and lay out some of the voodoo economics of the 1980's that we are now trying to change. So he was kind enough to send me from Louisiana two voodoo sticks, and I have them here with me. This is the smaller of the two, and I am going to use this voodoo stick initially to sort of go through some of the voodoo of the 1980's that we have to do away with.

We have to finish it off, and we have to change direction or things are not going to get better. Let me start with the worst part of the voodoo. Bear in mind, again, I am using the phrase first offered and put on this by none other than George Bush when he was a candidate for President during the Presidential nomination back in 1980, 13 years ago.

If you look at what has happened to changes in real family income during the 1980's, after Reagan became President and put in place voodoo economics, which meant very large tax cuts for the wealthy and tax increases for people further down the line, what happened is that worked its way through the economy. It hurt the economy very badly.

Not only did we not see the kind of job creation and economic growth and elimination of Federal budget deficits, but we started to see money piling at the top of the income scale and people at the bottom slipping further behind. When I say people at the bottom, I am talking about the middle class as well as low-income people. The middle class, for the most part, during the 1980's, ran harder and harder, in many cases two members of a family taking a job to try to make the income that one family member was often able to earn, say, 20 years ago. And even with two people working, they were finding that they were sliding backward, were having less real income.

This chart bears that out. This is from the Congressional Budget Office. It shows what happened during the 1980's for people in each income category. It cuts the income categories into five different equal parts. So if you look at this particular part of the chart, this is the lowest 20 percent of income earners in the United States by family income, and this is the next highest group. This would be from 20 to 40 percent in national income. This group is from 40 to 60 percent in national income. This group is from 60 to 80 percent. And then this is the highest 20 percent; this is from 80 to 100 percent. That means this is the group with the highest income levels in our economy.

Look at what happened here. The lowest group, the lowest 20 percent of families with incomes in the United States during the 1980's—according to this chart, where there is a zero line across here—actually lost ground; they actually saw their incomes drop over that period of time by an average of 5.6 percent.

Think of what this means. First of all, you are a family at the lowest end of the income spectrum. You are in the lowest 20 percent of all of the families in America. During the eighties, when trickle down was going on, the trickle down was not getting to you. So, in fact, you did not have any gain in income. You had a loss in income and you ended up, at the end of the decade, about 6 percent behind where you were when you started out 10 years before—not a very helpful development for those families or for the country.

Let us look at what happened to the families from 20 to 40 percent in national income. They lost even more. Their real incomes went down 6.3 percent.

If you take the next 20 percent—they would be from 40 to 60 percent in our national income rankings—they also lost ground; not as much as these first two groups, but they are treading water and not making any progress. That is with 10 years of your life going by. Families need to gain ground each year, and certainly over a 10-year period of time they need to gain ground if they are going to have money to accumulate savings to buy a house or to send a child to college, or set money aside for retirement or long-term care or other kinds of expenses that the family has to cope with.

It is not until you get up into the 60-to-80 percent group, which is up here, that you start to see some modest gain in income. That group, after the 10-year period ended—actually, a 12-year period, 1980 to 1992; it is even more dramatic in terms of the timeframe—over that 12-year period, this group from the 60-to-80 percent income level in our society, managed to make, on average, a small gain, 2.4 percent. That was the gain that they made.

Bear in mind that it is 2.4 percent over a 12-year period of time, not 2.4 percent each year for 12 years. It means 2.4 percent over the entire 12-year period of time. So while they made a little headway, they did not make very much.

You say to yourself: Who did make headway? Who did clean up during the eighties, and up to 1992? Who really made out like bandits during the Reaganomics voodoo economics period?

To find that answer, you go to the top 20 percent of wage earning families in the country, and you see where the money went and who got ahead during the 1980's, up to 1992. You can see why this group would like trickle-down economics: Because they get the money, and then it turns out it does not trickle down to anybody else, to any degree worth talking about.

If you look at the 80-to-100 percent family income group, you will find that, on average, their incomes went up 21.6 percent. That is a big jump: 21.6 percent. Look at how large that is in comparison to the little, tiny gain here, and the loss through this 60 percent of the American population that is over on this side of the scale.

Here is where the money went, and here is where it came from. That is sort of Robin Hood in reverse. That is taking it from people who do not have very much and giving it to people who have a lot, on the theory that they will turn around and invest a lot of that money in the economy and create a lot of jobs, and everything will be fine. It turned out it was a giant fraud. It was a fiction; it did not happen. And the numbers bear it out.

But to show you how bad it really is, if you break apart the top 20 percent of wage earning families, and from that top 20 percent you take just the top 1 percent—think about this, because this means of all the families in America, you are going to take the top 1 percent of families in income. These are the people at the very highest rung of the ladder with very, very high incomes.

How did they do during this 12-year period of time? We have split them out as a separate category; this says the top 1 percent. This is the real illustration of the voodoo in voodoo economics. Notice how that crowd made out: Income is up 64.9 percent over the 12-year period of time. So this is the group that really did well over that 12-year period.

So the money was rolling uphill. It was rolling uphill to the people in that category, and the people down here were sliding backward. These people were sort of running on a treadmill. That is where the money went.

It is a terrible shame that that happened. This is just one illustration.

I want to go to two other things right now, beyond just what happened to families and their incomes, because this is the part that is the most damaging and why people, I think, in the country are so frustrated and angry and feel like they have been taken advantage of. It is one of the reasons they gave Bush the heave-ho in the last election.

Let me show you what else happened as a result of the practice of voodoo economics for that 12 years. I want to show you two deficits. I want to show you our trade deficit and then I want to show the Federal budget deficit, both of which now need to be corrected.

Let me again take the voodoo stick here. Notice how our trade deficit began worsening very dramatically during the eighties as this new economic experiment was undertaken. You will see where we went from a situation where we had a rough balance in our trade, and our merchandise trade, and you start to see this hemorrhage of deficits.

These are cumulative deficits coming down. This chart is notched in 100-billion-dollar notches. You will not see very many charts where the numbers are that big. Each one of these spaces is $100 billion. You can see what happened, as we came down from 1980 through 1984, 1987, and finally got up to 1992; these huge merchandise trade deficits kept accumulating. So by the time 12 years had gone by, we had a cumulative merchandise trade deficit in excess of $1 trillion. In fact, it is over $1.2 trillion, and it is rising every single day now, until we do something about fixing it.

This is very damaging to us because not only does that take jobs out of America to other countries like Japan, Taiwan, and Korea, and now the threat of more jobs going to Mexico, but also this is a loss of wealth. This is money leaving the country. This is money that leaves America and goes to another country to help them build their future.

We need this money here in our country both in terms of the jobs that it represents, and also the financial strength to build the next wave of economic development and jobs.

Let me go to the second deficit, which is the Federal budget deficit. That is really the central aim of the Clinton plan right now, to start to bring these Federal deficits under control, these Federal budget deficits. It is very difficult, because they are very large and have been out of control for the last 12 years; in fact, even longer than that. To start to bring them down is a difficult chore, because you have to bring them down as rapidly as you can without putting the economy back into a recession and putting more people out of work, because, if that happens, then your deficit, instead of getting smaller, starts to get even bigger.

Take a look at how the Federal budget deficits looked during the 1980's when we were practicing voodoo economics. You will see our Federal budget deficits here begin to grow. This chart is notched in 50-billion-dollar segments. So this is also a chart that deals with big numbers. You can see here, as these deficits were rising, there was a slight drop late in the 1980's, and they took off again, and up through 1992, up to a point where the actual deficit, using honest accounting, was in excess of $400 billion. I put in here on these black lines what were called the Gramm-Rudman-Hollings budget deficit reduction disciplines that were put into place that were supposed to solve this problem. You can see what a fraud they turned out to be.

Here is what Gramm-Rudman-Hollings 1 was supposed to do in terms of bringing these deficits under control. So by the time we got to 1991, we were supposed to be down here with no deficit. It turns out that when we got to 1991, we were up here. That is a pretty dramatic example of voodoo at work.

When it became obvious this was a fraud, this went into the ash can, and out came Gramm-Rudman-Hollings 2. That was supposed to bring the deficits down so we would have a balance in 1993. Lo and behold, you can see that in 1993 we are up here. This was fraud No. 2.

That went into the ash can, and we got fraud No. 3, Gramm-Rudman-Hollings 3, which was supposed to bring the deficits down like this, supposed to have us here. And you can see we are up here. So that turned out to be just as useless as anything else.

So the point here is not just the uselessness of the Gramm-Rudman-Hollings disciplines in solving the deficit problem, but the fact that voodoo economics gave you an explosion in Federal budget deficits at the same time we were getting an explosion in our trade deficits and this backward slide in incomes for most of the families in America.

(Mr. GLENN assumed the chair.)

Mr. RIEGLE. So that is the problem that we face now. Here comes Bill Clinton. He gets into the Presidential race in 1992 and, lo and behold, he wins it. There are a lot of candidates starting out early in the Democratic Presidential nominating process, and Bill Clinton proves to be the strongest candidate and the one the public prefers. He gets the nomination and goes on and wins the general election. He comes down and is sworn in, and he takes over the job as President. Where has he been before now? He has been down as the Governor of Arkansas, doing a fine job in that State, having nothing to do, by the way, with any of the decisions that created all of these huge national economic problems. He was not here, either in the Congress or in the executive branch, so he inherits those problems.

He shows up in the Presidency on the date he took the oath, in January of this year, and, lo and behold, all of these problems are on his doorstep. It would be true for any new President. It happens that the new President is Bill Clinton, but if it were Mary Smith or Joe Smith, they would have the same problems on the doorstep. He has now said, look, we have to get rid of voodoo economics. We never should have done it in the first place. We have to take it now and steer a different course. We have to bring these Federal budget deficits under control. We have to start investing for a change in our own people, so we have more job growth in America and to make up for lost time. It is a very difficult thing to do in the context of the global economy.

He also said we have to crack down on the trade abuse. As you may know, right now this administration is in the midst of very tough, hard-nosed discussions with the Japanese, who have been practicing various forms of trade cheating for many years. About half of that merchandise trade deficit I just illustrated a minute ago is just with Japan by itself. So now a framework has just been established, and we are moving with very aggressive steps to bring that trade deficit down with Japan, and that will help us.

The problem is that is not going to give us an overnight fix. Nothing will. The problem here is that with voodoo economics, if you put it in place and let it run for 12 long years, you cannot come along—I do not care who you are as President—you cannot come along in the first year, and in year 13 fix 12 years' worth of problems in 1 year. The problems are now too big for that.

In fact, I have a second voodoo stick I want to use to illustrate how big the problems are. This is the second voodoo stick sent to me from Louisiana, and this is about the size voodoo stick you need to deal with the accumulated voodoo that is in our economic system now. Here is another illustration of what happened. If you go back and look between the period of 1980 through 1993—I talked about the fact that family incomes, for the most part, were going backward during that 12-year period of time. If you look at real average hourly earnings, adjusted for inflation, between 1980 and 1993, you can see they have been dropping. There has been an erratic pattern, but the general trend has been down.

By the time we get to 1993, you will notice that it is at the lowest level it has been during that period of time. What does that mean? That means people now are working just as hard as they worked, just as many hours a week, as 12 years ago, but they are getting less for it. They are earning less. No matter how much they are putting into the hours of effort on the job and so forth, they are earning less for their efforts. That is real voodoo. That shows you what happens, and I think it is probably what George Bush had in mind when he used that label back in 1980.

It is interesting that we had another Senator here, Senator Howard Baker, much esteemed by colleagues on both sides of the aisle. He served as the ranking Republican here in the Senate, and he also had very severe reservations about trickle down economics. He did not call it voodoo economics; he was a little more polite. Here is what he said. He said, "Look, this is a big riverboat gamble." Howard Baker comes from Tennessee, so he knows something about riverboats in that part of the country. But he was making the point that trying this economic experiment with Reaganomics, trickle down economics, voodoo economics, was a riverboat gamble. That was really a veiled warning to the country. He saw what the risks were here and wanted to put everybody on notice that, if this thing did not work, you could have a chaotic situation. That is exactly what we have come to. That is what Bill Clinton inherited, what the country inherited, and what we have to dig our way out of.

One of the chief architects of this package at the time this was happening was David Stockman. Who is he? He was previously a Member of Congress from Michigan. He went into the Reagan administration in the early days in 1981 to become the Budget Director. And as the Budget Director for the country, he was responsible for doing all of the budget projections and budget work to sell voodoo economics. It was a big job and hence the use now of the big voodoo stick.

Now, 12 years later, what does David Stockman say about what happened then when he was in charge of running the budget operation in the Reagan administration when they were putting voodoo economics in place? Well, I will say, to David Stockman's credit, he has come forward with a full confession. He has confessed that what they did then was wrong. In fact, it was not even honestly portrayed at the time, but in fact gave us a fiscal disaster of the magnitude that I have been showing here, and now it has to be confronted and corrected.

David Stockman has just written an article about this, and it was just published in the magazine called the New Progressive in the spring of this year. So this is probably 6 or 8 weeks old in terms of the article that is here.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. I thank the Chair.

Let me just read one paragraph. There are many in here. Of course, the Republicans are going to be very angry at Stockman because they are going to feel he was there to help design this whole thing and now he comes along 12 years later and says it was a fraud and got the country in great difficulty. Let me give you one paragraph to give you the flavor of the danger of how far off the track the voodoo economic approach has taken us. Here is Stockman verbatim. I am quoting a paragraph in the middle of his article. He says:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.
>
> It ought to be obvious by now that we can't grow our way out.

That is a fair paragraph out of here in terms of the tone of Stockman's admissions today, 12 years later. And for anybody who really cares in a serious way about what has gone wrong in our economic system, that ought to be required reading because this was a principal architect who, as I say, now has the candor to come forward to say that it has taken us way off track and we are in serious trouble and we need a plan, and part of the plan has to be to go back and get some of those tax cuts to the high income people that were given out in the early eighties which proved to be too high, both from the point of view of fairness and from the point of view of economic growth.

The tax cuts were too large for the people at the high end of the economic scale. When they get those huge tax cuts, instead of investing them back into the economy to create jobs, they did other things with that money, and we did not get the reinvestment and we did not get the jobs. And that is why so many other people in the country are now sliding backward and why there was such terrible resentment in the last election that an incumbent President was driven out of office.

Now, one of the things that we have to correct, and this is what President Clinton in his plan is doing—this is one key facet. He has said, look, he agrees with David Stockman, that the tax cuts for the people at the highest income levels above $200,000, above $1 million a year, and so forth, that the people at those levels got too much in the way of tax cuts during the 1980's. That hurt the economy, hurt everybody. And now they have to give back a part, just a part of the tax cuts that they got back in the 1980's that were too large.

So, President Clinton, to his credit has called for that. Do you know what else? So has Ross Perot. Ross Perot has also said that he thinks the tax rates on the high-income people—he certainly should know; he is in that caregory—he said they have to go up because they were cut too much during the 1980's and we are not getting the job growth, and it is not fair. And if we are going to close the huge fiscal deficit, one of the ways we have to do it is with spending cuts—and doing lots of that—and the other way we have to do that is with some revenue increases, to go back and ask those folks who got the huge tax cuts and did not invest them in the economy, to have their tax rates adjusted so they make some more of a contribution and something that is fair in relationship to the rest of society which, for the most part, has been sliding back during the 1980's.

So, Bill Clinton to his credit has addressed that issue, and he has put that issue on the table.

So when you look at the Clinton plan, what does the Clinton plan do? The Clinton plan really—I have a couple more charts here I am going by; I may come back to those in a minute—the Clinton plan says, look, we have to make a change in direction, we have to put an end to voodoo economics, the unfairness of it, the fact it is not helping our country, is hurting our country. We have to start to bring the Federal budget deficit down as fast as we can without tanking the economy, because if we go too fast and end up with the economy going back into recession, then unemployment will go up and the revenues to the Government will go down and deficits actually will start to balloon again because the economy is so weak.

So, it is a very delicate balance now to work out of the problem. You cannot work out a 12-year problem in 1 year, or even work out a 12-year problem in 5 years—the budget planning cycle with which we work.

What we have to do now is we have to take about as long as it took to get into this terrible difficulty to get out of it in an orderly way. We want to get out of it in a way that builds more jobs in America and good jobs, jobs that pay a living wage. We are not talking about jobs down at McDonalds or jobs at the low end of the minimum wage scale. We are talking about trying to foster job creation where someone who works can earn a living that is sufficient to support them and a family, because that is what our goal has to be in our country.

I think our No. 1 goal ought to be to produce enough high-quality, high-paying jobs in this country so people can work and support themselves and have a decent life and a prospect for meeting their needs as all of us need to do with respect to our family obligations.

So that is what the goal ought to be. That is what Clinton is saying.

He is saying we have to get off the old track and on the new track. And by doing so, he has said this: He lets us set for ourselves a goal to bring these monster Federal deficits down again—I use the large voodoo stick—bring the large Federal deficits down caused by voodoo economics and Reaganomics, bring them down $500 billion, give or take a bit. But that is the goal, $500 billion over the next 5 years, in contrast to what they otherwise would be.

If we did nothing or stuck our heads in the sand and said this is not a serious problem or, the problem will somehow magically solve itself, which we know that not to be the case—if we tackle it head on let us try to take it down a half trillion dollars, $500 billion over the next 5 years. That is a very good target and that is a real dose of fiscal discipline and in terms of what we saw over the last 12 years.

Some might say, well, let us go further, and some say we have gone too far. He is obviously trying to strike a balance with that.

But let me show you how it looks if we follow the Clinton plan on deficit reduction versus doing nothing and continuing along the same old Reaganomics, trickle-down, voodoo-economics path. If we stay on the path we are on now, the projections that we have from the Congressional Budget Office show that from 1993 to 1994 and out to 1998, this is how our deficits will look. Even though we made some spending cuts in the past, they are going to stay up above $300 billion and continue to rise as we go out in time.

Here is what the Clinton plan does. The Clinton plan has two parts to it. I am going to talk a second now about the first part. The Clinton plan is what you see in the blue area here, and this comes down like this. By the time we get out to 1997 we have the deficit down very substantially from where it is today, where we are starting from, or where it would be if we did nothing

Something else has to happen out in this time period to finish the job of getting the deficit fully under control. What is that? Health care reform, because health care reform now is an issue and problem of enormous economic consequence to our Nation.

There is also a huge human consequence to the need, in the unmet needs in the area of health care and why we have to have health care reform and make health care available and affordable to everybody in the country. It is a real bargain. It costs a lot more to take care of someone when they are sick than it does to spend money on preventive care to keep from getting sick. We know that. We try to practice that in our own lives, and wisely so.

Out in this time period the health care reform is going to come into place, and that is going to finish the job of bringing these deficits down to zero and down to the point where they really ought to be.

So my hope is that in taking 12 years of voodoo economics to build the deficits up to levels that nobody ever dreamed possible, including David Stockman, that over a period of time, say roughly 6 to 7 years, we can bring these deficits down, get them down to a point where they are smaller and smaller and smaller, until finally they go away altogether. That will be a tremendous accomplishment for our country.

But right now is the hardest time because now is the time we have to make the change in direction. Now is when we have to have the fortitude and the courage to say no, to getting off the old path. It was very simple to say, yes, let us just cut the tax on the wealthy, let trickle-down work and everybody will come out ahead. That was a fraud, and it did not work. It is time to change it. We have to pay our bills. We have to cut the spending in every place that we can, and it is going to be tough to do that.

We have a lot of tough cuts in there. Take, for example, the floods right now out in the Middle West. The Governor of Iowa, who is a Republican, says they need more money out there. The President offered $2½ billion to try to help. He said it is not enough, they have to have a lot more.

Well, I am not sure where it is going to come from, but I want to try to help. I think we ought to try to help. We did it for the people in Mount St. Helens. We did it for the people down when the hurricane came through Florida. So when you have a huge national disaster, we ought to try to help each other.

But there are limits to what we can afford. And there is something else that now comes crashing into the picture, but all the more reason why, when you have big voodoo of this kind that requires a bid voodoo stick, you have to have a big, strong answer to fix it, and you have to have a President who is honest enough with the American people to say what needs to be done. Fortunately, we now have that kind of President.

Now it is not all happy news. I wish it was. He is saying, "Look, we can work our way out of this. We can bring these deficits down in an orderly way. We have to make a lot of tough spending cuts." He has listed those all out. We put those in our budget document.

He said, "We have to have some more revenues." Just, as I said earlier, Ross Perot argued for it, the President said we have to go back to the people at the highest income levels who got tax cuts that were too large in the 1980's and we have to ask them to give some of it back.

We are not asking them to give it all back; not even asking them to give a large fraction of it back that they got for the last 12 years. In fact, we are not asking for any of that back—maybe we should be.

What we are saying is, from today forward, we think you ought to pay a higher rate of taxes that is more in line and fairer in terms of ability to pay than to somebody with a family that is earning $15,000, $20,000, or $40,000 and who today is carrying too much of the load and is sliding backward. And I think that is fair. I think that is what the country wants.

It is time we helped the middle class in this country and not just the people who are at the very top, not just the top 1 percent. They ran the show for the last 12 years. The people voted that out. It is time now to concentrate on the rest of the people in our society who work hard every day. They have bills to pay and families to feed and obligations to meet. They need jobs, first of all, but they need good jobs, with high incomes, and they need their Government to look after their interests for a change and not just the people at the very top.

So, we have had some people say, "Well, to talk about this is to, in a sense, talk about class warfare." We have been having class warfare for the last 12 years.

If you want to see the body count, here is the body count right here. Here is the body count of 12 years of class warfare, when you have an unfair tax system that gives the top 1 percent of income earners in this country a 65-percent increase in their incomes and gives the people further back down the line, the people in the lower 60 percent of the population, 6 out of every 10 families, in the country sliding backward and 20 percent more just barely short of treading water, even though these people, who would be probably in the $50,000 to $100,000 category, made a little bit of a gain, but it is the people at the top that cleaned house.

What is fair about that? And how has that helped America?

When you look at the huge trade deficit, you look at the huge Federal budget deficits, we have more people on food stamps in America today than we have ever had in our history. How demeaning.

I have people in my State with 10 and 20 and 39 years of job seniority who are outstanding workers, have outstanding work records, and they cannot find a job today. And then, when they are in those dire circumstances that they have to turn to food stamps, they feel awful about it. They do not want to have to be on food stamps. They want to have a job. They want to work. They desperately need the work. They have the talents and the skills, and the country needs them, and they want to work.

And that is why we have to have an economic plan that concentrates on making sure there is enough work to go around and that we turn this country in the direction of making sure our people have jobs. That is what it is about. Not more tax cuts for the people at the high-income level, many of whom are living off inheritances that somebody else earned a generation or 2 or 3 or 4 ago.

I want to do something for these people. And President Clinton wants to do something for these people. This is 80 percent of the American families right here who got virtually nothing out of the 1980's and out of Reaganomics, except being hit over the head and are finding themselves a decade or 12 years later further behind than when they started back in 1980.

I have graduates coming out of the University of Michigan at this very time who got straight 4.0 averages, lots of extracurricular activities, with exceptional records. Their families sacrificed, as they did, to go to a world-class university to earn an education who come out now and find that they cannot get a job and are moving back in with their parents. That is not good for America. It is disillusioning for them. It is disillusioning for their parents. And we cannot settle for that. We cannot settle for that.

Unfortunately, George Bush, who was and is a friend of mine, got lost in foreign policy; loved foreign policy; had an economic plan for every country in the world except this one.

And so now he is not in the office anymore. Somebody else has been given a chance, because they want an end to this voodoo economics, and they want a chance to work.

Now I used to be in that other party. I started out as a Republican years ago. Twenty-seven years ago, I got elected to Congress as a Republican. And the theory at that time for Republicans like myself in the party was that we wanted to be for full employment. We wanted people to be able to have jobs and to earn enough to support themselves so they did not have to turn to food stamps, or they did not have to live with their relatives, or they did not have to run around the country looking for a job, living in a car or van with their family by the side of the road, because they could not find a job.

The ethic at that time was to say, "Let us concentrate on making sure that people do have jobs. Let us build the private sector of the economy."

We did not see much of that during the 1980's. We did not see that happen. We saw the jobs growing all right—we say them growing in Japan, saw them growing down in Mexico, saw them growing in a lot of other places. They were not growing here.

And that is why this 60 percent of the American families were sliding backward. And this group, even as well off as they were, was basically treading water. And it is not until you get to the top 20 percent and finally the top 1 percent to see who made out under that plan.

As I said, good for David Stockman for finally, 12 years later, blowing the whistle on this kind of economic and statistical fraud.

So, that is the problem that we face.

So, I am going to finish by saying this. The Clinton plan gets rid of voodoo economics. And, thank goodness it does. Thank goodness it does. It reduces the Federal budget deficit over what it otherwise would be over the next 5 years by a figure of almost precisely $500 billion.

That is a lot of money. That is a half a trillion dollars. And no matter how you count it, from one end or the other, that is a major effort at deficit reduction. And I think the financial markets are paying attention to it.

If you look at what has happened to interest rates, and long-term interests rates, particularly—right now, 30-year interest rates are at the lowest level they have been since we started issuing the 30-year bond many years ago. That is a helpful sign, because it shows that the cost of capital, whether it is a family trying to get a home mortgage or refinance a mortgage, or a business trying to get a loan, the cost of getting that loan has gone down because the interest rates are down and that helps us get some new lift into the economy. But it is a signal that financial markets feel it is so important that we break this pattern of ever-enlarging deficits.

And the Clinton plan does that. It also rearranges the equities involved. It says: "Look, we are going to have to go back and correct some of the unfairness of the 1980's." and I realize the people in this group are not going to like it, because they like what they have because what they have has been very good for them.

But I have talked to enough people, enough people, I might say, like Ross Perot, who are in this category who say, "Look, this is not good for America. If you got most of the families in America sliding backward, even if you are in this group and you are making great progress, that is not good for the country."

Any anybody who is patriotic and cares about the country as a whole is going to say you have to change this pattern. And to his credit, as a billionaire, he is saying this. Now, he gets ridiculed, especially by some on that side of the aisle who wish he was not saying it, because they would like to sort of maintain, at least many of them, what has been going on over the last 12 years that got us in the fix that we are in at the present time.

The President has asked for a lot of spending cuts and we are going to make the spending cuts. And they are not going to be pleasant.

Some of the people who want more deficit reduction are going to find it hard when they come back in here and say, "Well, we want deficit reduction, but just don't do the deficit reduction in my State." We have heard a lot of that.

We are going to spread it around. Everybody is going to have to be in on the spending cuts. They are going to have to be stretched across the 50 States. There is just no way around it. We have to cut the spending and we have to increase the revenues on a fair basis to close this yawning Federal budget deficit and get ourselves back on a sound fiscal track.

We also have to follow through on the tough trade practices and trade policies. We have to do it with respect to Japan, which is our worst problem. I want to just show one chart on Japan, Just so people will understand how deadly serious this problem is, because the Japanese are very good at saying that any problem we have is not their fault, it is somebody else's fault. I want to just find that chart and show it to you. Here it is right here.

If you take here, for example, the trade deficits that we have had with Japan—just one country, just the United States and Japan over the period since 1980. This is what has happened. The trade between the two countries, year by year: $12 billion in their favor, $18 billion, jumped up to $36 billion in 1984, jumped up to $59 billion—just in 1 year, 1987. It meant Japan was taking $5 billion a month out of the United States economy, every single month. Do you wonder where the jobs went? They went to Japan, just like some people want to send them to Mexico at the present time.

Look at this total since 1980: $505 billion taken out of the United States; 505 billion dollars' worth of jobs and economic strength, taken out of here, sent to Japan. That was part of Reaganomics, that was part of trickle-down economics, that is part of voodoo economics and it has hurt this country.

Thank goodness President Clinton is confronting that issue. Sure, the Japanese do not like it. They do not like to have to face up to this issue because they like this pattern and that is no disrespect to them. They have been protecting their own national interests. But when we have a weak Government here who looks the other way when we are being damaged in a bilateral trade relationship like this, it does great damage to our country and fuels public cynicism and a loss of faith in the future, and it is part of our problem. Frankly, some of the editorial writers in the country—they do not want to see this. They want to hide this.

Of course, if they were in the line of fire, it would be another story. But the fact it is somebody else losing his or her job, some anonymous person in the society—well, that is no big deal. That is just the forces of the world economy at work.

That is a lot of nonsense. This is a managed economy at work. Japan keeps their economy closed. They have interlocking relationships called keiretsu to get and keep the business among themselves. They sell the products in the United States for less than they sell them in Japan. So they use dumping as a pricing strategy in many cases in order to inflate these huge surpluses in their favor and rip economic strength out of the United States.

Reagan did nothing about it. it was not surprising, I might say, that after he left the Presidency—I am talking about Ronald Reagan now—he was invited to go over and give a speech in Japan, a couple of speeches. They paid him $2 million. There was a big uproar about it. It was very embarrassing to a lot of my Republican friends. President Bush, to his credit—President Bush to his credit—was just offered an equivalent opportunity, it was either by Japan or Taiwan or Korea, one of the countries over there, to come over and give a big speech like that with a big padded payment for it and he turned it down. He turned it down as well he should have. But it is to his credit that he did and it is quite a contrast between the two people in terms of how they saw that issue.

So, just to conclude, it is time to put an end to voodoo economics. Whether you use the small voodoo stick or you use the big voodoo stick, we have had enough of it. We have had enough voodoo. President Clinton is exactly right on that issue and Ross Perot is exactly right on this issue. We need a package here that breaks this pattern, that brings fairness back into the system, brings these Federal budget deficits under control, and invests again in our own people. That is the heart of it—investing in America, investing in the American people and not just the people at the top, but investing in everybody in our society and especially the little people because they have just as much right to a decent chance in this country as the people at the high-income levels.

Our founding documents do not make a differentation on the basis of who has the wealth and who does not. They are written without any reference to that. And they say that people in our country are equal and ought to be thought of as equal and ought to have the chance for equal opportunity to take the gifts that God has given them and their hard work and their ideas and their vision and put it to work and do something about it.

Just yesterday with the proposal on community development banks, it is exactly in that line to try to get some capital into the underserved, inner-city areas and into our poor rural areas so people there have a chance to come into the economic system. So that when they have good ideas and projects that are worthy of support with sensible loans, they can get the credit they need, they can get the capital, the oxygen they need to make an economic contribution and put other people to work.

I listened to an older gentleman yesterday, probably in his sixties or 70 years old who started a business in a small rural community in North Carolina, a little sewing company. They are now doing about $2 million of business a year. And where there was abject poverty before there are now 20 people working in that little operation because he got the credit he needed.

That is what the Clinton plan is about. That is what we are talking about. We are talking about liberating our own people, letting our economic system work, investing in America, and investing in our people and understanding that is the one enduring resource and asset that we have in this country, people who are coming along each day, and the future generations.

So I say to the President, you are doing the right thing by trying to change the direction. I do not agree with each and every thing he said. I do not agree with him on the Mexican Free-Trade Agreement. I think it is a huge mistake. We will fight that out later here. But on the effort to turn the direction and bring these Federal deficits under control and get fairness back into the tax system and investing in our people and in job growth and in fairness, that is what we need. That is what we need. And it is coming not a moment too soon.

So let us get it enacted. Let us go back into the conference, work it out. I am a conferee on the Senate side. Let us go ahead and find the balance that we need to put this plan in effect. Let us let it work, let it start to heal the economy, let it start to grow the economy. Then let us move on to health care reform.

Let us send a signal out to the American people that they are No. 1 again. That they matter most; not some other country or not some narrow group in our society but the American people across the country, from East to West and West to East, and North to South and South to North, the American people are back in the driver's seat. That is what this plan is all about and that is why it has to be enacted.

I yield the floor.

EXHIBIT 1

AMERICA IS NOT OVERSPENDING

(David A. Stockman, Director of the Office of Management and Budget from 1981 to 1985, during the first years of the "Reagan Revolution," David Stockman left office amid the lingering controversy caused by his revelations in the Atlantic magazine about the internal Administration politics which, Stockman said, would result in untenable deficits. Stockman's memoirs of those years are entitled *A Triumph of Politics: How the Reagan Revolution Failed*. He is currently a General Partner at the Blackstone Group, a New York investment house.)

President Clinton's economic plan deserves heavy-duty criticism—particularly the $190 billion worth of new boondoggles through FY 1998 that are euphemistically labelled "stimulus" and "investment" programs. But on one thing he has told the unvarnished truth. There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without major tax increases.

In this regard, the full-throated anti-tax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish. Indeed, if Congressman Newt Gingrich and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein to lodge their Pinocchio-sized noses until this adult task of raising taxes is finished.

The fact is, we have no other viable choice. According to the Congressional Budget Office (CBO) forecast, by FY 1998 we will have practical full employment and, also, nearly a $400 billion budget deficit if nothing is done. The projected red ink would amount to five percent of GNP, and would mean continuing Treasury absorption of most of our meager net national savings through the end of the century. This is hardly a formula for sustaining a competitive and growing economy.

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.

It ought to be obvious by now that we can't grow our way out. If we should happen to realize CBO's economic forecast by 1998, wouldn't a nearly $400 billion deficit in a full employment economy 17 years after the event finally constitute the smoking gun?

To be sure, aversion to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes as self-evidently threadbare and groundless as has the "growth" argument, we are no longer dealing with legitimate skepticism but with what amounts to a demagogic fetish.

Unfortunately, as a matter of hard-core political realism, the ritualized spending cut mantra of the GOP anti-taxers is equally vapid. Again, the historical facts are overwhelming.

Ronald Reagan's original across-the-board income tax cut would have permanently reduced the federal revenue base by three percent of GNP. At a time when defense spending was being rapidly pumped up, and in a context in which the then "conservative" congressional majority had already decided to leave 90 percent of domestic spending untouched, the Reagan tax rate cut alone would have strained the nation's fiscal equation beyond the breaking point. But no one blew the whistle. Instead, both parties succumbed to a shameless tax-bidding war that ended up doubling the tax cut to six percent of GNP—or slashing by nearly one-third the permanent revenue base of the United States government.

While delayed effective dates and phase-ins postponed the full day of reckoning until the late 1980s, there is no gainsaying the fiscal carnage. As of August, 1981, Uncle Sam had been left to finance a 1980s-sized domestic welfare state and defense build-up from a general revenue base that was now smaller relative to GNP than at any time since 1940!

In subsequent years, several "mini" tax increase bills did slowly restore the Federal revenue base to nearly its post-war average share of GNP. The $2.5 trillion in cumulative deficits since 1981, however, is not a product of "over-spending" in any meaningful sense of the term. In fact, we have had a rolling legislative referendum for 12 years on "appropriate" Federal spending in today's society—and by now the overwhelming bi-partisan consensus is crystal clear.

Cash benefits for Social Security recipients, government retirees and veterans will cost about $500 billion in 1998—or six percent of prospective GNP. The fact is they also cost six percent of GNP when Jimmy Carter came to town in 1977, as they did when Ronald Reagan arrived in 1981, Bush in 1989 and Clinton in 1993.

The explanation for this remarkable 25 years of actual and prospective fiscal cost stability is simple. Since the mid-1970s there has been no legislative action to increase benefits, while a deep political consensus has steadily congealed on not cutting them, either. Ronald Reagan pledged not to touch Social Security in his 1984 debate with Mondale; on this issue Bush never did move his lips; and Rep. Gingrich can readily wax as eloquently on the "sanctity" of the nation's social contract with the old folks as the late Senator Claude Pepper ever did.

The political and policy fundamentals of the $375 billion prospective 1998 cost of Medicare and Medicaid are exactly the same. If every amendment relating to these medical entitlements which increased or decreased eligibility and benefit coverage since Jimmy Carter's inauguration were laid end-to-end, the net impact by 1998 would hardly amount to one to two percent of currently projected costs.

Thus, in the case of the big medical entitlements, there has been no legislatively driven "overspending" surge in the last two decades. And since 1981, no elected Republican has even dared think out loud about the kind of big changes in beneficiary premium costs and co-payments that could actually save meaningful budget dollars.

To be sure, budget costs of the medical entitlements have skyrocketed—but that is because our underlying health delivery system is ridden with inflationary growth. Perhaps Hillary will fix this huge, systemic economic problem. But until that silver bullet is discovered, there is no way to save meaningful budget dollars in these programs except to impose higher participation costs on middle and upper income beneficiaries—a move for which the GOP has absolutely no stomach.

Likewise, the "safety net" for the poor and price and credit supports for rural America cost the same in real terms—about $100 billion—as they did in January 1981. That is because Republicans and Democrats have gone to the well year after year only to add nickels, subtract pennies, and, in effect, validate over and over the same "appropriate" level of spending.

On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

It is unfortunate that having summoned the courage to face the tax issue squarely, President Clinton has clouded the debate with an excess of bashing the wealthy and an utterly unnecessary grab-bag of new tax and spending giveaways. But that can be corrected in the legislative process—and it in no way lets the Republicans off the hook. They led the Congress into a giant fiscal mistake 12 years ago, and they now have the responsibility to work with a President who is at least brave enough to attempt to correct it.

The PRESIDING OFFICER. The Senator from Montana is recognized under the previous order for 5 minutes.

## CUT SPENDING FIRST

Mr. BURNS. Mr. President, I understand the emotions of the time when we start talking about budgets. It seems like we spend a lot of time looking at history and we do not spend any time looking into the future or the effects of what we will have. The Senator from Michigan very ably said, yes, we cut taxes. We did not cut revenues to the Government, however. The revenues to the Government continued to rise. What we forgot to do was cut spending. We do not tax too much. We spend—we do not cut our spending.

As far as who sent the money to the Treasury, from 1977 to 1993, you will find the lowest quintile, if you break up the population in five different segments, the percentage going into the Treasury went down for the lower fourth quintile while it went up on the highest. In fact, the contribution of the top 1 percent of the wage earners had increased 2.1 percent during those years. In other words, the top 1 percent of the wage earners, from 1977 to 1993, paid 15.7 percent of the total taxes from income taxes into this country.

I went home over the weekend, the Fourth of July. I do not know who people are talking to when they go home. I sort of walk down the street and talk to the man on the street—the man who runs the small businesses, our ranchers or farmers. Being from Montana, that is all we are is a small business. I did not run into a soul who wants to pay more taxes, but I did run into a lot of folks who said take a good look at what we spend.

The conference is underway, and we know there are big differences between the House version and the Senate version. The House bill has the Btu tax, the big time unemployment tax. The Senate has the 4.3-cent gasoline tax. We may come up with a new term and find a mix in between when it all comes out—who knows?

But as far as a trade deficit—and Americans should be alarmed at this, whether they want to believe it or not—65 percent of the trade deficit in this country is energy related. Energy; gasoline. Fifty percent of our oil comes from offshore. It would not have to.

You are right, we drove those jobs out. If the automobile industry in Michigan had suffered the same decline in dollars invested and jobs lost as the energy industry has, especially in oil and gas, there would be a total outcry in this country on where is our ability to become energy independent? What happens if OPEC gets strong again? We would probably have a problem. That is another subject.

Taxes are what are going to slow us down. Every small businessman who wants to expand his business is not going to until we act on the President's request.

Every time the money starts running low in the till and people get excited about deficit spending—and they sure have. Let us make no bones about it, if we dot all the i's and cross all the t's of this plan, we still, at the end of the 5-year plan, will accumulate $1.2 trillion of new debt. That will push it up around $6 billion, and we are not cutting spending. We are not cutting any spending in this. There are no spending cuts in this. None. If there are, they are in the outyears, whatever that is. I have never been able to figure that out.

But every time the till starts to run low and we start running out of money so that we do not have any money to spend to expand Government—and it is bloated now and not working well. If you want to talk about gridlock, bureaucratic gridlock, we cannot even get a decision out of the bureaucracy so we can get on with our lives, because the Government is in everyone's lives every day. Every time we start running low on money, we—they, I should say—find very creative and innovative ways to raise taxes.

But I do not see any of those creative and innovative minds working their will when it comes time to cutting spending and making Government lean and mean and making it work as industry has done to become competitive in this world. And, yes, we are competitive.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BURNS. I thank the Chair. I will just close by saying when we get wrapped up in this thing, look at the figures.

Mr. President, I ask unanimous consent to print in the RECORD a table showing shares of total Federal taxes paid by all families.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SHARES OF TOTAL FEDERAL TAXES PAID BY ALL FAMILIES

[In percent]

| All families (by income group) | 1977 | 1980 | 1985 | 1988 | 1989 | 1993[1] |
|---|---|---|---|---|---|---|
| Lowest quintile | [2]2.0 | 1.6 | 1.8 | 1.5 | 1.5 | 1.3 |
| Second quintile | 7.2 | 6.9 | 6.8 | 6.2 | 6.4 | 6.3 |
| Middle quintile | 13.4 | 13.2 | 13.0 | 12.5 | 12.5 | 12.4 |
| Fourth quintile | 21.6 | 22.2 | 22.0 | 20.8 | 20.8 | 20.7 |
| 81 to 90 percent | 16.7 | 17.1 | 17.0 | 16.4 | 16.6 | 16.6 |
| 91 to 95 percent | 11.3 | 11.7 | 11.7 | 11.6 | 11.6 | 11.8 |
| 96 to 99 percent | 14.1 | 14.5 | 14.2 | 15.0 | 15.0 | 15.1 |
| Top 1 percent | 13.6 | 12.9 | 13.3 | 15.9 | 15.4 | 15.7 |
| Overall | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Highest quintile | 55.7 | 56.1 | 56.1 | 58.9 | 58.6 | 59.1 |
| Top 10 percent | 39.0 | 39.0 | 39.2 | 42.5 | 42.0 | 42.6 |
| Top 5 percent | 27.7 | 27.3 | 27.5 | 30.9 | 30.4 | 30.8 |

[1] Projected.

[2] The lowest 20 percent in income of the population in 1977 bore the burden of 2.0 percent of total Federal taxes. Quintiles are weighted by families.

Source: Congressional Budget Office tax simulation model.

Mr. BURNS. I thank the Chair, and I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized under the previous order for 5 minutes.

Mr. PRYOR. Mr. President, may I inquire as to the time situation remaining on the original unanimous-consent time?

The PRESIDING OFFICER. Senator DASCHLE yielded back the remainder of his time.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be recognized for a period of 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BUDGET RECONCILIATION

Mr. PRYOR. Mr. President, during the first day of debate on the budget reconciliation bill, June 23, Senators DOLE, DOMENICI, and PACKWOOD offered a comprehensive budget alternative, a Republican alternative, to President Clinton's budget package.

When I first heard that my colleagues from the other side of the aisle were going to offer this comprehensive Republican alternative, I must say I was pleased. I was encouraged because I think our system works best when the majority and minority parties take the full responsibility for difficult problems and propose serious solutions.

Unfortunately, upon further examination of this so-called tax-free-in-'93 Republican alternative, I lost almost all hope that my colleagues from the other side of the aisle, despite their good intentions, were going to offer serious and meaningful solutions to our budget deficit problem.

Mr. President, on Thursday, yesterday, in the Wall Street Journal, July 15—and in moments I will ask this be made part of the RECORD—I was reading an article, and I will quote first the headline:

> GOP War Cry of No New Taxes Appears to Have Broadened to No New Anything.

The first paragraph:

> In drafting alternatives to President Clinton's deficit-reduction program, congressional Republicans left out not only taxes but something Americans have very much wanted lately: change.

Mr. President, the article continues by saying:

> Indeed, Mr. Dole's plan underscores the potential pitfalls for Republicans in alternatives geared more toward embarrassing the President than advancing a distinctive new agenda.

Continuing the article:

> The only spending cuts that Senate Republicans itemized were those contained in the Democratic plan.

Mr. President, I ask unanimous consent that this article of yesterday, July 15, be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, I may be wrong on some other issues, but I do believe the American people do not want just more politics, they want more solutions. Why is it that all of the polls today are showing that the American public distrusts Congress? One reason, I believe, is they believe we never seem to confront the real problems with serious solutions. Political documents like we are seeing introduced, such as the Republican budget alternative, purporting to be "serious legislation" really heighten, I think, the frustration most of the public hold toward the Congress.

Americans are tired of political games—and so am I. I hope so are all of us in this body. Let us now do what we were sent here to do: Start solving the problems in a more bipartisan manner.

Over the past 12 years, both Democrats and Republicans in the House, in the Senate, and in the White House, have sought to avoid responsibility for our increasing deficits and our increasing national debt. I am not proud of that fact. I think all of us have to assume this responsibility.

But even this week, several of our colleagues, on July 14, Wednesday morning, got up in the U.S. Senate and for page after page, and seemingly a several-hour period, continued the assault and the attack on the President's budget proposal that now is the subject of a conference between the House and the Senate, as if he were to blame for the problems we face.

I am very sorry that they have taken this avenue and this attack on this attack on this proposal because it is the only serious deficit reduction package that has been proposed in this body. Hopefully, Mr. President, our colleagues on the other side of the aisle will now finally offer constructive solutions if they think that President Clinton's plan is so bad.

We do have a new administration. That new administration is dedicated to cleaning up this mess it inherited, and also this administration has committed itself to dealing honestly and openly with the large challenges that face us.

The budget document that President Clinton has prepared, that we have voted for in this body, is a serious document. It is a serious attempt to deal with our budget deficit. The budget reconciliation bill the Democrats in this body produced is serious and a specific document of cuts and deficit reduction. The Republican alternative is not serious. Let's take a closer look at the record.

Mr. President, I have prepared a chart that takes us back 2 weeks ago to the time of the budget reconciliation debate, not only in the Finance Committee, but also in the U.S. Senate Chamber, for the period when we finally voted this measure out of the Senate and sent it to the conference.

We kept a scorecard during that several-day period, Mr. President, and in the various Senate committees, there were 12 amendments offered by the other side of the aisle. What would have happened is it would have increased the deficit compared to the Clinton plan, had we accepted the Republican amendments, by a sum total of $46 billion. This was just in the committees.

The Republican alternative which was offered by Senators DOLE, DOMENICI, and PACKWOOD would have increased the deficit by $139 billion compared to the Clinton plan. The so-called Nickles amendment striking the transportation fuels tax—brought to the floor of the Senate and offered, and our colleagues turned it down, fortunately—would have increased deficit spending by $26.3 billion versus the Clinton plan. The so-called Lott amendment regarding taxable social security benefits would have increased deficit spending by $26.3 billion. The so-called Roth amendment dealing with a small-business tax exemption offered on the floor of the Senate and turned down by the majority would have increased deficit spending by $27 billion, with no specific spending cuts as an offset.

The remaining seven germane floor amendments offered by colleagues on the other side of the aisle that were considered on the floor of the Senate would have had no effect on deficit reduction.

Please note, Mr. President, that no germane amendments were offered that included a single, new specific spending cuts. They offered no new spending cuts.

The total loss, had we accepted all of these proposals offered by our colleagues on the other side of the aisle, would have increased deficit spending over the next 5 years by $263 billion compared to the Clinton plan.

I am trying, Mr. President, the best way I know how to basically lay out the facts, to get the facts straight in order for the American people to know what is actually happening.

A little more talk about the second line on the chart here which is the Republican alternative. The question we must ask is: Does it meet the serious test? I wish it did.

If this were a serious proposal, I think our colleagues on the other side would have provided us a copy of this proposal weeks or perhaps even days in advance so that each Senator could make an in-depth and thoughtful examination of it. After all, Mr. President, the President's plan was outlined last February in a speech before a joint session of Congress, and the Senate Finance Committee's modification of the bulk of the budget plan was finalized a full week before the Senate floor debate began. It gave all of us an adequate opportunity to look at the costs, to look at the cuts, to look at the proposed taxes, and for us to prepare for that debate.

The Republican alternative, Mr. President, was given to individual Senators only minutes before we began debate on this proposal offered by our friends on the other side of the aisle. The amendment was hundreds of pages long. The first time we saw the legislative language was after it was introduced, and, therefore, Mr. President, we felt as if this was not a serious attempt to deal with the deficit or with the economy.

During the debate on the reconciliation bill—and it was a long debate with late-hour sessions; I think finally after 3 o'clock in the morning was our final vote on the proposal on the reconciliation bill that is now in conference between House and Senate—during this debate we heard a number of concerns expressed about this bill from the other side of the aisle.

Once again, it is time to set the record straight. Let us measure the Republican alternative that they offered against their own concerns.

This is a question, Mr. President, of rhetoric versus reality. Some might classify this as a hypocrisy test, but there is a connotation of that term I do not wish upon my colleagues on the other side of the aisle. Therefore, I do not use it.

First, they said that interest savings should not count as a spending cut, as President Clinton did in his plan. But what, Mr. President, precisely did the Republican spending cut plan count as a spending cut? The answer is, yes, they counted themselves $37 billion worth of interest savings after having criticized the President for counting that in his proposal.

Second, the Republicans said that future spending cuts in discretionary programs should not count. Well, Mr. President, what did the spending cut plan offered by the other side of the aisle actually count? You are right. They counted 164 billion dollars' worth of unspecified future discretionary spending cuts in their own plan after criticizing the Democratic plan for what we had done.

The third issue. There were many complaints offered during that 2 days that most of the spending cuts in President Clinton's plan came in 1997 and 1998, which would be, yes, after the 1996 election.

The PRESIDING OFFICER. The Senator's 12 minutes has expired.

Mr. PRYOR. Mr. President, if there are no other speakers lined up at this moment, I ask unanimous consent I may have an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I am just wondering, Mr. President, and I have no objection, whether or not we might be able to line up additional speakers as part of this unanimous-consent request, whether anyone would object if I asked unanimous consent following the completion of that 5 minutes that I be given 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair. I will finish my remarks very briefly.

Mr. President, third, we heard complaints on the other side that most of the spending cuts in the President's plan came in 1997 and 1998, which would be after the 1996 elections.

In fact, that is true. That is a true statement. In fact, 62 percent of the spending cuts in the Clinton plan come in 1997 and 1998. But when the Republican alternative was offered, 65 percent of their spending cuts come, when? In 1997 and 1998.

And by the way, Mr. President, a similar complaint was that the Clinton plan did not make spending cuts quick enough. The fact is the Clinton plan cut spending in fiscal year 1994 by $18 billion. What about the other side in their proposal, the Republican alternative cut next year? That is right, $18 billion. Identically the same in the same year as the Clinton plan.

Fourth, we heard criticism of the Clinton plan for counting user fees as spending cuts. What did the Republican spending plan count as spending cuts? That is right. Their plan also included the exact same user fees that the Clinton plan proposed counting as spending cuts.

Mr. President, this is not just to say that my colleagues from the other side of the aisle said one thing while they did another. While that does bother me to some degree, I must say I am no longer surprised.

What concerns me most, though, Mr. President, is that the American public is not being told what I consider to be all of the facts. We have all heard the rhetoric. We have all received our postcards saying "cut spending first."

That sounds so easy. It sounds so simple. But it is not. It is time that all of us from both sides of the aisle tell the American people the truth because it is the truth, from both sides of the aisle, that they want to hear—the solutions to this enormous deficit, to this awesome national debt, are going to be very difficult and, yes, very painful.

The Clinton plan contains over 200 specific and difficult spending cuts and achieves over 250 billion dollars' worth of overall spending cuts. Those cuts are real. They are serious. They are real dollars. I applaud the leadership and the political courage that it took to take those specifics and put them on the table for our discussion.

The Republican alternative offers not one—not one—new spending cut in addition to those offered by the Clinton plan and the proposal that was accepted by the Senate.

My suggestion is very simple. Let us move forward. We are all to blame, Democrats and Republicans, Congress and previous Presidents, for the budget deficit that we face today. We have a large problem. It is our problem—all of us together. It is time to fix it.

If my colleagues on the other side of the aisle are willing to offer specific spending cuts, and they are willing to defend those cuts, willing to put them on the table, let us hear it. That time is now. Our plan that is in the conference has offered specific ideas. It is not too late for Members on the other side of the aisle to make constructive suggestions.

But the proposed Republican alternative is not specific. I do not believe that it is serious. Therefore, I believe it must be a hollow response to a crisis demanding hard answers and tough leadership.

Mr. President, I thank the Chair.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, July 15, 1993]

### GOP WAR CRY OF NO NEW TAXES APPEARS TO HAVE BROADENED TO NO NEW ANYTHING

(By John Harwood)

WASHINGTON.—In drafting alternatives to President Clinton's deficit-reduction program, congressional Republicans left out not only taxes but something Americans have very much wanted lately: change.

Consider the proposal advanced by the nation's top Republican, Senate Minority Leader Robert Dole. It offers no general tax cuts or special business incentives to kick-start the sluggish economy immediately. It rejects the administration's new spending proposals to retool the economy in the long run. It would cut the budget deficit, but not as much as the $500 billion that Mr. Clinton calls for.

Conventional wisdom has it that the Clinton plan is a winner for Republicans. Bearing no responsibility for governing, they can stand on the sidelines, watch the Democrats squirm and benefit at the polls in 1994. "It's their baby," Mr. Dole says of the Democratic plan, adding, "Every day you get a little closer to next November."

But it was just last November that voters loudly rejected a recipe quite similar to Mr. Dole's, as George Bush can readily attest. Indeed, Mr. Dole's plan underscores the potential pitfalls for Republicans in alternatives geared more toward embarrassing the president than advancing a distinctive new agenda.

"People want to see change, says conservation analyst William Kristol, who learned the lesson himself in 1992 as chief of staff to Vice President Quayle. "The great risk" of current GOP proposals, he adds, is "you end up almost by definition supporting the status quo."

Clearly, by hammering away at broad philosophic differences between the two parties, the Republican proposals have placed pressure on the negotiations that begin this week over Mr. Clinton's program, and have helped restore the partisan edge to the tax issue that George Bush's presidency badly blurred.

But Democrats counter that the GOP plans have their own vulnerabilities, especially in their opposition to Mr. Clinton's proposed tax increases on the affluent.

"They're very big people when it comes to beating up on working women and minorities," says Clinton strategist James Carville. "But when it comes time to take on the deficit or millionaires, they shirk back. . . . It's cowardly."

The GOP plan that has earned the best reviews is the House plan drafted by Rep. John Kasich of Ohio. Using spending cuts alone, Mr. Kasich's plan would have reduced the deficit by roughly $445 billion over five years while meeting the president's challenge that advocates of additional cuts be specific. He itemized hot-button proposals to charge Medicare beneficiaries more for services, and targeted a broad range of spending programs including federal civilian pay, military retirement, U.S. subsidies to the World Bank, support for mass transit and new oil purchases to fill the Strategic Petroleum Reserve. He would have also abolished the Commerce Department by 1998.

"This effort was done to demonstrate that you can reduce federal spending without tax increases," Mr. Kasich says.

But it also demonstrated that deficit reduction is more popular in general than in detail. Some 40 of his House GOP colleagues voted against it, a far higher rate of defection than the president suffered in assembling his all-Democratic 219-vote House majority.

In contrast with Mr. Kasich's plan, Mr. Dole glossed over details and managed to hold all but one Republican senator in line behind his plan to cut the deficit by about $410 billion over five years. The only spending cuts that Senate Republicans itemized were those contained in the Democratic plan. Still lamenting the fallout Republicans suffered in 1986 after pushing stiff deficit-reduction medicine, the minority leader relied on numerical spending "caps" to save more money beyond that. He did suggest to GOP colleagues that a Republican alternative might include a small dose of tax increases, specifically a 10% surtax on incomes of $1 million or more. But the Republicans ultimately scuttled the idea as not worth the trouble.

Such posturing leaves some budget-watchers disappointed in both parties. "There are two elements missing in the budget debate this year," says Carol Cox Wait, director on the centrist Committee for a Responsible Federal Budget. "One is candor, and the other is bipartisanship." She faults Republicans for denying the need for tax increases, and Democrats for suggesting that deep cuts in federal benefit programs, or entitlements, can wait for health-care reform rather than the other way around.

The administration and Republican approaches have some things in common, such as extending the spending caps designed in the 1990 budget deal. The GOP plans, though, would abandon Mr. Clinton's proposed investment spending. The Republicans would also go further in curbing entitlements, which everyone agrees represent the foremost engine of deficit spending. Mr. Kasich proposed cutting $73 billion from Medicare over five years, compared with the $50 billion that House Democrats have approved.

Senate Republicans would save even more. But beyond echoing the entitlement savings advanced by Senate Democrats, they never spelled out how. Instead, the GOP plan would realize Bush administration Budget Director Richard Darman's cherished goal of extending budget caps to entitlements, aiming to save $49 billion beyond the administration's proposal by capping them at current levels adjusted for population growth, inflation and an additional 1% cushion beginning in 1996.

Advocates of entitlement caps, such as Republican Sen. Pete Domenici of New Mexico, say they would goad Congress to reform Medicare to produce the needed savings. But the caps also helped the Senate GOP plan dodge the political problem encountered by Mr. Kasich.

"It didn't force anybody into very many hard choices . . . right now," says former GOP Rep. Bill Frenzel, now a budget analyst at the Brookings Institution.

Of course, the unspoken danger in the deficit-reduction debate is that persistent economic stagnation bares the emptiness of both parties' policies. In their quest to stem the red ink, Democrats and Republicans alike have largely abandoned talk of providing much stimulus to the economy.

Mr. Kristol says Republicans must take a "bolder and more aggressive stance" to restructuring government and the tax system heading into 1994. For Mr. Clinton's part, the slumping economy might even justify abandoning austerity and reviving one of his popular campaign promises.

"Next year he should ask for a tax cut for the middle class," says Salomon Brothers executive Stephen Bell, a former aide to Sen. Domenici and a deficit hawk who contends the economy badly needs a kick-start. Republicans, Mr. Bell adds, "won't know what to do."

The PRESIDING OFFICER (Mr. DORGAN). By previous unanimous consent, the Senator from the State of Michigan [Mr. LEVIN] is recognized for 12 minutes.

Mr. LEVIN. I thank the Chair.

## SOMALIA

Mr. LEVIN. Mr. President, I share the concern of many Americans about recent developments in Somalia, where a U.N. peace enforcement force is attempting to restore order and protect humanitarian relief.

There have been problems with command and control of the multinational force there, and this should be of concern. But, because this operation is breaking new ground, the problems should also not be surprising. And they should not be used as an excuse for the world community to cut and run.

For the most part, the Somalia operation has been a significant success. On Wednesday, Rick Inderfurth, our Alternate Representative to the United Nations, testified to my subcommittee of Armed Services. He reported, not surprisingly, that there is anti-U.N. sentiment from the warload General Aideed and his followers in the capital city of Mogadishu. But despite violence in parts of the capital, most of the country, including Kismayu, remains peaceful.

In most parts of Somalia, the U.N. mission is achieving its goals: Food distribution has been reestablished, the basic building blocks of civil society are being reintroduced, including local governance, communications systems, and police forces. This is nation-building, of the type the United Nations is being called on to assist with around the globe, most recently in Cambodia. Ambassador Inderfurth found on his recent visit to Somalia that most Somalis welcome the U.N. forces and want them to stay to complete this work.

But that constructive work cannot take place in an atmosphere of mob violence, or where factional warlords compete for control of each road and city block.

In a hostile environment like that, where the United Nations Security Council, with our vote, has determined that the world will be engaged, military force must be available. And since the United States alone cannot be and should not be the world's policeman, we need an effective multinational military force.

It should be remembered that the United States took the lead at the outset in Somalia. Our marines and support units broke the stranglehold of the warlords on food and relief supplies and getting the food to starving people.

Then we turned over the operation to a U.N.-led multinational peace enforcement force, UNISOM II, with U.S. support units participating and our marine rapid deployment force on standby offshore. The operation is commanded by a Turkish general, with an American deputy. Their mission and mandate, which the U.N. Security Council passed and the United States supported, is to continue that humanitarian effort and begin the process of rebuilding Somalia as a civil society.

The Security Council gave UNISOM II robust rules of engagement, the authority to disarm Somali warloads if that were deemed necessary to get the work done. That was a historic decision. It is peace enforcement. The founders of the United Nations knew this capability was needed 48 years ago when they wrote the U.N. Charter and included this authority in chapter VII. But the cold war made it impossible to implement chapter VII peace enforcement. The veto and the threat of a veto from the Soviet Union was always present. But the Security Council can decide, as it has in Somalia, to authorize a peace enforcement mission.

UNISOM II in Somalia has not always gone smoothly. The atmosphere is dangerous and the challenges are intense. Mistakes have been made. Civilians have been killed in the bombing of General Aideed's storehouses, and mobs have murdered foreign journalists. Aideed is basically trying to run the United Nations out of Somalia. If the United Nations knuckles under to him, then world basically gives up on the humanitarian mission in Mogadishu, and we send a signal that one factional warload can win against the entire world.

Earlier this week, it was reported that the commander of the Italian contingent had refused to carry out orders in southern Mogadishu and was threatening to pull out his forces. He apparently wanted to negotiate with Aideed while the U.N. command had determined to isolate and arrest him.

That Italian general, Bruno Loi, has been relieved of this particular command and sent back to Italy. There was no choice. Mr. Kofi Annan, the head of all U.N. peacekeeping operations, said it best:

> For an operation like this to succeed, you need unity of command, acceptance by all the contingents that orders will come from the force commander.

In order to be successful, and to sustain the support of the American people and the people of other contributing nations, this operation in Somalia must have clear command and control; troops of many nations must work together smoothly; they must have similar training and complementary capabilities; and they must clearly understand the rules of engagement. They must operate with absolutely clear goals and command structure. The only thing worse than disunity of command, as represented by General Loi's actions, is to do nothing to correct it.

Much of the danger in Somalia comes from the fact that the United Nations is learning as it goes. The United Nations is making history. That is never easy, and it carries some risk. But it is risk worth taking in order to build a working system of international security in the wake of the cold war's end.

That system needs this new tool of multinational peace enforcement. On Wednesday, my Armed Services subcommittee conducted its second long day of hearings on the subject of peace enforcement, peacekeeping, and the roles the United Nations and the United States should play.

All of our witnesses, from the Defense Department, U.S. mission to the United Nations, former military and former diplomatic corps agreed: The United States must be engaged in this effort. But they also agreed that if the United Nations is going to take on such missions, it needs to organize better and create the modern capabilities that military operations require to be successful.

Only recently has the United Nations' peacekeeping department established a 24-hour situation room for its operations in Bosnia and Somalia. It may seem shocking, but not very long ago, there was nobody to answer the phone if it rang after hours or on weekends.

The United Nations is establishing a computerized data base to catalog how many troops and how much equipment member nations could send quickly to various kinds of peacekeeping operations. Ambassador Inderfurth also testified that the United Nations is close to establishing a command center for all military and civilian peace operations.

These are the most basic building blocks of a functioning organization, and yet they are brand new. We must help create these capabilities at the United Nation so that it can anticipate conflicts, respond to them early, and prevent larger conflagrations. The U.S. mission to the United Nations, led by Ambassador Madeleine Albright, has been a strong proponent of these innovations.

But the most modern, well-staffed command center means nothing if the United States and our allies fail to muster the political will, not just to take strong stands, but to back our words up with the teeth of real enforcement.

If the community of nations proves unwilling to enforce international law, then our tough-worded resolutions become engraved invitations for aggressors, dictators and terrorists to wreak havoc with the international order. Weakness and lack of resolve on our part would invite the violation of borders, ethnic cleansing, enforced starvation, political bombings, and proliferation of weapons of mass destruction.

Do not believe for a minute that we can escape because we are oceans away, that we can pull back. The United States learned from two world wars that we cannot pull back. If we are not involved early, we get pulled in late, with greater losses than if we had acted at the outset.

If the United States does not lead our allies to give the United Nations the capabilities it needs to put teeth behind its words, and do this quickly, the United Nations will not be taken seriously, and the post-cold-war order could turn into terrible disorder.

We must not squander this chance for security the way the League of Nations was squandered. I believe that the President and the Secretaries of Defense and State understand this opportunity that the world has before it. We need their strong leadership among our allies and here in Congress.

I believe the American people understand the importance of the world standing together with force when necessary—not everywhere, not always, but where security interests or overriding humanitarian interest compel the world to act.

Somalia represents a serious test of the world's will and our will. We must not shrink from it, withdraw U.S. forces, or U.S. support. There are even tougher tests ahead. The real question is: Will the United States help provide the leadership we are capable of to make international peace enforcement work? If we are not willing to do so, then we had better resign ourselves to the consequences—wider wars and greater losses later because of our failure to learn history's lesson that the world must stand together at critical junctures.

If the nations of the world show a fraction of the support for multinational peace enforcement that we all show for our national military capabilities, maybe the world will not be doomed to endless centuries of genocide, ethnic cleansing, mass rapes, and world war.

There are some developments which should give us a little optimism. The cold war is over. We should permit the U.N. Security Council to function. The American people know that while there is a dangerous world out there, isolationism will not work. They sense that the world is too small for us to remain isolated for long even if we wanted to. The American people sense that the world needs to act to avoid conflagrations by stopping small brush fires before they spread, and that effective, organized multinational enforcement is the only way to do this. Forces must be freely offered by many nations for a multinational force to be effective. Every nation will retain the right not to participate.

Mr. President, the tragedy in the Balkans continues to spread because of the world's failure to act. God help the world and its people if, having once committed forces to act in Somalia, the world then withdraws.

Somalia will determine the direction we are going. In the dusty streets of Mogadishu, it will be determined whether the nations of this world can stand together to put out a brush fire and build a stronger world, or whether, once again, they will crumble, quake, and disintegrate before a petty warlord.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I ask unanimous consent that I be allowed to speak for 12 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized for 12 minutes.

## REPEAL OF THE LUXURY TAX

Mr. GORTON. Mr. President, in this morning's Washington Post, there appears an essay by a man named James Glassman, a former publisher of the Atlantic Monthly, entitled: "How To Sink an Industry and Not Soak the Rich."

The essay concerns the 10-percent luxury tax which was passed by this Congress as a part of the budget agreement in the year 1990. That portion of the 1990 budget agreement proceeded from roughly the same theory which is behind the Clinton tax program, that the rich had too much money and benefited too much from the 1980's, and that the painless way in which to reduce the budget deficit was to increase their taxes—in this case, by imposing an extra tax on certain items which were deemed to be luxuries, most notably boats and private aircraft.

The impact of that tax increase, however, is succinctly stated in the title of this morning's essay. The real impact was not on the wealthy, but on those who manufacture boats and aircraft. The rich simply stopped buying expensive boats and aircraft and put their money elsewhere.

The head of the boatbuilding industry says that about half of the losses—and those losses were roughly 50 percent of all of the extensive manufacturing in boats—could be attributed to the recession and half to the tax, and 25,000 to 30,000 "on-line blue collar manufacturing jobs" have been lost in the boatbuilding industry. The head of that industry of the State of Rhode Island—the single State apparently hit most significantly by these losses—said that 12,000 jobs in that State alone, directly or indirectly dependent upon the boatbuilding industry, disappeared.

The impact on private aircraft is perhaps even greater. Beech Aircraft in Wichita, KS, surveyed all of its dealers and determined that there was a loss in sales of 80 aircraft, or $130 million. In an entire year or year-and-a-half, the Internal Revenue Service collected how much? Mr. President, $158,000 from airplane sales—as the essay points out, an amount of money sufficient to run the U.S. Department of Agriculture for 15 minutes.

In the first 18 months that the tax was in effect, the IRS collected not one single dollar from the sale of a King Air. And the Beech Aircraft Co. lost 34 sales totaling at least $80 million.

I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 16, 1993]

### HOW TO SINK AN INDUSTRY AND NOT SOAK THE RICH

(By James K. Glassman)

Congress is still squabbling over the budget, but on one vital economic issue, Democrats and Republicans are in complete agreement: Rich people have to pay too much for their yachts.

The reason is the 10 percent luxury tax that went into effect two years ago. When you buy a yacht, this tithe can cost you a lot of money.

Just open the current issue of Power and Motoryacht, a sort of nautical-porn magazine filled with color photos of gorgeous boats. Check out the ad for a sensuous 90-foot Broward with three "oversize staterooms," including one with "his and her bath with Jacuzzi." The yacht costs $2,995,000, but, thanks to the current luxury tax that kicks in at $100,000, you have to fork over another $289,500.

Rich people aren't happy about paying this extra money. Even if they can afford it, they think it's unfair. And in some cases, they're refusing to pay it—simply by refusing to buy new boats and planes.

Of course, rich people don't have to buy a new 90-foot Broward (they can keep the old 54-foot Bertram, for instance, or buy a house in Vail, a major Childe Hassam or a minor Gauguin—none of which are covered by the luxury tax). So the federal government doesn't get the tax money—and, worse, Broward doesn't sell its yacht and various boat builders get put out of work.

As a result, in its first year and a half, the yacht tax raised a pathetic $12,655,000 for the Treasury. That's enough to run the Agriculture Department for a little over two hours. Meanwhile, the tax has contributed to the general devastation of the American boating industry—as well as the jewelers, furriers and private-plane manufacturers that were also targets of the excise tax that was part of the 1990 budget deal.

But Senate Majority Leader George J. Mitchell (D-Maine), Sen. John H. Chafee (R-R.I.), Sen. John Breaux (D-La.) and Rep. Benjamin L. Cardin (D-Md.), all of whom coincidentally represent boating states, are sailing to the rescue, and repeal of the luxury tax is included in both the House and Senate versions of the budget reconciliation bill.

What's ironic is that the theme of this year's bill is soaking the rich. Back in the summer of 1990, when the nation was still governed by the man from Kennebunkport, the budgeteers figured that the sort of people who buy yachts, private planes and jewelry and furs over $10,000 could afford to pay a little extra.

What went wrong with the luxury tax was that, in trying to go after the rich guys' toys, Congress put the toymakers out of business. The rich guys, meanwhile bought other toys (including foreign-made ones) not covered by the tax; or they bought used toys and refurbished them; or they simply saved the money, waiting to spend it another day.

The yachtsmen's friends in Congress may be right that the luxury tax is viciously unfair to a handful of luxuries, chosen almost at random (why not tax oriental rugs, trips to Paris on the Concorde or Mary McFadden gowns?). But the larger lesson may be that when you tax rich people—and President Clinton's plan will raise the tax bill of $200,000-plus families by a whopping 18 percent—middle-class and poor people suffer. Ask your local boatwright.

Just how bad is it? First, understand that because of the 1987 stock market crash and the 1990 recession, many of the toymakers were in deep trouble even before the luxury tax took effect.

Greg Proteau, a spokesman for the National Marine Manufacturers Association in Chicago, reports that U.S. production of $100,000-plus yachts peaked at 16,000 in 1987. By 1990, yacht output had fallen to 9,100. In 1991, the first year of the luxury tax, it dropped to 4,300; last year, 4,250. Employment at the two North Carolina factories of the largest luxury-boat manufacturer, Hatteras, has dropped from 1,550 to 500 since 1987.

"We started losing sales in 1989 as an industry," says Proteau. "The whole industry is off 40 percent, but the big-boat segment is off 80 percent." He estimates that about half the sales losses can be attributed to the recession and half to the tax, and that 25,000 to 30,000 "on-line blue-collar manufacturing jobs" have been lost out of a total of about 50,000 in the last three years.

Rhode Island, home state of Chafee, a former Navy secretary, has probably been hurt most. Ken Kubic, legislative chairman of the Rhode Island Marine Trade Association, says that "half of the boating businesses do not exist anymore" and that 12,000 jobs have been lost, "directly or indirectly, because of the boating tax."

He tells the sad story of Dave Walters, who for many years employed about 50 workers building highly respected Cambria racing yachts for $400,000 and up, with customers such as actor Christopher Reeve.

"The luxury tax cut off all sales," said Kubic. "The bank took his house, his car, all his business assets." The molds and tooling were sold off to a shipbuilder in Costa Rica, where, by the way, there's no 10 percent luxury tax.

Still, both the General Accounting Office and the Congressional Research Service expressed skepticism in 1992 about reports that the luxury tax was the main reason for the collapse of the yacht industry: "The cyclical nature of the luxury boat market indicates that any sales decline must be interpreted with caution," said the GAO.

People who actually try to sell boats and planes disagree.

Beech Aircraft, based in Wichita, Kan., is the largest American maker of private planes—top dog in an industry that barely exists any more (in 1978, more than 17,000 general-aviation planes were built in the United States; last year, 962). Beech in 1991 surveyed its dealers and asked them to cite specific deals that were blown because the potential buyer didn't want to pay the luxury tax. The answer: sales of 80 planes, costing $130 million.

Beech then calculated that these lost sales amounted to 480 lost plane-building jobs, worth $4 million in lost federal taxes. By contrast, between Jan. 1, 1991, and June 30, 1992, the Internal Revenue Service collected just $158,000 in luxury taxes from airplane sales—enough to run the Agriculture Department for 15 minutes.

Since planes that cost less than $250,000 and planes that were used 80 percent of the time for business (mainly jets) were exempt, the primary target of the tax—wittingly or not—was twin-engine propeller planes, like Beech's King Air. But for the first 18 months the tax was in effect, the IRS collected not a dime from the sale of a King Air, and Beech lost 34 King Air sales totaling at least $80 million.

This was not what the advocates of the luxury tax had in mind; they innocently wanted to get the rich to pay their "fair share." In fact, the richest 1 percent of Americans already foot one-quarter of the total income tax bill, but if Clinton feels compelled to soak them, a luxury tax isn't really such a terrible idea. It's probably less damaging to the economy, for example, than a higher tax rate on income, which discourages people from saving and earning.

Better than a tax on planes and boats, however, would be a tax on things that are already made—like old paintings and antiques. Such a tax won't put manufacturers out of business, but it won't raise much money either. My own favorite candidate for rich-soaking would be to cap the home mortgage interest deduction at, say, the price of an average American abode.

But the rich, who are clever as well as petulant, will probably figure a way around this one, too. They'll sell their houses and live on their yachts.

Mr. GORTON. Now, Mr. President, it looks as though we are about to take care of this problem. Several Senators from the States greatly affected—Rhode Island, Louisiana, and Maine, have introduced proposals to repeal this luxury tax on boats and aircraft. One of the primary sponsors of this proposal is the distinguished majority leader of this body, Senator MITCHELL of Maine.

Why? Because the tax did not have the impact it was supposed to have. It had an extremely minor impact on wealthy Americans, and it had a tremendous adverse impact on working Americans. But this is the paradox. Here the precise theory which so spectacularly failed in 1990 with the luxury tax is at the very heart of a proposal to impose $250 billion in new taxes on Americans over the course of the next 5 years.

The reality is that the same impact will take place. The myth is that somehow in the 1980's, these people, those who can at least afford to buy these yachts, had a tremendous windfall and began to pay fewer taxes. According to the Internal Revenue Service, however, in 1981, the last year in which the law was the law as it was enforced in the Carter administration, the top 1 percent of such Americans paid just over one-sixth of all of our taxes.

By 1990, they paid more than one quarter of all of our taxes. Even if you go beyond the top 1 percent, the top 5 percent, the figure went from 35 percent of our taxes to 44 percent of our tax collection.

But, Mr. President, at the same time, as this Congress in its wisdom passed the luxury tax it did, in fact, increase top income tax rates. What has been the result of that increase? Curiously enough, in 1991, the first year in which that new higher set of taxes was in effect, the number of dollars from the top 850,000 income earners declined by more than 6 percent, but tax receipts from all other Americans increased by somewhat more than half of that amount.

The theory of tax reform during the 1980's was that if you lowered marginal rates, you could also get rid of a myriad of exemptions and preferences. We did exactly that and lowered marginal rates and increased the share of taxes paid by the wealthiest Americans.

We now have two instances, two precise instances, in the course of the last 3 years in which the attempt either to raise those rates to impose a special tax on some kind of purchases has not only resulted in increased tax collections from those groups but has reduced tax collections from those groups. Yet that is precisely what we are asked to do by the President of the United States and by the bills passed by both the House of Representatives and by the U.S. Senate.

With three examples in the course of the last decade, the lowering of marginal rates in the early 1980's, increase in marginal rates in the late 1980's and the luxury tax, with three examples of the impact of these tax policies in front of us, what possible explanation, what possible rationale is there to believe that this tax proposal will, in fact, result in increased tax collections to any significant degree?

We have carried on this debate, this Senator believes, on false premises. We have carried on this debate on the premise that increasing tax rates will have no impact on the actions of the individuals who are going to be subjected to these greater taxes in spite of the tremendous impact it had in these three instances. If there is no change in their behavior whatsoever, these increased income taxes will bring in, according to the National Bureau of Economic Research, some $26 billion a year. The prediction of that Bureau, however, and its president, Martin Feldstein, is that if taxpayers are even half as sensitive to tax rates as they were when rates were being cut, just half as sensitive, rather than $26 billion a year, these new higher income taxes will bring in $4 billion a year, a dramatic, dramatic difference, Mr. President.

Deficit reduction, as the distinguished Senator from Arkansas, who was the next speaker but one preceding me, is a vitally important national goal. Equally important or more important, however, is the opportunity for Americans to better themselves. Job opportunities, promotional opportunities, the ability to start a small business and to succeed, the ability to do better in each generation than the predecessor generation, this is and must be the vital goal of economic policy of the United States, and, most particularly, in this Congress.

The Clinton plan, by choking off the source of capital for small businesses, by taking a good 50 percent of all of these increased taxes out of the retained earnings of small businesses in the United States, will have exactly the opposite impact. It will slow economic growth. It will increase unemployment. It will choke off career opportunities and, of course, when it does that, it will not reduce the deficit because the base on which those taxes are to be collected will become smaller.

We have no instance—and the President has given us no instance—in the history of this country in which a huge tax increase has caused prosperity to break out, has created and enhanced economic opportunity. Our entire history, and most particularly the history of the last 10 years, clearly indicates that it will not have this impact this time.

We do wish to take up the challenge presented to us by the Senator from Arkansas. This Senator regards it as something of a paradox that he criticizes the Republicans for having an alternative in which most of the spending cuts took place after the end of the Clinton administration, though it was taken directly from the proposal which is before us right now and on which the conference committee is working its will.

I am convinced that I speak for all Republicans in expressing my deepest conviction that this proposal is bad for the country; that the President has aimed an arrow at the wealthy and will, if he is successful, hit the working middle-class square in the heart.

The appropriate response of this Congress, Republicans and Democrats alike, is the rejection of this tax proposal and a new start with the President working out a new beginning with Republicans and Democrats together, first, to bring spending under control and, second, and very definitely secondary, only after we have sharp reductions in the growth of Federal spending to consider whether or not additional revenues are needed.

This is the lesson of the 1980's. Let us pray that it will not be the lesson of the 1990's by the passage of a reconciliation bill like that in either the House or in the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

The Chair recognizes the minority leader, Senator DOLE.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1256 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I ask unanimous consent that I may extend my leader's time for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for an additional 5 minutes.

## THE FLOODING IN THE MIDWEST

Mr. DOLE. Mr. President, this morning we were in agriculture hearings with reference to the flood.

I understand that in the Presiding Officer's State last night, you got drenched all across the State. So now North Dakota joins South Dakota, Kansas, and Nebraska, the four States that have not yet been declared disaster areas; a couple of our counties have. So we are working on that.

I know the Senator from North Dakota is alert to that, and on top of that. As everybody indicated in the committee, this is a totally nonpartisan issue, one that we should all work on together. I am certain that will happen, as it has in the past.

So I thank the Presiding Officer for the help I know he will give in the next few weeks.

## MIDSESSION REVIEW

Mr. DOLE. Mr. President, the White House magic act continues. Yesterday, facing a legal deadline for submission of its midsession review, the White House told reporters that the deficit for this year may be as much as $37 billion lower than expected. The last time I checked, a White House press briefing did not qualify as a full report to Congress. It is just a public relations gimmick.

There is no excuse for delaying release of information that the American people and Congress should have before anyone votes on the biggest tax increase in the history of the world. Now, I can understand why the White House wants to hide the lower deficit figures. This new information blows the administration's cover for the biggest tax increase ever.

Yesterday the President urged Congress to base this deficit reduction package on "hard numbers and good figures." I could not agree more.

Let us not forget that it was President Bill Clinton who said in a televised address to the Nation back in February, that he could not deliver on his campaign promises to cut the deficit in half in 4 years, support $3 in spending cuts for every dollar of tax increases, or provide the middle class with a tax cut because "the deficit has increased so much beyond my earlier estimates and beyond even the worst official Government estimates from last year."

Now if the deficit is no longer as bad as he thought it was, the American people have every right to ask if their taxes should be increased so much by the President and congressional Democrats.

### NOT A PARTISAN ISSUE

My colleagues on the other side of the aisle are quick to point the finger at Republicans for being unduly partisan. This should not be a partisan issue.

The vote on this conference report may be the most important vote we cast in this body this year. No other vote will have a greater impact on the economy.

Every Member of Congress—whether Democrat, Republican, or Independent—should demand that the administration provide us with the best possible information about the status of the budget and the health of the economy before the conference on the budget reconciliation bill completes its work.

### RESPONSE TO SENATOR MITCHELL

Mr. President, Senator DOMENICI has offered an important amendment. His sense of the Senate amendment states that the President should submit his midsession review of the budget by no later than July 26.

The administration was required by law to submit its midsession review of the 1994 budget to Congress yesterday. There is no penalty for missing this legal deadline, but OMB Director Panetta's decision to delay release of this important document sends the wrong message to all Americans who are concerned about the future of this country.

Last night, the distinguished majority leader suggested that those who support the Domenici amendment were doing so for purely political reasons. The basis for his argument was that in the last 12 years, he could not find one instance where a Republican Senator complained that a Republican President failed to submit the midsession review—and I quote: "precisely on schedule."

The majority leader concluded by saying:

> This transparently political effort ought to be seen for what it is and rejected for what it is.

Well, someone has given the Senator from Maine some bad information. I want to set the record straight.

According to the CONGRESSIONAL RECORD, the author of this amendment, Senator DOMENICI, signed a letter to then OMB Director Jim Miller on June 22, 1988. This letter was also signed by former Senator CHILES who was then serving as the chairman of the Senate Budget Committee. Both the chairman and ranking member of the House Budget Committee—former Congressmen Bill Gray and Del Latta—also signed the letter.

The letter opens:

> We are writing you because of our concern for timely submission of the President's midsession review of the 1989 budget.

It concludes by saying:

> We are therefore expressing to you our concern that last year's delay not be repeated and that the statutory requirements for this report be met.

I read those comments as being critical of the Reagan administration's delay in submitting its midsession review.

It is not unreasonable or partisan to expect that the administration provide Congress with legally required reports on time. If there is an unexpected delay, then the appropriate committees should be notified in advance on a bipartisan, bicameral basis. Any administration official who decides not to provide Congress with a legally required report should notify Congress of this decision, in advance and in writing.

### REPUBLICAN COMMITMENT TO DEFICIT REDUCTION

Republicans are not suggesting that we do not need to reduce the deficit. I have been a strong advocate of deficit reduction for years, and I have the record to prove it. But, that does not mean we need a record tax increase.

Republicans are so convinced that the President's tax-now, cut-spending-later plan is the wrong approach that we think a full administration report on the economy and the budget may help us get the votes we need to defeat the Clinton plan.

If we are successful in blocking this plan, the President can count on help from Republicans in crafting a real deficit reduction plan that works.

I urge all of my colleagues—Democrat and Republican—to support the Domenici amendment.

Mr. President, late last evening, we had discussion—in fact, for some time yesterday—on the administration's so-called failure to submit the midsession review.

It was said later, "Well, Republicans were in charge and Republicans never complained about a midsession review being late."

As I said before, that is not totally accurate. In fact, I will include in my statement a letter from Senator Chiles and Senator DOMENICI in 1988, when they wrote to the OMB Director at that time, Mr. Miller, complaining that the midsession review was late and indicating that, because it was late, it was very hard for the people trying to get all this together if we did not have the latest economic information to make appropriate judgments.

Right now, the question is, what is the deficit? Is the deficit $25 billion smaller than predicted earlier, or is it $37 billion, or is it $50 billion? And if it is $50 billion or $37 billion or $25 billion, then we ought to know it before we complete action on the so-called economic package or reconciliation bill, because perhaps it is not necessary to raise taxes another $25 billion or $50 billion if the deficit is down.

The reason I understand it may be down is because the Government has not spent the money as quickly or as rapidly as they thought on some Medicare programs, on Medicaid programs, on bailout of depositors in thrift institutions, and also because there have been more revenues coming in.

So if the deficit is less, why keep it a secret? Why not tell the members of the reconciliation conference—over half the Senate and over half the House, and we all have to make judgments—precisely what the deficit is?

It seems to me that one concern a lot of people have is if, in fact, we increase taxes too much, it will have an adverse impact on the economy.

So if we do not have to increase it, $50 billion can be taken out of the tax package—primarily a tax package, the largest tax increase in the history of the world—and I think it would be a positive sign. It would help the economy. It would send a signal to the businessmen and businesswomen in America, particularly small business men and women, that we are not going to tax you as much as President Clinton urged earlier.

So it seems to me that this is a problem that ought to be addressed.

Let me reiterate, back in February, President Clinton said:

> The deficit has increased so much beyond my earlier estimates and beyond even the worst official Government estimates from last year.

The truth of the matter is, the deficit figures have changed since then. As it turns out, the deficit may be lower than what was suggested in February.

All we want to know is: What is it? How much less is it? So if it is no longer as bad as what he thought it was, the American people have every right to ask if the taxes should be increased so much by the President and those in Congress who will vote for the tax increases.

I want to point out that this is not a partisan issue, as I indicated earlier. The vote the conference will have on this big, big tax package will be a very important vote, and every Member of Congress, I think, whether Democrat or Republican, ought to demand the latest information.

If this administration or some other administration has information about the status of the budget and health of the economy, it should not be kept from the Congress, especially when we are trying to decide how far to go on taxes and how far to go on spending restraints.

So we will have an opportunity on Tuesday to go on record as to whether or not we think the American people are entitled to this information, and whether it ought to be made public and made public in detail.

There is not any penalty for missing this deadline. The White House can stiff you on this, if they wish. There have been times when Republican Presidents were late. We are prepared to wait a while for it. Just keep in mind, the conference wants to complete its action, I assume, by August 6.

Last night, the distinguished majority leader suggested that those who support the Domenici amendment were doing so for political reasons. He said he could not find any case where Republicans had complained in the last 12 years about late submissions of midsession reviews. And, as I have indicated, according to the CONGRESSIONAL RECORD, the author of this amendment, Senator DOMENICI, along with Senator Chiles, on June 22, 1988, wrote a letter asking about the midsession review; also former Congressman Bill Gray and Congressman Del Latta, who was the ranking Republican on the Budget Committee—Bill Gray, a Democrat, was chairman of the committee—also signed the letter.

The letter opens:

> We are writing you because of our concern for timely submission of the President's midsession review of the 1989 budget.

And it concludes by saying:

> We are therefore expressing to you our concern that last year's delay not be repeated and that the statutory requirements for this report be met.

So it has happened before. It has been bipartisan. There was a letter, as I said, signed by two Republicans and two Democrats. It just seems to me that it is something that ought to be furnished, on the basis of the information it contains.

Again, if anybody believes that we ought to raise the deficit if it is $50 billion smaller, if we should still add $50 billion more in taxes, I think that would be a big mistake.

Mr. President, I ask unanimous consent that the letter on the midsession review submitted by Mr. Chiles in the July 14, 1988, CONGRESSIONAL RECORD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, June 22, 1988.*

Hon. JAMES C. MILLER III,
*Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.*

DEAR MR. MILLER: We are writing you because of our concern for timely submission of the President's Mid-Session Review of the 1989 Budget.

Title 31, United States Code, section 1106(a) requires submission of this report before July 16. Last year, the report was not submitted until August 17, when Congress was not in session as a result of the statutory August District work Period.

The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (P.L. 100–119) specifies a crucial role of the Mid-Session Review in the calculation of excess deficits. The August 35 report required under that Act must use economic and technical assumptions specified in the Mid-Session Review, and the Mid-Session Review must provide an estimate, using those assumptions, of the deficit excess and net deficit reduction that will be reported on August 25. The joint explanatory statement of the committee of conference accompanying the Act states: "It is imperative that the Director of OMB actually deliver this mid-session report by July 15. . . . The mid-session review is expected to be issued by the statutory deadline for that report" (House Report 100–313).

The Congress will be handicapped in its efforts to achieve deficit reduction and avoid sequestration if we do not have the Mid-Session Review on the required date. It is essential that as much information as possible about the amount of deficit reduction required to avoid sequestration be available to the Congress as it works on budgetary legislation during July and August. We are therefore expressing to you our concern that last year's delay not be repeated and that the statutory requirements for this report be met.

Sincerely,
House Budget Committee:
WILLIAM H. GRAY III,
*Chairman.*
DELBERT L. LATTA,
*Ranking Minority Member.*
Senate Budget Committee:
LAWTON CHILES,
*Chairman.*
PETE V. DOMENICI,
*Ranking Minority Member.*

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## A NEW SURVEY

Mr. DOLE. Mr. President, I also want to have printed in the RECORD a survey taken this past week of business men and women which shows that 49 percent of the executives surveyed believe they will be forced to raise prices to make up for the tax increases; three-quarters predicted higher tax will make their profits drop a great deal or somewhat; and 51 percent said they are likely to lay off workers—this is serious—because of all the taxes in the Clinton package.

There is another figure I think should be of interest. It says, "In fact, the optimism which the private sector faced Clinton's inauguration has almost completely evaporated. In January, 70 percent of the country's business leaders thought the economy would improve in the next 4 years. Today that figure is only 18 percent. Three-quarters believed their own company's fortunes would get better in the same time, but now only half feel that way."

I think this is another indication. It is not from some Republican organization. It happens to be from an independent survey of business men and women. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### TAXES, LAYOFFS IN OFFING IF CLINTON TAXES PASS, POLL FINDS

NEW YORK.—Half the country's business leaders say they will raise prices and lay off workers if the corporate tax hikes President Clinton has proposed become law, a new survey has found.

According to a poll conducted for The Nightly Business Report and Reuters by Yankelovich Partners Inc., many top executives are so resistant to the proposed taxes that, faced with the choice, they would rather see entitlement programs cut or the deficit remain at its current level than tolerate a tax increase—even though six in ten say the deficit is the country's leading economic problem.

Despite their concern for the deficit, 48% of business leaders think higher taxes would do more economic damage than allowing the deficit to remain at its current level.

Executives say Clinton's tax increases are unpopular for a reason: they expect them to hurt. Forty-nine percent of the executives surveyed say they'll be forced to raise prices to make up for the tax increases. Three-quarters predict that higher taxes will make their profits drop a great deal or somewhat. And 51% say they are likely to lay off workers if corporate taxes are raised. However, 54% don't expect the taxes to affect their ability to compete in international trade.

The Nightly Business Report/Reuters poll found a notable drop in business confidence in the economy, particularly on the employment frontier. In January, 46% of American companies expected to hire more employees in the coming year. But today, only 26% expect to expand their workforce since Clinton has made his plans for the economy clear.

In fact, the optimism with which the private sector faced Clinton's inauguration has almost completely evaporated. In January, 70% of the country's business leaders thought the economy would improve in the next four years. Today that figure is only 18%. Three-quarters believed their own company's fortunes would get better in the same time, but only half as many feel that way now.

The business community places much more emphasis on the deficit than the general public does, and it favors far different remedies for it. A majority of executives (55%) think that cutting the deficit is more important than creating jobs and stimulating the economy; just a quarter of other Americans agree. And unlike executives, the general public prefers an energy tax to entitlement cuts. Perhaps as a result, Clinton's historically low approval rating among the general public is still 22 points higher than it is among business leaders.

The telephone poll of 381 senior executives at companies with more than $1 million in sales or revenue was conducted by Yankelovich Partners Inc. between June 21 and July 6, 1993 for the Nightly Business Report and Reuters. The sampling error for the results is plus or minus 5%.

## THE DEMOCRATIC MESSAGE

Mr. DOLE. Finally, I will have printed in the RECORD what I understand is from, I assume, the Democratic National Committee. It is entitled "Hallelujah! Change Is Coming." And the change is higher taxes. That is the change that is coming. They say, "It has the largest deficit reduction in history." That is disputable. "It has the largest spending cuts in history," it says. I do not know when they start. Many of them do not happen until after 1996 and there are not many spending cuts in the package. They do not even mention taxes. It says that it is going to increase over 8 million jobs in the next 4 years; going to make it easier for business to grow; it has new targets for business incentives and this is good news and, "Hallelujah! Change Is Coming."

You will not have any change left after this tax bill. It seems to me there is not one word in here about big, big taxes in this package. It is hardly truth in advertising. I would hope those who receive this "Hallelujah, Change Is Coming," from the Democratic Committee or wherever it originates—and they talk about 12 years of finger pointing, I hope they at least go through and say, "Gee, there must be at least $1 of new taxes somewhere in this great package President Clinton has proposed."

So I think it is the kind of smoke and mirrors we have been receiving. I think it belongs in the CONGRESSIONAL RECORD. I ask unanimous consent it be printed in the CONGRESSIONAL RECORD so we will be able to look at it 5 or 10 years from now and see the final result.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### The Economic Message

The Democratic message for reconciliation is simple:

### HALLELUJAH! CHANGE IS COMING

In those four words we convey the two central concepts we need to communicate to the American people: This is good, and this is change.

1. This is good—The economic plan we are passing will be good for the country, good for the economy, and good for the middle-class working families who've been getting the shaft for too long. There are several specific facts and facets of the plan you can use to convey a sense of hope and optimism about this plan:

A. This plan puts us back in control of our economic destiny. After 12 years of finger-pointing, we're stepping up to the plate taking responsibility for the economic strength of this country. This plan is good news for the economy:

1. It has the largest deficit reduction in history;

2. It has the largest spending cuts in history;

3. It puts America's economic house in order;

4. It makes it possible for America to grow again, for our economy to expand again, by finally paying down the deficit that has been choking-off jobs and growth, and by shifting the federal budget away from wasteful spending and toward sound investment.

B. This plan will create jobs, 8 million of them over the next four years. Permanent, productive, private-sector jobs. This plan is a job generator because:

1. It makes it easier for business to grow. If we keep interest rates at their present low level for the rest of this year, we will have pumped $100 billion of new private sector capital into the economy.

2. It has targeted new incentives to encourage business—especially small business—to create new jobs.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

## CRIME

Mr. LIEBERMAN. Mr. President, on Wednesday of this week, a young firefighter in Bridgeport, CT, was shot in the leg while he fought a fire engulfing a 12-family home. The fireman, Erik Boone, kept fighting the fire for 20 minutes after being hit. I pray for his successful recuperation, but I share with his colleagues a sense of outrage at what happened. As Fire Lt. George Bryant said, "We are defenseless out here. We can't shoot back. A tough job is just getting harder."

"A tough job is getting harder." That phrase could apply to the lives of many people in America's cities and in our suburbs and small towns as well. The job of living, of making ends meet, of survival, is getting harder because of crime—the perception and the reality of crime.

Mr. President, while I was home in Connecticut last week, in one weekend three people were killed in my home city of Hew Haven, CT; two in Bridgeport; a young child killed in Stamford; stories of a horrible crime of a group of adolescent males circling an adolescent female at a pool in New York City, molesting her sexually; stories of two mothers in New York leaving their homes, one as I recall going to get groceries with a small child in her hand, caught in a crossfire, gang warfare; one of the mothers killed right on the streets on her way to a grocery store.

Mr. President, this has to stop. We are understandably focused at this hour in this Congress on the budget deliberations, the serious deficit that we have in our Federal budget, concerns we have about the slowness of the recovery of our economy, loss of jobs by people. But I will tell you, Mr. President, that unless we get together, government—Federal, State, and local—and citizens and do something to stop the lawlessness on our streets throughout our country, people are not going to have the courage to go out of their houses to worry about the economy, to spend their money, to go to their jobs.

Because our prisons are so crowded, we have heard of judges sentencing more and more criminals to the confines of their own homes. That, in effect, is the kind of sentence being imposed on more and more innocent Americans. So many of our neighbors, particularly the vulnerable—the elderly among us—are prisoners in their homes while the world outside becomes a forbidden zone.

The outrageous crime of shooting a firefighter is sadly but one of many terrible crimes occurring throughout this country and I say, to bring it closer to home, throughout the State of Connecticut.

The police report on any given night reveals a madness that is loose in our society. Consider these stories, all of which were reported in Connecticut in just this month alone:

A man in Farmington, a peaceful suburb, is stabbed with a meat cleaver.

A man is arrested in rural small town Ellington, CT, for trying to run over two police officers.

A cab driver is threatened by a passenger with a hypodermic needle. The passenger wanted the cab driver to take him someplace to buy drugs.

Police in Hartford, CT, stopped two gangs from assassinating a police officer.

A 7-year-old girl in Stamford is murdered, three men are charged with the crime.

Mr. President, there are a lot of reasons for the explosion of crime in our society. Drugs are clearly a problem. But it goes beyond that: The collapse of so many families in America, the failure of our schools, the decline of religion, the loss of values, the shortage of jobs.

The war on crime is not going to be won with a single magic bullet. It has to be fought on all fronts, and it has to address all the factors that I have described. But I rise to say that we cannot neglect the traditional foundation tool of fighting crime, and that is strong law enforcement. I hope that this will be the session of Congress—and as soon as possible—when we will rise up and strengthen the role of the Federal Government in assisting the heroes, the police at the State, county, and local level and all the other law enforcement personnel who are trying to bring order to our society.

It is imperative that we adopt a crime bill, and a good one, a tough one, in this session of Congress. In the hopes of stimulating debate, being part of that process, I intend soon to introduce a series of anticrime measures of my own, which I would like to briefly outline for my colleagues in the Senate today.

First, I think we have to look at the creation of a Federal rapid deployment force, a cavalry of sorts, that can be dispatched into any community of this country at the request of local authorities to provide short-term backup for the local police force when it is confronted with a crime emergency.

My hope is that this rapid deployment force would be a highly trained, equipped, and motivated force. It would be specially designed to meet some of the unbelievable challenges that local police forces face today, often in the kinds of small towns or middle-size cities where they have had no experience in meeting these challenges. I speak of gang war, or even riots, criminal unrest.

Mr. President, I envision this force being sizable enough to have a visible deterrent effect to give people the security they need to walk the streets fearlessly again.

I recall—this is not necessarily the model but, in some ways, it is the inspiration for this idea—in the days preceding the decision in the second Rodney King trial in Los Angeles, that the National Guard was called preventively into some of the neighborhoods of Los Angeles. It had a remarkable effect. People came out of their homes. They were sitting confidently on their porches. They were walking in the streets. They said they had not felt that secure in a long time, and the security came from the presence of law enforcement personnel.

I know there will be critics of such a force, but I fully suspect the biggest supporters of this idea will be the people who live in those neighborhoods where crime has taken over. It is they who would welcome the arrival of a Federal strike force with hope and open arms just, may I say, as the cavalry was received at an earlier time in our history by settlers on the western frontier.

Second, enactment of a police corps program. I was glad to join several of my colleagues in sponsoring police corps legislation in 1989. I continue to believe this program makes sense. It has the potential to take 100,000 of our best young people after their education and put them on the streets of America to support the local police forces.

Third, I hope we will expand a program known as SHOCAP, which is the Bureau of Justice Assistance's Serious Habitual Offender Comprehensive Action Program. This Federal program recognizes a reality that every local cop, every local police chief will tell you: That it is relatively few criminals, often young ones, who are responsible for a significant percentage of crimes. This program, SHOCAP, trains and helps local authorities to target this one-person, sometimes few-person crime wave to take them off the streets with the aim of putting them behind bars.

Fourth, I think we have to study antiloitering laws to see if they can be made more effective in fighting crimes. Court decisions have gutted such laws in the past, but I believe if properly designed, they can remain an effective tool for putting particularly open-air drug markets out of existence. There is no reason to allow such criminal activity to exist so openly, so brazenly to terrorize law-abiding people in the neighborhoods of America.

Fifth, we have to strengthen our gun laws. I continue to support the Brady bill. I also think the Federal Government should encourage States to enact tough, mandatory imprisonment laws for the use of guns while committing a crime, by making receipt of Federal law enforcement funds contingent on States having such laws on the books. I believe we must have laws that require a mandatory jail term for career criminals who use or possess firearms in the commission of crimes.

Sixth, I hope we will create a program or build on a program called LEEP that is aimed at encouraging retiring military personnel, as we build down our Armed Forces, to join local police forces. Many of these people possess very important skills that can serve them and our communities well in the line of police duty.

Seventh, I would like to see us provide grants to States to establish victim notification procedures, to help the victims of crime keep track of what happens to their attackers and, in that sense, to be a presence in the courtroom, encouraging prosecutors to pursue cases and to achieve the toughest penalties possible.

Eighth, we have to develop a plan for using abandoned military facilities—some of this is going on already; I hope we can expand it—to house prisoners in order to alleviate the critical shortage of prison space that exists in most parts of the country.

Nine, I hope we will take a look at a new program to give Federal grants to our States to help them build prisons. Again, Mr. President, you talk to the policeman on the beat. Too often when they arrest a person they are convinced has committed a crime, they know that person is not going to end up in jail. And do you know what? The person arrested knows that, too, because there is just not enough jail space.

And finally, 10th, I think it is time for us once again to create a national commission on violent crime. We have not had a serious, thorough examination of this problem since the Kerner Commission in the 1960's. An awful lot has changed in our society in the time since then. The level of violent crime has gone up dramatically, unacceptably. I think it is time for us to take a look in an organized way at this problem and decide as a nation that we are ready to do something about it.

Mr. President, I offer these ideas in the knowledge that they alone will not be enough to turn the tide of violence sweeping our society, but I offer them with confidence that they can make a positive difference in the lives of the millions of ordinary, law-abiding Americans, the silent majority out there that lives too often in fear today and that deserve a Federal response to what has become an overriding national problem, a problem that threatens our sense of security today more than any foreign enemy.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I ask unanimous consent that I may be allowed to proceed for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ALTERNATIVE SENTENCING

Mr. NUNN. Mr. President, I first congratulate the Senator from Connecticut on his presentation about crime. I know he has tremendous experience as an attorney general and has taken a great interest in the whole problem of violent crime in America. I admire him very much for his remarks and would like to identify myself with his remarks.

I do think, on the latter point that the Senator from Connecticut made about prison space, we not only have to have an assurance that we can put people who are dangerous to society behind bars, but given the budgets and the cost of keeping people behind bars we are going to also have to examine alternative sentencing for people who are not dangerous to society. Indeed, we have people behind bars now, who are costing the taxpayers $20,000 to $25,000 a year, who may, indeed, not be dangerous to society.

So we are going to have to look at both ends of this. Prison space now is too short and the policemen are absolutely right in being frustrated in that they make arrests of what they believe to be dangerous criminals who have no way to be put in jail because the combinations are not there.

I have talked to an awful lot of judges, some DA's and some law-enforcement officials who believe we are keeping people who are not dangerous and did not commit dangerous crimes behind bars.

So I think we have to look at both sides of that, from a purely economic as well as societal and law-enforcement point of view.

I congratulate the Senator from Connecticut and hope to work with him on the thrust of his remarks.

## GAYS AND LESBIANS IN THE ARMED FORCES

Mr. NUNN. Mr. President, the media is filled with accounts as to what may or may not be happening in the White House and Pentagon and the executive branch with respect to the issue of the restrictions on the service of gay men and lesbians in the Armed Forces.

As my colleagues will recall, the President issued an interim policy on January 29, 1993, which basically retained the longstanding restrictions on the service of gays and lesbians while eliminating questions on sexual orientation from the enlistment application. Part of that interim policy was a very important provision, which the President put in his interim order and which I felt strongly needed to be in that order, which said that even though the questions were not being asked, every new recruit would have explained to him or her the expectations of the Uniform Code of Military Justice relating not only to homosexual conduct but also to the other standards relating to sexual conduct, including the problems of sexual harassment.

So every new recruit, under the interim policy, is being acquainted with the expectations of conduct in general and also in terms of sexual conduct.

Mr. President, the President directed the Secretary of Defense to prepare a draft policy on this issue by July 15, 1993. It is my understanding that in recent days the Secretary of Defense, after detailed review and consultation with the civilian and military leadership of the Department of Defense, has presented a proposal to the President and that that proposal is now under review at the White House.

On February 4, 1993, the Senate agreed to an amendment which directed the Armed Services Committee to conduct hearings on this issue. In addition, the Senate agreed to an order which precluded amendments on this issue until July 15, 1993.

I believe that moratorium on legislation through July 15, 1993, was very helpful in providing the opportunity for our Armed Services Committee to have a fair, objective, and thorough set of hearings without the disruption of constant amendments on the floor that would have had really no legislative history in terms of committee deliberation.

Mr. President, it is my hope that any order issued by President Clinton on this subject will have a delayed effective date of sufficient length to permit congressional review and action if the Congress decides that legislative action is necessary.

Therefore, I urge my colleagues on both sides of the aisle to withhold any amendments on this issue until the Armed Services Committee has completed our action on what I think is a very important issue in the military services.

Whatever one's perspective may be, I believe that all interests will be best served if we deal with this issue through the normal established committee process with legislation that contains detailed findings and carefully considered procedures. Without these detailed findings and without a predicate for legislative action, I think the courts will have a much more difficult time dealing with this issue and the chances of any policy, however intended, holding up in Federal courts could be diminished if we do not deal with it in a careful, prudent, and detailed way.

Mr. President, next week the Armed Services Committee will begin our markup on the National Defense Authorization Act for fiscal year 1994. I am hopeful that the Clinton administration will issue a policy on this subject of gays and lesbians in the military I can support, and I am also hopeful that a majority of our committee will be able to support the proposal by the President. I am also hopeful we can adopt that proposal if it is supportable by a majority of our committee in the markup which, as I have said, begins next week.

Regardless of what action is taken by the Clinton administration in the executive branch, however, we will have to consider and act on this issue because our bill is expected to be considered by the Senate prior to the August recess. So next week is the time we are going to have to act legislatively, notwithstanding any delay that may take place in the executive branch. We have to get this in our bill if we are going to have the kind of findings that I believe are necessary as we move from the legislative area to the executive branch in terms of implementation, and we need to give policy guidelines. And I am certain there will be legal challenges. So what we do in committee will also be important to the judicial branch of Government when this matter is brought before them in the proper forum.

Mr. President, I believe it is essential that the Congress codify the policies regarding homosexuality in the Armed Forces by adopting legislative findings and by providing clear legislative direction to the executive branch and to the leadership and the men and women in the Armed Forces.

Based upon the hearings held in our committee, it is my view that any policy issued by the executive branch as well as any legislation enacted by the Congress must at a minimum be consistent with the following principles. These are broad principles, and they are not meant to be exclusive because the issue is much too complex to be summarized.

But I do think these principles have clearly emerged in our hearings as supportable by the overwhelming evidence we have received.

The first principle I would articulate today is that military service is a unique calling which has no counterpart in civilian society. The primary purpose of our Armed Forces is to prepare for and to prevail in combat should the need arise. The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices including, if need be, the ultimate sacrifice to provide for the defense of our Nation.

No. 2, the foundation of combat capability is unit cohesion. Unlike our civilian society, in the military the mission is the No. 1 priority. The unit is the second priority, and the individual is the third priority.

Mr. President, in society the individual comes first. In the military, the mission comes first. If in a quest for full societal constitutional rights in the military, which have never existed in the military, if in that quest we end up placing consideration of the individual before consideration of the mission, we are going to have an awful lot of people killed in combat, and we are going to have an awful lot of people wounded in combat. And we are going to have questionable military performance by many of our units if we replace the standing principles for years and years that have been part of our military history—that the mission comes first, not the individual.

That is what so many people do not understand about the military. But it is a cardinal principle, and it is a distinction between the military and our civilian society.

Mr. President, the third principle is that military personnel policies must facilitate the assignment and the worldwide deployment of service members who frequently must live and must work under close conditions affording minimal privacy. There is an awful lot that can be said on this subject. But another fundamental distinction between the military and civilian society is that people in civilian society, by and large, go home at night and they have the privacy of their homes. In many tens of thousands of military assignments, the home is the ship or the home is the tent or the home is the barracks. That is a fundamental distinction.

The fourth principle is that because of the factors that I have already enumerated, the presence in military units of persons who, by their acts or by their statements demonstrate a propensity to engage in homosexual acts, would cause an unacceptable risk to the high standards of morale, good order, and discipline, and unit cohesion that are absolutely essential to effective combat capability. There should be no change in the current grounds for discharge—homosexual acts, statements, or marriages.

The fifth principle is that while DOD policies on investigations may be subject to commonsense limitations because of the need to allocate scarce resources and to establish investigative priorities, these policies should not preclude investigations based upon any information relevant to an administrative or disciplinary proceeding.

Mr. President, despite recent media stories attributing certain statements to the Justice Department—and I have no idea whether they are accurate or not, whether someone in the Justice Department really made these statements or whether this is invented out of whole cloth; but despite these media stories and despite the statements that have been attributed to certain Justice Department people who are unnamed, about the constitutionality of various proposals in this arena, I am convinced that the principles I have enunciated are constitutionally sound and will be upheld by the Supreme Court of the United States.

No one can say what some Federal court may do in one case or the other. What we have to be guided by in terms of our deliberations is what we believe the Supreme Court will uphold on appeal.

The U.S. Supreme Court has repeatedly held that the application of constitutional rights to members of the Armed Forces is necessarily different from the rights of persons in civilian society.

Mr. President, there are many lawyers who speak on this subject and are quoted in the newspapers that I do not believe have read a number of these Supreme Court cases. It is the fundamental principle of the Supreme Court decisions on the military that there is a distinction, a significant distinction, between the individual rights in society and the individual rights when they wear a military uniform. The Federal courts on many different levels have ruled on numerous occasions that restrictions on the service of gay men and lesbians, including restrictions on acts and statements, do not violate the constitutional rights of military personnel.

Mr. President, I have come to these conclusions based upon the committee's extensive review of this matter over the last 6 months. During the Armed Services Committee markup next week of the National Defense Authorization Act for fiscal year 1994, I will be proposing, along with others, legislation that embodies these general principles.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, is there a time arrangement that is part of a consent agreement?

The PRESIDING OFFICER. Under the previous order, each Senator is allowed to speak for up to 5 minutes.

Mr. DOMENICI. Mr. President, I do not believe I can do this in 5 minutes. I ask unanimous consent that I be allowed to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MIDSESSION REVIEW

Mr. DOMENICI. Mr. President, I thank the Chair.

Mr. President, for the last couple of days I have been addressing the issue of midsession review by the executive branch of Government. I think it is too bad that my purpose has been misunderstood either intentionally or otherwise—or I should say my purposes—and that some have now chosen to speak on a personal basis about what I have said the last couple of days, and the letter that I wrote to the President and Leon Panetta with Republican leader, Senator DOLE, and others regarding this statutory requirement of June 16 submittal of an updated version of where the budget is going, and what are the underlying economic underpinnings.

Frankly, I want to speak about what I have done in the past, and what I have not done, because I have not taken the position that this is all right for Republican Presidents and not all right for President Clinton. I just want to put in the RECORD one of these.

When Senator Chiles was chairman, I was ranking member—July 14, 1988—and I cosponsored a letter with him that we then took over to the House and we got both the Republican and the Democrat leadership of the Budget Committee to sign. It essentially said what we are saying today—midsession reviews are not academic technical things. They are required by law and they give forth to the Senate and the people a very, very important set of numbers, assumptions, assessments, and the like.

I would ask that the record on this, which I have extracted, be made a part of the RECORD today, indicating what the letter said, why Senator Chiles said it was important, why I joined with him in saying it was important.

Incidentally, in this correspondence, there is an allusion to the previous year where I had objected also—I do not choose to dig up every year—but suffice it to say, I have been very concerned about compliance with midsession reviews because I think they are required by law. If an administration is not going to do it, I say to my good friend, Leon Panetta, who yesterday indicated that maybe I was not being totally forthright on this, or that perhaps I was motivated by something other than I have been in the past—frankly, I have not changed one bit on the issue. I do believe it is very, very important. And, frankly, in the past if administrations could not get it done, they used to sit down with leadership, Democrat and Republican, tell them why, and ask for some kind of an extension.

One will have to note that while President Bush did not get his in on time, they were all within a July timeframe. I believe the latest one was July 24. We are asking in a resolution pending before this body that the President do it, but no later than 10 days after the due date, which will be July 26.

I ask unanimous consent that part of the previous transcript before this body be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 14, 1988]

### THE PRESIDENT'S MIDSESSION BUDGET REPORT

Mr. CHILES. Mr. President, section 1106 of title 31 of the United States Code requires that the President must submit his midsession budget report to Congress before July 16. I have just received a letter from the Director of the Office of Management and Budget that informs me that the President will not submit this report on time tomorrow. I rise today to express my sincere hopes that he will submit this important report as soon as is possible.

The midsession budget report is not merely some academic exercise. This is the report where the OMB establishes the economic and technical assumptions it will use in determining whether the Gramm-Rudman-Hollings law will require across-the-board cuts. As amended last year, Gramm-Rudman-Hollings requires that this report must also provide an estimate of the deficit in a manner consistent with the estimates that will be used by OMB in its August 25 initial report on whether across-the-board cuts are needed. In other words, with this report, we will be able to look down the road and see if we are headed toward across-the-board cuts under Gramm-Rudman-Hollings.

It is imperative that Congress receive this kind of information as early as possible. If the future holds across-the-board cuts, Congress and the President would need to set about as soon as possible to take steps to avoid them. This is particularly true this year, as we have a short legislative calendar and only so many days of session in which to act. As I count them, there are only 9 weeks of session left in the year after today. Those of us who worked for a month in the economic summit last year know that's not a whole lot of time when you're talking about the possibility of crafting a compromise to reduce the deficit.

We are proceeding expeditiously on appropriations measures this year. Depending on how long the President delays, we may well have completed Senate action on all appropriations bills when we receive the President's report. That would leave us with very few legislative opportunities to address the deficit problem over the remainder of the year.

And so, I call upon the President to expedite his midsession report. We look forward to receiving it soon.

Mr. President, I send to the desk a copy of a letter that Chairman Gray of the House Budget Committee, Senator Domenici, and I sent to the Director of the Office of Management and Budget plus a copy of the letter I received today from the Director and ask unanimous consent that they be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, June 22, 1988.*

Hon. JAMES C. MILLER III,
*Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.*

DEAR MR. MILLER: We are writing you because of our concern for timely submission of the President's Mid-Session Review of the 1989 Budget.

Title 31, United States Code, section 1106(a) requires submission of this report before July 16. Last year, the report was not submitted until August 17, when Congress was not in session as a result of the statutory August District work Period.

The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (P.L. 100–119) specifies a crucial role for the Mid-Session Review in the calculation of excess deficits. The August 25 report required under that Act must use economic and technical assumptions specified in the Mid-Session Review, and the Mid-Session Review must provide an estimate, using those assumptions, of the deficit excess and net deficit reduction that will be reported on August 25. The joint explanatory statement of the committee of conference accompanying the Act states: "It is imperative that the Director of OMB actually deliver this mid-session report by July 15. . . . The mid-session review is expected to be issued by the statutory deadline for that report" (House Report 100-313).

The Congress will be handicapped in its efforts to achieve deficit reduction and avoid sequestration if we do not have the Mid-Session Review on the required date. It is essential that as much information as possible about the amount of deficit reduction required to avoid sequestration be available to the Congress as it works on budgetary legislation during July and August. We are therefore expressing to you our concern that last year's delay not be repeated and that the statutory requirements for this report be met.

Sincerely,

House Budget Committee:
WILLIAM H. GRAY III,
*Chairman.*
DELBERT L. LATTA,
*Ranking Minority Member.*
Senate Budget Committee:
LAWTON CHILES,
*Chairman.*
PETE V. DOMENICI,
*Ranking Minority Member.*

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, July 14, 1988.*

Hon. LAWTON CHILES,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter is to advise that it is necessary to delay the issuance of the Mid-Session Review pending the availability of accurate data on the drought and its impact on the economy and the budget.

The drought that is currently affecting agriculture and transportation in much of the country may also affect the Federal Government's budget for FY 1989. Crop support payments, loan repayments, and sales of power from Federally-owned hydroelectric generating facilities are examples of some of the Federal Government's activities that may change because of the drought. Despite the extra efforts of the Interagency Task Force on the Drought, a reliable assessment of the potential impact of the drought will not be available until later in July.

The potential magnitudes of these changes are too important to be ignored in the preparation of the Gramm-Rudman-Hollings (G–R–H) baseline that is required to be published with the President's Mid-Session Review. The G–R–H legislation requires that the economic and technical assumptions used in the Mid-Session Review must also be used in both the August and October G–R–H reports. The issuance of the Mid-Session Review must, therefore, be delayed until better information is available about the drought and its effect on the economy and the budget.

We will submit the Mid-Session Review at the earliest possible time that meaningful data on the budget effects of the drought can be compiled into the report. I fully intend for the delay to be no more than two weeks. I trust you will agree that the special situation brought on by the drought, combined with the requirements of the G–R–H legislation limiting changes in economic or technical assumptions after the issuance of the Mid-Session Review, must be taken into account in the Mid-Session Review. I appreciate your understanding on this issue.

Sincerely yours,
JAMES C. MILLER III,
*Director.*

**Mr. DOMENICI.** Mr. President, I want to acknowledge that, dated July 15—I assume we received it this morning—a letter came to me from Leon Panetta, the Director. It has been carboned in, and the indication is it is going to the leadership here, and the so-called fiscal and tax writing committees here are getting the same letter, and similarly in the House.

The letter indicates that after the passage of the omnibus reconciliation bill, they will give us a midsession review. But for now, they gave us a series of numbers.

I ask unanimous consent that the numbers be printed in the RECORD and that the correspondence, preliminary midyear budget review, a one-page document with an attachment that has two numbers for each of the years 1993, 1994, 1995, 1996, 1997, and 1998, be printed in the RECORD, thus acknowledging the receipt for whatever it is.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRELIMINARY MID-YEAR BUDGET REVIEW

Changes in the economic outlook, enacted legislation, and differences from technical assumptions in the Administration's April budget have combined to reduce the deficit modestly in all years over the forecast horizon. The changes are largest in 1993, the current fiscal year, and more modest for the five-year planning period from fiscal years 1994 through 1998.

In the current year, changes in the economic outlook are projected to reduce the baseline deficit—not including the direct effects of Administration policy—by about $2 billion. Most of this effect comes from lower interest rates; other outlays are slightly lower than expected, while revenues are very slightly lower than the original projection. Enacted legislation, especially the continuation of extended unemployment benefits, adds about $5 billion to the deficit. Divergences of spending and revenue from projected levels because of changed technical assumptions reduce the deficit by about $28 billion; virtually all of this change is due to lower-than-anticipated deposit insurance costs. (About half of the reduced deposit insurance costs relate to delayed funding, while the rest is the result of the improved economic environment for financial institutions.) In sum, the fiscal year 1993 deficit is now projected to be $285 billion, or $25 billion below the April baseline projection of $310 billion.

The following displays baseline deficits (in billions of dollars) as estimated in the President's budget released in April and in this preliminary mid-year budget review.

| | Fiscal years | | | | | |
|---|---|---|---|---|---|---|
| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
| April budget | 310 | 302 | 301 | 298 | 347 | 387 |
| Prelim. mid-year | 285 | 300 | 286 | 291 | 340 | 379 |

While the Administration believes that there has been some modest improvement in the deficit outlook, it by no means justifies a reduced commitment to long-term deficit reduction through fundamental changes in budget policy.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, July 15, 1993.*

Hon. PETE V. DOMENICI,
*Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR SENATOR DOMENICI: This letter provides a preliminary update of the deficit forecast, and consistent with past practice, states the Administration's intention to issue a Mid-Session Review upon completion of the reconciliation process by the Congress.

Please find enclosed a preliminary update of the deficit forecast. As you can see from this update, it remains critical that the President's economic plan be adopted.

Enactment of the Omnibus Budget Reconciliation Act of 1993 ("OBRA"), currently pending conference action, is certain to cause significant changes in the budget estimates. We believe that these changes should be reflected in the Mid-Session Review. Without reflecting these changes, the Mid-Session Review will be outdated almost immediately and will not provide useful information on the budget. The Mid-Session Review should therefore, be issued after passage of the reconciliation bill so as to reflect the major changes that we are working to achieve.

We will submit the Mid-Session Review promptly after passage of OBRA, which we anticipate by early August. I trust that you will agree that the impending enactment of the reconciliation bill presents a special situation and that the results of reconciliation should be taken into account in the Mid-Session Review. I appreciate your understanding on this issue.

Sincerely,

LEON E. PANETTA,
*Director.*

Mr. DOMENICI. For the Senate's edification, so that one will know that a midsession review is really not one piece of paper with six sets of two numbers each for 5 or 6 years, this is the last midsession review for 1992, a very detailed document. In fact, some thought it was too detailed.

Most midsession reviews contain a great deal of information about where we have been since the President's budget submission, and what the Congress has done or not done, and what are the economic projections, if any. To say there is no need for this because we ought to wait until the omnibus reconciliation bill with all of the new taxes in it is completed—from my standpoint, if the administration would have come in and talked about it and given us some justification, that might be one thing. But there is a big difference this year, Mr. President, between why I asked for this now and why I have asked for it before, and I will just state that clearly for the RECORD.

It is obvious to the American people that the President of the United States campaigned on a completely different tax and fiscal policy plan than he asked Congress to implement on his behalf.

The reason given is principally one, which is that the deficit was bigger than he expected or than he was led to believe during the campaign. Frankly, that is all right. I argue with that, but I did not campaign. I think he should have known, and should not have been making the promises, because almost everybody knew.

The Congressional Budget Office knew it precisely. They issued a reassessment of things in August, and in November the election occurred, and in between the promises continued.

When a President makes a big issue that a deficit has changed, and thus he will change his course of action and his campaign promises and commitments, it seems that a deficit change of $30 billion or $40 billion or $50 billion—which was what it was, I believe, or thereabouts, although annually, across a 5-year span—is a big enough issue at that point, Mr. President, so the President can say: I will not be able to cut middle-income taxes. I will have to renege on my commitment on gasoline taxes and put some on. I will have to have a Btu tax, even though I, from time to time, said I was not going to do that in the campaign—all because the deficit changed.

It seems to me that a live written rumor, kind of backed up by the Congressional Budget Office—they do not have to give their report yet, so I say kind of backed up—the deficit may be $50 billion less in 1993 than expected. And that takes on a little different complexion.

This Senator never said—for those who are saying I can now settle for a $260 billion deficit or $270 billion deficit—anybody who knows me knows I am for getting it down as soon as is practicable, consistent with some sound economic policies, so we do not make matters worse. But the point is that there is a shroud of suspicion. If the deficit is $50 billion less than when the President sent his budget up, the shroud of suspicion is: Are we taxing the American people more than necessary? If, in fact, that deficit reduction is consistent over the years, we might be able to take $50 billion or so off the taxes imposed on the public.

The suspicion is, we raised the taxes when the deficit went up. Well, we do not change anything, even though not yet completed, when the deficit comes down.

Frankly, that does not mean that I have drawn a conclusion. But it does permit me to speculate. And many are now speculating on what is this kind of double standard. When it goes up, we change our practices and tax the public. But if it comes down for any reason—and we have not done anything yet—should we not reconsider? I think the facts should be on the table, in detail, before this conference finishes.

Frankly, from my standpoint, this could all have been done and done in a regular manner, in a manner that is credible not from the standpoint of whether I believe my former cohort, Leon Panetta, with whom I worked shoulder to shoulder a lot, but credible in the sense of putting real background information in, as midyear session reviews do, behind some numbers.

Having said that, let me say that late yesterday, OMB Director Panetta and Deputy Treasury Secretary Altman held a press briefing in the White House and told reporters the purpose was to discuss the new lower deficit estimates for this year, as well as the administration's unwillingness to release the midsession budget review required by law.

They admitted that the deficit for this year will be—I am going to put a number on it, because I think I can do some subtracting. The April 8 document that was sent up here as a budget—not really a total budget—says the deficit was $322 billion. Yesterday, in the press conference, it was said it was $285 billion. That is $37 billion lower. I said at various times it was between $35 and $50 billion. Some have said it is between $50 and $70 billion. I do not believe I have ever said that; $35 billion is not a small piece of change, nor $37 billion. I still believe it is going to be down more than that, but they are acknowledging $37 billion.

CBO, by the way, is suggesting that the outlook for this year's deficit is more like a $260 to $270 billion range. You can see that is substantially larger in deficit reduction than the $37 billion the administration sent. I am not suggesting one is totally right and the other is wrong, but I suggest that the issue is a big one. It is a lot of dollars.

As a matter of fact, it is interesting that the deficit will be reduced more in 1993 by no action. I repeat: The deficit, in 1993, will be reduced by no action on the part of the President or the Congress, more than the deficit is going to be reduced by action if the plans all work out. They are not coming down annually anything like $50 billion or $60 billion or $70 billion, which is what CBO estimates will happen this year.

And again, I am not saying that is a truism for each year, but do you not think we ought to know before we put this package in place?

Now, I must state the fact that the deficit is coming down is great news. Some suggested it is good news. I think it is great news. Where those reductions came from are very important.

I believe the tax revenues of the United States are going up without any new taxes. I would like to know what that number is. It seems to me the Treasury Department knows something about it already.

If the revenue is up without these new taxes, one might speculate what are all these new taxes going to be to that revenue stream? I am very suspicious in my own reading of it all and listening to economists who say you might make the revenue stream go down because of those taxes. The expectation could, according to many experts, including Dr. Feldstein, of Harvard University, former economic adviser to one of the Republican Presidents, who say these new taxes on the higher bracket will yield less revenue, not more, than expected.

Nonetheless, the fact it is coming down is good news. The fact it is going down substantially, without any action on our part, may just be a 1-year event, but it may not be. I think we ought to know that before we put this whole reconciliation bill together.

We will not know why this has occurred until after this conference has completed its work because the administration apparently does not believe that it is important for us to know before we start this new, very difficult and onerous deficit reduction package on the tax side. It is predominantly taxes, and everybody knows that in terms of permanent things.

The other deficit reduction items are going to disappear, and they could be changed, but the taxes will be put on, and I am not thinking that there is very much sentiment after you put them on to change them.

So, it seems to me that what is required by law should be submitted, and we should have that. We are going to vote on it, whether we in the Senate think we ought to have it, and I have added a grace period which is consistent with the longest period of time that President Bush ever took beyond the required time, added 10 days, and that covers every one of his. Apparently, according to the White House conference yesterday, Presidents never complied with it. Well, every one of his was within 10 days, from what I can gather, and so we have said in this resolution we will do the same with reference to this President.

Again, I want to repeat the administration's refusal to do this is distressing, given the fact that President Clinton quickly jettisoned numerous campaign promises, and I have told the Senate about those, one of which was the middle-income tax cut last winter, and the reason was that the deficit was higher than when he was campaigning.

Now, we have the largest tax increase in American history, and when asked why, the administration says the deficit made us do it—the deficit made us do it. The latest estimates indicate that the deficit may be substantially less this year when we know all that is known about that and all that is discernible by the modeling and computerizing of the budget that exists within the OMB and the White House.

Secretary Altman and the OMB Director apparently have said, no, the numbers do not allow it.

What are the numbers? We do not know. They will not give them to us. They have given us a budget authority and outlay number for each year with no backup material and no real review.

So, it may very well be the case that we are about to get socked with a $260 to $290 billion tax increase, depending upon which version wins out, and we will not know what the deficit is before we start.

I hope that with this explanation today of why Senator DOMENICI is involved would be clear to everyone. I hope it would also be clear that I am very pleased that the deficit is coming down. It is a good thing. I hope it will also be clear that I have not made up my mind about what this $50 billion reduction in the deficit means for the future.

But I think there is a cloud, kind of a what is this all about, hanging over this until we get it and get it in some detail. If the administration is right that it is rather irrelevant to the future, then why do not they tell us that in some detail and maybe we can get on to the next important issue?

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN].

## MORNING BUSINESS

### ORDER OF PROCEDURE

Mr. NUNN. Mr. President, on behalf of the majority leader, the following unanimous-consent requests have been cleared on the Republican side.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 277. Ada E. Deer, to be an Assistant Secretary of the Interior;

Calendar 278. William Christie Ramsay, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo;

Calendar 279. William H. Dameron III, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali;

Calendar 280. Joseph A. Saloom III, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea;

Calendar 281. Dennis C. Jett, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique;

Calendar 282. Laurence Everett Pope II, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad;

Calendar 283. Howard Franklin Jeter, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana;

Calendar 284. Andrew J. Winter, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia; and

Calendar 285. Victor P. Raymond, to be an Assistant Secretary of Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF THE INTERIOR

Ada E. Deer, of Wisconsin, to be an Assistant Secretary of the Interior.

### DEPARTMENT OF STATE

William Christie Ramsay, of Michigan, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

William H. Dameron III, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Joseph A. Saloom III, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Dennis C. Jett, of New Mexico, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Laurence Everett Pope II, of Maine, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Howard Franklin Jeter, of South Carolina, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Andrew J. Winter, of New York, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

### DEPARTMENT OF VETERANS AFFAIRS

Victor P. Raymond, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

## TRIBUTE TO GEN. JERRY R. WYATT

Mr. MATHEWS. Mr. President, I rise today to pay tribute to an outstanding Tennessean, Maj. Gen. Jerry R. Wyatt, whose unexpected death last week will be mourned by many.

General Wyatt was Tennessee's 71st adjutant general and top military officer. I was fortunate to have worked closely with General Wyatt in Gov. Ned McWherter's administration where I developed strong admiration and respect for his leadership.

A native of Brownsville, TN, General Wyatt served as adjutant general since 1991. In that role he directed Tennessee's military department which includes the Tennessee Air National Guard and Army National Guard.

General Wyatt's service in the Tennessee National Guard began in 1957. In 1967, he volunteered for service in Vietnam and served as a company commander.

He was wounded in the Tet offensive in 1968, and upon returning to Tennessee, resumed his career in the National Guard. Throughout General Wyatt's military career he was honored with numerous awards and decorations. The Legion of Merit, Bronze Star Medal, Purple Heart, and Army Achievement Medal, among many others, display General Wyatt's exemplary service.

A lifelong Tennessean, General Wyatt received his B.S. degree from Cumberland University in 1968, and an associate degree in political science from Dyersburg State Community College in 1973. Prior to being named adjutant general, Wyatt was the U.S. property and fiscal officer, where he served with distinction.

General Wyatt leaves his wife, Shirley Ferrell Wyatt, a son and daughter, and three brothers, to whom I extend my most heartfelt condolences. Mr. President, General Wyatt spent much of his life and career in dedicated military service to his fellow Tennesseans and to his fellow citizens of this Nation. His tenure was marked with honor and distinction and he will be greatly missed.

## THE HATCH ACT REFORM AMENDMENTS OF 1993

Mr. KENNEDY. Mr. President, I rise in support of the Hatch Act Amendments of 1993 and call upon my colleagues to vote for this legislation which will restore long due overdue rights to men and women in the civilian work force.

It is a basic principle of government in a political democracy that government functions best when all citizens are given the widest possible latitude to participate in the political process. Yet a significant segment of the citizenry is currently prevented from full participation in the political process of the country by a confusing and anachronistic set of legislative and regulatory restrictions that no longer serve the purposes for which they are enacted. The time has come for us to address the basic inequities in these restrictions and restore to Federal workers the fundamental rights and responsibilities of citizens in a free society by enacting S. 185 into law.

Under the current law, a Federal employee is able to participate in the political process only in a limited manner and only under rules that are difficult to understand and easy to mistakenly break. For example, a Federal employee can go to a rally for a candidate anywhere in the country, but cannot pass out campaign literature for the candidate in his neighborhood. A Federal employee can write a check contributing to a candidate and even express an opinion about a candidate, but if that opinion is expressed in a speech, she will be in violation of the law. These are rules without sensible distinctions.

The time has come for us to address the basic inequities in the current restrictions and restore to Federal workers the ability to exercise the fundamental rights and responsibilities of citizens in a free society by enacting S. 185 into law. Federal workers are among the most knowledgeable well-educated members of American society. They should be able to bring their political opinions to the public forum.

The bill brought before us has been carefully drafted. It reflects years of experience by Senator GLENN and the members of the Governmental Affairs Committee. It ensures that Federal employees may participate voluntarily in political activities while maintaining prohibitions and strict penalties against political activity within the workplace. S. 185 would allow Federal employees to engage in a variety of partisan political activities—but only on their own time, when they are not on duty, and when they are not in the workplace. It would continue to prohibit employees from running for partisan elective office, soliciting political contributions from the general public, or engaging in any coercive activity by supervisors in relation to their subordinates.

Mr. Chairman, when the Hatch Act was passed in 1939, almost 40 percent of the Federal work force was exempt from the civil service. Today, few Federal employees are hired by patronage, most are hired on merit. Moreover, over the past 50 years, the merit system has been strengthened. The Office of Personnel Management, the Office of Special Counsel, and the Merits Systems Protection Board are well-established agencies with the authority and the experience to prevent any attempt by an errant supervisor to subject an employee to coercion for political purposes.

Mr. Chairman, Hatch Act reform is long overdue. It is time for the Senate to adopt this legislation without further delay, without weakening amendments, and without exemptions of any class of employees. For years, we have passed this legislation, only to have it vetoed by a Republican President. President Clinton has indicated that he will not suborn the intent of the majority, but will sign this legislation. Let's get this bill passed, so that Federal employees can enjoy the basic constitutional right to free expression.

## THE 1993 MIDYEAR REPORT

The mailing and filing date of the 1993 midyear report required by the Federal Election Campaign Act, as amended, is Saturday, July 31, 1992. All principal campaign committees supporting Senate candidates must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records Office will be open from 12 noon until 4 p.m. on the filing date for the purpose of receiving these filings. In general, reports will be available the next business day after receipt. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1090. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Safe Schools Act of 1993"; to the Committee on Labor and Human Resources.

EC–1091. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations relative to the Federal Direct Student Loan Program; to the Committee on Labor and Human Resources.

EC–1092. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations relative to the Institutional Eligibility under the Higher Education Act of 1965, As Amended (Student Assistance General Provisions); to the Committee on Labor and Human Resources.

EC–1093. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Rehabilitation Research and Training Centers; to the Committee on Labor and Human Resources.

EC–1094. A communication from the Secretary of Education, transmitting, pursuant to law, a report on Presidential Advisory Committee Recommendations; to the Committee on Labor and Human Resources.

EC–1095. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations for the Endowment Challenge Grant Program; to the Committee on Labor and Human Resources.

EC–1096. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations for the Library Services and Construction Act State-Administered Program; to the Committee on Labor and Human Resources.

EC–1097. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations on removal of regulations; to the Committee on Labor and Human Resources.

EC–1098. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the implementation of the Age Discrimination Act during fiscal year 1992; to the Committee on Labor and Human Resources.

EC–1099. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Health Care to Hispanics in Medically Underserved Areas; to the Committee on Labor and Human Resources.

EC–1100. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on compliance by the States with the Consumer-Patient Radiation Health and Safety Act of 1981; to the Committee on Labor and Human Resources.

EC–1101. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the National Center on Child Abuse and Neglect for fiscal years 1989 and 1990; to the Committee on Labor and Human Resources.

EC–1102. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report on the financial status of the railroad unemployment insurance system; to the Committee on Labor and Human Resources.

EC–1103. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report on the actuarial status of the railroad retirement system; to the Committee on Labor and Human Resources.

EC–1104. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report of the determination of the Railroad Retirement Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC–1105. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, a report of management improvement for fiscal year 1992; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 273. A bill to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes (Rept. No. 103–89).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 294. A bill to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes (Rept. No. 103–90).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 310. A bill to amend title V of Public Law 96–550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes (Rept. No. 103–91).

S. 742. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Park, and for other purposes (Rept. No. 103–92).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes (Rept. No. 103–93).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 851. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes (Rept. No. 103–94).

S. 983. A bill to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes (Rept. No. 103–95).

S.J. Res. 78. A joint resolution designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942 (Rept. No. 103–96).

H.R. 1347. A bill to modify the boundary of Hot Springs National Park (Rept. No. 103–97).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1944. A bill to provide for additional development at War in the Pacific National Historical Park, and for other purposes (Rept. No. 103–98).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. DOMENICI):

S. 1252. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment or repricing of certain loans according to the terms of the applicable loan contract, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NUNN (for himself and Mr. THURMOND) (by request):

S. 1253. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to precribe military personnel strengths for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

S. 1254. A bill to authorize certain construction at military installations for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

By Mr. NUNN (for himself and Mr. THURMOND):

S. 1255. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE (for himself, Mr. HARKIN, Mr. HELMS, Mr. MCCAIN, Mr. LEAHY, Mr. SIMON, Mr. D'AMATO, Mr. DURENBERGER, Mr. KENNEDY, Mr. INOUYE, Mr. LUGAR, Mr. MITCHELL, Mr. JEFFORDS, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. MOYNIHAN, and Mr. HATCH):

S. 1256. A bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. DOMENICI):

S. 1252. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment or repricing of certain loans according to the terms of the applicable loan contract, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### RURAL ELECTRIFICATION ACT OF 1936 AMENDMENT ACT OF 1993

Mr. LUGAR. Mr. President, I rise today with my friend and colleague Senator DOMENICI to introduce legislation to give rural electric cooperatives the opportunity to refinance their high-cost debt and take advantage of today's historically low interest rates.

This legislation, by reducing interest costs, should lead to a reduction in utility charges to rural electric subscribers. Millions of rural residents across this country should realize the positive impact of this legislation. For rural residents, actions to lower living costs is one of the more immediate forms of rural development activities that Congress or the administration can initiate.

This is not a bailout bill or a bill providing another subsidy to REA borrowers; far from it. This is a self-help piece of legislation, and is estimated by the Congressional Budget Office as having no cost.

Cooperatives and rural consumers in my State of Indiana will benefit from this bill. Hoosier Energy, a generating and transmission cooperative located in Bloomington, IN, and serving rural resident in southern Indiana, has on the books approximately $107 million in long-term, high-cost debt. Of that total, $70 million has average fixed interest rates exceeding 12 percent. Refinancing that debt with the 7 to 7½ percent interest rates commonplace today will lead to annual savings of over $5 million. Dozens of similarly situated cooperatives across the Nation will utilize this authority. Nationally, there are 14 billion dollars' worth of loans outstanding with interest rates exceeding 8.75 percent.

Specifically, this bill tackles three issues: First, it removes the constraints placed on loan refinancing by the administration. Currently, the administration takes the position that the act of refinancing existing loans is effectively the making of a new loan for purposes of lending limits imposed by Congress. That approach operates as a very effective barrier to the refinancing of high-cost debt.

Although it is my understanding that the administration is currently reviewing their refinancing policy, hopefully this bill will spur it to action. It is my hope that we can adopt this provision quickly so that affected cooperatives can take advantage of today's lower rates. Further delay will only hurt those cooperatives and their rural American ratepayers.

Second, the bill overrides a provision in the loan contract between the borrowers and REA. Under that contract, the borrowers are unable to repay or reprice their loans for a period of 12 years from the date that moneys were first advanced. For many borrowers in rural America, that 12-year window may not open until 1995 or 1996—perhaps far too late to take advantage of these attractive interest rates. This bill will allow such borrowers to prepay or refinance at any time during the life of their contract.

The bill is designed to permit such repayment or repricing at no cost to the Federal Government. Under the terms of the existing contracts, after the 12-year period borrowers are entitled to prepay or reprice, but are charged a premium equal to the interest payment for 1 year. This bill retains that prepayment premium. For borrowers that prepay or reprice before the 12-year period, the bill also calls for a second premium based upon the expected revenue loss to the Government between the date of repricing and the 12-year window.

Finally, the bill authorizes, subject to appropriation, a hardship program for those cooperatives in the most dire financial straits.

Mr. President, I urge all of my colleagues to review this bill. It is legislation that this body should act upon as quickly as possible.

Mr. DOMENICI. Mr. President, I rise to join the senior Senator from Indiana in the introduction of legislation to permit the prepayment of certain REA loans.

The legislation we are introducing provides a means to refinance high-cost debt held by rural cooperatives. The bill would:

Eliminate the current backlog of loans eligible to be refinanced under existing loan contracts;

Allow cooperatives to prepay the remainder of this debt in advance during this period of low interest rates for a modest premium; and

Establish a hardship program to refinance a portion of this debt premium free.

There is a $3.9 billion backlog of loans waiting to be repriced by the Rural Electrification Administration. Another $4.3 billion will become eligible to be repriced over the next 3 years.

According to the Congressional Budget Office's preliminary estimates, the repricing of these loans will have no cost to the Federal Government.

Mr. President, in my home State of New Mexico, Plains Electric Generation and Transmission Cooperative is struggling with extremely high interest rates on its outstanding debt with the Federal Financing Bank.

In the early 1980's, Plains borrowed nearly $400 million from the Federal Financing Bank to construct a coal-fired electric generation facility to meet existing demand under some of the most stringent regulatory requirements of the Clean Air Act.

Of this amount, $269 million in loans was approved prior to 1982. Plains will be able to refinance this $269 million over the next few years under its current loan contracts for a modest premium. If Plains was allowed to refinance just $100 million of this amount, it would represent $4 million in savings to rural New Mexico electric customers.

Since the 1980's, Plains has seen two things occur. First, interest rates have plummeted, dropping to as low as 6 percent recently. At the same time, the downturn in the uranium, coal, $CO_2$, molybdenum, and copper industries New Mexico has weakened demand for electric power.

New Mexico is generally a rural and poor State with high unemployment and high electricity rates. While the United States is suffering a 6.9-percent unemployment rate, the Mora County unemployment rate is 37.2 percent. McKinley County in New Mexico has a poverty rate of 43.5 percent.

Electricity is a key ingredient to economic growth. The efforts we take to reduce electric rates in rural America will produce jobs and economic growth for our people.

I urge adoption of this legislation.

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By Mr. NUNN (for himself and Mr. THURMOND):

S. 1253. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from South Carolina [Mr. THURMOND], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 1253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

#### TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide Procurement.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.
Sec. 107. Chemical Demilitarization Program.

Subtitle B—Other Matters

Sec. 111. Repeal of Requirement for Separate Budget Request for Procurement of Reserve Equipment.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of Appropriations.

#### TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and Maintenance Funding.
Sec. 302. Working Capital Funds.
Sec. 303. Additional Activities included in Defense Business Operations Fund.
Sec. 304. National Security Education Trust Fund Obligations.

Subtitle B—Other Matters

Sec. 311. Amendment Relating to Emergency and Extraordinary Expense Authority for Defense Inspector General.
Sec. 312. Repeal of Ceiling on Employees in Headquarters and Non-management Headquarters and Support Activities.
Sec. 313. Flexibility in Administering Requirement For Annual Four Percent Reduction in Number of Civilian Employees Assigned to Headquarters and Headquarters Support Activities.
Sec. 314. National Defense Stockpile Fund Management Improvements.
Sec. 315. Clarification of Amendments to CINC Initiative Fund Legislation.
Sec. 316. Pacific Battle Monuments Maintenance.

#### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces.

Sec. 401. End Strengths for Active Forces.

Subtitle B—Reserve Forces

Sec. 411. End Strengths for Selected Reserve.

Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.
Sec. 413. Increase in Number of Members in Certain Grades Authorized to be on Active Duty in Support of the Reserves.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of Training Student Loads.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authority to Delete from Selection Board Reports and Promotion Lists Names of Officers Erroneously Considered by Promotion Selection Boards.
Sec. 502. Amendment to Warrant Officer Management Act to Authorize Involuntary Separation of Certain Regular Warrant Officers.

Subtitle B—Reserve Component Matters

Sec. 511. Authorization of Secretarial Selected Reserve Call Up Authority and Expansion of 90-Day Call Up Period.
Sec. 512. Consistency in Federal Recognition Qualifications for Members of the National Guard.
Sec. 513. Exception to the Twelve-week Basic Training Period Requirement.
Sec. 514. National Guard Management Initiatives.
Sec. 515. Modification of the Physical Examination Requirement for Members of the Ready Reserve.

Subtitle C—Service Academies

Sec. 521. Procedures for Nominating Candidates for Admission to Service Academies.
Sec. 522. Graduation Leave for Service Academy Graduates.

Subtitle D—Education and Training

Sec. 531. Change to ROTC Advanced Course Admission Requirements.

Subtitle E—Other Matters

Sec. 541. Authority for Non-citizen Spouse and Children of Non-citizen Service Members to Reside with the Member in the United States.
Sec. 542. Reduction in the Maximum Number of Years for a Military Member to be Maintained on the Temporary Disability Retired List.
Sec. 543. Clarification of Punitive UCMJ Article Regarding Drunken Driving.
Sec. 544. Repeal of the Statutory Restriction of the Assignment of Women in the Navy and Marine Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Variable Housing Allowances for Certain Members who are Required To Pay Child Support and Assigned to Sea Duty.
Sec. 602. Pay for Members of the Uniformed Services During Times of War, Hostilities, or National Emergency.
Sec. 603. Separation Pay upon Involuntary Discharge or Release from Active Duty.
Sec. 604. Permanent Authority for Certain Bonuses and Special Pay for Nurse Officer Candidates, Registered Nurses, and Nurse Anesthetists.
Sec. 605. Modification of Certain Selected Reserve Bonuses.
Sec. 606. Expiring Authorities.

Subtitle B—Retired Pay and Survivor Benefits

Sec. 611. Disability Coverage for Officer Candidates Granted Excess Leave.
Sec. 612. Termination of Servicemen's Group Life Insurance When Premiums are not Paid.

Subtitle C—Other Matters

Sec. 621. Authorization of Payment or Collection Due to Fluctuations of Foreign Currency Incurred by Certain Military Members.
Sec. 622. Revisions to Security Deposit Waiver Program.
Sec. 623. Extension of Desert Shield Postponement of Certain Tax-related Acts to other Contingency Operations.
Sec. 624. Inclusion of Victims of Terrorism in Certain Title 37 Benefits.
Sec. 625. Permanent Authorization for Former Prisoners of War to Claim Payments Because of Violations of the Geneva Conventions.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Management

Sec. 701. Extension and Revision of Specialized Treatment Services Program.
Sec. 702. Revision and Codification of CHAMPUS Physician Payment Reform Program.
Sec. 703. Codification of CHAMPUS Peer Review Organization Program Procedures.
Sec. 704. Award of Constructive Service Credit for Advanced Health Professional Degrees.
Sec. 705. Codification of Revised Governance Structure of the Uniformed Services University of the Health Sciences.
Sec. 706. Clarification of Authority for Graduate Student Program of the Uniformed Services University of the Health Sciences.
Sec. 707. Modification of Date for Delivery of Health Care Services Under CHAMPUS Reform Initiative Contract.
Sec. 708. Authority for the Armed Forces Institute of Pathology to Obtain Additional Distinguished Pathologists and Scientists.

Subtitle B—Other Matters

Sec. 711. Exclusion of Experienced Military Physicians from Medicare Definition of New Physician.
Sec. 712. Repeal of the Statutory Restriction on Use of Funds for Abortions.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

Sec. 801. Authorization for Certain Organizational Changes in the Office of the Secretary of Defense.

Subtitle B—Professional Military Education

Sec. 811. Authorization for the Award of the Master of Science of National Security Strategy Degree and the Master of Science of National Resource Strategy Degree.

Subtitle C—Other Matters

Sec. 821. Authority for Civilian Army Employees to Act on Reports of Survey.
Sec. 822. Escorts and Flags for Civilian Employees who Die while Serving in a Conflict with the Armed Forces.
Sec. 823. Providing Flexibility in the Office of the Inspector General of the United States Air Force.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Awarding of Gold Star Lapel Buttons to Survivors of United States Servicemembers Killed by Terrorist Acts.
Sec. 902. Aviation Leadership Program.

TITLE X—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Sec. 1001. Exchange of Personnel Between Department of Defense and Foreign Defense Departments or Ministries.
Sec. 1002. Transfer of Certain Defense Articles in the War Reserve Allies Stockpile to the Republic of Korea.
Sec. 1003. Report Requirement Repealed.
Sec. 1004. Burden Sharing Contributions by Japan, Kuwait, and the Republic of Korea.

## TITLE I—PROCUREMENT

### Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,110,436,000.

(2) For missiles, $1,043,550,000.

(3) For weapons and tracked combat vehicles, $874,346,000.

(4) For ammunition, $734,427,000.

(5) For other procurement, $3,051,281,000.

**SEC. 102. NAVY AND MARINE CORPS.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $6,132,604,000.

(2) For weapons, including missiles and torpedoes, $3,040,260,000.

(3) For shipbuilding and conversion, $4,294,742,000.

(4) For other procurement, $2,967,974,000.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $483,464,000.

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $7,300,965,000.

(2) For missiles, $4,361,050,000.

(3) For other procurement, $7,942,065,000.

**SEC. 104. DEFENSE-WIDE PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of $1,730,164,000.

**SEC. 105. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Inspector General in the amount of $800,000.

**SEC. 106. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Health Program in the amount of $272,762,000.

**SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

(a) FUNDING FOR PROGRAM.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 583, 747) in the amount of $125,486,000.

(b) REPEAL OF SEPARATE BUDGET ACCOUNT PROVISION.—The second sentence of section 1412(f) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 583, 784) is repealed.

### Subtitle B—Other Matters

#### SEC. 111. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

(1) For the Army, $5,249,948,000.

(2) For the Navy, $9,215,604,000.

(3) For the Air Force, $13,694,984,000.

(4) For Defense-wide research, development, test, and evaluation, $10,459,791,000, of which—

(A) $272,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

## TITLE III—OPERATION AND MAINTENANCE

### Subtitle A—Authorization of Appropriations

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $16,014,394,000.

(2) For the Navy, $20,192,900,000.

(3) For the Marine Corps, $1,818,000,000.

(4) For the Air Force, $19,808,384,000.

(5) For Defense-wide operation and maintenance, $9,587,581,000.

(6) For Medical Programs, Defense, $9,080,538,000.

(7) For the Army Reserve, $1,107,800,000.

(8) For the Naval Reserve, $773,800,000.

(9) For the Marine Corps Reserve, $75,100,000.

(10) For the Air Force Reserve, $1,354,578,000.

(11) For the Army National Guard, $2,218,900,000.

(12) For the Air National Guard, $2,657,233,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $126,801,000.

(15) For Drug Interdiction and Counterdrug Activities, Defense-wide, $1,168,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration Defense-wide, $2,309,400,000.

(18) For Defense-wide Global Cooperative Initiatives, including humanitarian assistance covered by section 2551 of title 10, United States Code, $448,000,000.

(19) For Chemical Agents and Munitions Destruction, Defense-wide, $308,161,000.

(20) For Former Soviet Union Threat Reduction, $400,000,000.

#### SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,161,095,000.

(2) For the National Defense Sealift Fund, $290,800,000.

#### SEC. 303. ADDITIONAL ACTIVITIES INCLUDED IN DEFENSE BUSINESS OPERATIONS FUND.

Section 316(b)(3) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by inserting "the Defense Contract Audit Agency, the Defense Contract Management Command," immediately after "the Defense Finance and Accounting Service,".

#### SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102–183; 105 Stat. 1271).

### Subtitle B—Other Matters

#### SEC. 311. AMENDMENT RELATING TO EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR DEFENSE INSPECTOR GENERAL.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Defense Inspector General," immediately after "the Secretary of Defense"; and

(B) in the second sentence and the third sentence, by inserting "or the Defense Inspector General" immediately after "the Secretary concerned" each place it appears; and

(2) in subsection (b), by inserting ", by the Defense Inspector General to any person in the Office of the Inspector General," immediately after "the Department of Defense".

#### SEC. 312. REPEAL OF CEILING ON EMPLOYEES IN HEADQUARTERS AND NON-MANAGEMENT HEADQUARTERS AND SUPPORT ACTIVITIES.

Section 194 of title 10, United States Code, is repealed.

#### SEC. 313. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF CIVILIAN EMPLOYEES ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) SHIFTING REDUCTIONS.—Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1622) is amended by adding the following sentence at the end thereof: "When the number of such personnel is reduced by more than 4 percent during any fiscal year, the number of personnel reductions in excess of such 4 percent reduction may be counted as part of the 4 percent reduction required under this section in determining the number of personnel reductions required during any subsequent fiscal year.".

(b) APPLICATION OF SHIFTS.—The amendment made to section 906(a) by subsection (a) shall permit the inclusion of excess reductions taken during fiscal years 1991, 1992, or 1993 in determining the number of reductions required to be taken during fiscal years 1994 and 1995.

#### SEC. 314. NATIONAL DEFENSE STOCKPILE FUND MANAGEMENT IMPROVEMENTS.

(a) FUND MANAGEMENT.—During fiscal year 1994 and thereafter, sales of stockpiled material in the National Defense Stockpile may be made in amounts not to exceed $500,000,000 in any fiscal year. Receipts from such sales may be transferred to any appropriation available to the Department of Defense to be merged with and to be available for the same purposes and same time period as the appropriation to which transferred.

(b) AUTHORITY FOR ACQUISITION MORATORIUM.—When determined to be necessary by the Secretary of Defense, the Secretary may impose a moratorium on the acquisition of new material for the National Defense Stockpile for the purpose of reducing existing excess material in the Stockpile.

#### SEC. 315. CLARIFICATION OF AMENDMENTS TO CINC INITIATIVE FUND LEGISLATION.

The amendments made by section 934 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 102 Stat. 2477) to the provisions of section 166a of title 10, United States Code, (relating to the CINC Initiative Fund) shall be effective for all purposes and shall supersede any conflicting provisions contained in section 9128 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 102 Stat. 1935) (containing the text of the provisions of section 908 of S. 3114, 102d Congress, 2d Session, as passed by the Senate on September 19, 1993). Section 9128 of the Department of Defense Appropriations Act, 1993, is repealed.

#### SEC. 316. PACIFIC BATTLE MONUMENTS MAINTENANCE.

(a) AUTHORITY.—The Commandant of the United States Marine Corps may provide necessary minor maintenance and repairs to Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING TO REPAIR AND RELOCATE PACIFIC BATTLE MONUMENTS.—Of the amounts made available to the Marine Corps for operation and maintenance in each fiscal year, not more than $15,000 each fiscal year shall be available to repair and maintain Pacific battle monuments. Of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1993, $150,000 shall be available to repair and relocate a monument located on Iwo Jima commemorating the sacrifice of American military personnel during World War II.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

#### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000.

(2) The Navy, 480,800.

(3) The Marine Corps, 174,100.

(4) The Air Force, 425,700.

### Subtitle B—Reserve Forces

#### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces as authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 113,400.

(4) The Marine Corps Reserve, 36,900.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 19,369.

(4) The Marine Corps Reserve, 2,119.

(5) The Air National Guard of the United States, 9,389.

(6) The Air Force Reserve, 648.

### SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1993, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

| "Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| E–9 | 569 | 202 | 328 | 14 |
| E–8 | 2,585 | 429 | 840 | 74". |

(b) OFFICERS.—Effective on October 1, 1993, the table in section 524(a) of such title is amended to read as follows:

| "Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| Major or Lieutenant Commander | 3,219 | 1,071 | 575 | 110 |
| Lieutenant Colonel or Commander | 1,524 | 520 | 636 | 75 |
| Colonel or Navy Captain | 372 | 188 | 274 | 25". |

## Subtitle C—Military Training Student Loads

### SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, the components of the active and reserve Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the number in which such adjustments shall be apportioned.

## TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy

### SEC. 501. AUTHORITY TO DELETE FROM SELECTION BOARD REPORTS AND PROMOTION LISTS NAMES OF OFFICERS ERRONEOUSLY CONSIDERED BY PROMOTION SELECTION BOARDS.

(a) IN GENERAL.—Subchapter I of chapter 36 of title 10, United States Code, is amended by inserting after section 618 the following new section:

**"§ 618a. Secretarial deletion from promotion selection board report**

"(a) The Secretary concerned may delete administratively the name of a regular or reserve officer selected for promotion by a selection board from the report of the selection board or from a list of officers recommended for promotion if the Secretary determines—

"(1) that the officer was ineligible, under section 619 of this title or other applicable law (including those with respect to the promotion of regular officers), as implemented by regulations of the military department concerned, for consideration for promotion by the selection board or was not within the promotion zone established for the board;

"(2) that a regular or reserve officer who was considered for promotion by a board convened under section 573 or 611 of this title is not serving on an active duty list as a result of death, discharge, dismissal, resignation, retirement, or, in the case of a reserve officer, as a result of release from active duty or the performance of duty specified in section 582 or 641(1) of this title; or

"(3) that a reserve officer (including a reserve warrant officer) not on an active duty list who was selected for promotion has died, resigned, been discharged or dismissed, or is no longer serving in an active status as defined in section 267(b) of this title.

"(b) An officer selected for promotion whose name is deleted administratively under this section from the report of a selection board or from a list of officers recommended for promotion shall be considered for all purposes, other than chapter 77 of this title, not to have been considered for promotion by the board concerned.".

(b) CONFORMING AMENDMENT.—Such subchapter is further amended by amending section 618(d) to read as follows:

"(d) Except as provided in section 618a of this title, the name of an officer selected for promotion by a selection board may be removed from the report of the selection board only by the President.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter I of chapter 36 is amended by inserting after the item relating to section 618 the following:

"618a. Secretarial deletion from promotion selection board report.".

(d) SAVINGS PROVISION.—The enactment of this Act shall not be construed to affect any action taken by the Secretary of a military department concerning a report of a selection board or list of officers recommended for promotion prior to the enactment of this Act.

### SEC. 502. AMENDMENT TO WARRANT OFFICER MANAGEMENT ACT TO AUTHORIZE INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

**"§ 580a. Modification to rules for continuation on active duty; enhanced authority for selective early discharges**

"(a) The Secretary of Defense may authorize the Secretary of military department, during the two-year period beginning on October 1, 1993, to take any of the actions set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialities, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or speciality (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving or active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a state specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A is amended by inserting after the item relating to section 580 the following new item:

"580a. Modification to rules for continuation on active duty; enhanced authority for selective early discharges.".

## Subtitle B—Reserve Component Matters

### SEC. 511. AUTHORIZATION OF SECRETARIAL SELECTED RESERVE CALL UP AUTHORITY AND EXPANSION OF 90-DAY CALL UP PERIOD.

(a) REVISION OF AUTHORITY TO ORDER THE SELECTED RESERVE TO ACTIVE DUTY TO AUGMENT ACTIVE FORCES.—Section 673b(a) of title 10, United States Code, is amended to read as follows:

"(a) Notwithstanding the provisions of section 673(a) or any other provision of law, the President may authorize the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, without the consent of the members concerned, to order any unit, and any member not assigned to a unit organized to serve as a unit of the Selected Reserve (as defined in section 268(b) of this title), under their respective jurisdictions—

"(1) when the President determines it is necessary to augment the active forces for any operational mission, to active duty (other than for training) for not more than a total of 180 days; or

"(2) when the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, determines it is necessary to augment the active forces, to active duty (other than for training) for not more than a total of 90 days.".

(b) LIMITATION TO THE SECRETARIAL CALL UP AUTHORITY TO 25,000.—Section 673b(c) of such title is amended to read as follows:

"(c) Not more than 200,000 members of the Selected Reserve may be on active duty at any one time under subsection (a)(1), and not more than 25,000 members of the Selected Reserve may be on active duty at any one time under subsection (a)(2).".

(c) REVISION TO PERIOD OF EXTENSION OF ACTIVE DUTY.—Section 673b(i) of such title is amended—

(1) by striking out "90 additional days" and inserting in lieu thereof "a total of 180 additional days"; and

(2) in the first sentence, by striking out "is ordered to active duty under this section" and inserting in lieu thereof "is ordered to active duty under subsection (a)(1)".

(d) CONFORMING AMENDMENT.—Section 673b(f) of such title is amended to read as follows:

"Whenever the President authorizes the Secretary of Defense or the Secretary of Transportation to order any unit or member of the Selected Reserve to active duty, under the authority of subsection (a)(1), or when the Secretary of Defense or the Secretary of Transportation orders any unit or member of the Selected Reserve to active duty, under the authority of subsection (a)(2), the President or respective Secretary, as the case may be, shall submit, within 24 hours after exercising such authority, a report to Congress, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of these units or members.".

### SEC. 512. CONSISTENCY IN FEDERAL RECOGNITION QUALIFICATIONS FOR MEMBERS OF THE NATIONAL GUARD.

(a) IN GENERAL.—Section 301 of title 32, United States Code, is amended by inserting after the first sentence the following new sentence: "Qualifications prescribed by the Secretary in the preceding sentence may not differ between persons solely on the basis of employment as a technician under section 709 of this title.".

(b) REPEAL OF REQUIRED TRAINING (LEADERSHIP TRAINING).—Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1918, 1974; 10 U.S.C. 709 note) is repealed.

(c) REPEAL OF REQUIRED TRAINING (BATTLE SKILLS).—Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1352, 1438; 10 U.S.C. 709) is repealed.

### SEC. 513. EXCEPTION TO THE TWELVE-WEEK BASIC TRAINING PERIOD REQUIREMENT.

Section 671(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "Under regulations prescribed by the Secretary of Defense that shall apply uniformly to the military department or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation, the Secretary concerned may establish, in lieu of the twelve-week training requirement in this subsection and in section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)), a shorter period of basic training (or equivalent training program) for persons inducted, enlisted, or appointed in an armed force who have developed skills in the civilian sector that readily can be applied in the armed forces.".

### SEC. 514. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION OF INCLUSION OF FEMALE WARRANT OFFICERS AND ENLISTED MEMBERS OF THE NATIONAL GUARD IN THE MILITIA.—Section 311 of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "female citizens of the United States who are commissioned officers".

(b) REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATION (ARMY NATIONAL GUARD).—(1) Section 3502 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 341 is amended by striking out the item relating to section 3502.

(c) REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATION (AIR NATIONAL GUARD).—(1) Section 8502 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 841 is amended by striking out the item relating to section 8502.

(d) INCREASE IN TIME ALLOWED FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30" in the second sentence and inserting in lieu thereof "90".

(e) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF CERTAIN TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended to read as follows:

"(6) a technician shall be notified in writing of the termination of employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notice shall be given at least thirty days before the termination date of such employment.".

(f) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS WHO MAY BE EMPLOYED AT ANY ONE TIME.—Subsection 709(h) of title 32, United States Code, is repealed.

(g) AUTHORIZATION FOR UNSERVICEABILITY FINDINGS BY NATIONAL GUARD OFFICERS.—Subsection 710(f) of title 32, United States Code, is amended by striking out "Regular Army or the Regular Air Force," and inserting in lieu thereof "Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, or by a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States,".

### SEC. 515. MODIFICATION OF THE PHYSICAL EXAMINATION REQUIREMENT FOR MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking "four" and inserting in lieu thereof "five."

## Subtitle C—Service Academies

### SEC. 521. PROCEDURES FOR NOMINATING CANDIDATES FOR ADMISSION TO SERVICE ACADEMIES.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are amended—

(1) by striking "a principal candidate and nine alternates" in the last sentence of each section and inserting in lieu thereof "ten persons"; and

(2) by inserting after the last sentence as amended by paragraph 1 the following new sentences: "Nominees may be submitted without ranking, or with a principal candidate and nine ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions in this chapter."

### SEC. 522. GRADUATION LEAVE FOR SERVICE ACADEMY GRADUATES.

Section 702 of title 10, United States Code, is amended by striking "regular" in the first sentence.

## Subtitle D—Education and Training

### SEC. 531. CHANGE TO ROTC ADVANCED COURSE ADMISSION REQUIREMENTS.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking "not less than six weeks" and inserting in lieu thereof "a".

## Subtitle E—Other Matters

### SEC. 541. AUTHORITY FOR NON-CITIZEN SPOUSE AND CHILDREN OF NON-CITIZEN SERVICE MEMBERS TO RESIDE WITH THE MEMBER IN THE UNITED STATES.

Section 101(a) of the Immigration and Naturalization Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking out "or" at the end of subparagraph (Q);

(2) by striking out the period at the end of subparagraph (R) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(S) An alien who is the spouse or child of an alien serving honorably, in the United States, on active duty in the Armed Forces of the United States, and is accompanying, or coming to join such alien service member for a period not to exceed six years, which may be extended by the Attorney General.".

### SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS FOR A MILITARY MEMBER TO BE MAINTAINED ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) IN GENERAL.—(1) Section 1210(b) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "three."

(2) Section 1210(h) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "three".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect for all military members placed on the temporary disability retired list on or after the date of enactment of this Act.

### SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

Section 911(2) (article 111) of title 10, United States Code, as added by section 1066 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 1106 Stat. 2315, 2506), is amended by inserting "or greater" after "0.10 grams" both times such term appears.

### SEC. 544. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) In General.—Section 6015 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of Chapter 555, United States Code, is amended by striking the item referring to section 6015.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

### SEC. 601. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) by adding at the end the following new subparagraph:

"(C) the member is not a member who is in a paygrade above E–6, who is assigned to sea duty, and who elects not to occupy assigned unaccompanied quarters; or".

### SEC. 602. PAY FOR MEMBERS OF THE UNIFORMED SERVICES DURING TIMES OF WAR, HOSTILITIES, OR NATIONAL EMERGENCY.

(a) In General.—Chapter 19 of title 37, United States Code, relating to administration of pay for members of the uniformed services, is amended—

(1) In section 1005, by striking out "Members" and inserting in lieu thereof "Except as provided in section 1013 of this title, members"; and

(2) by adding at the end of such chapter the following new section:

**"§ 1013. Pay: periods of war, hostilities, or national emergency**

"In time of war, hostilities, or national emergency declared by Congress or the President, the Secretary concerned may limit the direct pay, or a portion thereof, to a member of a uniformed service when the member is serving on active duty in an area prescribed for this purpose by the Secretary of Defense. Any amount of pay and allowances due but not paid directly to such member may be paid through allotments or assignments as prescribed by the member or credited to the member's account and paid upon the member's return or departure from the prescribed area. The Secretary concerned shall ensure prompt payment of all pay and allowances.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1013. Pay: periods of war, hostilities, or national emergency.".

### SEC. 603. SEPARATION PAY UPON INVOLUNTARY DISCHARGE OR RELEASE FROM ACTIVE DUTY.

Section 1174 of title 10, United States Code, is amended in subsection (a)(1), by striking out "five" and inserting in lieu thereof "six".

### SEC. 604. PERMANENT AUTHORITY FOR CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "during the period beginning on November 29, 1989, and ending on September 30, 1993," and inserting in lieu thereof "on or after October 1, 1993,".

(b) Accession Bonus for Registered Nurses.—Section 302d of title 37, United States Code, is amended by striking out "during the period beginning on November 29, 1989, and ending on September 30, 1993," and inserting in lieu thereof "on or after October 1, 1993,".

(c) Incentive Special Pay for Certified Registered Nurse Anesthetists.—Section 302e(a) of title 37, United States Code, is amended by striking out "during the period beginning on November 29, 1989, and ending on September 30, 1993," and inserting in lieu thereof "on or after October 1, 1993,".

### SEC. 605. MODIFICATION OF CERTAIN SELECTED RESERVE BONUSES.

(a) Selected Reserve Enlistment Bonus.—Section 308c(b)(1) of title 37, United States Code, is amended by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid".

(b) Selected Reserve Affiliation Bonus.—Section 308e(c)(2) of title 37, United States Code, is amended—

(A) by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out above, the Secretary concerned may pay the bonus in monthly installments in amounts determined by the Secretary. Such monthly payments will begin after the first month of satisfactory service and are payable only for those months the member serves satisfactorily. Satisfactory service will be determined under regulations prescribed by the Secretary of Defense.".

### SEC. 606. EXPIRING AUTHORITIES.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) Special Pay for Enlisted Members of the Selected Reserve Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) Years of Service for Mandatory Transfer to the Retired Reserve.—Sections 3360(b), 3360(c), 3853, and 8353 of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof in each instance "September 30, 1995".

(d) Grade Determination Authority for Certain Reserve Medical Officers.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof in each instance "September 30, 1995".

(e) Promotion Authority for Certain Reserve Officers Serving on Active Duty.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof in each instance "September 30, 1995".

(f) Authority for Temporary Promotions of Certain Navy Lieutenants.—Section 5721(f) of title 10, United States Code, is repealed.

(g) Repayment of Education Loans for Certain Health Professionals who Serve in the Selected Reserve.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993", and inserting in lieu thereof "October 1, 1995".

(h) Special Pay for Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995."

(i) Special Pay for Enlistment Bonus for Critical Skills.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(j) Extension of Reserve Enlistment and Reenlistment Bonus Authorities.—Sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code are each amended by striking out "September 30, 1993"and inserting in lieu thereof in each instance "September 30, 1995".

(k) Special Pay for Critically Short Wartime Health Specialists in the Selected Reserves.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(l) Conservation Activities on Military Installations.—Sections 106(b) and 106(c) of Public Law 86–797 (16 U.S.C. 670f (b) and (c)) are each amended by striking out "and 1993," and inserting in lieu thereof in each instance "1993, 1994, and 1995".

(m) Reduction in Time-in-Grade Requirement for Retention of Grade Upon Voluntary Retirement.—Section 1370(a)(2) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "ten-year period".

(n) Required Length of Commissioned Service for Voluntary Retirement as an Officer.—Section 6323(a)(2) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "ten-year period".

(o) Joint Duty Exemption for Nuclear Propulsion Officers.—Section 619(e)(1) of title 10, United States Code, is amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1996".

(p) Modification of Rules for Continuation on Active Duty.—Section 638a of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "ten-year period".

(q) Retirement of Certain Limited Duty Officers of the Navy.—Title 10, United States Code, as amended by section 504 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 1106 Stat. 2315, 2403), is amended—

(1) in section 633, by striking out in the last sentence "and ending on October 1, 1995,";

(2) in section 634, by striking out in the last sentence "and ending on October 1, 1995,";

(3) in section 6383(a) by striking out paragraph 5 and inserting in lieu thereof the following:

"(5) Paragraphs (2) through (4) shall be effective July 1, 1993,"; and

(4) in section 6383(i), by striking out in the last sentence "During the period beginning on July 1, 1993, on ending on October 1, 1995," and inserting in lieu thereof "Beginning on July 1, 1993,".

(r) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT OF DEFENSE BUSINESS OPERATIONS FUND.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1338; 10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "April 15, 1995".

## Subtitle B—Retired Pay and Survivor Benefits

### SEC. 611. DISABILITY COVERAGE FOR OFFICER CANDIDATES GRANTED EXCESS LEAVE.

(a) INCLUSION OF OFFICER CANDIDATES IN ELIGIBILITY FOR RETIRED PAY.—That portion of section 1201 of title 10, United States Code, which precedes paragraph (1) is amended to read as follows:

"Upon a determination by the Secretary concerned that a member of a regular component of the armed forces entitled to basic pay; any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 270(b) of this title) for a period of more than 30 days; or a member of the armed forces who is not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) of title 37 to participate in a program leading to appointment, designation, or assignment in an officer category, is unfit to perform the duties of his office, grade, rank, or rating because of physical disability incurred while entitled to basic pay, or while not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) of title 37 to participate in a program leading to appointment, designation, or assignment in an officer category, the Secretary may retire the member, with retired pay computed under section 1401 of this title, if the Secretary also determines that—".

(b) INCLUSION OF OFFICER CANDIDATES IN ELIGIBILITY FOR ASSIGNMENT TO THE TEMPORARY DISABILITY RETIRED LIST.—Section 1202 of title 10, United States Code, is amended to read as follows:

"Upon a determination by the Secretary concerned that a member of a regular component of the armed forces entitled to basic pay; any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 270(b) of this title) for a period of more than 30 days; or a member of the armed forces who is not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) of title 37 to participate in a program leading to appointment, designation, or assignment in an officer category, would be qualified for retirement under section 1201 of this title but for the fact that his disability is not determined to be of a permanent nature, the Secretary shall, if he also determines that accepted medical principles indicate that the disability may be of a permanent nature, place the member's name on the temporary disability retired list, with retired pay computed under section 1401 of this title.".

(c) INCLUSION OF OFFICER CANDIDATES IN ELIGIBILITY FOR DISABILITY SEPARATION PAY.—That portion of section 1203 of title 10, United States Code, that precedes paragraph (1) is amended to read as follows:

"Upon a determination by the Secretary concerned that a member of a regular component of the armed forces entitled to basic pay: any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 270(b) of this title) for a period of more than 30 days; or a member of the armed forces who is not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) of title 37 to participate in a program leading to appointment, designation, or assignment in an officer category, is unfit to perform the duties of his office, rank or rating because of physical disability incurred while entitled to basic pay, or while not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) or title 37 to participate in a program leading to appointment, designation, or assignment in an officer category, the member may be separated from his armed force with severance pay computed under section 1212 of this title, if the Secretary also determines that—".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment and shall apply to any physical disability that may be incurred by a member who is not entitled to basic pay because he is authorized by the Secretary concerned under section 502(b) of title 37, United States Code, to participate in a program leading to the appointment, designation, or assignment in an officer category on and after such date.

### SEC. 612. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE WHEN PREMIUMS ARE NOT PAID.

Section 1969(a)(2) of title 38, United States Code, is amended by adding at the end the following new sentence: "Notwithstanding the provisions of section 1968(a)(4) of this title, a member who is required to make a direct remittance of costs to one of the Armed Forces and who fails to make a timely payment of premiums as required will be deemed to have made a written request for discontinuance of his or her Servicemen's Group Life Insurance as required by section 1968(a) of this title. The Secretary concerned shall not terminate the insurance of such members without first providing written notification at least 60 days in advance of the proposed termination date.".

## Subtitle C—Other Matters

### SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION DUE TO FLUCTUATIONS OF FOREIGN CURRENCY INCURRED BY CERTAIN MILITARY MEMBERS.

(a) IN GENERAL.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States if authorized or approved under regulations prescribed by the Secretary concerned, including losses experienced by a member upon the return of refundable housing related deposits or as a result of other transactions necessary to secure housing where losses are incurred solely as the result of fluctuation in the relative values of U.S. and foreign currencies. Any currency fluctuation gains made by the member upon the return of a refundable housing-related deposit shall be recouped by the Secretary concerned. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1993.

### SEC. 622. REVISIONS TO SECURITY DEPOSIT WAIVER PROGRAM.

Section 1055(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) by striking out "(1)" at the beginning of the first paragraph.

### SEC. 623. EXTENSION OF DESERT SHIELD POSTPONEMENT OF CERTAIN TAX-RELATED ACTS TO OTHER CONTINGENCY OPERATIONS.

Section 7508 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (f), by striking out "DESERT SHIELD services" each place such phrase appears and inserting in lieu thereof "contingency operation services" in each instance;

(2) by amending subsection (f)(2)(A) to read as follows:

"(A) such services are performed in the area designated by the Secretary of Defense pursuant to this subparagraph as a contingency operation area, and";

and

(3) by amending subsection (f)(2)(B) to read as follows:

"(B) such services are performed during the period designated by the Secretary of Defense as the period of contingency operations in the area designated referred to in subparagraph (A).".

### SEC. 624. INCLUSION OF VICTIMS OF TERRORISM IN CERTAIN TITLE 37 BENEFITS.

(a) IN GENERAL.—Section 559 of title 37, United States Code, is amended—

(1) by amending the section heading to read as follows:

**"§559. Benefits: victims of terrorism; members held as captives"; and**

(2) in subsection (a)(1), by striking out "if Congress provides to such a member, in an Act enacted after August 27, 1986, monetary payment in respect of such period of captivity".

(b) CLERICAL AMENDMENT.—The item relating to section 559 in the table of sections at the beginning of chapter 10 of title 37, United States Code, is amended to read as follows:

"559. Benefits: victims of terrorism; members held as captives.".

### SEC. 625. PERMANENT AUTHORITY FOR FORMER PRISONERS OF WAR TO CLAIM PAYMENTS BECAUSE OF VIOLATION OF THE GENEVA CONVENTIONS.

Section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended by inserting after subsection (g) the following new subsection:

"(h)(1) As used in this subsection, the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held in captivity as a prisoner of war for any period that, unless the Congress so determines first by concurrent resolution, the President determines for purposes of this subsection to have been a period of conflict with a force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress gave aid to or collaborated with, or in any manner served, such hostile force.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. Each claimant is required to bear all burdens of proof under this section. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be one-half of the food portion of the world wide average per diem rate for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality food.

"(3) The Commission is authorized to receive and determine according to law, the amount and validity and to provide for the payment of any claim filed by any prisoner of war for compensation—

"(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under Part III, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97 or 98 of the Geneva Convention of August 12, 1949.

"Compensation shall be allowed to any prisoner of war under this paragraph up to one-half of the full world wide per diem rate, minus one-half of the food portion, for each day on which he was held as a prisoner of war and with respect to which the alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed one-half of world wide per diem rate with respect to any one day.

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

"(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

"(A) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(B) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

"The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6)(A) An action may not be instituted upon a claim hereunder unless the claimant first shall have presented the claim to the Commission and such claim shall have been finally denied by the Commission in writing and sent by certified or registered mail. The failure of the Commission to make a final disposition of a claim within two years thereafter, be deemed a final denial of the claim not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

"(B) The acceptance by the claimant of any award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States by reason of the subject matter of the claim.

"(C) An action instituted under this subsection must be filed not later than two years from whichever of the following dates first occurs:

"(i) The date on which the claim was finally denied by the commission in writing; or

"(ii) The first anniversary of the date on which the claim was filed if the Commission fails to make final disposition of a claim within one year after it is filed.

"(D) An action under this paragraph shall be instituted only in the United States Court of Federal Claims. The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under this subsection, after commencement of an action thereon. Attorney fees shall be limited to not more than 20 percent of any award.

"(E) Action under this paragraph shall not be instituted for any sum in excess of the amount of the claim presented to the Commission, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the Commission, or upon allegation and proof of intervening facts relating to the amount of the claim.

"(F) Disposition of any claim by the Attorney General or the Commission shall not be competent evidence of liability or amount of damages.

"(7) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (8) of this subsection.

"(8) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.".

## TITLE VII—HEALTH CARE PROVISIONS

### Subtitle A—Health Care Management

### SEC. 701. EXTENSION AND REVISION OF SPECIALIZED TREATMENT SERVICES PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 1079(a)(7)(B) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof, "October 1, 1995".

(b) INCLUSION OF FACILITIES PURSUANT TO CONTRACT OR AGREEMENT.—Section 1105 of title 10, United States Code, is amended—

(1) by redesignating the current text as subsection (a); and

(2) by striking out "within the area served by that facility" in the redesignated subsection (a); and

(3) by adding at the end the following new subsections (b), (c), and (d):

"(b) The Secretary of Defense, after consulting with the other administering Secretaries, shall promulgate regulations to implement this section.

"(c) The regulations required by subsection (b) shall include standards for service areas comparable in size to service areas designated for facilities of the uniformed services pursuant to section 1079(a)(7), 1080, and 1086(e).

"(d) The regulations required by subsection (b) may provide for full or partial reimbursement of reasonable expenses for long distance transportation for a covered beneficiary to or from a health care facility (including a facility of the uniformed services or a facility referred to in subsection (a)) at which specialized health care services are provided pursuant to this chapter and long distance transportation, temporary lodging and meals (not to exceed the applicable per diem rate) for a non-medical attendant (including an active duty member) to accompany such beneficiary when the Secretary determines that such reimbursement will permit the health care services to be provided at less total cost to the Department of Defense than if the services were otherwise provided pursuant to this chapter. In lieu for reimbursement for such expenses, the use, when available, of Department of Defense transportation, meals and lodging is authorized.".

### SEC. 702. REVISION AND CODIFICATION OF CHAMPUS PHYSICIAN PAYMENT REFORM PROGRAM.

Section 1079(h) of title 10, United States Code, is amended to read as follows:

"(h)(1) Beginning in fiscal year 1994, payment for a charge for services by an individual health care professional (or other non-institutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the amounts allowed in fiscal year 1993 for similar services, except that:

"(A) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and

"(B) for services the Secretary determines are overpriced in comparison to amounts allowed pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent.

"(2) In implementing the requirements of paragraph (1), the following shall apply:

"(A) Any reduction required by paragraph (1)(B) may be waived by the Secretary if the Secretary determines that such reduction would impair adequate access to health care services for beneficiaries.

"(B) The Secretary shall adopt a limitation, similar to that used pursuant to title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the amount allowed under paragraph (1).

"(C) The Secretary shall consult with the other administering Secretaries and solicit public comment prior to promulgating regulations to implement this section.".

### SEC. 703. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is further amended by adding at the end thereof the following new subsection:

"(o) Health care services provided pursuant to this section or section 1086 of this title shall not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary. The Secretary of Defense, after consulting with the other administering Secretaries, may adopt by regulation any quality and utilization review requirements and procedures in effect for the Peer Review Organization program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO program as the Secretary determines appropriate.".

### SEC. 704. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED HEALTH PROFESSIONAL DEGREES.

(a) CREDIT ON ORIGINAL APPOINTMENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(b) CREDIT AS RESERVE OF THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(c) CREDIT IN THE NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, as amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(d) CREDIT AS RESERVE OF THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, as amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

### SEC. 705. CODIFICATION OF REVISED GOVERNANCE STRUCTURE OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—Section 2113 of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows:

**"§2113. Authority of Secretary; Board of Regents";**

(2) by amending subsections (a) and (b) to read as follows:

"(a) The business of the University shall be conducted by the Secretary of Defense.

"(b)(1) There shall be a Board of Regents (hereinafter in this chapter referred to as the "Board"), which shall serve as an advisory board to the Secretary of Defense, especially concerning academic affairs of the University. The Board shall consist of—

'(A) nine persons outstanding in the fields of health, health education, or other fields, who shall be appointed from civilian life by the President of the United States;

"(B) the surgeons general of the uniformed services, who shall be ex officio members; and

"(C) the President of the University, who shall be an ex officio member.

"(2) The term of each member of the Board (other than ex officio members) shall be six years except that—

"(A) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) any member whose term of office has expired shall continue to serve until his successor is appointed.";

(3) in subsection (c), by inserting "of the United States" after "President";

(4) by amending subsection (d) to read as follows:

"(d) The Secretary shall appoint a President of the University, who shall also serve as a nonvoting ex officio member of the Board.";

(5) in subsection (e), by striking out "$100" and inserting in lieu thereof "$300";

(6) in subsection (f)—

(A) by striking out "Board" each time it appears and inserting in lieu thereof "Secretary"; and

(B) in paragraph (1), by striking out "after considering the recommendations of the Dean,";

(7) in subsection (g)—

(A) by striking out "Board" each time it appears and inserting in lieu thereof "Secretary"; and

(B) by striking out "subject to the approval of the Secretary of Defense" in the last sentence;

(8) in subsection (h), by striking out "Board" and inserting in lieu thereof "Secretary";

(9) in subsection (i), by striking out "Board" and inserting in lieu thereof "Secretary"; and

(10) in subsection (j)—

(A) by striking out "Board" each time it appears and inserting in lieu thereof in each instance "Secretary"; and

(B) in paragraph (1)(A), by inserting "or cooperative agreements" after "contracts".

(b) CLERICAL AMENDMENT.—The item relating to section 2113 in the table of sections at the beginning of chapter 104 of title 10, United States Code, is amended to read as follows:

"2113. Authority of Secretary; Board of Regents.".

### SEC. 706. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" in the first and fourth sentences and inserting in lieu thereof in each instance "Medical students";

(3) in subsection (d), by inserting "commissioned" before the word "member" in the first sentence; and

(4) by adding at the end the following new subsection:

"(g) The Secretary of Defense shall establish selection procedures, service obligations (if any), and other requirements the Secretary determines appropriate for students in any postdoctoral, postgraduate, or technological institutes established pursuant to section 2113(h) of this title.".

### SEC. 707. MODIFICATION OF DATE FOR DELIVERY OF HEALTH CARE SERVICES UNDER CHAMPUS REFORM INITIATIVE CONTRACT.

Section 713(b) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) is amended by inserting ", or as soon thereafter as is practicable" after "August 1, 1993".

### SEC. 708. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation of six distinguished pathologists or scientists if the Secretary determines that such waiver is in the best interest of Department of Defense.".

### Subtitle B—Other Matters

### SEC. 711. EXCLUSION OF EXPERIENCED MILITARY PHYSICIANS FROM MEDICARE DEFINITION OF NEW PHYSICIAN.

(a) CHARGES IN RURAL AREAS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C. 1395u(b)(4)(F)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any health care practitioner who has served at least four years as a health care practitioner in one of the uniformed services.".

(b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNIFORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)) is amended by inserting ", or to any physician who has served at least four years as a physician in one of the uniformed services" before the period at the end of the second sentence.

### SEC. 712. REPEAL OF THE STATUTORY RESTRICTION ON USE OF FUNDS FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 55, United States Code, is amended by striking the item referring to section 1093.

## TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Office of the Secretary of Defense

### SEC. 801. AUTHORIZATION FOR CERTAIN ORGANIZATIONAL CHANGES IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) REORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively;

(2) by redesignating section 137 as section 135;

(3) by inserting after section 135, as redesignated by paragraph (2), the following new section:

**"§136. Under Secretary of Defense for Personnel And Readiness**

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the

Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, personnel requirements for weapons support, National Guard and Reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department Defense after the Comptroller.";

(4) by amending subsection 131(b) to read as follows:

"(b) The Office of he Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the office.";

(5) in section 133, by striking out "Under Secretary of Defense for Acquisition" each place such term appears, to include the heading for the section, and by inserting in lieu thereof in each instance, to include the heading for such section, "Under Secretary of Defense for Acquisition and Technology";

(6) in section 133a, by striking out "Deputy Under Secretary of Defense for Acquisition" each place such term appears, to include the heading for such section, and by inserting in lieu thereof in each instance, to include the heading for such section, "Deputy Under Secretary of Defense of Acquisition and Technology";

(7) in section 138, as redesignated by this section (formerly section 136)—

(A) in subsection (a), by striking out "eleven" and inserting in lieu thereof "nine"; and

(B) in subsection (d), by inserting "and Comptroller" after "Under Secretaries of Defense"; and

(8) by amending the Table of Sections at the beginning of such chapter to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.
"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

(b) ADDITION TO TWO POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE AND THREE CONFORMING AMENDMENTS TO THE EXECUTIVE SCHEDULE.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313 (positions at level II), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(2) in section 5314 (positions at level III)—

(A) by inserting after "Under Secretary of Defense for Policy" the following:

"Comptroller of the Department of Defense.

"Under Secretary of Defense for Personnel and Readiness."; and

(B) by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology."; and

(3) in section 5315 (positions at level IV), by striking out "Assistant Secretaries of Defense (11)." and inserting in lieu thereof "Assistant Secretaries of Defense (9).".

(c) CONFORMING AMENDMENTS TO REFLECT NEW TITLE FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—Title 10, United States Code, is amended—

(1) in section 134(c), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(2) in section 137(b), as redesignated by this Act, by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(3) in section 140, as redesignated by this Act, by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof, in each instance, "Under Secretary of Defense for Acquisition and Technology";

(4) in section 171(a), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(5) in section 179(a), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(6) in section 1702, to include the catchline for such section, by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(7) in the table of sections for subchapter I of chapter 87, in the item for section 1702, by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(8) in section 1703, by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(9) in section 1707(a), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(10) in section 1722, by striking out "Under Secretary of Defense for Acquisition", each place it appears, and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(11) in section 1735(c), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(12) in section 1737(c), by striking out "Under Secretary of Defense for Acquisition", each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(13) in section 1741(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(14) in section 1746(a), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(15) in section 1761(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(16) in section 1762(a), by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof in each place "Under Secretary of Defense for Acquisition and Technology";

(17) in section 1763, by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(18) in section 2304(f), by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(19) in section 2308(b), by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(20) in section 2325(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(21) in section 2329, by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(22) in section 2350a, by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(23) in section 2369, by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(24) in section 2399(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(25) in section 2435(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(26) in section 2436(d), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(27) in section 2438(c), by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof at each place "Under Secretary of Defense for Acquisition and Technology";

(28) in section 2503(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under

Secretary of Defense for Acquisition and Technology";

(29) in section 2523(a), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology";

(30) in section 2534(b), by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(31) in section 171(a), by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

## Subtitle B—Professional Military Education

### SEC. 811. AUTHORIZATION FOR THE AWARD OF THE MASTER OF SCIENCE OF NATIONAL SECURITY STRATEGY DEGREE AND THE MASTER OF SCIENCE OF NATIONAL RESOURCE STRATEGY DEGREE.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2162 the following new section:

**"§ 2168. National Defense University: master of science of national security strategy and master of science of national resource strategy**

"(a) MASTER OF SCIENCE OF NATIONAL SECURITY STRATEGY.—Under regulations prescribed by the Secretary of Defense, and upon recommendation by the faculty and commandant of the National War College, the President of the National Defense University may confer the degree of master of science of national security strategy upon graduates of the National War College who have fulfilled the requirements for that degree.

"(b) MASTER OF SCIENCE OF NATIONAL RESOURCE STRATEGY.—Under regulations prescribed by the Secretary of Defense, and upon recommendation by the faculty and commandant of the Industrial College of the Armed Forces, the President of the National Defense University may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who have fulfilled the requirements for that degree."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2162 the following new item:

"2163. National Defense University: master of science of national security strategy and master of science of national resources strategy.".

## Subtitle C—Other Matters

### SECTION 821. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "his designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

### SEC. 822. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Title 10, United States Code, is amended by inserting after section 1482 the following new section:

**"§ 1482a. Expenses incident to death of civilian employees serving in a contingency operation**

"(a) The Secretary of Defense, the Secretary of Transportation, and the Secretaries concerned may pay the following expenses incident to the death of a civilian employee who dies while serving with an armed force in a contingency operation:

"(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

"(2) Presentation of a flag of the United States to the next of kin of the employee.

"(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent, if the person to be presented a flag under paragraph (2) is other than the parent of the decreased. For the purposes of this paragraph, the term 'parent' has the meaning given that term in section 1482(a)(11) of this title.

"(b) The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Such regulations shall be uniform to the extent possible.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of this title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death of civilian employees serving in a contingency operation.".

### SEC. 823. PROVIDING FLEXIBILITY IN THE OFFICE OF THE INSPECTORS GENERAL OF THE UNITED STATES ARMY AND AIR FORCE.

(A) ARMY.—Section 3020(e) of title 10, United States Code, is amended by striking "shall be" in the last sentence and inserting in lieu thereof "may be either (1) a civilian appointed in the competitive service or in the Senior Executive Service as a career appointee, or (2)".

(b) AIR FORCE.—Section 3020(e) of title 10, United States Code, is amended by striking "shall be" in the last sentence and inserting in lieu thereof "may be either (1) a civilian appointed in the competitive service or in the Senior Executive Service as a career appointee, or (2)".

## TITLE IX—GENERAL PROVISIONS

### SEC. 901. AWARDING OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF UNITED STATES SERVICEMEMBERS KILLED BY TERRORIST ACTS.

Section 1126 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "or" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2)(iii) and inserting in lieu thereof a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) who lost or lose their lives after March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are killed in the attack; or

"(4) who lost or lose their lives after March 28, 1973, as a result of military operations, while serving outside the territory of the United States as part of a peace keeping force."; and

(2) in subsection (d), by inserting after paragraph (6) the following new paragraphs:

"(7) The term 'military operations' includes military personnel assisting in U.S. government sponsored training of foreign nations' military personnel.

"(8) The term 'Peace Keeping Force' includes authorized United Nations peace keeping operations.".

### SEC. 902. AVIATION LEADERSHIP PROGRAM.

(a) IN GENERAL.—Title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.
"9381. Findings.
"9382. Establishment of program.
"9383. Supplies and clothing.
"9384. Allowances.
"9385. Coordination with the Secretary of State.

**"§ 9381. Findings**

"The Congress finds—

"(1) that the training of pilots from the air forces of friendly foreign nations in the United States furthers United States interests, promotes closer relations, and advances the national security;

"(2) that many friendly foreign nations cannot afford to reimburse the United States for the cost of such training provided; and

"(3) that it is in the national interest to authorize the Secretary of the Air Force to establish a program of pilot training for personnel of the air forces of friendly, less developed foreign nations.

**"§ 9382. Establishment of program**

"The Secretary of the Air Force may establish and maintain an Aviation Leadership Program which will provide undergraduate pilot training and necessary related training (including, but not limited to, language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States) to selected personnel of the air forces of friendly, less-developed foreign nations.

**"§ 9383. Supplies and clothing**

"(a) Under such conditions as he may prescribe, the Secretary of the Air Force may provide to persons receiving training under this chapter—

"(1) transportation incident to such training;

"(2) supplies and equipment for the use of such persons during training;

"(3) flight clothing and other special clothing required for training; and

"(4) billeting, food, and health services.

"(b) The Secretary may authorize such expenditures from the appropriations of the Air Force as he considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

**"§ 9384. Allowances**

"The Secretary of the Air Force may pay to persons receiving training under this chapter a living allowance at a rate to be prescribed by him, taking into account the amount of living allowances authorized for members of the U.S. armed forces under similar circumstances.

**"§ 9385. Coordination with the Secretary of State**

"Each proposal for training under this chapter shall be planned and implemented in coordination with the Secretary of State.".

(b) CLERICAL AMENDMENT.—(1) The table of contents of title 10, United States Code, at the beginning of such title, is amended—

(A) in part III of subtitle D the first occasion it appears, by inserting after the item relating to chapter 903 the following new item:

"905. Aviation Leadership Program .......................................... 9381"; and

(B) in part III of subtitle D the second occasion it appears, by inserting after the item relating to section 9355 the following new items:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.
"9381. Findings.
"9382. Establishment of program.
"9383. Supplies and clothing.
"9384. Allowances.
"9385. Coordination with the Secretary of State.".

(2) The table of chapters of subtitle D of title 10, United States Code, at the beginning of such subtitle, and the table of chapters of part III of subtitle D of title 10, United States Code, at the beginning of such part, are amended by inserting after the item relating to chapter 903 in both instances the following new item:

"905. Aviation Leadership Program .......................................... 9381".

## TITLE X—MATTERS RELATING TO ALLIES AND OTHER NATIONS

### SEC. 1001. EXCHANGE OF PERSONNEL BETWEEN THE UNITED STATES ARMED FORCES AND FOREIGN DEFENSE DEPARTMENTS OR MINISTRIES.

(a) AUTHORIZATION FOR PERSONNEL EXCHANGES.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051 the following new section:

**"§ 1052. Exchange of personnel of the United States Armed Forces with foreign defense departments or ministries**

"(a) Subject to any other provision of law, the Secretary of Defense may enter into agreements with the governments of allied and friendly foreign countries for the exchange of military and civilian personnel of the United States Armed Forces and such personnel of the defense departments or ministries of such foreign governments. Pursuant to these agreements, personnel of foreign defense departments or ministries may be assigned to positions in the United States Armed Forces, and personnel of the United States Armed Forces may be assigned to positions in foreign defense departments or ministries. In the case of agreements for the exchange of personnel engaged in research and development activities, such agreements may provide for assignments to positions in private industry which support the foreign defense departments or ministries. The specific positions and the individuals to be assigned must be acceptable to both governments. These agreements shall be based on the principle of reciprocity such that each government will provide personnel of essentially equal qualifications, training, and skill. Salary, per diem, cost of living, travel, cost of language or other training, and other costs (except for cost of temporary duty directed by the host government and costs incident to the use of host government facilities in the performance of assigned duties) shall be paid by each government for its own personnel in accordance with its laws and regulations.

"(b) Personnel assigned to the United States and United States personnel assigned to a foreign government under subsection (a) shall not be required to take an oath of allegiance to their host nation and shall hold no official capacity in the host nation.

"(c) The foregoing shall not limit the authority of the Secretaries of the military departments to conclude agreements for the exchange of active duty military personnel pursuant to proper legal authority upon the same conditions of reciprocity and cost as specified herein and in conformance with such regulations as the Secretary of Defense may promulgate."; and

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051 the following new item:

"1052. Exchange of personnel of the United States Armed Forces with foreign defense departments or ministries.".

### SEC. 1002. TRANSFER OF CERTAIN DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

Subject to any other provision of law and notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the Secretary of Defense is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary, all or any part of obsolete or surplus (no longer used by the United States) equipment, tanks, weapons, repair parts, and ammunition in the inventory of the Department of Defense which is intended for use as reserve stocks for the Republic of Korea and is located, or is subject to being located, in a stockpile in the Republic of Korea on the date of enactment of this Act. The concessions (including cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value) to be negotiated by the Secretary shall not be less than the fair market value of the items transferred.

### SEC. 1003. REPORT REQUIREMENT REPEALED.

Section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2575), relating to a report on the status and cost of the United States commitment to NATO, is repealed.

### SEC. 1004. BURDEN SHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2350j. Burden of sharing contributions**

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Notwithstanding section 1306 of title 31, United States Code, the Secretary of Defense may accept cash contributions from Japan, Kuwait, and the Republic of Korea for the purposes specified in subsection (c).

"(b) CREDITS.—Contributions accepted under subsection (a) shall be credited to appropriations of the Department of Defense. The contributions so credited shall be merged with the appropriations and funds to which they are credited.

"(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for payment of the following costs:

"(1) Compensation for local national employees.

"(2) Military construction projects.

"(3) Supplies and services.

"(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

"(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contribution was made and is not otherwise authorized by law; or

"(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

"(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit a report to the congressional defense committees containing—

"(A) an explanation of the need for the project;

"(B) the then current estimate of the cost of the project; and

"(C) a justification for carrying out the project under that subsection.

"(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) until the end of the 21-day period beginning on the date on which the Secretary of Defense submits the report under paragraph (1) regarding the project.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter 138 is amended by adding at the end the following new item:

"2350j. Burden sharing contributions.".

(c) REPORTING REQUIREMENT.—Not later than 30 days after the end of each quarter of fiscal year 1994, the Secretary of Defense shall submit to the congressional defense committees a report specifying separately for Japan, Kuwait, and the Republic of Korea—

(1) the amount of the contributions accepted by the Secretary during the preceding quarter under section 2350j of title 10, United States Code, and the purposes for which the contributions were made; and

(2) the amount of the contributions expended by the Secretary during the preceding quarter and the purposes for which the contributions were expended.

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GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
*Washington, DC, June 2, 1993.*

HON. AL GORE,
*President of the Senate, Washington, DC.*

DEAR MR. PRESIDENT: Enclosed is a legislative proposal entitled the "National Defense Authorization Act for Fiscal Year 1994". This proposal is part of the Department of Defense legislative program for the 103rd Congress and is needed to carry out the President's fiscal year 1994 budget plan.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President

Title I provides procurement authorization for the Military Departments and for the Defense-wide procurement appropriations in amounts equal to the budget authority included in the President's budget for fiscal year 1994. It also includes one additional provision of a general nature relating to procurement.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and for Defense-wide research, development, test, and evaluation in amounts equal to the budget authority included in the President's budget for fiscal year 1994.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and for Defense-wide operation and maintenance appropriations in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1994. Title III also includes appropriations for the purpose of providing capital for working capital and revolving funds of the Department of Defense in amounts equal to the budget authority included in the President's budget for fiscal year 1994.

In addition to the foregoing, Title III contains eight provisions relating to operation and maintenance. The first two sections provide for additional activities in the Defense Business Operations Fund and the National Security Education Trust Fund. The remaining six sections pertain to matters of a more general nature.

Title IV prescribes the personnel strengths for the active forces and the Selected Reserve of each service in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal year 1994. This title also contains three other provisions relating to military personnel authorizations, of which two sections relate to the end strengths for reserve component members on duty in support of the reserve forces and one section provides for the average military training student loads in the numbers provided for this purpose in the President's budget for fiscal year 1994.

Title V through X of the bill relate to authorizations for the general management and administration of the Department of Defense. Such items are explained in detail in the enclosed sectional analysis.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

JAMIE S. GORELICK.

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## DEPARTMENT OF DEFENSE LEGISLATIVE PROGRAM FOR THE FIRST SESSION OF THE 103D CONGRESS

### TITLE I—PROCUREMENT

### *Subtitle A—Authorization of Appropriations*

### Sec. 101. Army

Section 101 authorizes the appropriation of funds for procurement by the Army.

### Sec. 102. Navy and Marine Corps

Section 102 authorizes the appropriation of funds for procurement by the Navy and Marine Corps.

### Sec. 103. Air Force

Section 103 authorizes the appropriation of funds for procurement by the Air Force.

### Sec. 104. Defense-wide Procurement

Section 104 authorizes the appropriation of funds for procurement by the defense-wide procurement.

### Sec. 105. Defense Inspector General

Section 105 authorizes the appropriation of funds for procurement by the Defense Inspector General.

### Sec. 106. Defense Health Program

Section 106 authorizes the appropriation of funds for procurement by the Defense Health Program.

### Sec. 107. Chemical Demilitarization Program

Section 107(a) authorizes the appropriation of funds for procurement by the demilitarization and destruction of lethal chemical weapons in the chemical stockpile as specified in section 1412 of the Department of Defense Authorization Act, 1986.

Section 107(b) repeals the second sentence of section 1412(f) of the Department of Defense Authorization Act, 1986, which specifies that chemical demilitarization funds shall not be included in the budget accounts for any military department consistent with the renaming of the "Chemical Agents and Munitions Destruction, Defense" account to the "Chemical Agents and Munitions Destruction, Army" account as proposed in the President's budget for fiscal year 1994.

### *Subtitle B—Other Matters*

### Sec. 111. Repeal of Requirement for Separate Budget Request for Procurement of Reserve Equipment

Section 111 repeals the requirement contained in section 114(e) of title 10, United States Code, that amounts requested for procurement for the reserve forces be set forth separately from other amounts requested for procurement for the Armed Forces.

### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Sec. 201. Authorization of Appropriations

Section 201 authorizes the appropriation of funds for the Armed Forces for research, development, test, and evaluation.

### TITLE III—OPERATION AND MAINTENANCE

### *Subtitle A—Authorization of Appropriations*

### Sec. 301. Operation and Maintenance Funding

Section 301 authorizes the appropriation of funds for the Armed Forces for operation and maintenance.

### Sec. 302. Working Capital Funds

Section 302 authorizes the appropriation of funds for working capital.

### Sec. 303. Additional Activities Included in Defense Business Operations Fund

Section 303 adds the Defense Contract Audit Agency and the Defense Contract Management Command to the activities in the Defense Business Operations Fund.

### Sec. 304. National Security Education Trust Fund Obligations

Section 304 authorizes obligations to be incurred in the National Security Education Trust Fund.

### *Subtitle B—Other Matters*

### Sec. 311. Amendment Relating to Emergency and Extraordinary Expense Authority for Defense Inspector General

Section 311 amends section 127 of title 10, United States Code, pertaining to emergency and extraordinary expenses, to add provisions covering the Defense Inspector General.

### Sec. 312. Repeal of Ceiling on Employees in Headquarters and Non-Management Headquarters and Support Activities

Section 312 repeals the ceiling on employees in headquarters and non-management headquarters support activities contained in section 194 of title 10.

### Sec. 313. Flexibility in Administering Requirement For Annual Four Percent Reduction in Number of Civilian Employees Assigned to Headquarters and Headquarters Support Activities

Section 313 provides for flexibility in computing the number of personnel reductions required under the provisions of section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 by permitting personnel in excess of the four percent annual reduction to be counted in a succeeding fiscal year in reaching the required reduction for the succeeding fiscal year.

### Sec. 314. National Defense Stockpile Fund Management Improvements

Section 314 contains provisions which will enhance the management of the National Defense Stockpile Transaction Fund. Section 314(a) permits annual sales from the National Defense Stockpile Transaction Fund in an amount not to exceed $500,000,000 and permits the transfer of receipts from such sales to any appropriation available to the Department of Defense. Section 314(b) permits the Secretary of Defense to impose a moratorium on the acquisition of new material for the National Defense Stockpile.

### Sec. 315. Clarification of Amendments to CINC Initiative Fund Legislation

Section 315 repeals the provisions of section 9128 of the Department of Defense Appropriations Act which amended the provisions of section 166a of title 10, United States Code, by enacting the provisions contained in section 908 of the Senate passed version of the National Defense Authorization Act for Fiscal Year 1993 and clarifies that the later enacted Authorization Act Conference Committee substitute for that language is the effective provision.

### Sec. 316. Pacific Battle Monuments Maintenance

Section 316 authorizes the United States Marine Corps to expend funds from its operations and maintenance budget for the repair and maintenance of certain existing Pacific battle monuments. Legislation authorizing the proposed expenditures is required due to the restrictions contained in sections 123 and 125 of title 36, United States Code, which grant to the American Battle Monuments Commission the sole authority to expend appropriated funds for the erection and maintenance of battle monuments. Section 316 further authorizes appropriations of $150,000 to repair and relocate a monument on Iwo Jima and $15,000 each fiscal year to maintain and repair monuments.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### *Subtitle A—Active Forces*

### Sec. 401. End Strengths for Active Forces

Section 401 authorizes the end strengths (the end of the fiscal year—September 30, 1994) for active duty personnel of the Armed Forces.

### *Subtitle B—Reserve Forces*

### Sec. 411. End Strengths for Selected Reserve

Section 411 authorizes the end strengths (the end of the fiscal year—September 30, 1994) for Selected Reserve personnel of the reserve components.

### Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves

Section 412 authorizes the end strengths (the end of the fiscal year-September 30, 1994) for the Reserves serving on full-time active duty in support of the reserves as contemplated in section 678 of title 10, United States Code.

### Sec. 413. Increase in Number of Members in Certain Grades Authorized To Be on Active Duty in Support of the Reserves

Section 413 increases the number of members in the grades of E-9, E-8, Major or Lieutenant Commander, Lieutenant Colonel or Commander, and Colonel or Navy Captain authorized to be on active duty in support of the reserves. The provision amends the tables in section 517 of title 10, United States Code.

### *Subtitle C—Military Training Student Loads*

#### Sec. 421. Authorization of Training Student Loads

Section 421 authorizes the average training student loads for the components of the active and reserve Armed Forces.

## TITLE V—MILITARY PERSONNEL POLICY

### *Subtitle A—Office Personnel Policy*

#### Sec. 501. Authority to Delete From Selection Board Reports and Promotion Lists Names of Officers Erroneously Considered by Promotion Selection Boards

Section 501 amends chapter 36 of title 10, United States Code, by adding a new section 618a to authorize the Service Secretaries to delete the name of a reserve or regular officer on a report of a selection board or on a list of those recommended for promotion when the officer was not eligible for consideration or became ineligible for promotion after selection because of various reasons such as death, resignation, retirement, dismissal, discharge, or removal from the active duty list.

#### Sec. 502. Amendment to Warrant Officer Management Act to Authorize Involuntary Separations of Certain Regular Warrant Officers

Section 502 amends chapter 33A of title 10, United States Code, by inserting a new section 580a, paralleling those subsections of section 638a which deal with the involuntary separation of regular commissioned officers of the active duty list.

The Department of Defense must significantly reduce its active duty forces by fiscal year 1995. To facilitate force reductions, the Congress, in section 521 of the National Defense Authorization Act for Fiscal Year 1991, provided the Secretaries of the military departments with the authority, upon approval of the Secretary of Defense, to convene selection boards to consider regular officers on the active duty list for involuntary discharge.

Section 521 amended chapter 36 of title 10, United States Code, by inserting a new section 638a. The new section authorizes the Secretaries concerned to convene selection boards to consider for involuntary discharge regular officers in a grade below lieutenant colonel or commander who have served at least one year of active duty in the grade currently held, whose names are not on list of officers recommended for promotion, and who are not eligible to retire and not within two years of becoming so eligible. The section indicates specifically that a discharge under the section shall be considered to be involuntary for any other provision of law. Consequently, officers discharged under section 638a will be eligible for separation pay under section 1174 of title 10 and other readjustment benefits authorized by section 502 of the National Defense Authorization Act for Fiscal Year 1991, such as transitional health care.

The explanatory statement in the Conference Report that accompanied the National Defense Authorization Act for Fiscal Year 1991 indicates that the conferees "expect the military services to maintain the same relationship between officer and enlisted strengths existing at the end of fiscal year 1990 in making active duty end strength reductions in the future." H.R. Rep. No. 923, 101st Cong., 2d Sess. 597 (1990). To maintain this relationship and balanced officer end strengths, it is necessary to have statutory authority to include regular warrant officers in any involuntary separations that may be necessary. While the Department of Defense believes that this force management authority is necessary, the intent is to use voluntary separation authority to the maximum extent possible.

### *Subtitle B—Reserve Component Matters*

#### Sec. 511. Authorization of Secretarial Selected Reserve Call Up Authority and Expansion of 90-Day Call Up Period

Section 511 amends section 673b of title 10, United States Code, by permitting the activation of Selected Reserve units for an initial period of service of a total of 180 days with an extension for an additional 180 days. Such an amendment would assure the availability of Selected Reserve units to meet operational needs and increase the flexibility of the Total Force in responding to a crisis. Section 8132 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1856, 1909), granted similar authority to the Secretary of Defense for use in the case of orders to active duty in support of operations in and around the Arabian Peninsula and Operation Desert Shield.

Section 511 further authorizes the Secretary of Defense to order to active duty, without their consent, up to 25,000 members of the Selected Reserve for up to a total of 90 days (not to be extended) for any purpose.

#### Sec. 512. Consistency in Federal Recognition Qualifications for Members of the National Guard

Section 512 amends section 301 of title 32, United States Code, by providing that the qualifications prescribed for federal recognition of an enlisted member of the National Guard may not differ between members solely on the basis of employment as a National Guard Technician under section 709 of title 32. In addition, section 512 repeals required battle skills training (Public Law 100-456 and 101-189).

#### Sec. 513. Exception to the Twelve-week Basic Training Period Requirement

Section 513 amends section 671(b) of title 10, which currently provides that during time of war or national emergency a member of the Armed Forces may not be assigned outside the United States until the member has received at least twelve weeks of basic training. Under section 513, Service Secretaries could exempt certain personnel with specialized skills and training, such as health care professionals, from the requirement of twelve weeks of basic training before assignment outside the United States in a time of war or national emergency.

#### Sec. 514. National Guard Management Initiatives

Section 514 amends titles 10 and 32, United States Code, by eliminating unnecessary restrictions on personnel procedures and by providing greater flexibility in the training, management, and mobilization of the National Guard.

Section 514(a) clarifies section 311 of title 10, to insure that female warrant officers and enlisted personnel are included as members of the militia of the United States.

Sections 514(b) and 514(c) repeal the requirements that a member of the Army National Guard and Air National Guard, respectively, receive a physical examination when called into and again after being mustered out of the federal service.

Section 514(d) extends the period during which all members of a National Guard unit must complete a training assembly from thirty days to ninety days. This will provide greater flexibility in training schedules and will permit commanders to schedule training for individual members or parts of units, such as officer candidate schools and team training in remote areas.

Section 514(e) eliminates the thirty-day notice requirement for termination of technicians when notice is unnecessary such as when a technician voluntarily relinquishes National Guard membership.

Section 514(f) eliminates the restriction on the number of National Guard technicians that may be employed at any one time.

Section 514(g) authorizes the use of National Guard officers to determine that property issued by the United States to the National Guard is unserviceable for purposes of property disposal. Current law requires regular commissioned officers to make these determinations.

#### Sec. 515. Modification of the Physical Examination Requirement for Members of the Ready Reserve

Section 514 amends section 1004(a)(1) of title 10 by changing the requirement that each member of the Ready Reserve who is not on active duty be examined for physical fitness every five years instead of every four years. Each member still would be required to submit a statement of physical fitness annually. With the need for scarce medical personnel of the active and Reserve components in operational circumstances, this requirement increasingly is a difficult burden to meet. The revision will relieve the pressure and cause little detriment to the readiness of the Reserve force.

### *Subtitle C—Service Academies*

#### Sec. 521. Procedures for Nominating Candidates for Admission to Service Academies

Section 521 amends Sections 4342(a), 6954(a), 9342(a), title 10, United States Code, by clarifying the procedures for nominating candidates for admission to the United States Military, Naval and Air Force Academies. Previously sections 4342(a), 6954(a), 9342(a), title 10, United States Code, provided that Congressional members were entitled to select nine alternates and one principal candidate. Section 521 replaces such a method of selection and provides that 10 persons shall be chosen. Under section 521, Members of Congress would be permitted to choose one of three methods of selection: one principal candidate and nine unranked persons, one principal and nine ranked persons, or ten unranked persons. Those qualified nominees who are not selected would be considered qualified alternates.

#### Sec. 522. Graduation Leave for Service Academy Graduates

Section 522 amends section 702 of title 10 to conform with changes recently enacted in section 532 of title 10. Those changes establish that all offices shall be initially commissioned in the Reserves beginning September 30, 1996. Since regular commissions would not be offered, it is appropriate to amend section 702 to eliminate references to commissioning in the regular components as a precondition to granting leave to graduates of the Service academies. Through this amendment, graduates would remain eligible for leave following graduation, as prescribed by section 702.

### *Subtitle D—Education and Training*

#### Sec. 531. Change to ROTC Advanced Course Admission Requirements

Section 531 authorizes the Secretaries of the Military Departments to prescribe the length of the field training or practice cruise required to join the Reserve Officers' Training Corps Advanced Course. Under current law, the Secretary concerned has authority to determine the length of training, but it must be at least six weeks in duration (10 U.S.C. 2104 (b)(6)(A)(ii)). The amendment would provide more flexibility in training ROTC cadets.

### *Subtitle E—Other Matters*

#### Sec. 541. Authority for Non-citizen Spouse and Children of Non-citizen Service Members to Reside with the Member in the United States

Section 541 amends the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15), by creating procedures by which families of permanent resident and alien service members may live together when a member is stationed in the United States.

#### Sec. 542. Reduction in the Maximum Number of Years for a Military Member to be Maintained on the Temporary Disability Retired List

Section 542 reduces from five to three, the maximum number of years a military member may remain on the temporary disability retired list before a final determination is made. The DOD disability evaluation system maintains a fit and vital force by separating or retiring eligible military members determined to be unfit to perform their duties because of disease or injury incurred while entitled to basic pay. When a disabling condition is unstable and the permanence of the degree of disability cannot be determined, the member is placed on the temporary disability retired list (TDRL). This proposal, recommended by the Department's Inspector General following a recent audit, would reduce the number of individuals retained on TDRL by more than 3,000, resulting in a smaller, more easily managed list. The proposed revision would have no negative effect on the benefit provided to the disabled member. Very few disability ratings are changed after the three year reevaluation. Accordingly, the three year period is considered a sufficient time to determine the permanence of a disabling condition.

#### Sec. 543. Clarification of Punitive UCMJ Article Regarding Drunken Driving

Section 543 amends section 911(2) of title 10, United States Code, (article 111 of the Uniform Code of Military Justice) to clarify that the concentration of 0.10 grams of alcohol in one's blood or breath is the minimum prohibited concentration, not the only prohibited concentration, for which one operating or in physical control of a vehicle, aircraft, or vessel may be prosecuted.

#### Sec. 544. Repeal of the Statutory Restriction on the Assignment of Women in the Navy and Marine Corps

Section 544 repeals section 6015 of title 10, United States Code, which prohibits the permanent assignment of women members of the Navy and the Marine Corps to vessels engaged in combat missions except for aviation officers assigned as part of an air wing or other air element. The removal of the statutory restriction is necessary to implement the policy of the Secretary of Defense on the assignment of women in the armed forces.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### *Subtitle A—Pay and Allowances*

#### Sec. 601. Variable Housing Allowance for Certain Members who are Required to Pay Child Support and who are Assigned to Sea Duty

Section 601 permits members above paygrade E-6 who are assigned to sea duty and are entitled to a Basic Allowance for Quarters at the with dependent rate solely by reason of child support payments, to be entitled to a variable housing allowance at the without dependents rate. Implementation of Section 601 would cost the Navy $22.2 million per year to execute.

#### Sec. 602. Pay for Members of the Uniformed Services During Times of War, Hostilities, or National Emergency

The purpose of section 602 is to permit a reduction in the amount of United States currency in circulation overseas during time of war, hostilities, or national emergency. It allows the Secretary concerned to limit the amount of money paid directly to members of the Armed Forces engaged in combat operations overseas.

Currently, members of the uniformed services are paid directly every month unless they have an allotment or assignment of their pay and allowances under the provisions of chapter 15 of title 37, United States Code. Section 1005 of title 37 requires that members of the Army and the Air Force be paid at such time that arrears will not be more than two months, unless circumstances make further delay unavoidable. While in peacetime this procedure works well, during hostilities or national emergency many difficulties occur. In combat, a soldier has little need for large sums of cash, and he would have the practical problem of how to safeguard his money. Large sums of money in circulation in a combat area could cause disciplinary problems such as gambling, theft, and black market activities. If the combat area is in a less developed country, a large influx of U.S. dollars could lead to economic chaos.

Finally, there is the problem of transporting cash to pay service members in combat areas. A payroll for an army overseas can weigh over 100,000 pounds, and the delivery of such a payroll involves aircraft, other vehicles, personnel, and supplies which could be used to transport material vital to military operations.

This section would have the dual benefit of protecting a service member's pay while he is in the combat area and relieving the Armed Forces of a costly and difficult responsibility so that they can concentrate on the successful completion of military operations overseas.

#### Sec. 603. Separation Pay Upon Involuntary Discharge or Release from Active Duty

Section 603 amends section 1174 of title 10 by making a technical change to permit equal application of benefits to all service members. In subsection 1174(a)(1) the eligibility point for separation pay for regular officers would be changed from five to six years.

#### Sec. 604. Permanent Authority for Certain Bonuses and Special Pay for Nurse Officer Candidates, Registered Nurses and Nurse Anesthetists

Section 604 provides the Department with permanent authority to pay a nurse accession bonus, to pay Incentive Special Pay to Military Certified Registered Nurse Anesthetists (CRNAs), and to pay a nurse officer candidate accession bonus. Since the original legislation became effective in FY 1990, each of these valuable programs has been successful in increasing the number of professional nurses on active duty in the military services. Recruitment and retention of CRNAs continue to be areas of major concern for the military departments as civilian earning potential far exceeds military compensation for CRNAs. The military departments continue to have difficulty recruiting nurses due to the shortage of nurses nationwide as well as increased pay disparity between the private sector and the military. The accession bonus program and the nurse officer candidate accession bonus program have proven beneficial in attracting nurses into the military.

The costs associated with section 305, during FY 94–FY 98 are for the nurse accession bonus, $8.0 million annually; for incentive special pay for CRNAs, $4.0 million annually; and for the nurse candidate accession bonus, $1.0 million annually in FY 94 and FY 95, and $4.0 million annually in FY 96–98.

#### Sec. 605. Modification of Certain Selected Reserve Bonuses

Section 605 modifies the criteria for receipt of certain bonuses and provides the Secretary concerned with the authority to extend the period over which certain bonuses may be paid, rather than in lump sum payments.

#### Sec. 606. Expiring Authorities

Section 606(a) amends section 301b(a) of title 37, United States Code, to extend the authority to pay a retention bonus to aviation career officers extending their period of active duty for at least one year. This authority currently expires on September 30, 1993.

Section 606(b) amends section 308d(c) of title 37, United States Code, to extend the authority which permits the payment of additional compensation to enlisted members of the Selected Reserve assigned to high priority units, so designated by the Secretary concerned because that unit has experienced, or reasonably might be expected to experience, critical personnel shortages. This authority currently expires on September 30, 1993.

Section 606(c) amends sections 3360(b), 3360(c), 3853, and 8583 of title 10, United States Code, to extend the authority not to use the constructive service credited an officer upon original appointment as a Reserve officer in determining the officer's years of service for the purpose of establishing the officer's mandatory separation date. This authority currently expires on September 30, 1993.

Section 606(d) amends sections 3359(b) and 8359(b) of title 10, United States Code, to extend the authority which permits the original appointment of physicians with at least four years constructive service credit as medical officers for service as Reserve officers of the Army and Air Force in the grade of captain. This authority currently expires on September 30, 1993.

Section 606(e) amends section 3380(d) and 8380(d) of title 10, United States Code, to extend the authority which permits the promotion of an Army or Air Force Reserve officer, not on their active duty list, to a higher Reserve grade while on active duty. This authority currently expires on September 30, 1993.

Section 606(f) repeals section 5721(f) of title 10, United States Code, to make permanent the authority to promote temporarily Navy lieutenants who have skills in which the Navy has a critical shortage of personnel, as determined by the Secretary of the Navy, and who are serving in positions which are designated by the Secretary of the Navy to be held by lieutenant commanders and which require that officers serving in such positions have the skill possessed by a lieutenant commander.

Section 606(g) amends section 2172(d) of title 10, United States Code, to extend the authority which permits the repayment by the Secretary concerned of educational loans of health professionals who serve in the Selected Reserve and who possess professional qualifications in a health profession that the Secretary of Defense has determined to be needed critically in order to meet identified wartime combat medical skill shortages. This authority currently expires on October 1, 1993. Termination of Reserve health professional incentive programs would limit the ability of the Reserve components to fill shortages in the designated health professions.

Section 606(h) amends section 308(g) of title 37, United States Code, to extend the authority to pay reenlistment bonus to active duty service members who reenlist or who extend their enlistment in a regular component of the service concerned for at least three years. This authority currently expires on September 30, 1993.

Section 606(i) amends section 308a(c) of title 37, United States Code, to extend the authority to pay enlistment bonus to a person who enlists in an armed force for at least four years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at least four years in a skill designated as critical. This authority currently expires on September 30, 1993.

Section 606(j) amends sections 308b(f), 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United States Code, to extend the authority to pay bonuses for (1) enlistment, reenlistment or affiliation with the Selected Reserve, (2) enlistment, reenlistment or extension of an enlistment in the Ready Reserve other than the Selected Reserve, and (3) enlistment in the Selected Reserve of individuals with prior service. These authorities currently expire on September 30, 1993. Termination of these Reserve bonus programs would adversely impact the readiness of Reserve component units by limiting the ability to recruit individuals possessing critical skills or qualified to train for critical skills and to ensure necessary manning levels in specific critical units.

Section 606(k) amends section 613(d) of the National Defense Authorization Act for Fiscal Year 1989 (37 U.S.C. 302 note) to extend the authority which permits payment of special pay to a health care professional who is qualified in a specialty designated by regulation as a critically short wartime specialty and who agrees to serve in the Selected Reserve for at least one year. This authority currently expires on September 30, 1993. Extension of this authority will allow the Department of Defense to conclude a test program of a reserve medical bonus.

Section 606(l) amends sections 106(b) & (c) of Public Law 86-797 (16 U.S.C. 670f(b) and (c)) to extend the authority to appropriate funds to carry out conservation activities on military installations. This authority expires on September 30, 1993.

Section 606(m) amends section 1370(a) (2) of title 10, United States Code, to extend the authority to permit commissioned officers in a grade above major or lieutenant commander and below lieutenant general or vice admiral to retire in the highest grade in which they served on active duty satisfactorily for not less than two years, rather than three years. This authority currently expires September 30, 1995. Extension of this authority will assist the uniformed services in their downsizing efforts.

Section 606(n) amends section 6323(a) (2) of title 10, United States Code, to extend the authority to permit commissioner officers of the Navy or the Marine Corps to retire after completing more than 20 years of active service, of which at least eight years, rather than ten years, was service as a commissioned officer. This authority currently expires September 30, 1995. Extension of this authority will assist the Navy and the Marine Corps in their downsizing efforts.

Section 606(o) amends section 619(e)(1) of title 10, United States Code, to extend the authority to appoint a qualified nuclear propulsion officer to the grade of rear admiral (lower half) without his having completed a full tour of duty in a joint duty assignment. This authority currently expires on January 1, 1994. Although an increasing number of nuclear propulsion officers are obtaining joint credit, the waiver of the joint duty required continues to be needed.

Section 606(p) amends section 638a of title 10, United States Code, to extend the authority to permit the Secretary concerned, when authorized by the Secretary of Defense, to take any of the actions set forth in subsection (b) of that section with respect to officers under his jurisdiction. These actions relate to the modification of rules for continuation on active duty and to the enhancement of authority for selective early retirement and early discharges. This authority currently expires September 30, 1995. Extension of this authority will assist the uniformed services in their downsizing efforts.

Section 606(q) amends sections 633, 634 and 6383(i) of title 10, United States Code, to extend the authority to exempt limited duty officers to whom section 6383 applies from mandatory retirement after completion of a specified number of years if not recommended for promotion. This authority currently expires October 1, 1995. This exemption corrects serious inequities within the limited duty officer community and provides long-term promotion opportunity consistent with DOPMA guidelines and reasonable upward mobility for the limited duty officer community.

Section 606(r) amends section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1338; 10 U.S.C. 2208 note) to extend the authority of the Secretary of Defense to manage the performance of the working-capital funds and industrial, commercial, and support type activities described in section 316(b) through the use of a single Defense Business Operations Fund. This authority currently expires on April 15, 1994. It was extended from its original expiration date of April 15, 1993 to its current expiration date of April 15, 1994 by section 341(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2374).

### *Subtitle B—Retired Pay and Survivor Benefits*

### Sec. 611. Disability Coverage for Officer Candidates Granted Excess Leave

Section 612 amends section 1201 of title 10 by including certain members not entitled to basic pay among those who receive physical disability coverage. Section 612 entitles Service Members on active duty for 30 days or more to disability benefits under those sections of law only if disabled while entitled to basic pay. Except as provided in section 502(a) of title 37, an individual who is granted excess leave by the Secretary of the military department concerned under section 502(b) of that title is not entitled to basic pay as long as the member is in that status. If such an individual were to incur any disability while on excess leave, he or she would not be entitled to any of the benefits provided under the provisions of sections 1201, 1202, and 1203 of title 10. Currently, members of the Marine Corps in the law school excess leave program are the only ones affected by this provision.

### Sec. 612. Termination of Servicemen's Group Life Insurance When Premiums Are Not Paid

Section 612 amends section 1969 (a)(2) of title 38, United States Code, by allowing the termination of SGLI policies for members who fail to make timely payment of premiums when they are not in a paid status. Currently, there is no means by which to stop coverage on such members who pay no premiums.

### *Subtitle C—Other Matters*

### Sec. 621. Authorization of Payment or Collection Due to Fluctuations of Foreign Currency Incurred by Certain Military Members

Section 621 amends section 405(d) of title 37 by authorizing the Service Secretaries having jurisdiction over the uniformed services to pay or collect funds due to fluctuation of U.S. and foreign currencies incurred by service members while occupying private housing outside the United States. This amendment would apply primarily to refundable housing deposits and rental advances. The amendment made by this section would take effect on October 1, 1993.

### Sec. 622. Revisions to Security Deposit Waiver Program

Section 622 amends section 1055(c), United States Code, by deleting section 1055(c)(2). Section 1055(c)(2) currently provides that the Secretary provide a member of the Armed Forces with notice and opportunity for hearing and record inspection before the military issues a special order authorizing the withholding of pay when such member breaches a lease or damages a rental unit.

### Sec. 623. Extension of Desert Shield Postponement of Certain Tax-Related Acts to Other Contingency Operations

Section 623 amends section 7508 of title 86, United States Code, by extending Desert Shield postponement of tax obligations and other certain acts to personnel overseas supporting a contingency operation. Contingency Operations are designated by the Secretary as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or a military operation that results in the call-up of Reserves (including retirees) or in the involuntary retention of members on active duty in connection with a war or national emergency.

### Sec. 624. Inclusion of Victims of Terrorism in Certain Title 37 Benefits

Section 624 provides title 37 benefits to victims of terrorism and members of the uniformed services held as captives. (37 U.S.C. 559).

### Sec. 625. Permanent Authority for Former Prisoners of War to Claim Payments because of Violation of the Geneva Conventions

Section 625 amends Section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) as amended by Public Law 91-289, June 24, 1970 (84 Stat. 323), by making permanent the authority for former prisoners of war (POW's) to claim payment because of violations of the Geneva Conventions of August 12, 1949, by their captors, and severs the connection between payments to victims of terrorism and POW's. In addition, section 625 provides that the enforcement of the provision shall be limited to the amount of claims of the United States, and attorney fees shall be limited to no more than 20% of any award.

## TITLE VII—HEALTH CARE PROVISIONS

## *Subtitle A—Health Care Management*

### Sec. 701. Extension and Revision of Specialized Treatment Services Program

Section 701 extends and revises authority provided by sections 711 and 715 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Public Law 102–190, concerning the Specialized Treatment Facility (STF) program. The Act authorized a two-year test of the STF program by enlarging the normal 40-mile catchment area to refer patients to military STFs. It also authorized referrals to designated civilian network providers when military care is unavailable. Section 701 extends the two-year STF program authority through fiscal year 1995 in order to give it sufficient time to operate. Section 701 also permits the designation of civilian STFs, with service areas of comparable size as military STFs, even if not in a catchment area of a military treatment facility. Finally, section 701 authorizes payment of transportation and related expenses for the patient and an attendant to travel to an STF when cost-effective.

The implementation of section 701 would cause no increase to the budgetary requirements of the Department.

### Sec. 702. Revision and Codification of CHAMPUS Physician Payment Reform Program

Section 702 codifies section 9011 of the Department of Defense Appropriations Act, 1993, Public Law 102–396, which authorizes significant reform of the CHAMPUS physician payment methods, including reduced payment for overpriced procedures. Section 702 further reforms physician payments through a transition to payment limits similar to the Medicare fee schedule, which is established using a Resource-Based Relative Value Scale, or RB–RVS. Exceptions to the fee schedule limits would be made to maintain higher payments when needed to assure adequate access to care for CHAMPUS beneficiaries. To ensure a smooth transition to the new payment limits, reductions in payments for specific procedures would be restricted to no more than 15 percent per year. Further, in order to protect beneficiaries, limitations on balance billing for CHAMPUS would be established similar to those in effect for Medicare, which limits balance billing to 15 percent above the allowable amount.

The implementation of section 702 is expected to produce savings to the Department of $75 million annually.

### Sec. 703. Codification of CHAMPUS Peer Review Organization Program Procedures

Section 703 codifies section 9056 of the Department of Defense Appropriations Act for Fiscal Year 1993, a provision which has been enacted in consecutive appropriations laws since the FY 1990 Act. This section reinforces the effectiveness of the CHAMPUS Peer Review Program, which is designed to assure quality and appropriate utilization under CHAMPUS. Section 703 would authorize the Department to adapt, by regulation, the quality and utilization review requirements and procedures in effect for the Medicare program. This provides a basis for procedures essential to the effective operation of the Peer Review Program, including no additional liability for patients in cases of peer review payment disallowance, confidentiality of records, civil immunity of peer reviewers, and sanctions for noncomplying providers that are in effect for Medicare.

The implementation of this section would cause no increase to the budgetary requirements of the Department.

### Sec. 704. Award of Constructive Service Credit for Advanced Health Professional Degrees

Section 704 amends sections 533, 3353, 5600, and 8353, of title 10, United States Code, to authorize the award of year for year constructive service credit for advanced professional education. Currently, these selections require consideration of years of baccalaureate-level training completed by a person being appointed as an officer, rather than simply the advanced degree education. When individuals are able to gain entry into medical or dental school without having to complete a year or more of preprofessional training above that required by a majority of professional schools, they are granted less than year for year constructive service credit for their professional degree. This formula is extremely complex and difficult to administer.

The Department's original regulation implementing the statutory rules for constructive service credit simplified the portion dealing with constructive service credit for the basic medical and dental degrees, permitting year for year credit for these advanced degrees without regard to length of baccalaureate training. It was then uncommon for individuals to be selected for entry into medical or dental school without having completed four years of preprofessional training. In recent years, however, a growing number of individuals are successfully competing for entry into dental schools without having to complete four years of preprofessional training. These individuals, upon appointment, are not eligible for as many years of constructive service credit as fellow professional school graduates who completed an extra year or more of preprofessional training. The problem is exacerbated by the fact that this one less year of constructive service credit results in the requirement to bring the individual on active duty at one lower grade. Section 704 would enhance the Department of Defense competitiveness in recruiting high quality health care providers.

This implementation of section 704 would not increase the budget requirements of the Department.

### Sec. 705. Codification of Revised Governance Structure of the Uniformed Services University of the Health Sciences

Section 705 makes a series of changes to section 2113 of title 10, United States Code, by codifying the governing structure established by section 8091 of the Department of Defense Appropriations Act, 1991, Public Law No. 101–511 for the Uniformed Services University of the Health Sciences. That law revised the role of the Board of Reports to be an advisory committee and placed operational responsibility under the direct authority of the Secretary of Defense. Section 705 makes similar changes to section 2113 of title 10 and adopts several other minor revisions. Among these is authority for members of the Board of Regents to be outstanding in fields other than health and health education, an updating of the per diem compensation for members of the Board from $100 to $300, and clarification regarding the authority of USUHS to enter into cooperative agreements with the Henry M. Jackson Foundation for the Advancement of Military Medicine.

The implementation of section 705 would not increase the budget requirements of the Department.

### Sec. 706. Clarification of Authority for Graduate Student Program of the Uniformed Services University of the Health Sciences

Section 706 clarifies the authority of USUHS regarding the operation of graduate programs in health sciences. Consistent with the common practice in medical schools throughout the United States, graduate students, in exchange for a waiver of tuition and a modest stipend, perform many vital services as teaching assistants and research assistants, while pursuing their masters degree or Ph.D. degree studies. Thus, the "pay back" for the tuition-free education is served concurrently with the education. Consistent with this practice, this section clarifies that the commissioned status and service obligation requirements of the law apply only to medical students (those in the M.D. degree program) of USUHS, not to graduate students. Requirements for graduate students will be established by the Secretary of Defense.

The implementation of section 706 would not increase the budget requirements of the Department.

### Sec. 707. Modification of Date for Delivery of Health Care Services Under CHAMPUS Reform Initiative Contract

Section 707 amends section 713(b) of the National Defense Authorization Act for Fiscal Year 1993, which set a date of August 1, 1993, for the delivery of services to begin under the CHAMPUS Reform Initiative contract in California and Hawaii. This contract, which will be a successor to the original CHAMPUS Reform Initiative demonstration project, begun in 1998, is now in the acquisition process. There is a legal and program requirement for at least a six-month start-up period between contract award and the initiation of service delivery, meaning that a contract would have to be awarded by February 1, 1993, to meet the August 1 start date. Because of the complexity of the acquisition process, it is now apparent that additional time will be needed to complete it. Therefore, this section revises the statutory date to be August 1, 1993, "or as soon thereafter as is practicable." The Department remains committed to completing the acquisition at the earliest feasible date, consistent with compliance with all applicable procurement regulations.

This section would have no budget impact.

### Sec. 708. Authority for the Armed Forces Institute of Pathology to Obtain Additional Distinguished Pathologists and Scientists

Section 708 amends section 176(c) of title 10, United States Code, by authorizing the Director of the Armed Forces Institute of Pathology (AFIP) to enter into agreements with the American Registry of Pathology for the services of distinguished pathologists or scientists to help enhance the activities of AFIP in education, consultation, and medical research. The Armed Forces Institute of Pathology, located at Walter Reed Army Medical Center, is composed of 24 departments and staffed by over 700 United States Army, Navy, Air Force and Public Health Service personnel and serves the Federal and civilian sectors under section 177 of title 10, the Director of AFIP is authorized, with the approval of the Board of Governors, to enter into agreement for the services of distinguished pathologists or scientists of demonstrated ability and experience for the purpose of enhancing the activities of the Institute in education, consultation and research. Prolific expansion in the medical sciences, increased mission responsibilities, and the rapid growth In technology has surpassed the practicality of limiting the number of distinguished pathologists and scientists positions to six.

The implementation of this section would result in no increased budgetary requirements for the Department.

### *Subtitle B—Medicare Related Provisions*

### Sec. 711. Exclusion of Experienced Military Physicians from Medicare Definition of New Physician

Section 711 amends title 18 of the Social Security Act by exempting physicians and health care practitioners who have served more than four years in any branch of the uniformed services from treatment as a "new physician or practitioner" under Medicare payment, upon leaving the service. Under the Medicare fee schedule, physicians and other practitioners who are considered "new" are paid at reduced payment levels. Because the identification of "new" practitioners considers only the number of years a practitioner has billed Medicare, well-experienced and highly qualified uniformed services providers, upon leaving the service are treated as if they were in their first years of medical practice. This provision amends the law to recognize the professional experience of uniformed services physicians and other practitioners.

### Sec. 712. Repeal of the Statutory Restriction on Use of Funds for Abortions

Section 712 repeals section 1093 of title 10, United States Code, which prohibits using funds available to the Department of Defense to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. The provision being repealed is referred to sometimes as the "Hyde Amendment."

## TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### *Subtitle A—Office of the Secretary of Defense*

### Sec. 801. Authorization for Certain Organizational Changes in the Office of the Secretary of Defense

Section 801(a) creates the position of the Under Secretary of Defense for Personnel and Readiness, raises the position of Comptroller in the Department of Defense to Executive Schedule III with the precedence of an Under Secretary (such precedence coming after the Under Secretary of Defense for Policy), changes the title of the Under Secretary of Defense for Acquisition to Under Secretary of Defense for Acquisition and Technology and changes the number of Assistant Secretaries of Defense from eleven to nine. Sections 801(b) and (c) make conforming amendments.

### *Subtitle B—Professional Military Education*

### Sec. 811. Authorization for the Award of the Master of Science of National Security Strategy Degree and the Master of Science of National Resource Strategy Degree

Section 811 amends chapter 108 of title 10, United States Code, by adding the new section 2163, "National Defense University: Master of Science of National Security Strategy and Master of Science of National Resource Strategy. This would authorize the President of the National Defense University to confer a master of national security strategy and master of national resource strategy degree upon graduates of the National War College and Industrial College of Armed Forces, respectively.

### *Subtitle C—Other Matters*

### Sec. 821. Authority for Civilian Army Employees to Act on Reports of Survey

Section 821 amends section 4835 of title 10 to include civilian employees in the category of persons whom the Secretary of the Army may designate to act on and to approve reports of survey and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of or damage to property of the United States under the control of the Army. Currently, only Army officers may approve reports of survey.

### Sec. 822. Escorts and Flags for Civilian Employees who Die while Serving in a Conflict with the Armed Forces

Section 822 authorizes the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation to pay for the transportation expenses and travel allowances for an escort to accompany the remains of a civilian employee who dies while serving with the Armed Forces in a wartime conflict or contingency operation. Also, the amendment authorizes the presentment of an interment flag to the next of kin of the deceased employee.

Section 1481 and 1482 of title 10, United States Code, provide for the recovery, care, and disposition of the remains of members of the Armed Forces, including the authority to pay travel and transportation expenses for a person to escort the remains of a member to the place of burial. Section 5742 of title 5, United States Code, provides for the transportation of the remains of a civilian employee of the Government who dies abroad; however, there is no authority to pay for the expenses of an escort for the remains.

Section 1482 of title 10, United States Code, also authorizes the presentation of a flag of the United States to the next of kin of a deceased member of the Armed Forces. There is no similar authority for a civilian employee who dies while serving with the Armed Forces. This section authorizes the presentment of a flag to the next of kin of a civilian employee who dies while serving with the Armed Forces in a wartime conflict or contingency operation, as that term is defined in section 101(a)(13) of title 10, United States Code.

Because of the nature of modern warfare, civilian employees of the Government play a vital role in supporting the Armed Forces, including support provided with deployed forces. These civilian employees often face severe risks, similar to those faced by members of the Armed Forces they support. Should they make the ultimate sacrifice for their country, their remains should be returned in the same manner as members of the Armed Forces.

### Sec. 823. Providing Flexibility in the Office of the Inspectors General of the United States Army and Air Force

This section amends the last sentences of sections 3020(e) and 8020(e) of title 10, United States Code, to permit the Secretaries of the Army and the Air Force to appoint permanent or temporary career civilian employees as deputies and assistants to the Inspectors General of the Army and the Air Force. The current statute only allows for the appointment of military officers to these positions. The statute providing for the Navy Inspector General (10 U.S.C. 5020) does not contain a similar restriction.

The Offices of the Secretary of the Army and the Secretary of the Air Force have sole responsibility for the Inspector General functions. The Inspectors General inquire into or report on discipline, efficiency, and economy of their respective branches. In addition, the Inspectors General perform other duties prescribed. The Inspectors General do not exercise command authority under the Uniform Code of Military Justice. Consequently, the duties assigned to assistants of deputies to the Inspectors General may be performed by either a military officer or a career civilian employee.

This section gives the Secretaries of the Army and the Air Force the same authority given the Secretary of the Navy to appoint military and civilian officials to senior management positions in the Offices of the Inspector General. Moreover, it provides career opportunities to civilians appointed in the competitive service and in the Senior Executive Service.

## TITLE IX—GENERAL PROVISIONS

### Sec. 901. Awarding of Gold Star Lapel Buttons to Survivors of United States Servicemembers Killed by Terrorist Acts

The purpose of section 901 is to authorize eligibility for and distribution of Gold Star Lapel Buttons to survivors of United States servicemembers killed by terrorist acts/attacks. Section 1126 of title 10, United States Code, does not provide authority for recognition of deaths of servicemembers caused by terrorist acts as hostile acts for which a gold star lapel button should be awarded. With terrorist acts against United States servicemembers always present, this section corrects an oversight in the original legislation.

### Sec. 902. Aviation Leadership Program

Section 902 amends title 10, United States Code, by adding Chapter 905, entitled "Aviation Leadership Program." Chapter 905 would authorize the Secretary of the Air Force to establish an Aviation Leadership Program. This program would provide undergraduate pilot training and related training to personnel of the air forces of friendly foreign, less-developed nations. Section 902 would authorize the Secretary to provide transportation, supplies, equipment, and special clothing for the use of such personnel, and may pay them a living allowance. Section 902 would become effective on October 1, 1993.

## TITLE X—MATTERS RELATING TO ALLIES AND OTHER NATIONS

### Sec. 1001. Exchange of Personnel Between United States Armed Forces and Foreign Defense Departments or Ministries

Section 1001 provides for the exchange of military and civilian personnel between the United States Armed Forces and the defense departments or ministries of allied and friendly nations. Specifically, section 1001 provides the United States Armed Forces with the needed policy guidance for the implementation of a more detailed DoD Directive on the program. Section 1001 provides a specific statutory framework for the establishment and conduct of these programs, and would clarify the framework so the Secretary of Defense may enter into these agreements. Section 1001 clarifies the statutory framework for the establishment and conduct of exchange programs with allied and friendly governments.

### Sec. 1002. Transfer of Certain Defense Articles in the War Reserve Allies Stockpile to the Republic of Korea

Section 1002 authorizes the Secretary of Defense to transfer certain stockpiled weapons, tanks, and equipment located in the Republic of Korea to the government of the Republic of Korea in exchange for concessions at least equal to the fair market value of those weapons, tanks, and equipment. Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), prohibits the transfer of war reserves stockpiled in a foreign country for future use by that country unless specifically authorized by legislation.

### Sec. 1003. Report Requirement Repealed

Section 1003 repeals section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985. Section 1002(d)(2)(A) necessitated that the Department of Defense make a detailed written report to Congress by April 1 of each year of the status and cost of the United States forces for NATO as reflected in the Defense Planning Questionnaire Response, and in the defense budget request.

### Sec. 1004. Burdensharing Contributions by Japan, Kuwait, and the Republic of Korea

Section 1004 clarifies and makes permanent the authority of the Secretary of Defense to apply cash contributions from foreign governments not only to activities funded solely with DOD appropriations, but to those defense-related activities in the host countries which are funded, in whole or in part, by other than DOD appropriations. It is noted that temporary authority has been authorized in the past few years for annual periods through the various departmental appropriations bills. The permanent authority of the current legislation would not preempt the Congress from reinserting a nullifying provision in subsequent foreign assistance appropriations or other bills such as section 566 of Public Law 102-391.

Under current law, cash contributions may only be credited to DOD appropriations. This limitation fails to take into account those activities whose operating expenses are partially funded by other means, such as security assistance offices in Korea or Japan which are funded with foreign military sales trust funds. The proposed change is needed to clearly permit application of cash contributions to offset the expenses of operating these defense-related activities in these countries.●

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By Mr. NUNN (for himself and Mr. THURMOND) (by request):

S. 1254. A bill to authorize certain construction at military installations for fiscal year 1994, and for other purposes; to the Committee on Armed Services.

### MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1994

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from South Carolina [Mr. THURMOND], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal year 1994, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 1254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this title may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

### PART A—FISCAL YEAR 1994

### Title XXI—ARMY

### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

| State | Installation or Location | Amount |
|---|---|---|
| Alabama | Fort Rucker | $26,950,000 |
| Arizona | Fort Huachuca | 8,850,000 |
| California | Fort Irwin | 5,900,000 |
| Colorado | Fort Carson | 4,050,000 |
| Georgia | Fort Benning | 37,650,000 |
| Georgia | Fort Stewart | 18,800,000 |
| Hawaii | Schofield Barracks | 18,600,000 |
| Kentucky | Fort Campbell | 40,300,000 |
| | Fort Knox | 41,350,000 |
| Maryland | Aberdeen Proving Ground | 20,250,000 |
| Missouri | Fort Leonard Wood | 1,000,000 |
| Nevada | Hawthorne Army Ammunition Plant. | 7,000,000 |
| New Jersey | Fort Monmouth | 7,500,000 |
| New Mexico | White Sands Missile Range | 2,900,000 |
| New York | US Military Academy, West Point. | 13,800,000 |
| North Carolina | Fort Bragg | 102,240,000 |
| Oklahoma | Fort Sill | 15,700,000 |
| Pennsylvania | Tobyhanna Army Depot | 750,000 |
| South Carolina | Fort Jackson | 2,700,000 |
| Texas | Fort Bliss | 14,000,000 |
| | Fort Hood | 49,400,000 |
| | Fort Sam Houston | 4,351,000 |
| Utah | Dugway Proving Ground | 16,500,000 |
| | Tooele Army Depot | 1,500,000 |
| Virginia | Fort Belvoir | 860,000 |
| | Fort Lee | 32,600,000 |
| | Fort Myer | 6,800,000 |
| Washington | Fort Lewis | 14,200,000 |
| U.S. various | Classified Locations | 3,000,000 |
| Total Army Inside | | 519,501,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

| Country | Installation or Location | Amount |
|---|---|---|
| Kwajalein Atoll | Kwajalein | $21,200,000 |
| OCONUS Classified | Classified Locations | 3,600,000 |
| Total Army Outside | | 24,800,000 |

### SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

| State | Installation | Purpose | Amount |
|---|---|---|---|
| California | Fort Irwin | 220 units | $25,000,000 |
| Hawaii | Schofield Barracks | 348 units | 52,000,000 |
| Maryland | Fort Meade | 275 units | 26,000,000 |
| New York | U.S. Military Academy | 100 units | 15,000,000 |
| North Carolina | Fort Bragg | 224 units | 18,000,000 |
| Wisconsin | Fort McCoy | 16 units | 2,950,000 |
| Total Army FamHsg. | | | 138,950,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2815 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $67,530,000.

### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,271,928,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $519,501,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $24,800,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act, 1991 (division B of Public Law 101-510; 104 Stat. 1485), section 2101(a) of the Military Construction Authorization Act, 1992 (division B of Public Law 102-484; 106 Stat. 2315), $110,900,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design authorized under section 2807 of title 10, United States Code, $109,441,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $218,285,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $1,125,601,000, of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

### TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

| State | Installation or Location | Amount |
|---|---|---|
| California | Alameda Naval Air Station | $4,700,000 |
| | Barstow Marine Corps Logistics Base. | 8,690,000 |
| | Camp Pendleton Marine Corp Air Station. | 3,850,000 |
| | Camp Pendleton Marine Corp Base. | 11,130,000 |

NAVY: INSIDE THE UNITED STATES—Continued

| State | Installation or Location | Amount |
|---|---|---|
| | El Toro Marine Corp Air Station. | 1,950,000 |
| | Fallbrook Naval Weapons Station Annex. | 4,630,000 |
| | Lemoore Naval Air Station .... | 1,930,000 |
| | San Diego Naval Hospital .... | 2,700,000 |
| | San Diego Fleet Industrial Supply Center. | 2,270,000 |
| | San Diego Marine Corps Recruit Depot. | 1,130,000 |
| | San Diego Naval Training Center. | 700,000 |
| California .......... | Twentynine Palms, Marine Corps Air-Ground Combat Center. | 7,900,000 |
| Connecticut .......... | New London Naval Submarine Base. | 36,740,000 |
| District of Columbia .......... | Washington COMNAVDIST ..... | 3,110,000 |
| District of Columbia .......... | Washington NRL .......... | 2,380,000 |
| Florida .......... | Cecil Field Naval Air Station | 1,500,000 |
| | Jacksonville Naval Air Station | 14,420,000 |
| | Mayport Naval Station .......... | 3,260,000 |
| | Pensacola Naval Air Station | 6,420,000 |
| Georgia .......... | Albany Marine Corp Logistics Base. | 940,000 |
| | Kings Bay Naval Submarine Base. | 10,920,000 |
| | Kings Bay Tri-Training Facility. | 3,870,000 |
| Hawaii .......... | Barbers Point Naval Air Station. | 4,050,000 |
| | Honolulu NCTAMS EPAC ....... | 9,120,000 |
| | Pearl Harbor COMOCSYS ..... | 16,780,000 |
| | Pearl Harbor NISMF .......... | 2,620,000 |
| | Pearl Harbor Naval Submarine Base. | 54,140,000 |
| | Pearl Harbor Public Works Center. | 27,540,000 |
| Maine .......... | Kittery Portsmouth Naval Shipyard. | 4,780,000 |
| Maryland .......... | Bethesda National Naval Medical Center. | 3,090,000 |
| New Jersey .......... | Earle Naval Weapons Station | 2,580,000 |
| North Carolina .......... | Camp Lejeune Marine Corp Base. | 41,290,000 |
| | Camp Lejeune Naval Hospital | 2,370,000 |
| | Cherry Point Marine Corp Air Station. | 7,500,000 |
| Pennsylvania .......... | Philadelphia ASO .......... | 1,900,000 |
| | Philadelphia NISMF .......... | 8,660,000 |
| Rhode Island .......... | Newport NETC .......... | 11,300,000 |
| South Carolina .......... | Beaufort Marine Corp Air Station. | 10,900,000 |
| | Charleston Naval Weapons Station. | 580,000 |
| Tennessee .......... | Memphis Naval Air Station .. | 2,050,000 |
| Texas .......... | Corpus Christi Naval Air Station. | 1,670,000 |
| Virginia .......... | Chesapeake MCSFBN NW ..... | 5,380,000 |
| | Craney Island FISC Annex .... | 11,740,000 |
| | Norfolk COMOPTEVFOR .......... | 8,100,000 |
| | Norfolk NADEP .......... | 17,800,000 |
| | Norfolk Naval Air Station ...... | 12,270,000 |
| | Norfolk Public Works Center | 5,330,000 |
| | Portsmouth Norfolk Naval Shipyard. | 13,420,000 |
| | Quantico MCCOMBDEV CMD | 7,450,000 |
| | Wallops IS NSURFWPN CND .. | 10,170,000 |
| Washington .......... | Bangor Naval Submarine Base. | 3,100,000 |
| | Everett Naval Station .......... | 34,000,000 |
| | Keyport NUWC Division .......... | 8,980,000 |
| Various Locations .......... | Wastewater Collection and Treatment. | 3,260,000 |
| | Land Acquisition .......... | 540,000 |
| Total Navy Inside ..... | .......... | 489,600,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

| Country | Installation or Location | Amount |
|---|---|---|
| Guam .......... | Naval Hospital .......... | $2,460,000 |
| | MSCO .......... | 2,170,000 |
| | Andersen AFB NAF .......... | 7,310,000 |
| | Naval Magazine .......... | 3,750,000 |
| | Naval Ocean Communication Center. | 690,000 |
| | Naval Station .......... | 14,520,000 |
| | Fleet/Industrial Supply Center | 22,440,000 |
| | Public Works Center .......... | 20,680,000 |
| Italy .......... | Naples NSA .......... | 11,740,000 |
| | Sigonella Naval Air Station .. | 3,460,000 |
| Spain .......... | Rota Naval Station .......... | 2,670,000 |
| Various Locations .......... | Host Nation Infrastructure Support. | 2,960,000 |
| | Land Acquisition .......... | 800,000 |
| Total Navy Outside ... | .......... | 95,650,000 |

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

| State | Installation | Purpose | Amount |
|---|---|---|---|
| California .......... | San Diego PWC ... | 318 units .......... | $36,571,000 |
| District of Columbia. | Washington PWC | 188 units .......... | 21,556,000 |
| Florida .......... | Pensacola PWC ... | Self Help/Warehouse. | 300,000 |
| Georgia .......... | Kings Bay NSB .... | Housing Office/ Self Help/Warehouse. | 790,000 |
| Maine .......... | Brunswick NAS .... | Mobile Home Spaces. | 490,000 |
| Virginia .......... | Norfolk PWC/NAB Little Creek. | 392 units .......... | 50,674,000 |
| | Oceana NAS .......... | Community Center | 860,000 |
| Washington .......... | Bangor NAVSUBASE. | 290 units .......... | 27,438,000 |
| Scotland .......... | Edzell NSGA .......... | 40 units .......... | 6,000,000 |
| United Kingdom .... | London NAVACTS | 81 units .......... | 15,470,000 |
| Total Navy FamHsg. | .......... | .......... | 160,149,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $190,696,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,863,947,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $489,600,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $95,650,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design authorized under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $373,769,000; and

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

## TITLE XXIII—AIR FORCE

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1); the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

| State | Installation or Location | Amount |
|---|---|---|
| Alabama .......... | Gunter Annex .......... | $4,680,000 |
| | Maxwell Air Force Base ....... | 16,170,000 |
| Alaska .......... | Cape Romanzof Long Range Radar Site. | 3,350,000 |
| | Eielson Air Force Base ......... | 7,800,000 |
| | Elmendorf Air Force Base ..... | 30,805,000 |
| Arizona .......... | Davis Monthan Air Force Base. | 650,000 |
| | Luke Air Force Base .......... | 6,750,000 |
| | Navajo Army Depot .......... | 7,250,000 |
| Arkansas .......... | Little Rock Air Force Base .... | 4,500,000 |
| California .......... | Edwards Air Force Base ...... | 11,300,000 |
| | McClellan Air Force Base ..... | 1,900,000 |
| | Travis Air Force Base .......... | 14,040,000 |
| | Vandenberg Air Force Base .. | 20,728,000 |
| Colorado .......... | Buckley Air National Guard Base. | 39,000,000 |
| | Cheyenne Mountain Air Force Base. | 4,450,000 |
| | Peterson Air Force Base ....... | 21,030,000 |
| | United States Air Force Academy. | 11,680,000 |
| Delaware .......... | Dover Air Force Base .......... | 6,560,000 |
| District of Columbia .......... | Bolling Air Force Base .......... | 2,000,000 |
| Florida .......... | Cape Canaveral Air Force Station. | 19,200,000 |
| | Eglin Air Force Base .......... | 12,050,000 |
| | Eglin Auxiliary Field No. 9 .... | 7,829,000 |
| | Patrick Air Force Base .......... | 3,850,000 |
| | Tyndall Air Force Base .......... | 2,600,000 |
| Georgia .......... | Robins Air Force Base .......... | 43,370,000 |
| Hawaii .......... | Hickam Air Force Base .......... | 10,250,000 |
| | Kaena Point .......... | 7,350,000 |
| Illinois .......... | Scott Air Force Base .......... | 7,450,000 |
| Kansas .......... | McConnell Air Force Base ..... | 1,900,000 |
| Louisiana .......... | Barksdale Air Force Base ..... | 2,560,000 |
| Maryland .......... | Andrews Air Force Base ........ | 17,990,000 |
| | Fort George G. Meade .......... | 1,450,000 |
| Mississippi .......... | Columbus Air Force Base ..... | 2,900,000 |
| | Keesler Air Force Base .......... | 8,710,000 |
| Missouri .......... | Whiteman Air Force Base ..... | 36,388,000 |
| Montana .......... | Malmstrom Air Force Base ... | 7,700,000 |
| Nebraska .......... | Offutt Air Force Base .......... | 11,000,000 |
| Nevada .......... | Nellis Air Force Base .......... | 1,650,000 |
| New Mexico .......... | Cannon Air Force Base .......... | 8,915,000 |
| | Holloman Air Force Base ...... | 9,200,000 |
| | Kirtland Air Force Base ........ | 27,061,000 |
| North Carolina .......... | Pope Air Force Base .......... | 8,600,000 |
| | Seymour Johnson Air Force Base. | 5,380,000 |
| North Dakota .......... | Grand Forks Air Force Base .. | 2,600,000 |
| | Minot Air Force Base .......... | 2,000,000 |
| Ohio .......... | Wright-Patterson Air Force Base. | 27,650,000 |
| Oklahoma .......... | Altus Air Force Base .......... | 6,930,000 |
| | Tinker Air Force Base .......... | 21,549,000 |
| | Vance Air Force Base .......... | 6,000,000 |
| South Carolina .......... | Charleston Air Force Base .... | 1,100,000 |
| | Shaw Air Force Base .......... | 5,870,000 |
| South Dakota .......... | Ellsworth Air Force Base ...... | 630,000 |
| Tennessee .......... | Arnold Air Force Base .......... | 1,500,000 |
| | Memphis Naval Air Station .. | 6,200,000 |
| Texas .......... | Dyess Air Force Base .......... | 10,390,000 |
| | Goodfellow Air Force Base .... | 3,700,000 |
| | Kelly Air Force Base .......... | 27,481,000 |
| | Lackland Air Force Base Annex. | 1,200,000 |
| | Lackland Air Force Base ....... | 30,093,000 |
| | Laughlin Air Force Base ....... | 8,650,000 |
| | Randolph Air Force Base ...... | 5,300,000 |
| | Reese Air Force Base .......... | 900,000 |

AIR FORCE: INSIDE THE UNITED STATES—Continued

| State | Installation or Location | Amount |
|---|---|---|
| | Sheppard Air Force Base | 18,030,000 |
| Utah | Hill Air Force Base | 8,380,000 |
| Virginia | Langley Air Force Base | 17,823,000 |
| Washington | Fairchild Air Force Base | 3,500,000 |
| | McChord Air Force Base | 10,900,000 |
| Wyoming | F.E. Warren Air Force Base | 12,640,000 |
| Classified | Various Locations | 8,140,000 |
| Total Air Force Inside | | 729,152,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

| Country | Installation or Location | Amount |
|---|---|---|
| Antigua Island | Antigua Air Station | 1,000,000 |
| Ascension Island | Ascension Auxiliary Airfield | 3,400,000 |
| Germany | Ramstein Air Base | 3,100,000 |
| Greenland | Thule Air Base | 5,492,000 |
| Guam | Andersen Air Force Base | 4,100,000 |
| Indian Ocean | Diego Garcia Air Base | 2,260,000 |
| Oman | Thumrait Air Base | 1,800,000 |
| Turkey | Incirlik Air Base | 2,400,000 |
| United Kingdom | RAF Mildenhall | 4,800,000 |
| Classified | Classified Location | 5,500,000 |
| Total Air Force Outside. | | 33,852,000 |

### SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

| State/Country | Installation | Purpose | Amount |
|---|---|---|---|
| Alabama | Maxwell Air Force Base. | 55 Units | $4,080,000 |
| Arkansas | Little Rock Air Force Base. | Housing Office/ Maintenance Facility. | 980,000 |
| California | Vandenberg Air Force Base. | 166 Units | 21,907,000 |
| Florida | Patrick Air Force Base. | 155 Units | 15,388,000 |
| | Tyndall Air Force Base. | Infrastructure | 5,732,000 |
| Georgia | Robins Air Force Base. | 118 Units | 7,424,000 |
| Louisiana | Barksdale Air Force Base. | 118 Units | 8,578,000 |
| Massachusetts | Hanscom Air Force Base. | 48 Units | 5,135,000 |
| Montana | Malmstrom Air Force Base. | Housing Office | 581,000 |
| Texas | Dyess Air Force Base. | Housing Maintenance Facility. | 281,000 |
| | Lackland Air Force Base. | 111 Units | 8,770,000 |
| Virginia | Langley Air Force Base. | Housing Office | 452,000 |
| Washington | Fairchild Air Force Base. | 1 Unit | 184,000 |
| Wyoming | F.E. Warren Air Force Base. | 104 Units | 10,572,000 |
| Italy | Comiso Air Base | 460 Units | 20,200,000 |
| Total Air Force FamHsg. | | | 110,264,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,901,000.

### SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $53,070,000.

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,924,325,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $729,152,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design authorized under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of Defense Access Roads authorized under Section 210 of Title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under Section 2301, Public Law 102–484 for the construction of the Climatic Test Chamber, Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $173,235,000; and

(B) For support of military housing (including functions described in Section 2833 of title 10, United States Code), $853,912,000 of which not more than $118,266,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

### SEC. 2305. STUDENT DORMITORY RELOCATION FROM SIERRA ARMY DEPOT, CALIFORNIA TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act, Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended as follows:

(1) by striking out "Sierra Army Depot, $3,650,000." under the heading "California"; and

(2) by striking out "Beale Air Force Base, $6,300,000." under the heading "California" and inserting in lieu thereof "Beale Air Force Base, $9,950,000.".

### SEC. 2306. MUNITION MAINTENANCE FACILITY RELOCATION FROM SIERRA ARMY DEPOT, CALIFORNIA TO BEALE AIR FORCE BASE, CALIFORNIA.

Section 2301(a) of the Military Construction Authorization Act, Fiscal Years 1992/1993 (division B of Public Law 102–190; 105 Stat. 1521) is amended as follows:

(1) by striking out "Sierra Army Depot, $2,700,000." under the heading "California"; and

(2) by striking out "Beale Air Force Base, $2,250,000." under the heading "California" and inserting in lieu thereof "Beale Air Force Base, $4,950,000.".

### SEC. 2307. COMBAT ARMS TRAINING/MAINTENANCE FACILITY RELOCATION FROM WHEELER AFB, HAWAII TO US ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act; 1991 (division B of Public Law 101–510; 104 Stat. 1770) is amended—(1) by striking out "Wheeler Air Force Base, $3,500,000." under the heading "Hawaii" and inserting in lieu thereof "Wheeler Air Force Base, $2,100,000."; and (2) by adding "US Army Schofield Barracks Open Range, $1,400,000." under the heading "Hawaii".

## TITLE XXIV—DEFENSE AGENCIES

### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES

| Agency | Installation or Location | Amount |
|---|---|---|
| DLA | Defense Reutilization and Marketing Office, Fairbanks, Alaska. | $6,500,000 |
| | Defense Reutilization and Marketing Office, March Air Force Base, California. | 630,000 |
| | Defense Fuel Support Point, Pearl Harbor, Hawaii. | 2,250,000 |
| | Defense Construction Supply Center, Columbus, Ohio. | 3,100,000 |
| | Defense Electronic Supply Center, Dayton, Ohio. | 6,000,000 |
| | Defense Reutilization and Marketing Office, Hill Air Force Base, Utah. | 1,700,000 |
| | Defense General Supply Center, Richmond, Virginia. | 17,000,000 |
| | Fort Belvoir, Virginia | 5,200,000 |
| DMFO | Edwards Air Force Base, California. | 1,700,000 |
| | Fort Detrick, Maryland | 4,300,000 |
| | Offutt Air Force Base, Nebraska. | 1,100,000 |
| | Cannon Air Force Base, New Mexico. | 13,600,000 |
| | Grand Forks Air Force Base, North Dakota. | 860,000 |
| | Ellsworth Air Force Base, South Dakota. | 1,400,000 |
| | Fort Sam Houston, Texas | 4,800,000 |
| | Fort Eustis, Texas | 3,650,000 |
| | Fairchild Air Force Base, Washington. | 8,250,000 |
| NSA | Fort Meade, Maryland | 58,630,000 |
| OSD | Various Locations, Special Activities, Air Force. | 16,355,000 |
| Section 6 Schools | Fort McClellan, Alabama | 2,798,000 |
| | Robins AFB, Georgia | 3,160,000 |
| | Fort Campbell, Kentucky | 13,182,000 |
| | Fort Knox, Kentucky | 7,707,000 |
| | Camp LeJeune, North Carolina. | 1,793,000 |
| | Fort Bragg, North Carolina | 8,838,000 |
| | Quantico Marine Corps Base, Virginia. | 422,000 |
| Special Ops Force | Eglin Aux Field 9, Florida | 19,582,000 |
| | Fort Campbell, Kentucky | 4,300,000 |
| | Fort Bragg, North Carolina | 38,450,000 |
| | Olmstead Field, Pennsylvania | 1,300,000 |
| | Little Creek Naval Amphibious Base, Virginia. | 7,500,000 |
| Total Def Agency Inside. | | 266,057,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES

| Agency | Installation or Location | Amount |
|---|---|---|
| Defense Logistics Agency | Diego Garcia | $9,558,000 |
| | Roosevelt Rds., Puerto Rico | 5,800,000 |
| Total Def Agency Outside. | | 15,358,000 |

### SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

### SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $4,133,585,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $266,057,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $15,358,000.

(3) For military construction projects at Fort Sam Houston, Texas, Hospital Replacement authorized by section 2401(a) of the Military Construction Authorization Act, 1987, $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal years 1990 and 1991, $211,900,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal year 1993, $48,140,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal year 1993, $135,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal year 1993, $195,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal year 1993, $5,000,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $50,000,000.

(13) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), $27,870,000.

(14) for base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990, (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note), $3,000,500,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $50,865,000; and

(B) for the Army Reserve, $82,233,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,591,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $142,353,000, and

(B) for the Air Force Reserve, $55,727,000.

## TITLE XXVII—EXPIRATION AND EXTENSIONS OF AUTHORIZATIONS

### SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organizations Infrastructure program (and authorizations of appropriation therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

### SEC. 2702. EXTENSIONS OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) Extensions.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:

ARMY: EXTENSION OF 1991 PROJECT AUTHORIZATIONS

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Maryland | Aberdeen Proving Ground. | Toxicology Research Facility. | $33,000,000 |
| Virginia | Fort Myer | Child Development Center. | 2,150,000 |
| Total Army Extension. | | | 35,150,000 |

AIR FORCE: EXTENSION OF 1991 PROJECT AUTHORIZATIONS

| State/Country | Installation or Location | Project | Amount |
|---|---|---|---|
| Alaska | Clear Air Force Station. | Alter Dormitory (Phase II). | $5,000,000 |
| California | Sierra Army Depot | Dormitory | 3,650,000 |
| Colorado | Buckley Air National Guard Base. | Child Development Center. | 4,550,000 |
| | Lowry Air Force Base. | Computer Operations Facility. | 15,500,000 |
| | | Logistics Support Facility. | 3,500,000 |
| | United States Air Force Academy. | Consolidated Education & Trng Fac (Phase I). | 15,000,000 |
| Hawaii | Hickam Air Force Base. | Dormitory | 6,100,000 |
| | Wheeler Air Force Base. | Combat Arms Trng/Maint Facility. | 1,400,000 |
| Oklahoma | Tinker Air Force Base. | AWACS Aircraft Fire Protection. | 2,750,000 |
| Utah | Hill Air Force Base. | Depot Warehouse | 16,000,000 |
| Total Air Force Extension. | | | 73,450,000 |

DEFENSE AGENCIES: EXTENSION OF 1991 PROJECT AUTHORIZATIONS

| State or Country | Installation or Location | Project | Amount |
|---|---|---|---|
| Maryland | DLA, Defense Reutilization and Marketing.<br>Office, Fort Meade | Covered storage | $9,500,000 |
| Total DA Extension. | | | 9,500,000 |

### SEC. 2703. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

## TITLE XXVIII—GENERAL PROVISIONS

### SEC. 2801. CONSTRUCTION AUTHORITY IN THE EVENT OF A DECLARATION OF WAR, NATIONAL EMERGENCY, OR CONTINGENCY OPERATION.

Section 2808 of title 10, United States Code, is amended:

(a) by amending the catchline for the section to read:

"Construction Authority in the Event of A Declaration of War, National Emergency, or Contingency Operation";

(b) by adding a new subsection (b) as follows:

"In the event of a contingency operation as defined in paragraph (a)(13), section 101 of this title, the Secretary of Defense, without regard to any other provisions of law, may undertake military construction projects not otherwise authorized by law that are necessary to support the use of the armed forces. Contingency operations projects shall be for temporary use, as required, to support the operations. Projects authorized by this subsection may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated."

(c) by redesignating subsection (b) to (c);

(d) by redesignating subsection (c) to (d);

(e) by striking newly designated subsection (d) and inserting in lieu thereof:

"(d) the authority described in subsection (a) and (b) shall terminate with respect to any war, national emergency, or contingency at the end of the war, national emergency, or contingency."; and

(f) the item in the table of sections at the beginning of the chapter relating to section 2808 is amended to read as follows:

"Section 2808. Construction authority in the event of a declaration of war, national emergency, or contingency operation.".

### SEC. 2802. EMERGENCY CONSTRUCTION.

Section 2803 of title 10, United States Code, is amended—

(a) by striking subsection (c)(1); and

(b) by redesignating subsection (C)(2) as subsection (C).

### SEC. 2803. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) Section 207(a)(5) of the Defense Authorization and Base Closure and Realignment Act (Public Law 100–526) is amended by adding the following:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title will be directly deposited into the Department of Defense Base Closure Account 1990, created by Public Law 101–510.".

(b) Section 2906(a)(2) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 101–510) is amended by adding:

"(D) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of Public Law 100–526.".

(C) Section 2906(b)(1) of the Defense Authorization amendments and Base Closure and Realignment Act (Public Law 101–510) is amended as follows:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under Title II of Public Law 100–526.".

(d) Technical Correction.—(a) Section 2906(c)(2) and (3) of the Department of Defense Authorization Act, 1991 (Public Law 101–510) is amended by striking "after the termination of the Commission" and inserting lieu of "after the termination of the authority of the Secretary to carry out a closure or realignment under this title.".

### SEC. 2804. AUTHORITY TO CONTRACT FOR CERTAIN FUNCTIONS AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) Base Closures Under 1988 Act.—(1) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 102 Stat. 2630; 10 U.S.C. 2687 note) is amended by adding the following new subparagraph (5) at the end of the subsection (b):

"(5) The Secretary of Defense is authorized to contract with local governments for community services, including police and fire protection, at those military installations to be closed when the Secretary determines that it is in the best interest of the Department to have these services provided local governmental entities."

(2) Section 205 of Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 102 Stat. 2630; 10 U.S.C. 2687 note) is amended—

(A) in subsection (1), by deleting "and";

(B) in subsection (2), by deleting "Code." and inserting in lieu thereof "Code; and"; and

(C) by adding at the end of the section the following new subsection:

"(3) those sections comprising chapter 146 of title 10, United States Code."

(b) Base Closures Under 1991 Act.—(1) Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1813; 10 U.S.C. 2687 note) is amended—

(A) in subsection (b)(2) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting the following new subparagraph (E) following the existing subparagraph (D):

"(E) The Secretary of Defense is authorized to contract with local governments for community services, including police and fire protection, at those military installations to be closed down the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.

(2) Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1813; 10 U.S.C. 2687 note) is further amended—

(A) in subsection (d)(1), by deleting "and";

(B) in subsection (d)(2), by deleting "Code." and inserting in lieu thereof "Code; and"; and

(C) by adding at the end of section (d) the following new subsection;

"(3) those sections comprising chapter 146 of title 10, United States Code."

### SEC. 2805. MILITARY FAMILY HOUSING FOREIGN LEASING PROGRAM.

Section 2828(e)(1) of title 10, United States Code, is amended by deleting "October 1, 1987." from the end of the first sentence and inserting in lieu thereof the following:

"October 1, 1987, except that 300 such units may be leased for not more than $25,000 per annum as adjusted for foreign currency fluctuation from October 1, 1987. The dollar limitations contained in this subsection shall be further adjusted annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics for the Department of Labor, for the previous year ending on September 30.".

### SEC. 2806. MILITARY FAMILY HOUSING LEASING PROGRAM.

Section 2828 of title 10, United States Code, is amended by adding after subsection (b)(3) the following new subsection (b)(4):

"(4) the maximum rental amount under paragraphs (2) and (3) shall be adjusted annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the previous year ending on September 30.".

### SEC. 2807. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

Section 2483(b), title 10, United States Code, is amended by deleting the period after "energy" and inserting,", and may be used to accomplish energy related Military Construction projects as authorized in Sections 2805(a)(1) and 2865(a)(3).".

### SEC. 2808. ENERGY SAVINGS AT MILITARY INSTALLATIONS.

Section 2865, title 10, United States Code, is amended—

(1) in subsection (a)(3) by inserting ", including energy efficient maintenance," after "conservation measures";

(2) by inserting new subsection (a)(3)(A) after subsection (a)(3):

"(a)(3)(A) Energy efficient maintenance includes the repair by replacement of equipment or systems with the best available technology to meet the same and needs e.g., lighting, heating, cooling, industrial process, etc. Energy efficient maintenance also includes operation and maintenance process improvements that result in energy cost savings e.g., training, improved controls, etc."; and

(3) in subsection (b)(2) by inserting "and pursuant to Section 2483(b) of this title," after "under paragraph (1)".

### SEC. 2809. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1815; 10 U.S.C. 2687 note as amended by Section 2827 of Public Law 102–190; 105 Stat. 1551) is amended by striking subsection (d) in its entirety.

(b) Section 2905(a)(1)(C) of such Act (Public Law 101–510; 104 Stat. 1813; 10 U.S.C. 2687 note as amended by Section 2827 of Public Law 102–190; 105 Stat. 1551) is amended by striking out the words "in the Account;" and inserting in lieu thereof the words, "in the Defense Environmental Restoration Account;"

(c) Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Title II of Public Law 100–525; 102 Stat. 2628; 10 U.S.C. 2687 note as amended by Section 2923 of Public Law 101–510; 104 Stat. 1821) is amended by striking subsection (b) in its entirety and 5204(a)(3) is amended by striking the words "in the Account" and inserting in lieu thereof the words "in the Defense Environmental Restoration Account.".

### SEC. 2810. AUTHORIZATION TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) Establishment of Authority.—Subchapter I of chapter 169 of title 10, United

States Code, is amended by adding at the end the following new section:

### SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU OF CONSTRUCTION.

"(a) Subject to subsections (b) and (c), where the Secretary concerned determines that an existing facility at or near a military installation would satisfy the requirements of a military construction project authorized by law, the Secretary may acquire that facility, including real property, using the funds appropriated for the authorized project, in lieu of carrying out the authorized construction project.

"(b) The authority in this section may only be exercised if the Secretary concerned makes a determination that the acquisition of an existing facility in lieu of new construction is in the best interests of the Government.

"(c) A contract may not be entered into under this section until the Secretary concerned submits a report of the facts concerning this proposed transaction to the House and Senate Committees on Armed Services.".

(b) APPLICATION OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to projects authorized on or after the date of enactment of the Act, and to project authorized prior to the date of enactment for which construction contracts have not been awarded.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"2813. Authorization to acquire existing facilities in lieu of carrying out construction authorized by law.".

### SEC. 2811. TRANSFER OF FORT BELVOIR, VA, NATURAL GAS DISTRIBUTION SYSTEM TO THE WASHINGTON GAS COMPANY, SPRINGFIELD, VA.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the Washington Gas Company, Virginia, all right, title, and interest of the United States in the following real property natural gas system:

(1) All government owned utility fixtures, structures, and improvements used to provide natural gas service to Fort Belvoir, Virginia without the underlying fee (land).

(2) Transfer includes a natural gas distribution system consisting of approximately 15.6 miles of natural gas distribution lines and other improvement thereon and appurtenances thereto at Fort Belvoir, Virginia.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the natural gas system and to satisfy any buffer zone requirements imposed by any federal or state agency.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the Washington Gas Company, shall—

(A) accept the natural gas system to be conveyed under this section in its existing condition;

(B) provide natural gas service to Fort Belvoir, Virginia at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations including any permit or license requirements;

(D) not expand the existing on-post natural gas distribution system unless approved by the Installation Commander or his or her designee;

(E) take over the responsibility for ownership, maintenance, repair, safety inspections, and leak test surveys for the entire Fort Belvoir natural gas distribution system;

(F) upgrade natural gas system at no cost to the Government based on anticipated fuel oil conversions to natural gas.

(c) TERMS.—Conveyance specified in section (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Washington Gas Company is not complying with the conditions specified in this section, all right, title, and interest in and to the natural gas system conveyed pursuant to subsection (a), including improvements to the natural gas system, shall revert to the United States and the United States shall have the right to access and operation of the natural gas system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this act shall be determined by survey(s) satisfactory to the Secretary. The cost of such surveys shall be borne by the Washington Gas Company.

(g) ENVIRONMENTAL COMPLIANCE.—The Washington Gas Company, Virginia, shall be responsible for owning, operating and installing natural gas distribution lines. The Secretary of the Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation and Liability Act.

### SEC. 2812. TRANSFER OF THE FORT LEE, VA, WATER DISTRIBUTION SYSTEM TO THE AMERICAN WATER COMPANY, VIRGINIA.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the American Water Company, Virginia, all right, title, and interest of the United States in the following real property water system:

(1) All government owned utility fixtures, structures, and improvements used to provide water service and water distribution service to Fort Lee, Virginia, without the underlying fee (land).

(2) Water system includes approximately seven miles of transmission mains, eighty-five miles of distribution and service lines, four hundred and sixteen fire hydrants, three elevated storage tanks, two pumping stations and other improvements thereon and appurtenances thereto at Fort Lee, Virginia.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any federal or state agency.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the American Water Company shall—

(A) accept the water system to be conveyed under this section in its existing condition;

(B) provide water service to Fort Lee, Virginia, at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations including any permit or license requirements;

(D) not expand the existing on-post water distribution system unless approved by the Installation Commander or his or her designee;

(c) TERMS.—Conveyance specified in section (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the American Water Company is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment facilities to be conveyed pursuant to this act shall be determined by survey(s) satisfactory to the Secretary. The cost of such surveys shall be borne by the American Water Company.

(g) ENVIRONMENTAL COMPLIANCE.—The American Water Company will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The American Water Company will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The U.S. Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro-rata share of the water distribution system as determined by the Secretary under section (c). The Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation and Liability Act.

### SEC. 2813. TRANSFER OF THE FORT PICKETT, VA, WASTE WATER TREATMENT FACILITY TO THE TOWN OF BLACKSTONE, VIRGINIA.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the Town of Blackstone, Virginia, all right, title, and interest of the United States in the following real property waste water treatment facility:

(1) A parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon and appurtenances thereto at Fort Pickett, Virginia.

(2) All utility easements and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the facility and to satisfy any buffer zone requirements imposed by any federal or state agency.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the Town of Blackstone shall—

(A) design and construct an environmental upgrade to the existing plant to meet environmental standards;

(B) provide waste water treatment service to Fort Pickett, Virginia, at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations including any permit or license requirements;

(D) reserve seventy-five percent of the existing Fort Pickett, Virginia, waste water plant capacity for the Army's use at Fort Pickett, Virginia, should a future need arise due to force realignment or mission requirements;

(E) become responsible for future environmental clean-up of the facility in accordance with the Comprehensive Environmental Response, Compensation and Liability Act resulting from customers other than the United States Army.

(c) TERMS.—Conveyance specified in section (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town of Blackstone, Virginia, is not complying with the conditions specified in this section, all right, title, and interest in and to the waste water treatment system conveyed pursuant to subsection (a), including improvements to the waste water treatment system, shall revert to the United States and the United States shall have the right of access and operation of the waste water treatment system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this act shall be determined by survey(s) satisfactory to the Secretary. The cost of such surveys shall be borne by the Town of Blackstone.

(g) ENVIRONMENTAL COMPLIANCE.—The Town of Blackstone shall be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The Town of Blackstone shall also be responsible for executing and constructing environmental betterments to the plant as required by applicable law. The U.S. Army based on the availability of appropriated funding and the Town of Blackstone will share future environmental compliance costs based on a pro-rata share of reserved plant capacity as determined by the Secretary under Section (c). The Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation and Liability Act.

### SEC. 2814. TRANSFER THE STEWART ARMY SUBPOST WATER DISTRIBUTION SYSTEM AND RESERVOIR TO THE TOWN OF NEW WINDSOR, NEW YORK.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the Town of New Windsor, New York all right, title, and interest of the United States in the following real property water system:

(1) All government owned utility fixtures, structures, water reservoir, distribution plant, and improvements currently used to provide water service and water distribution service to Stewart Army Subpost, New York, and the surrounding area, to include the underlying fee (land) of the reservoir and the water treatment plant.

(2) Transfer also includes all water transmission mains, water distribution and service lines, fire hydrants, water pumping stations, and other improvements thereon and appurtenances thereto at Stewart Army Subpost, New York.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any federal or state agency.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the Town of New Windsor shall—

(A) accept the water system to be conveyed under this section in its existing conditions;

(B) provide water service to Stewart Army Subpost, New York, at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations including any permit or license requirements;

(D) not expand the existing on-post water service system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in section (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Town of New Windsor is not complying with the conditions specified in this section, at right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this act shall be determined by survey(s) satisfactory to the Secretary. The cost of such surveys shall be borne by the Town of New Windsor.

(g) ENVIRONMENTAL COMPLIANCE.—The Town of New Windsor will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The Town of New Windsor will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The U.S. Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro-rata share of the water distribution system as determined by the Secretary under section (c). The Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation and Liability Act.

### SEC. 2815. CLARIFICATION OF DEPARTMENT OF STATE HOUSING POOL PARTICIPATION.

Subsection 2834(b) of title 10, United States Code, is modified by deleting "included." and inserting in lieu thereof "excluded.".

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## SECTIONAL ANALYSIS

### SEC. 2801. CONSTRUCTION AUTHORITY IN THE EVENT OF A DECLARATION OF WAR, NATIONAL EMERGENCY, OR CONTINGENCY OPERATION

The proposed changes to section 2808, Construction Authority in the Event of War or National Emergency, gives the Secretary of Defense the authority to provide funds for construction of facilities, on a limited basis, during a contingency operation when facilities are necessary to support the operation and will be for temporary use. Existing legislative authority can be used only after declaration of war or declaration of a national emergency by the President. It does not allow the Department to respond to potential contingency operations. The proposed changes provide the construction flexibility necessary to support immediate operational requirements. Use of unobligated military construction funds would be authorized. This proposal requires the designation of a contingency operation by the Secretary of Defense (as defined in paragraph (a)(13), Section 101, title 10, USC) and notification of appropriate congressional committees, but does not require prior congressional approval.

### SEC. 2802. EMERGENCY CONSTRUCTION

The current $30 million limitation on emergency construction (Section 2803, title 10, USC) established in 1982 in the Codification Act, is unrealistic in today's rapidly changing environment. The proposal recommends the elimination of the $30 million cap the service secretary may obligate in any one year. In recent times, the services have not exceeded the annual limit; however, the need to exercise this authority cannot be predicted, especially since this authority was expanded to include projects meeting the conditions of Section 2803 for "the protection of health, safety, or the quality of the environment" by the National Defense Authorization Act for Fiscal Years 1992 and 1993, Public Law 102-190. Since projects initiated under this authority require reprogramming funds from approved military construction projects, the interested Congressional authorization and appropriations committees would continue to exercise their oversight of the authority. Additionally, the limitation of the $30 million cap would provide Section 2803 authority the same flexibility that exists for a similar authority for the restoration or replacement of damaged or destroyed facilities, Section 2854, title 10, USC, which has no limit.

### SEC. 2803. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY

Public Law 100-526 created a Department of Defense Base Closure Account to finance base closures and realignments recommended by the 1988 Base Closure Commission. Public Law 101-510 created a Department of Defense Base Closure Account 1990 to finance base closures and realignments recommended by the 1991, the 1993, and the 1995 Base Closure Commissions. The authority to obligate funds from the Account created by Public Law 100-526 expires on September 30, 1995. Environmental restoration and management and disposal of property requirements will exist beyond this date at some installations recommended for closure or realignment by the 1988 Commission. Also, receipts from the sale of property associated with a number of these 1988 actions will not all be realized before September 30, 1995. Allowing the deposit of land sale revenues received after September 30, 1995, into the Defense Base Closure Account 1990, and permitting the Department to use them to fund the ongoing environmental and property management and disposal requirements that continue to exist after that date would reduce the need for additional appropriations. These actions would still allow for Congressional oversight through review of DoD's detailed budget justification, which will continue to be separated by round of closure (i.e., 1988, 1991, 1993 and 1995 rounds). They would improve the overall efficiency and effectiveness of the base closure implementation process, thereby saving appropriations. These actions would also be consistent with the intent of Congress in creating the Base Closure Accounts. The technical correction would extend the life of Department of Defense Base Closure Account 1990 to coincide with the expiration of the Secretary's authority to carry out a closure or realignment under Public Law 101-510.

### SEC. 2804. AUTHORITY TO CONTRACT FOR CERTAIN FUNCTIONS AT INSTALLATIONS BEING CLOSED OR REALIGNED

The Department of Defense is committed to closing bases without undue delay. Quick action can save the Department money while expediting community reuse and economic development. To avoid unnecessary delays, the Department must be able to empower closing base commanders with options to effectively and efficiently manage their decreasing manpower resources during closure implementation. This provision will enable commanders at closing installations to contract for needed functions or arrange with local authorities for services, such as guard services and fire fighting, without the need for cost comparisons. It should be noted that at closing installations, the workforce becomes skeletal, making a bona fide cost comparison difficult, if not impossible.

### SEC. 2805. MILITARY FAMILY HOUSING FOREIGN LEASING PROGRAM

A provision for an annual Consumer Price Index (CPI) adjustment and an expansion of current high-cost foreign lease authority is necessary to keep pace with the inflation in housing costs and to meet requirements. The current ceiling of $20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1987, will be adjusted annually based on the CPI with the exception that not more than 300 units may exceed $20,000 per unit per annum, but may not exceed $25,000 per unit per annum. This maximum lease amount of $25,000 may be waived by the Secretary concerned with respect to not more than 220 such units. The per unit per annum threshold was established in 1987 and does not provide for inflation or expanded leasing. Seventy-six percent of DoD high-cost foreign leases are administered by the Department of State and support long-term positions of Defense Attachees, NATO and SHAPE personnel and their staffs. Such positions are not affected by European force reductions and base closures. Keeping pace with the cost of living and meeting security requirements is crucial to the quality of life of military families living in foreign leased units. The new open-market conditions of the Commonwealth of Independent States (CIS) also increases the cost of leases in foreign countries. Unless noted provisions are authorized, many of our leases will be terminated. Lease termination would create personal hardships for families, forcing them to live in unsuitable or unaffordable housing, or would force families to involuntarily separate. And, the U.S. Government could be subject to penalty charges for early termination of leases. Our exception for 300 units at $25,000 per unit per annum will help in such areas as LaMaddalena and Sigonella, Italy, where Navy has 238 such leases with cost increases of about 6% annually. At LaMaddalena, government build-to-lease housing is the only option because there is insufficient adequate housing available in the private community to meet DoD requirements. At Sigonella, government build-to-lease housing is the least cost alternative to that of providing housing allowances for members to make their own arrangements. An annual CPI adjustment will provide for current leases to continue in effect and planned leases will be executable; our serious foreign housing deficit will be reduced; and quality of life for families at overseas locations will be less threatened.

### SEC. 2806. MILITARY FAMILY HOUSING LEASING PROGRAM

The proposed change would provide for an annual adjustment to the threshold of high-cost domestic leases based on the Consumer Price Index (CPI). The Domestic Leasing Program, established in 1974 (Public Law 84–161) is a practical alternative for providing housing for lower ranking military families in geographical areas with large shortages of adequate housing. It is an interim means of meeting housing requirements until government housing programs or the community can provide satisfactory housing at a reasonable cost. Current legislation limits the cost per unit per annum to $12,000 including the costs for utilities, maintenance and operation) with the exception that not more than 500 units may exceed $12,000 per unit per annum, but may not exceed $14,000 per unit per annum. The current per unit per year ceiling is unrealistic in today's rental market in high cost areas such as Hawaii, Southern California and Guam. Installations continue to have difficulty staying within the established $14,000 cost ceiling. Our proposal for an annual Consumer Price Index (CPI) adjustment precludes the need to propose new legislation every two or three years simply to keep pace with housing cost inflation. Examples: The cost of two bedroom units in Guam exceeds the current $14,000 lease cap; the 3 bedroom waiting list in the Los Angeles Basin area continues to grow because adequate units cannot be found within the current cap limitations. By annually adjusting the ceiling by the housing expenditure category of the CPI, and with authority to obtain leases in areas where housing is both scarce and expensive. This will make adequate housing available to lower ranking military members and their families.

### SEC. 2807. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES

The proposed legislation clarifies authority to use proceeds from the sale of electricity from alternate energy and cogeneration production facilities to accomplish energy conservation projects as authorized in Section 2865, title 10, USC. Use of proceeds in this manner would significantly increase the return on investment, in terms of energy and cost savings. Lack of authority would limit investment opportunities. Current language allows proceeds from sales to be credited to the account used to pay for electricity.

### SEC. 2808. ENERGY SAVINGS AT MILITARY INSTALLATIONS

Congressional Committee report language has encouraged energy efficient maintenance; however, energy efficient maintenance is not defined, or specifically authorized. Section 2865 is moot on the definition of energy conservation maintenance. Congressional intent for services to implement energy conservation maintenance will be impaired if a definition is not incorporated in the section. Additionally, this section is limited to savings realized from energy conservation measures and does not address savings, or proceeds realized from alternate energy or cogeneration efforts. Routine maintenance will continue to replace equipment "in kind" and life cycle energy costs will not be considered. Likewise, the exclusion of alternate energy and cogeneration proceeds limit the implementation of energy cost saving measures. The proposal provides specific authority to implement congressional direction to save energy through energy efficient maintenance, defines energy efficient maintenance, and broadens the funding base for this and other energy cost saving efforts. Energy efficient maintenance implementation would result in reduced O&M utility costs through energy efficient, life-cycle cost effective equipment replacement.

### SEC. 2809. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED

The existing statute makes the BRAC account the exclusive fund source for cleanup at closing bases. This greatly complicates the execution of cleanups at these bases (e.g., requires re-negotiation of cleanup agreements which currently specify DERA as the only fund source; requires duplicative arrangements with the states and the Agency for Toxic Substances and Disease Registry to fund their activities from BRAC, etc.) It also dramatically reduces the flexibility of Service cleanup program managers to react to the dynamic requirements of cleanup projects since the BRAC accounts are much smaller than their DERA allocations.

### SEC. 2810. AUTHORIZATION TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW

This legislation would give military departments the flexibility to operate more efficiently by authorizing them to meet the facilities requirements of a project authorized by law by acquiring existing facilities in lieu of constructing new facilities, using funds appropriated for the authorized project, if that is in the best interests of the Government. Currently, military departments wishing to purchase an available existing facility must seek funding and authorization through the annual budget process even though they have a construction project authorized and appropriated. The time it takes to obtain the authorization and appropriation to purchase the facility often results in the identified facility no longer being available. As an example, the requirements of the military installation could be met by the acquisition of a facility listed on the Resolution Trust Corporation inventory, and it would be in the best interest of the Government to do so.

### SEC. 2811. TRANSFER OF THE FORT BELVOIR, VA, NATURAL GAS DISTRIBUTION SYSTEM

The proposed legislation will authorize the Secretary of the Army to transfer a natural gas distribution system at Fort Belvoir, Virginia, to the Washington Gas Company, Springfield, Virginia. Fort Belvoir owns, operates and maintains 15.6 miles of on post natural gas distribution. The heart of the system is cast iron mains, installed in the early 1950's. Natural gas service is provided by the Washington Gas Company, the local distribution company that services Fort Belvoir. The Washington Gas Company would take over the responsibility for ownership, maintenance, repair, safety inspections, and leak test surveys for the entire Fort Belvoir natural gas distribution system. System upgrade would be accomplished by the Washington Gas Company at no cost to the Government based on anticipated fuel oil conversions to natural gas. Costs avoided by Fort Belvoir, by not having to update/improve the on post natural gas distribution system to current Department of Transportation standards, would be used to convert fuel oil fired boilers to natural gas. As the major oil burning sources are converted to natural gas, installation air emissions would be markedly reduced to well within Commonwealth of Virginia limits on the emission standards set by the Virginia Department of Air Pollution Control and the Environmental Protection Agency. Environmentally harmful oil spills would be significantly minimized. In summary the total energy savings by converting this first group of buildings to natural gas would be $154,226 per year in fuel costs, approximately $25,000 per year in maintenance and repair costs, $450,000 in savings by having the Washington Gas Company update the lines to current standards and a tremendous reduction in sulphur dioxide emissions.

### SEC. 2812. TRANSFER OF THE FORT LEE, VA, WATER DISTRIBUTION SYSTEM

The proposed legislation will authorize the Secretary of the Army to transfer the Fort Lee water distribution system to the American Water Company, Virginia. The Department of the Army policy encourages the use of local municipal, regional, cooperative and private utility systems when cost effective. An economic analysis shows that it is more cost effective for the American Water Company, a private company, to assume ownership and operation of the water system at Fort Lee. Currently Fort Lee owns, operates and maintains its own water distribution system which provides water service solely to Fort Lee, and the system is rapidly becoming technically and operationally obsolete, making it difficult to operate and maintain in compliance with the Environmental Protection Agency, state permit requirements, and the Safe Drinking Water Act. Most local utility companies are better staffed and equipped to provide more cost effective operation and maintenance services and to adhere to environmental compliance laws and regulations than Army personnel or its contractors. The transfer of this system would relieve the government of the responsibility for complying with the ever increasing and more stringent federal and state requirements governing the operation of these facilities with the following expected savings, benefits, and improvements: (1) an economic analysis clearly demonstrates that this proposed transfer will be the most cost effective option for the Army yielding an estimated cost avoidance to the Army of approximately $167,289 annually or $2.89M over the 25 year life cycle. (2) The American Water Company would operate the water system in compliance with all applicable environmental laws and regulations including any permit or license requirements. This would shift certification for water quality to the American Water Company. Since the anticipated annual savings are quite significant and beneficial to the Army this transfer is in the best interest of the U.S. Government.

### SEC. 2813. TRANSFER OF THE FORT PICKETT, VA, WASTE WATER TREATMENT FACILITY

The proposed legislation will authorize the Secretary of the Army to transfer a waste water treatment facility at Fort Pickett, Virginia, to the Town of Blackstone, Virginia. Fort Pickett owns and operates a waste water treatment facility which treats waste water generated by Fort Pickett and the Town of Blackstone. In 1942, at the Army's request, the Town of Blackstone was connected to the Fort Pickett plant due to effluent discharge problems which interfered with the fort's drinking water. The town of Blackstone and its residential, commercial and industrial residents are totally dependent on the Fort Pickett waste water treatment facility. The Town and its residents contribute approximately 50 percent of the flow to the waste water treatment facility, for which they pay to Fort Pickett a pro rata share of the plants capital costs and operating and maintenance expenses. The Army's wastewater treatment facility cannot meet the new permit discharge requirements established by the Environmental Protection Agency and the Virginia Water Control Board without major and costly renovations: reference FY 93, Military Construction project for $6.1M to bring the waste water treatment plant into compliance. If the Army makes the required renovations and assesses the Town of Blackstone with its pro-rata share of these costs, the assessment would have a disastrous impact on the town's economy. In addition, the increased operating expenses caused by the most stringent permit requirements will substantially increase the rates to the citizens of Blackstone. This adverse economic impact could be substantially reduced if the town were to acquire the facility and operate it as a municipal facility since it would then be eligible for various grants and low interest loans which are only available to municipalities. Blackstone has requested that it be allowed to acquire the facility.

### SEC. 2814. TRANSFER OF THE STEWART ARMY SUBPOST WATER DISTRIBUTION SYSTEM AND RESERVOIR

The proposed legislation will authorize the Secretary of the Army to transfer the STAS water distribution system and reservoir to the Town of New Windsor, New York. Stewart Army Subpost owns and operates its water distribution system. Treated water is purchased from the STAS plant leased to the New York Department of Transportation and operated by the Town of New Windsor. The STAS facilities, including the open water storage reservoir, will not meet the New York clean water standards in 1994. New Windsor proposed to create a Water District Extension No. 9 to provide service consistent with 1994 requirements. This proposal would abandon the STAS facilities except for the reservoir which would be lined and covered to meet the Clean Water Act requirements established by EPA. The Town of New Windsor's proposal to create Water District Extension No. 9 would provide water at the least cost consistent with Clean Water Act requirements established by EPA. The creation of District No. 9 included the opportunity of having the Town of New Windsor provide normal distribution operation and maintenance services as it does for all water district members. The Town of New Windsor as the local utility company is better staffed and equipped to provide more cost effective operation and maintenance services and to fully adhere to environmental compliance laws and regulations. Present contract negotiations clearly demonstrates that this proposed transfer will be the most cost effective option for the Army, yielding an estimated cost avoidance of approximately $267,314 annually. The Town of New Windsor would operate the water distribution system and reservoir in compliance with all applicable environmental laws and regulations including any permit or license requirements. Department of the Army policy is to go to the private sector for such service when cost and benefits to the government justify the transaction. Since the anticipated annual savings are quite significant and beneficial to the Army this transfer is in the best interest of the U.S. Government.

### SEC. 2815. CLARIFICATION OF DEPARTMENT OF STATE HOUSING POOL PARTICIPATION

This provision clarifies the existing authority for the Department of Defense to accept housing leased by the Department of State. As originally drafted and implemented, the number of units accepted by the Department of Defense does not count against the ceiling on high cost leases imposed on the Department of Defense by section 2828(e)(1). The use of the word "included" in the statute as currently written creates confusion about whether the number of units accepted from the State Department are to be included in the count toward the high cost lease ceiling. Inasmuch as the original intent that these units not be included in the high cost lease count has been implemented without question, the change of "included" to "excluded" will clarify that the State Department houses are not to be included in the ceiling count.

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DEPARTMENT OF DEFENSE,
*Washington, DC, April 27, 1993.*

Hon. ALBERT GORE, Jr.,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Year 1994, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1994 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This proposal would authorize appropriations in Fiscal Year 1994 for new construction and family housing support for the Active Forces, Defense Agencies, NATO Infrastructure Program, and Guard and Reserve Forces. The proposal establishes the effective dates for the program and contains the general provisions.

The Fiscal Year 1994 Military Construction Authorization Bill includes construction projects at locations recommended for closure or realignment to the 1993 Defense Base Closure and Realignment Commission. The Defense Base Closure and Realignment Act requires the Department to treat all bases equally when determining closure or realignment recommendations. The base closure and the military construction processes proceeded independently to maintain the integrity of the base closure process. The Department did not make adjustments to construction projects at recommended locations because they could be viewed as predecisional to the base closure process. The Military Departments have in place policies and procedures to reevaluate all previously appropriated construction projects at bases on the 1993 list.

An identical letter has been sent to the Speaker of House of Representatives.

Sincerely,

JOHN H. MCNEILL,
*Deputy General Counsel.*•

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**By Mr. NUNN (for himself and Mr. THURMOND):**

**S. 1255. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes; to the Committee on Armed Services.**

### DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT FOR FISCAL YEAR 1994

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from South Carolina [Mr. THURMOND], I introduce, for appropriate reference, a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## S. 1255

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Department of Energy National Security Programs Authorization Act for Fiscal Year 1994."

### Subtitle A—National Security Programs Authorizations

### SEC. 101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying our weapons activities necessary for national security programs in the amount of $3,768,954,000, to be allocated as follows:

(1) For research and development, $1,119,325,000.

(2) For testing, $428,383,000.

(3) For stockpile support, $1,802,280,000.

(4) For program direction, $280,466,000.

(5) For complex reconfiguration, $138,500,000.

(b) PLANT PROJECTS.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) that are necessary for national security programs and are associated with weapons activities as follows:

Project GPD-101, general plant projects, various locations, $16,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vagas, Nevada, $4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction for weapons activities necessary for national security programs in the amount of $123,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $24,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $353,641,000 for use of prior year balances.

### SEC. 102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,832,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) that are necessary for national security programs and are associated with environmental restoration and waste management activities as follows:

Project GPD-171, general plant projects, various locations, $49,015,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $1,190,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, $491,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee, $1,714,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94-D-408, office facilities-200 East, Richland, Washington, $1,200,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94-D-412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94-D-417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee, $6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25, Oak Ridge, Tennessee, $7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rock Flats Plant, Golden, Colorado, $1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $6,700,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93-D-183, multi-function waste remediation facility, Richland, Washington, $52,615,000.

Project 93-D-184, 325 facility compliance/renovation, Pacific Northwest Laboratory, Richland, Washington, $3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $13,230,000.

Project 93-D-188, new sanitary landfill, Savannah River, South Carolina, $1,020,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92-D-173, $NO_x$ abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92-D-181, fire and safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92-D-188, waste management environment, safety and health, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $5,600,000.

Project 90–D–175, landlord program safety compliance Phase I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89–D–175, hazardous waste/mixed disposal facility, Savannah River, South Carolina, $7,000,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $85,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $10,260,000.

Project 83–D–148, non-radioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction for environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition & management, $24,726,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $86,600,000 for use of prior year balances.

### SEC. 103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,221,039,000, to be allocated as follows:

(1) For nuclear materials support, $901,166,000.

(2) For verification and control technology, $344,741,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For office of security evaluations, $14,961,000.

(6) For office of nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) that are necessary for national security programs and are associated with materials support and other defense programs activities as follows:

(1) For materials support:

Project GPD–146, general plant projects, various locations, $31,760,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction for nuclear materials support and other defense programs necessary for national security programs in the amount of $141,833,000, to be allocated as follows:

(1) For materials support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For office of nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount authorized that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by—

(A) $100,000,000 for recovery of overpayment to the Savannah River Pension Fund;

(B) $251,065,000 for use of prior-year balances, from the Materials Support and Other Defense Programs appropriation;

(C) $100,067,000 for use of prior-year balances from the New Production Reactor appropriation; and

increased by $58,000,000 for education programs.

### SEC. 104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out the nuclear waste fund program in the amount of $120,000,000.

## Subtitle B—Recurring General Provisions

### SEC. 201. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this Act may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this Act; or

(ii) $10,000,000 more than the amount authorized for that program by this Act; and

(B) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress. (2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragrpah (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

### SEC. 202. LIMITS OF GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $2,500,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,500,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

### SEC. 203. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 101, 102, and 103 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

### SEC. 204. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to subtitles A and B of this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

### SEC. 205. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $500,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

### SEC. 206. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 101, 102, 103, and 104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 205(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

### SEC. 207. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 201, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

### SEC. 208. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

### Subtitle C—Fiscal Year 1995 Authorization

### SEC. 301. AUTHORIZATION OF FUNDS FOR 1995.

There are authorized to be appropriated to the Department of Energy such sums as may be necessary for fiscal year 1995 to carry out national security programs and environmental restoration and waste management programs.

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DEPARTMENT OF ENERGY,
*Washington, DC, June 8, 1993.*

Hon. AL GORE,
*President of the Senate, Washington, DC.*

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes." Title I of this bill would authorize $6.055 billion for national security programs and $5.466 billion for environmental restoration and waste management. The bill would authorize appropriations to the Department of Energy totaling $11.521 billion for fiscal year 1994.

The primary defense mission of the Department of Energy continues to be the maintenance of the Nation's nuclear deterrent. Consistent with the decline in defense requirements and the need to enhance our Nation's economic well being, the emphasis of the Department's activities will focus on: maintaining the enduring stockpile and our core research, development, and testing capability; expanding the rate of dual-use technology development transferred to the private sector; making progress to reconfigure the weapons complex to one which is smaller and more cost effective; providing efficient and forward looking management of our inventory of nuclear materials; ensuring the regulatory and environmental, safety and health compliance of DOE facilities; and developing and implementing workers retraining and adjustment programs.

Environmental restoration and waste management activities comprise a growing portion of the Department of Energy budget and reflect the Department's commitment to protect public and worker health and safety as well as the quality of the environment. Continued commitment of resources by this Department and Congress in this area is essential to ensure that key environmental initiatives are completed.

As in all of our activities, this authorization request reflects a concern for safety, reliability, and compliance with law, regulations and accepted practice.

Title II of this request includes recurring general provisions that would govern reprogramming of funds, general plant projects, construction projects, fund transfers, construction designs, and availability of funds. Section 202 of this bill would increase the dollar limit for General Plant Projects from $1.2 million to $2.5 million. Title III would authorize such sums as may be necessary for fiscal year 1995.

I look forward to working closely with Congress toward enactment of this legislation.

The Office of Management and Budget advises that presentation of this legislative proposal for consideration by the Congress is in accord with the President's program.

Sincerely,

ERIC J. FYGI,
*Acting General Counsel.*●

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By Mr. DOLE (for himself, Mr. HARKIN, Mr. HELMS, Mr. MCCAIN, Mr. LEAHY, Mr. SIMON, Mr. D'AMATO, Mr. DURENBERGER, Mr. KENNEDY, Mr. INOUYE, Mr. LUGAR, Mr. MITCHELL, Mr. JEFFORDS, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. MOYNIHAN, and Mr. HATCH):

S. 1256. A bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide; to the Committee on Foreign Relations.

### DISABILITY RIGHTS IN AMERICAN FOREIGN POLICY ACT OF 1993

Mr. DOLE. Mr. President, I introduce today the Disability Rights in American Foreign Policy Act of 1993. It is a short bill, and requires just one thing: That the Secretary of State include an examination of discrimination against people with disabilities in the annual report on human rights mandated by the Foreign Assistance Act of 1961.

I am pleased that this bill comes before the Senate with strong bipartisan support. Senators HARKIN, HELMS, MCCAIN, LEAHY, SIMON, D'AMATO, DURENBERGER, KENNEDY, INOUYE, LUGAR, MITCHELL, JEFFORDS, HATFIELD, KASSEBAUM, MOYNIHAN, and HATCH join me as cosponsors of this measure.

Mr. President, neither the length nor simplicity of this bill should obscure its promise or power, which is to introduce for the first time an explicit recognition of the rights of people with disabilities in American foreign policy.

Mr. President, our Nation was founded on the concept of human rights. Recently we celebrated the 217th anniversary of American independence. As children, we all learned the immortal words which begin the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

These sentiments were later echoed in the declaration of human rights adopted by the United Nations in 1948, the first international accord on human rights in world history:

> All human beings are born free and equal in dignity and rights.

Just last month, the world's commitment to the proposition of universal human rights was reaffirmed in Vienna, at the first world conference on human rights in 25 years.

Mr. President, on July 26 we will commemorate the third anniversary of the Americans With Disabilities Act. As Members of this Chamber know well, ADA heralded a new approach to disability in our Nation. Although for over 70 years we have enacted Federal disability programs and limited legal protections, we had never before made either a clear or comprehensive national mandate for the elimination of discrimination.

But ADA has done more than prohibit discrimination, as important as that is. With the passage of ADA, we determined our national policy on disability would be based on the positive values of equality of opportunity and inclusion.

Mr. President, it is past time we included these principles in our human rights policy. This bill will do that, and send a message around that world that america respects the rights of all people, including those with disabilities.

Indeed, America's greatest export has been its concept of human rights. Let us continue that tradition with this bill. I sincerely hope this measure will not only encourage people with disabilities all over the world, but prompt other Governments and nongovernmental organizations interested in human rights to take close interest in the circumstances of people with disabilities.

Mr. President, I am mindful that there will be objections to even this modest measure. For example, some may say the situation of people in developing nations is so difficult that attention to the disabled is an unaffordable luxury.

I do not agree. In my maiden speech before this body almost 25 years ago, I insisted that Americans with disabilities must be recognized as full, contributing partners in the building of this Nation.

But today I realize how parochial these words were. People with disabilities, of whatever region or nation, must be recognized as full, contributing partners in the building of the world.

According to the United Nations, of the 500 million people worldwide with disabilities, 80 percent live in developing nations. The rights of these individuals cannot wait until it is convenient to recognize them. Moreover, this year's World Bank report on development finds that disability is a serious impediment to economic growth in developing countries.

And let me note further, Mr. President, with anger and sadness, that the manufacture of disability is one of the great industries of the world. Today, millions of people become disabled from war and civil strife, in Bosnia and Hercegovina, in Somalia, and in too many other places in the world. This bill is preparation and hope for peace.

Mr. President, others may argue that we are advocating special rights for people with disabilities. Again, I disagree. We ask merely that they not be denied opportunities accorded others.

In closing, Mr. President, let me note that this bill is only a beginning, and there is much more to be done. Two years ago I joined with Senators SIMMON, HARKIN, and HELMS in proposing amendments to a reauthorization of the Foreign Assistance Act that would provide for the first time a specific mandate for aid to people with disabilities. As I said at that time:

> It is our duty to provide assistance to other nations as they struggle to design medical and rehabilitation services for their citizens with disabilities.

That legislation never made it into law, but I intend to take up this matter again at an appropriate time.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

#### S. 1256

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Disability Rights in American Foreign Policy Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) at least 500 million people throughout the world have a disability, most of whom live in developing countries;

(2) legal and other forms of discrimination against people with disabilities are pervasive worldwide;

(3) such discrimination involves not only active exclusion, but a lack of accommodations and accessibility that would allow participation by people with disabilities;

(4) discrimination against people with disabilities is a violation of their human rights; and

(5) discrimination against people with disabilities has not historically been addressed by existing standards of human rights employed in American foreign policy.

(b) PURPOSE.—It is the purpose of this Act to promote recognition of the human rights of people with disabilities and to promote the elimination of discrimination against such people.

**SEC. 3. DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES INCLUDED IN ANNUAL REPORT ON HUMAN RIGHTS.**

(a) Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) an examination of discrimination toward people with disabilities; and".

(b) Section 502B(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by inserting "disability," after "language,".

### ADDITIONAL COSPONSORS

#### S. 155

At the request of Mr. DASCHLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

#### S. 483

At the request of Mr. SHELBY, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Mr. SIMON], the Senator from New Hampshire [Mr. SMITH], the Senator from Missouri [Mr. DANFORTH], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

#### S. 540

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

#### S. 985

At the request of Mr. INOUYE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

#### S. 995

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 995, a bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes.

#### S. 1157

At the request of Mr. SHELBY, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1157, a bill to establish a Commission on the airplane crash at Gander, Newfoundland.

#### S. 1251

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1251, a bill to extend to 1993 and subsequent crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990.

#### SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that joint hearings have been scheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The purpose of the hearing is to receive testimony on the superconducting super collider.

The first hearing will take place on Tuesday, July 27, 1993, at 9:30 a.m. and the second hearing will be on Wednesday, July 28, 1993, at 9:30 a.m. Both hearings will be held in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett and Mary Louise Wagner.

For further information, please contact Paul Barnett and Mary Louise Wagner of the committee staff at 202/224–7569. You may also contact Proctor Jones at 202/224–0335.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's civilian radioactive waste program.

The hearing will take place on Monday, August 2, 1993, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224–7569.

### NOTICE OF CHANGE IN HEARING SCHEDULES

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources for Thursday, July 22, 1993, at 2 p.m. has been canceled. I regret any inconvenience this cancellation may have caused.

In addition, I would like to announce that an additional bill will be heard at the hearing previously scheduled for Thursday, July 29, 1993. The bill is S. 855, the Alaska Peninsula Subsurface Consolidation Act of 1993. The hearing will take place on Thursday, July 29, 1993, at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact David Brooks of the subcommittee staff at (202) 224–8115.

## NOTICE OF HEARING POSTPONEMENT

### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has postponed the full committee hearing on SBA's fiscal year 1994 budget proposal that was originally scheduled for Tuesday, July 20, 1993. For further information, please call Patty Forbes of the Small Business Committee at 224–5175.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, July 16, 1993, at 10 a.m. in SD–138 on the flood and disaster relief in the Midwest.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NUNN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, July 16, beginning at 10 a.m., to conduct the third of its taking-stock hearings on new directions in environmental policy to review successes and failures of environmental regulation and to consider the need for new policies to achieve a sustainable future, including environmental and trade policies in a global economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, July 16, 1993, at 11 a.m. to hold a nomination hearing on Robin Raphel to be Assistant Secretary of State for South Asian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. NUNN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, July 16, 1993, at 9:30 a.m. to hold a closed markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO THE ARKANSAS NATIONAL GUARD FOR ASSISTING FLOOD VICTIMS IN IOWA

• Mr. PRYOR. Mr. President, it is with great pride and pleasure that I rise today to recognize the Arkansas Army National Guard, which has been mobilized to assist flood victims in Des Moines, IA. In particular, I am proud to pay tribute to Company A, 39th Support Battalion and to the soldiers in that group who were selected for special duty in Iowa.

In the largest natural disaster this year, devastating flooding has left the city of Des Moines without drinking water and other basic amenities. In an attempt to provide needed relief to the flood victims, Arkansas Gov. Jim Guy Tucker called this dedicated battalion to action. The Arkansas National Guard unit has traveled to Iowa with its state-of-the-art water purification system and is currently providing 2,400 gallons of drinking water every day of this crisis. I have been informed that this relief, which will continue at least for the next 2 to 3 weeks, has been well received by the citizens in need in Des Moines

I would like to commend Gov. Jim Guy Tucker and the National Guard Bureau for sending these soldiers to Iowa, where their expertise and experience can be fully utilized in support of the public good. I also want to recognize the flexibility and diversity of the Arkansas National Guard's capabilities. Aside from performing admirably during the Persian Gulf war, where the 431st Field Artillery Unit's achievements prompted national recognition and honors, the Arkansas National Guard has once again demonstrated its readiness and ability to quickly respond to calamities at home.

I believe that the Arkansas National Guard is setting the standard for other Guard forces to follow. Their dedicated efforts reinforce the need to maintain a strong reserve component in our military that can respond quickly in time of crisis in America and in foreign lands. I ask my colleagues to join me in applauding this outstanding group of citizen soldiers.•

## CONFIRMATION OF GEORGE T. FRAMPTON, JR., ASSISTANT SECRETARY, DEPARTMENT OF THE INTERIOR

• Mr. DURENBERGER. Mr. President, recently the Senate voted to confirm President Clinton's nomination of George T. Frampton as Assistant Secretary for Fish and Wildlife and Parks at the U.S. Department of the Interior. I supported the nominee, however, with reservation and with the expectation that he is a man of his word.

Since its announcement, this nomination had been strongly criticized by many Members of this body, as well as by many of my constituents. It had also received strong support. Many of the concerns raised by my colleagues I agree with, others I have not confirmed. After carefully reviewing the arguments and concerns presented to me and the two committees of jurisdiction, I decided to support the nominee.

Mr. President, I based my support on several principles that I believe are the responsibility of the Senate to apply to every Presidential nomination—Republican and Democrat. These are also principles that I feel constitute good government and I have consistently applied throughout my 15 years as a U.S. Senator.

First, I believe that the President should be able to nominate competent persons of his choice for positions of trust and confidence in his administration.

Second, it is the constitutional function of the Senate to determine whether the nominee is by character and experience competent to carry out the President's mandates and national policies, not to the appointee's personal views or preference.

Third, I will vote to confirm a nominee with whose past positions on public policy issues I disagree. The only exceptions would be if the nominee demonstrates an inability to separate personal views and advocacy in favor of the faithful discharge of the responsibilities of the position.

It is unusual, though, and frankly disconcerting, that a nominee had been chosen and presented to the Senate with such a strong record of advocacy. This is not a disqualifying factor, but it has clearly affected the judgment of my colleagues and constituents.

Mr. President, I would like to speak for a moment about the important concerns of my constituents. When it comes to natural resources, Minnesota is a Western State. Like Western States, much of its economy is greatly affected by the actions and decisions of the Department of the Interior. In the past, I have fought for balance among the interests of conservation, economic development, environment and resource protection—especially water, community development and tourism. Minnesota relies on the Secretary and his or her deputies to implement policy, build and inspire professional staff, and respond to local and regional concerns—not to advocate single minded approaches to all problems.

There are many forces and factors affecting the timber and forest products industries in this country, over some of which Mr. Frampton will have jurisdiction. Factors such as the economy, governmental and environmental regulations, trade barriers, and even nature itself, have combined to place great burdens on these industries that are so vital to the economic well-being of the Nation and to my State of Minnesota.

Given some of the views and actions taken by Mr. Frampton when he was president of the Wilderness Society, many of my constituents are greatly concerned about his ability and his willingness to make objective, practical and even-handed decisions. These attributes are essential for an official who has responsibility for the U.S. Fish and Wildlife Service [USFWS] and the National Park Service [NPS]. A bias could be devastating to the thousands of Minnesotans dependent on these industries.

I intend to hold Mr. Frampton to his commitment to me about how he will address issues affecting these industries, in particular, environmental legislation such as the Endangered Species Act. In response to my questioning on May 19, 1993, he gave the following response:

> If confirmed, I will make sure that the Fish and Wildlife Service works closely with the Forest Service (and with the BLM on its timberlands) to make sure the endangered species listing decisions, consultations, and recovery activities are undertaken in a preplanned, "programmatic" fashion to the extent appropriate in law, so that logging and other development activities where permitted will not be unnecessarily delayed, and so that industry can have a degree of certainty and predictability for their use of public lands.

Mr. President, objectivity and reason have been frequently demonstrated over the years by Mr. Frampton's predecessors. The willingness of former Assistant Secretaries like Ray Arnett, William Horn, Becky Norton Dunlop, Constance Harriman, and Mike Hayden to work with groups and individuals on all sides of the issues resulted in significant gains in the protection and enhancement of wildlife and natural resources in my State.

Under their guidance, as well as their predecessors, Congress and the Federal Government enacted legislation creating areas such as the Boundary Waters Canoe Area Wilderness, Voyageurs National Park, and the Mississippi National River Recreation Area, to name a few. All were the result of consensus building and strong leadership on the part of the Department of the Interior, NPS, and USFWS.

Such leadership was best exemplified by my friend, Harvey Nelson of the USFWS St. Paul district office. He is retired, but while executive director of the North American Waterfowl and Wetlands Office, he was instrumental in creating and forging a cooperative venture between the United States, Canada, and Mexico to protect and enhance our waterfowl flyway system. This venture could never have been finalized without his recognition and appreciation of opposing and varied points of view.

I believe that this history of accomplishment is something from which Mr. Frampton can certainly learn and emulate. I hope that he will wisely champion proposals that accurately reflect the commitments made by the President and the goals established by the Secretary during his confirmation hearings—I expect as much, and I will be watching his progress at the Department with strong interest.

Mr. President, this nominee has an arguably outstanding record of accomplishment in the area of environmental protection, and I know he is competent and qualified to carry out the duties of Assistant Secretary. I wish him well and intend to work closely with him during his tenure.

Mr. President, I yield the floor and ask that the nominee's responses during consideration by the Environment and Public Works Committee be included in the RECORD.

The responses follows:

ASSISTANT SECRETARY-DESIGNATE FRAMPTON

Senator DURENBERGER:

1. Question: Some in my state would describe your relationship over the years with the Department of Interior as adversarial and even hostile; given the history of lawsuits against the Department by The Wilderness Society. Although you have suggested recusing yourself from any decisions regarding these cases, you obviously supported them at one time. How do you intend to allay the conflict of interest concerns expressed by my constituents?

Answer: I have in fact recused myself from each of the five lawsuits pending against the Department at the time of my nomination to which The Wilderness Society was a party, for my entire tenure at the Department—longer than the customary period of recusal agreed to by all other nominees for similar matters.

While The Society's position was often adversarial to the Department's political leadership, it was most often supportive of the goals and values of career resource managers. The Society worked closely with the Park Service on many important issues. I believe that support should allay concerns about the role I will play if confirmed.

2. Question: In the President's budget is a proposal that would possibly eliminate "below-cost" timber sales in my state's two national forest; the Chippewa and Superior. I am firmly opposed to this proposal for several reasons, one of which being its tremendous economic impact on the region. I recognize that this is a Forest Service issue, but both the U.S. Fish and Wildlife Service and the National Park Service weigh into many of the decisions on public lands. Given your stated positions favoring reductions in timber cutting, how do you intend to promote

proper ecosystem management of the nation's forests and at the same time guarantee the continued viability of the industries dependent upon the timber harvest?

Answer: If confirmed, I will make sure that the Fish and Wildlife Service works closely with the Forest Service (and with the BLM on its timberlands) to make sure the endangered species listing decisions, consultations, and recovery activities are undertaken in a pre-planned, "programmatic" fashion to the extent appropriate in law, so that logging and other development activities where permitted will not be unnecessarily delayed, and so that industry can have a degree of certainty and predictability for their use of public lands.

3. Question: Secretary Babbitt has emphasized putting proven science over theory and politics—a philosophy with which I agree. You have described yourself to me as being a "pragmatic person" in the arena of public policy. Please explain if you support the Secretary's philosophy and if you intend to base the decisions of the Fish and Wildlife Service on issues such as the Endangered Species Act and wetlands on proven science or scientific analysis?

Answer: I will base decisions on the best available science.

4. Question: Certain groups and industries in my state are concerned about the government's myopic view regarding the forests of the Pacific Northwest; that the impact of decisions regarding them are isolated and confined. On the contrary, decisions to eliminate operations in that part of the country directly impact industries and companies in my state. Please explain to me how you will incorporate their specific concerns into the Northwest forest debate?

Answer: The President has instructed Secretary Babbitt and other cabinet secretaries jointly to develop an economic plan for the Pacific Northwest, as well as forest management plan. Federal economists and other experts from the Departments of Commerce and Labor and the National Economic Council are working together with Interior employees to present a comprehensive series of options to the President by June 1, 1993.•

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## TRIBUTE TO HUGH B. CHALMERS, JR.

• Mr. PRYOR. Mr. President, I rise today to recognize a unique and generous act of wildlife preservation on the part of Mr. Hugh B. Chalmers, Jr., a businessowner in West Memphis, AR. The story of Mr. Chalmers and a giant alligator snapping turtle not only reminds us that we all have a part to play in protecting endangered species, but that opportunities often come in unusual ways.

The lakes and bayous of Arkansas are home to a wide variety of animal species. Turtles are commonly seen on fallen logs or along the banks of these waterways. However, fishermen for the C&L Fish Market in West Memphis recently happened upon a most uncommon catch; a 101 pound alligator snapping turtle. Despite its incredible size, this creature was destined for slaughter until Mr. Hugh Chalmers intervened.

After seeing the turtle, Mr. Chalmers became convinced that this was a special animal. A curator at the Memphis Zoo confirmed his belief. The snapper was from a dwindling species and might be more than 130 years old. Believing the venerable creature deserved a better fate, Mr. Chalmers purchased the turtle and donated it to the Memphis Zoo in honor of his 15-month-old daughter, Emily. For the turtle, it was a very happy ending. A specialist studied the snapper for a few days, and then returned it to its natural habitat.

While this is basically a lighthearted story, it does hold a serious lesson. Most of us are unaware of the wide variety of animal species around us which are endangered. Mr. Chalmers might easily have taken a look at this rare animal, and then walked away without a second thought. Instead, he took the time to ask questions and was generous enough to assume responsibility for saving the creature. As Mr. Chalmers put it, "I just knew that any animal that had lived more than 100 years deserved to live a few more days." I commend Mr. Chalmers for his actions, and suggest that we should all strive to be more attentive of preservation efforts in our local areas.•

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## FACES OF THE HEALTH CARE CRISIS UNINSURED WORKING STUDENTS

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in my home State of Michigan. Today I want to tell the story of Rick and Dawn Anderson who, as working college students, are unable to afford health insurance. Like Rick and Dawn, many young people live in fear of an unforeseen illness or injury.

Rick and Dawn are both students at Central Michigan University in Mt. Pleasant, MI. Dawn attends college full time on a work study program. Rick works full time at a local restaurant and takes classes part time. As married, working college students, Rick and Dawn's income is quite limited. In 1992, their income was only $11,000 for the two of them. This makes paying for health insurance very difficult when you have the cost of tuition and books, in addition to daily living expenses. Rick and Dawn were forced to risk going without insurance and unfortunately it has cost them dearly.

In February of this year, Rick slipped on the ice and broke his ankle. He was taken to the emergency room for treatment and eventually had surgery to correct his injury. Rick and Dawn were faced with bills from the emergency room, surgeon, radiology, and anesthesiology totaling over $1,600. An additional $3,500 in hospital charges were covered by Hill-Burton funds which cover a percentage of some hospital's uncompensated care costs. The cost of Rick's injury will burden the Andersons for many years.

Dawn has also encountered medical problems. A year and a half ago, she had an allergic reaction that went undiagnosed because they could not afford the cost of allergy tests. Fortunately, Dawn has not had any serious allergic reactions since that time.

For working college students struggling to make ends meet, $1,600 is a large sum of money. Our young people should not be forced to put their health at risk. Every American deserves to have access to affordable health care. For this reason, I will continue to work for national health care reform.•

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## ANSWER LIES WITHIN

• Mr. SIMON. Mr. President, a friend of mine for some years, Thomas A. Demetrio, has stepped down as president of the Chicago Bar Association.

In his final column for the CBA Record, their monthly magazine, he suggests that we have to learn to understand each other and recognize that diversity is a plus, not a minus, for a nation.

He says, accurately: "The threats to the growth and prosperity of our Nation are largely internal—not simply domestic—but internal to the citizenry of each nation in our new global community."

That is true in the United States, it is true in Bosnia, it is true in Lebanon, it is true in Northern Ireland, it is true in India, it is true in Pakistan, it is true in country after country after country.

I ask to insert into the RECORD Tom Demetrio's final column as president of the Chicago Bar Association.

The column follows:

### THERE IS AN ANSWER—IT LIES WITHIN

(By Thomas A. Demetrio)

After a year of seeking answers to the legal difficulties in our diverse community, I leave the helm of the CBA with the same question I had at the start: the question of vision. From the global arena to the national agenda: from the interests of our profession to the needs of the least powerful in our city, vision is conspicuous by its absence.

As we move toward the 21st century, we must continue to seek answers to the questions that beg for the best in humanity: In what kind of society do we want to live in? In what do we believe so strongly that it must be written into law? What do I have that I can share in order to realize a vision?

We still live in a country more abundant in financial and intellectual resources than any other in the world. While we hesitate to make a decision for action on behalf of humanity around the world, we do focus on domestic reform. But on reform's behalf, we only engage in ineffective discussions surrounding who will be the winners and who will be the losers of economic and health care reforms. We never talk about remaking our society or consider rethinking our social relationships and responsibilities. We lack the vision that can respond to the great human needs still unmet by our current social and economic structures, and the vision that can respond to human need beyond our borders.

We still live in a dangerous world. But the threats to the growth and prosperity of our nation are largely internal—not simply domestic—but internal to the citizenry of each nation in our new global community. There is, as yet, no vision that inspires a national consensus. But can we as individuals formulate a vision? Can we venture beyond each day's formidable list of tasks? If we continue to live our lives only through tasks, how can we hope to address the suffering in our community?

It is easy to ignore the conflicts of others. It is understandable that in the face of perceived threat—threat to one's peace of mind, standard of living, and personal security—we would react with heightened self-protection. But when we use our lack of interest to defend our own lives from the tragedy that strikes others around us, we have given in to delusion. Our only protection is active engagement in decisions concerning how we will conduct our relationships as members of a local community, as citizens of a nation, and as permanent neighbors on this twirling sphere.

Developing a consensual vision is difficult in a nation of diverse cultures and beliefs. The advantages and disadvantages of diversity are largely beside the fact. Only a vision that honors humanity in its diversity will allow us to maximize the benefits of diversity, and direct us toward a more peaceful society.

The legal profession is uniquely equipped to supply vision. We have been steeped in the notion that justice is guaranteed only under rule of law and only where law is applied equally. Lawyers, of course, have a special relationship with the law. While our clients may depend upon the content of the laws, we, as lawyers, are involved in a process whose purpose is judiciousness. And whether it is our specific job to formulate it or to argue over its interpretation, we all seek to uphold the law. Yet, in the everyday crunch of caseloads and deadlines and influenced by an environment prone to profit, vision and its centering force can slip our minds. We, thus, deny society the leadership it expects—perhaps unknowingly—from us.

The call is out to involve the organized bar in the reshaping of our community, nation, and world for the 21st century.

Mutual respect, consideration, diplomacy, judiciousness and civility. These are the elements necessary to any worthwhile discussion of vision. They are also elements of a vision worthy of consensus in a nation of diversity.

I have come to learn that lawyers best benefit themselves as individuals by becoming involved. Our vision and involvement must be more than an intellectual facade. They must be constructed with conscience and dwell in the heart. Only then will our society grow and change, not only due to the actions that arise from our vision, but because we, the members of a learned profession, have grown and changed through the vision we own.•

## ORDER FOR THE RECORD TO REMAIN OPEN

Mr. NUNN. Mr. President, I ask unanimous consent that the RECORD remain open until 2 o'clock p.m. today for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TUESDAY, JULY 20, 1993

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Tuesday, July 20; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and immediately following the announcements of the Chair, the Senate then resume consideration of S. 185, the Hatch Act reform bill, as provided for under the parameters of the unanimous-consent agreement of July 15; that on Tuesday, following the conclusion of all debate on the bill and amendments remaining in order to S. 185, the Senate then stand in recess until 2:15 p.m., in order to accommodate the respective party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TUESDAY, JULY 20, 1993, AT 8:45 A.M.

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 1:37 p.m., recessed until Tuesday, July 20, 1993, at 8:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 16, 1993:

### DEPARTMENT OF THE INTERIOR

MOLLIE H. BEATTIE, OF VERMONT, TO BE DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE, VICE JOHN F. TURNER, RESIGNED.

### DEPARTMENT OF COMMERCE

MARY LOWE GOOD, OF NEW JERSEY, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY, VICE ROBERT MARSHALL WHITE, RESIGNED.

### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE JOSE E. MARTINEZ, RESIGNED.

### DEPARTMENT OF STATE

DONALD J. MCCONNELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

### IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

*To be colonel*

MARK A MCLAUGHLIN [redacted]
WILLIAM J MCQUEEN [redacted]
THOMAS F MURPHY [redacted]

*To be lieutenant colonel*

DAVID R ARBUTINA [redacted]
JON M CASBON [redacted]
JAMES C FUNDERBURG [redacted]
BRENT M HJERMSTAD [redacted]
CHRISTINE I KWIK [redacted]
LEON W KUNDROTAS [redacted]
DONALD C MCCURNIN [redacted]
MICHAEL R MORK [redacted]
RICHARD H ROWE [redacted]
ROBERT A WILSON [redacted]
ROBERT G ZERULL [redacted]

*To be major*

CAREY M CAPELL [redacted]
ROBERT J KOOGLER [redacted]

DENTAL CORPS

*To be lieutenant colonel*

THURSTON P GREENWOOD [redacted]
JOSE M GUTIERREZ, III [redacted]
ERIC W KRAMER [redacted]
CHARLES B PETERS, III [redacted]
EDWARD K SAFFER [redacted]
RONNY M SIMMONS [redacted]

*To be major*

TERENCE A IMBERY [redacted]
ALLAN D LINEHAN [redacted]
STACY E ROBINSON [redacted]
DAVID A STANCZYK [redacted]

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

*To be lieutenant colonel*

LILLIAN E PEREZ [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, U.S. AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

*To be colonel*

ROBERT Y FOERSTER [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

*To be colonel*

JOSEPH C FRY [redacted]

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. BERNARD R. BARKER, [redacted] 4/25/93
MAJ. RANDY L. BERGQUIST, [redacted] 4/18/93
MAJ. MALCOLM CAIN, [redacted] 3/30/93
MAJ. GARY A CRANMER, [redacted] 3/16/93
MAJ. CARL C. CUMM, [redacted] 4/15/93
MAJ. GARY D. HAGER, [redacted] 4/15/93
MAJ. JOHN T. LESTER [redacted] 5/1/93
MAJ. ROBERT K. LEWIS [redacted] 4/14/93
MAJ. ROBERT J. MCCUSKER [redacted] 4/13/93
MAJ. NICHOLAS M. MONTGOMERY, JR. [redacted] 4/3/93
MAJ. RICHARD A. PELOSI [redacted] 4/3/93
MAJ. JUAN F. ROMAN-SANTIAGO [redacted] 4/9/93
MAJ. TERRY L. SCHERLING [redacted] 4/15/93
MAJ. JOHN M. WILLIAMS [redacted] 3/30/93
MAJ. ELLIOTT W. WORCESTER, JR. [redacted] 4/15/93
MAJ. PAUL G. WORCESTER, [redacted] 4/15/93

JUDGE ADVOCATE GENERALS DEPARTMENT

*To be lieutenant colonel*

MAJ. ALBERT R. BANDY, [redacted] 4/7/93
MAJ. STEPHEN J. GIEBELHAUS [redacted] 3/21/93
MAJ. STEVEN H. KATZ [redacted] 3/20/93
MAJ. STANLEY W. KOPACZ, JR. [redacted] 3/25/93
MAJ. JOHN W. SHEFFIELD, II [redacted], 4/17/93
MAJ. MICHAEL F. VANHOOMISSEN, [redacted] 4/14/93

MEDICAL CORPS

*To be lieutenant colonel*

MAJ. ROBERT L. FERGUSON, [redacted] 4/3/93

### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF

THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

### ARMY PROMOTION LIST

*To be colonel*

DAVID H. BLAIR [redacted]
ROBERT B. BROWNLOW [redacted]
MICHAEL C. FAIR [redacted]
JOSEPH A. GOODE, JR. [redacted]
RONALD K. HOOD [redacted]
DALE W. SCHROYER [redacted]
ROBERT P. VOSSELLER [redacted]
GERALD D. WOOD [redacted]

### THE JUDGE ADVOCATE GENERAL'S CORPS

*To be colonel*

KARL W. NEUSE [redacted]

### MEDICAL CORPS

*To be colonel*

BEN E. FULTON [redacted]

### MEDICAL SERVICE CORPS

*To be colonel*

MELVIN L. MORROW, JR. [redacted]
JOHN J. WEEDEN [redacted]

### ARMY NURSE CORPS

*To be colonel*

FLOSSIE M. TAGGART [redacted]

### ARMY PROMOTION LIST

*To be lieutenant colonel*

BROOKS J. BREECE [redacted]
DAVID M. BROCKMAN [redacted]
MARC G. COMSTOCK [redacted]
BRUCE E. DAVIS [redacted]
PETER D. FOX [redacted]
SANDERSON L. FRY [redacted]
DAVID D. GAPINSKI [redacted]
YAROPOLK R. HLADKYJ [redacted]
GARY E. KELLY [redacted]
TOM C. LOOMIS, JR. [redacted]
WILLIAM R. MCFARLIN [redacted]
TIMOTHY D. RINGGOLD [redacted]
BRUCE R. ROBBINS [redacted]
DAVE A. SOUHRADA [redacted]
ROBERT J. STARRETT [redacted]
RODGER E. WEST [redacted]
CHARLES T. WOODHAM [redacted]

### CHAPLAIN CORPS

*To be lieutenant colonel*

DENIS P. KEANEY [redacted]

### THE JUDGE ADVOCATE GENERAL'S CORPS

*To be lieutenant colonel*

CHRISTOPHER T. CLINE [redacted]
HUNTINGTON B. DOWNER, JR. [redacted]
ALEKSANDRA M. ROHDE [redacted]
GORDON W. SCHUKEI [redacted]
WALTER D. WHITE [redacted]

### ARMY NURSE CORPS

*To be lieutenant colonel*

PATRICIA A. TURNER [redacted]

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 1993:

### DEPARTMENT OF THE INTERIOR

ADA E. DEER, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

### DEPARTMENT OF STATE

WILLIAM CHRISTIE RAMSAY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

WILLIAM H. DAMERSON, III, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

JOSEPH A. SALOOM III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

DENNIS C. JETT, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

LAURENCE EVERETT POPE, II, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

ANDREW J. WINTER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

### DEPARTMENT OF VETERANS AFFAIRS

VICTOR P. RAYMOND, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Monday, July 19, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*July 19, 1993.*

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are deeply appreciative, O loving God, for those people who use their gifts of knowledge or service or healing or leadership in ways that benefit us or give value to the concerns of the Nation. We know that we are limited in the contributions we can make to others and yet we understand that each person has special gifts of grace that testify to the needs of others and show forth our unity as one people who live together in one world. Encourage each person in their daily lives to be filled with Your grace and empowered by Your Spirit in all they do. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*July 19, 1993.*

Hon. THOMAS S. FOLEY,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, July 16, 1993 at 10:42 a.m.; that the Senate passed S. 298 and S. 1174, and passed without amendment H.J. Res. 190.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Friday, July 16, 1993:

S. 20. An act to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes;

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week."

## ELECTION RESULTS IN JAPAN ENCOURAGING FOR THE UNITED STATES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the election results in Japan demonstrate that President Clinton's gamble to associate himself with the new, emerging leaders representing change and reform paid off.

Hopefully, this means that Japan will be serious in its commitment to reduce its $50 billion trade surplus with the United States. Hopefully, this means a more mature partnership in United States-Japan relations, with constructive negotiations replacing name-calling and finger-pointing.

Mr. Speaker, while Japan must realize that its $50 billion trade surplus is unacceptable, the United States should recognize that protectionist responses will only make matters worse.

Japan needs to be treated as a superpower that can play a key role in international economic, political, and military affairs. Hopefully, now with the new generation of leadership in Japan and the United States, the frosty relationship that really existed in the past can now markedly improve.

## FUEL TAXES AN ATTACK ON RURAL AMERICANS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the latest in a series of bad ideas has reared its ugly head from the White House: To extend a transportation fuels tax.

The gas tax is a bad idea for two reasons: First, it's one of the most regressive taxes there is, hitting poor Americans much harder than wealthy Americans. Second, the tax is regionally unfair, placing a larger burden on the backs of rural America.

Study after study lists the gas tax as one of the most regressive. A 1990 Congressional Budget Office study found that folks in the lowest one-fifth of income spend 6.9 percent of their posttax income on motor fuels. This is compared to the 1.5 percent share of income the wealthiest one-fifth of America pays. That's a difference of four and one-half times.

The fuel tax also hits rural areas hardest because of the great distances we travel. The average driver in Wyoming uses over twice as much gasoline as a driver here in the District of Columbia. A 10 cent increase in the gas tax would cost a family of four in Wyoming nearly $270 a year.

The tax will kill what little economic growth we have and also unfairly focuses on a few industries. The trucking industry, an industry vital to Wyoming, would be asked to bear an unfair share of the burden of deficit reduction.

Everyone knows the gas tax is a bad idea. Even President Clinton knows it. During the campaign, President Clinton said that a gas tax would grind the middle class and lower middle class into the dirt.

You were right the first time, Mr. President. Let's kill this tax that singles out rural, poor, and middle-class Americans and start over with a plan that cuts spending first.

## SOME HARD CHOICES LIE AHEAD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mrs. SCHROEDER. Mr. Speaker, one of the most difficult problems we as Americans all have is that we tend to have hearts much bigger than our wallets. As we watch this tremendously awful flood scene unravel in the Midwest and as we see no end in sight and we look at the terrific debt, we are going to have to make some very difficult choices.

One of the main choices will be: Do we help those who took responsibility, got flood insurance, put up levees, tried to do everything they could; or do we help those who did not do that, who risked it all and figured if all fails, the Federal Government will bail them out?

I think what we say here is going to send a very important message to future generations. We have had so many debates about rights in this body and so many debates about privileges in this body; this debate, I think, is going to focus on responsibility. We try to help those who try to do what they could, but we cannot help absolutely everybody even if they did not try to do everything they could do to help.

It is going to be tough, it is not going to be fun.

## BUSINESSMEN SEE THE WRITING ON THE WALL

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, a recent poll shows that President Clinton's approval rating among business executives has fallen to an incredible 15 percent.

A full one-half of the businessmen surveyed said that they will "likely raise prices and lay off workers" if President Clinton's tax bill is enacted by the Congress.

Shouldn't that tell us something, Mr. Speaker? When the business men and women who create the vast majority of new jobs in this country are telling us that more taxes mean lower productivity, higher prices and fewer jobs, shouldn't we be listening?

There is however still hope. We will soon have the opportunity to vote on the Clinton tax bill. And we can show the business community that we are listening by defeating it.

Tax increases cause price increases. Tax increases kill jobs. We can prevent that. We can vote "no" on the Clinton tax bill. Let's cut spending first.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 20, 1993.

## MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1305) to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service, as amended.

The Clerk read as follows:

H.R. 1305

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1993".

### TITLE I—MINOR BOUNDARY ADJUSTMENTS

### SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) In General.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) Map.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) Acquisition by Donation.—(1) Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

### SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) Acquisition and Boundary Change.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in Section 28 to the park and to exclude the 5.51 acres in Section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) Expiration.—The authority granted by this section shall expire two years after the date of the enactment of this Act.

### SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on a map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore," numbered 625–80, 043A and dated July 1992.

### SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

### SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) Boundary Revision.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) Administration; Acquisition.—Federal lands, waters, and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands, waters, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, waters, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

### SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

### SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–

80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands, and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

## TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

### SEC. 201. ADVISORY COMMISSIONS.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK, HI.—Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)), is amended by striking out "ten years" and inserting in lieu thereof "twenty years".

(b) WOMEN'S RIGHTS NATIONAL HISTORICAL PARK, NY.—Section 1601(h)(5) of the Act of December 28, 1980 (16 U.S.C. 410ll(h)(5)), is amended by striking "ten years" and inserting in lieu thereof "twenty-five years".

### SEC. 202. FORT PULASKI NATIONAL MONUMENT, GA.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking out ": *Provided*, That" and all that follows and inserting in lieu thereof a period.

### SEC. 203. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z-1(b)) is amended by inserting "(1)" before the first sentence thereof and by adding the following at the end thereof:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the park and to the Freedom Trail.".

## TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

### SEC. 301. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

### SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j-2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

### SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Act, or section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft and helicopters, or contract for such use, in furtherance of the management of the National Park System, and the provisions of section 47(a) of title 18, United States Code, shall not be applicable to such use.".

### SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out "from such donations and bequests of money"; and

(2) by adding at the end thereof the following:

**"SEC. 2. ADDITIONAL FUNCTIONS.**

"(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.".

(b) APPLICATION AND DEFINITIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following:

**"SEC. 3. APPLICATION AND DEFINITIONS.**

"(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

"(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

### SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

### SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in paragraph (i), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

□ 1210

### GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1305, the bill now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1305 is a noncontroversial housekeeping bill making minor boundary adjustments and other miscellaneous changes in programs and authorities of the National Park Service. This is a bipartisan bill which I introduced along with the ranking minority member of the subcommittee on National Parks, Forests and Public Lands, Mr. HANSEN of Utah.

H.R. 1305 makes seven minor park boundary adjustments, extends the advisory commissions at two park units, clarifies the authority for the National Park Service to enter into agreements regarding cooperative park study units, authorizes the distribution of interpretive materials relating to the Boston National Historical Park at the Boston Public Library and makes several other miscellaneous authorizations that in the past had been carried in appropriations bills. Nearly all of the provisions of H.R. 1305 were drafted and presented to the committee by the National Park Service and most were passed by the House in the 102d Congress as part of another bill. Unfortunately, the Senate did not have time to act on this earlier bill prior to adjournment last fall.

The bill before us today contains a compromise on the language concerning the authority of the National Park Service to dispose of unneeded museum properties. This compromise was worked out after a series of discussions between the Committee on Natural Resources, the Committee on Government Operations, the National Park Service, and the General Services Administration. I would like to thank Chairman CONYERS of the Government Operations Committee for his assistance in working this matter out. The compromise language will provide the National Park Service with greater flexibility in disposing of museum objects which are lacking in national significance, unrelated to the National Park Service mission or which have deteriorated beyond use. The language only applies to museum objects and collections and not furniture and other property traditionally handled by GSA. The legislative language on this subject in the bill has been cleared by the minority and is supported by the administration.

Mr. Speaker, H.R. 1305 as amended is a noncontroversial bipartisan bill which deserves our support. The administration supports this bill and I urge its passage today.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1305, the Minor Boundary Adjustment and Miscellaneous Park Amendments Act of 1993. This is a good bill, which has been developed on a bipartisan basis with substantial input from the administration.

In addition to making a number of minor boundary adjustments, the bill also addresses several generic National Park Service authorities, changes the manner in which museum properties are managed and authorizes cooperative agreements for research.

I appreciate the chairman's cooperation and involvement of this side of the aisle in this measure and urge my colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I have no further requests for time on this bill. I would be happy to respond to any questions Members have.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1305, as amended.

The question was taken; and (two-thirds having voted in favor therefore) the rules were suspended and the bill, as amended, was passed.

A motion to consider was laid on the table.

## COLORADO WILDERNESS ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 631) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Wilderness Act of 1993".

(b) DEFINITIONS.—(1) As used in this Act with reference to lands in the National Forest System, the term "the Secretary" means the Secretary of Agriculture.

(2) As used in this Act with respect to lands not in the National Forest System, the term "the Secretary" means the Secretary of the Interior.

### SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness Proposal (American Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555, as amended by Public Law 96-560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96-560: *Provided*, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "O-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled "Sangre de Cristo Wilderness Proposal (North Section)", "Sangre de Cristo Wilderness Proposal (North Middle Section)", "Sangre de Cristo Wilderness Proposal (South Middle Section)", and "Sangre de Cristo Wilderness Proposal (South Section)", all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled "South San Juan Wilderness Expansion Proposal, Montezuma Peak" and the other entitled "South San Juan Wilderness Expansion Proposal, V-Rock Trail", both dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96-560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter-Fryingpan Wilderness designated by Public Law 95-327: *Provided*, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede, limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632, as amended by Public Law 96-560.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Addition to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96-560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96-560.

(b) Maps and Descriptions.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

### SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) In General.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (2) and (10) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service and such lands are hereby added to the appropriate National Forest.

(b) Grazing.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) State Jurisdiction.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) Conforming Amendment.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System.".

(e) Buffer Zones.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) Wilderness Name Change.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96-560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g) Boundaries and Authorizations to Use Lands.—(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this section which were issued prior to the date of enactment of this Act shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this section shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

### SEC. 4. WILDERNESS RELEASE.

(a) Repeal of Wilderness Study Provisions.—Sections 105 and 106 of the Act of December 22, 1980 (Public Law 96-560), are hereby repealed.

(b) Initial Plans.—Section 107(b)(2) of the Act of December 22, 1980 (Public Law 96-560), is amended by striking out "except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

### SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) Establishment.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) Administration.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Timber Harvesting.—No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(e) Livestock Grazing.—The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) Development.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) Off-Road Recreation.—Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

### SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) Establishment.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) Administration.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Development.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) Timber Harvesting.—No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(f) Motorized Travel.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) Management Plan.—During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

### SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

### SEC. 8. WATER.

(a) Findings, Purpose, and Definition.—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) Restrictions on Rights and Disclaimer of Effect.—(1) Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) New or Expanded Projects.—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act.

(d) Access and Operation.—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6 and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6 and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado state law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act: *Provided*, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6 and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act.

(e) Existing Projects.—Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) Monitoring and Implementation.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) Interstate Compacts and North Platte River.—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under

interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

### SEC. 9. PIEDRA, ROUBIDEAU, AND TABEGUACHE AREAS.

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, Colorado, comprising approximately 62,550 acres, as generally depicted on the map entitled "Piedra Area" dated January, 1993; and

(2) Certain lands in the Uncompahgre National Forest, Colorado, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Uncompahgre National Forest, Colorado and in the San Juan Resource Area administered by of the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—(1) Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the areas' presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: Provided, That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a) and existing and proposed water resource facilities affecting such values.

### SEC. 10. SPANISH PEAKS PLANNING AREA STUDY.

(a) REPORT.—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks planning area of the San Isabel National Forest in Colorado, as generally depicted on a map entitled "Spanish Peaks Further Planning Area Study", dated January, 1993.

(b) CONTENTS OF REPORT.—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks planning area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) NO AUTHORIZATION OF EMINENT DOMAIN.—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) MANAGEMENT.—Notwithstanding the provisions of section 4(a) of this Act, for a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks planning area as provided by section 105(c) of Public Law 96-560.

### SEC. 11. PUMPING PLANT NAME CHANGE.

The facility of the Bureau of Reclamation, Department of the Interior, known as the Granby Pumping Plant of the Colorado-Big Thompson Project, in the State of Colorado, shall hereafter be known as the Farr Pumping Plant. Any reference to the Granby Pumping Plant in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Farr Pumping Plant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

#### GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 631, the bill now under Consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 631 was introduced by the gentleman from Colorado [Mr. SKAGGS], along with the gentlewoman from Colorado [Mrs. SCHROEDER], and a member of the natural resources committee, the gentleman from Colorado [Mr. MCINNIS].

The bill would designate as wilderness nearly 613,000 acres in Colorado, primarily on lands within the National Forest System but also including some public lands managed by the Bureau of Land Management.

In addition, the bill would establish specific management requirements for nearly 100,000 additional acres of unique Colorado lands that would not be designated as wilderness but would be protected against adverse impacts from timber harvesting and other activities.

The areas affected by the bill are described in detail in the committee report. They include a very diverse array of landforms—mountain peaks, alpine tundra, forests, meadows, lakes, and streams—with extraordinary environmental, wildlife, and recreation values. These areas are noteworthy and deserving of wilderness designation or other requirements for special consideration and careful management that would be provided under this bill.

The status of most national forest lands in Colorado that were considered for wilderness designation was resolved by enactment of a Colorado Wilderness Act (Public Law 96-560) in 1980. That act provided for further study of some areas, in the expectation of further congressional action.

However, additional Colorado wilderness legislation has been delayed for a decade by disagreements over water and water rights.

In 1991 the Senate passed a Colorado wilderness bill that included an explicit disclaimer of any Federal reserved water rights with respect to the wilderness areas, and would have required the Forest Service to rely on a contractual arrangement with a State agency for protection of the water-related resources of one of those areas.

The House rejected the approach of the Senate-passed bill, in September of last year passed a revised version that included an explicit reservation of a Federal water right for the lands designated as wilderness—as had been done in wilderness bills involving lands in other States.

Then, in the final hours of the last Congress, there were discussions to see if a way could be found to bridge the gap between the positions of the two bodies with respect to the Colorado wilderness legislation. Both the chairman of the committee, Mr. MILLER of California, and I took part in those intense discussions, along with the former Senator from Colorado, Mr. Wirth, Senator BROWN, and Senator CAMPBELL, who was at that time a Member of the House and of the former Interior and Insular Affairs Committee.

From those discussions, there emerged a proposed compromise. It had three parts, each of which was an essential aspect of the whole:

First, to confine wilderness designations solely to areas that were completely and truly headwaters areas;

Second, to remain silent as to whether or not the designation of those areas as wilderness was to be construed as having the effect of establishing a Federal reserved water right, but to preclude any effective assertion of any such right; and,

Third, to impose restrictions on water-related developments and to give the Federal land managers administrative authorities regarding water-related activities—so that, as far as possible, the affected lands would be afforded protection similar to the protection resulting from new Federal reserved water rights.

On October 8 of last year, the Senate did pass a revised version of the bill based on these discussions. However, the parliamentary situation prevented the House from taking further action, and so the entire matter was left unresolved when the 102d Congress finally adjourned. H.R. 631 as now before the House is similar to the version the Senate passed last October.

If we were starting from scratch, Mr. Speaker, this bill would not be my preferred version of Colorado wilderness legislation.

If we were to ignore the recent history I have described, I would urge the House to pass a bill like the one passed by the House in September of last year, which I believe was a very sound measure.

In particular, in my opinion, the 1992 House bill's express reservation of water rights was not only consistent with other wilderness legislation but also the simplest and best way to address the important matter of protecting the water-related values of the affected lands.

However, in my view, we should not ignore recent history, particularly the discussions that took place after the House acted last year. Therefore, Chairman MILLER and I agreed to bring before the Natural Resources Committee H.R. 631, which has now been favorably reported in amended form and which the committee now brings before the House.

I will not attempt to fully explain all the provisions of the bill. Those provisions, including those related to water and water rights, are explained in detail in the report of the Committee on Natural Resources. But I do want to stress that the bill's provisions, as reported by the committee, reflect some unusual—in fact, unique—conditions.

In particular, the committee approved the water provisions only because the bill's wilderness areas have been very thoroughly scrutinized to assure that each of them is wholly and solely a headwaters area—with no water resource facilities located upstream, and no practical opportunities for development of such facilities upstream from the wilderness areas.

Further, the water provisions have been shaped by the specific and unique provisions of Colorado law related to allocation of water resources. In my opinion, water provisions like those of this bill would not be workable or acceptable under any other circumstances.

Mr. Speaker, H.R. 631 is an important bill that deserves the approval of the House. It reflects the hard work and persistence of Mr. SKAGGS and other members of the Colorado delegation in both the House and the Senate. I urge its passage.

Mr. Speaker, I would also note that H.R. 631 for the most part deals with national forest lands in Colorado which were left in wilderness study status after the enactment of the Colorado Wilderness Act of 1980.

Many of the important attributes of these areas derive from the fact that they are relatively well-watered. The high areas of Colorado's mountain ranges are mostly within the national forests. They catch the snows of winter and rains of summer, and wring the moisture from the winds. Thus, unlike many parts of the arid West, they have the water to support many forms of life. Protection of these water resources is an indispensable part of the proper management of such lands, and especially of their wilderness characteristics.

Like previous such bills, the 1980 statewide RARE II wilderness bill for Colorado was silent about water. But, after its enactment, the U.S. district court in Colorado faulted the Reagan administration's policy of not asserting a Federal reserved water right for wilderness. After that, Congress—especially the Senate—perceived a need to be explicit about water in subsequent wilderness bills.

That led to the now well-established practice of including in wilderness bills an express reservation of water rights, like those in bills that have designated wilderness in Nevada, Arizona, California, and New Mexico.

Section 8 of H.R. 631 as reported includes water-related provisions whose purpose is to provide protection for wilderness similar to that which would result from implementation of Federal reserved water rights while precluding any effective assertion of claims premised on such rights associated with wilderness designation.

It should be noted that the bill neither affirms for denies the validity of the premise that designation of wilderness implicitly reserves a Federal water right, but does explicitly state that nothing in the bill is to be construed as a "relinquishment or reduction of any water rights of the United States" already in existence.

The principal effects of section 8 of the bill are—

First, to limit the jurisdiction otherwise available to a court or agency under any act of Congress—including the so-called McCarran amendment, 43 U.S.C. 666, which affords a waiver of sovereign immunity so as to permit joinder of the United States in certain State proceedings related to water rights—so that there could be no consideration of any claim to water or water rights involving a construction of the bill as effecting a reservation to the United States of water rights with respect to lands that the bill designates as wilderness; and

Second, to restrict the ability of any U.S. officer of employee or any other person to act on behalf of the United States to assert any such claim; and

Third, to prevent Federal approval or assistance for new or enlarged water-related facilities within wilderness areas and to constrain, partly directly and partly by providing additional authority for administrative actions, various water-related activities that could have an adverse impact on wilderness resources and values.

Of course, the bill would not—as it could not—have any effect on the original jurisdiction of the Supreme Court of the United States under title III of the Constitution. Any alteration of that jurisdiction would require alteration of the Constitution itself, which cannot be achieved through enactment of a mere statute.

The committee's acceptance of section 8 of H.R. 631 reflects, first, the fact that the bill's wilderness areas are solely and entirely headwaters areas, and, second, the fact section 8 is shaped to fit Colorado's system for adjudication and administration of water and water rights. Thus, favorable reporting of H.R. 631 does not mean that the committee would find similar provisions adequate to protect downstream wilderness areas, or even headwaters wilderness areas outside Colorado.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been fully explained, H.R. 631 represents a bipartisan effort on behalf of the Colorado delegation to establish wilderness areas within their State. I would like to commend Chairmen VENTO and MILLER for allowing the Colorado delegation to determine wilderness issues within their own boundaries.

Although, the water language compromise has received a lot of attention, H.R. 631 also contains important language that protects livestock grazing rights and denies the establishment of buffer zones. Additionally, H.R. 631 creates special management areas where wilderness designation is not appropriate. These management areas will permit the access and recreation that so many Americans enjoy, but which are prohibited in wilderness areas.

Mr. Speaker, I urge support of H.R. 631.

Mr. VENTO. Mr. Speaker, I thank the gentleman for his support and for his bipartisan efforts on this bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

First of all, I want to thank the gentleman from Colorado [Mr. SKAGGS] who has worked diligently on this bill.

I must say as the dean of the Colorado delegation, there were days when I wondered if we were ever going to have a wilderness bill. I have been through more briefings, I think, in the last 10 or 15 years and seen more maps, more overlays, and more boundary discussions than I ever thought I would see in my whole life.

This has been a contentious, hard-fought issue, but today because of the hard work of the gentleman from Colorado [Mr. SKAGGS] and the hard work of other Members of the delegation, America wins, and America wins big, because this is a national treasure.

□ 1220

Mr. Speaker, over 600,000 acres will be put aside for the future, and I thank the gentleman from Minnesota [Mr. VENTO] for having patience with our delegation, and the gentleman from California [Mr. MILLER] for having patience with our delegation. I am sure there were days they wanted to say, "Just forget it," because, being a Coloradan, there were days I was almost tempted to say that.

Mr. Speaker, I do not represent the people who have this land. I represent the users of this land, the people who live in urban areas that are very anxious to have more of beautiful Colorado put away in a wilderness so that we can all share it.

When one thinks of Colorado, it is not just for the urban types in Colorado that will be using this. It is for the whole Nation. Colorado has always been the lungs of this Nation where people went to breathe. We would like to say that there could be such space everywhere, but unfortunately in other parts the settlement got going way before there was time to preserve and save. But we must continue to preserve and save, as we are doing in this bill today, or we will not have anything for future generations.

Mr. Speaker, I am very pleased that this is coming out of this body, and I think it is very important that it be done this week. Why this week? This week is a very historic week.

Mr. Speaker, over 100 years ago this week a young woman named Katharine Lee Bates was 33 years old. It was 1893, and this 33-year-old woman who was a professor at Wellesley in Massachusetts, went to Pikes Peak in Colorado on a mule train and, when she got there, she was so inspired that she wrote what we now know as "American the Beautiful." This week we will be celebrating the 100th anniversary of her having written this at the base of Pikes Peak in Colorado.

Mr. Speaker, when my colleagues think of the words of "America the Beautiful," it still is there, the beautiful spacious skies, the amber waves of grain, and the majestic mountains that are out there above the fruited plain. So, I think it is a wonderful tribute that 100 years later this body is acting to continue to preserve parts of Colorado so that it does not get polluted and so that future generations 100 years from now can still go out there and understand what Katharine Lee Bates meant as she wrote these beautiful words and understand what our great heritage was, how tragic it would be if we did not do this today.

So, Mr. Speaker, I think it is wonderful that this was the week that was selected, this very historic 100th anniversary of "America the Beautiful," and how wonderful it is we celebrate it by putting some of these very critical lands into our national treasury for future generations, and I thank the gentleman from Minnesota [Mr. VENTO] for helping this all happen.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS], who has been an ally in this process this year. He introduced the version of the bill in the House that is before us, and I want to commend him for his constant and good support for it.

The gentlewoman in responding, the dean of the delegation, I might say, the gentlewoman from Colorado [Mrs. SCHROEDER], in responding suggested that she did not represent the people that actually own the land. Well, actually she does. These are public lands that are owned by all Americans. Indeed everyone has an interest whether they live in an urban, suburban, or rural area. Obviously, in responding to the land-use questions, we want to be sensitive to those that indeed are using such lands, and I know that the gentleman from Colorado [Mr. SKAGGS] has done that in the measure that he has introduced and that we worked together on. I am pleased to commend him and yield to him such time as he may consume.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as the person who introduced this bill, with my Colorado colleagues SCOTT MCINNIS and PAT SCHROEDER as cosponsors, I urge the House to pass the Colorado Wilderness Act of 1993.

This legislation has been more than a decade in the making. With expected passage by the Senate and approval by the President, it will be the first time since 1980 that Congress has added Federal lands in Colorado to the water National Wilderness Preservation System.

And what lands these are. From sweeping alpine tundra to cascading streams, from lush alpine meadows to magnificent stands of old-growth timber, the lands being designated as wilderness by this bill include some of the very best of the Colorado Rockies.

The centerpiece of this legislation is the designation of 9 new wilderness areas and the expansion of 10 existing wilderness areas, together totaling some 611,730 acres.

The new wilderness designations include nearly all of the spectacular Sangre de Cristo mountain range, with many peaks over 14,000 feet in elevation.

They include the Nation's largest expanse of alpine tundra outside of Alaska, in the Cannibal Plateau, part of the new Powderhorn Wilderness.

They include the aptly named Oh-Be-Joyful! area, which was the most bitterly contested wilderness proposal when Congress last passed a Colorado wilderness bill, and which will finally be made part of the Raggeds Wilderness.

The new wilderness designations include the unique rock formations of the Wheeler Geologic Area, which will be added to the La Garita Wilderness.

They include the 500-year-old trees of Bowen Gulch, which reach 5 feet in diameter, and which have been spared from logging and will be protected as part of the Never Summer Wilderness.

And they include stretches of the Continental Divide, in the new Byers Peak, Vasquez Peak, and Ptarmigan Peak Wilderness Areas.

With their spectacular features, diverse wildlife, and rich history, these areas are very fitting additions to the world's most advanced and extensive land preservation system. I am very proud to come from a State with such beauty, and proud that a greater portion of its beauty will now be formally preserved as wilderness.

There are, of course, many other areas in Colorado deserving of wilderness protection, but we were not able to reach the necessary consensus to designate them as wilderness in this bill. However, this bill, will certainly not be the last Colorado wilderness bill. In fact, four areas in this bill that are not now designated as wilderness are to be managed to preserve their existing wilderness suitability, so that future opportunities to add them to the wilderness system are assured.

Although the most important part of this bill is its wilderness designations, the most difficult part has had to do with water. In Western States wilderness legislation in recent years, Congress has included an explicit reservation of limited Federal water rights to guarantee enough water in the streams and lakes of those areas to preserve their wilderness qualities. That is a reasonable course, which has worked well in these States, and which I and others believe could have been followed in this legislation.

That approach proved unusually contentious in Colorado, however. So, last fall a unique and innovative solution was crafted by some of the State's delegation and by Chairman GEORGE MILLER of the Committee on Natural Resources and Chairman BRUCE VENTO of that Committee's Subcommittee on National Parks, Forests, and Public Lands. That water compromise was included in a bill passed by the Senate last October; sadly, we could not get unanimous consent in the House to consider the bill before we adjourned for the year. That October compromise on water matters was included, unchanged, in this bill as we introduced it in January. It remains unchanged as the bill comes before the House today.

The compromise has four key elements. First, all downstream areas were omitted from the wilderness designations, so that only lands at the top of watersheds are being set aside for wilderness. That way, we're avoided the type of conflict most likely to occur between wilderness values and nonwilderness water use—the possibility that somebody outside of and upstream from a wilderness area might divert water that otherwise would be flowing into and supporting a downstream wilderness area.

Second, to remove the other likely conflict between wilderness values and future nonwilderness water use, special provisions were crafted to remove any possibility of a water diversion within the wilderness area itself. Under the basic provisions of the Wilderness Act of 1964, a water project can be built on wilderness lands if the President approves it. There's never been a Presidential waiver for a water project in a wilderness area, but this bill makes it clear that there cannot be such a waiver within these wilderness areas.

Third, having removed likely conflicts between wilderness values and nonwilderness water use, the bill neither affirms nor denies the existence of reserved water rights for these wilderness areas. Instead, in an exercise of congressional authority to limit the jurisdiction of courts and agencies, the bill provides that no court or agency may consider a claim that the United States has special water rights to these areas because of their wilderness designation. Of course, Congress cannot limit the original jurisdiction of the U.S. Supreme Court, which includes jurisdiction over litigation between States, and this provision does not do so. The bill also provides that nobody can assert on behalf of the United States in a court or agency proceeding that there are Federal water rights for these areas arising from their wilderness designations.

Fourth, the water policy section of this bill explicitly states that these provisions are not to be used to interpret previous congressional actions, including the previous designations of wilderness areas in Colorado, when Congress was silent as to water rights. Those designations continue to be subject to normal court interpretation under the reserved water rights doctrine. The water policy section similarly states that this approach is not to be used as a precedent for future wilderness designations. All of us who've been involved in this legislation have repeatedly emphasized that this approach applies only to these wilderness designations and only because of the unique circumstances; that is, all of the areas are upstream areas. This approach will not work, and will not be followed, when we resume dealing with downstream wilderness areas in Colorado, as we will.

Taken as a whole, the water compromise included in this bill should fully protect the water-related wilderness values of these new wilderness designations. It will just do so in a different way than Congress has traditionally followed. The Committee Report addresses and resolves other technical and legal concerns which have been raised about this unique language.

Mr. Speaker, just a final note on one other detail of the bill. The legislation provides that the Forest Service shall study private inholdings in the Spanish Peaks area. These inholdings are the source of the only substantial concern that has been raised about the eventual designation of this area as wilderness. The bill also provides that, for 3 years following the date of enactment, the area will continue to be managed under the terms of the 1980 Colorado Wilderness Act, which provides for the preservation of the existing suitability of this area for wilderness designation. Because this is a limited study, we expect the Forest Service to complete it expeditiously, so that there will be enough time for Congress to consider the report on land ownership and decide whether to designate the area as wilderness before the expiration of the management directive for the area.

Finally, I would like to point out the contributions of a few of the hundreds of people who have worked hard to bring this Colorado wilderness bill to the verge of enactment. First and foremost, I want to acknowledge that former Senator Tim Wirth, now Counsellor at the Department of State, has done more to make this bill a reality than anyone else. Our State's two current Senators, HANK BROWN and BEN NIGHTHORSE CAMPBELL, also played key roles in achieving last fall's compromise and in championing it this year. Chairmen MILLER and VENTO have performed yeoman duty in shepherding this bill through the House. And a special thanks to the staff members who all too often go unrecognized—to Stan Sloss, a Coloradan, who is counsel to the Subcommittee on National Parks, Forests, and Public Lands; Mark Trautwein, consultant to the full Committee on Natural Resources; and two members of my own staff, Steve Smith of my Colorado office and Stephen Saunders of my Washington office.

I stand ready now, Mr. Speaker, also to thank all my colleagues in the House for joining with us to pass this exciting and long-awaited legislation and for helping so to set aside a wondrous endowment of America's wild lands for all time.

Mr. DOOLITTLE. Mr. Speaker, I have only one gentleman who would like to ask a question of the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], so at this point I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to, first of all, congratulate the Colorado delegation for coming to an accord on this. I think it is the proper way to do it. I think the people who live in the areas ought to take the lead in these kinds of developments, and I congratulate them for doing that, unlike the most recent proposal which is a blanket wilderness for the West introduced by someone from Manhattan. In any event, Mr. Speaker, that is not my question. I am interested in water. I think it is generic. I think it sets a precedent.

Mr. Speaker, it is my understanding that the upper lands, there is an agreement that, of course, there is no development there. Those waters flow through the lands. They are, by definition, not used on wilderness; therefore, somewhat different. I understand that there are some lands then that are managed specially, and we speak specifically to not having a reservation of water rights on those.

□ 1230

Further, there is a section that precludes the notion of bringing suit with regard to water rights and in effect leaves the water rights in the hands of the State.

Mr. Speaker, I would ask if that is the understanding of the gentleman from Minnesota [Mr. VENTO]?

Mr. VENTO. Mr. Speaker, the gentleman is correct that the lands that are designated as wilderness are the headwaters, some 613,000 acres, and there are specific provisions in section 8 that relate to them. These are lands nonsuitable for use of development of water resources. That is restricted in those areas. So in essence those areas are protected. Therefore, proper protection of the wilderness values of these will occur under that prescription.

Then there is about 100,000 acres of additional lands that are given special management status which have many of the properties of wilderness, but for all intents and purposes, yes, the restricted water provisions also apply to those.

Mr. THOMAS of Wyoming. Mr. Speaker, I would ask further, there is no express or implied reservation of rights for those lands?

Mr. VENTO. Mr. Speaker, for nonwilderness that is correct.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say there is no other restriction that applies as a result of areas being designated wilderness in this instance. Any other rights that those already have in terms of water are preserved in this instance.

With regard to the wilderness areas, the bill is silent as to whether or not there is any new Federal water right in those instances.

Mr. Speaker, I would ask if that satisfies the gentleman from Wyoming [Mr. THOMAS]?

Mr. THOMAS of Wyoming. Mr. Speaker, as I said, there are some areas in all of the wilderness bills that are sort of generic, and they do set precedents. So I think all of us in these kinds of States are interested in what they do in other States, even though we are not particularly interested in the amount of acreage.

Mr. VENTO. Mr. Speaker, I would just point out to the gentleman that we consider these lands unique. We do not consider this a model to deal with other areas. It seems every time we deal with water on these bills we have come up with specific language that tries to satisfy the issue, whether it is the issue in the Birds of Prey National Conservation Area in the Snake River, the circumstances surrounding that, and/or others.

Obviously, we would like to all see a solution that would work on a broader basis, but so far we have not been able to agree on that. So we did agree on this, and hopefully it will provide for and fulfill the expectations of the Members that have participated in the negotiations and the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for his work and support the bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER], the chairman of the Committee on Natural Resources and thank him for his support, which, as I noted earlier, was key to the positive resolution of this matter.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wish to thank Chairman VENTO for all of the work and time and effort he has put in on this legislation, and also to thank the Members of the Colorado delegation for their time and effort and the staff of the full committee and Subcommittee on Natural Resources.

Mr. Speaker, I believe the Colorado wilderness bill before the House today is a workable compromise that deserves the support of this House. As most Members will recall, very similar legislation was approved by the House and Senate late in the late Congress, but not in time to be sent to the President.

This legislation reflects the agreements reached last October with the Colorado delegation and the Senate. Most importantly, it contains significantly new language dealing with the question of water rights and the protection of water-related resources in wilderness areas.

In the past, the House, and ultimately the Congress, and the President, have always deemed it necessary and desirable to seek this protection through the reservation of a Federal water right. We are embarked on a different course in this instance for two basic reasons: First, we are assured that all the wilderness areas designated by this bill and subject to the new provisions regarding water-related resources are truly headwaters areas with no possibility of upstream developments or activities that might affect them and second, we believe that the language so painstakingly agreed to is reasonably likely to afford much the same level of protection as the assertion of a Federal water right. We have tried to lay out our common understanding of how this language ought to work in the extensive committee report that accompanies this bill.

Mr. Speaker, I want to make it clear that I would have preferred to stick with the historic House position on this matter. I still believe that the reservation of a Federal water right is the cleanest, simplest and time-tested avenue for sorting out the many complicated questions this matter raises.

Nevertheless, I also believe it is incumbent upon us to seek new solutions when the established solutions prove unacceptable and it is my fervent hope that if and when this language is tested on the ground in Colorado it will prove equal to the task of protecting the wilderness areas we have worked so hard to preserve in this bill.

I urge my colleagues to support H.R. 631.

Mr. ALLARD. Mr. Speaker, as we all know, it has been a long and tiresome road trying to designate wilderness in Colorado. For well more than a decade, despite almost unanimous concurrence that more wilderness is desirable, the issue has been deadlocked over boundaries and discussions of appropriate water language.

Today, we have before us, H.R. 631, a bill that is moving forward in the House, and companion legislation in the Senate, S. 206.

The bills represent the latest effort to present compromise legislation to this committee. It is supported by a host of divergent groups in Colorado. The crucial elements of these bills almost identically mirror agreements hammered out in the wee morning hours of the last day, of the last session of the 102d Congress. Although it was too late to pass legislation at the end of last year, Senator HANK BROWN and his staff have worked tirelessly to garner both local and committee support for this legislation since then. Although many have worked on Colorado wilderness legislation over the past decade, including myself; former Senators Wirth and Armstrong; former Representatives Kogovsek, CAMPBELL, and Strang; and Congressmen HEFLEY, SCHAEFER AND MCINNIS; it is truly Senator BROWN who deserves the credit for authoring the language that was finally able to bring the bill to this point.

Besides the Colorado delegation, there were a number of individuals from Colorado, including water users, attorneys, and environmentalists, who had a hand in this legislation. Specifically, credit is due to the Northern Water Conservancy District, whose staff and legal counsel were such a valuable resource as a liaison to the Colorado water community in the development of the water language included in this bill and endorsed by the Colorado Water congress.

Mr. Speaker, Colorado's community interest is vital to any legislation dealing with water. I have always believed that when designating additional wilderness, it is vital to specifically disclaim any inference that a Federal reserved water right is being created. With that as a benchmark, I have always been willing to consider the merits of any wilderness legislation. For that reason, last year I was able to support the wilderness compromise as introduced into the Senate by Senators Wirth and BROWN (S. 1029, 102d Congress). Unfortunately, that fragile compromise was derailed here in this committee and in later negotiations, despite the fact that the bill had been endorsed by nearly every single water user, almost all of the environmental community, farm groups, and a host of public lands users.

As we deal with the legislation before us, it is important to remember that the language chosen for H.R. 631 is not endorsed by all of the affected water users in Colorado. This is unlike the situation last year, when there was unanimous support in the water community for the passage of S. 1029. It is this Senate compromise bill that I supported last year and still support today, in this year's House version H.R. 195.

Again, while I understand and appreciate the time, effort and creative thinking that went into the development of H.R. 631, my reservation for this bill stems from the uncertain outcome of the legal battles that may arise over this water language. With this legislation we are missing a pivotal opportunity to specifically disclaim the existence of a Federal reserved water right. The bill comes close. It is certainly better than no language at all. But still, there is just that sliver of a doubt in my mind, that reinforces my desire to be very specific in disclaiming a Federal reserved water right.

Mr. Speaker, I recognize that most of the areas in this bill are headquarters areas and that realistically there are few if any water rights that could be affected by any interpretation of the water language. But, I also know that the real battle is yet to be fought. I am talking about the downstream, BLM recommended wilderness inclusions, that will undoubtedly be taken up shortly after the passage of this bill. In these downstream areas any ambiguity on the issue of Federal reserved water rights could have enormous ramifications for the entire State of Colorado.

I think everyone is aware that ultimately there will be court interpretations of this water language. The new use of the word "areas" is meant to be certain that a water right is not created for a wilderness. However, in my opinion it is not beyond the bounds of reality that some sympathetic judge might misinterpret the true intent of this legislation, which is to ensure that a Federal reserved right is not created at a later date. Therefore, I would feel more comfortable if these uncertainties were alleviated and the bill included an express disclaimer of a Federal reserved water right.

Accordingly, despite all the good things entailed in H.R. 631; despite the wonderfully crafted boundaries; careful release language; and my respect and trust in Senator BROWN, I declined to sponsor this latest attempt at compromise language. My reluctance is not so much for what is in the bill, but for what would have been in the bill were it not held hostage by this committee. Senator BROWN has done everything possible, and then some, to look out for Colorado's interests in the crafting of this bill. Were it not for his efforts there would likely be no Colorado wilderness bill for Colorado at all.

So, while I cannot support this legislation, neither will I stand in the way of its passage. A majority of Colorado groups affected by the bill do support its passage, including the Colorado water congress. And it is to their judgment and expertise, and to that of Senator BROWN, that in this instance I defer. It is not in my power to force a change in the water language and therefore I do not wish to throw up any hurdles that might cloud the many positive aspects that surround the passage of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, today we consider H.R. 631, the Colorado Wilderness Act of 1993, as reported to the House by the Committee on Natural Resources. Efforts to enact Colorado wilderness legislation has been a subject before our committee for many years and I joined my colleagues in supporting this bill which reflects a great compromise among all the parties to be affected and who have an abiding interest in the preservation and estate of Colorado's rich wilderness. However, the committee report, which addressed the topics of most intense interest in this bill, was drafted and filed without the review which might have enhanced its value. Congressman SCOTT MCINNIS, also of the Committee on Natural Resources has worked with the office of Senator HANK BROWN, formerly of this committee and prepared a detailed analysis of the bill's most salient provisions which we provide for the legislative record on this bill by this statement today.

Particularly, the report language bears edification on the following topics, and Mr. MCINNIS' analysis which follows addresses these matters in greater detail:

1. "Areas Designated as Wilderness," relative to Ptarmigan Peak.
2. "Maps and Legal Description," boundary descriptions.
3. Roubideau and Tabeguache areas locations.
4. Protection of wilderness attributes in section 8.
5. Illustrative Situations 1 (hypothetical involving existing ditch), 5 (legislation's relationship to Colorado water law), 8 (limitation on use of access routes versus separate and unique standard utilization of water resource facilities, and 6 (enforcement of state law)
6. "Other Areas" not included in H.R. 631: bases for their exclusion.

My concern on these subjects in particular is that the committee report might be interpreted incorrectly and beyond the legislative intent of the subject legislation. Therefore, the accompanying, detailed analysis which are the product of careful legal and legislative study by the staffs of Congressman MCINNIS and Senator BROWN, who worked directly with the majority staff in the markup and report of the bill should be taken in concert with the filed report in any sage legal and legislative history of this legislation.

As part of the "Areas Designated as Wilderness," the House committee report language incorrectly identifies the boundaries of Ptarmigan Peak. In fact, the eastern boundary does not extend from "Woods Mountain and Herman Lake" westward toward the Eisenhower Interstate Highway tunnel. Instead, the eastern boundary of the area to be designated as wilderness under both H.R. 631 and S. 206 originates at Coon Hill near the eastern portal of the Eisenhower Interstate Highway tunnel.

Both the subheading "Maps and Legal Descriptions" as well as the explanatory text under that heading is incorrect. During committee markup of H.R. 631, the committee decided to change the requirement that the appropriate Secretary file "legal" descriptions of the areas designated as wilderness. Instead, in an effort to eliminate unnecessary surveying work, the committee amended H.R. 631 to require only that "boundary" descriptions be filed.

The committee report incorrectly identifies the Roubideau and Tabeguache areas as being located in the "jointly managed Grand Mesa, Uncompahgre, and Gunnison National Forests," when, in fact, the areas are located within the Uncompahgre National Forest and the Bureau of Land Management's San Juan Resource Area.

The committee report apparently misunderstands the protection of wilderness attributes provided in section 8. Protection of wilderness attributes and Colorado's ability to divert, store, and use water allocated to it under the equitable decrees and interstate compacts have been the key point in the 12-year stalemate over the designation of this land as wilderness in Colorado. More than 20 environmental and land use organizations agree that this legislation achieves the goals of protecting the wilderness values without either a Federal water right or the need for additional litigation as well as protecting Colorado's ability to divert, store, and use water allocated to it under the equitable decrees and interstate compacts.

The remedy is practical in nature. There can be no new water projects in the wilderness areas designated by this bill. It does not imply that new water projects harm wilderness or any other Federal lands. In fact, regulation of stream flows can have sound ecological and biological impacts on these lands. Prohibiting new projects simply preserves the lands in a natural state. That is the purpose of the Wilderness Act of 1964.

The representative of the Sierra Club, testifying regarding this bill stated:

> The lands designated as wilderness by this Act are "located at the headwaters of the streams and rivers on those lands." By virtue of that geographic fact, no water resource facilities are situated upstream of these proposed wilderness areas, and there are not practical opportunities for the development of upstream water resource facilities. As a consequence of this geographic fact, the lands to be designated as wilderness by this Act are unlikely to be found facing an "imminent threat of harm" leading a court to conclude that a reserved water right was necessary.

Maggie Fox, public lands and water specialist for the Sierra Club southwest region, testified before subcommittees in the Senate and the House that due to the time and effort invested by State and Federal agencies, conservationists and congressional staff, the legislative provisions in section 8 adequately protect these Colorado wilderness areas.

In the committee report analysis of section 8, the House committee staff create a series of hypothetical situations that they then attempt to resolve. While this in itself could be a worthwhile exercise, it is not particularly useful when the answers provided overstate, or incorrectly state the law.

For example, in illustrative situation No. 1, House committee staff hypothesizes an example where an existing ditch has been used for multiple beneficial purposes in accordance with a decree obtained in compliance with Colorado law. In this hypothetical situation, the ditch owner seeks to change the point of diversion to a new ditch to be constructed within a wilderness area. The House committee staff correctly concludes that pursuant to section 8(c), no new facilities may be constructed. However, House committee staff goes on to conclude that section 8(d)(3) would require that the water rights be exercised in "the *same* facilities through which the water will be used after enactment" [emphasis in original]. This is factually inaccurate. Section 8(d)(3) recognizes that water resource facilities existing as of the date of enactment of this Act may be "used, operated, maintained, repaired *and replaced* to the extent necessary for continued exercise" [emphasis added]. Clearly, this language acknowledges that there is no requirement that the water right be exercised in the facility existing at the date of enactment.

In illustrative situation No. 5, House committee staff incorrectly asserts that the Secretary has the power to ensure that Colorado water law is not violated, and suggests that enforcement of the Colorado water law may be made in such ways as "refusal of access for use of a water right which the Secretary has reason to believe would be considered to have been abandoned under applicable Colorado water law." House committee staff severely misapprehends the duties of the Secretary vis-a-vis the State of Colorado. It is the State of Colorado that enforces State law, not the Secretary. Moreover, the Act does not authorize the Secretary to deny access prior to the conclusion of abandonment proceedings under Colorado law, nor does the Act authorize the Secretary to substitute his judgment for that of the relevant Colorado authority.

While more closely stating the actual nature of the Secretary's duties, illustrative situation No. 6 also inaccurately suggests that the Secretary may enforce State law. We note further, that this hypothetical clearly only applies to illegal uses of water under Colorado law. Illustrative situation No. 6 clearly does not address the future diversion of water pursuant to a vested conditional water right adjudicated prior to enactment of this Act. Likewise, the Secretary cannot deny access prior to a final determination by the relevant Colorado authority relating to the existence of an illegal expanded use under Colorado law.

Finally, in illustrative situation No. 8, House committee staff confused limitations on the use of access routes in section 8(d)(2) with the separate and unique standard for utilization of water resource facilities in section 8(d)(3). Section 8(d)(2) allows existing access routes for repair, maintenance, and replacement to be used so long as the activities have no increased adverse impacts on the resources and values of the wilderness areas.

By contrast, no such requirement is placed on operation, maintenance, repair, and replacement of water resources facilities in section 8(d)(3), except in the event that the use of the water right is changed, section 8(d)(3) requires that the impact of the existing facility on the water resource values of the area shall not be increased. I would note further that under the section marked "Access and Operation," the report incorrectly states that "such facilities may be repaired or replaced to maintain their present functions in a way that lessens their adverse effects on natural values." There is no requirement within the language of the Act that requires repairs or replacement to lessen effects on the wilderness. There is; however, a prohibition on increasing adverse effects.

The commmittee report also alludes to "Other areas," which were not included as part of H.R. 631. These areas are either BLM Wilderness Study Areas, to be considered as part of separate future legislation, or were considered for and were expressly denied protective status within H.R. 631. In either case, these areas ought to stand on their own merits in terms of qualifying, or failing to qualify, for wilderness designation or similar management. It is inappropriate for the committee to attempt to do in report language that which was not done within this bill.

Mr. MCINNIS. Mr. Speaker, all the supporters of H.R. 631, the Colorado Wilderness Act, especially those in Colorado, appreciate the efforts of the Committee on Natural Resources Ranking Member, Mr. YOUNG, in clarifying the record and legislative history of this critical legislation. Not only am I a cosponsor of H.R. 631 but I represent the Third District of Colorado where the majority of the areas designated in this bill are located.

Yes, this bill is a compromise and one long in the making so we must exercise every precaution against misinterpretation or exaggeration of its provisions. This bill is the product of extensive meetings among the Colorado delegation and the Committee leadership, leading to this compromise. Both Colorado environmental groups and the general public who use federal property have endorsed this compromise as an acceptable solution.

As I have commented often in the past, this is a fragile and delicate document and the integrity of the legal and legislative history and language must be clear in enactment and intent. Therefore, I am pleased to submit the following legislative analysis and legal commentary on the language of the report filed with our bill.

The interpretation of Section 8 is of particular importance.

The legislative analysis follows:

### BASIS FOR SECTION 8

As stated in the findings, section 8 is entirely premised on certain specific characteristics of the lands designated as wilderness by section 2(a) of the bill, namely:

(1) these lands are located at the headwaters of the streams and rivers located on those lands, with few if any opportunities for diversion, storage, or other uses of water that could occur outside these areas that would adversely affect the wilderness values of the areas;

(2) these lands are not suitable for use for development of new water resource facilities or the expansion of existing water resource facilities; and

(3) therefore, proper management and protection of the wilderness values of the specific areas covered by section 2(a) can be provided for in ways different from those employed with regard to wilderness lands lacking these particular attributes.

This being the case, section 8 is intended to protect the wilderness values of the lands described in section 2(a) by means other than those based on assertion of Federal reserved water rights.

### RESTRICTION

Subsection 8(b)(1) would prohibit any person (including the Secretary of Agriculture and any other officer, employee, representative, or agent of the United States) from asserting in any court or agency any claim for water or water rights in Colorado based on construing any portion of the bill (or the designation by the bill of any lands as wilderness) as contruing either an express or implied reservation of water or water rights. It also would deny any court or agency the ability to consider any such claim.

The effect of enactment of paragraph 8(b)(1) will be to deny anyone (including but not limited to a person holding an established office of the national government) the authority to assert, and to deny a court or agency the jurisdiction to consider, a claim that the bill's designation as wilderness of the lands described in section 2(a) has the effect of reserving any water or water rights with respect to those lands. Congress is not consenting to be sued in state court or to have considered in any other forum any claim that a reserved water right exists for these areas.

The Colorado Delegation has considered several issues which have been raised regarding Section 8(b)(1) of H.R. 631. First, the preclusion of consideration of any claim to or for water or water right by any court or agency in this section was not intended to and does not address or affect the original jurisdiction of the United States Supreme Court under Article III, Section 2, clause 2 of the United States Constitution.

Second, an Act of Congress is required to designate a wilderness area, and Congress is fully aware of its ability to expressly reserve water for such areas. Congress has considered the issue and has chosen not to assert a federal reserved water right for these areas. Rather, it has decided to protect the resources of these areas in another manner. This legislative decision regarding how best to preserve these areas is within the sole prerogative of Congress. The preclusion of assertion of any claim for water or water rights by any agency or person is a limitation on the assertion of a theoretical cause of action relating to wilderness designation. There cannot be a denial of rights granted under the First Amendment to the United States Constitution, where, as here, Congress determined that there is no federal question to be litigated as to the existence of a federal reserved water right for these areas. Further, the prohibition of any such claim or assertion serves to avoid frivolous litigation while defining the jurisdiction of the courts over federal questions. Congress does not want others to assert or claim water or water rights where it has explicitly chosen to not assert a federal reserved water right for these wilderness areas. Finally, the I would like to emphasize that the wilderness areas designated by this Act would not have been designated in the absence of this prohibition.

### SCOPE AND EFFECT

Paragraph 8(b) clarifies several aspects of the bill's effects with regard to water or water rights. Subparagraph (b)(2)(A) states that nothing in the bill constitutes or is to be construed as either an express or implied reservation of any water or water right with respect to the Piedra, Robideau, and Tabequache areas identified in section 9, the Bowen Gulch Protection Area identified in section 5, or the Fossil Ridge Recreation Management Area identified in section 6. These areas are not designated as wilderness.

Subparagraph (b)(2)(B) states that nothing in the bill is to be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in Colorado existing before the bill's enactment, except as provided in subsection 8(g)(2). Thus, with the one exception cited, the bill would have no effect on any existing United States water rights in Colorado.

Subparagraph (b)(3)(C) provides that with the exception of subsection 8(g)(2), nothing in the bill is to be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto; and subparagraph (b)(2)(D) provides that nothing in section 8 is to be construed as establishing a precedent with regard to any future wilderness designations.

### WATER RESOURCE FACILITIES

Subsection 8(c) deals with water resource facilities (meaning irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage and carriage structures).

This subsection would prohibit any U.S. officer, employee, or agent (including the President) from funding, assisting, authorizing, licensing, or permitting the development of any new water resource facility or the enlargement of any existing water resource facility within any of the areas described in sections 2, 5, 6, or 9—that is, the Fossil Ridge Recreation management Area, the Bowen Gulch Protection Area, the Piedra, Roubideau, and Tabeguache Areas, and the lands the bill designates as wilderness. This prohibition would apply notwithstanding any other provision of the law (e.g., 16 U.S.C. 1133(d)(4)).

### ACCESS AND OPERATION

Subsection 8(d) addresses access to and operation of existing water resource facilities within the areas described in sections 2, 5, 6, and 9 of the bill. Paragraph (d)(1) would direct the relevant Secretary to allow reasonable access to such facilities in existence on the date of enactment of the bill, including motorized access where necessary and customarily employed on routes in existence on that date, subject to the provisions of subsection 8(d).

Paragraph (d)(2) specifies that existing access routes within the areas described in sections 2, 5, 6, and 9 customarily employed as of the date of the bill's enactment may be used, maintained, repaired and replaced to the extent necessary to maintain their present function, so long as the function, design and serviceable operation of these routes is not modified so as to increases the adverse impacts on these areas.

Paragraph (d)(3) provides that, subject to subsections 8(c) and 9(d), the relevant Secretary is to allow water resource facilities in existence on the date of the bill's enactment within the areas described in sections 2, 5, 6, and 9 to be used, operated, repaired, maintained and replaced to the extent necessary for the continued exercise, in accordance with Colorado law, of vested water rights adjudicated prior to the bill's date of enactment by a court of competent jurisdiction for use in connection with such facilities. The paragraph also specifies that the impact of an existing facility within an area described in section 2, 5, 6, or 9 on the water resources and values of such an area shall not be increased as a result of any change in the adjudicated type of such a facility (as compared with the type of use adjudicated as of the data of enactment of the bill).

This paragraph (d)(3) establishes that the obligation of the relevant Secretary to allow the continued operation, maintenance, and use of water resource facilities is limited to those facilities that are in existence as of the date of this Act for the exercise, in accordance with Colorado law, of all water rights adjudicated for use in connection with those facilities prior to enactment of this Act. Such a water right may be utilized under State law so long as the impact on the water resources and values of the wilderness area is not increased. Consequently, by way of example, there would be no barrier to changes in the location or type of use so long as the change did not increase the quantity or time of diversion from these facilities in a manner which increased the impact of the existing facility on the water resources and values of the area. This paragraph does not modify or change Colorado law relating to these water rights in any respect.

Paragraph (d)(4) is a mandatory requirement that water resource facilities, and access routes serving such facilities, in existence on the date of the bill's enactment within the areas described in sections 2, 5, 6, and 9 shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and value of those areas.

### SAVINGS CLAUSE

Subsection 8(e) is a savings clause, stating that except as provided in subsections 8(c) and 8(d), neither the provisions of the bill related to the Fossil Ridge Recreation Management Area, the Bowen Gulch Protection Area, the Piedra, Roubideau, and Tabeguache Areas, and the lands designated as wilderness by section 2(a), nor the wilderness status of the lands so designated by section 2(a), is to be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of the bill's enactment within the boundaries of any of these areas. The intent of subsection 8(e) is to make clear that subsections 8(c) and 8(d) are the only parts of the bill that govern such use, operation, maintenance, repair, modification, or replacement of existing water resource facilities within these areas.

### MONITORING AND IMPLEMENTATION

Subsection 8(f) provides that the Secretaries of Agriculture and the Interior are to monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of the bill and are to take all steps which they determine are necessary to implement the provisions of section 8 of the bill.

### INTERSTATE COMPACTS AND NORTH PLATTE RIVER

Subsection 8(g) has two paragraphs. Paragraph 8(g)(1) provides that nothing in the bill or in any previous Act designating any lands as wilderness is to be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other states. This paragraph also states that except as expressly provided in section 8, nothing in the bill will affect or limit the development or use of Colorado's full apportionment of such waters by existing and future holders of vested water rights.

Paragraph 8(g)(2) relates solely to the Platte River Wilderness established by P.L. 98-550, which is located on the boundary between Colorado and Wyoming. This paragraph provides that no person (including the Secretary of Agriculture or any other officer, employee, or agent of the United States) shall assert in any court or agency (of the U.S. or other jurisdiction) any rights, and no U.S. court or agency shall consider any claim or defense based on such rights, which may be determined to have been established for waters of the North Platte River for purposes of such wilderness area, to the extent that such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries to the full extent allowed under interstate compact or applicable U.S. Supreme Court equitable decree. The paragraph also provides that any such U.S. rights are to be exercised so as not to prevent the use or development of Colorado's full entitlement to interstate waters of the North Platte and its Colorado tributaries allowed under interstate compact or U.S. Supreme Court equitable decrees. This means that while existing water rights associated with wilderness or other federal reservations may still be recognized in the North Platte and its tributaries, such rights associated with this specific wilderness area may not be asserted or exercised in a way that would prevent Colorado from using its full entitlement under Federal law to the waters of the North Platte system.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I urge positive consideration of this bill.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 631, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## DISTRICT OF COLUMBIA JUSTICE REFORM ACT OF 1993

Mr. STARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1631) to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

The Clerk read as follows:

H.R. 1631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Justice Reform Act of 1993".

**SEC. 2. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY PERMITTED FOR CASES UNDER JURISDICTION OF SMALL CLAIMS AND CONCILIATION BRANCH OF SUPERIOR COURT.**

(a) IN GENERAL.—Section 11-1321, D.C. Code, is amended by striking "$2,000" and inserting "$5,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cases filed with the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. STARK] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. STARK].

### GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1631.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1631 raises from $2,000 to $5,000 the limit on cases which can be brought in the Small Claims Court of the District of Columbia.

Throughout the Nation, our courts are congested. The litigation explosion of the past decade has clogged the courts. H.R. 1631, by raising the amount in controversy jurisdiction of the Small Claims Court in the District of Columbia, will relieve the regular trial court of over 5,000 cases each year. Trial courts can then begin to address backlog and delay in more complex civil and criminal caseloads.

Citizens of the District of Columbia are finding that excessive delay and cost often are not worth the price to pay to resolve their disputes in court. That is why consumer groups support this bill. The AARP, in supporting H.R. 1631, has said that low-income persons will be able to file cases more easily and get a decision more expeditiously. Skilled mediators will help low-income older persons reach a fair settlement of their cases.

H.R. 1631 is a simple and sensible amendment to the D.C. Code. A similar bill passed the House by voice vote last fall. I urge my colleagues to support H.R. 1631.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have stated many times in the past, H.R. 1631, is a win-win proposition. By increasing the amount of controversy in cases under the jurisdiction of the small claims division of the D.C. Superior Court from

$2,000 to $5,000, this bill will dramatically reduce the number of cases on that court's civil docket.

In these tight times for the District's local judiciary, H.R. 1631 represents one relatively simple way of freeing up valuable judicial resources.

In the 102d Congress, the city's Corporation Counsel and the chief judge of the superior court testified that the effects of this legislation would be dramatic. The most recent estimates show that H.R. 1631 would move approximately 5,000 of the 15,000 cases on the superior court's civil docket to the small claims court—resulting in a 35 percent reduction in the superior court's civil docket.

Mr. Speaker, the House passed the same bill under suspension of the rules by a voice vote at the conclusion of the 102d Congress. Unfortunately, the other body never had time to act on it. I urge my colleagues to join me and make up lost time by passing this important legislation for the District's local judiciary.

Mr. STARK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to strong support of H.R. 1631. H.R. 1631 amends title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the small claims and conciliation branch of the District of Columbia courts from the existing maximum of $2,000 to $5,000.

Mr. Speaker, H.R. 1631 was first introduced last session at the request of the Mayor of the District of Columbia. She regarded this bill as an important part of her anticrime initiative because it will remove a third of the cases now pending in the superior court making room for criminal matters where there is the greatest urgency.

First, the presentation of this item before this body would warrant an apology if this predicament were not of Congress' own doing. The creation of a small claims court is no small matter to the District of Columbia. However, it is too small a matter, indeed an irrelevant matter for a national legislator. I intend to introduce a bill this session concerning jurisdiction over title XI involving civil and criminal court matters. Particularly since the District pays for its own court system and alone knows and thus informs Congress when changes are needed, it is irrational to keep jurisdiction here. We have quite enough to do, Mr. Speaker, without having to decide whether to increase the maximum amount in controversy permitted for cases in the District's small claims court from $2,000 to $5,000. Chief Judge Fred B. Ugast has also asked that this change be sought because it would allow the court "* * * to free-up judicial resources to be devoted to other areas of the count's docket." The most prominent area of the courts docket that would be effected, of course is the felony case docket. The pending felony caseload was 3,700 cases at the start of this session of Congress. A total of 5,154 cases filed in superior court in 1991 would have been filed in small claims court had H.R. 1631 been in effect.

Mr. Speaker, it is not often that a small change can have such a large effect. There is the obvious effect: greater efficiency and greatly reduced cost of processing small cases through a user-friendly forum where lawyers are not necessary. For residents, for example, the filing fee is either $5 or $10 compared to $120 for the civil division of the superior court. There are no pleadings, just appearances where matters are quickly resolved.

At the same time, it is impossible to overemphasize the effect a small claims court will have a speedy justice and deterrence of crime. We still know far too little about deterring criminals. We do know, however, from past experience that bringing accused persons quickly to trial has a deterrent effect on crime.

Mr. Speaker, citizens in the District led by Rev. Lee Owens of the Greater Mount Zion Baptist conducted a 72-hour campaign against crime this past weekend. This initiative of our clergy was another demonstration of citizen leadership to reduce homicides and other crimes in the District. H.R. 1631, by making room for criminal matters, is an appropriate official initiative.

Mr. Speaker, H.R. 1631 is noncontroversial in nature and is supported by the members of the minority. I urge passage of H.R. 1631.

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Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. STARK] that the House suspend the rules and pass the bill, H.R. 1631.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## REMOVING GENDER-SPECIFIC REFERENCES IN DISTRICT OF COLUMBIA CODE

Mr. STARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1632) to amend title 11, District of Columbia Code, to remove gender-specific references, as amended.

The Clerk read as follows:

H.R. 1632

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. REMOVAL OF GENDER-SPECIFIC REFERENCES IN TITLE 11, D.C. CODE.***

*(a) REFERENCES IN SECTION.—Whenever in this section an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of title 11, District of Columbia Code.*

*(b) REMOVAL OF REFERENCES.—Title 11, District of Columbia Code is amended as follows:*

*(1) Section 11–703(b) is amended by striking "during his service" and inserting "while serving".*

*(2) Section 11–705(d) is amended by striking "if he sat" and inserting "if the judge sat".*

*(3) Section 11–706(a) is amended by striking "his duties" each place it appears and inserting "the chief judge's duties".*

*(4) Section 11–706(b) is amended by striking "his successor" and inserting "the chief judge's successor".*

*(5) Section 11–709(2) is amended by striking "he attended" and inserting "the judge attended".*

*(6) Section 11–709(3) is amended by striking "his attendance" and inserting "the judge's attendance".*

*(7) Section 11–721(d) is amended by striking "he shall so state" and inserting "the judge shall so state".*

*(8) Section 11–744 is amended—*

*(A) in the first sentence, by striking "he" and inserting "the chief judge"; and*

*(B) in the second sentence, by striking "He" and inserting "The chief judge".*

*(9) Section 11–904(b) is amended by striking "during his service" and inserting "while serving".*

*(10) The second sentence of section 11–906(a) is amended to read as follows: "The chief judge shall attend to the discharge of the duties pertaining to the office of chief judge and perform such additional judicial work as the chief judge is able to perform.".*

*(11) Section 11–906(b) is amended by striking "He" and inserting "The chief judge".*

*(12) Section 11–907(a) is amended by striking "his duties" each place it appears and inserting "the chief judge's duties".*

*(13) Section 11–907(b) is amended by striking "his" and inserting "a".*

*(14) Section 11–908(a) is amended by striking "he is".*

*(15) Section 11–909(b)(2) is amended by striking "he" and inserting "the judge".*

*(16) Section 11–909(b)(3) is amended by striking "his" and inserting "the judge's".*

*(17) The third sentence of section 11–1322 is amended by striking "his salary" and inserting "that person's salary".*

*(18) Section 11–1501(a) is amended by striking "He" and inserting "The President".*

*(19) Section 11–1501(b) is amended—*

*(A) in the matter preceding paragraph (1), by striking "he" and inserting "that person"; and*

*(B) in paragraphs (2), (3), and (4), and in the last sentence, by striking "his" each place it appears.*

*(20) Section 11–1502 is amended by striking "his" and inserting "the judge's".*

*(21) Section 11–1503(a) is amended—*

*(A) in the first sentence, by striking "his successor" and inserting "a successor";*

*(B) in the second sentence, by striking "He" and inserting "The chief judge"; and*

*(C) in the third sentence, by striking "A judge may relinquish his position as chief judge" and inserting "The chief judge may relinquish that position".*

*(22) Section 11–1503(b) is amended by striking "he" and inserting "that person".*

*(23) Section 11–1505(a) is amended by striking "his" and inserting "the judge's".*

*(24) Section 11–1505(b) is amended by striking "judicial manpower in the court under his supervision" and inserting "judicial personnel in the court under the chief judge's supervision".*

*(25) Section 11–1522(a)(1)(A) is amended by striking "his".*

*(26) The last sentence of section 11–1522(a) is amended by striking "Chairman of the Commission one of his appointees" and inserting "Chair of the Commission one of the members appointed pursuant to paragraph (1)".*

*(27) Section 11–1522(b)(1) is amended by striking "his".*

*(28) Section 11–1523(b) is amended by striking "his predecessor" and inserting "that member's predecessor".*

*(29) Section 11–1523(c) is amended—*

*(A) by striking "his term" each place it appears and inserting "that member's term"; and*

*(B) by striking "his successor" and inserting "that member's successor".*

*(30) Section 11–1525(d) is amended by striking "Chairman" and inserting "Chair".*

*(31) Section 11–1526(b) is amended by striking "his" and inserting "the judge's".*

*(32) Section 11–1526(c)(1)(A) is amended by striking "his".*

*(33) The last sentence of section 11–1526(c)(1) is amended by striking "recover his salary and all rights and privileges of his office." and inserting "recover salary and all rights and privileges pertaining to the judge's office.".*

*(34) Section 11–1526(c)(2) is amended—*

*(A) in the first sentence, by striking "he" and inserting "the judge"; and*

*(B) in the third sentence, by striking "his" the first place it appears and inserting "the judge's", and by striking "his" the second place it appears.*

*(35) Section 11–1526(c)(3) is amended by striking "his" each place it appears.*

*(36) Section 11–1527(a)(1) is amended by striking "of his court" and inserting "of the court in which the judge serves".*

*(37) Section 11–1527(a)(2) is amended—*

*(A) by striking "He" each place it appears and inserting "The judge";*

*(B) in the second sentence, by striking "his" and inserting "the judge's";*

*(C) in the third sentence, by striking "his" and inserting "his or her"; and*

*(D) in the third sentence, by striking "him" and inserting "the judge".*

*(38) The fourth sentence of section 11–1527(a)(3) is amended by striking "of his court" and inserting "of the court in which the judge serves".*

*(39) Section 11–1527(c)(2) is amended by striking "his privilege" each place it appears and inserting "the witness's privilege".*

*(40) Section 11–1527(c)(3) is amended by striking "him" and "he" each place either appears and inserting "that person".*

*(41) Section 11–1527(e) is amended by striking "his".*

*(42) Section 11–1528(b) is amended—*

*(A) by striking "he" and inserting "the judge"; and*

*(B) by striking "his" and inserting "the judge's".*

*(43) Section 11–1530(a) is amended by striking "his" and inserting "the judge's".*

*(44) Section 11–1530(a)(1) is amended by striking "his" each place it appears and inserting "the judge's".*

*(45) Section 11–1530(a)(2) is amended by striking "he" and inserting "the judge".*

*(46) Section 11–1530(a)(3) is amended by striking "him or by him and his" and inserting "the judge or by the judge and the judge's".*

*(47) Section 11–1530(a)(4) is amended—*

*(A) by striking "him" and inserting "the judge"; and*

*(B) by striking "his" each place it appears and inserting "the judge's".*

*(48) Section 11–1530(a)(5) is amended by striking "he" each place it appears and inserting "the judge".*

*(49) Section 11–1530(a)(6) is amended by striking "he" and inserting "the judge".*

*(50) Section 11–1530(a)(7) is amended by striking "him" and inserting "the judge".*

*(51) Section 11–1561(8)(C) is amended by striking "he" each place it appears and inserting "the child".*

*(52) Section 11–1561(9)(C) is amended by striking "he" and inserting "the judge".*

*(53) Section 11–1561(10)(C) is amended by striking "he" and inserting "the judge".*

*(54) Section 11–1562 is amended by striking "he" each place it appears in subsections (a) and (b) and inserting "the judge".*

*(55) Section 11–1563 is amended—*

*(A) by striking "his" each place it appears in subsections (a) and (b) and inserting "the judge's"; and*

*(B) by striking "he" and "him" each place either appears in such subsections and inserting "the judge".*

*(56) Section 11–1563(c) is amended by striking "he" each place it appears and inserting "the judge".*

*(57) Section 11–1563(d) is amended—*

*(A) by striking "bring himself" and inserting "be"; and*

*(B) by striking "him" and inserting "the judge".*

*(58) The first sentence of section 11–1564(a) is amended by striking "his" each place it appears and inserting "the judge's".*

*(59) The second sentence of section 11–1564(a) is amended—*

*(A) by striking "his" each place it appears; and*

*(B) by striking "he" and inserting "the judge".*

*(60) The third sentence of section 11–1564(a) is amended by striking "his" and inserting "the judge's".*

*(61) Section 11–1564(b) is amended by striking "his" and inserting "the judge's".*

*(62) Section 11–1564(c) is amended—*

*(A) by striking "he" and inserting "the judge";*

*(B) by striking "his" the first two places it appears;*

*(C) by striking "his" the third place it appears and inserting "the judge's"; and*

*(D) by striking "his" the fourth place it appears.*

*(63) Section 11–1564(d)(1) is amended by striking "his" and inserting "the judge's".*

*(64) Section 11–1564(d)(2)(A) is amended by striking "he" each place it appears and inserting "the judge".*

*(65) Section 11–1564(d)(2)(C) is amended by striking "his".*

*(66) Section 11–1564(d)(4) is amended by striking "his" and inserting "the judge's".*

*(67) Section 11–1564(d)(7) is amended—*

*(A) by striking "him" and inserting "the judge"; and*

*(B) by striking "his" each place it appears and inserting "the judge's".*

*(68) Section 11–1564(e) is amended—*

*(A) by striking "his"; and*

*(B) by striking "he" and inserting "the judge".*

*(69) Section 11–1566(a) is amended—*

*(A) by striking "he" each place it appears and inserting "the judge"; and*

*(B) by striking "bring himself" and inserting "elect to be".*

*(70) Section 11–1566(b) is amended—*

*(A) in paragraph (1), by striking "his" and inserting "the judge's";*

*(B) in paragraph (2), by striking "him" and inserting "the judge"; and*

*(C) in the second sentence, by striking "Commissioner" and inserting "Mayor".*

*(71) Section 11–1566(c) is amended by striking "he" and inserting "the judge".*

*(72) Section 11–1567(a) is amended—*

*(A) by striking "Commissioner" and inserting "Mayor";*

*(B) by striking "his" and inserting "the judge's"; and*

*(C) by striking "he or his" and inserting "the judge or the judge's".*

*(73) Section 11–1567(b) is amended—*

*(A) by striking "he" and inserting "the judge";*

*(B) by striking "Commissioner" each place it appears and inserting "Mayor"; and*

*(C) by striking "his" each place it appears and inserting "the judge's".*

*(74) Section 11–1568(a) is amended by striking "his" each place it appears and inserting "the judge's".*

*(75) The third sentence from the end of section 11–1568(c) is amended by striking "his death or marriage or his ceasing" and inserting "the child's death or marriage or ceasing".*

*(76) Section 11–1568(d) is amended—*

*(A) by striking "Commissioner" and inserting "Mayor"; and*

*(B) by striking "he" and inserting "the Mayor".*

*(77) Section 11–1569 is amended by striking "Commissioner" each place it appears and inserting "Mayor".*

*(78) Section 11–1569(b) Sixth is amended by striking "his" and inserting "the judge's".*

*(79) Section 11–1569(e) is amended by striking "his" and inserting "the claimant's".*

*(80) Section 11–1701(a) is amended by striking "Chairman" and inserting "Chair".*

*(81) Section 11–1702 is amended by striking "him" in subsections (a) and (b) and inserting "the Chief Judge".*

*(82) Section 11–1703(a) is amended by striking "He" each place it appears and inserting "The Executive Officer".*

*(83) Section 11–1704 is amended by striking "his" each place it appears and inserting "that".*

*(84) Section 11–1721 is amended by striking "him" and inserting "the clerk".*

*(85) Section 11–1722 is amended by striking "he" each place it appears and inserting "the Director".*

*(86) Section 11–1723(b) is amended by striking "his" and inserting "that".*

*(87) Section 11–1724 is amended—*

*(A) in the second sentence, by striking "his" and inserting "that"; and*

*(B) in the third sentence, by striking "him" and inserting "the chief judge".*

*(88) Section 11–1727(b) is amended—*

*(A) in the third sentence, by striking "he" and inserting "the Executive Officer"; and*

*(B) in the fourth sentence, by striking "his" and inserting "the judge's".*

*(89) Section 11–1730(b) is amended by striking "he" and inserting "the Executive Officer".*

*(90) Section 11–1741(4) and (7) are amended by striking "his" and inserting "the Executive Officer's".*

*(91) Section 11–1741(9) is amended by striking "him" and inserting "the Executive Officer".*

*(92) Section 11–1743(b) is amended by striking "his" and inserting "the President's".*

*(93) Section 11–1744(5) is amended by striking "him" and inserting "the Executive Officer".*

*(94) Section 11–1745(b) is amended—*

*(A) by striking "he" and inserting "the Executive Officer"; and*

*(B) in paragraph (2), by striking "Commissioner" and inserting "Mayor".*

*(95) Section 11–1747 is amended by striking "him" and inserting "the Executive Officer".*

*(96) Section 11–2102(a) is amended—*

*(A) by striking "his office" each place it appears and inserting "the office"; and*

*(B) in paragraph (2)(B), by striking "him" and inserting "the Register of Wills".*

*(97) Section 11–2102(b) is amended—*

*(A) by striking "he" and inserting "that person"; and*

*(B) in paragraph (2), by striking "his".*

*(98) Section 11–2104 is amended by striking "him" in subsections (a)(2) and (b)(2) and inserting "the Register of Wills".*

*(99) Section 11–2104(b)(6) is amended by striking "his" each place it appears and inserting "the Register's".*

*(100) Section 11–2104(c)(2) is amended—*

*(A) by striking "his" the first place it appears; and*

*(B) by striking "his" the second place it appears and inserting "the".*

*(101) Section 11–2104(d) is amended by striking "his" and inserting "the Register's".*

*(102) Section 11–2104(e) is amended by striking "him" and "he" and inserting "the Register of Wills".*

*(103) Section 11–2303 is amended by striking "his" in subsections (a) and (b) and inserting "those".*

*(104) Section 11–2306(a) is amended by striking "he" and inserting "the medical examiner".*

*(105) Section 11–2306(c) is amended by striking "his".*

*(106) The first sentence of section 11–2307(a) is amended by striking "his".*

*(107) The second sentence of section 11–2307(a) is amended by striking "his" and inserting "the pathologist's".*

*(108) Section 11–2308(a) is amended by striking "he" and inserting "the medical examiner".*

*(109) Section 11–2309(b) is amended—*

*(A) by striking "Commissioner of the District of Columbia or his" and inserting "the Mayor of the District of Columbia or the Mayor's"; and*

*(B) by striking "his assistants" and inserting "the United States Attorney's assistants".*

*(110) Section 11–2309(c) is amended by striking "he" each place it appears and inserting "such person".*

*(111) Section 11–2311 is amended by striking "his" and inserting "his or her".*

*(112) Section 11–2502 is amended by striking "his" and inserting "such person's".*

*(113) Section 11–2503(a) is amended by striking "he" and inserting "such person".*

*(114) Section 11–2503(b) is amended by striking "him" each place it appears and inserting "that member".*

*(115) Section 11–2504 is amended by striking "him" and inserting "that attorney".*

*(116) Section 11–2601(1) is amended by striking "case which he" and inserting "case in which such person".*

*(117) The second sentence of section 11–2602 is amended—*

*(A) by striking "he" the first place it appears and inserting "he or she"; and*

*(B) by striking "him if he is" and inserting "the defendant or respondent if such person is".*

*(118)-The third sentence of section 11–2602 is amended by striking "him" and inserting "that person".*

*(119) The sixth sentence of section 11–2602 is amended—*

*(A) by striking "him if he is" and inserting "the defendant or respondent if such person is"; and*

*(B) by striking "he may" and inserting "such person may".*

*(120) Section 11–2603 is amended—*

*(A) by striking "his" and inserting "such person's"; and*

*(B) by striking "he" and inserting "such person".*

*(121) Section 11–2604(f) is amended by striking "he" and inserting "such person".*

*(122) Section 11–2605(c) is amended by striking "him" and inserting "such person".*

*(123) Section 11–2607 is amended—*

*(A) by striking "Commissioner" and inserting "Mayor"; and*

*(B) by striking "his" and inserting "the Mayor's".*

### *SEC. 2. REMOVAL OF GENDER-SPECIFIC REFERENCES IN PROVISIONS OF DISTRICT CHARTER RELATING TO JUDICIARY.*

*(a) REFERENCES IN SECTION.—Whenever in this section an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the District of Columbia Self-Government and Governmental Reorganization Act.*

*(b) REMOVAL OF REFERENCES.—The District of Columbia Self-Government and Governmental Reorganization Act is amended as follows:*

*(1) Section 431(b) is amended—*

*(A) by striking "his successor" and inserting "a successor";*

*(B) by striking "his term" and inserting "the term"; and*

*(C) by striking "He" and inserting "An individual".*

*(2) Section 431(c) is amended by striking "his successor" and inserting "a successor".*

*(3) Section 431(e) is amended—*

*(A) in paragraph (1)—*

*(i) in the matter preceding subparagraph (A), by striking "he—" and inserting "such person—", and*

*(ii) in subparagraph (B), by striking "his appointment" and inserting "appointment";*

*(B) in paragraph (2)—*

*(i) by striking "is which" and inserting "in which", and*

*(ii) by striking "his predecessor" and inserting "such person's predecessor"; and*

*(C) in paragraph (3)(B), by striking "or whom" and inserting "of whom".*

*(4) Section 432(b) is amended by striking "his judicial duties" and inserting "judicial duties".*

*(5) Section 432(c) is amended—*

*(A) in paragraph (1)—*

*(i) in subparagraph (A)(i), by striking "his conviction" and inserting "conviction", and*

*(ii) in the matter following subparagraph (B), by striking "his salary" and all that follows and inserting "any salary and all other rights and privileges of office.";*

*(B) in paragraph (2)—*

*(i) by striking "as he may be entitled" and inserting "as the judge may be entitled",*

*(ii) by striking "his judicial salary" and inserting "judicial salary", and*

*(iii) by striking "his office" and inserting "office"; and*

*(C) in paragraph (3)—*

*(i) in the matter preceding subparagraph (A), by striking "his judicial duties" and inserting "the judge's judicial duties", and*

*(ii) in subparagraph (A), by striking "his suspension" and inserting "such suspension".*

*(6) Section 433(a) is amended by striking "to him".*

*(7) Section 433(b) is amended—*

*(A) in the matter preceding paragraph (1), by striking "he—" and inserting "the person—";*

*(B) by striking "his nomination" each place it appears and inserting "the nomination"; and*

*(C) in paragraph (3), by striking "as long as he serves" and inserting "while serving".*

*(8) Section 433(c) is amended—*

*(A) by striking "his term" the first place it appears and inserting "the judge's term";*

*(B) by striking "his term" the second place it appears and inserting "the term";*

*(C) by striking "his present" and inserting "the present";*

*(D) by striking "his fitness" and inserting "the candidate's fitness"; and*

*(E) by striking "he shall nominate" and inserting "the President shall nominate".*

*(9) Section 434(b) is amended—*

*(A) in paragraph (1) in the matter preceding subparagraph (A), by striking "he—" and inserting "the person—";*

*(B) in paragraph (1)(B), by striking "his appointment" and inserting "appointment"; and*

*(C) in paragraph (2), by striking "his predecessor" and inserting "such person's predecessor".*

*(10) Section 434(d) is amended—*

*(A) in paragraph (1) in the fourth sentence, by striking "to him" and inserting "to the President"; and*

*(B) in paragraph (2), by striking "his recommendation" and inserting "the recommendation".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. STARK] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. STARK].

### GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1632.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1632 makes no substantive changes in the law, but removes the gender-biased language in the D.C. Code sections which govern the court system for the District of Columbia. Congress has reserved for itself the authority to amend those sections.

Mr. Speaker, as my colleagues are aware, not too many years ago service as a lawyer or judge in our country was confined almost exclusively to men. Statutes and court rules were written in the context of an almost male-only environment.

In fact, in the 1950's, when Ruth Bader Ginsburg, President Clinton's nominee for the Supreme Court, was a student at Harvard Law School, she was one of only 9 women in a class of 400. Circumstances have changed dramatically. Today, women make up more than 40 percent of the 35,000 graduates of our Nation's law schools each year.

Many States have already taken action to do what H.R. 1632 proposes for the District of Columbia. In my own State of California, in 1991, the judicial council adopted a rule of court requiring the use of gender-neutral language in all rules, forms, documents, and jury instructions.

H.R. 1632 is an important and progressive step to improve the statutes of the Nation's Capital. A similar bill passed the House by voice vote in the 102d Congress. I urge support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1632 is noncontroversial and has the support of the entire District of Columbia Committee and locally elected officials. This bill amends title 11 of the D.C. Code, the title which organizes the District courts, to remove gender specific references.

Mr. Speaker, section 602(a) of the Home Rule Act prevents the Mayor and the D.C. Council from legislating with respect to title 11, so Congress must take this action.

The D.C. Code accommodates gender neutrality with its gender rule of construction, stating that "all the words * * * importing one gender [shall] include and apply to the other gender as well." If the District leaders in Congress and the locally elected officials wish to make this title of the D.C. Code gender-neutral, Congress should not stand in the way.

Mr. Speaker, the Congressional Budget Office estimates that there will be no new or additional costs associated with printing and distributing the amended version of the D.C. Code. As I have mentioned, this bill passed the full committee unanimously and enjoys support at the local level.

Mr. Speaker, this bill, like H.R. 1631, passed the House by voice vote in the 102d Congress, but was not acted upon in the other body. I urge my colleagues to join me in support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise in strong support of H.R. 1632. H.R. 1632 amends title 11 of the District of Columbia Code, on the organization and jurisdiction of the District of Columbia courts, to remove gender-specific references to judges and other officials and substitute gender-neutral terms. The bill makes no substantive changes in title 11.

Mr. Speaker, title 11 of the District of Columbia Code has over 120 provisions referring to judges or other officials always as "he," "his," or "him," in spite of the fact that the courts in the Nation's Capital, as well as around the country, include many women judges and other female officials.

The States are also using gender neutral language. California, Idaho, Ohio, and Washington are but recent examples.

Since it is important to avoid even the appearance of discrimination through the use of language in laws and regulations, we should revise existing laws to make them gender-neutral, as H.R. 1632 does.

Mr. Speaker, the reason that this bill is being considered by Congress, rather than the local council of the District of Columbia, is that Congress, in 1973, in enacting section 602(a)(4) of the District of Columbia Self-Government and Governmental Organization Act, barred the local council from amending title 11. This has left needless work to this body, which I hope we will soon eliminate. Meanwhile, I urge passage of H.R. 1632 today.

Title 11 is the only title which Congress has reserved to its exclusive authority from among the 47 titles of the D.C. Code.

Mr. Speaker, H.R. 1632 is noncontroversial in nature and has the full support of Members on both sides of the aisle. I urge passage of H.R. 1632.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. STARK] that the House suspend the rules and pass the bill, H.R. 1632, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references."

A motion to reconsider was laid on the table.

□ 1250

## A TRIBUTE TO LT. RAQUEL BINI DEL VALLE, GIGI FERNANDEZ, AND DAYANARA TORRES

(Mr. ROMERO-BARCELO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, in recent weeks three of my constituents, three young women from Puerto Rico, have distinguished themselves before the Nation and before the world in an outstanding way.

The first woman combat fighter pilot in the U.S. Navy is a young woman from San Juan. Next month Lt. Raquel Bini del Valle will make naval history as she takes the controls of a combat Orion P-3C. Her courage and determination in serving our Nation makes Puerto Rico proud. She also makes all women throughout the Nation proud.

Another young woman from our island who has distinguished herself both nationally and internationally is Gigi Fernández. Following up on her gold medal for the United States in last year's Olympics, earlier this month Gigi won the doubles championship in Wimbledon.

Finally, Mr. Speaker, I would be remiss if I were not to mention the outstanding achievement of our Miss Puerto Rico 1993, Dayanara Torres, from the town of Toa Alta, who was recently crowned Miss Universe.

Raquel, Gigi, and Dayanara represent the very best in fields as diverse as sports, defense, and beauty contests. They are models of excellence for us and for all the women of America. To them, our recognition and our best wishes for continued success.

## REDUCING SPENDING: THE BEST WAY TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, this week, of course, the prime interest of Congress and perhaps of the country will be on the budget reconciliation bill, on the tax package that is before the Congress, in the effort to bring together the position of the House and the Senate. It is a proper debate. It seems to me it is a debate that all of us ought to be concerned with. We are talking here about the whole question of spending, basically about the size of Government; indeed, the role of Government, what kind of a government we should have, and therefore, what it will cost.

The President, of course, is very anxious to bring forth this package. He is putting forth a full court press as memos for all his members of the Cabinet who will go out and talk about the change that will be brought about. Indeed, there will be a change; a tax bill, the largest tax increase we have had in the history of this country. We talk about a tax reduction in this bill. There is no reduction, of course, in the bill. There will be increased spending this year over last year. One of the most difficult things we have to do as citizens, unfortunately, is to try and decode the message that comes from Washington. A deficit reduction you would think means a reduction in the debt. It does not mean that at all. Indeed, the plan would involve a $1 trillion increase over the next 5 years in the national debt, which is the same as the one we were seeking to get rid of in the last 4 years.

We were talking about cutting spending. There is no cut in spending. Indeed, spending will be increased over the next year, compared to last year.

I want to talk specifically about fuel and the fuel tax. I think there is a legitimate question over whether we have a tax at all. If our purpose is to increase the activities of the economy, then, of course, taxes have never been proven to do that. Taxes do not increase the economy. Indeed, taxes seldom increase the revenue to the Government. Taxes reduce, particularly, income from the wealthy, who find a way to avoid the taxes, and reduce the revenue to the country.

I want to talk specifically about the fuel tax. The first question is the whole question of taxes, whether we really want more taxes or whether we want to cut spending. We have talked about that a lot. It is interesting when we talk to the media, or have someone talk to us from the newspaper, the TV station, about cutting taxes, their eyes get this big around, as if there is no possible way of reducing spending.

We have a $1.5 trillion budget. If we can imagine there are not some places in the Federal budget that could be cut, then I think we live in a kind of fantasy land. The fact is, we really ought to ask ourselves the question of what kind of Government do we expect, how large a government, how intrusive into our lives. What do we expect Government to do? If it is going to be larger, it is going to cost more. That is a pretty simple kind of reasoning.

In any event, we can cut. That is what the people in Wyoming have said to me, that we ought to cut before we can expend more taxes. The fuel tax is an extraordinarily unfair tax. It is unfair in a couple of ways.

One way is that it is regionally unfair. It affects people in rural areas much more than people who live in urban areas. Here is a little resume of how gasoline is utilized. Wyoming happens to be at the top of the list. It talks about States where it is used the least for ground transportation, and States that use the most. Wyoming, gallons per capita, 1,127. Go down to New York, what do you imagine it is? 345. That is not because people choose to use gas, particularly. It is 150 miles from my town to Casper, on up to the fairly large town of Thermopolis, WY.

That is the way it is. We do not have subways to ride from Cheyenne to Lusk. You have to get in the old car, and often it is a four-wheel drive, because you have to plow through the snow in the wintertime. That is the kind of thing that is important, it seems to me.

In addition to that regional impropriety, it is a very regressive kind of tax. If we have to buy gas for the car, it does not matter if you make $100,000 or $20,000 a year, the gas costs the same. It costs the same to go the same length of time, so the percentage of income used by low-income people is much higher than it is for those who have a great deal of money.

The President started out in his campaign vowing not to raise taxes on the middle class, vowing only to raise taxes on those who could afford their share. The fact is this is a terribly regressive tax. The fact is it falls most strenuously on those who can least afford it, and it is, indeed, a conflict with the President's propose to reduce middle-class taxes.

Mr. Speaker, I urge that we find some other way to balance the budget, and that way is to reduce spending.

## PERMISSION TO HAVE UNTIL 5 P.M. TO SUBMIT AMENDMENTS ON H.R. 2010, NATIONAL SERVICE TRUST ACT

Mr. STARK. Mr. Speaker, I ask unanimous consent that Members have until 5 p.m. today to submit for printing in the RECORD amendments to H.R. 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## RULES OF PROCEDURE OF THE JOINT COMMITTEE ON THE LIBRARY

(Mr. ROSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSE. Mr. Speaker, pursuant to the provisions of clause 2(a) of rule XI of the rules of the House, I submit for publication in the CONGRESSIONAL RECORD the rules of procedure adopted by the Joint Committee on the Library for the 103d Congress on June 25, 1993:

### RULES OF PROCEDURE OF THE JOINT COMMITTEE ON THE LIBRARY

(One Hundred Third Congress)

#### RULE NO. 1—GENERAL PROVISIONS

(a) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities.

(b) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee.

(c) The committee shall submit to the Congress, not later than January 2 of each odd-numbered year, a report on the activities of the committee during the Congress ending at noon on January 3 of such year.

#### RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee shall be the first Wednesday of every month when the Congress is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee. The determination of the business to be considered at each meeting shall be made by the chairman. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee the vice chairman shall preside at the meeting.

#### RULE NO. 3—OPEN MEETINGS

Each meeting for the transaction of business of the committee shall be open to the public except when the committee in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, However*, that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

#### RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee.

#### RULE NO. 5—PROXIES

A vote by any member in the committee may be cast by proxy, but such proxy must be in writing and in the hands of the clerk of the committee during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

#### RULE NO. 6—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties the committee is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the Congress is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(a) Compliance with any subpoena issued by the committee under subparagraph (a)(2) may be enforced only as authorized or directed by the Congress.

#### RULE NO. 7—QUORUMS

No measure or recommendation shall be considered unless a quorum of the committee is actually present. For the purposes of taking any action other than issuance of a subpoena, closing meetings, or changing the

Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

### RULE NO. 8—HEARING PROCEDURES

(a) The chairman, in the case of hearing to be conducted by the committee shall make public announcement of the date, place, and subject matter at least 1 week before the commencement of that hearing unless the committee determines that there is a good cause to begin such hearings at an earlier date. In the latter event the chairman shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in hearings shall be initiated by the chairman, followed by the vice chairman and all other members alternating between the chambers.

(d) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the Congress for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (a)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

### RULE NO. 9—OTHER PROCEDURES AND REGULATIONS

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

### RULE NO. 10—DESIGNATION OF CLERK OF THE COMMITTEE

For purposes of these rules the person designated staff director of the committee shall act as the clerk of the committee.

### RULE NO. 11—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

(1) The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

(2) The Chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee to the beginning of each session.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PACKARD (at the request of Mr. MICHEL), from July 15 through August 6, on account of medical reasons.

Mr. UNDERWOOD (at his own request) from July 19 through July 26, on account of official district office commitments, as well as the 49th anniversary of the liberation of Guam events.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. HYDE, for 60 minutes each day, on July 20, 21, and 22.

Mr. INHOFE for 60 minutes each day, on August 3, 4, and 5.

Mr. THOMAS of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. STARK) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STARK) and to include extraneous matter:)

Mr. MARTINEZ.

Mr. SKELTON.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 298. An act to amend title 35, United States Code, with respect to patents on certain processes; to the Committee on the Judiciary.

S. 1174. An act for the relief of Olga D. Zhondetskaya; to the Committee on the Judiciary.

## ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week."

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 20. An act to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

## ADJOURNMENT

Mr. THOMAS of Wyoming. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p.m.), the House adjourned until tomorrow, Tuesday, July 20, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1599. A letter from the Secretary of Housing and Urban Development, transmitting the 1993 Consolidated Annual Report on the community development programs administered by the Department, pursuant to 42 U.S.C. 5313(a); to the Committee on Banking, Finance and Urban Affairs.

1600. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-44, "District of Columbia Unemployment Compensation Comprehensive Improvements Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1601. A letter from the Secretary of Education, transmitting a copy of final regulations—Strengthening Historically Black Colleges and Universities Program and Strengthening Historically Black Graduate Institutions Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1602. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1603. A letter from the Chief Judge, Court of Veterans Appeals, transmitting a report on the maintenance and operation of the Court of Veterans Appeals Retirement Fund, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1604. A letter from the Secretary of Transportation, transmitting a report on the U.S. Coast Guard Military Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1605. A letter from the Administrator, Federal Aviation Administration, transmitting its report on progress in correcting deficiencies in the Airmen and Aircraft Registry System, pursuant to 49 U.S.C. app. 1401 note; to the Committee on Public Works and Transportation.

1606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b); jointly, to the Committees on Appropriations and Foreign Affairs.

1607. A letter from the Deputy Under Secretary of Defense, transmitting a report on DOD's Environmental Compliance Program for fiscal year 1994-95; jointly, to the Committees on Armed Services and Energy and Commerce.

1608. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the status report for the month of May 1993 on the review of 1988-89 FSLIC assistance agreements; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

1609. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

1610. A letter from the General Counsel, Federal Aviation Administration, transmitting copies of the fiscal year 1994 budget requests of the Federal Aviation Administration to the Department, including requests for "Facilities and Equipment" and "Research, Engineering, and Development," pursuant to 49 U.S.C. app. 2205(f); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 631. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; with an amendment (Rept. 103-181). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1964. A bill to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes; with an amendment (Rept. 103-182). Referred to the Committee of the Whole House on the State of the Union.

## SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

*[Submitted July 16, 1993]*

H.R. 2330. Referral to the Committee on Armed Services extended for a period ending not later than July 21, 1993.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself (by request), Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Ms. WATERS, Mr. LAROCCO, Mr. BACCHUS of Florida, Mr. KLEIN, Ms. MALONEY, Mr. DEUTSCH, Mr. GUTIERREZ, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, Mr. WYNN, Mr. FIELDS of Louisiana, Mr. WATT, Mr. HINCHEY, and Mr. KLINK):

H.R. 2666. A bill to facilitate the establishment of community development financial institutions; to the Committee on Banking, Finance and Urban Affairs.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. DOOLITTLE and Mr. PORTER.

H.R. 455: Mr. TOWNS, Mr. KIM, Mr. HASTINGS, Mr. SYNAR, Mr. WYNN, Mr. DREIER, Mr. GLICKMAN, Mr. DELLUMS, and Mr. FILNER.

H.R. 725: Mr. MCDERMOTT.

H.R. 726: Ms. NORTON.

H.R. 911: Mr. DELAY and Mr. PARKER.

H.R. 967: Mr. BALLENGER and Mr. CARR.

H.R. 1059: Mr. HASTERT.

H.R. 1481: Mr. FAWELL.

H.R. 1492: Mr. STUDDS.

H.R. 1534: Mrs. UNSOELD and Mr. HOAGLAND.

H.R. 1608: Mr. GONZALEZ, Mr. LAROCCO, Mr. NEAL of Massachusetts, Mr. ROSE, Mr. SHARP, and Mr. TORRICELLI.

H.R. 1738: Mr. POMBO.

H.R. 1957: Mrs. MEYERS of Kansas.

H.R. 2043: Mr. LANTOS, Mr. HAMBURG, Mr. WYNN, Mr. DIXON, and Mr. ANDREWS of New Jersey.

H.R. 2241: Mr. BAESLER, Mr. CHAPMAN, and Mr. PARKER.

H.R. 2338: Mr. RANGEL, Mr. FROST, Mr. ENGEL, and Mr. PARKER.

H.R. 2415: Mr. ARMEY, Mr. GINGRICH, Mr. MCCOLLUM, Mr. EWING, and Mr. BUNNING.

H.R. 2523: Mrs. LLOYD.

H.R. 2575: Mr. STUMP, Mr. PACKARD, and Mr. MCCANDLESS.

H.R. 2579: Mr. BROWN of California, Mr. CLAY, Mr. EVANS, and Mr. SPRATT.

H.R. 2599: Mr. KREIDLER, Mr. RICHARDSON, Mr. SWIFT, Ms. DUNN, Mr. FISH, Mr. LEVY, Mr. BUNNING, Ms. MALONEY, Mr. MCDERMOTT, and Mr. RAVENEL.

H.J. Res. 139: Mr. PRICE of North Carolina and Mr. MENENDEZ.

H.J. Res. 155: Mr. PORTER, Ms. THURMAN, Mr. ABERCROMBIE, Mrs. BENTLEY, Mr. BORSKI, Mr. BONIOR, Mr. BALLENGER, Mr. CARDIN, Mr. CLYBURN, Mr. BAESLER, Mr. WALKER, Mr. DINGELL, Mr. EMERSON, Mr. QUINN, Mr. GONZALEZ, and Mr. BACCHUS of Florida.

H.J. Res. 208: Mr. FRANK of Massachusetts and Mr. DIAZ-BALART.

H. Res. 154: Mr. CONDIT.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 2010

By Mr. BAKER of California:

—Page 182, strike lines 3 through 5, and insert the following new section (and conform the table of contents accordingly):

**SEC. 112. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.**

(a) PROHIBITION.—Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is amended to read as follows:

**"SEC. 102. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.**

"(a) PROHIBITION.—Except as provided in subsection (b), the Corporation may not make assistance available under this Act to a national service program that provides services directly to persons and is carried out by a Federal agency, State, subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education or provide for the placement of volunteers under the Domestic Volunteer Service Act of 1973 with a public or nonprofit private organization that provides services directly to persons unless the program to receive the assistance or the organization to receive the placement has a written policy that prohibits the delivery of services to aliens who are not in lawful immigration status in the United States. In the case of a public or private nonprofit organization covered by this subsection, the written policy must apply with respect to all service programs conducted by the organization whether or not a particular program receives assistance or a volunteer placement.

"(b) EXCEPTION.—Subsection (a) shall not prohibit the delivery of emergency services to aliens who are not in lawful immigration status in the United States or educational services required by law to be provided to such aliens if the emergency or educational services are provided by a program or organization that has a written policy of reporting the presence of such aliens to the Immigration and Naturalization Service.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 102 of such Act and inserting the following:

"Sec. 102. Prohibition on services for illegal aliens.".

By Mr. DELAY:

—Page 182, strike line 6 and all that follows until line 17 on page 183, and insert the following:

**SEC. 113. LIMITATION ON NUMBER OF GRANTS.**

(a) REPEAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is repealed.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act.

—Page 183, line 11, strike the close quotation marks and the final period.

Page 183, after line 11, insert the following:

"(c) TREATMENT OF ABSENCE.—The period of any absence of a participant from a service position pursuant to title I of the Family and Medical Leave Act of 1993 or subchapter V of chapter 63 of title 5, United States Code, shall not be counted toward the completion of the term of service of the participant under section 139 of this Act.".

By Mr. GINGRICH:

—Page 51, line 22, insert after "subsection (c)(6)" the following: "in which the average family income, in relation to family size, is equal to or less than 125 percent of the official poverty line (as defined by the Office of Management and Budget and revised in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))".

—Page 245, after line 16, insert the following new section (and conform the table of contents accordingly):

### SEC. 204. ACTIONS UNDER THE NATIONAL SERVICE LAWS TO BE SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS.

No action involving the obligation or expenditure of funds may be taken under a national service law (as defined in section 101(14) of the National and Community Service Act of 1990 (42 U.S.C. 12511(14)) unless and until the Corporation for National Service has sufficient appropriations available at the time such action is taken to satisfy the obligation to be incurred or make the expenditure to be made.

—Page 272, beginning line 1, strike section 372 of the bill (and conform the table of contents accordingly).

—Page 52, line 5, strike "(f)" and insert in lieu thereof the following:

(f) EMPHASIS ON SUPPORT OF LAW ENFORCEMENT.—In addition to the emphasis specified in subsection (e), in making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall also ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects related to or in support of law enforcement.

"(g)

By Mr. MINETA:

—Page 232, line 2, strike the closing quotation marks and the final period.

Page 232, after line 2, insert the following new section (and conform the table of contents accordingly):

### "SEC. 196A. LIMITATION ON AUTHORITY TO TAKE CERTAIN ACTIONS.

"Notwithstanding any other provision of law, the Corporation or the Chairperson, as the case may be, shall not—

"(1) allocate, expend, or transfer to any other Federal agency funds made available under this Act for construction, repairs, or capital improvements;

"(2) enter into a lease for real property; or

"(3) dispose of surplus real property;

without receiving prior concurrence from the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.".

By Mr. PORTER:

—Page 30, after line 6, add the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

—At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

## TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

### SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with non-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

### SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

### SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the national and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts of omissions of its volunteers to the same extent as an employer is liable, under the laws of the State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

### SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such terms includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

By Mr. SOLOMON:

—Page 247, line 3, strike the close quotation marks and the final period.

—Page 247, after line 3, insert the following new subsection:

"(d) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services."

—Page 284, after line 4, insert the following new paragraph:

"(5) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services.

By Mr. VENTO:

—Page 157, line 16, insert after the period the following: "The Secretaries may also authorize appropriate conservation projects and other appropriate projects to be carried out on federal, state, local or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)".

# EXTENSIONS OF REMARKS

## FINANCIAL DISCLOSURE FOR 1992

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 19, 1993*

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year in which I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial disclosure statements in May of each year, I also continue to file this more detailed family financial report as I have since 1971. In this way, my constituents are kept fully and completely informed concerning my financial status and that of my family.

*Romano L. and Helen D. Mazzoli income—Calendar year 1992*

| | |
|---|---|
| Salaries and fees: | |
| U.S. House of Representatives (R.L. Mazzoli) ... | $122,676.74 |
| Alexandria Drafting Co. (Helen Mazzoli) ............ | 29,501.11 |
| Weichert-Mount Vernon Real Estate Co. (spouse referral fees less expenses) ........................ | −80.00 |
| Total, salaries and fees ......................... | 152,097.85 |
| Interest, dividends, rents, and distributions: | |
| Congressional Federal Credit Union: | |
| No. 62976–0 (member/savings) ...................... | 1.24 |
| No. 62976–1 (member/checking) ................... | 75.03 |
| No. 84720–0 (spouse/savings) ........................... | 52.37 |
| No. 84720–1 (spouse/checking) ................... | 220.58 |
| Congressional Federal Credit Union certificates of deposit (spouse): | |
| No. 25778 ........................ | 171.38 |
| No. 25779 ........................ | 279.48 |
| Interest on matured certificates of deposit (spouse): | |
| No. 21128 (matured 11/15/92) ........................... | 197.62 |
| No. 23972 (matured 11/15/92) ........................... | 89.54 |
| The Cumberland Savings Bank ........................... | |
| No. 01–000–001–00610155499 (spouse/savings) (closed, January 1992) .. | .07 |
| First National Bank and Trust Co.: No. 427–5518–4 (joint/special account) ......................... | 11.80 |
| Liberty National Bank and Trust Co.: No. 00922668 (member checking) .................... | 335.17 |
| Liberty National Bank and Trust Co.: Certificate No. 01–024–0064989 (spouse) ...................... | 466.20 |
| U.S. savings bonds series E (member) .................. | 201.13 |
| U.S. Treasury bills (spouse): | |
| No. 912794YW8 ............. | 198.70 |
| No. 912794YZ1 .............. | 195.10 |
| No. 912794ZR8 .............. | 191.10 |
| Interest on matured U.S. Treasury bills: | |
| No. 912794XX7 .......... | 287.70 |
| No. 912794YK4 ........... | 258.30 |
| No. 912794YMO .......... | 242.70 |
| Liberty National Bank & Trust Co.: | |
| IRA No. 01527329 (spouse) ..................... | 1,705.71 |
| IRA No. 2905081232 (member) .................. | 1,724.79 |
| Massachusetts Mutual Life Ins. Co.: Profit sharing plan (spouse) ... | 94.75 |
| Civil Service retirement system voluntary contribution program No. 37943VC (member) ........ | 1,071.57 |
| Federal employee thrift savings plan (401–k) (member) ...................... | 1,179.46 |
| Rental property (jointly-held): 929 Parkway Dr., Louisville, KY 40217, rent and interest less expenses ...................... | 291.95 |
| Total: interest, dividends, rents, distributions .............. | 9,543.44 |
| Total income ........... | 161,641.29 |

*Statement of financial worth Dec. 31, 1992*

| | |
|---|---|
| Cash, stock, bonds, and certificates of deposit: | |
| Congressional Federal Credit Union: | |
| No. 62976–0 (member/savings) ................... | $27.98 |
| No. 62976–1 (member/checking) .................. | 1,027.18 |
| No. 84720–0 (spouse/savings) ........................ | 1,617.23 |
| No. 84720–1 (spouse/checking) .................. | 6,711.31 |
| Congressional Federal Credit Union certificates of deposit (spouse): | |
| No. 25778 ..................... | 2,743.48 |
| No. 25779 ..................... | 4,474.21 |
| First National Bank and Trust Co. No. 427–5518–4 (joint/special account) | 316.46 |
| Liberty National Bank & Trust Co. No. 00922668 (member/checking) ...... | 9,048.06 |
| Liberty National Bank & Trust Co. certificate No. 01–02400064989 (spouse) ...................... | 6,531.22 |
| U.S. savings bonds series E (member) .................. | 3,029.56 |
| U.S. Treasury bills (spouse): | |
| No. 912794YW8 ............. | 10,000.00 |
| No. 912794YZ1 .............. | 10,000.00 |
| No. 912794ZR8 .............. | 10,000.00 |
| Massachusetts Mutual Life Insurance Co. Profit sharing plan (spouse) ...................... | 7,085.03 |
| Total cash, stock, bonds, and certificates of deposit ...... | 72,611.72 |
| Retirement funds/individual retirement accounts: | |
| Liberty National Bank & Trust Co.: IRA No. 01527329 (spouse) .......... | 23,105.78 |
| Liberty National Bank & Trust IRA: IRA No. 2905081232 (member) ..... | 20,726.77 |
| Civil Service retirement system contributions since 1971 (member) ..... | 85,806.64 |
| Civil Service retirement system voluntary contribution program No. 37943VC (member) ........ | 26,250.00 |
| Federal employee (401–k): Thrift savings plan (member) .................... | 36,435.72 |
| Total retirement/individual retirement accounts ................ | 192,324.91 |
| Real estate: | |
| Rental/Investment (jointly-held): 929 Parkway Drive, Louisville, KY 40217. Sold on Feb. 12, 1992 for $42,000. Originally purchased on 9/24/87 for $45,000: | |
| Personal (jointly-held): | |
| 939 Ardmore Drive, Louisville, KY 40217: (assessed value, $69,020.00; less mortgage, 1,507.47) ........... | 67,512.53 |
| 1030 Anderson Street, Alexandria, VA 22312 (assessed value, $183,900,00; less mortgage, $32,156.38) ........ | 151,743.62 |
| Total real estate .... | 219,256.15 |
| Automobiles: | |
| 1965 Rambler (assessed value) ......................... | 266.00 |
| 1973 Chevrolet (assessed value) ......................... | 923.00 |
| 1985 Chevrolet (assessed value) ......................... | 2,122.00 |
| Total automobiles .... | 3,311.00 |
| Household goods and miscellaneous personal property .............................. | 8,000 |
| Net assets ..................... | 495,503.78 |

Transactions: Sold real estate rental property on Feb. 12, 1992 for $42,000: 929 Parkway Drive, Louisville, Kentucky 40217. Property originally purchased Sept. 24, 1987 for $45,000. (Jointly held.)

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

*1992 income tax recapitulation*

| | |
|---|---|
| Total adjusted gross income | $151,982.00 |
| Deductions and exemptions | 37,954.00 |
| Taxable income | 114,028.00 |
| Federal: | |
| Tax withheld | 34,339.00 |
| Tax due | 28,100.00 |
| Refund due | 6,239.00 |
| Kentucky: | |
| Tax withheld | 8,493.00 |
| Estimated tax paid | 1,320.00 |
| Tax due | 6,555.000 |
| Refund due | 3,258.00 |
| Virginia: | |
| Tax withheld | 1,290.00 |
| Tax due | 818.00 |
| Refund due | 472.00 |
| Occupational tax, Louisville and Jefferson County, KY: Tax paid (for previous year) | 1,459.00 |

## RETIREMENT OF FATHER CLARENCE RYAN

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 19, 1993*

Mr. SKELTON. Mr. Speaker, on June 23, a great member of the Fourth Congressional District retired from a distinguished career in the service of God and fellow man. Father Clarence Ryan has relinquished his duties at the Immaculate Conception Church in Lexington in order to focus his energy on daily physical rehabilitation to complete recovery from a stroke endured last summer.

Father Ryan, convinced as a child to enter seminary school by a parish priest, was ordained in 1956 and has served in Missouri towns such as Liberty, Maryville, Gallatian, and Harrisonville.

He came to Lexington in 1981 and has touched the lives of many in this community. To show gratitude to this outstanding citizen a reception was held in his honor June 27, at Dibbin's Hall, Lexington, MO.

Even though he faces tough challenges ahead, Father Ryan still continues living by his timeless advice to others. He says, "Don't take anything too seriously. * * * There are two sides to every story: one certainly is serious, but always remember that there is another side."

I wish my good friend the very best in years to come.

## THE OPPORTUNITY TO BE BOLD AND INNOVATIVE IS FADING FAST

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 19, 1993*

Mr. MARTINEZ. Mr. Speaker, the longer we debate, the longer the frustration among constituents and some Members of Congress and across the Nation continues to build. I want to take a few minutes today to discuss something that I have shared with the President, his staff, and some of his appointees. There is an opportunity for this administration to take bold innovative action working with local public and private groups and citizens, to begin to address the most pressing needs of our inner cities.

In my view, and it is a view shared by many of my colleagues on both sides of the aisle, no problem in this country is more dangerous to the future well being of our country and our young people than the problem of poverty and hopelessness that exists in the inner cities and poor rural areas of this country.

How can we reverse this malaise—by creating economic opportunities—by putting people to work. To quote someone from another arena, "it is the economy—stupid."

This House has taken up the 1994 appropriation to fund the Labor, Education and Health and Human Services Departments. That appropriation will exceed $263 billion. There are two portions of that appropriation—one that represents an investment in the future and one that represents a payment for the past.

Because of job losses and lack of job creation in the past, one portion of the appropriation goes to provide part of the safety net that the poor and unemployed have come to rely upon so much for their basic necessities. Those funds, while critical to the lives of these men, women and children, represent an unrecoverable outflow of Federal resources.

I support these appropriations because, without that safety net we would have people starving and homeless to a far greater extent than we now experience.

My long-term hope, of course, is that we can take effective action to lessen the need for these outflows, or at least stem the rising tide of that need. That will only come about when the other part of the appropriation, the investment, pays real dividends in putting people to work—getting them off the treadmill of welfare and unemployment insurance payments, and puts them back as productive members of society. That can only happen if we can put these people to work in productive jobs.

The unemployment figures for Los Angeles County approach 10 percent. In some sections of that county, and among some populations within the county, those figures range above 50 percent of the potentially productive work force. Any action that the Federal Government can take or assist others to take in reducing that percentage will mean real growth in the county's stagnating economy and a reversal of those expensive needs faced by local, State and Federal offices in the county—including social services, police, graffiti control, the court system, the school, et cetera.

There are, I am told, 125 separate programs administered by the Federal Government to help unemployed and underemployed persons find and keep jobs. The employment service maintains a number of placement sites around the country that are designed to put people in touch with jobs. I am told that the service has a record of placing one in six of the people it processes. And yet, that figure may be misleading, because, while some State employment services do a very credible job of outreach to unemployed and to employers alike to match those two elements, other local offices do not.

Yet we know that there are jobs out there. Most of those jobs are filled through informal mechanisms—word of mouth advertising. As one who had a small business for a number of years before I entered this career, I can attest to the fact that I was more likely to fill a job because of a referral of the applicant by someone I knew than I was to contact the employment service to find candidates.

So, for the long-term unemployed and for those in the inner city who are just beginning to enter the job market, knowing where the jobs are and accessing those hiring new workers can be the most difficult hurdle to finding a job. For those whose long-term careers have suddenly come to an end, or those who do not understand what their capabilities are and how to market those skills, the second hurdle is to know where to look for a job that fits well.

I believe that the Labor Department is beginning to face those issues and I am told that they will be presenting new program proposals that will be designed to overcome those hurdles.

Yet, the problem is with us now and has been with us for a decade. We cannot wait until those new programs are designed, refined, and digested by the Congress, embodied in authorizing and appropriations legislation and implemented by the Department. We need action now.

Steps, regardless of how small, can and must be taken now. I believe that we have an opportunity to test some of the theories that the Labor Department is considering as part of its developing plan. That is represented by a proposal of the Industry Education Council of California that was initially presented to the Department of Labor last November. That proposal is a 3-year pilot program, at a cost of $2.6 million per year, that would involve three specific types of activities to put hard core unemployed into the active and productive labor market. It includes: First, a free weekly news paper listing jobs not generally listed at employment centers or in the regular news outlets. That paper would appear in the barrios and neighborhoods, would be user friendly and would contain, in addition to the job listings, information on job training and counseling sessions, advertisements for job fairs, and other information useful to those looking for jobs; second, accessible counseling centers to help people analyze their job skills, discuss how to prepare resumes and job applications, how to interview, and where to go to receive job training and assistance; and third, periodic job fairs, under the sponsorship of local and national corporate sponsors, where people who are looking for workers can be put in touch with people looking for work in one central location.

The Industry Education Council of California is a nonprofit locally based organization headquartered in Sacramento, CA. It is comprised of representatives from some of the largest corporations, unions, local government officials, media and social service agencies in the State. It has spent a year developing this program proposal, and over 6 months attempting to get the State and Federal governments to join in this experiment. The Rebuild LA Organization, national veterans organizations and over 30 media outlets in Los Angeles

County are ready to go with this project. Even Gov. Pete Wilson sent a letter of support to the Department of Labor on behalf of the project.

Secretary Reich informed me on July 1, 1993, that the Labor Department would agree to share funding if private sources and the State of California would agree to cofund the program. Of course, the private sector has agreed, to a far greater extent than necessary, to its share of the total costs of the program. The cash cost of the program, for production of newspapers and other materials, printing, delivery et cetera and the costs of job fairs and training. Thus, the projected Federal and State cost for this project is $2.6 million, with $1.3 million coming from the Secretary of Labor and $1.3 million coming from State of California pass through funding. Secretary Reich has advised me that the State has the funds in hand in that $8.4 million of funds for the relief of Los Angeles remains unspent.

The ball is now in Governor Wilson's court, and I should point out that he has already proven that he only cares about looking good—not about doing good for the people of Los Angeles. He signed the letter to Secretary Reich. Then, when his legislature sent him a bill to fund this project, did he—the supporter of the project—sign on the dotted line? He did not. He line-item vetoed the expenditure—not because it was not needed but because it would lessen his flexibility. His flexibility to do what—to continue to do nothing while California's unemployment, driven almost totally by unemployment in Los Angeles, goes up and up every month. His flexibility to continue to wax poetic about how much he cares about the plight of the unemployed while continuing to bluff the voters and ignore those solutions that are real and that will work.

Well—Governor Wilson, your bluff has been called and I, for one, hope you recognize that action can be taken, should be taken, and will be remembered.

Because the State and local governments and the Labor Department have been somewhat slow in reacting to this proposal, I am prepared to introduce legislation that would authorize its funding and to work with fellow Members to see that funds are made available for this as a pilot demonstration, using a small part of the $35 million included in the Labor Department's pilots and demonstrations appropriation. Twenty-eight Members of the California delegation in the House, evenly divided between Republicans and Democrats, have advised the Secretary of Labor of the worthiness and need for funding this proposal.

I have looked into the potential cost benefit of this project. Even if those people who find jobs through this program find them at a level of $7 per hour, which is at the low end range of earnings in Los Angeles County for permanent full time employment, the program only needs to find jobs for 2,400 people to pay for itself in 1 year—considering just the amount of tax revenues generated by those employees. This does not take into account the savings in AFDC, unemployment compensation, Medicaid, WIC, or other Federal or State funded welfare. Nor does it take into account the opportunity gains that accrue from less crime or violence, or other direct and indirect results of long-term unemployment.

I recommend to each of my colleagues that you learn more about this program and how it can be replicated throughout your congressional districts. Once you have had a chance to do that, I suggest you contact appropriate administration officials and seek answers as to when it will be funded and consider cosponsoring my bill.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 20, 1993, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### JULY 21

9:00 a.m.

Armed Services

Business meeting, to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation to authorize funds for programs of the Hazardous Materials Transportation Act.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Small Business

Rural Economy and Family Farming Subcommittee

To hold hearings to examine the Federal role in rural economic development.

SR-428A

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the impact of litigation on financial reporting.

SD-538

Finance

To hold hearings on S. 1231, to raise the current wage threshold which determines whether an employer must pay Social Security taxes for a domestic worker, and to replace the current requirements for quarterly filing of such taxes with a simplified annual reporting procedure.

SD-215

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine U.S. policy toward Vietnam.

SD-419

Labor and Human Resources

To hold hearings on S. 1040, to improve the United States education system to help Americans become more technologically literate and internationally competitive.

SD-430

12:00 p.m.

Labor and Human Resources

To hold hearings on S. 1190, to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, and to provide technical assistance and public information.

SD-430

2:00 p.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

Foreign Relations

To hold hearings on the nominations of Alan H. Flanigan, of Virginia, to be Ambassador to the Republic of El Salvador, and John F. Maisto, of Pennsylvania, to be Ambassador to the Republic of Nicaragua.

SD-419

Commission on Security and Cooperation in Europe

To hold hearings to examine the potential for the Yugoslav conflict to spread to other parts of the Balkans, and the effectiveness of U.S. and international efforts to keep the conflict from spreading.

SD-628

2:30 p.m.

Governmental Affairs

To hold hearings to examine the operation of the Department of Agriculture.

SD-342

### JULY 22

9:00 a.m.

Armed Services

Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

9:30 a.m.

Environment and Public Works

To hold hearings on the effect of the National Environmental Policy Act on the North American Free Trade Agreement (NAFTA).

SD-406

Indian Affairs

To hold hearings on S. 1156, to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe.

SR-485

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider the nominations of Susan Gaffney, of Virginia, to be Inspector General, and G. Edward DeSeve, of Pennsylvania, to be Chief

Financial Officer, both of the Department of Housing and Urban Affairs, Joseph E. Stiglitz, of California, and Alan S. Blinder, of New Jersey, each to be a Member of the Council of Economic Advisers, Richard Scott Carnell, of Florida, to be an Assistant Secretary of the Treasury for Financial Institutions, and Arthur Levitt Jr., of New York, to be a Member of the Securities and Exchange Commission; to be followed by a hearing to review the Federal Reserve's semi-annual monetary policy report.

SD-538

Commerce, Science, and Transportation
To hold hearings on U.S. agricultural trade with Mexico.

SR-253

Labor and Human Resources
Children, Family, Drugs and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Human Services Act and to make quality improvements in Head Start programs.

SD-430

2:00 p.m.
Armed Services
Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, and S. 471, to establish a new area study process for proposed additions to the National Park System.

SD-366

Finance
International Trade Subcommittee
To hold hearings to examine U.S.-Japan trade issues.

SD-406

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.

SH-219

JULY 23

9:00 a.m.
Armed Services
Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

10:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of M. Joycelyn Elders, of Arkansas, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service.

SD-430

2:00 p.m.
Armed Services
Business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings to examine school financial management programs.

SD-430

JULY 27

9:00 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold joint hearings with the Committee on Energy and Natural Resources on the status of the Department of Energy's superconducting super collider program.

SD-366

Energy and Natural Resources
To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the status of the Department of Energy's superconducting super collider program.

SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine the General Services Administration's management of Federal property.

SD-342

10:00 a.m.
Veterans' Affairs
To hold hearings to review the report of the National Academy of Sciences' Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides.

SD-G50

JULY 28

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue joint hearings with the Committee on Energy and Natural Resources to examine the status of the Department of Energy's superconducting super collider program.

SD-366

Energy and Natural Resources
To continue joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development to examine the status of the Department of Energy's superconducting super collider program.

SD-366

JULY 29

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the Department of Energy's efforts to cleanup its nuclear weapons complex, focusing on the scope and cost of the cleanup program, the technological and managerial problems it faces, the standards governing the cleanup effort, and how priorities are set among competing cleanup projects.

SD-366

Indian Affairs
To hold oversight hearings on tribal college telecommunications and facility needs.

SR-485

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 150, to provide for assistance in the preservation of Taliesin in the State of Wisconsin, S. 278, to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, S. 492 and H.R. 240, bills to provide for the protection of the Bodie Bowl area of the State of California, S. 845, to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and S. 855, proposed Alaska Peninsula Subsurface Consolidation Act.

SD-366

JULY 30

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Federal government contracting procedures.

SD-342

AUGUST 2

2:00 p.m.
Energy and Natural Resources
To hold hearings to examine the status of the Department of Energy's civilian radioactive waste program.

SD-366

AUGUST 3

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the Veterans Administration mental health programs.

SR-418

AUGUST 4

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

Indian Affairs
To hold hearings on S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation.

SR-485

AUGUST 5

3:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Indian Affairs on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).

SR-485

Indian Affairs
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).
SR-485

## CANCELLATIONS

JULY 20

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

AUGUST 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 318, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and S. 727, to establish a California Ocean Protection Zone.
SD-366

# SENATE—*Tuesday, July 20, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. MATHEWS].

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Father of us all, with grave concern we intercede for all who are victims of the unprecedented catastrophe in the Midwest. We hardly know how to pray, for we cannot identify with the depth of the tragedy the people are experiencing. We pray for every family who has lost a home, for every business that has been destroyed, and for every farmer who has lost a farm. In their frustration, in their helplessness, grant them grace to endure the immeasurable devastation.

We thank Thee mighty God for the righteous response of neighbors, near and far, to all who are hurting because of this disaster. We pray for the President, Vice President, members of the Cabinet who are involved, and Members of Congress as they struggle with the ways and the means to respond to this unmitigated devastation.

In the name of Him whose love is unconditional and boundless. Amen.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## HATCH ACT REFORM AMENDMENTS

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 185, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 185) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitation, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Domenici Modified Amendment No. 597, to express the sense of the Senate that the President should submit the supplementary budget as required by law no later than July 16, or no later than July 26, 1993, and the requisite information therein required.

Mr. GLENN. Mr. President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. The business before the Senate is S. 185, and the amendment by the Senator from New Mexico, Senator DOMENICI.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may proceed for 8 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Mr. President, is this all right in terms of the rest of the schedule?

Mr. GLENN. Yes.

Mr. DOMENICI. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I know this has been a complex arrangement in working out the time for the benefit of Members, so I am very grateful to the floor managers. If it were not for the very special circumstances, I would not ask for this courtesy.

## PRESIDENT CLINTON'S POLICY ON GAYS IN THE MILITARY

Mr. KENNEDY. Mr. President, the policy put forward yesterday by the administration on the service of gay and lesbian Americans in the military is a step in the right direction, but only a first step. It is far less than a clear policy of nondiscrimination would require. Thousands of gay men and lesbians currently living a lie in order to serve their country deserve better. This issue will not be settled until true freedom from discrimination is achieved.

From the beginning, members of the U.S. Armed Forces have fought and died to defend the fundamental principles of liberty and justice upon which this Nation was founded.

One of the most important of those principles is that all individuals are to be judged by their abilities, not misjudged by the misperceptions of others.

During this long history, the military has faced a range of difficult social challenges that involve not only the defense, but the very definition of our Nation. Time and time again, the Armed Forces have demonstrated the character to rise to the occasion. And, in the process, we have enhanced military readiness, military effectiveness, and military justice. In each instance, progress has been made toward a stronger and truer America.

But progress is seldom easy. Often it comes step by step, not leap by leap. Prejudice is deeply ingrained. But, in the end, people can and do change—and America moves forward.

If there is one lesson to be learned from the civil rights battles of the past half century it is this: As people are exposed to others whom they fear, stereotypes begin to crumble, and ultimately fade. Prejudice thrives in the dark, in ignorance and fear—and its greatest enemy is truth.

Familiarity does not breed contempt—it undermines it. We need only look at the record of racial integration in the military.

In 1945, 84 percent of white soldiers opposed racial integration. At that time, the Senate Armed Services Committee received testimony that "one of the surest ways to destroy the efficiency of the army" was to integrate blacks and whites. But in 1953, 5 years after President Truman ordered integration, only 34 percent of soldiers remained opposed.

Familiarity brought acceptance of change—but change took both time and struggle.

President Truman issued his Executive order in 1948, but it took 5 years—until the heat of the Korean war in 1953—for units to become truly integrated.

And even then, decades passed before African-Americans were truly accepted as equal members of our Nation's Armed Forces and our society as a whole. In reality, our struggle for racial justice continues to this day. But gradually, our country has moved closer to its ideals.

The fight for women's rights in the military has been equally instructive. We were told that if women served alongside men, military effectiveness would be impaired. It has taken decades, but this year Secretary Aspin issued regulations permitting women to fly aircraft in combat.

Through persistence, perseverance, passion, and sometimes patience—we have improved our armed services, and our society as a whole.

These battles have not been easy, but they have been just. And we know that, in the end, it is our duty to see to it that justice prevails. Inevitably, in America's history, the dawn breaks. And I believe it will again.

Never before has this Nation engaged in an extended dialog about what it means to be a gay American. But for the past 6 months, our country has done precisely that—and the light of truth has begun to shine through. Many more Americans now know that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

gays and lesbians are not outside our common humanity. They are people—men and women seeking equal access to America's liberty and America's dream.

Poll after poll has shown that those who are least afraid of lifting the ban—and most accepting of gays—are those who actually know gay people. They understand that the debate on gays in the military is not about flaunting or foisting—it is about forcing fellow citizens to choose between being honest and serving their country. It is about believing in America and living with dignity.

Almost all Americans know people who are gay, whether they realize it or not. For too long, the opponents of gay men and lesbians have portrayed them as immoral, or sinister, or un-American. This is the way discrimination has always been rationalized—by degrading and dehumanizing others. Every denial of human rights begins with a basic denial of humanity.

But now, the silence has been broken—and the dialog has begun. We are moving forward on this issue, not standing frozen in place, and that is what counts the most.

The more society attempts to understand the issue, the more Americans will discover that they have always had gay people in their lives, in their families, in their jobs, in their churches, and yes, in their combat units.

The policy put forward yesterday by the administration is not all that we had hoped for—and it is not all that President Clinton wanted. I know that it has been an extremely difficult decision for the President, and I had hoped he would be able to take a larger step. But the issue before us has now changed, and it has changed forever. Deeply entrenched attitudes of discrimination are finally yielding.

Gay men and lesbians can and will serve in the Nation's Armed Forces. The task ahead is to chart the best course toward full equality and fairness.

So we will keep challenging this country to be all it was created to be, and all it has the capacity to be. Our ancestors were drawn here by the promise of freedom and equality. And in that spirit, we must turn disappointment today into constructive action tomorrow, until we have opened the doors of opportunity to all Americans in all aspects of our society.

In this battle, the forces of freedom put together a coalition of conscience as never before. This is no longer a battle about politics—or even about party affiliation. It is a battle about the integrity of America. That is why a broad range of individuals from Coretta Scott King to Barry Goldwater, from the conscience of civil rights to the conscience of conservatives, stood together and spoke together about America and nondiscrimination, in the same voice and with the same vision.

This latest chapter in the great unfinished business of our Nation—which truly is "liberty and justice for all"—will continue to unfold. If we do not end discrimination wherever it exists in our society, then America is not America.

We have been here before, and we will surely be here again. For our country, the work goes on.

We will continue to stand at the crossroads of national conscience. We do not seek a new America, but an America that has always been there, enshrined in the ideals that transcend the imperfect, beckoning each successive generation to give meaning to the dream and the destiny of our country as a shining city upon a hill.

For history, too, has its claims, and to all who think that this step forward is too small, I say larger steps will come. We have begun.

And after all the speeches are given, and all the headlines are written, and all the news is reported, the people who oppose a policy of nondiscrimination should ask themselves how they will be judged—not in the court of momentary opinion, but in the higher court of history, which is a more final arbiter of our deeds.

Those who defend discrimination against gay men and lesbians today will stand in that great accounting with those who once defended slavery, segregation, and discrimination against women and the disabled. It is not a place in history to which any of us should aspire.

I congratulate the American people—who, according to every survey on this issue, have been far ahead of most of their political leaders.

I commend the President for raising this issue, and seeking to move our country forward. He has hoisted the sail and begun the next stage of our great national journey on civil rights.

From this day forth, we must awaken the complacent, inspire the indifferent, and challenge our country to live up to its ideals. And in that cause, we shall never submit or surrender.

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## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I ask unanimous consent we return to the regular order as prescribed by the previous agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent it be in order for the Senator from Kansas [Mrs. KASSEBAUM] to offer her amendment immediately following debate on the first Roth amendment notwithstanding the consent agreement of July 15, 1993.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. GLENN. Mr. President, I further ask unanimous consent that the voting sequence be modified to reflect the vote on or in relation to the Kassebaum amendment be the last vote in the sequence of amendments, notwithstanding the order of July 15, 1993.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, is it the previous order that we now proceed to the discussion of the amendments?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from New Mexico is recognized to debate his amendment.

### AMENDMENT NO. 597, AS MODIFIED

Mr. DOMENICI. Mr. President, I yield myself, so I can be advised, 10 minutes.

We have this morning a total of 40 minutes for the Domenici amendment, 20 minutes on each side. I am not certain that I will use all my time, in an effort to make sure that we do complete this bill on time. I do not want to go beyond what is necessary.

First, let me say the sense-of-the-Senate amendment that I offered last Thursday simply says that the administration should abide by the law and submit to the Congress a midsession budget review by July 16, but in no case later than July 26. Obviously, the statutory July 16 deadline has already passed. But we are still within the window of my amendment giving time for administration to submit a midsession review by next Monday.

One of the arguments that has been made, and that I am sure will be made this morning, is past administrations have missed the deadline. The argument has been made by the other side, and there is nothing new here, that Republican administrations have regularly missed the statutory deadline. First, while true, that does not make it any more right.

Second, the Bush administration met the deadline each year within the timeframe of this amendment. They did their midsession review in all 4 years by the 26th day of this month.

Another argument that will be made is Senator DOMENICI, as a ranking member of the Budget Committee or chairman of it, never complained in the past. Not true. On Friday I had printed in the RECORD a letter coauthored by then chairman, Senator Chiles, of the Senate Budget Committee, chairman of the House Budget Committee, Bill Gray.

The letter was almost identical to the one the Republican leader and I sent to the President last week.

So let me repeat the purpose of this amendment. The law of the land says that the supplementary budget should be provided by July 16 to the Congress. We simply ask that the law be observed, with a window of 10 days to comply. There are very good indications, Mr. President, that the deficit for the current fiscal year could be as much as $50 billion lower than the $322 billion policy deficit for this year estimated by the administration on April 8.

Let me repeat that. On April 8, the administration sent us a policy statement and a deficit within it estimating that this year it would be $322 billion. There are very good indications that it would be as much as $50 billion less. In fact, after I raised this point, while the Budget Director, Leon Panetta, apparently in his wisdom does not see fit to comply with the law nonetheless sent a summary sheet, and under that, it is $37 billion less. Not just a little piece of change. In fact, if it happens to be $50 billion less, which is what I think it will be, then that will be a bigger deficit reduction than the first year of this plan in terms of putting taxes on the public and allegedly restraining expenditures.

Fifty billion dollars will be more than the first year, more than the second year and, in essence, it is nothing, nothing to snoot at. It is a very big reduction. It happened without us doing anything. It happened without us raising taxes.

It seems to me, before we start this reconciliation process, we ought to have the details. So before the conferees on that bill work their will and, obviously, impose somewhere between $250 billion and $300 billion in new taxes on the American people—and if the House bill is followed, it will tax everyone from those who drive automobiles to senior citizens to small business and across the line, all in the name of taxing the rich—it seems to me we ought to know what the deficit is then, what the impact of this big reduction is on the next 5 years.

Let me end this first discussion with a somewhat ironic note. While the White House cannot find its way to prepare a midsession review, required by the law last week, it did somehow find time to prepare an 86-page document asserting the merits of the Clinton plan, plus a marketing memo entitled, "Hallelujah! Change Is Coming."

They have plenty of time to do that, and we will get into the details of the 86-page document sometime during this week, because it is obvious from this little sales kit that it is pretty much a political document. I question whether Republican plans are described right, and I question whether or not the President's plan is encapsulated in salesman's language so that many of us will not even know that it is the same plan.

But one thing within this Democratic message, "Hallelujah! Change Is Coming," is the following language, and I am going to read it literally. In this document, it says if you are asked difficult, specific questions, then it says, "* * * you will be pressed for details beyond these principles. There is nothing wrong with demurring for a moment on the technicalities and educating the American people and the media on the historic change we seek."

Is it any wonder that the administration that would put such a product out is choosing to demur from the law and not provide the supplementary budget with facts and figures? While the White House could not find its way clear to provide Congress with an update of its own budget, as required by law, it did find a way to produce an 86-page document blasting Republican budgets, one of which I produced myself and, from what I can see, it is distorted and not stated correctly. For instance, it says the Republican plans cut Social Security. Not true in the plan that Senator DOLE and I produced. But, nonetheless, it says that.

Both plans that are not before the Congress, Representative KASICH's and Senator DOLE's and mine, are given front-and-center treatment in an effort to get the public to get away from the Clinton plan and look at something else. Is it any wonder that this administration cannot defend its own budget submission by providing Congress with the statutorily required report and they find it necessary to attack Republican plans? Maybe if they had a real budget, they would not need to attack those that were debated sometime in the past.

Mr. President, I repeat, I do not think this is anything monumental that I am asking for. For those who say we did not care before, that is wrong. I put letters in the RECORD showing that.

It seems to me that with the preliminary evidence in, there is no better time than now to submit a detailed reestimate and reevaluation of where we stand.

Having said that, I do not know that I would be here pushing this President and this administration on this supplementary as one Senator—any Senator could do it—but I do not know that I would be here if the President of the United States had not made such a case for the proposition that he has to abandon campaign promises, such as the middle-income tax cut, no gasoline tax, and myriad others. Those changes were predicated upon the President stating the deficit went up from his campaign time to February and March of the first year of his Presidency.

Actually, this year, if it went down $50 billion, it went down as much as it had gone up, and in going up, it produced a myriad of campaign promises being thrown out the window. It seems to me that in fairness, we ought to ask the President to tell us all about this deficit that is coming down. I might say, for those who think it cannot possibly be $50 billion, in a cursory evaluation in response to this, the OMB supplemental review, a single-page document, says that it is $37 billion less, if you start with $322 billion, like we do—because that is what they sent up here—it is $37 billion down even under their cursory evaluation.

So, Mr. President, I do not think I am going to win. I think perhaps in times past it might have been a bipartisan effort to get this, but I believe the other side will vote partisan, in some way thinking they are protecting the President or we are in some way trying to be damaging to the President. Clearly, we are not.

I hope the rhetoric is not that this is just a partisan ploy. We have done this before with Republican Presidents, and President Bush submitted every one of his 4 years' review within the July 26 deadline, which is what I ask for, a sense-of-the Senate deadline for the President of the United States.

Mr. President, I want to say I do not have the entire document that accompanies this "Hallelujah! Change Is Coming," the one that says, please demur if they ask you technical questions and just sing the song of generalities and just talk about, hallelujah, change is coming. Somewhere else they add, "and change is good." That is the real question: Is the change proposed good, not that the President is not suggesting change, for he is.

Having said that, I have not seen the 86 pages, but this is enough to convince me that it is a totally political document, intended to be used as much. Frankly, I do not know where it came from, excepting that it is touted as being part of the White House's effort to convince the American people that they have a great budget and it is good for America.

So I assume the White House and the administration had a lot to do with it. I repeat, I think while they were doing that 86 pages of work, they could comply with the law and send us a re-estimated deficit for 1993 and its impact on 1994, 1995, 1996, 1997, and 1998.

I reserve the remainder of my time.

Mr. GLENN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. Mr. President, it is my understanding that Senator SASSER wishes to reply. He is on the way to the floor; it is my understanding he is on the way to the floor.

I ask unanimous consent that the time be charged equally against both sides until his arrival.

Mr. DOMENICI. What is the request, Mr. President?

Mr. GLENN. That the time be equally charged against both sides until the arrival of Senator SASSER.

Mr. DOMENICI. Why should we do that? I object to that. I am here. The Senator has 20 minutes.

Mr. GLENN. Mr. President, I change that unanimous-consent request. I ask that the time be charged against Senator SASSER's time until time on both sides is equal; and then, that the time be charged equally until exhausted.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. GLENN. Mr. President, under the previous order, time was to be charged against Senator SASSER's time until the time on both sides was equal, and then time charged equally against both sides.

I ask that that same allocation of time occur in a quorum call, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico [Mr. DOMENICI] has 8 minutes and 34 seconds remaining.

Mr. DOMENICI. I yield myself 3 minutes and reserve the remainder for another Senator.

I want to close my part of this argument by once again suggesting that it is ironic that an administration that cannot produce and will not produce a midsession review required by law, at a very critical time in the evolution of a very new and different approach to Government—that is, to get ourselves out of the deficit principally by taxing the American people more and not controlling the principal reason the deficit is out of control; that is, the entitlements except for Social Security—that we are going down a path of having all these taxes on the American people, on American business, on small business, on senior citizens. And we are going to find the deficit is no better in 5 years, and rising again. That is a very big change.

I agree with this document that is now out among the media, which we will have soon, that must come from the White House or the White House's political arm, saying "Hallelujah, change is coming". You bet it is. The question is whether that change is good for America or good for Government.

I am convinced it is not good for America.

So one can herald the change. But the question is, Change from what to what? Change to more taxes and not controlling the very expenditures that are breaking the backs of Americans. That is what I think we are not doing in this dramatic change.

Mr. President, again, I want to repeat very simply, how is it, how is it, that a White House that cannot produce a 30-, 40-, 50-, 60-page midsession review—I have seen them; they are in that neighborhood, some are a little longer—would have the time to produce an 86-page document for circulation among our people? And obviously some administration people had to work on this. They did not dig up this 86 pages of rhetoric and numbers without participation from people who work for the White House and for the Government of the United States.

So they had time to do that. As I indicated, it has one very interesting statement:

> While you will doubtlessly press for details beyond these principles, there is nothing wrong with demurring for the moment on technicalities and educating the American people and the media on the historic change we seek.

Having said that, I submit that we ought to ask the President to give us what he should give us, instead of 86 pages of rhetoric and political propaganda. It had to be written partially with White House help, staff, and OMB Director help. Why can they not produce a similar document with the realities of where the deficit is, how much is it down, and what does that $35 to $50 billion downward in this year mean?

Mr. President, I do not believe I am alone in figuring that this deficit has come down dramatically. The conference board, in their most recent communication, indicates that they believe the deficit will be down $100 billion to $150 billion lower than CBO's January estimate, by fiscal 1997, without us doing anything.

So it does seem to me that this is a very interesting, important issue, and I hope we will ask the President in our sense-of-the-Senate to comply.

I yield the floor.

The ACTING PRESIDENT pro tempore. The remainder of the Senator's time will be reserved.

Mr. GLENN. Mr. President, on our side, the Senator from Tennessee has control of the time in opposition.

Mr. SASSER. Mr. President, may I inquire how much time there is in opposition?

The ACTING PRESIDENT pro tempore. There are 13 minutes, 35 seconds remaining.

Mr. SASSER. Mr. President, the ranking member of the Budget Committee is simply, it appears to me, trying to turn a postponed submission of the midsession term budget review into some kind of sinister plot on behalf of the White House or President. There is nothing nefarious or suspicious here about a missed deadline. In fact, it is something that happens all the time in this particular area.

The Congressional Research Service, in a report issued July 15, 1993, says that the midsession review has been submitted on time in only 4 of the last 14 years. As I pointed out last Thursday, Mr. President, probably the most glaring delays were those that occurred under the administrations of President Reagan. For example, in 1985, the midsession review was not released until August 15. In 1986, it was August 30. In 1987, it was August 6. In 1988, it was August 17. And in 1985 and 1986, my distinguished friend from New Mexico was chairman of the Senate Budget Committee. I do not recall him coming to the floor in 1985 and in 1986 and taking the Reagan administration to task for being late in submitting the midsession review, even though they were over a month late. As a matter of fact, I do not recall any Senator coming to the floor and making an issue of that, and I do not know why we are doing that today.

The distinguished Director of the Office of Management and Budget, Mr. Leon Panetta, did issue a preliminary midsession review in July 1993, on time for the preliminary, and he indicated what the budget deficits were to be. He indicated, I am pleased to say, some improvement for fiscal year 1993. The net deficit projected in April was $310 billion. The deficit projected now by the Office of Management and Budget is $285 billion. So I think we can all rejoice that there has been a $25 billion reduction in the deficit projections for fiscal year 1993. But as we look into the outyears, the deficits still present a gloomy scenario indeed.

The amendment before us today is totally unnecessary. I think the American people could care less about a paperwork delay. What they really care about is reducing the deficit. And this amendment does nothing to bring down the deficit.

I am sorry to say, Mr. President, that it appears to be nothing more than a continuing effort to harass this administration, to push this administration into disfavor, to try to embarrass this administration. I cannot honestly say that it appears to be an honest effort to try to deal with the overriding problem of the deficit.

The American people are onto these tactics. There is no question about it. Just recently, in a poll taken by public opinion strategists and reported in the local publication here, it found that—actually, the poll was a NBC News/Wall Street Journal national poll. The question was asked: Do you believe that Republicans in Congress are interested in offering a realistic alternative to President Clinton's economic plan, or do you believe they are opposing President Clinton's plan for political reasons?

Mr. President, only 27 percent of the Americans said that our Republican colleagues in Congress were interested in a realistic alternative; while 60 percent said that our friends on the other side of the aisle, our Republican friends, are opposing the Clinton plan for political reasons only.

That is a shocking note. When we asked the so-called independent voters, 61 percent said that the opposition of our Republican friends to the President's economic plan was politics as usual, and only 24 percent said that the Republicans were seeking a realistic alternative.

So the American people are onto these little games, Mr. President, that are used to delay, to prevent the deficit reduction from taking place, to bring into disfavor the President's proposals, without offering any realistic alternatives of their own.

I have mixed emotions about these little sallies that take place over here as they rush out and try to tear off a tiny piece of the President's economic proposals here and rush out and try to tear off a tiny piece there. When I read this poll, if I were purely partisan, I would say to my Republican friends: Keep it up, because by these tactics, you are simply discrediting yourselves and discrediting your own efforts. And if I were only partisan, I would say that study inured to the benefit of the President and to Democrats when next we open the polls for an election.

But this is more than about partisan politics here. This is about trying to deal with one of the overriding crises that this country faces, and that is what to do about massive budget deficits that stretch as far as the eye can see. Bear in mind that President Clinton is not responsible for these deficits, and he told a joint session of Congress and the American people in February that he is not going to try to place blame for the fiscal disaster that he inherited inherited, I might say, after 12 years of Republican administrations.

No. What he said was that he will play the card that is dealt him, that there is plenty of blame to go around. Those were this words and indeed he is correct.

So what we are seeing here is a good-faith effort by this administration to deal with a very, very serious problem, the massive budget deficits that have quadrupled the national debt in the space of only 12 years.

I would hope, given this national crisis, that our friends on the other side of the aisle would feel some responsibility to offer constructive suggestions, some responsibility to say, well, we cannot agree with the President 100 percent on what he is going to do, but he is right at least on 10 or 15 or 20 percent of it, or 40 percent of it, and we will support him on that. We have not heard anything like that. It has been a total opposition to everything this President has proposed to try to reduce this deficit, an effort to totally distort the deficit reduction plan that he has produced and presented to the Congress and the American people, the largest deficit reduction plan in the history of this country.

And now what are we faced with? I would characterize it as a pettifogging attempt to simply come in and throw up one more minor, and I might say somewhat petty, roadblock about the midterm review.

Bear in mind, as I said earlier, that the Congressional Research Service has said that only 4 of the last 14 midsession reviews have been submitted on time by various administrations.

Indeed, in the 8 years of the Reagan administration, and I said Thursday, only one time was a midseason review presented on time. In the Bush years, they missed three out of four opportunities to present the midseason review on time.

So, Mr. President, I do not think this is a matter of any significant consequence. I want to see the administration and the President and the Director of the Office of Management and Budget, Mr. Panetta, devote the lion's share of their time to getting this deficit reduction plan passed and getting this deficit down. That is what is necessary. That is what we ought to be about, rather than debating some bureaucratic time deadline here and wasting our time in that regard.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes and 28 seconds.

Mr. SASSER. I would just end by saying this, Mr. President: The important thing here is to deal with the deficit simply and not to spend our time trying to throw up minor roadblocks in the way of the President and the administration as they work very diligently to try to reduce the deficit and to bring our fiscal house in order.

The numbers in the midsession review have a very, very short shelf life indeed and are not going to bring down the Republic or the Government around other areas if we are 8 to 10 days or 2 weeks late in getting them, or even a month and a half late as we were on one occasion in the Reagan administration.

Mr. President, I will reserve the remainder of my time and yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that the time under the quorum call be charged equally on both sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GLENN. Mr. President, I amend the unanimous-consent request to say charged equally until one side runs out and the time to continue on the other side until exhausted.

The ACTING PRESIDENT pro tempore. Is there objection to that request?

Without objection, it is so ordered.

Mr. DOLE. Mr. President, after OMB failed to meet the legal deadline for submission of its midsession budget review last week, OMB Director Panetta sent me a letter which I received yesterday.

In the letter, Director Panetta restated:

> The administration's intention to issue a midsession review upon completion of the reconciliation process by the Congress.

He did provide us with a brief, preliminary update of OMB's current deficit forecast.

The preliminary OMB analysis projects that the deficit for the current fiscal year will be $25 billion lower than OMB projected back in April. Over the next 5 years, OMB now estimates that the cumulative deficit increase will be $64 billion less than they projected back in April. A combination of lower than expected interest rates, lower S&L cleanup costs, a smaller stimulus package, and other technical changes contributed to the improving deficit picture.

Mr. President, I ask unanimous consent that a table entitled "Comparison of OMB Deficit Estimates, April vs. Preliminary Midsession Review" be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF OMB DEFICIT ESTIMATES, APRIL VERSUS PRELIMINARY MIDSESSION REVIEW

[In billions of dollars]

| | Fiscal year— | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1993–98 |
| April budget | 310 | 302 | 301 | 298 | 347 | 387 | 1,945 |
| Preliminary update | 285 | 300 | 286 | 291 | 340 | 379 | 1,881 |
| Deficit decrease | 25 | 2 | 15 | 7 | 7 | 8 | 64 |

Source: OMB.

Mr. DOLE. While this new information blows the administration's cover for the biggest tax increase ever, it still misses the mark. A two-page double-spaced preliminary analysis does not qualify as a full report to Congress.

Within the next few weeks, Congress will be voting on the largest tax increase in the history of the world. The stakes could not be higher. Let us not forget that it was President Bill Clinton who told the American people back in February that he could not deliver on his campaign promises to cut the deficit in half in 4 years, support $3 in spending cuts for every dollar of tax increases, or provide the middle class with a tax cut because—and I quote—"The deficit has increased so much beyond my earlier estimates and beyond even the worst official Government estimates from last year."

Now OMB Director Panetta admits that the deficit forecast is no longer as bad as he told the President it was earlier this year.

### GIVE US THE FACTS

Last week, President Clinton urged Congress to base this deficit reduction package on—and I quote: "Hard numbers and good figures." I could not agree more.

If the President genuinely believes that this plan is good for America. He should not hesitate to give us the facts—all of them. The detailed revenue projections. The most current spending estimates. The latest White House economic forecasts.

### A NONPARTISAN ISSUE

My colleagues on the other side of the aisle are quick to point the finger at Republicans for being unduly partisan. This should not be a partisan issue.

The vote on this conference report may be the most important vote we cast in this body this year. No other vote will have a greater impact on the economy.

Every Member of Congress—whether Democrat, Republican, or independent—should demand that the administration provide us with the best possible information about the status of the budget and the health of the economy before the conference on the budget reconciliation bill completes its work.

### REPUBLICAN COMMITMENT TO DEFICIT REDUCTION

Mr. President, one final point: Republicans are not suggesting that we do not need to reduce the deficit. I have been a strong advocate of deficit reduction for years, and I have the record to prove it.

Republicans understand the importance of deficit reduction. We understand that the future of our children and grandchildren are at stake.

But, Republicans will continue to oppose this plan because of the way it reduces the deficit.

President Clinton argues that his tax now, cut spending later deficit reduction plan will reduce the deficit and stimulate the economy.

Republicans believe that the Clinton economic plan is the wrong medicine for our fragile economy for three reasons.

No. 1, a record-breaking tax increase will not stimulate the economy. It will destroy hundreds of thousands, perhaps millions, of jobs.

No. 2, we believe that a tax-now, cut-spending-later approach to deficit reduction sends the wrong signal to the American people. We do not believe that Congress will keep its promise to cut spending down the road. That is why Republicans support a cut-spending-first approach to deficit reduction.

Finally, we oppose this plan because we believe it is just the first installment. What do the American taxpayers get in exchange for the largest tax increase in history? They get a deficit that starts moving up again after 1997.

By failing to control the runaway growth of entitlement spending, President Clinton's plan fails to control the deficit in the long run.

Republicans are so convinced that the President's tax-now, cut-spending-later plan is the wrong approach that we think a full administration report on the economy and the budget may help us get the votes we need to defeat the Clinton plan.

If we are successful in blocking this plan, the President can count on help from Republicans in crafting a real deficit reduction plan that works.

I urge all of my colleagues—Democrat and Republican—to support the Domenici amendment.

Mr. GLENN. Mr. President, I yield back all time that was allotted to Senator SASSER and Senator DOMENICI.

Mr. ROTH. We yield back all our time.

Mr. GLENN. Mr. President, what is the next order of business?

The ACTING PRESIDENT pro tempore. Under the previous order, Senator DOMENICI'S amendment is set aside and the Senator from Delaware is recognized to offer one of his two amendments.

Mr. GLENN. Mr. President, what is the time limit on this amendment?

The ACTING PRESIDENT pro tempore. Thirty minutes, equally divided.

### AMENDMENT NO. 600

(Purpose: To provide that revenue agents, tax auditors, and tax examiners of the Internal Revenue Service may not take an active part in political management or political campaigns)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. DOMENICI, proposes an amendment numbered 600.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

On page 17, insert between lines 15 and 16 the following new paragraph:

"(3) No employee of the Office of Examination (including revenue agents, tax auditors, and tax examiners) of the Internal Revenue Service may take an active part in political management or political campaigns.

On page 17, line 16, strike out "(3)" and insert in lieu thereof "(4)".

Mr. ROTH. Mr. President, my amendment would prohibit, as under current law, revenue agents, tax auditors, and tax examiners from taking an active part in political management or political campaigns.

With the adoption of the amendment on Thursday, the Senate recognized the importance of exempting employees in sensitive agencies from active participation in partisan politics. We all recognize the rationale for keeping these agencies above the fray of partisan politics even if relatively few Americans have direct contact on a regular basis with agencies such as the Customs Service or Defense Intelligence Agency.

But every American taxpayer is required by law to file a tax return and thus has regular contact with the Internal Revenue Service. Not too long ago, the Congress enacted the taxpayer bill of rights, to protect taxpayers against unfair dealing with the IRS agents and auditors.

Yet, in the Halls, in the Cloakroom, in the editorials, there is much discussion of the IRS auditor who examines tax returns by day and is active in partisan politics at night.

How would a taxpayer who has been asked questions about their return feel if that very same tax examiner came by their house after working hours to ask for their vote in favor of their candidate. Might that not raise doubts as to the integrity and fairness of the tax system.

How would a taxpayer who is known to support a particular party's candidates feel if his tax return is being audited by a IRS employee who conducts audits by day and serves as the chairman of the local Democratic or Republican Party at night.

Proponents of S. 185 will cite the specific regulations that revenue agents and tax auditors are required to follow before beginning an audit. Yet one only has to look at Travelgate to question whether those rules are strictly followed. BNA's tax notes on June 7 covers this ground thoroughly. More importantly, simply the specter of an IRS auditor raising questions is enough to send chills down the backs of taxpayers.

Asking a small businessman for copies of all W–Z's, 1099's, and bank statements for all cash transactions; asking a taxpayer to provide receipts or appraisals of their charitable contributions; asking to provide contemporaneous record keeping for all business mileage used, documented copies of all deductions and receipts for various charitable organizations, or bank statements to match sales and receipts. Questions alone are enough to make a taxpayer feel pressured. And we cannot outlaw questions. We can outlaw the sensitive situation by adopting my amendment. Proponents ignore these subtle pressures in their belief that coercion is easily proved.

I received a letter yesterday from the Association of Former Internal Revenue Executives, a group of 150 former executives of the IRS with an average of 30 years each in public service, in support of this amendment. Why does this group feel so strongly about this amendment? Because they have dedicated their lives to a nonpartisan, efficient tax collection system. They have firsthand experience in cleaning up the IRS from political interference. They know what will happen if IRS auditors can be active in partisan politics.

If S. 185 is passed without this amendment, revenue agents, tax auditors, and tax examiners would be permitted to engage in partisan political activities, and could harm the public's perception of the impartiality of the IRS. In addition, I remain particularly concerned about the possibility of subtle coercive pressures which will build up inside the IRS, as well as the rest of Government.

The 1976 legislation presented to President Ford recognized the need to exclude certain agencies from the legislation—specifically sensitive employees within the IRS, Department of Justice, and Central Intelligence Agency. With the amendment adopted Thursday, we were able to exempt employees of the FBI and CIA, and some employees of the IRS.

But as the Association of Former Internal Revenue Executives make clear:

> Employees of the Examination Activity have [as] sensitive tax administration responsibilities as those in the Criminal Investigations work.

For these reasons, Mr. President, I urge my colleagues to adopt this amendment.

Mr. President, could I ask how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes and 49 seconds remaining.

Do you wish to reserve the remainder of your time?

Mr. ROTH. I wish to reserve the remainder of my time.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, to those who think the Government agencies such as the IRS do not have the right now to do things politically, I would say that same IRS agent about whom we have just been talking right now can write a $1,000 check to the candidate of his or her choice—that is current law—or any portion thereof, or multiple, up to a $25,000 limit; multiple candidates, a thousand dollars each to Federal candidates. So, IRS agents are not prohibited from political participation right now.

Those same IRS agents we are talking about who we are thinking are so pristine pure can go out right now and put 500 yard signs in their yards if they want to, they can cover their automobiles with candidate signs and drive into work and park right outside or park in the garage. That might give a little hint as to what their—how they feel about this. They can go to a rally. That is not prohibited. They can wear a button to work and no size limitation. There is nothing that says that an IRS agent cannot walk into an interview with someone whose account they are auditing right now with a great big Bush-Quayle button or Clinton-Gore button on, 7 inches across. Do you think that would give somebody a little bit of a hint? I would certainly think so. So, this idea that the IRS agents are not permitted right now to have any political activity is just flat wrong. Current law says they can do all these things right now.

If they use undue influence, if they try to imply to somebody we are going to take this account of yours apart, but if you promise to vote for somebody, for a certain candidate, or if you would see fit to contribute to our political action committee, maybe this thing could be terminated—that is covered under current law. There are strict penalties.

What this amendment proposes is to keep about 30,000 Internal Revenue Service employees under the current Hatch Act statute. They can do right now those things I mentioned a moment ago. Out of that 30,000 there would be about 15,500 revenue agents who audit high-revenue individuals and corporations, 2,500 tax auditors who handle individual audits, 11,000 tax auditors who look at forms and do not deal with the public, and clerical staff.

Let us look at the office which would be exempted under this amendment proposed by the Senator from Delaware, the Office of Examination of the Internal Revenue Service. The words "tax auditors" send chills down the backs of most Americans. However, employees in the Office of Examination that we are talking about cannot pick somebody and say, "I am going to audit this person for political reasons," just on their own. They have little control over whom or what they audit. Almost all audits are chosen by computer and they are based on mathematical models. Any non-computer-generated audit must be approved by a supervisor. So they cannot just go out and decide they are going to use political influence. The supervisor has to approve this.

Let us say an IRS employee just gets angry with his or her neighbor and says, "Boy I am going to get even with them. I'll show them. I will get an audit going here." Or, "I'll convince them they ought to vote for Clinton or Bush" or whomever—or whatever Federal office. They just cannot do that. An employee making this kind of endeavor would be subject to dismissal and criminal charges. This is the law now and nothing in S. 185 will change that law.

Let us suppose an IRS auditor wants to misuse his or her position for political purposes. Just as the current Hatch Act does, the text of S. 185, in fact it is section 7323, prohibits any Federal employee from using his or her influence or authority for political purposes. Let us suppose that auditor wants to break the law, that auditor sets out to coerce some poor citizen who is being audited to attend a rally or stuff envelopes or whatever.

We know the auditor cannot accept a check under S. 185. Such coercive action would be against the law under the terms of S. 185. In addition, it is a criminal offense, quite apart from the Hatch Act; 18 U.S.C. 594, 595, and 600 provide criminal penalties for any Federal employee who misuses his or her official influence or authority in this way. For IRS auditors specifically, 26 U.S.C. 7214 provides penalties for anyone "who demands, or accepts, or attempts to collect, directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value * * * except as expressly authorized by law."

The law provides that a violator further, "be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

Let us suppose an IRS auditor wants to misuse someone's tax return for political purposes. Again, that is what we are talking about here, misuse someone's tax return for political purposes. Again, 18 U.S.C. 1905, 2071 and 5 U.S.C. 552A provide criminal and civil penalties for the disclosure of confidential Government information. And 26 U.S.C. 6103 specifically prohibits the disclosure of tax return information.

Mr. President, the purpose of S. 185 is to clarify the confusion and the illogic of current law governing the political activities of Federal and postal employees and to make the law more fair.

I repeat, right now if an IRS agent wants to try to influence somebody, he or she cannot just go out and say, "You better vote or I am going to take your tax return in and we will see you get your due if you do not come around to my political way of thinking." That is illegal. They can go to jail for that right now, and nothing in S. 185 would change that. It does not change any of that law whatsoever.

But if that IRS agent was to be more subtle about this thing—and nothing that the Senator from Delaware proposes or does not propose would change this—under current law, that agent can write a check. That agent could tell somebody else, I am writing a check, indicating that maybe they would want them to do the same thing.

They can put signs on their cars. They can put 100 of them in their yard if they want to. They can plaster their cars with them. That might give somebody a little hint as to what that IRS agent is thinking about. They can go to a rally. If they wave that same sign in the rally, that is against the law. That is one of the inconsistencies right now. Or if they come into an audit, it is legal right now, not against the law, for that IRS agent to come in wearing a great big campaign button. Might that give someone a hint as to how they feel about this thing? I would think so. That is not against the law right now.

Mr. President, there is enough protection here. I do not think we need this amendment, the pending amendment. We are taking out one particular group here that people have a special feeling about. I just do not think it is necessary. I think all of this is adequately covered, and at the appropriate time I will probably move to table.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, there is a great deal of difference between what a Federal employee can now do and what is proposed under the so-called reform legislation. Yes, an IRS agent can, today, write a check. But I ask how does that intimidate a taxpayer? And, yes, agencies can permit Federal employees to wear a button, a campaign button to work. But as I have said on many occasions, both this year as well as in the past, if the majority would agree to continue the prohibition of political activity on the part of these IRS agents, I would be happy to ensure that wearing a political button would not be permitted. But I think the important thing to understand is that the limited activities now permitted, including the right to vote, are something entirely different from what will be permitted under the legislation before us.

We find it appalling that people in sensitive positions can be politically active because, while it is true that there are strong laws against coercion, any lawyer will agree that it is difficult to prove coercion. What we are most concerned about are subtle pressures.

For example, we had an illustration of that in consideration of the Hatch Act itself. The minority had a day of hearings and we invited a number of people to testify before us. One or more staff members on the majority side called these individuals and began asking a number of questions such as how much revenue foregone the organization they represented used for subsidized mailings.

Maybe that was not intended to be a subtle pressure. But let me tell you, those who received the calls thought it was indirect or subtle coercion. The majority, as well as the minority, had every right to ask those questions if they so chose. But the fact is, if you have a witness coming before you and testifying against your position, if you call them and raise questions of whether or not they use forgone forgone, that can be a very, very subtle pressure.

And that is what we are concerned about in the legislation before us; that the IRS agents will be subject not to illegal coercion, but subtle pressures.

One of the best, I think proofs of that problem is a letter I just received, dated July 19, from the Association of Former Internal Revenue Executives. The writer says:

> I am writing to you as a former district director of the State of Massachusetts, as Deputy Commissioner and as President of the Association of Former Internal Revenue Executives. Our association consists of about 150 former executives of the IRS, including five former commissioners who were appointed both by Democratic and Republican Presidents.
>
> Our members have an average of well over 30 years in public service. * * * We are gravely concerned about the damage that could be done to the integrity of the IRS and to the impartial role of the Nation's tax enforcement organization by the revisions of the Hatch Act which the Senate will soon be considering. We strongly urge that the Senate maintain the existing rules for technical employees in the examination audit of the IRS.

He goes on in the letter to say:

> The examination activity consists primarily of Internal Revenue agents and tax auditors who have the responsibility of auditing the records of taxpayers to determine their tax liability.

The PRESIDING OFFICER (Mr. DORGAN). The Chair advises the Senator he has consumed 5 minutes.

Mr. ROTH. I yield the floor for the present, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator is reserving his time. The Senator has 3 minutes remaining.

The Chair recognizes Senator GLENN.

Mr. GLENN. Mr. President, I yield myself 4 minutes.

I appreciate the views of the IRS Commissioners, as just stated here. I am sure there are people who did the best job they could while they were in office. They are concerned that the Service continue that tradition, which it has always had; that there would not be damage to the IRS and that there not be tax auditors out there running amuck using political influence.

I agree with them 100 percent, but nothing in this amendment would change anything with regard to that. Nothing in this amendment changes the fact that an IRS agent right now can write a check to the candidate of their choice and go out and talk about it. I do not think many of them do. But nothing in this amendment would change the fact that they could put yard signs all over their yards and in every window of their house if they wanted to. I do not think many of them do, but they could if they wanted to. None of this changes the fact that they can put signs all over a car and drive down to the local political rally and walk into that rally and stand there. IRS agent, political rally, how about that? Not many of them do.

They can come into an audit of a particular person wearing a great big campaign button in their lapel. Now, I am sure not many of them do.

But if any of them do want to misuse the power of their office to that regard, S. 185 prevents it. We say they cannot walk in with that campaign button on. We prohibit that when they are on the job, whether they are in the office or out auditing somebody. This tightens it up. If the IRS Commissioners Alumni Association, or whatever the group was that was cited just a moment ago, wants to really look at this and talk about the details of it, this protects them more. It makes the Hatch Act tougher in that regard as to what their agents can do. It does not loosen things up.

They ought to read this thing first and then look at what it really does, not just have some knee-jerk reaction from 10 years ago. This is not a repeal of the Hatch Act. This is not the House bill, as I have said on this floor a number of times already. This is not the House bill, which does let people go out and ask for contributions, and does let them run for partisan political office. This bill does not do that.

So I wish they would get down to the nitty-gritty of what this bill actually does, not what it is purported to do.

This amendment, I will say, does not prohibit any of those abuses I mentioned just a moment ago. Keeping the present Hatch Act leaves those same thing as potential abuses for agents going out to audit particular accounts.

So, in effect, what these IRS agents are talking about, we strengthen their case. We strengthen the Hatch Act in that regard. We do not weaken it. It makes it tougher. I think if they would read this and talk to us about it instead of writing these knee-jerk letters, that they would be for the changes that we are trying to make because we strengthen the very protections that they expressed concerns about.

This amendment by the distinguished Senator from Delaware talks about the subtle differences. Subtle differences: Writing a check and telling people about it; yard signs; car signs, going to a rally; wearing buttons in to audit somebody. Those are permitted under law right now and those are not so subtle, I would say. It gives you a pretty broad hint as to what the agent's political bent is if they are coming in to audit you. This does not change that.

Mr. President, we just checked with the administration on this amendment. They see no reason to exempt this office from Hatch Act reform.

So the administration opposes this. I oppose it.

I reserve the remainder of my time. I suggest the absence of a quorum and ask the time be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself such time as I may take.

The PRESIDING OFFICER. The Senator has 3 minutes remaining. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, let me point out first that the Association of Former Internal Revenue Executives is well acquainted, understands fully the differences between the House and the Senate bill. They testified before the Senate committee, on the Senate bill, explaining why they were in opposition to the reforms.

I will just say to my distinguished chairman, the fact is that the majority was willing to exempt a criminal investigation employee. Why not a tax auditor? As the Former Internal Revenue Executives properly point out, they are in a similarly sensitive position. I quote from the letter:

> Employees of the examination activity have sensitive tax administration responsibilities as those in the criminal investigations work.

So I ask the majority, why treat them differently when they are in the same kind of sensitive position? Let me just point out, as I started to in my earlier remarks, the examination activity consists primarily of Internal Revenue agents and tax auditors who have the responsibility of auditing the records of taxpayers to develop their tax liability.

That has nothing to do with making a contribution or a wearing of a button. What we are concerned about is that this will include taxpayers at all levels of income, all classes of returns—individuals, fiduciary, partnerships, gifts, et cetera. For fiscal year 1992, these officials audited over 1.3 million tax returns, resulting in recommended additional tax and penalties in excess of $26 billion.

> The examination program is one of the most important ingredients of our tax administration programs and contributes significantly to our self-assessment tax system's success. It is very obvious that these officials occupy a very sensitive position—

I am quoting from the letter—

> and must present an image of fairness, honesty, and perform their work in an even-handed manner. It is not a compatible position for these employees to be involved in any partisan political activity as envisioned by current proposals to amend the Hatch Act.

Mr. President, I ask unanimous consent that the entire letter from which I have read be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF FORMER
INTERNAL REVENUE EXECUTIVES,
*Alexandria, VA, July 19, 1993.*

Hon. WILLIAM V. ROTH, Jr.,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ROTH: I am writing to you as a former District Director for the State of Massachusetts, as Deputy Commissioner, and as President of the Association of Former Internal Revenue Executive (AFIRE). Our Association consists of about 150 former executive of the IRS, including five former Commissioners (who were appointed by both Democratic and Republican presidents). Our members have an average of well over 30 years each in the public service, and AFIRE exists solely because of our shared concern for the agency to which we gave so many years of our life.

We are gravely concerned about the damage that could be done to the integrity of the IRS and to the impartial role of the nation's tax enforcement organization by the revisions of the Hatch Act which the Senate will soon be considering. We strongly urge that the Senate maintain the existing rules for technical employees in the Examination (Audit) of the IRS. We are most pleased that a bipartisan effort resulted in an agreement to maintain the existing rules for the Criminal Investigations Activity of the IRS. Employees of the Examination Activity have sensitive tax administration responsibilities as those in Criminal Investigations work.

The Examination Activity consists primarily of Internal Revenue Agents and Tax Auditors who have the responsibility of auditing the records of taxpayers to determine their tax liability. This will include taxpayers at all levels of income, and all classes of returns—individual, fiduciary, partnership, gift, estate, corporation, employment, and exempt organization. For Fiscal Year 1992, these officials audited over 1.3 million tax returns resulting in recommended additional tax and penalties in excess of 26 billion dollars. The examination program is one of the most important ingredients of our tax administration programs and contributes significantly to our self-assessment tax system's success.

It is very obvious that these officials occupy a very sensitive position and must present an image of fairness, honesty and perform their work in an even-handed manner. It is not a compatible position for these employees to be involved in any partisan political activity as envisioned by current proposals to amend the Hatch Act.

Our concern stems from the fact the IRS suffered through a damaging series of scandals in the late 1940s and early 1950s. Congressional investigations into the cause of those scandals revealed clearly that the involvement of IRS employees in partisan political activities (which was permitted until the enactment of the Hatch Act) was a major factor in the corruption, inefficiency, favoritism, and integrity problems revealed by the investigations. History has a way of repeating itself but too many of our leaders tend to ignore the effects of history or are not willing to accept this realistic fact.

To remedy those conditions and prevent their return, President Truman and the Congress wisely agreed that, in the future, IRS employees should be completely removed from political activities; that only the Commissioner and the Chief Counsel would be political appointees; and that all other employees below them would be career civil servants who stayed out of partisan politics. This decision was a wise one and has been one of the principal factors in developing the most effective tax administration system in the World.

Many of our AFIRE members worked in the multi-year efforts that were required to clean up those terrible conditions, and all of us have worked subsequently to make IRS a non-partisan, fair, and efficient organization. We greatly fear that, unless employees in the Examination and Criminal Investigations Activities are excluded from the revisions now being considered, the problems of the 40s and 50s could return. The Congress should not let that happen—

Prior to the reorganization of the IRS in 1952, when officials owed their own success to political sponsors, they recognized that they were expected to respond when those sponsors asked them for return favors such as avoiding the collection of tax bills owed by certain prominent citizens, or not auditing their tax return. Employees with political supporters became immune to supervisors directions, and did not find it necessary to perform well in order to stay on the payroll. They also found that they did not need to follow normal office procedures, so it became easy for them to embezzle money or to shake down taxpayers. Thus, the conditions that eventually led to the scandals grew and grew.

If IRS employees in the enforcement programs such as the Examination and Criminal Investigations Activities are again allowed to engage in political activities, on their own time, we do not see how those abuses can be prevented from gradually creeping back. To avoid that risk, we believe that employees in these two critical and sensitive areas should be kept out of the political arena just as they have for the past 40 years.

There are also other consequences of allowing IRS Examination employees (Internal Revenue Agents and Tax Auditors) to engage in political activities "on their own time." If a citizen who has been audited during the day by an IRS agent is asked by that same agent after working hours to vote for a specific political candidate, might that not raise doubts concerning the integrity and fairness of our tax system? If, during a political campaign, it is known that an IRS official who can influence the choice of tax returns for audits is working "on his/her own time" for one of the candidates, would that seem OK to those who are supporting other candidates? These are merely two of the many examples that could be cited to illustrate the potential dangers of political involvement of IRS agents and auditors.

While the IRS is still far from perfect, we believe that we and other IRS employees have succeeded in giving the United States citizens—despite the fact that it has the most complex tax laws in the world—an unusually honest and effective tax administration agency. Since retirement from the IRS, many of our members have worked on the tax systems of many foreign countries and can state that our system is the "envy of the world." In addition foreign tax officials who have come to study our system support this position. Clearly, it would be unwise to endanger that agency by allowing its Examination (Audit) personnel to get back into partisan political activities.

For those reasons, AFIRE urges that the Senate exclude Tax Auditors and Internal Revenue Agents, of the IRS Examination Activity, from the revisions of the Hatch Act. These employees occupy sensitive and responsible positions comparable to Criminal Investigators which have been excluded by Senate action.

Thank you for considering this important issue and we trust that the Senate will vote to maintain the existing rules of the Hatch Act for the officials of the Examination Activity of the Internal Revenue Service.

With best regards—

Sincerely,

WILLIAM E. WILLIAMS,
*President.*

Mr. ROTH. So, again, Mr. President, I say, if the majority were willing to exempt the criminal division, why not exempt the tax auditor who is in a similarly sensitive position.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes and 32 seconds remaining.

Mr. GLENN. Mr. President, I yield myself as much time as I may require.

Mr. President, a good answer to the question the Senator from Delaware asked as to why we exempted the Office of Criminal Investigations is that it is for one very good reason: Because we are faced with a filibuster here on the floor and that is the only way we can get a time agreement.

One thing leads to another, and I did not think that the rationale for taking that criminal investigation group out was any more logical than the one we are talking about right now. We were faced last week here, as the Senator recalls, with the hope that we could get a time agreement so we could move this thing forward so we will not be faced in the indefinite future with cloture and so on. They are just time delays. So we accepted that. I did not particularly want to accept that. But we did.

Now we are using that as a rationale to say we should exempt all these other things. I disagree with that. I think all of these pressures are not corrected by this amendment at all. IRS agents or anybody else, like any other American citizen, can write a check, they can put signs in their yard, on their car, they can go to a rally, wear a button to work.

You talk about subtle pressure. That is not so subtle pressure if you are an auditor in there. That is not knocked out under this. It would be, under S. 185, illegal to wear one of those campaign buttons at work. We tighten up the Hatch Act. We make it a tougher Hatch Act by saying you cannot do anything on the job, you cannot solicit someone, you cannot do any of those things.

Off the job, is there anything wrong with someone going down, who cannot give that $1,000 check, and they say, "But I want to participate, I don't have that thousand dollars, I've got a couple kids in college, I don't have that extra thousand dollar to give. But I want to help out a little bit." So I can go down here and participate in this American democracy that we have here. I can go down to campaign headquarters, I can stuff envelopes, maybe drive a car for them during the campaign, something like that. I do not see anything wrong with that. That is not coercing anybody.

The law already provides very strict penalties, not just the Hatch Act but other law, for anybody, the IRS or anyone else, and these agents. The Association of Former Internal Revenue Executives, I am sure, would be the first to tell us that there is very tough law. If they want to do any of these things that are so subtle——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GLENN. Mr. President, what is the next order of business?

The PRESIDING OFFICER. Under the previous order, amendment No. 600 is laid aside.

Under the previous order, Senator KASSEBAUM is now recognized to offer her amendment. The Chair recognizes Senator KASSEBAUM.

### AMENDMENT NO. 601

(Purpose: To provide that Federal employees may not solicit, accept, or receive political contributions)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. DOMENICI, Mr. GRASSLEY, Mr. ROTH, and Mr. SIMPSON, proposes an amendment numbered 601.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 22, beginning with the comma strike all through line 19 on page 16 and insert a semicolon.

Mrs. KASSEBAUM. Mr. President, on behalf of myself and Senator DOMENICI, Senator GRASSLEY, Senator ROTH, and Senator SIMPSON, I rise to offer this amendment as one who supports the reform of the Hatch Act. I believe there is much that has already been said, pro and con, and I agree with some of the comments just offered by Senator GLENN, who is putting forward these reform measures.

But the amendment that I am offering today would strike from S. 183 a special exemption that would allow Federal employees in labor organizations to solicit political contributions. It would still prohibit Federal employees who are not members of the union from soliciting a contribution, and there is a special exemption in this bill that I believe is not a wise or fair exemption.

Currently, all Federal employees are barred from soliciting political contributions. The Senate bill before us, S. 185, alters this prohibition by allowing union members to solicit contributions from fellow union workers. The amendment that I am offering would maintain the current law prohibition against soliciting political contributions in all cases.

The dangers inherent in allowing Federal employees to solicit funds have long been recognized. In fact, prohibitions against soliciting contributions were in existence for more than 50 years before the Hatch Act was passed in 1939. In 1882, the Supreme Court, in Ex parte Curtis upheld the prohibition against Federal employees soliciting other Federal employees for political purposes.

I think, Mr. President, that we are all well aware of the subtle pressures that accompany a request for money, particularly for political purposes. In my view, opening the door to the possibility of these pressures is unwise, especially in light of the fact that union employees can currently contribute to their union PAC's if they wish to do so.

Proponents of this exemption excuse the possibility of subtle abuses and argue that allowing solicitation within the union is a simple change that eliminates the dodge of bringing retirees in to seek contributions, which can now be done. Retirees of the union can solicit within the union.

Mr. President, this exemption would instantly grant fundraising authority to some 1 million union members in the Federal and postal work force. This is a substantial change that would undoubtedly increase the influence and financial power of the union PAC. This is especially troubling and ironic in light of the fact that the Senate recently passed a campaign finance bill that limited the influence of PAC's and PAC funds, and I believe rightly so, Mr. President, even though they do hold a place in our political system.

In addition, allowing solicitation even off the job would undoubtedly place employees in an awkward and uncomfortable position. The current law prohibition against solicitation provides an important protection for Federal workers who may be reluctant or unable to contribute to their union PAC.

I realize that some may argue that the private sector allows employees to solicit funds from fellow employees. It is true that businesses take political stands and solicit the sometimes reluctantly given help of their employees. This is an unfortunate situation in the private sector. But it is an intolerable situation for Government, which must be responsible for impartially carrying out its mission of serving citizens. Jeopardizing this neutrality is a risk that we cannot afford to take.

Mr. President, I have not in the past supported many of the reforms that have been set forth in similar legislation. However, after careful thought, I have decided that it is necessary to ease certain Hatch Act restrictions that are now set forth in S. 185. For example, I support eliminating the ambiguity in current law, and I also support according Federal employees the right to participate, limited as it may be, in political activities on their own volition. However, I think it is imperative that we draw the line somewhere to ensure impartiality of the Federal work force. It is a protection for them; it is a protection for us. And I believe that allowing solicitation would cross that line and threaten political neutrality.

Furthermore, proponents of Hatch Act reform legislation have long called for fair treatment of Federal employees. And I agree that Federal employees should be treated fairly. While S. 189 accomplishes this goal in many ways, it creates an additional political privilege for union employees by allowing them to solicit political contributions. The amendment that I will offer would correct this inequity by ensuring that all Federal employees, including those in Federal labor organizations, are prohibited from soliciting funds.

It is very clear cut, it is very simple, and I believe that it keeps the playing field level.

During debate on S. 185, proponents have called for eliminating the confusing and inconsistent aspects of the Hatch Act. I believe that clear lines must be drawn. However, S. 185 as it is currently written creates new confusion and is inconsistent in its distinction between union and nonunion employees.

If the goal of this legislation is to establish clear lines, it should not create another hazy distinction. Furthermore, I do not understand why the proponents are willing to allow union employees to solicit funds when they admittedly recognize the dangers of allowing Federal employees to solicit funds from the general public. This amendment would end the confusion by prohibiting solicitation in all cases.

I understand that the Senate bill is less expensive in this area than the House bill. However, I am convinced that this bill itself goes too far with regard to soliciting funds. The amendment that we are offering will eliminate the potential for subtle coercion and pressure that accompanies a request for political contributions.

I urge my colleagues to adopt it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Kansas reserve the remainder of her time?

Mrs. KASSEBAUM. Yes, Mr. President.

The PRESIDING OFFICER. There are 12 minutes, 30 seconds remaining.

Mr. GLENN. Mr. President, are there 40 minutes allotted, equally divided?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I appreciate what the Senator from Kansas is trying to do. I know personally of her long interest in this and her interest in seeing that we get some of these things straightened out in the right way.

This amendment, however, as I understand it, is pretty much identical to an amendment that in 1990 was voted down by the Senator 63 to 35. In 1992 the Governmental Affairs Committee also rejected the amendment when it was offered by Senator ROTH. I believe it was the same amendment, or near an identical amendment, and it was voted down by the committee by 8 to 4.

Currently the rules for establishing and operating a PAC are found in Federal election laws administered by the FEC. The laws allow each PAC to decide which of its members may solicit contributions for the PAC. If the Congress prohibits PAC's as part of campaign finance reform, then Federal employees and postal PAC's would also be eliminated.

Under the current Hatch Act, Federal employees are prohibited from active participation in partisan political activities. Therefore, these employees are prohibited from being designated by a PAC to solicit campaign contributions.

How do they get around that, because they still have PAC's, and we still know they have money? I will tell you how. It is a little subterfuge, a little dodge. They cannot do it legally, and we have never corrected this—we say, OK, they can have some of their retirees do it from them and contribute the money to the PAC, or ask people to voluntarily give money to the PAC.

Well, that is just a dodge; it is a subterfuge. It gives the appearance of obeying the law, while at the same time finding a loophole to come around and in the back door and say we are still going to get money in the PAC.

Well, what we do in S. 185 is correct that. We make it very straightforward and we say that people can solicit money, still with very careful limitations, and only from within their own employee organization and not from any subordinate; and the money would go directly into the PAC, and it would stop this dodge and inconsistency of having to ask some of their retirees to do that job for them. It allows for employees to play an active role in the operation of any PAC to which they may belong, so long as that PAC is comprised solely of Federal or postal employees, and provided that no one asks for a contribution from a subordinate employee.

This means that a Federal or postal employee could—if designated by his or her PAC—solicit PAC contributions off the job. You cannot go in the office—once you are designated as that PAC's person—to ask for contributions. You cannot come in the office and say, "Will you contribute." It would still have to be off the job.

We prohibit all political activity on the job with S. 185. I keep hammering that, and hammering that thought home, because there has been so much misunderstanding. We tighten up the Hatch Act and make it tougher than it now is. No political contributions, no political activity, no wearing of a button on the job. So all we are talking about here is soliciting PAC contributions, designating an employee—off the job—to the PAC or the organization of which both the employee and the donor belong, and provided, as I say again for the third time, that the donor was not a subordinate employee.

S. 185 does not allow Federal employees to solicit funds on behalf of individual candidates. Not one of us here in the Senate could go to a PAC and say: Raise money for me and contribute to my PAC and go out and solicit for me money to be paid to my PAC. You could not do that.

You could not solicit directly for political parties. It can only be support for the PAC of the employee organization to which that person belongs. It does not allow employees to solicit contributions from the general public, which the House bill does. This bill does not do that. The PAC provisions are limited to organizations already in existence at the time of the bill's enactment.

So it does not create a new money pool of PAC money. The extent to which Federal employees would be able to engage in any political fundraising activity would be strictly limited under S. 185. Federal employees would not be able to solicit political contributions from anybody, except other members of their employee organization, who are not subordinate employees.

Furthermore, solicitations could only be made on behalf of their organization's political committee. Under S. 185, Federal employees cannot solicit funds on behalf of individual candidates, nor can they solicit funds for other PAC's or for political parties. Fundraising cannot be conducted while the employee is on duty, while in uniform, or while using a Government vehicle.

What does all this mean? It means Federal employees cannot solicit contributions from the general public. It means that a Federal employee will not be able to solicit contributions on behalf of the candidate of their choice from anyone. Nothing on the job—zero.

It means that no partisan political activity can occur during working hours, even if it involves two members of the same Federal employee organization.

So I repeat, we tighten up the Hatch Act measurably on the job. On the job, zero, no contribution requests, nothing can be given. It would be illegal to give as well as to ask for. No buttons will be worn on the job. Nobody will be coerced. We tighten up the Hatch Act on the job.

In return for that, we say that off the job a person that cannot contribute the $1,000, which is legal under the Hatch Act and under current law—any Federal employee can contribute a check directly to their candidate of their choice. That is under current law. That is not changed.

They can put a yard sign in, and that shows what they are thinking about. They can put signs all over their yard and all over their car, if they want to. They can go to a rally, and they can wear buttons to work. Those things are legal right now.

So, what we do is tighten up on the job on what can be done and what cannot be done.

Mr. President, at the appropriate time before the voting time I will probably move to table the amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio reserves the remainder of his time.

The Senator from Ohio has 12 minutes remaining, and Senator KASSEBAUM has 12 minutes remaining.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Senator KASSEBAUM asked me to speak on her time but I do not want to interfere with the distinguished chairman if he wants to speak on this also.

Mr. ROTH. I plan to speak, also.

Mr. DOMENICI. Could we split the time?

Would that be fair with the Senator?

Mr. ROTH. Yes.

Mr. DOMENICI. I yield myself 6 minutes and then yield the floor to the chairman.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. DOMENICI. Mr. President, in 1990 I offered an amendment that excluded Federal employees of certain sensitive departments and agencies from participating in political activities because it had the potential of compromising their professional duties and leaving the impression that they are easily compromisable.

The ranking member of our committee on the floor is going to offer an amendment later on to expand on what is in this bill in terms of the exclusion and I am a cosponsor and will help him with that if he needs my help but I am going to support it wholeheartedly.

This amendment also included language that would bar any solicitation or acceptance of political contributions by employees of the Federal Government, the one I offered in 1990. I believe these concerns are as valid today as they were then.

I support Senator KASSEBAUM's amendment to bar solicitation of political contributions by Federal Government employees. As in 1990, I support some modification to the Hatch Act that would permit Federal employees to participate in significantly more ordinary citizen activities relative to the electoral process. At the same time, nothing precludes a Federal employee from contributing to a political candidate, nothing permits them now without any change in the law, nothing precludes a union member from voluntarily giving money to its union PAC, it is purely voluntary. That is the law now.

I believe that this spirit of voluntary participation is appropriate and it should continue. S. 185 now permits union members to solicit contributions from other union members as long as they are not subordinate employees. I have to question why we should introduce this new element into this voluntary system. It seems to me that since employees can already provide moneys to their favorite candidates or to their PAC, that we should not inject or interject any additional element that has the potential of placing partisan politics into professional relationships.

Frankly, I just see no merit to this. Instead I see the possibility of accusations being made that may not be true, and changing the relationship between workers that do not need to be changed. Prohibiting solicitation or acceptance of contributions just keeps politics out of the picture. It is simply a fairness issue for all concerned.

This is not an issue of depriving Federal employees of any fundamental rights unless you want to say that employees of the Government who are not union members cannot solicit the same way union members can. I have nothing against unions. In my State they are doing an excellent job, many of them are my friends but I do not understand why you are now going to say employees of the Government who are not union members cannot solicit the same way as union members. It seems patent to me. This is an effort to put more into the PAC's of the unions which we already know have a very, very big predisposition in terms of party politics.

In other words, the way I read S. 185 only union members can solicit moneys. If it is such a good thing why only union members? Why not other nonunion Federal employees? Do we only trust this right to be in one institution, either a union or something very much like it? It makes no sense to me. I think it is just not needed, period. We do not need Federal employees asking for contributions from other employees with all the potential problems that it can produce, and it will.

From a practical perspective S. 185 under it it seems to me that every Federal employees who is a member of a union would have to, one, ensure who he or she is talking to off duty, is already a member of the union and, two, is a subordinate employee. So what is the Federal economy going to say then: Oh, I am sorry I was going to ask you to give some money to help with X candidate but I guess I should not ask you?

It seems to me that since the union Federal worker can already give money to a candidate of his choice or to the union PAC if he or she is a member, then let us just leave the present law as it is. To the extent that we want Federal employees to put all their money in one place and support candidates that is happening now.

Is it the purpose of this bill to make that even more so, to the detriment of those employees who do not happen to belong? I do not think that is what we ought to be doing.

I yield the remainder of my time, if any, to Senator ROTH and he has additional 6 minutes under the Kassebaum amendment.

The PRESIDING OFFICER. The Chair will advise the Senator from Ohio has 12 minutes remaining and the Senator from Kansas [Mrs. KASSEBAUM] has 7 minutes 30 seconds.

Mr. GLENN. I yield myself such time I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I point out to our distinguished colleague from New Mexico this does not apply just to unions. It is not just to unions, it is to any employee organization and all of them are not unions.

I would also point out that these solicitations are only permitted for multicandidate PAC's. You cannot solicit for an individual. For a multicandidate PAC.

But I also say that one of the reasons for writing S. 185 the way it is written is you can even term honesty in Government provision if you wanted to overblow this maybe just a little bit. But right now what happens is that you have an organization, they have a PAC. It is Government employees, and because of the current restrictions they have their retirees do the fundraising for the money for the PAC.

Oh, we say why go through a dodge like that? If you want to operate Government by subterfuge, Government by behind a very smokey glass of some kind there you do not want to be really straightforward about what is going on, then you have the retirees come in and do it. I am sure they are just as public-spirited as they have ever been, and 99$^{44}/_{100}$ percent of Government employees are just trying to do the very finest job they can. They are not trying to evade the law or do anything dishonest or anything that would be improper.

So why have to rely on the retirees? Why not have designated people within the PAC who can come in and they can, off duty now not on the job, but strictly off duty can say: OK, we contribute to a PAC. I am contributing, will you? They are the designated hitter, in effect. They are the people who will do that kind of fundraising and it does not have to go through subterfuge, this dodge of getting the retirees to come in and do it for us here. Why not be straightforward about these things?

Keep coming up about all these subtle pressures, I do not think it is very subtle when under current law an IRS person or anybody else in any one of these Government agencies right now can write a check now or are permitted to be right now.

Of course they are. Nothing says that you prohibit all political activity by Government employees. Right now every Government employee can write a check of $1,000 to a candidate of their choice. They can also put yard signs out. They can cover up their front yard with yard signs. They can put yard signs all over their car, bumper stickers all over the place, drive around town pointing to the yard sign on the car. Is that illegal? No, it is not under law. Can they go to a rally? Yes, they can go to a political rally. But take one of the yard signs in the political rally, wave the sign a little bit, take one sign into that rally and wave it in the rally that is illegal. That it is so shows only of the inconsistency of the Hatch Act now.

That is the kind of thing we are trying to correct.

You talk about subtle pressure, you are, let us say an IRS agent is auditing and you go down for this audit, and there sits the IRS agent with a great big Bush campaign button. It can be any size of inches across if you like, he is going to do the audit, it gives you a little idea what that person's views are when you are asking questions, it sure does. That is permitted under current law though those people who think everything under the Hatch Act is so pristine pure, they have not read the Hatch Act that is all. We tighten up on things like that with this. We make the Hatch Act tougher.

This is not the House bill, as I keep pointing out. So what we try to do and the reason I oppose this particular amendment is because by saying that what we are trying to do by knocking out what we are doing in S. 185, which this amendment would do and say there can be no solicitation at all, all we are doing is say we will just continue with the same old dodge that the retirees will go around and do the solicitation.

What we say is why not be honest about this thing and say the employee organization or active employees there they have a designated hitter that can raise funding but not on the job. If that person wants to go around to a nonsubordinate someone not their subordinate say you can contribute to the PAC it for employees. It is a multicandidate PAC.

I just think that is honesty in Government. That is doing things in the open the way it should be done and not by some subterfuge in some circuitous route.

I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 6 minutes and 36 seconds remaining. The Senator from Kansas [Mrs. KASSEBAUM] controls 7 minutes and 30 seconds.

Mr. ROTH. Mr. President, I yield myself such time as I may take.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware under Senator KASSEBAUM's time.

Mr. ROTH. Mr. President, last Thursday's New York Times headlined its principal editorial with the words "Save the Hatch Act."

The chairman keeps talking about the fact that S. 185 strengthens the Hatch Act, but that is directly contrary to what over 100 different editorials scattered throughout this country have had to say. Some of them are admittedly directed at the House bill, which is stronger or goes further towards relaxing the standards, but, basically, many of them address the Senate bill, including the New York Times.

Today, the New York Times has a second editorial which has as its headline: "Mr. Glenn Hatchets the Hatch Act." It points out that the Republicans are offering two amendments that would do much to improve the Democratic bill. One is the Internal Revenue Service examiners and auditors, which I just offered a few minutes ago. But the other that the New York Times endorses would keep all Federal employees from participating in political fund-raising.

The editorial points out that the Senate bill is not as irresponsible as the House bill, but then it goes on to point out that: "The Glenn bill would free Federal civil servants, including prosecutors, to do campaign work in their off hours. Worse, it would allow Government workers to solicit coworkers for contributions to their union PAC's."

It points out: "The measure does contain penalties for coercion. But "—as I have been saying and the editorial agrees—"in the real world, these penalties would not provide adequate protection against the subtle pressures Federal workers will inevitably face to contribute their time and money to partisan causes."

It then points out that: Pressed by Senator DOLE and myself last week, there were modifications made to "keep existing restrictions for top-level bureaucrats in the Senior Executive Service, administrative law judges, the Board of Contract Appeals, and a dozen sensitive security agencies, including the CIA, the FBI and the Defense Intelligence Agency.

"But heeding the wishes of his party and the union officials who hovered within close earshot of the negotiations, Mr. GLENN insisted on relaxing Hatch Act prohibitions on IRS examiners and auditors, notwithstanding the Nation's strong stake in keeping the tax agency completely untainted by the appearance and reality of partisanship."

Then it points out:

> With President Clinton apparently ready to sign any Hatch Act changes Congress presents, today may be the last chance to frame a more reasonable revision. The Republican amendments now give Democrats a heavy burden. Let them try to explain—with a straight face—why it is in the public interest to throw IRS agents and the rest of the Federal work force into the thick of Washington's political money game.

Mr. President, I ask unanimous consent that the text of the editorial in today's New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 20, 1993]

### MR. GLENN HATCHETS THE HATCH ACT

All the lofty promises of political reform cannot hide one bedrock truth: In Congress, big money still talks. Today, the millions of dollars that Federal and postal union political action committees pour into Congressional campaigns will be talking loudly when the Senate takes up a misguided Democratic plan to ease Hatch Act restrictions on partisan political activity by Federal employees.

Two Republican amendments would do much to improve the Democratic bill. One would maintain current Hatch Act restrictions for Internal Revenue Service examiners and auditors. The other would keep all Federal employees from participating in political fund-raising.

The Hatch Act overhaul proposed by Senator John Glenn, Democrat of Ohio, isn't as damaging as the utterly irresponsible revision approved by the House in March. In contrast to the House measure, Mr. Glenn's bill would maintain the present restrictions that prohibit Federal employees from running for elected office and soliciting political contributions from the public.

But the Glenn bill would free Federal civil servants, including prosecutors, to do campaign work in their off hours. Worse, it would allow Government workers to solicit co-workers for contributions to their unions' PAC's.

The measure does contain penalties for coercion. But in the real world, these penalties would not provide adequate protection against the subtle pressures Federal workers will inevitably face to contribute their time and money to partisan causes.

Pressed last week by the Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, Mr. Glenn agreed to modify his bill to keep existing restrictions for top-level bureaucrats in the Senior Executive Service, administrative law judges, boards of contract appeals and a dozen sensitive security agencies, including the C.I.A., the F.B.I. and the Defense Intelligence Agency.

But heeding the wishes of his party and the union officials who hovered within close earshot of the negotiations, Mr. Glenn insisted on relaxing Hatch Act prohibitions on I.R.S. examiners and auditors, notwithstanding the nation's strong stake in keeping the tax agency completely untainted by the appearance and reality of partisanship.

He also dismissed as non-negotiable the Republicans' sensible efforts to bar all Federal employees from soliciting, accepting or receiving any political contributions—a reminder, in case anyone had forgotten, that money, not free speech, is what's really driving the Democrats on this issue.

With President Clinton apparently ready to sign any Hatch Act changes Congress presents, today may be the last chance to frame a more reasonable revision. The Republican amendments now give Senate Democrats a heavy burden. Let them try to explain—with a straight face—why it's in the public interest to throw I.R.S. agents and the rest of the Federal work force into the thick of Washington's political money game.

Mr. ROTH. Mr. President, I congratulate my distinguished colleague from Kansas for the amendment she has offered today. It would, of course, strike from the bill the authority to allow Federal and postal employees to solicit political contributions.

Now it has been argued by my distinguished chairman that the PAC provision in the bill is merely a technical change; it is not that much different than current law. But I have to say that this is no small technical change. This one provision alone will allow nearly 1 million Federal and postal employees to solicit political contributions from one another. That is a very significant change.

Proponents suggest that this amendment is not needed because Federal employees can already contribute money contributions. We all know that. This amendment would not change that. That argument, Mr. President, is the biggest red herring I have ever seen.

What the bill would change, however, is to allow nearly 1 million employees to solicit contributions in a way that is not permitted under current law. Of course Federal and postal employees can contribute money to political action committees. They do so to the tune of more than $3 million per election cycle. This amendment is aimed at who is doing the soliciting. It simply strikes the ability of Federal and postal employees from soliciting from each other.

This is not current law—Federal employees cannot solicit from other Federal employees, and this amendment would conform this legislation to current law.

More than 100 years ago, the Congress enacted, the President signed, and the Supreme Court upheld a prohibition against Federal employees contributing to or soliciting other Federal employees for political purposes. This legislation would repeal a similar provision in current law.

In 1882, the Supreme Court considered a case Ex parte Curtis, which arose before the major civil service reforms of both the Pendleton Act and the employee protections of the Lloyd-LaFollette Act and the Hatch Act. In this case, the Supreme Court upheld a prohibition against Federal employees contributing to or soliciting other Federal employees for political purposes.

Why is it that proponents are so interested in repealing more than 100 years of precedent in this area? Because as the New York Times pointed out in its editorial last Thursday, July 15, 1993:

> It's greed time in the nation's Capitol. Congressional Democrats, grateful for years of generous campaign giving by Federal and Postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on active participation by Federal employees. * * * For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

I ask unanimous consent that the entire New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 15, 1993]

SAVE THE HATCH ACT

It's greed time in the nation's capital. Congressional Democrats, grateful for years of generous campaign giving by Federal and postal union political action committees—and eager for more help in the future—are about to relax Hatch Act restrictions on "active" partisan political activity by Federal employees.

From the public's standpoint and that of Federal workers who would face pressures to give money and time to partisan causes, it's a bad idea. But the House approved a bill in March, and President Clinton says he will sign any Hatch Act revision that Congress serves up. Thus, some weakening of the 1939 act seems inevitable this year.

The extent of the overhaul is now squarely before the Senate. The Senate majority leader, George Mitchell, and his Democratic colleagues can show character by accepting a reasonable Republican proposal that would maintain current Hatch Act restrictions for the most sensitive Government posts and agencies, and keep all Federal employees out of the political fund-raising game.

Critics of the Hatch Act complain it stifles the political rights of Federal employees. But even "Hatched" workers can vote, make political contributions and participate in their off hours in nonpartisan political activities. While some of the rules are needlessly complex, the remaining curbs on partisan activity, designed to protect the public from a politically tainted Civil Service, have been upheld by the Supreme Court.

Unlike the aggressively misguided revision rushed through the House in March, the measure proposed in the Senate by John Glenn, Democrat of Ohio, would still prohibit Federal employees from running for partisan elected office and soliciting political contributions from the public. However, like a similar measure wisely vetoed in 1990 by President Bush, the Glenn bill would allow civil servants to serve after working hours as active party and campaign workers and, more troubling, to solicit co-workers for contributions to their union's PAC's. Mr. Glenn provides penalties for coercion, but they are inadequate to protect Federal employees, who can now turn aside political overtures by saying, "Sorry, I'm Hatched."

The Senate minority leader, Bob Dole, and Senator William Roth, Republican of Delaware, have now proposed a reasonable compromise. Their amendment would exempt from the proposed relaxation on partisan politicking high-ranking career employees across Government who work closely with political appointees. It also excludes the intelligence services and other sensitive agencies like the Justice Department and Internal Revenue Service, where maintaining the perception and reality of nonpartisanship is crucial. All Federal employees would be barred from soliciting, accepting or receiving political contributions.

For now, Senate Democrats seem determined to get Federal civil servants in the business of hustling political contributions from their co-workers. That makes it plainer than ever: The Democrats' biggest concern here isn't free speech or good government but political money and influence.

Mr. ROTH. Mr. President, this amendment would cure what we believe is a blatant defect in this legislation. As it now stands, this legislation would open the door to even greater PAC collections. This is at the same time the Congress is considering campaign finance reform.

One of the principal thrusts of campaign reform is to do something about PAC's. PAC's are seen as an undesirable method of fundraising. So why is the majority proposing we expand PAC's less than 1 month after the Senate voted to eliminate PAC's completely?

Isn't it ironic that in one of the first bills we are considering after campaign finance reform, a measure which would ban PAC's, the majority is proposing to strengthen employee organization PAC's.

What is the rationale for such action? To correct "a dodge," as the distinguished Senator from Ohio suggested on Thursday? I do not think so. Not only would this legislation expand PAC's, but when one examines where Federal and postal employee PAC contributions go, one begins to understand the very impetus behind this legislation.

Of the total political contributions given by these PAC's in 1990 and 1992, 89 percent went to Democratic candidates and 11 percent went to Republicans. In 1987 and 1988, 88 percent went to Democratic candidates and 12 percent went to Republicans. No wonder the Democrats want this provision so badly.

The distinguished Senator from Ohio will argue that the provision in S. 185 which prohibits superiors from soliciting subordinates provides sufficient protection for subordinates. Yet, given the level of movement within the Federal work force, an individual who is a colleague or peer one day can be promoted into a supervisory position soon thereafter. Knowing this, employees will feel pressure to contribute involuntarily. No one desires this result. This amendment will remedy it.

In addition, if a superior is known to favor one political candidate over another, one of the subordinates may think it pleasing to the superior to solicit contributions from the subordinate's colleagues. Even if the superior does not solicit the subordinate, those being subordinated will feel pressure to contribute.

The distinguished Senator from Ohio attempts to narrow the expansive nature of this provision of S. 185 with the argument that unions will designate members to solicit other members. But there is nothing in the bill which would require such designations. Perhaps the chairman will point out to me in the bill where such designations are required. But I have not found it.

And as a result, let us be clear about what this provision does—it will expand by nearly 1 million individuals the number of people who could solicit contributions for these PAC's. Make no mistake regarding this provision.

Under this scenario, any members of the network can solicit contributions, pledges, payment for services, or services themselves from any other member of the network. Congress will have created a much greater political force in postal and Federal employees organizations.

I understand the Senate bill is less expansive than the House bill. But as we consider breaking more than 100 years of precedent in this area, we should be mighty careful. Unfortunately, by allowing solicitation, even within one's own PAC, this will have an enormous impact on the amount of pressure, subtle as it may be, on an employee to become involved in partisan political activity against his will.

Mr. President, this amendment would prohibit soliciting by Federal employees for political contributions and action committee funds. This is the current law, nothing more, nothing less. I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio for the 6 minutes remaining.

Mr. GLENN. Mr. President, I have said before during consideration of this act, I never cease to be amazed by some of the things being said about it, including those things said by the New York Times.

The implication that suddenly we are just taking all restrictions off just is not correct. The solicitations permitted right now under the Hatch Act by retirees who raise money, who go and raise money of members of the organization to contribute to a PAC, are permitted right now. That is a dodge. That is not straightforward. It is a way of getting around what people thought were restrictions.

Why not be straightforward about this thing? Why not say the employees can, for this multicandidate PAC, ask for their contributions openly, straightforwardly, off the job. They cannot do anything political on the job. That is where we tighten up. People keep ridiculing this, making fun of it, that we have not really tightened up the Hatch Act. I think it tightens it up considerably when you say you cannot even wear a campaign button to work, you cannot do any political speechmaking at work, you cannot go solicit people to vote for a certain person at work. I think this tightens things up. So I think it is a better Hatch Act with this change that we have with S. 185.

Why not let people? If we are going to have PAC's and they are still legal—maybe one of these days under campaign reform we will do away with PAC's. When we do that, that is a different ball game. But right now PAC's are still permitted. But to say the only way you can have an employee group that wants to form an interest group in their workplace, they want to have a PAC—and that is not illegal now—but the only way they can raise any money for that PAC is to have the retirees come in and solicit people? Why not be straightforward and just say the members of that organization can solicit off the job and raise money for that PAC? It is all straightforward, it is all reported, and that is the way we do it.

If there is coercion, right now if there is anybody who tries to coerce, I read into the RECORD a little earlier all the Federal laws that apply. If anyone tries to coerce someone else or tries to put pressure on them, there are very stiff penalties: Being fired, jail terms, a $10,000 fine, and so on.

So right now, people can be political. They can write a check, put the yard signs out, car signs, go to a rally, wear buttons to work, and so on. That is all permitted right now. That would not be changed under this at all. All we are talking about with this particular amendment is whether we are going to be straightforward and honest about letting people solicit for contributions for their employee PAC, multicandidate PAC. It cannot be designated for a particular person except with the whole PAC operating together as their PAC contribution.

I just do not see anything wrong with what we have provided for under S. 185. At the proper time, I will move to table the amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Chair advises the Senator from Ohio he has 2 minutes remaining.

Mr. GLENN. Mr. President, I also add, as I said a little while ago, the administration has indicated to us they oppose this amendment.

I yield the remainder of my time.

Mr. SIMPSON. Mr. President, I rise to commend Senator KASSEBAUM for offering this very important amendment, and I am pleased to support her efforts.

Under this bill, Federal union members would be allowed to ask other fellow union members for campaign contributions to their political action committees or PAC's, off duty. Do we really believe that no one would dare approach a fellow union member on the job, by the water cooler perhaps? Why in an ideal world, no one would ever do something like that. But unfortunately we don't live in an ideal world. We know full well from experience that human beings will do these things. When your boss mentions at a weekend picnic that you might want to contribute some money to his favorite PAC, it would certainly get your attention. Surely, we are not all that naive to believe that will not happen. Because that is exactly what will happen if we do not approve this amendment offered by our distinguished friend from Kansas, Senator KASSEBAUM.

Mr. President, Senator GLENN has told us on more than one occasion during the course of this debate that he cannot support this amendment because it would put an end to Federal employee PACs as they exist today. That simply is not correct. This amendment merely restores existing law. Let me repeat: it puts us at square one—right where we are today. As we all are very well aware, Federal employee PAC's are alive and kicking and doing quite well, thank you, at this very moment. So let us lay that argument to rest right here and now.

But suppose, for the sake of argument, that the Senator from Ohio is right and this amendment does in fact put an end to Federal employee PAC's. If that is indeed his rationale for opposing this amendment, then I do find it curious that on May 26, he voted in favor of the Pressler amendment to the campaign finance reform bill. That amendment expressed the sense of the Senate that special interest PAC's should be eliminated. The Senator from Ohio, and the rest of the Senate agreed: we should crack down on PAC's to achieve real reform in our campaign finance laws.

That vote occurred less than 2 months ago, and today a whole slew on the other side of the aisle are gearing up to change that vote. Sure we want to ban PAC's, but if a PAC happens to provide 90 percent of its money to Democratic Party candidates, then we must ensure its survival.

This bill doesn't reform the Hatch Act. It guts it. Quite frankly, when you take existing law—which states that "Federal employees may not solicit" and remove "may not" and replace it with "may"—you are in essence erasing all that the Hatch Act is really about. Mr. President, I urge my colleagues to remember the importance of consistency and to support the Kassebaum amendment.

The PRESIDING OFFICER. Under the previous order the Kassebaum amendment No. 601 is laid aside. The next order of business will be the Senator from Delaware being recognized to offer an amendment on which there will be 30 minutes for debate equally divided and controlled in the usual form.

The Chair will then recognize the Senator from Delaware [Mr. ROTH].

AMENDMENT NO. 602

(Purpose: To provide that employees of the Criminal Division of the Department of Justice may not take an active part in political management or political campaigns)

Mr. ROTH. Mr. President, I send an amendment sponsored by myself, Mr. DOMENICI, Mr. DURENBERGER, and Mr. GRASSLEY to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. DOMENICI, Mr. DURENBERGER, and Mr. GRASSLEY, proposes an amendment numbered 602.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, insert between lines 15 and 16 the following new paragraph:

"(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

On page 17, line 16, strike out "(3)" and insert in lieu thereof "(4)".

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware for 15 minutes.

Mr. ROTH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes.

Mr. ROTH. Mr. President, my amendment states simply that employees of the Department of Justice Criminal Division may not take an active part in political management or political campaigns.

Why the Criminal Division within the Department of Juctice? Because as the Nation's top prosecutor, the Criminal Division is responsible for our country's most sensitive prosecutions—cases involving major drug and narcotics distribution, bank fraud, terrorism, racketeering, and organized crime. The investigation and prosecution of such cases requires the utmost sensitivity in avoiding the appearance of impropriety and conflicts of interest. A prosecutor active in partisan politics is more likely to be tainted by a political bias, which will lead to difficulty in avoiding such conflicts.

Criminal prosecutors necessarily exercise a great deal of discretion in deciding who to investigate or who to prosecute. IRS criminal investigators and FBI agents clearly have an important role to play in deciding whether criminal prosecutions are to be brought, and we are right to be sensitive about insulating them from political influence and political interference. The step we took on Thursday in excepting these employees was clearly a step in the right direction.

It makes little sense to prohibit the investigators from taking an active part in partisan activity and to allow prosecutors to be active in partisan causes. It is the prosecutor who makes the final decision about whether or not to bring a prosecution. That is why it is so important that those in the Criminal Division be exempt from the changes in the Hatch Act. Prosecutors should be kept free of even the appearance, even the suspicion, of political influence and favoritism.

The Justice Department has long recognized the need to insulate sensitive prosecutive decisions from political influence. That is why criminal tax prosecutions, criminal civil rights prosecutions, and criminal RICO prosecutions must generally be initially authorized by career Department of Justice personnel in Washington, DC, rather than by politically appointed U.S. attorneys. Allowing career criminal prosecutors to become heavily involved in political activity would undermine these efforts.

Without this amendment, employees with such discretion would be able to actively participate in partisan politics. My concern, Mr. President, is that this would undermine public confidence in our Federal criminal justice system and risk creating an appearance of political influence on prosecutive decisions that ought to be based solely on the evidence and the law.

Mr. President, the Senate took the important step last Thursday of prohibiting employees of the Office of Special Counsel from taking an active part in political management or political campaigns. I believe that Senate acted out of concern over perceived conflicts of interests of individuals who are responsible for enforcing the Hatch Act and bringing civil actions for alleged violations of the law. Having taken that step, what about Federal prosecutors who investigate and prosecute criminal matters related to allegations of such wrongdoing?

The public integrity section within the Criminal Division is the linear descendent of the Watergate Special Prosecution Force. It was believed that the Department needed to have specialists insulated from all political interference. The public integrity section manages the Federal Government's responsibility for prosecuting corruption of Government processes at all levels of Government.

The public integrity section prosecutes all forms of campaign finance crimes, and bribery and extortion involving Federal officials.

The public integrity section of the Criminal Division is responsible for investigating and prosecuting public officials including cases against Members of Congress and Federal judges. It is not unheard of for defendants whose political careers may be on the line to see if they can get the indictments dismissed through the use of private investigators to investigate the prosecutors in order to find a basis for such dismissal.

What would the people think of a prosecution by a Criminal Division lawyer who was an active partisan at night against an important Member of Congress of the opposing party? The Governmental Affairs Committee has ordered reported the reauthorization of the independent counsel law in order to assure the American people that in critical cases involving Washington's top public officials that there is no bias for or against the defendants in the prosecution.

Why is it so easy to see the need to avoid perceived political conflict of interests on the one hand and not on the other? How is it possible for the committee to be so concerned about the problem one day and so oblivious the next? Anyone who is concerned about impartiality and credibility of Government should support this amendment.

Mr. President, the Federal Bar Association testified that Federal attorneys should be exempt from S. 185. Prosecutions by the Criminal Division and the Public Integrity Sector are, by their nature, very public matters. This amendment is the least we can do to ensure the American people that the Nation's laws are being administered on a nonpartisan basis. The Criminal Division is a relatively small unit of Government—about 770 people—but it is one of the most important and most sensitive in Government. For that reason, I urge the adoption of my amendment.

I yield the floor, reserving the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware yields the floor. The Chair advises the Senator from Ohio that he has 15 minutes remaining and the Senator from Delaware 7 minutes. The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. Mr. President, once again, as many times on the floor and in this debate since we started, I find myself talking about things that are already permitted under the Hatch Act as though they are not under the Hatch Act now and opposing amendments which purport to correct something that I just do not think needs correcting.

I will say all these things my distinguished friend across the aisle comments on about what if we let them be active at night, once they went home, once they are off duty? "What if," as though S. 185 is going to permit that and as though they cannot do anything at night right now.

That person right now, whether he or she be in the Justice Department as a prosecutor, or wherever, can go home and write a check for $1,000, if that person wants to, for a candidate of his or her choice. They can put up yard signs. They can walk around their neighborhood with signs if they want to. They can put signs or bumper stickers all over their cars and go to rallies. They can wear buttons to work. They are permitted that kind of political activity right now. In some of those areas, S. 185 tightens up.

So all these things that are tossed out here as though the prosecutors are going to suddenly be able to do all these things that are bad, they are permitted to do all those things now. I see no reason why they are going to try to do more things. In fact, we tighten up and permit them to do fewer things than they can do right now.

So that is a basic reason that I oppose this amendment.

Mr. President, the amendment would impact approximately 770 people in the Criminal Division of the Department of Justice. I point out again that in the Department of Justice, as in other agencies, there are internal agency regulations that we should certainly mention in this debate. The Department of Justice regulations on employee conduct in 28 CFR 45.735 directs that DOJ employees must disqualify themselves from a criminal investigation or prosecution if an employee has a political relationship with a person or organization related to the investigation or prosecution. An employee must also disqualify himself or herself from investigations or prosecutions if the political relationship represents an appearance of a conflict of interest, just an appearance of a conflict of interest, or an actual conflict of interest, of course.

According to the DOJ regulations, a political relationship is defined as:

> A close identification with an elected official, a candidate, whether or not successful, for elective public office, a political party or a campaign organization.

That is section 45.735-4.

These restrictions apply to employees who work at the Federal Bureau of Investigation and the Drug Enforcement Agency as well.

So these are internal regulations to protect them from the abuses that we are talking about. It should be pointed out that the regulations do not provide for punitive action against employees who maintain such involvement, only disqualification from some kinds of work.

As everyone knows, we have defeated a number of amendments to exempt certain categories of employees from the terms of Hatch Act reform in past considerations. We have defeated these amendments in committee and on the floor. We have done so for a number of reasons.

First, there are numerous statutes in titles 5 and 18 of the United States Code, which provides criminal and civil penalties for the misuse of confidential information by any Federal employee. Nothing in S. 185 will affect those prohibitions and penalties.

Furthermore, I would like to point out that the people with the greatest access to sensitive information—the agency heads, secretaries, Presidential appointees confirmed by the Senate—are currently exempt from any Hatch Act restrictions and can participate in political campaigns and fundraising activities. I think that is something a lot of people forget. They think that, if we are going to change the Hatch Act, this applies to everyone in Government service. It does not. We have some 2,000 political appointees who serve at the pleasure of the President, appointed when any administration changes. Those people are not covered at all under the Hatch Act or anything else. They are permitted to do whatever they want: Go out and give campaign speeches, raise money, do whatever. These are the people at the top levels of Government—the agency heads, secretaries of the Departments, Presidential appointees confirmed by the Senate. They are all exempt from any Hatch Act restrictions whatsoever. They can participate in political campaigns and fundraising activities as they so choose.

Second, this amendment should be defeated because S. 185 is a very moderate proposal. S. 185 strictly prohibits all Federal employees from soliciting political contributions from the general public. The House bill is not like that. I keep having to point out the differences because you would not even recognize these as addressing the same subject hardly with the differences between the Senate bill and the House bill.

Under our bill, a Federal employee will not be able to solicit contributions on behalf of the partisan candidate of their choice from anyone. Under our bill, Federal employees will still be prohibited from running for partisan elective office.

The House bill permits both those things to occur. Under the House bill, civil service people could go out and raise money from the general public—I disagree with that one—and they can run for partisan political office. I said before, this bill does not repeal the Hatch Act, does not make changes like that. It simply continues it in a way that is more fair to Federal workers.

The fact is that 41 State governments now have more liberal Hatch acts than the Federal Government. Those States collect taxes, they enforce the laws also. There is no evidence, I believe, that those State employees in sensitive positions use their positions to influence political activity or State or local police officers who investigate crimes and complaints. I think Federal employees can, as a whole, be trusted to obey that bright line between their job and their off-duty political activities. The purpose of S. 185 is to clarify the confusion and the illogic of current law governing the political activities of Federal and postal employees and to make those laws more fair.

That is all this bill, S. 185, does.

(Mrs. BOXER assumed the chair.)

Mr. GLENN. Madam President, I reserve the remainder of my time.

I correct that. I yield myself—how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. GLENN. Madam President, the review of criminal restrictions other than the Hatch Act, which I read into the RECORD last week, I think, is worth mentioning again. We have eight different Federal statutes that apply to all sorts of coercion or intimidation or threats to try to influence Federal employees quite apart from the Hatch Act. These cover a multitude of things on trying to get people to vote or trying to affect the nomination of a candidate or trying to use a position for benefit one way or another.

Almost everything is covered by strict Federal penalties of either $5,000 or $10,000 fine and imprisonment of a year or more under all of these.

And they cover all of the things we seem to be debating on these amendments. Federal employees, civil service employees cannot just go out, regardless of the Hatch Act, and do some of the things that many of these editorials seem to imply they would be able to do.

What we do with these restrictions, we actually tighten up on the Hatch Act. And in return for that we say everybody should be able, as an American citizen, to have some political activity. It should go beyond just being able to contribute, which they can do now. And so that is what we permit. It is that simple.

All these dire things of what is going to happen under the act, I would say, if this passes, this is not going to be some great floodgate that opens. In fact, it is going to tighten up what they can do on the job and under very tight restrictions would permit a little more to be done off the job, as every other American can do, but still under very, very tight controls, including all of these eight other Federal statutes that carry along with them very stiff penalties in case violations occur.

Madam President, I reserve the remainder of my time.

Mr. ROTH. Madam President, I yield myself such time as I may take.

Madam President, I find it somewhat difficult to follow the rationale of the actions on the part of the majority.

Last week, we, of course, exempted from the relaxation of the Hatch Act the Office of Special Counsel. The Office of Special Counsel is, of course, the government agency which has responsibility for civil prosecutions of the Hatch Act, and yet today we are asking that an exemption from the relaxation be made of the Justice Department's Criminal Division.

Now, the Criminal Division is responsible for prosecuting criminal violations of the Hatch Act. Obviously, those are the more serious violations. And yet we find that the majority is not willing to exempt the Criminal Division. We think this is irrational and difficult to reconcile.

I might point out that we are not only, of course, talking about prosecutions of the Hatch Act but many other sensitive areas as well such as cases involving drug and narcotic distribution, bank fraud, terrorism, racketeering, and organized crime.

As I said earlier, the investigation and prosecution of such cases requires the utmost sensitivity in avoiding the appearance of improperly and conflict of interest. A prosecutor active in partisan politics is more likely to be tainted by a political bias which will lead to difficulty in avoiding such conflicts.

I cannot emphasize too much that criminal prosecutors necessarily exercise a great deal of discretion, discretion in deciding who to investigate and who to prosecute. The step we took last Thursday in exempting FBI agents and the IRS criminal investigators was right. But we should perfect that action by accepting the amendment I propose today.

Now, proponents of S. 185 argue that Federal agencies under this legislation will retain the authority to prohibit certain sensitive employees from active involvement in political management or political campaigns. However, the text of S. 185 itself clearly indicates that agencies will have no such authority.

S. 185 provides that "an employee may take an active part in political management or in political campaigns." There is absolutely no authority provided the agencies to limit activity beyond the prohibitions expressly contained in S. 185.

We asked that question of the representative of the Federal Bar, and he so testified, that there was no discretion, that we were strictly limited as to what could be done by S. 185. And I would like to point out S. 185 declares it is the policy of Congress that "employees should be encouraged to exercise fully, freely and without fear of penalty or reprisal and to the extent not expressly prohibited by law"—let me reread that because those words are especially important—"to the extent not expressly prohibited by law their right to participate or to refrain from participating in the political processes of the Nation."

Madam President, I read this language to state clearly, unequivocally that without an express prohibition stated in statute, the President or an agency will lack the authority, the necessary authority to provide for additional prohibitions beyond S. 185.

Mr. President, that is the reason why my amendment is necessary, and I urge my colleagues to support this amendment.

I yield the floor and reserve the remainder of my time.

Mr. GLENN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 4 minutes 16 seconds remaining.

Mr. GLENN. Madam President, I am a little bit surprised to hear my colleague across the aisle saying he thinks things should be prohibited by law. I gather that we should encourage people not to participate in politics. I would say it is quite all right to participate in politics unless expressly prohibited for certain reasons, and that is why the United States Code, 18 U.S.C. 594 says:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten or coerce any other person for the purpose of interfering with the right of such other person to vote * * * or not vote—

It goes on and on.

It is voting and it is on influencing people in a certain way, in a certain job. These are all covered under eight different parts of the United States Code, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REVIEW OF CRIMINAL RESTRICTIONS OTHER THAN HATCH ACT

*18 U.S.C. 594:* "Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such person to vote for, or not vote for any candidate for the office of President, Vice President, Presidential elector, member of the Senate, member of the House of Representatives * * * at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1000 or imprisoned not more than one year, or both."

*18 U.S.C. 595:* "Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof * * * uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives * * * shall be fined not more than $1000 or imprisoned not more than one year, or both."

*18 U.S.C. 599:* "Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment for the position of procuring support in his candidacy shall be fined not more than $1000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both."

*18 U.S.C. 600:* "Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $10,000 or imprisoned not more than one year, or both."

*18 U.S.C. 601:* "Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision or a State, or any compensation or benefit of such employment, position or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State; if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both."

*18 U.S.C. 602:* "It shall be unlawful for—

* * * * *

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit, any contribution * * * from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both."

*18 U.S.C. 607(a):* "It shall be unlawful for any person to solicit or receive any contribution * * * in any room or building occupied in the discharge of official duties * * * or in any navy yard, fort, or arsenal."

*18 U.S.C. 610 [added by S. 185]:* "It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government * * * to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5000 or imprisoned not more than three years, or both."

Mr. GLENN. I would imply, at least from what my colleague from Delaware has said, he feels, unless something is specifically prohibited, that somehow we should discourage people from participating in the political process. I disagree with that most strongly. The people of this country are free to express their political will unless expressly prohibited. And that is what we do in the United States Code. That is what we do with the law. We say that there are certain cases where those rights to participate in the political process have to go down in the interest of greater considerations for the benefit of all the people of this country.

Now, that is what the Hatch Act was put in for years ago. The Hatch Act was put in to prevent misuse of political power in a partisan way. But there are so many things that grew up around it that were so nonsensical, things that we have covered in this debate, and all we are trying to do with this is say OK, the United States Code still applies, it still expressly prohibits by law only those things that should be prohibited by law and that people should be able to exercise their political prerogatives as American citizens unless specifically prohibited for these particular reasons.

The Hatch Act does not undo any of these things. All those protections for people in the Department of Justice or wherever else they are in Government are still there with stiff penalties if they are violated.

So do we want to expressly say to the people of this country, including Government employees, they are encouraged to be politically active unless specifically prohibited by law? Absolutely, just like every other American citizen. If you start restricting people's political activity when it is not necessary, when there is no real threat, then I think that really is a danger because something like that expands into the general population. When you start restricting people for no particular reason, that to me does not make any sense. That would be a danger to this country.

So we do not try to take any authority that goes beyond S. 185 and say we will overturn some of these other restrictions that are quite outside the domain of the Hatch Act. We do not change those at all. All of those protections are still there. Whether the people are in the Department of Justice, Treasury, FBI, Secret Service, you name it. All of those protections are still there, and with very stiff fines involved.

So all we try to do with this, I keep repeating, is make the Hatch Act more fair. We tighten up on the job. We loosen up some off the job but still with very careful restrictions therein.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator's time is 10 seconds.

Mr. GLENN. I will sacrifice that. I yield my time.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute and 25 seconds.

Mr. ROTH. Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order there is 1 hour for debate remaining on the bill.

Mr. GLENN. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. Mr. President, I have about three items to complete my leader time, and then if I can obtain some time from the Senator from Delaware I will make a brief statement on the Hatch Act.

## MIKE WALDMAN: UNEXPECTED PASSING OF VETERAN REPORTER; COLORFUL NEWSDAY REPORTER WILL BE MISSED

Mr. DOLE. Mr. President, the unexpected death yesterday of Newsday reporter Mike Waldman was bad news indeed, a stunning passing that leaves a huge void in the Capitol Hill press corps.

Mike Waldman was one of the most popular and colorful reporters in Washington, a veteran journalist who had seen it all, and was not shy about telling you more than a few stories to prove it. He had a quick and clever sense of humor, filling his conversations and columns with puns and topical jokes. It was no surprise to his friends when he entitled his memoirs, "Forgive Us Our Press Passes." Mike was a special character, and a familiar sight in the Capitol with his trademark bow tie, rumpled pants, and suspenders and belt.

But behind all the color and humor was a talented journalist, a dedicated pro who could smell news a mile away. It was obvious he loved the political arena, whether it was the Halls of Congress, the campaign trail or the White House, Mike Waldman was always there, bringing his special talents and special personality to his beat.

It is never easy covering politics, what with all the traveling and inhumane hours. In fact, in one poignant and revealing story in his book, Mike recalls that after being away on yet another long trip, his young son greeted him at home with the comment, "Daddy, do you still live here?"

Well, Mike understood the sacrifice of big league journalism, but he also understood the importance of family. He was a devoted father and husband, and enjoyed talking—and, what else, joking—about his home life.

It is difficult to imagine Mike is gone. We will miss his raspy voice, his hearty laugh, and, yes, his tough questions at our press conferences. He was a good man, and a one-of-a-kind journalist.

I send my prayers to his family.

## WELCOMING BACK SENATOR SPECTER

Mr. DOLE. Mr. President, I am sure that all of my colleagues in the Senate join me in extending a warm welcome back to our friend from Pennsylvania, Senator ARLEN SPECTER, who has returned to the Capitol following a very successful surgery.

On the path of this remarkable recovery, Senator SPECTER could not have returned to the Senate at a better time. In fact, as I left my office I watched him on C-SPAN making a statement at the Ginsburg hearings, and as a member of the Judiciary Committee, as one of the Senate's most brilliant lawyers, legal minds, he can be counted on to play an important role in that hearing and also the hearing of FBI Director-designate Louis Freeh.

Anyone who knows ARLEN SPECTER knows he is a workhorse who does not do anything halfway. But that will not stop us from encouraging ARLEN not to overdo it. I think that is a tendency everybody has, and we hope he will follow his doctor's advice. We refer to ARLEN in Russell, KS, as the "second Senator" from Russell, KS. He attended high school there, and his brother still lives there. Even though he is now a Senator from Pennsylvania, he has many, many friends in our small hometown of Russell, KS, who wish him well and know that his recovery will be complete, and it has been speedy.

We all look forward to seeing ARLEN in his now famous Pennsylvania hat on this floor more and more often in the days and weeks ahead.

## NOMINATION FOR FBI DIRECTOR

Mr. DOLE. Mr. President, under my leader time, I will now comment on the new nominee for the FBI Director. In the wake of the unprecedented dismissal yesterday of an FBI Director appointed to a 10-year term, we must now look ahead to the confirmation of his successor.

President Clinton today announced his selection to head the FBI, U.S. District Court Judge Louis Freeh. While I do not know Judge Freeh, I look forward to examining his record, experience, and his views on criminal justice. At first glance, his credentials appear impressive. I was particularly pleased to hear Judge Freeh this morning mention his commitment to the political independence of the FBI.

I understand the administration would like to complete his confirmation before the August recess, and I certainly share the administration's interest in restoring leadership to the Bureau in a timely manner. It is this Senator's intent to cooperate with the administration toward that goal, consistent with the Senate's responsibilities to thoroughly consider this appointment. Certainly all of us wish the nominee success.

Mr. President's I yield any leader time I may have.

The PRESIDING OFFICER. All leader time remaining will be yielded back.

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## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I am going to speak generally on the Hatch Act. There is no doubt that this bill is going to pass later today, probably with some bipartisan support, and it may become the law. It is a much better bill than the House bill. I commend the chairman of the committee for making it a better bill. I hope that maybe the House, if we have to pass anything, will take the Senate bill. I would just as soon we did not pass anything.

During last week's debate, the Republicans, under the leadership of my distinguished colleague from Delaware, Senator ROTH, succeeded in making some significant improvements. One improvement exempts both administrative law judges and members of the Senior Executive Service from coverage under the bill. Another improvement exempts those workers employed by some of our national security law enforcement agencies, agencies like the CIA, the Defense Intelligence Agency, and the FBI.

These are all steps in the right direction. But for those of us interested in nonpolitical Federal work force, they obviously do not go far enough. Senator ROTH has offered two more constructive amendments. One amendment will exempt IRS auditors from coverage under the bill. The second amendment will provide an exemption for the prosecutors in the Justice Department's Criminal Division, and it would seem to me that we ought to take these amendments. I cannot believe that we would want people who are in the IRS audit area, or are special prosecutors in the Justice Department's Criminal Division playing any role in politics, or being intimidated if they do not play a role. Do we really want members of the Justice Department's Criminal Division—individuals who decide on the prosecution of public employees—to serve as party officials? Do we want IRS auditors—individuals who have access to the most sensitive and confidential information—to be soliciting campaign contributions.

I think these amendments should pass and should be overwhelming, and I hope it will not be just party line votes, all Democrats and a few Republicans voting against the amendment. I know that most of the money in this operation goes to my colleagues on the other side of the aisle. I do not like public financing, but the more I see of this kind of legislation, the more attractive it appears to some. Because this is certainly a product of the activists in the Federal labor unions who raise a lot of money and give 89 percent of it to my colleagues on the other side of the aisle. Common Cause, who opposes this legislation, has been strangely silent. They are very active when there is something like campaign finance reform. But I guess, here, too, they have received the message that they are not totally nonpartisan. They did not testify at the hearing, as I understand it. They have not said anything. They wrote a letter in March, but that is the last we heard from Common Cause on this very important issue. I guess their credibility—what little they have—is probably at risk. It is a little late to weigh in now, but they have been a.w.o.l. on this particular legislation. Maybe it does not come as any great surprise, but if they are truly concerned about the politics and about money and about influence and about special interests, this certainly has been target number one. But somehow they are a.w.o.l., not here, and they are not doing anything. So I hope that Mr. Wortheimer and other members of Common Cause will take a look at this legislation. It is a little late to do much about it. At least they can say they did not do anything to stop it. I hope they will.

This amendment would sensibly prohibit Federal workers from participating in political fundraising. And for all the recent talk in this Chamber about the so-called Washington political money chase, one would think the Senate would want to spare the civil service the burdens of soliciting political contributions.

I hope that the Kassebaum amendment will pass. I do not think it is going to pass, because I think the votes are there. I think those that support the legislation—if they had not had the votes they probably would have accepted the amendment earlier.

I have not heard anybody yet—and maybe I missed it—deny that history is loaded with examples of political abuses that hurt Government, hurt Government's employees, and hurt the people the Government is supposed to serve.

Indeed, the fact that political abuses are rare in the Federal system today I think speaks to what we think is a good bill we have now. I think most Federal employees think we have a good bill now. They are not asking for change. These are the activists and the people that raise the money and who participate in politics. I think what we have today is a testament to the effectiveness of the Hatch Act as it is today. It works because it protects and insulates Federal employees from partisan politics. It prohibits them in using their official positions to interfere with Federal elections and from taking an active part in political campaigns.

Contrary to some of the propaganda out there, the Hatch Act does not prohibit public employees from voting and expressing their views in private and public, attending conventions or rallies as a spectator, or campaigning for or against political referendum questions, and a host of other activities.

These rights are real, and they have been exercised by the Federal employees for decades—and, for the most part, without complaint. But what is most important are the protections the Hatch Act gives them—protections we can kiss goodbye if this bill becomes law.

Under the bill's so-called reform approach, Federal workers will be entitled to hold office in a political party, solicit political contributions, make campaign speeches, and distribute campaign literature. They will be permitted to participate in political phone banks and attend and organize political meetings.

With these new rights, the very real danger is that the quality of our civil service will decline as politics replaces merit as the key factor in hiring and promotion decisions.

It seems to me that there is a lot of talk about whether there are going to be stiff penalties for political coercion. But as the New York Times pointed out, these penalties were inadequate to protect Federal employees, who now, under current law, can rebuff political overtures by superiors and others in the work force simply by saying, "sorry, I am Hatched." That is what most Federal employees would like. They have that protection today, and they will not have it later.

So there is not much public clamor for this legislation; not even much from the Federal employees here. It is like the motor-voter legislation. Not a single Governor I know of wanted motor-voter legislation, but it is construed by many to help my colleagues on the other side to win more elections, to increase their margins in some areas, and that is why it is on the floor. In the motor-voter legislation, we mandated the States to pay for it. We did not offer to pay for it.

We are going to have some amendments on some of the appropriations bills to withhold implementation of that bill until we provide the money for it, because we are already hearing complaints from Governors as to how much it is going to cost.

### WHO SUPPORTS S. 185?

So, Mr. President, if this bill has so many obvious flaws, so many potential pitfalls, then why are we debating it in the first place? And who really stands to benefit from repeal of the Hatch Act?

Certainly not the Federal employees themselves, who—from day one—have expressed little interest in changing the Hatch Act status quo.

More than 60 percent of the employees surveyed by the Federal Executive Alumni Institute, for example, oppose changes in the Hatch Act. And in a 1989 Merit System Protection Board survey of nearly 16,000 employees, only 30 percent responded favorably to the question of whether they would like to be able to be more active on partisan political activities.

Make no mistake about it, the people who want this bill are the union leaders here in Washington, the beltway boys, those at the top of the union ladder, those who have the power and who want more.

The issue, Mr. President, is power. Not free speech. Not civil rights. Not the emancipation of the Federal worker. But the emancipation of the Federal employee checkbook.

During the last election cycle, the political action committees of the major Federal employee unions gave more than $6 million to Democrat candidates. In comparison, Republicans received a paltry $600,000. That is more than a 10-to-1 ratio, Democrat to Republican.

And by allowing Federal workers to solicit union PAC contributions, this so-called reform bill will make the union PAC treasuries bulge even more at the very time that my Senate colleagues—Democrat and Republican—just passed a campaign finance bill that banned PAC's outright.

This bill should carry a warning label that says: "Federal employee—beware! Your checking account will take a nosedive, if and when, this bill passes."

Mr. President, I would like to save the Hatch Act. Last week and now today, Senate Republicans have been rolling out the Hatch Act lifeline. Unfortunately, in the final analysis, this lifeline came up short.

I say again, more than 60 percent of the employees surveyed by the Federal Executive Alumni Institute opposed changes in the Hatch Act. And in a 1989 Merit Protection Board survey of nearly 16,000 employees, only 30 percent responded favorably to the question of whether they would like to be able to be more active on partisan political activities.

So the union leaders, the beltway boys, those at the top of the union ladder, they are the ones out here in the Cloakroom; they are the ones who have been pushing this legislation. They want more power and they know how to use it, and that is what this issue is all about.

I hope this is something the American people, when they start taking a look at Congress, will consider. And they do not care much for Congress. Many people take a look at some of the things we continue to do. This is not free speech. It is not civil rights, not the emancipation of the Federal worker, but the emancipation of the Federal employee checkbook. That is what this legislation is all about.

We will see the contributions go up. And we will see some, I guess, who vote for the legislation maybe benefit. But the last time, unions gave more than $6 million to Democrat candidates, and I think $600,000 to Republican candidates. But whether it be $6 million apiece, it would not make any difference; it is still not good legislation. I regret some of my Republican colleagues are voting for this legislation.

It seems to me that it is going to pass, and again I suggest it is much better than the House bill. So I commend the distinguished chairman, the Senator from Ohio, Senator GLENN, for his effort to try to minimize, where possible, some of the pitfalls that many think will happen.

I know today's New York Times editorial has already been referred to and already put in the RECORD, so I will not do that again.

I do not often agree with the New York Times editorial policy. In fact, generally, it is aimed at me. But I just suggest maybe this one might be worth reading with reference to the amendments that are pending.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself as much time as I may take.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROTH. Mr. President, should the House of Representatives concur in the Senate amendments to H.R. 20, the Hatch Act Amendments of 1993, the President will sign the legislation into law. That means that the Senate may not be again debating the merits of this legislation for a long time—not until the new law has gone into effect, the culture of the Hatch Act has eroded, employees realize that politics has permeated the workplace, and a scandal erupts. Then we will be debating this again.

But before we close this chapter in our Nation's struggle to deal with the spoils system, a struggle that has lasted for nearly two centuries, I would like to offer a few observations.

Proponents and opponents have debated this legislation strenuously and passionately. In my judgment that debate will never end. It will never end because we each hold very different views on human nature and on the function and place of the Hatch Act in the Federal work force.

In evaluating this legislation, I recall that in Homer's epic poem, the "Odyssey," the main character Odysseus asks his sailors to tie him to the mast of the ship while they sail past the alluring Sirens, lest Odysseus and his men be distracted from their objective. I picture Odysseus at the mast with his hands tied behind him, at his own request and for his own protection, straining at the ropes while the Sirens' song calls him to ruin. Odysseus is like the Hatched Federal employee, restrained for his own protection. But now come the proponents of S. 185 to untie the hands of Odysseus while earnestly warning him not to listen to the Sirens' song.

Millennia pass. Circumstances change. But the problems of human nature persist.

On the subepic level, the Virginia Newport News earlier this year editorialized against the Hatch Act legislation pending in Congress, writing that it is like telling the cat he can play with the canary if he promises not to eat it.

Proponents accurately will state that S. 185 contains strong penalties for any cat who eats a canary. We differ with proponents in our belief that the real way to protect the canary from the cat is to separate them; proponents naively believe that no harm will come from mixing the two so long as the law prohibits the cat from eating the canary.

The cat-and-canary analogy is useful but it, too, misses an essential point: The wrongs that will occur when S. 185 becomes law will not always be tangibly evident. You could place the cat under constant surveillance with a camera and see whether the cat eats the canary. But there is no way to photograph the thoughts, the mind, the anguish of the Federal employee who believes, for whatever reason, that he is expected to take an active part in a political campaign.

While the Federal employee is the victim in such a situation, who is the violator that is to be punished under S. 185? No one has coerced him. So who is to be punished? And what is the evidence to make the case? What cases may be brought? On what basis may accurate statistics be kept about whether the new legislation has politicized the work force?

If anything, proponents of the legislation will cite the silence of the victims as evidence that the new legislation works. The rise in active political participation among employees will be presumed by proponents to be totally voluntary. When the employee becomes publicly political because he believes he is expected to, just exactly who is the wrongdoer? Does the lack of an identifiable wrongdoer mean there is no wrong? The chairman can cite all the statutes on the books against coercion. But those laws don't mean a thing where there is no identifiable wrongdoer, and that will be all too common.

Who can these victims point to? Who made them the victims of political pressure? Unfortunately, the only answer to that question is the proponents of this legislation.

Another observation I wish to make is that proponents and opponents of S. 185 have significantly different views of the Hatch Act itself. In my judgment, the Hatch Act is something far more significant than a few sections of title V of the United States Code. To proponents of S. 185, the Hatch Act is a jumble of different rules, hard to understand, which suppress first amendment freedoms. To me, the Hatch Act is remarkable not so much for the text of its statute as it is for the context it has created. It has created a culture in the Federal work force that politics has no place. Today, the Federal employee is protected from requests to get involved in a campaign. He can rest assured in the knowledge that he can simply say "I am Hatched" to any request. But even more reassuring than that, perhaps, is the fact that the employee's coworkers are also Hatched, also precluded from engaging in political campaigns so that they might get an advantage over the employee to receive better assignments and better pay. It is not enough for the employee to be Hatched; it is equally important that coworkers be Hatched. Only that way can employees be assured that their performance on the job will be judged on the merits of their performance on the job and not on the basis of politics. To me, there is no brighter line than that.

In short, today's merit system culture is inextricably linked to the existence of the Hatch Act. The amendments contained in this legislation will poison the culture, shatter the assurances, and flatten the protections of the Hatch Act. Proponents argue that times have changed since 1939. They argue that we don't have problems of politics replacing merit any more. So they exhort us to do away with the fundamental prohibition against active participation in political campaigns. What they fail to grasp is that it is this very prohibition that has caused the change. Conditions have improved because this prohibition has worked.

For the life of me I do not understand why this prohibition's success is the basis for its repeal. But that is exactly the argument of the proponents of S. 185.

In sum, it should come as no surprise that we disagree, when we hold such disparate views both of human nature and the function of the Hatch Act. Mercifully, this debate is drawing to a close. But unfortunately it appears that proponents will prevail. The Hatch Act was passed in 1939. Attempts to relax it were vetoed by President Ford in 1976 and by President Bush in 1990. It was President Ford who summed up the legislation, in his direct style, as "bad for the employee, bad for the government, and bad for the public."

While much of the debate for the last week has focused on the Federal employee, it is important to understand that the welfare of the employee, the Government, and the public are inextricably linked. The public has a right to expect that programs that serve the public are administered in a neutral, nonpartisan manner, without regard for political considerations. Whether we are talking about who gets a grant, who gets audited, or who gets prosecuted, those discretionary decisions of government are better made without the infusion of political considerations. When political considerations are removed from decisionmaking, the government acts more efficiently, more productively, and more honestly with the results that the people receive the quality of service they deserve. Remember, the Government is here to serve the people.

So as opponents express concern about the subtle pressures that will be laid upon the Federal work force with the passage of S. 185, opponents are concerned not only about the personal impact on the employee but also about the impact on the American citizen, who is both the customer of, and the shareholder in, the Federal Government. So this legislation is no inside-the-beltway controversy, no internal Government problem, no arcane matter best forgotten. No, what we opponents are all concerned about is how Government performs for the American people. This legislation is an about-face, a march in the wrong direction. This is why over 100 newspapers have editorialized in favor of retaining the current Hatch Act. This bill has real consequences. It is bad for the employee, bad for the Government, and bad for the public. And that's why I shall vote "no" on final passage this afternoon.

I shall vote "no" even though the Senate bill is substantially better than the House bill in three major respects. The House bill, in contrast to the Senate bill, permits Federal employees, first, to solicit political contributions from the general public and, second, to run as a partisan candidate for local elective office. Third, as a result of an amendment agreed to last Thursday, the Senate bill exempts about 3 percent of the work force who hold certain police or intelligence positions. While I am pleased that the Senate took that step to improve the legislation, S. 185 still provides, as a general proposition that covers about 97 percent of the work force, that "an employee may take an active part in political management or in political campaigns * * *."

S. 185 thus repeals the fundamental prohibition that has come to be known as the Hatch Act, although the prohibition was first formulated by President Theodore Roosevelt in 1907. This legislation, notwithstanding its improvements, is still a break with our historic tradition, a tradition inaugurated by President Thomas Jefferson, and maintained as recently as President George Bush, a tradition of opposing electioneering by Federal employees.

This tradition understood the proclivities of human nature and valued the workplace culture created by the Hatch Act. Today marks the end of that tradition.

Mr. President, during the past week, I have mentioned the more than 100 editorials which have appeared in newspapers around the country expressing opposition to the proposed changes in the Hatch Act. During the debate I have read from a sample of the editorials. Rather than submit all 100 editorials for the RECORD, I ask unanimous consent that a list of the editorials, along with the date they appeared, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### NEWSPAPER EDITORIALS AGAINST CHANGES IN THE HATCH ACT

New York Times, "Mr. Glenn Hatchets the Hatch Act," July 20, 1993.

New York Times, "Save the Hatch Act," July 15, 1993.

Los Angeles Times, "An Unwanted Escape Hatch—Keep Federal Civil Service employees clearly and formally above politics," March 3, 1993.

Wall Street Journal, "Hatch Not Hacks," February 19, 1993.

The Christian Science Monitor, "Go Slow on Voting Act," March 11, 1993.

#### ALABAMA

Athens News Courier, "Let's Keep Hatchet Away From Hatch Act," June 2, 1993.

Birmingham News, "Axing Hatch," March 26, 1993.

Birmingham Post-Herald, "A Last Pitch for Hatch," March 8, 1993.

Selma Times-Journal, "Hatch Act's 'Reform' Would Help Only Unions," May 26, 1993.

#### ARIZONA

Fort Smith Times Record; "Hatch Erosion," March 11, 1993.

The Arizona Republic, "Hatch Act 'Reform'—Politics at Work," March 4, 1993.

#### CALIFORNIA

Fresno Bee, "Hatch Act Revisited," March 18, 1993.

North County Blade-Citizen, "Keep Hatch Act," March 26, 1993.

The Sacramento Bee, "Hatch Act Overkill," March 1, 1993.

#### COLORADO

Denver Post, "Don't Renew the Shakedowns of Federal Employees," April 2, 1993.

Durango Herald, "Don't Weaken the Hatch Act," March 10, 1993.

Loveland Daily Reporter-Herald, "Who Gains From Destruction of Hatch?", March 10, 1993.

### CONNECTICUT

Rocky Mountain News, "The Maiming of a Good Law," March 7, 1993.

Waterbury Republican-American, "Hatch Act Attack," March 8, 1993.

### DISTRICT OF COLUMBIA

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### FLORIDA

Cape Coral Daily Breeze, "Keep Politics Out of Civil Service," May 4, 1993.

Daytona Beach News Journal, "Don't Mess With Hatch Act," March 5, 1993.

Gainsville Sun, "Saving the Hatch Act," March 21, 1993.

Ocala Star Banner, "Keep Act Intact," March 24, 1993.

Pensacola News Journal, "Hatch Act Revision by Congress Bad Idea," May 6, 1993.

St. Petersburgh Times, "Gutting the Hatch Act," March 21, 1993.

Stuart News "Hatch Still On Guard," February 23, 1993.

Tampa Tribune Times, "Keep the Hatch Act Intact," March 21, 1993.

### GEORGIA

Albany Herald, "'Reforming' Hatch Act," March 18, 1993.

Atlanta Journal, "Hatch Act Changes Mean Return of the Spoils System," May 4, 1993.

Athens Banner Herald, "Urge Congress To Keep Hatch Act," May 3, 1993.

Augusta Chronicle, "Let's Keep the Hatch Act," January 30, 1993.

Rome News-Tribune, "OK'ing Corrupt Practices," March 14, 1993.

### ILLINOIS

The Bloomington Pantagraph, "Hatch Act Limits Shouldn't Be Lifted," March 1, 1993.

### INDIANA

The Indianapolis Times, "How Embarrassing," March 2, 1993.

### IOWA

Des Moines Register, "Don't Scrap the Hatch Act—Keep Partisan Politics Out of Federal Service," March 5, 1993.

### KANSAS

Belleville Telescope, "Unions Want Bureaucrats To Be Involved in Politics—We Need Hatch Act," June 3, 1993.

### MAINE

Bangor Daily News, "Hatch Act Repeal," March 16, 1993.

Lewistown Sun-Journal, "Keep the Hatch Act," March 14, 1993.

### MASSACHUSETTS

Boston Herald, "Hatch Act Endangered," March 8, 1993.

New Bedford Standard-Times, "Hatch Act Repeal Will Lead Us to a Rich Vein of Corruption," March 10, 1993.

Quincy Patriot Ledger, "Leave the Hatch Act Alone," March 9, 1993.

Worcester Telegram & Gazette, "Save the Hatch Act," March 10, 1993.

### MICHIGAN

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### MINNESOTA

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Elko Daily Free Press: "Labor Unions Cashing in Their Political Chips," February 25, 1993.

Las Vegas Review Journal, "A Labor Union End-Around—Senate Bill Would Skirt Nevada's Right-To-Work Law," March 3, 1993.

Las Vegas Review Journal, "Don't Unhatch Fed Workers—Diluting the Hatch Act Will Politicize the Civil Service," March 10, 1993.

### NEW JERSEY

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Trenton Times, "Should U.S. Employees Be Un-Hatched?" May 10, 1993.

### NEW MEXICO

Las Cruces Sun-Times, "Don't Destroy the Hatch Act," March 7, 1993.

Santa Fe, "Bingaman, Domenici: Stand by Hatch Act," March 14, 1993.

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Gaston Gazette, "Hatch Act Provides Benefits to Americans," February 23, 1993.

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Cincinnati Enquirer, "Hatch Attack—If Senate Repeals the Hatch Act Bureaucracy Could Be Fireproof," May 17, 1993.

Cincinnati Post, "Hobbling the Hatch Act," February 22, 1993.

Cincinnati Post, "Keep the Hatch Act," March 6, 1993.

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Lehighton Times News, "Hatch Act—Would Local Law Be Fair?" March 17, 1993.

Milton Evening Standard, "Hatch-Bashers Hard at Work," March 2, 1993.

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Racine Journal Times, "No Great Favor—Repeal of Hatch Act Would Be a Mistake," March 7, 1993.

Wisconsin State Journal, "Protect Hatch," March 8, 1993.

Mr. ROTH. Mr. President, I would like to point out that more than three-quarters of these editorials appeared after March 4, 1993, the day the House of Representatives passed their version of changes in the Hatch Act Reform. Despite the comments of the distinguished Senator from Ohio, many of these newspapers knew the difference between the House and Senate bill, and their opposition was to fundamental changes in the act, such as those that the Senate bill would make.

Mr. President, I reserve the remainder of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, a couple decades ago, we used to all watch a TV program, and on it was a TV cop named Joe Friday. Joe Friday's statement always was: "Just the facts, ma'am; just the facts." He tried to get to the facts.

By some of the things that are tossed out against this legislation, I am reminded of Joe Friday—"just the facts."

S. 185 is not all these dire things that have been tossed out. The 54-year-old Hatch Act, it has been said, would undermine this. "The ghost of corrupt Government could come creeping back under the guise of constitutional rights," one editorial says.

Nothing could be further from the truth. Simply put, the Hatch Act Reform Amendments of 1993 would do three things.

On the job, it would make the Hatch Act tougher than it now is. It retains and strengthens current prohibitions against on-the-job political activity by Government employees. It would beef up penalties for violators. In fact, no political activity of any kind on the job.

No. 2, off the job, it would still, with very major restrictions, allow America's 3 million civil servants to retain their constitutional rights by participating in our Nation's political process voluntarily on their own time as private citizens.

No. 3, it would eliminate and clarify current rules that are confusing, that are nonsensical and contradictory.

Let me go into a little more detail.

In 1993, conditions are much different for Federal employees than they were in 1939 when the Hatch Act was passed. Many of the Hatch Act rules now, as currently written, are arbitrary, capricious, inexplicable, and indefensible, because Federal employees should not be treated like some second-class citizens and be forced to forfeit their constitutional rights when they opt for careers in public service.

If there are restrictions, fine. They accept those. But giving up rights unnecessarily is not what America is all about.

The Hatch Act was passed in 1939 before the development of a professional civil service at a time when Federal jobs were rewarded not on the basis of merit competition, but they were awarded as patronage plums for political contributions. They made no bones of it back in those days. And to protect civil servants in such a climate, it was deemed necessary to bar them from taking part in most political activity. Fine.

But here we are 54 years later and we have a dramatically different situation. We have a well-established, a professional, classified merit-based civil service, which ensures that promotions in the vast majority of Federal jobs goes to those with the best qualifications, not the best political connections.

And we have something else. We have the MSPB, the Merit System Protection Board, to which appeals could be made if an employee feels he or she had been dealt with unfairly.

We have a welter of other laws on the books that further protect Federal employees from political coercion and manipulation.

There are some 2,000 top-level Government officials, of course, who are appointees of each new President and who serve at his pleasure that are not covered by any of these things. They are free to do whatever they want politically.

We also have a number of Hatch Act rules and regulations on the books that make no sense and deprive Federal employees of many basic rights all other Americans take for granted.

So the idea that we are somehow trying to repeal the Hatch Act is the furthest thing from my mind. I favor the Hatch Act. I am not for its repeal.

The House and Senate bills are completely separate with completely different provisions. It is not the House bill that we are talking about. It is not the House bill we are working on. The House bill does some different things. The House bill permits people to go out and ask for contributions from the public, permits people to run for partisan political office. We do not do that in S. 185.

Through the years there have been some 1,500 identified rulings, regulations and interpretations grown up around the Hatch Act which are conflicting and they are unclear. Let me give a couple of examples in this windup statement.

To those people who would say that people under the Hatch Act are not permitted political activity, that just is not true. Right now under the Hatch Act, people can give a $1,000 contribution to the candidate of their choice. Anybody, civil service or not, can put signs in their yard; they can put them in the windows of their homes; they can get them all over their car and drive around town; they can go to a political rally. That is permitted right now.

I would not change that at all. But a civil service employee is permitted to contribute up to $1,000 and the next door neighbor, with kids in college and no extra money to spare, is forbidden by law of any in-kind contribution. In other words, you have two civil service neighbors living side by side, one gives $1,000 and the other, just as interested in the candidacy of somebody, wants to go down and stuff envelopes or drive a car during a campaign, they are prohibited by law from doing that. Is that right? I do not think it is.

Here is a good one. A civil service employee can put yard signs all over their yard in support of a particular candidacy. A civil service employee can have them all over their car, as I said a moment ago, but you take that same person down to a political rally and that person walks into that political rally and someone gives them one of those same signs and they are standing in the back of the hall, if they have that sign in their hand, it is against the law. They can technically get fired for that.

Does that make any sense? Well, I do not think it does.

Another one, Federal employees may publicly express their opinions about political candidates but they cannot make a speech on behalf of that candidate. The difference? That is a good question. Is it the difference of whether somebody sticks a microphone in front of you? Is it whether you have a crowd out there? What does comprise a crowd? Two people, three, 500? Is it OK to be interviewed on TV, which goes out to 10 million people, or OK on radio, but it is not OK to talk to a print reporter? Or is it OK to talk to a print reporter but no one else can be listening or it becomes a crowd or it becomes a speech? In other words, this is all very confusing.

The Federal employee can wear a candidate's campaign button on the job but is prohibited from campaigning for or against that candidate. What we do is we prohibit that on the job. You could not even wear a campaign button on the job. You talk about coercion.

Let us say you are being interviewed by some Government official on some subject and he is sitting there with a great big campaign button on his or her lapel. That would give you a little hint. Talk about coercion. We stop all that. We say on the job you cannot do anything, even wear that campaign button. We say that where the current rules are inconsistent, they are confusing, they are desperately in need of overhaul. We try to do exactly that. We say on the job, no political activity.

But yet under this bill, Federal employees would still be barred from running for partisan political office. The House bill permits such candidacies.

Under this bill, employees would still be barred from soliciting political contributions from the general public. The House bill permits solicitations like that.

Under this bill, coercion of subordinates would not only still be banned but subject to even increased penalties. We increase the penalties up to a $5,000 fine and 3 years in prison. The House bill has far lower penalties.

So just to summarize, on the job we do not permit any political activity, and off the job, away from work on an employee's own time and in ways that will not be unfair, we permit some political activity.

On the job even wearing campaign buttons would not be permitted. No political activity on the job. Zero, even what is permitted under today's Hatch Act. So we make the Hatch Act more restrictive and tougher than it now is on the job, but off the job, after hours, still controls and restrictions would be recognized for just what they are: A basic constitutional right, a crucial ingredient of a free democratic society, of whatever political party.

The year 1939 was a long time ago. Time and circumstances change, and so should the Hatch Act sensibly, and that is what we do.

Mr. President, all this talk—and the words keep popping out regardless of how many times we correct it—the words "repeal of the Hatch Act" keep coming out, and that is not what we do.

The other thing we do not do is change any of the United States Code right now. Eight different provisions of the United States Code right now prevent any misuse of a Federal job or a Federal position to intimidate, threaten, coerce in any way, any shape or form, trying to influence votes in one United States Code citation that I read into the RECORD before.

Another one: To affect the nomination or election of any candidate.

Another one: Promises or pledges of appointment or employment protection against that.

Of any benefits, is another provision in the United States Code.

Another one: To cause any person to make a contribution or a thing of value, including services, or the denial of such services, is prohibited also.

Another one: To solicit contributions or force contributions or solicit contributions because of a position of someone or try and force people into it, knowingly solicit from any other such officer, employee or person.

Another provision of United States Code: It shall be unlawful for any such person to receive any contribution.

Another one: It should be unlawful for any person to intimidate, threaten, command or coerce, or attempt to do so, to engage in or not to engage in any political activity, including but not limited to voting or refusing to vote, and all the other things here.

In other words, all of these provisions of the United States Code remain fully in effect—fully in effect.

Every time Hatch Act reform comes up, opponents argue that this or that group should be exempted from the terms of the reform law—these are reforms, not repeals—should be exempted from the terms of the reform law.

Since I became chairman of the Governmental Affairs Committee, we have defeated numerous amendments in committee to exempt certain groups of employees. It is because we think that those employees should have a right to participate in our political process if they are not misusing their job, not coercing people, not influencing them. Why should they not be permitted to stuff envelopes, say, in a headquarters or something like that?

In 1990, we defeated two amendments on the floor to exempt certain categories of employees. Last Wednesday, Senator DOLE sent a letter to Senator MITCHELL asking that we adopt three amendments and in return we could pass S. 185 the next day. That was the deal that was offered. We had defeated two of the three amendments on Senator DOLE's list in 1990 during floor debate on the Hatch Act reform. We had, I believe, the votes to defeat them once again this year. The other amendment on the list was defeated in committee this year. But I was willing to compromise with my colleagues on the other side of the aisle for the purpose of moving S. 185 through the Senate.

So in a bipartisan agreement, we modified the text of S. 185 in order to schedule a vote for final passage on the bill. As part of the so-called manager's amendment, Senior Executive Service employees, administrative law judges and members of the Board of Contract Appeals are exempted from the provisions of the bill. In other words, 9,000 upper level Government employees will continue to be Hatched under current law.

Then, as part of the so-called manager's amendment, we exempted any employee who works for the Secret Service, the Federal Bureau of Investigation, the Central Intelligence Agency, National Security Council, National Security Agency, Defense Intelligence Agency, Merit Systems Protection Board, Office of Special Counsel, the Office of Criminal Investigations of the Internal Revenue Service, Office of Investigative Programs of the U.S. Customs Service, and the Office of Law Enforcement in the Bureau of Alcohol, Tobacco and Firearms.

Not including the employees working for the CIA, NSA, and DIA, the latter part of the amendment exempts approximately 36,000 Federal law enforcement employees. That was done, as I said, with a view toward trying to move this legislation along, even though we would have had the votes, I believe, as we did before in 1990 to defeat two out of those three amendments.

I am philosophically opposed to exempting certain groups of Federal employees in Hatch Act reform for several reasons. First of all, S. 185 strictly prohibits all Federal employees from soliciting the general public. It is not the House bill in that regard. No one has to worry that a tax auditor or a CIA or FBI agent will come knocking on their door asking for a political contribution. In addition, there are severe penalties for any employee who misuses his or her position for political purposes in S. 185 and in the other legislation I referred to a moment ago.

Finally, as I have said before, the bill does not repeal the Hatch Act. A local FBI agent still cannot run for office. It simply continues the Hatch Act in a way which is more fair to Federal workers.

Now, it was difficult for me to accept the exemptions contained in the so-called managers' amendment, but I was willing to come to a compromise with my colleagues on the other side of the aisle. But that is as far as we can go on that, and I oppose the other amendments obviously and will at the proper time move to table the amendments we have debated this morning.

Mr. President, just one final wrapup comment.

Officials of the OSC told committee staff they saw no conflict problems in their employees being involved in allowed, voluntary political activities on their own time. Their duties are to examine alleged violations of the Hatch Act.

The argument made earlier this morning by my distinguished colleague with regard to that was sort of like saying since shoplifting is illegal, investigators or prosecutors ought not to be allowed to shop. Just as we can count on prosecutors who shop to prosecute shoplifters, we can count on prosecutors who engage in legal political activity off the job to at the same time be responsible for prosecuting violators who engage in illegal political activity on or off the job.

So I would make the same argument with regard to the FBI. But in order to make the time agreement, I agreed to a compromise. Obviously, in my opposition to the amendments that we have debated this morning, I think we have to draw the line.

Mr. President, at the appropriate time, I will yield back my time.

Mr. GRASSLEY. Mr. President, I rise today to speak on the Hatch Act and the legislation we are debating today which repeals many of its provisions.

I am sorry that I was not able to participate in last Wednesday's debate which focused on a number of very important issues. However, due to dire circumstances in my home State, I needed to return to Iowa to spend the day with President Clinton touring areas devastated by the flood.

The Hatch Act was enacted in 1939 to correct political and patronage abuses in the Federal Civil Service and to protect Federal employees from political pressures from their supervisors. It does so by restricting Federal employees from overt political expression and activity. The Hatch Act also guarantees that our Nation's laws and programs are administered by a neutral, nonpartisan Federal work force.

As a strong advocate of public participation in the political process, I sympathize with Federal employees who desire to have a more active role. However, as a Member of Congress, I have the responsibility to ensure that the Federal Government is administered in a nonpartisan, effective manner.

The American public should not have to fear the possibility of politically partisan law enforcement, tax collection, Government contracting, or intelligence gathering. The Supreme Court has even recognized this potential problem by ruling that the Hatch Act is, indeed, constitutional.

I am concerned that the passage of this Hatch Act reform legislation could increase the possibility of political coercion. Having great interest and involvement in whistleblower protection, I learned long ago that, in the Federal bureaucracy, employees are often forced to go along to get along. It seems to me that many Federal employees recognize that if the protections of the Hatch Act are removed, they will be exposed to political pressure as well, and perhaps even abuse. Surveys of Federal employees indicate that most Federal workers support their protections under the Hatch Act. Even mail from my own constituents runs 10 to 1 in favor of preserving the Hatch Act.

The bill we are debating today repeals the very heart of the Hatch Act. This bill would permit Federal employees to engage in all forms of political activity, albeit after hours. They will be permitted to hold office in a political party, distribute campaign literature and solicit votes, publicly endorse candidates, and urge others to do the same. It is naive to think a Federal employee can be a neutral, nonpartisan public servant by day, and a staunch politico by night. The public should not have to question whether a Federal employee's politics plays a role in his or her official decisions. This is precisely what we must seek to avoid.

One of the most significant changes made by this bill relates to the solicitation of campaign funds. This change is significant because under current law Federal employees are prohibited from soliciting campaign donations of any kind. Yet this bill would permit Federal employees to solicit campaign contributions from fellow union members to their union PAC. It is ironic that just a month ago the Senate passed campaign reform legislation outlawing PAC's. This bill dramatically increases the fundraising power of Federal employee and postal unions. As a result of this bill, 1 million more individuals will be able to solicit donations on behalf of these union PAC's. This abrupt change in policy forces many to question whether the intent of this bill is to increase the political rights of Federal workers or the bank accounts of union PAC's.

It is worth noting that employees of the Senate are prohibited from donating to the election campaigns of the Senators who employ them. This law has its origins in a bill passed in 1909. This law was not passed to restrict the rights of an individual to donate to political campaigns. Rather the law was passed to protect Senate employees from the expectation that they should donate to their bosses. Senate employees are free from this expectation and thus removed from undue pressure. It's only right that Federal employees be free from the same kind of undue pressure.

In order to protect these Federal employees from undue pressure, I am a cosponsor of an amendment offered by Senator KASSEBAUM which would maintain the current restrictions against campaign solicitation. This Republican amendment, along with a pair of amendments offered by Senator ROTH, are reasonable attempts to improve this flawed piece of legislation.

The Roth amendments, which I have cosponsored, exempt Federal employees with sensitive positions from the provisions of the bill. These amendments protect the auditors of the IRS and criminal investigators and prosecutors of the Department of Justice from unwanted political pressure and, in turn, protect the public served by these Federal offices.

Some of the provisions of the Hatch Act reform bill may seem reasonable on the surface, but careful study indicates otherwise. The status quo provides the best opportunity to balance the political rights of civil servants with the need for a nonpartisan, effective Federal work force. Today, a Federal employee can brush away political overtures by simply saying "I'm Hatched". All of this will change if this bill is passed. The only way to protect the public and Federal work force from unwanted political influence is to preserve the present framework of the Hatch Act.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Hatch Act Reform Amendments of 1993. It now appears that after many years of hard work, we will finally have Hatch Act reform enacted into law and Federal employees will have the right to free political expression consistent with their responsibilities as public servants.

In 1939, the Hatch Act was passed in the wake of a scandal in the Works Progress Administration. At the time, the Federal work force was full of patronage workers. But today's Federal work force is nothing like it was in 1939. Today's Federal employees are hard-working, dedicated public servants who are hired through a merit-based system. They serve the public despite pay that is often lower than for similar jobs in the private sectors, often work long hours and some labor in dangerous occupations.

Yet, the current Hatch Act seriously curtails these Federal employees' rights to participate in our democratic process. The Hatch Act Reform bill pending before the Senate gives back some rights to Federal employees that were taken away over 50 years ago. If this bill becomes law, most Federal employees will be able, off duty, to hold office in a political party, run for a nonpartisan office like school board, work on a political campaign, publicly support political candidates and solicit funds from employees in their labor organization.

Even with this bill, Federal employees would not have the same rights as non-Federal employees. They would still be prohibited, off duty, from running for partisan political office, solicit contributions from the general public, or coerce subordinates in any way. On duty, Federal employees could not engage at all in political activity.

While this bill only provides these limited rights, Federal employees understand that when they serve the public they will not be treated the same way as private sector employees. But the legislation before us provides them with the dignity of some free political expression. This legislation is long overdue for our hard working Federal employees and I am proud to have been an original cosponsor of this legislation. I urge my colleagues to support the Hatch Act Reform Amendments of 1993.

Mr. DECONCINI. Mr. President, I rise today in strong support of the Hatch Act Reform Amendments of 1993. I have long supported reform of the Hatch Act and do so again today. This legislation represents yet another opportunity to restore to Federal and postal employees the right to participate in the political process. For over 50 years, Federal and postal employees have been precluded from exercising a most basic and fundamental right of American citizenship. Although well intentioned at the time of its creation, the Hatch Act today is a maze of conflicting and confusing regulations born of a bureaucracy which has succeeded in stripping the act of its original objectives. It is clear that the time for Hatch Act reform has long since past. On previous occasions, Hatch Act reform has passed this body only to be forestalled elsewhere. The bill before us is a good one which, when passed, will fulfill the original objectives of the Hatch Act.

While I support the goals and objectives of the Hatch Act, I take exception with the act as applied. The Hatch Act has left Federal employees speculating as to what conduct may or may not be proper. The purpose of any legislation should be to clarify the rights of individuals, not to mislead, confuse, and ultimately disenfranchise entire sections of our population. Yet, the latter has resulted with regard to the Hatch Act. For example the Hatch Act has resulted in ridiculous regulations such as those requiring all campaign signs placed on the cars of Federal employees to be smaller than 15 inches by 30 inches, or that Federal and postal employees may wear a campaign button, but they may not pass them out. I submit that these examples, of which there are many, many more, did not serve as the impetus to drafting the Hatch Act in 1939, but they serve as reminders of how far afield the law has strayed from its original goals. The current application of the law obscures legitimate goals in a sea of pointless rules and regulations and is the very type of bureaucratic idiocy which subverts the American public's confidence in our ability to govern effectively and efficiently. Today we have a chance to regain some of that confidence by reforming the Hatch Act and, for the first time in many years, make the act an effective component of the law.

In order for Hatch Act reform to be of any benefit, it must retain the original goal of protecting Federal employees from political coercion while balancing the rights of Federal and postal employees to participate in the political process away from the workplace. This bill strikes such a balance. As opposed to the present day Hatch Act, this bill affords Federal employees greater protection but does not do so at the expense of their constitutional rights.

This legislation, unlike current law, makes a clear distinction between on-duty and off-duty activity. No one who supports this reform is advocating a position which allows for political activity in the workplace. However, Federal workers who are off duty, on their own time, should and must be afforded the same access to the political process as are citizens who work in the private sector.

Opponents of this legislation would have you believe that it is little more than an open invitation to political coercion in the workplace. However, such a position is unsupportable. First, the possibility of political pressure being used as a weapon against Federal employees, as it may have been in 1939 has been virtually eliminated by the implementation of the impartial system of merit and examination. Second, this bill prohibits an individual from utilizing his or her official authority to gain political advantage. (Section 7323.) Third, the bill eliminates the possibility that conflicts of interest may arise between a Federal employee and the agency for which he or she works. (Section 7324.)

In short, S. 185 is more stringent in its control of political activity in the workplace that is the current law. The prohibition on workplace activity is an absolute prohibition. No longer may Federal employees be allowed, as they are now, to wear campaign buttons in the workplace. The prohibition on running for partisan elected office remains applicable to Federal employees. Federal employees are also prohibited from soliciting political contributions from the general public. The punitive provisions of this bill far exceed those presently in place. Under this bill, any individual engaged in political coercion shall be fined up to $5,000 or face up to 3 years in prison, or both. These restrictions are hardly consistent with a bill which will allegedly promote unchecked politic coercion. On the contrary, this bill and the aforementioned restrictions strengthen and legitimize the regulation of unwarranted political activity in the workplace while restoring to Federal and postal employees their constitutional right to participate in democracy.

To date, the Hatch Act has created a second class of citizens amongst Federal and postal employees. In its simplest terms, the Hatch Act discriminates against Federal and postal employees simply because these people work for the Government. This inherent inequity must be resolved. This bill affords Federal and postal employees the right to voluntarily exercise their first amendment rights and engage in the political process on their own time. The key being that political activity will be voluntary and on their own time. There is no good reason why Federal and postal employees should be denied this most fundamental American right. No one would dare suggest that by electing to work for the Government employees sacrifice their constitutional rights. Yet, the continued application of the present day Hatch Act abrogates the rights of Federal employees without recourse. This practice is discriminatory and it is wrong.

Since my first Senate term, I have been an outspoken proponent of this type of reform. In the past, I have found the lack of action in this area to be both troubling and inexcusable. With the threat of a Presidential veto no longer looming on the horizon, this body has an unprecedented opportunity to restore the rights of over 3 million Federal and postal employees. We must seize the moment and do the right thing. I am proud to be a cosponsor of S. 185. This is a quality piece of legislation, and I commend Chairman GLENN for his leadership on this issue.

The Federal employees of this Nation are a dedicated, hard-working group of individuals who, like all Americans, should be afforded access to the political process. Because this legislation affords that access and at the same time strengthens the prohibitions on political activity in the workplace, this body should pass S. 185 and rectify an injustice which has existed for far too long.

Mr. HATFIELD. Mr. President, for several decades the American Federal work force has been denied our most basic rights guaranteed under the first amendment of the U.S. Constitution. Today, we are considering legislation that will not only restore those rights but also recognize and validate our trust and confidence in the excellent work our Federal work force does for this great Nation.

The idea of limiting political activity for Federal employees has been a topic of debate dating back to 1883 when Congress passed the Civil Service Act, better known as the Pendleton Act. The first rule under the Pendleton Act declares that:

> No person in the public service is for that reason under any obligation to contribute to any political fund, or to render any right to use his official authority or influence to coerce the political action of any person or body.

During the 1938 congressional elections, evidence was uncovered that Federal workers and Government money were used to influence the outcomes of primary campaigns. The discovery of coercion, improper use of official authority, and Government funds in the late 1930's severely eroded the public's confidence in the civil service and resulted in the enactment of the Hatch Act in 1939.

There is no question that the coercion and the improper use of official authority by Federal employees in the 1938 elections necessitated the restrictions contained in the Hatch Act. However, times have changed drastically since 1939 and many of the provisions contained in the Hatch Act have simply outlived their usefulness.

In the 54 years since the enactment of the Hatch Act, we have developed a professional civil service and a system of hiring and promotion based on professional merit rather than patronage, contributions, and favoritism. Furthermore, we have a Merit Systems Protection Board with which our workers can file appeals when they feel they have been dealt with unfairly. We also have a multitude of other laws which protect Federal workers from various types of political manipulation and coercion.

Some of the prohibitions contained in the Hatch Act are still just as important today as they were when it was first passed in 1939. For example, Federal employees should still be protected from political coercion and be barred from political activity when they are on the job, in their uniform, or on Government premises. However, other prohibitions have relegated our civil service employees to a second-class-citizens' status. Federal workers are currently restricted from exercising constitutionally guaranteed rights afforded to the general public like: Free speech, the right to assemble, and the right to petition the Government. These prohibitions prevent Federal employees from engaging in several activities like endorsing candidates in partisan elections, distributing campaign material, participating in political meetings, or simply holding office in a political party.

It is my opinion that by affording these simple rights to our civil service work force, we are modernizing this antiquated law. More importantly, by allowing more citizens to play an active role in the selection of their representatives in Government, we are strengthening the political system of this Nation.

Mr. President, our civil service work force is without question the most professional in the world. Yet, by enforcing some of the outdated provisions of the Hatch Act, we have essentially questioned their professionalism and integrity by denying them some of the most basic rights upon which our country was founded. For this reason among others, I support reforming the Hatch Act and congratulate Senator GLENN for his persistence in bringing this important reform legislation before the Senate. I am pleased to be a cosponsor of S. 185—the vehicle by which we will modernize the Hatch Act.

## THE PARTISAN GOOD; NOT THE FEDERAL GOOD

Mr. KEMPTHORNE. Mr. President, I would like to take this opportunity to explain my vote against Hatch Act reform and why I believe that the steps we take today will go a long way to further diminish public trust in the Federal bureaucracy.

When I announced my intention to run for reelection as mayor of Boise City, I called together the Boise City department heads in a conference room in city hall and informed them first. In Idaho, municipal elections are nonpartisan, but that does not mean that there is any less campaigning for the chief executive or city council positions. Factions and the citizenry line up for one candidate or another, generally on political or philosophical lines.

I told the department heads that I did not want them to donate money to my mayoral campaign or to take an active part in my reelection. I asked that they communicate this desire to their employees. I reminded them that several department heads in that very room had campaigned for my opponent in my initial bid as mayor of Boise. As employees-at-will they were not protected by civil service, but I always believed that a person's sincere personal political opinions should not disqualify them for consideration in employment.

There were two good reasons for this request I made to the department heads on that afternoon. First, although I believe in this principle, I could not assure that a successful challenger would hold similar views. Perhaps more importantly, however, we as public servants bear a public trust. Our calling is a higher one. It is a calling to serve the people.

Anything that might compromise the bond between a people and its government must be measured exactingly. The public trust in an impartial government can be irrevocably damaged through the entanglement of Byzantine political currents. There would be little to assure the citizens of this Nation that what is being decided, promoted, or protected through the actions of a Federal employee is for the Federal good and not the partisan good. There would always remain the nagging doubt in the minds of the public that the civil service had been jeopardized by political motivation for personal gain. Better assignments, promotions, or bonuses could indeed provide powerful motivation for those who might find their realization in partisan motives.

I hope that passage of this act will not lead to political coercion in the Federal workplace. Originally enacted in 1939 as a tool to protect against political coercion, the Hatch Act had successfully insulated the Federal service for political influence that would destroy essential political neutrality. It has been successful over the years in guarding civil servants, and the programs they administer, from political exploitation and abuse.

There has been no vast outcry for change from Federal employees who are represented as being those this legislation is supposedly benefiting.

Proponents of this reform believe this bill will draw a bright line between allowed and disallowed acts. They would permit partisan political activity off duty and prohibit such conduct on duty. In United Public Workers versus Mitchell, the Supreme Court said, "The influence of political activity by Government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours."

Mr. President, Thomas Jefferson by Executive order first instructed Federal employees against taking part in the "business of electioneering." I believe the act we have taken today will frustrate the wisdom of this longstanding injunction.

Mr. DURENBERGER. Mr. President, I rise today in support of S. 185, the Hatch Act Reform Amendments of 1993.

When the Hatch Act was enacted in 1939, the civil service was growing rapidly because New Deal programs were expanding the role of Government. People were concerned that this radically expanded civil service work force could be exploited for partisan political ends.

To prevent the potentially coercive effects of a partisan civil service—coercive to both the employees themselves and the public they serve—Congress prohibited civil servants from engaging in political activity. This ban applied—and still applies—whether the workers are on the job or on their own time.

But the fact is, Mr. President, that the prohibitions that might have made sense in 1939 do not make sense in 1993.

We now have a professional civil service work force—nearly 3 million people strong—that is hired and promoted on the basis of merit, not political connections. These Americans serve the public without regard to which party happens to hold political power.

It is no longer necessary that—to serve the public—these civil servants have to trade away their fundamental constructional rights to political expression. I do not believe that in 1993 there is any defensible justification for suppressing the political expression of Federal employees when they are acting in their capacity as private citizens.

My interest in Hatch Act reform dates back to 1967, when I was chief of staff to Gov. Harold LeVander in Minnesota. I knew then, as I know now, that it is appropriate for public servants to be detached from political considerations on the job. But that they can and should be able to experience all rights of citizenship on their own time and in their own communities.

In Minnesota, State employees cannot use government time or government resources for political activity. But the State does not presume to tell them what they can and cannot do on their own time.

Until 1974, however, many employees of the State of Minnesota were subjected to the provisions of the Hatch Act because they worked in programs that administered Federal funds. Because Federal dollars touched their agencies, these workers were denied the same rights to political expression that other State employees—and all private sector employees—enjoyed as private citizens.

In 1974, Congress removed many of these restrictions from State and local employees. Congress did retain prohibitions on running for elective office in a partisan campaign and on the use of coercion. But since the lifting of most of the restrictions on private political expression, States have not experienced an upsurge of employee misbehavior.

These are between 40,000 and 50,000 Federal workers in Minnesota. Not all of these workers want to get involved in partisan politics. But some of them wish that they could. And all should have the right to make that decision.

In the Twin Cities, for example, there are between 2,000 and 3,000 postal employees. These are well-informed citizens who have to pass civil service exams to get their jobs. They care about their communities, and many of them deserve the opportunity for involvement in politics in their off-duty hours.

They can lobby for postal-related issues at their local party caucuses. But they cannot speak in favor of a candidate, or even wave a sign.

They cannot serve on phone banks or stuff envelopes for a candidate.

When they are asked to serve as delegates to a county convention, they have to say "no," even though they are well-informed and care deeply about the issues.

It is simply ludicrous to believe that these workers are in danger of coercing the public because of the nature of their job. In the Twin Cities, only about 250 postal employees have direct contact with the public at the front desk. Even considering this public contact, does anyone really believe that the service these workers provide to postal customers will be compromised by their political activity in off-duty hours?

One of my constituents, Floyd Johnson, has been employed by the IRS for 33 years. He's served as chapter president of the National Treasury Employees Union, Local Chapter 29, for the last 15 years. And he'll be retiring later this year.

About 7 or 8 years ago, when Floyd's daughter turned 18, she told her father that she wanted to learn more about the political process. Like any good father, he took her to his local precinct caucus in Mahtomedi, MN. Floyd Johnson happens to be a Democrat. And so he took his daughter to the Mahtomedi DFL caucus.

Because he was well known and well respected by his neighbors and colleagues, Floyd was asked his opinion on a number of different issues of the day. He apologized, but told his friends that although he could vote—silently—he could not address the caucus because the Hatch Act restricts the political involvement of Federal employees.

Floyd's daughter was shocked. Her first real experience with the American political process—the most open, democratic system in the world—was one of restrictions, conditions, constraints, qualifications, and limitations. She went to school and told her friends: "Would you believe it, my father works for the U.S. Government and he can't even take part in the democratic process."

Why are we singling out Government employees for the suppression of political expression? These men and women have proved their patriotism by choosing careers in public service. Yet we have rewarded that public-spiritedness by reaching into their private lives and cutting off their right to political participation.

That is why I am supporting Hatch Act reform this year. Indeed, that is why I voted to override President Bush's veto of Hatch Act reform back in 1990.

The bill we are considering today strikes a just balance between protecting the workplace from inappropriate partisanship, and safeguarding the right of workers to participate meaningfully in the political process.

This bill still prohibits on-the-job political activity, and actually strengthens the penalties for violations. It allows off-duty employees to participate in party activities and do volunteer work for political candidates.

To those who are concerned about opening the door to coercion of the public or coercion of employees in the workplace, the Senate bill offers many protections:

Unlike the House bill, the Senate bill would not allow civil service employees to solicit campaign contributions from the public, or to run for partisan elected office.

As amended, the Senate bill keeps certain employees who work in very sensitive government positions under the original provisions of the Hatch Act.

And there are strict penalities—up to 3 years in prison and a $5000 fine—for civil servants who coerce subordinate employees.

The bill makes it absolutely clear that political coercion will not be tolerated. Even after Hatch Act reform is enacted, the basic premise of the Hatch Act will remain—Federal employees will be barred from using their official authority or influence for political coercion of interfering with an election. Period.

Under Hatch Act reform, political activity must be purely voluntary. Hatch Act reform will not require anyone to engage in political activity—it will merely allow a significant number of disenfranchised citizens the right to participate if they choose to do so. If their decision to participate is coerced, that coercion will be met with stiff penalties.

I believe that the Senate bill strikes a better balance between allowing political expression and preventing the possibility of coercion than the House version of Hatch Act reform. I trust that the Senate conferees will fight vigorously for adoption of the Senate version.

Mr. President, this is a bill about political empowerment—the third major piece of legislation we have considered so far this year that enhances the power of citizens in the political process.

With the motor-votor bill, we eliminated barriers to voter registration for citizens across the country. In our discussions of campaign finance reform, we have sought to restore people's confidence in the process that elects their representatives.

It is my hope that in our vote on Hatch Act reform, we will restore the right to political expression to nearly 3 million Americans in public service.

Mr. President, it is to be expected that when this body considers legislation that affects the political process, there will almost certainly be heavy partisan overtones in the debate. When changes are proposed by one party, I can understand why the other party might view the proposals with a certain degree of suspicion.

That is why I find it so encouraging that on motor-voter, campaign finance reform, and Hatch Act reform, both sides have compromised to accommodate concerns raised by the other party. This is a model of how the system should work—political reforms absolutely have to be bipartisan.

This does not mean that everyone will be happy with the result. But in my experience, when the parties are sharply divided on an issue, the truth usually lies somewhere in the middle.

We are making progress on increasing access to the political process for all Americans. That is an accomplishment that should make us proud. But our work must not end here—in fact, this is where the real work begins.

We need to educate Americans about the issues that affect our Nation—so that we have not just more participation in the democratic process but better participation. I look forward to working with my colleagues from both parties to tackle this important task.

Senate Chaplain Richard Halverson was absolutely on target in an opening prayer he delivered last month. As I'm sure you will remember, he reminded us of the words engraved on the Dirksen Building—"The Senate Is a Living Symbol of the Union of the States." And he asked us to remember that when we are united, we can be a truly awesome force for good.

These are words we ought to remember as we reform the political process—and indeed, in all the important work we do for the American people. The Federal workers of Minnesota have been waiting long enough for us to be united on this issue—and they have waited long enough for the right to full participation in the political process.

Mr. COATS. Mr. President, I rise today to state my opposition to S. 185. The practical effect of this legislation is a weakening of the Hatch Act which, since 1939, has successfully protected civil servants from political exploitation and ensured the integrity of the day-to-day operations of the Federal Government.

S. 185 would remove current restrictions that prohibit Federal workers from engaging in various political activities, including soliciting contributions for political action committees and managing political campaigns. By destroying the neutrality of the Federal work force, this legislation opens the door to ethical conflicts in election campaigns, renders civil servants vulnerable to coercion in the workplace and creates, at the very least, the perception of partisan influence in the administration of Federal programs.

The American people must be confident that the Federal work force is working independently of political agendas and partisan pressures. It is a tragic misreading of our current political situation for Congress to respond, when Americans call for change, by giving bureaucrats more partisan political power.

Mr. WARNER. Mr. President, a little more than 3 years ago, I joined with 10 of my Republican colleagues and voted to override President George Bush's veto of near identical Hatch Act reform legislation. Our votes, together with those of our colleagues across the aisle, fell just short of carrying the day.

We are now presented with a new bill, S. 185, to accomplish these changes, and it appears that our efforts will finally be met with success.

I would like to take just a few moments to register my views on amendments to the bill considered on July 14 when I was necessarily absent from the Senate.

Amendment 563, approved 88 to 7: I heartily concur that an employee should be separated following the first rather than second Hatch Act violation.

Amendment 564, approved by unanimous consent: I would have had no objection to retaining the present Hatch Act protections for employees of the District of Columbia.

Amendment 565, approved 92 to 4: I would have gladly underscored the intent of the Senate to prohibit Federal employees from running for partisan elective office and from directly soliciting members of the public for political contributions.

Amendment 566, tabled 62 to 34: It is likely that I would have been in the minority favoring an exercise in democracy as here described in a Federal employee referendum.

Amendment 567, tabled 62 to 33: I would have joined the majority in opposing the extension of the Hatch Act reform bill to the uniformed services.

Amendment 568, approved by unanimous consent: I would have welcomed this clarification that the uniformed services would not be affected by the separate title in the bill concerning garnishment of civilian employee wages for bad debts.

Mr. President, S. 185 proposes to allow Federal employees, outside the workplace, to participate like their fellow citizens in partisan politics. While restricted from running from partisan elective office itself, Federal employees could hold an office in the local political party of their choice, serve as a precinct captain, or simply be given a voice on local partisan issues.

Admittedly, there have been reservations among the leadership of my party regarding the impact of broader partisan activities among the Nation's 2.9 million Federal civilian employees and postal workers.

I was, therefore, pleased to lend my support to a core package of widely endorsed amendments offered by Senator WILLIAM ROTH, of Delaware, ranking minority member of the Governmental Affairs Committee, and Senator ALAN SIMPSON, of Wyoming, the assistant minority leader.

Under the core package, the majority and minority leadership agreed by unanimous consent to retain present Hatch Act restrictions for Federal employees at such sensitive agencies as the Federal Election Commission, the Federal Bureau of Investigation, the Secret Service, the Central Intelligence Agency, the National Security Counsel, the Merit Systems Protection Board, and others. Career members of the Senior Executive Service will also be exempted to assure the existence of an impartial, nonpartisan buffer zone between the political appointees of the President and the Government's career civil servants. Furthermore, in a successful amendment on the floor of the Senate (56–43), we agreed to the exclusion of the Criminal Division of the U.S. Department of Justice.

Having served in a number of capacities as a Federal employee myself, I believe I bring a unique background of understanding to this legislation. Since my earliest job experiences, it has been my good fortune to work closely with both Federal and postal workers, and I have never failed to be impressed with their sense of dedication and public service.

I have confidence in the shared commitment of the Federal work force to making the long awaited reform of the Hatch Act a positive contribution to our bipartisan political process.

Mr. LEVIN. Mr. President, we are once again considering legislation which seeks to modify the current restrictions on political activity by Federal employees. We were only two votes short of overriding a veto by President Bush of this legislation in the last Congress. This time around, after many years of fighting the good fight to enact legislation which both protects the impartiality of Federal workers while allowing them active participation in the democratic process—it looks as though we will finally succeed.

The legislation we are considering today, S. 185, is the product of a great deal of time and effort on both sides of the aisle to devise a bill which, while prohibiting activities which can lead to unacceptable behavior, does allow Federal employees to engage in appropriate political activities.

The House has already passed its version of Hatch Act reform by an overwhelming margin. It is time for us to do the same. I want to take this opportunity to commend my colleague, Senator GLENN, for his strong leadership in developing this legislation and bringing us to this point.

In the most general terms, the Hatch Act prohibits employees of the executive branch, except for certain top political appointees, from taking "an active part in political management or in political campaigns." The act also prohibits executive branch officers or employees from using their "official authority or influence" to interfere with or affect the result of an election.

Those provisions sound very simple and straightforward. However, there are some 3,000 specific regulations in place under the Hatch Act to implement this law. The specific restrictions laid out by these governing regulations are oftentimes confusing and inconsistent and in some respects needlessly deny political freedoms to millions of U.S. citizens without any offsetting public benefit.

For instance, a Federal employee can put up a sign under certain circumstances, write a letter to the editor under certain circumstances, wear a political button to work under certain circumstances, and can even give a campaign contribution of up to $1,000. But that same Federal employee cannot stuff envelopes or do any other volunteer activity on behalf of a particular campaign or political party during nonworking hours. Moreover, there is a real problem in defining those certain circumstances as the guidelines try to do.

So the Hatch Act has become a Swiss cheese law full of arbitrary and oftentimes unnecessary do's and don'ts. A statute that was aimed at protecting Federal employees from retaliation has become a statute which needlessly discriminates against employees in their most basic rights.

What we need to do now is enact a law which prohibits those activities which can lead to the types of coercive and unacceptable behavior in evidence 50 years ago but allows this Nation's Federal employees to engage in appropriate, noncoercive political activities.

S. 185 achieves that goal. I urge my colleagues to join in support of this important legislation and vote for its passage.

Under the current guidelines, certain activities are permissible depending on an employee's state of mind, but that same activity can be a violation if it is perceived as being in coordination or in concert with a political campaign. And, for the most part, you cannot get a quick, definitive answer as to whether or not an activity is prohibited. You almost need a court decision on the specifics of each situation.

If I were a Federal employee faced with that kind of advice in terms of what I could and could not legally do, my best option would be to stay away from the process altogether. But that is not what was intended by the Hatch Act, although that is—to a large extent—what has resulted, and it is not fair.

There are those who argue that all political activity by Federal employees should continue to be prohibited due to concerns that the allowance of any such activity would do damage to the public perception of an impartial civil service. I do not believe, for example, that the public cares if a clerk at the VA or a computer operator at the Commerce Department stuffs envelopes for the local mayoral candidate in a partisan election or assists in enhancing the democratic process by participating in get-out-the-vote initiatives for a particular party. In fact, I think many individuals would be surprised to learn that Federal employees are barred from such activities.

However, when money is involved, at a minimum subtle pressure is involved, and I do believe that the American public cares if their local postal carrier comes to the door asking for campaign contributions or their local tax clerk does the same. Federal procurement officers should not solicit funds from Federal contractors, and supervisory personnel should not be able to pressure subordinates to engage in political activity. The American public also cares, and rightly so, that individuals employed by the Federal Government not use their influence as a Federal employee for political ends.

S. 185 retains the restrictions against these types of activities by prohibiting all on-the-job political activities and disallowing any general solicitations of contributions by Federal employees anywhere at anytime.

The prohibition on running for partisan political office is also retained, with one exception; that is, Federal employees would be allowed to run for offices within a party organization and affiliated groups; that is, convention delegate.

The bill maintains restrictions on and penalties for the use of one's official position to influence the course or outcome of an election.

Moreover, S. 185, at the suggestion of OPM Director King, also contains a new provision which puts in place a clear prohibition on the use of political recommendations in hiring and promotion decisions for career civil service employees.

Fifty years ago, the culture in the Federal Government was quite different from the way it is now. There was a substantial increase in the number of Federal agencies and, subsequently, in the number of individuals employed by the Federal Government. The bulk of these new agencies and new employees were not placed under the jurisdiction of the Civil Service Commission and, thus, some 300,000 new Federal employees were not covered by civil service laws and merit hiring practices. As a result, many of the positions were filled with individuals who were essentially rewarded with Federal jobs for their political activities and contributions.

In response to this situation, Senator Hatch introduced S. 1871, a bill to prevent pernicious political activity. This bill was signed into law in August of 1939 and has since become known as the Hatch Act. The Hatch Act was enacted in an attempt to restore public trust in the Federal work force by instituting guidelines to guard against the politicization of that work force and to preserve its impartial character.

A legislative remedy to end that corruption and restore the integrity of the Federal service was appropriate and necessary. The Hatch Act was designed to attain that goal—one with which I wholeheartedly agree. An impartial Federal work force, free from political coercion, is essential to the fair and effective execution of Government programs and policies, but the Hatch Act itself now needs to be refined.

Mr. President, when the Senate last considered Hatch Act reform, I quoted two exchanges I had with Mary Wieseman, then-Special Counsel responsible for overseeing and prosecuting Hatch Act violations, during hearings in the Governmental Affairs Committee on Hatch Act reform.

The first exchange was on February 24, 1988, I was asking Ms. Wieseman to explain the scope of the Hatch Act prohibitions as they applied to specific acts:

Senator LEVIN. Just one question, Mr. Chairman, of Ms. Wieseman.

Can a Federal employee now independently, not in concert with any other organization, distribute his or her own literature?

Ms. WIESEMAN. Campaign literature?

Senator LEVIN. Yes.

Ms. WIESEMAN. I would have to know what literature is being distributed. It specifically says in the regulation, campaign literature may not be distributed. The Federal employee cannot run for office so it could not be his own campaign literature.

Senator LEVIN. No. My question is his or her own designed literature.

Ms. WIESEMAN. His or her own designed campaign literature?

Senator LEVIN. Yes. In other words, I put out a brochure as to why I think a certain candidate is the greatest candidate and I walk up and down my block handing it out.

Ms. WIESEMAN. No. A Federal employee may not do that.

Senator LEVIN. Even though I design my own literature?

Ms. WIESEMAN. That is right. That would be soliciting votes for a partisan—I have to say—if it is a partisan political campaign, of course, then that would be soliciting.

Senator LEVIN. But that is not expression?

Ms. WIESEMAN. That goes over the line from personal expression to campaigning.

Senator LEVIN. So I can put the sign in my yard?

Ms. WIESEMAN. Yes.

Senator LEVIN. That is expression. And I can write the letter to the editor, you say?

Ms. WIESEMAN. Yes.

Senator LEVIN. I can write the letter to the editor but I cannot hand that letter to my neighbor?

Ms. WIESEMAN. Yes, you may hand that letter to your neighbor.

Senator LEVIN. Can I hand it to my block?

Ms. WIESEMAN. That becomes a question of the facts and circumstances surrounding how you are doing it.

Senator LEVIN. I gave you all the facts right then. It is not concerted.

Ms. WIESEMAN. Yes. I think you probably could.

Senator LEVIN. Then I can hand it to my whole area?

Ms. WIESEMAN. That would be a real question of whether you are soliciting votes for a candidate at that time. And if, in your literature——

Senator LEVIN. This is a letter to the editor soliciting votes for a candidate?

Ms. WIESEMAN. Well, Senator, I guess we are getting down to the question we are balancing here. We are balancing private expression——

Senator LEVIN. I just want the answer to the question. I know it is balancing. But, can I write a letter to the editor soliciting votes for a candidate?

Ms. WIESEMAN. You may not solicit votes for a candidate in your letter.

Senator LEVIN. I can say, he or she is the greatest candidate?

Ms. WIESEMAN. Yes.

Senator LEVIN. But I cannot say, vote for him or her?

Ms. WIESEMAN. That is right.

Senator LEVIN. So that you are going to start censoring the content of my letter?

Ms. WIESEMAN. It is not the content. What you are doing with the letter is soliciting votes for a partisan political candidate, and that is prohibited.

Senator LEVIN. I just wrote the letter. I can say, he or she is the greatest candidate; that is okay?

Ms. WIESEMAN. Yes.

Senator LEVIN. I cannot say at the end, so I hope everybody will vote for him or her; is that right?

Ms. WIESEMAN. That would be a question at that point in soliciting votes in your letter.

Senator LEVIN. I am asking you for your answer to the question.

Ms. WIESEMAN. Whether we would prosecute that case or not? That is certainly a different question.

Senator LEVIN. No; whether it is legal or not, not whether you would prosecute. Is it legal?

Ms. WIESEMAN. I think that would—I hate to give opinions here in front of the Senate without the advantage of looking at prior opinions, but in my view that would be going beyond the line to say, I ask your support for the candidate, vote for this candidate, I encourage you to vote for this candidate. That is soliciting support for a partisan political candidate.

**The following year, on July 25, 1989, we resumed our discussion:**

Why is it okay to go to a rally but not okay to invite your neighbor to go to the rally with you?

Ms. WIESEMAN. You could invite your neighbor to go to a rally with you.

Senator LEVIN. You can? Could you give your neighbor a piece of paper saying there is a rally tomorrow?

Ms. WIESEMAN. Senator, since the last time we had this colloquy at the last hearing, I am sure you are aware that the courts have ruled on some of the issues that we discussed at that time. In our discussions last time, we were talking about the number of letters that might be written to a newspaper, et cetera.

Senator LEVIN. With regard to the rally question, can you give your neighbor a brochure saying there is a rally tomorrow?

Ms. WIESEMAN. What the court said in the *Biller, Blaylock and Sombrotto* case in interpreting the Hatch Act—and, of course, the courts are the ones who make the final interpretation of what the Hatch Act prohibits, we try to give that information to Federal employees but the courts are the ones that make that determination—is that expression by Federal employees of political opinions is unrestricted by the Hatch Act so long as that expression is not in concert with or in connection with or on behalf of partisan candidates of campaigns. That is what the court said, and that is a new interpretation of the Act.

We are in the process of applying those broad principles to particular factual situations. That is our job. We have revised our Hatch Act booklet—it is at the printer—to make those points. So I think it would be——

Senator LEVIN. What is the booklet going to tell us about my question?

Ms. WIESEMAN. Pardon me?

Senator LEVIN. What is that booklet that is at the printer going to answer to my question?

Ms. WIESEMAN. It is going to talk about the broad principles that I just iterated about the in concert——

Senator LEVIN. My fact situation.

Ms. WIESEMAN. If it is in concert with—as the court said—if it is in connection with, on behalf of, or in concert with a political party or campaign, it is prohibited by the Hatch Act. That is the criteria that the courts set up, the 2nd Circuit and the 11th Circuit. That is what we are interpreting.

Senator LEVIN. Now, my question is, I can invite my neighbor to the rally orally but I cannot hand the brochure, or I can hand the brochure?

Ms. WIESEMAN. If it is in concert with, on behalf of or in connection with—that is what the court said—a partisan political campaign or activity, it is prohibited. If it is not, it is permissible.

Senator LEVIN. Either oral or in writing?

Ms. WIESEMAN. Yes.

Senator LEVIN. So that whether I can invite my neighbor, or cannot invite my neighbor orally to that rally may depend upon my intent?

Ms. WIESEMAN. The only thing I can say, Senator, is what the court said. And we are dealing with factual situations every day in this area. We have to tell the employees, you may partake in this activity if you are not doing it in concert with, in connection with, or on behalf of a partisan political campaign or candidate. And those are the court's words and that is what we are interpreting and telling Federal employees currently.

Senator LEVIN. Did the Administration argue against that decision by that court?

Ms. WIESEMAN. The case was argued by the Merit Systems Protection Board. They have litigating authority. It was an action brought by my predecessor, and the Board found that there was a violation of the Hatch Act in the factual circumstance. And the case was argued in the appeals courts by the Merit Systems Protection Board attorneys.

Senator LEVIN. Let me just address, then, the Attorney General's Office, the Department of Justice.

It seems to me what we have done here, basically, is—you used the phrase, I believe, Mr. Dennis, that we need a blanket prohibition. We don't have a blanket prohibition. We have got a piece of Swiss cheese, basically, with the most complicated do's and don'ts that are conceivable.

You can put a bumper sticker on your car but you cannot give a bumper sticker to your neighbor if it is—what are the words?

Ms. WIESEMAN. You can give the bumper sticker unless it is in concert with, in connection with, or——

Senator LEVIN. What was the second word? In concert with or what?

Ms. WIESEMAN. On behalf of.

Senator LEVIN. Behalf of. So——

Ms. WIESEMAN. You cannot campaign for——

Senator LEVIN. I understand.

Ms. WIESEMAN [continuing]. A political party.

Senator LEVIN. I understand. I can put a bumper sticker on my car, wear a button, but I cannot give a bumper sticker to my neighbor if I am doing that on behalf of a campaign. I cannot go and stuff envelopes in a campaign office.

S. 185 corrects the flaws of the Hatch Act in a fair way. We should enact it promptly.

### TODAY'S HATCH ACT

Mr. RIEGLE. Mr. President, as a cosponsor of the legislation before us, I would like to add my voice in support of reforming the Hatch Act. As we all know, this is not the first time we have tried to update the Hatch Act. Many of us have spent years supporting the political rights of civil servants, pressing to see this legislation passed into law. After being vetoed twice by Presidents in the recent past, it is heartening to see an administration receptive to this legislation that would grant Federal and postal employees long-deserved political freedoms.

The Hatch Act that we are debating today is not, as some would have you think, a repeal of the original legislation but an overdue revision of laws affecting civil servants. The original Hatch Act, enacted over 50 years ago, was designed to prevent political coercion of Federal employees in the work place. In 1939, the law was necessary to prevent managers and supervisors from exerting undue political influence over their subordinates.

Today, in 1993, many of the provisions of the Hatch Act are still valuable parts of the law. For instance, laws that prohibit civil servants from participating in the political process during their work day are needed to uphold the integrity of the Federal Government.

Although these restrictions are needed, there are many provisions of the original law that are outdated and unnecessary as they apply to today's Federal employees. I would like to take a minute to discuss some of these changes because I have heard from some opponents of the bill who feel strongly that the Hatch Act goes too far in granting political liberties to civil servants.

Unlike the House version of the legislation, the Senate bill does not allow civilian workers to run for partisan elective office at a local level. It also disallows Federal employees from soliciting money from the general public for political purposes. The House provisions raise concerns about the traditional nonpartisan status of employees in sensitive Federal positions at agencies such as the Department of Justice, the Internal Revenue Service, or the Central Intelligence Agency.

I strongly believe that all American citizens should have the right to openly express their political views. There is no reason that Federal employees should be denied the civil liberties of participating in the political process while not on duty in a Federal Government job. The authors of the bill have gone to great lengths to ensure that violators of the Hatch Act are fined and terminated from their positions; strict regulations were created to dissuade officials in positions of authority from improperly wielding political influence over their subordinates.

With these controls in place, I think the time has come to grant civil servants the political freedoms the rest of the American population enjoys. I am pleased to see that these important Hatch Act reforms are well on their way to becoming law and urge my colleagues to support this important piece of legislation.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

Mr. GLENN. Mr. President, I yield back the remainder of my time.

Mr. President, I ask that it now be in order to move to table en bloc amendments 597, 600, 601, and 602 and ask for yeas and nays on final passage of H.R. 20, and that it be in order to request the yeas and nays on motions to table and final passage with one show of hands.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Mr. President, reserving the right to object, am I correct in understanding that there will be a separate vote, yeas and nays on each of the four amendments and final passage?

Mr. GLENN. There will be a final vote. I will move to table.

The PRESIDING OFFICER. The Chair will respond, on the unanimous-consent proposal, that the Senator from Delaware is correct in his understanding.

Mr. ROTH. There will be a vote on each.

Mr. GLENN. Yes. They would be separate votes.

Mr. ROTH. What if we win on a motion to table?

The PRESIDING OFFICER. The Chair will say to the Senator from Delaware that if the motion to table is not agreed to, there would be for consideration a vote on passage of the amendment.

Mr. GLENN. But there would not be time for debate on defeat of the motion to table and consideration of the amendment; is that correct?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. ROTH. But there would be a separate vote on the amendment?

Mr. GLENN. There would be a separate vote on the amendment, as I understand.

Mr. ROTH. At that time we could ask for the yeas and nays if we so choose.

The PRESIDING OFFICER. The Senator from Delaware is correct.

Mr. ROTH. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. GLENN. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted.

The clerk will please call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now wish to use a portion of my leader time for a brief statement and then an announcement with respect to the Senate's schedule later today.

## DEATH OF MYRON WALDMAN

Mr. MITCHELL. Mr. President, I rise to express my sorrow at the death of Myron Waldman, known to all of us as Mike Waldman, a long-time congressional reporter who passed away earlier this week.

Mike was the senior congressional correspondent for New York Newsday, having joined that paper 30 years ago. He began his career at Newsday covering politics as the paper's Albany correspondent and as its Nassau County political and government writer.

In 1967, Mike moved to Washington where he covered nearly all aspects of national politics. He served as a White House correspondent, covered every Presidential election since 1964, and served as Newsday's lead reporter during the House Judiciary Committee's impeachment proceedings against President Nixon.

Mike was known for his direct questions and his persistence in tracking down a story. He was never timid about asking a question again and again and again. Mike will be sorely missed by those of us who have the honor to serve in Congress and by the many thousands of readers who learned about our work through his reporting.

On behalf of every Member of the Senate, I extend our condolences and prayers to Mike's wife, Jean, and their three sons.

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the order now governing the disposition of the pending bill, there will be a series of votes beginning at 2:15 p.m. It is my understanding that there will be votes on four amendments followed by a vote on final passage of the bill. That means a total of five votes will occur beginning at 2:15 p.m. The first vote will be a regular 15-minute vote with a 5-minute allowance for those Senators who are not present at the end of the 15 minutes. All succeeding votes will be for 10 minutes each.

So Senators should be aware that all of the votes after the first vote will be for just 10 minutes and they should remain in the Chamber if they wish not to miss one of those votes.

I repeat. The second through the fifth votes will be for 10 minutes each. Senators should remain in the Senate Chamber so that we can complete action promptly on that measure.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. MITCHELL. Mr. President, I am advised by the manager, the distinguished Senator from Ohio, that all time has been yielded back. Therefore, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. pursuant to the previous order.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

## HATCH ACT REFORM AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I want to repeat a statement I made earlier today, for the benefit of Senators, dealing with the procedure in the upcoming votes.

There will now be five consecutive votes. The first vote will be under the normal time constraints—a 15-minute vote, with a possible additional 5 minutes for those Senators not present. The succeeding five votes will be 10 minutes each.

In this case, I want to make clear to Senators that 10 minutes means 10 minutes. It does not mean 11 minutes or 10½ minutes. It means 10 minutes. Any Senator not present on the Senate floor at the conclusion of 10 minutes on the second through the fifth vote will miss the vote.

Everybody has had ample notice of this. This is an effort to operate in a constructive and efficient manner. I thank my colleagues for their cooperation.

### VOTE ON MOTION TO TABLE AMENDMENT NO. 597

The PRESIDING OFFICER. The question now occurs on the motion to table the Domenici amendment No. 597.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Murkowski

So the motion to lay on the table the amendment (No. 597) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order in the Chamber, please?

The question now is on the motion to table the Roth amendment numbered 600.

Mr. MITCHELL. Mr. President, I want to repeat what I have previously stated on several occasions earlier today so there can be no misunderstanding. This vote and the three votes to follow it will be 10 minutes in duration; 10 minutes and 10 minutes only. Any Senator who is not present will miss the vote. I encourage all Senators to remain on the floor.

### VOTE ON MOTION TO TABLE AMENDMENT NO. 600

The PRESIDING OFFICER. The question now is on the motion to table the Roth amendment numbered 600. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—50

Akaka
Baucus
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Ford
Glenn
Graham
Harkin
Hatfield
Inouye
Johnston
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—49

Bennett
Biden
Bingaman
Bond
Boren
Boxer
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Feinstein
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerry
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Murkowski

So the motion to lay on the table the amendment (No. 600) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON MOTION TO TABLE AMENDMENT NO. 602

The PRESIDING OFFICER. The question now is on agreeing to the motion to table the Roth amendment No. 602. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], would vote "nay."

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—43

Akaka
Baucus
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Glenn
Graham
Harkin
Hatfield
Inouye
Johnston
Kennedy
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—56

Bennett
Biden
Bingaman
Bond
Boren
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Reid
Robb
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Murkowski

So the motion to table the amendment (No. 602) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the Roth amendment (No. 602), as offered. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON MOTION TO TABLE AMENDMENT NO. 601

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Kassebaum amendment (No. 601). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chair advises the Senate that this will be a 10-minute rollcall vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wofford

NAYS—41

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain

McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Thurmond
Wallop
Warner

NOT VOTING—1

Murkowski

So the motion to lay on the table the amendment (No. 601) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the order, the Senate bill is considered read a third time, and the clerk will report the House companion bill.

The legislative clerk read as follows:

A bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

VOTE ON H.R. 20, AS AMENDED

The PRESIDING OFFICER. Pursuant to the order, the text of S. 185, as amended, is substituted for the text of H.R. 20, and the bill is considered read a third time.

The question is on passage of H.R. 20, as amended.

The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—68

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Craig
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—31

Bennett
Bond
Boren
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Danforth
Dole
Domenici
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McConnell
Nickles
Pressler
Roth
Simpson
Smith
Thurmond
Wallop

NOT VOTING—1

Murkowski

So the bill (H.R. 20), as amended, was passed.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine, the majority leader.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate insist on its amendment, request a conference with the House on disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I would like to inquire of the distinguished Senator from Delaware, who has just made the objection, what the reason is for the objection?

Mr. ROTH. I would say to our distinguished leader that I have the right to object, and at this time we are not ready to go to conference.

Mr. MITCHELL. Mr. President, the Senator does have a right to object. He does not have to give a reason if he does not want to. But I was inquiring whether he could, as a matter of courtesy, tell us what the reason is so that we could then attempt to address it.

Mr. ROTH. I say to the leader, at this time, we would prefer to see what action the House takes.

Mr. MITCHELL. Mr. President, I simply say to my colleagues that the Senate rules do require consent to proceed to the appointment of conferees.

Mr. ROTH. The last time, in 1990, the House did accept the Senate bill.

Mr. MITCHELL. Mr. President, the Senate rules do require unanimous consent to proceed to the appointment of conferees or, in the absence of unanimous consent, the making of a motion and the filing of cloture on that motion.

It has been a regular accommodation, whoever has been in the majority, to permit the Senate to proceed to appoint conferees.

If we are now to be confronted with a situation where we have to file a motion and file cloture and have a filibuster on a motion to appoint conferees, I will say to my colleagues I have to take that into account and the Senate is going to be in for some very long days, nights, and weekends if we have to do this.

Mr. President, objection has been made. I will now have to consult with the distinguished chairman and our colleagues to determine the appropriate course of action.

I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to proceed in morning business for a period not to exceed 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

## NOMINATION OF DR. JOYCELYN ELDERS TO BE SURGEON GENERAL

Ms. MOSELEY-BRAUN. Mr. President, I am here today during this lull in the legislative deliberations to speak in support of the nomination of Dr. Joycelyn Elders for the post of U.S. Surgeon General. I have made it a practice to refrain from passing judgment or speaking publicly on nominees who come before the Judiciary Committee, a committee of which I am a member. To me that would be similar to a judge deciding in favor of the plaintiff or defendant prior to the trial. This nominee, however, will receive her hearing before the Labor and Human Resources Committee, a committee for which I have no direct responsibility, and I do not feel so constrained.

Some have chosen to attack Dr. Elders' character and disparage her accomplishments. If one reviews the facts, however, her record is clear and exemplary. Dr. Elders has always championed children's health and advocated preventive health care and early, aggressive intervention. During her tenure as director of health for the State of Arkansas, the State has almost doubled the number of children receiving immunizations and the number of pregnant women and children receiving food assistance. In addition, she was instrumental in luring a significant number of physicians to rural community health centers so that those areas would no longer be underserved.

And we all know, Mr. President, how difficult rural areas find it to attract qualified physicians to provide for the needs of these people. This was an objective that Dr. Elders sought out and achieved.

As part of her commitment to early preventive health care, she also improved and expanded prenatal care, early childhood screening, HIV prevention, and cancer prevention programs for the citizens of Arkansas. Further, she established a sickle cell screening program and created a division of adolescent and school health within the health department. Prior to becoming the director of health, Dr. Elders established a successful clinical practice and research career in pediatric endocrinology at the University of Arkansas.

Dr. Elders' record of public service is second to none. She is universally admired and respected by her peers as evidenced by endorsements from nearly 150 national organizations including the American Medical Association, the NAACP, and the National Organization for Women. She is a role model of the highest caliber and her accomplishments are irrefutable. Her commitment and dedication to providing the best health services and information possible to the citizens of Arkansas, and hopefully this Nation, should not be overshadowed by fabricated accusations that are misleading and untrue.

I would like to take a few moments to dispel a couple of the rumors and myths that have been floating around regarding the views of Dr. Elders and positions she has taken in the past:

Myth 1: Dr. Elders supports giving condoms and other contraception to teenagers indiscriminately.

Reality: The truth is, Dr. Elders supports comprehensive school based clinics that provide varied services from acute care to job or sports physicals. Clinics only dispense contraceptives if the local school board—and I underscore local school board—approves such activities, and if the student receives parental permission.

Parents and elected officials are the ones making the decisions to dispense contraceptives. That is an important point. While Dr. Elders may believe in appropriate sex education, as many of us do, those with the authority to determine what is available, to whom, and how, are parents and local elected officials.

Myth 2: Dr. Elders believes sex education should start in kindergarten. The reality—the truth is the K–12 program that Dr. Elders supports incorporates lessons on hygiene, substance abuse, self-esteem, and human sexuality. Her emphasis is on comprehensive age-appropriate health education for all students.

Dr. Elders has also been criticized for her so-called pro-abortion views. The rumor that Dr. Elders is out there promoting abortion is just plain untrue. Dr. Elders' message is not about abortion—it is about preventing unwanted pregnancies.

Dr. Elders' views on these subjects are not shocking, and she is not the first person to espouse them. Let me for a moment offer some statements by a past Surgeon General whose tenure was revered by many: "If sexuality is taught gently and gradually at an early age, it is a part of your life and it doesn't come as such a shock" and "If you want to get rid of abortions, you'd better get rid of the reasons for them. The reasons are unwanted pregnancies, you have to educate people in a way we have never done. * * * That, of course, moves into teaching contraception." The Surgeon General who made those statements was C. Everett Koop, a conservative and a member of the past conservative administration who distinguished himself.

Dr. Koop was widely lauded as making the Office of the Surgeon General one that had real meaning. He was not afraid to speak publicly on controversial issues and he was one of the few Reagan administration officials to be frank and open about AIDS prevention. One of the reasons he was universally admired and respected was because he was honest with the American people and he spoke his mind. Dr. Elders on the other hand, has been slandered for the exact same candor. I believe she deserves the same dignity and respect.

She has been painted as a radical and denounced as unqualified to preserve and protect the health of this Nation's citizens. I believe, however, it is the small minority who are unable to acknowledge her strength and commitment who are the real radicals. They are unable to grasp the necessity of educating our youth about real life. Real life includes AIDS and other sexually transmitted diseases. Real life includes unwanted pregnancies. And, yes, real life sometimes includes children having sex. This is shocking even to me, Mr. President, but I will share the statistic with you. The 1991 Youth Risk Behavior Survey conducted by the Centers for Disease Control, which you know is an internationally recognized medical institution, revealed that 54 percent of our teens in high school have had sex at least once and over 34 percent have had 2 or more partners.

I daresay, the generation of which you and I are part would be stunned by those figures. But that is the reality of what young people face today. And it is that reality that Dr. Elders is trying to address.

Abstinence is an important concept and no one argues that it should not be taught to our children. Abstinence is an absolute, however, and as we can see from the CDC statistics it is difficult to live by absolutes. Therefore, can we as a nation support ignorance in our children to preserve their so-called innocence? The answer can only be no. Sound public health policy demands that our young people also have access to appropriate age-related information regarding sex. Sex education is a public health issue, pure and simple.

The radical minority disagrees with Dr. Elders' commitment to educate our youth. Since that tactic did not derail her prospects, they have now taken issue and raised another red herring of compensation during her vacation from the University of Arkansas and a previously settled lawsuit. It appears that those allegations are as equally unfounded as the earlier accusations, but they will of course be reviewed thoroughly. The radical minority is seeking to deny her the right to serve her country through false rumor and disparaging innuendo. They are trying to kill her nomination as part of a larger agenda which is to deny President Clinton the opportunity to put together a Cabinet and administration that is based on a commitment to both diversity and excellence. They had their chance to run the country for 12 years. They failed. It is now time for a new more positive and realistic era. A time where Government officials are not afraid to face difficult issues and propose real solutions.

Good health is not a partisan issue. Picking a Surgeon General who can use the bully pulpit of that position as a stage from which to encourage healthy habits is what we need. Joycelyn Elders is that Surgeon General. I wholeheartedly endorse her nomination and encourage the rest of the Members of this body to do so as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

## DR. ELDERS

Mr. BOREN. Mr. President, I just want to compliment my colleague from Illinois on the remarks she has just made. I first became aware of the work of Dr. Elders several years ago, living in a neighboring State. I also had the opportunity to watch a television documentary about her work several years ago, and then later, as a trustee of Yale University, I had an opportunity to further study her record as she was granted an honorary degree by that university.

I appreciate the fact that my colleague has taken time on the Senate floor today to correct the record, or to state the record and state the facts, because there have been many reports that I think have not fairly presented the record, the work, and the philosophy of Dr. Elders.

She is a person who sincerely wants to help young people. If there is any single message that comes through in her career, it is that she is concerned about young people, about their future, and about trying to counsel them and lead them in the right direction and to avoid serious health problems for this country. So I think there are many parts of her career that are to be admired.

We have an obligation, of course, in this body to look into any allegations that have been raised. I am sure we will do that. I am sure we will do that with thoroughness. But at the same time, we should always bear in mind we are here dealing with the record and reputation of an individual American who has made remarkable and positive contributions in her own State and who desires to render that kind of service to the Nation.

So I think another part of Dr. Elders' record that is very clear is her commitment to local control of education. In her position in Arkansas, she never attempted to force something down the throats of local school districts. She has always been very sensitive to the values and to the views of those at the local level. And she has also understood that there may need to be varying approaches in varying areas. What works in one school district may not work in another, as you deal with people with different experiences, different backgrounds, different income levels, and different attitudes.

So I appreciate the fact that my colleague from Illinois has taken the floor to, I think, state the record very, very well on behalf of Dr. Elders. I hope all of our colleagues will take the time to read and to study seriously about this outstanding American before jumping to any conclusions about her. I think when they take that time, they will find many parts of her record to admire and to respect.

Mr. KENNEDY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Massachusetts.

## DR. ELDERS

Mr. KENNEDY. Mr. President, I, too, want to congratulate the Senator from Illinois for making a very eloquent supportive statement about Dr. Elders. Our Human Resources Committee is intending to have a hearing on her nomination on Friday and we will have an opportunity to listen to a very eloquent voice that is a plain-spoken voice, and really speaks truth to power.

Perhaps there are people in this country who feel that it is not advantageous to have someone who is frank and truthful and who is willing to speak about the realities that exist in many of our inner cities and rural communities, and the state of our public health, whether it is on the issues of teenage pregnancies or immunizations or childhood diseases or low-birthweight babies, or a wide range of different public health issues and questions.

I am enormously impressed by a number of factors about Dr. Elders, not the least of which is that she is really a Horatio Alger story. Rarely during the times of her early years or into her teens, did she begin her education until mid-November, until after the crops were in. When she was a young girl, she worked out in the fields all day long for her family's farm. And then, even as a teenager, she did the same. And after all the crops were in, in early November or mid-November, then she would go to school.

We have heard the stories about how she read in the night under the sheets and the blankets because her parents wanted her to get a good night's sleep. She was the second black woman to graduate from the Arkansas Medical School and the first black woman to serve as chief resident of pediatrics at the hospital of the University of Arkansas. She toiled hours in the cafeteria and at other odd jobs in order to be able to receive an education. In spite of all of these kinds of distractions, she made an extraordinary academic record and achievement. She never lost touch with where she came from and she was able to inspire people and I think become one of the great teachers, and thinkers about the problems of public health, in particular, as they relate to children.

I just underline what Senator BOREN has mentioned about local control. I have read a good deal in many of the newspapers about her positions related to some of the thorniest, hot-button political questions that are before the country today. I think when we have a real opportunity to listen to her talk about how she is strongly committed in terms of local control, the development of school-based clinics, which just about every public health official would say was a great need. Under the leadership of Governor Clinton and Dr. Elders in Arkansas, I believe there are now 24 communities with school-based clinics and there are another 22 communities on the waiting list wanting those school-based clinics, in each instance leaving it up to the local school boards as to whether they are going to have the clinic, and if so, whether they will have health education or sex education. Any school board that does not want it, they do not get it. If they do, they do permit it, and the curriculum is decided by the Arkansas Legislature, not known as being a flaming leftist kind of organization. They ensure that any parent who does not want an individual child to participate will be excluded from such program.

There is enormous sensitivity on this. Mr. President, I am not going to take the time of the Senate on Dr. Joycelyn Elders this afternoon. I want to say I commend the Senator for bringing the subject of her nomination before the Senate today. As a matter of comity, Senator KASSEBAUM and I had jointly agreed to delay from last week to this Friday the hearing so there could be a full response on some of the issues that were raised. I am sure the responses are going to be satisfactory to the members of the committee.

I commend the Senator from Illinois.

I thank the Senate for being able to address this issue because I do think it is important.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Oklahoma and the Senator from Massachusetts for their kind words.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

## HATCH ACT REFORM AMENDMENTS

Mr. MITCHELL. Mr. President, I think it is important for all Senators to understand what has occurred here today with respect to the bill upon which the Senate has completed action.

We have had Republican filibusters this year on an effort to begin consideration of a bill. We have had Republican filibusters on efforts to complete consideration of a bill. But this is the first time this year we have had a filibuster threatened on the naming of conferees after a bill has been passed by the Senate.

There is no doubt that the rules of the Senate permit a single Senator, or a group of Senators, even though a minority, to delay and obstruct, to prevent action, to take a lot longer to do things than would otherwise be the case. It is also true that measures can be undertaken to overcome such obstruction and delay.

But every Senator should understand that if that is necessary, it means a drastic change in the Senate schedule. I have attempted, since becoming majority leader, to construct the schedule in a way that accommodates the travel and other schedules of Senators, but that, obviously, requires accommodation. If we are now going to be confronted with a filibuster on a motion to name conferees after a bill has been passed and passed, I might add, with the votes of 68 Senators, then it is obvious that I, and every Senator, will have to reconsider how we proceed when we are in session and the circumstances under which the operations of the Senate will be conducted.

Senate rules do permit any Senator to delay and obstruct. That there can be no doubt. Senate rules also permit the majority leader to take action to overcome such delay and such obstruction. That is almost invariably extremely inconvenient for all Senators, but I simply want to state that I will have no hesitation about taking such action if it is necessary.

We have just had a bill that has been on the floor for several days. We had an overwhelming vote to pass it. Sixty-eight Senators voted to pass it, and now what is as routine a request as there can be in the Senate, simply to name Senators to meet with House Colleagues to work on a conference on the bill, we have a filibuster, or a threat of a filibuster, that prevents us from taking action unless we now drop everything else, file a motion to end the filibuster and spend a few more days on a bill which we have already debated and discussed at length and just voted for by an overwhelming margin.

I am certain that any American watching this who may be unfamiliar with the Senate rules—it confirms their impression of gridlock and what is wrong in the Senate and in the Congress and in the Government that we cannot take even the most routine and simple actions without encountering this type of delay and obstruction.

I regret that. It is made possible by the Senate rules which are intended to achieve a certain result, but not, I believe, this one.

So we have no choice now but not to proceed to the naming of the conferees. When the matter comes back from the House, if it is going to be necessary to file a motion to end a filibuster, I just want to say to Senators, when that happens, if it happens, then we are going to be in for a substantial period of time, including weekends, possibly the recess if this is what we have to do. I have already altered the Senate's schedule significantly this year because of the increasing delays and obstruction that have been presented, and we will simply have to take this further action into consideration as we decide how best to proceed in the coming days and weeks.

So, Mr. President, I think this is a most significant action which has occurred today, a most regrettable action, and I simply want to note for Senators that if there are going to be additional changes forthcoming in the schedule, they understand why it has become necessary.

The PRESIDING OFFICER. Pursuant to the previous order, consideration of S. 185 is indefinitely postponed.

## NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate bill 919.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".*

*(b) TABLE OF CONTENTS.—The table of contents is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings and purpose.*

*TITLE I—PROGRAMS AND RELATED PROVISIONS*

*Subtitle A—Programs*

*Sec. 101. Federal investment in support of national service.*
*Sec. 102. National Service Trust and provision of national service educational awards.*
*Sec. 103. School-based and community-based service-learning programs.*
*Sec. 104. Quality and innovation activities.*

*Subtitle B—Related Provisions*

*Sec. 111. Definitions.*
*Sec. 112. Authority to make State grants.*
*Sec. 113. Family and medical leave.*
*Sec. 114. Reports.*
*Sec. 115. Nondiscrimination.*
*Sec. 116. Notice, hearing, and grievance procedures.*
*Sec. 117. Nondisplacement.*
*Sec. 118. Evaluation.*
*Sec. 119. Engagement of participants.*
*Sec. 120. Contingent extension.*
*Sec. 121. Audits.*
*Sec. 122. Repeals.*

*TITLE II—ORGANIZATION*

*Sec. 201. State Commissions on National and Community Service.*
*Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.*
*Sec. 203. Final authorities of the Corporation for National and Community Service.*

*TITLE III—REAUTHORIZATION*

*Subtitle A—National and Community Service Act of 1990*

*Sec. 301. Authorization of appropriations.*

*Subtitle B—Domestic Volunteer Service Act of 1973*

*Sec. 311. Short title; references.*

*CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS*

*Sec. 321. Purpose of the VISTA program.*
*Sec. 322. Selection and assignment of VISTA volunteers.*
*Sec. 323. Terms and periods of service.*
*Sec. 324. Support for VISTA volunteers.*
*Sec. 325. Participation of younger and older persons.*
*Sec. 326. Literacy activities.*
*Sec. 327. Applications for assistance.*
*Sec. 328. Repeal of authority for student community service programs.*
*Sec. 329. University year for VISTA.*
*Sec. 330. Authority to establish and operate special volunteer and demonstration programs.*
*Sec. 331. Technical and financial assistance.*
*Sec. 332. Elimination of separate authority for drug abuse programs.*

*CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS*

*Sec. 341. National Senior Volunteer Corps.*
*Sec. 342. The Retired and Senior Volunteer Program.*
*Sec. 343. Operation of the Retired and Senior Volunteer Program.*
*Sec. 344. Services under the Foster Grandparent Program.*
*Sec. 345. Stipends for low-income volunteers.*
*Sec. 346. Participation of non-low-income persons under parts B and C.*
*Sec. 347. Conditions of grants and contracts.*
*Sec. 348. Evaluation of the Senior Companion Program.*
*Sec. 349. Agreements with other Federal agencies.*
*Sec. 350. Programs of national significance.*
*Sec. 351. Adjustments to Federal financial assistance.*
*Sec. 352. Demonstration programs.*

*CHAPTER 3—ADMINISTRATION*

*Sec. 361. Purpose of agency.*
*Sec. 362. Authority of the Director.*
*Sec. 363. Compensation for volunteers.*
*Sec. 364. Repeal of report.*
*Sec. 365. Application of Federal law.*
*Sec. 366. Evaluation of programs.*
*Sec. 367. Nondiscrimination provisions.*
*Sec. 368. Elimination of separate requirements for setting regulations.*
*Sec. 369. Clarification of role of Inspector General.*
*Sec. 370. Copyright protection.*
*Sec. 371. Center for research and training.*
*Sec. 372. Deposit requirement credit for service as a volunteer.*

*CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS*

*Sec. 381. Authorization of appropriations for title I.*
*Sec. 382. Authorization of appropriations for title II.*
*Sec. 383. Authorization of appropriations for title IV.*
*Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.*
*Sec. 385. Repeal of authority.*

*CHAPTER 5—GENERAL PROVISIONS*

*Sec. 391. Technical and conforming amendments.*
*Sec. 392. Effective date.*

*Subtitle C—Youth Conservation Corps Act of 1970*

*Sec. 399. Public Lands Corps.*

*TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS*

*Sec. 401. Definition of Director.*
*Sec. 402. References to ACTION and the ACTION Agency.*
*Sec. 403. Definitions.*
*Sec. 404. References to the Commission on National and Community Service.*
*Sec. 405. References to Directors of the Commission on National and Community Service.*
*Sec. 406. Effective date.*

***SEC. 2. FINDINGS AND PURPOSE.***

*(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:*

***"SEC. 2. FINDINGS AND PURPOSE.***

*"(a) FINDINGS.—The Congress finds the following:*

*"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.*

*"(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.*

*"(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.*

*"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.*

*"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.*

*"(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.*

*"(b) PURPOSES.—It is the purpose of this Act to—*

*"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;*

*"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;*

*"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;*

*"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income, or education, to engage in full-time or part-time national service;*

*"(5) reinvent government to eliminate duplication in national service programs, support locally established service initiatives, encourage private sector investment and involvement in national service programs, and require measurable goals for performance in such programs and offer flexibility in meeting those goals;*

*"(6) empower residents of low-income communities, especially youth and young adults, through their service, and help provide future community leadership;*

*"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;*

*"(8) provide tangible benefits to the communities in which national service is performed;*

*"(9) build ties among Americans that transcend race, religion, gender, age, disability, region, income, and education;*

*"(10) encourage educational reform by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education; and*

*"(11) enable service participants to gain personal, academic, and occupational skills through service-learning experiences.".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:*

*"Sec. 2. Findings and purpose.".*

### *TITLE I—PROGRAMS AND RELATED PROVISIONS*

### *Subtitle A—Programs*

### *SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.*

*(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:*

### *"Subtitle C—National Service Trust Program*

### *"PART I—INVESTMENT IN NATIONAL SERVICE*

### *"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.*

*"(a) PROVISION OF ASSISTANCE.—The Corporation for National and Community Service may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), and institutions of higher education for the purpose of assisting the recipients of the grants by paying for the Federal share of—*

*"(1) carrying out full- or part-time national service programs, including summer programs, described in section 122(a); and*

*"(2) making grants in support of other national service programs described in section 122(a) that are carried out by other entities.*

*"(b) AGREEMENTS WITH FEDERAL AGENCIES.—*

*"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle.*

*"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—*

*"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and*

*"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.*

*"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(d)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.*

*"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—*

*"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and*

*"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—*

*"(A) the value of a national service educational award under section 147; and*

*"(B) the total number of approved national service positions to be provided.*

*"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—*

*"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs (including indirect costs) incurred by—*

*"(A) the recipient of the assistance; and*

*"(B) national service programs carried out or supported with the assistance.*

*"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—*

*"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and*

*"(B) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(i) the original recipient of the grant or transfer of assistance under such subsection; and*

*"(ii) national service programs carried out or supported with the assistance.*

*"(e) MATCHING FUNDS REQUIREMENTS.—*

*"(1) REQUIREMENTS.—Except as provided in sections 129(d)(2)(B) and 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.*

*"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, the program—*

*"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and*

*"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).*

*"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### *"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.*

*"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:*

*"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, capabilities, ages, ethnic backgrounds, or genders.*

*"(2) A full-time youth corps program, carried out during the summer or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—*

*"(A) undertakes meaningful service projects with visible benefits to a community, including natural resource, urban renovation, rural development, or human services projects;*

*"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths, other economically disadvantaged youths, and individuals with disabilities, who are between those ages; and*

*"(C) provides those participants who are youths and young adults with—*

*"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and*

*"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.*

*"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.*

*"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—*

*"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and*

*"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.*

*"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.*

*"(6) A campus-based program that is designed to provide substantial service in a community*

*during the school term and during summer or other vacation periods through the use of—*

*"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);*

*"(B) teams composed of such students; or*

*"(C) teams composed of a combination of such students and community residents.*

*"(7) A preprofessional training program in which students enrolled in an institution of higher education—*

*"(A) receive training in specified fields, which may include classes containing service-learning;*

*"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and*

*"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.*

*"(8) A professional corps program that recruits and places qualified participants in positions—*

*"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;*

*"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and*

*"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.*

*"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—*

*"(A) the housing needs of low-income families and the homeless; and*

*"(B) the need for community facilities in low-income areas.*

*"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.*

*"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in any of paragraphs (1) through (10), or in paragraph (12) or (13).*

*"(12) A program, to be known as a 'Communities in Action program', carried out by not-for-profit organizations, including community action agencies or combinations of such agencies, to provide opportunities for individuals or teams of individuals to engage in local community projects that meet important unaddressed community and individual needs in low-income areas served by such a not-for-profit organization, including service projects to meet the unaddressed needs of economically disadvantaged youth age 18 and younger (including providing safe locations for after-school programs that provide opportunities for learning and recreation).*

*"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.*

*"(b) Qualification Criteria To Determine Eligibility.—*

*"(1) Establishment by corporation.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.*

*"(2) Consultation.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.*

*"(3) Application to subgrants.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.*

*"(4) Encouragement of intergenerational components of programs.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, education, environmental, or public safety needs.*

*"(c) National Service Priorities.—*

*"(1) Establishment by corporation.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after consultation with the State Commissions, may establish, and periodically alter, priorities regarding the types of national service programs to be assisted under section 121 and the purposes for which such assistance may be used.*

*"(2) Notice to applicants.—*

*"(A) In general.—The Corporation shall provide to potential applicants advance notice of any national service priorities to be in effect under this subsection for a fiscal year.*

*"(B) Contents.—The notice shall specifically include—*

*"(i) a description of any alteration made in the priorities since the previous notice; and*

*"(ii) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).*

*"(C) Regulations.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—*

*"(i) receive funding under this subtitle for multiple years; and*

*"(ii) would be adversely affected by annual revisions in such national service priorities.*

*"(3) Application to subgrants.—Any recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs shall, in conducting such a grant program, make reasonable efforts to use any national service priorities established by the Corporation under this subsection.*

### **"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.**

*"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:*

*"(1) A position for a participant in a national service program described in section 122(a) that receives assistance under subsection (a) or (b) of section 121.*

*"(2) A position for a participant in a program that—*

*"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private not-for-profit organization (including a community action agency), an institution of higher education, or a Federal agency; and*

*"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.*

*"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).*

*"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.*

*"(5) A position for a participant in the Civilian Community Corps under subtitle E.*

*"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.*

*"(7) Such other national service positions as the Corporation considers to be appropriate.*

### **"SEC. 124. TYPES OF PROGRAM ASSISTANCE.**

*"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.*

*"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.*

*"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.*

*"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.*

### **"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.**

*"(a) Training Programs.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—*

*"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—*

*"(A) where services are needed most; and*

*"(B) where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;*

*"(2) promote leadership development in such programs;*

*"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;*

*"(4) develop the management and budgetary skills of program operators; and*

*"(5) provide for or improve the training provided to the participants in such programs.*

*"(b) TECHNICAL ASSISTANCE.—The Corporation shall, where necessary, make appropriate technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 121 that desire—*

*"(1) to develop national service programs; or*

*"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.*

### "SEC. 126. OTHER SPECIAL ASSISTANCE.

*"(a) SUPPORT FOR STATE COMMISSIONS.—*

*"(1) ASSISTANCE AUTHORIZED.—The Corporation may make assistance available to assist a State to establish or operate the State Commission on National and Community Service required to be established by the State under section 178.*

*"(2) AMOUNT OF ASSISTANCE.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—*

*"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and*

*"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.*

*"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973, to involve in disaster relief efforts youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws.*

*"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—*

*"(1) ASSISTANCE AUTHORIZED.—*

*"(A) IN GENERAL.—The Corporation may make challenge grants under this subsection to national service programs that receive assistance under section 121.*

*"(B) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of such challenge grants, so as to make the grants widely available to a variety of programs that—*

*"(i) are high-quality national service programs; and*

*"(ii) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.*

*"(2) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.*

## "PART II—APPLICATION AND APPROVAL PROCESS

### "SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

*"(a) ALLOTMENTS OF ASSISTANCE AND APPROVED POSITIONS TO STATES AND INDIAN TRIBES.—*

*"(1) 33⅓ PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.*

*"(2) ONE PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.*

*"(3) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—*

*"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and*

*"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.*

*"(b) RESERVATION OF APPROVED POSITIONS.—*

*"(1) NUMBER RESERVED.—Except as provided in paragraph (2), the Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (a) and (d) for that fiscal year.*

*"(2) TRANSITION.—The Corporation shall determine an equitable procedure for providing post-service educational awards to individuals who are selected for assignment as described in paragraph (1) after the date of enactment of this subtitle and before the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.*

*"(c) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(1), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. The Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).*

*"(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS AND APPROVED POSITIONS.—*

*"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).*

*"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—*

*"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).*

*"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The President may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.*

*"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).*

*"(D) LIMITATIONS.—The Corporation may limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporation under section 133(d)(2).*

*"(3) PRIORITY.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c) and after using 33⅓ percent of such funds to make grants under paragraph (1), in determining whether to—*

*"(A) use an additional portion of the funds to make a grant under paragraph (1) to a State applicant; or*

*"(B) distribute the portion of the funds to an applicant that is a private not-for-profit organization under paragraph (2),*

*the Corporation shall give preference to the private not-for-profit organization in any case in which the Corporation determines that the applicants have submitted applications of equal quality under section 130.*

*"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance and approved national service positions under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.*

*"(f) DISTRIBUTION OF APPROVED POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not distribute approved national service positions under this section for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available*

*funds in the National Service Trust for that fiscal year to satisfy the maximum possible obligations to be incurred by the United States to provide the national service educational award corresponding to service in these positions.*

*''(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—*

*''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.*

*''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.*

### "SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

*''(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization (including a community action agency), institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.*

*''(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation may require the following information to be provided in an application submitted under subsection (a):*

*''(1) A description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121.*

*''(2) A description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected.*

*''(3) A description of other funding sources to be used, or sought to be used, for the national service programs referred to in paragraphs (1) and (2), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds.*

*''(4) A description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed.*

*''(5) A description of the plan to be used to recruit participants, including economically disadvantaged youth, for the national service programs referred to in paragraphs (1) and (2).*

*''(6) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) build on existing programs, including Federal programs.*

*''(7) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) will involve participants—*

*''(A) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and*

*''(B) in leadership positions in implementing and evaluating the program.*

*''(8) Measurable goals for the national service programs referred to in paragraphs (1) and (2), and a strategy to achieve such goals, in terms of—*

*''(A) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and*

*''(B) the service experience to be provided to participants in the programs.*

*''(9) A description of the manner and extent to which the national service programs referred to in paragraphs (1) and (2) conform to the national service priorities established by the Corporation under section 122(c).*

*''(10) A description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable programs.*

*''(11) A description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant.*

*''(12) A description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in paragraphs (1) and (2), including the identity of the individual representing the labor organization who was consulted and the nature of the consultation.*

*''(13) A description of a plan to be used to encourage women to participate in programs referred to in paragraphs (1) and (2).*

*''(14) Such other information as the Corporation may reasonably require.*

*''(c) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—*

*''(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—*

*''(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or*

*''(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.*

*''(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—*

*''(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and*

*''(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.*

*''(d) SPECIAL RULE FOR STATE APPLICANTS.—*

*''(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.*

*''(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.*

*''(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.*

*''(e) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of a program applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.*

*''(f) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under this section, and the Corporation shall reject an application that is submitted under this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.*

### "SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

*''(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—*

*''(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and*

*''(2) comply with the nonduplication and nondisplacement requirements of section 177.*

*''(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—*

*''(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;*

*''(2) provide support services to participants, such as the provision of appropriate information and support—*

*''(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and*

*''(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and*

*''(3) provide structured opportunities for participants to reflect on their service experiences.*

*''(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—*

*''(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible*

*to serve as participants in the program, community-based agencies (including community action agencies) with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors;*

*"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and*

*"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.*

*"(d) EVALUATION AND PERFORMANCE GOALS.—*

*"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—*

*"(A)(i) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121; or*

*"(ii) with the approval of the Corporation, conduct an internal evaluation of the program;*

*"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—*

*"(i) on communities and persons served by the projects performed by the program;*

*"(ii) on participants who take part in the projects; and*

*"(iii) in such other areas as the Corporation may require; and*

*"(C) cooperate with any evaluation activities undertaken by the Corporation.*

*"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.*

*"(e) LIVING ALLOWANCES AND OTHER INSERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—*

*"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and*

*"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.*

*"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.*

### "SEC. 132. INELIGIBLE SERVICE CATEGORIES.

*"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—*

*"(1) business organized for profit;*

*"(2) labor union;*

*"(3) partisan political organization; or*

*"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization.*

### "SEC. 133. CONSIDERATION OF APPLICATIONS.

*"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—*

*"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and*

*"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.*

*"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position. The application of the State or other entity under section 130 shall contain a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance.*

*"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:*

*"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.*

*"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.*

*"(3) The sustainability of the national service program, based on evidence such as the existence—*

*"(A) of strong and broad-based community support for the program; and*

*"(B) of multiple funding sources or private funding for the program.*

*"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.*

*"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.*

*"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—*

*"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high percentages or concentrations of low-income individuals;*

*"(B) areas that are environmentally distressed;*

*"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and*

*"(D) areas—*

*"(i) that have experienced a substantial reduction in population, as determined by the Corporation; and*

*"(ii) with high numbers or percentages of economically disadvantaged older adults.*

*"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.*

*"(8) Such other criteria as the Corporation considers to be appropriate.*

*"(d) OTHER CONSIDERATIONS.—*

*"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.*

*"(2) PRIORITIES.—*

*"(A) IN GENERAL.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2).*

*"(B) PROGRAMS DESIGNATED TO RECEIVE PRIORITY.—In designating national service programs to receive priority, the Corporation may include—*

*"(i) national service programs carried out by another Federal agency;*

*"(ii) national service programs that conform to the national service priorities in effect under section 122(c);*

*"(iii) innovative national service programs;*

*"(iv) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;*

*"(v) grant programs in support of other national service programs if the grant programs are to be conducted by not-for-profit organizations (including community action agencies) with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and*

*"(vi) professional corps programs described in section 122(a)(8).*

*"(C) EXCEPTION.—In making a competitive distribution of funds under section 129(d)(2), the President may give priority consideration to a national service program that is—*

*"(i) proposed in an application submitted by a State Commission; and*

*"(ii) not one of the types of programs described in clauses (i) through (vi) of subparagraph (B),*

*if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.*

*"(3) REVIEW PANEL.—The President shall—*

*"(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance, or for national service positions that would require more than $100,000 in national service educational awards; and*

*"(B) consider the opinions of such panels prior to making such determinations.*

*"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects that—*

"(1) are conducted in areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

"(2) place a priority on the recruitment of participants who are residents of areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or Federal or other public lands.

"(f) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

### "PART III—NATIONAL SERVICE PARTICIPANTS

### "SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

### "SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to economically disadvantaged youths or youths who are individuals with disabilities.

"(e) NATIONAL LEADERSHIP POOL.—

"(1) SELECTION AND TRAINING.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

"(2) EMPHASIS ON CERTAIN INDIVIDUALS.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served—

"(A) in the Peace Corps;

"(B) as VISTA volunteers;

"(C) as participants in national service programs receiving assistance under section 121; or

"(D) as participants in programs receiving assistance under subtitle D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subtitle.

"(3) ASSIGNMENT.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

### "SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of—

"(A) not less than 1 year and not more than 2 years; or

"(B) not less than 1 year and not more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(3) REDUCTION IN HOURS OF PART-TIME SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in an approved national service position, the participant may receive a portion of the national service educational award corresponding to that service in the manner provided in section 147(b), except that a participant released for cause may not receive any portion of the national service educational award.

### "SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to

*VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).*

*"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).*

*"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—*

*"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and*

*"(2) the annual living allowance established by the program.*

*"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—*

*"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;*

*"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and*

*"(3) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.*

*"(d) HEALTH INSURANCE.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.*

*"(e) CHILD CARE.—*

*"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—*

*"(A) make child care available for children of each full-time participant who serves in a national service program carried out or supported by the recipient using the assistance, including individuals who need such child care in order to participate in the program; or*

*"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.*

*"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.*

*"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### "SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

*"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—*

*"(1) serves in an approved national service position; and*

*"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.*

*"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1).".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:*

*"Subtitle C—National Service Trust Program*

*"PART I—INVESTMENT IN NATIONAL SERVICE*

*"Sec. 121. Authority to provide assistance and approved national service positions.*
*"Sec. 122. Types of national service programs eligible for program assistance.*
*"Sec. 123. Types of national service positions eligible for approval for national service educational awards.*
*"Sec. 124. Types of program assistance.*
*"Sec. 125. Training and technical assistance.*
*"Sec. 126. Other special assistance.*

*"PART II—APPLICATION AND APPROVAL PROCESS*

*"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.*
*"Sec. 130. Application for assistance and approved national service positions.*
*"Sec. 131. National service program assistance requirements.*
*"Sec. 132. Ineligible service categories.*
*"Sec. 133. Consideration of applications.*

*"PART III—NATIONAL SERVICE PARTICIPANTS*

*"Sec. 137. Description of participants.*
*"Sec. 138. Selection of national service participants.*
*"Sec. 139. Terms of service.*
*"Sec. 140. Living allowances for national service participants.*
*"Sec. 141. National service educational awards.".*

### SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

*(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:*

## "Subtitle D—National Service Trust and Provision of National Service Educational Awards

### "SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

*"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—*

*"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(1), such amounts as the Corporation may designate to be available for the payment of—*

*"(A) national service educational awards; and*

*"(B) interest expenses pursuant to subsection 148(e);*

*"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 196(a)(2); and*

*"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.*

*"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the marketplace. Any obligation acquired by the Trust may be sold by the Secretary at the market price.*

*"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available for payments of national service educational awards in accordance with section 148.*

*"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—The Corporation shall submit an annual report to the Congress on the financial status of the Trust. Such report shall—*

*"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);*

*"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;*

*"(3) identify the number of individuals whose ability to claim national service educational awards during the period covered by the report—*

*"(A) has been reduced pursuant to section 147(b); or*

*"(B) has lapsed pursuant to section 146(d); and*

*"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).*

### "SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

*"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—*

*"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;*

*"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);*

*"(3) at the time the individual uses the national service educational award—*

*"(A) has received a high school diploma, or the equivalent of such diploma;*

*"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and*

*"(ii) meets the requirements of section 484(a) of such Act; or*

*"(C) has received a waiver described in section 137(c); and*

*"(4) is a citizen of the United States or lawfully admitted for permanent residence.*

*"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).*

*"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.*

*"(d) TIME FOR USE OF EDUCATIONAL AWARD.—*

*"(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.*

*"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—*

*"(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or*

*"(B) performed another term of service in an approved national service position during that period.*

***"SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.***

*"(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value equal to $5,000 for each of not more than 2 of such terms of service.*

*"(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.*

***"SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.***

*"(a) IN GENERAL.—Amounts in the Trust shall be available—*

*"(1) to repay student loans in accordance with subsection (b);*

*"(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);*

*"(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and*

*"(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).*

*"(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—*

*"(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—*

*"(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;*

*"(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;*

*"(C) specifies the qualified student loan to which the individual desires to apply the national service educational award, in any case in which the total of the amounts described in subparagraph (B) is greater than the amount of the national service educational award to which the individual is entitled; and*

*"(D) contains or is accompanied by such other information as the Corporation may require.*

*"(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award to which the eligible individual is entitled. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.*

*"(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall first be applied to the repayment of principal. In a case described in paragraph (1)(C), such amount shall be applied to the loan described in paragraph (1)(C).*

*"(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.*

*"(5) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.*

*"(6) NOTIFICATION.—On disbursing a national service educational award to which an individual is entitled under paragraph (2) and applying the award to a loan, the Corporation shall notify the individual of the amount disbursed for each such loan and the date of the disbursal.*

*"(7) DEFINITIONS.—As used in this subsection:*

*"(A) QUALIFIED STUDENT LOAN.—The term 'qualified student loan' means—*

*"(i) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and*

*"(ii) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).*

*"(B) HOLDER.—The term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.*

*"(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—*

*"(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the payment of full-time or part-time educational expenses, that have been incurred by the individual prior to the service of the individual under subtitle C, shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.*

*"(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—*

*"(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;*

*"(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;*

*"(C) certifies that—*

*"(i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094); and*

*"(ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and*

*"(D) contains such provisions concerning financial compliance as the Corporation may require.*

*"(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are qualified. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.*

*"(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds 1/2 of such total amount. The interval between the first and second such installment shall not be less than 1/2 of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.*

*"(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.*

*"(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—*

*"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and*

*"(B) the sum of—*

*"(i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.); and*

*"(ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).*

*"(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to*

*participate in school-to-work programs approved by the Secretaries of Labor and Education.*

*"(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation may provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(7)), if the eligible individual successfully completes the required term of service (as determined under section 146(b)) of the individual. Such regulations shall be prescribed after consultation with the Secretary of Education.*

*"(f) EXCEPTION.—*

*"(1) OPTION.—With the approval of the President, a national service program that receives assistance under section 121 may offer to each participant in the program the option of—*

*"(A) waiving the right of the participant to receive a national service education award; and*

*"(B) receiving an alternative post-service benefit.*

*"(2) SOURCES OF FUNDING.—In providing for the alternative post-service benefit, the program may not use funds made available under this Act or any other Federal law.*

*"(g) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:*

*"Subtitle D—National Service Trust and Provision of National Service Educational Awards*

*"Sec. 145. Establishment of the National Service Trust.*

*"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.*

*"Sec. 147. Determination of the amount of the national service educational award.*

*"Sec. 148. Disbursement of national service educational awards.".*

*(c) CONFORMING AMENDMENTS.—*

*(1) ELIGIBILITY FOR SUBSIDIZED STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.)," after "parts C and E of this title,".*

*(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 is amended—*

*(A) in subsection (b)(1)—*

*(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and*

*(ii) by inserting after subparagraph (V) the following new subparagraph:*

*"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;*

*"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and*

*"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and*

*(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subparagraphs (V) and (W) of subsection (b)(1)".*

*(3) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—*

*(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989"; and*

*(B) in subsection (c), by adding at the end the following new paragraph:*

*"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".*

*(4) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:*

*"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".*

*(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:*

*"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".*

### SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

*(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—*

*(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National and Community Service, and the entities receiving financial assistance under such part, to—*

*(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;*

*(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;*

*(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and*

*(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.*

*(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:*

### *"Subtitle B—School-Based and Community-Based Service-Learning Programs*

### *"PART I—SERVE-AMERICA PROGRAMS*

### *"Subpart A—School-Based Programs for Students*

### *"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.*

*"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State educational agencies), and to Indian tribes, to pay for the Federal share of—*

*"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—*

*"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;*

*"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(5)(B);*

*"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;*

*"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and*

*"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;*

*"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—*

*"(A) local educational agencies; and*

*"(B) one or more community partners that—*

*"(i) shall include a public or private not-for-profit organization that—*

*"(I) has demonstrated expertise in the provision of services to meet human, educational, environmental, or public safety needs;*

*"(II) was in existence 1 year before the date on which the organization submitted an application under section 114; and*

*"(III) will make projects available for participants, who shall be students; and*

*"(ii) may include a private for-profit business or private elementary or secondary school;*

*"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—*

*"(A) the salaries and benefits of service-learning coordinators; or*

*"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,*

*who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and*

*"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—*

*"(A) local educational agencies; and*

*"(B) one or more—*

*"(i) public or private not-for-profit organizations;*

*"(ii) other educational agencies; or*

*"(iii) private for-profit businesses,*

that coordinate and operate projects for participants, who shall be students.

"(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local educational agency by—

"(1) expanding the awareness of teachers of the potential of service-learning in strengthening the educational achievement, leadership development, and substantive learning, of students;

"(2) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

"(3) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects;

"(4) recruiting and supervising adult volunteers, or individuals who are participants in a program under subtitle C or receive a national service educational award under subtitle D, to expand service-learning opportunities; and

"(5) coordinating the activities of the service-learning coordinator with the activities of the committee described in section 114(d)(1), and, where appropriate, assisting the committee.

"(c) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.

### "SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the President may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,

that is located in the State.

### "SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the President may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

### "SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(27), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the President may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

### "SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the President may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the President may reasonably require, such as—

"(A) a description of the goals to be attained in promoting service-learning through such programs;

"(B) a description of the resources and organization needed to achieve the goals of such programs within elementary schools and secondary schools; and

"(C) a description of the manner in which—

"(i) such programs and the activities to be carried out under such programs relate to the goals described in subparagraph (A);

"(ii) the applicant will evaluate the success of the programs and the extent of community involvement in the programs, and measure the extent to which the programs meet the goals described in subparagraph (A);

"(iii) in reviewing applications that are submitted under section 114(c), the applicant will rank the applications according to the criteria described in section 115(b), will consider the factors described in section 115(a), and will review the applications in a manner that ensures the equitable treatment of all such applications;

"(iv) the programs will be coordinated with—

"(I) the education reform efforts of the applicant;

"(II) other efforts to meet the National Education Goals;

"(III) other service activities in the State or serving the Indian tribe; and

"(IV) other education programs, training programs, social service programs, and appropriate programs that serve school-age youth, that are authorized under Federal law;

"(v) the applicant will disseminate information, conduct outreach, and take other measures, to encourage cooperative efforts among the local educational agencies, local government agencies, community-based agencies, State agencies, and private for-profit businesses that will carry out the service-learning programs proposed by the applicant, to develop and provide projects, including those that involve the participation of urban, suburban, and rural students working together;

"(vi) the applicant will promote appropriate projects in such programs for economically disadvantaged students, students with limited basic skills, students in foster care who are becoming too old for foster care, students of limited-English proficiency, homeless students, and students who are individuals with disabilities;

"(vii) service-learning training and technical assistance will be provided through the programs—

"(I) to State and local educational agency personnel, federally assisted education specialists in the State or serving the Indian tribe, and local recipients of grants under this subpart, to raise the awareness of service-learning among such personnel, specialists, and recipients; and

"(II) by qualified and experienced individuals employed by the State or Indian tribe or through grants or contracts with such individuals;

"(viii) a service-learning network will be established for the State or Indian tribe, comprised of expert teachers and administrators who have carried out successful service-learning activities within the State or serving the Indian tribe; and *"(ix) the applicant will use payments from sources described in section 116(a)(2)(B) to expand projects for students through the programs proposed by the applicant;*

*"(2) assurances that—*

*"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and*

*"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and*

*"(3) such additional information as the President may reasonably require.*

***"SEC. 114. LOCAL APPLICATIONS.***

*"(a) Application to Corporation to Make Grants for School-Based Service-Learning Programs.—*

*"(1) In general.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.*

*"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.*

*"(b) Direct Application to Corporation to Carry Out School-Based Service-Learning Programs in Nonparticipating States.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.*

*"(c) Application to State or Indian Tribe to Receive Assistance to Carry Out School-Based Service-Learning Programs.—*

*"(1) In general.—Any—*

*"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);*

*"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);*

*"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or*

*"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,*

*to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.*

*"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.*

*"(d) Contents of Application.—An application that is submitted under subsection (a), (b), or (c) with respect to a service-learning program described in section 111 shall, at a minimum, contain a proposal that includes—*

*"(1) information specifying the membership and role of an established advisory committee, consisting of representatives of community-based agencies including service recipients, students, parents, teachers, administrators, representatives of agencies that serve school-age youth or older adults, school board members, representatives of local labor organizations, and representatives of business, that will provide advice with respect to the program;*

*"(2) a description of—*

*"(A) the goals of the program which shall include goals that are quantifiable and demonstrate any benefits from the program to participants and the community;*

*"(B) service-learning projects to be provided under the program, and evidence that participants will make a sustained commitment to service in the projects;*

*"(C) the manner in which participants in the program were or will be involved in the design and operation of the program;*

*"(D) training for supervisors, teachers, service sponsors, and participants in the program;*

*"(E) the manner in which exemplary service will be recognized under the program; and*

*"(F) any resources that will permit continuation of the program, if needed, after the assistance received under this subpart for the program has ended;*

*"(3) information that shall include—*

*"(A) a disclosure of whether or not the participants will receive academic credit for participation in the program;*

*"(B) the expected number of participants in the program and the hours of service that such participants will provide individually and as a group;*

*"(C) the proportion of expected participants in the program who are economically disadvantaged, including participants who are individuals with disabilities; and*

*"(D) any role of adult volunteers in implementing the program, and the manner in which such volunteers will be recruited;*

*"(4) in the case of an application submitted by a local partnership, a written agreement, between the members of the local partnership, stating that the program was jointly developed by the members and that the program will be jointly executed by the members;*

*"(5) assurances that—*

*"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;*

*"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and*

*"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and*

*"(6) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—*

*"(A) carry out activities described in section 111B(b) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and*

*"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.*

*"(e) Limitation on Same Project in Multiple Applications.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.*

***"SEC. 115. CONSIDERATION OF APPLICATIONS.***

*"(a) Criteria for Applications.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the President may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.*

*"(b) Priority for Local Applications.—*

*"(1) In general.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—*

*"(A) involve participants in the design and operation of the program;*

*"(B) are in the greatest need of assistance, such as programs targeting low-income areas;*

*"(C) involve—*

*"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or*

*"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or*

*"(D) are integrated into the academic program of the participants.*

*"(c) Rejection of Applications.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.*

***"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.***

*"(a) In General.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—*

*"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and*

*"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.*

*"(b) Waiver.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the President shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and*

*(4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).*

### "SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

*"(a) SHARE.—*

*"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—*

*"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;*

*"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;*

*"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and*

*"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.*

*"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—*

*"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and*

*"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).*

*"(b) WAIVER.—The President may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### "SEC. 116A. LIMITATIONS ON USES OF FUNDS.

*"(a) ADMINISTRATIVE COSTS.—*

*"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—*

*"(A) the original recipient; or*

*"(B) the entity carrying out the service-learning programs supported with the assistance.*

*"(2) RULES ON USE.—The President may by rule prescribe the manner and extent to which—*

*"(A) such assistance may be used to cover administrative costs; and*

*"(B) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(i) the original recipient; and*

*"(ii) the entity carrying out the service-learning programs supported with the assistance.*

*"(b) CAPACITY-BUILDING ACTIVITIES.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2), not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).*

*"(2) WAIVER.—The President may waive the requirements of paragraph (1) in order to permit an agency or a tribe to use not less than 10 percent and not more than 25 percent of such amount to build capacity as provided in paragraph (1). To be eligible to receive such a waiver such an agency or tribe shall submit an application to the President at such time, in such manner, and containing such information as the President may require.*

*"(c) LOCAL USES OF FUNDS.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.*

### "SEC. 116B. DEFINITIONS.

*"As used in this subpart:*

*"(1) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).*

*"(2) SCHOOL-BASED.—The term 'school-based' means based in an elementary school or a secondary school.*

*"(3) STUDENT.—Notwithstanding section 101(30), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.*

## "Subpart B—Community-Based Service Programs for School-Age Youth

### "SEC. 117. DEFINITIONS.

*"As used in this subpart:*

*"(1) COMMUNITY-BASED SERVICE PROGRAM.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).*

*"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a qualified organization that—*

*"(A) submits an application under section 117C(a) to make grants to qualified organizations;*

*"(B) was in existence 1 year before the date on which the organization submitted the application;*

*"(C) has experience with service-learning; and*

*"(D) meets such other criteria as the President shall establish.*

*"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private not-for-profit organization with experience working with school-age youth that meets such criteria as the President may establish.*

### "SEC. 117A. GENERAL AUTHORITY.

*"(a) GRANTS.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.*

*"(b) USE OF FUNDS.—*

*"(1) STATE COMMISSIONS AND GRANTMAKING ENTITIES.—A State Commission or grantmaking entity may use a grant made under subsection (a)—*

*"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or*

*"(B) to provide training and technical assistance to such an organization.*

*"(2) QUALIFIED ORGANIZATIONS.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).*

### "SEC. 117B. STATE APPLICATIONS.

*"(a) IN GENERAL.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.*

*"(b) SUBMISSION.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the President may reasonably require.*

*"(c) CONTENTS.—Such an application shall include, at a minimum, a State plan that contains the descriptions, proposals, and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.*

### "SEC. 117C. LOCAL APPLICATIONS.

*"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.*

*"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes a model or an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.*

*"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.*

*"(d) REQUIREMENTS OF APPLICATION.—An application submitted under subsection (a), (b), or (c) shall, at a minimum, contain—*

*"(1) a description of any community-based service program proposed to be implemented, operated, expanded, or replicated directly by the applicant using assistance provided under this subpart;*

*"(2) a description of any grant program proposed to be conducted by the applicant with assistance provided under this subpart to support a community-based service program;*

*"(3) a proposal for carrying out the community-based service program that describes the manner in which the entity carrying out the program will—*

*"(A) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals, or qualified organizations, that have experience in community-based service programs;*

*"(B) include economically disadvantaged individuals as participants in the program proposed by the applicant;*

*"(C) provide an age-appropriate service-learning component described in section 114(d)(5)(B);*

*"(D) conduct an appropriate evaluation of the program;*

*"(E) provide for appropriate community involvement in the program;*

*"(F) provide service experiences that promote leadership abilities among participants in the program, including experiences that involve such participants in program design;*

*"(G) involve participants in projects approved by community-based agencies;*

*"(H) establish and measure progress toward the goals of the program; and*

*"(I) if appropriate, organize participants in the program into teams, with team leaders who may be participants in a program under subtitle C or individuals who receive a national service educational award under subtitle D;*

*"(4) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f);*

*"(5) an assurance that the entity carrying out the program will, prior to placing a participant in the program, consult with any local labor organization representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of such employees; and*

*"(6) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—*

*"(A) carry out activities described in section 117A(b)(1) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and*

*"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.*

*"(e) Limitation on Same Project in Multiple Applications.—No applicant shall submit an application under section 117B or this section, and the Corporation shall reject an application that is submitted under section 117B or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.*

### *"SEC. 117D. CONSIDERATION OF APPLICATIONS.*

*"(a) Application of Criteria.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.*

*"(b) Assistance Criteria.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).*

*"(c) Application to Subgrants.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.*

### *"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.*

*"(a) Federal Share.—*

*"(1) In general.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.*

*"(2) Calculation.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).*

*"(b) Waiver.—The President may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).*

### *"SEC. 117F. LIMITATIONS ON USES OF FUNDS.*

*"(a) Administrative Costs.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—*

*"(1) the original recipient; or*

*"(2) the entity carrying out the community-based service programs supported with the assistance.*

*"(b) Rules on Use.—The President may by rule prescribe the manner and extent to which—*

*"(1) such assistance may be used to cover administrative costs; and*

*"(2) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(A) the original recipient; and*

*"(B) the entity carrying out the community-based service programs supported with the assistance.*

## *"Subpart C—Clearinghouse*

### *"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.*

*"(a) In General.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.*

*"(b) Public and Private Not-for-Profit Agencies.—Public and private not-for-profit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).*

*"(c) Function of Clearinghouse.—An entity that receives assistance under subsection (a) may—*

*"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;*

*"(2) conduct research and evaluations concerning service-learning;*

*"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and*

*"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);*

*"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;*

*"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;*

*"(6)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and*

*"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;*

*"(7) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;*

*"(8) assist organizations in recruiting, screening, and placing service-learning coordinators; and*

*"(9) carry out such other activities as the President determines to be appropriate.".*

*(b) Higher Education Innovative Projects.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:*

## *"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE*

### *"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.*

*"(a) Purpose.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.*

*"(b) General Authority.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—*

*"(1) enabling such an institution or partnership to create or expand an organized community service program that—*

*"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and*

*"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;*

*"(2) supporting student-initiated and student-designed community service projects through the program;*

*"(3) strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and post secondary levels, with respect to service-learning, by—*

*"(A) including service-learning as a key component of the preservice teacher education of the institution; and*

*"(B) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;*

*"(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;*

*"(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;*

*"(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and*

*"(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.*

*"(c) Federal Share.—*

*"(1) Share.—*

*"(A) In general.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.*

*"(B) Calculation.—Each recipient of assistance under this part shall comply with section 116(a)(2).*

*"(2) Waiver.—The President may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).*

*"(d) Application for Grant.—*

*"(1) Submission.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the President may reasonably require.*

*"(2) Contents.—An application submitted under paragraph (1) shall contain—*

*"(A) such information as the President may reasonably require, such as a description of—*

*"(i) the proposed program to be established with assistance provided under the grant or contract;*

*"(ii) the human, educational, environmental, or public safety service that participants will perform and the community need that will be addressed under such program;*

*"(iii) whether or not students will receive academic credit for community service projects under the program;*

*"(iv) the procedure for training supervisors and participants and for supervising and organizing participants in such program;*

*"(v) the procedures to ensure that the program provides an opportunity for participants to reflect on their service experiences and includes the age-appropriate learning component described in section 114(d)(5)(B);*

*"(vi) the roles played by students and community members, including service recipients, in the design and implementation of the program; and*

*"(vii) the budget for the program;*

*"(B) assurances that—*

*"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and*

*"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f); and*

*"(C) such other assurances as the President may reasonably require.*

*"(e) PRIORITY.—*

*"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—*

*"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;*

*"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;*

*"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;*

*"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—*

*"(i) the institution;*

*"(ii)(I) a community-based agency;*

*"(II) a local government agency; or*

*"(III) a not-for-profit entity that serves or involves school-age youth or older adults; and*

*"(iii) a student organization;*

*"(E) demonstrate community involvement in the development of the proposal;*

*"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or*

*"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.*

*"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.*

*"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.*

*"(g) DEFINITION.—Notwithstanding section 101(30), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.*

### *"PART III—GENERAL PROVISIONS*

### *"SEC. 120. AVAILABILITY OF APPROPRIATIONS.*

*"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—*

*"(1) a sum equal to 75 percent of such aggregate amount shall be available to carry out part I, of which—*

*"(A) 85 percent of such sum shall be available to carry out subpart A; and*

*"(B) 15 percent of such sum shall be available to carry out subpart B; and*

*"(2) a sum equal to 25 percent of such aggregate amount shall be available to carry out part II.".*

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

### SEC. 104. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by adding at the end the following new subtitle:

### *"Subtitle H—Investment for Quality and Innovation*

### *"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.*

*"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.*

*"(b) INNOVATION AND QUALITY IMPROVEMENT.—*

*"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—*

*"(A) programs, including programs for rural youth, under subtitle B or C;*

*"(B) employer-based retiree programs;*

*"(C) intergenerational programs;*

*"(D) programs involving individuals with disabilities as participants providing service; and*

*"(E) programs sponsored by Governors.*

*"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.*

*"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.*

*"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.*

*"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.*

*"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.*

*"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.*

*"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.*

*"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.*

*"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.*

*"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.*

*"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.*

*"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.*

*"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.*

*"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.*

*"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.*

*"(q) NATIONAL YOUTH SERVICE DAY.—*

*"(1) DESIGNATION.—April 19, 1994, and April 18, 1995 are each designated as 'National Youth Service Day'. The President of the United States is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.*

*"(2) FEDERAL ACTIVITIES.—In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.*

*"(3) ACTIVITIES.—The Corporation may make grants to not-for-profit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.*

**"SEC. 198A. CLEARINGHOUSES.**

*"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.*

*"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.*

*"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—*

*"(1) assist entities carrying out State or local community service programs with needs assessments and planning;*

*"(2) conduct research and evaluations concerning community service;*

*"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and*

*"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);*

*"(4) facilitate communication among entities carrying out community service programs and participants;*

*"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;*

*"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and*

*"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;*

*"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and*

*"(8) carry out such other activities as the President determines to be appropriate.*

**"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.**

*"(a) PRESIDENTIAL AWARDS.—*

*"(1) IN GENERAL.—The President of the United States, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.*

*"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(20)—*

*"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and*

*"(B) a program receiving an award under this subsection need not be a program authorized under this Act.*

*"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President of the United States, acting through the Corporation—*

*"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and*

*"(B) is not authorized to make a cash award to such individual or program.*

*"(b) INFORMATION.—The President of the United States, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.*

**"SEC. 198C. MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.**

*"(a) PURPOSES.—The purposes of this section are to—*

*"(1) provide meaningful training and paid employment to economically disadvantaged youth;*

*"(2) fully utilize military installations affected by closures or realignments;*

*"(3) encourage communities affected by such closures or realignments to convert the installations to community use; and*

*"(4) foster a sense of community pride in the youth in the community.*

*"(b) DEFINITIONS.—As used in this section:*

*"(1) AFFECTED MILITARY INSTALLATION.—The term 'affected military installation' means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).*

*"(2) COMMUNITY.—The term 'community' includes a county.*

*"(3) CONVERT TO COMMUNITY USE.—The term 'convert to community use', used with respect to an affected military installation, includes—*

*"(A) conversion of the installation or a part of the installation to—*

*"(i) a park;*

*"(ii) a community center;*

*"(iii) a recreational facility; or*

*"(iv) a facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and*

*"(B) carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the President, to—*

*"(i) the community in which the installation is located; or*

*"(ii) a community located within such distance of the installation as the President may determine by regulation to be appropriate.*

*"(4) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a program described in subsection (c).*

*"(c) DEMONSTRATION PROGRAMS.—*

*"(1) GRANTS.—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—*

*"(A) within the community; or*

*"(B) within such distance from the community as the President may by regulation determine to be appropriate.*

*"(2) DURATION.—In carrying out such a demonstration program, the community or community-based agency may carry out—*

*"(A) a program of not less than 6 months in duration; or*

*"(B) a full-time summer program.*

*"(d) USE OF FUNDS.—*

*"(1) SALARY.—A community or community-based agency that receives a grant under subsection (c) to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of the salary of the participants in the project.*

*"(2) LIMITATION ON AMOUNT OF SALARY.—The amount of the salary provided to a participant under paragraph (1) that may be paid using assistance provided under this section and using any other Federal funds shall not exceed the lesser of—*

*"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and*

*"(B) 85 percent of the salary established by the demonstration program involved.*

*"(e) PARTICIPANTS.—*

*"(1) ELIGIBILITY.—A person shall be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—*

*"(A) an economically disadvantaged individual; and*

*"(B)(i) a person described in section 153(b);*

*"(ii) a youth described in section 154(a); or*

*"(iii) an eligible youth described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).*

*"(2) PARTICIPATION.—Persons desiring to participate in such a project shall enter into an agreement with the service sponsor of the project to participate—*

*"(A) on a full-time or a part-time basis; and*

*"(B) for the duration referred to in subsection (f)(2)(C).*

*"(f) APPLICATION.—*

*"(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), a community or community-based agency shall submit an application to the President at such time, in such manner, and containing such information as the President may require.*

*"(2) CONTENTS.—At a minimum, such application shall contain—*

*"(A) a description of the demonstration program proposed to be conducted by the applicant;*

*"(B) a proposal for carrying out the program that describes the manner in which the applicant will—*

*"(i) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;*

*"(ii) conduct an appropriate evaluation of the program; and*

*"(iii) provide for appropriate community involvement in the program;*

*"(C) information indicating the duration of the program; and*

*"(D) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f).*

*"(g) LIMITATION ON GRANT.—In making a grant under subsection (c) with respect to a demonstration program to assist in converting an affected military installation, the Corporation shall not make a grant for more than 25 percent of the total cost of the conversion.".*

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Military installation conversion demonstration programs.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

### Subtitle B—Related Provisions

**SEC. 111. DEFINITIONS.**

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

**"SEC. 101. DEFINITIONS.**

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position designated by the Corporation as a position that includes a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) COMMUNITY ACTION AGENCY.—The term 'community action agency' means an entity or organization referred to in section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)).

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the President to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(12) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(15) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

*"(17) PARTICIPANT.—*

*"(A) IN GENERAL.—The term 'participant' means—*

*"(i) for purposes of subtitle C, an individual in an approved national service position; and*

*"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.*

*"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.*

*"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.*

*"(19) PRESIDENT.—The term 'President', except when used as part of the term 'President of the United States' means the President of the Corporation appointed under section 193.*

*"(20) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.*

*"(21) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.*

*"(22) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—*

*"(A) individuals between the ages of 5 and 17, inclusive; and*

*"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, who receive services under part B of such Act.*

*"(23) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).*

*"(24) SERVICE-LEARNING.—The term 'service-learning' means a method—*

*"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—*

*"(i) is conducted in and meets the needs of a community;*

*"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and*

*"(iii) helps foster civic responsibility; and*

*"(B) that—*

*"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and*

*"(ii) provides structured time for the students or participants to reflect on the service experience.*

*"(25) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in subsection (a)(3) or (b) of section 111.*

*"(26) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.*

*"(27) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.*

*"(28) STATE COMMISSION.—The term 'State Commission' means a State Commission on National and Community Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.*

*"(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).*

*"(30) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".*

*(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".*

*(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(21) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".*

*(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".*

*(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(24) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".*

### SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

*Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.*

### SEC. 113. FAMILY AND MEDICAL LEAVE.

*(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:*

### "SEC. 171. FAMILY AND MEDICAL LEAVE.

*"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—*

*"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and*

*"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),*

*the participant shall be considered to be an eligible employee of the service sponsor.*

*"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—*

*"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and*

*"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,*

*the participant shall be considered to be en employee of the service sponsor.".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:*

*"Sec. 171. Family and medical leave.".*

### SEC. 114. REPORTS.

*Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—*

*(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and*

*(2) in subsection (b)(1), by striking "this title" and inserting "the national service laws".*

### SEC. 115. NONDISCRIMINATION.

*Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:*

### "SEC. 175. NONDISCRIMINATION.

*"(a) IN GENERAL.—*

*"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.*

*"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).*

*"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).*

*"(c) RELIGIOUS DISCRIMINATION.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.*

*"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.*

*"(d) RULES AND REGULATIONS.—The President shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".*

### SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

*(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—*

*(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and*

*(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".*

*(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".*

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the President shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the President in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private not-for-profit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

### SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

### SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "the national service laws"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C"; and

(ii) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

### SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

### SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

### "SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

### SEC. 121. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

### "SEC. 183. AUDITS.

"For purposes of the application of chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984') to State and local governments that receive financial assistance under this Act—

"(1) each program through which the State or local government receives such assistance shall be deemed to be a major Federal assistance program;

"(2) each audit conducted under such chapter with respect to a program shall be conducted annually;

"(3) each audit conducted under such chapter shall be conducted in accordance with the requirements of such chapter and the requirements of the regulations prescribed pursuant to section 7505 of such title, and with such requirements as the Comptroller General may specify; and

"(4) the provisions of section 422 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5062) shall apply with respect to maintenance of books, documents, papers, and records for such audits, in the same manner and to the same extent as such provisions apply to books, documents, papers, and records maintained for audits under such Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to section 183 of such Act and inserting the following:

*"Sec. 183. Audits.".*

**SEC. 122. REPEALS.**

*(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended by repealing sections 185 and 186.*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to sections 185 and 186 of such Act.*

## TITLE II—ORGANIZATION

### SEC. 201. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

*(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:*

### "SEC. 178. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

*"(a) EXISTENCE REQUIRED.—*

*"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.*

*"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.*

*"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 25 voting members.*

*"(c) COMPOSITION AND MEMBERSHIP.—*

*"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one representative from each of the following categories:*

*"(A) Individuals between the ages of 16 and 25 who are participants or supervisors in programs.*

*"(B) National service programs, such as youth corps programs.*

*"(C) School-based or community-based programs for school-age youth.*

*"(D) Programs in which older adults are participants.*

*"(E) Local and State governmental entities in the State, including the State educational agency (from which at least one such member shall be appointed).*

*"(F) Local labor organizations.*

*"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following:*

*"(A) Representatives of community-based organizations or community-based agencies, including community action agencies.*

*"(B) Members selected from among participants in service programs who are youths.*

*"(C) Members selected from among local educators.*

*"(D) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.*

*"(E) Representatives of businesses and business groups.*

*"(F) Representatives of Indian tribes.*

*"(G) Representatives of groups serving economically disadvantaged individuals.*

*"(H) Members selected from among out-of-school youth or other at-risk youth.*

*"(I) Members selected from among older adults who are volunteers or participants in national service programs.*

*"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be a voting member of the State Commission or alternative administrative entity for that State.*

*"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State shall appoint, as an ex officio nonvoting member of the State Commission for the State, the Corporation employee responsible for volunteer service programs in the State, if such employee is not the representative described in paragraph (3). The chief executive officer may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.*

*"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.*

*"(d) MISCELLANEOUS MATTERS.—*

*"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.*

*"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.*

*"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.*

*"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.*

*"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.*

*"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:*

*"(1) Preparation of a national service plan for the State that—*

*"(A) covers a 3-year period;*

*"(B) is updated annually;*

*"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate or as the Corporation may require; and*

*"(D) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—*

*"(i) using established networks, and registries, at the State level; or*

*"(ii) establishing such networks and registries.*

*"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance, in such a manner as to ensure that any decision regarding whether to include a program in the application shall be made on the basis of the criteria described in section 133(c), applied in a fair and equitable manner by an impartial decisionmaker.*

*"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.*

*"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.*

*"(5) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.*

*"(6) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under section 121 and dissemination of information concerning national service programs that receive assistance and approved national service positions.*

*"(7) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.*

*"(8) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 121, for use by programs that request such projects, methods, materials, and activities.*

*"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 121.*

*"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.*

*"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—*

*"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—*

*"(A) the composition and membership of the State Commission or alternative administrative entity; and*

*"(B) the authority of the State Commission or alternative administrative entity regarding national service activities carried out by the State.*

*"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.*

*"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation shall reject a request to use an alternative*

administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) COORDINATION.—

"(1) COORDINATION WITH OTHER STATE AGENCIES.—The State Commission or alternative administrative entity for a State shall coordinate the activities of the Commission or entity under this Act with the activities of other State agencies that administer Federal financial assistance programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs.

"(2) COORDINATION WITH VOLUNTEER SERVICE PROGRAMS.—

"(A) IN GENERAL.—The State Commission or alternative administrative entity for a State shall coordinate functions of the Commission or entity (including recruitment, public awareness, and training activities) with such functions of any division of ACTION, or of the Corporation, that carries out volunteer service programs in the State.

"(B) AGREEMENT.—In coordinating functions under this paragraph, such Commission or entity, and such division, may enter into an agreement to—

"(i) carry out such a function jointly;

"(ii) to assign responsibility for such a function to the Commission or entity; or

"(iii) to assign responsibility for such a function to the division.

"(C) INFORMATION.—The State Commission or alternative entity for a State, and the head of any such division, shall exchange information about—

"(i) the programs carried out in the State by the Commission, entity, or division, as appropriate; and

"(ii) opportunities to coordinate activities.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National and Community Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TRANSITIONAL PROVISIONS.—

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National and Community Service that satisfies the requirements specified in section 178 of the National and Community Service Act of 1990, as amended by subsection (a), the Corporation for National and Community Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 1-year period beginning on the date of the enactment of this Act.

### SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

## "Subtitle G—Corporation for National and Community Service

### "SEC. 191. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"There is established a Corporation for National and Community Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

### "SEC. 192. BOARD OF DIRECTORS.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 15 members, including an individual between the ages of 16 and 25 who—

"(i) has served in a school-based or community-based service-learning program; or

"(ii) is a participant or a supervisor in a program,

to be appointed by the President of the United States, by and with the advice and consent of the Senate;

"(B) the President of the Corporation, who shall serve as an ex officio nonvoting member; and

"(C) the ex officio nonvoting members described in paragraph (3).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President of the United States shall appoint members—

"(A) who have extensive experience in volunteer or service activities, such as—

"(i) activities funded under the national service laws; and

"(ii) Federal financial assistance activities, such as—

"(I) activities under the Head Start Act (42 U.S.C. 9831 et seq.);

"(II) activities under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.); or

"(III) antipoverty activities under other Federal law;

that have a volunteer or service focus;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

"(b) OFFICERS.—

"(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a Chairperson and a Vice Chairperson from among its membership.

"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(c) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 5 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 5 shall serve for a term of 2 years, as designated by the President of the United States.

"(d) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

### "SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson of the Board, or if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) AUTHORITIES OF OFFICERS.—

"(1) CHAIRPERSON.—The Chairperson of the Board may call and conduct meetings of the Board.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, payment, and positions referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the President regarding, the actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the President of any aspects of the actions of the President that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national and community service programs, including service-learning programs;

"(8) advise the President of the United States and the Congress concerning developments in national and community service that merit the attention of the President of the United States and the Congress; and

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation.

"(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

**"SEC. 193. PRESIDENT.**

"(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as President of the Corporation, and who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The President shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The President shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

**"SEC. 193A. AUTHORITIES AND DUTIES OF THE PRESIDENT.**

"(a) GENERAL POWERS AND DUTIES.—The President shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation, except as provided in section 194(b)(4).

"(b) DUTIES.—In addition to the duties conferred on the President under any other provision of this Act, the President shall—

"(1) prepare and submit to the Board a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as approved national service positions, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(4)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments and positions described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the President; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the evaluation plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the President under any other provision of this Act, the President may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the President considers necessary or appropriate, consistent with Federal law, and shall, to the maximum extent practicable, consolidate such units or components of the division of the Corporation that carries out volunteer service programs and the division of the Corporation that carries out financial assistance programs as may be appropriate to enable the two divisions to coordinate common support functions, such as recruiting, public awareness, or training functions;

"(2) with the approval of the President of the United States, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the President shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the President and all legal or equitable rights accruing to the President in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the President;

*"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;*

*"(9) exercise the authorities of the Corporation under section 196; and*

*"(10) consolidate the reports to Congress required under this Act, and the report required under section 9106 of title 31, United States Code, into a single report, and submit the report to Congress on an annual basis;*

*"(11) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the President determines to be necessary or appropriate to carry out such provisions.*

*"(d) DELEGATION.—*

*"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.*

*"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the President may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the President under this subsection or under any other provision of this Act shall relieve such President of responsibility for the administration of such function.*

*"(3) FUNCTION OF BOARD.—The President may not delegate a function of the Board without the permission of the Board.*

*"(e) ACTIONS.—In an action described in subsection (c)(8)—*

*"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;*

*"(2) such an action brought by the President shall survive notwithstanding any change in the person occupying the office of President or any vacancy in that office;*

*"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the President or the Board or property under the control of the President or the Board; and*

*"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.*

**"SEC. 194. OFFICERS.**

*"(a) MANAGING DIRECTORS.—*

*"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall report to the President.*

*"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(3) DUTIES.—*

*"(A) VOLUNTEER SERVICE PROGRAMS.—One of the Managing Directors shall be primarily responsible for the volunteer service programs carried out by the Corporation.*

*"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.*

*"(b) INSPECTOR GENERAL.—*

*"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.*

*"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978.*

*"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(4) PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978, the Inspector General may—*

*"(A) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4); and*

*"(B) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,*

*as may be necessary to carry out the functions, powers, and duties of the Inspector General.*

*"(c) CHIEF FINANCIAL OFFICER.—*

*"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.*

*"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(3) DUTIES.—The Chief Financial Officer shall—*

*"(A) report directly to the President regarding financial management matters;*

*"(B) oversee all financial management activities relating to the programs and operations of the Corporation;*

*"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;*

*"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and*

*"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.*

*"(4) ACCESS.—The Chief Financial Officer shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that are the property of the Corporation or that are available to the Corporation, and that relate to the duties of the Chief Financial Officer with respect to the Corporation.*

**"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.**

*"(a) EMPLOYEES.—*

*"(1) IN GENERAL.—The President may appoint and determine the compensation of such employees as the President determines to be necessary to carry out the duties of the Corporation.*

*"(2) CIVIL SERVICE PROTECTIONS.—The provisions of title 5, United States Code, shall apply with respect to the Corporation and the employees of the Corporation, except that the President may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates (other than the provisions described in clauses (iii) and (iv) of paragraph (4)(B)).*

*"(3) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—*

*"(A) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.*

*"(B) EMPLOYEES WITH NOT LESS THAN 1 BUT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 1 year, but less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code, until the date that is 3 years after the date of separation.*

*"(C) DEFINITION.—As used in this paragraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.*

*"(4) APPOINTMENT AND COMPENSATION.—*

*"(A) IN GENERAL.—The Chairperson shall appoint and determine the compensation of employees referred to in paragraph (1), in accordance with the appointment and compensation systems referred to in subparagraph (B).*

*"(B) CORPORATION APPOINTMENT AND COMPENSATION SYSTEMS.—*

*"(i) ESTABLISHMENT OF SYSTEM.—The President, after reviewing the approved proposal of the Board under section 192A(g)(3) and after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing appointment and compensation systems for the Corporation.*

*"(ii) CONTENT AND CONSIDERATIONS.—In issuing such regulations, the President shall—*

*"(I) establish appropriate appointment and compensation mechanisms for the representatives described in subsection (b); and*

*"(II) take into consideration the need for flexibility in such a system.*

*"(iii) APPOINTMENT SYSTEM.—The appointment system shall require that the appointment of such an employee be—*

*"(I) on the basis of the qualifications of applicants and the requirements of the position, in accordance with the merit system principles set forth in section 2301(b) of title 5, United States Code; and*

*"(II) through a competitive process.*

*"(iv) COMPENSATION SYSTEM.—*

*"(I) IN GENERAL.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code.*

*"(II) LIMITATION ON EMPLOYEE COMPENSATION.—The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(III) LIMITATION ON COMPENSATION OF REPRESENTATIVE.—The rate of pay for a representative described in subsection (b) shall not exceed the maximum rate of basic pay payable for grade GS-13 of the General Schedule under section 5332 of title 5, United States Code.*

*"(5) RETENTION OF CIVIL SERVICE RIGHTS.—*

*"(A) RETENTION OF COMPETITIVE SERVICE RIGHTS.—An individual who—*

*"(i) was an employee of ACTION or the Commission on National and Community Service who served under a permanent appointment on the day before the date of enactment of this subtitle in—*

*"(I) a position in the competitive service; or*

*"(II) a career appointee position in the Senior Executive Service;*

*"(ii) is transferred to the Corporation under section 202(c) or 203(c) of the National and Community Service Trust Act of 1993; and*

*"(iii) accepts a position established under paragraph (4) in the Corporation,*

shall be appointed to a position in the competitive service of the Corporation.

"(B) DURATION OF POSITION IN COMPETITIVE SERVICE.—During the period of employment of such an employee in a position, the position shall be a position in the competitive service. After such period of employment, the position shall be a position in the excepted service unless the President appoints an individual to such position in accordance with the provisions described in subsection (a)(2).

"(C) ESTABLISHMENT OF POSITIONS.—With respect to a position vacancy or a position to be established in the Corporation, the President—

"(i) shall select the individual to be appointed to such position in accordance with the regulations promulgated under paragraph (4);

"(ii) if the individual to be appointed to the position is an individual described in subparagraph (A), shall establish the position as a position in the competitive service; and

"(iii) if the individual to be so appointed is not an individual described in subparagraph (A)—

"(I) may establish the position as a position in the excepted service; and

"(II) in an exceptional case in which the individual, immediately prior to accepting the position, served under a permanent appointment in a position described in subclause (I) or (II) of subparagraph (A)(i), may establish the position as a position in the competitive service,

in any case in which an individual described in subparagraph (A) is an employee of the Corporation and is eligible to be appointed to such position.

"(D) DEFINITIONS.—As used in this paragraph:

"(i) COMPETITIVE SERVICE.—The term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(ii) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given the term in section 2103 of title 5, United States Code.

"(iii) SENIOR EXECUTIVE SERVICE.—The term 'Senior Executive Service' has the meaning given the term in section 2101a of title 5, United States Code.

"(b) CORPORATION REPRESENTATIVE IN EACH STATE.—

"(1) DESIGNATION OF REPRESENTATIVE.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) DUTIES.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States;

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation; and

"(C) the State Commission and the Corporation employee responsible for volunteer service programs in the State, if the employee is not the representative described in paragraph (1) for the State.

"(3) MEMBER OF STATE COMMISSION.—The representative designated under this subsection for a State or group of States shall also serve as a voting member of the State Commission established in the State or States.

"(c) CONSULTANTS.—The President may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(d) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the President and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(e) ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The President, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) COMPOSITION.—Such an advisory committee shall be composed of members appointed by the President, with such qualifications as the President may specify.

"(3) EXPENSES.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(d).

"(4) STAFF.—The President is authorized to appoint and fix the compensation of such staff as the President determines to be necessary to carry out the functions of the advisory committee, in accordance with subsection (a)(2), and without regard to the selection and compensation systems described in subsection (a)(4)(B). Such compensation shall not exceed the rate described in subsection (a)(4)(B)(iv)(III).

**"SEC. 196. ADMINISTRATION.**

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently governmental function.

"(ii) REGULATIONS.—The President shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—

"(A) IN GENERAL.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(B) TAX.—For purposes of Federal income, estate, and gift taxes, money or property accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) RULES.—The President shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of property described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Corporation of any property accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property so accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(3) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the President of the Corporation for National and Community Service.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

*(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National and Community Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.*

*(e) JOB SEARCH ASSISTANCE.—The President of the Corporation shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to employees of the ACTION agency who are not transferred to the Corporation for National and Community Service under section 203(c). The President of the Corporation shall make available funds appropriated under section 501(a)(2) of the National and Community Service Act of 1990 in order to provide such assistance.*

*(f) GOVERNMENT CORPORATION CONTROL.—*

*(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:*

*"(E) the Corporation for National and Community Service.".*

*(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".*

*(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:*

*"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the President of the Corporation for National and Community Service for disposal such surplus property as is recommended by the President as being needed for national service activities.*

*"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the President of the Corporation for National and Community Service of a proposed transfer of property for such activities, the President, through such officers or employees of the Corporation as the President may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.*

*"(C) In fixing the sale or lease value of such property, the President of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).".*

*(h) INSPECTOR GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—*

*(1) in paragraph (1), by inserting "; the Board of Directors of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and*

*(2) in paragraph (2), by inserting ", the Corporation for National and Community Service," after "United States Information Agency".*

*(i) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:*

*"Subtitle G—Corporation for National and Community Service*

*"Sec. 191. Corporation for National and Community Service.*
*"Sec. 192. Board of Directors.*
*"Sec. 192A. Authorities and duties of the Board of Directors.*
*"Sec. 193. President.*
*"Sec. 193A. Authorities and duties of the President.*
*"Sec. 194. Officers.*
*"Sec. 195. Employees, consultants, and other personnel.*
*"Sec. 196. Administration.".*

*(j) EFFECTIVE DATES.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.*

*(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.*

### *SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.*

*(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—*

*(1) APPLICATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, subsections (b) and (d) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".*

*(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—*

*(A) by striking "and" at the end of paragraph (9);*

*(B) by redesignating paragraph (10) as paragraph (11); and*

*(C) by inserting after paragraph (9) the following:*

*"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".*

*(3) ASSISTANT DIRECTORS.—Section 194 of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended by adding at the end the following:*

*"(d) ASSISTANT DIRECTORS.—*

*"(1) IN GENERAL.—There shall be in the Corporation four Assistant Directors, each of whom shall be appointed by the President, and who shall report directly to the Managing Director described in subsection (a)(3)(A).*

*"(2) DUTIES.—*

*"(A) VISTA AND OTHER ANTIPOVERTY PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the VISTA and other antipoverty programs under title I of the Domestic Volunteer Service Act of 1973.*

*"(B) RETIRED AND SENIOR VOLUNTEER PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the Retired and Senior Volunteer Program established under part A of title II of such Act.*

*"(C) FOSTER GRANDPARENT PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Foster Grandparent Program established under part B of title II of such Act.*

*"(D) SENIOR COMPANION PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Senior Companion Program established under part C of title II of such Act.".*

*(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.*

*(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—*

*(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—*

*(A) the term "Corporation" means the Corporation for National and Community Service, established under section 191 of the National and Community Service Act of 1990;*

*(B) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;*

*(C) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;*

*(D) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof; and*

*(E) the term "President", except as used as part of the term "President of the United States", means the President of the Corporation.*

*(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President of the United States determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).*

*(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—The President of the United States may delegate to the Director of the Office of Management and Budget the authority to make any determination of the functions that are transferred under paragraph (2), if the President determines that such a delegation would be appropriate.*

*(4) REORGANIZATION.—The President is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.*

*(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.*

*(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.*

*(7) EFFECT ON PERSONNEL.—*

*(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant*

*to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.*

*(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.*

*(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President of the United States, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.*

*(8) SAVINGS PROVISIONS.—*

*(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—*

*(i) that have been issued, made, granted, or allowed to become effective by the President of the United States, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and*

*(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,*

*shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the President of the Corporation, or other authorized official, a court of competent jurisdiction, or by operation of law.*

*(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.*

*(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.*

*(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.*

*(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.*

*(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.*

*(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the President is authorized to utilize—*

*(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and*

*(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.*

*(d) DEVELOPMENT OF TRANSFER SCHEDULE.—The President of the Corporation for National and Community Service, in consultation with the Director of ACTION, shall, not later than 9 months after the date of enactment of this Act, prepare a schedule that specifies the date on which the employees of ACTION will be notified about—*

*(1) whether their functions will be transferred to the Corporation; and*

*(2) if such functions will be transferred, the date on which the transfer will occur.*

*(e) APPOINTMENT OF ACTION EMPLOYEES.—During the period beginning on October 1, 1993 and ending on the effective date of subsection (c)(2), in making appointments to the Corporation under the appointment system described in section 195(a)(4)(B)(iii) of the National and Community Service Act of 1990, the President of the Corporation for National and Community Service shall ensure that individuals who are employees of ACTION shall receive fair and equitable treatment.*

*(f) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—*

*(A) 18 months after the date of enactment of this Act; or*

*(B) on such earlier date (which shall be not earlier than 12 months after the date of the enactment of this Act) as the President of the United States shall determine to be appropriate and announce by proclamation published in the Federal Register.*

*(2) TRANSITION.—Subsections (c)(10), (d), and (e) shall take effect on the date of enactment of this Act.*

## *TITLE III—REAUTHORIZATION*

### *Subtitle A—National and Community Service Act of 1990*

### *SEC. 301. AUTHORIZATION OF APPROPRIATIONS.*

*Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:*

*"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.*

*"(a) TITLE I.—*

*"(1) SUBTITLES B, C, D, AND H.—*

*"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles B, C, and H of title I, and to provide national service educational awards under subtitle D of title I, $434,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.*

*"(B) SPECIFIC ACTIVITIES.—Of the funds appropriated under this paragraph for a fiscal year—*

*"(i) not less than a sum equal to the greater of—*

*"(I) 11 percent of such funds; and*

*"(I) the amount appropriated to carry out subtitle B of title I for fiscal year 1993,*

*shall be made available to provide financial assistance under subtitle B of title I; and*

*"(ii) of the amount remaining after the sum described in clause (i) is made available as described in clause (i), not more than 15 percent of such remainder may be made available to provide financial assistance for activities in subtitle H of title I, section 125, or section 126.*

*"(2) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act such sums as may be necessary for each of the fiscal years 1994 through 1998.*

*"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1998.*

*"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.".*

### *Subtitle B—Domestic Volunteer Service Act of 1973*

### *SEC. 311. SHORT TITLE; REFERENCES.*

*(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".*

*(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).*

### *CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS*

### *SEC. 321. PURPOSE OF THE VISTA PROGRAM.*

*The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".*

### *SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.*

*(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—*

*(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";*

*(2) in paragraph (2), by striking "and" at the end;*

*(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";*

*(4) in paragraph (5), by striking "and" at the end;*

*(5) in paragraph (6)—*

*(A) by striking "or the Community Economic" and inserting "the Community Economic";*

*(B) by inserting "or other similar Acts," after "1981,"; and*

*(C) by striking the period and inserting "; and"; and*

*(6) by adding at the end the following new paragraph:*

*"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".*

*(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—*

*(1) by striking paragraphs (2), (4), (5) and (6);*

(2) by redesignating paragraphs (3) and (7) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as redesignated in paragraph (2) of this subsection), by striking "paragraph (7)" and inserting "paragraph (3)"; and

(4) in paragraph (3) (as redesignated in paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (2)";

(B) by striking subparagraphs (B), (C), and (E);

(C) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D), respectively; and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) A sponsoring organization may recruit volunteers for service under this part, subject to final approval by the Director.".

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1)(A) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. In conducting such activities, the Director shall place special emphasis on recruiting volunteers for local, community-based programs that serve underrepresented populations, in situations in which volunteers might not otherwise learn about the programs. Such activities shall be coordinated with recruitment authorized under subtitle C or E of the National and Community Service Act of 1990 and may include public service announcements, advertisements, publicity on loan deferments, repayments, and cancellations available to VISTA volunteers, maintenance of a toll-free telephone system, and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part.

"(B) The Director shall take steps to recruit individuals 18 through 27 years of age, 55 years of age and older, recent graduates of institutions of higher education, and special skilled volunteers and to promote diverse participation in the program.";

(2) in paragraph (3), by adding at the end the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps volunteers to serve in the VISTA program.";

(3) by striking paragraphs (4), (5), and (6); and

(4) by adding at the end the following new paragraph:

"(4) From the amounts appropriated under section 501(a) for fiscal year 1994 and each subsequent fiscal year, the Director shall obligate such sums as may be necessary for the purpose of carrying out this subsection in such fiscal year.".

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

### SEC. 323. TERMS AND PERIODS OF SERVICE.

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

### SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $125 per month during the service of the volunteer after October 1, 1994, assuming the availability of funds to accomplish this increase. The Director may provide a stipend of a minimum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

(c) CHILD CARE.—Section 105 (42 U.S.C. 4955) is amended by adding at the end the following:

"(c)(1) The Director shall—

"(A) make child care available for children of each volunteer enrolled under this part, including volunteers who need such child care in order to participate as volunteers; or

"(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

"(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.".

### SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

### "SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

### SEC. 326. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h), by striking paragraph (3).

### SEC. 327. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

### "SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

### SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Section 114 (42 U.S.C. 4974) is repealed.

### SEC. 329. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

### SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

### "SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

### SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

### "SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

### SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Section 124 (42 U.S.C. 4994) is repealed.

## CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

### SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) TITLE HEADING.—The heading for title II is amended to read as follows:

## "TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".

(b) REFERENCES.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older America Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for Older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

### SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) PART HEADING.—The heading for part A of title II is amended by striking "RETIRED SENIOR VOLUNTEER PROGRAM" and inserting "RETIRED AND SENIOR VOLUNTEER PROGRAM".

(b) REFERENCES.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and inserting "Retired and Senior Volunteer Program".

### SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) ELIGIBILITY FOR PARTICIPANTS IN THE PROGRAM.—Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "and older working persons" after "retired persons"; and

(2) in paragraph (2), by striking "aged sixty" and inserting "age 55".

(b) DELETION OF REQUIREMENT FOR STATE AGENCY REVIEW.—Section 201 (42 U.S.C. 5001) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

### SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

### SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

The second sentence of section 211(d) (42 U.S.C. 5011(d)) is amended by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,".

### SEC. 346. PARTICIPATION OF NON-LOW-INCOME PERSONS UNDER PARTS B AND C.

Subsection (f) of section 211(f) (42 U.S.C. 5011(f)) is amended to read as follows:

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C, in accordance with such regulations as the Director shall issue, at the discretion of the local project. Such individuals shall not receive any allowance, stipend, or other financial support for such service except reimbursement for transportation, meals, and out-of-pocket expenses related to such service.".

### SEC. 347. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

### SEC. 348. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

### SEC. 349. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) The Director is encouraged to enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired or senior volunteers and foster grandparents in Head Start projects; and

"(ii) promote in-home care in cooperation with the Administration on Aging;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

### SEC. 350. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) The Director is authorized to make grants under parts A, B, and C to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year. In determining the priority of programs to address problems of local concern in a particular area, the Director shall solicit and consider the views of representatives of local groups serving the area.";

(B) in paragraph (2)(B), by striking "paragraph (10)" and inserting "paragraphs (10) and (12)"; and

(C) in paragraph (2)(C), by striking "and (10)" and inserting "(10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

"(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs.

"(17) Programs that support the integration of individuals with disabilities into the community."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

### SEC. 351. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226 (42 U.S.C. 5026) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "annually" and inserting ", once every 2 years"; and

(B) by striking paragraph (2).

### SEC. 352. DEMONSTRATION PROGRAMS.

Title II (42 U.S.C. 5000 et seq.) is amended by adding at the end the following new part:

### "PART E—DEMONSTRATION PROGRAMS

### "SEC. 231. AUTHORITY OF DIRECTOR.

"(a) IN GENERAL.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) ACTIVITIES.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

### "SEC. 232. PROHIBITION.

*"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".*

## CHAPTER 3—ADMINISTRATION

### SEC. 361. PURPOSE OF AGENCY.

*Section 401 (42 U.S.C. 5041) is amended—*

*(1) by inserting after the first sentence the following: "Such Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries."; and*

*(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".*

### SEC. 362. AUTHORITY OF THE DIRECTOR.

*Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" each place the term appears.*

### SEC. 363. COMPENSATION FOR VOLUNTEERS.

*Section 404 (42 U.S.C. 5044) is amended—*

*(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";*

*(2) by striking subsection (f); and*

*(3) by redesignating subsection (g) as subsection (f).*

### SEC. 364. REPEAL OF REPORT.

*Section 407 (42 U.S.C. 5047) is repealed.*

### SEC. 365. APPLICATION OF FEDERAL LAW.

*Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS-7 employee" and inserting "an employee at grade GS-5 of the General Schedule under section 5332 of title 5, United States Code".*

### SEC. 366. EVALUATION OF PROGRAMS.

*Section 416 (42 U.S.C. 5056) is amended—*

*(1) in subsection (a)—*

*(A) in the first sentence, by striking "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)"; and*

*(B) in the second sentence, by striking "at least once every 3 years" and inserting "periodically";*

*(2) in subsection (b) to read as follows:*

*"(b) In carrying out evaluations of programs under this Act, the Director shall create appropriate management information systems that will summarize information on volunteer activities and accomplishments across the programs supported under this Act. The Director shall periodically prepare and submit to the appropriate committees of Congress a report containing such information."; and*

*(3) by striking subsections (d), (e), (f), and (g).*

### SEC. 367. NONDISCRIMINATION PROVISIONS.

*Section 417 (42 U.S.C. 5057) is amended to read as follows:*

### "SEC. 417. NONDISCRIMINATION PROVISIONS.

*"(a) IN GENERAL.—*

*"(1) BASIS.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.*

*"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).*

*"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).*

*"(c) RELIGIOUS DISCRIMINATION.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.*

*"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.*

*"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".*

### SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

*Section 420 (42 U.S.C. 5060) is repealed.*

### SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

*Section 422 (42 U.S.C. 5062) is amended—*

*(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and*

*(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.*

### SEC. 370. COPYRIGHT PROTECTION.

*Title IV (42 U.S.C. 5041 et seq.) is amended by adding at the end the following new section:*

### "SEC. 425. PROTECTION AGAINST IMPROPER USE.

*"Whoever falsely—*

*"(1) advertises or represents; or*

*"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,*

*that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".*

### SEC. 371. CENTER FOR RESEARCH AND TRAINING.

*Title IV (42 U.S.C. 5041 et seq.) (as amended by section 370 of this Act) is further amended by adding at the end the following new section:*

### "SEC. 426. CENTER FOR RESEARCH AND TRAINING.

*"The Director may establish, directly or by grant or contract, a Center for Research and Training on Volunteerism to carry out research concerning the impact of volunteerism on individuals, organizations, and communities, provide training at a State, regional, or local level to help improve programs across the United States, and carry out such other functions as the Director determines to be appropriate.".*

### SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

*(a) CIVIL SERVICE RETIREMENT SYSTEM.—*

*(1) CREDITABLE SERVICE.—Section 8332(j) of title 5, United States Code, is amended—*

*(A) in paragraph (1)—*

*(i) in the first sentence, by inserting "the period of an individual's services as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";*

*(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,"; and*

*(iii) in the last sentence—*

*(I) by inserting "or under the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and*

*(II) by inserting "or the Director of ACTION, as appropriate," after "Director of the Office of Economic Opportunity"; and*

*(B) by adding at the end the following new paragraph:*

*"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".*

*(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—*

*(A) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:*

*"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.*

*"(2) Any deposit made under paragraph (1) more than 2 years after the later of—*

*"(A) the date of enactment of this subsection; or*

*"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,*

*shall include interest on such amount, computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).*

*"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.*

*"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".*

*(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".*

*(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—*

*(1) CREDITABLE SERVICE.—Section 8411 of title 5, United States Code, is amended—*

(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and

(B) by adding at the end the following new subsection:

"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, performed at any time prior to the separation from service on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEDUCTIONS, CONTRIBUTIONS.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection, or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY AND OTHER PROVISIONS.—

(1) APPLICABILITY.—

(A) TIMING.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 to individuals who are entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this Act.

(B) SEPARATION.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the date of enactment of this Act, any increase in such individual's annuity on the basis of a deposit made pursuant to section 8334(l) or section 8442(f) of title 5, United States Code, as amended by this Act, shall be effective only with respect to annuity payments payable for calendar months beginning after the date of enactment of this Act.

(2) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

## CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

### SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

### "SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 125, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 125, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 125, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

### SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

### "SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1998.".

### SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

### "SEC. 504. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1998, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 20 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426.".

### SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS–7" and inserting "GS–5 of the General Schedule under section 5332 of title 5, United States Code".

### SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

## CHAPTER 5—GENERAL PROVISIONS

### SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

### "SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.

*"Sec. 104. Terms and periods of service.*
*"Sec. 105. Support service.*
*"Sec. 106. Participation of beneficiaries.*
*"Sec. 107. Participation of younger and older persons.*
*"Sec. 108. Limitation.*
*"Sec. 109. VISTA Literacy Corps.*
*"Sec. 110. Applications for assistance.*

*"PART B—UNIVERSITY YEAR FOR VISTA*

*"Sec. 111. Statement of purpose.*
*"Sec. 112. Authority to operate University Year for VISTA program.*
*"Sec. 113. Special conditions.*

*"PART C—SPECIAL VOLUNTEER PROGRAMS*

*"Sec. 121. Statement of purpose.*
*"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.*
*"Sec. 123. Technical and financial assistance for improvement of volunteer programs.*
*"Sec. 125. Literacy challenge grants.*

*"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS*

*"Sec. 200. Statement of purposes.*

*"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM*

*"Sec. 201. Grants and contracts for volunteer service projects.*

*"PART B—FOSTER GRANDPARENT PROGRAM*

*"Sec. 211. Grants and contracts for volunteer service projects.*

*"PART C—SENIOR COMPANION PROGRAM*

*"Sec. 213. Grants and contracts for volunteer service projects.*

*"PART D—GENERAL PROVISIONS*

*"Sec. 221. Promotion of National Senior Volunteer Corps.*
*"Sec. 222. Payments.*
*"Sec. 223. Minority group participation.*
*"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.*
*"Sec. 225. Programs of national significance.*
*"Sec. 226. Adjustments to Federal financial assistance.*
*"Sec. 227. Multiyear grants or contracts.*

*"PART E—DEMONSTRATION PROGRAMS*

*"Sec. 231. Authority of Director.*
*"Sec. 232. Prohibition.*

*"TITLE IV—ADMINISTRATION AND COORDINATION*

*"Sec. 403. Political activities.*
*"Sec. 404. Special limitations.*
*"Sec. 406. Labor standards.*
*"Sec. 408. Joint funding.*
*"Sec. 409. Prohibition of Federal control.*
*"Sec. 410. Coordination with other programs.*
*"Sec. 411. Prohibition.*
*"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.*
*"Sec. 414. Distribution of benefits between rural and urban areas.*
*"Sec. 415. Application of Federal law.*
*"Sec. 416. Evaluation.*
*"Sec. 417. Nondiscrimination provisions.*
*"Sec. 418. Eligibility for other benefits.*
*"Sec. 419. Legal expenses.*
*"Sec. 421. Definitions.*
*"Sec. 422. Audit.*
*"Sec. 423. Reduction of paperwork.*
*"Sec. 424. Review of project renewals.*
*"Sec. 425. Protection against improper use.*
*"Sec. 426. Center for Research and Training.*

*"TITLE V—AUTHORIZATION OF APPROPRIATIONS*

*"Sec. 501. National volunteer antipoverty programs.*
*"Sec. 502. National Senior Volunteer Corps.*
*"Sec. 504. Administration and coordination.*
*"Sec. 505. Availability of appropriations.*

*"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS*

*"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.*
*"Sec. 602. Creditable service for civil service retirement.*
*"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.*
*"Sec. 604. Repeal of title VI of the Older Americans Act.".*

**SEC. 392. EFFECTIVE DATE.**

*This subtitle shall become effective on October 1, 1993.*

### *Subtitle C—Youth Conservation Corps Act of 1970*

**SEC. 399. PUBLIC LANDS CORPS.**

*Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—*

*(1) by inserting before section 1 the following:*

***"TITLE I—YOUTH CONSERVATION CORPS";***

*(2) by striking "Act" each place such term appears and inserting "title";*

*(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;*

*(4) in subsection (a) of section 102 (as redesignated by paragraph (3)), by inserting "in this title" after "hereinafter";*

*(5) in subsection (d) of section 104 (as redesignated by paragraph (3)), by striking "section 6" and inserting "section 106"; and*

*(6) by adding at the end the following new title:*

### *"TITLE II—PUBLIC LANDS CORPS*

**"SEC. 201. SHORT TITLE.**

*"This title may be cited as the 'Public Lands Corps Act of 1993'.*

**"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.**

*"(a) FINDINGS.—The Congress finds the following:*

*"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing such men and women with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness such men and women have incurred to obtain higher education while at the same time benefiting the Nation's economy and environment.*

*"(2) Many facilities and natural resources located on public lands and on Indian lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work that cannot be carried out by Federal agencies at existing personnel levels.*

*"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost effective and efficient manner, especially when the corps have worked in partnership arrangements with government land management agencies.*

*"(b) PURPOSE.—It is the purpose of this title to—*

*"(1) perform, in a cost-effective manner, appropriate conservation projects on public lands and Indian lands where such projects will not be performed by existing employees;*

*"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on public lands and Indian lands;*

*"(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;*

*"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and*

*"(5) stimulate interest among the Nation's young men and women in conservation careers by exposing such men and women to conservation professionals in land managing agencies.*

**"SEC. 203. DEFINITIONS.**

*"For purposes of this title:*

*"(1) APPROPRIATE CONSERVATION PROJECT.—The term 'appropriate conservation project' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.*

*"(2) CORPS AND PUBLIC LANDS CORPS.—The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.*

*"(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.*

*"(4) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.*

*"(5) INDIAN LANDS.—The term 'Indian lands' means—*

*"(A) any Indian reservation;*

*"(B) any public domain Indian allotments;*

*"(C) any former Indian reservation in the State of Oklahoma;*

*"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and*

*"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.*

*"(6) PUBLIC LANDS.—The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.*

*"(7) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization, that—*

*"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;*

*"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and*

*"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.*

*"(8) RESOURCE ASSISTANT.—The term 'resource assistant' means a resource assistant selected under section 206.*

*"(9) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

**"SEC. 204. PUBLIC LANDS CORPS PROGRAM.**

*"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.*

"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects that such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved.

"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects that—

"(1) will provide long-term benefits to the public;

"(2) will instill in the enrollee involved a work ethic and a sense of public service;

"(3) will be labor intensive;

"(4) can be planned and initiated promptly; and

"(5) will provide academic, experiential, or environmental education opportunities.

"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on any public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents that govern the administration of the area.

**"SEC. 205. CONSERVATION CENTERS.**

"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary determines to be necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.

"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include the provision of temporary tent shelters where needed, transportation, and residential supervision.

"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.

**"SEC. 206. RESOURCE ASSISTANTS.**

"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual shall be at least 17 years of age. The Secretaries may select resource assistants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) with particular attention given to ensure the full representation of women and participants from historically black, Hispanic, and Native American schools.

"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the Resource Assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the Resource Assistants, to the mission of the agency.

**"SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.**

"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

**"SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.**

"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.

**"SEC. 209. NONDISPLACEMENT.**

"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.

**"SEC. 210. FUNDING.**

"(a) COST SHARING.—

"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent, and shall collectively pay 75 percent, of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from non-Federal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands under this title.

"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. The Department of Agriculture and the Department of the Interior shall comply with the Federal share requirements of section 129(d)(2)(B) of the National and Community Service Act of 1990.

"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance described in section 121(b) of the National and Community Service Act of 1990, from funds available under section 129(d)(2).".

## TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

**SEC. 401. DEFINITION OF DIRECTOR.**

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the President of the Corporation for National and Community

Service appointed under section 193 of the National and Community Service Act of 1990;".

### SEC. 402. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION" and inserting "the Corporation for National and Community Service".

(2) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(4) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 421(12) of such Act (as added by section 403 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(7) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(j)(1) of title 5, United States Code (as amended by section 372(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the President of the Corporation for National and Community Service".

(c) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(d) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z-6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National and Community Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National and Community Service".

(e) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National and Community Service".

(f) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(g) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National and Community Service".

(h) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National and Community Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service".

(i) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "President of the Corporation for National and Community Service".

(j) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National and Community Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990.".

(k) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(l) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

(m) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(n) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The President of the Corporation for National and Community Service, or the designee of the President.".

(o) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the President of the Corporation for National and Community Service,".

(p) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

### SEC. 403. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) except as provided in section 417, the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8));

"(12) the term 'Inspector General' means the Inspector General of ACTION;

"(13) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(14) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(15) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(16) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(17) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(18) the term 'Senior Companion Program' means the program established under part C of title II;

"(19) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(20) the term 'VISTA volunteer' means a volunteer in VISTA.".

### SEC. 404. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National and Community Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National and Community Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and President of the Corporation for National and Community Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "**COMMISSION ON NATIONAL AND COMMUNITY SERVICE**" and inserting "**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National and Community Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The President of the Corporation"; and

*(C) in subsection (b)—*

*(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "President of the Corporation for National and Community Service"; and*

*(ii) in paragraph (2), by striking "the Commission" and inserting "the President of the Corporation for National and Community Service".*

*(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE".*

*(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:*

*"Sec. 1094. Other programs of the Corporation for National and Community Service.".*

*(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—*

*(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".*

*(2) Sections 152, 157(b)(2), 159(b), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653h(b), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".*

*(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "President".*

*(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—*

*(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";*

*(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and*

*(C) by striking "the President" both places it appears and inserting "the Corporation".*

### *SEC. 405. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.*

*(a) PRESIDENT.—*

*(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—*

*(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The President";*

*(B) by striking "the Board" in the matter preceding the paragraphs and in paragraph (1) and inserting "the President"; and*

*(C) by striking "the Director" in paragraph (1) and inserting "the Board".*

*(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The President".*

*(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (12653h(c)(1)) is amended—*

*(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "President"; and*

*(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the President".*

*(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—*

*(A) by striking paragraph (6); and*

*(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.*

*(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of Civilian Community Corps" each place the term appears and inserting "Director".*

### *SEC. 406. EFFECTIVE DATE.*

*(a) ACTION.—The amendments made by sections 401 and 402 shall take effect on the effective date of section 203(c)(2).*

*(b) COMMISSION.—The amendments made by sections 403 through 405 will take effect on October 1, 1993.*

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

### COMMITTEE SUBSTITUTE AMENDMENT, AS MODIFIED

Mr. WOFFORD. Mr. President, I am authorized by a majority of the Committee on Labor and Human Resources to modify the committee substitute, and I now send that modification to the desk.

The PRESIDING OFFICER. The committee substitute is so modified.

The amendment, with its modification, is as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Sec. 101. Federal investment in support of national service.
Sec. 102. National Service Trust and provision of national service educational awards.
Sec. 103. School-based and community-based service-learning programs.
Sec. 104. Quality and innovation activities.

Subtitle B—Related Provisions

Sec. 111. Definitions.
Sec. 112. Authority to make State grants.
Sec. 113. Family and medical leave.
Sec. 114. Reports.
Sec. 115. Nondiscrimination.
Sec. 116. Notice, hearing, and grievance procedures.
Sec. 117. Nondisplacement.
Sec. 118. Evaluation.
Sec. 119. Engagement of participants.
Sec. 120. Contingent extension.
Sec. 121. Audits.
Sec. 122. Repeals.
Sec. 123. Effective date.

TITLE II—ORGANIZATION

Sec. 201. State Commissions on National and Community Service.
Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.
Sec. 203. Final authorities of the Corporation for National and Community Service.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

Sec. 321. Purpose of the VISTA program.
Sec. 322. Selection and assignment of VISTA volunteers.
Sec. 323. Terms and periods of service.
Sec. 324. Support for VISTA volunteers.
Sec. 325. Participation of younger and older persons.
Sec. 326. Literacy activities.
Sec. 327. Applications for assistance.
Sec. 328. Repeal of authority for student community service programs.
Sec. 329. University year for VISTA.
Sec. 330. Authority to establish and operate special volunteer and demonstration programs.
Sec. 331. Technical and financial assistance.
Sec. 332. Elimination of separate authority for drug abuse programs.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

Sec. 341. National Senior Volunteer Corps.
Sec. 342. The Retired and Senior Volunteer Program.
Sec. 343. Operation of the Retired and Senior Volunteer Program.
Sec. 344. Services under the Foster Grandparent Program.
Sec. 345. Stipends for low-income volunteers.
Sec. 346. Participation of non-low-income persons under parts B and C.
Sec. 347. Conditions of grants and contracts.
Sec. 348. Evaluation of the Senior Companion Program.
Sec. 349. Agreements with other Federal agencies.
Sec. 350. Programs of national significance.
Sec. 351. Adjustments to Federal financial assistance.
Sec. 352. Demonstration programs.

CHAPTER 3—ADMINISTRATION

Sec. 361. Purpose of agency.
Sec. 362. Authority of the Director.
Sec. 363. Compensation for volunteers.
Sec. 364. Repeal of report.
Sec. 365. Application of Federal law.
Sec. 366. Evaluation of programs.
Sec. 367. Nondiscrimination provisions.
Sec. 368. Elimination of separate requirements for setting regulations.
Sec. 369. Clarification of role of Inspector General.
Sec. 370. Copyright protection.
Sec. 371. Center for research and training.
Sec. 372. Deposit requirement credit for service as a volunteer.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

Sec. 381. Authorization of appropriations for title I.
Sec. 382. Authorization of appropriations for title II.
Sec. 383. Authorization of appropriations for title IV.
Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.
Sec. 385. Repeal of authority.

CHAPTER 5—GENERAL PROVISIONS
Sec. 391. Technical and conforming amendments.
Sec. 392. Effective date.
Subtitle C—Youth Conservation Corps Act of 1970
Sec. 399. Public Lands Corps.
TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS
Sec. 401. Definitions.
Sec. 402. References to the Commission on National and Community Service.
Sec. 403. References to Directors of the Commission on National and Community Service.
Sec. 404. Definition of Director.
Sec. 405. References to ACTION and the ACTION Agency.
Sec. 406. Effective date.

### SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

### "SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

"(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.

"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income, or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service programs, support locally established service initiatives, encourage private sector investment and involvement in national service programs, and require measurable goals for performance in such programs and offer flexibility in meeting those goals;

"(6) empower residents of low-income communities, especially youth and young adults, through their service, and help provide future community leadership;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed;

"(9) build ties among Americans that transcend race, religion, gender, age, disability, region, income, and education;

"(10) encourage educational reform by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education; and

"(11) enable service participants to gain personal, academic, and occupational skills through service-learning experiences.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

## TITLE I—PROGRAMS AND RELATED PROVISIONS

### Subtitle A—Programs

### SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

### "Subtitle C—National Service Trust Program

### "PART I—INVESTMENT IN NATIONAL SERVICE

### "SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) PROVISION OF ASSISTANCE.—The Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), and institutions of higher education for the purpose of assisting the recipients of the grants by paying for the Federal share of—

"(1) carrying out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) making grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(d)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(A) the value of a national service educational award under section 147; and

"(B) the total number of approved national service positions to be provided.

"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs (including indirect costs) incurred by—

"(A) the recipient of the assistance; and

"(B) national service programs carried out or supported with the assistance.

"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—

"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient of the grant or transfer of assistance under such subsection; and

"(ii) national service programs carried out or supported with the assistance.

"(e) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in sections 129(d)(2)(B) and 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—

"(A) IN GENERAL.—In providing for the remaining share of the cost of carrying out a national service program, the program—

"(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(ii) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

"(B) COST OF HEALTH CARE.—In providing for such remaining share through a payment in cash, a national service program may count not more than 85 percent of the cost of providing health care policy described in section 140(d)(2) toward such share.

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

### "SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program, carried out during the summer or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful service projects with visible benefits to a community, including natural resource, urban renovation, rural development, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths, other economically disadvantaged youths, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in any of paragraphs (1) through (10), or in paragraph (12) or (13).

"(12) A program, to be known as a 'Communities in Action program', carried out by not-for-profit organizations, including community action agencies or combinations of such agencies, to provide opportunities for individuals or teams of individuals to engage in local community projects that meet important unaddressed community and individual needs in low-income areas served by such a not-for-profit organization, including service projects to meet the unaddressed needs of economically disadvantaged youth age 18 and younger (including providing safe locations for after-school programs that provide opportunities for learning and recreation).

"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, education, environmental, or public safety needs.

"(c) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after consultation with the State Commissions, may establish, and periodically alter, priorities regarding the types of national service programs to be assisted under section 121 and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall provide to potential applicants advance notice of any national service priorities to be in effect under this subsection for a fiscal year.

"(B) CONTENTS.—The notice shall specifically include—

"(i) a description of any alteration made in the priorities since the previous notice; and

"(ii) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(C) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(i) receive funding under this subtitle for multiple years; and

"(ii) would be adversely affected by annual revisions in such national service priorities.

"(3) APPLICATION TO SUBGRANTS.—Any recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs shall, in conducting such a grant program, make reasonable efforts to use any national service priorities established by the Corporation under this subsection.

**"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.**

"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:

"(1) A position for a participant in a national service program described in section

122(a) that receives assistance under subsection (a) or (b) of section 121.

"(2) A position for a participant in a program that—

"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private not-for-profit organization (including a community action agency), an institution of higher education, or a Federal agency; and

"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.

"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.

"(5) A position for a participant in the Civilian Community Corps under subtitle E.

"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

"(7) Such other national service positions as the Corporation considers to be appropriate.

### "SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

### "SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.

"(a) Training Programs.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—

"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—

"(A) where services are needed most; and

"(B) where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

"(2) promote leadership development in such programs;

"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

"(4) develop the management and budgetary skills of program operators; and

"(5) provide for or improve the training provided to the participants in such programs.

"(b) Technical Assistance.—The Corporation shall, where necessary, make appropriate technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 121 that desire—

"(1) to develop national service programs; or

"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

### "SEC. 126. OTHER SPECIAL ASSISTANCE.

"(a) Support for State Commissions.—

"(1) Assistance authorized.—The Corporation may make assistance available to assist a State to establish or operate the State Commission on National and Community Service required to be established by the State under section 178.

"(2) Amount of assistance.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) Disaster Service.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973, to involve in disaster relief efforts youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws.

"(c) Challenge Grants for National Service Programs.—

"(1) Assistance authorized.—

"(A) In general.—The Corporation may make challenge grants under this subsection to national service programs that receive assistance under section 121.

"(B) Criteria.—The Corporation shall develop criteria for the selection of recipients of such challenge grants, so as to make the grants widely available to a variety of programs that—

"(i) are high-quality national service programs; and

"(ii) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(2) Amount of assistance.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

## "PART II—APPLICATION AND APPROVAL PROCESS

### "SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

"(a) Allotments of Assistance and Approved Positions to States and Indian Tribes.—

"(1) Allotment of assistance to certain states.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) Allotment of assistance to other jurisdictions and Indian tribes.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve up to 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the reserved funds until such time as the Compact of Free Association with Palau is ratified.

"(3) Effect of failure to apply.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) Reservation of Approved Positions.—

"(1) Number reserved.—Except as provided in paragraph (2), the Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions for that fiscal year.

“(2) TRANSITION.—The Corporation shall determine an equitable procedure for providing post-service educational awards to individuals who are selected for assignment as described in paragraph (1) after the date of enactment of this subtitle and before the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.

“(c) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. The Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).

“(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

“(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

“(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

“(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).

“(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The President may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

“(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

“(D) LIMITATIONS.—The Corporation may limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporation under section 133(d)(2).

“(3) PRIORITY.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c) and after using 33⅓ percent of such funds to make grants under paragraph (1), in determining whether to—

“(A) use an additional portion of the funds to make a grant under paragraph (1) to a State applicant; or

“(B) distribute the portion of the funds to an applicant that is a private not-for-profit organization under paragraph (2),

the Corporation shall give preference to the private not-for-profit organization in any case in which the Corporation determines that the applicants have submitted applications of equal quality under section 130.

“(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

“(f) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year to satisfy the maximum possible obligations to be incurred by the United States to provide the national service educational award corresponding to service in these positions.

“(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

“(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

“(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

**“SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.**

“(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization (including a community action agency), institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

“(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation—

“(1) may require that an applicant described in subsection (a) submit an application under subsection (a) containing—

“(A) a description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121;

“(B) a description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected;

“(C) a description of other funding sources to be used, or sought to be used, for the national service programs referred to in subparagraphs (A) and (B), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds;

“(D) a description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed;

“(E) a description of the plan to be used to recruit participants, including economically disadvantaged youth, for the national service programs referred to in subparagraphs (A) and (B);

“(F) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) build on existing programs, including Federal programs;

“(G) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) will involve participants—

“(i) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

“(ii) in leadership positions in implementing and evaluating the program;

“(H) measurable goals for the national service programs referred to in subparagraphs (A) and (B), and a strategy to achieve such goals, in terms of—

“(i) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

“(ii) the service experience to be provided to participants in the programs;

“(I) a description of the manner and extent to which the national service programs referred to in subparagraphs (A) and (B) conform to the national service priorities established by the Corporation under section 122(c);

“(J) a description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable programs;

“(K) a description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant;

“(L) a description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in subparagraphs (A) and (B), including the identity of the individual representing the labor organization who was consulted and the nature of the consultation;

“(M) a description of a plan to be used to encourage women to participate in programs referred to in subparagraphs (A) and (B); and

“(N) such other information as the Corporation may reasonably require; and

“(2) shall require that the applicant submit an application under subsection (a) containing—

“(A) a description of the jobs or positions into which participants will be placed using the assistance provided under section 121, including descriptions of specific tasks to be performed by such participants; and

"(B) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) Application To Receive Only Approved National Service Positions.—

"(1) Applicability of subsection.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) Special application requirements.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.

"(d) Special Rule for State Applicants.—

"(1) Submission by state commission.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) Competitive selection.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) Assistance to nonstate entities.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(e) Special Rule for Certain Service Sponsors.—In the case of a program applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(f) Limitation on Same Project in Multiple Applications.—No applicant shall submit an application under this section, and the Corporation shall reject an application that is submitted under this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

### "SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) Impact on Communities.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177.

"(b) Impact on Participants.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) provide structured opportunities for participants to reflect on their service experiences.

"(c) Consultation.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies (including community action agencies) with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors;

"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and

"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) Evaluation and Performance Goals.—

"(1) In general.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A)(i) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121; or

"(ii) with the approval of the Corporation, conduct an internal evaluation of the program;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) Alternative evaluation requirements.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) Living Allowances and Other In-Service Benefits.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) Selection of Participants From Individuals Recruited by Corporation or State Commissions.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.

### "SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization; or

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, provide instruction as part of a program that includes mandatory religious education or worship, construct, operate, or maintain facilities devoted to religious instruction or worship, or engage in any form of proselytization.

### "SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) Corporation Consideration of Certain Criteria.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and

"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.

"(b) APPLICATION TO SUBGRANTS.—

"(1) IN GENERAL.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position.

"(2) CONTENTS.—The application of the State or other entity under section 130 shall contain—

"(A) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(B) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(C) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high percentages or concentrations of low-income individuals;

"(B) areas that are environmentally distressed;

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and

"(D) areas—

"(i) that have experienced a substantial reduction in population, as determined by the Corporation; and

"(ii) with high numbers or percentages of economically disadvantaged older adults.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—

"(A) IN GENERAL.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2).

"(B) PROGRAMS DESIGNATED TO RECEIVE PRIORITY.—In designating national service programs to receive priority, the Corporation may include—

"(i) national service programs carried out by another Federal agency;

"(ii) national service programs that conform to the national service priorities in effect under section 122(c);

"(iii) innovative national service programs;

"(iv) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(v) grant programs in support of other national service programs if the grant programs are to be conducted by not-for-profit organizations (including community action agencies) with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(vi) professional corps programs described in section 122(a)(8); and

"(vii) programs that—

"(I) received funding under subtitle D of this Act, as in effect on the day before the date of enactment of this subtitle;

"(II) the Corporation determines to meet the requirements of sections 142 (other than subsection (g)), 143, and 148 through 150 of this Act, as in effect on such day, in addition to the requirements of this subtitle; and

"(III) include an evaluation component.

"(C) EXCEPTION.—In making a competitive distribution of funds under section 129(d)(2), the President may give priority consideration to a national service program that is—

"(i) proposed in an application submitted by a State Commission; and

"(ii) not one of the types of programs described in clauses (i) through (vi) of subparagraph (B)

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

"(3) REVIEW PANEL.—The President shall—

"(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance, or for national service positions that would require more than $100,000 in national service educational awards; and

"(B) consider the opinions of such panels prior to making such determinations.

"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects that—

"(1) are conducted in areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

"(2) place a priority on the recruitment of participants who are residents of areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or Federal or other public lands.

"(f) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

### "PART III—NATIONAL SERVICE PARTICIPANTS

**"SEC. 137. DESCRIPTION OF PARTICIPANTS.**

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

### "SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to economically disadvantaged youths or youths who are individuals with disabilities.

"(e) NATIONAL LEADERSHIP POOL.—

"(1) SELECTION AND TRAINING.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

"(2) EMPHASIS ON CERTAIN INDIVIDUALS.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served—

"(A) in the Peace Corps;

"(B) as VISTA volunteers;

"(C) as participants in national service programs receiving assistance under section 121; or

"(D) as participants in programs receiving assistance under subtitle D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subtitle.

"(3) ASSIGNMENT.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

### "SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of—

"(A) not less than 1 year and not more than 2 years; or

"(B) not less than 1 year and not more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(3) REDUCTION IN HOURS OF PART-TIME SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in an approved national service position, the participant may receive a portion of the national service educational award corresponding to that service in the manner provided in section 147(b), except that a participant released for cause may not receive any portion of the national service educational award.

### "SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(2) the annual living allowance established by the program.

"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—

"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;

"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and

"(3) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

"(d) HEALTH INSURANCE.—

"(1) IN GENERAL.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(2) OPTION.—A State or other recipient of assistance under section 121 may elect to provide from the funds of the State or recipient a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation, and is consistent with other applicable laws.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who serves in a national service program carried out or supported by the recipient using the assistance, including individuals who need such child care in order to participate in the program; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

### "SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 125. Training and technical assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.".

### SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

## "Subtitle D—National Service Trust and Provision of National Service Educational Awards

### "SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(2), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to subsection 148(e);

"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 196(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the marketplace. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—The Corporation shall submit an annual report to the Congress on the financial status of the Trust. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose ability to claim national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(b); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

### "SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—

"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(3) at the time the individual uses the national service educational award—

"(A) has received a high school diploma, or the equivalent of such diploma;

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; or

"(C) has received a waiver described in section 137(c); and

"(4) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

"(d) TIME FOR USE OF EDUCATIONAL AWARD.—

"(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

"(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or

"(B) performed another term of service in an approved national service position during that period.

### "SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.

"(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value equal to $5,000 for each of not more than 2 of such terms of service.

"(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.

### "SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) IN GENERAL.—Amounts in the Trust shall be available—

"(1) to repay student loans in accordance with subsection (b);

"(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);

"(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and

"(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).

"(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—

"(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;

"(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;

"(C) specifies the qualified student loan to which the individual desires to apply the national service educational award, in any case in which the total of the amounts described in subparagraph (B) is greater than the amount of the national service educational award to which the individual is entitled; and

"(D) contains or is accompanied by such other information as the Corporation may require.

"(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award to which the eligible individual is entitled. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.

"(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall first be applied to the repayment of principal. In a case described in paragraph (1)(C), such amount shall be applied to the loan described in paragraph (1)(C).

"(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.

"(5) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.

"(6) NOTIFICATION.—On disbursing a national service educational award to which an individual is entitled under paragraph (2) and applying the award to a loan, the Corporation shall notify the individual of the amount disbursed for each such loan and the date of the disbursal.

"(7) DEFINITIONS.—As used in this subsection:

"(A) QUALIFIED STUDENT LOAN.—The term 'qualified student loan' means—

"(i) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078-2); and

"(ii) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).

"(B) HOLDER.—The term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.

"(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the payment of full-time or part-time educational expenses, that have been incurred by the individual prior to the service of the individual under subtitle C, shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

"(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

"(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;

"(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;

"(C) certifies that—

"(i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094); and

"(ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and

"(D) contains such provisions concerning financial compliance as the Corporation may require.

"(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are qualified. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.

"(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.

"(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.

"(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—

"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and

"(B) the sum of—

"(i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.); and

"(ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).

"(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education.

"(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation may provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(7)), if the eligible individual successfully completes the required term of service (as determined under section 146(b)) of the individual. Such regulations shall be prescribed after consultation with the Secretary of Education.

"(f) EXCEPTION.—

"(1) OPTION.—With the approval of the President, a national service program that receives assistance under section 121 may offer to each participant in the program the option of—

"(A) waiving the right of the participant to receive a national service education award; and

"(B) receiving an alternative post-service benefit.

"(2) SOURCES OF FUNDING.—In providing for the alternative post-service benefit, the program may not use funds made available under this Act or any other Federal law.

"(g) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"Sec. 145. Establishment of the National Service Trust.

"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.

"Sec. 147. Determination of the amount of the national service educational award.

"Sec. 148. Disbursement of national service educational awards.".

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR SUBSIDIZED STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.)," after "parts C and E of this title,".

(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subparagraphs (V) and (W) of subsection (b)(1)".

(3) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989"; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(4) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".

### SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National and Community Service, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

### "Subtitle B—School-Based and Community-Based Service-Learning Programs

### "PART I—SERVE-AMERICA PROGRAMS

### "Subpart A—School-Based Programs for Students

### "SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State educational agencies), and to Indian tribes, to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(5)(B);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private not-for-profit organization that—

"(I) has demonstrated expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(II) was in existence 1 year before the date on which the organization submitted an application under section 114; and

"(III) will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private not-for-profit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) Duties of Service-Learning Coordinator.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local educational agency by—

"(1) expanding the awareness of teachers of the potential of service-learning in strengthening the educational achievement, leadership development, and substantive learning, of students;

"(2) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

"(3) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects;

"(4) recruiting and supervising adult volunteers, or individuals who are participants in a program under subtitle C or receive a national service educational award under subtitle D, to expand service-learning opportunities; and

"(5) coordinating the activities of the service-learning coordinator with the activities of the committee described in section 114(d)(1), and, where appropriate, assisting the committee.

"(c) Related Expenses.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.

**"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.**

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the President may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,

that is located in the State.

**"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.**

"(a) In General.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the President may establish.

"(b) Use of Funds.—Such an organization may use a grant made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

**"SEC. 112. GRANTS AND ALLOTMENTS.**

"(a) Indian Tribes and Territories.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) Grants and Allotments Through States.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) Grants.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) Allotments.—

"(A) School-age youth.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) Allocation under Elementary and Secondary Education Act of 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) Minimum amount.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) Definition.—Notwithstanding section 101(27), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) Reallotment.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the President may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) Exception.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

**"SEC. 113. STATE OR TRIBAL APPLICATIONS.**

"(a) Submission.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the President may reasonably require.

"(b) Contents.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the President may reasonably require, such as—

"(A) a description of the goals to be attained in promoting service-learning through such programs;

"(B) a description of the resources and organization needed to achieve the goals of such programs within elementary schools and secondary schools; and

"(C) a description of the manner in which—

"(i) such programs and the activities to be carried out under such programs relate to the goals described in subparagraph (A);

"(ii) the applicant will evaluate the success of the programs and the extent of community involvement in the programs, and measure the extent to which the programs meet the goals described in subparagraph (A);

"(iii) in reviewing applications that are submitted under section 114(c), the applicant will rank the applications according to the criteria described in section 115(b), will consider the factors described in section 115(a), and will review the applications in a manner that ensures the equitable treatment of all such applications;

"(iv) the programs will be coordinated with—

"(I) the education reform efforts of the applicant;

"(II) other efforts to meet the National Education Goals;

"(III) other service activities in the State or serving the Indian tribe; and

"(IV) other education programs, training programs, social service programs, and appropriate programs that serve school-age youth, that are authorized under Federal law;

"(v) the applicant will disseminate information, conduct outreach, and take other measures, to encourage cooperative efforts among the local educational agencies, local government agencies, community-based agencies, State agencies, and private for-profit businesses that will carry out the service-learning programs proposed by the applicant, to develop and provide projects, including those that involve the participation of urban, suburban, and rural students working together;

"(vi) the applicant will promote appropriate projects in such programs for economically disadvantaged students, students with limited basic skills, students in foster care who are becoming too old for foster care, students of limited-English proficiency, homeless students, and students who are individuals with disabilities;

"(vii) service-learning training and technical assistance will be provided through the programs—

"(I) to State and local educational agency personnel, federally assisted education specialists in the State or serving the Indian tribe, and local recipients of grants under this subpart, to raise the awareness of service-learning among such personnel, specialists, and recipients; and

"(II) by qualified and experienced individuals employed by the State or Indian tribe or through grants or contracts with such individuals;

"(viii) a service-learning network will be established for the State or Indian tribe, comprised of expert teachers and administrators who have carried out successful service-learning activities within the State or serving the Indian tribe; and

"(ix) the applicant will use payments from sources described in section 116(a)(2)(B) to expand projects for students through the programs proposed by the applicant;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(3) such additional information as the President may reasonably require.

**"SEC. 114. LOCAL APPLICATIONS.**

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—Any—

"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);

"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);

"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or

"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,

to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.

"(d) CONTENTS OF APPLICATION.—An application that is submitted under subsection (a), (b), or (c) with respect to a service-learning program described in section 111 shall, at a minimum, contain a proposal that includes—

"(1) information specifying the membership and role of an established advisory committee, consisting of representatives of community-based agencies including service recipients, students, parents, teachers, administrators, representatives of agencies that serve school-age youth or older adults, school board members, representatives of local labor organizations, and representatives of business, that will provide advice with respect to the program;

"(2) a description of—

"(A) the goals of the program which shall include goals that are quantifiable and demonstrate any benefits from the program to participants and the community;

"(B) service-learning projects to be provided under the program, and evidence that participants will make a sustained commitment to service in the projects;

"(C) the manner in which participants in the program were or will be involved in the design and operation of the program;

"(D) training for supervisors, teachers, service sponsors, and participants in the program;

"(E) the manner in which exemplary service will be recognized under the program; and

"(F) any resources that will permit continuation of the program, if needed, after the assistance received under this subpart for the program has ended;

"(3) information that shall include—

"(A) a disclosure of whether or not the participants will receive academic credit for participation in the program;

"(B) the expected number of participants in the program and the hours of service that such participants will provide individually and as a group;

"(C) the proportion of expected participants in the program who are economically disadvantaged, including participants who are individuals with disabilities; and

"(D) any role of adult volunteers in implementing the program, and the manner in which such volunteers will be recruited;

"(4) in the case of an application submitted by a local partnership, a written agreement, between the members of the local partnership, stating that the program was jointly developed by the members and that the program will be jointly executed by the members;

"(5) assurances that—

"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;

"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and

"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(6) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 111B(b) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

**"SEC. 115. CONSIDERATION OF APPLICATIONS.**

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the President may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas;

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or

"(D) are integrated into the academic program of the participants.

"(c) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

### "SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) In General.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.

"(b) Waiver.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the President shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

### "SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) Share.—

"(1) In general.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and

"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.

"(2) Calculation.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(b) Waiver.—The President may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

### "SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) Administrative Costs.—

"(1) Limitation.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) Rules on use.—The President may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) Capacity-Building Activities.—

"(1) In general.—Except as provided in paragraph (2), not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(2) Waiver.—The President may waive the requirements of paragraph (1) in order to permit an agency or a tribe to use not less than 10 percent and not more than 25 percent of such amount to build capacity as provided in paragraph (1). To be eligible to receive such a waiver such an agency or tribe shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(c) Local Uses of Funds.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.

### "SEC. 116B. DEFINITIONS.

"As used in this subpart:

"(1) Grantmaking entity.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(2) School-based.—The term 'school-based' means based in an elementary school or a secondary school.

"(3) Student.—Notwithstanding section 101(30), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.

## "Subpart B—Community-Based Service Programs for School-Age Youth

### "SEC. 117. DEFINITIONS.

"As used in this subpart:

"(1) Community-based service program.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).

"(2) Grantmaking entity.—The term 'grantmaking entity' means a qualified organization that—

"(A) submits an application under section 117C(a) to make grants to qualified organizations;

"(B) was in existence 1 year before the date on which the organization submitted the application;

"(C) has experience with service-learning; and

"(D) meets such other criteria as the President shall establish.

"(3) Qualified organization.—The term 'qualified organization' means a public or private not-for-profit organization with experience working with school-age youth that meets such criteria as the President may establish.

### "SEC. 117A. GENERAL AUTHORITY.

"(a) Grants.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.

"(b) Use of Funds.—

"(1) State commissions and grantmaking entities.—A State Commission or grantmaking entity may use a grant made under subsection (a)—

"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or

"(B) to provide training and technical assistance to such an organization.

"(2) Qualified organizations.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).

### "SEC. 117B. STATE APPLICATIONS.

"(a) In General.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.

"(b) Submission.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) Contents.—Such an application shall include, at a minimum, a State plan that contains the descriptions, proposals, and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.

### "SEC. 117C. LOCAL APPLICATIONS.

"(a) Application to Corporation to Make Grants for Community-Based Service Programs.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes a model or an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.

"(d) REQUIREMENTS OF APPLICATION.—An application submitted under subsection (a), (b), or (c) shall, at a minimum, contain—

"(1) a description of any community-based service program proposed to be implemented, operated, expanded, or replicated directly by the applicant using assistance provided under this subpart;

"(2) a description of any grant program proposed to be conducted by the applicant with assistance provided under this subpart to support a community-based service program;

"(3) a proposal for carrying out the community-based service program that describes the manner in which the entity carrying out the program will—

"(A) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals, or qualified organizations, that have experience in community-based service programs;

"(B) include economically disadvantaged individuals as participants in the program proposed by the applicant;

"(C) provide an age-appropriate service-learning component described in section 114(d)(5)(B);

"(D) conduct an appropriate evaluation of the program;

"(E) provide for appropriate community involvement in the program;

"(F) provide service experiences that promote leadership abilities among participants in the program, including experiences that involve such participants in program design;

"(G) involve participants in projects approved by community-based agencies;

"(H) establish and measure progress toward the goals of the program; and

"(I) if appropriate, organize participants in the program into teams, with team leaders who may be participants in a program under subtitle C or individuals who receive a national service educational award under subtitle D;

"(4) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f);

"(5) an assurance that the entity carrying out the program will, prior to placing a participant in the program, consult with any local labor organization representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of such employees; and

"(6) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 117A(b)(1) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 117B or this section, and the Corporation shall reject an application that is submitted under section 117B or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

### "SEC. 117D. CONSIDERATION OF APPLICATIONS.

"(a) APPLICATION OF CRITERIA.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.

"(b) ASSISTANCE CRITERIA.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).

"(c) APPLICATION TO SUBGRANTS.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.

### "SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.

"(2) CALCULATION.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).

"(b) WAIVER.—The President may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).

### "SEC. 117F. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—

"(1) the original recipient; or

"(2) the entity carrying out the community-based service programs supported with the assistance.

"(b) RULES ON USE.—The President may by rule prescribe the manner and extent to which—

"(1) such assistance may be used to cover administrative costs; and

"(2) that portion of the assistance available to cover administrative costs should be distributed between—

"(A) the original recipient; and

"(B) the entity carrying out the community-based service programs supported with the assistance.

## "Subpart C—Clearinghouse

### "SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.

"(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.

"(b) PUBLIC AND PRIVATE NOT-FOR-PROFIT AGENCIES.—Public and private not-for-profit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

"(c) FUNCTION OF CLEARINGHOUSE.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning;

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

"(6)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

"(8) assist organizations in recruiting, screening, and placing service-learning coordinators; and

"(9) carry out such other activities as the President determines to be appropriate.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

## "PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

### "SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and post secondary levels, with respect to service-learning, by—

"(A) including service-learning as a key component of the preservice teacher education of the institution; and

"(B) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;

"(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).

"(2) WAIVER.—The President may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the President may reasonably require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) such information as the President may reasonably require, such as a description of—

"(i) the proposed program to be established with assistance provided under the grant or contract;

"(ii) the human, educational, environmental, or public safety service that participants will perform and the community need that will be addressed under such program;

"(iii) whether or not students will receive academic credit for community service projects under the program;

"(iv) the procedure for training supervisors and participants and for supervising and organizing participants in such program;

"(v) the procedures to ensure that the program provides an opportunity for participants to reflect on their service experiences and includes the age-appropriate learning component described in section 114(d)(5)(B);

"(vi) the roles played by students and community members, including service recipients, in the design and implementation of the program; and

"(vii) the budget for the program;

"(B) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f); and

"(C) such other assurances as the President may reasonably require.

"(e) PRIORITY.—

"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—

"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

"(i) the institution;

"(ii)(I) a community-based agency;

"(II) a local government agency; or

"(III) a not-for-profit entity that serves or involves school-age youth or older adults; and

"(iii) a student organization;

"(E) demonstrate community involvement in the development of the proposal;

"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.

"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.

"(g) DEFINITION.—Notwithstanding section 101(30), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.".

**SEC. 104. QUALITY AND INNOVATION ACTIVITIES.**

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by adding at the end the following new subtitle:

### "Subtitle H—Investment for Quality and Innovation

### "SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—

"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—

"(A) programs, including programs for rural youth, under subtitle B or C;

"(B) employer-based retiree programs;

"(C) intergenerational programs;

"(D) programs involving individuals with disabilities as participants providing service; and

"(E) programs sponsored by Governors.

"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.

"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.

"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.

"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.

"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.

"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.

"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.

"(q) NATIONAL YOUTH SERVICE DAY.—

"(1) DESIGNATION.—April 19, 1994, and April 18, 1995 are each designated as 'National Youth Service Day'. The President of the United States is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

"(2) FEDERAL ACTIVITIES.—In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

"(3) ACTIVITIES.—The Corporation may make grants to not-for-profit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

### "SEC. 198A. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local community service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning community service;

"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out community service programs and participants;

"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;

"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and

"(8) carry out such other activities as the President determines to be appropriate.

### "SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.

"(a) PRESIDENTIAL AWARDS.—

"(1) IN GENERAL.—The President of the United States, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.

"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(20)—

"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and

"(B) a program receiving an award under this subsection need not be a program authorized under this Act.

"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President of the United States, acting through the Corporation—

"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and

"(B) is not authorized to make a cash award to such individual or program.

"(b) INFORMATION.—The President of the United States, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

### "SEC. 198C. MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.

"(a) PURPOSES.—The purposes of this section are to—

"(1) provide meaningful training and paid employment to economically disadvantaged youth;

"(2) fully utilize military installations affected by closures or realignments;

"(3) encourage communities affected by such closures or realignments to convert the installations to community use; and

"(4) foster a sense of community pride in the youth in the community.

"(b) DEFINITIONS.—As used in this section:

"(1) AFFECTED MILITARY INSTALLATION.—The term 'affected military installation' means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

"(2) COMMUNITY.—The term 'community' includes a county.

"(3) CONVERT TO COMMUNITY USE.—The term 'convert to community use', used with respect to an affected military installation, includes—

"(A) conversion of the installation or a part of the installation to—

"(i) a park;

"(ii) a community center;

"(iii) a recreational facility; or

"(iv) a facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the President, to—

"(i) the community in which the installation is located; or

"(ii) a community located within such distance of the installation as the President may determine by regulation to be appropriate.

"(4) Demonstration program.—The term 'demonstration program' means a program described in subsection (c).

"(c) Demonstration Programs.—

"(1) Grants.—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

"(A) within the community; or

"(B) within such distance from the community as the President may by regulation determine to be appropriate.

"(2) Duration.—In carrying out such a demonstration program, the community or community-based agency may carry out—

"(A) a program of not less than 6 months in duration; or

"(B) a full-time summer program.

"(d) Use of Funds.—

"(1) Salary.—A community or community-based agency that receives a grant under subsection (c) to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of the salary of the participants in the project.

"(2) Limitation on amount of salary.—The amount of the salary provided to a participant under paragraph (1) that may be paid using assistance provided under this section and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the salary established by the demonstration program involved.

"(e) Participants.—

"(1) Eligibility.—A person shall be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

"(A) an economically disadvantaged individual; and

"(B)(i) a person described in section 153(b);

"(ii) a youth described in section 154(a); or

"(iii) an eligible youth described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

"(2) Participation.—Persons desiring to participate in such a project shall enter into an agreement with the service sponsor of the project to participate—

"(A) on a full-time or a part-time basis; and

"(B) for the duration referred to in subsection (f)(2)(C).

"(f) Application.—

"(1) In general.—To be eligible to receive a grant under subsection (c), a community or community-based agency shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) Contents.—At a minimum, such application shall contain—

"(A) a description of the demonstration program proposed to be conducted by the applicant;

"(B) a proposal for carrying out the program that describes the manner in which the applicant will—

"(i) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

"(ii) conduct an appropriate evaluation of the program; and

"(iii) provide for appropriate community involvement in the program;

"(C) information indicating the duration of the program; and

"(D) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f).

"(g) Limitation on Grant.—In making a grant under subsection (c) with respect to a demonstration program to assist in converting an affected military installation, the Corporation shall not make a grant for more than 25 percent of the total cost of the conversion.".

(d) Table of Contents.—

(1) Civilian community corps.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) Quality and innovation.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Military installation conversion demonstration programs.".

(e) Technical and Conforming Amendments.—

(1) National defense authorization act for fiscal year 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) National and community service act of 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) Extension of Authority To Conduct Civilian Community Corps.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) Participants.—

(1) National service program.—Section 153 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) SUMMER NATIONAL SERVICE PROGRAM.—Section 154 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(h) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

### Subtitle B—Related Provisions

### SEC. 111. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

### "SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position for which the Corporation has approved the provision of a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) COMMUNITY ACTION AGENCY.—The term 'community action agency' means an entity or organization referred to in section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)).

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization, including a church or other religious entity, that is representative of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the President to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(12) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(15) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means—

"(i) for purposes of subtitle C, an individual in an approved national service position; and

"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PRESIDENT.—The term 'President', except when used as part of the term 'President of the United States' means the President of the Corporation appointed under section 193.

"(20) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.

"(21) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(22) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, who receive services under part B of such Act.

"(23) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(24) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility; and

"(B) that—

"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

"(ii) provides structured time for the students or participants to reflect on the service experience.

"(25) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in subsection (a)(3) or (b) of section 111.

"(26) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(27) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(28) STATE COMMISSION.—The term 'State Commission' means a State Commission on National and Community Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

"(30) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(21) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(24) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

### SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

### SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

### "SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be an employee of the service sponsor.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

### SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "the national service laws".

### SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

### "SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and shall constitute Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The President shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

### SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the President shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the President in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private not-for-profit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

### SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

### SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C,"; and

(B) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

### SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

### SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

### "SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

### SEC. 121. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

### "SEC. 183. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

"(a) COMPTROLLER GENERAL.—The Comptroller General, or any of the duly authorized representatives of the Comptroller General, shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that the Comptroller General, or his representative, considers necessary to the performance of an evaluation, audit, or review.

"(b) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that relate to the duties of the Chief Financial Officer.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Rights of access, examination, and copying.".

### SEC. 122. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended by repealing sections 185 and 186.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 185 of such Act.

### SEC. 123. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

## TITLE II—ORGANIZATION

### SEC. 201. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

### "SEC. 178. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 25 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one representative from each of the following categories:

"(A) Individuals between the ages of 16 and 25 who are participants or supervisors in programs.

"(B) National service programs, such as youth corps programs.

"(C) School-based or community-based programs for school-age youth.

"(D) Programs in which older adults are participants.

"(E) Local and State governmental entities in the State, including the State educational agency (from which at least one such member shall be appointed).

"(F) Local labor organizations.

"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following:

"(A) Representatives of community-based organizations or community-based agencies, including community action agencies.

"(B) Members selected from among participants in service programs who are youths.

"(C) Members selected from among local educators.

"(D) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(E) Representatives of businesses and business groups.

"(F) Representatives of Indian tribes.

"(G) Representatives of groups serving economically disadvantaged individuals.

"(H) Members selected from among out-of-school youth or other at-risk youth.

"(I) Members selected from among older adults who are volunteers or participants in national service programs.

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be a voting member of the State Commission or alternative administrative entity for that State.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State shall appoint, as an ex officio nonvoting member of the State Commission for the State, the Corporation employee responsible for volunteer service programs in the State, if such employee is not the representative described in paragraph (3). The chief executive officer may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that—

"(A) covers a 3-year period;

"(B) is updated annually;

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate or as the Corporation may require; and

"(D) ensures outreach to diverse community-based agencies that serve under-represented populations, by—

"(i) using established networks, and registries, at the State level; or

"(ii) establishing such networks and registries.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance, in such a manner as to ensure that any decision regarding whether to include a program in the application shall be made on the basis of the criteria described in section 133(c), applied in a fair and equitable manner by an impartial decisionmaker.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(6) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under section 121 and dissemination of information concerning national service programs that receive assistance and approved national service positions.

"(7) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.

"(8) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 121, for use by programs that request such projects, methods, materials, and activities.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 121.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate non-policymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation shall reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) COORDINATION.—

"(1) COORDINATION WITH OTHER STATE AGENCIES.—The State Commission or alternative administrative entity for a State shall coordinate the activities of the Commission or entity under this Act with the activities of other State agencies that administer Federal financial assistance programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs.

"(2) COORDINATION WITH VOLUNTEER SERVICE PROGRAMS.—

"(A) IN GENERAL.—The State Commission or alternative administrative entity for a State shall coordinate functions of the Commission or entity (including recruitment, public awareness, and training activities) with such functions of any division of ACTION, or of the Corporation, that carries out volunteer service programs in the State.

"(B) AGREEMENT.—In coordinating functions under this paragraph, such Commission or entity, and such division, may enter into an agreement to—

"(i) carry out such a function jointly;

"(ii) to assign responsibility for such a function to the Commission or entity; or

"(iii) to assign responsibility for such a function to the division.

"(C) INFORMATION.—The State Commission or alternative entity for a State, and the head of any such division, shall exchange information about—

"(i) the programs carried out in the State by the Commission, entity, or division, as appropriate; and

"(ii) opportunities to coordinate activities.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National and Community Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

(d) TRANSITIONAL PROVISIONS.—

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National and Community Service that satisfies the requirements specified in section 178 of the National and Community Service Act of 1990, as amended by subsection (a), the Corporation for National and Community Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 1-year period beginning on the date of the enactment of this Act.

### SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

### "Subtitle G—Corporation for National and Community Service

### "SEC. 191. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"There is established a Corporation for National and Community Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

### "SEC. 192. BOARD OF DIRECTORS.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 15 members, including an individual between the ages of 16 and 25 who—

"(i) has served in a school-based or community-based service-learning program; or

"(ii) is a participant or a supervisor in a program,

to be appointed by the President of the United States, by and with the advice and consent of the Senate;

"(B) the President of the Corporation, who shall serve as an ex officio nonvoting member; and

"(C) the ex officio nonvoting members described in paragraph (3).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President of the United States shall appoint members—

"(A) who have extensive experience in volunteer or service activities, such as—

"(i) activities funded under the national service laws; and

"(ii) Federal financial assistance activities, such as—

"(I) activities under the Head Start Act (42 U.S.C. 9831 et seq.);

"(II) activities under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.); or

"(III) antipoverty activities under other Federal law;

that have a volunteer or service focus;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

"(b) OFFICERS.—

"(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a Chairperson and a Vice Chairperson from among its membership.

"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(c) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 5 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 5 shall serve for a term of 2 years, as designated by the President of the United States.

"(d) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

### "SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson of the Board, or if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) AUTHORITIES OF OFFICERS.—

"(1) CHAIRPERSON.—The Chairperson of the Board may call and conduct meetings of the Board.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United

States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, payment, and positions referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the President regarding, the actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the President of any aspects of the actions of the President that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national and community service programs, including service-learning programs;

"(8) advise the President of the United States and the Congress concerning developments in national and community service that merit the attention of the President of the United States and the Congress; and

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation.

"(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

### "SEC. 193. PRESIDENT.

"(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as President of the Corporation, and who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The President shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The President shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

### "SEC. 193A. AUTHORITIES AND DUTIES OF THE PRESIDENT.

"(a) GENERAL POWERS AND DUTIES.—The President shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation, except as provided in section 194(b)(4).

"(b) DUTIES.—In addition to the duties conferred on the President under any other provision of this Act, the President shall—

"(1) prepare and submit to the Board a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as approved national service positions, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(4)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments and positions described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences regarding the implementation of this Act between—

"(A) the actions of the President; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the evaluation plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the President under any other provision of this Act, the President may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the President considers necessary or appropriate, consistent with Federal law, and shall, to the maximum extent practicable, consolidate such units or components of the division of the Corporation that carries out volunteer service programs and the division of the Corporation that carries out financial assistance programs as may be appropriate to enable the two divisions to coordinate common support functions, such as recruiting, public awareness, or training functions;

"(2) with the approval of the President of the United States, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

"(4) allocate and expend funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the President shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the President and all legal or equitable rights accruing to the President in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the President;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196;

"(10) consolidate the reports to Congress required under this Act, and the report required under section 9106 of title 31, United States Code, into a single report, and submit the report to Congress on an annual basis; and

"(11) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the President determines to be necessary or appropriate to carry out such provisions.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the President may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the President under this subsection or under any other provision of this Act shall relieve such President of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The President may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the President shall survive notwithstanding any change in the person occupying the office of President or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the President or the Board or property under the control of the President or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

### "SEC. 194. OFFICERS.

"(a) MANAGING DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall report to the President.

"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—

"(A) VOLUNTEER SERVICE PROGRAMS.—One of the Managing Directors shall be primarily responsible for the volunteer service programs carried out by the Corporation.

"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978, the Inspector General may—

"(A) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4); and

"(B) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(c) CHIEF FINANCIAL OFFICER.—

"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Chief Financial Officer shall—

"(A) report directly to the President regarding financial management matters;

"(B) oversee all financial management activities relating to the programs and operations of the Corporation;

"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;

"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and

"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.

### "SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of such employees as the President determines to be necessary to carry out the duties of the Corporation.

"(2) CIVIL SERVICE PROTECTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of title 5, United States Code, shall apply with respect to the Corporation and the employees of the Corporation.

"(B) APPOINTMENT AND COMPENSATION.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates (other than the provisions described in clauses (iii) and (iv) of paragraph (4)(B)).

"(3) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(A) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(B) EMPLOYEES WITH NOT LESS THAN 1 BUT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 1 year, but less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code, until the date that is 3 years after the date of separation.

"(C) DEFINITION.—As used in this paragraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(4) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—The Chairperson shall appoint and determine the compensation of employees referred to in paragraph (1), in accordance with the appointment and compensation systems referred to in subparagraph (B).

"(B) CORPORATION APPOINTMENT AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The President, after reviewing the approved proposal of the Board under section 192A(g)(3) and after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing appointment and compensation systems for the Corporation.

"(ii) CONTENT AND CONSIDERATIONS.—In issuing such regulations, the President shall—

"(I) establish appropriate appointment and compensation mechanisms for the representatives described in subsection (b); and

"(II) take into consideration the need for flexibility in such a system.

"(iii) APPOINTMENT SYSTEM.—The appointment system shall require that the appointment of such an employee be—

"(I) on the basis of the qualifications of applicants and the requirements of the position, in accordance with the merit system principles set forth in section 2301(b) of title 5, United States Code; and

"(II) through a competitive process.

"(iv) COMPENSATION SYSTEM.—

"(I) IN GENERAL.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code.

"(II) LIMITATION ON EMPLOYEE COMPENSATION.—The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(III) LIMITATION ON COMPENSATION OF REPRESENTATIVE.—The rate of pay for a representative described in subsection (b) shall not exceed the maximum rate of basic pay payable for grade GS-13 of the General Schedule under section 5332 of title 5, United States Code.

"(5) RETENTION OF CIVIL SERVICE RIGHTS.—

"(A) RETENTION OF COMPETITIVE SERVICE RIGHTS.—An individual who—

"(i) was an employee of ACTION or the Commission on National and Community Service who served under a permanent appointment on the day before the date of enactment of this subtitle in—

"(I) a position in the competitive service; or

"(II) a career appointee position in the Senior Executive Service;

"(ii) is transferred to the Corporation under section 202(c) or 203(c) of the National and Community Service Trust Act of 1993; and

"(iii) accepts a position established under paragraph (4) in the Corporation,

shall be appointed to a position in the competitive service of the Corporation.

"(B) DURATION OF POSITION IN COMPETITIVE SERVICE.—During the period of employment of such an employee in a position, the position shall be a position in the competitive service. After such period of employment, the position shall be a position in the excepted service unless the President appoints an individual to such position in accordance with the provisions described in subsection (a)(2).

"(C) Establishment of positions.—With respect to a position vacancy or a position to be established in the Corporation, the President—

"(i) shall select the individual to be appointed to such position in accordance with the regulations promulgated under paragraph (4);

"(ii) if the individual to be appointed to the position is an individual described in subparagraph (A), shall establish the position as a position in the competitive service; and

"(iii) if the individual to be so appointed is not an individual described in subparagraph (A)—

"(I) may establish the position as a position in the excepted service; and

"(II) in an exceptional case in which the individual, immediately prior to accepting the position, served under a permanent appointment in a position described in subclause (I) or (II) of subparagraph (A)(i), may establish the position as a position in the competitive service,

in any case in which an individual described in subparagraph (A) is an employee of the Corporation and is eligible to be appointed to such position.

"(D) Definitions.—As used in this paragraph:

"(i) Competitive service.—The term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(ii) Excepted service.—The term 'excepted service' has the meaning given the term in section 2103 of title 5, United States Code.

"(iii) Senior executive service.—The term 'Senior Executive Service' has the meaning given the term in section 2101a of title 5, United States Code.

"(b) Corporation Representative in Each State.—

"(1) Designation of representative.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) Duties.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States;

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation; and

"(C) the State Commission and the Corporation employee responsible for volunteer service programs in the State, if the employee is not the representative described in paragraph (1) for the State.

"(3) Member of state commission.—The representative designated under this subsection for a State or group of States shall also serve as a voting member of the State Commission established in the State or States.

"(c) Consultants.—The President may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(d) Details of Personnel.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the President and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(e) Advisory Committees.—

"(1) Establishment.—The President, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) Composition.—Such an advisory committee shall be composed of members appointed by the President, with such qualifications as the President may specify.

"(3) Expenses.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(d).

"(4) Staff.—The President is authorized to appoint and fix the compensation of such staff as the President determines to be necessary to carry out the functions of the advisory committee, in accordance with subsection (a)(2), and without regard to the selection and compensation systems described in subsection (a)(4)(B). Such compensation shall not exceed the rate described in subsection (a)(4)(B)(iv)(III).

**"SEC. 196. ADMINISTRATION.**

"(a) Donations.—

"(1) Services.—

"(A) Volunteers.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) Limitation.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee;

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply; and

"(iii) for purposes of the provisions of chapter 11 of part I of title 18, United States Code, such a volunteer (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(C) Inherently governmental function.—

"(i) In general.—Such a volunteer shall not carry out an inherently governmental function.

"(ii) Regulations.—The President shall promulgate regulations to carry out this subparagraph.

"(iii) Inherently governmental function.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) Property.—

"(A) In general.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(B) Tax.—For purposes of Federal income, estate, and gift taxes, money or property accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) Rules.—The President shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of property described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) Disposition.—Upon completion of the use by the Corporation of any property accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property so accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(3) Volunteer.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) Contracts.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under this Act.

"(c) Office of Management and Budget.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) Domestic Volunteer Service Act of 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the President of the Corporation for National and Community Service.".

(c) Transfer of Functions of Commission on National and Community Service.—

(1) Definitions.—For purposes of this section, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National and Community Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The President of the Corporation shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to employees of the ACTION agency who are not transferred to the Corporation for National and Community Service under section 203(c). The President of the Corporation shall make available funds appropriated under section 501(a)(4) of the National and Community Service Act of 1990 in order to provide such assistance.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National and Community Service.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the President of the Corporation for National and Community Service for disposal such surplus property as is recommended by the President as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the President of the Corporation for National and Community Service of a proposed transfer of property for such activities, the President, through such officers or employees of the Corporation as the President may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the President of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).".

(h) INSPECTOR GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "; the Board of Directors of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(2) in paragraph (2), by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(i) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National and Community Service

"Sec. 191. Corporation for National and Community Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. President.
"Sec. 193A. Authorities and duties of the President.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

**SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.**

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—

(A) EVALUATION.—Subsections (a), (d), and (e) of section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended by striking "this title" and inserting "the national service laws".

(B) CORPORATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, subsections (b) and (d) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(3) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—Section 193A of the National and Community Service Act of 1993 (as added by section 202 of this Act) is amended by adding at the end the following:

"(f) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—

"(1) EFFORT.—The President shall ensure that the Corporation, in carrying out the recruiting and public awareness functions of the Corporation, shall expend at least the level of effort on recruitment and public awareness activities related to the programs referred to in section 194(a)(3)(A) as ACTION expended on recruitment and public awareness activities related to programs under the Domestic Volunteer Service Act of 1973 during fiscal year 1993.

"(2) PERSONNEL.—The President shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions as may be necessary to ensure that such functions are carried out in a timely and effective manner. The President shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs referred to in section 194(a)(3)(A), or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.

"(3) FUNDS.—For the first fiscal year after the effective date of this subsection, and for each fiscal year thereafter, for the purpose of carrying out such recruiting and public awareness functions, the President shall obligate not less than 1.5 percent of the amounts appropriated for the fiscal year under section 501(a) of the Domestic Volunteer Service Act of 1973.".

(4) ASSISTANT DIRECTORS.—Section 194 of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended by adding at the end the following:

"(d) ASSISTANT DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation four Assistant Directors, each of whom shall be appointed by the President, and who shall report directly to the Managing Director described in subsection (a)(3)(A).

"(2) DUTIES.—

"(A) VISTA AND OTHER ANTIPOVERTY PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the VISTA and other antipoverty programs under title I of the Domestic Volunteer Service Act of 1973.

"(B) RETIRED AND SENIOR VOLUNTEER PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the Retired and Senior Volunteer Program established under part A of title II of such Act.

"(C) FOSTER GRANDPARENT PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Foster Grandparent Program established under part B of title II of such Act.

"(D) SENIOR COMPANION PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Senior Companion Program established under part C of title II of such Act.".

(b) Authorities of ACTION Agency.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) Transfer of Functions From ACTION Agency.—

(1) Definitions.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National and Community Service, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(C) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(D) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof; and

(E) the term "President", except as used as part of the term "President of the United States", means the President of the Corporation.

(2) Transfer of functions.—There are transferred to the Corporation such functions as the President of the United States determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) Determinations of certain functions by the Office of Management and Budget.—The President of the United States may delegate to the Director of the Office of Management and Budget the authority to make any determination of the functions that are transferred under paragraph (2), if the President determines that such a delegation would be appropriate.

(4) Reorganization.—The President is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) Transfer and allocations of appropriations and personnel.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) Incidental transfer.—The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) Effect on personnel.—

(A) In general.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) Executive schedule positions.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) Termination of certain positions.—Positions whose incumbents are appointed by the President of the United States, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) Savings provisions.—

(A) Continuing effect of legal documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President of the United States, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the President of the Corporation, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) Proceedings not affected.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) Suits not affected.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) Nonabatement of actions.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) Administrative actions relating to promulgation of regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) Severability.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) Transition.—Prior to, or after, any transfer of a function under this subsection, the President is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) Development of Transfer Schedule.—The President of the Corporation for National and Community Service, in consultation with the Director of ACTION, shall, not later than 9 months after the date of enactment of this Act, prepare a schedule that specifies the date on which the employees of ACTION will be notified about—

(1) whether their functions will be transferred to the Corporation; and

(2) if such functions will be transferred, the date on which the transfer will occur.

(e) Appointment of ACTION Employees.—During the period beginning on October 1, 1993 and ending on the effective date of subsection (c)(2), in making appointments to the Corporation under the appointment system described in section 195(a)(4)(B)(iii) of the National and Community Service Act of 1990, the President of the Corporation for National and Community Service shall ensure that individuals who are employees of ACTION shall receive fair and equitable treatment.

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date (which shall be not earlier than 12 months after the date of the enactment of this Act) as the President of the United States shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) Transition.—Subsections (c)(10), (d), and (e) shall take effect on the date of enactment of this Act.

## TITLE III—REAUTHORIZATION

### Subtitle A—National and Community Service Act of 1990

### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) Title I.—

"(1) Subtitle B.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) Subtitles C, D, and H.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $389,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) Subtitle E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) Administration.—There are authorized to be appropriated for the administration of this Act such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(b) Title III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1998.

"(c) Availability of Appropriations.—Funds appropriated under this section shall remain available until expended.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1993.

### Subtitle B—Domestic Volunteer Service Act of 1973

### SEC. 311. SHORT TITLE; REFERENCES.

(a) Short Title.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) References.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

## CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

### SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

### SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) Volunteer Assignments.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "the Headstart act, or the Community Economic" and inserting "the Head Start Act, the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) Recruitment Procedures.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) by striking paragraphs (2), (4), (5) and (6);

(2) by redesignating paragraphs (3) and (7) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as redesignated in paragraph (2) of this subsection), by striking "paragraph (7)" and inserting "paragraph (3)"; and

(4) in paragraph (3) (as redesignated in paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (2)";

(B) by striking subparagraphs (B), (C), and (E);

(C) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D), respectively; and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) A sponsoring organization may recruit volunteers for service under this part, subject to final approval by the Director.".

(c) Public Awareness and Recruitment.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1)(A) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. In conducting such activities, the Director shall place special emphasis on recruiting volunteers for local, community-based programs that serve underrepresented populations, in situations in which volunteers might not otherwise learn about the programs. Such activities shall be coordinated with recruitment authorized under subtitle C or E of the National and Community Service Act of 1990 and may include public service announcements, advertisements, publicity on loan deferments, repayments, and cancellations available to VISTA volunteers, maintenance of a toll-free telephone system, and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part.

"(B) The Director shall take steps to recruit individuals 18 through 27 years of age, 55 years of age and older, recent graduates of institutions of higher education, and special skilled volunteers and to promote diverse participation in the program.";

(2) in paragraph (3), by adding at the end the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps volunteers to serve in the VISTA program.";

(3) by striking paragraphs (4), (5), and (6); and

(4) by adding at the end the following new paragraph:

"(4) From the amounts appropriated under section 501(a) for fiscal year 1994 and each subsequent fiscal year, the Director shall obligate such sums as may be necessary for the purpose of carrying out this subsection in such fiscal year.".

(d) Coordination With Other Federal Agencies.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

### SEC. 323. TERMS AND PERIODS OF SERVICE.

(a) Clarification and Periods of Service.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) Summer Program.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

### SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.

(a) Postservice Stipend.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $125 per month during the service of the volunteer after October 1, 1994, assuming the availability of funds to accomplish this increase. The Director may provide a stipend of a minimum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

(c) CHILD CARE.—Section 105 (42 U.S.C. 4955) is amended by adding at the end the following:

"(c)(1) The Director shall—

"(A) make child care available for children of each volunteer enrolled under this part, including volunteers who need such child care in order to participate as volunteers; or

"(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

"(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.".

### SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

### "SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

### SEC. 326. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h), by striking paragraph (3).

### SEC. 327. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

### "SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

### SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Section 114 (42 U.S.C. 4974) is repealed.

### SEC. 329. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading, to read as follows: "PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

### SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

### "SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

### SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

### "SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

### SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Title I (42 U.S.C. 4951 et seq.) is amended—

(1) by repealing section 124; and

(2) by redesignating section 125 as section 124.

## CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

### SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) TITLE HEADING.—The heading for title II is amended to read as follows:

**"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".**

(b) REFERENCES.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older American Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

### SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) PART HEADING.—The heading for part A of title II is amended by striking "RETIRED SENIOR VOLUNTEER PROGRAM" and inserting "RETIRED AND SENIOR VOLUNTEER PROGRAM".

(b) REFERENCES.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and inserting "Retired and Senior Volunteer Program".

### SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) ELIGIBILITY FOR PARTICIPANTS IN THE PROGRAM.—Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "and older working persons" after "retired persons"; and

(2) in paragraph (2), by striking "aged sixty" and inserting "age 55".

(b) DELETION OF REQUIREMENT FOR STATE AGENCY REVIEW.—Section 201 (42 U.S.C. 5001) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

### SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

### SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

The second sentence of section 211(d) (42 U.S.C. 5011(d)) is amended by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,".

### SEC. 346. PARTICIPATION OF NON-LOW-INCOME PERSONS UNDER PARTS B AND C.

Subsection (f) of section 211(f) (42 U.S.C. 5011(f)) is amended to read as follows:

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C, in accordance with such regulations as the Director shall issue, at the discretion of the local project. Such individuals shall not receive any allowance, stipend, or other financial support for such service except reimbursement for transportation, meals, and out-of-pocket expenses related to such service.".

### SEC. 347. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

### SEC. 348. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

### SEC. 349. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) The Director is encouraged to enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired or senior volunteers and foster grandparents in Head Start projects; and

"(ii) promote in-home care in cooperation with the Administration on Aging;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

### SEC. 350. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) The Director is authorized to make grants under parts A, B, and C to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year. In determining the priority of programs to address problems of local concern in a particular area, the Director shall solicit and consider the views of representatives of local groups serving the area.";

(B) in paragraph (2)(B), by striking "paragraph (10)" and inserting "paragraphs (10) and (12)"; and

(C) in paragraph (2)(C), by striking "and (10)" and inserting "(10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

"(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs.

"(17) Programs that support the integration of individuals with disabilities into the community."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

### SEC. 351. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226 (42 U.S.C. 5026) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "annually" and inserting ", once every 2 years"; and

(B) by striking paragraph (2).

### SEC. 352. DEMONSTRATION PROGRAMS.

Title II (42 U.S.C. 5000 et seq.) is amended by adding at the end the following new part:

"PART E—DEMONSTRATION PROGRAMS

### "SEC. 231. AUTHORITY OF DIRECTOR.

"(a) In General.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) Activities.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

### "SEC. 232. PROHIBITION.

"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".

## CHAPTER 3—ADMINISTRATION

### SEC. 361. PURPOSE OF AGENCY.

Section 401 (42 U.S.C. 5041) is amended—

(1) by inserting after the first sentence the following: "Such Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries."; and

(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".

### SEC. 362. AUTHORITY OF THE DIRECTOR.

Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" each place the term appears.

### SEC. 363. COMPENSATION FOR VOLUNTEERS.

Section 404 (42 U.S.C. 5044) is amended—

(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";

(2) by striking subsection (f); and

(3) by redesignating subsection (g) as subsection (f).

### SEC. 364. REPEAL OF REPORT.

Section 407 (42 U.S.C. 5047) is repealed.

### SEC. 365. APPLICATION OF FEDERAL LAW.

Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".

### SEC. 366. EVALUATION OF PROGRAMS.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)"; and

(B) in the second sentence, by striking "at least once every 3 years" and inserting "periodically";

(2) in subsection (b) to read as follows:

"(b) In carrying out evaluations of programs under this Act, the Director shall create appropriate management information systems that will summarize information on volunteer activities and accomplishments across the programs supported under this Act. The Director shall periodically prepare and submit to the appropriate committees of Congress a report containing such information."; and

(3) by striking subsections (d), (e), (f), and (g).

### SEC. 367. NONDISCRIMINATION PROVISIONS.

Section 417 (42 U.S.C. 5057) is amended to read as follows:

### "SEC. 417. NONDISCRIMINATION PROVISIONS.

"(a) In General.—

"(1) Basis.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) Definition.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) Federal Financial Assistance.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) Religious Discrimination.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

### SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

Section 420 (42 U.S.C. 5060) is repealed.

### SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

Section 422 (42 U.S.C. 5062) is amended—

(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and

(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.

### SEC. 370. COPYRIGHT PROTECTION.

Title IV (42 U.S.C. 5041 et seq.) is amended by adding at the end the following new section:

### "SEC. 425. PROTECTION AGAINST IMPROPER USE.

"Whoever falsely—

"(1) advertises or represents; or

"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".

### SEC. 371. CENTER FOR RESEARCH AND TRAINING.

Title IV (42 U.S.C. 5041 et seq.) (as amended by section 370 of this Act) is further amended by adding at the end the following new section:

### "SEC. 426. CENTER FOR RESEARCH AND TRAINING.

"The Director may establish, directly or by grant or contract, a Center for Research and Training on Volunteerism to carry out research concerning the impact of volunteerism on individuals, organizations, and communities, provide training at a State, regional, or local level to help improve programs across the United States, and carry out such other functions as the Director determines to be appropriate.".

### SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "the period of an individual's services as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";

(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,"; and

(iii) in the last sentence—

(I) by inserting "or under the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and

(II) by inserting "or the Director of ACTION, as appropriate," after "Director of the Office of Economic Opportunity"; and

(B) by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—

(A) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount, computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and

(B) by adding at the end the following new subsection:

"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, performed at any time prior to the separation from service on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEDUCTIONS, CONTRIBUTIONS.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection, or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY AND OTHER PROVISIONS.—

(1) APPLICABILITY.—

(A) TIMING.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 to individuals who are entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this subtitle.

(B) SEPARATION.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the date of enactment of this Act, any increase in such individual's annuity on the basis of a deposit made pursuant to section 8334(l) or section 8442(f) of title 5, United States Code, as amended by this Act, shall be effective only with respect to annuity payments payable for calendar months beginning after the date of enactment of this Act.

(2) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

## CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

### SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

### "SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, such sums as may be necessary for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

### SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

### "SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1998.".

### SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

### "SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1998, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 20 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

(3) by redesignating section 505 as section 504.

### SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS-7" and inserting "GS-5 of the General Schedule under section 5332 of title 5, United States Code".

### SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

## CHAPTER 5—GENERAL PROVISIONS

### SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

### "SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. VISTA Literacy Corps.
"Sec. 110. Applications for assistance.

"PART B—UNIVERSITY YEAR FOR VISTA

"Sec. 111. Statement of purpose.
"Sec. 112. Authority to operate University Year for VISTA program.
"Sec. 113. Special conditions.

"PART C—SPECIAL VOLUNTEER PROGRAMS

"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance.
"Sec. 124. Literacy challenge grants.

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

"Sec. 200. Statement of purposes.

"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

"Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 211. Grants and contracts for volunteer service projects.

"PART C—SENIOR COMPANION PROGRAM

"Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS

"Sec. 221. Promotion of National Senior Volunteer Corps.
"Sec. 222. Payments.
"Sec. 223. Minority group participation.
"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.

"PART E—DEMONSTRATION PROGRAMS

"Sec. 231. Authority of Director.
"Sec. 232. Prohibition.

"TITLE IV—ADMINISTRATION AND COORDINATION

"Sec. 403. Political activities.
"Sec. 404. Special limitations.

"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Center for Research and Training.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Volunteer Corps.
"Sec. 503. Administration and coordination.
"Sec. 504. Availability of appropriations.

"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

**SEC. 392. EFFECTIVE DATE.**

This subtitle, and the amendments made by this subtitle shall take effect on October 1, 1993.

### Subtitle C—Youth Conservation Corps Act of 1970

**SEC. 399. PUBLIC LANDS CORPS.**

(a) IN GENERAL.—Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(1) by inserting before section 1 the following:

**"TITLE I—YOUTH CONSERVATION CORPS";**

(2) by striking "Act" each place such term appears and inserting "title";

(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;

(4) in subsection (a) of section 102 (as redesignated by paragraph (3)), by inserting "in this title" after "hereinafter";

(5) in subsection (d) of section 104 (as redesignated by paragraph (3)), by striking "section 6" and inserting "section 106"; and

(6) by adding at the end the following new title:

**"TITLE II—PUBLIC LANDS CORPS**

**"SEC. 201. SHORT TITLE.**

"This title may be cited as the 'Public Lands Corps Act of 1993'.

**"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds the following:

"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing such men and women with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness such men and women have incurred to obtain higher education while at the same time benefiting the Nation's economy and environment.

"(2) Many facilities and natural resources located on public lands and on Indian lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work that cannot be carried out by Federal agencies at existing personnel levels.

"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost effective and efficient manner, especially when the corps have worked in partnership arrangements with government land management agencies.

"(b) PURPOSE.—It is the purpose of this title to—

"(1) perform, in a cost-effective manner, appropriate conservation projects on public lands and Indian lands where such projects will not be performed by existing employees;

"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on public lands and Indian lands;

"(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;

"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

"(5) stimulate interest among the Nation's young men and women in conservation careers by exposing such men and women to conservation professionals in land managing agencies.

**"SEC. 203. DEFINITIONS.**

"For purposes of this title:

"(1) APPROPRIATE CONSERVATION PROJECT.—The term 'appropriate conservation project' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

"(2) CORPS AND PUBLIC LANDS CORPS.—The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.

"(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(4) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(5) INDIAN LANDS.—The term 'Indian lands' means—

"(A) any Indian reservation;

"(B) any public domain Indian allotments;

"(C) any former Indian reservation in the State of Oklahoma;

"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

"(6) PUBLIC LANDS.—The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

"(7) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization, that—

"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;

"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

"(8) RESOURCE ASSISTANT.—The term 'resource assistant' means a resource assistant selected under section 206.

"(9) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**"SEC. 204. PUBLIC LANDS CORPS PROGRAM.**

"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects that such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved.

"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects that—

"(1) will provide long-term benefits to the public;

"(2) will instill in the enrollee involved a work ethic and a sense of public service;

"(3) will be labor intensive;

"(4) can be planned and initiated promptly; and

"(5) will provide academic, experiential, or environmental education opportunities.

"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on any public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents that govern the administration of the area.

### "SEC. 205. CONSERVATION CENTERS.

"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary determines to be necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.

"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include the provision of temporary tent shelters where needed, transportation, and residential supervision.

"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.

### "SEC. 206. RESOURCE ASSISTANTS.

"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual shall be at least 17 years of age. The Secretaries may select resource assistants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) with particular attention given to ensure the full representation of women and participants from historically black, Hispanic, and Native American schools.

"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the Resource Assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the Resource Assistants, to the mission of the agency.

### "SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.

"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

### "SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.

### "SEC. 209. NONDISPLACEMENT.

"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.

### "SEC. 210. FUNDING.

"(a) COST SHARING.—

"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent, and shall collectively pay 75 percent, of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from non-Federal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands under this title.

"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. The Department of Agriculture and the Department of the Interior shall comply with the Federal share requirements of section 129(d)(2)(B) of the National and Community Service Act of 1990.

"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance described in section 121(b) of the National and Community Service Act of 1990, from funds available under section 129(d)(2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993.

## TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

### SEC. 401. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) except as provided in section 417, the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8));

"(12) the term 'Inspector General' means the Inspector General of ACTION;

"(13) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(14) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(15) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(16) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(17) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(18) the term 'Senior Companion Program' means the program established under part C of title II;

"(19) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(20) the term 'VISTA volunteer' means a volunteer in VISTA.".

### SEC. 402. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National and Community Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National and Community Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and President of the Corporation for National and Community Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "**COMMISSION ON NATIONAL AND COMMUNITY SERVICE**" and inserting "**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National and Community Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The President of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "President of the Corporation for National and Community Service"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the President of the Corporation for National and Community Service".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National and Community Service.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "President".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

### SEC. 403. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) PRESIDENT.—

(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The President";

(B) by striking "the Board" in the matter preceding paragraph (1), and in paragraph (1), and inserting "the President"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The President".

(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the President"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the President".

(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

### SEC. 404. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the President of the Corporation for National and Community Service appointed under section 193 of the National and Community Service Act of 1990;".

### SEC. 405. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National and Community Service shall".

(2) Subtitle (b) of section 124 of such Act (as redesignated by section 322(2) of this Act) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(4) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 421(12) of such Act (as added by section 401 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(7) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(j)(1) of title 5, United States Code (as amended by section 372(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the President of the Corporation for National and Community Service".

(c) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(d) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National and Community Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National and Community Service".

(e) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National and Community Service".

(f) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(g) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National and Community Service".

(h) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National and Community Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service".

(i) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101-204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "President of the Corporation for National and Community Service".

(j) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National and Community Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990.".

(k) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(l) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

(m) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(n) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The President of the Corporation for National and Community Service, or the designee of the President.".

(o) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the President of the Corporation for National and Community Service,".

(p) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

**SEC. 406. EFFECTIVE DATE.**

(a) COMMISSION.—The amendments made by sections 401 through 402 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 404 and 405 shall take effect on the effective date of section 203(c)(2).

Mr. WOFFORD. Mr. President, I am here today to support the National and Community Service Trust Act of 1993. It is a very special feeling that I have taking the place for a little while of the chairman of the Senate Labor and Human Resources Committee, the senior Senator from Massachusetts, because we are starting through this bill to move forward, once again, on a road that we went down so nobly with Senator KENNEDY's brothers, John and Robert. It has been a bipartisan road beginning with the formation of the Peace Corps through the National and Community Service Act of 1990, signed by President Bush. And that bipartisanship continues today with Senate bill 919.

The ultimate test of this new administration will, of course, be how well will the President and all of us in Congress find the ways and means to rebuild our economy, cut the budget deficit, and turn the right of affordable health care into a reality.

But through this act, we, on both sides of the aisle, have helped craft a measure through which the President and all of us will be reviving President Kennedy's enduring challenge as the proper measure for our success as a people: Not what our country can do for us, but what we can do for our country.

This program of national service will also help very directly to build our economy by helping to build the work force of the future with the qualities they need to be competitive in the world.

It will also be a key to cutting the deficit by showing new ways and means of cost-effective service that meets the needs of our Nation which otherwise might lead us into deeper deficits. Those in national service will play a creative, a very vital role in the delivery of the preventive health services and the health education that will be key to a successful comprehensive health care reform.

Some three decades ago when some of us here were launching the Peace Corps, we looked forward to the day when the idea and the spirit of the Peace Corps would be brought home on a large scale to take on the challenges facing American families and American communities. But I wish to add that this bill in proceeding to fulfill that dream is moving in a different direction, moving in a different way than we might have moved if we had gone forward in the 1960's.

I wish to pay tribute to President Clinton and his team in the White House that has worked with us to craft this legislation, Eli Segal and a remarkable diverse set of colleagues, because they have helped shape an approach that I think is better than that which we might have taken in the 1960's.

President Clinton has come to this course through 6 years of thinking and working on this idea, and I have had some privilege to be part of that process over these last 6 years.

The National and Community Service Trust Act does not look to one federally run program like the Peace Corps or even Franklin Roosevelt's Civilian Conservation Corps, America's first experiment in national service. Some of us in the sixties might have thought that the Peace Corps model could be transplanted back home with a national Peace Corps run from Washington.

This new national service system will not be top-down from Washington but, rather, will be built primarily and largely on models and ideas that have percolated up from the grassroots, urban and rural youth corps as well as service opportunities generated by high schools and colleges, by foundations, by churches and civic associations, and by young people themselves.

This legislation does not create a large new Federal bureaucracy or a new bureaucracy of any kind. It streamlines and consolidates two existing Federal agencies, the Commission on National and Community Service and the ACTION Agency which currently administers both the Older American Volunteer Program and Volunteers in Service to America, VISTA.

The Commission created by the 1990 National Community Service Act and established by President Bush is an agency that is antibureaucratic by design and has been exceptionally successful in promoting and testing K-12 service learning programs and service programs on college campuses, corps programs, full-time corps programs, summertime programs and national service demonstration programs, full-time service corps programs.

The Older Americans programs—Foster Grandparents, Senior Companion, and Retired Senior Volunteers—have been successful in cost effectively challenging senior citizens to help children, other seniors and their communities, and VISTA, which was founded in 1964, has for nearly 30 years provided altogether about 100,000 Americans in full-time service working to assist rural and urban communities. VISTA volunteers have ably served in over 12,000 public agencies and nonprofit organizations which provide services to low-income communities.

So again we are merging two very effective agencies.

The legislation also supports the Points of Light Foundation created by President Bush and the 1990 National Community Service Act and the Civilian Community Corps that Senators BOREN, DOLE, SIMON, WARNER, DOMENICI, and others on both sides of the aisle supported and created last year, starting a new CCC Program on a small scale with defense savings. They will all be part of this new comprehensive program.

Creating a decentralized system of national and community service can be a test of the Federal Government's ability to become a leaner, more efficient, antibureaucratic force for change. If done right—and we must see that it it is done right, and we have the chance in crafting this bill in the next days to see that it is right—it can represent a fundamental change in direction from decades of well-meaning but so often ineffective social welfare programs, programs flawed in that they promoted dependency, not responsibility, complacency, not initiative, makework instead of real work, hard work, and teamwork that so many youth and senior service programs are promoting today. The key to this new approach is to see young people and seniors and help them see themselves not as problems but as resources, not as dangers or concerns but as talent to be tapped and released.

The case for this change of approach, the clue to the success of this approach was put to me in unforgettable terms a few years ago by a young Philadelphia high school dropout who has enlisted in the Philadelphia Youth Service Corps, who would get up every morning with the Service Corps, who would jog around Independence Hall, who did exercises, and went off in teams to Habitat, building homes for the homeless and low-income people, working in service programs, and he was one of their star participants.

I said, "How did you choose this? How did you move from the youth gang" he was running with "into the Philadelphia Youth Service Corps?" And he said "Oh, well, I thought it would be a different gang; I might not die in the end." And I probed and he saw I was serious, and then he said, "Well, let me tell you; all my life good people have been coming into our public housing project to help me. I got tired of people doing good against me. For once someone asked me to do the helping."

Like so many CCC alumni and Peace Corps and Vista volunteers through the years, the young man had learned that personal responsibility and self-esteem cannot simply be taught; they have to be earned. And it is a scandal we know this, we have known this and we have not acted on it; that we have not engaged in large numbers and challenged in large numbers our young people into the kind of action through national and community service programs that can turn the lives of those young people around and can give the power and creative force of the volunteer spirit to meet some of our communities' major problems.

By itself, Government cannot change values, but it can and should be a partner in efforts to promote an ethic of responsibility for ourselves and our Nation. The reinventing of Government on everyone's lips, rightly so, must be accomplished not by more Government but, rather, by people, by reinvigorating citizenship. We must return to a Government not just of and for the people but, most importantly, a Government by the people, by each of us governing ourselves, by being accountable to each other and working to shape a future with the common good as the prize on which we keep our eyes.

President Clinton's national community service initiative is today before the House and the Senate. Thus far this legislation has moved through both Chambers with strong bipartisan support, as indeed it should and must, most recently passing out of our Senate Labor and Human Resources subcommittee by a vote of 14 to 3.

Building on President Bush's own initiatives in this regard this plan creates a public-private corporation, a partnership known as the Corporation for National and Community Service, that will challenge all Americans to serve according to their means, talents, and stage of life. Through a highly competitive process, the corporation will invest seed capital in programs that engage citizens in successfully meeting community needs. The legislation is premised on the notion that real change will come about when he people who are closest to problems are empowered to change them.

Keeping within the deficit reduction targets that have passed both the Senate and the House, this legislation will enable national service to grow according to the market in the context of other budget priorities. This initiative will expand or shrink according to demand and the extent to which it passes the kind of strict test that taxpayers rightly demand of Government efforts.

It must work, it must be cost effective. I believe that it will be cost effective because the programs already tested under the National Community Service Act of 1990 are most definitely cost effective. And it will be proved by the demand that young people have to join this program, and by the response of communities who see that it helps meet their needs in effective ways.

In Pennsylvania the statewide conservation corps, Pennsylvania Conservation Corps, the type of program the President's initiative seeks to encourage all over the Nation, one of the various types of programs this measure will promote, returns $1.81 for every $1 in terms of cost—returns $1.81 in terms of the services rendered. That does not even include the savings realized from keeping some of its members from dropping out of school, falling into the welfare system, or going to prison.

National service is a hand up, not a handout. The California Conservation Corps, oldest and largest of State conservation corps, estimates that it returns $1.77 for every $1 invested. And in the case of disaster relief, they return $12.82 for every $1 invested. The CCC California returns over $528 million to the State of California in conservation work each year.

In Montgomery County, PA, our RSVP Program, Retired Senior Volunteer Program, headed by Col. Frank Parry, who came to testify before the Children, Youth and Family Subcommittee on May 18, estimates that through its works they save that county over $1 million per year. Service learning has been meeting needs in communities all over this country by tying community service to academic work and reviving the academic work in this new form of learning by doing.

In Pennsylvania our literacy corps has challenged thousands to serve and continue serving by teaching skills to illiterate adults and tutoring young schoolchildren. These programs help keep kids in school and motivate them to continue with their education.

Listen to a few of the outcomes:

At Harrisburg High School attendance rates improved from 30 percent to 75 percent when community service programs were added to the curriculum.

At Overbrook High School in Philadelphia, the 120 most at-risk ninth graders, when placed in the community service assignment for 3 hours per week, improved their attendance from 70 percent to 89 percent and their passing grades proportionately from 70 percent to 85 percent.

At Lincoln High School in Pennsylvania, a low-achieving senior English class which had one student expressing an interest in going to college, placed 18 of 28 in college when they were made tutors of small children 3 days a week.

At Chestnut Ridge High School in rural Bedford County, the postsecondary education rate went from 30 percent of all graduates to 80 percent of all graduates in the 5 years during which community service became almost universal and a major part of that school's activities.

At Keystone Oaks High School in suburban Pittsburgh, the dropout rate which averaged 28 students per year for 10 years has dropped to an average of 6 from 1989 to 1992, as a 120-hour community service requirement has been implemented.

At Reading High School's Project Success Program for at-risk students, the grade point average of the entire class went from 2.1 to 2.8 when community service was added to that program.

At Steel Valley High School, postsecondary education rates have improved from 65 percent to 85 percent in the 3 years the community service has been made a graduation requirement.

Finally, with VISTA, a May 1993 evaluation shows that VISTA volunteers are increasingly multiplying the resources of their host sponsoring organizations with the average leveraging of cash and in-kind resources of $33,000 per year. The survey shows that VISTA serves those most in need. Eighty percent are families and individuals at or below poverty and that, thanks to VISTA volunteers, the average local program served is able to serve 148 additional clients and recruit 38 additional volunteers.

So today, I urge Democrats and Republicans, liberals, conservatives, those in the vital center, the House and the Senate, the President and the Congress, to come together to break all the gridlock the country is so tired of, on this issue, to come together on the common ground that national service represents.

We must see young people and senior citizens and help them see themselves truly as resources, and through new public-private partnerships created under this act we must attack the valuelessness, hopelessness, alienation, and lack of meaning confronting so many in our society, most dramatically illustrated by the riots last year in Los Angeles.

We must come to realize and make a reality the principle that civil rights have to be balanced by civic responsibilities. The idea that we must ask and enable the dropout and the college educated, black and white, rich and poor, young and old, to take ownership of this idea, to take ownership and provide stewardship for our country is one that transcends party and ideology.

So today let us move from argument to action on the problems facing our Nation and our families. Let us move in the spirit of that first Peace Corps volunteer, like the Philadelphia Youth Service Corps young man who on the White House lawn in 1961 as he was sent forth to Africa, asked by a newspaper man, "Why did you * * * respond, and so many of your generation in the hundreds of thousands apply to the Peace Corps?" And he said, "No one had ever asked me to do anything patriotic, unselfish, or for the common good before President Kennedy asked."

This bill is our way now of asking again.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I thank you. I thank my colleague from Kansas for allowing me to speak before she does as the ranking member of our committee, and it would probably be more appropriate for her to follow the chairman. But I express my appreciation to her and I express my appreciation as well to my colleague from Pennsylvania.

Mr. WOFFORD. Mr. President, will the Senator yield for a moment?

Mr. DURENBERGER. Yes.

Mr. WOFFORD. I want to make clear that I am standing in for Senator KENNEDY as floor manager. He is necessarily off the floor in the Judiciary Committee hearing on the nomination to the Supreme Court of Judge Ginsburg and will return as soon as he finishes the round of questions that he is right now asking.

Mr. DURENBERGER. Mr. President, as I indicated I am very pleased to join my distinguished colleagues from Massachusetts and Pennsylvania in offering my strong support for this legislation as we begin the debate, and to thank my colleague from Kansas for the many contributions she has made to the debate so far, and I am sure will continue to make. But particularly, I do want to say a couple of things about the Senator who just spoke and the man for whom he is able to speak now because he is not here, the chairman of the committee.

Between the two of them, they probably put in a total now of 60-plus years of public service, all of which has been in one way or another devoted to developing a sense of leadership in this country and the kind of leadership that empowers and motivates young Americans in particular.

I think all of us know a lot about the contributions of the Kennedys, and many of us know particularly about the contributions made by the senior Senator from Massachusetts, the chairman of this committee. During the course of this debate and during the course of the time we will serve with him, I think a lot of us will learn to appreciate, as I am beginning to.

Appreciate, the value to this body and to Pennsylvania of the junior Senator from Pennsylvania. Let me also say that I appreciate the opportunity of working with Eli Segal, who not only represents the President on this particular issue, but I think has done more than anybody I have ever worked with in any kind of a White House, Republican or Democrat, to help try to craft a piece of legislation that truly represents the ideals of the empowerment and motivation of young Americans.

Let me also say that I am proud to stand here as a Republican with a long and deep interest in youth and community service, and to be an original cosponsor of this important proposal.

If properly implemented, this legislation represents a number of what partisans might call Republican principles, including individual responsibility, good citizenship, and building a strong sense of community.

I also appreciate the numerous changes that have been made in this proposal—changes designed to make the legislation more fiscally responsible—I must say that in 1990 when I was the chief Republican cosponsor of the national commission bill, this was the largest part of the debate, and how we make sure this bill is bipartisan and fiscally responsible—more deferential to the diversity and experience represented in our States—it is more so now than when it began—and less likely to grow faster than either its outcomes or our Nation's competing fiscal demands would justify. I am sure there will be amendments to help us do that.

My strong interest in this legislation and what it will accomplish, or help us to accomplish as a people, dates to my own days as an active community volunteer—to my services as a board member of VOLUNTEER, which is now the National Center for Voluntary Action, where I served 20 years; and my work in the 1970's on the National Study Commission on Volunteering in America.

In 1990, I was the lead Republican cosponsor on the National and Community Service act, legislation which is reauthorized in this bill before us today. Along with Senator WOFFORD, earlier this year we introduced the Service Learning Act of 1993. The Wofford-Durenberger legislation uses existing Federal education programs, and new teacher training program, to strengthen the Federal Government's commitment to integrating community service opportunities into the elementary and secondary school curriculum.

All of these initiatives also draw on the strong leadership that has been given youth and community service in Minnesota, Massachusetts, Pennsylvania, and many other States.

My State of Minnesota is especially well known for its links between youth service and education. I am proud that the very first national clearinghouse—authorized under a section I included in the 1990 legislation—will be headquartered in Minnesota at the National Youth Council, an impressive national organization, with its roots deep in Minnesota.

Despite the improvements that have been made, we do not yet have consensus on this legislation. It is my understanding that additional amendments may be offered on the floor, and I intend to offer some myself. Some of these amendments address concerns that I and other supporters of the bill have previously expressed, and I hope that, wherever possible, they can be accepted.

But because of my strong support for community service and for service learning, I intend to oppose substitute or crippling amendments to the legislation. I look forward to joining a strong bipartisan majority in approving its eventual passage into law.

I make this commitment because I believe the President is right when he calls on all of us to tap the creative energies of a generation that has more to offer this Nation than it has ever been asked to give.

I make this commitment because I strongly support the role this legislation gives States and local communities in deciding priorities and in defining community needs.

I make this commitment because I strongly support the links in this legislation between community service and education reform, which we desperately need.

I make this commitment because I believe in community and, as I believe I told the chairman of the committee on a couple of occasions, this needs to be the national and community service act, because at a time when it is difficult at best to define what the nation is, the one thing we know we are losing as a people is our sense of community—whether it is in family, the workplace, neighborhoods, or wherever, this is something that, over the 30 years since John Kennedy served as President, we have been in the process of losing touch with. I think this is the commitment I make here, to help restore that sense of community, particularly for the next generation.

I make this commitment because I strongly believe the right mix of service and learning can reach out to a large segment of American young people—young people who are out of school, out of work, and headed for trouble, if we do not offer them an opportunity to define a more positive sense of who they are as Americans; young Americans who are headed for trouble if we do not offer a more positive way to relate to neighbors and to their home communities; young Americans who will find in service to others, to communities of men and women, their fellow Americans, opportunities for learning leadership that they cannot find anywhere else.

Mr. President, my support for a fiscally responsible expansion of national and community service is reflected in a suggestion I made last week, as we define the Federal Government's role in responding to the terrible tragedy that we have all been watching in the Midwest, beginning in my State of Minnesota.

I suggested that we devote even a small portion of the funds we appropriate for restoring these communities to conservation corps and other community service programs all up and down the Mississippi River Valley. Why not demonstrate in a highly visible way the contributions that young people can be making to their communities—if we are only willing to ask them to do it. Why not also offer these young people the structure, the discipline, and the links to education that groups like the Minnesota Conservation Corps have been promoting for years.

I am pleased with President Clinton's positive response to that suggestion, Mr. President. I believe we should be supportive here in the Congress, as well.

Having said why I believe it is so important to adopt this bill, let me take a few moments to point out two things I think we should not expect of the legislation before us.

Some of the limits of this legislation are defined by policy considerations. Some are defined by competing priorities, and still others are defined by the hard fiscal realities we face in this Chamber every day.

For all of these reasons, Mr. President, national service must not be considered a way to assure large numbers of young Americans financial access to higher education. I will repeat that. National service must not be considered a way to assure large numbers of young Americans financial access to higher education.

At an average of $20,000 per stipended service position, we will never be able to meet the growing concerns Americans have about the cost of going to college. There are better and more cost-effective ways of doing that—by maintaining a strong commitment to the Pell Grant Program, and by implementing the fundamental changes in student loan programs that the President has proposed, changes that I and many others strongly support.

Because we must respect fiscal realities, I am pleased that the level of funding for this program is now set for just the first year. Each year after that, national community service must compete with other programs through the appropriations process.

So this is not a multibillion-dollar, multiyear commitment we are now being asked to make, as some will reflect it. It need not represent a threat to the Pell Grant Program that is now so seriously underfunded.

Second, it is also important to point out, Mr. President, that the bill must not be a forerunner, a universal mandatory national service requirement for all young Americans.

That is one of the reasons I suggested adding the word "community" to the title of this legislation, so that we consistently refer to national and community service.

Today's greater emphasis on links between service and the community reflects changes in attitudes from earlier national service initiatives in the 1930's and the 1960's.

Particularly in the 1960's, there was a much greater emphasis—through the Peace Corps and VISTA—on offering ways for younger Americans to serve their country as an alternative or supplement to military service.

There was also a greater sense that national efforts were needed to solve State and local problems—particularly in the cities, on Indian Reservations, and in poorer rural areas like Appalachia. And—in the 1960's—that is where many of the VISTA volunteers were sent.

In the 1990's, however, there is a much greater emphasis on community, as I said earlier, as family, as neighborhood, as something you can put your hands around every single day, both as a focal point for addressing human needs and as a resource to be drawn upon by all Americans.

And there is a growing sense that young people have much to offer their local communities and much to gain from a greater sense of positive identity with those around them.

This increased emphasis on bottom up empowering of young people in service is real.

In the 1960's, there was a tendency to send young volunteers into an impoverished urban or rural community to help others.

But in the 1990's, we are much more likely to try to empower young people from those communities to help themselves and their neighbors.

Mr. President, I hope this discussion about what the bill is—and what it is not—helps offer some context for the debate that is now about to begin.

Important issues will be raised during this debate that need to be addressed. Some amendments may be needed to make sure that they are addressed.

But, when we are all done, I am confident that we will adopt legislation that will proclaim a new era in which young people and their communities will be joined—a new era in which talented and highly motivated young Americans will help shape a more positive future for themselves, families, and communities.

I am proud to be an original cosponsor of this legislation, Mr. President, and believe it deserves strong bipartisan support.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, may I pay tribute to the senior Senator from Minnesota for the instrumental and creative role he played shaping this bill, and the strong support he has given to it.

We had a competition between Pennsylvania and Minnesota, and in true spirit of the competitive approach as to which State has moved faster and better in both service learning and service corps, I could not be true to the State to which I am married without saying Minnesota has done very well in that competition, and part of the good that

I expect to come from this act is that there will be a competition among States and among communities, among colleges and private sector organizations, to see which one can organize the best service programs that are most effective.

I see two colleagues here that have long been deeply interested in this idea, including our Peace Corps volunteer colleague from Connecticut.

Mr. DODD. Mr. President, I ask that I be yielded such time as I may consume.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, let me begin by commending my colleague from Minnesota for his eloquent statement on this bill.

Our colleagues, from Minnesota and Pennsylvania have begun this debate most appropriately by articulately discussing the spirit behind this legislation. We are going to debate and discuss the details, as we should because the Devil is always in the details. But, today as we begin this debate, we must try to capture the essence. We all get asked, what is the essence of this legislation?

Our colleague from Minnesota in his brief remarks captured that essence, and I commend his comments to others. I would also recommend the comments of my colleague from Pennsylvania who has spent a good part of his lifetime, as has our colleague from Minnesota, in the vineyard of service, if you will, working on these ideas. As my colleagues know, however, people who articulate visions and views ultimately have to bring it down to some practical applications and explore where good intentions fail and what many thought may be a bad idea works.

My colleague from Pennsylvania was gracious enough to mention my service in the Peace Corps back in the 1960's when I spent a little more than 2 years in the mountains of the Dominican Republic as a Peace Corps volunteer. I have not gone back and reviewed the debate on the Peace Corps but I am sure it was this way then. I suspect during that debate people raised very legitimate questions about how the Peace Corps was going to work.

First of all, it is a presumptuous idea to begin with. The idea that we could take generalists with bachelor of arts degrees, in things like English literature—in the case of this particular person—and send them off to an underdeveloped, Third World country to eradicate ignorance, poverty, and disease and solve all the problems known to mankind, is pretty silly.

In fact, we did not eradicate ignorance, poverty, and disease. We tried, but could not do everything we thought we could do. But the essence of the program was captured in our efforts.

Today the Peace Corps lives in the minds not only of people in this country but in villages and homes all over the globe, because the concept of people volunteering, working with other people to try and improve the quality of their lives has never been lost in that program. Today the popularity, if I can use that word, of the Peace Corps is in many ways attributable to the fact that it has achieved its essence more in the broader sense than in the detail. We did not do all the things we thought we were going to do, but the essence, the very essence of younger people and older people, stepping forward and saying I would like to roll up my sleeves and try to make a difference even in one individual's life, has proved to be worthwhile more than 30 years after the initiation of this program.

Today we are engaged in yet another debate, three decades later to try to fashion an efficient program that will invite thousands of Americans to step forward to help others, not by sending them to some far-off country with an unfamiliar language, culture, customs, music, and literature, but rather we are going to ask people from their communities to go right back into their community, in a sense, where they live, and to try and make a difference.

I would hope in this debate, as we go forward and consider this legislation, that we will not lose sight of the essence, the central ingredient here, and that is to offer a generation of Americans that same sense of excitement at the prospect of service that I felt as a young Peace Corps volunteer.

I wish I were articulate enough to try and convey to my colleagues here this afternoon the sense of excitement I felt about stepping forward as a young person to volunteer.

I have been asked a thousand times, because I am a Senator, a public person, and because people know I served in the Peace Corps, Why did you do it?

I still have not come up with a good answer for that question. It does not seem like a complicated one. I wish I could remember the very day in which the idea struck me because that might provide an answer but I cannot.

All I know is that somewhere someone said, would you be willing to step forward and serve? At age 21 or 22, I did not exactly know what I was going to do with the rest of my life, but the idea of service, of volunteering, was so exciting to me that I could not wait to finish college, get my degree, get on that train in Union Station, right here in Washington, in the summer of 1966, to go to Philadelphia where I spent a week in an orientation program and then to a training camp in Puerto Rico where I went through intensive language training and finally to arrive in my village in the Dominican Republic and begin serving.

Today, with the exception of my family, no other experience, and I include my service in the House of Representatives and my 12 years of service in this body of which I am deeply proud, has meant as much to me as those 2 years as a Peace Corps volunteer. It changed my life.

I grew up with affluence in a nice suburban community. I wanted for nothing. We were not affluent in the sense of being terribly rich, but we did not suffer at all. There was always food on the table, always a good education, all the things anyone dreams of, all of those wonderful things. This experience in the Peace Corps changed my life.

What we are saying, those of us who are the authors, if you will, of this legislation, is that we would like to offer this generation of Americans that same sense of excitement, that I cannot put adequately into words, that same sense that there is a wonderful opportunity waiting for them out there that can change their lives, not to mention what it may do to the lives of others.

So the details, the specifics, the funding aspects, the policy questions, we have to work that out. I think we have got a good product here in S. 919. Our colleagues may have new ideas. They can offer them. We ought to welcome that debate, welcome those constructive contributions. But at the end of the day what we have to walk away from here with is a basic, fundamental concept preserving the essence of this legislation that will, I believe, generate the same sense of excitement for a new generation of Americans that thousands of us have felt who served as Peace Corps volunteers or VISTA volunteers, or in other programs.

Clearly, the needs are great. We do not need to debate that point. I do not care where you live in this country. I think no better example can be cited than what is occurring, as we stand here today, in the Midwest. I am not from the Midwest, obviously. I am from New England. We have had our natural disasters. Every part of the country has. But they seem to bring out the best in us. As I watched TV last week, I was impressed with the sight of all of these people, kids, young people, older people, filling sandbags, waist-deep in water, helping out others.

The other day, I spent a good part of the morning in a shopping plaza outside of Hartford where truckload after truckload was filled with supplies, food and nonperishable items. People showed up with boxes of things to help out families in the Midwest.

My State gave $25 million to the victims of Hurricane Andrew and more in time and volunteer services. People want to help. They could not come out quickly enough. One woman I met, well into her seventies—she had lost her job, working in her midseventies—she said, "I would just as soon be down here helping." She spent 3 days volunteering. She said, "I feel wonderful about what I am doing."

It is clear people want to help. They want to step forward. We provide with this legislation, a structure here for people to achieve that and more.

Again, I want to emphasize something the Senator from Minnesota said that I think is so important. There are a number of words in the title of this bill—"national," "community," "service," and "trust." The word that I would like to emphasize is "community". Community—not just because we are talking about people having a sense of community and working with others in the community, but because these programs and ideas must be focused at the local level. This is not some Washington program where we are going to proscribe something for Vermont, Kansas, Pennsylvania, or Connecticut, but rather people in our States, each of these States, will generate their own ideas to do things for each other at the local community-based level.

That is where the essence and the difference of this is—different from VISTA, different from the Peace Corps—that it comes from the community, people giving to the community.

So I wanted to take the opportunity this afternoon, as we begin this debate, to sort of remind myself and my colleagues what this is really all about. Through this legislation, we can invite some 25,000 people, in the first year or so, to get involved in the fabric of this country, to weave it back together again where it is a bit tattered. And, hopefully, if it works right, we will add to that number in the years to come and perhaps expand that universe three, four, fivefold, if we get it to work right and if it is efficient.

I know my colleague from Kansas has some very legitimate concerns about whether or not we are going to have a bunch of different organizations and programs operating out of the new Corporation and other Federal agencies. I share that concern. The question is, How do we bring them closer together in a way that makes sense?

I hope at some point we might adopt some language that will state that as our goal. I am a little uneasy about doing it immediately with this legislation, because I believe we should let the Corporation get off its feet and then look at these other programs.

But on the basic concept of whether or not we ought to have one fundamental organization deal with service, there is no debate from this Senator whatsoever.

And also I want to state how important I think it is that this effort continue to be bipartisan. I think it is so worthwhile to note to our colleagues, who may not know of the committee's action, that this bill came out of our committee on a vote of 14 to 3, demonstrating strong bipartisan support. This support is so important on a bill like this.

Service has been an issue characterized by bipartisanship. The distinguished senior Senator from Kansas [Mr. DOLE], a few years ago, if I am not incorrect, offered a similar piece of legislation on voluntarism. And I think that had broad bipartisan support. And here we are again, trying it once more.

President Clinton made service a critical element of his campaign. He talked about it all across this country. Almost at every stop that I heard him speak, invariably, he found his way around to talking about community service, volunteering and reigniting those fires that have contributed so much to the well-being of this country. And certainly he is to be commended for focusing on this issue, which says so much about the spirit of America, and for his effort on this legislation.

I want to join in the comments thanking Eli Segal, Rick Allen, Jack Lew, and others at the White House, who have been working almost from day one to bring this initiative together. I am hopeful that, in a few short weeks, we can announce that we have completed this effort.

If I could wish for nothing more for the next generation, it would be that sense I had, that sense of excitement I was about to engage in a wonderful adventure that would make a difference in my life and, I would like to believe, in the lives of those that I worked with.

If I could give a gift to a young person in this generation, I do not think I could give a better gift than the gift of voluntarism. It will do so much for their lives.

Obviously, education is critically important to many other aspects of life. But I cannot think of a better gift that a younger person could receive than the gift of service, because it will change their lives. It will change their relationship with friends and family and community all for the better.

So I urge my colleagues to look at the legislation, to look at the details of it—those are important—listen to these debates, and hopefully bring some constructive ideas.

But let this not be an example where gridlock takes hold. Let this be an example where this body can demonstrate how it can work together to achieve the best results in the interests of our country and this next generation.

Mr. President, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I think it is very fitting that the first person to speak today was the Senator from Pennsylvania [Mr. WOFFORD], who has really spent much of his life working on service programs and who has a true dedication to that effort.

I think it was also fitting that he was followed by the Senator from Minnesota [Mr. DURENBERGER] who has shared in many ways that same commitment; and certainly the Senator from Connecticut [Mr. DODD] whose enthusiasms for and work in the Peace Corps has been something that has meant a great deal to him. He has become a real spokesman for service.

My guess is that many of us here in the Senate have been involved in one way or another with programs of service in our communities.

I think volunteerism and service to the community are traits of the American people that have been with us since the earliest days of our Nation, and will continue to be.

Members have spoken a couple of times here about the floods and the tragedies that have befallen cities in a number of States.

I think it is important to emphasize Mr. President, that people have responded to these tragedies not because they are being paid to help, but because they genuinely want to be of help.

In Fairfax, VA, a number of churches have gotten together, planning to send people to help, as well as sending money. Communities that have been so beleaguered, like Des Moines, IA, have received the assistance of many who have responded to help neighbors. They have responded because, like all of us, they do care about what happens to their communities.

I remember being a student at the University of Kansas in 1951, when a devastating flood hit Topeka, KS. and Topekans rallied to help those who had to move into temporary shelters at the municipal auditorium.

These are needs to which we have traditionally responded, and we will continue to do so.

I think that President Clinton's call for a new national service program really strikes a responsive chord. The Concept outlined by President Clinton of offering service in exchange for assistance in attending school is one which holds great attraction for many Americans.

But, Mr. President, I would just like to suggest that the 300-plus page bill which has emerged to carry out the proposal bears relatively little resemblance to the picture of national service that has been painted by many and that has been portrayed by the press and understood by the public.

Beyond its general subject matter, national service, I doubt that many realize exactly what is in this 300-page bill. I would like to speak a moment about some of the things that are in this bill that do concern me.

The broad outline which most people seem to have about the bill is that it will allow students to work off education debt by performing national service. Obviously, however, there is no room in the Federal budget to accommodate the tens of billions of dollars in new spending that would be required to allow all students to do so.

I would also guess that most Americans assume this bill is about voluntarism—in other words, that no one is paid to participate in these programs. That is not the case.

Again, I think we have to have a clear understanding of what, exactly, is in this bill as we debate the pros and cons.

The National and Community Trust Fund Act of 1993, S. 919, offers the opportunity to pay off debt through service, of course, only to a small fraction of the Nation's postsecondary students—25,000 in the first year, peaking perhaps at 125,000 in the fourth year. I think it is wise to start small. But even at that, the education benefit represents about a third of the estimated $7.4 billion 4-year cost of the bill.

The Senator from Minnesota [Mr. DURENBERGER] spoke of 1-year funding. Yes, authorized funding levels are specified only for the first year, but "such sums as may be necessary" are authorized in the outyears. Saying we are dealing with only 1-year's funding is a little like thinking the stork has brought the baby. I think we have to be very realistic about what the ultimate costs are going to be as this program grows.

Moreover, there is a wide range of other activities included in the bill, affecting everyone, from kindergartners to senior citizens. Thus, this bill is not, in fact, an education bill, although that is what most of the public believes it to be. It is also important to understand it is not a voluntarism bill, as I mentioned earlier. Even individuals who will receive education benefits will also receive a salary, health benefits, and child care during the service period. Many participants will, in fact, fare far better than individuals who are working minimum-wage jobs, most of whom cannot count on benefits as generous as those offered in this program.

Part-time opportunities are a part of the bill, but the full-time service provisions are not volunteer programs in the sense that most people understand that term.

The fact that S. 919 does not live up to its billing is not, however, my primary problem with the legislation. My concerns about President Clinton's national service proposal can be summarized, I think, succinctly, by saying it is too costly, it is too bureaucratic, and it is too prescriptive. In terms of cost, the initial estimates indicate that national service spending will amount to $7.4 billion over 4 years. As I mentioned earlier, it is unrealistic not to take outyear spending into account.

It is important to point out that these funds are in addition to the President's fiscal year 1994 budget request of $51 million for Volunteers In Service To America [VISTA]; $77.5 million for the Commission on National and Community Service; $30 million for the Civilian Community Corps; as well as funding for many other national service-type programs that are supported by the Federal Government.

This is not only a large amount in and of itself, but it also represents an unwise rate of expansion in our national service efforts. For example, the bill proposes to double expenditures for service learning and higher education innovation programs in just 1 year, from $22.5 million to $45 million. I am not arguing that these are not good programs. I have visited service learning programs that I think are just excellent. But, again, I think we have to be mindful of whether these programs can absorb such a rapid increase in funding and whether these funds can really be spent in a constructive way.

The bill will also more than double the size of the VISTA Program by fiscal 1998.

With respect to administrative costs, it provides "such sums" for the corporation and State commissions—with no restrictions concerning the ratio of administrative costs to program costs. Additional administrative expenses equal to 20 percent of the combined costs of the VISTA Program and the national service volunteer programs are provided for ACTION Programs. I hope that is one thing we can address, because I would assume there is strong support for assuring that funds are used for programs rather then for administrative costs.

The bill also specifies limits on the level of pay for employees of the Corporation. The Congressional Budget Office estimates an average salary of $120,000 for senior management staff and $50,000 for the remaining employees.

In terms of bureaucracy, on first glance it appears that the administration's proposal builds upon the existing foundations of the ACTION Agency and the Commission on National Service. Upon closer examination, however, one finds the proposal actually creates a new superstructure, the Corporation for National Service, under which these existing entities will operate. State ACTION offices will continue to operate side-by-side with State Commissions on National Service. It designates three separate State entities which are authorized to receive funds from the corporation—State Commissions for National Service Programs, State Education Agencies for Service Learning Programs, and State ACTION offices for VISTA and senior volunteer programs—without requiring administrative collaboration or joint planning among those entities.

I think it is obvious this structure is one that adds to bureaucracy, rather than trying to streamline and coordinate service programs in order to improve their effectiveness.

It requires that educational service awards be channeled through the U.S. Treasury and the National Service Corporation, which will necessitate the development of an extensive tracking system for all national service participants for up to 9 years after they begin working in a national service program.

I think these examples give some small idea of the prescriptiveness of this legislation. The cumbersone nature of the framework created by this legislation could grow and grow.

Having pointed out what I believe are serious deficiencies in S. 919, I do want to acknowledge that many improvements have been made in the original version of the legislation.

I am very appreciative of the efforts of Eli Segal, who, at the request of President Clinton, has been assigned the responsibility for working with the national service legislation. He has done, I think, an extraordinary job—combining his enthusiasm for the effort with his willingness to listen to the rest of us. He and his staff have given serious consideration to concerns which I and others have raised with him. I am very appreciative of some changes that have been made. For example, the bill no longer contains provisions permitting AFDC recipients participating in national to maintain all low-income assistance benefits as well as receiving a national service stipend, child care, and educational benefits. In some States this would have amounted to a package of more than $30,000 a year.

Having taken that provision out of the bill will mean that AFDC recipients now will just have to decide whether to continue receiving their current benefits or whether to participate in material service and receive the benefits available to participant in that program.

The original bill was also modified to provide for job descriptions and minimum qualifications which must be met by participants. Previously the bill was silent on these points. The legislation has been revised as well to assure that matching fund requirements may not be met by using other national service dollars from the Federal Government.

(Ms. MIKULSKI assumed the chair.)

Mrs. KASSEBAUM. Madam President, although these and other improvements have moved the bill in the right direction, they do not represent the fundamental changes that I believe are necessary to reinvent Government.

Senator WOFFORD used that expression, indicating that this legislation springs out of a desire to reinvent Government. I suggest that we are missing a real opportunity to reinvent Government with an institutional structure that really can be a better method of service delivery.

I believe there is an opportunity to develop a more rational and streamlined approach which avoids the problems that I have identified with S. 919. The substitute amendment that I will be offering is intended to meet the following objectives:

One, true integration of Federal national service efforts in a single, consolidated program.

Two, maximum State flexibility to determine needs and priorities.

Three, recognition of legitimate fiscal constraints and the need for a rate of expansion which is reasonable.

Four, experimentation with post-service benefit concepts prior to undertaking a full-scale commitment to a $5,000 educational benefit.

It just seems to me that S. 919 is an initiative with enormous potential to grow out of hand, spawning new bureaucracies, new regulations, and make-work positions.

Madam President, I think it would be a mistake to approve this bill in its present form. The alternative I will propose attempts to design a Federal role in national service which will pull things together in a rational, efficient, administrative structure and implement initiatives at a measured pace. I will be discussing my substitute proposal at greater length later in this debate. I hope that there will be those on both sides of the aisle who will work together to come up with an initiative that will serve us better in this arena.

I do not doubt but that all 100 Senators care a great deal about the ability to utilize national and community service in the most effective way. Service, as Senator DODD has pointed out, really means far more to the giver than it does to those who would be served. But our effort will fail, I suggest, Madam President, if it becomes so large that it really becomes unmanageable and we are not able to give it the attention required. A smaller initiative can be followed more closely and managed more effectively.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I am extremely pleased that today we are to begin consideration of S. 919, the National and Community Service Trust Act of 1993. As one who has been a longtime advocate of national service, I am pleased, indeed, to finally see legislation authorizing a complete, large-scale program of national service that includes an education component being considered in this Chamber. After many years of discussion, there is now a great deal of national attention devoted to the concept of community service with an education reward. I would like to thank President Clinton for his role in bringing this issue to the forefront. I believe that the President should be given immense credit for his efforts to rally Americans behind his plan for national service.

National service is not a new idea, however. My own legislative involvement in this issue dates back more than 20 years, when Senator Javits and I introduced a bill to provide Federal funding assistance for local community partnership programs.

Even closer in nature to the bill currently under consideration was a bill I introduced more recently, the Voluntary National Service and Education Demonstration Act. This was a modification of a similar piece of legislation I had introduced in 1987 which was developed as a result of meetings I had with Frank Newman, Susan Stroud, and the late Howard Swearer—all Rhode Islanders who played a very important role in this area. At that time, I was of the mind that the United States ought to have a system of mandatory national service, either military or civilian, that would apply to men and women alike. This is still my own personal belief. Then, as now, however, I knew that while public opinion may have been moving in that direction, we still had a long way to go. Therefore, I decided to push for a demonstration program of voluntary national service to allow us to test the concept before proceeding with a full program.

At that time there were a number of reasons for delay. First, it was unclear how much interest there was in community service. We knew only that service programs existed on college campuses, but we did not have any information on the depth of interest among students.

Second, we did not know the kind of students who would be interested in community service. We needed more data on the socioeconomic background of those who participate.

Third, it was not known just how expensive a comprehensive program might be. Some estimates placed the total cost at as much as $50 billion a year.

Clearly, in 1989 we were not yet ready to move forward with a broad approach to national service. Therefore, I suggested a demonstration program, an important component of which involved a commitment to what I have always considered a crucial concept. That concept had at its heart the idea that successful completion of community service should involve an educational benefit. And I felt then, as I do now, that the educational benefit should supplement, and never replace, our existing Federal student aid programs.

This significant piece of legislation was eventually melded into the National and Community Service Act of 1990, which became law in November of that year.

Under that law, the Commission on National and Community Service is authorized to make grants to States to implement programs of full- and part-time national and community service. No more than 10 States were allowed to participate in the first year of the program, thereby preserving the demonstration approach. Other provisions also make this act the perfect test model of national service on a much larger scale. Individuals performing full-time service may serve for either 1 or 2 years, and those choosing to serve part-time must remain in the program for at least 3 years. All participants must be 17 years of age or older, and to serve full time must have a high school diploma or the equivalent. The post-service benefits under the National and Community Service Act of 1990 were $5,000 per year of full-time service and $2,000 per year of part-time service.

The Commission made their first awards to seven States and one Indian tribe in 1992. Among the more well-known projects that were funded is the Delta Service Corps, which engages participants in providing critically needed services in Arkansas, Louisiana, and Mississippi. Another is City Year, an extraordinarily diverse urban youth corps in Boston. These programs and others have proven to be highly successful and it is now time to implement a larger, more thorough program of national service.

Today, as we begin debate on S. 919 I would like to express my great hope and enthusiasm for this proposal. As the President has said, this program will foster individual responsibility and help to rebuild the American community by bringing together a diverse group of citizens to address common problems and unmet needs.

Of equal importance, by tying successful completion of service to an educational benefit it will open the doors to higher education for many Americans who previously believed that collage was out of reach. It will help defray the escalating costs of college education either through an educational benefit before one enters college or as loan forgiveness for those who choose service after education. It is a concept I am hopeful will grow to the point where it will be available to all Americans.

I am especially encouraged that the President envisions the educational benefit as a supplement to the Pell Grant Program. It would be unwise to attempt to replace the grant program with a service-oriented approach. National service is voluntary. It should remain an option for needy students and not a prerequisite for financial aid. It would be unfortunate, indeed, to replace programs that today serve over 6 million students with one that would require a special obligation of service by the poor simply because they are poor. This is particularly important to these lower income students, for whom the combination of the Pell grant and national service education benefit will mean the ability to pay for a college education with perhaps greater choice in the college they wish to attend. As one who has worked long and hard on behalf of equal educational opportunity, I will make every effort to insure that whatever action we consider will strengthen and not diminish our Federal student aid programs.

Madam President, I view the National and Community Service Trust Act of 1993 as the culmination of much thoughtful debate and the best refinement to date of the ideal of national service. I strongly support this legislation and am hopeful we will be able to act on it favorably and with dispatch.

It is truly a concept and idea whose time has come. We may have plodded along in getting here, but we are now on the threshold of a truly remarkable piece of legislation.

I yield the floor.

Mr. JEFFORDS. Madam President, I rise in support of the National and Community Service Trust Act of 1993. My support for this bill stems from a long held belief that national and community service can assist us in addressing innumerable unmet social and educational needs.

It is refreshing that national service has hit the charts and is being considered a priority of this administration. Community service, clearly not a new concept, has frequently not received the leadership it has deserved. President Bush, to his credit, gave great attention to this area, and I am glad that the current administration is eager to build upon his work.

We have the opportunity today to create a program that will put its mark on history. When the national service program is fully implemented and available to all Americans, it will provide not only an opportunity for young people to serve their country and community but, more importantly, a program which will give back what we have put into it.

President Kennedy in his famous challenge to this Nation called on young people to "Ask not what your country can do for you, but what you can do for your country." These timeless words inspired a generation of young people and they must be renewed again today.

But what we are creating here today is a limited program to provide very special benefits for a small number of Americans who are selected to participate in a scaled-down national service program. Thus it is critical that what we do this year will be a proud model for next year. Therefore, I am concerned that the benefits match the service rendered—that these participants offer a very special service to their country in exchange for these generous benefits. I believe we must closely focus the service of these participants on those areas of greatest national priority—of greater national need and where they can be of greatest benefit to the country.

Initially, we cannot scatter the participants among many programs where no significant improvement can be ascertained. I cannot rationalize why we are providing participants with greater benefits than those accorded to VISTA volunteers or Civilian Conservation Corps workers, to name just a few. Otherwise, why would young people participate in VISTA or CCC? In other words, we must ensure the programs are designed to meet priority needs, and show they can meaningfully help meet those needs. For special benefits, there should be special service.

My colleagues share my conviction that human, educational, environmental, and public safety needs are critical areas of concern to all Americans, and areas in which we could use the service of dedicated volunteers. As examples of areas of critical national need, many of my colleagues have mentioned the mentoring program and home health care. I would agree with these priorities.

Let me point out another area in which our national objectives are not being met and where the long-term consequences will impact directly upon our standard of living and our ability to provide for future generations. That area is international development, and in particular, the development of democratic institutions.

How does this impact upon us? Why is this critical to our national survival? Our economy needs to increase its exports in order to grow. Without economic growth, we will not be able to provide even the same standard of living for our grandchildren as we enjoy today. The international economic market is much tougher than it used to be and competition is much more cutthroat. We cannot stay ahead unless we are more active in anticipating needs, preparing new markets, and understanding the needs for the rest of the world. We must also invest in developing new markets by assisting Third World nations in their efforts to improve their own standard of living. Where we can assist in establishing democracy and help people help themselves, we will be in a much better position to sell them goods and services as their economies develop.

We have a tremendous reservoir of good will out there, even in places where one would not expect to find it. I was surprised to find in my visit to Soviet Central Asia last year that these countries want U.S. technical assistance most of all. America still represents the best the world has to offer in business skill, respect for diversity, and opportunity for the individual to improve his or her life. They want our help—not traditional foreign assistance—but guidance on how to establish democratic institutions, create their own commercial code, judicial system, worker protections, environmental regulations, and much more.

The Peace Corps has a strict mandate to stay out of any work that would involve local politics, so it cannot engage in many of these activities. The national political parties have organizations that do political education work abroad, each from their own perspectives. AID is developing programs to address most of these needs, but much more that needs to be done.

I advocate making use of individuals who are willing to participate in the national service program and who have particular skills to contribute to this effort. We need people with good language ability, often in the less common languages, who can go into these areas and work in the local language. Our aid programs are in need of people with an expertise in private enterprise, democratic institution building, and sustainable development. We need people who are willing to contribute a substantial amount of time—more than can be offered by the business executives on vacation or doctors on leave from their practice. And we desperately need to send as our ambassadors people with the enthusiasm and creativity for which America is so admired.

While I feel very strongly about these issues, my purpose today is to focus on the domestic aspects of national service.

Our Nation faces a daunting task. We have more young people dropping out of school than ever before. Our babies are being born at low birthweight because their mothers do not have access to medical care. Violence and teen pregnancy are on the rise and our children are leaving school with no one to care for them until their parents return late in the evening. These concerns are critical and must be addressed.

This is where the National Service Program comes in.

What we have today is the framework for legislation that will—at its height—enroll approximately 100,000 participants. These participants will receive a living stipend plus an educational award of $5,000 for each year of service for up to 2 years. To many, that amount is considered generous. I would have to agree, given the current structure of the bill. As the bill stands, participants can receive these benefits regardless of the service they perform.

Considering the present appropriations levels of our student grant and aid programs, I can understand why these provisions seem unreasonably large. They far surpass what is available to our most needy postsecondary students who can receive no more than $2,300 in Pell grants.

For this reason, and because I believe that national and community service must provide just that—a service—I plan to offer an amendment to the bill.

The purpose of my amendment is to strengthen the accountability of the legislation. My intent is to ensure that it is not "what can your country do for you?" but, indeed, "what can you do for your country?" Currently, there is no failsafe mechanism to ensure that participants are receiving benefits because they have provided a critical service to this nation.

My amendment would require that only those national service programs meeting national or State priorities would receive assistance. Without such an amendment, this bill will drift along providing assistance to scattered programs without any true goals. We also leave ourselves open to criticism that the educational award is too generous. Until we can justify that the service being provided by participants entitles them to an award of such magnitude, we cannot, in good conscience, provide such a large stipend at the end of service.

I am confident that we can put national service participants to work doing exceptional things for their country. We must think broadly and over the long-term about what our top priorities are, and how we can best position ourselves going into the 21st century.

Madam President, I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Madam President, I am pleased today to rise in support of the National Community Service Act of 1993. This program is a vital component of the President's domestic agenda and a cornerstone of this Nation's future.

The current pessimistic mood of the American people—increased concern about jobs and the economy, drugs and crime, and a growing distrust of Government—reflect a pervasive feeling that the problems facing our Nation are perhaps too large for us to tackle. Many people do not feel connected to society and do not see how they can make a difference. Yet, despite this general gloom, individuals and organizations in pockets all around the country are joining together to help rebuild our torn neighborhoods. Each of these efforts is inspired by a can-do spirit, innate in the American people, a belief that people working together can solve any problem. It is this belief that is at the heart of the concept of national service embodied in this bill.

The act captures the promise of national service by harnessing the spirit and enthusiasm of these neighborhood-based service programs. It does not create a bureaucratic monster threatening to swallow initiatives, but builds upon successful, existing programs. It encourages innovation as well as public and private partnerships to ensure both the quality and diversity of service opportunities.

Over the last several years I have been privileged to meet people across this country from the private sector and the public sector, who have put together programs at the local level that are making enormous differences in the lives of the young people involved—people of all ages in fact—and making an enormous impact on changing the quality of neighborhoods across this country.

Citizens of all ages and backgrounds are given the chance to contribute to their communities. Beginning in kindergarten and continuing through college, service-learning programs give students time to critically reflect about their newly acquired skills and their application to real life situations. The potential of these programs to help communities is enormous. In Oklahoma, for example, the current Commission on National and Community Service has funded two programs which are helping to bring people together. The Oklahoma Serve-America Program gives at-risk students, dropouts, and other youths the opportunity to participate in programs designed to bolster feelings of self worth, while serving the diverse needs of their local areas.

I might say, Madam President, several years ago I had the opportunity to read an article. I cannot lay my hands on it. I wish I had not lost it because it had such a tremendous impact upon me.

It was an article about a very troubled inner-city neighborhood, about a park in a neighborhood that had become dilapidated, about a high-crime rate in that particular area. It told of a private organization that reached out to those people who were in severe trouble, young people who had gotten into drugs, the use of drugs, who had fallen into criminal behavior, who, in fact, had developed records with law enforcement agencies, those who had simply lost faith in themselves.

Instead of allowing that to go on, this group reached out to those, reached out to those who really had lost faith in themselves, and they said no matter how serious your problems, we want you to go to work to help solve the problems of those who are in an even worse situation than you are in.

So, if you have had a drug problem you are trying to overcome, we want you to reach out to those who still have drug problems in your communities and to help. We want you to take this dilapidated park in the middle of your neighborhood and help rebuild it and make it a place of beauty again, aesthetically pleasing, a place that can be the center of the community. We want you to reach out and help the law-enforcement officers in your area. We want you to help serve. If you do not feel you have quite enough to eat, or adequate shelter, we want you to reach out and work and help those who do not have anything to eat and no place to sleep.

So people who are living on the edge, or falling into complete failure in their own lives were asked instead to help those that were a little worse off than they were.

At the end of the year, the results of the experience were remarkable. Some of those people were very young people, teenagers, those that would have been of college age if they had been in college; some were a little older.

But at the end of that period, without exception, the neighborhood was partially rebuilt, the park was beautiful once again, and the vandalism had stopped. Many people were helping each other in the community; a sense of pride had returned, and all but one—I believe there were 60 people in this experiment—59 said they felt a renewed self-confidence. They felt now that they believed in themselves again, that they could do something worthwhile with their lives. Many went on to get permanent jobs in the private sector. Many went on to get further education and training.

Madam President, what we are talking about here is literally the saving of lives, the rebuilding of a spirit of community in this country, which is vitally and urgently needed all across this country. And we must do it by involving people of all ages and backgrounds. No one is too young. No one is too down and out himself or herself to render some kind of service to someone else in need.

It is like the old story of the person that was trying to struggle through a blinding snowstorm. And as the traveler who had lost his way in the snowstorm was about to give up and had absolutely exhausted his energy and thought he could go no further, he tripped across the body of somebody else there in the snow; he reached down and he felt that that person had a pulse, and he began to move that other motionless body around and tried to keep that person alive. He kept doing that for two hours, until finally a rescue group arrived. He saved the life of the other person and, in doing so, he saved his own life as well. And how true that is in life, and how urgently we need to take the energy, the ability of those individuals in our society, who have all but given up on themselves and put them to work, to help those who are even worse off and, by doing so, help them gain a sense of self-respect, and a commitment, and continuity and attachment back to community again.

We have seen that sort of thing begin to happen with the Oklahoma Serve America Program and many, many other programs. The Community Youth Volunteer Program helps increase the skills and leadership ability of Cherokee youth in our State, mentoring in challenged-based learning. By integrating services into the academic curriculum, students are given the chance to extend their learning into the community and to help care for others.

The national service component of the act comes at a critical time for the Nation's communities and youth. According to James Rouse, one of the Nation's leading real estate developers, whose work for the Enterprise Foundation is dedicated to rebuilding America's inner cities—I might say Mr. Rouse, who has been so successful as a real estate developer, is now spending the remaining years of his life dedicating his experience and his knowledge to recreating a sense of community all across this country.

I had the privilege of hearing him recently, and in his remarks he pointed out that in this country over 500 people per 100,000 population are in prison. Over 500 people out of 100,000 are in prison. He pointed out that a similar figure in Japan was something like 11; and that the average for Europe was something like 20 or 25 per 100,000 in prison. And we are at over 500 people in this country in prison for 100,000 population. There is approximately a 25 times greater rate of imprisonment in this country than in the rest of the developed world. Sadly, the only country that was even close to us in the rate of imprisonment was the nation of South Africa, which has been in a virtual civil war for the last 20 years, and even there the rate was only about 400 per 100,000 population in prison.

Madam President, as many people pointed out, the nation that ultimately will lead this world is the nation that is socially and morally the strongest and most cohesive, where a relationship of family and community have survived. And when we look at ourselves through the prism of that statistic, 25, 30 times the imprisonment rate and the rate of violent crime in this country that is being experienced in the rest of what we would call the developed world, we have to ask ourselves what is happening in the social fabric of this country; and we have to realize that rebuilding the neighborhoods, the sense of community, attaching people back to a sense of responsibility for their neighbors, one for another, caring for each other, working together, that that is not a luxury, that is an absolutely essential item for this country; it is a matter of national security and national survival. It is a matter of saving the soul of our country, in the sense of rebuilding its community spirit which has made it the greatest nation on the face of this globe.

A teacher once was asked by her students, why is this country greater than any other country? Other countries have a lot of people, other countries are rich in natural resources; other countries have built military strength. Why is it that the United States of America, among other nations, has become the leading nation in the world? And the teacher answered wisely: Because in this country every succeeding generation has cared more about the well-being of the next generation than it has cared for itself.

That is a wise answer. It is absolutely true. And here we sit, Madam President, seeing a dropout rate of young people leaving school at the rate of 29 percent before graduating from college, seeing an imprisonment rate which mirrors the fraying of the social fabric of this country, and no other country other than South Africa even comes close; those competing nations have only a tiny fraction of that amount of crime in their societies.

There is an urgent need to restore the social fabric of this country. It is not a luxury; it is a necessity. It is more than a necessity, it is an imperative. Both urban and rural communities around the country are torn apart by crime, drug abuse and general neglect. Feelings of hopelessness and alienation are commonplace among today's youth. Recent college graduates are finding the job market tough to pierce and are increasingly discouraged by their prospects. Both groups are in danger of losing the sense that they are an important part of their communities. Both are searching for concrete ways to contribute and to further their opportunities.

I see my colleague from Pennsylvania here, the manager of the bill this afternoon, and I recall his sharing with me an experience he had after the recent rioting in Los Angeles, in which he either talked to, or he saw quoted, or saw an interview with a young man, obviously talented, who lived in the neighborhood who said: "When people look at me, I wish they wouldn't see"—and this was a 16 or 17 year old—"a person to be feared; I wish they would see a person whose talents could be utilized to build a better community or country."

That is at the essence of why we must, Madam President, take action to make more effective and to expand and involve more people, and particularly our young people, in national service programs.

National service reaches out to those students who wonder if they can make a difference, who wonder if they have any value, if they have any purpose in life, and it asks them to be a part of the solution to the problems of their own neighborhoods. It asks them to help build what was torn down, while giving them an opportunity to learn new skills. It gives them the satisfaction of helping to improve the lives of others, while allowing them to increase their own educational opportunities. It also gives them the opportunity to form mutual bonds of friendship with each other and with the people they serve.

This act also reauthorizes the Civilian Community Corps, which was established as a part of the defense authorization bill last autumn. A number of us worked on that together in an attempt to bring back a modern day version of the CCC. Senator WOFFORD, whom I referred to a moment ago, worked very hard on that particular piece of legislation, as did Senator KENNEDY, Senator SIMON, and others on the other side of the aisle as well, such as Senator DOLE, Senator MCCAIN, Senator DOMENICI, Senator WARNER. They worked in a bipartisan effort to help to create a bringing back of—in a pilot form, at least, of the old program—the work of the Depression decade, work with young people. The Civilian Community Corps is much like the old CCC but in a modern form. This bill reauthorizes that Civilian Community Corps that many of us worked so hard on a bipartisan basis to establish. Although the CCC is complementary to current youth services initiatives, it will be a unique program that adds diversity to the menu of national service opportunities.

I think that is the key.

I see my colleague from Kansas, Senator KASSEBAUM, also on the floor, and I have had enormous respect for her contribution in this field and in the field of education.

We have worked together as much as any two Senators on a range of subjects, from the budget to education, to national security matters, to almost anything you can think about, tax policy, and many other areas.

I would say that I know this is the question that she has raised. I think it is very important at this point, and having sat down—and I have changed my views somewhat on this. When I began to work on trying to update the CCC in modern form and also the WPA as we think of welfare reform on down the road, I really thought principally about trying to form some uniform national program that would really work everywhere.

As I sat down and became better acquainted with our National Service Board that has now been working with these local programs, many of which are mainly privately funded, some of them with the assistance of localities and municipalities and others, I really began to have tremendous respect for what was being done in very, very diverse ways because we have very different communities across the country. What works in a rural area in Iowa or Oklahoma or Kansas may not be the exact answer for an inner-city neighborhood in New York, or in Los Angeles. So we have a very different situation. Many different approaches, personalities of local leadership often determine the kinds of programs that will work, often that spark that two or three individuals have that make a program go in one place that really cannot be replicated someplace else.

So I think there is a value now in having what I just referred to as a menu, so to speak, of different opportunities and different ways of trying this, especially as we think about perhaps expansion of programs in the future, trying to find exactly those that do work best and those that can be replicated in the most places. That is why, for example, the CCC is I think an important addition. It is complementary to the present programs, but in a way it is new. It would be federally run. Most of these programs are not directly federally run. They are locally run or privately run. It would be a residential program. Many of the programs we are now working with are still dealing with young people, for example, students still living at home living in their neighborhoods. It would take people out of that setting, place them in a residential setting, in a federally run program, and would bring young people from different parts of the country together and from different ethnic groups. Corps members will share different perspectives with others, increase tolerance and understand different ideas and approaches for the enormous diversity that is the strength of our great country.

Madam President, I have worried often, and one of the many worries that I have had about what has happened to our society is that there are very, very few situations anyone in which very diverse people come together. In the tragedy of war, men and women of all races have come together and they have fought together and they have been in crisis situations together and they have come to know each other—from the wealthy, to the sons and daughters of the wealthiest members of the communities, some small community, to a young person from an inner-city ghetto with no visible means of support without the experience of ever having had a mentor in his own family, perhaps not even had a family unit. They come together and they share a common experience. And we saw the impact of World War II and the desegregation that the armed services, for example, had on setting in motion forces in the country that would never allow us to return to racial discrimination as we have known it in the past.

Why? Because those who have worked together, who have fought together, who have risked their lives for each other, who have come to depend on each other and come to their own innermost thoughts and hopes and dreams for the future, those who have trusted each other, those who owe their lives to each other when they returned home back to civilian society and to peacetime, they could never again think that it was right for those who risked their lives for each other to be separated by some artificial racial boundary imposed by law. That came from a common experience, and we need those common experiences to teach us over and over again that we are one American family and we are one American community.

And as we begin to become societies in which everyone with a certain income level lives in that neighborhood, never getting to know a person with a different income level across town, in which this racial group never gets to know this other racial group to understand that while their strength, the diversity and reason for pride in their own ethnicity how also much they share together in terms of common values and everyone's hopes, that young person from the inner city who desperately needs a role model, perhaps that role model of the same age who might happen to live in a suburb, will never get to know the potential role model, never experience and have a place for them to come together and share in a common endeavor.

And then that young person, privileged, growing up in the suburb, perhaps going to a private school or going to a public school with such an unusual student body that it might just as well be a private school because, in essence, each family is a sort of cookie-cutter picture of the other. They lose as well. They lose not knowing about the heroic struggles of young people who have no opportunity, who struggle to work so hard, who put in extra hours, do it on their own and without the encouragement, help, and support of a loving family.

So, we are all losers from it, Madam President. We all lose when we do not get to know each other. Those who need the hand up, they lose. Those who need that encouragement, they lose. Those who need to know so that they can be better human beings, how fortunate they are and what gifts they have been given and what a responsibility they have to give back to their society and how much it will give to their lives in terms of meaning and purpose, much more meaning than having another new car in the garage, more gadgets, et cetera, to play with, a new vacation to take, how much more meaning it will mean to their lives to have an opportunity to reach out and do something productive with another person. They lose as much as that inner-city youth loses.

So, we must create opportunities that bring people who need to know each other together and to help them to understand that they are all Americans together and that our strength is, indeed, in our diversity and meaning in our life indeed comes from helping each other.

I read the testimony of Mr. Dwayne Andreas, chairman and chief executive officer of Archer-Daniels-Midland Corp. before the Senate Labor and Human Resources Committee. He was talking about what the CCC did during the Depression. These young people from all parts of the country came together. They lived in camps together, were involved in wholesome activities. They built parks we are using and the bridges we cross, planted trees that are still growing, that shelter our land from erosion. And what satisfaction they had and how enriched they were from coming to know each other from all across this country.

He said it in what should be a model for all of you and all the lawyers in this room and in this town. Roosevelt created the Civilian Conservation Corps with a two-page bill on March 31, 1933, a two-page bill, a joint effort of the Departments of Labor, Interior, and Agriculture and in what was in the Department of War. They enrolled 8,500 men per day past the last day of March.

God help us if we could ever once again be able to be that effective in the Government of the United States and really get things moving and get things done instead of embroiling ourselves in our parliamentary procedures and our partisan debates and our own hesitations.

Eighty-five hundred per day past the last day of March, and by June 16, there were 239,444 men in one of the 1,300 camps. The CCC would reach a peak of 502,000 with 2,514 camps. It was Roosevelt's vision and hope to keep the CCC as a permanent Federal agency, but after a while, it had to be downsized. Congress first opposed the President's plan to downsize it. There were so many people who needed to participate. Three million people over a period of time participated in that program.

Eventually, with the onset of World War II, it did scale down. It did cease to exist. It was no longer needed. Young people were needed in other kinds of service to their country. But it was considered by none other than General Marshall himself to have been vital for our preparedness. He talked about the skills that were developed, the values that were instilled in young people, the discipline that was taught, and he recalled that in a little over 8 years, 800 State and national parks were built, 4,000 historical structures preserved, 60,000 buildings built, 8,000 bridges, 97,000 miles of road, 4 billion trees were planted, 2 billion fish were stocked, and erosion was stopped, and 200 million acres of land and 4 million man-days were spent fighting fires, floods, and other disasters.

Madam President, that is not out of date. When we have so many young people in this country whose talents are being wasted, young people who cry out to have someone say we value you, we want you to be part of our community, a program like that is not out of date. It is not only not out of date, it is needed. It needs to be started today.

This is a modest approach. It is an approach to begin with 25,000. That is just a drop in the bucket for what needs to ultimately be done. It is investment in our country that will pay greater dividends than any other investment that I can possibly imagine. Young people from urban areas given the opportunity to live and work in rural America and all the corps members will have the experience of living in other parts of the country. Only a national program that begins as a team approach with regional components offers this experience for our Nation's youth.

As I say, that is not the only model. There are wonderful local models working all across this country with absolutely inspiring people who are devoting their lives right now for working with these programs for whom I have enormous respect.

Let us have a bill that provides this menu. That is what this bill does. Let us look at the different kinds of programs. Let us see what works best.

Let us also have a national program that is federally operated like the one I just described.

The discipline of a military-type training program is very important for many of today's youth.

I think Arthur Ashe described the value of discipline in organized work best in an op-ed piece that he wrote immediately after the L.A. riots. Arthur Ashe has left many words behind him, words of wisdom, words of sensitivity, words that we all need to ponder. Among those words, he said this, and he gave us this gift of words as a legacy he left us in describing what he saw after the L.A. riots.

> Families rent apart by welfare dependency, job discrimination, and intense feelings of alienation have produced minority teenagers with very little self-esteem and little faith that good grades and the American work ethic will pay off. A military-like environment for them with practical domestic objectives could produce startling results.
>
> Discipline is a cornerstone of any responsible citizen's life. * * * [I]t must be learned or it doesn't take hold. Certainly, the CCC model—a federally run, residential program with an emphasis on military-style training and discipline—is a model that must be part of any national service program designed to offer a diverse array of service opportunities.

National and community service is an idea whose time has come. Millions of hours of manpower are required to fix the problems which we have neglected for too long and much of it will be supplied through national service. But even if our needs were not as great, we would still be here today pushing for this bill. This is because national service is more than a way of rebuilding our neighborhoods or providing student aid; it is a way of reviving the ethic of individual and civic responsibility which has made this country great.

Not to take more time, Madam President, but I just want to underline that once again. Even if we did not have such a huge backlog of physical needs in this country, and other needs in this country—the homeless that need shelter and Federal parks that need to be rejuvenated, environmental projects that need to be undertaken, a decaying infrastructure all across the country—even if we did not need that—and we do need it—even if we did not have the young people who desperately need additional ways to earn money to further their own education—and we have many of those young people who do have that need—but even if we did not have either one of those two things prevailing, we would still have an urgent need to involve young people, who need a sense of belonging and a sense of worth and a sense of connection back to a community, to be given the opportunity to perform that service and to help us rebuild that sense of community. That need is there.

I talked to a superintendent of schools in a very rural school, a very poor rural school in our State. They did not know how to motivate the students. Many of them were native Americans and they could not get them interested in their English literature courses and in their mathematics courses.

He started an auto mechanics course. They loved to work on their cars and tinker with their cars, but they had to learn how to read the manual to work on their cars. So they began to learn how to read so they could read the manuals.

He got others in the bricklayer course and the masonry and the construction course, and the rest of it, to begin to learn their math and geometry first in order to build.

By the time he got through, he built a campus in the middle of this rural area. I think he has had one bond issue in 47 years. The work was all done by his students.

I said to him one day, "Do you have any trouble with vandalism in your school?" He said, "In the last 38 years, I do not think I have had to replace a single window pane. And we never had to scrape any graffiti off any walls because there has never been any on them."

He looked at me and said, "You know, Senator, people don't tear down what they build themselves."

Now, we have to learn that lesson in this country. We have to give people that kind of sense of pride and that sense of connection and that sense of belonging.

Not only has he built buildings that are being used by a school, but he built people, and he built pride, and he built self-respect.

He built a memory so that every time one of those now thousands of students who have gone through that school comes back to that little rural school—the road was a dirt road; it has now been blacktopped. But every time they now drive down it, they are able to look at this window or this corner of this building or this piece of flooring and say, "I contributed that. That is mine. I did it. It is a part of this school forever." And it attaches them forever to that community and to a sense of responsibility for it.

The latest example of national service is the flooded lands of the Midwest. People are in dire need of help—they have no water, no food, no electricity, and many have lost their homes. How are they surviving? They are helping each other. They are coming together to rebuild their homes and neighborhoods, often with the help of existing youth corps. They are serving together under a common purpose, meeting the call to duty. They know that people are the most important resource they have, and that only by working together can they restore the strength and vitality of their communities.

There is a lesson here for all of us. Too often it has taken an emergency or a war to unite us in a common cause. But it should not take an economic or international crisis to break down the walls which divide us and to remind us of the values we all hold in common. We have too much at stake and too much desire for change to put off our problems. We must take this opportunity to renew our commitment to our country, for it is only in giving back that we become truly bound to our communities and to each other. By working together, we can help reawaken the spirit of community in this Nation. By investing in youth service today, we lay the foundations for a better tomorrow.

Helen Keller once said: "I look upon true patriotism as brotherhood of man and service of all to all." Although she said those words more than 70 years ago, they have even more meaning today.

I urge my colleagues to study this bill. I urge my colleagues—even those who have questions and doubts about it, those who are concerned about its upfront costs, those who are concerned about how we should start, those who are concerned about whether we should have a menu of different opportunities and different things that we try in the beginning—to say this experiment is worth it.

Never since I have been here has there been something presented to us that offered us the chance to experiment in a way that would reach out and really salvage the human talent and resources of this country, and rebuild our sense of community more effectively than this bill will provide.

This is something we must do—not for ourselves, but for our country, our communities and, above all, for the next generation.

This is something we cannot afford to avoid doing. This is not something we can afford to put off.

Madam President, I urge my colleagues to put aside our concerns and our differences on any other matter, to put aside any partisan differences we have had over the last several weeks of bickering on other matters, and have some faith in the American people and allow some experimentation to take place at the local level and, indeed, at the national level to develop models.

Let us join together. Let us pass this bill with dispatch. Then let us try to emulate what was done between March and June 1933. Let us put these people to work. Let us get these pilot programs going. And then let us get on with the job of evaluating them, seeing which works the best, and trying to involve more people in them.

I urge my colleagues to support this bill. I am proud to cosponsor it with several of my colleagues here on the floor. I urge its swift passage.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, the issue of voluntarism and community service is one that is dear to the heart of virtually everyone in Utah. Our State, unlike some others, was built because the people were dedicated to community service. They really had no other choice.

Some people do not know the history of Utah, but it was built by a group of people who were migrating from persecution and ended up in that State, forced to build what they had in the middle of a desert and thus were founded on the whole principle of community service and help from one to the other.

Some have said they picked that particular place because no one else would want it. They decided it was the one place in the country where they could go and be undisturbed and unmolested after the persecution and mob violence they had experienced elsewhere in the United States.

So the principle of helping one's neighbor, the principle of community service is very, very strong in my State. It does not just go back to history. I have an experience that I will share with my colleagues here, that demonstrates the kind of spirit that we have in the State of Utah, referring to a man by the name of Lowell Bennion.

Lowell Bennion was a teacher whom I knew well. When I was going through the trauma of teenage romance and my parents were not at home, it was to Lowell Bennion that I turned to get some of my wounds salved and cured.

Lowell Bennion, in addition to being a teacher, however, was a great example of community service. He would go around the community and, by himself, find widows, homeless, others who needed help, and he would take care of them to the degree that he could, and then he would go among his friends and ask them to help him. On the basis of that legacy now there is at the University of Utah, where he taught, the Lowell Bennion Center where students have the opportunity to go into the community in an organized way and render the kind of community service that Lowell Bennion was famous for.

I am proud to have contributed financially to the Lowell Bennion Center and to have assisted it in its work. And I agree with some of the comments that have been made here on the floor by those who talked about the ennobling experience of community service. There are a number of students who have said their service in the Lowell Bennion Center, going into the inner city in Salt Lake City and helping people who have problems, has been the most significant experience of their college lives.

I rise today to comment on the bill before us out of that history and background because I have great concern that when the Federal Government gets into something that is a good thing, in the vernacular, the Federal Government tends to screw it up. I have the fear that is what is going to happen with this bill. We want to have community service. We want to encourage community service. I fear we may be heading toward what the Washington Post calls national disservice.

So if I may, Madam President, I would like to read a few paragraphs from the Washington Post. I often quote from the Wall Street Journal and from Fortune magazine, publications whose philosophy is usually more compatible with my own. On this issue I am happy to turn to a publication that is known for positions different from my own. The Washington Post says the same kinds of favorable things about community service that I have just said. And then makes this comment:

> Let's not rush into this, however. Clinton is not proposing national service in a vacuum. By linking two problems—student financial aid and the need for national service—Clinton has produced a plan that has problems of inequity, a narrow base, and, most likely, inadequate resources to pay for it. The President and the media do a disservice to millions of strapped parents and students if they perpetuate the false hope that national service will be like the Homestead Act and the postwar GI Bill—both of which affected the lives of millions, and both of which Clinton invoked in his speech.

The Post goes on to describe some of the provisions of the bill, all of which are known to the Members here. And then says:

> Step back for moment and ask: How many young people could be helped under the present aid system by that same $3.4 billion?

Then the Post, after going through some specifics says this about it, to summarize that issue:

> Any strapped parent or prospective college-goer can do the math: The national service kids will have a better deal—by nearly 2 to 1 or better—than ordinary students receiving federal aid.

After talking about some of the awkward provisions of this bill the Post makes this comment:

> It seems inevitable that the service initiative will compete with regular student aid, which does stand a chance of making college affordable to "every" American * * * Members of Congress may not see the fairness of voting up to $22,500 for one service student when that amount could help so many more through direct aid.
>
> So the service kids will be privileged few—and not just because they get a better financial deal. Clinton has insisted that students should be allowed to serve regardless of financial need. Right now, virtually all of federal post-secondary aid goes to those in financial need.
>
> It will be hard to explain why taxpayers should grant $5,645 a year to induce a suburban youth to work in the inner city when that same amount could help several others who, perhaps having seen enough of the inner city, want to get out via college.

The Post concludes this editorial with this comment, with which I agree:

> Clinton should not make his costly service program hostage to student aid reform. Service needs another political and financial base.

Madam President, I ask unanimous consent that the editorial in the Washington Post from the 3d of June 1993 entitled, "National Disservice," be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. I do not serve on the committee that has dealt with the details of this legislation. I follow it with great interest from those who do so serve. I will be guided by their wisdom and comments when the time comes to deal with the amendments that will be before us tomorrow. I simply raise this overall concern as one who comes from a tradition and atmosphere of national service. Is the Federal Government the best vehicle for encouraging this kind of thing? Does the Federal Government have a clear track record of crisp, clean administration that will bring about efficient and existing performance in this area? Or, as I believe, does the Federal Government have a history of heavy handedness, of bureaucratic musclebound overregulation in every area that has the capacity to destroy a good idea, has the capacity to love it to death, and then become overburdened financially and leave us with a network of Federal rules, Federal regulations, and Federal problems in an area where we are already seeing the normal volunteer activity of Americans producing significant community service along the lines of the Bennion Center?

So, for that reason, I state here that I will watch the amendments very closely. I believe I will be in favor of the amendment that I think is going to be offered by the Senator from Kansas [Mrs. KASSEBAUM] because I do want to see the community service program go forward. But as the bill stands now, I think it is in need of fairly significant surgery along the lines outlined by the Washington Post and other observers, and I express my concern about the entire project being an essential Federal initiative when I think there is so much more that can and should be done on a State and local level without the heavy hands of the Federal Government stifling what could otherwise be a good idea.

EXHIBIT 1

[From the Washington Post, June 3, 1993]

NATIONAL DISSERVICE

Following up on his campaign promise to make college education affordable for "every American" while also reviving the nation's "commitment to community," President Clinton announced in New Orleans the details of his plan to combine national service and student financial aid. The major media, impressed by his wish to inspire "a new generation of Americans" to serve in hospitals, schools and shelters, generally embraced the plan.

Let's not rush into this, however. Clinton is not proposing national service in a vacuum. By linking two problems—student financial aid and the need for national service—Clinton has produced a plan that has problems of inequity, a narrow base and, most likely, inadequate resources to pay for it. The president and the media do a disservice to millions of strapped parents and students if they perpetuate the false hope the national service will be like the Homestead Act and the postwar GI Bill—both of which affected the lives of millions, and both of which Clinton invoked in his speech.

While there are provisions in the Clinton plan for service work by the very young and by adults, its core would be college-age students, paid the minimum wage while in service, of which the feds would pick up 85 percent, or $6,290, a year, plus health benefits. For each year's service, the student would also earn up to an additional $5,000 to be applied by the government toward a year of college or other advanced study. Students could serve for up to two years. Thus the maximum price tag per student, spread over four years, would be $22,580, plus health benefits, all paid by taxpayers. The plan is to start the program with 25,000 enrollees in 1994. By 1997, some $3.4 billion would be needed to run the program and support 150,000 participants.

Step back for a moment and ask: How many young people could be helped under the present student aid system by that same $3.4 billion? In fiscal 1993, some 7 million were helped with college or other training costs by a congressional appropriation of $12.7 billion. The average guaranteed loan was just $2,800. The average Pell grant, which goes to the poorest students, was $1,450. Yet a youth taking full advantage of Clinton's service program would get on average $5,645 a year in federal support. Further, the wage payments for service and college credits are in effect grants, and not repaid, whereas the $12.7 billion spent on student aid leverages $27 billion going to students, of which some $19 billion is loans to be repaid. Any strapped parent or prospective college-goer can do the math: The national service kids will have a better deal—by nearly 2 to 1 or better—than ordinary students receiving federal aid.

Clinton ties his service plan to financial aid in another awkward way. He has claimed he can save $4.3 billion by overhauling student aid and says this saving would help offset the corresponding $7.2 billion four-years start-up cost of national service. As many have noted, such large savings may not materialize, putting the experiment with national service at risk.

It seems inevitable that the service initiative will complete with regular student aid, which does stand a chance of making college affordable to "every" American. Members of Congress may not see the fairness of voting up to $22,580 for one service student when that amount could help so many more through direct aid.

So the service kids will be a privileged few—and not just because they get a better financial deal. Clinton has insisted that students should be allowed to serve regardless of financial need. Right now, virtually all federal post-secondary aid goes to those in financial need.

It will be hard to explain why taxpayers should grant $5,645 a year to induce a suburban youth to work in the inner city when that same amount could help several others who, perhaps having seen enough of the inner city, want to get out via college.

National service will be a great federal experiment on a small scale. But its supporters should stop claiming that it will help "every American" put college within reach. If all 7 million students who get federal aid in 1993 enrolled in national service in Clinton's maximum terms, taxpayers would shell out an astonishing $158 billion to pay for them. Deficit increases like that aren't going to revive the national spirit.

The present, flawed, federal student aid system needs overhaul, and Clinton is proposing legislation to do this. But the United States already enrolls 14 million in some form of college, including 51 percent of all college-age youth—almost twice the fraction our competitors do. Packing "every" American into college is a less important goal than inducing all post-secondary institutions to do better at teaching the students they have, while capping rising costs.

Meanwhile, Clinton should not make his costly service program hostage to student aid reform. Service needs another political and financial base.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, although I do not agree with necessarily all of what the Senator from Utah has said, let me thank him for his remarks on the floor of the Senate.

I do believe that his concerns, or his warning about the dangers of centralization and bureaucratization of any kind of program represents the best of a conservative critique of policy—one which, by the way, I find quite persuasive and one which I think really we tried to avoid in this National Community Service Act. But I think it is right on the mark. If I was to draw from testimony in Minnesota, I would say to the Senator from Utah, at a hearing I held, over and over again, whether it be high school students, whether it be teachers, whether it be community people from around the State, they made the same argument.

They had the same concerns, and they insisted that this not be topped down, this not be centralized; that the priorities get defined by community people; that it be decentralized in the administration of it. I think you are right on the mark in raising the set of concerns that you have raised.

The other point that I want to make, Mr. President, by way of introduction—these are not well-rehearsed or particularly well-polished remarks—is that I think those of us—the distinguished Presiding Officer, Senator MIKULSKI from Maryland, Senator KASSEBAUM—are committed to national community service not as a substitute for the Pell Grant Program, work-study programs, low-interest loan programs or all the rest, but rather in addition to. I do not think that can be the tradeoff.

We held a hearing in April in Minnesota, and we heard from people all across the State and, for that matter, all across the country. I have to—not have to but want to thank Peter Edelman who came out and testified at that hearing.

We heard from teachers; we heard from students; we heard from administrators; we heard from parents; and we heard from local and national policymakers. We heard from people like Mr. James Kielsmeier—whom you know so well, Mr. President—director of the National Youth Leadership Council, who has done so much work in this area. We learned from Kenneth Bailey, roads scholar, that is r-o-a-d-s, roads scholar for the Campus Outreach Opportunity League [COOL]. We learned from all sorts of different people who were involved.

The theme I heard over and over and over again was: Let the priorities be defined by people in the community. The theme I heard over and over again was: As students are moving on to higher education, this could be a marriage. We could combine, on the one hand, the real need that we have to be able to finance our higher education—I look at the pages here and I am sure that is something they think about—and at the same time, our yearning for community service. I think that is the marriage that is represented in this National Community Service Program.

Let me also say—and again this is a strong interest of yours, Mr. President, and a strong commitment and I really thank you for your leadership on this issue—service learning is an integral part of this bill. I think that is oh so important.

If I can brag, and I promise since it is late in the day not to brag for more than about 2 minutes, the State of Minnesota, I think, has really been a leader when it comes to service learning. We have 100,000 young people involved in service learning. When I travel around the State and talk with students in schools, which is about once every 3 weeks, I thrill with what the students are doing in service learning. This is K–12. Whether it be high school students working with elementary school students; whether it be high school students working in senior centers; whether it be high school students working with people with disabilities; whether it be high school students who are studying the pollution of a river, it combines both the service and the reflection on the service and then the learning that takes place.

I think national community service is a winning idea, and I think it can inspire this Nation. I am very pleased to be a cosponsor of this legislation.

I would like to thank, because sometimes we forget to do this, Sherry Ettleson, a staff person who works with me on education issues. I feel really good that we were able to, if you will, help shape this in a couple of different ways.

First, the legislation includes provisions that encourage teacher training and service learning and encourages educational reform through service learning. I think that is important. That was a piece that we worked hard on with others.

Second of all, we include community action programs and agencies that can apply under this program for part of the funding when we are talking about the work that volunteers do. I think that is vitally important because I think those community action programs in our country have really perhaps been, more so than any other kind of programs, programs that have been out there in the communities working with low- and moderate-income people.

Third, this legislation enables the Departments of the Interior and Agriculture to establish the Public Lands Corps. I tell you, Congressman VENTO, from the fourth congressional district in Minnesota, is happy about that. I think to talk about a conservation program, an environmental program as a part of national community service is right on the mark.

Fourth, the legislation requires the Corporation to conduct—this gets at part of what the Senator from Utah was saying—an independent evaluation of the overall program and the program on a State-by-State basis to make sure that we have diversity of participants so that this does not become an elite corps, and to make sure we know what works, what does not work and we evaluate that and improve on that as it starts out.

Fifth, the legislation requires both the Corporation and the State commissions to have at least one youth representative between the ages of 16 and 25.

And finally, the legislation enables State commissions and the Corporations to include representatives of Indian tribes, at-risk youths and representatives of groups serving the economically disadvantaged.

All of us had a part, but if I had to point to some concrete work, which really Sherry Ettleson did, I am really pleased to work with other offices and, if you will, leave this imprint.

A final point. Mr. President, this is just the beginning. I think what we do is we start out with an idea that connects with people in the country. We try to then work hard on a piece of legislation. We try to get it going, and it becomes a model. We should not say to the people in this country that this is going to be a way that people are going to be able to finance higher education, whether it be young people or students who are going back to school, but it is a very important beginning.

The concern that I have had—and we have talked about that, I will say this to you, Mr. President—is I do not want this program in any way, shape or form to get played off against, for example, work-study programs on campus or, for example, matching grant programs for low-income students which is Federal money combined with State money. I certainly do not want to see it detract from the Pell Grant Program.

I have talked with the administration about this, and I feel like they have made a commitment. I believe that Senator HARKIN of the Health and Human Services Appropriations Subcommittee has made a commitment to make sure we do everything possible to keep those funding levels up to the prior level. For my part there would be much, much more. I feel good now there is going to be an effort to make sure we do not have this playing off.

With the permission of my colleagues, I wonder whether I can ask unanimous consent for 2 minutes, and only 2 minutes, for morning business to make a final statement. I ask unanimous consent to go into morning business for the purpose of making one final statement today.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GAYS IN THE MILITARY

Mr. WELLSTONE. Mr. President, I just felt maybe there has been discussion on the floor of the Senate about this today, but to my knowledge, there has not been. I would like to rise to express my anger, though it is a quiet anger, and my disappointment and my regret about the policy on gays in the military that President Clinton announced yesterday.

I am disappointed and I am angry because I believe this policy reduces a particular group of Americans to categories, to stereotypes and relegates them to lesser treatment before the law. I am disappointed because I believe this policy diminishes us all.

I know the President was under fierce cross-pressures. I do not point the finger at anyone. I know those pressures came from the military. I know those pressures probably came from the Secretary of Defense. I know those pressures came from powerful Senators and Representatives. But, Mr. President, I believe that the policy of banning gay and lesbian persons from the military is wrong and I believe it should have been overturned.

I believe that the don't ask, don't tell policy, and all the fine distinctions that are supposed to be made, represent nothing but window dressing on a policy which fails to provide for equal protection under the law for all American citizens. I believe this was an issue of discrimination. I think it was an issue of basic civil rights for all of our citizens. I believe it was a matter of principle, and I do not think you can split the difference on a matter of principle.

So, Mr. President, I just wanted to have an opportunity to say that on the floor. I hope there will not be any effort to take what is an administrative decision into actually passing a law or codifying something. If that happens, I certainly will be out here on the floor, and I will have much to say about that. Perhaps tomorrow in morning business when there is more time I would like to build on these thoughts.

But I wanted to make sure that I spoke today on the floor of the Senate about something I feel very strongly.

I thank my colleagues for their patience.

## NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued consideration of the bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

I rise with enthusiasm and unabashed support for the legislation pending before the Senate on national service. I think that the passage of the national service legislation adds one more rung on the ladder of historic opportunity structure that the people of the United States of America have ingeniously created to provide access to the American dream. Each generation has sought ways to provide access to the American dream, which meant the ability to pursue higher education, to own a home, or to have a job better than your parents.

It has been the ingenuity of the United States of America over the years to come up with a whole set of social inventions that said to American citizens, through your own sweat equity you can help yourself be able to move up in American society.

It was the United States of America that invented the concept of night school. Ordinary people streaming from Eastern and Central Europe at the turn of the century finding themselves working in sweatshops or other factories. They could not go to school.

My own great-grandmother was one of those women who came to the United States of America with no guarantees but willing to pursue opportunities. And through the ingenuity of the people who ran the settlement houses they came up with the concept called the night school idea, that even though you worked in a sweatshop, even though you worked in a coal mine, even though you did two shifts, one in a factory and one caring for your own home, you could put in a third shift and go to night school to learn about the American dream. What a great idea.

Another opportunity structure came after the end of World War II, when we wanted to salute the brave people who had fought in the United States military to save western civilization, and they fought to do that one foxhole at a time. A greatful Nation said we just do not want to give parades. What do you do when the ticker tape fades? We want to provide an opportunity structure. You lost time. You lost time with your family and time to pursue that dream. They came up with the GI bill of rights. And it empowered thousands and thousands and thousands of Americans to be able to pursue higher education or to have access to home ownership.

We said, though, we are now finding that the cost of higher education is skyrocketing. We need to have a new idea where many kids do not go away for the first 2 years of their education, and we invented a whole new framework for higher education called the community college in which people could either go for an associate of arts degree in a specific field, a technical field, and terminate their education there or go on to higher education.

Generation after generation says to America, we are going to use our creative and executive ability to come up with rungs on an opportunity structure.

And now today, pending in the Senate, is one more important rung that says to young people in the United States of America, we know that you are facing the biggest mortgage of your life called your student loan debt. You are facing a deficit in order to be able to pay for your student loan. But we are also running a volunteer deficit in the United States of America where in many programs the average age of volunteers is now in the fifties and sixties. Now, why not combine two important national goals, helping people to help themselves reduce their student debt but in that process also be able to participate in their community?

That is what national service is all about. It says for every right there is a responsibility, that we are going to provide an opportunity but there is going to be an obligation. But it will be a sweat obligation in which someone will in their participation in the community learn the habits of the heart de Tocqueville talked about. And what were the habits of the heart de Tocqueville talked about? It was the essence of neighbor helping neighbor.

Well, some people have gotten away from that, and this is one of the ways to bring them back.

I also believe that long after the educational benefit phase is over, young men and women will have been touched so much by their volunteer efforts that they will keep on volunteering in any capacity they serve, and that the benefits of this program will go on long after the educational benefit is gone. In my own life, I was deeply touched by the volunteer efforts in which I participated.

Mr. President, I have a masters degree in social work from the University of Maryland, a speciality in community organization and social strategy, and a degree that helps people organize for self-help.

In my own work as a social worker, I was paid to help others. For instance, on my own time, I went into the Baltimore City Jail to work with women who were going to be released from jail. But, they had no social workers. And Mr. President every Monday night while working in conjunction with the Catholic Church in the community, I met with a group of women who had no home, no job, no education, and no hope. One night a week I worked with these women who linked up with the Catholic Church and the Associated Catholic Charities.

So, there I was, Mr. President, listening to real women with real problems who did not want to go back to the streets doing and dealing drugs. I learned a lot from those women. I learned a lot about life. I learned a lot about compassion. And I learned a lot about the ability to help others.

I also worked in my own church and in an African-American church with other members of the church community to establish a credit union. We wanted to empower ourselves because in the 1960's Baltimore was a segregated town and African-Americans did not have access to credit. So, we banded together to empower ourselves—to get neighbor to help neighbor.

Those experiences shape me, they shaped me tremendously, and I truly believe that when young men and women are involved in our communities they will be shaped by those experiences, too. Young people face a tremendous challenge in reaching for the American dream as they try to pay off their student debt or struggle to prepare themselves for a competitive job market. They often do not have time to look outside themselves and lend a hand to others.

Mr. President, when we look at this legislation and how it accomplishes those national objectives, I think we need to be aware of the many penny-pinchers who erroneously see this bill as a spending bill rather than a cost savings bill.

We are talking about a $300 million appropriation this year.

This bill authorizes $394 million in the first year and such sums as necessary in subsequent years. But look at the benefits our community will get. In my own community of Baltimore and in other parts of my State, national service volunteers are working on building homes for Habitat for the Humanities, they are working side by side with the people from the community, they are creating housing that is not a Government program or a Government subsidy, but helps people empower themselves. In the long run the result will be cost savings.

There are other volunteers who are working in the field of literacy training, not only literacy training for children but, Mr. President, literacy training for adults.

Mr. President, for all those who doubt the effectiveness of this bill, I invite you to come with me to something called the Learning Bank in Baltimore run by Sisters of Mercy and listen as young people from Loyola College work to tutor adults, and listen to people who have lived in homeless shelters who have learned to read and now going on to find jobs. Certainly a little help for college students working with Sister Judith will empower people and ultimately result in a cost savings.

Mr. President, this legislation can meet unmet needs. Right now, Meals on Wheels, one of the most important tools to enable senior citizens to stay in their own homes, does not deliver Meals on Wheels on weekends. But we could fix that. These young people could provide that type of service, particularly in rural communities where people have very few resources.

These programs could be used as tools to be able to prevent the institutionalization of people in nursing homes. We could look at program after program to show what those benefits would mean.

This program has a full-time component to it to accommodate someone who has more time to serve or and give a year of service to VISTA or in other programs.

However, Mr. President, I am the architect of the part-time component. I know that many people cannot go away and some people do not want to go away. But they want to be able to serve. Our young men and women who are graduating in the technical fields of electrical engineering, environmental engineering, and space science, and cannot go away for a year in the Peace Corps or VISTA. They have to go right into their field.

But under the part-time model, they could work in their own communities, doing things that no one else is doing. They could be in public housing projects, working with young kids to run science fairs, getting these young people involved in math and in science, and helping them stay in school. They could be running Saturday scholar programs for the gifted and talented. They could be mentoring people, young men and women who have no parents, or only one single parent to help.

This part-time model could be transformational for the people who give and for the people who benefit, because the people who benefit will then become the people who give.

Part-time service gives young people the opportunity to pay for their education while they continue with their lives. Part-time service offers a choice for those people who want to stay in their own communities.

Mr. President, this bill offers an opportunity and an obligation. This bill helps people achieve their aspirations, but asks them to put a little perspiration back into their own communities, using their skills and talents in working with successful, proven programs.

Mr. President, this is not another social program. It is not a big, new Federal spending program. There is no room in the budget for that or in Washington for a bloated bureaucracy. It is meant to be lean, and it is meant to be efficient. It builds on the National Community Service Program that this Congress passed 3 years ago. At that time, we set up a pilot project for national service and experimented with six national service models. Guess what it proved? That it is working; that national service does improve the community; that it can be done with minimum bureaucracy; that we do not have to create a whole new class of grant junkies; that we can reinvent government; that we can reinvent opportunity. And we can rejuvenate the United States of America.

Mr. President, I think this legislation is very important. It will lead millions of Americans to service, to better citizenship. It will lead them back to the basics of American values, and I believe it is the type of legislation that will take America into the 21st century.

We are only 7 years from the year 2000. A new century is coming. A new millennium is on its way, and certainly we want the young men and women of the United States of America to continue to have access to the American dream.

Mr. SARBANES. Mr. President, I want to commend my very distinguished and able colleague for her very powerful statement on behalf of this legislation, which I strongly support.

But I want to say that my colleague from Maryland knows this issue very well. She has played a very strong leadership role in developing this concept from the very beginning. She has brought to it her own very intimate knowledge of conditions on the street, if I may put it that way.

I do not think there is any Member of the Senate who knows better than my colleague from Maryland exactly the benefits that will result from this program. She has mentioned her own background in social work. Well beyond that, it has been her experience at the local level, both in the community as a very strong participant and in local government, and she has a full appreciation of what can be done with this program, the opportunities which it offers to many people to participate constructively in helping to build a better society, and those who will be the beneficiaries in getting services that would otherwise be absent or not available.

I know how long she has worked on this issue, and how close she has been to it; the commitment, now numbering a number of years, which has shaped this concept, and now brings it to the floor of the U.S. Senate.

I think the statement she has just made on behalf of the legislation is as powerful a statement as we will hear in this body on this issue, or indeed on any issue.

I am very pleased to join in supporting this legislation. I do commend the Senator for the critical—absolutely critical—role which she has played in bringing us to this point.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I too want to join my colleague in commending our colleague, not only on her birthday today, but really in a very wonderful way on the——

Mr. SARBANES. Will the Senator yield for just a moment? I want to wish here a happy birthday.

Mr. KENNEDY. I was just about to do that.

Mr. SARBANES. I, too, want to wish her a happy birthday.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate as a whole wish the Senator from Maryland [Ms. MIKULSKI] a happy birthday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I think we have just witnessed a great scene of happiness and joy in extending best birthday wishes to our friend and colleague from Maryland.

As Senator SARBANES has said, and all of us understand, as we address this issue of voluntarism and national service, I think all of us in this body—and certainly the people whose lives have been touched by the leadership of the Senator from Maryland [Ms. MIKULSKI]—know what a difference she has made in the fashioning and the shaping of our national and community service legislation of 4 years ago, and now with this legislation that is before us.

She has been there in the early days, in the workings of the legislation, in the late hours of conferencing and struggling to find the funding and the financing for this program. She is tireless in meeting with the various groups from her own State, and those that are involved in leadership for voluntary service programs across this country.

I think, certainly—I speak as the chairman of the Human Resources Committee, but most importantly, as a friend—that all of us want to commend and congratulate her for all of the efforts that she has made as we are beginning to debate this issue.

We still have a way to go to see its achievement and accomplishment, and we will still have a long way to go in terms of its full implementation and benefit. But, nonetheless, at this point in the debate, I sincerely congratulate the Senator for all the things she has done in this legislation, and in so many other areas of public policy, as well.

Mr. President, I want to express my appreciation to my ranking minority member, Senator KASSEBAUM, for her cooperation and attention to this public policy issue.

Senator KASSEBAUM, as all of us know, is a thoughtful and deliberate individual who studies legislation closely and carefully, and asks questions in a constructive way that brings new awareness and understanding to legislation which is introduced. She has been enormously constructive in the development of this legislation. She still has, I know, her own concerns that were expressed earlier this evening and will express during the consideration of her amendment tomorrow. But I want to, as chairman of the committee, thank her for her willingness to address this issue, as well as many others that are before us, with the kind of attention to policy detail, and the energy and the intelligence that she brings, to see that this national service program is done right, and her attention to so many other areas of concern of families in America. I thank her for all of her cooperation today. We certainly would not be here at this point, in terms of permitting the Senate to address this issue, without her cooperation and certainly her understanding.

This legislation, in a very real way, is a bipartisan effort. I think we remember very well the call to arms on voluntarism by President Bush a few years ago, his interest in the development of voluntarism, his Points of Light Foundation, and his attention to voluntarism during the course of his administration. And we are very much aware that the issue of voluntarism and service to the country reaches back to the origins of our Nation, really even before that. It has been something that has been supported by different political parties and different political leaders, and I would like to believe—and I know those most involved in this program do believe, Republicans and Democrats—that we are going to make every effort to try and ensure that this proposal reaches the young and old alike, and strikes in the hearts and souls and minds of young and old Americans a responsive chord to give something back to America in return for all that America has given to us.

This belongs to no political party. It so happens that we have perhaps more Democrats that are supporting the legislation. But if we look back over 4 years ago, we have had strong, strong bipartisan support, overwhelming support in the U.S. Senate. It is certainly the intention of all of us on the committee to try and broaden that support as we move through the legislative process here, the conference committee, and into the future, because I think all of us understand that the concept of voluntarism is going to be with us as long as this Nation exists.

We welcomed the opportunity to have Senator JEFFORDS, Senator DURENBERGER, Senator CHAFEE, and Senator SPECTER in the early introduction of the legislation and also to have the support of Senator COATS and Senator GREGG in reporting out the legislation from our committee. We are going to make every effort to try and be as inclusive as we possibly can with this legislation.

Mr. President, I am going to include in the RECORD a complete explanation of the legislation, but let me just mention two themes very briefly. That is, when this country, I believe, has been at its best, it has challenged the young people, and they have been very much involved in the shaping of the direction of our Nation and public policy.

I speak from my own experience, as one who was involved in politics through the late 1950's and elective office in the 1960's. And I can remember many young people, including students from my own State of Massachusetts, many of whom were not residents but were involved in the sit-ins at the lunch counters, the real awakening of the civil rights movement, supporters of Dr. King, and how they really struck the conscience of the Nation.

So many young people did not realize the extent and the length and the breadth and the scope of discrimination in our country. Young people were involved in those early programs. I can remember, as well, three young people—Schwerner, Cheney, and Goodman—who were individuals who gave their lives in the civil rights movement in the early parts of the 1960's.

Young people marched with Dr. King, and it was young people who were here at the time of Dr. King's great speech at the Lincoln Memorial. It was the young people who went all through the offices of Congress and the Senate and talked about realizing the real promise of America that was enshrined in the Declaration of Independence, certainly more so than in the Constitution of the United States. That was something that certainly President Lincoln recognized in his Gettysburg Address.

And then young people made a difference. We saw action taken in the Congress with the 1964 act, the 1965 act, 1967 and 1968 Civil Rights Acts that dealt with voting rights and public accommodation and housing and other issues. It was the young people in the late 1960's, in the Democrat and Republican Parties alike, who turned this country back from our engagement in war in Southeast Asia. They were repulsed by it, but they went back and turned their parents around.

Republicans and Democrats were involved in primaries in the Democratic Party, and they were involved as well in the Republican Party. The nomination went to a Democrat who was committed to ending the war, and a Republican who said he had a plan to end the war. But they really changed the direction of the Nation.

It was at the same time that young people were beginning to involve themselves in legal services programs, to bring the Constitution of the United States to many individuals who did not know about the 5th amendment and the 14th amendment, let alone the 1st amendment. They were young people that were involving themselves in the development of neighborhood health centers—Columbia Point in Massachusetts and Mt. Bayou in Mississippi.

It was young people again in the early 1970's that really awakened the Nation to the importance of preserving the air and water that we breathe and began to really ask important questions about toxic substances and pesticides and insecticides. On another issue, it was young people who cautioned about the proliferation of nuclear weapons around the world.

In all of these areas, it was young people that involved themselves in the National Health Service Corps to go to underserved areas.

I do not take the time of the Senate to talk about all those cases of young people involved in VISTA, or the old people involved in the Older Americans Volunteer Program, or the Grey Panthers, or other ACTION programs. Nonetheless, when we saw important and dramatic change, young people were very much involved in it.

Now, with the leadership of President Clinton, we are attempting to offer the opportunity of voluntarism, from the earliest of grades, into the program in the schools we call Serve America and to reach out to young people who may have dropped out of school and are looking for a second opportunity to involve themselves in community service, to challenge young people who are in school to engage in community service, and then with the direct loan program and contingency repayment, to challenge young people to work in underserved areas, and to have their loans repaid as a percent of income, and to continue the programs that permit many of our seniors to involve themselves in voluntary programs.

Basically, what we are trying to do is to open paths and avenues for Americans, from kindergarten through their golden years, to give something back. We have fashioned and shaped a legislative proposal that attempts to do so.

This legislation asks Americans to work together to improve their communities, and in turn inspire others to join them. These acts of service will touch the lives of all Americans, demonstrating how each must assume the responsibilities that American citizenship demands.

For those of us who doubt that Americans will seize this initiative and become more involved in community service—for those who doubt what service can do—for those who believe that national service benefits only participants, I ask that they look at how service programs at this very moment are contributing their efforts or their talents in protecting the Midwest areas threatened by flooding, and how service is helping to deal with the devastation of the flood.

In Iowa, the Iowa Conservation Corps is placing sandbags along the Mississippi, Raccoon, and Des Moines Rivers. Corps members will be shuttling drinking water to shut-ins and the elderly, and delivering FEMA pumps to low-income areas so residents can survive. One hundred and fifty young persons will be staffing emergency shelters and medical stations for those with flooded or destroyed homes. And scores of teenagers lined up at daybreak yesterday outside the JTPA office in Davenport, IA, for a chance to offer their services to assist in flood relief corps.

In Illinois, the Youth Volunteer Corps in the Quad Cities area made 400 calls and enlisted 75 teenagers in less than 24 hours. They provided sandbags for communities along the Mississippi as the river crested.

The Kansas City, MO, chapter of the Youth Volunteer Corps is working with the Salvation Army to remove the wreckage and assist in relocating residents left homeless by the flooding.

In Kansas, the Kickapoo Tribal Nation Corps is working to ease the flooding in the eastern part of the State. And the Youth Volunteer Corps in Omaha, NE, has provided food to relocated Nebraskans during the flood.

In Wisconsin, the Wisconsin Conservation Corps has two crews working in Black River Falls, cleaning out flooded basements and removing damaged plaster in homes. Corps members along the Wisconsin Fox River are working long hours placing sandbags to prevent the rising river from overflowing its banks. Almost 33 crews with over 200 corps members worked daily for 2 weeks in 12–14 hour shifts in Baraboo, WI, fighting a flash flood caused by 7 inches of torrential rain which fell in 3 hours.

These heroic disaster relief efforts are nothing new for youth service corps. Families in South Carolina whose homes were devastated by Hurricane Hugo understood the value of these efforts when they worked with members of conservation corps from Montgomery County, MD, Atlanta, GA, and McKeesport, PA.

Rangers in Yellowstone Park were impressed by the strenuous work achieved by conservation corps from 14 States after the devastating fire in the summer of 1988.

San Francisco residents saw how effectively the California Conservation Corps and the local corps in San Francisco and Oakland East Bay helped rebuild the area after the 1989 earthquake.

But we do not need natural disasters like these to catalyze Americans into responding by helping others.

Across the world, many nations in this decade are witnessing a historic new commitment to democracy. In unprecedented numbers, Latin Americans, Eastern Europeans, and citizens of the former Soviet Republics are creating a new order and calling for real participation by the people in the institutions of their new governments.

While brave citizens in oppressed nations risk their lives for the right to self-government, large numbers of Americans fail to vote and continue to feel disconnected and disaffected from their communities. They have forgotten that democracy means not only the right to pursue their own self-interest, but the responsibility to participate in the life of the Nation in return.

A generation ago, during the cold war, Americans lived in the deepening shadow of the nuclear arms race. In an effort to involve the American people in helping to build his New Frontier and to promote world peace and international understanding, President Kennedy called on all Americans to ask what they could do for their country. Americans responded by the millions, and today, the Peace Corps bears witness to the enduring appeal of that ideal.

Today, the cold war has ended, but the challenges we face at home are as monumental as those we have faced at any time in our recent history. Crime plagues our streets and neighborhoods. Drug abuse is a national scandal. America has unprecedented numbers of homeless families. One in five children grows up in poverty. Twenty-three million Americans are too illiterate to read the headlines of a daily newspaper. We have failed to preserve our natural resources of clean air and water, and our national forests are at risk through exploitation and pollution.

We cannot meet these challenges without greater participation by citizens themselves. It is time to rekindle the sense of community service and commitment to others. The National and Community Service Trust Act of 1993 is an attempt to lay the groundwork for this task and to provide more effective national leadership and support in our common effort to reach these goals.

This legislation will achieve many purposes:

It will enable our Nation to respond to unmet needs with a new array of citizens ready to combat drug abuse, homelessness and hunger, protect our forests, parks, and streams, improve their schools and child care centers, and assist elderly and disabled members of their communities.

It will remind all Americans of the responsibilities of citizenship, by starting service programs in the earliest grades.

It will benefit those who participate in service programs as well, by expanding access to higher education and job training for those who would not otherwise have these opportunities.

It will teach young people about the needs of their community. By teaching them to help others, we will also be teaching them that they can help themselves.

The service-learning portions of the bill will encourage educational reform in elementary and secondary schools. There is no better way to inspire a child's interest in science than by analyzing and cleaning up a polluted stream. There is no better way to help teenagers improve their reading skills than by helping a first grader learn to read.

This legislation is vitally needed. It is strongly supported by President Clinton, and it builds upon our highly successful National and Community Service Act of 1990, which was enacted with the strong bipartisan support of 75 Senators. The 1990 bill has already helped to create a nationwide infrastructure of well-run State and local service efforts. This new legislation relies upon this strong foundation of existing programs.

As I stated previously, this measure should be as bipartisan and successful as the 1990 act. Community service has been one of President Clinton's most widely supported ideas, and it appeals to conservatives and liberals alike.

In the Senate, this broad support was reflected in the Labor and Human Resources Committee, which approved the legislation by a bipartisan vote of 14–3. All 10 Democrats on the Labor Committee and a majority of the 7 Republicans voted for the bill. We have worked closely with other Senators as well. Senators WOFFORD, NUNN, BOREN, DURENBERGER, JEFFORDS, SPECTER, and CHAFEE have all been especially helpful in developing the bill, and they deserve great credit for their skillful work and their strong commitment. The legislation is bipartisan for a reason—because it responds to ideas that are universal and that transcend partisan and political boundaries—ideas such as community, patriotism, responsibility, citizenship, and opportunity.

Through this legislation, we hope that nationwide, every State will make available the array of opportunities available in many States today. In Massachusetts, young people may serve for a year after high school through the City Year Program in Boston. In return, they earn a $5,000 scholarship. Pupils in the Springfield public schools begin a school-based community service program in kindergarten and continue through high school.

Organizations like the Thomas Jefferson Forum, Youth Outreach Weekends, Boston Community Schools, the JFK Library Corps, the Student Volunteer Resource Center, and Teens as Community Resources help young people volunteer outside the school setting.

Boston Partners in Education and Hand in Hand enable adult volunteers to assist schools and youth-serving agencies. Tufts University, Boston University, the University of Massachusetts, and other colleges and universities in the State encourage their students to serve in the surrounding communities.

Often, when I visit community agencies in Boston, I find former VISTA volunteers running these agencies, continuing to commit themselves to helping others through their service.

Through these programs, more than 10,000 Massachusetts young people are involved in service. They join the many VISTA volunteers and Older American Program volunteers serving in the State, and the countless other adults who serve through nongovernmental programs.

In recent years, I have had the opportunity to visit so many of these Massachusetts programs. I have seen the difference that a kindergarten pupil can make in the life of a lonely senior citizen. I have found third-grade classes excited by the opportunity to collect food for the homeless in their neighborhoods. I talked to a fifth-grader who helped create a conservation center and learned some basic science at the same time. In ways like these, even the youngest students can reap the benefit of serving others and helping in their communities. Once they make that commitment, they will keep it all their lives.

The National and Community Service Trust Act will create opportunities for many kinds of service from our youngest citizens to the oldest. Title I of the bill provides funding for States, localities, nonprofit organizations, and Federal agencies to establish a wide array of national and community service programs for Americans of all ages.

Title I reauthorizes the Serve America Program, which has been funded since 1990 by the Commission on National and Community Service. It provides $45 million to fund part-time service learning programs for young citizens through their schools and through community organizations like the YMCA or United Way.

Service-learning participants are not paid, but they participate in community service programs that combine service with education. Such service is vitally needed, and studies have shown that students learn subjects better through this interactive mode of learning. Serve America's goal is to make such programs available to every student in America, from kindergarten to college, and to instill the habit of lifelong service.

Title I also offers specific opportunities for senior citizens by reauthorizing the Older American Volunteer Programs currently administered by the ACTION Agency. These programs are an extraordinarily effective and low-cost method of enabling senior citizens to become involved in community activities, such as assisting other elderly Americans or caring for foster children.

The legislation also recognizes that many citizens, having experienced service and recognizing its importance, will want to make a more substantial commitment to the country. To expand the number of full-time and part-time service opportunities, the bill authorizes $389 million in fiscal year 1994 to support national service programs with post-service educational awards. During this service, Americans will clean up the environment, respond to hunger, homelessness, disease, and poverty, tutor the illiterate, and meet other pressing needs.

In the Labor and Human Resources Committee hearings, many of the youth in these programs told us their service was the first time in their lives that they have felt they had something to contribute to their communities. For many, their experience is a turning point in their lives that can make the difference between lifelong employment and chronic welfare dependency.

These service opportunities will reward participants through a $5,000 postservice award. This award can be used for past, current, or future higher education, vocational education or training programs, and part-time or full-time study.

As part of the full-time national service effort, the bill reauthorizes the VISTA Program, which has proven its ability to address the needs of low-income communities for over 20 years. VISTA volunteers have demonstrated their commitment and effectiveness in improving literacy, promoting economic development, and providing other vitally needed services in communities nationwide.

The cost of providing full-time and part-time national service is modest compared to the value of the work done. Studies demonstrate that the work performed by youth corps is worth nearly $2 for every $1 spent. Where corps have provided disaster relief, such as flood relief, the work done is worth almost $3 for every $1 spent.

Such calculations do not include the equally important, but difficult to quantify, benefits which accrue to service participants through enhanced job skills, leadership skills, and self-confidence; lifelong commitment to community service; and increased participation as active citizens.

The skills gained can often enhance future Government revenue by helping participants to obtain paid jobs, or by reducing Government expenditures on social service and criminal justice for those who fall through the cracks of the educational system.

The program is not an entitlement. The bill specifies sums only for fiscal year 1994. In future years it will be funded only as fast as quality programs develop.

In 1994, 25,000 Americans of all ages will participate in the full-time and part-time national service positions with postservice educational benefits.

Title II establishes the structure to administer these service efforts. The bill folds the two existing organizations now responsible for the bulk of domestic national service efforts—ACTION and the Commission for National and Community Service—into a leaner, integrated organization called the Corporation for National and Community Service. This merger will occur over a 12- to 18-month period to ensure that it is well executed and achieves maximum efficiency.

The Corporation will be nonpartisan and entrepreneurial, with a bipartisan citizen board of directors. Its employees will not be under a civil service system, but will be covered by a more flexible merit-based personnel system. The Corporation will be authorized to solicit and receive private donations to help fund its efforts.

As in the 1990 National and Community Service Act, responsibility is given to the States to determine which local initiatives to fund, to ensure that the initiatives are responsive to local community needs. These decisions will then be ratified by the Corporation. The competitive process of applying through State commissions will guarantee that high quality programs will be funded and create a challenge for programs across the country to devise the most effective and creative uses of one of the Nation's most valuable resources—the time and energy of participating citizens.

This process builds on what already exists. Since 1991, States have had State-lead agencies to administer the 1990 National and Community Service Act. To ensure the quality of such agencies, the bill clarifies what must be contained in each State commission. In some cases, the State-lead agencies will continue to qualify. In other cases, the State will be given assistance to set up a new State commission. In all cases, the State commissions' efforts will be coordinated with the State ACTION offices and will often be located in the same facility.

Individuals wishing to participate in the national service program will be able to obtain lists of programs that have received funding and then apply directly to these programs to be included.

Finally, title III of the act includes funding for President Bush's Points of Light Initiative Foundation. The purpose of the Foundation has been to encourage every American to volunteer, to identify successful community service projects, and to promote leaders in community service. The Points of Light Initiative Foundation will help us meet our goal of facilitating broader involvement in voluntary service.

This legislation will not restrict funding for student financial aid programs in any way. Nor will it require any person to serve in exchange for Federal benefits. It will not impose a new bureaucracy on States or localities. It is designed to work through existing agencies and programs. Most important, it will not require any State, locality, institution, or individual to participate.

It is time for all Americans to roll up their sleeves too, and do more to serve their communities and the Nation. It is time to turn away from the "me" decade of the 1980's, and make the 1990's the decade of helping others.

Recently, I met with the first volunteers ever to serve in the Peace Corps. I asked them, why did you do it? How did you come to be a part of this ambitious new program, with so many risks and so little compensation? Their answer was a simple one—"President Kennedy asked," they said. No one had ever asked them to get involved before.

This legislation asks—and I urge the Senate to approve it.

I ask unanimous consent to have printed in the RECORD an outline of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### OUTLINE OF LEGISLATION—NATIONAL AND COMMUNITY SERVICE TRUST ACT (S. 919)

The national service initiative is designed to tackle the nation's problems by mobilizing Americans of every background, and particularly young people, in service to our communities and country. The programs extends support for service from the youngest elementary students to our oldest citizens, and includes everything from part-time volunteer activities to full-time public service jobs. The centerpiece of the effort to support service is a new program to offer educational awards to Americans who make a substantial commitment to service. In addition to this program, which builds on the youth corps and demonstration programs of the National and Community Service Act of 1990, the National Service Trust Act includes:

Extension and improvement of programs in the National and Community Service Act of 1990 that enhance elementary and secondary education through community service in schools, support after-school and summer programs for school-age youth, and fund service programs on college campuses.

Support for the Civilian Community Corps, to provide service opportunities in areas adversely affected by defense cutbacks.

Support for the Points of Light Foundation, to support volunteerism.

Extension and improvement of VISTA and the Older American Volunteer Programs authorized by the Domestic Volunteer Service Act.

Acceleration of implementation for the Stafford Loan Forgiveness program.

### FOCUS OF SERVICE

National service must address unmet educational, environmental, human, or public safety needs. National priorities may be established within these areas.

National service must improve the life of the participants, through citizenship education and training.

Participants may not displace or duplicate the functions of existing workers.

### CORPORATION FOR NATIONAL SERVICE

#### *Structure*

The national service program will be administered by a government Corporation for National Service, created by combining two existing independent federal agencies, the Commission on National and Community Service and ACTION.

The corporation will be responsible for administering all programs authorized under the National and Community Service Act and Domestic Volunteer Service Act, including VISTA and the Older American Volunteer Programs. The Corporation will also fund training and technical assistance, service clearinghouses and other activities.

The Corporation will have authority to combine the functions of the two sets of programs in order to reduce bureaucracy, but will maintain the distinct operational features of the VISTA and Older American Volunteer programs.

Current ACTION employees who transfer into the Corporation will remain within the civil service system, but all other employees will be governed by a more flexible, merit-based, competitive personnel system exempt from certain civil service requirements.

In order to build private and non-government support, the Corporation may solicit and accept private funds.

#### *Governance*

The corporation will have a fifteen-member volunteer Board of Directors appointed by the President and confirmed by the Senate. It will be bipartisan, representing a broad range of viewpoints, and include persons experienced in national service and similar programs; experts in providing educational, environmental, human, or public safety service; and at least one representative each of local educators and community-based agencies. Board members will serve for a term of 3 years.

Ten Cabinet secretaries will serve as non-voting ex-officio members.

The Board will appoint a Chairperson and Vice Chairperson from among its membership.

The Board will review and approve the Corporation strategic plan, grantmaking decisions, regulations and policies, and evaluation plan. It will also review and advise the Corporation President concerning overall policies of the Corporation, receive and act on reports of the Inspector General, make recommendations regarding research, ensure the effective dissemination of information, and advise the President of the United States concerning service.

The President of the United States will appoint the President of the Corporation.

The President of the Corporation will have control over personnel, prepare the strategic plan, prepare grant decisions, make grants, prepare regulations and implement them, prepare an evaluation plan, establish measurable performance goals for programs, consult with agencies, suspend payments in certain instances, prepare the annual report, and submit to Congress such reports as are required.

#### *Oversight*

An Inspector General will oversee programs to guard against fraud and abuse.

Programs must arrange for independent audits and evaluations, and may also be required to participate in national or state evaluations.

The President will establish measurable performance goals for all programs.

### STATE COMMISSIONS

#### *Structure*

In order to receive a grant, each state must establish a commission on national service or comparable entity. The corporation will provide funding for the state commission on a sliding matching scale, declining from 85 percent in year one to no more than 50 percent in year 4.

With the approval of the Corporation, states may utilize alternative administrative entities, as long as they involve diverse participation in policymaking.

Commissions will have 7 to 25 members appointed by the governors on a bipartisan basis. There must be at least one youth representative, one representative of national service programs, one representative of school-based programs, one representative of older adults programs, one representative of local and state entities, and one representative of local labor organizations. Additional members may include representatives of community-based agencies, program participants, local educators, experts in service delivery, business, Indian tribes, groups serving economically disadvantaged individuals, out-of-school youth, and other volunteers. Board members will serve for a term of 3 years.

A representative of the corporation will sit on each commission as a voting member and act as liaison between the commission and the corporation.

State commissions will be responsible for states' strategic plans, state applications for funding, assistance providing health and child care, state recruiting and information systems, grant administration, and projects and training methods. State Commissions may not operate programs, though they may fund state agencies that do.

State commissions must allocate at least 60 percent of their funds to non-state entities.

### ALLOCATION OF FUNDS

States submitting plans approved by the Corporation will receive one-third of funds according to a population-based formula and one-third on a competitive basis.

One-third of funds will be allocated directly by the corporation. Programs eligible for priority consideration include federal programs, national nonprofit organizations operating multiple programs or competitive grant programs, national service initiatives in more than one state and meeting priority needs, proposals to replicate successful programs in more than one state, professional corps, and innovative national service programs. In cases of programs of comparable quality, there is a general priority for non-profit organizations. States may also receive certain of these funds.

### PROGRAMS

#### *Goals*

The Corporation will establish measurable goals regarding the impact of the service on the community and on participants. Programs will also develop their own goals particular to their situation.

#### *Eligibility*

Programs eligible for national service designation include diverse community corps, youth corps, specialized service programs focusing on a specific community need, individual placement programs, campus-based service programs, programs that train and place service-learning coordinators in school or team leaders in corps programs, intergenerational programs, national service entrepreneurship programs, professional corps, youthbuild programs, and Communities in Action Programs.

Programs may be run by non-profit organizations, institutions of higher education, local governments, school districts, states, or federal agencies.

Programs may not provide direct benefits to for-profit businesses, labor unions, or partisan political organizations, or use program assistance for religious activities.

#### *Selection*

Selection criteria include quality (based on criteria developed in consultation with experts in the field), innovation, sustainability, and replicability of programs.

Past experience and management skills of program leadership, extent of building on existing programs, and recruitment from communities served and their involvement in program design, leadership and operation will also be taken into account.

Programs serving communities of greatest need will receive special priority. These include communities designated as economically disadvantaged, environmentally distressed, adversely affected by reductions in defense spending, or experiencing a substantial reduction of population and having a high percentage of economically disadvantaged older adults. Fifty percent of assistance should be distributed to these areas, with a priority for recruitment from such areas.

#### *Funding*

All participants will receive educational awards.

To develop programs, one-year planning grants will be available. To support national service participants, three-year renewable grants will be available for program expansion or replication.

Administrative costs will be limited to five percent of all grants other than planning grants.

Programs must pay 15 percent of the stipend and health care benefits in cash and 25 percent of other program costs receiving federal support. The 25 percent match may be in cash or in kind from any source other than programs funded under the National and Community Service or Domestic Volunteer Service Acts.

Federal funds must supplement, not supplant, state and local dollars.

### PARTICIPANTS

#### *Eligibility*

Individuals may serve before, during, or after post-secondary education.

In general, participants may be age 17 or older. Youth corps participants may be age 16 or older.

Participants must be high school graduates or in most cases agree to achieve their GED.

### *Selection*

Participants will be recruited and selected on a nondiscriminatory basis and without regard to political affiliation by local programs designated by states or the federal government.

National and state recruitment system will help interested individuals locate placements in local programs. Information about available positions will be widely disseminated through high schools, colleges and other placement offices. Recruitment efforts must pay special attention to the needs of disadvantaged youths. A special leadership corps may be recruited, trained, and placed to assist in the development of new national service programs.

### *Terms of Service*

To earn an educational award, a participant may serve one year of full-time, two years of part-time service, or three years of part-time service in the case of students, in a program designated by a state or the federal government. An individual may serve up to two terms and earn up to two educational awards.

A term of service is 1700 hours. The Corporation has authority to develop provisions to offer smaller awards for shorter periods of service.

### *Educational Awards*

Educational awards of $5,000 will be provided for a term of service. Educational awards may be used to repay loans for higher education or to pay for higher education or training.

Educational awards will be federally funded and deposited into a national service trust on behalf of all participants accepted into the program. Organizations and individuals may donate funds to support national service participants in the donor's community.

Payments will be made directly to qualified post-secondary educational institutions, including two- and four-year colleges, training programs, and graduate or professional programs.

In the case of participants with outstanding loan obligations for qualified educational activities, awards will be paid directly to lenders.

Awards must be used within five years of completion of a term of service.

### *Stipends*

Programs will set stipends within program guidelines. However, federal support will be limited to a match of 85 percent of a minimum wage stipend equivalent to benefits received by VISTA volunteers. Programs may provide additional stipends up to twice this amount, with no federal match for the portion of the stipend in excess of the minimum wage benefit.

In the limited case of designated professional corps in areas of great need, such as teaching and public safety in underserved areas, participants may be paid a salary in excess of guidelines and receive an educational award. However, no federal support will be available for a stipend, and professional corps will be selected on a case-by-case basis directly by the Corporation.

### *Health and Child Care*

All participants without access to health insurance will receive health coverage. Federal dollars will pay up to 85 percent of the cost of these benefits.

Participants will receive child care assistance, if needed.

## SERVE-AMERICA

The proposal extends and expands the existing Serve-America program for school-age youth and Higher Education Innovative Projects for Community Service. Modifications to these programs are described below.

### SERVICE-LEARNING PROGRAM

### *Program Goals*

To build a foundation for service among the nation's youth, inspiring them to serve and instilling in them the values and attitude to serve effectively after graduation.

To create opportunities for all American children to serve our country.

### *Types of Programs*

Programs may be partnerships of local education agencies and community-based organizations.

Local educational agencies may receive planning grants to hire service-learning coordinators.

### *Types of Funding*

School-based programs will be eligible for funding through state educational agencies, partly based on formula and partly through competition.

State educational agencies must develop state plans that indicate programs to be funded and detail 3-year strategies for service-learning in their states. The Corporation must approve state plans.

Programs may receive one-year planning grants for school-based programs. Subgranting to experienced institutions for school-based programs will also be allowed.

All local programs will be required to provide at last 10 percent of total program costs in the first year of funding, increasing to 50 percent in the fourth. Local programs may utilize other federal education funds to meet the match requirement.

### *Training and Technical Assistance*

Clearinghouses will be expanded to further enable them to disseminate information and curriculum materials; train teachers, service sponsors and participants; and provide needs assessments or technical assistance.

States will also receive additional resources to train and educate state educational personnel.

### COMMUNITY-BASED PROGRAM FOR SCHOOL-AGE YOUTH

Community-based organizations working with school-age youth may receive grants from the State Commission for programs to involve such youth in community service.

National non-profit organizations may apply to the Corporation to make subgrants or run multi-state community-service programs for this population.

### HIGHER EDUCATION INNOVATIVE PROJECTS

Higher Education institutions, consortia of such institutions, or partnerships of higher education institutions and non-profit institutions may receive grants from the Corporation for student community-service programs or programs to train teachers in service-learning methods.

Funds may supplement College Work-Study funds being used for community service placements.

## EXTENSION OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

The proposal extends and expands VISTA and Older American Volunteer Programs authorized by the Domestic Volunteer Service Act. Following a transition period, these programs will be administered by the corporation for national service.

### VISTA

Extends authority for the VISTA program and increases number of VISTA volunteers.

Authorizes new VISTA Summer Associate program.

Authorizes a University Year for VISTA program to encourage student volunteer efforts addressing the needs of low-income communities.

Removes restrictions limiting the flexibility to manage VISTA, while reaffirming commitment to recruiting a diverse group of VISTA volunteers including young and older adults.

Increases post-service stipends by $30 for each month of service. Such stipends are not available if VISTA volunteer accepts an educational award under the national service trust.

Continues support for VISTA Literacy Corps.

### SPECIAL VOLUNTEER PROGRAMS

Provides broadened authority under the Special Volunteer Programs to supporting demonstrations and innovations, provide technical assistance, and promote other entrepreneurial activities. Eliminates specific authority for student community service and drug programs, which are covered under the broadened demonstration authority and under the National and Community Service Act.

### OLDER AMERICAN VOLUNTEER PROGRAMS

Renames the Older American Volunteer Programs as National Senior Volunteer Corps and the Retired Senior Volunteer Program as the Retired and Senior Volunteer Program (RSVP).

Lowers eligibility age for participation in the RSVP program to 55.

Clarifies that Foster Grandparents may work with children with special and exceptional needs in Head Start Programs, schools, and day care centers.

Provides for a new demonstration authority to enrich and strengthen older American volunteer programs across the country.

Eliminates restrictions that limit the flexibility to administer the program.

Increases the stipend for low-income Foster Grandparents and Senior Companions once over the next five years to account for inflation.

### ADMINISTRATION

Encourages relationships between ACTION and other federal agencies where ACTION volunteers might help further the purposes of other Federal programs.

Authorizes a Center for Research and Training on Volunteerism to strengthen volunteer programs across the country.

Provides a technical amendment to restore the crediting of VISTA service for federal pensions.

Mr. KENNEDY. We know that we have important evaluations of these programs. We have a variety of different ways of approaching these challenges which some people will agree with and some on which people may differ. But what cannot be challenged is really the broad effort that has been made to try and reach out to the greatest number of Americans in ways that will permit them to involve themselves in giving something back to the community.

We recognize that by doing this, first of all, we benefit the community; second, we benefit the individuals who are involved; and third, with major aspects of this program we provide education benefits so that we can enhance educational opportunity for young people as well.

Mr. President, we will have an opportunity to debate this issue. Finally, I would say that, if there is a general comment that we might make about the state of where this society is at this time, I think we have to really wonder whether we have that kind of caring about community that has existed in our society when this country has been at its best. I think, for whatever reasons—and we can speculate on that and many of us have views about why that has come to pass—we do not have that sense of community that we have had at other times. I hope that perhaps through some of the efforts that are made in this legislation, we can enhance that sense of community. That is essential to all kinds of public purposes and all kinds of common efforts in terms of dealing with society's basic challenges and opportunities and hopes and dreams.

I thank all of those who have been a part of this effort. We will look forward to debating these issues. I understand, if I am correct, from Senator KASSEBAUM that she will offer her amendment in the morning. It will be our intention to have that as the first amendment that would be considered. And then we hope to move along in an orderly fashion to address other matters of concern to the membership.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I wish to compliment my colleague, the Senator from Kansas [Mrs. KASSEBAUM], for her leadership and for taking a courageous stand because it is not easy sometimes to stand up to a program that obviously has momentum. This program has passed the House and in all likelihood will be passed by the Senate.

It is my hope it will not be passed. I rise in opposition to this piece of legislation. First, I would like to mention I was in an appropriations meeting just a couple hours ago, and Senator BYRD, chairman of the Appropriations Committee, lamented the fact that we have a lot of spending that is growing and growing out of control. As a matter of fact, we just marked up the Department of Agriculture appropriations bill, 77 percent of that bill is mandatory spending.

For those who do not understand the definition, that means that spending is basically mandated by law and will continue to grow by law unless Congress changes that law, which, of course, we have the right to do and, frankly, we should do in many cases. Mandatory spending or entitlement spending or automatic spending is growing at many times the rate of inflation.

Frankly, Mr. President, Senator BYRD said something about authorizations. They are easy to pass and everybody loves to run down to the White House and have their picture taken with the President when he signs a very important piece of legislation and they pass the pens around. And then later we have to pay for it, and pay for it either in the appropriations process or we just pass blank checks. And we see some of these programs exploding costwise.

Mr. President, I rise in opposition to this legislation, not because I am against national service. I like people serving our country, serving their community. This bill has a beautiful title, the National Community Service Trust Act of 1993. Who can oppose such a piece of legislation? This legislation has a great title, but also has enormous capability to explode in cost.

Mr. President, the bill we have before us would cost the taxpayers, $394 million in fiscal year 1994. I am talking about the cost of national service, and I might mention the piece of legislation before us authorizes or reauthorizes other pieces of existing legislation. But I am going to talk for now about the new reauthorization that is in this bill, the National Community Service Trust Act of 1993.

It funds President Clinton's first year program at $394 million, about $400 million. Under the President's suggestion, that would fund 25,000 national service—I am going to use the word "jobs,". The reason why I hesitate to do that is because I think this bill suffers a little bit from an identity crisis. I heard some colleagues say it was a jobs bill and talk of the CCC, the Civil Conservation Corps, which was a jobs program where people went out and built buildings, bridges, and highways.

Mr. President, I do not know if anybody is aware of this, but you cannot do this under this bill. This bill would prohibit anyone from having a job that would compete with anyone that happened to have a union card. So you are not going to be able to build buildings or bridges. You are not going to be able to build a lot of these so-called CCC-type projects that we had during and after the Great Depression.

Some people have called this an education bill by which we are going to help thousands of people obtain a higher education. Again, if this is an education bill, it is a whole lot of money that is directed that will help very, very few. It will help very, very few.

We have recently had so many people making so many speeches about holding down Federal spending and saying how they won't raise new taxes to fund new spending. We just passed the largest tax bill in history through the Senate. Now the conferees are working on it, and whatever package they come out with, it will still be the largest tax bill in history.

This is one of the new spending proposals that will fund. This is new spending. This is not old spending; this is new spending. This is a new program that explodes in cost. The first year cost in 1994 will be $394 million. That cost more than triples by the next year, $1.25 billion. That cost almost doubles in the next year to $2.4 billion. And then by 1997 we are looking at a program that is $3.4 billion. The total cost of this program over 5 years is $10.8 billion. That is new spending. That is additional spending. That is spending that we do not have on the books right now that we are getting ready to authorize, that we are going to be telling the appropriators to appropriate.

So, again, I think it is important that we look at the cost of this bill for those that are making rhetoric about wanting to hold down Federal spending. Maybe my colleagues will bring up the super collider or bring up the space station, the only two programs that many of my colleagues have been willing to cut. Here is a program that, in my opinion, we should not start, that we cannot afford, and we at least should acknowledge the explosive potential cost of this program, and then make a decision about if it is the right thing to do.

Mr. President, I think it is important to compare this program with two educational program that we now have. I have already mentioned it is not a jobs bill. If it is a jobs bill, we really need to change it because to qualify you only have to work 1,700 hours a year. That is not very much work. That is not a year's work in my State. As a matter of fact, we would probably be teaching people poor work habits if that is the case. But they cannot do a job that produces a product or that would compete with any type of union labor throughout the country. So it is not really a jobs bill. At least the bill as defined right now, some people will call it a jobs bill, but it is not a jobs bill.

Is it an education bill? I heard President Clinton and others talk about how this is a great benefit for education; this is going to send thousands of people to school who otherwise would not be able to do so. If that is the case, in my opinion, it is a very poor use of our dollars.

Let us look at other educational assistance that we now have in the country. We have Pell grants. And in the 1991–92 academic year we had over 4 million beneficiaries for Pell grants, and it cost the Government about $5.4 billion. We had student loans, most of those guaranteed student loans. We had almost 5 million beneficiaries in student loans at a cost to the Government of a little over $2 billion. That is not the total amount of loan money, that is the cost to the Government, including default costs, interest expense, and so on.

Compare that to national service. Under national service you only have

150,000 beneficiaries at a cost of $3.4 billion.

Mr. President, I hope that people will realize this. Only 150,000 people would benefit and yet the cost is more than we have in student loans, and you have almost 5 million people benefiting in student loans. In other words, this is an inordinately expensive educational program, if that is what this is supposed to be. We can help a lot more people with the existing system we have with Pell grants and student loans. You can help millions of students or potential students with the existing system that we have far more economically than we can with national service, which only helps 150,000 at the enormous cost of $3.4 billion. I might mention there is something like 16 or 18 million students.

I sat in on appropriations hearings where we had administration officials singing the praises of this program.

This bill, this authorization, is not just limited to students. It is wide open. It is open to anybody. It is open to senior citizens, it is open to young people; open to people before school, after school. But it is going to help very, very few people.

Mr. President, if you compare the cost on a cost-per-person basis, I think it is even more revealing. Pell grants in the 1991–92 academic year cost, on a per-person basis, $1,335. Student loans cost the Government $416, again on a per-person or per-beneficiary basis.

But the cost under the national service program that we are debating today, by the year 1997 will be $22,667, and that is if the administration gets their budget and helps the number of people that they have suggested.

You might say, "Where did you get that figure, Senator Nickles?" That is astronomical. That is almost 50 times the amount per person as student loans. "Where did you get that figure?"

Well, that comes from the administration's budget that says that they want to spend $3.4 billion and they are going to have 150,000 beneficiaries. That is what the program costs. For the first year, spending is $394 million, and it is estimated to help 25,000 students or 25,000 participants. That costs $16,000 per person per year in the first year.

You might remember, Mr. President, they are eligible for 2 years. And so, for the bill that we are passing right now, we are going to tell a person, if they are eligible, they can receive 2 years of benefits. If next year it costs $16,000 and they can qualify for 2 years—that is $32,000 per person.

In 5 years, if we look at the administration's figures, or 4 years, actually, it is $22,667 per person per year. If you multiply that times two, you are talking about $45,000 cost to the Federal Government per person who participates in this program for 2 years.

Now, again, keep in mind and compare that to student loans and Pell grants, where we are helping millions of people. There is no comparison.

So if it is a jobs bill, it falls fatally short, because they cannot do real work; it is restricted by the bill. If it is an education bill, this is a poor use of our Federal Government's money, a very poor use.

We can take this money and we can help people—either through grants or through loans—and not do something that requires them to have 1 or 2 years of public service that we have to provide a job of some sort. We have to provide something for them to do and we have to pay them, presumably, at least minimum wage. But I think the program is actually designed after other national community service type programs that typically today cost about $16,000 per year per participant. And then we are also going to provide health care—and that cost has been exploding—and day care service.

And so my point is, Mr. President, these costs are enormous and they are real.

I do not take any great pleasure in coming out and speaking out against this. This is no fun.

A lot of people just say "national service." They do not know what it means, but it sounds good and I am for it. So you start trying to figure out: Wait a minute. Who is going to pay the bill? You start asking questions: What are these people going to do?

The bill restricts them from doing many types of jobs, so it falls into the definition of community services.

Who is going to make that decision? Well, we are going to create a whole new Federal bureaucracy to make those decisions. Again, I have some reservations about that.

Mr. President, I also see them competing with volunteers. If they are not doing jobs as defined in the marketplace—producing a product or a service or something, that is prohibited; they cannot build a building; they cannot build a road; they cannot do something that would take a job from one of your constituents in Colorado; in other words, they do not want to compete with the existing labor force—who are they going to be competing with?

I heard some people say: "Well, it is going to be volunteers."

We are going to pay these participants for 1 year or 2 years, we are going to pay them for the community service that they are going to provide.

I would assume that every one of my colleagues has been active in community service organizations, in charitable organizations, in the United Way and Red Cross and Boy Scouts and Girl Scouts and you name it, helping people with physical and mental disabilities. And I am sure, if you looked at everybody's résumé, they have a list of charitable organizations that is very long. And I compliment them for their effort.

Mr. President, in 1989, 38 million people worked as volunteers—38 million people—and they did so at no cost to the Government.

This bill is going to provide about 150,000 people to perform community service. It does not even show up as a percent of the volunteers that we have in this country. And some of these paid volunteers or paid community service workers are going to be assisting and in some cases competing with existing volunteers.

I cannot help but think that there is going to be some confusion. I cannot help but think there might even be some resentment from the nonpaid volunteers who are donating their time in rural Kansas or Oklahoma providing the service that needs to be provided. They feel a community need and they do it. Maybe it is delivering Meals on Wheels, maybe it is doing some other type of community service, assisting people that are hungry or homeless or whatever. They are providing a service at no pay or maybe little pay or whatever.

Yet now we are going to have 150,000 new workers, which is not even one-half of 1 percent of the 38 million volunteers that we have in this country.

But, wait a minute. What about the nonpaid volunteer, who says, "We are doing the same thing. Why should you get this benefit and I am not? Doesn't the Government owe me something?"

We are going to be setting up expectations for people that have been providing volunteer services. They will see other people providing community service under this new proposal and say, "Wait a minute. This is inequitable. You are getting paid for this. I am not getting paid for this. This is not right."

Are they going to withhold their services? Are they going to demand that they be paid?

I see a real inequity. I see us spending billions of dollars—$3.4 billion a year in 1997—to provide 150,000, which is minuscule to the needs and demands that we have across this country to provide community service.

We have a need for community service. I hope no one misconstrues my opposition to this bill to say that we do not have problems in our communities or that we do not have demands that are unmet and need to be met. No, we do.

But I do not think this bill will do anything that will even show up on the scope of really solving some of the unmet needs that we have in our country.

I do not doubt that we will have some success stories. I do not doubt that you will not have some good work—and maybe it will be in downtown or urban D.C. or New York City—helping in an urban clinic, or maybe it is on an Indian reservation. Somebody says, "This is good. This is helping people.

This is getting kids immunized." I do not doubt you will have success stories out of 150,000 people. Do not misconstrue my opposition.

My point is you have 38 million volunteers. We may need 50 million volunteers to do all that needs to be done.

The point is, we are going to be paying $3.4 billion and it will not come close to meeting whatever needs are out there.

Are we going to pay a greater percentage of the 38 million people who are donating their time to the Red Cross or the Boy Scouts now that are doing it because it needs to be done?

We cannot afford this. Mr. President, we cannot afford this bill. This bill is a brand new bureaucratic, explosive, costly bill. It is going to cost a lot of money.

Mr. President, I might mention, too, I have some serious reservations about what these individuals are going to do.

We do not know what they are going to do. A lot of it is going to be for Federal agencies. We are going to tell the States that they have to set up their own service commissions. And what they will end up telling these 150,000 individuals we do not know. My guess is, some of them will be doing very meritorious work. But my guess is a lot of them will be doing things that are less than meritorious. A lot of them will be doing things that probably a lot of us will be quite concerned about.

I am afraid, in some cases, they will be doing things that will be teaching them bad habits instead of good habits. Some people will be construing this as a job and they will think, yes, it is close enough for Government work. They will only have to work 1,700 hours a year.

If you work 40 hours a week that is 2,080 a year. A lot of people are going to be construing this as a job and, frankly, I have a feeling that work requirements, or the habits that are going to be acquired under this program are going to be a lot less demanding than those in the private sector. They may learn some bad habits. They may learn some things that will not be conducive for them to climb the economic ladder or to get a job in the private sector. Or they may think that they have to be paid to do volunteer work, and I hope and pray that is not the case.

I can see it being very open for abuse. I do not know if this means in some cases, some cities are going to say yes, I want $x$ many volunteers. They might end up in my hometown, in Ponca City, watering the grass around Main Street. They did that earlier, under a previous jobs program. Is that what we really want our young people to do?

I almost hate to come out and oppose this program but I think I would be remiss in my duties in not at least sharing my concerns about what this bill means, as far as its cost, as far as what it might do to volunteers across the country. So that is the reason why I have raised these objections. I also think I can count votes and I see this bill passing.

I think the Senator from Kansas [Mrs. KASSEBAUM] has an amendment that is a marked improvement over this bill. I hope it will pass. I, likewise, have some amendments that I think will make it better. But, frankly, I do not think we can afford this bill, and I do not believe it will be a positive for this country if this bill is passed in its present form. So I am hopeful some of these amendments, that will be discussed in the next couple or 3 days, will be passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD] is recognized.

Mr. WOFFORD. Mr. President, I look forward to the amendments of the Senator from Oklahoma, which may make the bill better, and I look forward to working with the Senator from Kansas, who has helped steward this process today, as we, tomorrow, go into the details that will build a bill that I hope gets strong bipartisan support. But before we perhaps close tonight I would like to make a few points in response to what the other Senator from Oklahoma has said. In fact, I would like to comment on what both Senators from Oklahoma have said.

First, Senator NICKLES' numbers in those charts are not in S. 919 which only authorizes specific funding for 1 year, and provides that the further years, the other years authorize such sums as Congress might choose to authorize.

Mr. NICKLES. Will the Senator yield on that point?

Mr. WOFFORD. I yield to the Senator.

Mr. NICKLES. So is it the Senator's intention to leave the funding at the present level adjusted for inflation? Or is it the Senator's intention to try to fund President Clinton's request, which is in my previous chart that goes up to $3.4 billion in the next 4 or 5 years?

Mr. WOFFORD. The President has not proposed an entitlement program. He has charted what might be a growth over 4 years to something over 100,000 full-time participants in a year. Which, if it came to pass, would mean that over 4 years we have in this program something like a total of the Peace Corps volunteers over 34 years. But it is such sums as Congress may appropriate from year to year. And it is not only this Senator's intention but it is the purpose of the bill to let this growth, if it is growth, come as a result of what you might call the market. And the market has two factors in it: How many people, particularly young people, seek to give full-time service and who will volunteer for full-time service—and some small portion for part-time service under the program the Senator from Maryland has pioneered; and the other even more important part of the market is whether the programs and the work they do, the jobs they do, the service they render, and the education the participants get, seems to communities and to the taxpayers of the United States and to the Congress, to be cost-effective and worthwhile.

Mr. NICKLES. Will the Senator yield? I put some facts in the RECORD and I would like the Senator to acknowledge that these are, one, President Clinton's budget request numbers; and, two, that we are fully funding his first year of the request. And if the Senator plans on likewise supporting his subsequent year request.

Mr. WOFFORD. Let me not be confusing. I am one of those who agrees that this should only grow by the market testing that will go on. That it is not an entitlement. And it is going to grow or shrink, year to year, by how it proves itself.

But I am very much in line with the spirit of the other Senator from Oklahoma who gave us the description of the Civilian Conversation Corps of old. When Roosevelt got the report that there were half a million young men on the streets of America unemployed he said, I want to get those boys in the woods. And he proposed a Civilian Conservation Corps. He called in the Secretary of Labor, Frances Perkins, and said I want you to develop a plan where you will recruit those young men and get them into the woods, in action, in service, in work. I want the Army to give the structure to it. And I want the Interior Department to find the hardest projects that the Nation most needs.

And in about 10 days they sent to Congress such a plan. And the Senator from Kansas would relish the fact that it was a bill that took 1½ pages to authorize the CCC Program.

Then he said, I want by the end of the summer to have a quarter million young men in the CCC camps. And by the end of summer there were 300,000 young people in those camps. The most notable organizer of those camps was a colonel named George C. Marshall. So the first Marshall Plan was the CCC Program.

Do I yearn for that kind of a program? Do I think we know enough from the pilot programs to, now, not just be a pilot program but to ignite the whole? I do. Do I think there is any chance we would act that way, either with a 1½-page bill authorizing the President to build this program with that kind of authority, or on that scale today? No. Granted the present state, the critical state of our economy and our deficit, do I think that kind of growth is going to take place? No.

Do I think we should start on a smaller scale than the 25,000 full-time opportunities provided in this nearly $400 million appropriation for the first year? No.

Some have said it is starting much too small, that millions of young people were stirred by this and would like to be part of it. And some have said today it is too large. I think the strategy is about right.

I would like to just also respond to the point of the Senator from Oklahoma that it is not a jobs bill, for one reason because he suggested people could not build buildings, build homes. If you look at the test service corps around the country, a great many of them, from the Philadelphia Youth Service Corps, and West Philadelphia Improvement Corps, to the Youth Build and City Year Programs in Boston, it is building indeed that they do a lot of.

And it is not precluded because of union opposition, if you have unions in on the planning of it from the beginning. The West Philadelphia Improvement Corps enlisted the help of the carpenter's union. They assembled a group of dropouts and at-risk young men in a west Philadelphia high school with a master carpenter, a retired member of the carpenters union.

They built homes for low-income people. The esprit de corps of those young men building it was extraordinary. The master carpenter who supervised them said it became something of great pride for the carpenter's union. In the first group, 4 of the 12 passed into the apprenticeship program of the carpenter's union, and they built a lot. So building can, indeed, be part of what this bill will promote.

Mr. NICKLES. Will the Senator yield just on that for a question? It is my understanding that there is a prohibition from doing work that would in any way compete with an existing job. Maybe I am overinterpreting that, but buildings are now built by existing workers, and so I am interpreting that provision to mean that this is not a CCC bill; that individuals cannot build roads, highways, bridges and buildings, courthouses, and so on, which were built in the late thirties.

Mr. WOFFORD. If the Senator interpreted it that way, there would probably be no work that anyone could do under the bill. That is, indeed, not a fair reading of what the bill says, and if there is any further clarification of that, we will have time to debate that in due course.

You said it is not an education bill. There are two ways it is an education bill. In the first place, it will help, in a modest fashion, those who engage in a full year of service to pay off their college or educational loans or to accumulate the money to go to college and pay their college costs at the rate of $5,000 a year, which is something less than the accumulated average loan of those who go to a public 4-year college.

It could be of significant assistance to 25,000 young people who might participate in this next year, but it is another kind of an education bill because the participants in it are getting some of the most powerful forms of learning in the experience they will have.

Our Economic Development Partnership in Pennsylvania did a major study on the work force of the future in Pennsylvania, preparing for the work force of the year 2000. Our top corporate, educational, and union leaders in Pennsylvania participated, and they concluded that the qualities most needed in the work force of the future, and in the entry level jobs in the corporations represented on that task force, were the qualities you get from the intense experience and the discipline and self-discipline you get from a good youth corps where you learn initiative, responsibility, hard work, and teamwork. They concluded that the very qualities for the kind of citizen you want in this country are the qualities you want in the work force of the future; that service is a way to a productive work force. Those qualities are the qualities that can come out of this bill.

But above all, this bill is a service bill, and there is a confusion that has just been demonstrated by the Senator from Oklahoma—I think, promoted—in suggesting that service by part-time, unpaid volunteers is somehow the only kind of service, and the service of full-time members of the armed services, of the Peace Corps, of the new CCC Program that this body approved last fall, and the full-time service of the service corps and the conservation corps from around this country are somehow not service because they are getting essentially minimum wage stipend, living expense stipend, and an educational bonus at the end of the year.

I submit that instead of being in competition, those two forms of service are complementary. As the Senator from Maryland [Ms. MIKULSKI] said a little while ago, one of the ways you get people to develop the habits of the heart that involve, thereafter, throughout their lives engaging in citizen service, in volunteer services, and unpaid service is to give them the experience. It gives them the excitement that the Senator from Connecticut talked about when he went into the Peace Corps. It gives them that kind of experience from which, when they come home, they, like the 150,000-some former Peace Corps volunteers who have proved this in practice in this country, will be an enormous new explosion, not explosion of cost but explosion of service in the private sector for the rest of their lives.

The Peace Corps—1,000 return volunteers whom I met with a few weeks ago in California—gave a lot of testimony of what has happened in terms of the Peace Corps becoming a multiplier factor for volunteer service. It is complementary in another way, and that is that many of the volunteer service programs no longer have the old constituencies which, to a large degree, often consisted of women. Now as women are rightfully becoming a central part of our work force, there is not the volunteer service corps and cadre that they counted on from unemployed women in our society.

Many of the private sector organizations that are supporting this bill—American Red Cross being another one—are saying that if they could have a corps of 10 full-time young people, or 100 full-time young people for this program, those participants in national and community service could be the cadre, the full-time body that enables hundreds and hundreds of other volunteers to be utilized, whether they are younger volunteers from school-based service learning programs, or older volunteers in the community.

I have been meeting all over Pennsylvania with private sector organizations who are leaping with enthusiasm at the thought that they could have a cadre of full-time participants who would mesh with, and help expand, their part-time volunteer service.

We will have a chance to debate some of these before long, but I would just like to close on the motto of the CCC Program of old, which answers what kind of a program it is: Serve, earn and learn. It is a program by which you earn a modest amount that helps people go through college. It is a program in which you learn active duty citizenship and many skills that are necessary for our work force of the future and, above all, it is a program where you serve your community and your country.

Mr. NICKLES addressed the Chair.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would just like to clarify something. My colleague has been singing the praises a little bit of the CCC Program, Civilian Conservation Corps, which did build buildings, and so on. I stated in my statement that I did not think this would happen under this bill.

Do I stand corrected, is it the Senator's opinion that through this bill, these 150,000 individuals will be building bridges, courthouses, and dams and other projects that were built back in the thirties?

Mr. WOFFORD. Mr. President, I will suggest that the courthouses will probably not be on anybody's building list under this bill. But Habitat, for example, which President Carter has been such a large part of, is one of the building programs for homes for low-income people that has utilized the services of youth corps people all around this country.

The structure of this bill is one in which the private sector—organizations such as Habitat, for example, colleges, universities, American Red

Cross—will be invited to propose to the State Commissions on Service the kind of well-structured, disciplined service programs that are not taking jobs away from people who are presently employed, that meet the terms of this bill. It is an invitation to the inventiveness of those private sector, and independent sector organizations, and cities, and States, to propose programs that will compete in this marketplace of service for the quantum jump in full-time service this bill provides.

Mr. NICKLES. Mr. President, I appreciate the very lengthy answer, but I think the answer is that they will not be building community-type buildings. They will not be building dams. They will not be building bridges. They will not be building basic-type infrastructure that was built during the thirties.

I mention this because I have heard other colleagues allude to the grandeur of the olden days, coming out of the Great Depression with a big jobs program by the CCC. I will tell my colleague, in section 177 there is a statement dealing with nondisplacement. It says in general:

> An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits as a result of the use by such employer of a participant in a program receiving assistance under this title.

I see that certainly as any construction project that has any size to it. I also see a problem—the Senator mentioned the Red Cross, and I could think of some other volunteer organizations. Sure, they would like to have the Federal Government pay for some of their volunteers. They have to pay for it now. They have to go out and raise money. They would love to have it—some of them would. I would think that some of them are smart enough to avoid such a pitfall. Many are very reluctant to have the Federal Government intrude. But I am sure there are a lot of organizations that would love to have Uncle Sam pay for some of their hired help or pay for some of the people who do staff work.

I might mention, when we talk about nonduplication, also section 177, it says in general:

> Assistance provided under this title shall be used only for a program that does not duplicate and is in addition to an activity otherwise available to the locality of such a program.

Mr. WOFFORD. Will the Senator yield?

Mr. NICKLES. Just a moment. I happen to think those 38 million people the Senator alluded to earlier are providing some kind of service. They are volunteering, maybe not on a full-time basis. They may be part time.

Mr. WOFFORD. The Senator, it seems to me, is continuing the confusion I do not understand between full-time service, whether in the military service or the Civilian Conservation Corps of the States that are existing today, or the new service corps that are existing in this country, and unpaid, part-time volunteer service. To suggest that that full-time service, whether in any of those enterprises that I just listed, should be unpaid, with no living expenses, no stipends, is to say that those programs, full-time programs, should be programs for the rich.

Who does the Senator know who is able to give full-time service other than someone who is retired? I would like to know who the Senator knows, the thousands and thousands of people, who are not very rich who can give full-time service without some kind of stipend to live on.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I believe I still have the floor.

The PRESIDING OFFICER. That is correct.

Mr. NICKLES. Mr. President, just a couple of general comments and I will end this debate, and I will answer my colleague's question.

I think it is absurd to assume that we want to have the Federal Government come in and pick up and pay for the community service needs in this country. If that is the case, we are in serious trouble. This bill is going to explode to a lot more than $3.4 billion. This bill—and again I say to my colleague from Pennsylvania, I appreciate his frankness and I appreciate his openness—he said should be demand driven.

Mr. President, this program has so much potential to explode in cost. That is one of my problems with it. For $3.4 billion, we are going to help 150,000 people, not necessarily relegated to student status, either prior to school or after school. It could be at any age level. There happens to be something like 16 to 18 million students right now. And if this is a pretty good deal because you see benefits that are accruing where the cost is $22,000, the benefits look like they are going to proximate VISTA, which is approximately $16,000 this year and will only increase—that is $16,000 a year. For 2 years, that is $32,000. That is just the beginning.

You add the educational benefits on top of that, and this thing could be enormously expensive. And if it is going to be demand driven, if it is really a good deal, I am sure there are going to be a lot of people on various reservations in Colorado, New Mexico—I know a lot of people in my State say, wait a minute; this is a way for us to at least have some sort of a job, and Uncle Sam is going to take care of us, is going to give us health care. Uncle Sam is going to give us day care. Uncle Sam is going to help pay for our college.

Mr. President, the demand for this program can explode, and Congress has a tendency to respond if people are knocking the doors down, saying we have to have more money for this.

My colleague has alluded to the success of the Peace Corps. The Peace Corps last year cost $39,000 per participant. The Youth Corps is $20,000, VISTA $16,000. This thing can really explode. That is my point.

Do I think 150,000 paid Federal participant in this program are going to displace 38 million volunteers? No. Do I think it is going to create some inequities? I will answer part of my colleague's question. I serve on the Salvation Army Advisory Board in Ponca City, OK, and I have for years. We have people who work in the Salvation Army who receive almost no money but they cook meals every day for the homeless. We have people who are working, maybe some paid, some not paid, who distribute clothes to the people who are less fortunate. If they receive pay, their pay is so minimal it does not meet anything even close to the stipends. And I am sure they do not have benefits in addition to it. I think even the captain, who is head of the Salvation Army, his total pay and benefits hardly match that which we are talking about, and he is in charge of a large distribution, of a large—I guess you would call it a soup kitchen. They provide meals for the homeless throughout my region of Oklahoma.

My point is, the pay and benefits to the organization—and I am happy to be part of it, to be associated with it—the pay and benefits for those staff people is almost de minimis. I cannot help but wonder that some of those people are doing it because the job needs to be done; they are doing it for love out of their heart, but they also know their fellow man needs some help. But if they see another person coming in and doing a like-type function and maybe working a lot less, because that 1,700 hour requirement is not nearly as demanding as some jobs, and then getting $5,000 a year to boot, on top of that, to help in educational expenses, I see some inequities. I see some real problems.

Maybe some organizations would say we want Uncle Sam to help us pay for this; so they would charge ahead and sign up and they will endorse the legislation hoping they are going to get some workers, hoping Uncle Sam is going to help pay for some of their staffers. That may be the case. I do not know.

But the point is if you have a demand-driven system or if you take the cost expected by President Clinton and his administration as requested in their budget, this program has enormous potential to explode and cost taxpayers a lot.

I say that at the same time we are marking up a tax bill, presumably under the guise of deficit reduction. I say that because Congress is in the process of spending the money, the new taxes that the Ways and Means Committee and the Finance Committee conferees are trying to raise. We are going to be spending it faster than they can bring it in. They are going to be bringing it in. They are going to be socking it to a lot of people with maybe a gasoline tax, a tax on Social Security, a tax on the wealthy, a tax on business, on anybody who pays alternative tax. And so they are going to sock it to them in new taxes and Congress is going to be spending it before the tax bill is completed.

I say that because I am very sincere that I see that as this type of a solution. Are there demands out there that need to be met? Yes. Is this a solution? No. Is this a solution towards an education bill? No. This is outrageously expensive compared to Pell grants or compared to the Guaranteed School Loan Program. If we want to do something towards education, let us make some improvements in the existing legislation we have that is many, many times more economical than the legislation we are now considering.

Mr. President, I yield the floor.

Mr. WOFFORD. Mr. President, just one more point, which is that a year from now, I hope since all we have before us is a proposal for a 1-year program for 25,000 people in full-time service, we will be back debating whether the record of what they have done and the record of the leadership of organizations like the Salvation Army in organizing programs, in proposing programs for community service, has proved itself.

If the attitude of those organizations is we are getting a few more staff members, the way it was with many social agencies under the Comprehensive Education and Training Act, CETA, I for one would be voting against it next year. If what we get is some of the things that are feared here, I will vote for at least reducing it.

We will meet again next year, and I would not be surprised if the Senator from Oklahoma finds a little different response from the Salvation Army or from the Police Athletic League.

Everywhere I have been in Pennsylvania, including talking recently to the Salvation Army people, who do wonderful work, they come alive with the thought. Most recently, the police leaders of a number of cities in the United States were in Philadelphia, and we presented this bill to them. They came alive with the thought of what they could do building onto their Police Athletic League with a group of full-time, young people in the neighborhoods where they are doing community policing, the kind of leadership they could give—the hardest jobs you ever loved.

And it is only if that is the spirit of the hardest job you have ever loved of serve, earn, and learn. If it is a reality, then next year both Senators from Oklahoma may want to expand it. If it is not a reality, then I will join this Senator from Oklahoma in favoring a reduction of the program a year hence.

Mr. AKAKA. Mr. President, I rise to support S. 919, the National and Community Service Trust Act. This bill promotes the American spirit of community and generosity. It offers an opportunity for the youth of our nation to earn funds to pay for their education, and it will ensure the continuation of successful programs for older Americans.

The youth of our nation is one of our most important assets, and we must invest in it to ensure our preservation. President Nixon once said, "Nothing matters more to the future of this Nation than insuring that our young men and women learn to believe in themselves and believe in their dreams, and that they develop this capacity. * * * America's most priceless assets is the idealism which motivates the young people of America."

Mr. President, S. 919 is the mechanism that perpetuates this idealism and reinforces our belief in man's humanity. It allows our young men and women to serve our Nation and, in return, provides them the means to further their education. Volunteers will assist their fellow Americans in a number of ways—tutoring children to assisting at-risk youth groups, helping to clean and protect our environment, or lending a helping hand to our Nation's elderly. This bill recognizes the self-sacrifice of Americans and attempts to reinforce our country's ethic of rewarding hard work.

Whether part-time or full-time, young or old, the National and Community Service Trust Act expands upon the outstanding success of previous service programs. It reaffirms our commitment to national service by building upon the foundation of two existing agencies, the Commission on National and Community Service and ACTION. Program participants will be able to receive a small stipend for living expenses, health care, and, if necessary, child care. These benefits ensure that the program is not limited to a specific group of individuals, but allows all Americans to participate in serving their country. Priority will be given to those individuals who come from the areas being served, and at least half of the funds provided by the bill will go directly to needy communities.

Younger Americans are not the only individuals to benefit from this bill. S. 919 reauthorizes the Volunteers in Service to America [VISTA], Retired Senior Volunteers, Foster Grandparents, and the Senior Companion Program. These programs provide our matured and experienced individuals to share their wisdom with our youth and their time with our elderly. Over 500,000 older Americans work with children, including those with exceptional or special needs, and provide companionship and assistance to other senior citizens.

President Clinton first proposed his season of service during last year's campaign, which was supported by millions of Americans. Hopefully, this bill will mark the beginning of a great humanity toward fellow human beings—a new beginning where Americans can choose their profession, not on the basis of salary or status, but on their ability to achieve personal satisfaction. S. 919 will allow Americans to choose a path of public service, without the financial burdens of education swaying their decisions.

The National and Community Service Trust Act of 1993 is an opportunity to unite this Nation by bringing together Americans from across this country in a reaffirmation of our values. Thirty years ago, Americans rose to the challenge in meeting the needs of Third World nations through the Peace Corps. Today, we are asking our citizens to once again rise to the challenge of meeting the needs of its own citizens. I have no doubt that we can meet the challenge.

Mr. President, as an original cosponsor of S. 919, I urge all my colleagues to support this important bill.

Thank you, Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, a few days ago I returned from Iowa where I saw the massive destruction from the most devastating natural disasters in the history of my State and the Midwest. Flood waters and excessive rainfall over the past 4 months have ravaged every single county in the State.

The disaster encompasses the entire upper Mississippi and Missouri River Valleys and the destruction is heartbreaking—hundreds of thousands of people without safe drinking water, thousands of families driven from their homes by raging rivers, more than a billion dollars in crop damage and countless businesses destroyed by muddy flood waters.

In the midst of all of this despair, I also saw thousands of volunteers—individuals who have banded together to help their neighbors and save their communities. Volunteers are playing a vital role in helping communities survive the floods and will be critical to cleaning up, rebuilding and recovering from this natural disaster. It will take millions of hours to clean up and restore the homes, businesses, farms, neighborhoods and communities that have been demolished or damaged by this disaster.

As early as next week, we will be considering legislation to assist the flood victims. I intend to do all I can to make sure that the Federal Government provides the disaster relief that Iowa and other Midwestern States desperately need. However, the ability of individuals, families and communities in the Midwest to recover from this natural disaster will be in large part determined by volunteer efforts.

Today, we are considering the National and Community Service Trust Act of 1993. This legislation creates the Corporation on National and Community Service by combining two existing federal domestic service programs under a single agency. Funding is reauthorized for VISTA, the Older American Volunteer Programs and the Commission on National and Community Service.

Volunteers from these programs have already been active in the Iowa flood relief effort. VISTA volunteers helped with sandbagging efforts in Des Moines and are working with FEMA to process disaster relief applications in northwest Iowa. In southeast Iowa, RSVP volunteers have provided food and refreshments for disaster workers and are conducting a food and clothing drive for flood victims. Members of the Iowa Conservation Corps and the Youth Volunteer Corps helped with sandbagging efforts along the Mississippi River and will be involved in cleanup activities throughout the State.

The Commission has allocated an additional $250,000 to the Iowa Conservation Corps for flood relief activities. These funds will add 300 individuals for 5 weeks to the cleanup and recovery efforts. ACTION is also processing a request to add 40 to 50 additional VISTA's to Iowa for flood recovery projects.

Mr. President, volunteers are not just needed when we have a natural disaster. Volunteers are needed to combat illiteracy, assist the homeless, teach in our schools, police our streets, provide health care services and protect our national parks. The Ford Foundation estimates that there are 3.5 million jobs, most currently unfilled, that need workers. The National and Community Service Trust Act of 1993 can be that catalyst to energize volunteers and help change America.

The premise of this legislation is simple. Volunteers can make a difference in our Nation and in our communities. But they need to be asked and they need to have opportunities to volunteer. Further, we can encourage and reward full-time participation with vouchers that can be used for college or other job training programs.

I benefited from national service and can offer personal testimony to its value. A Navy ROTC scholarship helped pay for my college education and I was proud to serve my country as a Navy pilot. But military service is not for everyone is cut out for military service and we have a myriad of problems in our own country that need attention. This legislation will help meet these needs while at the same time rewarding those that serve with education benefits.

The United States has numerous problems. Drugs, crime, and gangs are destroying many neighborhoods; thousands of people lack the literacy skills to get and keep good jobs; in 1990, the United States ranked twentieth in the world on infant mortality, behind nations such as Hong Kong, Spain, and Singapore; hazardous waste sites dot the countryside; and millions of senior citizens lack proper nutrition, companionship, and health care.

Three decades ago, President John Kennedy called people of my generation to service. It's time to renew this call for a new generation of service. We can do so much.

We can eradicate violence from our neighborhoods and schools; immunize children and make sure all children start school ready to learn; provide nutrition and companionship for older Americans and help individuals with disabilities achieve independence by providing personal assistance services.

These are ambitious goals for our Nation. But they are no less ambitious that the goals and accomplishments of our ancestors. It will not be easy, but the rewards will be many and we can start now by passing the legislation.

Mr. President, since 1987 I have had the honor of serving as chairman of the Subcommittee on Disability Policy. I am very pleased that this legislation contains numerous provisions to include individuals with disabilities in service opportunities, both as participants in the program and as beneficiaries of service when appropriate. At the conclusion of my statement, I ask unanimous consent that the summary outlining the importance of this legislation for individuals with disabilities be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

INDIVIDUALS WITH DISABILITIES AND THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

It is the purpose of this Act to . . . encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income, or education, to engage in full-time service, sec. 2(b)(4).

The National Service Trust legislation recognizes the ability of Americans with disabilities to contribute to the nation by encouraging their participation in the service programs authorized by the Act. Specifically, the legislation:

Explicitly provides for individuals with disabilities to serve in youth corps, diverse community corps, school-based adult volunteer programs, and programs for school-age youth;

Provides for support services to be provided to participants, including reasonable accommodations, auxiliary aids and services, and modifications to allow the participation of individuals with disabilities;

Requires that recruitment information be disseminated through state vocational rehabilitation agencies and other entities that work with individuals with disabilities;

Allows educational awards to be used for the transition from special education or supported employment to work;

Allows discretionary funding to support innovative and model programs involving individuals with disabilities as participants providing service;

Bans discrimination against participants or staff on the basis of disability; and

Provides for the national corporation board and state commissions governing the program to be diverse with respect to a variety of characteristics, including disability.

In addition, individuals with disabilities will benefit as recipients of service. For example, participants may:

Provide independent living assistance and respite care;

Make buildings wheelchair accessible;

Provide sign-language translation;

Work in early intervention programs for children with disabilities; and

Serve in adult day care centers.

Examples of Service Programs Involving Individuals with Disabilities:

In Kansas, ten percent of the thousands of students recruited into service by their school districts are youth with disabilities.

West Virginia is organizing a coalition of state agencies to expand community service projects involving youth with disabilities.

In Maryland, teenagers with mental retardation run a center for needy families; other special education students work in hospitals, soup kitchens, nursing homes, and day care centers.

The Minnesota Conservation Corps includes crews that combine deaf, hard of hearing, and hearing youth.

Mr. PRYOR. Mr. President, today we are gathered on the Senate floor to debate a bill that I believe will be one of the more important pieces of legislation we will consider all year, the National and Community Service Trust Act of 1993. Next to the $500 billion deficit reduction package we have been debating in the Senate and the soon-to-be-released health care reform package, this bill may not seem so significant. In my opinion, through, this legislation is about nothing less ambitious than reviving a sense of patriotism in America, and rebuilding our national community.

First of all I want to commend President Clinton for the tremendous vision he has shown by offering this legislation, and I would also like to compliment Mr. Eli Segal, the President's point man on this issue, for the leadership he has shown in working with the Congress and turning the President's vision into a legislative reality.

Mr. President, the history of America is a history of national service. In my lifetime, each American generation has embarked on its own agenda of service, helping to fuel our country's growth, spark our idealism, and bind us together as a people. In the 1930's, President Roosevelt's Civilian Conservation Corps developed our country's physical infrastructure and provided hope in the midst of the Depression. World War II enlisted our entire country in a campaign of national service, and the energy unleashed by the experience drove our Nation for two decades. In the 1960's, President Kennedy issued his famous call to service, "Ask not what your country can do for you; ask what you can do for your country." Enrollment in the Peace Corps and VISTA soared in response.

The legislation before us today gives us a chance to revive the concept of national service for this generation of Americans, and by so doing, revive America. The National and Community Service Act of 1993 will enlist the talent and energy of patriotic Americans, particularly young Americans, in addressing unmet needs in the areas of education, environmental preservation and restoration, human services, and public safety.

Our country has so many needs. We have a crumbling infrastructure, crime plagued cities, and a hungry, sick, and undereducated population in many places. The legislation before us is like a church bell calling Americans out of their homes to help address these needs. By serving in the programs made possible by this act, more Americans will begin to realize that unless they take an active interest in their communities and their country, we will cease to be a healthy and prosperous nation.

This legislation will also help strengthen our sense of national community. As a result of this legislation, people of different races, from different backgrounds, and from different parts of the country will live and serve their country together. This new era of service will blend the melting pot of our population and promote greater unity within our diverse and often fragmented population. After a decade in which growing income inequality and racial strife has damaged our national cohesiveness and diluted our national purpose, we can surely use this unifying force.

Another thing I like about this legislation, Mr. President, is that it reinforces the concept of rights and responsibilities. Americans today enjoy one of the greatest societies this Earth has ever known. We have tremendous personal and political freedoms, one of the highest standards of living in the world, and almost limitless opportunities to move ahead and improve our lot in life.

Today, however, too few people realize that such privileges do come at a price. Many times in the past Americans have paid the ultimate price for these privileges by fighting and dying in our Armed Forces to defend our way of life. The threat from foreign aggressors is small today, but our domestic enemies, apathy and selfishness, still pose a real threat to our way of life. All Americans have an obligation to give something of their time and energies to help keep this country great so that the next generation will have it to enjoy.

Finally, Mr. President, I want to mention one aspect of this legislation that is of particular interest to me. One provision of the bill will extend and expand the Older American Volunteer Program. Eventually this program will be administered by the Corporation for National Service like all the other programs covered by this bill. As the chairman of the Special Committee on Aging, I know the vast talents, energy, and insights of America's senior citizens.

In fact, I have sponsored an intergenerational mentoring bill in this Congress which is designed to involve more of our senior citizens in acting as mentors for school age children. I am pleased that the National and Community Service Trust Act also recognizes our elderly Americans and will put them to work on behalf of our country. We all have a lot to gain from our seniors.

Mr. President, I think all of us in this Chamber are in a position to be advocates for national service. We would not be here if we did not believe serving our country was a worthwhile, rewarding cause. I am pleased that with this legislation we will be providing an avenue of service for other Americans, so that like us, they too will have the privilege of serving their country in some way.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I have just listened to this debate. I just want to say to the Senator from Oklahoma that I spent a lot of time, as I am sure he does in his State, with the young people. I go very often to high schools and to community colleges and to universities. Young people in our country are thirsting for this kind of idea. They want it. And I hope that we will not infer that they are greedy and that they are going to do this because they want to make this glorious stipend, because I think, if we look at them that way, then that is an unfair way of looking at young people of America.

I would like to associate myself with the remarks of the wonderful and fine Senator from Pennsylvania. I am sure we heard this kind of voice when the Peace Corps was formed, and VISTA, and, of course, we have to be on our guard to make sure these programs work. That is why it is designed in such a way so we can make this evaluation.

I would like to ask a question of my colleague, the Senator from Pennsylvania. I ask him for the record to tell us what is this stipend that the young people would get and does he think it is going to be something that is so enormous that they, in fact, would do it not for the spirit of giving to the community, not because they want to be good citizens, but because they needed to have this money? I would like to ask the Senator to explain to us the nature of this stipend.

Mr. WOFFORD. The living expense stipend is approximately the minimum wage. The $5,000, to be earned only at the end of a full year of service, is to be used for college or postsecondary education, job training; as an educational voucher, either before going to college and job training or after college and job training. And you will owe a debt in order to pay it back. That amount of $5,000 is about $1,500 less than the average debt that a student going to a 4-year public college is estimated to have to pay.

Mrs. BOXER. So, if I understand it, under the Senator's leadership and that of Senator KENNEDY and others on the committee, they have developed a program here that would pay the minimum wage to young people who would go out and make a contribution in the community, a contribution that we need to be made—we know the problems that we are facing in our country—and that, after that time, if they completed the course, they would be able to have funds to put toward their college education.

I would like to say, Mr. President, that I feel very good about this program. I agree with the Senator from Pennsylvania. We, of course, are going to look at it, we are going to evaluate it, make sure that it is working. But I am very pleased to be in the U.S. Senate at a time when we have a President who looks at what is best in our young people, not what is worst in them, appeals to what is best in them. I think we are going to create a generation of young people that we are going to be very proud of.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized [Mr. GORTON].

Mr. GORTON. Mr. President, in reviewing this bill and listening to the initial statements in support of and opposed to it, I am brought to reflect on one of the great problems, one of the great challenges that each of us as a policymaker must face, not just in this debate, but in program after program and in idea after idea.

Over the years that I have been involved in setting public policy, I have only rarely heard of a proposal the purpose of which is quite obviously destructive of good order and proper service in our society. Very few proposals, very few of the thousands of bills and measures which are introduced in this Congress have some shameful or ill-defined purpose. The purpose is always a worthy social goal. Clearly, the purpose of this bill is a highly worthy social goal, public service, the inspiration of our young people, another way to gain an education and to be more productive in society.

In that respect, of course, the purposes of this bill differ not in the slightest from the purposes of the alternative which the distinguished Senator from Kansas will offer. But wha is exceedingly difficult, it seems to me, here and in other debates, is the relationship between a generalized and highly worthy purpose and the means which are proposed to reach a successful conclusion to that purpose—to approve a set of educational opportunities for our young people to provide real service.

Each year, in each Congress, there are new, worthy social goals which are proposed to be adopted by this Congress through the agencies of the Federal Government. These are almost always added onto programs which already exist; which when proposed, were pace-setting and were promoted with language much like the arguments of those who are promoting this bill at the time at which they are new.

But making those programs work better using experience we already have is never as inspiring or thrilling to any of us as individuals as is the opportunity to start an entirely new program.

Another observation I should like to make relates to part of the conservation between the Senators from Oklahoma and Pennsylvania about the experience of this country during the Depression. The CCC, created in a 1½ page bill, as I understand the two earlier Senators, was implemented almost instantly at a time when the country was faced with desperate needs; needs which we are faced with today.

I agree completely with the Senator from Pennsylvania. There is no way you can do this kind of thing in a ½ page bill. Our society is too complicated. But I do observe that this bill greatly adds to that complexity. We have guaranteed student loans. We have Pell grants. We have a half-dozen or a dozen or two dozen other programs to help young people gain a higher college and university education. We have in VISTA, in the Peace Corps, in a significant number of other statutes in the United States, provisions for service, mostly volunteer service, but, of course, in the case of the Peace Corps compensated for because it is full time in some respect or another.

Now what we propose in this bill and I think rather awkwardly, is a proposal connected in some fashion or other, through what is unfortunately a highly centralized form of administration. It is connected through a set of governmental standards set here in Washington, DC, operating through other bureaucracies in the States, governing but not superseding the managing bodies of several of these other Federal programs, all designed to entice young people not into private sector employment, but into the kind of employment which not more than a tiny percentage of them will ever have as a full-time career. This bill deliberately and quite consciously says this money is not to go into the private sector but shall go through existing organizations of a charitable nature with a theoretical eligibility for religious organizations as long as they keep religion entirely out of it.

Why would not the Red Cross like this idea, in fact, be enthusiastic about it, when it can get full-time service that is priced much, much lower than it can get even with the kind of idealistic people whom it already attracts? Of course it will be enthusiastic. There are all kinds of full-time service organizations funded primarily through charitable contributions at the present time that will jump at the chance to get additional employees—just as was the case with CETA, in which there was a careful attempt to make distinguishing characteristics earlier in this debate. An employee who thinks that he or she is going to be able to get a very substantial contribution to a college education and then be able, in effect, to pay it off through some form of service at a modest salary, but with very, very significant benefits, is not going to say, in the abstract, "What a great idea."

But when one is in the Congress of a country which, however large its resources, is faced with the problem of extremely limited resources and of choices. One faces the dilemma, of: Is this the single best way in which to spend $3 billion, for what, 25,000 people who will bring service?

But to have a program which is demand driven, the design of which by its sponsors and by the President itself is to grow exponentially over the years, what are we going to put it in the place of? Part of the debate over the reconciliation bill on the budget this year is that all of the spending cuts, or the great bulk of spending cuts for discretionary spending, which this will be, will come later in 1997 and 1998.

Members of the majority party are sensitive to that criticism. Members of this party point that out as a signaled effect in the budget with which we are faced. But something is going to have to give. These billions of dollars are going to come out of something else, but we have not been told what that something else is.

To this Senator it seems that my colleague from Oklahoma, Senator NICKLES, pointed out with great clarity that if our primary goal is education, we will educate infinitely more young people through programs we already have, with anything like this amount of money, than we will with the bill that we have before us; that if we are simply going to attempt to provide incentives for service, whether volunteer or otherwise, we can provide for many more through the expansion of some of our existing programs than we can through this one.

Mr. President, I am convinced that if this program does become a popular one, it will end up displacing far more cost-effective programs of the Federal Government. But even that is not the source of the principal objection which I have, or the principal reservation which I have for this idea. My principal objection is that somehow or other service to society in the single nation and civilization which has been most noted for national and local volunteer efforts can be so much more efficiently managed by a group of 15 people in Washington, DC, who are working directly or indirectly for the Federal Government.

From before the independence of the United States through the reports of Alexis de Tocqueville to the present time, this country has provided infinitely more service, whether it is in pure voluntarism, or whether it is undertaken on the part of people who will work for far less money in a service profession than they could get in the private sector than has any other nation in the world. Somehow, we figure there is not enough of it. We figure we need to do something. We need to manage it, and we can manage it better here in Washington, DC, than anyone else can.

How much more true service would we get if we allowed a broader set of tax deductions, or even tax credits for a directed group of charities and tax-exempt organizations, allowing them to compete, to compete not with a Federal bureaucracy, but with potential donors on the basis of how much they could do with that money, dealing directly with individual young people, or middle-aged people, or older people, with respect to whom they hire for this kind of service with that amount of money.

How often would we be better off directing these young people through educational grants into the private sector, where service to society is measured harshly and very well by the ability of a private sector employer to provide employment.

It is a curious element, it seems to me, in our society that somehow or another, working for a business organization seeking profit is not deemed to be service, though, in fact, it may provide infinitely more important contributions to our society as a whole than do many, some at least, nonprofit organizations.

So it seems to me, Mr. President, that the serious and unanswered questions about a potentially very expensive idea here are these: Why is it that a centralized Federal Government proposal will work better in providing service than an indirect, private sector competitive proposal, such as tax credits; or, a concentrated Federal program, which simply gives scholarships to young people to provide for their education and then lets them make an absolutely free choice as to whether they go to the public sector, the nonprofit sector, or the private sector?

My second reservation is that we are not doing the job now that we ought to be doing in creating educational opportunities or volunteer service opportunities. Now why in the world would we pack on another bureaucracy on top of so many others? One which inevitably in 2 or 3 years will be superseded by another idea, but almost certainly not killed. And, why in the world would we do this while, at the very time, we are debating whether or not we need to impose another $250 billion in taxes on the American people over the next few years in order to reduce the budget deficit. Then to turn around with a program like this and say, well, reduce the budget deficit maybe, but not by this new program, not by another new program, not by what may be the idea of the year next year. It simply makes no sense.

Mr. President, the goals, the purposes of this bill are eminently worthy, as are the goals of almost every other proposal to spend money either through a new authorization or through existing authorizations with which we are faced. But is this the best idea?

Is it better than any existing program which this Congress is funding at the present time, at a level less than the proponents would like to spend? Mr. President, that proposition, at the very least, has not been proven.

Mr. WOFFORD. Mr. President, I hope as we move into the debate tomorrow, the thoughtful concerns of the Senator from Washington are going to be resolved, in some respect at least, as it becomes clear that the full-time participants in community service programs are not Federal employees. They will be volunteers with minimum wage stipends, who are admitted by organizations, most of which are indeed in the private sector in our society.

If anyone thinks living on the minimum wage in an urban or in a rural area in this country and living on the land on a minimum wage is not a lean condition of hard full-time service, then I suggest they try living on the minimum wage.

But most of all, I hope the Senator from Washington will see that what I hope someday he will believe is the genius of this act is that it is really reinventing Government by less Government and by the most complete decentralized proposal that the idea of national service has ever had; namely, that the structure, the building, the leadership, the supervision of this is going to come from those local organizations, and they might be a city or a State, but in most cases they are going to be in the private sector.

They are going to give the leadership and support of this, and the Corporation for National and Community Service is going to be a very lean antibureaucratic organization in which the whole structure of this system is going to be designed for the leadership and control of it to come from the grassroots up.

I also hope that the spirit that the Senator was concerned about in which organizations say, why not get some Federal support for this, is the last thing that we see in this and that the Senator will discover that he is underestimating the response of people to the crisis of our young in this country.

I was in south central Los Angeles right after the riots a year ago, and 25 years before I was in Watts in the same place, and I was given the same lesson that there were people of all backgrounds who were involved in the rioting but they were almost all young.

There is a crisis of our young people in this country that is, I think, not only the source of the greatest danger but it is the source of our greatest opportunity because we are now talking about what could happen to the lives of initially 25,000 young people who through this program may well discover that they turn around their lives the way the Senator from Connecticut said his life was turned around by his experience in the Peace Corps.

I remember the words of a great Secretary of Labor, Williard Wirtz on the idea of national service when we were thinking of it more as a Federal program instead of locally based and decentralized. Willard Wirtz said as Secretary of Labor he was deeply interested in education. He had been an educator and was deeply interested in job preparation and the work force, that most people live lives first of full-time education for 12, 16, and 20 years of their lives in the classroom, and then most people, if they are lucky, have 30 or 40 years of work in the private sector, hopefully. And in both cases one can hope that education at its best knows that service is part of its function, and high schools get connected to the community, and universities get connected to the cities they are in, and service is one of their functions as is the private sector and the free enterprise system not losing sight of its social responsibility and service.

Willard Wirtz said that the crux of bringing to life again what de Tocqueville was talking about when he said volunteer service was the secret of American success, the crux of doing that is to expand the very small circle of service in our society to a much larger circle in our lives and the idea of national service can be a way that you make the concept of service so contagious that it affects what they do in learning the rest of their lives, and it affects what they do when they go out into the world of work for the rest of their lives.

That is the reason I give in my mind top priority in imagining what can do the most to help young people become resources in this country.

Having seen the various job training programs and administrated them in Pennsylvania, from my own experience, compared to the well-organized youth corps that have been proving themselves, I would put my investment and my priority in expanding in what I consider a modest way to the 25,000 level opportunities for full-time service.

Let me just close for the night by saying that this program is not suddenly coming from out of the sky. It indeed is an example of building on what this Congress has started, the National and Community Service Act of 1990, set us forth on this road. President Bush set us forth on this road. Bipartisan support in both bodies of Congress set us forth on this road. National service was tested under that act in demonstration projects, and it is time now for those pilots which proved themselves to ignite the larger furnace of this program that will be debated.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

## ROTH OBJECTION TO CONFERENCE ON HATCH ACT AMENDMENTS

Mr. DOLE. Mr. President, the Senator from Delaware was taken aback today by the reaction of the majority leader when he objected to going to conference on the Hatch Act amendments. Actually, Senator ROTH had not been informed they were going to make a formal request to go to conference until just prior to the request being made. Thus, he was taken by surprise by the request. Normally, the committee minority is informed by the committee majority that a request is forthcoming and the number of conferees each party will send. None of that was done here. As he stated at the time, there was precedent in 1990 for the House taking our amendment without a conference, which would speed up the process, not delay it.

## HEALTH CARE

Mr. SPECTER. Mr. President, after attending countless hearings, proposing extensive legislation, and serving as the ranking Republican on the Appropriations Subcommittee on Health Issues, it is a strikingly different situation to be a health care recipient facing major surgery. It gives a person a new perspective and one worth sharing with colleagues and others as we look toward legislation in this field.

While my experience may not be totally representative, I was enormously impressed with the competency and dedication of the medical personnel who cared for me, leading me to be a reinforced believer in what we often say, that the U.S. health care system is the best in the world. An expert team led by Dr. Eugene S. Flamm removed a benign intracranial lesion and I received excellent followup care at the Hospital of the University of Pennsylvania.

My experience gave me new insights on escalating costs. When we complain about how much the cost of medical care has risen over inflation generally, we do not focus on new techniques which were not available just a few years ago. The miracle of the MRI has been with us only since 1984. It raises costs, but it is obviously worth it.

There has been some difference of opinion as to whether I should have had an MRI which detected the intracranial lesion. Without any history of headaches or other symptoms, I felt a tightening in my neck and mild pains running up the side of my head for about 7 weeks. An extensive series of tests on my heart, chest, ears, nose, and throat were negative. I pressed for and ultimately received an MRI.

The MRI showed a 2 by 2-inch intracranial lesion, which would not otherwise have been detected, with potentially serious consequences if not removed. It is obviously a complex question as to what tests should be given depending on many factors. Long before my own problem, I opposed those who advocate rationing in our health care system. I realize that rationing is an oversimplification; but that is the terminology used, for example, in questionnaires during the 1992 Pennsylvania Senate campaign. I said then, and repeat now, that I do not want rationing for myself, for my family, or for America.

As we approach legislation on health care reform, I urge my colleagues to oppose the concept of rationing and to construct standards which will give substantial latitude on ordering tests. A patient's instincts, like mine, are worth considerable weight in my judgment.

An MRI examination is expensive because the machine is so costly. While inconvenient, there is no reason those machines could not be run around the clock because the marginal operating costs are relatively small. I understand that many MRI's run long hours, but even more use could be obtained from them. More people could receive that test at a lower cost.

The question inevitably arises as to how we pay for such testing. I am personally convinced that substantial savings are possible in our current system as specified in extensive legislation which I have introduced S. 18 and S. 631.

I understand the limited scientific value of a single case, but I offer my own experience and my own evaluation for your consideration. In a society dedicated to the worth of the individual, I urge that our health care policy should give side latitude to the use of life saving tests.

## IN REMEMBRANCE OF GOVERNOR AKER

Mr. DECONCINI. Mr. President, I would like to say a few words in memory of a very dear friend of mine and of my family's who passed away on June 30—Mayor Governor "Gov" Aker.

Gov was a very special person to many in our community. Folks from the upper Gila Valley, like my mother, remember Gov for not only his incredible dedication and commitment to Arizona, but for his sense of humor, his love of golf, and his love of the people he represented. He never turned his back on anyone and always fought for what he believed in.

I would like to mention some of Gov's contributions to our State. Gov started his public service as a member of the Army Air Corps during World War II. After the war, he demonstrated his love of young people by being an assistant football coach at Northern Arizona University and then a head coach at Safford High School—a job he truly loved. Gov went on to become assistant superintendent of public instruction at our State capital. In 1964, he became director of youth programs for the secretary of the interior. Most recently, Gov was elected to the Safford City Council and, 4 years later in 1986, became its mayor.

Gov was and always part of Arizona. He loved it. It was his home. His untiring dedication to our State and its constituents will always be remembered. My deepest sympathies go out to his wife, Luwana. I would hope my colleagues would join me in wishing her the best and in celebrating the life of Gov Aker for his time, courage, commitment, and service not only to Arizona, but to the Nation.

## THE 100TH BIRTHDAY OF GEORGE A. BROWN, SR.

Mr. SARBANES. Mr. President, on July 24, 1993, George Augustine Brown, a lifelong Maryland resident, will celebrate his 100th birthday surrounded by family and friends. A century of life is always cause for celebration—something few of us will have the pleasure of experiencing personally—but Mr. Brown is especially fortunate to be able to share this momentous occasion with his 10 children, 30 grandchildren, 43 great-grandchildren and 7 great, great-grandchildren. Were it not for the passing of his wife, Sarah, in 1985, after nearly 70 years of loving marriage, Mr. Brown's joy would surely be complete.

It is hard for many of us to imagine that there are Americans who still remember the Spanish-American War and every U.S. President since William McKinley. But Mr. Brown does more than just regale his listeners with exciting tales of people and events long forgotten; by his years of hard work, devotion to his family, religious faith, and public service he exemplifies the highest American values and is a model for us all. Having served some 34 years as a U.S. postal worker, where in his early years he delivered parcel post by horse-drawn wagon, Mr. Brown not only remembers Baltimore's history, but has become a living part of it.

Mr. President, I hope my colleagues will join me in offering my heartfelt congratulations and best wishes not just to Mr. Brown for having reached this milestone, but to all those who have had the benefit of knowing him as a relative or friend. I know they look forward to sharing with him many more years of health and happiness.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,334,092,903,543.66 as of the close of business on Friday, July 16. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,873.43.

## OBJECTION TO CONFERENCE ON HATCH ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I have just been apprised of the statement by the Republican leader regarding my request to go to conference with the House on H.R. 20, the Hatch Act reform bill. The Republican leader refers to a formal request by the majority on this matter. As is the usual case in these matters, my floor staff handed the Republican leader's floor staff this request at 9:15 a.m. this morning. Senator DOLE's staff refused the request at that time. The request was renewed and the negative response was reconfirmed later in the day.

As is my usual practice of informing the Republican leader prior to putting such a consent I, through my staff, informed Senator DOLE's staff of my intention to put the request during the vote on final passage of the bill, and I asked that Senator DOLE be present on the floor when I made the request. Apparently his schedule did not permit that and thus it was left to Senator ROTH to object to the putting of the request.

Therefore, I want the record to be clear that this request was presented to the Republican leader's staff, in the normal course of business, twice during the day. I am not aware of, and thus cannot comment on what communications took place between the Republican leader's floor staff and other Republican Senators. But everything we did was in accordance with our standard practices in such matters, and the minority was fully, and repeatedly, informed of our intentions.

## TRIBUTE TO PAT NIXON

Mr. LUGAR. Mr. President, I join all Americans in mourning the passing of Pat Nixon. This is a loss we feel deeply, as we pay tribute to her lasting and remarkable contributions as First Lady.

Pat Nixon will forever stand as a person who exemplified grace, charm, and perseverance. I recall how thoughtful Pat was to Char and me and all Hoosier delegates at the 1968 and 1972 GOP conventions in Miami Beach.

Although Pat was a private person, she shouldered the responsibilities of public life superbly. Her efforts to promote voluntarism and humanitarian service are legendary, providing a consummate example of altruistic public service. As America's most dedicated Ambassador of Goodwill, she traveled to more than 80 countries and touched the lives of millions of people throughout the world.

Pat Nixon will be remembered as an extraordinary First Lady. Her personal strength, devotion to her family, and dedication to her country were a constant inspiration. I extend my deepest condolences to President Nixon, Tricia, Julie, and all other members of a great American family, whose loss we share.

## ENVIRONMENTAL RESTORATION OF SCRAP TIRES

Mr. HATCH. Mr. President, as my colleagues recognize, our country is facing a serious environmental hazard with the burgeoning numbers of scrap and automobile tire heaps dotting our landscape. Unfortunately, the shape and rubber content of tires makes them unsuitable for landfills and they are accumulating in these heaps near our urban and industrial centers, populated residential areas, and schoolyards and playgrounds. They are magnets for rodents, insects, and disease; and, if one ever catches on fire, it could burn for days, if not weeks. In addition, no one can deny that these heaps of old tires are eyesores.

I have been impressed with the entrepreneurial spirit that the presence of these old tire heaps has engendered in many of our environmentally conscious citizens, especially several Utahns. They have recognized the threat to the environment and public health that these heaps pose for our society and have attempted to develop commercial uses for scrap tires as a means of eliminating these heaps.

Recently, I was made aware of one of these unique uses developed by a resident of Provo, UT, that I want to bring to the attention of my colleagues. Mr. Don Cox has invented a process for the restoration of soil contaminated with petroleum products that operates in a closed system and is nonpolluting. The energy source for this new technology is scrap tires. With this technology, the level of contamination in groundwater caused when oil wells are drilled will be significantly decreased.

This technology has been used successfully in the field and has been approved for use in three States. In addition, it has received commendations in two States where it has been employed. I am pleased to note this technology as well as other procedures being pursued in my State and elsewhere to achieve a cleaner environment through the use of discarded tires.

Mr. President, I ask unanimous consent that an article from the Utah County Journal discussing this technology be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Utah County Journal, May 4, 1993]

### TURNING TIRES INTO MONEY

(By Lane Williams)

About a year and a half ago, an engineer told Don Cox that his idea to burn rubber tires for heat energy wouldn't work.

This skeptic, like others, had "waited until it was too late." Cox said. "It was already working."

Cox and his old friend Denzil Harvey spent about two years developing their idea to burn tires as a pollution-free source of heat energy. It's working. Earlier this year at an oil well in Summit County, tire energy saved Exxon Corporation an estimated $2 million in projected costs for getting oil out of the ground.

Burning tires provides heat for another environmentally sound idea developed by the two men. Their truck-trailer-sized "soil remediation system" can save millions in environmental cleanup costs. Drillers often use mineral oil in the drilling process; it's an effective drilling technique but causes groundwater contamination. Cox's idea significantly decreases the level of contamination. The technology also allows Cox to clean up sites of underground gasoline storage tanks.

One of the most difficult environmental problems the United States faces is what to do with used tires. Their shape and rubber content make them unsuitable for landfills. When they sit out in the open, water collects inside them, making a perfect breeding ground for dangerous disease-bearing mosquitoes and rodents. When burned, tires generally give off dangerous chemicals.

Tires are made of hydrocarbons—so is gasoline—and could be a good source of energy if someone could figure out how to burn them cleanly. The difficulty is that tire hydrocarbons include dangerous substances like polystyrene, which can explode.

Most inventors have tried to burn tires in large quantities. Cox and Harvey took the opposite approach, burning them in small boilers. In a patented, secret two-step process, they first control the amount of oxygen that goes into a small furnace. Volatile gases from the burning tires go to another chamber, where they are burned separately. The key principle in the process is that the volatile gases in a closed environment are like a match in a room with no oxygen; they won't burn. If you control or eliminate the amount of oxygen at important points in the chemical process, explosions won't result.

Early on, the two men did experience a few small explosions. The lid of the boiler was not properly secured and, on occasion, it would shoot off when the oxygen level got too high. "We've used those lids for Frisbees," Cox says.

Now the process just creates hot carbon dioxide. At 2,000 degrees, it is hot enough to provide a lot of heat energy for a wide variety of purposes.

Cox likens the process to a carburetor in an automobile. When it is running properly, almost no noticeable fumes escape from the back of the car. When the carburetor isn't working right, smoke is emitted. The smoke, like the black smoke from tire fires, is essentially unburned fuel.

Utah and Texas officials have checked Cox's process and have found no detectable levels of carbon monoxide or other dangerous gases. Other states have given the partners temporary permits.

A world of uses awaits the new technology. Tire burning can provide heat to operate greenhouses or water purification systems. It could potentially heat large buildings.

The company, National Fuel and Energy, has chosen to use the technology for another important environmental project, cleaning up soil contaminated by leaking underground storage tanks or from oils by crude oil drilling.

The first practical use of the idea involved Exxon's drilling in Summit County this year and last. When oil rigs drill through salty layers of earth, the workers must use a lubricant. Through the years, they've settled on a mineral oil mixed with dirt. A project like the one in Summit County would normally use about 400,000 gallons of lubricant, but National Fuel and Energy cut the usage to only 100,000 gallons—and only 30,000 of those gallons stayed in the ground, a decrease of about 370,000 gallons from the norm. The savings to Exxon was roughly $2 million, Cox said. It also was a benefit to the environment.

The company based this idea on the same principal as burning the tires: If you can keep oxygen away from the oil in the dirt, it won't burn when you heat it.

This makes it all surprisingly simple. Essentially, it works the same way as boiling dirty water. The water evaporates as steam and leaves a pile of dirt. Collect the steam, let it cool and you have a pail or water next to the dirt. Similarly, using the heat from burning tires, the company puts the oily mud in a long cylindrical device that turns inside a drum surrounded by a column of hot air. The oil vaporizes, separating oil and dirt, after which the oil is once again condensed.

NF&E is already helping the American Telephone and Telegraph Co. to clean some of its contaminated sites near Delta, where

AT&T used diesel fuel in underground tanks to run machines needed for old cross-country phone lines.

State of Utah officials were so impressed by Cox's idea that the company received a Resolution of Commendation for Earth Day on April 28.

Cox pauses to think of what he has done, and smiles. Finding innovative ways to take care of the Earth will be "my contribution" to the world, he says.

## MAJ. GEN. ROBERT PARKER

Mr. HATCH. Mr. President, I rise to recognize Maj. Gen. Robert W. Parker, U.S. Air Force, as he relinquishes command of the On-Site Inspection Agency and takes up his new duties as Director of Operations at the U.S. Air Force Space Command.

The On-Site Inspection Agency [OSIA] is a joint-service Department of Defense organization responsible for implementing inspection, escort, and monitoring requirements under the verification provisions of international arms control treaties. With headquarters located at Washington-Dulles International Airport, the Agency has field offices at Travis Air Force Base, CA; Yokota Air Base, Japan; Rhein-Main Air Base, Germany; the United States Embassy, Moscow; Votkinsk, Russia; and Magna, UT. Approximately 750 men and women from the U.S. Army, Air Force, Marines, and the Federal civil service are assigned to OSIA.

In June, we marked the fifth anniversary of the entry-into-force of the Intermediate-Range Nuclear Forces [INF] Treaty, which called for the elimination of an entire class of nuclear-capable missiles. The terms of the INF Treaty called for a unique form of inspection called portal monitoring. Continuous portal monitoring is conducted on a round-the-clock basis at the Votkinsk Machine Building in the Udmurt Republic of the Russian Federation, former site of SS-20 production, and at the Hercules Bacchus Plant in Magna, UT, former site of Pershing missile rocket motor production. Under the escort supervision of the OSIA detachment in Magna, the Soviets, now the Russians, have had continuous presence of up to 30 inspectors in my State since July 2, 1988. Magna has accepted these inspectors and provided them with opportunities to participate in a variety of community cultural, and educational events. I am proud that my fellow Utahns have extended such hospitality, but that is typical of the people of my home State.

Under the exemplary leadership of General Parker, the OSIA has expanded its original mission of implementing the INF Treaty to encompass other international arms control agreements, including nuclear testing treaties, Conventional Armed Forces in Europe Treaty, Strategic Arms Reduction Treaty, Open Skies Treaty, and Chemical Weapons Agreements. OSIA also is the executive agent for Defense Department support to the United Nations Special Commission on Iraq and assists the State Department in providing humanitarian aid to the peoples of the former Soviet Union as part of Operation Provide Hope.

General Parker has served his country with loyalty and skill as an Air Force officer for nearly 30 years. Commissioned a second lieutenant, he began his service in the strategic missile career field as a missile combat crew member. He served as both an instructor and evaluator in the Minuteman weapons system. In July 1967, he was certified combat ready on the first airborne launch control system missile crew, later serving as an airborne launch control system instructor and chief of SAC's airborne launch control system. Other assignments included Headquarters, Strategic Air Command; Headquarters, U.S. Air Force; wing commander of Malmstrom Air Force Base, MT; and, as senior military advisor to the director, U.S. Arms Control and Disarmament Agency.

General Parker took command of the On-Site Inspection Agency on January 25, 1991, and he can be justifiably proud of all the OSIA has achieved during his tenure. I will miss his connection to Utah through the OSIA, but certainly join in saluting him for his past success and in wishing him well in his new position.

## TRIBUTE TO FORMER FIRST LADY PAT NIXON

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to a very special American—Patricia Ryan Nixon, who served with great dignity and distinction as our Nation's First Lady.

Pat Nixon's 81 years of life can best be described as selfless. Growing up during the Depression on a farm in California, the daughter of an Irish-American father and a German immigrant mother, she knew much of hardship and sheer sacrifice. At the age of 12, she lost her mother to cancer. Five years later, she lost her father to black lung. During these illnesses, Pat took care of her parents and two brothers. Later, she worked her way through the University of Southern California and graduated cum laude. It was this fighting spirit that would mark her entire life.

Pat Nixon never wanted a public life, but her husband did. She went along willingly and put her best foot forward. Pat Nixon was loved by Americans as gracious, tactful, loyal, and practical. People found her quiet efficiency reassuring. Richard and Pat Nixon were a team. In his campaign speeches he would refer to Pat as, "my right hand man." Richard Nixon dedicated his book, "Six Crises," "To Pat; she also ran."

Pat Nixon became our Nation's First Lady in 1969. She expanded the role of First Lady as a goodwill Ambassador and foreign emissary. In 1970 she warmed the strained relationship between the United States and Peru by traveling to towns destroyed by earthquakes, delivering aid and supplies to the survivors. At home she was known to meet with demonstrators in riot-torn areas and to listen to hostile students on college campuses.

Pat Nixon stood behind her husband during the trying Watergate period. After his Presidency was over, she returned to private life with her husband and devoted herself to the family that she loved so much.

Mr. President, it is with tremendous respect and gratitude that I take this moment to recognize the important role that Pat Nixon played in our country's history. She was a pillar of grace, poise, and strength during some of our Nation's most tumultuous times. Pat Nixon, in her own way, played an important role in the history of the latter half of the 20th century. She will be missed.

## S. 185, THE HATCH ACT REFORM AMENDMENTS OF 1993

Mr. GORTON. Mr. President, I will vote for, S. 185, the Hatch Act reform amendments, as it has been amended by the Senate. Although I continue to have real reservations with the bill, the version on which we are about to vote has been altered significantly enough to make it acceptable.

The debate which has played out on the Senate floor over the past several days has been extremely interesting. Proponents have argued that current law unfairly bans Federal employees from voluntarily participating in activities protected by the Constitution. They say that it is unconscionable to deny these employees the choice that every other American citizen enjoys—whether voluntarily to participate in partisan politics. This argument has significant merit.

In the past, however, that argument has always been outweighed by the legitimate concerns over keeping the Federal bureaucracy neutral and nonpartisan and protecting its people from political pressure and manipulation. That was the case with the legislation that the Congress considered in the 101st session. I voted against that bill because it did not strike an acceptable balance between two legitimate positions.

The bill recently passed by the House of Representatives is equally unacceptable. That version will allow Federal employees to solicit contributions from the general public and allow them to run for partisan elective local office. Even the bill reported by the Governmental Affairs Committee went too far in trying to strike a balance between citizen involvement and maintaining an effective and neutral Federal bureaucracy.

Some of my fears, however, were allayed when S. 185 was altered to reflect several amendments proposed by Republican Senators. These amendments will keep the existing rules in place for the Senior Executive Service, administrative law judges, boards of contract appeals, and some of the most sensitive Government posts and agencies, like the Federal Bureau of Investigations and the Internal Revenue Service's criminal investigative office.

With these amendments in place, I believe S. 185 strikes a much more acceptable balance between allowing for citizen involvement in politics and maintaining a neutral civil service. It is only with these amendments in place that I find myself able to vote for the bill.

I wish to make very clear, however, that I intend to vote against the conference report if it strays from the Senate version. Under those circumstances, it will clearly be unacceptable.

## CHANGE IN VOTE

Mrs. BOXER. Mr. President, I would like to ask unanimous consent that I be permitted to change a vote which I cast earlier on vote No. 198 from nay to aye. This change will not alter the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-9

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amendment to Montreal Protocol on Substances That Deplete the Ozone Layer, Treaty Document 103-9, transmitted to the Senate by the President today; and ask the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to ratification, the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer ("Montreal Protocol"), adopted at Copenhagen on November 23-25, 1992, by the Fourth Meeting of the Parties to the Montreal Protocol. I am also enclosing, for the information of the Senate: the adjustments, also adopted November 23-25, 1992, that accelerate the respective phaseout schedules for substances already controlled under the Protocol (chlorofluorocarbons (CFCs), halons, other fully halogenated CFCs, methyl chloroform, and carbon tetrachloride); and the report of the Department of State.

The principal feature of the Amendment that was negotiated under the auspices of the United Nations Environment Program (UNEP), is the addition of new controlled substances, namely hydrochlorofluorocarbons (HCFCs), hydrobromofluorocarbons (HBFCs), and methyl bromide. The Amendment, coupled with the adjustments, will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

The Amendment will enter into force on January 1, 1994, provided that 20 Parties to the Montreal Protocol have deposited their instruments of ratification, acceptance, or approval. Early ratification by the United States is important to demonstrate to the rest of the world our commitment to protection and preservation of the stratospheric ozone layer and will encourage the wide participation necessary for full realization of the Amendment's goals.

I recommend that the Senate give early and favorable consideration to the Amendment and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Order Nos. 130 and 131; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read three times, passed, and the motion to reconsider the passage of these measures laid upon the table, en bloc; further, that the consideration of these items appear individually in the RECORD and any statements relative to these calendar items appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INDIAN DAMS SAFETY ACT OF 1993

The bill (S. 442) to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs through contracts with Indian tribes was considered, ordered to be engrossed for a third reading, was deemed read the third time and passed; as follows:

### S. 442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Dams Safety Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) in 1980, the Secretary of the Interior established a department-wide dam safety program to correct deficiencies identified by inspections of dams;

(2) the Bureau of Indian Affairs (hereafter referred to in this Act as the "BIA") did not make timely progress toward accomplishing the objectives of the dam safety program and, as a result, 53 dams on Indian lands are considered to present a high hazard to human life in the event of failure;

(3) unsafe BIA dams continue to pose an imminent threat to people and property because the dam safety program has not been given a sufficiently high priority either by the BIA or by the Congress;

(4) until 1991, the BIA did not have an adequate program to ensure proper periodic maintenance of dams under its jurisdiction and structural problems have often led to seepage and accelerated bank erosion, as well as other unsafe conditions;

(5) safe working dams are necessary on Indian lands to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats;

(6) because of inadequate attention in the past to regular maintenance requirements for BIA dams, the costs for needed repairs and future maintenance are significantly increased;

(7) many dams have operation and maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property; and

(8) it is necessary to institute a regular dam maintenance and repair program, utilizing expertise either within the BIA, the Indian tribal governments, or other Federal agencies.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) INDIAN TRIBES.—The term "Indian tribes" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) DAM SAFETY PROGRAM.—The term "dam safety program" means the program established by the Secretary of the Interior by order dated February 28, 1980, to prevent dam failure and the resulting loss of life or serious property damage.

(4) DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The term "dam safety operation and maintenance program" means the program established under section 4 of this Act.

(5) DAM SAFETY CONDITION CLASSIFICATIONS.—The term "dam safety condition classifications" means the following classifications cited in the Bureau of Reclamation glossary of dam safety terms:

(A) SATISFACTORY.—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) FAIR.—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) CONDITIONALLY POOR.—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) POOR.—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) UNSATISFACTORY.—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

**SEC. 4. ACTIONS BY SECRETARY.**

(a) ESTABLISHMENT OF DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The Secretary shall establish a dam safety operation and maintenance program within the BIA to ensure the regular, recurring, routine maintenance, examination, and monitoring of the condition of each dam identified pursuant to subsection (c) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) REHABILITATION.—The Secretary is directed to perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (c) to a satisfactory condition. Upon the completion of rehabilitation work on each dam, the dam shall be placed under the dam safety operation and maintenance program established pursuant to subsection (a) and shall be regularly maintained under the guidelines of such program.

(c) LIST OF DAMS.—The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classifications of each dam, as such terms are defined in section 3(5).

(d) PURPOSE.—Work authorized by this Act shall be for the purposes of dam safety operation and maintenance and not for the purposes of providing additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs.

(e) TECHNICAL ASSISTANCE.—To carry out the purposes of this Act, the Secretary may obtain technical assistance from agencies in addition to the BIA under his jurisdiction, such as the Bureau of Reclamation, or from other departments through memoranda of understanding, such as the Department of Defense. Notwithstanding any such technical assistance, the dam safety program and the dam safety operation and maintenance program shall remain under the direction of the BIA.

(f) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with appropriate Indian tribes to carry out the dam safety operation and maintenance program established pursuant to this Act.

**SEC. 5. AUTHORIZATION.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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## INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT

The Senate proceeded to consider the bill (S. 654) to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations, which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 654

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORIZATION.**

**[**Section 502**]** *Subsection* (h) of the Indian Environmental General Assistance Program Act of 1992 *(42 U.S.C. 4368b(h))* is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003".

**SEC. 2. REPORT TO CONGRESS.**

*The Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) is amended by adding at the end the following:*

*"(i) REPORT TO CONGRESS.—The Administrator shall transmit an annual report to the Congress describing—*

*"(1) which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws:*

*"(2) the effectiveness of any such enforcement; and*

*"(3) any conflicts that may have arisen regarding private property due to such enforcement.".*

Mr. MCCAIN. Mr. President, I introduced S. 654 on March 25, 1993 along with Senators INOUYE, CAMPBELL, and SIMON whom I want to thank for their assistance and support. If enacted, the bill would extend the authorization for the Indian Environmental General Assistance Program Act (P.L. 102–497, 106 Stat. 3258, 42 U.S.C. 4368b) from fiscal years 1993 and 1994 to fiscal year 2003.

As enacted in late 1992, the act provided authorization for appropriations to the Environmental Protection Agency of $15 million per year for the 1993 and 1994 fiscal years. At the time of enactment, the Congress had already completed action on fiscal year 1993 appropriations for EPA. In effect, this means that the Act authorized appropriations for only the 1994 fiscal year. S. 654 would correct this situation by authorizing appropriations of $15 million per year through fiscal year 2003.

The Indian Environmental General Assistance Program Act is intended to correct a serious deficiency in Federal efforts to ensure environmental quality on Indian lands. Over the past 20 years the Federal Government has provided billions of dollars to the States to enable the States to establish laws and programs to protect the environment. It has only been in recent years that the Congress and EPA have begun to provide a role for tribal governments in the Federal environmental regulatory framework.

The act provides EPA with the authority to award grants to Indian tribal governments to build their capacity to develop and establish their environmental protection programs. Under the act, EPA and the tribal governments have the flexibility to tailor grants to the specific needs of each tribal government. These grants will enable tribal governments to develop the technical, legal and administrative infrastructure necessary for effective environmental regulation. Grant awards made under the act are in addition to and do not supplant awards which may otherwise be made to a tribal government for program specific purposes. One of the primary objectives of the act is to promote the development of multimedia environmental programs by tribal governments. For many tribal governments, multimedia programs made good sense for fiscal and administrative reasons.

The act was supported by EPA and was developed along the lines of a small, but successful multimedia grant pilot project that EPA administered for several years. While the administration has not taken any formal position on S. 654, EPA is in the process of developing regulations to implement the act and the President has requested $7.5 million for implementation in fiscal year 1994.

Mr. President, I urge all of my colleagues to support S. 654 and to join with us in assisting tribal governments to become full partners in Federal environmental regulatory efforts.

So the bill (S. 654), as amended, was deemed read three times and passed, as follows:

S. 654

*Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORIZATION.**

Subsection (h) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(h)) is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003".

**SEC. 2. REPORT TO CONGRESS.**

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"(1) which Indian tribes or intertribal consortia have been grated approval by the Administrator pursuant to law to enforce certain environmental laws:

"(2) the effectiveness of any such enforcement; and

"(3) any conflicts that may have arisen regarding private property due to such enforcement.".

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## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

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## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

*To the Congress of the United States:*

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with emigration criteria of the Jackson-Vanik amendment to, and Section 409 of, the Trade Act of 1974. This determination allowed for the continuation of most favored nation (MFN) status for Bulgaria without the requirement of an annual waiver.

As required by law, I am submitting an updated formal Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

The Administration intends to propose legislation, which would let me terminate the application of Title IV of the Trade Act of 1974 to Bulgaria.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1993, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition and Forestry:

*To the Congress of the United States:*

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1990.

WILLIAM J. CLINTON.

The White House, *July 20, 1993.*

## REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition and Forestry:

*To the Congress of the United States:*

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1991.

WILLIAM J. CLINTON.

The White House, *July 20, 1993.*

## MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on July 16, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 20. An Act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; and

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week."

Under the authority of the order of January 5, 1993, the enrolled bill and joint resolution were signed on July 16, 1993, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

## MESSAGES FROM THE HOUSE

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 631. An Act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

H.R. 1305. An Act to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

H.R. 1631. An Act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 1632. An Act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references.

H.R. 2520. An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House has passed the following bill; without amendment:

S. 20. An Act to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 631. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1305. An act to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service; to the Committee on Energy and Natural Resources.

H.R. 1631. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

H.R. 1632. An act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references; to the Committee on Governmental Affairs.

H.R. 2520. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 1, 1993, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 88. Joint resolution to designate July 1, 1993, as "National NYSP Day."

## EXECUTIVE AND OTHER COMMUNICATIONS

**The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:**

EC-1106. A communication from the Secretary of Labor transmitting, pursuant to law, the Department's annual report for the period October 1, 1991 to September 30, 1992; to the Committee on Labor and Human Resources.

EC-1107. A communication from the Secretary of Labor transmitting, pursuant to law, a report relative to employers' authorized use of a training wage; to the Committee on Labor and Human Resources.

EC-1108. A communication from the Acting Senior Deputy Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1992; to the Committee on Labor and Human Resources.

EC-1109. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the audit of the Student Loan Marketing Association; to the Committee on Labor and Human Resources.

EC-1110. A communication from the Commissioner of the National Center for Education Statistics, transmitting, pursuant to law, the annual statistical report of the Center; to the Committee on Labor and Human Resources.

EC-1111. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the audit of the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC-1112. A communication from the Chairman of the College Construction Loan Insurance Association, transmitting, pursuant to law, the annual report of the Association for 1992; to the Committee on Labor and Human Resources.

EC-1113. A communication from the Inspector General of the National Endowment for the Arts transmitting, pursuant to law, an internal audit report relative to restrictions in lobbying; to the Committee on Governmental Affairs.

EC-1114. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report on the Judicial Retirement System; to the Committee on Governmental Affairs.

EC-1115. A communication from the Secretary of the Treasury, tranmitting, pursuant to law, the semiannual report of the Inspector General; to the Committee on Governmental Affairs.

EC-1116. A communication from the U.S. Special Counsel, transmitting, pursuant to law, the Counsel's report to Congress for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1117. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, the Inspector General's semiannual report for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1118. A communication from the Director of the Armed Forces Retirement Home, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1119. A communication from the Director, Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers General Retirement System; to the Committee on Governmental Affairs.

EC-1120. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1121. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank; to the Committee on Governmental Affairs.

EC-1122. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's reports to Congress for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1123. A communication from the District of Columbia Auditor, transmiting, pursuant to law, a report relative to the audit of the D.C. public school system; to the Committee on Governmental Affairs.

EC-1124. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the audit of the D.C. public schools internal accounting system; to the Committee on Governmental Affairs.

EC-1125. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, tranmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1126. A communication from the Chairman and President of the National Railway Passenger Corporation, transmitting, pursuant to law, the Corporation's second annual management report; to the Committee on Governmental Affairs.

EC-1127. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's annual report for the period August 9, 1989 through December 31, 1992.

EC-1128. A communication from the Chairman of the United States Securities and Exchange Commission, transmitting, pursuant to law, the Commission's annual report on its Competition Advocacy Program for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1129. A communication from the Inspector General, United States Department of Commerce, transmitting, pursuant to law a report relative to the Department's compliance with the Byrd Amendment; to the Committee on Governmental Affairs.

EC-1130. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's report on final actions for the period ending March 31, 1993; to the Committee on Governmental Affairs.

EC-1131. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the contracting for the rebuilding of Kuwait; to the Committee on Governmental Affairs.

EC-1132. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the assignment of General Accounting Office employees to congressional committees; to the Committee on Governmental Affairs.

EC-1133. A communication from the Acting Director of the Federal Domestic Volunteer Agency, tranmitting, pursuant to law, two semiannual reports of the Inspector General for the six month period ending March 31, 1992; to the Committee on Governmental Affairs.

EC-1134. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the valuation of the U.S. Coast Guard Military Retirement System; to the Committee on Governmental Affairs.

EC-1135. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a report relative to the reauthorization of the Conference; to the Committee on Governmental Affairs.

EC-1136. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, a draft of proposed legislation to provide for a pay adjustment for the Chairman, Members, and General Counsel of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

EC-1137. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report relative to the management reports of certain Federal Home Loan Banks; to the Committee on Governmental Affairs.

EC-1138. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Pension Benefit Guaranty Corporation; to the Committee on Governmental Affairs.

EC-1139. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-41 adopted by the Council on June 1, 1993; to the Committee on Governmental Affairs.

EC-1140. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-40 adopted by the Council on June 1, 1993; to the Committee on Governmental Affairs.

EC-1141. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a reoprt relative to cost overruns in the sewer system; to the Committee on Governmental Affairs.

EC-1142. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the water and sewer enterprise fund; to the Committee on Governmental Affairs.

EC-1143. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to a review of Department of Public Works contracts; to the Committee on Governmental Affairs.

EC-1144. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to a review of allegations regarding a UDC employee; to the Committee on Governmental Affairs.

EC-1145. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1993 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1146. A communication from the Senior Attorney of the Copyright Office, transmitting, pursuant to law, a report relative to the Office's Freedom of Information Act activities for calendar year 1992; to the Committee on Governmental Affairs.

EC-1147. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the Commission's implementation of the Government in the Sunshine

Act; to the Committee on Governmental Affairs.

EC–1148. A communication from the Secretary of Commerce, transmitting, pursuant to law, two reports relative to the audits of the Inspector General; to the Committee on Governmental Affairs.

EC–1149. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to audit resolution and management; to the Committee on Governmental Affairs.

EC–1150. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to the adjustment or establishment of schedules of compensation; to the Committee on Governmental Affairs.

EC–1151. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, a report regarding the Corporation's compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–1152. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's Inspector General report for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1153. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report relative to the Board's implementation of the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC–1154. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to the Agency's implementation of the Government in the Sunshine Act during calendar years 1990, 1991, and 1992; to the Committee on Governmental Affairs.

EC–1155. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1156. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual management report for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1157. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Federal Prison Industries, Inc for calendar year 1992; to the Committee on Governmental Affairs.

EC–1158. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, an internal audit report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–1159. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a report relative to the Commission's compliance with the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC–1160. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the Office's "Report to the President for fiscal year 1992"; to the Committee on Governmental Affairs.

EC–1161. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the management report for the Government National Mortgage Association for fiscal year 1992; to the Committee on Governmental Affairs.

EC–1162. A communication from the Interim CEO of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's management report for calendar year 1992; to the Committee on Governmental Affairs.

EC–1163. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1164. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, a report of altered Privacy Act systems; to the Committee on Governmental Affairs.

EC–1165. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC–1166. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on the creation of a new system of records; to the Committee on Governmental Affairs.

EC–1167. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the six month period ending March 31, 1993 and the management response of the Commission; to the Committee on Governmental Affairs.

EC–1168. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission with respect to the Government in the Sunshine Act; to the Committee on Government Affairs.

EC–1169. A communication from the Executive Director of the Interstate Commerce Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's financial statement for the period October 1, 1992 through September 30, 1993; to the Committee on Governmental Afffairs.

EC–1170. A comunication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, an annual report with respect to the Board's compliance with the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC–1171. A communication from the Chief Executive Officer, Postmaster General of the U.S. Postal Service, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1992; to the Committee on Governmental Affairs.

EC–1172. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1992, through March 31, 1993; to the Committee on Governmental Affairs.

EC–1173. A communication from the Acting President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Commission's annual management report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–1174. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report describing the appeals to the Board; to the Committee on Governmental Affairs.

EC–1175. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the Board's annual report with respect to the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

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## REPORTS OF COMMITTEES

**The following report of committee was submitted:**

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocations to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103–99).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 843. A bill to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes (Rept. No. 103–100).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 24. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes (Rept. No. 103–101).

By Mr. BUMPERS, from the Committee on Appropriations, with amendments:

H.R. 2493. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–102).

By Mr. REID, from the Committee on Appropriations, with amendments:

H.R. 2348. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–103).

By Mr. KOHL, from the Committee on Appropriations, with amendments:

H.R. 2492. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–104).

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## EXECUTIVE REPORTS OF COMMITTEES

**The following executive reports of committees were submitted:**

By Mr. WARNER, from the Committee on Armed Services:

John H. Dalton, of Texas, to be Secretary of the Navy, vice Sean Charles O'Keefe, resigned.

Printed report (Ex. Rept. 103-4) on above nomination filed by Mr. NUNN, Committee on Armed Services.

**(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)**

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1257. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

S. 1258. A bill for the relief of the estate of Irwin Rutman; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 1259. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 1260. A bill to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. PELL (by request):

S. 1261. A bill to authorize appropriations for fiscal years 1994 and 1995 for the Board for International Broadcasting, and for other purposes; to the Committee on Foreign Relations.

S. 1262. A bill to reorganize United States international broadcasting, to authorize an Asian Democracy Radio service, and for other purposes; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself and Mr. CONRAD):

S. 1263. A bill to provide disaster assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 1264. A bill to amend the Foreign Assistance Act of 1961 to authorize the Overseas Private Investment Corporation to issue loan guarantees for development projects in Ireland; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 1265. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MACK (for himself, Mr. BUMPERS, Mr. GRAHAM, Mr. COCHRAN, Mr. PRYOR, and Mr. SASSER):

S. 1266. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 1267. A bill to amend the Dwight D. Eisenhower Mathematics and Science Education Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WOFFORD:

S. 1268. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself and Mr. HARKIN):

S. 1269. A bill to amend the National School Lunch Act to protect school districts and the Department of Agriculture from anti-competitive activities of suppliers that sell commodities to schools that participate in the school lunch program, the school breakfast program, the special milk program, and the summer food service program for children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HOLLINGS, Mr. THURMOND, Mr. D'AMATO, and Mr. MOYNIHAN):

S.J. Res. 114. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1257. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

S. 1258. A bill for the relief of the estate of Irwin Rutman; to the Committee on the Judiciary.

### IRWIN RUTMAN RETIRED SAFETY OFFICERS BENEFITS ACT AND PRIVATE RELIEF LEGISLATION

• Mr. D'AMATO. Mr. President, I rise today to introduce the Irwin Rutman Retired Safety Officers Benefits Act. This bill extends death and disability benefits to retired public safety officers who are killed or disabled in the course of attempting to rescue or in responding to a fire or police emergency. These benefits are currently only available to those officers who had been on active duty.

In October 1990, Irwin Rutman, a retired 23-year veteran of the New York City Police Department, witnessed a mugging in a dark Manhattan subway train. After Mr. Rutman immediately attempted to intervene and aid the crime victim, a struggle ensued between Mr. Rutman and the mugger. Mr. Rutman was brutally shot in the head.

He left behind a wife and four young sons. Two sons were in college at the time of his death. Because Mr. Rutman was retired, his family was ineligible to apply for the death benefit funds available under the Public Safety Officers' Benefits Act. If Mr. Rutman had been on active duty, his family would have been eligible for up to $100,000 in death benefits.

The cost of this provision is negligible. The House Budget Committee has not characterized the budgetary impact as significant. The Congressional Budget Office has advised the House Judiciary Committee that this expansion of benefits would result in direct spending of under $500,000 annually. Even though the expense of this bill is minimal, it appropriately honors those heroes and their families who deserve our support.

Mr. Rutman's widow, Elaine, believes that, in order to help other families whose loved ones died or were maimed in acts of bravery, we should name and pass a bill in Mr. Rutman's honor. I agree. Irwin Rutman made the ultimate sacrifice in the battle against crime. This would be a living memorial to a concerned citizen, a good Samaritan, and a police officer who never shed his duty even though he has retired.

Mr. President, I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of this bill and a bill for the relief of the estate of Irwin Rutman, be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1257

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Irwin Rutman Retired Public Safety Officers Death Benefits Act".

**SEC. 2. DEATH BENEFITS.**

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a) by inserting after "line of duty" the following: "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency";

(2) in subsection (b) by inserting after "line of duty" the following: "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency"; and

(3) in subsections (c), (i), and (j) by inserting after "public safety officer" every place it appears the following: "or a retired public safety officer".

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period and inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following:

"(8) 'retired public safety officer' means a former public safety officer, as defined in paragraph (7), who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency in which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of the enactment of this section.

S. 1258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PUBLIC SAFETY OFFICER DESIGNATION.**

For purposes of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), relating to benefits for survivors of public safety officers, Irwin Rutman of Staten Island, New York, shall be deemed to have been a public safety officer on October 29, 1990, and his family shall be entitled to death benefits under such part.

**SEC. 2. LIMITATION OF ATTORNEYS' AND AGENTS FEES.**

No amount exceeding 10 percent of a payment made under section 1 may be paid to or received by any attorney or agent for services rendered in connection with the payment. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

**SEC. 3. EFFECTIVE DATE.**

The provisions of section 1 shall take effect on the date of the enactment of this Act.•

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By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 1259. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary..

EQUAL SURETY BOND OPPORTUNITY ACT OF 1993

• Mr. SIMON. Mr. President, I am pleased to joined by my distinguished colleague, the junior Senator from Illinois, in introducing the Equal Surety Bond Opportunity Act of 1993. This bill is designed to further equal opportunity for surety bond applicants and to equip bond applicants—particularly small business applicants—with information to help them to strengthen their businesses.

Construction firms must have surety bonds to bid on all Federal projects in excess of $25,000 and all federally assisted projects in excess of $100,000. In fact, bonding is now required for most State and local government construction projects and an increasing number of private construction projects. Clearly, access to surety bonding is essential to the livelihood of the majority of construction companies.

Surety bonds ensure that a contractor is capable of completing the specified work and has the financial ability to pay its bills on time. If the bonded contractor fails to complete the project, the surety firm steps in to fulfill the contracts.

Furthermore, surety firms minimize their own risk by determining, before they issue a bond, whether the applicant is capable of completing the particular project in question. The principal source of bonds—for-profit corporate surety firms—use undisclosed underwriting standards to make this determination. Essentially, they assess an applicant's three C's—cash, capacity to do work, and character. But the personal character of a contractor may be evaluated in a very subjective manner, which can result in discrimination.

Although classified as a type of insurance, these bonds are really more like a line of credit. If a surety firm has to step in to fulfill the bonded company's obligation under a contract, it expects to be reimbursed. Unfortunately, as with other types of lines of credit such as mortgage financing, women and minority contractors face serious problems in obtaining surety bonds. Several relatively recent studies of mortgage lending rates in Detroit, Atlanta, and Washington, DC have revealed a significant race-related mortgage lending gap even after adjusting the data for legitimate business concerns. These studies were based in part on data that banks and other lending institutions are required to report to the Federal Government. Federal law does not require surety firms to report any similar data for applications received or granted.

I sponsored and held hearings on the Equal Surety Bond Opportunity Act in the 102d Congress. Witnesses at that hearing included representatives of the Women Construction Owners and Executives and the National Association of Minority Contractors who testified in support of the bill. According to these witnesses, bond applicants have been rejected simply for being a woman, or being a minority. Clearly, these are unacceptable reasons for rejecting a bond applicant.

The American Subcontractors Association also presented testimony at this hearing. They agreed that women and minority-owned construction companies face special problems in getting bonds, as do many small and emerging construction firms. They noted, however, that all of these companies would benefit if surety companies were required to give an explanation for rejecting a bond application. This would allow them to take corrective action for future applications.

By law, the U.S. Treasury Department maintains a list of federally approved surety firms authorized to issue bonds on Federal projects. My bill, which is modeled after the Equal Credit Opportunity Act, would make it unlawful for a Treasury-approved surety to discriminate against applicants based on race, color, religion, national origin, sex, marital status, or age. Simply put, the bill makes it clear that the three C's cannot be determined by reference to an applicant's race, color, religion, national origin, sex, or marital status.

The bill would also require Treasury-approved firms to provide denied applicants, upon request, full written disclosure of the reasons for their denial. A written explanation will give all construction firms the opportunity to take appropriate corrective action—an opportunity now available to all prospective Federal small business contractors when denied by an agency contracting officer. The written explanation would also help curb denials of bonding based on nonlegitimate reasons.

Again, this legislation will benefit all construction firms. It does not dictate underwriting standards for the surety industry. It does not require sureties to report data on applications received or bonds written. Nor does it inflict onerous regulations on the industry. What is does, however, is give businesses the information they need to improve their businesses. Also, the bill will ensure that surety firms comply with the same nondiscrimination laws that bind banks and other lending institutions. If a surety firm is in compliance with these laws, it has nothing to fear from this legislation.

Mr. President, I urge my colleagues to support this very simple, but important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Equal Surety Bond Opportunity Act of 1993".

**SEC. 2. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.**

(a) IN GENERAL.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of title 31, United States Code, or provide any surety bond pursuant to such section unless the company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) REQUIREMENTS RELATING TO ENFORCEABILITY.—

(1) SIGNED STATEMENT OF COMPLIANCE WITH APPLICATION.—Section 9305(a) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a statement of compliance with section 9310, which is signed under penalty of perjury by the president and the secretary of the corporation.".

(2) COMPLIANCE AS A CONDITION FOR APPROVAL OF APPLICATION.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the corporation is in full compliance with section 9310.".

(3) SIGNED STATEMENT OF COMPLIANCE WITH QUARTERLY REPORTS.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) ENFORCEMENT AUTHORITY OF SECRETARY OF THE TREASURY.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

(B) by striking "and" at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304.".

(5) REVOCATION FOR FAILURE TO PAY CERTAIN JUDGMENTS.—Section 9305(e) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

### SEC. 3. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.

(a) IN GENERAL.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

### "SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.

"(a) REASONS FOR ADVERSE ACTION; PROCEDURE APPLICABLE.—

"(1) NOTICE REQUIRED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any surety approved under section 9304 shall notify an applicant for a bid bond, payment bond, or performance bond of its action on a completed application within 10 days of receipt of the application.

"(B) EXTENSION.—The notification required by subparagraph (A) may be furnished within 20 days, if the surety has not issued a bond to the applicant in the preceding 12 months.

"(2) STATEMENT OF REASONS.—

"(A) IN GENERAL.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) ACCEPTABLE FORMS OF STATEMENT.—A surety satisfies the requirements of subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a written request made by the applicant not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) ORAL STATEMENT PERMITTED.—A required statement of reasons for adverse action may be given orally if written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon the applicant's written request.

"(3) SPECIFICITY OF REASONS.—A statement of reasons meets the requirements of this section only if it contains specific reasons for the adverse action taken.

"(4) APPLICABILITY IN CASE OF THIRD PARTY APPLICATIONS.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) APPLICABILITY IN CASE OF SURETIES WHICH ACCEPT FEW APPLICATIONS.—The requirements of paragraphs (2), (3), and (4) may be satisfied by oral statements or notifications in the case of any surety which acted on not more than 100 applications during the calendar year in which the adverse action is taken.

"(b) NONDISCRIMINATION.—

"(1) ACTIVITIES.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) ADDITIONAL ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It is not a violation of this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program.".

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit.".

### SEC. 4. CIVIL PENALTIES.

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following: "(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following: "(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting after subsection (a) (as designated by paragraph (1)) the following new subsection:

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the applicant for—

"(1) any actual damage sustained by such applicant (individually or as a member of a class); and

"(2) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.".

### SEC. 5. REGULATIONS.

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this Act not later than 270 days after the date of the enactment of this Act. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

### SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the earlier of—

(1) the effective date of final regulations promulgated pursuant to section 5; or

(2) the end of the 1-year period beginning on the date of enactment of this Act.●

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By Mr. GRAHAM:

S. 1260. A bill to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

### AMERICAN FIELD SERVICE LEGISLATION

• Mr. GRAHAM. Mr. President, I rise today to introduce legislation which will remedy an inequity suffered by a small but important group of American veterans, members of the American Field Service ambulance corps. All wartime AFS ambulance drivers of World War II rendered service on battlefields in U.S. combat areas, but the Secretary of the Air Force has entitled only 53 percent of the AFS roster to U.S. Army status and veterans' benefits under the provisions of section 401, Public Law 95–202. The disapproved 47 percent of the roster, who enlisted for overseas duty on the same terms, subject to court martial for failing to serve, have been unable to obtain an administrative remedy.

My legislation would provide that any person who was part of the enlisted wartime personnel of the AFS corps and who reported for duty overseas during World War II shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs. It is similar to legislation introduced in 1992 by Representative JOHN TANNER.

The AFS corps was a prewar American volunteer group of combat ambulance drivers that the U.S. Government sponsored as a wartime service with American and Allied army troops in Africa, Europe, and India-Burma campaigns. Peak deployment overseas was three companies and one half company, totalling 437 ambulances and 891 men.

AFS units deployed on army orders of battle conducted an estimated 714,000 ambulance patient evacuations, which represented aid to 139,500 soldiers hit by enemy fire. More than 11 percent of all wounded Allied ground troops in the Italy and Western Europe campaigns were transported one or more times by AFS drivers.

The principal AFS service evacuated 338,000 American and Allied army soldiers in Italy. This included helping at least 35 percent of the total Allied wounded in the campaign and 20 percent of the U.S. 5th Army wounded. AFS groups provided similar frontline service in North Africa, Western Europe, and India-Burma.

From 1942 to 1945, the AFS ambulance drivers were registered by the State Department under article 10 of the Geneva Red Cross Convention as an American Government responsibility and as members of the American Army medical services. The drivers were attached to Allied army units in this capacity. They also aided Americans and served at all times under U.S. War Department control or U.S. Army command. Secretary of War Stimson personally authorized the AFS service.

In 1945, the U.S. War Department recognized duty performed by AFS personnel as active military service, but in 1946, the Veterans Administration refused to honor this finding. The VA acted to discredit the AFS group, even though AFS men already had been discharged from the Army and Navy, and been granted draft exemption by counting their ambulance service time.

Although 27 AFS drivers were killed by enemy action and 72 were wounded, only 13 received Purple Heart decorations during the war. In June 1989, the Department of the Army authorized retroactive issue of this medal to the other AFS wounded, confirming the wartime view that they served the U.S. Armed Forces.

In December 1989, I presented two Purple Hearts to Cliff Bissler of Stuart, FL, an AFS veteran who sustained disabling wounds in the India-Burma campaign. Mr. Bissler was the first AFS veteran to receive a Purple Heart. At the time, I remarked that I would do all in my power to see that the members of the AFS corps were granted full entitlement as war veterans. It seemed unlikely at that moment that I would need to act further because the Purple Heart awards signed by the Secretary of the Army attested that Cliff Bissler, like the other members of the AFS corps, qualified as serving with the U.S. forces. Sadly, the need for further action remains.

In 1977, Congress passed Public Law 95–202, which granted veterans' status and the right to apply for veterans' benefits to members of several organizations which had not been members of the U.S. Armed Forces. Among these were members of the WAAF, the so-called Flying Tigers, the AFS, the Women Airforce Service Pilots [WASP], and others. Unfortunately, only about 53 percent of the AFS corps were determined to be eligible, because a person had to have served, however briefly, under direct American command. The phrase has been strictly interpreted by the Department of the Air Force to exclude not only Cliff Bissler and his comrades who served in India-Burma, but also AFS men who served in Syria, Egypt, Libya, and under the command of General Eisenhower in Tunisia, Northern Europe, and part of Italy.

The intent of Public Law 95–202 is to remove retroactively all technical obstacles which on past occasions prevented entitlement of the WASP corps and any other similarly situated American group of civilians who rendered actual military service aiding the Armed Forces, specifically groups that previously tried to claim recognition, as WASP and AFS did. The only other essential statutory criteria are the two that DOD agrees the AFS applicants meet: military service and benefit to the Armed Forces. But now the Pentagon claims numerous additional technical criteria must be met. This creation of new technical obstacles is the antithesis of the law's intent to entitle major service groups which have preexisting claims of grievances.

Although this is strictly an issue of fairness, rather than cost, it must be noted that in posting notice in the Federal Register of the partial AFS approval, VA stated that the added expenses it incurred through approval of the small AFS group were an insignificant cost to its agency and the Government.

Of the total AFS World War II roster, only about 1,000 individuals lack approval under Public Law 95–202. However, about 40 percent of these total numbers are deceased veterans, and approximately 35 percent of the remainder already are qualified, via other wartime services, for U.S. Army, Navy, or Public Law 95–202 discharges. Thus, the number of AFS veterans who would benefit by additional AFS entitlement is about 475 surviving individuals, of whom not more than 275 are likely to apply for discharges.

This estimate is quite definite, for out of the 1,000 gross number already granted Public Law 95–202 entitlement, scarcely 225 have applied, a number including several survivors of deceased veterans. The principal reason for nonapplication is "whereabouts unknown." The fact that the average age of AFS veterans now exceeds 70 years also is a factor. Recognition comes too late for many survivors.

The AFS performed unique combat medical missions which were essential to the successful campaigns of the U.S. Army. We must hurry to correct the current inequity in law which denies rightful compensation to Cliff Bissler and other AFS veterans for their brave contributions to victory in World War II. I urge my colleagues to support this long overdue legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1260

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. AMERICAN FIELD SERVICE.**

Section 401 of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note) is amended—

(1) in subsection (b), by striking "subsection (a)" each place it appears and inserting "subsections (a) and (d)";

(2) in subsection (c), by striking "subsection (a)" and inserting "subsections (a) and (d)"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, service rendered before August 15, 1945, by any person who was part of the enlisted wartime personnel of the American Field Service ambulance corps and who reported for duty overseas during World War II, shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs.".•

By Mr. PELL (by request):

S. 1261. A bill to authorize appropriations for fiscal years 1994 and 1995 for the Board for International Broadcasting, and for other purposes; to the Committee on Foreign Relations.

### BOARD FOR INTERNATIONAL BROADCASTING ACT, FISCAL YEARS 1994 AND 1995

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for fiscal years 1994 and 1995 for the Board for International Broadcasting, and for other purposes.

This proposed legislation has been requested by the Board for International Broadcasting, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Executive Director of the Board for International Broadcasting, which was received on July 6, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Board for International Broadcasting Act, Fiscal Years 1994 and 1995.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 287(a)(1)(A)) is amended to read as follows:

"(A) $220,000,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and".

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BOARD FOR
INTERNATIONAL BROADCASTING,
*Washington, DC, May 19, 1993.*

Hon. ALBERT GORE, Jr.,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: I am submitting with this letter proposed legislation amending the Board for International Broadcasting Act of 1973 to authorize appropriations for the Board to carry out its responsibilities as specified in that Act.

The proposed bill provides for authorization of appropriations for the Board's operations for Fiscal Years 1994 and 1995. This legislative proposal is needed to carry out the President's FY 1994 budget plan.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,
MARK G. POMAR,
*Executive Director.*

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By Mr. PELL (by request):

S. 1262. A bill to reorganize United States international broadcasting, to authorize an Asian Democracy Radio service, and for other purposes; to the Committee on Foreign Relations.

### UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1993

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to reorganize U.S. international broadcasting, authorize an Asian Democracy Radio service, and for other purposes.

This proposed legislation has been requested by the U.S. Information Agency and the Board for International Broadcasting, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis and the letter from the Director of the U.S. Information Agency and the Chairman of the Board for International Broadcasting, which was received on June 30, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This title may be cited as the "United States International Broadcasting Act of 1993."

**SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.**

The Congress hereby finds and declares—

(a) that U.S. publicly-Funded international radio broadcasters—VOA, RFE/RL, Inc., and Radio Marti—have won the attention and respect of millions of listeners, especially in closed societies and emerging democracies, by serving as a consistently reliable and authoritative source of news and information about events in the respective audience areas, as well as in the international community and in the United States;

(b) that the Voice of America (VOA) has built a substantial global listenership by providing full-service programming of high quality about events around the world, significant developments in all countries to which it broadcasts, as well as information about the United States, its policies, institutions and people, consistent with Public Law 94-350;

(c) that the continuation of Radio Free Europe and Radio Liberty broadcasting operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards is in the national interest;

(d) that Radio Marti and Television Marti, continue to broadcast, in a manner not inconsistent with the broad foreign policy of the United States, to Cuba news, commentary, and other information about events in Cuba and elsewhere, and promote the cause of freedom in Cuba;

(e) that the introduction of similar radio broadcasting to the people of Asia in those countries where communications media are not fully developed or free would serve the goals of United States foreign policy by promoting freedom and democracy in those countries;

(f) that it is the policy of the United States to promote the rights of freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with Article 19 of the Universal Declaration of Human Rights;

(g) that open communication of information and ideas among the peoples of the world contributes to the advances of democracy and international peace, and that promotion of such information is in the interests of the United States;

(h) that the long-range interests of the United States continue to be served by communicating directly with the peoples of the world by radio and television;

(i) that the continuation of all broadcasting carried out prior to the date of enactment of this Act by the United States Information Agency including, but not limited to the Voice of America, Radio Marti, TV Marti, WORLDNET Television and Film Service, all under existing mandates, charters, and authorities is in the national interest; and,

(j) that a reorganization and consolidation of United States non-military international broadcasting will strengthen the capability of such broadcasting to support freedom and democracy around the world and will achieve a more efficient utilization of scarce national resources.

**SEC. 3. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.**

(a) ESTABLISHMENT.—

There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereinafter referred to as the "Board").

(b) COMPOSITION OF THE BOARD.—

The Board shall consist of eight members. The President shall appoint, by and with the advice and consent of the Senate, seven voting members to the Board. The President shall designate one member (other than the Director of the United States Information Agency) as Chairman of the Board. The Director of the United States Information Agency shall be one of the voting members. The Director of the International Broadcasting Bureau, ex officio, shall be a member of the Board, but may not vote in the determinations of the Board.

(c) TERM OF OFFICE.—

The term of office of each member of the Board shall be three years, except that the Director of the United States Information Agency and the Director of the International Broadcasting Bureau of the United States Information Agency shall remain members of the Board during their respective terms of service. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his or her successor has been appointed and qualified.

(d) SELECTION OF BOARD.—

Members of the Board appointed by the President shall be citizens of the United States who are not currently regular full-time employees of the United States Government, except the Director of the United States Information Agency. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media or foreign affairs.

(e) COMPENSATION.—

Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including travel time, shall be entitled to receive compensation equal to the daily equivalent of the compensation provided for Level IV of the Executive Schedule under Section 5315 of Title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently: *Provided, however,* that the Director of the United States Information Agency and the Director, International Broadcasting Bureau, United States Information Agency, shall not be entitled to any compensation under this Act, but may be allowed travel expenses as provided in the preceding sentence.

**SEC. 4. FUNCTIONS OF THE BOARD.**

The Board is authorized:

(a) To provide guidance and oversight to the International Broadcasting Bureau which is authorized to administer Radio Free Europe, Radio Liberty, Voice of America, the Office of Cuban Broadcasting, Asian Democracy Radio, and such services of WORLDNET Television and Film Service as determined by the Board with the concurrence of the Director of the United States Information Agency;

(b) To review and evaluate the mission and operation of the International Broadcasting Bureau and to assess the quality, effectiveness and professional integrity of its programming within the context of the foreign policy objectives of the United States;

(c) To review and evaluate, at least annually, the mix of traditional Voice of America programming and surrogate programming and make recommendations to the President, through the Director of the United States Information Agency, on the addition or deletion of language services;

(d) To undertake such studies as may be necessary to identify areas in which the operations of the International Broadcasting Bureau could be made more efficient and economical;

(e) To report annually to the President, through the Director of the United States Information Agency, summarizing the activities of the Board and evaluating the operations of the International Broadcasting Bureau;

(f) To the extent it deems necessary to carry out the functions under this Act, procure supplies, services and other personal property;

(g) To appoint such staff personnel for the Board as may be necessary, subject to the provisions of Title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of Chapter 51 and Subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates; and,

(h) To make available for its own use, for official reception and representation expenses not to exceed the current amount authorized for the Board for International Broadcasting, which will not be increased or decreased without the concurrence of the Director of the United States Information Agency and the Chairman of the Board.

**SEC. 5. JOURNALISTIC INTEGRITY AND FOREIGN POLICY GUIDANCE.**

The Board shall protect the Bureau against political interference with broadcasting. The United States Information Agency will respect the professional independence and integrity of the broadcasting services. The Secretary of State shall provide information and guidance on foreign policy issues to the Director of the United States Information Agency. The Director of the United States Information Agency shall provide guidance on foreign policy issues to the Board members.

**SEC. 6. INTERNATIONAL BROADCASTING BUREAU.**

(a) ESTABLISHMENT.—

There is hereby established an International Broadcasting Bureau within the United States Information Agency (hereinafter the "Bureau").

(b) ORGANIZATION OF THE BUREAU.—

The Bureau, in recognition of and to implement the purposes of this Act, will consist of the following separate elements:

(1) Voice of America;

(2) Office of Surrogate Broadcasting;

(3) Such services of the WORLDNET Television and Film Service as determined by the Board within the concurrence of the Director of the United States Information Agency;

(4) Engineering and Technical Operations; and,

(5) Such other elements as the Director of the International Broadcasting Bureau may from time to time establish with the concurrence of the Director of the United States Information Agency and the Board.

(c) ORGANIZATION OF THE OFFICE OF SURROGATE BROADCASTING.—

The Office of Surrogate Broadcasting will administer and oversee Radio Free Europe, Radio Liberty, the Office of Cuba Broadcasting (including Radio Marti and TV Marti), and Asian Democracy Radio, and such other surrogate services as may from time to time be established.

(d) SELECTION OF THE DIRECTOR OF THE BUREAU.—

The Director of the Bureau will be appointed by the Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board. The Director of the Bureau shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level IV of the Executive Schedule.

(e) SEPARATELY IDENTIFIED APPROPRIATION ACCOUNT.—

Funding for the Bureau and the Board shall be provided in a separately identified appropriation account and be authorized as a separate category by the Congress. The Director of the Bureau shall submit proposals on appropriation of broadcasting funds to the Board. The Board will forward its recommendations concerning the proposed budget for the Board and the Bureau to the Director of the United States Information Agency for his consideration as a part of the Agency's budget submission to the Office of Management and Budget. The Director of the United States Information Agency shall include in the Agency's submission to the Office of Management and Budget, the comments and recommendations of the Board concerning the proposed broadcasting budget.

**SEC. 7. ASIAN DEMOCRACY RADIO.**

The Director of the United States Information Agency is authorized to create and support within the Office of Surrogate Broadcasting of the International Broadcasting Bureau a surrogate broadcasting service to be known as "Asian Democracy Radio," which shall—

(a) Provide accurate and timely information, news, commentary about events in the respective countries of Asia and elsewhere to promote the cause of freedom and democracy in those countries of Asia where communications media are not fully developed or free; and,

(b) Be a source of information about developments in Asia and a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

**SEC. 8. TRANSITION.**

(a) AUTHORIZATION.—

The President is hereby authorized to direct the transfer of all functions and authorities from the Board for International Broadcasting to the United States Information Agency, the Board, or the Bureau as may be necessary to implement this Act.

(b) EXCEPTED SERVICE APPOINTMENT AUTHORITY.—

Notwithstanding the provisions of section 607 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, Pub. L. 102-393, or any other Act, now or hereafter enacted barring employment or compensation on the basis of citizenship, the Director of the United States Information Agency shall appoint to the United States Information Agency, the Bureau, or the Board, any personnel of RFE/RL, Inc., who are permanent employees as of September 30, 1995, without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service, and fix their compensation without regard to the provisions of Chapter 51 and Subchapter III of Chapter 53 of such Title 5, governing classification and General Schedule pay rates. To the extent permitted by law, compensation, benefits, and personnel rules shall be modeled after existing RFE/RL, Inc., personnel and compensation system until the employees leave or retire.

(c) NEW APPOINTEES.—

The Director of United States Information Agency may assign personnel for service with RFE/RL, Inc., with the concurrence of the President of RFE/RL, Inc., between the date of enactment of this Act and September 30, 1995. Such assignment shall not affect the rights and benefits of such personnel as employees of the United States Information Agency.

(d) BOARD FOR INTERNATIONAL BROADCASTING PERSONNEL.—

All Board for International Broadcasting full-time United States Government personnel (except special Government employees) and part-time United States Government personnel holding permanent positions shall be transferred to the United States Information Agency, the Board, or the Bureau. Such transfer shall not cause any such employee to be separated or reduced in grade or compensation.

(e) OTHER AUTHORITIES.—

The Director of the United States Information Agency is authorized to utilize the provisions of Titles VIII and IX of the United States Information and Educational Exchange Act of 1948, as amended, and any other authority available to the Director on the effective date of this Act, to the extent that he or she deems necessary in carrying out the provisions and purposes of this Act.

(f) REPEAL.—

The Board for International Broadcasting Act of 1973, as amended, (22 U.S.C. 2871, et seq.) is hereby repealed effective September 30, 1994, but in no event shall the Act be repealed before the appointment and confirmation of all members to the Broadcasting Board of Governors.

(g) APPROPRIATED FUNDS.—

No appropriated funds shall be available for grants to RFE/RL, Inc. after September 30, 1995.

(h) SERVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(a) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(b) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the United States Information Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

The provisions of this Act shall not affect any proceedings pending before the Board for International Broadcasting at the time this Act takes effect, with respect to functions transferred by this Act, but such proceedings shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) SUITS NOT AFFECTED.—

The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(4) NONABATEMENT OF ACTIONS.—

No suit, action, or other proceeding commenced by or against the Board for International Broadcasting or by or against any individual in the official capacity of such individual as an officer of the Board for International Broadcasting shall abate by reason of the enactment of this Act.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—

Any administrative action relating to the preparation or promulgation of a regulation by the Board for International Broadcasting relating to a function transferred under this Act may be continued by the United States Information Agency with the same effect as if this Act had not been enacted.

(6) REFERENCES.—

A reference in any provision of law, reorganization plan, or other authority to the Associate Director for Broadcasting of the United States Information Agency shall be considered to be a reference to the Director of the International Broadcasting Bureau of the United States Information Agency.

(7) EFFECT ON OTHER LAWS.—

The provisions of, and authorities contained in or transferred pursuant to, this Act are not intended to repeal, limit, or otherwise derogate from the authorities or functions of or available to the Director of the United States Information Agency or the Secretary of State under law, reorganization plan, or otherwise, unless such provision hereof—

(a) specifically refers to the provision of law or authority existing on the effective date of this Act, so affected; or

(b) is in direct conflict with such law or authority existing on the effective date of this Act.

(8) BOARD OF DIRECTORS, RFE/RL, INC.—

(a) At such time, and in such manner as the President directs, no grant may be made to RFE/RL, Inc., unless the certificate of incorporation of RFE/RL, Inc., has been amended to provide that—

(1) the Broadcasting Board of Directors of RFE/RL, Inc., shall consist of the members of the Board of Governors and of no other members, except that the Director of the Bureau shall be a non-voting member; and

(2) such Broadcasting Board of Governors shall make all major policy determinations governing the operation or RFE/RL, Inc., and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Inc., as it deems necessary to carry out the purposes of this act.

(b) Compliance with the requirement of paragraph (1) of Subsection (a) shall not be construed to make of RFE/RL, Inc., a federal agency or instrumentality.

(9) AUTHORIZATION FOR APPROPRIATION.—

There is authorized to be appropriated $540,046,000 for Fiscal Year 1995, $395,356,000 for Fiscal Year 1996, and $400,784,000 for Fiscal Year 1997 for the International Broadcasting Operations account. In addition, $106,271,000 for Fiscal Year 1995, $108,874,000 for Fiscal Year 1996, and $111,528,000 for Fiscal Year 1997 are authorized to be appropriated for the Radio Construction Account.

## SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

This section is self-explanatory.

### SECTION 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

This section sets forth the findings of Congress that U.S. Government non-military broadcasting as carried on by the Voice of America, RFE/RL, Inc., Radio and TV Marti, and WORLDNET have been effective instruments for mutual understanding among the United States and people of other nations, explaining the United States and its people and policies, and furthering open communication of information and ideas in countries where communications media are not fully developed or free. The Congress believes that such broadcasting is in the national interest and should continue to carry out the purposes set forth in this section in a reorganized and more efficient and economical instrumentality within the United States Information Agency.

Congress also finds that it is in the national interest to initiate broadcasting to the people of Asia who because of a lack of development or unfettered access to expression of ideas, may not be receiving the information available to make judgments and reach understandings that are necessary to help foster the causes of freedom and democracy in today's world. This section finds that the creation of an Asian Democracy Radio within the new international broadcast establishment in the United States Information Agency is in the national interest.

### SECTION 3. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS

Subsection (a) establishes within the United States Information Agency under all of its existing administrative, operating, and technical authorities a new Broadcasting Board of Governors which will act to protect the political and journalistic integrity of the newly established International Broadcasting Bureau. It has been determined by the United States Information Agency that this Board would not be a federal advisory committee and therefore would not be covered by the Federal Advisory Committee Act.

The remainder of this section is self-explanatory in setting forth the composition of the Board, terms of office, the selection criteria, and compensation. The Administration intends that not more than four voting members of the Board appointed by the President shall be of same political party.

### SECTION 4. FUNCTIONS OF THE BOARD

This section implements the President's mandate that there be established a new and independent Board of Governors located within the United States Information Agency. The Board would oversee and provide guidance to a newly created International Broadcasting Bureau and would replace and perform tasks similar to those of the Board for International Broadcasting with respect to surrogate broadcasting. The Board will be responsible for assessing the quality, effectiveness, and professional integrity of United States surrogate and other broadcasting.

This section also lists the specific authorities of the Board. Subsections (a) through (e) specify the Boards duties and are based primarily on the current statutory oversight functions of the Board for International Broadcasting regarding surrogate broadcasting. They include the following: guidance and oversight of U.S. non-military international broadcasting by the United States Information Agency; review and evaluate the mission and operation of the broadcasting services, engineering activities, and uses of new broadcast technologies, as well as assess the programming quality, effectiveness and integrity of the broadcast services within the context of the foreign policy objectives of the U.S.; review annually the mix of traditional VOA programming and surrogate programming with recommendations on additions or deletions to the President through the Director of the United States Information Agency; undertake studies, as may be necessary, to identify broadcasting areas which could be made more efficient and economical; and report annually to the President, through the Director of the United States Information Agency, summarizing the activities of the Board and evaluating the operations of the Bureau.

Subsections (f) through (h) list the administrative authorities of the Board of Governors. They provide the Board authority for the following activities: to procure supplies and services; appoint necessary staff; and to have available official reception and representation expenses at the level currently available to the Board for International Broadcasting. With respect to subsection (h), the Chairman of the Board may only act in pursuance to a majority vote of the Board.

### SECTION 5. JOURNALISTIC INTEGRITY AND FOREIGN POLICY GUIDANCE

This section provides for the protection of the newly established International Broadcasting Bureau against political interference with its broadcasting. It seeks to ensure that the Director of the United States Information Agency will respect the professional independence and integrity of the broadcast services. This provision recognizes that the Director is the appropriate source of guidance on foreign policy issues to the Board members, including the Director of the International Broadcasting Bureau. It also recognizes the necessity and practicality of the day-to-day requirements of the Bureau for the United States Information Agency's Director's foreign policy guidance on particular topics and more general broadcast matters. It is expected that the Director of the Bureau will be a regular participant in the usual staff and policy meetings of the United States Information Agency. The Secretary of State is expected to continue his or her present role of providing foreign policy information and guidance to the Director of the United States Information Agency. This does not mean, however, that the Secretary is to be involved in the management or day-to-day decision-making of the Agency or any of its operations or programs such as international broadcasting or otherwise.

### SECTION 6. INTERNATIONAL BROADCASTING BUREAU

Subsection (a) establishes the International Broadcasting Bureau, a new operational entity to carry out the U.S. Government's non-military international broadcasting. The Act contemplates broadcasting by the Bureau utilizing the current means of mass communications such as radio and television, as well as by any new methods of mass communication developed as a product of the rapid evolution of modern technology.

Subsections (b) and (c) set forth the general composition of the new Bureau. The Bureau will include the Voice of America, and a new office of surrogate broadcasting comprised of the newly established federal Office of Radio Free Europe and Radio Liberty, Radio Marti, and TV Marti, and the newly established Asian Democracy Radio. The Bureau will also include engineering and technical operations elements and may also be expanded to accommodate other broadcasting elements as needed. The Broadcasting Board of Governors with the concurrence of the Director of the United States Information Agency are enabled to include within the Bureau certain program services of the WORLDNET Television and Film Service. This recognizes that there are certain elements of WORLDNET, such as teleconferencing, which are not properly part of the broadcasting services.

Subsection (d) provides that the Chairman, based on a majority vote of the Board of Governors and after consulting with the Director of the United States Information Agency, will appoint the Director of the International Broadcasting Bureau. All parties understand that it is essential that the Chairman of the Board work closely with and seek agreement with the Director of the United States Information Agency on the selection and appointment of the Director of the Bureau. This subsection also provides that the Director of the Bureau be compensated at the rate of Level IV of the Executive Schedule.

Subsection (e) provides that the Bureau and the Board shall be funded by a separately identified account and be authorized as a separate category by the Congress, within the overall appropriation accounts of the United States Information Agency. This section provides that the Broadcasting Board of Governors, working with the Director of the Bureau, will propose a budget for the Board of Governors and the Bureau for consideration by the Director of the United States Information Agency as a part of the Agency's budget submission to the Office of Management and Budget. This provision recognizes that the Director of the United States Information Agency is responsible for and is the final authority on the Agency's budget proposal for the appropriation cycle; however, it also ensures that the recommendations and comments of the Broadcasting Board of Governors are included with the Agency's budget proposal submitted to the Office of Management and Budget.

### SECTION 7. ASIAN DEMOCRACY RADIO

This section provides authority for the Director of the United States Information Agency to create and support within the Office of Surrogate Broadcasting of the International Broadcasting Bureau a surrogate broadcasting service to be known as "Asian Democracy Radio." This new service shall provide information, news, and commentary about events in Asia and elsewhere to promote freedom and democracy in those Asian countries where communications media are not fully developed or free. The Radio shall also be a source of information about developments in Asia and a forum for a variety of opinions from within Asian nations whose people do not fully enjoy freedom of expression.

### SECTION 8. TRANSITION

This section addresses legal and administrative issues arising from the dissolution of the Board for International Broadcasting and RFE/RL, Inc., as well as the establishment of the new Board of Governors and International Broadcasting Bureau within the United States Information Agency.

The Director of the United States Information Agency and the Chairman of the Board for International Broadcasting will jointly prepare and submit to the President for approval and implementation of a plan to accomplish the orderly dissolution of RFE/RL, Inc., on September 30, 1995, and in its place, to create the Office of Radio Free Europe and the Office of Radio Liberty within the Office of Surrogate Broadcasting of the Bureau. The plan will be submitted to the President within 120 days following the effective date of the Act in order to ensure timely implementation of this Act. The plan will address all issues related to the transition including, but not limited to the following:

(1) transfer of RFE/RL, Inc., personnel;

(2) hiring of new personnel, either for RFE/RL, Inc., or for the new office of Radio Free Europe or Radio Liberty;

(3) transfer of assets and liabilities;

(4) transfer of the Board for International Broadcasting functions to the United States Information Agency;

(5) transfer of unexpended balances of appropriations and other funds to the United States Information Agency; and

(6) a provision for the continuation, in a manner to be decided, of the prestigious RFE/RL, Inc., Research Institute.

The plan will also provide for the continuation of the RFE/RL, Inc., Research Institute. This institute is now supported by funds granted to RFE/RL, Inc., by the Board for International Broadcasting. It is envisioned that the plan will provide for continuing the operation of the research institute with reduced federal funding and eventually, solely by private funds.

Subsection (a) authorizes that any expiring authorities of the Board for International Broadcasting are transferred to the Director of the United States Information Agency to assist in carrying out this reorganization and consolidation.

Subsection (b) provides that the Director of the United States Information Agency shall appoint in the excepted service, U.S. citizens and non-citizens, who are permanent employees of RFE/RL, Inc., as of September 30, 1995, who wish to be converted for service within, the United States Information Agency, the Bureau, or the Board.

This subsection will also address our intention to preserve, insofar as possible, the compensation, benefits, and personnel rules for permanent employees of RFE/RL, Inc., who are on the rolls as of September 30, 1995. This will be modeled after their current personnel system until the employees leave or retire. This protection of benefits is intended to be available for those who wish to be converted on or after September 30, 1995, to the excepted service for employment by the United States Information Agency, the Bureau or the Board.

Subsection (c) gives the Director of USIA the authority to assign personnel for service with RFE/RL, Inc., with the concurrence of the President of RFE/RL, Inc., in the General Schedule. This provision is intended to give flexibility in achieving the goals of the consolidation.

Subsection (d) provides that full-time and part-time U.S. Government personnel occupying permanent positions in the Board for International Broadcasting shall be transferred to the United States Information Agency for service with the Agency, the Board, or the Bureau. Such persons shall not be separated, or reduced in grade or compensation as a result of this transfer. This provision is intended to ensure that Board for International Broadcasting personnel transferred to the United States Information Agency are not treated differently from United States Information Agency personnel as a result of the transfer.

Subsection (e) is intended to ensure that the Director of the United States Information Agency and therefore the newly established broadcasting entity have available for carrying out all the purposes of this Act, all of the authorities which are available to the Director of the United States Information Agency on the effective date of this Act. It is intended that the new broadcast entity be enabled thereby to operate utilizing the Director's full range of administrative, technical, contracting, personnel and all other authorities, liberally interpreted, to carry out the purposes of this Act.

Subsection (f) repeals the Board for International Broadcasting Act of 1973, as of September 30, 1994, but only if members of the Broadcasting Board of Governors have been appointed and confirmed by the Senate.

Subsection (g) discontinues U.S. Government funding to RFE/RL, Inc., after September 30, 1995.

Subsection (h) is largely self-explanatory.

Paragraph (6) provides that the Director of the newly established International Broadcasting Bureau succeeds to all existing authority vested by law or otherwise in the Presidentially appointed Associate Director of Broadcasting position established by Reorganization Plan No. 2 of 1977.

Paragraph (7) is intended to ensure that no legal authorities available to the Director of the United States Information Agency or the Secretary of State on the date of enactment of the Act are inadvertently repealed, modified, or otherwise adversely affected by this Act.

Paragraph (8) is intended to substitute, at the appropriate time under the President's plan for consolidation, the Broadcasting Board of Governors for the Board for International Broadcasting as the sole members of the Board of Directors of RFE/RL, Inc. The Director of the International Broadcasting Bureau may participate as a member of the Board of Directors of RFE/RL, Inc., but only as a non-voting member. This is consistent with his or her non-voting status on the Broadcasting Board of Governors. During its continued existence, RFE/RL, Inc., is not to be construed as a federal entity or instrumentality.

Paragraph (9) provides authorization of appropriations for fiscal years 1995, 1996, 1997 for International Broadcasting Operations and for Radio Construction. These authorization levels will provide cost savings of at least $250 million dollars over fiscal years 1994–1997 as a result of this consolidation.

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U.S. INFORMATION AGENCY, BOARD
FOR INTERNATIONAL BROADCASTING,
*Washington, DC, June 29, 1993.*

The Hon. AL GORE,
*President of the Senate.*

DEAR MR. PRESIDENT: We are hereby submitting the enclosed proposed legislation, the "United States International Broadcasting Act of 1993," to reorganize United States international broadcasting, to authorize an Asian Democracy Radio service, and for other purposes. A section-by-section analysis further explaining the proposed legislation is also enclosed.

The Office of Management and Budget advises that there is no objection to submission of this proposed legislation to Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,
JOSEPH DUFFEY,
*Director, United States Information Agency.*
DANIEL A. MICA,
*Chairman, Board for International Broadcasting.*

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By Mr. HARKIN (for himself and Mr. CONRAD):

S. 1263. A bill to provide disaster assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### DISASTER ASSISTANCE ACT OF 1993

Mr. HARKIN. Mr. President, I am today introducing legislation to provide assistance to help alleviate the critical problems facing farm families, rural businesses and communities caused by natural disaster in Iowa and other parts of our Nation.

The entire Nation has watched in awe as a disaster of Biblical proportions has unfolded, laying waste to vast areas of my State of Iowa and the Midwest. Even television cannot convey the magnitude of the devastation. President Clinton has not made two trips to my State, and Secretary Espy has visited Iowa three times to assess the situation. And on Saturday, the President and a large number of his cabinet were in St. Louis for a special meeting on the disaster. The excessive rains and flooding impressed President Clinton just as they have everyone else: He had never seen anything like it.

A lot of national attention has focused on the capital city of my State, Des Moines, where flooding has left some 250,000 people in the metropolitan area without running water and caused hundreds of millions of dollars in damages.

But the disaster extends to every part of Iowa—where all 99 of our counties have been designated by President Clinton as disaster areas—and far into many of the surrounding States. And from my travels around Iowa for most of the past week, I can tell you that this tragedy is profoundly affecting many, many farm families, rural businesses and small communities throughout Iowa and the Midwest.

In the past 2 weeks we have witnessed the culmination of an agricultural crisis that has been building for months. In Iowa, for example, we have had more rain since November of last year than in any similar period since records were first kept. It has rained nearly every day in Iowa for the past 2 months. First, we had severe planting delays. Then the cool and rainy weather hampered crop growth. Now flooding has dealt another crippling blow.

The amount of damage and the economic losses are almost beyond comprehension. Any estimate of the magnitude of the losses is certain to be too low. But we know it will cost billions of dollars and take a monumental amount of hard work to rebuild and restore these farms, agriculture-related businesses, and rural communities.

The people of Iowa have stood solid with strength, spirit, and concern for one another through this disaster. Seeing them in action this week has made me so proud. And they have had good support from the Federal agencies such as FEMA, the Federal Emergency Management Agency, and USDA in responding to the emergency. I am very grateful that President Clinton, Secretary Espy, FEMA Director James Lee Witt and others in the administration are responding with compassion and commitment to help Iowans and others in the Midwest. Now we must begin crafting the assistance that is needed for the longer term task of rebuilding and recovering from this disaster.

President Clinton deserves a lot of credit for responding quickly to this crisis, and for starting the legislative process so soon in order to speed disaster assistance. I also would commend the President for recognizing that more assistance is going to be required than was included in the initial package that he has sent to Congress.

In particular, the figure for agricultural crop losses is bound to increase. The administration has recommended applying a 50-percent factor to the formulas contained in the 1990 farm bill, which were in turn derived from the 1988 and 1989 disaster bills. In general terms, those formulas provide for payments of 65 percent of the target price or average market price on losses greater than 35 percent of the program payment yield or average yield. What that 50-percent factor means, is that the farmer basically receives half of the compensation that would otherwise be paid under the disaster program if it were fully funded. Combining the disaster formulas with the 50 percent factor, a farmer who has a total loss will receive compensation of 21 cents or less on the dollar for disaster losses.

This level of compensation is not enough to help farm families adequately, nor is it enough to mitigate the severe impacts on rural economies. To be sure, there is a precedent for making payments at this prorated level of 50 percent. But that precedent was set back in 1991 when President Bush threatened to veto disaster assistance and a compromise was reached. As a result, the limited amount of funds had to be prorated and spread around among those who had suffered disaster losses.

As we craft a response to these horrendous losses we are now witnessing, we are not bound by that precedent. It was a bad precedent to begin with, forced upon us by the past administration, and it is by no means controlling in the current situation.

The legislation I am introducing today is based on the Disaster Assistance Act of 1988 and the Disaster Assistance Act of 1989. These bills were carefully crafted to address the large economic losses incurred as a result of the devastating drought in those years.

The need for this legislation is compelling. Without it, tens of thousands of farm families will be in serious jeopardy of being forced out of business. And without income to replace that lost to natural disaster, farmers will not be able to pay their bills and make the purchases that fuel the economies of agricultural communities. Farm disaster benefits are not just for farm families; they help the entire rural economy as that money is quickly spent to pay bills, to rebuild and make repairs, and to cover other costs of picking up the pieces and starting over.

Because so much of the agricultural loss this year is caused by flooding or prevented planting, we will have millions of acres on which there is no crop production whatsoever. So for many farmers this year will be worse than a drought year, in which there generally is at least something to harvest. In view of these widespread instances of total loss, I have included in this legislation that feature of the Disaster Assistance Act of 1988 providing greater benefits to those who suffer the highest levels of loss.

Whenever the topic of disaster assistance arises, the debate over crop insurance also resumes. We know that reforms are needed in the crop insurance program so that it will provide better coverage for the kinds of crop losses that our farmers are suffering in Iowa and the Midwest. Gaps in coverage, combined with the magnitude of this disaster, justify supplemental disaster assistance. Until they are offered a better product, we can only expect so much from farmers in the way of buying crop insurance. At the same time, crop insurance was available to cover some of the losses we are seeing this year. Any disaster assistance that is provided must not remove the incentive for farmers to purchase crop insurance. For that reason, my legislation makes certain that those farmers who purchased crop insurance will be better compensated under the disaster program than those who did not.

As I mentioned earlier, natural disasters in agricultural areas have dramatic impacts upon whole communities and their economies and businesses. The adverse weather conditions that have delayed or prevented planting translate into reduced sales of agricultural supplies. Reduced production also means there will be less economic activity this fall from the hauling, storing, selling and processing of agricultural commodities in communities affected by natural disaster. And when farm income falls, businesses up and down main street in rural communities also suffer. Accordingly, the legislation I am introducing today also includes provisions designed to assist rural businesses.

These are the principal provisions of this legislation:

Crop loss benefits: Provides disaster benefits to producers of all commercial crops, including program crops, nonprogram crops and soybeans and sunflowers, who suffer 1993 crop losses in excess of 35 percent (40 percent in the case of producers who did not purchase crop insurance) of the program payment yield, county yield or normal yield as a result of damaging weather in 1992 or 1993—defined to include drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake or excessive wind—or related condition.

Standard disaster benefits: Disaster payments on wheat, feedgrains, cotton and rice are paid at the rate of 65 percent of the target price level for producers who participated in the commodity program. For those who did not participate in the program the payment would be 65 percent of the county loan rate on the commodity. For soybeans and other nonprogram crops, disaster payments will be made at a rate of 65 percent of the average producer market price for the last 5 years, excluding the high and low years. For peanuts, sugar beets, sugarcane and tobacco, payments will be made at the rate of 65 percent of the support price level. Disaster payments are made at the 65 percent rate on losses greater than 35 percent—40 percent for producers who did not purchase crop insurance—but not exceeding 75 percent.

High loss disaster benefits: Disaster payments on the portion of the production loss in excess of 75 percent—80 percent in the case of producers who did not purchase crop insurance—will be made at a rate of 90 percent of the target price, support price, average price or loan rate, as applicable.

Crop quality reduction payments: The bill provides additional payments up to 10 percent of the applicable payment rate to compensate for reduced quality of the crop actually harvested caused by adverse weather or related condition.

Repayment of advance deficiency payments: No repayment of advance deficiency payments will be required on that part of production losses up to 35 percent—40 percent in the case of producers who did not purchase crop insurance. For losses above these levels, producers may not receive both a deficiency payment and a disaster payment. However, producers would not be required to repay advance deficiency payments prior to July 31, 1994.

Federal crop insurance payments and future year coverage: In order to prevent windfalls, the combined crop insurance benefits and disaster payments for lost crop production may not exceed 100 percent of the yield used for calculating disaster payments, or the crop insurance yield if it is greater, times the acreage for the crop planted or prevented from being planted times the target price, support price, average price or loan rate, as applicable.

Producers accepting disaster payments, or forgiveness of any requirement to refund advance deficiency payments, would be required to purchase crop insurance for the 1994 and 1995 crop years with the following exceptions: First, if crop insurance coverage is not available, if the producer's annual premium rate is greater than 125 percent of the average premium rate for the 1993 crop, if the producer's annual premium rate is greater than 25 percent of the disaster benefits received, if on appeal, the county committee determines that purchase of crop insurance would impose an undue financial hardship on the producer, or if the payment or guarantee is for a loss from prevented planting, unless FCIC offers the same coverage in terms of yields and prices for prevented planting as it does for other perils in its standard policy.

Payment limitations: Total benefits to a producer for crop losses are limited to $100,000. The combined benefits to a producer for crop losses and emergency livestock assistance may not exceed $100,000. Producers may not receive both disaster payments and emergency livestock assistance based on the same crop loss.

Oilseeds planted on prevented planting acres: Current USDA rules would be changed for 1993 to allow soybeans and other oilseeds grown on intended program crop acreage for which prevented planting credit is obtained to be placed under CCC loan.

Orchards and tree farms: The bill would provide benefits up to $25,000 for tree mortality losses greater than 35 percent.

Farm operating loans: The bill directs USDA to provide operating loans to the maximum extent possible to farmers suffering major losses due to damaging weather or related condition and to provide guarantees for loans to refinance and reamortize 1993 operating loans, or 1993 or 1994 installments due on loans for real estate, buildings, equipment, livestock or operating expenses.

Assistance for rural businesses: USDA is directed to provide guarantees for loans, and restructuring and refinancing of loans, to businesses in rural areas to alleviable financial stress from damaging weather or related condition in 1992 or 1993. Up to $200 million is to be available in the program, with individual guarantees of up to $500,000.

Mr. President, I hope my colleagues will fully support this urgently needed legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1263

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Disaster Assistance Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

Sec. 101. Payments to program participants for target price commodities.
Sec. 102. Payments to program nonparticipants for target price commodities.
Sec. 103. Peanuts, sugar, and tobacco.
Sec. 104. Soybeans and nonprogram crops.
Sec. 105. Crop quality reduction disaster payments.
Sec. 106. Effect of Federal crop insurance payments.
Sec. 107. Crop insurance coverage for the 1994 and 1995 crops.
Sec. 108. Crops harvested for forage uses.
Sec. 109. Payment limitations.
Sec. 110. De minimis yields.
Sec. 111. Substitution of crop insurance program yields.
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**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) DAMAGING WEATHER.—The term "damaging weather" includes drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof.

(2) RELATED CONDITION.—The term "related condition" includes insect infestations that do not regularly reoccur, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

## TITLE I—EMERGENCY CROP LOSS ASSISTANCE

### Subtitle A—Annual Crops

**SEC. 101. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.**

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary determines that, because of damaging weather or related condition in 1992 or 1993, the total quantity of the 1993 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the farm program payment yield established by the Secretary for the crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for the crop, the Secretary shall make a disaster payment available to the producers at a rate equal to—

(A) 65 percent of the established price for the crop for any deficiency in production greater than—

(i) 40 percent, but not greater than 80 percent, for the crop; or

(ii) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act, 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than—

(i) 80 percent for the crop; or

(ii) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under such Act, 75 percent for the crop.

(2) LIMITATIONS.—

(A) ACREAGE IN EXCESS OF PERMITTED ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) REDUCTION IN DEFICIENCY PAYMENTS.—The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

(4) ELECTION OF PAYMENTS.—

(A) APPLICATION OF PARAGRAPH.—This paragraph shall apply, effective only for the 1993 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, to producers on a farm who—

(i) had failed wheat, feed grain, upland cotton, extra long staple cotton, or rice acreage; or

(ii) were prevented from planting acreage to the commodity because of damaging weather or related condition in 1992 or 1993.

(B) ELECTION.—The Secretary shall (not later than 30 days after the date of enactment of this Act) permit producers referred to in subparagraph (A) to elect whether to receive disaster payments in accordance with this section in lieu of payments received under the Agricultural Act of 1949.

(b) ADVANCE DEFICIENCY PAYMENTS.—

(1) APPLICATION OF SUBSECTION.—This subsection shall apply only to producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice.

(2) FORGIVENESS OF REFUND REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), if because of damaging weather or related condition in 1992 or 1993 the total quantity of the 1993 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for the crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for the crop (referred to in this subsection as the "qualifying quantity"), the producers shall not be required to refund any advance deficiency payment made to the producers for the crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) with respect to that portion of the deficiency in production that does not exceed—

(i) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act, 35 percent of the qualifying quantity; and

(ii) in the case of other producers, 40 percent of the qualifying quantity.

(B) CROP INSURANCE.—Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) ELECTION FOR NONRECIPIENTS.—The Secretary shall allow producers on a farm who elected, prior to the date of enactment of this Act, not to receive advance deficiency payments made available for the 1993 crop under section 107C of the Agricultural Act of 1949, to elect (not later than 30 days after the date of enactment of this Act) whether to receive the advance deficiency payments.

(4) DATE OF REFUND FOR PAYMENTS.—Effective only for the 1993 crops of wheat, feed grains, upland cotton, and rice, if the Secretary determines that any portion of the advance deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, the refund shall not be required prior to July 31, 1994, for that portion of the crop for which a disaster payment is made under subsection (a).

**SEC. 102. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES.**

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, if the Secretary determines that because of damaging weather or related condition in 1992 or 1993, the total quantity of the 1993 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying 60 percent (or in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the county average yield established by the Secretary for the crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for the crop under subsection (b), the Secretary shall make a disaster payment available to the producers.

(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to—

(A) 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than—

(i) 40 percent, but not greater than 80 percent, for the crop; or

(ii) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act, 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than—

(i) 80 percent for the crop; or

(ii) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under such Act, 75 percent for the crop.

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide prevented planting credit under subsection (a) with respect

to acreage that producers on a farm were prevented from planting to the 1993 crop of the commodity for harvest because of damaging weather or related condition in 1992 or 1993, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—The acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1992 minus acreage actually planted to the commodity for harvest in 1993; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1990, 1991, and 1992 minus acreage actually planted to the commodity for harvest in 1993.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

(c) LIMITATIONS.—

(1) ACREAGE LIMITATION PROGRAM.—The amount of payments made available to producers on a farm for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for the crop under the Agricultural Act of 1949.

(2) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

**SEC. 103. PEANUTS, SUGAR, AND TOBACCO.**

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for the 1993 crops of peanuts, sugar beets, sugarcane, and tobacco, if the Secretary determines that, because of damaging weather or related condition in 1992 or 1993, the total quantity of the 1993 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the county average yield (or program yield, in the case of peanuts) established by the Secretary for the crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for the crop under subsection (b), the Secretary shall make a disaster payment available to the producers.

(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (3), as determined by the Secretary—

(I) for any deficiency in production greater than 40 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under the Federal Crop Insurance Act, 35 percent), but not greater than 80 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under such Act, 75 percent), for the crop; or

(II) in the case of a crop of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 40 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under such Act, 35 percent), but not greater than 80 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under such Act, 75 percent), of the effective marketing quota for 1993 of the farm; and

(ii) 90 percent of the applicable payment level under paragraph (3), as determined by the Secretary—

(I) for any deficiency in production greater than 80 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under such Act, 75 percent) for the crop; or

(II) in the case of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 80 percent (or, in the case of producers who purchased crop insurance for the 1993 crop of the commodity under such Act, 75 percent) of the effective marketing quota of the farm for 1993.

(3) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall be equal to—

(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is no rate) the payment level, as determined under section 104(a)(2); and

(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for the 1993 crops of sugar beets and sugarcane, and that, insofar as is practicable, shall reflect no less return to the producer than under the 1993 price support levels.

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1993 crop of the commodity for harvest because of damaging weather or related condition in 1992 or 1993, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—The acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1992 minus acreage actually to the commodity planted for harvest in 1993; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1990, 1991, and 1992 minus acreage actually planted to the commodity for harvest in 1993.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers and any change in quotas for the 1993 crop of tobacco.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of the anticipated production that has been transferred from the farm;

(2) payments made under this section shall be made taking into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the quantity of undermarketings of quota peanuts from a farm for the 1993 crop that may otherwise be claimed under section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of the peanuts for which payment has been received under this section.

(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

(1) the quantity of undermarketings of quota tobacco from a farm for the 1993 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of the tobacco for which payment has been received under this section; and

(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445–1(d)).

(f) SPECIAL RULE FOR SUGARCANE.—For purposes of determining the total quantity of the 1993 crop of sugarcane that the producers on a farm are able to harvest, the Secretary shall make the determination based on the quantity of recoverable sugar.

**SEC. 104. SOYBEANS AND NONPROGRAM CROPS.**

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Effective only for the 1993 crops of soybeans and nonprogram crops, if the Secretary determines that, because of damaging weather or related condition in 1992 or 1993, the total quantity of the 1993 crop of the commodity that the producers on a farm are able to harvest is less than—

(i) with respect to soybeans and sunflowers, the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for the 1993 crop year of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the State, area, or county yield, adjusted for adverse weather conditions during the 1990, 1991, and 1992 crop years, as determined by the Secretary, for the crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for the crop under subsection (b);

(ii) with respect to nonprogram crops (other than as provided in clauses (i) and (iii)), the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance, if available, for the 1993 crop year of the commodity under the Federal Crop Insurance Act, 65 percent) of the yield established by the Commodity Credit Corporation under subsection (d)(2) for the crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for the crop under subsection (b); and

(iii) with respect to crops covered in section 201(b) of the Agricultural Act of 1949 (7 U.S.C. 1446(b)), 60 percent (or in the case of producers who obtained crop insurance, if available, for the 1993 crop year of the commodity under such Act, 65 percent) of the historical annual yield of the producers for the crops, as determined by the Secretary, the Secretary shall make a disaster payment available to the producers.

(B) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production for soybeans, sunflowers, and for other nonprogram crops greater than—

(I) 40 percent, but not greater than 80 percent; or

(II) in the case of producers who obtained crop insurance, if available, for the 1993 crop under the Federal Crop Insurance Act, 35 percent, but not greater than 75 percent; and

(ii) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production for soybeans, sunflowers, and for other nonprogram crops greater than—

(I) 80 percent; or

(II) in the case of producers who obtained crop insurance, if available, for the 1993 crop under such Act, 75 percent.

(2) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) CALCULATION OF PAYMENTS FOR DIFFERENT VARIETIES.—

(A) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under this subsection on a crop-by-crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

(B) DIFFERENT VARIETIES.—For purposes of determining the payment levels on a crop-by-crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity, and commodities for which there is a significant difference in the economic value in the market.

(C) DOUBLE CROPPING.—

(i) TREATED SEPARATELY.—In the case of a crop that is historically double cropped (including two crops of the same commodity) by the producers on a farm, the Secretary shall treat each cropping separately for purposes of determining whether the crop was affected by damaging weather or related condition and the total quantity of the crop that the producers are able to harvest.

(ii) APPLICATION OF PARAGRAPH.—This paragraph shall not apply in the case of a replacement crop.

(4) EXCLUSIONS FROM HARVESTED QUANTITIES.—For purposes of determining the total quantity of the 1993 nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude—

(A) commodities that cannot be sold in normal commercial channels of trade; and

(B) dockage, including husks and shells, if the dockage is excluded in determining yields under subsection (d)(2).

(b) PREVENTED PLANTING CREDIT.—

(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1993 crop of the commodity for harvest because of damaging weather or related condition in 1992 or 1993, as determined by the Secretary.

(2) MAXIMUM ACREAGE.—The acreage may not exceed the greater of—

(A) a quantity equal to the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1992 minus acreage actually planted to the commodity for harvest in 1993; or

(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted because of a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1990, 1991, and 1992 minus acreage actually planted to the commodity for harvest in 1993.

(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR NONPROGRAM CROPS.—

(1) DEFINITION OF NONPROGRAM CROP.—As used in this section, the term "nonprogram crop" means all crops for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1993, and other commercial crops (including ornamentals which shall include flowering shrubs, flowering trees, and field or container grown roses or turf and sweet potatoes for which the insurance was not available for crop year 1993), except that the term shall not include a crop covered under section 101, 102, or 103, soybeans, or sunflowers.

(2) FARM YIELDS.—

(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops to carry out this section.

(B) PROVEN YIELDS AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least 1 of the immediately preceding 3 crop years, the yield for the farm shall be based on the proven yield.

(C) PROVEN YIELDS NOT AVAILABLE.—If the data do not exist for any of the 3 preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity, or by using other data available to the Corporation.

(D) COUNTY AVERAGE YIELDS.—In establishing county average yields for nonprogram crops, the Commodity Credit Corporation shall use the best available information concerning yields. The information may include extension service records, credible nongovernmental studies, and yields in similar counties.

(3) RESPONSIBILITY OF PRODUCERS.—It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of 1993 crop losses resulting from damaging weather or related condition in 1992 or 1993 in order for the producers to obtain disaster payments under this section.

### SEC. 105. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—To ensure that all producers of 1993 crops covered under sections 101 through 104 are treated equitably, the Secretary shall make additional disaster payments to producers of the crops who suffer losses resulting from the reduced quality of the crops caused by damaging weather or related condition in 1992 or 1993, as determined by the Secretary.

(b) ELIGIBLE PRODUCERS.—Producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if the producers incur a deficiency in production of—

(1) not less than—

(A) 40 percent; or

(B) in the case of producers who obtained crop insurance for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 35 percent; and

(2) not more than 75 percent for the crop (as determined under section 101, 102, 103, or 104, as appropriate).

(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, except that the rate shall not exceed 10 percent, as determined by the Secretary, of—

(1) the established price for the crop, for commodities covered under section 101;

(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 102;

(3) the payment level under section 103(a)(3), for commodities covered by section 103; and

(4) the payment level under section 104(a)(2), for commodities covered under section 104.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the farm of the producer that is reduced in quality by the natural disaster in 1992 or 1993, as determined by the Secretary.

### SEC. 106. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1993 crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary shall reduce the amount of payments made available under this subtitle for the crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by the producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for the crop exceeds the amount determined by multiplying—

(1) 100 percent of the greater of—

(A) the yield used for the calculation of disaster payments made under this subtitle for the crop; or

(B) the crop insurance yield for the crop; by

(2) the sum of the acreage of the crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 101, the eligible acreage established under sections 101(a)(1) and 101(a)(2)(A)); by

(3)(A) in the case of producers who participated in a production adjustment program for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the established price for the 1993 crop of the commodity;

(B) in the case of producers who did not participate in a production adjustment program for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for the 1993 crop of the commodity;

(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 103(a)(3); and

(D) in the case of producers of soybeans or a nonprogram crop (as defined in section 104(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

### SEC. 107. CROP INSURANCE COVERAGE FOR THE 1994 AND 1995 CROPS.

(a) REQUIREMENT.—Subject to the limitations under subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle, an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to damaging weather or related condition in 1992 or 1993, or forgiveness of the repayment of advance deficiency payments under section 101(b), shall agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for each of the 1994 and 1995 crops of the commodity for which the payment, loan, or forgiveness is sought.

(b) LIMITATIONS.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

(2) if the annual premium rate of the producers for the crop insurance is an amount greater than 125 percent of the average premium rate for insurance on the commodity for the 1993 crop in the county in which the producers are located;

(3) in any case in which the annual premium of the producers for the crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness sought;

(4) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on the producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted; or

(5) if the disaster payment or forgiveness of repayment of advance deficiency payments arises from conditions that prevent planting, except that this paragraph shall not apply if the Federal Crop Insurance Corporation offers a policy providing the same coverage in terms of yields and prices for the risk of prevented planting as the Corporation does for other perils covered in the Corporation policy.

(c) IMPLEMENTATION.—

(1) COUNTY COMMITTEES.—The Secretary shall ensure (acting through the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 101 through 105 are carried out and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

(2) OTHER SOURCES.—Each producer who is subject to the requirements of this section may comply with the requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that the insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Notwithstanding any other provision of law, if (prior to the end of the 1994 crop year for the commodity involved) the crop insurance coverage required of the producer under this section is canceled by the producer, the producer—

(1) shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay; and

(2) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a).

### SEC. 108. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of enactment of this Act, the Secretary shall announce the terms and conditions by which producers on a farm may establish a 1993 yield with respect to crops that will be harvested for silage and other forage uses.

### SEC. 109. PAYMENT LIMITATIONS.

(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive under one or more of the programs established under this subtitle may not exceed $100,000.

(b) NO DOUBLE BENEFITS.—No person may receive disaster payments under this subtitle to the extent that the person receives a livestock emergency benefit for lost feed production in 1993 under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d).

(c) COMBINED LIMITATION.—

(1) IN GENERAL.—No person may receive any payment under this subtitle or benefit under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) for livestock emergency losses suffered in 1993 if the payment or benefit will cause the combined total amount of the payments and benefits received by the person to exceed $100,000.

(2) ELECTION.—If a person is subject to paragraph (1), the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949 (7 U.S.C. 1471g)) whether tc receive the $100,000 in the payments, or the livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

(d) REGULATIONS.—The Secretary shall issue regulations—

(1) defining the term "person" for the purposes of this section and section 141, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

### SEC. 110. DE MINIMIS YIELDS.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—The Secretary shall determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle.

(2) LEVEL.—The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting. The de minimis yield may not be less than the quantity of production that, when valued at then current market prices, equals the average cost of harvesting the crop, as determined by the Secretary.

(3) ACTUAL YIELD LESS THAN DE MINIMIS YIELD.—A producer with an actual yield for a crop that is equal to or less than the de minimis yield for the crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for the crop under this subtitle.

(b) CROP INSURANCE.—If the actual yield for a crop on a farm is equal to or less than the de minimis yield for the crop determined by the Secretary pursuant to subsection (a), neither the Federal Crop Insurance Corporation (including an agent or employee of the Corporation), nor a company reinsured by the Federal Crop Insurance Corporation (including an agent or employee of the company), may require the destruction of a portion of the crop as a condition for making a full crop loss indemnity payment to a producer under the terms of a valid contract of insurance on the crop.

### SEC. 111. SUBSTITUTION OF CROP INSURANCE PROGRAM YIELDS.

(a) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may permit each eligible producer (as defined in subsection (d)) of a 1993 crop of a commodity who has obtained multiperil crop insurance for the crop (or, as provided in subsection (c), who obtained multiperil crop insurance for the 1992 crop of the producer of the commodity) under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to substitute, at the discretion of the producer, the crop insurance yield for the crop, as established under such Act, for the farm yield otherwise assigned to the producer under this subtitle, for the purposes of determining the eligibility of the producer for a disaster payment on the 1993 crop under this subtitle and the amount of the payment.

(b) ADJUSTMENT OF ADVANCE DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, if an eligible producer of wheat, feed grains, upland cotton, extra long staple cotton, or rice elects to substitute yields for the 1993 crop of the producer under subsection (a), the eligibility of the producer for a waiver or repayment of an advance deficiency payment on the crop under this subtitle shall be adjusted as provided in paragraph (2).

(2) QUANTITY.—The quantity of production of the crop on which the producer otherwise would be eligible for waiver of repayment of advance deficiency payments under this subtitle shall be reduced by a quantity of production equal to the difference between—

(A) the quantity of production eligible for disaster payments under this subtitle using a substituted yield under this section; and

(B) the quantity of production that would have been eligible for disaster payments using the farm program payment yield otherwise assigned to the producer under this subtitle.

(c) MULTIPERIL CROP INSURANCE NOT AVAILABLE.—A producer may use the crop insurance yield for the 1992 crop of the producer of a commodity for purposes of substituting yields under subsection (a) if the producer demonstrates to the Secretary that, through no fault of the producer, multiperil crop insurance under the Federal Crop Insurance Act was not made available to the producer for the 1993 crop of the producer of the commodity.

(d) DEFINITION OF ELIGIBLE PRODUCER.—As used in this section, the term "eligible producer" means a producer of the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, rice, or soybeans.

### SEC. 112. PLANTING OILSEEDS ON PREVENTED PLANTING ACREAGE.

If the producers on a farm are prevented from planting a program crop because of damaging weather or related condition in 1993 and file with the Secretary for prevented planting credit to preserve the program crop base of the producers for future crop years, the producers shall be permitted to place under a price support loan a substitute oilseed crop grown on the prevented planting acreage.

## Subtitle B—Orchards

### SEC. 121. DEFINITION OF ELIGIBLE ORCHARDIST.

As used in this subtitle, the term "eligible orchardist" means a person who produces annual crops from trees for commercial purposes and owns 500 acres or less of the trees.

### SEC. 122. ELIGIBILITY.

(a) LOSS.—Subject to the limitation in subsection (b), the Secretary shall provide assistance, as specified in section 123, to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of freeze, earthquake, or related condition in 1993, as determined by the Secretary.

(b) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if the tree mortality of the orchardist, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

### SEC. 123. ASSISTANCE.

The assistance provided by the Secretary to eligible orchardists for losses described in section 122 shall consist of—

(1) reimbursement of 65 percent of the cost of replanting trees lost because of freeze, earthquake, or related condition in 1993 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

### SEC. 124. LIMITATION ON ASSISTANCE.

(a) IN GENERAL.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

### SEC. 125. DUPLICATIVE PAYMENTS.

The Secretary shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other Federal program.

## Subtitle C—Forest Crops

### SEC. 131. DEFINITION OF ELIGIBLE TREE FARMER.

As used in this subtitle, the term "eligible tree farmer" means a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of the trees.

### SEC. 132. ELIGIBILITY.

(a) LOSS.—Subject to the limitation in subsection (b), the Secretary shall provide assistance, as specified in section 133, to eligible tree farmers that planted tree seedlings in 1992 or 1993 for commercial purposes but lost the seedlings as a result of drought, earthquake, or related condition in 1993, as determined by the Secretary.

(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if the tree seedling mortality of the tree farmer, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

### SEC. 133. ASSISTANCE.

The assistance provided by the Secretary to eligible tree farmers for losses described in section 132 shall consist of—

(1) reimbursement of 65 percent of the cost of replanting seedlings lost because of drought, earthquake, or related condition in 1993 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

### SEC. 134. LIMITATION ON ASSISTANCE.

(a) IN GENERAL.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

### SEC. 135. DUPLICATIVE PAYMENTS.

The Secretary shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other Federal program.

## Subtitle D—Administrative Provisions

### SEC. 141. INELIGIBILITY.

(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this title.

(b) QUALIFYING GROSS REVENUES.—As used in this section, the term "qualifying gross revenues" means—

(1) if a majority of the annual gross revenues of the person are received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

(2) if less than a majority of the annual gross revenues of the person are received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

### SEC. 142. TIMING AND MANNER OF ASSISTANCE.

(a) TIMING OF ASSISTANCE.—

(1) ASSISTANCE MADE AVAILABLE AS SOON AS PRACTICABLE.—Subject to paragraph (2), the Secretary shall make disaster assistance available under this title as soon as practicable after the date on which funds are made available to carry out this title.

(2) COMPLETED APPLICATION.—No payment or benefit provided under this title shall be payable or due until such time as a completed application for a crop of a commodity has been approved.

(b) MANNER.—The Secretary may make payments available under this title in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

### SEC. 143. COMMODITY CREDIT CORPORATION.

(a) USE.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

(b) EXISTING AUTHORITY.—The authority provided by this title shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

### SEC. 144. REGULATIONS.

The Secretary or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this title as soon as practicable after the date of enactment of this Act, without regard to the requirement for notice and public participation in rulemaking prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

### SEC. 145. APPLICATION OF SUBTITLE.

Except as otherwise provided in this title, this subtitle shall apply to subtitles A, B, and C.

## TITLE II—RURAL BUSINESSES

### SEC. 201. DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES.

(a) LOAN GUARANTEES.—The Secretary shall guarantee loans made in rural areas—

(1) to public, private, or cooperative organizations, to Indian tribes on Federal and State reservations or other Federally recognized Indian tribal groups, or to any other business entities to assist the organizations, tribes, or entities in alleviating the distress caused to the organizations, tribes, or entities, directly or indirectly, by damaging weather or related condition in 1992 or 1993; and

(2) to organizations, tribes, or entities described in paragraph (1) that refinance or restructure debt as a result of losses incurred, directly or indirectly, because of damaging weather or related condition in 1992 or 1993.

(b) ELIGIBLE LOANS.—To be eligible for a loan guarantee under this section, a loan shall be a loan made by a Federal or State chartered bank, savings and loan association, cooperative lending agency, insurance company, or other legally organized lending agency.

(c) LOAN GUARANTEE LIMITS.—

(1) PERCENTAGE OF PRINCIPAL AND INTEREST.—No guarantee under this section shall exceed 90 percent of the principal and interest amount of the loan or $500,000, whichever is less.

(2) TOTAL AMOUNT.—The total amount of loan guarantees under this section shall not exceed $200,000,000.

(d) USE OF THE RURAL DEVELOPMENT INSURANCE FUND.—The Secretary shall use the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) for the purpose of discharging the obligations of the Secretary under this section.

### TITLE III—DISASTER CREDIT AND FORBEARANCE

**SEC. 301. EMERGENCY LOANS.**

Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply to a person who otherwise would be eligible for an emergency loan under subtitle C of such Act, if the eligibility is the result of damage to an annual crop planted for harvest in 1993.

**SEC. 302. FARM OPERATING LOANS.**

(a) DIRECT CREDIT.—To the maximum extent practicable, the Secretary shall ensure that direct operating loans made or insured under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.) for 1994 crop production are made available to farmers and ranchers suffering major losses due to damaging weather or related condition in 1992 or 1993 as authorized under laws in existence on the date of enactment of this Act, and under regulations of the Secretary, that promote the objective of enabling farmers and ranchers to stay in business.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall make available for fiscal year 1994 guarantees to commercial or cooperative lenders for loans under subtitle B of the Consolidated Farm and Rural Development Act, to refinance or reamortize 1993 operating loans, or 1993 or 1994 installments due and payable on real estate debt, farm equipment or building debt (including debt for a storage facility), livestock loan, or other operating debt, of farmers and ranchers that otherwise cannot be repaid due to major losses incurred by the farmers or ranchers because of damaging weather or related condition in 1992 or 1993.

(2) REAMORTIZATION.—Each loan guaranteed because of damaging weather or related condition in 1992 or 1993 using funds made available for fiscal year 1994, as described in paragraph (1), shall contain terms and conditions governing the reamortization of the debt of the farmer or rancher that will provide the farmer or rancher a reasonable opportunity to continue to receive new operating credit while repaying the guaranteed loan, as determined by the Secretary.

(3) ELIGIBILITY.—Notwithstanding any other provision of law, a person eligible to receive payments under subtitle A of title I shall be eligible for a guarantee, in accordance with this subsection, for a loan made to the person by a commercial or cooperative lender to refinance installment payments that are or become due and payable during 1993 or 1994, as described in paragraph (1), except that, to be eligible to have the loan guaranteed, the person shall otherwise—

(A) be current in the obligation of the person to the commercial or cooperative lender that agrees to accept the guarantee in consideration of allowing the person to make the 1993 or 1994 payment or installment over a period of time not to exceed 6 years from the original due date of the payment or installment; and

(B) meet the criteria for guaranteed loan borrowers under subtitle B of the Consolidated Farm and Rural Development Act established by the Secretary.

(c) USE OF AGRICULTURAL CREDIT INSURANCE FUND.—For purposes of providing guaranteed loans in accordance with subsection (b), in addition to funds otherwise available, the Secretary may use any funds available from the Agricultural Credit Insurance Fund for fiscal years 1993 or 1994 for emergency insured and guaranteed loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) to meet the needs resulting from damaging weather or related condition in 1992 or 1993, except that funds available from the Fund first shall be used to satisfy the level of assistance estimated by the Secretary to meet the needs of persons eligible for emergency disaster loans.

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By Mr. D'AMATO:

S. 1264. A bill to amend the Foreign Assistance Act of 1961 to authorize the Overseas Private Investment Corporation to issue loan guarantees for development projects in Ireland; to the Committee on Foreign Relations.

IRISH DEVELOPMENT BONDS LEGISLATION

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation to create Irish Development Bonds for American companies to open distribution facilities in Ireland. My legislation will increase U.S. exports and allow U.S. companies an entre into the European Community.

Increased exports from the United States to Ireland, a member of the European Community, will aid the United States economy by increasing employment through increased exports, two vital components of economic revitalization. If American companies are able to establish low-cost distribution facilities in Ireland that use American-manufactured products and components, exports from the United States will increase. A United States Government sponsored program to guarantee such loans to American corporations establishing distribution facilities in Ireland would mean more manufacturing jobs in the United States, while increasing the United States trade overseas, with the European community.

My legislation will provide up to $200 million in loan guarantees through the Overseas Private Investment Corporation [OPIC] to carry out this worthwhile program allowing American corporations to raise low-cost funds in the U.S. capital markets.

It was the Irish who saved the vote on European Unity, known as Maastricht. Because of that, Ireland's role in the European Community is important and one that cannot be overlooked.

Moreover, Ireland has much to offer American businesses. Ireland has a large, well-educated labor force that is under-employed and its corporate tax rate is very low—10 percent for American companies until 2010.

I urge my colleagues to help bolster U.S. economic development by supporting this important legislation. Thank you Mr. President.

I ask unanimous consent that the text of my bill be included in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GUARANTEED LENDING PROGRAM FOR IRISH DEVELOPMENT.**

The Foreign Assistance Act of 1961 is amended by inserting after section 231A (22 U.S.C. 2191a) the following new section:

**"SEC. 231B. GUARANTEED LENDING PROGRAM FOR IRISH DEVELOPMENT.**

"(a) PURPOSES.—The purposes of this section are—

"(1) to create more employment opportunities in the United States and Ireland; and

"(2) to increase United States exports to, and the United States trade surplus with, the European Community.

"(b) AUTHORITY.—During the period beginning on the date of enactment of this Act, and ending on September 30 1995, the Overseas Private Investment Corporation (hereafter in this section referred to as the 'Corporation') shall, consistent with the purposes of subsection (a), issue guarantees against losses incurred in connection with loans to United States firms for the establishment or maintenance of low-cost, financially, viable distribution facilities in Ireland that utilize United States manufactured products and components.

"(c) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

"(1) The total principal amount of guarantees which may be issued by the Corporation under this section shall not exceed $200,000,000. The total amount of guarantees authorized under this section shall be made available during the period from the date of enactment of this Act through September 30, 1995, except that, in the event that less than $200,000,000 of guarantees is issued in such period, the authority to issue the balance of such guarantees shall be available in the fiscal year ending on September 30, 1995. Each guarantee issued by the Corporation under this section shall guarantee 100 percent of the principal and interest payable on such loans.

"(2) Guarantees, once issued by the Corporation hereunder, shall be unconditional and fully and freely transferable.

"(3) The standard terms of any loan or increment guaranteed by the Corporation under this section shall be 30 years, with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest, on a level-payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. For purposes of determining the maximum principal amount of any loan to be guaranteed under this section, the principal amount of each such loan shall be—

"(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(B) in the case of any loan issued on an interest-bearing basis, the stated principal amount thereof.

"(d) FEES.—(1) Reasonable origination or scoring charges for the loan guarantee program under this section are to be paid pro data as each guarantee or increment of guarantee is issued. Such charges may be financed as part of the loans or increments guaranteed under this section. Except for the charges provided in this section, no other fees or charges shall be payable to the Corporation in connection with the loan guarantee program.

"(2) Paragraph (1) does not in any way preclude the voluntary participation of eligible investors in any other OPIC program which may or may not require the payment of charges.

"(e) NONAPPLICABILITY OF OTHER LAWS.—The loan guarantees authorized to be issued under this section may be made available under the terms and conditions specified in this section notwithstanding any other provision of law, rule, regulation, or practice, except for the Federal Credit Reform Act of 1990.

"(f) SUBJECT TO APPROPRIATIONS.—The authority to issue loan guarantees under this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts. Appropriations made pursuant to such authority are authorized to remain available during the period beginning on the date of enactment of this Act, and ending September 30, 1995.

"(g) SAVING PROVISION.—The termination of the authorities of this section on September 30, 1995, shall not affect any guarantee issued before such date.".•

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By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 1265. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

### CRUDE OIL LEGISLATION

• Mrs. MURRAY. Mr. President, today I rise to introduce S. 1265, a bill to amend the Export Administration Act of 1979. This legislation will extend indefinitely the provisions of the Act governing the export of Alaska North Slope crude oil. I am pleased that Senator HATFIELD is joining me in cosponsoring this effort to promote our national security and to save important maritime and domestic refinery jobs.

Since 1973, Congress has consistently expressed its overwhelming support for restrictions on the export of Alaska North Slope crude oil, including the export restrictions in the Export Administration Act, the Mineral Leasing Act, and other statutes. Under this policy, our country has promoted its national security by reducing our reliance upon unstable Persian Gulf oil supplies. The export restrictions have also led to the creation of an efficient transportation infrastructure to move Alaskan crude oil to West Coast domestic markets. As a result, consumers in Washington State and elsewhere have saved billions of dollars on the price of gasoline. In addition, export restrictions on Alaska North Slope crude oil have promoted construction and repair work in U.S. shipyards, especially in our region of the country. Moreover, these restrictions have allowed us to augment and preserve a domestic merchant marine necessary to supply oil essential to the domestic economy and our military forces.

If we allow the export of Alaska North Slope crude oil we will sacrifice good, family wage jobs. A good portion of our domestic merchant marine will be lost. These mariners depend on the tanker trade provided by the transport of Alaska North Slope crude oil to refineries across the country. Of the approximately 2,500–3,000 workers in the Alaskan oil trade, roughly one-fourth are based in Washington. In addition, 300 workers are employed in the oil refineries that depend on North Slope crude to meet consumer demand in the Pacific Northwest. At a time when many timber and Boeing workers face uncertain employment prospects, a special premium should be placed on preserving existing, skilled jobs.

Alaska North Slope crude accounts for approximately 90 percent of the supply for the six refineries operating in the Puget Sound area. During the first 4 months of 1993, these refineries—which supply consumers in Washington and Oregon—have refined an average of approximately 500,000 barrels per day of Alaska North Slope crude. If exports are permitted, these refineries would face major conversion costs to refine other grades of oil. The conversion and the change in oil suppliers would cause higher crude oil prices that, if passed on to the consumer, would lead to increased costs for petroleum products. The State of Alaska, through higher royalties and severance taxes, might receive more revenues through exports, but it would be at the expense of the consumers and industry in the rest of the Pacific Northwest and California.

Mr. President, Energy Secretary O'Leary has stated that "[a] major energy policy of the new administration will be to reduce the nation's dependence on foreign oil." This bill advances the Administration's policy by continuing to restrict the export of Alaska North Slope crude oil, one of our most valuable domestic energy resources. Today, the approximately 1.6 million barrels per day produced on the Alaska North Slope crude represents about 25 percent of total U.S. consumption.

Critics who argue that Congress should lift the export restrictions on Alaska North Slope crude oil cannot justify why it is in the national interest. Every barrel of oil that is exported will eventually have to be replaced by foreign oil. Japan might benefit from this arrangement, but the United States would not. Lifting the ban on the export of this oil only increases our dependency on foreign oil. Arguments that lifting the ban will increase the well head price of the oil enough to encourage more production are mere speculation.

Last year, the State of Alaska filed a lawsuit in Federal District Court claiming that the export restrictions on Alaskan oil are unconstitutional. But the Constitution grants Congress and the President broad authority and discretion to regulate trade and to prohibit certain trade with other nations. The Constitution also empowers Congress with the right to impose conditions on the use of Federal rights-to-way to transport oil across it. Let us remember that it was the U.S. Senate that first demanded the export ban as part of the quid pro quo for granting Federal rights-of-way to allow the development and marketing of Alaska North Slope crude oil. For these reasons, I am sure that the legal action taken by the State of Alaska is bound to fail. In the interim, Congress should not hesitate to reaffirm its continuing commitment to restrict the export of Alaska North Slope crude oil.

Mr. President, the reasons for restricting the export of Alaska North Slope crude oil remain as compelling today as they were in 1973. This country has already been shaken by two major oil crises. Alaska North Slope oil provides an insurance policy to consumers on the west coast that the giant gasoline lines of yesterday will not reappear because of the irrational acts of some Middle East despot or a group of crazed religious zealots. Beyond that, refinery and maritime workers in the Pacific Northwest have invested their lives in an oil industry that depends on the continuation of the oil export ban. Lifting the ban would destroy their jobs. Lifting the ban would place additional burdens on communities that are already struggling for their economic existence. We must not allow this to happen. That is why I urge all my colleagues to join Senator HATFIELD and I in a truly bipartisan effort to continue to save Alaska North Slope crude oil for American workers, industry, and consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1265

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. EXTENSION OF RESTRICTIONS ON OIL EXPORTS.

Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding the provisions of section 20 or any other provision of law, this subsection shall remain in effect until expressly repealed. During any period during which this subsection is in effect (without regard to the application of the termination provision in section 20)—

"(A) all authorities under this Act may be exercised to the extent necessary to assure compliance with this subsection; and

"(B) the provisions of section 11 shall apply to violations under this subsection.".

**SEC. 2. CONFORMING AMENDMENT.**

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "The" and inserting "Except as provided in section 7(d)(4), the".•

• Mr. HATFIELD. Mr. President, I am pleased to join Senator PATTY MURRAY in introducing legislation to extend indefinitely the current restrictions on exports of Alaskan North Slope crude oil contained in section 7(d) of the Export Administration Act. In previous years, Congress has expressed strong bipartisan support for these restrictions. I am confident that Congress will again affirm its commitment to promoting national energy security by passing this important legislation.

Since the Alaskan oil export restrictions were first exacted by Congress in 1973, they have provided enduring benefits for our Nation. We now have an efficient transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. In addition, these restrictions have helped limit our reliance on OPEC and unstable Persian Gulf oil supplies. Consumers on the West Coast also have benefitted, as they have been able to save billions of dollars at the pump. Furthermore, we have been able to enhance a domestic merchant marine that continues to help supply the essential oil requirements of our domestic economy and our military.

Despite the lessons of two major oil crises and the Persian Gulf War, we foolishly continue to rely on foreign oil as a major energy source. Government and private estimates predict that by the mid 1990's imports will be more than 50 percent of our daily oil requirement. Permitting the export of any Alaskan North Slope crude would only make this problem worse. By allowing the export of Alaskan oil to Japan and other Pacific Rim countries, we would further increase our dependency on Middle Eastern oil, increase consumer petroleum costs on the West Coast, threaten the vitality of our domestic tanker fleet, and cause net Federal revenues losses. Moreover, Alaskan oil exports would cause job losses in the maritime and related ship-supply industries on the West Coast. Mr. President, these are costs which this Nation simply cannot afford.

Our ability to withstand future energy crises will certainly be tested if we fail to take the appropriate steps now to protect our own energy resources. By extending indefinitely the current export restrictions on Alaskan crude oil in section 7(d) of the Act, we will reaffirm the policy of keeping this country on the right path toward energy security.

I commend Senator MURRAY for her leadership on this issue and look forward to working with her as the Senate considers this legislation.•

By Mr. MACK (for himself, Mr. BUMPERS, Mr. GRAHAM, Mr. COCHRAN, Mr. PRYOR, and Mr. SASSER):

S. 1266. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Finance.

### FAIRNESS IN MEDICAID FUNDING ACT

• Mr. MACK. Mr. President, as is too frequently the case in Washington, the Federal Government does not adequately target its resources to the citizens most in need of services. This is true, in particular, when it comes to how the Federal Government calculates the Medicaid matching funds formula. The existing Federal formula creates an unfair distribution of Medicaid dollars to the States.

To correct this inequity, I rise today to reintroduce the Fairness in Medicaid Funding Act.

The bill would change the Federal Medicaid matching funds formula and result in a more accurate and fair disbursement of these funds to the States. Over the last several years, the General Accounting Office [GAO] has evaluated the existing Medicaid formula and has concluded that it does not meet the objectives originally set up by Congress. GAO looked at these original objectives and developed an alternative formula. In its judgment, this new formula would do a much better job at allocating Medicaid dollars than the present formula. My bill would use the GAO formula not to change policy but only the process by which Medicaid dollars are allocated.

The essence of the existing Medicaid formula has been unchanged since 1965. The formula had two major purposes. First, Congress wanted to make certain the Federal matching funds reflected a State's ability to pay benefits to those in need.

And, second, Congress wanted to determine how many residents of each State needed Medicaid benefits. At the time—more than 25 years ago—policymaking believed that an estimate of a State's per capita income would adequately respond to both objectives.

Two and a half decades ago, a per capita income formula may well have done an acceptable job in meeting congressional intentions.

But during the past 25 years, the Federal Government has collected more and better economic data.

Today, there are much better measurements available, and we ought to use them.

A significant weakness of the current formula is that it does not adequately reflect a State's ability to pay benefits. In essence, the money a State can pay in Medicaid benefits depends upon how much income its residents and businesses produce.

A measurement of per capita income, however, reflects only part of the total income produced by a State's residents and businesses.

Per capita income, for example, does not include corporate retained earnings, which is a significant share of a State's business income. This means that two States with the same per capita income may actually have significantly different abilities to pay Medicaid benefits.

The result is that States with relatively little corporate income may receive significantly less in Federal reimbursement than Congress intended.

In addition, the per capita income formula does not adequately measure the number of people in need of Medicaid benefits. That need is essentially determined by the number of residents with incomes low enough to qualify for Medicaid. Two states with roughly equal per capita incomes can have dramatically different percentages of residents qualifying for Medicaid. Yet, both States would receive the same matching rate from the Federal Government. This just doesn't make sense.

My proposal, built on the GAO's recommendations, would base the Federal share for Medicaid on:

First, per capita income plus corporate income produced within a State. This is a much more accurate measure of a state's ability to finance Medicaid benefits.

Second, the state's poverty ratio, which generally indicates the number of persons in each state who are in need of Medicaid benefits.

All of these statistics are already compiled for other purposes by the Federal Government.

According to GAO, approximately 25 States would receive the same or a higher Medicaid reimbursement rate under this legislation.

Mr. President, since becoming a U.S. Senator, one of my goals has been to make sure the Federal pie is fairly divided so that each State receives its fair share. In fact, Mr. President, the first bill I introduced in the U.S. Senate in 1989 would require Federal agencies to use updated U.S. Census statistics when calculating population-based grants.

The goal of the Fairness in Medicaid Funding Act of 1993 is the same. Its passage will ensure that States receive what they deserve and need from Washington, based upon an objective, fair and contemporary evaluation of each State's human needs of its citizens.•

• Mr. BUMPERS. Mr. President, the current Medicaid formula, which was adopted in 1965, had two major objectives: First, to reduce differences among States in medical care coverage for the poor, and second, distribute fairly the burden of financing program benefits among the States.

Studies by the General Accounting Office [GAO] have shown that these objectives are not being met by the current formula. The current formula allows States with relatively large tax bases and low numbers of people in poverty to reap windfalls from the Federal treasury. In contrast, poorer States with low tax bases and high percentages of its residents living in poverty are being deprived of needed Federal assistance to improve the health of those most in need.

Our bill, the "Fairness in Medicaid Funding Act" will correct this inequity. Our proposal, built on GAO recommendations, would base the Medicaid Federal share for each State on a State's taxable resources and the percentage of its residents living in poverty.

Passage of the "Fairness in Medicaid Funding Act of 1993" will ensure that each State receives what it deserves and needs, based on an objective and fair evaluation of its economic and demographic environment.●

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By Mr. HATFIELD:

S. 1267. A bill to amend the Dwight D. Eisenhower Mathematics and Sciences Education Act, and for other purposes; to the Committee on Labor and Human Resources.

MATH AND SCIENCE EDUCATION LEGISLATION

● Mr. HATFIELD. Mr. President, I suspect that each of us here has more than one recollection of a teacher whose influence brought about a turning point in our lives. There are celebrated cases, that of Jaime Escalante comes to mind—of teachers who performed the seemingly impossible—who found and fanned a flame in students who didn't even know the flame was there.

Today, I'm introducing legislation to enhance and extend what has been one of the real success stories in Federal support to education—the Dwight D. Eisenhower Mathematics and Science Education Act. In reauthorizing the Eisenhower program, Congress will affirm the educational validity of a national investment in teachers. Not in buildings or books, chemicals or computers, but in the minds that awaken life for individuals all over the world.

There are several reasons that this makes good sense. First, is the irreplacibility of the human touch. As marvelous and as promising as school technology has become, I don't believe it ever will or ever should replace the kind word, the sparkle, the personal insight, and the humanity of a teacher. Second, teachers return an investment over a longer period of time than does an investment in anything but buildings. Paper is consumed, books wear out, and computers are quickly outdated. But a dollar invested in a young teacher, gives a return every year for decades, and the return grows as the teacher continues to grow.

The success of the Eisenhower program is that grants flow through very few hands before being put to work in professional development opportunities for mathematics and science teachers. It is the sole program in the Department of Education that specifically addresses National Education Goal No. 4: By the year 2000, U.S. students will be first in the world in science and mathematics achievement.

Mr. President, 10 years ago, the "Nation At Risk" report set in motion a deep assessment of education in America. At the forefront of this movement has been the major restructuring plans of the mathematics and science teaching communities. More than just plans, pilot projects throughout the Nation are indicating the vitality of these approaches that encourage children to engage their hands and minds in the scientific process.

North Carolina recently took the ambitious step of committing their schools to teach algebra to every student as a requirement for graduation. This challenging goal would be no more than ink on a page were it not for the support given by Eisenhower to local school districts for professional development for teachers.

After using local State funds to write a whole new framework for math and science education, the State of Texas used Eisenhower funds to provide the necessary training for teachers to actually carry it out in the classroom.

The Woodrow Wilson Foundation has supplemented funds from the private sector with Eisenhower grants to form teams of master teachers who give workshops to their colleagues across the Nation. The program's theme is "Teachers Teaching Teachers."

Iowa Higher Education joined parents and teachers in a workshop for underserved and underrepresented students. The teachers developed and demonstrated effective teaching methods with the students, and simultaneously assisted the parents in learning how they could enhance their children's science experiences in the home. Thus was a formed a potent educational team of school and community.

In my own State of Oregon the Ashland School District has brought together math teachers representing the district's schools to formulate policy. With Eisenhower money they have organized regular inservices that have invigorated the math teachers to new enthusiasm for their subject. The teachers report that they willingly spend more time because of the heightened rewards.

In each case the Eisenhower program has brought funds and empowerment to teachers who have taken the opportunity and made the most of it.

I have long advocated the necessity of challenging, effective math and science education. Without an increased emphasis on these subjects, this Nation, whose strength for a century has been built on its technological supremacy, will begin to fade.

The legislation I am introducing today provides for the continuation of the Eisenhower program and suggests several improvements to the authorizing legislation. I am anxious to work with my colleagues on the Senate Labor and Human Resources Committee as they prepare the reauthorization of the Elementary and Secondary Education Act, to ensure that the Eisenhower program continues and is strengthened to more fully reflect the current state of mathematics and science education in the country.

In 1990, President Bush signed into law the Excellence in Mathematics, Science and Engineering Education Act, Public Law 101-589. This legislation, which I sponsored with Senator KENNEDY, contained two new programs—a national network of 10 regional consortia around the country to provide technical assistance to local educators undergoing reform of their math and science programs, and the National Clearinghouse for Science, Mathematics and Technology Education Materials—a central repository of all math and science teaching and curricular materials to be disseminated through the consortia to schools. The legislation I am introducing today contains reauthorization for these programs, which are currently operating around the country, and adjustments to their missions.

In addition, my legislation renews an idea contained in the original Kennedy-Hatfield bill which provided for a demonstration project in early childhood education. I envisioned this program as providing for early childhood science materials and teacher training in Head Start classrooms—an idea I term "Science Start." I am hopeful that we will be able to replicate, on a national level, a program in place at Marylhurst College in my own State of Oregon. Marylhurst, under the direction of President Nancy Wilgenbusch, hosts a Head Start Summer Science Institute each year which is designed to nurture Head Start educators in the teaching of science education. Teachers leave the 4-week summer institute fully trained to teach a curriculum designed for young children using science kits and lesson plans provided to them by Marylhurst. The program generates a partnership between Head Start, local colleges and community resources to address the issues of: First, nurturing the children's natural interest in science; and second, helping the teachers develop the skills and confidence to teach science to their students.

I have also included in my legislation, S. 232, a bill I introduced earlier in this Congress entitled the "Elementary Mathematics and Science Equipment Act of 1993"—this legislation provides small grants to schools in order to purchase hands-on elementary education equipment. Not directed at computer software or graphics, this legislation authorizes matching grants for the basics—thermometers, ph paper and the like—all necessary to engage the young child in the intriguing world of science. I an convinced this legislation, which was included in last year's version of a bill to reauthorize the Office of Education Research and Improvement, belongs in the Eisenhower program, as a key element in the partnership between the States and the Federal Government in mathematics and science education reform.

Finally, my legislation includes several refinements to the Eisenhower program itself. I have canvassed Eisenhower-supported educators throughout the country and compiled adjustments to the legislation which I believe will enhance its usefulness in the field. My bill places a priority on elementary programs and opens competition for funds to consortia and public-private partnerships. In addition, the bill's language strengthens minority teacher recruiting and retraining by including the underserved and underrepresented as well as minorities.

Mr. President, we have a clear need for revitalization of math and science education, and we have structures being tested that will support this revolution. Now we must move to broad implementation, and on this point is universal agreement: the mechanism that will carry reform beyond the pilot stage is professional development for teachers. No reform can occur without it. The good news is that the mechanism is in place, and despite its small size it has already played a large part in driving math and science reform to its current leadership position. It is the Dwight D. Eisenhower Mathematics and Science Education Act and it needs our continued support.

I ask unanimous consent that the text of this legislation be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. AMENDMENT OF THE DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Dwight D. Eisenhower Mathematics and Science Education Act.

### SEC. 2. IN-STATE APPORTIONMENT.

Paragraph (1) of section 2005(c) (20 U.S.C. 2985(c)(1)) is amended—

(1) by striking "or institution" and inserting ", institution"; and

(2) by inserting ", nonprofit organization, museum, or public or private partnership" after "higher education".

### SEC. 3. ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 2006 (20 U.S.C. 2986) is amended—

(1) in paragraph (1) of subsection (b)—

(A) in subparagraph (B), by inserting ", or teachers who are members of populations that are underserved by and underrepresented in mathematics and science education," after "minority teachers"; and

(B) in subparagraph (C)—

(i) by inserting "calculators," after "use of"; and

(ii) by striking all beginning with "(which" through "met)";

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) GENERAL RULE.—Except as provided in paragraph (2), at least 60 percent of the amount available to a local educational agency under this section in each fiscal year shall be used to provide training for mathematics teachers and science teachers in elementary or middle schools.";

(B) in paragraph (2)—

(i) by striking "elementary and middle" and inserting "elementary or middle"; and

(ii) by inserting ", as the Secretary determines appropriate," after "such local educational agency"; and

(C) by adding at the end the following new paragraph:

"(3) SPECIAL RULE.—Each local educational agency receiving assistance under this section shall make every effort to give priority to coordinating teacher training in the use of hands-on manipulatives received under this section with the materials received under subpart 3, and to include in such training the recipients of such materials.".

### SEC. 4. HIGHER EDUCATION PROGRAMS.

Section 2007 (20 U.S.C. 2987) is amended—

(1) in subsection (b)—

(A) by amending subparagraph (B) of paragraph (1) to read as follows:

"(B)(i) The State agency for higher education, from not less than 80 percent of the amount available for this section, shall award grants on a competitive basis to institutions of higher education, nonprofit organizations, museums, and public or private partnerships in the State which apply for payments under this section and which demonstrate involvement of local educational agencies.

"(ii) The State agency for higher education, from not more than 20 percent of the amount available under this subsection, may award grants, on a noncompetitive basis, for purposes of addressing the needs of populations that are underserved by and underrepresented in mathematics and science education, to institutions of higher education, nonprofit organizations, museums, and public or private partnerships in the State which apply for payments under this section and which demonstrate involvement of local educational agencies.

"(iii) In awarding grants under this section the State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "who will specialize in teaching mathematics and science at the secondary school level" and inserting "of mathematics and science at the elementary and secondary school levels";

(ii) in subparagraph (B)—

(I) by inserting ", and for training of elementary school teachers to increase such teachers' content knowledge of mathematics and science," before "including"; and

(II) by striking "and" after the semicolon; and

(iii) in subparagraph (C)—

(I) by striking "teaching skills" and inserting "content knowledge, teaching skills, and instructional practices based on current research";

(II) by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following new subparagraph:

"(D) recruiting and training minority students to become mathematics and science teachers.";

(2) by amending subsection (d) to read as follows:

"(d) TECHNICAL ASSISTANCE AND EVALUATION.—Not more than 5 percent of the amount available under this section, or $30,000, whichever is greater, may be used by the State agency for higher education for—

"(1) providing technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums and libraries, to enable such entities to conduct programs in accordance with this section;

"(2) the costs incurred by the State agency for higher education for evaluating programs assisted under this subpart; and

"(3) developing plans for reform of teacher preparation in mathematics and science at the State level."; and

(3) by adding at the end the following new subsection:

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount available under this section, or $20,000, whichever is greater, may be used by the State agency for higher education for the costs of the administration and assessment of programs assisted under this subpart.".

### SEC. 5. STATE APPLICATION.

Subsection (d) of section 2008 (20 U.S.C. 2988(d)) is amended by adding at the end the following new paragraph:

"(5) How the programs planned under this subpart reflect consideration of the emerging standards in mathematics and science.".

### SEC. 6. LOCAL APPLICATION.

Section 2009 (20 U.S.C. 2989) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting "and how the activities and services for which assistance is sought reflect consideration of the emerging standards in mathematics and science" before the semicolon; and

(B) in paragraph (3)—

(i) by striking "Foundation, or" and inserting "Foundation or"; and

(ii) by striking "both" and inserting "with respect to any other Federal program that supports a clearly articulated State or local education reform plan;"; and

(2) by adding at the end the following new subsection:

"(d) APPLICABILITY OF REGULATIONS UNDER OTHER MATHEMATICS OR SCIENCE EDUCATION PROGRAMS.—Notwithstanding the provisions of subsection (b)(3), in carrying out the provisions of this subpart a State educational agency, local educational agency or institution of higher education shall not be required to comply with regulations promulgated pursuant to any Federal mathematics or science education program other than regulations promulgated pursuant to this subpart.".

### SEC. 7. NATIONAL PROGRAMS.

Section 2012 (20 U.S.C. 2992) is amended—

(1) in subsection (d)—

(A) in the heading for such subsection, by inserting "EISENHOWER" before "NATIONAL CLEARINGHOUSE";

(B) in paragraph (1), by striking "a National" and inserting "an Eisenhower National"; and

(C) in paragraph (4)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D), by striking "and non-Federal data bases." and inserting ", non-Federal and, where feasible, international data bases;"; and

(iii) by adding at the end the following new subparagraphs:

"(E) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of this part to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this subparagraph; and

"(F) gather qualitative and evaluative data on submissions to the Clearinghouse."; and

(2) by adding at the end the following new subsection:

"(f) MODEL SCIENCE START PROGRAMS FOR THE INTRODUCTION OF SCIENCE IN EARLY CHILDHOOD EDUCATION.—

"(1) GRANTS AUTHORIZED.—(A) The Secretary may award grants to organizations to enable such organizations to support model programs that provide instruction to Head Start personnel regarding the introduction of science activities to children enrolled in Head Start programs.

"(B) Grants awarded under this subsection shall be known as Science Start Grants.

"(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that demonstrate the ability to—

"(A) provide teacher training programs that involve participants in hands-on activities similar to activities that are intended for students;

"(B) attract broad teacher participation;

"(C) use classroom teachers as instructors;

"(D) provide those materials required by the activities described in subparagraph (A), but not commonly found in Head Start classrooms, except that not more than 25 percent of the funds awarded to any organization for a model program shall be used to carry out this subparagraph; and

"(E) provide for periodic followup activities conducted, at minimum, during a 6-month period.

"(3) DISSEMINATION.—Each recipient of a grant under this subsection shall report the results of the model program to the Eisenhower National Clearinghouse for Mathematics and Science Education in an appropriate format for dissemination.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1994 and such sums as may be necessary for each succeeding fiscal year to carry out this subsection.".

### SEC. 8. EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS.

(a) AMENDMENT TO HEADING.—The heading for subpart 2 (20 U.S.C. 2994 et seq.) is amended by inserting "**Eisenhower**" before "**Regional**".

(b) AMENDMENT TO TEXT.—Subsection (a) of section 2016 (20 U.S.C. 2994(a)) is amended by adding at the end the following new paragraph:

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.".

### SEC. 9. USE OF FUNDS.

Section 2017 (20 U.S.C. 2994a) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) work cooperatively with the other regional consortiums and the National Clearinghouse for Science and Mathematics Education established under section 2012(d) to more effectively accomplish the activities described in this section;";

(2) by amending paragraph (8) to read as follows:

"(8) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;".

(3) by amending paragraph (14) to read as follows:

"(14) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;";

(4) in paragraph (15), by striking "and" after the semicolon;

(5) in paragraph (16), by striking the period; and

(6) by adding at the end the following new paragraphs:

"(17) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science, including, at a minimum, State supervisors of mathematics and science, State coordinators of programs assisted under this part, the Director of the regional education laboratory, personnel of the National Diffusion Network, the regional laboratories supported by the Department of Energy, a principal investigator or program director of the National Science Foundation State Systemic Initiative within the region served by the regional consortium, and the Directors of the Eisenhower National State Curriculum framework grant programs within the region served by the Eisenhower regional consortium;

"(18) participate in collaborative meetings of representatives of the Eisenhower National Clearinghouse for Science and Mathematics Education and the regional consortiums to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and resources of the regional consortiums, except that not more than 5 percent of the funds awarded to a regional consortium under this section shall be used to carry out this paragraph;

"(19) provide technical assistance to State educational agencies and local educational agencies for evaluation of mathematics and science programs;

"(20) assist in the development of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(21) assist in the coordinated implementation of the kindergarten through twelfth grade programs of the Federal Coordinating Council for Science, Engineering and Technology in the regions.".

### SEC. 10. REGIONAL BOARDS.

Subsection (b) of section 2019 (20 U.S.C. 2994c(b)) is amended by inserting ", except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board" before the period.

### SEC. 11. FEDERAL SHARE.

Section 2020 (20 U.S.C. 2994e) is amended—

(1) by amending subsection (b) to read as follows:

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent."; and

(2) in subsection (c), by adding at the end the following new sentence: "At least 25 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.".

### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 2023 (20 U.S.C. 2994g) is amended by striking "$17,000,000 for the fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993" and inserting "$23,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, and 1998".

### SEC. 13. DEFINITIONS.

Section 2031 (20 U.S.C. 2996) is amended by adding at the end the following new paragraph:

"(3) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.".

### SEC. 14. ELEMENTARY SCIENCE AND MATHEMATICS EQUIPMENT.

Part A (20 U.S.C. 2981 et seq.) is amended by inserting after section 2023 the following new subpart:

## "Subpart 3—Elementary Mathematics and Science Equipment

### "SEC. 3031. SHORT TITLE.

"This subpart may be cited as the 'Elementary Mathematics and Science Equipment Act'.

### "SEC. 3032. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies and schools.

### "SEC. 3033. PROGRAM AUTHORIZED.

"(a) GRANTS.—The Secretary is authorized to make allotments to State educational agencies under section 3034 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as necessary for each of the fiscal years 1995, 1996, 1997, and 1998, to carry out this subpart.

### "SEC. 3034. ALLOTMENTS OF FUNDS.

"(a) IN GENERAL.—From the amount appropriated under section 3033(b) for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and from the amount not reserved pursuant to subsection (a), the Secretary shall make allotments among State educational agencies in the States as follows:

"(A) One-half of such remainder shall be distributed among such State educational agencies by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 11, inclusive, in the State bears to the number of such children in all States.

"(B) One-half of such remainder shall be distributed among such State educational agencies according to each State's share of allocations under chapter 1 of title I of this Act.

"(2) MINIMUM.—No State shall receive in any fiscal year an allotment under paragraph (1) which is less than—

"(A) one-half of 1 percent of the amount available under this subsection in such fiscal year; or

"(B) the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State's allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other States in proportion to the original allotments to those States under subsection (b) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that the State needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (b) for that year.

"(d) DEFINITIONS.—For the purposes of this subpart—

"(1) the term 'Secretary', unless otherwise specified, means the Secretary of Education; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) DATA.—The number of children aged 5 to 11, inclusive, in a State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

**"SEC. 3035. STATE APPLICATION.**

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this subpart shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this subpart to award grants to local educational agencies within the State to enable such local educational agencies to carry out the purpose of this subpart;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive a grant under this subpart once over the 5-year duration of the program assisted under this subpart;

"(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be considered in awarding grants under this subpart;

"(2) provide a description of how funds made available under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for assistance in accordance with sections 3036 and 3037;

"(B) for the distribution of grant payments under this subpart within the State; and

"(C) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

**"SEC. 3036. LOCAL APPLICATION.**

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for only one grant under this subpart.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that the local educational agency shall use the grant such agency receives under this subpart to award grants to schools served by such agency to enable such schools to carry out the purpose of this subpart;

"(2) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

"(3) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the grant funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;

"(4) describe how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(5) describe the process which will be used to determine different levels of grant amounts to be awarded to schools with different needs.

"(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to local applications that—

"(1) assign highest priority to providing assistance to schools which are most seriously under-equipped;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities;

"(4) give priority to providing equipment and materials for students in grades 1 through 6; and

"(5) provide assurances that equipment and materials provided under this subpart shall be equitably available to all children in the classroom.

**"SEC. 3037. PARTICIPATION OF PRIVATE NONPROFIT ELEMENTARY SCHOOLS.**

"(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision to include services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purpose and benefits of this subpart.

"(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit elementary schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this subpart. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017.

**"SEC. 3038. PROGRAM REQUIREMENTS.**

"(a) COORDINATION.—Each State educational agency receiving a grant under this subpart shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the grant program assisted under this subpart;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3036(c); and

"(4) evaluate local educational agencies' end-of-the-year summaries.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this subpart is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

### "SEC. 3039. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this subpart, shall develop procedures for State and local evaluations of the programs assisted under this subpart.

"(b) REPORT.—Beginning 1 year after the date of enactment of this subpart and each year thereafter, the Secretary shall report to the Congress on the program assisted under this subpart.".

### SEC. 15. TECHNICAL AMENDMENT.

The heading for part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2996) (as added by Public Law 101-589) is amended by striking "**PART C—GENERAL PROVISIONS**" and inserting "**Subpart 4—General Provisions**".●

By Mr. WOFFORD:

S. 1268. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

### RETIREE HEALTH BENEFIT PROTECTION ACT

Mr. WOFFORD. Mr. President, in 1991, the people of Pennsylvania sent a wake-up call to Washington that our Nation's health care system is in crisis. Cost are skyrocketing out of control. Two million Americans lose their insurance coverage each month, and 100,000 of them never get it back. And millions more—almost of all us—live in fear that the health benefits we do have won't be there when we need them most.

This country still has the best quality health care in the world. But everything that's wrong with our health care system is threatening everything that's right about our health care system. There's no better example of the insecurity now facing most Americans—especially the middle class—than the growing number of companies that are cutting back or cutting off retiree health benefits. The United States is just about the only industrialized nation where we leave health care to the luck of the draw. More and more Americans are losing the gamble.

Health insurance isn't a game that any of us can afford to lose. Because the result, for an expectant mother, an unemployed worker or older citizen in need of care is to reach the door of the doctor's office or hospital, unable to answer the threshold question: How are you planning to pay?

We're all feeling insecure, because we're all at risk. If we lose a job, change a job, have a serious illness. My wife was afraid that if I lost my election her preexisting condition would soon lock us out of insurance and we'd never be able to afford to pay the medical bills for her care. But now, you don't even have to lose a job to lose your coverage. All you have to do is retire from one. The fact is that across this country workers who've dedicated 20, 30 years or more of their lives to their companies are being left out in the cold by cutbacks in retiree health benefits—benefits they fought for, worked for, and were promised by their employers.

These are people who showed up to work every day, paid their taxes, paid their dues, and often took lower wages in order to receive retiree health benefits. And now, when the rug is pulled out from under them, they have no place to turn. The kind of price tags that insurance companies put on plans when you're old and sick are right through the roof. Because they'd rather insure those who are young and healthy.

In Philadelphia this past April, I joined a rally with hundreds of retired Unisys workers who are losing their health benefits. Like many other groups of retirees around the country, they've filed a lawsuit to compel their former employer to make good on its promises. In the last few months, more and more companies have either reduced retiree health benefits or dropped coverage altogether—because costs are out of control. One recent study found that two-thirds of companies plan to recede retiree health benefits. Others are cutting off those benefits entirely.

That doesn't just hurt the retirees involved. It affects all of us. When companies cut off retiree benefits, what they're really doing is shifting those health care costs right onto the taxpayers. Because many of those other citizens will have to turn to Medicare and Medicaid. It's just one more reason we need action on comprehensive health care reform that guarantees all Americans health coverage regardless of where they live or work; regardless of whether they're sick or retired. That's the next main order of business after we pass a 5 year deficit reduction plan that puts our economy back on the right track.

There's a tough, hard battle ahead to create a system that provides real health security. There are special interests who will fight health care reform every step of the way. And our retired workers can't wait. And we can't let companies write them off.

I propose to do more. Today I'm introducing the Retiree Health Benefits Protection Act. It will help retired workers maintain their promised health benefits in court and give companies second thoughts before trying to back out of their legal obligations.

The legislation will put the burden on employers to prove that their contracts clearly permit cutbacks in retiree health benefits. And unlike the situation today in which retirees get left high and dry while the lawyers argue, it would require those employers to continue paying benefits while the case is in court.

This is a matter of simple justice and basic fairness. It doesn't impose any new burdens on employers. It says: live up to your promises and fulfill the contracts you agree to. Nothing more. Nothing less.

We'll work with corporate America to control health costs. We know it's a problem that's eating into profits and productivity. But in the meantime, we challenge them to show responsibility by keeping their promises to retirees. In fact, this is a moment when I urge every player in our health care system to respond to the facts of a system that's out of control. Don't wait. Go forward now. Let your actions, as much as your words, be part of the health care reform debate.

Show, as Merck and Miles pharmaceuticals have, that price increase can be retained. Insurance companies don't increase premiums. Hospitals and doctors don't increase your rates. Business executives, don't cut retiree benefits. Make sure that promises made to workers and their families are promises kept.

Because nothing will ensure greater support for the Retiree Health Benefits Protection Act than companies that fail to take responsibility and keep their promises to workers and families.

To our older citizens who worked hard so they could enjoy some peace and security during their retirement, this legislation says: "You have a right to what you earned."

Until we've enacted a plan that turns the right to affordable health care into a reality and controls skyrocketing costs, we won't let you and your promised benefits fall through the cracks. Because your health security can't wait. This bill helps ensure that for retirees, health security won't wait. It begins today.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Retiree Health Benefits Protection Act".

### SEC. 2. RULES GOVERNING LITIGATION INVOLVING THE TERMINATION OR REDUCTION OF RETIREE HEALTH BENEFITS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

### "SEC. 516. RULES GOVERNING LITIGATION INVOLVING RETIREE HEALTH BENEFITS.

"(a) MAINTENANCE OF BENEFITS.—If—

"(1) retiree health benefits are to be terminated or reduced under an employee welfare benefit plan, and

"(2) an action is brought to enjoin or otherwise modify such termination or reduction,

the court shall order the plan to maintain the retiree health benefits at the level in effect immediately before the termination or reduction while the action is pending. The preceding sentence shall not apply to any action which the court determines is clearly without merit.

"(b) BURDEN OF PROOF.—If, in any action described in subsection (a)(2), the terms of the employee welfare benefit plan (as in effect at the time of an employee's retirement or disability) are ambiguous or silent as to whether retiree health benefits may be terminated or reduced under the plan, the benefits shall not be terminated or reduced unless the plan (or the employer or employers maintaining it) establishes by a preponderance of the evidence that the plan (as so in effect) allows such termination or reduction.

"(c) REPRESENTATION.—Notwithstanding any other provision of law, an employee representative of any retired employee or the employee's spouse or dependents may—

"(1) bring an action described in subsection (a)(2) on behalf of such employee, spouse, or dependents, or

"(2) appear in such an action on behalf of such employee, spouse, or dependents.

"(d) RETIREE HEALTH BENEFITS.—For purposes of this section, the term 'retiree health benefits' means health benefits (including coverage) which are provided to—

"(1) retired or disabled employees who, immediately before the termination or reduction, are entitled to receive such benefits upon retirement or becoming disabled, and

"(2) their spouses and dependents."

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 515 the following new item:

"Sec. 516. Rules governing litigation involving retiree health benefits."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions relating to terminations or reductions of retiree health benefits which are pending, or brought, on or after July 20, 1993.

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By Mr. LEAHY (for himself and Mr. HARKIN):

S. 1269. A bill to amend the National School Lunch Act to protect school districts and the Department of Agriculture from anticompetitive activities of suppliers that sell commodities to schools that participate the School Lunch Program, the School Breakfast Program, the Special Milk Program, and the Summer Food Service Program for children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### SCHOOL LUNCH PROTECTION ACT OF 1993

Mr. LEAHY. Mr. President, last session we exposed drug manufacturers defrauding the WIC Program. Today we find the School Lunch Program similarly under assault by those who price gouge and cheat schoolchildren. I am outraged that I must come to the Senate floor a second time to defend child nutrition programs from price-fixing.

Corporate sharks are taking lunch money right out of the hands of our children, and I want this stopped before school starts this fall.

The issue here is simple: corporate profits being placed ahead of needy children. I will not stand for that. If I have to choose between a hungry child and a corporation, I will pick the child every time.

Taxpayers spend $7.3 billion annually on food for Child Nutrition Programs. Because the School Lunch Program serves 24 million meals a day, the potential for fraud is enormous. For milk alone, schools spend approximately $794 million annually nationwide.

The cost of bid-rigging schemes to taxpayers amounts to hundreds of millions of dollars. And the real losers in these schemes, those who pay the highest price, are children.

The Antitrust Division of the Department of Justice filed 96 criminal cases against 52 corporations and 64 individuals in the food industry who supply milk for schools and the military. The Justice Department has done a great job in investigating and prosecuting these cases. I appreciate their continuing efforts.

These violations include not just bid-rigging and price-fixing conspiracies but also mail fraud, perjury, lying to a Federal grand jury, and obstruction of justice.

More than 30 grand jury investigations in 22 States continue to investigate the food and dairy industries responsible for providing food and milk to America's schools.

Some of our Nation's largest food service and dairy companies have been convicted by the Department of Justice. These companies include Borden, Pet Milk, Syco, Flav-O-Rich, Southland, Dean Foods, Meadow Gold Dairy, Holland Dairies, Dairy Fresh, and more.

Although I am a strong supporter of the dairy industry, especially dairy farmers, I cannot tolerate cheating America's schoolchildren.

The message of the bill is loud and clear—price-fixing that puts profits ahead of schoolchildren will not be tolerated. Companies or individuals convicted of cheating Child Nutrition Programs will be barred from participating in these programs.

The penalties in this bill will make corporations think twice about bid-rigging.

Under current law, companies can rig school lunch bids, fix prices, get caught and convicted, and then continue to sell foods at a profit to schools. This bill prohibits rewarding those who steal from taxpayers and schoolchildren.

This legislation sets up an investigative unit to detect and deter bid-rigging schemes. Passage of this bill sends a strong signal that we will not tolerate stealing from our children. And for those who continue to try—they will be caught and this bill requires that those companies guilty of fraud be mandatorily barred from continuing to supply food to schools.

I invite my colleagues to join with me today in sponsoring the Child Nutrition Protection Act of 1993. Every Member, whether Republican or Democrat, should support this legislation.

The bill:

Requires USDA to bar companies from participating in school-based Child Nutrition Programs for a minimum of one year if they are convicted of price-fixing or bid-rigging;

Requires barring a company from the programs for at least 3 years, upon a repeat conviction;

Requires that the Secretary assist States, law enforcement officials, and schools regarding ways to prevent and identify bid-rigging;

Requires the Secretary of Agriculture to fully cooperate with the Department of Justice in these matters; and

Authorizes the appropriation of $4 million per year to provide financial assistance and other support to State attorney generals and school food service authorities to assist in the prevention or prosecution of anti-competitive activities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1269

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "School Lunch Protection Act of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in recent years, there has been an alarming number of instances of price-fixing and bid-rigging regarding foods purchased for—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) during the past several years, the Antitrust Division of the Department of Justice has filed over 95 criminal cases against persons accused of bid-rigging conspiracies, false statements, mail fraud, price-fixing, and similar activities involving dairy products sold to schools or the Department of Defense;

(3) over 30 grand juries in States are investigating similar activities, especially in connection with activities involving the dairy industry;

(4) 45 corporations and 48 individuals have been convicted by Federal courts of similar activities, and total fines and civil damages of approximately $100,000,000 have been assessed in Federal and State actions for similar activities;

(5) a report of the Comptroller General of the United States noted that, as of March 1992, the Secretary of Agriculture had neither suspended nor debarred any of the 13 dairy companies or 28 individuals convicted, as of March 1992, of milk contract bid-rigging from participating in the school lunch and breakfast programs;

(6) effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools;

(7) reducing the incidence of price-fixing and bid-rigging in connection with the school lunch and breakfast programs could save school districts, parents, and taxpayers millions of dollars per year;

(8) the Comptroller General of the United States has noted that bid-rigging awareness training is an effective means of deterring improper collusion and bid-rigging; and

(9) the Comptroller General of the United States in a General Accounting Office report addressed many of the concerns described in this section with respect to bid rigging in the school lunch program.

### SEC. 3. DUTIES OF THE SECRETARY RELATING TO ANTICOMPETITIVE ACTIVITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

### "SEC. 25. DUTIES OF THE SECRETARY RELATING TO ANTICOMPETITIVE ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall—

"(1) provide advice, training, technical assistance, and guidance to representatives of States, contracting entities, and school food service authorities regarding means of identifying and preventing anticompetitive activities relating to the acquisition of commodities for—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(C) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772); and

"(D) the summer food service program for children established under section 13 of this Act;

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of anticompetitive activities relating to the acquisition of commodities for the programs referred to in paragraph (1);

"(3) provide awareness training, training films, technical advice, troubleshooting advice, and other guidance related to avoiding or detecting bid-rigging, price-fixing, or other anticompetitive activities concerning the acquisition of commodities for the programs; and

"(4) debar or suspend a person under section 12A, applicable regulations issued by the Secretary (such as part 3017 of chapter XXX of subtitle B of title 7, Code of Federal Regulations), and other applicable Federal laws (including regulations).

"(b) FOOD SERVICE MANAGEMENT INSTITUTE.—The Secretary may request assistance from the food service management institute authorized under section 21 in carrying out this section. The Secretary may contract with the institute to carry out all or part of the duties described in paragraphs (1) and (3) of subsection (a).

"(c) FUNDING.—The Secretary shall make available to carry out this section not less than ½ of 1 percent of the funds made available for the salaries and expenses of the Food and Nutrition Service for each fiscal year.

"(d) TERMINATION.—The authority provided by this section shall terminate on September 30, 1999.".

### SEC. 4. NONPROCUREMENT DEBARMENT.

(a) IN GENERAL.—The National School Lunch Act is amended by inserting after section 12 (42 U.S.C. 1760) the following new section:

### "SEC. 12A. NONPROCUREMENT DEBARMENT.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary shall debar a person, and each principal and affiliate of the person, for at least 1 year from supplying, providing, or selling a product or commodity to a school, school district, school food service authority, or school district consortium participating in the school lunch program established under this Act, the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), or the summer food service program for children established under section 13 of this Act if the person, or a principal or affiliate of the person, is convicted, in connection with supplying, providing, or selling a product or commodity to any school, school district, school food service authority, or school district consortium participating in any of the programs, or to any Federal agency, of—

"(1) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State law related to protecting competition;

"(2) mail fraud, bribery, theft, or embezzlement;

"(3) making a false statement or claim;

"(4) making a false declaration before a grand jury; or

"(5) other obstruction of justice.

"(b) SUBSEQUENT CONVICTIONS.—Except as provided in subsection (c), if a person, or a principal or affiliate of the person, is convicted of an activity described in subsection (a) after having been previously debarred under this section, the person, and each principal and affiliate of the person, shall be debarred for at least 3 years from supplying, providing, or selling a product or commodity to any school, school district, school food service authority, or school district consortium participating in a program described in subsection (a) or to any Federal agency.

"(c) WAIVERS.—The Secretary may waive a debarment imposed under subsection (a) or (b) if the Secretary determines that debarment would—

"(1) likely have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) seriously interfere with the ability of a school, school district, school food service authority, or school district consortium to procure a needed product or commodity for a program described in subsection (a);

"(3) be unfair to a person, subsidiary corporation, affiliate, parent company, or local division of a corporation that is not involved in the improper activity that would otherwise result in the debarment; or

"(4) not be in the public interest.

"(d) RELATIONSHIP TO OTHER AUTHORITY.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to—

"(1) penalize, fine, suspend, debar, or otherwise punish, in a civil or criminal action, a person or a principal or affiliate of the person; or

"(2) imprison, debar, suspend, fine, or otherwise punish a person or a principal or affiliate of the person.

"(e) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.".

(b) IMPLEMENTATION.—

(1) APPLICATION.—The amendment made by subsection (a) shall not apply to a conviction that is based on an activity that took place prior to the date of enactment of this Act.

(2) REGULATIONS.—Not later than July 1, 1994, the Secretary of Agriculture shall amend the nonprocurement regulations established under part 3017 of chapter XXX of subtitle B of title 7, Code of Federal Regulations, to conform with section 12A of the National School Lunch Act (as added by subsection (a)).

(3) CONSISTENT DEBARMENT POLICY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and such other officials as the Secretary of Agriculture determines are appropriate, shall advise the appropriate committees of Congress and the Comptroller General of the United States as to the appropriateness and usefulness of a consistent debarment policy under—

(A) the Federal acquisition regulations issued under title 48, Code of Federal Regulations; and

(B) Federal nonprocurement regulations.

(4) NO REDUCTION IN AUTHORITY.—

(A) IN GENERAL.—The authority of the Secretary of Agriculture that exists on the date of enactment of this Act to debar or suspend a person, or a principal or affiliate of the person, from Federal financial and nonfinancial assistance and benefits under Federal programs and activities, on a government-wide basis, shall not be diminished or reduced by this section or the amendment made by this section.

(B) DEBARMENT OR SUSPENSION.—The Secretary may continue, after the date of enactment of this Act, to debar or suspend a person (or a principal or affiliate of the person), on a government-wide basis, from Federal financial and nonfinancial assistance and benefits for any cause for debarment or suspension that is specified in part 3017 of chapter XXX of subtitle B of title 7, Code of Federal Regulations, or as otherwise permitted by law (including regulations).

### SEC. 5. PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.

The National School Lunch Act (as amended by section 3) is further amended by adding at the end the following new section:

### "SEC. 26. PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.

"(a) ASSISTANCE.—The Secretary shall provide financial assistance and other support to States, State attorneys general, law enforcement organizations, school food contracting agents, and school food service authorities to assist in the prevention and control of anticompetitive activities relating to—

"(1) the school lunch program established under this Act;

"(2) the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(3) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772); and

"(4) the summer food service program for children established under section 13 of this Act.

"(b) INFORMATION.—On request, the Secretary shall present to the appropriate committees of Congress information regarding the administration of sections 12A and 25 and this section, any waiver granted under section 12A(c), and efforts to reduce the incidence of anticompetitive activity (such as price-fixing and bid-rigging), in connection with the programs referred to in subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $4,000,000 for each fiscal year.".

## ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 78

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Idaho [Mr. CRAIG], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. WALLOP], the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from New Hampshire [Mr. SMITH], the Senator from New Hampshire [Mr. GREGG], the Senator from Georgia [Mr. COVERDELL], the Senator from Mississippi [Mr. LOTT], the Senator from Texas [Mr. GRAMM], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 78, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 102

At the request of Mr. COVERDELL, his name was withdrawn as a cosponsor of S. 102, a bill to provide for a line item veto; capital gains tax reduction; enterprise zones; raising the Social Security earnings limit; and workfare.

S. 103

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 181

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 181, a bill to prohibit the export of American black bear viscera, and for other purposes.

S. 212

At the request of Mr. DORGAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 212, a bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider Program.

S. 469

At the request of Mr. WARNER, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from California [Mrs. FEINSTEIN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 483

At the request of Mr. SHELBY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 486

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 486, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 545

At the request of Mr. BOREN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Missouri [Mr. BOND], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 600

At the request of Mr. BOREN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 784

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 994

At the request of Mr. PRYOR, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 994, a bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

S. 1002

At the request of Mr. HATCH, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1002, a bill to require each recipient of a grant or contract under section 1001 of the Public Health Service Act to provide information concerning breast and cervical cancer.

S. 1004

At the request of Mr. MACK, his name was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island

[Mr. PELL] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such act.

S. 1041

At the request of Mr. GREGG, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1041, a bill to amend the Public Health Service Act to promote the immunization of children, and for other purposes.

S. 1043

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1043, a bill to extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.

S. 1083

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1083, a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income.

S. 1098

At the request of Mr. DURENBERGER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1098, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1098, supra.

S. 1125

At the request of Mr. DODD, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1142

At the request of Mr. HARKIN, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mrs. MURRAY], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1142, a bill to improve counseling services for elementary school children.

S. 1172

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1172, a bill to amend the National Defense Authorization Act for Fiscal Year 1993, to impose sanctions on certain transfers of equipment and technology used in the manufacture or delivery of weapons of mass destruction and to impose additional sanctions for violations of that act.

S. 1184

At the request of Mr. MACK, his name was added as a cosponsor of S. 1184, a bill to limit the amount of indirect costs that may be incurred in conducting federally sponsored university research and development to 50 percent of the modified total direct costs related to such research and development.

S. 1206

At the request of Mr. KERRY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1206, a bill to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center."

S. 1209

At the request of Mr. KEMPTHORNE, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1209, a bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes.

S. 1228

At the request of Mr. BROWN, the names of the Senator from Utah [Mr. HATCH], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1228, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 1229

At the request of Mr. BROWN, the names of the Senator from Utah [Mr. HATCH], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1229, a bill to repeal the provisions of the Service Contract Act of 1965.

S. 1231

At the request of Mr. MOYNIHAN, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

S. 1256

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 89

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mr. DOLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 89, a bill to designate October 1993 as "Polish-American Heritage Month."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. BYRD], the Senator from Florida [Mr. MACK], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

### SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

### SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LEAHY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Concurrent Resolution 27, a bill to express the sense of Congress that funding should be provided to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs and to expand the Job Corps program, and for other purposes.

### SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

### SENATE RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 124, a resolution expressing the sense of the Senate that the Olympic Summer Games in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

### SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

### AMENDMENT NO. 597

At the request of Mr. DOMENICI the names of the Senator from Colorado [Mr. BROWN], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Amendment No. 597 proposed to S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

## AMENDMENTS SUBMITTED

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## ROTH-DOMENICI AMENDMENT NO. 600

Mr. ROTH (for himself and Mr. DOMENICI) proposed an amendment to the bill (S. 185) to amend title 5, United States Code, to restore Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; as follows:

On page 17, insert between lines 15 and 16 the following new paragraph:

"(3) No employee of the Office of Examination (including revenue agents, tax auditors, and tax examiners) of the Internal Revenue Service may take an active part in political management or political campaigns.

On page 17, line 16, strike out "(3)" and insert in lieu thereof "(4)".

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## KASSEBAUM AMENDMENT NO. 601

Mrs. KASSEBAUM (for herself and Mr. GRASSLEY) proposed an amendment to the bill (S. 185), supra, as follows:

On page 15, line 22, beginning with the comma strike all through line 19 on page 16 and insert a semicolon.

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## ROTH (AND OTHERS) AMENDMENT NO. 602

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. DOMENICI, Mr. DURENBERGER, and Mr. GRASSLEY) proposed an amendment to the bill (S. 185), supra, as follows:

On page 17, insert between lines 15 and 16 the following new paragraph:

"(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

On page 17, line 16, strike out "(3)" and insert in lieu thereof "(4)".

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## NOTICES OF HEARINGS

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Tuesday, July 27, 1993, on Oversight of Federal Property Management. The hearing will take place at 9:30 a.m. in room 342 of the Dirksen Senate Office Building.

[Notice of Cancellation of Hearing]

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Committee on Energy and Natural Resources on S. 318, the Outer Continental Shelf Deep Water Royalty Relief Act, and S. 727, the California Ocean Protection Act of 1993, has been canceled.

The hearing was to take place on Tuesday, August 3, at 9:30 a.m.

For further information, please contact Lisa Vehmas of the Committee staff at 202-224-7555.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 20, 1993, at 11 a.m., in open session, to receive testimony on the Department of Defense policy on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10 a.m. on July 20, 1993, on the nomination of David Hinson to be the Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 20, 1993, to receive testimony from Robert Nordhaus, nominee to be general counsel at the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 20, 1993, at 10 a.m. to hold nomination hearings on the following nominees:

Tom Dodd, to be Ambassador to Uruguay;

James Blanchard, to be Ambassador to Canada; and

Jeffrey Davidow, to be Ambassador to Venezuela.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 20, 1993, at 10 a.m. to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small

Business Committee be authorized to meet during the session of the Senate on Tuesday, July 20, 1993, at 3 p.m. The committee will hold a full committee hearing on the Small Business Administration's fiscal year 1994 budget proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Tuesday, July 20, 1993, at 8:30 a.m., in executive session, to mark up the Coalition Defense and Reinforcing Forces Programs for fiscal year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, July 20, 1993, at 10 a.m., in executive session, to mark up the Force Requirements and Personnel Programs for fiscal year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet in executive session on Tuesday, July 20, 1993, at 4:30 p.m., to mark up the Military Readiness and Defense Infrastructure Programs of Defense Authorization Act for fiscal year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL, AND DEFENSE INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control, and Defense Intelligence of the Committee on Armed Services be authorized to meet in executive session on Tuesday, July 20, 1993, at 2:30 p.m., to mark up the Nuclear Deterrence, Arms Control, and Defense Intelligence Programs of a Department of Defense Authorization Act for fiscal year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## NUCLEAR TESTING

• Mr. SIMON. Mr. President, recently the President announced a new policy on nuclear weapons testing, the no-first-test, policy. The President made the right decision to suspend nuclear testing, and I urge that we in this body support him as the administration moves beyond this to negotiating a Comprehensive Test Ban Treaty.

I am concerned that, no first test, pegs our nuclear weapons program to the actions of other nations, and I hope that this will not be implemented in a rigid, inflexible way. We ought to make a decision on nuclear warhead testing based on our own national security needs, not those of any other nation. The simple fact is that our weapons are safe and reliable. And it makes no sense whatsoever to continue testing since we have no new nuclear weapons programs in development.

If China tests in a few weeks or months, for example, do we really need to resume testing? Our nuclear weapons systems are so far superior to theirs, using any measurement, that resumption of testing under these or similar circumstances would make a mockery of our new approach, which I applaud.

Mr. President, we have struggled with this issue for many years. I commend President Clinton for taking a wise step forward to strengthen our security and stop the spread of nuclear weapons.•

## HAROLD VAN GILDER, "CITIZEN OF THE YEAR"

• Mr. McCAIN. Mr. President, I was extremely delighted to hear that Harold VanGilder was chosen by the Sierra Vista Chamber of Commerce as their 1992 Citizen of the Year. I would like to congratulate Mr. VanGilder on this outstanding achievement and his public service.

As a resident of Arizona, Mr. VanGilder has set a fine example in Arizona for his dedication and commitment to community service. Mr. President, I would like the Senate to take note of Mr. VanGilder's active role in local civic affairs for over a decade.

Mr. VanGilder was elected to the Sierra Vista City Council in February of 1993; he is a past president of the Sierra Vista Economic Industrial Development Authority and was the founding president of the Sierra Vista Economic Development Foundation, the University Foundation of Sierra Vista, and Fort Huachuca 50. Additionally, he is a member of the Arizona Academy, the Cochise College Information Management Advisory Committee, and the University of Arizona Economic Development Committee and is on the board of directors of the Baptist Foundation of Arizona.

Mr. President, I would like Mr. VanGilder to know how much I appreciate his commitment to Arizona and the community of Sierra Vista. I am pleased to have brought Mr. VanGilder to the attention of the Senate, and I wish him every success in the future.•

## GANGS IN GRADE SCHOOL

• Mr. SIMON. Mr. President, as many of my colleagues know, the Chicago Tribune has been running two series called "Killing Our Children." These articles track every child under the age of 14 killed in the Chicago area. In conjunction with this series, the paper has also been exploring related topics: child abuse, drug abuse, and gangs.

Recently the Tribune ran an article entitled, "Gangs Getting Younger, But No Less Deadly," which tells a story about a 12-year-old alleged gang member who is being charged with the first degree murder of a 2-year-old. This incident, which occurred in Chicago, provides us with alarming evidence that gang violence is reaching even the youngest of children, transforming life and death into a sort of game.

The rise of gangs has coincided with the decline of jobs in that area. Now, many of the younger gang members are the children of gang members. Even babies are dressed up in gang gear, and children as young as 4 years old are seen fighting over the rival gang insignias that they turn in for art assignments.

Prof. Darnell Hawkins of the University of Illinois at Chicago points out that not all gang-related activities are dangerous. "All kids socialize in groups. * * * Many gangs are benign initially. They're preadolescent play groups, social groups. Some go through a transition into more serious crime, and many do not." Hawkins went on to say that the chances of the "play group" moving into antisocial behavior increase if the children are in a deprived neighborhood.

I urge my colleagues to read this article and ask that it be printed in the RECORD.

The article follows:

[From the Chicago Tribune, May 27, 1993]

### GANGS GETTING YOUNGER, BUT NO LESS DEADLY

(By Louise Kiernan)

Most people thought the boys who called themselves the Titanic Stones were nothing more than a neighborhood nuisance.

They hung out on the corners near their South Chicago grammar school, bumming cigarettes, bugging women and picking fights.

But last week they allegedly set fire to the home of a boy they believed belonged to a rival gang. That fire killed Denzel Castle, a chubby and cheerful toddler who lived next door. Denzel was the 21st child age 14 or under to be slain in the Chicago area this year.

Suddenly a 12-year-old boy was charged with first-degree murder. And what had seemed an aggravating game of children playing at grown-up gangs had become something much more.

"They're babies, 10, 11, 12 years old, just babies," said Deborah Castle, Denzel's aunt. "It's just sad. But that's how it is. Something little always ends up something big."

In South Chicago, as in many of the city's poorer neighborhoods, it seems that something little—children—are getting caught up in gangs at a younger and younger age. Second-graders turn in drawings of gang insignia as art assignments. A 10-year-old who squabbles with a classmate finds himself facing down half a dozen members of that boy's "posse" on the playground.

One morning this week, John West, principal of Thorp School, 8914 S. Buffalo Ave., led a discussion with a 4th-grade science class. He asked the class to name some different types of machines.

The first response? "Machine gun."

He wasn't surprised. In January, he decided to join a 1st-grade class to view President Clinton's inauguration on television. When he went in, some of the children told him they were watching what must be the funeral procession of a very high-ranking gang member.

"They see things through their own lives," he said. "That's all they know."

In South Chicago, the rise of gangs has coincided with the long decline and final demise of what one alderman called its "heart and soul." The South Works of U.S. Steel.

At its peak during the 1940s, the steel mill employed more than 20,000 people; by the time it closed last year, fewer than 700 people worked there. What was a prosperous company town tucked around the plant on Chicago's Southeast Side has become a rim of shuttered businesses, abandoned buildings and hopelessness.

It's not that gangs are new. They were here during the Depression, and even earlier, when South Chicago was an Eastern European enclave. As Mexicans and African Americans moved in, many brought in as strikebreakers, more gangs sprang up.

But only as jobs withered away did gangs take root as something more established and more deadly than the fistfights and rivalries that were cast aside when you went to work at the mill.

"Now we're dealing with teenagers who are the kids of gangbangers proud of still being gangbangers," said Neil Bosanko, a fourth-generation South Chicagoan, foster parent and community activist. "They even dress their babies up in gang gear."

It doesn't take long for the children to catch on. Bosanko recently saw two preschoolers get into a fight after one discovered the other drawing the symbol of a gang that is a rival to the one he had painted.

At the neighborhood's schools, officials say some children have grouped themselves into so-called gangs by the time they're in 3rd or 4th grade.

"It can start off at a talent show or with an intramural basketball team," said West. "Before you know it, they're calling themselves a gang."

Last year, police officers, with the South Chicago District's tactical unit, which investigates gang activity, kept running into a group of 8- and 9-year-olds who called themselves the Donuts.

"Just little guys, said Sgt. Rich Pina. "But they would try to do the same things the big guys did. Harass people. Get in fights."

At William K. Sullivan School, 8255 S. Houston Ave., principal Robert Esenberg has seen one group that started out three years ago as four or five 4th graders and now has about a dozen members.

"They hung out together after school and tried to intimidate other kids on the way home. I'm not sure what they're doing now," Esenberg said. "You never know when it's serious or not."

To many children, of course, it's not intended to be a serious effort to start their own version of an adult gang. It's just a game, not much different from a group of boys who play basketball giving their teams fanciful names, except the names they know are the Gangster Disciples or the Vice Lords.

"All kids socialize in groups, whether they're 'good' kids or 'bad' kids," said Darnell Hawkins, a criminologist and professor at the University of Illinois at Chicago. "Many gangs are benign initially. They're pre-adolescent play groups, social groups. Some go through a transition into more serious crime, and many do not."

The chances of the "play group" moving into antisocial behavior increase, though, if the children live in a deprived neighborhood, Hawkins said.

As Donald Butler, assistant principal of Sullivan puts it, "The organizing skills are the same as for a baseball team, but if there aren't any baseball games, what is there to do? 'Well, we can run through the neighborhood and kick over some garbage cans.' The little stuff just starts adding up."

The Titanic Stones, about a dozen boys between the ages of 11 and 15, seemed to be taking their first steps into trouble.

Before the fire they weren't even known to tactical police, Pina said. "We're trying to figure out now who they are," he said. "We think they're a relatively new group of younger kids."

Neighbors, however, did know them.

"You go to the store, they ask you for cigarettes," said one teenager, who gave his name as Michael. "They said stuff to the women, and if [the women] wouldn't answer, they would call them 'B's' [bitches]," he said.

Once, Gregory Castle, who lived in the same building as his nephew Denzel, saw them beat up one of their own in the alley behind his apartment. The boy was suspected of being a turncoat.

"They got up and hugged him, and he limped away," said Castle, 29, shaking his head, "Man, I just don't understand it."

The young gang was more irritating and incomprehensible than threatening. Denzel's mother, Mary Ann Robinson, kept the burglar bars on her door locked, but mostly to stop the toddler from wandering downstairs to visit his cousins.

Three different sets of the Castle family—14 of them in all—lived in the wood-frame building at 8510 S. Buffalo Ave., and they were good friends with the three families next door at 8506 S. Buffalo Ave. They used to sit out on their front porches, chatting and watching the children play.

So, when a few days before the fire, Denzel's father, Darrell Castle, 36, learned that a neighborhood boy told some Titanic Stones that a 14-year-old in 8506 belonged to the Gangster Disciples, a rival gang, he decided to intervene.

"I went to this little guy and said, 'You've got to think about what you're saying,'" Castle said. "'It's dangerous to do that.'"

The 14-year-old had apparently threatened to beat up the other boy, making him want revenge. It remains unclear whether the 14-year-old is a gang member. At a Juvenile Court hearing last week, a Chicago police detective testified that the 14-year-old boy admitted he was a Disciple, but friends of the family insist he is not a gang member.

In any event, it was a schoolyard squabble. But one that would turn deadly because the children were playing at gangs, like playing with fire.

On May 19, the Stones attacked the 14-year-old outside his building, but Gregory Castle broke up the fight. They vowed to return, and the fire broke out hours later.

In court testimony, police said the boys gathered at nearby Russell Square Park to plan a second attack, and decided upon arson.

A 12-year-old is accused of first-degree murder for using a blue Bic lighter to torch a couch wedged beneath the porch at 8506. The blaze spread next door, killing Denzel in his bed and leaving more than two dozen people in both buildings homeless.

At Denzel's funeral Wednesday, a Barney the Dinosaur balloon fluttered over his blue casket. It wasn't there because Denzel loved the television character, but because he was so chubby that his fat-dimpled legs inspired the nickname "Baby Dinosaur."

His mother wept and his grandmother, Lubirdin Castle, who delivered the eulogy, urged the audience to remember that Denzel "doesn't have to worry anymore about the bad guy trying to bring him into his corner."

She was talking about Satan. But Denzel's uncle, Gregory Castle, seemed to have different bad guys in mind when he was talking about Denzel's death as he stood outside his burned-out husk of a home last week.

"I have three sons," he said. "Someday, the gangs are going to come around, trying to get them to join. I dread that day."•

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## STATEMENT ON THE CONFIRMATION OF VICTOR P. RAYMOND

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted that the Senate last Friday confirmed the nomination of Dr. Victor P. Raymond to be Assistant Secretary of Veterans Affairs for Policy and Planning.

Dr. Raymond is a first-rate individual with a long history of public service, dating back to service in the Air Force during the Vietnam war, and I am confident that he will play a key role, along with Secretary of Veterans Affairs, Jesse Brown, and Deputy Secretary, Hershel Gober, in providing leadership to the Department of Veterans Affairs so that it can better serve the needs of the veterans of West Virginia and the entire Nation.

The committee held a hearing on Dr. Raymond's nomination on July 1, 1993, at which he responded openly and forthrightly—and with great skill and insight, I might add—to questions from committee members. He also responded to pre- and post-hearing questions and completed the committee's questionnaire. After reviewing all these materials as well as the FBI reports on Dr. Raymond, I am satisfied that he is well suited for the position of Assistant Secretary for Policy and Planning. On Thursday, July 15, our committee met to consider various matters, including this nomination, and voted unanimously to recommend his confirmation to the full Senate. On Friday, July 16, the Senate confirmed Dr. Raymond.

Mr. President, I think the job Dr. Raymond will now assume, which he filled on an acting basis for number of months—the Assistant Secretary for Policy and Planning—is terribly important in so many different ways. I have a very strong interest in the role that

that office will play in health care reform. I am also very interested in the many other exciting areas that the office works on, including matters relating to adjudication reform and the development and maintenance of comprehensive data bases on veterans and veterans programs.

In reviewing Dr. Raymond's background, I was struck by how his various experiences have prepared him so well for this key position.

His work here in the Congress—which I note was quite unusual in that it was both bipartisan and bicameral, working as he did for AL SIMPSON when he was chairman of the Senate Committee and then for my good friends and counterparts in the House, Chairman SONNY MONTGOMERY, gives him a fine grounding in understanding the art of give and take that is so important to getting things done here in Washington.

His stint with the VA Commission on the Future Structure of Veterans Health Care, where we was the Deputy Director of the Commission, was obviously a key opportunity to further his work on VA and general health matters.

And certainly his graduate training at Johns Hopkins University in operations research, which relies so heavily on the importance of quantitative information, will be invaluable in his new role.

Mr. President, in closing, I again note my satisfaction that Dr. Raymond is so well suited to the position for which he has been confirmed, and I look forward to working with him in his new capacity.●

## BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 16, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.7 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated July 14, 1993, there has been no action that affects the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, July 20, 1993.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through July 16, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 13, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
*Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS JULY 16, 1993

[In billions of dollars]

| | Budget resolution (H. Con. Res. 287) | Current level [1] | Current level over/under resolution |
|---|---|---|---|
| On-budget: | | | |
| Budget authority | 1,250.0 | 1,248.4 | −1.6 |
| Outlays | 1,242.3 | 1,243.0 | .7 |
| Revenues: | | | |
| 1993 | 848.9 | 849.4 | .5 |
| 1993–97 | 4,818.6 | 4,820.0 | 1.4 |
| Maximum deficit amount | 420.8 | 392.4 | −28.4 |
| Debt subject to limit | 4,461.2 | 4,240.5 | −220.7 |
| Off-budget: | | | |
| Social Security outlays: | | | |
| 1993 | 260.0 | 260.0 | |
| 1993–97 | 1,415.0 | 1,415.0 | |
| Social Security revenues: | | | |
| 1993 | 328.1 | 328.1 | ([2]) |
| 1993–97 | 1,865.0 | 1,865.0 | ([2]) |

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 16, 1993

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | 0 | 0 | 849,425 |
| Permanents and other spending legislation | 764,283 | 737,413 | 0 |
| Appropriation legislation | 732,061 | 743,943 | 0 |
| Offsetting receipts | (240,524) | (240,524) | 0 |
| Total previously enacted | 1,255,820 | 1,240,833 | 849,425 |
| ENACTED THIS SESSION | | | |
| CIA Voluntary Separation Incentive Act (Public Law 103–36) | 1 | 1 | 0 |
| Unclaimed Deposits Amendments Act (Public Law 103–440 | 0 | 1 | 0 |
| 1993 spring supplemental (Public Law 103–50) | 1,003 | 1,199 | 0 |
| Total enacted this session | 1,004 | 1,201 | 0 |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | (8,443) | 922 | 0 |
| Total current level [1] | 1,248,381 | 1,242,955 | 849,425 |
| Total budget resolution [2] | 1,249,990 | 1,242,290 | 848,890 |
| Amount remaining: | | | |
| Under budget resolution | 1,609 | 0 | 0 |
| Over budget resolution | 0 | 665 | 535 |

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding.

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

[In millions of dollars]

| | Budget authority | Outlays |
|---|---|---|
| Public Law: | | |
| 102–229 | 0 | 712 |
| 102–266 | 0 | 33 |
| 102–302 | 0 | 380 |
| 102–368 | 960 | 5,873 |
| 102–381 | 218 | 13 |
| 103–6 | 3,322 | 3,322 |
| 103–24 | 4,000 | 4,000 |
| Offsetting receipts | (4,000) | (4,000) |
| 103–50 | 0 | (30) |
| Total 1993 emergency funding | 4,500 | 10,303 |

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.●

## ORDERS FOR WEDNESDAY, JULY 21, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Wednesday, July 21; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12:45 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the first 30 minutes of morning business under the control of Senator PRYOR or his designee; that Senator BYRD be recognized for 1 hour immediately following the conclusion of the time reserved for Senator PRYOR, with Senator DORGAN recognized for up to 10 minutes, and Senators ROCKEFELLER and WELLSTONE for up to 15 minutes each, with this time to follow the time reserved for Senator BYRD; that there then be up to 1 hour under the control of Senator WALLOP or his designee; that Senator HOLLINGS then be recognized for up to 20 minutes; and that at 12:45 p.m., the Senate then resume consideration of S. 919.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MITCHELL. Mr. President, there has been a very good discussion today on the pending bill. It is an important measure dealing with national service. I am advised that there may be a substantial number of amendments to the bill; that the staffs, minority and majority, will be meeting tomorrow to review the list; and that at least one amendment will be offered when the Senate returns to consideration of the bill. I hope that is the case and that we can begin debate on and disposition of amendments to the bill tomorrow.

It appears that there are going to be a substantial number of amendments, in which case Senators should be prepared for votes during the day and well into the evening on tomorrow and Thursday so that we can make some substantial progress, and if possible complete action on this bill. So Senators should now be aware that votes may occur throughout the day and well into the evening tomorrow.

As I previously notified Senators in writing, we are not able anymore to attempt to limit votes to prior to 7 p.m. because of the difficulty of getting votes during that period of time and making progress on this legislation. So there is no longer any 7 o'clock limitation. I hope Senators will keep that in mind as they plan their schedules for the remainder of this week.

Furthermore, as we all know, it is now approximately the time when the Senate must begin consideration of appropriations bills. These are not only important, they are essential matters required by law. The House has acted on most of the appropriations bills. The Senate Appropriations Committee was to meet today to report out three bills, and I am advised they did so, and will meet further in the week to report out additional appropriations bills. So that for the remaining weeks of this legislative period, and that is 2 weeks following this week, we will be dealing with a number of appropriations bills and Senators should be prepared for votes on Mondays, and throughout the day and evening on each day of the week as we attempt to make good progress on dealing with these appropriations bills during this legislative period.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess as under the previous order.

There being no objection, the Senate, at 8:22 p.m., recessed until tomorrow, Wednesday, July 21, 1993, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 20, 1993:

### DEPARTMENT OF JUSTICE

LOUIS J. FREEH, OF NEW YORK, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF 10 YEARS, VICE WILLIAM S. SESSIONS.

GAYNELLE GRIFFIN JONES, OF TEXAS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE RONALD G. WOODS.

KAREN ELIZABETH SCHREIER, OF SOUTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS, VICE PHILIP N. HOGEN.

JUDITH ANN STEWART, OF INDIANA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS VICE DEBORAH J. DANIELS.

WALTER MICHAEL TROOP, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE JOSEPH M. WHITTLE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037:

*To be major general*

*To be judge advocate general of the U.S. Air Force*

BRIG. GEN. NOLAN SKLUTE [redacted] U.S. AIR FORCE.

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH A SINGLE ASTERISK IS ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE.

### MEDICAL CORPS

*To be colonel*

*ROBERT M. WILSON [redacted]

### IN THE ARMY

*To be lieutenant colonel*

RONALD E. MCCONNELL [redacted]
EMANUEL M. TORNQUIST [redacted]

### MEDICAL CORPS

*To be major*

FREDRIC R. PLOTKIN [redacted]

THE FOLLOWING NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 1552, TITLE 10 UNITED STATES CODE.

### MEDICAL SERVICE CORPS

*To be major*

RICHARD N. JOHNSON [redacted]

# HOUSE OF REPRESENTATIVES—*Tuesday, July 20, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to live our lives with the leading of Your spirit, to speak the truth and tell our message with honesty and sincerity. As our backgrounds vary, so we acknowledge our separate experience and we admit that we see the events of life in differing ways. Yet make us mindful, O gracious God, of all that we have together and of the common heritage that we hold high. Respectful of each other, may we use the gifts You have given to be custodians of Your many graces and always respond to Your gifts with prayer, praise, and thanksgiving. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Oregon [Ms. FURSE] please come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. David Zaroff, one of his secretaries.

## REPORT ON RESOLUTION REQUESTING THE PRESIDENT TO FURNISH CERTAIN DOCUMENTS CONCERNING THE RESPONSE OF THE FEDERAL BUREAU OF INVESTIGATION TO ALLEGATIONS OF CRIMINAL CONDUCT IN THE WHITE HOUSE TRAVEL OFFICE

Mr. BROOKS, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 103–183) on the resolution (H. Res. 198) requesting the President to furnish to the House of Representatives certain documents concerning the response of the Federal Bureau of Investigation to allegations of criminal conduct in the White House travel office, which was referred to the House Calendar and ordered to be printed.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, due to a prior official commitment on Thursday, July 15, 1993, I was unable to be present for the vote on rollcall No. 339.

Mr. Speaker, had I been present, I would have voted "no."

## PRESIDENT CLINTON'S BUDGET

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when the Congress approves President Clinton's budget, it will be the largest deficit reduction in history.

By cutting more than 200 programs and by requiring the wealthy to pay their fair share, the President's budget will eradicate nearly $500 billion from the deficit over the next 5 years.

Since the House and the other body have approved the plan, interest rates have propelled mortgage rates to a 20-year low. And the economy is on track.

But deficit reduction is more than a goal in itself.

The objective of deficit reduction is job creation. The passage of the President's plan ensures that the U.S. economy will expand by creating 8 million jobs over the next 4 years.

The President's plan will provide tax incentives and substantial benefits to the economy's fastest growing sector, the small business community.

Owners of small businesses will receive a special capital gains tax cut for reinvesting into their businesses. Again—the purpose of this provision is to create new jobs.

The President's plan has $100 billion more in deficit reduction than any other budget plan offered this year. The Republican plans granted the wealthy yet another free ride paid for by senior citizens and by the middle class.

Mr. Speaker, the future is now. I urge all my colleagues to join the coalition to end gridlock and to support the President's budget.

## A KNOCKOUT PUNCH FOR SMALL BUSINESSES

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, President Clinton, and those who support tax and spend in Congress are about to deliver a knockout blow to small businesses in this country.

The tax bill we are facing will be devastating to the small business sector of the economy which provides 77 percent of the new jobs nationwide.

We do not know yet what type of new taxes are going to be levied when the conference committee meets. We could get the recordbreaking tax increases promoted by the House. Or we could get the recordbreaking tax increases favored by the Senate. We do know one thing for sure: There will be plenty of new taxes. And those taxes will devastate small businesses across this Nation.

Mr. Speaker, when you raise taxes, you kill jobs. When you raise taxes, prices rise, demand drops, and small businesses collapse.

Let us learn from the past. More taxes result in more spending. As we have heard before, the taxes in this package are real; the cuts are not. Let us cut spending first.

## SUPPORT THE NATIONAL SERVICE TRUST ACT

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise today in support of H.R. 2010, the National Service Trust Act. The National Service Trust Act gives talented and committed Americans a variety of opportunities to serve their country. Just as people honorably serve their country by participating in the Armed Forces under this act Americans can provide service in education, health care, with children and the elderly. There are challenges facing every level of our society which demand the hands and hearts of dedicated citizens. The National Service Trust Act honors those who work with the elderly and disabled Americans. It bestows distinction upon those who assist our beleaguered inner cities, whether as gang counselors or police officers. It says that serving our children serves the future of America. And for all those who participate, the benefit is something which can never be taken away from them—jobs skills or postsecondary education.

The strength of our Nation depends not only on how well we maintain our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

**Matter set in** this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

national defense, but on how we as citizens treat our fellow citizens who are in the most need of our time and talents. I applaud President Clinton for this initiative, and I applaud the hard work of the committee and its efforts to improve the legislation. The National Service Trust Act recognizes the value of using our collective talents to help solve our collective problems, and I urge its passage in the House today without weakening amendments.

## DON'T ASK, DON'T TELL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, many experts see the President's new policy on homosexuals in the military as "don't ask, don't tell.

That phrase could serve as a summary for the entire Clinton administration.

How will the administration's taxes impact small business? The Democrats would prefer to answer that question: "Don't Ask."

How will the new energy tax expected from the conference affect inflation? Again, don't ask.

What new tax has the President floated today? Don't ask.

What will the President's defense cuts do to our military preparedness? Don't ask.

Did you really vote for Bill Clinton for President? Please, don't tell.

□ 1210

## NAFTA JOBS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to show my colleagues a map that graphically shows the history of what has happened to America's high-paying manufacturing jobs. On this map, 125 stars mark the top 125 cities across our country where hard-working Americans have had their jobs taken away and replaced by exploited Mexican workers earning one-tenth as much. Every star marks hundreds of U.S. families that have faced the tragedy of a breadwinner out of work, family life disrupted, families uprooted, and all the social and other problems that ensue in such calamities.

Every star on this map represents an American tragedy, personal tragedies of unemployment, of poverty, and above all, a national tragedy of trade policies that have drained our jobs south to Mexico, wounded our economy, and exploited both our United States workers, as well as Mexico's workers.

In the weeks to come, I will address this Chamber about specific examples from this map. As we prepare to vote on the proposed trade agreement with Mexico and Canada, let us fully understand who is paying and who will pay the price of misguided United States trade policies.

## CONFERENCEGATE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, everyone in Washington loves a good scandal.

We have Travelgate. A modern Rasputin—a Hollwood producer of all things—demands that the White House travel office be reorganized.

We have Post Office Gate. A couple of Members of Congress are implicated in a post office scandal.

We have Sessionsgate. The FBI director is sacked by the President for various reasons.

And later this month, we will have Conferencegate. The Democrats pull off the biggest heist in history, taking billions of dollars from small business owners and middle-class taxpayers in the budget reconciliation conference.

Of all the scandals, the worst is Conferencegate, also known as Taxgate.

I urge my colleagues to reconsider this break-in to the wallets of the middle class, before the administration opens the floodgates of taxes and drowns our small business sector.

## STAMPS FOR CASH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, from food stamps to Elvis, and now stamps for cash.

The creative financing genius of Washington, DC, Mr. Speaker, is unbelievable, which forces me to ask, why raise taxes, Mr. Speaker?

If Congress can turn the House post office into a money machine, why cannot Congress balance the budget?

That, Mr. Speaker, is a most legitimate question. Think about it.

I think the post office has come a long way from the days of the Pony Express. There is an express all right, but it is a money machine account now.

## SOAK THE RICH

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, in 1990, Congress, and a Republican President, narrowly passed a budget reconciliation bill that raised taxes on the rich to reduce the deficit. Since 1990, however, there has been a $6.5 billion decrease in tax payments for those Americans earning over $200,000 a year.

So here sits Congress today, under a Democrat President, facing another budget reconciliation bill, and proposing to do exactly what was done in 1990, raise taxes on the rich to reduce the deficit. However, President Clinton's plan goes beyond what was done in 1990 because his definition of rich is an individual who makes $30,000 a year, not $200,000 a year.

Mr. Speaker, have you ever heard the quote "those who do not learn from history are doomed to repeat it?" It very appropriately applies to Congress today. It is time to listen to what the people of America are saying, "Don't raise taxes—it doesn't work. More taxes equals more spending, which equals bigger Government." The message is loud and clear—cut spending first and shrink the size of this Federal Government.

## THE GOP, AKA GRIDLOCK OVER PROGRESS

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, in the past few days, the weather has finally broken and brought much needed relief from the oppressive heat to our Nation's Capital. Well, in the next few weeks, if the GOP, aka the guardians of the past and guardians of the privileged do not stand in our way, President Clinton will break the oppressive deficit and lopsided tax system to bring much needed relief to the middle class, the poor, the unemployed, and everyone else who is trying to get a fair chance to earn a decent living in this country.

The choice could not be any more clear. We can allow our Federal deficit to continue to explode by playing smoke and mirror budget tricks or we can take firm, bold steps toward the largest real deficit reduction in history. We can allow the wealthy to continue to chalk up millions through overgenerous tax breaks or we can have them pay their fair share. We can watch as working families struggle to stay out of poverty or we can provide them with an earned income tax credit.

Mr. Speaker, most of my constituents and I know where we stand. We support the President's bold plan for the future instead of the GOP's preference for GOP, aka gridlock over progress. Should not everyone?

## GUARDIANS OF THE PAST?

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, guardians of the past? Wait a minute. Let me get this straight. Guardians of the past, do you guys remember anything from the past?

In 1990, you rammed through this place the largest tax increase in U.S. history and you said you were really going to soak the rich.

Well, the gentleman from Ohio [Mr. BOEHNER] was just here a few minutes ago and pointed out that the tax increases that you levied on the rich reduced the tax revenues by $8 billion. Why is that?

Well, when you take money out of people's pockets, that is money they cannot spend, money with which they cannot buy products, so you start laying people off. When you lay people off, you add to unemployment. When you add to unemployment, you put this country into a recession, and everybody suffers.

That is the thing that you folks do not remember. Here you are again coming back with the largest tax increase in history and you say that the Republicans do not have an alternative. We had two or three alternatives that would balance the budget without any tax increases and not put this economy into a tailspin.

So what are you going to do? You are going to do the same old things you have done in the past, tax, tax, tax; spend, spend, spend, and try to elect, elect, elect; but the problem is the American people are wise to you and they are wise to President Clinton. They do not want more taxes. They want to cut Government spending first and get this massive Government under control.

## DEMOCRATIC NATIONAL COMMITTEE DECIDES TO ATTACK ITS OWN

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, over the weekend I am sorry to say that the Democratic National Committee has decided to attack its own.

We have what is called a message team that has been put together that is attacking working people in this country. The Democratic National Committee has failed to understand what its mission is. It actually has an ad on the air which says that special interests are now plotting how to wreck President Clinton's economic plan and block change.

Let us take a look at who these special interests are. The special interests are a waitress with three children and a cross-country truckdriver.

The special interests being attacked by the Democratic National Committee include all of us, including Members of the other body, who support keeping the business meals and entertainment deduction as a stimulus to business.

The bottom line here, Mr. Speaker, is jobs. The bottom line is not jobs for the Democratic National Committee that is holding a fundraiser with the very special interests that it says it is attacking next Monday in Chicago.

I call on the Democratic National Committee and the Republican National Committee if they are against special interests to send back every single cent of money that they have collected from these special interests.

I only have 1 minute today, Mr. Speaker, but I will be back tomorrow and every day thereafter denouncing the special interests of all committees, Democrat or Republican, that are taking advantage of working people.

## ANOTHER DAY, ANOTHER TAX

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, If it is Tuesday and it is Bill Clinton in the White House, there must be a new tax in store.

Another day, another tax.

And, surprise, it is a gas tax. We should not be surprised that the White House is so geared up for a gas tax. After all, Bill Clinton campaigned against a gas tax. Is that not the pattern? This is what Bill Clinton said in his campaign. "I oppose federal excise tax increases. Instead of a back-breaking federal gas tax, we should try conservation." In February of last year, Bill Clinton said to South Dakota farmers: "It is frustrating to me to be told that the only morally appropriate way to wean America off cheap foreign oil * * * is a nickel a gallon gasoline tax on the middle class and the family farm."

That's right, Americans. It is another day, another tax, and another promise broken by Bill Clinton. When will this White House get it, that Americans do not want more taxes? They want Washington to cut spending first.

□ 1220

## H.R. 2010, THE NATIONAL SERVICE TRUST ACT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise today in steadfast support of the National Service Trust Act of which I am a proud cosponsor. It gives me great pleasure to know that our President and Members of the House recognize the importance of community service and the need to provide our young people with educational opportunities.

I am most pleased that the Education and Labor Committee has added language to the bill expressly stating that a community service program that is designed to address the needs of rural communities is eligible for national service program assistance. Our rural communities face many hardships—poverty, inadequate health care, inequitable education systems, and a lack of job training programs. The unemployment rates in many rural areas are climbing and there is not much relief in sight.

The National Service Trust Act will allow youth in rural communities to work in national service programs to help their communities while at the same time expanding their educational opportunities.

I commend the President for his leadership on the National Service Trust Act. This legislation will benefit communities all across America, rural and urban, as it brings citizens together to work for the common good.

## MORE THAN A QUORUM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the distinguished chairman of the Ways and Means Committee did not mince words to the media when he described his preferred role for Republicans in this House. He reportedly said we are here to "make a quorum." He apparently expects 176 Members of this House to sit quietly by, allow our heads to be counted, and keep our mouths shut about the damage the majority is seeking to inflict on the American economy. I believe the chairman is going to be disappointed. The minority represents tens of millions of Americans—most of whom strongly oppose all three of the Democrats' tax-and-spend plans. We will not sit quietly by and watch the Democrats tax and spend this country further down the deficit drain. Americans did not send us to provide a convenient head count—they sent us to fight for what is right. Count on it.

## MISSION CREEP IN SOMALIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, for several weeks I have been concerned about the mission which our United States soldiers have in Somalia. What began as a very laudable exercise in humanitarian relief, protecting the delivery of food supplies, has become, more recently, a military adventure in which we are using U.S. firepower to, in the words of some, establish U.N. credibility in Africa, in effect to create a nation.

National building: from humanitarian roles to nation building. In the meantime, Mr. Speaker, U.S. people are at risk. Somalians, innocent citizens, are being killed. Pakistani peacekeepers are being killed.

Mr. Speaker, I am not an expert in military affairs nor in African affairs, but I do think that, as was said in this morning's paper by the columnist Jim Hoagland, that there has been what is called mission creep. We have crept beyond the original mission of humanitarian relief. I think that our mission in Somalia should be very seriously reconsidered.

## MYTH OF THE NEW CONGRESS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in January a new Congress promised a change from tax and spend and business as usual. It is time for a 6-month gut check.

This new Congress was going to slash spending and balance the budget, but to date the Congress has already voted to increase spending at least $14 billion over last year. This new Congress was going to spur growth in the economy. But so far the only thing growing is the size of our bureaucracy and the national debt.

America, it is time to hold our representatives personally responsible for their actions. If Members vote to increase spending we need to let them know how we feel about their broken promises.

As Edmund Burke said, "The only thing necessary for the triumph of evil is that good men do nothing." I urge all America to act today to make their Representatives cut spending first.

## PRESIDENT CLINTON'S DEFICIT REDUCTION PLAN MISCONSTRUED BY THE GOP

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I do not believe this Member has ever been in the well defending the Wall Street Journal, but today I stand here and say, "Kudos, kudos, kudos," because they finally got it right, and I hope every American reads page A-12.

Why do I want them reading that? Well, because, as the gentlewoman from Illinois said earlier on, the guardians of privilege, the GOP, in this article it points out how the GOP are the guardians of privilege and that they have totally misconstrued President Clinton's deficit reduction plan by misleading the public and misleading small businesses.

Now it is rare that the Wall Street Journal takes on the GOP, but this one really lays it down. Obviously they do not tell so many of these people that their taxes really are not going to be increased because then the people would not do what they wanted them to do.

What does President Clinton's bill really do? It increases the taxes of the privileged, not the small businessman, and not many of the taxpayers that have been appearing at these different press conferences complaining.

Please read this. Please get it right. Let us have a little truth in this debate.

## THE REPUBLICAN PARTY IS NOT THE PARTY OF THE RICH

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I say to my colleagues, "What you just heard, Members of the House of Representatives and people at home, is more of the baloney that we have been getting these last 6 months, that the Republican Party is the party of the rich, we're going to protect the rich. But then we learn in the tax plan that soaking the rich means we're going to tax Social Security benefits. If you make over $25,000 a year, that's the rich."

Which administration has more millionaires in it? The Reagan administration? The Bush administration? Or the Clinton administration?

Answer: C, the Clinton administration has more millionaires in its Cabinet than any Republican.

Mr. Speaker, why do we get fed this constant barrage of baloney that says the Republican Party is the party of the rich when they are going to raise taxes and the Democrats are going to eliminate jobs and cause a further recession?

I think it is time for truth in Government, that we stop belittling each other and get back to the facts. Do we want to tax and spend or cut spending first?

## HELP FOR MIDWESTERN AMERICA

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I have been saddened to watch on television the destruction of thousands of homes and farms by the floods on the upper Mississippi. Eleven months ago my friends and neighbors in south Dade County, FL, suffered similar devastation.

Eleven months ago America showed it was a generous and caring nation for the victims of Hurricane Andrew. We can do no less for the victims of the July floods. We will not know the real cost of recovery until the waters recede and better estimates can be made.

I must compliment the President for his immediate effort to mobilize the Government while the waters were still rising. Secretary Espy has been untiring in his efforts. Vice President GORE and many others have sought out officials asking what they could do to help. They have not hidden in hotel rooms waiting to be asked, as happened less than a year ago.

The proposed supplemental appropriation bill which the committee marked up this morning is only the first installment, I am certain. I suspect that it will be necessary to rebuild many miles of highway and rebuild many bridges. Until the waters recede and the engineers can evaluate the damage, we will not have a reasonable idea of the cost, but I think it will be significant.

The magnitude of the destruction may have human impacts several months from now. In south Florida these human impacts did not become apparent for about 3 months. At that point despair became an enemy, and it has been necessary to increase mental health services. I hope this will not be the case in the flooded areas, but funds need to be ready to assist if this does happen.

Eleven months ago the people of Des Moines sent water and other assistance to assist the victims of Hurricane Andrew. Last week, the South Florida Jaycees sent a truckload of bottled water and other assistance to our neighbors in Des Moines. Areas still recovering from the Hurricane immediately responded to our friends' tragedy.

I am ready to vote for whatever funds are needed to help our American friends in the upper Mississippi watershed. If it adds to the deficit, then so be it. This is an emergency. Peoples lives are being destroyed. Only a person without a drop of the milk of human kindness in their soul would question such action.

There must be no doubt that this Congress will help the residents of the upper Mississippi rebuild their lives. I am ready to do my part.

□ 1230

## REVERSING THE POLICIES OF THE EIGHTIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration is trying to get America to swallow the bitter pill of the largest tax increase in history. To sweeten the swallow, the White House has decided to add some sugar: billions of dollars of new spending.

This sweet and sour strategy is a remedy for the new malady Mr. Clinton thinks he has discovered. The President says America is sick and he knows what ails it: the 1980's. You remember the 1980's, when all America's economic groups did better? Well, the President wants to reverse that, and he has just the tax and spend potions to do it.

To most people, everyone getting rich isn't a problem—it's a goal. But this administration thinks it is a problem when folks find they can get ahead—not just get by—without the Government signing a check.

As usual, the President has misdiagnosed again. America doesn't need the bitter pill of more taxes and it does not need the sugar of more spending. What it needs is a second opinion, but all it is getting from administration doctors are grounds for a major malpractice suit.

### URGING A BAN ON BGH TO CURB UNWANTED MILK SURPLUSES

(Mr. SANDERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I speak today in defense of the family farm and point out that if our family farmers continue to go under, agricultural production in this country is going to rest in the hands of a few giant agribusiness corporations, and that will be a disaster for this Nation.

Specifically, I urge the House of Representatives to support the Senate in an effort to bring to the reconciliation bill a 1-year ban on bovine growth hormone use, BGH as it is called, which was recently developed by the Monsanto Chemical Co. In Europe today BGH is now banned. It is banned in New Zealand, and it is banned in Australia. It will expand milk production at precisely the time we do not need to expand milk production, because that is only going to drive our dairy farmers off the land.

Mr. Speaker, I urge the Members of the House to support the "Dear Colleague" by the gentleman from Wisconsin [Mr. OBEY] and myself which urges the agricultural conferees here in the House to support the Senate. Let us ban BGH to protect our consumers and protect our farmers.

### FINDINGS OF THE COMMISSION ON AIRLINE COMPETITIVENESS

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, earlier this year, the Congress established a Commission to study and report on the economic state of our Nation's airline industry and make recommendations for a revitalization of the industry. The Commission was comprised of nominees made by the President and the leadership of the Congress, and was charged with finding ways to improve the competitiveness and stability of America's airline industry.

This national panel, created and appointed by the Congress and the President, had but 90 days to evaluate the state of this ailing industry and offer its recommendations.

Well, the results are in. And according to the experts, the best way to fix the sorry state of our airlines is to get Government off of their backs and out of their pockets. Mr. Speaker, I could not agree more.

What has always seemed self-evident to most Americans has now been confirmed by our National Airline Commission—that less regulation and less taxation is the only way toward prosperity. But just as this is true for the airline industry, so too it applies to manufacturing and every other industry.

My message to my colleagues, especially those who will be serving as conferees on the budget in the coming days and weeks, is this: Heed the good advice we have been given by our very own Competitiveness Board. Stop thinking that people and businesses can be taxed into a state of financial well-being. Get Government off of their backs and let all of America's industries soar into the 21st century along with our airlines.

### RESPONSE TO FLOODS HIGHLIGHTED BY VALOR OF PEOPLE OF THE MIDWEST

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, I am going to suppress the urge to engage in this political debate about taxes and spending for a moment and ask the indulgence of the House and all those listening to bear with me. My congressional district has about 75 miles of the Mississippi River, and we all, of course, have seen the brunt of the flood on television.

At the outset let me commend the Clinton administration—President Clinton, Vice President GORE, and the entire Cabinet—for working overtime to let the people across the Midwest know that they understand the depth of the problem and they are going to do everything in their power to help the families and the people who have been displaced by this terrible flood. I think that is something that most Democrats and Republicans would agree is good for this country.

Let me also say on a personal note that I am a son of the Midwest. I was born there, and I am proud of that fact. I have never been prouder since I have seen what has happened along the banks of the Illinois River and the Mississippi River in my district during this flood.

We have not only attracted Red Cross volunteers from across the Nation and Salvation Army workers who are feeding hungry people, but there has also been an amazing demonstration of support from people in my State and region. Scores of church groups are coming out to sandbag the levees. National guard units are working night and day. The young and old are volunteering to help in hundreds of different ways. This outpouring of support makes me proud of the Midwest. We do not have mountains, we do not have oceans, but in the Midwest we surely have good neighbors and a lot of people who are working overtime to help those in need.

### FLOOD RELIEF SPENDING SHOULD TAKE PRECEDENCE OVER OTHER EXPENDITURES

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, the relentless waters of the Mississippi River have washed away the dreams of many Americans. The Federal Government has a responsibility to help those Americans rebuild their lives. But never before has there been a better time or opportunity for Congress to truly prioritize spending.

At a time of tight budgets, spending Federal dollars to help those flood victims is more important than spending some 900-plus million dollars on direct aid to Russia or spending $1.9 on a space station or $300 million on additional health care benefits to illegal aliens and spending millions of taxpayer dollars on the National Endowment for the Arts.

This week Congress will be considering a $2.48 billion flood emergency supplemental appropriations bill.

Mr. Speaker, I call on the President and the leadership of Congress to offset this new spending. Let us work together to cut spending dollar for dollar for the cost of this national emergency. We should stop the flood of deficit spending and be responsible and help those Americans rebuild their lives.

### NEW JERSEY CONSTITUENTS AWAIT NEW EFFORTS FOR JOB CREATION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I have a message for the budget conferees. It comes from the 10.1 percent of eligible workers in my district who are unemployed. That is thousands of people who are still waiting for the change they voted for and who are still optimistic that we can deliver the one thing they need more than anything else—jobs.

Mr. Speaker, I know we can do it, and that is why I want our conferees to know that these people and millions more across the country are waiting and watching. They are waiting and watching to make sure, to demand, that we deliver, that we deliver incentives to invest in small business, that we deliver empowerment zones, and that we deliver jobs.

We know that small businesses provide the bulk of this country's jobs. Let us preserve incentives for investment in small businesses. Let us pass them. We know the benefits of empowerment zones. Let us preserve that proposal, too, and let us pass it.

Mr. Speaker, regardless of what we may hear on the other side, deficit reduction is also job creation. Eight million new jobs would be created by the deficit reduction plan the President has put forth over the next 4 years. Each of us has thousands of people at home waiting and watching as well. This is the time to stand up and deliver on their behalf.

### REMOTE SENSING AMENDMENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise today to discuss a bill I have just introduced, H.R. 2634. The legislation directs NASA and the Department of Agriculture to work together with private industry to make better use of remote sensing data for American agriculture.

Remote sensing satellites, by photographic and radar imagery of the Earth from space, can provide important information to American agriculture. With this information, we have the potential to, first, anticipate potential food, feed, and fiber shortages and gluts; predict impending famines and forest infestations in time to mitigate or prevent them; provide information on the condition of crops and cropland; assist farmers in the proper application of pesticides, nutrients, water, and other inputs to maximize crop yield; help farmers decide what kinds of crops to plant, based on predicted acres and yield in other countries and southern climates; and improve the administration of agricultural policy savings.

Today, Mr. Speaker, the United States has two remote sensing satellites flying under the Lampsat Program. The data produced by these satellites and other remote sensing might greatly improve the operation of farms and the administration of farm programs. But we are not using this technology as well as we might.

The legislation I offer also directs NASA and the Department of Agriculture to work together, and with the private sector, to find ways to improve the use of remote-sensing technology in American agriculture. Those agencies are then directed to report their findings back to Congress.

I am delighted by the broad bipartisan support I have seen in this body to improve American remote-sensing technology. I thank the chairman of the Science, Space, and Technology Committee for his support and cosponsorship of this bill.

This bill, Mr. Speaker, without additional cost, helps bring American agriculture into the 21st century. We lead the world in space technology; let us take advantage of that know-how. I invite cosponsors, and ask the House to pass this legislation.

### PUBLIC MAY BE MISLED ON SMALL BUSINESS EFFECTS OF CLINTON TAX PROPOSAL

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the leading business journal in America had a headline today, "Foes of Clinton Tax Boost Proposals Mislead Public and Firms on Small Business Aspects."

Yes, that is true. The Republican Party and the front group for them, Citizens for a Sound Economy, have been doing just that. Let me read from the article in the Wall Street Journal:

> Only about 4 percent of those taxpayers, small businesses, who report some business income on their tax returns, and that includes partners in law firms and investment bankers, as well as owners of small manufacturing concerns, make sufficient money to be hit by the higher tax rates.

Yet, Mr. Speaker, the opponents of the President's deficit reduction plan would have us believe this would drive up the tax rates on every small businessperson in America.

□ 1240

It is more of the same old protect the rich, but it is now done under the guise of protecting the engine of growth in our society, the small businessman, the entrepreneur who is creating jobs.

It will not work. Republicans are desperate to impose more gridlock and to bring down this deficit reduction plan. But, I repeat, it will not work.

### TAKE BIG SPENDERS TO THE WOODSHED

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, according to columnist Jack Anderson, the Federal Reserve spent more than $2 million in moving expenses for 17 officials over the last 3 years.

Closer to home, across the river at Fort Myer, a group of self-appointed decorators, apparently oblivious to the significance of reducing Federal spending, spared no cost in sprucing up the visitors' quarters, including $352 brass bathroom faucets, $93 soap dishes, for a total cost of $900,000, without the knowledge of the Congress.

These high rolling big shots should at least be escorted to the woodshed and administered a thorough thrashing to assure no repetition. Does the Congress respond in any way to such reckless, imprudent spending? No wonder that taxpayers beyond the Beltway have little respect for anyone connected with the spending of their tax dollars.

### NATIONAL AND COMMUNITY SERVICE ACT

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, last week I had an opportunity to see leadership being developed and in action.

I visited City Year in Columbia, SC, a summer pilot which I believe should become permanent and year round.

I watched Marie Louise Ramsdale, T.J. Jordan, Carla Derrick, Eric Williams, Nia Henderson, John Pressley, Carrollee Hevener, Kisha Morant, Garrick Haltiwanger, Cheryl Dessausure, Andre Berry, and Heather Endrenyi work with the neighborhood children who attend St. Anna's Park Day Camp.

What I observed that day was a group of young people, when given the opportunity, going the extra mile; extending a hand to get the job done; and taking pride in their work, themselves, and each other.

Mr. Speaker, America was built on the prospect of opportunity. The National Service Trust Act, which we will be debating later today encourages service by young people through programs like City Year, Columbia. City Year, Columbia means an opportunity to serve and develop leadership.

I encourage my colleagues to vote for opportunity and community service. Vote for the National Service Trust Act.

### ANOTHER BROKEN PROMISE BY THE WHITE HOUSE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, here we go again. President Bill Clinton's White House has done it again. Having campaigned on one side of an issue, his administration is doing the opposite. The issue is the gasoline tax.

In February 1992, Candidate Bill Clinton spoke out against what he called "a nickel-a-gallon gasoline tax on the middle class and the family farm." He even indicated opposition to a gasoline tax in his campaign book called "Putting People First."

That is what Bill Clinton said. But what is Bill Clinton doing? His Budget Director this weekend said that the Clinton administration is, you guessed it, looking more at a gas tax, the same gas tax he railed against when he wanted the votes of the primary voters in South Dakota. He campaigned against the gas tax, and today Bill Clinton's White House is for a gas tax.

Another flip-flop, another broken promise. The American people deserve better.

## BAN ON MILITARY SERVICE BY LESBIANS AND GAY MEN

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, the President's announcement yesterday concerning the ban on military service by lesbians and gay men was a grave disappointment for all of us who believed that we would finally deliver a proper military funeral to this policy of official discrimination.

The new "Don't ask, don't tell, don't get caught" policy represents a reaffirmation of the policy of official bigotry by the United States, with changes only in the methods by which that bigotry will be enforced. And we know the President knows better.

While many Americans may believe that lesbians and gay men are so threatening that they should be subjected to official discrimination, the President has made it clear that he does understand the senseless and fundamentally un-American nature of the military ban, which deprives our Nation of the services of many talented individuals and serves as a calculated affront to millions of Americans, in and out of the military.

I think of those whose lives will be affected by the maintenance of the ban. Joe Zuniga, the sixth U.S. Army Soldier of the Year, Tracy Thorne, Keith Meinhold, Margarethe Cammemeyer, and the list goes on and on.

I look forward to the day when our country's leaders act on the conviction that human rights are indivisible; when all Americans, regardless of race, creed, color, sex, sexual orientation, or other characteristics irrelevant to their professional performance, are allowed to serve their country without shame or fear of retribution.

## UNITED STATES TROOPS IN MACEDONIA

(Mr. RAMSTAD asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, 300 United States ground troops are being used as symbolic pawns in the quagmire in the former Yugoslavia.

The commitment by the administration of these United States troops to Macedonia is the first step down a slippery slope for the United States: As the Minneapolis Star Tribune recently point out, the Macedonian question has been the cause of every great European war for the last 50 years.

Last weekend, the Macedonia Defense Minister said that if war erupted, Macedonia would appeal for 5,000 to 10,000 more American troops.

Mr. Speaker, the lessons of Vietnam should be clear. Our commitment of ground troops in Macedonia clearly threatens to escalate our military involvement in the Balkans—and our presence will not solve the intractable Macedonian puzzle but will only expand the fighting there.

I have introduced a resolution expressing the disapproval of Congress of the U.S. troop deployment and its lack of a clearly defined mission.

I urge Members to cosponsor my resolution and let President Clinton know that American troops must not be used as symbolic sitting ducks anywhere in the world.

## RETAIN BAN ON GAYS IN THE MILITARY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, this week the country and the Congress will be focused on gays in the military. The administration seeks to lift or partially lift the ban.

Mr. President, you cannot do this by Executive order.

Mr. Secretary of Defense, you cannot do this by issuing a directive.

Let me read from section 1, article 8 of the Constitution: "The Congress shall have the power to make rules for the government and regulation of the land and naval forces."

If the lifting the ban on gays in the military is not making a rule for government and regulations of the military, then, pray tell, what would constitute such a rule?

Mr. President and Mr. Secretary of Defense, the Congress clearly has the responsibility here and it will exercise that responsibility by enacting into law a policy that will maintain essentially intact in policy banning gay in the military, which has served our great military so well for more than half a century.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind Members that their remarks should be addressed to the Chair, and not to the President of the United States directly.

## RESOLUTION TRUST CORPORATION

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, we will soon be voting billions more for the RTC.

The RTC's tactics remind me of the "Empire Strikes Back." Like the storm troopers in that move, the RTC has too often ruined innocent lives and trampled upon individual rights. In addition billions have been spent on outside lawyers and steps need to be taken to reign in the growth of the RTC empire.

Constituents in my State have told the story that as RTC officials were setting up a command operation post, they were amazed to see one RTC regulator log on his computer with the rather unique computer code name—God. This is all too fitting given the frequent arrogance and abuse of individual rights that has come to characterize the RTC. Perhaps the code name should be changed to Darth Vader.

I urge my colleagues to vote against further funding for the RTC until these abuses are eliminated.

□ 1250

## HALLELUJAH, MR. SPEAKER

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Hallelujah, Mr. Speaker, change is coming. Hallelujah, Mr. Speaker, gridlock is over.

The tax-and-spend Democrats have a new message and it goes like this: Hallelujah, change is coming. Hallelujah, gasoline taxes on middle-class Americans are going up.

Hallelujah, Social Security taxes on our middle-class senior citizens will rise from 50 to 85 percent.

Hallelujah, the business meals and entertainment tax is going way up.

Yes, gridlock is over, but Hallelujah, under the President's plan the budget deficit is going up.

No wonder that the Democrat Party wants its members to avoid specifics and smile, smile, smile.

Hallelujah, the tax and spenders control both Houses of Congress.

Hallelujah the tax and spenders control the White House. Gridlock is over and America's taxes are going up.

Yes, Mr. Speaker, the Democrats are smiling, but many of us know that the people of America won't be smiling when they start paying higher taxes to support more Government spending.

## OPPOSITION TO RUSSIAN PARLIAMENT'S ANNEXATION OF UKRAINE SEVASTOPOL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, if we needed any reminder of the negative role that the Russian Parliament, as it is currently constituted has been playing in opposing reform in Russia and stability in Europe we got an appalling one earlier this month.

On July 9, the Russian Parliament, the Supreme Soviet, adopted a resolution declaring that the city of Sevastopol in the newly independent Ukraine is to be a part of the Russian Federation.

Mr. Speaker, any move by Russia to arbitrarily claim a portion of a neighboring country's territory is a clear violation of Russia's obligations, as a member of the United Nations, the Conference on Security and Cooperation in Europe, and other international organizations, to honor internationally recognized borders.

Mr. Speaker, we cannot criticize this action by the Russian Supreme Soviet strangely enough. It was encouraging to learn, that both Russian President Boris Yeltsin and our United States Ambassador to Ukraine, Roman Popadiuk, have already done that.

On July 10 the day after the Russian Parliament adopted the resolution on Sevastopol, President Yeltsin stated publicly that he was ashamed of the action it had taken. American Ambassador Popadiuk stated that the United States regards Sevastopol as "an integral part of Ukraine," reiterating that one of the basic principles of the Conference on Security and Cooperation in Europe is the inviolability of borders.

Mr. Speaker, let us commend President Yeltsin, not only for his quick response in this matter, but also for the recent meeting he held with Ukrainian President Leonid Kravchuk to seek agreement on some of the difficult issues outstanding between the two countries.

Mr. Speaker, I say to my Congress, at the same time let us call on the Russian Parliament to adopt a more constructive attitude and end its attempts to aggravate Russia's relations with its newly independent neighbors.

## DRUG CONTROL POLICY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, the Clinton White House is again sending the message that it is not serious about drug control. The House-passed labor/HHS appropriations bill slashed $231 million from drug treatment and education programs, and it turns out that these cuts were included at the suggestion of OMB officials. The very next day, at the swearing-in of drug czar Lee Brown, the President repeated his campaign promise to provide "more and better education, more treatment, more rehabilitation." Lee Brown is quoted as saying that he was unaware of the cuts until he read about them in the newspaper the following morning. Talk about the left hand not knowing what the right is doing.

I have a lot of respect for Lee Brown, and I told him personally that I will do all I can to help him succeed—but look at the position he is in. His staff at the drug policy office is cut back to 25 people, the Justice Department is considering scaling back interdiction efforts, and OMB is gutting education and treatment, which were supposed to be the heart of Clinton's drug policy. What is more, the words "Drug Control" rarely, if ever, cross the President's lips.

As I said, I support Lee Brown, and I think he has the potential to be an excellent drug czar, but what he needs now is a lot more support from his own administration.

## EFFECTS OF THE CLINTON TAX PLAN

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise to continue my fourth in a series of examples of the real impact of the Clinton tax plan on real American people.

Mr. Speaker, the House of Representatives didn't just approve one tremendous tax hike when it passed the Clinton tax plan, it approved two.

Many of you may be unaware that the taxes we passed will be borne not just by families and businesses, but also by local governments all across America. That's right, local governments are not exempt from the energy taxes which passed the House. In fact, the Joint Committee on Taxation has estimated that 13 percent of all energy taxes will be paid by local governments.

I have here a letter from Thomas J. Bannar, township manager for Haverford Township in my congressional district. He states the problem very clearly: "Restrictions on raising revenues would mean fewer State and local dollars to provide programs and services that are desperately needed."

I say to my colleagues, this is just a backdoor way for Congress to force local governments to raise taxes to make up for this lost revenue. Bad enough that we passed the largest tax increase in history right here on the Federal level—but we are also going to force our local governments, who are trying too hard to meet the needs of our local communities, to raise their taxes as well. So we did not just vote for one tax increase, we voted for two.

New taxes from our State and local governments, new unfunded mandates for local governments, new overall burdens for the taxpayers at every level.

Some might think that Congress could only raise Federal taxes. Guess again.

TOWNSHIP OF HAVERFORD,
*Havertown, PA, May 27, 1993.*

Hon. W. CURTIS WELDON,
*U.S. House of Representatives, Rayburn House Office Building, Washington, DC.*
Re Btu energy tax.

DEAR REPRESENTATIVE WELDON: State and local governments are not federal taxpayers and should not be subject to taxation under the proposed Btu Energy Tax. According to estimates by the Joint Committee on Taxation, payments made by state and local governments will account for 13% of the new federal revenues generated by this tax from 1994–1998. Historically, state and local governments have been exempted from such taxes, including federal gasoline and diesel fuel taxes.

State and local governments will have to bear significant new financing burdens if they are subject to the Btu tax. Restrictions on raising revenues at the state and local levels would mean fewer state and local dollars to provide the programs and services so desperately needed.

I ask you to support an exemption for state and local governments from the Btu Energy Tax. This new federally mandated cost on state and local governments should be rejected.

Very truly yours,
THOMAS J. BANNAR,
*Township Manager/Secretary.*

## PRESIDENT'S POLICY DON'T ASK, DON'T TELL, DON'T MAKE SENSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday, President Bill Clinton made his long-awaited announcement of his administration's new policy on homosexuals in the military.

I listened very closely to the President's statement and can only conclude that the new policy of the Federal Government toward homosexuals in the military is "Don't ask, don't tell, don't make sense." I do not believe that this policy satisfies anyone on any side of this issue.

Mr. Speaker, the President has taken a straightforward question and given us a hopelessly muddled answer. The critical issue is whether homosexuality is incompatible with military service. At the President's direction, Congress and the Joint Chiefs have reviewed this matter and reaffirmed the existing ban. That should be the end of the matter.

Mr. Speaker, the President is intent on promoting this new policy which changes little of substance, but undermines the firm legal foundation of the existing policy. His position is an open invitation to new legal challenges, and the American Civil Liberties Union has already announced its intention to file suit against it.

Mr. Speaker, President Clinton should scrap the don't ask, don't tell, don't make sense proposal and accept the previous policy of the Armed Forces.

## ECONOMISTS ANALYSIS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I would like to recommend that all of my colleagues take a look at yesterday's New York Times. There was a very interesting article in the business page.

What it was, it was a synopsis of analysis provided by a wide range of economists, a bipartisan group of economists consisting of some people who were very strongly supportive of President Clinton last fall.

Basically four resounding messages have come through from this survey taken among these economists.

First, as we look at this economic program for this year, they say there should be fewer tax increases, more real spending cuts, be very cautious, as we move ahead with health care reform, and proceed vigorously with implementation of a North American Free-Trade Agreement.

There are a wide range of quotes in this. I would like to just point to one from a man called Ed Yardeni, who is the chief economist at C.J. Lawrence. He was a very strong supporter of President Clinton's.

Of the economic plan he has said: "The best thing they can do for the economy is to figure out a politically acceptable way to walk away from the program."

It seems to me that as we look at these kinds of statements that have come forward in a bipartisan way, that proceeding with these four goals of fewer tax increases, more spending, bringing about a very careful look at health care, and proceeding with NAFTA is the way to go.

## CFTA IS NO MODEL FOR NAFTA

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, looking at the trade figures with Canada, I question whether or not the Canadian Free-Trade Agreement [CFTA] is a desirable model for NAFTA. The United States trade imbalance with Canada continues to grow from $5.9 billion in 1991 to $7.9 billion in 1992. Closer examination reveals that a large portion of the trade imbalance is in motor cars, auto parts, and accessories imported into the United States from Canada.

When the 1992 automotive products deficit of $8 billion is translated into 20,000 jobs per each $1 billion, we're talking about the loss of an additional 160,000 jobs. Will this mounting blow be repeated under NAFTA which is supposed to be submitted to Congress by August 6.

Before we are steamrollered by lobbyists for NAFTA, Congress should fully examine the effects of the binational panels under the Canadian Free-Trade Agreement. Where does an American businessman challenge a ruling by an international panel when we know the doors are shut to the U.S. courts? The current live pig dispute with Canada is an example of no appeal except to GATT, which is always available because it is a separate treaty. We need to go back to the drawing board on NAFTA before it is to late—before we destroy the standard of living of the United States of America.

□ 1300

## THE GUILTY PARTIES IN THE HOUSE POST OFFICE SCANDAL

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, last July, on July 23, to be exact, the House defeated a resolution or, in fact, tabled a resolution designed to try to get at the coverup of the House Post Office scandal. At that time I brought a resolution to the floor asking us to make public the committee transcripts of the proceedings of the task force that had been formed to look into this matter, including the depositions and statements of witnesses.

Today, upon the conviction of the former House Postmaster, we understand why that resolution was needed. All Members of the House have been put under suspicion at this point, since up to a dozen Members of Congress are believed to be involved in the trading of stamps for cash. Now we know why we needed to bring this information forward and go ahead.

I am disappointed to say 223 Democrats voted at that time not to allow the House to move forward and make public those records. I would hope that within the next few days we will move to aggressively address this issue again with a similar kind of resolution that will indeed deal with the House Post Office scandal, and that will also begin to deal with it in a sense of keeping innocent people out of the way in which we are dealing with it.

The problem is that we are all guilty until we figure out what the records show about who is really guilty.

## UPDATED REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 119)

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with emigration criteria of the Jackson-Vanik amendment to, and Section 409 of, the Trade Act of 1974. This determination allowed for the continuation of most favored nation (MFN) status for Bulgaria without the requirement of an annual waiver.

As required by law, I am submitting an updated formal Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

The Administration intends to propose legislation, which would let me terminate the application of Title IV of the Trade Act of 1974 to Bulgaria.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## NOTICE OF CONTINUATION OF NATIONAL EMERGENCY WITH REGARD TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 120)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1993, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

*To the Congress of the United States:*

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1991.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1990.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 20, 1993.*

## GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2519.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa.

The motion was agreed to.

□ 1305

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2519, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 1, 1993, the bill had been read through page 59, line 8.

Pending is the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes in support of his amendment.

Mr. HEFLEY. Mr. Chairman, as part of our continuing effort to cut Government waste, I am offering an amendment today to delete the funding for the Economic Development Administration. Just 3 weeks ago the gentleman from Minnesota [Mr. PENNY] made a point of order to strike $223 million for new EDA grants and loans. In other words, 3 weeks ago we got rid of the program of EDA. It seems only natural and appropriate we now get rid of the staff of the EDA.

The amendment that I am proposing would complete the job by cutting the additional $26 million in the bill for EDA's salaries and expenses. They have no program now. They do not need the salaries and expenses.

Mr. Chairman, during the campaign the President promised to increase investment through new public-private partnership. Good idea, in many cases, but I would caution the President to move carefully, because the EDA was such a public-private partnership. Its record is less than successful. Every group that has looked at this program, the inspector general, the Grace Commission, anybody that looks at Government waste, comes up with the EDA and tells us this is an absolutely awful program.

Over the past decade the EDA spent $2 billion in unauthorized appropriations. The inspector general found the EDA invested $27.5 million to create 86 jobs. That is $320,000 per job.

Another IG investigation found $82.5 million invested in 80 projects, almost half of which actually eliminated jobs. It has invested $800,000 on a golf course that washed away, $450,000 on a water tank that cannot be used, and $670,000 on a marina that is too large for the town to maintain, and on it goes.

The EDA was created in 1965 to help economically distressed rural areas. Originally enacted, 12 percent of the country qualified for EDA assistance. Today EDA's mission has been expanded to 90 percent of the country. We all know 90 percent of this country is not economically distressed; at least, not yet.

How did the EDA lose its focus? Unlike the popular community development block grants, the EDA picks and chooses its own projects. This makes it highly susceptible to pressure from Capitol Hill. This makes it extremely valuable to Members of Congress. The result has been an administration with a 28-year history of bad projects and ineffective assistance.

It is not all Member-directed pork. Sometimes it is just bad management. Let me give the Members an example from my own district. Manitou Springs is a small resort community known for its natural sparkling waters. It is the home of the Manitou Springs Bottling Plant. In the early 1980's an investor bought the property with an EDA loan. Then he defaulted on the loan. In 1989, after dragging their feet over an ownership dispute, the EDA formally took possession of the property. Then nothing happened. The EDA did not market the property. No property managers or real estate professionals were hired. The sign outside the property did not say "for sale," it said "keep out."

The EDA did not maintain the property. At one time the city had provided the EDA with a list of code violations. In fact, the fire department would not use the bridge going to the property because they did not want to lose their truck. As a result, the EDA did not sell the property. For most of the decade, the bottling plant sat unused and deteriorating. While Manitou went through a deep recession, one of the best properties in town was tied up, vacant, deteriorating.

This is not just a Colorado phenomenon. At one point over 40 percent of the businesses receiving loans from the EDA were in default; 40 percent, almost half, in default.

□ 1310

This is an agency that is supposed to promote economic growth, not deflate it.

Let us protect jobs. Let us save communities. Let us save money for the Federal Government at a time of a money crunch and tight times. Let us eliminate the EDA.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

At one time EDA had an appropriation of I believe $750 million. It was reduced very substantially perhaps several years ago down to where the Agency is primarily involved in getting projects up to the point where they can be financed locally.

Many local governments, for example, cannot float bonds until they have certain kinds of studies and certain kinds of other material on the record. I think EDA has done a good job of that. The ones available for public works grants projects have been greatly reduced.

The Agency also administers the repayment of loans that come back into the EDA. We would not have any money at all even to administer the collection and repayment of those loans were it not for the salaries and expenses account that the gentleman proposes to strike. I think even if we were to completely eliminate the EDA programs, we could not strike the money that they need to administer the collection and the repayment of these old loan accounts.

I am opposed to striking this funding.

Mr. ROGERS. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I reluctantly oppose any amendment by my good friend, the gentleman from Colorado [Mr. HEFLEY]. He is a very close friend of mine, but I must oppose this amendment, because I think the gentleman is very much misguided on this point.

I represent one of those economically distressed areas of the country. I do not know what we would have done had it not been for the Economic Development Administration over the years. There just simply was no other place that a region like that can turn except to the Federal Government. The State of Kentucky, and I daresay most of the other States, do not have the kind of resources it takes to help a whole region lift itself up out of poverty and the lack of employment opportunities. The EDA has been the principal place, I daresay, for regions and communities to turn to for sewer projects, or water projects, or any number of other types of projects that would allow that community to lift itself up out of poverty, and I have seen it, time and time again, with hundreds of new jobs in our communities.

It is awfully easy if you represent an affluent area of the country, or a region of the country that does not need any external assistance, encouragement, or enticement to attract new industry, or to help an existing one expand, or to help a community that is otherwise helpless, with a sewer project or other enticements that produce jobs. But for many parts of this country, there is simply no other place to turn, Mr. Chairman, but to the EDA. I am sure that we can find here and there projects that were failures, projects that at first blush could be nitpicked. But there are dozens of good success stories for every single failure that one can point to. And I have to say that many of the projects that we are trying to help with EDA grants, are projects that cannot be financed in the private marketplace. You cannot get a loan, or you cannot get a grant from a private source to do these types of projects, because many of them are risky.

So I say we should not destroy the possibilities and the hope that these EDA grants bring to poverty-stricken areas, or even areas that need economic development that could not be called poverty stricken, Mr. Chairman. So I hope that we can reject the amendment, even though my friend is a great Member of Congress. I have to oppose him on this one because I do think, on this particular amendment, he is very much misguided.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, just one quick comment, and that is, I think it is just the other way around, maybe from the way the gentleman said it, in that I think you will find dozens of failures for every success. I am not saying that there are not successes—and there have been some successes with this. But I think if we look at the GAO report, the Grace Commission, any other study we want to look at that has studied this in an objective way, I think they will point out that there have been far more failures. And if we look over the years, for instance, at where the projects are, and it may just be an absolute coincidence that so many of them are in key Appropriations Committee Members' districts, and that a large number of them are in West Virginia. That may just be an accident, but I do not much think so.

Mr. ROGERS. Reclaiming my time, I cannot speak for all of the other Members on these projects, where they are, or what they have done, but I can tell Members a couple of mine in my own district. Our young people are moving away to other places seeking employment. There is no other choice for them. We educate them well, and then we ship off that tremendous talent to somewhere else that gains the benefits of it.

But we have seen, through EDA projects and grants, like in my home county of Wayne County, helping a company come in there called Avian Farms, providing 182 new jobs for people whose families now can live at home, rather than be shipped off to Ohio, Michigan, or perhaps Colorado or somewhere else. We have seen dozens of those projects.

So I hope we will not cut off this opportunity and this hope in a program that helps our people.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if we can get agreement on a time limit on this amendment. Is 20 minutes enough, or do we need 30?

Mr. HEFLEY. Mr. Chairman, I think 20 minutes would be fine.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the debate on this amendment, and all amendments thereto, close in 20 minutes, with half of the time allocated to myself and half of the time to the gentleman from Colorado [Mr. HEFLEY].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, my friend from Colorado thinks the program is moving backward, this country is backward. But in fact, what I think this amendment reminds me of, is the guy who got up one morning, put his shoes on backward and walked forward into the past. I think what we are doing, in fact, is going to move backward.

EDA is a forward program to help people and communities. Yes, there is some pork. But we are going to find pork in just about everything we do. There is nothing perfect in life. God knows that I am not perfect, but my wife is not ready to divorce me yet, at least I hope she is not.

But to dismantle this program only denigrates Government's responsibility to help people and communities in an insurmountable time of need. This is American tax dollars going back to those who have paid the taxes 100 percent.

It is always amazing to me those Members who will cut programs that go back to help people, to reduce the debt, will then support programs that will send our jobs out of the country to other nations of the world by supporting NAFTA, and supporting liberal trade agreements with Communist China.

EDA has helped millions who have been hit by natural disasters, by economic disasters because of jobs that have gone out of the country. They have helped so many in so many different instances, and right now, with the defense base closures, EDA has helped in my area by saving a steel mill, and it has helped in my area by saving an aluminum company.

I can remember when the Reagan-Bush administration tried as hard as they could to dismantle this program, and they put in a guy who fell flat on his face and failed. Then he went on to manage Ross Perot's Presidential campaign. So you know what that says.

But the people support this, and they want their money to stay at home. Defeat this amendment. It is a misguided amendment. We should support a Government that is for, of, and by the people. Keep our money at home, help our local communities, help our local industries, and get back the jobs that are going overseas. Again I think that is the way we are going to be able to balance the budget.

□ 1320

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, while it is true that EDA has not been reauthorized since 1981, the fact is that sufficient support has resided in Congress to keep the program alive.

For fiscal year 1993, EDA received $244 million in appropriations, plus $27 million for salaries and expenses.

State-Justice-Commerce bill appropriates $223 million for fiscal year 1994.

EDA is the Federal Government's principal agency to handle base closure-defense conversion programs. Members who have military facilities in their districts that are subject to downsizing or closure ought to be aware that EDA can play a very constructive role to assist local communities and local businesses. Don't forget there will be a second round of the Base Closure Commission in 1995.

DOD has transferred $130 million to EDA for base closure-defense conversion programs. Money to be used for planning and project grants to minimize disruptions in affected communities.

EDA is also relied upon to provide assistance to areas devastated by natural disasters. Most recently, EDA provided $75 million in disaster relief assistance for Florida, Hurricane Andrew; Hawaii, Hurricane Inikea; Guam; and Kansas.

Critics of EDA are quick to point out projects funded by EDA that sprang from admittedly make-work jobs initiatives funded by Congress in the late 1970's and early 1980's. EDA projects today are funded on a cost-shared basis, the amount of cost-sharing is related to the degree of distress suffered by the local community. Projects are supported by local governments; EDA is no longer in the business of fully funding make-work projects.

Mr. Chairman, I urge the defeat of the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Hefley amendment to kill the pork-riddled Economic Development Administration.

I strongly applaud my colleague from Minnesota [Mr. PENNY] for his point of order which struck over $200 million from the EDA.

But now we have to finish the job.

President Clinton, in his State of the Union Address, challenged us to come forward with specific spending cuts to reduce the deficit.

Here's one that should be on every Member's list.

The EDA is a program that simply will not die. Even though there has been a strong effort for 12 years to cut this wasteful program, Congress has continued to fund the EDA with unauthorized appropriations.

Today is our chance to finally terminate it once and for all.

This program embodies the law of bureaucratic behavior. It started with a noble intent—to provide assistance to economically distressed rural areas.

Then its programs were expanded dramatically—even though it had not demonstrated proficiency in its existing programs—to include development in 90 percent of the country. Clearly, 90 percent of the country is not impoverished, yet the EDA's turf continues to expand.

Mr. Chairman, we all believe in economic development.

But to continue draining funds from the jobs-creating private sector by running massive budget deficits hurts the economy and ultimately costs jobs.

Here's our chance to eliminate a very specific program, one that has long since outlived its usefulness and is only a drain on our economy.

Please join Citizens Against Government Waste and other taxpayers' groups in supporting the Hefley amendment and say "no" to the pork-barrel, deficit spending of the Economic Development Administration.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Chairman, I rise in strong support of EDA, and the area development districts.

Mr. Chairman, I rise in strong opposition to the Hefley amendment to obliterate funding for the Economic Development Administration and the area development [AD] districts. In western and south-central Kentucky, the area development districts do an absolutely outstanding job of reaching into every county to help lift people up, to care for those in need, and to create infrastructure for jobs. The area development districts help small towns with water and sewer needs; they help fire and rescue organizations keep abreast of community needs; they help senior citizens with programs to serve their health and well being; they assist communities in developing industrial sites and businesses needing people with upgraded skills. These are just a few of the areas in which the AD districts work every day in my First Congressional District, and I strongly oppose this minority party attempt to set back the standard of living of the families of west and south-central Kentucky and to dash future hope for economic and community betterment.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado.

Mr. Chairman, I do not understand the logic of those who wish to abolish the Economic Development Administration. The EDA has a historic role in the pursuit of economic development and job creation in this country. Despite numerous attempts to undermine the program during the 1980's, the EDA has survived. It has survived because it works. It works for small businesses, entrepreneurs and local governments trying to foster real economic growth.

The EDA is a cost-effective means to spur the economy—local economies in particular.

The EDA is a small program. Yet, most of us in Congress understand its importance to be much greater than mere dollars. EDA programs often leverage additional economic development, in both the public and private sectors, in regions where the programs operate.

However, as we move into the 21st century, and as this country begins to deal with the structural changes of our economy, the EDA's purpose has broadened.

In California, a State which has an unemployment rate hovering at 10 percent despite a national economic recovery, the EDA has become the focal point—the organizer, if you will—of the Federal Government's efforts to turn the California economy around. President Clinton has begun an ambitious program of economic conversion. This program is essential in California, where a disproportionate portion of the military downsizing has occurred.

This program is bureaucratically complex with funding sources in the Department of Defense, Labor, HUD, as well as Commerce. Representatives of the EDA have visited California several times this year and are developing a program to simplify and quicken the administration's efforts in defense conversion.

In other areas dealing with economic development as well, EDA has taken a coordinator's role.

It is foolish to think about the relatively small savings that can be derived in the short run by eliminating the EDA. In the long run, the negative economic impact in community after community would vastly outweigh the small budget savings.

In conclusion, Mr. Chairman, I urge my colleagues to oppose this attempt to delete $26 million in salaries and expenses from the Economic Development Administration. To me, this action would define the saying "Penny wise and pound foolish." Vote "no" on the amendment offered by the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for the time, and I rise in opposition to the amendment.

Mr. Chairman, I am not one of the Members that you might expect to be here today defending the Economic Development Administration. I represent residents of Staten Island and Brooklyn, NY, hardly a rural area that the EDA caters to. My district is not part of an economic development district and since its creation, the EDA has done little work, if any, in my district.

Yet, today I am here to oppose the gentleman's amendment because the communities I represent and hundreds like them across the country now need the help of the EDA more than ever. When the Base Realignment and Closure Commission finished its work last month, communities from Charleston to Alameda started the road to economic conversion. The one agency that can truly help these communities is the EDA.

Mr. Chairman, the EDA is at the forefront of helping communities adjust to the economic dislocations caused by defense cutbacks and the base closure process. The EDA has wide-ranging authority under title IX to provide comprehensive assistance to affected communities. Under grants already awarded, the EDA has funded proposals to: Establish loan funds to help small businesses reduce defense dependency, invest in physical infrastructure to enhance economic development opportunities, develop business incubator and training programs, and establish community strategy to deal with the cutbacks.

In fact, a recent report done by the Department of Defense suggested that EDA was the best qualified Government agency to oversee the planning and implementation of conversion efforts.

In my district, the closing of Naval Station New York will mean the loss of 3,225 jobs. We will need help creating new jobs for these displaced workers and replacing their income in the community. We will need the help of the EDA.

On behalf of the hundreds of communities that will be affected by this most recent round of base closings and future rounds, I ask my colleagues to vote against the amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, the age-old dilemma has descended upon us; we know some of the good program intents of the EDA. Many of us have helped make them work back in our districts. But now comes the time, the other side of the dilemma, when the budget deficit is rearing its head to bite us all and to hurt our economy in the long run and to hurt our society as well while doing its worst on the economic situation in our country.

Which shall we do? We must in the final judgment come down on the side of reducing the budget deficit. Since the House has already spoken on the subject, I reluctantly, although I can speak eloquently about some of the work of the EDA in the past, I must come down on the side of fiscal sanity and vote consistently with the House to make sure no extra dollars are spent for these programs.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Chairman. I thank the gentleman for yielding, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the Hefley amendment which will have the effect of closing down the Economic Development Agency.

The Economic Development Agency will channel a substantial amount of money into areas affected by base closings and will assist communities facing the economic dislocation as a result of these closings. In my congressional district, as a result of the closure of the Charleston Naval Base and Shipyard and other naval facilities, we will lose over 29,000 military and civilian jobs. We are facing the harsh reality of reshaping an economy long molded by the military presence there.

I do not think it wise or prudent at this time to shut down an agency which will play a major role in defense conversion.

We need the title IX "Special Economic Development and Adjustment Assistance," administered by the EDA, and I would urge my colleagues to join with me in opposing the Hefley amendment.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. I thank the gentleman for yielding time to me.

Mr. Chairman, in this time of economic difficulty, how can we come to the floor to discuss yet another way to eliminate investment? The Economic Development Administration provides investment capital for community development and economic diversification, strategic planning and technical grants, and infrastructure projects, all with a tremendous record of success; in short helping the needy communities of this Nation to help themselves.

If we are to confront the economic distress being faced by too many American citizens, we must act in a timely fashion. The EDA is a perfect mechanism with which to do this. It offers its programs to urban and rural communities alike, in all regions of the country. We cannot continue to ignore such communities.

Let me illustrate EDA's potential with just one example from my district. Many communities are facing tremendous hardship due to the pending closure of a military base in their area. The Air Force has predicted that last month's closure of Wurtsmith Air Force Base will result in a loss of 50 percent of the population of Oscoda, MI. The Air Force economic analysis estimates an unemployment rate of approximately 27 percent after the closure of Wurtsmith. Now 27 percent unemployment may be acceptable to some Members of this body, but it is not to me.

The Michigan Department of Social Services has predicted that by 1995, one-third of all households in Iosco County will be receiving social program assistance due to this loss of jobs. In the case of Iosco County, a grant to improve water delivery to the area will generate jobs by attracting eight companies which have committed to the abandoned base if the infrastructure can support them.

The people of Iosco County cannot pay for such improvements themselves. They have come together in a regional effort, donating their time and energy to plan the base reuse project and recruit companies. But without help from EDA, they are lost.

Mr. Chairman, as a freshman Member of this body, I share the commitment of some of our colleagues to cut unnecessary spending. But there are those among us who promote a cutting frenzy for political gain, with no thought to the effect of their actions. We must have a responsible, and I emphasize here a responsible, budget policy.

All of us learn as children the old adage "pennywise and pound foolish." What we have here is an opportunity not to act this adage out. The return on such investments is immeasurable, not just in tax revenue and lower social program payments, but in pride, self-esteem and self-sufficiency.

In the case of the EDA, either we choose to help our people to help themsleves—to rebuild their communities and restore their children's future—or we will be forced to support them in their poverty through unemployment insurance and welfare, perhaps for generations.

I choose to afford dignity to economically struggling communities through agencies like EDA. Our colleagues must decide for themselves, Mr. Chairman, which they believe is the better alternative.

□ 1330

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the pending amendment, which would have the effect of killing the Economic Development Administration.

Now, more than ever, we need the EDA, the one government agency whose resources are committed to what all of us should acknowledge is a matter of the highest priority—revitalizing our economy. How quickly we forget. Just last fall the phrase "it's the economy, stupid" was on all of our minds. And rightly so, for millions of Americans were unemployed not by choice, but by circumstance. Then—and now—there was and is a pressing need to get our economy moving in the right direction. Then—and now—it requires more than good will and best intentions.

The EDA gets a bum rap and I have to admit that most of it comes from well-intentioned if not well-informed Republicans.

For the past dozen years there has been a conscious effort by two administrations to eliminate all funding for EDA. The professionals in that agency, who day in and day out labor hard to make it work, have been handicapped in their efforts because of no support at the top. Despite that lack of support, EDA has managed, with a very limited budget, to finance worthy projects, projects that preserve existing jobs and promote new jobs, all over the country including in the district I represent.

This isn't just my pet theory, it is a fact. I serve now and have for a number of years on the Economic Development Subcommittee and have heard testimony from literally hundreds of expert witnesses about the good works of the EDA.

Has everything been perfect? By no means. There is always room for improvement in every agency and every phase of Government activity.

This amendment goes about our work in the wrong way. Rather than seek to improve that portion of the agency's work and approach which might need improving, it seeks to destroy everything. Talk about throwing the baby out with the bathwater. At a time when vast areas of the Nation are hurting because of natural disasters and at a time when vast areas of the Nation are facing economic hardship because of significant cuts in defense and the military installations which support our national security, we should be focusing our efforts on how to strengthen and make more productive an agency whose mission all Americans applaud. Let's give EDA something it has not had in more than a decade, strong support and adequate resources and we will all be the better for it.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, for several years I served as chairman of the Subcommittee on Economic Development and chaired the Investigations and Oversight Subcommittee that looked into—not just looked into, but rigorously investigated the way in which the EDA conducted its programs.

This is just one of several volumes of hearings we conducted in depth on the good things that the EDA accomplished in some of the problems that the program had that the Congress created by grandfathering in counties. The Congress so loved the EDA that it did not ever want to let go; Members did not ever want to let go of its eligible counties.

We devised a totally new program, indeed with the support and insight of the gentleman from Kentucky [Mr. ROGERS] who was so helpful on this and on the ARC, and with the former ranking member of the Committee on Public Works and Transportation, the gentleman from Arkansas, Mr. Hammerschmidt, and my colleague, the gentleman from Pennsylvania [Mr. CLINGER].

We reshaped and rewrote this program, and three times it passed the House by votes of four to one, but it would never get through the Senate because the White House was always able to get a Senator to block the legislation from moving ahead.

We will deal with it this year. We will have a bill out that will mirror the legislation of the past, that will correct the problems in law, although the gentleman from Iowa in his appropriations legislation has done a great deal of reining in and limiting the way in which the EDA operates. I will not go into the details of how that program functions.

I just want to comment, though, and I am sorry the gentleman has left the floor, my dear friend and colleague, the gentleman from Minnesota, who said of the EDA that it is a wasteful program.

It is easy to say when you represent an area like the silk stocking district around Minneapolis-St. Paul, where the per capita income per individual is about twice that of a household in my congressional district and that which the gentleman from Kentucky represents, where the EDA investments in infrastructure, in industrial parks, new businesses, created jobs, permanent jobs that are returning every year to the national economy $6 billion in taxes to Federal and State governments, three times what the Federal Government has invested in the EDA.

Mr. Chairman, this is a sound and solid investment in jobs for the future of America. Defeat the amendment.

Mr. HEFLEY. Mr. Chairman, let me just close, if I might, with a few comments.

One of the speakers on the other side said that they do not understand the reasoning why we would want to cut the EDA. If you had listened to what I said at the outset, when you go down through it, it is not that the EDA or most of the other programs that we have talked about in here so much this year is an entirely evil program. It is just that it is a program that is unnecessary and that has a great deal of evil in it over the years.

Is it not interesting that the only study done of the EDA that anyone can find that says, yes, it is a pretty good thing, it needs to be revised, but it is a pretty good thing, is a study done by Congress. Congress does not want to give this up. This is a wonderful source of "take home the bacon" for the folks back home.

Let me just end by saying this. I gave the example of EDA jobs created. Now, in many of the programs they do not create jobs. They lose jobs, but in jobs they have created, it costs about $320,000 per job to create, $320,000 as opposed to if those jobs had been created in the private sector, if you took the money that is going to the EDA and you left it in the private sector and you let the private sector create the jobs, it averages about a $35,000 to $40,000 investment to create a job. That is not good fiscal sense.

Mr. Chairman, let us kill this thing once and for all.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the amendment to strike funding for the Economic Development Administration [EDA] contained in H.R. 2520, the Interior and related agencies appropriations bill.

Since 1982, the last time the EDA was authorized, the House and Senate budget and Appropriations Committees have seen fit to keep EDA functioning by funding it in the absence of an authorization.

This body voted for those bills to continue EDA—for the past 12 years.

Since 1982, the House of Representatives has passed reauthorizing legislation for the EDA.

For 12 years—Members of this body have voted to reauthorize EDA.

With so much support over 12 years to continue the vital work of the EDA—why are we here today trying to delete funds for those public works—developmental opportunity—job-creating programs?

This Government has failed to invest in its infrastructure here at home for 12 years—while spending more than $300 billion a year on defense buildups. That is why we are here today, trying in this modest way, to continue funding the EDA.

In case you have not heard, we are downsizing the military. We are closing military bases. The cold war is over.

We are trying to plan for and to pay for defense conversion.

Our President has chosen EDA as one of the means for use in moving defense conversion programs forward.

Let us help him.

What good are EDA programs; let me just cite a few in my district:

Just recently the Greenbrier Public Service District No. 1 was awarded an EDA grant of $686,000 to extend a public sewer to two vital businesses that, without this investment, would have moved their businesses out of our State. A significant number of jobs would have been lost had this occurred, and West Virginia cannot afford to lose jobs.

This past May, the Cowan Public Service District in Webster County was awarded an $890,000 EDA grant to make improvements to their public sewer system. Again, these improvements mean hope for an economically depressed county—making the area attractive to new business and creating jobs in the process.

I urge my colleagues to oppose this amendment. EDA funds help in West Virginia, but they help in other States as well. Let me just cite a few EDA successes elsewhere in the country:

In the past year in Philadelphia, EDA funds were used to rehab an older building, and then to create a revolving loan fund, which generated thousands of new jobs through business expansion;

In Chicago, EDA funds improved an obsolete infrastructure in Crawford Industrial District allowing them to retain 85 industrial firms, generate $40 million in new investments, and to retain 3,780 jobs.

In North Carolina, EDA funds were used last year to build a water system and industrial access roads creating 3,300 jobs—a new job for every $500 invested.

So you see, EDA funds are not just vital to West Virginia, but to the entire Nation, and these are just a very few examples of what EDA grants can do, if we leave them in this bill.

We are no longer under the Reagan administration who tried to repeal EDA for 8 long years.

We are no longer under the Bush administration, who tried to repeal EDA for 4 short years.

This is the Clinton administration, and he wants and needs to help displaced military personnel by using EDA as one of the Federal entities necessary to bring about defense conversion efforts.

EDA helps expand business and create jobs. We must create jobs for the hundreds of thousands of displaced military and civilian technicians who will be out of work as a result of base closings.

We need to expand business and create jobs for all other unemployed Americans who have been out of the job loop for too long.

Fund the Economic Development Administration now.

Defeat this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Hefley amendment, which by deleting funds for the salaries and expenses would seal the fate of the EDA. I can assure you that I will fight throughout the remainder of this process to ensure that EDA funding is maintained.

How can we even consider abolishing the EDA, which serves as the central agency for technical and financial assistance to economically distressed areas. There is no other Federal agency with the flexibility to address the range of immediate to long-term economic problems, and the EDA does not promote top-down solutions. Rather it supports a grassroots network to focus on locally developed strategies and solutions. EDA offers comprehensive services—from planning grants and research activities, to technical assistance support, to public works project funding, to sudden and severe economic dislocation assistance. The EDA is in fact a one-stop shop for economic assistance.

I find it incredible that today, in this time of systemic economic transition for our Nation, we are debating an amendment to gut the funds for a program that offers successful solutions.

West Virginia felt the effects of economic dislocation over a decade ago. And the EDA has been a critical resource in our fight to turn the economy around. For example, in Barbour County, the EDA helped renovate a building that was headed for demolition. Today, 60 people are employed in that building—that is 60 jobs in an area where 60 jobs makes a difference. In Ohio County, the EDA helped create the Wheeling Oglebay Park Artisan Center where today 83 people sell West Virginia-produced glass. These examples only scratch the surface of the invaluable assistance that EDA has provided to my State.

To those of my colleagues familiar with EDA's work, I need only remind you of its importance. And to those of you unfamiliar with EDA, I would offer that as our economy continues to transition—and dislocation continues to be the unfortunate side effect—you, too, will depend on the Economic Development Administration.

Help your communities help themselves by continuing our commitment to EDA oppose the Hefley amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to the amendment that would delete funds for salaries and expenses of the Economic Development Administration.

The Economic Development Administration is recognized by many economic development practitioners, by State and local leaders and by many others at the grassroots, as having the most effective Federal program for economic development—a program that gets funds to the communities that need them.

Critics like to point out that 80 or 90 percent of the Nation's population live in areas eligible for the agency's assistance. However, they ignore the fact that EDA generally targets program funds to areas of high economic distress based on criteria such as excessively high unemployment rates and per capita income below the national average or that are experiencing long-term or sudden and severe job loss.

In the area of defense adjustment, EDA has for years played a key role in providing special economic development and adjustment assistance. Agency programs have helped many communities facing military base closures or major defense industry cutbacks plan strategies. In addition, these programs support major infrastructure investments for reusing bases and making the transition to a civilian-based economy. In recent years, $130 million in defense appropriations has been transferred to EDA for this activity. Secretary of Commerce Ronald Brown has stated that EDA is to be on the leading edge of further conversion activity.

EDA provides essential tools to urban and rural areas to help them make better use of their resources. Diversify their economic base and attract businesses that can retain and create long-term jobs and broaden an area's tax base.

The assistance provided helps to cure some of the economic ills and imbalances that exist among our States, communities, and regions. It bolsters the capacity of local areas, and the Nation as a whole, to meet the challenges of competition in global markets.

EDA's public works grants have been crucial for rehabilitating, repairing or constructing infrastructure that is the foundation for economic development and essential for the growth of industry and commerce.

Its planning grants have enabled distressed communities evaluate their economic potential and conceive strategies for long-term solutions. The research and technical assistance have resulted in many creative initiatives at the local and regional levels.

Mr. Chairman, for close to 28 years, the Economic Development Administration has offered vital resources to support and encourage local efforts to enhance economic growth.

Testimony of witnesses has consistently revealed that many of the benefits realized would not have otherwise been possible were it not for the programs of the Economic Development Administration.

Mr. Chairman, this is not the time to eliminate one of the best Federal programs available to help deal with the substantial economic problems facing our Nation.

I urge my colleagues to vote against the amendment to strike funds for the Economic Development Administration.

Mr. HAMBURG. Mr. Chairman, I rise in strong opposition to the Hefley amendment, which will strike funding for salaries and expenses at the Economic Development Administration.

The EDA is particularly important today as we struggle to adjust to profound changes in two major sectors of our economy: Our rural, resource-based economy, and our military economy. As such, EDA is particularly important to my largely rural district, where unemployment is currently as high as 14.5 percent.

Rather than talking about abstractions like agencies and dollar amounts, I want to focus for a moment on communities and people—the focus of the Economic Development Administration.

Point Arena is a town of roughly 400 people on the northern coast of California in my district. It is a community which depends on fishing and tourism and symbolizes the pioneer spirit in America. I would like to read from a letter sent to me earlier this year by Bill Pettigrew, harbormaster of Point Arena. He wrote:

> In January of 1983, an "El Nino"-generated storm sent waves into Arena Cove of such height that the pier at Arena Cove was totally destroyed. The result was the loss of a vibrant Salmon fishing port that had received up to 100,000 pounds of product a day. Stores in town failed and were boarded up. The timber industry was starting to downsize at the same time and Point Arena became a severely depressed economic area.
>
> The City of Point Arena joined forces with five different federal and state agencies in 1985 to rebuild the pier. With a two and a half million dollar investment, the pier re-opened in April 1987. The Economic Development Administration (EDA) was the single largest grantor with a commitment of $875,000.
>
> Following the "Grand Opening" in 1987, the once seasonal port has operated 'year-round,' creating many new jobs both in the Cove proper and downtown. Support facilities, stores, restaurants and private development have flourished. The fiscal year 1989–1990 saw Arena Cove become the nation's second largest port for receiving sea urchings with a total poundage exceeding 8.2 million pounds across the dock, 98% of this a United States export commodity going to Japan.

Mr. Pettigrew recently confided to me that,

> Without the EDA, Point Arena would not exist today. We could never have coordinated the various agencies or achieved the level of funding necessary without the EDA's assistance. They are professionals and good public servants.

EDA is not a pork-barrel agency doling out moneys to congressional districts.The regional economic development representative of the EDA helped Point Arena navigate the murky waters of conflicting bureaucracies. They ensured that planning grants, technical assistance, and economic adjustment programs, delivered maximum benefits to the community.

The example I cited from my district represents the everyday efforts of the EDA. It was nothing out of the ordinary.

EDA is also playing an increasingly vital role in defense conversion. The probable imminent closure of Mare Island Naval Shipyard has made me keenly aware of the desperate need of affected communities for the promise represented by the EDA. Now, before base closure, EDA planning grants can help the small cities of Fairfield, Napa, and Vacaville, plan for the conversion necessary to keep shipyard employees working in new jobs as the area's economy changes.

The end of the cold war demands fundamental conversion of our defense-based economy. EDA has 30 years of experience in helping communities transform their distressed economies. We cannot afford to give up such critical expertise at this juncture.

I urge my colleagues to defeat the Hefley amendment. It is shortsighted and fails to recognize the importance of this agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 300, not voting 17, as follows:

[Roll No. 340]

### AYES—122

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Callahan
Calvert
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Hobson
Hoke
Huffington
Hunter
Hyde
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Linder
Livingston
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Miller (FL)
Moorhead
Myers
Nussle
Orton
Oxley
Paxon
Penny
Petri
Porter
Portman
Pryce (OH)
Ramstad
Regula
Roberts
Rohrabacher
Roukema
Royce
Santorum
Schaefer
Sensenbrenner
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOES—300

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings
Hayes
Hefner
Herger
Hilliard
Hoagland
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

### NOT VOTING—17

Baker (LA)
Bevill
Conyers
Dornan
Faleomavaega (AS)
Frost
Hamburg
Henry
Hinchey
Horn
Mann
Moakley
Packard
Rostenkowski
Tucker
Underwood (GU)
Valentine

□ 1357

The Clerk announced the following pair:

On this vote:

Mr. Dornan for, with Mr. Tucker against.

Ms. MARGOLIES-MEZVINSKY and Messrs. INGLIS of South Carolina, DEUTSCH, and RAVENEL changed their vote from "aye" to "no."

Messrs. HALL of Texas, McCOLLUM, and McHUGH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

Mr. HORN. Mr. Chairman, I was unavoidably detained and missed the last vote on the Hefley amendment. I would like to note that if I were present, I would have voted against it.

### AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 59, after line 8, insert the following:

### UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

#### SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, $22,000,000.

The CHAIRMAN. The gentleman from Minnesota [Mr. OBERSTAR] is recognized for 5 minutes in support of his amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I wonder if we could get some agreement on time for this amendment.

Mr. OBERSTAR. Mr. Chairman, I would say that no more than 20 minutes would be sufficient.

Mr. SMITH of Iowa. Twenty minutes, ten minutes on each side?

Mr. OBERSTAR. Yes. We probably will not use all that time.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I would hope that there could be some time allotted to this side of the aisle on the question as we talk about limiting time. Would the gentleman be amenable to allocating a third of the time, whatever time is agreed to, to this side of the aisle?

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 30 minutes, 10 minutes to the gentleman from Kentucky [Mr. ROGERS], 10 minutes to myself, and 10 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The time will be limited to 30 minutes on this amendment and all amendments thereto, the time to be divided, 10 minutes apiece, among the chairman of the subcommittee, the ranking minority member, and the gentleman from Minnesota [Mr. OBERSTAR].

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

□ 1400

Mr. OBERSTAR. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this amendment restores to the Travel and Tourism Administration funding that was eliminated in the markup of the bill Not because the chairman is not in accord with the views, with the issues, the U.S. Travel and Tourism Administration, but because there was so much pressure under the limited allocation his subcommittee had and the subcommittee was under extreme pressure to find reductions in all of its programs.

But since the bill has been on the floor, there have been a number of reductions in the overall programs under the jurisdiction of the subcommittee, and there is certainly room to restore the funding level for the U.S. Travel and Tourism Administration. This amendment will restore the funding to $500,000 below the authorized amount, $22 million. The authorization is at $22.5 million.

The travel program, tourism, is such an important generator of business for America and income to this country. Last year we had 44-plus million visitors to the United States from other countries. They spent well over $50 billion in the United States. That generated a balance of payments surplus of $16.5 billion in our favor. We did not have to send anybody overseas. We did not have to package anything except to market the idea among people of other countries to come visit America. They came, and we benefited by a $16.5 billion trade surplus.

Mr. Chairman, there are not very many sectors where we have that kind of balance of payments benefit. Usually we are in deficit. It certainly makes good sense to make this modest investment in encouraging people of other countries to come to the United States and spend their currency, their dollars, whatever their currency happens to be in our dollar terms, in this country.

Mr. Chairman, we ought to preserve the U.S. Travel and Tourism Administration's ability to market America overseas, to attract people to this country. Tourism is clean, it is efficient, and it employs people to the tune of $90 billion in national payroll in this country. It virtually affects every community, small or large. It is a vital sector of our national economy. Tourism overall is a $320 billion sector of our national GDP. Most countries spend tenfold more than we do on tourism promotion. This is a modest investment in the future of American growth.

Mr. SMITH of Iowa. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I would suggest to my very good friend from Minnesota [Mr. OBERSTAR] and to my colleagues and friends that will speak on behalf of this amendment that their allegiance to the tourism industry is misguided in this particular amendment, and remind them of the context of this bill.

Mr. Chairman, do you know in this bill we are cutting back on Drug Enforcement Administration agents? We are cutting back on FBI agents. Virtually every important priority that is included in this bill is being cut back. And what are we trying to do? Add money to the Travel and Tourism Administration.

Mr. Chairman, this is a subsidy to the major airlines and hotel chains. There is no evidence that this kind of federal expenditure is going to generate any more tourists. The thing that generates tourists from foreign countries into this country is the exchange rate between the U.S. dollar and foreign currencies and the promotions that are put on by the major airlines and by the hotel chains.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, if the gentleman's argument is right, then why does the Province of Ontario spend $36 million a year every year to attract Americans into Ontario? If you stop advertising, they stop coming. It is a sector that yields the revenue needed to generate the support for the other programs the gentleman is advocating.

Mr. MORAN. Mr. Chairman, reclaiming my time, I would not suggest to the gentleman reasons why Ontario does whatever it does. The Canadian Government I do not think is necessarily a standard setter for frugality in many ways. But why people visit Ontario I suspect is because of the natural resources that are in the Province of Ontario, rather than any particular promotional program they might have.

Mr. Chairman, we are talking about a very, very strict budget that has been applied to every program within this appropriations bill. Here we are subsidizing industries that clearly do not need it and cannot compete with the kinds of priorities that are included in the rest of this bill.

Mr. Chairman, I represent an area that benefits a great deal from tourism. But I also know that it is not going to benefit from tourism unless they have the hotels and motels, the restaurants, all the kinds of infrastructure, if you will, that accommodate new tourists.

What we are doing with this new program, because of the authorization that requires it to go into this cooperative marketing program, is we are trying to attract people to areas that do not have the hotels, that do not have the tourist accommodations to maximize the opportunity that tourism in those areas might provide. That is one of the reasons why we did not want to put so much money into this program so fast.

Mr. Chairman, to suggest that $22 million in travel and tourism to subsidize the large airlines and the hotel chains is more important than spending that $22 million on Border Patrol officers, on FBI agents, or on drug enforcement agents, seems to me is misplaced priorities.

Mr. Chairman, I do not want to argue with the judgment of my good friend, the gentleman from Minnesota [Mr. OBERSTAR], and I respect it a good deal. But within the context of this bill, if the gentleman would look at the rest of this bill, I think he would recognize that the subcommittee's priorities are in order and that we cannot afford this additional amount of money to go into USTTA.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me say at the outset that I support the work of the USTTA. I support the U.S. Travel Tourist Administration. But let me explain why this amendment should not pass today.

As the gentleman from Virginia [Mr. MORAN] has said, our subcommittee only has 96 percent of the current services to spread for next year's spending amongst all the agencies that we have to deal with, including USTTA.

What we did was basically go to all agencies and say, "We are going to give you 95 percent of what you got last year for next year." We treated USTTA just like most all of the others. Only two or three agencies, as I recollect, got more than 95 percent.

□ 1410

So we gave 95 percent of their current services to USTTA, because the work they do is good for all of the States of the Union, not just two or three; all of them.

The Committee on Energy and Commerce, the authorizing committee, comes along and says, Mr. Chairman, "Appropriators, you cannot appropriate any money for the USTTA at all unless you include this new program that we want called the Cooperative Tourism Marketing Program, which will help two or three States on the Canadian border."

They said, "You can't appropriate, Congress, you can't appropriate any money at all for the whole United States' effort to promote tourism unless you say we can spend this money for our two or three States."

We said, no. We are going to give USTTA the same amount of money we are giving the other people in the Government, 95 percent of current services, just like everybody else. We do not have the money for a new program. It is just not there.

We are having to say no, no, no, no all across-the-board. USTTA is no different.

This amendment should add back to the bill, Mr. Chairman, after it was stricken on a point of order a couple of weeks ago. Now they come back and say, "We not only want 95 percent of the current services for next year. We want 41 percent more than 1993.

We put in the bill originally, $17,120,000. That was stricken. Now they come back and want $22 million, Mr. Chairman, for a new program.

How many new programs is this Congress going to be able to afford this year on any kind of initiative, especially a program that benefits just three or four States of the Union.

Mr. Chairman, I oppose this amendment. I urge all Members to vote against it.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, the fact that the Committee on Appropriations has sought to legislate here in violation of House rules tends to show the unwisdom of that practice on the part of that great committee. They say this is a new program. It is not a new program. It is 25 years old.

The hard fact is that what the Committee on Energy and Commerce and the House of Representatives did last year was to say to it that 25 percent of the money was going to go to the States for purposes of funding tourism promotions by the States and through the States. That is why.

What the issue here is, is the Committee on Appropriations going to change the program on which the Congress voted overwhelmingly to change an unworkable program into one which now works?

The Committee on Appropriations intends and tries here to continue the old unworkable ways where we have a bunch of bureaucrats sitting around in offices around the world doing nothing. What we need to do is, if we are going to have tourism in this country, is to have an aggressive program of promoting and bringing forward tourists to come to the United States.

What my good friend from Iowa would do is to legislate. What we are seeking to do is simply have the law as it now is applied, without changes by our dear friends on the Committee on Appropriations.

The hard fact is, there are no fiscal issues raised by the amendment. It is well within the authorization level. It is also within the budget allocation levels.

It is supported by the agency itself, by OMB and by Members on both sides of the aisle.

I have here a letter signed by Leon Panetta which says,

> The administration supports the provision enacted in the Tourism Policy and Export Promotion Act of 1992 requiring that no less than 25 percent of funds appropriated to USTTA be allocated to Cooperative Tourism Marketing Program grants and believes the Oberstar amendment is necessary to carry out that provision. Accordingly, the administration has no objection to the Oberstar amendment.

I urge my colleagues to reject this attempt by the Committee on Appropriations to legislate and get on with the program which was overwhelmingly supported by the House and by the Senate.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I have listened to the debate on this particular amendment. I must say, I am persuaded by the proponents of the amendment.

I listened very carefully to the author of the amendment, our friend from Minnesota, and I agree that this is a wise investment.

When we read the amendment and we see what it does, we see that it is really going to provide jobs in the area of tourism.

Now, tourism is the second largest job producer in just about every State in the Union. What this bill will do will be to match funds with State and local tourism agencies.

I have looked at what goes on in this area, and I find that foreign visitors last year spent $16 billion in this country, $16 billion. So we really have a trade surplus in this area.

Why is that? Because if we have tourists coming here and buying something, it is like shipping it overseas. That is why we have this huge surplus.

Every single State is going to benefit economically by this amendment. America is a big country, and people overseas want to come and visit America. But they do not know much about various sectors of America, because they are always zeroed in on two or three areas.

What this bill is going to do, it is going to explain what America is like, all of America, not just one or two or three areas.

We had 44 million visitors here in America last year from overseas, spending some $71 billion. And some $16 billion, as I mentioned before, more in this country than we spent overseas. That is why we have a $16 billion surplus in this area.

This money will go to create jobs in a sector where jobs really are needed, the service sector.

As far as who is going to benefit, we know no States will benefit more than the State of Iowa and Kentucky. I mean, people are going to be reading about Kentucky.

People overseas want to know about the Kentucky Derby and what goes in Kentucky. People overseas want to know what goes on in rural America. That is where Iowa is at the head of the list. Look what is going on along the Mississippi now.

I think we want foreign visitors to come to that area. This is precisely what this amendment is going to do.

It is hard to persuade me to vote on some of these amendments, but this particular amendment is really a good investment. This is a jobs amendment. That is why I think this is a good amendment and one that I hope that the Congress and the Members here will give real consideration to and vote for.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as chairman of the Subcommittee on Procurement, Taxation and Tourism of the Committee on Small Business, we had a hearing yesterday in Alexandria, LA. Let me tell the gentleman from Alexandria, VA, that that little town has hotels and has tourist accommodations, but they need help in rural America.

I come from a large urban center in Las Vegas, NV. We get our message out very loud and clear. But little rural America needs help. They need people to help them to promote their message in their areas.

The program that has been expounded by the chairman of the Committee on Energy and Commerce is very, very important, because it gives help from USTTA, funds to match their funds to promote rural America.

When a foreign tourist comes to this country, he spends 6 times what an American tourist does in going to those communities. It is not rechanneling American dollars. It is rechanneling money from Europe into our economy. We have a great balance of surplus on tourism.

We have got to promote that. I am standing, telling the Members now, if we spend $3 million more we will bring in tens of millions of dollars to our economy from this tourism being spent here.

I will tell the Members, people out there are asking for help from rural

America. They want this program. They need this program. They need the Members' help. Believe me, this Congress should not be penny-wise and pound-foolish, because let me tell the Members, we need this program. I commend the gentleman from Minnesota [Mr. OBERSTAR] for proposing it. We need it for USTTA, we need it for rural America, we need it for America as a whole to create jobs and get this country moving again.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I have said before, this is new money. We gave USTTA 95 percent of current services in our bill. Then it was stricken on a point of order. Now they come back wanting $22 million, which is a 41 percent increase over what we gave them. We simply do not have the money.

Bear this in mind, if we vote for this amendment we are giving money to the Tourist and Travel Administration that we are taking away from the FBI, the DEA, modernization of the Weather Service, that we could not afford; the Immigration and Naturalization Service, and the Border Patrol and the protection of our borders. That is where the money is coming from, if the Members approve this increase, this new money for a new program for the U.S. Travel and Tourist Administration. Bear in mind, the money has to come from someplace in the bill. It is coming from the places where it should not come, and that is the law enforcement agencies of our country.

Mr. Chairman, I urge Members to vote "no" on this amendment. I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I would ask how much time remains.

The CHAIRMAN. The gentleman has 3½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, let us bring a sense of reality back here. We are not going to have just a cutback in some of these other agencies. We are having cutbacks all over in education and health care. If we want to attack those issues, let us attack those issues. However, if we want to generate the taxes that help us pay for all of these in the first place, whether it is FBI agents, drug agents, or travel agents, then we have to have the jobs generated to generate the taxes that give us the revenue to enable us to do this.

One of the whole ideas of job stimulation has been to make an investment. If we cannot do that with Federal dollars, what are we here for? The State of Hawaii alone spends more than $22 million on its travel and promotion program, in addition to everything that we do with hotels and with airlines and with other travel agencies and instrumentalities, we spend more, alone.

What we are asking for from the entire country is a mere $22 million to invest in all the rest. Hawaii is not hurting in that respect in terms of promotion. Las Vegas is not hurting in respect of promotion. On the contrary, we stand here telling the Members, the gentleman from Nevada [Mr. BILBRAY] and the gentleman from Hawaii, saying, "We know how to promote tourism. That promotes jobs, that promotes tax revenues." What we want to do is help share this with the rest of the Nation, so all of the other States, rural and urban areas alike, benefit from it.

We want to go to the context of this in terms of promotion because that is what is going to help generate it in every State, in all the 50 States, everyone benefits. Tourism is the No. 1 industry in 13 States. It is one, two, or three in 37 States out of the 50 States in America.

I urge all of us to pass favorably on this amendment so all Americans can benefit. This is an investment in America. Vote "aye."

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no further speakers, but before yielding back our time, I just want to clarify an inadvertent mistaken impression that may have been created. This program is indeed authorized. The Office of Management and Budget indicates clearly, as the gentleman from Michigan [Mr. DINGELL] said, that the administration believes the Oberstar amendment is necessary to carry out the Cooperative Tourism Marketing Program, and has no objection to the amendment.

That is rare, to get that kind of support from the Office of Management and Budget, and it indicates this program is important. I think the President clearly understands the significance of tourism. He supported tourism as the Governor of Arkansas, and he supports it very strongly as President of the United States.

The evidence is replete that until we had a really aggressive USTTA program, we did not break the sound barrier on balance of payments. We have done so, and the Cooperative Marketing Program will carry us further. Every other country in the world markets its values abroad. This is not like "Field of Dreams," "Build it and they will come." We have built America. We have to tell people about America and what they need to see here, so we can generate that positive balance of payments, $16-plus million last year.

Vote for this amendment. Vote to sustain America's momentum in travel and tourism.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] has 6 minutes remaining.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself the remainder of my time.

The gentleman from Hawaii [Mr. ABERCROMBIE] has made the argument better than I could. Hawaii alone spends $22 million or more per year on tourism. Yet, the Energy and Commerce Committee, when they reauthorized this program last year, added $5 million for competitive grants to the States. Why do we need $5 million for 50 States if one State spends more than $22 million? That shows how insignificant this whole program is.

Some years ago the Secretary of Commerce was a fellow by the name of C.R. Smith who had been President of American Airlines. We asked him at the time he left office, we said to him, "What do you want to tell us about the Travel Service?" He said, "I will tell you this," and we were spending only a few million at that time, he said, "either spend $100 million or stop the program. You are not doing any good with a trivial amount of a few million." That was more than 15 years ago. Now we are talking about $17 million or $15 million or $22 million for the USTTA.

This committee visited Denmark a few years ago. They had a great travel promotion program over there, they said. We found out what happened. Almost all of the airline tickets to the United States had been sold in a 30-day period when the hotels and airlines had a special.

What we have here is this. Last year when the Energy and Commerce Committee authorized this program again, a new provision was added. Instead of just being a legislative provision, they in affect included an appropriation in their authorizing bill. They said, "You have to spend 25 percent of this money for this new program." This had the effect of appropriating on a legislative bill, 25 percent of the money.

To get the 25 percent, what do we have to do? We increase the amount of money they got from $15.6 million last year up to $22 million, to pay for this new program, so more Governors can get on nationwide TV through their favorite advertising agency, advertising themselves, and the mountains in the background, or whatever it may be. This is a new program that they have added to this agency. They in effect appropriated the money right up front in the authorizing legislation to take care of it.

The gentleman's amendment would provide a 41 percent increase over last year's level. We do not have any 41 percent increase in this bill for other programs. It does not come out of thin air. We have to get the money someplace. Where do we get the money? Here are some of the things Members wrote to us that they wanted, that were not in the budget. We tried to squeeze a little here and there and put these funds in. Here are some of these programs:

The non-point pollution program, we had a whole raft of letters on that;

Aquaculture;

Marine sanctuaries. Do the Members want to take some more money out of marine sanctuaries? We will have to take it out of somewhere if we add 41 percent for this agency.

Fisheries research? I will tell the Members, there are five salmon commissions. I did not know before I came to Congress that there was more than one kind of salmon. There are several kinds of salmon.

We have salmon commissions and other kinds of commissions. Everybody wants some of this money.

Zebra mussels? We do not have enough money in here for zebra mussel research, I will say that up front, even though we increased the amount of money requested by the administration. Zebra mussels are a serious problem.

Do we want to take the money out of the Sea Grant Program? The Sea Grant Program is a great favorite among many Members. We have a list this long of Members and States wanting a Sea Grant Program increase.

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We could take these funds out of the Sea Grant Program if you want to. This funding does not come out of thin air.

So what we have here is a 41-percent increase being requested for one program that is dubious as to whether it works or not. But even if it does, we would not want a 41-percent increase in this program.

I say vote "no" on the Oberstar amendment.

Mr. CLEMENT. Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague, Mr. OBERSTAR, to fund the U.S. Travel and Tourism Administration at $22 million next year. I also comment Mr. ROTH for his commitment to this issue.

Visitors love the United States and they show it by coming in ever greater numbers. Moreover Mr. Chairman, visitors show it in the dollars they spend, the sales tax they pay, and the jobs their visits provide.

Tourism is an important industry in this country. Last year it brought in $16 billion more in revenue to the United States than U.S. citizens spend abroad. In 1990, 1.3 billion tourists spend $295 billion in cities and towns across this country.

The Federal agency primarily responsible for assisting the American tourism industry is the Travel and Tourism Administration. This agency works with the Secretary of Commerce in formulating policies to assist the tourism industry in this country be the winner it is today.

And more importantly, that success translates into 6 million American jobs which are directly tied to the tourism industry.

Some might say that this $22 million is wasteful spending. On the contrary, we cannot afford not to spend this money. Tourism has a substantial, measurable, and sustainable impact on our economy. If this amendment does not pass, we will be pulling the rug from under the feet of an industry that depends greatly on the resources and assistance provided by the Travel and Tourism Administration.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 263, not voting 18, as follows:

[Roll No. 341]

AYES—158

Abercrombie
Ackerman
Applegate
Bacchus (FL)
Baker (LA)
Barcia
Bateman
Becerra
Bilbray
Bishop
Blackwell
Blute
Boehlert
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
Deal
Dellums
Deutsch
Dingell
Dixon
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gekas
Gilman
Green
Hall (OH)
Hall (TX)
Hastings
Hayes
Hilliard
Hochbrueckner
Houghton
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kildee
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Lehman
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
McCloskey
McCollum
McCrery
McKinney
McNulty
Meehan
Meek
Meyers
Mineta
Mink
Moorhead
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (VA)
Pelosi
Peterson (MN)
Rahall
Rangel
Ravenel
Reynolds
Richardson
Romero-Barcelo (PR)
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Shuster
Skelton
Slaughter
Snowe
Spence
Spratt
Stearns
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (WY)
Thompson
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Vucanovich
Washington
Waters
Wheat
Williams
Wise
Woolsey
Wynn
Zeliff

NOES—263

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Brooks
Brown (CA)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Coble
Coleman
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Darden
DeFazio
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kyl
Lantos
Laughlin
Lazio
Leach
Levin
Levy
Lewis (FL)
Lightfoot
Linder
Long
Lowey
Machtley
Manzullo
Matsui
Mazzoli
McCandless
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
Menendez
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Natcher
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Sisisky
Skaggs
Skeen
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Stark
Stenholm
Stokes
Stump
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torricelli
Unsoeld
Valentine
Visclosky
Volkmer
Walker
Walsh
Watt
Waxman
Weldon
Whitten
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zimmer

NOT VOTING—18

Bonior
Brown (FL)
Conyers
de Lugo (VI)
Dornan
Edwards (CA)
Frost
Gutierrez
Hamburg
Henry
Hinchey
Mann
Moakley
Packard
Tauzin
Tucker
Underwood (GU)
Yates

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Messrs. ORTIZ, CLAY, LEVY, and ROWLAND changed their vote from "aye" to "no."

Messrs. STEARNS, BARCIA of Michigan, and TORKILDSEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

## TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

## DEPARTMENT OF STATE

### ADMINISTRATION OF FOREIGN AFFAIRS

### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; $1,612,206,000, and in addition not to exceed $665,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717, and in addition not to exceed $1,185,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

### AMENDMENT OFFERED BY MR. ENGLISH OF OKLAHOMA

Mr. ENGLISH of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH of Oklahoma: Page 59, line 23, strike "$1,612,206,000" and insert "$1,512,206,000".

Mr. ENGLISH of Oklahoma. Mr. Chairman, in a hearing held by the Government Operations Subcommittee on Legislation and National Security on Tuesday it was revealed by the General Accounting Office and the State Department's inspector general that the State Department was losing hundreds of millions of dollars due to inadequate and sloppy financial and management systems, as well as the lack of administrative controls in its overseas operations.

The GAO has been reporting on these same management problems at the State Department for over 30 years. For these past 30 years the State Department has continually said they would get this situation under control. However, the Government Operations Committee, year in and year out, finds itself in the position of looking into continuing waste, fraud, and abuse in this area.

Mr. Chairman, the Congress is often accused of micromanaging the affairs of various agencies. I, for one, do not condone this practice except when serious circumstances dictate. This is certainly one such circumstance.

Now, Mr. Chairman, I would like to give you examples of a few of the problems we have run into.

As I mentioned, the General Accounting Office has been reporting on the State Department and the same mismanagement problems for over 30 years.

We recently sent out a management questionnaire to 104 embassies and received an 80-percent return. Now, these questionnaires, as well as other investigations carried out by the inspector general, showed that 80 percent of the embassies surveyed showed staffing gaps that impacted on the daily operations and budgeting, contracting, procurement, and other such items.

We also found in the area of training that 53 percent of the information systems security officers have not received the formal training in managing an automated, unclassified information security system.

In addition, in the financial management area we found that one-third of the responding embassies reported dissatisfaction with the ability of financial management systems to provide timely information necessary for making operational and management decisions.

In fact, State first reported that its financial systems had a material weakness under the Financial Integrity Act process. They said corrective action may come—may come, Mr. Chairman—in 1999, 16 years after this problem was first reported.

Mr. Chairman, in the procurement and contracting area, 39 percent of the embassies responding to the GAO survey reported that they did not have the competition advocacy program, 30 percent did not have State's worldwide procurement database installed and in operation, and 39 percent had not developed an acquisition plan for the fiscal year 1992.

In the real-property management area, an estimated worth of overseas real estate and construction is somewhere in the neighborhood of between $8 billion and $10 billion. Of that property, 30 percent of the embassies acknowledged that they have not conducted the recommended annual condition surveys of all Government-owned and long-term-leased facilities. Ten percent indicated that they did not have a preventive maintenance program.

Most of the 80 embassies answering the survey said that they had not prepared an annual inspection summary report, which is a recommended tool for developing long-range maintenance objectives and budget requirements.

In the housing area, Mr. Chairman, 88 percent of the embassies responding to the surveys reported that some housing units at their embassies exceeded—exceeded, Mr. Chairman—State's 1991 residential housing space standards. Sixty-one percent reported that 10 or more of the units exceeded the standard. Sixty-two percent estimated it would take 2 years or more to be in full compliance with the 1991 housing space standards.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. ENGLISH] has expired.

(By unanimous consent, Mr. ENGLISH of Oklahoma was allowed to proceed for 2 additional minutes.)

Mr. ENGLISH of Oklahoma. Mr. Chairman, as far as personal property is concerned, 19 percent of the embassies responding to the survey reported that the personal property shortages had exceeded 1 percent or more of the total value of the inventory in fiscal years 1991 and 1992 or both.

In the fiscal year 1992 the value of the inventory shortages at 10 responding embassies totaled $425,000 and 14 percent of the respondent embassies reported that their embassy did not use the automated property system developed by State in the 1980's to improve the internal controls for all nonexpendable property.

☐ 1500

Mr. Chairman, these kinds of items raise some very serious questions about the willingness of the State Department to deal with what as I mentioned is the loss of hundreds of millions of dollars each year.

With regard to that situation of missing property, we also even have items such as office furniture, office equipment, computers, typewriters, and even lawn furniture, Mr. Chairman, was simply found to be missing with no accounting. No one knows where it went. It simply was not at the particular embassy anymore.

In one egregious case, the Office of Inspector General reported the unauthorized construction of two buildings at the Embassy in the Philippines to house squash and racquetball courts. These courts were built without the approval of funding by the Department, and, in fact, the employees responsible for this theft, that is what this is, Mr. Chairman, out-and-out theft, if you will, Mr. Chairman, they were given a simple slap on the wrist, 7 days without pay.

Mr. Chairman, these individuals should be in jail. Obviously, no one is going to take these matters seriously if there is no intention to prosecute this kind of fraud.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(By unanimous consent, Mr. ENGLISH of Oklahoma was allowed to proceed for 1 additional minute.)

Mr. ENGLISH of Oklahoma. Mr. Chairman, I feel that the only way the State Department, and let me say possibly other Departments, will get the message that this type of practice is simply unacceptable is to cut their funding, and that is exactly what I intended to do today.

In the last few days, both in the Government Operations Committee and in conversations I had with State Department officials, I was personally assured that the individuals in the State Department, including the Secretary, would sit down with officials from the General Accounting Office, the Inspector General's Office, the committee staff, and myself, in order to finely hone a program where this sort of waste will be stopped.

Let me also say, Mr. Chairman, I think without question it must be stopped.

In light of the fact that we have new officials in the State Department and with their willingness, strongly expressed willingness to cooperate, I am willing to withdraw this amendment; however, Mr. Chairman, let me stress that if the corrections to these practices are not made in the coming months, I believe the only way in which these programs can be dealt with is to return here to the floor of the House of Representatives and either instructing in funding legislation how this money will be spent to deal with these problems in a micromanagement way, if you will, or to simply cut the appropriation bills altogether.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

First, I want to commend the gentleman from Oklahoma. I was on the Government Operations Committee for 4 years. It does some wonderful work. It is set up for the very purpose of oversight in depth that other committees do not have an opportunity to get into. The gentleman has done a good job on this matter, and I want him to continue to do that good work.

We have 270 embassies and consulates around the world. Our subcommittee, to the extent we have time, tries to see some of these embassies and consulates, and every time we have done that, we have found someplace where money could be saved, quite often in the millions of dollars. Our subcommittee can only get to a few of those each year. Maybe if we make three trips every two years, we might see 15 or 20 embassies and consulates. So we welcome the help of the gentleman's committee.

I want to commend the gentleman for what he has done in looking into this.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I think the subcommittee chairman makes a good point.

The real issue that we have get down to and what we have to persuade the State Department to carry out is putting in place the kinds of management systems, making sure that the apparatus is there, that the people have the training, that they understand and recognize that this is in fact a very important item.

During these time, and I know the gentleman has done extremely well in bringing to the floor an appropriations bill that is trimmed down, in fact reduced, cut, and that the dollars that are available are becoming more and more scarce each and every year, and that is going to be the case on into the future.

We simply cannot tolerate at any time the waste of taxpayers' dollars, but especially during these extremely difficult times we have to make certain that every dollar that we can possibly save is saved and that we simply cannot tolerate mismanagement.

I am hopeful that we will convince the State Department to prosecute vigorously through the Justice Department any cases and instances of out and out fraud, such as using taxpayer dollars in an unauthorized fashion to build a squash or racketball court. That simply is not acceptable.

Mr. SMITH of Iowa. Mr. Chairman, I do not want to leave the impression that past Secretaries of State have not tried to do something about these problems. Each one who came in during the last few years really tried to do something, but the State Department is a worldwide operation. As much as the Secretaries have tried, and they have made some improvements, there are still a lot of improvements to be made.

I am thankful the gentleman will withdraw his amendment, because it is not that the Department needs less money. They need to spend the money more wisely.

So Mr. Chairman, I compliment the gentleman for his work, and I would appreciate it if he would withdraw the amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from Oklahoma. He, the inspector general and the GAO, have pointed out a very serious management and control problem in the State Department.

As I understand the situation, the gentleman from Iowa, the chairman of the Appropriations Subcommittee made reference to it, we are hearing from the State Department that they think, that they accept and acknowledge the existence of this problem. They think they are starting to make improvements.

As I understand it, the Assistant Secretary of State for the administration testified in front of the Subcommittee on Government Operations, on which the gentleman serves, and made very clear his intent to get to the bottom of this, to try to clean this problem up.

All I wish to indicate from the point of view of the authorizing subcommittee in this area, that we intend to look very closely into what is happening and to pay more attention than we have up to this time to this whole question of property management of our overseas posts, and I thank the gentleman for his initiative.

Mr. ENGLISH of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH of Oklahoma. Mr. Chairman, I thank the gentleman for yielding to me, and I appreciate his comments and the work that he does in his committee.

Let me just say, Mr. Chairman, that this is a warning shot across the bow. If we are required to come back from the Government Operations Committee next year and we cannot report substantial progress being made, if we cannot report an agreement being made between the State Department, the inspector general, and the GAO, as well as the relevant committees here in Congress, then we will be pushing ahead with this amendment. We will either be voting for substantial cuts along the lines we are talking about, likely exceeding the $100 million in the amendment I was offering, or we will be attempting to earmark specific dollars for specific systems to give us a full accounting and to deal with this problem.

I am hopeful that we can reach an agreement and an understanding. I am very hopeful, Mr. Chairman, that it will not be necessary to reach that degree of micromanagement, but I am prepared to do that next year.

With that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Oklahoma [Mr. ENGLISH] is withdrawn.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $481,416,000.

BUYING POWER MAINTENANCE

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696 (b)), $3,800,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,469,000.

### REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $10,551,000.

### ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $381,481,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $7,805,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That not more than $1,000,000 shall be available for representation expenses.

□ 1510

### AMENDMENT OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ORTON: Page 62, line 6, strike "$7,805,000" and insert "$2,700,000".

Mr. ORTON. Mr. Chairman, this amendment would reduce spending by $5,105,000 in the emergency funds account. The purpose of the emergency funds account is to meet unforeseen emergency requirements in conducting our foreign operations. This includes emergency evacuations of American citizens in overseas areas due to political unrest or natural disaster. It also includes payments of rewards for information concerning international terrorism and narcotics terrorists' activities. It also includes investigations of passport and visa fraud.

But it also includes, Mr. Chairman, activities associated with visits by foreign dignitaries and representation activities. This is a fancy word for entertainment.

Mr. Chairman, I do not have objection to having contingency or emergency funds available for foreseeable types of needs that occur with frequency. For example, emergency evacuations are required with an increasing frequency, but with no great predictability as to cost. However, so-called emergency expenditures should be just that, not merely a backdoor approach to increasing expenditures for representation allowances or entertainment. The use of these funds for representation allowances is especially disturbing.

Now the House bill language does include a limitation that no more than $1 million shall be available for representation expenses. I do question whether any such funds should be used from emergency accounts.

The Senate has found in their Appropriations Committee report, and I quote, the department has used this account, which is paid for by the American taxpayers, to fund gifts and a standard of entertainment to which few Americans could ever aspire. For example, for the visit of one foreign leader, Mr. Chairman, the State Department hired exclusive caterers and accounted for the following expenditures:

Catering for State Department lunches: $7,532; flags: $5,733; flowers: $2,140; calligraphy: $896; limousine service: $11,453; lodging: $1,148; interpreter services: $1,300; and White House State Department dinner: $27,655.

Now, aside from the questionable use of emergency funds for entertainment, Mr. Chairman, I believe there is a question of whether or not the funds are actually needed. In researching this issue I noted that the State Department, in response to a question submitted in the appropriations hearing on page 248 of the House subcommittee hearings, which is where my colleagues can find this question, the State Department responded that they estimated there would be a $4.8 million carryover at the start of fiscal year 1994, the period for which we are appropriating. Thus, when we add this carryover of $4.8 million to the $7½ million that we would be appropriating here, the amount of emergency funds would actually be $12,605,000. Given that we have consistently, over the past several years, seen a carryover of these funds, I question whether this level of emergency contingency funding is not excessive. Therefore, Mr. Chairman, my amendment, even after cutting the $5 million, would still leave an estimated balance in the emergencies account of $7½ million.

Furthermore, if it should be necessary, or if necessary fundings should prove insufficient and it is necessary to find other funds, there are other sources available to tide us over in the next fiscal year, either through reprogramming the funds from salaries and expenses or from supplementary appropriations, both of which methodologies were used in the 1991 problem when we had to evacuate citizens from the Iraqi conflict in which $1.6 million was reprogrammed from the salary and expense account and an additional $9.3 million supplemental appropriation was approved.

Mr. Chairman, I would be willing to withdraw this amendment, and I understand the gentleman from California [Mr. BERMAN] is going to speak to some of my concerns.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Utah [Mr. ORTON].

Mr. Chairman, I will not take the full 5 minutes. I will let others speak. But let me just say this.

This account has three pieces to it. One is for emergency evacuations for our Government employees and American citizens who are caught abroad in some disturbance: Civil unrest, a war, natural disaster, or whatever. The second purpose, of course, is for rewards for information to help fight international terrorism and narco terrorism. The third part, as the gentleman has mentioned, is for entertainment expenses at the White House and the State Department for the entertaining of foreign dignitaries. I ask my colleagues, when President Yeltsin comes, what are you going to do? Give him crackers and send him on back home? This is for the state dinners at the White House, the entertaining of foreign dignitaries and heads of state that come to our country.

Mr. Chairman, as the gentleman mentioned, that portion of the bill is limited to $1 million. That is all. The gentleman's amendment would cut this whole account by over $5 million, which means, if we cut out all of that million, we are cutting $4 million out of these terribly important accounts of emergency evacuation of our people and rewards for fighting terrorism and narcotics.

So, Mr. Chairman, I cannot support the amendment offered by the gentleman from Utah [Mr. ORTON]. This money is too important and needs to stay in the bill, and I would hope the gentleman would, in due course of time, withdraw the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Utah [Mr. ORTON].

Mr. Chairman, we already cut this account and it may appear there is still more money than is needed, but I tell the gentleman that this account will have to award $4 million in the PanAm case. That was information they needed and it was a terribly important case. It involved a lot of deaths of American citizens. They do have the carryover the gentleman mentioned, but we cut the total amount in the bill.

The State Department is also expecting to have use of this account to evacuate a lot of American citizens out of Nigeria. They do not know when this may come up. It may come up when we are not in session.

This fund is needed. This is a fund that helps American citizens that happen to be caught in a bad situation in a foreign country, and I just think these are funds that the Department needs. I have not seen the evidence that they have been wasting these funds. But anyway I think they need this amount of money. It is less money than they requested. So, I feel at this time the House should oppose this amendment.

Mr. ORTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Utah.

Mr. ORTON. As I looked at this particular amendment and researched the issue, I noted that we are, in fact, carrying over each year a significant amount, banking this amount for contingencies. Back in 1991 they actually needed more than they had and came with a supplemental.

□ 1520

But in 1992 the amount appropriated was $7 million. They only spent $4.5 million. In 1993 the amount appropriated was $8 million and they only spent $4.5 million. Now we are appropriating $7.5 million, and, with a $4.5 million carryover, we have got actually $12.5 million that would be available.

Mr. SMITH of Iowa. Mr. Chairman, reclaiming my time, we are taking into consideration that they had been expecting for 2 or 3 years to pay out a lot of money in the Pan Am 103 case. There is also another award for information about terrorist activities that the fund will have to pay. That is another $1 million. So there is a need for this money that has carried over from prior years.

Mr. Chairman, in most accounts I would agree with the gentleman, that carryover money should be considered as a part of the current funds available for the current needs. But I think in this case we need some carryover funds.

They kind of anticipate more or less the amount they will need for the awards program. They cannot anticipate the amount they will need for evacuating Americans from Nigeria or some place like that. We might be out of session when they need the money.

So I would hope the gentleman from Utah [Mr. ORTON] might withdraw his amendment after pointing out the problems.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yes, I understand what the gentleman from Utah [Mr. ORTON] is driving at with this amendment, but I want to put some of the issues involved in this amendment into a certain context.

The gentleman read about expenditures from this account for representational purposes, essentially inside the United States, entertainment of foreign dignitaries. Had the Congress, and the subcommittee which I chair, not declassified that information in the 1991 State Department authorization bill, the gentleman would not have been able to bring that to the floor of Congress.

Moreover, we separated out the representational moneys from the emergency and reward moneys because we felt there were questionable activities and expenditures being made from that account, and we wanted, one, for it to be declassified, and, second, to be limited.

Moreover, the amount that has been authorized and appropriated for representational activities has been dramatically cut. And in this appropriations bill there is a flat cap on that portion of the emergency funds which can be spent on representational activities, which is considerably less than the level back in the beginning of the 1990's.

On the broader question, and both the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS] have made reference to this issue, this account is a very important account. It provides the Secretary with his discretionary ability to deal with unforeseen crises, particularly those affecting the lives and safety of American citizens abroad, threatened by war, civil unrest, or natural disaster.

When the Persian Gulf crisis erupted, the Department totally depleted the account in evacuating U.S. employees from all agencies, citizens, and dependents, out of harm's way.

Through operations made possible through this account, we removed thousands of our compatriots from danger. This helped our Armed Forces to conduct Operation Desert Storm without special measures to protect the safety of American civilians.

The State Department had to be able to rely on this account for last minute charters of civilian aircraft. This costs money.

The Persian Gulf is not the beginning and end of the story. Since 1979 emergency evacuations have become a fact of life. Repeatedly in Iran, Afghanistan, Libya, Liberia, Somalia, evacuations have saved countless American lives. The end of the cold war has increased, not diminished, unrest around the world.

As recent events in Kuwait and Iraq demonstrate, the risks to our people overseas from terrorism are something we must continue to plan to counteract.

Now, we also deal with that portion of the account that pays for rewards for information to deter, counteract, and prosecute international terrorists and drug thugs. The awards program has been a success. I would hate to see the Department stop publicizing rewards for lack of funds.

The account also pays for confidential efforts to investigate U.S. visa and passport frauds by terrorists and refugee smugglers.

The gentleman makes an interesting point on the carryover money, and we must acknowledge this carryover money is part of an effort to replenish this fund to deal with those contingencies which may be far more than anyone could now anticipate.

As I look at the spending history of this account, and moving aside the representational expenses which now have been capped and limited, the fact is that in fiscal year 1989, there was appropriated $4.5 million with obligations of just less than $100,000 left in that. In 1990, the year of Desert Storm, there was an appropriation of $4.6 million, and $7.4 million was spent. They actually reached into a deficit situation in that particular year.

By the time we passed our supplemental in fiscal year 1991, long after that money was spent, we appropriated $15 million and included a reprogramming transfer. We only expended or obligated $12,496,000.

Now we are carrying over approximately $4.5 million and appropriating $7 million more. Presumably we will have to see where we are at the end of fiscal year 1994. Next summer, as we get into the appropriations process, hopefully we will have built the fund up to the point where the State Department can feel free to respond quickly before Congress has a chance to pass a supplemental.

The gentleman makes one other point regarding programming of salaries and expenses. The fact is we have cut well over $100 million in salaries and expenses and support staff for the State Department below fiscal year 1993's level.

In addition, when you take the peacekeeping drain and the humanitarian relief drain for what is going on in Bosnia and other countries, the ability to reprogram quickly substantial amounts of salary and expense money is getting more and more limited. I think this is a prudent level of appropriation for this year. I think we want to look at it again next summer.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(By unanimous consent, Mr. ORTON was allowed to proceed for 1 additional minute.)

Mr. ORTON. Mr. Chairman, I thank the gentleman from California [Mr. BERMAN] and the chairman of the committee, the gentleman from Iowa [Mr. SMITH] for their explanation on these issues, as well as the other members of the committee. I would simply say that my concern was twofold: One, that expenditures not be appropriated out of the emergency account for nonemergency entertainment. I think that has been addressed by the committee with the $1 million limitation. I am certainly willing to look at this again next year.

Mr. Chairman, I thank the chairman for his explanation of the additional needs with regard to the Pan Am bombing that may be expended this year.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah [Mr. ORTON]?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

AMENDMENT OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ORTON: Page 62, line 11, strike "$593,000" and insert "$186,000".

Page 62, line 14, strike the word "In" and all that follows through line 18.

Mr. ORTON. Mr. Chairman, this amendment would reduce spending by $590,000. This reduces the subsidy cost of direct loans for the repatriation loan program by $407,000 and reduces costs of $183,000 and funding for administrative expenses necessary to carry out this repatriation loan program.

Very briefly explaining what this repatriation loan program is, when we have U.S. citizens traveling abroad, occasionally they find themselves in a foreign country. They have spent all of their money, and they have no way to get home. This particular program offers loans to those U.S. citizens for the cost of getting back home to the United States.

Now, on its face that certainly seems to be a very bona fide purpose for lending taxpayer money. When we look a little closer, in face we can see in instances where this is a valid expenditure or a valid loan.

□ 1530

For instance, individuals may have a health problem in a foreign country, and there may be costs of evacuating that individual by private ambulance or et cetera or bringing them back for treatment to save the life of that individual. Certainly, no one would suggest that we eliminate those types of loans. But we also find a number of U.S. tourists and students who, knowing that this money is available to borrow from the Federal Government to get back home, go overseas to Europe and decided to stay that extra week, spend all of their money. In fact, there have even been reports of tourists cashing in their return ticket and then spending that money in Europe, going to the embassy, saying, "I don't have any way to get home," and having these loans made.

If the loans were paid back, I would not have a problem either. But we find that there is a historic 80 percent default rate on repayment on these loans. This program simply allows Americans to be irresponsible, to spend all their money and ask Uncle Sam to bring them home.

My amendment, in fact, does two things. One, cutting the loan subsidy, the $400,000 reduction in the subsidy cost would allow the State Department to continue to finance the same amount of loans as proposed in the bill, if they got their repayment rate or their default rate down to 25 percent instead of 80 percent. So if they simply were able to collect from 75 percent of those loans rather than only 20 percent of the loans, they could still function with the programs at the same level.

I do not think a 25-percent default rate is unrealistic. I do not see justification for administrative expenses for this program, since, in fact, the program is not operated separately as a separate freestanding program.

All of the costs attributable to interviewing the people, as they come into the Embassy, and making the loan and so forth are paid for or are done simply by employees in the normal course of their business. There is not an additional need of administrative expenses for this program.

So my amendment would also cut the direct administrative expenses for the program. Mr. Chairman, I believe that is reasonable to ask the State Department to simply collect on the loans that are made. And if we can get the default rate down to only 25 percent default, we certainly can fund the same level of the program.

So I would urge my colleagues to support this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

First, let me explain why we have a separate item here for salaries and expenses to administer this program. It is because the Credit Reform Act requires that. They require setting forth separately the amount to administer these loan programs.

Twenty percent of these loan requests are denied. And as the gentleman said, sometimes American citizens are in a foreign country who should not be in the fix that they are in. But they are in those countries. They are United States citizens. It is a very difficult thing to decide what to do.

We cannot just leave them there. The public would not permit that. So what we have done is provide a program which will loan them money if they do not have it. If they don't pay back the loan, they will never get another passport.

I do not know what more we can do than that because if we did not loan them the money, we would probably end up giving them a grant. And none of these funds would ever be paid back.

Whatever we are getting back under this loan program is more money than we would have repaid if we did not have the loan program.

Members demand that when their constituents are in a foreign country and find themselves without any funds to get back to the U.S., whether they lost their money or were robbed or whatever the situation may be, they be given some kind of emergency help to get them home. As a matter of fact, Members also demand that the State Department quit harassing their constituents to get these loans paid off.

So Members just would not permit the Department to stop this loan program. The State Department takes their passports. The Department does not give them another one until the loan is paid back.

It is one of those items we cannot win. If the Department does not give them a loan, then they will have to give them a grant. And if they give them a grant, nobody can complain about the default rate. If the Department gives these Americans a loan, then some of them will not pay them back.

I think this program is needed, and I do not see any alternative. So I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. ORTON].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at the appropriate time that will come toward the end of the bill, before the motion to rise, I will seek to offer an amendment that would be similar to the amendment that I sought to offer on the previous appropriation bill. That is, to set aside 1 percent of the funding in this bill to be used for the flood disaster in the Midwest.

The amendment that I have would seek to have the Secretaries hold 1 percent of their money for payment of possible bills in 1994 for the flood disaster.

What is now apparent is that the $2.5 billion to $3 billion that we will be asked to provide in the emergency supplemental bill that will come to the floor within a couple of days will only be a down payment on the amount necessary to clean up after the floods in the Midwest. Both infrastructure needs as well as needs of individuals in that area of the country are going to exceed the $2.5 to $3 billion figure by many billions. No one is exactly certain what the figure is, but the administration and most other observers are now saying that additional needs are going to be there.

Those needs, given the fact that we are at the end of this fiscal year, will fall in fiscal 1994, and so we already know that this Congress is going to have an obligation to help people in the Midwest with flood damage clean up in fiscal 1994.

The issue is whether or not we are going to add that additional money onto the deficit or whether or not we are going to begin to prepare now to pay for that expense that we know is coming.

In my view, we ought to begin to prepare now. If we would begin now to set aside 1 percent of the money in each appropriations bill for flood damage control, if we did this on all the appropriations bills, we could find $5 billion, give or take a little bit, for flood damage control. That figure, in addition to the $2.5 to $3 billion that will be in the supplemental appropriation, comes somewhere close to the figure that observers are now saying would be necessary to deal with the flood disaster.

The reason for doing this is because it would then allow the agencies to begin to plan as well. Those agencies ought to know the percentage of their money that is going to come out to deal with flood damage, and they could begin to plan immediately for that kind of contingency.

If we refused to provide contingency monies, it seems to me that we are admitting from the outset that this is money that we want to spend of an emergency nature and we want to add it on to the deficit.

I agree that the money ought to be spent in an emergency way. The question is whether or not faced with the emergency, whether we ought to do the fiscally responsible thing. The fiscally responsible thing would be to set aside money in next year's budget now for expenses that we know we have to meet next year.

That is what my attempt will be. I will ask the membership to vote against the motion to rise, if that should precede my amendment. And if the motion to rise should fail, I would then offer an amendment designed to set aside 1 percent in this bill.

I want to assure the House that it is my intention to make that 1 percent also applicable to the other appropriation bills.

□ 1540

What my hope is, is if the House sends this kind of signal, we can go to the Senate and suggest that these moneys be added onto the Senate.

There is also entirely the possibility that we could end up with a continuing resolution at the end of this year. This kind of amendment would certainly be something that could be added to a continuing resolution, setting aside 1 percent of all the money in that resolution for flood damage relief. If we begin the process now, we will assure that we will have the ability to get that kind of action taken should we come to a continuing resolution. It gives us an opportunity to do the responsible thing.

I would urge the membership to vote against the motion to rise at the time that that comes, in order to be able to deal with the flood disaster in a fiscally responsible manner.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement Disability Fund, as authorized by law, $125,084,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $888,599,000, of which not to exceed $88,083,000 is available to pay arrearages, the payment of which should be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 63, lines 1 through 17. The paragraph provides appropriations for a program not authorized by law, and is in violation of House rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, it is not authorized, so I have to concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The point of order is conceded, and the Chair upholds the point of order.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not take the entire 5 minutes. However, it is appropriate, I think, at this point in the discussion to mention a couple of points, because we have just stricken the entire section dealing with international organization contributions; that is, the United Nations and the other international organizations. The peacekeeping operations of the U.N. are not included in this account.

Let me say this, the United States contribution to the United Nations' general fund is 25 percent of the entire budget of the United Nations. That figure, of course, is an historic figure that goes back to the formation of the Security Council, but is antiquated in that Japan is not a member, Germany is not a member of the Security Council, and the contribution level that the United States is supposed to make to the United Nations and does make, at 25 percent, one-fourth of the total, is not fair. It needs to be addressed. I know efforts have been made in that respect; without avail, however.

At one point in time a few years ago we withheld a portion of our annual contribution to the U.N. to force some reforms to take place, and thank goodness, over a span of time and thanks to our withholding of those funds, those reforms did take place.

Now there is another reform that is desperately needed. We have requested it. The United Nations so far has refused to go along with it. That is simply to account to us about where our monies are going and how they are being spent.

Our representatives there have asked the United Nations for the appointment of an Inspector General of the United Nations, to be able to go through the books and to assure us that our contributions are being fairly and adequately spent, and to report to the American people and to the other contributors to the United Nations around the world. There is nothing wrong with that. There is no way they can defend refusing, in my judgment, that modest request of the appointment of an inspector general. We are entitled to know where these moneys are going.

I will not talk today about some of the rumors and allegations of misspent moneys in the United Nations. That perhaps can take place another day. I hope it does, if there is no remedy forthcoming. However, the American people are entitled to know where this very large amount of money that they contribute to the United Nations is being spent and for what purpose.

I am told that the peacekeeping account, different from the general account of the United Nations, I am told that moneys float freely between the peacekeeping and general accounts; that when the general fund runs low, the peacekeeping account is drained some, and vice versa.

I would point out to the Chair that our peacekeeping assessment is more than 25 percent. It is more than the 30 percent that they have been assessing us. Now it is up to 31.4 percent. Who sets the figure? We certainly did not. The United Nations Security Council does. They say: "United States, we are going to send a peacekeeping force to this place or that place," we are in 14 of them now, "and by the way, here is your bill, and your share is almost one-third." Mr. Chairman, I think that is terribly unfair.

I want to see us address in the United Nations some of these questions that the American people are entitled to have addressed. The peacekeeping account now is becoming a very large dollar figure. There are 14 of them going on now. I think there are another 12 or 13 requests for more peacekeeping missions that are in the works. Not only are we talking about dollars here. Of course, and more importantly, we are talking about the assignment of American military personnel, by a non-American entity.

I hope Congress and the administration addresses a very basic policy question that goes to the very roots of our existence as a country: How do we deal with these multiple requests by the United Nations for men and money for these peacekeeping operations around the world where we, the Congress, do not decide whether we assign American forces and money there. The War Power Act at best is understood, not to mention the Constitution and Congress' power to declare war.

Mr. Chairman, it needs to be addressed. For that purpose, I wanted to say these words before we go further.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. Rogers was allowed to proceed for 1 additional minute.)

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I just want to say to the gentleman that our subcommittee is concerned, and I join him in being alarmed at the size of the peacekeeping bills. The Peacekeeping assessments are made pursuant to the UN Treaty so we are obligated to pay them. However, with the tight budget situation the bigger the peacekeeping bill, the less there is for salaries and expenses for the State Department's overseas operations. In too many cases, as our subcommittee has been pointing out for four or five years now, these peacekeeping operations are at best marginal. They are mostly an excuse to get rid of a problem in a certain area. That has been the history of most of the peacekeeping operations.

I think that the opposition now to continually placing large peacekeeping forces everywhere in the world, has become a chorus in the House now, instead of just a few Members talking about it. We have to pay considerable attention to this development because we cannot continue to pay bigger peacekeeping bills in the hundreds of millions of dollars when these funds come out of the salaries and expenses account of the State Department, and reduce programs that are very badly needed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, $422,499,000, of which not to exceed $20,892,000 is available to pay arrearages.

### INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956 in addition to funds otherwise available for these purposes, contributions for the United States of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2556 and 2672, and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $5,463,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $11,054,000.

### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $14,051,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,290,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,200,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

### OTHER

### UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, $4,275,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, $16,287,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

### GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under the title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

### Related Agencies

### ARMS CONTROL AND DISARMAMENT AGENCY

### ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $47,279,000.

### BOARD FOR INTERNATIONAL BROADCASTING

### GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated, as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), $214,643,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

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### POINT OF ORDER

Mr. BERMAN. Mr. Chairman, I rise to make a point of order against the provisions contained in lines 14 through 22 on page 67.

Mr. Chairman, lines 14 through 22 on page 67 would provide an appropriation which is unauthorized in law at this time, and thus constitutes a violation of clause 2(a) of rule XXI of the House which prohibits unauthorized appropriations in general appropriation bills.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I will concede the point of order. It is not authorized, so I will have to concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The gentleman concedes the point of order. The Chair upholds the point of order, and the lines will be stricken.

Mr. KLUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me make it clear what the point of order that was just raised is all about, which is an attempt to deflect the opportunity for this House to debate an amendment to cut 15 percent out of the operating budget of the Bureau of International Broadcasting, which includes Radio Liberty and Radio Free Europe.

Since the Soviet Union fell in August 1991 we have spent $650 million in U.S. taxpayer dollars telling the individuals who lived under Communist rule what they have already learned from living for 69 years of occupation under Communist rule.

I understand that Mr. Mica, the new chairman, and Mr. Forbes, the former chairman of the Board of International Broadcasting, have a very intelligent, thoughtful plan to consolidate these operations with Voice of America, saving millions of dollars over the next few years. But let me suggest to this House that this is a town where everybody has a plan to save millions of dollars at some point in the future.

Is there a necessity in these days for Radio Free Europe and Radio Liberty? Perhaps. There certainly may be an application in Bosnia where the Government controls virtually all of the media and it is impossible to get any conflicting views. But is it really necessary in this day and age to broadcast in Prague and Czechoslovakia when you can turn on the television in any hotel room to Cable News Network. Or does it make sense to broadcast in this day and age in Afghanistan at a time when there is no longer an Afghan civil war?

I understand the suggestion that what we are going to do at some point is shift resources to Asia and reconsolidate the mission. But I think this is a perfect example of a government agency which has done its mission well and it is now time to dismantle it.

Research across the world has shown a couple of things. And one key point I would like to make in terms of international broadcasting is that given the choice, occupants anywhere in this world will watch television first. Second, they will listen to broad band radio, AM/FM as here in the United States, and the last choice will be shortwave radio. And as the media begins to proliferate across the former Soviet Union and across what was once beyond the Iron Curtain in Eastern Europe, and television stations appear and radio stations appear, it simply indicates that Radio Free Europe and Radio Liberty are not needed in the same way or to be funded at the same kind of levels they have been for the last 25 years.

Is there still a mission? Absolutely. That is why this amendment would not strike funding altogether.

Is there a need to cut back when we have a $400 million deficit in this country? Absolutely.

And I respect the gentleman from California's position to try to save Radio Free Europe and Radio Liberty in order to allow the consolidation proposal to take place. But the great disappointment I have today is that if we are going to see a consolidation that the Members of the House do not have an opportunity to guarantee that it happens with a 15-percent reduction.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the gentleman from California [Mr. BERMAN] for raising this point of order. Removing this appropriation for the Board for International Broadcasting is the most appropriate decision at this time and should be viewed as a positive move for the future of our international broadcasting.

I support the continuation of international broadcasting because of the significant contribution it makes to the goals of democracy and because it is an efficient means to foster free and fair press.

However, the House and Senate Foreign Affairs Committees are currently considering legislation to consolidate all of our international broadcasting—to include services provided through the Bureau of International Broadcasting to Radio Free Europe/Radio Liberty.

Since we are revising the organizational structure of international broadcasting, I support Mr. BERMAN's effort to preserve the resource decisions for BIB and RFE/RL pending the outcome of the consolidation legislation that will be incorporated in conference on the Department of State and USIA authorization bill.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just to explain a little further, the gentleman from Wisconsin [Mr. KLUG] accurately characterized my position as one of seeking to save the BIB appropriation as part of allowing the consolidation envisioned in the administration's plan to take effect. And while it may be the most used argument in the world that we are spending money in order to save money, once in a while even that argument is an accurate one, and in this particular case it is.

The ability to rationalize existing services, maintain surrogate radio, and I would suggest we might well wait 3 or 4 years before we proclaim the victory of democracy in all of the countries focused on by Radio Free Europe and Radio Liberty and recognize their critical role in helping to consolidate those democracies, but I believe this consolidation effort, this rationalization of our limited resources will be dramatically impeded if we face a major slash in the appropriation level. For that reason, I sought to protect it with my point of order.

I might point out that Radio Free Asia, a new initiative by the administration, is contained in this appropriation level, and that had an amendment been proposed and adopted it would have had a massive impact on our ability to start Radio Free Asia as well.

In addition, we have a major task to perform in the former Yugoslavia and republics of the former Yugoslavia where we want to see RFE and RL again broadcasting there. This consolidation will not occur overnight. We will have a chance to debate the consolidation as I expect it will be coming back in conference reports in both the authorization and the appropriation process. And I think it is very important at this critical time that we maintain our commitment to surrogate radios, to independent radio that I think played an important part in our public diplomacy during the cold war, and now plays a critical part in our promotion of democracy throughout the world.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very much regret that the point of order raised by the gentleman from California was occasioned by the amendment that the gentleman from Wisconsin would have offered. I have the highest regard for the gentleman from Wisconsin, for his intelligence and perception and understanding of the issues. But I believe, very frankly, that the amendment he planned to offer would have been extremely shortsighted and counterproductive.

It would have slashed the funds for the Board for International Broadcasting, one of the very best Government-funded programs that we have in this country. A great deal of the credit for ending Soviet communism and the domination of Eastern Europe by Soviet-backed, Communist governments has to go to the Board for International Broadcasting through its two service radios, Radio Free Europe and Radio Liberty.

We like to think that after years and years of authoritarian rule that people will simply understand immediately what democracy, human rights, and the rule of law is all about. But if we believe that we are fooling ourselves and no one else. It takes time to develop the institutions of freedom. It takes a commitment to doing so by those outside like ourselves who know that it is to our best advantage that democracies exist around the world. We have an obligation to assist people living in countries where formerly they were ruled by authoritarian governments, and we must put out resources and our commitment to seeing that democratic institutions do survive in their incipient phase and become established on soil that had not been hospitable to them before.

With all due respect, I might say to the gentleman from Wisconsin, what you see on a hotel room television set is not necessarily what is being seen by the people in the countryside who do not understand what elections are all about, what an independent judiciary means, and what the rule of law means to them and their rights as opposed to their government.

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I believe very strongly that the best money we spend, the most effective, productive, cost-effective money we spend is for our surrogate broadcasting services. We are now at the point, Mr. Chairman, of looking at the reorganization of all of our international broadcasting services, and we are working toward the establishment of a more efficient, effective means of getting our messages broadcast to listeners across the globe. In addition, we are going to expand our surrogate radios to beam a message of truth to the oppressed billions in Asia, countries such as China, Vietnam, Cambodia, Burma, North Korea, and Tibet, places where freedom is unknown, places where the institutions that we value, that our society is based upon, have no understanding. This mission to expand our surrogate services to Asia has got to be established under an institution that enjoys the same kind of independence as the Board for International Broadcasting.

It would be a travesty if the United States does not make that commitment to begin those broadcasts to Asia and penetrate those societies with the same message of freedom that we send to Eastern Europe and to the former Soviet Union.

And so I respect my colleague, the gentleman from Wisconsin, a great deal. I do believe that the amendment he would have offered would have been harmful in the extreme. I would not like to see a message sent to the other body that this body does not fully support the Board for International Broadcasting, especially during a time when we will be consolidating all of our international broadcasting services.

I support very strongly the establishment of Radio Free Asia, or Asian Democracy Radio, as it may be called. Once established, this service will continue the fine traditions started by Radio Free Europe and Radio Liberty of promoting our values abroad in a most cost-effective way, and I regret that this point of order was occasioned by the cutting amendment that the gentleman would have offered.

Mr. KLUG. Mr. Chairman, will the gentlemen yield?

Mr. PORTER . I am happy to yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I just wanted to make two quick points.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. KLUG. Mr. Chairman, if the gentleman will yield further, first of all, this is not just my wild idea. Again, what the chairman said of the Presidential Commission on International Broadcasting, focusing half the Government's transmitters on Eastern Europe and the western part of the former Soviet Union was logical once but it does not make sense now. Neither does the Government's spending 17 times on radio what it spends on television.

RFE and RL serve the country well, but with political changes, their programs increasingly resemble those of the Voice of America.

For example, the Voice of America broadcasts in 6 of 12 languages broadcast by Radio Liberty, and incredibly 100 percent, 9 of the 9 languages broadcast by Radio Free Europe.

The phaseout should not happen overnight, but it should happen. The taxpayers do not need to fund this duplication.

I share the enthusiasm of my colleague, the gentleman from Illinois, for the program itself, but again, what my amendment did was not eliminate either service. It simply cut 15 percent, or $32 million, out of an operating budget next year of $214 million.

I understand that consolidation is under way, but back to my initial point that this is a town and a community where everybody has got to plan to save money 3 years from now.

Mr. PORTER. Reclaiming my time, let me say to the gentleman one thing, and I want to make this absolutely clear. The mission of the Voice of America is an entirely different mission that the mission of the surrogate radios. The purpose of the Voice of America is to broadcast to other countries what our society is all about. That is a very important mission, indeed, but it is not what surrogate radios do.

Surrogate radios provide free information, the truth, within societies where the truth is either not readily available or censored by the government. It is a truth about their own societies and the rest of the news of the world, not about what is good about America. They are very different missions, and they should be very carefully defined in the future.

Ms. PELOSI. Mr. Chairman, I rise today in opposition to the proposed Klug amendment to cut Board for International Broadcasting funding for Radio Free Europe and Radio Liberty.

Some of our colleagues argue that these important broadcasting services are no longer necessary because the cold war is over. The cold war may be over, but the transition to democratic societies and market economies is not. Transitions are not easy and they do not happen overnight. Every day we hear new stories of ethnic conflict and unrest in the republics of the former Soviet Union.

Radio Free Europe and Radio Liberty provide an important independent voice promoting freedom and democracy in a tumultuous region undergoing fundamental change. They provide a voice of reason at a time and in a place where frustration and uncertainty are high. The transition has not yet been successfully made and the need for the voices of democracy continues.

We have spent over $82,000 per family in this country on defense expenses to fight the cold war. Now that it is over, we can start cutting back on expenses related to it. Let us make sure, however, that our spending reductions are in the right place at the right time. Radio Free Europe and Radio Liberty have been effective programs to promote democracy. Until we are sure that the transition to democracy and market economies has been successfully made, we should continue to support programs that will facilitate it. I urge my colleagues to vote "no" on the Klug amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### ISRAEL RELAY STATION

### (RESCISSION)

Of the available funds under this heading, $180,000,000 are rescinded.

### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

### SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99-83, section 1303.

### INTERNATIONAL TRADE COMMISSION

### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,391,000, to remain available until expended.

### JAPAN-UNITED STATES FRIENDSHIP COMMISSION

### JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

### UNITED STATES INFORMATION AGENCY

### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $730,000,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $1,200,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, radio, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

### OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,247,000.

### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, Congress-Bundestag Exchange, and other exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $217,650,000, to remain available until expended as authorized by 22 U.S.C. 2455.

### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated to be derived from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), $300,000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A—122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1994, to remain available until expended.

### RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $75,164,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

### EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $23,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

### NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991, (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $8,000,000, to remain available until expended.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 72, line 26, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request by the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $17,500,000, to remain available until expended.

### POINT OF ORDER

Mr. BERMAN. Mr. Chairman, I have a point of order.

I rise to make a point of order against the provision contained in lines 1 through 5 on page 73.

Lines 1 through 5 on page 73, Mr. Chairman, would provide an appropriation which is unauthorized in law at this time, and thus constitutes a violation of clause 2(a) of rule XXI of the House which prohibits unauthorized appropriations in general appropriation bills.

Mr. SMITH of Iowa. Mr. Chairman, I agree it is not authorized, and I will have to concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The point of ordered is conceded, and the Chair sustains the point of order.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise because I did not have the opportunity to make the motion to strike these funds although it is appropriate.

What is involved in lines 1 through 5 on page 73 is the remaining funding for the National Endowment for Democracy.

I rise today to oppose the pressure that is being exerted in this town, within the beltway, to be certain that National Endowment for Democracy does not die.

Mr. Chairman, following the vote on the amendment offered by myself and our colleague from Connecticut, Mr. SHAYS, which eliminated the Federal earmark for [NED] the National Endowment for Democracy has gone to the well, if you will; to the patriarchs of the Republican Party, the patriarchs of the Democratic Party, the leaders of the U.S. Chamber of Commerce, and the AFL–CIO. Everyone has joined together to be certain that National Endowment for Democracy is funded in the conference report on this bill when it comes back from the Senate so that the Endowment will not die.

Since the June 22 vote, the extremes of our newspaper columnists in America have written on this, from extreme liberal to extreme conservative. They have joined together and have found common ground in their support of the National Endowment for Democracy.

Of course, I understand that people of diverse views and philosophies can join together and support something, but I would suspect that our effort to terminate the National Endowment for Democracy has struck a real chord. The chord is the same message that my friends on the other side of the aisle have been talking about during earlier debate on this bill: nothing ever dies in this town. Regardless of whether a program is a $1 million expenditure or a $500 million expenditure, someone always has reasons to prove it should go on and live forever.

The truth of the matter is all of these programs may in some measure do some good, but we must ask ourselves "can we afford them?"

In addition to my philosophical and fiscal accountability concerns about National Endowment for Democracy, which were discussed in depth during the June 22 debate, I must answer my constituents when they ask "How can America today, with $300 billion in deficits, continue to finance the economic, social, and political benefits of all the people of the world and not provide for the economic, social, and political benefits of the American people here at home."

Just today Mr. Chairman, the last shoe manufacturing plant in my hometown of 10,000 people, Nanticoke, announced that it is closing. One hundred and seventy-five people in the shoemaking industry are losing their jobs because of foreign competition; competition from Asia and primarily China.

Yet here we are spending hundreds of millions of taxpayers' dollars so that the Chinese can hear the great American message from the United States. We are using my shoemakers' dollars to let the Chinese know that democracy is a great institution, and that we want them to join us. Not only will we pay for them to hear how great we are, as well as the benefits of freedom and individual rights, but they can enjoy this message while they produce shoes with prison labor. These shoes are the same shoes that are going to cause the unemployment of 175 workers in Nanticoke, and across America.

These same America workers who on April 15 were asked to pay their taxes so that this Congress can go back and continue to spend money on programs such as the National Endowment for Democracy, Radio Free Europe, and countless others.

Mr. Chairman, I just hope that when the authorizing subcommittee chairman, the gentleman from California [Mr. BERMAN], and the Appropriations subcommittee chairman, Mr. SMITH of Iowa, go off to conference and make a hell-bent effort to fund the National Endowment for Democracy against the wishes of the majority of the Members of this House, that they will remember there ought to be a domestic Endowment for Democracy here in the United States. There ought to be some program to take care of the 175 workers in my hometown that just lost their jobs after 25 years to foreign competition.

I cannot go home and explain to them how this Congress can spend $50 million for the National Endowment for Democracy but not $1 for domestic economic development at home. We have a deficit, and we cannot afford it.

Mr. Chairman, I have not had the opportunity during this debate to address the other concerns I have about the National Endowment for Democracy. For this reason, I would like to submit a written statement I had prepared earlier on the subject of National Endowment for Democracy with our colleague from Connecticut, Mr. SHAYS.

## WHEN SPECIAL INTERESTS GROUPS CONDUCT AMERICAN FOREIGN POLICY

How many Americans are aware that arms of the national Democratic party, the national Republican party, the AFL–CIO, and the U.S. Chamber of Commerce receive millions of taxpayers' dollars annually to develop and carry out their own version of American foreign policy? Not many, we would guess, as these private groups are not usually considered to be the choice of the American taxpayer to carry out American foreign policy.

Yet through the National Endowment for Democracy, [NED], that is exactly what happens. National Endowment for Democracy is a private organization whose sole job is to take taxpayers' funds and dole the majority of them out to these four major interests groups so that they can promote democracy—(and their own agendas)—abroad. Since 1984 National Endowment for Democracy has received several hundreds of millions of dollars from the Federal coffers.

We object to the premise that these four groups have a better understanding of how the American taxpayer wants to spend their hard-earned money than either the Congress or the administration, both of which are accountable to the people.

For this reason, we recently offered an amendment on the House floor to eliminate National Endowment for Democracy's annual earmark, not the organization itself. Our amendment passed by a margin of 243 to 181.

Since then much has been written about the vote; people have speculated as to the motives for the amendment, why it passed by such an overwhelming margin, and why anyone would be "against" global democracy.

To set the record straight, we support a progressive foreign policy as well as American assistance abroad to ensure that democracy and human rights are upheld, protected, and promoted. In fact, we would probably support many of the projects funded by National Endowment for Democracy if they were developed and overseen by an established government agency charged with conducting American foreign policy. However we reject the current practice of giving taxpayers' money to four of the biggest, most powerful special interest groups in Washington. We do not believe that the framers of the Constitution intended for our Nation's foreign policy to operate this way.

We do not dispute that some of the projects funded by National Endowment for Democracy have been beneficial in the world-wide struggle for democracy. But with an annual budget of just over $30 million this year, we reject the notion that National Endowment for Democracy was responsible for the fall of the Berlin Wall or the breakup of the Soviet bloc.

In addition, National Endowment for Democracy has also funded a number of questionable projects. Through National Endowment for Democracy American taxpayers' dollars have gone to labor unions in France and to the opposition party to then-President Oscar Arias in Costa Rica. Both France and Costa Rica have been democracies for more than 100 years.

Furthermore, because National Endowment for Democracy is not accountable to Congress or the President there have been instances in which National Endowment for Democracy-funded projects appear to be contradictory to American foreign policy. An example occurred in Korea in 1989, where National Endowment for Democracy moneys assisted the Federation of Korean Trade Unions [FKTU] in increasing its ability to influence government policies. This occurred 1 year after the State Department commended the Korean government for breaking the FKTU's monopoly by allowing other unions to register.

In another instance, National Endowment for Democracy money was used in Panama in the mid-1980's to support political events on behalf of Nicolas Ardito Barletta, a candidate for president. Mr. Ardito, the military-backed candidate, won by 1,713 votes in a fraud-ridden election over Arnulfo Arias, who was twice elected president only to be deposed by the military. When the U.S. ambassador discovered this expenditure of American funds he wired the State Department and, noting the existing United States policy of not meddling in Panama's politics, speculated about the likely embarrassment should this interference come to light. The Ambassador's cable concluded "Embassy requests this harebrained project be abandoned before it hits the fan."

It is the concept of federally funded projects "hitting the fan" that may have led many of the freshman Members of the House, as well as the majority of our House colleagues who have heard this debate before, to support the amendment. Members of Congress are right to hesitate to support an organization which has a history of funding dubious projects as well as fiscal mismanagement and abuse, a critical 1991 General Accounting Office report found an instance in which Federal money was used to help obtain a car for use in a drug crime.

National Endowment for Democracy is an American foreign policy loose cannon which needs to be reined in. We agree there is a need to bolster fragile democracies abroad, but National Endowment for Democracy is not the proper vehicle. American taxpayers' dollars should be spent by the structures sanctioned by the Constitution, not private organizations with private agendas.

□ 1610

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

I will try to be brief. But I think the comments of the gentleman from Pennsylvania [Mr. KANJORSKI] deserve a response.

One can assume that Members of this body from the Democratic side of the aisle and from the Republican side of the aisle and the columnists from the liberal persuasion, and columnists from the conservative persuasion are involved in some conspiracy to feather the nests of party leaders and the bureaucracies of the chambers of commerce and organized labor in order to promote their own narrow special interests and to reward their friends; or one can assume that the issue underlying the National Endowment for Democracy is the belief that it is in the American workers' interests for pluralism, democracy and regard for human rights and peaceful resolution of disputes to take hold in the rest of the world because to the extent that, whether it is communism or totalitarianism under any other name, or terrorism or ethnic rivalries that blow over, pretty soon history tells us American interests are directly affected.

It was a cornerstone of this President's campaign that the promotion of democracy and of democratic values would be a cornerstone of our foreign policy. The National Endowment for Democracy is the major institution that exists; it has done that throughout its life, it has done excellent work in a variety of different areas, and I suggest to my friend from Pennsylvania that the testimony of support that is coming now from different columnists and from different people. from many different philosophical backgrounds, is a recognition of what they have done not just in Lithuania, Poland, or Czechoslovakia, but in Chile, Namibia, and the Philippines, and I can assure the gentleman that this particular Member will be hellbent to try and secure the funding, undo the decision the House made earlier in the year with respect to that funding.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Chairman, I do not think anyone disputes that the National Endowment for Democracy has done a lot of good things; that is not the question. The question is: Can we afford it? Is there no other vehicle by which these good works can be tried out? The private sector, the State Department?

The gentleman from California [Mr. BERMAN] will remember our former colleague here, the gentleman from the Ozarks, Mr. Taylor. He had a little test he put to every piece of legislation that came before us. That test was: Do we need it, and can we afford it? And if the answer to both those questions is "yes," we must then ask ourselves how was it we got along without it for so long?

I think that test is applicable here where we know we are in a time of great budgetary constraints. It seems this is nonessential spending.

Mr. BERMAN. Reclaiming my time, I think the question is: Can we afford not to do it?

I think all one has to do is to study the history of the 20th century when America decided that its engagements abroad were either too expensive or too difficult or too complicated or too controversial, and sought to withdraw within its own borders and tried to divide the world up into the United States and this domestic affairs, versus what is going on in the rest of the world, and thought that we could somehow escape.

The clear history leading up to World War II indicates the follies of isolationism as a general policy.

I do not support the National Endowment for Democracy because it is a nice thing and I wish it on the rest of the world. I support it because I believe its development, its promotion is vitally in America's interest from an economic and from a national security point of view.

We have spent trillions of dollars in the cold war. We are talking about an infinitesimal percentage of those expenditures to try to deal with the controversies around the world, whether they were Communist in nature or other kinds of antidemocratic forces, because inexorably history tells us if we do not deal with them and try to get ahead of the curve in this area, we will be facing far more difficult and larger expenditures from our own taxpayers, our own people, their fortunes and their lives by ignoring all of this.

So it is a question of how you feel about what our role in the world should be at this very exciting but difficult time of transition. I think there is a role for it.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to respectfully disagree with the gentleman from Pennsylvania [Mr. KANJORSKI] in attempting to eliminate NED. The National Endowment for Democracy has been providing an invaluable means to promote democracy throughout the world, and it is extremely shortsighted to zero out funding for such a worthy organization.

I submit we need to support the capability for a rapid response to the unforeseen needs that arise in the emerging democracies. Government agencies alone cannot provide the kind of quick responses that NED and its grantees have exhibited in a number of important programs around the world. Our national interests are best served by building democratic institutions, and NED has been a vital tool in implementing this key foreign policy objective.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly, prayerfully urge that we do not dissolve the National Endowment for Democracy. And I suggest to my good friend from Pennsylvania that he has provided us with some false alternatives. It is called in logic the fallacy of the false alternative; we cannot take care of our problems at home if we are spending money overseas.

That may or may not be a sound, general proposition, but there are some expenditures that are in our national interest. We have troops over in Somalia, we have troops over in Macedonia, and there are many areas where trouble spots exist. It is imperative that the world calm down.

The cold war has been supplanted by a hundred smaller hot wars, whether they are in Azerbaijan, Armenia, whether in former Yugoslavia, whether in still-explosive Afghanistan; all over the globe you see slaughter and killing.

This world needs democracy.

There is an agency that privatizes the selling of democracy. This agency is not a part of Government. There are places in the world where the Government cannot get in, where suspicions exist if you are an official member of the Government.

But when you can get the essential elements of the American economy—management, labor—working together in a common cause, where you can get the Democratic Party and the Republican Party working with management and labor in a common cause and that cause is democracy, it is an incredible self-defeating notion that we would turn our backs on this most useful agency selling the most important product, world peace through democracy, in the world today.

And so I urge that we continue this grand idea that has worked so well in Poland, in Central Europe, in so many places. Now, if indeed they have made mistakes, if some expenditures have been unwise, then, fine, let us exercise oversight over them. We have the staff, we have the Members of Congress willing to do so.

But do not, do not extirpate this agency that does so much good in the cause of peace, in the cause of showing countries practically from the private sector how democracy works and what it can mean for their country, what the free enterprise system can do to lift their standards of living, to prevent the conflicts and the wars that are bleeding the world to death.

□ 1620

So please, I ask that you look at this expenditure as a wise one, as a beneficent one, as one that moves the world toward peace and democracy.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, does the gentleman from Illinois suggest when he is having his town meetings and talking to his constituents that the only way we can privatize and sell democracy in America is by giving the Republican Party and the Democratic Party and the AFL–CIO and the United States Chamber of Commerce millions and millions of taxpayer dollars every year, going up to $50 million this year, that this is the only way democracy can be spent, or are there institutions within the Government and is not the National Endowment for Democracy capable of doing this?

Mr. HYDE. The gentleman has made his point. I just do not agree with it.

It is not the only way, but it is an excellent way.

Republicans and Democrats, what is anathema about them? These are the people of America. If you want to put some independence in there, do it, but management and labor are the heart and soul of the best economy, the most productive economy, the one that has provided this country with the highest standard of living in history, and we want to show people in the world how it can work, how we can work together.

To me there is nothing more imperative. It is not us against them.

What happens in Central Europe, in Africa, in Asia, can touch this country increasingly day by day; and I suggest to the gentleman that it is a false dichotomy that says whatever we spend in trying to democratize the world is money we cannot spend at home. It may well be the best investment that we can make if it forestalls a war, if it provides a growing standard of living for the people over there crying out for technological assistance, for help, for example, from management, from labor, from Republicans and Democrats.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here because I was listening to this debate, and seeing my colleague, the gentleman from Pennsylvania [Mr. KANJORSKI] respond to comments on the floor, and I just did not want to see him be by himself on this issue.

There have been many issues I have been involved in where I received a lot of accolades and public support, and people have said, "What a great thing you are doing."

On this one, I have noticed there are people I respect who want to continue to support NED. It may not be a popular position to oppose NED, because the name has such meaning, and as my colleague, the gentleman from Illinois points out, we do want to export democracy and we do want countries from overseas to emulate what we do here. We think the world would be a better place.

The question is, is it proper? Is it right? In fact, is it even moral to fund NED through the Republican and Democratic political structure, to fund NED through the head of the AFL-CIO and the U.S. Chamber of Commerce? I think it is wrong. I think it is an inherently corrupt system.

I have personal experience, and admittedly going back a few years, that tells me the system leads itself to things that should not happen.

An individual in my State took a particular political position that the Republicans wanted to reward him. He finds himself on a trip, admittedly a few years ago, funded by NED, going throughout the European nations.

There have been consistent reports by the GAO that point out that funds provided for NED have not gone to the places they should have. There have been organizations that have said they never received the funds.

I do not in any way oppose the concept of NED. I oppose the concept of this money being channeled through the Republican Party, admittedly through a separate institute, or the Democratic Party, admittedly through a separate entity, or the AFL-CIO, because in all four cases they are controlled, in my judgment, by the leadership of those organizations, organizations if the AFL-CIO and the National Chamber of Commerce lobby this Congress and political leaders that we have to deal with who control our parties. I just think it is wrong.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. I will say to the gentleman, Mr. Chairman, that he has a faith in bureaucrats that I admire. I stand in awe.

I personally prefer to have people from organized labor and organized management.

The fact that you are a Republican or a Democrat, as long as you are a private citizen and you are selling the product of democracy by example and showing these people how we can work together, I cannot imagine that it is a bad idea.

Mr. SHAYS. No, it is not a bad idea, Republicans and Democrats working together, but not through the Republican Party and the Democratic Party, labor working through management, but not through their particular structures that lobby us every day of the year. That is where I have my problem. I do not have any problem with the intent of NED. I have my problem with the structure of NED.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RADIO BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $8,750,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

POINT OF ORDER

Mr. SKAGGS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SKAGGS. Mr. Chairman, I make a point of order that the provisions of the bill, including lines 6 through 16 on page 73, are in violation of rule XXI, clause 2, in that they appropriate funds for a program which is not otherwise authorized.

The CHAIRMAN. Does the gentleman from Iowa, the subcommittee chairman, desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede that the program is not authorized, and would have to concede the point of order.

The CHAIRMAN (Mr. BROWN of California). The gentleman from Iowa concedes the point of order. The point of order is sustained, and the language will be stricken.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1994".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for the agencies obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees;

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new sections:

**SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, to the extent feasible, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Head of the agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, we would do a lot more to export democracy around the world if we would export a few more American-made products. If Congress would take more seriously the procurement process whereby our taxpayer dollars are used many times to buy all these foreign-made goods, we might be able to do a better job of balancing our budget.

I would just like to say this for the RECORD on this amendment. I have been getting some mail relative to this issue. I had a very interesting letter asking me if in fact there was ever one instance, one instance where Germany in fact awarded a contract to an American firm?

If anybody has that, I will leave the RECORD open. They can submit it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman of the committee.

Mr. SMITH of Iowa. Well, Mr. Chairman, all I can say is that essentially the same amendment was carried last year. For that reason, I am not going to make any big deal out of it.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have looked at the amendment and have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. EMERSON

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 75, after line 19, insert the following new section:

SEC. 606. Hereafter, each public ceremony for the admission of new citizens under section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) shall be conducted solely in the English language.

### POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. SMITH] reserves a point of order on the amendment.

□ 1630

The gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes in support of his amendment.

Mr. EMERSON. Mr. Chairman, I was astounded to learn that in Tucson, AZ, on July 2, the Immigration and Naturalization Service swore in 75 immigrants in Spanish—yes, they were sworn in as United States citizens, not in English, but in Spanish. United States District Judge Alfredo Marquez, the judge who conducted the ceremony, is quoted as saying, "Even though the new citizens can speak and understand English, the ceremony is more meaningful to them in Spanish."

Mr. Chairman, when an individual leaves his or her native homeland and comes to America, that individual is taking new steps. The swearing-in ceremony is the beginning of a new life as an American. Taking the oath in English ought to be more meaningful—the language signals a new day, a new way of life, and a new bond with the other citizens of our country.

Americans are a diverse lot; nearly 150 languages are spoken in this country, and English is the common bond for us all. The citizenship ceremony should emphasize the things that unite us, not those which divide us into ethnic and linguistic subgroups.

The INS should know better. I am therefore offering an amendment which would prohibit the INS from conducting citizenship swearing-in ceremonies in languages other than English.

America's ability to unite those of differing backgrounds—"out of many, one"—is her greatest strength. I am concerned, however, that that strength is waning. We've focused so much on the many that we're forgetting about the one.

The face of America—of that "one"—is changing. Change can be good. But as we all know, change—for better or for worse—can be traumatic. It's tough on those who come here, and it's tough on those who are already here. One essential element of that process of change—an alement that could well determine our ultimate success or failure—is communication. Human nature often leads us to resist and fear those who are different from ourselves. Unless we can communicate with each other, we cannot begin to understand each other. We will not be able to communicate with each other unless we share a common tongue.

The English language is our common bond. By conducting the citizenship ceremony in a language other than English, the INS is sending the wrong message. I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the distinguished gentleman from Kentucky [Mr. ROGERS], the ranking member of the subcommittee.

Mr. ROGERS. Mr. Chairman, unfortunately it sounds like the amendment offered by the gentleman from Missouri [Mr. EMERSON] will be ruled out of order. The Chair will rule in a few minutes, and I assume that is what will happen. But let me commend the gentleman for bringing this matter to the Members' attention.

Mr. Chairman, I share the gentleman's views, and I want to associate myself with his remarks. I think he made a very important point. Our common language, English, is the glue that holds this great country together, and, if we have the official U.S. Government saying to new citizens of this country that it is OK never to develop the common tongue, then we are doing those people a disservice, as well as the rest of us, and I commend the gentleman.

Mr. EMERSON. Precisely, and I thank the gentleman from Kentucky [Mr. ROGERS] for his contribution.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, this is strictly a legislative matter. It proposes to change existing law and imposes additional duties, modifies existing powers and duties, and it is operative beyond the 1994 fiscal year. So, I insist on my point of order.

The CHAIRMAN. Does the gentleman from Missouri [Mr. EMERSON] desire to be heard on the point of order?

Mr. EMERSON. No, I concede the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri concedes the point of order, the Chair upholds the point of order, and the amendment is ruled out of order.

### AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas: Page 75, after line 19, insert the following new section.

SEC. 606. None of the funds made available in this Act for "THE JUDICIARY—Courts of Appeals, District Courts, and Other Judicial Services—Defender services" may be used to provide assistance for the operation of death penalty resource centers.

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. FIELDS] for 5 minutes in support of his amendment.

Mr. FIELDS of Texas. Mr. Chairman, I am offering an amendment to prevent any funds in the defender services line item from being used for death penalty resource centers.

Death penalty resource centers are nonprofit entities that provide free, tax-payer financed legal assistance to death row prisoners seeking to overturn their convictions and their death sentences. The fiscal year 1994 request for death penalty resource centers is $30.4 million; this for the operation of existing centers and the creation of additional centers.

My constituents do not want their hard-earned tax dollars used to pay for the endless legal appeals of murderers, rapists, drug kingpins, and others who are seeking to avoid the penalties to which they have been sentenced.

In my State of Texas, there have been numerous allegations against the Texas Resource Center. Those allegations have been lodged by various sources, including several district attorneys' offices across the State. Some of the allegations include charges that the center hired a public relations expert to handle public relations campaigns; that the center recruited witnesses in death row cases; and that the center pressured witnesses to perjure themselves. There have even been allegations—and evidence to support those allegations—that the center once posted bail for a witness who had been ordered arrested by the presiding judge in a capital case.

Funding for the centers is authorized by Congress and coordinated through the administrative offices of the U.S. courts. Some centers receive additional funding from a program of State bar associations. The centers are exempt from the Freedom of Information Act; and therefore, they are not as accountable to the public as I would like.

The serious allegations that have been lodged against the Texas Resource Center disturb me profoundly. Congress should restrict funding for death penalty resource centers until these serious allegations can be investigated and until proper oversight can be ensured.

Mr. Chairman, I urge my colleagues to support this important amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SMITH].

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, my point of order is that this is a limitation to a general appropriations bill offered during the reading of a general appropriations bill, and I insist on my point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. FIELDS] desire to be heard on the point of order?

Mr. FIELDS of Texas. Mr. Chairman, I regrettably concede the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. FIELDS] concedes the point of order, the Chair upholds the point of order, and the amendment is ruled out of order.

The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994".

Mr. FARR. Mr. Chairman, I rise again today in opposition to the amendment previously offered by Representative WALKER. When I last addressed my colleagues on this amendment, I focused on the negative impact that it would have on the National Marine Sanctuaries Program, programs fostering our understanding of the relationship between land and sea, and our domestic fisheries fleet. Today, I wish also to discuss the severe impact that the amendment could have on our Nation's coasts.

The committee has spoken clearly on the need for a sufficient level of funding for the coastal and ocean programs under the National Oceanic and Atmospheric Administration [NOAA]. By stripping $37.5 million from the NOAA marine, coastal and ocean, and Great Lakes programs, we would be severely undermining the National Marine Sanctuaries Program, the National Undersea Research Program, Coastal Zone Management nonpoint source pollution prevention, the National Sea Grant College Program, zebra mussel research and fisheries management.

Mr. Chairman, the Congress acted at long last in 1992 to designate the Monterey Bay National Marine Sanctuary with the distinct intention of preserving this pristine marine environment for future generations. Other ocean areas have also been recently designated under the National Marine Sanctuary Program. This program hinges on adequate resources to help foster sound management practices.

Clearly, it is not in our interest to undermine our sanctuary areas further and open them to potential problems after the Congress has mandated their specific protection.

This amendment would also have the very negative impact of reducing already limited funding for coastal nonpoint pollution control and the management of our coastal resources. In 1972, the Congress enacted the Coastal Zone Management Act [CZMA] in an effort to protect the Nation's coastal resources and to ensure that these resources are wisely used. This monumental legislation balanced economic growth with resource protection.

While funding for CZMA has remained level over the last 12 years, the number of States participating has almost doubled. This has caused tremendous strain on the effectiveness of the act. Without sufficient funding for CZMA nonpoint pollution control, we put our coastal areas at tremendous and lasting risk.

I implore my colleagues to realize that adoption of this amendment would be to take a giant step backward for what has been done in previous years to make this country more aware of our oceans and the opportunities they provide by establishing protection and educational processes. Previous to this amendment, this bill allowed these priorities.

This amendment is not an exercise in fiscal responsibility, but an attempt to shift funding away from the modestly funded, yet desperately needed, ocean and coastal programs to the well-funded National Weather Service modernization. In fact, even without this amendment, the Weather Service modernization is getting a 28-percent increase over last year's appropriation. The nominal amount saved by this amendment will cause a tremendous increase in the future costs to protect the marine sanctuaries. Neglect of our sanctuaries and coastal areas now will result in our having to pay for cleanup costs in addition to management later.

Again, Mr. Chairman, I urge my colleagues to oppose this amendment and restore the level approved by the committee.

Mr. SAWYER. Mr. Chairman, I rise to comment on funding for the Bureau of the Census for fiscal year 1994.

I chair the Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service. In that capacity, I have worked closely with Subcommittee Chairman NEAL SMITH and ranking minority member HAROLD ROGERS to ensure adequate financial resources for the Census Bureau's work. I am grateful for their attention over the years to the Bureau's complex, specialized, and sometimes esoteric programs.

Fiscal year 1994 is an important year in the planning cycle for the 2000 decennial census. The Census Bureau will have chosen one or two designs for testing in 1995. The 1995 test will determine those methods that hold the greatest promise to improve census-taking into the next century.

The success of that test will depend, in large measure, on adequate preparations in 1994. Those preparations include site selection, procurement of office and data processing equipment, and final research on new census techniques. The Bureau also must develop technology to process census forms that are much more user-friendly than in the past.

H.R. 2519 includes $15 million less for 2000 census research and planning than the administration had requested. The report accompanying the bill clearly sets forth the reason for that significant reduction in funding. Members are understandably frustrated by the outcome of the 1990 census. It cost twice as much as the census before it. But it was less accurate. It missed more people. It missed more minorities than the overall number of people missed in 1980.

The Appropriations Committee has sent a clear message. The primary concern for Members of Congress is the accuracy of the population numbers. Rapidly escalating costs for the census must be contained. And the Census Bureau must ensure that there is an important governmental purpose for the wide range of demographic data it has traditionally collected in the census. Those of us who work closely with the Census Bureau, and the larger Federal statistical system of which it is an integral part, are grateful for the guidance and direction that the committee has provided.

There is a consensus that we must do better in 2000. I'm convinced that we can. That is why I have supported a planning process that starts much earlier in the decade. The Census Bureau needs time to develop and test new methods that will help improve the accuracy of the population numbers, at a reasonable cost. It must explore ways to redistribute the burden of meeting the Nation's vast data needs onto other vehicles throughout the decade.

Progress toward an improved census process has been slow at times. I believe that the Census Bureau is committed to reform of that process. Unfortunately, its efforts to reach that goal have, at time, been cumbersome. The Appropriations Committee has been understandably frustrated by what might appear to be a lack of direction, or even commitment, on the part of the Bureau.

But 1994 presents a key opportunity for the Bureau to clarify its progress toward census reform, as it prepares to test promising new methods in 1995. Without the test, we cannot have much confidence in a range of complex and untried, yet promising, techniques for 2000. Worse yet, we might end up with the same census in 2000 that we took in 1990.

I look forward to working with Chairman SMITH, Congressman ROGERS, and other members of the Appropriations Committee as they prepare for conference with the Senate, to ensure that the Census Bureau has the financial resources it needs to achieve the mutual goal of a more accurate and cost-effective census in 2000.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of H.R. 2519, Commerce, Justice, State appropriations for fiscal year 1994. I would like to express my great appreciation to Chairman SMITH for his hard work in crafting such a fine bill. In particular, I am supportive of the provisions to increase funding for the National Marine Sanctuary Program and Coastal Zone Management programs, essential programs which protect the coastline in California and across the Nation.

As the only Federal program specifically designed to protect our most outstanding marine areas, the National Marine Sanctuary Program is of crucial importance to our National's coastal regions. The enrollment of three new sanctuaries in the program in the past year is a testament to the program's importance and popularity. The sanctuaries off the coast of California make up the largest protected marine area in the world. However, the increase in number size and complexity of designated sanctuaries has strained the program's limited resources in recent years.

Next year, as a result of Chairman SMITH'S decision to increase funding from $7 to $9 million, the National Marine Sanctuary Program will be better able to ensure that Congress' mandate of environmental protection for sensitive marine areas is responsible and effectively maintained.

I am pleased that this bill also increases funds for Coastal Zone Management programs. The district I represent, Marin and Sonoma counties in California, is famous for its beautiful coast. The Coastal Zone Management programs are vital to the health of my district's coasts as well as those of the Nation. With Federal funding in real dollars decreasing over the past 10 years, the Coastal Zone

In addition, this bill continues funding of the weather data buoys which provide fishermen with critical weather information. Generations of families have made their living fishing in the coastal waters off Marin and Sonoma Counties, and the weather buoys stationed in these waters are relied upon by the fishermen and their families to ensure safe and successful journeys.

Mr. Chairman, I strongly urge my colleagues to support the Commerce, State, Justice appropriations bill.

Mr. GOODLING. Mr. Chairman, I am extremely pleased the Commerce, Justice, State appropriations bill for fiscal year 1994 includes funding for the Juvenile Justice Delinquency Prevention Act and specifically for the Juvenile Mentoring Program.

As the author of this mentoring program, I soundly believe mentoring programs provide the necessary partnership between schools, public and private agencies, institutions and businesses, which can help make a difference in the lives of our Nation's at-risk youth.

It has been proven that a relationship exists between poor academic achievement, school completion, and juvenile delinquency. By using mentors to work with at-risk youth, as in the Juvenile Mentoring Program, we provide young people with the positive role models they need to lead successful lives. Mentors provide academic assistance and experience in the workplace as well as helping to develop positive interests and attitudes. The Juvenile Mentoring Program also provides better coordination between the youth's home, school, and residential facility and helps to ensure at-risk youth keep up with their classmates. This encourages them to stay in school once they return to their homes. By making this investment in young people, we help them to be assets to their communities rather than repeat offenders or gang members.

The $2 million provided in H.R. 2519 by the Appropriations Committee will most certainly go a long way in helping our Nation's communities reduce juvenile delinquency. I appreciate the attention the Appropriations Committee has given to this important program and encourage schools to apply for and use this funding to develop mentoring programs for at-risk youth. I commend the committee for providing increases for the overall Juvenile Justice and Delinquency Prevention Act. This investment will pay for itself many times over in reduced costs for law enforcement, job training, and other social services. With juvenile crime on the rise in our country, particularly violent crime, it is of the utmost importance that we support the activities authorized under this law.

Ms. HARMAN. Mr. Chairman, at an earlier point in the debate on this bill, a point of order was sustained to delete funding for one of the lifelines for Americans who live in poverty.

As a young lawyer in the late 1960's and early 1970's, I witnessed the birth of the Legal Services Corporation and participated in its struggle for adequate funding.

Contrary to the claims of its critics, the LSC was never envisioned as—nor has it functioned as—a political effort to radicalize the poor. Rather, it has been the only chance for many Americans to have a shot at the basic tenet of our Constitution and system of law—equal justice.

Despite scant resources, the LSC has helped thousands over the years in critically important matters such as:

Wrongful tenant evictions—without the LSC there would be substantially more homelessness

Wrongful denial of Social Security benefits—often the sole income for the elderly

Discrimination in housing or employment based on psychiatric disability

Wrongful termination of parental rights which deprives children of the nurturing role of one or both parents.

All these issues affect families, and the LSC is one of the few pro-family advocates for Americans in poverty.

Yet, LSC funding and coverage have declined in today's dollars since 1981.

Here are how these decreases have affected California:

From 1980 to 1990, the number of legal services attorneys in California decreased 20 percent while the number of Californians eligible to receive legal assistance increased 34 percent.

The ratio of poor persons per legal services attorney during this same decade nearly doubled, from 5,727 in 1980 to 10,074 in 1990

California Rural Legal Assistance lost one third of its field staff in the 1980's, while poverty increased 50 percent in the program's client population.

In Los Angeles, the Legal Aid Foundation is facing the loss this year of $1.1 million. Due to the severe funding cuts, thousands seeking legal assistance are turned down.

Mr. Chairman, these statistics are devastating. And behind the statistics are human beings: children, seniors, adults with disabilities, many of whom are striving to break out of the cycle of poverty.

As a member of the bar and a Member of the Congress of the United States, I view my obligation to help afford equal justice for all as central. Deleting LSC funding hinders that goal. I urge restoration of LSC funding in the conference report, and approval of that request by the House.

Mr. COPPERSMITH. Mr. Chairman, at the request of the Chief Judge of the U.S. Bankruptcy Court in my State, I rise to support the Appropriations Committee for including in H.R. 2519, the Commerce, Justice, State appropriations bill, funds available for use for additional bankruptcy judgeships previously authorized in the 102d Congress. The committee has included in this bill $16 million in the judiciary salaries and expenses account to cover the highest priority needs of the Federal judiciary. This particular appropriation could fund many of the bankruptcy judgeships authorized, but not funded, by the last Congress.

Adequate judicial resources on the Federal bankruptcy bench represent a small but important piece needed for our Nation's economic recovery. Adequate resources help both debtors get back on their feet and help creditors receive payment more quickly. Debtors and creditors, small and large businesses, labor and management, rural and urban Americans, and the economy as a whole, all depend on the swift and equitable handling of bankruptcy cases.

The judicial district of Arizona had a record year for bankruptcy filings in 1992. Last year, Arizona ranked 11th in the country in overall filings. Funding of these new bankruptcy judgeships should lead to a reduced backlog, quicker turnaround for individual cases, and ultimately a positive impact on our economy.

I thank the distinguished chairmen of the full committee and the subcommittee, as well as the members of the full committee and subcommittee, for recognizing this national need in this bill.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The question was taken; and on a division (demanded by Mr. WALKER) there were ayes 9; noes 8.

So the motion to rise and report was agreed to.

☐ 1640

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the so-called Hunter amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. SMITH of Iowa. Mr. Speaker, I demand a separate vote on the so-called Penny amendment, as amended, which reduced SBA by $21,870,000, and also on the so-called Walker amendment that had to do with reducing NOAA.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 19, line 3, strike "$999,000,000" and insert "$1,059,000,000".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule XV, votes on the two subsequent amendments, if ordered, will be reduced to a minimum of 5 minutes. Members are advised this is a 15-minute vote, which may be followed by two 5-minute votes, after which there may be further votes.

The vote was taken by electronic device, and there were—yeas 298, nays 129, not voting 7, as follows:

[Roll No. 342]

YEAS—298

Abercrombie
Ackerman
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Cox
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCurdy
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Molinari
Moorhead
Morella
Myers
Nadler
Neal (NC)
Nussle
Ortiz
Oxley
Pallone
Pastor
Paxon
Petri
Pickett
Pombo
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vucánovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—129

Allard
Andrews (ME)
Andrews (NJ)
Baesler
Baker (LA)
Barca
Barcia
Barrett (WI)
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cantwell
Cardin
Carr
Coble
Costello
Coyne
Cramer
Crane
DeFazio
DeLauro
Dellums
Dicks
Dooley
Dunn
Durbin
Edwards (TX)
English (OK)
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Goodling
Hall (OH)
Hamilton
Hastings
Hayes
Hefner
Hoagland
Holden
Hoyer
Hughes
Jacobs
Kanjorski
Kennelly
Klein
Klink
Kreidler
Lambert
Lloyd
Lowey
Markey
McCloskey
McCrery
McDade
McDermott
McHale
Meehan
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Natcher
Neal (MA)
Oberstar
Obey
Olver
Orton
Owens
Parker
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Rahall
Reed
Regula
Reynolds
Roemer
Rostenkowski
Rush
Sabo
Sensenbrenner
Sharp
Skaggs
Slattery
Smith (IA)
Spratt
Stenholm
Strickland
Studds
Swift
Synar
Taylor (MS)
Thornton
Thurman
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Williams
Wise
Wyden
Wynn
Yates

NOT VOTING—7

Conyers
Frost
Henry
Mann
Moakley
Packard
Tucker

□ 1705

Messrs. PORTER, ENGLISH of Oklahoma, SPRATT, and PENNY changed their vote from "yea" to "nay."

Mr. BARLOW, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MARGOLIES-MEZVINSKY, Messrs. RANGEL, STARK, ABERCROMBIE, COX, DINGELL, TAUZIN, CLAYTON, and TOWNS, and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. McNULTY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 33, line 21, strike "$1,650,000,000" and insert in lieu thereof "$1,640,366,000".

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 356, not voting 8, as follows:

[Roll No. 343]

AYES—70

Allard
Archer
Armey
Baker (CA)
Ballenger
Barrett (NE)
Barton
Bereuter
Bonilla
Bunning
Burton
Coble
Combest
Condit
Coppersmith
Cox
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Franks (CT)
Gingrich
Glickman
Goodlatte
Grams
Grandy
Hall (TX)
Hancock
Harman
Herger
Hunter
Hutchinson
Inhofe
Johnson, Sam
Kim
Kyl
Linder
Manzullo
McCandless
McInnis
McKeon
Meyers
Minge
Montgomery
Moorhead
Myers
Nussle
Parker
Paxon

Penny
Pombo
Portman
Roberts
Rohrabacher
Royce
Schaefer

Sensenbrenner
Solomon
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)

Thomas (CA)
Thomas (WY)
Thurman
Walker
Young (FL)

NOES—356

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Cooper
Costello
Coyne
Cramer
Crane
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel

English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg

Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen

Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano

Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thompson

Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—8

Conyers
Frost
Henry

Istook
Mann
Moakley

Packard
Tucker

□ 1715

Mr. SPRATT changed his vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the last amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 55, line 8, strike "$243,326,000" and insert "$221,456,000."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule XV, and the Chair's prior announcement, this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 242, not voting 9, as follows:

[Roll No. 344]

AYES—183

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett

Barton
Bateman
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Byrne

Callahan
Calvert
Camp
Canady
Cardin
Castle
Clinger
Collins (GA)
Condit
Coppersmith
Cox
Crane
Crapo

Cunningham
DeFazio
DeLay
Derrick
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde

Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Myers
Orton
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri

Pickle
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Reed
Ridge
Roberts
Roemer
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shays
Shepherd
Shuster
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Synar
Talent
Tanner
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—242

Abercrombie
Ackerman
Andrews (ME)
Applegate
Baker (CA)
Barca
Barcia
Barlow
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Coyne
Cramer
Danner
Darden
de la Garza

Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Glickman
Gonzalez
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland

Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott

McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Regula
Reynolds
Richardson
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Conyers
Dickey
Dornan
Frost
Henry
Mann
Moakley
Packard
Tucker

□ 1723

Mr. GALLO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, I was unavoidably detained and could not make the vote on the Penny amendment to H.R. 2519. Had I been present, I would have voted for that amendment.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KOLBE. Mr. Speaker, in its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KOLBE moves to recommit the bill, H.R. 2519, to the Committee on Appropriations with instructions to report back the same forthwith with the following amendments:

On page 13, line 1, strike "$307,700,000" and insert "$356,884,000".

On page 16, line 18, strike "$2,024,705,000" and insert "$2,043,705,000".

On page 18, line 4, strike "$718,684,000" and insert "$731,639,000".

The SPEAKER pro tempore. Does the gentleman wish to be heard on his motion to recommit?

Mr. KOLBE. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes on his motion to recommit.

Mr. KOLBE. Mr. Speaker, This motion to recommit will restore funding to the level requested by the President in three critical law enforcement areas: Detention of U.S. Prisoners; FBI; and DEA. My motion is as simple as that.

Orginally this motion was to have included increases in funding to protect and regulate this country's borders. The INS is woefully understaffed, resulting in wave after wave of illegal border crossings, and causing endless delay for legal crossings. By a July 1 floor amendment, however, the House agreed to add $60 million to the INS budget, removing the need to include increased funding in the motion to recommit for INS.

The increases in funding for law enforcement contained in this motion do not cause the bill to exceed last year's spending level. In fact, with this spending, it is still $2.2 billion below

Let me describe the areas very quickly.

U.S. prisoners: Of the $81.2 million total, $49.2 million will go to support detention of U.S. prisoners, bringing the bill to the funding level requested by the President.

At the bill's current funding level, over 874,126 fewer jail days will be funded than would be under this motion.

Since 1987, the U.S. Marshals Service's Federal detainee population has grown by 167 percent—an annual growth rate of 15 percent and far outpacing the Bureau of Prisons inmate population.

In 1992 alone, the population grew by 20.6 percent.

Most likely, the BOP could not handle the overflow, and the Department would have to work with the courts, and Federal arresting agencies to control the population, including delays in detaining suspected criminals, or at the other end releasing convicted criminals early so the detained people can be kept in jail pending trial.

Mr. Speaker, we have to send a strong message to lawbreakers today, that if you break the law you are going to be put away, period. We have a responsibility to be able to hold those that are being arrested, to detain them until they have trial, and this amendment would allow us to do that.

For the FBI, the motion provides $19 million to bring it to the President's requested level of funding.

Mr. Speaker, when addressing the FBI, let me point out that the $10 million will go into the fund, or will go to fund nationwide implementation of the background investigation contract service known as BICS. With the BICS funding, we will be able to take 62 agents that might be reassigned to such high-priority programs as health care fraud, and the FBI has estimated that health care fraud amounts to over $80 billion annually, or close to 10 percent of our health care spending.

If we put it another way, if we could eliminate health care fraud, and this could go partway to doing that, we could fund the various health care reforms that are floating around this House and around Washington today.

Besides providing important funding for the BICS Program, the motion to recommit would provide $9 million for the Integrated Automated Fingerprint Identification System that is called IAFIS. IAFIS will improve turnaround for criminal fingerprint checks from as long as 6 weeks to just 2 hours. The expedited time for fingerprint checks will help the Federal and State law enforcement agencies to identify criminals before they are released from custody.

□ 1730

This motion will add $13 million to the DEA to bring it to the President's level.

The House mark would result in a reduction of approximately 105 positions in the DEA.

These reductions come on the heels of position reductions totalling 176 in 1993, including 163 agents.

The combined agent loss in 1994 of 238 agents, 163 in 1993, and 75 in 1994, will result in roughly 1,825 fewer cocaine arrests, two-thirds of which are the highest level class I and class II cases, and an untold amount of asset seizures lost.

Worst of all is the message the cuts send the drug kingpins: That we are in retreat; that our commitment is waning; that we have lost and do not care about fighting the war on drugs.

The appropriations process is the place where this body sets its spending priorities. And while there may be debate on the merits of some programs in this bill, no one can question the importance of properly funding this country's law enforcement agencies. Law enforcement must be of the highest priority until our streets are safe.

Mr. Speaker, along with many of our Members, I wish that we could do more, but this, at least, is a beginning, and I urge my colleagues to vote "yes" on the motion to recommit.

Mr. SMITH of Iowa. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this is a novel motion to recommit. It adds money. All of the motions to recommit we have had up to now took money out of programs.

This motion to recommit would add $81 million for a purpose that is close to my heart, always has been, law enforcement. But in the bill, we gave law enforcement more than the 95 percent of current services that we held most agencies to.

Then, if you will remember, when the budget was submitted last February, the administration requested some enhancements as part of its investment proposals. We could have the enhancements if we waived the Budget Act. But I am not about to believe that Members are going to waive the Budget Act. We could not give the administration all of the enhancements they requested. So when it is said that we did not give the Justice Department all they requested, it is because we did not give them all of the requested enhancements in the investment proposal. We just do not have the money.

Now for program enhancements, we gave them maybe half of their request. But we have to reserve money for the programs that were knocked out of the bill or points of order. If we do not reserve money, then we will not have the money to restore these programs when we go to conference.

So law enforcement was already over the 95 percent of current services that most agencies received in the bill.

Also, the Hunter amendment that the House just approved added another $60 million to the Justice Department.

Now, the money does not come out of nowhere; we have to get the money from somewhere. I need to know which Members believe law enforcement is a higher priority than all the other things in the bill. That is the reason I want a rollcall vote.

We need to know which Members believe law enforcement is a higher priority than all the other things in the bill. We can get the money; I am not going to say we cannot. We could get the money by killing the NOAA projects that are in the bill. For example, we can kill the Sea Grant Program, which is funded at $40.8 million. We could pick up a chunk right there.

We could kill the Coastal Zone Management Program, which is funded at $41 million. Those two programs together will give us the money to pay for the motion to recommit, if that is what Members want to do. It is your decision.

Marine sanctuaries, if we eliminated that program, it would save another $9 million. We can kill that program. We have already, in this bill, saved $17 million because the chairman of the Energy and Commerce Committee knocked out funds for the Travel and Tourism Administration on a point of order. We already spent three times that amount on the Hunter amendment which added $60 million for the INS.

That is what this motion is about. We do not have the money. If you do not have the money, do you want to increase $81 million over what is contained in the bill.

I say let us have a "no" vote.

The SPEAKER pro tempore (Mr. McNULTY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KOLBE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 315, not voting 7, as follows:

[Roll No. 345]

AYES—112

Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Bartlett
Bateman
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Buyer
Camp
Canady
Clinger
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Emerson
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Kasich
Kim
King
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
McCandless
McCollum
McDade
McHugh
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Oxley
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Ridge
Rogers
Roukema
Royce
Santorum
Schiff
Schumer
Shays
Shuster
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Talent
Taylor (MS)
Taylor (NC)
Upton
Vucanovich
Walker
Walsh
Weldon
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOES—315

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—7

Conyers
Frost
Henry
Mann
Moakley
Packard
Tucker

☐ 1752

Mr. STUMP and Mr. PAXON changed their vote from "aye" to "no."

Messrs. MICHEL, RAHALL, and WISE changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair reminds Members that this in a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 98, not voting 9, as follows:

[Roll No. 346]

AYES—327

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—98

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barcia
Bartlett
Barton
Boehner
Bonilla
Burton
Buyer
Callahan
Camp
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fields (TX)
Franks (NJ)
Gallegly
Gekas
Gingrich
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hefley
Herger
Huffington
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
King
Kingston
Klug
Knollenberg
Kolbe
Levy
Lewis (FL)
Manzullo
McCandless
McHugh
McInnis
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Murphy
Paxon
Petri
Pombo
Ramstad
Roberts
Rohrabacher
Roth
Royce
Santorum
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Slattery
Smith (MI)
Smith (OR)
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Upton
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Conyers
Frost
Henry
Mann
Moakley
Packard
Pomeroy
Tucker
Washington

□ 1801

Mr. GALLO changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1850

## PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, while meeting with my constituents from North Dakota a few minutes ago, I inadvertently missed rollcall No. 346, a vote which represented final passage of the appropriations for Commerce, Justice, State, and Judiciary for fiscal year 1994.

Mr. Speaker, I would like the record to reflect that had I voted, I would have voted in the affirmative.

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted "yes" on rollcall votes numbered 340, 342, 343, 344, 345, and 346.

I would have voted "no" on rollcall vote numbered 341.

## REPORT ON H.R. 2667, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM MAJOR WIDESPREAD FLOODING IN THE MIDWEST, FISCAL YEAR, 1993

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–184) on the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. HOBSON reserved all points of order on the bill.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 702

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 702.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2530, BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEAR 1994

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–185) on the resolution (H. Res. 218) providing for consideration of the bill (H.R. 2530) to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2021

Mr. FISH. Mr. Speaker, I ask unanimous consent that my named be removed as a cosponsor of H.R. 2021, the Undercharge Settlement and Amnesty Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2026

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2026.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2010, NATIONAL SERVICE TRUST ACT OF 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 217

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 302(f) of the Congressional Budget Act of 1974 or clause 5(a) of rule XXI are waived. Other than pro forma amendments for the purpose of debate, no amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII prior to Tuesday, July 20, 1993. The amendments en bloc caused to be printed by Representative Ford of Michigan shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 217 is the rule providing for further consideration of H.R. 2010, the National Service Trust Act of 1993. This is the second rule the Rules Committee has recommended, and the House has considered, for this piece of legislation.

As Members will recall, the first rule, which was approved July 13, provided for 3 hours of general debate time on this important policy initiative, a step the Rules Committee decided to take to ensure that the proponents and the opponents would have more time than they normally would have had under the standard procedures of the House to debate the intricacies of this legislation.

Mr. Speaker, the rule we are considering today makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute shall be considered as read, and is open at any point for any germane amendment that has been printed in the CONGRESSIONAL RECORD prior to today.

Mr. Speaker, the rule also provides for waivers of clause 5(a) of rule XXI, which prohibits appropriating in a legislative bill, and of section 302(f) of the Congressional Budget Act, a section that prohibits the consideration of measures that contain direct spending authority in excess of a committee's appropriation allocation.

The waivers are necessary to address several provisions in both the introduced version and committee-reported version of H.R. 2010 that create direct spending authority. Since the Committee on Education and Labor has not been allocated sufficient authority to accommodate any new spending, several provisions give rise to an infraction of this Budget Act provision.

One of those provisions would allow Peace Corps and certain VISTA volunteers who later become Federal employees to credit the time served in their computation of retirement benefits; they must, however, pay the required funds for that period of time. This change is parallel to one made several years ago making similar accommodations for members of the uniformed services.

Another provision that technically violates section 302(f) of the Budget Act creates executive level positions for senior officers of the new Corporation of National Service. Individuals appointed to positions in the executive schedule are assigned fixed rates of pay. By precedent, this action constitutes the creation of new entitlement authority and is therefore technically a violation of the Budget Act.

One final example of the type of provision that requires this waiver is one that permits the Corporation for National Service and other Federal agencies to accept donations in support of the National Service Program and to expend those donations directly. While these provisions are deficit neutral—the Federal Government would receive an amount equal to the amount expended—budget process rules count donations to the Federal Government as revenues on one side of the ledger and the spending of

Since these direct spending provisions are also interpreted to be appropriations under House precedents, a waiver of clause 5(a) of rule XXI is also necessary.

Mr. Speaker, as a member of the Budget Committee and as one member who has been aggressive, if I may say so, in objecting to substantive violations of the Budget Act, I can assure my colleagues that these waivers are indeed minor and technical in nature. You may hear otherwise from other Members of this body, but in my view section 302(f) of the Budget Act was not written to prevent such minor provisions from being enacted.

Further, it is the role of the Rules Committee obviously to consider, determine, and recommend waivers of existing rules when those waivers are, as they are in this case, purely technical and minor in nature.

Mr. Speaker, the rule we are considering today is an open rule. Members were permitted to offer any amendment that would be allowed under the rules of the House; this rule contains no restrictions on the substance of amendments.

The only restriction is the requirement that amendments that are considered must have been printed in the CONGRESSIONAL RECORD prior to July 20. The Rules Committee fully recognized that Members would need adequate advance time to prepare amendments, and so first gave official notice of this requirement 3 weeks ago, on June 30.

The Committee recognized also that the complexities of the bill made the preprinting requirement reasonable for fair, orderly, and effective debate. I might add, Mr. Speaker, minority members of the Committees on Education and Labor and Rules did not object to this suggestion during our first meeting on H.R. 2010, so long as Members received adequate time to prepare amendments—and, surely, 3 weeks is ample time. In this Member's view, the requirement should have had no deleterious effect on Members who desire to offer amendments, especially those amendments that will be useful in the forthcoming debate.

In addition, Mr. Speaker, secondary amendments to those amendments printed in the RECORD, will be allowed; the rule in no way blocks secondary amendments.

The rule also allows Chairman FORD to offer a nondivisible en bloc amendment that was printed in the RECORD on July 13. Many of the modifications to the bill contained in the en bloc amendment were recommended by members from the minority on the Education and Labor Committee. Further, the minority on the committee agreed to the inclusion of all the modifications in the en bloc amendment.

And finally, Mr. Speaker, the rule allows for one motion to recommit with or without instructions.

The bill for which this rule is being offered, H.R. 2010, creates a system of national service that would encourage individuals to work in, for example, educational, environmental, and human and public safety programs that address many of our Nation's most serious problems.

The National Service Trust Act not only will enable Americans of all backgrounds to perform service and earn educational awards in return, but also will reauthorize several existing programs offering service opportunities for Americans, including senior citizens.

The bill has wide bipartisan support. I do not intend, nor do I believe this to be the place, to argue or debate the merits of this ambitious initiative—we have already had 3 hours of general debate for that purpose, and I trust we shall have further intelligent and thoughtful debate as amendments—as many as 18 of them—are considered tomorrow.

I encourage my colleagues to approve this open rule so that we may proceed with what I assume will be a lively debate in the consideration of amendments to H.R. 2010.

□ 1810

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DREIER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state it.

Mr. DREIER. Mr. Speaker, I would like to propound this parliamentary inquiry: assuming that I or my colleague, the gentleman from Woodland Hills, CA, were to ask for a vote on this at the end, would that vote be held this evening or tomorrow?

The SPEAKER pro tempore. That vote would be rolled until tomorrow.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule, because there is absolutely no reason why our Committee on Rules cannot employ proper procedure for consideration of this national service legislation. There is absolutely no scheduling emergency facing this House. We should have general debate directly before the amendment process. Then all Members of this House, Democrats and Republicans alike, should be able to participate in an open amendment process as is their right under the House rules. Finally, there is no excuse whatsoever for waiving points of order basically, once again, ignoring our rules.

Last week, when the part one rule for this bill was considered on the floor, I urged my colleagues to reject the two-part rule process that permits general debate one day, and amendments later. This bill illustrates why these two-part rules are so counterproductive.

We held the 3 hours of general debate on this national paid service bill a week ago. There were 3 hours of debate because there was a strong consensus from members of the committee that this was a very important issue, and it was a completely new proposal. We needed the time, that 3 hours, to adequately deliberate. Today, I strongly doubt that more than a handful of Members, besides those who took part in that debate, remember a heck of a lot of what was said.

General debate is intended to be more than a chance to make grandstand speeches for the TV cameras. It is designed to play a very important part in the process of deliberative democracy.

General debate must immediately precede the actual consideration of legislation so that the debate helps Members understand the bill before them.

Many of us have grappled with the problem of setting schedules so Members can focus on their most important job: legislating. Think about what most Members have done since we held the general debate on this bill. On the floor, there have been hours of debate and scores of votes on appropriations bills, and we have debated the budget itself. Every Member has had dozens of meetings and committee hearings. Nearly all Members have traveled back and forth from their districts, including the Members from the Mississippi Valley who are dealing with the terrible flood devastation. Now, with all that, how many know what was said in the debate on this national service bill? It is absolutely clear, Mr. Speaker, that this two-part rule process is for the birds.

This rule also requires amendments to be printed in the CONGRESSIONAL RECORD. That might not sound like much, but it is another bad policy that belittles the traditions of House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea.

Why do we need this burdensome preprinting process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better.

Finally, this rule waives the Budget Act and the prohibition against appropriating in an authorizing bill. Last week, the Ziggy cartoon actually portrayed the House Rules Committee as the "House Whatever We Feel Like Doing Committee." Now, I don't know what brought Ziggy up to our cozy little Rules Committee room. But I think it shows that constantly ignoring the rules around here has become a joke to the American people.

Mr. Speaker, this bill creates a paid service program that pays better than many private sector jobs. The American people do not want new and expensive Clinton government make-work programs, because they do not want new taxes to pay for them. Therefore, once again, I urge the House to perform a little community service of our own. Send this bad rule back, and consider this important bill under a process that is worthy of the spirit of national service.

Mr. Speaker, I include for the RECORD these documents regarding the proposed rule:

VOTES ON MOTIONS IN THE RULES COMMITTEE TO THE PROPOSED RULE ON THE NATIONAL SERVICE TRUST ACT, WEDNESDAY, JULY 14, 1993

1. Open Rule (see text below).—Provides for consideration of committee amendment in the nature of a substitute as original text for amendment purposes under the 5-minute rule; allows for the en bloc consideration of Ford amendments printed in the Rules Committee report which shall not be subject to division in the House or Committee of the Whole, and for said en bloc amendments to be considered part of the original text for further amendment purposes under the 5-minute rule. Finally, the rule provides for one motion to recommit, with or without instructions. *The substitute rule contains no waivers, no pre-filing requirements for amendments, and no self-executing provisions.*

Rejected: 4-5. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, and Slaughter. Not voting: Bonior, Hall, Wheat and Gordon.

2. Strike Pre-Filing Requirement.—Strike from the rule the language requiring the pre-filing of amendments in the Congressional Record before Tuesday, July 20th.

Rejected: 4-6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, and Slaughter. Not voting: Bonior, Hall, and Wheat.

3. TO REPORT THE RULE AS MOVED.—Providing for the consideration of the committee amendment in the nature of a substitute as original text, waiving sec. 302(f) of the Budget Act and clause 5(a) of rule XXI against the substutute, permitting no amendments to the substitute except pro forma amendments and those printed in the Record prior to Tuesday, July 20th, and permitting en bloc consideration of amendments by Rep. Ford of Michigan, and providing one motion to recommit, with or without instructions.

Adopted: 6-4. Yeas: Moakley, Derrick, Beilenson, Frost, Gordon and Slaughter. Nays: Solomon, Quillen, Dreier and Goss. Not voting: Bonior, Hall, and Wheat.

PROVIDING AN OPEN RULE FOR THE NATIONAL SERVICE TRUST ACT

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes. At the completion of general debate pursuant to H. Res. 215, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said amendment shall be considered as read. It shall first be in order to consider en bloc the amendments printed in part 1 of the report of the Committee on Rules to accompany this resolution if offered by Representative Ford of Michigan, or a designee, said amendments shall be considered as read, shall not be subject to a division of the question in the House or in the Committee of the Whole, and, if adopted, shall be considered part of the original text for the purpose for further amendment under the five-minute rule, notwithstanding their prior adoption. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

OPEN VERSUS RESTRICTIVE RULES—95TH–103D CONGRESSES

| Congress (years) | Total rules granted[1] | Open rules[2] |  | Restrictive rules[3] |  |
|---|---|---|---|---|---|
|  |  | Number | Percent | Number | Percent |
| 95th (1977–78) | 211 | 179 | 85 | 32 | 15 |
| 96th (1979–80) | 214 | 161 | 75 | 53 | 25 |
| 97th (1981–82) | 120 | 90 | 75 | 30 | 25 |
| 98th (1983–84) | 155 | 105 | 68 | 50 | 32 |
| 99th (1985–86) | 115 | 65 | 57 | 50 | 43 |
| 100th (1987–88) | 123 | 66 | 54 | 57 | 46 |
| 101st (1989–90) | 104 | 47 | 45 | 57 | 55 |
| 102d (1991–92) | 109 | 37 | 34 | 72 | 66 |
| 103d (1993–94) | 26 | 7 | 27 | 19 | 73 |

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars & Surveys of Activities. 95th–102nd Congresses; "Notice of Action Taken," Committee on Rules, 103rd Congress, through July 14, 1993.

OPEN VERSUS RESTRICTIVE RULES—103d CONGRESS

| Rule number and date reported | Rule type | Bill number and subject | Amendments submitted | Amendments allowed | Disposition of rule and date |
|---|---|---|---|---|---|
| H. Res. 58—Feb. 2, 1993 | MC | H.R. 1: Family and Medical leave | 30 (D–5; R–25) | 3 (D–0; R–3) | PQ: 246–176 A: 259–164 (2/3/93) |
| H. Res. 59—Feb. 3, 1993 | MC | H.R. 2: National voter registration act | 19 (D–1; R–18) | 1 (D–0; R–1) | PQ: 248–171 A: 249–170 (2/4/93) |
| H. Res. 103—Feb. 23, 1993 | C | H.R. 920: Unemployment compensation | 7 (D–2; R–5) | 0 (D–0; R–0) | PQ: 243–172 A: 237–178 (2/24/93) |
| H. Res. 106—Mar. 2, 1993 | MC | H.R. 20: Hatch Act amendments | 9 (D–1; R–8) | 3 (D–0; R–3) | PQ: 248–166 A: 249–163 (3/3/93) |
| H. Res. 119—Mar. 9, 1993 | MC | H.R. 4: NIH Revitalization Act of 1993 | 13 (D–4; R–9) | 8 (D–3; R–5) | PQ: 247–170 A: 248–170 (3/10/93) |
| H. Res. 132—Mar. 17, 1993 | MC | H.R. 1335: Emergency supplemental approps. | 37 (D–8; R–29) | 1 (not submitted) (D–1; R–0) | A: 240–185 A (3/18/93) |
| H. Res. 133—Mar. 17, 1993 | MC | H. Con. Res. 64: Budget resolution | 14 (D–2; R–12) | 4 (1–D not submitted) (D–2; R–2) | PQ: 250–172 A: 251–172 (3/18/93) |
| H. Res. 138—Mar. 23, 1993 | MC | H.R. 670: Family planning amendments | 20 (D–8; R–12) | 9 (D–4; R–5) | PQ: 252–164 A: 247–169 (3/24/93) |
| H. Res. 147—Mar. 31, 1993 | C | H.R. 1430: Increase public debt limit | 6 (D–1; R–5) | 0 (D–0; R–0) | PQ: 244–168 A: 242–170 (4/1/93) |
| H. Res. 149—Apr. 1, 1993 | MC | H.R. 1578: Expedited Rescission Act of 1993. | 8 (D–1; R–7) | 3 (D–1; R–2) | A: 212–208 (4/28/93) |
| H. Res. 164—May 4, 1993 | O | H.R. 820: Natl. Competitiveness Act | N/A | N/A | A: Voice Vote (5/5/93) |
| H. Res. 171—May 18, 1993 | O | H.R. 873: Gallatin Range Act of 1993 | N/A | N/A | A: Voice Vote (5/20/93) |
| H. Res. 172—May 18, 1993 | O | H.R. 1159: Passenger Vessel Safety Act | N/A | N/A | A: 308–0 (5/24/93) |
| H. Res. 173—May 18, 1993 | MC | S.J. Res. 45: U.S. forces in Somilia: | 6 (D–1; R–5) | 6 (D–1; R–5) | A: Voice Vote (5/20/93) |
| H. Res. 183—May 25, 1993 | O | H.R. 2244: 2nd supplemental approps | N/A | N/A | A: 251–174 (5/26/93) |
| H. Res. 186—May 27, 1993 | MC | H.R. 2264: Omnibus budget reconciliation | 51 (D–19; R–32) | 8 (D–7; R–1) | PQ: 252–178 A: 236–194 (5/27/93) |
| H. Res. 192—June 9, 1993 | MC | H.R. 2348: Legislative Branch appropriations. | 50 (D–6; R–44) | 6 (D–3; R–3) | PQ: 240–177 A: 226–185 (6/10/93) |
| H. Res. 193—June 10, 1993 | O | H.R. 2200: NASA authorization | N/A | N/A | A: Voice Vote (6/14/93) |
| H. Res. 195—June 14, 1993 | MC | H.R. 5: Striker replacement | 7 (D–4; R–3) | 2 (D–1; R–1) | A: 244–176 (6/15/93) |
| H. Res. 197—June 15, 1993 | MO | H.R. 2333: State Dept. H.R. 2440: Foreign Aid. | 53 (D–20; R–33) | 27 (D–12; R–15) | A: 294–129 A: (6/16/93) |
| H. Res. 198—June 16, 1993 | C | H.R. 1876: Ext. of Fast Track | N/A | N/A | A: Voice Vote (6/22/93) |
| H. Res. 200—June 16, 1993 | MC | H.R. 2295: Foreign Operations Appropriations. | 33 (D–11; R–22) | 5 (D–1; R–4) | A: 263–160 (6/17/93) |
| H. Res. 201—June 17, 1993 | O | H.R. 2403: Treasury-Postal appropriations | N/A | N/A | A: Voice Vote (6/17/93) |
| H. Res. 203—June 22, 1993 | MO | H.R. 2445: Energy & Water Appropriations | N/A | N/A | A: Voice Vote (6/23/93) |
| H. Res. 206—June 23, 1993 | O | H.R. 2150: Coast Guard Authorization | N/A | N/A |  |
| H. Res. 217—July 14, 1993 | MO | H.R. 2010: National Service Trust Act | N/A | N/A |  |

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma. [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I thank the gentleman for yielding time to me.

I am not going to take long, Mr. Speaker, but I rise only because I think there has been considerable rhetoric given in the past few days regarding national service.

As one who is a strong proponent of not only national service and community service but also the bill that is before this House, I thought it was important that at least some of us stand up and try to again, for the sake of the public record and for those who are listening, state what this bill is not and perhaps what this bill actually does.

I notice on the other side of the aisle my distinguished colleague and friend, the gentleman from Connecticut [Mr. SHAYS], who like myself has been a strong proponent of this legislation and has been a tremendous contributor to this bill, who understands community and public service, who himself was a member of the Peace Corps.

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Mr. Speaker, the national service bill that we will be debating and that we will be considering either tomorrow or the remainder of this week is not a volunteer bill, it is not voluntarism. We had the Thousand Points of Light discussed. It is important to support voluntarism in America. No one wants to undermine that, or undercut voluntarism. It is a staple of the American way of life, and an important one. We value that.

However, this is not a volunteer bill. On the other extreme, it is not a public jobs bill. It is not a public works bill.

It is not, as my colleague, the gentleman from California, said, a make-work program. It is truly national service.

We are building on the successful programs in the communities that have tried this through pilot programs, such as the Boston Year Program, or the ones in Philadelphia, New York City, the State of California, the one recently established in the State of South Carolina, where individuals will commit full-time service in their communities for a year, drawing minimum wage.

Unfortunately, there are many in our society who want to contribute, who want to provide service, who cannot afford to volunteer full time because they have to live. They have to have housing, they have to be able to eat, they have to be able to provide for themselves and others.

As one young lady that I met with in Boston, a young African-American woman who had a child, stated so clearly and vividly the fact that this program she was involved in, a pilot program of national service, helped turn her life around. She now had direction, had learned some life management skills, and because of this was going on to further education.

There are young people by the score across this country who seek real national service, who look for the opportunity. As one who serves on the Committee on Armed Services, who believes in the all-volunteer force, as we reduce that force substantially over the next few years we are going to deny opportunity for a large number of young people who would not have any other alternative course to improve their lives, to get them training, establish some discipline, and at the end of that service have some meager voucher to take and apply to their further education.

This bill, as I indicated, is not voluntarism. It is not a make-work program. If the Members will notice, oneSHAYS] and the gentleman from Wisconsin [Mr. GUNDERSON], Republican Members of this body, stated, and I thought it was interesting, they said, "National service, a Republican idea."

Mr. Speaker, I do not think it is a Republican idea or a Democratic idea. I believe this is truly a democratic notion, an American notion, that we want to change the entitlement mentality in America.

This is not an entitlement program, this is an appropriated bill. If it does not work, if it turns out to be a failure, then we do not appropriate the funds and it can be terminated very quickly.

However, I believe it will be successful, because this is building on the core values of America. At the same time, we are going to address one of those critical social deficits we have in America. We are going to provide opportunities for young Americans to give something back to their country, to provide support in their communities where they need it the most.

All we are going to say is, we are going to give them a voucher so they can go further their education, not based on financial need, not based on where they come from, not based on their race, religion, or sex. We are going to say we are going to provide that opportunity "because you earned it, simply because you earned it. You spent a year of your life helping other people, drawing minimum wage, and at the end of that time we are going to give you a $5,000 voucher. If you decide not to use it to go to college, do not use the full amount, then it does not go beyond that."

It is just a small point that we are going to say, "You have earned this benefit."

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I am glad to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his very complimentary remarks about my statement.

What I would like to ask my friend is if he is aware of the level of compensation that is provided for those in this volunteer program, juxtaposed to those who are benefiting under the GI program.

Mr. McCURDY. Absolutely. Charlie Moskos, who is one of the premier military sociologists in America, and I, worked to develop a national service program which is not here today, which is far more generous than what the GI bill advocated.

SAM NUNN, the distinguished Senator from the other body, from Georgia, and I introduced a national service bill that had a voucher of $10,000. The bill we have today is $5,000.

The original proposal was for $7,400. Because of the negotiations and the concerns of my colleagues on the other side of the aisle, the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman from Connecticut [Mr. SHAYS], and others, and the veterans community that we dealt with honestly and openly, we reduced the amount to $5,000.

The actual education voucher, and I will respond to the question, is slightly more than what is offered in the GI bill, but the difference is that we are not talking about minimum wage. In the military today we are paying privates and enlistees very generous wages and health care benefits. When we look at the total value of the GI bill, with the stipend given to military service plus the health care and other benefits after they separate from the military.

Mr. DREIER. If the gentleman will continue to yield, I just thought it was very important for us to show that at the outset, there is a higher level of compensation for this volunteer program than there is for those who are fighting on behalf of our country.

I thank the gentleman for yielding to me.

Mr. McCURDY. The gentleman's last statement, with the figures that I have, is not an accurate statement. Let me just state for the record, under the Civilian National Service Program, if we include the stipends, and this was based on the $7,400, and it is now at $5,000, the total for 2 years of service is $16,820. For basic pay for 2 years of active duty in the armed services plus the educational benefit, it is $21,018.

Mr. DREIER. Mr. Speaker, if my friend would further yield, I would just like to raise this question. I was trying to specifically raise the issue of the education benefit, not all these other benefits that are accrued and provided to those who have provided military service for the country.

The gentleman's staff has just provided him with figures there. I do not have a member of the committee providing that to me, but the way I understand it, we see the education benefit that is provided to those who are in this volunteer program at a higher level than the education benefit that is actually provided to those who have been in the military.

Mr. Speaker, I think this is an important point, and I think this is something we need to raise. For a 2-year enlistment, a servicemember contributes, in the military, $1,200 to the Montgomery, SONNY MONTGOMERY, the author of the GI bill, a cosponsor of the national service bill we will be debating, he contributes $1,200 and qualifies for $11,700 at the end of the 2-year enlistment, for a total of $10,500.

For 2 years active duty plus 2 years reserve and 4 years individual reserve enlistment, he receives, after reduction of his contribution, $13,200. For the national service, it is a maximum of $10,000 for the 2 years of service, so in fact, it is less than it is for the GI bill. Previously, it would have been more. We reduced it because of that very concern.

Mr. Speaker, I thank the distinguished gentleman from California for his time. Mr. Speaker, I want to commend the chairman of the Committee on Education and Labor for his determined and thoughtful stewardship of this bill through the committee, and again to my colleagues on the other side who have truly worked to make this a bipartisan proposal.

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Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my good friend, the gentleman from East Petersburg, PA [Mr. WALKER], the deputy whip on the minority side.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I think my concern stems from something that I raised during the general debate, and that is that it is true that this is not a case of volunteerism. What we are talking about here is that national service is simply another term for adding 25,000 new Federal employees to the rolls.

Nowhere do I go in America that they believe that the solution to our Nation's problems is to increase the Federal work force by another 25,000 people. Most people that I talk to believe that there is some necessity to reduce the size of the Federal Government, to reduce the number of Government employees, not to increase them, and yet what we are talking about here is increasing Federal employment.

I am wondering as I look at this rule whether or not that relates directly to the fact that we have to waive both the Budget Act and rule XXI, clause 5(a). Can the gentleman from California [Mr. DREIER], tell me when we waive section 302(f) of the Congressional Budget Act what it is we are doing here?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER. There are a wide range of things we are doing here. One of the things that concerns me is that we are taking VISTA and Peace Corps volunteers and basically incorporating them in the Civil Service Retirement Program, which is something that is very, very disconcerting to me. I am surrounded here by some former VISTA and Peace Corps volunteers who have done spectacular service for our country, but it seems to me that the Peace Corps and VISTA programs were not established to be a springboard from which one would establish a career in working for the Government. But that is basically what this does with this budget waiver, it provides an opportunity for people to utilize the time that they put in as volunteers as Government service time.

Mr. WALKER. So when those programs were created, they were created with much of this kind of an idea behind them. The same concept that spurs national service was behind the Peace Corps and VISTA when they were created, and that was that they would be an opportunity for primarily young people, but people beyond youth as well, to give some of their time to their country.

Now what we have done in this bill, as I understand it, is we have converted that time spent into time that can count toward retirement.

Mr. DREIER. Absolutely.

Mr. WALKER. So we have now admitted flatly that during that period of time that they were in, that they were in fact Federal employees. Now we are coming back and suggesting that in this program well, no, this one is going to be different. We did not mean it 25 years ago when we said it was voluntary time, because now we are including that time for purposes of Federal employment. But this time we mean it. These people are not going to be Federal employees.

I think that this budget waiver is in fact proof positive that what I have been saying with regard to the fact that this adds 25,000 new Federal employees to the payroll is in fact the case. This bill basically takes the whole idea of volunteerism, converts it over into Federal employment for the purposes of Federal retirement.

So what we have here is both an attempt to get around the Budget Act, and interestingly enough, an appropriation in an authorization bill. So what we now have is the authorizing committee also appropriating money that we do not have.

I think that this rule tells us a lot of what is wrong in this bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. FORD] chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, as the former chairman of the Post Office and Civil Service Committee for 10 years, and the author of the present Federal pension system with the Senator from Alaska back in 1968, in cooperation with the Reagan administration, I would like to compliment the gentleman from Pennsylvania for the great performance of I believe a Shakespearean play called "Much Ado About Nothing."

They already have the conversion right under the CSRS, the old pension system. All we are doing is upgrading that right so that they can come into the new system, which also puts them into Social Security, to pay into Social Security like the Members of the House and our staffs. We do not give anybody any credit for their service in the Peace Corps. We do not give anybody any financial reward for service in the Peace Corps or in VISTA.

We simply say, as we said to other people when they were in the military in World War II, you did not expect to get anything like the GI bill, and I am one of the people who benefited from that, but Congress decided that it was worthwhile, your effort was worthwhile, and we wanted to give it to you.

What we are talking about here is maybe five or six people who would be asked to come into the headquarters of this program, using their experience from programs like VISTA and the Peace Corps, and we are saying to them if you had been over there doing something else, and you will come and do this, we will let you buy the time as if you were covered by the pension system during the 2 years that you were in VISTA or in the Peace Corps.

It is much ado about nothing. It is pennies. It is kind of a silly argument. I hate to dignify it by responding, but the American public at least ought to understand when somebody is trying to pull the wool over their eyes.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from East Petersburg, PA [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

I guess what we have just been told is that the Budget Act is being waived for pennies. The gentleman has just told us that we are talking about pennies here. It is much ado about nothing.

All I see is a rule that suggests that we have to waive both the Budget Act and rule XXI, clause 5(a) in order to accomplished what the gentleman tells us is much ado about nothing and is a matter of pennies.

My guess is that it is a little more serious than that when we have to bring a whole rule to the floor and waive both rules of the House and the Budget Act in order to accomplish what the gentleman regards as much ado about nothing. I think it is a matter of concern because I think it says very, very clearly that we are in this bill moving in brandnew directions, all of which are designed to increase Federal employment and increase obligations on the taxpayer for some time to come.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Stamford, Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank my colleague for yielding the time. I am intrigued that he knows where all of our communities are besides our States.

Mr. Speaker, I would just want to say from the outset that I have been very grateful to Members on both sides of the aisle for how they have treated debate on this bill, and particularly grateful to the majority party for their open rule. I am not, like my colleague, troubled about the 24-hour preprinting requirement. I note there are 18 amendments. I was concerned as a supporter of this bill that we gave Members too much time to prepare amendments, because this rule was adopted weeks and weeks ago. So I feel fairly certain this bill has received a tremendous amount of scrutiny.

I also want to thank my colleagues, DAVE MCCURDY, HAROLD FORD, MARTY MARTINEZ, STEVE GUNDERSON, and others on the other side of the aisle, and the White House for the fact that they are allowing this House the opportunity to do its job, and do it correctly, to debate this bill openly, to consider any amendment that a Member would like to offer.

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I think the outcome of that will be a bill that many of us can feel comfortable supporting.

I would say to you that I do not view this as a volunteer program as my colleague, the gentleman from Oklahoma

[Mr. MCCURDY], has pointed out. I view this as a national service that participants will participate in their local communities and their States at a minimum wage, receiving health-care benefits, many of whom will be very young and never need to receive any benefits and receive not cash at the end of their service but a stipend that allows them the opportunity to further their education.

I say to you that I am going to be very protective in this debate and will speak as strongly as I can about one amendment that seeks to make this a bill that will reward those who have the least amount of income and discourage those who may have more income from participating in the program. Because I am absolutely convinced that this program works if all income levels are involved in it and are encouraged to participate.

I am absolutely convinced that this bill requires the non-high-school graduate to be working next to the college graduate, and maybe even the graduate graduate, of all levels of income, and that is what is going to bring, I think, this country together in a way that we have not seen in a long time.

So I just congratulate my colleagues on the rule, except that I must say that I am left a little uneasy as a Peace Corps volunteer on the waiver of the budget rule and not certain yet what that last dialog really states about the waiver of the budget. That does cause me a bit of concern. But that is the only part that does cause me concern.

Mr. DREIER. Mr. Speaker, I urge a no vote on this rule.

I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to say a couple of words to close.

First of all, I do want to thank the gentleman from Oklahoma [Mr. MCCURDY], also the gentleman from Michigan [Mr. FORD], for their statements and for trying to set the record straight.

I want to set another part of the record straight, if I might. The gentleman from California [Mr. DREIER], my good friend, in discussing the waivers of the points of order said, and I quote him on two occasions, first, "There is no excuse for waiving the points of order," and, second, that, "We are constantly ignoring rules around here."

I explained in my opening remarks why I thought we should be making these waivers, why they were reasonable, and why, in my opinion, they were minor and technical waivers. I strongly disagree with the characterization of them given by my friend from California and given also by the gentleman from Pennsylvania.

The waivers are given for three specific purposes, and I will repeat them so that Members who may be listening understand. One, the waiver was necessary to address in sections 193 and 194 the creation of the positions of two managing directors, an inspector general, and a chief financial officer for the Corporation for National Service, four positions. This is a big thing we are talking about; obviously you have to have some management involved, and we are talking about four positions. These positions are to be compensated at the rate provided for level 4 of the executive pay schedule, and because the bill itself provides for this pay level, it is technically in violation of the Budget Act.

Second, another provision would allow Peace Corps and certain Vista volunteers who later become Federal employees to credit the time served in their computation of retirement benefits. They must, however, pay the required funds for that time period themselves. The gentleman, the distinguished chairman, said that there were probably five or six people involved here, at most, that we are talking about here.

Finally, the waiver was necessary for provisions in the bill, which as I explained earlier on, that would allow the Corporation for National Service and other Federal agencies to accept donations in support of the National Service Program and to spend those funds for the program. That is deficit-neutral. They will be taking in some funds, and they will spend those funds. That is a technical violation. It is also a technical violation of clause 5(a) of rule XXI. So we had to have the waivers.

In my opinion, in this gentleman's opinion, the opinion of the vast majority of members of the Committee on Rules, and I would hope the Members of this body, these were technical and nonsubstantive waivers. They are absolutely necessary if we are ever to take up, on this floor, any major piece of legislation. They do not break the Budget Act. They do not constitute much additional spending and, frankly, I think the gentleman's characterization of them was misleading to other Members who may have been listening to the gentleman.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from California.

Mr. DREIER. Let me just say that the explanation my friend has given is absolutely accurate, but from my perspective it confirms the description provided of this rule.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Michigan has indicated that only five to six employees are involved in this granting of the additional retirement benefits.

Mr. BEILENSON. It is a crediting of time, yes, which they have to pay for themselves.

Mr. WALKER. But as the gentleman knows, the paying for the time does not in any way constitute the same amount of money that they are likely to get out of those retirement benefits based upon the accrued benefits over a period of time, and so that could result in some kind of taxpayer subsidy of those retirement benefits based upon a couple of years of service.

And I am not so certain that I agree with the five or six.

Mr. BEILENSON. That is probably less than the taxpayer subsidy for the gentleman's retirement.

Mr. WALKER. I think that is probably true. That is true of all Federal benefits, however, and as long as we have the cost-of-living increases and if we do not go through and reform some of these pension structures as I would prefer to do, I think we are going to continue to have that, but to include more and more people under it and waive the Budget Act in order to do it is, I think, a cause for concern. That is the only thing that I have raised here.

I am not so certain that the number is five or six. It could, in fact, end up being significantly more than that based upon the waiver which is provided.

Mr. BEILENSON. Let us be straight about this. The gentleman is very much opposed to the bill. There is no way of carrying out a major program of this sort unless one can have 10 or 12 managerial types.

If someone were to be taken from people who have given some time prior to this time to the Peace Corps and to Vista and there is some way to entice them into this program because they are clearly the kinds of people you want in the program, it makes all the sense in the world to do so, providing they pay for their own contributions during those 2 years.

I mean, otherwise there is no way of running any program around here, as the gentleman understands. These are in fact, as this gentleman is trying to point out, minor waivers of the Budget Act and of rule XXI, and for anyone to suggest otherwise is absolutely incorrect.

Mr. WALKER. The problem is, of course, that all of the waivers that we have of the Budget Act sound like they are being——

Mr. BEILENSON. These specific waivers are, and I am a little tired of the gentleman standing up and speaking the same way about all waivers that are given. This is not a major waiver. These are not major costs. There is no way to run such a program without granting these waivers.

Now, I wish that the gentleman would understand that and accept that.

Mr. WALKER. It all depends on what the gentleman regards as minor. I mean, this could amount to several thousands of dollars.

Mr. BEILENSON. Yes, several thousands of dollars.

Mr. WALKER. And that may be minor in the gentleman's regard. But $5,000 represents all the taxes paid by one middle-class family in this country. That is a lot of money to them, and when we start waiving the Budget Act, we start having an impact on every one of those middle-class families that paid $5,000.

Mr. BEILENSON. The gentleman would have a much larger impact, if this gentleman would say so, to wait and to point out to the Members every now and then when we do, in fact, waive the Budget Act when it is terribly important, terribly substantive, and involves substantial amounts of money.

I really think, if this gentleman may say so, that the gentleman loses a little credibility by making objections to minor waivers such as this.

Mr. WALKER. If the gentleman would yield further, I have attempted to point out on a number of occasions when we have had major waivers as well, and as I recall, there has been very little willingness by the majority party to vote down rules that have the major waivers in them either, so it really does not get us very far here on the House floor to object to them whether they are major or minor, because the majority is determined to waive the Budget Act whenever it is convenient for them to do so.

Mr. BEILENSON. That happens, for those who may be listening, not to be true, if this gentleman may say so.

The Committee on Rules this year has not been in the habit of waiving the Budget Act for major matters or substantive matters. It is almost always a minor technical violation such as the three included in this particular rule, and it would be useful to everybody listening, whether they are Members of the body or members of the public, if the gentleman would differentiate between the two kinds.

Mr. WILLIAMS. Mr. Speaker, I rise to support H.R. 2010, the National Service Trust Act of 1993. This is a bipartisan bill that deserves the bipartisan support of this body.

I have been a supporter of national service legislation for quite some time. I sponsored legislation in 1990, with a number of my colleagues, that expanded on the proud history of national service legislation that we have enacted in the past, a history that includes Franklin D. Roosevelt's Civilian Conservation Corps and John Kennedy's Peace Corps and continues with VISTA, the Foster Grandparents Program, the National Senior Volunteer program, and many other community service initiatives.

Prior to that 1990 legislation, I had introduced in previous Congresses the American Conservation Corps bill, which was modeled after similar legislation introduced by my good friend and former colleague, Chairman Mo Udall. That bill added to the types of activities that could be done on public lands and also added labor protection language to insure that substitution of already employed existing workers would clearly be prohibited. That legislation became a part of the 1990 national service bill, which is now the law of the land.

So, we have had a proud history of enacting national service initiatives, and it is a history that Bill Clinton seized upon in last year's election, touching the hopes, spirits, and ideals of young people across this country, resulting in the legislation that he has proposed and which we consider today.

This is a good bill. It rejects the cynicism and the me-only attitude of the past decade and builds on the premise that there is indeed a responsibility that we all have to do something for our country. It acknowledges that young people today do indeed want to give something back to their communities, and it provides a way for them to perform useful community service. And recognizing that the cost of college has escalated beyond the reach of many of our citizens, it also provides college funding aid to those who take part in national service activities.

In the past, I have had reservations about national service proposals that tied college aid to service. The difference between the bill before us today and those past proposals is that those proposals would have replaced existing student aid programs with a national service requirement. Thus, the only way someone could have received college assistance was by performing national service. To me that meant that only those who needed help the most to pay for college would have been involved in national service. President Clinton has wisely rejected these past proposals and has sought to build on existing programs, not replace them. I think this will greatly expand the reach of national service, involving people from every economic class in our country. I think the President has made a wise decision.

The legislation before us today also includes provisions of the Public Land Corps Act that I recently introduced with my colleagues Mr. VENTO and Mr. MILLER. These provisions establish a new public land corps and expand the opportunities for youth conservation service in America's National Parks, Forests, Wildlife Refuges and other public lands. All of these are experiencing overuse, inadequate maintenance, and an infrastructure that has a backlog of work that is in desperate need of assistance. This Public Land Corps will help address these unmet environmental and conservation needs. These will not be make-work projects; they will be projects that need to be done but which will never be done unless there is a new infusion of workers to do them. By including this Public Land Corps in this bill we will provide that corps of workers, and at the same time we will be giving these young people who make up that corps the chance to get college assistance or job training. I am pleased that this is included in the bill we are considering today.

However, I must point out that I do have serious concerns and reservations about funding for this important program. The way this bill is currently structured, national service will compete with the space program, with veterans programs, and with housing programs for funding. I fear that this competition might result in this national service program not receiving the funds it deserves. I hope not. Yet I also do not want to see national service take money away from existing student aid programs. Those programs are already sorely underfunded. For example, the Pell Grant Program does not even begin to meet the needs that are out there. A decade ago the Pell Grant program covered 46 percent of the average college cost; today it covers only 23 percent. The education funding bill that we recently passed lowers the maximum Pell award from $2,300 to $2,250. Two years ago that maximum was $2,400. So in my opinion we are going the wrong way with existing student aid programs. And I for one will do all that I can to see that existing student aid programs receive the support they need and deserve, and that this new national service legislation will not take funds away from them. We need both a strong student aid system and a strong national service program. They are complements to one another, and we must make sure that they remain so.

Mr. Speaker, this is a good bill that touches all that is right about this country. It reflects the spirit of helping others, of giving a little bit back to one's community and one's nation. After years of taking during the me-decade, it's time to give something back and become the us-decade. That's what this bill is about. And I urge my colleagues to support it.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed until tomorrow, July 21, 1993.

The point of order of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 217, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNulty). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call vote, if postponed, will be taken tomorrow, Wednesday, July 21, 1993.

## SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2239) to authorize appropriations for the Securities and Exchange Commission, and for other purposes, as amended.

The Clerk read as follows:

### H.R. 2239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1993".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 35. There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

"(1) $281,900,000 for fiscal year 1994; and

"(2) $317,700,000 for fiscal year 1995.

Funds appropriated for any fiscal year pursuant to this section are authorized to remain available during the succeeding fiscal year.".

**SEC. 3. SECURITIES AND EXCHANGE COMMISSION FEES.**

(a) Full Cost Recovery of Commission Expenses.—The Securities Exchange Act of 1934 is further amended by inserting after section 31 the following new section:

"FULL COST RECOVERY OF COMMISSION EXPENSES

"Sec. 31A. (a) Purpose.—It is the purpose of this section—

"(1) to establish a system for the annual adjustment of fees collected by the Commission so that the total amount appropriated to the Commission for any fiscal year will be offset by the amount collected during such fiscal year; and

"(2) in order to permit an orderly transition to this method of funding the Commission, to require that such fees continue to collect general revenues during each of the fiscal years 1994 through 1998 in amounts commensurate with the amount of such revenues produced by such fees prior to the enactment of this section.

"(b) Establishment of Adjusted Rates.—

"(1) Obligation to adjust rates to recover costs.—For each of the fiscal years after fiscal year 1993, the Commission, by rule or order, shall adjust the rate of each of the fees described in subsection (c) to secure (when combined with fees collected during the period from October 1 through December 31 under the rates then in effect) a total amount of collections of such fees during such fiscal year that can reasonably be expected to equal the sum of—

"(A) the applicable surplus amount for such fiscal year, if any; and

"(B) subject to subsection (e)(1), the amount appropriated for such fiscal year of this title (determined without regard to any reduction of the net amount appropriated that is attributable to offsetting collections).

"(2) Method of adjustment.—Such rates shall be adjusted by making an equal proportionate change in each of such rates, except that the Commission may round such proportionate changes to avoid requiring rates that are unduly mathematically complex.

"(3) Effective date of adjustments.—Such adjusted rates shall apply—

"(A) with respect to any fee described in paragraph (1), (2), (3), or (5) of subsection (c), to any fee paid on or after January 1 of such fiscal year; and

"(B) with respect to any fee described in paragraph (4) of such subsection, to any fee based on a transaction occurring on or after January 1 of such fiscal year.

Any such adjusted rate shall continue to apply until the effective date of a subsequent adjusted rate.

"(c) Fees to Which Adjustments Apply.—For purposes of this section, the fees described in this subsection are—

"(1) the fees collected under section 6(b) of the Securities Act of 1933;

"(2) the fees collected under section 13(e) of this title;

"(3) the fees collected under section 14(g) of this title;

"(4) the fees collected under section 31 of this title; and

"(5) the fees collected under section 203A of the Investment Advisers Act of 1940.

"(d) Applicable Surplus Amount.—For purposes of subsection (b)(1)(A), the applicable surplus amount is equal to—

"(1) $171,000,000 for fiscal year 1994;

"(2) $174,000,000 for fiscal year 1995;

"(3) $178,000,000 for fiscal year 1996;

"(4) $181,000,000 for fiscal year 1997;

"(5) $184,000,000 for fiscal year 1998; and

"(6) zero each succeeding fiscal year.

"(e) Deposit and Credit of Offsetting Collections.—

"(1) Offsetting collections contingent on appropriations.—The authority of the Commission to collect and deposit fees as offsetting collections pursuant to paragraph (2) is available only to the extent provided in advance in appropriations Acts.

"(2) Offsetting collections.—Of the moneys received during any fiscal year from fees described in subsection (c), there shall (subject to paragraph (1)) be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions described in the sections referred to in such subsection, an amount equal to the amount appropriated to the Commission for such fiscal year (determined without regard to any reduction attributable to such offsetting collections and excluding any amounts that are permitted to remain available after the close of the succeeding fiscal year).

"(3) General revenues.—The remainder of any moneys received during any fiscal year (after complying with paragraph (2)) shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(f) Judicial Review; Reports to Congress.—The determinations and adjustments made by the Commission under this section shall not be subject to judicial review. The Commission shall, not less than 30 days before the effective date of any adjustments required by this section, submit such adjustments to the Congress together with a report explaining the estimates and calculations on which such adjustments are based.

"(g) Reclassification for Budget Purposes.—

"(1) Effect on discretionary spending limits.—For purposes of complying with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, the change mandated by subsection (e) of this section in the budgetary treatment of certain moneys received from fees shall be treated as a change in concepts and definitions within the meaning of section 251(b)(1)(A) of that Act. Accordingly—

"(A) at the earliest time allowed by section 251(b)(1) of that Act, the Director of the Office of Management and Budget shall adjust the discretionary spending limits in accordance with section 251(b)(1) to reflect this change in concepts and definitions; and

"(B) if a final sequestration report under section 254(g) of that Act is issued before the adjustment under subparagraph (A) occurs, the change in budgetary treatment mandated by subsection (e) of this section shall be disregarded for all purposes of that report.

"(2) Effect on pay-as-you-go limits.—The changes mandated by this section shall be treated as affecting receipts for purposes of section 252 of that Act only to the extent that the applicable surplus amount differs from the surplus amount in the baseline. For this purpose, the surplus amount in the baseline shall be determined by subtracting the baseline estimate of outlays of the Commission from the baseline estimate of receipts generated by the fees described in subsection (c).".

"(b) Adjustment of Fees to Recover Costs.—

"(1) Changes in application and collection of transaction fees under section 31 of the Securities Exchange Act of 1934.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended to read as follows:

"TRANSACTION FEES

"Sec. 31. (a) Cost Recovery.—The Commission shall, in accordance with this section and subject to section 31A(e), collect transaction fees to recover the costs of supervision and regulation of, and enforcement with respect to, securities markets and securities professionals. Such costs shall include a proportional share of related Commission expenses in the following areas: enforcement activities, policy and rulemaking activities, administration, legal services, investor information services, and international regulatory activities.

"(b) Exchange-Traded Securities.—Every national securities exchange shall pay to the Commission a fee in an amount equal to 1/300th of 1 percent of the aggregate dollar amount of sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange.

"(c) Off-Exchange-Traded Securities.—For transactions occurring on or after January 1, 1994, every national securities association shall pay to the Commission a fee in an amount equal to 1/300th of 1 percent of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange of—

"(1) securities registered on such an exchange (other than bonds, debentures, and other evidences of indebtedness); and

"(2) securities (other than bonds, debentures, and other evidences of indebtedness) subject to prompt last sale reporting pursuant to the rules of a registered national securities association.

"(d) Dates for Payment of Fees.—For transactions occurring on or after January 1, 1994, the fees required by subsections (b) and (c) shall be paid semiannually. Fees shall be paid on September 15 for transactions occurring during the period from the preceding January 1 through June 30, and shall be paid on March 15 for transactions occurring during the period from the preceding July 1 through December 31.

"(e) Exemptions.—The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.

"(f) Rates Subject to Adjustment and Contingent on Appropriations.—The fees required by this section are subject to adjustment by the Commission pursuant to section 31A of this title. The authority to collect such fees and the total amount of such fees are subject to subsection (e) of such section.".

"(2) Registration fees.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended to read as follows:

"(b)(1) The Commission shall, in accordance with this subsection and subject to section 31A(e) of the Securities Exchange Act of 1934, collect registration fees to recover the costs of services of the securities registration process. Such costs shall include a proportional share of related Commission expenses in the following areas: enforcement activities, policy and rulemaking activities, administration, legal services, investor information services, and international regulatory activities.

"(2) At the time of filing a registration statement, the applicant shall pay to the Commission a fee of 1/32 of 1 percent of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than $100.

"(3) The fees required by this subsection are subject to adjustment by the Commission pursuant to section 31A of the Securities Exchange Act of 1934. The authority to collect such fees and the total amount of such fees are subject to subsection (e) of such section.".

(3) Self-tendering transactions.—Section 13(e)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(A) by inserting after "(3)" the following: "The Commission shall, in accordance with this paragraph and subject to section 31A(e), collect fees to recover the costs of supervision and regulation of, and enforcement with respect to, disclosure relating to transactions subject to this subsection. Such costs shall include a proportional share of related Commission expenses in the following areas: enforcement activities, policy and rulemaking activities, administration, legal services, investor information services, and international regulatory activities."; and

(B) by striking "1/50 of 1 per centum" and inserting "1/32 of 1 percent"; and

(C) by adding at the end thereof the following: "The fees required by this paragraph are subject to adjustment by the Commission pursuant to section 31A of the Securities Exchange Act of 1934. The authority to collect such fees and the total amount of such fees are subject to subsection (e) of such section.".

(4) Proxy filing fees.—Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(g)) is amended—

(A) by striking "1/50 of 1 per centum" each place it appears in paragraphs (1)(A)(i), (1)(A)(ii), and (3) and inserting "1/32 of 1 percent";

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5);

(C) by striking such subsection designation and by inserting before such redesignated paragraph (2) the following:

"(g)(1) The Commission shall, in accordance with this paragraph and subject to section 31A(e), collect proxy filing fees to recover the costs of supervision and regulation of the proxy filing and disclosure process. Such costs shall include a proportional share of related Commission expenses in the following areas: enforcement activities, policy and rulemaking activities, administration, legal services, investor information services, and international regulatory activities."; and

(D) by adding at the end thereof the following new paragraph:

"(6) The fees required by this subsection are subject to adjustment by the Commission pursuant to section 31A of this title. The authority to collect such fees and the total amount of such fees are subject to subsection (e) of such section.".

(c) Effective Dates.—Except as otherwise provided therein, the amendments made by this section are effective for fiscal years after fiscal year 1993.

**SEC. 4. FEE STRUCTURE STUDY.**

(a) Study Required.—The Securities and Exchange Commission shall conduct a study of the structure and procedures for the collection of fees by the Commission pursuant to the amendments made by this Act. Such study shall include (but not be limited to) an examination of—

"(1) the expanding statutory mandate and regulatory responsibilities of the Commission,

"(2) the adequacy of current fees to meet Commission resource needs,

"(3) the possible need for new fees in specific program areas,

"(4) the extent to which beneficiaries of Commission regulatory activities equitably share fee burdens, and

"(5) the impact of specific fees on the international competitiveness of United States markets.

(b) Report Required.—Not later than March 31, 1995, the Commission shall submit to the Congress a final report containing a detailed statement of findings made and conclusions drawn from the study conducted under this section, including such recommendations for administrative and legislative action as the Commission determines to be appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. Markey] will be recognized for 20 minutes, and the gentleman from Texas [Mr. Fields] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is considering legislation to authorize appropriations for the Securities and Exchange Commission for fiscal years 1994 and 1995 and to establish a mechanism for full-cost recovery of SEC expenses from the fees it collects.

The Securities and Exchange Commission is charged with oveseeing the Nation's securities markets. For the past 60 years, the SEC has fulfilled this responsibility effectively, preserving the integrity, safety, and fairness of the U.S. securities markets. Although the Commission's activities involve a broad spectrum of securities matters, its ultimate responsibility lies in securing the protection of investors and in maintaining fair and orderly securities markets; markets which have grown in complexity and scope in recent years.

The last decade has witnessed phenomenal growth in securities activity. Along with a dramatically rising Dow, trading volume over the last 10 years has exploded in virtually all U.S. markets. Annual public offerings over the past 3 years nearly tripled. At the same time, the number of securities professionals peddling their wares and services to the public has risen emphatically. In the past decade, the number of registered broker-dealers increased to over 8,000, and the number of investment advisers over approximately the same period has skyrocketed by almost 260 percent, with assets under management rising more than 2,000 percent. Certain investment vehicles, such as mutual funds, have gone from the relative backwaters of the securities markets to the forefront of investor interest.

Other forms of growth are more subtle, but they have an equally profound impact. In recent years, there has been a creative explosion in new strategies such as program trading which have required more sophisticated analysis of their market impacts. Novel proprietary trading systems have arisen and are raising questions about the future organization of the stock market. It is often the thankless job of the regulator to keep abreast of these developments and to ensure that, while positive progress is not impeded, market and investor risks are understood and addressed.

Moreover, in recent years, the vigilance of the SEC staff has been both tested and rewarded in the face of a series of financial scandals which include the Salomon Brothers government securities misconduct, the Steven Wymer investment adviser indictment and, most recently, potential conflict-of-interest concerns regarding the municipal bond market. And with the revelations of each of these scandals have come calls for more sophisticated and elaborate mechanisms for SEC oversight in each of these marketplaces.

Every year, the SEC produces substantial revenue through its collection of registration, transactional, and other filing fees that go directly to the General Fund of the U.S. Treasury. This is in addition to the monies raised by the SEC through penalties and fines. Since 1983, the SEC has consistently collected revenues that exceed the agency's annual appropriation. In fact, for fiscal year 1993, the SEC collected a total of $406 million in fees from the industry, but was only appropriated a funding level of $226 million—a difference of $180 million which was not made available to an SEC struggling to keep pace with its important responsibilities.

This disparity between the appropriations level for the SEC and the amount of money actually collected by the SEC was raised during House floor debate on the SEC's appropriations level back in 1988. At that time, the idea of making the SEC a self-funded agency was also raised. Since 1989 the Energy and Commerce Committee has reported two separate bills which would have established the SEC as a self-funded agency. It is a solution that the committee has considered for some time, and one that will be to the benefit of all investors in our securities markets.

Under this new full cost recovery arrangement, the SEC would be authorized to use fee collections to offset its appropriations and to fund agency operations. Penalties and fines would not be included in the self-funding mechanism, and would continue to go directly into the Treasury as general revenue. So as to assure a smooth transitional period for the SEC in enacting this new method of funding, the bill has been crafted to be pay-go scorecard neutral and to have no negative deficit impact within the current budget window. It provides that the SEC will continue to collect general revenue during fiscal years 1994 through 1998 for the purposes of deficit reduction, in an aggregate amount of $880 million. After that time, the SEC fees will once again resemble the user fees they were initially intended by Congress to be.

I would also note that this authorization continues to fund the SEC's operation of the EDGAR project, which is aimed at automating the filing of disclosure documents and their dissemination to the public. Over the last several months, the Telecommunications and Finance and Oversight and Investigations Subcommittees have been reviewing the SEC's strategy for public dissemination of EDGAR data.

Currently, this strategy relies on a private contractor to sell EDGAR data at a regulated wholesale price to retail information vendors, who will then sell the data—along with value-added services—to the public. This approach was chosen to minimize the cost to the government of funding an EDGAR dissemination system, but to date no retail market has yet developed for the data. Hopefully, this situation will soon change as more companies begin mandatory filings using EDGAR and retail information vendors enter the market.

At the same time, the public has a strong interest in obtaining access to information regarding the financial and operating condition of publicly-traded companies. The ability to obtain this data in electronic form greatly enhances its usefulness to investors, analysts, and other interested parties because it allows EDGAR filing to be more efficiently reviewed and complex data searches and retrievals to be performed in a very short time. In this way, technology can help serve the public policy goals which underlie the full disclosure provisions of the Securities Act of 1933 and the Exchange Act of 1934.

Over the last several months, the Telecommunications and Finance Subcommittee has been closely monitoring the public dissemination issue, and has urged the SEC to undertake initiatives to make EDGAR data available on low-cost CD-ROMs through the Government Printing Office and allow the public access to floppy disks containing EDGAR data at SEC public reading rooms. The SEC has agreed to explore both options. In addition, the Telecommunications and Finance Subcommittee has been exploring mechanisms for getting EDGAR data onto the Internet. The SEC continues to work with the subcommittee on these initiatives to making EDGAR filings fully available over the Internet, a nationwide interconnected electronic highway which has grown to over 15 million users. In my view, these efforts will supplement the current dissemination strategy by assuring that many different types of potential users of EDGAR data can obtain access to this information.

This bill represents the collective work of several years worth of bipartisan effort on the part of the staffs of the Committees on Energy and Commerce, Appropriations, Budget, and Ways and Means, as well as CBO and OMB.

I urge my colleagues to support this important piece of legislation, which will provide the Commission with the financial tools necessary to continue to oversee our Nation's securities markets as effectively as possible.

Mr. Speaker, I report to the full House that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], who has worked long and hard on this measure, gives his full support to it, along with all of the Democratic members on the House side on the Committee on Energy and Commerce.

As well, Mr. Speaker, I would like to note the work of the ranking minority member of the Subcommittee on Telecommunications and Finance, the gentleman from Texas [Mr. FIELDS]. We have worked over the last 6 months to construct this legislation. We think that it reflects a strong bipartisan product which deals with the very serious problems in the financial marketplace, while acting in a financially responsible way.

I would also like to note that the gentleman from California [Mr. MOORHEAD], the ranking member of the full Committee on Energy and Commerce, and all the rest of the Republicans on that side, have participated in a long set of negotiations that wind up with this product being presented to the House today.

Mr. Speaker, it is our hope that it will in fact be received favorably.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 2239.

The Securities and Exchange Commission has helped the securities markets in the United States set the world standard for depth, liquidity, and honesty. Our regulatory systems and legal standards literally have become a model that other countries have emulated.

The SEC was last reauthorized in 1991. Since then, the Congress has enacted several pieces of legislation that have significantly increased the responsibilities of the agency. These include legislation on insider trading and enforcement remedies, stock market reform, and improving shareholder communications.

In addition, in the last few years, we have seen the SEC bring to justice Dennis Levine, Ivan Boesky, and Michael Milken for their insider trading, and Steven Wymer for his investment advisory fraud. The Commission's efforts have also crushed abuses in the penny stock market and they have led the charge for more and better disclosure by corporate insiders.

H.R. 2239 offers a solution to the pressing need of properly funding the Commission to meet its new responsibilities. Since January 1989, the SEC has sought congressional approval to change its funding status from appropriated to self-funded, like most of the other financial regulatory agencies.

Under a self-funding arrangement, the SEC would be authorized to use fee collections to fund all agency operations rather than rely on annual appropriated funds. The SEC would set its fee levels to completely recover any appropriation it received from Congress. Penalties and fines would not be included in the self-funding mechanism, and would continue to go directly into the treasury as general revenue. It is appropriate that the fees paid by the securities industry be used to the maximum extent reasonably possible to pay for Federal regulation of the securities industry.

For these reasons, I support this legislation and urge my colleagues to do so as well.

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Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2239, legislation reauthorizing the Securities and Exchange Commission.

Since its last reauthorization in 1991, the activities over which the commission has jurisdiction have increased significantly both in size and complexity.

First, the insider trading scandals produced legislation in which we demanded the SEC increase its efforts in policing insider trading.

Later, Congress granted the agency new enforcement authority in the market reform act and instructed them to use it.

Finally, the continuing scandal of the penny stock market produced a Congressional mandate to improve the monitoring of the special problems of markets for very low priced securities.

All these new laws placed demands on the already stretched resources of the agency. Now we must pass H.R. 2239 to insure that the agency has resources adequate to meet its responsibilities.

In its deliberations, the Telecommunications and Finance Subcommittee considered a number of funding options that ranged from separate congressional consideration of commission funding to the creation of a permanent revolving fund entirely outside the traditional appropriations process. Agreement was reached that the full cost recovery proposal of this bill was the most efficient program we reviewed.

Under a self-funding arrangement, the SEC will be authorized to use fee collections to fund all agency operations. The SEC would set its fee levels to completely recover any appropriation it received from Congress. The SEC will still be subject to the congressional authorization and appropriation process.

Mr. Speaker, the SEC must discharge responsibilities that have grown in their urgency and complexity. In the past, resources have failed to keep pace with the regulatory and oversight obligations of the agency. I believe this legislation will bring that situation to an end and I urge my colleagues to support it.

Also, Mr. Speaker, I want to commend our chairman, the gentleman from Massachusetts [Mr. MARKEY], for his dynamic leadership in not only crafting this piece of legislation, but also bringing it to the floor expeditiously.

Also, I want to compliment the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], as well as the ranking Republican, the gentleman from California [Mr. MOORHEAD], for their work in crafting and bringing this legislation to the floor. I think it is a good piece of legislation and I commend it to my colleagues.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. First of all, Mr. Speaker, I rise in strong support of this bill.

The Securities and Exchange Commission as a general rule does an extraordinarily effective job of protecting consumers in the area of financial regulation, and the Energy and Commerce Committee does an extraordinary job of oversight in the area of securities regulation.

I have for some time felt that the way we regulate financial instruments, however, is based upon a New Deal mode of thinking. We have securities in one agency, futures in another agency, Treasury Department in a third agency, banking in a fourth agency. For some time I have felt that we ought to at least think about consolidating those regulatory functions.

What tends to happen in our society is that people will tend to work an area based upon who is regulating it, and they will design financial instruments to meet the test of who is regulating it, and oftentimes the public interest is not well served with that.

So this year I have coauthored a bill with the gentleman from Oregon [Mr. WYDEN] which merges the Commodity Futures Trading Commission and the Securities and Exchange Commission into a new agency that would regulate most financial instruments. That is not being done to say that the current method of regulating securities is not good. In fact, the current method of regulating securities is probably the best method that we have of regulating financial instruments out there. It is just that futures and options and securities are all one and the same thing. They all interrelate. They are all based upon similar financial

For a long time people in the futures area resisted any effort to try to merge or consolidate the regulation of securities and futures, but I think that thinking is ending, as more and more people recognize that in a modern global world there has to be a sensible, unified way of regulating futures and securities and all financial instruments.

So while I rise in support of this bill and I compliment the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. FIELDS) for the way that they are involved in the regulation of these instruments, I still believe that Congress should modernize the regulation of these instruments, and in doing so merge the functions so that folks out there know that there is one Federal agency regulating financial instruments.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, that is just to compliment Elise Hoffman from my staff, Consuela Washington of the full committee staff, and Stephen Blumenthal of the minority staff, for the excellent work which they did in helping to bridge whatever differences existed between the majority and minority side on this issue.

This is a critically important issue. The securities marketplace of the United States and of the globe is still in many ways the golden goose that makes it possible for investors in our country to use this middle-man mechanism to put capital into the hands of CEO's in this country so that we can in fact have investment in the kinds of companies that produce the jobs in our country.

There is nothing more central to our economy than what goes on during that mechanism. The fact that Democrats and Republicans on this floor are able to agree on a bill of this nature demonstrates our commitment to the continued growth and vitality of the capitalist system in our country.

Mr. DINGELL. Mr. Speaker, the U.S. Securities and Exchange Commission is one of the most widely admired regulatory agencies in the world. It basic mission is to require truthful disclosure and honest dealing in securities and to prevent and punish fraud. Dishonesty and fraud have no defenders. We ask the SEC to do much. The capital markets that it oversees are the heart of this Nation's economic system. We take it for granted that the SEC will be there, ever-vigilant, performing all the tasks we impose on it.

Having said all that, I need to bring to Members' attention a matter of great concern. This matter is the growing failure of SEC resources to keep pace with the agency's expanding workload. In order to provide the SEC with more adequate funding and the ability to maintain that funding over time, the Committee on Energy and Commerce has concluded that a full-cost recovery mechanism is necessary and appropriate.

Accordingly, H.R. 2239 will authorize appropriations for the SEC for fiscal years 1994 and 1995 in the amounts of $281.9 million and $317.7 million, respectively. The legislation also establishes a system for the annual adjustment of fees collected by the SEC so that the total amount appropriated to the SEC for any fiscal year will be offset by the amount collected during that fiscal year. This will secure the funding to the agency. H.R. 2239 further requires that these fees continue to collect general revenues, the surplus over offsetting collections, during the current budget window, that is, during each of the fiscal years 1994 through 1998.

The SEC brings in more money than it spends. The fees collected by the SEC, however, go the Federal Treasury as general revenue. The SEC gets no credit for or use of these moneys. H.R. 2239 will correct that imbalance.

This bill is the result of several years of bipartisan negotiations involving the Committee on Energy and Commerce, the Committee on Appropriations, the Budget Committee, the Committee on Ways and Means, and the

Committee on Government Operations. I commend our sister committees for their cooperation and perseverance in working with us to solve the difficult jurisdictional and substantive questions that we confronted along the way.

In October 1968, SEC Chairman Manuel F. Cohen observed that: "Regulations is not a dirty word. We should not be ashamed to regulate." His admonition still rings true today. The markets and activities over which the SEC has jurisdiction have increased significantly both in size and complexity. H.R. 2239 will ensure that the SEC has the resources it needs to maintain this country's honest and free markets and to enforce the Federal securities laws vigorously for the protection of investors.

I urge my colleagues to support this bill.

INVESTMENT COMPANY INSTITUTE,
*Washington, DC, July 16, 1993.*
Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR CHAIRMAN DINGELL: I am writing to express the support of the Investment Company Institute[1] for H.R. 2239, legislation to authorize appropriations for the Securities and Exchange Commission. We commend the Committee's decision to report the bill with the Chairman's amendment authorizing the agency to offset its appropriations with a portion of its fee collections.

As you know, mutual funds (which make up the great majority of investment company assets) have increasingly become the critical link for tens of millions of American investors to the securities markets. Today, one in every four households owns mutual fund shares. Accordingly, there is a strong public interest in maintaining strict regulatory oversight over mutual funds to ensure that they are operated in the interest of fund shareholders.

The Commission's diligent and effective regulation of the investment company industry has contributed to a high level of investor confidence in the industry. Nevertheless, funding for the Commission (and the Division of Investment Management in particular) should be increased in order to assure that this regulatory excellence continues.

While the number of investment companies increased by 133% and their assets under management increased by 344% between 1982 and 1992, the Division's staff grew by only 74% over the same period. In large part due to the rapid growth of mutual funds, the Commission currently focuses its inspections on the 100 largest investment company complexes, even though factors other than size may better indicate risk. As the SEC recently testified, this increase in the number and size of mutual funds necessitates an increase in the staff of the Division of Investment Management.[2]

Dramatic technological and other changes also have increased the demands on Commission programs other than investment company regulation, such as maintaining the integrity of the markets generally, monitoring the quality of disclosures made by corporate issuers, and overseeing self-regulatory organizations. For example, new, more sophisticated financing and trading techniques and increased internationalization have complicated the Commission's ability to oversee the securities markets.

The most effective means to assure that the Commission continues to have adequate resources to meet its statutory responsibilities is tc allow the Commission to recover its expenses from the fees that it collects. Ironically, while the Commission's resources are limited, it collects transaction and filing fees that far exceed its needs. Yet those fees go directly to the Treasury as revenues and the agency gets no credit for or use of those monies.

For example, in 1992, investment companies paid registration fees to the Commission totaling approximately $80.9 million. Nevertheless, the Commission was able to devote only approximately $18.4 million, less than 23% of the amount paid, to investment company regulation. (Moreover, the Administration has proposed an increase in the rate of registration fees paid by investment companies and other issuers, from 1/32 to 1/24 of one percent of the amount offered.) Thus, mutual fund shareholders are being shortchanged, since they are paying far more in fees than they receive in terms of regulation. A higher percentage of the fees paid by investment companies should be available to the Commission's investment company regulatory program in order to assure that the excellence of this program can continue.

Given current budgetary constraints, the provisions in H.R. 2239 that would authorize the Commission to dedicate a portion of its fee collections to its expenses is a step in the right direction. The bill would make it more likely that the Commission will continue to have the resources it needs to regulate investment companies and other market participants, to maintain the integrity of the securities market participants, to maintain the integrity of the securities markets, and to enforce vigorously the federal securities laws. For these reasons, the Institute is pleased to express its strong support for H.R. 2239.

Sincerely,

MATTHEW P. FINK.

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SECURITIES AND EXCHANGE COMMISSION,
*Washington, DC, May 13, 1993.*
Hon. JOHN D. DINGELL,
*House of Representatives,*
*Washington, DC.*

DEAR CHAIRMAN DINGELL: At the end of my term as Chairman, I want to bring to your attention a matter that represents one of the areas of greatest concern for the future of our capital markets and the interests of investors. This matter is the growing inadequacy of resources of the SEC for the examination and oversight of mutual funds and other investment companies. This problem is becoming more significant every day with the explosive growth of public investment in mutual funds.

At least one-quarter of all American households have used their savings and retirement dollars to purchase interests in investment companies. Over $2.1 trillion in assets are now held in more than 77 million accounts. Net sales or equity and debt mutual funds during 1992 were over $200 billion. However, despite this vast size and rapid growth, the SEC's current budget funds the equivalent of only 130 full-time examiners for the direct inspection of investment companies.

The investment company industry generally has a very good track record for operating in a lawful and ethical manner, especially when compared with the scandals and illegal activities that have plagued other areas of our financial markets. At least in part as a result, investors have entrusted their savings to entities that operate without deposit insurance or any other form of government subsidy or government guarantee.[1] Independent boards of directors, daily mark-to-market accounting and a strong industry consensus in favor of good business ethics have also helped prevent problems from occurring. Finally, the Investment Company Act of 1940, with very strict prohibitions against self-dealing and conflicts of interest, has also proven effective in preventing financial abuse.

It is axiomatic, however, that a law can only be as good as compliance with it. Here the examination and inspection program of the SEC is the only on-site means for oversight of fund activities. Unlike the case of broker-dealers, there are not any self-regulatory organization inspections to form the first line of detection for problems. With investment companies (as with investment advisers), the SEC inspection force is not only the first line of official oversight, it is also the last line of official oversight.

With over 3,500 investment companies as of March 1993 and 19,000 separate investment portfolios, the current level of examiners is stretched very thin. Indeed, during my tenure the number of investment companies rose by roughly 25%, and their aggregate assets rose by 77%. Though the SEC has increased its inspection resources during this time, that increase has lagged far behind industry growth. Indeed, each full-time examiner of the SEC is today theoretically responsible for inspecting over 592,000 investor accounts holding in excess of $16 billion in assets.

To stretch examination resources, the staff has cut back on the frequency and the scope of examinations. Today every money market fund is inspected annually, along with at least one fund out of each of the 100 largest fund complexes. Those examinations only cover a portion of the fund's activities, however. In addition, many medium-sized and smaller fund complexes have not been inspected for several years. Even more disturbing is the fact that some newer fund complexes have never been inspected.

The oversight of mutual funds could easily be improved, but that will require more examiners. Especially if current rates of growth continue, the SEC should be adding 150–450 new examiners over a period of 2–3 years, not fighting to add 5 or 10 examiners each year. Indeed, under the proposed budget for FY 1994, the only way I could expand the number of fund examiners was to lay off staff in other areas. This should not be the case, because investors already pay more than enough in fees to fund a first-class inspection program.

Last year, investment companies (and indirectly their investors) paid $80 million in fees to fund the oversight program. This amount would be enough to field roughly 1,000 examiners, if actually spent for that purpose.[2] However, our budget only allows

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[1] The Investment Company Institute is the national association of the American investment company industry. Its membership includes 4116 open-end investment companies ("mutual funds") 336 closed-end investment companies and 13 sponsors of unit investment trusts. Its mutual fund members have assets of about $1.665 trillion, accounting for approximately 95% of total industry assets, and have over 38 million individual shareholders.

[2] Testimony of Richard C. Breeden, Chairman, U.S. Securities and Exchange Commission, Concerning Appropriations for Fiscal Year 1994, before the Subcommittee on Commerce, Justice, and State, the Judiciary, and Related Agencies of the House Committee on Appropriations, at 9–10 (March 23, 1993).

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[1] Indeed, the shift of funds into investment companies has greatly benefited the U.S. taxpayer by reducing the contingent liabilities of the deposit insurance system. With mutual fund investors, not the FDIC, assume the market and credit risks of these portfolios.

[2] This is greater than the number needed, but gives an idea of the magnitude of the diversion.

the SEC to spend $18 million on investment company oversight. The surplus is not saved for future mutual fund oversight, but rather is diverted to pay for wholly unrelated federal spending. This budgetary sleight of hand might better be known as "The Great Mutual Fund Fee Robbery."

The total cost of adding 300 new fund examiners, for example, would be around $25.6 million per year. Thus, a top-notch examination program could be fully funded without any need to increase the current fee rate, and there would still be a significant surplus in the program. In this area investors have already paid the needed fees. We just need to spend the money on the purposes for which it was collected.

This area is a prime example of the importance of establishing some form of trust fund for fees (though not for fines) collected by the SEC. Fees not spent in any year for SEC oversight programs should be saved for the future or returned to investors, not simply spent on every other government program.

The growth of the investment company industry has been spectacular, and this sector of our capital market is now one of the most important sources of financing for the U.S. economy. It has provided an efficient and safe means for investors to participate in our market, in the process providing capital for business growth without any need for government subsidy or even a single dollar of government underwriting.

The safety of this enormous pool of funds can be enhanced by improving the frequency and comprehensiveness of inspections. This would reduce the chances that illegal activity could someday result in a shock to public confidence in the integrity of funds. Public confidence in this area is very important, and we should do everything reasonable to strengthen the justification for that confidence.

Sincerely,

RICHARD C. BREEDEN,
*Chairman.*

Mr. FIELDS. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 2239, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 2239, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, July 19, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that two employees of the Committee on House Administration have been served with deposition subpoenas issued as part of a civil case pending in the Court of the Common Pleas of Cuyahoga County, Ohio.

After consultation with the General Council I will make the consultations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
*Chairman.*

## REGISTRATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 20, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I have been named as a conferee to the Budget Reconciliation bill, H.R. 2264, due to my position on the House Natural Resources Committee. Due to unexpected time constraints in my other positions, Armed Services and Intelligence, I respectfully request that I be allowed to withdraw as a conferee.

Thank you for your attention to this matter and if you have any question please feel free to call me.

Sincerely,

JAMES V. HANSEN,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Wyoming [Mr. THOMAS] is appointed to replace the gentleman from Utah [Mr. HANSEN] as a member of the Committee of Conference on the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

## MODIFICATIONS IN APPOINTMENT OF CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore. Without objection, the Chair announces the following modifications in the appointment of conferees on H.R. 2264:

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 5181 which add new sections 2158(b)(3)(B) and 2161(b) to the Public Health Service Act, of the House bill, and modifications committed to conference:

Messrs. CONYERS, SPRATT, TOWNS, SYNAR, PAYNE of New Jersey, CLINGER, MCCANDLESS, and HASTERT.

In the panel appointed from the Committee on Public Works and Transportation, Mr. BORSKI is appointed in lieu of Mr. DE LUGO.

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## COMPLETE LIST OF CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore (Mr. MCNULTY). On behalf of the Speaker and without objection, the Chair will insert into the CONGRESSIONAL RECORD a complete listing of the House conferees on H.R. 2264. This combines and replaces the appointments of July 14 and 15 and makes a variety of other technical and conforming changes in the previous appointments.

The complete list is as follows:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. Sabo, Gephardt and Kasich.

As additional conferees from the Committee on the Budget, for consideration of title I and section 9005(a)-(c) and (f) of the House bill, and title I and section 5001, 5002(a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference:

Messrs. Stenholm, Pomeroy, Kildee, Smith of Texas and Allard.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference:

Ms. Slaughter, and Messrs. Mollohan, Gordon, and Shays, and Ms. Snowe.

As additional conferees from the Committee on the Budget, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference:

Mr. Frank of Massachusetts, Mr. Blackwell, Ms. Woolsey, Mr. Lazio, and Mr. Hoke.

As additional conferees from the Committee on the Budget, for consideration of title IV and sections 5117, 13233, 13263, 13270, 13420, and 14402(d) of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference:

Mr. Kildee, Mr. Price of North Carolina, Mrs. Kennelly, Mr. Miller of Florida, and Mr. Smith of Michigan.

As additional conferees from the Committee on the Budget, for consideration of sections 5000–187, 13234, 13242, 13264,

Mr. Beilenson, Ms. Slaughter, and Messrs. Johnston of Florida, McMillan, and Hobson.

As additional conferees from the Committee on the Budget, for consideration of sections 5200–44, 5301, 9006–07 of the House bill, and sections 4001–11 and 6001 of the Senate amendment, and modifications committed to conference:

Messrs. Bryant, Coyne, Costello, McMillan, and Hobson.

As additional conferees from the Committee on the Budget, for consideration of title VII and that portion of section 4002 which adds a new section 455(j) to the Higher Education Act, section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, and section 5187(b) of the House bill, and title XI, section 4008(c), that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), 12047(a) and 12105 of the Senate amendment, and modifications committed to conference:

Mr. Andrews of Texas, Mr. Mollohan, Ms. Woolsey, Mr. Smith of Texas, and Mr. Inglis of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference:

Mrs. Kennelly, Mr. Costello, Mrs. Mink, Ms. Snowe, and Mr. Franks of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title IX and sections 1402, 5301, and 11002 of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference:

Mr. Bryant, Mrs. Mink, and Messrs. Blackwell, Kolbe, and Allard.

As additional conferees from the Committee on the Budget, for consideration of titles VI and X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference:

Messrs. Berman, Andrews of Texas, Gordon, Kolbe, and Miller of Florida.

*Provided*, that for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, Mr. Pomeroy is appointed in lieu of Mr. Berman; Messrs. Cox and Smith of Michigan are appointed in lieu of Mr. Kolbe and Mr. Miller of Florida.

As additional conferees from the Committee on the Budget, for consideration of title XI and section 8002 and 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference:

Messrs. Wise, Costello, Berman, Lazio, and Franks of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference:

Messrs. Price of North Carolina, Coyne, Johnston of Florida, Herger, and Inglis of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of sections 4032, 4033(3), 8002, 9004, 11001, 12004(b), 13001–20, 13201–84, 13601–02, and 13604–705 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7433, 7601–03, 7701–02, 7901 (a) and (c), 7902–03, 7950–54, that portion of section 12011 which adds a new section 457 to the Higher Education Act, 12055, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference:

Messrs. Coyne, Beilenson, and Herger.

*Provided*, Mr. Bunning is appointed in lieu of Mr. Kasich for the provisions specified for this panel, except for sections 13001–20 of the House bill where Mr. Kasich will be the conferee.

As additional conferees from the Committee on the Budget, for consideration of titles XV and XVI, sections 1405(c) of the House bill, those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029, those portions of section 5181 which add new sections 2158(b)(3)(B) and 2161(b) to the Public Health Service Act, 9008, and 13560 of the House bill, and title XIV, that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, those portions of section 12011 which add new sections 453(a)(4) and 456(a)(2) to the Higher Education Act of the Senate amendment, and modifications committed to conference:

Messrs. Stenholm, Wise, Frank of Massachusetts, Shays, and Cox.

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005(a)–(c) and (f) of the House bill, and title I and section 5001, 5002(a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference:

Messrs. de la Garza, Rose, Glickman, Volkmer, Penny, Roberts, Emerson, and Gunderson.

As additional conferees from the Committee on Armed Services, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference:

Mr. Dellums, Mr. Montgomery, Mrs. Schroeder, and Messrs. Hutto, Skelton, Spence, Stump, and Kyl.

*Provided*, for consideration of section 12009 of the House bill, and section 13003 of the Senate amendment, Mr. McCurdy is appointed in lieu of Mr. Montgomery, and Mr. Hunter is appointed in lieu of Mr. Stump.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title III of the House bill, and title III (except section 3003(b)) of the Senate amendment, and modifications committed to conference:

Messrs. Gonzalez, Neal of North Carolina, LaFalce, Vento, Schumer, Leach, and McCollum, and Mrs. Roukema.

As additional conferees from the Committee on Education and Labor, for consideration of title IV and sections 5117, 13233, 13263–64, 13270, 13420, and 14402(d) of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference:

Messrs. Ford of Michigan, Clay, Miller of California, Murphy, Goodling, and Petri, and Mrs. Roukema, and Mr. Williams.

As additional conferees from the Committee on Energy and Commerce, for consideration [communications] of sections 5200–44 of the House bill, and sections 4001–11 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Markey, Tauzin, and Manton, Ms. Schenk, and Messrs. Moorhead, Fields of Texas, and Oxley.

As additional conferees from the Committee on Energy and Commerce, for consideration [health] of sections 5000–5091, 5100–87, 13010(a) and (c), 13413(e), 13234, 13242, 13264, and 13431–13571, 14411 of the House bill, and sections 1105(b), 7000, 7201–7501, 7601(c), 7801, 7802(b) and (c), 7904, 7951, 12101–12205, and 12321 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Waxman, Wyden, Towns, Slattery, Moorhead, Bliley, and Bilirakis.

As additional conferees from the Committee on Energy and Commerce, for consideration [energy] sections 5301 and 9006–07 of the House bill, and section 6001 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Sharp, Washington, Kreidler, Swift, Moorhead, Bilirakis, and Barton of Texas.

As additional conferees from the Committee on Foreign Affairs, for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, and modifications committed to conference:

Messrs. Hamilton, Berman, Faleomavaega, Martinez, Andrews of New Jersey, and Gilman, Ms. Snowe, and Mr. Hyde.

As additional conferees from the Committee on Government Operations, for consideration of sections 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, of the Senate amendment, and modifications committed to conference:

Messrs. Conyers,

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029 and 13560 of the House bill, and those portions of section 12011 which add new section 453(a)(4) and 456(a)(2) to the Higher Education Act, of the Senate amendment, and modifications committed to conference:

Mr. Conyers, Mrs. Collins of Illinois, and Messrs. Towns, Waxman, Spratt, Clinger, McCandless, and Hastert.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 5181 which add new sections 2158(b)(3)(B) and 2161(b) to the Public Health Service Act of the House bill, and modifications committed to conference:

Messrs. Conyers, Spratt, Towns, Synar, Payne of New Jersey, Clinger, McCandless, and Hastert.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference:

Mr. Conyers, Mrs. Collins of Illinois, and Messrs. Spratt, Synar, Washington, Clinger, McCandless, and Hastert.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001–111, 15206, and 15301 of the House bill, and title XIV of the Senate amendment, and modifications committed to conference:

Messrs. Conyers, Spratt, and Waxman, Mrs. Collins of Illinois, and Messrs. Synar, Clinger, McCandless, and Hastert.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference:

Messrs. Brooks,

As additional conferees from the Committee on the Judiciary, for consideration of that portion of section 4002 which adds a new section 455(j) to the Higher Education Act, section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and section 4008(c), that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), of the Senate amendment, and modifications committed to conference:

Messrs. Brooks, Conyers, and Synar, Mrs. Schroeder, and Messrs. Berman, Fish, Gallegly, and Moorhead.

As additional conferees from the Committee on the Judiciary, for consideration of section 5187(b) of the House bill, and section 12105 of the Senate amendment, and modifications committed to conference:

Messrs. Brooks, Bryant, Glickman, Frank of Massachusetts, Berman, Gekas, Ramstad, and Fish.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference:

Messrs. Studds, Tauzin, Lipinski, Ortiz, Manton, Fields of Texas, and Bateman.

*Provided*, for consideration of title VIII of the House bill, and section 4051 of the Senate amendment, Mr. Inhofe is appointed; for consideration of section 9004 of the House bill, Mr. Saxton is appointed.

As additional conferees from the Committee on Natural Resources, for consideration of title IX and sections 1402, 5301, 11002, of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference:

Messrs. Miller of California, Vento, de Lugo, Lehman, Richardson, Young of Alaska, and Thomas of Wyoming, and Mrs. Vucanovich.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of title X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103-04 of the Senate amendment, and modifications committed to conference:

Mr. Clay, Mrs. Schroeder, Mr. McCloskey, Ms. Norton, Miss Collins of Michigan, Mr. Myers of Indiana, Mr. Burton of Indiana, and Mrs. Morella.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title XI and sections 8002, 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference:

Messrs. Mineta, Oberstar, Applegate, Rahall, Borski, Shuster, Clinger, and Boehlert.

As additional conferees from the Committee on Rules, for consideration of title XVI and sections 13560, 13605, 15201-15212, of the House bill, and title XIV of the Senate amendment, and modifications committed to conference:

Messrs. Moakley, Derrick, Beilenson, Frost, Bonior, Solomon, Quillen, and Goss.

As additional conferees from the Committee on Veterans Affairs, for consideration of title XII of the House bill, and title XIII (except section 13008(b)) and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference:

Messrs. Montgomery, Evans, Rowland, Slattery, Sangmeister, Stump, Smith of New Jersey, and Burton of Indiana.

As additional conferees from the Committee on Ways and Means, for consideration of title XIV (except sections 14402(d) and 14411) and section 13603 of the House bill, and title VIII of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Pickle, Rangel, Archer, and Crane.

As additional conferees from the Committee on Ways and Means, for consideration of sections 13001-20 of the House bill, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Pickle, Jacobs, Archer, and Bunning.

As additional conferees from the Committee on Ways and Means, for consideration of sections 13201-84 of the House bill, and sections 7601-03 and 7802 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Pickle, Ford of Tennessee, Archer, and Santorum.

As additional conferees from the Committee on Ways and Means, for consideration of title XVI of the House bill, and modifications committed to conference:

Messrs. Rostenkowski, Stark, and Thomas of California.

As additional conferees from the Committee on Ways and Means, for consideration of sections 4032, 4033(3), 5000-91, 5117, those portions of section 5181 which add new sections 2161 and 2173(b) to the Public Health Service Act, 5181(b), 8002, 9004, 11001, 12004(b), 13400-571, 14402(d), 14411, and 15301 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7000-305, 7433, 7701-02, 7901 (a) and (c), 7902-04, 7950-54, that portion of section 12011 which adds a new section 457 to the Higher Education Act, 12055, 12101-02, that portion of section 12202 which adds a new section 2148(b) to the Public Health Service Act, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Pickle, Rangel, Stark, Archer, Crane, and Thomas of California.

There was no objection.

## CHINA MFN STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Mr. Speaker, who in this body would ever admit that he has changed his mind because if he admits that, he is admitting he is wrong. Correct? No, very wrong. I have changed my mind, Mr. Speaker. A position can be right in the beginning and then become wrong when circumstances change. And that is exactly what has happened with this issue of MFN for China

In years past I argued on the floor with the same passion and enthusiasm, though admittedly not the eloquence, as the gentleman from New York, Mr. SOLOMON. The difference between years past and this year is that I have been to China and have seen the boat that we are about to miss.

There was a time Communist mainland China was dominated by that evil totalitarian doctrine that enslaved its citizens and forever precluded them from opportunity and freedom. I remember a book I once read, "Modernizing China," by Anthony Kubek. It compared the hope and opportunities of free Taiwan with Communist mainland China. The culture was the same, the people were the same, the geography was the same, but Taiwan was rich and the People's Republic of China was enslaved and poor.

Anthony Kubek's contrast was accurate. The per capita income in mainland China was $300 compared to $5,000 on Taiwan. On mainland China there was one refrigerator for every 250 families while 96 percent of the Taiwan families had refrigerators. But that book was written in 1987 and China's situation has changed.

A renaissance has taken place just as profound and impressive as that in East Berlin. I remember, Mr. Speaker, when Erich Honecker, former Chairman of the German Democratic Republic, was going to make his speech in East Berlin. The citizens had heard about all the wealth and opportunities that went with freedom and they were not going to be suppressed any longer. But Honecker was going to make one more last ditch effort to keep communism alive.

I went to Andrews Air Force Base and hopped a troop transport over to Berlin to witness the event. Some thought it might be another Tiananmen Square. I remember so well going across Checkpoint Charlie. The thousands of people standing on the free side shouted chants of hope to their families and loved ones. I went to the Soviet sector and was approached by two Soviet soldiers. They tried to get us to let them in our car trunk to smuggle them to freedom in the West, knowing full well that if they were caught at the border they would be executed. They had no way of knowing that only weeks later the wall would come tumbling down.

Now, Mr. Speaker, the East Berlin I saw that day was supposed to be the garden spot of communism. If you were a good Communist all of your life your reward was a week in East Berlin. Garden spot? It was the most depraved slum I have ever seen. A shoe store had eight pairs of shoes and they were all on display in their storefront window. A liquor store had an inventory of three bottles of something, probably vodka. But whatever it was, it was oozing out of the top of the bottles.

Eighteen months later I returned to East Berlin. I could not believe it was the same city. It was vibrant, bustling, and full of activity and commerce. It was indescribable what 18 months of freedom had done. A transformation had taken place.

Mr. Speaker, a comparable transformation has taken place in China. I traveled from Hong Kong up through the southern Province of Guangdong. Everywhere I looked there was activity and commerce. The infrastructure had not kept up with commercial growth. It reminded me of the early part of the industrial revolution of the United States. In Guangdong Province alone there were 7,000 factories. Not too long ago, there were virtually none. They were importing goods from almost every country. I witnessed what is becoming the largest market in the world.

Upon returning to Oklahoma, I found out that my State is supplying many of their imports. The largest industry in my district is transportation, specifically aerospace and aviation. China is the largest potential market for the aerospace industry. Upon checking with the chamber of commerce and numerous business leaders in the community I was shocked and pleased to learn how many firms, large and small, in my district were exporting to China, both in the areas of aerospace and products produced for oil field related activities. Some of those companies are Rockwell International, Flight Safety International, McDonnell Douglas Corp., Nordam, Burtek, and EG&G Chandler Engineering, just to name a few.

We can continue the growth of this great export market. All we have to do is treat them like everybody else. We shouldn't be calling our relationship most favored nation status. That is a misnomer. What we are discussing today is the question, "Should we single out China from all our other trading partners so that we can discriminate against them?" We share MFN status with Spain, France, Germany, the United Kingdom, Ireland, Sweden, Finland, Denmark, Poland, Egypt, Morocco, Mali, Algeria, Saudi Arabia, and most other countries. So, if we deny MFN status to China, we are telling the fastest growing market in the world that we don't want to do business with them.

And Mr. Speaker, what does this have to do with human rights which seems to dominate the MFN issue? Very little. In fact we shouldn't be debating both issues at the same time, or on the same day. We have everything to lose and nothing to gain. Are we so arrogant to think that we are the only market for China's booming economy? Right now the Chinese are buying 76 percent of their airlines from McDonnell Douglas and Boeing. Do we somehow believe that they aren't going to buy from Airbus? Sure they are, and that means hundreds of jobs in Tulsa, OK, and I suspect in all the rest of the districts represented here today.

Do we not believe that China will retaliate against us if we try to tie the two issues of trade and human rights together? You bet they will. In 1992 New China Air deliberately dropped a deal with Airbus after France agreed to sell Taiwan 50 Mirage fighters.

Am I somehow self-serving on this issue? Sure. McDonnell Douglas is estimating 175 sales to China over the next few years. A lot of them will be made in Tulsa. Boeing has signed a deal with China for 22 737's, 1 757, and 6 777's. And Boeing buys its control surfaces, skin, and many other components from Rockwell in Tulsa.

Mr. Speaker, you might say that I have changed my position of tying together trade and human rights. In years passed I have consistently tied the two together. I have tried to believe that we can force China into submission with MFN status, that we are so important and valuable that China can't get along without us, that we should impose our social and cultural standards upon China before we allow them to become our major export market, that we can tell a country that represents a third of the world that we don't have to do business with them and somehow come out ahead. I really tried to believe that.

But when I return to Oklahoma as I do each weekend and see the layoffs, the struggling companies and industries trying to survive, a sober reality sets in. Maybe, just maybe we need China more than China needs us.

No one in this institution abhors human rights violations more than I do. I have fought against such violations all the way from Nicaragua to Siberia and will continue to do so. But what about the human rights of our workers here in the United States? The right to be gainfully employed and export our products all over the world, the right to have jobs and feed our families.

I speak today to those of you who, like I, have previously sided with Mr. SOLOMON and Mrs. PELOSI in this debate. There's nothing wrong with changing your position when the circumstances change, and clearly they have. Don't cut off what can become our largest trading partner, the partner that can create more U.S. jobs than any other. This is not a social issue we are deciding today, it's a jobs issue. Vote to continue our MFN status with China unconditionally, not for them, but for us.

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Mr. GEKAS. Madam Speaker, will the gentleman yield?

Mr. INHOFE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Madam Speaker, the gentleman has presented a very thoughtful expression of the details that we must consider when we ponder how we are going to act and react to the China issue. I want to thank the gentleman for reemphasizing that many of us from the very beginning, from President Reagan's original feel for the matter, and then President Bush, who felt that the best way to tame the human rights tiger, as it were, that we so feared in China is to do business with them, to have more interaction, to send more of our people there, to expand trade, to trade ambassadors, to trade students, to get movement going between our civilizations and between our societies, so that they will learn from our experiences and we from theirs, and thus treat human rights at the same time as we are treating the trade issues.

So I thank the gentleman, and hope that more will be convinced that indeed that is the way to travel into China.

Mr. INHOFE. Madam Speaker, I thank the gentleman. I must admit until I went to Guangdong and saw the potential there for my district and your district and all over the United States, I did not change my mind. But that did it.

## NED WORKS FOR OUR NATIONAL INTEREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER], is recognized for 5 minutes.

Mr. BEREUTER. Madam Speaker, the fall of communism around the world is indeed cause for great hope for the future of the global community. Yet, we should not let the political successes blind us to the realities we all face during this post-cold-war era.

The world has entered a new era. Regrettably, it is not necessarily the peaceful and harmonious era that we perhaps hoped would evolve from the collapse of the Warsaw Pact. Instead, we are encountering a world that increasingly is marked by growing nationalism, extreme fundamentalism, violence and fragmentation. This is inevitable, perhaps given the necessary transition period from authoritarian regimes to more open government and free market systems.

Mr. Speaker, experience thus far has suggested that the course of change to more democratic models is often quite difficult, and fraught with unforeseen pitfalls. The people in the countries of Eastern Europe and the former Soviet Union are unfamiliar with, or have never been exposed to, the fundamental elements of democracy. Furthermore, they lack the institutional structure to support the principles of democracies societies. Decades of totalitarian rule have robbed these people of a practical understanding of how democracy works, or how truly independent labor unions function. They have no rule of law or constitutions to frame the political and social structure.

The sea change of an entire social organization and culture is, by its nature, vulnerable to failure or attack from any number of sources. We have seen rule by cult of personality emerge in some countries—for example, Serbia and Georgia. In other countries, we have seen the Communists reemerge as the democratic forces flail helplessly—for example, Lithuania.

Mr. Speaker, if Eastern and Central Europe fall back into totalitarian dictatorship, the United States will once again be faced with a very real national security threat. And, if these nations turn their backs on democracy and free markets, we will have lost a tremendous opportunity to bring these changes to the citizens of the former Warsaw Pact countries. In short, it is in the U.S. national interest to promote democracy and free markets in Eastern and Central Europe. For ideological, humanitarian, and economic reasons the Congress and America should support the democratic transitions of these nations, and assist their efforts to develop democratic institutions.

Recently this Member had the good fortune to travel to Albania and Hungary with the Speaker's task force on interparliamentary cooperation. This task force was ably led by the distinguished gentleman from Texas [Mr. FROST] and the distinguished ranking Member, the gentleman from New York [Mr. SOLOMON]. We were able to meet with the newly elected top governmental and political leadership in these fledgling democracies. Our experience in Albania was particularly dramatic, and underscored the great need for civic education, political party and election organization, and exposure to the kinds of institutions necessary to support participatory governments.

These are common activities for the average American, but the people in the newly emerging democracies are pioneers, struggling to forge entirely new societies based on new philosophies. Clearly, Mr. Speaker, this transition is at a precarious stage because these countries do not have a history of, or the investment in, democracy as a way of life. And this makes the future vulnerable to opposing pressures. We have a prime opportunity, and in fact a clear American responsibility to assist these countries with the establishment of democratic systems. We have the capability to do this and they usually look first to our nation as the oldest continuing democracy for their assistance and guide to democracy. The National Endowment for Democracy was established in 1983 with just these kinds of missions in mind. The rationale for its existence is even more important and more credible today as we seek a new equilibrium in the world.

Seeing the dynamics of countries undergoing such significant changes makes one appreciate the kind of work and training being pursued by the National Endowment for Democracy. NED exists to promote and provide tangible support for the elements of democracy. As a nongovernmental organization they can quickly disperse funding and respond to needs within each country. Through their grantees they have greater access and can work at the grassroots level to support the democratic movements. In Albania for example, both the National Democratic Institute and the International Republican Institute have programs for political party training and local organizing efforts to support their newly elected government. NED grants help to support these hands-on efforts. And, in preparation for the recent Albanian election in March, poll watchers were trained. A national system to tabulate the votes was put into place. This is the type of tangible assistance that NED provides that have long term benefits.

During a briefing with the United States Ambassador to Albania, he was specifically noted the significant contribution that these NED-funded programs were making in the country. The Albanians welcomed this United States assistance. Indeed both the top Albanian leadership and our Ambassador to Albania credited the NED-financed programs as having played a crucial role in bringing democracy to Albania. It was said by the Albanian leaders to have truly played a decisive role in the parliamentary elections which brought a democratically elected and democracy-oriented parliament to life in Albania through free and fair elections. Incidentally, this Member would cite that NED funded efforts were also crucial to restoring democracy in Chile.

In Southeast Asia, NED funding was instrumental to educating and training Cambodians in the fundamentals of democratic elections and political party development. NED funds helped to send experienced American campaign organizers to Cambodia where they worked with Cambodian political parties to assist them in preparing for the U.N.-administered elections completed in May. In an impressive 5-month effort these individuals provided training programs to even the most remote areas in the country. It was largely due to the specific hands-on work that Cambodia was able to hold these critical elections. Now, the focus in Cambodia will shift to support the tasks facing the newly elected Constituent Assembly.

With these observations in mind, this Member would voice his grave concern with this body's recent decision to eliminate all funding for the National Endowment for Democracy. This action, driven though it was by the understandable desire to reduce U.S. spending on foreign aid, is misguided and misdirected. This Member would tell this body that this Member also supports reducing our foreign aid budget, and acknowledges that there is indeed far too much waste and abuse in our foreign aid program. But this Member would remind his colleagues that the National Endowment for Democracy is not a wasteful program. Quite the contrary, NED provides excellent value for our investment.

Mr. Speaker, many noted columnists in recent days have expressed similar disbelief that the House would choose to dissolve such a valuable asset for promoting global stability. The achievements of NED extend around the world and recipients of their moral and program support are quick to express their gratitude. As an example, Mr. Rosenthal of the New York Times lists Iraqis fighting Saddam, Chinese dissidents and veterans of Polish Solidarity and the Czech freedom movement as grounds assisted by NED.

George Will in the column "Exporting Prunes, But Not Democracy," makes a valid point that Congress succumbs to funding domestic special interest programs, yet eliminates a program that will serve broader U.S. interests by helping democracy put down roots in stony social sod. Establishing priorities is not always clearcut. But in this case of funding NED projects to nurture democratic forms of government, we all win.

Mr. Speaker, the fundamental issue in this debate on the funding of the National Endowment for Democracy is the role of the United States in the formation of the new world order. As a leading democracy, we must not, indeed, we cannot adopt the isolationist attitude that was so prevalent after the First World War. We must not simply assume that the world is safe for democracy. This led us into World War II, as David Broder points out in an insightful July 4, 1993, editorial entitled "No Good Deed Unpunished." Such diffidence cannot be allowed to prevail. This body must reverse the shortsightedness of our recent vote, and continue American support for organizations that are actively working to solidify the democratic revolutions around the world.

Mr. Speaker, enclosed are relevant excerpts from the recent articles of these three columnists.

[From the Washington Post, July 4, 1993]

### NO GOOD DEED UNPUNISHED

(By David S. Broder)

The members of Congress are home for the July 4 holiday, and many of them will mark the greatest of our patriotic celebrations by quoting once again the stirring words of the Declaration of Independence.

They cannot be heard too often: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

That is the basic credo of democracy, as vital today as it was when first proclaimed 217 years ago. Unfortunately, 243 House members cast some doubt on their understanding of the enduring importance of that message when they voted last month to kill the National Endowment for Democracy, the small, government-financed agency that for the past decade has fostered grass-roots democratic movements all around the world.

NED is a tiny operation. It employs 46 people and has a payroll of less than $2 million. The bulk of its money—$48 million was the amount the House killed—goes to small, struggling organizations such as the Democratic Development Center in Latvia, which supports politicians, journalists and citizens sniffing the first breaths of freedom.

Rather than channel the grants through a big government bureaucracy, NED operates through specially created international arms of four organizations that know a lot about Main Street capitalism and grass-roots democracy—the Republican and Democratic parties, the Chamber of Commerce of the United States and the AFL-CIO.

The man who led the fight against NED in the House is Rep. Paul E. Kanjorski (D-Pa.), who has been after its scalp almost from the time he arrived in 1985. Kanjorski tells me he was offended by the attitude a senior NED official took when the congressman first began inquiring into its operations. His passion on the subject is clear, but his reasoning is not always easy to follow.

In his floor speech, Kanjorski said it was "an insult to the Constitution" to "give taxpayers' money to a private organization to carry on the foreign affairs of the United States." No one in the State Department has ever charged such an act of usurpation, and three presidents have supported increasing levels of funding for NED.

Kanjorski is deeply suspicious of the participation of the Republicans, Democrats, business and labor. He spoke of "an unholy alliance" and, in a wonderful non sequitur, said, "NED puts together so many unfriendly parties in the bed together that it makes us wonder whether we in fact have not come together in a unicameral legislature."

When I asked him what exactly bothered him about the participation of groups that differ on many issues—but not on their commitment to democracy—he replied with another remarkable bit of logic. "They're all operating under the same flag," he said. "That's contrary to our system of checks and balances."

Yet Kanjorski was able to prevail on the House floor against the combined opposition of the president of the United States, the leadership of both parties and the ranking Democrats and Republicans on the House Foreign Affairs Committee. In pure political terms, it was quite a feat for an unheralded member with no claim to jurisdiction or special expertise in this area.

The 243 to 181 roll call on June 22 was a peculiar vote. Freshmen Democrats voted 40 to 23 to kill NED; more senior Democrats, 96 to 90 to save it. Despite the fact that NED was created in the Reagan years and several of the House's most prominent conservatives endorsed it strongly in the debate, Republicans voted 112 to 62 against it. As with the democrats, the freshmen led the revolt.

One theory is that the freshmen of both parties were spooked by an ABC-TV news piece the night before the vote—a piece in which Kanjorski was the only member of Congress quoted and in which the supposedly neutral correspondent said, "Communism may be dead in much of the world, but the endowment is still costing you $30 million a year [last year's appropriation] to support foreign labor unions, small businesses and political activists."

Another, less kindly theory, which might be pondered by proponents of term limits, is that many of the freshmen may lack historical appreciation of the effort it has taken to cultivate democratic movements such as Poland's Solidarity—an early recipient of NED help—and its counterparts around the world.

Backers of NED point out that the Cold War may be over, but the triumph of democracy in larger parts of Asia, Africa and Eastern Europe is far from ensured. All sorts of hostile elements are ready to strangle democracy in the crib. When Americans turned inward after World War I, thinking the world had been "made safe for democracy," what we got was World War II.

NED programs—from legal assistance to political prisoners in China to the teaching of mediation techniques in South Africa to technical aid and training for privatizers in Bulgaria and union organizers in Albania—do not deserve to be sacrificed to Mr. Kanjorski's conspiracy theories.

The Senate next month has a chance to undo the damage and keep the United States on the side of building democracy in the world.

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### CAN IT BE HAPPENING?

(By A.M. Rosenthal)

Iraqis fighting Saddam Hussein say one American organization in particular helps keep alive their hopes that democracy has a chance in their country. China's dissidents, at home or in exile, know and bless its name—the National Endowment for Democracy.

So do veterans of Polish Solidarity and the Czech freedom movement. They are emotional in their thanks for past aid and passionate in their hope that other freedom fighters facing their own make-or-break years will get the help they did.

What they got was a little money and a lot of political comradeship. The money went for things like presses, books and pamphlets to spread about in lands parched for information and free thought, new political groups for labor and women, observers to watch out for election fraud—basic sustenance. The comradeship came in visits to America, to talk with working people and intellectuals like them, and in the knowledge that they would be remembered not just at time of crisis, but all the time.

From its beginning in 1983 the N.E.D. had the support of the President in office—Reagan, Bush, Clinton. Both major political parties are strong for it, as are the A.F.L.-C.I.O. and the U.S. Chamber of Commerce.

The Clinton Administration even asked for an increase in its budget—from about $30 million to $50 million. The Administration, and the leaders of both parties, figured that in tight times the N.E.D. was one of the best political and ethical margins in the budget.

So in response to the achievements of the organization, the sweeping political bipartisanship, the backing of labor and business, the gratitude and hope of freedom fighters past and present, the House of Representatives voted to wipe out the whole thing.

When I heard that I thought there must be some mistake—not the N.E.D., for Heaven's sake. But there it is in the Congressional Record for June 22—all N.E.D. money eliminated by a vote of 243 to 181 on a motion by Representative Paul E. Kanjorski, Democrat of Pennsylvania.

Mr. Kanjorski got right to the heart of it. What else could it mean but conspiracy, an "unholy alliance," when so many important groups, Democratic and Republican, labor and management, support the same organization?

The statesman-sleuth figured it out. Instead of having to go through the Federal bureaucracy, the N.E.D. is allowed by law to distribute its money through allied American foundations and directly to foreign democrats—openly, audited by the U.S. Government all along the line. Ah, cries Mr. Kanjorski, the political, business and labor big shots love the N.E.D. because they help decide how the money is spent.

Anyway, he wants to know, who needs it with the Berlin wall fallen? Mr. Kanjorski wanted to kill the N.E.D. before the wall even cracked but I can't find that in his speech.

The story has meaning, and danger, beyond even the fate of the N.E.D. Mr. Kanjorski won with the help of first-term members—the majority of freshmen Democrats and Republicans.

In the Senate the N.E.D. will have a chance to get its budget restored. If that fails, the loss will be to America and to millions of people who still believe we care for their freedom at least enough to maintain one of the smallest publicly funded organizations in Washington.

Letters are coming in from the endangered species of democrats—from Burmese suffering under a military junta, from Kurds, from the Caribbean and Africa, from an Iraqi writer, from Serbian democrats, from the former President of Lithuania, from Chinese in exile. All say what the N.E.D. means to people like them, and plead it be saved.

This is my own letter, to my Senators, Please write or phone yours now. Otherwise, we are Kanjorskis.

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[From the Washington Post, July 11, 1993]

### EXPORTING PRUNES, BUT NOT DEMOCRACY

(By George F. Will)

These are salad days for those conservatives whose philosophy is confirmed by, and whose agenda is advanced by, bad behavior of government.

Recently, for example, the House of Representatives, home of the most entrenched portion of the political class, voted to continue spending taxpayers' dollars to subsidize, for large corporations and wealthy trade associations, the overseas marketing of fruit juice and candy bars, whiskey and prunes, and many other profitable commodities. And the House did this after voting to terminate a less expensive program that helps export democracy.

The Agriculture Department's Market promotion program, begun in 1985, will, like the honey subsidy and the wool subsidy and much else, live forever. But the political class is currently insisting that the budget "crisis" requires the taxpayers to turn over more money to the political class. So that class is grudgingly making cosmetic cuts in some particularly egregious programs.

So the House did trim the MPR from $147 million to $127 million. That is government "austerity": a 13.8 percent cut in a program that is 100-percent indefensible. The MPP's survival says much about the ersatz "crisis" currently being used to justify tax increases.

The MPP funds both generic and brand-name advertising abroad for American agricultural products. This is yet another example of the government's solicitousness on behalf of the strong. Of the 200 U.S. corporations with the largest advertising budgets 13 last year got a total of $9 million from the MPP, an average of $700,000 each. But the advertising budgets of those corporations range from $45 million to $538 million, so the taxpayers contributions can hardly be said to represent the difference between competitive success and failure.

Defenders of those welfare payments to corporations say: Other nations do it for their companies. (Translation: We have a duty to be as foolish as foreigners are.) And defenders rely on the post hoc, ergo propter hoc fallacy (the rooster crows and the sun rises, therefore the crowing causes the sunrise). That is, defenders argue—actually, they just assert—that any increase in the exports of any commodity that is the subject of subsidized advertising must be caused by that advertising. Never mind the effects of many other variables, such as the export-assisting fall in the value of the dollar since 1985.

Defenders of the MPP declare that if "creates" 38,000 American jobs. Amazing, is it not, the precision of the political class? It knows—simply knows—that without subsidized advertising (such as the $394,000 recently given to the National Association of Animal Breeders to market bull semen), demand for American products would sag and drag down 38,000—not 27,000 not 43,000—jobs.

But let us assume that the $450,000 given to the Campbell Soup Co. to entice Japanese, Koreans, Argentinians and Taiwanese to drink V-8 juice "worked." And that the $6.2 million given to the Blue Diamond company stimulated foreign desires for American almonds. When making such assumptions, defenders of the subsidies face the unanswerable challenge that always confounds "industrial policy" and other forms of socialism: When defenders argue that the subsidy dollars are profitably invested, they must also argue that for some reason private investors would not make these remunerative investments. So, government is wiser than the private market? Please.

On June 29 the House voted to pour this $127 million (with hundreds of millions more to come as the years roll by) into the private coffers of people who, thus subsidized, will have more resources freed up to use as campaign contributions. But seven days earlier the House had a moment of parsimony. It did not just make a 13.6 percent nick in the National Endowment for Democracy, it voted to kill it. If the NED helped the export of prunes instead of democracy, it, too, could be immortal.

The NED helps democracy by means of small but life-giving grants for trade unions, student groups, publications, legal assistance for the persecuted, and other measures. It has a record of success in helping democracy put down roots in stony social sod. By voting to stop this cost-effective work, the House voted to save $50 million, less than half what it is eager to spend on handouts to corporations.

Those two votes illustrate what most congressman most care about. What is the salient difference between the MPP and the NED? The former can, and the latter cannot, serve the dominant desire of most House members. That desire is to protect their incumbency by enlarging the ranks of grateful recipients of government money.

The political class, confronted with a rising tide of public contempt, comforts itself with condescension. The public says the political class, just does not understand what we do. Actually, that class is fortunate that the public is too busy to read the Congressional Record. As understanding of contemporary government increases, so does disdain for it.

## U.S. DUAL RECOGNITION POLICY REGARDING CHINA AND TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DEUTSCH] is recognized for 5 minutes.

Mr. DEUTSCH. Madam Speaker, today we commemorate the day in which the first nation in the free world announced that it would maintain diplomatic relations with both the Beijing Government of China as well as the Taipei Government of Taiwan in what was coined a dual recognition. Reviewing the history of this momentous occasion we note the period of civil war which took place on mainland China between 1945 and 1948 ending with the Communist regime's expansion onto Taiwan. Despite this, Taiwan has been a politically and economically independent entity ever since 1949.

Presently, Taiwan's KMT Government and China's Communist Government force nations around the world to choose between maintaining mutually exclusive diplomatic relations with either Taipei or Beijing. In spite of this forced choice, Taiwan has flourished as a nation over the last 40 years. As a substantial force in the international community Taiwan is home to the world's largest foreign currency reserve. Taiwan is the United States' 5th largest trading partner as well as the world's 13th largest trading partner.

Taiwan has recently made strides toward democratization. These reforms include the lifting of martial law and the release of political prisoners. These changing tides affirm Taiwan's commitment to a freer society. Despite this, Taiwan has not been the beneficiary of representation in either the United Nations or any other international organizations. This gross lack of international recognition has left 20 million Taiwan voices unheard in world affairs.

Today, 3 years after the first nation announced its position supporting dual recognition, I rise to urge consideration of a United States dual recognition policy as a way to foster and encourage peaceful coexistence between Taiwan and China. Such dual recognition is a model for those nations which seek to align both governments in a mutual co-existing relationship. Moreover, dual recognition is a concept which applies to those in Taiwan which aspire to join the United Nations as well as all other international organizations. On this commemorative occasion we note the people of Taiwan and their movement towards self-determination.

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## ORDER OF BUSINESS

Ms. DELAURO. Madam Speaker, I ask unanimous consent to switch my time with the gentleman from Florida [Mr. BILIRAKIS].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

## GENERAL LEAVE

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes.

Mr. BILIRAKIS. Madam Speaker, today is the 19th year of the occupation and division of the Island of Cyprus. July 20, today's date, is a date of both sadness and embitterment for the Cypriot people. Yet, it also marks their valor and courage during and after the invasion, as well as their role for the Allied forces during World War II.

Madam Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding to me. I commend my colleague, the gentleman from Florida [Mr. BILIRAKIS], a long time advocate of Cyprus for arranging this Special Order this evening on the commemoration of the tragic and unwarranted Turkish invasion of Cyprus in 1974 and their continued military occupation. That unconscionable event continues to take a sad human toll to this very day with Cypriot families having been expelled from their ancestral homes and divided from their friends and loved ones.

Following that invasion, thousands of Greek-Cypriot citizens were taken from their homes and interrogated by the invading forces. Of that group, to this day approximately one-third, some 1,619 individuals, have not been seen or heard from. Five American citizens are included among those missing. But nationality is not at issue here—this is a significant human rights issue—one concerning basic human dignity, and the internationally recognized right of everyone to know the whereabouts of their loved ones.

A United Nations commission, which includes representatives from both the Greek and Turkish communities on Cyprus, has been continually meeting since 1981, yet not a single case of the missing has been resolved. In the interest of basic decency I urge any party or the occupying forces with knowledge of the whereabouts or the destinies of those missing to come forward. Even if the news may be bad, it would at least afford the relatives of the missing an answer to the tearing questions of where is their husband, their father, their missing family members?

Representatives of the missing Cypriots are holding a candlelight vigil tomorrow night at Lafayette Park, here in Washington, across the street from the White House. I hope my colleagues will be present, at least in spirit, with these dedicated people who seek only an answer to these frustrating questions. I invite my colleagues to support their quest and salute their persistence and courage.

The ongoing Cyprus negotiations under the auspices of the United Nations between the two communities on Cyprus have dragged on far too long. Let us all hope and pray that this issue can be resolved without further delay so that all the people of Cyprus can be reunited and be able to get on with their lives in a spirit of peace and harmony.

Mr. BILIRAKIS. Madam Speaker, I certainly thank the gentleman for his contribution to this special order. It is part of a contribution over many, many years for the cause of Cyprus, for the cause of Greece, and for the cause of human rights.

I think it is even more important than anything else. I very much appreciate the gentleman who is the ranking member of the Committee on Foreign Affairs for his participation. Thank you very much, BEN.

Madam Speaker, I rise, as I said earlier, to extol the steadfast national spirit of the Cypriots, a national spirit that sadly has been strained for more than half of the 30 years since Cyprus has known independence. So on this day, I stand with my colleagues in calling for peace and resolution of this crisis.

I yield to the gentlewoman from New York [Mrs. MALONEY], a Member who has very much been involved in this issue and the cause of the Greeks and Cyprus.

Mrs. MALONEY. Madam Speaker, I thank the gentleman for yielding to me, and I commend my colleague for organizing this special order.

Madam Speaker, I rise to join my colleagues in calling for immediate, decisive action to end human rights violations in Cyprus.

In 1974, Turkey invaded Cyprus and has unjustly occupied it for the past 19 years. Tonight marks the 19th anniversary of that illegal invasion.

Turkish occupation brought the disappearance of 1,619 people, including five Americans, all of whom were subjected to enforced disappearance—or worse.

There is hard evidence that some of those people are still alive, and are being held in brutal Turkish prisons.

Several months ago the Greek newspaper, Ethnos, reported that a truck driver coming from Turkey to Greece was told to relay a message from a Greek Cypriot in a Turkish prison to his family in Cyprus.

He wanted them to know that he was still alive, but in a wheelchair. He asked "why have you forgotten me?"

Since 1974, the Turkish Government has continued a policy of what the New York Times called "Ethnic Cleansing, Cypriot Style."

In Turkey and in Cyprus, the Turkish Government has persecuted Kurds and Greeks in an effort to drive them out, or wipe them off the face of the Earth.

But last year, the United States sent $450 million in aid to a Turkish military that is conducting ethnic cleansing, as well as $68 million in economic aid.

In Bosnia, we denounce ethnic cleansing.

In Cyprus, we underwrite it.

Mr. Speaker, the hypocrisy of our policy speaks for itself.

We must withhold all aid to the Turkish Government until it accounts for the 1,619 people who have been missing since 1974.

That total includes Andrew Kassapis, an American citizen last seen being dragged off by Turkish Cypriot soldiers with a U.S. passport in hand.

I met today with his father who is still fighting to learn the fate of his son.

Andreas Anastasiou, from my own district in Astoria, NY, does not know what happened to his brother George, who disappeared in 1974. The last his family heard of him was a message received from him 6 months after his capture.

For all we know, Andrew and Andreas are still Turkish hostages.

So until we know their fate and that of many others, we should hold hostage military and economic aid to Turkey.

Mr. Speaker, fair is fair, and the Turkish Government is not playing fair.

It's time for us to put our foot down.

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Mr. BILIRAKIS. Madam Speaker, I thank the gentlewoman for her wonderful leadership on this issue, and in all of the causes of Greece.

I yield to the gentleman from Pennsylvania [Mr. GEKAS], my fellow Hellene.

Mr. GEKAS. Madam Speaker, I thank the gentleman for yielding to me. I, too, add to the commendation that my colleagues have accorded the gentleman for presenting this special order.

Madam Speaker, it is clear from the statements already made and from the sentiments that have been expressed over the years now that this issue must be resolved. Cyprus has suffered too long. While the world contemplates the wounds that are being inflicted on its body politic in Bosnia and Somalia and other freshly engendered wounds, we cannot forget that the wound that was thrust into the side of the Cypriots 19 years ago is still hurting, is still bleeding, is still crying out for cure and for help.

In this juncture it is important for us to reiterate to the American public that what the United States was able to do in amassing a tremendous coalition force to deal with the Kuwait-Iraqi situation, pursuant to a new world order that President Bush saw so vividly on the horizon, and which prompted him to see the United Nations resolutions that made possible the backbone of a concerted action to oust Saddam Hussein from Kuwait, we all marveled at that. I must confess to the gentleman from Florida that that gave me special inspiration and hope to be able to say to many people in our country who espouse the Cypriot cause that "Now we see the framework for a possible solution to the Cypriot question."

If indeed the world was able to join together and to form this coalition to obey and enforce a United Nations resolution for the ousting of Saddam Hussein from Kuwait, isn't it now time to enforce one of the hundreds of resolutions that have been offered and passed by the United Nations, one resolution to ameliorate the Cypriot situation?

Can we not amass the will that we did for the Kuwaiti situation and transpose it to Cyprus, that is the key question. We are hopeful that the ongoing U.N. forum is going to present an eventual solution, but every day that goes by exacerbates that wound, enlarges that wound, and that wound can lead to death of a republic itself if we do not act as the body politic that the world owes to that stricken island.

I rise in sympathy with the cause and in renewed pledge that this will not pass without our commentary, without our action, without our cajoling the United Nations, insisting on resolution of the issue, on justice for Cyprus.

As the gentlewoman who preceded me so forcefully said, it is time to end the fiasco of supplying arms to a NATO ally who turns them inwardly and uses those arms to perpetuate this fiasco of a subjugation.

We stand with you, I say to the gentleman from Florida, in pursuit of justice for Cyprus.

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman. His words are very wise and certainly to the point. I

Madam Speaker, I yield to a cosponsor of this special order, a person to whom we look often for leadership on these particular issues, and a person who is very much concerned, not only for Greek and Cypriot causes, but also particularly human rights, the ranking Republican on the Human Rights Task Force, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Speaker, I come to the floor today, on July 20, as I have many times before, to commemorate the anniversary of the tragic separation of Cyprus by Turkish troops. I thank my good friend, the gentleman from Florida, for calling this special order and inviting the many Members of the House who support a unified Cyprus to speak or submit their remarks in writing about this issue on the floor.

I would also like to recognize three members of the Committee of Parents and Relatives of Missing Persons—Rev. Economos Christophoros, the chairman; Nicos Sergides, and Andreas Vlamis.

This year is, as has already been mentioned, the 19th anniversary of the separation of Cyprus, a beautiful island in the Mediterranean Sea. On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and heavy fighting is reported to have taken place between them and the Cypriot National Guard. Turkish reinforcements arrived and the Turks pressed on to the capital city of Nicosia, where heavy street fighting took place with Cypriot National Guardsmen and Cypriot irregulars. Throughout the battles, the Turkish Air Force supported the land forces, bombing and strafing Greek-Cypriot positions and attacking the Nicosia airport. By the time a cease-fire had been arranged on August 16, Turkish forces had taken about one-third of the territory of the island.

Throughout the battles and subsequent occupation, tales of atrocities, abductions, rapes, and executions were heard. It was only as some of those abducted or taken prisoner of war began to filter back to their homes after the cease-fire that it became apparent that hundreds were missing.

In May 1992, the Congressional Human Rights Caucus held a hearing on this issue. We heard heart wrenching testimony of violations and subsequent coverups by the Turks and Madam Speaker, the coverup continues to this day.

Today, 19 years later, 1,619 have yet to return. Twenty-six of these were below the age of 16 when they were taken; 112 are women, and 5 are Americans. Andreas Kassapis, a United States citizen, was 17 years old when he was taken from his home by Turkish soldiers on August 20, 1974. In a desperate attempt to protect his son from the Turks, Kostas Kassapis—who is present today—gave Andreas his U.S. passport to take with him as he was taken away. But the Turks did not respect his United States citizenship and Mr. Kassapis still awaits word of his son's fate.

There are no doubts that the Turkish Army abducted the five Americans missing, including Andreas, or that the Turkish Government is responsible for accounting for them. Today 35,000 Turkish troops occupy the island of Cyprus and maintain the code of silence about their fates.

Unfortunately, Turkey and the Turkish-Cypriots have stonewalled at every turn on the issue of the missing. In 1980 and 1982, the United Nations acted to create a Commission on the Missing in Cyprus. The Commission relies on the Turks and Greeks and Turkish-Cypriots and Greek Cypriots to provide information about missing individuals. To date, the Turks have provided the Commission with no useful information about the people they abducted and not a single case has been resolved.

This conduct, Madam Speaker, is outrageous and unacceptable. As Cochairman of the Congressional Human Rights Caucus, I view the return of these detainees or their remains as a purely humanitarian issue. Any government that would keep thousands of the families in agony wondering about the fate of individuals missing for nearly 20 years, and which may be planning to use the missing as a bargaining chip, clearly does not share the values on which our Nation is founded. Nevertheless, this year the United States is going to provide Turkey with $450 million in military loans and $125 million in grant economic assistance. This is over half a billion dollars for a nation that does not have the compassion and decency to restore the peace of mind for these tormented families. I believe that United States assistance to Turkey should be directly linked to progress on the missing and reunification of Cyprus and other human rights concerns.

To highlight these issues and focus attention on the missing in Cyprus, my colleague ELIOT ENGEL of New York and I have formed the U.S. Committee on the Missing in Cyprus. We are joined on the Commission by our able colleagues CAROLYN MALONEY of New York and MARTIN HOKE of Ohio; Ed Derwinski, former Member of the House from Illinois and Secretary of Veterans Affairs; Ed Feighan, former Member of the House from Ohio, and strong supporter of Cypriot unity; and Maynard Wishner, chairman of the Jewish Community Relations Council and an American who has always put human rights for all people high on his personal agenda. Other members will include members of key House and Senate committees and subcommittees, former members, and members of the Celebrities for Cyprus group.

Recently, Mr. Denktash, the Turkish-Cypriot leader, again undermined the negotiating process in New York through his intransigence. The Turks invaded the island, they are the only nation that recognizes the so-called government in the north, they provide economic assistance to the north, have sent tens of thousands of settlers to the north, and they have an occupying force of 35,000 troops stationed on the island. Nevertheless, they have found it beyond their capabilities to exert any pressure on Mr. Denktash to end the division of the island. This, too, is outrageous and unacceptable. The United States should stop being played for a fool by the Turks and demand that these matters be sincerely and honestly addressed and resolved.

This year, the Appropriations Committee adopted report language that I offered on the Foreign Operations bill that expressed support for a fair, lasting and democratic solution to the separation of Cyprus and indicated that it would carefully monitor the progress of the Cyprus issue. If it becomes evident that there is obstruction by one side that imperils a successful outcome, security assistance in that part of the world must be brought into question next fiscal year. I intend to carefully

Representative ENGEL and I are working on legislation that would call on the President, in cooperation with an appropriate international agency such as the Red Cross or the United Nations, to undertake an investigation of U.S. foreign-aid recipient to determine the whereabouts of the five missing Americans and seek to have them, or their remains, returned to their families.

Madam Speaker, the division of Cyprus simply has gone on too long. My wife, Kathryn, and I first traveled to Cyprus in 1981 and have returned a number of times. It is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a exquisite legacy of art and architecture. Unfortunately, as you walk down the winding streets of Nicosia or drive through the Cypriot countryside, you are constantly reminded of the 35,000 Turkish troops that loom just beyond the horizon, beyond the U.N. peacekeeping troops, beyond the Green Line that slices Cyprus in two.

I urge the representatives of the two communities on Cyprus to come together for the sake of their people and the future of their country and reach a compromise. A generation has grown up on Cyprus not knowing peace and unity. I am concerned that the bond of shared experience between the two communities forged as a consequence of their living together for centuries will dissolve if they are not reunified soon.

I thank my good friend, Mr. BILIRAKIS, for calling this special order to draw attention to the ongoing situation on Cyprus and focusing attention on the missing. His commitment to Cyprus has been unwavering and his leadership has been instrumental in raising awareness of the Cyprus issue here in Congress. I also want to remind Members of a candlelight vigil that will be held in Lafayette Park across from the White House tomorrow, Wednesday, night starting at 8:30 p.m. I hope that Members will be able to attend.

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Mr. BILIRAKIS. I thank the gentleman for his beautiful remarks and leadership on this issue and so many other important issues.

Madam Speaker, I yield to the gentlewoman from New York, Mrs. LOWEY.

Mrs. LOWEY. Madam Speaker, I thank the gentleman for yielding and want to thank my colleague from Florida for his leadership on this issue.

Madam Speaker, It is difficult to believe that 19 years have passed since the Turkish invasion of Cyprus. Nineteen years and the occupation continues. Nineteen years since, in the words of the New York Times, "Turkey's armed intervention and a brutal population exchange displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots." Nineteen years and the world seems neither to remember nor to care.

That is why I am pleased that we have this opportunity today. Today, we recall what happened in Cyprus 19 years ago and we pledge both to fight to end the occupation and to discover after 19 long years, what became of 1,614 missing Greek Cypriots, and five Americans.

In the 19 years since the Turkish invasion, we have seen dramatic changes in the world. In the last decade alone, we witnessed the collapse of Communism. We watched as the Berlin Wall fell. And we now wait anxiously as the Arabs and Israelis sit down together at the negotiating table. We have seen miracles happen. We have seen peace and hope develop across the globe—but not in Cyprus.

On July 20, 1974, 19 years ago today. Turkey invaded the island of Cyprus. Tens of thousands of Cypriots were uprooted from their homes, their property lost and their dreams decimated. More than 160,000 Greeks became refugees living in an exile which continues 19 years later. The losses to the community in property and assets was in the billions. The damage done to ancient relics and historical sites—some dating back to 500 B.C.—is immeasurable and can never by fully restored.

The systematic destruction of Cypriot culture is evident to us in the Turkish attempt to strip the region of it Greek heritage. As a September 5, 1992 editorial in the New York Times stated: "Ethnic cleansing * * * occurred in Cyprus long before Bosnia."

The invasion also leaves us with questions about 1,619 individuals who disappeared without a trace—five of them U.S. citizens. What happened to these people? Although they were known to be under control of the Turks after the invasion, we have been told nothing of their whereabouts. One such tragic case is that of a 17-year-old boy on vacation. He was taken before his father's eyes, U.S. passport in hand, He has not been heard from, and many have given up hope.

To this day, Turkish troops occupy 37 percent of that nation's land—land which holds approximately 70 percent of the island's economic potential. More than 30,000 Turkish troops are still in Cyprus guarding these holdings. The country remains divided—quite literally—by a barbed wire fence, the Green Line. This line divides thousands of people from their homes and dreams they once knew This line separates a people from the history and culture they once possessed. This line is destroying a nation. The occupation of Cyprus must end.

Mr. BILIRAKIS. I thank the gentlewoman for her fine remarks.

Madam Speaker, I yield to the gentlewoman from California, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I too commend the gentleman from Florida for calling this special order. In the interests of time, I will submit my statement for the RECORD.

I do want to just say though that it is appropriate today for us to reiterate our commitment to a resolution of the Cypriot situation and to commend Greek-Cypriots for their dedication to a peaceful settlement of the island's armed conflict.

Madam Speaker, I join with my colleagues in calling for a long-awaited, just reunification of the island of Cypress.

Madam Speaker, I rise today to mark the 19th anniversary of the occupation and division of the Republic of Cyprus. I thank my colleagues, Mr. BILIRAKIS, Ms. MALONEY, and Mr. PORTER for calling this special order.

This is not a happy occasion, Madam Speaker, but it is one which serves to remind us of the continuing strife that the people of Cyprus have faced day-in and day-out for nearly two decades.

In 1974, Turkey invaded the republic of Cyprus, using United States military equipment to kill 4,000 Greek Cypriots and capture over 1,600 Greek Cypriots and 5 United States citizens, who are all still missing. The Turkish invasion also resulted in the tragic displacement of 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since that time, Turkey has illegally maintained and financed troops on the island while U.N. guards have patrolled the nebulous border of the unrecognized Turkish-Cypriot regime.

Turkey's occupation of Cyprus violates 54 United Nations resolutions and over 25 congressional expressions of opposition. A September 1992 New York Times editorial characterizes Cyprus as "* * * a cruelly divided economic slum." Madam Speaker, 19 years is far too long for any peoples to wait for political stability and justice. The Turks repeatedly refuse to negotiate a settlement, even when the settlement offers the 18 percent Turkish-Cypriot minority community more than double its share of political representation and land.

It is appropriate today for us to reiterate our commitment to a resolution of the Cypriot situation and to commend Greek-Cypriots for their dedication to a peaceful settlement of the island's armed conflict. Madam Speaker, I join my colleagues in their call for a long-awaited, just reunification of the island of Cyprus.

Mr. BILIRAKIS. I thank the gentlewoman. I would say to her that we really have it within our power, it is in our hands to do what we know needs to be done, and we are not doing it. There is an awful lot of rhetoric, is there not, but we do not really see the action that is so very necessary.

But with the fine leadership of the gentlewoman from California and the fine leadership of others, we are going to get this accomplished. Thank you, Nancy.

Madam Speaker, as has been said by so many others, in the summer of 1974, Turkish forces occupied what is the northern part of Cyprus. As a result of this illegal military invasion, 1,619 people have never been seen again. Mr. Speaker I would stress that in that number of 1,619, 5 are U.S. citizens.

Last year, I had the opportunity to chair a congressional human rights caucus hearing which dealt with the missing individuals in Cyprus as a result to the 1974 illegal Turkish military invasion. What I heard was heart wrenching. We had the opportunity to have a small informal briefing with Costas Kassapis. Costas Kassapis is an American citizen from the State of Michigan. He and his family, who are American citizens as well were in Cyprus at the time of the occupation. His son Andrew, who was only 17 years old, is among the missing. Andrew Kassapis was dragged off by Turkish soldiers with American passport in hand. Andrew has not been seen or heard from since.

Costas Kassapis made a heart-warming plea to us in that briefing. He made sure to tell us that he hates no one. All he wants, Mr. Speaker, is his boy Andrew. Costas Kassapis' words are these:

> If he is alive, I want him back. If he is not, I need a concrete answer as to what has happened. I need help finding out. My family and I have suffered very much these past 18 years wondering where Andrew is. Our thoughts and prayers are with him every single day wondering if he is hungry or fed. If he is rotting in a Turkish prison.

Mr. Speaker, why is it that five American citizens are still missing as a result of the illegal Turkish invasion of Cyprus in 1974? Turkey is considered by the United States and this administration as an ally, and yet they have not told us what has happened to these people. Has our government truly, strongly inquired? I am dissapointed to say, I think not.

For years we've not know what really happened to these people. All we have is the word of Mr. Denktash (Dank-Tash), the leader of the Turkish-Cypriots, that these people are dead. Mr. Speaker, that is not enough. We must find out what has happened to the five Americans in 1974 and the rest of the missing Greek-Cypriots. If we are ever to find peace in that part of the world we must have concrete evidence on what has happened.

In 1974 Turkish television and newsreels produced photographs of prisoners of war that were taken during the occupation. They show Greek Cypriot soldiers on their knees with their hands above their heads. These prisoners of war that have been identified in these photographs and newsreels are still listed as missing. If these defenseless soldiers are dead, as Mr. Denktash told us, then we have a direct and flagrant disregard for the Geneva Convention.

Recently, there have been talks held under the auspices of the United Nations—as proposed by the U.N. Secretary-General. However, these talks are now at a complete standstill due to the unwillingness of Mr. Denktash to negotiate with the Greek-Cypriots.

It is surely in Turkey's best interest to resolve this problem expeditiously. In fact, Turkey's intransigence is one more stumbling block keeping her from becoming an accepted part of the European Community. While Turkey has other problems to solve in this regard, the European Community has made it clear that membership is contingent upon resolution of the Cyprus problem.

Mr. Speaker, 200,000 men, women and children were forcibly expelled from occupied Cyprus. They are now refugees—a people without a home. These refugees have been living through a 19-year darkness.

Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on earth. Turkey continues to station more than 30,000 troops there and to maintain some 65,000 settlers on Cyprus. Frequent incidents and disputes scar the populace.

Cyprus is the only, let me repeat the only, country in Europe with 37 percent of its land under the occupation of an invading force. Furthermore, Turkey continues to change the demography of Cyprus by transplanting Turkish settlers there. In the near future, the settlers and the occupying troops will outnumber the indigenous Turkish-Cypriot population—and with each passing day the tension on the island grows.

Greece and Turkey both can be valued and valuable U.S. allies and trading partners in a region of growing significance. Is resolution of the Cyprus problem too much to ask to bring an end to long, bitter and sometimes hostile conflict, and to secure peace and stability in the region? I say no, Mr. Speaker.

Cyprus has seen a rape of its culture; a pillaging of its antiquities. Churches have been plundered and ransacked. Beautiful frescos have been stripped off the walls of these religious institutions—including the famous church of Antiphonitis. Other churches have been converted into mosques an still more have been turned into cinemas and recreational centers. What Cypriots have witnessed is the intentional destruction and pillaging of their cultural heritage.

Many archeological sites have been plundered and irreplaceable artifacts have been either destroyed or sold off. Foreign markets have been flooded with important artifacts since the invasion. Historical sites, some dating back to 500 B.C., were damaged during the invasion and hostilities that followed. While important historical buildings often are the unintended casualties of war, I understand that some sites were bombed needlessly. Still other sites were vandalized by Turkish forces.

Mr. Speaker, we must end the occupation of this island-nation before all traces of Cypriot culture and history are trampled underfoot.

We in the Congress have a responsibility to use our influence to see Cyprus made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

Mr. ENGEL. Madam Speaker, today we remember a very sad anniversary. Nineteen years ago Turkish troops invaded the northern part of Cyprus. In the aftermath of this invasion the population of Cyprus was widely dispersed. Over 2,000 individuals were arrested or disappeared. Among them were five U.S. citizens. We still have no knowledge of their whereabouts. Nobody has ever heard again of Andrew Kassapis, Christos Libertos, Kyriacos Leontiou, Socrates Kapsouris, and Jack Sofocleus.

I am cochair of the newly formed Committee on the Missing Americans in Cyprus. Today we heard the passionate and moving report of Costas Kassapis—for the past two decades he has been searching for his son Andrew. In 1974 Andrew Kassapis was 17 years old and was holding a U.S. passport in his hands when he was captured by Turkish troops. Since then, his father as well as the families of the many other missing have tried relentlessly to find traces of their beloved ones.

Turkey—our NATO ally, a major recipient of American foreign aid—more than half a billion—and an aspirant for European Community membership—has so far declined to answer the important questions posed by these families, the United States, and the international community.

After 20 years it is time to bring light to this most tragic and inhuman aspect of the Turkish occupation of Cyprus. To this end I will soon be introducing legislation that calls upon the President to investigate the issue of the missing people in Cyprus.

The long suffering of the families of the missing cannot be ignored. Their questions cannot remain unanswered. They long for the truth, and they deserve a full and honest account of what happened to their beloved ones.

I will work with Congress, with the Committee on Missing Americans in Cyprus, and the administration to urge all parties concerned to provide the basic facts on the fate of the missing people, and to finally bring peace to the hearts of their suffering families.

Thank you, Madam Speaker.

Ms. SNOWE. Madam Speaker, I would like to commend my colleagues, Mr. BILIRAKIS, Mrs. MALONEY, and Mr. PORTER, for calling this special order to mark the 19 years of illegal Turkish occupation of northern Cyprus.

On this date in 1974, Turkish forces invaded Cyprus on the preposterous pretext that it needed to protect Turkish Cypriots from alleged Greek Cypriot aggression. This brutal invasion by Turkey drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing.

The Turkish Army seized 40 percent of the land mass of Cyprus, representing 70 percent of the economic wealth of the country. Today there are almost 30,000 Turkish troops enforcing the illegal division of the island. Barbed wire stretches across the country like an ugly snare, and armed check points dot the Green Line.

Keeping the Turks at bay is a U.N. peacekeeping force of just 1,500 soldiers. But dark clouds are beginning to gather over this U.N. force. The participating countries are starting to question whether their troops are still making a worthwhile contribution. Canada will withdraw its 575 troops by September, and Finland will withdraw its contingent by the end of the year. In a time when the United Nations is taking on greater peacekeeping responsibilities, it cannot allow the gradual erosion of the existing peacekeeping force on Cyprus.

Despite the diplomatic efforts of the United Nations, actively supported by the United States, a political solution to the tragedy on Cyprus still eludes us. The Turkish side continued to undermine the U.N. effort to achieve progress toward a settlement.

Last year's negotiations broke down because of the continued intransigence of Turkish Cypriot leader Denktash. U.N. Security Council Resolution 789 laid responsibility for the failure squarely at Mr. Denktash's feet.

Earlier this month, U.N. Secretary General Boutros Boutros Ghali again severely criticized Mr. Denktash in a report to the Security Council. Mr. Denktash had failed to honor an agreement to return to New York and continue negotiations with Cyprus President Clerides on a package of confidence-building measures proposed by the Secretary General.

The message that emerges from the Secretary General's report is clear to all—Turkish intransigence is the single biggest obstacle to a negotiated settlement of the illegal division of Cyprus. Their obstructionism prolongs the agony of Cyprus. Only strong and sustained diplomatic pressure on the Turks will force them to negotiate in good faith.

Much of the world's attention is focused on the human tragedies unfolding in places like the Balkans and Somalia. These places deserve our compassion and aid, but the ongoing suffering of Cyprus should not be forgotten either.

It is therefore incumbent on us, as Members of Congress, to use occasions such as this to speak out on the outrageous violations of human rights and international law that are still being inflicted by Turkey on the people of Cyprus. We must remain vigilant and determined in our struggle to restore freedom and justice throughout Cyprus. Until then, we shall need the active help of freedom-loving people everywhere and we must continue to speak out against this terrible oppression.

Mr. BONIOR. Madam Speaker, I'd like to thank my distinguished colleagues Representatives MICHAEL BILIRAKIS, CAROLYN B. MALONEY, and JOHN PORTER for holding this special order to mark the 19th anniversary of the Turkish invasion of Cyprus.

A few years ago, my friend Colman McCarthy wrote, that of the planet's wars, Cyprus "is potentially among the most easily solved diplomatically." Thus it is with considerable frustration that I join my colleagues today while 35,000 Turkish troops remain on Cyprus.

On July 20, 1974, Turkish troops invaded Cyprus. They now occupy a portion of the island twice as large as the Turkish-Cypriot population. In a chilling reminder of the Berlin Wall, a barbed wire fence known as the Green Line cuts across Cyprus separating thousands of Greek-Cypriots from the towns and communities that their families lived in for generations.

Thousands of people have been killed as a result of the invasion. The fate of 1,619 more remains unknown—including 5 Americans. One of the missing is Andrew Kassapis from Michigan who was taken captive by Turkish soldiers while he was vacationing in Cyprus with his parents. Andrew, who was 17 years old in 1974, was taken even though he had his U.S. passport with him.

Andrew's father, Costas Kassapis, has had to struggle all these years without knowing the fate of his son. The Turkish Government has stated that all 1,619 people are dead, without providing any solid evidence on their whereabouts. The families and friends of those missing deserve to know the fate of their loved ones.

Madam Speaker, the last few years have marked phenomenal advances of freedom and democracy around the world. Yet Cyprus remains divided. In the same column, Colman McCarthy asked, "If a touch of peace can't descend on one of the world's most beauteous islands—where can it?"

Certainly a solution in Cyprus is within our grasp if we have the will to find it. It is my deep hope that next year I will be joining my colleagues to mark the first anniversary of a unified Cyprus.

Mr. WAXMAN. Madam Speaker, I rise today in strong support of the special order marking the 19th anniversary of Turkey's invasion of Cyprus.

Sadly, the small island of Cyprus remains divided 19 years after the Turkish invasion. Turkish troops continue to occupy close to 40 percent of Cyprus and thousands of Cypriots have been separated from their homes and property. Despite the dramatic changes of the past few years that have fundamentally transformed the world map, Cyprus remains in a state of potentially dangerous conflict. The time is ripe for a resolution of this problem, one which would help improve relations between Turkey and the entire European Community.

Any just settlement must acknowledge both the entitlement of Greek-Cypriots—who compose 80 percent of the population—to the fruits of majority rule. At the same time, a just settlement must also guarantee Turkish Cypriots all the safeguards of mandated minority rights.

With a renewed commitment on the part of the United States and the United Nations, the Cyprus problem can be resolved. The resolution of the Cyprus problem will reduce tensions between Greece and Turkey while helping to stabilize the already volatile situation in the eastern Mediterranean.

Madam Speaker, the United States must make a concerted effort to bring the Cyprus issue to the forefront of foreign policy concerns by encouraging participation in a conference between all legitimate parties and helping to bring peace and democracy to the people of Cyprus.

Mr. GALLO. Madam Speaker, I join my colleagues in supporting this special order regarding the oppression of the Cypriot people, and, in requiring Turkey to abide by international mandates to restore Cyprus to its independent status.

Almost two decades ago, the military invasion of Cyprus resulted in the disappearance of 1,619 people, including 5 American citizens. Their whereabouts are still unknown. Turkey continues to maintain a military force in Cyprus, and has disregarded international requests to vacate the occupied territory. In an era when dozens of countries around the world have gained independence, Cyprus remains controlled. The Cypriot people have endured the occupation of their country long enough.

Turkey's continuing defiance of international mandates deserves our attention. I strongly support the suspension of all military and economic aid to Turkey until it adheres to all international mandates imposed upon it, including the restoration of Cyprus to its independent status.

I urge my colleagues to support efforts to restore justice to Cyprus and its people. Turkey must understand that such actions against innocent neighbors cannot be condoned. It appears that the restriction of aid is the only remaining form of persuasion available to bring an expedient resolution to this situation.

Mr. FAZIO. Madam Speaker, I join my colleagues today—the 19th year of the occupation and division of the Republic of Cyprus—in this special order recognizing this solemn anniversary.

Thirty-three years ago, the island of Cyprus gained its independence from Great Britain; however, for 19 years, the northern part of the island has been under the grip of foreign occupation. When Turkish troops invaded Cyprus, 200,000 Greek Cypriots were driven from their homes, deprived of their possessions, and reduced to refugee status in their own land. Since the invasion, the island has been marked with violence and bloodshed.

When the island was originally divided in 1974, Turkish troops also seized and removed over 1,600 men, women and children. Five of these "Cyprus disappeared" were American citizens, and three were relatives of American citizens. To this day, their families have no idea whether or not they remain in danger. They do not know if they are sick or well, dead or alive.

The Turkish Government has yet to adequately account for any of those who disappeared at that time. Although it maintains that all of them are dead, it has produced no solid evidence of their status. In the meantime, however, families continue to suffer, as they draw their own conclusions about what has happened to their loved ones.

We are challenged with both working toward a free, unified Cyprus, and with focusing our efforts on putting this issue to rest for these victims, as well as for their families and friends. It is time to bring their heartache and torture to a close, once and for all.

For this reason I would like to commend my colleagues, Mr. ENGEL of New York and Mr. PORTER of Illinois, for forming the Committee on the Missing in Cyprus, which will seek to determine the fate of the 5 American citizens and over 1600 Greek-Cypriots who have been missing since the 1974 Turkish invasion.

I would also like to thank the distinguished gentleman from Florida, Mr. BILIRAKIS; the distinguished gentlewoman from New York and Mrs. MALONEY; and, again, Mr. PORTER for calling this special order and giving us all the opportunity to reaffirm our commitment—to the innocent victims and families of Cyprus' occupation, as well as to an end to the turmoil and conflict under which Cypriots currently live.

Mr. PALLONE. Madam Speaker, it was 19 years ago today that Turkish troops invaded and subsequently occupied over a third of the territory of the Republic of Cyprus, causing the loss of 6,000 lives and the forcible expulsion of 200,000 Greek-Cypriots who became refugees in their own country. Every year at this time, I join with many of my colleagues to commemorate this tragic anniversary, and to remind the Members of this House, the American people and the world that this lovely island in the Mediterranean remains a land divided by barbed wire and bitterness. But this year, we wish to draw special attention to the 1,619 missing persons. This number includes women and young people, as well as soldiers, who disappeared consequent to the Turkish invasion.

Madam Speaker, the missing Greek-Cypriots, whose tragedy we commemorate today, were arrested by the Turkish Army and/or by Turkish-Cypriots under the control and command of Turkey's Armed Forces. Subsequent to their arrest, many were transported to Turkey and kept as prisoners in Turkish jails. Since 1974, despite appeals to the Turkish Government and to other international organizations, Turkey—contrary to international law and human rights conventions—refuses to provide any information about their fate. The Turkish Government—our NATO ally—continues to deny that there are any Greek-Cypriots being held and still goes through the charade of professing no knowledge of the fate of the missing.

Yet, Madam Speaker, the record over the past 19 years raises serious questions about the truthfulness of Turkish denials. Shortly after the cessation of activities, there were eye-witness accounts and sworn testimonies stating that there were widespread arrests carried out by the Turkish Army as well as sightings, both in Turkish-occupied Cyprus and mainland Turkey, of missing persons in the custody of Turkish troops. On one of the few occasions when United Nations and Red Cross officials have made unannounced visits to places where Greek-Cypriots were supposed to be imprisoned, in November 1974, five individuals were found. Turkey's own print media and radio have contributed to the body of evidence with published reports and broadcast interviews with missing persons. The International Red Cross and Amnesty International have lists of names of missing persons compiled during visits to Turkish detention centers.

I can imagine that many of the Members speaking tonight will receive letters from the Turkish Embassy taking us to task for discussing this issue, challenging our facts, and accusing us of spreading Greek propaganda. In fact, the information that we have comes, as I have indicated, from a variety of international sources, including some Turkish sources. Yet, to its great dishonor, the Turkish Government has stonewalled Amnesty International, the Committee on Missing Persons of the United Nations, and the European Commission on Human Rights.

The youngest of the missing was 5 years old at the time of his arrest. Eight U.S. citizens are among the missing, including a 17-year-old student at the American Academy. The friends, relatives, and supporters of the disappeared have been given absolutely no information or assistance from Turkey or the Turkish-Cypriot leadership. A candlelight vigil will be held for the missing tomorrow evening at 8:30 p.m. in front of the White House. While I salute those participating in the vigil, and my heart and my support goes out to the families and friends, I hope that this will be the last of the vigils.

Madam Speaker, Turkey has been the recipient of large amounts of United States military and economic aid. Turkey is a member of NATO, an organization founded to promote and protect peace and democracy in Europe. Thus, it is especially troubling to see such aggressive and undemocratic behavior by one of our allies. The U.N. Secretary General, Boutros Boutros-Ghali has criticized the Turkish-Cypriot leader, Rauf Denktash, for undermining the talks aimed at reunifying the island. Our State Department has expressed its support for the U.N.'s package of confidence building measures, and has urged Turkey to play a helpful role in convincing the Turkish-Cypriot leadership to support these steps. Recently, we have read about a new generation of leadership, including the new prime minister Ms. Tansu Ciller coming to power in Turkey. Let us hope that the new leadership will make a break with some of that country's unfortunate past. A good place to start would be by providing a full accounting of the fate of the 1,619 missing people, and the immediate release of all prisoners who have survived these 19 years in captivity.

In closing, Madam Speaker, I would like to bid farewell to the distinguished Ambassador of Cyprus to the United States, Mr. Michael E. Sherifis. In his 4 years in Washington, Ambassador Sherifis has done great work in building better United States-Cypriot ties and in drawing our attention to the tragedy of his divided land. As he returns home to the Foreign Ministry in Nicosia, I am sure he will continue to be a leader in the struggle for a just and lasting solution to the tragedy of this beautiful land.

Mr. MANTON. Madam Speaker, I rise today to join my colleagues in this important special order marking the 19th anniversary of Turkey's invasion of Cyprus. At the outset, I want to thank my colleagues Mr. BILIRAKIS, Mrs. MALONEY and Mr. PORTER for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1,619 people including 8 Americans last seen alive in the occupied areas of Cyprus have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish Government to provide answers to the families of the missing. We cannot forget their suffering continues.

Madam Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Today, while I applaud the efforts of the United Nations to resolve the issue of the continuing division of Cyprus, I am very frustrated by Turkish leader Rauf Denktash's stubborn resistance to meaningful negotiations. It is not just Greek-Cypriots and their supporters who think Denktash has been unreasonable. Earlier this month in a statement to the Security Council, U.N. Secretary General Boutros-Boutros Ghali criticized Denktash because he failed to honor the agreement to return to New York and negotiate with Cyprus President Glafcos Clerides on the Secretary General's preliminary proposals. Furthermore, the Security Council President David Hannay expressed the disappointment of that body that Mr. Denktash has not honored his commitment and asked the Secretary General to report back to that body his progress and if required, his recommendations for action by the Security Council.

Madam Speaker, I want to take this opportunity to commend the Secretary General for his tireless efforts to resolve this issue. I also want to recognize the Greek-Cypriot people for their valiant commitment to resolving this conflict, despite the seemingly bad faith shown by the Turkish side. It is my hope that this will be the last year Members must join to discuss the longstanding problems of the people of Cyprus, that next year we may join to celebrate the end to this conflict. Until that happens, the Turkish Government must know we in the United States will continue to mark this anniversary and speak out for rights of the missing.

Mr. KENNEDY. Madam Speaker, news wires report that earlier today air raid sirens wailed, flag flew at half mast, and church bells tolled as Greek-Cypriots observed the 19th anniversary of the Turkish invasion that divided their homeland.

I want to thank Mr. BILIRAKIS for organizing this special order. It is important for us to mark our remembrance of the brutal invasion and division of Cyprus. It is time for renewed commitment to bringing this tragedy to an end.

Turkey remains an important ally of the United States. They receive hundreds of millions of dollars in U.S. economic and military assistance. Some are hesitant to bring pressure to bear on the Turkish Government on human rights issues and the occupation of northern Cyprus. I think that is a mistake.

Earlier today, groups representing 180,000 Greek-Cypriot refugees from the north visited the Embassies in Nicosia of the 5 permanent members of the United Nations Security Council. They demanded implementation of U.N. resolutions designed to end the tragedy of a divided Cyprus. U.N. talks between Cyprus and Turkish-Cypriot authorities were scheduled to resume in June, but were postponed.

The Turkish military occupation of northern Cyprus continues, after 19 difficult years. The introduction of Turkish settlers moves ahead. There are still more than 1,000 people, including 5 U.S. citizens, unaccounted for since the time of the Turkish invasion. As long as this is the case, it must be the obligation of the United States, and the international community as a whole, to stand firmly behind U.N. resolutions that would end the occupation and division of Cyprus. The courageous people of the Republic of Cyprus deserve no less from us.

Mr. MARTINEZ. Madam Speaker, I rise today to join my colleagues in commemorating the 19th anniversary of the invasion and division of Cyprus. On July 20, 1974, Turkey invaded northern Cyprus and has occupied the territory ever since. For 19 years Turkey has imposed its will on northern Cyprus while flouting, with impunity, international law. There are still as of today nearly 30,000 Turkish troops occupying Cypriot soil.

President Glafcos Clerides of the Republic of Cyprus has, since his election to office last February, been working with the United Nations to reach a viable and just solution to his country's problem. However, the Turkish-Cypriot leader, Rauf Denktash, continues to throw obstacles before the U.N.-sponsored confidence building measures aimed at resolving the Cypriot political impasse.

In an effort to encourage gradual steps toward reconciliation between Greek- and Turkish-Cypriots, the United Nations has proposed placing part of the uninhabited, Turkish-occupied town of Varosha under U.N. control. The United Nations has also proposed reopening the abandoned Nicosia International Airport which would be made available to both communal groups. The United Nations mediating approach is a serious effort to break the political stalemate which has, thus far, proven intractable.

I fully endorse the President Clinton's recent pledge to exert United States sizable influence toward promoting a peaceful settlement of the Cyprus issue. For far too long the people of this island nation has harvested the bitter fruit of communal strife and ethnic suspicion. After 19 years of partition and acrimony, it is high time for all Cypriots, ethnic Greeks, and ethnic Turks alike, to begin the process of reconciliation. The United States can and must play a more active role in helping the Cypriot people broach the political and territorial divide that has torn this island apart.

Mr. CARDIN. Mr. Speaker, I rise today to join my colleagues, Representative MICHAEL BILIRAKIS, Representative CAROLYN MALONEY, and Representative JOHN PORTER, in remembering the 19th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleagues in this special order in order to highlight the need for finding a peaceful solution to this sad and difficult situation.

The eastern Mediterranean island of Cyprus has been divided since the Turks invaded Cyprus in 1974. United Nations peacekeeping forces currently patrol a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

Just last month, the U.N. Peacekeeping Force in Cyprus was renewed for an additional 6 months. In so doing, the U.N. Security Council called for the "parties to carry forward expeditiously and in a constructive manner the intercommunal talks under the auspices of the Secretary-General."

The people of Cyprus, both Turkish and Greek, deserve to be free from the hostilities that have plagued their island for the last 19 years. The status quo—a divided nation—is untenable.

The time has long passed for the Turkish occupation forces to be withdrawn. The world community, particularly the United States, must press for a peaceful resolution of the Cyprus problem. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

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## 1993 BUDGET RECONCILIATION ACT: SMALL BUSINESS CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes.

Ms. DELAURO. Madam Speaker, last November, Americans all across the country expressed their desire for change. They said they wanted Congress and a new President to act on health care, on the economy, and on jobs. Both Houses of Congress have passed budget reconciliation legislation, and the Conference Committee began its work last week. In the next 3 weeks, Congress will fashion a compromise budget plan which will reduce our budget deficits, thereby building a strong foundation for long-term economic growth and job creation. We will have to make some tough choices. Change after 12 years of economic mismanagement does not come without a price. But we cannot, in good conscience, do anything less.

Tonight, I want to talk about how this economic plan will help small businesses. The budget reconciliation bill passed by the House takes an important step in putting our Nation back on the road to fiscal responsibility and it provides very real help to small businesses. I urge our conferees to fight hard to hold to the provisions passed by the House of Representative that are vital to our small businesses and to job creation.

Small business is the main engine of job creation and economic prosperity. However, as we can see in Chart 1, businesses have gone into bankruptcy at a faster rate during the last decade than at any time since the Great Depression. The increase in business failures during 1991 was comparable with that during the 1981–1982 recession. And when the most recent recession took hold the small business job engine ground to a halt.

The economic policies of the past 12 years have been bad for small business. Let's remember those who now jump to criticize the President's plan killed business for a decade and created almost no private sector jobs. Small businesses in Connecticut, like small businesses elsewhere, are desperately looking for help after years of struggle.

The House plan answers their plea. It extends the kind of investment that will make a real difference for small businesses. It offers incentives for businesses that reinvest in themselves, cuts the capital gains rate for small business investments, and provides health deductions for the self-employed. And 96 percent of small businesses are exempted from any new income tax increase. They will see no change in their individual or corporate tax rates. The 4 percent of small businesses who will pay higher income taxes are not mom-and-pop businesses.

The average affected individual makes $560,000 per year, and 43 percent of all income of these taxpayers goes to people who make more than $1 million. Perhaps most importantly, by passing the tough deficit reduction plan submitted by President Clinton, small businesses will benefit from continued low interest rates—the lowest long-term interest rates in 16 years—6.54 percent. That is the lowest level since 1977.

Madam Speaker, let's talk about some of the specifics in the Clinton Economic Plan.

Tax rates. As I mentioned earlier, 96 percent of small businesses that file individual returns will not be affected by the increase in individual rates. Ninety-six percent of those who file as proprietorships, partnerships, or subchapter S corporations will not be affected by the increases in individual rates. Why is this so? Because individual rate increases in the plan apply only to those businesses that will make more than $140,000 a year in profits—for those filing jointly—after deductions are taken for paying employees and making new investments to expand. Keep in mind that 98 percent of American

As you can see by this chart—chart 2—the Treasury Department estimates that only 4.2 percent of all small businesses that file as proprietorships, partnerships, or subchapter S corporations will be above this threshold.

In addition, 100 percent of small businesses that file corporate returns will not be affected by the increase in corporate rates. The increased corporate rate for businesses that file as corporations does not even apply to small businesses—it affects only corporations with taxable income in excess of $10 million a year.

Rewards for investment. In chart 3 we can see the decline in business investment over the past 10 years. That decline has cost this country jobs and productivity.

Under the plan, those small businesses that put money back into their businesses for economic growth and expansion will be able to take advantage of tax incentives like increased expensing provisions and the capital gains exclusion for investments in small businesses.

The President proposed more than doubling from $10,000 the investments that small businesses will be able to expense immediately, freeing up cash flow and allowing new investments in training and equipment to create new jobs. The plan also gives investors generous tax incentives to provide equity capital to productive small businesses, thus encouraging risk-taking and innovation. Under this plan, half the long-term capital gains made from investment in small businesses would be excluded from taxes.

Super-expensing in empowerment zones. The plan increases from $10,000 to $75,000 the amount that small businesses located in 10 empowerment zones may expense, and provides other incentives for small businesses located in our Nation's most distressed communities.

Research and experimentation tax credit extension. The plan fosters economic growth, technological development, and international competitiveness permanently by extending the research and experimentation tax credit. It extends a 20-percent credit for qualified research expenditures, and includes a new rule relating to startup companies that will make it easier for them to qualify for the credit by simplifying and rationalizing the rules for computing research eligible for the credit.

Health care costs. The plan includes a retroactive extension of the 25-percent deduction for health insurance premiums of the self-employed.

Tax-exempt bonds. The plan also includes a retroactive extension of the ability of State and local governments to issue tax-exempt bonds for small businesses. In addition, the plan extends a current provision allowing local jurisdictions to issue tax-exempt qualified small-issue bonds when they are used to help finance manufacturing facilities.

Lower borrowing costs. Markets have already responded to the President's deficit reduction plan. Long-term interest rates have dropped 1 whole point to 6.54 percent as I said earlier, and mortgage rates—now at 7.16 percent for a 30-year fixed mortgage—are at a 20-year low.

These key small business elements of the plan will spur job growth. During the last 4 years, only 1 million private sector jobs were created—just 20,000 a month. But largely because the President has shown the commitment and courage to cut the deficit—and has submitted a concrete plan, job creation is now up.

In the first 5 months of the Clinton administration, 740,000 private sector jobs have been created—over 140,000 jobs per month—more than 7 times the rate of the last administration. Several independent analysts have projected that growth in the economy under the Clinton plan will create over 8 million jobs in the next 4 years. Furthermore, studies by the Joint Economic Committee and the National Venture Capital Association show that the President's capital gains cut for small businesses and his expensing provision will create at least 200,000 more jobs in small businesses.

Critics of the plan have claimed that it hurts small business, when, in fact, the vast majority of small businesses won't be affected and all income tax increases will fall only on the wealthiest 1.2 percent of Americans. Some of the same architects of the policies that led to the worst private sector jobs growth since the Great Depression want to return to the policies of the past—under the argument that raising taxes on the top 1.2 percent of individuals will hurt the economy and keep small businesses from creating jobs. In a June 25 article the Wall Street Journal stated: "Having been battered in last year's Presidential campaign as defenders of the wealthy, Republicans hardly want to oppose the President's proposed income tax increases head on and bemoan the burden on the nation's richest 1.2 percent of the population. So they're playing up the plight of small businesses. * * * But many of the Republican arguments are specious. Despite GOP claims that most of the burden of the higher rates would fall on small business owners, Joint Tax Committee data show otherwise." Keep in mind this is the Wall Street Journal talking.

And in another article just today, the Wall Street Journal found that "most corner grocery stores and neighborhood car washes * * * don't earn nearly enough to be affected" by the President's plan. Yet the Republicans continue to rail against the impact of this plan on small businesses—politicizing the issue instead of trying to meet the needs of small business.

The most vocal group opposing the small business portions of the President's plan is Citizens for a Sound Economy—headed by President Reagan's budget director. Afraid to look like they are protecting the rich, the Republicans attacked the plan on behalf of small business. But as the Journal, the New York Times, and the Washington Post have all pointed out, the Republican arguments are empty.

And although the Republicans would have us believe that small business is against the President's proposal, the small business men and women in my own State of Connecticut that I have spoken to like the President's plan. They believe it brings real help to their effort to start to move forward again and start creating new jobs.

Let me give you an example. Michael O'Mally is about to start a new business that will employ 4 people by September and he hopes 15 or more within a couple of years. Mr. O'Mally's dream of starting his own business and creating new jobs almost didn't happen. What made the difference was an SBA guaranteed loan. A guaranteed loan

Mr. O'Mally's new business will provide business data and information to other service and manufacturing businesses. Mr. O'Mally is providing a service vital to the future of our small Connecticut businesses—access to the information, tools and training they need to compete and succeed.

Much of Mr. O'Mally's initial capital is going to be used to invest in the equipment his business needs to operate—computers, data processing terminals, scanners, equipment to access on line services with information of value to his customers. You know what Mr. O'Mally said about what the expensing provisions in the President's plan mean for him: jobs. For Mr. O'Mally, and thousands of new and small businesses like his, the expensing provisions translate directly into additional available capital—the very life blood of a small business. For Mr. O'Mally the provision would mean up to an additional $5,000 that he will use, in his own words, "to pay people."

For Mr. O'Mally what the expensing provisions also mean is a change in how quickly he can expand and create more new jobs. The expensing provisions will give him more capital to invest in the equipment he will need a year from now to help his business grow and expand into new areas and go from employing 4 to 15 people.

The speed with which Mr. O'Mally will be able to create jobs is also helped by the Research and Experimentation tax credit provisions. His business, like hundreds of other small high technology businesses across Connecticut, has to invest heavily in research and development to continue to keep ahead.

For Mr. O'Mally the R&D provision means something very simple: he will be able to accelerate the timeline for his R&D because the credit will allow him to free up more funds to develop new ways of presenting information to his clients—of packaging his product in ways to reach new markets and employ more people.

Nick Perna, a local economist and the vice president of one of Connecticut's largest banks said the plan will have a very positive effect on helping Connecticut's depressed economy recover and will help small businesses start to grow again. Over 40 percent of small businesses and subchapter S corporation owners will either be eligible for a tax cut through increased expensing, targeted capital gains tax cuts, or the extension of the 25 percent health insurance deduction for the self-employed. He saw the expensing provisions as a "major change for the better." He voiced confidence that the expensing, capital gains reductions and research and experimentation provisions would make a real difference for small business. They would create real incentives for small businesses to invest and help generate the capital to do it. For our unemployed this is good news because as businesses expand and invest they create jobs.

It's not only the investment incentives that Mr. Perna and Mr. O'Mally feel make this bill good for small business. It's also the fact that interest rates will remain low because of the real cuts in the deficit that this bill makes. For Mr. O'Mally that means the money he has to borrow to get his business running will cost less.

To Mr. Perna, these low interest rates translate into higher values for real estate—including the commercial property owned by businesses. What that meant to him was simple: his bank will be able to make more loans for greater amounts to help meet the credit needs of business. That translates into more jobs now.

In addition, the National Federation of Independent Business [NFIB] gave testimony before the House Ways and Means Committee on March 16 of this year that underscored the importance of the key provisions of the plan. Testifying on the need for deficit reduction, the NFIB vice president stated,

> Our members feel that there is very little the government can do right now to bring us out of the recession in the short-term and would focus on the deficit rather than cutting taxes.

In fact, the Clinton plan is the largest deficit reduction plan in history—$500 billion in deficit reduction over 5 years.

The NFIB also testified that:

> In the area of investment incentives, let me simply say that we're consistent. Simplicity is the key for the small business community. We prefer above all other things an increase in direct expensing.

Madam Speaker, if we pass this plan, the 1998 deficit will be $160 billion less than if we take no action. According to noted economists Robert Solow and James Tobin,

> That would make room, in a fully employed economy, for a 40 percent increase in spending on capital equipment, financed by private saving that would otherwise be absorbed by Government securities. Small businesses are ready to start investing again in new jobs. Let us give them the boost they need to succeed.

We cannot turn this economy around without a serious attempt at deficit reduction. And we cannot create new jobs without the help of the thousands of small businesses that provide the innovation, enterprise and growth that have historically driven our economy. This bill cuts the deficit. It gives small businesses the help they need to grow and succeed. And it will give our economy renewed strength.

And now, I want to recognize some of my colleagues who have joined me here tonight to talk about how this bill will affect the men and women who run the businesses in their districts.

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Madam Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the Majority Whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding to me. I would like to congratulate the gentlewoman for taking the time this evening to talk about this plan.

I would like to commend my colleague, Congresswoman DELAURO for organizing this special order.

It is time for our country to put its economic house in order.

That is what the President's economic plan does.

It provides for the largest deficit reduction in American history; $500 billion in deficit reduction.

Over 200 specific spending cuts.

And it finally asks the wealthy of this country to pay their fair share. 70 percent of the new revenue raised in this bill will come from those making over $200,000 a year.

This bill is a good deal for middle class families. And a good deal for America.

No one making less than $180,000 a year will see any increase in their income tax. Only the wealthiest 1 percent of Americans will pay additional income tax.

Middle class Americans may be asked to pay additional energy tax of $10 to $20 a month. But for middle class families this will be offset by impact of lower interest rates.

Lower interest on home mortgages, lower interest on car loans, lower interest on student loans, lower interest on credit cards. These will represent real savings in the pockets of middle income families. As much as $175 a month, if you refinance your home.

This package of deficit reduction represents real dollars back into the pockets of middle class families.

Why do we see so much opposition from my colleagues on the other side of the aisle?

I cannot help but think it is because they are trying to protect their old friends, the wealthiest Americans. The same people who got all the breaks in the 1980s are still trying to skip out on paying the bill now.

The same Republican Party who year after year for 12 long years gave us record breaking deficits has tried to undermine this real attempt at deficit reduction.

They have tried to delay, derail, and distort this package. But what is their alternative?

More of the same. Let the wealthy off the hook, and make senior citizens pay. And in the end, they do nothing to stop the deficit.

The President's plan is the only game in town.

It is a tough package. It is not easy to make all these cuts. It is not easy to go to the wealthy and powerful people in this country and say—it is time to do your part. But that is what President Clinton has done.

And he deserves our support.

The President's plan has already had positive economic results.

Interest rates have remained low.

Mortgage rates are at a record low.

The bond market has rallied.

And most important of all—new jobs have been created.

In the first 5 months of the Clinton administration 740,000 new jobs. That's nearly 150,000 jobs a month. Seven times the rate of job creation during the Bush administration.

When the program is fully implemented, according to independent economic projections, the Clinton economic plan will create 8 million new jobs. Eight million new jobs in 4 years.

That is what this is really all about—when all is said and done.

Jobs.

Getting our economy moving.

Encouraging investment.

The President's plan provides important investment incentives for small business, for empowerment zones, for job training, for education, and for job creation.

It is time for the nay sayers and the cynics to step aside. This is a positive plan for America, for America's working families, and for jobs.

It is not just tough choices—it is a promising future.

Ms. DELAURO. Madam Speaker, I want to thank the majority whip for entering into this special order tonight and taking time to talk about his thoughts on this.

Madam Speaker, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Madam Speaker, I want to thank the gentlewoman from Connecticut for yielding me this time and taking out this special order so that we can discuss the President's program for reviving the economy of this country that he inherited that was in a state of doldrums with people losing their jobs and economic investment on the incline.

As the President quite correctly pointed out when he came to this Chamber in the Joint Session, he inherited an economy that was in very serious trouble, an economy that over the last 10 years was causing average American families to lose their earning power, even though they were working harder every day and every year, an economy that was not reinvesting in itself, that as the gentlewoman pointed out, by the time President Clinton came into office was investing less than 3 percent, and we knew that was incapable of generating new jobs in this economy, an economy that was seeing the disparities between rich and poor grow ever wider so that among the developed nations of the world, we have one of the greatest disparities between rich and poor that exists in the world today, and recognizing that something had to be done, but it could not be done without some sacrifice. It could not be done without some discipline and it could not be done without keeping our eye on the future.

This President was bold enough and courageous enough to come into this Chamber, to look us in the eye and to look the American people in the eye and say that if we had the courage of our convictions, if we would do what we told the American people for the last 12 years we wanted to do, and that is to get government out of the way so that small businesses and entrepreneurs can thrive, that we would have the possibility of reviving this economy.

Now, for 12 years Presidents of this country have been telling this country that they would put an economy in place to allow that to happen, but that did not happen because, as we now so clearly can see, the largest tax decrease in history was given to the wealthy on the theory that they would invest in America, in its economy, in its people, in its capabilities, and that would revive the economy.

□ 2030

They did not do that. They speculated, they leveraged, they absorbed countries, they merged companies, they leveraged buyouts, they ruined savings and loans, and they left us a huge, huge deficit. He said that in fact, if we provided that tax cut, the deficit would get smaller, and, of course, as we know, it did not. We tripled the debt of this country in those 12 years.

So, President Clinton has decided to take another path. He has decided to ask this country to make the kinds of decisions, along with this Congress, to get us out of the way of the growth of this country by proposing the largest deficit decrease in the history of this country, by getting the Government out of those credit markets for day-to-day borrowing, for borrowing that is far beyond our means to pay for and make room for American businesses, make room for American entrepreneurs, make room for America's families.

Since he has put that proposal on the floor of this Congress, and since the markets and the American people have seen that he is serious, we have started to see a revival of this economy. As was pointed out by the two previous speakers, we have started to see job creation on a monthly basis, far in excess of what we saw over the last 4 years. We are starting to see people return to work. We are starting to see small business formation again. We are starting to see people being rehired.

Why? Because of what the President announced in this Chamber, and what this House passed, and what the Senate has passed. People are understanding that the cost of doing business and living in America is starting to come down. As interest rates lower, people are able to refinance their debt, to refinance their houses.

Mind you, we all lived beyond our means in the 1980's, but now we have a chance to make that debt manageable and to make some room for the needs of today. Corporations are able to refinance the debt of 12, 13, 14, 18 percent, that they incurred on their debt in the 1980's. Individuals are able to refinance their credit card debt. Home owners are able to refinance their homes. First-time home buyers have a possibility of entering a market, a possibility for the first time in many years, when the discussions in the Congress and in the country and in our communities was that our children would not be eligible to own their homes because of the costs of money, the interest rates, and yet we now see the first-time home buyers are coming back to the American economy, which means that a carpenter, an architect, an engineer, a cement mason, and a laborer all get a chance to go back to work. We are seeing new business formation. We are seeing venture capital coming to the forefront again because those ideas that were not feasible when the prime interest rate was 10 and 11 and 12 percent today are feasible. It is 5 and 6 percent.

So, Madam Speaker, what we are seeing is, by removing the Government from those credit markets by this

How has the President done this? He has done this with a series of budget cuts, specific, enumerated budget cuts, some 250 billion dollars' worth of budget cuts. He ventured into the area where no Congress had the courage to go, no President had the courage to go, and that is to entitlements, understanding that this was a matter of national sacrifice and commitment for the future of this country.

So, he put in those budget cuts, and then he also recognized that we were going to have to raise revenues either through an energy tax or some increases on the wealthiest people in this country. It is not that he is taxing the wealthiest people in this country because he does not like them, but the simple fact is, the simple fact is, that for the middle class in this country wages went down 17 percent. But, if you were in the top 30 percent of income earners, real wages have gone up by 9 percent. So, we are starting to see that the wealthiest 1 percent of people in this country have garnered more wealth and more assets than any time in our history. We think they should contribute to this national effort to revive America's economy.

Finally, Madam Speaker, let me say this, that this is really very short-term medicine for the long-term growth of this country. We talk about sacrifice, and we talk about budget cuts. But, if we are willing to make these decisions in the next 3 weeks and present to this President a bill that he can sign, we will, in fact, see that not only the actions that we have seen take place between the first of the year and now on the anticipation of this bill being signed, but, once it is signed into law, we will see the confidence of people, we will see a road map that will tell them that the Government is going to reduce its participation in the credit markets, and then they can look forward over a long period of time to reduced interest rates, and that will cause additional economic activity.

So, Madam Speaker, the question is really this:

Should we now make some tough, short-term decisions with respect to our immediate future so that our children, and our families and our businesses can prosper over the long term?

We should. We cannot continue to live beyond our means, either as families, or as a government, or as businesses.

This President, my colleagues, has given us an opportunity to get the books back into balance, to stop that overdependence on foreign capital, foreign investment,

I can appreciate that the Republicans do not like this. They must feel terrible envy for this President because this is what their President kept saying they were going to do. They never quite did it. They did not have the courage to come in here and to level with the American people, to rally the American people, to recognize, just as we see people filling sandbags on the Mississippi River day in and day out, 24 hours a day, people who do not live on that river, but they are willing to sacrifice their current job, their vacation, their time away from school, to help their neighbor, to help their economy, to help this country.

My colleagues, we need to put a few sandbags in place. This President has given us the opportunity. We should do it now and get control of our economic future.

Madam Speaker, I want to thank my colleague, the gentlewoman from Connecticut [Ms. DELAURO] for making this time available, and I again would beseech the Members of this Congress on both sides of the aisle to support this President's plan to revive the American economy.

Ms. DELAURO. Madam Speaker, I want to thank the gentleman from California [Mr. MILLER] for an eloquent statement and for, particularly, highlighting the whole issue of deficit reduction, bringing interest rates down and the family's ability to be able to refinance a home, what that will mean in terms of their future economy.

I would now like to yield time to the gentlemwoman from California [Ms. ESHOO].

Ms. ESHOO. Madam Speaker, I would like to thank my distinguished collegue, effective colleague, most highly regarded colleague, the gentlewoman from Connecticut [Ms. DELAURO] for bringing us together to have a conversation with the American people on what is a watershed moment both for our Nation and for this, the 103d Congress, as we approach the approval of the economic package, the budget package, that the President of the United States has moved forward and has presented to the Representatives of Congress that will speak on behalf of those that they are privileged to represent. We not only have the opportunity to reduce our Federal deficit by record levels, a half a trillion dollars, the largest deficit reduction plan in the history of our Nation, but we have the opportunity to invest in the engine that drives our economy, namely small businesses.

I am the daughter of a small businessman. My father is 89 years old. He retired at 82, and he was a watch maker and a jeweler all of his life. I grew up in that business. I was educated as a result of the benefits of that business. I saw other people in our community employed in that business.

Unfortunately, Madam Speaker, in the last decade the Federal Government could have done a much better job in supporting this critical segment of our economy where 85 percent of all new jobs are created. Indeed, during the last administration only 1 million private sector jobs were created. One of the chief reasons, in my view, behind the small number was the lack of attention to small business and the lack of support for growth incentives.

□ 2040

We have the opportunity now to change this. I am privileged to represent California's 14th Congressional District, the home of Silicon Valley, where fledgling startup companies are the backbone of our local economy. These companies are responsible for making the United States unbeatable in cutting edge high technology, including electronics, computers, and biotechnology. And many of these small companies have grown into some of the larger and more successful companies of our Nation. Hewlett-Packard, Apple, and Genentech are just a few that come to mind. These companies employ thousands of Americans and generate billions, with a "B" of dollars of revenue each year.

But the other myriad small businesses in Silicon Valley employ thousands and contain within them the potential to grow and increase our Nation's competitiveness. Indeed, Silicon Valley has been an incubator of small business ventures. But we are in tough economic times, and the companies in my district need the kind of incentives incorporated in the plan that President Clinton has presented to the Congress. They need this not just to succeed, but they need it to survive.

This should concern everyone, because it is the brilliant minds behind these small companies that create the ideas and products that revolutionize our society and boost our international competitiveness.

Key to the success of entrepreneurism and small business is its ability to attract capital and obtain credit and loans. President Clinton's plan will increase a company's ability to expense capital investments. It includes a targeted capital gains tax, which will produce the outcome we are looking for, job creation. It will also produce something for investors in small businesses, and it will result in lower borrowing costs.

The President's plan also includes provisions that are critical for small businesses, including a retroactive extension of the 25 percent deduction for health insurance premiums of the self-employed; a retroactive extension of the ability of State and local governments to issue tax-exempt bonds for small business. And I would like to add here that I came from local government. I have regard for what they try to do, and we need to be better partners with them. This part of the President's plan speaks to that.

Also a retroactive extension of targeted jobs tax credit, and relief from the alternative minimum tax for capital investments.

Where did we come up with these ideas? These ideas were hammered out and brought forward to the Congress as a result of a young person who went across this country with Senator GORE campaigning. And people across this Nation, especially small business owners, said "Governor Clinton, this is what we need." It is now contained in the plan that the President has presented to us.

These provisions are not only important to the high tech industry, they are important for all small businesses. In my district, like Robert Cevasco, who runs a nursery out on my coast side, Whole Foods Market that is next door to my district office in Palo Alto, CA, and Spiral's, a gift center. And contrary to opponents' arguments, the higher tax rate embodied in the Clinton reconciliation bill will not adversely affect small business. Ninety-six percent of small businesses are exempt from new taxes. I want to repeat that, because there are so many people that are reading and being misled by so much of the rhetoric. This

As we attempt to get our economic base in order, it is most critical to reduce our deficit. But we also have the opportunity to recommit ourselves to the creation of jobs and enterprise. President's Clinton's economic plan does this.

I urge my colleagues in both Houses to take a second look, if that is in fact what they need to, at the attacks coming from those opposing the President's plan. In my view, this plan is a hands-down winner, not only for the people of my district, the small businesses there, the high technology companies, those companies that are still waiting to be born, but also for all of America and for those that are looking for prosperity and a return to a time when Main Street is really doing well.

Ms. DELAURO. Madam Speaker, I would like to thank the gentlewoman from California both for her personal experience as a daughter of a small businessman and her experience representing the Silicon Valley and in what the value of the research and development tax credit might be.

I would now like to recognize the gentlewoman from New York [Mrs. LOWEY]. If my colleague does not mind, I would like to really begin by just asking her a question. We have had the benefit of a Republican-crafted budget plan. With your perusal of it and review of it, have you found in the Republican plan any of the House-passed measures that would help to assist small businesses, expand small businesses, or help to create jobs?

Mrs. LOWEY. Absolutely not. And that is why I am so pleased that you called this special order tonight.

I have had the opportunity to work with my outstanding, effective colleague, the gentlewoman from Connecticut [Ms. DELAURO]. And whether we are working on the Estuary Restoration Act or programs to help small business, the bottom line has been jobs. And I think it is important that you called this special order tonight to set the record straight.

We are working to set the record straight tonight, because I think the American people have to know, and we have to be here to refute some of the specious arguments being made about how the President's economic plan will impact small business.

Small businesses are hurting. Whether I am in White Plains, or New Rochelle, in Yonkers, in Rego Park, in

They come into our office and they talk about the mortgages, they talk about the lack of customers. We have got to get things moving. And that is why this special order tonight is so very important.

Now, what they tell me about is they just cannot get credit. They cannot afford to make needed investments in new technology. They cannot attract outside capital. They need to expand and hire new workers.

As I travel through my district, the evidence of Government neglect for the problems of small business is very clear. I see family stores closing.

Just recently I was in a part of my district where there were two or three stores that were vibrant a couple of years ago. They are all closing, laying off their employees, and falling into bankruptcies. These businesses need help, and they need it now. They cannot deal with the rhetoric that we hear from some of my colleagues. They are tired of talk. And that is why the public is so disillusioned. It is time for action. We have to provide real help so they can raise the level of their sales, so they can hire workers, so they can help other families pay mortgages and get their youngsters the best education they can.

We know that the national debt has been drying up the credit which would otherwise have been available for small business expansion and investment. Without this capital, small business investment has withered, and the collapse of many small companies has had a ripple effect throughout the area. Because if one store closes, then the luncheonette that served those employees closes, and then when they want to go out and buy some goods, they do not have the resources to do it.

I was in a local fish store just this weekend and one of the customers said to me, "You shop, too?" They forget that we have to feed a family. And the owner of the fish store said to me he could not replace a piece of equipment that is frying fish because his sales of fish have gone down.

So, you see, it is not just the fish store that is not doing well, but then the manufacturer of the equipment that the owner of the fish store has to fry the fish in. And you see this multiplier effect everywhere.

The plan we have before us addresses many of the problems of small businesses. And contrary to what some have been saying, it will begin to help small business in our communities around our Nation.

Now, finally we have a plan that urgently takes on the problems affecting our economy, and small business in particular. The plan will lay the necessary groundwork for revitalizing hard hit areas and spurring economic growth and job creation.

□ 2050

First and foremost, the plan contains the largest deficit reduction in history. This measure will eliminate $500 billion debt that would otherwise crowd out needed investments in our economy. Without such a drain on the economy, small business will be able to borrow again, allowing for expansion and job creation.

The Clinton plan also helps small businesses by doubling the amount that can be expensed to $20,000. This is a move that has been championed by small business advocacy groups as a way of stimulating new investments in new, more efficient machinery, even for that small business in the fish store I was talking about before. We must change the status quo, when small businesses cannot afford to modernize and upgrade equipment. Failure to do so will only weaken our economy further.

The plan also contains a carefully targeted capital gains tax cut for new investments in small business. This will help entrepreneurs bring in outside capital and enhance the ability of small business men and women to invest in their companies' growth, creating hundreds of thousands of jobs.

Just recently, I talked to a group of women who were trying to get the capital to invest in their own businesses. We know, and in my district, and it is in other Members' districts, companies like IBM are laying off workers, NYNEX, other large companies. One thing a woman has learned in raising her children and raising a family, they learned how to be the boss. So we are seeing a lot of women who are being laid off from large companies starting their own businesses, because those are the skills that they have learned. But what they really need is the ability to get credit so they can make that investment so they can help that small business which is now just an idea in their mind, help that small business come alive so that they can hire workers, so that they can expand and create real investments.

The plan also contains a carefully targeted capital gains tax cut for new investments.

Other provisions that come to the aid of small business include retroactive extension of the 25-percent deduction for health insurance premiums of the self-employed and retroactive extension of the ability of State and local governments to issue tax-exempt bonds for small businesses.

We know how important health care insurance is for all small businesses so that, in particular, is an important provision. Another small meeting I had in my district, we heard from people over and over again about this credit crunch, the inability to make needed investment and to attract outside capital.

Before another small business permanently closes its doors and files for Chapter 11, we can and must take action. We can tell the millions of American families that own their own businesses that we understand, and—more importantly—that we are taking action.

So many of our communities are experiencing a co-called jobless economic recovery. We owe it to our constituents who are struggling to find work, to help small business—our single greatest source of job creation.

What is the alternative?

The alternative is to fall prey to partisan bickering and rhetoric. I think we have had enough of that. That is why people are so disillusioned. They are tired of hearing us talk. They are tired of seeing all the gridlock in this body.

We can go ahead and talk, and we can go ahead and debate. And we are getting our salaries. But it is these small business people that cannot wait any longer. They are the ones that are going to suffer.

I want to tell you again how important it is that you called this special order, because it is important that the American people understand that what this plan will do is take action, end the deadlock, end the rhetoric, help all those men and women who want to establish their small businesses so they can take care of their families. Thank you again. It is a pleasure to be here with you this evening.

Ms. DELAURO. Madam Speaker, I want to thank my colleague from New York for the points that she raised.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentlewoman from Connecticut [Ms. DELAURO] for her leadership in calling this special order tonight. Every chance I get, I want to thank the people of the Third Congressional District of Connecticut, especially in the New Haven area, for sending ROSA DELAURO to the Congress of the United States.

So respected is she in the House that tonight on her special order she will be having the majority leader of the House participate in the debate. For that reason, I will make my remarks brief.

Madam Speaker, I think what people out there who have small businesses or who want to start small businesses should know is that the Clinton administration and the Democrats in the House of Representatives are their friends and are on their side. I myself think that anyone who is starting a small business is about as optimistic and American as they come. I cannot think of anything, short of getting married, that calls for more optimism than starting a new business. That is why I am particularly pleased that Congresswoman DELAURO focused her special order tonight on small business, because small business and promoting small business is the center of the Clinton economic plan.

My colleagues have referenced some of the aspects of the President's economic plan. I will just briefly mention that the plan is pro small business in that it more than doubles the small business expensing incentives, new small business capital gains exclusion. It has reducing the cost of health insurance premiums for self-employed, extending a 25 percent deduction for health insurance premiums.

The plan includes tax-exempt financing for small business, small issue manufacturing and farmers bonds, superexpensing and empowerment zones.

Madam Speaker, this is very important. Hopefully, our conferees will keep the empowerment zones in the President's reconciliation package.

I also want to mention the extension of the research and experimentation tax credit, important to economic growth and technological development.

The Clinton plan includes several provisions to create and grow small businesses, because it recognizes small business as the creator of jobs and the creator of capital for our country.

President Clinton would truly help small businesses who have been neglected these past years, help these businesses expand, hire more workers. President Clinton knows that small businesses are the engine of growth.

I would like to talk about some examples in my community of San Francisco. I will submit it for the RECORD.

I will say, though, Congresswoman DELAURO, that the Clinton plan over 4 years will produce 2 million more jobs for California, 10 times the number of jobs than in the last 4 years.

I hope that small businesses will take part in the Clinton plan, will take time to read it, because there is much in it, if you are, as I say, a small business person or want to open a small business. Help is at hand. Encourage your Representative and your Senator in Congress to support the Clinton reconciliation package which will reduce the deficit, therefore, reduce the cost of capital and help you create jobs.

With that, I want to again commend the gentlewoman from Connecticut for her leadership on this issue.

In addition to calling this special order, she has been a strong whip and advocate for this reconciliation plan in the Congress.

Ms. DELAURO. Madam Speaker, I want to thank my colleague from California for her comments. What is critical is how jobs are going to be created through this plan.

It now gives me great pleasure to yield to the majority leader of the House of Representatives, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, I thank the gentlewoman for yielding to me. I especially thank her for calling this special order this evening so that many of us can express our thoughts about this very important debate that is already beginning.

It has, frankly, been going on for the last 3 months in our country or longer, about the Clinton economic program. I appreciate the time that she has taken, because it gives some of us a chance to expand further and with greater intensity on some of the important issues that are involved in this program.

I have been concerned over the last days because the program has been discussed in terms of the spending cuts, which are important, or the revenue increases, which are also part of the plan. A lot of talk about deficit reduction and the need for deficit reduction, all of those discussions are important. But what has been lacking is what the program is for.

Deficit reduction in and of itself is interesting.

□ 2100

It is, to some, positive. It, however, is a means to an end. It is not the end.

I am not interested in this program because we can say we reduced the deficit. So what? People do not care. My constituents do not care. Your constituents do not care. What they care about, what they are worried about, what they are rightly concerned about, is jobs and standard of living. That is what they care about. That is the great concern in the country.

That is the reason President Clinton put this program out there, so we could do it, discuss it, and then do it. The reason for it is to get all the good economic impacts that come from deficit reduction as a means to creating good jobs, as a means to creating good jobs.

Let me cite one fact that has already happened from the Clinton economic program, without it even being passed yet. That is that interest rates have gone down from the expectation that we would reduce the deficit. Listen to this fact. Twenty-six billion dollars have been put into the hands, this year, of the American people because of lowered interest rates, because of the expectation that this plan would pass. People in my area and in all the country have renegotiated their home mortgages to get the effect of the lower interest rate, which has yielded lower monthly payments for them, which they are able to then save or put into the education of their children or into health care or into buying a new car or whatever it is they want to do.

Some people have available $100 a month now that they did not have before President Clinton was elected, because of the effect of the program.

Let us be more specific about the issue of jobs. In the last few months there have been more jobs created. Since January there have been as many jobs created as were created in the whole Presidency of George Bush; the whole Presidency, the whole 4 years, we have created as many jobs since January, about 1 million jobs.

The monthly average, let us just look at the monthly average of jobs created during the time President Clinton has been President. We have had 148,000 jobs, new jobs, net new jobs, created a month. The average when George Bush was President was 21,000 jobs a month. We are beating that by 120,000 jobs a month. The program has not even passed. Imagine what can happen if the program were to be passed, which we want it to be.

The President's goal is to create 8 million new jobs over the next 4 years. Without the program even being passed we have already reached that goal in the first 6 months. We have had 1 million jobs created in this country. Again, it is primarily because interest rates are down because of the expectation that the program would be passed. That is real progress. That is why we are doing the program. That is why we are having the debate. That is why we are having the discussion. That is why we are having the vote. We want jobs created, good jobs, good paying jobs.

We want to put money in the hands of the American people. We want to help this economy get up off its feet. It has been on the ground for 4 years. It has been stuck in neutral, moving backwards. We want to get it to go forward. This program will do it.

Some people say, It will hurt small business. I have heard that criticism. I do not understand it. Surely the people that are saying this program would hurt small business have not read the program, and do not understand it.

Only 4 percent of small business people would have their taxes increased with this program. Guess what their average annual income is? It is $560,000 a year; $560,000 a year. We are asking them to pay a little more revenue, so their fair share is paid to help the country operate. I do not think that is too much to ask. These are the folks that had the largest tax decrease in the last 12 years. We are asking them to pay their fair share.

Let me go further. Ninety percent of small businesses will have a tax cut from this program because of capital gains treatment, because of investment expensing that is allowed under this program, and a number of other features that directly help small business.

So a small fraction that, frankly, can afford it has a little bit more to pay, and 90 percent have a tax cut. How does that hurt small business? I think it helps small business.

The last point, I have heard a lot about taxes and not enough about spending cuts.

## 1993 BUDGET RECONCILIATION ACT: SMALL BUSINESS CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Madam Speaker, I will continue on here for a moment, and recognize some other speakers who are here.

Madam Speaker, when our time ran out, I was talking about the complaints that are made about this Clinton economic program. One is that there are no spending cuts. I hear people say to me at home, "There are no spending cuts," or they will say, "I do not think Congress will cut spending." I do not understand—I guess I do understand why people would say that. Maybe they think that the cuts are not real, or that we have had trouble doing this in the past.

Let me just say a couple of things. One, in 1990, I was here for the budget summit. We cut a lot of spending. People say, "Why didn't the deficit go down?" There are good reasons the deficit did not go down. We have been in a 3-year recession. People were not paying taxes. If you are out of work, you cannot pay taxes. That is why the deficit did not go down.

We had the S&L mess. That is over with. We are coming out of the recession. Things are going to get better. We need to do more, and this program has spending cuts.

Half the cut in the deficit is spending cuts. They are tough spending cuts. For the first time in my memory the Congress will not spend one red cent next year more than we spend this year in all the programs we have discretion over: defense programs, domestic programs. If we lump them all together, we are not going to spend one penny more than we spent last year. This year we already had tough fights over what would be spent, because we were under tough caps.

The third year we are going to spend the same amount we are going to spend this year. The fourth year we are going to spend the same amount we spent this year. The fifth year we are going to spend the same amount we spent this year, not one cent more.

Never in the history of the country have we had an absolute rock-hard blizzard freeze on spending for 5 years. That is what this budget does. That is the spending cut that is in this budget: $250 billion in spending cuts over 5 years, cuts in Medicare, cuts in programs like veterans and others that are tough to do. You bet this has cuts.

Finally, people talk to me about taxes. I hate taxes. I wish we did not have to have any tax, but everybody understands that what we want to do has to be paid for; no more borrow and spend. Yes, let us cut spending as much as we possibly, logically, sensibly can, but let us get the books in order as well. Let us ask everybody to do their part.

Seventy percent of the taxes raised in the Clinton economic program come from people who earn $200,000 a year or above. We are simply asking that those who have done the best pay their fair share. I don't have any problem with it. I congratulate them. I am happy that they are able to make big money.

□ 2110

I hope they make much more money. But I want them to pay their fair share. That is all.

The middle class has done their part. The poor have done their part. Now we are asking the people at the top to do their part.

Second, people earning above $35,000 a year do have a responsibility in this program. The Clinton program asks them for $50 a year. It is about $1 a week. I do not think that is too much to ask of anybody in our country, me included, everybody who is a Member of this body included to do to make this problem go away.

Let me end with what again it is about. It is not about deficit reduction; it is not about some economic theory; it is not about some lecture that we could give in a classroom. It is about jobs and standard of living. That is the only reason to do this. We have to do it. It is our responsibility to do it. It is our mission to do it.

We have got to get this country moving again. We have got to get this economy thriving again. We have got to get people back to work in good jobs.

It has already begun, 148,000 jobs a month as opposed to 21,000 jobs a month for the last 4 years. We have already turned the corner. The future is going to be bright. We can make it happen, and with the votes of enough Members here in about 2 or 3 weeks we are going to pass this Clinton economic program and put this country back on the right economic track.

Madam Speaker, I am happy to yield to my friend, the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Madam Speaker, I thank the gentleman for yielding. I am delighted to be here tonight. I want to take this opportunity to thank Ms. DELAURO for arranging this special order and giving us the opportunity to talk to the people of America about what is happening on the 1993 Budget Reconciliation Act.

I have been particularly distressed because of the allegations that have been alleged by the minority party that this act is bad for small business. And I welcome the chance to lay these allegations to rest.

Small business is an issue which is dear to my heart. For 17 years my husband, like his father before him, ran a small business. It struggled, and it grew, and it prospered, and it was a terrific small business.

It was a struggle for me, but for 12 years I ran a small business. We started small, and we grew, and we prospered. And when I sold it, it was a very successful small publishing company that I was enormously proud of. And that experience changed my understanding of how the world works in a very fundamental way.

I believe I understand business. I believe I understand what small business people care about. And I know that this bill is good for America's small business.

It is time to tell the truth, and the truth is that this bill will absolutely help small businesses. First, both the House and Senate bills more than doubled the investment that small businesses can expense from $10,000 a year to $20,000. I would have been very grateful to have that additional deduction in my business, and virtually all small businesses will benefit from this policy.

The Small Business Legislative Council estimates that no fewer than 11 million small businesses will take this depreciation because they are taking it now, and they will get the additional depreciation. Even the National Federation of Independent Businesses has indicated its support for this policy.

Second, capital gains taxes for patent investment in new, high-tech businesses is going to be reduced by 50 percent. These are the very businesses which in Utah alone produce $5 billion worth of income alone. If we want to support that kind of thoughtful entrepreneurship, those kinds of businesses that will take us into the 21st century, software businesses, biotech businesses, then we can feel comfortable supporting this deficit-reduction plan.

Third, this plan retroactively extends the 25-percent deduction for health insurance premiums for the unemployed. We know as we go to our town meetings from this body that business is very concerned about the premiums it is paying on skyrocketing health care costs. We also know we have to reform health care to fix that, and we will do that. But in the interim, and until comprehensive health care reform is passed, this might be the only opportunity we have to help small businesses meet this challenge.

And how will these businesses affect the real world? Let us set the record straight. The Department of Treasury statistics show that 96 percent of small businesses will be unaffected, that is correct, absolutely unaffected by the higher income tax bracket in this bill. The remaining 4 percent hardly qualify as what we think of as mom and pop businesses. The average affected individual in this affected 4 percent earns an average annual income of $560,000.

As the Washington Post put it recently, the affected businesses include such affluent professionals as doctors, lawyers and accountants. If they were exempt from the personal rate increase they would have a lower income tax rate than corporate executives and other professionals who receive their income in the form of salaries. Now I ask, is that fair? After a decade of being the ones who benefited from the tax breaks, is it fair that that group of people is not asked to pay their fair share at this point in time? Of course it is not fair. We all have to pay our fair share.

Finally, the so-called S corporations have been the target of particularly misleading political posturing in recent days. Contrary to what has been said, there are no special higher rates for subchapter S corporations, partnerships or sole proprietorships. Under the President's plan, income from these small businesses is treated no differently than salaries, interest or other income. S corporations can continue to deduct both the wages they pay to employees and the new investments that they make to expand. And what is more, a small business owner finding himself subject to the higher marginal rate can become, with the stroke of a pen, a C corporation and be totally unaffected by this tax increase, unless the net profit exceeds $10 million.

Here is the bottom line:

First, 90 percent of all small businesses will receive a tax cut from this plan;

Second, according to studies by the Joint Economic Committee and the National Venture Capital Association, investments resulting from the $500 billion deficit-reduction plan will create 200,000 new jobs in small business.

Equally impressive, by finally making deep cuts in Federal spending to bring down the suffocating Federal deficit, and by keeping interest rates at record lows so that individuals and businesses can refinance their loans, this plan will create 8 million jobs nationwide over the next 4 years and lead to the kind of growth that Representative GEPHARDT has been talking about.

Congress is charting new territory, and we are making the tough choices to control Federal spending and reduce the deficit. And defenders of gridlock on Capitol Hill will stop literally at nothing to undo these changes.

Our Nation's small business owners want us to get the Nation's fiscal house in order. They do not want us to be naysayers. They do not want us to do nothing.

☐ 2120

They want us to get the job done.

The Wall Street Journal headline that I hold before you really says it best, "Finally The Truth Is Out," and it states, "Foes of Clinton's tax proposal mislead public and firms on small-business aspects." I say that this is not a time to mislead. This is a time to lead. We are doing it. We are helping small business.

This is a good plan, and I encourage my colleagues to vote for it.

I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentlewomen from Utah for her fine statement. It was very refreshing to hear the facts about how small businesses are really affected by this plan as opposed to misperceptions that have been created.

Small businesses, as the gentlewoman knows, have created about 70 percent of the jobs that are being created in America today. The last thing we would ever want to do would be to create a plan that would be injurious in any way. We want it to be supportive of small business, to help small business grow and prosper and invest and move in a direction of creating more jobs.

We believe, as you well stated, that this plan does that, does it well, by giving incentives for investment, incentives for depreciation, incentives that will help small-business people grow and prosper.

So I say to the gentlewoman, Well done.

I think it is entirely proper that we get these facts out. I believe we are hoping to do this on many nights this week, tomorrow night, and the next night, and I hope that through the next 3 weeks, through the leadership of the gentlewoman from Connecticut and others who are here, that we will carry this message to the American people through the use of these special orders.

I yield now to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman from Missouri for yielding.

Madam Speaker, I just wanted to thank my colleagues for joining me here tonight and the gentleman from Missouri. I think you hit the nail on the head.

What this plan, the recovery plan, is about is jobs. It is the future; it is the hope for people in this Nation. That is what last November was about.

This country elected Bill Clinton, because they felt that he was going to provide change. He has had the courage to put together an economic recovery plan which will provide this Nation with change, and what we need to do here in this body is to show to the American public that we have the courage to step up to the plate, to make the hard choices, in fact, so that we can create jobs and turn this economy around.

I think that we have seen tonight with this information that the engine of growth in this Nation is small business, and this plan provides small business with the opportunity to grow, to expand, and to create jobs to put people back to work again.

We have seen a lot of politicization of the issue in the last several weeks. My view is that the American public is smarter than that. They will see through some of the arguments of the failed past and understand that we have to pass this plan in the next 2 or 3 weeks, that we have to grow the economy and put people back to work again.

I thank the gentleman again for his time this evening and for participating along with myself.

Mr. GEPHARDT. I thank the gentlewoman for the work she did in organizing the group tonight and putting this special order forward.

I would end perhaps with a story from my background and why I think this issue of job creation and standard of living is so important.

I am 52 years old. I grew up in a period right after World War II. I was born in 1941. My dad was a milk-truck driver. My mom was a secretary. Neither of them went through high school.

They worked very hard, and they believed with all their heart that their sons, and I have a brother who is 4 years older, could do better then they had been able to do, could succeed in this country. Because of their hard work, both of us were able to finish college and graduate school, and we had opportunities unlimited. We grew up in a time in the country when it was right to believe that when your parents told you that if you worked hard you could succeed and do well that that could happen, because the evidence was all around us of people doing that and succeeding.

Success is contagious. When you see others able to do it, then you think you can do it.

What has happened in the last really 15 years in our country is that that growing standard of living, that growing economic pie has stopped growing. As I said a moment ago, in the last 4 years, we created just a million jobs. We need a million jobs every 6 months to keep up with the new people coming into the work force.

So people who were young, who are trying to get ahead, who are working and looking and seeing what was happening around them, like I did in the 1950's and 1960's, were seeing a country that was not succeeding, more importantly people who were not succeeding, and they gave up. They got cynical. They become downcast about their future and the future of the country.

We have got to turn that around. That is what this is about: Hope, opportunity, the feeling that you can succeed no matter who you are, no matter where you start, no matter what your background, no matter how poor you are when you start; you believe with all your heart and all your mind that if you work hard you can succeed. That is America. That is what this is all about, and that is what we are fighting for. That is what President Clinton is fighting for, and I so hope that in the next weeks we can get this information to the American people and we can build a climate of confidence that when this program passes that this country is going to take off, that the economy is going to begin to succeed, that jobs will be created, that the standard of living will go up, and we will create that climate of confidence that I remember as a young person in this great country.

Ms. DELAURO. I know you said you wanted to close. But may I just add one word here?

Mr. GEPHARDT. Surely.

Ms. DELAURO. Because we share a similar experience.

My dad came here as an immigrant and could only dare to dream to see his daughter someday sit in the House of Representatives.

What is the most tragic part of what is happening today and over the last 12 to 13 years in this country is that that American dream is like sand through people's hands. For the first time in this Nation, parents do not believe that their children are going to have the same opportunities that they did, that they are not going to be able to have those jobs, they are not going to be able to compete.

I view it as my obligation, and I know that you view it as your obligation as representing your constituents in the same way that I do mine, and the others who have participated with us tonight, that we owe this to the people that we represent to turn this economy around, to provide people with the opportunity for jobs and hope so that they can believe once more that this Nation is going to provide their children with the opportunity for success so that they, too, can do what you are doing, what I am doing, and doing what so many others are doing around this Nation.

Thank you. Let us do it.

Mr. GEPHARDT. We are going to do it. I thank the gentlewoman very much.

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## THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Madam Speaker, I rise to first congratulate my colleagues, the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from Connecticut [Ms. DELAURO], and the others who have participated in this special order. I have to say to them that I strongly agree with much of what was said here about our desire to create jobs, opportunity for Americans, expand this economy.

My State of California is suffering greatly and clearly the interest in seeing us create more opportunity and more jobs does, in fact, lie with this Congress.

Now, I am taking this special order this evening to specifically talk about another item which is strongly supported by President Clinton. It would be less than honest for me to stand here and say that I agree with the things that were said by my colleagues on the other side of the aisle. I, in the goals that they have, do share those, but, frankly, I am not a supporter of the program to which they have subscribed.

I will say that I voted against it when we had it considered here, because I happen to believe that bringing about a dramatic tax increase will have a deleterious effect on the entire economy.

My friends were focusing on the issue of small business, and I happen to believe that the small-business sector of the economy will, in fact, be greatly penalized.

One of the things that I would like to point to, and I am going to spend the time this evening not surprisingly to talk about what I think is one of the most job-creating mechanisms for the

United States, and that is implementation of the North American Free-Trade Agreement. But what I would like to do is point to an article that specifically addressed the issue of the economic growth package that my friends on the other side of the aisle were discussing.

□ 2130

It appeared in yesterday's New York Times. I took a 1-minute this morning to talk about this article.

This actually was a bipartisan analysis provided by a wide range of economists, some Republicans, some Democrats, some independents; people who have taken the opportunity to closely scrutinize the package that has come forth.

One of those quoted in this article in fact has been a strong supporter of President Clinton's. I am talking about the economist for C.J. Lawrence, Ed Yardeni, who had been a strong proponent of the Clinton plan early on.

I would like to quote from this New York Times article. He said:

> Some economists take an even stronger stand, urging the Administration to forget the current budget package.

What Mr. Yardeni said is:

> The best thing they can do for the economy is to figure out a politically acceptable way to walk away from the program even if it meant less deficit reduction.

Now, as we go through, I could read a wide range of these other quotes in this column in that article that was in the New York Times, but suffice it to say there were basically three messages that came forward from the survey of these economists. They said:

First, we should go slow on tax increases; second, we should have tougher spending caps; third, we should proceed with implementation of a North American Free-Trade Agreement; and, fourth, we should go very slowly when we look at this issue of health care reform.

Now, my friends were specifically talking earlier about small business. As we look at the proposed health care reform package that is scheduled to be considered in this House—first it was to be submitted to us in May, then at one point during the summer, now the Congress is hoping to receive the package from Mrs. Clinton's task force sometime in September. That tax, which will be incorporated in that health care reform proposal, based on most independent analyses, including those of the economists here in this New York Times story, indicate that the penalty that will be imposed on the small-business sector of the economy and working Americans will be an overwhelming one.

So I believe we should move forward with those three recommendations going slowly on tax increases, being tougher on spending cuts, and moving very slowly and cautiously on this issue of health care reform, and proceed as vigorously as possible on implementation of a North American Free-Trade Agreement. I hope my colleagues who are concerned about small business will take the words that are in this New York Times article yesterday to heart.

Madam Speaker, I yield to my friend, the gentlewoman from Connecticut, [Ms. DELAURO].

Ms. DELAURO. I guess it is a question of the battle of the economists or the titans. I would like to quote to my distinguished colleague a quote from Robert Solow and Dr. James Tobin, both of whom are Nobel Laureates, economists and Nobel Laureates.

I would like to read briefly what they have said, and again quoted in the New York Times:

> We agree with Mr. Clinton that the country must shift priorities from consumption, private and public, to investment, private and public. Although most of the proposed new taxes and peace dividends are earmarked for defense reduction, the plan before the House allocates small amounts to public investments aimed at a high-tech economy and a high-education workforce. They are, like deficit reduction, justified by their payoffs to future Americans.
>
> Our Group of 7 partners have long been critical of our profligate fiscal policy and tight monetary policy. They are counting on the Administration to engineer a shift to fiscal prudence and lower interest rates. The U.S. in turn is urging fiscal expansion to speed growth in Japan and monetary ease to cut interest rates in Germany and the rest of Europe. That may well be the right brew for the ailing world economy—and for the U.S. trade deficit. But international cooperation might fall apart if Congress balks.
>
> For 12 years, Washington gave the world an object lesson in how divided Government leads to gridlock. Now Congress has an opportunity to show that our Government is not structurally doomed to gridlock. Let the members of both Houses and parties stand up for effective democracy.

So I appreciate the gentleman's comments on the economists, but it is clear that there are economists of stature who are equally on both sides of the issue.

Mr. DREIER. I am happy to say to my friend that she is absolutely right; clearly there are people who are supportive of this plan, there are Members of this House who are obviously strongly supportive of it.

The only point I am making is that as we look at this independent analysis provided through the interviews that the New York Times conducted, it seems to me that they have concluded that the overwhelming thought amongst these economists with whom they spoke was that they wanted to see us move.

And again, remember, I am taking this special order out in order to support one of President Clinton's top priorities. When we finish here, I am going to be talking about one of President Clinton's top priorities which I strongly support.

The fact of the matter is these economists have said they believe that the tax increase package that is in this bill will have a very detrimental effect on the economy. They believe that we should go much more vigorously with spending cuts and they also believe that we should move more cautiously in the area of health care reform and they believe that we need to proceed with implementation of a North American Free-Trade Agreement.

Now, this is what the New York Times describes as the overwhelming message that comes back time and time again as they speak with Democrat, Republican, and independent economists.

Now, I am not going to quarrel with the quote provided by my friend from Connecticut [Ms. DELAURO], but the point I am trying to make is that as we look at the broad cross-section of economic analysis which has been provided to the plan which my friends were discussing, it seems to me there is a lack of support among those people who have completely analyzed it.

Madam Speaker, I again yield to the gentlewoman from Connecticut.

Ms. DELAURO. I will be brief.

Mr. DREIER. Let me interject to say that I would love to have all of the Members remain and discuss this North American Free-Trade Agreement, and that is the reason why I have taken this time out.

Ms. DELAURO. Let me say one further thing, if I may: Again, the gentleman has an article from today's New York Times——

Mr. DREIER. Yesterday's.

Ms. DELAURO. Yesterday's New York Times. I know that there are economists who are supportive. We have two giants in terms of Dr. Solow and Dr. Tobin. Neither of us agrees with every item in the fiscal package, they say, but it represents the most responsible budgeting that has been seen in Washington for a long time.

They mention the reason, the deficit, what would happen with bringing down the Federal debt, what happened with the bond market and with an expectation so that we could go on, ad infinitum, I guess, but I think it is clear that I think we would be able to match economist for economist in this discussion.

Mr. DREIER. Reclaiming my time, the point I am trying to make on this—and, Madam Speaker, I will incorporate this entire article in the RECORD at this point, if I may.

The article referred to is as follows:

[From the New York Times, July 19, 1993]

ECONOMISTS' ADVICE FOR CLINTON

(By Sylvia Nasar)

Bill Clinton's promise to focus on the economy "like a laser beam" created great expectations among the nation's economists. But in the six months since his inauguration, many of them have been sounding increasingly disenchanted with his policies.

Some say the President promised and did not deliver. Others, who thought his can-do approach would bolster confidence and provide the economy with a catalyst, complain that uncertainties, backpedaling and prospects of much higher taxes have sown fear and confusion among business and consumers.

"We've moved from one President who seemed to be out of touch to another President who is also out of touch with what's needed in the economy," said Stephen F. Hiebsch, manager of economic research at the Oklahoma Gas and Electric Company in Oklahoma City, who said he voted for President Clinton because of campaign promises to focus on business investment, education and the nation's roads, bridges and other support systems.

### A PROGRAM OFF TRACK?

While some economists defend the budget now on Capitol Hill as a big step toward taming the Federal deficit, many complain that the economic program—from the budget to health care to trade—has veered seriously off track.

To be sure, economists are no less fickle than other Americans. Some of the unhappiness probably reflects disappointment in the President's limited power to get things done: to date, the Administration has found trouble getting its way in Congress. Paul Samuelson of the Massachusetts Institute of Technology, a Nobel laureate in economics and a longtime Democrat, has said, "You've got a President with no influence."

Further, the Administration is stuck with an economy that, while expanding at a modest pace, is struggling to overcome the lingering effects of overbuilt real estate, military cuts and feeble growth in the rest of the world.

Still, said Richard T. Curtin at the University of Michigan, who tracks consumers' moods, "It's the lost opportunity that's frustrating." He acknowledged that the President cannot deliver fast-paced, 1960's-style economic growth, but said there was enough room "to move from a stop-and-go expansion to one that proceeds more steadily."

What do the economists want the President to do? Three themes emerge over and over again: pare or postpone tax increases while pushing for tougher, more enforceable spending caps; go slower on health-care changes, and push harder for the free-trade agreement with Mexico and Canada.

"Hands off would be better," said Alan Sinai, managing director of Lehman Brothers. "Let the economy work out the kinks. We're simply going to have to live with what growth the economy can produce."

Donald Ratajczak, director of the economic forecasting Center at Georgia State University, said, "Most economists don't want the Administration to prime the pump, to just go out and spend."

On the budget, the concern is not only that a big tax increase could hurt economic growth next year, but that it would fail to bring the deficit under control.

Of course, the President's options are limited because the House and Senate have already passed their versions of the budget. But as the differences between the two versions are hammered out, he does have some room to press for smaller tax increases that would take effect at a later date than in the House version of the bill.

### CALLING THE WHOLE THING OFF

Some economists take an even stronger stand, urging the Administration to forget the current budget package. "The best thing they can do for the economy is to figure out a politically acceptable way to walk away form the program even if it meant less deficit reduction," said Ed Yardeni, chief economist at C.J. Lawrence. Raising taxes, said Mr. Yardeni, is likely to weaken the economic recovery without necessarily solving the deficit problem.

Many of the economists in this camp, however, did not buy the original Clinton plan, and remain opposed as much for ideological reasons as for fear that the recovery is unacceptably weak.

Still, few economists are willing to go so far, largely because they fear that interest rates would jump if the Administration failed to get a deal. And because the broad outlines of both bills—higher top income-tax rates and a 35 percent corporate tax—are similar, they urge the Administration to tinker around the edges.

"The most important thing is to get the budget passed, and erase the uncertainty," said Laurence H. Meyer, who runs an economic consulting firm with that name in St. Louis. "You don't turn back."

In fact, he and others said the President's biggest impact on the economy so far has come not from programs themselves, but from the waiting.

"There's no question Clinton confusion is slowing the economy," said Mr. Ratajczak at Georgia State.

Worried that higher corporate taxes will undermine business investment in new plant and equipment, one of the few sources of strength in the economy, several economists want the Administration to minimize increases in the tax burden on smaller businesses.

"Even if it means a little less deficit reduction, the best package may be one that restores some of the growth provisions," said Jerry Jasinowski, an economist who is president of the National Association of Manufacturers. "If you have to make trade-offs at the margin, you are better off not increasing business taxes that will stifle growth and jobs."

Charles Wolf, dean of the Rand Corporation's graduate school and director of economic research at Rand's National Defense Institute in Santa Monica, Calif., said he would favor a bill from the conference committee that "has more of the investment incentives and less of just raising taxes."

At the same time, some economists are pushing for toughening the procedures in the budget for enforcing limits on spending growth. "It will help to have a President who says he supports the concept of spending caps and I'll be faithful to them," Mr. Meyer said. "That would increase dramatically the credibility of the whole thing."

### CAUTION ON HEALTH CARE

Many economists say a Clinton health-care program is an even bigger source of uncertainty for most businesses because it may involve higher payroll taxes. There is growing sentiment among economists that the Administration should go slower on the issue—and proceed with far greater care.

"This is too important to do fast," Mr. Meyer said. "We're changing health care. This is one of the most important bills in recent history, and it's only reasonable that it be a consensus solution."

Referring to the Administration's tough talk on health-care changes, Rudolph Penner, an economist at KPMG Peat Marwick and a former director of the Congressional Budget Office, said: "Their first rule should be 'thou shalt do no harm.' People have been particularly careless; they have not been sensitive to the damage they can cause to businesses with remarks about price controls here and payroll taxes there."

Some economists also spoke of the potentially stimulative effects of increased trade, saying the President should be pressing harder for the North American Free Trade Agreement.

"I would like to see this free-trade agreement pushed real hard," said Mr. Hiebsch of Oklahoma Gas and Electric. "If free trade is good between Texas and New York and between Kansas and Oklahoma, I can't believe free trade wouldn't be good between Mexico, Canada and the U.S."

Diane Swonk, senior regional economist and vice president of the First National Bank of Chicago, agreed. "Nafta is our insurance policy that Mexico doesn't back off from its reforms," she said. "Without it, medium and small exporters get locked out. What we're hearing from our customers is that the uncertainty has already slowed a lot of momentum."

I commend this article to my colleagues.

Madam Speaker, let me read the title of this article: "Economists' Advice for Clinton. Caution Is Urged on Tax Proposals."

And while my friend has discussed two specific economists, this is discussed probably by nearly a dozen economists' proposals in response to the plan.

I am not standing here as a defender of the New York Times. I do not do it every day. But the fact of the matter is I believe this does provide an independent analysis, and I have referred to one person in mine. The one person that I quoted from the article was a supporter of President Clinton's.

He has said that he believes it would be very advantageous to step away from this package because he is concerned that it will have a detrimental effect on the economy.

One of the reasons I mention the article is I am hell-bent to stand here and talk about the fourth item which these economists overwhelmingly support and, as I said, I would love to have any of my colleagues who support or who oppose the North American Free-Trade Agreement here to discuss it for a few minutes with me.

I am going to respond to some specific allegations on the package that was made in a Roll Call article, and then I would be happy to yield to anyone who would want to ask questions of me on NAFTA. You are welcome to speak for it or against it, however you like.

Ms. DELAURO. I thank the gentleman.

Mr. DREIER. Absolutely.

Madam Speaker, I mentioned I wanted to take a few minutes to respond to this specific article. As I said, I agree with my colleagues—job creation right here in the United States is clearly a top priority. It is of great concern to me. I am the Representative from Los Angeles, CA, and it is no secret that the cuts in the defense and aerospace industries have had a very chilling effect on our economy.

□ 2140

There is a great deal of pain in southern California, plus we are suffering from one of the most serious problems which I am happy to say this House has addressed most recently just this afternoon when we were dealing with the Commerce, State, Justice appropriations bill, and that is the flight of illegal immigrants coming across the border into the United States.

What I would like to do is refer specifically to the article that appeared in Roll Call. It was authored by two of my colleagues who are very outspoken opponents of the North American Free-Trade Agreement. I am referring to COLLIN PETERSON and SHERROD BROWN who have been leaders in this newly formed anti-NAFTA caucus.

Roll Call is a Capitol Hill newspaper which circulates throughout Capitol Hill and now gets a great deal of acclaim in other media and is often quoted.

This article that was written by these two Members of Congress specifically states that those of us who are proponents of NAFTA have been ignoring the facts on trade agreement.

Now, this is really quite a charge that has been leveled, considering that it has been those of us who are NAFTA supporters who have repeatedly and consistently called upon NAFTA critics to engage in a debate that is founded on facts. Instead, the special interests have run the organized National Anti-North American Free-Trade Agreement campaign that focused on distortions and fear, designed to sway public opinion.

In general, the facts of this treaty and the opponents of NAFTA have in fact been strangers.

The facts of the treaty and the opponents of NAFTA are really a long way apart, and that is the reason I am standing here to specifically talk about the facts, and I am going to do that.

No. 1, NAFTA is a net job creator, which is what I said at the opening of my remarks and what I continue to believe strongly.

The Peterson and Brown article claims that estimates of job creation by NAFTA are not fair representations of the job impact of NAFTA, because they are gross job numbers, rather than net job numbers. Basically, PETERSON and BROWN claim that the positive job estimates only account for the jobs that are created, but not the jobs that are lost. They claim that the U.S. Trade Representative's estimate of 200,000 new jobs suffers from that problem.

Now, those of us who support free trade, those of us who believe in the ability of the American worker and the American entrepreneur to compete in the international arena, believe that the job creating aspects of free trade are one of the most important reasons to support NAFTA.

As I said, I support NAFTA because it is going to create jobs here in the United States.

By the way, I should say over the past several years, those export-related manufacturing jobs enjoy wages that are 17 percent higher than the wage rate for non-export manufacturing jobs.

Therefore, we do believe that eliminating those Mexican barriers will create jobs right here in the United States of America.

Now, again, President Clinton happens to be a strong proponent of NAFTA. His U.S. Trade Representative estimates that we will enjoy 200,000 more jobs.

The study cited by this Peterson and Brown article that appeared in Roll Call estimates that 316,000 new jobs will be created. In fact, nearly every reputable economic study, and I mentioned earlier that New York Times piece, virtually every one of those economists, and I suspect that even the economists who were mentioned by my colleague, the gentlewoman from Connecticut [Ms. DELAURO] happens to believe that NAFTA will create jobs here in the United States.

PETERSON and BROWN try to claim that these new jobs do not overcome jobs that will be displaced by NAFTA. They say that if you count job gains and job losses, that you get a net jobs figure that is much worse. To back up this assertion, they state that "The Hufbauer and Schott study admits that over the long term, the U.S. could experience a net job loss."

First, I would note that this statement distorts the Hufbauer and Schott study to the point that it is not at all recognizable. Hufbauer and Schott estimate that NAFTA will create as I said, 316,000 jobs, and cause the displacement of 146,000 jobs. Thus, the net jobs figure that PETERSON and BROWN claim to consider as an important fact is actually net increase of 170,000 jobs.

Let me repeat that for clarity. The Hufbauer and Schott study to which they referred in their article has a net increase of 170,000 jobs. That figure for net jobs created in the United States is also not too different than the 200,000 jobs estimated by President Clinton's U.S. Trade Representative.

I would note that the job figure from Hufbauer and Schott, the 170,000 net new jobs, is based on increased American exports. The study estimates that reducing Mexican barriers to competitive American exports will increase our exports by $16.7 billion. At the same time, American imports from Mexico will increase by $7.7 billion. Increased exports create good jobs. It is a simple concept, but it lies at the heart of the NAFTA debate.

The second point. Structural adjustments occur without NAFTA.

PETERSON and BROWN then proceed to describe the dilemma of how not as many jobs are being created in the United States as we would all like. They claim that our economy is undergoing a structural adjustment.

Now, what do they mean by "structural adjustment?" It certainly sounds like a devastating thing, and despite their stated interest in the facts, they do not really explain the concept of structural adjustment in much depth.

What they probably mean, is that during the past few years, many American businesses have struggled to become more efficient. In other words, they are trying to do more with less. Now, economists will tell us that becoming more efficient is the key to economic growth and improving our standard of living. It is not just a good thing, but it is the most important positive development that we have in our economy.

Of course, increased efficiency means that the economy can grow without necessarily creating as many jobs as before in the same places. Thus, IBM, for example, tries to build more computers, and serve more customers, but they try to do it with fewer employees. This is how they stay competitive.

The key across the entire economy is to have the incentives necessary to create new jobs to replace the ones lost as existing companies become more efficient. For example, the 17 million new jobs created from 1982 to 1990 represented 17 million new opportunities for workers.

Structural adjustments will go on as long as American business is trying to be more efficient, more competitive, and more effective. Hopefully, that will be forever. We should try to create every incentive possible to encourage the new investment necessary to create new companies and new jobs, so that there are good job opportunities for every American.

If PETERSON and BROWN mean to try to freeze employment in specific industries as a way of avoiding "structural adjustments", I do not think that is good, sound economic policy.

In fact, it is anathema to everything that the rest of the world is trying to move towards, that being a free economy. For example, today there are fewer people employed on American farms than there were 70 years ago. I do not believe that we lost millions of farm jobs; instead, our farmers became more efficient.

There will always be American industries in the process of reducing employment, while others are growing. Politicians can try to delay those inevitable market-oriented adjustments, but the results will always be economic decay. Instead, we should maximize the opportunity for competitive American industries to thrive and grow for the benefit of the entire economy.

Madam Speaker, I believe that implementation of the North American Free-Trade Agreement is one of the best things that we can do to further that goal.

☐ 2150

Madam Speaker, the third point I would like to make is: How can a Mexican afford to buy American products?

It is ironic that, while PETERSON and BROWN claim that they wanted the NAFTA debate to focus on facts, they try to perpetrate the type of baseless, anti-NAFTA rhetoric that clearly demeans this debate. They attempt to claim, through a ridiculous, rhetorical question, that nobody in Mexico can afford to buy American products because they are too poor. This is the type of scurrilous disinformation that is extraordinarily frustrating for those of us who truly want this debate to stick to the facts. The anti-NAFTA campaign has attempted to portray Mexico as a poverty stricken country that cannot consume anything that Americans produce. They describe Mexico in terms that are more appropriate for a country like Haiti, or Somalia, or the Sudan.

Now Mexico is not a rich nation. I am the first to admit that. They are not an industrialized power like the United States, or Germany, or Japan. They are not developed like Canada or Great Britain, but they are a vibrant, developing country with one of the fastest growing markets in the world. Mexico represents an extraordinary market for many American goods. Right now Mexico is our third largest export market, just behind Canada and Japan. They are not given those American exports as charity. Madam Speaker, they buy them.

Just as important, Mexico has a growing economy. The fastest growing economies in the world are countries like Mexico, Korea, Thailand, Chile. They are the countries that are booming. Even during this worldwide recession, Madam Speaker, Mexico is averaging 4-percent growth per year, which is twice as fast as the growth rate that we have here in the United States. The more we can do to tap into those growth markets, the more our economy will benefit.

Above all other countries, Madam Speaker, Mexico is a great export market for the United States because the Mexican people like buying United States goods. Right now they consume $380 of products per person in Mexico. That is more than the average Korean, which is at $360 and just a little less than the average Japanese at $400. Now that average Japanese person earns ten times as much, so, so much for Mexico being too poor to buy our goods. Mexicans have the highest propensity to buy United States goods of any foreign country, spending approximately 15 cents out of every dollar on United States goods and services. NAFTA will increase economic development in Mexico, increasing the ability of Mexicans to buy our products. To attribute all Mexican exports to a few multimillionaires is to stoop to such a ridiculous level as to embarrass all of us.

Now, Madam Speaker, the fourth point I would like to make is the one I referred to in my opening remarks. That is the North American Free-Trade Agreement as it relates to one of the most pressing problems that those of us who live in southern California face, that of illegal immigration.

Now PETERSON and BROWN close their column by claiming that NAFTA will exacerbate the problem of illegal immigration from Mexico. Those of us from southern California, as I said, know better than most the problems caused by illegal immigration, and I have been working diligently with my colleagues to fight them, and I am happy to say again that we are increasing the Border Patrol so we can deal with that problem right there on the front line.

Brown and Peterson state that, and I quote, even the pro-NAFTA experts predict increased illegal immigration resulting from NAFTA, and they specifically cite again the Hufbauer and Schott study. Again, Madam Speaker, they appear to have misunderstood or clearly misrepresented this study.

On page 25 of the Hufbauer study it states, and I quote, that Mexican immigration is likely to increase in the short run for reasons having nothing to do with NAFTA.

Now let me repeat that. They cite this study, the Hufbauer-Schott study, indicating that illegal immigration is going to increase with the implementation of NAFTA, and yet the study itself on page 25 states that Mexican immigration is likely to increase the short run for reasons having nothing to do with NAFTA. That is a pretty important fact they leave out.

In reality, Madam Speaker, the desire to stem the flow of illegal immigration, illegal immigrants entering our country from Mexico, is clearly one of the most important reasons that I support NAFTA. Emigration from Mexico is primarily driven by poverty. A poor southern neighbor is likely to be a constant source of immigrants for the United States. On the other hand, a prosperous Mexico will pose little threat to the United States and be as good a neighbor as Canada is now.

Let us look at this very important immigration question a little more closely. As I say, why is it that Mexicans illegally cross the border and come into the United States? It is easy. Mexicans illegally emigrate in search of one thing, economic opportunity, whether it is in the form of a job, employment opportunities or the tremendous welfare system that we at the Federal level impose on State and local governments, mandating that they provide health care, welfare, education, criminal justice, a wide range of government services that are not provided in Mexico.

A study by the National Commission for Employment Policy indicates that in the short run, for reasons having nothing to do with NAFTA, immigration from Mexico is likely to increase by four to five million immigrants.

What then will slow Mexican illegal immigration?

Now I remember very well listening to President Salinas de Gortari when he said that our goal is to export products, not people.

The most effective way to fight immigration is to reverse the desire of Mexicans to leave, and again I support strongly this Border Patrol effort to block them at the border. But we need to provide an incentive for them to stay, and the best incentive to keep Mexicans in Mexico would be the availability of the very jobs and opportunities that they seek. The Mexican economy must offer more economic opportunity to the Mexican people. It must grow at a rate fast enough to satisfy the economic needs of their growing population.

Now I strongly support the efforts to increase economic opportunity. I do not support foreign aid to Mexico. I do not believe we should take U.S. taxpayer dollars and funnel them to Mexico. That will not get at the root of the problem. We need to recognize that improving the economy of Mexico through the trade idea is the route for us to take.

One study suggests that a 20-percent increase in the Mexican capital stock, which is Mexican plant facilities and equipment, relative to that of the United States would offset the pressure for increased migration from Mexico that will occur without NAFTA.

Experience from Western European integration indicates that once rising wages in the poorest countries reach 40 percent of those in the richest, illegal immigration dramatically tapers off.

Now, Madam Speaker, we constantly heard this rhetoric about so-called 58-cent-an-hour labor. It is not that. The U.S. Trade Representative has already said the average wage rate for those in the manufacturing industries in Mexico is $2.35 an hour. If we really believe this market, we are going to see wage rates improve on both sides.

How does NAFTA offer a long-term immigration solution? Quite frankly NAFTA will indisputably contribute to economic growth in Mexico. NAFTA will increase both wage rates and employment in Mexico.

By helping the Mexican economy grow, NAFTA is crucial to the only realistic long-term solution to the illegal immigration problem.

Opponents of NAFTA cannot logically criticize at the same time immigration and the sucking of jobs south: if those millions of jobs did move, then immigration from Mexico would evaporate because all the jobs would be there.

Finally, the most important question that we need to ask is: Will defeating NAFTA solve the Mexican immigration problem or the economic challenges that we face both here at home and in Mexico?

The answer is a resounding no.

Defeating NAFTA will worsen illegal immigration by setting back the pace of Mexican economic development.

□ 2200

Defeat of NAFTA will not solve any problems, including illegal immigration, American plant closings, environmental distress, or drug use. Just as many other problems that NAFTA opponents decry, illegal immigration can only worsen without NAFTA.

Madam Speaker, it seems to me as we look at every single one of these items, we have to ask that question again: is the status quo going to improve the environmental quality in Mexico or at the border? Is the status quo going to ensure that we will not see this flow of illegal immigrants come across the border? Is the status quo going to end the shift of jobs and businesses from the United States to Mexico, businesses which today have to move to Mexico if they want to take advantage of the 88 million consumers who are there? The answer is a resounding no.

Madam Speaker, I will say again that I welcome an exchange from my colleagues. Obviously I do not have any of my other colleagues here in the chamber at this moment. I hope I did not run all of them off. But I will say that as we look at this issue over the next several weeks and months, it is clear to me that we need to do everything that we possibly can to do what my colleagues, Messrs. BROWN and PETERSON said in their Roll Call article: Deal with the facts. Their article did not. We are trying to.

Madam Speaker, I hope very much that the American people, as they listen to much of the rhetoric which has come out on the North American Free Trade Agreement, will in fact join those of us who are proponents of NAFTA and deal specifically with the facts.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOAKLEY (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness in the family.

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. MANN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of district business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous materials:)

Mr. INHOFE, for 5 minutes today.

Mr. BOEHNER, for 5 minutes today.

Mr. WELDON, for 60 minutes on July 22.

Mr. ARMEY, for 60 minutes each day on July 22, 27, 28, and 29.

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous materials:)

Mrs. COLLINS of Illinois, for 5 minutes each day, on September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30 and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29. and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. DEUTSCH, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes each day, on July 20, 21, 22, 23, 26, 27, 28, 29, 30 and August 2, 3, 4, 5, and 6.

Ms. SHEPHERD, for 60 minutes, on July 22.

Mr. HINCHEY, for 60 minutes, on July 21.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mr. EWING.

Mr. KING in two instances.

Mr. LEWIS of California.

Mr. DUNCAN.

Mr. COBLE.

Mr. LEVY in two instances.

Mr. SAXTON.

Mr. GUNDERSON.

Ms. SNOWE.

Mr. TALENT.

Mr. RAMSTAD.

Mr. SAXTON.

Mr. GOODLING.

Mrs. MORELLA.

Mr. OXLEY.

Mr. SANTORUM.

Mr. THOMAS of Wyoming.

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. MAZZOLI.

Mr. LANTOS.

Mr. HOYER.

Mr. TRIFICANT in five instances.

Mr. CARR.

Mr. SABO.

Mr. HUGHES.

Mr. HINCHEY.

Mr. DARDEN.

Ms. BYRNE.

Mr. BROWN of California.

Ms. HARMAN.

Mr. KLEIN.

Mr. KREIDLER.

Mr. COPPERSMITH.

Ms. CANTWELL.

Mr. DOOLEY.

Ms. ESHOO in two instances.

Mr. HAYES.

Mr. SERRANO in two instances.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. GONZALEZ.

Ms. WOOLSEY.

## ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 21, 1993, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1611. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a draft of proposed legislation entitled, "Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993"; to the Committee on Energy and Commerce.

1612. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to Switzerland (Transmittal No. 10-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1613. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Saudi Arabia (Transmittal No. 9-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1614. A letter from the Director, Defense Security Assistance Agency, transmitting the Price and Availability Report for the quarter ending June 30, 1993, pursuant to Public Law 100-461, section 588(b)(3) (102 Stat. 2268-51); to the Committee on Foreign Affairs.

1615. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting two reports on the control and elimination of chemical and biological weapons, pursuant to Public Law 102-182, section 308(a) (105 Stat. 1257); to the Committee on Foreign Affairs.

1616. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Donald J. McConnell, of Ohio, to be Ambassador to Burkina, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1617. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Aurelia Erskine Brazeal, of Georgia, to be

Ambassador to the Republic of Kenya; John S. Davison, of Maryland, to be the Ambassador to the Republic of Niger; James R. Jones, of Oklahoma, to be Ambassador to Mexico; Stuart E. Eizenstat, of Maryland, to be the U.S. Representative to the European Communities, with the rank of Ambassador, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1618. A letter from the Acting Director, Arms Control and Disarmament Agency, transmitting the annual "Report to Congress on Arms Control and Disarmament Studies," pursuant to Public Law 100–213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–31, with respect to military sales of depleted uranium ammunition to Sweden; to the Committee on Foreign Affairs.

1620. A letter from the Bureau of Reclamation, Department of the Interior, transmitting notification that the Bureau of Reclamation finds it necessary to construct modifications to Bonny Dam, Pick-Sloan Missouri Basin Program, CO, in order to preserve its structural safety; to the Committee on Natural Resources.

1621. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a copy of the Strategic Environmental Research and Development Program, Phase II Plan, pursuant to Public Law 101–510, section 1801(a) (104 Stat. 1755); jointly, to the Committees on Armed Services and Science, Space, and Technology.

1622. A letter from the Secretary of Transportation, transmitting the biennial report on compliance with the Marine Plastic Pollution Research and Control Act, pursuant to 33 U.S.C. 1902 note; jointly, to the Committees on Appropriations, Merchant Marine and Fisheries, and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. BROOKS: Committee on the Judiciary. House Resolution 198. Resolution requesting the President to furnish to the House of Representatives certain documents concerning the response of the Federal Bureau of Investigation to allegations of criminal conduct in the White House travel office; adversely (Rept. 103–183). Referred to the House Calendar.

Mr. NATCHER: Committee on Appropriations. H.R. 2667. A bill making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–184). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 218. Resolution providing for the consideration of the bill (H.R. 2530) to providing for the consideration of the bill (H.R. 2530) to amend the Federal Land Policy and Management Act of 1976 to authorize appropriations for programs, functions, and activities of the Bureau of Land Management, Department of the Interior, for fiscal year 1994, and for other purposes (Rept. 103–185). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. GONZALEZ (for himself and Mrs. ROUKEMA):

H.R. 2668. A bill to establish a demonstration program to provide affordable rental housing for low-income families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BUNNING:

H.R. 2669. A bill to authorize the Secretary of Transportation to convey to the city of Warsaw, KY, a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Ms. CANTWELL (for herself and Ms. SNOWE):

H.R. 2670. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H.R. 2671. A bill to provide that of amounts available to a designated agency for a fiscal year that are not obligated in the fiscal year, up to 50 percent may be used to pay bonuses to agency personnel and the remainder shall be deposited into the general fund of the Treasury and used exclusively for deficit reduction; to the Committee on Governmental Operations.

H.R. 2672. A bill to amend the Internal Revenue Code of 1986 to retain 80-percent deductibility for meal expenses of drivers of motor vehicles who are subject to Federal restrictions on hours of duty; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 2673. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program, to provide for coverage of outpatient prescription drugs under part B of such program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HOEKSTRA:

H.R. 2674. A bill to provide for a national advisory referendum on an amendment to the Constitution to limit the terms of Representatives and Senators; to the Committee on the Judiciary.

By Mrs. MEEK:

H.R. 2675. A bill to amend title XIX of the Social Security Act to require States to apply the income and resource standard established under the supplemental security income program under title XVI of such act in determining the eligibility of individuals for medical assistance under State Medicaid plans; to the Committee on Energy and Commerce.

H.R. 2676. A bill to amend title XVI of the Social Security Act to reform the supplemental security income program; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. NATCHER, and Mr. MCDADE):

H.R. 2677. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. THOMAS of Wyoming (for himself, Mr. RICHARDSON, Mr. YOUNG of Alaska, and Mr. CALVERT):

H.R. 2678. A bill to restrict the implementation of proposals of the Task Force on Bureau of Indian Affairs Reorganization; to the Committee on Natural Resources.

By Mr. TORRICELLI:

H.R. 2679. A bill to amend the Public Health Service Act, part A of title IV of the Social Security Act, and the Food Stamp Act of 1977 with respect to the establishment of a demonstration program to provide inducements to parents to ensure that the children of the parents are properly immunized against vaccine-preventable diseases; jointly, to the Committees on Energy and Commerce, Ways and Means, and Agriculture.

By Mr. TRAFICANT (for himself, Mr. DUNCAN, Mr. MINETA, Mr. SHUSTER, Mr. BORSKI, Ms. NORTON, and Mr. LEWIS of Georgia):

H.R. 2680. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions; to the Committee on Public Works and Transportation.

By Mr. WYNN:

H.R. 2681. A bill to amend title 18, United States Code, regarding false identification documents; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.J. Res. 234. Joint resolution designating the week of October 3 through 9, 1993, as "National Customer Service Week"; to the Committee on Post Office and Civil Service.

## MEMORIALS

**Under clause 4 of rule XXII,**

226. The SPEAKER presented a memorial of the General Assembly of the State of Nevada, relative to urging the national designation of the month of May as United States Armed Forces History Month; to the Committee on Post Office and Civil Service.

## PRIVATE BILLS AND RESOLUTIONS

**Under clause 1 of rule XXII,**

Mr. HOEKSTRA introduced a bill (H.R. 2682) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Shiloh*; which was referred to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 14: Mr. KREIDLER.

H.R. 84: Mr. THOMPSON, Mr. DELLUMS, Mr. REYNOLDS, Mrs. UNSOELD, Mr. RANGEL, Mr. HILLIARD, Mr. FROST, Mr. ENGEL, Mr. RAVENEL, Mrs. MINK, Mr. DIXON, Mr. BILBRAY, Mr. CLYBURN, Mr. STARK, Mr. PARKER, Mr. PENNY, Mrs. CLAYTON, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. SCOTT, and Mr. CHAPMAN.

H.R. 214: Mr. PORTER.

H.R. 322: Mr. GONZALEZ, Mr. FOGLIETTA, Mr. BERMAN, and Mr. DELLUMS.

H.R. 406: Mr. WHEAT.

H.R. 468: Mr. BROWN of Ohio, Mr. OLVER, and Ms. BYRNE.

H.R. 563: Mr. PARKER.

H.R. 567: Mr. PAXON.

H.R. 591: Mr. NEAL of Massachusetts.

H.R. 647: Mr. Pickle.

H.R. 649: Mr. Stupak.

H.R. 656: Mr. DeFazio.

H.R. 671: Mr. McCloskey.

H.R. 672: Mr. Hastings and Mr. Lazio.

H.R. 702: Mr. Canady and Ms. Lambert.

H.R. 710: Mr. Johnston of Florida, Mr. Markey, Mr. Serrano, and Mr. Wynn.

H.R. 773: Mr. Pombo.

H.R. 786: Mr. Machtley, Mr. Lewis of Florida, Mr. Tejeda, Mr. Taylor of North Carolina, and Mr. Sensenbrenner.

H.R. 789: Mrs. Meek, Mrs. Maloney, Mr. de Lugo, Mr. Martinez, Mr. Barcia of Michigan, Mr. Williams, Mr. Ford of Michigan, Mr. Hinchey, Mr. Menendez, Mr. Kleczka, Mr. Tucker, and Mr. Rangel.

H.R. 830: Mr. Hobson, Mr. Rohrabacher, and Mr. Smith of Oregon.

H.R. 840: Mr. Farr and Mr. Clyburn.

H.R. 857: Mr. Doolittle.

H.R. 895: Mr. Doolittle and Mr. Paxon.

H.R. 896: Mr. Doolittle, Mrs. Lloyd, and Mr. Paxon.

H.R. 911: Mr. Upton.

H.R. 953: Mr. Smith of New Jersey.

H.R. 1015: Mr. Frank of Massachusetts.

H.R. 1036: Ms. Cantwell and Mr. Swett.

H.R. 1086: Mr. Parker.

H.R. 1087: Mr. Wheat and Mrs. Lloyd.

H.R. 1126: Mr. Paxon.

H.R. 1129: Mr. Paxon.

H.R. 1130: Mr. Paxon.

H.R. 1133: Mr. Sangmeister, Mr. Martinez, Mr. Stokes, Mr. Valentine, Mr. Payne of New Jersey, Mr. Minge, Mr. Gunderson, Mr. Holden, Mr. Gingrich, and Mr. Gene Green of Texas.

H.R. 1174: Mr. Nadler, Mr. Frank of Massachusetts, Mr. Parker, Mr. Wise, Ms. Norton, and Mr. Hall of Ohio.

H.R. 1181: Mr. Schaefer, Mr. Browder, Mr. Hoekstra, Mr. Bilbray, and Mr. Duncan.

H.R. 1257: Mr. Gutierrez.

H.R. 1295: Mr. Kleczka, Mr. Hunter, Mr. Bunning, Mr. Oxley, Mr. Schaefer, Mr. Farr, and Mr. Hastings.

H.R. 1362: Ms. Kaptur and Mr. Rangel.

H.R. 1389: Mr. Serrano.

H.R. 1500: Mr. Owens and Mr. Spratt.

H.R. 1526: Mr. McDermott.

H.R. 1534: Mr. Dellums.

H.R. 1542: Mrs. Morella and Mr. McDermott.

H.R. 1559: Miss Collins of Michigan.

H.R. 1583: Mr. Porter, Mrs. Morella, Mr. Fawell, and Mr. Lewis of Florida.

H.R. 1604: Mr. Oxley, Mr. Blute, Mr. Miller of Florida, Mr. Owens, Ms. Byrne, and Mr. Coppersmith.

H.R. 1608: Mr. Applegate, Mr. Clyburn, Mr. Gekas, Mr. Gilchrest, Mr. Hansen, Mr. Johnson of Georgia, Ms. Kaptur, Mr. Linder, Mr. Meehan, Ms. Molinari, Mr. Ramstad, Mr. Smith of Oregon, Mr. Young of Florida, and Mr. Young of Alaska.

H.R. 1622: Mr. Doolittle.

H.R. 1697: Mr. Torkildsen, Mr. Schaefer, Mr. Matsui, Mr. Tucker, Ms. Eshoo, Mr. Pombo, Mr. Bonilla, Mr. Mann, and Mr. Paxon.

H.R. 1797: Ms. Byrne.

H.R. 1800: Mr. Payne of New Jersey, Mrs. Mink, Mr. Filner, and Mr. Serrano.

H.R. 1801: Ms. Norton, Mr. Wynn, Mr. Saxton, and Mr. Hughes.

H.R. 1823: Ms. Velázquez and Mr. Kasich.

H.R. 1890: Mr. DeFazio.

H.R. 1897: Mr. Ravenel and Mrs. Vucanovich.

H.R. 1900: Mr. Applegate, Mr. Evans, Mr. Fingerhut, Mr. Pallone, Mr. Price of North Carolina, Ms. Lowey, Mr. Rangel, and Mr. DeFazio.

H.R. 1902: Mr. Barlow.

H.R. 1957: Mr. Boehner.

H.R. 2062: Mrs. Lowey.

H.R. 2076: Mr. Abercrombie, Mr. Kreidler, and Mrs. Morella.

H.R. 2077: Mr. Washington.

H.R. 2107: Mr. Foglietta, Mr. Boucher, Mr. Weldon, Mr. Bliley, Mr. Jacobs, Mr. Bilirakis, Ms. Byrne, Mr. Rangel, Ms. Norton, Mr. Barlow, Mr. Bonior, and Mrs. Meyers of Kansas.

H.R. 2114: Mr. Abercrombie, Mr. de Lugo, Mr. Faleomavaega, and Mr. Young of Alaska.

H.R. 2115: Mr. Schaefer.

H.R. 2130: Mr. Petri, Ms. Pryce of Ohio, and Mr. Parker.

H.R. 2135: Mr. Engel and Mr. Gutierrez.

H.R. 2140: Mr. Owens, Mr. Levy, and Mr. Menendez.

H.R. 2142: Mr. Evans and Mr. Engel.

H.R. 2153: Mr. Bryant, Mr. Olver, Mrs. Maloney, Mr. Wilson, Ms. Norton, Mr. Yates, Ms. Woolsey, Mr. Washington, Ms. Eddie Bernice Johnson of Texas, and Mr. Mineta.

H.R. 2177: Mr. de Lugo, Mr. Inhofe, Mr. Pete Geren of Texas, and Mr. Laughlin.

H.R. 2276: Mr. Foglietta.

H.R. 2278: Mr. Grams.

H.R. 2319: Mr. Condit, Mr. Fawell, Mr. Fingerhut, Mr. Franks of Connecticut, and Mr. Hunter.

H.R. 2331: Mr. Wilson and Mr. Hochbrueckner.

H.R. 2346: Mr. Parker.

H.R. 2375: Mr. Slattery.

H.R. 2379: Mr. Packard.

H.R. 2414: Mr. Bonior, Mr. McCurdy, and Mrs. Roukema.

H.R. 2417: Mr. Parker, Mr. Bilbray, and Mr. Boehner.

H.R. 2434: Ms. Molinari.

H.R. 2462: Mr. Bereuter.

H.R. 2481: Mr. Waxman, Mr. Filner, Mr. Barrett of Wisconsin, Mrs. Roukema, Ms. Pelosi, Mrs. Unsoeld, Mr. Hughes, and Mr. Bilbray.

H.R. 2484: Mr. Mineta, Ms. Thurman, Mr. Tucker, Mr. Peterson of Minnesota, Mr. Frost, and Ms. Byrne.

H.R. 2488: Mr. Engel and Mr. Flake.

H.R. 2526: Mr. Johnson of South Dakota, Mr. Peterson of Minnesota, Mr. Pomeroy, and Mr. Barlow.

H.R. 2527: Mr. Peterson of Minnesota, Mr. Evans, Mr. Barlow, Mr. Johnson of South Dakota, and Mr. Pomeroy.

H.R. 2535: Mr. Slattery.

H.R. 2543: Ms. Norton and Mr. Vento.

H.R. 2572: Ms. Furse.

H.R. 2586: Mr. Frank of Massachusetts, Mr. Peterson of Minnesota, and Ms. Byrne.

H.R. 2602: Mr. Canady, Mr. Cunningham, Mr. Beilenson, and Mr. Stark.

H.R. 2605: Mr. Parker and Mr. Scott.

H.R. 2612: Mr. Miller of California and Mr. Berman.

H.R. 2617: Mr. Kyl, Mr. Stearns, Mr. Sam Johnson, Mr. Rohrabacher, Mr. DeLay, Mr. Hancock, Mr. Cox, Mr. Zeliff, Ms. Pryce of Ohio, and Mr. Boehner.

H.R. 2640: Mr. Greenwood and Mr. Hobson.

H.R. 2654: Mr. Frank of Massachusetts.

H.J. Res. 44: Mr. Paxon.

H.J. Res. 86: Mr. Clement, Mr. Pallone, Mr. Sisisky, Mr. Tauzin, Mr. Wilson, Mr. Young of Alaska, Mr. Fazio, Mr. McHugh, Mrs. Lloyd, Mr. Ewing, Mr. Ravenel, Mr. Darden, Mr. Borski, Mr. Coble, Mr. Dellums, Mr. Dixon, Mr. Duncan, Mr. Lewis of California, Mr. Jefferson, Mr. Livingston, Ms. Lowey, Mr. Ridge, Mr. Matsui, Mr. Neal of North Carolina, and Mr. Neal of Massachusetts.

H.J. Res. 112: Mr. Hastings and Mr. Lazio.

H.J. Res. 142: Mr. Walsh, Mr. Camp, and Mr. Castle.

H.J. Res. 165: Mr. Horn, Mr. Moorhead, Mr. Meehan, Mr. Levy, Mr. Wynn, Mr. Kingston, Mr. King, Mr. Clement, Mr. Livingston, Ms. Norton, Mr. Coyne, Mr. Franks of New Jersey, and Mr. Menendez.

H.J. Res. 188: Ms. Byrne, Mr. Young of Florida, Miss Collins of Michigan, Mr. Barca of Wisconsin, Mr. Emerson, Mr. McDermott, Mr. Wynn, Mr. Johnson of South Dakota, Mr. Moran, Mr. Moorhead, Mr. Frank of Massachusetts, Mr. Natcher, Mr. Serrano, Mr. Hansen, Mr. Owens, Mr. Livingston, Mr. Rangel, Ms. Slaughter, Mr. Sabo, Mrs. Lloyd, Ms. Kaptur, Mr. DeFazio, and Mr. Scott.

H.J. Res. 194: Mr. Bilbray, Mr. Mineta, Mr. Hastings, and Mr. Camp.

H.J. Res. 198: Mr. Young of Alaska, Mr. Doolittle, Mr. Smith of Oregon, Mr. Edwards of Texas, Mr. Peterson of Minnesota, Mr. Spence, Mr. Saxton, Mr. Jefferson, Mr. Murphy, Mr. Hefner, Mr. Lancaster, and Mr. Hunter.

H.J. Res. 206: Mr. Oberstar, Mr. Rangel, Mr. Hutto, Mr. Fawell, Ms. DeLauro, Mr. Frost, Mr. McNulty, Mr. Hughes, Mr. Sarpalius, Mr. Wise, Mr. Lipinski, Ms. Velazquez, and Mr. Camp.

H.J. Res. 226: Mr. Levin, Mr. Fazio, Mr. Myers of Indiana, Ms. Byrne, Ms. Norton, Ms. McKinney, Mr. Wolf, and Ms. Velazquez.

H. Con. Res. 96: Mr. Hoagland, Mr. Vento, Mr. Dingell, Mr. Serrano, and Mr. Kyl.

H. Con. Res. 100: Mr. Skaggs, Mr. Sensenbrenner, Mr. Wynn, Mr. Coleman, Mr. Scott, Mr. Rangel, Mr. Reynolds, Ms. Cantwell, Mr. Houghton, and Mr. Barca of Wisconsin.

H. Res. 134: Ms. Fowler and Mr. Shuster.

H. Res. 148: Mr. Ramstad.

H. Res. 202: Mrs. Collins of Illinois, Mr. Rowland, Mr. Greenwood, Mr. Wolf, and Mrs. Lloyd.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

**Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:**

H.R. 702: Mr. Beilenson.

H.R. 2021: Mr. Fish.

# EXTENSIONS OF REMARKS

## NOT THE HAND TO GROW THE ECONOMY

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. SAXTON. Mr. Speaker, as the House-Senate conferees on the budget debate the details of the Clinton economic plan which sets the levels of Government spending and taxation, I would like to remind my colleagues that history tells us that bigger government is a recipe for slower economic growth and fewer job opportunities.

In an article that recently appeared in the Washington Times, Mr. Cesar Conda of the Alexis de Tocqueville Institution documents the deleterious impact of government spending on economic growth in the seven major industrial economies. Mr. Conda found that in the long run, increased levels of government spending as a share of gross domestic product have led to a reduction in the economic growth rate for all of the group of seven economies. Moreover, he found that relatively smaller government countries tended to outperform those with bigger government sectors.

Under Mr. Clinton's economic and domestic agenda, the United States will become a high-spending, low-growth economy like Germany or Socialist Sweden. Mr. Clinton's tax increases will simply fuel higher levels of government. Add to this the added multibillion-dollar price tag of his proposed health care overhaul, the total size of government in America is likely to skyrocket.

World history tells us that growing government is not the way to grow the economy. If President Clinton and the Democrats in Congress are serious about sparking economic growth, then they should put forward a serious plan to downsize government spending and limit tax burdens.

Mr. Conda's article follows:

[From the Washington Times, July 6, 1993]

NOT THE HAND TO GROW THE ECONOMY

(By Cesar Conda)

The notion that nations can spend their way to economic prosperity has found new respectability among the leaders of the world's industrialized economies.

President Bill Clinton views government as an unambiguously positive force for "growing the economy." His original economic "stimulus" package had called for a $19.5 billion boost in government spending. Similarly, Japan's ruling party, faced with the most severe economic problems since the 1940s, recently unveiled a spending stimulus package totaling about $50 billion. And the European Community has jumped on the stimulus bandwagon, approving a plan that includes increased spending on government projects.

Before the world rushes to worship at the altar of Lord Keynes and demands management policies again, let's look at the body of evidence of the economic effects of increases in government spending.

In 1986, then-Chamber of Commerce Chief Economist Richard Rahn charted an inverse relationship between government spending and economic growth for the seven major industrialized countries in the form of a curve, not unlike the famous "Laffer Curve" that focused on the incentive effects of taxation.

The theory behind the "Rahn Curve" is that, at first, low levels of government spending on basic public services—like law and order and a judicial system to enforce contracts—stimulate growth in the economy. But as spending rises as a share of the economy, its contribution to economic growth diminishes. Government spending eventually reaches a point where it actually retards economic growth.

There are several reasons for this. First, the growing public sector "crowds out" private sector activity, and it often uses the economy's resources far less efficiently. Second as government grows bigger, it tends to accept the broader responsibilities such as reducing poverty. This increased spending on welfare and income transfer programs, however creates severe work disincentives. Third, an expanding government bureaucracy usually is accompanied by more complicated and burdensome regulation that stifles innovation and productivity. Fourth, at some point, the higher tax rate burdens necessary to finance bigger government damage incentives to work, save and invest. The weakened economy fails to generate enough tax revenue to finance the ever-growing spending share, resulting in increased public sector borrowing and debt service burdens.

(Cesar V. Conda is executive director and senior fellow of the Alexis de Tocqueville Institution. He was Republican staff director of the U.S. Senate Small Business Committee, economic counsel to former U.S. Sen. Bob Kasten and an economist with the U.S. Chamber of Commerce)

The accompanying table charts the experience of the Group of Seven (G-7) major industrialized countries and a selected group of four smaller European countries representing the extremes in size of government sectors beginning in the 1960s. (Table not reproducible.)

From the decade of the 1960s to the decade of the 1980s, the public sector as a share of gross domestic product increased in all these countries. All countries also experienced a reduction in the rate of economic growth. However, economic growth fell the least in those countries that had the smallest growth in government share over the two decades (U.S. and U.K)—and greatest in those that had the fastest growth in government share (Spain, Greece, Netherlands, Sweden, Italy and Japan). In general, the economies with smaller government shares outperformed those with bigger government shares.

By the decade of the 1980s, most of Europe and Canada had experienced a substantial public sector boom, with government shares averaging almost 50 percent of GDP for the decade. In the 1980s, only Japan and the United States remained in the relatively low government spending share of 35.9 percent and 32.8 percent of GDP, respectively. Once again, the economies of the relatively low-share countries outperformed those of the high-share countries, with the United States alone creating more than 18 million new jobs in the 1980s expansion.

For a brief period in the mid-to late-1980s, Ronald Reagan and Margaret Thatcher led a worldwide resurgence toward limited government spending and taxation. By privatizing several government programs, Prime Minister Thatcher cut the public sector in the United Kingdom from a high of 47.3 percent of GDP in 1984 to 41.3 percent of GDP in 1989.

In the midst of the economic stagnation of the early 1980s, President Reagan proclaimed that "government is not the solution to our problem, government is the problem"—and went on to reduce tax rates and downsize the federal budget as a share of the economy from a postrecession high of 25.4 percent in 1983 to 23 percent in 1989 (the year of the final Reagan budget). While corresponding increases in state and local public spending offset much of Mr. Reagan's federal rollback, total U.S. public spending held steady at about 36 percent of GDP in the 1985–89 period.

In the late 1980s, the limited government movement was emulated by the rest of the world, as spending shares and tax rates were reduced in several countries. Even Socialist Sweden reduced the size of its government from 65 to 60 percent of GDP over the 1985–89 period. As a result, the world economy expanded with the G-7 leading economies posting a respectable average annual growth rate of 3.42 percent.

The 1989–91 period witnessed a swing back to higher government spending. The champions for limited government, Mrs. Thatcher and Mr. Reagan, had left the world political scene. Mr. Reagan's successor, George Bush, actually increased the size of the federal government from 23 percent of GDP in 1989 to back up to 25.4 percent of GDP in 1991 and imposed significantly higher tax burdens on a fragile U.S. economy. All of the G-7 countries followed Mr. Bush's lead as public sector spending shares went up dramatically in almost all of the G-7 countries over the same period and average G-7 growth rates plummeted to an anemic 0.1 percent in 1991.

At this early date, it appears President Clinton is poised to continue this pro-spending trend. In the wake of the recent bad news on unemployment and economic growth, there is now talk in the administration of reviving the full spending stimulus package. Although Mr. Clinton's budget blueprint envisions a reduction in spending as a share of GDP in the later years of the decade, history tells us that promised future spending cuts will not take place—and higher taxes will fuel more spending. Add to this the potential $60 billion to $90 billion price tag of Hillary Rodham Clinton's healthcare overhaul, and the total size of government in the United States is more likely to go up, not down.

In conclusion, international experience shows and our own history suggests that the continued growth of government spending and the associated high tax, regulatory and debt burdens has been a recipe for slow economic growth. The world's political leaders must learn from the lessons of the past: The

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

key to economic progress lies not in big government and expansive government intervention, but in government restraint in spending and taxation.

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## TRIBUTE TO THE SALEM ITALIAN-AMERICAN CLUB

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Salem Italian-American Club, an organization which has enhanced the lives of the citizens of my 17th Congressional District in Ohio for three-quarters of a century.

Mr. Speaker, the club will celebrate its diamond jubilee anniversary on July 31, 1993. The club was founded in 1918 by a group of Italian men as a mutual aid society for families. From its inception, the group provided a great deal of fellowship, support, and assistance to Italians during times of illness, unemployment, death and war. The club gradually expanded its role, however, and now actively supports the community as a whole. It now sponsors scholarships, several youth sports teams, a Boy Scout explorer post, an old timers softball team, and numerous other activities.

I would like to join the citizens of my community in congratulating the Salem Italian-American Club on its historic anniversary. Under the leadership of its current president, Leo J. Taugher III, I can only expect another 75 years of tremendous service to the people of the Mahoning Valley. I am fortunate to have such a worthy organization in my district.

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## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

SPEECH OF

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes:

Mrs. ROUKEMA. Mr. Chairman, as Congress ponders new tax increases and deficit reduction, I believe this body must work hard to eliminate all unnecessary Federal spending. Freezing spending at fiscal year 1993 levels is a start, but Congress must work to do more. I am pleased the House was able to trim the total appropriation in H.R. 2520, during consideration of the bill, yet I remain unable to support the final measure on its fiscal merits.

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## TRIBUTE TO BOB ZIMMERMAN

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. RAMSTAD. Mr. Speaker, I rise today to applaud Bob Zimmerman of Apple Valley, MN, for his strong contribution to improving the lives of people with disabilities.

Mr. Zimmerman recently received a Governor's award of excellence in assistive technology for designing an innovative ramp for the disabled. The ramp that Zimmerman designed is inexpensive, quick and easy to assemble, and can be reused.

For the past 4 years, Mr. Zimmerman has worked with the Community Action Council in Apple Valley as a liaison between the Division of Rehabilitation Services and the Center for Independent Living. The Community Action Council Agency coordinates the construction of ramps for the disabled.

Bob Zimmerman's contribution not only helps people with disabilities, but our entire society. Individuals with disabilities can be productive members of society and with the help of people like Bob Zimmerman they can realize their full potential.

Mr. Speaker, as a long-time advocate for people with disabilities and as the cofounder and chairman of the House Republican task force on disabilities, I highly commend Mr. Zimmerman for his efforts and dedication.

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## TRIBUTE TO MYRON "MIKE" WALDMAN

### HON. DAVID A. LEVY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. LEVY. Mr. Speaker, I want to offer my condolences to the family of Long Island Newsday reporter Myron "Mike" Waldman who passed away yesterday morning.

Although I have only been here a short time, I know well that Mike was a fixture on Capitol Hill for nearly three decades. As a journalist, he was fair and always sought the truth in his reporting. As a person, Mike was friendly, jovial, and generous,

Mike had an illustrious career as a political reporter for Long Island Newsday. He covered Robert F. Kennedy's campaign for the U.S. Senate, rose to become one of Newsday's top political reporters and covered the Reagan White House in the mid-1980's. His proudest accomplishment came in 1985 when his investigative reporting broke the story on then-President Reagan's infamous trip to a military cemetery in Bitburg, Germany, where soldiers of the Nazi's vaunted SS were buried.

Mike's autobiography, "Forgive Us Our Press Passes/Memoirs of a Veteran Washington Reporter" is an often humorous account of some of Mike's favorite stories and experiences as a political reporter.

I will miss the opportunity to get to know Mike better and I feel sympathy for all those who knew and loved him. His skilled reporting abilities will be missed by those who read the news, but his wit and graciousness will be sorely missed by those he put in the news.

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## A TRIBUTE TO SIX OUTSTANDING NEW JERSEY CITIZENS

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to six outstanding public servants from Paterson: Dr. Allene Gilmore, Rev. Tracy Lind, Cecile Dickey, Waheedah Muhammed, James Henderson, and Dr. Frank Napier. These individuals, who have long deserved recognition, will be honored on July 24, 1993, by the United Missionary Church for their significant contributions to their community.

The honorees come from varied walks of life. Dr. Allene Gilmore is pastor of Gilmore Memorial Tabernacle, Rev. Tracy Lind is pastor of Saint Paul's Episcopal Church, Cecile Dickey is director of Headstart, Waheedah Muhammed is president of the Parent Teacher's Association, James Henderson is the owner and operator of McDonald's, and Dr. Frank Napier is the former superintendent of schools for the city of Paterson.

These six individuals have spent their adult lives providing guidance to the youth of our community. They have always been available to those who have needed them and have succeeded in making our community a better place. They are heroes in the face of adversity, conquering many of Paterson's problems with their courage.

Mr. Speaker, I am pleased to have such civic-minded individuals in the Eighth Congressional District, and I want to make certain that these citizens receive the appreciation which they deserve. I ask my colleagues to join me in honoring Dr. Allene Gilmore, Rev. Tracy Lind, Cecile Dickey, Waheedah Muhammed, James Henderson, and Dr. Frank Napier for their dedicated service to the community of Paterson.

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## TRIBUTE TO MIKE BUSH

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TALENT. Mr. Speaker, I rise today to honor Mike Bush, sportscaster for KSDK Channel 5 in St. Louis, MO. Mr. Bush is being awarded the 1993 Eagle Award, which is the city of Peter's most prestigious honor for his service to the community, and specifically for his commitment to the Mid-Rivers Chapel Baseball Field for the Hearing Impaired.

The 1993 camp has been opened nationally to all hearing impaired children and will attract people as far away as our Nation's Capital. The camp will feature baseball legend Stan Musial, who has been a major contributor to the camp from the beginning.

Mr. Bush is known for his efforts to support those worthy causes that enhance the lives of our young people; because of his dedication to others, he has distinguished himself as a worthy recipient of this honor.

Mr. Speaker, again I commend Mr. Bush on his outstanding achievements and am grateful for his service. I wish him luck in his future endeavors.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

SPEECH OF

### HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1993*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes:

Mr. GEREN of Texas. Mr. Chairman, I rise in opposition to Mr. DELAY's amendment to eliminate funding for the National Trust for Historic Preservation.

We created the trust to educate the public about our historic resources, what they mean and how to preserve them. It is the only national organization with this mission and this Federal grant is essential to its operations.

The $7 million grant for the trust was requested by President Clinton and is subject to a matching requirement. In years past, the trust has far exceeded a 1-to-1 match from private sources and has very effectively leveraged private funds. This money will allow the trust to continue its public education, technical assistance and outreach work of seven field and regional offices across the country.

These offices provide a wide range of support to localities and nonprofit groups, as well as fund the maintenance and operation of 18 historic house museums across the country. This grant also enables the National Trust to dedicate a portion of privately raised funds to direct grants for much needed preservation projects such as deserted downtown neighborhoods and rural communities.

I want to make it very clear that none of this money will be used to fund new programs but instead will be used to save at-risk communities and outreach to new audiences.

The trust is a good example of a public partnership that works. It makes no sense to punish the National Trust because it is able to leverage its Federal grant by raising a substantial portion of its budget from the private sector. We should support and encourage public-private partnerships that work and I therefore ask that you join me in opposing Mr. DELAY's amendment.

## LEGISLATION TO CHANGE WAY PUBLIC BUILDING PROJECTS ARE SCORED

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that will overturn Federal budget scorekeeping rules for real estate transactions and allow the General Services Administration to aggressively pursue and propose to Congress the most cost-effective means to finance Federal building construction projects—resulting in a dramatic decline in the number of costly lease arrangements.

Mr. Speaker, the current Federal budget scorekeeping rules were established in 1990 as part of the Budget Enforcement Act of 1990. The rules require that the entire cost of a Federal construction project, or the cost of purchasing a building for use by a Federal agency, be scored in the first year of the project, rather than amortized over the actual construction period, or over the expected life of a purchased building. The end result is that operating leases have become the most attractive vehicle for GSA to meet the housing needs of Federal agencies—even though in the long-term it is the most costly.

Since becoming chairman of the Public Works and Transportation Subcommittee on Public Buildings and Grounds in January, I have been actively working to overturn this costly budget requirement—a requirement that has cost the U.S. taxpayer billions of dollars.

My legislation would amend the Public Buildings Act of 1959 to treat Federal real estate transactions in the same manner they were treated prior to the implementation of the 1990 Budget Act. The bill would, in effect, allow GSA to utilize alternative financing mechanisms, such as lease-purchases, to pay for new Federal construction projects. I am pleased that the hard working and thoughtful chairman of the Public Works and Transportation Committee, NORMAN Y. MINETA, is an original cosponsor of the bill, along with the ranking minority member of the Subcommittee on Public Buildings and Grounds, JOHN J. DUNCAN, JR., the vice-chair of the subcommittee, ELEANOR HOLMES NORTON, as well as my distinguished colleagues ROBERT A. BORSKI, and JOHN LEWIS.

Mr. Speaker, unlike the purchase of a tank, real estate purchases increase in value and are a source of revenue for the Federal Government. Congress cannot direct GSA to effectively oversee the Federal Government's housing needs, and at the same time severely restrict GSA's ability to act as a real estate manager. In the current real estate market, opportunities exist for GSA to negotiate an equity position in rental properties, such as below market purchase options, on favorable terms. However, the current scoring rules preclude GSA from taking advantage of these opportunities.

Federal agencies housed in federally owned facilities make annual market-based payments into the Federal building fund [FBF]. GSA uses the revenues from the FBF to pay for its capital improvement program which includes new construction, repair and alteration, building maintenance and lease costs. However, over the past several years budget rules have reduced the ability of GSA to use the revenue generated by the FBF in the most efficient manner. For example, the rules prohibit GSA from exercising a purchase option at the end of a long-term lease.

The end result has been increased costs for the U.S. taxpayer. No one in the private sector finances real estate projects the way the Federal Government does. My intention is to allow GSA to propose, on a project by project basis, all of the funding options available. This will allow the Committee on Public Works and Transportation to not only authorize GSA building projects, but also approve the most cost-effective way to finance these projects.

In 1975 GSA's leased-space inventory was 86 million square feet and its annual leasing budget was $388 million. In fiscal year 1992, the leased space inventory had grown to 118 million square feet with an annual rental cost of $1.7 billion. During this same period, the ratio of Government-owned to leased space declined from 64 percent in 1975 to 54 percent in 1992. A December 1989 report issued by the General Accounting Office analyzed 43 projects that GSA might have undertaken if capital financing were available to replace space that GSA would otherwise lease. GAO estimated that, over a 30-year period, constructing the 43 projects instead of leasing, would have saved taxpayers $12 billion.

Knowing that below-market purchase options, time-financing, and other nonoperating lease arrangements are subject to up-front-scoring requirements removes all incentive for GSA to pursue them. The current scoring rules have forced GSA to pay more attention to accounting rules than to how to most effectively spend the Federal tax dollar and take advantage of market conditions.

Mr. Speaker, I urge all of my colleagues to support this long overdue and much needed legislation.

## TRIBUTE TO MYRON "MIKE" WALDMAN

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. KING. Mr. Speaker, I rise today to honor a good friend and a familiar figure in the Halls of Congress. Yesterday, the Members of this body lost a friend, when Myron "Mike" Waldman passed away after a brief illness. As a Washington correspondent for Long Island's Newsday, Mike was well known for his professionalism, his good humor, and his warmth.

For 25 years, Mike covered the Nation's Capital with style, flair, accuracy, and fairness. He was well respected by both his peers in the media and the elected officials that he wrote about. His passing is a severe loss to both the Washington press corps and the Congress.

I considered Mike a close friend, and an all-too-rare ally at Newsday. I am deeply saddened by Mike's passing and I'd like to take this opportunity to extend my deepest condolences to his wife Jean, his sons Morris, Daniel, and Lawrence, and his sister Elaine.

## SUPPORT FOR H.R. 688

### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. EWING. Mr. Speaker, I would like to take this opportunity to express my strong support for H.R. 688, the Sexual Assault Prevention Act. I would also like to commend my colleagues Representative MOLINARI and Representative KYL for their leadership in regard to this important matter.

A forcible rape is committed every 6 minutes in our country. Department of Justice figures show a 59 percent increase in the number of rapes in 1991 alone. In addition, every year some 3 to 4 million women become the victims of domestic violence. A glance through any local newspaper shows that any woman can find herself the victim of a violent sexual crime. Women are no longer safe in school hallways, on jogging paths, even in their own homes.

It is time for Congress to work toward the improved prosecution of sexual offenders and to empower women against sexual violence. The Sexual Assault Prevention Act would increase the penalties for sex crimes, including sex offenses committed against victims under the age of 16, and the death penalty for murders committed by sex offenders. Penalties would also be established for interstate travel to commit spouse abuse or to violate a protective order. Additionally, HIV testing would be required of persons accused of sexual assault.

The bill also takes steps toward protecting women from sexual assault on college campuses by directing the Attorney General to provide a national baseline study on campus sexual violence. A National Task Force on Violence Against Women would be established to study and make recommendations in regard to sexual assault. The task force would place an emphasis on law enforcement and victim-oriented measures.

Combating violent crime against women should be a top priority for our country. We must demonstrate that such horrifying and violent crime is unacceptable. It is time to not only assist those women who are victims of sexual assault, but to help prevent and protect other women from becoming victims.

Mr. Speaker, I am glad to cosponsor H.R. 688 and urge my colleagues to support this bill. Also, I strongly encourage the Clinton administration and the House Judiciary Committee to include these provisions in any crime control legislation under consideration during this Congress.

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## ALASKAN OIL: DON'T EXPORT A VITAL RESOURCE

## HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. SNOWE. Mr. Speaker, in 1973 Congress opened Alaska's North Slope [ANS] for oil production in 1973, insisting then that the crude oil drawn from that slope be consumed in the United States unless the export of that oil was shown to be in the national interest. Section 7(d) of the Export Administration Act of 1979, as amended, contains the current restrictions on exports of Alaskan crude oil.

Congress has consistently and overwhelmingly supported the ANS crude oil export restrictions since 1973. Today, all of the nearly 1.7 million barrels per day of ANS production, representing over 25 percent of total U.S. crude output, is consumed domestically.

Our dependence on imported oil is well-documented and will only grow if U.S. production decreases. We should not, and cannot, make this situation worse by exporting our largest source of domestic production. Energy self-sufficiency remains just as critical a goal for the United States now as it was 20 years ago.

The prohibition on Alaskan oil exports has national security implications as well. Since the chief source of our imports is the unstable Persian Gulf region, the United States would be even more dependent on this region for such a precious resource. Dependence upon imports would also force the creation of a larger Strategic Petroleum Reserve at considerable additional costs to the Federal Government.

The export of Alaskan oil would have a significant and negative impact on the U.S. maritime and ship supply industries. Currently, the shipping of domestic oil can only be carried out by U.S. firms. Were this oil to be exported, foreign tankers would take over this market. The result would be job losses within the industry and a reduction in our strategically important domestic tanker fleet. Consequently, this bill enjoys broad support by labor, consumer, and maritime organizations.

Alaskan oil export restrictions have promoted national energy security by reducing U.S. reliance on Middle Eastern oil supplies. They have also encouraged substantial investments in an efficient transportation infrastructure to move Alaskan crude oil to domestic markets. Last, Mr. Speaker, but surely not least, they have saved consumers billions of dollars at the gas pump.

For these reasons, I am an enthusiastic original cosponsor of this legislation introduced today that will amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil.

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## EVERYDAY USES OF ZINC

## HON. DAVID A. LEVY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. LEVY. Mr. Speaker, a young lady from my congressional district, Sheila Rudy, is the winner in the grade 7–9 category of the National Zinc Essay Contest sponsored by the U.S. Bureau of Mines and the American Zinc Association.

Sheila is a 7th grader from Garden City, NY. Her essay was judged best out of hundreds submitted from across the Nation.

Mr. Speaker, I would like to submit her essay, entitled "Everyday Uses of Zinc," into the CONGRESSIONAL RECORD to share with my colleagues.

The essay follows:

### EVERYDAY USES OF ZINC

(By Sheila Rudy)

We can find zinc in almost everything we do. Zinc is a shiny blue and white metal. It is hard and brittle at room temperature. Zinc is found in many alloys, including brass, bronze, and German silver. Zinc is also in many solders, like aluminum solders and fusible solders. Zinc is not hard to find in the earth's crust. There are many zinc deposits all over the world. There are small deposits of zinc in the oceans. To find out how we use zinc every day, let's follow Jane Doe as she discovers how she uses zinc in her usual daily life.

The first thing Jane does is, of course, breathe. Zinc occurs naturally in the air around us. Next, she slowly rises from her beautiful brass bed. Brass is an alloy made of copper and zinc. Some brass is 40% zinc.

After walking to her bathroom, she turns on the light. Zinc sulfide glows yellow under ultraviolet light. When you mix this and barium platinocyanide which glows blue, you get a fluorescent light. She then gets dressed and puts on her new gold necklace and ring. Zinc shavings are used in recovering gold from the earth's crust. The gold is melted in a solution of potassium and then mixed with zinc shavings to form a sludge. The sludge is flushed out with water. The gold is then dried. This is called cyanide process. When Jane had her ring fixed it had to be soldered. Zinc is in many solders.

Finding that she is late for work she quickly takes her vitamins and rushes out the door and down her wooden porch steps. Zinc is found in many vitamins. The Recommended Daily Allowance for zinc is 15 milligrams. Zinc is essential for normal

Jane races to work in her car. Jane's car contains around 20 pounds of zinc die-castings. Zinc is being used more often in automobiles because it allows manufacturers to advertise extended corrosion protection.

She rushes into her office building only a few minutes late. Her building is made of stone. Recently bronze, an alloy made of zinc, copper, and tin, has been used to key stones together. The buried steel structure under the building was probably coated with zinc.

Jane's boss hands a letter to type up that he has dictated on his pocket tape recorder. Jane pops the cassette into her walkman and begins typing. Jane's walkman and her boss' tape recorder are run by battery. Many batteries now have zinc in them rather than mercury.

One of Jane's co-workers brings in his new born baby to show off. He tells Jane about the terrible diaper rash the baby had. The baby's doctor prescribed an ointment that contained zinc.

At lunch Jane goes downstairs to the cafeteria to eat. Jane buys a salad, soup, and an ice-tea. Did you know that the penny is 98% zinc! And Jane, there better be some zinc in that meal. Among other things, zinc deficient humans tend to lose their hair and their sense of smell. Since Jane is diabetic, she must take her shot of insulin. Zinc can be found in insulin. It is also in red blood cells. Zinc also plays a part in normal growth.

Jane looks out the window and sees that it is raining. Rain is pouring out the roof gutters. Zinc is used to galvanize iron and steel so it won't rust. Many things, including roof gutters are galvanized. Zinc can protect steel for years with hardly any maintenance.

On her way home from work Jane stops at a toy store to get her nephew a birthday present. She wants to get him a toy car. Zinc is used in die-casting toys, hardware, and appliances.

After a hard day at work Jane returns home. When she gets home she notices the paint on her dining room wall has started to fade and crack. Soon she will have to get it repainted. Zinc oxide is used in making many paint pigments. Zinc oxide is the most important commercial compound. Zinc oxide is also used in rubber. Other uses of zinc oxide is in ceramics, coated fabrics and textiles, floor coverings, and it guards noses from the sun's harmful rays.

Jane came home with a terrible headache. She takes an aspirin for it. Many medicines and pharmaceuticals contain zinc. Jane decides to turn on her television set and watch the news. The inside of the television screen was coated with zinc sulfide because it glows under ultraviolet light.

After watching the news she waters her plants and feeds her cat. Zinc occurs naturally in water and soil. Plants and animals need zinc just as humans do. Zinc deficient trees sometimes get leaf diseases. Zinc can be found in pet food, animal feed, and fertilizers.

After dinner Jane decides to go to sleep. She goes into her bathroom and washes up. Zinc is used in many soaps and skin treatments. Zinc is used to protect gas and water lines. The metal pipe being protected is electrically connected to the zinc. This is called cathodic protection. After a long day, Jane decides to get into her pajamas and go to bed early.

As you can see, zinc is used in much of what we do every day. This was only one day. The average American will use 730 pounds of zinc in his or her lifetime. Most people do not know that they use zinc so many times during the day. Zinc is the second most common metal in the body, next to iron. Zinc is placed third in most used nonferrous metals, after aluminum and copper.

Zinc is very important in our daily lives and we are finding out more ways to use it every day. The United States Bureau of Mines predicts that the total amount of zinc produced from just 1976 to 2000 will be more than the total amount produced before 1976.

People are not aware of the many minerals they use every day. Zinc is very important to society. With technology advancing like it is, who knows what we will be using it for in the future? People should be aware of the discoveries made using these resources so that we can make the most of them. As you can see we have been doing that with zinc for a while.

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## TRIBUTE TO THE INDUSTRY COUNCIL FOR TANGIBLE ASSETS

### HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. HAYES. Mr. Speaker, today I pay tribute to the Industry Council for Tangible Assets [ICTA] on the occasion of its 10th anniversary representing rare coin, banknotes, and precious metals dealers.

This organization held its first meeting on July 7, 1983, in Washington, DC, and since then has become nationally known as the organization that provides Congress, the administration, and the regulatory agencies with information on the needs and concerns of rare coin and precious metals dealers across our country.

The great majority of coin, currency, and bullion dealers own one-person or "mom and pop" shops, the very types of businesses that still constitute the foundation of this country's economic greatness. These small businesses have been especially hard-hit recently but have trimmed costs, merged, and made great sacrifices to stay in business demonstrating the vitality that is also part of the American dream. Despite great hardship and increased security concerns, these dealers have persevered in their role as guardians of our country's historic legacy represented its media of exchange—our coins and paper currency. They also seek to preserve and promote for posterity noble and meaningful designs on our current coinage. Although we often take our coins for granted, these metallic time capsules endure as an historic legacy for future generations.

ICTA has worked with the Congress and agencies such as the U.S. Mint, U.S. Postal Service, and IRS to increase understanding of the rare coin-precious metals industry's needs and concerns and to help develop new products and services of interest to the public. ICTA has dealt fairly and openly with governmental agencies, and the suggestions it has offered have provided efficient solutions to a number of our regulatory concerns while minimizing the burden on these small businesses.

ICTA provides a valuable service both to governmental agencies and to the industry by helping to educate these small, often unsophisticated, businesses on new regulations. It acts as a clearinghouse and disseminates material and other relevant data to help promote industry-wide awareness.

Managed by a paid staff of only two and a dedicated volunteer board of directors, ICTA crystallizes the great American spirit of voluntarism, small business, entrepreneurialism, cooperation, and creativity that built this country. As President George Bush stated in his letter to ICTA on the occasion of the organization's third annual conference:

> Since its formation in 1983, ICTA has rapidly grown to meet the needs of the precious metals and bullion coin industry. By distributing information to government agencies * * * ICTA has proved itself as a valuable asset to this important industry. Your leadership efforts in behalf of precious metals and bullion coin markets continue to contribute to our investment industry.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join with me in congratulating the Industry Council for Tangible Assets on its 10th anniversary and wishing this fine organization many more years of successful work on behalf of the rare coin, banknotes, and precious metals industry.

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## COMMUNITY INVESTMENT DEMONSTRATION ACT OF 1993 INTRODUCED

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. GONZALEZ. Mr. Speaker, today I am joined by Congresswoman MARGE ROUKEMA in introducing the Community Investment Demonstration Act of 1993, legislation that is designed to encourage investment by pension funds into the construction and rehabilitation of critically needed housing for low-income families.

This legislation was developed in close cooperation between the Committee on Banking, Finance and Urban Affairs, specifically the Subcommittee on Housing and Community Development [HUD], which I chair, and the Secretary of the Department of Housing and Urban Development, Henry Cisneros. The Secretary, and other public witnesses, testified regarding their support for this legislation at a subcommittee hearing held on June 16, 1993.

The legislation would set aside $100 million from incremental section 8 rental certificates in fiscal year 1994 in order for HUD to carry out a Community Investment Demonstration Program on behalf of low-income families residing in housing that is constructed, rehabilitated, or acquired pursuant to a loan or other financing from pension funds. The program would apply to housing that is: First, a multifamily housing project owned by HUD, or subject to a HUD mortgage that is delinquent, under a workout agreement or under foreclosure; second, designated a severely distressed public housing project; third, a multifamily housing project eligible for assistance for troubled projects; fourth, a multifamily housing project located in an empowerment zone or enterprise community; or fifth, any other multifamily housing project, including a project to be occupied by homeless persons or families. Also, this program is designed to provide for the acquisition, rehabilitation, and new construction of affordable housing units for low-income Americans.

HUD estimates that the $100 million authorized under this legislation would provide up to 3,000 section 8 rental certificates to be used as project-based assistance by low-income renters in assisted housing projects constructed or rehabilitated by loans or other financing from pension funds.

I want to make clear that what we are doing by this legislation is simply providing an investment opportunity for pension funds—an investment that will help address the current need for low-income housing.

Moreover, I would like to note that I, along with the ranking minority member of the housing subcommittee, Congresswoman MARGE ROUKEMA, have consulted with the House Education and Labor Committee with regard to any potential impact of this legislation on the fiduciary responsibilities of pension funds.

I am aware of the fiduciary responsibilities of pension plans with regard to their assets and investments under Federal and State law, and that these funds represent the hard-earned retirement savings, held in trust, of millions of workers and retirees. In order to insure that this legislation is consistent with existing law with regard to pensions, the recommendations of the House Education and Labor Committee have been incorporated into this legislation. Specifically, the legislation provides that nothing in the demonstration program is to be construed to authorize any action or failure to act, by a pension fund, that would constitute a violation of the Employee Retirement Income Security Act of 1974 [ERISA], the Federal law governing pensions. In addition, in order to minimize any concerns regarding investment risk, language has been added to insure that existing standards for securitization of mortgages, for those who participate in the program, are met.

I would like to emphasize that this bill is entirely within the jurisdiction of the House Banking, Finance and Urban Affairs Committee, and its Subcommittee on Housing and Community Development, because it authorizes HUD section 8 rental assistance to be used for projects which may have investment by pension funds.

I believe that the critical state of this Nation's low-income housing and community development needs, require us to try to find new and innovative ways of addressing this situation. While I believe that the Federal Government maintains a principal role and responsibility in this area, we must also facilitate private investment in the revitalization of this Nation's cities, and other areas in need. The legislation we are introducing today, by providing a minimal amount of HUD assistance to essentially leverage public and private pension fund investment for the construction and rehabilitation of low-income housing, is a small but important beginning to this process.

### SHORT SUMMARY OF COMMUNITY INVESTMENT DEMONSTRATION ACT OF 1993

This legislation sets aside $100 million from Section 8 rental certificates, in Fiscal Year 1994, for the Department of Housing and Urban Development (HUD) to carry-out a five year demonstration program on behalf of low-income families residing in housing that is constructed, rehabilitated or acquired pursuant to a loan or other financing from pension funds.

The program applies to housing that is: (1) a multifamily housing project that is HUD-owned or subject to a HUD mortgage that is delinquent, under a work-out agreement or under foreclosure; (2) designated a severely distressed public housing project; (3) a multifamily housing project eligible for assistance as a "troubled project"; (4) a multifamily housing project located in an empowerment zone or enterprise community; or (5) any other multifamily housing project, including a project to be occupied by homeless persons or families. This program is also designed to provide for the acquisition, rehabilitation and new construction of affordable housing units for low income Americans.

HUD will select eligible housing for assistance under this program from applications submitted jointly by housing owners and pension funds. The applications are to include a description and the location of the housing, the terms of financing by the pension fund, the amount of assistance requested, and such other information as HUD may require.

Of the amounts made available in each fiscal year for assistance under this demonstration program, a significant amount may be used in connection with HUD's multifamily property disposition program.

The legislation provides that nothing in the demonstration program is to be construed to authorize any action or failure to act, by a pension fund, that would constitute a violation of the Employee Retirement Income Security Act of 1974 (ERISA), the federal law governing pensions.

The General Accounting Office is required to submit two reports to Congress evaluating the effectiveness of the demonstration program, the first within two years of enactment, and the second within six months of the termination of the program. HUD is also required to submit annual reports to Congress on the activities carried out under the program.

HUD is required to issue any regulations necessary to carry out this program within 45 days of enactment.

HUD estimates that the $100 million authorized under this legislation will provide up to 3,000 Section 8 rental certificates to be used as project-based assistance by low-income renters in assisted housing projects constructed or rehabilitated by loans or other financing from pension funds.

### SECTION-BY-SECTION SUMMARY COMMUNITY INVESTMENT DEMONSTRATION ACT OF 1993

#### SEC. 1. SHORT TITLE

Provides that this Act is to be cited as the "Community Investment Demonstration Act."

#### SEC. 2. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM

Authority.—Authorizes the Department of Housing and Urban Development (HUD), using amounts available pursuant to section 5(c)(7)(B)(ii) of the United States Housing Act of 1937, to carry out a demonstration program to provide project based rental assistance under the Section 8 program of behalf of low-income families residing in housing that is constructed, rehabilitated, or acquired pursuant to a loan or other financing from an eligible pension fund. Provides that nothing in this provision is to be construed to authorize any action or failure to act, by an eligible pension fund, that would constitute a violation of the Employee Retirement Income Security Act of 1974, notwithstanding section 514(d) of that Act.

Contract Terms.—Requires that the assistance to be provided under the demonstration is to be project-based assistance pursuant to a contract entered into by HUD and the housing owner that (1) provides such assistance for a term of not less than 60 months and not more than 180 months; and (2) provides that the contract rents for dwelling units in the housing shall be determined by HUD, taking into consideration costs for construction, rehabilitation or acquisition of the housing. Provides that the contract rent may not exceed that permitted under existing law.

Eligible Housing.—Provides that housing eligible for assistance includes: (1) a multifamily housing project owned by HUD, or subject to a HUD mortgage that is delinquent, under a workout agreement, or under foreclosure; (2) designated a severely distressed public housing project; (3) a multifamily housing project eligible for assistance for troubled projects; (4) a multifamily housing project located in an empowerment zone or enterprise community; or (5) any other multifamily housing project, including a project to be occupied by homeless persons or families. Requires HUD to determine: (1) that the owner has obtained satisfactory financing commitments from an eligible pension fund for the construction, acquisition or rehabilitation of the housing; (2) that the mortgage for the housing meets such standards regarding securitization and such additional standards regarding financing as HUD may establish; (3) that, with regard to housing that is to be constructed, the owner has provided reasonable assurances for site control; (4) the housing complies with environmental laws and regulations; (5) the construction, rehabilitation, or acquisition of the housing is not inconsistent with the approved comprehensive affordability strategy

Applications.—Requires housing owners and pension funds to jointly submit applications for assistance under this demonstration program. Requires the application to include a description and the location of the housing, the terms of financing by the pension fund, the amount of assistance requested, and such other information HUD may require.

Selection and Determination of Assistance.—Requires HUD to select eligible housing for assistance from the applications submitted, and determine the amount of assistance to be provided.

Relation to PHA Project-Based Limit.—Provides that project-based assistance under this demonstration program will not be subject to requirements in section 8(d)(2)(A) or (B) of the 1937 Housing Act that limit a public housing authority (PHA) to a 15% set aside of its Section 8 unit allocation for project-based assistance.

Use in Property Disposition Program.—Provides that notwithstanding any provision of section 203 of the Housing and Community Development Amendments of 1978, assistance provided in connection with the disposition of a multi-family housing project under that section, may have a contract term of less than 15 years, if that assistance is provided under a contract under this demonstration program pursuant to a disposition plan otherwise in compliance with the requirements of section 203. Provides that, of the amounts made available in each fiscal year for assistance under this demonstration program, a significant amount may be used in connection with the property disposition program under section 203 of the Housing and Community Development Amendments of 1978.

Reports.—Requires the General Accounting Office to submit two reports to Congress evaluating the effectiveness of the demonstration program, the first within two years of enactment, and the second within 6 months of the termination of the program. Requires HUD to submit an annual report to Congress summarizing the activities carried out under the program, describing the housing assisted and the amounts of assistance provided, and including any findings and recommendations.

Definitions.—Defines "eligible housing" as referenced above under section on eligible housing. Defines a pension fund eligible for this demonstration program as: (1) a trust, fund, or other program established or maintained by any employer or other person for the purpose of providing income or benefits to employees after the termination of employment or deferring income by employees until after the termination of employment; or (2) other entity that invests principally the amounts of any trust, fund or plan.

Regulations.—Requires HUD to issue any final regulations necessary to carry out this program within 45 days of enactment.

Termination Date.—Prohibits HUD from entering into any new commitment to provide assistance under this program after September 30, 1998.

Funding.—Amends Section 5(c)(7)(B)(ii) of the 1937 Housing Act to provide not more than $100 million for this demonstration program, in Fiscal Year 1994, out of incremental Section 8 rental assistance.

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## A TRIBUTE TO ROBERT S. BRICKLEY

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my good friend, Bob Brickley of Redlands, CA.

Bob is retiring after a long and distinguished career in law enforcement, including 16 years as the chief of police in Redlands.

Bob Brickley, who holds a B.S. degree in sociology and a masters degree in public administration, first entered police service in 1964 following a 5-year enlistment in the U.S. Marine Corps. He began his career as a police patrol officer with the Menlo Park Police Department and quickly rose through the ranks receiving promotions to the positions of detective, 1967; patrol sergeant, 1969; lieutenant, 1971; and captain/deputy chief of police, 1974. In 1977, Bob joined the Redlands Police Department as the chief of police.

As the longest tenured police chief in the department's history, Bob leaves an outstanding legacy. During these 16 years, he established a program of participatory management and increased the performance and professionalism of the department. Over the years, his efforts have greatly improved the relationship between the department and the community it serves so effectively. The establishment of Neighborhood Watch, Block Parent, Talking Police Car, Bicycle Safety, and many other programs are evidence of his commitment to public safety. To say the least, his work has been deeply felt and appreciated. All of us who make Redlands our home are grateful to Bob for his commitment and service.

Bob has been appropriately recognized for his many achievements having received the City of Redlands Meritorious Service Medal in 1983, the Knight Commander from the Order of Michael the Archangel award, and the John Edgar Hoover Medal for Public Service from the American Police Hall of Fame in 1991.

Mr. Speaker, I ask that you join me, our colleagues, and Bob's family and friends in honoring him for his many years of dedicated service to our community. His contributions have made our city a much better, safer place to call home. It is fitting that the House recognize Bob Brickley today.

## TRIBUTE TO HELEN WOODS COOK

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Helen Woods Cook, a generous donor of talents and time in my 17th Congressional District in Ohio.

Mr. Speaker, on Sunday, June 26, 1973, the city of Youngstown celebrated Helen Woods Cook Day. This tremendous honor was bestowed on Mrs. Cook for her 50 years of tireless effort on behalf of the community in which she was born and raised. In fact, 2 weeks after graduating from Rayen High School, she began volunteering for the N.A.A.C.P. membership drive and soon became an active member. After marrying Mr. Foort Cook in 1948, she raised four beautiful children, Curtis Daniel, Rose Sharon, Foort Edward, and Artell Brian Cook.

During the 1960's, Helen was president of the "Grass Roots" auxiliary corp, which was actively involved in the March of Dimes Community Chest and Community Action Centers of Youngstown. She later served on the Northside Action Center and its community action council, the legal assistance board and the Gilead House. She was board member and president of the house. Since 1973 she has held the position of case manager at the mental health board, working at the adult center as a liaison between the center and various agencies, schools, churches, and courts.

After observing her incredible efforts, the Y.W.C.A. nominated her for Woman of the Year in 1983. Meanwhile, the Ohio Business and Professional Women's Club, Inc., honored her with their Woman of the Year award that same year.

What I find even more impressive, Mr. Speaker, is that Mrs. Cook is a renowned gospel singer. After making her singing debut at the age of 3, Mrs. Cook has since showcased her talents for some of the most powerful people in the world, including Presidents John F. Kennedy, Lyndon B. Johnson, and Jimmy Carter.

Mr. Speaker, I join the citizens of my district in congratulating Mrs. Cook on her exemplary career. Her unselfish dedication to the people of my community has enhanced their lives, and I am fortunate to have her in my district.

## TRIBUTE TO BRENDAN DANIEL MICHAELIS

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. KING. Mr. Speaker, I rise today to welcome a constituent to New York's Third Congressional District, Brendan Daniel Michaelis, who was born at 9 p.m. on Monday, July 19, 1993. Brendan Daniel, born to Robert and Deborah Michaelis of Long Beach, weighed in at 7 pounds and 9 ounces. I am pleased to take this opportunity to offer my warm personal congratulations to the proud parents and their families.

## IN HONOR OF THE FIRST ARMENIAN PRESBYTERIAN CHURCH OF FRESNO

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. ESHOO. Mr. Speaker, I offer my sincere congratulations to the First Armenian Presbyterian Church of Fresno as it celebrates the 96th anniversary of its founding. As an American of Armenian descent I am especial proud to send my best wishes to the more than 300 members of the church community as they honor this historic occasion.

The First Armenian Presbyterian Church of Fresno was the first Armenian church organized in the State of California. The church had its origins in the Armenian Ladies' Patriotic Society which supported orphans, ministers, and other men and women in Armenia.

On July 25, 1897, 34 men and women met in a hall in Fresno and formally organized the church. It was appropriately recognized and enrolled in the fellowship of Presbyterian churches. Since then, the church has grown from 34 charter members to 374. The Sunday school and four Bible study groups provide Christian education to believers of every age. Fellowship groups serve the needs of both the young and old Armenian speaking men and women residing in the area.

Nearly 100 years after the founding of the First Armenian Presbyterian Church in Fresno, the church continues to meet the needs of its members and the surrounding Armenian community. I urge my colleagues to join with me in congratulating the First Armenian Presbyterian Church as it embarks on a new era.

## IN HONOR OF TSUYOSHI KAWANISHI, KATSJI MINAGAWA, AND HIROMU FUKUDA

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. ESHOO. Mr. Speaker, in this time of controversy over trade practices and closed markets, it is a great pleasure to recognize the efforts of three Japanese businessmen who are assisting United States companies in learning to compete in the Japanese markets.

These three men, Tsuyoshi Kawanishi of Toshiba, Katsji Minagawa of NEC Electronics, and Hiromu Fukuda of Hitachi Semiconductors, under the auspices of SEMICON/West, will be teaching United States companies about Japanese market potential, how to do business with Japanese companies, and how to access Japanese markets.

In this time when markets are becoming increasingly global and all nations are tied together, this type of assistance and cooperation are vital. When executives of major international companies come together to teach others about their customs and ways of operation, we know we have entered a new era of global cooperation. It is in forums such as this that real strides are made in understanding.

The benefits of such cooperation and understanding are also global. By opening markets, consumers and companies will reap the benefits of broader selection and greater specialization of goods and services. By sharing expertise, each company can operate more efficiently, reducing waste, and providing greater return to both stockholders and buyers.

I salute these men and all the others who are making it their quest to bring the companies and the countries of this world together. Their activities embody the best in global cooperation, and we all are richer for their efforts.

## TRIBUTE TO STUDENTS AGAINST GLOBAL ABUSE

### HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. BYRNE. Mr. Speaker, I rise today to commend and congratulate a group of young environmentalists in the 11th District of Virginia. Students Against Global Abuse, an environmental group begun at Herndon High School, was recently featured in a primetime network television program that highlighted their spectacularly successful communitywide recycling effort.

SAGA began 3 years ago as a recycling initiative between Herndon High School and the Herndon Chamber of Commerce. A group of Herndon High School students, with their adviser Gary Gepford, have cultivated SAGA into an environmental powerhouse in northern Virginia. Today the program involves 100 children in 25 schools, and their sponsors include more than 150 local small businesses and large corporations.

Each year in America, 80 million tons of municipal waste is dumped into rapidly disappearing landfills. The SAGA kids are looking beyond this simplistic approach; toward the time when digging a hole and filling it up is no longer an option. This program has diverted 150 tons of recyclable materials from the waste stream by collecting white paper, cardboard, newspaper, and aluminum from schools and local businesses. SAGA members visit area businesses to instruct workers on what is recyclable. Their efforts have conserved 2,500 trees and 520,000 kilowatt hours, and saved over $7,000 in local landfill fees.

Proceeds from their recycling goes into a scholarship fund. In the past 3 years, 17 Herndon High School students have shared $12,000 in SAGA scholarships to study environmental science. Recently SAGA was commended as the best high school environmental program in the country by the Anheuser-Busch Corp. The national environmental award they received provided an additional $12,500 for SAGA's scholarship fund. Their efforts have not only helped to preserve and protect our environment, but have also given many kids the financial ability to attend college.

It is heartening to me to see young persons take an active interest in issues of great importance to our Nation. I am confident that the SAGA students are the movers, shakers, and leaders of our future. We can all learn a lesson from these wonderful young people.

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## DEPARTMENT OF VETERANS AFFAIRS INDICATED SUPPORT FOR H.R. 2647

### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. KREIDLER. Mr. Speaker, last week, I introduced H.R. 2467. This legislation will provide for the survivors of Servicemen's Group Life Insurance [SGLI] members who died while faithfully serving their country, and to ensure a more instantaneous and equitable effective date for changes to SGLI. Today I received a letter indicating the Department of Veterans Affairs' strong support for H.R. 2647. I am very appreciative of Secretary Brown's support and am pleased that the Office of Management and Budget has advised that there is no objection from the administration.

This legislation is a matter of equity and fairness, and demonstrates the Governments good-faith commitment to the families of service men and women who served their country with honor. I am hopeful that with the Secretary's and administration's support we can quickly move this legislation. I urge my colleagues to review Secretary Brown's letter that follows:

THE SECRETARY OF
VETERANS AFFAIRS,
*Washington, DC, July 20, 1993.*

Hon. G.V. (SONNY) MONTGOMERY,
*Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to express the Department of Veterans Affairs' strong support for H.R. 2647, a bill "to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line."

The Veterans' Benefits Act of 1992, Pub. L. No. 102-568, §201 (1992) amended section 1967, title 38, United States Code, by providing that eligible service members may, upon application, obtain increased coverage under their Servicemen's Group Lie Insurance (SGLI) policies in the amount of $100,000 or any lesser amount evenly divisible by 10,000. Under section 205 of the Act, the effective date of this amendment to section 1967 was December 1, 1992.

H.R. 2647, introduced by Congressman Kreidler July 15, was prompted by two Air Force Crashes which occurred in Montana and Texas on the evening of November 30, 1992, according to the standard time of the zone in which the service members were located, which is prior to the effective date of Pub. L. No. 102-568. The crashes resulted in the deaths of 17 service members. Additionally, ten other service members are believed to have died on November 30, 1992. We have determined these deceased service members were not entitled to the increased SGLI coverage under Pub. L. No. 102-568, because of the Uniform Time Act of 1966, §4(b), 15 U.S.C. §262, which provides in effect that the time for determining when a right accrues under any federal statute is the United States standard time of the zone where the person entitled to the right is located. The service members who died in the Air Force crashes, therefore, are not entitled to the increased SGLI coverage under Pub. L. No. 102-568 because they died prior to 12:00 a.m. on December 1, 1992, according to the standard time of the zone in which they were located.

As a matter of equity, we believe that all service members should be eligible for the increased SGLI coverage at the same moment. Under H.R. 2647, any individual who had applied for the additional coverage and whose death occurred on or after December 1, 1992, as determined by the International Date Line, would be covered.

We do suggest one minor modification of the bill which would make clearer that it is intended that insurance-law amendments become effective when the statutorily prescribed dates first begin just west of the date line. We recommend the words "date and time immediately west of the" be inserted before "International Date Line" in the proposed new 38 U.S.C. §1967(f).

We are as yet uncertain as to how many of the 27 deceased service members had applied for the increased SGLI coverage. However, H.R. 2647 would result in additional costs to the SGLI Contingency Reserve Fund of up to $100,000 for each service member who had applied for the increased SGLI coverage. Current analysis indicates that the pay-as-you-go effect of this legislation is zero.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report on H.R. 2647 to the Congress.

Sincerely yours,
JESSE BROWN.

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## MAKING HIGH-PERFORMANCE TECHNOLOGY THE NEXT MISSION TO THE MOON

### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. SABO. Mr. Speaker, a recent column in Federal Computer Week made some excellent recommendations for America's national technology agenda. In it, Mr. Jim Leto suggested that our technology agenda should be focused on a single objective, one that touches the lives and captures the imaginations of all Americans. Mr. Leto is chief executive officer of PRC Inc., a systems integrator with headquarters in McLean, VA, and over 7,000 employees nationwide. In the column he states the reason our current major technology initiatives, space station *Freedom*, and the superconducting super collider, have difficulty maintaining funding, "they have never had a clearly defined mission that was communicated strongly and boldly to the public or to Congress." Mr. Leto also states that the public, whose money supports these programs, and we legislators, who must approve the programs and allocate funds to them, have never been told clearly why we need these projects.

Mr. Leto believes that America's next major technology initiative, if it is to succeed, must be presented as our next "mission to the moon," something that will excite the American people and prove itself worthy of our support. Mr. Leto's suggestion for this project is based on our Nation's most vital asset—our schools. All of us can agree that our schools are worthy subjects of a major national initiative. I find much that is praiseworthy in this article and feel it is deserving of all our attention. My compliments to Mr. Leto for his imagination and foresight.

Mr. Speaker, the text of Mr. Leto's article follows:

[From the Federal Computer Week, May 24, 1993]

### MAKING HIGH-PERFORMANCE TECHNOLOGY THE NEXT "MISSION TO THE MOON"

(By Jim Leto)

A new language is emerging in the federal technology landscape, a language of high-performance computing, information infrastructure and new technology initiatives. Not surprisingly, it comes with a new set of acronyms: HPCC, NREN, NII and NTI. Together, the language and its acronyms embody a new vision for the information technology industry.

The vision calls for the creation of huge national networks capable of transmitting vast amounts of data instantly to hundreds of thousands of points across the country. It also includes the development of advanced technologies to build the networks and a change in direction for the industries driving this revolution.

Those who claim some proficiency in this language have an obligation to see that the vision is properly focused. We have an obligation to help the public understand it because only then will policy makers at all levels of government be able to support its growth. But make no mistake about it, this growth will not be inexpensive.

Because this vision will require the investment of billions of public and private dollars—reaching into the wallets of every American household—private citizens need to know why and how their money will be spent. So far, we don't have that justification—at least, not to the extent that's needed.

Part of the problem lies with the fact that this "technology visions" is not clear. The ultimate place we want to be has not been targeted.

### CASE STUDY OF SUCCESS

Compare three mega-initiatives of the recent past; one that succeeded and two that are still struggling.

In 1961 President Kennedy told the nation that the goal in our space program was to send a man to the moon and safely return him to Earth by the end of that decade. That speech focused a vision that shaped our direction in space for 10 years. From that vision, we created goals, objectives, actions; we focused our funding; and we measured our results. As Americans, we understood the challenge the president posed. And best of all, it captured our imagination.

As a taxpaying public, we supported NASA enthusiastically, and we met the challenge. The Apollo 10 mission to the Moon was the ultimate application of technologies pursued during the 1960s.

We were able to successfully pursue that mission because it had public support. And it had that support because the Oval Office clearly articulated the goal of our space program.

On the flip side, look at the multibillion-dollar Superconducting Super Collider. Funding for this initiative is being delayed, and its support continues to plunge. Then there is Space Station Freedom, which faces continued reshaping and downsizing.

Both of these grand projects lacked a focused vision that an American could relate to or understand. And while we know all too well how scarce funding is, these programs have suffered more from the absence of a clearly focused mission than from a lack of funding.

There's a lot we can learn from President Kennedy's clearly defined mission. Today we have a public that probably believes that the IT industry—telecommunications, software and hardware manufacturing, and systems integration—offers the best hope for renewed national economic strength and a better quality of life. We have a president and vice president who have embraced our industry and who are seeking a clear national technology agenda.

What we need now is our "mission to the moon," that one objective or grand application that can capture the imagination of the public and win the support of policy makers.

So how do we focus our vision? Let's look at two opposite approaches. First, imagine the level of public support for an initiative to develop a national information

But what if that concept is restated so that it can be translated into the result that such an infrastructure would have on the lives of all Americans?

Consider the great national treasures the Library of Congress has; its immense inventory of art; literature, science and the information products that its 5,000-person research staff develops. The Library is in the process of digitizing these information inventories, yet they are accessible only to Congress or Americans who live in the Washington metropolitan area and then only if they visit the Library.

Now a vision emerges. Our objective is to link the Library and its national information warehouse with 75,000 schools and universities and 15,000 libraries by 2000. We're going to connect rural and urban schools, thereby delivering the power of vast information resources and technologies to classrooms and school districts from kindergarten to 12th grade and on through the university level.

Connecting the Library with schools is just one example of countless resources that could be linked.

But by linking our schools and using them as our central focus, we can create a network that is equally accessible to industry and government for its endless array of uses. We will give our children opportunities and access to information that no other country offers, that no other generation of Americans has had.

And we're going to do this with a national information network that includes connections through direct digital networks and through the use of satellites and remote digital sites.

We can take our technology goals and give them new meaning. This is a goal worthy of support, our "mission to the moon" for the 1990's.

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## MOST-FAVORED-NATION TRADE STATUS FOR ROMANIA

## HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. HOYER. Mr. Speaker, once again the question of restoring most-favored-nation [MFN] trade status to Romania has come before the House of Representatives. Many of my colleagues will recall this issue's charged and contentious history, from the days when Romania enjoyed MFN, despite the abominable human rights record of Communist dictator Nicolae Ceausescu, to the heated floor debate and vote last September, when restoration of MFN was resoundingly defeated by this body. My colleagues may also recall that I spoke to this issue in September 1992, arguing that restoration of MFN prior to Romania's presidential and parliamentary elections was dangerously premature.

Today, however, my message is different. Today, I am lending my voice and strong support to those who believe the time for restoring MFN to Romania has come.

As Co-Chairman of the Commission on Security and Cooperation in Europe—Helsinki Commission—I have closely followed developments in Romania for many years. Commission delegations and members of the Commission staff have visited Romania at regular intervals since the revolution of December 1989, and have monitored and reported on the general and local elections of May 1990, February 1992, and September 1992. Through meetings and extensive correspondence with Romanian authorities, Commission Chairman Senator DENNIS DECONCINI and I have carefully followed the progress of Romania's complex transition to democracy, raising issues of concern whenever necessary.

Since the fall of the Ceausescu regime, Members of Congress have urged that restoration of MFN rest on progress in four specific areas: the holding of timely, free, and fair elections; the removal of barriers inhibiting an independent media, particularly broadcast; better control of the internal security and intelligence forces; and greater protection of individual human rights, particularly with regard to minorities. More recently, my colleague and good friend Representative BART GORDON has introduced legislation suggesting that conditions in Romania's orphanages and children's institutions should serve as another guidepost in our deliberations.

But I would like to address the general state of democratization in Romania. Of all the countries of East Europe, perhaps Romania suffered the most and had the farthest to travel to overcome its bitter legacy. The journey has been difficult, but it appears that it is one that Romania has committed itself to complete. In my view, we have seen important progress in all of the areas I mentioned earlier. Most recently, two important legislative initiatives have been taken in Romania, one concerning civilian oversight of the Romanian

All political forces in Romania, including the opposition Democratic Convention of Romania and the Hungarian Democratic Union, now openly support the restoration of MFN trade status for their country. Indeed, its continued denial appears to serve best the interests of extremist, xenophobic, anti-Western groups, who use it as evidence of Romania's victimization and subversion by forces outside and by traitors within. Surely the time has come to extend a hand to the people of Romania, to recognize the important progress they have made and to demonstrate our support and encouragement. Surely the time has come to acknowledge Romania's observance of the United Nations sanctions against Serbia—a former ally and trading partner—which they have made a good faith effort to uphold despite tremendous economic difficulty. Surely the time has come to reassure Romania, firmly and clearly, that we want them to be full participants in the community of democratic nations.

I am not suggesting that Romania's transition to democracy is complete, or that the human rights picture is perfect. The Helsinki Commission will continue to follow developments in Romania, and will continue to press for better compliance with CSCE standards and commitments. But I firmly believe that if we really want to see change, if we really want to see the full evolution of democratic institutions and a market economy, then our approach must be one of engagement. I urge my colleagues to join our President in supporting the restoration of most-favored-nation trade status to Romania.

## TRIBUTE TO RICHARD A. "DOC" WHITWORTH

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### HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. CARR. Mr. Speaker, one of the truly unique and dedicated individuals in the U.S. auto industry, Richard A. "Doc" Whitworth, soon will be retiring. Doc is manager of traffic safety at the General Motors Proving Grounds in Milford, MI, a facility which I represent along with our colleague, Mr. Knollenberg.

Many government officials and others has visited this GM facility over the years, to learn more about the extensive safety, emissions, durability testing, and development that is part of the intricate process involved in producing today's motor vehicles.

They also have learned first hand from Doc Whitworth—usually in a thrilling fashion behind-the-wheel or in the passenger seat—about how to properly and safety operate one of those motor vehicles. Doc's advanced-driver-training session is a staple of any visit to this impressive facility, and I have long been convinced that if all drivers could spend some time with Doc—or learn his techniques in other ways—that we would be a nation of better and safer drivers.

In its June 14 edition, the Detroit Free Press published of profile of Doc Whitworth which tells a lot about the man and his dedication to improved highway safety. I wish Doc Whitworth the best in his retirement, and commend the article to our colleagues.

[From the Detroit Free Press, June 14, 1993]

ON PATROL AT GM'S TRACK

(By Greg Gardner)

The sign still says "General Motors Proving Ground." The company's new corporate-speak has rechristened it the "Validation Center."

When you enter the 4,000-acre complex in Milford, you're really in Richard (Doc) Whitworth's town, and he's the all-powerful sheriff.

"It's a small community of about 3,200 population," said the 60-year-old Whitworth, who knows a healthy portion of them by name. "Counting the people who drive in and out from other company locations, on any given day we probably have 4,000 on the grounds."

His business card says he's the manager of traffic safety, but he doesn't cotton much to titles. His primary mission is to make people safer drivers, and he takes that mission seriously.

Throughout the rolling hills, twisting roads and dozens of laboratories that dot the proving ground landscape, Whitworth enforces his safety rules as if they were law.

"We always thought of him as the Wyatt Earp of General Motors, and we were the villains," recalls Don Sherman, an independent automotive writer who has endured his share of finger-wagging lectures from Whitworth. "You sort of felt like a truant sixth-grader in his presence."

From a distance, Whitworth looks like actor Wilford Brimley on location to film another Quaker Oats commercial.

One car magazine editor describes him as a cross between a Marine drill sergeant and the police officer in "Smokey and the Bandit."

More than a few General Motors executives recall sheepishly when Whitworth has revoked their proving ground driving privileges for recklessness, carelessness or other transgressions of the good doctor's commandments.

John Grettenberger, general manager of Cadillac division, recalls the day several years back when we was putting an Allante through its paces on an expansive piece of blacktop known as Black Lake.

"I was wheeling around Black Lake, going a little faster than I should have been," Grettenberger said. "All of a sudden, this pickup truck is coming straight at me with a flashing light on top. Doc jumped out of it and reminded me in no uncertain terms that if I didn't slow down, I'd be in big trouble."

Even GM President Jack Smith could be stripped of his proving ground privileges for three violations, and a violation could be as minor as momentarily swerving onto the shoulder of a road. Whitworth says Smith is a pretty sensible driver.

Like an eagle hovering over its nest, Doc has been known to swoop down on unsuspecting spy photographers snapping away at top-secret prototypes. After all, between 700 and 800 cars and trucks are tooling around his village on any given day. There are bound to be a half dozen cars that aren't ready for dealer showrooms.

Noted spy photographer Jim Dunne has triggered Whitworth's wrath on numerous occasions but insists he holds no grudges.

"He didn't just tell you the rules and go back to his office and sit down," Dunne said. "He was there all the time. He is a real gentleman.

Whitworth grew up in northeastern Indiana, where he helped his father build midget racers and sprint cars that they drove on weekends at local tracks.

"I got my taste of racing early, ran . . . through the fence a few times and found out what I couldn't do," he said.

Oh, yes, the nickname. He came by it during his college days at Ball State University in the mid-1950s, while running the 400-meter high hurdles, he injured his knee severely enough to end his track career. So he took a four-week crash course at Purdue University and became Ball State's first athletic trainer.

"We're talking cuts and bruises and tape. It was not the sophisticated sports medicine of today," he said.

Perhaps that fueled his obsession with safety.

"Obsession" is the right word. In the early 1960s, he taught shop, health and driver's education to high-schoolers in Kenosha, Wis., but it wasn't enough. Were these kids really learning or just going through the motions so they could get their licenses? Whitworth wasn't sure.

"There I was with a master's degree in highway safety, and I just wasn't doing what I wanted to do," he said.

By the mid-1960s, he landed a job as the National Safety Council's technical director. That gave him a forum to educate auto executives, educators and politicians. When legislators drafted laws on everything from seat-belt use to drunk driving, they sought Whitworth's opinion.

GM took note of that expertise and hired Whitworth in 1969. He gradually worked his way up from a tire-testing technician to the corporation's safety guru.

Now, at age 60, Whitworth is known by everyone who's anyone at GM.

Whitworth began to find his niche in the early 1970s, when Oakland County officials discovered that high-speed chases were causing the expensive and rapid turnover of its sheriff's department fleet.

"They were just tearing up patrol cars right and left. Insurance companies were on their back. This was taxpayer's money they were sucking up," Whitworth said.

So he put together a simple one-day training course. Crash-avoidance drills, steering a slalom course marked by orange cones, proper braking skills and how to maintain control when a car starts to hydroplane.

The county put its deputies through it. After two years, the county had cut patrol car accidents in half.

Since then, Whitworth has trained more than 700 instructors who, in turn, have helped law enforcement agencies across the nation. He also has developed a training manual used by the National Highway Traffic Safety Administration and the FBI.

"I don't tolerate ignorance or egos very well," Whitworth said. "I can't help the deputy who backs out of the parking lot into a telephone pole because he's got his head up a certain part of his anatomy."

There's much more than preaching and teaching to Whitworth's job. He studies police reports and reconstructs accidents to learn how future car designs can enhance safety.

One recent morning, several large slabs of concrete buckled on the proving ground's 4.5-mile circular track. So Whitworth swung into action to get it fixed before test schedules were seriously delayed.

"That's what I like about this job," he said. "It keeps you busier than a dog scratching fleas."

On weekends, he and his wife, Betty, stock their RV with food, rendezvous with friends and go exploring and camping throughout the Midwest. "We're gone two weekends out of every month this time of year," he said. "I'm a gypsy at heart."

A few years ago, he took up wood carving. He and Betty were browsing through a crafts fair one day, admiring some pieces, when she told him she bet he could do that.

"Today I've got my own woodworking shop at home," he said. "I've never been afraid to start something new."

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## SELF-HELP: FASHIONING THE DAIRY INDUSTRY OF TOMORROW

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### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. GUNDERSON. Mr. Speaker, in less than 7 years, we will be entering the 21st century. While that transition is largely symbolic, changes which have occurred in the past decade have created challenges for all of American agriculture and, particularly, its dairy industry. Indeed, with the demise of the Soviet Union as a nation, American dairy farmers now represent the single largest national dairy industry in the world.

Nowhere is that change more evident than in recently released trade statistics for the period between January and April, 1993, showing an 18-percent increase in American dairy exports when compared with the same 4-month period in 1992. With the elimination of Mexican nontariff barriers to our dairy products by NAFTA, even greater trade opportunities are on the horizon in our own hemisphere.

Simply stated, we no longer produce milk and dairy products only for an American market. Rather, the whole world is our marketplace. Hopefully, we can use this change to our advantage in creating greater price stability for dairy producers as well.

Mr. Speaker, the question is whether all segments of the American dairy industry are ready to take on the competitive responsibilities associated with this new world role. And, if they are not, can we provide them with the tools they need to become—and remain—competitive in a world dairy market.

Indeed, that is the concept of dairy self-help legislation—to help American dairy farmers take control of their own destiny and compete in a world market. Quite frankly, it

In response to criticisms in the mid-1980's that the dairy support program was costing too much, a series of reforms were undertaken that have reduced spending on the program from $2.4 billion in 1986, to an annual cost of between $250 and $300 million today. In a time of escalating costs in other entitlement programs, this reduction is nothing short of phenomenal.

This was accomplished, in part, by having dairy producers assume a portion of the cost of the program. In fact, dairy farmers pay for approximately 40 percent of the program currently. Accordingly, it is appropriate for them to have a greater say in the day-to-day operation of that program.

That's why I have long-supported the concept of self-help and joined the chairman of the Livestock Subcommittee, Mr. VOLKMER, last Thursday in introducing H.R. 2664, the Dairy Self-Help Initiative Act of 1993. This legislation, fashioned by the executive board of the National Milk Producers Federation [NMPF] in a series of meetings this Spring, is an important first step in creating a self-help program for the American dairy industry.

At the same time, Mr. Speaker, it is important that this legislation receive the full scrutiny and analysis of the legislative process to insure that we are creating a self-help and not a self-hurt program. In that process, we cannot lose sight of the goal of dairy self-help—an American dairy industry prepared to compete in a world market.

Indeed, several portions of the NMPF proposal need to be reviewed by USDA and

At a time when we are taking on the responsibility of serving a world market, it cannot go unnoticed that the dairy industry has aged significantly. The average dairy farmer, in certain regions of our country, is in his or her midfifties, and their respective facilities have not been updated in as much as 30 or 40 years. If we are to remain competitive in a world market, we need new blood and modern facilities.

A targeted excess purchases reduction, with limited or no exceptions, represents the single greatest threat to a modern American dairy industry and our future competitiveness in a world market. Allowing a new producer an exemption from the targeted excess purchases reduction for only 75 percent of his or her production and allowing no exemption whatsoever for a producer who needs to increase production to pay off the cost of modernizing his or her 25-, 35-, or 45-year-old facility only perpetuates the aging structure of the American dairy industry and works to the contrary of the stated purpose of self-help.

Clearly, Mr. Speaker, we've made a good start toward a dairy self-help program, but there's work left to do. I, therefore, look forward to working with Chairman VOLKMER and my colleagues throughout the legislative process on this proposal in order to produce a self-help program of benefit to all dairy farmers and the entire dairy industry.

## TRIBUTE TO ROBERT VODILKO, JR.

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to an exceptional young man from my 17th Congressional District. Robert Vodilko, Jr., is now a member of the prestigious Eagle Scouts of the Boy Scouts of America. He passed his board of review on May 11, 1993.

Mr. Speaker, Robert first came to my attention several years ago when he wrote to my office asking why our country only gives veterans flags upon their death. His letter forced me to ask the question myself. When I was unable to come up with a satisfactory answer, I decided to try to rectify the situation. In 1991, I introduced H.R. 2408, a bill that would provide for the distribution of a flag of the United States to each individual who serves as a member of the Armed Forces in a hostile area during a period of war.

Mr. Speaker, although this bill did not pass, I want to recognize Robert for his role in the bill's introduction. Originally, it was his idea, and after careful thought and reconsideration, I agreed. Robert is an outstanding young man and I know he will go far in life.

## LOCKHEED'S BARD ALLISON STEPS DOWN AFTER 36 YEARS

### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. DARDEN. Mr. Speaker, today I rise to recognize H.R. "Bard" Allison, who after 36 years of helping to make Lockheed Aeronautical Systems Co., one of the Nation's leading defense contractors will retire on July 31.

Mr. Allison has been an integral part of Lockheed's success. In addition to his exceptional knowledge of aviation engineering, he has served as an outstanding leader, helping to guide the company to reach and maintain the highest standards of excellence.

At the Marietta facility, engineering and manufacturing development work currently is underway on the F-22, a state-of-the-art aircraft that will revolutionize air combat and ensure that the United States will continue to dominate in air superiority well into the next century. Lockheed also is known as the airlift capital of the world, having produced the C-5A, C-5B, C-141, and C-130 aircraft.

After completing a mechanical engineering degree at the University of South Carolina and a tour in the U.S. Navy, Mr. Allison brought his talents to Lockheed in 1956. Work on the C-130 aircraft, today the workhorse of our Armed Forces' airlift fleet which performed so magnificently during the Persian Gulf war, had just gotten underway at the Marietta plant.

Mr. Allison began his career as an associate aircraft engineer specializing in propulsion and thermodynamics; he was largely responsible for the successful development of the C-141 Starlifter and C-5 Galaxy programs. With the C-5A program completed in the early 1970's, he expanded his skills to research and technology as chief engineer.

After becoming director of engineering in 1979, Mr. Allison led efforts to improve and extend the life of two valuable projects at Lockheed—the C-5 and the C-141 fleets. Moving into program management as vice president for these two aircraft programs in 1984, he played a major leadership role in the highly successful C-5B program. He was appointed as executive vice president and elected a vice president of Lockheed in 1986.

Mr. Allison is leaving a great legacy to Lockheed as well as to the rest of our Nation's defense industry and military. His dedication and contributions, both personal and professional, will forever be reflected in the quality workmanship and performance of Lockheed aircraft. He and I have been good friends for many years.

I join Mr. Allison's friends in saying that he will be greatly missed at Lockheed. I wish him and his family the best in his well-deserved retirement.

## KITTATINNY CANOES—CLEANING UP THE DELAWARE RIVER

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. HINCHEY. Mr. Speaker, this week, Kittatinny Canoes will conduct its annual On and Under the Delaware River Cleanup. More than 100 volunteers are scheduled to participate each day. Kittatinny Canoes, the oldest and largest Delaware River livery, has conducted this event for the past 3 years. It is aimed at bringing together individual volunteers, organizations, and communities to work together to clean trash from the river. When people work together, taking pride in their surroundings and improving the area for everyone, great things can be accomplished. Tons of trash including tires and aluminum cans were removed from the river and its surrounding area. For 2 consecutive years. Kittatinny Canoes has placed first in the Take Pride in America Program, for their effort to protect and preserve the Delaware River. Their 1992 cleanup resulted in a Volunteer Service Award from the U.S. Department of the Interior. The river remains crystal clear, and the EPA rates the water quality of the Delaware as excellent. I would like to commend Kittatinny Canoes for its commitment of staff, facilities, equipment, expertise, and resources to this effort. The kind of spirit displayed by the company demonstrates a caring for the environment and the community, a spirit I think we can all applaud.

## TRIBUTE TO SENPO SUGIHARA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. LANTOS. Mr. Speaker, I rise today to honor a hero by the name of Senpo Sugihara, a former Japanese diplomat who sacrificed his budding diplomatic career to save the lives of thousands of fleeing refugees from the horrors of the Nazi death machine.

Posted in Lithuania during World War II, Mr. Sugihara risked his life and sacrificed a promising diplomatic career by issuing transit visas against the orders of the Japanese Government. Thousands of trapped and desperate Polish Jews possessing those visas were able to escape persecution via the Trans-Siberian Railway.

Even as he was being transported for defying the orders of his superiors, he enabled a final group of refugees to escape by issuing them visas from the car of his train. His act of courage and his willingness to defy the immoral and unjust decrees of his government insured the survival, among others, of the entire faculty and student body of Mir Yeshiva, the only European Yeshiva to survive the Holocaust, Zera Warhafting, one of those saved by Mr. Suyihara, became Israel's Religious Affairs Minister. Another, Menahem Savidor, became Speaker of the Knesset.

Sugihara has already received extensive honors throughout the world. In his home native village of Yaotsi, Japan, a memorial park has been dedicated in his honor. He has been recognized as a Righteous Gentile in Israel, and is the first Japanese to receive that honor. In our own country, he received the Courage to Care Award of 1989 from the Antidefamation League of B'nai B'rith.

Mr. Speaker, Sugihara is unique because he demonstrated that every individual is empowered to resist the tyranny of an immoral government; one can act in accordance to the dictates of a higher moral authority that advocates justice, humanity, and compassion to all mankind. His noble deeds will live and be remembered long after the tyrants and the dictators will have been relegated to the dustbin of history.

## STATEMENT REGARDING HOUSE JOINT RESOLUTION 231

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. COBLE. Mr. Speaker, on July 15, I introduced House Joint Resolution 231, a bill to designate the week of November 6, 1994, as "National Elevator and Escalator Safety Awareness Week."

More than 75 billion passengers use these services each year. There are approximately 700,000 elevators, escalators, and moving walkways in North America. The industry has established safety codes at both the State and national levels to ensure that this equipment is designed, manufactured, and installed to provide safe and dependable operation.

My resolution will help to educate the public on the importance of observing safety precautions when using elevators and escalators. Regrettably, approximately 14,700 persons are injured each year on escalators and elevators. A majority of those suffering injuries are children under the age of 10 and persons over the age of 60.

The Elevator Escalator Safety Foundation [EESF], an industry-wide coalition of manufacturers, contractors, and safety authorities, is already engaged in a major education campaign to instruct the public on the proper and safe use of industry equipment. Passage of my resolution should assist in this effort.

Americans use this equipment daily, and any preventive measure designed to ensure the safety and well-being of our citizens is a goal worth pursuing. I urge my colleagues to join me in sponsoring this resolution.

## THE 50TH WEDDING ANNIVERSARY OF HERBERT L. AND ELEANOR WURTH

### HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. BYRNE. Mr. Speaker, I am pleased today to rise in tribute to Herbert L. Wurth and Eleanor Wurth of Falls Church, VA, who celebrated 50 golden years of marriage on July 17, 1993.

Our Nation was engaged in a terrible war when Mr. and Mrs. Wurth were wed on an Army air base in Florida. Their story reads like a movie script of the time. High school sweethearts who married in the midst of war. He leaves to be a bomber pilot over the Burma Hump—and later in Korea with the U.S. Air Force. She lends strong support to family and Nation on the home front. Herb is from Hackensack, NJ, and Ele is from Oradell, NJ.

Herb also saw duty in public information positions in the Pentagon, for the U.S. Post Office, and the Air Force in Los Angeles, where he consulted with Hollywood over the treatment of the service agency in such productions as the motion picture "Tora! Tora! Tora!," and the television series "I Dream of Jeannie."

Now happily retired, they are good and helpful neighbors. I ask that the Members of Congress join with me in congratulations to Herb and Ele. I know that I will be joined by their sons, James and Robert, and grandchildren, Scott and Amy, as well as their many good friends, many of whom live on Jewel Street in Alexandria, VA. I am honored to be a part of this celebration and wish Herb and Ele another half century of good health and fortune.

## AGRICULTURE APPROPRIATIONS—H.R. 2493

SPEECH OF

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 1993*

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to Representative ARMEY'S amendment to H.R. 2493 to eliminate funding for the Market Promotion Program.

The district I represent, Marin and Sonoma Counties in California, is famous worldwide for its excellent wines. The Market Promotion Program [MPP] has enabled the wines of my district and all of California to successfully compete in the international market.

Although California's wines are competitively priced and are of the highest quality, they cannot survive in the world market without MPP due to unfair trade barriers and other disadvantages. The European Community is heavily subsidized through export refunds and domestic price support programs that allow European Community wine producers to lower costs and absorb high tariffs. However, the wine industry receives no production subsidies from the U.S. Government. MPP is not a subsidy—it is a program aimed at making U.S. exports successful in international markets.

With the help of MPP, wine export sales grew from $27 million in 1985 to $175 million in 1992. Clearly, this shows that MPP is a proven success and is crucial to the future well-being of our growing wine industry.

Mr. Chairman, I strongly urge my colleagues to vote "no" on the Armey amendment.

## DISAPPOINTMENT WITH STATE OF AFFAIRS IN CYPRUS

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. HUGHES. Mr. Speaker, I rise today to join with my colleagues on the Human Rights Caucus in expressing our shared disappointment with the state of affairs in Cyprus.

As we are continually encouraged by the efforts of nations around the globe to establish new foundations based upon democratic principles and peaceful motives, we must not forget the division and strife in nations such as Cyprus.

The 1974 division of Cyprus among the Greek Cypriots and the Turkish Cypriots created the 19-year destabilization of the region. Successive rounds of negotiations have failed to bring resolution to this splintered Mediterranean island. In fact, just last week Turkish Cypriot leader Rauf Denktash announced his decision to withdraw from his position as the primary negotiator on behalf of his community, halting the progress of U.N. Secretary General Boutros-Ghali's current talks on settlement. With this key figure absent from the table and publicly rebuking the U.N. initiative, doubt has been cast on yet another resolution effort.

I encourage President Clinton to maintain his commitment to seeking a settlement that provides for the withdrawal of Turkish forces and an accounting of all missing Americans and Greek Cypriots. We should do all that is within our power to alleviate the suffering of those American families left questioning the status of their loved ones for 19 years.

Finally, I echo the President's remarks from National Greek-American Day when he pledged to remain "fully engaged in the U.N. process * * * and not rest until a solution is found."

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## SUPPORT FOR RADIO MARTI

### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. SANTORUM. Mr. Speaker, I rise today in strong support of continued funding for Radio Marti. On October 4, 1983, President Reagan signed into law the Radio Broadcasting to Cuba Act which established the Radio Marti Program. This was created for the sole intended audience of the Cuban people, bringing an objective account of Cuban events and Cuban foreign affairs. Its inception brought the first true voice of the outside world since the Castro dictatorship began.

Since 1959, Fidel Castro has ruled Cuba with an iron hand. Generations of Cubans have grown up isolated on the island, starved for information with no reliable news media or source of knowledge about the outside world. In this time of economic and political isolation Cuba is experiencing due to the demise of the Soviet Union, we must not stop our broadcasts. This program has been an effective, peaceful way of promoting U.S. policy.

In this post-cold-war era, Castro's regime, which depended heavily on the former Soviet Union, is greatly weakened. For years, Cuba depended on almost 70 percent of subsidized trade with the Soviet Union. Due to the decrease of assistance by the former Soviet Union, Cuba is experiencing large shortages in petroleum and other vital necessities. With lost allies in Eastern Europe, the ouster of Noriega in Panama, and the electoral defeat of the Sandinistas in Nicaragua, Cuba's political isolation is growing. The elimination of Radio Marti would not only be a giant public relations victory for Fidel Castro at a time when he needs it most, but would send a demoralizing signal to the Cuban people.

Historically, America has effectively used the voice of freedom nonmilitarily through the use of airwaves. America has promoted the voice of democracy through decades of war with Radio Free Europe and Radio Liberty in spite of repeated efforts to jam its signals. We did not turn our back on the countries of Eastern Europe during the cold war, let us not do so now with the Cuban people. We cannot abdicate our role in supporting the struggle for democracy in one of our closest neighbors. The freedom-seeking people of Cuba have been denied their human rights for far too long.

## TRIBUTE TO AVON W. ROLLINS

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. DUNCAN. Mr. Speaker, Avon W. Rollins is a friend of mine and is a man whom I respect and admire. He came up the hard way, but he worked diligently and became an outstanding student, civil rights proponent, and government official. He has been a leader in everything he has ever done.

Recently the Tennessee Valley Authority put out a publication which tells in brief form the life story of Avon Rollins. It is a fascinating, interesting, and I think, truly American story.

I am proud that Avon Rollins is one of my constituents. He has been a good citizen and has served this country well. Our Nation needs more people like him.

I hope all of my colleagues and other readers of the RECORD will take a few minutes to read this article.

AVON W. ROLLINS: "ONE PERSON CAN MAKE A DIFFERENCE"

(By Jean Nicholson)

"From a boy he knew he wanted to be free; he is a friend of mine; he stood up before the man; he didn't pay no fine. He followed the master plan, he knew what was right, knew how to fight, knew how to deal, knew how to live. He is a friend of mine. He didn't pay no bail, threw him in the jail," says the song written and sung by Matt Jones to honor his friend Avon Rollins. In fact Avon William Rollins (Minority Resources) has quite a reputation, and he's very proud of it.

Avon grew up in downtown Knoxville. The family's house was located on Church Street across from where the coliseum now stands. His social life centered around the streets in the black business community, and Avon quickly became "street wise"—not malicious, just mischievous. However, he does recall a junior high school teacher saying, "You're going to end up in jail."

Rollins became seriously interested in the civil rights movement while still in junior high. In the mid-1950s shortly after Rosa Parks refused to give up her seat on the bus in Montgomery, Avon wrote a paper for a civics class at Vine Junior High School called "America, Are You Really America to Me?" This paper discussed whether America was brave enough to stand up for individuals who were different only by color of their skin. The nation was in turmoil at that time. In Montgomery people were being jailed or fired from their jobs for participating in the bus boycott. It was during this time that the Supreme Court ruled that "separate is not an equal way" to educate America's children and mandated that America's school systems be integrated immediately. There was immediate national unrest. In nearby Clinton, Tennessee, a bomb was placed in a recently integrated school building. A similar situation occurred in Little Rock, Arkansas. Police power was evoked to ensure the safety of African-American children attending these school systems.

In the early 1960s, while a student at Austin High School, Avon was participating in a special program for gifted students at Knoxville College sponsored by the National Science Foundation. The Knoxville "sit-in" movement originated on the college campus, and Avon was in the midst of it. His parents were supportive of his position in the movement, but they were also concerned for his physical well-being. The Knoxville Chief of

In September 1961 Avon was among the first African-Americans to enroll at The University of Tennessee at Knoxville. All the eating facilities in the university area were closed to African-American students, social life was segregated, there was a lack of communication between African-American and white students because this was a new experience for both races to interface with each other. A campus group called "Students for Equal Treatment" was organized and composed of both African-Americans and Caucasians. This group thought it was wrong and un-American for restaurants and other facilities in the university area to deny services or entrance to African-Americans and voiced their displeasure. Avon was also very active in this group.

Avon met Dr. Martin Luther King, Jr., when he came to speak at a commencement exercise at Knoxville College. This was a very large event for the Knoxville African-American community because Dr. King was a well-known celebrity in the civil rights movement as well as across the nation. Avon holds Dr. King in high esteem because he would spend hours talking to young people and debating his theory of nonviolence.

In 1960 Ella Baker called a group of young people together in Raleigh, North Carolina, and the Student Nonviolent Coordinating Committee (SNCC) was born. Avon became very active in this group during his time at UT. Their philosophy was one person can make a difference if enough of those persons band together. Rollins went to school with and worked along with civil rights participants such as John Lewis (now U.S. Representative from Georgia), Marion Barry, Jr. (former mayor of Washington, D.C.), Ben Chavis (current National NAACP President), and Julian Bond (first black nominated for Vice President and now a former state Senator from Georgia).

Marion Barry (raised and educated in Memphis and doing his graduate work at UT-K) was the SNCC Chairman. Initially the group produced a newsletter for college students detailing civil rights movement activities in various communities. Many native Knoxvillians were active in SNCC activities, but Avon is probably the only one to achieve national prominence. Through his relationship with Barry (today they are still the best of friends), Avon was introduced to the hierarchy of the SNCC movement. He became a national executive and headed the Virginia and North Carolina civil rights movements as a field secretary in charge of organizing the movement in these states. During the university's summer break Avon and other SNCC members would go into communities in the deep South (Mississippi and Alabama) to talk about the pressing need for social change. Avon participated in the Birmingham movement and in the historic march from Selma to Montgomery that led to the Voting Rights Act of 1964. Avon was also on the platform during the legendary August 1963 civil rights march on Washington, D.C.

During the civil rights movement marches, demonstrates, and sit-ins, Avon was arrested and carted off to jail many,

Avon did not come away from the marches, sit-ins, and demonstrations unscathed. The back of his head was bashed in many times by police, jail officials, and others who did not agree with the goals of the civil rights participants. He describes the era as "very violent times."

Rollins was employed by TVA in 1965 and was still active in the civil rights movement in Knoxville. Shortly after his employment the Knoxville Journal carried an article from a Charleston, South Carolina, newspaper that implied Avon was participating in civil rights activities while employed by TVA. This involvement also prompted a local grocer to write his congressman about a TVA employee's involvement in civil rights issues, demonstrations, and pickets during office hours. That letter named Avon and delineated where he was at specified times of the day—primarily at a business across the street from this person's grocery in the Knoxville minority community or demonstrating on the grocer's premises. Surveys indicated that this grocery increased its prices at the minority location (in excess of those charged in the more affluent neighborhoods) and hired very few if any minority employees. Avon was involved in picketing in front of the grocery, but only while he was in annual leave status. He also took annual leave to serve his jail time in Virginia so the Danville family would not lose its house to litigation.

Across the nation many books have been written about the civil rights movement, and the majority of these note Avon's participation and feature pictures of him. As mentioned earlier, Matt Jones wrote a song about his friend Avon. Has America changed during the last 30 years because of the civil rights movement? America experienced a time of violent crisis in 1963—violence was prevalent in Danville, Virginia; it was a time when children were killed in a Birmingham church. Now 30 years later the economic conditions of many African-Americans have not improved drastically. However, the civil rights movement has been a road map women used to secure greater participation in American society and other ethnic groups to target a place for themselves also. Avon feels that it has been easier for other ethnic groups to mesh with American society than for the African-Americans because of their similarity in skin coloring.

Although económic standards for many African-Americans are still on the low side of the spectrum (today African-Americans' per capita income is 68 percent of that of the general population), many other changes took place as a result of the civil rights movement of the 1960s. For instance, 30 years ago only one theater in Knoxville admitted African-Americans, and they were restricted to the balcony. One day each year—August 8 (the day the words of the Emancipation Proclamation reached Tennessee)—African-Americans were allowed admittance to Chilhowee Park (a public park); one day each year African-Americans were allowed to go to the skating rink.

Rollins' concern for his race carried over into his career at TVA. In 1970 he and a few other African-Americans carried out his idea and created an organization called the TVA Minority Investment Forum (MIF). MIF's mission was to put some of the money its members earned back into the minority community. Loans were granted (and still are) to minority entrepreneurs to develop or expand businesses in their communities. Interestingly, this group's request to use a TVA conference room

Avon is still very active in his community. He is currently chairman of the Summit Leadership Coalition, composed of all the community's African-American organizations. This coalition brings all the civic, social, and fraternal organizations together to talk about mutual community concerns.

"TVA played a significant role in lifting the Valley to where it is today. Sadly, TVA still rates very low in employment of African-Americans and other minorities," says Rollins. After more than 26 years with this agency, Rollins says he is disappointed that the "color" issue is still prevalent. To overcome this stigma and to gain economic parity, leadership in the Valley needs to be creative and visionary. In the near future he would like to see an African-American appointed to the TVA Board. That appointment would bring focus and change throughout the organization. He would also like to see a task force of prominent economists come together and advise TVA on the direction it must take to ensure that African-Americans gain parity with the Valley's total population. "We all have our biases, but we should not let our biases get in the way of what's right, what's just, or create restrictions for others," says Avon.

He also adds, "Opportunities of African-Americans were restricted by earlier political administrations. The erosion of African-American family life, the dependence of African-Americans on public assistance, and the lessening of jobs in the marketplace were brought about by certain political groups in power. Now because of the change in the world economy, U.S. entrepreneurs are world entrepreneurs rather than American entrepreneurs. Years ago an American entrepreneur would try to find ways to develop, produce, and market a product on American shores. Now firms are looking at the least costly method of production or services, and more often than not that lower cost must come from foreign shores. Therefore, many businesses and factories have been moved to other countries."

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## TRIBUTE TO THE HONORABLE AMBASSADOR VICTOR MARRERO, HISPANIC BUSINESSMAN OF THE YEAR

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Honorable Ambassador Victor Marrero, who will be honored tomorrow evening as the Outstanding Hispanic Businessman of the Year by the National Hispanic Business Group.

Mr. Speaker, I have accumulated a great deal of respect for Ambassador Victor Marrero over the course of many years. Recently appointed U.S. Representative to the U.N. Economic and Social Council, Ambassador Marrero began his career bettering living conditions for the disadvantaged as a senior planning and housing official in the governments of New York City and New York State and as Undersecretary of the U.S. Department of Housing and Urban Development in the Carter administration. As the founding chairman of the board of the Puerto Rican Legal Defense and Education Fund, he worked actively to bring social justice to the Puerto Rican people, and he has put in place an institutional champion of the Puerto Rican cause.

Over the last 10 years Ambassador Marrero has pursued a very successful private law practice and has been involved in innumerable public and civic activities. While continuing as chairman of the Puerto Rican Legal Defense and Education Fund, he has also served on the board of the New York Public Library, the fund for New York City Public Education, the Phoenix House Foundation, and New York Lawyers for the Public Interest, just to name a few. And as a member of the board of several Fortune 500 companies, including New York Telephone and Consolidated Edison, Ambassador Marrero has demonstrated that Hispanics can achieve and perform at the highest levels of corporate America.

Mr. Speaker, I hope my colleagues will join me in paying tribute to this outstanding individual who continues to serve as a very bright example of Hispanic America's potential for success and achievement.

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## THE WRONG TIME FOR TRADE SANCTIONS

### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. KREIDLER. Mr. Speaker, this week the House will vote on a resolution to impose trade sanctions on China. It would be easy to vote for that, because China's record on human rights and arms sales should embarrass any civilized country.

But sometimes acting on our feelings is not the best way to get results. Sometimes making gestures does more harm than good. This is one of those times. Denying most-favored-nation trade status to China would be an empty gesture. It would deny us the chance to work effectively with other countries to bring China into the family of civilized nations.

I do not ordinarily look to the Bush administration for advice, but one of the best cases against denying MFN has come from Richard H. Solomon, a former Assistant Secretary of State for East Asian and Pacific Affairs, in an article published in the Washington Post on May 30. Mr. Solomon expresses cogently the reasons why President Clinton's decision to renew MFN status, and impose conditions if necessary, is in the best interest of our economy and the Chinese people. I am inserting this article in the RECORD so others can read and evaluate it.

I respect the President's commitment to work for human rights and nonproliferation through multilateral mechanisms, leaving trade sanctions available as a last resort. If trade sanctions are to be imposed, that should be done in concert with China's other major trading partners. Otherwise, our competitors will pick up the pieces of the market we will have abandoned.

Frankly, if George Bush were still President, I would question his commitment to follow through on human rights and nuclear proliferation issues. But I trust Bill Clinton to do what he can to bring China into the civilized world without resorting to unnecessary, self-destructive, and futile unilateral trade sanctions.

The article referred to follows:

### NO MORE BULL IN THE CHINA SHOP—WHY CLINTON HAS MADE THE RIGHT MOVE ON TRADING WITH BEIJING

(By Richard H. Solomon)

President Clinton announced late last week that he would extend China's most favored nation (MFN) trading status for another year and then consider further extension in 1994 on the condition that China meet specified human rights concerns in the months ahead. This policy, driven by our revulsion at the violent suppression four years ago of peaceful demonstrators at Tiananmen Square, is based on the Jackson-Vanik Amendment to the Trade Act of 1974—legislation that links the benefit of normal tariff treatment for non-market economies to their emigration practices.

Since Tiananmen, however, Congress has tied a growing range of complaints about Chinese domestic and international behavior to MFN by conditioning its extension. The Bush administration vetoed this approach in the past two years on the argument that other sanctions imposed by the White House or based on existing legislation dealt more effectively with our concerns about Chinese behavior. With a Democratic administration now in the White House, the president has been able to forge a coalition with Congress that will impose human right-related conditions in considering MFN a year from now while leaving our concerns about China's proliferation activities and trade practices to be dealt with by other measures. This policy adjustment gives the administration greater flexibility in dealing with China but puts our growing economic ties at risk, based on human rights criteria not specified in the Jackson-Vanik Amendment.

As China's economy has taken off through a dramatic surge in foreign trade, we have come to see that denial of MFN would impose significant economic costs not only on the bad guys in Beijing but also on ourselves, on China's reformers and on our trading partners in Hong Kong and Taiwan while weakening one of our most powerful sources of influence for social change. Moreover, our leverage is in the threat of denial; once the benefit is withdrawn we would have expended our influence—and in the process precipitated a broader decline in U.S.-China relations.

Managing this policy has become a game of Chinese chicken. The White House and congressional proponents of sanctions have tried to "carefully craft" conditions for extension of MFN that will express our strong opposition to Chinese human rights related actions, press them to change their ways, yet not rupture the relationship.

Would the president really deny MFN if China fails to meet his human rights criteria: adhering to the Universal Declaration of Human Rights; releasing or accounting for prisoners of conscience and improving prison conditions; protecting Tibet's religious and cultural heritage; and ending jamming of radio and TV broadcasts into China? Only he can say a year from now; but President Clinton has gone a significant distance toward creating a more effective China policy. Such a policy would inevitably reflect three premises:

We have a long-term national interest in constructive relations with the People's Republic of China, whether through balanced trade ties; prevention of nuclear proliferation in the Middle East, on the subcontinent and in North Korea; peacekeeping in Cambodia; or economic development strategies that will protect the environment. Put negatively, if our China policy is constructed in a way that inexorably drives us toward unvarnished confrontation, we will take on foreign policy burdens that would make peacekeeping in Bosnia look like a minor police action. And we would confront China alone, because the Japanese, Europeans and others who joined with us four years ago in imposing sanctions after Tiananmen will not likely abandon their now-renormalized dealings with Beijing.

The current surge in China's economic growth, which last year made the country one of the world's most rapid developers, is the most powerful force for bringing about the very changes we are now seeking through sanctions. Rising per-capita income, access to foreign media of all types, opportunities for travel and study abroad, and participation in joint business ventures with foreign entrepreneurs are now changing China more profoundly than at any time in the country's century-long struggle to modernize. If China looks bad today—and we have legitimate reasons for concern—it is also clear that conditions have improved dramatically since 1972, when China first "opened up" to Americans and we went gaga over the suave diplomacy of Zhou Enlai, the awesome figure of Chairman Mao and the China of the Gang of Four. Thus, it is hardly effective policy to threaten to withdraw from China the one element in our relationship that is the most powerful agent of change—normal trade. That said, it is not in our interest to let slide our serious concerns with certain Chinese actions. The human rights abuses that continue to undermine public support for normal U.S.-Chinese relations include suppression of political dissent and religious practice, reportedly coercive population control measures, the use of prison labor in export industries and ethnic suppression in Tibet. China may be violating international agreements and bilateral understandings designed to control the proliferation of nuclear weaponry and missile delivery systems, and is selling conventional arms to unstable areas of the world, especially in the Middle East. And these concerns are now reinforced by a burgeoning trade imbalance that last year surpassed $18 billion, making China responsible for 22 percent of our global trading deficit—second only to Japan at 59 percent.

Those who focus on MFN as our primary source of leverage on china stake our influence on one roll of the dice. Rather, we should draw on a range of legal, administrative and political remedies that are appropriate to our concerns while not putting the entire relationship at risk through the threat of a sanction that is costly to us and of questionable effectiveness in encouraging change in China.

China has committed itself internationally—by signing on to the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime and the Biological and Chemical Weapons Conventions—to limit the spread of weapons of mass destruction and their delivery systems. Given disturbing indications that Beijing has violated both the spirit and the letter of these undertakings, we have available a range of multilateral and bilateral sanctions including heightened controls over the export of weaponry and dual use technologies essential to modernizing China's own armed forces. Growing international concerns about China's expansive military modernization program mean that we are likely to find support for more stringent controls over the export to China of weapons-related technologies. We also can control Chinese investment in U.S. industries that would give China access to desired technologies.

We should expect strict Chinese adherence to existing agreements, and also—as a permanent member of the U.N. Security Council—broadened Chinese anti-proliferation cooperation through such actions as joining the Nuclear Suppliers Group, adopting full-scope safeguards over nuclear exports and rejoining talks on Middle East arms control. The Chinese argument that U.S. anti-proliferation policy is designed to limit Chinese money-earning possibilities through foreign sales of weapons and related technologies is self-justification of the worst sort. And we should reactivate our own defense dialogue with the Chinese military for serious exchanges on proliferation issues as well as on areas of possible security cooperation.

Given China's burgeoning trade surplus with the United States, we have every right to expect reciprocal market access. Here again, we have a range of bilateral agreements in place designed to protect our intellectual property, guard against imports of prison-labor produced products or violations of textile quotas and open Chinese markets to U.S. exporters. Chinese violations of these agreements are readily subject to economic sanctions under Section 301 of the Trade Act of 1974. And we should link our support for China's entry into the GATT to compliance with existing trade commitments as well as the further opening of domestic markets to our exports.

Human rights concerns are the most difficult to deal with, for sanctions are not so evidently apposite to abuses. Visibility is our most powerful source of influence, as we see in Chinese sensitivity to the domestic and international impact of the Voice of America. The openness of Chinese society necessary for economic growth unavoidably brings with it the opportunity to make visible to the world suppression of religious groups, ethnic minorities, political opponents and coercive birth control programs. Thus, we should continue to build international support for such "sunshine measures" as access to Chinese prisons by the International Committee of the Red Cross and the U.N. Human Rights Commission's monitoring of conditions in Tibet. Chinese authorities will resist opening up, but we should not underestimate the persuasive power to constraints on IMF, World Bank or Asian Development Bank financing of development projects other than those for "basic human needs." China's hosting of the Olympic Games in 2000 should have our support only with certain specified improvements in human rights conditions.

These sanctions have teeth; the challenge is to select the ones that will have some bit in China while not harming our own interests. We should have no illusion that such measures will resolve all our problems with China in short order. As with our persisting trade imbalance with Japan, the effort to open China's markets, to induce restraint on arms and dual-use technology exports, and to encourage respect for international norms in human rights practices will be a protracted and frustrating process. We will be most effective, however, if we remain engaged with China in a way that offers benefits for cooperation as well as sanctions for misdeeds.

Ultimately, however, this policy will work only if there is a leadership in Beijing committed to reform and constructive relations with the United States. In this regard, the current evidence is that the Chinese leadership, though still riven by tensions between hard-liners and reformers, continues to move in the direction of economic decentralization and openness to the world. The Chinese Communist Party's 14th Congress last fall disavowed the conservatives' development approach of centralized management of the economy and reaffirmed the commitment to a policy of market-oriented development and engagement in the global economy—policies that undoubtedly account for China's current economic boom. Younger, reform-minded leaders are now coming to the fore, individuals who do not bear the blood debt of Tiananmen and who seem committed to domestic reforms and improving relations with the West.

Our China policy should be cast to reinforce these trends, which over time are bound to bring with them pressures for political as well as economic openness. President Clinton's new approach, while partially linking MFN and our problems with China, also has the flexibility of other sanctions with which to deal with the problem areas while reestablishing prospects for cooperation on issues of common interest.

As for our legal requirement that MFN be extended on the basis of open emigration, most observers believe that China meets the legislated test on emigration, despite foot dragging on exit visas for some political dissidents and their families. As Deng Xiaoping ominously retorted to President Carter during his 1979 visit to Washington: Are you prepared to take 10 million?

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## USTR SHOULD ACCEPT PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO—PART 2

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. BROWN of California. Mr. Speaker, last week the Chairman of the Government Operations Subcommittee on Employment, Housing, and Aviation, Congressman COLLIN PETERSON and his colleagues held an extraordinary oversight on labor laws and practices in Mexico. Despite all that has been said and written about positive changes in Mexico in recent years and the proposed North American Free-Trade Agreement [NAFTA], this was the first time that Mexican workers were able to testify before the Congress.

In their testimony, these workers detailed the inner workings of the government-controlled labor movement in Mexico and how they had been blacklisted for having attempted to exercise their basic right to organize independent trade union locals at the Ford plant outside Mexico City and elsewhere.

I urge my colleagues to read the testimony offered in that hearing. It bears out why the USTR absolutely should accept the pending GSP petition which alleges in detail an egregious pattern of systematic labor repression throughout Mexico.

The first installment of the pending petition appears at page E1794 of the Extension of Remarks for July 15, 1993. Following is the second installment of the pending petition.

#### II. ADMINISTRATIVE BARRIERS TO FREEDOM OF ASSOCIATION

Besides legislation, workers are also marginalized through regulations that establish procedures for the administration of the law. In this respect, the Petitioners call the attention of the committee to the following aspects of Mexican administrative practice:

(a) The implementation and practice of collective agreements: in order for a collective agreement to be honored, the government requires that a contract be formed between a union and a corporation exclusively through their legal representatives. This interpretation professionalizes the system of collective bargaining and allows union secretaries-general to negotiate contracts without having to reference the positions of members within the union or submit to a vote. Thus workers are required to carry out the terms of contracts without having any access to the process of negotiation.[1]

(b) Union Registration: "Union registration keeps unions under government control and prevents autonomous unions from forming. Only those groups that have previously subjected themselves to central affiliates of the ruling party (PRI), such as CTM or CROC, or are supported by a corporation, win legal registration." (Arturo Alcalde, Inside Mexico: A Critique of the U.S. State Department Country Reports, Worker Rights News No. 5, at 11, henceforth "Alcalde")

Laura Carlsen, a Business Mexico editor, describes the problem in this way:

"Corporatist unions hold many strings enabling them to dominate organized labor. Foremost among them is their relation to federal, state, and local labor authorities. Besides having the power to deny registration to independent union, labor authorities may declare strikes "nonexistent" on supposed technicalities, control ratification of union election through the Boards of Arbitration and Conciliation, and participate in national policy making as the labor representatives on regulatory and policy commissions. Given the agreement between corporatist unions and the Mexican government, and particularly their usefulness in stemming the workers' demands and harvesting their votes, these unions constitute a critical part of the system of rule in Mexico. (Mexico: A Country Guide, at 186.)

This view is confirmed in carefully circumscribed language by the State Department's 1992 Human Rights Report on Mexico, "in theory, registration requirements are not onerous, involving the submission of basic information about the union in order to give it legal status. There have been repeated allegations by labor activists, however, that the federal and state labor authorities improperly use this administrative procedure to withhold registration from groups considered disruptive to government policies. Privately, trade unionists supportive of the government and even employers say this occurs." (Country Report at 449)

(c) Juridical control of unions through the periodic recognition of union directors: "Control of trade unions is not limited to the registration process. Union boards of directors' style of governing is considered authoritarian at best. With term limits of two to four years, newly selected board members must respond to labor authorities to obtain a register for the board's existence. The length of this registration period varies, depending on the union's existence. The length of this registration period varies, depending on the union's conduct. Unions must obtain state ratification to initiate any formal action. Thus a union must negotiate its very existence periodically in order to represent workers in bargaining." (Alcalde at 11).

#### III. POLITICAL BARRIERS TO FREEDOM OF ASSOCIATION

The problem facing workers is not only one of forced affiliation to the PRI by the requirement that they join one of the CTM unions. It is also a question of political loyalty, which can be read as subordination to the interests of the government. The official unions are all members of the state-party, PRI, through their affiliation with the Congreso del Trabajo, (CT) the labor-sector organization of the party. When the CTM does not serve its purpose, the government goes to the CROC, the CROM or other confederations and uses them as a counterweight to CTM. So the problem resides in the government continuously interfering in the internal life of the unions and subordinating them to the government's policies.

According to the Department of State report on Mexico, "About 30 or 35 percent of the total Mexican work force is organized in trade unions, most of which are members of several large union confederations, known as labor centrals. Mexican unions may join together freely in labor centrals without the government's prior approval but require registration in order to have legal status. As with union registration, there is evidence this requirement can be misapplied to function as a restriction. It took from early 1990 until September 4, 1992, for one new labor central whose members were all well established, registered trade unions, to obtain its registration. In this case, although the new central's member unions were all Labor Congress (CT) members, they had been outspokenly critical of traditional leadership of the Congress".

". . . The tradition of significant presence of union officers in the government, especially in elected positions, and the continued union influence in the nominating process for PRI candidates at all levels of government, perpetuates a symbiotic relationship that limits the freedom of action of unions. (Emphasis added) For example, union officers support government economic policies and PRI political candidates in return for having a voice in policy formation."

As Jerome L. Levinson notes, "There is a built-in conflict of interest between the role

The CTM, for example, is so "democratic" that the same leadership has been in charge for 50 years. The leadership is corrupt and quite distant from the interests of the workers. Some of the national leaders of the Labor Congress, such as Joaquin Gamboa Pascoe (the CTM boss in the Federal District) and Leonardo Rodriguez Alcaine (the boss of the largest union of Electricity Workers) are among the wealthiest men in Mexico. CTM President Fidel Velazauez, aged 92, has lost clout with the government and his calls to arms and threats to strike are no longer taken seriously because they are most of the time recognized as pure rhetoric to try to induce the government to negotiate with him. CTM assemblies are very much like PRI assemblies, in which the incumbents re-elect themselves to office without any true participation of the rank and file membership.

#### IV. JUDICIAL BARRIERS TO FREEDOM OF ASSOCIATION

The lack of autonomy of the labor justice administration system is evident in the Federal Conciliation and Arbitration Boards, tripartite tribunals composed of government, corporate and official union representatives.

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[1] cf. Arturo Alcalde, "Inside Mexico: A Critique of Worker Rights Coverage in the US State Department's Country Report on Human Rights Practices,", Worker Rights News, No. 5, Spring, 1993 (Washington, DC: ILRERF), p. 11.

Since the government (or state party) controls the naming of the official union representative as well, it's position is guaranteed to prevail. "These Boards were given extraordinary power to resolve industrial disputes, and thus the fate of Mexican workers was delivered into government hands", (La Botz, Mask of Democracy. Labor Suppression in Mexico Today at 43)

The same is true of the National Commission of Minimum Wages, which ". . . is made up of representatives of labor, management and the government. Since the government and labor representatives are members of the PRI, the government is in effective control of the commissions, and is thereby able to set the minimum wage at a level consistent with the

The most flagrant recent example of the result of this distorted and politically manipulated adjudication system is the Volkswagen strike in Puebla in 1992. This incident is recounted by Levinson as follows:

"The company unilaterally reduce wages and benefits and changed work rules, provoking a strike by the membership.[2] Under Mexican law, the procedures for initiating a strike are governed by detailed rules when these rules are followed, workers cannot be permanently replaced (in contrast with labor law in the U.S.) Where, on the other hand, there is any deviation from the rules, workers are left unprotected. The company can go to a government Arbitration and Conciliation Board to have the strike declared illegal. Following such a declaration, the company may dismiss its workers, who then lose all rights to severance pay and other benefits." "Dismayed by the unilateral changes mandated by the company, the Volkswagen workers did not follow all the rules governing work stoppages. Volkswagen, advised by the best lawyers in Mexico City, brought an action before the Arbitration and Conciliation Board and the Board found the strikers had not followed the designated procedures and that the strike was therefore illegal. Volkswagen was able to get rid of the most defiant workers and impose its revised conditions. As the London-based Financial Times observed, Volkswagen 'almost certainly acted with the tacit approval of the government.'" (Unrequited Toil at 9)

(The April 19, 1993 issue of Business Week documented the direct role of President Salinas in breaking the Volkswagen strike. See Appendix V.)

After the Arbitration and Conciliation Board had declared the strike illegal, the company was free to fire any workers who did not return to work within 24 hours.

### V. OFFICIAL THREATS AND VIOLENCE AGAINST ORGANIZED WORKERS

The pattern of government intimidation of unions has been to put pressure on the leadership of the unions to favor an alignment with the government's policies. If this does not work, then the next step is to block the possibility of a strike. If the workers go on strike anyway, the next step is to declare it illegal; if this still does not stop them, then the company is liquidated and the workers are fired. This pattern has been observed in many cases: the National Institute of Nuclear Energy, Aeromexico, Tepepan, Cananea Mining Co., Maquiladora workers, etc., which are documented in La Botz' study (Appendix VI).

The recent policy of massive layoffs, largely due to business streamlining and Privatization, has elicited an increased level of social unrest among workers. A wide array of workers has mobilized to protest these layoffs. The government has strenuously tried to block these mobilizations, using different means of repression against the workers. Recent examples abound:

(a) On the 23rd of May, 1992, in the State of Tabasco, dozens of Pemex's ex-workers including five women were beaten and wounded in the course of a violent suppression of a demonstration of the ex-workers by anti-riot public security forces. The workers were demonstrating in demand of the payment of lay-off indemnization which are required by law.

(b) On May 25, 1992, workers of Omnibus de Mexico, (Buses of Mexico) were arrested by members of the Mexico City's general prosecutor (PJDF), who seized their belongings and threatened them. This happened right after they held a union meeting to challenge the union leader.

(c) On June 1, 1992, in the State of Veracruz, Juan Meza Garcia and his companion, Ernesto Veras, were forced by police to interrupt a hunger strike in protest of having been fired from their jobs at Pemex. They were forcibly taken to the hospital to be attended.

(d) On August 11, 1992, Raul Pineda, the official mayor (deputy for administration and personnel) of the Ministry of Agrarian Reform, ordered the violent dispersion of a demonstration of 80 workers inside the ministry's buildings.

Another example of the suppression of labor rights is the participation of goon squads in internal elections in the unions. The 1991 Petition by McGaughey et. al. documented this pattern in connection with the Ford Motor Company and the Tornel Rubber Company.[3] However, these are but a few recent examples of a pattern that is longstanding, and that persists.

Almost three and a half years after a Ford-Cuautitlán worker was assassinated,[4] nobody has yet been arrested despite the fact that the National Commission on Human Rights issued its Recommendation 22/92, which recommended the arrest of one of the main perpetrators of that crime, and a warrant for his arrest was issued.

Other recent examples include:

(a) On May 9 1992, an armed group of the CTM headed by J. Guadalupe Uribe tried to disrupt and prevent the union's recuento (a vote within a union to determine whether to change the union's affiliation from CTM to CROM), in the corporation Latinoamericana de Vidrio (Latinoamerican of glass), located in Naucalpan, State of Mexico. Guadalupe Uribe was one of the men who participated in the CTM armed disruption of a worker strike at the Ford Cuautitlan plant on January 8, 1991.

(b) On May 12 1992, an armed group attacked 1,500 workers of Altos Hornos de Mexico, S.A. (AHMSA), who were holding an assembly to replace the leader of the union. 100 workers were wounded, 15 of them gravely.

(c) On July 30, 1992, approximately 100 workers of Pemex in Veracruz were attacked by the Security Guards of the company, with beating and gunshots while demonstrating in the headquarter of the 11th section of the union. They were asking for the payment of benefits that had been withheld.

(d) On August 5, 1992, workers of the Ministry of Agriculture and Aquatic Resources, which were affiliated to sections 1 and 70 of the union, were violently evicted by 60 men while holding a demonstration about wages and benefits increases. Bernardo Medina Austria and a Cutberto Cruz were kidnaped and held for five days by unknown men.

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## SALUTE TO CDSI ON ITS 25TH ANNIVERSARY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mrs. MORELLA. Mr. Speaker, I rise today to salute one of Maryland's most dynamic and community-minded companies, Computer Data Systems [CDSI] of Rockville, on its 25th anniversary.

The anniversary—this month—comes at a time when CDSI has just been honored by the Montgomery County Technology Council and the Suburban Maryland Technology Council as High Tech Firm of the Year for "best representing the characteristics of technology growth and development and economic contribution in Montgomery County." The award is a real tribute to chairman of the board Clifford Kendall, president and CEO Gordon S. Glenn, and the company's more than 3,600 other professionals working in 42 States.

Founded in 1968 by Clifford Kendall and two other businessmen, CDSI has been a phenomenal success story, growing steadily from the original handful of employees to its current status of having employees at 81 locations from Colorado to Alabama to Massachusetts. Approximately 1,500 of CDSI's employees are located in the Montgomery County, MD, area. Total revenues for the last 3 years have exceeded $400 million, with assets greater than $60 million. CDSI provides information technology solutions on more than 160 current contracts, primarily with Federal civilian and military agencies. The company also sells financial systems products. In recognition of CDSI's efforts, the company has been honored by Government Computer News "for outstanding leadership and performance in providing information technology capabilities to the federal government." Forbes Magazine has twice listed CDSI as one of the 200 best small companies in the country.

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[2] In the period from June to August, 1992 an intense conflict occurred between workers and management. The company supported a splinter faction within the union leadership and signed a secret agreement with the leaders of that faction. "The terms of this accord allowed Volkswagen to replace the existing collective agreement with one based on the new "Japanese" style of production, including work teams, quality circles, increases sub-contracting, etc." The majority of the union rejected the settlement and accused the company of bribing the leader who signed with a payment of $160,000. A meeting of some 8,000 unionists on August 15 voted unanimously to remove the union head who had signed the contract from office and to hold new elections. The government refused to recognize the decision. Two days later the Federal Council of Arbitration and Conciliation ruled that the German auto transnational was free to rescind its contract with its entire workforce.

[3] In the GSP Committee's Response to the 1991 Petition (at 8), it is stated that: "Petitioners claim that the violence prevented dissidents from voting in the election that the CTM eventually won. They do not support this claim with evidence." For a listing of the evidence of this violence and its source, cf. La Botz, Mask of Democracy: Labor Suppression in Mexico Today, pp. 144–147, which is appended to this Petition as Appendix I. Similar documentation to demonstrate a pattern of government-or-CTM-instigated violence in the cases of the labor conflicts at Pemex Oil Co. (1989), Cananea Mines (1989), Modelo Brewery (1990), and Ford Motor Company (1991) is included in this appendix.

[4] For details of this incident, which are not challenged. see the 1991 Petition.

The firm's various community service projects have also earned honors. For example, CDSI has received a number of certificates of appreciation from the city of Rockville and the Montgomery County public schools.

I ask my colleagues to join me in congratulating CDSI—and its leaders, chairman of the board Cliff Kendall and president and CEO Stonie Glenn—on its 25th year as a forward-looking company and important employer in Montgomery County, MD.

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## LEGISLATION TO PROVIDE FOR OVERSIGHT OF THE JOINT TRIBAL/BIA/DOI ADVISORY TASK FORCE ON BIA REORGANIZATION

### HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today on behalf of myself, Representative RICHARDSON, chairman of the Subcommittee on Native American Affairs; Representative YOUNG of Alaska, ranking Republican on the Committee on Natural Resources; and Representative CALVERT, to introduce legislation to return oversight of the Joint Tribal/BIA/DOI Advisory Task Force on the Bureau of Indian Affairs Reorganization to the Committee on Natural Resources.

The task force represents a nonpartisan effort by the Tribes, the Department of the Interior [DOI] and the Bureau of Indian Affairs [BIA] to reorganize the BIA. In 1990, the Tribes rejected the BIA's unilaterally produced Blue Book reorganization plan because they were not included in its formulation. At the request of the Tribes, Congress halted the implementation of the Blue Book plan and in the DOI's Fiscal Year 1991 Appropriations Act mandated the establishment of the task force, thereby giving the Tribes full participation in any future reorganization effort.

Congress continued the Fiscal Year 1991 Interior Appropriations Act language mandating the task force in both the 1992 and 1993 fiscal year acts. The Fiscal Year 1993 Appropriations Act included language providing that any reorganization proposal may not be implemented until:

(1) The task force has reviewed the proposal and recommended its implementation to the Secretary of the Interior, and

(2) The proposal has been submitted to, and approved by, the Appropriations Committees, except that the Bureau may submit a reorganization proposal related only to management improvements along with task force comments or recommendations to the committees for review and disposition.

This same approval language was included in H.R. 2520, the fiscal year 1994 Interior appropriations bill, but was struck from the bill under a point of order during consideration last week in the Committee of the Whole as violative of clause 2(b) of the House rule XXI.

Mr. Speaker, the bill I introduce today would reinstate this language with one important change, it makes any reorganization plan subject to the approval not of the Appropriations Committees, but to the approval of the authorizing committees, the House Committee on Natural Resources and the Senate Committee on Indian Affairs.

It seems to me that it makes eminently more sense for this important oversight function to lie with those of us charged with the day-to-day supervision of Indian Affairs, rather than with committees whose jurisdiction lies elsewhere. This is especially true in this case, since the Subcommittee on Native American Affairs has taken a keen interest in this topic this session. Our first hearing this Congress was on the task force's 1992 report, and we conducted a field hearing on the task force in my home State of Wyoming this last April.

Mr. Speaker, I look forward to working closely with Chairman RICHARDSON on moving this legislation swiftly through the House.

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## NETWORK DISCRETION ADVISED

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. OXLEY. Mr. Speaker, over the last several months, the Subcommittee on Telecommunications and Finance has held three hearings in order to investigate the problem of violence on television. Prior to the last hearing, the witnesses, the networks, and the Motion Picture Association of America, convened a press conference at which they proudly unveiled their parental advisories proposal. Had it not been for the pressure of Congress, I doubt that they would have done this. Nevertheless, they offered up these advisories as a solution to the problem. In effect, they simply threw the problem and shifted any subsequent blame on the parents.

I would like to submit the column by Colman McCarthy, from the Washington Post. It illustrates the sham behind these parental advisories.

NETWORK DISCRETION ADVISED

(By Colman McCarthy)

Parental advisories on network television that will soon warn viewers about violent programs need advisories of their own: "Warning: The advisory that's about to appear on your screen is an exercise in fake reform."

ABC, NBC, CBS and Fox yielded almost nothing to their congressional critics when agreeing to screen an eight-word program warning: "Due to some violent content, parental discretion advised." For a cop show or a prime-time movie of the week, an honest leveling with the audience—truth in labeling—would mean warnings that would sound something like this: "The following program depicts six murders with handguns, three stabbings, four beatings of women, two rapes, seven fistfights, four people thrown out of penthouse windows, two high-speed chases ending in head-on collisions, three dynamitings of office buildings, one assassination, two acts of arson and three rifle butts to the jaw. Parental discretion advised."

Network discretion, not parental, is the issue. Television executives have proven they lack it entirely, along with the advertisers who put up the money for the simulated gore. Discretion would have moved the networks decades ago to resist the easy profits of violent programs. Instead they pandered to the community by appealing to the basest part of it, those who are passively entertained by graphic violence.

Congressional investigations of the problem have a history of nearly 30 years, a long-playing sitcom of inefficiency. Reports on television violence were documented by congressional committees in 1954, 1961, 1964, 1970 and 1977, with a surgeon general's statement in 1982—updating one in 1972—that excessive television violence leads to violent behavior among children and teenagers. This is as accepted a fact as that cigarette smoking leads to lung cancer, otherwise television executives would have kept resisting.

The cautionary advisories to which the industry agreed are no more than the mildest of tetherings. Programmers themselves will define the violence. Children's cartoons, 95 percent of which have violent themes, are unaffected. Officials at network departments of broadcast standards—don't laugh, they are serious—issued the predictably pious pronouncements of concern after the latest congressional flare-up.

But the money men down the hall remain arrogantly unbowed. Their message: The violence, labeled or not, will stay. The president of NBC's entertainment division preened like the network peacock: "We are in the leadership position here—we're the broadcast industry."

Defending the blood-spilling on his channel, the president of the CBS Broadcast Group said, "We don't want to turn the vast wasteland into the dull wasteland." And representing the film industry that supplies much of the gore for television, Jack Valenti, Hollywood's prop in Washington, asked, "Where can you take [the violence] out and keep the suspense you want?"

The executives' message to Congress and those demanding reform is, get lost. Collectively, that part of the entertainment industry—television and Hollywood—which markets violence is run by crass people with zero sense of social responsibility. "TV is not the sole culprit," says Valenti. True. But it still is one.

While others work to decrease the country's violence—citizens pressuring for stronger handgun laws, counselors in shelters for battered women, social workers trying to keep families together, educators teaching conflict resolution and peace studies, anti-war organizations—television executives exempt themselves.

An unanswered question is how the pushers of television and film violence—from scriptwriters and actors to the advertisers who pay for it—live with themselves. Do they tell their children that they earn their living by appealing to the worst in people? Is making money so important that they are willing to befoul themselves and the airwaves with uncreative gore that uplifts no one? That's the leadership position?

Anger at this hauteur can be channeled: informing advertisers of personal boycotts, supporting groups that are pressuring the Federal Communications Commission to regulate the violence, or junking the TV set entirely. The public is not without choices.

## ALASKA OIL EXPORT RESTRICTION LEGISLATION

### HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Ms. CANTWELL. Mr. Speaker, I rise today to join Congresswoman OLYMPIA SNOWE in introducing a bill to amend the Export Administration Act of 1979 to indefinitely extend existing restrictions on the export of Alaska North Slope crude oil. I am pleased that Congresswoman SNOWE, who has played a leadership role on this issue in the past, is once again cosponsoring this bipartisan effort to promote our Nation's energy security.

When the construction of the trans-Alaska pipeline was authorized in 1973, it was understood that the oil flowing from this domestic resource would be used for the benefit of American consumers and American industry. Since that time, Congress has consistently expressed it supports for restricting the export of Alaskan North Slope crude oil in the Export Administration Act.

Under these restrictions, North Slope crude may be exported only if it is in our Nation's interest and the interest of American consumers. In the past, the restrictions set forth in section 7(d) of the act have been linked to the expiration date of the entire act. We think that Congress should now explicitly extend section 7(d) so there is no question that the export restrictions will remain in place. Congress will be debating a total rewrite of the Export Administration Act later in this Congress. This is the time and the place to finally put to rest this issue by permanently restricting the export of Alaskan North Slope crude oil.

Mr. Speaker, these measures have been in place for nearly two decades and have provided enduring benefits for our Nation. Today, Alaska North Slope crude represents approximately one quarter of the entire U.S. crude oil output. These restrictions have made our Nation less dependent on oil imports. At a time when our country is importing nearly 50 percent of the oil we need, it simply does not make sense to open the door to exporting our own resources. To permit the export of Alaskan North Slope crude would dramatically increase our dependence on foreign oil. Moreover, every barrel of oil we export from Alaska will have to be replaced by foreign oil at a greater cost. Exchanging American oil for more expensive foreign oil is at best a questionable policy.

Increased dependence on foreign oil would not be the only cost of permitting the export of Alaska North Slope crude. We also would be opening the door to exporting hundreds, perhaps thousands of jobs in shipping and shipbuilding industries. The oil that is exported from Alaska would leave on foreign-crewed, foreign-flagged ships that are built abroad. The oil we would have to import to replace our own domestic crude would enter this country on foreign ships as well.

American shipbuilders have been counting on greater demand for their services since the passage of the Oil Pollution Act of 1990. Under this law, all tankers operating in U.S. waters must eventually be double-hulled, leading to a significant amount of new ship construction in American shipyards. The shipyards in my State, and States throughout the country, hope to participate in building these new vessels. But if the cargo itself, Alaskan North Slope crude oil, is exported, many of these opportunities will be lost.

Today, the movement of Alaska North Slope crude keeps approximately 43 U.S.-flagged tankers operating full-time. The Alaskan oil trade has been very important in maintaining American

Over the past 20 years, we have built and maintained a secure transportation, refining and distribution system for Alaskan North Slope crude oil. This has led to the creation of jobs on-board ships and in repair yards, jobs for those who supply and service both industries, and jobs in refineries along the west coast. For example, there are 6 refineries in my State providing more than 300 jobs. We should not put these jobs at risk by permitting the export of Alaskan oil.

This resource is particularly important to Washington State. At present, Alaskan oil accounts for approximately 90 percent of the supply for the six refineries operating in the Puget Sound area. Over the first 4 months of 1993, these refineries, supplying consumers in Oregon and Washington, have run an average of 500,000 barrels per day of Alaskan crude. If exports were permitted, these refineries would face higher crude prices, that if passed on, would lead to higher prices for petroleum products and higher prices at the gas pumps. My constituents and the citizens of Oregon should not be forced to pay more at the pump simply because a few affected interests want higher profits.

For these reasons, I urge my colleagues to support this legislation. Export restrictions on Alaskan oil are important for our economy and our long-term energy security. They provide good jobs for our American workers in industries that need to be strengthened, in industries we cannot afford to erode with this shortsighted attempt to alter our nation's energy policy.

Section 7(d) of the Export Administration Act should be extended indefinitely.

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## A 50TH ANNIVERSARY TRIBUTE TO THE DELANO CHAMBER OF COMMERCE

### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. DOOLEY. Mr. Speaker, I rise today in celebration of the 50th anniversary of the Delano, CA, Chamber of Commerce.

The Delano Chamber of Commerce had its unofficial inception in 1924 to meet the needs of fledgling local businesses, and was officially incorporated by the State of California in 1943 as a nonprofit organization to further business enterprise.

The Delano Chamber of Commerce has continued to grow and meet the needs of an economy evolving from purely agribusiness to one of diverse complexity.

The Delano Chamber of Commerce will be installing officers and directors for the 50th time since it was first incorporated on July 22, 1943.

I would like for the Congress of the United States to recognize the valuable contribution made by local chambers of commerce. They are advocates for businesses that are the lifeblood of the American economy. I urge that the Delano Chamber of Commerce be recognized during its golden anniversary as a representative of the free enterprise spirit that has helped to make the United States the leader of the free world.

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## CAPITOL POLICE OFFICERS DESERVE MEDAL OF VALOR

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise to commend Sgt. David G. Wells and PFC Virgil L. Van Fleet of the U.S. Capitol Police for their heroic off duty actions last year in assisting victims of an automobile accident on the New Jersey Turnpike. I believe that both these brave men should be awarded a Medal of Valor by their department.

Mr. Speaker, on September 26, 1992, Sergeant Wells and Private First Class Van Fleet were off duty and en route to New York City traveling on the New Jersey Turnpike. The two officers came upon a truck which had overturned. As Sergeant Wells and Private First Class Van Fleet approached the accident scene, they observed that no emergency vehicles had arrived. They identified themselves to people on the scene as police officers and inquired if there were any injuries. They were directed to one victim who was receiving assistance from citizens on the shoulder of the road, and another victim who was pinned, upside down, in the front section of the truck. The victim was trapped under crates of melons.

Sergeant Wells and Private First Class Van Fleet immediately went to render assistance to the victim inside the truck. They observed that the victim was bleeding profusely from the back of the head, acid was leading from the truck's battery and gasoline was leaking from the gas tank—and flowing toward the victim. Sergeant Wells entered the truck through the rear doors, making his way through crates of melons to get to the victim. As Sergeant Wells was making his way toward the cab of the truck, the smell of gasoline became stronger. Fearing the truck was going to catch fire and explode, Private First Class Van Fleet ordered everyone to move away from the truck. At the same time Sergeant Wells courageously made his way to the victim, Private First Class Van Fleet—with no regard for his own safety—took a tire iron, smashed in the front window and assisted Sergeant Wells in removing the injured victim from the truck and getting the victim to safety.

Without question, Mr. Speaker, the decisive and courageous actions taken by Sergeant Wells and Private First Class Van Fleet saved the victim's life. I am not surprised by their actions. The U.S. Capitol Police department is one of the best trained and most professional law enforcement agencies in the country. I am honored to be protected and served by the fine men and women of the Capitol Police.

Sergeant Wells and Private First Class Van Fleet are dedicated law enforcement professionals who have served the Capitol Police with honor and excellence. Their heroic actions on the New Jersey Turnpike last September are a credit to the Capitol Police and to the courage and dedication of these fine officers. Not surprisingly, the television show "Top Cops" is considering doing an piece on Sergeant Wells and Private First Class Van Fleet.

Once again, Mr. Speaker, I commend Sergeant Wells and Private First Class Van Fleet. They deserve the praise and recognition of Congress, and they most certainly deserve a Medal of Valor from the Capitol Police department for their heroic actions last fall.

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# TRIBUTE TO THE SPANISH BROADCASTING SYSTEM AND ITS PRESIDENT, RAUL ALARCON, JR.

## HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1993*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Spanish Broadcasting System, and its president, Raul Alarcon, Jr. In a ceremony tomorrow evening the Spanish Broadcasting System will be honored as the Outstanding Hispanic Business of the Year by the National Hispanic Business Group.

With a succession of triumphs over the last several years the Spanish Broadcasting System has become a major presence in Spanish radio markets around the Nation. I myself was an early listener to WSKQ–FM, which upon acquisition by SBS in 1989 became New York City's first Hispanic FM station. SBS greatly expanded its reach in 1991 by establishing a satellite Spanish-language news service throughout the continental United States. In 1992 it inaugurated a satellite Spanish language entertainment format in our Nation's three largest Hispanic markets. And this year, station KLAX in Los Angeles, which became an SBS network affiliate in 1988, achieved the number one ranking in that city's very competitive Hispanic market.

Mr. Speaker, the breadth and strength of the Spanish Broadcasting System is clear testimony to the business acumen of its leadership, in particular that of SBS president, Raul Alarcon, Jr., and the superior efforts of all who work for it. I hope my colleagues will join me in paying tribute to this truly outstanding Hispanic business.

# SENATE—*Wednesday, July 21, 1993*

*(Legislative day of Wednesday, June 30, 1993)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. This morning's prayer will be offered by our guest chaplain, the Reverend Philip Mitchell of the First Congregational Church of Binghamton, NY.

## PRAYER

The Reverend Dr. Philip H. Mitchell, of the First Congregational Church, Binghamton, NY, offered the following prayer:

Let us pray:

God of all nations—eternal and omnipotent God—we in this seat of power pause humbly before You.

We respect, our God, the power to govern that resides in this place—the "yea" or "nay" in this place that comes down with solid influence on the lives of people in every corner of this land: from the hills of New England to the shores of Hawaii, from the mountain peaks of Alaska to the fruit farms of Florida. We are mindful, also, our God, that what is done here will touch the lives of people well beyond the borders of our Nation—people as real as we are who, also, ride this planet for a time.

May Your blessing rest on all who have come here to govern in this seat of power. Grant to each one: eagerness to receive your inspiration, readiness to be instruments of peace and justice, sensitivity to Your leading, openness to new adventures for the common good, and awareness of the joy as well as the burden of the public trust. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 21, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12:45 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first 30 minutes shall be under the control of the Senator from Arkansas [Mr. PRYOR] or his designee.

The Senator from Arkansas.

## PRESIDENT CLINTON'S DEFICIT REDUCTION PLAN

Mr. PRYOR. Mr. President, we think it would be fitting this morning, pursuant to the unanimous-consent order, that we begin now to set the record straight regarding the $500 billion deficit reduction plan offered by the President and approved by the Senate, which is now subject to a conference between the House and the Senate.

At this time, I yield 10 minutes to the very distinguished Senator from North Dakota, Senator DORGAN.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

### SMALL BUSINESS AND THE PRESIDENT'S PLAN

Mr. DORGAN. Mr. President, there has been no stronger voice for small business in the Congress than Senator PRYOR. I am here this morning to speak briefly about how the President's plan affects small business. That is important to me because my State of North Dakota is very much like old England: A nation of shopkeepers.

We are a State of small businesses. If this President's proposal was unfair to small business, I would not support it. It is just that simple because small business is important to North Dakota and to the economic future of this country.

Let me digress for a moment to talk about something that has happened in the last couple of days. I have a couple of small children. We sent away for an ant farm for our kids, through a catalog. I had never seen an ant farm, but they actually market ant farms in a catalog for kids. It is a little thin plastic box. You put sand and ants in it, you feed them, and you have an ant farm. You could watch it all day if you had the time.

Our kids are mesmerized by this ant farm. Those ants work all day and night, moving sand from one side of the ant farm to the other side. When they are done, they move it back again. They just keep working.

The instructions state that if you have trouble getting the ants into the ant farm, put the vial of ants in the refrigerator for 15 minutes and that will slow them down.

I have been watching this little ant farm for a few days. They are busy. I thought, there is something vaguely familiar about this. It is where I work. It is Washington, DC, with the bureaucracy. It is Congress. For the last decade, everybody has been busy and nobody has been getting it done. We have been moving back and forth—the Presidents, the Federal agencies, the Congress—but nobody has gotten the job done.

Nobody has achieved an approach that solves this country's economic problems. Then we have a new guy come to town, a President who says, "Look, we have to stop just being busy and start getting things done for this country. We have to fix our fiscal policy so that we stop spending money that we do not have on things we do not need. We must not mortgage away our kids' future. We do that with a new fiscal policy"

And he proposes it. A new fiscal policy, all of us understand, takes eminently more skill to construct than it does to destruct. Someone once asked a construction foreman as a crew was tearing down an old church with a big wrecking ball: "You know that crew you have tearing the church down, does that require the same skill as if that crew built this church?" He laughed. "No, not at all. If I need to build this church, I need to bring in craftsmen and tradesmen who know how to build and construct. It doesn't take any talent to tear down this church. I can find anybody to tear the church down."

The point is that it is easy to destroy, and it is easy to criticize. Today, we are going to talk about one point of criticism that has been targeted at this President's budget approach. I am talking about the criticism that the President's plan is fundamentally wrong. That angers me. I do not mind strong debate on the merits of a policy. If we believe in one thing and somebody else believes in another, let us debate it to determine the merits of this debate.

But on the issue of how this President's plan to fix this country's economy affects small business, here is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

what this debate is about. This is the Wall Street Journal. No liberal publication. This is the voice of business, and the digest of the American dream, I guess they call it. It largely takes the position of business in this country. I want to read this headline. This is the Wall Street Journal, Tuesday, July 20—that is yesterday: "Foes of Clinton's Tax-Boost Proposals Mislead Public and Firms on the Small-Business Aspects."

Mislead—not mistake, not overstate—mislead. Let me read just parts of this article. We have just blown up the headline so the American people can understand what the business journal says the foes of this President's plan are doing. They are misleading about its impact with respect to small business.

A woman named Dottie Cieszynski was at a press conference in Montgomery, AL, called by the antitax Citizens for a Sound Economy group. Dottie showed up. She owns a small business, and she was warned that the President's plan would destroy her business. One problem: Her business, Central Alabama Nursing Services, is so small that her tax rate would not go up at all with President Clinton's plan, according to the Wall Street Journal.

Mrs. Cieszynski said she was asked to go to the news conference by a local public relations firm. She thinks the firm got her name from the National Federation of Independent Business, of which she is a member.

So they said come to a press conference and talk about how awful this is going to be for her business. So she does, not understanding that her business is not going to be affected.

The President's plan on its merits is a proposal that is good for small business. Yes, some are going to pay more in income taxes—about 4 percent. But what is the corollary of that? Ninety-six percent of small businesses in this country will not pay higher income taxes under this President's plan no matter what the chamber of commerce says, no matter what the National Association of Manufacturers says, no matter what the NFIB says, no matter what special interest groups say. Facts are facts. Ninety-six percent of small businesses will not pay higher income taxes under the President's proposal. When these groups attempt to mislead small businesses into thinking they are all going to be shut down by this tax proposal, I say it is dishonest politics.

Let me suggest to small business what is in this plan. For those 96 percent that are not going to pay higher tax rates. This plan will more than double the expensing provisions for small businesses that purchase new equipment. That is going to be significant for many more small businesses that otherwise would have to amortize the cost. They can expense it immediately right out of the box. That's a good thing for small businesses.

This plan is going to provide some targeted capital gains cuts for long-term investments in the startup and the expansion of small businesses. That is a good thing. That says let's look at those small businesses that are job generators, the real job creators and give them some real help.

Everybody understands we are paying lower interest rates these days. You cannot pick up the paper and not see those stories. Why are we including small businesses paying lower interest rates on their loans? Because the market and Wall Street and others understand this is the first honest deficit-reduction plan in a decade to reduce the deficit. The numbers are not phony. The economic assumptions are real. This is an honest plan that says let us grapple with this deficit problem right now.

This plan extends the ability of State and local governments to issue tax-exempt bonds for small businesses. It extends the 25-percent health insurance deduction for small businesses, and, yes, I would like to see that increased to 100 percent, but it had expired. This President reinstates the health insurance premium tax deduction at 25 percent. So this plan has some significant merits for small business.

When I see the Citizens for a Sound Economy, headed by a Republican from the Reagan and Bush administrations who is now running for public office, and when I see all these other groups that have their own agendas, I just remember again the story about the supervisor when he is asked does it take any talent to destroy? No, it does not take any talent. You can bring anybody off the street to start kicking and making a fuss.

But the facts are the facts. We should not be silent in this Chamber when this President finally, after a decade, stands up and says I am going to lead. Yes, I am going to be controversial; yes, I am willing to take some tough stands, but I am going to lead because this country's future depends on it. When he says that and he is subject to unfair criticism, dishonest criticism, and criticism aimed not at discussing the merits of the proposal but instead aimed at significantly distorting the proposal, then we cannot be silent.

The best interest of small business in this country is served by an economy that is vibrant, growing, and expanding. A growing economy will give all of us some opportunity for hope once again. That is what this President is saying with his plan. I hope that when the dust settles, we will be able to convince the American people what the facts are. If the Wall Street Journal says the other side is misleading on this subject, then it seems to me this plan merits our support.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PRYOR. Mr. President, I yield so much time as he may need to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I take just another 30 seconds.

Once again, the easiest thing in the world would be to do nothing. That has been done around this town for a long while. We looked like the ants in the ant farm; everybody looked busy, but we did not have leadership. We were not doing anything. We were not getting the job done. This President says let us do it and let us do it right. And if it is tough, let us do it anyway. If it is controversial, let us tackle it.

I said on the floor once a verse about bullfighting that applies to this President: Bullfight critics row by row crowd the vast arena full, but there is only one man there who knows, and he is the one who fights the bulls.

This President has stood up and stood out and said we are going to tackle these economic problems head on. And it disserves the interests of this country and this President for these groups to mislead the public about the impact of these proposals on America's small businesses.

I thank the Senator from Arkansas for the time and look forward to listening to his remarks as well.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

### THE EFFECT OF THE PRESIDENT'S BUDGET PLAN ON SMALL BUSINESS

Mr. PRYOR. Mr. President, I thank very much the distinguished Senator from North Dakota for his very fine address this morning to the Senate and also for the opportunity he has taken advantage of at the moment to bring forward the Wall Street Journal, Tuesday, July 20, 1993, story. I thought that this was one of the most meaningful journalistic contributions I have seen yet in this fight to do something about deficit reduction. I am very proud that a newspaper like the Wall Street Journal with the reputation that it has, especially in the business community, would basically say enough is enough and now it is time to get the truth out about some of the allegations that have been raised on the floor of the Senate with regard to the effect on small business of the deficit reduction plan that is now in the conference between the House and the Senate.

Mr. President, this particular proposal that is underway and under scrutiny which we have had for some weeks, it seems now, before the Senate and the House is, we hope, on the eve of being approved and implemented within our governmental structure so that we might bring the deficit down by some $500 billion.

Mr. President, today we want to talk about small business and the effect on small business of this particular proposal, notwithstanding what the Citizens for a Sound Economy have said, and eventually I think that this particular organization needs a little examination and needs a little illumination as to basically who they are, of whom they are made up, and how they are funded. I think this would go basically to the argument of their credibility.

Mr. President, only 4 percent of the small businessowners that file individual tax returns are going to be affected by the income tax changes in the Clinton deficit reduction plan—only 4 percent.

Mr. President, this is an additional chart. This is the chart which demonstrates who does not pay new taxes on small business, and basically those that do not pay any additional new taxes are 95.7 percent of the small businesses of America. Those that are taxed, basically, are about 4.3 percent of the entirety of the small business population.

Now, these are not necessarily mom-and-pop operations. These are large accounting firms. They are law firms. They are doctors. They are consulting firms. But they are classified as a small business. Now, 300,000 of these or 4.3 percent of the small businesses—and only 4.3 percent—are going to have to pay a little extra income tax. It is that simple.

We think the Wall Street Journal adequately points out what we have been saying, that this legislation is not only good for small business, it is certainly not detrimental to small business as some would have us believe.

I see my distinguished colleague from the State of Arkansas, and also my distinguished colleague, Senator BREAUX, from Louisiana, have come to the floor. We have a few more minutes of our time allocated to us.

Mr. President, I will yield to the very distinguished chairman of the Small Business Committee of the Senate at this time, my colleague, Senator BUMPERS.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. I thank the Chair.

### IMPACT OF THE PRESIDENT'S ECONOMIC PACKAGE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I thank Senator PRYOR for arranging for some of us to discuss the impact of the President's economic package on small business.

The art of politics is always to divert peoples' attention away from the hard realities. And in this case I was rather nonplused when the economic package was on the floor because I heard people from the other side of the aisle continue to talk about how this was going to impact small business. I did not challenge anybody. I thought maybe they knew something that I did not know. And, then suddenly, it dawned on me about the time that we finished that package, that it was a classic political diversion of attention; a distraction from what the real problem of the country is.

I remember when I was trying to get competitive leasing in the oil and gas industry on Federal lands. You know, we used to give away Federal lands for $1 an acre. People would go out and find all kinds of oil for $1 an acre that private industry would pay $4 or $5 an acre for.

Every time I brought it up on the floor—incidentally, it took me 8 years to change that to a competitive system—everybody talked about those poor mom-and-pop operators. It was not the poor mom-and-pop operators. They were retirees in Florida, sending in their names and going into a lottery just like powerball. They win the lottery, and then they go sell the lease to Exxon.

But all I heard about was the poor mom-and-pop operators. Incidentally, some of those poor mom-and-pop operators were not so poor, either. But it was a diversion away from the lunacy of the way we were leasing Federal lands for oil and gas exploration, and it is the same thing in this case, when people start talking about the impact on small business. Anything that adversely affects small business causes people on this floor to jump under their desks.

It is almost like Social Security. You mention a COLA, and everybody jumps under their desk. You talk about this economic package, which is absolutely essential to the survival of the Nation, and the people who gave us the same Siren song in the eighties that allowed this country to go $4 trillion in debt and who blame the Democrats for causing it now say this solution is all wrong because it is going to affect small business. The truth of the matter is they do not want the wealthy people of this country to pay taxes.

Kevin Coates used to be one of the most conservative writers in America. He always championed that ultraconservative cause. Suddenly, in the 1980's, the Reagan-Stockman policies brought him to his senses and he said, "You know, Let's face it. The historic mission of the Republican Party has been to keep the rich from paying taxes."

Having said that, let me make one other point, Mr. President. That is this: I get mail from pretty well-to-do people who say: I do not mind paying more taxes, but I resent the implication that there is something wrong with me because I make money.

You know, I agree with them. It is not fair. People who go out and drudge it out, duke it out, make it, and make a lot of money not only do not deserve our criticism, but they deserve our praise.

But the truth of the matter is if you are going to balance the budget, you have to cut spending and you have to raise revenues. And where are you going to raise money? You have to raise it from the people who can afford to pay it, like Senator DAVID PRYOR, Senator JOHN BREAUX, and Senator DALE BUMPERS, and people who make a lot more money than we do as Senators.

But we need to be paying more. We should pay more, and we will under this bill. But when you consider the fact that the top 1.2 percent of the earners in this country are going to pay this, we are not talking about the backloader operator out building a sewer system and making $30,000 or $40,000 a year; he is not going to pay any more.

Among the small business people of this country—whether they own a C corporation, an S corporation, a partnership, or a proprietorship—only 4.2 percent will pay more taxes.

Mr. President, I am sure Senator PRYOR covered all of this before I got here—and I got caught in a terrible traffic mess this morning—but they have to make $140,000 to $180,000 before they get taxed. We are not talking about welfare people here.

You have to raise taxes, and you have to get it where the economy will be least adversely impacted. Somebody once said to Willie Sutton, "Why do you rob banks?" And he said, "Because that is where the money is."

That is the reason we have to raise taxes on the people who can afford to pay them. You think about the President's tasking of raising $250 billion in taxes and cutting spending $250 billion.

You think about an economy that is right on the precipice with unemployment hanging at 6.9 to 7.2 percent for 2 years, where anything could push us over. You think about trying to reduce the deficit by $500 billion over the next 5 years, and trying to keep full employment at the same time. You talk about a tightrope act. And the same people who said in the eighties, "It is those Democrats causing this deficit to go out of control," are now blaming Democrats for stepping up to the plate and giving the American people the truth, no matter how unpleasant it is. It is not popular; of course it is not. I have never had anybody come up to me and say: Senator, please raise my taxes.

But here is the President, who said in yesterday's press conference, "You think this is timid. I am the first guy who has ever stepped up to the plate and said we are going to do something about the deficit."

And the same people who created the deficit while singing that Siren song of "Blame the Democrats," now say to the first President in the past 13 years to do something about the deficit, "Your solution is wrong because you are going to tax rich people." What is their solution? To take it from the most vulnerable.

When it comes to small business—I am probably being repetitious here—the President strongly favors my own small business capital gains tax. He said it yesterday. He was going to say it during his planned trip to Waldorf, MD. I do not know, since the death of Vince Foster, whether he is going to go to Waldorf or not. Bill Clinton and Vince Foster were like brothers. That is a massive tragedy, which I will speak about later.

So I do not know whether he is going to go or not. But I can tell you, if he does, he is going to tell the small business people there and all across America what we are doing for small business. He is going to say, "We are increasing the expensing of equipment from $10,000 to over $20,000." And he is going to say: I favor the Bumpers small business capital gains proposal, which will create 17,000 jobs a year for 5 years, over 80,000 jobs. And he is going to say, "And only 4.2 percent of the small business people of this country are going to be paying more taxes." What a deal. Who can quarrel with that?

Mr. President, I came here this morning just to say these few words in defense of the package, and I also want to say to my colleagues, particularly those who are on the conference: Do not back away from the $500 billion figure. Do not make it $400 billion; do not make it $450 billion.

Alan Greenspan said yesterday, in testimony before a committee of Congress, "It has to be $500 billion." I agree with Alan Greenspan on that. It has to be; it ought to be; and it can be $500 billion. If we get bogged down in parochial fights—like whether the gasoline tax is going to be 4.3 or 4.5 percent—we are not going to get the package through Congress, and the President will have failed.

In my opinion, if this President does not succeed with this package, if this President does not succeed in getting this deficit down in his 4 years as President, it will not be the President who failed, it will be the U.S. Congress, and the people of this country are the ones who will suffer.

Mr. President, I compliment my colleague for arranging the time this morning for some of us to speak. I know some of the things I have said simply repeated what he already said. The reason I am shouting is because I feel passionately about it. I shouted for 12 years—8 years of Ronald Reagan and 4 years of George Bush. I shouted from this very desk. I have been sitting here for about 14 years. People talk about how I rant and rave and prance up and down the steps. That is because I feel passionately about what I say, and I feel that this country is in big trouble.

If this President does not succeed, this country is going down the tubes. Now is the time for the Congress to step up to the plate and help a bold and courageous President salvage this country.

I yield the floor.

### SENATOR BUMPERS—A FRIEND OF SMALL BUSINESS

Mr. PRYOR. Mr. President, the Senate has just heard, I think, one of the best friends small business has ever had. He was a small business person himself. In 1970, he was elected Governor of our State. He knows the problems of small business, and he knows those areas that we need to really look into to help him to assist small business to succeed and prosper. He, like the rest of us in this body, knows that the creation of jobs today is primarily because of small business.

I thank my colleague, Senator BUMPERS, for participating this morning, and I thank him for his very eloquent statement. I am glad that he is passionate, I am proud that he is passionate, and I am also proud that he is my good friend and colleague from the State of Arkansas.

What is the time situation, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute 30 seconds remaining.

Mr. PRYOR. Mr. President, I think we have an understanding with the distinguished Senator from West Virginia, the President pro tempore, and he will come to the floor in about 10 minutes.

I ask unanimous consent that the Senator from Louisiana, Senator BREAUX, be recognized at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

### THE PRESIDENT'S ECONOMIC PLAN

Mr. BREAUX. Mr. President, I say to the senior Senator from Arkansas, who pointed out that he had been standing at that desk shouting and that he is concerned about the direction we are going, that is absolutely correct. I was in the other body, in the House, for 14 years, and we could hear him shouting all the way on the other side of the Capitol about this issue that he feels so passionately about. He has done a good job as chairman of the Small Business Committee making his concerns known to the public. The junior Senator from Arkansas, Senator PRYOR, has done a real service in making this time available, because there is so much misinformation.

I think both Senators correctly pointed out that the initial reaction from some people in the country, particularly in the small business community, was the initial reaction that "I do not like this bill because it taxes me too much. There you go again, raising my taxes." I think that people who heard those comments started repeating them, and it started mushrooming, and more and more people started repeating what they heard somebody else say and what somebody else had heard somebody else say. All of a sudden, the popular misconception was that this bill was bad for small business.

Today, we are beginning to tell the truth about what is really in this bill. I am absolutely convinced that when people really learn what is in it, they will say, "You know, that is a good approach, that is moving toward reducing the Federal deficit, which I have been telling my Members of Congress to get on with the decades."

Mr. President, I have been in the Congress for about 21 years now, as I indicated, 14 years in the House. I was there during the early years of President Reagan. It was really fund being in Congress in those days. It was very easy being in Congress, certainly, because President Reagan came to the Congress and said, "I want you to do two things for me as part of my economic program. I want you to cut taxes." And we did. Taxes on the wealthiest Americans went from 70 percent all the way down to 28 percent. That was an easy thing to do. No one had any problems cutting taxes. It was easy and fun, because we could do a lot of news releases that we had cut the American citizens' taxes by a huge amount.

The second thing he asked us to do was to spend more money. I do not know a lot of Members of Congress that do not like to spend more money, because we can tell the people that we are spending more money on this program and that program and this particular matter of interest to them.

It was an easy time to be in Congress, and it was a fun time to be in Congress. But it was also a bad time to be in Congress, because of the product of what we did and what happened as a result of those actions. As a result of those easy days of the Reagan years, we now have a $4 trillion-plus long-term national debt. In addition to that, we have deficits that are running at over $350 billion every year.

That is by far the cruelest tax that Congress could ever pass. It affects wealthy people, middle-income people, poor people, and it affects small business people every day that they open the doors to their shops. Every message we are getting from back home is: Congressman, Senators, do something about the deficit. Reduce the deficit, cut spending, and do not raise my taxes.

Well, now the hard days are in front of us. In fact, the hard days are here right now as we meet to try to correct the mess created during the 1980's.

With regard to small business, a couple of things are included in this package. No. 1, they will not lower interest rates. They have sent interest rates moving down as a result of the package that President Clinton has introduced and is being discussed and debated. We are moving with low interest rates.

Now long-term interest rates are a 16-year low. Mortgage rates are at a 20-year low. That is very good for small business.

Small business also says: We need something to encourage expansion and growth in our business. This bill, and the House bill as well, increases and more than doubles the amount of expensing that a small business can automatically deduct up front when they buy new equipment. For example, new equipment that is being bought for a laundry under this proposal, that small businessman could more than double the writeoff of that equipment immediately when he buys that equipment. We increased the expensing deduction from $10,000 all the way up to $20,500. The House bill has it at $25,000. That is going to really encourage small businesses to expand and buy the equipment they have been holding back on, and perhaps have to hire another operator to run that new piece of machinery that they have not bought because they did not have this benefit that is included in this package.

In addition to that, we make retroactive the 25 percent deductibility of health insurance premiums for small businesses that are self-employed and have their own insurance programs. They can deduct 25 percent of those premiums, and we make it retroactive. That is very important as well. We have a retroactive extension of the ability of State and local governments to issue tax-exempt bonds to small businesses—something that is very important to the small businesses outside the beltway in middle America; that State and local governments can now continue to issue tax-exempt bonds to encourage the expansion and development of small businesses.

I think the other point is that—I think both of the Senators from Arkansas pointed this out currently—in most small businesses, the individuals that run mom-and-pop companies are not going to be touched by any of the tax increases. Yet, that will receive all of the benefits in the program I just talked about. Ninety-six percent of small businesses are not going to be touched. Why? Because 96 percent of the small businesses that file income tax returns in this country showed that they had joint returns of $180,000 or less, and individuals with $140,000 or less of income would be excluded completely and totally from any of the tax increases.

Only 4 percent—a little over, 4.2 percent—of the small businesses would be hit by the taxes. But these are small businesses that are doing quite well, that I think, quite frankly, are willing to make a contribution to reduce the deficit, keep the interest rates down as they are. All the small businesses that are to fall below that level are totally exempt. What a deal—96 percent of small businesses are totally exempt.

I had a meeting back in my State of Louisiana on the Social Security issue, talking about taxing retirement income of Social Security recipients who are retired, of course, and we only taxed the benefits of those who earn jointly over $40,000 a year on retirement.

I had a whole group of senior citizens all upset about this new proposal whereby 85 percent of their retirement income would be taxed like it is on private pensions. So I asked the group, "How many of you in this room, a huge room full of senior citizens, earn over $40,000 a year in retirement?" No one raised their hand, no one would be affected by it.

When I said that it is not such a bad idea, they said "It might be a good idea to do what you told us, Senator," because none of them are affected by it.

The same thing is true for small businesses in this country. Nationally the statistics—and they are facts from the Internal Revenue Service, not something that anybody made up on the floor of the Senate—the facts show that 96 percent of small businesses, by actual returns that they have filed over the past years, would not be touched by the Clinton proposal that is now pending in Congress in a negative way.

They would be touched in a positive way because of the advantages that this program lays out on the table. It encourages them to be able to expand because of the expensing; encourages them to be able to borrow more money because of lower long-term interest rates and mortgage rates that are down at the lowest level in a decade, almost two decades in some cases.

Mr. President, I think the point we should make today is that we just have to tell the truth. We do not have to shade this package. We just have to tell the truth, tell the American people what is really in it, that we do have substantial cuts.

Over half the money that is raised to reduce the deficit in this plan is from spending cuts in Federal programs that we authorize each day here in this body, and the other half is raised from revenues, but from revenues that come from people who can most afford to pay while we exempt the vast majority of middle income and small businesses in this country from being adversely affected at all, although they are positively affected in many, many ways.

I thank the Senator from Arkansas for his leadership and just having the truth told and just letting the people know what is in this package for a change. There have been so many misconceptions and so many misstatements. The easy days are over. These are difficult times. There are no easy solutions. This is a difficult package, but it is a important package. I think the American people are willing to embrace it when they know what is in it, and our job is to let them know exactly that. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I want to thank the distinguished Senator from Louisiana for his contribution to this debate this morning and for helping to set the record straight on small business.

It has been my pleasure to have served with the Senator from Louisiana [Mr. BREAUX] on the Finance Committee and I cannot count the times, Mr. President, that I have heard the distinguished Senator from Louisiana speak out and speak out forcefully in behalf of the small business people of America. Once again, he has done that this morning, and once again he has reiterated that it is time, as this debate goes forward, for the American people and our colleagues in the Senate to know the facts, to have the facts set before them, and to know what is fact and what is fiction.

With that said, Mr. President, I want to thank the Chair. I also want to express deep appreciation to the distinguished Senator from West Virginia for allowing us to go a little beyond our time this morning. Mr. President, having completed our remarks, I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from West Virginia [Mr. BYRD] is recognized for 1 hour.

Mr. BYRD. I thank the Chair.

## LINE-ITEM VETO—X

Mr. BYRD. Mr. President, this is the 10th in my series of speeches on the line-item veto.

Last week, I spoke of the proscriptions of Sulla. From Asia, Sulla had announced to the Senate his victories, and his treaty with Mithridates, and had made no mention of personal grievances or revenge.

However, after he had left Ephesus and crossed over to Greece and had reached the shore of the Adriatic, his tone changed. He sent a second message to the Senate, recapitulating the services that he had rendered to his country and the rewards that he received for those services: His property confiscated, his friends assassinated, and himself voted a public enemy. He was now coming, he said, in order that his enemies and the enemies of the Republic should receive the punishment due for their crimes.

Sulla's return to Rome was a sanguinary one. The battle at the Colline Gate had been desperate and bloody, and the fighting had lasted all day long and throughout the entire night. The Samnite army, whose lines of retreat had been cut, was destroyed. And the battlefield, heaped with corpses, had grudgingly yielded up the victory to Sulla and his veterans.

On the day after the battle, Sulla was haranguing the Senate at the very moment that 6,000 Samnite and Lucanian prisoners were perishing under the sword. Suddenly the death cries were heard. Senators were struck with astonishment. But Sulla, with a firm and unaltered countenance, continued his discourse, and bade the Senators to pay attention to what he was saying, for the noise, he said, was coming only from some malefactors whom he had ordered to be chastised.

The bloody battle at the Colline Gate had ended all effective resistance in Italy. Now, a reign of terror began, and Sulla posted proscription lists of intended victims who were to be hunted down like animals, murdered, and a price set upon their heads.

Many victims had already perished, when Gaius Metellus ventured to rise in the Senate and question Sulla as to when "this vengeance might be expected to stop." Sulla answered that he did not know. "Then," implored Metellus, "let us know whom thou intendest to destroy." Sulla said that he would do it.

Plutarch tells us that Sulla then immediately posted a list of the names of 80 citizens. On the following day, he proscribed 220 more. And on the third day, as many more.

Sulla then announced that he had completed the lists of all those names he remembered, and that those whose names he had forgotten—as he later would remember the names—they "must enter some future proscription list."

Even the dead were not spared of Sulla's vengeance. The corpse of Marius, the conqueror of the Cimbri and the Teutons, was exhumed and decapitated and given up to insults, and then cast contemptuously into the Anio—the Anienus River—that the repose of the grave might be denied him.

From the proscriptions the equestrians had suffered especially. Appian, the historian, tells us that 15 ex-consuls, 90 Senators, and 2,600 knights—or equestrians—had already been the victims of the proscriptions.

But proscription did not end with the death of the victims. It also struck at their posterity, to the third generation. Not only were the sons and grandsons denied any paternal inheritance, but they also were declared unworthy ever to fill any public office.

The two consuls being dead, Sulla then had himself appointed by an interrex, Valerious Flaccus, to the office of dictator for an unlimited term. Sulla, before he had left Asia, had requested of his friends in the Senate that a law be passed permitting the appointment of a dictator for an unlimited term; it was entirely without precedent.

The appointment carried with it all of the powers of all of the magistrates. Sulla was appointed to an unlimited term in late 82 B.C., for the purpose of enacting legislation and reconstituting the government.

Sulla increased the number of Senators from 300—the figure at which it had stood for over 400 years—to 600. He appointed many of his own supporters, especially from among the equestrians. As a consequence, the appointees to the Senate were beholden to Sulla.

He then took away the traditional rights of the tribunes. They no longer had the right to introduce legislation. And he revised the composition of juries to again exclude equestrians, but to include Senators.

Mr. President, Sulla, indubitably, did not aim at a dictatorship for life. After he had restored "republican" government under senatorial control, he abdicated his power in stages, resigning from the dictatorship at the end of 81 B.C., being consul in 80, and becoming a private citizen without office in 79, retiring to his Campanian estate.

Sulla died the next year—in 78 B.C.—at the age of 60. He composed his own epitaph: "No friend ever did me so much good, or enemy, so much harm, but I repaid him with interest."

After Sulla's death, in 78 B.C., Roman history moved around the names of a small group of eminent men whose ambitions and rivalries were given free reign by the progressive decline of the already supine and increasingly feeble authority wielded by an indolent Senate. The generation of Marius and Sulla had seen the organization and effective use of a professional army as the basis of political power in the State and in the provinces.

Mr. President, time precludes me from mention of the several wars being waged in this period, with the exception of certain conflicts involving the most eminent men.

Mithridates VI Eupator the Great, King of Pontus, had made peace with Sulla in 85 B.C. Realizing that Sulla made peace only to accommodate his own early return to Italy, where he had some scores to settle with Cinna and Carbo, Mithridates prepared for a renewal of the struggle with Rome. He defended himself against attack in 83 and 82 by the Roman General Lucius Licinius Murena. But, again, Sulla brought about a cessation of the hostilities.

In 75 B.C., the King of Bithynia, Nicomedes III, died after bequeathing to Rome his kingdom. After the Senate had accepted the kingdom and made it into a new province, Mithridates disputed its possession and invaded Bithynia in early 74 B.C., where he was confronted with the Roman consul Marcus Aurelius Cotta, whom he defeated. In this third Mithridatic War, a Roman general by the name of Lucius Licinius Lucullus defeated Mithridates on land and on sea, recovered Bithynia and invaded Pontus, Mithridates' kingdom, thus forcing Mithridates to take refuge with his son-in-law, Tigranes, the King of Armenia.

For the next 2 years, Lucullus completed the subjugation of Pontus, but he could not end the war as long as Mithridates was at large. He, therefore, demanded the surrender of Mithridates by Tigranes, whose refusal of the demand resulted in an invasion of Armenia by Lucullus.

Lucullus defeated Tigranes and tried to completely subjugate Armenia, but he was prevented from doing so because of the mutinous conduct of his own troops, who were displeased because Lucullus protected the subject peoples from their excesses and, also, because Lucullus enforced strict discipline upon his troops. We can see why he had won these many battles. He enforced discipline among his troops, but they did not like it. So, he was forced to remain inactive, and finally, through the machinations of his enemies in Rome, Lucullus was relieved of the command in 66 B.C.

While Lucullus had been pursuing Mithridates in Asia Minor, Gnaeus Pompeius Magnus, Pompey the Great, was fighting Quintus Sertorius in Spain. As if two wars were not enough, a serious slave insurrection occurred in Italy. In 73 B.C., Spartacus, a Roman slave and gladiator from Thrace, broke out of the gladiatorial school at Capua with 70 of his fellow gladiators. He quickly collected more than 10,000 adherents and took refuge on Mount Vesuvius.

He then vanquished the Roman forces that were sent against him under Varinius Glaber and Publius Valerius, after which his Army swelled to a number of 70,000, and eventually reached as many as 120,000.

Rome then sent both consuls against Spartacus and, after defeating their legions, he sacrificed 300 Roman prisoners. This formidable war—although it had been ridiculed in the beginning as being nothing more than a raid, with much plundering and robbing—was now going into its third year.

Marcus Licinius Crassus was elected praetor. His surname was "Dives." Remember the name in the Bible—Dives? Crassus was called "Dives" because of his great wealth. He advanced against Spartacus with six new legions. After arriving at his destination, he received two additional legions that had been defeated under the previous consuls. Crassus immediately decimated these two legions, killing every tenth man, as punishment for their bad performance in the battles they had lost against Spartacus.

Upon Crassus' demonstrating to his Army that they had more to fear from him than from the enemy, he overcame 10,000 Spartacans and then advanced boldly against Spartacus himself, vanquished him in a brilliant engagement, and pursued his fleeing forces to the sea, where they attempted to pass over to Sicily. In a pitched battle that was long and bloody, Spartacus, with a great mass of his followers, was surrounded by the forces of Crassus, and slain. Crassus had won a great victory over the slave rebels.

Meanwhile, in Spain, Marcus Veiento Perperna, having treacherously assassinated Sertorius, and having taken over his command, himself was disastrously defeated. He was taken prisoner and executed by Pompey, thus bringing an end to the war in Spain in the year 71 B.C., the same year in which Crassus had triumphed in the slave war.

Both Pompey and Crassus, flushed now by their victories—respectively, in Spain and Italy—demanded triumphs, and also requested permission to stand as candidates for the consulship. Crassus was eligible, but Pompey was still under the age limit. He also did not qualify because he had not previously held the offices of quaestorship and praetorship.

Both Pompey and Crassus, however, having maintained their men under arms, the Senate was overawed and yielded, giving both men their triumphs, and approving the passage of a law exempting Pompey from the legal requirements of his candidacy. Both Pompey and Crassus then put aside their personal rivalries and supported each other to the fullest for the consulship. They were both elected.

They immediately went to work and overturned the Sullan constitution, restoring to the tribunes their traditional rights, including the power of the veto. They revised the senatorial lists to include their own favorites, and also revised the composition of the juries, this time to provide that equestrians as well as Senators could sit thereon.

Both Pompey and Crassus had declined appointments in the provinces following their term as consul because there were no provinces available that offered them the opportunity to augment their military or political reputation.

Subsequently, however, Pompey was given such opportunity by virtue of the ravages of the Cilician pirates, whose depredations upon shipping had interrupted the importation into Rome of grain, bringing on the serious threat of a famine and requiring decisive measures.

In 67 B.C., a Roman tribune by the name of Aulus Gabinius introduced legislation appointing a single commander of consular rank, with authority over the whole sea within the pillars of Hercules and all Roman territory to a distance of 50 miles inland—the appointment, with Imperium, to last for 3 years.

The Senate bitterly resisted this legislation, but it was enacted with the support of Marcus Tullius Cicero and that of a rising young noble named Gaius Julius Caesar. The opinion of the people was such that the Senate had to appoint Pompey.

Pompey immediately set to work energetically and systematically, and in 40 days had swept the pirates from the Western Mediterranean, and in 49 more had cornered them in Cilicia and forced the surrender of their strongholds. Therefore, within 3 months, Pompey had brought to a triumphant conclusion the pirate war, but he still had 33 months to run with respect to his appointment with imperium. He was eager to gather fresh laurels. The opportunity was not wanting, if we recall that the conclusion of the pirate war coincided with the check of Roman arms in Pontus and Armenia that had been brought about by the mutinous conduct of Lucullus' soldiers and the machinations of Lucullus' enemies in Rome.

Pompey sought Lucullus' command. Here was another opportunity for military glory.

The Senate strongly opposed any extension of Pompey's authority. But with Cicero's support, again, legislation was enacted and Pompey received Lucullus' command, and he departed to carry out his new duties.

Tigranes came to terms with Lucullus. Mithridates in 63 B.C., was beset by a mutiny led by his own son, Pharnaces II, and trapped in his own citadel at Pantacapaeum.

Pantacapaeum was located in the Crimea where Kerch is now located, on the strait connecting the Sea of Azov with the Black Sea.

Mithridates attempted to commit suicide with poison, but he had been taking small doses of poison for several years and was, therefore, immune to poison. Therefore, he had himself put to death by a mercenary. With the death of Mithridates, the several Mithridatic Wars came to an end.

Pompey had conquered a vast territory and had created a continuous belt of Roman provinces along the coasts of the Black Sea and the Caspian Sea and extending as far south as Syria and Judea. He then prepared for a triumphal return with his victorious troops to Italy. This was in 62 B.C.

Now, Mr. President, let us go back 2 years and see what was happening in Italy while Pompey was fighting in Asia Minor with Mithridates and Tigranes.

In 64 B.C., three men ran as candidates for the consulship: Lucius Sergius Catilina, or Catiline; Gaius Antonius; and Marcus Tullius Cicero. Antonius and Cicero were elected. In 63 B.C., the consular elections for the next year were held and, again, Catiline ran and he was again defeated, he being bitterly opposed by Cicero and the business interests and most Senators, because they distrusted his motives.

Catiline was not a man to take two defeats easily. He was a vindictive man and of a rebellious nature. Therefore, while Gaius Manlius, an associate of his, was collecting a large force of men under arms in Etruria, Catiline, with contention and malice, formed a conspiracy in Rome against the government.

The plan was to assassinate Cicero, create acts of arson throughout the city, and occupy strategic points with armed men who would take over the Government.

Gaius Sallustius Crispus, a Roman historian who lived during the years 86 to 34 B.C., was a contemporary of this event. And he writes that among the conspirators was a man named Quintus Curtius, whom the censor had expelled from the Senate for bad conduct. Curtius had a lady friend whose name was Fulvia, and when he found himself less in favor with her because lack of means compelled him to be less lavish with his gifts, he suddenly began to talk big and promise her the Earth, the next moment threatening to stab her unless she complied with his demands.

Well, this high and mighty tone was so unlike his normal manner that Fulvia insisted upon an explanation. Upon discovering that there was a conspiracy, she decided that such a dangerous threat to Rome should not be concealed. The facts, therefore, were communicated to Cicero.

Cicero developed enough evidence to induce the Senate to adopt a decree empowering him to take all necessary measures to save the state. This was a Senatus Consultum Ultimum, a declaration of a state of emergency. He then proceeded to have five of the leading accomplices of Catiline arrested. Instead of leaving the matter to the regular courts, he promptly convened the Senate to decide the fate of the five prisoners. The Senate, after a very strong speech by Marcus Porcius Cato Uticensis, the Younger, decreed that the conspirators be executed.

Cicero, believing it best not to wait until nightfall, lest an attempt be made by the conspirators during the interval, immediately conducted the condemned men to a chamber within the prison, which was about 12 feet below the ground and enclosed in walls of stone. Along with Publius Cornelius Lentulus Sura and Gaius Cornelius Cethegus, both of whom were Senators, Gabinius and Statilius and Caeparius met death at the hands of the executioner on December 5, 63 B.C.

Catiline now realized that it would be futile to march on Rome, and he attempted to escape with his army into Cisalpine Gaul, but he was caught between two Roman armies, commanded by Gaius Antonius and Quintus Caecilius Metellus Celer.

A bitter and violent battle ensued with heavy losses on both sides. Sallustius tells us that Catiline and his men fought with such ferocity and daring that practically every man was found dead upon the battle station that he had occupied before the battle began. Catiline, defiant as ever, was found at the head of his troops. Thus ended the Catilinian conspiracy in 62 B.C.

Mr. President, also in 62 B.C., the Roman Senate trembled when it heard that Pompey with his well-seasoned, well-equipped army had landed at Brundisium, on the heel of the boot of Italy, and was on his way to Rome with an army of men who were devoted personally to Pompey and who were capable, at his word, of making him dictator. Pompey was at the apex of his power.

Pompey relieved the fears of the Senate by voluntarily disbanding his army before he entered the city. The Senate no longer feared Pompey, now that he had disbanded his troops. The ungrateful Senate rejected his requests for land for his veterans and for ratification of the agreements that he had made in Asia Minor while he was subjecting kingdoms and peoples to the control of Rome.

As a result, Pompey together with Crassus and other capitalists were thrown into a flirtation with the Populares, and so, in the year 60 B.C., Pompey and Crassus, the richest man in Rome, and Julius Caesar, soon to rise to preeminence, reached an informal arrangement of power-sharing, known as the First Triumvirate.

Mr. President, the Roman Republic had been in existence, now, for a period of 693 years—lacking 7 years of being 7 centuries. It had only a few more years to run until its final collapse. The death rattle in its throat was not yet audible, but its vital signs had shown serious deterioration since the time of Tiberius Gracchus.

Dominant individuals, helped by their supporters, struggled for power, prestige, and military glory. Incessant civil wars and wars in the provinces had extracted a terrible toll from the population of all Italy, and the price in blood and treasure was to flow through many generations.

The vanishing peasantry from the land, the declining family and religious values, the fading away of the old Roman virtues, a growing slave economy, power politics, graft and greed and venality and corruption in government, high unemployment and growing indolence, both of which had contributed to the swelling city mob—all of these were the signs as well as the elements of a creeping but certain decay of the Republic.

Through it all, Mr. President, a weakened Senate—once the resplendent and supreme pillar of power undergirding the rugged yet graceful architecture of the Roman Republic—had lost its way, its nerve, its vision, and its independence. The Roman Senate, for so many centuries the pride of the Republic, had failed at the critical junctures to demonstrate the firmness, the considered judgment, and the integrity that might not only have arrested but might also have reversed the decline of the Republic. As of the year 60 B.C., the year of the First Triumvirate, the Senate possibly could even yet arrest and reverse the decline. But would it?

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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## THE PRESIDENT'S ECONOMIC SUMMIT

Mr. ROCKEFELLER. Mr. President, because of events thousands of miles from here, the American people had a very good week, 2 weeks ago. President Clinton deserves enormous credit for his leadership, and the work of his administration in helping carry out an economic summit that was genuinely productive.

With respect to multilateral economic relations and the Uruguay round, as well as our bilateral relationship with Japan, the President laid important foundations, and he intends to build upon those in the coming months. People had very low expectations, but the summit's results were very substantial.

President Clinton sent an important message, in fact, about the future of the United States to Americans, as well as to the rest of the world. That message is that, as the 20th century comes to a close, America's ability to continue as the world's leader will be determined by our economic strength, not simply by our military might.

He made clear that American foreign policy is economic policy, and American foreign policy is also trade policy. No President has ever said that before, and all branches and all agencies of the Government, including the State Department and the National Security Council, were using exactly this same theme.

The President understands that we lead most effectively by having a strong economy here at home; that our growth sets the standard for others, and, in fact, promotes the growth of others through trade. His focus on economics here at home and in Tokyo made clear that the Clinton Presidency will not be the kind that puts a wall between foreign policy and domestic policy. We have had those Presidencies, and that compartmentalizing has served us extremely poorly. We need to see that the critical global issues are jobs and growth, and that the country that can produce both will be the country that will lead the world.

At the same time, the President's clear message to all our trading partners at the summit, and to the Japanese in particular, is that growth and job creation must take place within a free market and on a level playing field. The days when other countries can preserve their inefficient industries through subsidies and export their unemployment to the United States, as the Europeans, for example, have done in steel, those days, Mr. President, are over. Likewise, the days when a country closes off access to its own market but rolls up huge export-drive surpluses, as Japan has done, are also over.

America has been the most open and the most developed market in the world in the postwar era. We did that deliberately for geopolitical reasons, and we paid the economic costs it entailed in order to serve as an engine of growth for our allies so that we could maintain a strong united front against the Soviet Union. That makes sense. That rationale however, is gone now. But, more importantly, so is our ability to pay for that rationale. President Clinton understands very clearly the need for a change in that policy as well as the fact that such change is measured on a micro- rather than a macroeconomic level by changes in U.S. market share abroad, in exports to targeted sectors, and growth in high-wage, high-skill jobs.

Trying to produce the necessary policy changes here in the United States and on the part of our trading partners has been compared to trying to turn an aircraft carrier around. It is possible to do it but it takes a long time and it does not happen on a dime. But we began that process in two important ways last week, and I want to talk about those two important ways.

The first success, which set a positive turn for the entire summit. Was the announcement of a Uruguay round market access agreement. That was not expected. This agreement, which primarily involves cutting tariffs, was very hard fought and exceptionally difficult to reach in view of the extreme import sensitivity of many of the items on the table and the determination of some countries to exploit that same sensitivity.

But this was not a process that was painful only for the United States. Our interest in zero tariffs on electronics and nonferrous metals, particularly aluminum, was strongly resisted by the European Community. Proposals to reduce tariffs significantly on wood, on the other hand, were rejected by the Japanese.

In the end, efforts to obtain maximum cuts by spreading out the pain as widely as possible did not succeed. Instead our negotiators settled for a more modest—but still significant—package of tariff cuts and left open the possibility of further concessions later on.

But the package has tremendous significance because it lays a foundation for the actual conclusion of the Uruguay round. These talks, which should have been finished years ago, have been stalled since early this year as the rest of the world has waited for the four leading developed countries—the United States, Canada, Japan, and the EC—known as the quad countries, to reach some consensus on market access.

Now that we have in fact done that, other countries should be willing to make more meaningful offers of their own on market access and services and we can go on and make the revisions in the current text that will be necessary for it to pass muster here in this Congress.

As I said before, 2 weeks ago during the debate on the fast track extension, I have problems with the current draft text—and I think many members of the Senate Finance Committee have serious problems with the draft text—and I do not believe it will be approved by the Finance Committee much less the Congress, were it presented to us. That does not, however, mean that we should abandon the effort to get an acceptable text, but rather we should maintain our policy that no deal is better than a bad deal. Let me also add that congratulations are also due to Ambassador Mickey Kantor, Deputy U.S. Trade Representative Rufus Yerxa, and Ambassador-designate John Schmidt, who were actually involved in the negotiations.

This is a step forward for more open trade that reflects the discipline of the free market, which has been the historic position of the Democratic Party. Indeed we should not forget that the last person to complete a global trade round was Jimmy Carter.

I must say, however, that in the midst of this good news from the economic summit, I was really disturbed by recent comments by the new Director-General of the GATT, one Mr. Peter Sutherland. I do not know Mr. Sutherland personally but his statements about pending steel cases and the United States position on the Uruguay round suggest that he still sees himself as an EC, a European Community, commissioner, rather than as the head of what he is, which is a multilateral body. His attitude, in my judgment, can only increase congressional unhappiness with the round, make us more suspicious of it, and complicate the process of approving it once it is concluded.

Likewise, I was more than disappointed in Mr. Sutherland's comments at his press conference on Monday of this week in which he called on the United States to continue trade policies that we have been carrying on since the end of the Second World War. I have just tried to explain why those trade policies are now an anachronism, and Mr. Sutherland calls on us to continue those trade policies. He clearly and probably deliberately misses the point.

President Clinton's trade policy, by contrast, is based on the premise that things have changed since 1945, and it is time for new policies that better reflect market economics and better reflect U.S. interests. I worry about the fate of the Uruguay round if Mr. Sutherland remains as lost in the past as he seems to be.

The second success relates to the agreement on a United States-Japan trade framework. While it is fair to say that the text of the framework, like most negotiated documents, uses ambiguous words to paper over deeply held differences, it does, nonetheless, represent a turning point in a long troubled relationship, and it is a solid foundation for further discussions.

Japan's election this past weekend will certainly mean some change. How much remains to be seen. It is my firm belief that that change might in fact be good not only for Japan but for the United States.

It is not particularly a hard sell to argue that a new framework will be good for Americans. Any progress we make opening markets in Japan will mean more exports and, therefore, obviously more jobs for our people.

But the framework will also provide benefits for Japan. And this is important because it represents the end of an era of looking at Japan through the increasingly cloudy prism of World War II. Before Bill Clinton, our Presidents' attitudes were formed by the Second World War and our subsequent policy of rebuilding Japan and then integrating it into the Western system. That is the way we thought of Japan. Inevitably, that translated into a sort of senior-junior partner view of the relationship in which the United States expected Japan to be independent but not too independent, active internationally, but not too active, and economically strong, but then again, not too strong.

Bill Clinton our first President born after the war ended, sees the relationship as most Americans now see it—one between two economic superpowers whose interests often converge but sometimes conflict, particularly on economic issues, but who both have an overriding interest in working out their differences in a cooperative manner. The framework for the first time puts the relationship on a businesslike basis between economic peers that acknowledges the tremendous progress that Japan has made over the past 40 years.

That recognition is part and parcel of the President's framework and is also highlighted by his support for a permanent Japanese seat on the U.N. Security Council, which affirms Japan's own view of its proper place in the world and will make it easier for Japan's leadership to play an international role warranted by the country's economic strength.

Encouraging Japan to play such a role—and getting out of the way so that it can—will also help deal with the unhealthy problem of gaiatsu or foreign pressure.

Japanese politicians have grown comfortable telling us privately that they cannot make the changes they know their economy needs unless they are subjected to gaiatsu. It is apparently easier to concede to foreigner pressures than to lead on one's own. However, the belief that politicians cannot lead but only follow is precisely what has contributed to Japan's current political crisis. And from an American point of view it has produced only grudging concessions that are justified not as responsible leadership by a mature world power but as a way to keep foreigner powers at bay—yet again.

Prime Minister Miyazawa's personal intercession in the framework talks, which confounded his bureaucrats, is an example of just the kind of leadership that Japanese politicians must provide if our relationship is to grow and prosper. The Prime Minister understood that some important things had gone awry in our relationship, and he was determined to set them right, even though his days in office are likely down to a few. It is that approach—politicians acting outside their own interest and in the national interest—that saved the framework and helped put our relationship back on track.

President Clinton's approach to the negotiations, by recognizing Japanese strength from the beginning and insisting on clear, consistent, and honest communications between our two nations, successfully challenged Japan's leaders to actually lead—something none of our Presidents had ever done before—and more than that, challenge them to take painful steps not just because we want them to but because they make sense economically for Japan as well as America.

Japan has prospered for years with large and growing trade surpluses and has spawned a growing number of countries, primarily elsewhere in Asia, pursuing what one might call copycat policies.

That prosperity, and the huge inflow of funds it has meant, contributed in a major way to Japan's bubble economy and to preserving inefficient structural rigidities in its society like its distribution system and the collaborative, if not corrupt, behavior in sectors like construction. These make their economy less productive than it really could be and their citizens less well off than they should be.

Now that the bubble has burst—or at least is leaking at the seams—and the yen continues to stay strong, Japanese are beginning to understand that a return to the high growth rates of the past will not come without significant change. The old tactics simply will not work any more.

The President's framework is innovative because it is as much about creating the political climate that will permit those changes as it is about the changes themselves. If we can address our problems as equals—as adults, so to speak—we can enter, Japan and the United States, the 21st century as partners—and, in fact, we probably will do that—rather than as adversaries. That will be good for both of us because it will mean greater growth and greater productivity. And it will mean a healthier relationship that reflects current realities rather than one that is still rooted in the 1950's.

As I said earlier, the framework hardly solves all these problems instantaneously. Indeed, in the short run it may actually create more of them as we proceed to negotiate on some of the hard specifics. But those negotiations will occur in a healthier, more constructive climate, and with a President determined to persist until our problems are adequately addressed. And that is a framework for success.

Because today's realities are that this country, at a breakneck pace, is becoming integrated into the rest of the world. It is called globalization. McDonald's, amazingly, sells more hamburgers on the streets of Tokyo than on the streets of New York. An American is the best sumo wrestler in Japan and a Japanese conducts one of the finest symphony orchestras in America. The World Series trophy resides in Toronto and baseball is being played from Rome to Managua to Taipei. Europeans stay up until all hours of the night to watch Michael Jordan. And across the United States we are gearing up to host the World Cup soccer tournament.

In many ways what the President accomplished at the economic summit helps put to paper what history has already recognized. President Clinton has helped lay the foundation upon which we can build solutions to our trade problems. And the result will mean far more than Big Macs on the Ginza. It will mean jobs, growth, and prosperity on Main Streets all across America.

Mr. President, I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, is the Senator from Wyoming correct in his understanding that now begins an hour under his control?

The PRESIDING OFFICER. The Senator from Wyoming is recognized for up to 1 hour.

## TAXES

Mr. WALLOP. Mr. President, we heard a lot of pontification, palaver, complaint, and dazzling speech this morning about how the President's economic package will not, in fact, affect small business. I think most American small businessmen will be somewhat startled to hear that after examining the taxes in the President's package.

But I think the more important thing to ask is why now do we even need these taxes? Was it not the case that the President, during his campaign, promised a middle-class tax cut? Was it not the case that when he reneged on that promise, he did so because the deficit was so much bigger than he expected it to be? Is it not now the case that the deficit is considerably smaller than projected and, therefore, the need to whack a large tax on the middle class and small businessmen of America is gone, under the President's rationale?

However, the President and his people are playing games with Americans, playing games that I think are essentially unfair. By law the President is required to submit on the 16th of July a midsession review of the state of the deficit. According to Senator DOMENICI, in April in the administration had projected that the deficit would be $322 billion, but actual data for three quarters of the year shows that the deficit is significantly lower than that, as much as $50 billion less. This is the figure that the President used as an excuse for reneging on his promise to provide a middle-class tax cut and, instead, impose a middle-class tax increase.

Even the Director of OMB, Mr. Panetta, while refusing to release the data, concedes that the deficit is much lower than originally projected. What we are now witnessing is the desire of the administration to spend that savings and to continue to renege on the promise to provide a middle-class tax cut.

Another thing that the President has reneged on is the justification he used to propose a Btu tax. Here is a quote which he said in February of this year.

> I cannot avoid raising taxes on the middle class because the deficit has increased so much beyond my earlier estimates. When I began the campaign the projected deficit was $250 billion and now it is up to $400 billion.

Mr. President, now it is not up to $400 billion, and it is far closer to the $250 billion, which was the threshold for the great broken promise to the American middle class.

Mr. President, I yield the Senator from Washington 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for up to 10 minutes.

Mr. GORTON. Mr. President, I thank my friend and colleague from Wyoming.

## CUT SPENDING AND THE ECONOMY WILL WIN

Mr. GORTON. Mr. President, President Clinton's new taxes budget, now before the House-Senate conferees, is seriously flawed because it relies primarily on increasing taxes to reduce the budget deficit, a program which has always failed. While reducing the budget deficit may be the most important issue before this Congress, the President and his allies in Congress are offering this country what amounts to class warfare, class warfare that will, in the end, not reduce the deficit.

The administration's promises to reduce the deficit by raising taxes on the wealthy and on middle income Social Security recipients. The American people are told by this administration that the country can reduce its budget deficit and return to the road to prosperity painlessly through higher taxes on someone else.

That dog will not hunt.

I object to these higher taxes and this reconciliation package because they will not reach the two goals President Clinton claims to seek: a lower deficit and renewed economic growth. More taxes will not reduce the deficit because they will not raise the revenue claimed. They will not lead to economic growth because higher taxes have never led to economic growth.

The problem is that President Clinton seems to believe that higher tax rates do not have an impact on economic growth. He seems to believe that the government can raise taxes on Americans with no impact on the overall economy. He is as wrong in 1993 as George Bush was in 1990.

History should have taught the President and the Democratic majority in Congress that raising taxes is no way to solve the problem of the deficit.

In my view, the 1990 Budget Act provides empirical proof that taxing anyone, even those with supposedly excess income, will depress the whole economy.

Remember, Mr. President, the 1990 Budget Act tried to hit the rich twice by raising marginal tax rates and taxing supposed luxury purchases. In each instance raising taxes had a negative impact on the economy. Many economists believe that the increased taxes in the 1990 Act were largely responsible for the 1991 recession. Higher taxes on one group of people pushed the economy from a period of slow, but positive, economic growth into a full blown recession in less than 9 months.

The effects of the luxury tax devastated several industries and had almost a nonexistent effect on the rich. Tens of thousands of families whose primary source of income came from boat building and aircraft manufacturing suffered economic hardship and dislocation as a result of Congress' vain attempt to punish the rich for the supposed excesses of the 1980's.

Credit card and mortgage bills went unpaid; cars and refrigerators and washers and dryers were repaired rather than replaced; children who needed new clothes and shoes got only new patches—all in an attempt to punish the rich for asserted excesses of the eighties.

For example, one aircraft building industry source cited in a Washington Post article noted that the Federal Government lost more than $4 million worth of Federal income taxes because of job losses directly related to the luxury tax on private airplanes. During that same time, the IRS figured that it collected $158,000 in luxury taxes from airplane sales. In effect, the 1990 Budget Act ordered that to spite the rich we would destroy the lives of tens of thousands of families who were employed in boat building and private airplane manufacturing. But, the Clinton administration and the Democratic leadership in Congress seem to have learned nothing from this experience, as they are about to repeat it.

Beyond the assumption that the rich have money which the Government can take without economic repercussions, the Clinton plan before the reconciliation conferees also assumes that people do not react to higher taxes by changing their behavior. Here also, we have empirical evidence from recent history to suggest just the opposite, that people at all income levels do so react to higher tax rates.

The tax reform efforts of the 1980's proceeded from two premises: to lower marginal rates and to broaden the tax base by eliminating as many tax preferences as possible.

In essence we realized in the 1980's that higher tax rates cause people to push for more and more tax loopholes and preferences. If you eliminate tax loopholes and preferences you can lower marginal rates, significantly broaden the tax base, and simplify the tax system.

When we attained these goals in the eighties, the net result was that higher income earners paid a greater share of the total Federal income tax. In 1981, the top one percent of taxpayers bore 17.6 percent of the total tax burden. In 1990 the tax burden of the top 1 percent rose to 25.6 percent. The same thing happened for the top 5 percent of taxpayers. These people paid 35.1 percent of the total tax burden in 1981, but 44.1 percent by 1990. In contrast, the lower half of all taxpayers paid 7.5 percent of the tax burden in 1981 and only 5.6 percent in 1990.

But what happened after the 1990 tax hike? Despite the beginning of a recession in 1991, overall income increased 3.3 percent for the year. But upper income individuals paid less in taxes in 1991 after the increased rates imposed in the 1990 deal, $6.5 billion less. And while the rich avoided paying higher taxes, everyone else actually paid more in taxes. All other taxpayers paid an additional $3.3 billion while upper income people paid less in taxes despite the new, higher rates.

The same higher taxes were imposed on the Nation's small businesses. Those small businesses that put their owners in the upper income ranges earned 10 percent less money in 1991 than in 1990. During the same time frame income for small businesses not in the upper income categories rose 6.2 percent. Of course, it is not the case that more profitable businesses suddenly lost money while less profitable businesses made more money. These upper-income business owners found a way to produce 10 percent less in taxable income as a response to higher income tax rates. Why in the world does the Clinton administration think it will be any different this time?

Despite this overwhelming evidence that the rich are not only paying their fair share but a larger share than they were 10 years ago, the Clinton plan proposes higher marginal tax rates. And despite the evidence that people do react to raising and lowering tax rates, the Clinton plan assumes that upper-income individuals will not try to shelter income from higher tax rates. Martin Feldstein, former chairman of the President's Council of Economic Advisers, has demonstrated that even a modest effort to shelter income by those impacted by these new taxes will result in significantly less money coming into the Federal Government than is projected under President Clinton's plan. Dr. Feldstein, president and CEO of the National Bureau of Economic Research, Inc. points out that if these people protect just 10 percent of their income from taxation, the Government will collect only $7 billion a year not the $26 billion a year that the plan assumes will be generated over the next 5 years—obviously a huge difference.

Mr. President, the Clinton plan will fail. It will not reduce the deficit. No plan can create prosperity by raising taxes. The plan will put average American workers out of work. It may not be as industry specific as the 1990 Budget Act was but fewer people will be employed a year from now if this reconciliation package is passed. And, like the 1990 Budget Act, not only will we put people out of work but the Government will not collect the revenues it hopes for from the act. Spending will continue to increase. And the budget deficit will continue to grow.

It is because this plan will not lead to lower deficits that Republicans are overwhelmingly against the reconciliation bill. It is because we are certain that unemployment will rise that Republicans will fight to defeat this plan. I can only hope that this plan will be defeated. Defeat would be a victory for all Americans. In fact, if President Clinton is forced to return to Congress with a plan to cut spending first, the economy will win, the American people will win—and even President Clinton will win.

Mr. WALLOP. Mr. President, before the Senator from Washington leaves the floor, let me compliment him on his statement. While he was delivering it, I was struck by the fact that with the George Bush tax increases of 1990, the revenues paid by the wealthy actually declined because of increased taxes. And in his statement the Senator from Washington noted that the wealthy had found ways to rearrange their income to make it less susceptible to taxes.

Guess who also did the same thing this year? None other than Hillary Rodham Clinton who, knowing that there were tax increases coming, managed to have her law firm pay her salary last year so that it would not be subject to the new higher taxes this year.

We heard a lot of talk on the floor this morning about how the higher marginal tax rates would not hurt small business and how they would not affect middle-class Americans. If you can see this chart, I point out that 36 percent of interest income in America will be subject to the 36-percent rate, or the 36 plus the 10-percent surtax; 51 percent of the rent and royalty income—this is not all rich people, Mr. President—will be subject to the higher taxes; 53 percent of dividend income—we tell Americans to save and invest and then when they do, we tax their income, not only through a higher corporate tax, but now through a higher personal tax; 62 percent of business or professional income will be subject to the higher rates, and a whopping 84 percent of partnership or S corporation investment income will be subject to the new higher tax rates.

Mr. President, I do not care what was said on the floor this morning, S corporations and partnerships are America's small business, and 84 percent of their investment income will now be subjected to the higher rates—income that otherwise would be used to create economic growth. That is the middle class.

I ask my friend from Washington, would he not agree?

Mr. GORTON. Certainly.

Mr. WALLOP. That is why these new higher rates—by stifling economic growth—will not achieve as much revenue as projected.

Mr. GORTON. The Senator from Washington certainly does agree with that position. It is especially peculiar, it seems to the Senator from Washington, that in the light of such recent experience in both directions, when lowering rates and getting rid of preferences increased the share paid by upper-income groups and raising rates lessened the share they paid, we would attempt to do just what was so unsuccessful as recently as 3 years ago.

Mr. WALLOP. Well, when the First Family itself makes a logical human response to avoid taxes, and there is nothing illegal about it—I do not intend to imply there is anything illegal about it, but they are making a response that they claim Americans will not.

Now, I would ask the Senator from Washington one other question. There are a lot of rumors around regarding several possible changes that can be made to raise the revenue needed to reach a compromise on the deficit package. One such rumor is the lowering still further of the threshold at which the higher marginal tax rates will kick in. They may go as low as $125,000 from $140,000 in taxable income. Other rumors are that the threshold for Bill Clinton's super tax may drop by another $50,000 to $200,000, and the threshold on the corporate rate increase may drop from $10 million to $1 million.

Now, are these not the kinds of taxes, about which the Senator just spoke, and the type of taxes which generate the human responses of which Americans are predictably disposed? Is this a fair observation?

Mr. GORTON. It is a paradox that there are so many new millionaires in the United States. A millionaire's tax that has now dropped to $250,000, as the Senator from Wyoming points out may drop to $200,000, which will simply catch, of course, thousands and thousands of additional small businesses, take money out of their ability to grow and out of their ability to provide more employment.

It does seem to this Senator, and I suspect it does to the Senator from Wyoming as well, that while we are hearing a great deal about ways to shift around these new taxes and transmute them from one group to another we hear nothing in this discussion about lowering the deficit by cutting spending further and reducing some of this tax burden in order to encourage these small businesses to provide more employment. Has the Senator from Wyoming, who does serve on the Finance Committee, heard any rumor from the conference committees that they are really considering cutting spending more?

Mr. WALLOP. Unfortunately, I would say to the Senator from Washington, the administration and majority party take a very ill-disposed view toward cutting spending first. It is, after all, their arguably captive constituency who would be affected if spending were cut first. But what they fail to recognize is that this captive constituency would be the first beneficiary of a newer and brighter economy.

Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

### LOWER BUDGET DEFICIT

Mr. BURNS. Mr. President, we had some good news last week that the year's projected deficit is lower than originally thought.

I did not see that in big headlines in newspapers across the country. Had it been the other way, that the deficit this year was going to be $34 billion more than estimated, I imagine that would have made great headlines.

I am disappointed that the Office of Management and Budget is not interested in releasing those figures. I think I know the reason why—because if Americans, many of whom were promised a tax cut before the election, knew that the deficit is lower than expected, they might not be too excited about paying more taxes.

The projected deficit may be $37 billion below previous estimates, and $63 billion over the next 5 years.

Now, I know there will be some who will look upon that as a bonus, as an opportunity to spend more money. Instead, I would recommend that this is a great opportunity to rein in some of the taxes about to be foisted on the American people. For example, we could get rid of some of the energy taxes and the increased taxes on Social Security. If we do not need the money, let us cut down on some taxes, especially energy taxes, because those taxes really hurt the people who we are trying to help, and that is the middle class and the working poor, and of course those people who are on fixed incomes.

Now, the conferees also have another option. That is to eliminate the new spending in this Senate bill. Combined with deficit reduction, the deficit would be $81.2 billion less next year, and that is no small potatoes. Now we are talking about getting somewhere. And I would imagine—I come out of country government. There were some people who sort of had windfalls, whose income was going to be more than they spent, and they looked upon that as new spending and they went and spent it. It was a catastrophic decision for the counties and States because now they are really wrestling with hard times as far as budgets are concerned.

I can liken the situation to any taxpayer who recently discovered he has made a mistake in balancing his checkbook. As it returns out, they have $64 more than they thought they had, and they could put that newfound money toward their mortgage or any savings account or they could run to the store and put that money into circulation, which spurs the economy.

That is the situation that we now face. We can either reduce the deficit or we can spend this money on things that we cannot afford.

I strongly urge the conferees to consider the options. Do not waste this wonderful opportunity to substantially reduce the deficit and keep the promises that were made before the election.

### LOWERING OF THE TAX BURDEN

Mr. WALLOP. Mr. President, before I yield to the Senator from Delaware. I would just point out some other human responses to which the First Family has availed themselves in order to lower their tax burden. According to their own returns, which were made public, they were in the habit of giving used clothing every year to Goodwill or the Salvation Army and they placed a relatively high value on these items.

For instance, the President's used undershirts were valued at $3 apiece, his running shoes at $10, and both his and his daughters underwear had a price tag of $1 a pair.

There are human responses, are there not, to the imposition of still higher and higher taxes?

Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank my distinguished colleague for the accommodation, Mr. President.

Mr. President, I would like to spend a few minutes and outline just some of the problems I see with the revenue reconciliation bill.

Many of the proponents of this legislation like to talk about fairness. I think it is an important issue to debate. I would like to summarize a few of the unfair tax proposals in the so-called reconciliation bill.

First is the unfair treatment of small business under the tax bill, the unfair treatment of all the employees of those businesses who will suffer because of the resulting increase in unemployment. More than 80 percent of all businesses pay tax at the individual level and not at the corporate level. These small businesses represent 66 percent of all taxpayers making over $200,000 a year.

President Clinton has proposed that rates on these hardworking Americans be increased from 31 to 42.5 percent. According to a letter that I have received from Secretary Lloyd Bentsen, the increases will go as high as 46 percent.

For many of America's small businesses, this represents a 37-percent increase in tax rates—37 percent—increasing the rates to just about where they stood under President Jimmy Carter. Then the top tax rate was 50 percent. Frankly, America cannot afford to revisit Carternomics.

The taxes President Clinton is pushing are not directed at the Nation's wealthiest—as he promised in his campaign; they are aimed at people like Michael Homlish, a fellow Delawarean who runs a small business of framing stores. Together with his wife, who works as a teacher, Michael Homlish is now dubbed as one of the rich by the Clinton team. For his hard work, for his sacrifice, for his risk-taking, and for all the jobs he has provided in my little State of Delaware, Michael Homlish is now being punished. To listen to this administration talk, Michael Homlish is just one of the rich who got richer in what has come to be known as a decade of greed.

Well, Mr. President, Michael Homlish built a business in the 1980's because that decade provided Americans with the longest peacetime economic expansion in history. He is a young man with a young family. And just like most everyone else who works hard and provides jobs for others, he cares about his family, his community. He is generous with his time, his talents, his resources. And despite what the revisionists are trying to convince the American people of, these men and women who built businesses in the eighties also ushered us into the most charitable and giving decade in history. Private charitable contributions by individuals grew at a 68 percent faster pace in the eighties than in the late seventies. In the eighties, charitable giving increased by more than 150 percent.

But beyond what these small businessmen and women do for our communities and our States, these men and women represent the job creation side of our economy. Now despite their decade of good work, of thrift, investment and job creation, the President has singled them out to bear the brunt of the largest tax increase in history. In fact, it has been estimated that at least half of the tax rate increases will fall directly on the backs of small businesses and their owners.

Treasury has manipulated the figures to try to show very few small businesses affected, but the fact is a large amount of the expected revenue will come from small businesses. In fact, the Joint Tax Committee has estimated that over 27 percent of the tax increase is money that otherwise would have been retained in active, small businesses—money that would have gone towards future employment, growth and opportunity. This is not money being used for wages or distributed partnership shares—money we commonly associate with taxation. Rather, this 27 percent of President Clinton's tax increase is from money that the small business men and women want to reinvest in their business for the future, just like corporations keeping money in the form of retained earnings.

The irony is that even the large corporations are not being hit as hard as the small businesses. Of course, President Clinton is getting big business to pay more, which will also hurt job growth. But the large corporations will not have to pay anywhere near the 37 percent increase that he is leaving on small business.

Mr. President, I offered a narrow amendment designed to allow these small businesses to retain their profits like corporations do, and pay taxes at the current 31 percent rate rather than the new 42.5 percent rate. We got 56 votes—56 votes—a clear majority. But it fell short because of a point of order.

Clearly, most Senators believe it is unfair to tax small businesses earning as little as $250,000 at rates over 42 percent. I might point out that major corporations with taxable income of over $10 million will pay a maximum rate of 35 percent, substantial, indeed, but not as great as the little guy is going to pay.

Mr. President, this is the first way in which this Clinton tax bill is unfair. However, it is not the only way. There are others, unfortunately, many others.

These two I will be addressing in the near future, but I wanted to begin by outlining the assault on small business because small business is literally the engine that makes our economy run. And when it suffers, American business suffers.

Just let me point out in this chart what I am talking about. This chart illustrates the tax rates on retained business profits.

I think most Americans agree with me on the importance of the family farm and the need to help preserve and strengthen it. But the family farm earning $150,000, under the Clinton tax rate, will pay 38.9 percent. In the amendment that was offered by myself; my distinguished colleague from Wyoming, Senator WALLOP; and Senator PRESSLER, we would have permitted that family farm to retain its profit, its earnings. And if it invests it actively in the family farm, under my amendment, it would have been able to pay 31 percent instead of the 38.9 percent.

Again, the family run restaurant earning $250,000, a business that would have paid, under the Clinton tax rate, 42.5 percent, would have only paid 31 percent to the extent that the profits or earnings of the restaurant are retained actively in the business. If they pay the funds out as profits, dividends, or wages, they would pay the higher rate like everybody else. But to the extent that money was invested and helped create new jobs, new opportunities, they would only pay 31 percent.

Again, if the small manufacturer—a business that we want to encourage—is earning $300,000, under the Clinton tax rate, he will pay 42.5 percent, compared with the 25 percent paid by big business. But, again, to the extent that the business retained the earnings or profit and invested it in the business, it would only pay 31 percent.

Let me tell my friends that a few days ago, I visited a small manufacturer at home. I would say he had roughly 12 workers, good paying jobs, high technology, selling their product not only in America, but all over the world. They are anxious to grow and expand and create new, good jobs. But they told me they will not be able to do so with these new tax rates, because they will not have the capital to invest. What a missed opportunity that would be.

Finally, as I pointed out, big corporations will only pay 35 percent, when the small manufacturer is paying 42.5 percent. Is that fair? Is that equitable? Is that in the interest of America's future? Are we helping to create the jobs that are so critically important, so necessary for the young, the unemployed, the underemployed? The answer is no.

Mr. President, we cannot tax America into prosperity. It is a mistake. The reconciliation legislation is taking America the wrong way at the very time our economy is beginning to move. I do not believe that it is going to help to impose the largest tax increase in the history of America.

Mr. President, I yield back the remainder of my time, and I thank my colleague for the time.

### GROWING DEPENDENCE ON GOVERNMENT—NOT JOBS

Mr. WALLOP. Mr. President, I thank the Senator from Delaware. I think the point he raises cannot be emphasized often enough. The Senate was treated to an eloquent statement last week by the Senator from Utah about what we have done to hurt small business in the first 6 months of this year.

One of his statements, which he graphically illustrated with charts, was of an investor in a business where growth had declined and was going to be more modest over the course of next year. The business was only going to grow 10 percent. The original investor wanted to get out of this investment in order to put his money to work in another business, which was anticipated to grow by 25 percent and would create new jobs.

Guess what? After the capital gains tax increases which do not take into account the surtaxes proposed by the President, the investment would pay more by staying in the old business returning 10 percent, than being reinvested in a new business, growing at 25 percent.

What happens then, Mr. President, is that the country loses jobs. The country loses innovation. The country loses entrepreneurs. Capital gets foundered by the tax rate. This was not just a human response, it was a plain old economic response. Because of current taxes, the investor could make as much on his capital by keeping it in a company whose growth had slowed to 10 percent, rather than reinvesting the money in a company whose growth was projected to be 25 percent.

The President of the United States has made clear that the ultimate goal of his deficit reduction package is to produce sufficient revenue to allow for increased spending. On May 14 he said:

"I think it will help the economy, bring in more revenues and permit us—

The Government—

to spend more." A senior administration official said: "Until further notice, we are sticking with our previous positions, and one of them has always been there is no acceptable alternative to the energy tax that raises the revenue needed to pay for some of the investments and things we want to do."

Note that there is no comment in these statements that new taxes would be used to reduce the deficit. These revenues are designed to grow Government, not the economy. These revenues are designed to grow dependents; not free, investing, job-holding Americans.

I yield 5 minutes to the Senator from Idaho.

### THE MIDSESSION REVIEW OF THE ECONOMY

Mr. CRAIG. Mr. President, I thank the Senator for yielding and conducting this special order today on Clintonomics, as the House and Senate convene the budget reconciliation conference.

It is very important that the Senate speak to these issues and how important they are. First, I want to rise to call upon the President and the Director of the OMB to comply with the Budget Act and to send to Congress their complete midsession review of the economy and the budget.

That is their responsibility under the law and, as of Friday, July 16, they are in violation of the law and the Budget Act.

I remember how Candidate Clinton promised middle-class tax cuts and painless budget decisions, and how surprised he proclaimed to the Nation he was to find the deficit even larger. Well, the delay in the midsession review is tied to another surprise for our President, William Clinton.

All the administration has issued thus far is the briefest of summaries, but the projected deficit is going to be $37 billion lower in the first year and maybe $64 billion lower in the 5 years of the President's budget plan.

But without the underlying data on the economy—the taxes and the spending—we need to know those facts. I want to assure the President that this Senator will not use the midsession review to call for less deficit reduction. It will not change my call that we cut spending first.

That is the key, Mr. President. I think what the President is afraid of is that too many of his colleagues in the Democratic party, who are getting very skittish at this moment, this big tax package that he is trying to force down the throats of their faction, along with mine, may not be as palatable if they are allowed to see the facts of the midsession review. It is important that we see that in the kinds of decisions that we make.

In the past we have discussed how the new administration uses euphemisms like "investment" when it really means "spending" and how that does convolute the message that we attempt to send from Washington to the taxpayers of this country. And I am not sure that is not done intentionally by this administration. I cannot understand how spending becomes investment to the average citizen of this country. I am curious about who does the legitimate investing. The administration's tax-and-spend policy indicates that Government does the investing and they invest more and more of American citizens' incomes.

It is not surprising that the free enterprise system gets the opportunity to invest less and less as our Government, through the President's plan, proposes to invest more and more.

What other conclusions can we reach by the reconciliation tax bill that currently is before the conferees? Well, it complicates and discourages pension contributions in a variety of ways. It penalizes and discourages individuals who want to save to provide for their own retirement. It discourages savings and investments in dozens of ways.

There is a new study out that all Senators will be getting on their desks in just a few days, a study by the Institute for Research on the Economics of Taxation, better known as IRET. It will be Economic Policy Bulletin No. 61. This bulletin describes how the President's tax and budget plan in the reconciliation bill now in conference is going to threaten the private sector savings and investment and that which stimulates economic growth in this country.

For the record, Mr. President, I ask unanimous consent that this new document and two supporting editorials from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### BUDGET PACKAGE THREATENS SAVING, GROWTH—ECONOMIC POLICY BULLETIN NO. 61

(By Stephen J. Entin)

Both the House and Senate versions of the Omnibus Budget Reconciliation Act of 1993 (OBRA93) rely principally on President Clinton's proposed tax increases to achieve the deficit reduction sought in the budget package.

The rationale for OBRA93's deficit reduction is fatally flawed because it falsely assumes that the tax increases would have no adverse effect on private saving, investment, and economic growth.

The budget package would depress private saving by directly and indirectly raising marginal tax rates on individuals and corporations. Productivity, wages, and employment would grow more slowly than otherwise, and the global competitiveness of U.S. businesses would be impaired.

Efforts to soak the rich through income tax rate increases on "wealthy" individuals, estates, and trusts would cut the after-tax return on income from working and saving of the nation's most productive people, discouraging personal effort and investment. The estimated revenue gains from these tax increases are unlikely to be realized.

The 36% tax bracket and surtax thresholds would not be indexed for inflation until after December 31, 1994 and would affect taxpayers at lower incomes than advertised under the plan.

Eliminating the Medicare tax wage cap would increase the marginal tax rate for employees earning over $135,000 and discourage the employment of upper-income workers.

The capital gains surtax in the Senate bill would aggravate the already existing tax bias against saving, increase the cost of capital, and reduce investment. It is unlikely to raise revenue.

Increasing the tax on corporate income would raise the combined corporate and individual tax rate on paid-out dividends to over 60%. The incentive to save would be reduced and the cost of corporate capital would rise.

OBRA93 would increase the transfer tax on savings changing hands through large estates and gifts and would result in a lower level of private saving and capital formation than would otherwise occur.

Increasing the taxable portion of social security retirement and disability benefits from 50% to 85% is really a tax on private wages and savings income and would impair incentives for personal saving for retirement or disability.

Provisions aimed at reducing pensions for highly-paid employees in OBRA93 would create a catch-22 that would reduce pension contributions for low- and middle-income employees and could result in the termination of some "qualified plans" for retirement.

Increased tax penalties for personal retirement saving would send the message that Congress and the President do not want individuals to save for their own or their families' future.

Four provisions purporting to prevent ordinary income from being treated as capital gains would increase the cost of financial transactions, impair the operation of the financial markets, and worsen the anti-saving, anti-investment bias of the tax code.

The House Btu energy tax and the Senate motor fuels tax hike provisions would reduce national income and consequently national saving.

As it stands, the effect of OBRA93 on the economy would be directly contrary to the President's and the Congress' stated goals of increasing capital formation, investment and economic growth. The economy would be smaller and less efficient under OBRA93 than under current law.

### INTRODUCTION

As this study goes to press, the final version of H.R. 2264, the Omnibus Budget Reconciliation Act of 1993 (OBRA93) is being negotiated in a House-Senate conference. OBRA93 would contain the bulk of President Clinton's economic proposals, as modified by the Congress.

One of the chief objectives of the reconciliation bill is deficit reduction. The chief reason given for seeking deficit reduction is that would lower government borrowing and, supposedly, raise national saving by decreasing the government's absorption of private saving. Supposedly, the higher national saving would reduce interest rates, permit more private sector investment and faster economic growth, and enhance the global competitiveness of U.S. businesses.

This line of reasoning is fatally flawed. It rests on the assumption that the tax increases that make up the bulk of the reconciliation package would have no adverse effect on private saving and on investment incentives. Yet the tax increases would reduce private saving dollar for dollar, or more. There is no reason to believe that national saving would increase, no reason to suppose that interest rates would be lower, and every reason to believe that saving, investment, and GNP would be less than they would be if this package does not become law.

OBRA93 would depress saving by raising marginal tax rates on individuals and businesses and by curtailing retirement saving plans. Higher tax rates would reduce individuals' and businesses' after-tax incomes, reducing the private sector's ability to save. More importantly, higher tax rates would lower after-tax returns to savers and thereby reduce the incentive to save out of any given amount of after-tax income. As a result, saving and investment would be less than they would be without the tax increases, slowing the growth of GNP. Lower growth of GNP would further reduce the growth of after-tax income and saving compared to levels achievable in the absence of the tax increases.

In particular, the package singles out personal saving for retirement for some of the heaviest tax penalties. By doing so, the package would interfere with people's efforts to provide for their own retirement. The cost of saving would become greater, and the ability to accumulate enough financial assets or other income-generating property to cover retirement needs would be diminished. People would be forced to accept later retirement, or retirement with reduced incomes. They would certainly become more dependent than ever on Social Security and other government payments in their retirement years, which would mean even higher taxes on future generations of workers and savers.

The result of the reconciliation bill's attack on saving and investment would be lower growth of productivity, wages, and employment, and a reduction in the global competitiveness of U.S. businesses relative to levels that would occur if the deficit were addressed solely through restraint of government spending. The wholesale assault on private saving in the budget reconciliation bill is especially ironic given the rationale that has been used to justify deficit reduction.

Anti-saving provisions in the House and/or the Senate version of OBRA93 include:

Individual tax rate increases (including a new 36% tax rate and a 10% surtax, higher alternative minimum tax rates, and permanent extension of the phase-outs of the itemized deductions and personal exemptions enacted on a temporary basis in 1990);

Removal of the $135,000 cap on income subject to the HI (Medicare) portion of the payroll tax;

A capital gains surtax (Senate version);

Increased corporate tax rates, longer asset lives on structures, and restrictive foreign tax provisions;

Increased transfer tax rates on large estates and gifts;

Tax increases on Social Security retirement benefits;

Tightened retirement plan restrictions;

Disallowance of capital gains in determining the amount of deductible investment interest expense;

Denial of capital gains treatment to stripped stock, market discount bonds, and certain hedged positions in stocks and commodities.

In addition to provisions that directly affect saving, the general anti-growth consequences of the bill would reduce national income and, consequently, national saving. The chief culprits among the general anti-growth provisions are the House Btu energy tax and the Senate transportation fuels tax. One or the other of the energy taxes is likely to emerge in the Conference Committee bill.

### OVERVIEW OF TAXES, SAVING, AND DEFICITS

*Federal, state, and local tax code bias against saving.*—Under provisions of the federal income tax, income is taxed when first earned. If it is used for consumption, it is free of additional federal income taxes. If it is saved, however, the returns on the saving are taxed again, often repeatedly. This is the well-known bias of the income tax against saving.[1]

After income has been earned and taxed, personal taxes on returns on non-corporate investments, such as interest, rents, and earnings of unincorporated businesses, constitute a second round of taxation—double taxation—of income that is saved. Similarly, personal saving invested in corporate ownership is subject to a second round of taxation—the corporate income tax on the corporate earnings on that saving. A third round of income tax—triple taxation—is imposed if the corporation distributes its after-tax income as dividends to individuals. If the corporation retains its after-tax earnings for reinvestment, the resulting increase in the share price constitutes a capital gain, also resulting in a third layer of tax on the retained earnings if the shares are sold.

Capital gains may also occur when a business's earnings outlook improves for reasons other than reinvestment. A new product or patent, a rise in sales, anything that would lead to a jump in anticipated income (income that the business has not even received yet) may boost the current valuation of the shares or business. If the higher expected business earnings come to pass, they will be taxed as corporate income and/or personal business or dividend income. To tax the increase in the current value of the business, either upon sale, gift, or bequest, is to triple-tax the future income.

If the saving outlives the saver, the federal unified transfer (estate and gift) tax may impose yet another layer of tax on saving. Every dollar in an estate has already been, or will be, subjected to one or more layers of individual or corporate taxation. Insofar as the transfer tax exceeds the transfer tax credit, the saving is triply or quadruply taxed.

The chief exception to the added layer of taxation produced by the transfer tax are unrealized capital gains. Capital gains are not subject to income tax upon a taxpayer's death, and the heirs are allowed to step up the income tax basis of the inherited assets to their market value at the time the death occurred. Step-up avoids an additional layer of multiple taxation. Without the step-up, capital gains held at death would be subject to both the income tax (when the heirs eventually sell the asset) and the estate (transfer) tax.

In addition to the federal income and transfer taxes, state and local income, estate, and gift taxes impose multiple layers of tax on saving and its returns. There are property taxes as well.

These multiple layers of tax on saving and capital increase the cost of saving, leading to a smaller stock of capital than would otherwise prevail. A smaller capital stock means a lower level of labor productivity, which means lower real wages and employment, and lower levels of total income than could otherwise have been achieved.

*Gauging the effect of a tax hike on private saving, revenues, and the deficit.*—Taxes affect both the incentive to save (how much total saving one wants to accumulate) and the ability to save (the amount of disposable income available to be saved). The effect of a tax rate hike on the incentive to save depends on how much it raises the cost of saving, or, put a bit differently, how much it reduces the after-tax reward to saving, from current levels. The key is to examine the change in the current after-tax reward "at the margin" to an additional dollar of income from saving.

Taxes at all levels must be considered. Business tax increases come directly out of business saving, which is the sum of retained (after-tax) earnings of corporations and capital consumption (depreciation) allowances. Furthermore, changes in business taxation also affect the incentive to save on the part of shareholders and owners of unincorporated businesses.

Individual tax rate hikes of 5 or 9 percentage points may not seem like much at first glance if measured against total income. However, the tax increase is in addition to taxes already being paid. The increase must be measured against the income the taxpayer has left after paying the taxes already in place. Because the taxpayers affected by the OBRA93 income tax increases already pay high tax rates, the drop in their after-tax returns on saving will fall sharply.

Consider a taxpayer in the 31% federal tax bracket, with a state income tax of about 6% at the margin. After the currently-scheduled expiration of the phase-outs of itemized deductions and personal exemptions, his combined marginal tax rate would be roughly 37% on capital income; an extra dollar of capital income would net him only 63 cents, after-tax.

House and Senate versions of OBRA93 would boost the combined federal-and-state marginal rate as high as 43% for a taxpayer not subject to the phase-outs and as high as 49% for a taxpayer subject to the phase-outs. The rate hike would cut the after-tax return on the taxpayers' saving to 57 cents or as little as 51 cents, declines of roughly 10% to 19%. (Factoring in corporate taxes would reveal an even greater decline). A drop in the after-tax return to saving of that magnitude would significantly reduce investment, investment income, and the growth of productivity and wages.

A given rate hike cuts the after-tax reward by a greater percentage if the tax rate was high to begin with than if it was low. Consequently, rate hikes on the "rich" disproportionately reduce rewards for work, saving, investment, and entrepreneurial activity for the very individuals who do a disproportionately large amount of these activities, and who consequently produce a disproportionately large amount of the GNP.

The effects of the reduced incentives and GNP would not be confined to the rich, however. Upper-income people would reduce the amount of skilled labor and entrepreneurial talent they supply to the workplace, and would save and invest less. Less capital, and less entrepreneurial input, would result in reduced productivity, wages, and employment for all workers. People of all income levels would have lower incomes than in the absence of the tax increases. Consequently, people of all income levels would be able to save less than otherwise.

Moreover, not all of the anti-saving, incentive deadening tax provisions in OBRA93 have their initial effect on the wealthy. Some of the provisions directly affect current saving by persons of all income levels, even those with incomes below $20,000.

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Footnotes at end of article.

Tax rate increases never achieve the revenue gains or the deficit reduction that the proponents of the rate hikes anticipate and hope for. The tax rate increases proposed in OBRA93 would cause taxpayers to change their economic behavior, and the economy would suffer as a result. Total income would be lower than without the tax increases. In addition, there would be greater incentives to divert income into less heavily taxed forms. For both reasons, taxable income would be less than otherwise. Consequently, the revenue gain projected from the proposed tax rate increases is overestimated.

Reduction of effort and investment by upper-income people need not be large to sharply reduce the revenue to the government for the tax rate increases proposed in OBRA93. The various tax rate hikes in OBRA93 would add from 5 to 13 percentage points of tax to each dollar of capital and labor income that the affected taxpayers continue to earn. But the government would lose all revenue, some 31 to 44 cents (including income tax and payroll tax where applicable) for every dollar that upper income individuals choose not to earn as a result of the tax rate increases. Each dollar of income not earned would wipe out the revenue gain on three to four dollars of income that continued to pay tax.

TAX PROVISIONS IN OBRA93 AFFECTING SAVING

*Individual income and payroll tax rate increases.*—House and Senate versions of OBRA93 would impose a series of explicit and implicit marginal tax rate increases on upper-income taxpayers. The rate hikes would seriously reduce the incentives to work, save, and invest among the affected people. GNP, employment, and productivity would grow more slowly than in the absence of the tax increases. Tax avoidance would increase. Taxable income would be lower than without the tax hike. Revenue from the rate hikes would fall far short of expectations.

*New 36% bracket, surtax, and increase in AMT.*—OBRA93 would impose several explicit marginal tax rate increases. It would create a new tax bracket with a rate of 36% on taxable incomes above $140,000 for married couples filing jointly and on single filers with taxable incomes over $115,000. A 10% surtax would hit those with taxable income over $250,000, creating an effective rate of 39.6%. (Unlike the House, the Senate would apply the surtax to capital gains as well as ordinary income. See below.) The basic Alternative Minimum Tax (AMT) rate would be increased from 24% to 26%, and a second AMT bracket at a 28% rate would be added on AMT income over $175,000. The Senate version would impose half the increases in 1993 (in effect, making the rate hikes effective at midyear): the top bracket rate would be 33.5% in 1993 and 35% in 1994; the surtax rate would be 36.85% in 1993 and 39.6% in 1994. The House version would make the full rate increases effective for all of 1993.

A review of the fine print reveals that both versions would let inflation lower the real income thresholds at which the proposed 36% bracket and the 10% surtax kick in. The current tax brackets, the personal exemptions, and standard deductions are adjusted (indexed) for inflation. These thresholds for the new bracket and surtax would be indexed too, but only after a year's delay, that is, for tax years beginning after December 31, 1994. Assuming 4% inflation between 1993 and 1994, the 36% bracket thresholds for 1994 and beyond would be allowed to slip to $134,615 in real 1993 dollars for married taxpayers and to $110,577 for single taxpayers. The 1994 surtax threshold would slip to $240,385 in real 1993 dollars, and remain at this depressed real level forever after.

The result of the slippage in the bracket thresholds would be to subject more of the nation's most productive people to punitively higher tax rates, disproportionately discouraging output and saving. Punishing the nation's major savers and investors is strange behavior for Members of Congress who publicity fret over the inadequacy of national saving and investment.

*Permanent extension of phase-outs of itemized deductions and personal exemptions.*—House and Senate versions of OBRA93 would impose hidden marginal tax rate hikes by extending the present law's phase-outs of personal exemptions (PEs) and up to 80% of itemized deductions (IDs) for upper-income taxpayers. PEs are phased out over adjusted gross incomes (AGIs) of $108,450 to $230,950 for single individuals and $162,700 to $285,200 for married couples filing jointly. IDs are gradually lost on AGIs above $108,450 for all filers, without upper limit. The phase-outs were scheduled to expire in 1996 (IDs) and 1997 (PEs).

The phase-outs were enacted as part of the 1990 budget deal—OBRA90—to raise revenue from the upper income without explicitly raising marginal tax rates, which President Bush had pledged not to do. Because of the phase-outs, however, an additional dollar of income raises taxable income by more than a dollar, effectively raising the marginal rates. For example, in 1993, a married couple in the 31% bracket, with two children, losing IDs and PEs faces an effective 34.3% marginal income tax rate. Under the proposed 36% tax rate, the phase-outs would boost the effective marginal tax rate to 39.8%. (The increase would become steeper over time as the PEs increase with inflation, because the phase-out ranges are not indexed.) Taxpayers affected by the phase-out of IDs and the proposed 10% surtax would face a marginal tax rate of 40.8%. (See table.) These proposed tax rates are far higher than the 31% rate that would apply under current law after expiration of the phase-outs.

Of course, these are federal income tax rates only. Taxpayers subject to state and local income taxes could have marginal tax rates considerably higher. Some or all of wage income is also subject to the payroll tax at the margin.

*Elimination of the Medicare wage cap.*—House and Senate versions of OBRA93 would eliminate the current $135,000 wage cap on the 2.9% Medicare (HI, hospital insurance) portion of the payroll tax, which would then cover all wage and salary income. Because half of the HI tax is deductible against the income tax by the employer or the self-employed taxpayer, the net increase in the marginal tax rate on labor income over $135,000 would be about 2.4 percentage points. High-salaried employees with a family of 4 could face a combined marginal federal income and HI tax rate of 39.5% to 43.2%. (See table.)

Elimination of the wage cap would not raise marginal tax rates on income from saving, and would not directly reduce the incentive to save. However, it would depress saving by reducing the disposable income of the affected workers. The first activity curtailed by a taxpayer when taxes rise is saving, and much of the tax increase would be matched by a cut in personal saving. Furthermore, the higher marginal tax rate on wage and salary income would reduce work incentives and raise the cost of labor to businesses. Business saving would fall. There would also be less employment of upper-income workers. The loss of their skills and effort would reduce the productivity, income, and saving of other workers, and reduce the productivity and earnings of capital, indirectly reducing saving incentives further.

TOP FEDERAL MARGINAL TAX RATES, CURRENT LAW AND UNDER OBRA93 FOR A FAMILY OF 4

[In percent]

| | Current law | Proposed 36 percent tax rate | Proposed 36 percent rate and surtax |
|---|---|---|---|
| Marginal base income tax rate | 31.0 | 36.0 | 39.6 |
| Plus ID phase-out (and HI tax)[1] | 31.9<br>(34.3) | 37.1<br>(39.5) | 40.8<br>(43.2) |
| Plus ID and PE phase-outs (and HI tax)[1] | 34.3<br>(36.7) | 39.8<br>(42.2) | (2) |

[1] ID—Itemized Deductions; PE—Personal Exemptions; HI—Hospital Insurance portion of payroll tax, half tax deductible by employer (2.9 percent before deduction, about 2.4 percent after).

(2) Few taxpayers would encounter both the surtax and the phasing-out of PEs on the same dollar of incremental income. Most people with taxable income at the surtax levels have AGIs large enough to have lost all their PEs.

*The capital gains surtax (Senate bill).*—The Senate version of OBRA93 would extend the 10% surtax to capital gains insofar as taxable incomes exceed the surtax thresholds. The surtax would raise the top tax rate on capital gains from the current 28% to 30.8% (exclusive of the effects of the phase-outs of itemized deductions and personal exemptions). The House version would retain the current 28% cap on the tax rate on capital gains.

Taxation of capital gains is part of the double or triple taxation of capital income, described above and in the following table, on the taxation of corporate income. Raising the rate would aggravate the tax bias against saving, increase the cost of capital, and reduce investment. Furthermore, it is unlikely to raise revenue, because it would immediately reduce the market value of existing capital assets, encourage taxpayers to realize fewer gains, and would depress the growth of investment, employment, and wages.[2]

The fairness issue has frequently been raised with respect to the taxation of capital gains. A significant portion of capital gains accrues to people in the top few percent of the income distribution. It is claimed that cutting the tax rate on capital gains would unfairly benefit upper-income individuals, and, therefore, that raising the tax is fair. The real fairness issue, however, is that the capital gains tax is multiple taxation to begin with. In an unbiased, neutral tax system, there would be no taxation of capital gains, as such.[3] Indeed, the taxation of capital gains is unfair, both to savers and investors who bear the tax directly, and to workers who suffer the loss of productivity and real wage rate gains from the reduced capital formation caused by the tax.

*Increased corporate tax rates.*—People who invest their saving in corporate stock face combined corporate and individual income taxes at the federal level in excess of 50% on their corporate earnings. OBRA93 would raise the combined rates in some cases to over 60%. The incentive to save would fall; the cost of corporate capital would rise; the economy would be weaker than in the absence of the tax increase.

The House and Senate versions of OBRA93 would increase the corporate tax rate (including the tax rate for capital gains realized at the corporate level) to 35% on taxable profits in excess of $10 million. These changes would add an additional corporate tax bracket and tax rate on top of the current brackets which bear rates of 15%, 25%, and 34%. Current law recaptures the "benefits" of the 15% and 28% rate via a 5 percentage point surtax (effective 39% tax rate) on income between $100,000 and $335,000, leaving firms with higher income paying a flat 34% tax. The altered law would recapture the "benefit" of the 34% rate with a 3 percentage point surtax (effective 38% tax rate) in much the same manner on income between $15,000,000 and $18,333,333.33.

The combined tax rates imposed by the current corporate and personal income taxes on corporate earnings exceed 50% for many savers, leaving the shareholders less than $0.50 in after-tax return on each dollar of corporate earnings paid as dividends. Under the two versions of OBRA93, the combined rates could exceed 60% on dividends, cutting the after-tax return to less than $0.40 per dollar of distributed earnings. (See table.)

The rationale for the corporate income tax is to prevent shareholders from indefinitely postponing tax on their share of corporate income that is retained for reinvestment by the company. However, by imposing a tax on all corporate income, including dividends paid out and taxed again at the individual level, a double tax is imposed. In addition, retained earnings resulting in a capital gain could reach 55% under the Senate version of OBRA93, leaving the individual investor only $0.45 per dollar of reinvested earnings.

THE MULTIPLE TAXATION OF CORPORATE FARMINGS, UNDER CURRENT LAW AND OBRA93 TAX RATES

| | (a) Dividend payout | | (b) Retained earnings | | |
|---|---|---|---|---|---|
| | | | | OBRA93 | |
| | Current | OBRA93 Senate and House | Current | Senate | House |
| 1. Corporate Income | $1.00 | $1.00 | $1.00 | $1.00 | $1.00 |
| 2. Corporate tax at top rate[1] | .34 | .35 | .34 | .35 | .35 |
| 3. After-tax income (a) paid as dividend or (b) retained, raising stock price | .66 | .65 | .66 | .65 | .65 |
| 4. Individual Inc. tax on dividends (line 3), at top rate (31 percent current low, 39.6 percent OBRA93)[1] | .205 | .257 | .......... | .......... | .......... |
| 5. Individual Inc. tax on after-tax retained earnings (line 3) taken as capital gain, at top rate (28 percent current, 30.2 percent Senate, 28 percent House) | .......... | .......... | .185 | .20 | .182 |
| 6. Total tax | .545 | .607 | .525 | .55 | .532 |
| 7. Total tax rate (percent) | 54.5 | 60.7 | 52.5 | 55.0 | 53.2 |

[1] Top corporate rates exclude corporate surtaxes. Top individual rates exclude effects of phase-outs of itemized deductions and personal exemptions. Capital gains are assumed realized in year earned.

The higher tax rates imposed by OBRA93 on dividends, capital gains, and corporate earnings make it even more urgent to ameliorate the multiple taxation of corporate income. Reducing or eliminating the capital gains tax and curbing the multiple taxation of dividends would reduce the tax penalties on capital formation and thereby improve the competitive position of American businesses in the world marketplace.

Since a large part of individual saving, especially for retirement, is invested in corporate equities (either through direct ownership of stock or indirectly through mutual funds, pension plans, and annuities), the additional layer of tax on corporate income is particularly hard on the private provision of retirement income.

Complete elimination of the additional layer of tax imposed by the corporate income tax could be achieved through the *integration of the corporate and individual income taxes.* Each year, corporate income would be attributed to the shareholders for tax purposes. The corporation would inform each shareholder what his or her share of earnings is, and the shareholder would report that amount as taxable income on his or her individual tax return, and pay tax at whatever rate applies to his or her taxable income.

Most countries employ a modified approach to reducing the double taxation. Many allow corporations to deduct dividends paid from the company's taxable income, resulting in a tax on dividends only at the personal income tax level. This still leaves a double tax on retained earnings that raise the value of corporate stock, which most countries lessen through reduced taxation of capital gains.

*Higher income tax rates for estates and trusts.*—OBRA93 would raise income tax rates on estates and trusts. Many people save in part to be able to leave a bequest or establish a trust for their children. Higher income tax rates on estates and trusts raise the cost of doing so and would, therefore, discourage saving.

OBRA93 would add a 36% tax bracket to the income tax for estates and trusts with taxable incomes above $5,500, and a 10% surtax on taxable income of estates and trusts above $7,500. It would also decrease the thresholds at which all lower estate and trust tax rates become effective. The 15% rate would apply to income up to $1,500, the 28% rate to income between $1,500 and $3,500, and the 31% rate to income between $3,500 and $5,500. The Senate version would provide blended rates for 1993, and full rates for 1994. The House version would impose the full rate hikes in 1993. The Ways and Means and Finance Committees consider the current 15% and 28% tax rates on small estate incomes to be a "benefit" (as if all income should have been taxed at the current 31% top rate), and rationalize that with a new top rate, even the old 31% rate would become a "benefit". They would narrow the lower brackets of the estate income tax schedule to raise the tax and reduce the "benefit" of the rates below 36% to equal the current "benefit" of the 15% and 28% rates. This reasoning implies that all income belongs to the government, and any income the taxpayer keeps is a "benefit".

*Increased transfer tax rates on large estates and gifts.*—OBRA93 would permanently increase the top tax rates of the unified transfer tax (combined estate and gift tax) from the current level of 50% on lifetime transfer amounts over $2.5 million to 53% on transfer amounts between $2.5 million and $3 million and to 55% on transfer amounts over $3 million.[4] The transfer tax affects everyone, not just upper-income transferors and their transferees. A recent study describes and estimates the economic damage done by the tax:

"Transfer taxes penalize success and the creation of wealth. The benefits of wealth are not confined to the individual who owns it; all of society is served by the enhancement of labor's productivity that depends critically on capital accumulation. The adverse effects of transfer taxes on saving and capital formation, therefore, are costs imposed on society as a whole.

"* * * (H)ad the transfer tax been repealed in 1971, * * * by 1991 the nation's gross domestic product (GDP) would have been $46.3 billion higher, there would have been 262,000 more full-time equivalent jobs, and the stock of capital would have been $398.6 billion greater than the respective actual amounts in that year."[5]

As discussed above, every dollar making up an estate has been previously taxed, or will be taxed, under some provision of the income tax code. The unified transfer tax is a further layer of federal tax on accumulated saving. Under present law, it is imposed at higher rates than either the individual or corporate income tax. OBRA93 would increase the weight of this additional tax layer.

Milton Friedman has pointed out that the estate tax sends a bad message to savers, to wit: it is O.K. to spend your money on wine, women, and song, but don't try to save it for your kids. The economic irrationality of the tax is surpassed only by its moral absurdity.

*Tax increases on social security retirement and disability benefits.*—The so-called tax on social security retirement and disability benefits is really a tax on other, private income—interest, dividends, pensions, and wages—received by individuals collecting social security benefits. Under current law, the tax treatment of social security benefits imposes tax rates of up to 42% on the earnings of private saving—a powerful disincentive to save. OBRA93 would raise the rate as high as 51.8%, and would make saving for retirement or disability even less attractive. Incentives to work would be reduced as well. Beneficiaries subject to the earnings limitation could face rates in excess of 100% on wages.

Under current law, benefits start to be taxed when modified adjusted gross income (MAGI)—the sum of a beneficiary ordinary AGI (wages, interest, pensions, dividends, etc.), tax exempt bond income, and half of social security benefits—exceeds $32,000 for a married couple filing jointly and $25,000 for a single taxpayer. Under current law, for each dollar by which MAGI exceeds the exempt amounts, $0.50 of the taxpayer's social security benefits becomes taxable income, up to half of benefits.

As benefits become taxable, earning another dollar of taxable interest, dividends, pensions, or wages increases taxable income by $1.50, effectively raising the marginal tax rate on the added dollar of income to 1.5 times the statutory rate, e.g., from 15% to 22.5% or from 28% to 42%. An added dollar of tax exempt interest raises taxable income by $0.50, subjecting the otherwise untaxed interest to de facto marginal tax rates of 7.5% for taxpayers in the 15% bracket, and 14% for taxpayers in the 28% bracket. Once half of benefits have become taxable, additional earnings again face normal marginal tax rates. (The 31% rate is not affected. Half of benefits become taxable before a taxpayer's income exceeds the 28% tax bracket.)

The additional tax at super-statutory rates is triggered by the earning of additional private income, not by any change in one's social security benefits, which are set by a formula beyond an individual's control. Consequently, it is the other retirement income that bears the tax, not the benefits. The result is a sharp disincentive for private retirement saving.

The House version of OBRA93 would increase the amount of social security retirement and disability benefits subject to income tax to 85 percent of married couples with MAGI above the current $32,000 threshold and for single beneficiaries with income above the current $25,000 threshold. The Senate version would increase the share of benefits subject to tax to 85 percent for beneficiaries with incomes above $40,000 (married couples) and $32,000 (singles).

Affected beneficiaries would have to add $0.85 of benefits to taxable income for each dollar of MAGI over the House or Senate thresholds until 85 percent of benefits become taxable. This would increase the marginal tax rate spike to 1.85 times normal rates. The 15% marginal income tax rate would become 27.8%, and the 28% marginal income tax rate would jump to 51.8%.

At first, the higher tax rates under OBRA93 would fall on the top 20 percent or less of social security beneficiaries—some (Senate version) or all (House version) of those currently paying tax on benefits. Ultimately, however, over 60 percent of beneficiaries will pay some tax on their benefits, because the income thresholds for benefit taxation are not adjusted for inflation. At three percent inflation, by 2010, when the baby boom is beginning to retire, the thresholds for married and single taxpayers will have fallen to roughly $19,000 and $15,000 in today's dollars. Children now in kindergarten will face thresholds of roughly $5,900 to $4,600 in 2050, and will avoid tax on their benefits only by being too poor to owe any income tax at all.

EFFECTIVE MARGINAL TAX RATES FOR SOCIAL SECURITY RECIPIENTS

[In percent]

| Statutory tax rate | Marginal income tax rate as benefits become taxable | | With wages subject to the earnings test, payroll[1] and income taxes | | | |
|---|---|---|---|---|---|---|
| | Current law (150 percent of statutory rate) | OBR A93 (185 percent of statutory rate) | Ages 65–69 | | Ages 62–64 | |
| | | | Current law | OBRA93 | Current law | OBRA93 |
| 15 percent | 22.5 | 27.8 | 62.2 | 66.6 | 78.3 | 82.2 |
| 28 percent | 42 | 51.8 | 80.7 | 88.8 | 96.2 | 103.5 |

[1] Assumes employee's half of payroll tax. Add about 5 percentage points for self-employed after tax deductibility of half of benefits and interaction with benefit taxation.

Under current law, even higher tax rates occur when a beneficiary is subject to the social security earnings limit on wage and salary income (in 1993, $7,680 for beneficiaries ages 62-64, and $10,560 for those ages 65-69) as well as the phase-in of benefit taxation. Beneficiaries lose $1 in benefits for every $2 by which wages exceed the limit for people ages 62–64 or $1 for every $3 by which wages exceed the limit for people ages 65–69, producing effective tax rates of 50% and 33⅓%, respectively, on the wages. These implicit tax rates due to the earnings test are not strictly additive to the income tax effects of benefits taxation, because the benefit reductions slightly reduce the income tax spike. Nonetheless, together with the employee's half of the payroll tax on the added earnings, the tax rate on beneficiaries' wages can reach confiscatory levels in excess of 96% (and over 101% for the self-employed) before state and local income taxes. Under OBRA93, the marginal tax rates under the combined benefit tax and earnings test could exceed 103% (and over 108% for the self-employed) before state and local income taxes. Benefits lost to the earnings test may be recovered later in life if excess earnings cease, and if the retiree lives long enough, but the added disincentive is surely daunting, and would be made more so by OBRA93. Beneficiaries would surely work, earn, and save less as a result of OBRA93.

The only reason for including the social security benefits tax provision in OBRA93 is to raise revenue. Current tax treatment of benefits already moves Social Security in the direction of a welfare program by back-door means. The OBRA93 proposals would go further in that direction. The increased tax poisoning of private retirement saving would send a message to current workers that would not go unnoticed: Congress does not want you to save.

Reform of social security benefit taxation (and the earnings test) is urgent. The current tax treatment imposes mindless disincentives to work and save. The OBRA93 changes would exaggerate these flaws. If the objective is fairness, or similarity to the tax treatment of private pensions, it cannot be achieved with tax rates approaching or exceeding 100%. If the objective is to turn social security into a means-tested welfare program, there are surely more efficient ways to do it.

*Tightened retirement plan restrictions.*—OBRA93 would seriously impair employer-sponsored "qualified plans" and raise the cost of retirement saving for workers. Ostensibly aimed at reducing pensions for highly-paid employees, the changes would affect low- and middle-income employees as well. Ultimately, the provision could result in the termination of some pension plans.

The House and Senate versions of the bill would reduce the amount of annual compensation that may be taken into account in determining amounts that may be contributed to qualified retirement plans. The current limit is $235,840 in 1993 (indexed for inflation); the bill would lower the limit to $150,000 (indexed). The reduced contribution limit would apply to defined contribution plans, such as 401(k) plans, and to defined benefit plans, such as traditional company pension plans.

Only contributions to qualified plans are tax deductible by the business or employee. To be qualified, a retirement plan must meet non-discrimination rules designed to ensure that the tax benefits are utilized by low-paid as well as high-paid employees. Because of the non-discrimination rules, the reduced contribution limit would affect contributions for workers at all income levels, and hurt the very workers the rules were designed to help.

The biggest burden of the proposal would fall on those with more modest incomes, as low as $18,000. Many middle-income employees would be forced to scale back their contributions to 401(k) plans. Many lower-income workers could see their broad-based, qualified, and largely pre-funded defined benefit plans terminated in favor of unfunded, unqualified plans covering only a business's highest paid executives. In both cases, there would be a sharp reduction in the amount of tax-deferred saving that they could do, or that could be done on their behalf. More saving would be subject to double taxation, and total private saving would undoubtedly decline.

IRAs and employer-sponsored retirement plans that defer taxation of current earnings, such as 401(k) plans and traditional company pension plans, are not "loopholes". They protect a small portion of saving from double- or triple-taxation.[6] The limits on these plans should be eased, not tightened.

*Defined contribution plans.*—Currently, contributions to 401(k) plans are limited to a maximum of $8,994 (indexed for inflation). The proposal would not affect that limit. However, the law requires that plans not be "top-heavy" with contributions largely restricted to highly-paid employees. For a plan to pass this non-discrimination requirement, the average share of income contributed to a plan by the business's employees earning more than $64,245 in 1993 (indexed) may generally not exceed that of employees earning less than $64,245 by more than 2 percentage points.

In computing the average share of income contributed by highly-paid employees, the total of the contributions of employees earning more than $64,245 is divided by their total eligible annual compensation, and the total contributions of lower-paid employees is divided by their total compensation. If the lower-income employees contributed 4% of their pay to the plan, higher-income employees would be limited to contributions of 6% of their compensation, even if the resulting amounts were below the maximum dollar amount ($8,994) that would otherwise be allowed.

The law sets a limit on the amount of an employee's income that may be counted in computing the limit for the highly-paid employees. That limit is $245,840 in 1993 (indexed). Thus, whether an employee earns $235,840 or $2,000,000, no more than $235,840 is counted in the income of the group. The reconciliation bill would reduce that limit to $150,000. By limiting the amount of income that may be attributed to the highly-paid group, the current formula overstates its percentage contribution. Lowering the income limit would make the overstatement worse, potentially forcing a cutback in high-income-employee contributions to reduce them to the allowable percentage contribution. The employees with the highest contribution percentages in the high-income group would be cut first. The affected workers would generally not be those with the very highest compensation—above $150,000—but rather those with compensation only a few thousand above the $64,245 dividing line.

For example, assume the lower-income workers are contributing 4 percent of their compensation to the plan. Assume there are three upper-income employees. One earns $70,000 and contributes $5,250 to the plan—a contribution rate of 7.5 percent. The second earns $150,000 and contributes the $8,994 maximum—a rate of just under 6 percent. The third earns $235,840 (or more) and contributes the maximum—a contribution rate considered to be 3.8 percent. Under current law, their average contribution rate is computed to be 5.1 percent, within the allowed range vis-a-vis the lower-income contributors.

However, if the limit were lowered to $150,000, the $235,840-plus employee would be considered to have earned only $150,000, and be contributing 6 percent. The average for the top three workers would jump to 6.28 percent. The group's contribution would be $1,038 over the limit, and the $70,000 worker would have to reduce his contribution to $4,212 (just over 6 percent) to make the plan legal again. The two highest-income employees would not have to cut back.[7]

*Defined benefit plans.*—The amount of deductible contributions that a business would be allowed to set aside to fund defined benefit plans would be curtailed by the reduction in the income limit from $235,840 to $150,000 (both indexed for inflation). Because of a catch-22 provision in the law, businesses would be constrained in the amount of deductible contributions they could make for workers at all compensation levels early in their careers. The businesses would have to contribute much greater sums later on, raising the cost of providing retirement benefits, and creating incentives to terminate qualified plans.

Promised benefits in a defined benefit plan are generally a percent of the employee's projected pre-retirement salary. Firms that offer qualified plans are required by the Employee Retirement Insurance Security Act (ERISA) and the tax code to meet minimum funding requirements based on strict actuarial assumptions. They must estimate the future salaries of their employees, adjusted for anaticpated real growth plus inflation, and begin to set aside enough money—assuming reasonable rates of return and considering employees' current incomes and ages—to pay the future benefits.

At the some time, the tax code sets maximum deductible amounts to limit deductions and current revenue loss to the Treasury. Although businesses are required to aniticpate inflation in determining their future liabilities and minimum funding requirements under the plan, they are expressly forbidden to take into account future inflation adjustments of the income limits on compensation eligible to participate in the plan. The maximum deductions for 1993 are determined with respect to the current income limit—$235,840—unadjusted for inflation. If an employee's inflated income in the year before retirement is projected to exceed the current uninflated limit, only a portion of the employee's current income—an amount that will grow over time to equal the current limit at retirement—may be used as a basis for deductible contributions.

Many employees whose incomes are now well below the current limit are affected by it nonetheless. For example, at a 5.5 percent annual growth rate (an average wage growth rate assumed in the Social Security System's Annual Trustees' Report), a 35-year old worker earning $55,000 today would have a salary of $259,827 by age 64, prior to retirement at age 65. This future salary would be $23,987 above the current limit, an excess equivalent to $5,078 in terms of today's salary. Therefore, only $49,922 of the worker's current salary (an amount that will grow to the current limit in 29 years) could be counted in determining current pension contributions.[8]

Even though current law provides that the current limit will be raised in line with inflation in the future, and the employee's current income would not grow to exceed the future limit by age 64, the current contributions are curtailed. In future years, as the limits are raised, the company may, and must, set additional funds aside to make up for the curtailed contributions and the lost time. Unfortunately, the delay is very expensive. The sooner a business begins to set aside money to build reserves to pay an employee's future retirement benefits, the longer the funds can compound, and the cheaper it is for the firm to finance its pledged payments.

If the dollar limit is lowered to $150,000, many more workers, at lower current salaries, would be affected. The burden would be harder on plans covering younger workers. Assume, again, that salaries grow at 5.5% per year with productivity gains and inflation. The following table shows for workers of various ages the current minimum salaries that would grow to exceed the current limit of $235,840 and the proposed limit of $150,000 by age 64. Deductions might be curtailed for a 25-year old worker with income as low as $18,589 under the proposal, versus $29,227 under current law. A 35-year old worker would need a salary of only $31,752 to hit the limit under the proposal, compared to $49,923 needed to hit the current limit.

By further limiting the amounts currently deductible to fund future benefits of highly-paid employees, OBRA93 would raise the business's cost of providing pensions to its personnel. According to pension experts, many businesses would find it less costly to abandon their current qualified defined benefit plans—which by law must cover most of their workers in favor of non-qualified plans limited to top executives, such as Supplemental Executive Retirement Plans (SERPs). Lower-income workers whose plans were terminated would be hurt. Higher-income workers shifted to unfunded plans would have less security. No deduction is allowed for contributions to non-qualified plans, such as SERPs. Consequently, businesses that promise benefits under such plans generally do not pre-fund them (reducing private saving), and the employees are not guaranteed payment in the event of future financial distress of the company.[9]

Minimum Income Affected by Current and Proposed Qualified Plan Income Limits[1]

| | Age | | | |
|---|---|---|---|---|
| | 25 | 35 | 45 | 55 |
| Income at which current $235,840 limit curbs deductible contributions ........ | $29,227 | $49,923 | $85,275 | $145,662 |
| Income at which proposed $150,000 limit would curb deductible contributions .... | 18,589 | 31,752 | 54,237 | 92,645 |

[1] Assumes 5.5-percent growth of nominal wages through age 64, retirement at age 65.

*Four miscellaneous capital gains provisions to raise revenue.*—OBRA93 contains four provisions purporting to prevent ordinary income from being treated as capital gains. In fact, these are miscellaneous revenue grabs, and are bad tax and economic policy. These provisions would raise the cost of saving and the cost of capital in the United States, thereby slowing the growth of investment, productivity, wages, and employment. Moreover, these provisions would raise the tax wedge between buyers and sellers in the affected financial transactions, raising transaction costs and reducing the efficiency of capital markets. Raising the cost of saving in any category of assets raises the cost of saving generally; there are no iron walls separating one kind of saving from another. All savers, including those saving for retirement via other assets, would be hurt.

*Disallowance of capital gains in determining the amount of deductible investment interest expense—further restrictions on deduction of investment interest*—This provision is a backdoor tax increase on capital gains, and would worsen the tax code's bias against saving.

Under current law, investors may deduct the interest on money they borrow to purchase stock, bonds, or other property up to the amount of their investment income—whether interest, dividends, rent, or capital gains. The interest deduction reduces total taxable income, and in that sense is deductible against ordinary income subject to the 31% top tax rate even if some of the investment return is in the form of capital gains subject to a top rate of 28%. The Ways and Means and Finance Committees view this as converting ordinary income into capital gains.[10] House and Senate versions of OBRA93 would limit the interest deduction to the amount of investment income subject to ordinary tax rates; they would do so by excluding capital gains from the definition of investment income in computing the deduction limit. Any interest deduction in excess of the curtailed limit would have to be carried forward. (The taxpayer would have the option of treating some capital gains as ordinary income to take the interest deduction earlier.)

For example, suppose the taxpayer has $10,000 in interest expenses, $5,000 in interest income, $5,000 in capital gains, plus $50,000 in salary. Under current law, the taxpayer could deduct the full interest expense. Under OBRA93, the taxpayer could only deduct $5,000 in interest expenses in the current year. He could deduct the full interest cost only if he were willing to give up the 28% tax rate on the $5,000 capital gain.

The tax Committees' analysis in defense of this proposal is wrong. When saving is mobilized to purchase a productive asset, the asset produces income that is subject to tax. The mobilization of the saving should not be allowed to give rise to a second layer of net taxation; that would be double taxation. Therefore, the correct analysis of this problem would focus on the transaction between the borrower and the lender, not on the borrower alone, to avoid double-taxing the economic activity in which they have jointly engaged. The borrower pays interest; the lender receives interest. If the lender is taxed on the interest, the borrower should be allowed to deduct the interest against any and all income. The interest deduction of the borrower should not depend on what sort of asset the borrower used the money for, or on what form the income from the asset took.

The flap over limits on interest deductions, therefore, is just another case of the Congress looking narrowly at the borrowing taxpayer and ignoring the other side of the transaction. In the Congress's view, the ideal situation is one in which all lenders are taxed on the interest they receive, and borrowers may not deduct their interest payments. This is "Heads I win, tails you lose."[11]

*Treatment of all gains on market discount bonds as ordinary income—assault on tax-exempt bonds; double tax on savings.*—Bonds are generally issued at face value and pay explicit interest on the face amount. If interest rates rise after the bond is issued, the price of the bond will fall. A new buyer will receive the higher market interest rate in the implicit form of a gradual rise in the price of the bond toward face value at maturity plus the explicit interest payment in force at the time of issue. The gradual rise in price is called accrued market discount, and is generally taxed as ordinary interest. (A rise in price in excess of the implicit interest—as would occur if interest rates subsequently fell—is considered a capital gain.)

There are two exceptions to the interest treatment of accrued market discount. Gains on bonds issued before July 18, 1984 (when current law treatment began) and gains on tax exempt bonds are treated as capital gains when the bonds are sold. (Note that this component of the interest on tax exempt bonds is not tax exempt under current law.) OBRA93 would eliminate these two exceptions, and treat any gain resulting from purchase at a market discount as ordinary income.

There is no denying that the rise in the price of a bond from a discounted level at time of purchase toward face value at maturity is interest. However, taxing interest is part of the double tax on saving. Any reduction in the tax, including giving the grandfathered bonds capital gains treatment, is a small step in the right direction, and should not be eliminated. If anything, it should be extended to all bonds.

In the case of tax exempt bonds, interest is not supposed to be taxed. If the rise from market discount to face value is interest, as the Ways and Means Committee print admits, then there should be no tax at all on the rise if the bond is tax exempt. Far from changing the current capital gains treatment of such increases to ordinary income, the correct adjustment is to exempt such gains from tax entirely.[12]

*Stripping stripped stock of capital gains treatment—worsening the double tax on saving.*—"Strips" are the principal component of bonds stripped of their interest coupons (which are sold separately) and resold at an original issue discount to yield interest via price appreciation. The accruing price appreciation is treated as taxable interest for tax purposes. The practice has spread to preferred stock. The stock is stripped of its dividend rights (which are sold separately) and the stock is resold at a discount from a fixed redemption price payable at a future date. Current law treats the rise in the stock price as a capital gain. OBRA93 converts the treatment to ordinary income. In doing so, it accentuates the income tax bias against saving.

With no deduction allowed for saving, the correct "neutral" tax treatment for the interest on bonds or the dividends on stock is not to tax either one of them. However, the case for relief from multiple taxation is even greater in the case of stripped stock than in the case of stripped bonds, because of the added layer of tax on dividends under the corporate income tax. The correct solution to the stripped preferred stock problem is to stop taxing the regular dividends, or, as a second best answer, to allow the corporation a deduction for the dividends it pays out. Absent such fundamental reform, the capital gains treatment of the stripped stock is preferable to the higher tax rates on ordinary income.[13]

*Denial of capital gains treatment to certain hedged positions in stocks and commodities.*—The House and Senate versions of OBRA93 would tax capital gains on commodities and stocks as if they were ordinary income if the positions were hedged by means of futures contracts. The Ways and Means Committee print claims that a hedged position—in which the holder of the stock or commodity has a firm agreement to sell the asset to a buyer at a certain price at a specific future date—is "indistinguishable from loans in terms of the returns anticipated and the risks borne by the taxpayer". The asset-holder is supposedly in a position like that of a lender whose interest income is due to the "time value of money" rather than market risk, earning interest rather than profits from speculation. The contention is absurd. The rationale is based on semantics, not economics.

This distinction about the risk to a particular holder of the asset at a particular point in time is not good tax policy and completely misses the economics of the situation. The distinction between interest and capital gains has nothing to do with risk, and is not merely semantics. Interest is a flow of current income reflecting current economic output. People borrow to invest in assets that earn a return greater than the cost of the loan. For example, they may borrow to buy a machine that earns a profit. The profit reflects the addition to GNP that the machine provides. If the profit is large enough to cover the debt service and the wear and tear on the machine, with a little left over, the investor will proceed with the transaction. The interest received by the lender in effect gives the lender credit for much of the net increase in the GNP produced by the machine.

A capital gain is the result of a change in the valuation of an asset. The gain is a pure price change, not additional GNP or national income. For example, a share of stock may rise in price today because of an increase in the company's expected future production and profits. The future production and associated wages and profits will be part of GNP when and if they occur (and will be taxed then, too). The current jump in the share price is merely the present value of the company's expected future after-tax income. The capital gain itself is not income. Counting it as income would double count the future profit, and overstate GNP. Taxing the gain would double tax the future profit.

In a hedged position, the two parties to the futures contract are engaged in activities that help the market value an asset. The seller of the contract is betting that the price of the commodity or stock is not going to exceed the contract price by the date set. The buyer of the contract is betting that it will. Neither is necessarily the ultimate user of the commodity. Any profit, interest, or dividend resulting from the use of the commodity or the operations of the company whose stock underlay the futures trade is part of GNP, and will be taxed as such by the income tax. The futures market valuation process is not part of GNP and clearly represents a capital gains situation for both parties to the futures process. It is bad economics to regard it as anything else.

In brief, the rise in the value of a hedged asset is a capital gain, period. It is not a loan; there is no borrower; there is no investment of borrowed money in an output-producing, income-generating piece of property; there is no interest paid to share the returns with the provider of the funding.

The result of the OBRA93 provision would be to pressure some individuals to use options rather than futures. Potential futures buyers, who bear the risk that the Ways and Means Committee print views as meriting a differential, would have to bid more for the contracts as a result of the higher tax on the seller, and would share the penalty. Risk would be harder to spread, the attractiveness of owning assets would be reduced, and the amount of productive capital created by the economy would be less than in the absence of this tax bias.

In fact, however, the case against the OBRA93 provision does not depend solely on the distinction between interest and capital gains. In a neutral tax system, neither interest nor the capital gains that trouble the tax Committees in the hedging situation should be taxable items. The current treatment of gains on hedged asset holdings is multiple taxation. Insofar as the gains receive somewhat diminished tax rates due to the limited capital gains differential, it is a small degree of relief from multiple taxation. That relief ought not to be ended.[14]

### ENERGY AND OTHER ANTIGROWTH TAX PROVISIONS

In addition to provisions that directly affect saving incentives, the general anti-growth consequences of the bill would reduce GNP, national income and, consequently, national saving. The chief culprits among the general anti-growth provisions are the House Btu energy tax and the Senate transportation fuels tax and the extension in both versions of the 2.5 cent portion of the gasoline tax that is currently scheduled to expire on September 30, 1995. Tax increases on foreign source income and the proposed extension of the write-off period for structures from 31.5 years under current law to 39 years (House version) and 38 years (Senate version) are other significant anti-growth features. Insofar as these tax provisions reduce GNP, they will lose a portion of the revenue anticipated by the revenue estimators. Insofar as they reduce personal and business saving, they will not increase national saving, even if the revenues are used for deficit reduction.

### CONCLUSION

Congress and the President have made a major issue of increasing U.S. capital formation, technological prowess, productivity, and high-value-added jobs. Doing so requires an increase in saving and investment.

Increasing saving and investment requires reduction or elimination of the numerous layers of multiple taxation of saving and investment in the current tax code, and a move toward a more nearly neutral, less biased tax system. Yet, at every point where an additional layer of multiple taxation is currently imposed on saving, either the House and/or the Senate version of OBRA93 worsens rather than improves on the current treatment.

OBRA93 would increase marginal tax rates by more than is apparent from a glance at the explicit tax rate changes alone. Determining the economic consequences of the rate hikes requires taking account of the drop in the after-tax returns to labor and capital services as the tax rates increase, and of the responses of the suppliers of these production services to the decrease in their rewards.

The proposed individual tax rate hikes would discourage saving, investment, employment, and hours worked to a significant degree. The various proposed energy taxes and business tax increases would increase the economic damage. The economy would be smaller and less efficient under OBRA93 than under current law. Retirement saving would be one of the major casualties of this latest budget agreement.

### FOOTNOTES

[1] A neutral tax code would raise revenue without distorting economic activity. The tax would do this by increasing the cost of all private sector activities equally. The income tax, because it is assessed on both income that is saved and the returns on that income, taxes saving and investment more heavily than consumption.

Suppose that, in the absence of taxes, one could buy $100 of consumption goods or a $100 bond paying 4% interest, or $4 a year.

Now impose a 20% income tax. One would now have to earn $125, and give up $25 in tax, to have $100 of after-tax income to consume. The cost of $100 of consumption in terms of pre-tax income has risen 25%. To get a $4 interest stream, after taxes, one would have to earn $5 in interest, pre-tax. To earn $5 in interest, one would have to buy a $125 bond. To buy a $125 bond, one would have to earn $156.25 and pay $31.25 in tax. The cost of the after-tax interest stream has gone up 56.25%, more than twice the increase in the cost of consumption.

There are two general approaches to restoring neutrality. One is to exempt returns on capital from tax. One would then have to earn $125 to buy a $100 bond, earning $4 with no further tax. This is akin to the tax treatment accorded state and local bonds. The other method is to allow a deduction for income, that is saved, while taxing the returns. One would have to earn $125 to buy a $125 bond, earning $5 in interest pre-tax; after paying $1 in tax on the interest, one would have $4 left. This is akin to the deductible IRA, or qualified 401(k) or company pension plans.

[2] Claims that raising the capital gains rate will reduce the deficit and spur investment are spurious. In addition to the direct adverse effects of the rate hike on the cost of saving and investment, raising the capital gains tax rate is unlikely to raise the expected revenue, and may in fact result in less revenue rather than more. The timing of payment of a capital gains tax is largely up to the taxpayer. Owners of real property and financial instruments such as stock can avoid the payment of the capital gains tax by holding on to their assets. After the 40% hike in the maximum capital gains rate from 20% to 28% in the Tax Reform Act of 1986, capital gains realizations began to slide. Capital gains realizations were $173 billion in 1985, before the reform. By 1991, they had fallen to $108 billion. The higher tax rate reduced the amount of gains appearing in taxable income to such an extent that the U.S. Treasury is collecting less revenue from the tax today than it did when the rate was lower.

[3] Note 1 illustrated two methods of neutral tax treatment of saving. Under the "municipal bond" method, an individual's purchases of corporate stock would not be deductible, but any returns, including dividends and capital gains, would be tax free. However, in the "IRA method", purchases of stock would be deductible, giving one a zero basis in the stock, and all returns, including the full sales price, would be taxable (unless reinvested). In neither method would there be any explicit calculation of or double taxation of capital gains.

[4] A unified transfer tax is imposed on an individual's cumulative lifetime gifts and bequests. The tax is imposed at graduated rates, which brackets and marginal rates ranging from 18% to 50%. A unified tax credit of $192,800 offsets the graduated tax on transfers of up to $600,000. The next $150,000 of unified transfers is taxed at 37%, with larger amounts taxed at increasing rates up to 50% the present law top rate of 50% currently applies to that portion of lifetime transfers that exceeds $2,500,000. The "benefits" of the graduated rate structure and the unified credit are taken back by an add-on 5% tax on amounts between $10,000,000 and $18,340,000. Generation-skipping transfers pay a 50% tax rate.

Prior to 1993, the marginal tax rate was 53% on that portion of an estate between $2,500,000 and $3,000,000, and 55% on amounts over $3,000,000. The reduction in the two top unified transfer rates to 50% in 1993 was a long-delayed implementation of a rate cut first enacted in the Economic Recovery Tax Act of 1981, which provided for gradual reduction of the top income and estate tax rates to a maximum of 50% by 1985. Subsequent tax bills aiming at deficit reduction repeatedly postponed the decrease in the top transfer tax rate.

OBRA93 would restore the previous two brackets and the higher rates, and recapture the benefits of the unified credit and any rate below 55% with a 5% add-on tax on the portion of an estate between $10,000,000 and $21,040,000. Generation-skipping transfers would pay a 55% tax rate.

[5] Richard E. Wager, "Federal Transfer Taxation: A Study in Social Cost." Institute for Research on the Economics of Taxation (Washington, DC) and The Center for the Study of Taxation (Costa Mesa, CA), 1993, pp. iv, vi.

[6] Ideally, all saving and investment would get either "municipal bond" treatment or IRA treatment (without the required holding period or contribution limits) as described in note 1. Current law has only limited provisions for neutral treatment of saving. These include IRAs, 401(k) plans, 403(b) plans, SEPs, and Keough plans. These plans have a variety of severe restrictions, including limits on the level and deductibility of contributions, tax penalties or other restrictions on withdrawal before a minimum age, mandatory withdrawal before a maximum age, and, in some cases, maximum amounts that can be withdrawn tax free. Ideally, there should be no income or age limits on contributions or withdrawals.

[7] For fuller discussion and illustrations, see: Mary Rowland, "Your Own Account: Watch the Clinton Pension Bill", The New York Times, June 20, 1993; Section C, p. 17.

[8] For a fuller discussion and illustration, see: Mary Rowland, "Your Own Account: A Death Knell for Some Pensions? The Clinton Proposals Pose a Threat to Baby Boomer Benefits," The New York Times, June 27, 1993, Section F, p. 15.

[9] For a fuller discussion see text and comments of Sylvester Scheiber, Wyatt Company, and Russell E. Hall, Towers Perrin benefits consultants, in: Mary Rowland, 6/27/93, *op. cit.*

[10] See, for example, House Ways and Means Committee Print 103–11, "Fiscal Year 1994 Budget Reconciliation Recommendations of the Committee on Ways and Means", May 19, 1993, Section 199.

[11] For a more detailed discussion, see "IRET Congressional Advisory" No. 19, June 3, 1993.

[12] For a more detailed discussion, see "IRET Congressional Advisory" No. 17, June 3, 1993.

[13] For a more detailed discussion, see "IRET Congressional Advisory" No. 18, June 3, 1993.

[14] For a more detailed discussion, see "IRET Congressional Advisory" No. 16, June 3, 1993.

Note.—Nothing here is to be construed as necessarily reflecting the views of IRET or as an attempt to aid or hinder the passage of any bill before the Congress.

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[From the New York Times, June 20, 1993]

## WATCH THE CLINTON PENSION BILL

(By Mary Rowland)

Buried in President Clinton's tax plan, which has passed the House and is working its way through the Senate, is a measure that could affect the funding and security of retirement accounts for hundreds of thousands of Americans.

Little attention has been given to this provision because it is viewed as a change that would affect "fat cats" only. The proposal would reduce the amount of annual compensation that can be considered for calculating retirement benefits to $150,000—compared to the current limit of $235,840.

But it's not just fat cats who would feel the pinch. "This is a good example of how a policy can be construed to affect one group of people—namely the highly paid—but in fact it has a very great effect on people in lower-income categories, often a much greater effect than it does on the highly paid," said Sylvester J. Schieber, who is in charge of research and information at the Wyatt Company, benefits consultants in Washington.

For example, people earning much less than $150,000 may be forced to cut back their 401(k) contributions. "The most serious impact of this change is on the 401(k) side," said Yale D. Tauber, managing director at William M. Mercer Inc., New York-based benefits consultants.

The new provision is expected to have a more impact on the contributions of people who make slightly more than $64,245 than it will on those whose salaries exceed $150,000.

Although the legal limit on employee contributions to 401(k) plans is $8,994 for 1993, few employees in the $64,000 to $90,000 salary range are allowed by their companies to contribute that much. That's because the Government bans employers from giving a far greater percentage of benefits to higher-paid workers than to those who are lower-paid. To comply, companies must apply a nondiscrimination test to their 401(k) plans.

Here's how the test works: Contributions made by employees earning less than $64,245 in 1993—the number is indexed—are tossed into a pool to determine the average percentage of their salaries contributed. Then the average salary contribution is calculated for people who earn more than $64,245.

The spread between the two groups is regulated. In most cases, it is limited to 2 percentage points. If the lower-paid group contributes 4 percent of salary, on average, the higher-paid group can contribute no more than 6 percent, on average.

Suppose a company discovers that its highly paid group is contributing an average of 7 percent and its lower-paid group only 4 percent. It must then return some money—which is then taxable income—to the higher-paid group.

The company returns the money to those who contribute the highest percentage of pay rather than those who contribute the most dollars. "You look at the highly paid group and go to the highest contributor on a percentage basis and return some of that employee's money," said Frank Roque, a partner at Hewitt Associates, benefits consultants based in Lincolnshire, Ill.

In the example, an employee who makes $150,000 and is contributing the full $8,994, or just under 6 percent, would not be affected. But an employee earning $70,000 and contributing $7,000, which is 10 percent of his or her salary, would be cut back. The proposed legislation would magnify the problem.

Under current law, compensation up to $235,840 can be considered for nondiscrimination testing purposes. At that salary level, the maximum contribution of $8,994 is just 3.8 percent of pay. That means that people at the lower end of the highly paid group can contribute more than 6 percent and still maintain a 6 percent average.

Under the proposed law, no matter how much an employee makes, only $150,000 of his or her salary will be considered for the purposes of the nondiscrimination test. Assuming highly paid executives contribute the maximum, the contribution becomes 6 percent rather than 3.8 percent of salary for test purposes. If the high-paid group's overall contribution is limited to 6 percent, the people at the lower end of the group could no longer contribute 10 percent without skewing the group.

"The guy who is earning $250,000 will contribute exactly the same amount next year as he did this year," Mr. Schieber said. "He is constrained by the $8,994 limit. It is the people right above the $64,000 salary range who will see their contribution go down."

There is a simple way to fix this part of the legislation. "If they're trying to get the heavy hitters in the 401(k) plans, they're not doing it," Mr. Roque said. "But it's a simple fix. They could just cut back on the contributions of those at the highest salary levels first rather than those who contribute the highest percentage of pay."

Legislation that would limit salary for benefits calculations at $150,000 a year would probably affect 401(k) contributions for employees at much lower salaries. In this example, regulations limit the average contribution to 6.6% of salary while individual contributions are limited to $8,994 (the 1993 maximum).

| Employee's salary | Currently | | With proposed change | |
|---|---|---|---|---|
| | 401(k) contribution | Percentage of pay | 401(k) contribution | Adjusted percentage |
| $200,000 | $8,994 | 4.5 | $8,994 | [1]6.0 |
| $150,000 | 8,994 | 6.0 | 8,994 | 6.0 |
| $100,000 | 6,000 | 6.0 | 6,000 | 6.0 |
| $70,000 | 7,000 | 10.0 | 6,020 | 8.6 |
| Average | | 6.6 | | 6.6 |

[1] Percentage based on $150,000 salary cap.

Source: Hewitt Associates.

### COMPANIES MAY JUST SAY "NO"

A number of consulting firms have looked at the new piece of pension legislation and wondered whether they should attempt to head it off. But most have decided that this is not the right political climate to be viewed as a friend of the rich.

One consultant who has argued against the legislation is Bruce J. Temkin, a consulting actuary at Louis Kravitz & Associates Inc., a benefits consulting firm based in Encino, Calif. As Mr. Temkin, whose speciality is pension plans for small businesses, describes it, lawmakers say, "Are you telling us that people who make over $150,000 can't manage to save money on their own?".

Like many other consultants, Mr. Temkin believes the legislation, which would reduce the compensation that can be considered for retirement benefits, is a "done deal" and will have long-term effects, encouraging companies to simply get out of pension plans.

"The Government thinks it's getting Mr. Big," said Jerry Y. Carnegie, a partner in the Rowayton, Conn., office of Hewitt Associates. "But Mr. Big just might say, 'Let's get out of this business altogether.'"

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[From the New York Times, June 27, 1993]

## A Death Knell for Some Pensions?

(By Mary Rowland)

Sylvester J. Schieber, who has watched pension law changes from several vantage points over the past 15 years, frets about the future of pensions and the retirement security of the baby boom generation.

A provision of the Clinton tax package that is aimed at reducing pension benefits for the highly paid could nudge companies to drop their traditional pension plans, Mr. Schieber says. The number of these plans, called defined-benefit plans, which pay a specified monthly benefit at retirement, has been declining for the last decade. More rapid shrinkage, he says, would have dire consequences for people at all pay levels.

"Over the past 12 years we have disenfranchised executives from participating in the pension plan," Mr. Schieber said. "To the extent that executives cannot participate, they will reduce the plans for everyone else."

Many experts agree with Mr. Schieber, who was deputy director of policy analysis for the Social Security Administration and then research director at the Employee Benefits Research Institute, a nonprofit group, before becoming director at the Wyatt Company, an employee benefits firm based in Washington.

The Clinton provision, which has passed the House and is expected to become part of any final tax bill, is misguided, the experts said. "This is an example of good pension policy sacrificed on the altar of revenue needs," said Henry Saveth, an attorney in the New York office of Foster Higgins, benefits consultants. "Employers are already straining under the administrative and legal burdens of maintaining defined-benefit plans. This gives them another incentive to just give them up."

The provision applies to money that can be set aside in "qualified plans," which are so named because the employer qualifies for a tax deduction for its contributions. The two basic types of qualified plans are the traditional defined-benefit plans, such as the company pension plan, and defined-contribution plans, including the 401(k)—both of which are actually funded. The Clinton proposal would reduce the amount of annual compensation that can be considered for inclusion in these plans to $150,000 from $235,840.

The change would have several ripple effects. First, many companies would likely move to help key executives by setting up a "nonqualified plan." These supplemental executive retirement plans, or SERPs, are generally not funded. They represent only the company's promise to pay at retirement. If the company falls on hard times, it can renege on its promise. The money can also be seized by corporate creditors.

"According to our data, SERP participants will double in some plans and triple for others," said Russell E. Hall, a principal at Towers Perrin, benefits consultants based in Valhalla, N.Y. "There will be more and more benefits coming from these unfunded plans."

Some employees earning more than $150,000 will not even get this promise. In order to participate in a nonqualified plan known as a "top hat plan," which is designed for employees who earn too much to be covered fully by the qualified plan, an employee must be a corporate star.

Earning more than $150,000 a year is not adequate. "You have to be sophisticated enough and have enough leverage with your company so that you do not need the protection of the Labor Department," said Yale D. Tauber, a managing director at William M. Mercer Inc., benefits consultants based in New York. "Someone on Wall Street pulling in $150,000 is clearly not in the position to be in a top hat plan."

Consultants say employees like the $150,000 Wall Street worker will simply get smaller pensions. For example, an employee earning $180,000 at retirement after a full career at a company might expect a $90,000 pension—50 percent of final pay. But he or she might get just $75,000 because of the change, Mr. Tauber said.

Owners and employees of small businesses may be affected more severely. Their contributions for employees might double under the new rules, said Bruce J. Temkin, an actuary and small-business pension specialist at Louis Karvitz & Associates in Encino, Calif. That is just what the Administration would like to happen.

But Mr. Temkin and other consultants are advising business owners who earn more than $150,000 to re-examine their plans with an eye toward revising them or dumping them if they no longer make economic sense.

The new provision "is very consistent with the Administration's philosophy that we should not help people who make over $150,000," Mr. Temkin said. "But they are likely to do a lot of damage to employees of small businesses because these companies will let go of their plans altogether."

### HOW THE ACTUARIES FIGURE IT

One problem with the new pension proposal is that it would delay the funding of pensions for people at mid-career earning salaries of $35,000 to $50,000. For many of them, a pension delayed could prove to be a pension denied.

A company sets aside funds for pension benefits throughout an employee's career because it costs less in the early years. But the Clinton proposal includes a $150,000 salary cap for pension purposes, meaning that pensions for the baby boom generation could not be entirely funded in the early years.

To determine how to fund a retirement benefit for a benefit for a 35-year-old earning $35,000 a year, an actuary projects the employee's salary at retirement. Assuming the 5.5 percent annual wage growth used by the Social Security Administration in estimating its benefits, this person would earn $165,342 at age 65.

But only $150,000 could be considered for pension benefits under the proposal. The actuary would then take the difference between $165,342 and $150,000 and discount it back to today's salary.

For the 35-year-old, $3,200 of his $35,000 salary could not be considered for funding a pension, according to Sylvester Schieber of the Wyatt Company. If the employee earned $45,000, $13,000 could not be considered. At $55,000, $23,000 could not be considered for funding purposes. "So you fairly quickly get to the point where the majority of income can't be considered for purposes of funding his pension benefit," Mr. Schieber said.

The $150,000 number would be indexed, allowing employers to increase contributions in later years. But the longer the employer waits to fund the pension, the more expensive it will be. Mr. Schieber believes many companies will not be able to make up the shortfall. "I believe employers will freeze these plans and walk away from them in the long term," Mr. Schieber said.

Mr. CRAIG. Now, for the remainder of my time, I would like to become a little bit technical to deal with the issue before us as it relates to this particular President's tax package and the impact it has on the ability of the private person to contribute to his or her retirement.

I think all of us understand the kind of impact we are talking about when we discourage the kind of investment that is so darn important to the average person. Maximum income base under current law is $235,840 a year, indexed. Both the Senate and the House reconciliation bills are going to drop that index level to $150,000. In other words, this is our rendition of how you soak the rich when they attempt to accumulate through their own pension plans and how the private pension and the private pensioners' employers can contribute into that plan. Current law is already too confusing and too counterproductive to have a lot of people identify with a pension plan. The House and the Senate and the President are going to cause it to be even more confusing.

Here is the first whammy in the whole process. For a 25-year-old employee today, we must discount the $150,000 based backwards by 39 years to today. The Social Security Administration and other pension planners currently use a 5.5 percent factor. What in the heck am I talking about? What I am saying is that, today, for a 25-year-old employee, the resulting maximum earning would be only $18,589 a year instead of the $29,227 current base. He is going to be penalized from putting into a pension plan if he is above that level. Guess what. That is the level for a husband or a wife, the breadwinner of a family of four. That level is slightly above the poverty level, Mr. President. Is that soaking the rich? That wage earner out there who is working for his or her employer today at $18,589 a year is not going to put a pension plan together because of the phenomenal complication that this President is demanding, in this mystic way, that he is going to soak the rich. I have never met anyone in today's society making $18,000 a year who describes himself as being rich, and yet this President in his definition is saying just that.

Here is the second whammy. Lowering the maximum earning base will jeopardize future pension contributions for today's young workers. Employers will be forced to minimize what they can contribute to defined pension plans for young workers. But because these plans also must be fully funded, reducing early contributions will require rapid escalation of contributions in the later years. So, in other words, they are going to start sticking it to the other side.

Well, that is the bottom line, Mr. President. How you get to the average taxpayers of this country is you confuse the heck out of them, you change the game plan, and to the young worker today who wants to put something aside for his retirement you are saying do not do it. If you make over $18,000 a year, we are going to make it so darn complicated that you will not contribute and neither will your employer.

Mr. President, that is not soaking the rich. That is soaking the working poor.

Get the message, Bill Clinton?

The PRESIDING OFFICER (Mr. DORGAN). The time of the Senator has expired.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from Idaho.

There are a couple of mean-spirited things in this tax bill. Before the Senator leaves, I would note that one of the constant complaints by Republicans and Democrats alike is that Americans do not save enough.

The Senator from Idaho has quite correctly pointed out one example of how a class of Americans are co-opted from saving. We make savings so impossible, so economically unattractive that people are unwilling and unable to do it, and then we complain that we have the lowest savings rate in the world.

Mr. President, that is exactly what President Clinton's plan is doing. Even worse, the administration has finally found the one way to keep Americans from exhibiting a human response to avoid new taxes, as the President and his wife have done. Guess how. The tax bill before us would retroactively increase inheritance taxes, and the dead cannot change their behavior. They finally found a way to pin down some Americans so that they cannot respond.

Another thing the administration has done to dissuade savings is to lower the threshold at which the maximum tax rate on income for trusts and estates will be triggered to $5,500. Mr. President, that is absolutely venal in its assault on the savings ethic in America. If you have put together a little trust fund, hopefully, so that a child or two may go to college, Mr. President, a maximum tax rate that triggers taxes at $5,500 says, "Do not save; it is not worth it." That is not even a year's worth of fees for college.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. WALLOP. I yield for a question.

Mr. CRAIG. Mr. President, last week I had a young group out here on the Capitol steps from Idaho. A young lady asked a question. She comes from a middle-income family in the State. She said, "Now we are providing programs for the poor and minority groups to get to college. What about me?"

What you have just said is that we basically said to her parents, "You cannot afford to save for her to go to college because we will penalize you by taxing it even more."

I find it impossible to understand how the President can talk about deficit reduction in a vital economy if he is going to propose a tax plan that erases the basis of any stable economy, and that is a basis of wealth provided through savings. That is what the Senator from Wyoming has just said.

Mr. WALLOP. The Senator from Wyoming has said just precisely that. The President and our friends on the left-hand side of the political spectrum have so much class envy in their behavior that they have now decided that an estate yielding a mere $5,500 in taxable income that would otherwise be set aside for education, will now be taxed at the maximum rate as though that estate was generating $40,000 in income.

It says to Americans: "Don't save. The Government doesn't want you to save. And if you do, we will penalize you for doing so." It is a shame, but it is the truth.

Mr. CRAIG. If my colleague will continue to yield, what I just said in my presentation is that in that area that is very complicated today—and that is the area of private pensions and the 401 K's and all those combinations—we even say now to a person making $18,500 a year, "We are going to make it all the more difficult for you. We are going to complicate it so you will not do it."

That is a form of savings, because that money goes out into the economy to make more money to invest, and by job creation, through a reservoir of wealth that this country ultimately accumulates through that kind of approach. That is now going to be made more difficult so that the working poor, who might try to put a little away, will walk away.

Mr. WALLOP. The Senator is correct. It is one of the tragedies.

But one of the purposes of this special order is to try to get out the word.

Earlier this morning, some of my colleagues from the left tried to argue that few, if any, small businesses were going to be impacted by the higher marginal tax rates. They referred to an article in yesterday's Wall Street Journal. What they conveniently forgot to discuss was the last portion of the article. It is so easy to demagog if you want to stick it to the middle-class and small businesses.

But what they forgot was this part of it:

> Of course, the most prosperous businesses are likely to be the ones that employ the most people. Raising their taxes and thereby reducing their cash flow isn't likely to encourage them to hire new employees or buy more equipment.

They conveniently overlooked the whole economic nature of this argument in their pursuit of envy and the politics of the rich. People who profited unfairly from the 1980's, who worked and provided jobs and saved money, they are no longer good Americans. They are the Americans which we have set out to punish for having been successful, for having provided jobs, and for having had the courage to invest at a time when others perhaps did not.

Mr. President, I yield the remainder of the time to the Senator from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair would advise the Senator from Oklahoma that there are 3 minutes remaining.

The Chair recognizes the Senator from Oklahoma for 3 minutes.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator is recognized for 10 minutes.

### THE CLINTON TAX PACKAGE

Mr. NICKLES. Mr. President, I wish to compliment my colleague, Senator WALLOP, and also Senator CRAIG and others who have spoken this morning on the so-called Clinton tax package, or President Clinton's tax package that is now being debated in conference committee, and also in reference to some of the statements that were made earlier today that this package is not a bad package for small business. Individuals that make that statement, I think, are not very familiar with small business.

I happen to have owned and operated a small business, one very small and one a little larger. I think this tax package that we now see coming before us is hitting small business, particularly successful small business, right between the eyes.

And I wish to comment, too, in regards to the Wall Street Journal article that said the 90 percent of the small businesses would not even be impacted. I might mention those small businesses that are very successful are probably responsible for about 70 to 90 percent of all new jobs created in this country. And that is given by David Burch from MIT.

So the point is that this tax bill that we have now pending increases taxes on successful entrepreneurs up to a marginal rate of 44.5 percent, compared to a marginal rate for corporations of 34 percent. That is hardly equitable.

We are telling people who are really successful, who are entrepreneurs and subchapter S corporations that they are going to be paying a higher tax rate than anybody.

I might mention that is before they pay State income tax. So you can easily see how marginal rates are in excess of 50 percent.

I can tell you from personal experience that, once marginal rates got over 40 percent, there is a real reluctance to build and expand and grow. I learned that when I had a janitor's service, going through college. My marginal rate was about 40 percent. Frankly, that just took away any initiative to work harder, to build more, to employ more people.

I remember what my accountant said. I did quarterly estimated tax payments. By the time you paid your Federal income tax and you paid your self-employment tax and paid State income tax, he said, "Congratulations. You are in the 40-some percent tax bracket."

That little business that was growing rather significantly quit growing because I did not want to have to work for the Government more than I worked for myself—too many hours, too many headaches.

And so when I heard my colleagues speaking this morning about how great a package this is for small business, I would just say it is not the case. As a matter fact, I think this administration and their policies have been a disaster on small business.

I still have some involvement in a business in Oklahoma. It just so happens that we are putting new regulations on those businesses every single day. My brother is involved in that company. He commented on the fact that Congress just passed a new piece of legislation called the Family Medical Leave Act. Its effective date is August 5.

Now most businesses may think that they comply with this bill. But I will tell you right now, they do not. If they do not know it, they need to look at the Federal Register, dated June 4. That gives the rules and regulations on how to implement the so-called Family Medical Leave Act of 1993. There are 45 pages of the family leave bill which is now mandated for every business in America that has over 50 employees. There are a lot of businesses that fall into this category.

So already this year we have hit businesses with new regulations. This is the Federal Register of June 4, if they need to find out what those regulations are to find out how to comply.

Their income tax rates are increasing significantly. If they have a tax on business income of $275,000, the rates go up to 44.5 percent compared to 34 percent for corporate rates. Then we have some other things that are coming down the pike that they are also very leery of.

There is a little health care plan that is being kicked around. Almost everything we read and hear, this health care plan is going to be mandated to employers, small employers, as well as large employers. So, again, I hope my colleagues are aware of that.

There is a Washington Post article, dated May 13, "Under Clinton Health Care Plan, All Employers Would Pay."

No surprise. We have heard this quite a bit. But we are going to mandate health care on all those small businesses in North Dakota and Oklahoma and elsewhere.

My point is, this administration has done a lot of things that are very counter to the success and, in many cases, to the survival of small business.

There is also another little bill that is floating around that I am sure will be on the floor one of these days, and that is a bill that would prohibit employers from hiring replacement workers during strikes. Again, maybe this is the Government coming in again and saying, "Small business, we are going to help, but even if you have a strike, you cannot hire permanent replacement workers to keep the doors open. So if you can't keep the doors open, we are sorry."

I just mentioned three pieces of legislation that can mean the death of small business—mandatory parental leave, mandates on a health care plan, you cannot hire replacement workers during a strike; and then a tax bill that hits the really successful small business people, the small entrepreneurs, sole proprietors, subchapter S corporations, hits them very, very hard, hits them with an increase in marginal rates.

Listen to this—I hope my colleagues realize this. For the really successful entrepreneur, we are increasing their marginal rates by about 42 percent because we are taking the rate from 31 percent to 44.5 percent. That is a tremendous increase.

That is not just soaking the rich. That is shooting them between the eyes. That is going to put people out of work.

For people to stand on the floor of the Senate and say this does not hurt small business—it does.

There are a lot of small businesses that are taxed as individuals that have income above $140,000 or above $200,000. And those are the people that are hiring people. Seventy or 80, maybe 90 percent of the new jobs created were in this category, they were in the successful small business.

And we are going to cost jobs.

Then to say—and I heard President Clinton say this last night on Larry King. He said, "Well, we really don't hurt the middle-income people. We do not touch them."

That is, frankly, not the case. The facts are there is a gasoline tax that is in the Senate bill. He said, "Well, that's only $1 a week." In my family it is a whole lot more than $1 a week. I have a 21-year-old daughter, I have a 17-year-old daughter, my wife, and I. Altogether that is four drivers in our family. That is a lot more than a $50 tax increase for our family, and I am sure it is for a lot of families that live out in the rural areas. But he did not mention there is a big tax increase on Social Security recipients who have income above $32,000. That is middle income.

Then he said people who make less than $30,000 are held harmless. That is not the case, because many of those people are not going to receive earned income tax credit. That is flat not the case. Many of those people are not going to receive increases in food stamps to cushion the blow on the regressive nature of the gasoline taxes. So I can think of lots of people who make less than $30,000, including my daughter who makes $4.75 an hour to pay for gasoline in her car and maintenance and so forth. She is not going to get earned income tax credits. So it is going to cost her. It is going to cost a lot of people.

My father-in-law, who is retired, who has Social Security and has other income in the $30,000-some range, get to pay another $100 a month in Social Security taxes. President Clinton evidently forgot about him last night. But there is a big tax on Social Security recipients that is in this package.

Sock it to the wealthy, he says. But is going to put people out of work. He says he is a friend of small business, but we are going to mandate parental leave, we are going to mandate health care.

There is a report done by the Heritage Foundation that says if a new payroll tax were to fund the Clinton program only for all workers and their dependents, the payroll tax would have to be set at 9.48 percent. A new payroll tax of almost 9.5 percent on all employers, small and large? Congratulations, small business people. This administration is your friend. I read that in his book, "Putting People First." But, frankly, we are putting small business last. Successful small business people are going to pay the highest marginal rates of anyone.

So, my point is this tax bill and this tax conference leaves a lot to be desired. I think it is a prescription, not for deficit reduction, it is a prescription, frankly, to put people out of work.

Then I would like to comment finally on the components of this package because, again, I have heard President Clinton last night who said it is a $500 billion deficit-reduction package. He also said he expects his spending cuts would exceed the tax increases. Frankly, this is not the case. Neither is the case. It is not a $500 billion deficit-reduction package. He is taking credit for $44 billion that is already in present law. That was part of the 1990 budget package. How can you take credit for something that is already part of law? That is $44 billion. He takes credit for interest savings, and that is not anything that is done in this bill. That is a wish.

If we look, he takes credit for spending reductions in appropriations bills, two-thirds of which do not happen until after the next Presidential election. I might mention most of that is in defense, and many of us think he is cutting defense far too much and too fast. But the net result is you are looking at tax increases that are not 1 to 1, or spending cuts as large as the tax increases. If you call tax increases and user fees tax increases, which they are, and you eliminate the interest savings, you realize that the total ratio of tax increases versus spending cuts is $2.82 in tax increases for every $1 of spending cuts.

Mr. President, I yield the floor and ask unanimous consent to have this table printed in the RECORD, which will show the amount of savings from appropriations, from reconciliation, from user fees, and revenues, so individuals can find out the bulk of this package is clearly a tax increase and not a spending cut.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

HOUSE BUDGET PACKAGE RATIOS

[House-passed bill, in billions of dollars]

| | 1994 | 1995 | 1996 | 1997 | 1998 | 1994–98 |
|---|---|---|---|---|---|---|
| Spending reductions: | | | | | | |
| Appropriations | −0.3 | 0.9 | −7.5 | −22.4 | −37.3 | −66.6 |
| Reconciliation | −1.8 | −4.8 | −9.3 | −14.3 | −16.9 | −47.0 |
| Other[1] | 3.2 | 1.4 | 1.7 | 2.1 | 2.3 | 10.7 |
| Subtotal | 1.1 | −2.5 | −15.1 | −34.6 | −51.9 | −102.9 |
| User fees | 2.2 | 2.4 | 3.7 | 3.1 | 3.2 | 14.6 |
| Revenue increases | 32.7 | 41.6 | 54.8 | 73.8 | 72.6 | 275.5 |
| Subtotal | 34.9 | 44.0 | 58.4 | 76.8 | 75.9 | 290.1 |
| Debt management | −.5 | −1.0 | −1.3 | −1.6 | −2.0 | −6.4 |
| Debt service | −1.1 | −3.6 | −7.5 | −13.8 | −22.1 | −48.1 |
| Subtotal | −1.6 | −4.6 | −8.8 | −15.4 | −24.1 | −54.5 |
| Grand Total | −35.4 | −51.1 | −82.4 | −126.8 | −151.8 | −447.5 |
| Ratio of taxes and user fees to spending reductions | NA | $17.66 to $1 | $3.86 to $1 | $2.22 to $1 | $1.46 to $1 | $2.82 to $1 |

[1] Assumes $9.2 billion in intragovernmental offsets from the Federal pay freeze in the House-passed bill; and $2.3 billion associated with the enactment of extended unemployment benefits.

Note.—Based on CBO/JCT estimates.

The PRESIDING OFFICER. The Senator from Oklahoma yields the floor. Under the previous order the Senator from South Carolina is recognized for up to 20 minutes. The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

## THE PRESIDENT'S BUDGET

Mr. HOLLINGS. Mr. President, responding to the comments made by my distinguished colleague from Oklahoma, there has been a constant babble—and I say again "babble"—about an alleged 2-for-1 or 3-for-1 ratio of tax increases to spending cuts in the President's deficit-reduction plan. The Senator from Oregon, the ranking member of the Finance Committee and former chairman of the Finance Committee, Senator PACKWOOD, said there is $3.50 in taxes for every $1 in spending cuts. Others say $2.82 in taxes for every $1 in cuts. This is a crude distortion of the facts. I want to give the exact figure, which is that there is less than $1 in taxes for each $1 in spending cuts.

In the current 1993 budget, discretionary spending—namely, defense, domestic and international affairs, totals $548 billion. In President Clinton's proposed 1994 budget, total discretionary spending is reduced to $538 billion; that amounts to an absolute reduction of $10 billion in discretionary spending.

President Clinton is being accused of tax and spend, but in fact the gentleman from Arkansas has not had a chance to spend. He just got to town. The small exception is the modest supplemental bill, most of which was financed through offsets. There was $1 billion in that bill for defense and peacekeeping that was not offset. But most of it was, of course, offset.

So the distinguished President of the United States has not had any opportunity to spend. He just got to town. But he has had the fortitude, please-by-gracious, to tackle this deficit head on. He has offered a historic plan. But this crowd on the other side of the aisle want to distract us with nonsense: "What Hillary Clinton's pay schedule is on her income tax and how much the President's BVD's are worth."

That is what drew me to the floor. The Senator from Wyoming was talking about President Clinton's shorts and T-shirts. And then I had to listen to this distorted babble about a 2-for-1 ratio and $2.82 in taxes to each $1 in cuts.

Here is the budget. Its deficit reduction is accomplished through all kinds of spending cuts and freezes. The opposition cries, "Cut first, cut-cut, tax and spend." I want to tell you who has been spending. The Republicans are howling because they know we have cut spending. Defense, domestic, international affairs in 1993: $548 billion; in President Clinton's budget, 1994: $538 billion.

So what did President Clinton do? He came to town and he said, "Look, I am going to cut my own White House staff 25 percent." He said, "I am going to cut out 100,000 Federal employees." Cut spending first? He has been the first one to cut.

They do not like a President who cuts the deficit. They have had two Presidents for 12 years whose solemn oath was to increase the deficit and debt, and they succeeded.

But President Clinton said first, when he came to town, "I will cut the White House. We will cut 100,000 employees. We will cut your pay, Mr. President, and cut my pay, and all Federal pay. There is going to be a freeze. We are going to cut the congressional staffs." I had to cut staff in the Commerce, Space, Science, Transportation Committee by 10 percent.

Next, the President put the Vice President in charge of auditing all the executive departments to see where he can root out waste. And he put his brilliant wife, Ms. Hillary Rodham Clinton, in charge of cutting health costs.

This administration has been working now for 6 months on cutting spending first. So the Senators from Washington, Oklahoma, and Wyoming are Johnny come lately's when they cry "Cut spending first." And the Senator from Oklahoma is flat wrong in claiming that this plan has $2.82 in taxes for each $1 in cuts, nonsense.

In truth the President's plan actually has more spending cuts than new taxes. I am going to give you the exact figures. The President cuts spending first, and those cuts are as follows: Entitlements, $97 billion in cuts; discretionary, $102 billion in cuts; interest costs, $56 billion in cuts; for a total of $255 billion in spending cuts.

The new revenues total $243 billion. So my friends on the other side can run around with their bogus claims, they can babble on about the President's shorts and the First Lady's taxes or whatever, but they ought to be ashamed of themselves, trotting out here for an hour every week, trying to divert the public's attention, but offering no constructive, detailed recommendation whatsoever.

I sat in that Budget Committee, and all the opposition did was play games.

When they got to the Budget Committee, they said, "The President is cutting everybody's pay. We can't have that." So they voted for amendments to increase the pay. Later, they came to the floor with the Dole-Domenici plan, which included all the cuts proposed by the Democrats. It was Democrats who cut spending first. The Republicans simply took the Democratic cuts in their Dole-Domenici plan.

So they are just playing a sordid game of hollow amendments, bogus alternatives, and nothing constructive. They took our cuts, and added to them a 5-year freeze—never mind the flood in the Midwest—costing $8 billion, $9 billion; and never mind practical considerations such as paying for an expansion of prisons and law enforcement.

I am wrestling now with an appropriations bill trying to find an additional $130 million for immigration, Border Patrol, to get on top of that; for internal security so terrorists will not be blowing up the World Trade Center and other landmarks; for Somalia, for Bosnia, for all the peacekeeping operations that have gone up to a billion bucks.

So they preached grandly: "We are going to have a 5-year freeze." It was just fabricated out of the whole cloth. Nothing in the Finance Committee, no motion, just, by gosh, a full-court press on TV on the floor of the U.S. Senate hollering "cut spending first" and just a babble of tax, tax, tax.

All right, if they want to talk taxes, let us talk about their taxes. They do not want to talk about really reducing the deficit and the debt. They want to talk about taxes. Let us talk about their tax of $1 billion a day. That is what we have to go down and borrow everyday, $1 billion to pay interest costs on the national debt. When the Republicans came to town in 1981, annual interest costs were $52 billion. Today, annual interest is $310 billion. So every weekday and Saturday we go down to the bank at 8 o'clock and increase taxes by $1 billion, and therein, Mr. President, is the real problem that very few in the land have realized because we have failed to educate the American people.

There was a little program that my kids listened to early every Saturday morning, "Big John and Sparky." It used to repeat this rhyme: "All the way through life, let this be your goal: Keep your eye on the donut, not the hole." The donut in this case is the $1 billion-per-day interest costs or the interest "taxes." You can pay Social Security taxes and you get Social Security benefits. You can pay gasoline taxes and you can get highways and bridges. But pay $1 billion-per-day interest "taxes" and you get absolutely nothing.

The Republican crowd that was going to do away with waste instituted the biggest scandal of waste in the history of man. And responsibility for this scandal is now admitted to by the very architect of the Reagan economic plan, David Stockman. Writing in New Perspective magazine, none other than David Stockman, the Director of the Office of Management and Budget for President Ronald Reagan, clearly lays the blame in the Republicans' lap. I ask unanimous consent to print the article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From New Perspective, Spring 1993]

### America Is Not Overspending

(David A. Stockman, Director of the Office of Management and Budget from 1981 to 1985, during the first years of the "Reagan Revolution." David Stockman left office amid the lingering controversy caused by his revelation in the Atlantic magazine about the internal Administration politics which, Stockman said, would result in untenable deficits.

(Stockman's memoirs of those years are entitled "A Triumph of Politics: How the Reagan Revolution Failed." He is currently a General Partner at the Blackstone Group, a New York investment house.)

President Clinton's economic plan deserves heavy-duty criticism—particularly the $190 billion worth of new boondoggles through FY 1998 that are euphemistically labelled "stimulus" and "investment" programs. But on one thing he has told the unvarnished truth. There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without major tax increases.

In this regard, the full-throated anti-tax war cries emanating from the GPO since February 17 amount to no more than deceptive gibberish. Indeed, if Congressman Newt Gingrich and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein they lodge their Pinocchio-sized noses until this adult task of raising taxes is finished.

The fact is, we have no other viable choice. According to the Congressional Budget Office (CBO) forecast, by FY 1998 we will have practical full employment and, also, nearly a $400 billion budget deficit if nothing is done. The projected red ink would amount to five percent of GNP, and would mean continuing Treasury absorption of most of our meager net national savings through the end of the century. This is hardly a formula for sustaining a competitive and growing economy.

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.

It ought to be obvious by not that we can't grow our way out. If we should happen to realize CBO's economic forecast by 1998, wouldn't a nearly $400 billion deficit in a full employment economy 17 years after the event finally constitute the smoking gun?

To be sure, a version to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes as self-evidently threadbare and groundless as has the "growth" argument, we are no longer dealing with legitimate skepticism but with what amounts to a demagogic fetish.

Unfortunately, as a matter of hard-core political realism, the ritualized spending cut mantra of the GPO anti-taxers is equally vapid. Again, the historical facts are overwhelming.

Ronald Reagan's original across-the-board income tax cut would have permanently reduced the federal revenue base by three percent of GNP. At a time when defense spending was being rapidly pumped up, and in a context in which the then "conservative" congressional majority had already decided to leave 90 percent of domestic spending untouched, the Reagan tax rate cut along would have strained the nation's fiscal equation beyond the breaking point. But no one blew the whistle. Instead, both parties succumbed to a shameless tax-bidding war that ended up doubling the tax cut to six percent of GNP—or slashing by nearly one-third the permanent revenue base of the United States government.

While delayed effective dates and phase-ins postponed the full day of reckoning until the late 1980s, there is no gainsaying the fiscal carnage. As of August, 1981, Uncle Sam had been left to finance a 1980s-sized domestic welfare and state and defense build-up from a general revenue base that was now smaller relative to GNP than at any time since 1940!

In subsequent years, several "mini" tax increase bills did slowly restore the Federal revenue base to nearly its post-war average share of GNP. The $2.5 trillion in cumulative deficits since 1981, however, is not a product of "over-spending" in any meaningful sense of the term. In fact, we have had a rolling legislative referendum for 12 years on "appropriate" Federal spending in today's society—and by now the overwhelming bi-partisan consensus is crystal clear.

Cash benefits for Social Security recipients, government retirees and veterans will cost about $500 billion in 1998—or six percent of prospective GNP. The fact is they also cost six percent of GNP when Jimmy Carter came to town in 1977, as they did when Ronald Reagan arrived in 1981, Bush in 1989 and Clinton in 1993.

The explanation for this remarkable 25 years of actual and prospective fiscal cost stability is simple. Since the mid-1970s there has been no legislative action to increase benefits, while a deep political consensus has steadily congealed on not cutting them, either. Ronald Reagan pledged not to touch Social Security in his 1984 debate with Mondale; on this issue Bush never did move his lips; and Rep. Gingrich can readily wax as eloquently on the "sanctity" of the nation's social contract with the old folks as the late Senator Claude Pepper ever did.

The political and policy fundamentals of the $375 billion prospective 1998 cost of Medicare and Medicaid are exactly the same. If every amendment relating to these medical entitlements which increased or decreased eligibility and benefit coverage since Jimmy Carter's inauguration were laid end-to-end, the net impact by 1998 would hardly amount to one to two percent of currently projected costs.

Thus, in the case of the big medical entitlements, there has been no legislatively driven "overspending" surge in the last two decades. And since 1981, no elected Republican has even dared think out loud about the kind of big changes in beneficiary premium costs and co-payments that could actually save meaningful budget dollars.

To be sure, budget costs of the medical entitlements have skyrocketed—but that is because our underlying health delivery system is ridden with inflationary growth. Perhaps

> Hillary will fix this huge, systemic economic problem. But until that silver bullet is discovered, there is no way to save meaningful budget dollars in these programs except to impose higher participation costs on middle and upper income beneficiaries—a move for which the GOP has absolutely no stomach.
>
> Likewise, the "safety net" for the poor and price and credit supports for rural America cost the same in real terms—about $100 billion—as they did in January, 1981. That is because Republicans and Democrats have gone to the well year after year only to add nickels, subtract pennies, and, in effect, validate over and over the same "appropriate" level of spending.
>
> On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.
>
> It is unfortunate that having summoned the courage to face the tax issue squarely, President Clinton has clouded the debate with an excess of bashing the wealthy and an utterly unnecessary grab-bag of new tax and spending giveaways. But that can be corrected in the legislative process—and it in no way lets the Republicans off the hook. They led the Congress into a giant fiscal mistake 12 years ago, and they now have the responsibility to work with a President who is at least brave enough to attempt to correct it.

Mr. HOLLINGS. Mr. President, I quote from David Stockman:

> In this regard, the full-throated antitax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish.

I will read that again. This is David Stockman:

> In this regard, the full-throated antitax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish.

Bear in mind that Stockman is the architect of this fiscal dilemma that Republicans have offloaded on a President, President Clinton, who is willing to work, is willing to commit, willing to lead. I saw President Clinton last night on Larry King Live. He was magnificent. We, Democrats, are worried now because they have us on a tax run, because we were suckered into this nonsense. But listen to David Stockman to get a true picture of who got us into this mess and what is required to get us out of it.

I am quoting Stockman:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability.

I want to read that again:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of antitax venom, while pretending that economic growth and spending cuts alone could cure the deficit.
>
> It ought to be obvious by now that we can't grow our way out of.

I am skipping over, and one more line here:

> On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

And among those marginalia, I would include the President's BVD's, which we had to hear about this morning from the distinguished Senator from Wyoming.

Now what have we come to as a governing body? The opposition does not offer a single constructive program. Stockman knows it. We know it. They know it. And that is why they constantly resort to this verbal abuse and posturing on taxes. I quote Stockman one more time:

> Instead they have incessantly poisoned the political debate with a mindless stream of antitax venom.

That is what we have heard. That is exactly what it is. I cannot sit in my office and listen to this nonsense every week and act like seriously I am a Senator of the United States trying to work on the problems.

You find the President coming here and is willing not to finesse and fiddle around, but to attack the deficit from every angle. A freeze? Yes, I authored that, and tried, along with Howard Baker, for 5 years. President Clinton has offered better than a freeze. When you have $548 billion in this for domestic discretionary, for defense, and for international—all three—and you are cutting it back, that is more ambitious than a freeze. That is not just taking the $548 billion for 1993 and duplicating it next year. We are cutting $10 billion out of that. We have cut spending first. And we still need, as Stockman and everyone else with any common sense knows—and they know it and they do have common sense—you are going to need some taxes.

I had to listen to the Social Security nonsense. Everybody that has a pension, other than Social Security, pays taxes on 100 percent of benefits. So it has been recommended in trying to get some kind of fiscal prudence around here that we take couples who are making over $40,000, rather than paying on 50 percent, let them pay on 85 percent. Not on 100 percent, like every other pension beneficiary is paying, but let them pay on 85 percent. That is strictly on the rich. That is not ruining Social Security.

What they voted against—a majority—was an increase in Social Security taxes. We got under the Clinton bill a program of raising taxes on the wealthiest recipients of Social Security—who, bless them, have worked their way out and do not, in a sense, need Social Security as was originally intended, as a safety net. To tell you the truth, I have talked to many, many of them visiting around the country and they agree that benefits of the wealthy should be taxed.

This crowd is trying to intimidate, terrorize, poison the well, as Stockman says, about Social Security.

Senator MOYNIHAN and I gave them a chance to vote against increasing Social Security taxes in April 1991. But they all said do not mess with Social Security. In fact, we were trying to stop the messing with Social Security. There was an automatic, by law, increase in January of over $5.4 billion in Social Security taxes—factored out, over some $30 billion over the 5 years. Republicans voted for that tax increase of over $30 some billion but have the audacity and unmitigated gall now to come on the floor and oppose the $28 billion tax increase for the wealthiest taxpayers over 5 years that can help us get rid of this cancer that they left on Bill Clinton's doorstep.

The problem then is not just the deficit. The problem is the tax increase of daily interest payments that are on automatic pilot. I call it the Reagan-Bush automatic pilot. They put tax increases to the tune of $1 billion a day. That is our problem. Because if you take the entire Clinton plan, and you look at the end of 5 years, you still have a more than substantial deficit. You see, we confuse things when we talk about reducing the deficit by $500 billion over 5 years. What we mean is we are reducing deficit spending by $500 billion. Because the problem is so vicious and self-perpetuating that we will be increasing the national debt by way of ongoing deficit spending. Deficit and debt, debt and deficit, the same thing. Up and up and away. It has to be paid for, which increases the interest cost, interest taxes that are going up each year.

So what we are doing is trying to get on top of this tax hemorrhage. If they want to talk taxes, I am going to talk taxes the rest of this year. And they are the ones who created this mess over 12 years. They had the entire Government practically speaking with the President and his vetoes. He was always threatening. George Bush never threatened a veto on spending. I can go back to the Reagan record, all the spending bills he signed. Not a single veto of spending by George Herbert Walker Bush. At least they are no longer talking over there about the Bush recovery, for heavens sakes. We do not have a strong recovery. It is a very, very tenuous thing. Because of what? Because of the quadrupling of the national debt under Reagan and Bush. Because the debt was right at $903 billion when President Reagan came to town. Now it is $4.2 trillion. We never reached a $1 trillion debt in the 207 years of history, with all the Presidents, in the history of our land, prior to Reagan. But when Reagan came on board, he instituted an affirmative action program to increase the deficit and increase the debt, and now the Republicans have off-loaded it onto President Clinton.

The real problem is how can we keep the Government viable and solvent. We want to try to get on top of Head Start, Women, Infants, and Children's feeding, the FBI, the Border Patrol, the flood in the Midwest, Hurricane Andrew, antiterrorism, the cost of peacekeeping, and so on. How do we pay for it?

They say cut spending first. I am going to try to mark up an appropriations bill this afternoon. The first task I face is to cut $1.2 billion to get within the President's budget. So when the distinguished Attorney General Reno came the first question I asked her was, "Madam Attorney General, where is $130 million that you want cut. Do not tell me what you want to increase. You and I have to find the cuts."

When Secretary Brown of Commerce came, I said, "Mr. Secretary, $537 million you and I have to cut." And we cut $10 billion out of current programs—as they say, cut spending first. I would like to cut more—the super collider, the space station, the Osprey, $2 billion out of intelligence could easily be saved, the satellite program. I can go on. The Republicans are the ones who continually vote for these unnecessary programs. Yes, we can cut spending more, but do not blame President Clinton for not cutting spending first. He has been leading the way, and they do not like it. They do not have a plan, and they want to act like taxes are the plan. Yes, their taxes. The Reagan-Bush taxes are $310 billion, meaning every weekday and Saturday at 8 o'clock, every morning as a result of the Reagan-Bush administrations and their programs with all they had for 6 years, the Republican Senate and everything else—and they are the ones who started it. Ask Stockman. He said it started under their leadership, their President, their Senate. Now they try to cover up by generating this incessant babble about taxes. "A mindless stream of antitax venom" is what David Stockman calls it or, rather, deceptive gibberish. That is what we have. I hope they will cut it out and let us go to work and try to solve the Nation's problem and quite engaging in this pollster politics.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Chair advises the Senator the period for morning business is set to expire at 12:45.

Mr. DECONCINI. Mr. President, I ask unanimous consent I may proceed in morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Arizona is recognized for 5 minutes.

### INCREASED SPENDING BY PRESIDENTS

Mr. DECONCINI. Mr. President, I compliment the Senator from South Carolina who has eloquently, as usual, pointed out historically just how ludicrous the other side of the aisle, the Republican side of the aisle has been with the spending under the Bush and Reagan administrations. It is really appalling to see the politicization that has changed in this body just by the fact that there is a Democrat at the White House. We saw the biggest spending, and you cannot blame it on Congress, you have to lay it right at the feet of the President of the United States, whoever that may be, he or she. And if in fact spending increases under this administration, it will be the Clinton administration that increased it, just as it was the Bush administration and the Reagan administration that increased spending.

Yes, the Congress does approve those funds. We understand that. But the leadership comes from the White House, and we have some leadership here. I did not vote for the Reconciliation Act because of tax problems that I felt were not necessary. But, indeed, there are cuts there, more cuts than we have seen ever offered, at least in the 17 years I have been in this body. The Senator from South Carolina certainly points that out very explicitly.

### MFN TO ROMANIA

Mr. DECONCINI. Mr. President, on July 13, 1993, legislation was introduced in the Congress to restore most-favored-nation status to Romania. As chairman of the Commission on Security and Cooperation in Europe, known as the Helsinki Commission, this is an issue I have followed closely for some time and one about which I have expressed serious reservations in the past. That is why I feel it especially important to comment on it today, and I do support the restoration of MFN to Romania.

As many of my colleagues will recall, last year I joined Senator BYRD and a bipartisan group of my colleagues in cosponsoring an amendment to delay consideration of MFN until Romania's Presidential and parliamentary elections had taken place. Our amendment also noted that in considering the trade agreement, the Senate would take into account Romania's record on human rights and its compliance with the United Nations sanctions against Serbia and Montenegro.

Because of the Helsinki Commission's concerns regarding the free and fair conduct of the electoral process, Cochairman STENY HOYER and I sent a member of the Commission staff to Romania both during the campaign period and on election day. In our view, the September 1992 elections legitimately reflected the will of the people of Romania.

Since that time, we have continued to monitor closely developments in Romania. In April 1993, I led a Helsinki Commission delegation to Romania, with the express purpose of focusing on issues of congressional concern: independence of the media, civilian control of the security forces, and protection of human rights. Our delegation discussed these issues in detail with Romanian human rights and civic organizations, media representatives, Parliamentarians, and President Ion Iliescu. We also participated in a ceremony commemorating the transfer of six United States speedboats to the Romania and Bulgarian customs authorities for assistance in sanctions enforcement.

Our delegation was impressed by many of the changes that were visible since our last visit in 1990, from the growing number of commercial enterprises in Bucharest to the energy and organization of the nongovernmental human rights community and the ambitious motivation of independent media representatives.

I firmly believe that the time has come to demonstrate our support and encouragement for the efforts the people of Romania continue to make to build and strengthen democracy in their country. Of course, the transition is still underway, and the Helsinki Commission will continue to monitor developments closely. But we need to acknowledge that important steps have been taken, from establishing a joint parliamentary commission to oversee the Romanian Intelligence Service to auctioning frequencies for local independent television stations to forming, with full government support, a Consultative Council for National Minorities. And we need to recognize that Romania is making a good-faith effort to enforce the U.N. sanctions against a former ally and trading partner, despite tremendous economic difficulty at home.

The Helsinki Commission naturally hopes that further progress toward full compliance with CSCE standards and commitments will be achieved. But clearly, important efforts are underway, and the Romanians deserve our support. If we truly care about developments in Romania, then our policy must be one of engagement, and not isolation. I urge my colleagues to join me in supporting the restoration of most-favored-nation trade status to Romania.

Mr. President, I yield the floor.

## FOUR VALIANT LAW ENFORCEMENT OFFICERS DIED

Mr. DECONCINI. Mr. President, it is with great sadness that I come to the floor today. I regret to inform my colleagues of the deaths of three U.S. customs officers and one officer from the

Georgia Bureau of Investigation. These four valiant law enforcement officers died in the service of their country while protecting their community and our Nation—customs officers David E. DeLoach, air interdiction officer; Alan J. Klumpp, pilot; Carl "Richard" Talafous, pilot; and Lee DeLoach, Georgia Bureau of Investigation—no relation to David E. DeLoach—were killed in the crash of a U.S. Customs helicopter on Wednesday, July 14, 1993.

Mere words cannot express my sorrow over this loss. There is no doubt in my mind and there should be no doubt in this Chamber that these dedicated men made the ultimate sacrifice in the pursuit of freedom from the illicit drug trade. We owe the preservation of our fundamental freedoms to the brave few who put their lives on the line, to protect us, and to protect our children.

When one of your own is taken in the line of duty it brings close to home what the family and friends of law enforcement officers live with every day—that the next day may be their last. It is hard to imagine the pain and suffering that has come to the families of these Customs officers. I would hope that we would take a moment to reflect on the courage and the spirit of Messrs. Klumpp, DeLoach, Talafous, and DeLoach.

I have met with a good number of customs aviation operations employees, and I have found an extraordinary esprit de corps. This experience gave me the insight to know that commitment to law enforcement and the love of flying were with these individuals to the end.

Mr. President, the parents, family, friends, and all of the people close to these brave men, must know in their hearts that they have the thanks and the support of a grateful nation. The families must know that these men and the hundreds like them who carry a badge, do so with our respect and our praise. We should help David DeLoach's 2-year-old son to understand that his dad was on a mission to make his and other childrens' world a little safer. There is no higher calling.

No words, actions, or deeds can bring these brothers, sons, fathers, uncles, friends back to us. We should, however, always remember their contribution to this Nation's security. They died with honor and respect, just as they served. Mr. President, I would simply ask that we observe a moment of silence to remember our fallen.

## FLOODING IN THE MIDWEST

Mr. BURNS. Mr. President, I had an opportunity to visit with a few of the folks affected by the devastating floods in the Midwest. I am not amazed at the steel of these people, the ability to come back from a very catastrophic flood. I can remember the floods of 1951 when the water got to the second floor of the exchange building at the stockyards in Kansas City.

I can remember other floods. It is just remarkable, the resiliency of the core of this country, the heart of this country, the ability to deal with this catastrophic flood and do it with an attitude and resignation that, yes, this is mother nature acting up again; we are survivors; we will survive this, and the next generation will also. But we must help those people in some way.

But I will tell you, they are really brave, brave souls who are fighting the elements now in the central part of this great Nation. I congratulate them for it, and I am with them.

I thank the Chair. I yield the floor.

## TRIBUTE TO PAT NIXON

Mrs. KASSEBAUM. Mr. President, recently, our Nation lost a person I believe served us all as an uncommon First Lady. Pat Nixon never sought the public spotlight, and in fact, she never cared a great deal for political life, but she brought to the White House a special dignity and a quiet determination that only now seems to be gaining an appreciation.

News stories since her death have talked about her support for equal rights for women and for the appointment of a woman to the Supreme Court. We also now recognize her efforts not only to restore the historical authenticity of the White House but to open its doors to more of the American people.

I never had the pleasure of meeting Mrs. Nixon, but I have long admired her. In part, that is because of my own family history as the daughter of a man strongly devoted to politics and public service. Like Pat Nixon, my mother was never enamored of politics, but she cared deeply about my father and our family and her priorities were never in question.

Pat Nixon's priorities also were never in question. The news media and much of the public seems to have never understood that she was not pretending to be a faithful wife and a good mother. That is simply who she was and what she was. For the Nixon family, she was the human bridge between the never-ending demands of public life and the need each of us feels for a place that is genuinely, and simply, home.

Somehow, I am not surprised to hear now that Pat Nixon had superb political instincts or that she played a role in White House matters. Her obvious intelligence and substance always suggested that. But the titles she prized most highly were those of wife, mother, and homemaker. With a lifetime spent in the glare of the public spotlight, holding to those priorities was no small achievement. We honor her for that.

## SOUTH DAKOTA'S BUSINESS CLIMATE—THE WORD IS SPREADING

Mr. PRESSLER. Mr. President, I wish to draw the attention of my colleagues to an article that appeared in the June 21, 1993, edition of the Los Angeles Times. I do so because it does an excellent job of capsulizing the fertile economic climate cultivated by my home State of South Dakota.

The article cites South Dakota's "appealing way of saying no"—no to corporate and personal income taxes; no to pollution; and no to crime—as the reasons why many large and small corporations look upon the State as a low-cost promised land. The article notes that corporations, like Citibank's Visa and Mastercard operations and Milage Plus, United Airlines' frequent flier program, have come from as far as New York and California to Sioux Falls and Rapid City, SD. These and other corporations create hundreds of jobs for South Dakota.

Computer manufacturer, Gateway 2000, as the article also states, exemplifies South Dakota's appeal within the Midwest. Like other corporations once based in neighboring States, Gateway 2000 has taken advantage of South Dakota's State government program that provides low interest loans for businesses uprooting and planting themselves in South Dakota, as well as grants for financing research. Despite the recent tragic and untimely death of our Governor and other State economic leaders, the article adds that "in true Dakotan stiff-upper-lip fashion, the State is carrying on" its economic mission.

The article also mentions the fiscal responsibility with which my home State acts. Perhaps Washington and the rest of the Nation could learn something about South Dakota's commitment to meet its constitutionally mandated 5 percent surplus to an already balanced State budget. Equally noteworthy is an unemployment rate just a shade above 3 percent—evidence that the State's common sense approach to business and Government works.

Mr. President, the State has reaped the fruits of its efforts. Last fall Money magazine recognized South Dakota's robust economy and down-home feel, and chose Sioux Falls as the No. 1 place in the Nation to live. Now the Los Angeles Times has discovered South Dakota's uniquely attractive qualities—something that business leaders all over the Nation already have determined. I ask unanimous consent that the Los Angeles Times article appear in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 21, 1993]

## As South Dakota Says "No," Business Answers With "Yes"; Economy: Rural Values—and No Taxes, No Traffic, No Crime—Pay Off. Firms Make the Leap to the Plains

(By Martha Groves)

Rapid City, SD.—When companies looking for a change of scene come calling, South Dakota has an appealing way of saying "no":

No corporate income tax, no personal income tax, no personal property tax, no pollution, no traffic tie-ups, no crime.

All this naysaying makes South Dakota sound like a low-cost Promised Land to major U.S. corporations, led by Citibank, that have brought jobs and fresh vigor to this thinly populated pocket of the Great Plains.

With a focused, business-friendly strategy mapped out years ago, South Dakota has turned isolation to its advantage by exploiting the virtues of old-fashioned rural values. In the process, it has led the way for other prairie states and shed its reputation as an economic backwater.

As many states have watched jobs evaporate in the 1990s, South Dakota has added employment and population while negotiating a slow but crucial shift away from a near-total dependency on agriculture and natural resources.

"South Dakota is really one of the bright spots in the country," said Philip M. Burgess, president of the Center for the New West, a Denver think tank. "There is tremendous economic diversification going on."

South Dakota now boasts cutting-edge high-tech manufacturers and a bevy of homegrown and transplanted entrepreneurs. The jobs they offer are helping South Dakota keep its young people, who used to flee to Minneapolis, Omaha or Des Moines.

South Dakota even has a dash of Hollywood glitterati. Actor/director Kevin Costner and his brother, Dan, hope to build a $65-million-plus resort in Deadwood, the Black Hills gambling town near where Costner filmed the thundering buffalo herds of his Oscar-winning 1990 film "Dances With Wolves."

The absence of corporate and personal incomes taxes has proved a magnet for companies looking to expand.

"It's an attempt to attract business through the use of incentives and make a more attractive business climate—a variation on Reaganomics," said Alvin Rabushka, a senior fellow at the Hoover Institution of Stanford University, a conservative think tank.

South Dakota's success can even provide some lessons for an industrial behemoth like California, economists say. The state has something that goes way beyond a favorable business climate and has eluded California: A cohesive network of state and local leadership that heeded economic warning signs and pulled together in an unprecedented way.

"I think we've been very successful, for a state of only 700,000 people, given where we were 15 years ago—basically last in everything in an economic sense," said William Janklow, a crusty Sioux Falls lawyer who as governor in the early 1980s helped pave the way for revitalization.

South Dakota's effort to remake itself was dealt a tragic blow on April 19, when a small-plane crash killed the state's charismatic governor, George S. Mickelson; its economic development commissioner, Roland Dolly, and four other top officials. They were returning from a trip aimed at helping a troubled Sioux Falls meat-packing plant.

Yet, in true Dakotan stiff-upper-lip fashion, the state is carrying on.

"Our mission and our goals are not going to change," Gov. Walter Dale Miller, a lanky, conservative rancher who succeeded Mickelson, said over a breakfast of eggs and hash browns at a Best Western motel in Pierre, the capital. "A lot fewer people are doing farming. We've got to find jobs for those people."

Although the state still ranks a weak 38th in per-capita income, it has excelled in attracting or creating jobs in manufacturing and higher-paying services such as health care and finance. From 1988 to 1990, 40% of the state's 5,200 new jobs were in manufacturing.

Stiff competition for workers has forced wages higher in recent years, but—at $16,558 in 1992 vs. $19,841 nationwide—they continue low enough to bolster the state's appeal for employers. And the money buys far more than in Los Angeles, Chicago or Minneapolis. Unemployment, lately at 3% to 4%, is well under the nation's, and less than half that of California.

Many prestigious companies—and some that lead their industries but aren't household names—have discovered South Dakota. Some examples:

Mileage Plus, which manages United Airlines' frequent flier program, relocated a processing center to Rapid City from Carson, Calif., in 1989. It will soon add 25 workers, for a total of 340.

Spiegel, the suburban Chicago catalogue company, opened a customer service center in Rapid City two years ago, now at 355 employees.

Gateway 2000, a leading direct seller of personal computers, migrated to North Sioux City from across the border in Iowa. Started by two brothers in their farm home, it has grown to nearly 2,300 employees. Reflecting its bucolic roots, Gateway ships its products in boxes with black-and-white Holstein markings.

South Dakota's success is not another tale of fed-up California fueling a resurgence in a landlocked state where the living is easier, bone-chilling winters aside. Higher tax-neighbors such as Minnesota and Iowa provide good pickings for South Dakota, which benefits when companies scamper over the border to expand.

But California does contribute.

Nine years ago, Mark Heiberger was spirited away from South Dakota by the glamour of Northern California's Silicon Valley. After what he termed "seven long, painful years," he and his wife, Clare, both in their 30s, left fast-track jobs as engineer-managers and bought a 640-acre ranch outside Rapid City.

A graduate of the South Dakota School of Mines and Technology, Heiberger took a job at Cynetics Corp., a young Rapid City company that develops satellite communications systems.

"People back here live a little simpler," said Heiberger, a long-legged Westerner in jeans, boots, T-shirt and big silver belt buckle. "If you drink beer, you don't have to drink Beck's. A Miller Genuine Draft is considered socially acceptable."

Cynetics' founder, Don K. Lefevre, credits Rapid City's economic development team with helping him find potential customers, and he praises South Dakota for nurturing homebred businesses with grants and funding. Cynetics got $28,000 from South Dakota's Future Fund, which finances research.

The state's REDI (Revolving Economic Development and Initiative) Fund, established by the late Gov. Mickelson in 1987, provides low-interest loans to needy start-ups and firms that want to expand or relocate from other states. It has aided 135 companies and helped boost South Dakota's manufacturing jobs by one-third, to more than 37,000.

In this heavily Republican state, where 92% of the population is white, residents have long distrusted big government, even as they have depended on U.S. crop subsidies for survival.

South Dakotans have for generations yanked on their own bootstraps to survive droughts, tornadoes, floods and sour economic times. They scoff at cholesterol warnings and pack away a steady diet of steak and potatoes. A tony Deadwood restaurant serves potatoes with its pasta.

Fiercely independent, South Dakota has yet to pass a seat belt or motorcycle-helmet law. The constitution requires a balanced budget with a 5% surplus. More than half the state's revenues come from sales and use taxes, with other big portions from video lottery and a bank franchise tax.

The state gets by with lower taxes because it has been spared expensive urban problems. American Indians—7% of the population—have gained little from the economic revival and still suffer astronomical unemployment.

Slashed roughly in two from north to south by the Missouri River—explored by Lewis and Clark in the early 1800s—South Dakota has distinct geographies.

East River, as the eastern half is known, consists of gently rolling farmland and Sioux Falls. West River, where the elevation climbs to 3,000 feet in the semiarid High Plains, comprises grassland and ranchland, the dramatic Black Hills, Mt. Rushmore and a bunch of colorful mining towns. More or less dead-center sits Pierre (pronounced Peer).

War broke out here in the 1870s when the Sioux refused to sell mineral rights to the gold-laden Black Hills. In 1876, the Indians defeated Gen. George A. Custer at the Battle of the Little Bighorn in what is now Montana, but soon after they gave up the hills.

Deadwood, one of the most famous mining towns, is where Wild Bill Hickok was shot to death in Saloon No. 10 while holding two pairs—aces and eights, or "dead man's hand."

The town still has its wild and woolly aspects. Small-stakes gambling arrived in 1989 and has stirred controversy—and raised bundles for the state and Deadwood.

It also brought Kevin Costner and his brother, Dan, who opened the Midnight Star gaming parlor (named for the saloon in the movie "Silverado") and Jake's restaurant (named for Costner's character in that Western).

The Costner brothers have been lobbying to build a destination resort, tentatively called the Dunbar (after Costner's Army lieutenant in "Dances With Wolves"). To accommodate them and help South Dakota compete with other gambling states, the Legislature voted to raise stakes to $100 from $5 and increase the number of gaming machines for each establishment.

The Costners' chief opponent is an East River grandmother who contends that gambling has damaged the quality of life. But Dan Costner says the resort would provide much needed jobs, property taxes for schools and a boost for a region that "was blowing away in the wind."

For years, South Dakota's farms and ranches have been supporting fewer and fewer people, and a steady urban migration has created a sore need for jobs—and woes for the towns left behind.

The transition from prime cuts to prime rates and stockyards to stockbrokers is well along in the one-time cow town of Sioux Falls in the state's southeastern corner—where a radio station's bull-naming contest elicits "Clinton" as the first suggestion.

The town—South Dakota's largest, with 123,000 people—is still aglow from having been chosen last fall by Money magazine as the nation's most livable place. Money's editors were impressed by Sioux Falls' robust economy and down-home feel. The biggest problem is a chronic shortage of housing for the influx of workers.

Much of the vitality derives from Citibank, which in the early 1980s brought a Visa and MasterCard center from New York after Bill Janklow, then governor, persuaded legislators to encourage out-of-state banks to set up shop.

Another draw was South Dakota's lack of a ceiling on credit card interest rates. Citibank was losing $100,000 a day because of New York's 12% usury limit.

At the time, indebted South Dakota farmers were in crisis, pummeled by torrid inflation and double-digit interest rates. Now, farm wives and offspring supplement family incomes with jobs at Citibank's sprawling complex on the north side of town. There, 2,800 employees in ergonomic computer modules solicit new card members by phone, field complaints, mail bills, collect payments and prod the tardy.

By day, Deb Schaefer, 29, supervises multimillion-dollar corporate credit-card accounts at Citibank, where she has worked for 12 years. By night, she feeds cows and bales hay at her family's 650-acre farm 32 miles away in Chester.

The bacon she brings home—a salary in the mid-$20,000s—takes the pressure off her farmer husband, Alan. "I pay the bills with my salary," she said. "Without my job, we would have to do things a lot differently."

Some Dakotans fear that the state's small-town character could be doomed. Yet the suggestion by two Rutgers University academics—first floated in 1987—that the lonesome Plains might best be turned back to prairie grass and buffalo herds sounds ridiculous here.

"We're in the job-creation business," noted David M. O'Hara, acting commissioner of the state Office of Economic Development. "Our economy over the last five years has been great. There's no reason to change it."

## EULOGY FOR MRS. PATRICIA NIXON

Mr. WALLOP. Mr. President, the passing away of Pat Nixon deeply saddens me. While most recall her public life, my immediate concern and sympathy go out to the Nixon family. She was unlike any other First Lady. Yes, she was a First Lady who brought grace and style to the White House, but even more importantly, she was a woman who struggled to be the best wife and mother she could be during very turbulent times. She epitomized the family system. Although I met Pat just a few times, I came away with a sense that politics was secondary to her family life. I think that it was this distinction along with her graceful, attractive, and steady presence which helped her cope with the tough political struggles that she and President Nixon endured.

Many may not realize that Pat spent 43 years as the wife of a politician. Despite the unique strains this lifestyle can place on a marriage, she was throughout these years a supportive wife and the principal contributor to her husband's success. For example, during the Depression, after she and President Nixon got married, she worked as a high school teacher to supplement the President's meager earnings as a struggling attorney. From then on she continued as a partner by her husband's side, through their campaigns for the House, Senate, Vice Presidency, and finally the Presidency. Pat was brave and unassuming through good times and bad.

The public will remember her most fondly in her role as First Lady. However, President Nixon recounted that while her public accomplishments were great, Pat wanted to be remembered as the mother of Tricia and Julie. While her husband worked tirelessly for our Nation, Pat took much of the responsibility in raising Tricia and Julie. This was compounded not only by the celebrity spotlight, but also by the cultural turmoil of the 1960's. From his essay, "Pat," President Nixon quotes Winston Churchill's tribute to former Prime Minister Asquith, "'His children are his best memorial.' I think that is the way Pat would like to be remembered. Her children are her best memorial."

The life of Pat Nixon should be celebrated. She chose her role in life and led it to perfection. As Americans, we should be grateful for her contributions to our country, and as human beings we should draw strength from and admire the private role she played as a strong, compassionate, and generous individual, wife, and mother. My wife and I give our heartfelt prayers to the Nixon family and to their memory of a special woman, mother, and wife.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,334,398,784,435.69 as of the close of business on Monday, July 19. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,874.62.

## SOUTH DAKOTAN ELECTED GIRLS' NATION PRESIDENT

Mr. PRESSLER. Mr. President, today I wish to pay tribute to and congratulate an outstanding South Dakota student—Terra Brown. Yesterday, Terra became the first South Dakotan ever to be elected president of Girls' Nation. All South Dakotans join me in congratulating her and telling her how proud we are of her accomplishments.

Terra first attended Girls' State in Brookings, SD, in June of this year. In fact, I had the honor of speaking at Girls' State then. Terra was selected as one of the two delegates to represent our State at Girls' Nation. The other delegates is Susan Happel of Garretson. While attending Girls' State, Terra was elected major and party chairwoman of the Federalist Party and participated in the Citizens Forum.

Terra will be a senior at Washington High School in Sioux Falls, SD, this fall. She has been involved in debate, basketball, and highsteppers, and is a member of the National Honor Society. She intends to pursue a career in law or Government.

I have known Terra Brown's family for many years. In fact, I attended the University of South Dakota with her father Dick Brown. The members of the Brown family are no strangers to politics and Government service. Dick worked a number of years for the late U.S. Senator Karl Mundt. Sue, Terra's mother, has served on the Sioux Falls School Board. I have enjoyed their fine hospitality in their home. They are a first rate family.

In conclusion, Mr. President, Terra is the type of young woman we all would hope our daughters would become. Terra, I congratulate you for earning the well-deserved honor of being elected as the president of Girls' Nation.

I ask that an article which appeared in the Sioux Falls Argus Leader be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CITY TEEN ELECTED TO NATIONAL LEADERSHIP ROLE

(By Rosemary McCoy)

A Sioux Falls teen-ager was elected Tuesday as the first South Dakota president of Girls Nation.

Terra Brown, a senior at Washington High School, defeated her opponent from Mississippi in voting Tuesday morning.

Two students from each state are chosen from Girls State events to attend Girls Nation, a citizenship program sponsored by the American Legion Auxiliary. This is the event's 47th year. It is taking place at Marymount University in Arlington, Va.

Brown, 17, said in a telephone interview that she's impressed by her peers.

"It's really a privilege to represent people that I just find myself looking up to," she said.

On Thursday, Brown and other Girls Nation delegates will meet with President Clinton. She will give him the legislation delegates pass as they learn about government.

Getting elected took a combination of knowledge and personality, Brown said.

"The larger emphasis is being able to have knowledge of current events," she said. "But it's very important to come off as a personable young lady who will be able to represent Girls Nation in the best way, as the best leader. That always requires personality."

Brown said her father and boyfriend encouraged her to run.

"I would have really regretted it if I hadn't given it a chance. It's such an honor just to come here. You have nothing to lose."

Although she's from a small Midwest state, Brown said she didn't have to overcome any prejudices in her bid for president.

Brown, the daughter of Richard and Sue Brown, attended Irving Elementary and Patrick Henry Junior High. After college, she'll pursue a career in law or government.

Susan Happel of Garretson is the state's other delegate at Girls Nation, which ends Friday.

## PAT NIXON (1912–93)

Mr. HELMS. Mr. President, it goes without saying that President Nixon and his marvelous family must surely have been deeply touched by the outpouring of tributes to Mrs. Nixon since that gallant lady passed away on June 22. I cannot match the beauty of the words of others expressing love and admiration for Pat Nixon but Dot Helms and I felt a very personal loss when the sad news came about Mrs. Nixon's death.

I recall the first time I saw Mrs. Nixon in person. I had just arrived in Washington in late 1951 to serve as administrative assistant to North Carolina's junior U.S. Senator Willis Smith whose office number was 345 Senate Office Building.

There was only one Senate Office Building in those days. There were 48 States and 96 Senators housed in that one Senate Office Building. Up the corridor was the office of North Carolina's senior Senator Clyde R. Hoey, whose office was 337 Senate Office Building. In between the offices of North Carolina's Senators was that of a young Senator from California named Richard M. Nixon. Senator Nixon had attended law school in North Carolina at Duke University. Senator Smith was chairman of the Duke University's trustees and he, Senator Hoey, and Senator Nixon established a friendship from the very beginning of Senator Nixon's election.

Mrs. Nixon came to her husband's office with some frequency; she often brought with the two Nixon daughters, Tricia and Julia, whose ages closely corresponded with the ages of Jane and Nancy Helms.

I remember our sharing a table at lunch in the Senate cafeteria with Mrs. Nixon and her daughters. She was always delightful, so genuine, so sincere. In every way she was a class act—a lady with high principles, unyielding courage, constantly supportive of her husband. We regarded her as an all-American who loved her husband, her family, and her country.

And in 1973, when I came to the Senate, we saw this remarkable Pat Nixon many times. She was the same unpretentious special lady. I am convinced that President Nixon drew strength from Pat Nixon. In any case, she was unfailingly and faithfully at his side. We need not wait for history to identify her as a great First Lady. The American people already knew that long ago.

## MRS. RICHARD NIXON

Mr. COCHRAN. Mr. President, the recent death of Mrs. Richard Nixon has saddened me and turned my thoughts to her and to the members of her family who have sustained a great loss.

Mrs. Nixon was admired and respected by me although I did not know her well personally or socially. I had the good fortune to be a guest at the White House as a new Member of Congress on a few occasions during my first term in the House of Representatives 20 years ago.

My wife and I were delighted and warmed by the friendly and charming way we were received by President and Mrs. Nixon on those occasions. Mrs. Nixon had a way of making us feel relaxed and comfortable when we had every reason to be nervous and anxious and intimidated by the experience of visiting the White House for the first time.

I know that during my first term in the other body, the Nixons endured much stress and heartache. Through all this, Mrs. Nixon stood tall and showed through her loyalty the confidence she had in the integrity of the President. I appreciated her for this and for being always a poised and resolute companion for President Nixon and an intelligent and graceful First Lady for us all.

We will continue to remember Mrs. Nixon with respect and affection and trust that her family will be comforted by the heartfelt appreciation so many of us feel for her.

## THE DISMISSAL OF WILLIAM S. SESSIONS

Mr. HATCH. Mr. President, on Monday, President Clinton dismissed Judge William S. Sessions as Director of the Federal Bureau of Investigation.

Judge Sessions has dedicated his career to the service of the American people. He served with distinction as a Federal judge in Texas. He was appointed by President Reagan to head the FBI in 1987 and, to his credit, helped to modernize the Bureau and to improve cooperation between Federal agencies and State and local law enforcement. In addition, he oversaw the FBI's successful transition away from an agency that emphasized counterintelligence to one which focuses on domestic white collar crime, drug offenses, and violent crime.

For example, under this leadership, the FBI fervently pursued white collar crimes, such as securities and commodities fraud, in cases like Operations Sour Mash and Pennycon. He championed the investigation of fraud and corruption in the Department of Defense in Operation Ill Wind.

La Cosa Nostra was dealt a severe blow with the convictions of John Gotti and other major organized crime figures. The extent of our Nation's health care fraud problem was brought to light by the FBI's successful investigation of pharmaceutical diversion schemes in Operation Goldpill. More recently, Director Sessions oversaw the largest assault undertaken by law enforcement against illicit telemarketing. This effort, Operation Disconnect, resulted in the arrests of hundreds of illicit scam artists preying on our Nation's elderly.

Finally, and most recently, Director Sessions' FBI reestablished itself as the premier counterterrorism agency in the world with the quick and decisive arrests of those involved in the bombing of the World Trade Center and the more recent conspiracy to bomb the United Nations. These are just a few of the highlights of Director Sessions' effective and courageous tenure at the helm of the FBI.

The administration has been vague about the exact reasons for Judge Sessions' dismissal. What is clear, however, is that Judge Sessions served his country ably and with great distinction. His leadership of the FBI will be missed. I commend him for standing by his principles.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 919, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WOFFORD. Mr. President, in his absence, Senator KENNEDY has asked me to pilot the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD] is recognized.

Mr. WOFFORD. Mr. President, the distinguished Senator from Illinois, who has been a pioneer in the field of youth service and national service even during his days in the House of Representatives, is ready to speak.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I thank my colleague from Pennsylvania. I thank you, Mr. President.

He was kind in saying I have been a pioneer in this area, not as much as the Senator from Pennsylvania. My staff dug out a statement that was presented to me when I chaired the Select Education Subcommittee in the House in 1979 and the cochair of the Committee for the Study of National Service testified. The cochair was a man by the name of HARRIS WOFFORD, then the president of a college in Pennsylvania. He said, among other things, that national service would "demonstrate how some of the Nation's most pressing needs can be met more economically, with less inflationary effects, by the effective application of the spirit of service."

He also said this:

> To see how voluntary national service could be a practical alternative, one needs to practice some of the imagination preached to us this season by writers about Einstein. As a young man Einstein asked himself: 'What would the world look like if I rode on a beam of light?' Then he let his mind ride out on that beam of light to comprehend a new universe. We need to ask: "What would our nation look like if young people in large numbers volunteered for a year or more of full-time service?"

Those were the words of HARRIS WOFFORD, now the distinguished junior Senator from Pennsylvania.

I am pleased to rise in behalf of the bill.

I understand that our colleague from Kansas, Senator KASSEBAUM, will have an amendment to fairly dramatically reduce the impact of the bill. I have great respect for Senator KASSEBAUM. We have worked together on the Subcommittee on Africa and in the Foreign Relations Committee. She is one of the better Members of this body. But I think she is wrong in this amendment.

Her amendment, as I understand it, would cut down from 25,000 to 5,000 the number of people who would be initially eligible for national service, and it contains some other provisions that I think are not helpful.

One of the things that happened in the Presidential campaign—and I do not say this purely as a Democrat—is that Bill Clinton went around the Nation and talked about national service. The Senator from North Dakota and the Senator from Pennsylvania were in the audience. One of the lines that always got applause when candidate Bill Clinton spoke was his statement that he wanted a program of national service that would make opportunities available—and the phrase then was—"to millions of people." In fact, as late as last night on the Larry King show he talked about eventually having millions of young people participate in national service.

This bill starts out very very modestly—25,000 in a country of 240 million people, and the Kassebaum amendment would cut that down to 5,000.

The second idea in candidate Bill Clinton's speeches was that you would be paid something for national service and you would be able to use that to go to college.

I see my distinguished colleague from Kansas on the floor right now. I am speaking about the amendment she is about to introduce.

The second provision that I disagree with is that it would cut back the amount that you could be paid for that service, from $5,000 a year for service to $1,500. These Pages here in front of us—and we thank them for the job that you do for all of us—are going to be going to college in a couple of years. Let me tell you, $1,500 is not going to go very far when they want to go to college. $5,000 helps, but it is not going to pay the cost at most colleges. Cutting this down to $1,500 would be a mistake.

Then the third area where I differ with my friend from Kansas is in recognizing that the programs that now exist that do a good job. VISTA is an example. The VISTA program really is a great program. I know that my friend and colleague from Kansas has a little different impression of the VISTA Program from the experience she had some years ago. As subcommittee chair over in the House, I had a chance to visit a lot of the VISTA programs. I have to tell you they have just done a tremendous amount of good. I am proud of the VISTA Program. I have had people come and thank me for the VISTA literacy program. They had learned how to read and write because of the VISTA literacy program. We do not want to reinvent these programs. In fact, I think the criticism could be made of this bill that we do not expand the VISTA Program enough.

So, I favor the bill. I do not favor the amendment of my colleague from Kansas, much as I respect my colleague from Kansas. As I said before she entered the floor, she is one of the better Members of this body by any gauge. But even the better Members of this body once in a while can go astray, and I believe that with this amendment she has gone astray, Mr. President.

Mr. President, I am pleased to speak in support of the National and Community Service Trust Act of 1993, and appreciate the commitment of our chairman, Senator KENNEDY, to bring the bill to the floor. It is particularly a privilege for me to join my friend and colleague Senator WOFFORD on the floor of the Senate to support a longtime goal for both of us: To enact a national service program that will give Americans from all walks of life the opportunity to serve their communities and their Nation.

The national service agenda has a long history, one that my colleague from Pennsylvania and I have shared from the time he testified before the House Subcommittee I chaired in 1979, more than a decade ago. At that hearing, Senator WOFFORD, then the cochair of the Committee for the Study of National Service, stated that national service would demonstrate how some of the Nation's most pressing needs can be met more economically, with less inflationary effects, by the effective application of the spirit of service.

And he added:

> To see how voluntary national service could be a practical alternative, one needs to practice some of the imagination preached to us this season by writers about Einstein. As a young man Einstein asked himself: "What would the world look like if I rode on a beam of light?" Then he let his mind ride out on that beam of light to comprehend a new universe. We need to ask: 'What would our Nation look like if young people in large numbers volunteered for a year or more of full-time service?' "

Senator WOFFORD asked these questions then:

> How can we design a program that brings together young people—rich and poor, black and white, college-bound and high school dropouts—in effective service to society, at the lowest cost with the least bureaucracy? * * * Why should high youth unemployment and widespread drifting in suburbs and slums, continue in the face of the important national needs that young people could help meet? * * * The idea has worked on a relatively small scale with the Peace Corps, VISTA, and the Young Adult Conservation Corps. * * * Can't we make it work on a large scale?

With this legislation, we are answering those questions in a positive way.

Although the idea is not new, this initiative is new because it has been adopted and given credibility by a new President with a vision for the future. There are few issues that were raised during the last campaign that captured the enthusiasm and support of people the way the national service idea did. President Clinton and his team in the Office of National Service have tapped an energy and enthusiasm during the development of this legislation that we should not ignore. Clearly, the Nation is ready to embrace the concept of service for all, and the time is right to act upon this national interest.

We have learned many lessons from VISTA, the Peace Corps, Older American Volunteer Programs, and the programs funded through the National and Community Service Act. One of the strongest elements of this legislation is that it builds on successful approaches and greatly expands volunteer opportunities while permitting a variety of service options. It would be a great mistake to force everyone into one mold or to assume that there is only one time in a person's life when a commitment to service is appropriate. The foundation we lay with this legislation is one that will engage the spirit and dedication of Americans of all walks of life—and of all ages—to solve the Nation's problems.

S. 919 will provide funding in fiscal year 1994 for 3,700 VISTA service years and 450 VISTA Literacy Corps service years. I want to say a few words about these programs specifically. VISTA is unique among the service models authorized by S. 919. In addition to the requirement that VISTA projects work on the problems of poverty, VISTA volunteers must be available to their community 24 hours a day, 7 days a week. The volunteers themselves come from every walk of life and are of all ages; it is not unusual to find a former teacher now dedicated to establishing a literacy program, or a former nurse dedicated to establishing programs to help persons in nursing homes.

VISTA is also unique because it is capacity building; it is a program that teaches people and communities how to solve their own problems. The administrative structure of the new Corporation will permit the approach of VISTA to work synergistically with other volunteer programs. The ability of the various programs to work cooperative will expand exponentially the number of volunteers available to attack the problems that are identified at the grassroots level by people themselves in the communities being served.

Next year, the VISTA Program will celebrate its 30th anniversary. More than 100,000 volunteers will have served in some 12,000 antipoverty projects across the Nation in that time, and it is significant that many have chosen public service for their careers. A letter we had at one point from the assistant to the mayor of Detroit stated: "My VISTA year * * * was more valuable than any college class I ever took and laid the foundation for my entire career." Our colleague Senator ROCKEFELLER has talked many times about the impact this program has had on his life.

VISTA's long record of helping people during disasters is especially meaningful today. VISTA is playing a lead role in communities along the Mississippi during this recordbreaking flood. In East St. Louis, IL, for example, VISTA volunteers who serve with the Red Cross are coordinating emergency housing services, finding sites for shelters, and recruiting local volunteers to support them. The VISTA's are identifying the needs of persons in shelters and helping them find the resources to meet these needs.

VISTA's ability to mobilize resources and set up efficient systems—and most of all, to recruit and oversee local volunteers—is what is needed in this crisis, and is what has kept the program meaningful to communities all over the country for so many years.

I am pleased that this legislation reauthorizes and expands the VISTA program, including the VISTA Literacy Corps, and will permit this unique volunteer program to work cooperatively with the other clearly identifiable parts of the mosaic of volunteer programs.

Although it may be enticing to believe that we can simplify and consolidate volunteer programs, and come up with a very simple structure to administer them, we must understand that in doing so we may lose the unique characteristics of individual programs such as VISTA and make volunteering less appropriate for large numbers of people and less effective for the communities receiving the volunteers.

We need our Senior Companions as well as our VISTA's and our Serve-America youth volunteers. The volunteers are different and the programs they work for are different; they should be given the individual support they need. This legislation recognizes and builds on that reality.

President Clinton's staff at the Office of National Service, particularly Eli Segal, Shirley Sagawa, and Jack Lew have earned our thanks and deserve great credit for the long hours and dedication they have given to this worthy challenge. Tom Sanders on Senator KENNEDY's staff and Marty Rodgers in Senator WOFFORD's office are also deserving of our thanks.

All those who have contributed to shaping this legislation—and those who were willing to "ride that beam of light" Senator WOFFORD talked about more than a decade ago—have reason to believe they have played a role in the beginnings of a significant and positive change in our Nation. The spirit of service is one that is based on a hope and belief in the future. We serve our Nation well by giving that hope and belief to many who do not have it today. I urge my colleagues to support this bill and to oppose amendments that would weaken it.

I will be voting against the Kassebaum amendment and for the legislation. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois yields the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

AMENDMENT NO. 603

(Purpose: To provide a substitute amendment)

Mrs. KASSEBAUM. Mr. President, I send my substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. MCCAIN, Mr. STEVENS, and Mr. THURMOND, proposes an amendment numbered 603.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment appears in today's RECORD under "Amendments Submitted.")

Mrs. KASSEBAUM. Mr. President, there was a great deal of debate yesterday on the new proposed National and Community Service Trust Act of 1993.

I believe that, through the opening arguments, we heard the broad outline of what national service means and what community service means. All of us are in strong support for those efforts. We have always been a people, as was expressed yesterday, who have responded to the needs in our communities to give what assistance we can.

Much reference was made to the States where there has been major flooding and the help that individuals in those States have received. I know that all of us have participated at one time or another in these efforts, and I particularly recognize the importance of those who conduct these efforts.

I just want to make some comments about why I chose a different approach, and to reassure those who now are saying, "What happened to VISTA; what is happening to the Foster Grandparent Program, or the Senior Companion Program, or the Retired Senior Volunteer Program?" All of these programs are still in place, and there is nothing that is being cut.

As an example, for the Foster Grandparent Program, there was an authorization for 1993 of $98.2 million and an appropriation of $64.8 million. That is almost twice the amount of money that has been appropriated for VISTA, which is $34.7 million. The difference between the Foster Grandparent Program and VISTA is that it is a program in which there is just a stipend, for a couple of hours of time that are volunteered a week, or an hour a day. It is not something that is full-time work, as is the case with VISTA.

One of the reasons, I think, Mr. President, that there is confusion today as well as some concern and cynicism about government, is that it is not clearly understood what we do and why we do it with the programs that we have. I want to show some charts that really express why I think there is reigning confusion and little understanding about the type of programs that we have. Those programs could be coordinated and made, I think, to work more effectively. That is the desire with my legislation.

Under S. 919, in the flow of the Federal service funds, a wide array of programs will still stay in place with their own identities without being incorporated into a new National Community Service Program. We would have, under this bill, the VISTA, RSVP, Senior Companions and Senior Volunteer Programs that are part of ACTION, which has 9 regional offices, and 47 State offices.

In addition, under the Department of Defense is the Civilian Community Corps. Under the Department of Education is Innovative Projects for Community Service and Student Literacy Corps. Under the Departments of Agriculture and Interior, the Summer Youth Conservation Corps.

We will have, then, the new Corporation for National Service authorized under S. 919, and it will then have its own State commissions and local and statewide programs and participants.

I suggest, Mr. President, that really, we have missed an opportunity when we talk about reinventing government, to approach it in a different fashion. What I suggest doing would make the whole scenario more streamlined—and I have never used charts, Mr. President, but this seems to be the new way to present our programs on the Senate floor today. This is how it would look under my substitute amendment.

What I have attempted to do with my proposal is combine programs and coordinate those programs. Rather than keeping separate offices, State offices, regional offices, these are folded into one National Community Service Program. The specific program identities would be lost as separate initiatives, but the focus of the programs would remain the same.

I think everyone believes the Foster Grandparent Program has worked well, and the Senior Companion Program has worked well. But I think to maintain separate identities with separate administrative structures, really loses the opportunity for us to approach things in an innovative way. I would like to eliminate some of the confusion and duplication with service programs. There is, I think, a great desire to see us provide an initiative that is coordinated, is more accountable, and can be more effective in the delivery of services.

Under my approach, the Corporation for National Service and Volunteer Programs would incorporate all of these programs. The various separate administrative offices would be eliminated. There would be a greater focus on local and State programs, but there would be just a State commission of only one program, which would be the National Service Program.

I think the Senator from Pennsylvania [Mr. WOFFORD], who has spent many years working with volunteer programs, understands why this may be a desirable approach. But it is awfully hard sometimes to get from A to Z. In between, there are programs and initiatives and administrative levels that had been established, and it is hard to get rid of whatever is started.

Consider the history of VISTA, which started as the Domestic Volunteer Program in response to the Peace Corps. It has never grown as was envisioned. I asked, for instance, how many VISTA workers were operating in Kansas. The Kansas office was not sure. They thought between 29 and 31. I know, for instance, there are three in Wichita, KS, who are working the Center for Abused Women.

I do not intend to focus on VISTA, but it is a program in which, you serve for 2 years, you serve with minimum wage, full health benefits, and you get a bonus at the end of your service. But you also have to have a sponsoring program that wants to have a VISTA volunteer work with that program full time.

Evidently, one of the difficulties is getting enough programs that want to request or ask for full-time VISTA support in order to have an ongoing program that can expand and grow. I believe it was Senator SIMON who mentioned, why not just expand VISTA? Why not maintain it as is projected under the administration's plan with the bonus that would be either for education, or for the participant's own personal use, as has been the case in the past? Why not expand that and utilize that, rather than starting an additional layer of national service programs which are essentially doing the same thing as VISTA, but just with an education voucher?

It seems to me that we have created an apparatus that tends to grow without giving enough thought to what we are hoping to accomplish.

The substitute amendment that I propose is cosponsored by Senators COCHRAN, HATFIELD, STEVENS, THURMOND, MCCAIN, and SIMPSON.

There has been a great deal of talk about reinventing government. As I understand that term, it means departing from the notion that all wisdom resides in Washington and, instead, tapping into the enormous energy and creativity which exists beyond the beltway.

It acknowledges that the Federal Government can play a constructive role in improving the lives of citizens, while recognizing that success should not be measured by the number of separate programs created, by the size of the recipe book of Federal instructions, or by the volume of Federal spending. Rather, it envisions a streamlined structure in which national objectives are achieved by offering the flexibility to those on the scene to respond in the manner most appropriate to the circumstances at hand. Emphasis is shifted from process to results.

I can think of no area more fitting for the application of these principles than that of national and community service.

My greatest fear is that the Federal business-as-usual approach taken by S. 919 will lead to a sense of frustration and cynicism directly contrary to the goals of national service.

The substitute I am proposing attempts not only to correct the problems which I see with S. 919, but also to develop a more rational and streamlined approach to national and community service efforts at the Federal level. The goals of my proposal are the following:

First, to integrate Federal service efforts in a single, consolidated program;

Second, to maximize State flexibility to determine needs and priorities;

Third, to recognize legitimate fiscal constraints and the need for a reasonable rate of expansion; and

Fourth, to experiment with post-service benefit concepts before making a full-scale commitment to a $5,000 educational benefit.

I want to explain briefly how the specific provisions of my proposal will meet these goals.

First, perhaps the most dramatic feature of my amendment is its effort to create a single organizational structure. I am not talking about placing an umbrella over a series of independent programs, which is the approach taken by S. 919. Rather, I am talking about one National Service and Community Volunteer Program at the Federal level.

My proposal creates a Corporation for National Community Service and provides for a 2-year transition period during which most existing full-time national service and part-time federally funded volunteer programs would be incorporated into this single Federal entity. The new program would provide a consistent set of stipends and benefits and would reduce excessive administrative overhead.

This approach challenges the notion that specific problems can be solved only by specific programs. Too often, we find that a program has been tailored so tightly to meet a particular set of circumstances that it cannot respond to a range of similar problems which emerge elsewhere.

A second feature of my proposal requires that funds be allocated to local entities based on individual State plans—not on a single national plan. Rather than retaining two-thirds of the funding for allocation by the Federal Government, as S. 919 does, 50 percent of the funds will be distributed to the State based on population, 30 percent will be used to make grants to States on a competitive basis, and 20 percent will be distributed by the Corporation on an open competitive basis. Three-fourths of Federal volunteer program funds will be distributed to the States, while the Corporation distributes the remaining 25 percent on a competitive basis. The Corporation will allocate 80 percent of service-learning funds to the States and distribute the remaining 20 percent on a competitive basis.

This approach offers States and localities far more leeway in defining their own solutions to their own problems. Any attempt to define needs at the national level either ignores completely huge chunks of the country or, alternatively, becomes such an unwieldy laundry list as to be meaningless.

I also have wanted to be able to address the cost of the program, because I think the success of any of our volunteer programs have been those that have been well managed with their roots in the community up. I fear that we are starting with a costly program in which we are giving $5,000 a year for 2 years for education benefits when we are not really certain whether that is the right amount of money or not. I would say a $1,500 a year education voucher would be sufficient.

I believe, Mr. President, it is far better to start small and manageable. The cost for my initiative would be $100 million versus the administration's $400 million proposal in just their new National Service Program.

My amendment includes several other improvements over S. 919, including eliminating pages of prescriptive requirements dealing with everything from the mandated membership on State commissions to the contents of local grant applications. In addition, unlike S. 919, my proposal does not put the Federal Government in direct competition with private charities in soliciting financial contributions.

My proposal is an opportunity, Mr. President, to do exactly what we have been talking about and what President Clinton has been talking about in reinventing Government to make it leaner, more accountable, and less confusing. If we wish to do business as usual we are going to continue to risk the cynicism that is growing in the public toward Government that we really do not know what we are doing.

I would hope, Mr. President, we would think seriously about this, and I will be happy to answer any questions concerning my proposal.

I would like to recognize if I may now, Mr. President, Senator SIMPSON, who has been wanting to speak since yesterday evening.

The PRESIDING OFFICER. (Mr. KERRY). The Senator from Wyoming.

Mr. WOFFORD. Mr. President, will the Senator from Wyoming yield?

Mr. SIMPSON. I am glad to yield to my friend from Pennsylvania.

Mr. WOFFORD. I would like to suggest that we agree on a time limit.

The PRESIDING OFFICER. The Chair interrupts to remind Senators time is not controlled, so Senators will be recognized per their request for recognition.

Mr. WOFFORD. Mr. President, I understand our staffs have discussed time agreement, and I would like to suggest without objection with unanimous consent a time agreement of 2 hours beginning at 1 o'clock when the Senator from Kansas began, if that is agreeable to her.

The PRESIDING OFFICER. Is there objection?

Mrs. KASSEBAUM. No. Perhaps I ought to check. I have a number of Senators who wish to speak. I think that that will be fine, but I do want to check because Senator SIMPSON, for instance, wanted to speak last night. I thought things would be expedited by having people who did not speak yesterday speak today. But let me check that and I will be back.

Mr. WOFFORD. I yield.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I shall not be long. I thank my friend from Kansas. I admire her not just on this amendment but so many things. I appreciate Senator WOFFORD and his courtesy and Senator BOREN who was in the Chamber and was also seeking recognition.

I just wish to express my very serious concerns about the President's national service plan. I think we must be aware of what we are doing here and what is being presented.

Since the very founding of our Nation, Americans have been, I think, correctly characterized as possessing a great spirit of voluntarism. President Clinton's call for Americans young and old—the clarion call—to dedicate themselves to service to society was a campaign theme applauded by all.

America's track record for voluntary service is truly the envy of the world. Americans will continue to respond to that call with eagerness and enthusiasm. But under this bill whatever happened to voluntarism? This bill will pay participants to work in their communities. I do not see how that will build citizenship. It will not instill in the young people of this country the importance of giving something back to their communities. How do you learn the importance of voluntarism when you are paid for it?

Look at the congressional awards where we give the bronze and silver and gold medals. Those are people who deserve our support and assistance in America, not those who are paid. My concerns are not with the spirit of national service but with this bill in particular.

I just do not believe this bill will deliver the results that are sought by the President. This bill as written is unfortunately more likely to become a make-work budget-buster, and that is what it is what it really is. It is a budget-buster.

Others have talked about the authorization of $434 million in fiscal year 1994. This bill is estimated to cost $7.4 billion over 4 years. This in addition to the $1.5 billion per year for community service-type programs currently authorized by the Congress. Great duplication here. The President promised all students during the campaign on college campuses that they could work off their education debts by performing national service. It quickly became clear there was not enough room in the budget for such a grandiose plan. The President then backtracked and offered a scaled-back plan that would allow 25,000 students to participate in the first year.

Those participants, get this, regardless of their family incomes would be eligible to receive terrific postservice benefits. They would receive awards toward education or job training for each year of service performed. In addition participants would receive living allowances no less than the minimum wage, plus thousands of dollars of health care and child care benefits.

What the President's bill does is turn national service into a college grant and job training program that is more generous by far than the current Pell Grant Program. I do not think that is what anyone had in mind.

The bill provides $5,000 to $10,000 in education assistance. The average Pell grant in 1991–92, was $1,335, the average student loan was $416. The estimated cost per beneficiary under the bill would be $22,667, significantly higher than any other loan program. It will certainly take people away from any voluntary program with the military. I think you can write off the voluntary military when they find out they do not have to go through the rigors and discipline of military service to receive education and jobs training assistance. Who would not?

The bill establishes an unnecessary bureaucracy, one that ignores the strong foundation of the ACTION Agency, ably staffed by a former staff person of mine at one time, Donna Alvarado. She served in a splendid capacity with that agency.

The bill also ignores the role of the Commission on National Service in its scope. State ACTION committees and State committees on national service will continue to operate but not necessarily in tandem with the programs established by this legislation. I think the bill neglects a very important opportunity to streamline national service. It would compound existing inefficiencies by expanding the Government bureaucracy. I believe we need to make these programs more efficient and more effective. Senator KASSEBAUM, as is her wont, has prepared a thoughtful alternative and drafted legislation which addresses many of the problems of which I have just spoken.

The alternative streamlines and integrates current volunteer programs and allows a transition period for the incorporation of most existing full-time and part-time federally funded volunteer programs into a single Federal entity.

Her bill would require that funds be allocated to local entities based on individual State plans—not on a single national plan. Senator KASSEBAUM is correct—service to our Nation should begin at the local level. Local entities have a much better understanding of where the greatest needs are. In her alternative, local governments are given maximum flexibility to determine the needs and priorities of their own communities. Her alternative wisely calls for an 18-month demonstration program—a very excellent idea—to determine the most reasonable level of postservice benefits and the most efficient methods for providing those benefits. Funding for the demonstration program would be authorized at $10 million in the first year and $20 million in the second. Her plan fully recognizes current fiscal constraints and the need for accountability. Total first year spending under the Kassebaum alternative would be $100 million. It is more reasonable to start new Federal programs at less grandiose levels. Let us see if they work before coming out of the starting blocks with the $434 million first year program President Clinton advocates. The Kassebaum alternative would support 5,000 new full-time national service positions rather than the 25,000 anticipated under the President's plan. The maximum per year education stipend under the Kassebaum alternative would be $1,500. Under the President's bill, the amount would be $5,000 per year.

I think national service becomes a handout under President Clinton's plan. It is an expensive experiment in job training for a lucky few that our country cannot afford.

And all of us know, those of us who are new and those of use who have been here, that if there is one item where we wander in this Chamber and simply vote for in every agency of the Government it is something that has to do with job training. I think we have job training programs all over the United States and we do not even know what they do. This makes them not worth much.

What the programs really do is please the employer who is very pleased to take the job training money and usually spend it on a person who cannot or will not do the job. So, once the job training money is gone and the job is not there, we decide to pass another job training bill.

I will enter in the RECORD at the appropriate time the list of job training programs in the United States of America. It will boggle your mind. The results from them—whether it is veterans, whether it is low income, middle income—the results are far removed from what we say they will be when we speak about them on this floor.

So I certainly support Senator KASSEBAUM. I think she is in the appropriate position to point out the defects in the President's program. The bill does not focus sufficiently on local government autonomy and local government abilities to best respond to the needs of the constituents.

I commend her. I have worked with her. She came here when I did. She is a splendid legislator, a very able, thoughtful, bright woman. She has made an excellent effort here in drafting a very thoughtful alternative. I think it deserves our support.

I thank the Chair.

Mr. WOFFORD. Mr. Speaker, I ask unanimous consent that there be 2 hours, equally divided, starting now, with the time controlled in the usual form on the pending Kassebaum amendment numbered 603; that at the conclusion or yielding back of time, the Senate vote on or in relation to amendment No. 603; and that no other action except for a motion to table be in order prior to the disposition of amendment No. 603.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield to the Senator from Oregon [Mr. HATFIELD] as much time as he wishes to take.

The PRESIDING OFFICER. The Senator from Oregon is recognized for such time as he may use.

Mr. HATFIELD. I thank the Chair and I thank the author of this substitute amendment, which I wholeheartedly support.

Mr. President, the media reminds us quite frequently of the growing materialism in this country and the depersonalization of our society and culture. I find myself, as do so many others, constantly searching for affirmation that these seemingly growing trends are aberrations.

Once in a whole, we do have experiences which prove our desire to see our society still enlivened with voluntarism and concern for each other. Sometimes, even out of tragedy, such as the floods in the Midwest today, we find evidence of that kind of spirit in this country.

I have just returned from viewing those floods and the devastation in Missouri. And I was buoyed by the expression of spirit among the people I visited.

I met with volunteers at a Salvation Army relief center that had been flooded out of its headquarters, but reopened quickly in the basement of a nearby church. The center was bustling with volunteers—people making sandwiches, filling bags with cans of fruit and dried food donated from around the region, volunteers carrying in bags of ice or food, wiping sweat from the heat and heavy humidity, but obviously there because they wanted to help—to be of service to those in need.

The spirit of voluntarism that I observed so closely last week in Missouri is exactly what I hope we will further reinforce through national service. Our Nation was founded on the principles of voluntarism.

Twice in this century, Mr. President, this Nation has been thrust into circumstances and conditions that have brought forth an amazing response from our people. One such example is the case of World War I, when President Wilson asked Mr. Herbert Hoover to head up the food production and get volunteers throughout the country to provide assistance to our families; this came to be known as Hooverizing—one meal a week, conserving and sharing.

It was really a remarkable national example of the principle of sharing.

Second, when President Roosevelt found himself with the problems of the Great Depression, he established the Civilian Conservation Corps in the 1930's which is another example of the National Government calling upon Americans to served and offering earned awards in return.

These are two different kinds of responses—a clear role to be played by the National Government.

But I want to also be very careful that we not regiment or impose a standard that the only way to produce national service is through some kind of a Federal bureaucracy.

In the past, some people have called for national service in lieu of military service. For years I fought the draft, the idea of the draft; the most odious form of involuntary servitude I know. People would say to me: "Well, don't you believe every young person has a duty to serve his country or her country?" I would say, "Of course, but is wearing a military uniform the only way to serve your fellow human beings in your country? I think the school teacher, I think the farmer, the shopkeeper, and the ditch digger are serving their Nation. We do not have to be regimented in either uniform or in some Federal bureaucracy to evidence our concern and our desire and our willingness to serve our country.

Last week I received a letter from my good friend, Raymond Burr, in which he shared the personal benefits he derived from being a veteran of the CCC. I would like to share with you today a few of his comments:

> I look back on the experience as one of the most important periods in my life. Like millions of others * * * I was immeasurably changed by the sense of mission I felt in the CCC, as well as the hard work, the camaraderie, the opportunity to learn important crafts—and most of all by the feelings of accomplishment. I did not earn a great deal of money in the CCC, but the personal benefits I derived were priceless.

At a time when the possibility of meaningful work and genuine participation in public life must become real for all members of American society, the idea of national service presents an opportunity for citizens of every race, religion, age, and socioeconomic background to come together in an effort to rebuild communities.

But, Mr. President, this is not a "jobs" bill and it should not be a "jobs" bill. We must be very clear about that. The purpose of this legislation is not employment. The ultimate goal of a national service program should be to help every citizen better understand the web of interdependence that is presently all too fragile within our country and the global community. I am in full support of the idea of service to one's community, State, and country.

I am concerned, however, about the method by which we implement a new national service program. I am not solely convinced that voluntarism requires Federal intervention. The very essence of voluntarism is that it is driven by an individual's desire to give of themselves for the benefit of others, without benefit to themselves. I am concerned that the steps we take here today enhance this concept, rather than replace it with the concept of giving of oneself only when a financial incentive is involved. I have frequently opposed the federalization of voluntarism and have opposed efforts to reward volunteers with Federal tax breaks and other benefits.

We must also recognize that service to one's country occurs everyday through a myriad of ways that are not a part of the Federal or governmental structure. It is the diversity of opportunities which should define our national commitment to service.

It is at the community level that our service roles must be recognized and strengthened. Looking back to one of the heroines of our country, we can learn a great deal from Jane Addams, the founder, in 1889, of Hull House, the famous model settlement house in the Chicago slums. She succinctly and eloquently illustrated the concept of service with the goal of enhancing our understanding of our interdependence when she wrote:

> We have learned to say that the good must be extended to all of society before it can be held secure by any one person or any one class; but we have not yet learned to add to that statement, that unless all men and all classes contribute to a good, we cannot even be sure that it is worth having.

Addams spoke of the settlement as "an institution attempting to learn from life itself." Her vision was one of enabling the inhabitants of Hull House to have a sense of context that would give meaning to their lives—to have a conception of the whole and of their own particular part within it. My conception of national service parallels this philosophy.

Although we intend for national service to help in the revitalization and transformation of our communities it is not so much a call for a new paradigm as much as it is a recommitment to our democratic traditions. We must build upon the premise that democracy is the involvement of all citizens in a common civic life. Its roots are in our communities.

In my view, any new national service legislation should provide the foundation for the engagement of citizens and stakeholders in taking responsibility for the difficult decisions involved in determining priorities for volunteer action within their communities and States. Research suggests that when citizens are called upon to think about the common good, they find their personal interests broadened, and their commitment to the community deepened.

Sociologists tell us today one of the great problems of American society at this time is a loss of a sense of community, rootlessness, disconnectedness. I think, therefore, it has to start within the community, hopefully within the family, within the neighborhood, to get people involved "with their nation." Not because they carry a Federal label on whatever program they may be involved in, but because they are really involved with human beings, where they live and where they hope to make their life.

National service should also provide the opportunity for all participants to see the connection between education and their work as a volunteer, regardless of their age. The elementary or secondary student, college student, or senior citizen can be encouraged to see the role of lifelong learning as training for citizenship in a democracy. Our educational system can no longer afford to merely transmit specialized knowledge and skills to students at the expense of neglecting their development of social responsibility and ethical sensitivity. What will be required is not just dedicated teachers and administrators at all educational levels, but parents involved in their children's education and a sense of community among all participants in support of each other and the educational enterprise.

In order to bring to fruition a National Service Program that truly meets these goals, I believe we must begin by working on a limited basis to implement a model National Service Program. In these troubled times when we are facing a multibillion-dollar shortfall in our Federal Pell Grant Program, and underfunded campus-based aide programs, we cannot responsibly enact a new National Service Program which calls for nearly $400 million in first-year funding alone. The more prudent approach is to test our ability to meet the challenge of a full-fledged federally supported national service structure.

Therefore, I rise in support of Senator KASSEBAUM's amendment which would create 5,000 new full-time national service positions during the first year while maintaining the 15,000 positions supported by the existing programs incorporated in this legislation. This rate of expansion is one that is attainable within the first year at the high rate of quality that I envision for this program.

I also support the provisions in the Kassebaum substitute which call for unifying some of our existing service programs. I have long supported many of these programs—VISTA, ACTION, Retired Senior volunteer programs, Foster Grandparents, and others—yet if we choose to begin a new service commitment, one which welcomes participants of all ages and focuses them on a variety of human needs, we must prioritize our resources. It is my understanding that this legislation maintains the current authorization levels for these important programs during a 2-year transition period. Following this time, State commissions will have the flexibility to determine how best to utilize these programs to meet the needs within their boundaries—which will reinforce the community-based nature of national service. Simultaneous to this unification, and the initiation of a limited National Service Program, the Kassebaum substitute provides for an 18-month demonstration program to determine appropriate levels of postservice benefits. These three components should result in a carefully implemented new national service commitment, built upon community needs.

We rush into national programs oftentimes, and what do we do? We set up criteria, we set up standards, we federalize, we nationalize programs. The greatest advances in our political history have occurred at the State level, in the communities of our Nation. For example, today Oregon leads this Nation in coming up with a feasible, practical health care reform plan for comprehensive health care. We continue to struggle at the national level with this issue. We ought to continue to turn to the States for answers.

In the Kassebaum amendment we are doing the same thing. Let us create the opportunities for diversity, for ingenuity, for creativity at the State and local level. We are moving with good intent, but we must be careful not to end up with a Federal program that reflects little or no local character. With good intentions, we will fail to really maximize the genius of creativity that is out there in our communities today if we do so.

I am pleased to associate myself with the Senator from Kansas in her effort to make what, I think, is a more practical approach, a more pragmatic approach, and one that recognizes the diversity in this country and calls upon our people to respond in their own communities.

John Dewey, regarded by many as America's most influential philosopher, wrote the following in 1899 in "The School and Society":

> The obvious fact is that our social life has undergone a thorough and radical change. If our education is to have any meaning for life, it must pass through an equally complete transformation. * * * When the school introduces and trains each child of society into membership within such a little community, saturating him with the spirit of service, and providing him with the instruments of effective self-direction, we shall have the deepest and best guaranty of a larger society which is worthy, lovely, and harmonious.

Mr. President and my esteemed colleagues of the Senate, can we in 1993 ask for anything less?

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Pennsylvania.

Mr. WOFFORD. I yield 10 minutes to the Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from Pennsylvania. Let me say many of the statements that have been made by my colleague from Oregon, and earlier by my good friend and colleague from Kansas, are comments with which I would agree. I think we are united in a common purpose, to try to rebuild a sense of community in this country. We all see a value to people giving back, particularly young people getting in the habit of giving back to the community and meeting their responsibility to give back. We all want a program that will allow ingenuity and creativity at the local level and a diversity of approaches so we can pick and choose that approach that works the best.

Having said that, however, I must state my own personal belief that the bill that is before us is certainly preferable and stronger in terms of meeting those goals and objectives than is the substitute offered by my colleague from Kansas. I think our colleagues need to pay close attention to the differences between these two proposals. Our goal is to try to rebuild that spirit of community. As we have said in the past, it should not take a war, it should not take a national calamity, it should not take a crisis to break down the barriers which have been building up between our own people. The very strength of our Nation is going to depend upon the strength of the social fabric of this Nation, the fact we understand we are all one American family.

In time of war, people began to understand that. During World War II, as I said yesterday, as one example, the barriers of racial discrimination began to come down because people were serving together in uniform. They were fighting together. They were risking their lives for each other. They were depending upon each other. They were sharing their hopes and their dreams with each other. And it became impossible for them, when they returned to civilian life, to return to those patterns of discrimination that had seemed normal to them before.

How badly we need today to have experiences that bring a diversity of the American people together so they can work together and understand each other. That inner-city young person who lacks a cohesive family unit, who does not have a mentor—how badly that inner-city youth needs an opportunity to mix and mingle and work together in a common purpose with people of their own age who can become role models and mentors, who can show them there is another way to live, that there are goals they can adopt for themselves. These are young people who do not have advantages but have enormous abilities, talents that can be tapped, talents that can be used.

At the same time, those young people who have enjoyed privileges as they have grown up, who have lived, perhaps, in the suburbs, who have either attended private schools or have attended public schools with very selective student bodies in terms of the educational level of the parents and the cohesion of the family units and the opportunities to read and to travel and to learn—those students also need an understanding that they have been given so much in terms of opportunities by the community and by their families and they have a responsibility to give back. They need, badly, also, to understand what it is like to struggle without those advantages. They need to understand that real meaning and purpose in life comes from helping and giving a hand up to other people and to sharing with other people the same goals and objectives.

It should not take a war. It should not take a national emergency to bring together the people of this country to work in a common endeavor. But unfortunately there are fewer and fewer opportunities in which even young people of the same age—some of them even growing up in the same city or town, or in the same county—get to know each other; get to know people unlike themselves, get to understand the perspectives and the needs of people who do not live on their streets or perhaps do not attend their particular local schools or do not go to church with them on Sunday. We need these opportunities for people to come together and to understand that in our diversity is the great strength of this country.

How do we best do that? This gets to the very point of the difference between the bill that has been put forward by several of us and has been endorsed by the President, and the substitute of my good friend from Kansas.

First of all, the educational benefit for those who participate under the bill as originally before us would be $5,000 for a year of participation. Under the substitute it is only $1,500.

Mr. KENNEDY. Will the Senator yield at that point?

Mr. BOREN. I will be happy to yield.

Mr. KENNEDY. The Senator knows the average indebtedness of a student graduating from college is some $6,500?

Mr. BOREN. That is correct.

Mr. KENNEDY. Does it not seem to the Senator that $5,000 that was established when we passed the Community Service Act, as I understand it, was trying to represent what the cost of tuition would be in a public college across the country, as being a reasonable kind of educational voucher, so to speak?

Mr. BOREN. That is correct.

Mr. KENNEDY. If we were to cut back to $1,500, does the Senator agree with me, it would, therefore, limit or it might very well limit the appeal of that to those who had a different financial situation from what would be the general average working family?

Mr. BOREN. I think the Senator is absolutely correct. Here we want a program that will bring all Americans in so they can have a common experience, not just the children of the affluent. Let us remember, we are not talking about asking people to engage in voluntary activity; they work an 8-hour day; they have other jobs, other occupations, and then they work as volunteers on the side. What we are talking about is full-time work in public service for a year, for a maximum of 2 years.

Students simply are not going to be able to afford that, if they come from middle-income families, for example, if the benefit is $1,500 a year. If the benefit is $5,000, then those students who are from families who are not affluent will have an opportunity to gain that satisfaction as well. The last thing we want is to create another program which is simply going to have only a very few people who can afford to participate in it.

The goal of the program must be diversity. The goal of the program is for that impoverished child and that affluent child and the middle-income child and those from different racial backgrounds and different geographical areas, and all the rest of it, to have a chance to have a common experience.

So I believe certainly that the bill, as originally introduced, would do much more to provoke the kind of diversity and shared experience, not a kind of paternalism, but a really uniting experience, which is exactly what we badly need in our country.

There are a couple of other things that I want to mention very quickly.

Mrs. KASSEBAUM. I wonder if the Senator from Oklahoma will yield for a question on my time.

Mr. BOREN. I will be happy to yield.

Mrs. KASSEBAUM. Mr. President, it concerns the education benefit. Yes, a $5,000 per-year education voucher is something that would be below the average for a 4-year college program, but this benefit will also apply to vocational and proprietary schools. There are a number of those programs in which a $1,500 voucher would easily meet those needs.

I do not think we have made a distinction in the programs, and this is one of the reason why I think we need to carefully review how we can use those benefits in a way that does not get out of control. Certainly, tuitions are going to rise to meet whatever the voucher amount is made available.

So, Mr. President, as I see it, the educational benefit is not just for a 4-year college program; it is for any postsecondary program.

Mr. KENNEDY. Will the Senator yield on that point?

Mrs. KASSEBAUM. Yes.

Mr. KENNEDY. As I understand the legislation, if a proprietary school is less, they will be able to get the tuition. They do not get more than the value of the tuition.

So what Senator BOREN is pointing out, the way this is constructed, they will be able to use the amounts that have been gained either to go to the proprietary school or to go to higher education. The way it is constructed by Senator KASSEBAUM is that you would effectively limit it just to the proprietary school. I think the case is really made.

Mrs. KASSEBAUM. Mr. President, not to extend this, but I think this is an important point. The Senator from Massachusetts [Mr. KENNEDY] is correct, but I also point out that the program that may now only be an $800 program is going to see that there could be $5,000 to cover it. All of a sudden it is going to be a more expensive program. I just think that is one thing we need to be careful to avoid. I think these, again, are things we have to understand, think about, and work through. I will be glad to discuss this.

Mr. KENNEDY. Will the Senator yield for one more point on this?

Mrs. KASSEBAUM. Yes.

Mr. KENNEDY. We will be delighted to work with the Senator trying to ensure either proprietary schools or other schools are not going to use the figure that we establish in here as an excuse to raise their tuitions. I think that is probably a legitimate issue and question. I know that is a concern of some of the Members of the Senate and others. I think it is something that we are interested in and concerned about.

I think the Senator has referenced this point about the increase in tuition, and we will be glad, irrespective of how this amendment comes out, to work with her and the other members of the committee on this issue.

Mrs. KASSEBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor and has 2½ minutes remaining.

Mr. BOREN. Mr. President, I ask my colleague from Pennsylvania if he will allow me an additional 2½ minutes so I will have 5 minutes to complete my comments?

Mr. WOFFORD. I have no objection.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor and may proceed for 5 minutes.

Mr. BOREN. Mr. President, let me complete just briefly, again, not wanting to be argumentative. As I say, I am extremely pleased that the Senator from Kansas has not come to the floor for the purpose of opposing the concept of national service. That has never been her approach. She always has constructive suggestions to make. I applaud the fact that she is doing this very thoughtful proposal today. It is my hope that when all is said and done, we will be able to blend together the best parts and we will be able to have a bill that we can have enthusiastic support behind on both sides of the aisle.

But I will repeat my point that, at least as the substitute now stands, it is one that I do not believe is beneficial in terms of meeting the goals of the original bill, as the proposal first laid down. I simply believe that by cutting the educational benefit back from $5,000 to $1,500, you are going to discourage those students who want to go to regular public universities. Perhaps some students even want, with the help of scholarships, to attend some of the private universities, if they have the ability to do so.

By reducing the educational benefit derived by giving up a year of one's life to perform national service, we are going to make it less possible for those who are not affluent to participate. Many of those are the very people we need to encourage to participate so that they understand what it means to contribute something back to society, that they have the thrill of knowing they have made a difference, that they have built something, that they have done something to change the quality of life in their own communities. The esteem that builds, the character that builds, the discipline that builds is so important.

So I will say, for the sake of diversity, the original bill is certainly preferable to the substitute.

Second, having been a Governor, I have to say that I believe the original bill also is better in that it provides a third of the money back to the States for programs that they wish to undertake, but the other two-thirds would either be Federal programs or competitive programs.

The substitute would give 50 percent of the programs to the State. I lived through the CETA period, for example. I was Governor during part of that period. I was in the State legislature. I have seen what happens when States are sometimes given money for programs like these without adequate controls. I think our proposal is better. Let us have a competition. Let us give a certain base to the States, a third, so we make sure each State gets its share. Then let us have a competition as measured by the national commission in terms of the kind of proposals that are the best proposals so our dollars will go the farthest. So I think again the substitute is not preferable in that regard.

Finally, I say, as one who worked very, very hard to bring back a model based upon the old CCC Program, which worked so well during the Great Depression, which brought people of all kinds, young people, out of the inner cities, for example, to rural settings where they built parks, and we think about what happened, over 3 million participants ultimately. They built 800 State and national parks. They restored 4,000 historical structures. They built 38,000 bridges. They planted more than 4 billion trees in this country. They did so much good, and out of that, working together on common projects and in a setting in which these programs were run by military officers, they learned some discipline as well.

General Marshall talked about the enormous contribution that experience of young people working together, working together in a disciplined, structured, residential environment, the impact it had in preparing this country once the tragedy of World War II came. Think about the skills that are learned, think about the pride, think about people. I get letters even today after I have proposed bringing back this program as a part of the national service component, the pride the people still feel today when they visit national parks and picnic pavilions and drive across bridges that they worked on as young people in the CCC. People do not tear up what they build themselves. It builds a sense of self-respect. It helps break the welfare cycle. It does so much good for our country.

I think this is an option also that need not be foreclosed. It should be tried. We are being hard hit in many parts of the country, military bases being closed, many talented people in the military, trained young people, are being forced into early retirement. Let us use that talent now to instill pride, to instill discipline, to instill skills and knowledge of how to work hard, in young people. Let us use it through programs like the CCC brought back in a modern form that is a part of this bill. That, as I say, Mr. President, would be phased out as a separate identity under the substitute that is being offered.

So, Mr. President, while we agree on many things and while the Senator from Kansas and I, I am sure, agree on more points about national service than those points on which we disagree, while we have much in common in terms of the values we embrace, I simply urge my colleagues to carefully study the substitute.

When it comes to diversity, promotion of community, an opportunity to bring all people together regardless of their economic status or background, when it comes to allowing opportunities in new settings to teach discipline and skills and work habits, when it comes to making sure our money is spent on programs that are the best so we have competition for the best programs instead of handing it over to State governments automatically on a regional basis, I believe the original bill is preferable to the substitute.

I hope my colleagues will join in that decision; that we will defeat the substitute and continue to work in a constructive way with my good friend from Kansas and see if we can work together to improve the basis proposal now before us.

The PRESIDING OFFICER. Who yields time?

Mr. WOFFORD. Mr. President, I thank the Senator from Oklahoma for his careful work in crafting this bill and, above all, in constantly keeping the central core of the diverse experience in his presentations.

I yield 6 minutes to the former Peace Corps volunteer from the State of Connecticut.

Mr. DODD. I thank the Senator, my colleague from Pennsylvania.

Before he leaves, I compliment the Senator from Oklahoma for his work on this bill as well.

Mr. President, let me state to my colleague from Kansas my appreciation for her efforts and hard work on this and many other initiatives. We have had agreements and disagreements over the years on various things but never once has she offered an idea or suggestions in a nonconstructive way. I wish I could say the same about myself in offering amendments over my career in the Senate.

So my disagreement with the distinguished Senator from Kansas on this particular substitute is really more not over the essence of what we are talking about—there is, I believe, a fundamental agreement on that point—rather, the pace at which we proceed, the direction in which we go in certain areas.

I wish to take these few minutes, Mr. President, to focus on one aspect of this substitute, and that has to do with the VISTA programs and the other existing domestic volunteer service programs. I want to share with my colleagues the work that is done by these programs and the cost effectiveness of that work. Too often we only ask: How much does it cost to keep a VISTA volunteer in the field: How much does it cost for the RSVP Program or the Senior Grandparents, Foster Parent programs, and so forth, rather than looking at what is the benefit that comes back to us as taxpayers.

For 29 years the VISTA Program has provided nearly 110,000 Americans to assist in rural and urban areas and help disadvantaged citizens. The program today spends about $12,000 a year to support a full-time VISTA volunteer with their stipend, health care, postservice benefit, and other related costs. That is not inexpensive, but that is what it basically costs to keep a VISTA volunteer in the field.

An inspector general's evaluation in May of this year found that thanks to each VISTA volunteer, the average local programs served 148 additional clients and recruited 38 additional volunteers. The average program gained nearly $33,000 in cash and in-kind resources through the work of one single VISTA. That is on an average basis.

So the $12,000 figure may seem like a lot to some, but if that individual volunteer enables the program to serve an additional 148 people, recruiting 38 additional volunteers in the field, and raising this kind of cash in in-kind contributions, it seems like a pretty good investment considering the number of problems we are facing.

No different is the conclusion on the Older American volunteer programs—12,000 Senior Companions last year gave 11 million hours of service to the frail elderly in this country. I think we all appreciate the contribution that that makes to our society. That cost taxpayers $9 a day for those 11 million hours of service. That saved nearly $2,800 a month per client who, because of these services, avoided nursing home care.

The RSVP Program enlists nearly 436,000 volunteers to assist in 56,200 community organizations at a cost of approximately 50 cents a volunteer. And yet what we are talking with this amendment is eliminating the legislative authority for these programs that are already making a significant contribution.

Now, I wish to state here today—and I hope people will remember what I am about to say—I do not think it makes any sense at all to have a bunch of different Federal Government agencies out running different programs. I think our goal clearly has to be to bring these organizations together as soon as we possibly can in the most efficient way so we do not have the kind of inefficiencies and duplicate programs serving the same citizens in our country.

My concern about trying to rush to that too quickly is that we miss the point. I do not know if anyone can say, as I said yesterday, Mr. President, that these things that we want to work are absolutely going to work.

What I do know, and feel very comfortable in saying to my colleague, is that those VISTA volunteers, those senior companions, those RSVP people work well already and I wish to bring them into the tent on this. But I do not want to abandon them in the process and then discover what we are trying to do really does not meet the goals.

I really say this with great respect for the Senator from Kansas. Her intentions are clearly not to undermine, not to destroy, not to find some circuitous route around what I think there is general agreement on, but there is a fundamental disagreement about the pace and timing and why we need to go in this direction.

I see my colleague from Kansas rising. I do not know how much time I have remaining, but I will be glad to yield.

Mrs. KASSEBAUM. Mr. President, I would be glad to take it off my time because I wish to reemphasize, too, that I am not criticizing VISTA or the RSVP program. I would just like the Senator from Connecticut to see the organizational structure that I would like to change. When you talk about the VISTA program, you not only have it here in its Federal office, but you have regional offices and you have State offices. All those offices are maintained under 919. So you have this labyrinth of administrative functions.

I think the Senator from Connecticut and I would both agree that we would like greater coordination. I have in my substitute a 2-year phase-in period because I think it does take some time. But I just wanted the Senator to see——

Mr. DODD. I appreciate that.

Mrs. KASSEBAUM. How the structure can look complicated. We find all these offices many times are really duplicating work of other programs, and we have lost the ability to provide the effective delivery system that I think all of us wish to see. It is not to criticize the program. Administrative offices are just a little bit like barnacles on a ship; they just keep growing. If we are not willing to try to find some way to change it, the structure just gets bigger rather than better.

Mr. DODD. I would say if history were any teacher, the Senator from Kansas is absolutely correct. Let me just point out here that the regional offices, by the way, under our bill will be eliminated and State offices, I might add, are highly regarded by those at the local level and work to provide support not only to volunteers but also to programs. But I yield to my colleague.

Mr. KENNEDY. I wish to make sure that the record is complete on this issue. As the Senator from Connecticut and others know, there was a real question about how you bring long established programs into this particular organization and structure.

This point was made and repeated. In response to the attempt to streamline the bureaucracy, we provide an opportunity for the States to fund programs in the ACTION area or the VISTA area. The difficulty is that if they are able to do this and do this well over a period of time, then it will be useful and helpful at the ultimate time to make the final managerial structure.

We get caught on this thing both ways. One, we try to develop a process and system that will permit the States to assume more responsibility in administering these programs and then when we are criticized by saying now you have one at the national level and you have another one at the State level.

We are glad to try to work every possible way to bring this structure and this bureaucracy into focus. But I am not sure that we can accept the fact that when we go to try to reach out, experiment in the administration of it, and then we are criticized for that, I think it is difficult to be willing to accept that just as the ultimate resolution of what we really intend to do in terms in the administration of the program.

I thank the Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. President, I just want to conclude the point. Senator NUNN, the Senator from Georgia, is not with us because he is chairing a hearing, but he has made the point that I certainly have made on a number of occasions how this effort ought to be grounded as much as possible and as soon as possible at the community level.

In fact the Senator from Minnesota is on the floor again. He said it yesterday, may have repeated it again today, but I consider the most important word in the title of this bill is "community," like he does. One of the things we try to do here is focus on community-based organizations, and clearly everything we can do to facilitate that is essential.

On the question of how we bring these organizations together, the question is, How fast can we do it. I would love to see us do it in 2 years. I do not know if we can, but first we must get to that point where we are more grounded. We can, at this point, cut out administrative costs like regional offices which are no longer needed and then work to move in that direction.

Whether we are talking about 2 years, longer or shorter even, but my commitment to this idea is still the same. I think it is important that we know when we are talking about the bill rather than the substitute, that is the desire of the authors of the major bill here to get there as soon as possible—in an efficient and thoughtful way so that we serve the needed constituencies in this country.

Again, with all due respect to my colleague on the committee, I respectfully urge rejection of the substitute, and thank the Senator from Pennsylvania for the time, and my colleagues for their patience in listening to these arguments.

I yield the floor.

Mr. WOFFORD. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DURENBERGER. Mr. President, I appreciate my colleague from Pennsylvania yielding to me.

I rise to oppose the substitute amendment offered by my distinguished colleague from Kansas, and I do that reluctantly as many of us who have worked with the Senator from Kansas because of our respect for the leadership that she has provided on so many issues. And that certainly does include both national and community service issues.

I also do agree with some of the concerns that she has expressed in her statement which are also expressed in her amendment.

It is clear as I listen to her arguments that she has some fundamental philosophical differences, as do many people I have known, with the President's proposal. And some of those philosophical differences are probably never going to be resolved. At least they will not get resolved in the context of this particular debate.

The whole debate over charts, for example. I served many years in St. Paul, MN, on the Admissions and Allocations Committee on the United Way. I must tell you, I could dazzle you with charts involving the relationships between voluntary associations in any one of our communities, whether it is Wichita, St. Paul, or whatever it is, and I am sure that any of us who come out of the business community could throw up a chart that would look a lot simpler than the one that actually exists in our community. But in many cases that is the nature of the community service, that is the nature of voluntarism, that is the nature of being flexible enough to respond to a wide variety of needs.

I was also thinking as my colleague made her presentation, if I could get a chart in HUD, or HHS, or somebody like that, where we used the other hat we all wear around here, the sort of give it to the Government and have the Government respond to people's needs. We could take one little agency inside HHS and we could throw up a variety of charts that anyone or the other of us might be able to improve on.

So I begin by saying there will be legitimate differences between people here, some of which are philosophical, some of which just come from the way we would do it if we were putting all of this together which we may never be able to resolve.

So there are many different aspects to national and community service, and it is the inevitable that people of goodwill are not going to agree and they all require the same kind of Government program, they all require the same kind of taxpayer support that the President has recommended.

In some cases, supporters of the President's proposal I would suggest have done a less than an adequate job of documenting the positive outcomes that we are already seeing from many of these same programs. In other words, I suppose we could have preceded this with a much better selling job that would have had the ground swell of community support for each of these. I know the ground swell is there. I know the community support is there because I live with it in Minnesota every day. But maybe on a national scale, somehow we have not been able to document that as well as we should.

I guess in some cases the program may have been oversold. I recall cringing every time I heard President Clinton talk about how we are going to have all of these college students come out and be cops for 2 years or something like that, or some of the other of my colleagues talking about this is a substitute for the draft, or for military service, or was not it great when we all had to spend 2 years in the service of our country.

So I begin my comments in opposition to this amendment by saying maybe in some cases we have undersold and in some cases we have oversold this proposal.

That is really the reason, Mr. President, why yesterday in my opening statement I tried to do some defining of outcomes that I believe the President's proposal should be focused on. I also tried to point out some of the goals that have been stated by others that I do not believe are legitimate goals for passing this legislation.

I agree with my colleague from Kansas, for example, that national and community service should not be a large-scale financial access program for higher education. Yet, I would agree that most of the people in this body who are going to have to come down here and vote on this amendment and on successive amendments think that is a large part of what all of this is about.

I also agree that we should not make the program as big as the President originally proposed because we need to know more about the role that education benefits can play in attracting young people to service. There is a lot to learn about the relationship between what young people do in school and what they are doing in college right now that is a voluntary service to their community and the potential for taking that and developing it into community leadership through the kind of program which the President is presenting.

And is the $20,000 stipend the right way to go, or is there some other way in which we could link up the volunteer service that goes on in the college campuses, between the town, right now, with the stipend program? I think this is something we have to learn about and we ought to expand on.

I think that there is much to learn about the roles that benefits, the stipend benefits we are talking about here, could play in encouraging young people to continue their education once their term of service has been completed.

The term of service is part of the education, in effect. It is not someplace you go to pay off your student loan. It is part of your continuing education. It is learning something you cannot learn in college, for example, part of it being the value of the spirit of leadership. And it may well be that after this period of time and this investment of time these people will go back into the formal process of more education. But we do not know. We do not know exactly how to structure it to encourage that.

I would agree with my colleague from Kansas. We need to examine the large number of stipend service programs that we now have. They are very, very good programs we all agree. But it does not hurt to analyze them, and then decide how they relate to each other and to the new national community service program authorized in the legislation.

And having said that, I agree with many of her concerns.

I must also say that I believe firmly that within the context of the President's proposal we can accomplish these same objectives.

Instead, I believe the place to exercise that kind of discipline is in limiting growth in appropriations. We have been doing that for 3 years now with the National Commission on National and Community Service. We have used the limitation on the appropriations as a way to improve the process.

I think we can exercise some discipline in targeting stipended service programs on those who can benefit the most, and in requiring the new corporation to ask and address a series of how to and what if questions during its first 2 or 3 years of operation. But I believe that can be done within the context of the current legislation.

If presented in the spirit of doing this whole thing right, I do not believe the administration will oppose that kind of careful launching of this important new initiative. The last thing we need is a new Federal program that grows faster than we can afford and faster than it can be properly administered.

I also agree with Senator KASSEBAUM that, to the maximum degree possible, decisions about spending priorities should be made at the State level. I appreciate the comments of my colleague from Connecticut about the addition of "Community," the "National and Community Service."

There are a variety of commissions in this—50 at the State level—but that is because the emphasis on community service and on national service should be moving back to the State level, where you can have strong involvement of local communities as relates to the programs they are designed to serve.

I agree that States should have the maximum possible discretion in deciding how to structure the commission that they establish.

So in response to these kinds of concerns, a number of changes designed to increase the authority and flexibility given States have already been incorporated in this legislation. For example, States are given the authority to designate existing agencies as their commissions on national and community service—as long as those agencies are representative of the various perspectives on youth and community service in that State, and as long as the basic intent of the legislation is not compromised.

My State is an example where the legislature created a new youth and community service program called Youthworks, with its own grantmaking task force. I have consulted with Minnesota officials on their ability to adapt its Youthworks board to meet the requirements for a State commission. And I believe that the changes we have previously made will make it possible for Minnesota to comply.

I also agree with my colleague from Kansas that it makes sense to minimize duplication and maximize cooperation between existing State ACTION offices and the new State commissions authorized by the President's proposal.

Areas in which this kind of cooperation may make sense include community needs assessment, volunteer recruitment and placement, training, grant oversight, research and evaluation, and awards and recognition.

The need for State-level cooperation is most applicable for the VISTA Program, which has many of the same objectives as other national and community service programs authorized and funded in the President's proposal. I am not sure the same arguments hold for the ACTION programs that primarily involve seniors, however.

That is one reason I do not believe it is wise to make the kind of dramatic changes in the bill that Senator KASSEBAUM has recommended in the funding or administration of ACTION programs in the legislation Congress adopts this year.

So rather than adopting a wholesale substitute, Mr. President, I believe we would be wise to direct the new Corporation for National and Community Service to review and make recommendations to the Congress on several of the issues raised by our colleague from Kansas.

I will enumerate those that I suggest we deal with, and we ought to be able to do it by amendment.

First, to determine whether some or all functions now provided by State ACTION offices could or should be added to the responsibilities of the State commissions on national and community service that are authorized by the President's proposal.

Second, to compare the impact of various combinations of stipends and educational benefits—and the full-, part-time, and nonstipended service learning—on the recruitments of national service participants and on the educational and other outcomes of participating in a service program.

Third, to evaluate the impact of targeting service opportunities on lower income and at-risk young people, as compared to the value of including a more diverse group of young people in service programs.

Fourth, to determine the value of maintaining nationally organized and funded programs versus bringing existing national service programs under the funding authority of State commissions; and to assess the value of having volunteer and service programs that serve both younger and older Americans under the same umbrella agencies—either Federal or State.

Finally, to consider the impact of bringing ACTION's senior programs under the new Corporation for National and Community Service on their identity, priority, and opportunity for future growth; and to weigh the pros and cons of shifting oversight of senior volunteer programs to a different Federal oversight agency that focuses more on senior programs.

Let me repeat that my suggestion that these issues be explored does not represent criticism or lack of support for existing ACTION programs.

In fact, they are intended to make sure that ACTION programs—especially the senior volunteer programs—remain strong, viable, and highly visible in the communities they serve as we launch a new national service initiative that is primarily focused on children and young people.

Fortunately, Mr. President, I believe the kind of total substitute being proposed by Senator KASSEBAUM is not needed to accomplish the thorough review of the organizational and funding issues she has very properly raised.

I believe these issues can be given the thorough review they deserve within the basic outlines of the legislation that the President has put before us.

I am comfortable we can do that, Mr. President, by insisting that the Corporation spend some part of its energies in the next several years exploring the issues I have just outlined.

And, I also believe it would be wise to limit growth in the size and cost of this program until these fundamental questions are asked and answered.

Let me conclude, Mr. President, by predicting that slow and careful growth in national and community service programs will demonstrate their value to both the young people who participate and to the communities they serve.

That is why, even though I must oppose this substitute amendment, I will insist that the underlying issues raised by the substitute be addressed. We owe the taxpayers—and the young people who long to serve this Nation—nothing less.

Thank you, Mr. President. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I would like to yield to the Senator from South Carolina 10 minutes, or whatever time he may need.

Mr. THURMOND. Mr. President, I rise today as a cosponsor of the amendment offered by the distinguished Senator from Kansas [Mrs. KASSEBAUM]. I strongly support the concept of national and community service. We all must encourage and promote the spirit of service to others. Voluntarism should not be limited only to times of great tragedy or disaster. It should be seen as a daily component of good citizenship. However, I am concerned that S. 919 in its current form, does not encourage voluntarism in the most effective way.

Mr. President, the deficit is one of the most important problems facing our country today. I am concerned that in this time of scarce Federal resources, we are contemplating spending in excess of $7 billion over the next 4 years on this measure. This amendment will help to ensure that this program is tested and effective before we allocate this amount of resources.

I believe the Corporation for National and Community Service should be used to streamline the method of allocation of Federal funds for national and domestic volunteer service. However, I am concerned that the administration's proposal would create another bureaucratic structure that will not allow the flexibility needed to best identify local community concerns. The amendment offered by the distinguished Senator from Kansas would streamline the structure of the Corporation by bringing all appropriate Federal national service and domestic volunteer type programs under the Corporation.

Under this amendment, the Corporation would serve as a pass-through mechanism which will allocate substantial funds for national service and domestic volunteer services to State commissions where community needs are better identified and resources allocated. This amendment would allow the Corporation to build on existing programs and to look to States for their leadership in creating and administering these programs. In its current form, S. 919 would simply leave all of the Federal, national, and domestic volunteer programs in place and add another umbrella of administrative bureaucracy above them.

Mr. President, I am also concerned with the use of limited educational funds as a part of national service. Approximately half of the cost of S. 919 is allocated for educational benefits. Consequently the administration's proposal could directly compete with existing education programs for Federal funding. We must question whether loan forgiveness plans and educational awards will have a desirable impact on national service participation.

The Kassebaum amendment would set aside funds and mandate the Corporation to conduct demonstrations on various education programs as a part of national service. This will allow Congress the necessary time to determine if educational assistance is a necessary element in successful national service programs. This will also allow Congress time to review the amounts allocated for educational purposes and determine the optimal level of benefits.

Mr. President, there is a need for community service in areas such as child care, teaching, hospitals, environmental conservation, help for the elderly, and many others. However, I am concerned that S. 919 may not promote the kind of voluntarism in which all Americans can participate. S. 919 appears to be reserved for the very young, the very old, or a privileged few who are able to devote the majority of their time to being a paid volunteer.

This amendment seeks to allow all Americans to participate. For example, it will allow individuals receiving Government assistance to choose between receiving the living allowance provided by the amendment or a cash allowance of $250 per month above their Government assistance. S. 919 does not include a similar provision or provide for such a choice. It will also provide more flexibility for senior programs by eliminating categorical funding and allowing States to decide which programs best meet their needs.

Again, Mr. President, I strongly support the concept of national service. The amendment offered by Senator KASSEBAUM deals with this issue in a constructive manner by adding flexibility and streamlining the funding mechanism. Therefore, I urge my colleagues to support this amendment.

I commend the able Senator from Kansas for offering this amendment, which I think is best for the country.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield whatever time is required to the Senator from Mississippi [Mr. COCHRAN].

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kansas for yielding time to me.

I first want to congratulate her for her leadership on this issue and in offering this substitute for consideration by the Senate.

I am pleased to be a cosponsor of the Kassebaum substitute. I am supporting this alternative for a number of reasons, one of which is a very important philosophical difference in the approach of the substitute as compared with the committee bill

The committee bill creates a brand new Federal agency to administer a national service program, while the substitute creates a corporation for handling the allocation of funds under the bill. It looks to States and to localities around the country to determine what kinds of programs and activities—at the local level—should receive funds under this bill.

Rather than having a nationalized program of community service, the Kassebaum substitute encourages the States to develop their own assessment of priorities and needs to determine which persons are better suited to provide services and to fulfill those needs. Under this program, the Federal Government allocates the funds to the States and lets them spend the money. It allocates 50 percent directly to the States. Another 30 percent would be made available on a competitive bid basis through grants to the States where the Federal Government would select the best ideas that it sees in this competitive bid process. The remaining 20 percent would actually be made available directly from the Federal Government to grantee recipients.

To me, this is an important philosophical difference. I frankly think that decisions can just as well be made—if not in many cases better—by local officials, who provide the means of administering the program at the local level, rather than people in Washington. I am not criticizing any Washington agency or department. I am sure we have a lot of committed and conscientious people in the Washington Government who are doing an excellent job. But keep in mind that the first-year appropriation is authorized at $400 million and most of that will be spent on overhead costs in Washington.

In a program this size I suggest it could more efficiently be used if it is allocated the way the Kassebaum substitute suggests.

Let me say another word about why I am supporting the substitute. It is a more restrained—and a more incremental—approach to the development of a program for national service. I think that is an important factor to consider, rather than jumping in and committing ourselves to a big new program that will automatically escalate costs and result in uncontrollable expenses.

When people find out how much money is available in this program in the outyears, they will be shocked to see the total bill we have run up at a time when the national leadership talks about cutting spending and reducing the deficit. Here we are adding a big expensive new program to many of the programs that we already have in which we are trying to restrain growth. We are talking about cutting back entitlements, but the budget just grows by itself under this bill without our effectively controlling it. If we adopt this bill, it's more of the same.

The Kassebaum substitute, on the other hand, is more restrained. The initial startup cost is $100 million, rather than $400 million, as in the committee bill. That is a big sum of money.

But I think it is an important part of the overall goal to encourage national service to show students in school and college now that it is very important to contribute time, effort, and energy to solve community problems, and to make available time to help people deal with real problems that they face back in our communities and States each day.

A number of worthwhile organizations are doing this on a full-time basis, and many Senators are involved. Many are aware of the Habitat for Humanity Program. Many have participated in the Peace Corps Program. Many are engaged in civic organizations that spend a lot of time and effort dealing with local needs and providing activities and voluntary services to help meet these needs back in States and in hometowns.

That kind of community service should be encouraged, and that is why I am supporting the Kassebaum amendment. I am not just saying "no" to anything. I think it is appropriate that we take the positive step in this direction at the national level.

A few years ago, for example, I supported along with the Senator from Kansas, a bill that dealt with local volunteer service. That legislation was enacted. President Bush provided a lot of the leadership at the national level to move us in that direction, to make us more aware of the importance of volunteer service. In my State of Mississippi, we were selected as a recipient of one of the demonstration project grants under that legislation. Today we have the Delta Service Corps, which operates in a way that helps people realize how important it is to be a good neighbor, to care for the concerns and the problems of others in the community who are unable to provide for all of their own needs.

Whether you are talking about housing, nutrition, or health-care assistance of one kind or another, there are a number of ways that we have now in the United States for people to participate and to provide volunteer services, and to be compensated—under certain programs—for encouraging others to do the same.

Let me just say that I hope the Senate approaches this subject with some restraint and some realism about what our financial capabilities are right now.

We are trying to deal with these budget problems. Since the recommendations for new taxes are coming out and our committees are meeting to decide how many of these new taxes are going to be imposed, it is apparently not a question any longer of whether we are going to have additional taxes at the Federal level, but how much, what character, and what kind.

I think the American people are tired of paying a lot of taxes for new, and experimental programs. Let us try to make the programs that we have work first. Instead of jumping in with a huge new spending program such as this committee bill recommends, let us try the more restrained and incremental approach as proposed in the Kassebaum substitute.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, I yield 7 minutes to the Senator from Ohio, who has given this Nation great national service for many years.

Mr. GLENN. I thank my distinguished colleague very, very much.

Mr. President, I wanted to discuss some of the structural problems with the amendment in the nature of a substitute offered by my colleague from Kansas.

Let me say this. The Senator from Kansas and I worked together years ago when I was on the Foreign Relations Committee. I must say there is no one in this whole Chamber that I respect more than I do her. She does not take legislation lightly. She is not frivolous in her approaches to things and thinks them all through. So I very much dislike having to stand up and come down on the side opposite her proposal for an amendment.

But before I make comments along that line, I would like to explain the involvement I and my staff have had with the Labor Committee bill, S. 919. The Governmental Affairs Committee, which I chair, has been working very closely with the Labor Committee staff to strengthen its provisions for accountability—for accountability. That is what the distinguished Senator from Mississippi was just addressing was accountability, making sure that every taxpayer dollar gets spent as it is intended to be spent, that we get the best bang out of very buck that goes out there.

Through the cooperative efforts back and forth between the staffs and between the Governmental Affairs Committee and the Labor Committee, I think we have clarified the very clear delineation of authority problem between the president of the corporation and the board of directors, as proposed in that legislation. We also established merit guidelines for the personnel system. We have also solidified the authority of the GAO to audit, and we have emphasized the requirement for a chief financial officer. I think those are very important matters to bring up. At the appropriate time, I will have an amendment that will further strengthen this.

I believe Senator KENNEDY and Senator WOFFORD understand it and are set to accept it if we bring it up a little bit later, which I will do. I will not address it right now and give all the pros and cons of it. But what we do is try to clarify some of these things. We try to strengthen accountability. And the amendment that I will offer later to S. 919 adds additional safeguards for the funds appropriated.

So I am very familiar with the provisions of S. 919 to try to proactively avoid—in other words, to try to see the pitfalls in advance and avoid the fraud and waste and abuse that too often steps in and takes over in new programs. In other words, we want to build this fiscal responsibility. And with the amendment, which I will detail at the appropriate time, I am comfortable that S. 919 goes a long way toward avoiding problems that we have had in some other Government agencies.

Now let me comment directly on the areas of concern with regard to the substitute amendment by the distinguished Senator from Kansas. I would say, for example, that the director of the corporation in this amendment reviews and approves grants, hires all personnel, and sits on the board of directors, which is supposed to review the plan for grant and personnel. It consolidates a great deal of authority in one person. In other words, the checks and balances are probably less than I think they should be.

Next, there is the management structure in the amendment. The director has the exclusive authority to devise a management structure and appoint personnel without the approval of the Office of Personnel Management. The substitute amendment does not create a chief financial officer. I believe a CFO is vital to ensure fiscal accountability by producing auditable financial statements.

Mr. President, I think a couple of success stories in accountability in Government that we have introduced in the last few years are ones I will point out here only briefly, and they involve the inspector general and chief financial officer proposal that we have now in law. The IG act was put in some 12 years ago and was it an experiment. There were just a few agencies of Government involved. It was so successful that about 3 years ago, I expanded that legislation to where we now have some 61 different agencies or Departments of Government covered under the IG Act. They are doing a great job basically, I believe, in ferreting out some of the fat, fraud, waste, and abuse in Government.

In fact, back a couple of years ago, the last time we had full accounting of this, the IG's had successfully prosecuted over 6,200 cases and gotten back almost $1 billion for our Government—$1 billion that was returned to the taxpayers, returned to the Treasury. So it is one of the success stories in Government.

Now, along with that, we have just coming into effect now the Chief Financial Officer Act that says that the chief financial officer may audit and give a statement at the end of every year for how the money was spent—was it proper, was it properly used, was the money wasted—and give us an assessment of whether the agencies or Departments of Government are actually carrying out the purposes for which that money was appropriated.

Now, those are two very big steps in the right direction, and we are beginning to get very good response from that.

That is the reason I say that when the substitute amendment does not create a chief financial officer in this department, I think that is something that is just very necessary to producing auditable financial statements.

There is no provision in the substitute amendment for GAO or inspector general access to grantee records in order to allow them to be audited. The amendment allows unlimited funds to be transferred to another agency.

I know it has been proposed that that may be a plus. I see that as a danger area. In fact, the provision may violate appropriation law. I do not know, but that is something we would have to look at.

There are no provisions made in this amendment for apparent actions on employees, such as a RIF, reduction in force, or procedures which are required by civil service law. They are just not mentioned.

The amendment does not incorporate some of the civil service protection. I am not sure it gives full civil service protection, what we normally expect. And I realize these are not straight civil service jobs because some of those protections might be in order.

So it does not amend the Inspector General Act appropriately, and that is one thing that I mentioned a moment ago. The IG and the CFO part of this, I think, are very, very important.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. Eighteen minutes and 20 seconds.

Mr. GLENN. May I have 1 additional minute?

Mr. KENNEDY. Yes, I yield 1 additional minute to the Senator.

Mr. GLENN. Mr. President, many of these issues have been specifically addressed and remedied in S. 919. At the appropriate time, as I indicated. I will have an amendment that I believe the floor manager is willing to accept—I believe it has been cleared on both sides—on this area of good Government, good management. And with my amendment, I think it will go a long way toward guaranteeing accountability in this very, very important legislation.

So, I say again, I regret very much having to oppose the distinguished Senator from Kansas. We worked together on many things in the past. I hate very much to oppose her on this, but, for all the reasons I just detailed here, I am sorry I have to do so and would urge my colleagues to vote against the Kassebaum amendment.

I yield back whatever time I have remaining.

The PRESIDING OFFICER (Mr. BREAUX). Who yields time?

Mr. WOFFORD. I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, I regretfully must oppose the Kassebaum substitute. Particularly, I do not believe stipends should be reduced to $1,500. The $5,000 educational benefit in the administration's proposal mirrors the proposal contained in my own voluntary service legislation, which I originally introduced in 1987.

I viewed the $5,000 educational benefit then and now as adequate reward for successful completion of community service. To reduce it by as much as 70 percent would substantially diminish the incentive for individuals to undertake community service. Given the escalating costs of a college education, I think the educational benefit must be substantially greater then the $1,500 contained in the substitute. Basically, a drastic reduction in the educational benefit would fundamentally alter the nature of the National Service Program and could undermine its potential for success.

I understand that the Senator from Kansas in concerned that the $5,000 educational benefit may result in some schools increasing their tuition. Senator KENNEDY has indicated his willingness to work to make sure this does not occur. And I agree with him. I assure our colleagues that we will monitor the situation carefully, and we will work to make sure that Senator KASSEBAUM's justifiable concerns do not become a reality.

I hope, therefore, that my colleagues will join me in opposing the amendment under consideration.

Mr. WOFFORD. Mr. President, I yield 4 minutes to the Senator from West Virginia, a former Peace Corps staff director and VISTA volunteer; the only VISTA volunteer in the Senate of the United States.

Mr. ROCKEFELLER. I thank my dear colleague from Pennsylvania. If I started to talk about what he has done for his country, my 4 minutes would be gone.

Mr. President, I rise, respectfully, to oppose the Kassebaum amendment. And I do so because I have profound respect for her, knowing that her own daughter served in the Peace Corps and she is a woman of incredible moral depth and sensitivity.

It is very hard to speak about VISTA without saying two things. One is that it changed my life. I would not be here—which might be welcome to some, but not to me—if it were not for VISTA. My whole life was to be doing something else—to be in the Foreign Service, do Japanese and Chinese—and then President John F. Kennedy's call went out to do something for your country. In the early sixties, at a time when youth were disposed to listen to that, our country was idealistic, people wanted to do good things. And I went to West Virginia for 1 year as a VISTA volunteer. I saw that I could not make any difference in 1 year and stayed on for a second year. It was in a very small but wonderful coal mining camp in the southern part of West Virginia by the name of Emmons.

Those people there, who are my beloved friends to this day, changed my life forever. VISTA has a power to move young people and middle-aged people and older people, to change their lives unlike anything I have ever seen. I can only say that because it changed my own life forever. It totally changed the direction of everything I was doing.

Second, I think VISTA, as an enormously proud symbol of what is the very best about our country, of service, of reaching out to others, of selflessness, of trying to help, as they used to say, "to make a difference", needs to be a national program. It needs to be seen, visible, and distinctly.

I think it is a beacon. VISTA, it means Volunteers in Service to America. It is a great phrase. It is a marvelous program. It is something which changed my life in absolute and fundamental ways. And I hope we could keep it visible, we could keep it national. And, as I say, with the deepest respect for my colleague from Kansas, I hope her amendment would not prevail.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Is the Senator from Massachusetts seeking time?

Mr. KENNEDY. We would like to reserve the remainder of our time if we could. Senator NUNN is on his way over. I believe we have, what, 16 minutes left, is that correct?

The PRESIDING OFFICER. The Senator controls 12½ minutes.

Mrs. KASSEBAUM. Mr. President, I ask how much time have I remaining?

The PRESIDING OFFICER. The Senator from Kansas has 30½ minutes.

Mrs. KASSEBAUM. Mr. President, there were some statements made, I think particularly by the Senator from Oklahoma [Mr. BOREN] in his very eloquent appeal for this initiative, to the effect that young people are giving up a year of their lives. Yes, in many ways that is true. But I would point out, Mr. President, while they are doing so they are also receiving about $13,000. This includes health benefits, plus child care.

On top of that then comes, at the end of the service, either the education benefit or a bonus for their own use. So it is not, as I think many people believe it to be, a year just given. I think we all understand that is something that really should not be feasible. But

I believe it is a little misleading, and I think it is important to point that out.

Also, it should be pointed out this program will be open to anyone over, approximately, the age of 17. There is some qualification on that, even. It would be hoped that everybody would have, at that point, a high school degree or a GED. The program is open to anyone up to the age of 80, if they so desire. So it is a very open-ended program of support. I think that is important to clarify, as we have before in the debate, that it is not necessarily giving of one's time. There is some reimbursement for that time.

Those who are working for minimum wage and have no health benefits would view the full-time service package quite a significant benefit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WOFFORD. I yield the Senator from Georgia 8 minutes.

The PRESIDING OFFICER. How much time is yielded?

Mr. WOFFORD. How much time do we have left, Mr. President?

The PRESIDING OFFICER. The Senator has 12 minutes and 15 seconds.

Mr. KENNEDY. I understand the Senator from Louisiana wants to speak. Is 8 minutes satisfactory?

Mr. NUNN. I will make it 8 minutes.

Mr. KENNEDY. I thank the Senator.

Mr. NUNN. Mr. President, I thank the Senator from Massachusetts and Senator from Pennsylvania. I thank them most of all for their leadership on this most important issue.

Mr. President, I rise today in strong support of S. 919, the national service Trust Fund Act of 1993.

Like several of my colleagues, including Senator MIKULSKI, Senator KENNEDY, Senator ROBB, and Senator WOFFORD, I have been looking forward to this occasion for many years.

We are finally able to debate a full-fledged commitment to national service in large part because President Bill Clinton has placed this issue on the front burner and stubbornly kept it there despite the many competing priorities and distractions of his first year in office. I think it is appropriate to acknowledge the special contributions of the Democratic Leadership Council—which the Chair has been involved in for years—which launched the debate on this issue back in 1988, and the White House Office of national service headed by Eli Segal.

I want to express my appreciation to Senator KENNEDY and the Labor and Human Resources Committee for their quick action and careful consideration of this bill. I particularly want to thank the Senator from Pennsylvania, who has been a leader in this area for years. That was the first subject I ever talked to him about when he came to the Senate. I am very grateful for his leadership.

I also want to thank Senators DURENBERGER, JEFFORDS, SPECTER, and CHAFEE for making this a bipartisan initiative, at a time when partisan pressures in this body are unusually powerful. I personally believe that national service merits bipartisan support more than any other domestic initiative on the horizon. It is not a liberal concept or a conservative concept. It attracts instinctive and almost universal support from those in the center, and from the American people at large.

Much of the criticism I have heard about the President's proposal and S. 919 remind me of the old story about the group of blind men trying to describe an elephant. Each perceives the entire animal as what he can wrap his arms around. One man feels the trunk, and says the elephant is much like a snake. Another feels a leg, and says the elephant is like a towering tree. Still another feels the ear, and believes the elephant is like a palm leaf.

Some perceive national service as simply a means of financing college educations, and they continuously talk about the number of Pell grants we could fund if we mechanically transferred the appropriations authorized in S. 919 to existing student aid programs.

Others perceive national service as a way to address social needs, and they cannot understand why we do not spend the same money on traditional social programs.

Still others think of national service as a method of intervening in the lives of at-risk young people, and feel strongly our efforts should be limited to those most in need, while their counterparts on the other side of the elephant think national service should promote voluntarism, and feel strongly we should not taint service by offering any benefits, even to those who have no way to live without a modest wage.

If you look at the amendments that are being offered to S. 919—and I certainly would exempt the concerns of the Senator from Kansas about the bureaucracy from this discussion because I think all of us are with her in her goal of trying to streamline these programs at the appropriate time, so I do not in any way criticize that effort although I will not be supporting the Kassebaum amendment for other reasons—but if you look at this overall concern that various people are expressing, and you take each one of them individually, they make a pretty good case.

But if you add them all up, what they are really saying is that we have several parts of this bill and we ourselves are only directing our criticism at one part and weighing one part of the benefits spawned from national service against the social program or against an educational program or against some other way of volunteering. What these amendments reflect, and what most of the criticism reflects, is a lack of understanding of the overall shape of national service.

The case for this legislation depends on understanding that it offers a triple investment in the future productive capacity of our young people and our communities: The service performed, No. 1; the service experience, No. 2; and the postservice benefit, No. 3. You have to look at the whole elephant here, if you are going to have a grasp of national service.

I know that the word investment has been much abused in debate on the Senate floor in recent years, and for some it is just a code-word for Government spending. We must not, however, become so cynical that we cannot see a real investment with a real payoff when it is staring us in the face.

If we do not realistically look at the return on investment we should expect from a national service program, and prepare to measure it carefully as the initiative develops, then the current debate over the cost of this program is almost meaningless.

I would ask those Senators who complain that we cannot afford national service to answer just one question: Was the GI bill a wasteful expenditure? If we could go back to the 1940's and redo history in light of what we know now, would you oppose the GI bill as just another tax-and-spend gimmick?

I think not. I think that program, and all the benefits that flowed out of that, in terms of educating our young people, has been one of the keys to the productivity rates that we had in the 1950's and 1960's and early 1970's, which we all wish we could regain today economically.

I doubt very many Senators would answer that question affirmatively, because we all recognize the GI bill as one of the shrewdest investments this country has ever made—lifting a large segment of the population into the ranks of the college educated, the people who got skills training who did not go to college, and fueling one of the longest periods of sustained economic growth in our history.

When compared to S. 919, the GI bill was unbelievably expensive, costing about 1 percent of our gross national product, or 60 billion current dollars. Furthermore, and again unlike S. 919, the GI bill was not a triple investment in the service performed, the service experience, and the postservice benefit. The service had already been performed during the war before the GI bill was ever enacted, so the payoff on our Nation's investment was limited to the impact of the higher education benefits offered retroactively for service in the military.

It is difficult to comprehend how anyone could believe it made sense to invest $60 billion in higher education benefits linked to prior service in the 1940's, but it is wasteful to consider investing $389 million in the 1990's for benefits linked to service in the future, when we will enjoy the full benefits of that service as an offset to the cost.

I doubt any Senator would argue that we do not need to take a fresh look at how Americans pay for higher education and job training. The cost of college is once again outstripping the financial means of many lower- and middle-income families. Many students who do manage to get through college are strapped with enormous loan indebtedness, and in many cases, they wind up strapping the taxpayers with the cost of defaulted loans, and in many other cases, the schools themselves are to blame.

Meanwhile, we continue to bemoan the shortage of skilled labor we anticipate as our work places adjust to the demands of a knowledge-and-information based global economy. Yet we do little or nothing to offer the forgotten half of our young people who do not go to college any realistic way to earn or otherwise obtain training in the advanced skills they will need in the next century.

National service will directly attack both those critical needs, by allowing young people to earn cash benefits for college or job training, whether they perform the service first, study and serve part time, or get their education and pay off their loan through service. To those Senators who are exclusively focused on the impact of S. 919 on student aid, and who dismiss or ignore the value of the service performed and the value of the service experience, I strongly urge you to think about the long-range positive effect of linking education benefits to service.

I know others will not share my view on this, but having conducted two major investigations of the Student Loan Program, having been one of the leaders in recommending reform in that program, and having now an investigation going on into some of the problems in the Pell Grant Program, I think we all need to search our minds and look at the facts as to how we are going to deliver Federal help for our young people in the future. I believe that national service may end up serving as the gatekeeper for eligibility for other student loans.

There can be no doubt that the American people will give greater support to a student aid system in which the recipient earns his or her benefits, than to the current alternatives of a limited entitlement for the few, and an unlimited public liability for loans for the many.

Although it is possible to justify the expenditures called for in S. 919 purely as the beginning of a reform of the student aid system and as a spur to upward mobility, that's only part of the offsetting benefits we can expect from a program of national service.

The value of the service provided by participants to their communities is difficult to quantify, but it is undoubtedly very real.

A study of 100,000 young people enrolled in Germany's national service program, where participants typically work in the health care system, showed an average net value per server of $24,000 per year—that is after the benefits were paid.

In my own State of Georgia, the State is running a full-time rural demonstration program called the Georgia Peach Corps, which is one of eight demonstration programs authorized by the National and Community Service Act of 1990. The communities in which the Peach Corps operates recently asked each project sponsor to carefully measure the costs saved by utilizing national service participants in the areas of education, health care, and public works. During a period from February 1 until May 31 of this year, Peach Corps members performed 17,066 hours of service valued at $79,517. That works out to $4.66 per hour, which is respectable considering the stipend they are paid is the minimum wage of $4.25 per hour.

By pushing decisions about types of service down to the local level, S. 919 holds down the cost of administering national service. At the same time, the local decisionmaking process helps individual groups of volunteers focus on projects that are of the most immediate and tangible value to their own communities. Along with the quality-control oversight exercised by the national corporation and the State commissions, I am hopeful that this legislation strikes the right balance necessary to produce real work of real value. That will be critical to the success of national service in achieving a strong payback for the taxpayers' dollar.

Aside from the value of the postservice educational benefit, and the value of the service itself, another offset to the cost of S. 919 is the effect service will have on those who serve.

At a time when our people are increasingly isolated from each other by race and economics—locked in suburban enclaves, remote rural areas, and inner cities—national service can offer a unique method of bridging gaps between Americans and building a common ethic of citizenship.

Participants from disadvantaged backgrounds could gain self-esteem, basic work and life-survival habits, not to mention real options for getting ahead in life. Participants from more comfortable backgrounds can overcome stereotypes about economic class and race, and can learn directly about the mutual dependence and common aspirations of all Americans.

Senior participants can bridge the generation gap, combining the wisdom of the old with the energy of the young.

Now that service in the military is no longer a commonly expected feature of life, we are beginning to realize how much we have lost as a society when there is no generally available opportunity to work and learn with fellow citizens from diverse backgrounds. National service can help bridge that crucial gap.

Anyone who does not believe this service learning experience is of real and tangible value has obviously never visited a national service program like the Georgia Peach Corps. Spending a year of service changes your perceptions, your ambitions, and your ability to understand the needs and talents of others. A young person who spends much of his or her time watching television and pursuing private interests in a narrow group of friends or family cannot but help be changed for the better by a year of direct exposure to work and to the needs of the broader community. This kind of opportunity is very valuable at this particular time in our history.

I hope each Senator will remember the importance of attracting a diverse group of national service participants when voting on amendments to S. 919 that purport to cut costs by reducing or eliminating the living stipend or the postservice benefit. If you make national service an economically impossible proposition for those who must earn a living, then you will not have a national service program at all—you will have a volunteer program for the middle and upper classes, which would have some value, but nothing like a full-fledged program.

It is no coincidence that the Labor Committee, with the concurrence of the White House, has decided to specify appropriations for nothing more than the first fiscal year of this program. Instead of precommitting Congress to a steady expansion of national service as did the President's original proposal, we are demanding that all the optimistic assumptions of national service advocates be put to the test of performance.

I am second to no one as a supporter of national service, but if we find during the first year of this program that we need to change the structure or change the rules to guarantee a good return on our triple investment, I will be the first to propose it.

This success will depend on national service being a true civic partnership. The Federal Government should challenge States, localities, and the private sector to invest in a variety of national service programs and models. In particular, the private sector must be invited, challenged and encouraged to participate in building national service by investing their resources and their people.

In conclusion, Mr. President, this legislation is not only something America can afford in 1993—it's something we cannot afford to pass up.

S. 919 will produce a triple payback in valuable service to the community, higher skills and lower debts for our young people, and a much stronger sense that we are all in the American enterprise together, bound by mutual respect and mutual obligation.

In the Peach Corps program in my home State, the participants begin each day with a chant that announces their readiness to "serve, earn and learn." That, Mr. President is the most eloquent summary of S. 919 and its meaning I can offer. I urge all Senators to listen to our young people in their eagerness to serve, earn and learn, and give them this chance.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. I want to talk about this at length. The most important part of this program is the service rendered to the communities.

If I can have 30 more seconds.

Mr. KENNEDY. Could the Senator from Kansas yield perhaps another 2 minutes to the Senator?

Mrs. KASSEBAUM. I have yielded some of my time in debate back and forth, and I have a couple more speakers who wish to come. I am reluctant to yield.

Mr. NUNN. I will take 10 seconds more. I visited the National Service Summer Program Monday morning in Atlanta and spent some time with those young people. If anyone wants to go to Vidalia or Thomson, GA, or go to Boston and see what City Year is doing, I think this vote today would be unanimous.

Mr. WOFFORD. Mr. President, I want to thank the Senator from Georgia for his strong, clear vision of this. I know this is starting on a smaller scale than he wanted, but this amendment needs to be stopped in order to reduce that 25,000 small start down to 5,000.

Mrs. KASSEBAUM. Mr. President, I would like to yield as much time as he would like to the Republican leader, Senator DOLE.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank my colleague for yielding. I want to speak to her amendment in a second, and I want to indicate that I think everybody is for the concept of national service. It had been my hope that we could all come together and have a program everybody could support. I think that is the hope of everybody in this Chamber.

But there are some concerns about this provision. I think it is long on concepts in some areas and short on substance. I never quite understood what the big rush was to pass this measure. It seems like we should have taken more time to try to work out some of the kinks in the program and try to make it work.

These comments are not rooted in obstruction but in experience because I have worked over the years with a number of my colleagues, on both sides of the aisle, in trying to develop programs to promote national service but we were not successful every time. I think in some cases we were.

I am particularly concerned that we do not start some massive program that we later learn we cannot afford and will not produce the desired results. No matter how well-intentioned, if it does not work, it is going to be a waste of tax dollars and a lot of sincere efforts by not only people in this Chamber but people who participate in the program at the State level.

It is difficult to ensure, in addition to the taxes, the question whether we can better be served in the private sector? It seems to me there are a lot of questions that need to be answered.

I am proud to say that I had a hand in starting a demonstration project to bring back the Civilian Conservation Corps, better known as the CCC. I should note that this project was built on a bipartisan coalition which also included Senators BOREN and WOFFORD. From a practical approach, I believe we did the right thing. You test the concept before you fully implement it to determine how much money you may waste, how the program is going to work.

A year has gone by since that program was implemented, and the results are just coming in. I am advised they are fairly impressive. We ought to be using some of this data to prevent mistakes in the future.

It would seem to me that is one strength of the amendment by my colleague from Kansas, Senator KASSEBAUM. I think the President's proposal raises a number of fundamental questions that must be addressed. All Americans are not going to be able to participate. It is going to affect less than 1 percent of all students currently enrolled in higher education institutions. Investing the same amount of money in existing Pell grants and college work study programs will enable many more students to have access to higher education by as much as a 20-to-1 ratio.

There is a question of whether or not it is cost-effective. Many experts say "no." For example, cooperative education programs, which help college students pay for school and get a good job after graduation, serve 200,000 students and cost Congress less than $14 million a year. On the other hand, the fully implemented Clinton proposal would serve 150,000 students and cost more than $3 billion.

Interestingly enough, the administration's budget tried to zero out cooperative education for fiscal year 1994.

I guess the one question is: Is there a community service deficit? I guess that depends on who you ask. More than 100 million Americans volunteer approximately 4.2 hours per week.

Some of us are going to have amendments. There still may be some way to bring everybody together in this Chamber. I think we all would like to support the President. We all believe in the concept, but I believe in this case there are a number of shortcomings.

Senator KASSEBAUM's amendment would streamline existing Federal service programs. It is 75 percent cheaper than the President's new spending, $100 million versus $400 million, and it is less bureaucratic. Her proposal provides a stipend for volunteers after a commitment is met, yet it does not provide a $5,000 educational award and prevents volunteers from receiving other types of Federal assistance. It may not be the simplest program, but it is a much-needed step in the right direction to find out where we are going to end up before we start investing $1 billion, $2 billion, $3 billion.

I am willing to bet, whatever happens, whether this program is good or bad, if we are standing here 10 years from now, it is probably going to be a $10 billion, $15 billion, $20 billion program. Where does it stop? Once it starts, it is like every other Federal program.

I hope we can slow down, adopt the Kassebaum approach and see what happens after a demonstration project.

Mr. President, I would like to talk for a moment on the concept of national service and express my support for Senator KASSEBAUM's substitute. We all have ideas about where we want to go with national service. However, it is an entirely different thing to get there. And that is what concerns me about the National Service Trust Act. It is long on concepts and short on substance. I think that if we were not in such a hurry to push this measure through that we could have produced a proposal that would work and one that we all could support.

These comments are not rooted in obstruction, but in experience. Over the years, I have worked on developing programs that promote national service. Not all attempts were successful, but some were. From these experiences, I am particularly concerned that we do not start some massive program that we later learn we cannot afford and that it is not producing the desired results. No matter how well intentioned, if it does not work, it is a waste of tax dollars. I think we all remember the problems we had with CETA.

In addition, to ensuring proper use of taxes, it is difficult to ensure that the Government does not interfere in markets that could be better served by the private sector.

I am proud to say that I had a hand in starting a demonstration project to bring back the Civilian Conservation Corps—better known as the CCC. And I should note that this project was built by a bipartisan coalition which also included Senators BOREN and WOFFORD.

From a practical approach, I believe we did the right thing—you test a concept before you fully implement it. A year has gone by since this program was implemented and the results are just coming. And while I am impressed, we should be using this data so that we can prevent avoidable mistakes in the future. Instead, it appears that we are ignoring this test and now are going with an approach which dwarfs the CCC in size and concept.

More recently, House minority leader MICHEL and myself held a forum on national service which was attended by Republican Members, a distinguished panel of outside experts, and a White House representative.

The forum was simple. We constructively, let me emphasize that again, constructively discussed national service by examining the so-called Clinton-Kennedy-Ford plan and several alternative approaches. And of course, this forum would not have been complete without discussing participation in existing service programs.

I want to stress, we did not hold this forum to criticize the President's plan. Instead, we sought to help shape national service into a reasonable, cost-effective program that promotes the American people's desire to volunteer.

However, I believe that the President's proposal raises a number of fundamental questions that must be addressed.

Will all Americans be able to participate? It is my understanding that it will affect less than 1 percent of all students currently enrolled in higher education institutions.

Does it negatively impact other education programs? Investing the same amount of money in existing Pell grant and college work-study programs would enable many more students to have access to higher education, by as much as a 2-to-1 ratio.

Is it cost-effective? Many experts say "No." For example, cooperative education programs, which help college students pay for school and get a good job after graduation, serve 200,000 students and costs Congress less than $14 million a year. On the other hand, a fully implemented Clinton proposal would only serve 150,000 students and cost more than $3 billion. Interestingly enough, President Clinton tried to zero-fund cooperative education for fiscal year 1994.

Finally let me ask if there is a community service deficit? That all depends on who you ask, but today more than 100 million Americans volunteer approximately 4.2 hours per week.

Mr. President, over the next few days, I will be introducing a series of amendments that point out other weaknesses in the proposal before us—weaknesses that would not have been overlooked, had more time been given to developing this measure. These amendments are simple and to the point.

Senator KASSEBAUM'S substitute streamlines existing Federal service programs, is 75 percent cheaper than the President's in new spending—$100 million versus $400 million—and is less bureaucratic. Her proposal provides a stipend for volunteers after commitment is met, yet it does not provide a $5,000 educational award and prevents volunteers from receiving other types of Federal assistance. While I had hoped for a simpler program, Senator KASSEBAUM'S proposals is certainly a step in the right direction.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the remarks of the Republican leader. He hit on a couple points that I believe are important. One is: What type of community service do we need? To what extent are there needs that are not being met by others in our communities?

I cannot agree more with the comments that have been made about the importance of the CCC in the late thirties and of the GI bill. These are all things which I think we recognize have been extremely beneficial.

I hate to even bring up cost. Obviously, cost is a part of anything we do. The direction of voluntarism today has changed. It is not something that most can do full time without renumeration. It is a great effort even at that, and I recognize that. But added to those costs are the costs on the administrative side, which are as high as 20 percent in some programs.

I wish, Mr. President, that every school district would mandate that high school students in their junior and senior years would give time in a program of service to their community. Students at that point can do things such as tutoring children or reading to senior citizens, all of those things which I think are beneficial as part of a high school education.

I believe there are ways the spirit of service can be fostered without this becoming such an elaborate procedure and bureaucracy.

Mr. DOLE. If I may just address one comment more than a question.

I think it has been the hope of a lot of us—and maybe this bill will work; I do not know. One think we have talked about on both sides of the aisle the past several months, a couple of years, is how do we get these young people off the streets in L.A.? How do we find opportunities for the people who are down and out? I know they do not want to means test this program. But how do we attract the young people in inner cities in a program of this kind?

Maybe I have missed a point in looking over the analysis, but I do not see how we do that. How do we get these young people? How do we give them something to do? How do we promote a future for young people in the program that is pending before us at this point?

That has been the goal of a lot of people, to reach out and touch some of these young people, maybe not 16, 17, maybe 25 years of age who have never had a chance, never had a family, never known anything but crime and drugs. What impact will a program like this have on this generation or do we just write off that generation?

That is the area that I think many of us felt might have been addressed that we do not see being addressed in this particular program.

Mrs. KASSEBAUM. I thank the Senator from Kansas. I think this is a concern that many of us share. How do you reach those people? As the Senator from West Virginia has detailed about his VISTA experience, structure and purpose is very important. I realize that was a very fulfilling experience for him.

I worry, Mr. President, that we will get the program so complicated we will miss the very important personal element that will make those young people or older people who become part of the program feel they are really gaining something from it as well as giving something. If the program is going to succeed in reaching those who Senator DOLE was mentioning, I would argue you cannot maintain a large bureaucratic structure that seems to continue to grow. Otherwise, we will miss the essence of what this initiative is all about, that President Clinton cares about, that we all care about.

I would like to run down some of the complications of the bureaucracy in this bill. Unlike my substitute, S. 919 would establish an umbrella under which the ACTION Agency and programs of the Commission on National Community Service will operate without changes to the basic administrative structure of any of the programs.

It establishes new structures in each State to administer the National Service Program, prescribing the composition, acceptable delivery standards, and acceptable policymaking roles of that State entity.

It designates three separate State entities which are authorized to receive funds from the Corporation—State commissions for national service programs, State educational agencies for service learning programs, and State ACTION offices for VISTA and National Senior Volunteer Corps programs without requiring administrative collaboration or joint planning between the three State entities.

It requires the educational postservice awards to be channeled through the U.S. Treasury and the Corporation, which will necessitate the development of an extensive tracking system for all national service participants for up to 9 years after they are working in a national service program.

It establishes three separate clearinghouses to provide training, technical assistance, and information on service learning and national service—additional clearinghouses for each can be established at the discretion of the Corporation. A center for research training on voluntarism also is established.

It authorizes additional national service corps programs under the Department of Defense, which is the Civilian Community Corps, and the Departments of the Interior, Agriculture—Public Lands Corps, formerly the Youth Conservation Corps—without requiring administrative collaboration or joint program planning between the Corporation and Federal agencies administering these programs.

Mr. President, in a way it gives you a headache to go through all of that. I just worry that, again, we lose the essence of what we are trying to accomplish. I can count votes. I know I do not begin to have the votes for my substitute, and S. 919 is going to pass. There have been some improvements made, and there will be additional improvements made. I think all of us addressing the issue here today want to see it succeed. But if we get so tied up in the paperwork that is required, I think we will find it very difficult to accomplish what we all really want to see achieved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I rise today in support of S. 919, the National and Community Service Act of 1993. With the passage of this program, students will have the opportunity to earn money for college or technical school while taking part in the most important opportunity society has to offer: Service to our communities.

Under this plan, students will work in one of four areas: Education, human services, environment, and public safety. Imagine the potential for our students and our country. Thousands of young people, eager to make a difference, working to fill the specific needs of their communities. In Louisiana, we have programs in place that address illiteracy, child abuse, drug abuse, at-risk children, school dropouts, homelessness, and the list goes on. Programs of this nature give student volunteers the opportunity to reach more and more needy areas.

In exchange for a 2-year commitment, students will receive $10,000 to pay for their education. Students will use the awards to fund the training that is so necessary in today's global economy. The country will have volunteers to address problems, without the worry of debt that may otherwise prevent students from participating in such a rewarding experience.

The Democratic leadership council and the Progressive Policy Institute, which I am proud to be involved with, have been leaders on this issue. National service will fill the gap between the cost of a college education and Federal grants, enabling every student to pursue his or her goals.

When President Clinton unveiled his National Service Program on April 30 at the University of New Orleans, he brought attention to existing service programs that will be part of this new initiative, programs like the cooperative effort between Tulane and Xavier Universities that will continue to tap the interests of our college students and show them the rewards community service holds.

Opponents of this bill have put too much emphasis on the potential costs of a national service program, ignoring its long-term benefits to the society at large. These opponents have ignored two important facts. First, this initiative will expand opportunity by increasing access to college and postsecondary education for all Americans. Second, through community service, we will launch a systematic attack on the social problems facing our Nation. Together, education in exchange for community service will create a better balance between the rights and responsibilities of citizenship. President Clinton has said that we can no longer expect the Government to give without expecting something in return. National service is the ideal pairing of those rights and responsibilities.

Finally, let me point out that national service forces us to reevaluate what it means to be a citizen in this country. We must rely on ourselves to solve social problems, not a Government bureaucracy. I look forward to the passage of this bill and the new horizons we will open for all involved.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes and 15 seconds.

Mr. KENNEDY. How much time remains to the other side?

The PRESIDING OFFICER. Fifteen minutes and ten seconds.

Mrs. KASSEBAUM. Mr. President, I would use about 3 more minutes and then yield back any remaining time.

Mr. KENNEDY. Then I might go ahead.

Mr. President, I yield myself 2 minutes.

Mr. President, I wish to take this time to pay tribute to the Kansas Serve America Program that has been sandbagging in Kansas City, the Youth Corps Members from Kansas City, and to those assisting with debris removal and relocation efforts, repairing roads, working to help individuals in private homes, preparing devastated areas for repopulation.

There was some talk about whether we are involving young people. I think anyone who can visit those individuals and know the work they are doing would have to be impressed by how the existing program, the community service program is actually reaching out.

I will take this chart, Mr. President, and review it since it has been used by my good friend from Kansas on this matter.

Just look at these items here, the ACTION Program, true, that is in existence at the present time. We are trying to bring all of these actions into the Corporation of National Service. We believe that to be essential and necessary. So we are in the process of trying to collapse that at the present time. That is in existence irrespective of whether or not we accept the amendment of the Senator from Kansas.

Look at these programs: Department of Defense, Department of Education, Department of Agriculture, Department of the Interior. It was the Bush administration that requested those departments to develop these programs. Now we hear opposition to it because various agencies of Government developed them.

You have other agencies that can stretch right over here.

I would hope we can stretch that way over here so that we have the departments and agencies of Government trying to work it out and trying to help our fellow Americans. That is what these programs are all about.

So we have the corporations, in existence at the present time—the State commissions are in existence at the present time—that are going to use those State commissions at the present time. It is so interesting. In these little boxes, we have participants, participants, individuals who have been involved in this program.

Mr. President, I want to give the assurance that we are attempting to streamline this program. And we think that the most effective way of streamlining the administration of it is by the program that has been reported out of our committee.

Mrs. KASSEBAUM. Mr. President, I would only add that I think there have been efforts made to improve the original bill. And I have expressed earlier my appreciation for that.

I would say that I think we should consider the seeds that we are sowing here today. I must say, I was one who voted against these additions in the Bush administration. I have to say, though, I think they have worked well.

But I still believe that we do not necessarily do these things without considering the next step along the way.

I believe the alternative that I have put forward offers a sound structure upon which to build a program that makes sense for both those who serve in it and those who are to be served by it.

Mr. President, I urge support for my amendment to Senate bill S. 919.

I yield the floor.

Mr. GLENN. Mr. President, I would like to discuss the structural problems with the amendment in the nature of a substitute offered by my colleague from Kansas. Before I do that, however, I would like to explain the involvement that I and my staff have had with the Labor Committee bill, S. 919. The Governmental Affairs Committee has been working closely with the Labor Committee staff on the bill to strengthen its provisions for accountability so that taxpayer money gets spent as it is intended to be spent. I am pleased with the results of our cooperative efforts. We have clarified the clear delineation of authority between the President of the Corporation and the Board of Directors, established merit guidelines for the personnel system, solidified the authority of the GAO to audit, and emphasized the requirement for a chief financial officer.

In addition, to further strengthen accountability, I will be offering an amendment to S. 919 which adds additional safeguards for the funds appropriated. So, I am very familiar with the provisions of S. 919 to try to proactively avoid fraud, waste and abuse, and build in fiscal responsibility. And with my amendment, which I will detail at the appropriate time, I am comfortable that S. 919 goes a long way to avoiding problems we have had in other Government agencies.

Unfortunately, I cannot say the same thing about the amendment offered by my esteemed colleague from Kansas. Her amendment does not include much of the work done by Governmental Affairs staff, and therefore is far more open to misuse of Government funds. For example:

The Director of the Corporation reviews and approves grants, hires all personnel, and sits on the Board of Directors which is supposed to review the plans for grants and personnel. This consolidates too much authority in one person.

There is no management structure in the amendment. The Director has the exclusive authority to devise a management structure and appoint personnel, without the approval of OPM.

The substitute amendment does not create a chief financial officer. A CFO is vital to ensure fiscal accountability by producing auditable financial statements.

There is no provision in the substitute amendment for GAO or IG access to grantee records in order to allow them to be audited.

The amendment allows unlimited funds to be transferred to another agency. This provision may violate appropriations law.

There are no provisions made for current ACTION employees, such as RIF—reduction in force—procedures which are required by civil service law. These employees are simply not mentioned.

Along those lines, the amendment does not incorporate civil service tenets, and ignores title 5.

The amendment is inconsistent in its drafting. It does not amend the Inspector General Act appropriately, and is not consistent with it.

Many of these issues have specifically been addressed and remedied in S. 919. Speaking simply on the issue of good government and good management—S. 919, with the amendments of the Labor Committee and with my amendment, will guard taxpayer money far more than the Kassebaum amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield any time I have remaining.

I ask for the yeas and nays.

Mr. KENNEDY. I yield back whatever time remains.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Akaka). The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. Dodd] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. Coats] and the Senator from North Carolina [Mr. Helms] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—38

Bennett
Bond
Brown
Burns
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Coverdell
Daschle
DeConcini
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—3

Coats
Dodd
Helms

So the amendment (No. 603) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have a list of the amendments. We are eager to be able to try and accommodate the Members on these amendments to the extent that we can and also to debate the differences if we cannot.

We would like to invite those Members who are prepared to offer those amendments to come to the floor and talk with Senator Kassebaum and myself about those amendments.

I believe the Senator from Ohio has an amendment which we will accept. We planned to alternate back and forth between the sides to consider them. But we are very hopeful that we will be able, after we dispose of that, to move quickly on to another amendment.

The PRESIDING OFFICER. The Senator from Ohio [Mr. Glenn] is recognized.

Mr. DODD. Mr. President, will the Senator yield?

Mr. GLENN. Mr. President, I yield for a moment, without losing my right to the floor, to the Senator from Connecticut.

### POSITION ON VOTE NO. 202

Mr. DODD. Mr. President, the distinguished Senator from North Carolina and I, along with other Members, were conducting hearings in S–116 on ambassadorial positions, and the clock did not work. We had no idea that the vote was occurring here, and we arrived on the floor too late to cast our votes.

Had I been here I would have voted against the Kassebaum substitute. I say that with all due respect to the Senator from Kansas.

I regret that I missed that vote. But I want the Record to reflect where I would have stood on it.

I apologize for missing the vote but it was due to mechanical failures that caused us to miss the vote. We were literally 100 feet from here. I say that is the irony of it all.

Mr. HELMS. Mr. President, will the Senator yield to me 1 minute?

Mr. GLENN. I yield.

### POSITION ON VOTE NO. 202

Mr. HELMS. Mr. President, I join the Senator. It does not matter a whole lot, because the vote was not close, but had I been here I would have voted in the affirmative, and I want the Record to show that.

The PRESIDING OFFICER. The Record will so show.

The Senator from Ohio.

AMENDMENT NO. 605

(Purpose: To amend the Inspector General Act of 1978 relating to the Corporation for National and Community Service, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 605.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 264, insert after the item relating to section 203 the following new item:

Sec. 204. Business plan.

On page 458, strike out lines 17 and 18 and insert in lieu the following:

"(6) receive any report as provided under section 8E (b), (c), or (d) of the Inspector General Act of 1978;

On page 468, beginning with line 15, strike out all through line 2 on page 469.

On page 488, strike out lines 14 through 22, and insert in lieu thereof the following:

(h) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of section 6(a) (7) and (8), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the President of the Corporation for National and Community Service transmits any report to the Congress under section 5 (a) or (b), the President shall transmit such report to the Board of Directors of such Corporation.

"(c) No later than the date on which the President of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the President shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The President of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the President of the Corporation, the President shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the President of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2)."; and

(B) section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

On page 489, line 5, insert "or subsection (h) (2) and (3)" before the comma.

On page 501, insert between lines 5 and 6 the following:

**SEC. 204. BUSINESS PLAN.**

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer. Not later than 9 months after the date of enactment of this section, the President shall identify all functions of ACTION to be transferred to the Corporation.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

On page 501, strike lines 15 through 23 and insert in lieu thereof the following:

"(1) SUBTITLES B, C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles B, C, and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $434,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

On page 559, beginning on line 5, strike out all through line 17.

On page 559, line 18, strike out "(d)" and insert in lieu thereof "(c)".

On page 560, line 4, strike out "(e)" and insert in lieu thereof "(d)".

On page 560, line 8, strike out "(f)" and insert in lieu thereof "(e)".

On page 560, line 12, strike out "(g)" and insert in lieu thereof "(f)".

On page 560, line 16, strike out "(h)" and insert in lieu thereof "(g)".

On page 561, line 5, strike out "(i)" and insert in lieu thereof "(h)".

On page 561, line 11, strike out "(j)" and insert in lieu thereof "(i)".

On page 562, line 5, strike out "(k)" and insert in lieu thereof "(j)".

On page 562, line 9, strike out "(l)" and insert in lieu thereof "(k)".

On page 562, line 15, strike out "(m)" and insert in lieu thereof "(l)".

On page 562, line 19, strike out "(n)" and insert in lieu thereof "(m)".

On page 563, line 1, strike out "(o)" and insert in lieu thereof "(n)".

On page 563, line 8, strike out "(p)" and insert in lieu thereof "(o)".

Mr. GLENN. Mr. President, I sent the amendment to the desk. It has been reported.

First, I thank Senator KENNEDY and the Labor Committee for all their fine work on this bill.

The Government Affairs Committee has been working closely with the Labor Committee staff on the bill to strengthen its provisions for accountability so that taxpayer money gets spent the way it is intended to be spent. I am pleased with the results of our cooperative efforts. We have clarified the clear delineation of authority between the President of the Corporation and the Board of Directors, established merit guidelines for the personnel system, solidified the authority of the GAO to audit, and emphasized the requirement for a chief financial officer.

These are all good changes which substantially improves the bill.

The premise of this bill is very good. The basic premise is, doing good for your country does good for you, too. I think it is important that we encourage all the citizens to give time and energy and by repaying them, giving them opportunities they might not otherwise receive.

S. 919 creates those opportunities, but at the same time, we, as taxpayers, must be concerned about how our dollars are spent. That is the reason we focused on the accountability measure, things that normally come under the Governmental Affairs Committee. That is the reason I am offering this amendment.

The amendment further strengthens the accountability and good government measures we built into the bill.

First, it requires the National Service Corporation to submit a business plan to the Congress detailing the way they are going to do business before $1 of grant money goes out the door. The business plan includes information about the Corporation's own internal controls, about staffing, about information resource management, and audit and investigative functions.

We want to do this in advance, and that is not often done on legislation like this. But that is important now to make sure every dollar gets spent properly.

To expand on the audit and investigative functions for a moment, I anticipate that the IG will be integrally involved in the determination of appropriate audit and investigative functions. We would like to see the IG working with corporate management to ensure that grants are handled in the most efficient, cost effective manner, and that they are easily reviewable. I would like to see the IG working with the chief financial officer to design the financial computer systems so that the financial statements can be easily audited.

I would add that you know GAO a short time ago said that there are some 400 different accounting systems in Government. We do not want to perpetuate that. We want to cure that kind of problem.

The purpose of requiring this business plan is to ensure that the Corporation officers recognize right from the beginning that they need to plan, and explain to Congress, how their funds are going to be safeguarded. For example, how many top level managers are there going to be? What will the responsibilities of the managing directors be? When and how are grants going to be audited? These are questions that I would like to have answered before money goes out the door. That is what we do with this amendment.

My amendment also creates the Office of Inspector General for the National Service Corporation within the IG Act, and adds some reporting requirements which will ensure that the Board of Directors is kept fully informed. This makes the IG Act, which is in the Governmental Affairs Committee jurisdiction, internally consistent, while ensuring that the President of the Corporation and the board of directors are working closely with the IG.

It is very important that both the President and the Board of Directors of the Corporation recognize the valuable contribution that the IG can make to the Corporation in its initial stages, and later on as the Corporation becomes established. The IG should be involved as an independent, yet participatory player in the creation of the audit plan and other information required by the business plan.

The provisions that I am offering in this amendment are geared toward promoting an effective, efficient good government model.

I believe both sides of the aisle have cleared this. Senator KENNEDY and Senator KASSEBAUM have agreed to accept this amendment.

I think the amendment adds important accountability provisions to S. 919. I urge the adoption of this amendment and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to thank my colleague and friend, the chairman of the Committee on Governmental Operations. We have tried to work closely with the committee, and in particular with the chairman, in terms of establishing the administrative machinery for this program, with the clear idea of keeping this administrative program as lean and mean as we possibly could, recognizing, as we have said frequently, and as we hope to do, that we will have the whole generation of voluntarism develop from the bottom up.

But we recognize, as a governmental program, that we have to respond to about seven or eight different existing personnel statutes. The chairman of the committee has spent a great deal of time, and his staff has, in helping and assisting us. We are going to call on his expertise as we could move through this process of consolidation of the various programs in terms of ensuring that the interested individuals who are affected by these consolidations, that their interests will be fairly represented.

But what has been most important is setting up the kind of financial integrity for this program, in terms of the roles of the inspector general, and ensuring effective kinds of accounting procedures and personnel procedures which are absolutely essential in every program. I think that we have benefited invaluably by the way that this has been achieved and has been done.

As we draft the legislation with regards to furthering the concept of voluntarism, in many instances our eye is not on the kind of target that the Senator from Ohio has his eye on in terms of very effective, tight administrative accounting and review procedures to ensure that whatever is appropriated is going to do the job that should be done.

So I am going to urge the Senate to accept the amendment. It is, I think enormously constructive and helpful. I want to give the Senator the assurances that we will work closely with his committee and that even after this becomes law we want his constant input into the program and we will welcome his intervention.

I see my good friend the Senator from Pennsylvania, who has been floor managing this bill, Senator WOFFORD. One of the first things that was done in the Peace Corps when Sargent Shriver set it up was that they hired four investigative staff reporters. Mr. Shriver asked those investigative reporters to go out and find the trouble spots before the President or before other investigative reporters would find them. And they established, through those recommendations and procedures, enormously effective accounting procedures.

We are very, very interested in following a similar kind of approach to make sure that we retain the confidence of the American people. So I thank the Senator from Ohio.

Mrs. KASSEBAUM. Mr. President, the amendment of the Senator from Ohio has been cleared on this side of the aisle. I think Senator GLENN has made a very constructive approach and I would certainly feel that we should give a unanimous approval.

Mr. GLENN. I thank the Senator very much.

Mr. President, I was just told by floor staff that there needs to be a couple of changes in the way it was drafted, the preamble or something. I hope we can work that out immediately.

Mr. KENNEDY. Mr. President, just finally, with the recommendations on the prevention of fraud, waste and abuse, I would expect that this will probably have the tightest financial reporting and accounting and evaluation program of any of the existing governmental programs.

At least I will make that assumption. The Senator from Ohio has represented that to me on other occasions and I will represent that to the Senate.

What I would like to do, if it is agreeable with the Senator, as the matter is being drafted, is to move on to permit others to speak. And as soon as it is drafted, if it would be agreeable with the Senator, we could move towards acceptance of the amendment, if there is no further need for discussion.

Mr. GLENN. If we could set this aside. As I understand it, these are technical changes. We have already had our discussion of it and it has been accepted. We have to correct the numbers in the way of different sections. I think that is what the problem is. If we could set it aside, then it could be agreed to by voice vote this afternoon.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I want to share with the Senate my thoughts, I can say almost Hamlet-like thoughts, about this particular legislation.

Some months, ago, Mr. Eli Segal and Nick Lowry from the Kansas City Chiefs were nice enough to visit me in this office and talk to me about the National Service Program and ask me for my support.

I have to say I was tugged in the direction of supporting the legislation, or at least the concept of the legislation. I have been thinking about it ever since, because much inside me says that is a wonderful idea; that the idea of the Federal Government encouraging national service is something that is positive. National service is something that is positive. There can be no doubt about that at all.

I have been bothered, though, about this concept, as I say, within my own mind, going to and fro in Hamlet-like fashion about exactly how I feel about the legislation. For reasons I am about to state, I am troubled by it and my concerns about it outweigh the pull to support this National Service Program.

I want to say, first of all, the idea of voluntarism and the idea of the private sector and other wonderful things going on throughout this country is something that very personally motivates me. I have had the great privilege in my life of spending what is now a quarter of a century in the public sphere. That is what I do for a living and I have done it ever since the 1960's. I have been in Government.

Unlike some people who have left public service grousing about it and saying how terrible the whole experience has been, I leave it with exactly the opposite sense in my mind. To me, the public sector has been very positive and, hopefully, an opportunity to do some good. But I have also always wanted there to be a life beyond the Senate, a time to return home, a time to go back to the people who sent me here and to the place where I grew up, not just in an effort to make some money but, hopefully, as an opportunity to do some good things, some good things that are not governmental.

I really believe that there is so much that needs correcting in this country that is never going to be corrected in Washington. We deal, in the Congress of the United States, with what to do about the dreadful plight of so many people in our cities, particularly black Americans who have had poor educations and few opportunities in life. We have developed programs, and I am sure some of those programs have been helpful. I know they have been. But I really believe that out there in the country, out there in our communities and places like St. Louis, where I am returning, that the people and the institutions that exist out there are going to end up having more to say about whether or not life is going to be made better for those who have not had such a good life—they are going to have more to say about that than anything that we do here in Washington, DC.

So the notion of volunteers and the notion of service is something that is very positive. And what goes on in the service sector clearly relates to Government. There is no question about it. We recognize this in our tax laws. We exempt charitable organizations from taxation. We provide incentives for individuals to contribute their resources to nonprofit organizations by providing them with charitable deductions for those contributions. I personally have favored the idea of providing vouchers for families to send their children to the school of their choice, including private schools and including church-related schools. Why? Because it is clear to me that Government, by its policies, can enable those who are doing good things in communities to continue to do good things and to expand their realm of opportunity as well. Government helps the private sector. Government helps the volunteer sector. There is no doubt about that. And in some selective opportunities, the Government has actually created the programs itself.

The Peace Corps—what a wonderful program that is. I can remember vividly going to a village in rural Senegal and seeing a young American living in a hut with a Senegalese family; living in the most frugal possible way. He had lost 40 pounds or so in something like 6 months. The Peace Corps made that possible. And it is a wonderful program. The VISTA Program, the ACTION Program—these are very positive. So the notion of the Government asking itself, What can we do to help? What can we do to encourage the private sector? What can we do to encourage volunteers? That is positive. That is good. The aim of this legislation is a laudable aim.

But, as I say, in Hamlet-like fashion I have some problems with it and I want to share with the Senate what those problems are. It seems to me that to create a general principle that the Federal Government is going to pay people to be community servants is to create a faulty general principle. There are times when we will want to pay people to perform community service because by paying them a stipend, we can enable people who are not otherwise able to afford to perform community service. We can provide them with that opportunity. But this legislation operates on a different principle.

This legislation operates under the principle just articulated by Senator GLENN who said, "In helping your community, you help yourself." This legislation says that in addition to enabling people to do something which they might not otherwise be able to do by providing them with a stipend if they are financially strapped, we are, as a general principle, going to provide them with scholarship assistance for 2 years, up to $10,000—$5,000 a year—no matter who they are. Whether they are rich or whether they are poor or whether they are anywhere in between, we are going to provide them with something of value, something of economic value, as a quid pro quo for doing public service. In other words, this is going to be something that will be compensated, not just enabled, but compensated, paid for in cash or the equivalent of cash—paid in consideration for a service.

(Mrs. MURRAY assumed the chair.)

Mr. DANFORTH. Madam President, I simply raise the question whether that is voluntarism anymore; whether somebody who is paid to do a service is any longer exercising the altruism which we want to recognize by virtue of creating this legislation in the first place.

Are we inadvertently transforming people who want to serve into hirelings? Is that what we are doing in this legislation by providing something that is worth money to people, whether or not they need that money, in order to perform the work? That is something that bothers me.

There is a second thing that bothers me as well. It is underscored by the amendment that Senator GLENN is about to offer. He talked about the importance of this National Service Corporation having an inspector general and having audits and having every penny monitored and audited, and so forth. In a way, who can object to wanting to make sure that money is well spent? But it also, I think, underscores perhaps the main problem with this legislation, which is the bureaucratization: the governmentalization of good works.

We are not creating a National Service Corporation to undertake one definable responsibility, such as the Peace Corps, providing assistance to people in foreign lands. This is not a defined, specific purpose that we are dealing with or that we are enabling through this legislation. Rather, it is a general concept that all kinds of volunteer organizations, all kind of service organizations throughout the country are now going to be chasing dollars that are going to be made available by our Federal Government; that there is going to be a Federal operation, a governmental operation, a governmental corporation, and the governmental Corporation will set out the standards for what is especially useful and good for the private sector to do in its voluntarism and what is perhaps not as desirable, as far as our Federal Government is concerned.

Just as colleges and universities chase the Federal dollar by designing their research projects in order to conform with the perceived needs and priorities of the National Institutes of Health, the Department of Defense, or whoever else is providing the research money, is it not possible that those people in St. Louis, or Kansas City, or throughout the country, who want to provide some public service are now going to define that service and develop that service in a way that meets the established priorities of the National Service Corporation?

Madam President, we want national service, and the Federal Government does now interact with the private sector in providing volunteer services. There is no doubt about that. The issue is how far do we go? The issue is a matter of degree. The issue is not whether the Federal Government has some relationship with various social service organizations, because it does today, but rather the question is the degree of control.

When the Federal Government establishes a board, and that board has money to spend and that board determines what is useful and what is not so useful, what is good and what is not quite so good, then, it seems to me that what we are really saying is that there are people in Washington, DC, connected with the Federal Government, who really have the right idea about what the good people of St. Louis and Kansas City, and all throughout the country, should be doing in order to serve their fellow human beings.

I believe that the heart of America really is in the heart of America; that the strength of the country, the soul of the country is somewhere out there. Maybe we should be a little bit reticent about putting our hands on the heart and on the soul of the country, just a little bit reticent. I think what bothers me about this legislation is not that the intention is not good. The intention is very good. But what bothers me is the absence of reticence, the absence of a sense that the heart and soul of America are somewhere other than in Washington, DC.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

AMENDMENT NO. 604

(Purpose: To delay the effective date of titles I, II, and IV of the bill until the deficit increase resulting from fiscal year 1993 emergency spending is eliminated)

Mr. COVERDELL. Madam President, I call up amendment No. 604 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 604.

At the end of the amendment, add the following:

**SEC. . DELAY OF SPENDING UNTIL FISCAL YEAR 1993 EMERGENCY DEFICIT INCREASE IS ELIMINATED.**

The provisions of titles I, II, and IV of this Act shall not take effect until the Director of the Office of Management and Budget certifies that the total amount of deficit increases for fiscal year 1993 resulting from budget authority contained in supplemental appropriations Acts and declared to be emergency spending under the provisions of section 251(b)2(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 has been eliminated through rescissions and transfers of funds.

Mr. COVERDELL. Madam President, while this amendment does not directly speak to the merits of national service, it speaks to the procedure by which the program would be funded and, more specifically, it speaks to the manner in which we carry out the people's business and the utilization of the tax dollars received by the Federal Government.

As everyone knows, I have just come here out of the 1992 elections. It was an election for which we had more of the American people speaking than any in contemporary history. In every way they knew how, I believe they were saying that Washington, the Federal Government, must do something about the manner in which we manage the people's business and, more specifically, the manner in which we manage their hard-earned dollars.

This year, on April 21, we appropriated $4 billion which went straight to the deficit in the name of "emergency." It was not within the normal budget process.

On July 1, we once again added another $1 billion to the deficit. Today, beginning its way through the process, we are attempting to deal with the enormous disaster occurring in our country throughout the Midwest. The House has suggested $2.8 billion that would be added, because of an emergency status, directly to the deficit. And, of course, I think everybody recognizes that is but a portion of what is likely to be needed; property damage in the Midwest is already reaching $6.2 billion, and crop losses over $2 billion.

Pressures to appropriate money to meet this horrible condition in our own country will be enormous, and understandably so. How could any of the Members of this Senate or this Congress be unmoved by the individual tragedies occurring on a daily basis in our country?

What my amendment argues is that some of the things we would like to do, some of the other things that are being suggested to be done, such as national service, may have to take a back seat to the emergencies occurring in our country, whether it is unemployment or whether it is a disaster in Iowa, Kansas, Nebraska, and Minnesota.

The American people have said, as I said a moment ago, loudly and clearly that you cannot continue to just add one thing on top of another and then another and then another, adding to the $4.3 trillion, soon to be $5.4 trillion, debt.

We have spent the last 6 months arguing fervently over the deficit and what builds the deficit and what can be done to cure the deficit. I cannot think of anything more fundamental than to force ourselves to discipline ourselves to make choices about when we can and cannot do things.

As I said, this amendment does not argue to the merits of these specific proposals on national service. But it does suggest that until we can take care of those matters for which we do not have funds and until we have covered those costs, it would be appropriate to wait before we begin expending these moneys on yet another new program at the Federal level.

Maybe we could equate this to a family, a family in the Midwest right now that was planning on sending a child to school. Perhaps they envisioned moving to a new home. And because of the circumstances, the emergency status that they now face, they will have to delay for perhaps a year or two going on to college. They may have to delay the acquisition of new property. They may have to delay the establishment of a new business.

The Federal Government, this Senate, must begin the same process. It must begin the process of establishing priorities, understanding that we cannot necessarily do everything we might want to do all at the same time.

Virtually every comment I have made in the short number of days I have been here has dealt with the establishment of new rules of the road, new methods by which we set priorities and discipline ourselves about spending.

I hope this amendment will become a benchmark by which we might measure others here. It is merely saying that until we take care of the national disaster with which we are confronted and the other two appropriations we have already declared an emergency, other things will have to be set aside until such time as those obligations have been settled, and then we might move on.

Madam President, I ask for the yeas and nays on amendment No. 604.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I understand the amendment of the Senator. I am interested, does the Senator intend to offer these kinds of amendments to every other kind of spending or authorizing legislation? The Senator has signaled this one. The Senator is effectively saying that the costs of the flood in the Midwest and the other emergencies which the Senator has identified, until we meet all of those costs we will not be able to do national service programs irrespective. I am certainly going to do what is necessary to help and assist our fellow citizens in that part of our country.

But do I understand when the Senator mentions a benchmark, he is going to offer this kind of amendment on all the other authorization bills, to try to put the amendment in some kind of context, or is the Senator just doing it for voluntary service?

Mr. COVERDELL. Madam President, it had been my thought, as I said, in coming to the Senate that the American people were desperately worried about the manner in which we manage the financial affairs of the country, and I have been looking for every procedure and process as a form of discipline that would call upon us to set priorities. My response to the good Senator from Massachusetts is that conceptually, yes, this is a concept that I envision broadening and bringing before the Senate on more than one occasion and on other matters. If the Senator is asking would that be the case in each and every case, it would be very difficult, almost impossible, for me to answer. But it is a concept that I believe merits considerable attention.

Mr. KENNEDY. I am not questioning that the size of the Federal deficit does not require a good deal of attention. I am just trying to find out what the Senator is prepared to do, whether he is just targeting that program, national service, or whether he is going to target all other kinds of spending proposals.

I am not sure I understand what the response of the Senator was.

Mr. COVERDELL. My response is, yes, it may be included in other proposals in the future.

Mr. KENNEDY. Does the Senator intend to target the National Institutes of Health on cancer research? How about the Centers for Disease Control that are located in Atlanta, which does such extraordinary work on breast cancer; on trying to deal with some of the public health problems of immunization; also bringing new focus to the violence against women? Does the Senator propose cutting back on that program as well until we pay off all of the emergencies?

Mr. COVERDELL. The Senator is engaged in what might be considered the process by which I believe we have gotten ourselves into so much difficulty here; that is, that every time a Member of the Senate comes forward with a concept of budgetary discipline and priority setting, the first thing that he or she might expect is the suggestion that something of value in his or her district might somehow be negatively impacted. It is really not all that complicated.

I am simply saying that the process of breaking the budget, of setting aside the things in an emergency status, such as we now have done twice and are about to do the third time, ought to be settled before the U.S. Senate imposes yet a new, enlarged concept and burden on the American taxpayer.

I would have to leave it to my judgment and prerogative as to selecting the value and/or the magnitude of the individual item or proposal that might come before the Senate.

Mr. KENNEDY. I think that is fair enough. So we are to conclude that the Senator wants discipline, but wants it with regards to voluntary service. But the discipline in dealing with the budget is going to be subject to what the particular subject matter is.

I am just trying to find out how much discipline the Senator from Georgia is really looking at. I thought he made an excellent commentary about how the people in Georgia want discipline in terms of expenditures and taking every opportunity to have that kind of discipline.

He wants the discipline with regard to this legislation. And we are going to be reauthorizing the legislation dealing with the Centers for Disease Control, to illustrate some of the very, very important work that it does in the areas of public health. I was just trying to find out whether the kind of discipline the Senator wants here is going to be the similar kind of discipline on the Centers for Disease Control and all of the immunization programs and many of the other good works that they are involved in. But I understand that the Senator is not prepared to say whether he will or will not.

Mr. COVERDELL. I accept the Senator's fair question. One of the distinctions might be—and there will be others—whether or not the program is an extension of an existing process or whether it is yet a new Federal program envisioning a new bureaucracy and a new investment over an extended period of time.

It is reasonable for any Member of the Senate to, on any occasion when we are discussing the matter of discipline, to suggest that that ought to be broadly based. But I hope the Senator will understand that, yes, this process that I am introducing here today, the concept of setting an emergency and a standing of higher priority, and assuring that those matters and most obligations are resolved prior to the initiation of new and broad-based programs, will be something that I will continue to follow during the time that I am elected to serve here.

Mr. KENNEDY. Madam President, of course this is really an important expansion of an existing program. I am sure the Senator is familiar with the program that was passed 2 years ago. This is a very important expansion of that program.

Under the Senator's rationale even the amendment of the Senator from Kansas would have effectively been eliminated. I mean, just so the membership understands, that if the amendment of the Senator from Georgia were accepted, and then the amendment of the Senator from Kansas had been offered and been accepted for further consideration, effectively that would have been halted as well.

Madam President, just very briefly, I understand and I respect the Senator's position. I just make these comments. At the time that we are meeting now we have Members of the House and the Senate working together to try to reduce the overall deficit by $500 billion in the next 4 years, even as we are here trying to deal with this issue. We had an opportunity when the budget resolution was here to make the recommendations for further kinds of reductions.

I am not familiar with whether the Senator from Georgia will offer a series of amendments to try to do that or not. That is perhaps relevant to the general thrust of the Senator's argument. But nonetheless, we are dealing with the Senator's amendment at the present time.

Effectively, what the Senator's amendment would do is hold hostage every new initiative. We are going to have some, particularly on public health education, violence against women and other kinds of women's research and other kinds of programs. We are going to have some. But, effectively, we are holding hostage this program and any other program depending upon the needs of people in the Midwest.

I think we ought to accommodate those needs in the Midwest. The Budget Act specifically provides that if there is a declaration of an emergency, and if the House and Senate accept a declaration of emergency, then we will treat that as an emergency and we will not have to have necessary reductions in other kinds of continuing programs. That is part of a whole budget structure and Budget Act. That is what will be done with regards to the particular items, the flood which has been identified, and other kinds of natural disaster.

I would hope that all Americans and everyone in here would support the programs in terms of the flood emergency, and not have to be making choices about whether they want to deal with cancer research or someone's home as a result of the flood. I think that would enormously improve it.

Finally, Madam President, this matter is in the President's budget. There has been a down payment for this in the House appropriations subject to authorization, which this legislation will accomplish, and it will be funded as a result of the Appropriations Committee making a judgment about whether this has a priority or whether some other form of existing spending will have a priority.

There will be that kind of condition. It is consistent with the President's program, it is consistent with the budget resolution. And as the members of the appropriations indicated, they are willing to support this program and are willing to not have added additional spending, but to make the judgments on the basis of selectivity on existing programs. That is a pretty good discipline. This is not an add-on in that respect.

It is going to be a hard decision in terms of existing priorities. So I appreciate the thrust of the Senator's amendment. But I feel that it effectively would gut the whole program.

We are trying to involve the 42 million young schoolchildren in this country for service in the communities, as we have been able to do in one of my cities, Springfield, MA, where you have kindergarten children folding napkins and preparing centerpieces that are used in senior citizens' feeding centers, Meals on Wheels Program, and in the homeless shelter programs; or, the fourth graders that are calling seniors every day, talking to them for 5 minutes in a nursing home every single day, visiting them on the Valentine's Day and on their birthday or sixth graders that are visiting senior citizens in nursing homes and doing the pantomime about the race between the rabbit and the turtle; or those between 8th and 12th grades that are there assisting in day care programs. So that working families are going to be able to have less of the anxiety, which every working family in this country has between 3 and 3:45 every single day of the year, as parents worry about what happens to their children when they are let out of school.

We are not going to solve all of the problems obviously, with this particular legislation, but I think, quite frankly, to hold those kinds of efforts—plus many, many others that we have talked about in the course of this debate—as hostage while we are attempting to provide relief for families in the Midwest is really not sound public policy.

So, Madam President, I hope the amendment will not be accepted.

Mrs. KASSEBAUM. Madam President, I ask the Senator from Massachusetts and the chairman of the committee—and if Senator COVERDELL would have any objection—should we perhaps stack these votes and put this aside? Or would the Senator from Georgia like a vote at this time?

Mr. COVERDELL. I am perfectly agreeable to stacking the votes, or moving it to facilitate the management of the legislation, however the Senators choose to do it. I would just like a vote on the amendment.

Mrs. KASSEBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes, while our colleagues are dealing with some parliamentary issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE NOMINATION OF DR. JOYCELYN ELDERS

Ms. MIKULSKI. Madam President, I want to take this time to express my full support for the nomination of Dr. Joycelyn Elders to be Surgeon General of the United States of America. I cannot think of a more qualified person to protect the health of the American public than Dr. Elders.

Madam President, Dr. Elders has had a long and distinguished record of achievement that makes her very qualified to become the top health official in the United States.

I am not sure many people are aware of Dr. Elders' career. She has been in public health for many years. Her life in public health began as a commissioned officer in the U.S. Army. She went to a small Methodist school during the days of segregation. Dr. Elders and I are about the same age. We came to maturity during the time of segregation, but it was a Methodist school that welcomed her and saw her potential as a talented young African-American woman who, through sweat equity, wanted to put herself through college. When she graduated, she saw an opportunity structure in the U.S. Army and chose to serve in the U.S. Army, where she worked for 4 years as a physical therapist at Brooke Army Medical Center to try to make up for a shortage of physical therapists.

Dr. Elders' talented hands helped men and women of the U.S. military restore their own health. And then a grateful nation said to Dr. Elders, we have here a GI bill of rights, and then Dr. Elders went on to medical school under the GI bill.

She has been a veteran of the U.S. military, and she has been a veteran against the wars of poverty, disease, teenage pregnancy, and other issues. This is what this country is all about. You help America, and America says we want to help you, the people who are willing to put out their own sweat equity.

Dr. Elders helped vets get well and get on with their lives. Many people do not realize that she was the veteran of the year in her own community.

Dr. Elders had a vision of a future that women of her generation could not have imagined—and I love I am of that generation—and that was to be a doctor. Wow! That was something that was designed primarily for men. But to be an African-American woman who was going to be a physician, that was even more rare.

She told me when we spoke last week that it was during her time in service to this country that going to medical school really became an achievable dream for her and, boy, how blessed we are, because it was in medical school that she began to focus on what was to become her great passion in life: to improve the health of this Nation's children. She went on to become a pediatrician, and not just any pediatrician, a pediatrician specializing in the field of endocrinology, a sophisticated field in which to help people.

She is a pediatrician with a perspective. While she treated one child at a time in her doctor's office, she was developing a plan to help all children, especially poor and minority children, to be healthy. She has shown, in her 22 years of clinical practice, that she is an outstanding physician.

Her primary area of expertise is in the area of juvenile diabetes. Lots of kids have benefited by the helping hands of Dr. Elders. She has demonstrated over and over again a unique capacity to combine new ideas for public health with an exceptional understanding of medicine.

She turns her ideas into action. She reaches out to children and families and provides them medical and preventive services where they are—and where they are most likely to get them. And this is what has caused the most controversy.

Dr. Elders has won the strong backing of the community for her efforts. She built public health services from the ground up in her own State of Arkansas—through the State and county departments of health, and also working with churches and schools and organizations like the YWCA, and even with business—Arkansas will be a model for the Nation. She is trusted because she knows what she is talking about.

Also, many of our colleagues are not aware that Dr. Elders is an exceptional scholar. She was a full professor of medicine for 11 years at the University of Arkansas Medical School, not only practicing medicine, but publishing over 150 articles on important developments in pediatrics.

Her programs to end teenage pregnancy, reduce infant mortality, and improve the well-being of children and families are all well based on science, as well as street-smart savvy. Her victories fighting disease are too plentiful, too numerous to recount.

It is no wonder that President Bill Clinton chose Dr. Elders, when he was Governor, to head the Arkansas Department of Health. And it is no wonder that President Clinton has asked Dr. Elders to come to Washington to be the Nation's Surgeon General. She is a scholar, an innovator, and an American veteran who will serve this country well in her new role, because Dr. Elders is a veteran of many wars.

I believe Dr. Elders has the proven ability to get people to pull together to improve public health. I can think of no more qualified candidate.

I hope that when her nomination comes to the floor, she will have the endorsement of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL AND COMMUNITY SERVICE TRUST ACT

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Madam President, I have an amendment I would like to present to the desk.

The PRESIDING OFFICER. At present there is an amendment pending.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield to the distinguished leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I thank my friend and colleague from Vermont.

## VISIT TO THE SENATE BY THE PRESIDENT OF THE SENATE OF FRANCE

Mr. MITCHELL. Madam President, and Members of the Senate, on behalf of all of the Members of the Senate, I welcome to the Senate Chamber the Honorable Rene Monory, the President of the French Senate.

President Monory and I have been meeting, along with Senators DOLE and PELL, in the past half hour to reaffirm the very strong and close ties of friendship that exist between our two countries, the United States and France.

All Americans know, of course, that the French people played a large role in the independence of the United States, in the formulation of our country, something for which we have been and will be always grateful.

It is always a pleasure to welcome our friends and colleagues, and in this case a fellow member of the Senate from France. I want all Senators to please join me in welcoming President Monory to the Senate. [Applause.]

I ask that those Senators present to take a moment to introduce themselves to and to greet President Monory.

### RECESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there be a recess for 3 minutes for that purpose.

There being no objection, the Senate, at 4:42 p.m., recessed until 4:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. MURRAY].

## NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

### AMENDMENT NO. 606

(Purpose: To require the Corporation and the States to establish national service priorities)

Mr. JEFFORDS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 606.

Beginning on page 19, strike line 21, and all that follows through line 5 on page 20 and insert the following:

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically alter priorities as appropriate regarding the types of national service programs to be assisted under section 129(d) and 129(b) and the purposes for which such assistance may be used.

"(B) BY STATES.—States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1).".

On page 33, line 3, strike "may" and insert "shall".

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I allowed the amendment to be read because I wanted to make sure that all those who are following this bill are aware of the amendment that I am offering. It is an important one and one that I believe will be accepted.

The purpose of this amendment requires that the Corporation and the State commissions establish clear priorities for funding national service programs. Only programs which demonstrate how they will achieve the priority set forth by the Corporation or State commissions will receive the grant.

My colleagues have heard me argue this issue before. This provision is an essential element to the creation of any new community service bill which provides such generous rewards for its recipient. Without clear priorities, there is no justification for large awards nor can we assure that the work of the participants is truly addressing the critical needs of this country.

We are creating a program which will start out small. But, if it works as well as I and many of us who support it, it should and could turn into a huge national program. So, it is critically important that it gets started out correctly.

For that reason it is essential, when it is in its infancy and just benefiting a small number of individuals that we be able to measure its success.

The only way you can measure success is to ensure that there are specific goals which are delineated and that the programs are oriented to making those goals come to fruition. If we do not have clear goals it will be difficult to determine whether or not the National Service Program is working. That is the purpose of my amendment. Without this mandate we risk creating a program with no priorities.

So I think it is critical and vital that we make sure the program gets started right. Thus, this is the reason for this amendment.

I think it is a commonsense, reasonable one. I hope that it will be supported by both sides of the aisle.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I think this is an eminently reasonable recommendation and amendment, one which I can support quite enthusiastically.

Obviously, there should be priority areas for the National Service Program. Under the Jeffords amendment, as I understand it, it does not require that every single program fall within the priority area. But it will ensure that a significant number of programs funded will meet those prioritized needs.

It seems to me that makes a good deal of sense.

I certainly would support the amendment and urge our colleagues to do so, as well.

Mr. JEFFORDS. Madam President, I wanted to clarify that if I may.

Priorities must also be established by State commissions. For the one-third share that goes directly to the States, they must have their own priorities. These may or may not be different from the national priorities.

The other two-thirds of the funds, controlled by the Corporation, would have to be distributed according to national priorities. Those priorities would be established by the Corporation through the strategic plan process.

Mr. KENNEDY. As I further understand it, even with established priorities, you are not suggesting every single program would have to necessarily fall within that particular priority.

Mr. JEFFORDS. Well, the intention of this is to provide the Corporation with the ability to ensure that what they have available as resources can be utilized for national priority programs. It does not mean that each of these national priorities would have to be funded equally, nor would it require the States to fund each of these equally. They would be given flexibility. But, to be eligible to receive funding through the national Corporation the applicant must show how it will address the national priorities.

Mr. KENNEDY. Madam President, we had, even in the previous administration under Admiral Watkins, as the Senator might remember, an effort to try to get governmental agencies to develop outreach programs and involve citizens.

As part of this, the Department of Energy, for example, developed a program to provide for environmental cleanups. Other agencies also had programs. I can think now, just off the top of my mind, we had the Small Business Administration developing programs involving the business community.

I think it is a worthwhile idea and recommendation. I urge that the Senate accept the amendment.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I know of no objection on this side of the aisle.

Mr. KENNEDY. I ask, Madam President, that the amendment of the Senator from Georgia be temporarily set aside so that we could consider the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask that the amendment of the Senator from Vermont be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 606) was agreed to.

Mr. KENNEDY. I thank the Senator.

Madam President, for the benefit of the Members, we have three amendments that we expect to be considering. We have the Coverdell amendment, which I hope we will vote on in tandem with two other amendments offered by the Senator from Arizona, Senator MCCAIN, and the Senator from Oklahoma [Mr. NICKLES]. We are waiting now.

It would be our desire, if agreeable with the sponsors of those amendments, to vote on them after an opportunity to debate those amendments. This will accommodate some of the Members who are at the present time in the conference on the budget and permit those negotiations to continue.

We are urging other Members who have amendments to let us know about them at the present time. I and Senator KASSEBAUM are attempting to gather the other amendments. Soon, I hope that the majority leader, with the understanding of the minority leader, will be able to decide the course of action for the Senate.

But as I understand it, from being around here for awhile, unless we can agree on the number of amendments, it will be very difficult to set a definite course of action for tonight, tomorrow, and perhaps even Friday.

So I hope that those Members who are interested in amendments will notify Senator KASSEBAUM or me. Senator KASSEBAUM and I intend to notify Senator DOLE and Senator MITCHELL so they will be able to try and accommodate the greatest number of Members and so we can have a full discussion of those amendments and resolve them.

Mrs. KASSEBAUM. Madam President, I believe this evening the only amendments which at this point will be put forward and on which there will be votes would be the ones by Senator COVERDELL, Senator NICKLES, and Senator MCCAIN. And Senator DOMENICI, I believe, Madam President, is also going to offer his amendment this evening.

Until they come to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. WOFFORD. Mr. President, I would like to respond to the thoughtful remarks of the Senator from Missouri [Mr. DANFORTH] who, after he stated his eloquent concerns and his vision of service, which is obviously deep and lifelong, he characterized the bill before us as the bureaucratization of good works that was going to undermine the spirit of private voluntary service in this country and federalize the concept of service in this country. I just hope before the debate is over and he has reviewed, and others of us have reviewed, the structure of the bill before us and of the decentralized system that has been proposed, he sees that in many respects—I think in the prime respects—this bill is just the opposite of that.

I notice Elizabeth Dole, the president of the American Red Cross, in writing to the other body, to Representative FORD in the House of Representatives, announcing that the American Red Cross supports H.R. 2010, the National Community Service Trust Act of 1993, says:

> We particularly appreciate the proposed act's strong emphasis on:
>
> Renewing the ethic of civic responsibility;
>
> Engaging locally based and diverse organizations in a system of service delivery that is both decentralized and nationwide;
>
> Facilitating the replication of existing successful service programs; and
>
> Providing service opportunities for both stipended and non-stipended participants and for persons of all ages.

Elizabeth Dole goes on to say:

> We understand that community service is neither a panacea for the nation's problems nor a substitute for traditional voluntarism. However, your bill will enlarge the means by which individuals can make a difference in their community.
>
> We look forward to the bill's passage into law and to the opportunity of offering more than one hundred years of Red Cross experience to its implementation.
>
> Elizabeth Dole, the President of the American Red Cross.

Senator DANFORTH suggested that the invitation to the independent sector in American society to design programs for full-time service under this bill is going to turn those programs into the chasing of Federal dollars. What is going to be appealing to the American Red Cross and to all kinds of independent sector organizations is not the money, because they do not get any benefit out of any money; it is the full-time service of some young people who are going to get the majority of their essentially minimum wage supported through this bill and who are going to, in addition, get an educational voucher which they will earn through a year of full-time service. But what comes to the American Red Cross is 10 or 100 or maybe in this country 1,000 mostly young people who they can have as full-time leaders of their programs.

I have seen one private sector organization after another come to life, not with the thought of how they may get some money; what they get is the human being's service for a year, applied to priority programs that those organizations will design and lead, will structure. They will give the crucial leadership that can make the difference whether this program works or not. If it does not work, it will not grow.

The State of Missouri itself has right now a number of those programs that seem to be flourishing. There are 16 VISTA projects. I will submit to Senator DANFORTH the list of hundreds of volunteer service programs that are underway that have been supported through the National Community Service Act.

Ms. MIKULSKI. Will the Senator from Pennsylvania yield for a question?

Mr. WOFFORD. I yield to the Senator from Maryland.

Ms. MIKULSKI. First, I thank the Senator. I know he is tired from being the floor leader on this bill. The Senator from Pennsylvania is well known for his own work in voluntarism and the agencies he has headed up in Pennsylvania.

Am I correct in my analysis that once someone would volunteer, for example, for this modest debt reduction stipend, is it the Senator's belief that the young men and women would continue to volunteer, for example, in Red Cross—or, in a part-time model, if they were Scout leaders—they would then go on? Is this a one-shot deal where the private sector nonprofit organizations would just get a shot in the arm, or would that shot in the arm tend to be sustainable by the very young people who come, that they will keep on doing it?

Mr. WOFFORD. It is my opinion it is a shot in two arms. In one sense, it is a shot in the arm that will enable those full-time participants to leverage, to lead, to engage many, mainly part-time, unpaid volunteers. For example, the corps of such national service full-time participants can engage hundreds of young high school students who need leadership and structure if they are to give a Saturday or afternoon or a weekend of service. That is the one shot.

The other shot is the—the Peace Corps has proved it, VISTA volunteers are proving it, in Pennsylvania, the Pennsylvania Conservation Corps—if you can get the intense experience of a year of full-time service, it becomes contagious. As the Senator from Connecticut [Mr. DODD] said the other day, the most exciting thing that ever happened in his life was his 2 years in the Peace Corps. And the volunteer service sector of society is going to find that coming out of this program are going to be—in the first year 25,000 and, as we grow, more—Americans who have caught the idea of active duty citizenship. They are going to continue, in a lifetime of service, the habits of the heart that we heard about from deTocqueville last night.

Ms. MIKULSKI. I thank the Senator for that. Is it not also true, as he observes voluntarism in Pennsylvania, so many of the groups that are so vital—for example, Meals on Wheels, for one—they do not provide weekend service which these could deal with, which would help? But is there also within certain of the nonprofit agencies an aging profile of the volunteer? I understand among the Meals on Wheels, many of the volunteers, of course, are elderly—for which we are grateful. But because women are now primarily in the marketplace, there is a deficit in volunteers among the number of volunteers, and also the volunteers that do have time are getting older and grayer. And would this not also help the nonprofit organizations, like Meals on Wheels and Red Cross, that are so important in the fabric of our society?

Mr. WOFFORD. In the Red Cross' terms, this will give a transfusion of a lot of new blood, young blood. Yes.

Ms. MIKULSKI. They have been running blood drives for a long time.

I thank the Senator for answering my questions.

Mr. WOFFORD. Mr. President, I would like to give the model of the Pennsylvania Conservation Corps and elaborate on it, because I think it is a clue to the heart of this bill. The motto come from the old CCC Program, but the motto is, "Serve, Earn, and Learn." But first of all it is serve. It is an opportunity to serve that comes at an early stage in life for young people and, therefore, helps them discover that the circle of service after a period of full-time service can be that of a lifetime.

The service summer that we have just begun, as a little beginning of this National Service Program, has found all over this country needs that people say can be met by full-time service, in this case for summer, and in this larger program, for a year.

For example, the immunization project in Philadelphia, and another one I visited the other day in Scranton. The problem of getting American children under the age of 2 vaccinated against diseases they do not have to have and which can inflict lifetime damage and extraordinary costs, is not primarily the cost of the vaccines. There are free vaccines and low-cost vaccines. But there is a lack of a delivery system, a health education system, a lack of people that will reach the mothers, the families, the young people, and connect them with the clinics and the programs where the vaccines are available.

The area of Philadelphia, where there is the lowest record of children having vaccinations they need, which will save them tragedies and save the whole system enormous costs, is getting the volunteers full-time, doing it with intensity and teamwork. And the national service volunteers are doing just that in the city of Philadelphia.

Serve is the first principle. For anyone who thinks that full-time service is somehow undermining the part-time volunteering, I ask you to come and see some of our projects in Philadelphia. Or, I ask you to see the Fraternal Order of Police leaders I met with a little while ago, who say exactly what we need out of our police athletic leagues in areas where we are now moving into community policing and trying to work with the young people in the most devastated communities of our cities are some opportunities for full-time service so that they do not go out into the streets after they drop out of high school or graduate from high school, into drugs, into welfare, and into prison.

They need a challenge, and the challenge of service is what most of us most need: The need to be needed. The young man I talked about the other night who said, "I got tired of people helping me, doing good against me. The first time in my life somebody asked me to help was with the Philadelphia Youth Service Corps." That is what the young people of this country need. Above all they need to serve.

Do they need to serve, earn, learn? I submit they need to earn; that it is part of the American tradition of full-time service. In the first place, if you do not pay a stipend of minimum living expenses, whether in the Peace Corps or domestic peace corps of any kind, you are limiting the people who can be part of it to those who have a lot of means, or people who have an extraordinary art of scrounging off the land. Some people have gone out of Notre Dame with no living expenses, and they lived in basements with priests and they scrounged.

But if we want a quantum jump in full-time service and we want it to have the diversity that the Senator from Oklahoma talked about so eloquently, then there has to be the minimum living expense stipend.

Should there be or does there have to be an educational voucher of $5,000, as this bill makes possible, for a year of full-time service? I submit that though it is not necessary, in terms of the service that some people will give for the sake of service alone, it is good to do. I do not say all of the aid to higher education should be conditioned on service, but I think a year or 2 of full-time service earns you the investment that I had made in me by the GI bill of rights when I was in the Army Air Corps at the end of World War II. I think the investment after service, having that vote of confidence in you to take you on into the world of education, is an investment this country had done well to make.

The Peace Corps has been cited as an example of an organization that did not have a $5,000 educational bonus at the end of the service. That is true and not true, because the Peace Corps' original readjustment allowance, if that were applied to the inflation in college costs in the years since the Peace Corps was formed, would be, as I calculated, not far from this $5,000 allowance we are talking about now.

The service came first: Serve, earn, and learn. But with the serving came that investment in helping the Peace Corps volunteer move into the field of education when they came home.

And certainly that was the tradition of the Civilian Conservation Corps and the national service programs that this body has already approved in the National and Community Service Act of 1990. The demonstration programs for the national service provided the $5,000 bonus.

The City Year, started entirely by private funds in Boston, concluded that a $5,0000 bonus, educational voucher, an opportunity that they could get at the end of the year of service, was something that added to the healthiness of the program.

Remember, you are not seeking saints in this program. You are hoping that healthy, normal, average, mixed motive Americans will participate and work together in it.

We were warned at the beginning of the Peace Corps when everybody said you must make it entirely that of sacrifice and suffering and find only people who are entirely altruistic. David Reeseman came down, a sociologist, and said, "You are crazy. A saint would not need the Peace Corps. Mother Teresa does not need the Peace Corps. You want the normal, healthy Americans with mixed motives, and one of the healthiest mixed motives is, out of this service I am going to get some help in going on to college and higher education."

I say those of us who were in military service understand that, too.

Others are ready to speak, so I will not elaborate on the learn of the serve, earn and learn. But the time will come in this debate when I will have a chance to talk about learning through national service. I understand Senator GRASSLEY is ready to speak.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have been impressed and moved in recent days, as I am sure a lot of my colleagues have, as I have watched my constituents and citizens in other flood-ravaged areas lay aside their own personal concerns and serve their neighbors. The tragedy of Midwest flooding, which has covered the Mississippi River Basin, is unprecedented in its scope and unhindered in its destruction.

But the citizens of the affected States, including my State of Iowa, have demonstrated the spirit of America: Service to one's fellow community members. This is at the heart of voluntarism: People coming from nationwide to serve a devastated area.

Let me provide an example of the kind of voluntarism and service of which I speak. Last weekend—as I go home every weekend—but in recent weekends, I have taken the time to assess the damage to our citizens, the damage to our property, the damage to crops, the loss of jobs. Those of us in public life, having not really been on the front line like the people who are filling sandbags every day, but we are there to encourage them and we go around and help where we can, I tried to assist where I could as well.

I just would like to report what I observed. I think that what we observed in the States of the Midwest, not just in Iowa, is short of amazing.

I remember visiting with people in line at the Disaster Service Center, I think it is called. The facility happened to be Hyatt School in Des Moines, IA, where all of the Federal agencies come in with employees from even other States to help out in our State. Also, the private sector agencies, like the Red Cross, the Salvation Army, the local churches, come in to help people in need.

I had an opportunity to visit with all the patient people who were standing in line at that particular place waiting for help. I remember one woman who was standing there waiting for help had just recently come to our State from another State. She had been devastated in this short period of time by damage done to her personal belongings and also she was in need of help. But she said it was nothing short of phenomenal how much Midwesterners were helping each other, and how patient people were as they stood in line there, and how quickly it seemed people of need were being processed through the paperwork.

She said, and I will not say where she came from, where I came from this never would have happened, neighbor helping neighbor, the level of cooperation, the level of self-sacrifice that she saw in Iowa in the wake of this disaster, how people had put aside concerns of their own circumstances to help a neighbor avoid destruction of his or her property instead.

In this long line of people who had immediate needs, there was not one person complaining, and I think in American society if people are going to complain to anybody, they will surely complain to their political leaders.

I guess I was surprised that there was not one complaint about the work of the Government agencies, because we had seen that in disasters, in past disasters, but I have not heard that and I was not hearing it from those who had need who you would think might be the first to complain that something was not just right.

I would give another example of voluntarism. In Des Moines, on Sunday night, there was a joint church service which I was invited to attend, so I did go. It was something that was very hastily put together by church leaders. Probably no earlier than Wednesday night did they make plans for this Sunday night service. It was held in one of the larger churches of Des Moines, capacity of about 4,000, a place where I have a chance to worship on occasion that I am in Des Moines over Saturday night. About 3,500 people showed up. The church leaders that formed this service, and if I did not say so, there were probably about 150 churches involved in the effort, asked for money, and they asked for volunteers. They have set a goal of raising $100,000 from the community, most of it coming from efforts of these individual churches.

At the end of this service, which lasted about 2 hours, they asked people who could volunteer time for the next three Saturdays to help clean up homes and businesses devastated by the flood. They said they would like to have 500 people separate out of the large crowd and 460 did volunteer that very night, including another small group of people they asked to donate 30 hours a week of volunteer time if they felt they personally had leadership and management ability so they could manage the efforts of the other 500 volunteers. And that need was met as well.

Now, this is not the only organizational meeting in central Iowa to help people in need. There are other private groups, there are other church groups that are doing the same thing. I just tell you what I know about firsthand.

Now, of course, this kind of voluntarism is moving. That is the essence of self-service, of inspiration, of service. That is the principle that must be captured and, I hope, the sort of inspiration that can be fostered if Congress passes legislation to encourage voluntarism.

I think to some extent, however, the underlying bill turns the principle of voluntarism on its head. Instead of self-sacrificing, motivated by the attainment of high ideals, we will have a cadre of professional volunteers with the attitude that the giving of one's self comes with a price. It is as if to say if you want my service, you will have to pay for it. What a valued principle to teach our children. The spirit of service is self-service. We must not break the spirit, as I fear we might do with this legislation we have before us with its emphasis on pay for service.

We saw the real spirit of service also last year after Hurricane Andrew wracked Florida and before that with the earthquake that devastated California.

This is the spirit of America. It was demonstrated in the early days of our country by those who helped raise a new barn or a house for one lost in a fire or for a newly married couple or it might even be involved today with the Amish community who will help rebuild a barn that has been destroyed in a tornado.

It is demonstrated daily by the millions of Americans who serve food in their local soup kitchens, build homes for Habitat for Humanity, and make visits to the elderly. This is the spirit of America, and it is the light that makes our Nation different from other nations. It is the very same principle and attribute that de Tocqueville discovered in America when he toured here 160 years ago and spoke more eloquently about than any of us can.

Service to others cannot be imposed and centralized. The underlying bill swims against the tide of a reinvented Government that will soon be announced by our Vice President. Senator KASSEBAUM's approach was more consistent with a reinvented Government. It was less centralized and more community oriented.

Genuine service is the outward expression of a concern for others that is placed above a concern of self. It cannot be mandated. It cannot be bought. It must be freely given or it is not truly service.

This bill attempts to accomplish at the Federal level what must spring from the heart of an individual. It makes the mistake that so many Federal programs make—to try to federally accomplish and motivate individual compassion.

Compassion by individuals cannot be imposed and centralized any more than service can be. It is the product of being inspired by the example of another. It springs from the heart of one who places another's needs above his own. It cannot be rewarded by money or goods. It is rewarded by the hug of a child, the smile of an old man, or some other form of recognition.

For example, several years ago, I introduced and Congress passed Concurrent Resolution 32 which encouraged employers to recognize voluntarism as work experience when considering applicants for employment.

While I have been moved and challenged by the service I have seen in response to the recent flooding in my State, I am equally moved by the daily service of individuals in congregate care centers and soup kitchens. I do not believe that the bill before us is a way to encourage this service. This kind of service springs from the heart and the community.

It has been said that what makes America great is that America is good. If America ceases to be good, it will also cease to be great. I believe we as individuals should encourage service in our personal lives and in our communities. I believe we as Senators must return to the belief that we are truly public servants, but I do not that this conviction can be coerced, mandated, or bought.

I have doubts, as I have indicated in my remarks, about the underlying bill before us, not because I oppose national service. I will vote, as I voted for Senator KASSEBAUM's bill I think, against this bill because I believe that part of being a servant is recognizing what is true, that genuine service cannot be bought but must be inspired by personal example.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. There is an amendment pending.

Mr. MCCAIN. I ask unanimous consent that the pending amendment be laid aside for the purposes of proposing an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 607

(Purpose: To make veterans eligible for national service educational awards)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 607.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, strike line 14 and all that follows through page 10, line 2 and insert the following:

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS AND PROVISION FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

"(1) IN GENERAL.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(A) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(B) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(i) the value of a national educational award under section 147; and

"(ii) the total number of approved national service positions to be provided.

"(2) VETERANS.—The Corporation shall periodically deposit in such National Service

Trust an amount sufficient to provide national service educational awards to persons eligible for such awards under section 146(a)(2).

On page 34, line 16, strike the period and insert ", in addition to the maximum possible obligations to be incurred by the United States to provide national service educational awards to persons eligible for such awards under section 146(a)(2).".

Beginning on page 73, strike line 13 and all that follows through page 74, line 15 and insert the following:

"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—

"(1)(A) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(B) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(C) at the time the individual uses the national service educational award—

"(i) has received a high school diploma, or the equivalent of such diploma;

"(ii)(I) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(II) meets the requirements of section 484(a) of such Act; or

"(iii) has received a waiver described in section 137(c); and

"(D) is a citizen of the United States or lawfully admitted for permanent residence; or

"(2) subject to such standards and procedures as the Secretary of Defense and the Director of the Corporation shall jointly determine by regulation to be appropriate to limit the number of persons eligible to receive such an award under this paragraph, is a person—

"(A) who served—

"(i) on active duty in the Armed Forces for a period of not less than 2 years; or

"(ii) in a reserve component of the Armed Forces for a period of not less than 4 years;

"(B) who is discharged honorably from such service after October 1, 1995.

On page 74, strike line 19 and insert the following: 139(b). A person eligible under subsection (a)(2) shall be considered to have completed two such full-time terms of service, and such terms shall be considered to have been completed on the day on which the person is discharged or released as described in section 146(a)(2).

**Mr. McCAIN.** Mr. President, I rise today to offer an amendment to the legislation currently before the Senate, the National and Community Service Trust Act. This amendment would very simply permit those individuals who put their lives on the line for our country in service through the military to enjoy the same educational benefits as those who provide community service.

Specifically, this amendment states that any American citizen who has served 2 years of active duty, and has received an honorable discharge, or 4 years in the Guard or Reserve, will be eligible for the same educational benefits as someone who performed community service under the National Community Service Trust Act.

I do this, Mr. President, primarily for the purpose of equity. If this legislation were passed—and I am confident that it will—those who have engaged in community service would be in an advantageous position over those who have served in the military.

The initial investment made by a person who is eligible under this act is zero. The present GI bill requires a $1,200 contribution over the first 12 months of service in the military. The amount of education assistance that would be awarded under this pending legislation is $10,000 over a period of 24 months. The GI bill allows 14,000 dollars' worth of education over a period of 36 months.

This amendment basically allows a member of the military who is honorably discharged, with the minimum of 2 years active duty, or has served a minimum of 4 years of Guard or Reserve service, to be eligible for benefits under the Community Service Program.

Unfortunately, this legislation, if it passes in its current form, is going to create an inequity for those who serve in the military versus those who provide community service. It establishes an educational grant program, through which individuals may receive up to $5,000 a year, for up to 2 years, toward their education. Military service—whether active duty, Guard, or Reserve service, however, does not count toward one's eligibility under this program. That is wrong, and this amendment would make these people eligible for the same benefits as those who provide service in their community.

As my colleagues know, those in the military do currently have access to an education benefit, but the GI bill is very different from the benefit being established under this program. Under the GI bill, military personnel contribute toward their education benefit—under this program, those giving service do not. These programs are very different, and should not be confused.

Mr. President, I have no illusions that this bill is going to pass—for it is certain to pass. But, Mr. President, military service ought to be viewed the same under this legislation as community service. This amendment would ensure that parity indeed does exist.

Mr. President, many of us remember when then-President John F. Kennedy captured the imagination of a nation when he uttered the words: "Ask not what your country can do for you; but what you can do for your country." The words were new, but the concept was not. For, throughout the history of our Nation we find shining examples of individuals who have reached out to those in need.

We are a nation of service. Whether it be service to country through the military, service to community through those who are on this very day pitching in to help those in the flood ravaged areas of the Midwest, or service to individuals through the meals being delivered on this very day to home-bound seniors in communities in cities and towns all over America. We are indeed a nation that cherishes service—a nation of individuals that respond to nations, communities, and individuals in need.

But many, including this Senator, have been of the view that we ought to harness this ethic of service and create a program that renews a public spirit among America's young people, enables us to meet vital community needs, and meets an anticipated fall-off in personnel available to the military. It is time to give new meaning and purpose to the words—duty, honor, country, and civic responsibility.

The question before us today is not whether a program should be created to harness this ethic, but what type of program ought to be created. No one shares President Clinton's goal for expanding public service more than this Senator, for I believe the legacy of a great nation is rooted in the service to others—whether it be through military or community service. In fact, 4 years ago, I authorized legislation that would have created a national service program. But, Mr. President, a review of the legislation that is before us today has left me very troubled.

First, the bill is too costly. While the Congressional Budget Office has estimated that the cost of this program to be $3.6 billion over 5 years, it is the President's own budget that provides a window into reality. It estimates the actual cost of the program to be $10.8 billion over 5 years—triple that of the CBO estimate. And, they ought to know, as it is the administration that will control the growth of this new tax and spend program.

Mr. President, the American people have one clear message for this Government—bring spending under control. This bill fails to heed this message. While I believe the American people have indicated their support for a national service program, they are going to understandably be upset when they learn how much it costs. It is little wonder they think this Government is out of control.

The simple fact is, Mr. President, with our enormous budget deficit, we cannot afford to increase spending on existing programs, let alone expansive new Federal programs.

Second, the bill is too bureaucratic. On first glance, it appears that the proposal builds on the existing foundations of programs like VISTA and ACTION, and the Commission on National Service. However, it actually creates a new superstructure—the Corporation for National Service—under which existing entities will continue to operate. And, functioning right beside this new entity will be the existing agencies and programs, like ACTION and VISTA. What's more, it threatens local initiatives that have led to the community service successes that all of us are hailing today. This is duplicative, at best.

Third, the bill misdirects education resources. Half the cost of the program would be spent on education programs, yet only 150,000 individuals would benefit. As my colleague from Oklahoma, Senator NICKLES, pointed out yesterday, the cost of the program amounts to some $16,000 per person rising to $33,000 per student by 1997. Pell grants, on the other hand, only cost the Federal Government $1,335 per person. Perhaps the money would be better spent expanding existing programs.

Last, Mr. President, the new program that this bill seeks to create would offer benefits richer than those available to those who serve in the military. The President's proposed draconian cuts in the defense budget already will erode the ability of the military to attract the quality and number of recruits to meet our national security needs. This new proposed program will greatly exacerbate what is already a critical problem.

The amendment I am proposing would simply ensure that individuals who faithfully serve in our Nation's military, and are honorably discharged or continue to serve in the National Guard or Reserves, would be able to participate in this new program. As designed, this national service program does not permit these individuals to be eligible for the education grants. This amendment simply ensures that they will be eligible—just like those who perform community service.

Before I leave this point, I would like to ask unanimous consent that a column authored by my colleague BOB STUMP from Arizona that appeared in Monday's Washington Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SERVICE UNDERTOW

(By Bob Stump)

How important is it for our volunteer military services to attract young Americans in the next five years? Not very, if you judge by the Clinton administration's actions. The nonmilitary national service plan, a long-time Clinton goal, proposes to offer a better level of education benefits than the armed services and threatens to decimate recruitment. It is rapidly working its way through Congress, and will be considered by the House this week.

The competition for the best and brightest of our young people grows increasingly intense because the pool of 18- to 25-year-olds is shrinking at a time when schools, industry and the military all need to attract qualified new entrants. Schools, whether academic or technical, have certain requirements of ability and educational attainment. For increasingly technological industries, the same is true. And warfare has gone electronic, even in the infantry President Clinton's national service plan adds another competitor whose attractiveness will be defined by Congress as it acts on the proposal.

This competition would only compound increasing recruiting difficulties resulting from a widespread misconception among young people that the armed services are not recruiting because they are being reduced in size. Certainly the numbers of men and women in uniform are being reduced, but the United States will continue to maintain one of the world's largest standing military forces and will continue to rely on volunteers to fill its ranks.

Last spring the Army, for the first time in many years, had to accept some volunteers who tested low in mental aptitude to meet its quotas. Commanders are concerned, since the Army cannot readily use many of these soldiers on the high technology battlefield. They are unable to master complex weapons systems fast enough to do most jobs. Military recruiters say the overall quality of recruits remains high for now, but they doubt it can be maintained with a superior national service program education benefit added to the obstacles they already face.

The G.I. Bill provides $4,800 in education benefits per year for up to three years, but the service member must commit to three years of service and pay $1,200 in his or her first year to qualify for the benefits. Refusal to complete the service commitment is a crime.

Compare this with the national service plan, which provides $5,000 in education benefits per year for up to two years to students who need not put up a dime, who commit to only one year and who can walk away at any time without penalty. This stark contrast does not even take into account the fact that a service member faces the dangers, hardships and separations from home that are unique to military life.

The best and the brightest won't have much trouble figuring out which is the better deal. For many of them, the education benefit will be the deciding factor. This is especially true because the Clinton administration has simultaneously proposed increasing the $1,200 upfront pay reduction to qualify for G.I. Bill benefits while also proposing to freeze military pay. In a May 4 letter to members of Congress, the American Legion expressed its disappointment and deep concern about the inequities between the national service plan and the G.I. Bill.

Congress must significantly reduce the level of national service plan education benefit or it will siphon off many of the recruits our armed service would otherwise attract. The all volunteer force has achieved the highest quality armed services in history. That quality would be quickly lost if the national service plan passes in its present form, and it would take years and enormous cost to regain.

Mr. MCCAIN. Mr. President, BOB STUMP makes a couple of very important points. One of them is:

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Mr. President, I have a letter here from the Non Commissioned Officers Association. They state in it:

DEAR MR. MCCAIN: The Non Commissioned Officers Association of the United States of America (NCOA) is pleased to support your amendment to H.R. 2010, the National Service Program Trust Act of 1993, to allow individuals who have honorably served in the military services of the Armed Forces (active, National Guard or Reserve) to be eligible for educational benefits under the National Service Program.

Your amendment which would permit honorable military service to satisfy the service requirement for qualifying for educational benefits under the National Service Program is strongly supported by NCOA. The Association believes that military service represents the highest form of National Service and therefore should be rewarded accordingly. Further, your amendment recognizes that educational benefits acquired under the Montgomery G.I. Bill have been bought and paid for by the service member. Your amendment fully recognizes the unique and arduous demands and sacrifices associated with service in the Armed Forces.

NCOA appreciates this opportunity to provide our comments. As always, we sincerely appreciate your steadfast support of the Armed Forces.

Sincerely,

LARRY D. RHEA,
*Deputy Director of*
*Legislative Affairs.*

Mr. President, I am not even going to go into the differences in service, because I believe that service to one's country, whether it be on the battlefield, or in the streets of our cities, is a laudable and indeed honorable form of service.

But it is a fact that service in the military does entail greater risk. As we speak, American's lives are in danger in Mogadishu. There are American troops in Macedonia. There are men and women all over the world, poised, if necessary, to sail into harm's way.

The fact is that these men and women, in return for their service, will receive less in the form of educational benefits than that proposed under this legislation.

The hour is late. I had planned on talking about the enormous costs associated with this legislation and what went from a simple concept into a 571-page document, which I doubt if all of my colleagues have had the chance to read or peruse. The simple concept of national service turned into a 571-page bill which, frankly, has aspects to it which we will be finding out in the weeks and months to come, as this legislation is enacted.

My concept of national service is true national service. My concept of national service is that men and women would go to work in our communities as volunteers and be rewarded for their service by the appreciation and applause of their fellow countrymen, and especially those who can afford to pay for their own education would be, of course, not accorded any particular benefits. That is the true concept, in my view, of national service.

What this has turned into is a $10.8 billion new tax-and-spend program, which I do not think in any way comports with what most Americans believe national and community service is all about. Mr. President, in my view, this legislation will be passed, and this amendment at least provides some equity for the men and women who serve honorably in the armed services, as well as those who serve honorably in our Nation's communities.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I am just wondering if, before the Senator leaves, he could estimate what the cost of his particular amendment is.

Mr. President, 2 million recruits times 5,000 is $10 million, unless my math is off. I listened as the Senator was complaining about our particular proposal of $384 million, of which $100 million has been appropriated to continue to work for community service, and the complaints about our program, and then the amendment he has is 2 million times 5,000, and that would be $10 million. Would the Senator tell me, is that true?

Mr. McCAIN. Mr. President, in response to the Senator from Massachusetts, obviously that would not be the total cost. In point of fact, though many might be eligible, the number of slots does not increase.

Mr. KENNEDY. I am trying to get the Senator to tell us the cost of his amendment, the differential between what is provided for at the present time and what would be provided for in his amendment.

Mr. McCAIN. Mr. President, I guess my response to the Senator from Massachusetts is that I do not know the additional costs. I do know about the issues of fairness and equity, and as I stated, there would be no additional cost because the number of slots does not increase under my amendment.

I had no idea there were 2 million recruits this year. I do not know where we could possibly get that figure. But since the size of the military is supposed to go down to about 1.4 million—I will not, frankly, argue with any number that the Senator from Massachusetts comes up with. My argument is on fairness and equity, and if the Senator feels it is too expensive for fairness and equity to be allowed, then certainly I respect his view.

Mr. KENNEDY. All I am trying to get is the facts, because the Senator was very free with facts and distorting the cost of the current bill. He mentioned $10 billion, and then when asked about the cost of his own proposal, he does not have it. So he has the cost of our bill but does not have the cost of his own amendment.

As I understand it, Senator McCAIN perceives there to be a $600 differential for those that are receiving the GI bill educational benefit and our national service educational benefit. That perception is incorrect. But if we take this $600 figure and multiply it by all the 2,000,000 men and women eligible for GI bill benefits that would total $1.2 billion.

Mr. President, I will get on to the substance of the McCain amendment.

First of all, I have been around here long enough to understand, for those who oppose a particular proposal, their favorite tactic is to distort and misrepresent and put a false price tag on it. That has been done here.

This Senator fails to understand how he proposing an amendment with a $10 billion price tag when we are talking about a national service program of $394 million and such sums in the future. Even if our program grew, it would not remotely cover the Senator's proposal.

The Senator ought to read a little more carefully the educational benefits provisions of the bill. The fact of the matter is if you get an educational benefit and you are as wealthy as Donald Trump's son, or if you have an income, this is considered an add-on to your income and you pay income tax on your educational benefit.

We want to try and deal with as much fact as we possibly can when we are talking about the substance of this amendment.

Mr. President, I will not take additional time to talk about the other misrepresentations, specifically with regard to this proposal.

A similar proposal was offered in 1990 on the National Community Service Act which was defeated 54-41.

The fact is, as I said earlier, that our bill does not pay more than the GI bill in educational benefits. National service participants can serve for 1 or 2 years. If we compare the educational benefits of a national service participant and a military participant, the national service participant would receive $10,000 for 2 years, or $5,000 a year; the military participant would get $11,700 of which the participant would contribute $1,200; that is, the military participant would get $10,500 or $500 more. I will not get into the other kinds of benefits that military personnel get like housing and food and higher salary that national service participants would not get.

Mr. President, this issue came up earlier when the President proposed $6,500 as an educational benefit. That was reduced to $5,000 in an agreement with leaders on benefits for GI's like Congressman MONTGOMERY.

It does not do much good to compare apples and oranges, a 2-year national service benefit versus a 3-year military benefit. For military personnel who serve the same amount of time as national service participants, military personnel will receive more. We have worked very closely with Congressman MONTGOMERY, the author of the GI bill, who he has warmly endorsed the national service legislation and was a cosponsor. He approves of the educational benefits in this legislation, and in his own evaluation, in terms of military recruiting and equity, is satisfied with our plan. I know that they were important concerns to the chairman of the Armed Services Committee as well.

I will not speak to his reaction to the amendment of the Senator from Arizona, but I do understand from his earlier statements that he is in support of the basic proposal for the reasons which he outlined earlier today. And it would be astounding to me that he would embrace and support education and an educational component in this program that would be in conflict with those in the defense authorization when he, as well as Congressman MONTGOMERY, was so instrumental in fashioning and shaping those particular programs.

So, Mr. President, I hope the Senate will not accept the Senator's amendment.

Mrs. KASSEBAUM. Mr. President, if I could ask a question of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I ask this for some clarification, perhaps, because it was my understanding that this bill does not expand the number of participants in the national service program. Is that correct?

Mr. McCAIN. Yes. I answer my friend, yes.

Mrs. KASSEBAUM. It is just that those who are serving in the Armed Forces who choose to be a part of, and apply for the National Service Program, after serving 2 years in the armed services, could then be eligible to participate in the national service program and they would have to forego their participation in the GI bill; is that correct?

Mr. McCAIN. That is correct.

Mrs. KASSEBAUM. So, my understanding is that this amendment does not propose any additional cost or expansion to the national service program. It just provides that if veterans so choose to give up their access to benefits under the GI bill, they could then be participants in the national service program?

Mr. MCCAIN. In fact, the amendment would not preclude individuals who have paid into the GI bill from receiving that benefit if they chose. But, they would no longer have to pay into the programs to get the education benefit—it would be their choice.

Mrs. KASSEBAUM. I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, unlike the Senator from Massachusetts, I will not say that he is distorting or has misrepresented his position on this issue. I regret that he has accused me of doing that. I think it lowers the level of the debate and, frankly, shows a degree of disrespect that I will not show him. But the facts are facts.

The fact is that the initial investment under this plan is zero for those who engage in the national service plan.

If that is incorrect, I would be glad to be corrected by the Senator from Massachusetts. The GI bill requires an initial investment of $1,200 over 12 months, and the amount of education award is $1,000 over 24 months. For the GI bill, it is $14,400 over a 36-month period.

I would like to have those who served in the military to have the option of taking advantage of the national service plan.

Again, I do not accuse the Senator from Massachusetts of distorting or misrepresenting his position on this issue. I would be glad to hear the facts as he knows them. But if he would like to engage in this kind of debate, I believe that I stand ready to do so, although I am not sure what it contributes to the debate by accusing one another of being less than candid, in the words of the Senator from Massachusetts, distorting and misrepresenting the case.

So, Mr. President, I think it is important to note that this would not increase the cost. There are not 2 million Americans in the armed services today. Some wish maybe they were. I believe the latest number I remember is 1.6 million. But that has nothing to do with this debate.

I yield the floor, and I am ready to urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am prepared to yield.

We would not be delaying at this time if we had access to the amendment earlier so we could understand the amendment's provisions.

Precisely how many members of the Armed Forces would be eligible for this particular proposal?

Mr. MCCAIN. Mr. President, I say to the Senator from Massachusetts that it is not clear exactly how many would be eligible for this program. The requirements, the eligibility, would be those who would have achieved 2 years of active duty service and were honorably discharged, or served 4 years in the Guard and Reserve.

I do not know the estimate of the number, nor frankly do I particularly care, since I am proposing this amendment not on the basis of cost, not on the basis of numbers, but on the basis of fairness and equity to those men and women who serve in the military, some of them even in Somalia.

Mr. KENNEDY. Mr. President, I regret the Senator takes some offense to a question just about who would be eligible. The Senator cannot tell me how many would be eligible.

As I understand, the National Guard and Reserve would be eligible, as well, if they meet the 4-year requirements?

Mr. MCCAIN. What this Senator took offense to, Mr. President, was the allegation that the Senator was misrepresenting and distorting his position, or anything else, on the floor of the U.S. Senate. That is what the Senator took offense about, and that is what I believe most Senators would take offense about.

I do not know the answer to how many people would be eligible for it. I said that at least four times now to the Senator from Massachusetts.

Mr. KENNEDY. I regret if the Senator thinks I am distorting the Senator's position, when the Senator cannot state his own position; he cannot tell us how many are going to be eligible in the armed services; he cannot tell us how many are going to be eligible in the Reserve; he cannot tell us how many will be eligible in the National Guard. When asked how many would be eligible under this program, he takes offense to that and says he does not care, because all he is interested in is the issue of equity.

We have tried on the——

Mr. MCCAIN. Will the Senator yield?

Mr. KENNEDY. I am not prepared to yield at this time. I will in just a moment.

On the fundamental issue of the questions of education benefits in the military, it was initially sponsored by Congressman MONTGOMERY in the Armed Services Committee in the House of Representatives and by the Senator from Massachusetts in the Armed Services Committee in the Senate. I was a principal sponsor with Senator GLENN on that measure as a member of the Subcommittee on Personnel, so I have both some familiarity and interest in this issue.

Now, what is a legitimate question is: How do the educational benefits for full time participants compare with those that are in the Armed Forces.

What I am prepared to represent to the Senate of the United States is that, after careful review by those who were the principal sponsors of the Educational Benefit Program in the House of Representatives, Congressman MONTGOMERY, and by the chairman of the Armed Services Committee, they believe that the balance which has been reached in this area that is equitable and are satisfied of the advantages that continue to exist with the military education program.

Now, that is the best I can do in trying to debate this issue, since I really have difficulty in being able to understand it.

I would say that we received this just a short while ago. We have been out here debating this for some period of time. For a few moments of that time, I was talking to Senator NICKLES about his preference to move to his amendment tomorrow. So I would be glad to debate this matter with the Senator, but that is really the best that I can do with the measure that we have had and with the help and assistance of the Armed Services Committee staff that are here.

Mr. ROCKEFELLER. Mr. President, as chairman of the Senate Veterans' Affairs Committee, I am very sorry to see this amendment. There is absolutely no reason, no justification, no good done in trying to pit veterans against national service and the legislation before us. There is enough room in our society for our citizens, of all ages, to serve through military service and/or through community service.

As conceived in this legislation, national service is not going to be competitive with military service and the Montgomery GI bill. Each program is vital to our country. They are complementary, not competitive, and not in conflict with one another.

My colleagues should know that President Clinton has discussed this very issue with the chairman of the House Veterans' Affairs Committee, SONNY MONTGOMERY, who is the proud parent of the current GI bill. President Clinton has met with leaders of the veterans service organizations, and as a result of discussions with veterans leaders, adjustments were made in the President's plan. Specific attention was paid to their concerns in the drafting of the legislation, and there is not a conflict. The President made sure that his initiative would not undervalue or undermine military service or the Montgomery GI bill.

By only focusing on money—the financial benefits form the Montgomery GI bill versus the educational vouchers of the National Service Program—we are undervaluing both programs and the young people who participate.

The appeal of both military and civilian service depends on much more than monetary benefits alone. The Montgomery GI bill awards for 3 years of service are proportionally smaller than those for 2 years, yet most recruits sign up for 3 years anyway.

Under the GI bill, soldiers get $10,500 in benefits after 2 years of service, and $13,200 in benefits for 3 of service. More than the national service educational voucher.

And is it not much more than the promise of the GI bill that lead young men and women to enlist in our armed forces? Aren't patriotism and love of country part of the so-called payoff that our Armed Forces seek out as well?

Neither the GI bill nor the educational voucher are financial bribes to get individuals to enlist or students to volunteer for service. I believe it is a higher calling and dedication that motivates people to answer a call to military service or public service—both distinguished missions.

As chairman of Veterans' Committee and a cosponsor of this legislation, I oppose Senator McCAIN'S amendment and urge my colleagues to do the same.

Mr. WOFFORD. Mr. President, is the Senator from Arizona aware that the $5,000 amount was worked out with Representative SONNY MONTGOMERY and has his strong support as being less than the educational benefits coming from military service?

Mr. McCAIN. The Senator from Arizona is very well aware that Congressman MONTGOMERY, whom he has known for many years, may have agreed to support this legislation.

The Senator from Arizona is also aware that the American Legion, the Non-Commissioned Officers Association, the Veterans of Foreign Wars, and the men and women who I have talked to in the military think this proposal is highly inequitable to members of the military service.

Mr. WOFFORD. The Senator from Arizona has given the hardest kind of national service. I respect him deeply for that.

But could I just ask a few questions in terms of the benefits in the military now in our peacetime service.

Is it the Senator's understanding that the basic pay for 2 years of active duty is $21,000 a year, assuming the service member is living on the base and has free housing?

Mr. McCAIN. I am aware that 80 percent of members of the United States Marine Corps make less than $22,000 a year. In point of fact, most of the people we are talking about get less than $10,000 in salary; $1,200 of which they must pay toward the GI bill if they want the education benefit.

I am aware that, while engaging in national service, the minimum wage salary of $5 times 1,700 hours would be $8,500 for 24 months; that a stipend of $95 a month for 24 months would be $2,280 for 24 months; that they would be reimbursed for living expenses incurred; that child care value for those engaged in the national service would be $6,700 for 24 months; that the health care value would be $2,880 for 24 months; and that the total program value would be $30,360 for those engaged in the National Service Program.

So, in answer to the question of the Senator from Pennsylvania, he just pointed out an incredible discrepancy where people who are serving in the military get $21,000 a year and those who are in the national service get a total program value of $30,360 for 24 months of service.

So, yes, I am aware of the statistic cited by the Senator from Pennsylvania.

(Mrs. BOXER assumed the chair.)

Mr. WOFFORD. Madam President, each of those items we might debate.

But I would like to restate that what a full-time participant in national service receives is a $5,000 educational voucher at the end of the year of full-time service and twice that if he gives 2 years of service; essentially, a minimum wage providing otherwise all of the living expenses that he will have and a health care benefit which, for young people and healthy young people, is not very much. It is $13,000 in direct costs. And for that, the full-time participant in national service is giving a lot more than a dollar's worth of service for each dollar earned in that program.

At this point, I move to table the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. If I could inquire of the Senator—I see the Senator from New Mexico is here and earlier we were trying to accommodate the conferences on the Finance Committee—would it be agreeable to the Senator from Arizona that we stack this vote; that we go to the Domenici vote, and then consider those in order? I believe the majority leader would prefer it that way. It does not make a great deal of difference.

Mr. McCAIN. Yes.

Mr. KENNEDY. I appreciate very much the Senator's accommodation on this. Maybe we could move toward the debate now on the amendment of Senator DOMENICI.

The PRESIDING OFFICER. If I might state, under the motion to table, we need to resolve that motion before there is any debate.

Mr. KENNEDY. Madam President, I ask that the Senator from Pennsylvania withhold that particular motion at this time. Would the Senator withhold?

Mr. WOFFORD. The Senator would do so.

Mr. KENNEDY. Then I would ask unanimous consent that it be in order at the conclusion of the vote on the Domenici amendment—well, it will be my intention, with the understanding of the leadership, to make a unanimous-consent request that will permit the disposal of these amendments seriatim.

The PRESIDING OFFICER. The motion to table would need to be withdrawn at this time and made at a later time.

Is there such a unanimous consent request?

Mr. DOMENICI. Reserving the right to object, Madam President.

Let me say to Senator KENNEDY, I am not sure that I am going to offer the amendment tonight. I do have three amendments. I will offer them. I am going to speak tonight for a while on the bill and make some points. I am not sure that I am ready with the amendments, so I do not want to mislead anybody.

Mr. KENNEDY. Madam President, I hope the request of the Senator from Pennsylvania would be renewed and we move toward disposition.

The PRESIDING OFFICER. Has the motion to table been renewed?

Mr. WOFFORD. Yes.

The PRESIDING OFFICER. The motion to table has been renewed.

Mr. KENNEDY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, can I know the parliamentary situation at this time?

The PRESIDING OFFICER. The question is on the motion to table. This amendment must be disposed of. The motion to table must be disposed of before we proceed.

Mr. McCAIN. Madam President, I ask if the Senator from Pennsylvania would be willing to accept a unanimous-consent agreement to delay this vote at least until after the Senator from New Mexico has spoken? Is that an unanimous consent agreement?

Mr. KENNEDY. Reserving the right to object, we have this amendment and the Coverdell amendment. The leadership indicated to us they wanted to move ahead.

If Senator DOMENICI was prepared to vote we would stay in and address that. Since Senator DOMENICI is not sure whether he would or would not and continues to want to talk, they thought at least we would be further along in the procedure if we proceed in this way.

It would be my hope we would move on the tabling motion on the amendment of the Senator from Arizona and then dispose of the Coverdell amendment subsequently, so we would have two votes.

So, as I understand it, the tabling motion has been made. Am I correct?

Mr. WOFFORD. Yes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. There is no debate on the tabling motion, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Campbell
Coats

So the motion to lay on the table the amendment (No. 607) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 604

Mr. KENNEDY. Madam President, I was looking for the Senator from Georgia, Senator COVERDELL, who has the amendment which was to follow. I would be glad, if he wanted a minute or two to explain it, if we could do a minute on each side.

Does the Senator want to do that? Then we would go to a vote.

I ask unanimous consent that the Senator from Georgia be able to proceed for 1 minute, then I be recognized for 1 minute. And then it is the intention of the leadership to vote, we will vote up or down.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? If not, the Senator from Georgia.

Mr. COVERDELL. Madam President, the purpose of amendment 604 would provide that the funding titles of national service would not occur until such time as by rescission or transfer of funds or adoption in the budget of 1994 the emergency funding of 1993 had been resolved, the obligation had been paid for. That would be the $4 billion in unemployment, the $1 billion in supplemental funding, and the proposed $2 to $3 billion that will be called for—and I think it will be much more—for the Midwestern States as they deal with the floods and national disaster of that area.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Madam President, just very briefly, as I understand the Senator's amendment, it would virtually prohibit expenditures of money for this until there is a payoff of all the money that will be necessary for the flood victims, and that is now about $2.6 billion. It is expected to go up. I hope that we would not be put in that particular position. I know that is going to be declared an emergency. This proposal is within the President's program and is going to be paid for out of existing funds as a matter of selection. So I would think effectively we are just holding this whole program hostage into the future.

I hope that the amendment would not be accepted.

VOTE ON AMENDMENT NO. 604

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 604. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Indiana. [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—46

Bennett
Bond
Bradley
Brown
Burns
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Exon
Faircloth
Feinstein
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Durenberger
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—1

Coats

So the amendment (No. 604) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I express our appreciation to the Members for the cooperation. We are trying to move along, and we expect the Senator from New Mexico to offer an amendment which is what they call a trigger amendment. He will explain it this evening, and we will be entering into a time agreement to dispose of that tomorrow sometime in the midmorning, mid to late morning.

According to the lists which have been available to Senator KASSEBAUM and ourselves, there still remains probably 25 to 30 amendments of which I think probably 12 or 14 can be accepted, and probably a few others can be worked out. We are very interested in addressing the issues of importance to the Members.

So we will make a full court press, working with the leadership to try to reduce the number of amendments and then to establish some order, so that the Members will know in what order these amendments are going to be appearing. We will announce that order to the Members as we proceed.

So, Madam President, I expect that we will have a discussion of what they call the trigger amendment this evening and then enter into a time agreement for the disposition of that issue sometime later in the morning tomorrow.

Mr. DOMENICI. Madam President, I do not think the leadership wants to stay around very late tonight. I will save you some time tomorrow, I say to the distinguished majority leader. I may lay down a Pell grant triggering amendment and work-study amendment—in fact, I will lay it down tonight. I do not know how much I will discuss it tonight, because I have 20 minutes in the morning. Senator KENNEDY has not seen it yet. We might have a better discussion tomorrow morning, with 20 minutes on each side.

I would like to use maybe a half-hour tonight and talk about what is going on with reference to this bill and the budget and taxes and the fiscal policy of the Nation. I will use, perhaps, 30 minutes. I do not want to agree to that, but I do not intend to go much beyond that.

Mr. MITCHELL. Madam President, what I would like to do is to permit the Senator to proceed, and then in a few moments when I am ready with the proposed agreement, formalize the substance of it. If I can interrupt to do that, then the Senator can continue.

Mr. DOMENICI. Whenever the leader is ready, indicate it, and I will stop talking and yield.

Ms. MIKULSKI. Will the Senator from New Mexico yield for a question or a comment?

Mr. DOMENICI. Yes.

Ms. MIKULSKI. I acknowledge the desire of the Senator from New Mexico as he indicated, and I would like to bring to the attention of the Senator from New Mexico that I am the appropriator that is directly affected by the triggering amendment. I will be the one that will be precluded from proceeding if the trigger amendment is passed.

Tomorrow morning at 10 o'clock, we have an appropriations markup on Treasury-post office that compels me to participate. I wonder how we can accommodate this Senator, because when you do raise the trigger amendment, it is important for me to participate in that debate.

Mr. DOMENICI. Madam President, I have the same markup tomorrow. Are you in the appropriations full committee tomorrow with your bill, or in subcommittee?

Ms. MIKULSKI. I will be there because of the other pending matters.

Mr. DOMENICI. I will be there also, and I think when the unanimous-consent agreement comes forth, we are going to try to allow enough time to get that markup over with before we move to the Domenici amendment for debate in the morning, which should accommodate the chairman.

Ms. MIKULSKI. The Senator intends to debate, in the most general terms tonight, the consequences of national service on the budget and other issues, and then it is tomorrow after the full committee markup that the Senator will proceed to the trigger amendment?

Mr. DOMENICI. That is correct. That is my intention. I may tonight give an overview of why I am concerned about this bill. I may allude to what happened under Pell grants and many more things which cover some of our poorer young people.

Ms. MIKULSKI. I understand that. I thank the Senator for his courtesy.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, it is my intention now to propound a unanimous-consent which incorporates the substance of the discussions held previously between Senator KENNEDY and Senator DOMENICI.

Therefore, Madam President, I now ask unanimous consent that the Glenn amendment be set aside; that Senator DOMENICI be recognized to offer a triggering amendment with no limitation on debate during today's session; that no amendments be in order prior to a motion to table made by Senator KENNEDY; and that the Senate resume consideration of S. 919 at 10:30 a.m. on Thursday, July 22, that there then be 40 minutes remaining to debate on the Domenici amendment, with the time equally divided and controlled in the usual form; and that when all time is used or yielded back, Senator KENNEDY then be recognized to move to table the Domenici amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico reserves the right to object.

Mr. DOMENICI. Might I say to the distinguished leader, could I just reserve the right in the event my amendment needs a technical adjustment? With the motion to table being in there, I would not be able to change it. Could I reserve the right to modify the amendment for technical reasons?

Mr. MITCHELL. I will ask the chairman.

Mr. KENNEDY. I would certainly agree to that.

Mr. DOMENICI. That is all right?

Mr. KENNEDY. That is fine. The Senator understands that we are under a situation where he could keep on offering or changing in any event so it does not compromise anyone's position.

So, I would be glad to accommodate the Senator.

Mr. MITCHELL. So long as we understand that any modification will be technical in nature and relate to the amendment itself?

Mr. DOMENICI. That is right. And we might not need it. The staff says this is cleared with the real technical writers, because it is a bit technical. We probably do not need to.

The PRESIDING OFFICER. Does the majority leader make that request?

Mr. MITCHELL. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I thank the Senators.

There will be no further rollcall votes this evening.

Pursuant to this agreement, there will be a rollcall vote tomorrow at or prior to 11:10 a.m. There are 40 minutes remaining for debate on this amendment when the Senate resumes tomorrow morning on this bill at 10:30. So the vote can occur at any time between 10:30 and 11:10, more likely close to 11:10.

Madam President, I might say now for the benefit of our colleagues, we made some good progress in disposing of three amendments today. This will be the fourth. But I am advised there is a rather long list of amendments. So the list may be growing as time passes; that is, the rate at which amendments are being considered or added to the list of amendments is exceeding the rate at which amendments are being disposed of.

So, the longer we go on the bill, the longer the list is of amendments to be considered.

I simply say to my colleagues, Thursday is the evening that we usually set aside after several years, I think, since Senator Baker was majority leader with the possibility of late sessions. My hope is that we can finish this bill tomorrow. And if that means a late session tomorrow, Senators should be prepared for that.

I state now I understand the managers will be prepared to go on for such time as is necessary, and it is my hope and intention that we can do so. So, Senators who have amendments, I hope will be prepared to come and offer them tomorrow, and Senators should be prepared for a lengthy session with votes throughout the day and well into the evening. It would not be an early evening tomorrow if it is necessary to stay later to finish this bill.

I thank my colleagues for their cooperation and thank the managers for their diligence.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise tonight to raise some questions about this bill and, frankly, I want to do this in all honesty and sincerity to call to the attention of Senators and the American people what is going on.

Somewhere in the U.S. Congress today, tomorrow, the next day, perhaps for the next 2 weeks, many Members of the House and Senate, at least those who are in the Democratic Party in both Houses, will be meeting to pass on a new deficit reduction package, and right in the front and center in that package, the principal ingredient, sine qua non of that package, the part you can absolutely rely on because it will happen, is somewhere between $250 and $300 billion worth of new taxes.

It is rather ironic in this Senator's opinion that while all of that is going on in the name of deficit reduction, getting the size of Government under control, on the floor of the Senate—it started off rather casually with speeches about the marvelous effects of public service by people under a National Service Corps idea.

But tonight I rise to talk about how much it is going to cost, how many people it is going to help, and whether we ought to be doing this when we are sending a signal to the American people that we want to cut the deficit. Frankly, I do not like to borrow old coined phrases, but I do not believe there is a better example of tax and spend than what is going on right now.

Over there in other rooms they are taxing to get a deficit under control. In the U.S. Senate tonight and tomorrow, we are considering a bill that at a minimum—and if anyone wants to challenge me on it, we can have a good chance to talk about the numbers—is $10.8 billion for this program over 5 years. Frankly, someone is going to say there is not $10.8 billion, that here we talked to the Congressional Budget Office and it is $3.3 billion.

Let me tell everybody that is meaningless, that $3.3 billion, because the Congressional Budget Office had a 1-year authorization in mind at about $389 million, I say to Senator GORTON, and then it said "such funds as are necessary."

So, they assumed the program would be static at $389 million a year. Do you know how many people that will take care of in this National Service Corps? Twenty-five thousand. So it cannot be that.

Would the President of the United States be for this new national program of service by the people of the country for 25,000 people a year? Of course not. But it is rather interesting that if you take the President at his budget word, his budget vocabulary—he sent us a budget, and the budget says $10.8 billion over 5 years. Perhaps nobody wants to honor it.

I hear most people on the other side of the aisle saying that is why they are here to support the President's program. It may come as a shock to some. At $10.8 billion the President proposes and envisions 150,000 participates by 1997. It might also be interesting to note that if you believe OMB—and I have no reason to dispute them—each one of those Americans, college students, or otherwise, will cost $17,000 a year, to use this program and the vouchers attending it for universities—$17,000 a year.

Frankly, on my own, I think that is low. I think the OMB will low ball it in this case because, obviously, it is getting pretty expensive. And then to have a program so heavily touted, that it will cost $10.8 billion and will only take care of 150,000 Americans between the ages of 17 and 29, when we think there are about 38 million Americans engaged in part-time or full-time voluntarism in the United States today—excepting they are volunteers.

We thought volunteer meant that you gave of yourselves as a volunteer. So we look to see how many of those kinds of people live in America, because it sort of sounds like if we do not have this kind of program, there are not going to be any people out there finding out what is going on in society and developing their heartfelt and sincere desire to be helpful, perhaps even developing their consciousness of what is going on.

And, interestingly enough, we find out already there are 38 million part- and full-time participants, men and women volunteers, in the United States. Many of those are the equivalent of full time for free.

Just in case anybody is interested, there is nothing in this bill that sets any criteria for the selection of this 25,000 in the first year, and perhaps 150,000 by the third year, if we are willing to spend $10.8 billion in current unexpended money, because we do not spend anything on this program. So it is brand new.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DOMENICI. I wonder if I might finish another thought or two, and then I will be pleased to.

Mr. President, let me be very clear. There is probably nothing more important for America than that our young people get involved in voluntarism; that they help others and they learn what is going on and they learn about the less fortunate by participating in meaningful activities.

But, Mr. President, when the Republicans said the President's plan was tax and spend, we were criticized. The only thing that could be said in criticism of that is that it is tax and invest, not spend.

But, you see, to make a Federal Government investment, you have to spend. And what do you spend? You spend the taxpayers' money.

So we can argue about how big will this program be, but I do not believe the President intends a little, tiny 25,000 National Service Corps. After all, this is a very big-time operation. The President of the United States is chairman of the corporation. That is interesting. Maybe it will help, having the President there. That might be what we need.

But that is not going to be the size of a Presidential-led National Service Corps. So if it is 150,000, it turns out about $10.8 billion, as requested by the President in his budget, is what the program will cost.

Now, if you just look out there and say, from what are we going to pick this 150,000? I just want to give you a couple of numbers so you will know it is not going to be easy.

A lot of people will be left out. Maybe—who knows—maybe they will all be wealthy kids that get chosen. Maybe we will choose some poor kids. Maybe we will choose some kids that are currently getting Pell grants. A lot of those are good programs. This is no substitute for it.

But between ages 17 and 29 in this country, there are 50,803,000 people. So of that big pool, we are going to pick somewhere between 25,000 and 150,000. And I get a little concerned about how we are going to pick them.

In fact, I might support an amendment to this bill that says half of them will be picked from the underprivileged of this country in the central cities of America. In fact, I might offer that amendment. I am sure that is not going to hold with some, because that is not what is intended. But I am wondering when are we going to put some help into that part of America.

Now, having said that, let me ask: What program are we going to cut or eliminate to pay for this new program?

Now, I am not being facetious. I do not know a single one. In fact, let me suggest, there are none. There are none in the President's budget that are eliminated of the maybe 2,800 programs.

There was one. There was one in the President's campaign—one. He was going to get rid of the honeybee subsidy. Well, the honeybee subsidy is paid for, as I understand it. It is not eliminated. It is nowhere in the reconciliation.

So no program of the Government is being eliminated to pay for a new one—$10.8 billion.

Mr. GORTON. Will the Senator yield for an observation?

Mr. DOMENICI. I want to put this in the RECORD first.

In this morning's paper, while not being kind of either Democrat or Republican, Robert Samuelson, in his typical form, in a column here, talks about why do we not get rid of some programs if we want some new ones and if we want to get the deficit under control.

I think it is worth reading. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. The answer is clear. There are no programs eliminated.

Now, if there are no programs eliminated—and this is a high-priority program; it could cost as much as $10.8 billion over 5 years—how can we stand here and tell the American people that with this $150 to $200 billion—and why am I vague? The Senator knows why. The $150 billion in new taxes in the Senate bill—$250 billion, excuse me—and the $289 or $290 billion in the House bill, now it is going to be somewhere in between, or perhaps as high as the entire House measure.

So who can stand here and say to the American people, we are putting all that tax on because we are going to pay the deficit with it?

In fact, I noticed in the hallelujah statement by the White House—I do not know if the Chair has seen that, but there is a six-page hallelujah; change is in the wind. And it has instructions for those who support the President's program. It is instructions to them on how to sell this program. You have some language about body language in it; a little language in it that if questions get too tough or whatever, demur, or whatever the word is, but say, let us get on to the basic principles.

But listen, the principal question is: If you are going to tax the American people and claim it is going to go for the deficit, then how do you pay for this program?

We have not cut any major program; we have not eliminated anything. And we are claiming we have to do something to build the economy because America is really in bad shape. So we put a National Service Corps in that is hard to understand in terms of a high priority. And we do not like anybody to say that this is the epitome of tax and spend.

Now I am pleased to yield to the Senator, and then I will be pleased to yield to Senator KENNEDY.

Mr. GORTON. Will the Senator make a comment on a second alternative?

The Senator has spoken about the fact that this is almost $11 billion over 5 years in new spending, without any discernible reductions in spending on other programs as a result.

Another way of looking at this, it seems to the Senator from Washington, would be if we decided not to spend this almost $11 billion and instead reduced by exactly that amount the additional tax burdens which the conferees are going to impose on small business so that small business in the United States could invest that $11 billion as it saw fit in creating new jobs and new opportunities for these same young Americans, is it not the view of the Senator from New Mexico that more of those young Americans would have real job experiences and that more wealth would be created for all Americans, and, in fact, there would be a return in additional taxes so that what seems an $11 billion for $11 billion exchange would probably reduce the budget deficit by a small amount, the additional taxes paid by the additional profits made by those small businesses? Would we not in this choice, under that set of circumstances, allow the American people to make their own decisions and would those decisions not almost certainly be more productive than those offered by this bill?

Mr. DOMENICI. There is no doubt in my mind in these critical times in terms of economic growth and jobs and a jobless economic recovery, that if you could take $10.8 billion off that Senate level of $249 or $250 billion, you would be probably giving more young people an opportunity to get a job than the 25,000 that we are going to start with in this. And if you had that going for 3 or 4 years, you probably would put more young people to work than the 150,000 planned in this.

Mr. GORTON. I have one other comment, and it is one the Senator has already made, but I wonder if he would reemphasize it.

This Senator noticed in a different story or column than the one which the Senator from New Mexico has just had printed in the RECORD, a story about the President of the United States going out to sell this new tax program and that he seemed hurt and upset that Members on this side of the aisle had characterized his program as tax and spend. That was in the paper, in the news, at exactly the same time as certain Democrats on a conference committee were meeting behind closed doors in this building to determine just how much in the way of new taxes we would have and while this body was debating in open session here just how much new spending there would be.

Is there any way, in the view of the Senator from New Mexico, that the President can appropriately protest that his policies are not tax and spend? Is that not a precise dictionary definition of a tax-and-spend policy?

Mr. DOMENICI. Clearly I have spoken to that and I appreciate my colleague's giving me an opportunity to repeat it. I do not see how you can get out of that.

Let me tell my colleague another thing that is very interesting. I try to make technical matters as simple as I can. But let me tell this one and perhaps the Senator can help me if I have not made it simple enough.

When I say to the Senate, what are we going to cut to pay for this, what I know already is that the President did not provide enough room in the budget for this program. In fact, I think it is common knowledge now—it was not a Republican bringing it forth, I think Senator HOLLINGS brought it forth first—$16.7 billion in program authority and $6 billion in outlays are just sitting around in a box in the President's budget called "new investments." Then, if you look in the budget that he sent us to meet the caps, clearly they are not in there. So what we have done is we have said we do not know where we are going to get the money but we want these new programs.

Mr. GORTON. So the President has asked us to spend this year $6 billion more in specific programs than his own budget caps allow; is that what the Senator is saying?

Mr. DOMENICI. That is correct.

Mr. GORTON. Does that include the money for this program?

Mr. DOMENICI. In the $16.7 billion in program authority there is no way for us to figure it. But there is no money in his budget for this program so we assume it must be in the investment portfolio he had there that did not fit within the caps.

Again, I want to give a little credit in terms of OMB. They were between a rock and a hard place—Leon Panetta was—because the President's vision statement, which was not a budget, but they said go and do a budget in the Congress off the vision statement, had a lot more spending in it than we put in the caps up here. So they were left with presenting a budget after the fact. And in presenting it after the fact, what are they going to do? They could not find $16.7 billion over the years in cuts, so they just put it over there separate and said, "This is part of our investment package. We will work with you to find it."

Mr. GORTON. But did they not tell us there will be many, many billions of cuts in 1997 and 1998 after President Clinton's term is over?

Mr. DOMENICI. That it true and that is another point about this bill. Frankly, this bill starts to spend heavily in 2 years, 3 years, and most heavily in the 4th and 5th years, and that is rather intriguing, also, because 85 percent of all the cuts in programs in the President's ultimate package, somewhere between 80 and 85 percent come in the 4th and 5th years. It is like saying, "Put the taxes on now and trust us, we will get the cuts later." But you see probably looming in the outyears, "Maybe we cannot cut because we have to keep this program going." That is sort of the bow wave of this program starting at $398 million.

Having said that, I want to close these remarks with a comment on a couple of things. I am concerned that this might be construed to be an entitlement, and I think the Senate should know we are not trying to just make things tough here and make people vote on things that do not matter. We are literally trying to find out whether the Congressinal Budget Office has any rationale that this might be an entitlement program because I do not think anybody here on either side could vote against an amendment that I would offer that says this is not an entitlement program.

Second, this program's expenditures are divided three ways: One-third to the Federal Government, one-third to the sponsor, and one-third to the States. The more I look at that I think it ought to be more heavily loaded in favor of the States, and I will offer an amendment for 55 percent of it to go to the States and 45 to be divided between administrative costs and the national sponsors.

And then, last but not least, it is amazing to this Senator that there are two programs at least that are doing a marvelous job for young people, in particular for young college people who cannot afford to go to college. Those two programs are—one is named after a distinguished Senator, Senator PELL called Pell grants. The other is the work/study program.

I am very, very concerned that what we are going to do is continue down the slippery path of reducing Pell grants and work/study funding on the basis we just cannot afford it. I am going to offer an amendment called the triggering amendment. I am going to make it as tight as I can that we do not spend money on this new program without fully funding Pell grants and work/study. And I will not even ask for increases. I will just say at last year's level and make up for whatever advanced funding still has to be accounted for in Pell grants.

There is no doubt in this Senator's mind that we have a stronger commitment to the poor of this country who cannot go to college at all without work/study and Pell grants than we do to a national service corps that is not aimed at the poor. It could be that we put poor people in it, those who are in need, those who would like to use this to move upward. But it is not a means-tested program, not a needs-oriented program. So I very much want to make sure that we keep our priorities and keep them right, and that is to fund Pell grants and fund work/study programs. I am fully aware there may be somebody to come down tomorrow and say technically these are two different subcommittees of appropriations. We hear that. How can you do that? We will just do it. We just write in, binding on whatever subcommittee has it, that you cannot fund this program unless those other programs are funded in that same year to the level described in the amendment. And if it becomes law, it will trigger and it will say, "Take care of the needy students who are wanting to go to college and want to have work/study before you take on this program," which will cost, under the most minimal assessment of costs, $17,000 a year in each of the 2 years for the costs of the work and the cost of the stipend, $17,000 a year for either 25,000 or, perhaps, 150,000.

Ms. MIKULSKI. Will the Senator yield for a question?

Mr. DOMENICI. I will finish this sentence, which I was half through, and then I will.

So everybody will understand, there is no comparison between the need and the value of the Pell Grant Program and this program. There are 4.4 million American college students and post-high school students getting helped by the Pell grants, formula grants. I do not have the number on work study, but it is a large number.

In addition, already there was movement in the House to cut some more off the Pell grant allowance. I do not know what they are going to use the reduction to pay for, but clearly I do not want to use the reduction to pay for this new program.

Now I will be pleased to yield.

Ms. MIKULSKI. The Senator says, "Well, it doesn't matter about subcommittees." I chair a subcommittee, and it does matter to me. I think it matters as a precedent.

I wonder if the Senator is willing, if this technique is adopted, to then apply it to other areas. I know of the Senator's longstanding commitment to the mentally ill. We have worked well on that. Would the Senator be willing to say no funding for veterans' health care unless the NIH is fully funded?

Mr. DOMENICI. Let me suggest, we are the victims of procedures around here, and so I would never commit that I would not try to change a process with an amendment.

Ms. MIKULSKI. Does the Senator follow the logic of that? Once we do that to say in one subcommittee, no matter how meritorious both goals are, that if something is not fully funded in one committee, you bind the hands of another subcommittee so that we would say, no funding for veterans' health care, which is in my subcommittee, unless the National Institutes of Mental Health is funded?

Mr. DOMENICI. I might agree to that. I do not know. Let me tell you the thrust of this is that there is a thread, a significant thread of thrust between the programs I am talking about. This is an education and service program and the Pell grants and the work study programs and one other for college kids in need are also for education and to permit them to work. So that is the similarity. So long as I can find that, I am not going to be—

Ms. MIKULSKI. The similarity then would have been no funding for veterans' health research unless there is full funding of NIH. That would be a thread.

Mr. DOMENICI. That might work, and if the Senator chose to do that, I ask—

Ms. MIKULSKI. Senator, I would never choose to do this.

Mr. DOMENICI. All right. I am not sure I would either, but let me tell you, there is plenty of information about Pell grant underfunding and about Pell grant needs, but we are not just up here talking about pulling one program out and saying unless it is funded fully you cannot fund this other education program.

This is a brandnew program calling for brandnew commitments of money. The programs I am talking about are old, well heavily favored, active in doing good things in our society, programs that have vintage and do well for people.

I do not feel the least bit concerned about comparing them with reference to funding at this point.

EXHIBIT 1

[From the Washington Post, July 21, 1993]

### IT'S STILL NOT ENOUGH

(By Robert J. Samuelson)

There are no heroes in this year's budget brawl. From the start, President Clinton has been hypocritical. He promised both dramatic deficit reduction and more spending, a k a "investments." He couldn't deliver both and hasn't. The deficit reduction is modest, and his "investments" have been trimmed. As for congressional Republicans, they have been content—with a few exceptions—to chant "tax and spend" at Clinton.

In an ideal world, each side would have muffled its rhetorical screeching. Clinton would have sharply cut spending. Republicans would have accepted some higher taxes to achieve deep deficit reductions. "There are two elements missing in the budget debate," as Carol Cox Wait of the nonpartisan Committee for a Responsible Federal Budget recently told the Wall Street Journal. "One is candor, the other is bipartisanship."

You may be confused about what has happened. Budget politics ooze obscurity. Facing unpopular tax increases or spending cuts, politicians camouflage their actions. The mild energy tax (4.3 cents a gallon in the Senate bill) has attracted so much attention precisely because everyone can understand it. But the camouflage can be stripped away. Although differences remain between the House and the Senate—to be settled by a congressional conference committee—the budget's main outlines are clear:

Projected deficits would drop about $500 billion over the next five years (1994–98). The figure sounds larger than it is. Before the cuts, the deficits are expected to total $1.6 trillion between 1994 and 1998. Thus, the package cuts them about a third.

Higher taxes—including user fees, such as patent fees—account for the biggest cuts. The Senate's taxes total $255 billion over five years, the House's about $291 billion.

Spending cuts total about $179 billion in the Senate budget and $149 billion in the House's. These are concentrated in defense ($110 billion over five years) and Medicare ($58 billion in the Senate's bill and $50 billion in the House's). Medicare cuts mainly involve lower reimbursement rates for doctors and hospitals. There are also some small spending increases.

Because the government borrows less, it has lower interest costs. Further savings are assumed, because the Treasury changes its borrowing methods. All these savings amount to $60 billion to $65 billion and bring total five-year savings close to $500 billion.

Everyone's numbers are slightly different, because there's a lot of debate about calling some items either taxes or spending. But by my reckoning, the ratio of tax increases to spending cuts is nearly 1.5 to 1 in the Senate bill and 2 to 1 in the House's. Democratic claims that the ratio comes close to 1 to 1 in the Senate bill rest on questionable arithmetic. For example, all interest savings are counted as spending cuts. They shouldn't be. The interest savings are merely the result of lower deficits and not a conscious choice either to cut spending or raise taxes.

All in all, the package is modest. It has good points and bad. Among the good: the expansion of the earned income tax credit for the working poor. This will reward work for the lowest-paid families. Among the bad: the gutting of the 1986 tax reform by raising top tax rates for individuals (to nearly 40 percent) and corporations (to 35 percent). Clinton and Congress abandoned the philosophy that tax increases should come from broadening the tax base—eliminating tax breaks—rather than raising tax rates.

Even if the full $500 billion deficit cut survives the House-Senate conference (and it may not), it would be smaller than the package adopted by President Bush and Congress in 1990. That plan had $496 billion in deficit cuts over five years, which, after adjustment for inflation, exceeds the present package—on paper. Unfortunately, lower deficits didn't materialize. The savings were offset by an unexpected surge in health costs and the recession, which lowered tax revenues. That was bad luck. Clinton's plan may stand a better chance of reaching its goal.

Where would that leave us? Oh, with an annual deficit of about $200 billion in 1998, maybe a bit more or less. Estimates are error-prone; a $50 billion mistake would be easy. But unless more is done, the deficit would then rise. This ought to worry us, and it's important to understand why.

Contrary to popular wisdom, deficit cuts aren't a formula for instant economic growth. Indeed, no one knows how the present budget plan will immediately affect the economy. Higher taxes and lower spending—especially on defense—might slightly depress growth. On the other hand, lower deficits might slightly reduce interest rates; that would help growth. On balance, all these changes may offset each other. (In a $6 trillion economy, deficits aren't everything. For instance, the main cause of lower long-term interest rates is lower inflation.)

But sooner or later, large deficits—and the accompanying growth of government—become unsustainable. High tax rates and debt levels gradually discourage risk-taking and harm economic growth. Meanwhile, government can't easily cut spending programs that have strong constituencies. Economic stagnation and political disillusion may then feed on each other. This sort of impasse evolves slowly over decades, as political leaders rationalize constant government growth, permanent deficits and timid efforts to control both.

That's what has happened in Europe, and we are marching down the same path. Pressures for future spending and tax increases are huge. They stem from big budget deficits, soaring health costs and an aging population. Because these pressures are so strong, we ought to cut ruthlessly the least useful government programs. Clinton and Congress didn't. Not one major federal program was ended; even the honey subsidy survived.

Clinton never took the case for curbing spending to the public or embraced it himself. He's still got three more budgets to go, and maybe he'll change his approach. Maybe health care reform will control those costs. Or maybe our political system isn't capable of anything more than this year's messy, halting deficit reduction. If so, it's not enough.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the points that have been expressed by my friend from New Mexico. We will have an opportunity to get into these in more detail tomorrow.

Just in terms of making the RECORD tonight, I think it is important to establish some facts.

First of all, the part which is most objectionable to the Domenici amendment is requiring that there would be no funding of this program without paying for the Pell shortfall. The shortfall was estimated at $2 billion in the early part of the year. Now in the recalculation, it is $1.2 billion.

I am not going to spend a lot of time pointing fingers at who is to blame that we did not get that funding in the stimulus program or in the supplemental. But it was not Members on this side of the aisle who filibustered those programs that would have taken care of the Pell Grant Program shortfall. So I am interested in hearing the sense of indignity about this shortfall when those of us who are the strongest supporters of the National Service Program took responsible stances to remedy this earlier. Point No. 1.

Second, I wish to make a point with regard to the Pell grant maximum of $2,300. That is what is going to be funded this year, with an expansion of the total number of students that will be eligible for the program next year due to program modifications we made last year. And I will put those figures in the RECORD rather than taking up the time this evening. So that is not really at issue.

I agree with the Senator from New Mexico that we ought to continue the funding for the campus-based student aid program at levels of last year, which would have been $280 million. Most of that funding has been restored and we have the administration's commitment to fund that at the levels of last year. Most of the shortfall has been made up in the House Appropriations Committee. I hope that the Senate appropriations this year will make up the final few million dollars shortfall.

So if it was not for the procedural issues of holding funding for this important program hostage until we put more money into the Pell Grant Program, the work-study programs, the SEOG's and the BEOG's, the State student incentive grant programs, the other campus-based programs, and the Perkins loans, put me on there as a cosponsor. I have told Eli Segal that. I have told Leon Panetta that. I think I express the feeling of most of the members on the committee: Put us on there, put us on there as cosponsors.

But the fact is, what this amendment is doing is including the $1.2 billion Pell shortfall.

Mr. President, I agree with the point that was being made by my friend from Maryland. Beauty is in the eye of the beholder. Some call funding for national service spending, but say that funding of the superconducting super collider is not spending, it is investing in our future. And the space station is not spending, that is an investment. But somehow doing something to encourage the 43 million young people in our high schools around the country to give something back to their community is spending.

I do not know how the Senator would classify the $131 million that he added this afternoon in the Appropriations Committee, for the INS Appropriations Subcommittee. It was not requested by the administration, and it will be spent primarily in the Senator's own State. I wonder, is that spending or is that an investment? The $131 million that was added in his Appropriations Committee, about half of all the additional money that will be necessary to fund this program, is primarily for use in New Mexico and Texas, and was not requested by the administration.

All of us have been around here long enough to know there are additions. I am certainly guilty of it. I like to try to do it in the areas of education, or health care, or maybe preserving some of the great historical areas in my State. I have been part of that, but I do not generally then proceed and criticize another program's funding with the indignity that has been expressed this evening. As I understand, $131 million of new spending which you put into the bill today in the INS Appropriations Subcommittee was not requested and will be spent primarily in New Mexico and Texas.

Mr. DOMENICI. That is not true, Senator.

Mr. KENNEDY. How much was added above the request?

Mr. DOMENICI. First, Senator, you have never——

Mr. KENNEDY. I will be glad—I do not want to represent my figures from the Appropriations Committee. If I am mistaken, I want to correct it. If the Senator knows those figures, he could answer now and will correct the RECORD. How much was added this afternoon to the INS by your subcommittee above what was requested by the administration?

Mr. DOMENICI. I will be pleased to answer. Let me say, this is for the United States, not New Mexico. In fact, I do not know that we get any of it. This is for New York City where we do not have a jail to keep people like that sheik who came over here without papers, and we turn them loose. It says build a jail for them for $10 million.

Mr. KENNEDY. Is this an amendment for the INS? I did not know the INS was involved in prison construction.

Mr. DOMENICI. This is the border patrol and the INS with reference to illegal aliens.

Mr. KENNEDY. How much was added over the request?

Mr. DOMENICI. Over the President's?

Mr. KENNEDY. Yes.

Mr. DOMENICI. Perhaps 131.

Mr. KENNEDY. That is the only point I am making. Now, the Senator believes that that is important, and that is an expenditure. That is an investment. But those who are going to be involved in community service is a waste of expenditures, those people who need transportation to go visit nursing homes, to do pantomimes so they can spend some time with the elderly people. And those people who are going to involve themselves under supervision working in day care centers and also working to try to teach people who are not able to read and write, that is a tax and spend program. Nonetheless we can expand INS funding.

Well, I say to the Senator, beauty is in the eye of the beholder. Maybe the INS funding was justified, the $131 million that was added this afternoon and not requested by the administration. But before you assert that this program is wasteful spending, let me point out that it is not a new program. It is as old as America—voluntarism. It is as old as America. We are taking programs that have been tried and tested and making those available to communities all over the country that have never had them.

The Senator talks about spending 50 percent on distressed communities in our National Service Program. He says he should offer an amendment. That provision is already there in the bill.

That is why I say, Mr. President, it is useful to have an opportunity to debate these issues, and I hope we will debate them. Otherwise, I am not sure we bring a great deal of light to the subject. We bring some heat, but not a great deal of light.

Mr. President, I will oppose this amendment tomorrow. I think the Senator is quite correct in his posture and position that we ought to fund the Pell grants and the other work study programs. We have expanded the eligibility and the reach of those programs so it is not exactly comparable. But I certainly agree with the importance of these programs.

As I have mentioned at other times, even though we are going to experience very substantial savings moving toward a direct loan program, we are not giving those kinds of benefits to many of the students. I wish we could give a good deal more. But we have made the judgment to pass a very limited amount of that on to the students, and by and large, use the other savings for deficit reduction.

I certainly empathize with those in this body who want to do more for the students. It has been an absolute travesty over the last 12 years how the previous administrations failed the young in this country by effectively reversing the programs that provided grants to the students. They pushed loan programs which have encumbered young students in America to the tune of billions of dollars.

That is what has happened, Mr. President, in the relationship between the Pell Grant Program and the Stafford loan programs, over the resistance and the opposition of those of us who are for the national service program. Now, tonight, at 8 o'clock we hear how some are absolutely indignant about what is happening to these programs. Where were they when the appropriations were coming out over the last 12 years? Where were they in adding amendments and funding for the Pell grant programs? Where were they? Where were they for the loan programs? Where were they?

It does not sit terribly well, Mr. President, in this body and certainly not in history, when we find out who has been standing for these programs, who has been fighting for these programs, who has been struggling for these programs in order to make sure that the young people of this country, primarily the sons and daughters of working men and women, were going to be able to get an education without becoming indentured servants effectively and distorting the whole career paths and future.

Mr. President, I will welcome as much time as possible to debate what has happened in education policy over the period of these last 12 years. What I will not do is take terribly seriously—I will take my friend and colleague, Senator DOMENICI, seriously, but I will not take terribly seriously the arguments of those who have not been a part of the effort to try to ensure the continued commitment of this country to the neediest young people in this country for loans and grants.

Education was a key issue in the 1960 campaign, whether we were going to take the dollar signs off of the universities and colleges of this country. It was a key issue. And the decision by this Congress, and by the administration in the early 1960's said to every young person, if you get into the school of your choice, then we will require you to pay up to your ability to pay. But above this level, we will offer you a combination of grants, loans, work study, and summer work so that you can go to the educational institution of your choice. That was the fundamental basic issue in that campaign. We made a commitment to do that, and we have stuck with this for a long period of time.

That is disappearing in America. More and more, students in this country are making choices on the basis of what they are able to pay, rather than where their abilities will take them. Maybe people are not bothered by that.

Finally, Mr. President, I remember that President Reagan proposed cutting Pell Grant Program funding by 40 percent and zero funding the campus-based programs. I do not know where all the voices were at that time. Maybe the people who have been speaking here about this program is really not serving the educational interests of our young people were standing in opposition to the Appropriations Committee back then. We will have an opportunity to examine that over the evening and find that out so we can ask those same people during the debate tomorrow.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, might I make a couple of points.

First, I say to my good friend, Senator KENNEDY, I have never made a distinction between investments and spending. I have called everything that the Government spends money on, spending. I do not choose to pick and choose between them because I do not think we know how to do that. So I call this program spending and I call the super collider spending. I call them all spending. I do not choose to be different.

Second, on the last point the Senator made, what President Reagan proposed about college assistance never became the law of the land. We did not go with that. We paid for those programs. So I hope he was not addressing that at me, and I do not think he was. But the fact that the President asks for it, and does not get it, does not mean that is what happened to the young people of the country because I think we funded them at a pretty high rate—perhaps not as much as Senator KENNEDY wanted, but the programs he alluded to got substantial increases over those years.

Having said that, I apologize profusely if I am leaving the impression that I am indignant about spending money on this program. I am not. If we had all the money around, I would be for it. I am just suggesting that without taking anything else out of appropriations, out of other things, it is going to be very difficult to justify a $10.8 billion new program, as much good as it can do. It is going to be tough.

Now, it you want to get onto the appropriations bill, it meets the targets, and other programs are cut and cut substantially. So we can argue about that tomorrow if the Senator would like. I hope he does not think that is a New Mexico program. I do not think he is saying that. It applies all over America, as much in New York as it does in Texas, and probably more so in California than anywhere else. It is only an effort to attempt to help the immigration and border patrol people with illegal immigration.

Having said that, I want to send the amendment which we will debate in detail tomorrow.

### AMENDMENT NO. 608

(Purpose: To ensure that the financial soundness of the Pell Grant Program is a higher priority than funding a new program)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 608.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 15, strike the end quotation marks and the second period.

On page 85, between lines 15 and 16 insert the following new section:

**"SEC. 149. PREREQUISITE FOR FUNDING FOR NATIONAL SERVICE EDUCATIONAL AWARDS.**

"Notwithstanding any other provision of law, no funds may be appropriated for any fiscal year to provide national service educational awards under subtitle D unless—

"(1) the amount appropriated for such fiscal year for each of the following programs is at least equal to the amount appropriated for such program for fiscal year 1993—

"(A) the college work-study program under part C of title IV of the Higher Education Act of 1965;

"(B) the supplemental educational opportunity grant program under subpart 3 of part A of title IV of such Act;

"(C) the State student incentive grant program under subpart 4 of part A of title IV of such Act; and

"(D) the Perkins loan program under part E of title IV of such Act; and

"(2) the amount appropriated for such fiscal year for the Pell grant program under subpart 1 of part A of title IV of such Act is sufficient to provide a maximum grant in an amount equal to or in excess of $2,300 and is sufficient to pay for any Pell grant funding shortfall in existance on the date of enactment of this section.".

On page 85, between lines 20 and 21, in the item relating to section 148, strike the end quotations marks and the second period.

On page 85, between lines 20 and 21, after the item relating to section 148, insert the following new item:

"Sec. 149. Prerequisite for funding for national service educational awards.".

Mr. DOMENICI. Mr. President, I am prepared to yield tonight as far as any further comment on my part. I will try to be here at 10:30 as required.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 605

Mr. WOFFORD. Mr. President, I call for the regular order and ask for Senator GLENN's amendment No. 605 to require that the National Service Corporation prepare a business plan to ensure that these plans' funds are spent effectively.

The PRESIDING OFFICER. The regular order is the Glenn amendment No. 605.

AMENDMENT NO. 605 AS MODIFIED

(Purpose: To amend the Inspector General Act of 1978 relating to the Corporation for National and Community Service, and for other purposes)

Mr. WOFFORD. In behalf of Mr. GLENN, I send to the desk a modification of amendment No. 605, containing technical improvements.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No 605), as modified, is as follows:

On page 2, insert after the item relating to section 203 the following new item:

Sec. 204. Business plan.

On page 203, strike out lines 24 and 25 and insert in lieu the following:

"(6) receive any report as provided under section 8E (b), (c), or (d) of the Inspector General Act of 1978;

On page 214, beginning with line 5, strike out all through line 16.

On page 234, beginning with line 21, strike out all through line 5 on page 235, and insert in lieu thereof the following:

(h) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of section 6(a) (7) and (8), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the President of the Corporation for National and Community Service transmits any report to the Congress under section 5 (a) or (b), the President shall transmit such report to the Board of Directors of such Corporation.

"(c) No later than the date on which the President of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the President shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The President of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the President of the Corporation, the President shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the President of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2)."; and

(B) section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

On page 235, line 13, insert "or subsection (h) (2) and (3)" before the comma.

On page 249, insert between lines 11 and 12 the following:

**SEC. 204. BUSINESS PLAN.**

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer. Not later than 9 months after the date of enactment of this section, the President shall identify all functions of ACTION to be transferred to the Corporation.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

On page 250, strike out lines 17 through 25 and insert in lieu thereof the following:

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $389,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

On page 317, beginning with line 22, strike out all through line 11 on page 318.

On page 318, line 12, strike out "(d)" and insert in lieu thereof "(c)".

On page 318, line 22, strike out "(e)" and insert in lieu thereof "(d)".

On page 319, line 3, strike out "(f)" and insert in lieu thereof "(e)".

On page 319, line 7, strike out "(g)" and insert in lieu thereof "(f)".

On page 319, line 11, strike out "(h)" and insert in lieu thereof "(g)".

On page 320, line 1, strike out "(i)" and insert in lieu thereof "(h)".

On page 320, line 7, strike out "(j)" and insert in lieu thereof "(i)".

On page 321, line 1, strike out "(k)" and insert in lieu thereof "(j)".

On page 321, line 5, strike out "(l)" and insert in lieu thereof "(k)".

On page 321, line 11, strike out "(m)" and insert in lieu thereof "(l)".

On page 321, line 15, strike out "(n)" and insert in lieu thereof "(m)".

On page 321, line 23, strike out "(o)" and insert in lieu thereof "(n)".

On page 322, line 6, strike out "(p)" and insert in lieu thereof "(o)".

Mr. WOFFORD. Mr. President, I ask unanimous consent that the amendment, as modified, be agreed to. It has been cleared on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 605), as modified, was agreed to.

Mr. WOFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I strongly support the National and Community Service Trust Act of 1993.

National service is a concept whose time has come, and I commend President Clinton for embracing it and placing it high on his list of domestic priorities.

People want to serve their country, Mr. President, they want to have the opportunity to engage in community service, to help others who have fewer resources than themselves, to rebuild their communities, to share a purpose.

It is in keeping with the finest traditions of this country—to encourage people, young and old—to share in the momentum of nationbuilding.

It is a good idea, and I am pleased that we are considering it on the Senate floor today.

More specifically, Mr. President, I wish to address myself to a provision included within the bill which I authored. It is a provision that seeks to resolve some of the problems communities face in deciding how best to utilize abandoned military bases and other facilities rendered unnecessary as the cold war fades into memory. It also seeks to address the very serious problem of finding on-the-job training and work for millions of unemployed and underemployed young people in this country today.

As a member of the Senate Task Force on Defense Conversion and as chairman of the Senate Labor Subcommittee, these are problems about which I feel very strongly—they need solutions.

My provision gives communities that are interested in undertaking projects to convert old military facilities to civilian use incentives to hire disadvantaged young people to perform work on conversion projects.

It would work something like this. County A decides that it would like to develop an industrial park with room for several businesses on the premises of an abandoned military facility. County A would agree to hire a specific number of economically disadvantaged individuals, provide them on-the-job training, and give them jobs on the project for a minimum of 6 months. In so doing, County A would be eligible for grants available from the Corporation for National Service to pay approximately 85 percent of the salaries of the workers in question.

The total salaries of the participants would be tied to and capped at the rate currently paid to VISTA volunteers—approximately $10,000 on an annualized basis.

The program would give communities financial incentive to undertake defense conversion projects—and it would help put people to work.

Other types of projects could include schools, Headstart facilities, clinics, parks—you name it.

Mr. President, base closing does not have to be a terrible experience for a community. In fact, with a little help, it can turn out to be a very positive experience.

It worked out well for the city of Roswell, NM. On July 13, the Washington Post published a story highlighting Roswell as a defense conversion success story. The article described how the town was successful in converting its military base into an industrial park, a practice landing field for commercial airlines, a university campus, a Job Corps center, and about two dozen small factories.

Obviously not every community will be that successful—many won't. But that is the kind of work—the kind of attitude about base closing—that I hope will be encouraged and fostered under the program which I just described.

I believe it can work. I believe it will work.

On another subject, Mr. President, at this point, I wish to say a few words on behalf of the workers who already toil in the cause of national service—our ACTION Agency Employees who administer the VISTA Program, and the older American volunteer programs—including RSVP, Senior Companions, and the Foster Grandparent Programs. These dedicated workers will become national service workers under the legislation we are considering today.

In that respect, I am concerned that this Senate bill, as opposed to the House national service legislation, does not ensure that ACTION employees will still have jobs once they are transferred to the National Service Corporation.

ACTION employees have dedicated their careers to national service. Their seniority should be awarded some measure of priority in hiring.

In addition to protection for ACTION agency employees, new employees of the Corporation deserve to receive full civil service protection.

I believe these are important issues that must be resolved in the favor of new employees of the Corporation during the conference.

Finally, I want to reiterate my support for the bill. I believe the President was right on the mark when he embraced the concept of national service, and I urge my colleagues to support the bill as well.

## EXECUTIVE SESSION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: John H. Dalton, to be Secretary of the Navy.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if I read; that the motion to reconsider be laid upon the table; and that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination?

There being no objection, the Senate proceeded to consider the nomination of John H. Dalton to be Secretary of the Navy.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

### STATEMENT ON THE NOMINATION OF JOHN H. DALTON

Mr. WARNER. Mr. President, I have been given the privilege by the chairman and ranking member of the Senate Armed Services Committee to be present here this evening for the purpose of recommending to the Senate the nomination of John Dalton to be Secretary of the Navy.

I have had the opportunity to get to know Mr. Dalton over the past month or so, in which the President very wisely selected him for the position of Secretary of the Navy.

I have not only examined him, but examined all of the reports pertaining thereto. He was strongly supported by the Armed Services Committee. Their recommendation is before this body at this time. Therefore, I urge that the nomination be approved.

He is uniquely qualified, Mr. President. He joined the U.S. Navy, went to the Naval Academy, served for I think some 6 years thereafter in the fleet, and became a submariner. And then, after his period of obligated service—plus a few—was up, he returned to the private sector where he distinguished himself again in a variety of positions associated with the financial world.

I think it is fortunate that a man of this background comes to the Navy at this time. The distinguished Presiding Officer, having once himself been in the Navy, recognizes that the Navy has gone through a unique period. And it needs the strongest of leadership, I think, to restore some credibility that in some ways has been lost.

Therefore, I congratulate the President and the Secretary of Defense for selecting this outstanding man who is eminently qualified to assume this position. Therefore, I recommend his nomination.

I would like to take this opportunity to express my unqualified support for this outstanding nominee, John H. Dalton, to be the Secretary of the Navy.

Mr. Dalton has strong roots in the Navy, serving as deputy brigade commander of his class at the Naval Academy and graduating with distinction.

As a naval officer, John Dalton trained and qualified as a nuclear submarine officer and served on submarines in a number of responsible positions.

Along with almost 8 years of active naval experience, John Dalton has extensive business and managerial experience, so critical to today's modern Navy. He has held a number of highly responsible positions in the private sector in banking, real estate and management. His financial and managerial skills will be invaluable tools. His leadership and dedication to the naval service will be of even greater value.

Senators are aware of the love and devotion I hold for the U.S. Navy. Having served in the Navy during World War II and the Marine Corps in the Korean War, I was also extremely honored to serve as the Under Secretary of the Navy and the Secretary of the Navy during the difficult days of the war in Vietnam.

As a member of the Armed Services Committee, I consider it a special responsibility to continue to stand watch for my beloved Navy and I take special interest in the nominees appearing before this committee to whom we will entrust stewardship of the naval service of this great nation.

I have conferred with Mr. Dalton and I am singularly impressed by his outstanding credentials, experience, and dedication.

Mr. President, I am confident that this nominee will be a great Secretary of the Navy.

I wholeheardedly support his nomination and look forward to working with him.

Mr. President, I ask unanimous consent that certain documents relative to this nomination be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT OF JOHN H. DALTON, NOMINEE FOR SECRETARY OF THE NAVY BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, JULY 13, 1993

Mr. Chairman, distinguished members of this committee, I am honored to appear before you today as the President's nominee to be the Secretary of the Navy. I am especially grateful for the trust and confidence of President Clinton and Secretary Aspin and their support for me to serve in this important office of national defense.

Just over 33 years ago, I took my first oath of office in the service of the United States. It was my induction as a midshipman at the United States Naval Academy—a day I will always treasure. Today, I again ask to serve the United States Navy and Marine Corps. Should I be confirmed, I pledge to support and defend those principles for which our nation proudly stands; to serve the President, the Secretary of Defense—work closely with this committee and the Congress to insure our Naval forces maintain the capabilities that are essential for carrying out our national security strategy; and to pursue the goal that each and every man and woman within the Department of the Navy, military and civilian, uphold the highest standards of leadership, professionalism and personal conduct.

My love for the Naval service runs deep. I spent almost twelve years in uniform, proudly wearing the Navy blue and gold as a midshipman, as an active duty naval officer and as a reserve officer. Those past years of service left an indelible impression on me that remains the cornerstone of my feelings toward the people who wear the uniform today—an admiration for our sailors, Marines and civil servants who sacrifice every day for their country, an admiration for their dedication to team work and professionalism, their pride in being the best in their skills, their purpose in mission and commitment to honesty and integrity. Our Sailors and Marines are the finest in the world—prepared to go anywhere, anytime, survive the most hazardous of conditions, and successfully defend the nation's interest. I am inspired by these heroes and heroines of today's naval service, and I seek to lead this force into the challenging future.

Although there is much for me to learn, I feel confident that my experience in the Navy, Federal government and the private sector supports my qualifications to be an effective Navy Secretary, should I be confirmed. During President Carter's administration, I served as President of the government National Mortgage Association and, later, as Chairman of the Federal Home Loan Bank Board. Those posts provided me with an understanding of service in the Executive Branch of government. I have spent the other part of my professional life in banking, investment banking and merchant banking.

The challenges of running the Navy Department are enormous. If confirmed, my experience in business and the public sector will be extremely helpful as I carry out my duties and responsibilities. The years ahead will require sound capital investments, maximum efficiency in operations, reshaping infrastructure to fit force levels, and the maintenance and improvement of our most important asset—our people and their quality of life. But more than simply sound business sense, this task will require strong leadership—the leadership I am dedicated to providing.

The largest part of what being Secretary of the Navy is all about is the challenge of leading the magnificent men and women that make the Navy and Marine Corps the finest fighting force in the history of our nation. Our obligation to them is to ensure we maintain our technological edge in equipment they require and provide the very best training to insure readiness and prepare them to carry out missions assigned. Inherent in this commitment to quality is a renewal of ethics and values.

Mr. Chairman, the values of honor, courage and commitment are the values that our men and women of the Navy and Marine Corps live by in Somalia, in the waters and skies off Bosnia, in the Persian Gulf, on all the seas, and in the far reaches of the globe, and in homeport. These are the values which I will constantly strive to reinforce. Such values transcend probable threats, changes in force structure, or courses of strategy.

The breathtaking changes in our world that have occurred in the past five years—culminating with the disestablishment of the Soviet Union and end to the Cold War—demand a course different from the recent past. The partnership of the Navy and the Marine Corps has been reinvigorated on that new course. It is called . . . From the Sea: A plan that focuses on the threat environment we are likely to face in the future. . . ."From the Sea" highlights the unique capabilities that our Naval forces bring to joint warfare and emphasizes the critical mission of Forward Presence.

The Department of the Navy's approach to down-sizing, or "rightsizing" as I prefer to call it, will recognize the importance of our people. Shedding unnecessary infrastructure, improving our acquisition process, and streamlining our headquarters overhead are all also very important goals, and I will pursue them vigorously. However, we cannot afford to squander the talented people we have today. Instead, we must encourage them, inspire them, and empower them to achieve the excellence to which they are dedicated.

Finally, Mr. Chairman, should I be confirmed, I will perform to the best of my abilities for this nation. I will make myself available to this committee whenever you desire and give you my straightforward and honest views. Today, the Department of the Navy is up to the mission that Congress and the American people have entrusted to it. It would be a privilege and an honor for me to take the helm.

Thank you very much.

### JOHN H. DALTON

John H. Dalton is the former Chairman of the Federal Home Loan Bank Board. Prior to his service on the Bank Board, Mr. Dalton was President of the Government National Mortgage Association in the U.S. Department of Housing and Urban Development.

In 1992 Mr. Dalton served as Finance Chairman of the Bexar County Clinton/Gore Campaign in San Antonio, Texas. In May of 1991 Governor Ann Richards appointed him to serve as a trustee of the Texas Growth Fund. Dalton was the Texas deputy campaign director and business and professional coordinator for the Carter/Mondale Presidential Campaign in 1976. In 1979 he served as National Treasurer of the 1980 Carter/Mondale Presidential Campaign and was a member of the national Executive Committee of the Dick Gephardt for President Campaign in 1988. While in Washington, D.C., Mr. Dalton was President of the Texas State Society and served on the Board of Directors of Texas Breakfast Club.

Mr. Dalton has long been an active member of the business community, initially with the investment banking firm of Goldman, Sachs & Company in Dallas, Texas. He also served as managing director of Best Associates and Mason Best Company, merchant banking firms headquartered in Houston and Dallas, respectively. He served as the Chief Executive Officer of Freedom Capital Corporation from 1984–1988 and as President of the Real Estate Division of the Gill Companies of San Antonio. Currently, he represents Stephens Inc., a full-service investment banking firm located in Little Rock, Arkansas.

Mr. Dalton earned a Masters of Business Administration in finance from the Wharton School of Finance and Commerce of the University of Pennsylvania. In 1964 he graduated with distinction from the U.S. Naval Academy in Annapolis, having served as Deputy Brigade Commander, the Academy's number two ranking position. He was a finalist in the Rhodes Scholarship competition. Before entering the U.S. Naval Academy, John Dalton attended Louisiana State University for one year. He graduated from C.E. Byrd High School in Shreveport, Louisiana in 1959, and was recently inducted into the C.E. Byrd High School Hall of Fame.

During his service in the U.S. Navy he graduated from two Naval nuclear power schools, was assigned duty on two submarines and held various managerial posts in engineering, operations and supply. He received several commendations and awards for superior performance of duty.

John Dalton was born in New Orleans, Louisiana on December 13, 1941. He resides with his wife Margaret and their two sons in San Antonio, Texas.

### JOHN H. DALTON

#### PROFESSIONAL EXPERIENCE

June 1991–present: Stephens Inc., San Antonio, Texas. Stephens is a full-service investment banking firm based in Little Rock, Arkansas.

May 1990–May 1991: Best Associates, Houston, Texas. Managing Director, Merchant banking.

Feb. 1989–March 1990: Mason Best Company, Dallas, Texas. Managing Director, Merchant banking.

Feb. 1984–Feb. 1989: Freedom Capital Corporation, San Antonio, Texas. Chief Executive Officer.

Aug. 1981–Feb. 1984: The Gill Companies, San Antonio, Texas. President, Real Estate Division.

Dec. 1979–July 1981: Federal Home Loan Bank Board, Washington, D.C. Member of the Board and Chairman.

March 1977–March 1979: Government National Mortgage Association, U.S. Department of Housing and Urban Development, Washington, D.C. President.

July 1971–March 1977: Goldman, Sachs & Company, Dallas, Texas. Investment banking.

#### EDUCATION

Wharton School of Finance and Commerce, MBA 1971, University of Pennsylvania, Philadelphia, Pennsylvania

United States Naval Academy, B.S. 1964, Annapolis, Maryland

Louisiana State University, 1960, Baton Rouge, Louisiana

C.E. Byrd High School, 1959, Shreveport, Louisiana

The PRESIDING OFFICER. Without objection, the request of the Senator from Pennsylvania is agreed to. The nomination is confirmed.

The nomination, considered and confirmed, is as follows:

#### DEPARTMENT OF DEFENSE

John H. Dalton, of Texas, to be Secretary of the Navy.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## MORNING BUSINESS

Mr. WOFFORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT

The text of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper solicitations, and for other purposes, as passed by the Senate on July 20, 1993, is as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 20) entitled "An Act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That this Act may be cited as the "Hatch Act Reform Amendments of 1993".*

### *SEC. 2. POLITICAL ACTIVITIES.*

*(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:*

*"SUBCHAPTER III—POLITICAL ACTIVITIES*

***"§7321. Political participation***

*"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.*

***"§7322. Definitions***

*"For the purpose of this subchapter—*

*"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—*

*"(A) an Executive agency other than the General Accounting Office;*

*"(B) a position within the competitive service which is not in an Executive agency; or*

*"(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;*

*but does not include a member of the uniformed services;*

*"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and*

*"(3) 'political contribution'—*

*"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;*

*"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;*

*"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and*

*"(D) includes the provision of personal services for any political purpose.*

***"§7323. Political activity authorized; prohibitions***

*"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—*

*"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;*

*"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—*

*"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));*

*"(B) not a subordinate employee; and*

*"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or*

*"(3) run for the nomination or as a candidate for election to a partisan political office; or*

*"(4) knowingly solicit or discourage the participation in any political activity of any person who—*

*"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or*

*"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.*

*"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.*

*"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.*

*"(B) The provisions of subparagraph (A) shall apply to—*

*"(i) an employee of—*

*"(I) the Federal Election Commission;*

*"(II) the Federal Bureau of Investigation;*

*"(III) the Secret Service;*

*"(IV) the Central Intelligence Agency;*

*"(V) the National Security Council;*

*"(VI) the National Security Agency;*

*"(VII) the Defense Intelligence Agency;*

*"(VIII) the Merit Systems Protection Board;*

*"(IX) the Office of Special Counsel;*

*"(X) the Office of Criminal Investigation of the Internal Revenue Service;*

*"(XI) the Office of Investigative Programs of the United States Customs Service; or*

*"(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or*

*"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.*

*"(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.*

*"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.*

*"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.*

***"§7324. Political activities on duty; prohibition***

*"(a) An employee may not engage in political activity—*

*"(1) while the employee is on duty;*

*"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;*

*"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or*

*"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.*

*"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.*

*"(2) Paragraph (1) applies to an employee—*

*"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and*

*"(B) who is—*

*"(i) an employee paid from an appropriation for the Executive Office of the President; or*

*"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.*

***"§7325. Political activity permitted; employees residing in certain municipalities***

*"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—*

*"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and*

*"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.*

***"§7326. Penalties***

*"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".*

*(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".*

*(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:*

*"SUBCHAPTER III—POLITICAL ACTIVITIES*

*"7321. Political participation.*
*"7322. Definitions.*
*"7323. Political activity authorized; prohibitions.*
*"7324. Political activities on duty; prohibition.*
*"7325. Political activity permitted; employees residing in certain municipalities.*
*"7326. Penalties.".*

### *SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.*

*Section 1216(c) of title 5, United States Code, is amended to read as follows:*

*"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special*

Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

### SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

**"§610. Coercion of political activity**

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

### SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

### SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

### SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act (except for the amendments made by section 8), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

### SEC. 8. POLITICAL RECOMMENDATIONS.

(a) Section 3303 of title 5, United States Code, is amended to read as follows:

**"§3303. Political recommendations**

"(a) For the purposes of this section—

"(1) 'agency' means—

"(A) an Executive agency; and

"(B) an agency in the legislative branch with positions in the competitive service;

"(2) 'applicant' means an individual who has applied for appointment to be an employee;

"(3) 'employee' means an employee of an agency who is—

"(A) in the competitive service;

"(B) a career appointee in the Senior Executive Service or an employee under a similar appointment in a similar executive service; or

"(C) in the excepted service other than—

"(i) an employee who is appointed by the President; or

"(ii) an employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character; and

"(4) 'personnel action' means any action described under clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Except as provided under subsection (f), each personnel action with respect to an employee or applicant shall be taken without regard to any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for such personnel action, made by—

"(1) any Member of Congress or congressional employee;

"(2) any elected official of the government of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;

"(3) any official of a political party; or

"(4) any other individual or organization making such recommendation or statement on the basis of the party affiliation of the employee or applicant.

"(c) Except as provided under subsection (f), a person or organization referred to under subsection (b) (1) through (4) is prohibited from making or transmitting to any officer or employee of an agency, any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for any personnel action in such agency. Except as provided under subsection (f), the agency, or any officer or employee of the agency—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement, appropriately marked as in violation of this section, to the person or organization transmitting the same.

"(d) Except as provided under subsection (f), an employee or applicant who requests or is under consideration for a personnel action in an agency is prohibited from requesting or soliciting from a person or organization referred to under subsection (b) (1) through (4) a recommendation or statement.

"(e) Under regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section.

"(f) An agency, or any authorized officer or employee of an agency, may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the agency or such authorized officer or employee, any statement with respect to an employee or applicant who requests or is under consideration for a personnel action, if—

"(1) the statement is furnished pursuant to a request or requirement of the agency and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the employee or applicant;

"(2) the statement relates solely to the character and residence of the employee or applicant;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the employee or applicant meets suitability or security standards;

"(4) the statement is furnished by a former employer of the employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such employee or applicant during employment with such former employer; or

"(5) the statement is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

"(g) An agency shall take any action it determines necessary and proper under subchapter I or II of chapter 75 to enforce the provisions of this section.

"(h) The provisions of this section shall not affect the right of any employee to petition Congress as authorized by section 7211.".

(b) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:

"3303. Political recommendations.".

(c) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f);".

### SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.

(a) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

**"§5520a. Garnishment of pay**

"(a) For purposes of this section—

"(1) 'agency' means each agency of the Federal Government, including—

"(A) an executive agency, except for the General Accounting Office;

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any agency of the judicial branch of the Government; and

"(D) any agency of the legislative branch of the Government, including the General Accounting Office, each office of a Member of Congress, a committee of the Congress, or other office of the Congress;

"(2) 'employee' means an employee of an agency (including a Member of Congress as defined under section 2106);

"(3) 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment, that—

"(A) is issued by a court of competent jurisdiction within any State, territory, or possession of the United States, or an authorized official pursuant to an order of such a court or pursuant to State or local law; and

"(B) orders the employing agency of such employee to withhold an amount from the pay of such employee, and make a payment of such withholding to another person, for a specifically described satisfaction of a legal debt of the employee, or recovery of attorney's fees, interest, or court costs; and

*"(4) 'pay' means—*

*"(A) basic pay, premium pay paid under subchapter V, any payment received under subchapter VI, VII, or VIII, severance and back pay paid under subchapter IX, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus pay or otherwise; and*

*"(B) does not include awards for making suggestions.*

*"(b) Subject to the provisions of this section and the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person.*

*"(c)(1) Service of legal process to which an agency is subject under this section may be accomplished by certified or registered mail, return receipt requested, or by personal service, upon—*

*"(A) the appropriate agent designated for receipt of such service of process pursuant to the regulations issued under this section; or*

*"(B) the head of such agency, if no agent has been so designated.*

*"(2) Such legal process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved.*

*"(d) Whenever any person, who is designated by law or regulation to accept service of process to which an agency is subject under this section, is effectively served with any such process or with interrogatories, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is made, send written notice that such process has been so served (together with a copy thereof) to the affected employee at his or her duty station or last-known home address.*

*"(e) No employee whose duties include responding to interrogatories pursuant to requirements imposed by this section shall be subject to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the carrying out of any of such employee's duties which pertain directly or indirectly to the answering of any such interrogatory.*

*"(f) Agencies affected by legal process under this section shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.*

*"(g) Neither the United States, an agency, nor any disbursing officer shall be liable with respect to any payment made from payments due or payable to an employee pursuant to legal process regular on its face, provided such payment is made in accordance with this section and the regulations issued to carry out this section. In determining the amount of any payment due from, or payable by, an agency to an employee, there shall be excluded those amounts which would be excluded under section 462(g) of the Social Security Act (42 U.S.C. 662(g)).*

*"(h)(1) Subject to the provisions of paragraph (2), if an agency is served under this section with more than one legal process with respect to the same payments due or payable to an employee, then such payments shall be available, subject to section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673), to satisfy such processes in priority based on the time of service, with any such process being satisfied out of such amounts as remain after satisfaction of all such processes which have been previously served.*

*"(2) A legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) for the enforcement of the employee's legal obligation to provide child support or make alimony payments, shall have priority over any legal process to which an agency is subject under this section.*

*"(i) The provisions of this section shall not modify or supersede the provisions of sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) concerning legal process brought for the enforcement of an individual's legal obligations to provide child support or make alimony payments.*

*"(j)(1) Regulations implementing the provisions of this section shall be promulgated—*

*"(A) by the President or his designee for each executive agency, except with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;*

*"(B) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, for the legislative branch of the Government; and*

*"(C) by the Chief Justice of the United States or his designee for the judicial branch of the Government.*

*"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.*

*"(k)(1) No later than 180 days after the date of the enactment of this Act, the Secretaries of the Executive departments concerned shall promulgate regulations to carry out the purposes of this section with regard to members of the uniformed services.*

*"(2) Such regulations shall include provisions for—*

*"(A) the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.); and*

*"(B) consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.*

*"(3) The Secretaries of the Executive departments concerned shall promulgate regulations under this subsection that are, as far as practicable, uniform for all of the uniformed services. The Secretary of Defense shall consult with the Secretary of Transportation with regard to the promulgation of such regulations that might affect members of the Coast Guard when the Coast Guard is operating as a service in the Navy.".*

*(b)(1) The table of chapters for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5520 the following:*

*"5520a. Garnishment of pay.".*

*(2) Section 410(b) of title 39, United States Code, is amended—*

*(A) by redesignating the second paragraph (9) (relating to the Inspector General Act of 1978) as paragraph (10); and*

*(B) by adding at the end thereof the following new paragraph:*

*"(11) section 5520a of title 5.".*

### ***SEC. 10. SENSE OF THE SENATE RELATING TO FEDERAL EMPLOYEE SOLICITATION OF FUNDS AND CANDIDACIES.***

*It is the sense of the Senate that Federal employees should not be authorized to—*

*(1) solicit political contributions from the general public; or*

*(2) run for the nomination or as a candidate for a local partisan political office, except as expressly provided under current law.*

### ***SEC. 11. SENSE OF THE SENATE RELATING TO ASSISTANCE TO NICARAGUA.***

*(a) FINDINGS.—The Senate finds the following:*

*(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK–47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.*

*(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.*

*(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.*

*(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.*

*(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.*

*(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.*

*(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.*

*(b) SENSE OF SENATE.—It is the sense of the Senate that—*

*(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and*

*(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.*

### ***SEC. 12. EFFECTIVE DATE.***

*(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.*

*(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.*

*(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.*

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## NATIONAL FORMER PRISONER-OF-WAR RECOGNITION DAY

Mr. WOFFORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 54.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the resolution from the Senate (S.J. Res. 54) entitled "Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day," do pass with the following amendments:

Page 1, line 3, strike "April 9, 1993, and".

Amend the title so as to read: "Joint resolution designating April 9, 1994, as 'National Former Prisoner of War Recognition Day'.".

Mr. WOFFORD. Mr. President, I move that the Senate concur, en bloc, in the amendments of the House.

The motion was agreed to.

Mr. WOFFORD. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## INDIAN TRIBAL JUSTICE SYSTEMS ACT

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 133, S. 521, a bill to assist the development of tribal judicial systems; that the committee amendment be agreed to, and the bill, as amended, be deemed read the third time, passed, and the motion to reconsider laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 521) to assist the development of tribal judicial systems, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

### *TITLE I—GENERAL PROVISIONS*

***SEC. 101. SHORT TITLE.***

*This Act may be cited as the "Indian Tribal Justice Systems Act".*

***SEC. 102. FINDINGS.***

*Congress finds and declares that—*

*(1) there is a government-to-government relationship between the United States and each Indian tribe;*

*(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;*

*(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;*

*(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;*

*(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;*

*(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;*

*(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;*

*(8) tribal justice systems are inadequately funded and the lack of adequate funding impairs their operation; and*

*(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.*

***SEC. 103. DEFINITIONS.***

*For purposes of this Act:*

*(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.*

*(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.*

*(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under the authority of the United States or the inherent authority of the native entity and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.*

*(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.*

*(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.*

*(6) The term "Secretary" means the Secretary of the Interior.*

*(7) The term "tribal organization" means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.*

*(8) The term "tribal justice system" means the entire justice system of an Indian tribe, including but not limited to traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority without regard to whether they constitute a court of record.*

### *TITLE II—TRIBAL JUSTICE SYSTEMS*

***SEC. 201. OFFICE OF TRIBAL JUSTICE SUPPORT.***

*(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.*

*(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.*

*(c) FUNCTIONS.—Except as otherwise provided in title III, in addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:*

*(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.*

*(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.*

*(3) Study and conduct research concerning the operation of tribal justice systems.*

*(4) Promote cooperation and coordination between tribal justice systems, the Federal judiciary, and State judiciary systems.*

*(5) Oversee the continuing operations of the Courts of Indian Offenses.*

*(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.*

*(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide training and technical assistance to any Indian tribe or tribal organization upon request. Technical assistance and training which may be provided by the Office shall include, but is not limited to, assistance for the development of—*

*(A) tribal codes and rules of procedure;*

*(B) tribal court administrative procedures and court records management systems;*

*(C) methods of reducing case delays;*

*(D) methods of alternative dispute resolution;*

*(E) tribal standards for judicial administration and conduct; and*

*(F) long-range plans for the enhancement of tribal justice systems.*

*(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes and tribal organizations.*

*(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall establish and maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems, including, but not limited to, information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such action as may be necessary to ensure the confidentiality records, and other matters involving privacy rights.*

***SEC. 202. SURVEY OF TRIBAL JUDICIAL SYSTEMS.***

*(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section. Any survey conducted pursuant to this section shall be completed and its findings reported by the Secretary and the Congress not later than 12 months after the date on which the contract for the conduct of the survey is executed.*

*(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—*

*(1) the geographic area and population to be served;*

*(2) the levels of functioning and capacity of the tribal justice system;*

*(3) the volume and complexity of the case loads;*

*(4) the facilities, including detention facilities, and program resources available;*

*(5) funding levels and personnel staffing requirements for the tribal justice system; and*

*(6) the training and technical assistance needs of the tribal justice system.*

*(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the survey, including updates thereof, of conditions of tribal justice systems. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey, or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together

*with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.*

### SEC. 203. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

*(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with Indian tribes and tribal organizations, for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.*

*(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—*

*(1) planning for the development, enhancement, and operation of tribal justice systems;*

*(2) the employment of judicial personnel;*

*(3) training programs and continuing education for tribal judicial personnel;*

*(4) the acquisition, development, and maintenance of a law library or computer assisted legal research capacities;*

*(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;*

*(6) the development and operation of records management systems;*

*(7) the construction or renovation of facilities for tribal justice systems;*

*(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and*

*(9) the development and operation of other innovative and culturally relevant programs and projects, including programs and projects for—*

*(A) alternative dispute resolution;*

*(B) tribal victims assistance or victims services;*

*(C) tribal probation services or diversion programs;*

*(D) juvenile justice services and multidisciplinary investigations of child abuse; and*

*(E) traditional tribal judicial practices, traditional tribal justice systems and traditional methods of dispute resolution.*

*(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.*

*(2) The Secretary shall assess caseload and staffing needs for tribal justice systems and take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 202 and to comparable relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, and the American Bar Association.*

*(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—*

*(A) the caseload and staffing needs identified under paragraph (2) of this section;*

*(B) the geographic area and population to be served;*

*(C) the volume and complexity of the caseloads;*

*(D) the projected number of cases per month;*

*(E) the projected number of persons receiving probation services or participating in diversion programs; and*

*(F) any special circumstances warranting additional financial assistance.*

*(4) In developing the formula for base support funding for tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.*

## TITLE III—TRIBAL JUDICIAL CONFERENCES

### SEC. 301. ESTABLISHMENT; FUNDING.

*(a) ESTABLISHMENT.—In any case in which two or more governing bodies of Indian tribes establish a regional or national judicial conference, such conference shall be considered a tribal organization and eligible to contract for funds under this title, if each member tribe served by the conference has adopted a tribal resolution which authorizes the tribal judicial conference to receive and administer funds under this title. At the written request of any tribal judicial conference, a contract entered into pursuant to this title shall authorize the conference to receive funds and perform any or all of the duties of the Bureau and the Office under sections 201 and 202 of this Act on behalf of the members of such conference.*

*(b) CONTRACT AUTHORITY.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized, subject to appropriations, to enter into contracts, grants, or agreements with a tribal judicial conference for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference.*

*(c) FUNDING.—The Secretary is authorized to provide funding to tribal judicial conferences pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for administrative expenses incurred by such conferences.*

## TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

### SEC. 401. STUDY.

*(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal justice systems of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal justice systems have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal justice systems, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.*

*(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.*

### SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

*(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—*

*(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and*

*(2) four members of the United States Courts of Appeal, of whom one shall be appointed by the chief judge of the eighth circuit, one by the chief judge of the ninth circuit, one by the chief judge of the tenth circuit, and one by the chief judge of the Federal circuit.*

*(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.*

*(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are first made available to carry out this title, shall submit its findings and recommendations to—*

*(1) Congress;*

*(2) the Secretary;*

*(3) the Director of the Administrative Office of the United States Courts; and*

*(4) each Indian tribe.*

*(d) TERMINATION.—Thirty days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.*

## TITLE V—AUTHORIZATIONS

### SEC. 501. TRIBAL JUSTICE SYSTEMS.

*(a) OFFICE.—There are authorized to be appropriated to carry out the provisions of sections 201, 202, and 301(a) of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided pursuant to the authorizations under this subsection may be used for the administrative expenses of the Office.*

*(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS AND JUDICIAL CONFERENCES.—There are authorized to be appropriated to carry out the provisions of section 203 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.*

*(c) ADMINISTRATIVE EXPENSES FOR OFFICE.—There are authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.*

*(d) ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.—There are authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.*

*(e) SURVEY.—For carrying out the survey under section 202, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.*

*(f) AUTHORIZATION.—For carrying out the study under section 401, there is authorized to be appropriated such sums as may be necessary.*

*(g) NO OFFSET.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against funds otherwise available for use in connection with tribal justice systems.*

*(h) ALLOCATION OF FUNDS.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments, and tribal judicial conferences, the Secretary shall take such action as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable, and is proportionate to base support funding under section 203 received by the Bureau, Office, tribal governments, and tribal government members comprising a judicial conference.*

*(i) INDIAN PRIORITY SYSTEM.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.*

## TITLE VI—DISCLAIMERS

### SEC. 601. TRIBAL AUTHORITY.

*Nothing in this Act shall be construed to—*

*(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;*

*(2) diminish in any way the authority of tribal governments to appoint personnel;*

*(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;*

*(4) alter in any way traditional dispute resolution forums;*

*(5) imply that any tribal court is an instrumentality of the United States; or*

*(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.*

Mr. INOUYE. Mr. President, I am pleased today to present to the Senate the bill, S. 521 to provide resources to Indian tribal justice systems. This bipartisan bill is the outgrowth of nearly 6 years of debate and discussion amongst the Congress, the Nation's Indian tribal governments, National Indian Organizations, and the administration, concerning the best and most efficient way to provide increased Federal resources to Indian tribal courts while preserving and protecting the inherent authority of each sovereign tribal government to determine the nature of its own legal system.

Mr. President, the measure proposed for consideration by the Senate today is similar in many respects to a bill passed last year but which was not agreed to by the House. However, this year, the House Subcommittee on Native American Affairs of the Committee on Natural Resources has acted favorably on H.R. 1268, a bill that is now pending full committee action. I am pleased to report that the provisions of S. 521 are similar to those in the bill now being considered by the House Committee on Natural Resources.

S. 521 authorizes $50 million for base support funding for Indian tribal justice systems. Over 170 tribal courts now receive some Federal assistance but the total outlay for fiscal year 1993 is less than $13 million. The amount of funding in S. 521 is a conservative authorization given the overwhelming need for resources of these court systems. This need was made evident during eight hearings over the past 3 years before the Committee on Indian Affairs in which witnesses detailed the lack of funding for basic tribal court functions, including personnel, reporting, records managements, standards development, and facilities. Base support funding can be used for personnel salaries, training, acquisition of law libraries or computer-assisted legal research systems, revision of tribal codes and rules of procedure, records management, and facilities construction or renovation.

The base support funding will be allocated on the basis of a formula developed after a survey on tribal court needs is conducted by the secretary through contract with a non-Federal entity. The survey will consider caseloads, geographic locations, and facilities needs, as well as current funding and staffing levels of each and every tribal justice system.

In addition to the base support funding for Indian tribal justice systems, the bill authorizes $7 million per year for training and technical assistance. These training and technical assistance services may be provided either directly or by contracts or grants and funds can be used for development of tribal codes and rules of procedure, court records management systems, development of standards for judicial administration and conduct, and other purposes.

One of the issues that was the subject of consideration during development of this bill was the entity that would be responsible for providing the base support funding and the training and technical assistance grants and contracts. Based upon testimony presented to the committee by the Bureau of Indian Affairs [BIA], many tribal governments are concerned that the Bureau of Indian Affairs will insist upon imposing BIA-determined standards if it is charged with administering a major program of support for tribal judicial systems. This is a very real concern and one that the committee attempted to address by including disclaimer provisions in the bill and by limiting the amount of funds that the BIA can use for administrative costs. The committee has thus limited the amount of interference by the Bureau of Indian Affairs. At the same time, the committee elected to elevate the current branch of judicial services to an Office of Judicial Support. This increased visibility within the BIA will help to focus attention on the needs of tribal justice systems.

The bill also provides that one or more tribal judicial conferences can contract to perform the services and functions of the Office of Tribal Justice Support. While a conference would not be able to contract to allocate base support funding, it would be able to perform all other duties. Funds are also provided in the bill to support the administrative costs of the conference of conferences.

Mr. President, I believe the measure before the Senate today, S. 521, is an excellent bill. While it is a bill that reflects compromise, more fundamentally, it represents the preservation of the sovereign authority of tribal governments to determine the future of their tribal justice systems. Sovereign nations, no matter how limited or expansive their sovereignty might be, can only exercise that sovereignty through the legal systems they develop to implement civil and criminal codes and to enforce regulatory provisions. Mr. President, this bill will assist tribal governments in their efforts to develop strong tribal justice systems. For these reasons, I urge my colleagues to act favorably on this measure.

Mr. McCAIN. Mr. President, I introduced S. 521 on March 5, 1993, with Senators INOUYE and CAMPBELL whom I thank for their assistance and support.

The Indian Tribal Justice Act is intended to address the needs of Indian tribal justice systems by providing adequate Federal resources to tribal governments for use by their justice systems. The bill provides for the establishment of the Office of Tribal Justice Support in the Bureau of Indian Affairs to carry out the purposes of the act. The Office would have the resources and the authority to assist tribes in the development of all aspects of tribal justice systems either directly or through grants and contracts. The Office would also serve as a clearinghouse for information on tribal justice systems and conduct an annual survey of their resource needs, through a contract with a non-Federal entity which is to be selected through careful consultations with Indian tribal governments. The bill authorizes the Secretary of the Interior to enter into self-determination contracts with tribal judicial conferences should two or more tribes decide to form such a conference. A panel of Federal judges and tribal representatives would conduct a study and provide findings and recommendations on the treatment of the Indian Civil Rights Act and other Federal laws in tribal justice systems if S. 521 is enacted.

For fiscal years 1994 through 2000 the bill authorizes $50 million per year for formula based funding support for tribal justice systems, $7 million per year for training and technical assistance grants, $500,000 per year for the administrative expenses of the Office of Tribal Justice Support, $500,000 per year for the administrative costs of tribal judicial conferences, and such sums as may be necessary for the tribal/Federal court review study. Funds appropriated under the authority of the act and made available to Indian tribes shall not be subject to the Indian Priority System.

Mr. President, the Committee on Indian Affairs has been working on legislation to assist tribal justice systems for the past 5 years. During the 101st Congress, committee staff engaged in an extensive consultation process with tribal leaders and judges in an effort to reach a consensus on a legislative proposal. While great progress was made, no clear consensus emerged.

During the 102d Congress, the committee held seven hearings on the needs of tribal courts and issues associated with the exercise of tribal jurisdiction. Two bills were introduced to specifically address the resource needs of tribal justice systems. S. 667, which I sponsored along with Senator INOUYE, was the subject of hearings which ultimately led to the introduction of S.

1752 by Senator INOUYE and I. Further hearings were held on S. 1752 and a substitute version of this bill was favorably reported by the committee and passed by the full Senate.

Concurrent with the committee's consideration of S. 667 and S. 1752, the Committee on Interior and Insular Affairs of the House considered legislation to strengthen tribal courts and held two hearings during the 102d Congress. The House ultimately passed H.R. 4004 and it was referred to the Senate Select Committee on Indian Affairs. The provisions of S. 1752 were substituted for the provisions of H.R. 4004, passed by the full Senate and returned to the House where it died upon the adjournment of the 102d Congress.

There were many fundamental differences between S. 1752 and H.R. 4004, and the administration opposed both bills as unnecessary. The most significant difference between the House and Senate bills was in the fact that the House bill provided a strong role for the Bureau of Indian Affairs in the administration of funds appropriated for the benefit of tribal courts. While the Senate bill provided for some authority to be vested in the BIA, it also provided a mechanism whereby the tribes could form a tribal judicial conference which would be recognized by the Congress and which would administer funds intended for tribal judicial systems. The House declined to consider the Senate bill because it mandated House floor procedures and because of concerns about its unconstitutionality under the appointments clause. Indian tribal governments were divided in their support for the House and Senate bills.

The introduction of S. 521 on March 5, 1993, reflected a good faith attempt to develop a compromise with the House. The bill would leave the primary administrative authority for funds appropriated for the benefit of tribal courts with the BIA. The bill does authorize the Secretary to enter into grants or contracts under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, with a tribal judicial conference if two or more tribes should elect to form such a conference. The conference could, at the discretion of the tribal governments which are members of the conference, contract to perform any of the functions of the BIA except the development of the formula, and the distribution of base support funding. The Committee on Indian Affairs conducted a hearing on S. 521 on April 20, 1993.

Representatives RICHARDSON and ENGLISH introduced nearly identical legislation, H.R. 1268, in the House on March 9, 1993. The most significant difference between the two bills as introduced was that the House bill would permit tribal judicial conferences to contract to administer all funds including base support funding. The House Natural Resources Subcommittee on Native American Affairs conducted a hearing on H.R. 1268 on April 21, 1993.

On April 16, 1993, the Committee on Indian Affairs conducted a business meeting during which an amendment in the nature of a substitute to S. 521 was considered and unanimously approved. The substitute reflected changes based on comments received at the April 20, 1993, hearing and written comments received by the committee prior to May 20, 1993. In addition, the staff continued to consult with the staff of the House Subcommittee on Native American Affairs in an effort to resolve differences between S. 521 and H.R. 1268.

Most of the revisions incorporated in the substitute reflect minor or technical word changes intended to narrow the focus and clarify the purpose of the bill as introduced. Title IV of the substitute incorporates a change based on a request by Senator GORTON to include language from S. 1752 which provided for a tribal/Federal court review study to determine the treatment being accorded the Indian Civil Rights Act and other Federal laws being enforced through tribal justice systems.

As was the case in the 102d Congress, the administration continues to oppose any legislation to enhance tribal justice systems, although it does now support the underlying intent of S. 521 and does recognize the need to provide additional financial and technical assistance to tribal justice systems as well as the need for the survey authorized in S. 521. While the administration concedes the need to elevate the Branch of Judicial Services to provide greater accountability and coordination with other programs, it continues to oppose the establishment of the Office of Tribal Justice Support on the ground that it would somehow duplicate budget, finance, and planning personnel. The substitute addresses this concern by specifically limiting the funds available for administration of the Office to $500,000 per fiscal year.

Mr. President, I urge all of my colleagues to join with me and the other members of the Committee on Indian Affairs in support of this long overdue legislation. I want to express my sincere thanks to all of the Indian tribal government leaders and judges who have worked so hard for so many years to develop this legislation. I know that this bill does not satisfy all known needs of tribal justice systems, but it does finally set tribal and Federal Governments on the right course.

So the bill (S. 521), as amended, was deemed read the third time, and passed, as follows:

S. 521

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—GENERAL PROVISIONS

### SEC. 101. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Systems Act".

### SEC. 102. FINDINGS.

Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

### SEC. 103. DEFINITIONS.

For purposes of this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under the authority of the United States or the inherent authority of the native entity and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term "tribal justice system" means the entire justice system of an Indian tribe, including but not limited to traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider

systems, established by inherent tribal authority without regard to whether they constitute a court of record.

## TITLE II—TRIBAL JUSTICE SYSTEMS

### SEC. 201. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) FUNCTIONS.—Except as otherwise provided in title III, in addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination between tribal justice systems, the Federal judiciary, and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide training and technical assistance to any Indian tribe or tribal organization upon request. Technical assistance and training which may be provided by the Office shall include, but is not limited to, assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes and tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall establish and maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems, including, but not limited to, information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such action as may be necessary to ensure the confidentiality records, and other matters involving privacy rights.

### SEC. 202. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section. Any survey conducted pursuant to this section shall be completed and its findings reported by the Secretary and the Congress not later than 12 months after the date on which the contract for the conduct of the survey is executed.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

(1) the geographic area and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the case loads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the survey, including updates thereof, of conditions of tribal justice systems. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey, or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

### SEC. 203. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with Indian tribes and tribal organizations, for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library or computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile justice services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems and traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems and take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 202 and to comparable relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, and the American Bar Association.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the caseload and staffing needs identified under paragraph (2) of this section;

(B) the geographic area and population to be served;

(C) the volume and complexity of the caseloads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing the formula for base support funding for tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

## TITLE III—TRIBAL JUDICIAL CONFERENCES

### SEC. 301. ESTABLISHMENT; FUNDING.

(a) ESTABLISHMENT.—In any case in which two or more governing bodies of Indian tribes establish a regional or national judicial conference, such conference shall be considered a tribal organization and eligible to contract for funds under this title, if each member tribe served by the conference has adopted a tribal resolution which authorizes the tribal judicial conference to receive and administer funds under this title. At the written request of any tribal judicial conference, a contract entered into pursuant to this title shall authorize the conference to receive funds and perform any or all of the duties of the Bureau and the Office under sections 201 and 202 of this Act on behalf of the members of such conference.

(b) CONTRACT AUTHORITY.—Pursuant to the Indian Self-Determination and Education

Assistance Act, the Secretary is authorized, subject to appropriations, to enter into contracts, grants, or agreements with a tribal judicial conference for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference.

(c) Funding.—The Secretary is authorized to provide funding to tribal judicial conferences pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for administrative expenses incurred by such conferences.

### TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

**SEC. 401. STUDY.**

(a) Tribal/Federal Court Review.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal justice systems of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal justice systems have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal justice systems, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) Tribal/Federal Court Review Study Panel.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

**SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.**

(a) Composition.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Courts of Appeal, of whom one shall be appointed by the chief judge of the eighth circuit, one by the chief judge of the ninth circuit, one by the chief judge of the tenth circuit, and one by the chief judge of the Federal circuit.

(b) Personnel.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.

(c) Findings.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are first made available to carry out this title, shall submit its findings and recommendations to—

(1) Congress;

(2) the Secretary;

(3) the Director of the Administrative Office of the United States Courts; and

(4) each Indian tribe.

(d) Termination.—Thirty days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

### TITLE V—AUTHORIZATIONS

**SEC. 501. TRIBAL JUSTICE SYSTEMS.**

(a) Office.—There are authorized to be appropriated to carry out the provisions of sections 201, 202, and 301(a) of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided pursuant to the authorizations under this subsection may be used for the administrative expenses of the Office.

(b) Base Support Funding for Tribal Justice Systems and Judicial Conferences.—There are authorized to be appropriated to carry out the provisions of section 203 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) Administrative Expenses for Office.—There are authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) Administrative Expenses for Tribal Judicial Conferences.—There are authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) Survey.—For carrying out the survey under section 202, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(f) Authorization.—For carrying out the study under section 401, there is authorized to be appropriated such sums as may be necessary.

(g) No Offset.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against funds otherwise available for use in connection with tribal justice systems.

(h) Allocation of Funds.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments, and tribal judicial conferences, the Secretary shall take such action as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable, and is proportionate to base support funding under section 203 received by the Bureau, Office, tribal governments, and tribal government members comprising a judicial conference.

(i) Indian Priority System.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

### TITLE VI—DISCLAIMERS

**SEC. 601. TRIBAL AUTHORITY.**

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way traditional dispute resolution forums;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

## THE CALENDAR

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 134, 135, 136, 137, 138, 139, 140, 142, 143, en bloc; that the committee substitute amendments and committee amendments, where appropriate, be agreed to, en bloc; that the several bills each be deemed read the third time, passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that the consideration of each bill be laid upon the table, en bloc; that the consideration of each bill be included separately in the Record, and that statements with respect to the passage of each bill be included in the Record where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NORTH CHARLESTON LAND EXCHANGE

The Senate proceeded to consider the bill (S. 273) to remove certain restrictions from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. REMOVAL OF DEED RESTRICTIONS.***

*(a) In General.—Subject to the terms and conditions set forth in subsection (b), the Secretary of the Interior (hereinafter referred to as the "Secretary") shall execute such instruments as are necessary to remove the deed restrictions described in subsection (c), in order to allow the city of North Charleston, South Carolina (hereinafter referred to as the "city") to enter into a land exchange.*

*(b) Terms and Conditions.—The Secretary shall remove the deed restrictions described in subsection (c) on the condition that—*

*(1) the city exchange the parcel of land described in subsection (d) for another parcel of land to be subject to the same restrictions, exceptions, reservations, conditions, and covenants described in subsection (c), and encumbered by a reversionary interest to be held by the United States to be exercised, at its option, should all or any portion of such parcel cease to be used for public park or recreational purposes;*

*(2) the city convey all mineral interests to the United States in the parcel received by the city pursuant to the land exchange referred to in paragraph (1); and*

*(3) the city received such sums as are necessary to equalize the values of the parcels exchanged: Provided, That any sums received by the city pursuant to this paragraph shall be used by the city only for public park or recreation purposes.*

*(c) Deed Restrictions.—The deed restrictions referred to in paragraphs (a) and (b) are those restrictions, exceptions, reservations, conditions, and covenants described in the Quitclaim Deed of the United States to the City of North Charleston, South Carolina, dated August 9, 1978 (Deed Books of Charleston County, South Carolina, on page 318 of book T116).*

*(d) Land Description.—The parcel of land referred to in subsection (a) consists of approximately 21.6 acres in Charleston County, South*

*Carolina, as described on page 318 of book T116 of the Deed Books of Charleston County, South Carolina.*

The amendment was agreed to.

The bill (S. 273) was deemed read the third time and passed, as follows:

S. 273

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. REMOVAL OF DEED RESTRICTIONS.

(a) IN GENERAL.—Subject to the terms and conditions set forth in subsection (b), the Secretary of the Interior (hereinafter referred to as the "Secretary") shall execute such instruments as are necessary to remove the deed restrictions described in subsection (c), in order to allow the city of North Charleston, South Carolina (hereinafter referred to as the "city") to enter into a land exchange.

(b) TERMS AND CONDITIONS.—The Secretary shall remove the deed restrictions described in subsection (c) on the condition that—

(1) the city exchange the parcel of land described in subsection (d) for another parcel of land to be subject to the same restrictions, exceptions, reservations, conditions, and covenants described in subsection (c), and encumbered by a reversionary interest to be held by the United States to be exercised, at its option, should all or any portion of such parcel cease to be used for public park or recreational purposes;

(2) the city convey all mineral interests to the United States in the parcel received by the city pursuant to the land exchange referred to in paragraph (1); and

(3) the city receive such sums as are necessary to equalize the values of the parcels exchanged: *Provided*, That any sums received by the city pursuant to this paragraph shall be used by the city only for public park or recreation purposes.

(c) DEED RESTRICTIONS.—The deed restrictions referred to in paragraphs (a) and (b) are those restrictions, exceptions, reservations, conditions, and covenants described in the Quitclaim Deed of the United States to the City of North Charleston, South Carolina, dated August 9, 1978 (Deed Books of Charleston County, South Carolina, on page 318 of book T116).

(d) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) consists of approximately 21.6 acres in Charleston County, South Carolina, as described on page 318 of book T116 of the Deed Books of Charleston County, South Carolina.

## COLONIAL NEW MEXICO COMMEMORATIVE ACT

The Senate proceeded to consider the bill (S. 294) to authorize the Secretary of the Interior to formulate a program for the research and preservation of various aspects of colonial New Mexico history, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

The amendment was agreed to.

The bill (S. 294) was deemed read a third time and passed, as follows:

S. 294

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Colonial New Mexico Commemorative Act".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in 1598, almost a decade before the first permanent English settlement was established at Jamestown, Spanish colonists entered New Mexico, beginning more than 2 centuries of colonization that would indelibly mark the character of the American Southwest;

(2) because of the flow of history, New Mexico has remained a unique area of the Spanish borderlands;

(3) as a result of its remoteness, New Mexico changed more slowly than other settlements and has retained many significant remnants of colonial customs, language, and attitudes; and

(4) the interaction of the American Indian and Hispanic colonial heritages resulted in customs, architecture, and many other manifestations that are unique to today's American culture.

(b) PURPOSE.—In order to enhance the preservation, interpretation, and public understanding of various aspects of colonial New Mexico, the purpose of this Act is to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMITTEE.—The term "Committee" means the Colonial New Mexico Preservation Advisory Committee established by section 6.

(2) PLAN.—The term "plan" means the comprehensive management plan described in section 5.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

### SEC. 4. DUTIES OF SECRETARY.

(a) PLAN.—

(1) PREPARATION.—The Secretary shall prepare the comprehensive management plan in accordance with section 5.

(2) IMPLEMENTATION.—In close consultation with the Office of Cultural Affairs of the State of New Mexico and the Committee, the Secretary shall—

(A) coordinate the activities of Federal, State, and local governments, and private businesses and organizations, to carry out the plan and the purpose of this Act; and

(B) consistent with standards established by the Secretary for the preservation of historic properties and for educational programs, and consistent with the National Historic Preservation Act (16 U.S.C. 470 et seq.), prepare guidelines and standards for projects, as identified in the plan, that will further public understanding of colonial New Mexico history.

(b) GRANTS.—

(1) IN GENERAL.—From funds appropriated, donated, or otherwise made available to the Secretary, the Secretary shall award grants to tribal, governmental, and nongovernmental entities to conserve and protect structures, objects, and sites, and help support cultural events, that have outstanding significance in the commemoration of colonial New Mexico, except that the Federal share shall not exceed 50 percent of the cost of each project.

(2) NON-FEDERAL SHARE.—The non-Federal share may be in the form of cash or services, including donation of labor for project implementation.

(c) SURVEYS AND ARCHAEOLOGICAL INVESTIGATIONS.—The Secretary shall contract for surveys and archaeological and historical investigations of sites relating to colonial New Mexico, including the preparation of reports and maps, and the curation of artifacts.

(d) PUBLICATIONS.—The Secretary shall publish study reports and educational materials.

(e) NOMINATIONS TO NATIONAL REGISTER OF HISTORIC PLACES.—The Secretary shall prepare thematic nominations to the National Register of Historic Places of colonial sites and resources in New Mexico.

(f) STAFF OF OTHER AGENCIES.—On a reimbursable basis, the Secretary may procure the services of personnel detailed from the State of New Mexico or other Federal agencies.

(g) DONATIONS.—The Secretary may seek and accept donations of funds or services from public and private entities to carry out this Act.

### SEC. 5. COMPREHENSIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than **[**2**]** *3* years after funds are made available for purposes of this Act, the Secretary, in consultation with the Committee, the State of New Mexico, units of local government, and private groups, shall prepare a comprehensive management plan to provide direction for commemorative actions and projects.

(b) CONTENTS.—The plan shall—

(1) establish a process and procedures for undertaking research relating to colonial New Mexico and a program for regular publication of research materials and findings;

(2) develop a survey program to further evaluate known resources and identify sites and features that require additional study;

(3) identify a core system of interpretive sites and features that would provide a comprehensive overview of the colonial New Mexico story;

(4) prepare interpretive materials to address the colonial New Mexico story and identify locations where this material will be available to the public;

(5) evaluate and recommend high priority sites and resources that need protection and assistance;

(6) with the assistance of site owners, prepare options for the protection and management of high priority colonial New Mexico resources;

(7) evaluate and recommend highway routes, in existence on the date of the plan, that could be designated by the State of New Mexico as colonial New Mexico tour routes; and

(8) evaluate the feasibility of and need for developing commemorative centers in New Mexico in accordance with section 7(a).

### SEC. 6. ESTABLISHMENT OF ADVISORY COMMITTEE.

(a) IN GENERAL.—There is established in the Department of the Interior the Colonial New Mexico Preservation Advisory Committee to advise the Secretary with respect to the administration of this Act.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 15 members who have knowledge of New Mexico colonial history and culture and who shall be appointed by the Secretary, of whom—

(A) three members shall be appointed from recommendations submitted by the Governor of New Mexico, of whom one member shall represent the Office of Cultural Affairs of the State of New Mexico;

(B) one member shall be appointed from recommendations submitted by the All Indian Pueblo Council;

(C) one member—

(i) shall be from the general public; and

(ii) shall have knowledge of colonial history in New Mexico;

(D) four members—

(i) shall be appointed from recommendations submitted by local governments in New Mexico; and

(ii) shall represent Hispanic communities;

(E) one member shall be appointed from recommendations submitted by the President of the University of New Mexico;

(F) one member shall be appointed from recommendations submitted by the President of New Mexico State University;

(G) one member shall be appointed from recommendations jointly submitted by the Navajo and Apache tribal governments;

(H) one member shall have professional expertise in the colonial history of New Mexico;

(I) one member shall have professional expertise in architectural history; and

(J) one member shall be the Secretary or the Secretary's designee and shall serve in an ex-officio capacity.

(2) CHAIRPERSON.—

(A) IN GENERAL.—The Committee shall elect a chairperson from among its members.

(B) TERM.—The chairperson shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(4) TERMS.—

(A) IN GENERAL.—Each member of the Committee shall be appointed for a term of 5 years.

(B) MEMBERS FILLING VACANCIES.—A member appointed to fill a vacancy shall serve for the remainder of the term for which the member's predecessor was appointed.

(C) EXTENDED SERVICE.—A member of the Committee may serve after the expiration of the member's term until a successor is appointed.

(5) COMPENSATION.—Members of the Committee shall serve without compensation.

(6) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(c) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at least twice annually or at the call of the chairperson or a majority of the members of the Committee.

(2) QUORUM.—A simple majority of members of the Committee shall constitute a quorum.

(d) HEARINGS.—To carry out this section, the Committee may hold public hearings, take testimony, and record the views of the public regarding the plan and implementation of the plan.

(e) TERMINATION.—The Committee shall terminate 10 years after completion of the appointment of the first group of members.

### SEC. 7. COMMEMORATIVE CENTERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Secretary may develop commemorative centers, operate educational programs, provide technical assistance, conduct cultural events, and prepare media materials, except that the Federal share of a project shall not exceed 50 percent of the total cost of development.

(2) NON-FEDERAL SHARE.—The non-Federal share may be in the form of cash or services.

(b) ESPAÑOLA PLAZA CENTER.—

[(1) IN GENERAL.—In consultation with the Committee, the Secretary may pay to the city of Española, New Mexico, the Federal share of planning, developing, and operating a commemorative center as an element of the Spanish Commemorative Plaza.]

*(1) IN GENERAL.—The Secretary may, through a cooperative agreement, pay to the city of Española, New Mexico, the Federal share of planning and design of a cultural center as an element of Española Plaza.*

(2) FEDERAL SHARE.—The Federal share may not exceed 50 percent of the total cost of the Española Plaza project.

(3) NON-FEDERAL SHARE.—The non-Federal share may be in the form of cash or services.

### SEC. 8. GALISTEO BASIN STUDY.

In accordance with the National Park Service document entitled "Alternative Concepts for Commemorating Spanish Colonization" and dated February 1991, the Secretary shall undertake a special resource study of the major prehistoric and historic sites in the Galisteo Basin relating to colonial New Mexico. The study shall include evaluations of significance, site integrity, threats, and protection and management options.

### SEC. 9. PUEBLO TRAIL.

(a) REDESIGNATION.—The Masau Trail, as designated by title II of Public Law 100–225 (16 U.S.C. 460uu–11 et seq.), is redesignated as the Pueblo Trail.

(b) LEGAL REFERENCES.—Any reference in any record, map, or other document of the United States to the Masau Trail is deemed to be a reference to the Pueblo Trail.

(c) CONFORMING AMENDMENTS.—

(1) The title heading of title II of Public Law 100–225 (16 U.S.C. 460uu–11 et seq.) is amended by striking "MASAU" and inserting "PUEBLO".

(2) Public Law 100–225 (16 U.S.C. 460uu et seq.) is amended by striking "Masau" each place it appears in sections 201, 204, and 510 and inserting "Pueblo".

### SEC. 10. ANNUAL REPORTS.

(a) IN GENERAL.—The Secretary shall submit an annual report to Congress that lists with respect to this Act—

(1) actions taken by the Secretary;

(2) entities to which any grants were made during the fiscal year and any recipients of technical assistance; and

(3) actions taken to protect and interpret significant sites, structures, and objects relating to colonial New Mexico.

(b) COST ESTIMATES.—The report shall include detailed cost estimates of projects that are proposed to be funded under this Act during the next fiscal year.

### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior $5,000,000 to carry out this Act, to remain available until expended.

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## CHACOAN OUTLIERS PROTECTION ACT OF 1993

The Senate proceeded to consider the bill (S. 310) to amend title V of Public Law 96–550, designating the Chaco Culture Archeological Protection Sites, and for other purposes, which had been reported from the Committee on Energy and Natural Resources; with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Chacoan Outliers Protection Act of 1993".*

### *SEC. 2. CONFORMING AMENDMENT.*

*(a) Section 501 of Public Law 96–550 (16 U.S.C. 410ii) is amended in the title by striking "Congressional findings" and inserting in lieu thereof "Congressional findings and purpose".*

*(b) Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".*

### *SEC. 3. ADDITIONS TO CHACO ARCHEOLOGICAL PROTECTION SITES.*

*Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b)) is amended to read as follows:*

*"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033–B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,372 acres identified as follows:*

| *Name:* | *Acres* |
|---|---|
| *Allentown* | *380* |
| *Andrews Ranch* | *950* |
| *Bee Burrow* | *480* |
| *Bisa'ani* | *131* |
| *Casa del Rio* | *40* |
| *Casamero* | *160* |
| *Chimney Rock* | *3,160* |
| *Coolidge* | *450* |
| *Dalton Pass* | *135* |
| *Dittert* | *480* |
| *Great Bend* | *26* |
| *Greenlee Ruin* | *60* |
| *Grey Hill Spring* | *23* |
| *Guadalupe* | *115* |
| *Halfway House* | *40* |
| *Haystack* | *565* |
| *Hogback* | *453* |
| *Indian Creek* | *100* |
| *Jacques* | *66* |
| *Kin Nizhoni* | *726* |
| *Lake Valley* | *30* |
| *Manuelito-Atsee Nitsaa* | *60* |
| *Manuelito-Kin Hochoi* | *116* |
| *Muddy Water* | *1,090* |
| *Navajo Springs* | *260* |
| *Newcomb* | *50* |
| *Peach Springs* | *1,046* |
| *Pierre's Site* | *440* |
| *Raton Well* | *23* |
| *Salmon Ruin* | *5* |
| *San Mateo* | *61* |
| *Sanostee* | *1,565* |
| *Section 8* | *10* |
| *Skunk Springs/Crumbled House* | *533* |
| *Standing Rock* | *348* |
| *Toh-la-kai* | *10* |
| *Twin Angeles* | *40* |
| *Upper Kin Klizhin* | *60.* |

*"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".*

### *SEC. 4. ASSISTANCE TO THE NAVAJO NATION.*

*Section 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding the following new subsection at the end thereof:*

*"(f) The Secretary is authorized to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public law 93–638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.".*

The amendment was agreed to.

The bill (S. 310) was deemed read the third time and passed, as follows:

S. 310

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Chacoan Outliers Protection Act of 1993".

**SEC. 2. CONFORMING AMENDMENT.**

(a) Section 501 of Public Law 96–550 (16 U.S.C. 410ii) is amended in the title by striking "Congressional findings" and inserting in lieu thereof "Congressional findings and purpose".

(b) Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

**SEC. 3. ADDITIONS TO CHACO ARCHEOLOGICAL PROTECTION SITES.**

Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033–B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,372 acres identified as follows:

| Name: | Acres |
|---|---|
| Allentown | 380 |
| Andrews Ranch | 950 |
| Bee Burrow | 480 |
| Bisa'ani | 131 |
| Casa del Rio | 40 |
| Casamero | 160 |
| Chimney Rock | 3,160 |
| Coolidge | 450 |
| Dalton Pass | 135 |
| Dittert | 480 |
| Great Bend | 26 |
| Greenlee Ruin | 60 |
| Grey Hill Spring | 23 |
| Guadalupe | 115 |
| Halfway House | 40 |
| Haystack | 565 |
| Hogback | 453 |
| Indian Creek | 100 |
| Jacques | 66 |
| Kin Nizhoni | 726 |
| Lake Valley | 30 |
| Manuelito-Atsee Nitsaa | 60 |
| Manuelito-Kin Hochoi | 116 |
| Muddy Water | 1,090 |
| Navajo Springs | 260 |
| Newcomb | 50 |
| Peach Springs | 1,046 |
| Pierre's Site | 440 |
| Raton Well | 23 |
| Salmon Ruin | 5 |
| San Mateo | 61 |
| Sanostee | 1,565 |
| Section 8 | 10 |
| Skunk Springs/Crumbled House | 533 |
| Standing Rock | 348 |
| Toh-la-kai | 10 |
| Twin Angeles | 40 |
| Upper Kin Klizhin | 60. |

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

**SEC. 4. ASSISTANCE TO THE NAVAJO NATION.**

Secton 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding the following new subsection at the end thereof:

"(f) The Secretary is authorized to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93–638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.".

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## NA HOA PILI KALOKO-HONOKOHAU RE-ESTABLISHMENT ACT OF 1993

The Senate proceeded to consider the bill (S. 742) to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes, which had been reported from the Committee on Energy and Natural resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1993".*

***SEC. 2. RE-ESTABLISHMENT OF ADVISORY COMMISSION.***

*(a) Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by subsection (b) of this section.*

*(b) Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1993".*

The amendment was agreed to.

The bill (S. 742) was deemed read the third time and passed as follows:

S. 742

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1993".

**SEC. 2. RE-ESTABLISHMENT OF ADVISORY COMMISSION.**

(a) Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by subsection (b) of this section.

(b) Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking "this Act" and inserting in lieu thereof, "the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1993".

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## EL CAMINO REAL DE TIERRA ADENTRO STUDY ACT OF 1993

The Senate proceeded to consider the bill (S. 836) to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "El Camino Real de Tierra Adentro Study Act of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tierra Adentro extended 1,800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

**SEC. 3. DESIGNATION OF TRAIL.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

**[**"(C) The study shall be done in cooperation with the Government of Mexico and shall provide for, as necessary, technical assistance to Mexico with the possible objective of establishing an international historic trail.".**]**

*"(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.".*

The amendments were agreed to.

The bill (S. 836) was deemed read the third time and passed as follows:

S. 836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "El Camino Real de Tierra Adentro Study Act of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tierra extended 1,800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

**SEC. 3. DESIGNATION OF TRAIL.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.".

## CARL GARNER FEDERAL LANDS CLEANUP DAY

**The bill (S. 851) to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes was considered, deemed read the third time and passed; as follows:**

S. 851

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT.**

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i-1) is amended by striking "Federal Lands Cleanup Day" each place it appears and inserting "Carl Garner Federal Lands Cleanup Day".

## EL CAMINO REAL PARA LOS TEXAS STUDY ACT OF 1993

**The bill (S. 983) to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes was considered, deemed read the third time and passed; as follows:**

S. 983

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "El Camino Real Para Los Texas Study Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States southern and western boundaries; and

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, travelled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

**SEC. 3. STUDY OF TRAIL.**

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

"(B) The study shall—

"(i) examine the changing roads within the historic corridor;

"(ii) examine the major connecting branch routes;

"(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

"(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled 'A Texas Legacy: The Old San Antonio Road and the Caminos Reales', dated January, 1991; and

"(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

"(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

"(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

"(E) The study shall consider alternative name designations for the trail.

"(F) The study shall be completed no later than two years after the date funds are made available for the study.".

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

## HOT SPRINGS NATIONAL PARKS BOUNDARY MODIFICATION

**The bill (H.R. 1347) to modify the boundary of Hot Springs National Park was considered, deemed read the third time, and passed.**

H.R. 1347

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the boundary of Hot Springs National Park is modified as depicted on the map entitled "Proposed Boundary Map", numbered 128/80015, and dated August 5, 1985.

## WAR IN THE PACIFIC NATIONAL HISTORICAL PARK DEVELOPMENT ACT

**The bill (H.R. 1944) to provide for additional development at War in the Pacific National Historical Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:**

**So the bill (H.R. 1944) was considered, read the third time, and passed.**

***SECTION 1. FINDINGS.***

*Congress finds that—*

*(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which United States forces captured the Japanese islands of Saipan and Tinian and liberated the United States Territory of Guam from Japan;*

*(2) an attack during this campaign by the Japanese combined fleet, aimed at annihilating the United States forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;*

*(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied by the enemy during World War II and restored United States Government to more than 20,000 native Guamanians;*

*(4) units of the United States Army, Navy, Marine Corps, and Coast Guard fought with great bravery and sacrifice, suffering casualties of approximately 5,700 killed and missing and 21,900 wounded in action;*

*(5) United States forces succeeded in destroying all Japanese garrisons in Saipan, Tinian,*

*and Guam, which resulted in Japanese military casualties of 54,000 dead and 21,900 taken prisoner;*

*(6) Guamanians, notably members of the Navy Insular Force Guard and volunteer militia, bravely resisted the invasion and occupation of their island, and ultimately assisted in the expulsion of Japanese forces from Guam;*

*(7) at the hands of the Japanese, the people of Guam—*

*(A) were forcibly removed from their homes;*

*(B) were relocated to remote sections of the island;*

*(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and*

*(D) were eventually placed in concentration camps and subjected to retribution when the liberation of their island became apparent to the Japanese;*

*(8) the seizure of the Mariana Islands severed Japanese lines of communication between Japan proper and those remaining Japanese bases and forces in the Central Pacific south of the Mariana Islands and in the South Pacific as well;*

*(9) the Mariana Islands provided large island areas on which advance bases could be constructed to support further operations against Japanese possessions and conquered territories such as Iwo Jima and Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;*

*(10) the Mariana Islands provided, for the first time during the war, island air bases from which United States land-based airpower could reach Japan itself; and*

*(11) the air offensive staged from the Mariana Islands against Japanese cities and economic infrastructure helped shorten the war and vitiate the need for the invasion and capture of the Japanese home islands.*

***SEC. 2. SENSE OF CONGRESS.***

*It is the sense of Congress that—*

*(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned; and*

*(2) the Secretary of the Interior should take all necessary steps to ensure that two visitors centers to provide appropriate facilities for the interpretation of the events described in section 1 are completed, one at the War in the Pacific National Historical Park and one at the American Memorial Park, before June 15, 1994, the beginning of the 50th anniversary of the campaign.*

***SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.***

*Section 6(k) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410 dd(k)), is amended by striking "$500,000" and inserting in lieu thereof "$8,000,000".*

***SEC. 4. AMERICAN MEMORIAL PARK.***

*Section 5(g) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 492), is amended by striking "$3,000,000" and inserting in lieu thereof "$8,000,000".*

## ARKANSAS BEACH DESIGNATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141 (S.J. Res. 78), a resolution designating a beach in Unalaska, AK, as "Arkansas Beach"; that the joint resolution be deemed read the third time, passed; that preamble be agreed to; that the motion to reconsider be laid upon the table, and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 78) was deemed read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 78

Whereas it is commonly overlooked that the Aleutian Islands are the only part of American territory in history to be invaded and overtaken by an enemy;

Whereas, during World War II, an Arkansas National Guard Regiment, the 206th Coast Artillery, served diligently and bravely on Hog Island, Unalaska;

Whereas the 206th Coast Artillery Regiment of Arkansas was guarding Dutch Harbor during the time of the Japanese attack;

Whereas, during the Japanese invasion of Dutch Harbor, three young soldiers of the 206th Coast Artillery Unit were killed;

Whereas the city of Unalaska, Alaska has passed Res. 92–28, designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, Unalaska as "Arkansas Beach"; and

Whereas the State of Alaska has passed Sen. Con. Res. 37, as sent to the State Geographic Board, which names this beach "Arkansas Beach": Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the beach at 53 degrees 53′51″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, Unalaska be named "Arkansas Beach" in commemoration of the 206th Coast Artillery Regiment and the men who served and died during the air attacks on Dutch Harbor, Unalaska on June 3 and 4, 1942.

## AUTHORIZING THE TRANSFER OF NAVAL VESSELS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 149 (H.R. 2561), a bill to authorize the transfer of naval vessels to certain foreign countries; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2561) was deemed read the third time, and passed.

## MESSAGE FROM THE HOUSE

At 3:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that in place of conferees made on July 14, 1993, and July 15, 1993, that the following Members be the managers of the conference on the part of the House in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. SABO, Mr. GEPHARDT, and Mr. KASICH.

As additional conferees from the Committee on the Budget, for consideration of title I and section 9005 (a)–(c) and (f) of the House bill, and title I and sections 5001, 5002 (a), (b), and (d), and 5003 of the Senate amendment, and modifications committed to conference: Mr. STENHOLM, Mr. POMEROY, Mr. KILDEE, Mr. SMITH of Texas, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Ms. SLAUGHTER, Mr. MOLLOHAN, Mr. GORDON, Mr. SHAYS, and Ms. SNOWE.

As additional conferees from the Committee on the Budget, for consideration of title III of the House bill, and title III—except section 3003(b)—of the Senate amendment, and modifications committed to conference: Mr. FRANK of Massachusetts, Mr. BLACKWELL, Ms. WOOLSEY, Mr. LAZIO, and Mr. HOKE.

As additional conferees from the Committee on the Budget, for consideration of title IV and sections 5117, 13233, 13263, 13270, 13420, and 14402(d) of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. KILDEE, Mr. PRICE of North Carolina, Mrs. KENNELLY, Mr. MILLER of Florida, and Mr. SMITH of Michigan.

As additional conferees from the Committee on the Budget, for consideration of sections 5000–187, 13234, 13242, 13264, 13400–571, and 14411 of the House bill, and sections 7000–501, 7601(c), 7801, 7802 (b) and (c), 7904, 7951, 12101–02, and 12321 of the Senate amendment, and modifications committed to conference: Mr. BEILENSON, Ms. SLAUGHTER, Mr. JOHNSTON of Florida, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of sections 5200–44, 5301, and 9006–07 of the House bill, and sections 4001–11 and 6001 of the Senate amendment, and modifications committed to conference: Mr. BRYANT, Mr. COYNE, Mr. COSTELLO, Mr. MCMILLAN, and Mr. HOBSON.

As additional conferees from the Committee on the Budget, for consideration of title VII and that portion of section 4002 which adds a new section 455(j) to the Higher Education Act, section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, and section 5187(b) of the House bill, and title XI, sections 4008(c), that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), 12047(a), and 12105 of the Senate amendment, and modifications committed to conference: Mr. ANDREWS of Texas, Mr. MOLLOHAN, Ms. WOOLSEY, Mr. SMITH of Texas, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of title VIII and section 9004 House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mrs. KENNELLY, Mr. COSTELLO, Mrs. MINK, Ms. SNOWE, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title IX and sections 1402, 5301, and 11002 House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Mr. BRYANT, Mrs. MINK, Mr. BLACKWELL, Mr. KOLBE, and Mr. ALLARD.

As additional conferees from the Committee on the Budget, for consideration of titles VI and X and sections 13702 and 13704 House bill, and titles IX and X and sections 12103–04 of the Senate amendment, and modifications committed to conference: Mr. BERMAN, Mr. ANDREWS of Texas, Mr. GORDON, Mr. KOLBE, and Mr. MILLER of Florida: *Provided*, That for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, Mr. POMEROY is appointed in lieu of Mr. BERMAN; and Mr. COX and Mr. SMITH of Michigan are appointed in lieu of Mr. KOLBE and Mr. MILLER of Florida.

As additional conferees from the Committee on the Budget, for consideration of title XI and sections 8002 and 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference: Mr. WISE, Mr. COSTELLO, Mr. BERMAN, Mr. LAZIO, and Mr. FRANKS of New Jersey.

As additional conferees from the Committee on the Budget, for consideration of title XII of the House bill, and title XIII—except section 13008(b)—and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. PRICE of North Carolina, Mr. COYNE, Mr. JOHNSTON of Florida, Mr. HERGER, and Mr. INGLIS of South Carolina.

As additional conferees from the Committee on the Budget, for consideration of sections 4032, 4033(3), 8002, 9004, 11001, 12004(b), 13001–20, 13201–84, 13601–02, and 13604–705 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7433, 7601–03, 7701–02, 7901 (a) and (c), 7902–03, 7950–54, that portion of section 12011 which adds a new section 457 to the Higher Education Act, 12055, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference: Mr. COYNE, Mr. BEILENSON, and Mr. HERGER: *Provided*, That Mr. Bunning is appointed in lieu of Mr. Kasich for the provisions specified for this panel, except for sections 13001–20 of the House bill where Mr. KASICH will be the conferee.

As additional conferees from the Committee on the Budget, for consideration of titles XV and XVI, sections 1405(c), those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, those portions of section 5181 which add new sections 2158(b)(3)(B) and 2161(b) to the Public Health Service Act, 9008, and 13560 of the House bill, and title XIV, the portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, those portions of section 12011 which add new sections 453(a)(4) and 456(a)(2) to the Higher Education Act of the Senate amendment, and modifications committed to conference; Mr. STENHOLM, Mr. WISE, Mr. FRANK of Massachusetts, Mr. SHAYS, and Mr. COX.

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005(a)–(c) and (f) of the House bill, and title I and sections 5001, 5002 (a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE, Mr. GLICKMAN, Mr. VOLKMER, Mr. PENNY, Mr. ROBERTS, Mr. EMERSON, and Mr. GUNDERSON.

As additional conferees from the Committee on Armed Services, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. HUTTO, Mr. SKELTON, Mr. SPENCE, Mr. STUMP, and Mr. KYL: *Provided*, That for consideration of section 12009 of the House bill, and section 13003 of the Senate amendment, Mr. MCCURDY is appointed in lieu of Mr. MONTGOMERY, and Mr. HUNTER is appointed in lieu of Mr. STUMP.

As additional conferees from the Committee on Banking, Finance, and Urban Affairs, for consideration of title III of the House bill, and title III—except section 3003(b)—of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. LEACH, Mr. MCCOLLUM, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of title IV and sections 5117, 13233, 13263–64. 13270, 13420, and 14402(d) of the House bill, and sections 7904, 12001–50, 12061, 12071, 12101, and 12301–02 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. WILLIAMS, Mr. GOODLING, Mr. PETRI, and Mrs. ROUKEMA.

As additional conferees from the Committee on Energy and Commerce, for consideration [communications] of sections 5200–44 of the House bill, and sections 4001–11 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. TAUZIN, Mr. MANTON, Ms. SCHENK, Mr. MOORHEAD, Mr. FIELDS of Texas, and Mr. OXLEY.

As additional conferees from the Committee on Energy and Commerce, for consideration [health] of sections 5000–5091, 5100–87, 13010 (a) and (c), 13413, (e), 13234, 13242, 13264, and 13431–13571, and 14411 of the House bill, and sections 1105(b), 7000, 7201–7501, 7601(c), 7801, 7802 (b) and (c), 7904, 7951, 12101–12205, and 12321 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. TOWNS, Mr. SLATTERY, Mr. MOORHEAD, Mr. BLILEY, and Mr. BILIRAKIS.

As additional conferees from the Committee on Energy and Commerce, for consideration of—energy—section 5301 and 9006–07 of the House bill, and section 6001 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. WASHINGTON, Mr. KREIDLER, Mr. SWIFT, Mr. MOORHEAD, Mr. BILIRAKIS, and Mr. BARTON of Texas.

As additional conferees from the Committee on Foreign Affairs, for consideration of title VI and sections 10001 and 10002 of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. MARTINEZ, Mr. ANDREWS of New Jersey, Mr. GILMAN, Ms. SNOWE, and Mr. HYDE.

As additional conferees from the Committee on Government Operations, for consideration of section 1405(c) of the House bill, and that portion of section 1201 which adds a new section 305(c)(4) to the Rural Electrification Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. ENGLISH of Oklahoma, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 4002 which add new sections 453(a)(3) and 456(a)(2) to the Higher Education Act, 4029 and 13560 of the House bill, and those portions of section 12011 which add new sections 453(a)(4) and 456(a)(2) of the Higher Education Act, of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. WAXMAN, Mr. SPRATT, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of those portions of section 5181 which add new sections 2158(b)(3)(B) and 2161(b) to the Public

Health Service Act of the House bill, and modifications committed to conference: Mr. CONYERS, Mr. SPRATT, Mr. TOWNS, Mr. SYNAR, Mr. PAYNE of New Jersey, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of section 9008 of the House bill, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, Mr. SPRATT, Mr. SYNAR, Mr. WASHINGTON, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on Government Operations, for consideration of title XVI and sections 15001-111, 15206, and 15301 of the House bill, and title XIV of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. SPRATT, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. SYNAR, Mr. CLINGER, Mr. MCCANDLESS, and Mr. HASTERT.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title XI and section 12047(a) of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. EDWARDS of California, Mr. CONYERS, Mr. SYNAR, Mr. MOORHEAD, Mr. COBLE, and Mr. FISH.

As additional conferees from the Committee on the Judiciary, for consideration of that portion of section 4002 which adds a new section 455(j) to the Higher Education Act, section 4025(7) and that portion of section 5203 which adds a new section 309(j)(8) to the Communications Act of 1934, of the House bill, and section 4008(c), that portion of section 12011 which adds a new section 455(j) to the Higher Education Act, 12045(7), of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. CONYERS, Mr. SYNAR, Mrs. SCHROEDER, Mr. BERMAN, Mr. FISH, Mr. GALLEGLY, and Mr. MOORHEAD.

As additional conferees from the Committee on the Judiciary, for consideration of section 5187(b) of the House bill, and section 12105 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. GEKAS, Mr. RAMSTAD, and Mr. FISH.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of title VIII and section 9004 of the House bill, and section 4051 of the Senate amendment, and modifications committed to conference: Mr. STUDDS, Mr. TAUZIN, Mr. LIPINSKI, Mr. ORTIZ, Mr. MANTON, Mr. FIELDS of Texas, and Mr. BATEMAN: *Provided*, That for consideration of title VIII of the House bill, and section 4051 of the Senate amendment, Mr. INHOFE is appointed; for consideration of section 9004 of the House bill, Mr. SAXTON is appointed.

As additional conferees from the Committee on Natural Resources, for consideration of title IX and sections 1402, 5301, 11002 of the House bill, and titles V and VI and section 1503 of the Senate amendment, and modifications committed to conference: Mr. MILLER of California, Mr. VENTO; Mr. DE LUGO, Mr. LEHMAN, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. THOMAS of Wyoming, and Mrs. VUCANOVICH.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of title X and sections 13702 and 13704 of the House bill, and titles IX and X and sections 12103-04 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mrs. SCHROEDER, Mr. MCCLOSKEY, Ms. NORTON, Miss COLLINS of Michigan, Mr. MYERS of Indiana, Mr. BURTON of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of title XI and sections 8002, 9005(a) of the House bill, and sections 5002(a) and 6002 of the Senate amendment, and modifications committed to conference: Mr. MINETA, Mr. OBERSTAR, Mr. APPLEGATE, Mr. RAHALL, Mr. BORSKI, Mr. SHUSTER, Mr. CLINGER, and Mr. BOEHLERT.

As additional conferees from the Committee on Rules, for consideration of title XVI and sections 13560, 13605, 15201-15212, of the House bill, and title XIV of the Senate amendment, and modifications committed to conference: Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. FROST, Mr. BONIOR, Mr. SOLOMON, Mr. QUILLEN, and Mr. GOSS.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XII of the House bill, and title XIII—except section 13008(b)—and section 7901 (b) and (c) of the Senate amendment, and modifications committed to conference: Mr. MONTGOMERY, Mr. EVANS, Mr. ROWLAND, Mr. SLATTERY, Mr. SANGMEISTER, Mr. STUMP, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

As additional conferees from the Committee on Ways and Means, for consideration of title XIV—except sections 14402(d) and 14411—and section 13603 of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. ARCHER, and Mr. CRANE.

As additional conferees from the Committee on Ways and Means, for consideration of sections 13001-20 of the House bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. JACOBS, Mr. ARCHER, and Mr. BUNNING.

As additional conferees from the Committee on Ways and Means, for consideration of sections 13201-84 of the House bill, and sections 7601-03 and 7802 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. FORD of Tennessee, Mr. ARCHER, and Mr. SANTORUM.

As additional conferees from the Committee on Ways and Means, for consideration of title XVI of the House bill, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. STARK, and Mr. THOMAS of California.

As additional conferees from the Committee on Ways and Means, for consideration of sections 4032, 4033(3), 5000-91, 5117, those portions of section 5181 which add new sections 2161 and 2173(b) to the Public Health Service Act, 5181(b), 8002, 9004, 11001, 12004(b), 13400-571, 14402(d), 14411, and 15301 of the House bill, and sections 1106, 1403, 1504, 3003(b), 7000-305, 7433, 7701-02, 7901(a) and (c), 7902-04, 7950-54, that portion of section 12011 which adds a new section 457 to the Higher Education Act, 12055, 12101-02, that portion of section 12202 which adds a new section 2148(b) to the Public Health Service Act, 12203(d), 12025, 13008(b), 15001, and 15002 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2239. An Act to authorize appropriations for the Securities and Exchange Commission, and for other purposes.

H.R. 2519. An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

## MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 2239. An act to authorize appropriations for the Securities and Exchange Commission, and for other purposes; to the Committee on the Banking, Housing and Urban Affairs.

H.R. 2519. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

## EXECUTIVE REPORT OF COMMITTEES

The following executive report of a committee was submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Robert Riggs Nordhaus, of the District of Columbia, to be General Counsel of the Department of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1176. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual reports for fiscal years 1991 and 1992; to the Committee on Governmental Affairs.

EC-1177. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report relative to the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC-1178. A communication from the Head (Personnel Benefits Section), Bureau of Naval Personnel, Department of the Navy, transmitting, pursuant to law, the annual report for calendar year 1991; to the Committee on Governmental Affairs.

EC-1179. A communication from the Acting Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1180. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, a report entitled "Promoting Democracy: National Endowment for Democracy Efforts to Improve Grant Management"; to the Committee on Governmental Affairs.

EC-1181. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual financial report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1182. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-1183. A communication from the General Counsel of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1184. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report under the Equal Access to Justice Act; to the Committee on the Judiciary.

EC-1185. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report on the premerger notification program and merger enforcement activities during fiscal year 1988; to the Committee on the Judiciary.

EC-1186. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report on the premerger notification program and merger enforcement activities during fiscal year 1989; to the Committee on the Judiciary.

EC-1187. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report on the premerger notification program and merger enforcement activities during fiscal year 1990; to the Committee on the Judiciary.

EC-1188. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report on the premerger notification program and merger enforcement activities during fiscal year 1991; to the Committee on the Judiciary.

EC-1189. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, additional material for the report on the premerger notification program and merger enforcement activities during fiscal year 1991; to the Committee on the Judiciary.

EC-1190. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the annual report under the Crime Control Act of 1990; to the Committee on the Judiciary.

EC-1191. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a report entitled "Federal Prison Industries: A Self-Sufficient Correctional Program"; to the Committee on the Judiciary.

EC-1192. A communication from the Assistant Attorney General (Office of Legislative Affairs), Department of Justice, transmitting, pursuant to law, the annual report on the Office of Justice programs for fiscal year 1992; to the Committee on the Judiciary.

EC-1193. A communication from the Assistant Attorney General (Office of Legislative Affairs), Department of Justice, transmitting, pursuant to law, a report entitled "Searching for Answers—Annual Evaluation Report on Drugs and Crime: 1992"; to the Committee on the Judiciary.

EC-1194. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "Patent and Trademark Office Authorization Act of 1993"; to the Committee on the Judiciary.

EC-1195. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on a process patented in the United States; to the Committee on the Judiciary.

EC-1196. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1197. A communication from the Acting Assistant Secretary and Acting Commissioner of Patents and Trademarks (Patent and Trademark Office), Department of Commerce, transmitting, pursuant to law, a report on the patent technology sets CD-ROM Demonstration Program; to the Committee on the Judiciary.

EC-1198. A communication from the Acting Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1199. A communication from the Director of Operations and Finance of the American Battle Monuments Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1200. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1201. A communication from the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1202. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1203. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1204. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1205. A communication from the Assistant Vice President (Government and Public Affairs), National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1206. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1207. A communication from the Director (Office of Legislative and Public Affairs), National Science Foundation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1208. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1209. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1210. A communication from the Acting Chairman of the National Endownment for the Humanities, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1211. A communication from the Acting Assistant Administrator (Legislative Affairs), Agency for International Development, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-1212. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1213. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1214. A communication from the Director (Communications and Legislative Affairs), Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1215. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1216. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1217. A communication from the Acting Senior Deputy Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1218. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1219. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1220. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1221. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1222. A communication from the Office of the Commissioner of the International Boundary and Water Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1223. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1224. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1225. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1226. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1227. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1228. A communication from the Chief Executive Officer, U.S. Postal Service, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1229. A communication from the Chief Administrative Officer, Postal Rate Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1230. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1231. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–1232. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1233. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC–1234. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the report of the audit for fiscal year 1992; to the Committee on the Judiciary.

EC–1235. A communication from the Attorney for the National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of the audit for calendar year 1992; to the Committee on the Judiciary.

EC–1236. A communication from the Counsel for the National Tropical Botanical Garden, transmitting, pursuant to law, the report of the audit for calendar year 1992; to the Committee on the Judiciary.

EC–1237. A communication from the Acting Attorney General, transmitting, pursuant to law, the annual report under the Foreign Intelligence Surveillance Act of 1978 for calendar year 1992; to the Committee on the Judiciary.

EC–1238. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on the Judiciary.

EC–1239. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of public information requests for calendar year 1992; to the Committee on the Judiciary.

EC–1240. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on refugee resettlement in the United States for the period October 1, 1991 through September 30, 1992; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

H.R. 2561. A bill to authorize the transfer of naval vessels to certain foreign countries.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 1270. A bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1271. A bill to amend the United States Housing Act of 1937 and the Housing Act of 1959 to exclude from consideration as income rebates granted under New Jersey law for the payment of State property taxes on homesteads; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 1272. A bill to amend section 507(a)(3) of title 11, United States Code, to give priority to certain claims of persons that are independent sales representatives; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. D'AMATO, Mr. DOLE, Mr. GRASSLEY, Mr. SIMON, Mr. DURENBERGER, and Mr. HARKIN):

S. 1273. A bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUMPERS (for himself, Mr. WOFFORD, and Mr. KOHL):

S. 1274. A bill to authorize funding for certain Small Business Administration programs, and for other purposes; to the Committee on Small Business.

By Mr. RIEGLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mrs. BOXER, Mr. CAMPBELL, Ms. MOSELEY-BRAUN, and Mr. BRADLEY):

S. 1275. A bill to facilitate the establishment of community development financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

**By Mr. LAUTENBERG (for himself and Mr. BRADLEY):**

**S. 1271. A bill to amend the United States Housing Act of 1937 and the Housing Act of 1959 to exclude from consideration as income rebates granted under New Jersey law for the payment of State property taxes on homesteads; to the Committee on Banking, Housing, and Urban Affairs.**

### HOMESTEAD REBATE EXEMPTION ACT OF 1993

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation on behalf of myself and Senator BRADLEY to exempt New Jersey's homestead rebates from HUD's rental assistance determinations. This legislation will provide important relief to elderly and disabled, low-income citizens who participate in HUD assisted housing programs. This legislation is a companion to legislation that Congressman PAYNE has introduced in the House of Representatives.

In 1976, New Jersey enacted the Homestead Rebate Program as a means of compensating homeowners and tenants for the State's high rates of property tax. The program provides an income tax rebate to homeowners and tenants, based on income and property taxes paid.

For elderly, 65 and older, and disabled families, the maximum annual rebate is $500 per family. The minimum annual rebate is $65. In 1992, 74 percent of elderly families got the maximum $500. The maximum annual rebate is $30 for nonelderly renters.

HUD regulations provide that the level of rental assistance set through public housing programs be calculated based on recipient incomes. But I believe that the homestead rebate should not be counted as part of income for these purposes. Such rebates cannot be counted upon as a recurring source of income because traditionally New Jersey's Homestead Rebate Program has been subject to the variability of New Jersey's annual budget process. For example, recently funding for the program dropped from $695 to $315 million per year. The rebate is more like a one-time gift, which is not counted as income under HUD's rules. The status of the Homestead Rebate Program has been uncertain and tenants cannot be assured that their rebate will come for the next year.

Thousands of New Jersey's elderly and disabled individuals stand to lose HUD subsidies, for which they otherwise might be eligible, because of HUD's current regulations. That is money they could be spending on food, clothing, and other necessities.

HUD regulations provide that the level of rent owed by tenants in certain federally assisted housing programs is calculated based on their income. Typically, tenants must pay rent equal to no more than 30 percent of their income. This legislation exempts the New Jersey homestead rebate that low-income residents receive from HUD's calculation of income for purposes of determining rental assistance levels. For example, if an individual's income goes up by $500 in a year because of the rebate, HUD takes away $167 of the $500 by lowering the individual's rent subsidy.

When New Jersey tenants and homeowners pay local property taxes, either directly or through rent, it is unlikely that they expected to see the Federal Government take these funds away. It is unfair for New Jersey taxpayers to pay high property taxes only to have these moneys transferred to the Federal Government. This is one of those Federal regulations that just doesn't make sense.

This issue needs an immediate solution, and I urge my colleagues to act swiftly to pass this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1271

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Homestead Rebate Exemption Act of 1993".

**SEC. 2. EXCLUSION OF PROPERTY TAX REBATES FROM INCOME.**

(a) AMENDMENT TO THE UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) any amounts received after January 1, 1993, by the family in the form of a rebate for property taxes paid on a homestead or paid through rent on a homestead under the New Jersey 'Homestead Property Tax Rebate Act of 1990' (N.J.S.A., c. 54:4—8.57 to 54:4—8.66), or any successor provision.".

(b) AMENDMENT TO THE HOUSING ACT OF 1959.—Section 202(c)(3) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(3)) is amended by adding at the end the following: "The term 'monthly income' does not include any amounts received after January 1, 1993, by the person in the form of a rebate for property taxes paid on a homestead or paid through rent on a homestead under the New Jersey 'Homestead Property Tax Rebate Act of 1990' (N.J.S.A., c. 54:4—8.57 to 54:4—8.66), or any successor provision.".

Mr. BRADLEY. Mr. President, I rise today as a cosponsor of the Homestead Rebate Exemption Act of 1993. This bill will exempt New Jersey's homestead rebates from being considered as income under HUD's assisted housing programs.

In an effort to alleviate the economic hardship caused by escalating property taxes, the State of New Jersey passed legislation to return excess property tax payments to homeowners, renters, senior citizens, disabled, and others who live in assisted housing.

Under existing HUD regulations, rental payment refunds are treated as income in the calculation of whether low-income residents should be eligible for rental subsidies. When HUD treats this rebate as income, the tenant's level of rental assistance is decreased.

It is unfair for the residents who need the funds most to be given a rebate by the State and then have the Federal Government take the money away. Most residents living in assisted housing struggle each day to make ends meet. It is not right that they should have to choose between buying food and medicine or paying their rent. This legislation will put fairness back into this process.

HUD regulations treat this rebate as a recurring source of income. But this program is usually the subject of much debate in the annual State budget process and cannot be considered a stable source of funding. Given the precarious nature of this program, I do not think that this money can be considered a recurring source of funds.

Mr. President, this legislation brings a needed degree of certainty to an area where uncertainty exists now. I urge my colleagues to support this small piece of legislation that will go a long way in easing the burden of residents in assisted housing.

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By Mr. COCHRAN:

S. 1272. A bill to amend section 507(a)(3) of title 11, United States Code, to give priority to certain claims of persons that are independent sales representatives; to the Committee on the Judiciary.

BANKRUPTCY CODE AMENDMENT ACT OF 1993

• Mr. COCHRAN. Mr. President, today, I am introducing legislation to amend the section of the Bankruptcy Code defining priorities of claims against a bankruptcy estate. The Independent Sales Representatives Bankruptcy Reform Act of 1993, if enacted, will allow independent sales agents to enjoy the same classification in the bankruptcy estate as employees.

Under current law, independent sales representatives, including individuals, corporations, partnerships, and sole proprietorships who are not otherwise classified as employees under section 507 of the Bankruptcy Code, do not share in the bankruptcy estate as employees. This is very unfair because many persons in the United States make their living as independent contractors—particularly sales agents.

Every year, thousands of sales agents lose money owed to them because they do not fit into the priority classification definition of employee. The unfairness of this situation is amplified because independent contractors work without the security of many employee benefits such as health insurance, profit sharing plans, life insurance policies, and many others that are often available to employees but not to independent sales representatives.

I do not think that when the Bankruptcy Code was enacted, Congress could have intended this unfair result.

Mr. President, the immediate effect of this amendment will be to allow independent sales representatives to claim an equitable share of the bankruptcy estate and receive payment of their just claims and commissions in the same manner as regular employees do now.

This bill will not cost the taxpayers any money. But, it will establish a more just and fair priority for independent sales representatives who are very important participants in our economic system. A companion bill, H.R. 2091, has been introduced in the other body by Congressman DUNCAN of Tennessee.

I urge Senators to support this bill.•

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By Mr. BOND (for himself, Mr. D'AMATO, Mr. DOLE, Mr. GRASSLEY, Mr. SIMON, Mr. DURENBERGER, and Mr. HARKIN):

S. 1273. A bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions; to the Committee on Banking, Housing, and Urban Affairs.

### THE DISASTER CREDIT RELIEF ACT OF 1993

• Mr. BOND. Mr. President, almost every major river and tributary in the Midwest is flooding. This is a regional disaster of monumental proportions. It's not a 100-year flood, it's a 500-year flood. Places that have never flooded before are flooding now and even in high areas, saturated ground is causing houses to slide from their foundations. Thousands of families have fled, acres of farmland are under water, and the rivers continue to rise.

Although it was predicted to crest on Sunday at over 46 feet, last night the Mississippi River was at 47.1 feet, that is 17 feet above flood stage. And there is a possibility that it will go even higher. The continued rainfall just prolongs the drop in the water level.

The Midwest is suffering greatly as a result of the flood. In touring Missouri, I was overwhelmed by the devastation. Thousands of homes have been damaged, towns have been destroyed, and acres of farmland have been rendered useless. At this date, it is very difficult to estimate the damage to Missouri, let alone all of the other States also affected by the flood. However, it is clear that it will be enormously expensive to rebuild and recover from this event.

Today, along with my original cosponsors, Mr. DOLE, Mr. GRASSLEY, Mr. SIMON, Mr. DURENBERGER, and Mr. HARKIN, I rise to introduce the Disaster Credit Relief Act of 1993. This bill will help provide credit to individuals and small businesses damaged by the flooding in the Midwest by giving the Federal bank regulatory agencies the discretion to waive regulations that might inhibit lending in disaster areas. The waivers must be to enhance credit availability and be consistent with the financial safety and soundness of the institution.

For example, the Federal banking agencies might temporarily waive regulations to make it easier to extend existing credit lines, to simplify how loans are written up, to speed access to funds, and to cut down on loan documentation and paperwork.

The bill would require the financial institution to be located within a disaster area or have a significant portion of its service area located in a disaster area. A disaster area is defined as an area determined by the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to be the site of a major disaster. The bill would also include any area which is adjacent to a disaster area that has suffered damage. This was added in order to include areas that are not damaged severely enough to be declared disaster areas themselves, but which still have suffered damage, including economic losses.

People all across the Midwest are pulling together to fight for their homes, lands, and communities. We are thankful for the outpouring of help from our neighbors and the quick action by Federal officials, but, unfortunately, the $2.98 billion that the President has pledged will not be enough. In fact, I would not be surprised if Missouri's losses alone came to that amount.

Similar legislation was enacted after last year's Hurricane Andrew, but it was specific to that disaster only. We need to provide assistance now while the flooding is ongoing; we need to help people get or extend credit. We also must be prepared to provide quick and useful assistance when it is time to rebuild.

In addition, I intend to offer this bill in the form of an amendment to the new disaster supplemental appropriations bill. I urge my colleagues to give their full support for this measure.

I ask that the full text of my statement be printed in the RECORD, along with the full text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Disaster Credit Relief Act of 1993".

**SEC. 2. EMERGENCY WAIVERS OF BURDENSOME REGULATORY REQUIREMENTS FOR DISASTER AREAS.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

**"SEC. 44. EMERGENCY WAIVERS FOR DISASTER AREAS.**

"(a) IN GENERAL.—Each Federal banking agency may, by regulation or order, waive the applicability of any provision of law or regulation to any insured depository institution which is located within, or a significant portion of the service area of which is located within, a disaster area if—

"(1) the waiver takes effect before the end of the 30-month period beginning on the date on which the President determines, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a major disaster exists in the area; and

"(2) the agency determines that the waiver—

"(A) would enhance the institution's ability to make additional credit available in the disaster area; and

"(B) is consistent with the safety and soundness of the institution.

"(b) 3-YEAR LIMIT ON WAIVERS.—Any waiver granted under this section shall expire not later than 3 years after the date of the determination referred to in subsection (a)(1).

"(c) PUBLICATION REQUIRED.—After granting any waiver under subsection (a), an appropriate Federal banking agency shall publish in the Federal Register a statement which—

"(1) describes the waiver; and

"(2) explains how the waiver—

"(A) will enhance the availability of additional credit in the disaster area; and

"(B) is consistent with safety and soundness of any insured depository institution which is subject to the waiver.

"(d) DISASTER AREA DEFINED.—For purposes of this section, the term 'disaster area' means—

"(1) an area in which the President has determined pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a major disaster exists; and

"(2) any area which—

"(A) is adjacent to an area described in paragraph (1); and

"(B) has suffered damage (including economic losses) as a result of the same set of circumstances giving rise to the determination referred to in paragraph (1) with respect to the area described in such paragraph.".•

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By Mr. BUMPERS (for himself, Mr. WOFFORD, and Mr. KOHL):

S. 1274. A bill to authorize funding for certain Small Business Administration programs, and for other purposes; to the Committee on Small Business.

### SMALL BUSINESS CREDIT REFORM ACT OF 1993

• Mr. BUMPERS. Mr. President, today I am introducing for myself, Senator WOFFORD and Senator KOHL the Small Business Credit and Recovery Act of 1993. This bill may be the most important single thing which Congress can pass this year to ensure the availability of adequate small business lending in the coming years. It will do so by placing the Small Business Administration's section 7(a) loan guaranty program—which has lately become as well known as it is meritorious—on a sounder financing footing for years to come. This bill will do something which politicians talk about incessantly, but which almost never is accomplished. The bill will enable the Government to truly serve more people by spending less money.

The now infamous credit crunch for small business, which has also inspired a lot of sympathetic rhetoric from Members of Congress, is a continuing and real daily crisis facing thousands of business owners. Lack of business lending threatens the ability of even the healthiest businesses to meet payrolls and purchase inventories. Heretofore, such businesses had no trouble getting a bank loan. The situation facing a young and aspiring business owner with no track record is one of virtual impossibility.

No Member of this body today is unaware of the credit crunch, and I know for a certainty that the issue is well known to the President and others in the administration. President Clinton announced in March a sweeping package of banking regulatory reforms aimed at increasing small business lending. Unhappily, those reforms are yet to take hold, or perhaps have not filtered down to the level of the loan officer and the bank examiner.

For more than 2 years, the credit crunch has forced unprecedented numbers of businessowners to turn to the Small Business Administration's section 7(a) loan program for capital. This program allows SBA to guarantee between 80 and 90 percent of a small business borrower's loan, so that the bank is partially protected in the event of default. The program enables banks to make much longer term loans and larger loans, with more manageable payment periods, than the bank could make otherwise. The section 7(a) program is a proven job creator and a bargain for the Government, as was confirmed in an excellent recent study of the program by Price Waterhouse.

Just a few weeks ago, Congress approved and the President shortly thereafter signed a $175 million supplemental appropriation for SBA business lending. This appropriation is sufficient to support about $3.2 billion in loan guarantees. The 1993 supplemental was in some ways a rerun of 1992, but with two significant exceptions. This year, SBA had actually run out of money and closed down the 7(a) program at the end of April, leaving businesses with loan applications in process literally stranded for 2 months.

As everyone knows, the Appropriations Committee has been working in recent years under a cap on domestic spending, and we can only expect that situation to continue for as long as these enormous deficits which President Clinton inherited continue to threaten our economic future. So, we must find creative ways to reduce the costs of essential programs like 7(a) if more people are to be served. We have to do more with less—a statement which is frequently made around here, and which I usually assume is a ruse for someone who wants to dodge the bullet. But if this bill is enacted, the SBA will actually be able to do more with less. Mr. President, let me assure the Senate that the Committee on Small Business has no intention of dodging our responsibilities, however difficult they may be. The bill I am introducing today is the largest reform in the history of the SBA 7(a) program. It will significantly reduce the costs of an already efficient program and thereby allow the same appropriated dollars to fund more than twice as many loans. And it will do so without undermining the purposes of the 7(a) program and without placing an undue burden on any borrower or lender.

Miraculous as that may sound, this bill actually reduces the program's costs below the ambitious targets set in the President's fiscal year 1994 budget proposal. Moreover, it does so in ways that in my judgment are more prudent and less onerous for all concerned.

As I alluded to earlier, there has been a virtual run on the SBA section 7(a) program since late in 1991. For 2 years running, Congress has provided supplemental appropriations which almost doubled the regular appropriated level. In 1992, Congress and President Bush agreed to emergency funding to keep the 7(a) program in operation, while this Congress and this President put the program back in business without deficit financing because we were fortunate to find offsetting cuts in other Federal programs. Finding those offsets, let me tell you, is no easy task, nor is it one which we can rely on in the future.

The reality is that thousands of people who are the primary engine of our economy need help, and there is very little money in the $1.8 trillion Federal budget to help them. Personally, I can find several dozen marginal or useless programs which could be sacrificed or reduced to keep a truly meritorious program like this is operation, and I intend to let my colleagues vote on some of those options during the coming appropriations process.

It bears noting that under current law the 7(a) program will require a subsidy of only 4.92 percent, and perhaps a little less, in 1994. So, each Federal dollar leverages $20 from banks and other lenders who would otherwise not provide loans to small business. At the very least, they would not provide these loans on the same terms and amounts as under the SBA's partial loan guaranty. This program is a bargain in the Federal Government, even without the changes I am proposing, and it is a proven and efficient job creator.

However, we must cut the cost of the 7(a) program if more people are to be served by whatever resources are provided by the Appropriations Committee.

As my colleagues know, the actual loan program levels for the 7(a) program are based on the amounts appropriated for loan guaranty subsidy, divided by the so-called subsidy cost of the loan as determined by the Office of Management and Budget. This subsidy formula, which differs for each program, is complex and takes into account such factors as defaults, ultimate losses, any buy-down of the interest rate, and other factors. To say that the formula is arcane is an understatement, but the subsidy rate is the key to loan programs under the Credit Reform Act which was enacted as part of the 1990 budget agreement.

OMB estimates that the subsidy rate for the 7(a) program for fiscal year 1994 will be 4.92 percent under current law, which is slightly less than the 1993 rate due to an improvement in recoveries on defaulted loans. The subsidy rate will be changed to reflect changes in law enacted by Congress which have the effect of increasing or decreasing a loan program's cost. A 4.92 percent subsidy means that Congress must appropriate roughly $50 million—actually $49.2 million—in order to fund $1 billion in SBA loan guarantees. In other words, the private sector puts up roughly $20 for each Federal dollar.

The 7(a) program has grown from about $3.5 billion in 1991 to $6.8 billion under the 1993 supplemental. The Clinton administration, unlike its recent predecessors, recognize the importance of small business loans to economic growth and has proposed several measures to bring down the subsidy rate. While some of those proposals may have merit, the steps which I am laying out today will, in my judgment, be more effective in reducing costs while at the same time not undermining the program's purposes or effectiveness.

Mr. President, let me emphasize that the reforms in this bill bear no resemblance to budget measures proposed by Presidents Reagan and Bush, which were aimed at reducing demand for SBA loans. For years, the Reagan administration did its best to kill SBA. They hated the loan programs above all else because they believed that people who did not have money did not deserve money.

I always hasten to add that the Reagan administration probably would have succeeded in killing SBA had it not been for the courage and tenacity of the Small Business Committee's former chairman and colleague, Lowell Weicker, who is now the distinguished Governor of Connecticut.

When President Reagan and David Stockman failed to kill SBA, they and their successors proposed each year to make the programs so unattractive or unworkable that no sensible person would participate. For the 7(a) program, the last two administrations proposed raising the up-front guaranty fee charged to SBA borrowers from 2 to 5 percent—in percentage terms, an increase in costs for small business borrowers of 150 percent. Obviously, no one in his right mind would pay this kind of fee, and that was exactly the purpose. Needless to say, these draconian proposals were not adopted by the Congress. The bill I am proposing today contains no increase in the upfront fee paid by borrowers.

Today's bill is no free lunch, but it is a fair deal. While the Reagan and Bush budgets placed all of the burden on the small business borrower, this bill gets its savings from lenders while, at the same time, leaving the program sufficiently attractive and profitable that banks will still consider it a good deal.

The administration budget would have reduced the subsidy cost for the 7(a) program from 4.92 to 2.37 percent. Frankly, I thought that target was overly ambitious. To my pleasant surprise, the steps I am urging will reduce the cost to 2.21 percent, according to estimates by the Small Business Committee staff made in cooperation with SBA staff. This will result in a 1994 program level of slightly over $7 billion under the appropriation figure being considered in the Senate, which is equal to the President's request, but lower than the House number.

This bill makes four important substantive changes in the program. It will:

First, establish a centralized, unified payment processing system for all 7(a) borrowers and lenders. In return for this new system, a 0.25 percent fee will be imposed on the declining principal balance of monthly loan payments. This new system can be established at little or no cost to the Government, using the present fiscal and transfer agent for the section 504 development company loans and for the secondary market in 7(a) loans as a model. This servicing fee will reduce the subsidy cost of the program by 110 basis points. This provision is in lieu of the administration proposal to impose a 50 basis point fee on the declining balance of loans sold in the secondary market. Concern was expressed that the administration proposal would unfairly discriminate against lenders which sell their loans. The proposal I am advancing would treat all loans alike with a smaller fee.

Second, decrease the percentage of SBA's guaranty on loans made under the Preferred Lender Program from the current 80 percent to 75 percent. This change will restore the PLP program to its original practice by repealing an increase in PLP guarantees which was made a few years ago. This change will save 17 basis points.

Third, impose an excess premium guaranty fee equal to one-half of any premium realized by the seller of a loan over 110 percent for loans sold in the secondary market. Some guaranteed loans are being sold in the secondary market for what could be construed as excessive prices based on the Government's guaranty. This change in law will save 73 basis points from the baseline cost.

Fourth, leave the current percentage of guaranty at 90 percent for loans under $155,000, but reduce it from 85 percent to 75 percent on loans greater than $155,000, which have maturities of longer than 10 years. This change seems preferable, in my view, to the administration's proposal to reduce the percentage of guaranty on all real estate loans, including small loans, to 70 percent, and it will produce savings of 71 basis points.

Additionally, the bill will increase the authorization for the SBA 504 program in fiscal year 1993 to $900 million, $1.2 billion in fiscal year 1994, $1.3 billion in fiscal year 1995, and $1.4 billion in fiscal year 1996. This remarkable program, which makes long-term, fixed-rate financing available to borrowers for capital expansion and equipment, has a subsidy cost of only one-half of one percent. The increase in loans this year can be paid for by reprogramming a modest amount of unused funds from other programs within SBA. Authorization for 7(a) loans will also be increased from $6.2 billion in fiscal year 1993 to $7.5 billion, and in 1994 from $7.2 billion to $8 billion.

The Small Business Committee plans to hold a hearing on this bill in the near future and to mark it up as soon as possible. I encourage my colleagues to join as cosponsors of this important legislation.

The bill also contains several technical changes in loan programs which will improve efficiency but do not have budgetary consequences. I will address these provisions in detail when the bill is reported by the Small Business Committee and considered for passage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my statement and the bill be appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1274

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Small Business Credit Reform Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. General authorizations.
Sec. 3. Microloan program authorizations.
Sec. 4. Extension of State limitation on interest rates.
Sec. 5. Guaranteed business loan program amendments.
Sec. 6. Interest rate for Preferred Lenders Program.
Sec. 7. Microloan program amendments.
Sec. 8. Regulations.
Sec. 9. White House Conference on Small Business.

**SEC. 2. GENERAL AUTHORIZATIONS.**

(a) FINANCINGS FOR FISCAL YEAR 1993.—Section 20(g)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$7,030,000,000" and inserting "$8,455,000,000";

(2) in subparagraph (A), by striking "$6,200,000,000" and inserting "$7,500,000,000"; and

(3) in subparagraph (C), by striking "$775,000,000" and inserting "$900,000,000".

(b) FINANCINGS FOR FISCAL YEAR 1994.—Section 20(i)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$8,083,000,000" and inserting "$11,258,000,000";

(2) in subparagraph (A), by striking "$7,200,000,000" and inserting "$8,000,000,000";

(3) in subparagraph (B), by striking "and" at the end;

(4) by redesignating subparagraph (C) as subparagraph (D);

(5) by inserting after subparagraph (B) the following new subparagraph:

"(C) $2,000,000,000 in loans, as provided in section 7(a)(21); and"; and

(6) in subparagraph (D), as redesignated, by striking "$825,000,000" and inserting "$1,200,000,000".

(c) FINANCINGS FOR FISCAL YEAR 1995.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (k) and (l), as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and inserting the following:

"*(l)* The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $13,360,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,000,000,000 in general business loans, as provided in section 7(a);

"(B) $3,000,000,000 in loans, as provided in section 7(a)(21);

"(C) $60,000,000 in loans, as provided in section 7(a)(12)(B); and

"(D) $1,300,000,000 in financings, as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958.

"(2)(A) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $23,000,000 in purchases of preferred securities, $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $400,000,000 in guarantees of participating securities.

"(B) There are authorized to be appropriated to the Administration for fiscal year 1995, such sums as may be necessary to carry out subparagraph (A), including salaries and expenses of the Administration.

"(3) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees of not more than $2,180,000,000.".

(d) FINANCINGS FOR FISCAL YEAR 1996.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking subsections (m) and (n) and inserting the following:

"(m) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $14,960,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,000,000,000 in general business loans, as provided in section 7(a);

"(B) $3,500,000,000 in loans, as provided in section 7(a)(21);

"(C) $60,000,000 in loans, as provided in section 7(a)(12)(B); and

"(D) $1,400,000,000 in financings, as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958.

"(2)(A) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $24,000,000 in purchases of preferred securities, $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $550,000,000 in guarantees of participating securities.

"(B) There are authorized to be appropriated to the Administration for fiscal year 1996, such sums as may be necessary to carry out subparagraph (A), including salaries and expenses.

"(3) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,275,000,000.";

(2) in subsection (o), by striking "(o) The" and inserting "(n) The"; and

(3) in subsection (p)—

(A) by striking "(p) There" and inserting "(2) There", and indenting appropriately; and

(B) by striking "subsection (o)" and inserting "paragraph (1)".

### SEC. 3. MICROLOAN PROGRAM AUTHORIZATIONS.

Section 20(k) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as redesignated, by striking "and" at the end;

(4) in paragraph (2), as redesignated—

(A) in subparagraph (A), by striking "$60,000,000" and inserting "$80,000,000";

(B) in subparagraph (B), by striking "$35,000,000" and inserting "$30,000,000"; and

(C) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(3) for fiscal year 1995—

"(A) $100,000,000 to be used for the provision of loans; and

"(B) $45,000,000 to be used for the provision of grants; and

"(4) for fiscal year 1996—

"(A) $120,000,000 to be used for the provision of loans; and

"(B) $55,000,000 to be used for the provision of grants.".

### SEC. 4. EXTENSION OF STATE LIMITATION ON INTEREST RATES.

Section 112(c) of the Small Business Administration Reauthorization and Amendments Act of 1988 (Public Law 100–590; 102 Stat. 2996) is amended—

(1) by striking paragraph (2); and

(2) by striking "(1) IN GENERAL.—".

### SEC. 5. GUARANTEED BUSINESS LOAN PROGRAM AMENDMENTS.

(a) ADDITIONAL GUARANTEE FEES.—

(1) IN GENERAL.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended—

(A) by inserting "(A)" after "(18)"; and

(B) by adding at the end the following new subparagraph:

"(B) In addition to fees collected under subparagraph (A), the Administration shall collect a fee charged to the participating lending institution in any case in which a loan made under this section is sold on the secondary market in an amount equal to 50 percent of that portion of the sale price which is in excess of 110 percent of the face value of the loan. Such fee may not be charged to the borrower.".

(2) SUNSET.—The amendments made by paragraph (1) shall remain in effect until September 30, 1996.

(b) GUARANTEE PERCENTAGES.—

(1) IN GENERAL.—Subparagraph (B) of section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(B) subject to the limitation in paragraph (3)—

"(i) not less than 70 percent nor more than 75 percent of the financing outstanding at the time of disbursement, if such financing is more than $155,000 and the period of maturity of such financing is less than 10 years, except that the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

"(ii) not less than 80 percent of the financing outstanding at the time of disbursement, if such financing is a loan under paragraph (16).".

(2) ADDITIONAL AMENDMENTS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in the second sentence (immediately following paragraph (2)(B)(ii)), by striking "85 percent" and inserting "the specified percentages"; and

(B) in the third sentence, by striking "80 percent" and inserting "75 percent".

(c) SYSTEM FOR LOAN PAYMENT AND SERVICING.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(22)(A) For loans guaranteed under this subsection, the Administrator is authorized to establish a centralized loan payment and servicing system.

"(B) Such system shall utilize a fiscal and transfer agent to collect an annual fee on each loan that is equal to ¼ of 1 percent of the declining principal balance of the loan.".

### SEC. 6. INTEREST RATE FOR PREFERRED LENDERS PROGRAM.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 7(a)(2)) is amended by inserting after the third sentence, the following: "The maximum interest rate for a loan under the Preferred Lenders Program shall not exceed the maximum interest rate applicable to other loan guarantee programs under section 7(a), as established by the Administrator.".

### SEC. 7. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking "$15,000" and inserting "$25,000";

(2) in paragraph (4)(C)(ii), by inserting "to defray costs associated with loan fund administration and" before "to provide";

(3) in paragraph (5)(A), by striking "6 grants" and inserting "12 grants";

(4) by amending paragraph (9)(A) to read as follows:

"(A) IN GENERAL.—The Administration may provide, directly or through an organization described in subparagraph (B), technical assistance for participants and potential participants in the Microloan Demonstration Program to give such participants and potential participants such knowledge, skills, and understanding of microlending practices necessary to operate successful microloan programs."; and

(5) in paragraph (9)(B)—

(A) by striking "3 percent" and inserting "7 percent"; and

(B) by inserting "and nonprofit organizations that have demonstrated experience in providing training support for microenterprise development and financing" after "microlending organizations".

### SEC. 8. REGULATIONS.

(a) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration (hereafter in this section referred to as the "Administrator") shall promulgate interim final regulations to implement the amendments made by this Act.

(b) IMPLEMENTATION OF POLLUTION CONTROL ASSISTANCE PROVISION.—

(1) TECHNICAL CORRECTION.—Section 7(a)(12)(B) of the Small Business Act (15 U.S.C. 636(a)(12)(B)), as added by section 111(c)(2) of Public Law 100–590, is amended by striking "(b)" and inserting "(B)" and by indenting accordingly.

(2) REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Administrator shall promulgate final regulations, after an opportunity for notice and public comment, to carry out section 7(a)(12)(B) of the Small Business Act.

### SEC. 9. WHITE HOUSE CONFERENCE ON SMALL BUSINESS.

(a) DATES OF CONFERENCES.—Section 2 of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended—

(1) by striking "January 1, 1994" and inserting "May 1, 1995";

(2) by striking "April 1, 1994" and inserting "December 31, 1995"; and

(3) by striking "December 1, 1992" and inserting "March 1, 1994".

(b) APPOINTMENT OF COMMISSIONERS.—Section 5(a) of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended by striking "The President" and inserting "Not later than 30 days after the date of enactment of the Small Business Credit Reform Act of 1993, the President".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 9(a) of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended by striking "$5,000,000" and inserting "$7,000,000".●

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By Mr. RIEGLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mrs. BOXER, Mr. CAMPBELL, Ms. MOSELEY-BRAUN, and Mr. BRADLEY):

S. 1275. A bill to facilitate the establishment of community development financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

### THE COMMUNITY DEVELOPMENT BANKING ACT

Mr. RIEGLE. Mr. President, I introduce the Community Development Banking and Financial Institutions Act of 1993. I am joined in introducing this bill by my distinguished colleagues Senators SARBANES, DODD, KERRY, BOXER, CAMPBELL, MOSELEY-BRAUN, and BRADLEY. This initiative was unveiled by President Clinton on July 15. I commend the President on crafting this innovative proposal, which is a part of a larger administration strategy to facilitate the flow of capital into distressed, credit-starved communities. The President has also presented a companion community lending initiative consisting of regulatory reforms to improve enforcement of the Community Reinvestment Act. Together, these initiatives will foster the develop and expansion of grassroots community-oriented lending institutions while, at the same time, encouraging the entire banking industry to serve low income and minority communities.

Last spring's riots in Los Angeles demonstrated how serious the situation has become in our Nation's cities. Now, more than ever, we need new models for revitalization. Inadequate access to capital is one of the primary factors leading to disinvestment and disintegration. Last year, the Banking Committee held several hearings focusing on access to capital in distressed communities and among low and moderate income people. The committee found significant capital gaps caused by racial discrimination and redlining, changes in the banking and financial services industries, lack of expertise in community lending, and the special characteristics of the community development credit market.

Redlining and discrimination are still significant problems in many communities. A recent Federal Reserve Board study of 1991 HMDA data indicated that African-Americans are twice as likely as their white counterparts to be rejected for a mortgage loan and Latino applicants are 1.4 times as likely to rejected as whites. A more detailed analysis by the Federal Reserve Bank of Boston documented that, after controlling for legitimate credit concerns, minority applicants are still 60 percent more likely than white applicants to be rejected when requesting mortgage loans. Furthermore, a General Accounting Office study revealed that the number of mortgage loans purchased by Fannie Mae and Freddie Mac per homeowner declines as the percentage of minorities in the neighborhood increases.

Consolidation of the banking system has caused concerns about credit availability. Three-quarters of all small business loans are made by small- and medium-sized banks. Small business loans also comprise a larger portion of the loan portfolios of small- and medium-sized banks. Loans to small firms make up 95 percent of the loan portfolio at small banks and 77 percent at medium banks, compared to 13 percent at large banks. As banks become larger, they rely increasingly on standardized underwriting and credit criteria. Since investment in many distressed communities often requires creative and flexible financing, this trend toward consolidation has had the effect of discouraging investment in distressed communities.

The Community Development Banking and Financial Institutions Act will plant the seeds of a network of financial institutions dedicated to the revitalization of our inner cities and distressed rural communities. Community development financial institutions are a diverse group of depository and nondepository, for-profit and non-profit institutions whose primary mission is to revitalize their communities by investing in them. They are an innovative mechanism for bringing private capital into low income neighborhoods. They include community development banks, community development credit unions, minority-owned banks, community development loan funds, microenterprise lenders, community development corporations, and other neighborhood development organizations providing credit services. These institutions have impressive track records of facilitating small business development, financing and constructing affordable housing, creating and retaining jobs, and building new ladders of opportunity for low-income residents.

I have been a strong supporter of community-oriented lending institutions. As part of the Housing and Community Development Act of 1992, I authored a demonstration program designed to promote investment in these institutions. This bill expands on that concept.

This bill is intended to build a coherent community lending network that supports and complements the activities of existing commercial lenders and non-profit organizations, and promotes new investment. This network will promote affordable housing, small business, job creation and retention, and other neighborhood revitalization initiatives. This network will focus on more effectively using existing and developing new finance tools, leveraging private investment, building communities, and providing assistance to seed or expand community-oriented lending and development organizations. It is critical to point out that investment in community development financial institutions in no way reduces the obligation of commercial lenders to lend in distressed communities. Community development financial institutions are intended to complement the activities of existing lenders.

This bill creates a national fund which will be authorized at $382 million over 4 years. The fund will build a national network of community development financial institutions whose primary mission is providing credit and development services in targeted areas and among targeted populations.

Organizations eligible to receive assistance may be depository institution holding companies, insured depository institutions or credit unions, or other organizations that have a primary mission of community development. The fund will provide assistance for capital, development services, and technical assistance. Capital assistance may be provided in the form of loans, equity investments, grants, deposits and membership shares. Development services may be used to provide business and financial counseling, management assistance and support to borrowers, and to cover other program implementation costs. Depository institutions receiving assistance will be required to match their Federal assistance on a one-to-one basis from non-Federal sources. This provision is critical because it will leverage significant resources from private sources and ensure a strong local commitment to the success of the institution.

At the time of application, eligible participants will be required to submit a strategic plan describing their community revitalization goals and management plan. This plan will be used to set aggressive, but realistic performance goals. Restrictions on the use of assistance will be imposed.

Community development financial institutions receiving assistance through the fund will be expected to be well managed, and to pose no safety and soundness problems. Participating insured depositories will be expected to perform in conformance with the same safety and soundness standards as other insured depository institutions. The Federal financial regulatory agencies will retain the authority to prohibit any activities by depositories that pose undue financial risks.

The fund will also assist in building the capacity of participating organizations through the provision of technical assistance grants to community development financial institutions. These efforts will help ensure that community development financial institutions are able to meet their performance goals and are properly managed. This training will help ensure that Federal dollars are prudently managed and invested.

The success of existing community development financial institutions has inspired groups in cities across the Nation to explore the creation of new community-oriented financial institutions. For example, in my home State of Michigan, community leaders are working in Grand Rapids and Detroit to raise capital to start community development banks to serve predominantly minority neighborhoods that have been ignored by other lending institutions. One of the greatest obstacles new community-oriented institutions face is raising capital. This bill is designed to aid these institutions in raising the capital they need to start and to expand, as well as to provide assistance for the comprehensive range of development services that make the institutions so successful in promoting revitalization.

Community development financial institutions hold great promise for stemming the tide of disinvestment that has gripped our inner cities and distressed rural communities. These institutions will assist in empowering residents to become full participants in the social and economic mainstream of our Nation and make our neighborhoods safe and healthy places to live.

I commend the President for his vision and leadership in crafting a comprehensive community lending and development initiative. I also look forward to working on a bipartisan basis with the members of the Banking Committee and the full Senate in enacting this proposal.

I ask unanimous consent that the text of the bill appear in the RECORD. I would also like to submit for the RECORD the President's letter of transmittal, a summary of the bill, and a section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1275

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Community Development Banking and Financial Institutions Act of 1993".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) many of the Nation's urban and rural communities and Indian reservations face critical social and economic problems arising in part from the lack of economic growth, people living in poverty, and the lack of employment and other opportunities;

(2) the restoration and maintenance of the economies of these communities will require coordinated development strategies, intensive supportive services, and increased access to capital and credit for development activities, including investment in businesses, housing, commercial real estate, human development, and other activities that promote the long-term economic and social viability of the community;

(3) in many urban and rural communities, low- and moderate-income neighborhoods, and Indian reservations, there is a shortage of capital and credit for business and affordable housing;

(4) access to capital and credit is essential to unleash the untapped entrepreneurial energy of America's poorest communities and to empower individuals and communities to become self-sufficient; and

(5) community development financial institutions have proven their ability to identify and respond to community needs for capital, credit, and development services in the absence of, or as a complement to, service provided by other lenders.

(b) PURPOSE.—The purpose of this Act is to create a Community Development Banking and Financial Institutions Fund that will support a program of investment in and assistance to community development financial institutions. The Community Development Banking and Financial Institutions Fund will provide financial and technical assistance, including training, to community development financial institutions, serve as a national information clearinghouse, and be an institutional voice for community development. The community development financial institutions that the Community Development Banking and Financial Institutions Fund supports will provide capital, credit, and development services to targeted investment areas or populations, and will promote economic revitalization and community development.

**SEC. 3. DEFINITIONS.**

(a) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning given such term in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(b) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "community development financial institution" means any bank, savings association, depository institution holding company, credit union, micro-enterprise loan fund, community development corporation, community development revolving loan fund, minority-owned or other insured depository institution, or non-depository organization that—

(1) has as its primary mission the promotion of community development through the provision of capital, credit, or development services in its investment areas or to target populations; and

(2) encourages, through representation on its governing board or otherwise, the input of residents in the investment area or the targeted populations.

A depository institution holding company may qualify as a community development financial institution only if the holding company and its subsidiaries collectively satisfy the requirements of paragraphs (1) and (2). No subsidiary of the depository institution holding company may qualify as a community development financial institution if the holding company and its subsidiaries collectively do not meet the requirements of paragraphs (1) and (2). The term "community development financial institution" does not include an agency or instrumentality of the United States or an agency or instrumentality of any State or political subdivision thereof.

(c) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term "depository institution holding company" has the same meaning given such term in section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)).

(d) DEVELOPMENT SERVICES.—The term "development services" means activities conducted by a community development financial institution that promote community development by developing, supporting, and strengthening the lending, investment, and capacity-building activities undertaken by institutions, including, but not limited to—

(1) business planning services;

(2) financial and credit counseling services;

(3) marketing and management assistance; and

(4) administrative activities associated with lending or investment.

(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "insured community development financial institution" means any community development financial institution that is an insured depository institution. The term also includes an insured credit union which has been designated as low-income by the National Credit Union Administration.

(f) INSURED CREDIT UNION.—The term "insured credit union" has the same meaning given such term in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)).

(g) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning given such term in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)).

(h) INVESTMENT AREA.—The term "investment area" means an identifiable community that—

(1) meets objective criteria of distress, including the number of low-income families, the extent of poverty, the extent of unemployment, the extent of unmet credit needs, the degree of availability of basic financial services, the degree of limited access to capital and credit provided by existing financial institutions, and other factors that the Fund determines to be appropriate; or

(2) is located in an empowerment zone or enterprise community designated under section 1391 of the Internal Revenue Code of 1986.

(i) QUALIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "qualified community development financial institution" means a community development financial institution that meets the requirements of sections 5(b) (2) through (8) of this Act.

(j) TARGETED POPULATION.—The term "targeted population" means an identifiable group of low-income or disadvantaged persons that are underserved by existing financial institutions.

**SEC. 4. ESTABLISHMENT OF NATIONAL FUND FOR COMMUNITY DEVELOPMENT BANKING.**

(a) IN GENERAL.—There is created and chartered a body corporate to be known as the Community Development Banking and Financial Institutions Fund (referred to in this Act as the "Fund") that shall have the powers and responsibilities specified by this Act. The Fund shall have succession until dissolved. The charter of the Fund may be revised, amended, or modified by Congress at any time. The offices of the Fund shall be in Washington, D.C.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Fund shall be vested in a Board of Directors (referred to in this Act as the "Board"), which shall have nine members.

(2) MEMBERS.—The members of the Board shall consist of the following:

(A) The Secretary of Agriculture.

(B) The Secretary of Commerce.

(C) The Secretary of Housing and Urban Development.

(D) The Secretary of the Treasury.

(E) The Administrator of the Small Business Administration.

(F) Four private citizens, appointed by the President with the advice and consent of the Senate, that collectively—

(i) represent community groups whose constituencies include low-income persons or residents of investment areas,

(ii) have expertise in the operations and activities of insured depository institutions, and

(iii) have expertise in community development and lending;

provided that there should not be less than one member from each of the three categories described in clauses (i) through (iii) of this subparagraph.

(3) CHAIRPERSON.—The President shall appoint from among the members of the Board specified in paragraph (2)(F) a chairperson of the Board, who shall serve at the pleasure of the President for a term of two years.

(4) VICE-CHAIRPERSON.—The President shall appoint from among the members specified in paragraph (2) a vice-chairperson who will serve as chairperson in the absence, disability, or recusal of the chairperson. The vice-chairperson shall serve at the pleasure of the President for a term of two years.

(5) TERMS OF APPOINTED MEMBERS.—

(A) IN GENERAL.—Each member appointed pursuant to paragraph (2)(F) shall serve at the pleasure of the President for a term of four years, except as provided in paragraph (5)(C).

(B) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the previous member was appointed shall be appointed for the remainder of such term. Appointed members may continue to serve following the expiration of their terms until a successor is appointed and qualified.

(C) TERMS.—The terms of the initial appointed members shall be for four years and shall begin on the date each member is appointed, except that two of the members initially appointed pursuant to paragraph (2)(F) shall be designated to serve at the pleasure of the President for five years.

(6) ACTING OFFICIALS.—In the event of a vacancy or absence of the individual in any of the offices described in paragraphs (2)(A) through (E), the official acting in that office shall be a member of the Board.

(7) AUTHORITY TO DELEGATE.—Each member of the Board specified in paragraphs (2)(A) through (E) may designate another official who has been appointed by the President with the advice and consent of the Senate within the same agency to serve as a member in his or her stead.

(8) COMPENSATION.—Members of the Board who are otherwise officers or employees of the United States shall serve without additional compensation for their duties as members, but shall be reimbursed by the Fund for travel, per diem, and other necessary expenses incurred in the performance of their duties, in accordance with sections 5702 and 5703 of title 5, United States Code. The appointed members of the Board shall be entitled to receive compensation at the daily equivalent of the rate for a position under Level IV of the Executive Schedule under section 5315 of title 5, United States Code, and shall be reimbursed by the Fund for travel, per diem, and other necessary expenses incurred in the performance of their duties, in accordance with sections 5702 and 5703 of title 5, United States Code.

(9) MEETINGS.—The Board shall hold meetings at least quarterly. Special meetings of the Board may be called by the Chairperson or on the written request of three members of the Board. A majority of the members of the Board in office shall constitute a quorum.

(c) OFFICERS AND EMPLOYEES.—The Board shall appoint a Chief Executive Officer who will be responsible for the management of the Fund and such other duties deemed appropriate by the Board. The Board shall appoint a Chief Financial Officer who shall oversee all of the financial management activities of the Fund. The Board shall also appoint an Inspector General. The Board may appoint such other officers and employees of the Fund as the Board determines to be necessary or appropriate. The Chief Executive Officer, Chief Financial Officer, and up to 3 other officers of the Fund may be appointed without regard to the provisions of title 5 of the United States Code governing appointments in the Federal service and compensated without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, except that the rate of pay for the Chief Executive Officer shall not exceed the rate for a position under Level II of the Executive Schedule under section 5313 of title 5 of the United States Code and the rate of pay for the remaining four officers shall not exceed the rate for a position under Level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

(d) GENERAL POWERS.—In carrying out its powers and duties, the Fund—

(1) shall have all necessary and proper powers to carry out its authority under this Act;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed:

(3) may sue and be sued in its corporate name and complain and defend in any court of competent jurisdiction;

(4) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and shall have power to make such rules and regulations as may be necessary or appropriate to implement the provisions of this Act;

(5) may enter into and perform such agreements, contracts, and transactions as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(6) may determine the character of and necessity for its expenditures and the manner in which they shall be incurred, allowed, and paid;

(7) may utilize or employ the services of personnel of any agency or instrumentality of the United States with the consent of the agency or instrumentality concerned on a reimbursable or non-reimbursable basis; and

(8) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act and may delegate to members of the Board, to the Chief Executive Officer, or the officers of the Fund such of its powers and responsibilities as it deems necessary or appropriate for the administration of the Fund.

(e) WHOLLY-OWNED GOVERNMENT CORPORATION.—

(1) The Fund shall be a wholly-owned Government corporation in the Executive branch and shall be treated in all respects as an agency of the United States, except to the extent this Act provides otherwise.

(2) Section 9101(3) of title 31, United States Code (the Government Corporation Control Act), is amended—

(A) by redesignating paragraphs (B) through (M) as paragraphs (C) through (N), respectively; and

(B) by inserting after paragraph (A) the following:

"(B) the Community Development Banking and Financial Institutions Fund."; and

(3) Section 9107(b) of title 31, United States Code (the Government Corporation Control Act), shall not apply to deposits of the Fund made pursuant to section 7 of this Act.

(f) LIMITATION OF FUND AND FEDERAL LIABILITY.—The liability of the Fund and of the United States Government arising out of any investment in a community development financial institution in accordance with this Act shall be limited to the amount of the investment and the Fund shall be exempt from any assessments and other liabilities that may be imposed on controlling or principal shareholders by any Federal law or the law of any State, Territory, or the District of Columbia. A community development financial institution that receives assistance pursuant to this Act shall not be deemed to be an agency, department, or instrumentality of the United States.

(g) PROHIBITION ON ISSUANCE OF SECURITIES.—The Fund may not issue stock, bonds, debentures, notes, or other securities.

### SEC. 5. APPLICATIONS FOR ASSISTANCE.

(a) FORM AND PROCEDURES.—An application for assistance under this Act shall be submitted by an applicant in such form and in accordance with such procedures as the Board shall establish. The Board shall publish regulations with respect to application requirements and procedures not later than 210 days after enactment of this Act.

(b) MINIMUM REQUIREMENTS.—The Board shall require that the application—

(1) demonstrate to the satisfaction of the Board that the applicant is, or upon the receipt of a charter will be, a community development financial institution as defined in section 3(a) of this Act;

(2) demonstrate that the applicant will serve—

(A) a targeted population; or

(B) an area which is an investment area;

(3) in the case of an applicant that has previously received assistance under this Act, demonstrate that the applicant—

(A) has successfully carried out its responsibilities under this Act;

(B) has become or is about to become an entity that will not be dependent upon assistance from the Fund for continued viability; and

(C) will expand its operations into a new investment area, offer new services, or will increase the volume of its current business;

(4) in the case of a community development financial institution with existing operations, demonstrate a record of success of serving investment areas or targeted populations;

(5) include a detailed and comprehensive strategic plan for the organization that contains—

(A) a business plan of at least five years that demonstrates the applicant is properly managed and has the capacity to form and operate a community development financial institution that is, or will become, an entity that will not be dependent upon assistance from the Fund for continued viability;

(B) a statement that the applicant has, or will have, in its charter or other governing documents a primary commitment to community development, or other evidence of a prior history and a continuing affirmation of a primary commitment of community development;

(C) an analysis of the needs of the investment area or targeted populations and a strategy for how the applicant will attempt to meet those needs;

(D) a plan to coordinate use of assistance from the Fund with existing Federal, government-sponsored enterprise, and State and local assistance programs, and private sector financial services;

(E) a statement that the proposed activities of the applicant are consistent with existing economic, community and housing development plans adopted by or applicable to the investment area;

(F) a description of how the applicant will affiliate, network, or otherwise coordinate with a full range of community organizations and financial institutions which provide, or will provide, capital, credit, or secondary markets in order to assure that banking, economic development, investment, affordable housing, and other related services will be available within the investment area or to targeted populations; and

(G) such other information as the Board deems appropriate for inclusion in the strategic plan;

(6) demonstrate that the applicant will carry on its activities consistent with the purposes of this Act within the investment area or with respect to a targeted population;

(7) include a detailed and specific statement of applicant's plans and likely sources of funds to match the amount of assistance from the Fund with funds from private sources in accordance with the requirements of section 7(d) of this Act; and

(8) include such other information as the Board may require.

(c) PRE-APPLICATION OUTREACH PROGRAM.—The Fund shall provide for an outreach program to identify and provide information to potential applicants and to increase the capacity of potential applications to meet the applications and other requirements of this Act.

### SEC. 6. SELECTION OF INSTITUTIONS.

(a) SELECTION CRITERIA.—The Board shall, in its discretion, select applications that meet the requirements of section 5 of this Act and award assistance from the Fund in accordance with section 7 of this Act. In selecting applications, the Board shall consider applications based on, but not limited to—

(1) the likelihood of success of the applicant in forming and operating a community development financial institution;

(2) the range and comprehensiveness of the capital, credit, and development services to be provided by the applicant;

(3) the extent of the need, as measured by objective criteria of distress, within the investment areas or targeted populations for the types of activities proposed by the applicant;

(4) the likelihood that the proposed activities will benefit a significant portion of the investment areas or targeted populations or, in the case of a community development financial institution with existing operations, evidence of a record of success in serving investment areas or targeted populations;

(5) the extent to which the applicant will concentrate its activities on serving low and very low-income families;

(6) the evidence of the extent of a broad cross-section of support from the investment areas or targeted populations;

(7) the experience and background of the proposed management team;

(8) the amount of legally enforceable commitments at the time of application to meet or exceed the matching requirements under section 7(d) of this Act and the strength of the plan for raising the balance of the match;

(9) in the case of applicants that have previously received assistance pursuant to this Act, the extent to which they have met or exceeded their performance goals;

(10) the extent to which the proposed activities will expand the employment base within the investment areas or the targeted populations;

(11) the extent to which the applicant is, or will be, community-owned or community-governed;

(12) whether the applicant is, or will become, an insured community development financial institution;

(13) whether the applicant is, or will be located, in an empowered zone or enterprise community designated under section 1391 of the Internal Revenue Code of 1986;

(14) in the case of an institution that is not an insured community development financial institution, the extent to which the institution has or will have the ability to increase its resources through affiliation with a secondary market, insured depository institution, or other financial intermediary in order to multiply the amount of capital or credit available for community development;

(15) in the case of an insured depository institution or insured credit union applicant, whether the institution—

(A) has or will have a substantial affiliation with an entity or network of entities that are community development financial institution; and

(B) has a comprehensive plan for providing meaningful financial assistant to such an entity or network of entities; and

(16) other factors deemed appropriate by the Board.

(b) Geographic Diversity.—In addition to the above, in making its selections, the Board shall seek to fund a geographically diverse group of applicants, which shall include applicants from nonmetroplitan and rural areas.

(c) Publication Requirement.—The Board shall publish regulations with respect to its selection criteria not later than 210 days after the date of enactment of this Act.

**SEC. 7. ASSISTANCE PROVIDED BY THE FUND.**

(a) Purpose of Assistance.—

(1) The Fund shall work to promote an environment hospitable to business formation, economic growth, community development, and affordable housing in distressed communities. The Fund shall coordinate its activities with existing Federal and other community and economic development programs.

(2) Assistance may be provided to an existing qualified community development financial institutions to expand its activities to serve investment areas or targeted populations not current served by another qualified community development financial institution receiving assistance under this section or to expand the volume of its activities consistent with the purposes of this Act, or to form a new entity to undertake activities consistent with the purpose of this Act, or to assist an existing entity to modify its structure or activities in order to undertake activities consistent with the purposes of this Act.

(b) Types of Assistance.—

(1) In general.—The Fund may provide financial assistance to qualified community development financial institutions through equity investments, loans deposits, membership shares, and grants. The Fund may also provide technical assistance, including training, and grants for technical assistance to qualified community development financial institutions. The allocation of awards of assistance between insured and uninsured community development financial institutions shall be in the discretion of the Board, provided that due consideration shall be given to the allocation of funds to insured community development financial institutions.

(2) Financial assistance.—The Fund shall structure financial assistance to a qualified community development financial institution in such a manner that it does not own more than 50 percent of the equity of such institution and does not control the operations of such institution. The Fund will not be deemed to control such institution for the purposes of applicable laws. With respect to equity investments, the Fund shall hold only transferable, nonvoting investments. Such equity investments may provide for convertibility to voting stock upon transfer by the Fund.

(3) Deposits.—Notwithstanding any other provision of law, deposits made pursuant to this section in qualified insured community development financial institutions shall not be subject to any requirement for collateral or security.

(4) Limitations on obligations.—Direct loan obligations may be incurred only to the extent that appropriations of budget authority to cover their costs, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(c) Purpose of Financial Assistance.—Financial assistance made available under this Act may be used by assisted institutions to develop or support—

(1) commercial facilities that enhance revitalization, community stability, or job creation and retention efforts;

(2) business creation and expansion efforts that—

(A) create or retain jobs for low-income people;

(B) enhance the availability of products and services to low-income people; or

(C) create or retain business owned by low-income people or residents of a targeted area;

(3) community facilities that provides benefits to low-income people or enhance community stability;

(4) the provision of basic financial services to low-income people or residents of a targeted area;

(5) the provision of development services;

(6) home ownership opportunities that are affordable to low-income households;

(7) rental housing that is principally affordable to low-income households; and

(8) other activities deemed appropriate by the Fund.

(d) Amount of Assistance.—The Fund may provide up to $5,000,000 of assistance per application to any one qualified insured community development financial institution and up to $2,000,000 per application to any other qualified community development financial institution. The Fund shall have the authority to set minimum amounts of assistance per institution.

(e) Matching Requirements.—

(1) Assistance provided to qualified insured community development financial institutions, other than deposits or membership shares of $100,000 or less, technical assistance, or grants for technical assistance, shall be matched by no less than one dollar of equity, deposits or membership shares for each dollar provided by the Fund. The Fund shall require a match for all other assistance, the amount and form of which shall be in the discretion of the Fund; provided that, the Fund shall in no event require assistance provided in the form of deposits or membership shares of $100,000 or less, technical assistance, or grants for technical assistance to be matched. The Fund shall provide no assistance except technical assistance or grants for technical assistance until a qualified community development financial institution has secured legally enforceable commitments for the entire match required. Assistance may be provided in one lump sum, or over a period of time, as determined by the Fund.

(2) Assistance shall be matched with funds from sources other than the Federal Government.

(f) Terms and Conditions.—

(1) In general.—The Fund shall provide assistance authorized under this Act in such form and subject to such restrictions as are necessary to ensure that to the maximum extent practicable—

(A) all assistance granted is used by the qualified community development financial institution in a manner consistent with the purposes of this Act;

(B) qualified community development financial institutions receiving assistance that are not otherwise regulated by the Federal government or by a State government are financially and managerially sound;

(C) assistance results in a net increase, both nationally and in the local communities in which assistance is provided, in capital, credit, and development services; and

(D) assistance is provided in a manner that encourages affiliations and partnerships between insured depository institutions, secondary markets or other sources of credit or leverage and local organizations dedicated to community development.

(2) Consultation with banking regulators.—Prior to providing assistance to a qualified insured community development financial institution, the Board should consult with the appropriate Federal banking agency or, in the case of an insured credit union, the National Credit Union Administration.

(3) Assistance agreement.—

(A) The Board shall impose restrictions on the use of assistance through a stock purchase agreement, share purchase agreement, or through a contract entered into in consideration for the provision of assistance.

(B) Such agreement or contract shall require institutions assisted under this Act to comply with performance goals. The performance goals shall be negotiated between the Board and each qualified community development financial institution receiving assistance based upon the strategic plan submitted pursuant to section 5(b)(5) of this Act. The performance goals may be renegotiated jointly as necessary or appropriate, subject to subparagraph (C) of this section. Activity levels for insured community development financial institutions should be determined by the Board in consultation with the appropriate Federal banking agency or, in the case of an insured credit union, with the National Credit Union Administration.

(C) The agreement or contract shall specify sanctions available to the Board, in its discretion, in the event of noncompliance with the purposes of this Act or the terms of the agreement. The sanctions may include revocation of approval of the application, terminating or reducing future assistance, requiring repayment of assistance, and requiring changes to the performance goals imposed pursuant to subparagraph (B) or to the strategic plan submitted pursuant to section 5(b)(5) of this Act. In the case of an insured community development financial institution, the Board shall consult with the appropriate Federal banking agency or, in the case of an insured credit union, the National Credit Union Administration, before imposing sanctions pursuant to this paragraph.

(4) REVIEW.—At least annually, the Board shall review the performance of each assisted qualified community development financial institution in carrying out its strategic plan and performance goals.

(5) REPORTING.—The Board shall require each qualified community development financial institution receiving assistance to submit an annual report to the Fund on its activities, its financial condition, its success in meeting performance goals, and its compliance with other requirements of this Act.

(g) AUTHORITY TO SELL EQUITY INVESTMENTS AND LOANS.—The Board shall have the authority at any time to sell its investments and loans and may, in its discretion, retain the power to enforce limitations on assistance entered into in accordance with the requirements of this Act.

(h) NO AUTHORITY TO LIMIT SUPERVISION AND REGULATION.—Nothing in this Act shall affect any authority of the appropriate Federal banking agency or, in the case of an insured credit union, the National Credit Union Administration, to supervise and regulate an insured community development financial institution.

### SEC. 8. ENCOURAGEMENT OF PRIVATE ENTITIES.

The Board may cause to be incorporated, or encourage the incorporation of, private non-profit and for-profit entities that will complement the activities of the Fund in carrying out the purposes of this Act. The purposes of any such entities shall be limited to investing in and assisting community development financial institutions in a manner similar to the activities of the Fund under this Act. Any such entities shall be managed exclusively by private individuals who are selected in accordance with the laws of the jurisdiction of incorporation.

### SEC. 9. CLEARINGHOUSE FUNCTION.

The Fund shall establish and maintain an information clearinghouse in coordination with the Departments of Agriculture, Commerce, and Housing and Urban Development, the Small Business Administration, other Federal agencies, and community development financial institutions—

(1) to cause to be collected, compiled, and analyzed information pertinent to community development financial institutions that will assist in creating, developing, expanding, and preserving these institutions; and

(2) to cause to be established a service center for comprehensive information on financial, technical, and management assistance, case studies of the activities of community development financial institutions, regulations and other information that may promote the purposes of this Act.

### SEC. 10. RECORDKEEPING, REPORTS, AND AUDITS.

(a) RECORDKEEPING.—

(1) A qualified community development financial institution receiving assistance from the Fund shall keep such records as may be reasonably necessary to disclose the disposition of any assistance under this Act and to ensure compliance with the requirements of this Act.

(2) The Fund shall have access, for the purpose of determining compliance with this Act, to any books, documents, papers, and records of a qualified community development financial institution receiving assistance from the Fund that are pertinent to assistance received under this Act.

(b) REPORTS.—

(1) ANNUAL REPORT.—The Fund shall conduct an annual evaluation of the activities carried out pursuant to this Act and shall submit a report of its findings to the President within 120 days of the end of each fiscal year of the Fund. The report shall include financial statements audited in accordance with subsection (c).

(2) INSTITUTIONAL VOICE FOR COMMUNITY DEVELOPMENT.—

(A) ONGOING STUDY.—The Fund shall conduct, or cause to be conducted, an ongoing study to identify and evaluate the most effective and financially sound policies and practices for encouraging investment in distressed communities, including small business and commercial lending, business formation and expansion, community and economic development, commercial real estate and multi-family housing, and home mortgages. In addition, the Fund may study, or cause to be studied, related matters, such as identification of sources of and access to capital and loans for community investment; development of secondary markets for economic and community development, small business and commercial loans, and home mortgage loans and investments; and methods to involve all segments of the financial services industry in community development.

(B) CONSULTATION.—In the conduct of the study, the Fund shall consult, or cause consultation with, the Office of the Comptroller of the Currency, the Federal Deficit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Board, the Farm Credit Administration, the Office of Thrift Supervision, the National Credit Union Administration, community reinvestment, civil rights, consumer and financial organizations, and such representatives of agencies or other persons as the Fund may determine.

(C) REPORTS.—Within 270 days after the date of enactment of this Act, the Fund shall report to the President its initial findings and recommendations regarding the matters set forth in subparagraph (A). Thereafter, the Fund shall report its findings and recommendations to the President with the annual report required by paragraph (b)(1).

(3) INVESTMENT, GOVERNANCE, AND ROLE OF FUND.—Six years following the date of enactment of this Act, the Fund, in accordance with the procedures described in paragraph (2)(A) and (B), shall conduct a study evaluating the structure, governance, and performance of the Fund. The study shall be submitted to the President. Such study shall include an evaluation of the overall performance of the Fund in meeting the purposes of this Act and any recommendations of the Fund for restructuring the Board, altering procedures under which the Fund is governed, the future role of the Fund in addressing community development, and the ability of the Fund to become a private, self-sustaining entity capable of fulfilling the purposes of this Act.

(c) EXAMINATION AND AUDIT.—The financial statements of the Fund shall be audited in accordance with section 9105 of title 31, United States Code, except that audits required by section 9105(a) of that title shall be performed annually.

### SEC. 11. INVESTMENT OF RECEIPTS AND PROCEEDS.

Any dividends on equity investments and proceeds from the disposition of investments, deposits, or membership shares that are received by the Fund as a result of assistance provided pursuant to section 7 of this Act shall be deposited and accredited to an account of the Fund established to carry out the authorized purposes of this Act. Upon request of the Chief Executive Officer, the Secretary of the Treasury shall invest amounts deposited in such account in public debt securities with maturities suitable to the needs of the Fund, as determined by the Chief Executive Officer, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. Amounts deposited into the account and interest earned on such amounts pursuant to this section shall be available to the Fund until expended.

### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Fund, to remain available until expended, $60,000,000 for fiscal year 1994, $104,000,000 for fiscal year 1995, $107,000,000 for fiscal year 1996, and $111,000,000 for fiscal year 1997, or such greater sums as may be appropriated, to carry out the purposes of the Act.

(b) ADMINISTRATIVE EXPENSES.—The Fund may set aside up to $10,000,000 each fiscal year to pay administrative costs and expenses.

### SEC. 13. CONFORMING AMENDMENT.

Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. app. 3 §8E(a)(2)) is amended by inserting "the Community Development Banking and Financial Institutions Fund," immediately following "the Commodity Futures Trading Commission,".

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*To the Congress of the United States:*

I am pleased to submit to the Congress the "Community Development Banking and Financial Institutions Act of 1993". This legislative initiative will promote the creation of community development financial institutions that will empower individuals and communities and provide for greater economic opportunity. Also transmitted are a statement of the Administration's principles embodied in this proposal and a section-by-section analysis.

In too many urban and rural communities, there is a lack of capital and credit. Lending in distressed communities, particularly to small businesses, can be complicated. It may require special expertise and knowledge of the borrower and the community, credit products, subsidies, and secondary markets.

Community development financial institutions—including community development banks like South Shore Bank in Chicago, community credit unions such as Self-Help in North Carolina, community development corporations, micro-enterprise loan funds, and revolving loan funds—have demonstrated that they can provide capital, credit, and development services in distressed areas and to targeted populations.

The bill proposes establishment of a Community Development Banking and Financial Institutions Fund that would support a program of investment in community development financial institutions. The Fund would provide financial and technical assistance to, and serve as a national information clearinghouse for, community development financial institutions.

This initiative reaffirms my commitment to helping communities help themselves. By ensuring greater access to capital and credit, we will tap the entrepreneurial energy of America's poorest communities and enable individuals and communities to become self-sufficient.

My Administration is also committed to enhancing the role of traditional financial institutions with respect to community reinvestment. As a complement to the community development financial institutions initiative, we will adopt regulatory changes to more effectively implement the Community Reinvestment Act of 1977. These changes will replace paperwork with performance-oriented standards and will include tougher enforcement measures for noncompliance.

In order to secure early enactment of legislation in this crucial area, I urge the Congress to consider the Community Development Banking and Financial Institutions Act of 1993 as a discrete bill, separate from general issues of financial services reform and any other nongermane amendments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 15, 1993*.

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## PRINCIPLES OF ADMINISTRATION'S COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS PROPOSAL

Creation of Fund/Governance. A Fund will be created to provide assistance to community development financial institutions (CDFIs). A corporate board of directors of the Fund will establish policy and will include the Secretaries of HUD, Treasury, Commerce, Agriculture, and the Administrator of the Small Business Administration and individuals appointed by the President who collectively represent community groups and have expertise in community development lending and commercial banking. A CEO appointed by the board will manage the Fund.

Fund A Full Range of CDFIs. All types of existing and new CDFIs will be eligible for assistance, e.g., community development banks, community development credit unions, revolving loan funds, micro-loan funds, minority-owned banks, and community development corporations. No set aside of funds is allotted for any one type of CDFI.

Mission. To be eligible for assistance, a CDFI must have a primary mission of lending to and developing an underserved target area or population that is low income or disadvantaged. All CDFIs must present a strategic plan in their application which clearly states how they will meet the economic and community development needs of their targeted communities.

Require A Non-Federal Match. A minimum match for investment in insured depository CDFIs will be required. For investment in other CDFIs, a match will be required but the amount is left to the discretion of the Fund. Technical assistance to any CDFI from the Fund will not require a match.

Types of Assistance. The types of assistance provided by the Fund will include capital and technical and training assistance, with the specific allocations of the types of assistance left to the discretion of the Fund.

Community Representation. A criterion for receiving assistance from the Fund is the extent of community involvement in the CDFI.

Community Lending. A criterion for receiving assistance from the Fund is the extent of community financing and lending that will result from federal support.

Promotion of Self-Sustaining Institutions. A criterion for receiving assistance from the Fund is the likelihood of the institution becoming self-sustaining.

Limits on Assistance. Separate limits are placed on the amount of assistance that each insured CDFI or other type of CDFI may receive from the Fund.

Private Funds. The Fund will be authorized to incorporate private entities that can receive contributions and investments from the private sector to support CDFIs. All private funds will be entirely off the federal budget.

Safety and Soundness. All insured depository CDFIs are subject to the laws and regulations set forth by Congress and the banking regulators. No separate system of regulation or banking will be created.

Clearinghouse. The Fund will establish an information and service network in order to help CDFIs provide community and economic development assistance.

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## COMMUNITY DEVELOPMENT BANKING AND FINANCIAL INSTITUTIONS ACT OF 1993—SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

The Act may be cited as the "Community Development Banking and Financial Institutions Act of 1993."

### SECTION 2. FINDINGS AND PURPOSE

Many of the Nation's urban areas, rural areas and Indian reservations face critical social and economic problems. The restoration and maintenance of the economies of these communities will require coordinated strategies to promote long-term economic and social viability. In many urban and rural communities, low- and moderate-income neighborhoods, and on Indian reservations, there is a shortage of capital and credit for business and affordable housing. Access to capital and credit is essential to enable individuals and communities to become self-sufficient. Community development financial institutions, such as micro-enterprise loan funds, community development credit unions, community development corporations and community development banks have proven their ability to identify and respond to community needs for capital, credit and development services in the absence of, or as a complement to, services provided by other lenders.

The purpose of the Act is to create a Community Development Banking and Financial Institutions Fund that will support a program of investment in and assistance to community development financial institutions.

### SECTION 3. DEFINITIONS

The Act contains definitions of terms, including a definition of "community development financial institution." A community development financial institution includes any bank, savings association, depository institution holding company, credit union, micro-enterprise loan fund, community development corporation, community development revolving loan fund and any minority-owned or other depository institution that (i) has as its primary mission the provision of capital, credit or development services in investment areas or to populations that are low-income or disadvantaged or underserved by existing financial institutions, and (ii) encourages, through representation on its governing board or otherwise, the input of residents in the investment areas or the targeted population. The term "investment area" means an identifiable community that meets criteria of distress as determined by the Fund, or is designated as an empowerment zone or enterprise community under section 1391 of the Internal Revenue Code of 1986.

### SECTION 4. ESTABLISHMENT OF NATIONAL FUND FOR COMMUNITY DEVELOPMENT BANKING

This section provides for the establishment of a body corporate known as the Community Development Banking and Financial Institutions Fund (the "Fund"). The Fund will be managed by a nine-member Board of Directors (the "Board"). The Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of the Treasury and the Administrator of the Small Business Administration, or their designees will serve as members of the Board. (A designee must be an official from the same agency who has been appointed by the President with the advice and consent of the Senate.) The remaining four members will be private citizens appointed by the President and confirmed by the Senate. These individuals must collectively represent community groups, have expertise in the activities and operations of insured depository institutions, and have expertise in community development and lending. The appointed members will serve for a term of four years, except that the initial terms of two of the appointed members will be five years. The President will appoint a chairperson from among the appointed members and a vice-chairperson from among the members of the Board. Both the chairperson and the vice-chairperson will serve in those offices for terms of two years.

The members of the Board that are otherwise employees of the United States will receive no additional compensation for service on the Board, but will be reimbursed by the Fund for travel, per diem, and other necessary expenses incurred in the performance of their duties. The appointed members will be compensated at a rate equivalent to the daily rate for a position under Level IV of the Executive Schedule. The appointed members may also be reimbursed for travel, per diem, and other necessary expenses.

The Board is required to hold meetings at least quarterly. Other meetings of the Board may be held on the call of the chairperson or at the written request of at least three Board members. A majority of the members of the Board in office will constitute a quorum.

The Board must appoint a Chief Executive Officer, a Chief Financial Officer and an Inspector General. The Chief Executive Officer will be responsible for the management of the Fund and such other duties as the Board deems appropriate. The Board may fix the compensation of the Chief Executive Officer, the Chief Financial Officer, and up to three other officers of the Fund without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, except that the compensation for the Chief Executive Officer may not exceed the rate of pay for a position under Level II of the Executive Schedule and the rate of pay for the four remaining officers may not exceed the rate for a position under Level IV of the Executive Schedule. All other employees of the Fund will be compensated pursuant to the provisions of title 5.

Section 4 enumerates the general powers of the Fund, which include the power to sue and be sued in its corporate name and to enter into and perform agreements. The Fund is also authorized to utilize the services of personnel of any other agency on a reimbursable or non-reimbursable basis with that agency's consent. The Fund may not issue stock, bonds, debentures, notes or other securities. The liability of the Fund and of the United States with respect to an investment in a community development financial institution is limited to the amount of the investment.

The Fund will be a wholly-owned Government corporation and will be treated as an agency of the United States unless provided otherwise by the Act.

### SECTION 5. APPLICATIONS FOR ASSISTANCE

This section requires the Board to publish regulations regarding procedures and forms for applications for assistance from the Fund not later than 210 days after enactment of the Act. In order to be eligible as a threshold matter to apply for assistance from the Fund, an applicant must: (i) demonstrate to the satisfaction of the Board that the applicant is, or will be, a community development financial institution; (ii) demonstrate that the applicant will serve what is defined in the Act as a targeted population or an investment area; (iii) demonstrate, if the applicant previously has received assistance from the Fund, that the applicant has been successful in carrying out the purposes of the Act, that the applicant is, or is about to become, an entity that is not dependent upon assistance from the Fund for continued viability, and that the applicant will expand its services; (iv) demonstrate, if the applicant is a community development financial institution with existing operations, a record of success in serving investment areas or targeted populations; (v) include with its application a comprehensive strategic plan which contains required elements that will demonstrate the applicant's commitment to serving community development needs and to becoming a community development financial institution that will not be dependent upon assistance from the Fund for continued viability; (vi) include with its application a statement of the applicant's likely source of private funds to meet any matching requirement under section 7(d) of the Act; and (vii) include with its application any other information required by the Board.

This section also requires the Fund to conduct a preapplication outreach program that will identify and provide information to potential applicants and will increase the capacity of potential applicants to meet the application and other requirements of the Act.

### SECTION 6. SELECTION OF INSTITUTIONS

This section requires the Board, in its discretion, to selection applications submitted under section 5 and to award assistance from the Fund. In making its selections, the Board is required to evaluate applications based on selection criteria. The selection criteria are designed to ensure that applicants with the most promise for fulfilling the purposes of the Act are awarded assistance. In addition to the selection criteria, the Board is permitted to consider any other factors it deems appropriate when evaluating applications.

The Board is required to publish regulations regarding the selection criteria not later than 210 days after enactment of the Act.

### SECTION 7. ASSISTANCE PROVIDED BY THE FUND

This section permits the Fund to provide financial assistance to qualified community development financial institutions in the form of equity investments, loans, deposits, membership shares and grants. the Fund may also provide technical assistance, including training, and grants for technical assistance to qualified community development financial institutions. The allocation of awards between insured and uninsured community development financial institutions is in the discretion of the Board, provided that due consideration is given to the allocation of funds for the establishment of insured community development financial institutions.

This section also requires equity investments held by the Fund to be in the form of transferable, nonvoting investments. Such equity investments may provide for convertibility to voting stock upon disposition of the interest by the Fund. The Fund is directed to structure its investments in such a manner that it will not own more than 50 percent of the equity of an institution and will not control the operations of the institution. The Fund will be deemed not to control any institution receiving financial assistance for purposes of applicable laws.

Assisted institutions may use funds provided under the Act to develop or support commercial and community facilities that enhance revitalization and job creation, business creation and expansion efforts, the provision of basic financial services to low-income persons, the provision of development services, homeownership opportunities that are affordable to low-income persons, rental housing that is affordable to low-income persons and other activities that are deemed appropriate by the Fund.

The Fund may provide up to $5 million of assistance per application to any one qualified insured community development financial institution and up to $2 million per application to any other qualified community development financial institution.

This section requires all qualified insured community development financial institutions receiving assistance to match the assistance with at least one dollar from private sources for each dollar provided by the Fund, except that an insured community development financial institution will not be required to match technical assistance provided by the Fund or grants of technical assistance. In addition, applicants for assistance in the form of deposits or membership shares in an amount of $100,000 or less will not be subject to any matching requirement. A match will be required for all types of assistance provided to other community development financial institutions, and the amount and form of the match will be in the discretion of the Board. The Board, however, may not require that technical assistance or grants for technical assistance to community development financial institutions be matched. The Fund may not provide any assistance except technical assistance until legally enforceable commitments for the entire required match have been secured.

The Fund is required to provide assistance in such forms and subject to such restrictions that will assure, among other things, that assistance from the Fund is used in a manner consistent with the purposes of the Act and that institutions not federally regulated are financially and managerially sound. Before providing assistance to an insured community development financial institution, the Board is directed to consult with the appropriate Federal banking agency. The Board is required to impose negotiated performance goals on qualified community development financial institutions receiving assistance based on the strategic plan submitted in the institution's application. Institutions receiving assistance are required to submit an annual report to the Fund and the Fund is required to review the performance of the institutions. The assistance agreement is required to include specific sanctions available to the Board in the event that an assisted institution does not comply with the purposes of the Act or the terms of the agreement. These sanctions may include revocation of approval of the application, termination or reduction of future assistance, changing performance goals or elements of the institution's strategic plan, and requiring repayment of assistance.

This section also permits the Board to sell its investments at any time and permits the Board to retain the power to continue to enforce any limitations placed on the assistance.

This section also clarifies that the Act does not affect the authority of any Federal banking regulator to supervise and regulate an insured community development financial institution.

### SECTION 8. ENCOURAGEMENT OF PRIVATE ENTITIES

The Board may cause to be incorporated, or encourage incorporation of, private nonprofit and for-profit corporations that will complement the activities of the Fund in carrying out the purposes of the Act. The purposes of the private entities will be limited to investing in and assisting community development financial institutions.

### SECTION 9. CLEARINGHOUSE FUNCTION

The Fund is required by this section to establish and maintain an information clearinghouse that will assist in creating, developing and expanding community development financial institutions.

### SECTION 10. RECORDKEEPING, REPORTS, AND AUDITS

This section requires qualified community development financial institutions receiving assistance to maintain all records necessary for ensuring compliance with the Act. The Fund will have access to all books and records of such institutions for the purposes of determining compliance with the Act.

The Fund is required to submit a report annually to the President evaluating the activities of the Fund. The report is to be submitted not later than 120 days after the end of the fiscal year of the Fund. In addition, the Board is required to conduct, or cause to be conducted, an ongoing study of the most effective and financially sound policies for community development. In the conduct of the ongoing study, the Board is required to consult, or cause consultation, with the Federal banking regulators and other agencies, as well as community reinvestment, civil rights, consumer and financial organizations. An initial report on the ongoing study must be submitted to the President within 270 days of the date of enactment of the Act.

This section also requires the Board to conduct an additional study separate from the annual report and the ongoing study six years after enactment of the Act. This study will evaluate the structure, governance and performance of the Fund and will contain the Board's recommendations for changes in the operations of the Fund.

The Fund will be audited annually in accordance with the provisions of the Government Corporation Control Act.

### SECTION 11. INVESTMENT OF RECEIPTS AND PROCEEDS

This section provides that dividends on equity investments and proceeds from the disposition of investments, deposits, or membership shares will be deposited in an account established to carry out the authorized purposes of the Act. Upon request of the Chief Executive Officer of the Fund, the funds in the account will be invested in public debt securities that bear interest at a rate determined by the Secretary of the Treasury. The account will be available for use by the Fund in carrying out the purposes of the Act until the funds are expended.

### SECTION 12. AUTHORIZATION OF APPROPRIATIONS

This section authorizes appropriations to the Fund, to remain available until expended, $60 million for fiscal year 1994, $104 million for fiscal year 1995, $107 million for fiscal year 1996, and $111 million for fiscal year 1997, or such greater sums as may be appropriated, to carry out the purposes of the Act.

The Fund is permitted to set aside up to $10 billion per year for administrative costs and expenses.

### SECTION 13. CONFORMING AMENDMENTS

This section adds the Fund to the list of entities subject to the Inspector General Act of 1978.

## ADDITIONAL COSPONSORS

### S. 342

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

### S. 348

At the request of Mr. RIEGLE, the names of the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. COATS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

### S. 473

At the request of Mr. JOHNSTON, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes.

### S. 482

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

### S. 483

At the request of Mr. SHELBY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

### S. 545

At the request of Mr. BOREN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

### S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

### S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage area, and for other purposes.

### S. 978

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

### S. 982

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 982, a bill to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives.

### S. 1063

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

### S. 1111

At the request of Mr. KERREY, the names of the Senator from Illinois [Mr. SIMON], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Michigan [Mr. LEVIN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

### S. 1154

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

### S. 1252

At the request of Mr. GORTON, his name was added as a cosponsor of S. 1252, a bill to amend the Rural Electrification Act of 1936 to permit the prepayment or repricing of certain loans according to the terms of the applicable loan contract, and for other purposes.

### S. 1256

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

### S. 1263

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1263, a bill to provide disaster assistance to agricultural producers, and for other purposes.

### SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

### SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

### SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. GLENN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. LEVIN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

### SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

### SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

### SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

### SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

## AMENDMENTS SUBMITTED

## NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

### KASSEBAUM (AND OTHERS) AMENDMENT NO. 603

Mrs. KASSEBAUM (for herself, Mr. COCHRAN, Mr. HATFIELD, Mr. MCCAIN, Mr. STEVENS, Mr. THURMOND, and Mr. SIMPSON) proposed an amendment to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

In lieu of the language proposed to be inserted insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Service and Community Volunteers Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—Service-Learning Programs

Sec. 111. Programs.

Subtitle C—National Service Programs

Sec. 121. Federal investment in support of national service.
Sec. 122. Transition.

Subtitle D—Quality and Innovation

Sec. 131. Quality and innovation activities.

Subtitle E—Civilian Community Corps

Sec. 141. Civilian Community Corps.

Subtitle F—Administration

Sec. 151. Reports.
Sec. 152. Nondiscrimination.
Sec. 153. Notice, hearing, and grievance procedures.
Sec. 154. Nondisplacement.
Sec. 155. Evaluation.
Sec. 156. Contingent extension.
Sec. 157. Audits.
Sec. 158. Repeals.

Subtitle G—Organization

Sec. 161. State Commissions for National Service and Community Volunteers.
Sec. 162. Interim authorities of the Corporation for National Service and Community Volunteers and ACTION Agency.
Sec. 163. Final authorities of the Corporation for National Service and Community Volunteers.

Subtitle H—Other Activities

Sec. 171. Points of Light Foundation.

Subtitle I—Authorization of Appropriations

Sec. 181. Authorization.

Subtitle J—General Provisions

Sec. 191. Effective date.

TITLE II—OTHER SERVICE PROGRAMS

Sec. 201. Repeals of service programs.
Sec. 202. Transition.
Sec. 203. Rules governing congressional consideration.
Sec. 204. Authorization of appropriations.
Sec. 205. Construction.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 301. Definitions.
Sec. 302. References to the Commission on National and Community Service.
Sec. 303. References to Directors of the Commission on National and Community Service.
Sec. 304. Definition of Director.
Sec. 305. References to ACTION and the ACTION Agency.
Sec. 306. Effective date.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

**"SEC. 2. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(4) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(5) Federal appropriations in fiscal year 1993 for full-time national service programs totaled $102,700,000.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) assist in meeting the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) determine, through demonstration and experimentation, the most efficient means for implementing educational or other incentives that are necessary for a successful national service program;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service and volunteer programs by merging existing national service and volunteer programs and carrying out the programs through the same administrative body, thereby diminishing bureaucratic infrastructure while maximizing program flexibility and effectiveness;

"(6) support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed; and

"(9) promote the integration of community volunteer activities by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

## TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

### Subtitle A—General Provisions

**SEC. 101. DEFINITIONS.**

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

**"SEC. 101. DEFINITIONS.**

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(3) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(4) CORPORATION.—The term 'Corporation', means the Corporation for National Service and Community Volunteers established under section 191.

"(5) DIRECTOR.—The term 'Director' means the Director of the Corporation appointed under section 193.

"(6) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Director to be low-income according to the latest available data from the Department of Commerce.

"(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(8) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(9) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(11) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) NATIONAL SERVICE PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'national service program' means a program or activity described in—

"(i) subtitle C, D, or E;

"(ii) part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.);

"(iii) part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.); or

"(iv) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the 'Youth Conservation Corps Act of 1970').

"(B) LIMITATION.—As used in subtitle C, such term means a program described in section 122(a).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PROGRAM.—The term 'program', except when used as part of the term 'academic program', 'national service program', or 'volunteer program' means a program described in section 111(a), 119(b)(1), 122(a), or 145, in paragraph (1) or (2) of section 152(b), or in title III.

"(20) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility;

"(B) that is integrated into the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled;

"(C) that provides students with opportunities to use newly acquired skills and knowledge in situations in their communities; and

"(D) that enhances the curriculum or educational components described in subparagraph (B) by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(2).

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission for National Service and Community Volunteers maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

"(29) SUMMER PROGRAM.—The term 'summer program' means a full-time or part-time program authorized under this title that is limited to a period beginning after April 30 and ending before October 1.

"(30) VOLUNTEER PROGRAM.—The term 'volunteer program' means a program or activity described in—

"(A) part I or II of subtitle B, or title III; or

"(B) part B or C of title I, or part A, B, or C, of title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4971 et seq., 4991 et seq., 5001 et seq., 5011 et seq., and 5013 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22)" and inserting "section 101(23)".

### SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

## Subtitle B—Service-Learning Programs

### SEC. 111. PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service and Community Volunteers, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

**"Subtitle B—Service-Learning Programs**

**"PART I—SERVE-AMERICA PROGRAMS**

**"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.**

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State Commissions), and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based and community-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(C) forming local partnerships described in subsection (b) to develop school-based or community-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on participants and communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based and community-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators who shall—

"(A) assist in the design and implementation of such a program; and

"(B) identify the community partners referred to in subsection (b); and

"(3) implementing, operating, or expanding school-based and community-based service-learning programs that involve adult volunteers in service-learning activities to improve the education of students and school-age youth.

"(b) PARTNERSHIPS.—To support activities described in paragraph (2) or (3) of subsection (a), a State or Indian tribe shall distribute Federal funds made available under this part to local partnerships, who—

"(1) shall use the funds to carry out projects—

"(A) through school-based service-learning programs for participants selected from among students; or

"(B) through community-based service-learning programs for participants selected from among school-age youth; and

"(2) shall include—

"(A) in the case of school-based programs—

"(i) local educational agencies; and

"(ii) one or more community partners that—

"(I) shall include a public or private not-for-profit organization; and

"(II) may include a private for-profit business or private elementary or secondary school; and

"(B) in the case of community-based programs—

"(i) public or private not-for-profit organizations;

"(ii) local educational agencies; and

"(iii) one or more community partners.

"(c) QUALIFIED ORGANIZATIONS.—To support activities described in subsection (a)(1), a State or Indian tribe shall distribute Federal funds made available under this part to qualified organizations, who shall be—

"(1) local educational agencies;

"(2) community-based organizations that meet the requirements of section 111B(a);

"(3) communities;

"(4) State agencies; or

"(5) partnerships described in subparagraph (A) or (B) of subsection (b)(2).

"(d) RELATED EXPENSES.—A partnership or other qualified organization that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses necessary to carry out the activities.

**"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.**

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Director may determine to be appropriate, the Corporation may use the allotment of that State to make a direct grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1) in that State; or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a) in that State.

**"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.**

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Director may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make a grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1); or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a).

**"SEC. 112. GRANTS AND ALLOTMENTS.**

"(a) INDIAN TRIBES AND TERRITORIES.—

"(1) IN GENERAL.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments—

"(A) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

"(B) to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(2) NATIVE HAWAIIAN ENTITIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve .2 percent of such amounts for payments to Native Hawaiian entities, to be allotted in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 20 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) public or private not-for-profit organizations as described in section 111B.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 10 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(26), for purposes of this subsection, the term 'State' means each of the several

States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Director may determine to be appropriate, the Corporation shall, after making any grants under section 111A, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"(e) PROGRAMS.—In awarding grants and making allotments under subsections (a), (b), and (d), from the sum appropriated to carry out this part for a fiscal year, the Corporation shall make available—

"(1) 75 percent of such sum for school-based programs; and

"(2) 25 percent of such sum for community-based programs.

### "SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State (acting through the State Commission) or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Director may reasonably require.

### "SEC. 114. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant under section 112(b)(1) in accordance with section 111B(a) to make grants relating to school-based or community-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require. Such an application may include a proposal to assist such programs in more than 1 State.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, an organization or partnership referred to in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—A qualified organization or partnership that desires to receive financial assistance under this part from a State Commission, Indian tribe, or grantmaking entity, for activities described in section 111(a), shall prepare, submit to the State Commission, tribe, or entity, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the State Commission, tribe, or entity may reasonably require.

"(d) CONTENTS OF APPLICATION.—

"(1) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under subsection (a) or (b).

"(2) ASSURANCES.—At a minimum, an application submitted under subsection (a) or (b) shall contain—

"(A) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(B) an assurance that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Director may reasonably require.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

### "SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this part as the Director may by regulation specify. In providing assistance under this part, a State Commission, Indian tribe, or grantmaking entity shall also consider such criteria.

"(b) PRIORITY FOR APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this part, a State Commission or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas; or

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together.

"(c) REGULATIONS.—The Corporation shall by regulation establish procedures and criteria (in addition to the criteria described in subsections (a) and (b)) for awarding grants in the circumstances described in sections 111A and 111B.

"(d) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the applicant of the reasons for the rejection of the application. The Corporation shall provide the applicant with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the applicant as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

### "SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall consult with appropriate private school representatives and make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Director shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

### "SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this part of the cost of carrying out a program for which a grant or allotment is made under this part may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this part;

"(B) 80 percent of the total cost of the program for the second such year;

"(C) 70 percent of the total cost of the program for the third such year; and

"(D) 50 percent of the total cost of the program for the fourth such year, and for any subsequent such year.

"(2) REMAINING SHARE.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(3) CALCULATION.—In calculating the cost of carrying out such a program, the recipient shall not include the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"(b) WAIVER.—The Director may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"(c) DEFINITION.—Notwithstanding section 101, as used in this section, the term 'national service laws' means the provisions specified in section 201(a) of the National Service and Community Volunteers Act of 1993.

### "SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 20 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year shall be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) FINANCIAL SUPPORT TO STUDENTS.—Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this part, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

"(d) PROHIBITION ON PAYMENTS FOR SALARIES AND BENEFITS.—No partnership or qualified organization may use funds made available under this subtitle to pay for the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

### "SEC. 116B. DEFINITIONS.

"As used in this part:

"(1) COMMUNITY-BASED SERVICE-LEARNING PROGRAM.—The term 'community-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(B).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means an entity described in any of paragraphs (1) through (5) of section 111(c).

"(4) SCHOOL-BASED SERVICE-LEARNING PROGRAM.—The term 'school-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(A).

"(5) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

## "PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

### "SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs that enable institutions of higher education to act as civic institutions in meeting the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with paragraphs (2) and (3) of section 116(a).

"(2) WAIVER.—The Director may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(2) CONTENTS.—

"(A) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under paragraph (1).

"(B) ASSURANCES.—At a minimum, such an application shall contain—

"(i) an assurance that the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(ii) an assurance that students and community members including service recipients shall be involved in the design and implementation of the program;

"(iii) an assurance that the program is consistent with the approved strategic plan submitted under section 178 by the State in which the program will be implemented;

"(iv) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(v) such other assurances as the Director may reasonably require.

"(e) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

## "PART III—GENERAL PROVISIONS

### "SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 80 percent of such aggregate amount shall be available to carry out part I; and

"(2) a sum equal to 20 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Sec. 111. Authority to assist States and Indian tribes.

"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

### Subtitle C—National Service Programs

### SEC. 121. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

### "Subtitle C—National Service Program

### "PART I—INVESTMENT IN NATIONAL SERVICE

### "SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) PROVISION OF ASSISTANCE.—The Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(c)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal National Service programs supported with such assistance.

"(c) LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the national service programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the national service programs supported with the assistance.

"(d) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 129(c)(2)(B), the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, a recipient of assistance under this subtitle—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

### "SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program carried out during the summer months or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youth and young adults between the ages of 16 and 25, inclusive, including out-of-school youth and other economically disadvantaged youth, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youth and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide at least 1 year of service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as police officers, early childhood development staff, social workers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service benefit under section 123 and the post-service benefits under section 146) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youth, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in paragraphs (1) through (10), paragraph (12) or paragraph (13).

"(12) A program utilizing public school facilities, after regular school hours and during weekends and summers, to provide children in distressed communities with curriculum-based, supervised educational, recreational and cultural activities in safe and secure environments and to coordinate the delivery of social services to the children of the community.

"(13) A program to help communities adversely affected by the closure or realignment of a military installation, by converting the military installation, in whole or in part, to community use.

"(14) Such other national service programs addressing unmet human, educational, environmental, or public safety needs consistent with the strategic plan of the State Commission, if funded through the Commission, or consistent with the Corporation's strategic plan, if funded directly by the Corporation.

"(b) Qualification Criteria To Determine Eligibility.—

"(1) Establishment by corporation.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance under this subtitle.

"(2) Consultation.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) Application to subgrants.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) Waiver.—With respect to a proposed national service program that does not meet the qualification criteria established under paragraph (1), the Corporation may waive such criteria with respect to such program if the Corporation determines that such program is uniquely innovative in nature.

"(c) National Service Priorities for the Corporation.—

"(1) Establishment by corporation.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to otherwise achieve the purposes of this Act, the Corporation shall establish and periodically alter priorities regarding the types of national service programs to be assisted under section 129(c) and the purposes for which such assistance may be used.

"(2) Notice to applicants.—The Corporation shall provide advance notice to potential applicants for assistance under 129(c) of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 129(c).

"(3) Regulations.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs.

"(4) Application to subgrants.—National service priorities established by the Corporation under this subsection shall be used by a recipient of funds under section 129(c) if that recipient uses any portion of such funds to conduct a grant program to support other national service programs.

"(5) Encouragement of intergenerational components of programs.—The Corporation shall encourage national service programs eligible to receive assistance under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youth, and older adults as participants.

"(d) State National Service Positions.—

"(1) Establishment by state commissions.—In order to concentrate national and State efforts on meeting certain unmet human, educational, environmental, or public safety needs at the State and local level and to otherwise achieve the purposes of this Act, State Commissions shall establish and, through the 3-year strategic plan process described in section 178, periodically alter priorities regarding the types of national service programs to be assisted under section 129(a) and the purposes for which such assistance may be used.

"(2) Notice to applicants.—The State Commission shall provide advance notice, to potential applicants to the State Commission for assistance received by the State Commission under section 129(a), of any national service priorities to be in effect under this paragraph for a fiscal year. The notice shall specifically include a description of any alteration made in the priorities since the previous notice.

### "SEC. 123. DEMONSTRATION EFFORTS CONCERNING EDUCATIONAL OR OTHER POST-SERVICE BENEFITS.

"(a) Establishment.—The Corporation shall establish demonstration programs to determine the most effective and efficient means for implementing educational or other incentives necessary for a successful national service program.

"(b) Treatment of Participants.—Participants in demonstration programs under subsection (a) shall be treated in the same manner as if such participants were participants in national service programs funded under this subtitle, except that such participants shall not be eligible for post-service benefits under section 141.

"(c) Report.—Not later than 18 months after the date of enactment of this subtitle, the Corporation shall prepare and submit to the appropriate committees of Congress a report concerning the results of the demonstration programs established under subsection (a), and a description of the knowledge derived from existing national service-related programs conducted by Federal or State governments, including recommendations for legislative action.

### "SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 9 months.

"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

### "SEC. 125. OTHER SPECIAL ASSISTANCE.

"(a) Support for State Commissions.—

"(1) Assistance authorized.—The Corporation shall make assistance available to assist a State to establish or operate the State Commission required to be established by the State under section 178.

"(2) Amount of assistance.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 75 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) Disaster Service.—The Corporation may undertake activities, including activities carried out under part A of title I of the

Domestic Volunteer Service Act of 1973, to involve programs that receive assistance under the national service laws in disaster relief efforts.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) IN GENERAL.—The Corporation may award challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of challenge grants under paragraph (1), so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

### "PART II—APPLICATION AND APPROVAL PROCESS

### "SEC. 129. PROVISION OF ASSISTANCE BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE TO STATES AND INDIAN TRIBES.—

"(1) 50 PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 50 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) ONE PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) ALLOTMENT OF ASSISTANCE FOR NATIVE HAWAIIANS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve .2 percent of the allocated funds for grants under section 121(a) to Native Hawaiian entities, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may not reserve more than $10,000,000, or 1 percent of such funds, whichever is less, for a fiscal year for challenge grants under section 125(c).

"(c) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations, institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for the provision of assistance under section 121 for a fiscal year, after the operation of paragraph (1) and subsections (a) and (b).

"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The Director may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) LIMITATIONS.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporations under section 133(d)(2).

"(d) APPLICATION REQUIRED.—The allotment of assistance to a State or an Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (c), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

### "SEC. 130. APPLICATION FOR ASSISTANCE.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation shall by regulations establish requirements with respect to the content of applications submitted under this section. Such requirements shall specify that such an application shall contain information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178.

"(c) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 70 percent of the assistance provided under section 121(a) will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(d) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"(f) PRIORITIES.—An application submitted under this section shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will use the State priorities established under section 122(d).

### "SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;

"(2) comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) be consistent with the State or Corporation strategic plan (based on the funding source utilized)).

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) as appropriate, provide support services to participants, such as the provision of information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) place participants in a national service program who are receiving benefits or assistance under any Federal, State or local program financed in whole or in part with Federal funds in positions which provide education, career training, and job specific skills necessary for gainful employment.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 129(c)(2) and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). Applicants awarded grants under subsection (a) or (c)(1) of section 129 may select participants from among prospective participants recruited by the Corporation under section 138(d).

### "SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization; or

"(5) organization whose primary purpose is to influence public policies or engage in legislative advocacy activities.

### "SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether to approve an application submitted under section 130 and provide assistance under section 121 to the applicant.

"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance. The application of the State or other entity under section 130 shall contain—

"(1) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(2) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(3) a description of the minimum qualifications which individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(c).

"(3) REVIEW PANEL.—The Director shall establish panels of experts and practitioners for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance and consider the opinions of such panels prior to making such determinations.

"(e) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be used for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (4) of such subsection.

## "PART III—NATIONAL SERVICE PARTICIPANTS

### "SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets minimal eligibility requirements, directly related to the tasks to be accomplished, established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

### "SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance is provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to an individual who performs satisfactorily in the first term of service of such individual.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission may establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals. The Corporation and State Commissions shall widely disseminate information regarding available national service opportunities.

### "SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—A participant in a national service program shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—An individual performing part-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of—

"(A) not less than 1 year nor more than 2 years; or

"(B) not less than 1 year nor more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 may release a participant from completing a term of service in the program—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in a national service program which included post-service benefits, the participant may receive that portion of those benefits that corresponds to the quantity of the term of service actually completed by the individual, except that a participant released for cause may not receive any portion of a post-service benefit.

### "SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 150 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted.

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) CHOICE BETWEEN BENEFITS.—Individuals receiving benefits or assistance under any Federal, State, or local program financed in whole or in part with Federal funds, at the time of enrollment in a national service program, shall choose between receiving the living allowance under this subsection (which shall be taken into account in determining continued eligibility for such assistance) and other benefits provided to national service participants (in lieu of the Federal, State, or local governmental benefits) or a cash allowance of $250 per month for full-time participation and $125 per month for part-time participation, which shall not be taken into account in determining the need or eligibility of any person for benefits or assistance or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(2) the annual living allowance established by the program.

"(c) PROFESSIONAL CORPS.—With respect to a State or other recipient of assistance under section 121 that desires to place a professional corps member, as described in section

122(a)(8), in a position in a national service program, the allocation of Federal funds described in subsection (a)(2)(A) for the position shall be made under regulations developed by the Corporation which are consistent with those applicable to allocation procedures of professional corps programs determined by the Corporation to be similar (such as the Teacher Corps, the Public Health Service Corps or the Police Corps).

"(d) Health Insurance.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) Child Care.—

"(1) Availability.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in the national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) Guidelines.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) Waiver of Limitation on Federal Share.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level as demonstrated through documented efforts submitted to the Corporation.

### "SEC. 141. POST-SERVICE STIPENDS.

"(a) Part-Time.—

"(1) Federal share.—The Corporation shall annually provide to each part-time participant a nontransferable post-service benefit that is equal in value to $750 for each year of service that such participant provides to the program.

"(2) Waiver.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

"(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(b) Full-Time.—

"(1) Federal share.—The Corporation shall annually provide to each full-time participant a nontransferable post-service benefit for each year of service that such participant provides to the program, which benefit shall be equal in value to $1,500 for each such year.

"(2) State share.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

"(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(c) Post-Service Benefit.—

"(1) Part-time.—A post-service benefit provided under subsection (a) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(2) Full-time.—A post-service benefit provided under subsection (b) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition, room and board, books and fees, and other costs associated with the cost of attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(d) Regulation.—The Director shall by regulation specify procedures for the disbursal of post-service benefits provided under this section.".

(b) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Program

"Part I—Investment in National Service

"Sec. 121. Authority to provide assistance.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Demonstration efforts concerning educational or other post-service benefits.
"Sec. 124. Types of program assistance.
"Sec. 125. Other special assistance.

"Part II—Application and Approval Process

"Sec. 129. Provision of assistance by competitive and other means.
"Sec. 130. Application for assistance.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"Part III—National Service Participants

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. Post-service stipends.".

### SEC. 122. TRANSITION.

With respect to national service programs (as defined in section 101(15) of the National and Community Service Act of 1990) established under the provisions referred to in section 201(a), individuals who become participants in such programs after the date of enactment of this Act shall be eligible to use the post-service benefits to which such participants are eligible under such provisions only for the uses described in section 141(c)(2) of the National and Community Service Act of 1990 (as amended by this Act).

## Subtitle D—Quality and Innovation

### SEC. 131. QUALITY AND INNOVATION ACTIVITIES.

(a) Repeal.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is repealed.

(b) Investment for Quality and Innovation.—Title I of the National and Community Service Act of 1990 is amended by inserting after subtitle C (42 U.S.C. 12541 et seq.) the following new subtitle:

## "Subtitle D—Investment for Quality and Innovation

### "SEC. 145. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE AND VOLUNTEER PROGRAMS.

"(a) Methods of Conducting Activities.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) Innovation and Quality Improvement.—The Corporation may undertake activities to improve the quality of national service and volunteer programs and to support innovative and model programs, including the provision of training and technical assistance to—

"(1) service sponsors, including community-based agencies, that provide placements of participants and other volunteers, in order to improve the ability of such sponsors and agencies to use participants and other volunteers in a manner that results in high quality service and a positive service experience for the participants and volunteers; and

"(2) individuals, programs, State agencies, State Commissions, local governments, local educational agencies, community-based agencies, and other entities to enable them to apply for funding from the Corporation, to conduct high quality programs, to evaluate such programs, and for other purposes.

### "SEC. 146. CLEARINGHOUSES.

"(a) Assistance.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses.

"(b) Application.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) Function of Clearinghouses.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local national service programs or volunteer programs (including service-learning programs);

"(2) conduct research and evaluations;

"(3) provide leadership development and training to appropriate persons;

"(4) facilitate communication among appropriate persons;

"(5) provide information, curriculum materials, and technical assistance to appropriate entities;

"(6) gather and disseminate information;

"(7) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

“(8) make recommendations to appropriate entities on quality controls to improve the delivery of services; and

“(9) carry out such other activities as the Director determines to be appropriate.”.

(c) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following:

“Subtitle D—Investment for Quality and Innovation

“Sec. 145. Additional corporation activities to support national service and volunteer programs.
“Sec. 146. Clearinghouses.”.

## Subtitle E—Civilian Community Corps

### SEC. 141. CIVILIAN COMMUNITY CORPS.

(a) REPEAL AND TRANSFER.—

(1) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(2) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(A) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(B) by inserting subtitle E (as redesignated by subparagraph (A) of this paragraph) after subtitle D; and

(C) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking “195G” and inserting “158”.

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking “195A” and inserting “152”.

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking “subtitle H” and inserting “subtitle E”.

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking “subtitles B, C, D, E, F, and G” and inserting “subtitles B, C, D, F, and G”.

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653b(a)) is amended by striking “195A(a)” and inserting “152(a)”.

(B) Section 154(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653c(a)) is amended by striking “195A(a)” and inserting “152(a)”.

(C) Section 155 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking “195H(c)(1)” and inserting “159(c)(1)”;

(ii) in subsection (c)(2), by striking “195H(c)(2)” and inserting “159(c)(2)”; and

(iii) in subsection (d)(3), by striking “195K(a)(3)” and inserting “162(a)(3)”.

(D) Section 156 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking “195H(c)(2)” and inserting “159(c)(2)”; and

(ii) in subsection (d), by striking “195K(a)(3)” and inserting “162(a)(3)”.

(E) Section 159 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking “195A” and inserting “152”; and

(II) in paragraph (2), by striking “195” and inserting “151”; and

(ii) in subsection (c)(2)(C)(i), by striking “195K(a)(2)” and inserting “section 162(a)(2)”.

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking “195K(a)(3)” and inserting “162(a)(3)”.

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking “195(3)” and inserting “151(3)”.

(H) Section 166 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking “195D” and inserting “155”;

(ii) in paragraph (8), by striking “195A” and inserting “152”;

(iii) in paragraph (10), by striking “195D(d)” and inserting “155(d)”; and

(iv) in paragraph (11), by striking “195D(c)” and inserting “155(c)”.

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

“Subtitle E—Civilian Community Corps

“Sec. 151. Purpose.
“Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
“Sec. 153. National service program.
“Sec. 154. Summer national service program.
“Sec. 155. Civilian Community Corps.
“Sec. 156. Training.
“Sec. 157. Service projects.
“Sec. 158. Authorized benefits for Corps personnel under Federal law.
“Sec. 159. Administrative provisions.
“Sec. 160. Status of Corps members and Corps personnel under Federal law.
“Sec. 161. Contract and grant authority.
“Sec. 162. Responsibilities of other departments.
“Sec. 163. Advisory board.
“Sec. 164. Annual evaluation.
“Sec. 165. Funding limitation.
“Sec. 166. Definitions.”.

## Subtitle F—Administration

### SEC. 151. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking “sections 177 and 113(9)” and inserting “section 177”; and

(2) in subsection (b)(1), by striking “this title” and inserting “this Act”.

### SEC. 152. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

### “SEC. 175. NONDISCRIMINATION.

“(a) IN GENERAL.—

“(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

“(2) DEFINITION.—As used in paragraph (1), the term ‘qualified individual with a disability’ has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

“(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

“(c) RELIGIOUS DISCRIMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

“(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.”.

### SEC. 153. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following “, other than assistance provided pursuant to this Act”.

(b) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

“(f) GRIEVANCE PROCEDURE.—

“(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

“(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

“(3) DEADLINE FOR HEARING AND DECISION.—

“(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

“(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

“(4) ARBITRATION.—

“(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

“(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee; and

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties. Such a court shall give due deference to the decision of the arbitrator.".

**SEC. 154. NONDISPLACEMENT.**

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

**SEC. 155. EVALUATION.**

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "this Act"; and

(B) in paragraph (2), to read as follows:

"(2) for purposes of the reports required by subsection (j), the impact of such programs, in each State in which such a program is conducted, on the activities carried out under, and the effectiveness of, the national service and volunteer programs; and";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "this Act";

(B) in paragraph (3), to read as follows:

"(3) encouraging each participant and volunteer to continue involvement in public and community service;"; and

(C) in paragraph (9), to read as follows:

"(9) attracting a greater number of citizens to public service.";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in such State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

**SEC. 156. CONTINGENT EXTENSION.**

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

**"SEC. 181. CONTINGENT EXTENSION.**

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

**SEC. 157. AUDITS.**

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

**"SEC. 183. AUDITS.**

"For purposes of the application of chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984') to State and local governments that receive financial assistance under this Act—

"(1) each program through which the State or local government receives such assistance shall be deemed to be a major Federal assistance program;

"(2) each audit conducted under such chapter with respect to a program shall be conducted annually;

"(3) each audit conducted under such chapter shall be conducted in accordance with the requirements of such chapter and the requirements of the regulations prescribed pursuant to section 7505 of such title, and with such requirements as the Comptroller General may specify; and

"(4) the provisions of section 422 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5062) shall apply with respect to maintenance of books, documents, papers, and records for such audits, in the same manner and to the same extent as such provisions apply to books, documents, papers, and records maintained for audits under such Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Audits.".

**SEC. 158. REPEALS.**

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 171, 185, and 186;

(2) by redesignating section 184 as section 171; and

(3) by inserting section 171 (as redesignated in paragraph (2) of this subsection) before section 172.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended—

(1) by striking the item relating to section 171 and inserting the following:

"Sec. 171. Drug-free workplace requirements.";

and

(2) by striking the items relating to sections 184 and 185 of such Act.

### Subtitle G—Organization

**SEC. 161. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.**

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

**"SEC. 178. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.**

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C, a State shall maintain a State Commission for National Service and Community Volunteers that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity (including an entity in existence on the date of enactment of this section) to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for representatives described in subsection (c)(1) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 113 and 130.

"(b) APPOINTMENT AND SIZE.—The members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 21 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) RECOMMENDED MEMBERS.—The State Commission for a State may include as voting members representatives from the following categories:

"(A) National service programs, such as a youth corps program described in section 122(a)(2), and a program in which older adults are participants.

"(B) Volunteer programs, such as a Retired Senior Volunteer Program under part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), senior companion program under part C of title II of such Act (42 U.S.C. 5013 et seq.), or service-learning program under subtitle B.

"(C) Local governments in the State.

"(D) Community-based organizations.

"(E) Participants in service programs who are youth.

"(F) Participants in volunteer service programs who are older adults.

"(G) Educators.

"(H) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(I) Businesses and business groups.

"(J) Local labor organizations.

"(2) COMPOSITION.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(3) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint ex officio nonvoting members of the State Commission.

"(4) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that not more than 50 percent of the voting members of a State Commission, plus one additional member, are from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparing, submitting to the Corporation, and obtaining approval of, a national service and volunteer strategic plan for the national service programs and volunteer programs to be carried out in the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate and as the Corporation may require.

"(2) Preparing, submitting to the Corporation, and obtaining approval of, the applications of the State under sections 113 and 130 for financial assistance.

"(3) Assisting in the provision of health care and child care benefits under section 140 to participate in national service programs that receive assistance under subtitle C in the State.

"(4) Developing a State system for the—

"(A) recruitment of participants and volunteers for, and placement of participants and volunteers in—

"(i) national service programs under this Act in the State, other than activities that receive assistance under section 123; or

"(ii) volunteer programs under this Act in the State; and

"(B) dissemination of information concerning programs that receive assistance under this Act.

"(5) Administering the grant programs in support of—

"(A) national service programs that are conducted by the State using assistance provided to the State under subtitle C; and

"(B) volunteer programs that are conducted by the State using assistance provided to the State under subtitle B,

including selection, oversight, and evaluation of grant recipients.

"(6) Developing projects, training methods, curriculum materials, and other materials and activities related to—

"(A) national service programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act; and

"(B) volunteer programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under subtitle C.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service and volunteer activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the duties of the entity do not comply with the requirements of this section or that the use of the alternative administrative entity does not allow individuals described in subsection (c)(1) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. The Corporation shall reject a State Commission or alternative administrative entity if the Commission or entity fails to demonstrate that the Commission or entity has sufficient authority to carry out the duties described in subsection (d). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) REVIEW AND APPROVAL OF STRATEGIC PLANS.—

"(1) REVIEW.—The Corporation shall review and approve strategic plans submitted by State Commission and alternative administrative entities under this section.

"(2) REJECTION.—The Corporation may reject such a strategic plan if the Corporation determines that the plan does not meet the requirements of this Act, the Domestic Volunteer Service Act of 1973, part B of title XI of the Higher Education Act of 1965, and Public Law 91-378. If the Corporation rejects such a strategic plan, the Corporation shall promptly notify the State of the reasons for the rejection..

"(3) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the rejected plan. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of such a plan.

"(4) SUBSEQUENT CHANGES.—This subsection shall also apply to any update of such a strategic plan made after approval of the plan.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions for National Service and Community Volunteers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

**SEC. 162. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.**

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

**"SEC. 191. CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.**

"There is established a Corporation for National Service and Community Volunteers that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

**"SEC. 192. BOARD OF DIRECTORS.**

"(a) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—

"(A) APPOINTMENT.—There shall be in the Corporation a Board of Directors (hereafter referred to in this subtitle as the 'Board') that shall be composed of—

"(i) 9 members appointed by the President with the advice and consent of the Senate; and

"(ii) the Director, who shall serve as an ex officio nonvoting member of the Board.

"(B) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(i) who have extensive experience in volunteer and service programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(2) POLITICAL PARTIES.—Not more than 5 members of the Board shall be from the same political party.

"(3) NOMINATIONS.—Two members of the Board shall be appointed from among individuals nominated jointly by the Speaker and the Minority Leader of the House of Representatives, and 2 of such members shall be appointed from among individuals nominated jointly by the Majority Leader and Minority Leader of the Senate.

"(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 3 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 3 shall serve for a term of 2 years, as designated by the President.

"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

**"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.**

"(a) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson from among its membership. The Director shall not be eligible to serve as the chairperson or vice chairperson.

"(b) OTHER OFFICERS.—The Board may elect from among its membership such additional officers for the Board as the Board determines to be appropriate.

"(c) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing. A majority of the appointed members of the Board shall constitute a quorum.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, and payments referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Director regarding, the actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Director of any aspects of the actions of the Director that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national service and volunteer programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national service and volunteer programs that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) carry out any other activities determined to be appropriate by the Director.

"(h) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

**"SEC. 193. DIRECTOR.**

"(a) APPOINTMENT.—There shall be in the Corporation a Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Director shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

### "SEC. 193A. AUTHORITIES AND DUTIES OF THE DIRECTOR.

"(a) GENERAL POWERS AND DUTIES.—The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

"(b) DUTIES.—In addition to the duties conferred on the Director under any other provision of this Act, the Director shall—

"(1) prepare and submit to the Board a strategic plan every 5 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, and other financial assistance, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(3)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the Director; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the Director under any other provision of this Act, the Director may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Director considers necessary or appropriate;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions with or without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Director, upon the recommendation of the Board, shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Director;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196; and

"(10) generally perform functions and take steps consistent with the objectives and provisions of this Act.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Director may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Director under this subsection or under any other provision of this Act shall relieve such Director of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The Director may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Director shall survive notwithstanding any change in the person occupying the office of Director or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Director or the Board or property under the control of the Director or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

### "SEC. 194. MANAGEMENT.

"(a) MANAGEMENT.—

"(1) IN GENERAL.—After receiving and reviewing the recommendations of the Board, the Director shall devise a management structure for the Corporation, and shall appoint, in accordance with section 195, such fiscal, legal, administrative, and program personnel as are needed to carry out the responsibilities of the Corporation.

"(2) DIVISIONS.—In establishing the management structure of the Corporation, the Director shall appoint individuals who shall be primarily responsible for—

"(A) the national service programs; and

"(B) (i) volunteer programs that are service-learning programs;

"(ii) volunteer programs that are senior programs; and

"(iii) volunteer programs that are Federal volunteer programs.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed by the Director.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate determined by the Director, which shall not exceed the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(a)(2) of such Act; and

"(ii) the Director shall be considered to be the head of the designated Federal entity, as defined in section 8E(a)(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the Director shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

### "SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Director may appoint and determine the compensation of such employees necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Director shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended by the Director, after receiving and reviewing the recommendations of the Board.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(iv), the Director may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Director, in consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(g)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Director shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Director shall appoint and determine the compensation of employees referred to in paragraph (1) in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) CONSULTANTS.—The Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(c) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

**"SEC. 196. ADMINISTRATION.**

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently government function.

"(ii) REGULATIONS.—The Director shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—The Corporation may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(3) RULES.—The Director shall establish written rules setting forth the criteria to ensure that the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) DISPOSITION.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) RELATIONSHIP TO OTHER NATIONAL SERVICE AND DOMESTIC VOLUNTEER PROGRAMS.—

(1) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) AUTHORITY.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Director of the Corporation for National Service and Community Volunteers.".

(B) RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 et seq.) is amended by inserting after section 404 the following:

**"SEC. 405. RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.**

"In carrying out programs, and in providing assistance to recipients to carry out programs, in a State under this title, the Director shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(2) YOUTH CONSERVATION CORPS ACT OF 1970.—Section 3(a) of Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (6) the following:

"(7) in providing assistance to recipients to carry out programs under this Act in a State, ensure that such programs will be carried out in accordance with—

"(A) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(B) the priorities established under section 122(c) of such Act; and

"(C) such other requirements as the Director of such Corporation may by regulation specify.".

(3) HIGHER EDUCATION ACT OF 1965.—Subpart 3 of part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1139) is amended—

(A) by striking the subpart heading and inserting the following:

**"Subpart 3—General Provisions"**; and

(B) by adding at the end the following:

**"SEC. 1152. RELATIONSHIP WITH STATE PLANS.**

"In providing assistance to recipients to carry out programs in a State under this part, the Secretary shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 163(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 163(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National Service and Community Volunteers conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The Director shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to—

(1) employees of the ACTION agency who are not transferred to the Corporation for National Service and Community Volunteers under section 163(c); and

(2) employees of the Department of Agriculture, Department of the Interior, or Department of Education who are separated from such Departments because of the requirements of title II.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service and Community Volunteers.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Director of the Corporation for National Service and Community Volunteers for disposal such surplus property as is recommended by the Director as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Director of a proposed transfer of property for such activities, the Director, through such officers or employees of the Corporation as the Director may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Director shall comply with the requirements of paragraph (1)(C).".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service and Community Volunteers

"Sec. 191. Corporation for National Service and Community Volunteers.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Director.
"Sec. 193A. Authorities and duties of the Director.
"Sec. 194. Management.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

**SEC. 163. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.**

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Section 178(e) of the National and Community Service Act of 1990 (as amended by section 161 of this Act) is amended, and subtitle G of such Act (as amended by section 162 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, section 195(c), and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 162 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National Service and Community Volunteers, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Director" means the Director of the Corporation;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Director is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available

to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) Incidental transfer.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) Effect on personnel.—

(A) In general.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) Executive schedule positions.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) Termination of certain positions.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) Savings provisions.—

(A) Continuing effect of legal documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) Proceedings not affected.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) Suits not affected.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) Nonabatement of actions.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) Administrative actions relating to promulgation of regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) Severability.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) Transition.—Prior to, or after, any transfer of a function under this subsection, the Director is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) Transition.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

## Subtitle H—Other Activities

### SEC. 171. POINTS OF LIGHT FOUNDATION.

Section 301(b)(3) of the National and Community Service Act (42 U.S.C. 12661(b)(3)) is amended by inserting "and make awards to" after "develop".

## Subtitle I—Authorization of Appropriations

### SEC. 181. AUTHORIZATION.

(a) National and Community Service Act of 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

**"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

"(a) National and Community Service.—

"(1) Service-learning.—There are authorized to be appropriated to carry out subtitle B of title I, $30,600,000 for each of fiscal years 1994 and 1995, and such sums as may be necessary for each subsequent fiscal year.

"(2) National service.—

"(A) In general.—There are authorized to be appropriated to carry out subtitle C of title I (other than sections 123 and 125), $67,900,000 for fiscal year 1994, $136,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(B) Demonstration efforts.—There are authorized to be appropriated to carry out section 123, $10,000,000 for fiscal year 1994, and $20,000,000 for fiscal year 1995.

"(C) Other special efforts.—There are authorized to be appropriated to carry out section 125, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(3) Quality and innovation activities.—There are authorized to be appropriated to carry out subtitle D, $10,000,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995.

"(4) Administration and organization.—There are authorized to be appropriated to carry out subtitles F and G, $5,000,000 for fiscal year 1994, $9,000,000 for fiscal year 1995, and such sums as may be necessary for each subsequent fiscal year.

"(b) Points of Light Foundation.—There are authorized to be appropriated to carry out title III, $5,000,000 for each of fiscal years 1994 and 1995.".

(b) Extension of Authority To Conduct Civilian Community Corps.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534) is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993, 1994, and 1995.".

## Subtitle J—General Provisions

### SEC. 191. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on October 1, 1993.

## TITLE II—OTHER SERVICE PROGRAMS

### SEC. 201. REPEALS OF SERVICE PROGRAMS.

(a) In General.—The following provisions are repealed:

(1) Subtitles D and E of title I (as amended by sections 131 and 141 of this Act), and title III, of the National and Community Service Act of 1990.

(2) Parts A, B, and C of title I, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4991 et seq., and 5000 et seq.).

(3) Part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.).

(4) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970").

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect 24 months after the amendments made by section 121 take effect.

### SEC. 202. TRANSITION.

(a) STUDY AND REPORT.—

(1) STUDY.—The Director of the Corporation for National Service and Community Volunteers (referred to in this title as the "Director") shall, in consultation with the Secretary of Education, the Director of ACTION, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the Director of the Office of Personnel Management, conduct a study to examine—

(A) strategies for carrying out, under subtitle C of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out national service programs, the programs and activities that are being carried out under—

(i) subtitles D and E of title I of the National and Community Service Act of 1990 (as amended by sections 131 and 141 of this Act);

(ii) part A of title I, and, in particular, section 109, of the Domestic Volunteer Service Act of 1973;

(iii) part B of title XI of the Higher Education Act of 1965; and

(iv) Public Law 91-378; and

(B) strategies for carrying out, under subtitle B of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out volunteer programs, the programs and activities that are being carried out under—

(i) title III of the National and Community Service Act of 1990; and

(ii) parts B and C of title I, and parts A, B, and C, of title II, of the Domestic Volunteer Service Act of 1973.

(2) REPORT.—Not later than 21 months after the amendments made by section 121 take effect, the Director of the Corporation for National Service and Community Volunteers shall submit to the appropriate committees of Congress a report containing—

(A) the findings and conclusions of the Director, based on the study described in paragraph (1); and

(B) recommendations for legislative reform to carry out—

(i) the programs and activities specified in paragraph (1)(A) under subtitle C of title I of the National and Community Service Act of 1990; and

(ii) the programs and activities specified in paragraph (1)(B) under subtitle B of such title.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Corporation for National Service and Community Volunteers determines it is appropriate and fiscally responsible, the Corporation may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective date provided in section 201(b).

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 203 not later than the date that is 90 days after the submission of the report described in paragraph (2), on such date, the recommendations contained within the report shall have the force of law.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director shall issue such regulations as are necessary to provide for a transition to the implementation of the programs and activities specified in subsection (a)(1).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Director shall take into consideration the findings and conclusions of the study described in subsection (a)(1).

### SEC. 203. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the Director of the Corporation for National Service and Community Volunteers as submitted by the Director on ____________________", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the Director of the Corporation for National Service and Community Volunteers".

(c) INTRODUCTION AND REFERRAL.—On the day on which the report describing the action of the Director of the Corporation for National Service and Community Volunteers is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection

therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or the designee of the Minority Leader. Such leaders, or either of the leaders, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPER-MAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the Director of the Corporation for National Service and Community Volunteers except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

### SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended to read as follows:

### "SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

"(a) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except section 109) $45,800,000 for each of fiscal years 1994 and 1995.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out subsections (c) and (d) of section 109 and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $5,000,000 for each of fiscal years 1994 and 1995.

"(b) STUDENT COMMUNITY SERVICE PROGRAMS.—There are authorized to be appropriated to carry out part B of title I of this Act $2,200,000 for each of fiscal years 1994 and 1995.

"(c) SPECIAL VOLUNTEER PROGRAMS.—

"(1) PROGRAM ACTIVITIES AND DRUG ABUSE PREVENTION ACTIVITIES.—

"(A) PROGRAM ACTIVITIES.—There are authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(B) DRUG ABUSE PREVENTION ACTIVITIES.—In addition to the amounts authorized to be appropriated by subparagraph (A), there are authorized to be appropriated for support of drug abuse prevention such sums for each of the fiscal years 1994 and 1995.

"(C) USE OF FUNDS.—With respect to amounts appropriated for any fiscal year pursuant to subparagraph (B), the Director—

"(i) shall use not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(ii) shall ensure that not more than $500,000 is used for administrative costs of programs carried out under such part.

"(2) LITERACY CHALLENGE GRANTS.—Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there are authorized to be appropriated for Literacy Challenge Grants under section 125 such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(3) LIMITATION.—No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under subsection (d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

"(d) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide 3,400 years of volunteer service in each of fiscal years 1994 and 1995.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A of title I.

"(3) CALCULATION.—

"(A) COSTS OF COMPLIANCE.—In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) ALLOWANCES FOR SUBSISTENCE.—The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1994 and 1995.

"(C) REALLOCATION.—If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds shall be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.

"(e) LIMITATION.—No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

(b) OLDER AMERICANS VOLUNTEER PROGRAMS.—Section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) is amended to read as follows:

### "SEC. 502. OLDER AMERICANS VOLUNTEER PROGRAMS.

"(a) RETIRED SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out programs under part A of title II of this Act $37,054,000 for each of the fiscal years 1994 and 1995.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out programs under part B of title II of this Act $71,284,000 for each of the fiscal years 1994 and 1995.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II of this Act $32,509,000 for each of the fiscal years 1994 and 1995.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended to read as follows:

### "SEC. 504. ADMINISTRATION.

"For each of the fiscal years 1994 and 1995, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 10 percent of the total amount appropriated under sections 501 and 502 for such year.".

### SEC. 205. CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify the amount of the financial assistance or benefits received by a participant or volunteer for participation or volunteer service in a program or activity carried out under a provision described in section 201(a), as in effect on the day before the date of enactment of this Act.

## TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

### SEC. 301. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National Service and Community Volunteers established under section 191 of the National and Community Service Act of 1990; and

"(9) the term 'Inspector General' means the Inspector General of ACTION.".

### SEC. 302. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service and Community Volunteers".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Director of the Corporation for National Service and Community Volunteers".

(3) Section 1094 of such Act (Public Law 102-484; 106 Stat. 2535) is amended—

(A) in the title, by striking **"commission on national and community service"** and inserting **"corporation for national service and community volunteers"**;

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Director of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Director of the Corporation for National Service and Community Volunteers"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service and Community Volunteers.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 141(a)(2)(C) of this Act), and 165 (as redesignated in section 141(a)(2)(C) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Director".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places the term appears and inserting "the Corporation".

### SEC. 303. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) DIRECTOR OF THE CORPORATION.—

(1) Section 159(a) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(a)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Director of the Corporation";

(B) by striking "the Board" in the matter preceding paragraph (1) and in paragraph (1) and inserting "the Director of the Corporation"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Director of the Corporation".

(3) Section 159(c)(1) (as redesignated in section 141(a)(2)(C) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the Director of the Corporation"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Director of the Corporation".

(4) Section 166 (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653o) is amended—

(A) in paragraph (5), by inserting "except when used as part of the term 'Director of the Corporation'," before "means";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 141(a)(2)(C) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

### SEC. 304. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers appointed under section 193 of the National and Community Service Act of 1990;".

### SEC. 305. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) The table of contents of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Authority to operate University Year for VISTA program.".

(2) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National Service and Community Volunteers shall".

(3) Section 103 (42 U.S.C. 4953) is amended—

(A) in subsection (b)—

(i) in paragraphs (2), (5), and (6), by striking "ACTION Agency" each place the term appears and inserting "Corporation"; and

(ii) in paragraph (6), by striking "regional ACTION office" and inserting "regional office of the Corporation"; and

(B) in subsection (c)(1)(D), by striking "ACTION Agency" and inserting "Corporation".

(4) Section 105(b) (42 U.S.C. 4955(b)) is amended in paragraphs (3)(A) and (4) by striking "ACTION Agency" and inserting "Corporation".

(5) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(A) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(B) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(C) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(D) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(6) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(8) Section 403(a) of such Act (42 U.S.C. 5043(a) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking "ACTION Agency" and inserting "Corporation".

(13) Section 421(9) of such Act (as added by section 301 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(14) Section 702(a) (42 U.S.C. 5091a(a)) is amended by striking "of the ACTION Agency".

(15) Section 713(2) (42 U.S.C. 5091l(2)) is amended by striking "ACTION agency" and inserting "Corporation".

(b) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National Service and Community Volunteers, the Office of Inspector General of ACTION; and".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101-204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Director of the Corporation for National Service and Community Volunteers".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service and Community Volunteers,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service and Community Volunteers established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Director of the Corporation for National Service and Community Volunteers, or the designee of the Director.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

**SEC. 306. EFFECTIVE DATE.**

(a) COMMISSION.—The amendments made by sections 301 through 303 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 304 and 305 shall take effect on the effective date of section 163(c)(2).

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## COVERDELL AMENDMENT NO. 604

Mr. COVERDELL proposed an amendment to the bill (S. 919), supra; as follows:

At the end of the bill, add the following:

**SEC. . DELAY OF SPENDING UNTIL FISCAL YEAR 1993 EMERGENCY DEFICIT INCREASE IS ELIMINATED.**

The provisions of titles, I, II, and IV of this Act shall not take effect until the Director of the Office of Management and Budget certifies that the total amount of deficit increase for fiscal year 1993 resulting from budget authority contained in supplemental appropriations Acts and declared to be emergency spending under the provisions of section 251(b)2(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 has been eliminated through rescissions and transfers of funds.

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## GLENN AMENDMENT NO. 605

Mr. GLENN proposed an amendment to the bill (S. 919), supra; as follows:

On page 264, insert after the item relating to section 203 the following new item:

Sec. 204. Business plan.

On page 458, strike out lines 17 and 18 and insert in lieu the following:

"(6) receive any report as provided under section 8E (b), (c), or (d) of the Inspector General Act of 1978;

On page 468, beginning with line 15, strike out all through line 2 on page 469.

On page 488, strike out lines 14 through 22, and insert in lieu thereof the following:

(h) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of section 6(a) (7) and (8), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the President of the Corporation for National and Community Service transmits any report to the Congress under section 5 (a) or (b), the President shall transmit such report to the Board of Directors of such Corporation.

"(c) No later than the date on which the President of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the President shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The President of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the President of the Corporation, the President shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the President of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2)."; and

(B) section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

On page 489, line 5, insert "or subsection (h) (2) and (3)" before the comma.

On page 501, insert between lines 5 and 6 the following:

**SEC. 204. BUSINESS PLAN.**

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer. Not later than 9 months after the date of enactment of this section, the President shall identify all functions of ACTION to be transferred to the Corporation.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

On page 501, strike lines 15 through 23 and insert in lieu thereof the following:

"(1) SUBTITLES B, C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles B, C, and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $434,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

On page 559, beginning on line 5, strike out all through line 17.

On page 559, line 18, strike out "(d)" and insert in lieu thereof "(c)".

On page 560, line 4, strike out "(e)" and insert in lieu thereof "(d)".

On page 560, line 8, strike out "(f)" and insert in lieu thereof "(e)".

On page 560, line 12, strike out "(g)" and insert in lieu thereof "(f)".

On page 560, line 16, strike out "(h)" and insert in lieu thereof "(g)".

On page 561, line 5, strike out "(i)" and insert in lieu thereof "(h)".

On page 561, line 11, strike out "(j)" and insert in lieu thereof "(i)".

On page 562, line 5, strike out "(k)" and insert in lieu thereof "(j)".

On page 562, line 9, strike out "(l)" and insert in lieu thereof "(k)".

On page 562, line 15, strike out "(m)" and insert in lieu thereof "(l)".

On page 562, line 19, strike out "(n)" and insert in lieu thereof "(m)".

On page 563, line 1, strike out "(o)" and insert in lieu thereof "(n)".

On page 563, line 8, strike out "(p)" and insert in lieu thereof "(o)".

## JEFFORDS AMENDMENT NO. 606

Mr. JEFFORDS proposed an amendment to the bill (S. 919), supra, as follows:

Beginning on page 19, strike line 21, and all that follows through line 5 on page 20 and insert the following:

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically alter priorities as appropriate regarding the types of national service programs to be assisted under section 129(d) and 129(b), and the purposes for which such assistance may be used.

"(B) BY STATES.—States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1).".

On page 33, line 3, strike "may" and insert "shall".

## McCAIN AMENDMENT NO. 607

Mr. McCAIN proposed an amendment to the bill (S. 919), supra, as follows:

On page 9, strike line 14 and all that follows through page 10, line 2 and insert the following:

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS AND PROVISION FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

"(1) IN GENERAL.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(A) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(B) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(i) the value of a national service educational award under section 147; and "(ii) the total number of approved national service positions to be provided.

"(2) VETERANS.—The Corporation shall periodically deposit in such National Service Trust an amount sufficient to provide national service educational awards to persons eligible for such awards under section 146(a)(2).

On page 34, line 16, strike the period and insert ", in addition to the maximum possible obligations to be incurred by the United States to provide national service educational awards to persons eligible for such awards under section 146(a)(2).".

Beginning on page 73, strike line 13 and all that follows through page 74, line 15 and insert the following:

"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—

"(1)(A) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(B) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(C) at the time the individual uses the national service educational award—

"(i) has received a high school diploma, or the equivalent of such diploma;

"(ii)(I) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(II) meets the requirements of section 484(a) of such Act; or

"(iii) has received a waiver described in section 137(c); and

"(D) is a citizen of the United States or lawfully admitted for permanent residence; or

"(2) subject to such standards and procedures as the Secretary of Defense and the Director of the Corporation shall jointly determine by regulation to be appropriate to limit the number of persons eligible to receive such an award under this paragraph, is a person—

"(A) who served—

"(i) on active duty in the Armed Forces for a period of not less than 2 years; or

"(ii) in a reserve component of the Armed Forces for a period of not less than 4 years;

"(B) who is discharged honorably from such service after October 1, 1995.

On page 74, strike line 19 and insert the following: 139(b). A person eligible under subsection (a)(2) shall be considered to have completed two such full-time terms of service, and such terms shall be considered to have been completed on the day on which the person is discharged or released as described in section 146(a)(2).

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## DOMENICI AMENDMENT NO. 608

Mr. DOMENICI proposed an amendment to the bill (S. 919), supra, as follows:

On page 85, line 15, strike the end quotation marks and the second period.

On page 85, between lines 15 and 16, insert the following new section:

**"SEC. 149. PREREQUISITE FOR FUNDING FOR NATIONAL SERVICE EDUCATIONAL AWARDS.**

"Notwithstanding any other provision of law, no funds may be appropriated for any fiscal year to provide national service educational awards under subtitle D unless—

"(1) the amount appropriated for such fiscal year for each of the following programs is at least equal to the amount appropriated for such program for fiscal year 1993—

"(A) the college work-study program under part C of title IV of the Higher Education Act of 1965;

"(B) the supplemental educational opportunity grant program under subpart 3 of part A of title IV of such Act;

"(C) the State student incentive grant program under subpart 4 of part A of title IV of such Act; and

"(D) the Perkins loan program under part E of title IV of such Act; and

"(2) the amount appropriated for such fiscal year for the Pell grant program under subpart 1 of part A of title IV of such Act is sufficient to provide a maximum grant in an amount equal to or in excess of $2,300 and is sufficient to pay for any Pell grant funding shortfall in existance on the date of enactment of this section.".

On page 85, between lines 20 and 21, in the item relating to section 148, strike the end quotations marks and the second period.

On page 85, between lines 20 and 21, after the item relating to section 148, insert the following new item:

"Sec. 149. Prerequisite for funding for national service educational awards.".

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## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Thursday, July 22, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1156, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the actinide recycle program and DOE's advanced nuclear reactor program.

The hearing will take place on Thursday, August 5, 1993, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224–7569.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Wednesday, July 21, 1993, at 9 a.m., to mark up the Department of Defense Authorization Act for Fiscal Year 1994 and other pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 21, 1993, at 8 a.m., in open session, to receive testimony on Department of Defense policy on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m., to hear testimony on the subject of Social Security taxes for domestic workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 21, 1993, at 2 p.m., to hold nomination hearings on the following nominees: Mr. Alan H. Flanigan, of Virginia, to be Ambassador to the Republic of El Salvador; and Mr. John F. Maisto, of Pennsylvania, to be Ambassador to the Republic of Nicaragua.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WOFFORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Wednesday, July 21, at 2:30 p.m. on the subject: USDA: Does it work or waste?

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 21, 1993, at 10 a.m. to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 1190, America Cares, to be chaired by Senator BINGAMAN, during the session of the Senate on Wednesday, July 21, 1993, at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 21, 1993, at 10 a.m. to hold a hearing on United States policy toward Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Small Business Subcommittee on Rural Economy and Family Farming be authorized to meet during the session of the Senate on Wednesday, July 21, 1993, at 9:30 a.m. The subcommittee will hold a hearing on the Federal role in rural economic development.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SECURITIES

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 21, 1993, at 10 a.m. to conduct a hearing on the impact of litigation on financial reporting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet at 9:30 a.m. on July 21, 1993, on reauthorization of the Hazardous Materials Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## COMMENDING NORDEN SYSTEMS, INC., OF NORWALK, CT

• Mr. DODD. Mr. President, I rise today to applaud Norden Systems, which is located in Norwalk, CT. This company is a wholly owned subsidiary of United Technologies Corp., based in my home State of Connecticut.

Norden is a leading producer and supplier of radar systems to such agencies as the Federal Aviation Administration, as well as a manufacturer of antisubmarine warfare systems. On May 13, Norden Systems was presented the U.S. Small Business Administration's Dwight D. Eisenhower Award for Excellence in Manufacturing. This award recognizes large prime contractors that have an excellent record of using small and disadvantaged businesses as suppliers and subcontractors.

Norden Systems' outreach efforts, technical assistance and participation at trade shows and procurement conferences are all evidence of the company's commitment to utilizing a broad and diverse range of small businesses. Even to be considered for this award, a company must be the recipient of the SBA's Award of Distinction, an honor that Norden received for the second time last year. Other criteria include: excellence in manufacturing, services, research and development, and construction.

This award recognizes the need for larger corporations to look to smaller, less visible businesses to handle subcontracting work. As our Nation prepares to compete in the next century, it is critical that we foster an integrated economy based on such relationships. I commend Norden on its milestone achievement, and I hope the company continues to strive for excellence in this regard.•

## THE 1993 SONY STUDENT PROJECT ABROAD

• Mr. HATFIELD. Mr. President, with our gaze recently focused on the positive results of the G–7 trade talks in Tokyo, now is an excellent time to recognize and nurture global growth and enhance cooperative relationships in our international community. The strong cultural and ethnic ties, as well as the solid trade relationship, my home State of Oregon has with our Japanese neighbors is an example of this expanding spirit of global community.

One further example of the increasingly cooperative relationship between the United States and our Japanese neighbors is found in the 1993 Sony Student Project Abroad. This week, 50 of our Nation's most outstanding high school students, in the areas of math and science, will leave for Japan on a 17-day, all-expense paid, educational program made possible by the generosity of the Sony Corp. of America.

This program offers a unique and exciting opportunity for these young people to explore Sony's role in high technology industries and experience Japanese culture firsthand. With the growing recognition of the need to build a high skills technical work force as we move toward the year 2000, educational opportunities, such as the Sony Student Project Abroad, are essential. Offering a diverse range of activities designed to expose students to the rewarding and challenging careers available in technological industries, the Sony program will help to encourage interest in these fields in the student participants.

The students will begin their tour with a brief stay in San Diego, where they will tour Sony's facility for manufacturing color picture tubes, televisions, and computer and graphic display monitors. Once they reach Japan, they will meet with top Sony officials, including Chairman Akio Morita. Also included in their travel will be visits to Sony design and manufacturing facilities, where they will enjoy exciting hands-on experiences, including the opportunity to assemble their own Walkman.

Adding to the cultural benefit of the trip, the students will tour many historical sites in Tokyo, as well as visit many ancient shrines and temples in an excursion to Nikko. Of primary importance in gaining a better mutual understanding between citizens of our countries, the students will be weekend guests of a Japanese family and spend a day with Japanese high school students.

This year, two exceptional students from Oregon will be among those selected to participate in the Sony Student Project Abroad: Julie Sayed, a senior at Lake Oswego High School who is ranked first in her class, and Damon Henrie, a senior at Nyssa High School, who has earned a 4.0 GPA. Both of these students have won numerous awards in math and science competitions and are active in their communities, offering an outstanding example to other students.

In fact Mr. President, just last week I received a letter from Julie expressing her anticipation for this trip. Her letter highlights the educational impact of this program. She writes:

> In preparation for my coming trip, I have been reading about Japanese life and culture as well as following the recent developments with the U.S.-Japan trade summit. I hope to use this knowledge to help facilitate interesting and informative discussions about U.S.-Japan relations, as well as to enhance my educational and cultural experience in Japan. Upon my return, I hope to be able to share my experiences with my school and community and as a result enhance others' knowledge of the Japanese people as well as cultural awareness.

Clearly, the Sony Student Project Abroad will have an impact not only on Julie, but on the many people with whom she will come into contact upon her return.

Mr. President, I applaud the efforts of the Sony Corp. of America to work to recognize and encourage talented students in the fields of math and science and to foster a better understanding of Japan among young people. This program was instituted in recognition of the 30th anniversary of the founding of the Sony Corp. of America in 1990, and each year since has seen the successful participation of students from across the United States. This project is a remarkable opportunity for these students to share ideas and experiences with our Japanese friends, while gaining a deeper understanding of America's leading trading partner.•

## REGARDING PHILADELPHIA NAVAL SHIPYARD

• Mr. D'AMATO. Mr. President, 2 months ago, I introduced into the RECORD a copy of an article that appeared in the Philadelphia Naval Shipyard Beacon on April 24, 1992, gloating over the shipyard's winning of the maintenance contract for the U.S.S. *Seattle* and crowing over the involvement of over 100 people in the bid and proposal process.

I was appalled, and pointed out that only because Philadelphia Naval Shipyard [PNSY] was feeding off the Federal trough could it afford such profligacy. By comparison, private yards competing for the *Seattle* had only a tiny handful of employees working on their bids.

I asked the Navy to provide me with the job descriptions of each of the individuals named in the Beacon article; the citations from statute and the Federal Acquisition Regulations [FAR] pertaining to bid proposals; an assessment of whether the participation of any of these individuals violates either statutory law or the FAR; and an explanation of the means by which Navy contracting officers level the playing field for private shipyards that lack the benefit of Uncle Sam's deep pockets when competing against public yards.

The Navy has done so. I will address each in turn over the next several weeks, as well as exploring the actual performance of the yard on the *Seattle*.

First, just who was it at PNSY that put the winning bid together? Mr. President, I realize that cross-training employees is in vogue, but what appears to be happening at Philadelphia is ridiculous. By job title:

One sheetmetal mechanic leader;
Two secretaries, typing;
One file supervisor;
One management analyst;
Five production controllers, ships;
Two supervisory production controllers, ships;
Four ship schedulers, electrician;
Two ship schedulers, boilermaker;
Two ship schedulers, pipefitter;
Two ship schedulers, marine machinery mechanic;
One ship schedulers, sheetmetal mechanic;
One ship scheduler, electronics mechanic;
Two supervisory ship schedulers, general;
One computer operator;
Two clerks;
One supply clerk;
One shipwright;
Four equipment specialists, marine;
One equipment specialist, electrical;
Fourteen planner and estimators, pipefitter;
Ten planner and estimators, marine machinery mechanic;
Seven planner and estimators, electrician;
Seven planner and estimators, shipfitter;
Five planner and estimators, boilermaker;
Three planner and estimators, sheetmetal;
Three planner and estimators, electronics mechanic;
Three planner and estimators, machinist;
Two planner and estimators, rigger;
Two planner and estimators, insulator;
One planner and estimator, plastic fabricator;
One planner and estimator, shipwright;
One planner and estimator, painter mechanic;
One supervisory planner and estimator, general;
One supervisory electrical engineer;
One supervisory mechanical engineer
One supervisory engineer, interdisciplinary;
One instrument mechanic;
One piping systems inspector, ships;
One industrial engineering technician;
One production shop planner, sheetmetal mechanic; and,
One industry economist.

worked on the Philly Shipyard bid. Career broadening, I agree, but who was building and repairing ships while all these employees were, to quote the Beacon, in weekly bid and proposal meetings with 10–12 hour workdays the norm?

This kind of overhead, 100 employees working on a single bid, would be unthinkable in a private firm, buy PNSY pays no penalty for being overstaffed, or for having workers idle. In fact, the more overstaffed and underutilized the shipyard is, the more pressure on the Navy to give these people something to do.

All at the expense of private yards. And the greatest irony of all is the Philly Shipyard was closed by the Base Realignment and Closure Commission in 1991. The Navy offered up this yard first in the base closure process, yet it continues to impoverish the entire eastern seaboard's shipbuilding and repair industry.

Later this week, I will discuss the relevant statutes and regulations concerning private/public shipyard competition.•

## TO COMMEMORATE THE NEWPORT THEATRE BICENTENNIAL

• Mr. CHAFEE. Mr. President, I rise today to pay tribute to the Newport Theatre of Newport, RI, on the occasion of its bicentennial.

The building that the Newport Theatre presently utilizes was built in 1762, and was originally intended to be a public granary. Instead, this three-story building, known to all as the Brick Market, became a market for the local village on the first level. Shortly after the Revolution, the upper story was used as a printing office. It was not until 1793 that the upper stories were fitted to be a playhouse by Mr. Alexandre Placide.

Mr. Placide, a rope dancer at the French court who was forced to flee to the United States during the French Revolution, deserves much of the credit for establishing theatre in Rhode Island. He was the first in the State to obtain a license for holding theatrical entertainments. Mr. Placide and his large family became well known figures in the circles of American playgoers. As a result of Mr. Placide's dedication, the Brick Market Theatre opened on July 3, 1793. Later named the Newport Theatre, this playhouse made a large contribution to the Rhode Island theatre community until 1842.

At the request of the Committee for National Theatre Week the U.S. Postal Service in Newport issued a pictorial cancellation on July 3, 1993, to recognize the Newport Theatre. I encourage all to write to the U.S. postmaster in Newport, RI 02840, to obtain this commemorative cancellation. Finally, I ask my colleagues in the Senate to join with me and all Rhode Islanders to celebrate the bicentennial of this historic institution.•

## WALTER J. BROWN: PIONEER OF SOUTH CAROLINA BROADCASTING

• Mr. HOLLINGS. Mr. President, this Sunday a remarkable South Carolinian, Walter Brown, will celebrate his 80th birthday. Back in the 1940's, Walter was a pioneer in the South Carolina broadcasting industry. He organized the Spartan Radiocasting Co. in 1947 and served as president until being named chairman and CEO in 1988. In the intervening four decades, he built one of the most respected and successful broadcasting enterprises in the South, with its flagship operation at WSPA-AM-FM-TV in Spartanburg, SC. WSPA was South Carolina's first radio station and first frequency modulation station, and the first to broadcast in stereo in the Southeast.

During World War II, Walter Brown had a brief but brilliant career in public service. In the late 1930's, he had worked as a journalist in Washington, managing a news bureau serving newspapers throughout the South. He returned to Washington during the war to serve as special assistant to James F. Byrnes, who had resigned from the Supreme Court to direct FDR's Office of War Mobilization. Walter later served as Jimmy Byrnes' assistant during the latter's tenure as Secretary of

State. As Byrnes' aide, he was a member of the American delegation to the Potsdam conference and to other historic international conferences.

Mr. President, Walter Brown has lived a life of service and achievement, and he is still going strong at age 80. Yet for all his accomplishments, I know that nothing is more important in Walter's life than his family: his wife Ann; two sons, Tom Watson Brown and James Byrnes Brown; and eight grandchildren.

Mr. President, Walter Brown has been a tremendous friend for more decades than I care to acknowledge. I salute this distinguished South Carolinian on his 80th birthday, and I wish him many more to come.•

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## THE UNIVERSITY OF PENNSYLVANIA MEDICAL CENTER

• Mr. WOFFORD. Mr. President, comprehensive reform of the American health care system will require a variety of changes in our health care delivery system in the future involving both consumers and providers. One of the changes we, as a society, must take to improve health status while lowering health costs is to pay increased attention to prevention and primary care. I would like to take this opportunity to inform my colleagues of a development in my home State that illustrates how this kind of shift is beginning to take place.

The University of Pennsylvania Medical Center, in a dramatic effort to retain its leadership role among other top level centers of medical education and research,. has recently made plans to expand its mission to include community-based primary and preventive care. This new focus at the University of Pennsylvania reflects changes sweeping through our health system in response to market forces and in anticipation of legislative reforms.

To accomplish their goals, the University of Pennsylvania Medical Center intends to take a number of different steps, which include: Acquiring and establishing medical group practices throughout the Philadelphia region; forging new relationships with community hospitals; and strengthening its teaching, training, and research programs for generalists. With the national focus shifting to managed care and organized delivery systems, the University of Pennsylvania will also create its own health plan through which patients will receive all their medical care from a network of providers.

As noted in a recent Philadelphia Inquirer article, the shift at the University of Pennsylvania amounts to a watershed in its history and an important restructuring of its mission as one of the country's elite medical teaching centers. I commend the University of Pennsylvania for its responsiveness to the changing tides in our health care system. I think it is important for us to take note of such changes occurring at the State and local levels while national health care reform moves to the top of the domestic agenda.

I ask that a copy of this Philadelphia Inquirer article be printed in the RECORD.

The article follows:

[From the Philadelphia Inquirer, July 12, 1993]

### PENN WILL MOVE BACK TO BASICS IN HEALTH CARE

(By Gilbert M. Gaul)

In a dramatic shift, the University of Pennsylvania Medical Center, long a fortress for high-tech medicine, superspecialists and sticker-shock prices, is returning to the basics.

With little public fanfare, the regions' best-known medical complex has begun to implement sweeping changes that ultimately will shift its focus from hospital care back to the family doctor and preventive medicine.

These moves include buying group medical practices throughout the suburbs, with a goal of building a regional network with upward of 200 general practitioners, pediatricians, obstetricians and internists; changing the way it trains medical students and residents, with an increased emphasis on primary care; forging new links with community hospitals; investing heavily in outpatient services, and starting its own health-coverage plan.

Penn's about-face comes at a turning point in American health care and reflects the rapid changes sweeping through the nation's $900 billion medical marketplace as governments and insurers struggle to control spiraling costs. These changes threaten all hospitals, but especially big university-based centers with their high costs and heavy emphasis on research, technology and teaching.

In essence, Penn is trying to reinvent itself before government reforms and market forces combine to make it obsolete. To survive, university executives say, Penn must move beyond its ivy walls and build a system in which patients receive all their medical care—from physicals at the family doctor's office to heart transplants at the hospital—from one network. Under pending White House health proposals, such medical-care umbrellas are known as Accountable Health Plans.

In the future, health economists say, large employers and other groups will band together and purchase medical care en masse, with Accountable Health Plans bidding for their business. Providers will have to be positioned to offer comprehensive services at package prices.

"Times are changing. We have to stay ahead of that change—or go out of business," said William N. Kelley, executive vice president of the medical center, which includes Penn's 700-bed hospital, medical college and clinical practices.

The shift by Penn amounts to a watershed in its history and an important restructuring of its mission as one of the country's elite medical teaching centers.

"It might be a bad analogy, but I liken what's happening to when Ford Motor Co. had to stop building big monsters and start building light-weight, fuel-efficient cars. They survived, and that's what we have to do," said Mark A. Kelley, vice dean for clinical affairs and one of the executives overseeing the transition.

Mark Kelley refers to the changes occurring at Penn as "a grand experiment." In that sense, Penn also is a model for the other 125 academic medical centers nationwide. Some of those centers are in the throes of change; others have barely begun to change at all. At risk; nearly $21 billion in tuition, research grants and hospital fees.

"The challenges are enormous for academic health centers," said former Penn executive C. Edward Schwartz, now CEO of a 400-bed teaching hospital run by University of Nebraska. "We're half a step out ahead of a steamroller. It's moving very quickly. And if we don't change, we're going to get flattened."

But as Penn—and other medical centers—moves beyond its traditional role as a superspecialty hospital and teaching center, it faces new issues. They include:

Relations with insurers. As an Accountable Health Plan, Penn will be in competition with insurers with whom it now does business. What happens if those insurers decide not to use the Hospital of the University of Pennsylvania (HUP)? Penn officals hope it doesn't come to that, and say there's no reason they can't compete and still do business.

Tension between specialists and generalists. The era of the specialist as king in medicine is over, numerous health analysts say. Power is shifting back to the family doctor. As Penn builds its primary-care network and welcomes generalists into its fold, it faces a possible backlash from specialists worried about losing resources and power.

Conflicts with suburban community hospitals. Penn's acquisition of doctors' practices may be viewed as a threat by local hospitals worried about losing patients. William Kelley responds that Penn is not trying to steal patients. In fact, it intends to continue sending patients from its newly acquired primary-care practices to local hospitals—for a simple reason: In most cases, it's cheaper to treat them there than at HUP.

Controlling costs. As an Accountable Health Plan, Penn will face new pressures to hold down costs at its high-tech hospital, no small task. In an Accountable Health Plan, a hospital is no longer a source of revenues; it is a cost center. Expenses have to be strictly controlled, and with research and teaching overhead factored into costs, Penn executives have to find other ways to dampen spending.

The good news is that the local marketplace is still static enough for Penn to create its network and be competitive. At present, only 15 percent to 20 percent of Philadelphia-area residents belong to HMOs or other forms of managed care. By comparison, nearly half the residents of Los Angeles, San Diego and Minneapolis are in managed care.

"It's our feeling that we will end up with a number of large Accountable Health Plans in this region. We want to be positioned to be one of them, which is why we are moving now," said John C.S. Kepner, a health-care lawyer hired by Penn to help develop and administer its primary-care network.

How will the changes affect individuals who join Penn's health plan?

"If we do our job right, and this is going to take time, you will have a seamless organization you can move through. Most care will continue to be delivered in the community. If you need tertiary care, HUP will be here. But after you are treated, you will go back to the community and your family doctor," said Mark Kelley.

The new arrangement also should lower costs, said William Kelley. "Why? Because it can improve care and make care more cost-efficient, and maybe slow down the increase in medical costs."

To be sure, Penn will continue to run its superspecialized hospital and invest in research. But the key to its future is the development of the primary-care network, which allows it to offer comprehensive medical services and broaden its educational programs.

Until now, Penn's 900-plus clinical faculty has been dominated by specialists. They have served as the role model for medical students and residents and, not surprisingly, greatly affected the specialties chosen by those doctors-in-training. A sign of Penn's priorities: It doesn't offer a residency program in family practice.

With the national focus now shifting to primary and preventive care, Penn has to adjust. That means strengthening its teaching and training programs for generalists. Its new primary-care network offers a vehicle. Penn can send students, residents and fellows out to those centers to train and study with experienced physicians.

"We're in the education business, so we better get smart about where things are shifting—and that's primary care," said Mark Kelley. "The way we do that is to take our trainees and put them out in an environment where they will have a wide range of experiences."

Penn also may start a family-practice residency program. "That's something we are going to give very serious attention to. We need to train people who know how to take care of the whole person," Mark Kelley said.

Implicit in these changes is that if Penn doesn't create a strong educational program for generalists, its image as a top-flight medical college will suffer and it won't attract the best students.

Geographically, Penn plans to build a network of primary-care doctors that extends from Princeton to southern Delaware and the Jersey Shore to west of the Main Line. "Ideally, what we want is the *creme de la creme* in primary care, the leaders in the communities and hospitals, the recognized experts, educationally and clinically, the most revered," said William Kelley.

Penn's first acquisition, which officials expect to close in November, is PMA Medical Specialists, a group medical practice with 25 physicians based in Phoenixville. Its name aside, all the members of the practice are generalists, said the group's president, Dr. Joel W. Eisner.

"Our style of practice, although we all have subspecialties, [is that] each of us is first and foremost a general internist," Eisner said. "We have never allowed ourselves to get out of internal medicine. For example, we all still have to take night call."

Eisner's group has helped to train Penn students informally for a year and a half, Eisner said. As an arm of Penn—which will employ the doctors—its teaching role will expand, with Penn sending medical students, residents and fellows to train at PMA's Phoenixville office and several other satellites.

"We do a different type of teaching here. We function more as preceptors. Students follow us around all day, every day," Eisner said.

As large as PMA is, its owners realized it wasn't big enough "to go it alone. Five years from now, we would have to join with someone. The option was, who do we join with? Ideally, this is a situation with a very prestigious university that will be traversing all of the suburbs," Eisner said.

Penn officials declined to discuss how much they had agreed to pay for PMA, or what the overall cost of the shift to primary care would be. But they said the payback would more than cover the expense.

"If we don't do this," said Mark Kelley, "we die."•

## ORDERS FOR THURSDAY, JULY 22, 1993

Mr. WOFFORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m., Thursday, July 22; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized in the order listed, and for the time limits specified:

Senator DURENBERGER for up to 20 minutes; Senator GRASSLEY for up to 10 minutes; Senator MURKOWSKI for up to 15 minutes, Senator MIKULSKI for up to 10 minutes; Senator RIEGLE or his designee for up to 30 minutes, and Senator LEAHY for up to 15 minutes; that at 10:30 a.m. the Senate resume consideration of S. 919, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. WOFFORD. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 8:04 p.m., recessed until Thursday, July 22, 1993, at 8:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate July 21, 1993:

### DEPARTMENT OF DEFENSE

JOHN H. DALTON, OF TEXAS, TO BE SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Wednesday, July 21, 1993*

The House met at 10 a.m.

The Reverend Dr. Lawrence H. Phipps, pastor, First Baptist Church, Enterprise, AL, offered the following prayer:

Father, I praise and honor You as the creator and sustainer of our world. I acknowledge that You have provided this Nation in Your world to be an example of freedom, unity, morality, and spirituality.

We, as a nation, have always understood that there are "certain unalienable rights." The commitment to these rights has brought on needed revolutions, here and abroad. Now, help us to be committed to our responsibility so You can bring to us needed revival, here and abroad.

I pray that those who lead through this House of Representatives will always remain aware of this responsibility. May they seek Your wisdom, first. May they seek Your will foremost.

You are the King of this world's kings. You are the Lord of this world's lords. Help us to follow Your Kingship and Lordship.

In Jesus name I pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. LAZIO] please come forward and lead the House in the Pledge of Allegiance.

Mr. LAZIO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## THE REVEREND DR. LAWRENCE H. PHIPPS

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, on behalf of the Members of the 103d Congress, today it is with great pride and respect that I welcome Dr. Lawrence Phipps to this historic Chamber. For 3 years, Dr. Phipps has served as my pastor at First Baptist Church of Enterprise, AL.

I, along with many others, have come to recognize and appreciate this man who routinely demonstrates his natural generosity and genuine desire to selflessly meet the needs of those who gather under his wisdom and experience. Dr. Phipps' theological experience has been enhanced by his educational and professional diversity. He received a master of divinity degree and a doctorate degree of ministry while attending Southern Baptist Theological Seminary. Currently, Dr. Phipps continues his association with his former seminary by serving as field supervisor for doctor of ministry students of Southern.

During the last few years, while continuing to perform his pastoral duties, Dr. Phipps has continued to advance within his field. Presently, he sits as a trustee of Samford University in Birmingham, on the tellers committee of the Alabama Baptist Convention, and serves as president of the Alabama Alumni Association of Southern Baptist Theological Seminary. He also is past chairman of the personnel committee for Coffee County Baptist Association.

It is with great pleasure and admiration that I welcome my pastor and personal friend, Dr. Phipps, to deliver today's opening prayer.

## THE CLINTON-DEMOCRATIC PLAN: PRO-JOBS AND PRO-SMALL BUSINESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, shortly this body will consider one of the boldest deficit reduction and job creating legislative packages it has ever seen. Central to the plan is the assistance and incentives it provides to small businesses—where the bulk of our new jobs are being created. The Clinton-Democratic plan is a pro-jobs and pro-small business plan containing the balance of cuts and incentives that will finally revive our economy.

Contrary to the disinformation being spread by political opponents of the President's plan, this proposal helps small business. The vast majority—96 percent—of all small businesses will not be affected by any tax increases in the plan. And more importantly, almost 90 percent of small businesses will see some form of tax break in the form of target capital gains, increased expensing, or health care deductions.

Many of those who today criticize the President's plan can hardly afford to. Critical independent groups have in the past endorsed many of the proposals included in the President's plan. Others, as yesterday's Wall Street Journal noted, have mischaracterized the effect of the plan. And those in Congress who are critical have little in their past that shows us how to proceed. Under the previous administration small business failures increased by 77 percent.

The President, and this House, have proposed and endorsed a plan with solid small business incentives. With real potential for job creation. We must finish our job. Pass the President's plan and get our Nation moving forward again.

## HOUSE POST OFFICE SCANDAL

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the House post office scandal represents in microcosm all that is wrong with this House, 40 years of one-party control, doors closed to public scrutiny, and putting personal interest above the public interest.

When the post office scandal first broke, the Democratic leadership assured us that there was nothing wrong, but recent events have proven them wrong. The point is, if Americans cannot trust the Democrats to run a tiny post office, how can folks back home trust the Democrats to balance the budget and to tell the truth about their budget plan?

The Democrats want the American people to believe that their budget, written behind closed doors, will help the economy. But taxpayers now understand that the Democrats' budget, with the largest tax increase in American history, will not reduce the deficit but will place a heavy tax burden on working families, small businesses, and the retired.

Mr. Speaker, it is time for Congress to be honest with the American people, whether it is the House post office scandal or the budget; folks back home deserve to know the truth, they expect no less.

## FOREIGN AID: THE SACRED COW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. TRAFICANT. Mr. Speaker, what tax will it be: Btu tax, fuel tax, corporate taxes?

Once again Americans are being asked to bite the bullet, but who is kidding whom? This year we passed another $15 billion foreign aid bill. $15 billion in foreign aid is equal to a 15-cents-per-gallon fuel tax or the entire Btu tax of this President.

But the truth is foreign aid is a sacred cow and Congress would rather pass taxes on you, the American people, than cut that sacred cow in foreign aid.

I am saying that Congress is right now robbing from Peter to pay Paul, and it does not stop there. Now they are paying Boris and everybody else all over the world.

I am saying it is time to stop this madness. Congress should be ashamed of themselves for continuing to tax the American people and give it away overseas.

## DEMOCRATIC LEADERSHIP STONEWALLED ON THE HOUSE POST OFFICE SCANDAL

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, on Monday the postmaster, the former postmaster of the House, pled guilty to actions that took place in the House post office, not just in the last couple of years, having to do with embezzlement, but things having to do with 15 years ago. Fifteen years, there has been illegal activity being conducted in the House post office, and all that time the Democratic leadership stonewalled. Reports came out, stonewalled; they slammed the door, barricaded the door, and they said, "No, there is nothing wrong."

We would knock, and they would say, "Nobody is home." And we would walk away. We would knock again, and they would say, "Oh, nobody is home," and we would walk away.

Mr. Speaker, it is time to break down the doors, let the people see what was going on, not just in the post office, ladies and gentlemen, but what was going on in the Speaker's office to continue to cover this scandal up for 15 years. It is time to break down the doors and disclose the information.

□ 1010

## SMALL BUSINESS WILL BENEFIT FROM CLINTON PLAN

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, they are at it again. The princes of privilege and the dukes of distortion are trying to scare the American people—this time telling them that the Clinton economic plan hurts small businesses. Nice rhetoric—but far from the truth.

They say that the Clinton plan is bad for the economy. The fact is that the markets have given Clinton a strong vote of confidence—interest rates have fallen to their lowest level in 20 years. And 1 million new jobs have been created since January.

They claim the Clinton plan will stunt the growth of small businesses. The truth is that the President's plan includes incentives targeted specifically to help small businesses invest, grow and prosper. There is a capital gains tax cut for smaller firms; a doubling of the amount of new equipment that can be expensed in the first year; and a host of other expensed provisions that will help small businesses invest in both plant and people.

Clinton's critics do not want you to know about that. Instead, they rant and rave—saying that mom and pop operations are going to be taxed out of business. Again, let us look at the truth. Only 4.3 percent—that's right 4.3 percent—of small business people will see their taxes go up under the Clinton plan.

They don't tell you that. Why? They don't want you to know that those very few small business owners whose taxes will go up are those making, on average, over half a million dollars a year—the same folks still benefiting from the tremendous tax breaks they got during the Reagan-Bush years. Yes indeed, the Clinton plan demands that they start paying their fair share.

With all their misleading talk about what the Clinton plan does, you have to wonder, who are the Republicans really trying to protect?

## THE TAX KILLER

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, Jerry Clower has a story about Eugene and Clem going coon hunting. Clem chases what he thinks is a raccoon up a tree, only to find it is a bobcat. Immediately they start wrestling, tussling, scratching, and fighting.

Finally Clem hollers down to Eugene, "Gene, shoot this thing. It's killing me."

Gene hollers back, "I can't get a fix on him, Clem."

Gene says, "Well, just shoot up here amongst us. One of us needs some relief."

Mr. Speaker, that bobcat is taxes and Gene and Clem are our constituents. They need some relief. They have been wrestling, fighting, scratching, with this thing called taxes for too long.

The President was elected on the promise of a middle-class tax cut, not a tax increase.

Every weekend that I go home, they holler to me, "Give me some relief. I can't stand these taxes, but they go up and up."

Mr. Speaker, let us give them that relief, because they are going to pull the trigger in November 1994. Let us not fool ourselves with rhetoric now. Folks know a tax increase when they see one, small businesses, working people included.

Mr. Speaker, let us vote "no" on higher taxes. Give them some relief.

## SMALL BUSINESS

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, Americans need to know that reducing the deficit means business—and especially small business.

Let us talk about the details of the President's deficit reduction package. The plan doubles the equipment write-off for small business investment. The bill cuts the capital gains tax in half for investment in new, high-technology businesses. The bill extends the deduction for health insurance premiums for the self-employed retroactively.

As the former owner of a small business, I know these policies will help. I know it matters that 96 percent of all small businesses will be free of any tax increases. The Wall Street Journal says opponents of this plan have deliberately misled the American people. This is a time to lead, not mislead. Studies show these provisions will create 200,000 new small business jobs—just the shot in the arm our economy needs.

I urge my colleagues to break the gridlock on Capitol Hill and support the President's deficit reduction plan. It is a vote for small business, not business as usual.

## CUT RADIO FREE EUROPE

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, I and a number of my colleagues were frustrated yesterday because we were never allowed to offer an amendment on this floor to cut 15 percent out of the operating budget of Radio Free Europe and Radio Free Liberty, because we were told that $32 million in cuts would devastate an agency that obviously did good work throughout the cold war, but I and a number of other people think is now in many ways an outdated relic.

Consider these facts this morning in the Washington Post. It turns out that the president of the Munich-based operation receives $316,000 in salary, including a $52,000 post allowance for living expenses and payment of German taxes.

The director of Radio Free Europe receives a package worth $318,000 and the personnel director gets a package worth $232,000.

At a time of $400 billion deficits, we are spending $250 million a year telling the people of Russia what they already know, that Soviet rule was miserable.

It is time to get serious about the deficit and cut Radio Free Europe and cut these exorbitant salaries.

### MISREPRESENTATIONS ABOUT THE ECONOMY

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, we have been hearing an enormous amount of rhetoric and misrepresentations from groups like the Citizens for a Sound Economy and others about the reconciliation bill before the conference committee and how it is bad for small business.

Well, I commend to your attention an article written yesterday in the Wall Street Journal with the headline, "Foes of Clinton's Tax Boost Proposals Mislead the Public and Firms on Small Business Aspect."

Now, my colleagues have already talked this morning about increasing the expensing for small businesses, more than doubling it, about the targeted capital gains tax relief that was in the House bill; but you know, when it comes right down to it, the most important thing of all that the Clinton proposal does for small business is to keep interest rates low. The prime rate is lower now than it has been in 25 years.

I talked to a constituent from Omaha yesterday who just got a 15-year mortgage for 6¾ percent. That is what is important about this package.

### TRIBUTE TO THE LATE MIKE WALDMAN OF NEWSDAY

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, being a newcomer to this institution can be a daunting experience. Yet, from the start, Mike Waldman of Newsday reached out to me with a genuine desire to be helpful. And helpful he was. I am deeply saddened by his death on Monday.

Mike was always there when I had questions about how things really worked in this crazy town and in this unique institution. His sage advise reflected not only his many years of journalistic experience, it also reflected his innate political sachel [common sense]. I will miss his counsel very much, but I will miss his friendship even more.

In a world with so many out for No. 1 and willing to step on others in order to boost themselves, it was refreshing to know Mike Waldman who gave so much and yet asked for nothing in return. In an environment where adversarial relations between the press and politicians are the norm, and the two groups generally view each other with suspicion, if not contempt, Mike Waldman stood above it all.

Mr. Speaker, here were two people from very different worlds—Mike having covered Presidential campaigns and other important political happenings for decades, and me, a brandnew Member of Congress. It was an odd couple that emerged at the end of one career and, perhaps, the beginning of another.

I wish I could find more eloquent words to describe the person behind the name and face. To be able to pick up the phone and just talk and be absolutely honest with each other—that is what I will miss the most about Mike Waldman.

### REBUILDING THE ASYLUM SYSTEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we cannot expect a pickup to carry the weight a dump truck can carry. Pretty soon the pickup breaks down and has to be rebuilt. That is exactly the analogy for our current asylum system. It has been asked to bear too heavy a load. It has broken down and needs to be rebuilt.

A bill, H.R. 2602, was introduced by the gentleman from Kentucky, along with his colleagues and his friends, the gentleman from New York [Mr. SCHUMER] and the gentleman from Florida [Mr. MCCOLLUM] that would in fact rebuild and revitalize the asylum system so it is there to grant asylum protection from persecutions to those who deserve it, but to deny that same protection to the people who do not deserve it.

The section of the bill authorized by the gentleman from New York [Mr. SCHUMER] deals primarily with keeping people out of the United States who are attempting to travel with fraudulent papers. The section of the gentleman from Florida [Mr. MCCOLLUM] would provide an expedited but fair hearing for those who plead asylum when they reach this shore. And, my part of the bill would make general changes in the asylum law to reduce the lengthy, almost interminable, hearings and appeals of today's law.

Once again, Mr. Speaker, the asylum system is broken and we have to fix it.

### THE BYRD RULE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, leading House negotiators on the tax bill conference committee are looking for ways to dump the other body's Byrd rule. The Byrd rule prohibits the bill from containing items which do not directly reduce the deficit.

The President and House Democrats have been working hard to convince the American people that this massive tax increase bill is a deficit reduction package. If this is the case, why are we afraid of the Byrd rule? If our No. 1 goal is to reduce the deficit, we should have no problems with the Byrd rule.

The forceful reaction of House Democrat leaders against the Byrd rule makes me wonder just what they intend to tuck away in the tax bill during their secret meetings. And it really makes me wonder whether they are as committed to deficit reduction, as they profess.

Mr. Speaker, the Byrd rule could actually force Congress to keep its promise of passing a deficit reduction bill. Maybe that is why Democrats are trying to kill the Byrd rule.

□ 1020

### A SURGEON GENERAL WHO TALKS SENSE IS THE RIGHT WOMAN FOR THE JOB

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday I met an exceptional woman. When this individual was first nominated for a high position in our new administration, I was impressed by her résumé. But what I was truly excited about was the philosophy which this woman presented. This was an individual that talked sense when she talked about choice and the right of women to have that choice. She also talked about the fact that every child born should be a wanted child. She talked with eloquence about the important issue that children should not be having children.

Mr. Speaker, this woman's name is Dr. Joycelyn Elders. She is a woman with experience; she is a woman that can talk about the fact that we have children in this country that need health care, and we have to do something about it.

Dr. Joycelyn Elders is the right woman for a very important job, Surgeon General, and I certainly hope those in the other body see fit to let us have, this country have, the help of this marvelous, exceptional woman, Dr. Joycelyn Elders.

### THERE THEY GO AGAIN

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, Americans are saying, "There they go again." The Democrat leadership of this House is, for the umpteenth time, tied closely to corruption. For 20 years the House postmaster, who reported directly to the House Democrat leadership, traded stamps with Congressmen for cash.

It is ironic, Mr. Speaker, that when there is a whiff of wrongdoing anywhere in America, in a business, in the Pentagon, in a Republican administration, faster than a speeding sound bite, House Democrats want an investigation. But when a rotten stench of corruption rises in this House or in the Clinton White House with Travelgate, the House Democrat leadership sits on its arrogant hands and prays that the American people forget about the whole thing.

Well, that's not good enough. Americans will no longer tolerate Democrat duplicity and delays. In the post office, in the cases of Congressmen A and B, maybe obstruction of justice, and in the Clinton White House Travelgate case Americans want the truth. Not Democrat coverups.

## THE TRAGIC STORY OF GUADALUPE NEGRON

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, last week the horrifying story of Guadalupe Negron, a Bronx woman who died during a botched abortion, filled every newspaper in New York City. Our horror intensified when we found out that the doctor performing the procedure had his license suspended by the New York State Health Department 8 years ago and allegedly had it revoked last year. We also learned that paramedics, who were called to attempt to save Negron, described the clinic as "disgusting and filthy."

This tragic story highlights the plight of Ms. Negron and other poor women in this country who are subjected to substandard health care services simply because of their economic status.

Mr. Speaker, the message to Congress is clear. When we begin the debate on health care legislation, we must guarantee universal access to quality care and ensure that we prevent unqualified doctors from preying on poor and immigrant women. Until we eradicate the two-tiered system of health services, we will continue to be haunted by the senseless and tragic deaths of poor women in this Nation.

## WHITE HOUSE ANESTHETIC

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the White House must be trying to anesthetize us to the outrages by increasing their number.

For months they have been trying to hide a tax-and-spend program by calling it deficit reduction. The new spending is as much a step away from deficit reduction as the hundreds of billions of dollars of new taxes is a step back from fiscal responsibility. Without so much as blinking, the President has looked the American people in the eye and told them this economic outrage is going to be good for them and the country.

Now that America has seen through the budget numbers, the administration has come up with something new. They came up with Travelgate. In case you missed it, these are the only cuts the White House has proposed that weren't in defense.

As if the White House travel office were not enough, we now have a House post office in desperate need of more investigation. The problem is the District of Columbia doesn't have a U.S. attorney to handle it. Why? Because the White House hasn't gotten around to replacing the 51 it fired earlier this year.

This scandal-of-the-month strategy will not work any better than their tax-and-spend economic one. In fact, what America needs from this administration are more explanations and less public relations.

## THE CLINTON ECONOMIC PLAN IS CLEARLY CREATING JOBS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the record is beginning to be made. This administration has created, since the inauguration, over 800,000 jobs in this country, 1 million since January 1. Eighty percent of all the jobs created in the 4 years of the Bush administration have been already created in the first 6½ months of this administration.

The record is clear, and the economic package that we will be adopting here in several weeks is more evidence that the Democrat majority in this House and our President in the White House understand that the engine of job growth is through entrepreneurs and small business. We will be providing not only continued lower interest rates, but increased expending for small business, capital investment through reductions in capital gains for investments in small business, relief from the corporate minimum tax, and the permanent extension of the 25-percent deduction for health insurance of the self-employed.

Mr. Speaker, the economic plan of the Clinton administration is already coming into clarity. It works, and it will continue to provide jobs for the American people.

## JUST THE MAGIC OF HIS PERSONALITY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, my colleagues have just observed the most amazing act of chutzpah in the history of this Congress. The Democrats want it both ways. On the one hand they complain to the world that we obstructionist Republicans in the minority in the House and the Senate have stopped their President from passing his package of economic policy.

Mr. Speaker, not one bit of Clinton economic policy has been signed into law, and they complain about us obstructing them.

Now, Mr. Speaker, I have said before that the complaint about Republican obstructionism is a euphemism for Democrat ineptness, but now we match the ineptness with gall. Now they are contending, during this period of time when the only economic policy that prevails in America is the Bush policy, that the Clinton policy, which has not been passed into law, has created some 184,000 jobs.

My colleagues, this is magic, pure magic. This is job creation ex ante, without legislation, without law, without policy, just the magic of his personality.

Are we not blessed?

## THE TRICO STORY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to tell my colleagues a very compelling story:

Once upon a time there was a company called Trico, which made windshield wipers like this one. Trico had a factory in Buffalo, NY, where it employed 2,100 hard-working Americans. These workers earned $11 an hour, enough to support their families, educate their children, and have something left over for their retirement years.

But in 1987, Trico decided to move this factory to Matamoros, Mexico, where they could pay the Mexican workers $11 a day. Let me emphasize that: from $11 an hour to $11 a day. They invested millions of dollars building this new factory in Matamoros. And by 1990, 1,100 Americans were out of work. Their families and their community paid the price of broken lives, broken homes, and broken dreams.

The Mexican workers were not happy either. They earned too little to buy the American products they wanted, including the cars on which these windshield wipers are placed. And their living conditions were atrocious. Many of them quit, but there was always someone else to take their place.

The moral of this story is that our growing free trade zone policies with Mexico have cost our country jobs. We must defeat NAFTA, the proposed United States, Mexico, Canada trade agreement.

□ 1030

## LEGISLATION TO REQUIRE A CHANGE IN PRIVATE PHARMACEUTICAL RESEARCH

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, I rise to speak on behalf of the Pharmaceutical Testing Fairness Act and the Pharmaceutical Interactions Safety Act, which Congresswoman SCHROEDER and I are introducing today. These two bills represent a major step forward in women's health research. As the Clinical Trials Fairness Act, which was part of the previous Women's Health Equity Act, provided women of this country with the right to be included in federally funded clinical studies, these bills provide them with the same standards in private-sector pharmaceutical research.

Women comprise 51 percent of this Nation's population, and yet they have been systematically excluded from both private and public clinical study drug trials. Because their physiology is distinct from that of men, they react to drugs differently. In addition, drug interactions with women's hormones are unique. Despite these gender differences, drug manufacturers have only just begun to include women in their clinical investigations of pharmaceuticals.

These bills are the result of a General Accounting Office study which was requested by Representative WAXMAN, Representative SCHROEDER, and myself. They require testing of new drugs by private pharmaceutical companies on both women and men and mandate that new drugs also be investigated for interactions with female and male hormones.

I believe that this new legislation will make a difference in the health and safety of women and will expand the annals of medical research to ensure that women are treated equally in our health care system.

## OUTTAXING AND OUTSPENDING LBJ

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, throughout the 1992 Presidential campaign, Bill Clinton promised to be a new kind of Democrat and to break free from the tax-and-spend policies of the Democratic Party. He promised to vigorously pursue deficit reduction, reduce the tax burden faced by the middle class, and practice fiscal restraint.

However, the budget that President Clinton submitted to Congress is reminiscent of Democratic tax-and-spend policies of the past. The President proposes more Federal spending than the greatest tax-and-spender of them all: Lyndon Johnson. Of course, the President would never call it spending; he coyly refers to it as investment. Investment in what? Investment in a larger deficit to pass to our children?

President Clinton has also proposed the greatest tax increase in American history, larger than any submitted by Lyndon Johnson or Jimmy Carter. Of course, President Clinton would never refer to a tax increase as a tax increase; he cleverly refers to it as a contribution. Unfortunately, the bulk of these contributions are shouldered by the working class, undermining President Reagan's efforts to lighten the tax burden placed upon middle-class Americans.

Mr. Speaker, it is time for President Clinton to stop this doublespeak. Taxes are not contributions and excessive Government spending is not investment. If the President refuses to honor his campaign pledges, at least he can be forthright with the American people in admitting it.

## POST OFFICE SCANDAL ADDS TO WOES OF THE HOUSE

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, this House cannot afford another coverup.

As a new Member, one of the things that prompted me to run for office was my concern for this institution.

After the House bank capped a series of scandals, this House suffered a serious loss of credibility with the American people.

That has not only been an embarrassment to our Nation, it has created an atmosphere of distrust and seriously impedes the ability of this House to act with the confidence of the American people.

Now, we face another serious scandal involving the House post office.

Mr. Speaker, the American people can only take so much of this before they decide to throw out the entire institution.

If you were surprised by the dramatic turnover last year, just imagine what will happen if this House ignores the concerns of the American people once again.

If people in Japan could shed four decades of one party rule of their legislative body because of repeated scandals, the American people can do it here too.

Mr. Speaker, it is time to come clean. It is up to you to get all the facts out, and make sure the American people get a complete and unsanitized record of what happened in the post office.

That is what the American people want and it is what they deserve.

## MARKETING ISN'T EVERYTHING

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, last Saturday's Washington Post revealed that the Clinton administration is discouraging proponents of its economic plan from talking about the plan's specifics.

Instead, according to a White House memo, the plan's backers should "never forget that the optimism, energy, and enthusiasm you project" when selling the plan "is vital."

The memo goes on to say "even your most cynical critics will walk away impressed with your commitment * * * your body language, attitude, and confidence will be infectious."

Mr. Speaker, the American people already know the Clinton plan is the largest tax increase in America's history, and that it adds an additional $1 trillion to our debt over the next 5 years.

Mr. Speaker, the only thing the American people don't know is why anyone would even think about smiling while promoting this proposal.

## BENEFITS OF SMALL BUSINESS UNDER THE CLINTON PLAN

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, President's Clinton's plan is good for small business, but this message has been lost in the distorted rhetoric of those who oppose it. I quote from yesterday's Wall Street Journal, "Opponents of the Democrat's plan to raise taxes on upper-income people realize there isn't much point in seeking sympathy for the rich. Small business, on the other hand is almost sacred."

But the fact is that most small businesses have no reason to be concerned. Under the Clinton plan, 96 percent of small businesses will be exempt from any new taxes in the Clinton plan.

In fact, if a small business owner pays taxes at the corporate rate, even if the corporate tax rate is raised to 35 percent, a company would have to be creating a profit of $10 million or more to be affected.

The President's plan will help these small business leaders by doubling the investment that small businesses will be able to expense and offering a provision to cut capital gains taxes for new investment in their businesses.

And there are already signs that it is working. Business reaction to the plan has meant the creation of 50 percent more jobs in the last 6 months than in all of George Bush's 4 years.

Now, having set the record straight, let me add how sick and tired I am of those political opponents of this plan using false or misleading information to try and frighten businessmen and women into opposing the plan. This manipulation is dishonest—it preys on a vulnerable, already-worried work force and I hope it will soon stop.

Let us have a fair, open, and honest debate about how we can best make America work again. We have got to. After all, it is worth it.

## QUOTA LANGUAGE SPOILS RTC FUNDING BILL

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, H.R. 1340, to provide additional funding for the Resolution Trust Corporation, is scheduled for consideration later this week. In the past, I have supported all RTC funding measures, and have supported the many civil rights measures that have been before us in the past 8 years.

I cannot support H.R. 1340, however, because of the quota language contained in the bill. From 1989 through February 1993, 30 percent of all RTC contracts have been awarded to minority and women-owned businesses [MWOB's]; so I simply do not understand why the Banking Committee chose to add quota provisions to an otherwise sensible piece of legislation.

H.R. 1340 would require an even distribution of RTC contracts among minority- and women-owned businesses whose total number of registered contractors comprise not less than 5 percent of all minority- or women-owned registered contractors. So far as I can tell, only three groups fall into this category—women-owned businesses, black-owned businesses, and Hispanic-owned businesses. "Evenly distributed" means that if the first minority contract was awarded to a women-owned business, the next would have to be awarded to a black-owned business, and the next to a Hispanic-owned business. Then the process would begin again. This is a quota within a quota and sets a terrible precedent.

This provision, if enacted, will tie the RTC in knots. The purpose of this legislation is to get our financial institutions out of trouble, and that is what we should be doing.

I hope these provisions are stricken, so that I can support providing the RTC with sufficient funding to complete its resolution of the savings and loan crisis.

## LIFT THE BOSNIAN ARMS EMBARGO

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the leaders of the European Community have once again rejected Bosnian pleas to lift the arms embargo on the Sarajevo government. Instead they are now acquiescing to the partition of Bosnia and Herzegovina and the triumph of Serbian and Croatian aggression.

EC leaders have stated that lifting the arms ban would lead to more fighting on the ground and an escalation of the violence. I oppose this misguided viewpoint, which aids the aggressor and hurts the victim. It is shameful that the Western World has acquiesced to Serbian land grabs and ethnic cleansing. Help must be forthcoming for the besieged Moslem population in Sarajevo and Bosnia. And while we're in the neighborhood, let's not forget the brave people of Kosova, who may be next on the Serbian aggression chain.

The new talk of dividing up Bosnia along ethnic lines is a disgrace. In practice this dooms the Moslems—who account for 44 percent of the Bosnian population—to living in small ghettos in two tiny parts of Bosnia, surrounded by hostile Croats and Serbs with no hope of economic or political viability.

This is a shameful concept, shameful to the United States, but even more shameful to Western Europeans who have done nothing to halt genocide in their own backyard.

## CLINTON BUDGET PACKAGE AND SMALL BUSINESSES

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, before I begin my remarks, I wanted to send our special condolences to the Foster family for the tragic loss of their father last evening, and special condolences to the President for losing a dear and trusted friend.

Mr. Speaker, a great deal of misinformation has been spread by the opponents of the deficit reduction plan concerning the alleged dire consequences of the bill on the Nation's small businesses.

Well, Mr. Speaker, the truth is far different than what the American people have been hearing from the bill's opponents. The Wall Street Journal yesterday set the record straight when it reported, "foes of Clinton's tax-boost proposals mislead public and firms on the small business aspects."

The Journal called the bluff of those who have been crying that the sky will fall on the heads of small businesses. According to the Journal article, "* * * the administration-backed proposal to increase write-offs for small businesses that buy new equipment would help far more businesses than the tax would hurt."

In a further sign that the opponents of the President's package are not serious about helping small businesses, yesterday, 143 of our colleagues on the other side voted for an amendment to cut $22 million from the Small Business Administration, the Federal agency mandated to assist individuals get small businesses off the ground. This is yet another Republican hypocrisy of talking about their support of small businesses, yet voting against the interests of small business time and time again.

Mr. Speaker, this plan will bring down our deficit, cut spending, and help, not hurt, American small businesses. And that is the truth.

## SMELL OF CORRUPTION IN THE AIR

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the new administration started by being curiouser an curiouser, and now seems to be getting murkier and murkier.

I lived through the so-called Iran-Contra affair when President Reagan's team was put through the meat grinder for trying to stop Communist expansion in Central America in an unacceptable way.

Today the liberal Democrats who mauled Reagan officials for that offense now are scurrying to avert public attention from what appears to be a coverup of criminal activities aimed at personal profit in the White House Travelgate scandal, a scandal that now, unfortunately, has turned to tragedy. In the House, the corruption of the House post office threatens the most powerful of Democrat leaders.

The smell of corruption is in the air. The American people deserve to know the facts.

## AMERCIAN PEOPLE WILL REVOLT OVER TAX INCREASE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I was watching television this morning. President Clinton came to the Hill and talked to some of the conferees on the budget summit agreement, and he said that there would be no voter revolt over his budget.

Now, I do not know what they are smoking down at the White House, but they must not be thinking about things the way that people in my district and across this country are thinking. The fact of the matter is, the overwhelming majority of Americans do not want a whole lot of new taxes. This is going to be the largest tax increase in U.S. history, and on the heels of that it is going to be following Hillary's tax increase for some health care plan that is going to cost another $150 billion.

Tax, tax, tax. That is not what the American people want. They want to cut spending. We had a proposal that would have frozen government spending at last year's level plus no more than a 2-percent growth over the next 5 years that would have balanced the budget, and they would not even let us vote on it on this floor.

Bill Clinton says the American people will not revolt. Let me just tell my colleagues on this side of the aisle: Remember that next November when you are being turned out of office.

## CAMPAIGN REFORM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, 78 percent of Americans say Congress is not doing its job. How can we correct this credibility gap? I suggest restoring fiscal sanity and giving the people's House back to the people would be a good start. Mr. Speaker, yesterday you said the public's confidence in the House needs to be strengthened, not further eroded—but your leadership is once again delaying action on crucial congressional reform. Real reform must reduce the power of incumbency by drastically limiting free mail clear abuse of the frank and by restraining the PAC's. It must empower local voters and curtail the influence of lobbyists by changing the rules of fundraising. And it must embrace national term limits, as 22 million Americans in 15 States—including yours of Washington and mine of Florida—have already done. Mr. Speaker, if you will not lead the charge—it would be appropriate to not be in the way of real campaign reform.

## THE SOUND AND FURY OF PANIC

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, increasingly we are being treated to the drum roll of the pro-NAFTA lobby as the American people become more knowledgeable, and more concerned about the many problems America will face if the North American Free-Trade Agreement passes.

It is a propaganda campaign the likes of which I have never seen. However, considering reports that Mexico is spending in excess of $25 million on this effort—I think it is evident that $25 million will buy a lot of hot air from a lot of hucksters.

The figures being used by supporters of the agreement prove what can be done to politicize the statistics. It is remarkable that the huge gain in exports to Mexico occurred during the same period that United States companies were moving to the maquiladora section of Mexico along the United States border.

A breakout of the figures show that much of the value-added shipments were composed of plant equipment needed by the transplant corporations for their new facilities. In this manner, rather than having these swollen exports represent new jobs in America, most of the billions that are being touted as sales—actually represent a loss of 20,000 jobs per billion in exports, rather than a job gain. Another reason the economy has not turned around.

## PROVIDING CONSUMERS WITH REAL CHOICE IN HEALTH CARE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, just last week, the House appointed the conferees to the budget reconciliation package. Mr. Speaker, I sure do not envy them as they undertake this task.

We are sure to have bigger Government and higher taxes.

That is why I am concerned when I hear of the upcoming health care plan that is being proposed by the administration. I am hearing about global budgets, price controls, more bureaucracy, and yes, higher taxes. It is not enough that we raise an additional $250 billion in taxes under this budget bill, no, now, it is being purported that the administration is planning on raising an additional $100 to $150 billion in taxes to fund this health care plan. It is going to be done at the expense of our employers, big and small, and ultimately, it is going to fall on the shoulders of middle class America.

Mr. Speaker, that is why I and several of my colleagues here in the House and in the Senate, are working on putting together a comprehensive health care plan, the Consumer Choice and Health Care Security Act of 1993. This approach aims to be budget neutral and will not add to the deficit. We do not seek to raise taxes and we do not seek to add to the deficit. What we seek to do is provide consumers with real choice in choosing their health plans and above all, we seek to provide them with the security and peace of mind in knowing that once they have chosen a plan to suite their needs, they will not lose that coverage.

□ 1050

## CORRUPTION IN THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is time for the House to take action on the growing corruption and scandal surrounding the House post office. I say that because there has been an absolutely overt attempt to cover up this corruption for months.

We, first of all, demanded an investigation in the public with open public hearings. That was rejected by the Democrats.

Instead, what they did was put an investigation behind closed doors where witnesses were heard only behind closed doors.

Then we attempted to get that information brought to the House floor. That attempt was tabled, and 223 Democrats voted last July, almost a year ago today, to cover up the scandal.

We now recognize that that cover up involved perjury of one of the elected House officers of the Democrats. They had to know that their elected House officer was, in fact, engaged in a pattern of corruption.

Certainly Members knew that and have continued to cover it up now for a period of months. It is now time for the House to act.

Sure, they want regular order because they do not want this corruption to be ever revealed. It is time for this House to act on corruption within it.

## DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the unanimous-consent request entered into on July 15, 1993, I call up the joint resolution (H.J. Res. 208) disapproving the extension of nondiscriminatory treatment, most-favored-nation treatment, to the products of the People's Republic of China, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

### H.J. RES. 208

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on May 28, 1993, with respect to the People's Republic of China.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to the order of the House of Thursday, July 15, 1993, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from New

York [Mr. SOLOMON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman that we had agreed to reduce the time from 2 hours to 1 hour. I had originally requested 2 hours of debate. There have been a number of speakers on the gentleman's side of the aisle, in particular, who wanted additional time.

Mr. Speaker, I ask unanimous consent that debate be extended from 1 hour to 1 hour and 10 minutes, to try to primarily take care of the speakers on the gentleman's side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The debate will be extended and divided evenly between both sides. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 35 minutes, and the gentleman from New York [Mr. SOLOMON] will be recognized for 35 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 15 minutes to the gentleman from Texas [Mr. ARCHER], and ask unanimous consent that he be allowed to further yield portions of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to House Joint Resolution 208. This resolution would revoke China's most-favored-nation [MFN] status, effective 60 days after enactment. More importantly, this measure runs counter to President Clinton's policy on China.

The President's China policy is implemented in his May 28 Executive order. This extends China's MFN status from July 1993 to July 1994, but conditions extension beyond July 1994 on improvements in Beijing's human rights record.

The Committee on Ways and Means voted 35 to 2 to adversely report House Joint Resolution 208 in an overwhelming bipartisan show of opposition. The Clinton administration strongly opposes House Joint Resolution 208, and I urge my colleagues to vote "no" on this resolution today.

Members who support the Solomon bill will argue that the United States must send a clear message to the Chinese leadership—that civilized people find China's behavior in the area of human rights, and many of Beijing's foreign policy actions, to be unacceptable. I could not agree more with the message. I disagree, however, that passing the Solomon bill is the proper way to send that message.

President Clinton's Executive order on China is the proper means for getting through to Beijing. The May 28 Executive order incorporates the conditions in China MFN legislation introduced by Congresswoman PELOSI during this Congress and in the past. The President's Executive order attaches seven human rights conditions, including one on prison labor, to the extension of China's MFN status beyond July 1994. The Executive order also requires that sanctions already in the United States law be used, if necessary, to ensure that China complies with its commitments on trade and weapons proliferation.

In short, the President has heeded the Congress' message on China's MFN extension. Through his Executive order, Mr. Clinton has embraced and implemented the conditional MFN policy endorsed by the overwhelming majority of House Members who voted "yes" on conditional China MFN bills in the past.

The Congress and the Executive now have the chance to speak with a unified voice on China MFN policy. We need to give President Clinton's China policy a chance to work before we give up the leverage that MFN affords us. We need to see if the Chinese are willing to recognize and abide by what is proper conduct for civilized nations.

If, by next June, we find ourselves with the same complaints about China's human rights, trade, and weapons proliferation records that we have today, then it will be time to reassess the status of the United States trade relations with China. For now, we need to work with the President and see how much improvement we can achieve in China over the next year.

I urge my colleagues to support the President's policy and vote "no" on House Joint Resolution 208.

Mr. Speaker. I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, considering the fact that the gentleman from Illinois [Mr. ROSTENKOWSKI] has yielded 15 minutes of his time to the gentleman from Texas [Mr. ARCHER], I ask unanimous consent to yield 10 minutes of my time to the cosponsor of this resolution, the gentleman from Massachusetts [Mr. MARKEY], and ask that he be allowed to manage that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today this 103d Congress has the opportunity of joining both the 101st and 102d Congresses in going on record against a continuation of most-favored-nation trade status for the so-called People's Republic of China.

This is, in my view, our only appropriate response to the dangerous and repressive policies of that government—policies which have continued unabated, all the while, China has been accumulating an ever-increasing trade surplus against our country.

For those Members who are concerned about jobs in America, they had better be listening to this debate.

Mr. Speaker, nothing of particular significance has changed in China, since 1990, when this House first went on record, by an overwhelming majority, favoring a termination of MFN for China.

It should be clear to any objective observer that all these years of MFN status have not led to any substantive changes in the behavior of the Chinese regime.

The reasons for denying MFN to China can be summarized in four categories: Human rights practices, trade policy, military policy, and foreign policy.

About human rights, little needs to be said.

China remains a police state, and it remains one of the most serious human rights violators in the world.

Mr. Speaker, particularly offensive is China's use of forced labor, which includes the involvement of as many as 1 million prisoners in the manufacture of export goods, the American people, are by far the largest recipients of slave labor goods coming from China and putting Americans out of work. Of course, there is the ongoing oppression and cultural genocide against the people of Tibet, a people whose only crime is the desire to be excluded from the regimentation imposed on society by the Chinese Communists.

□ 1100

Mr. Speaker, as for trade policy, the latest figures show that China is running up yet another huge trade surplus against our own American exports.

In 1992 alone, the United States trade deficit with China reached a level of $18.2 billion, a rise of nearly 50 percent over the previous year.

During the first quarter of this year, our trade deficit with China rose by yet another 25 percent over the same period from last year.

Our trade deficit with China has tripled since the Tienanmen Square massacre, and it stands today second only to the trade deficit with Japan. The deficit with Japan is $50 billion; China, $18 billion, and growing to $22 billion this year alone.

Can there be any wonder why the Chinese regime does not take our Government's protests about human rights and trade policies seriously?

Can any Member here honestly say that China is more economically competitive than America? Or, is the denial of fair access to the Chinese people for American goods the real problem? Who know it is.

I believe every Member knows the answer to that question.

Worse yet, Mr. Speaker, China is using this trade surplus to finance a massive military buildup, a buildup which has been accelerating since the Chinese regime used the military against the Chinese people back in 1989 in that brutal massacre.

Mr. Speaker, while we and every other civilized nation around this world are reducing our defense spending, China is increasing theirs. This year alone, military spending in China is increasing by 15 percent, and it is financed by the trade surpluses that we are allowing to happen. We are allowing this massive military buildup.

This military buildup is across the board. It includes upgrades in both nuclear weapons and ballistic missile capabilities.

Believe me, we Americans should be as worried about these developments as China's neighbors are, and they are scared to death.

Mr. Speaker, the fourth and final reason why China does not deserve MFN is its foreign policy. Mr. Speaker, this is a regime which has sold M–11 missiles to Pakistan just recently, given nuclear technology to Iran and Algeria, and refused to support the United Nations sanctions against North Korea the one regime with a worse track record than Beijing. Unless, of course, we include the Khmer Rouge in Cambodia, for whom China continues to be the principal patron.

In conclusion, Mr. Speaker, I would like to comment on the President's Executive order. I address these comments especially to my friends on the other side of the aisle, whom I have great respect for, particularly the gentlewoman from California [Ms. PELOSI]. The President's order does not go far enough to produce any significant results. We will be right back here again next year. Consequently, this order is not likely to have any effect at all on changing the attitudes of those angry old men in the Great Hall of the People. That is precisely why the joint resolution I am offering today is so important.

This House has gone on record for 3 consecutive years as favoring a termination of China's MFN.

If we do not do so again this year, we will have sent a message of confusion and weakness to the Chinese Government, and we will have negated any possibility that the President's order may get some results.

This joint resolution should be seen as a reinforcement for the President's order.

It adds leverage to the President's approach by letting the Chinese regime know that Congress remains willing to revoke MFN if Beijing does not moderate its behavior, become civilized.

America is always most effective abroad when it is united at home and speaks with one voice. That is what we ought to be doing here today.

One last thing: We have a bill coming to the floor soon. It provides $3 billion to help Americans who have been ravaged by the Midwest floods. That is deficit financing. We have problems in Cleveland and in New York and in Los Angeles and in Chicago and all over this country.

If we revoke MFN today, it simply raises the tariffs on imported goods coming from Chinese slave labor by anywhere from 8 percent to 40 percent. They will still be way below the cost of American goods.

Do the Members know what these tariffs will do, however? Here is a letter from the Congressional Budget Office. These tariffs will bring in $615 million; that is $615 million in new revenues to either help lower the deficit or help pay for programs that our people need in this country. That is why everybody in this House ought to support this resolution. I urge the Members to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again the House has before it a resolution that would put an end to normal trade relations with the People's Republic of China by withdrawing most-favored-nation trading status. It is an exercise in futility. We cannot ignore the presence of a country of more than a billion people that has total trade with the world of $165 billion.

It is unrealistic to think that an isolated China is possible in today's world. Along with the United States, every major developed nation is now intimately involved in this country, both diplomatically and economically. We are even culturally intertwined given the large Chinese emigrant population that spans the globe. China is a member of the Security Council of the United Nations.

We can only succeed in isolating ourselves through legislation such as House Joint Resolution 208. We have much to lose by doing so.

As the leading advocate of human rights and proponent of political reform outside the country, the United States risks losing its voice to stimulate the Chinese in these areas. The United States also could lose its ability to influence China's behavior in the area of weapons proliferation and arms development.

We also have much to lose in the economic field. By withdrawing MFN from China, the United States would be stepping out of the world's most rapidly expanding economy.

China is our 15th largest export market, and United States direct investment exceeds $2 billion, primarily in petroleum and manufacturing. China will soon officially absorb Hong Kong, one of the world's leading economies. Is it now time to end economic relations with China? Japan and Europe will not be so foolish.

Although not yet up to Western standards, political and social improvements are occurring in China. The United States must continue to press hard for further progress. But we cannot play a role in China's future if we go home and lock the door to the outside world behind us.

Earlier this year, the Beijing-based People's University of China announced major changes in its curriculum.

This cradle of education for Government officials and economic planners would no longer offer courses such as scientific socialism, the international Communist movement, the science of national economic planning, and the basics of Marxism and ethics.

Replacing such studies will be classes in international business management, marketing, real estate business, international trade, management of human resources, taxation, and the management of township enterprises.

This is but one small example of the subtle changes that can have a major impact on future Chinese policymaking.

Mr. Speaker, in my view it is clear that House Joint Resolution 208 represents an approach to bilateral relations that is as impractical as it is unproductive and dangerous. We cannot afford such isolationism.

I urge my colleagues to vote "no" on House Joint Resolution 208.

Mr. MARKEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the resolution brought by the gentleman from New York [Mr. SOLOMON] and I for the last 4 years. This is a very important decision which this House will make today.

To those who are listening, even if the human rights violations in this country do not stand as sufficient justification to deny MFN to the Chinese, notwithstanding all the human rights abuses, even if the slave labor inside of China does not stand as sufficient unto itself to deny the MFN status for China, notwithstanding the fact that we know they are making Christmas lights in China, there just is not that large a market for the missionaries in China for Christmas lights, they are exporting them around the world, slave labor; even if the unfair trading practices the Chinese are engaging in, which has helped them to build an $18 billion trade surplus with the United States, second only to Japan, hear that again, we are sending over delegation after delegation to Japan, our No. 1 trade rival, that has the No. 1 trade deficit with our country. No. 2 in the world is China engaging in unfair practices on a daily basis.

□ 1110

Even if that is not sufficient for Members here to support denial of MFN status for China, then think of this: The Chinese are exporting and continuing to export nuclear technologies to Iraq, to Iran, to North Korea, to Syria, to Algeria, to Pakistan. To every major trouble spot in the world the Chinese have become the K mart of international nuclear commerce.

What are its consequences for our country? We are forced every year on this floor to appropriate billions and billions of dollars in defense to help the South Korean against the North Koreans, to protect them, to mediate the Pakistani-Indian conflict, to protect the Israelis and others in the Middle East against the export of these technologies into those countries.

Today the Chinese continue those policies. They spread those materials around the globe into the worst, most troubled areas of this world.

Now ladies and gentlemen, we all know that there was very little likelihood to ever be in an all out nuclear war between the United States and the Soviet Union. We also know that the greatest likelihood was and continues to be a nuclear conflict as these weapons spread from country to country to country. That is our greatest security threat on the planet right now, and the greatest culprit on the planet is the Chinese.

We let them run up a huge trade surplus with us, engage in human rights abuses, use slave labor to undermine our own workers in our country, but worst of all, force us to spend defense dollars in order to protect other countries in the world against the spread of nuclear weapons and other materials across this planet.

The difference I think that we have with proponents of extension of most-favored-nation status to the Chinese is that we want to deal with the causes of these problems as they are developing rather than the consequences 5 and 10 years down the line. It is time for us to stand up on this floor. We have done it for the last 3 years in a row. I think that we should do it again today.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 208. This resolution takes a sledgehammer approach to foreign policy. It will not promote U.S. interests. It is unrealistic, unwise, and unnecessary.

At the outset, let me say that I share the same goals as the gentleman from New York. The United States has legitimate concerns abut China's policies in the areas of human rights, trade relations, and security issues, particularly nonproliferation.

The question is how to pursue that agenda most effectively. My colleague from New York, Mr. SOLOMON, would use a sledgehammer. His resolution would revoke China's most-favored-nation trade status. I believe, and the President believes, that this is the wrong approach.

### REVOKING MFN IS UNREALISTIC

First, revoking MFN is unrealistic. It is based on a misreading of the political situation in China today. Reform, decentralization, and modernization are all elements of Chinese life today.

The Chinese Government's repression of political opposition and its abuse of human rights is deplorable, and should be challenged. Yet the state does not maintain the tight grip over the daily lives of the great majority of people that it did 15 or even 4 years ago.

We hope for the day when civil and political rights are guaranteed in China. But we should also recognize that, on balance, human freedom in China is expanding, not contracting, and that revoking MFN would lead to more political control in China, not less. Those who favor democracy and closer ties with the West will be hurt.

Revoking MFN is also unrealistic because it assumes that China's leaders would give in to United States demands rather than lose MFN. Most China specialists believe the reverse. They believe China's leaders would sacrifice access to the American market rather than submit to the demands of a foreign government.

### REVOKING MFN IS UNWISE

Second, revoking China's MFN status is unwise.

It would hurt American consumers who benefit from inexpensive Chinese goods. It would hurt American exporters, because China would certainly cut them off in retaliation. It would hurt American investors who wish to have a share of the world's largest growing market. It would hurt the people and businesses of Hong Kong and Taiwan, whose prosperity is linked to the economic future of South China.

Revoking MFN is also unwise because it would undercut our own foreign policy interests. As a permanent member of the U.N. Security Council, China has an important role to play in resolving international crises.

China has played a constructive role in the successful effort to bring peace to Cambodia. It cut off assistance to the Khmer Rouge. It has worked closely with the United States to urge North Korea to abandon its nuclear weapons program.

In fact, while China opposes international sanctions in principle, I am confident that if the international community decided sanctions against North Korea were necessary, China would not block them.

Also, China will likely be more cautious in its military buildup if relations with the United States are good. That will reassure our friends and allies in Asia.

### REVOKING MFN IS UNNECESSARY

Finally, revoking MFN is unnecessary. President Clinton on May 28 announced a wise and realistic policy for addressing our problems with the Chinese Government.

The President is prepared to use all the statutory authority at his disposal to ensure that China abides by the commitments it has made in trade and proliferation.

The President has laid out in an Executive order seven human rights areas in which the Chinese must meet our expectations if he is to extend MFN in mid-1994 for another year.

I am confident that the President is serious about Chinese performance in these areas, in part because they reflect his campaign commitment to bring about an improvement in human rights in China.

### CONCLUSION

Mr. Speaker, House Joint Resolution 208 is not only the wrong way to promote our policy objectives. It will undermine our ability to speak with one voice.

With his China initiative, President Clinton has restored consensus within the United States Government on policy toward China. That consensus is valuable—our policy will succeed only if the President and Congress work together.

Passage of the Solomon resolution would destroy that consensus and take us back to the days when conflict characterized our policy toward China. The best hope for human rights in China is to look ahead: To support the President's China policy, and to defeat the Solomon resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GIBBONS], the distinguished chairman of the Subcommittee on Trade.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, conditions are not good in China. All of us know that. They have never been good in China for 6,000 years.

They are improving, and I think we ought to look back and put ourselves in the proper perspective here. When President Nixon wisely and courageously decided that our policy toward China in the past years following the Communist takeover of that country was unwise, sent his emissaries and went himself to that country to try to normalize relationships, we all waited and wondered. Conditions in China have slowly improved. Sometimes the improvement is faster than at other times. Other times there are some times when they are stepping backward. But by and large, the Nixon policy of normalizing relations with China was wise.

The current President has said that he will take the lead in working on tougher relationships with China as far as imposing the things that Congress has tried to impose on our country on MFN. Next year we are going to meet on this floor and there will be a terrific debate as to whether or not the Chinese people and the Chinese Government have come as far as President Clinton wants them to. That will be the test of all of this.

Should we pass the Solomon resolution now and it becomes law, then we undercut the united front that the Congress and the President are trying to have toward China today, and that would be wrong. The trouble with our policy in the past is that the President would never cooperate with Congress on trying to impose tougher conditions upon China. This President has said I will, I do, and he has adopted all of the provisions of the Pelosi resolution and even strengthened them. And I urge Members to vote against Solomon, support Pelosi, support the President, and let us get on with this.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last two speakers, whom I have great respect for, talked about American foreign policy interests. Let me tell Members the benchmark of American foreign policy. It is the sovereignty of all nations and human rights for all people.

This policy applies under administrations of both Republicans and Democrats. The Chinese government has violated the sovereignty of Tibet, as well as Cambodia under the Khmer Rouge. The Chinese Government is in violation of human rights because of the imprisonment of over 1 million people. It is in violation of American law, the Jackson-Vanik amendment. Have Members heard about it? It is still on the books. It is American law, and it encourages the legitimate and free movement of people who live under Communist governments. The Chinese people cannot freely emigrate and come and go as they please.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky [Mr. BUNNING], a member of the Committee on Ways and Means.

Mr. BUNNING. Mr. Speaker, I rise today in strong support to House Joint Resolution 208—the resolution disapproving most-favored-nation status for China.

Continuing MFN for China would be another unfortunate step behind an ill-conceived policy. Over the past 13 years, United States policy toward China has been firmly and unequivocally in favor of human rights, fair trade, and nuclear nonproliferation.

Unless, unless, that firm and moral stand gets in the way of trade.

Let's look at the facts. In China, religious persecution is widespread. Beijing persists in its methodical abuse of the Tibetan people's human rights.

China exports goods made with forced labor in its prisons and China continues to imprison Chinese citizens and Tibetans whose only offense is the nonviolent expression of their political beliefs.

There is also overwhelming evidence that China has violated the terms of the missile technology control regime which limits the spread of ballistic missiles.

Beijing has sent advanced ballistic missile technology to such dangerous middle eastern nations as Syria and Iran.

China has also sold M–11 missiles to Pakistan, provided nuclear technology to Iran and refused to back United Nations sanctions against North Korea for abrogating the nuclear nonproliferation treaty.

China also is continuing a dangerous and destabilizing military buildup of its own.

How should we respond to all of this? Since the United States first granted MFN status to China 13 years ago, the prevailing school of thought has been to give China preferential trade status in hopes of encouraging China to improve its international conduct.

The thinking goes that this will also help bring about greater respect for human rights within China. This has not happened.

Unfortunately, the Ways and Means Committee voted to follow this don't-rock-the-boat policy again.

But, this policy has not proven itself very effective and there is no reason to believe that it will in the future.

If increased trade was going to affect China's conduct, that country should be preparing for sainthood by now.

United States trade with China is booming. Last year, China enjoyed an $18 billion trade surplus. Our trade deficit with China for the first quarter of this year, stood at $4.2 billion which is almost 25 percent greater than it was during the same quarter last year.

Yet, despite this trade boom, China does not seem to be in any great rush to change its observance of human rights or its trade policies.

The other school of thought about extending MFN to China is that some principles are worth standing up for.

That we shouldn't accept human rights abuses and a prison labor system in pursuit of free trade and the almighty buck.

That's the school of thought we should be following here. We should not be rewarding behavior that is immoral and abhorrent to free people everywhere. The Ways and Means Committee's action in adversely reporting the resolution of disapproval does exactly that.

This is not a partisan issue. We should not change our position just because we have a new President—a President of a different party.

Morality is not partisan. Right and wrong are not partisan. This is an issue that should definitely rise above party politics.

Sometimes you just have to stand up for what is right.

Last year we did. We passed a resolution of disapproval by a vote of 258–135.

I have the vote right here and I would like to make this part of the RECORD.

Congress should disapprove the extension of China's most-favored-nation status. We should prove that the country still has some principles which aren't for sale.

I ask my colleagues to reach back in their memories to those stirring scenes in Tiananmen square—the tanks crushing liberty. Nothing has changed—China has not changed.

Until change is forthcoming, we should not reward this kind of callous disregard for human rights.

Mr. BUNNING. Mr. Speaker, I thank the gentleman for yielding the time.

[Roll No. 285]

YEAS—258

Abercrombie, Ackerman, Alexander, Allen, Andrews (ME), Andrews (NJ), Annunzio, Anthony, Applegate, Aspin, Bacchus, Ballenger, Barnard, Barton, Beilenson, Bennett, Bentley, Berman, Bevill, Bilbray.

Blackwell, Bliley, Boehlert, Bonior, Borski, Boucher, Browder, Bruce, Bryant, Bunning, Burton, Bustamante, Byron, Cardin, Carper, Chapman, Clay, Clement, Coble, Coleman (MO).

Coleman (TX), Collins (IL), Collins (MI), Combest, Condit, Cooper, Costello, Cox (CA), Cox (IL), Coyne, Cramer, Cunningham, Darden, Davis, de la Garza, DeFazio, DeLauro, Dellums, Derrick, Dixon.

Donnelly, Dooley, Doolittle, Downey, Duncan, Dwyer, Dymally, Early, Eckart, Edwards (CA), Edwards (OK), Edwards (TX), Engel, Erdreich, Espy, Evans, Fascell, Fish, Flake, Foglietta.

Ford (MI), Frank (MA), Franks (CT), Frost, Gallegly, Gaydos, Gejdenson, Gekas, Gephardt, Gilchrest, Gillman, Gonzalez, Gordon, Gunderson, Hall (OH), Harris, Hayes (IL), Hayes (LA), Hefley, Hefner.

Henry, Herger, Hertel, Hochbrueckner, Holloway, Hopkins, Horn, Horton, Hoyer, Hubbard, Hunter, Hutto, James, Jefferson, Jenkins, Jones (NC), Jontz, Kanjorski, Kaptur, Kasich.

Kennedy, Kildee, Kleczka, Kostmayer, Kyl, LaFalce, Lantos, Laughlin, Lehman (FL), Levin (MI), Levine (CA), Lewis (FL), Lloyd, Long, Lowey (NY), Manton, Markey, Martinez, Mavroules, Mazzoli.

McCandless, McCollum, McCurdy, McHugh, McMillan (NC), McMillen (MD), McNulty, Mfume, Mineta, Mink, Moakley, Molinari, Moody, Moran, Morella, Murtha, Myers, Neal (MA), Neal (NC), Oakar.

Oberstar, Obey, Olin, Olver, Ortiz, Owens (NY), Owens (UT), Pallone, Panetta, Parker, Pastor, Patterson, Paxon, Payne (NJ), Pelosi, Porter, Poshard, Price, Pursell, Quillen.

Rahall, Ramstad, Rangel, Ravenel, Rhodes, Richardson, Ridge, Riggs, Ritter, Rogers, Rohrabacher, Ros-Lehtinen, Rose, Roth, Rowland, Roybal, Russo, Sabo, Sanders, Sangmeister.

Sawyer, Schaefer, Schiff, Schroeder, Schulze, Schumer, Sensenbrenner, Serrano, Sikorski, Sisisky, Skeen, Skelton, Slaughter, Smith (FL), Smith (NJ), Smith (TX), Snowe, Solomon, Spence, Spratt.

Staggers, Stark, Stearns, Stokes, Swett, Synar, Tallon, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thornton, Torres, Traficant, Traxler, Unsoeld, Upton, Valentine, Vento.

Visclosky, Walker, Walsh, Washington, Waters, Waxman, Weiss, Weldon, Wheat, Wilson, Wolf, Wolpe, Yates, Yatron, Young (AK), Young (FL), Zeliff, Zimmer.

NAYS—135

Allard, Anderson, Andrews (TX), Archer, Armey, AuCoin, Baker, Barrett, Bateman, Bereuter, Bilirakis, Boehner, Brewster, Brooks, Broomfield, Callahan, Camp, Campbell (CA), Chandler, Clinger.

Crane, DeLay, Dickinson, Dicks, Dingell, Dorgan (ND), Dreier, Emerson, English, Ewing, Fawell, Fazio, Gallo, Geren, Gibbons, Gillmor, Glickman, Goodling, Goss, Gradison.

Grandy, Green, Guarini, Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Hastert, Hoagland, Hobson, Houghton, Huckaby, Hughes, Inhofe, Jacobs, Johnson (CT), Johnson (SD), Johnson (TX), Kennelly.

Klug, Kolbe, Kopetski, Lagomarsino, LaRocco, Leach, Lent, Lewis (CA), Lightfoot, Livingston, Lowery (CA), Luken, Marlenee, Martin, Matsui, McCrery, McDade, McDermott, McGrath, Meyers.

Michel, Miller (OH), Miller (WA), Montgomery, Moorhead, Murphy, Nagle, Natcher, Nichols, Nowak, Nussle, Orton, Oxley, Packard, Payne (VA), Pease, Penny, Peterson (MN), Petri, Pickett.

Pickle, Reed, Regula, Rinaldo, Roberts, Roe, Roemer, Rostenkowski, Santorum, Sarpalius, Saxton, Scheuer, Sharp, Shaw, Shays, Shuster, Skaggs, Slattery, Smith (LA), Smith (OR).

Solarz, Stallings, Stenholm, Stump, Sundquist, Swift, Thomas (CA), Thomas (WY), Vander Jagt, Volkmer, Vucanovich, Weber, Williams, Wyden, Wylie.

NOT VOTING—41

Atkins, Boxer, Brown, Campbell (CO), Carr, Conyers, Coughlin, Dannemeyer, Dornan (CA), Durbin, Feighan, Fields, Ford (TN), Gingrich, Hatcher, Hyde, Ireland, Johnston, Jones (GA), Kolter.

Lancaster, Lehman (CA), Lewis (GA), Lipinski, Machtley, McCloskey, McEwen, Miller (CA), Mollohan, Morrison, Mrazek, Perkins, Peterson (FL), Ray, Roukema, Savage, Studds, Torricelli, Towns, Whitten, Wise.

The Clerk announced the following pairs:

On this vote:

Mrs. Roukema for, with Mr. Ireland against.

Messrs. Klug, Johnson of Texas, English, Nagle, Hall of Texas, Hughes, and Emerson changed their vote from "yea" to "nay."

Messrs. McMillen of Maryland, Spence, Darden, Bevill, Rowland of Georgia, and Cramer changed their vote from "nay" to "yea."

So the joint resolution was passed:

The result of the vote was announced as above recorded.

□ 1120

Mr. CRANE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 208, which disapproves the President's decision to extend MFN trade status to China for another year.

The issue of China's MFN status is a difficult one for all of us. Strong desires for improvements in human rights practices, weapons policies, and trade, held by every Member in this body, tend to obscure the most rational course for achieving progress.

The disapproval resolution was reported unfavorably to the House, by the Committee on Ways and Means, in order to fulfill its responsibility once again under the Jackson-Vanik statute. The vote in committee against this bill and its purpose of cutting off trade with China was 35-2.

Even in the face of abhorrent behavior on the part of the Beijing Government, I continue to believe that pulling MFN would be a rash and fruitless measure, for which our exporters and consumers would pay a dear price. Nor will we achieve our shared goals of political and economic reform for the Chinese people, because our ability to engage the Chinese Government in negotiations would be lost.

With few arrows of influence left in our quiver, our exporters would suffer certain trade retaliation in this large and growing export market of over 1.2 billion people. Export sales of $7 billion in sectors such as wheat, aerospace, computers, fertilizer, cotton, and wood products would be the first to suffer the effects of shutting down the United States-China trade relationship. These sales would be easily filled by competitors in Japan or the EC.

I have to ask the proponents of House Joint Resolution 208 what—other than empty symbolism—would be gained for the suffering people of China?

Our debate here today will be significantly shorter than in previous years because of the decision taken by President Clinton, through Executive order. On May 28 he announced a conditionality approach to United States-China trade, almost identical in substance to legislation debated in this Chamber, in each of the last 4 years.

It is frustrating to deal with a President whose proclivity for untenable compromises leads him to tie his own hands in the foreign policy and trade areas. Conducting diplomacy by way of a politically motivated and publicly announced set of conditions substantially limits the ability of the United States to respond to evolving circumstances.

While I support the President's decision to extend MFN this year, I feel he has set up a dangerous situation by making his own decision on certification next year hostage to the behavior of a highly unstable and erratic government. We can only hope for the best.

Severing ties with China by revoking MFN would undermine broader security and economic interests in Asia as a whole. In my view, we have a substantial interest in preserving a stable society in Hong Kong, and in forging an expanded role for Taiwan in the international economy.

Seventy percent of China's exports to us are further processed in Hong Kong, and then shipped on to the United States. This chain of free market associations and all the personal interchanges involved serves as a natural brake on the forces of Chinese totalitarianism. It is these entrepreneurs, both in Hong Kong and China, who would suffer the most by the rash act of extinguishing trade relations—not the dictators struggling to hold on to power in Beijing.

Finally, Mr. Speaker, I would like to reemphasize that we must redouble efforts to achieve Taiwan's membership in the GATT.

We must let this country assume its hard-earned place as a major trader in the world economy—irrespective of the halting and often regressive efforts at trade liberalization made by the Chinese Government. In my view, it is unreasonable to expect that Beijing will be prepared to join GATT in the same timeframe as Taiwan, and I would urge the administration to insist on prompt consideration of Taiwan's GATT application. This issue has dragged on far too long.

Extinguishing the lifeline economic relations with the Chinese people will achieve no useful purpose. I urge a "no" vote on House Joint Resolution 208.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. SOLOMON. Mr. Speaker, I yield an additional minute to the gentleman from Ohio [Mr. TRAFICANT].

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes.

Mr. TRAFICANT. Mr. Speaker, we are not talking about free trade today. We are literally talking about slave trade. China has been convicted of dumping in our marketplace; China has been convicted of putting false labels on products, supposed to be made in America, to circumvent our buy-American laws; China's record of illegal trade is now legend. The list goes on, including denying access to American companies on American products.

And what does Congress do? Congress raises taxes on American constituents, Congress extends unemployment benefits for laid-off American workers because of this foolish trade policy.

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Congress adds billions of dollars to every bill to retrain American workers. Why do we have to retrain? Because the training they have is not necessary because they do not have their damn jobs anymore.

And what does Congress do? Grants most-favored-nation trade status, forget the human rights business here, to a nation that has just enacted a new law, the death penalty for any Chinese worker who manufactures a faulty product.

Do you know why? What do you with a Chinese laborer in prison who screws up a toaster knowingly?

Now, that is taking product liability law a little damn far, I say to the Congress.

The high wage in China is 19 cents an hour, and you are trying to figure out how to straighten out America's economy.

The American people should export Congress. The free traders around here are so damn dumb they could throw themselves to the ground and miss.

Vote for this amendment, and I will tell you what, if you are an American worker back home, take a look at the voting record of the Members on this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I rise in opposition to the Solomon amendment.

I share the gentleman's deep concern about human rights issues and also about trade policies. I voted for the resolution last year, but there is a new development here, and that is a President willing to take on the problem.

Those who say the President is not going far enough should remember that he succeeds an administration unwilling to confront the problem at all.

I commend the President for taking into account in his decision to include the preservation of Tibet's distinctive religious and cultural heritage in the human rights conditions stated in the Executive order. We are going to be working and meeting with the White House and the State Department to make sure that we monitor what is going on.

In a word, let us give the President's policies a chance to work. He has had the courage to tackle the issues. Let us have the wisdom to work with him instead of against him to make his policies work.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH], a distinguished member of the Committee on Foreign Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of the Solomon-Markey resolution. Despite the fact that China has one of the worst, most deplorable human rights records in the world, Mr. Clinton has chosen to reward the Chinese Government by extending most-favored-nation [MFN] for a year with incomplete human rights conditions. Mr. Clinton has sidestepped—for another year—the burden of making a tough decision.

While this approach may have some surface appeal. I strongly believe Beijing's long-term record and especially its present human rights performance strongly undermines the notion that, with a little more time, China will reform itself.

During his campaign, Mr. Clinton in no uncertain terms blasted the Chinese leadership and properly labeled them as dictators. I agreed. Now that he is President, Mr. Clinton has given those same dictators a year's reprieve, despite the fact that human rights in China have not improved one wit—and in certain categories have actually gotten worse. Frankly, barring a miracle, MFN for the People's Republic of China [PRC] is dead next year—even if our effort falls short today.

Let us not be so naive to salve our consciences with some nice sounding words—a little paper—extolling reform. Thus far the Chinese hardliners are not impressed. Look at their stonewalling, in your face stance at the Vienna Human Rights Conference. Let us not kid ourselves. They are moving in the wrong direction. The Chinese Government's plan is to finesse and manipulate.

Let us completely empathize with the oppressed and in no way prop up the oppressor.

Mr. Chairman, religious believers must know that the United States will not stand by as they are beaten and killed for exercising their beliefs. Catholic Bishop Stephen Liu Difen died in detention in November 1992, with evidence of severe physical abuse.

In March, house church members in Taoyuan were handcuffed, stripped, and beaten unconscious—thousands of others elsewhere in China have been similarly mistreated.

Mr. Chairman, I am submitting for the RECORD a list of over 100 Christians who are imprisoned, detained, or persecuted because of their religious activities, a tip of the iceberg of repression in the PRC. The conditions of their detentions vary. Some are held incommunicado, some are under house arrest, some are restricted to their villages and under close surveillance. The exact conditions of some of these prisoners remains unknown. According to recent reports, some prisoners are being transferred to administrative detention in old people's homes where, the Government claims, they are being cared for. Because human rights groups are denied access to these homes it is suspected that prisoners could be subject to greater forms of abuse and torture.

Political prisoners by the millions are forced to work in one of the approximately 1,000 documented slave labor camps located around the country. Products made in these camps by men and women who are slave laborers are sometimes routed to U.S. markets at a great disadvantage to our domestic producers. FRANK WOLF and I visited one of these gulags—Beijing Prison No. 1. At least 40 student protesters languish there.

In addition, the Chinese Government has continued to abuse women through its one couple-one child coercive population control policy. Implementation of this policy relies heavily on tens of millions of forced abortions and involuntary sterilization. Only Big Brother in Beijing has the power to authorize the birth of a child. Couples who somehow have children without following the birth quota system are subject to beating, fines, confiscation or destruction of property, and heavy taxation.

Chinese authorities deny that their birth quota policy is coercive, but a recent story in the New York Times exposed the policy for what it is. Li Qiuliang was 7 months pregnant on December 30, 1992. The local family planning official wanted Ms. Li to give birth in 1992 to meet the local quota. Ms. Li was taken to an unsanitary first-aid station where the official ordered labor be induced. Though her family and doctor protested, the officials insisted. The baby died 9 hours later and Ms. Li, who almost died during labor is incapacitated.

Even Secretary of State Warren Christopher, testifying before the House Foreign Affairs Committee, acknowledged that he found the New York Times exposé "really very abhorrent," and suggested that "in considering what conditions might be attached to the continuation of MFN, one of the matters we would consider is the human rights aspects of forced abortions and the policies that the Chinese are following." Just 2 weeks later, the President recommended that China be rewarded MFN, and made no mention of the coercive birth quota policy. Once again, the right of children to live is the forgotten human right.

China's denial of basic human rights is not limited to within the borders of the country. On May 27, after being pressured by the Chinese Government, U.N. Secretary Boutros-Ghali would not allow Shen Tong, one of the leaders of the Tiananmen Square democracy movement, to speak at a press conference in the U.N. Correspondents Association club located in the U.N. building. Only a few weeks later, China succeeded in denying freedom of speech to the Dalai Lama, the spiritual leader of Tibet, who was planning to speak at the opening ceremonies of the U.N.-sponsored human rights conference in Vienna.

I believe that our foreign trade policy must reflect the U.S. commitment to human rights. Favorable trade and other bilateral negotiations must be linked to human rights. And, above all, the U.S. policy must be clear that we stand with the victims—not the oppressors. But, with regards to China, the administration has abandoned its role as the leader for world human rights.

From freedom of speech, to freedom of conscience, to the rights of women, to the basic right to human life, China leads the world in violating the human rights of its people. Still, Mr. Clinton, who fashions himself an advocate of human rights, has decided to reward again the Communist leaders of China.

In my opinion, the conditions outlined in the Executive order do not go far enough. We have tried to negotiate improved conditions before and no real changes occur. The situation is critical and, if we truly wish to help the Chinese people, we must concede that the Chinese Government will respond to nothing short of suspending or terminating MFN.

We must serve notice to the Chinese Government that we will not stand by while thousands of people are imprisoned, forced into slave labor, denied freedom of speech and worship, abused, tortured, and slaughtered. Why must we wait another year for China to change its policies? We have already waited over 10 years. By extending MFN for 1 more year the administration will reward the Chinese Government while that Government continues to control and slaughter its people.

Today we have an opportunity to right a wrong. By supporting this resolution and disapproving MFN trade status for China we will send a clear message that the United States stands with the victims of oppression. We will once again assert our role as leader for world human rights. We will stand up to the tyrants of China and for the voiceless thousands who look to us for help.

Mr. Speaker, I urge my colleagues to support this resolution and to put both the Chinese Government and our own administration on notice that this body will no longer tolerate the systemic violation of human rights, nor will we allow these violations to be rewarded.

## IMPRISONED, DETAINED, OR PERSECUTED CATHOLIC AND PROTESTANT BELIEVERS IN THE PEOPLE'S REPUBLIC OF CHINA

### CATHOLIC BELIEVERS

1. Bishop Fan Yufei: Bishop of Zhouzhi, Shaanix province. Arrested around Easter 1992 and released in September 1992. Remains under house arrest in his home village.

2. Bishop Cosmas Shi Enxiang: Age 71. Auxiliary bishop of Yixian, Hebei. Reportedly arrested after mid-December 1990. Reportedly being held in an "old people's home."

3. Bishop Joseph Fan Zhongliang: Age: 73. Jesuit Bishop in Shanghai. Subjected to interrogations for 18 months, Bishop Fan disappeared on June 10, 1991, his home was searched and all belongings, including furniture and books were confiscated by authorities. Released by Public Security Bureau August 19, 1991, but remains under surveillance and subject to frequent interrogation. Recent reports indicate he is still unable to leave Shanghai and is still kept under surveillance.

4. Bishop Peter Chen Jianzhang: Bishop of Baoding. Disappeared from residence in Xiefangying, Xushui County, in mid-December 1990. Being held against his will in "old age home" in Hebei Province. Currently confined to wheelchair and suffers from diabetes. His health continues to deteriorate.

5. Bishop Paul Liu Shuhe: Age 69. Second Bishop of Yixian, Hebei Province. Having been arrested and imprisoned on October 30, 1988, because of ill health his 3 year sentence was commuted to house arrest on January 16, 1989. Subsequently arrested on December 13 or 14, 1990, along with other Catholic leaders. Around Easter 1992 he escaped from the "old age home" where he was being held against his will and is currently in hiding. He is in need of medical attention but is unwilling to be treated out of fear of being found. Police are actively seeking his whereabouts.

6. Bishop John Baptist Liang Xishing: Born in 1923. Bishop of Kaifeng Diocese, Henan Province. Arrested in October 1990. Under police surveillance as of February 1991 and restricted to the village.

7. Bishop Vincent Huang Shoucheng: Bishop of Fu'an, Fujian. Arrested along with four deacons on July 27, 1990, in an unspecified location. Placed under village restriction in June 1991.

8. Bishop Bartholomew Yu Chengdi: Age: 72. Bishop of Hanzhong diocese, Shaanxi Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference, imprisoned in Xi'an Prison until July 1990. He "disappeared" from his residence in August 1991, and was held in re-education camp until November 1991. He is now restricted to his home village.

9. Bishop Mathias Lu Zhensheng: born in 1919. Second Bishop of Tianshui, Gansu Province. Arrested in late December 1989, and sentenced to unknown prison term. It is reported that he has been released for health reasons but is restricted to his home village.

10. Bishop Guo Wenzhi: born in 1918. Bishop of Harbin, Heilongjiang Province. Interned from 1954 to 1964, he was arrested in 1966 and served in a prison camp for "reform through labor" in Xinjiang Autonomous Region until his release in 1979. Again, Bishop Guo was arrested in December 1989 and was released in March 1990. Since that time, he has been restricted to his home village in Qiqihar and is under strict police surveillance.

11. Bishop Joseph Li Side: Bishop of Tianjin diocese. Arrested on December 8, 1989 and reportedly was tried in secret and sentenced to seven years in prison. Released June 7, 1991. Rearrested April 11, 1992, reportedly exiled to the rural village of Liang Zhuangzi, which he is forbidden to leave.

12. Bishop Jiang Liren: Bishop of Hohhot, Inner Mongolia. Date of his arrest in connection with Bishops' Conference is uncertain but may have occurred in November or December 1989. He is reported to have been released from prison in April 1990, but is confined to his home village where the authorities are subjecting him to character assassination.

13. Bishop Julius Jia Zhiguo: Born in 1935. Bishop of Zhengding, Hebei Province. Arrested in April 7, 1989, in Beijing and transferred to house arrest in his home village of Wuqiu in September 11, 1989. Thought to be in poor health, and Religious Affairs Bureau claims he is in "old people's home." Recent reports say he is no longer being held by authorities but is subject to short detentions by the Public Security Bureau.

14. Bishop John Yang Shudao: Bishop of Fuzhou, Fujian Province. Arrested in February 1988, in Liushan village, Fujian Province. Released in February 1991, but remains under close surveillance.

15. Bishop Casimir Wang Milu: Born in 1939. Bishop of Tianshui diocese, Gansu Province. Arrested in April 1984, and sentenced in 1985 or 1986 to ten years of "reform through labor" and four years' forfeiture of political rights. He was released on parole April 14, 1993 and is living with his parents. His travel is restricted until April 1994 when his sentence expires.

16. Bishop Hou Guoyang: From Sichuan Province. Arrested in early January 1990, in connection with the Bishops' Conference, and detained until early 1991. He is now under police surveillance in Chongqing City. Requests about his current status from the State Department have gotten no responses from Chinese authorities.

17. Father Wang Danian: Age: 70's. Arrested along with two nuns in June or July 1992 in Suzhou, Jiangsu. Although the nuns were released in August, there has been no report of his release. Being held either by the Changshu Public Security Bureau or in Suzhou.

18. Father Shang Li: Arrested July 25, 1992 at Xuanhua, Hebei. Although Chinese authorities reported his release in March 1993 there have been no independent confirmations.

19. Father Han Dingxiang: Age: 55. Vicar General of Handan diocese, Hebei Province. Imprisoned from 1960 to 1979 for religious activities and beliefs and detained again in 1989. Arrested December 26, 1990, and now detained in an indoctrination camp in Handan with at least 20 other Catholics.

20. Father An Shi'en: Born in 1914. Vicar General of Daming diocese, Hebei Province. Arrested within days after the December 26, 1990 arrest of Father Han Dingxiang. Released December 21, 1993 but reportedly severely restricted.

21. Father Zhu Ruci: Chancellor of Xiapu. Arrested on July 27, 1990, during meeting on Church affairs at Luojiang Church in Fu'an city, Fujian Province, and is currently imprisoned.

22. Father Liu Guangpin: Priest of Fu'an, Fujian Province. Also arrested along with Father Zhu, and is currently imprisoned.

23. Father Zou Xijin: Priest of Fu'an, Fujian Province. Also arrested in July 1990, along with Father Zhu in July 1990, and is currently imprisoned.

24. Father Xu: Arrested in Fu'an on July 27, 1990. No news of his release from prison.

25. Father Zheng: Arrested in Fu'an on July 27, 1990. Reportedly released January 28, 1992.

26. Father Zhu: Arrested in Fu'an on July 27, 1990. Reportedly released January 28, 1992.

27–29. Fathers Guo: Three priests, all of the same name. Among the nine arrested in Fu'an Province on July 27, 1990. Released on bail for health reasons and confined to house arrest in their respective villages.

30. Bishop Mark Yuan Wenzai: Age: 69. Bishop of Nantong, Jiangsu Province. After brief period of police detention, was placed under custody of local Catholic Patriotic Association bishop, Yu Chengcoi, in July 1990.

31. Father Wang Ruohan: Brother of Bishop Wang Milu (see 15). Priest of Tianshu diocese, Gansu Province. Arrested in December 1989, and served one year of reform through labor, continues to have severe restrictions on movement.

32. Father John Wang Rouwang: Brother of Bishop Wang Milu (see XX). Arrested December 1989 and charged with "illegal religious activities." Detained again in late 1991 for caring for a dying bishop. Currently under strict restriction of movement.

33. Father Yu Chengxin: Priest of Hanzhong diocese, Shaanxi Province (brother of Bishop Bartholomew Yu Chengti). Imprisoned between mid-December 1989 and July

1990, in connection with Bishops' Conference. Reportedly "disappeared" from his residence in early August 1991. Supposedly released November 1991 but have been unable to confirm.

34. Father Chen Yingkui: Priest of Yixian diocese, Hebei province. Arrested in 1991 and currently being held without trial.

35. Father Wei Jingyi: Age: mid-30s. Priest of Qiqihar, Heilongjiang Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. In March 1991, was sentenced to 3 years' "re-education through labor." His reported release in March, 1993 cannot yet be independently confirmed.

36. Father Pei Guojun: Priest of Yixian diocese, Hebei Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. Reportedly now imprisoned.

37. Father Anthony Zhang Gangyi: Age: 84. Priest of Sanyuan diocese, Shaanxi Province. Imprisoned several times for a total of 30 years between 1949 and the present. Arrested on December 11, 1989, in connection with underground episcopal conference; released, and rearrested on December 28, 1989. Released on June 6, 1990, because of his health, but now under travel restrictions.

38. Father Su Zhemin: Age: 60. Vicar General, Baoding diocese, Hebei Province. Arrested in December 17, 1989, because of his role in helping establish an independent episcopal conference in Shaanxi Province in November 1989. Sentenced on May 21, 1990, to three years "reform through labor," served at a labor farm near Tangshan, Hebei Province, and later was moved to another labor camp. He was reportedly released in mid-1992 but remains under police surveillance.

39. Father Shi Wande: Priest of Baoding diocese, Hebei Province. Arrested on December 9, 1989, in Xushui (southwest of Beijing), now reportedly in prison.

40. Father Pei Zhenping: Priest of Youtong village, Luancheng County, Shijiazhuang, Hebei Province. Arrested on October 12, 1989, now reportedly in prison. Chinese authorities report that he was released in March, 1993, but this cannot yet be independently confirmed.

41. Father Xiao Shixiang: Age: 58. Trappist priest of Yixian diocese. Arrested on October 20, 1989, later released but re-arrested December 12, 1991, after leading a retreat in Dingxian.

42. Father Pei Ronggui: Age: 54. Trappist priest of Youtong village, near Shijiazhuang, Hebei Province. Officiated at Youtong village, where police went on a bloody rampage against the town's 1500 Catholics on April 18, 1989. Reportedly arrested in Beijing on September 3, 1989. According to an unconfirmed report, Father Pei had been sentenced to 5 years' in prison. It has been recently reported that he was paroled in March, 1993 with restrictions placed on his movement and associations.

43. Father Feng Yongbing: Age: 35. Priest of Changle County, Fujian Province. Arrested on September 14, 1988. He has reportedly been released, but this has not been confirmed.

44. Father Wang Yiqi: Priest of Fujian Province. Reportedly arrested in Liushan village, Fujian Province on February 28, 1988. He has reportedly been released, but this has not been confirmed.

45. Father Li Fangchun: Priest of Guide diocese, Henan Province. Arrested in early 1980's. Although he was reportedly released in October, 1992 his current conditions are unknown.

46. Father Zhang Shentang: Priest from Nanyang diocese, Henan Province. Sentenced in early 1980s to 17 years in prison. Reportedly murdered in July.

47. Father Zhu Baoyu: Priest from Nanyang diocese, Henan Province. In 1982, sentenced to 10 years imprisonment. Although he has been paroled, he is restricted to Jingang village, Henan.

48. Father Joseph Chen Rongkui: Age: 28. Arrested December 14, 1990, at the Dingxian railroad station. Charges are unknown and he is being held without trial.

49. Father Paul Liu Shimin: Age: 32. Arrested December 14, 1990, in Xiefangying, Xushui County. Charges are unknown and he is being held without trial.

50. Father Peter Hu Duoer: Age: 32. Arrested by Public Security Bureau personnel on December 14, 1990, in Liangzhuang Village, Xushui County. Charges are unknown and he is being held without trial.

51. Father Ma Zhiyuan: Age: 28. Arrested December 13, 1991, in Houzhuang, Xushui County, Hebei Province. Reason for arrest is unknown and he is being held without trial.

52. Father Liu Heping: Age: 28. Arrested December 13, 1991, at home in Shizhu village, Dingxing County. Being held without trial.

53. Father Peter Cui Xingang: Age: 30. Priest in Donglu Village, Qingyuan County, a popular Catholic shrine. Arrested at midnight July 28, 1991; current status is unknown.

54. Father Joseph Guo Fude: Age 69. Member of Society of the Divine Word. Served 22 years in detention previously. Arrested Spring 1982. Reportedly under house arrest and/or strict police surveillance. Had been interned in labor camp in southern Shandong.

55. Father Li Zhongpei: Arrested December 3, 1990, sentenced to 3 years "re-education through labor." Serving term at Tangshan Reeducation-through-Labor Center in Hebei Province. Chinese authorities reported his release in March, 1993 but this has not been independently confirmed as of yet.

56. Father Liao Haiqing: Age: about 50. Priest of Jiangxi Province. Arrested November 19, 1981. As of 1988, interned in Prison No. 4, Nanchang, Jiangxi Province. Chinese authorities reported his release in March, 1993 but this has not been independently confirmed as of yet.

57. Father Fu Hezhou: Age: 68. Arrested and imprisoned November 19, 1981. Reportedly has since been transferred to house arrest and/or strict police surveillance.

58. Father Lin Jiale: Imprisoned in Fuzhou, Fujian Province.

59. Father Liu Shizhong: Imprisoned in Fuzhou, Fujian Province.

60. Father Wang Jiansheng: Age: 40. Arrested May 19, 1991, sentenced to 3 years "re-education through labor." Charges unknown. As of March 1992, held at Xuanhua reeducation Center in Hebei. Chinese authorities reported his release in March, 1993 but there have been no independent confirmation as of yet.

61. Father Gao Fangzhan: Age: 27. Yixian Diocese, Hebei Province. Arrested in May 1991, outside Shizhu Village in Dingxing County and currently being held without trial.

62. Father Li Xinsan: Priest of Anguo diocese, Hebei province. Arrested late 1990 or early 1991. Reportedly detained without trial in an indoctrination camp in Handan.

63. Father Xu Guoxin: Priest of Langfang diocese, Hebei province. Arrested December 1991 and sentenced to three years "re-education through labor."

64. Deacon Ma Shunbao: Age: 42. Arrested November 6, 1991 and being held without trial.

65. Deacon Wang Tongshang: Age: 56. Deacon and community leader in Baoding diocese Hebei Province. Arrested on December 23, 1990, and being held at Re-education Center in Chengde, Hebei. Chinese authorities reported his release in March, 1993 but there have been on independent confirmations.

66. Deacon Dong Linzhong: Resident of Dongdazhao Village, Baoding, Hebei province. Arrested December 21, 1992.

67. Pei Shangchen: Community leader in Youtong village, Hebei Province. Arrested on October 23, 1989 and reportedly now in prison.

68. Pei Jieshu: Community leader in Youtong village, Hebei Province. Also arrested in October 1989 but reportedly has been released. No confirmation of his release has been received.

69. Chen Youping: Layman of Fujian Province. Arrested on March 1, 1988, in Liushan village. He is reportedly free now, but this has not been independently confirmed.

70. Wang Jingjing: Layman of Fujian Province. Reportedly arrested on February 28, 1988, in Liushan village and reportedly released, but this has not been confirmed.

71. Zhang Weiming: Catholic intellectual. Apprehended along with his wife, Hou Changyan, on December 14, 1990, and held without charge. After two months, Hou Changyan was released and told that her husband was being held for religious and political reasons. Expected to be released from prison December 15, 1992. Chinese authorities reported his release in March, 1993 but there have been no independent confirmations.

72. Zhang Dapeng: Layman from Baoding Hebei. Arrested in mid-December 1990, along with his wife, Zhao Zhongyue, who was released after 3 months but has not been permitted to return to her job. Reportedly detained without charge.

73. Zhang Youshen: Age: 65. Retired editor, Huadong Bu Di Yi Jiaopian Chang (Chemical Industry Department #1 Film Factory), Baoding, Hebei Province. Sentenced without trial on July 2, 1991, to 3-year term of "re-education through labor," for writing unpublished article "Criticism of Chinese Catholic Patriotic Association." Serving term at Hengshui Labor Camp in Hebei. Chinese authorities reported his release in March, 1993 but there are no independent confirmations.

74. Zhang Guoyan: Son of Zhang Youshen. Administratively sentenced to 3 years of "re-education through labor." Chinese authorities reported his release in March, 1993 but there are no independent confirmations.

75. Zhang Youzong: Lay Catholic arrested in late 1990 or early 1991. Sentenced to three years' imprisonment. Chinese authorities reported his release in March 1993 but there have been no independent confirmations.

76. Shi Guohui: Catholic lay leader from Baoding, Hebei province. Reportedly arrested in late 1990. No further information is available.

### PROTESTANT BELIEVERS

1. Xu Guoxing: Born March 1955. House-church leader in Shanghai. Arrested in Shanghai for "illegally establishing Church of God of Shanghai," he was under intensive investigation from March to June 1989, but released without charge. Rearrested in November 1989, charged with forming illegal house churches in Shanghai, Jiangsu, Zhejiang, and Anhui Provinces. Serving a sentence of three years "reform through labor," in Dafeng, Jiangsu Province.

2. Xu Yongze: Age: 51. From Nanyang, Zhenping County, Henan Province. House

church leader. Arrested on April 16, 1988, in Yuetan Park in Beijing, where he was attempting to attend a service led by American evangelist Billy Graham, by officials of the Ministry of State Security. Sentenced to three years imprisonment and released in May 1991. He has since been under close surveillance.

3. Song Yude: Age: 39. Pastor from Baimaio village, Yuehe District, Tongbo County, Henan Province. Arrested on July 16, 1984, for "counter-revolutionary" crimes in connection with his refusal to join the TSPM. Tried and convicted in January 1986, for distributing "reactionary" religious publications and conducting illegal religious meetings. Sentenced to eight years in prison and three years deprivation of political rights. While reportedly released in April 1992, it is believed Song still faces the deprivation of political rights.

4. Pei Zhongxun (Chun Chul): Age: 74. Protestant activist from Shanghai. Arrested in August 1983, and sentenced to 15 years in prison. He is in prison near Shanghai and allowed visitors only once each month. His family is concerned about his deteriorating health.

5. Sha Zhumei: Born in 1919. Member of independent Protestant church. Arrested at home in Shanghai on June 3, 1987, and reportedly beaten by police. She had previously served a six year sentence for her religious activities and allegedly urged her son, a religious protestor sought by police, to leave Shanghai. Tried November 2, 1987, reportedly in secret, and convicted of "harboring a counter-revolutionary element." She was released April 3, 1992 for health reasons but there are many restrictions placed on her.

6. Zhang Yonglian: House church leader from Fangcheng, Henan Province. Arrested and detained by Public Security Bureau in September 1990, for allegedly maintaining contact with international Christian organizations and receiving unauthorized religious literature from overseas. In late August 1991, sentenced to 3 years "reform through reeducation."

7. Xie Moshan (or Wushan): Age: in 70s. House church leader from Shanghai. Imprisoned for religious reasons between 1956 and 1980. Detained on similar charges in 1984. Arrested April 24, 1992, after returning from Guangzhou. Charged with "illegal itinerant evangelizing." Reportedly released July 23, 1992 but his movement is restricted and he is required to report periodically to the local Public Security Bureau.

8. Lin Xiangao (Samuel Lamb): Age: 67. Pastor of Damazhan house church in Guangzhou. Interrogated by Public Security Bureau officials March 23, 1992, about failure to register church. Church ransacked by PBS officials on March 24; interrogated again March 28 and ordered to register church which he has refused.

9. Chang Rhea-yu: Age: 54. Member of house church in Fujian Province. In May 1990, badly hurt when Public Security Bureau officials ransacked her home and confiscated Bibles and Christian literature. Detained August 25, 1990; charged March 27, 1991, with "inciting and propagating counter-revolution." Tried April 9–10, 1991, for holding illegal meetings; distributing seditious propaganda through cassette tapes; attacking the government, including action in Tiananmen Square; and corresponding with foreigners. Reportedly still in detention.

10. Yang Rongfu. Member of house church in Anhui Province. Reportedly arrested prior to June 1990 for unspecified reasons. Has been prevented from seeing his family.

11. He Suolie. House church leader from Henan Province. Arrested and sentenced in 1985 to 8 years in prison for opposing Three Self Patriotic Movement.

12. Kang Manshuang. House church leader from Henan Province. Arrested and sentenced in 1985 to 5 years in prison for opposing Three Self Patriotic Movement. No confirmation of his release.

13. Du Zhangji. House church leader from Henan Province. Arrested and sentenced in 1985 to 4 years in prison for opposing Three Self Patriotic Movement. No confirmation of his release.

14. Mr. Bai. Elderly member of Little Flock house church from Ye County, Henan Province. Arrested in 1983; charged with belonging to Shouters, holding illegal religious meetings, and receiving foreign Christian literature. As of March 1987, thought to be held in Kaifeng, Henan.

15. Zhao Donghai. House church leader from Henan Province. Sentenced to 13 years' imprisonment in 1982 or 1983.

16. Wang Dabao: Arrested in Yingshang County, Anhui Province, after August 1991.

17. Yang Mingfen: Arrested in Yingshang County, Anhui Province, after August 1991.

18. Xu Hanrong: Arrested in Yingshang County, Anhui Province, after August 1991.

19. Fan Zhi: Arrested in Yingshang County, Anhui Province, after August 1991.

20. Zhang Guancui: Arrested in Funan County, Anhui Province, after August 1991.

21. Zeng Shaoying: Arrested in Funan County, Anhui Province, after August 1991.

22. Leng Zhaoqing: Arrested in Funan County, Anhui Province, after August 1991.

23. Mr. Dia: Bible distributor from Hubei Province. Arrested June 1991.

24. Li Jiayao: House church leader from Guangdong Province. Arrested September 25, 1990, and sentenced September 17, 1992, to 3 years "re-education through labor" for receiving and distributing Christian literature. His family reports that the police offered to release him early if they paid RMB 3,000 ($900). They have refused to pay.

25. Chen Zhuman: Age: 50. Arrested July 1992 and sentenced to three years' re-education through labor for "illegally" joining a local group of the New Testament Church and communicating with overseas members. Held in Quanzhou City and is subject to repeated beatings by guards and other inmates which have resulted in severe hearing loss and uncontrollable shaking of hands.

26. Chen Xiangyun: Age 74. Arrested August 1991 and sentenced to five-year prison term. Family members allowed to visit irregularly and for very brief periods.

27. Zhang Ruiyu: Age 54. Teacher at Physical Education Academy, Xianyu County, Fujian Province and house church member. Arrested August 25, 1990 following several months of harassment and beating. Held without charges until March 1991 and tried for "holding illegal meetings, distributing seditious propaganda through cassette tapes, attacking the government and corresponding with foreigners." Sentenced to four year prison term and reportedly being held in Fuzhou women's prison.

28. Mao Wenke: Age: 30's. Not currently being detained, she continues to be threatened with trial by the police. She is active in the "underground church" movement and an activist for the pro-democracy students still in prison. Her most recent detention was in September 1992 following a meeting with exiled dissident Shen Tong.

The following house church lay leaders and elders were arrested and tried together in 1986. All were accused of: membership in an evangelical group outside the government-sanctioned TSPM; planning to overthrow China's proletarian-dictatorship and socialist system; linkage with overseas reactionary forces; receiving and distributing foreign materials; disturbing the social order; and disturbing and breaking up normal religious activities.

29. Mr. Wang Xincai: Age: 39. Evangelical leader from Zhancun village, Fuling Brigade, Xinji Commune, Lushan County, Henan Province, Sentenced to 15 years in prison.

30. Mr. Zhang Yunpeng: Age: 68. Evangelical leader from Zhaozhuang village, Houying Brigade, Zhadian Commune, Lushan County, Henan Province. Sentenced to 14 years in prison.

31. Mr. Qin Zhenjin: Age: 57. Evangelical deacon from Xinji Commune, Lushan County, Henan Province. Length of sentence is unknown.

32. Mr. Cui Zhengsha: Age: 45. Evangelical elder from Lushan County, Henan Province. Length of sentence is unknown.

33. Mr. Xue Guiwen: Age: 38. Evangelical elder from Linzhuang Village, Xinhua Brigade, Zhangdian Commune, Lushan County, Henan Province. Length of sentence is unknown.

34. Mr. Wang Baoquan: Age: 67. Evangelical elder form Second Street. Chengguan Township, Lushan County, Henan Province. Length of sentence is unknown.

35. Mr. Geng Minxuan: Age: 66. Evangelical elder from Sunzhuang Village, Malon Commune, Lushan County, Henan Province. Length of sentence is unknown.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the Solomon-Markey resolution to deny most-favored-nation status to China.

It is not a question of sneakers or slave labor products or supporting increased trade. It is a question of a dirty little secret that we are ignoring today, and that is that China is helping to build and distribute nuclear weapons around the world, and we all know it. There is no one in this Chamber who would dare deny that China is not supplying nuclear equipment in cooperation to build nuclear weapons to countries like Pakistan, Iraq and Iran, and North Korea.

Sooner or later, we will have to defend ourselves against that.

This does not deny them most-favored-nation status forever, but it says to them that we are going to call you. You have got an $18 billion trade surplus with us. Quit making weapons and we will cooperate.

Vote for the Solomon-Markey resolution.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON], a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to House Joint Resolution 208. I admire the intentions of my good friend, the gentleman from New York, but feel very strongly that it is seriously shortsighted and in fact counterproductive to achieving the goals we all share.

The United States is the only nation that annually considers revoking MFN trade status for the PRC. In doing so, we ignore the fact that foreign investors, including United States companies, have brought free-market economics and new political ideas to some parts of the PRC economy, helping to raise the standard of living for many Chinese and to expose them to our democratic and social ideals which foster political change. Denying MFN would hit hardest those areas of the Nation that have moved most aggressively toward a market economy and are relative hotbeds of new political thinking.

China experienced double digit economic growth last year, and was one of only two nations to experience any growth. China is and will continue to be a critical market for United States manufacturing companies and it supports thousands of United States jobs. Should we pass this resolution, our failure to supply airplanes or elevators to China will not create a shortage of these or any other products, but will merely secure the place of foreign suppliers in the incredibly large and fastest growing market in the world. Inconsistent U.S. policy already has allowed European manufacturers to take business from us by arguing that U.S. companies are unreliable suppliers.

I remind my colleagues that over the past 5 years 80 percent of the growth in our GNP resulted from growth in exports. Our standard of living depends on successful exporting. Cutting ourselves off from the Chinese market will effect our standard of living and at the same time, diminish our ability to influence the very Chinese policies we oppose.

Mr. Speaker, since 1990, judicious congressional and Presidential pressure has forced the PRC to accept more change than would have otherwise occurred and supported the forces for change at a time when China faces inevitable, significant turnover in her leadership. In fact the pace of change in China is simply incredible. Not only have they changed the curriculum in their schools, not only is there education every morning on the radio about how to be an entrepreneur, but people are beginning to see their own personal futures differently and are behaving differently, economically and politically.

When Congressman ARCHER and I traveled to China a few months ago, we expressed concern directly to China's leaders that they released political prisoners, accept some of the moderate reforms proposed to open up their system, address their growing trade imbalance with us, and join the international effort to control the spread of nuclear arms. Assistant Secretary of State for East Asian Affairs Winston Lord also visited China to express similar concerns. As a result, the PRC Government continues to take steps to release political prisoners, address human rights issues of concern to all free nations, and is more actively working with us on the issues of arms control and trade imbalances. I believe slow progress will continue, but as China's leadership changes, new leaders will have a far better understanding of the international communities expectations and the pace of change will accelerate. In the meantime, it is critical that we continue to trade with China and maintain our presence in that country so that we can continue to affect economic, social, and political change. I urge opposition to this resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I rise today to join my colleagues, the gentlewoman from California [Ms. PELOSI], the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from Florida [Mr. GIBBONS], and the gentleman from Indiana [Mr. HAMILTON], among the many who worked tirelessly on China policy over the years, in asking Members of this body today to vote against the Solomon amendment.

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For the first time in years, Congress and the White House are speaking with one voice on America's policy toward China. While the previous administration—time and time again—refused to listen to the majority in both the House and Senate, we have a President now who is driven to find common ground, to listen to Congress and the American people in boldly charting a new course with Beijing.

President Clinton's policy makes it clear to the whole world that human rights are again a centerpiece of American policy. He has sent a message to Beijing that improving its human rights record, including its prison labor practices, is a prerequisite to gaining an extension of most-favored-nation trade status next year, and I believe the President is serious about revoking MFN next July if China does not comply.

In announcing his policy, both the President and the Secretary of State made crystal clear that stemming weapons proliferation and establishing more equitable trade practices are also critical to the future of our bilateral relationship. Proliferation, human rights, and free and fair trade are the core values of our foreign policy, and I am very pleased that the administration in consultation with this body has again elevated these issues to center stage.

Mr. Speaker, I urge Members, based on this cooperative successful policy, to vote against the Solomon resolution and for the administration's China policy.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in opposition to the Solomon resolution.

Six weeks ago President Clinton opened a new chapter in United States-China policy. With an Executive order he bridged a 4-year divide between the White House and Congress. While this body had spoken with a bipartisan voice in calling for conditioning the renewal of MFN, the previous administration was unwilling to use our huge trade deficit with China as leverage in pushing them to end the abuse of human rights.

Today, we speak with one voice. The band of leaders who crushed democracy's first breath in China should not doubt that if they do not change their ways, MFN will be revoked. The White House and Congress will not allow the renewal of MFN in 1994 unless China's dictators reverse their abominable human rights practices.

Let us use MFN as leverage as the President proposes to do. And let us make clear that we expect to see an end to the Chinese Government's tyranny in Tibet, including its policy of transferring Chinese nationals into Tibet in an effort to undermine that land's distinctive religious and cultural heritage.

Today, we have a simple message for the rulers in Beijing. The clock is ticking.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART], one of the newest Members of this House.

Mr. DIAZ-BALART. I think, Mr. Speaker, and Members, the question today should not be on trade preferences. It should be on trade sanctions. I think that this issue of most-favored-nation status for Communist China is a bipartisan disgrace. It was a disgrace in the Republican administration, and it is a disgrace today in the Democrat administration.

Because a nation has a lot of guns and a lot of bombs, and is, in effect, a terrorist state with a lot of fat-cat friends in the capitalist West, that does not make it eligible for trade preferences, Mr. Speaker. And that is the reality of Communist China, a lot of fat-cat friends, a lot of paid lobbyists in the West, a lot of paid lobbyists in this Capital, and that is why we are discussing trade preferences, maintaining a trade preference for a savage, barbaric regime that in the television cameras and in the eyes of the world massacred thousands of students just years ago, and here we are discussing, discussing, whether we are going to maintain trade preferences with that savage regime.

Mr. Speaker, there will be a free China, a democratic China, soon, and that will be the time to start discussing trade preference. At this time, it is right not only to cut off the trade preference, but to start talking seriously about trade sanctions, Mr. Speaker.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE].

Mr. SOLOMON. Mr. Speaker, I also yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE], a very distinguished member of the Veterans' Affairs Committee, one that we admire so much on this side of the aisle.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Ohio [Mr. APPLEGATE] is recognized for 2 minutes.

Mr. APPLEGATE. Mr. Speaker, China has invaded our shores big time. The American people are mad as hell about it, and they expect Congress to do something about it. They have invaded big time with slave-labor-made products, child-labor-made products, 37-cents-an-hour-made products with a labor force that has no benefits whatsoever, and I say to my colleagues, all you have to do is go to any department store, walk in, and you will find all this Chinese crap laying all over the counters so you can go in and buy it, and they are sold by people making low wages, minimum wages.

Mr. Speaker, China has violated every trade agreement, every international trade agreement, and they send products worth more than $20 billion to the United States, more than we send over there. That is a $20 billion deficit and at 37 cents an hour, who is going to be able to buy American products over there?

We are losing to a country that has brutalized its people. It has destroyed the dignity of many people in China, stripped them of their human and civil rights, killed 1,700 people because they wanted to speak freely, and then we recognize them as an equal trading partner? Opening our doors? And then Americans are losing their good jobs?

Most-favored-nation status is a cockamamie idea that needs to be buried, and I commend the gentleman from New York [Mr. SOLOMON] for bringing this to the attention of the American people today.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair admonishes Members not to use profanity in their presentations on the floor of the House.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, since I only get a minute and a half today, I did a special order last night, and I would ask unanimous consent that those remarks be inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

### CHINA MFN STATUS

Mr. INHOFE. Mr. Speaker, who in this body would ever admit that he has changed his mind, because if he admits that, he is admitting he is wrong. Correct? No, very wrong. I have changed my mind, Mr. Speaker. A position can be right in the beginning and then become wrong when circumstances change. And that is exactly what has happened with this issue of MFN for China.

In years past, I argued on the floor with the same passion and enthusiasm, though admittedly not the eloquence, as the gentleman from New York [Mr. SOLOMON]. The difference between years past and this year is that I have been to China and have seen the boat that we are about to miss.

There was a time Communist Mainland China was dominated by that evil totalitarian doctrine that enslaved its citizens and forever precluded them from opportunity and freedom. I remember a book I once read. "Modernizing China "by Anthony Kubek. It compared the hope and opportunities of free Taiwan with Communist Mainland China. The culture was the same, the people were the same, the geography was the same, but Taiwan was rich and the Peoples' Republic of China was enslaved and poor.

Anthony Kubek's contrast was accurate. The per capita income in mainland China was $300, compared to $5,000 on Taiwan. On mainland China there was 1 refrigerator for every 250 families, while 96 percent of the Taiwan families had refrigerators. But that book was written in 1987, and China's situation has changed.

A renaissance has taken place just as profound and impressive as that in East Berlin. I remember, Mr. Speaker, when Erich Honecker, former Chairman of the German Democratic Republic was going to make his speech in East Berlin. The citizens had heard about all the wealth and opportunities that went with freedom and they were not going to be suppressed any longer. But Honecker was going to make one more last ditch effort to keep communism alive.

I went out to Andrews Air Force Base and hopped a troop transport over to Berlin to witness the event. Some thought it might be another Tiananmen Square. I remember so well going across Checkpoint Charlie. The thousands of people standing on the free side shouted chants of hope to their families and loved ones. I went to the Soviet sector and was approached by two Soviet soldiers. They tried to get us to let them in our car trunk to smuggle them to freedom in the West, knowing full well that if they were caught at the border, they would be executed. They had no way of knowing that only weeks later, the wall would come tumbling down.

Now, Mr. Speaker, the East Berlin I saw that day was supposed to be the garden spot of communism. If you were a good Communist all of your life, your reward was a week in East Berlin. Garden spot? It was the most depraved slum I have ever seen. A shoe store had eight pairs of shoes, and they were all on display in their store front window. A liquor store had an inventory of three bottles of something, probably vodka. But whatever it was, it was oozing out of the top of the bottles.

Eighteen months later, I returned to East Berlin. I could not believe it was the same city. It was vibrant, bustling, and full of activity and commerce. It was indescribable what 18 months of freedom had done. A transformation had taken place.

Mr. Speaker, a comparable transformation has taken place in China. I traveled from Hong Kong up through the southern Province of Guangdong. Everywhere I looked, there was activity and commerce. The infrastructure had not kept up with commercial growth. It reminded me of the early part of the industrial revolution of the United States. In Guangdong Province alone, there were 7,000 factories. Not too long ago, there were virtually none. They were importing goods from most every country. I witnessed what is becoming the largest market in the world.

Upon returning to Oklahoma, I found out that my State is supplying many of their imports. The largest industry in my district is transportation, specifically aerospace and aviation. China is the largest potential market for the aerospace industry. Upon checking with the Chamber of Commerce and numerous business leaders in the community, I was shocked and pleased to learn how many firms, large and small, in my district, were exporting to China, both in the areas of aerospace and products produced for oil field related activities. Some of those companies are—Rockwell International, Flight Safety International, McDonnell Douglas Corp., Nordam, Burtek, and EG&G Chandler Engineering—just to name a few.

We can continue the growth of this great export market. All we have to do is treat them like everybody else. We shouldn't be calling our relationship most-favored-nation status. That is a misnomer. What we are discussing today is the question, should we single out China from all our other trading partners so that we can discriminate against them? We share MFN status with Spain, France, Germany, the United Kingdom, Ireland, Sweden, Finland, Denmark, Poland, Egypt, Morocco, Mali, Algeria, Saudi Arabia, and most other countries. So, if we deny MFN status to China, we are telling the fastest growing market in the world that we don't want to do business with them.

Mr. Speaker, what does this have to do with human rights, which seems to dominate the MFN issue? Very little. In fact, we shouldn't be debating both issues at the same time, or on the same day. We have everything to lose and nothing to gain. Are we so arrogant to think that we are the only market for China's booming economy? Right now, the Chinese are buying 76 percent of their airlines from McDonnell Douglas and Boeing. Do we somehow believe that they aren't going to buy from Airbus? Sure they are, and that means hundreds of jobs in Tulsa, OK, and I suspect in all the rest of the districts represented here today.

Do we not believe that China will retaliate against us if we try to tie the two issues of trade and human rights together? You bet they will. In 1992, New China Air deliberately dropped a deal with Airbus after France agreed to sell Taiwan 50 Mirage fighters.

Am I somehow self-serving on this issue? Sure. McDonnell Douglas is estimating 175 sales to China over the next few years. A lot of them will be made in Tulsa. Boeing has signed a deal with China for 20 737's, 1 757, and 6 777's. And Boeing buys its control surfaces, skin, and many other components from Rockwell in Tulsa.

So, Mr. Speaker, you might say that I have changed my position of tying together trade and human rights. In years past, I have consistently tied the two together. I have tried to believe that we can force China into submission with MFN status, that we are so important and valuable that China can't get along without us, that we should impose our social and cultural standards upon China before we allow them to become our major export market, that we can tell a country that represents one-third of the world that we don't want to do business with them, and somehow come out ahead. I really tried to believe that.

But when I return to Oklahoma, as I do each weekend, and see the layoffs, the struggling companies and industries trying to survive, a sober reality sets in. Maybe, just maybe, we need China more than China needs us.

No one in this institution abhors human rights violations more than I do. I have fought against such violations all the way from Nicaragua to Siberia, and will continue to do so. But what about the human rights of our workers here in the United States? The right to be gainfully employed and export our products all over the world, the right to have jobs and feed our families.

I speak today to those of you who, like I, have previously sided with Mr. SOLOMON and Ms. PELOSI in this debate. There's nothing wrong with changing your position when the circumstances change—and clearly they have. Don't cut off what can become our largest trading partner, the partner that can create more U.S. jobs than any other. This is not a social issue we are deciding today, it's a jobs issue. Vote to continue our MFN status with China unconditionally, not for them but for us.

Mr. Speaker, I want to make three points.

First, I have changed my position on this issue, and that is what I explained last night. I think this is the only issue where I differ with the gentleman from New York [Mr. SOLOMON], and I was on his side last year, and the year before that, and the 4 years before that, and the reason I have changed is I have been to China, and I have seen the boat that we are about to miss. In Kwangtung Province, in the southern province, 7,000 factories where a few years ago there was none, and I looked around, and I saw how are they supplying these factories, and those are coming from Oklahoma, from New York, and from the United States, and it is a growing market. It may not be a surplus yet, but it will be. I came back, and I found in my district, in Tulsa, OK, we have major exporters to China: McDonnell Douglas, Rockwell, Nordam, Burtek, Flight Safety, Chandler Engineering, and we found that that is one of the major areas where we are exporting. Now the question comes up: Would they retaliate as a result of this and not buy where they can get the best deal, and I would suggest, yes, they would. New China Air had a contract to buy some Airbuses from France. They canceled that contract and bought from the United States because of the sale of 50 Mirages to Taiwan.

And lastly, Mr. Speaker, the third point that I would like to make is: Let us quit talking about most-favored-nation status. That is a misnomer. We have most-favored-nation status with virtually every country: Great Britain, France, Germany, Ireland, Saudi Arabia, Algeria.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I rise in opposition to House Joint Resolution 208, disapproving extension of most-favored-nation status to the People's Republic of China.

Mr. Speaker, the problem we confront as we consider the issue of MFN for China is simple to state:

How can we most effectively promote our human rights concerns in China, while at the same time supporting our other objectives?

The answer, unfortunately, is maddeningly difficult.

Americans care deeply about human rights in China, and we rightly wish to use whatever influence we might have in Beijing to promote a greater respect for basic individual freedoms.

We remain extremely concerned about the future of political prisoners in China;

We are troubled by the use of prison labor;

We abhor China's persecution of religious minorities;

And we deploy Chinese activities in Tibet which threaten the very existence of that people.

But our relationship with China is multifaceted. We also care about economic liberalization that leads to further democratization.

We care about China playing a helpful role in Cambodia;

We care about using China's influence with North Korea to halt Pyongyang's rush to nuclear weapons;

We care about Chinese missile technology transfers to Syria, Iran, and Pakistan;

And we care about China playing a constructive role on the U.N. Security Council.

Mr. Speaker, the real question is whether we should allow a policy that has laudable goals, but also a better-than-even chance of backfiring, to dictate the relationship's direction.

My own sense is that it would be very unwise to permit any one issue to dominate such a multifaceted relationship.

This is not a recommendation for business as usual.

Human rights must remain central in our dialog with the Chinese.

China should release its political prisoners, open its prisons to international inspection, permit foreign observers to attend Chinese trials, end its population transfers in Tibet, and halt the jamming of Voice of America and other international radio broadcasts.

But unless we maintain a dialog with Beijing, none of these issues can even be addressed.

And the surest way to shut off dialog is to revoke MFN, or to make its renewal contingent upon the Chinese meeting conditions that are not attainable in the near term.

Mr. Speaker, I believe that the President's Executive order renewing MFN for China accomplishes the objective of balancing our concerns over human rights while supporting other objectives.

I urge my colleagues to support the President and vote "no" on House Joint Resolution 208.

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Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the chairman of the Committee on Ways and Means for yielding this time to me.

Mr. Speaker, I come in strong opposition to the Solomon amendment. If in fact we want to open up China, if in fact we want democracy in China some years down the road, the only way we are going to get it is by maintaining trade.

I think one of the gentleman on the other side of the aisle who visited China indicated what is really the situation there. Trade is happening in southern China. We are creating an entrepreneurial class in China at this time. The way we get democracy is by getting a marketplace system in China.

Second, we need to give this President an opportunity to negotiate without interference from Congress. I believe that the Executive order that President Clinton came up with, with the help of the gentlewoman from California [Ms. PELOSI], was one in which eventually we are going to see progress with the Chinese in the area of human rights, nuclear proliferation, and these other issues.

So, Mr. Speaker, I urge strong opposition to the Solomon amendment.

Mr. SOLOMON. Mr. Speaker, earlier we heard from the chairman of the Committee on Foreign Affairs, and now we will hear from the ranking Republican of the Committee on Foreign Affairs, the distinguished gentleman from New York [Mr. GILMAN], to whom I yield 2 minutes.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from New York [Mr. SOLOMON] for his leadership throughout the years on this significant humanitarian issue. I wholeheartedly and strongly support the Solomon-Markey resolution.

Sunday's New York Times included an excellent article entitled "Who Armed Iraq? Answers the West Didn't Want To Hear". I urge my colleagues to read that article because it is important that the Congress is aware that the United States came in only second to Germany in the number of commercial deals with Iraq related to nuclear technology and equipment. In a separate category, in terms of the breakdown weighted for importance to Iraq's nuclear and missile programs, the United States tied for sixth place with Great Britain.

I bring this to my colleagues' attention because I am wondering when we will learn from our mistakes. One day when an article is written on what countries helped Communist China underwrite its enormous military buildup, the United States may finally come in first place. We have coddled the dictators in Beijing for so long with open access to our markets, that their country now has enormous growth rates and the third largest economy in the world. I hope we will show the American people that we have learned our lesson that arming dictators will not civilize them and that we truly care about human rights throughout the world.

Accordingly, I urge my colleagues to support the Solomon-Markey resolution disapproving most-favored-nation status for the People's Republic of China.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Mr. MARKEY. Mr. Speaker, I wish to ask the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. MURTHA). The chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], has 6 minutes remaining, the gentleman from Massachusetts [Mr. MARKEY] has 3 minutes remaining, the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from Illinois [Mr. CRANE] has 3½ minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself the remaining time that I have been allotted.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 3 minutes.

Mr. MARKEY. Mr. Speaker, in the 1980's this country had a policy that said that nonproliferation was none of our business. The Chinese for the last decade have had a policy which says that nuclear proliferation is good business, and they have engaged in that practice in an indiscriminate way that has endangered region after region across this planet.

The obligation of our country and of the Members of this body is to deal with the causes of proliferation in this world, not to wait until the consequences are being suffered by region after region around this planet. We are appropriating on this floor, through our defense appropriations process, billions of dollars to defend areas of this globe against the threat of nuclear proliferation. It comes out of the pockets of the taxpayers of our country. If we are sincere about dealing with the long-term consequences of nonproliferation, we must support the resolution as propounded by the gentleman from New York and the gentleman from Massachusetts over the last 4 years, not just with the short-term diplomatic-military-economic considerations that have long dominated the policy makers in our country.

This is both a Democratic and Republican effort, by the way. This has been a nonpartisan, blind eye that has been turned to nuclear proliferation problems on our planet.

Conditional MFN support for China is like saying to a three-time convicted felon that "For the fourth time in a row we are going to give you 100 days of community service as your punishment." It does not send the proper strong message to the Chinese.

They are guilty of human rights abuses. They are guilty of using slave labor. They are guilty of engaging in unfair trade practices. They are guilty of selling nuclear and missile technology to country after country around this planet without any regard for the long-term safety of human beings.

This is the responsibility of the U.S. Congress. We do not need to wait any longer. The Chinese will not cut off trade with us. They have an $18 billion surplus, God help us. We do not have to worry about that. They will keep selling their products in our markets. Let us not allow them, however, to engage in trade practices while we encourage them with the very best tax and tariff policies that our country has to offer. We cannot adopt a wait-until-next-year policy. This is not baseball. This is nuclear weapons proliferation across the planet.

Mr. Speaker, I ask the Members to support the Solomon resolution here on the floor today.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in opposition to House Joint Resolution 208 and support the administration's balanced approach of extending most-favored-nation status to China—while at the same time—setting important goals to be met in critical areas.

By encouraging exports and a good trading relationship with China we are promoting American economic growth, competitiveness, and employment. At the same time, there are important issues that must be addressed in our relation with the Chinese. The President, in his Executive order, deals with these issues; human rights, arms proliferation, and trade reform. Regarding trade, it is estimated that at least $2 billion—and possibly as much as $4 billion—worth of Chinese-made clothing enters the United States each year with a false country of origin. These illegal transshipments have a devastating impact on our domestic textile and apparel industries and American workers are the losers. We must stop this and other abuses if we are to have a successful trading relationship.

I am encouraged by the administration's commitment to halt the flow of transshipped goods into the United States. For example, several weeks ago the Customs Department successfully convicted known transshippers from China as a part of its operation Q-Tip.

This is an on-going investigation into the illegal importation of textiles and apparel from China. I am hopeful that with this type of commitment from the administration, we can halt the flow of illegal goods into the United States and assure American workers that their jobs will not be lost due to illegal trading practices.

Mr. Speaker, I urge my colleagues to support the administration's efforts and oppose this resolution.

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Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, I would note the irony of this debate this morning, because I find myself much in agreement with what has been stated by the gentleman from Massachusetts [Mr. MARKEY] and indeed the gentleman from New York [Mr. SOLOMON]. But I rise in opposition to the Markey-Solomon proposal this morning for what I think is a very good and legitimate reason: the new President of the United States ought to be fundamentally granted the latitude to conduct this foreign policy issue.

Mr. Speaker, we have an opportunity but 1 year from now to return to this Chamber and to revoke MFN status on a timely basis. In addition to that, the person in this institution who has gained in my judgment the most credibility on this issue is the gentlewoman from California [Ms. PELOSI]. If the gentlewoman is willing to grant the new President 1 year to develop a strategy with which we can live, exercising protection for human rights in Asia, then I think the rest of us in this institution can live with it.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I rise in strong opposition to the Solomon resolution.

The proponents of this resolution note an array of serious problems in the United States-China relationship. Many of the concerns expressed in the resolution share unconditional MFN, like myself, have also outlined in recent years. Yes, we are concerned about human rights, and the U.N. Convention on Human Rights is the appropriate place to address this issue, not MFN. Yes, we are concerned about weapons proliferation and bilateral negotiation is the appropriate means to deal with this issue. Yes, we are concerned about our trade relationship with China. China's behavior in all of these areas, at times, has been questionable.

In my opinion, the resolution before the House today is irresponsible and counter to U.S. economic and humanitarian, and peace initiative for numerous reasons. China is a nation of 1.2 billion people, fully 22 percent of the world's population live in China. China is an economic superpower. The United States cannot ignore or place our relations with China on hold. This Nation must have a comprehensive China policy. I am convinced President Clinton recognizes this fact.

On weapons proliferation, the administration must have the flexibility to push the Chinese toward greatly restricting their arms sales. However, one would be naive to state that China is the only rogue nation peddling arms globally. China ranks a distant sixth behind other rogue nations like Britain, France, Germany, and Russia. The United States is the world leader in arms sales. The United States is not only guilty of arms proliferation, we are the most guilty. According to a story in today's Washington Post, the United States sold $13.6 billion in arms to Third World nations in 1992. China, in comparison, sold $100 million in arms to Third World nations in 1992.

China is demonstrating its emerging role as a superpower by constructively and responsibly helping to bring North Korea back from engaging in the production of nuclear weapons and to remain in compliance with the Non-Proliferation Treaty. China will be critical to the Clinton administration goal of achieving a comprehensive test ban treaty. The fact is China's nuclear weapons test site remains silent today and I am hopeful China will extend this silence and support a CTB.

In the Pacific basin, China is beginning to flex itself as a regional superpower both militarily and economically. China's military budget is growing, although it remains relatively small compared to this Nation's defense budget. Nonetheless, increased military expenditures in China disturb and trouble China's neighbors like Japan, Taiwan, and Hong Kong. China's role in the Pacific is important to this country and our friends and allies in the Pacific rim region.

Hong Kong is but one important example. Scheduled to return to Chinese sovereignty in 1997, Hong Kong's fate is tied to China today and in the future. Revoking MFN threatens the United States 13th largest trading partner and the 900 American companies who use Hong Kong as a gateway to Pacific commerce. Additionally, it will have a negative effect on the people of Hong Kong in preparation for transition to Chinese sovereignty. The future of Hong Kong, though little reported in this country, is of immense importance to the United States and particularly, to States like Oregon who are heavily involved in Pacific rim trade. Pacific rim trade means jobs for Oregonians and for many Americans.

Mr. Speaker, I oppose this legislation. It is irresponsible to deny MFN to China and seek to isolate China at this time. Denying MFN to China will cripple the administration's efforts to develop and implement a comprehensive China policy and take away the incentive for the Chinese to consider the United States objectives in this new, emerging relationship. The Clinton administration is committed to engaging China across the board. The President's Executive order is the most appropriate course of action. Give our new President the chance to fashion a new American broad-based foreign policy with respect to China. Let us not legislate away a tool the President may need to effectuate sound foreign policy. I urge my colleagues to defeat the resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NADLER].

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, President Clinton just got back from a very successful Asian tour, and I think, as my colleague, the gentleman from Massachusetts [Mr. NEAL], pointed out, let us give him a chance on China policy as we have done with South Korea and North Korea, and as we have done on trade issues.

Mr. Speaker, the gentlewoman from California [Ms. PELOSI] has worked harder on this issue than anybody, in the days when we had no conditionality on human rights, when we did not stand for human rights principles in our dealings with China. Now we have an Executive order from the President that links China's performance with the Tibetan situation, with political prisoners, and with many other internationally acceptable standards of human rights.

This is an administration that cares about human rights. It has shown its concern on Indonesia, it has shown its concern on Haiti, it has shown its concern at meetings dealing with the Geneva Convention. Let us give the administration a chance. Let us come back a year from now and see if some of those atrocities that the gentleman from Massachusetts [Mr. MARKEY] mentioned, which are correct, have been dealt with effectively and diplomatically.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I rise in opposition to the resolution. It is not often I disagree with the gentleman from New York [Mr. SOLOMON]. I think what we are talking about today is; do we believe in democracy or do we believe in being the biggest bully on the block to try to prove a point?

I think the whole issue here is power to the people, power to the people of the United States, and power to the Chinese people.

In Chen Xian, China, in January, I looked at what was a rice field in 1989, it now is a five-star hotel. Traveling through that community, looking at the television antennas festooned on the top of every building, I asked a Chinese official, a Government official, knowing the law says all they can watch is the Government channel, I asked him, "What are the people watching here," expecting that answer. His response was to tick off all the Hong Kong stations, the BBC, and CNN.

He said, "Of course, we are all required by law to watch the government channel, but no one does, because they are not interested in politics anymore."

I say to my colleagues that we are seeing change take place in China. It will only continue if we continue to give power to the Chinese people to evoke that change and the power to our people, some 30,000 folks in my State, whose jobs depend on trade with China.

Although Members of Congress may disagree on the policy prescriptions, no one disputes the serious human rights abuses in China, the fact that the Chinese Government pursues mercantilist trade policies and their arms sales could lead to the destabilization of many parts of the world. But we must pursue policies which are appropriate to each separate issue and offer a realistic hope of real results.

Revoking MFN to China will not greatly harm the butchers who ordered the attack at Tiananmen Square. But it will harm the Americans whose livelihood depends on trade with China, it will hurt the people of Hong Kong who are attempting to negotiate the delicate transfer to Chinese authority and it will hurt, most of all, the Chinese citizens who are experiencing economic freedom.

This new found economic freedom is driving political change within China, change which will inevitably lead to a more open form of government and greater personal liberties. And unlike Russia, I believe that eventually China will join the family of enlightened, civilized nations without requiring an infusion of American cash in order to keep them democratic.

It's an unlikely group of people who rise today in opposition to the resolution. Frankly, I think the Clinton administration is fooling itself if it believes China will make all the changes required for MFN renewal in 1994. The President's policy solves nothing, just defers debate. But avoiding tough decisions is typical of the new administration.

So I have no doubt that we will easily defeat this resolution today. But I look forward to next year's debate on this issue, when this House is faced with the prospect of unemploying hundreds of thousands of Americans so the administration and certain Members of this House can score well meaning, but pointless debating points.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, it gives me great pleasure to stand in this well and support President Clinton. President Clinton is right on target when he calls for extension of most-favored-nation trading status. We have heard from people who have changed their minds. I happen to be one who has been committed to it from the very outset.

Three years ago I had the chance to meet with Fang Lizhi, the Chinese dissident who was imprisoned for years, when he was released and I met with him in London. He said, "Talk about human rights violations, but don't leave China, a country with a devastated economy."

Mr. Speaker, if you do not maintain most-favored-nation trading status, you clearly will do that.

I flew back Monday night with Bob Novak, the columnist who had just come back from China. He said to me that he has historically opposed most-favored-nation trading status. But having looked at the Provinces of Guangdong and Fujian, he has concluded that most-favored-nation trading status is the only way in which we can continue to engage the Chinese people.

Oppose the Solomon amendment.

Mr. CRANE. Mr. Speaker, I yield my remaining time to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today in opposition to House Joint Resolution 208. Sixty days from now, if the Solomon resolution is approved, China's MFN status would be rescinded. The United States will confront a huge void in its policy of effecting lasting political reform in China with improved trade and economic exchange.

I have always believed that the best tool in our political reform arsenal is trade. Trade is a powerful lever for political change because it is such a powerful mechanism for economic change.

This debate on China MFN status goes to the heart of a fundamental question this Congress has grappled with for many years; how should our trade and political policies be linked? I believe our policy should be aimed at promoting evolution of a society that will be able to press for political reform on its own behalf. MFN is a political tool, a catalyst of change. The best way to advance our international political objectives is to promote greater trade. Trade can be the kind of change that evolves the political process of a nation inevitably, as it moves toward a market directed economy. It gives China an incentive to heed United States concerns—not undermine them. While China may be in our line of fire, withholding MFN will never work as a Secret Service guarding political freedom in that country.

If MFN is revoked, all our efforts to ensure that China moves forward on our broad agenda of market access, human rights, and international security matters will be lost. Economically, China represents an enormous export opportunity for our manufacturers, it is already an $8 billion export market for us. China's economy is now the third largest in the world. Striping away MFN would strip away the opportunity to sow the seeds of market principles in China and create jobs at home. Importers and consumers will suffer. China will turn away from America and look to other partners who are eager to engage in bilateral relationships.

The fundamental question is this: What action can we take today that will further democratic reform and promote more open markets in China? I do not believe we can afford to undercut the reformers who depend upon our trade and economic contracts as a means to bring about political advances.

Mr. Speaker, I urge my colleagues to vote "no" on House Joint Resolution 208.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. WOLF], who has led the fight against this kind of Communist enslavement for many, many years.

Mr. WOLF. Mr. Speaker, I rise in strong support of the Solomon amendment. Let me just thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Massachusetts [Mr. MARKEY] for offering this. It had to be offered. If it were not offered, it would have been a disgrace and blotch on this body.

Mr. Speaker, let me also pay tribute to the gentlewoman from California [Ms. PELOSI] for the work she has done. Clearly she has made a tremendous difference.

I thought a lot about this. I did not want it on my record that I had walked up and voted against the Solomon amendment when future generations look back and know what has happened. I was not sure what I was going to do. But when I looked at Harry Wu's photo exhibit, and Harry Wu was in the Chinese gulag for 19 years, last week in the Cannon Office Building, and saw the pictures of the priests and the bishops and the ministers, some who are still in jail in China and others who had been in prison for 37 years, I could not in all honesty ever come here and vote to give the Chinese Government any recognition when that government continues its atrocious record of religious and political persecution of its people.

Let me just say to the Members on both sides that are voting against Solomon: you now have an obligation that you will be held accountable for with your conscience to hold the Clinton administration accountable for the Chinese Government's actions. And it won't be enough to wait for the 2 weeks just before MFN for China comes up again next year and the Chinese Government frees somebody from prison and makes a big deal about how they are improving their human rights record.

My sense is Solomon may not pass. I hope it does. I urge everyone, if you want a good vote, to vote for Solomon.

But for those that do not vote for Solomon and Markey, think about this vote when we hear, as the gentleman from Massachusetts [Mr. MARKEY] said, of another Chinese arms export, and the Chinese are now sending arms into Sudan, where perhaps they are being used to kill people in southern Sudan. Do not forget that. It did not come up here. Nobody talks about it, but the gentleman from Massachusetts [Mr. MARKEY] is right.

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So those of my colleagues who vote against Solomon, they have such a burden, such an obligation to hold the Clinton administration accountable for the future actions of the Chinese Government. Because if China does not clean up its act under this resolution, they will have to withdraw MFN, they will have to take it away next year.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield the balance of my time to the gentlewoman from California [Ms. PELOSI]; and let me say that nobody has worked more diligently for the passage of this legislation and worked on behalf of this legislation more than the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding time to me and for making this day possible, a day when we can come to the floor and join the President of the United States and send a unified message to the Chinese regime that the clock, as the gentlewoman from Washington [Mrs. UNSOELD] has said, is ticking; that in the next year, by next July, China will not have most-favored-nation status unless it meets the conditions of the President's Executive order.

I would like to commend my colleague, the gentleman from New York [Mr. SOLOMON] for his relentless and great leadership, the gentleman from Massachusetts [Mr. MARKEY] as well, in bringing their resolution to the floor.

Frankly, the force of their arguments give greater leverage to our Executive order and the obligation that the gentleman from Virginia [Mr. WOLF] referred to that we have by next year to either extend MFN, if the conditions are met, but definitely not extend MFN, if they are not.

I agree with the indictment of China made by the gentleman from Massachusetts [Mr. MARKEY], the gentleman from New York [Mr. SOLOMON], the gentleman from Virginia [Mr. WOLF], the gentleman from New York [Mr. GILMAN], and others about the conditions in China relating to human rights, weapons proliferation, and trade violations. I do not agree with my colleagues, even though we will be voting together today, that MFN should not be used as a tool.

I believe that the President has put forth a policy that is reasonable and achievable, conditional MFN. This is what he promised in the campaign, as the New York Times stated. "On China, Mr. Clinton kept the faith."

So if I agree with the indictments, and I disagree that MFN should not be a tool, as some of our colleagues have espoused today, why then do I oppose the Solomon amendment? I do because of the strength and the power of the Executive order.

I believe it is the appropriate tool to use. If we trivialize it, so will the Chinese Government.

I think it is very important for us to get a big vote today, as sympathetic as I am to the gentleman from New York [Mr. SOLOMON] and the gentleman from Massachusetts [Mr. MARKEY], a big vote behind the President of the United States so that a very clear message is sent to the Chinese Government that unless these conditions are met, no kidding, next year, most-favored-nation status is revoked.

The day the President signed the Executive order was a proud day for us. The gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Washington [Mr. FOLEY], and Mr. MITCHELL on the Senate side, helped make it possible. It was great to see the Chinese dissidents, Chai Ling, Shen Tong, Li Lu, the commanders of the Tiananmen Square dissidents surrounding the President of the United States as he signed the order; Lodi Gyari, representative of His Holiness, the Dalai Lama was there, supporting the Executive order, because this year the language on Tibet is stronger than ever before.

I support the Executive order because it contains the provisions of the legislation which we have passed in this House year in and year out, that hundreds of Democrats and Republicans alike have supported year in and year out.

If then, that is what we want, and we requested this of the President and he signed it, I believe we should support it.

I think we have an obligation, as the gentleman from Virginia [Mr. WOLF] pointed out, and I want to reemphasize that, MFN for China will be revoked next year if China does not comply with the provisions of the Executive order.

The Executive order lays out the benchmarks, and China has 1 year to meet them. If they do not meet them, the course of action is clear.

Today, I urge my colleagues to vote "no" on the Solomon-Markey amendment and urge my colleagues to support President Clinton.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a previous speaker on our side of the aisle, the gentleman from California [Mr. DREIER], took the well and proudly bragged about supporting MFN for China all these years. I would just say to the gentleman that it was he and others, Republicans included, who may well have contributed, unintentionally, to the continued enslavement of the people in the People's Republic of China for the past 14 years.

We denied MFN status to the Soviet empire, and the Soviet empire is gone. There is no more communism in Central and Eastern Europe, and we, as Americans, can be so proud because we helped bring it down.

At the same time, we have given MFN status to the People's Republic of China, and what has happened? We have communism maintaining its grip in areas of East Asia, in contrast to what happened in Eastern and Central Europe.

If we had been smart and had never given MFN to China 14 years ago, those 1 billion people could well be free today. North Korea, Cambodia, and Vietnam could be free as well.

When are we going to stop propping up communism in East Asia? That is why everybody ought to vote for the Solomon-Markey resolution; Members will see the Chinese come to the bargaining table tomorrow, because they want to have that $18 billion trade surplus with the United States of America.

Vote "yes" on Solomon-Markey.

Mr. DERRICK. Mr. Speaker, the arguments for denying most-favored-nation trade status to the regime in China range from their human rights abuses of their own citizens to their blatant proliferation of nuclear weapons and ballistic missile technology to countries like Iran and North Korea.

In South Carolina, however, we are more concerned about the shadow trade practices of the Chinese which have resulted in the United States running a $20 billion trade deficit with that country. We are being denied access to one of the world's largest markets, and in return we continually open up our market to them. We are allowing them to export their goods made by prison labor into this country at the same tariff levels we offer our other trade partners who truly do open their markets to our goods and follow internationally accepted trade practices.

China continues to refuse to enforce laws against the piracy of intellectual property and patents, continues its use of prison labor, and continues to evade United States restrictions on textile and apparel goods by transshipping pieces through Hong Kong. All this while they are considered one of our most favored trading partners.

This policy has resulted in the loss of thousands of textile and apparel jobs, and tens of thousands of other manufacturing jobs, across the country. China's record of human rights and as a proliferator nation should give one pause before granting them special status. Their continued disregard for our trade laws and agreements made in good faith should convince anyone that this policy can not persist.

I will continue to fight for the rights of the textile and apparel workers in my State and across the country that continue to get beaten up by China's indifference to their own people as well as their indifference to our trade regulations. I must oppose the granting of most-favored-nation trade status for China.

Mr. SPRATT. Mr. Speaker, I rise to support House Joint Resolution 208 and oppose an extension of most-favored-nation [MFN] trading status for China. Other Members during this debate have raised important concerns regarding China's violation of human rights and its sale of military equipment to nations like North Korea and Iran. Both China's human rights policies and its contributions to weapons proliferation are reasons to deny China an extension of MFN. But as the chairman of the textile caucus, I would like to provide an additional reason why I oppose an extension of MFN.

China habitually violates international trade agreements limiting the import of Chinese textiles and apparel into the United States. China is not our only trading partner transshipping large volumes of illegal textiles. A number of other nations, particularly Asian countries, are also reported implicated. It is time for the United States Government to send the Chinese as well as these other nations a clear message that we will no longer tolerate the transshipment of billions of dollars in illegal textiles and apparel. The United States Customs Service has conservatively estimated that China is illegally transshipping as much as $2 billion worth of textiles and apparel to the United States annually (the actual figure could be as high as $5 billion). A few weeks ago, officials connected to a Chinese trading company in New York were convicted of textile customs fraud. Other cases are pending. At the same time that Chinese fabric enters our market, United States manufacturers find the Chinese market closed to American products. China now enjoys a $18 billion overall trade surplus with the United States.

Whether or not Congress decides today to deny China's MFN status, I call upon the State Department and United States Trade Representatives [USTR] to vigorously pursue the issue of textile transshipment with the Chinese Government and other appropriate governments. I also urge our trade negotiators to include stiff enforcement provisions in the new MFA bilateral treaty we are negotiating with China and other textile exporting nations. For example, I believe that all of our MFA bilateral treaties, including China's should permit the United States to impose triple charges against a violating country's quota. China must understand that we are serious when we say that we expect them to obey the trade agreements which they sign. America has already lost thousands of jobs and billions of dollars in revenue thanks to illegal transshipment. But until we can show nations like China that we are serious, illegal textiles will continue to arrive.

Mr. LEACH. Mr. Speaker, despite overheated campaign rhetoric by candidate Clinton suggesting a signal shift in American foreign policy toward China, the new administration has in fact wisely adopted 98 percent of former President Bush's approach to Sino-American relations.

As President Clinton now realizes, few developments could cause greater instability in Asia than the instigation of a cold trade war with China. All Members understand that our relationship is burdened by serious U.S. concerns on nuclear and ballistic missile proliferation, trade, labor and political rights. Yet any congressional action such as contemplated in this resolution that removes the basis for normal nondiscriminatory trade profoundly jeopardizes economic and political reform within China, as well as peace, stability, and prosperity in the region.

Revocation of MFN would reverse America's historic open door policy to China in favor of a counterproductive bolted door approach, unilaterally ceding our progressive influence and market share to others.

Revocation of MFN would have the perverse effect of negatively impacting those elements in China we most want to support—the free market entrepreneurs in South China and now Shanghai who are responsible for so much progressive economic change.

Revocation of MFN would in fact undercut the multiplying stepchildren of Adam Smith and allow a tightening of the reins of economic and political power by the discredited disciples of Marx, Lenin, and Mao.

Revocation of MFN would, from an American agricultural perspective, be the equivalent of a unilateral embargo on soybean and other grain sales, hurting the American farmer and Chinese child, not Communist apparatchik.

Revocation of MFN would undercut our friends in Hong Kong and Taiwan and potentially impel political change of a negative nature outside as well as inside China.

And in a broader foreign policy context, revocation of MFN would undercut the new-found authority and effectiveness of the U.N. Security Council and end any hope of Chinese cooperation on issues as wide ranging as Cambodia nation-building, Serbia peacekeeping, as well as arms proliferation in the Middle East and nuclear proliferation on the Korean Peninsula.

Perhaps most significantly, revocation of MFN would dangerously signal to American friends and allies throughout East Asia that the United States is a less predictable and less reliable partner for peace and stability throughout the world.

Let's not play Russian roulette with American national interests and recognize that while the human rights policy of the Chinese Government demands congressional criticism, efforts to advance a democratic and human rights agenda for the Chinese people demands American economic engagement.

Let's help precipitate a peaceful evolution to democracy and international cooperation and not box China into a return to a new era of cultural revolution at home and antagonistic foreign policies abroad. I urge the defeat of the resolution.

Mr. MCCURDY. Mr. Speaker, I rise in opposition to House Joint Resolution 208, the measure to deny most-favored-nation trade status for China.

I rise as someone who has long argued that the United States must promote democracy throughout the world. I have fought to defend programs that underwrite democratic experiments in dozens of other countries. I have championed the National Endowment for Democracy, aid to democratic opposition groups, economic and military assistance to democracies, and direct U.S. security commitments to a few select friends and allies.

I strongly agree with the substance of this legislation's concerns. China's human rights practices are an offense against humanity. In years past, I voted to condition China's MFN status on human rights improvements.

But democracy is not a simple goal, especially in a nation as vast and complex as China. If history tells us anything about China, it is that the country has an enormous capacity for isolation. Imposing sanctions and making demands of China's leaders can only be counterproductive.

This legislation will not free one political prisoner. It will not close one prison labor camp. It will not stop a single Chinese arms sale.

Meanwhile, denying MFN would destroy the exciting experiment with free-market economics now underway in China. Primarily in China's southern provinces but increasingly throughout the country, the influence of the Communist Party is one the wane. Capitalist factory managers, economic planners, and entrepreneurs are winning more and more autonomy every day.

Foreign investment, from Hong Kong, Taiwan, Japan, and increasingly the United States, is transforming the economic face of China. Gradually, the outside world is gaining influence.

And the lesson of Eastern Europe is clear: such economic reforms lead inexorably to political reform. The process may move more slowly in China, but it is underway. The light of democracy has begun to flicker within China's economic liberalization.

This legislation would extinguish that light, and with it the hopes of millions of Chinese for a more prosperous, more democratic future.

From a strategic perspective, few nations will be more important than China in coming years. Indeed, within a decade it may be the only country with a combination of political, military, and economic power that rivals the United States. The safety and stability of East Asia, global arms control and nonproliferation goals, and our own national security all demand that we encourage China down the path of moderation.

This legislation would undermine that goal. It would isolate China from the world community and fracture Sino-American relations. With nothing to lose, Chinese leaders could easily veer toward a foreign policy of extremism and violence.

The President has laid out a good, workable strategy toward China. With an administration in office that is truly focused on these issues, we should give the executive branch an opportunity to make progress on the goals we all share.

I urge my colleagues to reject House Joint Resolution 208.

Mr. DICKS. Mr. Speaker, I rise in strong opposition to this shortsighted and counterproductive resolution. The President has undertaken what I believe is a prudent and balanced approach to our relations with the People's Republic of China. He has clearly indicated his intention to pursue our very legitimate concerns in areas such as human rights, arms proliferation and unfair trade. At the same time he has not chosen at the outset of his Presidency to abandon constructive dialogue with the most populous nation in the world.

As Congressman LEE HAMILTON, chairman of the House Foreign Affairs Committee noted in his April 1 address, "A New U.S. Policy on China," we have a wide range of tools that can be utilized to positively influence Chinese behavior. Chairman HAMILTON's suggestions include:

Withholding approval of important high-technology items in order to secure Chinese compliance with proliferation commitments;

Initiating section 301 negotiations on issues of intellectual property and market access, raising the prospect of selective punitive tariffs to secure Chinese cooperation;

Subjecting China's actions to international scrutiny, and its misdeeds to international opprobrium;

Using our influence to either support of impede China joint GATT which is a high priority for them;

Forcefully presenting our concerns on human rights abuses in forums like the U.N. Commission on Human Rights, where the prospects of securing international support for condemning basic civil liberties will be greater than unilateral declarations.

Fundamentally, given the dynamic nature of international relations, we believe that it is far preferable to provide the administration with the flexibility it needs to pursue our interests without the imposition or rigid legislated conditions.

In particular, denial of MFN stat is at best a poor substitute to active engagement. Denial could well prove a counterproductive tool to achieving our ends, that could also have very negative consequences for both nations and could seriously set back efforts to develop cooperative policies as well enter the post-cold-war era.

Currently, there is a sizable trade imbalance between our nations. To some extent that reflects unfair trade practices that we have to resolve, just as is the case with Japan and other nations. But to a very large extent this is more a reflection of shifting trends among East Asian exporters since our overall trade picture with the region has not dramatically changed.

But importantly, we are on the threshold to fully tapping the potentially immense Chinese market for American exports. Denial of MFN, and inevitable Chinese retaliation for this action, will jeopardize what is already a very sizable contribution to the American economy.

Economists estimate that the $8 billion in goods and services we exported to China in 1992 translate into 150,000 jobs. The impact on the financially strapped aerospace industry is especially significant. In 1992, China was the only commercial aircraft customer for McDonnell-Douglas. For Boeing, China represented 17 percent of its total sales, nearly matching all its domestic sales. For the future, industry analysts put the China aerospace market at $40 billion. Because of this high leverage, and high visibility, the Chinese have made no secret that aerospace industry will be the first to bear the burden of retaliation. But there are also sizable potential markets for a wide range of American products that will never be realized if we slip into a full fledged trade war.

Active pursuit of a balanced United States-China policy through the full range of tools available to our Nation will reduce the pressure to pursue inflexible conditions on the most drastic tool in our arsenal, extension of most-favored-nation status. As a result we will promote cooperation on issues ranging from nuclear proliferation in North Korea to a smooth transition for Hong Kong's status, rather than confrontation. Since MFN status is reviewed on an annual basis, both the Congress and administration can review this issue anew if this new approach does not demonstrate progress.

The Ways and Means Committee overwhelmingly affirmed this judgment in its 35-to-2 vote to report this resolution adversely. I urge my colleagues to follow their lead and oppose the resolution.

Mr. NADLER. Mr. Speaker, I rise in support of this resolution.

Rarely has this House been faced with such clear moral issue. Should we allow goods, produced by slave labor, into this country to compete against goods produced by our constituents? Should the trade policies of the United States subsidize the brutal and dictatorial regime in Beijing?

The evidence is clear and undisputed. No one disputes that the continuing use of prison labor, the continued tyranny, the reckless and irresponsible proliferation of nuclear arms, and the cruel and illegal occupation of Tibet.

The only question seems to be, whether revoking most-favored-nation status now is the best way to bring about improvements in human rights in China?

Clearly, much has changed in the last year. We have an administration that is willing to make a genuine commitment to human rights, and a Government that is speaking with one voice to the tyrants in Beijing. For that reason, many of our colleagues who care deeply about the situation in China and Tibet, and who have fought courageously for human rights, have concluded that it would be better to continue China's MFN status while conditioning continuation of that status on the achievement by the Chinese Government of clearly defined goals within a specified period of time.

If I believed that the Chinese Government would respond positively to such tactics, I would be opposing this resolution too. But too much has happened, and too much is still happening to make me believe that an extension of MFN will have any effect.

Does anyone in this Chamber really believe that the Chinese Government does not know what the rest of the world expects of it? Can any of us believe that another extension and another threat will be taken seriously?

Even now, as we debate, the oppression continues. Arrests are being made. The Tibetan people are still being overwhelmed by massive population transfers of Chinese citizens into their homeland. Weapons of mass destruction are being shipped to Pakistan, Syria, and Iran to be pointed at our allies and our citizens abroad. The United States is running a $20 billion trade deficit with China because prison labor undercuts the wages of free people.

What will it take? How many more will have to die? How many weapons of mass destruction will have to be aimed at our allies? How many more of our constituents will have to lose their jobs before this Congress understands that the Chinese Government is not getting the message the old way?

It's time to send them a message that will be heard. I urge the adoption of the resolution.

It's time to send them a message that will be heard. I urge the adoption of the resolution.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of House Joint Resolution 208, which disapproves the extension of MFN [most-favored-nation] status to the People's Republic of China. I have strong reservations about granting MFN status to any nation that exhibits the current practices of the Chinese Government.

The People's Republic of China has an abominable record on nuclear proliferation, human rights, and trade practices. I believe we must see a dramatic improvement in these areas before China is granted MFN status.

Despite opposition from the West, China has supplied countries like Iran and Syria with ballistic missiles and other critical defense technologies. While China has agreed to adhere to the Nuclear Non-Proliferation Treaty, they must also demonstrate that they will not provide hostile nations of the world with deadly missile, nuclear, and chemical technologies.

China has consistently disregarded internationally accepted standards of human rights since the Tiananmen Square massacre in June 1989. The hardline Communist government continues to imprison democracy activists and religious leaders. Additionally, recent evidence indicates that products manufactured in Chinese prison-labor camps are being exported to the United States.

In the past, open trade with China has not been successful in encouraging the Chinese hardliners to move away from both their heinous mistreatment of Chinese people and their unwise foreign policy. China's record of coerced abortions and forced sterilization is also of great concern to me. I believe significant progress must be made in these areas before we can welcome China into the family of free-trading nations by granting MFN status. I hope that these problems can be worked out so that in the future I can support MFN for China.

In closing, I urge my colleagues to send a message to the Chinese Government by supporting the resolution before us today.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to the order of the House of Thursday, July 15, 1993 and sections 152 and 153 of the Trade Act of 1974, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 105, nays 318, not voting 11, as follows:

[Roll No. 347]

YEAS—105

Andrews (ME)
Applegate
Baker (CA)
Ballenger
Barlow
Barton
Bentley
Bilbray
Bliley
Boehlert
Browder
Brown (OH)
Bunning
Burton
Byrne
Calvert
Coble
Collins (GA)
Conyers
Cooper
Cox
Cramer
Deal
DeFazio
Derrick
Diaz-Balart
Doolittle
Duncan
Evans
Everett
Fish
Frank (MA)
Franks (CT)
Gejdenson
Gilchrest
Gilman
Goodling
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hefley
Hefner
Hochbrueckner
Holden
Horn
Huffington
Hunter
Hyde
Inglis
Kaptur
Kasich
Kingston
Klink
Klug
Kyl
Lantos
Lewis (FL)
Linder
Lloyd
Long
Markey
McCollum
McInnis
McMillan
Molinari
Moran
Morella
Nadler
Neal (NC)
Pallone
Porter
Quillen
Rahall
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Sanders
Saxton
Schenk
Sensenbrenner
Skeen
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Tauzin
Taylor (MS)
Taylor (NC)
Traficant
Upton
Valentine
Walker

Walsh
Washington
Weldon
Wheat
Wolf
Young (FL)

NAYS—318

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Bryant
Buyer
Callahan
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Coppersmith
Costello
Coyne
Crane
Crapo
Cunningham
Danner
Darden
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Houghton
Hughes
Hutchinson
Hutto
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Knollenberg
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Abercrombie
de la Garza
Dornan
Frost
Hancock
Henry
Hoyer
LaFalce
Moakley
Packard
Ridge

□ 1237

The Clerk announced the following pair:

On this vote:

Mr. Dornan for, with Mr. Hoyer against.

Mr. McKEON and Mr. THOMAS of Wyoming changed their vote from "yea" to "nay."

Messrs. WELDON, COLLINS of Georgia, RAHALL, and Ms. KAPTUR changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

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## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2010, NATIONAL SERVICE TRUST ACT OF 1993

The SPEAKER pro tempore (Mr. MURTHA). The unfinished business is the question de novo on agreeing to House Resolution 217.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 164, not voting 9, as follows:

[Roll No. 348]

AYES—261

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis(GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—164

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke

Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Abercrombie
DeLay
Dornan
Frost
Henry
Moakley
Packard
Washington
Wilson

□ 1256

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. DeLay against.

Mr. Abercrombie for, with Mr. Dornan against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution, House Joint Resolution 208, previously debated.

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from New York?

There was no objection.

## NATIONAL SERVICE TRUST ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 217 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2010.

□ 1208

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes with Mr. FIELDS of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 13, 1993, all time for general debate had expired.

Pursuant to House Resolution 217, no further general debate is in order.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

### H.R. 2010

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "National Service Trust Act of 1993".*

*(b) TABLE OF CONTENTS.—The table of contents is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings and purpose.*

*TITLE I—PROGRAMS AND RELATED PROVISIONS*

*Subtitle A—Programs*

*Sec. 101. Federal investment in support of national service.*
*Sec. 102. National Service Trust and provision of national service educational awards.*
*Sec. 103. School-based and community-based service-learning programs.*
*Sec. 104. Quality and innovation activities.*
*Sec. 105. Public Lands Corps.*
*Sec. 106. Urban Youth Corps.*

*Subtitle B—Related Provisions*

*Sec. 111. Definitions.*
*Sec. 112. Authority to make State grants.*
*Sec. 113. Family and medical leave.*
*Sec. 114. Reports.*
*Sec. 115. Nondiscrimination.*
*Sec. 116. Notice, hearing, and grievance procedures.*
*Sec. 117. Nondisplacement.*
*Sec. 118. Evaluation.*
*Sec. 119. Engagement of participants.*
*Sec. 120. Contingent extension.*
*Sec. 121. Repeals.*

*TITLE II—ORGANIZATION*

*Sec. 201. State Commissions on National Service.*
*Sec. 202. Interim authorities of the Corporation for National Service and ACTION Agency.*
*Sec. 203. Final authorities of the Corporation for National Service.*

*TITLE III—REAUTHORIZATION*

*Subtitle A—National and Community Service Act of 1990*

*Sec. 301. Authorization of appropriations.*

*Subtitle B—Domestic Volunteer Service Act of 1973*

*Sec. 311. Short title; references.*

*CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS*

*Sec. 321. Purpose of the VISTA program.*
*Sec. 321A. Assistant Director for VISTA Program.*
*Sec. 322. Selection and assignment of VISTA volunteers.*
*Sec. 323. Terms and periods of service.*
*Sec. 324. Support for VISTA volunteers.*
*Sec. 325. Participation of younger and older persons.*
*Sec. 326. Literacy activities.*
*Sec. 327. Applications for assistance.*
*Sec. 328. Repeal of authority for student community service programs.*
*Sec. 329. University year for VISTA.*
*Sec. 330. Authority to establish and operate special volunteer and demonstration programs.*
*Sec. 331. Technical and financial assistance.*
*Sec. 332. Elimination of separate authority for drug abuse programs.*

*CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS*

*Sec. 341. National Senior Volunteer Corps.*
*Sec. 342. The Retired and Senior Volunteer Program.*
*Sec. 343. Operation of the Retired and Senior Volunteer Program.*
*Sec. 344. Services under the Foster Grandparent Program.*
*Sec. 345. Stipends for low-income volunteers.*
*Sec. 346. Conditions of grants and contracts.*
*Sec. 347. Agreements with other Federal agencies.*
*Sec. 348. Minority group participation.*
*Sec. 349. Programs of national significance.*
*Sec. 350. Demonstration programs.*

*CHAPTER 3—ADMINISTRATION*

*Sec. 361. Purpose of agency.*
*Sec. 362. Authority of the Director.*
*Sec. 362A. Political activities.*
*Sec. 363. Compensation for volunteers.*
*Sec. 364. Repeal of report.*
*Sec. 365. Application of Federal law.*
*Sec. 366. Nondiscrimination provisions.*
*Sec. 367. Elimination of separate requirements for setting regulations.*
*Sec. 368. Clarification of role of Inspector General.*
*Sec. 369. Copyright protection.*
*Sec. 370. Deposit requirement credit for service as a volunteer.*

*CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS*

*Sec. 381. Authorization of appropriations for title I.*
*Sec. 382. Authorization of appropriations for title II.*
*Sec. 383. Authorization of appropriations for title IV.*
*Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.*
*Sec. 385. Repeal of authority.*

*CHAPTER 5—GENERAL PROVISIONS*

*Sec. 391. Technical and conforming amendments.*
*Sec. 392. Effective date.*

*TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS*

*Sec. 401. Definition of Director.*
*Sec. 402. References to ACTION and the ACTION Agency.*
*Sec. 403. Definitions.*
*Sec. 404. References to the Commission on National and Community Service.*
*Sec. 405. References to Directors of the Commission on National and Community Service.*
*Sec. 406. Effective date.*

***SEC. 2. FINDINGS AND PURPOSE.***

*(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:*

***"SEC. 2. FINDINGS AND PURPOSE.***

*"(a) FINDINGS.—The Congress finds the following:*

*"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.*

*"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, disability, or region.*

*"(3) The rising costs of post-secondary education are putting higher education out of reach for an increasing number of citizens.*

*"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.*

*"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.*

*"(6) Residents of low-income communities, especially youths and young adults in these communities, can be empowered through their service to help provide future community leadership.*

*"(b) PURPOSES.—It is the purpose of this Act to—*

*"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;*

*"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;*

*"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;*

*"(4) encourage citizens of the United States, regardless of age, income, or disability, to engage in full-time or part-time national service;*

*"(5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;*

*"(6) expand and strengthen existing service programs with demonstrated experience in providing structured service opportunities with visible benefits to the participants and community;*

*"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens; and*

*"(8) provide tangible benefits to the communities in which national service is performed.".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:*

*"Sec. 2. Findings and purpose.".*

## *TITLE I—PROGRAMS AND RELATED PROVISIONS*

### *Subtitle A—Programs*

### *SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.*

*(a) TRANSFER OF EXISTING SUBTITLE.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended—*

*(1) by redesignating subtitle C (42 U.S.C. 12653 et seq.) as subtitle I;*

*(2) by inserting subtitle I (as redesignated by paragraph (1) of this subsection) after subtitle H; and*

*(3) by redesignating sections 120 through 136 as sections 199 through 199O, respectively.*

*(b) ASSISTANCE PROGRAM AUTHORIZED.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting after subtitle B the following new subtitle:*

### *"Subtitle C—National Service Trust Program*

### *"PART I—INVESTMENT IN NATIONAL SERVICE*

### *"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.*

*"(a) PROVISION OF ASSISTANCE.—The Corporation for National Service may make grants to States, subdivisions of States, Indian tribes, public and private nonprofit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—*

*"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and*

*"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.*

*"(b) AGREEMENTS WITH FEDERAL AGENCIES.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle. A Federal agency receiving assistance under this subsection shall not be required to satisfy the matching funds requirements specified in subsection (e). However, the supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance. A Federal agency receiving assistance under this subsection shall consult with the State Commissions for those States in which projects will be conducted in order to ensure that the projects do not duplicate existing State or local programs.*

*"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—*

*"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and*

*"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—*

*"(A) the value of a national service educational award under section 147; and*

*"(B) the total number of approved national service positions to be provided.*

*"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—*

*"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—*

*"(A) the recipient of the assistance; and*

*"(B) national service programs carried out or supported with the assistance.*

*"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—*

*"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and*

*"(B) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(i) the original recipient of the grant or transfer of assistance under such subsection; and*

*"(ii) national service programs carried out or supported with the assistance.*

*"(e) MATCHING FUNDS REQUIREMENTS.—*

*"(1) REQUIREMENTS.—Except as provided in section 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.*

*"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, the program—*

*"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and*

*"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).*

*"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### *"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.*

*"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:*

*"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.*

*"(2) A full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National Service Trust Act of 1993, and other conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands or Hawaiian home lands), that—*

*"(A) undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human services projects;*

*"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited English proficiency, and homeless youths, and youths with disabilities) who are between those ages; and*

*"(C) provides those participants who are youths and young adults with—*

*"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and*

*"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.*

*"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.*

*"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—*

*"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and*

*"(B) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.*

*"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.*

*"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—*

*"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);*

*"(B) teams composed of such students; or*

*"(C) teams composed of a combination of such students and community residents.*

*"(7) A preprofessional training program in which students enrolled in an institution of higher education—*

*"(A) receive training in specified fields, which may include classes containing service-learning;*

*"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and*

*"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.*

*"(8) A professional corps program that recruits, trains, and places qualified participants in positions—*

*"(A) as teachers, nurses, police officers, early childhood development staff, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;*

*"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and*

*"(C) that are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.*

*"(9) A program in which economically disadvantaged individuals (including individuals with disabilities) who are between the ages of 16 and 25 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—*

*"(A) the housing needs of low-income families and the homeless; and*

*"(B) the need for community facilities in low-income areas.*

*"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.*

*"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component for other national service programs described in this subsection.*

*"(12) A program that is administered by a combination of nonprofit organizations located in a low-income area, provides a broad range of services to residents of such area, is governed by a board composed in significant part of low-income individuals, and is intended to provide opportunities for individuals or teams of individuals to engage in community projects in such area that meet unaddressed community and individual needs, including projects that would—*

*"(A) meet the needs of low-income children and youth aged 18 and younger, such as providing after-school 'safe-places' with opportunities for learning and recreation; or*

*"(B) be directed to other important unaddressed needs in such area.*

*"(13) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities and to combat rural poverty, including health care, education, and job training.*

*"(14) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.*

*"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—*

*"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.*

*"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of human, educational, environmental, or public safety services to communities or persons.*

*"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.*

*"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.*

*"(c) NATIONAL SERVICE PRIORITIES.—*

*"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation may establish, and periodically alter, priorities regarding the types of national service programs to be assisted under section 121 and the purposes for which such assistance may be used.*

*"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—*

*"(A) a description of any alteration made in the priorities since the previous notice; and*

*"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).*

*"(3) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.*

***"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.***

*"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:*

*"(1) A position for a participant in a national service program described in section 122(a) that receives assistance under subsection (a) or (b) of section 121.*

*"(2) A position for a participant in a program that—*

*"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private nonprofit organization, an institution of higher education, or a Federal agency; and*

*"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.*

*"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).*

*"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.*

*"(5) A position for a participant in the Civilian Community Corps under subtitle E.*

*"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.*

*"(7) Such other national service positions as the Corporation considers to be appropriate.*

***"SEC. 124. TYPES OF PROGRAM ASSISTANCE.***

*"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.*

*"(b) OPERATIONAL ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.*

*"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.*

*"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.*

***"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.***

*"(a) TRAINING PROGRAMS.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—*

*"(1) improve the ability of national service programs assisted under section 121 to meet*

*human, educational, environmental, or public safety needs in communities—*

*"(A) where services are needed most; and*

*"(B) where programs do not currently exist or are currently too limited to meet community needs;*

*"(2) promote leadership development in such programs;*

*"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;*

*"(4) develop the management and budgetary skills of program operators; and*

*"(5) provide for or improve the training provided to the participants in such programs.*

*"(b) TECHNICAL ASSISTANCE.—The Corporation shall make appropriate technical assistance available to States, subdivisions of States, Federal agencies, Indian tribes, public and private nonprofit organizations, and institutions of higher education that desire—*

*"(1) to develop national service programs; or*

*"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.*

### *"SEC. 126. OTHER SPECIAL ASSISTANCE.*

*"(a) SUPPORT FOR STATE COMMISSIONS.—*

*"(1) ASSISTANCE AUTHORIZED.—Of the funds appropriated to carry out this subtitle in each fiscal year, not to exceed $17,500,000 shall be available to the Corporation to make assistance available to assist a State to establish or operate the State Commission on National Service required to be established by the State under section 178.*

*"(2) AMOUNT OF ASSISTANCE.—Except as provided in paragraph (3), the amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—*

*"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and*

*"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.*

*"(3) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount of assistance that may be provided to a State Commission under this subsection for a year may not exceed $500,000.*

*"(b) DISASTER SERVICE.—The Corporation may undertake activities to involve youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws in relief efforts in response to an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

*"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—*

*"(1) ASSISTANCE AUTHORIZED.—The Corporation may make challenge grants under this subsection to a national service program that receives assistance under section 121. The Corporation shall develop criteria for the selection of challenge grant recipients so as to make the grants widely available to a variety of high-quality national service programs with demonstrated experience in providing service opportunities with visible benefits to the participants and to the community served.*

*"(2) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.*

## *"PART II—APPLICATION AND APPROVAL PROCESS*

### *"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.*

*"(a) ALLOTMENTS OF ASSISTANCE AND APPROVED POSITIONS TO STATES AND INDIAN TRIBES.—*

*"(1) 33⅓ PERCENT ALLOTMENT OF ASSISTANCE TO CERTAIN STATES.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.*

*"(2) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES AND POSSESSIONS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval of an application by the Corporation under section 133. Palau shall also be eligible for a grant under this paragraph from the allotment until such time as the Compact of Free Association with Palau is ratified. The amount allotted as a grant to each such territory or possession under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory or possession bears to the total population of such territories and possessions.*

*"(3) ONE PERCENT ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, to be allotted by the Corporation on a competitive basis in accordance with their respective needs.*

*"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—*

*"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and*

*"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.*

*"(b) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (a) and (d) for that fiscal year.*

*"(c) RESERVATION FOR SPECIAL ASSISTANCE.—Of the funds appropriated under section 501(a)(2), and subject to the limitation in that section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. However, the Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).*

*"(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS AND APPROVED POSITIONS.—*

*"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States on a competitive basis under section 121(a).*

*"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—The Corporation shall distribute on a competitive basis to subdivisions of States, Indian tribes, public and private nonprofit organizations (including labor organizations), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c). However, the Corporation may not provide more than ⅓ of the funds available for competitive distribution under this paragraph for a fiscal year to Federal agencies under section 121(b).*

*"(3) LIMITATIONS.—The Corporation may limit the categories of eligible applicants for assistance under paragraph (2) consistent with the priorities established by the Corporation under section 133(d)(2).*

*"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance and approved national service positions under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.*

*"(f) DISTRIBUTION OF APPROVED POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not distribute approved national service positions under this section for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year to satisfy the maximum possible obligations to be incurred by the United States to provide the national service educational award corresponding to service in these positions.*

*"(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—*

*"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service*

positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

**"SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.**

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation may require the following information to be provided in an application submitted under subsection (a):

"(1) A description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121.

"(2) A description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected, unless such a process conflicts with State or local law, regulation, or policy.

"(3) A description of other funding sources to be used, or sought to be used, for the national service programs referred to in paragraphs (1) and (2), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in not increasing their reliance on funds provided under this Act.

"(4) A description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed.

"(5) A description of the plan to be used to recruit participants, including youth with disabilities and economically disadvantaged youth, for the national service programs referred to in paragraphs (1) and (2).

"(6) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) build on existing programs, including Federal programs.

"(7) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) will involve participants—

"(A) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

"(B) in leadership positions in implementing and evaluating the program.

"(8) Measurable goals for the national service programs referred to in paragraphs (1) and (2), and a strategy to achieve such goals, in terms of—

"(A) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

"(B) the service experience to be provided to participants in the programs.

"(9) A description of the manner and extent to which the national service programs referred to in paragraphs (1) and (2) conform to the national service priorities established by the Corporation under section 122(c).

"(10) A description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable service programs.

"(11) A description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant.

"(12) A description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in paragraphs (1) and (2), including the identity of the individual representing each appropriate labor organization (if any) who was consulted and the nature of the consultation.

"(13) Such other information as the Corporation may reasonably require.

"(c) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—

"(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.

"(d) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis. In making such competitive selections, the State shall seek to ensure the equitable allocation within the State of assistance and approved national service positions provided under this subtitle to the State taking into consideration such factors as the location of the programs applying to the State, population density, and economic distress.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(e) SPECIAL RULE FOR CERTAIN APPLICANTS.—

"(1) WRITTEN CONCURRENCE.—In the case of a program applicant that proposes to also serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the service sponsor who are engaged in the same or substantially similar work as that proposed to be carried out.

"(2) PROGRAM APPLICANT DEFINED.—For purposes of this subsection, the term 'program applicant' means—

"(A) a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency submitting an application under this section; or

"(B) an entity applying for assistance or approved national service positions through a grant program conducted using assistance provided to a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency under section 121.

"(f) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

**"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.**

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177.

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform; and

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from—

*"(A) the community served and potential participants in the program; and*

*"(B) community-based agencies with a demonstrated record of experience in providing services and local labor organizations representing employees of service sponsors, if these entities exist in the area to be served by the program;*

*"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and*

*"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.*

*"(d) EVALUATION AND PERFORMANCE GOALS.—*

*"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—*

*"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121 or, with the approval of the Corporation, conduct an internal evaluation of the program;*

*"(B) apply measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—*

*"(i) on communities and persons served by the projects performed by the program;*

*"(ii) on participants who take part in the projects; and*

*"(iii) in such other areas as the Corporation may require; and*

*"(C) cooperate with any evaluation activities undertaken by the Corporation.*

*"(2) EVALUATION.—Subject to paragraph (3), the Corporation shall develop evaluation criteria and performance goals applicable to all national service programs carried out with assistance provided under section 121.*

*"(3) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.*

*"(e) LIVING ALLOWANCES AND OTHER INSERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—*

*"(1) ensure the provision of a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and*

*"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.*

*"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs. In the case of programs conducted by a State or subdivision of a State, the Corporation shall permit the State or subdivision to select only residents of that State if such a restrictive selection procedure is necessary to comply with State or local law, regulation, or policy.*

***"SEC. 132. INELIGIBLE SERVICE CATEGORIES.***

*"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—*

*"(1) business organized for profit;*

*"(2) labor union;*

*"(3) partisan political organization; or*

*"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization.*

***"SEC. 133. CONSIDERATION OF APPLICATIONS.***

*"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—*

*"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and*

*"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.*

*"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position. The application of the State or other entity under section 130 shall contain a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance.*

*"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:*

*"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.*

*"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.*

*"(3) The sustainability of the national service program, based on evidence such as the existence—*

*"(A) of strong and broad-based community support for the program; and*

*"(B) of multiple funding sources or private funding for the program.*

*"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.*

*"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.*

*"(6) The extent to which projects would be conducted in the following areas where they are needed most—*

*"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;*

*"(B) areas that are environmentally distressed;*

*"(C) areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation;*

*"(D) areas adversely affected by reductions in defense spending or the closure or realignment of military installations;*

*"(E) rural areas adversely affected by unfair trading practices of international competitors of the United States; or*

*"(F) areas that have an unemployment rate greater than the national average unemployment for the most recent 12 months for which satisfactory data are available.*

*"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.*

*"(8) Such other criteria as the Corporation considers to be appropriate.*

*"(d) OTHER CONSIDERATIONS.—*

*"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.*

*"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2). In designating national service programs to receive priority, the Corporation may include—*

*"(A) national service programs carried out by another Federal agency;*

*"(B) national service programs that conform to the national service priorities in effect under section 122(c);*

*"(C) innovative national service programs;*

*"(D) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;*

*"(E) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and*

*"(F) professional corps programs described in section 122(a)(8).*

*"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year are provided to carry out or support national service programs and projects that—*

*"(1) are conducted in areas of economic distress described in subsection (c)(6) or on Federal or other public lands to address unmet human, educational, environmental, or public safety needs in such areas; and*

*"(2) place a priority on the recruitment of participants who are residents of areas of economic distress described in subsection (c)(6) or Federal or other public lands.*

*"(f) REJECTION OF STATE APPLICATIONS.—*

*"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.*

*"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.*

*"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (4) of such subsection.*

### "SEC. 134. EVALUATION OF SUCCESS OF INVESTMENT IN NATIONAL SERVICE.

*"(a) EVALUATION REQUIRED.—Not later than two years after the date of the enactment of this section, the Corporation shall arrange for the independent evaluation of the operation of this subtitle to determine the levels of participation of economically disadvantaged individuals in national service programs carried out or supported using assistance provided under section 121.*

*"(b) PERIOD COVERED BY EVALUATION.—The evaluation required by this section shall cover the two-year period beginning on the date the Corporation first makes a grant under section 121.*

*"(c) INCOME LEVELS OF PARTICIPANTS.—The evaluating entity shall determine the total income of each participant who serves, during the period covered by the evaluation, in a national service program carried out or supported using assistance provided under section 121 or in an approved national service position. The total income of a participant shall be determined as of the date the participant was first selected to participate and shall include family total income unless the evaluating entity determines that the participant was independent at the time of selection.*

*"(d) ASSISTANCE FOR DISTRESSED AREAS.—The evaluating entity shall also determine the amount of assistance provided under section 121 during the period covered by the report that has been expended for projects conducted in areas of economic distress described in section 133(c)(6).*

*"(e) REPORT.—The evaluating entity shall submit a report containing the results of the evaluation to the President, the Congress, the Corporation, and each State Commission.*

*"(f) DEFINITIONS.—For purposes of this section:*

*"(1) The term 'total income' has the meaning given that term in subsection (a) of the Higher Education Act of 1965 (20 U.S.C. 1087vv).*

*"(2) The term 'independent' has the meaning given that term in subsection (d) of such section.*

## "PART III—NATIONAL SERVICE PARTICIPANTS

### "SEC. 137. DESCRIPTION OF PARTICIPANTS.

*"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—*

*"(1) meets such eligibility requirements as may be established by the program;*

*"(2) is selected by the program to serve in a position with the program;*

*"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;*

*"(4) is 17 years of age or older at the time the individual begins the term of service;*

*"(5) has received a high school diploma or its equivalent, agrees to obtain a high school diploma or its equivalent (unless this requirement is waived based on an individual education assessment conducted by the program) and the individual did not drop out of an elementary or secondary school to enroll in the program, or is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091); and*

*"(6) is a citizen or national of the United States or lawful permanent resident alien of the United States.*

*"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—*

*"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and*

*"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.*

### "SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

*"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.*

*"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.*

*"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.*

*"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, vocational rehabilitation agencies and other State offices that serve primarily people with disabilities, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths and youths with disabilities.*

*"(e) NATIONAL LEADERSHIP POOL.—*

*"(1) SELECTION AND TRAINING.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.*

*"(2) EMPHASIS ON CERTAIN INDIVIDUALS.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served in the Peace Corps, as VISTA volunteers, as participants in a program under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), or as participants in national service programs receiving assistance under section 121, or who are honorably discharged members of the Armed Forces of the United States.*

*"(3) ASSIGNMENT.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.*

*"(f) EVALUATION OF SERVICE.—The Chairperson shall issue regulations regarding the manner and criteria by which the service of a participant shall be evaluated to determine whether the service is satisfactory and successful for purposes of eligibility for a second term of service or a national service educational award.*

### "SEC. 139. TERMS OF SERVICE.

*"(a) IN GENERAL.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).*

*"(b) TERM OF SERVICE.—*

*"(1) FULL-TIME SERVICE.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.*

*"(2) PART-TIME SERVICE.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of—*

*"(A) not less than 1 year and not more than 2 years; or*

*"(B) not less than 1 year and not more than 3 years if the individual is enrolled in an institute of higher education while preforming all or a portion of the service.*

*"(3) REDUCTION IN HOURS OF PART-TIME SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.*

*"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—*

*"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—*

*"(A) for compelling personal circumstances as demonstrated by the participant; or*

*"(B) for cause.*

*"(2) EFFECT OF RELEASE FOR COMPELLING CIRCUMSTANCES.—If a participant eligible for release under paragraph (1)(A) is serving in an approved national service position, the recipient of assistance under section 121 or a program sponsoring an approved national service position may elect—*

*"(A) to grant such release and provide to the participant that portion of the national service*

*educational award corresponding to the portion of the term of service actually completed, as provided in section 147(b); or*

*"(B) to permit the participant to temporarily suspend performance of the term of service for a period of up to 2 years (and such additional period as the Corporation may allow for extenuating circumstances) and, upon completion of such period, to allow return to the program with which the individual was serving in order to complete the remainder of the term of service and obtain the entire national service educational award.*

*"(3) EFFECT OF RELEASE FOR CAUSE.—A participant released for cause may not receive any portion of the national service educational award.*

### **"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.**

*"(a) PROVISION OF LIVING ALLOWANCE.—*

*"(1) LIVING ALLOWANCE REQUIRED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in an amount equal or greater than the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).*

*"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed 85 percent of the total average annual provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).*

*"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).*

*"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).*

*"(5) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if it is demonstrated that to provide the living allowance required by such paragraph would cause undue hardship to such program.*

*"(6) EVALUATION OF LIVING ALLOWANCE.—Not later than 2 years after the effective date of this subsection, the Corporation shall arrange for an independent evaluation to determine the levels of living allowances paid in all programs under this subtitle, individually, by State, and by region. Such evaluation shall determine the effects that such living allowances have had on the ability of individuals to participate in such programs.*

*"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—*

*"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and*

*"(2) the annual living allowance established by the program.*

*"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide or arrange for a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—*

*"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;*

*"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and*

*"(3) the national service program must be operated directly by the applicant and must meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.*

*"(d) HEALTH INSURANCE.—*

*"(1) IN GENERAL.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.*

*"(2) NEUTRALITY.—Section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply with respect to the minimum health care standards established by the Corporation under paragraph (1) and the basic health care policy to be provided to full-time participants under such section. These standards shall not apply to a recipient of assistance under section 121 or any national service program carried out or supported using the assistance if the recipient or program is controlled by a religious organization and application of the standards would not be consistent with the religious tenets of the organization.*

*"(e) CHILD CARE.—*

*"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—*

*"(A) make child care available for children of each full-time participant who serves in a national service program carried out or supported by the recipient using the assistance, including individuals who need such child care in order to participate in the program; or*

*"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.*

*"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.*

*"(f) INDIVIDUALIZED SUPPORT SERVICES.—A State or other recipient of assistance under section 121 shall provide auxiliary aids and services based on the individualized need of a participant who is a qualified individual with a disability.*

*"(g) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### **"SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.**

*"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—*

*"(1) serves in an approved national service position; and*

*"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.*

*"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1).".*

*(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended—*

*(1) by striking the items relating to subtitle C of title I of such Act and inserting the following new items:*

*"Subtitle C—National Service Trust Program*

*"PART I—INVESTMENT IN NATIONAL SERVICE*

*"Sec. 121. Authority to provide assistance and approved national service positions.*
*"Sec. 122. Types of national service programs eligible for program assistance.*
*"Sec. 123. Types of national service positions eligible for approval for national service educational awards.*
*"Sec. 124. Types of program assistance.*
*"Sec. 125. Training and technical assistance.*
*"Sec. 126. Other special assistance.*

*"PART II—APPLICATION AND APPROVAL PROCESS*

*"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.*
*"Sec. 130. Application for assistance and approved national service positions.*
*"Sec. 131. National service program assistance requirements.*
*"Sec. 132. Ineligible service categories.*
*"Sec. 133. Consideration of applications.*
*"Sec. 134. Evaluation of success of investment in national service.*

*"PART III—NATIONAL SERVICE PARTICIPANTS*

*"Sec. 137. Description of participants.*
*"Sec. 138. Selection of national service participants.*
*"Sec. 139. Terms of service.*
*"Sec. 140. Living allowances for national service participants.*
*"Sec. 141. National service educational awards.";*

*and*

*(2) by inserting after the item relating to section 195O the following new items:*

*"Subtitle I—American Conservation and Youth Corps*

*"Sec. 199. Short title.*
*"Sec. 199A. General authority.*
*"Sec. 199B. Allocation of funds.*
*"Sec. 199C. State application.*
*"Sec. 199D. Focus of programs.*
*"Sec. 199E. Related programs.*
*"Sec. 199F. Public lands or Indian lands.*
*"Sec. 199G. Training and education services.*
*"Sec. 199H. Amount of award; matching requirement.*
*"Sec. 199I. Preference for certain projects.*
*"Sec. 199J. Age and citizenship criteria for enrollment.*
*"Sec. 199K. Use of volunteers.*
*"Sec. 199L. Post-service benefits.*
*"Sec. 199M. Living allowance.*

"Sec. 199N. Joint programs.

"Sec. 199O. Federal and State employee status.".

(d) LIVING ALLOWANCE UNDER SUBTITLE I.—Section 199M(a) of the National and Community Service Act of 1990 (former section 133(a) of such Act as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12553(a)) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) LIVING ALLOWANCE REQUIRED.—Subject to paragraph (3), each participant in a full-time youth corps program that receives assistance under this subtitle shall receive a living allowance in an amount equal or greater than the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under this subtitle, section 121, and any other Federal funds shall not exceed 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(3) MAXIMUM LIVING ALLOWANCE.—The total amount of an annual living allowance that may be provided to a participant in a full-time youth corps program that receives assistance under this subtitle shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if it is demonstrated that to provide the living allowance required by such paragraph would cause undue hardship to such program.

"(5) EVALUATION OF LIVING ALLOWANCE.—Not later than 2 years after the effective date of this subsection, the Corporation shall arrange for an independent evaluation to determine the levels of living allowances paid in all programs under this subtitle, individually, by State, and by region. Such evaluation shall determine the effects that such living allowances have had on the ability of individuals to participate in such programs.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCES.—Subtitle I of title I of the National and Community Service Act of 1990 (as so redesignated by subsection (a)(1) of this section) is amended by striking "Commission" each place it appears in sections 199A, 199B, 199C, 199D, 199F, 199H, 199I, 199M, and 199N (as redesignated in subsection (a)(3) of this section) and inserting "Corporation".

(2) GENERAL AUTHORITY.—Section 199A of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12541) is amended—

(A) by striking "under section 102"; and

(B) by striking ", to the Secretary of the Interior, or to the Director of ACTION" and inserting "or to the Secretary of the Interior".

(3) ALLOCATION.—Section 199B of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12542) is amended by striking "section 123" each place it appears and inserting "section 199C".

(4) STATE APPLICATION.—Section 199C(a) of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12543(a)) is amended by striking "section 122(b)" and inserting "section 199B(b)".

(5) PUBLIC LANDS.—Section 199F(b) of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12546(b)) is amended by striking "section 123" and inserting "section 199C".

(6) PREFERENCE.—Section 199I(a) of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12549) is amended by striking "section 123" and inserting "section 199C".

### SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

### "Subtitle D—National Service Trust and Provision of National Service Educational Awards

### "SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(2), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to section 148(e);

"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 196(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the marketplace. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—Not later than March 1 of each year, the Corporation shall submit a report to the Congress on the financial status of the Trust during the preceding fiscal year. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose ability to claim national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(b); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

### "SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

"(a) ELIGIBLE INDIVIDUALS.—An individual shall receive a national service educational award from the National Service Trust if the individual—

"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(3) has received a high school diploma, or the equivalent of such diploma, at the time the individual uses the national service educational award, unless this requirement has been waived based on an individual education assessment conducted by the program; and

"(4) is a citizen or national of the United States or lawful permanent resident alien of the United States.

"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

"(d) TIME FOR USE OF EDUCATIONAL AWARD.—

"(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

"(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or

"(B) performed another term of service in an approved national service position during that period.

"(e) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—

"(1) IN GENERAL.—An individual who, after qualifying under this section as an eligible individual, has been convicted under any Federal or State law of the possession or sale of a controlled substance shall not be eligible to receive a national service educational award during the period beginning on the date of such conviction and ending after the interval specified in the following table:

| "If convicted of: | |
|---|---|
| The possession of a controlled substance: | Ineligibility period is: |
| 1st conviction ........... | 1 year |
| 2nd conviction .......... | 2 years |
| 3rd conviction ........... | indefinite |
| The sale of a controlled substance: | |
| 1st conviction ........... | 2 years |
| 2nd conviction .......... | indefinite |

"(2) REHABILITATION.—An individual whose eligibility has been suspended under paragraph (1) shall resume eligibility before the end of the *period determined under such paragraph if the individual satisfactorily completes a drug rehabilitation program that complies with such criteria as the Corporation shall prescribe for purposes of this paragraph.*

*''(3) FIRST CONVICTIONS.—An individual whose eligibility has been suspended under paragraph (1) and is convicted of his or her first offense may resume eligibility before the end of the period determined under such paragraph if the student demonstrates that he or she has enrolled or been accepted for enrollment in a drug rehabilitation program that complies with such criteria as the Corporation shall prescribe for purposes of this subsection.*

*''(4) DEFINITIONS.—As used in this subsection, the term 'controlled substance' has the meaning given in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).*

*''(5) EFFECTIVE DATE.—This subsection shall be effective upon publication by the Corporation in the Federal Register of criteria prescribed under paragraph (2) of this subsection.*

*''(f) AUTHORITY TO ESTABLISH DEMONSTRATION PROGRAMS.—The Corporation may establish by regulation demonstration programs for the creation and evaluation of innovative volunteer and community service programs.*

### ***"SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.***

*''(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value equal to $5,000 for each of not more than 2 of such terms of service.*

*''(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.*

### ***"SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.***

*''(a) IN GENERAL.—Amounts in the Trust shall be available—*

*''(1) to repay student loans in accordance with subsection (b);*

*''(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);*

*''(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and*

*''(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).*

*''(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—*

*''(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply his or her national service educational award to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—*

*''(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;*

*''(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;*

*''(C) specifies, if the outstanding balance is greater than the amount disbursed under paragraph (2), which of the loans the individual prefers to be paid by the Corporation; and*

*''(D) contains or is accompanied by such other information as the Corporation may require.*

*''(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award to which the eligible individual is entitled. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.*

*''(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall be applied according to the specified priorities of the individual.*

*''(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.*

*''(5) NOTIFICATION OF INDIVIDUAL.—The Corporation upon disbursing the national service educational award, shall notify the individual of the amount paid for each outstanding loan and the date of payment.*

*''(6) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.*

*''(7) DEFINITION OF QUALIFIED STUDENT LOANS.—As used in this subsection, the term 'qualified student loans' means—*

*''(A) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and*

*''(B) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).*

*''(8) DEFINITION OF HOLDER.—As used in this subsection, the term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.*

*''(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—*

*''(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply his or her national service educational award to the payment of current full-time or part-time educational expenses shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.*

*''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—*

*''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;*

*''(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;*

*''(C) certifies that (i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094), and (ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and*

*''(D) contains such provisions concerning financial compliance as the Corporation may require.*

*''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are qualified. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.*

*''(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.*

*''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.*

*''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—*

*''(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and*

*''(B) the sum of (i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.), and (ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).*

*''(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education.*

*''(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation shall provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(6)), if the eligible individual successfully completes his or her required term of service (as determined under section 146(b)). Such regulations shall be prescribed after consultation with the Secretary of Education.*

*''(f) EXCEPTION.—With the approval of the Director, an approved national service program funded under section 121, may offer participants*

the option of waiving their right to receive a National Service Education Award in order to receive an alternative post-service benefit funded by the program entirely with non-Federal funds.

"(g) Definition of Institution of Higher Education.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"Sec. 145. Establishment of the National Service Trust.

"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.

"Sec. 147. Determination of the amount of the national service educational award.

"Sec. 148. Disbursement of national service educational awards.".

(c) Conforming Amendments.—

(1) Eligibility for subsidized Stafford loans.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting after "parts C and E of this title," the following: "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.),".

(2) Forbearance in the collection of Stafford loans.—Section 428 of the Higher Education Act of 1965 is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting immediately after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which he or she receives a national service educational award under the National Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subsection (b)(1) (V) and (W)".

(3) Eligibility for Stafford loan forgiveness.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989"; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) Ineligibility of national service educational award recipients.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(4) Eligibility for Perkins loan forgiveness.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(5) Impact on general needs analysis.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".

### SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) Amendments to Serve-America Programs.—

(1) Purpose.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) Programs.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

### "Subtitle B—School-Based and Community-Based Service-Learning Programs

### "PART I—SERVE-AMERICA PROGRAMS

### "Subpart A—School-Based Programs for Students

### "SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) Use of Funds.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (acting through their State educational agency) and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(5)(B);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private nonprofit organization that—

"(I) has a demonstrated and extensive expertise in the provision of services to meet unmet human, educational, environmental, or public safety needs;

"(II) was in existence at least 1 year before the date on which the organization applies to participate in the partnership; and

"(III) will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private nonprofit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) Duties of Service-Learning Coordinator.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local educational agency by—

"(1) expanding the awareness of teachers of the potential of service-learning in strengthening the educational achievement, leadership development, and substantive learning, of students;

"(2) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

"(3) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects;

"(4) recruiting and supervising adult volunteers, or individuals who are participants in a program under subtitle C or receive a national service educational award under subtitle D, to expand service-learning opportunities; and

"(5) coordinating the activities of the service-learning coordinator with the activities of the *committee described in section 114(d)(1), and, where appropriate, assisting the committee.*

*"(c) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.*

### *"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.*

*"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Chairperson may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—*

*"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or*

*"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,*

*that is located in the State.*

### *"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS.*

*"(a) IN GENERAL.—The Corporation may make grants under section 112(b)(1) to public and private nonprofit organizations that—*

*"(1) have experience with service-learning;*

*"(2) were in existence 1 year before the date on which the organization submitted an application under section 114(a); and*

*"(3) meet such other criteria as the Chairperson may establish.*

*"(b) USE OF FUNDS.—Such organizations may use grants made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.*

### *"SEC. 112. GRANTS AND ALLOTMENTS.*

*"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments to Indian tribes, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.*

*"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:*

*"(1) GRANTS.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—*

*"(A) State educational agencies and Indian tribes; or*

*"(B) as described in section 111B, to grantmaking entities.*

*"(2) ALLOTMENTS.—*

*"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.*

*"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.*

*"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.*

*"(4) DEFINITION.—Notwithstanding section 101(25), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.*

*"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Chairperson may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.*

*"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.*

### *"SEC. 113. STATE OR TRIBAL APPLICATIONS.*

*"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chairperson may reasonably require.*

*"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—*

*"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the Chairperson may reasonably require, such as—*

*"(A) a description of the goals to be attained in promoting service-learning through such programs;*

*"(B) a description of the resources and organization needed to achieve the goals of such programs within elementary schools and secondary schools; and*

*"(C) a description of the manner in which—*

*"(i) such programs and the activities to be carried out under such programs relate to the goals described in subparagraph (A);*

*"(ii) the applicant will evaluate the success of the programs and the extent of community involvement in the programs, and measure the extent to which the programs meet the goals described in subparagraph (A);*

*"(iii) in reviewing applications submitted under section 114(c), the applicant has ranked the applications according to the criteria described in section 115(b), has considered the factors described in section 115(a), and has reviewed the applications in a manner that ensured the equitable treatment of all such applications;*

*"(iv) the programs will be coordinated with—*

*"(I) the education reform efforts of the applicant;*

*"(II) other efforts to meet the National Education Goals;*

*"(III) other service activities in the State or serving the Indian tribe; and*

*"(IV) other education programs, training programs, social service programs, and appropriate programs that serve school-age youth, that are authorized under Federal law;*

*"(v) the applicant will disseminate information, conduct outreach, and take other measures, to encourage cooperative efforts among the local educational agencies, local government agencies, community-based agencies, State agencies, and private for-profit businesses that will carry out the service-learning programs proposed by the applicant, to develop and provide projects, including those that involve the participation of urban, suburban, and rural students working together;*

*"(vi) the applicant will promote appropriate projects in such programs for economically disadvantaged students, students with limited basic skills, students in foster care who are becoming too old for foster care, students of limited English proficiency, homeless students, and students with disabilities;*

*"(vii) service-learning training and technical assistance will be provided through the programs—*

*"(I) to State and local educational agency personnel, federally assisted education specialists in the State or serving the Indian tribe, and local recipients of grants under this subpart, to raise the awareness of service-learning among such personnel, specialists, and recipients; and*

*"(II) by qualified and experienced individuals employed by the State or Indian tribe or through grants or contracts with such individuals;*

*"(viii) a service-learning network will be established for the State or Indian tribe, comprised of expert teachers and administrators who have carried out successful service-learning activities within the State or serving the Indian tribe; and*

*"(ix) the applicant will use payments from sources described in section 116(a)(2)(B) to expand projects for students through the programs proposed by the applicant;*

*"(2) assurances that—*

*"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and*

*"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and*

*"(3) such additional information as the Chairperson may reasonably require.*

### *"SEC. 114. LOCAL APPLICATIONS.*

*"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—*

*"(1) IN GENERAL.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.*

*"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require. Such application shall include a proposal to assist such programs in more than 1 State.*

*"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.*

*"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—*

*"(1) IN GENERAL.—Any—*

*"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);*

*"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);*

*"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or*

*"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,*

*to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.*

*"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.*

*"(d) CONTENTS OF APPLICATION.—An application that is submitted under subsection (a), (b), or (c) with respect to a service-learning program described in section 111 shall, at a minimum, contain a proposal that includes—*

*"(1) information specifying the membership and role of an established advisory committee, consisting of representatives of community-based agencies including service recipients, students, parents, teachers, administrators, representatives of agencies that serve school-age youth or older adults, school board members, representatives of local labor organizations, and representatives of business, that will provide advice with respect to the program;*

*"(2) a description of—*

*"(A) the goals of the program which shall include goals that are quantifiable and demonstrate any benefits from the program to participants and the community;*

*"(B) service-learning projects to be provided under the program, and evidence that participants will make a sustained commitment to service in the projects;*

*"(C) the manner in which participants in the program were or will be involved in the design and operation of the program;*

*"(D) training for supervisors, teachers, service sponsors, and participants in the program;*

*"(E) the manner in which exemplary service will be recognized under the program; and*

*"(F) any resources that will permit continuation of the program, if needed, after the assistance received under this subpart for the program has ended;*

*"(3) information that shall include—*

*"(A) a disclosure of whether or not the participants will receive academic credit for participation in the program;*

*"(B) the expected number of participants in the program and the hours of service that such participants will provide individually and as a group;*

*"(C) the proportion of expected participants in the program who are economically disadvantaged, including participants with disabilities; and*

*"(D) any role of adult volunteers in implementing the program, and the manner in which such volunteers will be recruited;*

*"(4) in the case of an application submitted by a local partnership, a written agreement, between the members of the local partnership, stating that the program was jointly developed by the members and that the program will be jointly executed by the members; and*

*"(5) assurances that—*

*"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;*

*"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and*

*"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f).*

### *"SEC. 115. CONSIDERATION OF APPLICATIONS.*

*"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the Chairperson may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.*

*"(b) PRIORITY FOR LOCAL APPLICATIONS.—*

*"(1) IN GENERAL.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—*

*"(A) involve participants in the design and operation of the program;*

*"(B) are in the greatest need of assistance, such as programs targeting low-income areas;*

*"(C) involve—*

*"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or*

*"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or*

*"(D) are integrated into the academic program of the participants.*

*"(c) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.*

### *"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.*

*"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—*

*"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and*

*"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.*

*"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chairperson shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).*

### *"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.*

*"(a) SHARE.—*

*"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—*

*"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;*

*"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;*

*"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and*

*"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.*

*"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—*

*"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and*

*"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).*

*"(b) WAIVER.—The Chairperson may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.*

### *"SEC. 116A. LIMITATIONS ON USES OF FUNDS.*

*"(a) ADMINISTRATIVE COSTS.—*

*"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be*

*used to pay for administrative costs incurred by—*

*"(A) the original recipient; or*

*"(B) the entity carrying out the service-learning programs supported with the assistance.*

*"(2) RULES ON USE.—The Chairperson may by rule prescribe the manner and extent to which—*

*"(A) such assistance may be used to cover administrative costs; and*

*"(B) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(i) the original recipient; and*

*"(ii) the entity carrying out the service-learning programs supported with the assistance.*

*"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).*

*"(c) LOCAL USES OF FUNDS.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.*

### *"SEC. 116B. DEFINITIONS.*

*"As used in this subpart:*

*"(1) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).*

*"(2) SCHOOL-BASED.—The term 'school-based' means based in an elementary school or a secondary school.*

*"(3) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.*

## *"Subpart B—Community-Based Service Programs for School-Age Youth*

### *"SEC. 117. DEFINITIONS.*

*"As used in this subpart:*

*"(1) COMMUNITY-BASED SERVICE PROGRAM.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).*

*"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a qualified organization that—*

*"(A) submits an application under section 117C(a) to make grants to qualified organizations; and*

*"(B) was in existence 1 year before the date on which the organization submitted the application.*

*"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chairperson may establish.*

### *"SEC. 117A. GENERAL AUTHORITY.*

*"(a) GRANTS.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.*

*"(b) USE OF FUNDS.—*

*"(1) STATE COMMISSIONS AND GRANTMAKING ENTITIES.—A State Commission or grantmaking entity may use a grant made under subsection (a)—*

*"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service-learning program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or*

*"(B) to provide training and technical assistance to such an organization.*

*"(2) QUALIFIED ORGANIZATIONS.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).*

### *"SEC. 117B. STATE APPLICATIONS.*

*"(a) IN GENERAL.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.*

*"(b) SUBMISSION.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.*

*"(c) CONTENTS.—Such an application shall include, at a minimum, a State plan that contains the descriptions, proposals, and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.*

### *"SEC. 117C. LOCAL APPLICATIONS.*

*"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.*

*"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chairperson may reasonably require.*

*"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.*

*"(d) REQUIREMENTS OF APPLICATION.—An application submitted under subsection (a), (b), or (c) shall, at a minimum, contain—*

*"(1) a description of any community-based service program proposed to be implemented, operated, expanded, or replicated directly by the applicant using assistance provided under this subpart;*

*"(2) a description of any grant program proposed to be conducted by the applicant with assistance provided under this subpart to support a community-based service program;*

*"(3) a proposal for carrying out the community-based service program that describes the manner in which the entity carrying out the program will—*

*"(A) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals, or qualified organizations, that have experience in community-based service programs;*

*"(B) include economically disadvantaged individuals as participants in the program proposed by the applicant;*

*"(C) provide an age-appropriate service-learning component described in section 114(d)(5)(B);*

*"(D) conduct an appropriate evaluation of the program;*

*"(E) provide for appropriate community involvement in the program;*

*"(F) provide service experiences that promote leadership abilities among participants in the program, including experiences that involve such participants in program design;*

*"(G) involve participants in projects approved by community-based agencies;*

*"(H) establish and measure progress toward the goals of the program; and*

*"(I) organize participants in the program into teams, if appropriate, with team leaders who may be participants in a program under subtitle C or individuals who receive a national service educational award under subtitle D; and*

*"(4) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f).*

### *"SEC. 117D. CONSIDERATION OF APPLICATIONS.*

*"(a) APPLICATION OF CRITERIA.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.*

*"(b) ASSISTANCE CRITERIA.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).*

*"(c) APPLICATION TO SUBGRANTS.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.*

### *"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.*

*"(a) FEDERAL SHARE.—*

*"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.*

*"(2) CALCULATION.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).*

*"(b) WAIVER.—The Chairperson may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).*

### *"SEC. 117F. LIMITATIONS ON USES OF FUNDS.*

*"(a) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—*

*"(1) the original recipient; or*

*"(2) the entity carrying out the community-based service programs supported with the assistance.*

*"(b) RULES ON USE.—The Chairperson may by rule prescribe the manner and extent to which—*

*"(1) such assistance may be used to cover administrative costs; and*

*"(2) that portion of the assistance available to cover administrative costs should be distributed between—*

*"(A) the original recipient; and*

*"(B) the entity carrying out the community-based service programs supported with the assistance.*

### *"Subpart C—Clearinghouse*

#### *"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.*

*"(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.*

*"(b) PUBLIC AND PRIVATE NONPROFIT AGENCIES.—Public and private nonprofit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).*

*"(c) FUNCTION OF CLEARINGHOUSE.—An entity that receives assistance under subsection (a) may—*

*"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;*

*"(2) conduct research and evaluations concerning service-learning;*

*"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and*

*"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);*

*"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;*

*"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;*

*"(6) provide information regarding methods to make service-learning programs accessible to individuals with disabilities;*

*"(7)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and*

*"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;*

*"(8) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;*

*"(9) assist organizations in recruiting, screening, and placing service-learning coordinators; and*

*"(10) carry out such other activities as the Chairperson determines to be appropriate.".*

*(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:*

### *"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE*

#### *"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.*

*"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.*

*"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or nonprofit private organizations, to pay for the Federal share of the cost of—*

*"(1) enabling such an institution or partnership to create or expand an organized community service program that—*

*"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and*

*"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;*

*"(2) supporting student-initiated and student-designed community service projects through the program;*

*"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;*

*"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;*

*"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and*

*"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.*

*"(c) FEDERAL SHARE.—*

*"(1) SHARE.—*

*"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.*

*"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).*

*"(2) WAIVER.—The Chairperson may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).*

*"(d) APPLICATION FOR GRANT.—*

*"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chairperson may reasonably require.*

*"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—*

*"(A) such information as the Chairperson may reasonably require, such as a description of—*

*"(i) the proposed program to be established with assistance provided under the grant or contract;*

*"(ii) the human, educational, environmental, or public safety service that participants will perform and the community need that will be addressed under such program;*

*"(iii) whether or not students will receive academic credit for community service projects under the program;*

*"(iv) the procedure for training supervisors and participants and for supervising and organizing participants in such program;*

*"(v) the procedures to ensure that the program includes the age-appropriate learning component described in section 114(d)(5)(B);*

*"(vi) the roles played by students and community members, including service recipients, in the design and implementation of the program; and*

*"(vii) the budget for the program;*

*"(B) assurances that—*

*"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and*

*"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and*

*"(C) such other assurances as the Chairperson may reasonably require.*

*"(e) PRIORITY.—*

*"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—*

*"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;*

*"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;*

*"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;*

*"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—*

*"(i) the institution;*

*"(ii)(I) a community-based agency;*

*"(II) a local government agency; or*

*"(III) a nonprofit entity that serves or involves school-age youth or older adults; and*

*"(iii) a student organization;*

*"(E) demonstrate community involvement in the development of the proposal;*

*"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or*

*"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.*

*"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.*

*"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.*

*"(g) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.*

### *"PART III—GENERAL PROVISIONS*

#### *"SEC. 120. AVAILABILITY OF APPROPRIATIONS.*

*"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—*

*"(1) a sum equal to 75 percent of such aggregate amount shall be available to carry out part I, of which—*

*"(A) 85 percent of such sum shall be available to carry out subpart A; and*

*"(B) 15 percent of such sum shall be available to carry out subpart B; and*

*"(2) a sum equal to 25 percent of such aggregate amount shall be available to carry out part II.".*

*(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:*

*"Subtitle B—School-Based and Community-Based Service-Learning Programs*

*"PART I—SERVE-AMERICA PROGRAMS*

*"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS*

*"Sec. 111. Authority to assist States and Indian tribes.*
*"Sec. 111A. Authority to assist local applicants in nonparticipating States.*
*"Sec. 111B. Authority to assist public or private nonprofit organizations.*
*"Sec. 112. Grants and allotments.*
*"Sec. 113. State or tribal applications.*
*"Sec. 114. Local applications.*
*"Sec. 115. Consideration of applications.*
*"Sec. 115A. Participation of students and teachers from private schools.*
*"Sec. 116. Federal, State, and local contributions.*
*"Sec. 116A. Limitations on uses of funds.*
*"Sec. 116B. Definitions.*

*"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH*

*"Sec. 117. Definitions.*
*"Sec. 117A. General authority.*
*"Sec. 117B. State applications.*
*"Sec. 117C. Local applications.*
*"Sec. 117D. Consideration of applications.*
*"Sec. 117E. Federal, State, and local contributions.*
*"Sec. 117F. Limitations on uses of funds.*

*"SUBPART C—CLEARINGHOUSE*

*"Sec. 118. Service-learning clearinghouse.*

*"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE*

*"Sec. 119. Higher education innovative programs for community service.*

*"PART III—GENERAL PROVISIONS*

*"Sec. 120. Availability of appropriations.".*

**SEC. 104. QUALITY AND INNOVATION ACTIVITIES.**

*(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.*

*(b) TRANSFER.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended—*

*(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;*

*(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and*

*(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.*

*(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 is further amended by adding before subtitle I (as transferred by section 101(a) of this Act) the following new subtitle:*

### "Subtitle H—Investment for Quality and Innovation

**"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.**

*"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.*

*"(b) INNOVATION AND QUALITY IMPROVEMENT.—*

*"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—*

*"(A) programs under subtitle B or C for rural youth;*

*"(B) employer-based retiree programs;*

*"(C) intergenerational programs;*

*"(D) programs involving and integrating individuals with disabilities as participants providing service; and*

*"(E) programs sponsored by Governors.*

*"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.*

*"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.*

*"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.*

*"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance to individuals, programs, local labor organizations, State educational agencies, State commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.*

*"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.*

*"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.*

*"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.*

*"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.*

*"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.*

*"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.*

*"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.*

*"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.*

*"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.*

*"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.*

*"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.*

**"SEC. 198A. CLEARINGHOUSES.**

*"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.*

*"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.*

*"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—*

*"(1) assist entities carrying out State or local community service programs with needs assessments and planning;*

*"(2) conduct research and evaluations concerning community service;*

*"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and*

*"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);*

*"(4) facilitate communication among entities carrying out community service programs and participants;*

*"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;*

*"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and*

*"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;*

*"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and*

*"(8) carry out such other activities as the Chairperson determines to be appropriate.*

**"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.**

*"(a) PRESIDENTIAL AWARDS.—*

*"(1) IN GENERAL.—The President, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.*

*"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(17)—*

*"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and*

*"(B) a program receiving an award under this subsection need not be a program authorized under this Act.*

*"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President, acting through the Corporation—*

*"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and*

*"(B) is not authorized to make a cash award to such individual or program.*

*"(b) INFORMATION.—The President, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.*

### "SEC. 198C. ASSISTANCE FOR HEAD START.

"Under section 198, the Corporation may make grants to, and contracts and cooperative agreements with, public and nonprofit private agencies and organizations that receive grants and contracts under the Foster Grandparent Program (part B of title II of the Domestic Volunteer Service Act of 1973), for projects of the type described in section 211(a) of such Act operating under memoranda of agreement with the ACTION Agency, for the purpose of increasing the number of low-income individuals who provide services under such program to children who participate in Head Start programs.".

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps members.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Assistance for Head Start.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

### SEC. 105. PUBLIC LANDS CORPS.

Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the Youth Conservation Corps Act of 1970) is amended—

(1) by inserting before section 1 the following:

## "TITLE I—YOUTH CONSERVATION CORPS";

(2) by striking "Act" each place it appears and inserting "title";

(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;

(4) in section 102 (as so redesignated), by inserting "in this title" after "hereinafter" in subsection (a);

(5) in section 104 (as so redesignated), by striking "section 6" in subsection (d) and inserting "section 106"; and

(6) by adding at the end the following new title:

## "TITLE II—PUBLIC LANDS CORPS

### "SEC. 201. SHORT TITLE.

"This title may be cited as the 'Public Lands Corps Act of 1993'.

### "SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing them with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness they have incurred to obtain higher education while at the same time benefiting the Nation's economy and its environment.

"(2) Many facilities and natural resources located on eligible service lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work which cannot be carried out by Federal agencies at existing personnel levels.

"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost effective and efficient manner, especially when they have worked in partnership arrangements with government land management agencies.

"(b) PURPOSE.—It is the purpose of this title to—

"(1) perform, in a cost-effective manner, appropriate conservation projects on eligible service lands where such projects will not be performed by existing employees;

"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on eligible service lands;

"(3) expose young men and women to public service while furthering their understanding and appreciation of the nation's natural and cultural resources;

"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

"(5) stimulate interest among the nation's young men and women in conservation careers by exposing them to conservation professionals in land managing agencies.

### "SEC. 203. DEFINITIONS.

"For purposes of this title:

"(1) The term 'appropriate conservation project' means any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

"(2) The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.

"(3) The term 'eligible service lands' means public lands, Indian lands, and Hawaiian home lands.

*"(4) The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (Public Law 86–3; 73 Stat. 5).*

*"(5) The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.*

*"(6) The term 'Indian' means a person who is a member of an Indian tribe.*

*"(7) The term 'Indian lands' means—*

*"(A) any Indian reservation;*

*"(B) any public domain Indian allotments;*

*"(C) any former Indian reservation in the State of Oklahoma;*

*"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.); and*

*"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.*

*"(8) The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.*

*"(9) The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization that—*

*"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;*

*"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and*

*"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.*

*"(10) The term 'resource assistant' means a resource assistant selected under section 206.*

*"(11) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

### *"SEC. 204. PUBLIC LANDS CORPS PROGRAM.*

*"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.*

*"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.*

*"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).*

*"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects which such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved and on Hawaiian home lands with the approval of the Department of Hawaiian Home Lands of the State of Hawaii.*

*"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects which—*

*"(1) will provide long-term benefits to the public;*

*"(2) will instill in the enrollee involved a work ethic and a sense of public service;*

*"(3) will be labor intensive;*

*"(4) can be planned and initiated promptly; and*

*"(5) will provide academic, experiential, or environmental education opportunities.*

*"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on eligible service lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.*

### *"SEC. 205. CONSERVATION CENTERS.*

*"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary deems necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.*

*"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include the provision of temporary tent shelters where needed, transportation, and residential supervision.*

*"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.*

### *"SEC. 206. RESOURCE ASSISTANTS.*

*"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual must be at least 17 years of age. The Secretaries may select resource assistants without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, with particular attention given to ensure full representation of women and participants from historically black, Hispanic, and Native American schools.*

*"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the Resource Assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the Resource Assistants, to the mission of the agency.*

### *"SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.*

*"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.*

*"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.*

### *"SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.*

*"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.*

*"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent*

*with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.*

### "SEC. 209. NONDISPLACEMENT.

*"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.*

### "SEC. 210. FUNDING.

*"(a) COST SHARING.—*

*"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from nonfederal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands or Hawaiian home lands under this title.*

*"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. However, nothing in this title shall be construed to require any cost sharing for any project carried out directly by the Corps.*

*"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance under section 121(b) of the National and Community Service Act of 1990.*

*"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.".*

### SEC. 106. URBAN YOUTH CORPS.

*(a) FINDINGS.—The Congress finds the following:*

*(1) The rehabilitation, reclamation, and beautification of urban public housing, recreational sites, youth and senior centers, and public roads and public works facilities through the efforts of young people in the United States in an Urban Youth Corps can benefit these youths, while also benefiting their communities, by—*

*(A) providing them with education and work opportunities;*

*(B) furthering their understanding and appreciation of the challenges faced by individuals residing in urban communities; and*

*(C) providing them with a means to pay for higher education or to repay indebtedness they have incurred to obtain higher education.*

*(2) A significant number of housing units for low-income individuals in urban areas has become substandard and unsafe and the deterioration of urban roadways, mass transit systems, and transportation facilities in the United States have contributed to the blight encountered in many cities in the United States.*

*(3) As a result, urban housing, public works, and transportation resources are in need of labor intensive rehabilitation, reclamation, and beautification work that has been neglected in the past and cannot be adequately carried out by Federal, State, and local government at existing personnel levels.*

*(4) Urban youth corps have established a good record of rehabilitating, reclaiming, and beautifying these kinds of resources in a cost efficient manner, especially when they have worked in partnership with government housing, public works, and transportation authorities and agencies.*

*(b) PURPOSE.—It is the purpose of this section—*

*(1) to perform, in a cost-effective manner, appropriate service projects to rehabilitate, reclaim, beautify, and improve public housing and public works and transportation facilities and resources in urban areas suffering from high rates of poverty where work will not be performed by existing employees;*

*(2) to assist government housing, public works, and transportation authorities and agencies;*

*(3) to expose young people in the United States to public service while furthering their understanding and appreciation of their community;*

*(4) to expand educational opportunity for individuals who participate in the Urban Youth Corps established by this section by providing them with an increased ability to pursue post-secondary education or job training; and*

*(5) to stimulate interest among young people in the United States in lifelong service to their communities and the United States.*

*(c) DEFINITIONS.—For purposes of this section:*

*(1) The term "appropriate service project" means any project for the rehabilitation, reclamation, or beautification of urban public housing and public works and transportation resources or facilities.*

*(2) The term "Corps" and "Urban Youth Corps" mean the Urban Youth Corps established under subsection (d)(1).*

*(3) The term "qualified urban youth corps" means any program established by a State or local government or by a nonprofit organization that—*

*(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in an urban or public works or transportation setting;*

*(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and*

*(C) provides participants with the opportunity to develop citizenship values and skills through service to their communities and the United States.*

*(4) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*(d) ESTABLISHMENT OF URBAN YOUTH CORPS.—*

*(1) ESTABLISHMENT.—There is hereby established in the appropriate executive departments of the Federal Government an Urban Youth Corps. The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretaries of such departments. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 139(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.*

*(2) USE OF QUALIFIED URBAN YOUTH CORPS.—The Secretaries are authorized to enter into contracts and cooperative agreements with any qualified urban youth corps to perform appropriate service projects described in paragraph (3).*

*(3) SERVICE PROJECTS.—The Secretaries may each utilize the Corps or any qualified urban youth corps to carry out appropriate service projects that the Secretary involved is authorized to carry out under other authority of law involving public housing projects or public works resources or facilities.*

*(4) PREFERENCE FOR CERTAIN PROJECTS.—In selecting an appropriate service project to be carried out under this section, the Secretaries shall give a preference to those projects which—*

*(A) will provide long-term benefits to the public;*

*(B) will instill in the participant a work ethic and a sense of public service;*

*(C) will be labor intensive;*

*(D) can be planned and initiated promptly; and*

*(E) will provide academic, experiential, or community education opportunities.*

*(5) CONSISTENCY.—Each appropriate service project carried out under this section in any public housing project or public works resource or facility shall be consistent with the provisions of law and policies relating to the management and administration of such projects, facilities, or resources, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of such projects, facilities, or resources.*

*(e) LIVING ALLOWANCES.—The Secretaries shall provide each participant in the Urban Youth Corps with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.*

*(f) TERMS OF SERVICE.—Each participant in the Urban Youth Corps shall agree to participate in the Corps for a term of service established by the Secretary involved, consistent with the terms of service required under section 139(b) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.*

*(g) EDUCATIONAL AWARDS.—*

*(1) ELIGIBILITY.—Each participant in the Urban Youth Corps shall be eligible for a national service educational award in the manner prescribed in subtitle D of title I of the National and Community Service Act of 1990 if such participant complies with such requirements as may be established under this subtitle by the Secretary involved respecting eligibility for the award. The period during which the award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.*

*(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are participants in the Urban Youth Corps, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant and eligible for a national service educational award under paragraph (1).*

*(h) NONDISPLACEMENT.—The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Urban Youth Corps and to all activities carried out under this section by a qualified urban youth corps.*

*(i) COST SHARING.—*

*(1) PROJECTS BY QUALIFIED URBAN YOUTH CORPS.—The Secretaries are each authorized to*

*pay not more than 75 percent of the costs of any appropriate service project carried out pursuant to this section by a qualified urban youth corps. The remaining 25 percent of the costs of such a project may be provided from nonfederal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing.*

*(2) DONATIONS.—The Secretaries are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Urban Youth Corps and carrying out appropriate service projects by the Corps. However, nothing in this section shall be construed to require any cost sharing for any project carried out directly by the Corps.*

*(3) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Urban Youth Corps or to support qualified urban youth corps under this section, the Secretaries shall be eligible to apply for and receive assistance under section 121(b) of the National and Community Service Act of 1990.*

*(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.*

### ***Subtitle B—Related Provisions***

### **SEC. 111. DEFINITIONS.**

*(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:*

**"SEC. 101. DEFINITIONS.**

*"For purposes of this title:*

*"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private nonprofit agency, who—*

*"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and*

*"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.*

*"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position designated by the Corporation as a position that includes a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.*

*"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.*

*"(4) CHAIRPERSON.—The term 'Chairperson' means the Chairperson and Director of the Corporation appointed under section 193.*

*"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private nonprofit organization (including a church or other religious entity) that—*

*"(A) is representative of a community or a significant segment of a community; and*

*"(B) is engaged in meeting human, educational, environmental, or public safety community needs.*

*"(6) CORPORATION.—The term 'Corporation' means the Corporation for National Service established under section 191.*

*"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Chairperson to be low-income according to the latest available data from the Department of Commerce.*

*"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).*

*"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.*

*"(10) INDIAN LANDS.—The term 'Indian lands' means—*

*"(A) any Indian reservation;*

*"(B) any public domain Indian allotments;*

*"(C) any former Indian reservation in the State of Oklahoma;*

*"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.); and*

*"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.*

*"(11) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.*

*"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).*

*"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).*

*"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).*

*"(15) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—*

*"(A) has not attained the age of 27;*

*"(B) has not completed college or the equivalent thereof; and*

*"(C) is not enrolled in an elementary or secondary school or institution of higher education.*

*"(16) PARTICIPANT.—*

*"(A) IN GENERAL.—The term 'participant' means—*

*"(i) for purposes of subtitle C, an individual in an approved national service position; and*

*"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.*

*"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.*

*"(17) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private nonprofit agency, an institution of higher education, or a business assists a local educational agency.*

*"(18) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.*

*"(19) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.*

*"(20) SCHOOL-AGE YOUTH.—The term 'school-age youth' means an individual who is—*

*"(A) between the ages of 5 and 17, inclusive; or*

*"(B) a child with a disability covered by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).*

*"(21) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).*

*"(22) SERVICE-LEARNING.—The term 'service-learning' means a method—*

*"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—*

*"(i) is conducted in and meets the needs of a community;*

*"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and*

*"(iii) helps foster civic responsibility; and*

*"(B) that—*

*"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and*

*"(ii) provides structured time for the students or participants to reflect on the service experience.*

*"(23) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section subsection (a)(3) or (b) of section 111.*

*"(24) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.*

*"(25) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.*

*"(26) STATE COMMISSION.—The term 'State Commission' means a State Commission on National Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.*

*"(27) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).*

*"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".*

*(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".*

*(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(19) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".*

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(22) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

### SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

### SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

### "SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be an employee of the service sponsor.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

### SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "the national service laws".

### SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

### "SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Chairperson shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

### SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the Chairperson shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the Chairperson in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private nonprofit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

### SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

### SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "the national service laws"; and

(B) in paragraph (2)—

(i) in the matter preceding subpargraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C"; and

(ii) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs"; and

(3) by striking subsections (i) and (j).

### SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

### SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

### "SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

### SEC. 121. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 183, 185, and 186; and

(2) by redesignating section 184 as section 183.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to sections 183, 184, and 185 of such Act and inserting the following:

"Sec. 183. Drug-free workplace requirements.".

## TITLE II—ORGANIZATION

### SEC. 201. STATE COMMISSIONS ON NATIONAL SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

### "SEC. 178. STATE COMMISSIONS ON NATIONAL SERVICE.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraphs (1) and (2) of subsection (c) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 15 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one of each of the following individuals:

"(A) An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth.

"(B) An individual with experience in promoting the involvement of older Americans in service and voluntarism.

"(C) A representative of community action agencies and community-based organizations within the State, particularly those agencies and organizations that—

"(i) are located in areas of the State with high rates of poverty;

"(ii) provide a comprehensive range of services to economically disadvantaged individuals and families;

"(iii) have a demonstrated record of effectiveness; and

"(iv) are governed by a board composed in significant part of economically disadvantaged individuals.

"(D) A youth who is or has been a participant in a service program.

"(E) An individual with expertise in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(F) The head of the State educational agency.

"(G) A representative of local governments in the State.

"(H) A representative of local labor organizations in the State.

"(I) Representatives of business.

"(2) ADDITIONAL MEMBERS.—The State Commission for a State may also include as voting members the following individuals:

"(A) Representatives of entities which receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(B) Educators.

"(C) Individuals who are recognized for their outstanding contributions as volunteers in service to their community, State, and Nation.

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be a voting member of the State Commission for that State.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint as nonvoting ex officio members of the State Commission for the State representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is balanced according to race, ethnic background, age, and gender. Not more than 50 percent of the voting members of a State Commission, plus 1 additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission shall not receive any additional compensation by reason of service on the State Commission, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that—

"(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from existing national service programs within the State and other interested members of the public;

"(B) covers a 3-year period;

"(C) is updated annually; and

"(D) contains such information as the State Commission considers to be appropriate or as the Corporation may require.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Make recommendations to the Corporation with respect to priorities for programs receiving assistance under the Domestic Volunteer Service Act of 1973.

"(6) Make technical assistance available to enable applicants under section 121—

"(A) to plan and implement service programs; and

"(B) to apply for assistance under the national service laws using, if appropriate, information and materials available through a clearinghouse established under section 198A.

"(7) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(8) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under the national service laws and dissemination of information concerning national service programs that receive assistance and approved national service positions.

"(9) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to *the State under section 121, including selection, oversight, and evaluation of grant recipients.*

*"(10) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance from the State using assistance provided under section 121.*

*"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission may not directly carry out any national service program that receives assistance under section 121.*

*"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private nonprofit organization.*

*"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—*

*"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission for the State. The notification shall include a description of—*

*"(A) the composition and membership of the State Commission; and*

*"(B) the authority of the State Commission regarding national service activities carried out by the State.*

*"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.*

*"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation shall reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraphs (1) and (2) of subsection (c) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission. If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.*

*"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).*

*"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.".*

*(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:*

*"Sec. 178. State Commissions on National Service.".*

*(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.*

*(d) TRANSITIONAL PROVISIONS.—*

*(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National Service that satisfies the requirements specified in section 178 of the National and Community Services Act of 1990, as amended by subsection (a), the Corporation for National Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.*

*(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 18-month period beginning on the date of the enactment of this Act.*

### SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND ACTION AGENCY.

*(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:*

### "Subtitle G—Corporation for National Service

### "SEC. 191. CORPORATION FOR NATIONAL SERVICE.

*"There is established a Corporation for National Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.*

### "SEC. 192. BOARD OF DIRECTORS.

*"(a) COMPOSITION.—*

*"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—*

*"(A) not less than 15 members, including the Chairperson appointed under section 193, to be appointed by the President, by and with the advice and consent of the Senate; and*

*"(B) the ex officio members described in paragraph (4).*

*"(2) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—*

*"(A) who have extensive experience in volunteer and service programs, including programs funded under one of the national service laws, and in State government;*

*"(B) who represent a broad range of viewpoints;*

*"(C) who are experts in the delivery of human, educational, environmental, or public safety services;*

*"(D) so that the Board shall be diverse according to race, ethnicity, age, and gender; and*

*"(E) so that no more than 50 percent of the appointed members of the Board, plus 1 additional appointed member, are from a single political party.*

*"(3) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.*

*"(b) TERMS.—Each appointed member of the Board shall serve for a term of 5 years, except that, as designated by the President—*

*"(1) 3 of the members first appointed to the Board shall serve for a term of 1 year;*

*"(2) 3 of the members first appointed to the Board shall serve for a term of 2 years;*

*"(3) 3 of the members first appointed to the Board shall serve for a term of 3 years;*

*"(4) 3 of the members first appointed to the Board shall serve for a term of 4 years; and*

*"(5) the remainder of the members first appointed to the Board shall serve for a term of 5 years.*

*"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.*

### "SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

*"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson or if a majority of the members of the Board request such meetings in writing. In addition, the Board (or designated members of the Board) shall conduct periodic public hearings throughout the United States to examine and review operation of the national service laws.*

*"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.*

*"(c) OFFICERS.—*

*"(1) VICE CHAIRPERSON.—The Board shall elect a Vice Chairperson from among its membership. The Vice Chairperson may conduct meetings of the Board in the absence of the Chairperson.*

*"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.*

*"(d) INSPECTOR GENERAL OVERSIGHT COMMITTEE.—The Board shall establish an Inspector General oversight committee (referred to in this subtitle as the 'oversight committee'). Such committee shall be comprised of the Vice Chairperson and two members selected by the Vice Chairperson. The Chairperson shall not serve on the oversight committee.*

*"(e) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.*

*"(f) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.*

*"(g) STATUS OF MEMBERS.—*

*"(1) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.*

*"(2) EFFECT ON OTHER LAW.—This subsection shall not be construed—*

*"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;*

*"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or*

*"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.*

*"(h) DUTIES.—The Board shall—*

*"(1) prepare a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the grants, allotments,*

*contracts, assistance, and payments made by the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act;*

*"(2) make recommendations with respect to the regulations established under section 195(b)(3)(A);*

*"(3)(A) review the actions of the Chairperson with respect to—*

*"(i) grants, allotments, contracts, assistance, and payments made by the Corporation;*

*"(ii) the personnel of the Corporation; and*

*"(iii) the standards, policies, procedures, programs, and initiatives of the Corporation; and*

*"(B) inform the Chairperson of any aspects of the actions of the Chairperson that are not in compliance with the annual strategic plan described in paragraph (1) or the recommendations described in paragraph (2), or are not consistent with the objectives of this Act;*

*"(4) receive reports issued by the Inspector General of the Corporation and review actions taken by the Chairperson with respect to such reports;*

*"(5) review the evaluation of programs established under this Act, in accordance with section 179;*

*"(6) make recommendations for research with respect to national and community service programs, including service-learning programs;*

*"(7) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;*

*"(8) disseminate information regarding the programs and initiatives of the Corporation; and*

*"(9) carry out any other activities determined to be appropriate by the Chairperson.*

### *"SEC. 193. CHAIRPERSON AND DIRECTOR.*

*"(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chairperson of the Board and as Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.*

*"(b) COMPENSATION.—The Chairperson shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.*

*"(c) REGULATIONS.—The Chairperson shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.*

### *"SEC. 193A. AUTHORITIES AND DUTIES OF THE CHAIRPERSON.*

*"(a) GENERAL POWERS AND DUTIES.—The Chairperson shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.*

*"(b) DUTIES.—In addition to the duties conferred on the Chairperson under any other provision of this Act, the Chairperson shall—*

*"(1) submit a proposal to the Board regarding, and establish, such standards, policies, and procedures, as are necessary or appropriate to carry out this Act;*

*"(2) establish and administer such programs and initiatives as the Chairperson, acting on the recommendation of the Board, may determine to be necessary or appropriate to carry out this Act;*

*"(3) consult with appropriate Federal agencies in administering such programs and initiatives;*

*"(4) on the recommendation of the Board, suspend or terminate payments and positions provided pursuant to the national service laws, in accordance with section 176;*

*"(5) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Chairperson with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;*

*"(6) notify, and provide an explanation to, the Board regarding any substantial differences between the actions of the Chairperson and the strategic plan described in section 192A(h)(2); and*

*"(7) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—*

*"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation; and*

*"(B) the manner in which the Corporation used or disposed of such services, money, and property.*

*"(c) POWERS.—In addition to the authority conferred on the Chairperson under any other provision of this Act, the Chairperson may—*

*"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Chairperson considers necessary or appropriate;*

*"(2) with the approval of the President—*

*"(A) arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act; and*

*"(B) as necessary or appropriate—*

*"(i) delegate any of the functions of the Chairperson under this Act, or, with the permission of the Board, any of the functions of the Board under this Act, to such heads of Federal agencies; and*

*"(ii) authorize the redelegation of such functions,*

*subject to provisions to assure the maximum possible liaison between the Corporation and such other agencies at all operating levels;*

*"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;*

*"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;*

*"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Chairperson shall determine to be appropriate to public agencies, private organizations, and the general public;*

*"(6) collect or compromise all obligations to or held by the Chairperson and all legal or equitable rights accruing to the Chairperson in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');*

*"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Chairperson;*

*"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;*

*"(9) exercise the authorities of the Corporation under section 196; and*

*"(10) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the Chairperson determines to be necessary or appropriate to carry out such provisions.*

*"(d) DELEGATION.—*

*"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.*

*"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Chairperson may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Chairperson under this subsection or under any other provision of this Act shall relieve such Chairperson of responsibility for the administration of such function.*

*"(3) FUNCTION OF BOARD.—The Chairperson may not delegate a function of the Board without the permission of the Board.*

*"(e) ACTIONS.—In an action described in subsection (c)(8)—*

*"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;*

*"(2) such an action brought by the Chairperson shall survive notwithstanding any change in the person occupying the office of Chairperson or any vacancy in that office;*

*"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Chairperson or the Board or property under the control of the Chairperson or the Board; and*

*"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.*

### *"SEC. 194. OFFICERS.*

*"(a) MANAGING DIRECTORS.—*

*"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President, by and with the advice and consent of the Senate.*

*"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(3) DUTIES.—*

*"(A) FEDERAL PROGRAMS.—One of the Managing Directors shall be primarily responsible for the Federal programs carried out by the Corporation.*

*"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.*

*"(b) INSPECTOR GENERAL.—There shall be in the Corporation an Office of Inspector General as provided in section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.).*

*"(c) CHIEF FINANCIAL OFFICER.—*

*"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.*

*"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*"(3) DUTIES.—The Chief Financial Officer shall—*

*"(A) report directly to the Chairperson regarding financial management matters;*

*"(B) oversee all financial management activities relating to the programs and operations of the Corporation;*

*"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;*

*"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and*

*''(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.*

### "SEC. 194A. CORPORATION STATE OFFICES.

*''(a) IN GENERAL.—The Chairperson shall establish and maintain a decentralized field structure which provides for an office of the Corporation for each State which is located in or in reasonable proximity of each such State. Such State office may be directed by the State Corporation representative designated under section 195(b)(1).*

*''(b) DUTIES.—Each State office established pursuant to subsection (a) shall—*

*''(1) provide to the State Commissions established under section 178 technical and other assistance for the development and implementation of State service plans;*

*''(2) provide to community-based agencies and other entities within the State technical assistance for the preparation of applications for assistance under the national service laws, utilizing, as appropriate, information and materials provided by the clearinghouses established pursuant to section 198A;*

*''(3) provide to the State Commission and other entities within the State support and technical assistance necessary to assure that there is an effective system of recruitment, placement, and training of volunteers within the State;*

*''(4) monitor and evaluate the performance of all programs and projects within the State which receive assistance under the national service laws; and*

*''(5) perform such other duties and functions which may be assigned or delegated by the Chairperson.*

### "SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

*''(a) EMPLOYEES.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2) and subsections (b) and (c), the Chairperson shall, in accordance with applicable provisions of title 5 of the United States Code, appoint and determine the compensation of such employees as the Chairperson determines to be necessary to carry out the duties of the Corporation.*

*''(2) ASSISTANT DIRECTORS FOR VISTA AND NATIONAL SENIOR VOLUNTEER CORPS.—*

*''(A) APPOINTMENT.—The Managing Director primarily responsible for the Federal programs carried out by the Corporation (appointed pursuant to section 194(a)) shall, in accordance with applicable provisions of title 5 of the United States Code, appoint 4 Assistant Directors who shall report directly to such Managing Director, of which—*

*''(i) 1 Assistant Director shall be responsible for parts A and B of title I of the Domestic Volunteer Service Act of 1973 (the Volunteers in Service to America (VISTA) program) and other antipoverty programs under title I of that Act;*

*''(ii) 1 Assistant Director shall be responsible for part A of title II of that Act (relating to the Retired Senior Volunteer Program);*

*''(iii) 1 Assistant Director shall be responsible for part B of title II of that Act (relating to the Foster Grandparent Program); and*

*''(iv) 1 Assistant Director shall be responsible for part C of title II of that Act (relating to the Senior Companion Program).*

*''(B) EFFECTIVE DATE FOR EXERCISE OF AUTHORITY.—Each Assistant Director appointed pursuant to subparagraph (A) may exercise the authority assigned to each such Director only after the effective date of section 203(b) of the National Service Trust Act of 1993.*

*''(b) ALTERNATIVE PERSONNEL SYSTEM.—*

*''(1) AUTHORITY.—To the extent the Chairperson determines it appropriate and desirable to further the effective operation of the Corporation, the Chairperson may designate positions in the Corporation to which appointments may be made and for which compensation may be determined without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Chairperson may provide for appointments to such positions to be made on a limited term basis.*

*''(2) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT UNDER ALTERNATIVE PERSONNEL SYSTEM.—The Director of the Office of Personnel Management may grant competitive status for appointment to the competitive service, under such conditions as the Director may prescribe, to an employee who is appointed under this subsection and who is separated from the Corporation (other than by removal for cause).*

*''(3) SELECTION AND COMPENSATION SYSTEM.—*

*''(A) ESTABLISHMENT OF SYSTEM.—The Chairperson, after reviewing the recommendations of the Board under section 192A(h)(2), and after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing a selection and compensation system for employees of the Corporation appointed under paragraph (1). In issuing such regulations, the Chairperson shall take into consideration the need for flexibility in such a system.*

*''(B) APPLICATION.—The Chairperson shall appoint and determine the compensation of employees in accordance with the selection and compensation system established under subparagraph (A).*

*''(C) SELECTION.—The system established under subparagraph (A) shall provide for the selection of employees—*

*''(i) through a competitive process; and*

*''(ii) on the basis of the qualifications of applicants and the requirements of the positions.*

*''(D) COMPENSATION.—The system established under subparagraph (A) shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of an employee be determined in part on the basis of the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated under the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*''(c) CORPORATION REPRESENTATIVE IN EACH STATE.—*

*''(1) APPOINTMENT OF REPRESENTATIVE.—The Chairperson shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint an employee to serve as the representative of the Corporation for each State or group of States to assist the Corporation in carrying out the activities described in this Act in the State or States.*

*''(2) DUTIES.—The representative appointed under this subsection for a State or group of States shall serve as the liaison between—*

*''(A) the Corporation and the State Commission that is established in the State or States; and*

*''(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation.*

*''(3) MEMBER OF STATE COMMISSION.—The representative appointed under this subsection for a State or group of States shall also serve as a voting member of the State Commission established in the State or States.*

*''(4) COMPENSATION.—*

*''(A) IN GENERAL.—The Chairperson may determine the compensation of representatives appointed under this subsection without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.*

*''(B) LIMITATION ON COMPENSATION.—The rate of compensation for each representative appointed under this subsection shall not exceed the maximum rate of basic pay payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code.*

*''(d) CONSULTANTS.—The Chairperson may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.*

*''(e) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Chairperson and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.*

*''(f) ADVISORY COMMITTEES.—*

*''(1) ESTABLISHMENT.—The Chairperson, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.*

*''(2) COMPOSITION.—Such an advisory committee shall be composed of members appointed by the Chairperson, with such qualifications as the Chairperson may specify.*

*''(3) EXPENSES.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(e).*

*''(4) STAFF.—The Chairperson is authorized to appoint and fix the compensation of such staff as the Chairperson determines to be necessary to carry out the functions of the advisory committee, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Such compensation shall not exceed the maximum rate of basic pay payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code.*

### "SEC. 196. ADMINISTRATION.

*''(a) DONATIONS.—*

*''(1) SERVICES.—*

*''(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(e).*

*''(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United*

States Code, and the provisions of such subchapter shall apply.

"(C) Volunteer Defined.—For purposes of this paragraph, the term 'volunteer' does not include a participant.

"(2) Property.—

"(A) Solicitation and Acceptance Authorized.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possibly in accordance with the terms, if any, of such donation.

"(B) Status of contribution.—Any donation accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) Rules.—The Corporation shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of donations described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) Disposition.—Upon completion of the use by the Corporation of any donation accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(b) Contracts.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.".

(b) Domestic Volunteer Service Act of 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Chairperson of the Corporation for National Service.".

(c) Transfer of Functions of Commission on National and Community Service.—

(1) Definitions.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) Transfer of functions.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) Application.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Corporation; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) Continuing Performance of Certain Functions.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) Government Corporation Control.—

(1) Wholly owned government corporation.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service.".

(2) Audits.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(f) Disposal of Property.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chairperson of the Corporation for National Service for disposal such surplus property as is recommended by the Chairperson as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chairperson of a proposed transfer of property for such activities, the Chairperson, through such officers or employees of the Corporation as the Chairperson may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Chairperson shall comply with the requirements of paragraph (1)(C).".

(g) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service

"Sec. 191. Corporation for National Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Chairperson and Director.
"Sec. 193A. Authorities and duties of the Chairperson.
"Sec. 194. Officers.
"Sec. 194A. Corporation State offices.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(h) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) Establishment and appointment authorities.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

### SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE.

(a) National and Community Service Act of 1990.—

(1) Application.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, paragraphs (3) and (5) of section 192A(h), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, subsections (c) and (e) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) Grants.—Section 192A(h) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) Authorities of ACTION Agency.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) Transfer of Functions From ACTION Agency.—

(1) Definitions.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Chairperson" means the Chairperson of the Corporation;

(B) the term "Corporation" means the Corporation for National Service, established under section 191 of the National and Community Service Act of 1990;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) Transfer of functions.—There are transferred to the Corporation the functions that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) Determinations of certain functions by the Office of Management and Budget.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) Reorganization.—The Chairperson is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation.

(5) Transfer and allocations of appropriations and personnel.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall be to positions in the Corporation subject to section 195(a)(1) of the National and Community Service Act of 1990, as added by section 202(a) of this Act, and shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection, and such transfer shall be deemed to be a transfer of functions for purposes of section 3503 of title 5 of the United States Code.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Chairperson, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Chairperson is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

## TITLE III—REAUTHORIZATION

### Subtitle A—National and Community Service Act of 1990

#### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

**"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

"(a) TITLE I.—

"(1) SUBTITLE B.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(2) SUBTITLES C, D, AND H.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $389,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996. Of the funds appropriated under this paragraph for a fiscal year, not more than 15 percent of such funds may be made available to provide financial assistance for activities in subtitle H, section 125, or section 126.

"(3) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act (including subtitle G) such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1996.

"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.".

### Subtitle B—Domestic Volunteer Service Act of 1973

#### SEC. 311. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

### CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

#### SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

#### SEC. 321A. ASSISTANT DIRECTOR FOR VISTA PROGRAM.

(a) IN GENERAL.—Section 102 (42 U.S.C. 4952) is amended by striking "The Director" and inserting "This part shall be administered by the Assistant Director appointed pursuant to section 195(a)(2) of the National and Community Service Act of 1990. Such Director".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date of section 203(b).

#### SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "or the Community Economic" and inserting "the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(2)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency (or any successor entity of such agency) a volunteer placement office which shall be responsible for all functions related to the recruitment and placement of volunteers under this part. Such functions and activities shall be carried out in coordination or in conjunction with recruitment and placement activities carried out under the National Service Trust Act of 1993.";

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraphs (4) and (6); and

(3) by redesignating paragraphs (5) and (7) as paragraphs (4) and (6), respectively.

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1)—

(A) in the 1st sentence by striking "regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2)" and inserting "personnel described in subsection (b)(2)(C)";

(B) in the 2nd sentence, by striking "shall include" and inserting "may include";

(C) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(D) by inserting after subparagraph (E) the following new subparagraph:

"(F) publicizing educational awards available under the National Service Trust Act of 1993;";

(2) by striking paragraphs (4) and (5); and

(3) by redesignating paragraph (6) as paragraph (4).

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

**SEC. 323. TERMS AND PERIODS OF SERVICE.**

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

**SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.**

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $100 per month during the service of the volunteer after October 1, 1994. The Director may provide a stipend of a maximum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

**SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.**

Section 107 (42 U.S.C. 4957) is amended to read as follows:

**"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.**

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

**SEC. 326. LITERACY ACTIVITIES.**

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h)—

(A) in paragraph (1) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)"; and

(B) by striking paragraph (3).

**SEC. 327. APPLICATIONS FOR ASSISTANCE.**

Section 110 (42 U.S.C. 4960) is amended to read as follows:

**"SEC. 110. APPLICATIONS FOR ASSISTANCE.**

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

**SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.**

Part B of title I (42 U.S.C. 4971 et seq.) is amended by repealing section 114 (42 U.S.C. 4974).

**SEC. 329. UNIVERSITY YEAR FOR VISTA.**

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

**SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.**

Section 122 (42 U.S.C. 4992) is amended to read as follows:

**"SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.**

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

**SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.**

Section 123 (42 U.S.C. 4993) is amended to read as follows:

**"SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.**

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

**SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.**

Section 124 (42 U.S.C. 4994) is repealed.

## *CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS*

### *SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.*

*(a) Title Heading.—The heading for title II is amended to read as follows:*

*"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".*

*(b) References.—*

*(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older American Volunteer Programs" and inserting "National Senior Volunteer Corps".*

*(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".*

*(3) Section 224 (42 U.S.C. 5024) is amended—*

*(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and*

*(B) by striking "volunteer projects for Older Americans" and inserting "National Senior Volunteer Corps projects".*

*(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".*

### *SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.*

*(a) Part Heading.—The heading for part A of title II is amended by striking "Retired Senior Volunteer Program" and inserting "Retired and Senior Volunteer Program".*

*(b) References.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and the Act and inserting "Retired and Senior Volunteer Program".*

### *SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.*

*Section 201(a) (42 U.S.C. 5001(a)) is amended—*

*(1) in the matter preceding paragraph (1) by striking "retired persons" and inserting "retired individuals and working older individuals"; and*

*(2) in paragraph (2)—*

*(A) by striking "aged sixty or over" and inserting "55 years of age or older"; and*

*(B) by inserting ", and individuals 60 years of age or older will be given priority for enrollment," after "enrolled".*

### *SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.*

*Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children with disabilities and chronic health conditions and to children who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, Head Start agencies, early intervention programs, family support programs, or other programs, establishments, or institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the need for such services.".*

### *SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.*

*Section 211(d) (42 U.S.C. 5011(d)) is amended—*

*(1) in the second sentence by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,"; and*

*(2) by adding at the end the following:*

*"In establishing the amount of, and the effective date for, such adjustment, the Director, in consultation with the State commissions (as defined in section 178 of the National and Community Service Act of 1990) and the heads of the State offices established under section 195 of such Act, shall consider the effect such adjustment will have on the ability of non-Federally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.".*

### *SEC. 346. CONDITIONS OF GRANTS AND CONTRACTS.*

*Section 212(a) (42 U.S.C. 5012(a)) is amended—*

*(1) by striking paragraph (1), and*

*(2) in paragraph (2)—*

*(A) by striking "(2)(A)" and inserting "(1)",*

*(B) in paragraph (1), as so redesignated—*

*(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and*

*(ii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and*

*(C) by striking "(B)" and inserting "(2)".*

### *SEC. 347. AGREEMENTS WITH OTHER FEDERAL AGENCIES.*

*(a) Promotion.—Section 221(a) (42 U.S.C. 5021(a)) is amended—*

*(1) by striking "(a)" and inserting "(a)(1)"; and*

*(2) by adding at the end the following:*

*"(2) To the maximum extent practicable, the Director shall enter into agreements with—*

*"(A) the Department of Health and Human Services to—*

*"(i) involve retired and senior volunteers, and foster grandparents, in Head Start programs;*

*"(ii) involve retired and senior volunteers, and senior companions, in providing services authorized by title III of the Older Americans Act of 1965; and*

*"(iii) promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services;*

*"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and*

*"(C) the Environmental Protection Agency to support conservation efforts.".*

*(b) Minimum Expenditure.—Section 221(b)(3) (42 U.S.C. 5021(b)(3)) is amended by striking "$250,000" and inserting "$500,000".*

### *SEC. 348. MINORITY GROUP PARTICIPATION.*

*Section 223 (42 U.S.C. 5023) is amended by adding at the end the following:*

*"Such efforts shall include using methods appropriate to communicate with individuals who have limited English proficiency.".*

### *SEC. 349. PROGRAMS OF NATIONAL SIGNIFICANCE.*

*Section 225 (42 U.S.C. 5025) is amended—*

*(1) in subsection (a)(2)(B) by striking "paragraph (10)" and inserting "paragraphs (10), (12), (15), and (16)";*

*(2) in subsection (b), by adding at the end the following new paragraphs:*

*"(12) Programs that address environmental needs.*

*"(13) Programs that reach out to organizations (such as labor unions and profit-making organizations) not previously involved in addressing national problems of local concern.*

*"(14) Programs that provide for outreach to increase participation of members of ethnic groups who have limited English proficiency.*

*"(15) Programs that support criminal justice activities and juvenile justice activities.*

*"(16) Programs that involve older volunteers working with young people in apprenticeship programs.*

*"(17) Programs that support the community integration of individuals with disabilities.";*

*(3) in subsection (c)(1), by striking "under this title"; and*

*(4) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:*

*"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".*

### *SEC. 350. DEMONSTRATION PROGRAMS.*

*Title II is amended by adding at the end the following:*

*"Part E—Demonstration Programs*

### *"SEC. 231. AUTHORITY OF DIRECTOR.*

*"(a) In General.—The Director is authorized to make grants to or enter into contracts with public or nonprofit private agencies and organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older individuals as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.*

*"(b) Activities.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—*

*"(1) linking youth groups, and organizations whose members are older individuals, in volunteer activities;*

*"(2) involving older volunteers in programs and activities different from those currently supported in the community; and*

*"(3) testing whether programs for older volunteers may contribute to achieving new objectives or to carrying out certain national priorities.".*

## *CHAPTER 3—ADMINISTRATION*

### *SEC. 361. PURPOSE OF AGENCY.*

*Section 401 (42 U.S.C. 5041) is amended—*

*(1) by inserting after the first sentence the following: "This Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among them, and provide technical assistance to other nations concerning domestic volunteer programs within their countries."; and*

*(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".*

### *SEC. 362. AUTHORITY OF THE DIRECTOR.*

*Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" in each such paragraph.*

### *SEC. 362A. POLITICAL ACTIVITIES.*

*Section 403 (42 U.S.C. 5043) is amended—*

*(1) by redesignating subsections (b)(2) and (c) as subsections (c) and (d), respectively;*

*(2) in subsection (c), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and*

*(3) by striking subsection (b)(1) and inserting the following:*

*"(b)(1) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with—*

*"(A) any partisan or nonpartisan political activity associated with a candidate, or a contending faction or group, in an election for public or party office;*

*"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or*

*"(C) any voter registration activity;*

*except that programs assisted under this Act may make voter registration applications and nonpartisan voter registration information available to the public on the premises of such programs.*

*"(2) In carrying out any voter registration activity permitted under paragraph (1), an individual who is affiliated with, or employed to carry out, a program assisted under this Act shall not—*

*"(A) indicate a preference with respect to any candidate, political party, or election issue; or*

*"(B) seek to influence the political or party affiliation, or voting decision, of any individual.".*

### *SEC. 363. COMPENSATION FOR VOLUNTEERS.*

*Section 404 (42 U.S.C. 5044) is amended—*

*(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";*

*(2) by striking subsection (f); and*

*(3) by redesignating subsection (g) as subsection (f).*

### *SEC. 364. REPEAL OF REPORT.*

*Section 407 (42 U.S.C. 5047) is repealed.*

### *SEC. 365. APPLICATION OF FEDERAL LAW.*

*Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".*

### *SEC. 366. NONDISCRIMINATION PROVISIONS.*

*Section 417 (42 U.S.C. 5057) is amended to read as follows:*

### *"SEC. 417. NONDISCRIMINATION PROVISIONS.*

*"(a) In General.—*

*"(1) Basis.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.*

*"(2) Definition.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).*

*"(b) Federal Financial Assistance.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).*

*"(c) Religious Discrimination.—*

*"(1) In general.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.*

*"(2) Exception.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.*

*"(d) Rules and Regulations.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".*

### *SEC. 367. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.*

*Section 420 (42 U.S.C. 5060) is repealed.*

### *SEC. 368. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.*

*Section 422 (42 U.S.C. 5062) is amended—*

*(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and*

*(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.*

### *SEC. 369. COPYRIGHT PROTECTION.*

*Title IV is amended by adding at the end, the following new section:*

### *"SEC. 425. PROTECTION AGAINST IMPROPER USE.*

*"Whoever falsely—*

*"(1) advertises or represents; or*

*"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,*

*that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".*

### *SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.*

*(a) Civil Service Retirement System.—*

*(1) Creditable service.—Section 8332(j) of title 5, United States Code, is amended—*

*(A) in paragraph (1)—*

*(i) in the first sentence, by inserting "the period of an individual's service as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";*

*(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964"; and*

*(iii) in the last sentence—*

*(I) by inserting "or under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and*

*(II) by inserting "or the Chairperson of the Corporation for National Service, as appropriate," after "Director of the Office of Economic Opportunity"; and*

*(B) by adding at the end the following new paragraph:*

*"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or the Peace Corps Act shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".*

*(2) Deductions, contributions, and deposits.—*

*(A) In general.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:*

*"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or section 5(c) or 6(1) of the Peace Corps Act or the stipend paid to the employee or Member under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, for each period of service as such a volunteer or volunteer leader.*

*"(2) Any deposit made under paragraph (1) more than 2 years after the later of—*

*"(A) October 1, 1993; or*

*"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,*

*shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).*

*"(3) The Director of the Peace Corps and the Chairperson of the Corporation for National Service shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".*

*(B) Conforming amendment.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".*

*(b) Federal Employees' Retirement System.—*

*(1) Creditable service.—Section 8411 of title 5, United States Code, is amended—*

*(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and*

*(B) by adding at the end the following new subsection:*

*"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act performed at any time prior to the separation on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".*

*(2) Deductions, contributions.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:*

*"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or section 5(c) or 6(1) of the Peace Corps Act or the stipend paid to the employee or Member under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, for each period of service as such a volunteer or volunteer leader.*

*"(2) Any deposit made under paragraph (1) more than 2 years after the later of—*

*"(A) October 1, 1993, or*

*"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,*

*shall include interest on such amount computed and compounded annually beginning on the* *date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).*

*"(3) The Director of the Peace Corps and the Chairperson of the Corporation for National Service shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".*

*(c) APPLICABILITY AND OTHER PROVISIONS.—*

*(1) APPLICABILITY.—*

*(A) AMENDMENTS RELATING TO CSRS.—*

*(i) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to any individual entitled to an annuity on the basis of a separation from service occurring on or after the effective date of this subtitle.*

*(ii) RULES RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—An annuity under subchapter III of chapter 83 of title 5, United States Code, payable to an individual based on a separation from service occurring before the effective date of this subtitle shall be subject to the provisions of paragraph (2).*

*(B) AMENDMENTS RELATING TO FERS.—*

*(i) IN GENERAL.—The amendments made by subsection (b) shall apply with respect to any individual entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this subtitle, subject to clause (ii).*

*(ii) RULE RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the effective date of this subtitle, any increase in such individual's annuity on the basis of a deposit made under section 8442(f) of title 5, United States Code, as amended by subsection (b)(2), shall be effective beginning with the annuity payment payable for the first calendar month beginning after the effective date of this subtitle.*

*(2) SPECIAL RULES.—*

*(A) OLD-AGE OR SURVIVORS INSURANCE BENEFITS.—Subject to subparagraph (B), in any case in which an individual described in paragraph (1)(A)(ii) is also entitled to old-age or survivors insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing an application therefor), the amount of the annuity to which such individual is entitled under subchapter III of chapter 83 of title 5, United States Code (after taking into account any creditable service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps Act) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age or survivors insurance benefit for the determination month by a fraction—*

*(i) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps Act of such individual credited for years before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act for each such year); and*

*(ii) the denominator of which is the total of all wages described in clause (i), plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in section 215(e)(1) of such Act for each such year.*

*(B) LIMITATIONS.—*

*(i) Subparagraph (A) shall not reduce the annuity of an individual below the amount of the annuity which would be payable to the individual for the determination month if the provisions of section 8332(j) of title 5, United States Code, relating to service as a volunteer or volunteer leader, applied to the individual for such month.*

*(ii) Subparagraph (A) shall not apply in the case of an individual who, prior to the date of enactment of this Act, made a deposit for under section 8334(c) of title 5, United States Code, with respect to service as a volunteer or volunteer leader (as described in subparagraph (A)).*

*(iii) DETERMINATION MONTH.—For purposes of this paragraph, the term "determination month" means—*

*(I) the first month the individual described in paragraph (1)(A)(ii) is entitled to old-age or survivors benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing an application therefor); or*

*(II) the first calendar month beginning after the date of enactment of this Act, in the case of any individual entitled to such benefits for such month.*

*(iv) RULE RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—Any increase in an annuity which occurs by virtue of the enactment of this paragraph shall be effective beginning with the annuity payment payable for the first calendar month beginning after the effective date of this subtitle.*

*(3) FURNISHING OF INFORMATION.—The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out this subsection.*

*(4) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.*

### *CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS*

#### *SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.*

*Section 501 (42 U.S.C. 5081) is amended to read as follows:*

#### *"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.*

*"(a) AUTHORIZATIONS.—*

*"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out parts A and B of title I, excluding section 109, $56,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.*

*"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, such sums as may be necessary for each of the fiscal years 1994 through 1996.*

*"(3) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 125, such sums as may be necessary for each of the fiscal years 1994 through 1996.*

*"(4) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 125, such sums as may be necessary for each of the fiscal years 1994 through 1996.*

*"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.*

*"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.*

*"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.*

*"(e) VOLUNTEER SERVICE REQUIREMENT.—*

*"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 125, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.*

*"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, and C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".*

#### *SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.*

*Section 502 (42 U.S.C. 5082) is amended to read as follows:*

#### *"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.*

*"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $53,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.*

*"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $98,200,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.*

*"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $48,700,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.*

*"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.".*

#### *SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.*

*Section 504 (42 U.S.C. 5084) is amended to read as follows:*

#### *"SEC. 504. ADMINISTRATION AND COORDINATION.*

*"(a) IN GENERAL.—For each of the fiscal years 1994 through 1996, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 21 percent of the total amount appropriated under sections 501 and 502 with respect to such year.*

*"(b) EVALUATION.—For each of the fiscal years 1994 through 1996, the Director is authorized to expend not less than 2½ percent, and not more than 5 percent, of the amount appropriated under subsection (a), for the purposes prescribed in section 416.".*

#### *SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.*

*Section 8143(b) of title 5, United States Code, is amended by striking "GS–7" and inserting "GS–5 of the General Schedule under section 5332 of title 5, United States Code".*

#### *SEC. 385. REPEAL OF AUTHORITY.*

*Title VII (42 U.S.C. 5091 et seq.) is repealed.*

### *CHAPTER 5—GENERAL PROVISIONS*

#### *SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.*

*The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:*

***"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.*

*"(b) TABLE OF CONTENTS.—The table of contents is as follows:*

*"Sec. 1. Short title; table of contents.*
*"Sec. 2. Volunteerism policy.*

*"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS*

*"PART A—VOLUNTEERS IN SERVICE TO AMERICA*

*"Sec. 101. Statement of purpose.*
*"Sec. 102. Authority to operate VISTA program.*
*"Sec. 103. Selection and assignment of volunteers.*
*"Sec. 104. Terms and periods of service.*
*"Sec. 105. Support service.*
*"Sec. 106. Participation of beneficiaries.*
*"Sec. 107. Participation of younger and older persons.*
*"Sec. 108. Limitation.*
*"Sec. 109. VISTA Literacy Corps.*
*"Sec. 110. Applications for assistance.*

*"PART B—UNIVERSITY YEAR FOR VISTA*

*"Sec. 111. Statement of purpose.*
*"Sec. 112. Authority to operate University Year for VISTA program.*
*"Sec. 113. Special conditions.*

*"PART C—SPECIAL VOLUNTEER PROGRAMS*

*"Sec. 121. Statement of purpose.*
*"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.*
*"Sec. 123. Technical and financial assistance for improvement of volunteer programs.*
*"Sec. 125. Literacy challenge grants.*

*"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS*

*"Sec. 200. Statement of purposes.*

*"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM*

*"Sec. 201. Grants and contracts for volunteer service projects.*

*"PART B—FOSTER GRANDPARENT PROGRAM*

*"Sec. 211. Grants and contracts for volunteer service projects.*
*"Sec. 212. Conditions of grants and contracts.*

*"PART C—SENIOR COMPANION PROGRAM*

*"Sec. 213. Grants and contracts for volunteer service projects.*

*"PART D—GENERAL PROVISIONS*

*"Sec. 221. Promotion of National Senior Volunteer Corps.*
*"Sec. 222. Payments.*
*"Sec. 223. Minority group participation.*
*"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.*
*"Sec. 225. Programs of national significance.*
*"Sec. 226. Adjustments to Federal financial assistance.*
*"Sec. 227. Multiyear grants or contracts.*

*"PART E—DEMONSTRATION PROGRAMS*

*"Sec. 231. Authority of Director.*

*"TITLE IV—ADMINISTRATION AND COORDINATION*

*"Sec. 403. Political activities.*
*"Sec. 404. Special limitations.*
*"Sec. 406. Labor standards.*
*"Sec. 408. Joint funding.*
*"Sec. 409. Prohibition of Federal control.*
*"Sec. 410. Coordination with other programs.*
*"Sec. 411. Prohibition.*
*"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.*
*"Sec. 414. Distribution of benefits between rural and urban areas.*
*"Sec. 415. Application of Federal law.*
*"Sec. 416. Evaluation.*
*"Sec. 417. Nondiscrimination provisions.*
*"Sec. 418. Eligibility for other benefits.*
*"Sec. 419. Legal expenses.*
*"Sec. 421. Definitions.*
*"Sec. 422. Audit.*
*"Sec. 423. Reduction of paperwork.*
*"Sec. 424. Review of project renewals.*
*"Sec. 425. Protection against improper use.*
*"Sec. 426. Center for Research and Training.*

*"TITLE V—AUTHORIZATION OF APPROPRIATIONS*

*"Sec. 501. National volunteer antipoverty programs.*
*"Sec. 502. National Senior Volunteer Corps.*
*"Sec. 504. Administration and coordination.*
*"Sec. 505. Availability of appropriations.*

*"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS*

*"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.*
*"Sec. 602. Creditable service for civil service retirement.*
*"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.*
*"Sec. 604. Repeal of title VI of the Older Americans Act.".*

#### *SEC. 392. EFFECTIVE DATE.*

*This subtitle shall become effective on October 1, 1993.*

### *TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS*

#### *SEC. 401. DEFINITION OF DIRECTOR.*

*Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:*

*"(1) the term 'Director' means the Chairperson and Director of the Corporation for National Service appointed under section 193 of the National and Community Service Act of 1990;".*

#### *SEC. 402. REFERENCES TO ACTION AND THE ACTION AGENCY.*

*(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—*

*(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—*

*(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and*

*(B) by striking "ACTION" and inserting "the Corporation for National Service".*

*(2) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".*

*(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".*

*(4) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—*

*(A) by striking "the ACTION Agency" the first place it appears and inserting "the Corporation under this Act"; and*

*(B) by striking "the ACTION Agency" the second place it appears and inserting "the Corporation".*

*(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".*

*(6) Section 425 of such Act (as added by section 369 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".*

*(b) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation for National Service".*

*(c) INSPECTOR GENERAL.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—*

*(1) by striking "ACTION,"; and*

*(2) by inserting "the Corporation for National Service (except as provided in section 194(b) of the National and Community Service Act of 1990)," after "the Consumer Product Safety Commission,".*

*(d) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95-557; 92 Stat. 2093; 12 U.S.C. 1701z-6 note) is amended—*

*(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service"; and*

*(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service".*

*(e) NATIONAL FOREST VOLUNTEERS.—The first section of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service".*

*(f) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".*

*(g) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "and ACTION" and inserting ", the Corporation for National Service,".*

*(h) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—*

*(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service";*

*(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service"; and*

*(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service".*

*(i) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101-204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Chairperson of the Corporation for National Service".*

*(j) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—*

*(1) in paragraph (1)—*

*(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service,"; and*

*(B) by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation";*

*(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and*

*(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:*

*"(A) the term 'Corporation' means the Corporation for National Service established by section 191 of the National and Community Service Act of 1990.".*

*(k) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".*

*(l) Coordinating Council on Juvenile Justice.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chairperson of the Corporation for National Service".*

*(m) Energy Conservation.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".*

*(n) Interagency Council on the Homeless.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:*

*"(12) The Chairperson of the Corporation for National Service, or the designee of the Chairperson.".*

*(o) Anti-Drug Abuse.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:*

*"(5) the term 'Director' means the Chairperson and Director of the Corporation for National Service,".*

### SEC. 403. DEFINITIONS.

*Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—*

*(1) by striking "and" at the end of paragraph (6);*

*(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and*

*(3) by adding at the end the following new paragraphs:*

*"(8) the term 'Corporation' means the Corporation for National Service established under section 191 of the National and Community Service Act of 1990;*

*"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;*

*"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;*

*"(11) the term 'Inspector General' means the Inspector General of the Corporation;*

*"(12) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;*

*"(13) the term· 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;*

*"(14) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;*

*"(15) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;*

*"(16) the term 'senior companion' means a volunteer in the Senior Companion Program;*

*"(17) the term 'Senior Companion Program' means the program established under part C of title II;*

*"(18) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and*

*"(19) the term 'VISTA volunteer' means a volunteer in VISTA.".*

### SEC. 404. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

*(a) National Defense Authorization Act for Fiscal Year 1993.—*

*(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—*

*(A) in paragraph (1)—*

*(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service"; and*

*(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and*

*(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service".*

*(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Chairperson of the Corporation for National Service".*

*(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—*

_(A) in the title, by striking "**commission on national and community service**" and inserting "**corporation for national service**";_

*(B) in subsection (a)—*

*(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";*

*(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service"; and*

*(iii) in the second sentence, by striking "The Commission" and inserting "The Chairperson of the Corporation"; and*

*(C) in subsection (b)—*

*(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Chairperson of the Corporation for National Service"; and*

*(ii) in paragraph (2), by striking "the Commission" and inserting "the Chairperson of the Corporation for National Service".*

*(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE".*

*(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:*

*"Sec. 1094. Other programs of the Corporation for National Service.".*

*(b) National and Community Service Act of 1990.—*

*(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".*

*(2) Sections 152, 157(b)(2), 159(b), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653h(b), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".*

*(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Chairperson".*

*(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—*

*(A) by striking "The President" and inserting "The President, acting through the Corporation,";*

*(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and*

*(C) by striking "the President" both places it appears and inserting "the Corporation".*

### SEC. 405. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

*(a) Chairperson.—*

*(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—*

*(A) by striking "Board.—The Board" and inserting "Supervision.—The Chairperson";*

*(B) by striking "the Board" in the matter preceding the paragraphs and in paragraph (1) and inserting "the Chairperson"; and*

*(C) by striking "the Director" in paragraph (1) and inserting "the Board".*

*(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Director" and inserting "(b) Monitoring and Coordination.—The Chairperson".*

*(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (12653h(c)(1)) is amended—*

*(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the Chairperson"; and*

*(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Chairperson".*

*(4) Section 166 (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o) is amended—*

*(A) by striking paragraph (6); and*

*(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.*

*(b) Director of Civilian Community Corps.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".*

### SEC. 406. EFFECTIVE DATE.

*(a) ACTION.—The amendments made by sections 401 and 402 (except subsection (c)(2)) shall take effect on the effective date of section 203.*

*(b) Commission.—The amendments made by section 402(c)(2), and sections 403 through 405, will take effect on October 1, 1993.*

The CHAIRMAN. Other than pro forma amendments for the purpose of debate, no amendment to the committee amendment in the nature of a substitute is in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII prior to Tuesday, July 20, 1993.

The amendments en bloc caused to be printed by the gentleman from Michigan [Mr. Ford] shall be considered as read and shall not be subject to a demand for a division of the question.

Are there any amendments to the bill?

### EN BLOC AMENDMENTS OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. Ford of Michigan:

Page 30, beginning on line 3, strike "paragraph (1)" and insert "subparagraph (A)".

Page 11, line 18, insert the following after "cash": "(including not more than 85 percent of the cost of providing a health care policy described in section 140(d)(2))".

Beginning on page 65, strike line 19 and all that follows through line 6 on page 66, and insert the following:

"(2) OPTION.—A State or other recipient of assistance under section 121 may elect to provide from its own funds a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation.

Page 62, line 4, insert "who participates on a full-time basis" after "participant".

Page 63, strike line 6 through 11, and insert the following:

"(5) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(6) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program which was in existence on the date of enactment of the Nation Service Trust Act of 1933.

Page 63, line 12, strike "(6)" and insert "(7)".

Page 70, strike lines 18 through 23, and insert the following:

"(4) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(5) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program which was in existence on the date of enactment of the National Service Trust Act of 1993.

Page 70, line 24, strike "(5)" and insert "(6)".

Page 164, strike lines 5 through 7.

Page 172, strike lines 14 through 16.

Page 185, line 2, insert the following before the period at the end: ", and shall constitute assistance to an education program or activity for purposes of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)"

Page 199, after line 5, insert the following:

"(6) LIMITATION ON MEMBER PARTICIPATION.—

"(A) GENERAL LIMITATION.—Except as provided in subparagraph (B), a voting member of the State Commission (or of an alternative administrative entity) shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in subsection (e)(9) in any period during which there is pending before the Commission (or such entity) a grant application submitted by a program or entity of which such member is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

"(B) EXCEPTION.—If, as a result of the operation of subparagraph (A), the number of voting members of the Commission (or of such entity) is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by subparagraph (A) may participate in the administration of such program, notwithstanding the limitation in subparagraph (A), to the extent permitted by regulations issued under section 192A(h)(10) by the Corporation.

"(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall be construed to limit the authority of any voting member of the Commission (or of such entity to participate in—

"(i) discussions of, and hearing and forums on—

"(I) the general duties, policies, and operations of the Commission (or of such entity); or

"(II) the general administration of such program; or

"(ii) similar general matters relating to the Commission (or such entity).

Page 211, line 24, strike "and" at the end.

Page 212, line 2, strike the period at the end and insert "; and".

Page 212, after line 2, insert the following:

"(10) for purposes of subsection (i)(2) and section 178(d)(6)(B), issue regulations to waive the disqualification of members of the Board and members of the State Commission (or of an alternative administrative entity) selectively in a random, nondiscretionary manner and only to the extent necessary to establish the quorum involved, including rules that forbid each member of the Board and each voting member of a State Commission (or of such entity) to participate in any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity of which such member of the Board or such member of the State Commission (or of such entity) is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

"(i) LIMITATION OF PARTICIPATION.—

"(1) GENERAL LIMITATION.—Except as provided in paragraph (2), a member of the Board shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in section 121 in any period during which there is pending before the Corporation a grant application submitted by a program or entity of which such member of the Board is, or in the 1-year period before the submission of such application was, an officer, director, trustee, partner, full-time volunteer, or employee.

"(2) EXCEPTION.—If, as a result of the operation of paragraph (1), the number of members of the Board is insufficient to establish a quorum for the purpose of administering such program, then members excluded from participation by paragraph (1) may participate in the administration of such program, notwithstanding the limitation in paragraph (I), to the extent permitted by regulations issued under subsection (h)(10) by the Corporation.

"(3) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a member of the Board to participate in—

"(A) discussions of, and hearings and forums on—

"(i) the general duties, policies, and operations of the Commission (or of such entity); or

"(ii) the general administration of such program; or

"(B) similar general matters relating to the Corporation.

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for division of the question.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, my amendments include the following provisions. First, language that reflects a compromise between all interested parties about the provision of health insurance to participants in programs. Under this agreement, service sponsors wishing to offer an insurance package not in conformance with program standards but willing to pay 100 percent of the cost of health insurance must offer a policy equivalent in value to that which the Corporation may devise and may credit the cost of that health insurance against their matching requirement. The amendment also includes an agreement reached with Mr. BALLENGER to eliminate even the perception of conflicts of interest among members of the proposed State commissions and members of the board of the proposed Corporation for National Service. The amendment also makes it clear that these programs are like educational programs in matters of gender discrimination and sexual harassment are covered by title IX. My amendment also includes a modification to the amendment offered in committee by Mr. OWENS to establish a minimum living allowance in stipended programs. In his modification, Mr. OWENS provides flexibility to grandfather in existing programs that offer less than the minimum allowance, and offers a waiver to programs that demonstrate that the minimum living allowance is inconsistent with the objectives of the program and that a lower stipend is adequate for participants to meet the necessary costs of living in the area in which the program is located. Finally, the amendment strikes the authorizations for the Public Lands Corps and the Urban Youth Corps created by amendments offered by Mr. MARTINEZ and Mr. MILLER to the bill. This provision reduces the direct cost of the bill by $85 million.

As I indicated, Mr. Chairman, these provisions are the results of agreements between interested parties and are not controversial. I urge their adoption.

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Mr. BALLENGER. Mr. Chairman, I move to strike the last words.

Mr. Chairman, as Representative FORD stated, included in this en bloc amendment is compromise language to prevent conflicts of interest on both the proposed National Corporation and the proposed State commissions.

Essentially this agreed upon provision would suspend a member of either the Corporation or a State commission from any funding decisions while an organization, with which the member is affiliated, has an application pending. I am glad to say that it will go beyond mere recusal of members, because it has been my experience that recusal is not always effective at preventing conflicts.

I would like to thank the gentleman from Michigan and his staff for working with me on this provision. I only regret that this amendment solves only one small problem with this bill. However, I urge support for the en bloc amendment.

The CHAIRMAN. The question in on the en bloc amendments offered by the gentleman from Michigan [Mr. FORD].

The en bloc amendments were agreed to.

### AMENDMENTS, AS MODIFIED, OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. FORD of Michigan: Page 18, line 20, strike "(14)" and insert in lieu thereof the following:

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15)

Page 77, line 6, strike "FIVE-YEAR" and insert "TEN-YEAR".

Page 77, line 9 and 19, strike "5-year" and insert "10-year".

Page 157, line 16, insert after the period the following: "The Secretaries may also authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)".

Page 167, after line 19, insert the following new paragraph:

"(5) The term "Secretary" means the Secretary of Housing and Urban Development or the Secretary of Transportation.

Page 167, beginning line 22, strike "appropriate executive departments of the Federal Government" and insert "Department of Housing and Urban Development and the Department of Transportation".

Page 168, line 1, strike "Secretaries of such departments" and insert "Secretary of Housing and Urban Development and the Secretary of Transportation".

Page 168, line 16, add after the period the following new sentence: "As part of the Urban Youth Corps established in the Department of Transportation, the Secretary of Transportation may make grants to States (and through States to local governments) for the purpose of establishing, operating, or supporting qualified urban youth corps that will perform appropriate services projects relating to transportation resources or facilities."

Page 183, line 11, strike the close quotation marks and the final period.

Page 183, after line 11, insert the following:

"(c) TREATMENT OF ABSENCE.—The period of any absence of a participant from a service position pursuant to title I of the Family and Medical Leave Act of 1993 or subchapter V of chapter 63 of title 5, United States Code, shall not be counted toward the completion of the term of service of the participant under section 139 of this Act.".

Page 212, after line 2, insert the following new subsection:

"(i) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—As part of the agenda of meetings of the Board under subsection (a), the Board shall review projects and programs conducted or funded by the Corporation under the national service laws to improve the coordination between such projects and programs and the activities of other Federal agencies that deal with the individuals and communities participating in or benefiting from such projects and programs. The ex officio members of the Board specified in section 192(a)(3) are encouraged to jointly plan, implement, and fund activities in connection with projects and programs conducted under the national service laws to ensure that Federal efforts attempt to address the total needs of participants, their communities, and the persons and communities they serve.

Page 232, line 2, strike the close quotation marks and the final period.

Page 232, after line 2, insert the following new section (and conform the table of contents accordingly):

**"SEC. 196a. LIMITATION ON AUTHORITY TO TAKE CERTAIN ACTIONS.**

"Notwithstanding any other provision of law, the Corporation or the Chairperson, as the case may be, shall not—

"(1) allocate, expend, or transfer to any other Federal agency funds made available under this Act for construction, repairs, or capital improvements;

"(2) enter into a lease for real property; or

"(3) dispose of surplus real property;

without receiving prior concurrence from the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.".

Page 245, after line 16, insert the following new section (and conform the table of contents accordingly):

**SEC. 204. ACTIONS UNDER THE NATIONAL SERVICE LAWS TO BE SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS.**

No action involving the obligation or expenditure of funds may be taken under a national service law (as defined in section 101(14) of the National and Community Service Act of 1990 (42 U.S.C. 12511(14)) unless and until the Corporation for National Service has sufficient appropriations available at the time such action is taken to satisfy the obligation to be incurred or make the expenditure to be made.

Page 265, line 2, strike the close quotation marks and the semicolon.

Page 265, after line 2, insert the following:

"(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.";

At the end of the bill insert the following (and conform the table of contents of the bill):

TITLE V—GENERAL PROVISIONS

**SEC. 501. COMPLIANCE WITH BUY AMERICAN ACT.**

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

**SEC. 502. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Education shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

**SEC. 503. PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA**

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds appropriated to carry out this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Reserving the right to object, Mr. Chairman, I do not believe I will object, but I am just trying to figure out what pattern was used for deciding which amendments would be included in the en bloc amendments. These are matters which were believed to be noncontroversial, so, therefore, they were wrapped into the en bloc; the rest of the amendments were regarded as being items that were subject to some controversy, and so, therefore, could not be included in the en bloc amendments?

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, no, these are matters raised by Members, not members of the committee after the committee had finished its consideration of the bill. Had they been raised by members of the committee, they probably would have been adopted in the committee, so I have no objection to adopting them now. It was not our intention in asking for pre-printing of the amendments to find a way to keep from taking amendments. It was precisely so that we could go over all those proposed amendments in detail and determine how many we could accept without having to fight about things that there was no real controversy over. These are not controversial amendments, or I would not be accepting them.

Mr. WALKER. I think the gentleman has just agreed with me. In other words, the criteria on that was used for judging these amendments is that they are noncontroversial items. They were not regarded as subjects of controversy, that the rest of the amendments were regarded as being things that were going to be controversial in nature, so, therefore, they were left out of the en bloc amendment. Is that correct?

Mr. FORD of Michigan. Well, no. I think the gentleman would find it very unusual that out of 18 amendments printed we could accept all 18 of them. I have never seen that happen since I have been here. The gentleman has spent a lot of time here as a staffer before he became a Member and I do not think he has seen it either.

I think it is kind of extraordinary that we were able to accept a majority of the amendments offered through the Rules Committee, and I would hope we could move on with that kind of progress.

We are just trying to expedite the consideration of the bill and not waste a lot of time of the Members on amendments that are not controversial.

Mr. WALKER. Further reserving the right to object, Mr. Chairman, I guess I understand the gentleman.

I have an amendment that was not included in this particular list. I assume that by not including that amendment in this bloc, it assumes that that amendment is a subject of controversy and that the idea of military service is going to be something the committee is going to fight. I am just trying to get the lay of the land.

Mr. FORD of Michigan. I do not think we will have a fight over that either, because I do not think the amendment is in order.

Mr. WALKER. I see. Well, that will have to be taken up at the appropriate time. I believe it will be.

Mr. FORD of Michigan. It is the gentleman's opinion against mine at this point. Why not wait until we get to that point and see how it plays out?

Mr. WALKER. I see. But the criteria here was a matter of controversy on each of the amendments, and that the amendments not included were regarded as those that were going to be controversial, as I understand it.

Mr. FORD of Michigan. Well, the only thing controversial is my arbitrariness in trying to evaluate each of these amendments on behalf of the committee and saying if these had been presented to the committee, the committee would have accepted them. So let us not fight them.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I ask unanimous consent to modify the amendments en bloc to reflect a further agreement with the gentleman from Pennsylvania [Mr. GOODLING].

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the modification to the amendments en bloc offered by the gentleman from Michigan [Mr. FORD].

The Clerk read as follows:

Modification of amendments en bloc offered by Mr. FORD of Michigan:

(1) in the matter to be inserted by the amendment on page 77, line 6, of the bill, strike "TEN-YEAR" and insert "SEVEN-YEAR"; and

(2) in the matter to be inserted by the amendment on page 77, lines 9, and 19, of the bill, strike "10-year" and insert "7-year".

□ 1310

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] is recognized for 5 minutes in support of his amendments.

Mr. FORD of Michigan. Mr. Chairman, I yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of the amendments offered en bloc by Chairman FORD. They are reasonable and offer significant improvements to H.R. 2010, the National and Community Service Act.

Voluntarism in America has been one of the foundations of public service. In an era of growing civic duty from younger Americans, we must not forget that wise and experienced senior citizens who are young in spirit are also willing to commit their time, skills, and patience to help rebuild our cities and towns.

Among the chairman's changes to the bill is one which I offered that would include among the programs of national significance under the Retired Senior Volunteer Program [RSVP] those programs that provide health, education, and welfare services augmenting those provided by State and local agencies.

For example, public libraries may need additional volunteers to read to young children who are learning to read. Similarly, some hospitals may require additional candy stripers to cheer up sick children, and so on.

Improvements of this sort to the fine work of the RSVP will add service to State and local agencies as an important priority of RSVP, which deploys over 500,000 senior volunteers in communities all over this land.

By targeting State and local agencies, we are recognizing the often desperate condition of our schools, hospitals, libraries, community centers, and other health, education, and welfare institutions and are enlisting the help of elder volunteers in extending the capability of these institutions. These organizations, which provide vital links across our Nation, need a helping hand, and senior citizens are reaching out to offer that hand.

It is important to note that these volunteers are in no way a substitute for full-time employees and should not be viewed as a substitute or replacement for proper spending on the part of State or local governments. RSVP has always been cognizant of its volunteers' role as service-enhancers not unpaid replacement workers, and no change in their role is condoned under this amendment.

My amendment builds on a very successful set of projects that link senior citizens with community-based public and nonprofit organizations. These projects sponsor volunteers across the country. In my district of Chicago and its western suburbs volunteers are currently assisting health care workers at the VA West Side Medical Center. Foster grandparents are consoling cocaine-addicted babies at the Cook County Hospital. Retarded children are being taught living skills at the Mary Alyce School while illiterate adults are being taught to read in Maywood. In these and many other ways the 500,000 senior volunteers are testimony to the positive effect that this national effort is already having addressing community needs.

Mr. Chairman, the Retired Senior Volunteer Program and other similar programs have proven to be effective at providing volunteer help to organizations in every State. By making this slight but significant change in this program we allow State and local officials to tap the rich experience of senior and retired Americans as they confront the challenges of providing health education and welfare services today.

Mr. FORD of Michigan. Mr. Chairman, these amendments to the committee-reported bill make modest improvements in the committee's work. I support them in the spirit of cooperation and bipartisanship. The amendments considered en bloc include the following:

An amendment, modified, by Mr. GOODLING, ranking Republican on the Committee on Education and Labor, to permit educational awards to be used within 7 years of the completion of service, rather than 5 years, as provided in the bill as reported.

An amendment by Mr. HALL of Ohio to establish as a new service category programs which seek to alleviate and eliminate hunger.

An amendment by Chairman MINETA to clarify that the Urban Youth Corps contemplated by the bill would reside in the Department of Transportation and the Department of Housing and Urban Development.

An amendment by Chairman MINETA relating to the improvement, leasing, and disposition of property by the Corporation for National Service.

An amendment by Mr. WATT to improve the coordination of national service programs with the activities of Federal agencies.

An amendment by Mrs. COLLINS of Illinois adding to programs of national significance in the Retired Senior Volunteer Program, programs that provide health, education, and welfare services that augment the activities of State and local agencies.

Two amendments by Mr. TRAFICANT to require program sponsors to comply with buy-America provisions in using funds appropriated under the act and to require that any person found to have mislabeled goods "Made in America" be ineligible to receive funds under the act.

An amendment by Mr. VENTO to permit disaster prevention and relief efforts in response to an emergency or major disaster to be carried out on State, local, or private lands, rather than on only Federal lands as provided in the bill.

An amendment by Mr. DELAY to provide that no leave provided to a program participant under the Family and Medical Leave Act may be counted toward the fulfillment of a term of national service.

And finally, an amendment by Mr. GINGRICH to provide that no action involving the obligation or expenditure of funds under a national service law may be taken until the Corporation for National Service has sufficient appropriations available for that purpose.

Mr. Chairman, I urge adoption of these en bloc amendments.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I filed an amendment to H.R. 2010 that would have extended the time a National Service participant would have for the use of the postservice education award from 5 years to 10 years. The amendment was designed to provide nontraditional students—which will be most of these, I would not be a bit surprised, or students who may have to delay their education—with some additional leeway to use their awards.

The amendment would also have enabled students who may not have had the need for such assistance during their undergraduate years to use such an award to pursue their graduate studies; however, I will not be offering an amendment as the gentleman from Michigan [Mr. FORD] has agreed to accept a modified form of it which extended the time of use of the education award for 7 years. I thank him for incorporating into the bill what I believe is a useful change that will provide needed flexibility, particularly to the nontraditional student.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the en bloc amendments offered by my good friend and distinguished colleague, Chairman BILL FORD. Included in this package of amendments are two provisions on which I worked with the gentleman.

The first provision is designed to encourage and clarify participation by the Department of Transportation [DOT] and Housing and Urban Development [HUD] in State and local youth and conservation corps programs.

I would also like to commend the gentleman from California [Mr. MARTINEZ] for his efforts on behalf of this amendment.

Mr. Chairman, I have personally visited youth corps facilities in my home State of California and I must tell you that I was overwhelmed by the commitment and desire demonstrated by the young people in this program. The Youth Corps Program is designed to offer meaningful, full-time work to individuals ages 16 to 25.

This program is exceptional because it goes beyond the laudable goal of a jobs-for-teenagers program. Young people participating in youth and conservation corps programs have the opportunity to acquire basic life experiences, enhance citizenship values, and develop skills while performing service to their communities.

The purpose of this amendment is to allow and encourage DOT and HUD to establish youth corps related programs. This amendment is permissive. It does not mean that either Department must set up a separate office within the agency to handle a program. We fully intend to allow the Department Secretaries flexibility when interacting with State and locally established youth corps.

I am aware that Transportation Secretary Peña has expressed some concern that his agency "does not have a program structure that would easily accommodate the establishment of a jobs program for urban youth" because DOT does not directly contract for work on federally funded transportation projects.

Again, this is exactly why we have tried to build in flexibility for the administration. DOT does have limited contracting opportunities under the Federal Lands Program. DOT also provides funds to States directly for transportation enhancement activities which can be anything from historic site preservation to constructing and landscaping trails and facilities for pedestrians and bicycles. We want to allow DOT to establish a program which would allow for youth corps participation in these types of projects.

Mr. Chairman, this amendment seeks to employ young people and give them a sense of community and responsibility while also improving our Nation's infrastructure. The gentleman from Michigan [Mr. FORD] and the gentleman from California [Mr. MARTINEZ] should be commended.

The second amendment included in the en bloc amendment addresses the issue of oversight of the real estate activity by the National Service Corporation established by this legislation.

The Committee on Public Works and Transportation, and, in particular, the Subcommittee on Public Buildings and Grounds, has been diligently working to coordinate and streamline various Federal property activities, such as repairs and alterations, leasing, building acquisition, and property asset management. The goal is to realize more efficiency and, therefore, save scarce taxpayer dollars. This amendment is consistent with these goals. It will ensure that a comprehensive, cohesive policy is followed and that there is appropriate review of all Government real estate activities, and the funding associated with each activity.

Mr. Chairman, I fully expect to work closely with both the majority and minority on the Education and Labor Committee as well as the minority on the Public Works Committee as we pursue this issue in conference. At this time, this amendment is a placeholder so that we all can pursue and resolve this issue to our mutual satisfaction.

Again, I want to thank the gentleman from Michigan for his leadership on these issues and I urge my colleagues to support the en bloc amendment and final passage of H.R. 2010, the National Service Trust Act of 1993.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the en bloc amendments.

Mr. Chairman, I will not take the full 5 minutes, but I would just rise to commend the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], for offering his amendment. As the amendment was originally offered in the committee, it did include these two agencies in it because of the joint jurisdiction that it would have created, and in order to expedite the bill, Mr. Chairman, we removed and only referred to those as appropriate agencies and, in report language, signified which of these agencies we are talking about as appropriate agencies. This is much better as it states emphatically in the bill itself that these two agencies are included, and for that I appreciate the willingness of the gentleman from California [Mr. MINETA] to work with us to do that, along with the gentleman from Texas [Mr. GONZALEZ], the chairman of the Committee on Banking, Finance and Urban Affairs who also had joint jurisdiction.

Mr. HALL of Ohio. Mr. Chairman, I first of all want to commend the gentleman from Michigan [Mr. FORD] and the Education and Labor Committee for their fine work on this legislation. I would also like to commend President Clinton for proposing this idea of National Service. The National Service Trust Act is a very wise and important bill: we are taking care of many of America's pressing needs and, at the same time, building a sense of community among our people. I have no doubt, Mr. Chairman, that the National Service Trust Act will help build an economically and morally stronger America.

America has many unmet needs. One of the most important of them is the need to feed our hungry. For that reason, I urge my colleagues to support my amendment to H.R. 2010, which is included in Chairman FORD's en bloc amendment, to allow service in a project to feed the hungry to count as an eligible activity in the National Service Trust Program.

The National Service Trust Act requires that programs eligible for assistance "address unmet, human, educational, environmental, or public safety needs." With an estimated 30 million hungry people in America, America clearly has an unmet human need. Food, I believe, is the most basic of human needs, the most basic of human rights. As I learned on my fast and during my service as chairman of the House Select Committee on Hunger, hunger in America is real and has profound consequences on one's ability to work, do well in school, and properly raise a family.

My amendment to eliminate hunger allows service in a project of a community or rural area that: First, involves food banks or pantries; second, involves the gleaning of food that would otherwise be left to rot in fields; third, seeks to and fourth, provides training in basic health, nutrition, and life skills necessary to alleviate hunger.

With this bill and my amendment, we have a great opportunity to combine fighting hunger with community service and building a stronger America. I commend the gentleman from Michigan [Mr. FORD] and President Clinton for their leadership, and I urge my colleagues to support this most important bill.

AMENDMENT TO H.R. 2010, AS REPORTED, OFFERED BY MR. HALL OF OHIO

Page 18, line 20, strike "(14)" and insert in lieu thereof the following:

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15)

Mr. VENTO. Mr. Chairman, I rise in support of the Ford en bloc amendment.

My sincere thanks to Chairman BILL FORD, of the Education and Labor Committee, for his leadership on the National Service Trust Act.

The Ford en bloc amendment contains the Vento amendment which I prepared and which would authorize the Public Lands Corps to carry out disaster prevention and relief projects in response to presidentially declared disasters. I am pleased that the chairman has agreed to incorporate my amendment into the en bloc amendment.

Mr. Chairman, we have all watched the widespread flooding take a savage toll on the farms, communities and people of the Midwest. Thousands of square miles of farmland are under water, roads and train tracks and other arteries of commerce have been washed away, and main streets of small towns and large cities have been turned into swamps. The human toll on the people of the Midwest has also been great, tempered only by the heroic efforts of individuals and organizations from across the country who have lent a helping hand in this time of need.

My amendment would provide an avenue for participants in national service to help meet the needs of those suffering from large scale disasters. Currently the Public Lands Corps is limited to working on conservation projects on Federal lands administered and owned by the Departments of Agriculture and Interior. This amendment would provide the secretaries of Agriculture and Interior with the authority to go off Federal lands to assist in emergencies such as floods, hurricanes, fires, and other disasters which don't respect property ownership lines. Disaster prevention and cleanup would be appropriate work for the Public Lands Corps since this workforce would be mobile, well trained, and accustomed to doing labor intensive work. They could be mobilized quickly and stay over the long haul when other volunteers have to leave.

While I hope our Nation can get a break from these large scale disasters which have been plaguing us in the past few years, experience tells us that we must be prepared to respond with a range of authorities and programs if that time comes again. I thank the chairman for including my amendment in the en bloc amendment.

The CHAIRMAN. The question is on the amendment as modified, offered by the gentleman from Michigan [Mr. FORD].

The amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING:

Page 83, line 8, insert before the semicolon the following: "or an unsubsidized loan pursuant to section 428H (20 U.S.C. 1078-8)"

Page 86, beginning on line 17, strike out paragraph (6) and insert the following:

"(6) MAXIMUM AWARD NOT TO EXCEED FINANCIAL NEED.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed $5,000, and shall not, when combined with any other student financial assistance available to the individual (excluding any loan to such individual or such individual's parents), exceed the student's financial need as determined under part F of title IV of the Higher Education Act of 1965.

Page 90, after line 19, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(4) ELIGIBILITY FOR PERKINS LOANS.—Section 464(b) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(b)) is amended by adding at the end the following new paragraph:

"(3) The amount of the loan to any student for any academic year shall not exceed the difference between—

"(A) the student's estimated cost of attendance (as determined under section 472); and

"(B) such student's estimated financial assistance (as determined under section 428(a)(2)(C)(i))."

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, I preface my comments concerning this amendment by saying that I think it is a pretty, pretty sad day in the history of this House of Representatives. I have spoken to so many people about this amendment, most of which say, "Bill, you are right, the policy is correct," but they try to find an excuse not to accept it based not on what it does, but because they have made a partisan political decision that this is the way it should be, and that is a tragedy.

For those people who have served with me in this House for the last 12½ years, Mr. Chairman, I am sure can very quickly identify with the thought that President Reagan, Secretary Bennett, Secretary Alexander surely would have been very, very happy if Congressman BILL GOODLING would have gone along with every policy decision that they made and that they sent up to this Hill concerning education and nutrition. But I did not because policy decisions are too important to just be tossed aside because of partisan politics.

□ 1320

For those who represent low-income, low-middle-income, and middle-income America, I would hope you would listen very carefully to what this amendment does and does not do. These are the arguments that you will hear. There will be those who say, "Oh, but people will have to take the indebtedness first, before they can get the grants."

Now, that would mean that they have not carefully read the bill, because the bill conforms to title IV of the Higher Education Act. We even improve on that to make very sure that even the Perkins loans would come after all the grants. So anyone who uses the argument that somehow or the other my amendment would have these people go into debt before they receive the grant benefits, are positively incorrect in that assessment.

Second, you are going to hear people say that we need the social mixture—the social mixture. In other words, what a Member from Brooklyn might be saying is that we need the Rockefeller children, we need the Trump children, we need the Iacocca children, to participate in this program, to come in and work side by side, so that they can receive the educational benefit that the needy in Brooklyn or Chicago or Los Angeles should be getting, because the money has to come from somewhere, and that is exactly where it comes from.

They have already said that we cannot continue State grants. They have already said we have to have a sizable reduction in our student work program. All of these are programs that help the needy.

Well, the next argument, then, you will get in relation to that is, "Well, the money does not come from the Education and Labor appropriation."

Mr. Chairman, there is only one pot of money out there. There is only one pot of money. It has to come from somewhere. So it does not matter whether you say it comes from this appropriation bill or that appropriation bill. You have to make the cuts in order to provide that money, and that is what is being done.

That is why I say, those Members who represent low income, middle income, low middle income, I would hope they would look seriously at my amendment.

At this particular point in connection with that I would read:

> The President of the United Negro College Fund last week attacked the program. The proposed program "provides economic assistance precisely where we don't need it," said William H. Gray, II, at the annual meeting of the Council for the Advancement and Support of Education. "The National Service Program would help people without regard to income pay for college or repay student loans in exchange for community service." Mr. Gray said, "It would be a huge new demand on limited federal resources."

And that is what I am trying to say. There are others who would liken this unto the GI bill, and I cannot imagine how somebody can mix apples and oranges with a straight face. It has no resemblance to the GI bill whatsoever.

The responsibility, once you sign up for that military, you do not walk away from. You might walk away from it and be hounded the rest of your life, but you do not walk away from it. You pay one hundred bucks in a month out of your salary for 12 months. You are committed to 2 years of active, 4 years of reserve, or 3 years of active service.

Mr. Chairman, there is just no comparison. You do not get sent off to Macedonia 300 strong to be picked off like pigeons on a rooftop. You do not get sent off to fight warlords in Somalia. It is not a humanitarian effort now, fighting warloads. It is a totally different concept.

So I would hope that Members would look carefully at this. As I said from day one, my major concern about the legislation is that the money has to come from somewhere. So it has to come from those in need in order to give these grants to those who are not in need.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 5 additional minutes.)

Mr. GOODLING. Mr. Chairman, let me clarify something additionally at this particular point. No one asks anyone what their income is or what the income of their family is when they apply to participate in this program. No one asks that. That does not play any factor whatsoever.

It is not until many years down the pile where my amendment would bring that into being. At that time many of these people will qualify independent of parental income. They will probably marry, they will probably have children. They will probably not be basing anything on the income of their parents.

That question is not asked until years down the pike. It could be 2 years, it could be 3 years, it could be 5 years down the pike. With my amendment, it could be 7 years down the pike before that question is ever asked.

So let us then specifically talk about what it is I do in the amendment. First of all, it would not limit any individual from participating, regardless of income. I just explained why that is true.

Basically what I say is at the time you apply for your benefit to participate in some post-secondary program, you go through the same needs analysis that 3 to 4 million others do at that particular time. As I indicated, probably by that time many of these people will qualify. Therefore, you cannot use the argument that, we will not get a mix, because, first of all, as I said, you do not ask that question until 3 years down the pike. So you get the initial mix up front. You also get it, because in our Higher Education Act we have made it very clear during last reauthorization that if you are a family of four with $70,000 to $80,000 in income, depending on the college or university you may attend, you may qualify, which give you, again, a beautiful mix.

So let me summarize by saying that I basically say at the time you request the educational benefit, you then go through the needs analysis that everybody else does in order to receive that benefit. If you qualify, you receive all the grant money before one penny of loan is taken and ever becomes part of your package.

So let me just again say that if you are serving an area with low income, low middle income, or middle income, I would hope you would think seriously, because, as I said the other day, this is Robin Hood in reverse. There is no question about it. The money must come from somewhere, and we are already seeing the contracting of the amount of money available for those in need.

I would hope that we could get a positive vote on this so that I, too, could be a supporter of this program.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the Goodling amendment. I do so with some reluctance, because I have a great deal of respect for the gentleman from Pennsylvania. There are many times we have agreed on some issues, and, obviously, this is one of those times that we do not agree.

We have heard a lot of debate over the past few days about national service. As I said last night during the debate on the rule, there is a lot of misconception about what national service really is.

The President of the United States, who is the chief supporter of national service in the country today and has helped move this issue to where we are, has challenged young Americans to service—challenged to service.

□ 1330

He has not gone out and said, "This is a massive way to repay back college loans." This is not a loan program.

We have heard much stated about this is paid voluntarism. National service is not intended to be a volunteer program. It is volunteered national service, but the emphasis is on the word "service."

The President talked about, during the campaign they kept reminding him that it was "the economy, stupid." Well, in this one we have to say, "It is the service, stupid." It is not a loan repayment program. It is not a job program. It is not a volunteer program. We had the 1,000 Points of Light, which was commendable, but that is not what this bill does.

This bill is service. We are challenging young Americans to serve their country and give something back for the rights and opportunities that we have that also instill and foster the ethic of citizenship and the ethic of individual responsibility and mutual responsibility, trying to emphasize community over individuals.

The gentleman from Pennsylvania made an interesting statement, said that he had a hard time equating national service with the GI bill. He said in the military, young people, men and women—which, by the way, are going to have fewer opportunities for success and upward mobility because we are cutting the military back so drastically—he said that the difference is that they are placed in harm's way; they are going to Macedonia, 300 of them.

As a member of the Committee on Armed Services and a former member of the Permanent Select Committee on Intelligence, let me tell my colleagues, these young people are going to Washington, DC. They are going to south L.A. They are going to Philadelphia. They are going to inner cities. They are there today.

There are Members who talk about terrorism around the world. We talk about Belfast, Northern Ireland. What a terrorist location that is.

My colleagues, since this year, up until June, there were 11 murders in Belfast. Up until June, there were 238 murders in Washington, DC. These young people are going to the front lines. They are providing service, and they are at risk. They are coming out of their homes, many times divided homes. They are coming out and putting their commitment, placing their commitment to try to improve the way of life in this country.

They are taking a year out of their time, perhaps 2, and for that we say, "Well, volunteer. We are not going to give you any benefit at the end of that, comparable to what we offer the military." I think that is an absurd position.

What we have to do in this Congress today is refocus what the challenges are in America today.

One of the reasons I refute the Goodling position is that by only means testing this we are defeating the concept and one of the real benefits of service.

If Members have spent a great deal of time, as I have, and I think a number of us have, over the past few years in a lot of States, last year alone in 23 States, a lot of cities, there is a lot of pathology out there today. There is a sense of loneliness and despair. There is a sense of hopelessness by many.

There are young people who do not know what they can do or where they want to go. I believe national service is one of the ways to help bring together people from less privileged homes, less privileged conditions, and those who are from very privileged.

I was in Boston at the Boston City Year Program, one of the pilot programs for national service. There were two particular young people that spoke to some of us who were there.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. McCURDY] has expired.

(By unanimous consent, Mr. McCURDY was allowed to proceed for 5 additional minutes.)

Mr. McCURDY. One young man was a Latino gang member, who was participating in this program. With him, one of his teammates in this was a graduate of Exeter.

Now, why do we have kids from privileged backgrounds dealing with kids who have different circumstances? The idea is, they learn to work together. They learn about the differences in their upbringing, little differences in their philosophy, outlook on life, hopes, and aspirations. And they look to what the vehicles of opportunity are.

The benefit of that program is the fact there was a mix. But they are both serving. They are both giving a year of their time.

The young person from Exeter probably could go to one of the finest universities in America, probably have it paid for. But that young person said that "I may be taking a year out of my life; I may actually be reducing my opportunity vis-a-vis my classmates and others who may be on a faster track, but I will learn from that and I will be better prepared."

The other person, obviously, saw the benefits of the discipline, the service, and the opportunity to serve in that community.

Mr. Chairman, as I have said before, this is not a loan repayment. This is our country rewarding young people for serving their communities.

I recently participated in a national service conference with my distinguished colleague, the gentleman from Connecticut [Mr. SHAYS], in Illinois, at the Catigny Conference Center. This was named after a World War I battle site. A lot of retired military were there. They were probably interested in some of the comments that would be made here today about veterans and the military. This is not going to undercut military recruiting in America or compete with veterans' services. There were a number of retired admirals and generals that participated.

The conference came out with two recommendations. One is, "National service offers intangible rewards to both participants and the communities. It also provides very tangible help with community social needs. The conferees agreed that participants in the National Service Program deserve tangible rewards as well."

They also said, "Agreed that inclusivity is essential. Service programs should not be targeted to narrow constituencies. One of the values of national service is the experience it offers participants of rubbing shoulders with people different from themselves. This implies that stipends should provide adequate support so that anyone who wants to will be able to serve."

Mr. Chairman, I, again, urge my colleagues to oppose the amendments that are offered today and to support this bill.

Mr. Chairman, it is probably obvious that I am very much involved in this debate and very committed to this bill. I would like a point of personal privilege here for just a minute, in addition.

I want to thank everyone that has been involved. When we come to Washington, Members of Congress have to make some choices. If they are from the West or Southwest, where I am, we also have to make two choices. One of those choices is where to locate their family.

When I was elected in 1980, we chose, my wife and I, to locate our family in the Virginia suburbs because of school and opportunities to be with children.

The other choice we have to make is sometimes events occur and circumstances that conflict with things that we feel very deeply about. Well, the irony of ironies is that today, after all the work and trying to get this bill to the floor, I have one of those conflicts.

I am going to beg the indulgence of my colleagues, because I am going to have to be absent myself from this debate, because my 15-year-old son is playing at 5 o'clock, 12 miles from the North Carolina border, from my friend, in South Hill in Virginia in the 15-year-old Babe Ruth State Championship Game baseball.

I tell Members, I am going to be there instead of here. I appreciate their indulgence.

Again, I urge strong support for this bill and rejection of the amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Pennsylvania. This amendment seeks to apply the financial needs analysis used by Federal student financial aid programs to the educational award earned by national service participants. This would drastically reduce participation in the National Service Program.

If this amendment is passed, all young people would be eligible to perform national service. But only those students who are already eligible for direct student financial aid programs would receive a benefit in return for their service. Low-income students would be faced with the following decision: Perform community service for 1 year and receive a stipend and educational award or receive a Pell grant for no service. Middle-income students wishing to participate would be required to sacrifice 1 to 2 years to perform community service in return for a less-than-minimum wage stipend and no educational award.

Under these circumstances, who would participate in national service? Will it be students who already qualify for financial aid with no obligation? Or students who don't qualify for aid but must acquire loans and work their way through school? Which group will choose national service? I fear that this amendment will result in little or no participation.

National service is not a student financial aid program. National service is about mutual obligation. It is based on this country's guiding principle: You sacrifice for your country, and you receive a benefit in return. Young people performing the same service to their country should receive the same benefit, regardless of financial status. I urge my colleagues to oppose this amendment.

□ 1340

Mr. BALLENGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a lot of people do not recognize that this bill is very limited in the manner in which it is funded. It is estimated it would only involve 25,000 students, approximately, in the first year, and it would cost about $400 million.

What I would like to say is, this money would go a lot further and would cover a lot more students if those that can afford to pay for a college education would pay for it. My compatriot, the gentleman from North Carolina, may remember back in the days when we were in the State senate together, that we had a thing called the Science and Math School in Durham. It turned out that the daughter of my next-door neighbor, who was one of the best-paid lawyers in the State of North Carolina, won an award to go to this school, and when I found out that they were getting it absolutely free, I introduced a bill in the State senate to say that if you could afford to pay the bill, you ought to pay the bill.

The power structure in the North Carolina Legislature shot me down, and I think that it probably will shoot this amendment down. However, I do think that if we really care about trying to offer this product, or whatever we want to call it, to more students than are presently available, those that can afford to pay for college ought to pay their own way.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding to me.

Mr. Chairman, I did want to make a few observations, after the last speech. Challenge to service was one of the comments that was made. We did the same in the Peace Corps. We did not offer any educational grants in order to challenge them to service. I do not take away any stipend, I do not take away any health benefit, just needs testing when we get to the educational benefits.

The fact was also alluded to that these people will be going to this place and that place, et cetera. We could say that is similar to going to Macedonia and Somalia, except for one great big exception. If you do not like it in any of those cities or in any of those rural areas you go to, you can go back to Oklahoma. If you try to do that in Somalia, if you try to do that in Macedonia, it is just not going to work.

If it is truly necessary to entice individuals to participate in a National Service Program by offering them a benefit that they do not need, then it seems to me we would have to rethink the whole idea of this program. I would like to read another paragraph from the speech of the president of the United Negro College Fund.

"The $7.4 billion program, which would help an estimated 150,000 rich and poor students over 4 years, could be better spent on programs designed specifically for the disadvantaged," he said.

"Under the existing Pell Grant Program, you could provide 5 million more people opportunities for higher education," for the same amount of money that you are providing 150,000.

Again, nothing is taken from the stipends that they receive for the work that they do with my amendment. Nothing is taken from the health benefits. Nothing is taken at all until they get to the point where they are ready to go to some postsecondary higher education program. Then they would fall into the needs test that all other 3 to 4 million people fall into.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, I was going to offer and submit for the RECORD a statement on a prior amendment.

I also want to express my opposition to this amendment.

Mr. Chairman, let me first commend Chairman FORD for his excellent job in getting this legislation before us today. This is a very important bill and I am glad we are getting the opportunity to act on it so quickly.

My amendment is not controversial. It simply mandates that when the Board of the Corporation created under H.R. 2010 meets, it must review projects and programs conducted under the national service laws with the goal of improving coordination between the agencies overseeing these laws and other agencies which may also be dealing in some other capacity with the individuals or communities involved. Further, the Department Secretaries and agency heads who serve as ex officio members of the board of directors of the Corporation are directed to jointly plan, implement, and fund activities in connection with projects and programs conducted under the national service laws with an eye toward addressing the total needs of participants, their communities and the persons and communities they serve.

Over and over again, in testimony before Congress and throughout my district, I hear the same complaint: Federal programs fail to be as effective as they could be for two reasons. First, they are usually designed to address only one aspect of human and community problems, which are invariably complex and interrelated. Second, the different agencies implementing the programs have rarely stopped to ask each other how they might work together to address the overall needs of the communities and individuals they are serving. By requiring cross-departmental consultation and collaboration in the implementation and oversight of national service, my amendment will help these programs be amongst the first to operate under this innovative approach to Government.

The idea behind this approach is not novel. In fact, the Clinton administration has talked a lot about this need to work across department and program lines to address the overall problems that exist in communities. That was one of the reasons for the creation of the Economic Security Council and for the new life breathed into the Domestic Policy Council. But this amendment will provide the authorization to put this approach into effect and ensure that no matter who is in office, the executive branch will take into account the total needs of the people we are trying to serve through national service.

I urge my colleagues to join with me in supporting this common-sense approach to good government.

Mr. FORD of Michigan. Mr. Chairman, I have no question about the sincerity of the gentleman from Pennsylvania, but quite honestly, student aid is not where he has spent most of his time on the committee. If the gentleman had talked to me earlier about this, I could possibly have worked with him to understand better what the needs analysis is and how it works.

Participants who perform identical work really ought to receive identical benefits. The Goodling amendment would preclude this. I would like to give the Members three examples of how this comes about.

Let us look at a college student's family in Pennsylvania, with two parents, two children, one in college who is a student with a minimal income. The parents have no major assets other than a home or a family farm.

The average cost of attendance for a community college is $4,500; for a public institution, a 4-year college, it is $5,500; and for a private 4-year college, it is $14,800.

If the typical student from our so-called typical family that I have just constructed for the Members had earned a national service award and was attending a public institution, he or she would have the $5,000 award reduced if his or her parents earned more than $23,500. They would receive no award if their parents earned more than $48,000.

If our typical student had earned a national service award and was attending an expensive private institution, they would have their $5,000 award reduced if his or her parents earned more than $63,500, and they would receive no award if the parents earned more than $80,000.

If our typical student had earned a national service award and was attending an average-priced community college, they would have their $5,000 award reduced no matter how little their parents earned. They would receive no award if their parents earned more than $45,000. This is returning to the bad old days of 1981, of trying to define people in and out of educational opportunities by parental income. It is wrong.

I do not believe that the gentleman from Pennsylvania [Mr. GOODLING] supported that when it was thrust upon his back in 1981, and I know he supported in the last Congress the lifting of those limits to recognize, even in the needs analysis that he now would apply to the benefits under this bill, the middle class. It got rather silly, as a matter of fact, during the last Congress if a stranger walked into the room to see the big-spending liberal, BILL FORD, arguing for the middle-class and the upper-class student to have access to college, and the champion of the middle class, the gentleman from Pennsylvania [Mr. GOODLING], arguing that only the poorest student should get any benefit.

There is not a meanness involved in this, but there is a destruction of what is very important to the working of this program. Means testing automatically limits the diversity of participation and undermines the effort to instill an ethnic of service in all Americans without regard to their status established by their parents' income.

The bill includes specific outreach programs and targets funds to areas of economic distress, and places a priority on the recruitment of participants from areas of economic distress, but it is not a poverty program. It is not a welfare program. It does not take the paternalistic attitude that only people in low income should be afforded an opportunity to national service, and that these people, because they are the neediest, would respond in sufficient numbers to fill the program with only one class of people.

There are effective mechanisms in the legislation, as it has been drafted, to ensure diversity in the makeup of the people in national service. Unfortunately, the unintended effect of the amendment of the gentleman from Pennsylvania [Mr. GOODLING] would be to destroy that diversity.

I ask the Members to defeat the amendment.

Mr. WATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really did not come here to debate this amendment, but I want to address a couple of things that the gentleman from North Carolina [Mr. BALLENGER] said, since we were in the State Senate together in North Carolina, and I opposed his amendment when he was trying to means test admission to the Math and Science Institute. I oppose the gentleman's amendment for the same reason.

The purpose of the Math and Science Institute, of course, was to get students, irrespective of background, into math and science. The purpose of this bill is to get students, irrespective of background, into service, into service to our communities.

□ 1350

And it seems to me that we would be doing a grave disservice to means test this.

Since I am on the floor and responding, there has been some reference made to the motion that this money could be taken and serve a lot more needy people, and perhaps if the amendment were addressed to transfer the funds for that purpose I might be more favorably inclined toward that argument. But with all respect, this amendment simply takes it out. It is not an either/or situation. It is either eliminate the money or keep it in for this fine purpose. And I would discourage support for this amendment.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding. I just wanted to indicate that I think the chairman's argument is with the needs analysis in the Higher Education Act, not my amendment, because that needs analysis is the cost of attending minus parent/student contribution, and that equals the need. So if you choose a community college, of course that need may be different than if you choose a private institution.

My amendment just preserves the freedom of choice as it is in the Higher Education Act. I do not change that at all.

I thank the gentlewoman for yielding.

Ms. MOLINARI. Mr. Chairman, I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, this is a rather astonishing debate. For months on the House floor we have heard about all of these bad, nasty people who exist in the country called the rich, that the rich and the well-to-do are people that should be bludgeoned in any way possible to assure that they are not capable of investing in the jobs of the future, that these rich people have ripped off the country for the past 12 years, and that something needs to be done to stop that rip-off from taking place.

So guess what we come to the House and find out today? Today we find out that what we are going to do is subsidize them. That is a rather incredible way of handling our national problems.

Now, understand what we are doing here. We are adding 25,000 new Federal employees to the payroll with this bill. Now what we are saying is that among those 25,000 new Federal employees we are going to take some of the well-to-do and the rich and we are going to subsidize their college educations as a result of this new program. And guess who is going to pay the bill for all that subsidization? It is the middle-class families that are paying on an average of $5,000 apiece, per family in income taxes. That is right, they are going to pay their $5,000 in income taxes so that we can add 25,000 people to the payroll and subsidize the college educations of Donald Trump's kids.

If you take that proposition to the American people, my guess is that they would laugh you out of the room. But what we do is we cover it in this fuzzy, warm feeling that everybody is going to be doing national service.

This national service is nothing but bigger Government. I understand some of my colleagues come here with the philosophy that the bigger the Government is the better it is, and the better the country is if we have bigger Government. So they are determined to add 25,000 new Federal employees, because in their philosophy those 25,000 employees will make for a better country.

I do not think much of America agrees with that philosophy anymore, and particularly what they do not agree with is that we ought to have their taxes raised in order to pay for those 25,000 Federal employees, and that they ought to have their taxes raised in order to subsidize the college educations of very rich people.

Yet, that is exactly what the proposition is that has been brought to us in this bill. My colleague from Pennsylvania makes a very modest attempt to deal with at least one of those problems. What he says is out of the 25,000 new Federal employees, let us at least not subsidize the education of the well-to-do and the rich, and at about the $80,000 level let us say that we cut that off, and stop subsidizing the well-to-do and the rich. Let us make certain that the subsidy money goes to the poor and the middle-income people in this country.

I do not see why that should be controversial. Those people paying $5,000 per family in income taxes would like to think that, yes, they have got an opportunity to do something good with that money, that they might have a chance to participate in helping their kids get a college education. They are not so certain that they ought to pay for Donald Trump's kids to get a college education.

So my colleague from Pennsylvania suggests that we can take care of that problem right here. Pass this amendment, and what we assure is that middle-income America and low-income America benefit from the education benefits here and others do not. It seems to me to be an entirely feasible and rational approach, and for the life of me I do not understand why this one was not included in the noncontroversial package. It should be noncontroversial. The only people who would regard this as controversial are the people who want more and bigger government, more expensive government and subsidization of the rich.

I do not think the American people want very much of that.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. GUNDERSON. Mr. Chairman, I come to the well today with very mixed emotions. I do that because this amendment and this bill represents the first time in 13 years on the Education and Labor Committee that BILL GOODLING and I have disagreed. And very frankly, BILL GOODLING is one of my best personal friends in the Congress. He is without question my leader on education issues. And I do not take any joy in rising in opposition to a Goodling amendment, and I want him to know that, and frankly, I want all of my colleagues to know that publicly as well.

But I rise because BILL GOODLING, more than anybody in this House of Representatives, would want me and you and everyone else to be true to your convictions. And BILL GOODLING and I see national service in just very different ways.

If Members believe that national service legislation is student financial aid, they should vote for the Goodling amendment, and I mean that sincerely. If, on the other hand, they see national service as not paid volunteerism, nor student financial aid, but rather a unique response of this country and its people to find innovative, creative and, yes, even less costly ways to respond to those unique and unmet problems, because we do not have the resources at the Federal, State, or local level, and we are going to find new and different ways to do it, then they should vote no.

Probably, probably the administration made a mistake. I do not think so, but listening to this debate, probably they made a mistake when they said instead of giving people $12,000 plus salaries for national service, on a full-time annual basis, we are going to break the mold, and we are going to say what everybody, Republican and Democrat in this town has said for years, which is education is a lifelong learning necessity in the 1990's and into the 21st century, so we are going to do something very different. What we are going to do is we are going to pay them the Vista level of roughly $7,400 for a full-time national service commitment on an annual basis. But what we will do is, above and beyond that, we will say if you choose to pursue additional education, or to pay off educational debts you already have, we will give you an educational stipend of up to $5,000.

□ 1400

I think that is a dramatic change in public policy in this country for all of the right reasons, but I am wondering, listening to this debate, if some agree.

The second reason I oppose the Goodling amendment is because I absolutely believe the diversity of national service participants is essential if this program is going to succeed. In all due respect, I hope no one here wants a National Service Corps made up of only low-income people. That is as prejudiced in reverse as it would be on the other side. And I say that because income alone cannot be the criterion for a diverse corps that wants to succeed doing very different things.

Look at what we are talking about, ladies and gentlemen: We are talking about four primary areas, education, health care, law enforcement, and the environment. Now, we are talking about education primarily in the inner city.

Do we only want low-income people to participate in education programs in the inner city of this country? I know nobody here believes that in any way, shape, or form. We have got to have that diversity.

But think about it. People say that this bill is costing too much. I tell you what costs too much. What costs too much is a whole classroom of young people in the inner city of L.A., New York, or elsewhere who drop out and become a part of crime. Under this bill, where there is not a teacher today, we are saying we will invite that teacher and their ideals to national service, to come and give a year of their time and their talent and to take those inner-city kids, and for that we will give them $7,400 in salary to live on, and if, and only if, they have a student loan to pay off or they want to go back to school will we give them an educational benefit above and beyond that.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 3 additional minutes.)

Mr. GUNDERSON. And so let us assume that we have got $7,400, we have got $5,000 educational benefit, we have got health care, et cetera. We are roughly around the $12,000 to $15,000 total cost.

Do you think saving a classroom of 30 young people in the inner city of the large schools of America is not worth an investment of $15,000? There is not a teacher in my congressional district in rural Wisconsin who starts at under $15,000.

So let us understand what we are dealing with here.

And finally, if you want to deal with this versus that, national service versus higher education, student financial aid, there is a time to do that. It is called the Labor, Education, HHS appropriations bill. Absolutely every year you can offer an amendment that will delete any funding, any appropriation for national service and transfer every dime of that to student financial aid, and this Congress can vote yes or no on that kind of a proposal.

And so for the first time after 13 years, the gentleman from Pennsylvania [Mr. GOODLING] and I have found an issue we disagree on. I suspect if next week the chairman brings up the America 2000 education goals that the gentleman from Pennsylvania [Mr. GOODLING] and I will be back where we belong on the same side, but today, at this time, in this place, on this issue I have to ask you to vote "no" on this amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members of the House, we must keep our eye on what we are trying to do with this legislation and what the President of the United States is asking us to do in behalf of national service.

A number of speakers have pointed out the philosophy, and that philosophy is true. We are challenging people to service.

For the last decade, we basically said that young people were selfish, not interested, and concerned only about themselves. I happened to think that was not true then, and it is not true today.

But by the same token, we have got an obligation to provide avenues of service for young people in this country who desire to give that service. To now enter this debate and try to divide the constituency and to divide the participants is a great offense to the notion of national service, because it is not a question, as the gentleman from Oklahoma [Mr. MCCURDY] said, of the National Guard or the armed services versus national service. In my hometown, we have a park. It is called the Nancy Boyd Park. Nancy Boyd was a graduate of Alhambra High School, the high school I went to, went off to the Peace Corps and was killed, and I am sure in many other communities we have memorials to members of the Peace Corps, young people who served in VISTA who died while they were in service.

Unfortunately, we will have that with the people who enter this program. Because as the gentleman from Oklahoma [Mr. MCCURDY] pointed out, these people will be working on the front line. They will be helping their society on the front lines.

The suggestion here that somehow we are subsidizing Donald Trump's children, and I do not know that he has any, but Donald Trump's children is an old debate, as the chairman pointed out we went through in 1981. People beat their breast how they were not going to give student loans or grants or educational help to rich people's children. We saw that was wrong, and we changed the laws 8 or 9 years later.

But the fact of the matter is what we are summoning here is what we believe is the best in the young people in this country.

Nobody asks Donald Trump's children if they join the Peace Corps whose children they are or when they get their stipend at the end of their service, nobody asks their income then or later, as the gentleman from Pennsylvania [Mr. GOODLING] would have us do, in the case of the young people in this program.

Why are we doing this? Because we believe, not based upon what our committee decided, but based upon what hundreds and hundreds of American citizens who have been involved in the issue or national service for many decades in some cases about what would it be that would attract people to national service where this Nation would receive the benefit, and the decision was made that a small stipend and an educational benefit would be that package of benefits, just as in the Peace Corps. It is the small stipend and the cash benefit at the end for the Peace Corps volunteers.

And what do we get back? We are going to get some middle-income kids, hopefully some wealthy kids, with graduate degrees and master's degrees and baccalaureate degrees, and some people that have not gone to college at all, and hopefully we will get some people who have gone to vocational schools and maybe can repair engines or understand computers, and we will get that mix. We will bring those resources to our troubled communities.

The suggestion that this is a one-for-one tradeoff between people who would get a student loan because of their income versus the people who work in this program is nonsense. As the gentleman from Wisconsin [Mr. GUNDERSON] has pointed out, the multiplier of having these people in the community to help young children in school, to help young children in community service, to help young children in community programs, to be interested, to provide role models both from outside of their community and inside of their community is the multiplier that the President of the United States has asked us to consider.

This is about healing America. The races, the income groups have run away from one another. We live in different parts of our State. We live in different parts of our city. We do not share the experience of the old neighborhoods.

This is an effort to try to draw America back together.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, that is the goal, whether it is my child or your child or the child that they would serve in national service.

Do they have the ability to share that experience, to understand, to gain empathy with the other's experience? That is why we have known for over a decade that national service has been out there in the country among the public, among our constituents. They want this program. They believe this is good for America. They believe this is good for our society. They believe that this can help bind us together as a society so we can share our cultures, we can share our experiences, we can share our communities, our understanding, and our education. That is the goal that this President has given us when he submitted this legislation.

I believe that the committee bill is true to that. I believe that it is true to that goal, that we must support it.

The effort to try to segregate this work force based upon income, or coming back and asking them after they have provided service what their income is, is irrelevant to the goal of national service, and the purpose of this legislation.

Again, we do not do it with the Peace Corps. They get a stipend. They can do anything with it. They can use it for education or not. And we do not ask them at the end of that service, "What is your family income, what is your income, where are you going, what was your income when you signed up?" But we are all very proud of our Peace Corps workers. We are proud of the ambassadorial role they play for this country around the world.

We can be just as proud of the young people who would provide national service in America to Americans, and I would hope that we would reject this amendment.

□ 1410

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the author of the amendment, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding to me.

First of all, we have heard a lot of talk about trying to put the educational part of this amendment on the back burner. I find that very interesting, because all during the President's campaign for the Presidency, education was out front on this whole program. Up until about a month ago or 6 weeks ago, education, education, education for all was what he had in mind. It was not until his advisers made him understand that that is an awfully expensive way to try to provide education for all that he started to back off.

But would you believe that the day the House committee passed the legislation, the Senate committee passed the legislation, he made a speech out in the western part of the country complimenting us for passing this legislation because it gives educational advantages for all.

So, we cannot just put that on the back burner.

Second, as I indicated before, there is no needs analysis to enter the Peace Corps, no needs analysis to enter this corps, no needs analysis whatsoever. Anyone can enter this corps. So, we do not need to talk that somehow or other if we do not have that up there for those who do not need it, they will not enter and therefore we will not have diversity.

In fact, I think it is demeaning to tell someone that "the only reason you are getting involved here in this service effort is because you want some personal benefit for yourself, some monetary benefit or some educational benefit."

So, again, no needs test to join the corps, none whatsoever; all can participate.

Those who have that ethic and that desire will do it and will do it as they always have done it. And when you talk about Peace Corps, again you are mixing apples and oranges. Any stipend that you get to relocate when you come out is a pittance to what we are talking about here.

So, I would hope that we would put that educational bit aside and stop trying to pooh-pooh it and also get beyond the argument that somehow or other we will not have a proper mix for a program such as this, because we positively will.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, in 1961, JFK challenged a whole generation of young people to think about service above self. And it was not without its reward, and it was not means-tested.

Out of that effort, the Peace Corps was born. And today we have leaders in every walk of life who are prospering, enjoying great opportunities, and still contributing and still with that spirit of contribution.

I ask my colleagues to consider if it was in our best national interest at the time to have our young people travel all over the world to places to provide service and at $200 a month and then when they were finished with a 2-year commitment, they would receive $5,400 to use any way they chose, to buy a car or to get education or pay off educational debt. It was theirs to use.

This is exactly the same principle. And yet I hear people totally in support of that and I do not hear anybody talking about 9,000 new Federal jobs with the Peace Corps participants.

I believe that if it was in our best national interest to do that, it is in our best national interest to send young people into our disadvantaged neighborhoods to provide those same services here at home, domestically.

The bottom line is: Can we do more for the rest of the world than we can do for our own? I think not. The bottom line is that means-testing destroys the potential for all kinds of people to participate in this program, and that is the initial reason for the legislation.

Mr. ANDREWS of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, which I know is offered in good spirits, and I respectfully oppose it.

All across the country today, there are young people who are interested in serving our Nation. There are some who are interested in going into our inner cities and teaching people how to read. There are others who would like to go into our forests and areas of conservation and begin to protect and preserve those areas; there are people who want to go into crime-ridden neighborhoods and help organize community policing, citizen involvement; there are people who want to serve their country and learn in the process of so doing.

This debate is really about what question we are going to ask those people. If we support the amendment offered by our friend, the gentleman from Pennsylvania, we are really asking those people, "How much money do your parents make? How much do they have in the bank? What are your family assets?"

If we oppose the amendment, I believe we are returning to the original spirit of this legislation, and we are asking a different question, which is, "Are you willing to make a commitment to serve your country?"

As the gentleman from Wisconsin [Mr. GUNDERSON] very well said a few minutes ago, this bill is not about financial aid, it is not about the best way to organize and rationalize a system to help people to go to college; it is about service. It is a modest, realistic, moderate stipend for people who serve their country.

I do not think we should say to the young person who wants to start a police corps, or teach a young person how to read, or help reclaim our environment, that their ability to do that is in any way limited or modified—and I accept the fact that it is only limited and modified, not excluded, by this amendment—but I do not believe it should be in any way limited or modified because of how much their mother and father have, how much their family has in the bank, or how much they themselves have earned.

We do not ask people when they enlist to serve our country in other ways, the financial position of their families. We ask them to make a commitment, we ask them to honor that commitment, and we ask them to give us the value of their service.

This is a program that says to millions of people across the country, young and old, because the program is open to young and old, "If you are willing to do the hard work of serving your country, the work that is not glamorous, in dealing with teaching children about the risks of HIV; that it is not glamorous going in and cleaning up a river; that it is not glamorous teaching people how to patrol their own streets and their own neighborhoods; that we need you and we want you, and your service is welcome." For those reasons, I would urge my colleagues to sustain the spirit of this bill and join me in opposing the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I am very grateful that the gentleman from Pennsylvania [Mr. GOODLING], has offered this amendment. I am particularly grateful to the chairman of the full committee for allowing us to have an open and real debate on some incredibly essential issues as they relate to this bill.

So, I am happy the amendment was offered, and I get down on my hands and knees, figuratively, in hopes that it will be defeated because I think it puts a dagger right in the heart of this program.

I was intrigued with the comments presented by the supporter of this amendment in talking about the Rockefellers, and the Du Ponts, and the extraordinarily wealthy families who have given a great deal to this country and have gotten a great deal in return, as if somehow, this was an amendment to get them and eliminate them from the program. Then I heard our chairman of the Committee on Education and Labor talk about who we really were talking about.

□ 1420

We were talking about families that make between $23,500 to $48,500. If they happen to go to a university, and they make that kind of income, they will get less than $5,000 if their income is over $23,000. They will get no educational grant if their income is over $48,000.

Somehow it did not strike me as the Rockefellers and the Du Ponts.

It began to make me think of some of the people who live in my districts who are not even middle class and are affected by this.

I thought of the community colleges, as the chairman read how they would be affected, and that a family that earns more than $45,000 under this amendment will get no educational grant.

I was intrigued with the answer. There was not one, other than to say, "Well, if you don't like the way we set up our Educational Act, change it."

Well, I happen not to like it, because I think it prevents low- and middle-income people from benefiting from educational grants, and it certainly affects participants who, I hope, will be part of this program.

If you want to cause great harm to the concept of national service, I think you could in good conscience support this amendment, but with all due respect, I feel as strongly as I can state that you cause tremendous harm to the program.

If you then decide to discourage people of low- and middle-income from participating, and that is what you do, you will do it. You can shake your head, you can laugh, and you can walk around the Chamber, but the bottom line is that you will do it.

When people talk about the Peace Corps, and the motivation to join the Peace Corps, I was a Peace Corps volunteer. I had a lot of motivation to join the Peace Corps. I wanted to be in national service. I wanted to make a difference around the world, as our President encouraged us to do, so that was there.

But there was also something else that I saw as a benefit. I realized that I could learn another language. I am not ashamed to admit it. I thought if I joined the Peace Corps, I could learn another language.

I also thought I could learn another culture. I could have the experience of living a different life. I thought that was a benefit that no one could even give a value to.

Then I think as the gentleman from Wisconsin [Mr. GUNDERSON] pointed out, what we are trying to do is get some suburban kids to go into our urban areas and get right down there, right down there where, like in Washington, DC, 2 weeks ago, 17 people were killed in 4 days.

I do not think that people who participate in national service are going to be having a wonderful time. I think it is going to be extraordinarily difficult work.

I think the minimum wage they are going to earn, not for 40 hours of work, but for 60, 70, 80 hours of work, $2 an hour, that is what they are going to earn.

I think it makes sense that participants who perform identical work ought to receive identical benefits, but do not think the benefits are so outrageous, do not think they are so significant. They are not. It is minimum wage. It is health care benefits they may never use. They are young for the most part.

If you are from an urban area and you do not have much income, you may live at home, but some of these participants are going to leave their homes. They are going to find a place with rent and live in it at a minimum wage.

They give up their fast track to whatever they want to do as a profession. They give up a lot.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. SHAYS was allowed to proceed for 5 additional minutes.)

Mr. SHAYS. Mr. Chairman, I do not think I will use all of the 5 minutes, but I would like them anyway.

I guess I will just conclude by saying that I believe the supporter of this amendment is sincere, but I think he is dead wrong in the impact it will have on this legislation. I think it will cause serious harm.

I hope my colleagues on this side of the aisle who may represent some of the poor areas in our districts, will not be enticed to support it, because I think they will hurt the very people they represent.

I hope people on my side of the aisle will recognize that, maybe if you live in Staten Island and make $23,000 or $45,000, you are not rich and you deserve the benefit, or, if you live in

Pennsylvania and make $35,000, you are not rich, and maybe you have earned it. Maybe you have made such a wonderful contribution that you deserve it, and maybe you will use it well in your institution that you go to in the future to further your education.

Mr. Chairman, I thank my colleagues for participating in this debate, but I think this bill is underestimated. I think in the years to come, you will look back and say, "Where was I on this bill?"

I think you will want to say that it made a difference and you wished you were a part of making a difference by supporting it and not causing it harm.

Mr. STUMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding to me.

I can accept any criticism of this amendment whatsoever, but for someone to get up and say that somehow or other I am going to exclude $25,000 income people and $35,000 income people is just unbelievable. It is something I cannot accept.

What I want to do is include more of those people, the $25,000 and the $35,000 people.

I know about the higher education bill. If you do not know how it works, then do not get up and make those kinds of statements.

I want to include. I do not want to exclude those people. I want them involved. I want them to have the benefits and I want to pay everybody else the benefits who participate—the minimum wage and for their health care. That is what I am trying to do.

I am trying to include more people, not less people in this program.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I am sorry, I say to my colleagues, that the gentleman did not give me an opportunity to ask him a question because it would be nice to understand this issue.

I guess the question I would like to ask, is the gentleman on this side of the aisle inaccurate and wrong when he says that someone who attends a university does not get their full grant at incomes of $23,000 to $48,000 and would not get a grant after $48,000? I would like to know the answer to that. Would the gentleman please respond.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, if the gentleman wants time, we will take time somewhere and I will explain the Higher Education Assistance Act to the gentleman.

You have a freedom of choice when you are going away to college. That is what it is all about. That is why I got up and said that the chairman's argument probably is not with my amendment. It is with the needs analysis in the Higher Education Assistance Act.

If you choose an expensive university and you have a $25,000 income, you will be able to get considerable assistance for a postsecondary education.

If you chose to go to a community college with that kind of income, you will get a different kind of income from the Higher Education Act.

Mr. SHAYS. Mr. Chairman, if the gentleman would just be patient with me, I am trying to understand a statement that was made on the floor, which is true, and reconciling the gentleman's comments and what I understand to be true is that if you attend a community college, under the gentleman's amendment and make more than $45,000, you will not qualify for any educational grants.

I am trying to understand under the gentleman's amendment if it is true that if you make between $23,500 to $48,500, if your grant will be reduced if you attend a university. I am not interested in a lot of rhetoric. I just want to know the answer to that question.

Mr. GOODLING. I tried to indicate to the gentleman, as I did after the chairman made his remarks, what you get is based on your family's income and the student's income. You have the freedom of choice of the institution that you go to. It has nothing to do with anything other than the needs analysis. The needs analysis says that, no, you do not get a sizable amount if you are going to a community college with a $45,000 income.

Mr. SHAYS. You get nothing.

Mr. GOODLING. The gentleman first talked about a university, a private university, a State university. There is a needs analysis. That is what it is all about, making sure that those in need receive the benefits that they need in order to get a postsecondary education. It is just as simple as that.

Mr. SHAYS. Mr. Chairman, I thank the gentleman. I just would like to summarize what the gentleman has basically said, without saying it. I admit I do not serve on the Education Committee and I am not an expert on this issue, but the fact still remains if I attend a university and make between $23,500 and $48,500, my $5,000 educational grant will be reduced. If I make more than $48,000, I will get none under the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I am happy to yield to the gentleman from Pennsylvania.

☐ 1430

Mr. GOODLING. Mr. Chairman, that is incorrect. One has to take each individual; the needs analysis is done on each individual. I cannot give a specific figure where there is a cutoff.

There was a time when we had this program where we had a specific cutoff on income, period. Then we opened that totally and said, "Doesn't matter what your income is. You have to take each individual and specifically see the needs of each individual in order to determine whether they do or whether they don't get anything."

Mr. Chairman, I cannot give my colleague one specific figure.

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], and I thank the gentleman from Maryland [Mr. CARDIN] for having yielded, and I just say to my colleague, "That's the problem. We're not getting any answers on this side about a very important issue."

The bottom line to this is that this will impact middle income people and prevent them from getting an educational grant, and, if we come to this floor, and vote on this issue and do not recognize that, then we simply do not know the amendment.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the chairman of the Committee on Education and Labor.

Mr. FORD of Michigan. Mr. Chairman, I hate to see two friends quarreling when both of them are going past each other. The fact is, I say to the gentleman from Pennsylvania [Mr. GOODLING], that when I read the examples, I used Pennsylvania figures and constructed an average family of two parents, two children, one in college, with a low-income job, and then I used the average cost of a community college in the gentleman's State, the average cost of a 4-year public college and the average cost of a private college, and then put in the RECORD what would happen to that family when their child tried to attend an institution.

The gentleman from Connecticut [Mr. SHAYS] is correct. The numbers that I put in the RECORD are correct, and the gentleman from Pennsylvania [Mr. GOODLING] perhaps missed that we worked out the needs analysis for his State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 270, not voting 13, as follows:

[Roll No. 349]

AYES—156

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—270

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Smith (MI)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Burton
de la Garza
DeLay
Dornan
Frost
Henry
Hunter
McCurdy
Moakley
Packard
Skelton
Underwood (GU)
Valentine

☐ 1456

The Clerk announced the following pair:

On this vote:

Mr. DeLay for, with Mr. McCurdy against.

Mr. MURPHY changed his vote from "aye" to "no."

Mr. SHAW and Mr. ENGLISH of Oklahoma changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALLENGER:

In section 129(d)(2) of the National and Community Service Act of 1990, as added by section 101(b) of the bill strike "(including labor organizations)".

In section 130(b) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike paragraph (12) and insert the following:

"(12) A description of the manner and extent to which participants, representatives of the community served, and community-based agencies with a demonstrated record of experience in providing services contributed to the development of the national service programs referred to in paragraphs (1) and (2).

In section 130 of the National and Community Service Act of 1990, as added by section 101(b) of the bill—

(1) strike subsection (e), and

(2) redesignate subsection (f) as subsection (e).

In section 131(c) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike paragraphs (1) through (3), and insert the following:

"(1) provide in the design, recruitment, and operation of the program for broad-based input from—

"(A) the community served and potential participants in the program; and

"(B) community-based agencies with a demonstrated report of experience in providing services, if these entities exist in the area to be served by the program; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

In section 114(d)(5) of the National and Community Service Act of 1990, as added by section 103(a) of the bill—

(1) strike subparagraphs (A), and

(2) redesignate subparagraphs (B) and (C) as subparagraphs (A) an (B), respectively.

In section 119(d)(2) of the National and Community Service Act of 1990, as added by section 103(a), strike subparagraph (B) and insert the following:

"(B) assurances that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

Mr. BALLENGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BALLENGER. Mr. Chairman, the National Service Trust Act contains a provision that will create a blatant conflict-of-interest. For this reason, I am offering an amendment that would remove this provision.

Let me explain. Under this bill, labor unions are permitted to apply for grants in order to provide for community service. Ironically, the other grant applicants must consult with, and in some cases receive the concurrence of those same labor unions, who may apply for those same grants. The unions have the power to influence the outcome of grants to nonunion applicants, while they themselves may apply to those same grants. This distinct advantage given to labor unions, over other applicants, is ludicrous.

Labor unions insist that this provision is necessary to prevent displacement of union workers by the national service volunteers. But the National and Community Service Act already provides the necessary safeguards against displacement of union workers from jobs similar to those set up as national service positions. Union members are protected by the nonduplication and nondisplacement provisions (Section 177, National and Community Service Act, P.L. 101-610) already in law. The unions do not need this additional protection, or should I say influence.

During the committee's consideration of the National Service Trust Act, I offered an amendment to delete this obvious conflict-of-interest provision. Unfortunately, the amendment was gutted, and the problem remains. I am offering my amendment today because it is imperative that we eliminate this unethical conflict-of-interest provision.

Whether you are in favor of, or opposed to this bill for national service, I urge you to support my amendment. This amendment is essential in order to delete this provision that is rife with the potential for abuse.

□ 1500

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment deletes requirements for consultation on community service program applications and placements with local unions representing employees engaged in the same or similar work in the community. The amendment also deletes a requirement that a program applicant secure the concurrence of any labor organization representing its employees who are doing work which is the same or similar to that proposed to be carried out by participants assigned to the program applicant. The provision only would apply to service sponsors whose employees belong to a labor organization.

The Ballenger amendment should be opposed for the following reasons:

First, labor union consultation/concurrence provisions are critical safeguards against substitution and displacement of the regular work force.

As stated in the bill, a primary purpose is "to meet the unmet, human, education, environmental, and the public safety needs of the United States, without displacing existing workers." Local unions which represent employees in the workplace have a critical stake in the degree to which a national service program achieves this objective. If the program fails in this regard, it will replace regular jobs with stipended workers without employee status, interfere with and erode collective bargaining agreements, and create a downward drag on wages and benefits in local labor markets.

Union consultation and concurrence are the means by which nondisplacement provisions are given teeth. The point of the language is to protect full-time employees from being inadvertently undercut by national service participants.

The union concurrence provision in particular will provide for real and meaningful involvement of local employee organizations in program planning to ensure that displacement does not occur.

Second, the union concurrence requirement does not create a conflict of interest.

Representative BALLENGER maintains that the union consultation/concurrence provisions of H.R. 2010 create a conflict of interest since local unions can apply to sponsor local service projects. This contention is not based in fact:

One, the union consultation provision is advisory only and has not caused any conflict-of-interest situations under existing programs.

Two, the union concurrence provision is employer-specific and would not apply to nonunion applicants. A union applicant could not concur on its own application. Instead, only a local union representing employees working for a union applicant could concur of the application.

Three, when required, local union concurrence is only one part of the application process. Even with local union concurrence, an application will be evaluated on the same grounds as other applications and can be rejected.

Third, union consultation/concurrence provisions will strengthen local community involvement in developing local service activities.

An important goal of the national service program is for local communities to develop and carry out their own local service activities.

The union consultation/concurrence provisions create a process for local unions representing employees in the workplace and service sponsors to work together to develop an inventory of unmet needs and activities which do not duplicate work already being performed by employees of the service sponsor.

Activities which meet this standard cannot be dictated from Washington. They will vary from locality to locality. For example, one community may have an extensive child care system, while another may have very little publicly financed child care. One community may have extensive afterschool activities, while another may not.

Fourth, the amendment goes against 20 years of established Federal policy.

There is a long history of union comment/consultation provisions in Federal employment and training programs. Union comment provisions go back at least to the Comprehensive Employment and Training Act [CETA] of the 1970's and are part of the Job Training Partnership Act. The National and Community Service Act itself currently includes a union consultation requirement.

Fifth, there is precedence for union concurrence under Federal and State Programs.

Many current youth corps programs work with local unions and will not start projects without local union agreement. In addition, other Federal and State programs provide for union concurrence. These include the Community Works Progress Demonstrations in H.R. 11, an omnibus tax bill passed by Congress but vetoed by President Bush last fall, the Washington State welfare program, and the Youth Incentive Entitlement Program under CETA.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the amendment offered by my friend, the gentleman from North Carolina [Mr. BALLENGER].

As the chairman was just trying to explain, what the language in this bill does is, it gives organized labor unions a veto over projects, over a grantee, that may occur in their area. If you do not belong to a group and you are an employee, you have not this right under this bill, but only if you belong to an organized labor union do you have this veto power.

This House has already passed one union empowerment tool this session, the striker replacement bill. I do not believe we need to pass another. That is exactly what we will do if we do not accept this amendment.

There is language within the National Service Trust Act to give unions veto power over national service projects while permitting them to take part themselves in these same projects. These provisions give them an unfair advantage over organizations bidding to take part in the national service program. It is an advantage they should not have.

Although I am opposed to this bill, I believe that we must ensure that it will not be used for favoritism. Yet, this provision, and many others, are examples of how this measure is ripe to be used for political patronage, union empowerment, and as a boost to special interest groups throughout the Nation.

This amendment will eliminate this blatant conflict of interest by prohibiting labor unions from being involved in the approval process of a grant if they have already applied for a grant. It makes sense and should be accepted.

Mr. Chairman, I urge my colleagues to vote yes on the Ballenger amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of H.R. 2010, the National Service Trust Act, and in opposition to the Ballenger amendment.

In his inaugural address, President Clinton called for a new generation of Americans to enter into a season of service for the betterment of their country. The National Service Trust Act will allow them to answer this challenge. In return for their participation in approved national service programs, thousands of Americans would receive financial assistance to pay for their education.

The National Service Trust Act will permit us to meet critical needs in communities across the country—in areas such as education, human services, the environment, and public safety. In its first year alone, it will involve 25,000 participants, allowing each to earn up to $10,000 in educational awards over two terms of service. Moreover, this legislation will create no new Federal bureaucracy, relying instead on existing Federal, State, and local agencies, as well as colleges, for disbursement of funds. It will not take the place of need-based financial progams such as Pell grants, instead serving to complement and reinforce such successful approaches. Above all, H.R. 2010 will instill a new spirit of voluntarism in America. It offers those who could not otherwise afford to do so, the opportunity to serve while expanding their educational horizons.

The gentleman from North Carolina [Mr. BALLENGER] would have you falsely believe that the union consultation provision of H.R. 2010 creates a conflict of interest.

Personally, I am tired of all the union-bashing I hear in some quarters of this Chamber.

His amendment strips the bill's current provisions designed to promote local union participation in national service progams and protect against job displacement. This would undermine a primary intent of the legislation: Engaging young Americans in service to their communities without displacing existing workers.

In addition, this amendment fails to acknowledge the long and productive history of union consultation in Federal employment and training programs. The Ballenger amendment, in my opinon, would destroy this valuable labor-community service relationship, and deny thousands the opportunity to work for the betterment of the American community.

As a father and former teacher, I cannot stress enough the importance of passing this legislation intact, without any of these amendments. National service is nothing less than an investment in America's future.

People who are in support of these amendments have said on the floor that they will not vote for the bill anyway, so let us not ruin the bill. Let us not throw smokescreens in front of the bill. The bill, as it is, provides legislation to meet pressing social needs, provide aid for education, and teach valuable skills to its participants while increasing a sense of civic responsibility and community spirit.

The gentleman's amendment would serve only to undermine these goals. I urge my colleagues to vote in favor of H.R. 2010 and against the Ballenger amendment.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, basically I rise in support of the Ballenger amendment to H.R. 2010, the National Service Trust Act. This amendment merely serves to eliminate the opportunity for a conflict of interest in which a labor union could serve as a program applicant while maintaining an influential role in determining what applicants receive grants. This legislation, in its current state, explicitly states that labor unions are eligible recipients of national service grants and service workers. In addition, the bill requires that all program applicants confer with and, in some cases, obtain the written concurrence of the local labor organization as a requirement for eligibility. The union consultation requirement is a clear conflict of interest which the gentleman from North Carolina rightly suggests should be eliminated.

In addition, I am strongly opposed to the inclusion of this language in the bill because of my fear that it will increase the likelihood that these positions will be make-work type jobs. If labor unions are given this virtual veto power over the substance of national service positions, service workers would not even be able to displace any of the millions of employees making the minimum wage. Consequently, they would have to be used in tasks worth less than $4.25 an hour. There is a simple reason why many of these needs are currently unmet: they are not worth filling at the compensation levels we are contemplating. We don't require consultation with any other organization, including private charitable organizations with which this program would certainly compete. I see no reason why we should give this preferential treatment to labor unions.

However, I want to make it clear to my colleagues concerned about job displacement that this language is not necessary to ensure nondisplacement. The National Community Service Act of 1990, which this bill would amend, already includes strong nondisplacement and nonduplication provisions. Let me read for my colleagues a passage from this act,

> An employer shall not displace an employee or position, including partial displacement such as the reduction in hours, wages, or employment benefits, as a result of the use of such employer of a participant in a program receiving assistance under this title.

While I would frankly prefer that this language be eliminated as well, I submit that its existence makes the additional requirement of union concurrence unnecessary. The Ballenger amendment does not prevent unions from applying for programs, nor does it allow service positions to displace any existing Federal workers. It simply eliminates an unfair advantage which unions have over other program applicants. I hope that my colleagues will join me in this effort to restore a level playing field to the program and support the Ballenger amendment. I yield to the gentleman from North Carolina, [Mr. BALLENGER].

□ 1510

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the bill itself contains all grievance procedures that we would ever need to rectify displacement. There are remedies for displacement and duplication.

Let me just read the law that exists at the present time. This is from the nonduplication and nondisplacement part of Public Law 101-610, of 1990. It says that:

> Assistance made available under this title shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in.

Then, skipping down to another part:

> A participant in any program receiving assistance under this title shall not perform any service or duties or engage in any activities that will supplant the hiring of employed workers.

In other words, protections already exist for unions. The problem is that this bill gives them the authority to screen other applicants. That is where the conflict of interest is. The protection for unions will remain intact if my amendment is adopted.

The idea that unions will be given an unfair advantage in that they can blackball other applicants in competition with them just does not seem right to me, and that is the reason for the amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a college education now ranks as one of the most costly investments for American families, second only to buying a home. During the 1980's the cost of attending college soared by 126 percent. It is my strong belief that all Americans, regardless of their income or wealth, should have equal access to educational opportunities. It is simply not acceptable that millions of young people are denied access to higher education because of the limited income of their families.

Today's debate is about priorities. I suspect that some of my colleagues who voted for the superconducting super collider and the space station will raise the specter of the deficit as their reasoning for opposing this legislation. It is beyond me as to how they can justify these priorities to the working families across America.

Today we are discussing a bill, the National Service Trust Act, that will help remove some of the economic barriers to attending college by allowing students to pay off their student loans by working in their community on important educational, environmental, and poverty programs. By paying students for their work and enabling students to pay off their loans, this bill recognizes the current situation for most college studnts—namely, most of them are currently working. In fact, nearly half of all full-time students in the 16–24 age group and 62 percent of students in all age categories work—often as much as 35 hours a week.

The truth is our college students and their families are paying the price of a unconscionably declining Federal commitment to higher education. Today we have a small chance to improve that. But, in addition to approving this very important program, we must guarantee our full commitment to existing education programs. Since its earliest involvement in higher education policy, the Federal Government's ultimate goal has been to guarantee an equal opportunity for Americans to attend and graduate from college. If we continue to pare back our commitment to Pell grants as we have this year, our students will have little opportunity to attend school without facing enormous debt. We must offer college students both national service and a solid commitment to Pell grants, work study, supplemental educational opportunity grants, Perkins loan programs and the State student incentive grants.

In addition, we must continue to recognize our changing student population and the obstacles currently preventing them from completing college. National service recognizes and addresses many of those obstacles. Today about 43 percent of our students are over the age of 25—40 percent are enrolled on a part-time basis—and more women than men attend college, as has been the case since 1979. By making awards to full and part-time students, by addressing the need for health care and child care this legislation removes additional barriers that would have prevented much of our diverse student population from participating in national service.

National service is an important piece of a Federal package that should permit all Americans equal access to education. By enabling students to help some of the 5 million children living in poverty—by encouraging students to help preserve our precious environment—by supporting those students that can help rebuild our deteriorating housing programs—we are advancing the needs of communities across America and entitling students to the education they deserve.

Let us get our priorities straight. National service and other Federal programs providing financial aid to students are funding priorities that this Congress can no longer afford to ignore.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support my good friend Mr. BALLENGER's amendment. Only in Washington indeed, only in this committee, would anyone believe that labor unions ought to be entrusted with writing the job description for a Government service job, be allowed to decide who gets that job, and be able to apply for that job themselves.

Labor unions exist primarily to drive up wages, and one of the principal ways they do that is by restricting the number of available jobs.

If we let a union decide which jobs are performed under national service, you can bet your mother's pension check the unions will make sure the jobs are so meaningless and make-work that no union member is ever displaced by them.

But if we are foolish enough to let that same union apply to run its own National Service Program, you can safely bet everything you own and as much as you can borrow that that union will give the jobs to its own members or allies, or both.

This bill gives labor unions an overwhelming advantage over nonunion applicants. To think they will not use this power to their own advantage borders on delusion.

Mr. Chairman, no good purpose is served by giving all this power to the labor unions. Unless, of course, the primary purpose is to give more power to the labor unions.

Let us eliminate this blatant conflict of interest.

I urge my colleagues to support the Ballenger amendment.

Mrs. UNSOELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, of all the statements on the National Service Trust Act, one of the best came last month—when Interior Secretary Bruce Babbitt testified before the Education and Labor Committee and underscored the true meaning of this legislation. "National Service will strengthen * * * the spirit of citizenship," he said, "* * * An old-fashioned idea of citizenship—of working together, of taking responsibility, of building community."

But if Mr. BALLENGER's amendment is passed and worker involvement requirements are stripped, service programs that are supposed to pull communities together may just as easily rip them apart.

The National Service Trust Act requires national service to address unmet community needs without displacing existing workers. If we neglect to consult local workers, service positions could unintentionally replace regular paying jobs. Lower skilled workers—disproportionately female and minority—would be the hardest hit.

Let us not gut this vital legislation. Don't cut local workers out of the process. Join me in opposing the Ballenger amendment. Join me in support of the National Service Trust Act.

□ 1520

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of the amendment. My good friend, the gentleman from North Carolina, has brought forth an interesting amendment, and I think a valuable one, because it speaks to some of the inherent conflicts of interest that are in this bill.

In a bill that creates 25,000 new Federal jobs, we now have an interesting development in that labor organizations are singled out for particular special treatment under the bill. If you look at the bill, it is interesting that, among the people who can apply for money, are listed public and private institutions, Indian tribes, States, and so on, and then parenthetically it separates out labor organizations.

Now, why do you suppose that was done? Well, I am not really certain why they were included parenthetically for special treatment other than the fact that they know that we are hiring 25,000 new people for the Government, and they want to have their mitts into that hiring of 25,000 people, and then when you figure out what it is they are about doing, it is very interesting.

It turns out that not only can they apply for the grants but then they have the ability to decide who gets the money. If you have a labor union that applies for the grant and the Boy Scouts have also applied for a grant, what the labor union can do is make a judgment that they deserve it rather than the Boy Scouts.

This really strikes me as being a real problem with the bill. I heard the gentleman from Michigan shout "no." That is certainly the way in which it appears to me that if there is another group seeking the grant, the union can also be applying for that grant. Is that not true?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. No. The gentleman acts as if we come from two different countries. The kind of grants the union would be applying for might be conservation grants, other things. They are not going to apply for grants to have national service do their jobs, and the only union signoff is to agree with the local employer that the duties, for example, if it is a public hospital and the nurses have a union, if you are going to put some health aides in that hospital, they would sit down with the union and determine which duties were permissible for them to perform and which ones would be reserved to their regular employees. It would not knock the grant out. It would simply limit the activities of the people in the grant so they did not displace already hired workers.

Mr. WALKER. I have a hard time understanding that when you look at the language of the bill that separates out the union organizations parenthetically, and yet includes all of this in exactly the same language. You say that the people that the money can go to includes the States, it included Indian tribes, it included private and nonpublic organizations, and then there is parenthetically in there this item that says "includes labor organizations."

Now, it sounds to me as though the Boy Scouts are included in the public and private organizations. Certainly I would think they would be included.

Mr. FORD of Michigan. If the gentleman will yield further, does the gentleman know of any Boy Scout troop that is organized by a union? What kind of union employees do the Boy Scouts have?

Mr. WALKER. Well, it seems to me that the union——

Mr. FORD of Michigan. And why would the Boy Scouts be consulting with the union when they do not have a union?

Mr. WALKER. Well, they are not consulting with the union. What they are doing is applying for a grant, and they might be applying for grants in the same place that the union is applying for grants.

Mr. FORD of Michigan. The unions do not have anything to do with the Boy Scouts' grants. They only have to do with grants applied for where their members are affected.

Mr. WALKER. Why are the parentheses in there? The parentheses are there to give the unions the specific chance to apply for the grants.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman places me at a decided disadvantage. He frequently uses this tactic in debate, of getting into the well and saying, "I do not understand this. Explain what I do not understand." If the gentleman would ask me to explain what he does understand, I think it would be a lot easier than trying to explain what he does not understand.

Mr. WALKER. I thank the gentleman for clarifying, because what the gentleman is saying is, "I might have confused the issue here, and the gentleman has no answers." The fact is, that in his bill, he has specifically singled out labor organizations as groups that are eligible for the grants, and what I am suggesting is, they are then in competition with groups like the Boy Scouts. Then they are singled out for additional special treatment in the bill that they get a chance to decide who gets the grants and who does not.

All I am suggesting is, that if they get a chance to decide who gets the grants and who does not, and they are among the applicants, guess who is going to get the grants.

The gentleman seems to not want anybody to discuss those issues, and certainly, he does not want the amendment offered by the gentleman from North Carolina to be approved that might get at these major conflicts of interest that are down in the bill that are going to disadvantage a lot of other good nonprofit organizations who simply would like to be able to have a chance to get the grants on a fair competitive basis.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. FORD of Michigan and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, sure, I do not need it, but I will be happy to yield to the gentleman.

Mr. FORD of Michigan. On page 31 of the bill, the language with the magic parentheses appears: "Federal agencies and other applicants, the corporation shall distribute on a competitive basis to subdivisions of States, Indian tribes, public and private nonprofit organizations including labor organizations," which is in parentheses, in case people like the gentleman do not understand that labor unions are public nonprofit organizations. That is all it is. It is simply to provide emphasis that they are a form of public nonprofit organization that may apply.

Mr. WALKER. In providing emphasis, you provide advantage. The gentleman well knows that if a specific organization is spelled out in the bill, that that then gives them a special status under the bill. The gentleman has been writing legislation around here long enough to know that when you parenthetically set aside a particular group of organizations, that you do so in a way that tells everybody who interprets that legislation, that this is a special organization for special treatment.

There is no need for the language in the bill. Under public law right now, we have nondisplacement legislation which would do everything the gentleman is wanting to do, but the gentleman in fact has set aside an organization for special treatment. That is my concern.

I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I will accept the responsibility for drafting a bill in a way that may not be understandable to the gentleman.

As a lawyer, a former judge, a former State legislator, and a Congressman now for 29 years, I have no trouble understanding the statutory language, and if the gentleman wants it written in a better way, what he ought to do is cooperate with us instead of opposing everything we do, and we will be glad to write it your way.

Mr. WALKER. I do not have any doubt that the gentleman understands exactly what he has done here.

Mr. FORD of Michigan. If I take the parentheses out, will you vote for the bill?

Mr. WALKER. I have every confidence that the gentleman knows exactly what he put in the bill, and that he has given a special advantage to labor organizations, and he has done so.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me try to assure the gentleman that in the bill, there is language that prohibits the unions, labor unions, if they participate in the program, from doing exactly what he suggests they might do.

In section 132,

> Ineligible service categories, an application submitted to the corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform services that provide a direct benefit to any business organized for profit, labor union.

I suggest to the gentleman that our friends on the other side of the aisle, some of them at least, would have us believe that this bill was written primarily for the benefit of the unions. I suggest to you that that is far from the truth.

The fact is that all we were trying to do in the bill is to make sure that people were not displaced, or that moneys that were already in use for local needs was not supplanted, or that this money only supplanted that money, that that money was not replaced, and in doing that, we used what has been accepted, as the chairman has already explained, boilerplate language that has been in existence for over 20 years.

For that reason, I oppose the Ballenger amendment, as it does more harm than it does good.

I really believe, written the way that Mr. BALLENGER has written his amendment, that there would be unscrupulous people who would be able to take advantage of the bill and then supplant moneys that are already in use, and people who are already providing those services.

For that reason I oppose the amendment.

Ms. SCHENK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as an original cosponsor of the National Service Trust Act, I rise today to urge my colleagues to vote against the Ballenger amendment.

This amendment would eliminate key provisions of the bill designed to promote local union participation in service programs and prevent displacement of the regular workforce.

This amendment should be opposed for several reasons. First, there is a long history of union comment provisions in Federal employment and training programs. Such provisions go back at least to the Comprehensive Employment and Training Act and are part of the Job Partnership Act. This amendment would be going against 20 years of established Federal policy.

Second, labor union consultation is a critical safeguard against substitution and displacement of the regular work force. As stated in H.R. 2010, a primary purpose of this legislation is to meet the unmet, human, educational, environmental, and public safety needs of the United States, without displacing the existing workers.

Local unions, which represent employees in the workplace, have a critical stake in how well the National Service Program meets these needs. Union participation can only strengthen the program's ability to achieve the goals stated in the legislation. If the program fails to provide protection for existing workers, it will erode collective bargaining agreements and create a downward drag on wages and benefits in local labor markets.

The sponsors of this amendment may assert that the union consultation provision creates a conflict of interest. This is simply not true. The union consultation provision is advisory only and has not caused any conflict-of-interest situations under other programs where it is used. Moreover, the union concurrence provision is employer-specific and would not apply to nonunion applicants.

This amendment can only serve to weaken the National Service Trust Act and I urge my colleagues to vote against it.

□ 1530

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a fight we do not need to have. This amendment tries to separate us. National service is not designed to replace any current employees. All we need to do is to recognize what this amendment does; it is just to drive a wedge in our efforts to provide national service, one of the most popular pieces of legislation that has come before this Congress in many years.

We need to pass a good bill, a bill that is needed for our country and for our young people. National service is a three-way win for our country: It provides job experience for those youngsters; it provides needed service to our neighborhoods; and it helps repay those student loans. We know a number of students who graduated, whether they be from proprietary schools, or vocational schools, or from 4-year schools, or 2-year schools, that they are under a debt. They would like to have some of that debt forgiven by giving community service. This bill allows that.

This amendment separates us. If we continue this separation by adopting the Ballenger amendment, it will harm the national service effort. The Ballenger amendment, if adopted, will possibly cut people who have jobs. That is not our intent.

We do not need to have more unemployment. The support for this bill includes many corporations, and I would not expect some of the corporations that have been listed as supporters would support a bill that actually gives veto power to organized labor.

In fact, there is a letter that is provided. In fact, it was Chairman FORD, and although it is addressed to Senator FORD, I would like to paraphrase it. The American Red Cross supports H.R. 2010, the National Service Trust Act: "We welcome your continued efforts to enhance opportunities for all Americans to serve their communities.

We particularly appreciate the proposed act's strong emphasis on renewing the ethic of civic responsibility, engaging in locally based and diverse organizations in a system of service delivery that is both decentralized and nationwide; facilitating the replication of existing successful service programs and providing service opportunities for stipended and nonstipended participants, and for persons of all ages." I will not read the whole letter, but it is signed by Elizabeth Dole from the American Red Cross. I hardly expect we would see the support for this bill if the Ballenger amendment were really needed.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. I thank the gentleman for yielding.

Mr. Chairman, I am not going to take a great deal of time. I just want to say one more time that this amendment does not undo anything and does not divide anything. All the protections are already in the law.

There is a grievance procedure in this bill. Strong, nondisplacement and nonduplication provisions already exist in Public Law 101-610. The law says that funding for National Service Trust Act "shall be used only for a program that does not duplicate and is in addition to an activity otherwise available in the locality of such program." The bill itself requires every State or local applicant to establish a grievance procedure precisely to hear complaints about job displacement, and remedies for displacements are included.

All I can say is that the basic idea that unions should be able to grade what other grant applicants are doing is not necessary. All the protections for nonduplication are in the law already, and this bill would not change that.

Mr. SOLOMON. Mr. Chairman. I thank the gentleman for his remarks.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Ballenger amendment, which would eliminate language from the National Service Trust Act that offers protection and assurance to the regular work force that they would not be replaced by youthful outsiders.

As stated in the bill itself, National Service is intended "to meet the unmet—needs of the United States, without displacing existing workers." The provision requiring the concurrence and consultation with labor unions in national service programs is essential in ensuring that stipended workers without employee status do not take jobs away from full-time, union workers. This is especially important for lesser skilled workers, most of whom are minorities and women. Without antidisplacement protection, workers with lower skills would be most in jeopardy of losing their jobs.

The provision does not give unions undue influence over the outcome of grants. Instead, it provides for the necessary safeguard against the displacement of union workers from jobs similar to those set up as national service positions. The bill merely requires grant applicants to consult with, and to receive the concurrence, of labor unions, who may apply for the same jobs.

In addition, the union consultation and concurrence provisions would strengthen local community involvement in developing local service activities. Local unions representing employees in the workplace and service sponsors would work together to develop an inventory of unmet needs and activities which do not duplicate work already being performed by employees of the service sponsor.

For these reasons, I urge my colleages to oppose the Ballenger amendment and to retain the language of the bill to protect the regular work force.

Mr. THOMPSON. Mr. Chairman, I am opposed to the Ballenger amendment because it deletes provisions in H.R. 2010 that provide for local union participation in local National Service Programs. For over 20 years, Federal employment and training programs such as the Comprehensive Employment and Training Act [CETA] and the Job Training Partnership Act [JTPA] have included provisions for union consultation so that existing workers are not replaced.

Union consultation does not create a conflict of interest with respect to the national service program. It is advisory and applies only when a service sponsor, who has union employees, proposes community service work that is the same or similar to the work done by the sponsor's union employees.

I strongly urge my colleagues to vote against the Ballenger amendment. I strongly urge my colleagues to vote against any amendments that weaken the National Service Trust Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BALLENGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 276, not voting 10, as follows:

[Roll No. 350]

AYES—153

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Parker
Paxon
Payne (VA)
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Rowland
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—10

Bartlett
Frost
Henry
McCurdy
Moakley
Packard
Skelton
Underwood (GU)
Valentine
Washington

☐ 1556

Mr. YOUNG of Alaska changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. MOLINARI

Ms. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MOLINARI:

In section 501(a) of the National and Community Service Act of 1990, as added by section 301 of the bill, insert the following after paragraph (3):

"(4) PREREQUISITE FOR FUNDING FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—Notwithstanding paragraph (2), no funds are authorized to be appropriated for any fiscal year to provide national service educational awards under subtitle D of title I unless—

"(A) the amount appropriated for such fiscal year for each of the following programs is at least equal to the amount appropriated for such program for fiscal year 1993:

"(i) the college work-study program under part C of title IV of the Higher Education Act of 1965;

"(ii) the supplemental educational opportunity grant program under subpart 3 of part A of title IV of such Act;

"(iii) the State student incentive grant program under subpart 4 of part A of title IV of such Act; and

"(iv) the Perkins loan program under part E of title IV of such Act; and

"(B) the amount appropriated for such fiscal year for the Pell grant program under subpart 1 of part A of title IV of such Act is sufficient to provide a maximum grant in an amount equal to or in excess of $2,400.

Ms. MOLINARI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. MOLINARI. Mr. Chairman, I rise today to offer my amendment to the bill before us to ensure that in our effort to provide Federal support for national service, we do not damage programs that currently help students with financial need gain access to higher education.

Mr. Chairman, this concern is very real, and it is so real that the American Council on Education [ACE], the organization that represents 1,700 colleges and universities, has written a letter supporting my amendment.

They support national service, but, like me, they are,

Concerned in this budgetary environment that national service not be funded at the expense of already constrained support for education and research programs carried out by the Nation's colleges and universities.

The realization that several postsecondary education assistance programs were cut in President Clinton's fiscal year 1994 budget proposal and in the House-passed Labor, Health and Human Services, and Education appropriations bill has been and still is a troubling trend.

My amendment would create a three-part funding trigger before funds could be made available for the National Service Trust Program. Before this new program is funded:

First, the three campus-based programs—work study, supplemental educational opportunity grants, Perkins loans—would have to be funded, not fully funded, but at their fiscal year 1993 levels;

☐ 1600

Second, the State Student Incentive Grant Program would have to be funded at its fiscal year 1993 level; and, third, the Pell Grant Program, a program so many of our constituents desperately rely on, would have to be funded at a level sufficient to return the maximum student award to the fiscal year 1992 level.

It is crystal clear that we are in a zero sum gain when it comes to funding for education programs. Many of us on both sides of the aisle are concerned about this robbing-Peter-to-pay-Paul approach. In fact, when I offered this amendment in committee, several Members of the other side joined with me.

Mr. Chairman, fully implemented, the Clinton proposal will support approximately 150,000 students in community service positions, at about a $4 billion cost, while there are some 5 million students participating in the existing college loan and grant programs. This is less than 3 percent of those students eligible for student aid who would be answered by the National Service Program.

The cost per student under the Clinton proposal is conservatively estimated at $15,560 a year. This compares with the $2,400 per year a student can currently receive through the Pell Grant Program. This new program will assist less than one-half of 1 percent of the student population.

Mr. Chairman, in conclusion my amendment is very straightforward. If you believe that the funds for national service should not come out of existing student assistance programs, then I urge you to support my amendment.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I fully respect what the gentlewoman thinks her amendment would do and sympathize with it, because I take a backseat to no one in this body over the years of consistently fighting for budgets and then fighting in the appropriations process to put more money where she wants to put more money. I have not always had a whole lot of votes from the people who say "Cut before you spend," but we have managed to put as much as $2 billion a year in these programs.

Mr. Chairman, I would call your attention to the fact that we are mixing apples and oranges here as the first problem. Last year, the Department of Education underestimated the Pell entitlements by almost $2 billion. Earlier this year, the House of Representatives passed an urgent supplemental that was called the stimulus package. In that stimulus package was $2 billion to make up that Pell grant shortfall.

It has been the practice around here for many years to come back and make up the Pell grant shortfall so we did not have to tell young people in school that we were going to take money back away from them before the end of the schoolyear.

Now, this year the House did its job. We passed the $2 billion. I do not remember how the gentlewoman [Ms. MOLINARI] voted for that $2 billion package, but I do not know that anybody on that side of the aisle voted for it.

When it got to the other body, however, the Republicans in the Senate filibustered the bill, and one of the things that went down with that filibuster was the $2 billion for funding Pell grants.

As a result of that, the Committee on Appropriations had to try to make up that shortfall so that we did not go back to the young people who were in school last year, this past spring and say give us back $50 or $100 apiece. They had to reach into 1994 funds and pick up over $400 million of the shortfall, and they are having to do it with the 1994 appropriations. The reason is, is there is not enough money for all of the other campus-based programs in 1994. As a matter of fact, we are only $76 million short at the present time in the legislation that this House has already passed. The $76 million shortage is because we had to take such a big chunk of 1994 appropriation money to take care of the problem of the Pell grant shortfall for people who are already in school.

Now, when I say that the gentlewoman from New York [Ms. MOLINARI] is doing something that she thinks will have a salutory effect, I have to confess there was a time when I used to try this same sort of thing. It is called imposing a trigger on the appropriating committees.

It does not work. Every time you try to put a trigger in front of the appropriating committee and substitute our judgment on the authorizing legislation for their judgment on how much is to be spent on the respective programs, it gets a bad reaction, and we never win that way.

It has been my experience that when we go to the Committee on Appropriations and make our case for our programs, that they will search wherever they can to find the money to fund the worthy education programs. Under the guidance for many years of the gentleman from Kentucky [Mr. NATCHER], that is precisely what has happened. The gentleman has been placed in a very indelicate position in the current appropriations process by what the Senate did to the supplemental.

Now, if you think that you get more money from the House Appropriations Committee by going over there with a gun in your hand called a trigger, you are wrong. That is not the way to do business with them. It is not the way that my predecessors as chairmen of the committee have ever gotten any increases in funding, and it is not the way they are likely to happen in the future.

Mr. Chairman, let me simply say we are doing the best we can. In this bill we will be folding in the National Commission on Community Services, the Bush program. The appropriation that is in this year's appropriation bill is $105 million to that program, which, after we pass this authorizing legislation, will be transferred over to the National Service Program. We are $76 million short of fully funding all of the programs in the 1994 appropriations.

Mr. Chairman, if the amendment of the gentlewoman from New York [Ms. MOLINARI] were adopted and became part of the law, a point of order would lie against the money going into the program. I ask Members to defeat the gentlewoman's amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this morning I was faxed a letter which I have delivered to the gentleman from Michigan [Mr. FORD] from the Association of Jesuit Colleges and Universities that asked that we present to this body their views, which ironically is strange, because the Jesuit colleges have been very successful in their educational opportunities for all American people without the help of the Federal Government. But they do see an opportunity here to possibly participate in providing under President Clinton's program some new educational opportunities for the American people.

But with respect to the so-called Molinari amendment, I would like to read the paragraph which is in opposition to the Molinari amendment.

Father Tipton, who is the President of the Jesuit Colleges of America, says,

> We are particularly concerned about the so-called Molinari amendment which apparently some educational associations are supporting. We wish to be on record of being unalterably opposed to this amendment, for the following reasons: one its inclusion virtually eliminates the possibility of the National Service Program ever being funded. Whether or not funds for the National Service Program come from existing financial aid programs is immaterial in the language of the bill. Two, there is a presumption that there is no room for reform in the current student financial aid program.

Mr. Chairman, I would like to insert that I think there is definitely a way and a reason to reform part of the program.

Continuing to quote Father Tipton:

> Three, it would effectively prohibit the future development of one of the most creative programs for student financial aid funding in the last 25 years.

Mr. Chairman, with that recommendation, I am happy to convey to this body the request of the Jesuit colleges, which, incidentally, includes such great universities as Georgetown University, Loyola University, and Spring Hill College in Mobile, AL, my hometown.

Mr. Chairman, I am happy to be able to present the views of these distinguished educational facilities to this body.

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, let me just say in response to the Jesuits, we certainly respect their opinion. But in fact their letter acknowledges that they have had no prior stake in the financial programs that I am trying to defend and preserve here.

I also just want to make the point that certainly no one here, not the least of whom myself, challenges the commitment of the chairman to student aid in prior assistance programs. I certainly want to make it clear that the gentleman has been a leader, on behalf of all those generations—maybe not that many generations, Mr. Chairman—who have been recipients of the work of the chairman relative to receiving funding.

□ 1610

And certainly, I would never think to impose my will on the Committee on Appropriations and the chairman of the Committee on Appropriations. I just feel very strongly that we, as a body of Congress, have an ability and, in fact, an obligation to set our priorities and to make those priorities known as an authorizing committee and with the utmost respect to both the chairmen of the authorizing and appropriating committees.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I might inform the gentlewoman, too, that I am a member of that distinguished body on the Committee on Appropriations. I respectfully am going to have to oppose the amendment as well.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, briefly, before I yield to my chairman, I would like to say that I understand the frustration of the gentlewoman from New York [Ms. MOLINARI]. There are times when there are programs that we feel are very vital to our constituencies, that instead of being funded we get reasons why they cannot be funded in favor of other programs that really do nothing for our constituencies. All of us, I guess, have priorities in our own minds as to what those kinds of things we would like to see funded.

I would agree with the gentlewoman that there is definitely a need to increase the Pell grant funding. I would make that argument with her, however, to the Committee on Appropriations.

I think as the gentleman from Michigan [Mr. FORD] has alluded to, that is the place to justify the arguments for that increase, and I certainly would join her in those arguments in attempting to do that.

At this place in time in this bill, this is not the proper place to do it, to set a trigger. I find that most times when we get a trigger like that, if we want to kill a bill, set a trigger on it and it will certainly kill it.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I think the gentlewoman from New York has illustrated, and I hope Members will appreciate the sincerity with which I say this, it is extremely difficult to disagree with anybody as pleasant and charming as the gentlewoman from New York. She is persistent. She is tough, and she is smart.

She has all of the attributes and characteristics that one would want for their own daughter, and she is very much like my daughter. As a matter of fact, I served with her daddy here, and we came to be good friends, although we were in opposite parties and, frequently we were on the same side in legislative battles.

I do not for a second suggest that there is anything wrong with this amendment, because she has not done her homework. I simply suggest that she and I are jointly, kind of, in this particular set of circumstances, victims of the way this place works and for that reason, while I laud what she would like to accomplish, I do not think it will have that result.

It will get us into trouble and may, as a matter of fact, cause friction between my authorizing committee and the Committee on Appropriations that I try very, very hard to avoid.

Now, the first time that I feel that our authorizing committee is not treated fairly by the Committee on Appropriations, I will be on this floor screaming like a stuck pig. They did not always treat us that well, by the way, not when I first came here. But I have absolutely no complaint about the treatment we have had in recent years.

I fully intend to continue working with them and ask the gentlewoman to consider that my opposition to her amendment is in spite of my strong affection and respect for her.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Molinari amendment.

The gentlewoman has done us all a service here in shining a spotlight on the fundamental problem with this bill. I know it is going to come as a surprise to many of my colleagues that I, who have long been a strong supporter of all the educational programs, oppose this bill. And I oppose it reluctantly. After all, I do not like to oppose a motherhood issue, because community service is as American as apple pie.

But I have to oppose this bill, despite the fact that as an educator, if it were up to me, if I had the power, I would probably make community service a requirement for graduation. In fact, I have done that in my past lives. But that is not what we are here debating today.

What we are debating is the question of the creation of a gigantic new program, a program that, by the way, will create a significant bureaucracy, a program that we are creating at a time when we are facing $400 billion budget deficits, as far as the eye can see at the same time as the Budget Reconciliation Committee is clawing its way around trying to come up with those $500 billion savings that the President has ordered.

In fact, if we had the money, which we do not have, I would have taken the work-study program as the nucleus of a program to expand and transform into a community service program. But we have not done that here.

We are creating a new bureaucracy. We are planting the seeds, in my mind, of a new Government program that, with care, will sprout and grow and flourish. And maybe that is good, but it will be creating a new entitlement program, capped, as it may be, but with its own constituency and momentum.

Getting back to what the Molinari amendment will do and why it is so intelligent. It will actually be focusing on the fact that we are doing this at the same time as we are starving, cash starving other programs as we go along.

If Congress is determined to spend $7.4 billion of new money, which is what this bill authorizes, we should not be paying for it with money that we do not have. We should not be robbing Peter to pay Paul and literally pilfering other worthy and proven programs in this bill.

For example, if we would apply the $400 million, and I think this gets right to the point of the Molinari amendment, if we would apply the $400 million authorized under this legislation for this year alone and shift it to the College Work-Study Program, we would increase college work-study authorization by one-third and serve tens of thousands of more worthy students this year alone, if we were to do that.

But I do support what my colleague from New York is doing, because she gets right to that point. The gentlewoman from New York has said rightly that we should not proceed to establish this massive new bureaucracy before we guarantee that our existing programs will not be cash starved. If and when national service is fully funded, and may I tell my colleagues that there are some cynics in this group that love to vote for this but will not vote for the money to fund it, but if and when it is fully funded, it will serve only 150,000 students. The gentlewoman from New York [Ms. MOLINARI] has already stated that.

My colleagues, this is less than 3 percent of the student bodies who are eligible for Federal college assistance.

What about the other 97 percent of the students?

We know what has been happening to them over the years, whether it is Pell grants or work-study. They have been starved for cash. They are going without.

The Molinari amendment logically says that before we establish and enhance a National Service bureaucracy, we guarantee that the college work-study program, Pell grants, Perkins loans, et cetera, are adequately funded. This is why the American Council on Education and many other educators have written to us saying that they support this amendment.

This approach will serve thousands upon thousands of college students through existing programs, whose cost-effectiveness has been proven and whose worth has been proven and who have the support of the American people.

Unfortunately, we are not going to do that today. We are going pass this legislation with a price tag of $7.4 billion and pay for it with money that we do not have, money that we are mortgaging from our future.

I say, pass the Molinari amendment. Help those students now.

□ 1620

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the author of this amendment is one of my favorite Members of the House. I not only served with her father, as my friend, the gentleman from Michigan [Mr. FORD], chairman of the Committee on Education and Labor, pointed out, but it is a distinct honor and privilege for me to serve with the gentlewoman.

If I had my way, Mr. Chairman, she would be on two committees. She would be on the Committee on Appropriations and she would be on the Committee on Education and Labor. Since she has been a Member of this House, she has helped us every year with our bill, and that is the bill, Mr. Chairman, that appropriates the money for the Department of Labor, the Department of Health and Human Services, and the Department of Education. Every year she has helped us, and I want her to know that I appreciate it.

The amount that we have in the 1994 appropriations bill for Pell grants is $6,719 million. Mr. Chairman, that is the highest amount, the largest amount ever appropriated for Pell grants. It is $631 million over the 1993 level. If we complied with the amendment that is now before the committee, it would require about $600 million more. I do not know where the $600 million would come from. We would have to find the money, Mr. Chairman.

The amount of the Pell grant at the present time, as we know, is $2,250. If I had my way, it would be $3,500. The authorization, as the gentlewoman knows, and as my friend, the chairman of the Committee on Education and Labor, stated, the total authorization for Pell grants at this point is $3,900.

Mr. Chairman, when the budget was submitted for fiscal year 1994, the President's budget was $6,800 million over the amount approved in the budget resolution in the House and in the Senate. We had to come down to the $6,800 million to start with. After we then began our process on our committee to allocate our 603(b) allocation grants, we were advised that the budget figure that we had to follow then had to come down an additional $1,300 million, since this was the figure that they submitted to us that was approved by the Congressional Budget Office.

Mr. Chairman, as I have pointed out, if we had our way on our committee, with the help of the Committee on Education and Labor that helps us every year, we would be up to $3,500. I do not know where the money would come from. We are up to $2,250, and I know that is low.

Every year when we bring our bill out, Mr. Chairman, when I hear of amendments that are going to be offered to the bill, the first thing that I do, and I do not ask for a rule on our bill. I have never asked for a rule since I have been a Member of Congress on any bill that I am chairman of. I believe you ought to bring it out here and let them offer their amendments.

However, when they do, I always call on my good friend, the gentleman from Michigan [Mr. FORD], and the gentlewoman that offers this amendment to help me with our bill, and they always do.

I thought, Mr. Chairman, in all fairness to the members of the committee, I should point out these figures and let the members of the committee know just where we are from the standpoint of the funding for fiscal year 1994. If I had my way, instead of $2,250, it would be $3,500.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I supported last year a bill that would provide funds for students in a very simple way, that they would be able to borrow money to go to school; that they pay that money back, based on the Government rate at which they borrowed it, after graduation. It would be spread out on a term as long as 25 years, and it would be tied to the IRS system and deducted from their pay. That would be on the basis, a percentage agreed to in the beginning, and if they were not working they obviously would not be paying. It could go out over a period of time.

In this case that we supported 2 years ago, and I would be happy to support today, the person getting the benefit of the education pays it back. That is a real contribution they are making to this country. The Government is giving them a chance to be educated, and I think that is important. That is why I supported this amendment, because it returns a segment to true voluntarism.

The President has brought forth a program that is steeped in bureaucracy, that is encouraging young people to become bureaucrats themselves. It is not a voluntary program. You are not a volunteer in this. You get $5,000, first of all, toward the education. Then you get the minimum wage for working in this volunteer capacity. You get health care. You get child care. You get a greater payment than the people in my district get for working on a job now, so let us not talk about it being voluntarism. That is just a tool that is being used to sell another bureaucrat program.

What we are doing, really, is undermining a true need. We are serving fewer people and bringing forth a bureaucracy. The last thing I want my three children to do after they have gotten a college education is to work for the Government. Back in our part of the country we would say they are absolutely ruined after doing that. After doing the so-called public service program, they would get out, and it would take another 4 years to train them to get out of the bad habits they have learned in that job.

What I am saying is that we are not doing these folks a service by this. We are trying to create more bureaucrat jobs. What about the need for broad educational systems?

If I am an adult, if I am a lady working in a particular shop and my job is becoming obsolete, and I need an opportunity to go out for 2 years of additional education, upgrade my position and get a better job, I am not in a position if I have two or three children and I want to be able to move on to a better job, I am not in a position to turn around and give 2 years of public service in the middle of raising a family at the particular age I might be. Therefore, I am left out of this program altogether.

I am saying, Mr. Chairman, we are getting ready to spend a great deal of money to give a perception that is not real and create more bureaucracy. I support the gentlewoman's amendment.

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, let me briefly say I am so glad I offered this amendment, so I could receive all these compliments. Nevertheless, I do want to address what the chairman of the Committee on Appropriations has said. I think it is an argument supporting the concern that I have, that today our programs withstand a shortfall of $600 million, not because anyone does not have a commitment to these educational programs, but because we are all working under a limited pot of money.

If we do not want to raise taxes, we are going to be faced with some very difficult choices. I am going to authorize those choices right now, to say if we are going to support a national service bill, let us first only respond to the commitment that we have already made to hundreds of thousands of young men and women who rely on the financial assistance programs that have already and previously been established by the U.S. Congress.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. We are experiencing a bit of a topsy-turvy world today. The amendments offered earlier with respect to means testing, and now this amendment, are coming from the side of the aisle which has refused consistently to authorize and appropriate more money for higher education. We have always offered the arguments and we have always wanted more money for campus-based student aid, State student incentive grants, Pell grant awards.

We could have had the problem behind us if we had had support from the other side of the aisle on the stimulus package, and their vote, combined with our votes, would have been so large that it would have inspired the Members of the other body to go ahead and vote, $2 billion in the stimulus package to come to the aid of higher education. It was all there.

We wonder about the motives of the people who suddenly pretend to be concerned very much about increasing the amount of funding available for higher education. Yes, we need more funding. Yes, the American people have indicated education is a very high priority; following health care, education. We have not moved in terms of our budgeting and our appropriations to deal with education in a way which reflects those priorities.

Yes, we need to make some radical changes in our funding priorities, and I would like the gentlewoman from New York [Ms. MOLINARI], my colleague from Staten Island, to use her influence and her reputation to help get on board the effort to get more funds for higher education and more funds for education in general.

I am sure she recognizes that the National Service Act is not a student aid program. It is not for people who are going to college, necessarily. In fact, one of the unique features and best features of the National Service Program is that it is not aimed primarily at college students.

□ 1630

It is aimed at that much neglected group of students who are transitioning from high school into the world of work and need to find themselves, and make up their minds. And two-thirds at least, if the program is administered correctly, will not be college-bound. So we are pitting the students who are in college or college-bound against those who have been neglected before, and that is who this program would be seeking to help.

Indeed, while doing that, why not look at it in the larger frame, go beyond the parameters of programs for young people and programs for students leaving high school, and move to look at the total picture. Let us cut some programs to make room for education programs. Let us cut the superconducting super collider. We need your vote, we need your influence, we need your reputation as we go to cut the programs that can be cut.

We are going to be offering some amendments to cut the Central Intelligence Agency and intelligence programs which are no longer needed now that we do not have a cold war with the Soviet Union. The Soviet Union is disbanding a large part of its intelligence operation while we are talking about increasing ours. We need your votes and help. We can slow down on the space program. We can look at the opportunity there.

There are numerous places we can get the money in the budget that exists now to fund education programs. We do not need to pit one set of youth programs against another set.

What would have happened in the large cities of America had they decided we are not going to build any airports until all of our roads are repaired? You know, we will not deal with one until we deal with the other.

You do not make those kinds of choices. You do not refuse to fund a national service program until you can take care of the problems of all of the students who need aid. I know those students need more aid, and I am all for that. But I do not think we should stop going forward with a program which brings together people from all income groups and it offers an opportunity for the renewal of this Nation unlike any that we have offered before.

So let us join together and get more funding for higher education. Let the people on this side remember what they are saying today, and remember in respect to this bill when we asked for cooperation and helped seek the funding necessary to fund the Campus-Based Student Act, and to fund Pell grants and other education programs that are very much needed. We need your help, but do not take it out of the hide of the National Service Program. We need the National Service Program also.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

It was unfortunate that the last speaker was the first speaker who questioned the motives of the people who were offering the amendments on this side of the aisle, because the very people he was speaking to and asking for their support are the people, the gentlewoman from New York [Ms. MOLINARI] and myself, who have voted against the super collider, who have voted against the space station, who voted against those kinds of expenditures because we were setting priorities.

So it is just a tragedy that all of a sudden, after all of this debate, those who are trying to help, even though you do not need our help because you have a 2 to 1 majority, we were trying to help and have been trying to help over a period of years, so it is just unfortunate that all of a sudden our motives are questioned.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I would like to clarify. I was not questioning motives. I requested that you use your influence. You may have the right position. I requested your influence and your reputation to bring along the other people on your side of the aisle, and the Members in the other body who filibustered the stimulus program, and get them to support your position.

Mr. GOODLING. The gentleman specifically used the word "motive" in his statement.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. MOLINARI].

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Ms. MOLINARI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 8, as follows:

[Roll No. 351]

### AYES—184

Allard
Andrews (ME)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke

Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Mink
Molinari
Moorhead
Murphy
Myers
Nussle
Obey
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shuster
Skaggs
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOES—247

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

### NOT VOTING—8

Clayton
Frost
Henry
McCurdy
Moakley
Packard
Underwood (GU)
Valentine

□ 1655

Mr. SMITH of Michigan changed his vote from "aye" to "no."

Mr. JOHNSON of South Dakota, Mr. BLUTE, and Mrs. LLOYD changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP: Page 79, strike line 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of services in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(1) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(2) 80 percent."

Mr. STUMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Chairman, after further negotiation with the gentleman from the other side of the aisle, I am going to ask unanimous consent that I be permitted to withdraw my amendment and offer it tomorrow because of time limitations this evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

### AMENDMENT OFFERED BY MS. MOLINARI

Ms. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MOLINARI: In section 131(e) of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike subsection (e) and insert the following:

"(e) LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS—An application submitted under section 130 shall also include an assurance by the applicant that any living allowance, health insurance, child care assistance, or other benefit that the applicant or any other person intends to provide to participants in a national service program carried out or supported by the applicant using assistance provided under section 121 will not be provided using such assistance or any portion of such assistance.

In Section 139 of the National and Community Service Act of 1990, as added by section 101(b) of the bill, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual performing national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,000 hours during a period of not less than 9 months and not more than 2 years.

"(2) REDUCTION IN HOURS OF SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete parttime national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

In section 140 of the National and Community Service Act of 1990, as added by section 101(b) of the bill—

(1) in subsection (a)—

(A) in paragraph (1) strike "shall" and insert "may", and

(B) strike paragraph (2) and insert the following:

"(2) PROHIBITION ON USE OF FEDERAL ASSISTANCE.—The amount of the annual living allowance provided under paragraph (1), or any portion of that amount, may not be paid using assistance provided under section 121 or any other Federal funds.

(2) strike subsection (b).

(3) redesignate subsection (c) as subsection (b), and

(4) strike subsections (d), (e), (f), and (g).

In section 146(b) of the National and Community Service Act of 1990, as added by section 102(a) of the bill, strike "full- or parttime."

Ms. MOLINARI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. MOLINARI. Mr. Chairman, I rise to offer my amendment to the bill before us, to address my concerns regarding the limited size of the program and its cost. My concerns about this bill are purely public policy not philosophical concerns. I am not opposed to national service—but I am skeptical as to whether this bill is how we accomplish our goal.

My amendment will open the National Service Program up to thousands more individuals and foster purer voluntarism rather than creating public service employment. It will make the National Service Trust Act more amenable to the types of part-time volunteer services that thousands of our citizens provide every day, before and after work, during their lunch hours, on the weekends, and during their vacations.

First, my amendment will reduce the term of service participants must complete to receive a $5,000 education award. Participants will have up to 2 years to complete 1,000 hours of service. This will allow individuals to serve their communities while having the autonomy to decide their volunteer schedule.

Second, my amendment will eliminate the Federal stipend, health care, and child care costs. The elimination of these Federal funds would allow thousands more people to participate under this program.

Simply put, my amendment would provide a $5,000 educational award per term for 1,000 hours of community service and will allow approximately 77,800 individuals to participate in fiscal year 1994.

Contrast those numbers to the administration's proposal which only covers 25,000 individuals. Additionally, the cost under the administration's proposal for fiscal year 1994 is conservatively estimated to be $15,560 per year per participant—$5,000 for the educational award and $10,560 to support the stipend, health, and child care costs.

Under my amendment, using the administration's request for $389 million for fiscal year 1994—the number of slots available under this program would go from 25,000 to 77,800 participants per year.

Mr. Chairman, I understand that making national service less like a job and more like voluntarism will make it more difficult for some individuals to participate. However, it is my hope and belief that the local service programs would work with individuals interested in volunteering to achieve a diversity of participation.

The image that has been conjured up by the proponents of this bill is one of motivating and liberating the spirit of voluntarism that can bring communities and the Nation together.

I do not believe, however, that this spirit of voluntarism is adequately captured by the actual provisions of this legislation. The proposal before us looks more like public service employment, with federally financed pay and fringe benefits. This bill cannot be a panacea for the problem of unemployment. If we are really talking about genuine service, let us get back to true voluntarism.

No one on the House floor is arguing against the goal of national service. It is perhaps the most noble one we together can create. But it is a goal, I believe, that can be met without targeting a very small fraction of our society at an exorbitant price to the American taxpayer. I ask my colleagues to support my amendment.

□ 1700

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment virtually ensures that only those who can take a year or two off to do service can participate in this program. The disadvantaged, parents who cannot afford child care, those who might need child care, among others, would be unable to participate in this program.

National service is not volunteerism. Service is a way by which participants systematically work full-time or part-time toward solving problems in society. Service provides an opportunity for participants to give something back to their communities in a manner that develops a lasting sense of responsibility for fellow citizens and the Nation as a whole. There will clearly continue to be a demand for volunteers in meeting social needs.

H.R. 2010 recognizes, however, that all people are not equally able to volunteer and seeks to provide opportunities for diverse groups to participate in meeting community needs. Benefits such as the national service stipend, health care and child care costs, are essential to assuring equal opportunity for diverse participants.

The Molinari amendment tries to turn national service into volunteerism. The American people volunteer in record numbers and contribute mightily to charities. We do not need to stimulate volunteerism. We need to promote service.

It really pains me that the author of this amendment does not see the irony of this amendment. Some of the Members on the other side sought to means test this program, ensuring that only the participation of the poor would be available for this program, while this amendment in direct contradiction to that eliminates their participation, because without that stipend and the other benefits they would not be able to participate.

Further, this amendment seeks to allow for part-time participation in national service; but such language is really unnecessary because in H.R. 2010 it already exists and we make allowances for part-time service.

For that reason, Mr. Chairman, I urge the Members not to support this amendment, to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. MOLINARI].

The amendment was rejected.

### AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

Page 247, after line 3, strike the close quotation marks and the final period.

Page 247, after line 3, insert the following new subsection:

"(d) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

Page 284, after line 4, insert the following new paragraph:

"(5) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, I rise today in opposition to the National Service Trust Act in its present form, as it directly violates the trust we, as a Nation, have with those individuals who have performed what I think is the ultimate service for our country, and that is America's veterans.

Mr. Chairman, once again, we are placing our veterans on the altar of sacrifice so that this House can find the revenues necessary for its social spending, and I think that is wrong.

So many times in our great Nation's history, American men and women have voluntarily placed themselves in danger for the protection of our country and the principles upon which it was founded. And yet, now in response to their unselfish sacrifice we are asking them, once again, to step forward, to give up their health care benefits, to close down their clinics, to forget their war injuries, and carry the water once again for the good of the country.

A lot of Members do not think that is what this bill does, and I will take for granted that they are sincere about that; but I believe that is exactly what this bill does.

Mr. Chairman, our veterans have already found the water, defended the water, and carried the water all over the world for all of us.

Is it not about time we recognize the fact that without the national service of these men and these women, we would not even be here today discussing a domestic community service program?

Mr. Chairman, as presently written, the National Service Trust Act finds its funds in the pockets of our Nation's veterans. H.R. 2010 places the National Service Program under the jurisdiction of the appropriations subcommittee dealing with the Departments of Veterans Affairs, Housing, and the independent agencies.

Why?

Mr. Chairman, once again this Congress has made a grave mistake if we go ahead and do this.

First of all, this national service plan is not merely a community service program but a student loan assistance program; yet none of the National Service Act funds are taken from that part of the budget.

Second, the national service plan not only encompasses educational grants and loans, but also community service jobs, subsidized health and child care and minimum wage regulations. These projects clearly have nothing to do with veterans, housing, or the independent agencies, and therefore fall outside the jurisdiction of that budget function. Placing this National Service Program in this subcommittee function forces students and veterans to compete for limited funding, some of which this House has already appropriated specifically for veterans. And here we are going to take it away from them.

Furthermore, the Subcommittee on VA, HUD, and the Independent Agencies is already strained for fiscal resources. Was it more than mere coincidence that the President's budget called for a cut of more than $340 million in veterans' educational programs in fiscal year 1994 while concurrently seeking $384 million—almost the same amount—in nonmilitary national service program educational benefits for 1994?

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, the gentleman might like what I have to say.

Mr. SOLOMON. Well, just let me finish my statement.

Mr. FORD of Michigan. I cannot even give the gentleman a gift? I want to accept the gentleman's amendment.

Mr. SOLOMON. Let me finish.

Mr. FORD of Michigan. Well, we can get a vote on it, if the gentleman wants, but I am willing to accept the gentleman's amendment.

Mr. SOLOMON. Well, Mr. Chairman, I thank the gentleman for that gift. That is very nice of the gentleman. Let me just finish with my remarks.

The fact that both of these actions were performed under the jurisdiction of the Veterans' Administration made it patently obvious to me that nonmilitary national service was favored over military service, and at the expense of America's veterans.

As a result, the Veterans' Affairs Committee was forced to cut its budget by $2.5 billion over the next 5 years.

At a cost of at least $7.4 billion over the next 4 years, this national service plan will further erode funds for veterans' benefits and health care, and that is what I am worried about.

Proponents of this method of funding the National Service Program argue that the subcommittee already funds the existing national service initiative.

However, the existing program is extremely small, somewhat private—as a matter of fact, almost all private—and requires little to no administrative bureaucracy.

On the other hand, this new program is very expensive, at least $7.4 billion, as I mentioned before, over 4 years, very inefficient, and requires excessive administration.

Some supporters also actually argue that it is necessary for this program to be funded under the VA, HUD Subcommittee because this bill creates a new independent agency.

Well, Mr. Chairman, that is what we are here for.

At a time of cutting spending and downsizing Government, national service creates a whole new agency and bureaucracy if we leave it set up the way it is in this bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

☐ 1710

Furthermore, if placed here in this part of the budget, what is to prevent this Congress from coming back next year to spend more taxpayer money and to further increase the size of Government, at further expense of veterans programs.

Just summing up, Mr. Chairman, I think this is poor budget policy. Placing this boondoggle under the responsibility of the VA, HUD Subcommittee only serves to further burden an already overstrained subcommittee.

In an attempt to rectify this affront to veterans and the budget process, the Solomon/Stump amendment provides specific budgetary instructions assuring that the National Service Program will be totally funded by the appropriations subcommittee on Labor, HHS, and Education, and shall not in any way compete with the funding of veterans programs. That is really all this amendment does.

The Solomon/Stump amendment also specifies budget function 500 as the function category from which these funds will be procured. Function category 500 deals with education, training, employment and social services, which truly reflects the meaning and intent of national service, rather than function category 700 and the Appropriations Subcommittee on VA, HUD, and Independent Agencies.

Mr. Chairman, the Solomon/Stump amendment is strongly supported by all major veterans organizations including the American Legion, the VFW, the Non Commissioned Officers Association of America, and the American Vets, and I will be placing those letters in the RECORD.

Mr. Chairman, this amendment will reverse the manipulation of the budget and the appropriation process which has occurred over the past few years much to the detriment of America's veterans.

Funding this program from the pockets of our Nation's veterans is totally unacceptable and fiscally irresponsible. Veterans will compete with National Service for Federal funds, at a time when the existing appropriated funds do not, even cover the health benefits of our citizens who served in uniform.

Mr. Chairman, on top of undermining military recruiting, ruining the true spirit of voluntarism, encouraging students to drop out of high school, creating a new and costly bureaucracy, and serving less than one-half of 1 percent of the population, this program, if it is funded out of the veterans program, will cause great havoc to our funding for VA hospital and health care programs.

So, I would ask the Committee to accept the amendment.

THE AMERICAN LEGION,
*Washington, DC, June 23, 1993.*

Hon. WILLIAM H. NATCHER,
*Chairman, House Appropriations Committee,*
*The Capitol, Washington, DC.*

DEAR CHAIRMAN NATCHER: On behalf of the 3.1 million members of The American Legion, I take this opportunity to express the genuine concern for the addition of President Clinton's National Service Plan into the Appropriations Subcommittee on VA, HUD and Independent Agencies, in lieu of the Subcommittee on Labor, Health and Human Services and Education.

The logic behind this decision escapes our understanding. The new expenditure involves educational grants and loans, community service jobs and subsidized health and child care. These components clearly fall into the jurisdiction of the Labor-HHS appropriations subcommittee.

The Subcommittee on VA, HUD and Independent Agencies continues to do more with less. This year alone, the Veterans Affairs Committee was instructed to cut its budget by $2.5 billion over a five year period. Mr. Chairman, the national deficit cannot continue to be balanced on the backs of veterans and their family members.

In reviewing the National Service Plan, there appears to be duplication of several existing programs. To consolidate the National Service plan with other existing educational programs, such as PELL grants, Jobs Training Partnership Act (JTPA) and Job Corps seems logical. Rather than the National Service Plan competing against other educational programs, why not incorporate them and make community service a criteria for receiving Pell grants or JTPA funding. "Reinventing government" is suppose to eliminate duplication and combine efforts.

Thank you for your continued leadership on behalf of America's Veterans and their families.

Sincerely,

ROGER A. MUNSON,
*National Commander.*

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THE AMERICAN LEGION,
*Washington, DC, June 23, 1993.*

Hon. ROBERT C. BYRD,
*Chairman, Senate Appropriations Committee,*
*The Capitol, Washington, DC.*

DEAR CHAIRMAN BYRD: On behalf of the 3.1 million members of The American Legion, I take this opportunity to express the genuine concern for the addition of President Clinton's National Service Plan into the Appropriations Subcommittee on VA, HUD and Independent Agencies, in lieu of the Subcommittee on Labor, Health and Human Services and Education.

The logic behind this decision escapes our understanding. The new expenditure involves educational grants and loans, community service jobs and subsidized health and child care. These components clearly fall into the jurisdiction of the Labor-HHS appropriations subcommittee.

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In reviewing the National Service Plan, there appears to be duplication of several existing programs. To consolidate the National Service plan with other existing educational programs, such as PELL grants, Jobs Training Partnership Act (JTPA) and Job Corps seems logical. Rather than the National Service Plan competing against other educational programs, why not incorporate them and make community service a criteria for receiving Pell grants or JTPA funding. "Reinventing government" is suppose to eliminate duplication and combine efforts.

Thank you for your continued leadership on behalf of America's Veterans and their families.

Sincerely,

ROGER A. MUNSON,
*National Commander.*

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THE AMERICAN LEGION,
*Washington, DC, May 5, 1993.*

Memorandum to: Robert Spanogle and John Sommer.

Subject: The National Service initiative versus Montgomery GI bill.

The National Service Initiative has three basic components: The National Trust, EXCEL Accounts and One-Stop Direct Student Loans. The National Service Trust will be closely akin to the Montgomery GI Bill. The other two components deal with student loans and repayment options and incentives. The Montgomery GI Bill does not contain provisions for student loans.

Under the current Montgomery GI Bill, enrollment is not automatic. A participant in the Montgomery GI Bill program must agree to pay $1200 during the first year of active duty to enroll in the program. After three years of active duty, the participant is entitled to $400 a month for 36 months as a full-time student. If the participant is not a full-time student, the entitlement is reduced. There are no provisions for health care, child care or a minimum wage stipend for Montgomery GI Bill participants.

Under the proposed National Service Trust, a person may become eligible for two years participation. Participants pay nothing to enroll in the program. Participants receive a maximum $5000 award per year for college or job training paid directly to the educational or training institution. In addition, participants will receive a minimum wage stipend, health care and child care, if needed. The type of community service to be performed will be determined by the local communities to meet local needs. This proposal clearly exceeds the current Montgomery GI Bill benefits.

The specifics on who is eligible; criteria for selection; and who qualifies for stipends, health care and child care were not very clear. I believe those points will be discussed if and when the programs become a reality. I am curious if veterans, who are using the GI Bill could apply for these programs?

STEVEN ROBERTSON,
*Deputy Director,*
*National Legislative Commission.*

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MR. PRESIDENT, HOW ABOUT A GI BILL FOR GIS?

WASHINGTON, April 30, 1993.—"If laying down your life for your country isn't a 'national service,' then nothing is," said Roger A. Munson, National Commander of the American Legion.

"The American Legion is not criticizing the president for introducing a national service plan that would provide education for millions of young Americans. We have always supported such education," said Munson, the top official in the 3.1-million member veterans group.

"However, we do think it a strange set of priorities when those who are currently providing national service to their country are entitled to less benefits than those who are yet to serve their nation. What do we say to brave young men and women who served with distinction in Desert Storm and who at this very moment are on duty in Somalia and flying over Bosnia?"

Munson continued: "It is only right and just that we recognize the highest form of national service—service in the Armed Forces of the United States."

"The morale of the armed forces in a nosedive," Munson said. "First came defense cuts and involuntary discharges. Then came plans to lift the ban on homosexuals and place women in combat. Now comes an education package for 'national service' that's superior to the GI Bill, and the veterans don't even have an opportunity to participate in it."

The American Legion commander pointed out that Senator Sam Nunn sponsored an unsuccessful "Citizen Corps" bill in 1989 that would have revamped the military's GI Bill and created national service for civilians, with benefits carefully weighted to ensure that service members received better educational benefits than those yet to provide any national service.

The American Legion commander urged the administration to consider the Combat-Era Serviceperson's Readjustment Act of 1993. The measure, introduced today by Sen. Dennis DeConcini, provides for a substantial improvement in GI Bill education benefits.

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NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
*Alexandria, VA, July 20, 1993.*

Hon. GERALD B. SOLOMON,
*House of Representatives, Washington, DC.*

DEAR MR. SOLOMON: The Non Commissioned Officers Association of the United States of America (NCOA) is pleased to support your amendment to H.R. 2010, the National Service Trust Act of 1993, to appropriately place budgetary functions of the non-military National Service Program under the appropriations subcommittee on Labor, Health and Human Services, and Education.

NCOA believes that it was more than mere coincidence that the President's budget called for a cut of $340 million in veterans' educational programs for Fiscal Year 1994 while concurrently seeking $384 million in non-military National Service Program educational benefits. The fact that both actions were under the jurisdiction of the Veterans Administration made it patently obvious that non-military national service was favored over military service and at the expense of America's veterans.

The association believes that military service represents the highest form of national service; therefore, educational assistance associated with military service should be rewarded accordingly and should not be required to compete for funding appropriations in the same budget function category as that for non-military educational assistance. NCOA believes that your amendment is an accurate reflection of the budget function category where non-military national service educational assistance should be placed, specifically, function category 500 which deals with education, training, employment, and social service.

NCOA agrees with your assessment that passage of your amendment will reverse the manipulation of the budget and appropriations processes which have repeatedly occurred and always to the detriment of America's veterans.

Sincerely,

LARRY D. RHEA,
*Deputy Director of Legislative Affairs.*

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VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
*Washington, DC, July 19, 1993.*

Hon. GERALD SOLOMON,
Hon. BOB STUMP,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMEN SOLOMON AND STUMP: On behalf of the more than 2.2 million men and women of the Veterans of Foreign Wars of the United States, I wish to take this opportunity to commend you for introducing two amendments to H.R. 2010, the "National Service Trust Act of 1993". Your amendments directly address two concerns the VFW has with the national service plan: One, we do not support any plan which would give a greater benefit than the Montgomery GI Bill; and two, we believe that a national service plan should not be placed under the jurisdiction of VA, HUD, and Independent Agencies, but rather come under the Appropriations Subcommittee for Labor—Health and Human Services.

By limiting the benefit for the national service plan to not exceed 80% of the benefit provided by the Montgomery GI Bill, the military service would remain a preferable option for individuals who wish to serve the nation in the Armed Forces while at the same time accruing funds to attend college. Also we commend you for offering an amendment that would place the national service plan under the Appropriations Subcommittee for Labor—Health and Human Services. As you know, VA funding has been woefully inadequate over the years and part of the reasoning for this is that VA is constantly in direct competition with other agencies for a fair share of the budget dollar. Placing the national service plan under the jurisdiction of VA, HUD, and Independent Agencies Subcommittee is just another action that would inevitably undermine the VA's ability to fulfill its commitment to care for the men and women who have served our nation.

Again, the VFW strongly supports the two amendments you plan to offer and encourages their adoption.

Sincerely,

JAMES N. MAGILL,
*Director,*
*National Legislative Service.*

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VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
*Washington, DC, June 18, 1993.*

Hon. WILLIAM H. NATCHER,
*Chairman, Committee on Appropriations,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: It has come to our attention that a proposal is soon to be offered for consideration by the committee that would place funding for the National Service Program under the jurisdiction of the VA, HUD and Independent Agencies Subcommittee. On behalf of the 2.2 million men and women of the Veterans of Foreign Wars, I express our strong opposition to this proposal.

As you know, VA funding has been woefully inadequate over the years. Part of the reasoning for this is VA is constantly in direct competition with other agencies for a fair share of the budget dollar. This proposal would place VA in direct competition with yet another domestic program. This is just another action that would inevitably undermine the VA's ability's to fulfill its commitment to care for the men and women who have served our nation.

Mr. Chairman, the VFW urges that the National Service Program not be placed under the jurisdiction of VA, HUD and Independent Agencies but remain under Labor—Health and Human Services.

Sincerely,

JOHN M. CARNEY,
*Commander-in-Chief.*

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was called off the floor by a group of college presidents, and the staff told me, I say to the gentleman from New York [Mr. SOLOMON], that before I returned it was indicated that, if I would accept the gentleman's amendment, he would be inclined to support this bill, and, if that is true, I will accept the gentleman's amendment. I think the gentleman's vote is so valuable that I am willing to take his amendment to get it.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I say to the gentleman that there are a couple of other important amendments which I have a lot of concern about.

Mr. FORD of Michigan. I am not going to accept other amendments that are not printed, but this amendment I think I understand, and I think I understand a proposition when it is thrown at me, and, if that is the gentleman's proposition, I will take him up on it, and I will accept his amendment.

Mr. SOLOMON. Mr. Chairman, Nancy Reagan used to say, "Just say no," but I just cannot say "yes" yet.

But look, seriously, I would be much more inclined to support the bill. But I am more concerned that these benefits do not exceed those of the GI bill, and, as the gentleman knows, I will have to wait and see what happens with these other amendments.

Mr. FORD of Michigan. Mr. Chairman, I say to the gentleman, "Mr. SOLOMON, you have no idea how many people will demand an explanation from me of why I would accept a Solomon amendment to begin with, and I cannot win if I try to take the amendment and the gentleman does not want to do business."

I do not take lightly what the gentleman says on the floor. He is the ranking member of the Committee on Rules. I do not take lightly what he says up there. He has got my legislative future in his hands at least once every 2 weeks around this place.

Let us make a deal right here and make everyone feel good. I say to the gentleman, "I'll take your amendment, and you vote for the bill."

Mr. SOLOMON. Mr. Chairman, I would love to do that, but I just cannot do it because I really would like to deliberate on the final form of the bill. Let us see what happens with the next two amendments.

Mr. FORD of Michigan. Then unfortunately, Mr. Chairman, I do not know what the reason is that I cannot even give the gentleman what he spoke of and said that he wanted. For that reason I will have to decide there is something in the amendment that I do not see and, therefore, I will have to oppose the adoption of the amendment.

Mr. STEARNS. Mr. Chairman, will the gentleman yield for just a question?

Mr. FORD of Michigan. I yield to the gentleman from Florida.

Mr. STEARNS. Obviously the gentleman has not seen the final bill, and many of us have not seen what the final bill will look like, so I think all of us will have to reserve. But I encourage the gentleman to accept the amendment because that would be one more step toward allowing all of us to support this, but there are many more amendments to come, so I would appreciate reconsideration.

Mr. FORD of Michigan. All right; Mr. Chairman, I hear the gentleman.

Now the gentleman from New York [Mr. SOLOMON] said he would be inclined to support this bill if I could get this amendment accepted. The gentleman from Florida [Mr. STEARNS] is now asking me to accept the amendment. I ask the gentleman, "Can I get your vote if I accept the amendment?"

Mr. STEARNS. Mr. Chairman, I say to the gentleman, "I'm willing to bargain with you if you'll accept some of the Molinari."

Mr. FORD of Michigan. I am not asking for both of them, just the gentleman's.

Mr. STEARNS. How about the Molinari amendment? I ask the gentleman, "Will you accept the Molinari amendment?"

Mr. FORD of Michigan. No, no, no.

Mr. STEARNS. I would be more inclined if the gentleman would accept the Molinari amendment.

Mr. FORD of Michigan. Well, would the gentleman in good faith commit to vote for the bill if I accept the gentleman's amendment?

Mr. STEARNS. The Molinari amendment?

Mr. FORD of Michigan. No; your amendment.

Mr. STEARNS. Oh, I do not have an amendment.

Mr. FORD of Michigan. Is the gentleman supporting this amendment?

Mr. STEARNS. I am supporting the amendment offered by the gentleman from New York [Mr. SOLOMON], and I have seen the gentleman on the House floor before, and I think the gentleman has been very fair, and I think in good conscience I urge him to accept the Solomon amendment.

Mr. FORD of Michigan. Well, would the gentleman tell me what percentage there is in saying, "Yes," if the gentleman does not even have the respect in the morning that I had the night before. I mean those guys want it all.

Mr. STEARNS. I appreciate the gentleman having offered me this time.

Mr. FORD of Michigan. I am offering to say yes, but the gentlemen are not giving me much respect.

Mr. Chairman, I will have to oppose the amendment because it apparently means something other than that which it states on its face.

Mr. EWING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take 5 minutes, and I am not going to try to make any deals either on this bill. I do want to place in the RECORD my written opposition to this bill.

Mr. Chairman, many other speakers before me have already very eloquently stated their opposition to the bill, and I submit the following statement for the RECORD.

Mr. Chairman, like many of my colleagues, I feel that national service is an ill-advised initiative which does not meet the urgent needs for educational opportunities.

I feel that there are a number of significant flaws in the national service proposal. Of major concern is the cost of the program which well outweigh any benefits. The cost of the National Service Act is estimated at $394 million for 1993–94, reaching an estimated total of $7.4 billion during the first 4 years. The program will fund up to 25,000 young persons in the first year, with a goal of up to 150,000 in 1998. The estimated cost per student could be anywhere between $20,000 and $29,000. This compares with the maximum $2,400 per year a student can currently receive through the Pell Grant Program. While the cost of the service program will reach into the billions of dollars, it would only help a small fraction of the 3.9 million students currently being assisted by the Guaranteed Student Loan Program and the 2.5 million students who receive Pell grants. With the same funds, these students could pay an entire tuition bill at many 4 year colleges.

In addition, I do not feel that the National Service Trust Act should be funded at the expense of existing programs under which millions of students have already been promised assistance for the fall semester. In order to pay for the National Service Program the administration has proposed reductions in student aid funding amounting to $78.3 million and would reduce the maximum Pell grant from this academic year's level of $2,400 to $2,250. The administration has also proposed to eliminate the State Student Incentive Grant Program.

While proposing cuts for these need-based Federal aid programs, the existing service proposal will not target those students who have the greatest need for financial assistance. In fact, this new program will not require any proof of financial need in order to qualify. This program could easily widen the economic gap and take higher education out of the reach of our neediest students.

In addition, the proposed plan will undoubtably require new Federal and State bureaucracies to implement and oversee the service program. Funding for the program will be administered by politically appointed boards chosen by Governors at the State level, and by the President at the national level. This type of a delivery system opens the door for political favoritism rather than meeting the needs of potential recipients. I think taxpayers are tired of funding the political bureaucracies behind Federal and State programs.

I urge my colleagues to oppose the National Service Trust Act.

Mr. STUMP. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York, my good friend and distinguished ranking member of the Rules Committee, Mr. SOLOMON. The amendment would require that funding for the President's proposal to award educational benefits to persons participating in community service would be totally funded through the Labor, HHS, and Education Subcommittee on Appropriations.

For a number of reasons, I am opposed to H.R. 2010, but chiefly because it would in my opinion only serve to increase the recruitment difficulties being experienced by the Armed Forces in the aftermath of Defense drawdown. However, to request that funding for this program come through the Subcommittee on VA, HUD and Independent Agencies is to add further insult to the injuries already being experienced by the Department of Veterans' Affairs.

For several years I have supported a measure which would establish a separate appropriations Subcommittee on Veterans' Affairs.

This resolution was based on the historical trend of veterans receiving insufficient funding priority within the VA, HUD and Independent Agencies Subcommittee due to the enormous demands of allocating limited resources between such diverse demands as science, space, housing, environmental restoration, various assortment of independent agencies, and our Nation's 27 million veterans. Funding for the Department of Veterans Affairs has not kept pace with inflation for over 11 years, especially in health care costs.

Now H.R. 2010 would add yet another costly program to compete for the scarce health care dollars needed to care for our Nation's aging veteran population.

The challenges of meeting the health care needs of veterans are very real. The median age of the World War II veteran is 69. By the year 2000, the number of veterans over age 65 will rise to 9 million. The stark reality is that VA has neither overcome earlier funding deficits, nor can it overcome the challenge of caring for older veterans with the levels requested by the administration for fiscal year 1994.

Because of enormous competition for funding from the other domestic needs under the jurisdiction of the VA, HUD and Independent Agencies Subcommittee, VA has consistently fallen short in its ability to meet the needs of veterans.

What's more, this administration requested cuts to the GI bill program and other important veterans programs in order to achieve the mandated $2.5 billion savings required by budget reconciliation. So while the Committee on Veterans' Affairs is scrambling around every year trying to choose cost-savings proposals in an already bare bones VA budget, the President is proposing yet another program to further erode funds for veterans.

So as always, it comes down to a choice, do we continue to meet the obligation to care for the veterans who have already contributed to national service? Or do we lessen our commitment to these veterans, many who are aging with catastrophic war incurred disabilities, so that we can as the President says, invest in America's future. It is dishonorable to abandon the past and those who have already answered the Nation's call so that we can create new programs with borrowed money for future generations. A solid future must be supported by a strong and honorable past. To ignore those who served in the past ensures the instability of future generations.

The amendment would eliminate this offensive quandary. It would require that the National Service Program fall under the more appropriate jurisdiction of Labor, HHS and Educational Appropriations Subcommittee.

Mr. Chairman, I urge my colleagues to support the Solomon/Stump amendment to H.R. 2010.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 171, not voting 9, as follows:

[Roll No. 352]

AYES—259

Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Browder
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clement
Clinger
Clyburn
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kennedy
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Obey
Ortiz
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—171

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bilbray
Blackwell
Bonior
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Coleman
Collins (IL)

Collins (MI)
Coppersmith
Coyne
Danner
Darden
de Lugo (VI)
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Harman
Hinchey
Holden
Hoyer
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
Lehman
Levin
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Miller (CA)
Mineta
Mink
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Porter
Price (NC)
Rangel
Reed
Reynolds
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Shepherd
Skaggs
Skelton
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Conyers
Frost
Henry
McCurdy
Meyers
Moakley
Packard
Underwood (GU)
Valentine

☐ 1745

Mr. PORTER changed his vote from "aye" to "no."

Messrs. PALLONE, GUNDERSON, EDWARDS of Texas, CLEMENT, DEUTSCH, ROWLAND, KLUG, KLINK, COSTELLO, POSHARD, LIPINSKI, SANGMEISTER, DEAL, DOOLEY, BREWSTER, SARPALIUS, HOAGLAND, BRYANT, and HASTINGS, Ms. SLAUGHTER, Messrs. GUTIERREZ, HEFNER, CLYBURN, FIELDS of Louisiana, HILLIARD, HOCHBRUECKNER, and RICHARDSON, Mrs. MEEK, Mr. BISHOP, Mr. BORSKI, Mrs. MORELLA, and Messrs. BACCHUS of Florida, MFUME, BARRETT of Wisconsin, MENENDEZ, HUGHES, LEWIS of Georgia, KILDEE, DEFAZIO, LAROCCO, FINGERHUT, SERRANO, PETERSON of Florida, HALL of Ohio, and INSLEE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mrs. FOWLER. Mr. Chairman, as a volunteer in my own community for the past 22 years, I wholeheartedly support the concept of service. Unquestionably, higher education will provide the vehicle to our Nation's long term economic recovery, stability, and a higher standard of living for all Americans. I believe that the Federal Government can and should encourage and help young people further their educational goals. However, while I support the admirable goals of H.R. 2010, the National Service Program is one more example of unwarranted, irresponsible Federal spending at a time of severe fiscal crisis and growing national debt.

The President has proposed a reduction in campus-based student financial aid and the total elimination of the State Student Incentive Program. The Appropriations Committee has reduced the maximum Pell grant award. At at time when the Federal Government is without adequate resources to support the many proven programs that exist, it seems inappropriate to initiate a costly new program without telling evidence that it is needed.

This program is indiscriminate in choosing recipients, distributing financial aid dollars to students who simply do not need assistance. A more reasonable approach would be to use the same needs analysis for this educational award that is used for other Federal student financial aid programs. Educational awards should be given to those who do need them to help pay for an education.

The idea of national service is not new. The National and Community Service Act of 1990 contains a demonstration program which similarly authorizes the award of a postservice benefit for individuals engaging in part or full-time service. At the very least before committing $7.4 billion over the next 4 years for a new program, we in Congress should conduct a full review of the demonstration program already receiving Federal support. Furthermore, the Government currently spends at least $1.2 billion each year on 24 different volunteer programs. No new programs should be initiated without a thorough review of existing Federal volunteer programs.

Now is not the time to create another unneeded, costly Federal program. Instead of putting scarce Federal resources into a new program that is not needed, taxpayer dollars should be put into programs that are in need of adequate funding, such as the Pell Grant Program. I urge my colleagues to vote against H.R. 2010, the National Service Trust Act.

Mr. KYL. Mr. Chairman, the communities of Arizona depend greatly on the good deeds of its many volunteers. From the Arizona clean and beautiful project to the Crime Victim Foundation to St. Mary's and Andre House food bank, thousands of Arizonans, young and old, give their time to the need of others.

Although I fully support the goal of encouraging all citizens to engage in service to their country and community, I strongly oppose H.R. 2010 because it looks more like an expensive public employment program than a bill to encourage community service and volunteerism. Volunteer efforts have always been successfully driven by the nongovernmental charitable sector. In fact, volunteer efforts are flourishing in Arizona and throughout the Nation. In 1991, nearly 100 million Americans aged 18 and over volunteered in some capacity. H.R. 2010 will undermine this spirit of volunteerism and the genuine desire among America's young people to do good for the community.

Under the national service plan, students will receive at least the minimum wage, health and child care benefits, and $5,000 per year for up to 2 years for their volunteer efforts. All combined, this plan will equal up to $20,000 per year in salary for each national service volunteer. These benefits will cost the American taxpayer nearly $400 million this year and $7 billion by 1997.

Unlike the Federal Pell Grant Program which distributes education awards based on financial need, the financial needs of the student will not be taken into consideration under the National Service Program; this program, and in effect the taxpayer, could subsidize the college education of millionaires. If one does a little arithmetic, it is easy to see that the $20,000 the national service plan provides each student could be used instead to fully fund, $2,400 per student, the Pell grants of eight financially needy students.

All this comes at a time when the Federal Government is scraping bottom to find the resources to fund already established and effective education assistance programs such as the Pell grant. Fully funding the national service plan without having hard data documenting the successes and failures of a national service demonstration plan is wrong and will also negatively impact the funding levels of other education assistance programs.

Proponents of the national service plan say the program will not take money away from other education programs because funding will come from two separate appropriations bills. Regardless of which appropriations bill provides the funding, the fact is in the end it all comes from one account, from other proven education programs, and from the pocketbook of the American taxpayer.

Another troubling aspect of the national service plan is the effect it will have on armed services recruitment. The national service plan will offer a better level of benefits than the armed services plan and will, therefore, draw the best and brightest pool of young people away from military service.

The GI bill provides $4,800 in education benefits per year for up to 3 years to service members, but each service member must commit to 3 years of service and pay in $1,200 of his or her own money during the first year of service to qualify for the benefits. These military education benefits can not compare with the national service education benefits. It will not take much effort for a student to figure out which is the better deal and which program in which to participate.

This will compound the recruiting difficulties the military is already experiencing as a result of the widespread misconception that the military is not recruiting as a result of its size being reduced. The Army, for example, for the first time this spring had to accept some volunteers who tested low in mental aptitude to meet its quotas. Military recruiters say that the overall quality of recruits remains high for now, but whether it can remain high will be in question should the national service plan offer education benefits superior to the military's plan.

In contrast to the military where there is great need for qualified personnel, the National Service Program could easily consist of make-work Government jobs that are costly and wasteful. The Peace Corps, National Health Service Corps, VISTA, and more than 60 State and local programs involve only

18,000 individuals. From where are the 150,000 jobs the national service plan promises to create going to come?

These jobs would be created by the Corporation for National Service which would set up a politically appointed board chosen by State Governors to funnel Federal funds to selected private and civic groups. This process, including both the appointment of board members and selection of groups to receive Federal funds, is ripe for political abuse and would turn into a political patronage program.

This legislation is simply a bad idea. Given our Nation's budgetary constraints, the National Service Trust Act is entirely too costly; where else but in Washington, DC, would a volunteer program cost $7 billion, its purpose is unfocused, it displaces the development of nongovernmental charity with make-work service jobs, it is open to politicization, and in a time when the American public is looking for ways to get away from Big Government the legislation will create a huge, new Government bureaucracy. For these and a myriad of other reasons, I urge my colleagues to vote against H.R. 2010, the National Trust Act.

Mr. SYNAR. Mr. Chairman, I rise today in opposition to H.R. 2010, the National Service Trust Act.

We have a budget deficit. Yet we are investing a large sum of money to create a new bureaucracy for a program that may not work. This act is an experiment that we do not have the money to support. It is expected to cost $394 million within the first year. If fully implemented, it will cost the taxpayers $7.4 billion over the next 4 years, $7.4 billion, on an experiment. Think what we could do with that amount of money if we used it in our existing, proven, education programs.

It will cost about $30,000 to support a service program participant for 2 years. Pell grants are limited to $2,400, and they still do not fully serve all those that are eligible. the State Student Incentive Grant program has been cut completely. The participants will in fact receive at a maximum $10,000 for their education. That does not even begin to address the educational costs at most institutions.

The poor will still need additional help to get through school.

The rich will receive money that they do not need.

The middle class will get stuck no matter what.

Moreover, I worry that despite the protestations of this act's supporters it will, in fact, damage our current education programs. We are working with limited resources. Because of this, try as we might not to cut existing programs, it is certain that we will eventually need to do so. Common sense tells us that the money must come from somewhere.

Furthermore, the program participants will be put to work to try to meet the needs of communities that are not currently being met. That raises two truths. First, those unmet needs they are referring to are jobs. Jobs that people are looking for, jobs that they need. This program gives communities an option. Find a way to support new jobs at their real wage, or join the national service program and for about $1,000, get an employee. What community will say no to that?

Second, communities are held back in their development efforts by outmoded sewers and insufficient roads. Investing an amount equal to the cost of the service program into the community's infrastructure and thus enabling that community to better support itself makes more sense than encouraging them to rely on Band-Aid efforts from the Federal Government.

This bill is not the answer to our Nation's ills.

Supporters of this act claim that it will build a sense of community, expand educational opportunity, and reward individual responsibility while encouraging Americans to work together to tackle our common problems. I applaud those aims, but I question whether they can be prescribed in this or any other act.

As the Mississippi River has overflowed its banks, thousands of volunteers have worked to protect their communities, laboring tirelessly to save their and their neighbors' homes. Thousands more have left the comfort and safety of their own homes to aid the river's victims in their efforts, and to offer comfort when those efforts fail.

The values that these people evince of service, caring, and community cannot be legislated.

And it's not just disasters that promote this type of effort. Everywhere I have traveled, I have met thousands of concerned, committed individuals who have made the effort to improve their communities and who often, through sheer force of will, have found a way to provide for their communities needs.

These individuals serve their community without the promise of reward. The most successful communities I have visited have these people in abundance. The least successful are sadly lacking in these souls. And as a result, they are lacking in the will to improve. The communities without, will complain about how bad things are and demand that they be fixed. The communities with, will tell me how things are improving.

This will is something that cannot be legislated. Individuals who desire to serve do so. Communities who desire to improve do so. All the incentives in the world will not change those two basic facts.

As I thought over this proposal, I remembered how my father went to college with 50 cents in his pocket. He worked his way through school. And then he served his country in the war. There was no national service program to reward him. He did not need an inducement to make a contribution.

We are proposing to spend billions to pay people to do something they would do for free. There are so many needs yet to be met in America. This program is a luxury. In good conscience, I cannot support it.

I urge you to vote against H.R. 2010. Defeat the National Service Trust Act.

Mr. MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 2010, the National and Community Service Act.

This landmark legislation will bridge the gap between affordable education and community service, while establishing a sense of citizenship and national pride among its participants.

H.R. 2010 will expand service opportunities for young people, allowing them to contribute to their communities while earning an educational award to be used toward financing college loans or additional education. The strength of this legislation is rooted in its flexibility to create service programs which will address the variety of needs facing today's society and environment.

Contained in the National Service initiative is authorization for a unique youth corps program geared toward meeting the conservation, construction, rehabilitation, and restoration needs of the Nation's public lands. This program, the Public Lands Corps, will allow National Service participants the opportunity to assist Federal agencies with ongoing efforts to manage our public lands on behalf of present and future generations of Americans.

Federal and Indian lands comprise one-third of the entire land base in the United States. Our national parks, forests, wildlife refuges, historic sites, and Indian reservations are falling prey to overuse, inadequate maintenance, and deteriorating infrastructure. Existing Federal land managing agency staffing levels preclude full-time staff from sufficiently addressing this backlog.

Since the 1980's, Members of Congress have been pursuing efforts to create a year-round Federal conservation corps program which would supplement agency conservation work on Federal and Indian lands. The Public Lands Corps responds to this effort by building on the existing Youth Conservation Corps [YCC] program to extend age limits of corps participants, provide for year-round participation, and establish congruous goals and benefits with the National Service initiative.

The Public Lands Corps will be a year-round program administered by the Secretaries of the Interior and Agriculture. Participants will be able to perform such tasks as firefighting, trail construction, erosion control, improvements of wildlife habitat, reforestation, and environmental cleanup.

The age requirements and living allowances—minimum wage—authorized by the Public Lands Corps are fully compatible with those of the other programs described in the National Service legislation.

This program will be eligible to compete for funding grants from the National Service Commission as well as function independently of National Service. Public Lands Corps participants who satisfy the criteria established by the National Service Trust Act will be qualified to receive the educational awards granted other National Service participants. In this way, corps members will be able to pay off college loans while receiving valuable job training, life skills, and an appreciation of the Nation's rich natural and cultural heritage.

The Public Lands Corps will broaden service opportunities to many young people who may not be participating in the National Service program by authorizing contract or cooperative agreements with existing qualified corps and nonprofit agencies to perform work on public lands. This extends valuable service and interactive opportunities to members of State and local corps. In States where other qualified corps do not exist, the Public Lands Corps will serve as the sole approach for Federal land conservation program.

Finally, this corps responds to the need voiced by representatives from many Federal land managing agencies to develop a program which allows individual placements. The Public Lands Corps authorizes the recruitment and placement of resource assistants within the agencies who will assist with research or resource protection issues on behalf of the agency.

I applaud the strong commitment to national service demonstrated by the administration, and particularly Secretary Babbitt in his testimony before the Education and Labor Committee. I would also like to recognize the dedication to this initiative Chairman FORD has shown in bringing this important legislation before the House today. I urge my colleagues to join me in supporting this new program of national service.

Mr. PENNY. Mr. Chairman, I rise in support of H.R. 2010, the National Service Trust Act and applaud President Clinton for his leadership on this issue providing for the first time real opportunities of meaningful national service for our young people.

Throughout our country's history, and particularly in this century, generations of young Americans have been called on to serve their country. We have faced two world wars, conflicts in Korea, Vietnam, and Iraq, and have dealt with a worldwide economic depression. And we have prevailed. Thankfully, the threat of world war has been somewhat lessened for the young people of the 1990's. But, the challenges of our society are as great as ever as we struggle to meet the needs of our citizens, young and old; the needs of our communities, large and small; and the needs of the future, economic and educational. How are we to address these needs?

A program of national voluntary service, such as proposed in H.R. 2010, which would allow the energy, vitality, and intelligence of this new generation of Americans to be used to address these needs, is that positive step. It is in keeping with the best of America's character—the helping hand extended to help one's neighbor. A year spent "giving back" to the community will enhance these young people's sense of citizenship and provide a base for developing future community leaders.

I have long advocated the passage of national voluntary service and introduced comprehensive national service legislation in the 101st and 102d Congresses. My legislation attempted to incorporate the best ideas and programs currently available and use existing service structures. In that respect, I am pleased that H.R. 2010, while creating a new national service corporation, does consolidate other voluntary programs such as ACTION under a single aegis.

While I intend to support passage of H.R. 2010, I believe we could do more to retain the true volunteer nature of the program. Therefore, I plan to support Representative MOLINARI's amendment which would expand the number of service slots available by eliminating stipends during service. Under the Molinari amendment, the slots available would triple from 25,000 to 77,800 participants per year. I've been concerned that in establishing a national service program we will disappoint many potential participants with a program that reaches so few. The Molinari amendment would help address that concern.

In the interest of our country and its future, I urge passage of H.R. 2010.

Mr. ABERCROMBIE. Mr. Chairman, I rise today to express my support for H.R. 2010, the National Service Trust Act. Not only does this bill encourage young Americans to serve their country by awarding them with education grants, it also responds to the significant contribution made by our senior citizens.

I have received many letters from constituents who volunteer their time as foster grandparents, through what is currently known as the Foster Grandparent Program. They gain great pleasure from their work with small children in need of special attention. Volunteers serve as grandparents to disabled children, drug exposed infants and toddlers, immigrants and many other young people. The Foster Grandparent Program helps children gain self-esteem and self-worth, while at the same time giving volunteers the satisfaction of knowing they can be useful to their community at all stages in their lives. If passed, the Foster Grandparent Program and other older American volunteer programs will be authorized by the National Service Trust Act.

America's seniors have a wealth of knowledge and experience that can make a difference in the lives of young children. Current population estimates indicate 37.7 million Americans, are over the age of 60. According to a 1991 U.S. Administration on Aging/Marriot Senior Living Services voluntarism survey, over 41 percent of these seniors performed some form of volunteer work in the past year. An additional 37.5 percent indicate they would volunteer if asked. The resources offered by older persons can help shape America today and into the next century.

National service benefits people of all ages, all income levels and all educational needs. Through the National Service Act, young people all over America will be building houses for the homeless, teaching in inner city schools, immunizing children and performing other community services in return for education loans. In this time of fiscal constraints, service programs can meet many goals. Volunteers gain a feeling of civic responsibility and usefulness. Citizens in need are able to receive scarce social resources. In addition, exposure to different lifestyles and cultures can be a learning experience for both service providers and recipients.

National service is a valuable American tradition. Let's show our support and commitment by passing the National Service Trust Act.

Mr. FORD of Michigan. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HEFNER] having assumed the chair, Mr. FIELDS of Louisiana, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, in anticipation that we will return to this bill soon, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2010, the National Service Trust Act of 1993, and all amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 349, 350, 351, and 352.

I would have voted no on rollcall votes numbered 347 and 348.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 219) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 219

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Operations: Gene Green, Texas and Bart Stupak, Michigan.

Committee on Armed Services: Sam Farr, California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ALLOCATION OF SPECIAL ORDER TIME

Mr. ROMERO-BARCELÓ. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Illinois [Mr. LIPINSKI] on July 21, 1993, be allocated to the gentleman from Oregon [Mr. KOPETSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

□ 1030

## CLINTON ECONOMIC PLAN WILL DESTROY JOBS

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RAMSTAD. Mr. Speaker, a Stanford University economist recently wrote this commentary entitled, "Clinton's Economic Plan Built on Brazen Lies."

This analysis of the President's economic plan states, "If you strip away the misrepresentations and look at what Clinton's economic program does, from 1993 through 1996 there are no net cuts in Federal spending. None. Zero. Zip. Zilch. Federal spending continues on its merry upward path, increasing an average of $65 billion every single year."

This economic analysis goes on to say, "The entire thrust of the Clinton deficit reduction program for the next 4 years is to increase taxes."

This article, which I am submitting for the record, shows how taxes will increase $420 billion a year by 1996 under the President's plan.

The commentary concludes by saying "Unless some courageous Democratic Members of Congress join with Republicans to defeat this job destroying program, America is in for a tough time."

I strongly urge all Members to read this article, written for Scripps Howard News Service, before casting the most critical vote of this Congress.

Mr. Speaker, the text of the article is as follows:

[From the Star Tribune, July 5, 1993]

### CLINTON'S ECONOMIC PLAN WAS BUILT ON BRAZEN LIES

(By Martin Anderson)

PALO ALTO, CALIF.—It's getting close to decision time on President Clinton's economic program. It's the last chance for the American people to take a close look at exactly what is being proposed in terms of spending and tax changes for the next 3½ years.

The New York Times recently reported that in Clinton's economic plan, "no spending would be lowered in this fiscal year" and that "more than three-fifths of the spending cuts . . . would be made in the fiscal years 1997 and 1998, after the end of this presidential term."

Wait a minute. No spending cuts this year? Over 60 percent of the promised spending cuts to take place in Clinton's second term? What kind of nonsense is this? What about all the statements Clinton and his aides are making about matching tax increases with spending cuts?

The answer is troubling. Clinton and his top aides have misrepresented this economic package so much that there is now little relationship between what was promised and what is about to happen.

The nature of the deception is four-fold:

False labeling: The Clinton administration has blatantly mislabeled its proposed budget actions. For example, a substantial tax increase on Social Security benefits for the more well-to-do is called a "spending cut," and a whopping increase in welfare spending for the working poor under the Earned Income Tax Credit is called a "tax cut."

This brazen lying has gone largely undetected. If the spending and tax changes were truthfully labeled the plan would look drastically different.

Omissions: The administration has avoided mention of new spending programs. True, it's planning some cuts, mostly in defense, but these cuts are largely offset by increases elsewhere. The bottom line in any budget is the net change and, when you combine the new spending increases with the proposed cuts, the net spending cuts vanish.

Slick forecasting: Most of the serious spending and tax changes in Clinton's plan are forecast to occur in 1997 and 1998. Ask yourself, how much confidence do you have in any government official's promise to cut federal spending four or five years from now?

Look at it another way: Clinton promises (once again) to cut spending after we reelect him in 1996. Does he really think we are that stupid? Apparently so.

"Base-line" budgeting: All the proposed budget changes are on top of already-scheduled, large increases in both spending and taxes. One of the best-kept secrets in America is that by 1996, without changing a single law, both federal taxes and federal spending will be $260 billion a year higher than they are today.

If you strip away the misrepresentations and deceit and look at what Clinton's economic program does, year by year, here is what emerges:

From 1993 through 1996 there are no net cuts in federal spending. None. Zero. Zip. Zilch. Federal spending continues its merry upward path, increasing an average of $65 billion every single year.

The entire thrust of the Clinton "deficit reduction program for the next four years is to increase taxes. Under his program our net taxes will increase another $160 billion a year by 1996. When one adds that to the $260 billion tax increase already in the pipeline, it means that we will be paying $240 billion a year more in taxes before Clinton serves out his four years.

This is madness. But it is real and, unless some courageous Democratic congressmen and senators join with Republicans to defeat this job-destroying program, America is in for a tough time.

Perhaps the fear of Clinton's program is what has already spooked the economy. During the past few months the American dollar has fallen to new lows against the Japanese yen and, after four straight quarters of moderate-but-positive economic growth, the gross domestic product numbers took a nose dive for the first-quarter of 1993.

Clinton administration economists are already planning to reduce their 1993 economic-growth forecast from 3.1 percent to 2.5 percent. But if their deadly economic plan—big tax increases, no net spending cuts in the next four years—passes, we can forget about even slow economic growth, and begin to brace ourselves for the recession.

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☐ 1040

## CLINTON TAX INCREASE HURTS REAL PEOPLE

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, if small business is in favor of the Clinton tax plan, where are they? Where are the letters? Where are the small business groups, the NFIB and the Chamber and other groups, asking us to support this package?

Mr. Speaker, another business leader has spoken. In my ongoing effort to highlight the negative effects of the Clinton tax plan on real jobs for real people, I offer today a letter I recently received from William Kronenberg, president of Environmental Compliance Services. ECS is a small company headquartered in Exton, PA, just outside my congressional district.

Mr. Kronenberg discusses the impact on his company of the two major Clinton initiatives—the tax plan and the health care plan, and the impact that will have on small companies that have generous benefit plans for their employees. In the case of ECS, all benefits (including health insurance, prescription drugs, retirement benefits, disability insurance, and life insurance) are completely paid for by the company. But not for long, if Bill Clinton succeeds in bleeding our business community dry with new taxes.

Mr. Kronenberg writes: "The uncertainty regarding the Clinton program may force us to revise our entire benefit program. There is a strong likelihood that * * * increased corporate costs will diminish coverage and increase costs to our employees."

My colleagues, remember these words when you vote on the Clinton plan. When you hit our businesses with increased taxes, you drive up the costs of doing business, and you hurt real people.

For the RECORD, I include the letter from Mr. Kronenberg.

Hon. CURT WELDON,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WELDON: I am of the firm belief that the country is long overdue for economic reform. However, as a small business owner in Chester County, I am most concerned about many aspects of the proposed Clinton reform package. I will address just two—the tax bill and health care.

By way of introduction, Environmental Compliance Services, Inc. (ECS) is a unique corporation dedicated to the environment through insurance, consulting and claims management. Our corporate subsidiaries include ECS Underwriting, Inc., Consulting Services Inc. (CSI) and Environmental Claims Administrators, Inc. (ECA).

We were incorporated in 1979 and have seen steady growth in our business, growing from 13 employees in 1979 to over 218 employees today. The majority of our employees reside in Chester County.

We have seen a significant increase in state taxes within the past year. Our neighboring state of New Jersey, recently passed the largest tax increase in history. Unfortunately, both increases have fallen well short of the intent to stimulate economic growth. In Pennsylvania, we have recently experienced a significant reduction in economic growth. Our neighboring residents have been even less fortunate, losing close to 400,000 jobs and experiencing the second highest unemployment rate in the country. The simple fact is economic growth is not stimulated by higher taxes. We need a more effective way of reducing spending, not a continued tax burden placed on the public.

In the best interests of the people of Chester County and the country, I would ask that you vote NO on the Clinton tax bill.

In regard to health care, our company has been an overall leader in compensation packages. We provide an array of benefits to all our employees including: Health Insurance; Retirement Benefits; Prescription Plan; Employee Assistance Plan; Disability Insurance—Short and Long Term; and Life Insurance.

All benefits are company paid.

However, the uncertainties regarding the total Clinton Economic Program may force us to revise our entire benefit program. There is a strong likelihood that any policy change resulting in increased corporate costs, will diminish coverages and/or increase costs to our employees. This is the most critical issue to our employees!

While health care should be a benefit for all Americans, the Administration's proposals will result in increased burdens on our company and consequently, our employees. In the best interests of the people of Chester County and our country, please carefully review the entire health care package.

Thank you.

Sincerely yours,

WILLIAM KRONENBERG III,
*President and CEO.*

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## HOUSE POST OFFICE SCANDAL

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

### NOMINATION OF DR. JOYCELYN ELDERS FOR SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. BURTON of Indiana. Mr. Speaker, we have a number of Members that want to speak tonight on the problems we have with the House Post Office. But before we get into that, I thought it would be very enlighting for my colleagues and for anybody else who is paying attention to find out what the nominee for Secretary of Health and Human Services has to say about a lot of issues. I hope everybody in America has an opportunity, Mr. Speaker, to find out her views on a number of these issues.

Here are some of her quotations, and I hope my colleagues pay particular attention to these quotations, because I think they are out of sync with what the American people feel about major issues facing their kids and this country.

The first quotation she uttered was this: "I don't know of any parent who wouldn't go out at midnight and try to find contraceptives to start their children properly." Well, I know one parent that would not go along with that statement.

Second, "We've taught them (teenagers) what to do in the front seat of a car, but not what to do in the back seat of the car." That does not sound like the kind of thing we would want coming out of the mouth of the Secretary of Health and Human Services.

Third, "An integral part of a compressive school-based health clinic today is that we have sexuality education beginning in kindergarten." I think there are a lot of parents that would take issue with that.

Fourth, and here is one that is very divisive in America, but I think a lot of Americans would disagree with this statement: "Abortion has had an important, and positive, public health benefit."

Fifth, "Abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977." That is probably true because there were a lot of fetuses terminated.

Sixth, "We would like for the right-to-life and anti-Choice groups to really get over their love affair with the fetus and start supporting the children."

Seventh, "Look who's fighting the pro-Choice movement: a celibate, male-dominated church." Well, I want Members to know that there are a lot of women in a lot of these churches that are concerned about these issues as well, not just celibate male-dominated churches.

Eighth, "I would hope that we would provide them (prostitutes) Norplant so they could still use sex if they must buy their drugs." Good Lord.

Ninth, "If Medicaid does not pay for abortions, does not pay for family planning, but pays for prenatal care and delivery, that's saying: I'll pay for you to have another good, healthy slave."

Tenth, "Poverty and ignorance and the Bible-belt mentality are responsible for the rise in teen pregnancy in Arkansas."

Well, I think a lot of those statements are just ridiculous, am I am very sorry that this lady has been nominated for this position. I hope my colleagues on the other side of the Chamber and in the other body will take a look at that.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded that Members of the House are not to urge the Members of the other body to speak or speak with respect to their actions.

Mr. BURTON of Indiana. All right, Mr. Speaker. I hope my colleagues will use their influence to convince those making decisions to take a hard look at this lady. She used this philosophy as the Secretary of Health and Human Services in Arkansas, and her success was not all that great, because it went from No. 4 in the Nation as far as teenage pregnancies are concerned to No. 2. So her philosophy was not all that effective.

Mr. Speaker, I would like to add for the RECORD a number of documentations for these statements that I just made.

[The documentations referred to follow:]

SOURCES

1. Arkansas Gazette, 3 July 1988.
2. Video presentation to National Commission on Children, 2 April 1993.
3. Arkansas Gazette, 3 July 1988.
4. Testimony before Senate: Labor and Human Resources Committee, 23 May 1990.
5. Idem.
6. Arkansas Gazette, 19 January 1992.
7. Statement to abortion rights rally, January 1992.
8. "Talk Live," CNBC television program, 19 June 1993.
9. Washington Post, 16 February 1993.
10. National Review, 25 April 1993.

There are other questions about Joycelyn Elders that need to be reviewed before any confirmation takes place.

For instance, first, why did Elders not pay Social Security taxes on the $12,000 a year paid to a nurse for her mother-in-law who has Alzheimer's disease?

Second, did she get a six-figure unsecured line of credit from a bank of which she was a director? That needs to be looked into.

Third, did the bank of which she was a director transfer money to an Illinois savings and loan which later failed so that a friend with a bad credit rating could get a loan? That should be looked into.

Fourth, was she reprimanded by the Comptroller of the Currency, and if she was, why?

Fifth, what are the terms of the settlement of the civil suit between the new board of directors and the ousted board of which Elders was a member? We are talking about that savings and loan now.

Sixth, what Federal and State laws were broken when Elders was being paid as a consultant to the Federal Government, plus per diem, while still on the State payroll? That is double dipping. That is something that ought to be looked into.

Seventh, how was Elders able to receive an annual salary in excess of the salary cap imposed by statute on employees of the State of Arkansas? That needs to be asked.

There may be a lot of satisfactory answers to these questions, Mr. Speaker. But I submit for the RECORD that they ought to be answered, and I urge my friends and colleagues to take a close look at this, and I urge my colleagues in this body to talk to their friends.

With that, let me just say that one of the big issues that America is looking at today that has been in the works for about a year now is what is called the post office scandal. That was about a year ago July that this issue was raised whether or not some Members of this body received money in exchange for stamps and used that money for purposes not clear or authorized by the Congress of the United States. In other words, these stamps were supposed to be used, and they were converted to money, and there was a question about whether or not there were some illegal problems.

This was brought up. The investigation was stopped. The Speaker of the House put this on the back burner, as we understand it, and it was literally swept under the rug.

Now here we are a year later, and we are finding out that one of the key people in this issue and in this case has been indicted and has named two Members of this body, a Congressman A and a Congressman B, as two people who were involved in taking these stamps and money illegally.

This matter should be cleared up for everybody in this country. I think the

American people hold Congress in very low esteem right now, and if we are going to make sure that Congress is respected, as it should be by the people of this country, then this issue should be brought out into the open. There should not be anything swept under the rug, and it should be done as quickly and as expeditiously as possible.

Tonight, toward that end, a number of my colleagues have joined with me in a special order to try to eliminate this issue and force those in power here in the House of Representatives to bring this issue to the floor so that it can be debated, cleared up, and the American people can know for sure what went on.

Mr. Speaker, with that, I yield to my very distinguished colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for giving us this opportunity to discuss this very important issue during this special order.

I knew things were bad in the House of Representatives before I ever got here in 1991. But I had no idea that the type of things that occurred in the House Bank was actually going on, and I certainly had no idea that the types of things alleged and now some of them are proven in the House post office occurred. I mean, the depth of corruption is far greater than I ever realized.

□ 1800

The leadership that leads this institution has been part of the same party that has governed it now for over 40 years.

Today in the Washington Times, the Postmaster, former Postmaster, Mr. Rota, who resigned and has now pled guilty to several criminal counts—aiding and abetting, embezzlement and conspiracy to commit embezzlement amongst them—indicated this abuse of Government moneys has gone on for over 20 years. You know, you read in the reports that did come out in the special task force last year about this time, and you learn about employees, the patronage employees, that were inserted into the House post office, the people who were illiterate, the good people working there watched as these other people were brought in and promoted, you know, to do jobs over them.

So much for fairness, so much for justice, so much for compassion for people. The Members of the other party always are so vocal about proclaiming that here, and now to hear what has gone on, Congressman "A" and Congressman "B", you know, while these people, the Members of the majority party, are at this moment busily planning to force down our throats the biggest tax increase in history, some of these very same people stole from the Government and did not even pay taxes on it. So it was like an extra amount they got. It is outrageous.

The standard response of the House leadership is to drag its feet, to not want to go into it, to say. "All is well, we have taken care of it."

I wrote, along with several others last March, asking for a criminal investigation into this, and fortunately one has commenced. I just think this brings a tremendous disrepute upon the House of Representatives. It is time to clear the air.

I would like to know what has gone on. I am very concerned about the allegations concerning Mrs. Foley, the allegations concerning the man who was the General Counsel, Mr. Ross, of the House of Representatives. We need full disclosure. We do not want any sanitized reports. we want the raw, unedited versions.

It is my understanding, for example, it is reported in the Washington Times on February 7, 1992, that Rota has told friends and House officials that Mrs. Foley ordered him to hush up an investigation of the post office, according to a Federal law enforcement congressional official.

I would like to know what is contained in the deposition from Mrs. Foley, and I would like to know what is contained in other depositions, as reported on June 19, 1991, or this is the event that occurred, but it was reported in the Washington Times on February 20, 1992, that then Capitol Hill Police Chief Kerrigan secretly tape-recorded meetings with Steven Ross, the House general counsel, to prove that he had independent corroboration that he, meaning Kerrigan, had been told not to pursue the inquiry into the post office scandal.

It just should be noted for the record that in July 1991 Chief Kerrigan resigned, and he noted the reason for his resignation as being the pressure to get the Capitol Police off the post office investigation.

We need some answers to this. This is not just Congressman "A" or Congressman "B." This is higher up. We need some answers and some clarifications, I think, that can only be brought out by the full disclosure of these records, all of which have been sitting in the hands of the Justice Department for over a year, as I understand it.

Mr. BURTON of Indiana. Mr. Speaker, I will be happy to yield to my colleague in just one moment.

We had the check scandal, and I remember when the check scandal came out, we tried to sweep that under the rug, the majority in the House of Representatives, and months went by, and the media started digging, and before you knew it, it all came out, and the same thing is going to happen with this post office scandal. It is going to come out, and every day that goes by that the leadership in this House continues to drag its feet and try to sweep this under the rug makes it that much worse.

And the media is going to continue to dig and dig and dig and dig, and so I would just like to say to my colleagues, let us make a clean breast of it. Let us bring it to the floor for a discussion. Let us get all the records out so that we and the American people that we represent know what went on.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Let me stipulate, and I appreciate the gentleman yielding, let me stipulate that I know virtually nothing about the situation at hand.

But I also think that we ought to be extremely cautious before we throw people's names around on the floor, especially Members who do not have the ability, or persons who do not have the ability to defend themselves on the floor because they do not have access to the debate on the floor.

But it seems to me that, in light of the fact that the U.S. attorney handling the case has sent a letter to the bipartisan leadership of both Houses objecting to any possible release of any material because it might prejudice their prosecution, it seems to me, in light of that statement, that Members ought to be a mite cautious before they attack persons who serve on staffs around here or persons who are the spouses of Members but who do not have the opportunity to defend themselves because they do not have access to the floor.

I would point out that the attorney who wrote this, my understanding is, and I have a copy of the letter to Mr. FOLEY and Mr. MICHEL from the U.S. Department of Justice from J. Ramsey Johnson, U.S. attorney. My understanding is that that is the attorney who was left in charge after Mr. Stephens left the case that you are talking about. My understanding is that he is a career holdover, not a political appointee, and it seems to me that the House, before we allow character assassination on this floor, the House has an obligation to the truth and an obligation to due process of law to heed what the U.S. attorney says.

Now, I do not know whether the House ought to follow the U.S. attorney's suggestions or not, but I think that before we decide that we ought to depart from it, we have an obligation to listen to what that U.S. attorney has to say.

I do not think we want to be guilty of obstructing justice by disregarding what the attorney says just as we did in the Iran/Contra case and fouled up the entire investigation.

Mr. BURTON of Indiana. Reclaiming my time, Mr. Speaker, I just wanted to say to the gentleman that the Members of this body would not be nearly as concerned had this not been swept under the rug 1 year ago, and time goes on and on. It is the same, and it is very analogous to the check scandal which they tried to sweep under the rug, and we go back to our districts, and we listen to our constituents. They say, "What in the world is going on? Is there anybody up there that is honest?"

And so I think we have an obligation.

Mr. OBEY.

Mr. BURTON of Indiana. I did not yield; I did not yield. I do not yield.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Indiana [Mr. BURTON] has the floor.

Mr. BURTON of Indiana. Nobody that I have heard tonight has assassinated anybody's character. They said there were some alleged things that went on, and they have been alleged for over a year now. All I say to my colleagues is: Let us make a clean breast of it. Let us bring the facts before the House and not impede justice. Help the district attorney or the U.S. district attorney that is involved in this case get all the facts he can so he can expedite this case as quickly as possible.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. I would like a clarification. Was the gentleman, when he referred to the letter from the Justice Department, was that coming from the U.S. attorney that was recently fired by the administration or from the acting U.S. attorney or from just someone else?

Mr. BURTON of Indiana. It was from the new attorney.

Mr. OBEY. No; No.

Mr. BURTON of Indiana. It was from the old one that was fired?

Mr. OBEY. No; no. He was from the holdover who was Mr. Stephens' assistant, as I understand it.

Mr. BURTON of Indiana. Mr. Stephens was removed.

Mr. OBEY. That is correct.

Mr. BURTON of Indiana. Why was Mr. Stephens removed?

Mr. OBEY. It is from the gentleman in charge. He is not new. He has been on the case from the beginning, as I understand it.

Mr. BURTON of Indiana. Why was Mr. Stephens removed?

Mr. OBEY. As the gentleman knows, all U.S. attorneys were removed and replaced as is routinely the case whenever any President comes into office.

Mr. BURTON of Indiana. Many of us feel that was very convenient.

Mr. OBEY. That is an innuendo which is not suitable to the proper conduct of this House.

Mr. DOOLITTLE. If the gentleman will yield, there is a specific point I want to respond to.

The firing of those U.S. attorneys was not routine. It had never been done before in such a fashion. And to stand here on the floor and to represent that was routine is a misstatement. It was completely out of the ordinary.

Mr. OBEY.

Mr. CUNNINGHAM. Mr. Speaker, I ask for regular order or to have the gentleman removed.

Mr. BURTON of Indiana. This gentleman keeps interfering. I yielded to him once. I have control of the time, as I understand it.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] has control of the time.

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Our freshman class, when we first came aboard in 1991, looked into the bank scandal and brought it forward, and we were put off time after time. The Speaker told us that there was nothing to warrant an investigation, there was no wrongdoing, that there was no need for disclosure, and this went on and on and on. The frustration of trying to bring this out is deja vu with the post office deal.

Again, the freshman class, along with the Gang of Seven, pressed the issue on the post office, an investigation.

□ 1810

And in that investigation, the reason that it was alleged, and I will say that a Member, Member A, and Member B, had taken campaign dollars, converted them into stamps. Now, if they were going to use those stamps to mail out letters to their constituents, that would be normal. But the allegation is those Members were taking and cashing back in those stamps in and taking those dollars and putting it in their pocket.

That is illegal.

Based on that, we have called for an investigation. This is going on for a year and a half.

We have again, just like the bank scandal, we have been told that there is no merit, no need for an investigation, and I think the important factor tonight, not looking at any individuals, but there is a joint committee formed, and the freshman class is part of it. The new freshmen class is bringing forth a lot of initiatives, just like our freshman class did.

I think it is important that all Members on both sides of the aisle take a look, that in the administration of this Congress, that we take a look at such things as the administration of a bank which is gone now, the post office, because we all suffer when there is an irregularity even though we have not had any say. The number of committees, there is a Sunshine Act that allows openness in the committees so that everyone can participate and see. And also that Members of Congress fall under the same laws that anyone in the general public does. And it has been argued that that is the case, but it is not the case and we all know that.

I would ask Members from both sides of the aisle to take a look at the importance of this post office scandal and the fact that we really do need reform. As our own President has said, we need change.

The other side of the aisle has resisted any change that gives up power. But in this case the balance of power needs to be adjusted so that this House is covered and the responsibility of the administration is also covered. We need to run Congress more like business. And to do that, on your board you need Members from both the majority and minority to come up with working solutions.

If we were in business, we would sit down, regardless of what our differences are, on how to press forward, and to do our business better. That is what the American people are asking these Members to do, on both sides of the aisle.

I laud my fellow freshmen and sophomores for taking this under tow.

I would just ask that the upcoming initiatives of the joint committee that both houses, Senate and House, take a serious look at it and make real campaign and reform changes.

Mr. BURTON of Indiana. I thank the gentleman for his contribution, and I yield to my good friend, the gentleman from the Fourth District of Georgia.

Mr. LINDER. I would like to respond to the gentleman from Wisconsin [Mr. OBEY] who has taken leave of the floor. I would like to respond about the letter from the attorney. We have seen the letter. They are saying any release of this information may jeopardize some criminal investigation.

Well, we received that letter, although I was not here then, in September of last year, when the Ethics Committee sought this same information to pursue their investigation. The attorney at the time said any release of this information would bother and interrupt an investigation and possible conviction.

It is getting to the point where you wonder if a year is enough time to do it. The attorney who was fired said he was about ready to indict at the time he was fired. There are some important people involved. If this is called obstructing justice, telling the people what is going on in the people's House, I would be willing to sacrifice a conviction to get the truth out. The important thing is we have had it for a year, and if they cannot do it in a year, they cannot do it.

Point No. 2, the Speaker of the House has related to the minority leadership that he would be willing to release this information in 10 legislative days and to introduce a privileged resolution doing this in 10 legislative days unless the Attorney General, Ms. Reno, determines, herself, that such release would be damaging to an investigation. In other words, he is saying that as soon as we get through the August recess and as soon as we get the reconciliation bill out of the way, he would be able and willing to release this damaging information.

That is the part of this issue that bothers me. There are some people, we do not know who A and B are—I know what the newspapers speculate, and I promise you I am not A and I am not B. But my constituents do not know that. I would like that information to be released so they would know who A and B are. So, if A and B are playing—or maybe C, D, and E, because we do not know how broad this is. They kept a lid on it. But if this information released and we discovered important figures have played a prominent role in influencing the largest tax increase in American history, the American people ought to know that. This information ought to be public.

We can only help people, we could only help all of Americans to understand and all Members to be free of suspicion if we release the facts and let the American people judge for themselves.

This is not a new story. As the gentleman from California [Mr. DOOLITTLE] said, rumors are it has been going on for 20 years. The rumors are now that it is much broader and much deeper, and we are not talking about $15,000 or $20,000 or $30,000, but vast sums of money.

The point must be made that it is in the public's interest to determine who is making important policy in this historic time of the largest tax increase in history and under what kind of cloud might they be operating.

All we are asking is that this body vote to release the information.

That vote will be held tomorrow. There will be a privileged resolution put forward tomorrow. The vote will be held. We will find out if it is a straight party-line vote to obstruct, to hide, to confuse again, or if indeed we are going to get the truth.

Mr. BURTON of Indiana. I would be happy to yield to my other colleagues in just a second, but I want to read a couple of quotes that I think are extremely important. I thank the gentleman from California for giving me this information.

Now, this was July 22, 1992. Representative ROSE, democrat of North Carolina, chairman of the Committee on House Administration, in charge of this investigation: "There is no credible evidence to back up allegations of wrongdoing against any individual." Here we are a year later and we have one of the leading people in this case has been indicted and confessed.

Second, "Recent press reports based entirely on rumor, innuendo, and anonymous sources are totally wrong and without foundation." That was another Member, a leading Member of this body.

Third, "I have the fullest confidence and faith in the committee that has been given this responsibility in the House, the Committee on House Administration, to find out the truth of falsity of the charges, to get to the bottom of them." This is February 5, 1992. They did not get to the bottom of them. Now someone has been indicted and confessed.

Fourth, "If at the end of this process the gentleman from North Carolina, Mr. ROSE, my chairman, has not done his job, then you can come back here any tell us and show us where we failed." Well, we are doing that tonight.

Now, that was in February 1992.

Fifth, "As a matter of fact, the majority conclusion is that there was not credible evidence that any Member of the House of Representatives violated any rule of the House or any laws of the United States."

Well, that has been stated otherwise by an indicted coconspirator who has confessed.

And finally, this is from a Republican on the committee: "This report is in no way complete as to what happened in the House post office. It is our best effort under very difficult circumstances. The investigation should continue." That was said on July 22, 1992. And they swept it under the rug and cut it off.

That is why tonight we are urging our colleagues to do the right thing and get this thing out for everybody to see so that all of our colleagues know the facts.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I point out that a year ago today the report from the task force was released. When we saw that report, the majority report was about this thick; the minority report was about yay thick. The fact is the report basically said, from the majority standpoint, "We have done nothing wrong, and we won't do it again." That is basically what they said.

Now, 1 year later, after eight people have pled guilty to various charges, from embezzlement to conspiracy to selling cocaine in the House post office, we know that there were serious problems there. For the chairman of the House Administration Committee to make the statements that he did a year ago that we found nothing wrong, we found no illegal behavior or improper behavior, is something that I find somewhat enterprising.

□ 1820

But today a number of us sent a letter to the Speaker of the House demanding that that information that was developed during that task force be released. We want all the documents, the testimony and the working papers to be released so the American people can see for themselves and judge for themselves the conduct of the Members of Congress, members of the staff, and the way in which this operation in the House post office was operated.

Now, in my opinion, I do not think the House can endure another episode like the House bank. It is the congressional version of the Chinese water torture—drip, drip, drip, a little information, a little more information, more pressure, a little more information, an issue that could have been dealt with in a matter of a week or 2 weeks was dragged out over 9 months because the Democrat leadership in this House was not willing to lay all the cards on the table. They were not willing to lay in front of the American people the truth, the whole truth.

If we do not deal forthrightly with this problem in the post office, we are going to have the same thing.

The problem in the post office started in April 1991, almost 2½ years ago, when the Democrat leadership in this institution found out that there were serious problems in the post office.

We were not informed of it until almost the end of January 1992, when the story broke in the Washington Times. At that time we asked for the information to be laid out before us.

Now, although there is a criminal investigation that is going on, and rightfully should, we as Members of this institution have a responsibility to ourselves, to this institution, and to the American people to also know what happened, to do our own investigation.

There is going to be a lot of activity that took place that may not constitute criminal behavior, activity that prosecutors may not be able to build a hard, fast, criminal case, that Members of this institution ought to be investigating, that we ought to be pursuing in order to save and rebuild the integrity and the reputation of this Congress.

For 40 years we have had one-party control and of the last 2½ years that I have been here, I think there has been everything under the book, Congress basher, trying to cause a rebellion, and the fact is all I am trying to do is bring the truth before the American people.

It is not just me. It is the leadership of this Congress that has allowed this type of activity to go on all this time.

Since 1978, when the Justice Department was first brought in to look at problems in the House post office, and they were covered up, they were lied to and the investigation never happened, we have known there is a problem there.

The leadership of this Congress has allowed this to happen and allowed the reputation of us in this institution to be impugned.

I, as one Member of this institution, do not appreciate it, nor do I believe that I am going to stand around here and willy-nilly wait until they get ready to lay all the facts out to the American people.

It is up to us as Members of this institution to be forthright with the people who sent us here, and the sooner we do that, the better off we are going to be.

It is a crime that those who are responsible for allowing this to happen to this institution are not being held accountable for what they have done or what they have failed to do.

Mr. BURTON of Indiana. Mr. Speaker, my colleague, the gentleman from Pennsylvania, does not have much time. Let me yield to him briefly, and then I would like to get all my colleagues who are down here involved.

Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to put this into some kind of historical perspective, because I was the one who carried the resolution on the floor a year ago basically today, suggesting that the House did have an obligation to come forward with all the material related to the investigation.

As was mentioned, when the investigation was finished at the House post office last year it became clear that what we were getting was a sanitized version of that investigation, that certain information that was available to the committee was not made available to the House. So therefore at that time we asked that the whole of the information be presented.

The reason now becomes clear for presenting us with all the information. With the recent conviction of a former officer of the House, we now understand that there was a widespread problem in the House post office. It may involve, as the recent documentation indicates, several Members of Congress.

What we do know is that this is something that has gone on for 20 years. Again, according to the House Postmaster who is now convicted, it is something of which there was an investigation some 15 years ago in which people perjured themselves in order not to have that investigation go forward.

We now know that in the House investigation that did take place last year, that perjury took place in the course of that investigation as well.

There has been a long-term effort to cover up House post office problems.

Now we have the obligation, it seems to me, to move beyond the coverup. We now know that there is institutional corruption in the House. What we cannot permit to go on is the coverup.

Now, there are going to be all kinds of gimmicks used to try to continue the coverup, and we are going to end up with a wide variety of explanations as to why the House cannot release to the public that which the House already has in its possession.

We do have now the understanding that when the House voted 1 year ago this month not to move ahead with disclosure, they were in fact voting for coverup at that point.

Now, 223 Members on July 23 voted to cover up this matter last year, and we now know why. They knew at that point that they had a serious problem. They knew that this serious problem goes to the very heart of the institution, because it goes to the question of officers of the House who they voted for, and it goes to many of the questions that have always been on the back burner with regard to the House post office, of who knew what, when did they know it, and why was there an effort to keep the Capitol Police from investigating thoroughly, to keep the investigation contained within the House Administration Committee, not to have any kind of public testimony.

Remember when Republicans first asked for this investigation to take place, we wanted to have public testimony. We wanted to run this just like other investigations that are held on the Hill, where people were called in, were sworn in public testimony, and where there were actual hearings held. That we were denied. All of it went behind closed doors, and then the final report, the sanitized final report, that is what the American people have gotten up until now.

We are now having it suggested to us that that was good enough, that we can do no more and that somehow we are better off not knowing how the corruption in the House had taken place.

Let me say, the gentleman wants to refer to the letter from the U.S. attorney. I have the letter as well. I think there is a question about this letter.

No. 1, there is a question of whether or not this letter came as a result of a call from the Attorney General to the Speaker, whether or not this letter——

Mr. OBEY. Mr. Speaker, has the gentleman asked the U.S. attorney?

Mr. BURTON of Indiana. Mr. Speaker, I have the time. I am not yielding to the gentleman.

Mr. WALKER. I think there are questions about whether or not this letter is an attempt to prevent an investigation.

Mr. OBEY.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Indiana has the time.

Mr. WALKER. The gentleman knows the rules of the House.

Mr. OBEY. Yes, I do.

Mr. WALKER. If the gentleman from Indiana will yield to the gentleman, the gentleman is not obeying the rules of the House.

Mr. OBEY.

The SPEAKER pro tempore. The gentleman from Indiana controls the time and has yielded to the gentleman from Pennsylvania.

Mr. BURTON of Indiana. Mr. Speaker, may I make an inquiry? We have been interrupted several times. This is taking away from our time. I hope that the Chair will be fair in allocating the time, because we have had to endure this now for about the last 10 minutes.

The SPEAKER pro tempore. The Chair will endeavor to be fair.

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

So what we know is that we have a Democratic administration which is evidently attempting to cooperate with the Democrats in the House to attempt to see to it that Members do not receive this information.

Mr. OBEY.

The SPEAKER pro tempore. The gentleman from Indiana has yielded to the gentleman from Pennsylvania, who controls the floor.

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Mr. WALKER. The gentleman from Wisconsin [Mr. OBEY] of course does not want to listen to the points being made here because the gentleman from Wisconsin was one of those who voted last year to table the resolution attempting to make——

Mr. OBEY.

The SPEAKER pro tempore (Mr. FINGERHUT). The gentleman from Wisconsin [Mr. OBEY] has not been yielded time, has not been recognized.

Mr. WALKER. I make the point again that the gentleman from Wisconsin was one who tabled the resolution that was aiming to bring this matter to the public and voted in favor of the sanitized version that came out of the Committee on House Administration.

That is exactly what the American people cannot afford to have happen here. We are tired of the coverup. The American people are tired of the coverup, and that is what we have had consistently. They attempted to cover up the House bank scandal. Only through resolution were we able to bring the bank scandal to the floor. They attempted to cover up the House post office scandal, and now we are attempting to bring that to the floor, and these gentlemen are going to use every trick in the book, including disobeying the rules of the House, to try to keep that from happening.

They do not want this process to move forward here because they know they have got a problem. They have run this House for 40 years, and the House is now being showed for the corruption that it has at its base level, and we need to have now a real public disclosure of what is happening.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his comments.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, this gentleman from Pennsylvania does not control the time. The gentleman from Wisconsin knows that.

Mr. BURTON of Indiana. Mr. Speaker, I will be happy to yield to my colleagues on that side of the aisle after I yield to these gentlemen. They have been waiting for some time, so just give me a little bit of time.

Mr. Speaker, I am happy to yield to my colleague from California.

Mr. BAKER of California. Mr. Speaker, if I might ask the gentleman from Pennsylvania [Mr. WALKER] a question?

Mr. WALKER. Sure.

Mr. BAKER of California. I am new here and do not have the historical background, but the officer of this House that recently admitted wrongdoing was also admitting to conspiracy. Do we have the information as to who he conspired with?

Mr. WALKER. Well, if the gentleman will yield to me, I do not know that we have that information specifically. It is my understanding that in the testimony that was presented to the Committee on House Administration there may have been an indication of people who he talked to in the course of sorting through what was a problem. Whether or not that was conspiracy we do not know until we have the materials. The only people in the possession of those materials at the present time are the Democrats. They would like to keep them in their own possession. We would like to have them give those materials to the public and to all of us so that we can assess whether or not there——

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. BAKER of California. The plea that he copped to was conspiracy. Can he conspire with himself?

The point I am trying to make is the freshman class is interested in this not as an exercise in good government, but as a mechanism to clear our names.

Mr. Speaker, the last election was rather spirited over whether this House was going to be in high esteem held by the public or whether it was going to continue to be rocked by scandal. The important point of the press conferences today and this 1-hour colloquy is: Are we going to get to the bottom of this and get behind it?

And we can pass all the resolutions in the world, but we cannot come out with the information that we say these various Members of the House are guilty of no wrongdoing and should be excused from any wrongdoing, and I think we owe it to this House to get to the bottom of it, and the gentleman asked—we asked the Attorney General—should we ask the Attorney General that fired all the prosecutors in the middle of this investigation, or should we move on as a House to clear our names? And I think, when the gentleman, former officer of this House, admitted wrongdoing and admitted conspiracy, there are several questions that need to be answered.

Mr. BURTON of Indiana. I thank the gentleman from California [Mr. BAKER] for his contribution.

I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, as the gentleman from California [Mr. BAKER] was mentioning, as freshman Members of Congress certainly we are in a position where, as so many others, we campaigned on reform platforms, and it is so important to us, and I know it is important to the gentleman, it is important to people all across the country, that the concept of reforming and cleaning things up not be something that surfaces only during a political campaign. The true test of reform is what you did about it when there was no campaigning going on. Well, there is no campaign going on right now, and yet there seems to be a great amount of difficulty in getting information out in the open.

Now, in listening to the gentleman and to other people who have been here who were here last year during the investigations, I have understood some things that I would like the gentleman's feedback upon. Certainly there was an inquiry. Part of the information from that was made public; a great amount of it was not made public. There are interviews, as I understand. There are tape recordings, I understand. There are transcripts, all of these things, and that information is known, as I understand it, is known to a select few in the leadership of this Congress.

So, the information that has been made available is being held, held away from public scrutiny, tells who did something and who did not do something, and certainly a person in a leadership position has the power of rewards and punishments, and someone with information has the power to seek rewards or to seek punishments.

Now, does the gentleman have a fear that there might be, especially when we have volatile political issues such as a giant tax bill on the agenda, that some people are in essence susceptible to political blackmail because some people have information, they can use that, they can try to cover it up, they can try to bring it out according to whether they are achieving the political results they want? Do we have a danger there?

Mr. BURTON of Indiana. First of all, Mr. Speaker, I would hope that is not the case.

Mr. ISTOOK. I would hope not, too.

Mr. BURTON of Indiana. But the thing is the American people have to wonder about issues like that, and that is why it is extremely important that both Democrats and Republicans work together to bring this to light to clear up this mess before it becomes another stain on the House of Representatives.

I yield to my colleague.

Mr. HOEKSTRA. Mr. Speaker, I am afraid that it is already becoming a stain, again being a freshman Congressman, coming to this House and really wanting to restore integrity and honor back to this House of Representatives, an institution that only 19 percent of the American people now believe is doing a good job. The stain is already there because, as I look at the chronology of events, it started back on April 26, 1991, and here we are, more than 2 years later, starting to debate whether we will have full disclosure.

Would the gentleman from Indiana [Mr. BURTON] respond to a question from a freshman?

Mr. BURTON of Indiana. Of course.

Mr. HOEKSTRA. What is the rationale in terms of delaying for this length of time such a serious problem and hiding it from the American people?

Mr. BURTON of Indiana. There is no rationale for that other than there is a lot of concern that some very important people may be hurt, and the gentleman from Kansas [Mr. ROBERTS], who is one of the people on the investigative committee of the Committee on House Administration said, and I quote, "This report is in no way complete as to what happened in the House Post Office," and I go on to quote: "The investigation should continue." That was July 22, 1992. Nevertheless, Mr. Speaker, there was a vote taken, and it was stopped, and, when it was stopped, I think it did a disservice to this House.

Mr. HOEKSTRA. As we start moving forward, I cannot help but emphasize the importance of the Members of this House to push for reform, to push for full disclosure, because how can we deal with any of the tough issues with these clouds continually hanging over us? We have absolutely no credibility, and, before we address the issues, we need to restore full credibility and integrity to this House.

Mr. Speaker, I thank my colleague, the gentleman from Indiana [Mr. BURTON] for having yielded to me.

Mr. BURTON of Indiana. Mr. Speaker, I yield to my colleague.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for yielding to me, and I want to say what I am about to say very calmly because most of what I have heard on the floor is extremely disturbing because it is so outrageous.

The charge here is of coverup. What I think people need to understand is that all of the materials that are under discussion here are in the hands of the House committee on ethics, and they are in the hands of the U.S. attorney. More importantly, the information in question was developed in a bipartisan task force in which I served with three Republicans and three Democrats.

□ 1840

We not only had access to material, all of us, Republicans and Democrats alike, we developed it, Republicans and Democrats alike.

Now, for this to be a coverup one has to assume that those Republicans are also on the coverup, which is ludicrous on its face. One also has to assume that all of the Republicans on the Ethics Committee who have this information available to them are involved in a coverup, which is also ludicrous on its face. But the fact that Republicans were there every minute of the time that this information was developed, that Republicans know everything that is in this material, on its face suggests that the charge that there is any Democratic coverup is also ludicrous on its face. There is no coverup.

Mr. BURTON of Indiana. If I might reclaim my time, I would be glad to yield back to my colleague, but as I just quoted, the gentleman from Kansas said that was in no way a complete report and the investigation should continue, and he was one of the principals involved.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, it is also important to recognize that the Republicans issued a separate report as a part of that, because they felt as though the Democrats' report was incomplete, was sanitized, and at the time said that there were materials being held that were not released. That is the reason why we came to the floor with a resolution within a couple of days after that asking for all of the materials to be released, a resolution that the Democrats overwhelmingly voted against, because they did not want that to come out.

That is the coverup we are talking about, the unwillingness of the Democrats to put on the record all of the materials that were before that task force.

Mr. SWIFT. But, if the gentleman will yield, he makes exactly the point. The Republicans offered a separate report. There was no compromise between the Democrats and the Republicans. They offered a separate report which was made available, and they could put in it anything they wanted.

If the Republicans failed to put in deep, dark secrets that are being charged as a coverup, then they covered up, and it is ludicrous to believe that they did that. That leads one in the inevitable logic to conclude that the charge that the Democrats are covering up is also equally ludicrous.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, let me just say there were a large number of us on this side of the aisle that felt that the investigation was chopped off before any real conclusion could be reached, and the gentleman from Kansas [Mr. ROBERTS] said that very clearly, the investigation should continue. But they brought it to a conclusion, had a vote, and tried to get it under the rug as quickly as possible because they were very concerned about who might be hurt by this.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, the point being that every one of those Members who the gentleman refers to on the Republican side voted to release all of the materials. They felt as though it was important to have all of the materials on the record. The gentleman suggests that that does not involve a coverup. The fact is the Democrats did not want all the materials put on the public record, and do not today. They are attempting right now to keep those materials from going on the public record.

Mr. SWIFT. Would the gentleman care if any of us told you why we do not want them released?

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, let me briefly yield to the gentleman from Wisconsin [Mr. OBEY]. I want to have some comity with the gentleman before the session is over.

Mr. OBEY. I would just like to ask in light of the comments made previously about the prosecutor, is anyone here tonight alleging that the present U.S. prosecutor or the past U.S. prosecutor have been derelict in their duty in any way in asking this House not to release this information? Are you alleging dereliction of duty on the part of the U.S. prosecutor?

Mr. WALKER. If the gentleman will yield, I do know the U.S. prosecutor was on television last night, the former U.S. prosecutor, the one fired when he was about to have the indictment, and indicated he thought there were real problems in this whole process, and that he was prepared to go with the indictment but he ended up getting fired first. So now we have the new acting U.S. attorney telling us we should not proceed further.

Mr. BURTON of Indiana. Mr. Speaker, let me reclaim my time.

Mr. OBEY. So you will not answer my question.

Mr. BURTON of Indiana. Let me just say this——

Mr. WALKER. No one was derelict in their duty.

Mr. BURTON of Indiana. Let me just say that I think that all of these animosities and all of these concerns could be laid to rest very, very easily if the House of Representatives had a complete clean breast of this situation for the American people and every Member of this body. That is what needs to be done. That is what should have been done a year ago, and was not done.

Mr. SWIFT. Will the gentleman yield on that point?

Mr. BURTON of Indiana. I will be happy to yield to my colleague.

Mr. SWIFT. I feel very strongly about this. I led the fight last time not to do so, and these are the reasons. Our investigation was not typical of a criminal investigation because we were not charged with making a criminal investigation. What we were charged with doing was finding out what went wrong and recommending new administrative procedures in the post office so it would never happen again. And we did that.

But the nature of the testimony we took was very, very different and taken under very, very different circumstances than you would if you were pursuing a criminal investigation.

In fact, the witnesses were told, and I have to tell you it was a Republican counsel who first said this, and I do not mean to blame Republicans, but only to indicate that there was bipartisan agreement on this, and he said, "Everything you say is off the record."

The witnesses, who, after all, are primarily employees of this institution, employees of the post office, were told that what they said would be off the record.

Second, almost none of the witnesses were sworn. There is innuendo, there is rumor.

If the gentleman would let me continue, the central question is why not, and I am telling you why not, and I would hope you would give me a bit more time.

The record contains hearsay. For what we needed to do, the analysis of the administrative problems down there, that was quite acceptable. It would be wholly unacceptable if you were following a criminal prosecution. Who would be harmed if these were——

Mr. BURTON of Indiana. Reclaiming my time, let me say this——

Mr. SWIFT. The gentleman does not want me to tell you why?

Mr. BURTON of Indiana. There was a difference of opinion between Democrats and Republicans. You sound like that everybody was on the same wavelength. That is not the case. The chairman of the committee said there is no credible evidence to back up allegations of wrongdoing against any individual, and yet one of the members of that committee from Kansas said the investigation should continue. It was cut off, and when the vote took place on this floor, it was on a party line vote.

Mr. SWIFT. That is irrelevant to the question raised.

Mr. BURTON of Indiana. Why is it irrelevant?

Mr. SWIFT. It is irrelevant to the question you raised and how I tried to answer it.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I would like to direct one point toward the point of the gentleman from Washington [Mr. SWIFT]. That is he says this report is full of hearsay evidence, hearsay testimony, lack of evidence, unsworn, promised it would be off the record.

This is the evidence we were told this morning that the Speaker of the House is willing to release 10 working days from now, the same evidence. Our point is why is the timeframe so important? Why is it going to have to be held up for 10 legislative days in the House, 10 working days? If this testimony is so off the record, so hearsay, so unreliable, why would the Speaker say we cannot release it tomorrow, but we can release it in 10 working days?

Mr. SWIFT. That is not what the Speaker said, if the gentleman would yield.

Mr. BURTON of Indiana. I would be happy to yield. What did the Speaker say?

Mr. SWIFT. What the Speaker suggested is if we are going to pass this, we should give the Attorney General of the United States 10 days in which to determine and inform us as to whether or not revealing this information will jeopardize an ongoing criminal investigation.

Mr. BURTON of Indiana. If I might reclaim my time, there has been a year. There has been a year. Why 10 more days? Why not tomorrow?

I think there are many people concerned about the legislative process that is taking place around here and what this might impede.

Mr. SWIFT. There are answers to all the gentleman's questions, if he will yield so he can get the answers.

Mr. WALKER. If the gentleman will yield, the gentleman from Washington [Mr. SWIFT] just helped us understand why this would not interfere with the prosecution, because in no instance were any of the witnesses granted any kind of immunity. It is our understanding after consulting with a bevy of attorneys, most of whom have been prosecutors, that they feel as though there is absolutely nothing that would get in the way of proceeding with the prosecution, unless in the course of those deliberations in the House Administration Committee someone was actually granted immunity from prosecution. No such immunity grants were done.

As the gentleman from Washington pointed out, the witnesses were brought in not in a criminal proceeding, and so therefore there was no immunity granted to them. So there is absolutely no way that anything that is in those documents could get in the way of the prosecution.

It is clear then when that is used as an excuse, that that is one more attempt to keep this House from moving ahead with the rightful obligation to release this material to the public.

Mr. SWIFT. If the gentleman will yield, that is simply wrong.

Mr. BURTON of Indiana. I see some of the leadership is here. The majority leader visited us. I am glad he is here to hear this tonight.

□ 1850

I hope that he, along with the Speaker, will sit down and very calmly talk about this issue and try to get all of the relevant facts before the body for a complete investigation so we can make a clean breast of this to the American people. I think that if anything else is done, it is going to increase the disrespect the American people have for this House.

It is imperative, in my opinion, that we not have another full-blown House checking scandal. It appears to me we are heading in that direction.

If the leadership wants to head that off at the pass, what they need to do is bring this to a conclusion as quickly as possible.

Mr. Speaker, I yield to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, maybe the gentleman cannot answer this. The gentleman from Washington might be able to.

At the time these hearings were held and the separate reports were made, did either side know they were being lied to by an employee of this House?

Mr. BURTON of Indiana. Does the gentleman from Washington care to respond to that?

Mr. SWIFT. Mr. Speaker, the gentleman refused to yield to me. I was not listening anymore.

Mr. BAKER of California. At the time the two reports were written and the testimony was taken, did either side know that they were being lied to by an employee of the House?

Mr. SWIFT. I do not believe that either side knew with certainty. There was no proof.

Mr. BAKER. of California. Did they know that there was a Congressman A and a Congressman B involved in a conspiracy?

Mr. SWIFT. No.

Mr. BAKER of California. Well, now we do know because the gentleman that worked for the House has pled guilty to a conspiracy

Mr. SWIFT. The point is that there is an ongoing, and has been for months, criminal investigation that is going to get at the root of this. What you people want to do is to release this information, which may well interfere with the successful completion of that criminal prosecution. Why do you want to do that?

Mr. BURTON of Indiana. If I might intercede, I do not remember the Majority being concerned about that with Watergate or with the Iran-Contra investigation or anything else. Criminal prosecution could be secondary. You went right ahead with the hearings just as quickly as possible. But when your party is involved, when your party is involved, the first thing you do is say, "Wait a minute. We have to wait for the criminal prosecution to take place." I think there is a double standard here that many of us simply do not understand, nor do the American people understand.

Mr. BAKER of California. The firing of the prosecutor did more to slow down this investigation than any of the shenanigans we might have on this floor.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2667, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM MAJOR WIDESPREAD FLOODING IN THE MIDWEST, FISCAL YEAR 1993

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103–187) on the resolution (H. Res. 220) providing for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 2490, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103–188) on the resolution (H. Res. 221) waiving certain points of order against the bill (H.R. 2490) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## FACTS WITH RESPECT TO THE POST OFFICE INVESTIGATION AND CONTINUING DISCUSSION OF NAFTA

The SPEAKER pro tempore [Mr. FINGERHUT]. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I am here tonight to speak about NAFTA. Before I do, I yield to my colleague to lay before the House some of the facts on the issue that has previously been discussed this evening with respect to the post office situation.

I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

I thought it would be appropriate, before you go into the rest of your special order tonight on NAFTA, to try to clear the air and to bring some facts to the matter that has just been discussed in a prior special order about the investigation regarding the post office.

I would like to read from a letter that was sent to the Honorable THOMAS S. FOLEY, Speaker of the House, and the Honorable ROBERT MICHEL, minority leader of the House, on today, July 21, 1993.

> DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: We have been advised that the House of Representatives may be considering the public release of previously confidential materials generated during the inquiry conducted last year by the Task Force to Investigate the Operation and Management of the House Post Office. I am writing to express this Office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this Office into matters associated with the House Post Office. Accordingly, I ask you not to authorize the release of such materials.
>
> Last year, this office endeavored to work cooperatively with the Task Force, so as to enable the Task Force to conduct its mandated operations-and-management review of the Post Office, without invading the integrity of the criminal investigation. After completing its review in July of last year, the Task Force prudently concluded that many of the materials that it had collected or generated—including deposition and interview transcripts and tapes—ought to remain confidential, in part because the publication of such materials posed a significant potential to compromise the ongoing grand jury investigation. That potential remains today. The investigation is continuing, and inevitably involves many of the same witnesses and transactions that the Task Force inquiry included.
>
> For these reasons, I strongly request that the House refrain from releasing additional materials generated by the Task Force inquiry.
>
> J. RAMSEY JOHNSON,
> *United States Attorney.*

This individual, J. Ramsey Johnson, is the deputy to former U.S. Attorney Jay Stephens. He is a career official in the U.S. Department of Justice, U.S. Attorney's Office.

He is the same person that worked with Jay Stephens as his deputy in the work on the criminal investigation and prosecution in the post office situation.

It is worth noting that all through the investigation, Jay Stephens was in contact with this Task Force. In fact, I have here in front of me two letters, one June 4, 1992, another March 27, 1992, in which Jay Stephens made recommendations to the task force to either not interview a certain witness or to interview a certain witness, as they worked together to see that their two work products complemented one another and did not injure one another.

The truth is that if there was a resolution here tomorrow to release this information, we would be doing the very thing that I think would be wrong to do, and that would be to complicate, to sidetrack, to obfuscate, to damage, to injure somehow an ongoing and, apparently, successful criminal investigation.

We had the former Postmaster plead guilty in Federal Court the other day, as a result of that criminal investigation, which is still ongoing. And as the U.S. attorney said in his letter to us today, please do not reveal any of this information because you are going to damage the work that we have done.

Now, statements have been made that the materials were not in the hands of the other party. The other party cooperated and was part of the work of the task force. It was evenly divided between both parties. There were three on one side and three on the other.

All of the work of the task force was done cooperatively between the parties.

Statements were made about cover up and the fact that the resolution that was passed last year was part of a cover up. I think the words must not have the meaning that I think they have in Webster's dictionary. The cover up would come if we voted somehow tomorrow to release the information, to stop the criminal investigation. That is the last thing in the world anybody who wants justice to be done in this case would want to do.

□ 1900

You have a U.S. attorney who is in the middle of and succeeding with a criminal investigation, saying, "Please don't compromise our efforts. Please don't stop the investigation that we are involved in by doing this, because you might ruin what we are trying to do."

If you are trying to cover up, if you are trying to frustrate a criminal activity, then surely you would want to release this information publicly. How in anyone's right mind could they want to do this? It is unbelievable to me that anyone who has any sense of the criminal law and how it works would want to come to the floor and say, "Let us frustrate a criminal investigation. Let us put material out and stop what the U.S. attorney is trying to do, and has told the leadership of the House, both Republican and Democratic, what he is trying to do."

I think, rather than trying to create confusion, trying to obfuscate, trying to misrepresent what the facts are in this case, we should listen to what the assistant U.S. attorney has said. We should listen to what they have said, as we have over the last year of this investigation, and try to cooperate with the law enforcement officials of this area and this country.

A lot of speeches were made on this floor about law and order. I am interested in law and order. I must say to my friends, the best way to represent law and order and to get to the bottom of allegations that have been made and bring to justice anyone who has broken the laws of this House of the United States is to do what we always do, and that is cooperate with the law enforcement officials of our country, who are trying to do their job in the best possible way they can, and are simply asking for the simple cooperation of the U.S. House of Representatives in doing that.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

I must say that I rise with considerable sadness after what I witnessed during the last hour in this House tonight. I started out in life, and I am sure this will shock my Republican friends, I started out in life as a passionate Republican. I peddled more literature for——

Mr. BONIOR. Sorry to hear it.

Mr. OBEY. I peddled more literature for Bob Taft and Joe McCarthy than anybody in the State of Wisconsin when I was a teenager in 1952.

One of the reasons that I left that party and became a Democrat, eventually, is because in my own State we had a man by the name of Joe McCarthy. He defined politics in my State. His conduct demonstrated to me that I could not continue to remain in the Republican Party in Wisconsin. Thank God that has now changed. It demonstrated to me I could not remain in the party.

As I was saying, it was demonstrated to me that in Wisconsin, in those days, it was not possible to remain in the Republican Party and to disagree with the character assassination, innuendo, and other tactics used by him at that time. Thank God he has now been largely discredited, I believe, in both parties. Certainly his techniques have been.

I think I know an imitation of McCarthyism. I think I know the sly use of innuendo when I see it. I must say that I regret it every time I see it.

I also think that I know it when I see a pitiful disregard for due process and for fairness, and I have to say that I hope that this House has learned something from the missteps that we took in Iran-Contra. In our eagerness to pursue a wrongdoing, or perceived wrongdoing in that case, we engaged in a process which effectively resulted, unfortunately, in a number of convictions being thrown out of court on technicalities because the court ruled that witnesses had been prejudiced by the activity of the committee at that item; inadvertently, I am sure, but nonetheless that is what happened.

It just seems to me that in the teeth and in the weight of that record, for us to blithely disregard the request of the U.S. prosecutor who, after all, is the man who successfully concluded the investigation and the conviction of the former Postmaster, it would be the height of irresponsibility. I would simply suggest that unless Members have contacted the U.S. attorney and have received a different set of requests, or unless they have some evidence or have reached a conclusion that the U.S. attorney himself is derelict in his duty, and we have been assured tonight that that is not the case, unless they have determined from the prosecutor's office what effects could occur on the potential prosecution of other people if we release that information, it seems to me that the prudent course is to disregard the rather eager and, in my view, misguided comments that have come from many sources tonight and to, for the moment at least, review with the U.S. attorney what his wishes and desires and needs are.

That is the professional way to proceed. That is the nondemagogic way to proceed. That is the fair way to proceed. That is the way to proceed if one has regard for due process and is more interested in seeking information than scoring political points.

I would hope that we would not see more repetitions of what we have seen in the last hour in this House.

Mr. GEPHARDT. Will the gentleman yield?

Mr. BONIOR. I yield to my colleague.

Mr. GEPHARDT. There are two other points here that I want to make, and then a third point, very quickly, that I would like to answer.

First of all, all of the materials that were produced by this task force have gone both to the U.S. attorney and to the Committee on Standards of Official Conduct of this House. All of the materials have gone both to the U.S. attorney, and at a time, incidentally, when the U.S. attorney was under a Republican President, and to the Committee on Standards of Official Conduct of this House, which is evenly divided between the Republican and Democratic Party.

Second, to reiterate a point I made a moment ago, we are not prosecutors. We are not enforcers of the criminal law. That is done by the Justice Department. If we were to release these materials, we would be obstructing an activity that is going on by the Justice Department. That is why it is wrong.

Finally, in the colloquy that went on earlier there was an intimation that perhaps the leadership on this side or the Speaker had called the U.S. attorney to elicit the letter that came. If that was intimated, it is absolutely false and wrong. I don't know what was said, I don't know how it was said, but I can tell the Members that that was not done.

There was an intimation that there was somehow an effort by the U.S. attorney to use this material to have leverage, or somehow that the administration would have some kind of leverage on people that are participating in a conference on the budget. Again, if that is the intimation that was made, I am deeply offended by it.

This is a U.S. attorney who is a career official who has spent most of his career under Republican Presidents and Republican Attorneys General, who is beholden to no one in any party, and to intimate or to say somehow he would use this criminal investigation to influence what any Member of Congress would do is absolutely a reprehensible and false statement to ever make in this place.

Everything that has been done in this case on this side has been done in the interest of bringing truth and justice to this matter. Indeed, that is what is happening as a result of this criminal investigation. I wish and I hope that we will go forward with this criminal investigation and give our Department of Justice and the people who work very hard for it the ability to continue their work and to get every possible fact in front of the public.

□ 1910

And when that is finished, and they have had the chance, the best possible chance to bring justice in this case, and to bring everybody who did anything wrong to justice, then we would be happy to entertain anybody's idea of putting everything in front of the public and letting the public make known their judgment and all of these facts.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield at this point.

What I will do is talk about justice and switch subjects for the moment. I have six Members who have come to the floor this evening to talk about justice for workers.

Mr. Speaker, I ask for order.

Mr. Speaker pro tempore. (Mr. FINGERHUT). The gentleman will suspend. The gentleman from Michigan [Mr. BONIOR] controls the time. He has declined to yield.

Mr. BONIOR. I thank the Speaker.

Mr. Speaker, I come to the floor tonight to talk about justice for workers, to talk about the North American Free-Trade Agreement.

Mr. Speaker, for several weeks running now I have come to the floor of the House to speak out against the proposed North American Free-Trade Agreement.

I'm against NAFTA for one simple reason: NAFTA threatens American jobs.

If this agreement is ratified, we will lose jobs in manufacturing. We will lose jobs in agriculture. And we will lose jobs in small business.

Removing barriers to fair and free trade between countries is, in principle, a good idea. That's why I supported the Canada Free-Trade Agreement. That agreement has Free-Trade Agreement. That agreement has worked for us because the United States and Canada are essentially similar economies.

But there is something dreadfully wrong with linking together two countries whose economies, basic political systems, and environmental standards are as vastly different as ours and Mexico's.

Let's look at the facts. They shouldn't be news to anyone who's been paying attention to what is really going on in Mexico.

Mexico's minimum wage of just 58 cents an hour is a mere fraction of wages in the United States. Even the best manufacturing jobs in Mexico pay less in a day than United States workers earn in an hour.

Why are Mexican wages so low?

Because the Mexican Government keeps them low.

When workers try to organize independently for better wages or working conditions, the Government steps in to squash them.

Just ask the four Mexican workers who bravely came here last week to testify before the Subcommittee on Employment, Housing, and Aviation. They told their own personal stories—in spite of threats of government reprisal—about the retribution they've suffered for doing little more than meeting with fellow workers—after hours, off the company premises—to talk about the need for decent wages.

Juan Carranza worked for the TDK company in Juarez for two years. He earned $8.50 for a back-breaking, nine hour day making magnetic components. But he was fired in September of 1992 because he was trying to reform his government controlled union and make it more democratic—more responsive to the needs of the workers.

He went to plant after plant in the Juarez area, but no one would hire him. Finally, at one of the plants he went to, the personnel officer showed him a list with his name on it. She said it was a list of rebellious workers, circulated by the local chamber of commerce, and that he would have to get a letter from TDK in order to get his name off the list. of course, they wouldn't give Mr. Carranza a letter to clear his name.

He testified about his greatest heartbreak in all of this—without a paycheck, he couldn't buy Christmas presents for his children.

Alma Molina told her story, too. She worked for Clarostat—a U.S. company with a plant in Juarez. She earned $4.50 and for a nine hour day. Fifty cents an hour. She worked with dangerous chemicals—like phenol and epoxy resin—without gloves or masks.

She began meeting with other workers who were concerned about health and safety conditions in the plant. They met after hours, off the plant premises, to begin organizing.

Like Juan Carranza, it wasn't long before she was fired. The personnel manager told her to her face that she was being fired simply for trying to organize a union. Unlike Mr. Carranza, though, Ms. Molina was fortunate enough to find another job right away, at a plant owned by General Electric.

But was she able to keep that job? After she was there for only seven days, she was called in to her manager's office. The manager pulled out a black folder. Inside it was a list of names. He said she would have to be fired because her name was on the list. He said it was a list of undesirables—criminals, and drug addicts, and thieves.

Then—as a final indignity—he asked her which of those categories she belonged in.

Ms. Molina is still without work today.

This kind of outrageous repression of basic labor rights is repeated over and over again, in town after town, and in plant after plant, all across Mexico.

Some would say wages are low in Mexico because productivity is low. They couldn't be more wrong.

Prof. Harley Shaiken, of the University of California at San Diego, did a report which shows that wages are kept low in spite of rapidly rising productivity.

He documented how the newer plants in Mexico, like Ford's $500 million stamping and assembly plant in Hermosillo, are every bit as efficient as plants here at home.

With Mexico's high technical efficiency and low wages, can anyone doubt that United States companies will run for the border once NAFTA is approved?

Throw into the mix Mexico's lax environmental standards—an additional incentive for industry to move South—and you have a formula for economic disaster for American workers.

The Resource Center, a nonprofit research institute located in Albuquerque, has documented over 96,000 specific jobs, from 253 specific plants, lost to Mexico over the last 12 years.

They estimate the total number is actually much higher. When you add in job losses that supplied or serviced the relocated firms, you get a conservative figure of over 500,000 jobs lost to Mexico.

Think about that. Over half a million Americans out of a paycheck because the multinationals that used to employ them found they could pay Mexican workers a whole lot less.

They don't even have to worry about environmental regulations or worker safety standards by moving to Mexico, to boot.

And now we're going to endorse these relocations and job losses—and invite even more of them—by having our Government roll out a big red carpet called NAFTA?

Not if I can help it.

That's why I'm here to make sure my colleagues and the American people know the facts about NAFTA before we rush into this fatally flawed agreement.

While we're on the subject of the facts about NAFTA, I wonder how many of my colleagues and constituents have stopped to ask who's fighting on the other side of this thing, trying to pass NAFTA?

It's the Fortune 500 companies—it's the Wall Street investors who see in NAFTA more easy money opportunities, like the kind they scored with merger and buyout mania during the 1980's, that left most of the rest of America out of work and in debt up to their eyeballs.

And it's the guys running around Washington in the thousand dollar suits, who are being paid big bucks by the Mexican Government to lobby on their behalf.

Altogether, the Mexican Government and the pro-NAFTA corporations are spending more than $50 million to pull the wool over our eyes to get this thing passed.

A special advertising supplement in today's New York Times is a perfect example of what they're up to.

They've got a big spread. It takes up seven pages in the business section of the paper. It combines articles and opinion pieces supporting NAFTA, disguised to look like news, with paid advertisements touting NAFTA's benefits.

The list of advertisers reads like a Who's Who of the corporate elite.

Insurance companies.

Banks.

Telecommunications firms.

Here's the really outrageous part:

When the groups opposed to NAFTA tried to place an ad in the same section, to tell the other side of the story—the side of the story about what NAFTA will really mean for working people—the New York Times said no.

The groups were willing to pay the same rates that the pro-NAFTA people paid, but the Times wouldn't let them.

When opponents of NAFTA tried to take another tack, and asked if they could place an op-ed on the regular opinion page—to at least give some kind of balance to the advertising supplement—they were again denied.

Is that journalistic integrity? I wonder how much money they made off that advertising section. The New York Times should be embarrassed out of business for taking such a blatantly biased approach to NAFTA.

Well, working people aren't going to let them get away with it so easily. Yesterday, at noon, working people staged protests at New York Times offices all around the country. In New York, Philadelphia, Chicago, San Francisco, Los Angeles, in Detroit—my home State, and right here in Washington, working people joined together to let the Times know what they think about a supposedly free press that looks like it can be bought—lock stock and barrel—by the big money interests who support NAFTA.

Now, I do not know if any of the Members saw today, but there was a special advertising section of the New York Times, you know, the paper that says all of the news that is fit to print. This New York Times special advertising section is a perfect example of what is going on with lobbying today on this issue in the U.S. Congress. They have a big spread and it takes up seven pages in here in the business section. It combines articles and opinion pieces supporting NAFTA, disguised to look like the news, to look like the news, with paid advertisements touting NAFTA's benefits. The list of advertisers reads like a Who's Who of the corporate elite, insurance companies, banks, telecommunications firms.

□ 1920

Here is the really outrageous part though: When groups that were opposed to NAFTA tried to place an ad in the same section to tell the other side of the story, the side of the story about what NAFTA really means to working people, the New York Times said "no." The paper that says that they are going to print all the news that is fit to print said no. The paper that comes before this Congress and the American people and rails about what they say is a system that needs correction, and it does.

Then when it comes to the big bucks and the big boys on Wall Street and the investors, they say no to the working people, "You cannot have your say." And that is why working people all across the country today in eight cities, in eight States around the country, picketed the New York Times because they said "no" to the first amendment. They said "no" to the rights of the American worker to have their say about the corruption in Mexican Government, about the corruption that they are trying to foster on us with this treaty that will put many of our workers out of work.

The groups willing to pay the same rates that the pro-NAFTA people pay, the Times would not let them; they said "no." And when opponents of NAFTA tried to take another tack and asked if they could place, you know, an op-ed piece on some regular opinion page to at least give some kind of balance to the advertisements supplement, they were again denied by the New York Times.

Now, I ask you, is that journalistic integrity? I wonder how much money they made off of that advertising section here.

The New York Times should be embarrassed, out of business, for taking such a blatantly and biased approach to NAFTA.

Well, I want to tell my colleagues and the American people, working people are not going to let them get away with it so easily. We are not going to let the Washington Post and other papers around the country who print Henry Kissinger op-ed pieces in support of NAFTA under the name of the writer, that he is a former Secretary of State, of Kissinger Associates, an international consulting firm with business interests in many countries abroad. I would like to know what interest Henry Kissinger has in NAFTA, what corporate and investor elites he represents. I want to know exactly what these op-ed pieces are and who writes them, and I want to know the writers, these esteemed writers that we have in the country, that walk around here with halos that take 15 and 20 grand apiece to give a speech to these business organizations who are in support of NAFTA. I want to know what their credibility rating is on this issue.

And I want the newspaper industry in this country and those who are about justice to come forward and explain to the American people how they could be so biased, how they could be so one-sided on an issue that affects the working people of this country.

Mr. Speaker, I yield to my friend, the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. I know that our colleague, the gentleman from New York [Mr. HINCHEY], has some things to say about jobs as you did, but if I could for a couple of minutes follow up on what you were saying about newspapers.

In the Cleveland Plain Dealer, that same article from Henry Kissinger ran the by-line under the article said, "by Henry Kissinger, formerly served as Secretary of State in the Nixon and Ford administrations," never a hint about whether Henry Kissinger is receiving money as a consultant to the tune of tens of thousands of dollars from the Government of Mexico. When Bill Brock writes a similar op-ed piece for newspapers all across the country, newspaper publishers snatch them up immediately, put them in the paper, and they say, "Bill Brock was formerly U.S. Trade Representative in the Reagan," I believe, "administration," never again saying that Bill Brock is on the payroll of the Mexican Government, never saying Bill Brock is on the payroll of U.S.A. NAFTA, the corporate group in America that is supporting NAFTA.

The point is that these newspapers, if they are going to come clean, these newspapers if they are going to be forthright, should tell the American people what the story is, that these people are using their former service in the U.S. Government paid for by taxpayers, supposedly representing American interests when they negotiated trade agreements in the past, they are using those titles to tell the American people that they should pass something.

It is important, and I would ask people watching C-SPAN and watching this to call some friends. We are going to talk about jobs. The gentleman from New York [Mr. HINCHEY] is going to talk about jobs. The gentlewoman from Florida [Mrs. THURMAN] is going to talk about agriculture and what NAFTA means about that. Call your friends, because the way we are going to defeat this agreement is not by spending more money than the Mexicans. The gentleman from Michigan [Mr. STUPAK] is also going to talk about jobs and agriculture. But it is not going to be by spending more money, not going to be by editorials in the newspapers.

It is going to be by the fact that most Americans are against this, and Americans, all of us, everyone needs to write their Member of Congress, needs to write all of us so we can stand up on the floor and say that we have got 3,000 letters against NAFTA and only 12 of the wealthiest business people in our district were for it, because small business is against it, the people are against it, workers are against it. It is a bad idea.

It is an investment agreement as the gentleman said. It is not a trade agreement. It does not mean jobs. It means loss of jobs. It is a job killer. It is a small-business killer. It is a killer for our communities if these companies just pull up stakes and leave town.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I am happy to yield to the gentlewoman from Florida.

Mrs. THURMAN. I just want to make a point here in the fact that we have brought up the fact of how the Americans should be feeling about this and getting in touch with them.

I say to the gentleman from Michigan [Mr. BONIOR] that one of the questions I would like to ask him is: During your testimony tonight or conversation tonight, you talked about the workers from Mexico. The one question that was asked to the Mexican workers, and yet we have been led to believe, as Americans, that Mexicans are for this, and the one question that was asked of all three of those workers who came here at their risk, their families' risk, their ability for economic stability within their own families, was: Did they agree or want NAFTA in their country? do you know what their answer was? Adamantly no.

Mr. BONIOR. It is not surprising. I thank my colleague from Florida for bringing that out.

The press would have us believe that the Mexican people are for it. They are overwhelmingly against it.

I will tell you why they are against it: The people who care about human rights, the people who care about political reform, the people who care about labor-law reform in Mexico, and all the things that will help rise the average Mexican worker to a level they can compete and live and provide decently for their family are against it. Ninety percent of the Mexican people know what this treaty will do.

What it will do is it will lock in the existing corrupt system in Mexico. It will lock in a system that we have seen show wages dropping from 1979 to 1992—25 percent. It will lock in the system of pollution. It will lock in the system of labor law which is not enforced, and judicial law which is not enforced.

It will preserve a system for an elite, an elite that we are talking about 30 families who control 60 percent of the gross domestic product in Mexico. That is what this thing is for. That is what this thing is for, and that is why there is such an outrage, as the gentlewoman from Florida has mentioned in Mexico itself to what is going on here.

So we are going to talk about agriculture tonight. But before we move into the area I would like to yield for a second to my distinguished colleague, the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding. But I want to talk about agriculture.

Over the past 2 years, the Subcommittee on Commerce, Consumer Protection, and Competitiveness which I chair has held numerous hearings looking at the impact of trade agreements on the health and safety of the American public.

On many occasions, I have come to the House floor to express my concerns over the way free trade agreements with Mexico and Canada may actually weaken food safety standards designed to protect American consumers. These efforts culminated last year in the subcommittee taking a resolution to the floor which stated that Congress would not implement a trade agreement that compromises our country's health, safety, labor, and environmental laws. This resolution was unanimously adopted.

I want to bring my colleagues up to date on our subcommittee's work as it has been in regard to food safety. I recently met with Secretary of Agriculture Espy, who shares my concerns for health and safety of the American public should not in any way be compromised in the name of food trade. But I remain concerned that stricter, more vigorous enforcement of tough U.S. food safety standards is still needed.

At the subcommittee's hearings 2 years ago, a U.S. Department of Agriculture [USDA] import meat inspector working on the United States-Canada border testified that the Department had implemented a streamlined program for the inspection of meat imported from Canada. According to the inspector, this streamlined program permitted the Canadians to determine which samples of meat would be inspected, and limited the number of inspections that could be performed.

Furthermore, the inspector testified that his superior told him he could not perform a lab test on a load of Canadian meat he suspected was contaminated with the potentially deadly listeria bacteria. He was told they had fulfilled their quota of tests for that period of time.

I brought these criticisms to the attention of former Secretary Madigan on three separate occasions with letters dated May 23, 1991; January 22, 1992; and May 14, 1992. I even went to the House floor on June 27, 1991, to describe how, in the name of free trade, the Department of Agriculture was letting Canadian officials, who are not accountable to our Government, take responsibility for protecting the health and safety of American citizens.

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Following the airing of a CBS news show raising concerns about inspection procedures for Canadian meat, then Secretary Madigan acknowledged the problem and promised to improve border inspections. At that time, he came to my office and stated that he had been unaware of the problem.

This year, this subcommittee again heard from Mr. Lehman the USDA meat inspector. This time he raised the concern that meat was being imported from Australia and possibly other countries and, for reasons that are not clear to us being shipped first to Canada and then through Canada into the United States.

When Australian meat was presented at the United States-Canada border, Mr. Lehman asked his supervisor whether the meat should be treated as Canadian, and thus subject to the limited streamlined inspection; or as Australian meat, and subject to very thorough reinspection. His supervisor called headquarters same supervisor as 2 years ago and Mr. Lehman was instructed to treat it as if it were Canadian meat.

The Department of Agriculture now admits it made a mistake in treating the Australian meat as Canadian for purpose of inspection. Nevertheless, we still know that the streamlined procedures adopted at the United States-Canada border are causing problems and that, for whatever reason, Australian meat is still coming to the United States via a very circuitous route through Canada.

Witnesses at the subcommittee's hearing, earlier this year, also raised concerns that NAFTA will lead to an increase in the importation of fruits and vegetables from Mexico. Mexico's standards restricting the use of pesticides on food are different than ours and in some cases considerably weaker.

Two concerns were raised. First, the Mexican Government has no enforcement mechanism to ensure that Mexican growers comply with even the standards it has established. These standards are based on those set by the International Food Organization, and permit trace levels of DDT and other substances which are not permitted in our country.

Second, our Government does not have a sufficient number of inspectors at the United States-Mexico border nor the testing capability to ensure that fruits and vegetables coming into the United States comply with our country's pesticide standards. Testing procedures used by the Food and Drug Administration are able to detect only about half of possible pesticides used.

As a result, witnesses testified before our committee that Mexican growers are able to use whatever pesticides they want on produce grown in that country. According to the General Accounting Office which was also represented at our hearing, the pesticide violation rate for Mexican fruits and vegetables is more than twice as high as for United States grown produce.

Furthermore, Mexico is known to have approved uses for 58 different pesticides on food that we have not approved. In addition Mexico permits 17 pesticides to be used on food that the United States has no approved use for at all, of any kind.

Six of these 17 pesticides are used on produce Mexico exports to the United States. Ten of the pesticides for which Mexican tolerances are different than our own, Mexico says are critical to its agricultural industry.

In addition, the North American Free-Trade Agreement [NAFTA] sets up a dispute settlement procedure which Mexico could use to challenge our stricter pesticide standards as being trade barriers. Under the NAFTA procedures, the United States would have only one representative on a trinational panel to make a determination on a possible Mexican challenge.

That does not make a lot of sense to me. That means that Mexico and Canada could decide whether or not the foods they are sending to our country were trade barriers and therefore challenge our FDA laws, with respect to food for United States consumption.

Mr. BONIOR. If the gentlewoman would yield, the gentlewoman mentioned 17 pesticides that were not legal for use in the United States that are regularly and legally used in Mexico that could affect our population by being shipped here on the products on which those chemicals are used.

I would like to mention a few of them to illustrate the gentlewoman's point. There is a chemical triazophos, which is used widely on potatoes in Mexico. The EPA found that this chemical attacks the central nervous system, causing vomiting, diarrhea, headaches, twitching, sometimes full convulsions, or even death.

There is another chemical among the 17, pirimicarb, used on apples, beans, citrus fruits and vegetables. It causes vomiting, blurred vision, slurred speech, distressed breathing and, yes, even death in higher concentrations.

These food safety hazards are multiplied 10 times over during the processing, where sanitation standards in Mexico are much lower than they are in the United States.

So the gentlewoman from Illinois [Mrs. COLLINS] is absolutely correct, the standards with respect to food safety which this Congress, State legislatures, the Federal Government, consumer groups all over this country have worked hard to improve over the last 100 years, will be wiped out with this NAFTA agreement.

Mrs. COLLINS of Illinois. If I may, let me say that a witness who is representing the Florida Fruit and Vegetable Association said pesticide differences constitute an unfair playing field that has more than just health consequences for the United States. It has job consequences. He estimated that NAFTA could cost the State of Florida alone 50,000 jobs in its agricultural sector.

Mr. BONIOR. Does the gentlewoman have the name of that gentleman?

Mrs. COLLINS of Illinois. John Himmelberg.

Mrs. THURMAN. And also represented by the Fruit and Vegetables—David Land.

Mr. BONIOR. How many jobs did the gentlewoman say this would cost?

Mrs. COLLINS of Illinois. Fifty thousand jobs in the agriculture sector in the State of Florida alone.

Mr. BONIOR. I heard testimony from a Mr. Michael Stewart of the Florida Fruit and Vegetable Association before the Committee on Ways and Means. He said this:

> NAFTA may very well result in farmers and growers losing their farms and groves, their workers losing their jobs, and a number of rural economies being seriously harmed. Growers in Florida have weathered many natural disasters and are now contending with the disasters of Hurricane Andrew. Just like growers in Iowa and Missouri are trying to contend with the catastrophic flooding in the Midwest, I might add. Our growers cannot contend with the manmade disaster in NAFTA.

That is how he concludes his statement.

Everything I have read in terms of agriculture, family farms, specifically the Florida economy, will show tremendous job loss if this goes through, and I commend my colleague for bringing that to our attention this evening.

Mrs. COLLINS of Illinois. I thank the gentleman.

Now, finally, if Australian meat can enter the United States as Canadian meat simply because it is transshipped through Canada, there is certainly reason to be concerned about the transshipment of fruits and vegetables from

Central and South American countries through Mexico. Given the inadequacy of Mexico's pesticide enforcement capability, I think this concern is certainly increased.

We then have to ask ourselves, as we did 2 years ago, should free trade mean that we restrict our own Government's efforts and responsibility for protecting the health and safety of American citizens? The answer to this question must be, a resounding "No".

Before closing, let me say that I have just received something that I think is very important that was in the Des Moines Register a little while ago. It says, "Bovine TB still a public concern." I think that certainly covers the whole prospect of meat and other food products that we consume as Americans.

Mrs. THURMAN. If you look into that article, what is interesting about it—we have just heard about what happened in Canada and the kind of problems that we had with meat inspectors, which I also might add was in the New York Times of May 31, 1991, and now this one is in March—guess where those cattle are coming from?

Mrs. COLLINS of Illinois. Where?

Mrs. THURMAN. Mexico.

Mrs. COLLINS of Illinois. Mexico.

Mr. Speaker, let me say I certainly thank the gentleman from Michigan [Mr. BONIOR] and let me say finally that free trade has to be accompanied by sufficient guarantees that health and safety standards our country has established are not in any way compromised. Until those guarantees are firmly put in place, the benefits of free trade simply would have to be postponed.

I thank the gentleman for yielding.

I thank my colleague for yielding.

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Mr. BONIOR. Mr. Speaker, I thank my colleague for her leadership in her committee and in her chairmanship of the subcommittee dealing with these important issues that affect the American consumer and the American worker. She has added immensely to the discussion tonight, and I appreciate her staying late and discussing this issue with us.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentlewoman from Florida.

Mrs. THURMAN. Mr. Speaker, we have done a lot of work on this, and I have to say that today we had a three-hour hearing with a panel of about two different groups of people specifically working, one was on food safety and one was on the future of agriculture in this country.

I think there is a very important point that needs to be made that was made at this particular hearing. The gentleman kind of got on it, and that was the issue of the trade barrier and the fact that another country could come in and say that our standards, our food safety standards, the ones that you all have passed over the last several years to protect the consumer, the ones who will be eating this food, but what was interesting and I did not know this was that, that is the final word, that there is an administrative order or something that if cannot go to the Federal courts, it cannot go to the Supreme Court. This is it. They make the final decision.

Mrs. COLLINS of Illinois. That is my understanding and, of course, in a system like ours it is two votes against one and they prevail, and that scares the daylights out of me.

Mrs. THURMAN. And that is something that has not, I do not believe, been brought up, and the gentlewoman is right to emphasize it again so that the American people will know, so that we will all understand that we would be in jeopardy if this were to pass with those kinds of open-ended questions that have not been resolved yet.

Let me make sure that we know this, because I was amazed when I heared this just this afternoon, because I really did not realize that.

So the 17 pesticides that we heard about that Mexico, for example, uses or other areas use, one of them being DDT, which we have long done away with because of its effects; so if they wanted to bring in a vegetable that had one of these pesticides and we asked them not to or said no, we do not want them in here because it could be a health risk to our consumers, and they said, "Oh, no, you can't do that because that is a trade barrier," and they went to this particular mediation panel and the mediation panel made the decision that in fact they could, then they would be putting the pressure on us to change our laws because of this being a barrier.

Mrs. COLLINS of Illinois. They say it would be a trade barrier and we would be in the position of having to prove that it would be consistent with what we had done in the past, but in the final analysis, the final vote, it would still be two votes against one.

Mrs. THURMAN. No matter what the harm to the consumer is.

Mr. BONIOR. Mr. Speaker, that is a very important point. I thank my colleagues.

Mr. Speaker, I yield to my colleague, the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding to me.

I listened very attentively to the words of my colleague, the gentleman from Michigan, on the issue of NAFTA and jobs, and I can tell you that those jobs rang very true for me.

During the last few months, my constituents have thrown the same four letter word at me again and again, j-o-b-s, jobs. I hear it from the thousands of men and women who have been laid off, as well as the small business owners faced with suddenly precarious cash flows, family farmers putting for sale signs on their acreage, idle construction workers are also part of the course.

By itself, that single wrenching cry would be enough to make me opposed to the North American Free-Trade Agreement because of the immediate widespread impact it will have on millions of American families.

When you add the severe environmental consequences that NAFTA accepts, this becomes a treaty that I cannot support and I do not think that any reasonable person could support.

Global business follows the inexorable logic of the balance sheets and shifts in production to Mexico where average manufacturing wages are $2 an hour or less and employee benefits minimal are inevitable for scores of industries if this treaty is adopted. Lower costs stemming from weak Mexican environmental requirements also weigh in heavily in the stark profit and loss equation.

There was an ad that appeared in many periodicals recently that talks about the fact that in the part of Mexico, the Yucatan, you can employ workers for less than a dollar an hour, and heads up by quoting a person who is lamenting the fact, apparently, "I can't find good loyal workers, for a dollar an hour within a thousand miles of here." It is almost as if there is something wrong with society that you cannot find workers who are willing to work for a dollar an hour or less.

We talk about the exploitation of labor. This NAFTA agreement is replete with opportunities for the exploitation of labor, both in Mexico and here in the United States as well.

For the relocation that will result, the relocation of jobs will produce a flood of low-cost imports that will devastate many of the small and mid-size companies that are the mainstays of local United States economies, companies that do not have the resources or the inclination to shift production to Mexican plants, even though there are disputes about how great the impacts will be and whether or not new yet to be defined business growth may possibly somehow take up the slack.

What we hear instead is that we should look past the short-term pain and appreciate the strategic advantages that NAFTA supposedly would bring. The magic of an unregulated free trade region, it is said, will surely transform our hemisphere to a natural division of complimentary economic spheres which will be of benefit to all.

Lose a little manufacturing in the United States? They say, "Don't worry. It won't be the high end value added industries that we want to encourage."

Low wages in Mexico and lack of environmental regulation will not be that attractive because the skilled labor pool is not there.

And of, of course, they say as Mexicans still do develop, their wages will rise to parity with those of the United States.

Well, I do not think anybody is going to believe that.

The fact is that major multinational companies have already successfully sited high technology plants in Mexico that produce world class quality products, cars with advanced electronics, and wages have not risen to levels anywhere near to what skilled workers in the United States can command.

Parity may well occur down the line, but I am afraid it will come as U.S. wages drop to meet those of Mexican workers.

Concern about the festering environmental cancer that has exploded at the border under existing policies? "Don't worry," they tell us. NAFTA includes agreements that say you cannot lower your environmental standards anymore just to attract new business, and the two countries have agreed to establish a joint environmental commission that can draw attention to any problem, but will not have too heavy a practical impact on business.

Anyway, NAFTA proponents contend, modern business investments will be cleaner than what is there already.

Naturally, though, you cannot ask Mexico to close down existing businesses or change their regulations to match ours.

Well, the new side agreements on the environment are silent on the subject of who will pay for the disastrous environmental degradation that the current free trade zone has spawned on the United States-Mexican border.

Hardly an inspiring prototype.

It is reassuring to know that U.S. States cannot gut their environmental laws in a desperate attempt to remain competitive, though, is it?

Echos of the discredited eighties battle cry of "hands off business" are all too loud when you look closely at the environmental impact of NAFTA.

"Don't worry," they say. "Take the long view. Free trade and the natural democracy of commerce will somehow make our economy better than it is today."

Well, I have got a four-letter word ready for those arguments, that is jobs.

The United States has had the opportunity to see the beneficial effects of that natural free market approach to our own economy and we will be paying the price for that opportunity for generations.

I am not willing to give that jingle another round of air play, simply because it has an impressive track record of taking in and deceiving the public.

There are enough serious problems facing American workers already. All across the country communities are faced with inescapable dislocations that the post cold war has brought. Base closings are enormously painful, if inevitable. The defense industry, too, has had to face up to a world where it has a significantly reduced import.

Businesses have found that in order to compete they have had to pare away layer upon layer of middle management workers. Blue collar workers have also become surplus on a wide scale, replaced by temporary workers and overtime for smaller work forces.

The wash of technological revolution has become a flood tide of change, transforming industries, jobs and expectations alike, and the list goes on.

Those are the realities we have to deal with. Finding a way to successfully meet those challenges will not be easy and it will not be quick.

NAFTA is different. This is a quagmire that we can step away from and we can step away from it now before we begin to sink into its destructive embrace.

I am going to vote against NAFTA because I am listening to the voices of my constituents and their urgent demands for positive steps to protect their job opportunities and the environment in which they live and raise their families.

The cost of the free trade envisioned by this treaty is too high to impose on this and future generations of Americans in both human terms and in environmental terms.

I think that anyone who has the opportunity to examine this treaty and its implications both on the people on the northern side of the border as well as those on the south will reject it as disastrous for both economies and for workers in both countries.

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Mr. BONIOR. Mr. Speaker, I thank my colleague from New York for his eloquent statement. He has hit this right on the head of the nail. The people on both sides of the border reject this. It is just the corporate elite in this country and the journalistic elite that are pushing this, many of whom are interchangeable in terms of directorships, in terms of influencing each other's businesses, and it is important for us to stand up and make it very clear for the American people what this will do. We will lose at least a generation of workers in this country who will become expendable, as the gentleman has pointed out, and to assist them, which will not improve the lot of the people which will be the beneficiaries of the jobs that have moved south of the border. That is really the tragedy of all of this, that every worker loses, and I ask my colleagues to seriously look at this treaty specifically because it is not in the best interests of America or our constituencies. It may be in the best interests of those who are creaming the top: investors, the Wall Street folks, the corporate elite. But it is not in the best interests of working people in this country.

I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, tonight we are talking about NAFTA and its effect on agriculture. Where I come from, up in my neck of the woods of Michigan, northern Michigan, to us agriculture means trees, forest products and timber. Much of the forest products industry, like the auto industry, believe in favor of NAFTA because they believe they will be able to take advantage of cheap Mexican labor at $1 an hour. What they want us to do is cut down our trees, our natural resources, and send them down to Mexico to make cabinets, doors, windows, and yes, even paper. Even the New York Times could buy paper made with Mexican labor at $1 an hour.

We look at what has happened in southern California since 1988. Cabinetmakers, mill men, and furnituremakers have reported, 1,175 jobs have been lost to Mexico based on cheap labor. How did all this start? About 7 years ago Louisiana Pacific, a timber processing company, moved its operations to Ensenada, Mexico, in Baja California. With the assistance of the Mexican Government they built a lumber manufacturing facility. Louisiana Pacific began shipping rough-cut redwoods down the coast from California, processing and packaging cut stock redwood lumber and import it back to the United States. The mobility of the timber industry was never envisioned before Louisiana Pacific made this move, and the mobility of the paper industry is also not being envisioned right now.

So, Mr. Speaker, I think it is important that tonight we sound the alarm of all of the agricultural products, especially timber.

Paper mills located in my area, northern Michigan, would be closed down, and right now are being built because it is close to the timber supply, but if the paper mills move to Mexico for cheap Mexican labor, leaving northern Michigan workers behind, the plants would move to Mexico, they would not use the timber that is harvested in northern Michigan. Most likely, Mr. Speaker, timber from California and Mexico would be used in the processing plants and then exported back to the United States in finished products.

Manufacturing of doors: The Midwest, including Michigan and Wisconsin, depends heavily on veneer. Veneer is an outer skin of the door that is glued over a hollow core. What is important is that most of the veneer is made in Michigan and Wisconsin. Much of that timber comes from our area, and also Canada, but it can be manufactured throughout the Midwest.

But what would happen under NAFTA? Under NAFTA, Mr. Speaker, the veneers that were once manufactured in the Midwest would again be moved to Mexico to take advantage of the cheap labor. Once again that takes jobs away from the American workers and the workers in Michigan and Wisconsin.

Pulp and paper industry, my largest employer. In the Northwest chip plants are older and are in decline. Over the next 5 to 7 years the older mills will probably be forced to close. The question then arises: Where will the capacity come from, and the possibility is Mexico. There are already wood chip manufacturing plants located in Mexico. In fact, the Japanese Government has begun importing large amounts of unprocessed timber and wood chips from Mexico. If wood chip processing is easily moved to Mexico, pulp and paper processing can also be moved easily, very easily, south of the border.

Another way for the Japanese Government to exploit our timber market would be to take advantage of the NAFTA agreement and use the Mexican Government as a conduit to export our unprocessed timber to Japan to be processed by their workers. Rail shipments could move timber from the Midwest to Mexico and use Mexican labor to process the timber and export it back here to the United States.

The window manufacturing industry relies heavily on the forest products. They will look to the low labor standards in Mexico because of the high cost of manufacturing windows, but they will have access to all of our markets. They will take our raw materials, put them into cheap labor markets and import it back at a high price to American workers.

So, Mr. Speaker, tonight I sound an alarm as to NAFTA not just because of the initial assault on our timber and forest products industry which has already begun, but because it represents a further degradation of our human resources and, finally, our natural resources, the forest products industry.

Mr. BONIOR. Mr. Speaker, I would like to pose a question now to the gentleman from Florida [Mr. BILIRAKIS].

Last night the gentleman from Florida [Mr. BILIRAKIS] came and asked me for I do not know, 20 or 25 minutes of the time that I and the gentlewoman from Connecticut [Ms. DELAURO] had because he wanted to talk about Cyprus, and I agreed to let him have it even though I had, I think, seven or eight people that were waiting. I entered into an unfortunate situation this evening where I have two or three other people who would like to speak. I would ask the gentleman for the same courtesy, and then we will make sure, if it is all right with the gentleman from Oregon, that the gentleman will have the time that he needs to make up the hour.

Mr. BILIRAKIS. Mr. Speaker, if the gentleman would yield, how much time are we talking about?

Mr. BONIOR. I think we can probably finish this in 15 or 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield for just a moment?

Mr. BONIOR. Yes.

Mr. BURTON of Indiana. I certainly have no objection, nor do I have standing to make an objection, but I would just note that a number of us have been waiting because the majority leader a while ago wanted to ask a question about a statement he made, and we asked the gentleman from Florida [Mr. BILIRAKIS] to come back here so we could illuminate the issue, and the gentleman in the well would not yield to us for us to ask——

Mr. BONIOR. I would have yielded except for this dilemma I had. I yielded yesterday to the gentleman from Florida. He took about a half hour of our time, and I was pleased to do it, and I have got a similar situation tonight, and I will be sure you get your hour. I would just like to accommodate two or three other people.

Mr. DELAY. Mr. Speaker, if the whip will agree to a unanimous consent request to switch the gentleman's time with mine, I will honor the whip's request and give him an additional 15 or 20 minutes, how much ever time he needs, out of my time.

Mr. BILIRAKIS. Mr. Speaker, my purpose is to do a unanimous consent request, so by all means we will go along with that as long as there is agreement that they are not going to object to the unanimous consent request.

Mr. BONIOR. As far as I am concerned, I will not object, and I do not think any of my colleagues will.

Mr. BILIRAKIS. So, we are talking about 15 to 20 minutes.

The SPEAKER pro tempore (Mr. FINGERHUT). Will the gentleman state the unanimous-consent request?

Mr. BILIRAKIS. Mr. Speaker, is it in order?

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. BONIOR] has expired. Under a previous order of the House the gentleman from Florida [Mr. BILIRAKIS] is next recognized.

## ORDER OF BUSINESS

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent at this point that the gentleman from Michigan [Mr. BONIOR] might have an additional 20 minutes of my special order.

As has been indicated to me, the gentleman will not need the full hour, and then, after that 20 minutes has expired, I ask unanimous consent that the remainder of the time resulting from the transfer with the gentleman from Texas [Mr. DELAY], that Mr. DELAY then control the remainder of the time.

Mr. BONIOR. And if the gentleman wishes, the gentleman from Oregon [Mr. KOPETSKI] would yield that 20 minutes that the gentleman would be giving from his time.

Mr. BILIRAKIS. The suggestion is that I might transfer all of our time to the gentleman from Texas [Mr. DELAY], and then Mr. DELAY will yield the time to the gentleman. That serves the same purpose.

Mr. Speaker, I make that as a unanimous-consent request at this time.

The SPEAKER pro tempore. The gentleman has made a unanimous-consent request to transfer his hour of allotted time to the gentleman from Texas [Mr. DELAY].

Is there objection to the request of the gentleman from Florida?

There was no objection.

## DISCUSSION OF NAFTA

The SPEAKER pro tempore. Without objection, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, as agreed to I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleagues, the gentleman from Texas [Mr. DELAY] and the gentleman from Florida [Mr. BILIRAKIS] for their courtesies.

I yield now to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I thank all of my colleagues, I think.

Today, earlier, when the gentlewoman from Illinois [Mrs. COLLINS] was speaking of the work that she has done on her subcommittee specifically related to food safety, I just wanted to add another point that was actually given to us today at this hearing that I was talking to my colleagues about earlier which was by the Public Citizen's Congress Watch, and one of the things that was interesting, and specifically when she talked about the Canadian problem, and the whistleblowing, and the inspections, the meat inspections, they again in a GAO report note that the United States has, in addition to its regular sampling program, a special program to test Mexican product for pesticide residues. This program is implemented in response to the increasing volume of food imported from Mexico and the growing concerns about the safety of that food.

□ 2000

NAFTA could eliminate this essential testing program as a trade barrier which is what we referred to it earlier, as happened with meat inspection after the implementation of the 1988 Free-Trade Agreement between the United States and Canada. So I think that emphasizes even more so the point that the gentlewoman from Illinois was eloquently letting us know, that there could be a threat to public health because of what we saw happen in Canada, and the same words being in the NAFTA Agreement.

Before coming to Congress I served in the Florida Senate for 10 years, and specifically in that 10 years served on the Florida Agriculture Committee, and, more importantly, served as the chairman of the Agriculture Committee in Florida. I have to tell you this is not a new issue for us in Florida.

I can tell you as early as in the 1989, maybe even the 1988 session while we were there, that our Senate actually came out with a resolution to Congress suggesting that we please not pass NAFTA and put it on the fast track and do all of those things, because we understood what it meant to Florida's economy, understanding specifically that Florida, probably of all other States dealing with agriculture, is in direct competition because of the time that we grow our vegetables, how much the weather is alike, all of the things that would be there.

So what I thought I would do is it just happened to come out July 13 in the Miami Herald specifically that our Commissioner of Agriculture, who has been a very strong supporter of our work here in Congress and on Anti-NAFTA, did a kind of question-answer myth kind of thing about what could happen in Florida agriculture.

I kind of want to put this in the RECORD because I think it is very important. But before I do that, I want to say what also a very good friend of mine from the Florida Department of Commerce said. He talks about the fact that he thinks that the environment with Mexico if passed would help because they have done comprehensive legislation, and that this would be an investment. But one of the things he says in here that really bothered me was, "Furthermore, Mexican officials say that all new incoming investment will have to meet these modern standards, complete with environmental impact statements." No exceptions, no exemptions.

Then you go right back to what we heard about the trade barrier issue. Who is going to decide that? It is going to make that doubly hard for the United States to have trade with them because they are going to make us do all of their environmental issues, but come back and tell us we cannot have the same from them. That just amazes me.

But let me just tell you how important Florida agriculture is. One of the myths that they say is that Florida will benefit from NAFTA with increased activity through Florida's ports. We think that that, or what he says is we are being asked to trade a sure thing, Florida agriculture, on a bet that its losses will be offset by new import-export activity.

Florida agriculture produces more than $6 billion worth a year in cash receipts. Related industries, like food packing, processing, and transportation, makes it well over $20 billion for the State of Florida. It will cost us, we guess, about a third of that revenue. But, more importantly, it is going to cost us 50,000 jobs. That is a lot for an economy in a time like this.

They say NAFTA will be phased in so slowly that Florida farmers will have time to adjust. Current tariffs are low, crucial tariffs on fresh watermelons, grapefruit, cucumbers, tomatoes, oranges, and other crops. These crops generate nearly $700 million in sales. They will be lifted immediately. So will others like some of the tariffs on peppers and squash where we now generate about $74 million in revenue. These actual tariffs will be removed in 5 years.

These tariffs level the playing field and allow Florida farmers to compete. Without them we estimate that a third of our $6 billion agriculture industry will be lost. The phaseout schedules are complicated, and we know that they are going to spell danger for Florida agriculture.

Removing the tariffs will not hurt Florida farmers that much. That is another myth. Mexican farmers enjoy free or subsidized land. They use child labor. They do not pay a minimum wage or worker's compensation benefits. Their officials do not enforce environmental and sanitation requirements that add to the cost of production for Florida farmers.

I might add my little edit in there, it is also protection for the consumer of these products. And the modest tariffs placed on Mexico imports somewhat level the playing field. So we feel this is extremely important in this issue.

They say that Mexico can produce food more cheaply. NAFTA will lower food prices. I am going to paraphrase this.

Hurricane Andrew wiped out our tropical fruit industry, specifically to give you an example, in the lime industry. Boxes of limes from Mexico at that time were $8. After Hurricane Andrew they rose to $25 a box. We could show you similarities in tomatoes and every other crop that is grown in Florida when there has been a problem, for whatever reason, whether it is weather or whatever.

Mr. BONIOR. That is why I stopped drinking gin and tonics.

Mrs. THURMAN. Is that the reason?

But I want to put a basic feeling that I have in this issue. And I hope that we have all learned something in this country from this. There was an interesting speaker, I guess the former Governor of North Dakota today, and he kind of related this same issue as we did with energy. And we lost the war on energy. We have lost the issue of gas. We now have to export $x$ amount to just keep our country running.

Please, and I beg this House to understand this, and remembering the history of this country, people came here because they could not have food. They were starving. They were coming from all over the world to be here because of our natural resources, our ability to grow food.

Please let us not let our citizens become dependent again on what is so basic to this country, and that is our food.

Mr. BONIOR. And our agricultural sector has been the cornerstone of the American economy for our history. It is the envy of the world. And here we are going to let regulation, pesticides, pricing, everything just undermine it. It is unbelievable. Fifty thousand jobs in Florida, and you can multiply that across the country from Iowa, Minnesota, and Michigan, as the gentleman from Michigan [Mr. STUPAK] has indicated. It is going to have a devastating effect. People have to realize what is at stake here.

I yield to my colleague from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. If the gentleman would yield just 30 seconds, it is not just with Mexico in agriculture that is a problem. It is also with Canada, particularly Canadian and American wheat.

NAFTA, in March Mickey Kantor, our Trade Representative, testified before the Senate Finance Committee on NAFTA. Senator DASCHLE of South Dakota made a statement and asked Trade Representative Kantor for a response. He said, "NAFTA would allow the Canadians to lock in their wheat subsidies and make it impossible for the United States to do anything about that lesser priced wheat."

And Kantor said simply, he threw up his arms and said, "We don't have a lot of options with regard to Canadian wheat."

That is the way that NAFTA is negotiating away our rights, negotiating away our ability to grow food, as the gentlewoman from Florida [Mrs. THURMAN] has said. It is one thing after another, with either the Canadians or the Mexicans on agriculture, that is going to devastate, as the gentleman from Michigan [Mr. STUPAK] said, our industrial economy and our agricultural economy. Whether it is wheat in the North or whether it is citrus in the South.

Mrs. THURMAN. I guess my biggest concern here, and I just hope that we get this point across, is that I do not want American citizens to become dependent on a foreign country for our food supply. I cannot emphasize that more, and that is what we are headed to. Because they can out compete us with all of these.

Mr. BONIOR. I thank my colleague for her contribution this evening. She has been a leader on this issue of agriculture and food safety and jobs for Floridians. I thank her for sharing her thoughts and views this evening. She has been a real champion on this issue.

I yield now to my distinguished colleague from Toledo, Ohio, Ms. KAPTUR, who has been one of the leaders in this Congress to expose this fraudulent treaty. She is going to speak on an issue I think is important to all of us.

The gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman for yielding and join my colleagues this evening to continue a discussion very important to our country, not just theoretical, but very practical.

I would like to join with the gentlewoman from Florida [Mrs. THURMAN] whose concerns are agricultural as well as my own, which are both agricultural and industrial, and with other Members that are here, the gentleman from Ohio [Mr. BROWN], the gentleman from Michigan [Mr. STUPAK], and the gentleman from New Jersey [Mr. PALLONE].

□ 2010

Tonight I really want to tell a compelling story. We will be bringing these very real stories out over the next several weeks.

Once upon a time, there was a company called Trico which made windshield wipers like this one that I took off my Chevy Monte Carlo in Toledo, OH, and brought here to Washington.

Trico had a factory in Buffalo, NY, where they employed 2,100 hardworking Americans. These workers earned $11 an hour, enough to support their families, educate their children and have something left over for retirement.

In 1987, Trico decided to move that factory to Matamoros, Mexico, moved out of New York, moved south of Brownsville, TX, down to Mexico.

Let me emphasize that when they did that, they then paid their Mexican workers not $11 an hour but $11 a day. They invested millions of dollars in building a new factory in Matamoros, and they hired 2,000 low-wage Mexican workers.

At the same time, they threw out of work 1,100 Americans who worked in Buffalo. Those families and their community paid the price of broken lives, broken homes and broken dreams.

I felt all along, through these discussions about the proposed treaty with Mexico and Canada, that it is as though there is an iron curtain that separates the United States and Mexico. We have to pull that curtain apart in order for the American public to really see what has happened.

Here tonight, I brought a picture I took myself down in Matamoros, Mexico, near the intersection of Ohio and Michigan Avenues in the FINSA Industrial Park in Matamoros.

This is the new Trico plant. It is so large, I had to put it up on two easels here tonight.

Here is a windshield wiper blade that I am holding, which is right over the main door of their company. It was very interesting for me to talk to the Members of Congress from the Buffalo area, the gentleman from New York, Congressman LAFALCE and Congressman JACK QUINN, about the personal stories of families in Buffalo who had lost their jobs and, then, to look down here in Mexico and see what this major corporation had done.

I think the moral of this story, and there are 2,000 more United States companies, that, under the maquiladora program, have fled south of that curtain into Mexico. And we know very little, the American public knows very little about what is going on down there. But these policies have cost thousands and thousands of jobs here in our country, and I do not think we should expand on the mistakes of the past.

I just want to say this evening, I commend the gentleman, a true leader, not just in this Congress but in our country, the gentleman from Michigan, DAVE BONIOR, for permitting us to bring some of this information forward.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. What did you say these streets were in front of this plant?

Ms. KAPTUR. This intersection is called Ohio and Michigan Avenues.

Mr. STUPAK. Is that after the States they steal the jobs from?

Ms. KAPTUR. I think it is after the States they steal the jobs from, because if you look at this map, and you look at our region of the country, Ohio, Michigan, Indiana, Illinois, Wisconsin, Pennsylvania.

Mr. BONIOR. And California. Lots of jobs in California as well.

Mr. DREIER. Absolutely right.

Ms. KAPTUR. And these are only the 125 top cities from which jobs have. I am only talking about one company in one city that is located. There are over 2,000 such stories that we need to tell.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I would simply like to make the following point. My friend from Toledo is absolutely right. There has been a tremendous flight of United States businesses to Mexico over the past several years.

The fact of the matter is, I believe the implementation of the North American Free-Trade Agreement is the best way to counter that move because many of those businesses that have moved to Mexico have done so for one basic reason: To take advantage of the 88 million consumers there as a market to utilize.

In fact, 70 percent of the business that is done by those operations that are American-owned that are in Mexico, they sell within Mexico. They do not stage from Mexico and sell back to the United States.

So I think you are absolutely right. Everything that you have said is correct. The best way to respond to that is for us to implement a North American Free-Trade Agreement.

Ms. KAPTUR. I would be very pleased to respond to that, because the sad fact is that none of the workers who work in this plant can afford to buy a car that has this windshield wiper on it. In fact, there are no parking lots around these plants because every single windshield wiper blade that is made there is put on a vehicle that comes back to the United States of America.

Mexican consumers are not buying these products. Every single thing that is manufactured in that plant comes back to the United States, and those consumers down there cannot afford to buy these products.

I think the gentleman is thinking that perhaps there is one theory that is operating here, but really what is happening is the loss of U.S. plants down there, taking advantage of cheap labor and then backdooring and transshipping those goods back into the United States.

Mr. DREIER. They will not need to do it any longer once we provide a zero tariff so they can sell into Mexico from the United States.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I would like to thank our distinguished majority whip for giving me this opportunity to speak about an issue with severe implications for our Nation's economic health, and to salute him for his leadership in urging a sensible and cautious approach on the North American Free Trade Agreement. We speak tonight about the future of jobs in manufacturing and it is clear that the effects of the NAFTA will be disastrous in this area.

Like many of the other Members speaking tonight—and like the constituents whom I talk to in my central New Jersey district every week—I don't understand why we should be in such a rush to enact an agreement that is so full of loopholes, plagued by so many inequities and silent on so many crucial issues. My constituents ask me, why can't we put the brakes on this process? Why can't we just go back to the drawing board and come up with a framework that will protect U.S. interests and respect American law? The answer, of course, is that we can slow this process down, we can renegotiate, we can quit while we're ahead. I am joining with many of my colleagues in urging the President to hold off on submitting NAFTA implementing legislation, at least until we address some of our pressing domestic concerns such as health care reform. I hope that the President will heed this request, since I believe it will aid the administration in enacting its most important reform programs.

In the longer run, I would like to call on the administration to end the current futile exercise of negotiating supplemental accords with our trading partners on the grounds that the NAFTA is basically not fixable, and go back to square one and negotiate the accord. President Clinton ran on a platform of support in principle for free trade with our North American neighbors, but with grave reservations about how the specific provisions on labor standards and the environment would affect us in practice. Our Trade Representative, Mr. Kantor, has made a good faith effort to address some of these concerns, but it is now abundantly clear that this tinkering at the margins will not do any good. The fact is, severe problems written right into the Bush-Mulroney-Salinas NAFTA can't be improved or "classified" with supplemental deals, since it is not clear what weight the supplemental will have or how we could reconcile supplemental provisions that contradict the main agreement.

On the issue of import surges, the negotiations thus far have been a complete disappointment and I do not see any indications that this issue will be seriously pursued. Without protection against import surges, thousands of good-paying manufacturing jobs will be lost, particularly in the automotive industry. Companies operating in the United States would have too much incentive to shift production to Mexico to take advantage of the enormous wage differential between the two countries. For example, under the terms signed by President Bush, Mexico and Canada are allowed to maintain protections for their domestic automotive industries, through local sourcing requirements and incentives, but we have no comparable protections. As a matter of simple equity, the U.S. negotiators should insist on similar protections to make sure that this nation's automotive production and employment is not undermined by import surges.

On the issue of labor rights, the U.S. negotiators have discussed the notion of a supplemental accord on labor rights and standards. Unfortunately, these discussions seem to lead only to a commitment to enforce existing laws—in other words, there is no means to ensure that labor standards will be raised throughout North America. Much of the rhetoric surrounding the NAFTA has suggested that such basic rights as minimum wage, health and safety guarantees, free association and collective bargaining would continue to be protected in the United States and Canada, while being vastly improved in Mexico. This goal remains a far off dream under the proposals advanced by the U.S. team in the supplemental negotiations. And without such guarantees, it will be simply too easy and too cheap, to export jobs to Mexico where lower labor standards and prevailing wages will keep production costs down.

The supplementals also go too easy on enforcing labor rights and standards. Using trade sanctions to enforce labor standards would be meaningful enforcement mechanism. Instead, what we have is a provision to use trade sanctions only when there has been a "persistent and unjustifiable pattern of non-enforcement," a standard so limited that it seems unlikely ever to be invoked. The original NAFTA has tough enforcement measures for violations of intellectual property rights. Why not the same tough standards for violations of labor rights? Again, one has to conclude that ongoing lax standards in Mexico will mean manufacturing jobs going south of the border.

Mr. Speaker, I know that many of my colleagues have cited the negative impact of NAFTA on the automobile manufacturing industry, and this is certainly an important concern in my district where we have a Ford assembly plan in Edison, NJ. But there are other key manufacturing sectors that are also severely threatened by NAFTA. One example I would like to cite here is the home appliance manufacturing industry. This so-called free trade agreement is, as anyone who has looked at its provisions knows, in fact riddled with all kinds of tariff disparities. The appliance manufacturing provisions are one of the most egregious examples. Currently one of our most successful industries, the home appliance industry would immediately eliminate U.S. tariffs on appliances imported from Mexico, while allowing Mexico a full decade to phase out its 20 percent tariffs on appliances manufactured in the United States. Perhaps the Mexican negotiators deserve credit for doing an effective job of giving Mexican-based plants such a competitive advantage. Clearly, negotiators on our side dropped the ball. Americans who have been sold on the idea of NAFTA as a free trade agreement to level the playing field would be shocked to learn that such basic inequities are written right into the agreement.

In closing, Mr. Speaker, I would like to draw attention to a detailed study conducted by the Washington-based Manufacturing Policy Project found that 173,000 manufacturing jobs in New Jersey could be vulnerable under the agreement—this at a time when our unemployment rate is already running higher than the national average. The ripple effect of this job loss, which could cause a drop in payroll of as much as a quarter of a trillion dollars nationwide, would be disastrous.

Mr. Speaker, it has become depressingly clear that NAFTA will facilitate the export of jobs south, while doing nothing to improve the lot of the Mexican workers. At this time of major dislocations in our domestic economy and dramatic transitions in our place in the world economy, we should be addressing the challenges of reinvestment and retraining at home. Instead, under the lofty ideals of free trade and a more unified North American common market, we could end up with a decline in the living standards that we in the United States have worked so hard to establish, little or no improvement for the standard of living in Mexico and a steady deterioration of basic human, environmental and workers rights throughout this continent. I don't think this is the type of change that the American people have been seeking.

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In closing, Mr. Speaker, I just would like to draw attention to a study I know that has already been mentioned by the Washington-based manufacturing policy project. It found that in my home State of New Jersey, 173,000 manufacturing jobs will be vulnerable under NAFTA, this at a time when our unemployment rate is already running higher than the national average.

The ripple effect of this job loss, which would cause a drop in payroll as much as a quarter of a trillion dollars nationwide, would be disastrous. I do not really think this is the type of change that the American people are seeking.

For this reason, I really feel that what the majority whip and the others are doing tonight is so important. I hope we continue.

Mr. BONIOR. I appreciate the contribution of my friend, the gentleman from New Jersey, and his sensitivity to the jobs of the workers of the great Garden State. We appreciate your contribution, and we look forward to working with you as we move toward a decision on this issue.

I yield to the gentlewoman from New York [Ms. VELAZQUEZ] for a comment on this issue.

Ms. VELAZQUEZ. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to begin by thanking the distinguished majority whip, Mr. BONIOR, for calling this special order and, more importantly, for his notable leadership on this issue.

I want to address two recent developments that have dealt the North American Free-Trade Agreement deadly and well deserved blows. First, a few weeks ago, U.S. District Judge Charles Richey ruled in favor of requiring an environmental impact statement for NAFTA because of the serious environmental questions the treaty raises.

In his decision, Judge Richey stated that, "an impact statement is essential for providing Congress and the public with the information needed to assess the present and future environmental consequences of NAFTA." This decision is monumental for its requirement of a much-needed study to assess the effects of NAFTA on the air we breathe, the water we drink, and the land we live on.

However, these prudent words also highlight one of the most intriguing factors about NAFTA; namely, that it is an enigma. This is a complex agreement, involving the complicated issue of international trade, which has been debated and argued by trade specialists and lawyers, but few Americans know exactly what the agreement contains and what it will do.

As a matter of fact, Judge Richey's words proved true shortly after his decision was announced. The New York Times recently reported that a poll revealed that "nearly half of all Americans have never even heard of the agreement." And I am afraid that those who have heard of the agreement, have heard the lies and inconsistencies promoted by a multimillion dollar advertising campaign paid by the pro-NAFTA lobby.

Mr. Speaker, how can this Government consider ratification of an unprecedented trade agreement that everyone agrees, opponents and proponents alike, will have a notable change in work conditions and economic production in this country without involving and informing those workers who will be most affected? The simple response is, it should not.

Mr. Speaker, I am certain that as the hard-working American public learns more about NAFTA, they will realize that this vampire of an agreement threatens to suck the blood, sweat, and wages of American workers. I am certain that as Americans learn more about this agreement, they will reject it outright and nail it shut in its coffin.

Again, I thank the gentleman from Michigan for calling this special order and for conducting this education session for the American public.

Mr. BONIOR. I thank my colleague, the gentlewoman from New York, for her passionate statement, and for her concern for the working people in her district and throughout this country. She is exactly right, this will suck out the life, blood, heart, and soul of the American working force, this agreement.

I just want to conclude by summing up in 2 minutes what we have heard tonight. A recent report has indicated that we could lose up to 40 percent of our jobs in textiles, in auto, in steel in this country if NAFTA goes through, 40 percent of these jobs. You can imagine what it will do to the areas that we are talking about: New York, Michigan, Ohio, New Jersey, Florida; devastation, devastation.

It is not just these jobs. When we lose jobs in these basic industries, we lose the grocery store, the gas station and attendant. We lose the infrastructure of a community.

Tonight we learned about agriculture and how many jobs it will cost and how much the food safety issue will be set back in terms of what the consumer movement and labor movement have done to make sure we have quality good food in this country, and the agricultural movement. I asked my colleagues tonight to look at this issue seriously.

If you are watching, let your Member of Congress know, let your Senator know how you feel on this issue. There is no more important issue that we will face in this Congress, perhaps with the exception of health care and reducing this budget deficit. Those two issues plus NAFTA make up what is core about this Congress.

If NAFTA goes through, I fear for our children's future, I fear for the economy of this country. If you feel passionately, as we do, about this issue, you can make a change. You can make the decision to stop this. There are a core of us in the Congress that feel deeply about this. We are strong in numbers. We are up against the people in the thousand dollar suits, the corporate elite, the Wall Street investors, the high-powered people in the media.

Stand with us so we can defeat this.

### FULL DISCLOSURE IN THE POST OFFICE SCANDAL

Mr. DELAY. Mr. Speaker, I take this special order for many reasons, but to bring up the issue of the post office scandal that has hit this House. This started many years ago, but really started in earnest last year when we attempted to pass a resolution on the floor of this House that only failed by, I believe, correct me if I am wrong, about four votes, calling for full disclosure of all the materials and testimony taken by the Task Force on the Post Office, so that the American people can see for themselves what is going on in this House, who is responsible for the debacle at the post office.

I was disheartened to see, though, and let me parenthetically say that we did contact the majority leader's office just recently, just a while ago, letting him know that we would bring up his name and respond to the speech he gave.

It did outrage some of us that the majority leader came to the floor and gave an impassioned speech in support of his position of not full disclosure, and made some statements, and then would not yield to several of us that were on the floor that wanted to question the majority leader.

At the time the majority leader said there was no phone call by the Speaker to this U.S. attorney, if I am correct in quoting the majority leader. I might ask the gentleman the question, was there a phone call today between the Speaker and Janet Reno, the Attorney General, or anyone in the Justice Department regarding this matter of the post office scandal, subsequently followed by a letter from the acting U.S. attorney requesting that the Speaker and the minority leader, BOB MICHEL, not pursue this because it may jeopardize the prosecution of criminal action by those being investigated and involved in the post office affair.

What really concerns me here is, No. 1, that they are hiding behind the issue of "we are going to mess up the prosecution." I am no lawyer in this, but I can tell the Members that, first off, all testimony taken by the task force were not the testimonies given with anything in return, like immunity or other protection, to the witnesses, so that will not harm the prosecution. Everyone that testified, except for one, the Postmaster, who just pled guilty to lying to Congress, was put under oath. All the other witnesses that testified before the task force did say, or were told at the time, that they had better tell the truth to Congress or they could be held in perjury.

In talking to former prosecutors that are now Members of the House and other lawyers, that has nothing to do, that will have nothing to do in jeopardizing the case of the prosecutor.

Secondly, all the material we are calling for is just plain old paper material that can be disclosed to the press and to the American people about what went on in that post office, vouchers and other paper that was generated. We feel, whether it was generated out of the U.S. attorney's office or came because of pressure from the Speaker and the Democrat leadership, whatever reason we got that letter, it was very convenient to get that letter at a time when we were about to offer a resolution on the floor calling for full disclosure of this matter.

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Now we are going to have that resolution brought to the floor tomorrow, and we are going to have a full debate and a vote on whether to disclose this matter to the American people.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think he has framed the issue raised by the majority leader very well.

The majority leader came out and obviously read this letter with a great deal of vigor. It is obviously a part of their strategy now to attempt to prevent any resolution from being passed in the House by using this letter from the U.S. attorney.

The majority leader said in the course of his remarks that there had been no conversation between the U.S. attorney and the Speaker. I believe that to be absolutely correct. I think that direct statement is in fact a factual statement by the majority leader.

That was not the contention of this gentleman who raised the issue on the floor before. What I said at the time was that officials at the Justice Department had talked to the Speaker prior to that letter being generated. I believe the conversation to have been one between the Attorney General and the Speaker, and that the letter was generated subsequent to that particular conversation.

So it is a matter of some semantics here, but they are fairly important semantics, because if in fact a conversation took place relative to this subject between the Attorney General, and then all of a sudden we get this letter, which by evening becomes an intricate part of the strategy being used to stop the resolution from coming to the floor, I think that there is at least a prima facie case that there may be some conversations going on behind the scenes that are then reflected in the battle on the floor. And that is the reason why I think that there is some reason to exercise some caution about that letter, because as the gentleman has pointed out, and I think with good cause, the fact is that sitting in a room this afternoon the two of us, with people who were prosecutors, there was general agreement in the room that unless immunity was granted to the people who testified as a part of that process, there was nothing in those records that could jeopardize a prosecution. There was absolutely no immunity granted to anyone at any point during that particular proceeding, and so there is nothing there that can jeopardize a prosecution.

So, therefore, the contention that there is something that could jeopardize a prosecution does tend to be something that may be more of a political way of dealing with this issue on the House floor than it is a real way of assuring that a criminal prosecution goes forward.

I thank the gentleman for yielding.

Mr. DELAY. I yield to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. I thank the gentleman for yielding.

I think this orchestration is continuing. I was on "Crossfire" this evening. One of the members of the Ways and Means Committee indicated to me that the Speaker in fact has promptly responded to the letter sent by the U.S. attorney saying that they would be willing to release documents to the U.S. attorney's office. Again, this was a Member who said this on television, that they would be willing to release these documents to the public once the U.S. attorney had gone through and picked out all of the information that they thought might be jeopardizing to a prosecution.

This seems to be very, very orchestrated. The letter from the U.S. attorney's office and the letter promptly back, that we have not seen, frankly do not know it for a certainty, only know it from anecdotal information from a member of the leadership, so I think it was a very orchestrated thing. And as my colleague from Pennsylvania, Mr. WALKER, said, the three main players in the post office, Mr. Rota who admitted by pleading guilty that his testimony before the House Administration Committee was perjury, so we can discount that statement, and the other two main people in the post office pleaded the fifth. So we have no information from any of the three top officials. How can the remaining information be that serious in jeopardizing future prosecutions?

So I think there is a lot of smoke and mirrors going on here, a lot of delaying tactics, because we have a lot of very important legislation to do over the next couple of weeks, and they do not want this thing to be distracting from the business at hand, at least from their business at hand, while I think the public is demanding that this information come forward.

I would say one other thing, and maybe the gentleman from Indiana knows this. At least it is my understanding that in none of the transcripts of the House Administration hearings were names of Congressmen mentioned, so that any divulgence of this information would not tend to incriminate anyone, because my understanding is that no names were put forward.

Is that accurate? Does anybody have that information?

Mr. DELAY. Congressman A and Congressman B.

Mr. SANTORUM. What I am suggesting is even under the closed door hearings there were no names mentioned. So this in no way is going to further implicate anyone in this scandal by divulging this information.

Mr. DELAY. I might remind the gentleman that the Justice Department themselves released information that allowed the press to hook up, albeit maybe circumstantial, Congressman A and Congressman B with some vouchers that came out of the post office.

Mr. SANTORUM. It is leaving these people waving in the wind, and I think unjustifiably so. I mean, if there is this kind of an implication going on, I think it is in their best interests to clear their names, in a sense to make sure, because you know, I come from southeastern Pennsylvania, and one of the people implicated is a former Member who had an adjoining district to mine. I mean there are serious problems here with the way this is being handled by the U.S. attorney's office. If you want to talk about hanging people out to dry, this Congressman A and Congressman B is hanging Members our to dry, and implicating virtually everybody in this House with this taint of scandal.

I would like to comment on one additional thing. I think it is very important that the record is clear on the consistent mentality of the leadership, the Democratic leadership of this House in dealing with any question about how they run this place. Any time a question is raised as to the way they administer this House of Representatives, it is a siege mentality. They bolt the doors, they push the furniture in front of the door, and you can pound away, and all you hear from behind the door is, "Nobody's home."

Well, there is somebody home. There is somebody home and the American people have a right to walk through those doors and find out what is going on in the people's House. And we should not accept little messages slid underneath the door saying, you know, we will give you this today, and, you know, we will spoon-feed you this the way we want to spin it. They tried it in the House bank scandal and it blew up in their face. You would think they would have learned a lesson. They tried it in the restaurant scandal, they tried it on the slush fund, and now they are trying it on this. And my guess is that they are going to try it on the Speaker's investment habits, and they are going to try it every step of the way to stonewall any question of impropriety when it is in their interest, long-term interest and short-term interest to just let the public know what they have a right to know, what is going on in the people's House.

Mr. DELAY. If I may, I was reminded by the gentleman from Pennsylvania that, Mr. Speaker, in order for good TV you always reiterate the issue. If I could just take a second, what we are talking about is almost 20 years of misuse of the post office.

There was found to be drug dealing by employees of the post office. There was found to be certain Members and certain staff taking campaign contribution checks to the post office and cashing those checks at the post office. There was found to be an exchange of stamps. I think the way it was was that you bought stamps with office supply money, and then went back to the post office and turned them in for cash. And there has always been allegations of covering up this entire operation, including the most recent operation, and that is what we are talking about here, is that we feel like there could possibly be a coverup here. We feel like that there could possibly be Congressmen that have been involved in this scandal, and there are a lot of questions out there that can be answered if we would open the doors and let the sunshine in, and let the American people see what is going on.

Mr. Speaker, I yield to the gentleman from Indiana, Mr. BURTON.

Mr. BURTON of Indiana. I am going to be very brief. But during the previous hour special order and discussion, debate, if you will, there were a lot of Members who were very indignant and said that we were accusing Members, unjustly, of trying to cover this up.

I would like to go back to the RECORD of July 22, 1 year ago tomorrow, July 22, 1992.

□ 2040

House Resolution 519, introduced by the gentleman from North Carolina [Mr. ROSE], this resolution was a motion to table, kill, a privileged resolution introduced by the gentleman from California [Mr. THOMAS], which directed the ethics committee to conduct an investigation into confidentiality violations during the House Administration task force investigation.

This is a party-line vote. The Democrats stopped the gentleman from California [Mr. THOMAS] on a party-line vote from getting the ethics committee to conduct a full-fledged investigation into these violations.

Then right after that on July 22, 1992, 1 year ago tomorrow, House Resolution 520, the gentleman from Pennsylvania [Mr. WALKER], a motion was introduced by the gentleman from North Carolina [Mr. ROSE], to kill an amendment offered by the gentleman from Pennsylvania [Mr. WALKER], which directed the Committee on House Administration to make public all transcripts of proceedings of the task force leading to its final report.

That was defeated almost on a party-line vote, because they did not want that report to be made public.

And then 1 day later, 2 days from now, 1 year ago, House Resolution 526, after the gentleman from Pennsylvania [Mr. WALKER] took a privileged resolution directing the committee to make public all records, the gentleman from Wisconsin [Mr. KLECZKA], a Democrat, introduced a motion to kill the resolution, and adopted 223 to 196 on a close to party-line vote.

For anybody to say that they have not tried to keep a lid on this, to sweep it under the rug, is simply not paying attention to the record. All Americans have to do, all our colleagues have to do is look at the record, and they see there has been a clear attempt to cover this up.

Now we are on the verge of a major scandal. The press is not going to let this go away.

I say to my colleagues once more on both sides of the aisle, let us get this out in the open. Let us make it public and get it over with.

Mr. DELAY. For the sake of the institution.

I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I thank the gentleman very much for yielding.

I would like to comment on the letter that was sent over today by the Attorney General's Office, a Mr. J. Ramsey Johnson, allegedly after the Speaker of this House of Representatives of the U.S. Congress made a call to the Justice Department, sent this letter over, and if I could just quote part of that letter where he asked that this information not be released and not be available to the American people.

The letter says:

> After completing its review in July of last year, the congressional task force concluded that many of the materials that it had collected or generated, including deposition interview transcripts and tapes, ought to remain confidential.

So here is the U.S. Congress deciding that they want the investigation about themselves to be confidential. Well, I am a Member of the freshman class from Michigan. There are 114 of us, and I think every one of us wants to clean up Congress so this kind of situation is cleared up, cleaned up, and does not happen again.

Several other freshman Republicans decided to send back a letter to Janet Reno, Attorney General of the United States, and I would like to read that letter that we sent:

> DEAR MADAM ATTORNEY GENERAL: We, the undersigned Freshmen Class Members of the 103d Congress, request that you personally take charge of the House Post Office investigation involving Members of the U.S. Congress.
>
> It is important that the U.S. Department of Justice remain above the suspicion of politics in this matter. To withhold information from the American people and to delay possible criminal indictments of Members of Congress until after the conclusion of the conference on the reconciliation bill would send an alarming signal to the American people of possible collusion and political compromises within the Justice Department. The conference committee is writing the largest tax increase in history. There should be no conferees on that committee that will be under indictment for criminal misuse of tax dollars.

It is signed by 15 Members that were there this afternoon of our Republican freshman class.

You know, I am not personally interested in a $10,000 fine or a $50,000 fine.

It seems important that we do what is very important to make this a respectable body of the U.S. Government and a Congress that people can have confidence in, and that is to get everything on the table, look at it and decide how we are going to clean it up.

Mr. DELAY. I really appreciate the gentleman from Michigan and what he says, and I want to congratulate him along with other freshman Republicans, freshman Republicans, because I have heard not a word from freshman Democrats about this matter, that took it upon themselves even though they did not have the institutional knowledge of what was going on. They understood this was not good for the House, it was not good for the institution of the House, it was not good for the American people, and grasped this issue very quickly, learned what was going on, were absolutely astonished at what has been happening over the last 20 years in the post office of this House, and are joining all of us, in fact leading the way to call for full disclosure of everything and all materials in this House.

I will be glad to yield to another very active freshman of the Republican conference who understands what an open and honest institution means to the people of this country.

Mr. HOEKSTRA. I thank my colleague, the gentleman from Texas, for yielding.

I think it is important to talk about what the chronology of events is. This started back on April 26, 1991, post office employee Edward Polk steals more than $6,000 and flees to Puerto Rico; late June 1991, Speaker FOLEY, according to Ross' testimony, is informed of the thefts and the Democratic recommendation to formally transfer the investigation. It goes on and on for four pages of dates, different kinds of activities.

This week in the paper, former House Postmaster pleads guilty to helping lawmakers embezzle cash; former Postmaster for House pleads guilty in scandal. I mean, the stories go on and on and on.

We are now back on the front page.

What happened? Mr. Rota admits that he gave several House Members cash for postage vouchers during his two decades in the House. This is not an experience of 12 months or 24 months or one term of Congress. This is a process that has gone on for over two decades.

He pleaded guilty Monday to three misdemeanors and agreed to cooperate with Federal investigators. The Speaker of the House is quoted as saying, "Well, obviously I am surprised by the extent of them and distressed by them." The article goes on that almost exactly a year ago the House twice defeated GOP-sponsored amendments to release the investigative documents, 207 to 200. We almost got there in the last term of Congress, and I think tomorrow, hopefully with the help of the Democratic freshmen, we can get the full disclosure of what is going on in this institution.

Now, there is a lot of talk about we have got to get this other legislation behind us; we have got to get the reconciliation package; we are working on a lot of important bills.

There is nothing more important for this House to be working on, for the Members of this House to be working on, than restoring the trust of the people in the House of Representatives. This is the people's House, but only 19 percent of the people believe we are doing a good job. How can they trust us with the reconciliation package? How can they trust us to go after health care reform when we continue to have this cloud hanging over our heads?

You have been here longer than I have. What can we do and what can the American people do to help us get full exposure of these issues?

Mr. DELAY. Well, obviously as the gentleman knows, Mr. Speaker, this resolution is coming tomorrow, that, Mr. Speaker, we will be voting on that resolution tomorrow for full disclosure of all the materials that pertain to this affair, and, Mr. Speaker, I think the American people could call their Congressman to urge their Congressman to vote for the Michel resolution calling for full disclosure of the post office affair.

This is one way that the American people can demand openness and honesty and fairness in this House and demand that there will not be a partisan nature to this operation.

We are not here to destroy the institution. We are here to rebuild the institution from misuse and abuse by those that have been in power for over 40 years.

I yield to the gentleman.

Mr. HOEKSTRA. I cannot agree with the gentleman more. I am sure that over the next few days, and we have heard it before over the last few months, that you are here to destroy the institution by tearing it down, by pointing out its faults.

I can tell you within the Republican freshman class, the 48 new Members, we have one objective, and that is to build the integrity of this House, to clean the House, to build the integrity, to restore trust in this organization, and the only way to do it is to deal openly, honestly, and aggressively with issues like this so that the American people can come back and say finally, finally after two decades of these types of things, and, you know, it has been a pattern of one after another. It is time, I think, for a lot of reforms, but the first reform is to really aggressively deal with this issue and get it behind us as quickly as possible.

The first step is the step we are going to take tomorrow when hopefully this House will vote for full disclosure.

Mr. DELAY. I appreciate the remarks of the gentleman.

Does the gentleman have something on this issue?

Mr. SANTORUM. If the gentleman will yield, I just wanted to follow up on the gentleman's comment that, as a freshman Member, he is going to be told that he is here to try to tear down the institution.

As someone who has many battle scars from debates on this floor and from debates outside of this floor and people accusing him of trying to tear down the institution, this is a great institution.

□ 2050

This is a great institution. This is the people's house, and it works its will in wondrous ways. But what goes on administratively in this House has really been a black eye to this institution in the American public's eye. And you do not, you do not solve that problem by just putting makeup over the black eye. You have to solve the problem by doing something positive, by going out there and defending the institution and saying, "Listen, we can police ourselves, we can open our doors, we will let the public know what is going on. We are not going to continue to fight to keep the power and to keep all the little perks and privileges closely held to the vest. We are going to let the public know."

As much and as bad as the post office was administered, not only from the reports of both the majority and the minority—that is apparent—and obviously, with eight convictions, it is very apparent—as bad as that was, the problem here really lies with the continued stonewalling and covering up, with the Speaker's office knowing fully 1 year, or almost 1 year, 10 months, 10 months they knew of the problems in the post office. For 10 months they stopped an investigation by the Capitol Police for at least 6 weeks, causing the resignation of the chief of the Capitol Police in the summer of 1991. And they held onto all of that information in the little sacred chamber back there. They did not let the Republicans know. Frankly, they did not let 99 percent of the Democrats know all of what was going on in the investigation by not only the Capitol Police but the Postal Service and the U.S. attorney's office, which was an ongoing investigation of corruption. And the practice has continued all during this time.

By the way, just to put it in context for the freshmen, this was going on in the midst of the House bank scandal. In the midst of the House bank scandal, this stonewalling is going on. They are stonewalling the disclosure of names on the bank scandal, at the same time they are hiding an ongoing investigation in the post office, that there was certain criminal activity occurring. It was not until one of the newspapers here in town published an article that any of us became aware of what was going on, and that was back in late January, early February of 1992.

That is how bad, that to me is almost the bigger crime. You can almost fathom that this post office was just a patronage, somewhat of a cesspool that was mismanaged and you had people who did not really know what was going on, it was poorly run, very bad management controls, and as a result things got out of hand.

OK, maybe we are guilty of bad management, fine. But when you have a deliberate, conscious coverup, which is exactly what was going on, withholding information from the Congress, both sides of the aisle, plus trying to scare the investigatory authorities away from the post office, when that happens, that is a serious problem in this House. That to me is much bigger, much bigger than the alleged activities, or actually certain activities of what was going on in the post office. At what is the highest levels of the House of Representatives, we are holding back from the American public what was going on, that is a big problem.

Mr. DELAY. Very well put. I appreciate the gentleman from Pennsylvania, who is a stalwart on these issues, was a member of the Gang of Seven that pursued the bank scandal. We appreciate his efforts and understand that he is trying to rebuild this institution.

I will be glad to yield to the gentleman from California.

Mr. BAKER of California. I thank the gentleman for yielding.

Sometimes when you make omelettes, you have to break eggs. We are certainly not here to demean the beauty and historic character of this House. But we have been under a cloud of scandal for the last 3 or 4 years. We first had a book publishing scandal, then we rolled into a banking scandal, we had a post office scandal.

Mr. DELAY. We had a Speaker resign, if I may interrupt the gentleman.

Mr. BAKER of California. Right in the middle, one Speaker resigned.

Today, without even a vacancy in the speakership, you can see the rustling and the positioning and people actually announcing for a job that is not even vacant. So, we know there is more to come.

But I was amused by their coming here and trying to whitewash this situation, saying, "If you will just give us time, the truth will out." Well, the only reason that the truth will out is because their employee copped a plea to conspiracy and copped a plea that he had been lying and perjured himself in front of two investigative committees. And the two reports, the Republican report and the Democrat report, to which one of the chairman tonight on the Democratic side admitted that they did not know they were being lied to by their own employees. So, apparently, the two reports now are not worth the paper they are written on.

What we are asking, since this gentleman admitted there was a conspiracy—and he could not conspire with himself—that there were two Congressmen, John Doe's, named congressman A and congressman B involved, what we want to know is when are we going to get the truth? When is the public going to learn whether there was any wrongdoing in the House post office? When are the rest of us, the other 433 Members who are not involved in the post office scandal, going to have our names cleared?

That was not being given to us tonight as we were being heckled as we discussed this subject by members of the majority party who think that the longer they can put this off the more hope they have to covering this up. It is not going to go away. The press has the vouchers, the press has compared the vouchers. Everybody knows but the American people.

Is it any wonder there is a Ross Perot movement emulating from the State of Texas? Is there any wonder that people get the feeling they have no confidence in their Government? And we turn around and tell them that the Democrat majority is going to raise your taxes, "Trust us, we are going to lower the debt." After that did not happen in 1990 or 1982 or 1986? No, the public has no confidence in us. I will be happy to yield back to the gentleman from Texas. I appreciate his bringing this up. But we have to have the truth in order to restore confidence in this fine institution.

Mr. DELAY. Let me say that the gentleman from California is a real trooper. He has been here a short period of time and has already distinguished himself in the fact that he has brought truth and uprightness and openness and sunshine in this House. We appreciate the efforts that he has made.

I will turn back to the gentleman from Michigan.

Mr. HOEKSTRA. I just have one comment.

I am not at all surprised to hear we are using the word "stonewalling."

What we are seeing in terms of this scandal is the same thing we are seeing on the legislative agenda that I think the American people want us to be talking about. But this House and this Congress will not debate term limits, most likely will not even come up for a vote on the floor of this House; we are not being given the opportunity to talk about a balanced budget amendment, a true balanced budget amendment, and we will not even have the opportunity to vote on a true line item veto. So, what we are seeing here and dealing with scandal in the House is the same thing that we are seeing on legislative issues day after day after day, politics as usual.

I do not think that is what the freshman class was elected here to do. We are going to continue fighting for change.

Mr. DELAY. I appreciate the gentleman finishing up this special order with that comment, because he is dead on. It is not just the scandal that we are talking about, the bank scandal, the restaurant scandal, and now the post office scandal. It is a scandal the way legislation is handled here in the world's greatest deliberative body when we do not have open rules where we can offer amendments or even full flowing debate, that we are cut off from having debate because they are scared to death, through the arrogance of having power for so many years, to open up this House and let the deliberative body be the body it was designed to be. The gentleman so aptly put it: What is happening here is an arrogance of power because they have been in power for so long.

You know, when I campaigned last year, I called on the American people to send one party to Washington to be in power, one party in the White House and one party that controls Congress. I was hoping for a different result. But I think what you are going to finally find out with one party being in charge and being the majority party for so many years in this Federal Government, that that arrogance of power will be their doom because they do not trust the American people to make up their own minds about legislation or scandals. They do not want to bring sunshine into this Chamber to reveal what is going on in this House so that the American people can choose what is right and wrong and what they want for their future.

I just really appreciate the gentleman finishing this special order, bringing it all together and understanding that it is not just the scandal but it is also legislation.

If the gentleman from California has nothing else to say—

Mr. BAKER of California. I think we have run out of time. But I did want to mention that the gentleman from Ohio, MARTIN HOKE, just entered this Chamber.

Let me say that the firing of the prosecutor set a bad tone to this. The sooner we clean it up, the sooner all of us are going to have restored to this House its good name.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. DELAY] has expired.

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□ 2100

## BUDGET RECONCILIATION

The SPEAKER pro tempore. (Mr. FINGERHUT). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. Mr. Speaker, under a previous collegial agreement among the Members this evening, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, the gentleman from Ohio [Mr. HOKE] has come a long way. If we can just let him speak, I think we will be through. I appreciate the graciousness of the gentleman from Oregon.

Mr. KOPETSKI. Mr. Speaker, I yield to the gentleman from Ohio [Mr. HOKE].

### DISCLOSURE ON HOUSE POST OFFICE SCANDAL

Mr. HOKE. Mr. Speaker, I appreciate the gentleman from Oregon yielding to me.

As a matter of fact, I came because frankly I was just across the street at home beginning to relax for the evening and because my own presence here in this House is so intimately related to the events that the gentleman has been discussing. I was at home, I was watching C-SPAN and I said, "You know, I cannot not become involved in this discussion."

It is a fact that the person whom I defeated was the chairperson of the Subcommittee on Police and Personnel, and that is the only reason that I find myself in this House today, because that person had the oversight responsibility, not only for the House post office, but also for the House Bank.

I felt motivated to come over here today because in northeastern Ohio, in greater Cleveland on the west side, this is a subject that people know a great deal about and are extremely concerned about.

There is never a time that I go back to Cleveland every weekend when I am there at a town hall meeting, at a meeting of labor people, at a meeting of business people, the question always comes up inevitably, "What is going on with the House post office investigation? What are you doing? Why isn't it completed? What resolution will you come to?"

That is why I felt called to come over here and to say that there is no question that tomorrow I hope that all those who would in fact reform this House would come together and vote aye, vote in favor of the privileged resolution, the special resolution for complete and full and immediate disclosure of all the documentation, all the testamentary evidence, all the evidence that exists at this time. It has been handed over to the Justice Department, handed over to the Ethics Committee, to have it fully and completely disclosed. It is time, we must do it. The people demand it.

Those people who are most completely and thoroughly and intimately knowledgeable about this situation, and I can tell you that those in northeastern Ohio in greater Cleveland are as knowledgeable about this as any group of constituents in this country. They are demanding that kind of disclosure.

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, I just want to congratulate the gentleman because probably the gentleman from Ohio who did defeat the gentlewoman from Ohio who was tainted by this whole scandal probably understands it better than any Member of this House, because in a hot campaign a lot of things are disclosed and a lot of questions are asked.

Unfortunately, we do not seem to get that heat in this Chamber so that we can also get answers to the questions that we are asking.

Hopefully, at the passage of the resolution tomorrow, we will get answers to those questions and the gentleman can go back to his district in Ohio and report to his constituents that the House is being cleaned up.

Mr. BAKER of California. Mr. Speaker, if the gentleman will yield further, I would like to thank the gentleman from Oregon [Mr. KOPETSKI] for yielding and the courtesy he has shown us, and to the Speaker for the courtesy of the Chair this evening.

Mr. KOPETSKI. Mr. Speaker, in response to some of the statements that were previously made about the postal investigation, I think if suffices to say, yes, the House will continue the debate on this matter tomorrow. The American people should think first before they react to any of the statements made this evening in this special order segment.

Yes, there were problems with the House post office, serious problems, no doubt about it.

The facts show, however, that never was there or is there any kind of a coverup by anyone in this House on the postal matter or any other matter in this case.

The fact is there is a grand jury investigation currently underway being aggressively pursued and that we in the House must act very carefully and cautiously in whatever we do tomorrow or we could compromise this investigation.

The U.S. attorney in charge of this investigation has requested to the House in a letter dated July 21, 1993, today, that the House not release the material in question. I know special prosecutors. I know U.S. attorneys. I know they are very aggressive and I know they like to win. I am certain that this letter was written in the spirit of their being able to aggressively and competently finish this investigation and bring in the indictments of anybody. This is serious business. There is no doubt about it.

Mr. Speaker, I will include at this point the letter from J. Ramsey Johnson, the U.S. attorney to Speaker FOLEY and ROBERT MICHEL, the minority leader.

DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
*Washington, DC, July 21, 1993.*

HON. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*
Hon. ROBERT H. MICHEL,
*Minority Leader, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: We have been advised that the House of Representatives may be considering the public release of previously confidential materials generated during the inquiry conducted last year by the Task Force to Investigate the Operation and Management of the House Post Office. I am writing to express this Office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this Office into matters associated with the House Post Office. Accordingly, I ask you not to authorize the release of such materials.

Last year, this Office endeavored to work cooperatively with the Task Force, so as to enable the Task Force to conduct its mandated operations-and-management review of the Post Office, without invading the integrity of the criminal investigation. After completing its review in July of last year, the Task Force prudently concluded that many of the materials that it had collected or generated—including deposition and interview transcripts and tapes—ought to remain confidential, in part because the publication of such materials posed a significant potential to compromise the ongoing grand jury investigation. That potential remains today. The investigation is continuing, and inevitably involves many of the same witnesses and transactions that the Task Force inquiry included.

For these reasons, I strongly request that the House refrain from releasing additional materials generated by the Task Force inquiry.

Sincerely,
J. RAMSEY JOHNSON,
*U.S. Attorney.*

Mr. KOPETSKI. Mr. Speaker, I do want to read one sentence from it. It does say:

> I am writing to express this Office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this office into matters associated with the House post office.

Mr. Speaker, there are other serious issues before the House, no doubt about it, the state of the economy, the effect on small businesses, the great generators of jobs in this country, is in question. The President has taken bold leadership to address these problems in our economy, specifically centering on the deficit, specifically centering on budget cuts at the Federal level, and also to try to stimulate the economy and provide some relief and help and incentive to our small businesses in this country.

For this remaining hour, Members have put together some thoughts on the President's reconciliation bill and why there are parts and provisions of it that are important to the small businesses in this country.

Mr. Speaker, I yield to my colleague, the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I would like to thank the gentleman from Oregon for yielding to me, and certainly to let the gentleman know from many of us that we appreciate the gentleman taking the time this evening to get another message out, because we know there has been a different message that the American public has heard. I think it is important that they hear another side.

I specifically am going to try to integrate a couple of ideas that I have worked on over the years, but as I see this package in the budget reconciliation, helping us come to some final conclusions that I think are going to make businesses stronger, provide jobs and do some things that this country has needed over the last 12 years.

I am going to come back to these at the end, but I am hoping that as I go through this scenario with you that we understand how this particular issue is pertinent to the package that we hope will happen in the House. That really has to do with some of the issues that are in the budget reconciliation, specifically looking at three areas, the increase in deductions for small businesses and new equipment, creating capital gains exclusion for certain small business stock, and one that I just feel so strongly about and that is making permanent what has been not permanent over the last several years, and that is the issue of about a 20-percent tax credit to businesses that are increasing their research expenditures and development. I just cannot tell you how important that is to this country and its future.

□ 2110

I want to tell my colleagues that I think for years the United States, and I think we have all heard these stories, have been in the forefront of an effort to invent new products, but for some reason, and I think some of it had to do with defense, but for whatever reason we did the research, but we did not do the development. We forgot how to get development out there. We forgot how to manufacture and put what we had learned in research to work.

Mr. Speaker, the perfect example of that was the VCR. The technology is American, but the money and the jobs were foreign, and now I think we even have a greater challenge facing the world. We have something that I am going to refer to as environmental restoration, and I think this area should provide us with a large segment of jobs that we are going to need in the 21st century, and yet I think once again that we have failed in ignoring the potential lucrative opportunities that are available for this country, except that now I think we have a President that has recognized this, and I am going to tell my colleagues a story, and I think this really sums it up.

A couple of months ago, or several months ago, I had an opportunity in my office to view a tape that had run on CNN, and it was a report on a pilot environmental cleanup project that actually was taking place in Florida at Tyndall Air Force Base. I think my colleagues will see the ramifications of this, especially with base closures and what we are finding with some waste and stuff, but the project was utilizing, and a lot of people do not know this, solar radiation to clean up groundwater that was polluted from jet fuel and lubricants, and the project also could clean up wastewater from industry, and to give some examples, the product process would be used to clean up wastewater from textiles, pulp and paper, and chemicals, and the process, we think and we believe, could reduce the cost of environmental compliance and make our companies more competitive. This process, and I am going to try to get these words right because

I am not the scientist in all this, is catalytic processing using titanium oxide, and the catalyst is readily available in abundance. Actually, I do not know whether I should tell my colleagues this, but it actually is found in our toothpaste, and I found this out during some of the conversations that I have had. We have know about this science for years, but the technology only recently was developed by the University of Florida which is forming a regional alliance to commercialize the technology.

Now what was interesting about this tape was it first showed us how solar energy would be utilized to improve the environment, but what really struck me and why I bring this up was because I was sitting at my desk, I turned the tape on, I listened to the report, I let the tape run a little bit after, you know, how you kind of let it run, and do my colleagues know that right after it had been done to the American public in English, it was then translated into Japanese? So, the same commentators on this tape were telling the same story to the Japanese Government and to the Japanese public, and I thought, OK, here we go again. We have got this great idea, this new product, this new technology, issues that could take us into the 21st century, and what happens but I am seeing it go to the same country that we have been competing in these areas with for years.

Well, Mr. Speaker, I naturally became a little concerned about it, realizing that that same information was being received. My questions through this are: Will we be seeing a repeat of the VCR situation? Will the Americans who pioneered this technology fail to find the funds that they need to develop the product? Will Americans who could have been employed in the manufacturing end and the application procedure of this technology fail to see these jobs because some foreign competitor purchases or licenses the patent and takes offshore the jobs and the technology overseas—and then sells it back to us at ridiculous prices?

Mr. Speaker, let me tell my colleagues that already somebody at MITI, or a European counterpart, already has reviewed this story and decided to target environmental technology as the computer chip or VCR technology of the 21st century, but, because new technology takes time and effort, we in the land of instant gratification may ignore the potential that new technology and thousands of skilled and yet employed workers and engineers present. I believe that new, innovative technology means jobs for Americans if only the inventors could receive that seed money or incentive that would be necessary for proper development and marketing of the technology. Those jobs put people to work here and keep people working, and we can sell our goods overseas. If private industry does not quite see the light, should the Government provide an extra incentive to keep the work alive in this country?

We need to provide real capital assistance and employment incentives to new technology. For years, I have called for more attention to be paid to alternative fuels, especially solar energy. The sun is free; it does not pollute our air; it is virtually inexhaustable, but, more importantly, I believe solar energy is an economic winner for this country. Our studies showed that we could create more than 375,000 jobs over the next 20 years just by removing market barriers to solar and other renewable energy sources. The potential for overseas sales of solar equipment and for domestic employment to make those products is huge. The world market for solar thermal equipment is growing by 26 percent annually. Yet, we in the United States rank last where once we ranked first among seven major trading nations in the resources committed to export promotion of renewable energy technologies. The world market for solar equipment is growing at 20 percent, but the U.S. share of that over the last several years has gone down 65 percent a decade ago to 35 percent today.

I fear that we missed a golden opportunity to improve our economic growth by not focusing sufficient attention on new technology development. Fortunately, I believe the situation is improving with this administration. The House passed the National Competitiveness Act. The House reconciliation bill contains again, and I want to go back to these because I think these are so important in the programs that I have just discussed, and I do not want them forgotten. We have looked at increasing the deduction for small businesses and new equipment, creating capital gains exclusion for certain small business stock and again making permanent the 20-percent tax credit to businesses that increase research expenditures, and I am going to end with one statement:

When I ran for Congress, Mr. Speaker, we sometimes go to experts and people within our communities, and we ask them to give us advice, and I went to a dear old friend who I had worked with on a city council because he was our auditor there. I knew him from the time that I was in the State senate, had kept in touch with him, and I called him, and I said, Mike, I really need to ask you something. If you were to tell me what would be two things that you would do to help this country and small businesses, what would they be?

And he said, "I would go back to giving incentives for capital outlay for small businesses so they could stay competitive, and I would provide employment incentives." He said, "Those two things, when we changed the 1986 Tax Code, have been the downfall of our small businesses."

I think this particular budget reconciliation has addressed at least those two issues, among others, and I think the research and development part has become an extremely important part of this bill, and I would hope we never forget what we are trying to do here and that we will see those fruits come to bear later on as our children, and your children, and all of our children grow, and we make this a better country for jobs.

Mr. KOPETSKI. Mr. Speaker, I thank the gentlewoman from Florida [Mrs. THURMAN] for her contribution, and we tend to think in my district, when we talk about research and development, we think about the high technology companies that would benefit from this. That is one of our great manufacturing sectors in this country. The gentlewoman is absolutely right to bring in the environmental technology area where we have been developing these kinds of technologies through the years, and there are so many other nations, Eastern Europe, for example, who want to clean up their rivers, and clean up their air, and, if we develop the technologies, there is a market for these various kinds of services and technologies that we can sell to these emerging nations as well, and I thank the gentlewoman for her contribution tonight.

□ 2120

Now I would like to yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ], a new Member of the Congress.

Mr. MENENDEZ. I thank the gentleman for yielding. I wanted to participate tonight with the gentleman from Oregon because I think we heard a few minutes ago about having the sunshine come into this institution and questions of credibility. Certainly, just one comment on that, one thing we do not want to do is to interfere with an investigation that is being conducted by the proper law enforcement authorities of this country. When we begin to interfere with those types of activities that are properly conducted by independent authorities, such as the U.S. Attorney's Office, then we really convert the system into something that the American public would not be supportive of.

So I am here to participate in letting a little sunshine and credibility in on the issue of the President's economic plan, and particularly as it relates to small businesses.

Part of what I have been hearing, is that the groups opposed to the President's economic plan are now attacking the plan on the grounds that it is bad for small business. The facts, the truth, the sunshine, is that nothing could be further from the truth. I would like to go through some points that I think reflect that.

The President's plan is pro small business. It includes provisions to create and grow small businesses, including more than doubling the expensing provision, a targeted small business capital gains tax, and lower interest rates as a result of real deficit reduction, the lowest long-term interest rates in 16 years.

The plan is fair. Ninety-six percent of small businesses are exempted from any new taxes, income taxes. The 4 percent of small businesses who pay higher income taxes are not mom and pop businesses. A good number of them, such as in my district in northern New Jersey. The average affected individual under the plan, many who are investment bankers, consultants, and others, make $560,000 a year.

Now, that is no small potatoes. It certainly is not what I consider small business. It is not the small businesses that are in the streets and neighborhoods of the communities that I represent. It is not the businesses along Journal Square in Jersey City. It is not the small businesses along Broad Street in Newark. It is not the small businesses along Elizabeth Avenue in Elizabeth, NJ. It is not the small businesses of mom and pop stores along Bergline Avenue in north Hudson County. When we think of small businesses, those are the types of businesses that we think of. They are not the businesses that are being affected by the President's plan.

Certainly the overwhelming number of small businesses that I know of in my district, I wish they made this, for their purposes. They would be paying taxes as well. But they do not make $560,000 a year. And I think the President has launched an aggressive program to try to deal with the credit crunch, to provide capital for small businesses, and to expand and create jobs.

You know, this is not because we say it on the floor. There are independent groups and independent institutions and newspapers that have been saying some of this.

We look at some of the major newspapers, like the Wall Street Journal and the New York Times, that have examined some of these claims. In that respect, reading from the Wall Street Journal, it says, "Having been battered in last year's presidential campaign as defenders of the wealthy, Republicans hardly want to oppose the President's proposed income tax increases head on and bemoan the burden on the Nation's richest 1.2 percent of the population. So they are playing up the plight of small businesses. But many of the Republican arguments are specious. Despite claims that most of the burden of the higher taxes would fall on small business owners, the Joint Tax committee data shows otherwise."

It is interesting to read in yesterday's Wall Street Journal an article where we have various of these groups that oppose the President's plan particularly talking about how it is going to affect small businesses.

In an article in yesterday's Wall Street Journal they said:

> A small business owner, Dottie Sizinski, made a compelling witness against higher taxes at a Montgomery, Alabama news conference last week called by the anti-tax group, Citizens For a Sound Economy, declaring that President Clinton's proposed tax increases would force her to charge more for the home-help services her company provides. Mrs. Sizinski warned that layoffs were inevitable. "You cannot pull the train without the engine, and you are going to find out this engine is small business," she said.

They went on to say in the article:

> There is just one problem: her business, Central Alabama Nursing Services, is so small that her tax rate won't go up at all under the President's program.

It goes on through the article to talk about a whole host of other similar claims by some of these groups that are opposing the President simply on that provision that is going to affect small business.

Finally, listening to another independent organization, the National Federation of Independent Businesses, which in fact has a great deal to say about small businesses, gleaning from some of the testimony they have previously provided, stressing the importance of key provisions of the President's plan, expensing, targeted small business capital gains tax, cuts and lower interest rates from deficit reduction, here is what they said about three of those points:

> Deficit reduction: our members feel that there is very little the government can do right now to bring us out of the recession in the short term, and would focus on the deficit, rather than cutting taxes.

The Clinton plan is the largest deficit reduction plan in history, $500 billion in deficit reduction over five years, on target with the National Federation of Independent Businesses' statement:

> Expensing: in the area of investment incentives, let me simply say that we are consistent. Simplicity is the key for the small business community. We prefer above all other things an increase in direct expensing.

The President's plan would more than double from $10,000 the investment that small businesses would be able to expend immediately. Again, on point with the National Federation of Independent Businesses:

> Capital gains: if you wanted to focus though on creation of small businesses and creation of jobs, I think that Senator Bumpers' proposal does an admirable job in that area. The President's plan adopts the key provisions of that proposal.

Again, on point.

So this is the institution, or one of the institutions and organizations, that in fact deals with the issues of enhancing opportunities for small business.

So, in closing let me just say that the President's plan, especially deficit reduction, is job creation, 8 million jobs over the next four years. Studies show that two of the President's small business investments alone will create 200,000 small business jobs.

Now, during the last four years only 1 million private sector jobs were created. That is just about 20,000 jobs a month.

In the first five months of the Clinton administration, 740,000 private sector jobs have been created, over 140,000 jobs per month, compared to the average of 20,000 a month during the previous administration, seven times the rate of the last administration.

Now, several independent analysts have projected that growth in the economy under the Clinton plan will create, again, 8 million jobs in the next four years. So that, to me, coming from a district that suffers a rate of 10.5 percent unemployment, helping small businesses create jobs, putting people back to work, that is change, real change, positive change, the type of change that people who elected us sent us here to create.

That is why I wanted to join with the gentleman tonight, to make sure we let a little sunshine in on the facts. This plan is pro small business. It moves to increase our economy, to grow our economy, and ultimately puts people back to work. When we put people back to work there is no better social program than employment. So that is why I am so happy to participate with the gentleman tonight, hopefully to let a little sunshine in. I thank the gentleman for the opportunity.

□ 2130

Mr. KOPETSKI. I thank the gentleman from New Jersey for his comments.

I wonder, as you do, I am sure you go to a lot of town hall meetings. I am amazed at the amount of misinformation and noninformation about what exactly is in the President's tax bill. I do not know about you. Where do you think this is coming from? Do you think it is because of the radio talk show folks? They have not read the bill themselves? Why is it that people do not understand or they are not asking exactly what is in the bill for small businesses?

Mr. MENENDEZ. I think the fact of the matter is that there are those here who would seek under any guise and will resort to the type of misinformation that, in fact, obviously has to be spread around for people to be as confused as they are on the issue.

The fact is, if you look at the program as presented, as independent groups have, as I mentioned, the National Federation of Independent Businesses and the various publications throughout the Nation who have been critical as well as positive at different times, in this case they are positive. They say that the President's plan will work.

Some of these groups, under any pretense, will seek to oppose and obstruct. And some Members, unfortunately, of this House will seek to oppose and obstruct what the American public had us come here to do, which is change. When they said change, they meant positive change, change in their lives and change in their lives at a time of great unemployment in many pockets of our Nation, it means going back to work, moving this economy forward.

That is what the President's plan does.

I think that it is best said as Abraham Lincoln said, "At the end, with ten angels coming, swearing from above, I was right and I end up being wrong; then it will not matter. And if the end brings me out all right, then what is said against me now won't matter."

I believe that when we see this plan put to work, give it a chance, as we sought to give other Presidents a chance, given that opportunity that it will bear out, that people will go back to work, it will move our economy forward. We will create the opportunity that Americans are looking for and that we have come to expect as a Nation.

Mr. KOPETSKI. I thank the gentleman. I think you are exactly right that we have got to get this plan in place. The sooner the better for the American economy, for jobs and American competitiveness abroad.

I now yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Oregon for taking this time.

The gentleman from Oregon [Mr. KOPETSKI] is one of the most able Members of this House, a member of the very important Ways and Means Committee, which is one of the principal participants in the reconciliation bill.

We are focusing on small business. We are focusing on small business, because we know in America that most of the jobs that Americans get and the growth in jobs is essentially created by small business.

We know, furthermore, that over the last decade, many Fortune 500 companies have lost jobs. We have greater productivity, but we are losing jobs, as we become more efficient.

While it is good to become more efficient and more productive, it is absolutely essential for any society to create jobs for its people.

I have three children, ages 28, 24, and 22. They are all in the job market and, luckily, they all have jobs. We want to have good jobs available for my grandchildren, as well, and for the children who just graduated from high school or college this past June, who are going into the job market. So we are talking about small business.

The small business provisions are incorporated in a deficit reduction plan that, in my opinion, is critical, if this country is going to confront its most difficult problem, and that is its deficit, a deficit which is the progeny of an irresponsible fiscal policy pursued over the last 12 years, a policy, very frankly, that Presidents Reagan and Bush incorporated in budgets and sent to the floor of the House.

Many in their own party opposed the Reagan and Bush budgets. Mr. Reagan's first budget got one vote from his own party. Then, 27 Republicans supported his next budget in 1987, only 12 Members of his own party supported President Bush's budget.

What did that mean? Apparently they did not believe that that was a viable economic program for this country. And in point of fact, the Congress put together a program which was ultimately signed by the President of the United States, not in terms of the budget but in terms of the appropriations bills, the reconciliation bills that carried out the provisions of that bill.

The bottom line was, 12 years later the Federal debt had increased from $945 billion to over $4 trillion.

Our new President, as the gentleman from New Jersey [Mr. MENENDEZ] pointed out, was elected to bring change and change is not easy. It takes courage. Change will be difficult because the problems are tough, and the solutions are going to be tough. But this President and his party have shown the courage to support the tough policies he has proposed in both this House and in the other body.

We talk about small business, again, because it is such a critical component of the economic welfare of this country. I have asked that a chart be put up that reflects what the gentleman from New Jersey [Mr. MENENDEZ] just talked about. It dramatically points out the 700-percent increase in job creation in the first 6 months of this administration, an average 21,000 jobs were created monthly under the Bush administration. And he, of course, said he was going to create 30 million jobs in two terms.

Now, it does not take much of a mathematician to multiply 48 times 21,000 and know you do not get 30 million jobs. And it does not take a political scientist to know why he did not get to serve a second term.

Since the inauguration we have begun to create new, private sector jobs at a rate of 148,000 a month—813,000 net new jobs. Why?

In my opinion, because the financial markets and the business community believe that for the first time in many years we have a President who is leading and has presented a responsible plan to take charge of our economic future. It is not just the business leaders of this country who are hopeful. For the first time in many years, the G–7 leaders from around the world, and their industrialized nations, meeting in Japan, were not saying, "Why does the United States not have a responsible deficit reduction plan?"

They said to President Clinton, "We believe that for the first time you have a plan to get your fiscal house in order, and we are glad for it, because the economic well-being of this country is critical to international economic stability and health."

As many as 148,000 jobs a month are being created under this administration, not because specific programs have passed, but because our people and businesses are hopeful—we see change coming, and it is good.

I would ask that the next chart be put up. The financial markets do not care about Democrats or Republicans. The financial markets do not care about putting a good spin on policy. The financial markets are not trying to make us look good or the President look good.

The financial markets are making hard economic decisions as to what they believe the future will bring. And interest rates are at the lowest level in a generation. Millions of Americans have saved very substantial moneys over the last 6 months by refinancing their homes. Why have they refinanced their homes? Because mortgage interest rates are coming down. Why? Because the economic stability that the plan that the President has proposed is bringing.

There is an automobile dealer in my district at Indianhead, MD, Willams Ford. The owner told me that 2 days after the November election, he had the best day of sales that he has had in many years. Why? Because there was a confidence that the President meant business, and our people responded.

This mortgage rate chart brings it home. On election day, rates were a little over 8.25, about 8.3 percent and look where we are today—down to 7.5 and lower, 7⅛, 7 percent. Interest rates today are at the lowest point they have been in a quarter of a century. Why? Because for the first time the Congress and the President have shown the courage to get a handle on the fiscal deficit that confronts us.

□ 2140

I did not support the 1981 program, and I thought interest rates would skyrocket. In fact, of course, nominal rates did not skyrocket, nominal rates being the number you see, but real interest rates were at the highest point they have been historically in the 1980's. By "real interest rates," I mean the difference between what you had to pay for the money and the inflation rate. There was a greater discrepancy in the 1980's than there had been historically.

This President has produced a program. It cuts the deficit by $500 billion.

Does it eliminate the debt? No; it does not. But it makes a real downpayment. It will take courage, and it will take tenaciousness. We are going to anger some people, no doubt about that. You do not cut, in real cuts, $250 billion from a Federal budget and expect everybody to be happy, because there are folks getting that $250 billion, whether they are Federal bureaucrats who have jobs and they are performing functions, or whether they are folks in the private sector who are getting some benefit or some payment from the Government.

We are raising revenues. We are saying we need a greater contribution from this generation so the next generation is not in hock. We are going to do that. That will not make some people happy. It will particularly not make some people happy who got the biggest tax break in history on much higher profits during the 1980's.

In the words of Kevin Phillips, a conservative Republican leader:

> We saw the biggest shift in economic wealth, not from the rich to the poor but from the middle class to the wealthiest 1 percent of America, during the 1980's.

I am not here to tell you, and I know you are not either, I would say to the gentleman from Oregon, that we want to gouge anybody. All of us want to be successful. All of us want to have economic well-being for ourselves and our families. All of us also believe that this Nation will survive and do well if each of us participates in his fair share of the burdens that confront this country, as well as the opportunities it affords.

Those interest rates coming down are probably the best economic program we can have. If they remain low, it means an extra $100 billion being pumped into our economy. I want to talk about some other economic aspects of the bill, not just mortgage rate interest but interest on personal loans and car loans and boat loans and consumer loans coming down. This is the best economic program and the best job creator we can have.

I would like to put up the other chart, if you will. My friend, the gentleman from New Jersey [Mr. Bob Menendez], one of the most distinguished new Members of this House, former member of the State Senate in New Jersey, now a distinguished Member of this body, mentioned this. There is an effort abroad in this land to fool people, to tell them, "this is awful for small business. Small business will be hurt and jobs destroyed."

In point of fact, the largest rate of bankruptcies that occurred in small business ever occurred in the 1980's, the highest rate of bankruptcies of small business. However, that aside, this chart repeats what the gentleman from New Jersey [Mr. Menendez] said. Under the President's program in the reconciliation bill, that I believe will be on this floor in pretty much the form that I am going to talk about, 95.8 percent, almost 96 percent of the business taxpayers are not affected by the income tax proposals in this bill.

Will they have to pay if we have a gasoline tax? Yes, we will all have to participate. As a matter of fact, the proposal the President now apparently is focused on will be about $1 per week for middle income families and middle income business folks.

My own opinion is, if they believe that we have the courage to bring down the debt, bring down the deficit, and not continue to pile on their children and their grandchildren an unconscionable debt for the future, I think they will think that is worth $1 a week. The 4.2 percent who will be affected, as the gentleman pointed out, are doing well, earning over a half-million dollars per year, on average. We do not want to gouge them. And we won't. We believe this is a reasonable contribution that we are asking of some of the most successful businesses in our country.

Let me talk a little bit about some of the proposals that are in there. I think it is important that we look at the specifics. They were related, some of them, by the gentleman from New Jersey [Mr. Menendez], but I am going to repeat them because they bear repeating, because they are very important.

Small Business Friends tell me that the expensing provision, is very, very important. It is now at $10,000. We are going to more than double it in this bill. That will encourage small business to buy equipment and to expand their businesses, expand their productivity capacity. Good for them, good for the workers they will hire. That will help, grow the economy. That is a very important aspect, and as the gentleman pointed out, supported by almost every small business group that I have had the opportunity to talk to and small business person that I have talked to in my district.

Vice President Gore, came to Waldorf, MD, today. We were at Nick's Market of Clinton, Nick's of Clinton. We talked about these provisions to help small businesses.

Nick Ferrante, the operator of that grocery store, got up and said, "I understand this plan and I believe it is good for my small business." Why? Because he understood its provisions. He was not listening to some political rhetoric, he actually looked at the plan.

I would like to put up the chart there. Let me go through them a little bit, if the gentleman does not mind, and just discuss some of these proposals. It contrasts the Democratic plan and the Republican plan. We have included increased expensing, an allowance so we do not tax investments that small businesses make. Republicans have no such provision.

The capital gains tax cut for small business investment; again, an important incentive to get people to invest in growing their businesses, which will in turn grow our economy, which will in turn create jobs for our people, which is what they need and what they want. The Republican plan does not.

The second question everybody asks everybody else—the first question, obviously, is "What is your name?" The second question that everybody asks is "What do you do?" What do you do to participate in our society, to support yourself and your family, and what gives you a sense of self-worth? What do you do? My job, my profession, my way of making a living and supporting myself.

A capital gains tax cut for small business is going to give more people that opportunity to have an answer and have self-respect, and have a sense of participation in making their society better.

The passive loss deduction, has been very controversial. In 1986 we changed that. It had had a very substantial impact on the real estate and home building markets. This passive loss deduction, in my opinion, will help that, and I am not alone. But the Republican plan lacks this provision.

Housing, and homebuilding, is very important in Maryland, in the district that I represent, and very important around the country. Homebuilders lead us out of recession and depression. The passive loss deduction, in my opinion, will be of significant help to those small business men and women.

We have wage and tax credits in enterprise zones, because we have several areas of our country that have historic high unemployment and great difficulty in getting going economically. We know that is a real problem, because the people that live in those areas cannot get jobs and they move out. Those areas then decay and they are centers of crime and deprivation and disease. We need to bring those areas back.

Very frankly, Jack Kemp, a former colleague of ours, talked about, in fact, enterprise zones; empowerment zones, if you will. Very frankly, we have included that in our bill because we thought that Jack Kemp had a good idea. We did not necessarily agree with how he put it, exactly, but it was an idea that was a good one. We have adopted it. We would urge our colleagues on the other side of the aisle to adopt that as well.

We reduced the cost of health insurance premiums of the self-employed, packaged retroactively, because we want to go back and extend the 25-percent deduction for health insurance premiums paid by the self-employed. We think that is an additional savings and incentive to our business people.

Tax-exempt financing for small business, by extending qualified small issue bonds and creating a new category of enterprise zone, which I have already talked about for facility bonds.

□ 2150

And the plan further provides certain small businesses with greater access to tax-exempt financing.

Now that has a cost to it, but it is a cost that is worth it because it creates jobs.

And super-expensing, and those empowerment zones I talked about, and small issue manufacturing and farmer bonds. We sometimes forget that some of the most productive and active small business people we have in America are farmers. And they need assistance. This bill we believe gives it to them.

It is a progrowth incentive for large and small companies and firms, and we modify the AMT depreciation schedule, the alternative minimum tax schedule to again allow depreciation deductions to be accelerated considerably, which will assist businesses in capital investment and in growth. We extend the research and experimentation credit, a very important provision for Silicon Valley type corporations. Those small corporations have provided many of the new jobs during the 1980's. They are not doing it now, but we need to spur them, because we are in fact competing well with the Japanese who came in early, but we are not only catching up, but we can surpass them because our people have the talent and the commitment to do so, if we give them the tools to do so. We believe this does. This R&E tax credit extension extends the provisions that provide the 20 percent credit for qualified research expenditures. We need to encourage, and this bill does, research expenditures, and making sure we are on the cutting edge of technology which will ensure a bright future for our children and for our country.

Mortgage revenue bonds. That has always been a popular program on both sides of the aisle. But this permanently extends the recently expired provisions that permit local jurisdictions to issue tax-exempt mortgage revenue bonds for financing rehabilitation or improvement of single-family homes. We have a shortage of single-family homes in America that are affordable for average Americans. If you have a $300,000 or $400,000 salary that will support mortgage payments on that kind of a home, you can buy a home. But if you are making $25,000 or $30,000, or $40,000 or $50,000 as a married couple, you have a tough time getting a mortgage.

The fact that interest rates are coming down, and we provide for affordable housing is now solving that problem, and home ownership and the expectation of the ability to own a home has gone up substantially among average Americans over the last 6 months, a good point for the confidence of the consumer.

Passive loss liberalization I have talked, of, which in my opinion is critical. The President's plan provides new incentives for small businesses to create jobs and sustain real growth. That is the bottom line. Not just temporary, but sustainable, real growth and job production.

This House is going to pass reconciliation, in the first instance because this country needs to get its deficit under control if we are going to be a successful, health, growing economy, and second because some of the provisions in here for small business will lead directly to that result.

I very much appreciate the opportunity to participate in this special order with the gentleman from Oregon, and thank him for his efforts as a member of the Committee on Ways and Means to fight for this in committee and on this floor, and currently for a bill that is tough, but is fair, and will be effective in making America's economy grow and create jobs and opportunities for our people.

Mr. KOPETSKI. I thank the gentleman. The gentleman from Maryland is one of our great leaders in the House.

What I got out, or part of what I got out of your statement is that those who call this just a tax bill are wrong. And I think there is a lot of misunderstanding out there in America about what is in the reconciliation package.

There is the business incentive program. There are the spending cuts. And you are on the Appropriations Committee, and one thing you said about the spending cuts struck me, which is that these did not get there just by accident. Somebody asked for that Government spending, whether it is a subsidy in the agricultural area or a payment in the health care area. And so taking those away becomes very difficult, because I assume you see on a daily basis people coming up to you and saying well, do not cut me, cut the other guy. And that is the problem that we are in. We are having to make these very difficult choices.

The President outlined a program, brought it to the Congress. We have made our modifications. We are not a rubber stamp I do not think of any executive. By and large we have responded to the President's initiative, put our mark on it, and now we are in the conference committee.

Mr. HOYER. If the gentleman will yield further, he makes a very good point about not being a rubber stamp. Obviously, I think all three of us are very strong supporters, and I know the Senator and the gentleman from New York who sits behind me are strong supporters of the President. That does not mean that we agree with everything the President proposes.

But the fact is this President has shown courage in giving us a tough but effective and fair package for economic change and growth in America. In fact, of course the Congress added $68 million in additional spending cuts above and beyond what the President proposed because it was the Congress' feeling that we needed to discipline ourselves, bring spending under control as a first priority. And as a matter of fact, when we adopted the budget, the reason for adopting the budget so quickly was to show that discipline, as we did in a very tough budget which freezes discretionary spending at 1993 levels for the next 5 years, freezes spending at the Federal level at this year's level for the next 5 years. That is pretty tough medicine. But it is necessary in the Congress' opinion in order for us to participate not just in taxes, as the gentleman points out, because revenues are necessary. You cannot get there from here without greater participation in a fair way by all Americans. But the fact is in this case it is only the top 2 percent of Americans that will be participating in a very significant way in terms of income tax. And in addition to the revenues, however, we did the spending cuts first. And in my own bill, as you know, where I chair an appropriation subcommittee, we were $560 million under last year's outlay numbers, which means the money that we spent.

Mr. KOPETSKI. The actual dollars.

Mr. HOYER. In terms of dollars we spent, not just obligated, but spent last year. So we are making some of the tough decisions, and I think we will continue to do so.

Mr. KOPETSKI. I thank the gentleman, and thank him for his time this evening as well.

Mr. Speaker, I yield back the balance of my time.

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## BUDGET RECONCILIATION PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I yield to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. I thank the gentleman from New York for yielding.

Mr. Speaker, I wanted to take a few minutes on my own this evening to talk about the President's reconciliation bill. It is a controversial measure, and the reason is because the President has made deficit reduction his No. 1 priority. And I think that we have to deal with the facts when we are addressing such an emotional issue, such an issue that affects our own economy.

When the President took office, literally the day after he took office, the 4-year deficit projection became $189 billion higher than had been forecast by the Bush administration in the last projection before the election. So this is the first thing the new President was faced with, was the deficit was even worse than we thought it was by about $190 billion.

□ 2200

President Clinton recognized the seriousness of the situation and had to forgo some of the attractive campaign promises he made like an immediate middle-class tax cut in order to get to meaningful deficit reduction.

This economic package is a $500 billion deficit-reduction effort, and the President is holding firm on meeting this goal.

As we see in this chart that if we do nothing, if we do nothing without any deficit reduction, we see that the deficit does droop down a little bit, but then it rises dramatically in the out years of 1998, but under the President's reduction, we see immediate and dramatic cuts in the deficit until we get out to 1998, and it levels off actually unless we deal with health care; it may turn up again.

So this is the problem area that we have here, and what we are fighting about in the conference committee today and in the halls of Congress is how much to reduce the deficit, how can we do that in a fair and responsible manner.

There are those who say, well, cut spending and get there entirely by spending cuts. There are others who say do it all by tax increases.

Well, what the President outlined to us and what the House and Senate have agreed upon is that we need a combination of both.

Before I get to that though, I want to talk a little bit about the problem that we have as an institution with our credibility with the American people on a deficit-reduction program. The credibility problem goes back really through the 1980's, I think, when the Congress and the administration kept promising balanced budgets but the opposite happened. We increased the Federal debt fourfold, and then in 1990, although I was not a Member then, there was another new budget agreement, and people perceived this budget agreement as a failure.

Well, let us examine that. The 1990 agreement projected a deficit this fiscal year of $170 billion. They thought it was going to be $170 billion. In reality it is going to be probably $270 billion. So they missed it by $100 billion, and that is significant dollars.

In a sense the 1990 agreement was not a failure. It just was not bold enough. The Congressional Budget Office has found that the savings to the budget projected by that 1990 agreement have been realized.

The fact is that only about $9 billion of the increased deficit we are seeing today results from tax-and-spending legislation enacted since 1990, and this includes unforeseen spending of about $10 billion to the Pentagon to finance our share of the Persian Gulf war, and about $5 billion in emergency spending for Hurricane Andrew in Florida and the Los Angeles riot assistance that Congress provided, and in addition the extension of the unemployment compensation.

Since 1990 Federal discretionary spending has actually fallen slightly.

Why did the 1990 agreement fail? Well, it is because we failed to control, I think, the increase in the entitlement spending area, and that is a key problem that still plagues us today. Since 1990 the entitlement spending has shot up 37 percent, with health care costs leading the way.

The package passed by this Chamber begins to address the entitlement issue. The fact is that under the President's plan we have a bit more spending cuts than tax increases. This is a fact. People should not believe the talk-show hosts who say there are no spending cuts involved in this bill. The fact is that there are.

I think we have a chart here to show exactly what we are talking about here, that as the gentleman from Maryland [Mr. HOYER] pointed out, we have pretty much a balance between new revenues or tax increases, and the spending cuts, which add up to about $250 billion with 200 specific cuts in specific programs, and $100 billion in the entitlement cuts as well. When we look to the revenue side, we are raising $250 billion. We are asking the wealthiest of our Nation to contribute the greatest share of those new revenues.

Seventy-five percent of the income in these new revenues will come from the top 6 percent of income holders in our society, 66 percent from the top 1 percent, the top most wealthy individuals in America today, and these are people that made a lot of money in the 1980's, and we are asking them to help America to get this deficit under control.

So I think it is fair that we do impose this additional burden, the significant part of the burden on those with the ability to pay. We want them, and we on the Ways and Means Committee were very mindful of the fact that in this capitalistic society, we want people to make money. We want profits. We want profits from investments, long-term investments in our country.

These people will still be wealthy after they pay this bit more tax increase.

On the average, President Clinton's plan over the next 5 years has $1.20 in spending cuts for each $1 we raise in the tax increases. In 1994 there are 78 cents in spending cuts to the dollar in tax increases. In 1995 the amount goes up to $1.12 for every dollar of taxes. In 1996 there is $1.21 in spending cuts for each $1 in taxes. In 1997 there is $1.16 in spending cuts for every dollar in taxes, and in 1998, $1.49 in spending cuts for each dollar in taxes.

Deficit reduction is important to our Nation's smaller businesses and individual firms such as our farmers, as the gentleman from Maryland [Mr. HOYER] alluded to. Maybe they are a sole proprietor, but they are all benefiting from deficit reduction, and the hope and expectation from Wall Street that the Congress will follow through with the President's leadership and enact a significant deficit reduction, because that is what is going to keep the interest rates low and the economy in an upward slant.

The NFIB, the National Federation of Independent Businesses, representing over 100,000 small and independent business owners, testified in the Ways and Means Committee that 87 percent of its members believed deficit reduction should be Congress' top priority.

The Federal Reserve Chairman, Alan Greenspan, noted yesterday that President Clinton's $500 billion deficit reduction is a "good first shot" and that if the financial markets believe Congress is backing away from that $500 billion target, it will mean higher long-term interest rates, rates that are critical to mortgages and firms and households that are undergoing debt restructuring or your new small businesses going out there to borrow the money for their inventory for this year and the Christmas season approaching.

Greenspan also noted the flip side, that if the market senses that if there is true credible action on the deficit, on the debt about to occur, long-term interest rates could drop even further than they are today. Deficit reduction is a winner for small businesses, and that is what is built into this package that the President has taken to the Congress.

How do we know that the deficit will go down under this package? As we said earlier, we have got a credibility problem here in the Congress. People need to believe that this is real, that these cuts are real, and I know that they will believe the revenue increases are real. But is it going to impact them?

The Federal Reserve Chairman, Mr. Greenspan, clearly believes the deficit will go down. Discretionary spending cuts are real. Farmers know that these cuts are real because of the $1.96 billion we are cutting from the deficiency payments over the next 5 years. Farmers also know the spending cuts are real because the commodity programs are being cut by a half-billion dollars. Federal employees know the cuts are real because of the 150,000 Federal positions being cut out through 1998, saving nearly $30 billion. Medicaid recipients will know the cuts are real because the $8.2 billion is being cut out of it, and our veterans know that the spending cuts are real because the VA housing programs are being cut by $665 million.

All totaled, the domestic discretionary spending is being reduced by $102 billion over the next 5 years, $102 billion. It is real.

I have already got constituents coming into my office saying, "Why are you cutting so much?" We come back to the first chart, the size of the Federal deficit and the fact that we have to get it under control.

Are we cutting the entitlement programs? You bet we are. They account for 60 percent of Federal spending, and 65 percent of the Federal spending in 1995.

The House-approved package cuts the sacred cows of entitlements by $87 billion. It requires accountability on this entitlement spending as well, and with an annual target; each year we set a target on our entitlement spending. If that target is exceeded by more than one-half of 1 percent, the President is required to propose a way to pay for that overspending or request Congress to adjust the target, full accountability on an annual basis.

There will have to be a vote, so each Member of Congress throughout this country will be held accountable and on the record on the entitlement-spending area.

□ 2210

I think the previous speakers have alluded to the various provisions in the President's tax bill that do provide a benefit, a stimulus to small businesses in our Nation.

The Wall Street Journal yesterday, just yesterday, reported in an article entitled "Foes of Clinton's Tax Boost Proposals Mislead Public and Firms on the Small-Business Aspects."

Mr. Speaker, I insert that article for the RECORD:

[From the Wall Street Journal, July 20, 1993]

(By David Wessel and Jeanne Saddler)

Small-business owner Dottie Cieszynski made a compelling witness against higher taxes at a Montgomery, Ala., news conference last week called by the anti-tax group Citizens for a Sound Economy.

Declaring that President Clinton's proposed tax increases would force her to charge more for the home-health services her company provides, Ms. Cieszynski warned that layoffs were inevitable. "You cannot pull the train without the engine, and you're going to find out this engine is small business," she said.

There's just one problem: Her business, Central Alabama Nursing Services Inc., is so small that her tax rate wouldn't go up at all under Mr. Clinton's program.

Ms. Cieszynski says she gleaned her belief that her marginal tax rate would shoot up 14 percentage points, to 46%, from material provided by CSE and other small-business lobbies. But all the rhetoric to the contrary, the vast majority of small businesses are in much the same position as is hers. Under the tax-rate increases that have cleared both houses of Congress, they wouldn't be touched; only the most prosperous small-business owners would be affected.

Opponents of the Democrats' plan to raise taxes on upper-income people realize there isn't much point in seeking sympathy for the rich. Small business, on the other hand, is almost sacred. So the foes, who mounted an effective campaign against Mr. Clinton's energy tax (known as the BTU tax) earlier this year, have hit the small-business issue hard in print and radio ads and in a flurry of press releases.

### GOP RADIO ADS CITED

"Having been successful on the BTU tax, we have turned more of our energy" to the small-business issue, says Jerry Jasinowski, president of the National Association of Manufacturers. The Republican National Committee's radio ads say the tax bill means "more taxes on small business, killing jobs and economic growth."

No one is making more noise about taxes and small business than Citizens for a Sound Economy, a Washington group headed by James Miller, who was President Reagan's budget director and is now campaigning for a Republican U. S. Senate nomination in Virginia. The group's surveys of local small businesses, who warn of layoffs if their taxes go up, have generated stories in local newspapers from Milwaukee to Gadsden, Ala. ("Survey: President's tax plan to cost Alabama 40,000 jobs," read a headline in the Gadsden Times.) The group's ads running in local newspapers of targeted congressmen and senators—which include the telephone numbers of their district offices—label the tax bill "a job tax" that "crushes small businesses."

The group's 60-second radio ads are even tougher, featuring two politicians—Frankie and Weasel—who sound like gangsters. "Let's tax small businesses. You know, car washes, farms, grocery stores. We'll say it's a tax on the rich," Frankie says.

"Yeah," replies Weasel, "but they hire a whole lotta people. It'll mean they'll have to fire some folks."

"Better their jobs than ours," says Frankie.

### MOST DON'T EARN ENOUGH

Most corner grocery stores and neighborhood car washes, though, don't earn nearly enough to be affected by the income-tax increases that the House-Senate conference committee is considering. True, many small-business owners—all partnerships, so-called subchapter S corporations and sole proprietorships—do pay taxes on their profits at personal-income-tax rates. But the tax bill would raise income-tax rates only on those individuals with taxable incomes, after deductions, of $115,000 and couples with taxable incomes of $140,000.

"You'd have to have one humdinger of a car wash to be pulling down that kind of money," says D. J. Gribbin, a lobbyist for the National Federation of Independent Businesses. The typical federation member employs five people and makes about $45,000 a year in salary and profit.

In the case of Ms. Cieszynski's company, for instance, her business is organized so that she pays taxes at the corporate tax rate. The tax bill would raise the corporate tax rate to 35%—but only for companies with profit of $10 million or more. Ms. Cieszynski won't disclose precisely what her firm earns, but she says it's less than $100,000.

Jeff Nesbit, spokesman for Citizens for a Sound Economy, says the group didn't analyze the taxes of the participants in its news conference. He says the group's surveys are restricted to subchapter S corporations, and Ms Cieszynski wasn't among those polled. Ms. Cieszynski says she was invited to participate in the news conference by a local public-relations firm; she believes the firm got her name from the National Federation of Independent Businesses, of which she is a member.

### ADMINISTRATION FIGHTS BACK

The Clinton administration, keenly aware that opponents of its energy tax skillfully used local newspapers and radio stations to influence swing votes in Congress, is doing its best to smother the arguments with facts. Erskine Bowles, the new head of the Small Business Administration, raised the issue at a town meeting in West Hartford, Conn., last week even though no one asked him about it.

Other administration officials point out that the administration-backed proposal to increase write-offs for small businesses that buy new equipment would help far more businesses than the tax would hurt.

The Treasury doesn't dispute the fact that well-off small-business owners will pay higher income taxes, just as will well-off bankers, orthodontists and Exxon Corp. executives. But only about 4% of those taxpayers who report some business income on their tax returns—and that includes partners in law firms and investment banks as well as owners of small manufacturing companies—make sufficient money to be hit by the higher tax rates.

These people account for a significant chunk of the money that would be raised by the tax-rate increases. Of the $400 billion earned in 1991 by taxpayers with gross incomes of $200,000, about $80 billion came from business income of some sort, Internal Revenue Service data show.

Of course, the most prosperous businesses are likely to be the ones that employ the most people. Raising their taxes and thereby reducing their cash flow isn't likely to encourage them to hire new employees or buy more equipment. "To say this is a disaster for all small businesses isn't accurate," says John Satagaj, president of the Small Business Legislative Council, which is friendlier to the Clinton administration than some other small-business groups. "But the profile of those companies affected are the ones you don't want to hurt."

Meanwhile, some of the small-business owners who will be hit by the higher taxes sound as angry at the populist rhetoric as they are at the increase in their taxes. "I employ 100 people. I provide a living for those people," says Ralph Evans, owner of Evans Farm Inn, a restaurant and catering business in McLean, Va. "It bothers me that Congress and my president are telling me I'm a no good SOB because I make so much money."

The fact is that the article points out that 95.8 percent of business taxpayers are not affected by the President's tax proposals. Here we have this chart again, 95.8 percent of business America is not affected by these tax proposals; 4.2 percent of those are affected.

In terms of the top corporate rate, what we did in the Committee on Ways and Means is that the President proposed a 36-percent rate, that is raising the corporate rate of 36 percent from 34, and we said 35 was adequate and where we ought to be and still remain competitive in the international global economy with our competitors, Japan and Germany.

We are only asking those businesses in America that have gross proceeds of $10 million or more per year, and out of the 40,000 businesses in that top category today, in that top rate category today, only 2,700 of them will be paying a higher rate.

The fact is, as a lobbyist for the NFI is quoted as saying in another Wall Street Journal article, "You'd have to have one humdinger of a carwash to be pulling down that kind of money," the kind of money that would get a small-business person taxed by this legislation.

The task before our Nation is very difficult, there is no doubt about it, because we have to eliminate the deficit and work on the debt. It is over $4 trillion. We are going to be adding to that debt each year, even under this program, until we get to a balanced budget. But we have to do it in a fair and equitable and in a manner that will not hurt the economy but will stimulate the economy. That is why we have some of these pro-business features in it; the expensing provision, the 50 percent investment exclusion for capital gains treatment. We repeal the luxury tax on boats and aircraft. On the intangible areas, we allow tax deduction for depletion of items like customers lists, which is extremely helpful for small businesses like independent insurance agents in this country, for example.

The gentlewoman from Florida talked about the research and development tax credit for the environmental technology companies, but also for the high-technology manufacturing companies, of which the United States has 50 percent of the world market today. We have got the targeted jobs tax credit program to encourage small employers, whether it is restaurant owners in this country, or others, to hire more people and to place workers that have been unemployed for too long, for workers in different categories who have a tough job getting that first job.

It is good for small business, it is good for the Nation. It restores a semblance of tax fairness, tax fairness to our tax code.

I think we have a chart here. Mr. Speaker, this is an important chart because this is: Who is going to pay the increased taxes here?

We have got this broken down by income category, because of the monies we are spending on expanding the earned income tax credit where we are going to make work pay in this Nation, not just for married couples but for single individuals as well. Actually, because of the expansion of the EITC, they are going to pay lower taxes, generally.

Then you move up the economic scale, $3 for those who make $20,000 to $30,000 a year. Then you jump up to $75,000 to $100,000 adjusted gross income household, and we are asking $41 more per month by that household.

Finally, we get over the $200,000 category, and, yes, we are asking them to pay more a month, over 1,900 bucks more a month. These are people that got favorable tax treatment in the 1980's, they were making money then, they are making money now, they will continue to make money even under this program, whether it is because they are going to have a more attractive investment market or because they are going to be paying lower interest rates; but the deficit is going down and the economy should move forward as the markets suggest that it will.

Well, there is one other item that I wanted to mention, and I am about ready to close. I truly appreciate the gentleman's time.

That is an article from the Wall Street Journal.

It is a quotation from a June 25th Journal article about "Taxing Small Business."

> The Republicans maintain that a large portion of the higher tax rates the Democratic plan would impose on taxpayers with taxable income above $140,000 would fall on small business and would inhibit the owners from pouring money back into the business so they could expand and hire new workers.
>
> This proposition is grounded on the fact that many businesses are not themselves taxed. Rather the proprietors, partners or shareholders pay taxes on the profits at their tax rate, which is lower than the corporate rate.
>
> One problem with the argument is that many of these businesses are actually doctors, lawyers and other professionals—not the sort of entrepreneurs normally associated with job creation.
>
> Another problem is that these businesses pay taxes only on their profits, after deductions are taken for expenses like paying wages to employees or making new investments to expand.
>
> The Republicans never quite explained why surgeons, or even the owners of hardware stores or canneries, should be taxed less on their income than someone who draws a salary from, say the United States Treasury.

Finally, Mr. Speaker, the Republican alternative to President Clinton's economic package has no business features to it, there is no expensing measure, does not have the capital gains tax provision, does not have the passive loss deductions which are important to the real estate industry, does not have the enterprise zones so we can get these depressed areas, whether in the timber industry or downtown New York, going again, more attractive to businesses. It does not have the real deficit reduction program that is offered in the proposal brought to you by the Democrats.

In closing, Mr. Speaker, we saw the size of the Federal deficit, over $4 trillion; this is serious. The issue before us is whether the rest of this decade and into the next century we are going to be economically competitive, that we are going to go and continue to be the richest, most powerful Nation on Earth. That is what is at stake here. If you look at not just the economic aspects, you look at our national security, you look at who owns or holds our national debt, nearly half of it is owned by foreigners. That is not good for the security of the United States of America. We are at risk, I believe, just because of that fact.

So, when we talk about successes, whether this is going to be a Clinton success or a Democratic Party success, no; we need to do this for our Nation, for America.

I sincerely believe this is the fairest, the best deficit reduction package that the minds of the Congress can put together. It is the best we can do with limited circumstances to provide some needed economic boost to the businesses of this country, especially the small businesses.

I thank the gentleman from New York [Mr. OWENS] for his time and his indulgence.

□ 2220

Mr. OWENS. Mr. Speaker, I thank the gentleman for his very clear explanations and for calling this special order on the very important budget reconciliation package. There is no more important time than now. As we move toward a resolution of this matter, a vote, we need to throw more light on the subject.

Like most of my colleagues, when I was back in the district during the recess I encountered a great deal of anger and hostility from people about what is going on in Washington. The anger and hostility comes from every level. It is not just the middle income, well-educated voters who are very articulate and let you know, it is also the people on the street who were very disappointed, people who had been promised that this new administration would put people first. There were going to be some definite changes, and they have not seen those changes materialize.

Let me just take one very graphic example, the summer youth employment program. The summer youth employment program was to be increased. The Clinton Administration came in proposing an increase of about $1.5 billion, a little more than a billion and a half dollars, which would have translated in a place like New York City to an additional 35,000 jobs. These are jobs for low-income youths, unemployed in the summer. Many of their salaries go to support the whole family. I know from my close association with the program over the years at every level that these are jobs which put money in the hands of poor youth and families and those youth and families pour it right back into small businesses. They do not invest it anywhere. They do not take trips to Switzerland or the Cayman Islands. They go to the sneaker store. They go to the clothing store. They go to the school supply store and they pump money back into the economy immediately. It is very important that those jobs for those youth flow, but they did not increase anymore than a paltry $166.5 million.

The Clinton administration proposed a $1.5 billion stimulus package. When they got through cutting it down from $1.5 billion down to $166.5 million, and when you divide that across the whole country, the increase in the number of jobs this summer was not that great over the number of jobs last summer.

Translated, as I said before, to New York City it meant we lost 35,000 jobs by not having the President's original proposals acted upon.

We passed it in the House in the so-called stimulus package, but it was filibustered by the other body.

One program officer told me it had a waiting list of 3,500 youngsters. Under the appropriation they got, they were only able to provide jobs to 750 youngsters. Seven hundred fifty youngsters meant that the others went without jobs.

A few days after they told me that young people would apply for those jobs, that most of them would not get jobs, a few days after that there was a robbery and murder that took place in a local park. The head of the program told me that two of the boys involved in that robbery and murder were below the age of 16. They were on the list. One was number 3,003 and the other was number 3,004 on the list. They had been told this.

I do not excuse anybody from participating in a robbery or a murder. There is no excuse for that. But I wonder what bearing it would have had if they had been told the good news, "Yes, you got a job this summer." Would they have been out there in that park with the rest of the gang?

People are angry for good reason. They have seen that the prosperity of our economy has moved forward. We are far wealthier now than we were 12 years ago before the Reagan and Bush administrations took office. As a whole the country is wealthier. Our companies are doing very well. Large companies are making more money than ever before. At the same time they are making huge profits, they are laying off people. What is going on?

Everybody is trembling in fear for their jobs, because despite the fact that their companies are doing very well, in order to lower their costs or for whatever purposes they want to accomplish, some of the most stable giants in American industry are laying off thousands and thousands of people.

So we are not sharing in the wealth, they are saying. Something is radically wrong. They are angry. They are angry at politicians. They are angry at the Democratic Party. They are angry at the President.

This anger certainly is very much misguided. As the presentation has shown here tonight, we have very much moved in order with the President's proposal to put people first. The President has been willing to bite the bullet.

The package that we have passed in this House, and I want to stress the fact that we talked a great deal about small business and there is a need to counteract the campaign to make it appear that small businesses will suffer, but I want to stress the fact in my presentation that in addition to small businesses not suffering, but instead benefiting, we also have a package which was the President's package, passed by the House. A combination of the President's package and the House-passed package was a balanced package. It was very well balanced, balanced in terms of the expenditures, as has been pointed out. We made the hard decisions and made cuts. Not all of us agreed with all those cuts, but most Democrats ended up supporting that package. It was balanced in terms of revenue. Not all of us agreed with all the taxes. We think maybe there should have been more taxes on the rich who have benefited so greatly from the eighties; but nevertheless, we supported that package.

The other part of it was that it was also balanced in terms of certain programs that put people first. It has a childhood immunization feature. It has enterprise zones for the poorest cities. It has earned income tax credit to guarantee that people who work every day will have some help from the Government so they do not fall below the poverty line.

It is a first step in terms of President Clinton's welfare reform program.

We had an expansion of the Food Stamp Program. It had these items in there in addition to the cuts and the extra taxes. It all balanced out. We all voted for it.

As we move toward the finalization of the process as the Senate and the House conferees discuss this in debate, they should not lose sight of the balance. Less and less talk has occurred over the past few days about childhood immunization and the provision in the bill concerning that, enterprise zones, earned income tax credit. There seems to be some kind of budding gentleman's agreement that all that is expendable. That can go. We are not going to put people first. We are going to put the deficit first.

Deficit is important and people do benefit from a reduction of the deficit. It has been pointed out here quite clearly that the lowering of interest rates benefits everybody.

So we are not going to say the deficit is not important, but let us not forget, people ought to come first and that in terms of a proportion of that package, the programs which benefit people directly, people have been neglected for the last 12 years is a very small piece.

Childhood immunization is not a large amount of money being set aside for that. Enterprise zones, earned income tax credit, they do not amount to large amounts of money.

So while I congratulate the President on the fact that he has bitten the bullet and congratulating the Members of the House who supported the President's package, we recognize that this plan really puts us back in the goal of our economic destination.

After 12 years of finger pointing, President Clinton is stepping up to the plate to deal with it.

The President does not like to fix blame much, but I do not hesitate to fix blame. The blame is on the excesses of the Bush and the Reagan administrations. We had a transfer of wealth drained out of the middle class and pumped into the top 1 percent, the top 6 percent of the income bracket. That is pretty clear. One does not have to exaggerate. That is not a wild, radical statement. The statistics show where the money went. They benefited from Government policies.

People are always talking about get Government off our backs. Government should not be involved. Leave it to private industry. That is the biggest lie that has ever been perpetuated.

The people who got wealthy during the eighties all had some connection with the way the Government policies moved and the way Government transferred wealth from the middle income folks up to higher levels.

We transferred it in many ways, in the name of defense. We poured excessive amounts of money into weapons systems. We transferred it in many ways, clearly by swindling the American people out of billions of dollars in the savings and loans swindle. The savings and loan swindle probably will amount to $500 billion taken out of the pockets of the American taxpayers and put into the hands of some of the wealthiest people in the country due to regulations, distorted policies and just plain crookedness in many cases, complicity between Government officials and people in the banking industry.

□ 2230

So, Mr. Speaker, in various ways we created the deficit, and now, if we accept the fact that the deficit is the most important thing on the agenda, we are allowing President Bush and President Reagan, who have created the deficit, to reach into the present administration and be a determining factor in the way we spend policy. We have to deal with the deficit, but let us not get lost or blinded by our attempt to act responsibly with respect to the deficit. Let us not fail to put people first. We have to deal with spending cuts, as I said before. Some of those spending cuts should be made, and some of them I question, and there are many spending cuts that we have not made yet, and I assume that the new administration coming in, having won in November and doing a transition period, having come in in January, we knew this budget was put together under very strange circumstances. I assume that we are going to have a budget that really reflects the new administration in the next go-around. We are moving to keep matters going. This budget is important. It does set some precedents. It does lay out the direction in which we will be going in the next 4 years. But I do not accept it as anything final. I wait to see the next budget produced by the administration, and I hope that the spending cuts then will be more reflective of the philosophy of putting people first. Of the spending cuts, they will recognize what was done to us in the 1980's by the Reagan and Bush administrations. We had star wars, you know, Brilliant Pebbles. We are going to stop rockets by shooting pebbles into the skies. Billions of dollars invested into that unfortunately, but the greatest surprise is that the present administration also continues to support star wars.

Mr. Speaker, most of the scientists, you know, two-thirds of the scientists in this country in the time star wars was proposed said that it was not a workable idea. After billions of dollars have been poured into it, it still is not close to being workable. Yet we are continuing to fund it. That is a cut we should be making, and we can take a large cut there because it is a large amount of money.

We are continuing to fund, the administration is continuing to support, the superconducting super collider. You know, in this present budget we are talking about $600-and-some million over the life of that program. We are talking about another $8 to $9 billion. I am not against science. I do not think it is just a big ditch. I think it is based on sound, scientific concept for the superconducting supercollider. It is a boondoggle as it is being implemented. The superconducting super collider is something which at least could be slowed down, but given the fact that it is being implemented in the old style, massive overruns already are under way. It is best to just bring it to a halt and accept the return of that money to the budget to take care of other kinds of needs. The administration is behind it, but the House of Representatives is not. Overwhelmingly the House of Representatives voted to end the superconducting super collider project. That would generate a great deal of money for programs which put people first. It certainly could take care of the Childhood Immunization Program. It could take care of some of the other expenses that I have mentioned in terms of a balanced budget, items that are in there for people.

But, my colleagues know I do not want to take away from the fact that we have passed, as Members of the House, a good plan. The plan will create jobs, 8 million of them over the next 4 years, permanent, productive, private sector jobs. The plan is a good job generator because it makes it easier for businesses to grow. If we keep interest rates at their present low level for the rest of this year, we will have pumped $100 billion of new private sector capital into the economy. Let those who say that the President has not bitten the bullet, the President has not in the first few months of his administration parted the country in a new direction. Let them take heed. We will have pumped $100 billion of new private sector capital into the economy if we can keep the present interest rates going.

The plan also targeted new incentives to encourage business, especially as we are talking here today about small businesses being encouraged to create new jobs. The plan will improve the standard of living. The interest rates mean that you could buy a car, buy a home, and buy a lot of other things at a lower price than you could afford before. This is real money, the pockets of real people. You can finance a $100,000 mortgage—instead of paying 10 percent—for 7.5 percent, and you will have saved $175 a month. That is more than 10 times what you will be paying in new taxes—the middle-income families will be paying in new taxes.

This is real change. This is something you can sink your teeth into. Never mind what the talk show hosts say, the radio talk show hosts and the television talk show hosts. They insist on oversimplifying. You know, they are in a sense being simple minded about what is going on here in Washington. All they can see is new taxes. All they can see is broad-brush actions, and they will not discuss the bread and butter of what is going on. One hundred seventy-five dollars a month saved on one's mortgage is really bread and butter. This is a fundamental break from the old failed trickle-down policies of the past. It is a change that is historic in its scope. It is the largest deficit reduction in history, the biggest set of spending cuts in history. It is real change. The old ways have left deficits out of control, and now we are talking about putting our economic house in order. Trickle-down sheltered the powerful and the privileged and tried to balance the budget on the backs of the forgotten middle class.

This economic plan is fair, it is shared, and it is balanced. The rich are finally paying their fair share. More than three-fourths of the taxes in this plan are being paid by the wealthiest 6 percent of upper-income level in this economy. The working poor actually get a break. If you make $30,000 a year or less and have children in the home, this plan gives you a tax break to help you raise your children above the poverty line. Your earned income tax credit, that is part of what I am talking about now when I say a balanced piece in this package. We cannot let the earned income tax be eroded. The other body has already drastically cut the earned income tax credit as it was passed by this House. We must not, in conference, yield to this very important people program. We have to put people first, and the earned income tax is probably the most important item in terms of putting people first, and it is also the beginning of a welfare reform approach that makes a lot of sense.

The middle class wins in this plan, this plan of the President and the House of Representatives. The middle class wins. After 12 years in which the Republicans taxed working class people, and they gave the money to the wealthy people, this is a plan in which the middle class truly wins. The total tax burden on the middle class ranges from $2 a month in the Senate version to a maximum of $17 a month in the House version, but what you get for that. Look at what you get for that. You get lower interest rates on everything from your home to your car loan to your credit card payments. You get historic deficit reduction, real spending cuts, and 200 specific programs, incentives for businesses to create jobs here in America, and the kind of sustained, long-term growth that America needs.

As the gentleman from Maryland [Mr. HOYER] pointed out, you need long-term sustained growth in order for our children to have jobs and our grandchildren to have jobs. We have to make that beginning by biting the bullet and dealing with the deficit now. This plan makes real cuts in specific programs. This plan could make more cuts, but the cuts have at least begun. On the business as usual, deficit reduction disappeared in the old Bush and Reagan years. They started out talking about deficit reduction, but each year we found that it did not happen. The deficit reduction is taking place here now. For every $10 we put in a $500 billion trust fund, $5 comes from, $4 comes from taxes on the wealthiest 1 percent, and only 1 percent comes from the middle class. The trust fund will be proof that we really are paying down the deficit unlike the policies of the past when the Republicans used gimmicks like budget caps that were lifted or ignored when they saw fit. In the old way of doing things the most vulnerable were the most victimized. Under this plan we do achieve more deficit reduction than the Republican proposals with less than half of the level of cuts in Medicare, veterans benefits, and health care.

The other body is all wrong. The are proposing Medicare cuts. They have proposed Medicaid cuts which are not necessary.

☐ 2240

The old way of doing business is what they want to continue. The old way of doing business allowed politicians to look no further than the next election. But this plan does look to the next generation.

I cannot stress too much the comparison between the plan of the President and the House of Representatives, our plan, versus the plan of the other body. I hope the conferees will remember the people who are there to reach a final decision along with the representatives of the other body. I hope they will remember and the American people out there will remember them, that we have a balanced package and we do not want food stamp expansion to be cut out. Seven billion dollars in that package that we passed, the President's package and the House package, $7 billion for food stamp expansion. The Senate has zero for food stamp expansion.

We have a billion dollars for family preservation in that package. The Senate has zero for family preservation.

We have $2.1 billion for childhood immunization. The Senate has far less, because they cut back drastically on the childhood immunization program.

We want to maintain the balance. These programs are important. These programs put people first.

Consider the fact that only 55 percent of the Nation's 2-year-olds were fully immunized against vaccine-preventible diseases in 1991. Only 55 percent, a little more than half. Despite the fact that we have the technology, we have the chemistry, we have everything we need to accomplish these vaccinations, only 55 percent of the Nation's 2-year-olds were fully immunized. Because of these low immunization rates, a measles epidemic swept across the country and claimed over 55,000 victims between 1989 and 1991. The epidemic killed 166 and hospitalized 11,000 Americans.

When you have a measles epidemic, they have a residue, because women who are pregnant and get measles, their children are born with hearing defects. We have a large bulge in the population who have hearing defects, and a lot of children are born deaf as a result of measles. It carries over for many, many years in terms of the necessity to compensate for that.

The House passed a universal vaccine assurance system as part of the budget reconciliation bill, our bill and the President's bill. The good bill was passed with this universal vaccine assurance system. The new plan would serve 11.1 million children who are uninsured or under insured, Medicaid eligible or native American. All of the children will have their immunizations paid for by their private health insurance.

The House also included provisions for parent education and immunization registry and a reminder system and an extension of the vaccine injury compensation program.

The Senate budget reconciliation bill would only require states to buy vaccines in bulk. No vaccine assurance program would be created by the Senate plan.

The House version must prevail in conference for the following reasons: the House version of the Childhood Immunization Initiative will help more children. The House bill includes Medicaid immunization improvements, such as parental coordination, coordination with WIC and other MCA programs, and better reimbursement rates. The Senate did not include these Medicaid reforms.

Passage of the Childhood Immunization Act is a warmup for the national health reform. A loss on this issue will be a victory for the drug industry against the President. The other body is wrong. The conferees of the House must not yield on the Childhood Immunization Program.

Finally, the EITC, the earned income tax credit proposal that has been adopted by the other body, also has serious shortcomings. The Senate EITC proposal fails to offset the transportation tax which they have imposed on millions of working poor households. This is due in large part to the committee's rejection of the proposed EITC for poor workers without children.

The Senate proposal also makes several million working families with children worse off than they would be under current law. It cuts their EITC by up to $77 in tax year 1994 and up to $55 in subsequent years, while simultaneously the transportation tax which the Senate has put on, the gasoline tax, which will be paid by everybody, puts a new burden on these same families.

Finally, although it comes close, the Senate plan fails to achieve the President's goal of lifting a family of four which has a full-time, year-round wage earner, a working person in the family, is not lifted to the poverty line in the Senate program as it does in the case of the House and President's program.

In conclusion, Mr. Speaker, I again want to congratulate all of my colleagues who participated in this special order, and want to urge them not to succumb to some of the easy answers that are being proposed.

There are some people who say the best way to get out of this impasse is to just forget about any new taxes on the middle class, the transportation tax, for example, and dump the people first programs. If you do not have the tax on fuel, the tax on energy, then you can compensate for that by not dealing with childhood immunization and EITC. Dump the people first programs and take away the taxes. I think that is the wrong step. It means we have not changed anything here in Washington. We have not heard the voice of the people.

The people who are out there angry now will have every reason to continue to be angry with us. We should put people first and understand that what makes our democracy great is not the fact we have more people who are well off, more people who are educated, but we have instead more people who participate. I invite everybody, every voter, every citizen, to continue participating, watch this process. Keep your eyes on the prize as we wind up this process of budget reconciliation, which is one of the most important duties of this Congress.

We should hear from the people who are constituents. We should hear from the people who put us here. They should take a backseat now, but insist that reason prevail over the special interests that usually do prevail, instead of focusing on the deficit blindly and refusing to recognize the people programs. Instead of focusing on cuts and refusing to make the cuts that are necessary in places where we should make cuts, we should keep our eyes on the prize and make sure that we do not sacrifice very important programs like the Children's Immunization Program, enterprise zones, the earned income tax credit, and the food stamp expansion.

## COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1993–1997

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1993 through 1997 and spending for fiscal year 1993. Spending levels of fiscal years 1994 through 1997 are not included because because annual appropriations acts for those years have not been enacted.

This is the fourth report of the 103d Congress for fiscal year 1993.This report is based on the aggregate levels and committee allocations for fiscal years 1993 through 1997 as contained in House Report 102–529, the conference report to accompany House Concurrent Resolution 287.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
*Washington, DC, July 14, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1993 through 1997 and spending estimates for fiscal year 1993, under H. Con. Res. 287, the Concurrent Resolution on the Budget for Fiscal Year 1993. Spending levels for fiscal years 1994 through 1997 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 287 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-529).

Sincerely,

MARTIN OLAV SABO,
*Chairman.*

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 287

### REFLECTING COMPLETED ACTION AS OF JULY 13, 1993

[On-budget amounts, in millions of dollars]

| | Fiscal year 1993 | Fiscal years 1993–97 |
|---|---|---|
| Appropriate level: | | |
| Budget authority | 1,246,400 | 6,669,200 |
| Outlays | 1,238,700 | 6,472,700 |
| Revenues | 845,300 | 4,812,900 |
| Current level: | | |
| Budget authority | 1,248,381 | (1) |
| Outlays | 1,242,955 | (1) |
| Revenues | 849,333 | 4,807,168 |
| Current level over (+)/under(−) appropriate level: | | |
| Budget authority | +1,981 | (1) |
| Outlays | +4,255 | (1) |
| Revenues | +4,033 | −5,732 |

[1] Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1993 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 287 to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1993, and 2) increases outlays for fiscal year 1993, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 287 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $4,033 million for fiscal year 1993, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 287. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1993 through 1997, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 287.

### DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1993

[In millions]

| | Revised 602(b) subdivisions | | Current level | | Difference | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Agriculture, rural development | 13,874 | 13,413 | 13,876 | 13,314 | 2 | −99 |
| Commerce, State, Judiciary | 22,865 | 21,972 | 22,451 | 22,052 | −414 | 80 |
| Defense | 255,677 | 267,021 | 253,944 | 265,874 | −1733 | −1147 |
| District of Columbia | 688 | 698 | 688 | 698 | 0 | 0 |
| Energy and water development | 22,080 | 21,409 | 22,080 | 21,409 | 0 | 0 |
| Foreign Operations | 14,701 | 13,301 | 14,701 | 13,300 | −630 | −1 |
| Interior | 12,934 | 12,617 | 12,516 | 12,622 | −418 | −5 |
| Labor, Health and Human Services, and Education | 62,309 | 62,393 | 62,389 | 62,358 | 80 | −35 |
| Legislative | 2,328 | 2,274 | 2,275 | 2,275 | −53 | 1 |
| Military construction | 8,397 | 9,370 | 8,396 | 9,365 | −1 | −5 |
| Transportation | 12,815 | 33,555 | 12,606 | 33,555 | −209 | −0 |
| Treasury-Postal Service | 11,288 | 12,008 | 11,248 | 11,986 | −40 | −22 |
| VA–HUD–independent agencies | 66,172 | 65,309 | 66,021 | 65,298 | −151 | −11 |
| Grand total | 506,128 | 535,340 | 502,561 | 534,106 | −3,567 | −1,234 |

### DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

| | 1993 | | New entitlement authority | 1993–97 | | New entitlement authority |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | | Budget authority | Outlays | |
| House committee: | | | | | | |
| Agriculture: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 13,656 | 12,806 | 15,190 |
| Current level | 1 | 1 | 0 | 3 | 3 | 0 |
| Difference | 1 | 1 | 0 | −13,653 | −12,803 | −15,190 |
| Armed Services: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 26 | −41 | 26 | 313 | −330 | 311 |
| Difference | 26 | −41 | 26 | 313 | −330 | 311 |
| Banking, Finance and Urban Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −60 | −59 | 0 | −118 | −45 | 0 |
| Difference | −60 | −59 | 0 | −118 | −45 | 0 |
| District of Columbia: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Education and Labor: | | | | | | |
| Appropriate level | 0 | 0 | 1,472 | 0 | 0 | 21,564 |
| Current level | −128 | −148 | 1,347 | −132 | −177 | 21,384 |
| Difference | −128 | −148 | −125 | −132 | −177 | −180 |
| Energy and Commerce: | | | | | | |
| Appropriate level | 35 | 35 | 0 | 187 | 187 | 0 |
| Current level | −166 | −166 | −25 | −601 | −601 | −51 |
| Difference | −201 | −201 | −25 | −788 | −788 | −51 |
| Foreign Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

| | 1993 | | | 1993–97 | | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | New entitlement authority | Budget authority | Outlays | New entitlement authority |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Government Operations: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −8 | 37 | −8 | −20 | −20 | −20 |
| Difference | −8 | 37 | −8 | −20 | −20 | −20 |
| House Administration: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Interior and Insular Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −38 | −38 | 0 | 2 | 2 | 0 |
| Difference | −38 | −38 | 0 | 2 | 2 | 0 |
| Judiciary: | | | | | | |
| Appropriate level | 251 | 251 | 251 | 251 | 139 | 251 |
| Current level | 210 | 210 | 260 | 244 | 244 | 300 |
| Difference | −41 | −41 | 9 | −7 | 105 | 49 |
| Merchant Marine and Fisheries: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 4 | 4 | 0 | −366 | −366 | 0 |
| Difference | 4 | 4 | 0 | −366 | −366 | 0 |
| Post Office and Civil Service: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Public Works and Transportation: | | | | | | |
| Appropriate level | 2,000 | 22 | 0 | 10,596 | 22 | 0 |
| Current level | 2,050 | 28 | 0 | 2,050 | −44 | 0 |
| Difference | 50 | 6 | 0 | −8,546 | −66 | 0 |
| Science, Space, and Technology: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business: | | | | | | |
| Appropriate level | | 0 | 0 | 0 | 0 | 0 |
| Current level | | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Veterans' Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 339 | 0 | 0 | 6,566 |
| Current level | 170 | 170 | 341 | −76 | −76 | 2,239 |
| Difference | 170 | 170 | 2 | −76 | −76 | −4,327 |
| Ways and Means: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 352 | 352 | 1,213 |
| Current level | 3,590 | 3,590 | 3,475 | 5,719 | 5,719 | 5,564 |
| Difference | 3,590 | 3,590 | 3,475 | 5,367 | 5,367 | 4,351 |
| Permanent Select Committee on Intelligence: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 1 | 1 | 1 | 14 | 14 | 14 |
| Difference | 1 | 1 | 1 | 14 | 14 | 14 |

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, July 14, 1993.*

Hon. MARTIN O. SABO,
*Chairman, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H. Con. Res. 287). This report is tabulated as of close of business July 13, 1993. A summary of this tabulation follows:

[In millions of dollars]

| | House current level | Budget resolution (H. Con. Res. 287) | Current level +/— resolution |
|---|---|---|---|
| Budget authority | 1,248,381 | 1,246,400 | +1,981 |
| Outlays | 1,242,955 | 1,238,700 | +4,255 |
| Revenues: | | | |
| 1993 | 849,333 | 845,300 | +4,033 |
| 1993–97 | 4,807,168 | 4,812,900 | −5,732 |

Since my last report, dated April 21, 1993, Congress has approved and the President has signed the CIA Voluntary Separation Incentive Act (P.L. 103–36), the Unclaimed Deposits Amendments Act (P.L. 103–44), and the 1993 Spring Supplemental (P.L. 103–50). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

### PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 1, 1993

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 849,333 |

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 1, 1993—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Permanents and other spending legislation | 764,101 | 737,205 | |
| Appropriation legislation | 732,061 | 743,943 | |
| Offsetting receipts | (240,524) | (240,524) | |
| Total previously enacted | 1,255,638 | 1,240,625 | 849,333 |
| ENACTED THIS SESSION | | | |
| CIA Voluntary Separation Incentive Act (Public Law 103–36) | 1 | 1 | |
| Unclaimed Deposits Amendments Act (Public Law 103–44) | | 1 | |
| 1993 spring supplemental (Public Law 103–50) | 1,003 | 1,199 | |
| Total enacted this session | 1,004 | 1,201 | |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1] | (8,261) | 1,130 | |
| Total current level [2] | 1,248,381 | 1,242,955 | 849,333 |
| Total budget resolution | 1,246,400 | 1,238,700 | 845,300 |
| Amount remaining: | | | |
| Under budget resolution | | | |
| Over budget resolution | 1,981 | 4,255 | 4,033 |

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical Correction to the Food Stamp Act (Public Law 102–265); Higher Education Amendments (Public Law 103–325); Prevent annual food stamp price adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–510); Preventive health amendments (Public Law 102–531); Veterans' Benefits Act (Public Law 102–568); veterans' radiation exposure amendments (Public Law 102–578); and, Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding:

[In millions of dollars]

| | Budget authority | Outlays |
|---|---|---|
| Public Law: | | |
| 102–229 | | 712 |
| 102–266 | | 33 |
| 102–302 | | 380 |
| 102–368 | 959 | 5,873 |
| 102–381 | 218 | 13 |
| 103–6 | 3,322 | 3,322 |
| 103–50 | | (30) |
| Total | 4,500 | 10,303 |

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for today, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and to include extraneous matter:)

Mr. DELAY for 60 minutes today.
Mr. GOSS for 5 minutes today.
Mr. LINDER for 60 minutes today.
Mr. HORN for 60 minutes on July 26.
Mrs. BENTLEY for 60 minutes on July 29 and 30; 60 minutes on August 2, 3, 4, and 5; 60 minutes on September 7, 8, 9, 14, 15, 16, and 17.

(The following Members (at the request of Mr. ROMERO-BARCELO) to revise and extend their remarks and to include extraneous matter:)

Mr. STARK for 5 minutes today.
Mr. SABO for 5 minutes today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Ms. MOLINARI.
Mr. HUNTER.
Mr. CLINGER in two instances.
Mr. FIELDS of Texas.
Ms. SNOWE.
Mr. HORN.

(The following Members (at the request of Mr. ROMERO-BARCELO) and to include extraneous matter:)

Mr. STARK.
Mr. BORSKI.
Mr. DELLUMS.
Mr. TORRICELLI.
Mr. TORRES.
Mr. HAMILTON.
Mr. SWETT.
Mr. MINETA.

(The following Members (at the request of Mr. OWENS of New York) and to include extraneous matter:)

Mr. YATES.
Mr. FRANK of Massachusetts.
Mr. GILLMOR.
Mrs. SCHROEDER.
Mr. SANDERS.
Mr. CARDIN.
Mr. MORAN.
Mr. HAMILTON.
Mr. POMEROY.
Ms. ESHOO.
Mr. SERRANO.
Mr. TRAFICANT.
Mr. GOODLING.
Mr. DORNAN.
Mr. HORN.

## ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Thursday, July 22, 1993, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

1623. Under clause 2 of rule XXIV, a letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's Monetary Policy Report for 1993, pursuant to 12 U.S.C. 225a, was taken from the Speaker's table and referred to the Committee on Banking, Finance and Urban Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on Armed Services. H.R. 2330. A bill to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 103–162, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2351. A bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act (Rept. 103–186). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 220. Resolution providing for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–187). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 221. Resolution waiving certain points of order against the bill (H.R. 2490) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–188). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself and Mr. GOODLING):

H.R. 2683. A bill to extend the operation of the migrant student record transfer system: to the Committee on Education and Labor.

By Mr. STUDDS (for himself, Mr. FIELDS of Texas, Mr. MANTON, Mr. ORTIZ, Mr. TORKILDSEN, Mr. ACKERMAN, Mr. LIPINSKI, Mr. WELDON, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. HASTINGS, Mr. GILCHREST, Mr. RAVENEL, Mr. GENE GREEN of Texas, Mr. CUNNINGHAM, Mr. YOUNG of Alaska, Mr. DEUTSCH, Mr. BARLOW, Ms. SCHENK, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mr. SAXTON, Ms. FURSE, and Mrs. BENTLEY):

H.R. 2684. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Merchant Marine and Fisheries.

By Ms. NORTON (for herself and Mrs. MORELLA):

H.R. 2685. A bill to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHEAT (for himself, Ms. DANNER, Mr. SKELTON, Mr. CLAY, Mr. VOLKMER, Mr. GEPHARDT, and Mr. EMERSON):

H.R. 2686. A bill to amend the Small Business Act to reduce the interest rates on disaster loans provided by the Small Business Administration for losses resulting from flooding in Midwest communities participating in the national flood insurance program; to the Committee on Small Business.

By Mr. WHEAT (for himself, Ms. DANNER, Mr. SKELTON, Mr. VOLKMER, Mr. Clay, Mr. Gephardt, and Mr. Emerson):

H.R. 2687. A bill to amend the Small Business Act to reduce the interest rates on disaster loans provided by the Small Business Administration for losses resulting from flooding in the Midwest; to the Committee on Small Business.

By Mr. BOUCHER:

H.R. 2688. A bill to amend the Agricultural Adjustment Act of 1938 to revise the reserve stock level for Burley tobacco; to the Committee on Agriculture.

By Mr. de la GARZA (for himself (by request), Mr. Roberts, Mr. Johnson of South Dakota, Mr. Penny, Mr. Emerson, and Mr. Allard):

H.R. 2689. A bill to amend Public Law 100-518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; to the Committee on Agriculture.

By Mr. FAZIO:

H.R. 2690. A bill relating to the tariff treatment of Benthiocarb; to the Committee on Ways and Means.

By Mr. PAXON (for himself, Mr. Boehlert, Mr. McNulty, Ms. Maloney, and Ms. Molinari):

H.R. 2691. A bill to amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans shall be excluded from the determination of annual income for purposes of the payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Florida:

H.R. 2692. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; jointly, to the Committees on Public Works and Transportation and Armed Services.

By Mr. POMEROY:

H.R. 2693. A bill to amend the Agricultural Adjustment Act of 1938 to limit the imposition of civil money penalties for violations of marketing allotments for sugar and crystalline fructose to those violations that are knowingly committed; to the Committee on Agriculture.

By Mrs. SCHROEDER (for herself and Ms. Snowe):

H.R. 2694. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to require special testing for drugs and biological products used by women; to the Committee on Energy and Commerce.

H.R. 2695. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to require the inclusion of women and minorities in clinical investigations of new drugs, biological products, and medical devices; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 2696. A bill to amend the State Department Basic Authorities Act to provide for the payment of rewards for information regarding acts of international terrorism in the United States; to the Committee on Foreign Affairs.

By Mr. TANNER:

H.R. 2697. A bill to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI:

H.R. 2698. A bill to require persons entering into contracts with the Department of Defense to report commercial transactions they conduct with any terrorist country; to the Committee on Armed Services.

By Mr. WILSON:

H.R. 2699. A bill to add the Sabine River Blue Elbow Unit and the Addition to the Lower Neches River Corridor Unit to the Big Thicket National Preserve; to the Committee on Natural Resources.

By Mr. TAUZIN:

H.R. 2700. A bill to extend until January 1, 1998, certain previously existing temporary duty suspensions; to the Committee on Ways and Means.

H.R. 2701. A bill to extend the previously existing temporary reduction of duty on caffeine; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2702. A bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; to the Committees on the District of Columbia and Natural Resources.

By Mr. FIELDS of Texas (for himself and Mr. Markey):

H.R. 2703. A bill to require the National Telecommunications and Information Administration of the Department of Commerce to conduct a study of the feasibility of establishing a satellite-based educational network to provide educational programming to African children; to the Committee on Energy and Commerce.

By Mr. PORTER (for himself, Mr. Lantos, Mr. Hamilton, Mr. Gilman, Mr. Hoyer, Mr. Hyde, Mr. Ackerman, Mr. Burton of Indiana, Mr. Gejdenson, Mr. McNulty, Mr. Peterson of Minnesota, Mr. Swett, Ms. Slaughter, Mr. Kopetski, Mr. Abercrombie, Mr. Lipinski, Mr. Serrano, Mr. Hughes, Mr. Schiff, Mr. Machtley, Mr. Waxman, Ms. Ros-Lehtinen, Mr. Dellums, Mr. Brown of California, Mrs. Morella, Mr. Frost, Mr. Barca of Wisconsin, Mr. Sabo, Mr. Deutsch, Ms. Maloney, Mr. Fish, Mr. Berman, Mr. Hinchey, Mr. Smith of New Jersey, Mr. Hall of Ohio, Mrs. Unsoeld, Mr. Schumer, Mr. Spratt, Mr. Leach, Mr. Myers of Indiana, Mr. Fingerhut, Mr. Hastings, and Mr. Engel):

H. Con. Res. 124. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Affairs.

By Ms. SNOWE:

H. Con. Res. 125. Concurrent resolution concerning the establishment of independent inspectors general at international organizations; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 219. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. WHEAT:

H. Res. 220. Resolution providing for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; House Calendar No. 70. House Report No. 103-187.

By Mr. GORDON:

H. Res. 221. Resolution waiving certain points of order against the bill (H.R. 2490) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes; House Calendar No. 71. House Report No. 103-188.

By Mr. MICHEL:

H. Res. 222. Resolution providing for the public release of documentation and testimony before the House Post Office Task Force; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

H.R. 2704. Mr. PETERSON of Florida introduced a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Gypsy Cowboy*; which was referred to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 171: Mr. Johnson of Georgia.

H.R. 425: Mr. Cardin, Mr. Clement, Mr. Cunningham, Mr. Deutsch, Mr. Foglietta, Mr. Gibbons, Mr. Greenwood, Ms. Harman, Mr. Hinchey, Ms. Lambert, Mr. Lancaster, Mr. Manton, Ms. Margolies-Mezvinsky, Mr. Menendez, Mr. Parker, Mr. Synar, Ms. Thurman, Ms. Velazquez, and Ms. Waters.

H.R. 427: Mr. Cardin, Mr. Cunningham, Mr. Deutsch, Mr. Foglietta, Mr. Gibbons, Mr. Gillmor, Mr. Greenwood, Ms. Harman, Mr. Hinchey, Mr. Kingston, Ms. Lambert, Mr. Lancaster, Mr. Lewis of Florida, Mr. Manton, Ms. Margolies-Mezvinsky, Mr. Menendez, Mr. Parker, Mr. Schumer, Mr. Synar, Ms. Thurman, Ms. Velazquez, and Ms. Waters.

H.R. 462: Mr. Valentine, Mr. McMillan, Ms. Thurman, Mr. Murphy, Mr. Rose, Mr. Stump, Mr. Bryant, and Mr. Young of Alaska.

H.R. 558: Mr. Gilchrest, Mr. Ackerman, Mr. Wynn, Mr. Mica, Mr. Baker of California, Mr. Abercrombie, Mr. Gibbons, Mr. Kanjorski, Mr. Kyl, Mr. Kim, Mr. Gene Green of Texas, Mr. Dingell, Ms. DeLauro, and Ms. Slaughter.

H.R. 688: Mr. Parker and Mr. Castle.

H.R. 749: Mr. Weldon and Mr. Engel.

H.R. 794: Mr. Vento.

H.R. 795: Mr. Clyburn.

H.R. 821: Mr. Underwood.

H.R. 830: Mr. Young of Alaska, Mr. Quinn, Mr. Santorum, Mr. Lewis of Florida, and Mr. Brewster.

H.R. 894: Mr. Orton.

H.R. 911: Mr. Pete Geren of Texas.

H.R. 937: Mr. Jefferson and Mr. Lantos.

H.R. 962: Mr. Smith of New Jersey and Mr. Quillen.

H.R. 1009: Mr. Paxon.

H.R. 1015: Mr. Richardson.

H.R. 1120: Mr. Washington.

H.R. 1141: Mr. Miller of Florida.

H.R. 1257: Ms. Eshoo.

H.R. 1295: Mr. Brown of Ohio and Mr. Kim.

H.R. 1309: Mr. Lancaster, Mr. Kim, Mr. Engel, Mr. Kyl, and Mr. Crane.

H.R. 1322: Mr. Coyne and Mr. Andrews of New Jersey.

H.R. 1406: Mr. Moran, Ms. Roybal-Allard, Mr. Thornton, Mr. Hoekstra, Mr. Farr, and Mr. Engel.

H.R. 1438: Mr. Hastings.

H.R. 1457: Mr. Shays, Mr. Scott, Mrs. Schroeder, Mr. Yates, Mr. Gutierrez, Mr. Andrews of New Jersey, Mr. McDermott, Mr. Bilbray, Mr. Hinchey, Mr. Engel, and Mr. Coyne.

H.R. 1489: Mr. REED.

H.R. 1504: Mr. OLVER.

H.R. 1519: Mr. ABERCROMBIE.

H.R. 1552: Mr. ENGEL and Mr. PAXON.

H.R. 1595: Mr. BROWN of California.

H.R. 1604: Ms. SLAUGHTER, Mr. FAWELL, and Mr. MICA.

H.R. 1617: Mr. DURBIN Mr. FAWELL, Mr. REYNOLDS, and Mr. YATES.

H.R. 1627: Mr. PETERSON of Florida, Mr. HANSEN, Mrs. LLOYD, Mr. SOLOMON and Mr. NEAL of North Carolina.

H.R. 1707: Mr. PARKER.

H.R. 1878: Mr. STRICKLAND.

H.R. 1923: Mr. DIXON, Mr. ENGLISH of Oklahoma, and Mr. MCDERMOTT.

H.R. 1933: Mr. DICKS and Mrs. UNSOELD.

H.R. 1957: Mrs. LLOYD.

H.R. 1987: Mr. NEAL of Massachusetts.

H.R. 2050: Mr. EVANS.

H.R. 2101: Mr. JOHNSON of Georgia.

H.R. 2159: Ms. KAPTUR.

H.R. 2199: Ms. ESHOO.

H.R. 2241: Mr. BARLOW.

H.R. 2253: Mr. SPENCE.

H.R. 2254: Mrs. VUCANOVICH.

H.R. 2315: Mr. SOLOMON.

H.R. 2394: Mr. MARKEY and Mr. WASHINGTON.

H.R. 2395: Mr. MARKEY and Mr. WASHINGTON.

H.R. 2396: Mr. TORKILDSEN.

H.R. 2415: Mr. FAWELL, Mr. DELAY, Mr. ARCHER, Mr. DREIER, and Mr. HERGER.

H.R. 2456: Mr. HUGHES, Mr. SMITH of New Jersey, Mr. WYNN, and Mr. HASTINGS.

H.R. 2467: Ms. BYRNE, Mr. DIAZ-BALART, Mr. FROST, Mr. HUTTO, Mrs. LLOYD, Mr. MYERS of Indiana, Ms. NORTON, Mr. PARKER, Mrs. ROUKEMA, Mr. SLATTERY, Mr. THORNTON, and Mr. WOLF.

H.R. 2602: Mr. HOCHBRUECKNER, Mr. OXLEY, and Ms. MOLINARI.

H.R. 2654: Mr. THOMAS of Wyoming and Mr. MCCRERY.

H.R. 2661: Mr. BARLOW.

H.J. Res. 11: Mr. ABERCROMBIE, Mr. ARCHER, Mr. BOEHLERT, Mr. BORSKI, Mr. CLYBURN, Mr. KANJORSKI, Mr. KNOLLENBERG, Mr. PARKER, Mr. PETERSON of Florida, Mr. POSHARD, Mr. QUINN, and Mr. SCHUMER.

H.J. Res. 77: Mr. DEUTSCH.

H.J. Res. 79: Mr. CALLAHAN, Mr. CRAPO, Mr. DEAL, Mr. DE LA GARZA, Mr. EDWARDS of Texas, Mr. EWING, Mr. GEKAS, Mr. GINGRICH, Mr. HYDE, Mr. JACOBS, Mr. KENNEDY, Mr. KLECZKA, Mr. KREIDLER, Mr. LEACH, Mr. LEVIN, Mr. LIVINGSTON, Mr. MANTON, Mrs. MEEK, Mrs. MORELLA, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYNOLDS, Mr. ROGERS, Mr. SARPALIUS, Mr. SKEEN, Mr. TAYLOR of North Carolina, Ms. THURMAN, Mr. WAXMAN, Mr. HEFNER, Mr. LANCASTER, Mr. LEWIS of California, Mr. MCHUGH, Mr. SWETT, Mr. TORRICELLI, Mr. UNDERWOOD, and Mr. YOUNG of Florida.

H.J. Res. 86: Ms. SLAUGHTER, Mrs. VUCANOVICH, Mr. MCNULTY, Mr. VALENTINE, and Mr. PASTOR.

H.J. Res. 106: Mr. CRAMER, Mr. FAZIO, Mr. JEFFERSON, Mr. MINETA, Mrs. MINK, Mr. MYERS of Indiana, Mr. PICKETT, and Mr. SHAW.

H.J. Res. 145: Mr. PACKARD, Mr. MICHEL, Mr. BILIRAKIS, Mr. COBLE, Mr. SHAW, Mr. SPENCE, Mr. WOLF, and Mr. GALLEGLY.

H.J. Res. 157: Mr. HYDE, Mr. OXLEY, Mr. MANZULLO, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. REGULA, Mr. HOBSON, Mr. GILCHREST, Mr. UPTON, Mr. LAZIO, and Mr. BURTON of Indiana.

H.J. Res. 198: Mr. SARPALIUS and Mr. MOLLOHAN.

H.J. Res. 204: Mr. BEILENSON, Mr. DEFAZIO, Mr. SHAYS, Mr. DELLUMS, Mr. GONZALEZ, Mr. GEKAS, Mr. LEWIS of Florida, and Mr. KENNEDY.

H. Res. 134: Mr. ENGLISH of Oklahoma.

H. Res. 143: Ms. DUNN and Mr. POMBO.

H. Res. 148: Mr. CAMP.

H. Res. 175: Mr. MCMILLAN.

H. Res. 188: Mr. FROST, Ms. NORTON, Mr. WYNN, Mrs. SCHROEDER, Mr. MACHTLEY, and Mr. TORRICELLI.

H. Res. 202: Ms. DANNER, Mr. BONIOR, Mr. INSLEE, and Ms. MARGOLIES-MEZVINSKY.

# EXTENSIONS OF REMARKS

## TRIBUTE TO W. McNEIL LOWRY

### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. YATES. Mr. Speaker, as I presented the Interior appropriations bill this week and engaged in our annual debate on the NEA, I thought often of my dear friend, W. McNeil Lowry, who was the Ford Foundation's first director of its arts and humanities program. Mac was a pioneer and major national force in the effort to improve the professionalism of theater in this country and he worked very successfully for many years to build private and public support for the arts. Mac died this spring and all of us are in his debt. I miss him greatly. The editorial by Peter Zeisler from the American Theatre magazine on his life and contributions "They Broke The Mold," says it all. The editorial follows:

[From the American Theatre, July/Aug. 1993]

THEY BROKE THE MOLD

(By Peter Zeisler)

When the history of the performing arts in 20th-century America is written, a very long chapter will be devoted to the extraordinary accomplishments of W. McNeil Lowry.

In his role as the first director of the Ford Foundation's Arts and Humanities program and subsequently as a vice president, Mac truly did "bestride the narrow world like a colossus." Using the prestige and resources of the largest private foundation in the world, he effected the incredible expansion of theatres, dance and opera companies, and symphony orchestras that took place throughout the country between the late '50s and the early '70s. As important as the grant support that he initiated was, his most lasting contribution will remain the development and enunciation of a credo concerning the role of the arts in this country. He showed us, by word and deed, how the nonprofit world of the arts could—and should—be organic and essential to the fabric of our society.

With Mac's death a few weeks ago, the mold was indeed broken. One wonders when—if ever—one individual will have the vision, courage and dedication, as well as the resources, to nurture and transform our nation's performing arts so profoundly.

Almost a decade before the establishment of the National Endowment for the Arts signaled the federal government's recognition of the arts, he had already developed the arts programs at the Ford Foundation. When Mac announced a program to enable theatre to establish extended residencies for actors in 1959, he explained, "The Foundation's action demonstrates its conviction that the theatre in America is a cultural rather than a commercial resource, and one which ranks in importance with music or the visual arts." Largely through this and other actions of the Ford Foundation, the theatre was increasingly accepted as an art form and not simply as an appendage of the "entertainment industry."

Other programs for artists were to follow: a travel and study program for directors; production support to playwrights whose plays were being produced in nonprofit theatres; grants to poets and novelists for yearlong residencies at theatres; a program of awards to teams of theatre designers and architects to collaborate on new forms for theatre spaces.

Mac spent three years exploring with theatre professionals around the country how best to overcome the provincialism, isolation and haphazardness of communication among theatre people nationally, and in 1961, the Foundation announced the establishment of "a Theatre Communications Group that will facilitate the exchange of artists and other theatre personnel, and enable members to study each other's methods, with the ultimate aim of making the theatre more professional in training, creation and production."

Shortly thereafter, the Foundation awarded its first major underwriting to nine theatre companies—a total of $6.1 million, an enormous sum in those days—representing a major commitment to the development of the nonprofit professional theatre. Concurrently, Mac retained the services of subscription expert Danny Newman, who worked through TCG to assist theatres in developing new and ongoing audiences. He took steps to augment the pool of skilled administrators by creating an Administration Intern Program that was to develop and train many of today's leading managers in all the performing arts.

And still the list of accomplishments goes on. While prodding and challenging trustees to develop stronger and more effective boards of directors, he also developed the concept of a "cash reserve program to stabilize and improve the financial position of theatre, opera and dance companies." This program, and the discipline it imposed, was of crucial assistance to scores of performing arts organizations and is still in operation, independent of the Ford Foundation, at the National Arts Stabilization Fund.

But Mac's interest and encouragement was not limited to large "mainstream" organizations; he was an early champion of Ellen Stewart's Cafe La Mama and the leading experimental theatres of the '60s, as well as the emerging black theatre movement in New York and Los Angeles. Wherever Mac saw an opportunity to demonstrate how the theatre could reflect and speak for a community, wherever there was a way to strengthen these institutions administratively and fiscally, the Ford Foundation moved to fill the void. Between 1961 and 1976, two years after Mac retired, Ford awarded more than $287 million to support the American theatre.

Yet what he made available to further the nonprofit professional theatre is only a small part of his legacy. He also helped stabilize and extend the seasons of many symphony orchestras; his assistance to the New York City Ballet was of crucial importance to achieving its preeminent status; his championing of new work in the opera field was of the utmost importance to the New York City Opera and the Chicago Lyric.

Mac's success as a philanthropist was due to his uncanny ability to listen. His career started in journalism, and he had a reporter's eye and ear. The Ford Foundation arts programming was always based on what he heard and sensed from the field, rather than what he thought the field "should" do. A fierce believer in the vision of the artist, Mac invested his money in people. "A true theatre," he believed, "never starts with a building but with the fanatical determination of one driving talent."

For me, Mac's loss is incalculable. He was my mentor, friend and—on more than one occasion—co-conspirator (always unindicted!) for more than 30 years. His wise counsel was crucial to Tyrone Guthrie, Oliver Rea and me as we made plans to launch the Guthrie Theater.

In the early '60s he functioned as a one-man national switchboard, his antennae sensing what was happening throughout the country. Forming TCG was really a natural extension of Mac himself—he was theatre's communications groupie!

His vision, his courage and his daring changed the face of the arts in America. We will be reaping the benefits of his wisdom for generations to come.

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## TRIBUTE TO FRANCIS M. DeLUCO

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Italian community within my 17th Congressional District of Ohio, Francis M. DeLuco. Mr. DeLuco's commitment to hard work and tradition gained him the 1993 Italian Man of the Year.

Mr. DeLuco's involvement with the Italian-American community has characterized him as a well respected and admired gentleman. He has given his precious time by working with St. Anthony Church Italian Mardi Gras celebration; St. Lucy Church 50th Anniversary celebration; and also, numerous Arco Veterans Club functions, as he serves as a charter member.

Mr. Speaker, Mr. DeLuco has maintained his Italian heritage in a variety of traditions. First, from 1960 to the present day, Mr. DeLuco has offered the area of Youngstown with superior Italian entrees from the family business, DeLuco Catering. His favorite preparations include homemade ravioli, lasagna, and my personal favorite Paloma Easter bread. Second, Mr. DeLuco has made an annual family event of superb wine making. A practice passed down from his father-in-law, Rodger Diorio, Mr. DeLuco welcomes the participation of the entire family.

Mr. Speaker, the tribute to Mr. Francis M. DeLuco is most deserving due to his community service, and I am proud to represent the Italian Man of the Year for 1993.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# SERIOUS PROBLEM WITH TRANSPORTATION APPROPRIATIONS BILL SEEN

## HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. MINETA. Mr. Speaker, tomorrow this House is scheduled to consider the transportation appropriations bill for fiscal year 1994, H.R. 2490. As chair of the Committee on Public Works and Transportation, I must inform my colleagues that there is a serious problem in this legislation as reported by the Transportation Appropriations Subcommittee.

To address this problem, the leadership of the Public Works and Transportation Committee will be offering an amendment to strike $305 million in unauthorized highway projects from H.R. 2490. These funds were added to the bill by the Transportation Appropriations Subcommittee in direct violation of rule XXI of the House and over the objections of the Clinton administration.

Earlier this year, my good friend and colleague Chairman WILLIAM NATCHER of the full Appropriations Committee said, and I quote, "There will be no legislation in an appropriations bill. None." Until recently, this was true, but the violations of rule XXI in H.R. 2490 are so numerous that the House must take action.

Mr. Speaker, besides the violations of rule XXI, the most disturbing part of the transportation appropriations bill is the distribution and criteria used to select the 58 projects which comprise the $305 million in unauthorized spending. Only a select handful of Members have had any input into this process, with the result that the $305 million is being allocated unfairly to a small number of States. For example, Michigan is slated to receive $109 million, which is more than one-third of the total amount of this unauthorized spending.

In fact, Mr. Speaker, because the existing highway aid formula was ignored in this process, 30 States will receive no money whatsoever from this $305 million.

Tomorrow, during the House debate, it is my intention to offer an amendment that would put this money back where it belongs: into the basic highway programs authorized in 1991, overwhelmingly supported by both Houses of Congress, and supported the by the States and localities that actually put this money to work rebuilding America.

To illustrate just how damaging the authorized projects provision now in H.R. 2490 will be to States throughout the country, here is a list of what each State would gain from the $305 million as currently allocated in the transportation appropriations bill, and as would be corrected in the amendment I will offer with the ranking Republican member of the Public Works and Transportation Committee, BUD SHUSTER.

| | H.R. 2490 | Mineta-Shuster amendment and existing highway program |
|---|---|---|
| State: | | |
| Alabama | $2,000,000 | $5,057,277 |
| Alaska | | 3,968,986 |
| Arizona | | 4,039,988 |
| Arkansas | | 3,183,908 |
| California | 14,860,000 | 27,789,012 |
| Colorado | | 3,897,941 |
| Connecticut | | 6,293,209 |
| Delaware | | 1,305,166 |
| District of Columbia | | 1,773,823 |
| Florida | 10,000,000 | 10,839,556 |
| Georgia | | 8,272,730 |
| Hawaii | | 2,265,079 |
| Idaho | | 2,094,648 |
| Illinois | 3,900,000 | 11,232,152 |
| Indiana | 35,575,000 | 6,074,432 |
| Iowa | 2,500,000 | 3,954,445 |
| Kansas | 950,000 | 3,612,309 |
| Kentucky | 13,850,000 | 4,526,199 |
| Louisiana | | 4,828,722 |
| Maine | | 1,581,794 |
| Maryland | | 4,820,712 |
| Massachusetts | | 19,764,100 |
| Michigan | 109,300,000 | 8,040,927 |
| Minnesota | 16,250,000 | 4,436,113 |
| Mississippi | 1,000,000 | 3,469,495 |
| Missouri | 1,600,000 | 6,677,287 |
| Montana | | 3,070,094 |
| Nebraska | 2,400,000 | 2,603,098 |
| Nevada | | 1,957,168 |
| New Hampshire | | 1,531,849 |
| New Jersey | | 9,147,714 |
| New Mexico | 2,500,000 | 3,344,623 |
| New York | | 17,116,687 |
| North Carolina | 14,500,000 | 7,322,327 |
| North Dakota | | 1,967,014 |
| Ohio | 11,800,000 | 10,647,762 |
| Oklahoma | | 4,105,262 |
| Oregon | | 3,726,969 |
| Pennsylvania | 9,368,000 | 13,093,835 |
| Rhode Island | | 2,000,000 |
| South Carolina | | 3,941,088 |
| South Dakota | | 2,111,432 |
| Tennessee | 2,900,000 | 6,199,557 |
| Texas | 19,650,000 | 19,446,680 |
| Utah | 12,432,000 | 2,372,784 |
| Vermont | | 1,399,780 |
| Virginia | 14,078,000 | 5,960,214 |
| Washington | 3,750,000 | 6,133,423 |
| West Virginia | | 2,982,316 |
| Wisconsin | | 5,531,175 |
| Wyoming | | 2,124,597 |
| Puerto Rico | | 1,524,700 |
| territories | | |
| Total | 305,000,000 | 305,000,000 |

Mr. Speaker, it is time to stop violating House rules, undermining national policy, and giving in to backroom political dealmaking. I urge my colleague to support the Mineta-Shuster amendment. This is the only way to return to a national policy that the American people will respect.

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# FISCAL YEAR 1994 INTERIOR APPROPRIATIONS

## HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. CLINGER. Mr. Speaker, during consideration of the fiscal year 1994 Interior Appropriations bill last Thursday, I inadvertently voted "no" on the Sharp-Klug-Swett-Upton amendment cutting funding for the Energy Department's Fossil Energy Research and Development Program for oil shale R&D when it was initially considered in the committee of the Whole. I intended to vote "aye" on Roll No. 325.

Also, I was unavoidably detained when the same amendment was voted on in the House later that day. If I had been present, I would have voted "aye" on Roll No. 336.

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# AMERICAN LEGION ANALYSIS OF NATIONAL SERVICE BILL

## HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. GOODLING. Mr. Speaker, during consideration of H.R. 2010, the "National Service Trust Act," several Members expressed their concern over the position that the American Legion held concerning national service. I thought that the analysis of the bill conducted by the American Legion would be of particular interest.

The comparison follows:

### A COMPARISON: THE NATIONAL SERVICE PROGRAM VERSUS THE MONTGOMERY GI BILL

On April 30 President Clinton announced this national service initiative. This program would allow individuals age 17 or older to perform specified community service tasks, either full or part time, in exchange for at least a minimum wage salary and $5,000.00 a year for a two year period to meet educational expenses. Participants would receive health care and child care, an annual stipend and auxiliary aids and services as needed. All this would be provided without facing the burden of a large monthly loan payment after graduation.

The intentions of the program are fair and laudable. The goal is to allow people to take low-paying community service jobs without worrying about loan repayment schedules and receive meaningful compensation for their effects. The National Service Program (NSP) will be combined with a new system or direct student loans which allows the students to repay the loan based on their income. Together, the two programs give American youth a choice of two avenues to pursue higher education.

According to the October 21, 1992 issue of The Chronicle of Higher Education, the 1992–1993 average cost of tuition, fees, board and room at a four year public college or university is $8071.00. The $5000 per year national service program educational award, plus the community service job salary, plus the annual stipend allows the student to adequately meet his needs. Day-to-day expenses would be the student's responsibility. But, the law allows him to receive up to 200% of the annual VISTA subsistence rate from federal sources, and a supplementary or matching figure from the state. If the student meets certain other, somewhat lenient criteria, he can receive up to $7400 per year in wages and stipends. Post-service stipends for VISTA volunteers range from $95.00 per month for each month of service, to $5000.00 annually. The option is even available for the student to receive the $5000 per year educational award (not the stipend) before completing the community service job. This would allow use to the benefit before having met the necessary requirements. Thus far, this is still a laudable program, but begins to become more than fair; generous is a better term.

Considerable thought has gone into the development of certain, but not all, requisite criteria for this program as evidenced by the boundaries established for its use. Students using the program have five years to either perform their 1700 hours per year for up to two years of National Service, or complete their two years of education of training, whichever they choose to do first. And, they may perform more than one 2 year term of National Service but may receive only one $10,000.00 educational award. The service they perform will be in an area where the need is greatest as determined by state and local authorities, and the student may withdraw from the program and still receive subsistence, a portion of the stipend and a partial educational award. No procedures are yet identified for those who receive the educational award and then renege on the agreement to serve.

The program even allows participation by persons from other service programs such as the Peace Corps, Civilian Conservation Corps, ACTION, VISTA, and the Older Americans Volunteer Program. Initially, however, since the first year quota for National Service applicants is limited to 25,000, volunteers from other programs will be accommodated on a quota basis. Ultimately, more than 150,000 are expected to avail themselves of this program. In addition, they may use the National Service Program to augment the educational and training programs for which they were eligible in their previous volunteer service.

In view of these rather lenient eligibility requirements, the National Service Program is not only generous, but may be regarded as beneficial and rewarding. It has been referred to by some as the "civilian GI Bill".

The President's vision of this program draws upon the inspiring model of the GI Bill of Rights, which put millions of World War II veterans into college classrooms and made them the best educated and most productive workers in American history. In fact, the original GI Bill has been regarded as one of the finest pieces of legislation ever enacted by Congress. The Harvard Business Review in 1992 stated the veterans' enthusiastic response to the Bill signaled a shift by the world from an industrial based society to a knowledge based society.

Others have noted that the progress made GI Bill educated veterans in the workforce and the professions has dramatically changed the image of veterans. Before the GI Bill, veterans were considered homeless derelicts because so many were unable to find work upon returning from previous wars.

Since 1944, more than 20 million veterans and dependents have participated in GI Bill education and training programs totaling more than $70 billion. It has been estimated that during the lifetime of the average veteran the U.S. Treasury receives from two to eight times as much in income taxes as it payed out to the veteran in GI Bill education benefits.

In the past the GI Bill has encountered some loss of funds through overpayments. Exact amounts of losses in GI Bill benefits are elusive because the majority of them occurred in the post-Korean War and early Vietnam era GI Bills. We do know however, that funds payed to both schools and to the veterans themselves were as a result of failure to report attendance and changes in enrollment. Today's continuous monitoring by the Debt Management Service of the Veterans Benefits Administration shows overpayment at $112 million by the end of 1992. Since the institution of monthly certifications by both the veteran and the school, the losses have been dramatically minimized and the overpayment rate has dropped significantly since the mid 1970's.

A March 1993 financial audit of the Guaranteed Student Loan Program done by the General Accounting Office indicates accountability measures were employed but were inadequate. The GAO evaluation indicates that as of September 30, 1992, the Department of Education reported that since fiscal year 1966, it had guaranteed approximately $142 billion in student loans, payed about $35 billion in interest subsidies and disbursed about $19 billion in gross default payments. Actions are underway to improve program oversight.

Over the years the GI Bill has been modified for use by more recent generations of GI's to serve the same purposes. However, while the educational outcome of the bill is still intact, entry into its eligibility has changed significantly.

Under the current Montgomery GI Bill (MGIB), enrollment is not automatic. A participant must agree to pay $1200.00 during the first year enlistment of active military duty to be eligible for the program. For 12 months $100.00 a month is deducted from a participant's wages. At the completion of the three year enlistment the participant is entitled to $400.00 a month for 36 months as a full-time student. This figure is about 42 percent of the national average cost of tuition to attend a state supported university. This money is intended to cover tuition, fees, board, room, books and living expenses. If the participant is a part-time student, the entitlement is reduced. There are no provisions for health care, child care, subsistence or a stipend. If the veteran is married with children and financial obligations, the veteran and spouse must find employment to remain solvent, invest in a private health care program and seek their own employment opportunity while in school, and after he graduates.

Veterans anticipating use of the MGIB must serve their period of enlistment honorably, must have a high school diploma, or the equivalent, must use it at either an accredited college or university or a Department of Veterans Affairs sanctioned training course, and do so within 10 years of discharge from the service. A careerist may use the MGIB while on active duty but must schedule class attendance around duty requirements. His readiness in his primary military specialty takes precedence over personal training or formal educational objectives. Frequently readiness means deployment to far flung geographical areas throughout the world. This means educational continuity is disrupted and G.I. Bill funds spent in advance are irrecoverable.

The veterans may not use MGIB funds to repay old education or any other kinds of debts, may not use the MGIB in concurrence with any other federally financed program, may use the MGIB only after making contribution into it and after three years of service, and must meet specific educational qualitative standards to continue to receive the benefits. If the participant has family responsibilities, he is expected to meet those as well. Nothing is given to him. He earns MGIB benefits in advance, he pays into it and obtains eligibility through his service to federal and national commitments.

The National Service Program clearly exceeds the benefits derived from the Montgomery GI Bill. After considering these two programs and the social and professional factors that now diminish military service, such as family separation, military pay freezes, limited cost-of-living allowances, eroding retirement benefits, unpredictable terms of service and duty in Iraq, Somalia or Bosnia, military service is less attractive than National Service. If given a choice of living in a tent and eating MRE's somewhere in Africa or living in an apartment and playing basketball everyday in a city park with children, it is obvious what the choice will be of American youth. Moreover, the caliber of the young military recruit of the future will most probably be less than it is today.

We are already seeing a decrease in the qualifications among those being recruited by today's army. The Chairman of the Joint Chiefs of Staff recently stated there were drops reported in the percentage of high school graduates among new recruits and a substantial decline in the numbers of young men considering enlistment in the last two years. The reasons cited were reduced career opportunities and the arduousness of military life. Furthermore, pay comparability between the armed forces and the civilian sector is still a goal, not a reality. Why then would a young person choose military service over national service? It is likely he would not.

Probably a more balanced view between the two programs can be seen when one does a side-by-side dollar value comparison. When the values are evaluated and we consider that some benefits derived from participation in other programs such as VISTA, the Peace Corps, ACTION program and others, are transferable for use when a young person enlists in the National Services Program, the breadth and value of opportunity is nearly incalculable.

MONETARY BENEFITS

| | NSP | MGIB |
|---|---|---|
| Initial investment | ([4]) | $1,200 |
| Amount of education award | [1] $10,000 | [3] 14,400 |
| Minimum wage salary ($5.00 hr. 1,700 hrs.) | [1] 8,500 | ([4]) |
| Stipend provided ($95.00 mo. 24 mo.) | 2,280 | ([4]) |
| Reimbursement for expenses incurred | Yes | ([4]) |
| Child care value | [2] 6,700 | ([4]) |
| Health care value | [2] 2,880 | ([4]) |
| Total program value | [1] 30,360 | [3] 14,400 |

[1] 24 months.

[2] 24 months (estimated).

[3] 36 months.

[4] None.

Options to the above costs must also be considered. For example the National Service Program allows both a doubling of the stipend and the minimum wage salary in certain circumstances. Those would add an additional $10,780.00 to the value of the National Service Program. It also should be recognized that the NSP value is spread over twenty four months and the MGIB program value is spread over thirty-six months. Even if the NSP were divided between 12 months of national service and 24 months of education, the NSP would be valued at more than the MGIB.

Reimbursement for transportation expenses are also offered by the NSP. This can mean a minimum outlay of personal funds to sustain one's self in the performance of national service duties. Most employees in any other civil occupation would be expected to fund their transport to and from work at their own expense. If more fortunate, however, they could be paid a small transportation differential. The veteran subsisting on the MGIB receives no such benefit.

Another, perhaps more germane, question The American Legion is concerned about is program management. According to the general principles outlined for the program is the establishment of a national level corporation to serve as the unifying, administrative structure. Presumably, they will set goals and objectives, approve suborganizations at state levels, set the guidelines for program users and monitor the two sub components, the National Service Program and the Volunteer Program divisions.

While screening selection and assignment of applications to service work will initially receive the highest visibility, dispersal of funds from this multi-million dollar initiative will be equally important, but less visible. It is this latter point that is also of concern. Lines of fiscal accountability are not clearly established in the program, nor are appropriate safeguards against fraud, waste and abuse.

Unlike the MGIB, this program does not have clear and stringent application criteria and lacks constraints that will assure the service will be performed to the satisfaction of program objectives, either before or after the educational award is made.

Also unlike the MGIB, very specific eligibility criteria to assure that those who really need this program are accepted into it. The program purpose is defeated if its benefits to individuals who can afford the time or funds to make their own investments into their futures.

This is not to say a "means test" is required. It is simply common sense and rational, that the persons who have the motivation to perform the national service and can least afford to pay their own way through formal education or vocational education, are selected as beneficiaries.

Now let's talk about efficiencies. It is both instructive as well as informative to examine the student loan and assistance programs that are already available. And, one need not demonstrate scholastic or athletic prowess in order to avail themselves of some of them. These are programs that are in addition to the educational and volunteer requirements of programs like VISTA, the Peace Corps, the Montgomery GI Bill, ACTION and EXCEL.

Cost of attendance loans: Includes tuition, fees, room and board. This is campus-based aid.

Expected family contribution: This is a joint family/school cooperative loan. The school portion is campus-based aid.

Independent student loan: This is available for students over the age of 24 who have no parental financial tie. This is campus-based aid.

Merit scholarship: This is a grant based on achievement, not on need. This is campus-based aid.

Need-Based Aid: This is offered through loans, grants or work-study programs. School contribution varies. Federal funds contribute.

Need-Blind Admissions: Application for admission overlooks students ability to pay. This is campus-based aid.

Pell Grant: This is for undergraduates with demonstrated financial need. This is federally funded.

Perkins Loans: This is a low interest loan program made to institutions for needy students. This is federally funded.

Stafford Loans: This is a low interest loan program from commercial banks. The federal government pays the loan interest while the student is in school.

Supplementary Educational Opportunity Grants: A grant program offered directly by schools. This is federally funded.

Title IV Program: This is a combination of some of the above programs and aid programs from the Department of Education. This is federally funded.

So, while its helpful to know of the availability of these programs, its even more curious why there is need of another program. The Legion questions first of all, whether it is necessary to offer a new program only to add health and child care benefits, and a service oriented job; or is it necessary to provide a new program simply to inspire volunteerism.

Community service programs using paid or unpaid volunteers have likewise, been around for years. If the individual's primary motivation is to do public service, and education is secondary, several programs exist that are federally funded. Six of them are overseen by the Commission on National Community Service. These programs were funded in FY 1993 at $191.5 million. These programs include: Conservation and Youth Service Corps; Serve-America; Higher Education; National Service Demonstration Programs; Civilian Community Corps; and Civilian Community Corps Defense Downsizing Projects.

Another seven community service programs are overseen by ACTION, an independent governmental agency specifically chartered to administer service activities. These programs were funded in FY 1993 at $339.1 million. These programs include: VISTA; RSVP; Foster Grand parents; Senior Companion Program; Student Community Service Program; Special Volunteer Program; and VISTA Literacy Corps.

Finally, seven other programs exist that bring together a combination of community service opportunities and participation benefits. These programs were funded in FY 1993 at $876 million. These programs include: The Peace Corps; Community Service Learning Program; National Health Service Corps; Senior Community Service Employment Program; National Guard Civilian Youth Opportunities Pilot Prgm.; Points of Light Foundation; and HOPE VI.

Education programs and paid or unpaid volunteer programs have coexisted for years as either separate entities or interdependent programs. The question therefore is: What is the goal of the National Service Program? If it is to offer educational opportunities to young people, whether needy or not, why can't a simpler method be employed to amend an existing student loan or grant program to add the provisions of the National Service Program?

If the objective is to recruit more volunteers to participate in essential community service programs to help solve serious social ills in towns and cities, why can't an existing community service program be amended to add these inviting benefits? It seems as though the taxpayers of the United States now have a solution and only need a problem to solve.

The last concern of The American Legion that gives us pause, is the choice of a House Congressional committee that will serve as the jurisdictional authority for the National Service Program. This program has been referred to the Subcommittee on VA, HUD and Independent Agencies under the Committee on Appropriations. This subcommittee appropriates on the order of $89 billion of revenue to 15 different agencies of the government. It is made up of ten members from various states and who have differing interests.

Of major concern is that the National Service Program is estimated to cost $394 million for first year funding in FY 1994. By the time the program is four years old it is estimated it will cost at least $3.4 billion a year. This includes not only money for education grants, but includes child and health care, wages, stipend costs and the funds just to administer the program as well. Some government officials and certain outside observers have estimated it even higher.

The Administration estimates the total cost per participant, including loan forgiveness, would be similar to that in the VISTA program, which last year cost $16,000.00 per participant. Since students would be able to remain in the program for two years, the cost per student would rise to $32,000.00. As the program matures it is estimated to cost $22,667.00 per year per student by the time the program is five years old. However, as you can see by the estimates on page 7, program dollar value exceeds that in the first year.

The students it will benefit in the first year are estimated to total 25,000. By the fourth and subsequent years approximately 150,000 total students are scheduled to be maintained on the service rolls of this program alone. This is in addition to the more than 580,000 volunteers on whom the government spent $1.5 billion in FY 1993 for existing and continuing community service and education programs. Because the loan forgiveness amount of $5,000.00 per year is far more generous and exceeds other forms of federal tuition assistance, the 7.1 million people who benefit from all other existing programs are likely to clamor for similar assistance.

Where the subcommittee will obtain its funding to meet the requirements of the National Service Program is yet to be determined. The American Legion fears a large, unaffordable portion of it will come from the Veterans Affairs appropriation.

Now that we have prepared a comparison between the National Service Program and the MGIB, The American Legion believes there is less fairness, equity and balance between the two programs than originally thought. It appears as though there is an imbalance and the National Service Program is in competition with and created at the expense of the Montgomery GI Bill.

Before closing this discussion it is appropriate to take a moment to make one more point about the concept of national service. The linkage of national service with the armed forces is a natural one. The military has a long tradition of service to communities, states and the nation. It has often been in the forefront in carrying out social change such as equal opportunity, integration in the workplace and participating in programs for the disadvantaged. The military services have developed in millions of young men and women the attitudes, values, beliefs and characteristics that the nation will expect to be fostered by civil national service. In addition, military units, to include the National Guard and the reserves, have a long history of community ties and sacrifice. That tie has come in many forms other than defending national security. It is shown repeatedly in disaster relief and crisis response actions following local or regional catastrophes. It can be said that the military forces of the United States have never failed to respond to a call for national service.

In our view, military service represents the most selfless form of national service to the nation. No civil national service program could ever compare to the risks, hazards and sacrifices endured by our men and women wearing the uniform of their country.

The American Legion is not denouncing the national service program. Indeed, we have always supported such educational initiatives. And this program is more than generous to the nation's youth. It is simply unfair and imbalanced. As our National Commander, Roger A. Munson, stated; "We do think it is a strange set of priorities however, when those who are currently providing a national service to their country are entitled to less benefits than those who have yet to serve their nation. What do we say to the brave young men and women who served with distinction in Desert Storm and who at this very moment are on duty in Somalia, serving at sea and stationed in Europe, Korea and elsewhere? It is only right and just that we more adequately recognize the highest form of national service—service in the armed forces of the United States."

If in fact, voluntary enlistment, divestiture of independence, family separation and deployment to regional or foreign locations under austere or even hostile circumstances is the epitome of national service, then the military service member should have a choice of education programs after his enlistment is complete. Service with active duty, national guard or reserve units for specified periods of time deserve the same benefits as the proposed National Service Program. The two should not compete—they should compliment one another.

To be completely fair, impartial and balanced the two programs can coexist. If they cannot, one of them surely will wither and diminish in use and appeal. Today's veteran deserves a choice when he completes his enlistment—education from the MGIB or the National Service Program. Afterall, America's civilian youth have choices without the sacrifice. Why not reward the military veteran who has already made his sacrifice?

## FOND MEMORIES OF LOWRY FIELD

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mrs. SCHROEDER. Mr. Speaker, as Lowry Air Force Base fades into history, I would like to share with my colleagues a brief elegy, "The Boys at Lowry Field (During the War Years)," penned by Flora Gasser. Lowry Air Base, named after hometown hero Francis B. Lowry, who was shot down over France during World War I, was dedicated in early 1938. The base was constructed on the grounds of the Agnes Phipps Memorial Tuberculosis Sanatorium at the eastern edge of Denver and was one of a series of installations built in and around Denver during the World War II era.

As Denver historians Stephen Leonard and Thomas Noel later wrote, these bases "transformed Aurora from a drowsy suburb, known for its jackrabbits and rattlesnakes, into Denver's most populous bedroom community." In fact, Aurora is now Colorado's second most populous city.

Flora Gasser's poem follows:

THE BOYS AT LOWRY FIELD

(During the war years)

It's not just a wartime base closing,
It's beyond those barracks we see,
Those so young, homesick air-men,
Are what will live in our memory.

You say them everywhere with that friendly smile,
Those so numerous boys in blue,
We took them into our hearts,
And into our families too.

It's not the silent grounds we'll see,
Where the bugles will ring no more,
It's the boys, the wonderful boys,
Who were to leave for a foreign shore.

They made their time in our town,
Though the clouds were dark, more gay,
And the memory of those endearing boys,
Will never from our thoughts allay.
The drums of war beat on for them,
And their units then moved away;
While we prayed that those boys in blue,
Would come safely home one day.

Only stick and stone will now remain
And echoes of what went on before,
Of young voices, laughter, marching feet,
Of those who stormed Normandy's shore.

## TRIBUTE TO THE CREW OF THE U.S.S. "LAKE ERIE"

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to the sailors who make up the crew of the Navy's newest Aegis Class Cruiser, the U.S.S. *Lake Erie* [CG 70].

As elite members of the pre-commissioning crew, these fine sailors have worked long and hard to breath life into this remarkably capable national asset.

Mr. Speaker, the Battle of Lake Erie, for which this great ship is named, was fought on September 10, 1813. This now famous naval engagement marked the turning point in the War of 1812 in the West and led to the recapture of Detroit by American forces. The Perry's Victory and International Peace Memorial is located on South Bass Island, off Port Clinton, in my congressional district.

This newest ship of the line enters service armed with the Aegis system, an unprecedented defensive combat capability against high performance enemy aircraft and surface-to-air and submarine-launched missiles. It's radar will enable it to control all friendly aircraft in it's operating area and still have the capability for surveillance, detection, and tracking of enemy aircraft, missiles, or surface targets from the sea.

Its vertical launch system together with surface-to-air and Tomahawk missiles, its superior surveillance suite, and its integrated command and controls system, will ensure that this man-of-war can effectively target any potential adversaries' vulnerabilities while protecting our own forces, whether the battle takes place in open blue waters or within littoral regions of our world.

But most important, Mr. Speaker—the crew of the U.S.S. *Lake Erie* is part of the United States Navy team—the best-trained, most well-equipped, and most capable sailors ever put to sea.

I ask my colleagues to join me in saluting Capt. William H. Parks and the crew of the U.S.S. *Lake Erie*; to welcome them, their families, and their ship to the active fleet. Godspeed to the personnel of the U.S.S. *Lake Erie* as they assume the watch protecting America's vital interests.

## TRIBUTE TO ANNA SACCHINI

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mrs. Anna Sacchini who was nominated as the sixth annual Youngstown Italian Festival's Woman of the Year. Mrs. Sacchini has shown her dedication to the Youngstown community through years of tireless service in a variety of organizations. Her commitment to the Italian-American community in particular has been especially notable and has made her one of our most respected and admired citizens.

After emigrating from Italy to the United States in 1925, Anna married Mr. Umberto Sacchini and settled in Youngstown. After settling down with her husband on the east-side of town, Mrs. Sacchini became involved in the Italian community, helping recent immigrants prepare their applications for citizenship and explaining unfamiliar American cultural traditions and customs. From this beginning developed a lifelong commitment to helping and promoting the Italian-American community in Youngstown.

Mrs. Sacchini's next accomplishment was the founding, organization, and day-to-day management of the Eastside Pilgrimage Club in which she oversaw trips to religious sites throughout North America and Canada. In addition, Mrs. Sacchini joined Our Lady Mount Carmel Church and became active in numerous clubs and organizations including the Italian-American War Veterans Auxiliary, the East Side Italian Women's Pearl Street Mission Club and the Second Ward Italian-American Political Club, where her energy and dedication to the Italian-American community are legendary.

Not only is Mrs. Sacchini's community activism legendary, but so is her cooking. Indeed, so renowned is Mrs. Sacchini's food, that she is now a supplier to the U.S. Navy. After receiving a request for homemade cookies from an ensign on a U.S. Navy vessel, Mrs. Sacchini agreed to supply the lucky sailor with her best baked confections. She also regularly bakes bread and pizza and even makes her own pasta, often sharing them with friends and neighbors.

Mr. and Mrs. Sacchini have two children: Joseph L. Sacchini and Sylvia Gustinella and three grandchildren: Joseph J. Sacchini, Thomas J. Gustinella, and Mrs. Linda Gustinella-Smrek. Mrs. Sacchini also has two great grandchildren, Michael Francis Smrek and her namesake, Anne Marie Smrek, ages 3 and 1 respectively.

Mrs. Sacchini's adulthood spanned most of the era before "career woman" became an acceptable term. If times were different, she would have undoubtedly met the challenges of a career as successfully as she met those of motherhood and community. Nevertheless, her activism has left an indelible mark in the community and respect for her achievements is widespread. It is through her efforts that the Italian-American community in Youngstown has achieved its greatness and has recognized the importance of preserving the Italian customs and heritage we hold so dear.

## TRIBUTE TO CAPT. THOMAS M. HEDDERSON, USN

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Ms. MOLINARI. Mr. Speaker, I would like to pay tribute to a man who has had a distinguished military career and to thank him for his honorable service to our country. Capt. Thomas M. Hedderson will retire from the U.S. Navy on September 1, 1993, after 26 years of service.

As a native of Brooklyn, NY, Captain Hedderson graduated from the U.S. Naval Academy in 1967. He was commissioned as an ensign and began his successful career as an officer when he was first assigned as a communications officer on the U.S.S. *Wallace L. Lind*. His training continued and his assignments progressed, including stints as weapons officer aboard the U.S.S. *Charles H. Roan*, combat systems officer aboard the U.S.S. *Farragut* and instructor in antisubmarine warfare at the Fleet ASW Training Center Atlantic.

As his career developed, so did the complexity of his tours of duty. He was selected for the Navy's Material Professional Program and was assigned to Naval Sea Systems Command as a combat systems engineer. After that, he was assigned to the Pentagon, where he worked in the maintenance directorate in the Office of the Assistant Secretary of Defense for Production and Logistics. Later, he returned to the Naval Sea Systems Command. He now serves as special assistant for material professional policy on the staff of the Chief of Naval Personnel and under the Navy's Director of Acquisition Career Management. On top of all this, Captain Hedderson was awarded 13 commendations and medals, including the Meritorious Service Medal.

Mr. Speaker, it is a privilege for me to have this opportunity to honor Capt. Thomas M. Hedderson. He has had a distinguished career and has demonstrated considerable commitment to our Nation. I would also like to take this chance to thank his wife, Carol, and their son, Michael, who supported Captain Hedderson's career. It is an honor to have this opportunity to thank Capt. Thomas M. Hedderson for his dedication and service.

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## A POLICY OF EAST ASIAN ENGAGEMENT: I

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. HAMILTON. Mr. Speaker, last week President Clinton presented his views on U.S. economic policy toward East Asia to an audience at Waseda University. The President charted a course of active engagement in the world's most dynamic economic region. He described the opportunities which exist for the United States in East Asia, and gave a balanced assessment of the source of trade problems.

Mr. Speaker, I believe that the President's address will be of great interest to our colleagues.

President Clinton's address follows:

REMARKS BY THE PRESIDENT TO STUDENTS AND FACULTY OF WASEDA UNIVERSITY, WASEDA UNIVERSITY, TOKYO, JAPAN

Thank you very much. Mr. President, thank you for that introduction, I foolishly came out here without my earphones, so I don't know what he said to make you laugh—(laughter)—or what he said about Robert Kennedy. So I should give a speech about how we need to train more Americans to speak good Japanese. Perhaps someday an American president will come here and give a speech to you in your native language. Then I will know we are really making progress in reaching across the barriers that divide us.

It is a great pleasure for me and for the First Lady to be here at this distinguished university today. Waseda is a center of true academic excellence and a training ground for many of Japan's most distinguished leaders. I am proud to be the first American President to visit here.

But as has already been said, 31 years ago another American whom I admired very much, Robert Kennedy, spoke in this hall. It was a very different time. The modern economies of Japan and Asia were just emerging. It was the middle of the Cold War. Fierce arguments raged here, as in other nations, about where the future lay—with communism or democracy, with socialism or capitalism. On that evening in 1962, those arguments spilled onto this stage. When members of the student-communist movement heckled Robert Kennedy, he challenged their leader to come up and join him. In his characteristic way, Kennedy transformed a diatribe into a dialogue and cold-mindedness into an open debate.

That is what I hope we will have here today. The exchange that followed was heated, but it demonstrated the best of the values of freedom and democracy that our two nations share. Three decades later, on this day in this place, the times are very different, but no less challenging. The need for vigorous and open dialogue remains.

The time has come for America to join with Japan and others in this region to create a new Pacific community. And this, to be sure, will require both of our nations to lead, and both of our nations to change.

The new Pacific community will rest on a revived partnership between the United States and Japan, on progress toward more open economies and greater trade, and on support for democracy. Our community must also rest on the firm and continuing commitment of the United States to maintain its treaty alliances and its forward military presence in Japan and Korea and throughout this region.

Is it appropriate? I believe it is—to address these issues here in Japan. The post-Cold War relationship between our two nations is one of the great success stories of the latter half of the 20th century.

We have built a vital friendship. We continue to anchor this region's security and to fuel its development. Japan is an increasingly important global partner in peacekeeping, in promoting democracy, in protecting the environment, in addressing major challenges in this region and throughout the world. Because our relationship has been built on enduring common interests and genuine friendship, it has transcended particular leaders in each country and it will continue to do so.

History has decided the debate that raged here in 1962—a debate over whether communism works. It didn't. Its ruins litter the world stage. Our two nations have proved that capitalism works, that democracy works, that freedom works. Still, no system is perfect. New problems and challenges constantly arise. Old problems deeply rooted in cultures and prejudices remain.

To make the most of this new world, we both must change. As Robert Kennedy once noted, "Progress is a nice word, but its motivator is change, and change has its enemies."

The Cold War passed from the world stage as the global flow of information pierced the Iron Curtain with news of other ways of living. And the world moved steadily toward a more integrated global economy. Money, management and technology are increasingly mobile today. Trillions of dollars in capital traverse the globe every day. In one generation international trade has nearly tripled as a percentage of global output. In the late 1980s increased trade accounted for well over half of the new jobs in the United States.

Meanwhile there have been huge changes in the organization and the nature of work itself. We are moving away from an economy based on standardized mass production to one dominated by an explosion of customized production and services. The volume of information is increasing at an astonishing rate. Change has become the only constant of life. And only firms that are flexible and innovative with very well-trained people are doing very well.

The new global economy requires little explanation here in Japan. You have pioneered the modernization of Asia. Now from Taipei to Seoul, from Bangkok to Shanghai, Asian economies are growing at dramatic rates, providing jobs and incomes, providing consumer goods and services to people who could not have even dreamed of them just a generation ago.

To be sure, Asia's progress is uneven, there are still millions in abject poverty. Four of the world's last five communist regimes and other repressive regimes continue to defy the clear laws of human nature and the future. But the scenes of life in this region paint an unmistakable picture of change and vitality and opportunity and growth.

A generation ago in Singapore, bumboats floated up to Boat Quay to unload their cargoes of produce and cloth which were sent out into a labyrinth of smoky shophouses and small family markets. Today such scenes are joined by those of container ships steaming into Singapore's modern port—one every six minutes—disgorging their goods into mechanized warehouses and modern supermarkets. In China's Guangdong Province, young entrepreneurs are leaving safe jobs in state-owned enterprises to start their own companies. To describe their daring spirit the Chinese have coined a phrase that literally means "to plunge into the sea."

Such images help to explain why Asia likely will remain the world's fastest growing region for some time. Its imports will exceed $2 trillion U.S. dollars. This growth will help to make a tripolar world, driven by the Americas, by Europe, and by Asia.

In years past, frankly, some Americans viewed Asia's vibrancy and particularly Japan's success as a threat. I see it very differently. I believe the Pacific region can and will be a vast source of jobs, of income, of partnerships, of ideas, of growth for our own people in the United States—if we have the courage to deal with the problems, both of our nations have within and beyond our borders.

Already over 40 percent of American trade is with this region. Last year, over 2.3 million American jobs were related to the $120 billion we exported to Asia. Millions of Asian Americans in the United States today embody our nation's devotion to family values, to hard work, to education. In so doing, they have helped to strengthen our cultural ties and our economic ties to this region.

Today, our nation is ready to be a full partner in Asian growth. After years of difficult transition, our private sector is embracing the opportunities and meeting the challenges of the global economy. Productivity is on the rise. Attempts to pierce overseas markets are more intense than ever. Many of our manufacturing service and financial firms are now the high-quality, low-cost producers in their fields.

At last, our governmental sector in the United States is also moving in the right direction. After years of being urged by Japan and by other nations to do something about the massive American budget deficit, we are on the brink of doing something about it. After years of being urged to do something about improving our education system and making our manufacturing and other sectors more productive and more competitive, we are doing something about it.

We are nearing the adoption of a bold plan to reduce our public deficit by $500 billion over the next five years, and to increase our investments in education, in technology and in new jobs for the American people. We are moving to reform our health care system, the world's most expensive, to control costs and provide quality care to all of our people. We are moving to give incentives to the millions of Americans who live in poverty so they will move from poverty into middle class working lives. We, too, are moving to reform our political system, to reduce the costs of our political campaigns and the influence of lobbyists on our lawmakers.

We are moving to face one of our most painful social problems, high rates of crime and violence, with new initiatives to put more police officers on our streets, give better futures to our young people in depressed areas, and keep guns out of the hands of dangerous criminals.

But it is not enough for the United States to change within. To increase the jobs, raise the incomes and improve the quality of life of the American people, we must also change our relationships with our partners and ask them to do the same.

Our first international economic priority must be to create a new and stronger partnership between the United States and Japan. Our relationship with Japan is the centerpiece of our policy toward the Pacific community. Our two nations account for nearly 40 percent of the world's output. Neither of us could thrive without the other. Producers in each of our countries are consumers for firms in the other.

We are also joined in our efforts to address global economic problems. We work closely in an effort to move toward a new trade agreement. And I hope Japan will join in the initiative I proposed just two days ago in San Francisco. A meeting of the senior G-7 economics and labor and education advisors to look into a new problem with the global economy. Stubbornly persistent unemployment in the richest nations of the world, even where there is economic growth, rooted in the inability of so many of these nations to create new jobs.

The economic relationship we have has always benefited both our nations, Americans buy huge volumes of Japanese products. American companies in Japan employ thousands of your citizens. Joint Ventures between Japanese and American enterprises advance the economic and other interests of people in both nations. Japanese companies have opened many manufacturing firms, sales offices and other facilities in the United States.

In the 1980s when my country went on a huge debt binge, massively increasing public and private debt, Japanese purchases of much of that debt helped to keep our economy going and helped to prevent our interest rates from exploding.

Still, our economic relationship is not in balance. Unlike our relations with all other wealthy nations, we have a huge and persistent trade deficit with Japan. It usually exceeds $40 billion with a deficit in manufacturing products in excess of $60 billion, in spite of the fact that in recent years our manufacturing productivity has increased very greatly.

It is impossible to attribute this trade imbalance solely to unfair Japanese barriers from governmental policies to a unique distribution system. Indeed, it is in part simply a tribute to Japanese abilities to produce high-quality competitively-priced goods and to the skill of Japanese businesses in piercing so many overseas markets including our own.

Yet, it is clear that our markets are more open to your products and your investments than yours are to ours. And it is clear that governmental policies consistently promoting production over consumption, exports over domestic sales and protections of the home market contribute to this problem. The trade deficit is on the rise this year even with the market rise of the yen against the dollar. Though American purchases of Japanese products have remained fairly constant, Japanese purchases of American products have dropped markedly as a consequence of slow growth here in your economy with no offsetting government policies to stimulate demand.

This problem has, as all of you know, fueled resentment in our country both from workers and from businesses who have worked hard to streamline their operations, reduce labor costs and increase productivity and now want the benefits that can only come from being able to compete and win in a global economy. Our people understand when our nation has a huge trade deficit with an emerging economy like China. The same was true just a few years ago with Korea and Taiwan. But both those nations have moved closer to trade balance with the U.S. as they have become more prosperous. The same has not happened with Japan.

This persistent trade imbalance has not just hurt American workers and businesses; it has hurt the Japanese people. It has deprived you as consumers of the full benefit of your hard and productive work. For example, partly because of restrictive economic policies, the average Japanese family pays more than twice as much of your income for food as the average American family. And many other consumer products are far, far more expensive here than elsewhere, with these differentials going far beyond what can be accounted for by the transportation costs of bringing products to this market.

Our relationships with Japan have been durable not only because of our security alliance and our political partnership, but because our economic relationship has actually served our interests and yours. I believe we must change this economic interest to improve the lives not just of the American people, but of the Japanese people as well. It would be wrong for me to come here as President to ask you to embrace changes that would only benefit the people who live in my country. I believe that the changes I advocate will benefit both of us or I would not be here pushing them.

During my April meeting with Prime Minister Miyazawa, we agreed to build a new framework for trade on macroeconomic, sectoral and structural issues. Now, I don't know how that translates into Japanese, but the average American has no idea what that means. (Laughter.) What it means is that we are going to try to deal honestly with the differences we have over our nation's economic policies. We want to talk about the specific sectors of the economy where we believe that more trade is warranted. We want to talk about structural differences between our two countries that operate as effective barriers to finding greater balance and greater volume of trade.

Our governments have made progress in these last few days in crafting the basic principles of this new framework. And we will persist until we can produce a sound agreement that is in the interests of people in both countries.

What the United States seeks—let me make clear—is not managed trade or so-called trade by the numbers, but better results from better rules of trade. Openness like this cannot simply come from pressure from the United States. That is one reason I wanted so much to be here with you today. A new openness can only come ultimately when Japanese leaders and Japanese citizens recognize that it is in your interests to pursue this course.

So today I would send this message to all of you and to the people beyond the walls here in this hall: You have a common cause with the people of America—a common cause against outdated practices that undermine our relationship and diminish the quality of your lives.

The ideas I propose are beneficial to both of us because they will increase the number and lower the costs of the products you are able to buy, the services you are able to access, and they will, thereby, reward the work, the education and the skills that you bring to daily life here in Japan. You are entitled to no less, and it will be a part of your role as a great nation for the foreseeable future to have that sort of open relationship.

We should take these steps together for ourselves and for future generations. I am optimistic that the people of Japan and the people of the United States can hear the same message and move toward the same goal.

Japan has, after all, a proud heritage of embracing bold change when the times call for it. Much of the success you have enjoyed in recent years comes from a phenomenal ability to adapt to the changing contours of the global economy. And over 120 years ago, the leaders of the Meiji Restoration embarked on a series of rapid and successful initiatives that transformed a feudal Japan into a modern society, making it more open to the West and the broader world without sacrificing the uniqueness of the Japanese culture.

On this campus today, there is a statute honoring one of the great statesmen of that period: this school's founder, Count Okuma. In his exhaustive narrative of the Meiji Restoration, Okuma attributes the period's reforms—and I quote: "to thoughtful and far-sighted Japanese leaders." And he concludes, "Even as the spirit of liberality has animated the Japanese race during the past half-century of its remarkable progress, so it will ever impel its march along the paths of civilization and humanity."

To keep the country's doors wide open is a national principal to which Japan has attached the greatest importance from its earliest days. I believe and hope that spirit still prevails, and that a stronger Japan-U.S. economic relationship, driven by mutual wisdom, can power our new Pacific community well into the next century.

The second building block of that community must be a more open regional and global economy. That means that, together, we must resist the pressures that are now apparent in all wealthy countries, to put up walls and to protect specific markets and constituencies in times of slow growth. We must resist them because the only way wealthy countries can grow richer is if there is global economic growth and we can increase trade with people who, themselves, are growing more prosperous.

An essential starting point is the successful completion of the Uruguay Round of the General Agreement on Tariffs and Trade. I am committed to doing that by the end of this year, and I hope that your government is also.

I believe we should also work to reduce regional trade barriers. That is what we in the United States are attempting to do in negotiating an agreement with Mexico and Canada. Not to close North America to the rest of the world, but to open it up. And perhaps we should consider Asian-Pacific trading areas as well.

The most promising economic forum we have for debating a lot of these issues in the new Pacific community is the Organization for Asian—Pacific Economic Cooperation, APEC. The 15 members of APEC account for nearly half of the world's output and most of the fastest-growing economies. This fall, we will host the APEC ministerial meeting in Seattle. I will speak at that meeting to signal America's engagement in the region. But I hope we can go beyond it. I am consulting with the leaders of APEC at this moment on a proposal that they join me in Seattle in an informal leadership conference to discuss what we can do to continue to bring down the barriers that divide us and to create more opportunities for all of our people.

In addressing common economic challenges we can begin to chart a course toward prosperity and opportunity for the entire region. Of course, the purpose of meetings like this is not simply more meetings and communiques, it is to improve our people's lives. Not just the lives of those who dash around financial districts in Tokyo or New York with cellular telephones in their pockets, but the millions of people in my country and the billions of people on the Earth who work hard every day in factories and on farms simply to feed their families and to give their children a better life than they have enjoyed.

It will make a world of difference to them if our leaders can set pro-growth policies, dismantle trade barriers, and get government out of the way. Expanded trade and more open economies will not only enrich people, they also empower them. Trade is a revolutionary force that wears down the foundations of despotic rule. The experiences of the Philippines, Taiwan, Korea, and others prove that the move toward more open economies also feeds people's hunger for democracy and freedom and more open political systems.

This then should be our third priority in building a new Pacific community—to support the wave of democratic reform sweeping across this region. Economic growth, of course, can occur in closed societies, even in repressive ones. But in an information age, it cannot ultimately be maintained. People with prosperity simply crave more freedom.

Open societies are better able to address the frictions that economic growth creates and to assure the continuance of prosperity. A free press roots out corruption.

This spread of democracy is one of the best guarantees of regional peace and prosperity and stability that we could ever have in this region. Democracies make better neighbors, they don't wage war on each other, engage in terrorism, or generate refugees. Democracy makes it possible for allies to continue their close relations despite changes in leadership. Democracies virtues are at the core of why we have worked so hard to support the reforms and the reformers in Russia, which is now on a path toward becoming one of the Pacific's great democratic powers.

The movement toward democracy is the best guarantor of human rights. Some have argued that democracy is somehow unsuited for Asia or at least for some nations in Asia—that human rights are relative and that they simply mask Western cultural imperialism. I believe those voices are wrong. It is not Western urging or Western imperialism, but the aspiration of Asian peoples themselves that explain the growing number of democracies and democratic movements in this region. And it is an insult to the spirit and hopes and dreams of the people who live here to assert that anything else is true.

Each of our Pacific nations must pursue progress while maintaining the best of their unique cultures. But there is no cultural justification for torture or tyranny. We refuse to let repression cloak itself in moral relativism. For democracy and human rights are not occidental yearnings; they are universal yearnings.

These, then, are the economic essentials for this new Pacific community—one in which most of you, being so much younger than I am, will spend far more of your lives in than will I. A better U.S.-Japan relationship, more open economies and trade, more democratic governments—these things will make your lives better. I will pursue these goals vigorously. You will see that commitment reflected in what our administration does. Together we can make this decade and the coming century a time of greater security, democracy, prosperity and personal, family, community and national empowerment.

So, today, on this holiday of Tanabata, a holiday of joining together and hopeful wishes, let us wish for a new Pacific community build on shared effort, shared benefit and a shared destiny. Let us write out our brightest dreams for our children on pieces of paper as bright and differently colored and numberless as are the peoples of the Asian Pacific region. In the spirit of this holiday, let us fly those dreams from bamboo poles that are as high as our hopes for the era, and then, together, let us dedicate ourselves to the hard work of making those dreams come true.

Senator Kennedy was right when he said that change has its enemies. But, my friends, we can make change our friend.

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## A POLICY OF EAST ASIAN ENGAGEMENT: II

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. HAMILTON. Mr. Speaker, last week President Clinton addressed the National Assembly of the Republic of Korea. He presented his administration's continuing commitment to preserve the peace and maintain the balance of power in East Asia, with an appropriate sharing of responsibilities by our friends and allies. Such a policy is in the best interests of the United States. It should also be reassuring to many in the region who have feared that the end of the cold war would only lead to the end of American involvement.

Mr. Speaker, I believe that our colleagues will be interested in President Clinton's approach to the world's most dynamic region.

REMARKS BY THE PRESIDENT IN ADDRESS TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF KOREA, SEOUL, KOREA

Thank you very much, Mr. Speaker, leaders of the National Assembly, members of all political parties here present joined together in our common devotion to democracy.

It is a great honor for me to be here today with my wife, with the United States Secretary of State, the Secretary of Defense, with other military and political leaders from our government in this great hall of democracy.

I first visited your beautiful capital city five years ago. Since then, Korea's energy and culture have shown themselves in many new ways, your bustling capital has continued to grow. Your economy has continued to expand. Your nation hosted the Olympics and has taken its place as a full member of the United Nations. You have established new ties to Russia and to China. But no achievement is more important than the consolidation of your democracy with the election of a bold democrat, President Kim Young-Sam.

Geography has placed our two nations far apart, but history has drawn us close together. Ours is a friendship formed in blood as our troops fought shoulder to shoulder in defense of freedom. Then as Korea's economy became the miracle on the Han, we built an economic partnership that today exceeds $30 billion in fairly well-balanced trade. Today, Korea's democratic progress adds yet another bond of shared values between our two peoples.

When President Truman sent American troops to Korea's defense 43 years ago, he said he aimed to prove that, and I quote: "Free men under God can build a community of neighbors working together for the good of all." Our efforts together since then have benefited all our peoples—not only the people

Our relationship has made this region more secure, more prosperous, and more free. Now with the Cold War over and profound changes sweeping throughout your country, this whole populous region, and indeed throughout the world, we must create a new vision of how we, as a community of neighbors, can live in peace.

I believe the time had come to create a new Pacific community built on shared strength, shared prosperity, and a shared commitment to democratic values. (Applause.)

Today I want to discuss the fundamentals of security for that new Pacific community and the role the United States intends to play. I had the opportunity just a few days ago at the G-7 summit in Tokyo to travel to Waseda University to talk about the economic aspects of that new partnership. And I think clearly all the economic reforms that we can make will benefit a great market system like Korea.

But we must always remember that security comes first. Above all, the United States intends to remain actively engaged in this region. America is, after all, a Pacific nation. We have many peoples from all over Asia now making their home in America, including more than 1 million Koreans. We have fought three wars here in this century. We must not squander that investment.

The best for us to deter regional aggression, perpetuate the region's robust economic growth, and secure our own maritime and other interests is be an active presence. We must and we will continue to lead.

To some in America there is a fear that America's global leadership is an outdated luxury we can no longer afford. Well, they are wrong. In truth, our global leadership has never been a more indispensable or a more worthwhile investment for us. So long as we remain bordered by oceans and powered by trade; so long as our flag is a symbol of democracy and hope to a fractious world, the imperative of America's leadership will remain.

I believe there are four priorities for the security of our new Pacific community. First a continued American military commitment to this region. Second, stronger efforts to combat the proliferation of weapons of mass destruction. Third, new regional dialogues on the full range of our common security challenges. And, last, support for democracy and more open societies throughout this region. (Applause.)

The bedrock of America's security role in the Asian Pacific must be a continued military presence. In a period of change, we need to preserve what has been reliable. Today we,

Those agreements work because they serve the interests of each of the states. They enable the U.S. Armed Forces to maintain a substantial forward presence. At the same time they have enabled Asia to focus less energy on an arms race and more energy on the peaceful race toward economic development and opportunity for the peoples of this region.

The contribution Japan and Korea made a defray the cost of stationing our forces underscores the importance of that presence to both of those countries. There is no better example of that commitment than our alliance with your nation. As the Cold War recedes into history, a divided Korea remains one of its most bitter legacies. Our nation has always joined yours in believing that one day Korea's artificial division will end. (Applause.)

We support Korea's peaceful unification on terms acceptable to the Korean people. And when the reunification comes, we will stand beside you in making the transition on the terms that you have outlined. But that day has not yet arrived. The Demilitarized Zone still traces a stark line between safety and danger. North Korea's million men in arms, most stationed within 30 miles of the DMZ, continues to pose a threat. Its troubling nuclear program raises questions about its intentions. Its internal repression and irresponsible weapons sales show North Korea is not yet willing to be a responsible member of the Community of Nations.

So let me say clearly, our commitment to Korea's security remains undiminished. The Korean peninsula remains a vital American interest. Our troops will stay here as long as the Korean people want and need us here. (Applause.)

We lost tens of thousands of America's best in Korea's mountains and mud and sky. But Korea lost millions. That sacrifice affirmed some old truths: vulnerability invites aggression. Peace depends upon deterrence. We cannot forget those lessons again.

And so it is throughout the region. Our commitment to an active military presence remains. Our mutual agreement with the Philippines to close our bases there should not be cause for Asian alarm. The larger picture tells a different story. We have obtained increased access for our forces throughout Southeast Asia to facilitate our presence, and if necessary, to project our forces beyond the region.

Here in Korea we have frozen American troop withdrawals and are modernizing Korean and American forces on the peninsula. We have deployed to Japan the Belleau Wood Amphibious

The second security priority for our new Pacific Community is to combat the spread of weapons of mass destruction and their means of delivery. We cannot let the expanding threat of these deadly weapons replace the Cold War nightmare of nuclear annihilation. And today, that possibility is too real.

North Korea appears committed to indiscriminate sales of the SCUD missiles that were such a source of terror and destruction in the Persian Gulf. Now it is developing, testing and looking to export a more powerful missile with a range of 600 miles or more—enough for North Korea to threaten Osaka, or for Iran to threaten Tel Aviv.

We have serious concerns as well about China's compliance with international standards against missile proliferation. And since both you and we are attempting to engage China in a more extensive trade relationship, I hope together we can have a positive influence against that development.

The Pacific nations simply must develop new ways to combat the spread of biological, chemical, and missile technologies. And in the coming weeks, the U.S. will propose new efforts aimed at that goal. But no specter hangs over this peninsula or this region more darkly than the danger of nuclear proliferation. Nearly 160 nations have now joined to resist that threat through the Nuclear Nonproliferation Treaty—the most universally supported treaty in all history.

Now, for the first time since that treaty was open for signatures, one of its members has threatened to withdraw. Our goals remain firm. We seek a nonnuclear Korean peninsula and robust global rules against proliferation. That is why we urge North Korea to reaffirm its commitment to the Nonproliferation Treaty, to fulfill its full scope safeguards obligations to the International Atomic Energy Agency, including IAEA inspections of undeclared nuclear sites, and to implement bilateral inspections under the South-North Nuclear Accord. (Applause.)

Our goal is not endless discussions, but certifiable compliance. North Korea must understand our intentions. We are seeking to prevent aggression, not to initiate it. and so long as North Korea abides by the U.N. charter and international nonproliferation commitments, it has nothing to fear from America.

The U.S. has worked to bring North Korea back within the fold of nuclear responsibility. But your nation, too, has a critical role to play. The future of this peninsula is for you and North Korea to shape. The South-North Nuclear Accord you negotiated goes even further than existing international accords. It not only banishes nuclear weapons from the peninsula, it also bans the production of nuclear materials that could be used to make those weapons. We urge full implementation of this pathbreaking accord which can serve as a model for other regions of nuclear tension.

Even as we address immediate concerns such as proliferation, we must also have a vision of how we will meet the broader challenges of this era. That is what I sought to create during the recently concluded G-7 talks. For example, by proposing new ways to focus on new problems, such as the slow pace of job creation in the G-7 countries. And it is why I have proposed a NATO summit so that we can adapt that institution to new times and new challenges.

In both Asia and Europe the dominant unitary threat of Soviet aggression has disappeared. In both regions, the end of the Cold War has allowed a host of problems to emerge or to reappear, such as ancient ethnic rivalries, regional tensions, flows of refugees and the trafficking of deadly weapons and dangerous drugs.

In Europe these changes require us to adapt an existing security instituion—NATO. In the Pacific no institution exists. Moreover, since the Asian pacific face a unitary threat, there is no need for us to create one single alliance. The challenge for the Asian pacific in this decade, instead, is to develop multiple new arrangements to meet multiple threats and opportunities. These arrangements can function like overlapping plates of armor individually providing protection and together covering the full body of our common security concerns.

Some new arrangements may involve groups of nations confronting immediate problems. This is the model we pursued to address North Korea's nuclear program. Our two nations worked not only with each other but also with Japan and with others who could bring their influence to bear.

Other arrangements may involve peacekeeping, such as the massive and promising U.N. effort to support reconciliation in Cambodia. Still others may pursue confidence-building measures to head off regional or subregional disputes.

We also need new regional security dialogues. This month's ASEAN post-ministerial conference in Singapore, which the United States will attend, offers an immediate opportunity to further such a dialogue. Korea can play a vital role in the region's new arrangements, for it stands at the center of northeast Asia, within two hours by air from Singapore, Tokyo, Beijing and Vladivostok.

The many economic discussions within the region also can play a role. By lowering barriers to trade and investment,

The goal of all these efforts is to integrate, not isolate, the region's powers. China is a key example. We believe China cannot be a full partner in the world community until it respects human rights and international agreements on trade and weapon sales. But we also are prepared to involve China in building this region's new security and economic architectures. We need an involved and engaged China, not an isolated China.

Some in the U.S. have been reluctant to enter into regional security dialogues in Asia. They fear it would seem a pretext for American withdrawal from the area. But I see this as a way to supplement our alliances and forward military presence, not to supplant them.

These dialogues can ensure that the end of the Cold War does not provide an opening for regional rivalries, chaos and arms races. They can build a foundation for our shared security well into the 21st century.

Ultimately, the guarantee of our security must rest in the character and the intentions of the region's nations themselves. That is why our final security priority must be to support the spread of democracy throughout the Asian Pacific. Democracies not only are more likely to meet the needs and respect the rights of their people, they also make better neighbors. They do not wage war on each other, practice terrorism, generate refugees or traffic in drugs and outlaw weapons. they make more reliable partners in trade and in the kind of dialogues we announced today.

Today, some argue democracy and human rights are somehow unsuited to parts of Asia, or that they mask some cultural imperialism on the part of the West. My ear is drawn instead to more compelling voices—the Chai Ling who proclaim democracy's spirit at Tiananmen Square; to Aung San Suukyi whose eloquent opposition to repression in Burma has stirred the entire world; to Boris Yeltsin who is leading Russia toward becoming a great democratic power on the Pacific; and to your own President Kim and others in this multi-party assembly who have helped democracy flower here in the land of the morning calm.

You are truly an example to people all over the Asian Pacific region because you have had the courage to confront the issues of political reform and economic reform; to ask the hard questions of yourselves; to have the public debates necessary when people honestly seek to improve and open

To be sure, every nation must retain its own culture, and we will all struggle about what it means to define that. But Korea proves that democracy and human rights are not western imports. They flow from the internal spirit of human beings because they reflect universal aspirations.

Now we must respond to those aspirations throughout this region. We must support the nongovernmental organizations that seek to strengthen Asia's building blocks of civic society, such as open elections, trade unions, and a free press. And we must deploy accurate news and information against Asia's closed societies. I have proposed creating an Asian democracy radio for this purpose, and I look forward to its establishment in the near future.

Two hundred seventeen years ago, America's founders declared the rights of self-government to be God-given, and therefore inalienable. Today, here on Asian soil, let us together reaffirm that declaration—not only as an article of faith, but as a sturdy building block in our region's shared security.

This, then, is our nation's vision for security in the new Pacific community: a continued United States military presence, new efforts to combat proliferation, new regional security dialogues, and vigorous support for democracies and democratic movements. These elements of security can help create a Pacific region where economic competition is vigorous, but peaceful; where diverse nations work as partners to improve their shared security; where democracy, as well as balanced military strength, takes its place as a guardian of our security.

We will not realize every aspect of that vision overnight, nor will the new Pacific community come to pass without great effort. But neither of our nations is a stranger to hard work.

I think, in particular, of the image of your great long-distance runner, Hwang Yung Cho, who endured that final steep hill in Barcelona to capture the gold in the marathon in the 1992 Olympics. His energy and perseverance captured the spirit of the Korean people who have not only endured, but prospered through a long, hard, and challenging history. We respect that spirit. We honor your values. We have stood shoulder to shoulder with you in days past, and so it shall be in the days ahead. The struggle for freedom and democracy and opportunity is, indeed, a marathon. Let us run the race together.

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# NATIONAL CAMPAIGN TO KEEP THE BAN ON HOMOSEXUALS IN THE MILITARY

## HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. HUNTER. Mr. Speaker, I have addressed my colleagues many times in opposition to President Clinton's decision to lift the ban on homosexuals serving in the military. I have participated in several debates, special orders, and many media interviews on this topic. On every occasion, I have outlined concerns expressed by the entire national security community regarding the gay ban.

According to the Christian Science Monitor, the American Security Council's National Campaign To Keep the Ban on Homosexuals in the Military has been in the forefront of the opposition to President Clinton's directive. The National Campaign's efforts have been featured in a variety of media outlets. These include the New York Times, NBC Nightly News, and the McNeil/Lehrer News Hour. The ASC campaign has already invested over $750,000 in purchasing television and radio advertisements in support of the homosexual ban. These spots will become increasingly prevalent in the weeks ahead.

The Chairman of ASC's National Campaign To Keep the Ban on Homosexuals in the Military is Adm. Thomas H. Moorer USN (Ret.). Admiral Moorer is a former Chairman of the Joint Chiefs of Staff, as well as a former Chief of Naval Operations. In addition to myself, the congressional cochairman of the national campaign are Representatives CLIFF STEARNS, JOE BARTON, BOB DORNAN, and SAM JOHNSON.

I want to emphasize that the national campaign is definitely bipartisan. The administrative cochairmen of the campaign are Rear Adm. Robert H. Spiro, Jr., USNR (Ret.), and ASC Chairman John M. Fisher. Admiral Spiro has had an active role in the Democratic Party, and served as Under Secretary of the Army during the Carter administration.

The national campaign believes the Clinton compromise presents many legal, administrative, and national security problems. Because of this, they are actively promoting the Military Readiness Act (H.R. 667) which would codify a homosexual ban into a permanent law.

I was honored to be one of the original sponsors of this important legislation, which has now been cosponsored by 104 lawmakers. Once again, this effort to codify the homosexual ban is bipartisan. Cosponsors of H.R. 667 include such prominent Democratic lawmakers as Congressmen CHARLIE WILSON, GREG LAUGHLIN, TOM BEVILL, RALPH HALL, CHARLIE STENHOLM, MIKE PARKER, BILL BREWSTER and BUD CRAMER.

I have been very pleased to be part of the National Campaign to Keep the Ban on Homosexuals in the Military because of its outreach efforts to so many prominent private sector organizations. In cooperation with ASC's national campaign, I have had the opportunity to meet with senior leaders of many respected national security and veterans organizations.

Key leaders in organizations such as the American Legion, the Veterans of Foreign Wars, the Reserve Officers Association, the Association of the U.S. Army, the Navy League, the Retired Officers Association, and the American Security Council have told me that they are adamantly opposed to the President's so-called compromise. Among the many reasons these organizations are opposing the President's directive is because of its detrimental effect on morale, readiness, unit cohesion, recruitment, and retention.

The views of the national security community were summarized recently by Roger A. Munson, the National Commander of the American Legion. Commander Munson said the Clinton compromise is unacceptable, and he fully supports codifying the ban into law. According to Commander Munson:

> A 'Don't Ask, Don't Tell' policy does not alter the fact that homosexuality is incompatible with military service. It does not solve the problem but only makes it worse. If homosexuals are permitted to enter the military under the proposed compromise but required not to declare themselves, the whole structure will be based on "a big lie". This would cause even greater suspicion and mistrust among our troops. Discipline, morale and unit cohesiveness would suffer. Such disruption of the military environment would be seriously detrimental to the readiness of the services to perform their prime mission, the defense of this country.

For many months the National Campaign To Keep the Ban on Homosexuals in the Military has been working to educate the American people about the importance of maintaining the current ban. Through their national petition campaign, they have also provided the American people the opportunity to demonstrate their personal support for the ban. The campaign now includes

The campaign has sponsored many diverse activities in addition to their television and radio advertisements. These include a nationwide telephone bank to build grassroot support for the ban; testimony of congressional committees; and a media outreach program including numerous appearances on television and radio talk shows.

Other activities have included a lobbying campaign to generate telephone calls and petitions to the U.S. Congress; as well as a nationwide effort to issue, pass, and sign petitions and resolutions in support of enacting into a law a new ban on homosexuals in the military. In fact, in the next few days, the national campaign will be distributing to lawmakers the names and addresses of citizens from every congressional district who signed their nationwide petition.

The American Security Council's campaign also assisted the House Republican Research Committee in conducting a confidential survey of all active duty flag and general officers in the U.S. Armed Forces. Of the 1,040 generals and admirals surveyed, responses were received from 621 officers. Polling professionals have said this is an overwhelming response for a voluntary survey.

The results showed almost unanimous opposition to President Clinton's directive from among the senior leadership of our Armed Forces. The survey found that 96.9 percent of the officers support the ban on homosexuals. Only 5.9 percent agreed with the contention of homosexual advocacy groups that this is an issue of civil rights, while 88.7 percent of the officers saw it as a question of national security.

As part of the national campaign, the American Security Council also compiled a comprehensive report on the significant increases in military health care costs that can be expected if the ban is lifted. The ASC study predicted the potential medical cost to the military over the next 5 years could total close to $4.6 billion.

In the weeks ahead, many of my colleagues will see radio and television advertisements produced by ASC's national campaign. Variations of these spots have already appeared in major cities across the Nation.

The most recent television ad sponsored by the campaign quotes Gen. Norman Schwarzkopf, USA (Ret.) as saying, the introduction of an open homosexual into a small unit destroys the very bonding that is so very important for the unit's very survival in time of war.

The television ad goes on to state:

> Military life is tough. In combat, maintaining discipline and morale is a matter of life and death. Privacy is at a premium.
>
> President Clinton has lifted the ban on homosexuals in the military, while at the same time keeping the rules that prohibit homosexual conduct. And if that's not confusing enough, consider that military commanders will have their hands tied on what they can—or cannot—investigate. For instance, soldiers who frequent gay bars will no longer be investigated.
>
> It's no wonder that 97 percent of the military's top leaders who were polled earlier by Congress said—privately—that they oppose the Clinton experiment.
>
> The military cannot publicly oppose a plan supported by their Commander-in-Chief—only Congress can, and you need to let Congress know how you feel.

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## TRIBUTE TO NICHOLAS SPANO AND FAMILY DAY

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Nicholas Spano, a man from my 17th Congressional District in Ohio who has come up with a wonderful idea for families to get together.

Mr. Speaker, Nick Spano's idea was for a Family Reunion Day, a day set aside for family reunions and get togethers. Last year, Nick contacted my office in hopes of meeting with me to discuss the idea, I was away at my own family reunion. But upon hearing of his idea, I realized that it was an exceptional one. As I said, I was unable to attend the first family reunion celebration held on the courthouse square in Warren, OH, but by all accounts it was a huge success.

Mr. Speaker, this year on August 1, another celebration of Family Reunion Day will take place in Warren. I have a very good idea that it will be an even bigger success than last year. I happen to believe very strongly in this event. We have heard so much recently about family values, that I wonder if anyone in Washington means it. Well, I know that in Ohio family values are very important. Gathering together with your relatives is the core of any celebration. Family Reunion Day is something that I would like to see take place every year.

Mr. Speaker, I want to congratulate Mr. Spano for his efforts in creating this marvelous event, and I would like to invite all families in the northeast Ohio to participate this year on August 1.

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## TAKE PRIDE IN AMERICA NATIONAL AWARD WINNERS, McKEAN COUNTY, PA

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. CLINGER. Mr. Speaker, I rise today to congratulate five McKean County, PA recipients of the U.S. Department of the Interior Volunteer Service Award for Outstanding Commitment to the Stewardship of America's Public Lands and Natural and Cultural Resources. Boy Scout Troops 449 and 495 of Lewis Run and Troop 560 of Port Allegheny, the McKean County Conservation District and Mr. James W. Johnson of Custer City, now honored with this national award, were State winners in this year's Take Pride in Pennsylvania.

All residents of McKean County can take pride in their beautiful part of the Commonwealth. Nestled in the heart of the Allegheny Mountains, the rural landscape of McKean County is distinguished with miles of thick, fruitful forests; deep valleys graced by streams and ponds and dappled with many small communities. Many State forests and parks are found in McKean County, attracting thousands of visitors annually who enjoy hunting, fishing, camping, boating, and other outdoor activities.

Due to their hard work in maintaining these resources, McKean County Boy Scouts dominated the youth category of Take Pride in Pennsylvania. Boy Scout Troops 449 and 495, under the leadership of scoutmaster Bill Getz, each won first prize because of their outstanding involvement and dedication to projects such as the initiating of a camporee, improving wildlife habitats, and the restoration and building of hiking trails. Scoutmaster Francis Cummings and his troop 560 took first prize in recognition of their commitment to a recycling program which they started over 20 years ago. In 1992, the troop reached a remarkable total of 2 million pounds of collected recyclable products.

The McKean County Conservation District sponsors educational field days, which promote an awareness of the importance of preserving and conserving the environment. Among the group's other projects, the McKean County Conservation District has established the Kinzua Bridge Historical Trail, World Conservation Camporee, a 50-mile conservation hike and a chestnut reintroduction project.

Mr. James Johnson has shown an outstanding commitment to his conservation education programs by generously offering his time and talents to young people, and by helping to finance efforts to make others aware of the challenges our natural environment faces. His individual dedication and his ability to motivate and coordinate group efforts have been vital to the conservation effort.

Mr. Speaker, it is my honor to recognize these five recipients of the national Take Pride in America Award for their outstanding achievements in keeping Pennsylvania beautiful. Their efforts should serve as excellent examples to all of us to do all we can as individuals and in a community effort to conserve our natural resources and preserve the beauty of the American landscape.

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## STOP BUREAUCRATIC TURF FIGHTS OVER TERRORISM REWARDS

### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to bring an end to months of irresponsible turf fights between the FBI and the State Department over who would have to pay for rewards for information leading to the arrest and prosecution of individuals responsible for the February bombing of the World Trade Center in New York. This sorry episode underlines that the U.S. Government remains psychologically, and in some cases, legislatively unprepared to cope with the arrival of international terrorism on American shores.

In a hearing before the Foreign Affairs Committee last week, State Department and FBI witnesses admitted that neither agency had yet offered a reward for information on the World Trade Center bombing. Each agency has existing legislative authority to do so, and both witnesses agreed that such a reward should be offered.

The FBI claims that while it is the agency with primary jurisdiction over acts of terrorism within the United States, it is unable to use its terrorism rewards program because of insufficient funding. The State Department, which has primary jurisdiction over acts of international terrorism, admits that it has sufficient funds in its own terrorism rewards program. However, the Department claims it cannot offer a reward for the World Trade Center bombing because its legislative authority prohibits rewards for international terrorist acts that occur primarily within the territorial jurisdiction of the United States.

Five months have passed while this intellectual and legalistic argument has raged between the two agencies. My bill would remove the State Department's excuse for inaction by deleting the reference to the territorial jurisdiction in which an act of international terrorism occurs against Americans or American property.

I will be working to ensure that this legislative correction is made during Senate consideration of the House-Senate conference for the State Department authorization bill, which passed the House last month. Still, I would urge the executive branch not to wait for congressional action, but to work quickly to resolve this disagreement administratively.

To the extent that information may exist abroad that would aid in the arrest or conviction of terrorists linked with the World Trade Center bombing, the administration should realize that its failure to act is not just a regrettable bureaucratic disagreement. This is an issue of American lives, and should be given the priority it deserves.

## SPRING HIGH SCHOOL HONORED WITH BLUE RIBBON SCHOOLS AWARD

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. FIELDS of Texas. Mr. Speaker, I was delighted to learn that a high school located in my congressional district—Spring High School, in Spring, TX—was one of just 260 secondary schools nationwide to be honored recently with a prestigious Blue Ribbon Schools Award. I congratulate Spring High School for achieving this high honor.

This award, just one of many that have been presented to Spring High School in recent years, recognizes the hard work and dedication of Spring High School's principal, Gloria Marshall; its faculty; its student body; and its parents. All of them have worked together to make Spring High School an outstanding institution in which faculty members are motivated to teach, students are motivated to learn, and parents are motivated to take an active role in their children's educations.

Mr. Speaker, blue ribbon schools are judged to be highly effective in meeting local, State and national education goals, including the national education goals. These schools also display, today, many of the qualities of educational excellence that will be necessary in our schools of tomorrow.

To be eligible for a Blue Ribbon Schools Award, a school must have strong leadership; it must have a clear vision and sense of mission that is shared by everyone connected with the institution; it must have an outstanding and highly motivated faculty; it must have an appropriate and up-to-date curriculum; it must have policies and practices that ensure a safe environment that is conducive to learning; it must have strong parental interest and involvement; and it must help all students succeed, regardless of their abilities or disabilities.

After satisfying all of these rigorous criteria, State departments of education and other education organizations nominate schools within their jurisdictions to the U.S. Department of Education. A 105-member panel of educators and other professionals reviews the nominations, selects schools for site visits, and makes recommendations to the U.S. Secretary of Education, who formally announces the list of Blue Ribbon Schools Award winners.

Again, Mr. Speaker, I want to extend my congratulations and best wishes to everyone at Spring High School for achieving this tremendous honor. I am confident that the educational excellence that is the hallmark of Spring High School today will remain a hallmark of that fine institution for many years to come.

## INTEREST IN THE EDAVILLE RAILROAD

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. FRANK of Massachusetts. Mr. Speaker, during the district work period in July, I met in the town of Carver with officials of the town and citizens who are interested in getting a wonderful Massachusetts institution known as the Edaville Railroad running again. The Edaville Railroad has been an important part of life of southeastern Massachusetts for many years, and only recently shut down. I am working with people in the town and in the surrounding area to get it going again, and one of the reasons we are all working so hard to do so is made clear in the accompanying letter, which was written by a young woman who illustrates what the Edaville Railroad has meant to so many Massachusetts residents.

At the meeting I attended, Michelle Russell was present and I volunteered at the time to share her letter with my colleagues because of the example she sets for other young people by her advocacy and involvement, and because this is an example of what the people of a community can do when they pull together on a project that is important to them. The selectmen of the town of Carver and other residents of the town and neighboring communities are showing exactly the right spirit in this effort and I am proud to be able to work with them.

The letter follows:

DEAR EDAVILLE, my name is Michelle Russell and I'm 12. I really like all your shops, statues, lights, and special effect that you have. Please don't shut down your village, because a lot of people go to Edaville as a family tradition like our family, My family has been going since my parents got married (20 years ago). And I've been going for 11 years.

If it cost to much to run maybe you could cut down on lights, close earlier, have fund raisers or higher the costs of getting in. With all these adjustments, our family would still go because its a family tradition. We all love your village and would really miss it and it might take a while to find a new Christmas tradition.

Your Best customer and Fan,

MICHELLE RUSSELL.

P.S. I'll do anything to save Edaville and if it is possible could you write back to me?

## IN MEMORY OF MARY JUDD

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. SANDERS. Mr. Speaker, on July 19, the State of Vermont lost one of its great citizens, and I lost a very dear friend, when Mary Judd of Troy, VT, died of cancer after a courageous struggle with that disease.

Physically, Mary was a small woman. But in terms of compassion, intelligence, courage, and human decency she was a giant of a human being and, in many ways, a role model for many of us.

Mary represented the best of what Vermont is all about. She was down-to-earth, hardworking, and straightforward. She loved her farm, which is located on some of the most beautiful land in America. I remember with great pleasure several wonderful community events that were held there. Her love for agriculture and the rural way of life made her, and her husband Bob, into leaders in our State for the preservation of family farming.

Mary's compassion extended into her work with hungry Vermonters. She helped distribute food to those in need, and did all she could to improve life for the poor. She was especially appalled that our Nation's agricultural policies were such that farm families themselves were often in need of surplus food.

Mary Judd is gone, but she remains an inspiration to all of us who had the pleasure of knowing her. She will not be forgotten.

## TRIBUTE TO DR. MARIO BAUZA, THE FATHER OF AFRO-CUBAN JAZZ

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. SERRANO. Mr. Speaker, I rise today to mark the passing of and to pay tribute to Dr. Mario Bauza, a man of great musical talent and inspiration, who was the creator of a vibrant and unique style of music known as Afro-Cuban Jazz. Dr. Bauza died on Sunday, July 11.

Mr. Speaker, Mario Bauza came to our country from his native Cuba in 1930 at the age of 19. He had begun his musical training at the Municipal Academy of Havana at the age of 7, and was a seasoned oboist and a clarinetist for the Havana Philharmonic Orchestra when he made his first trip to New York, in 1926, to record traditional Latin danzones for RCA. As a Cuban of African ancestry, Mario Bauza was struck by the relative freedom from racism that African-American musicians in Harlem enjoyed. As a talented and ambitious young musician, he was drawn by the jazz sound and the opportunities for work he discovered in New York.

Mario Bauza played with a number of different groups during his early years in New York. He taught himself to play trumpet to fill a vacancy in the band of his fellow Cuban Antonio Machin, and soon became an accomplished soloist. Sitting in on trumpet one evening with another band, he was discovered by Chick Webb, who immediately asked him to join his band, and made him its musical director a year later. Mario Bauza also played with Cab Calloway's band, where he befriended and aided a young trumpeter who would later become famous as Dizzy Gillespie.

After playing in and directing an assortment of Cuban and jazz bands, Mario Bauza began to talk of creating of a new sound by combining these two musical styles. In 1941 he gained an opportunity to advance his ideas when he became music and personnel director for the Machito Orchestra, a Cuban band headed by his brother-in-law and boyhood friend, Machito Grillo. Mario Bauza began by hiring jazz-oriented musicians to fill vacancies left by departing Cuban band members. After hearing two of these musicians improvising with the Cuban song "El Botellero" during a performance break one evening in May 1943, Mario Bauza decided to experiment further with the song during the band's rehearsal the following day. "Tanga," the fiery new work that he created, was the first Afro-Cuban Jazz song.

Over the succeeding decades working both in the Machito orchestra and in a new band he formed with the Machito orchestra's great female vocalist Graciela, Mario Bauza continued to create and popularize the Afro-Cuban jazz sound. In addition to "Tanga," Mario Bauza composed such classics as "Cubop City," "Wild Jungle." "Kenya," "Imitations," and "Cubanola." His most recent recording, "My time Is Now," was released just this month.

Mr. Speaker, the music Mario Bauza created has brought tremendous joy to people of all backgrounds around the world, and has been a unifying source of pride for Hispanics throughout our Nation. I hope my colleagues will join me now in appreciation of Mario Bauza for the lasting gift of great music he gave to us and to the world.

## CITIZEN COSPONSORS OF THE FAIR ACT

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: Unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the cost of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: Our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policymaking has gone awry. And finally the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks Representative GOODLING and I will be entering into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR Act initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am entering in the RECORD the names of 12 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS OF THE FAIR ACT, JULY 10, 1993

1. Florence Rhoads, mayor, San Mateo, CA.
2. Robert Nolan, mayor, Upland, CA.
3. Gary Boyles, mayor, Fontana, CA.
4. Diann Ring, mayor, Claremont, CA.
5. Thomas Wilson, mayor, Laguna Niguel, CA.
6. Peter McHugh, mayor, Milpitas, CA.
7. Joseph Mullins, mayor, Melbourne, FL.
8. Thomas Lynch, mayor, Delray Beach, FL.
9. Robert Bennett, mayor, Livonia, MI.
10. Gerald Richards, mayor, Allen Park, MI.
11. Lee Namey, mayor, Wilkes-Barre, PA.
12. Mary Ellen Summerlin, mayor, Port Arthur, TX.

## THE MICKEY LELAND TELECOMMUNICATIONS AND EDUCATION ASSISTANCE TO AFRICA ACT OF 1993

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. FIELDS of Texas. Mr. Speaker, today, I am introducing legislation to direct the National Telecommunications and Information Administration to conduct a 6-month study to identify and to make recommendations concerning the use of existing satellite technology to bring educational programming to children living in remote areas of Africa.

I am offering this legislation in memory of my good friend and colleague, the late Mickey Leland. As most Members in this body know, Mickey devoted much of his life to improving the quality of life for children in Africa. I've come to share not only his love for Africa but his concern for its children.

Africa continues to have one of the lowest per capita income rates and highest starvation rates. As a result of recent hearings held by the Subcommittee on Telecommunications and Finance on satellite technology. I am convinced that this technology could easily be harnessed to bring much-needed quality educational services to these children. Satellite technology can provide access to the vast educational resources of the world and help ensure that the next generation of African children have the tools they need to better their futures.

My bill simply instructs NTIA to identify existing governmental and nongovernmental resources and programs which could be promptly and economically used to acquire and distribute educational programming via a satellite network to Africa.

The international and humanitarian benefits of such a program are enormous. Such a program would not only bring communications to some of the most remote areas in the world but would provide the children of these regions with fundamental educational programming. I feel strongly that such a program would be a fitting legacy for Mickey's work on behalf of African children.

## COMMERCIAL TRANSACTIONS WITH TERRORIST COUNTRIES

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. TORRICELLI. Mr. Speaker, I rise for the purpose of introducing a bill that is designed to address the increasing threat of terrorism to the United States.

Unfortunately, as we were reminded only this past week, the evil intent of terrorists is limited only by their perverse imagination. President Clinton responded appropriately and effectively to a dastardly attempt by Saddam Hussein to assassinate former President George Bush and other senior former United States officials during their recent visit to Kuwait. As was demonstrated in the Gulf war and now by this action of President Clinton, the United States must stand prepared to defend itself and those values it holds dear.

Regrettably, Saddam Hussein's actions and those carried out by other terrorist states have been facilitated by the greed of certain Western businesses, which have sought to profit from the death and destruction that these governments seek to inflict on the world. We still do not know the full story of how Western corporations collaborate with governments such as those of Iraq, Iran, North Korea, or Cuba, but we know enough to be concerned. As just one example of this commerce in evil, I would ask that a list of those corporations which supplied nuclear weapons technology and material to the Government of Iraq be included in the RECORD. This list includes corporations of nearly every industrialized country and from a number of advanced industrializing countries as well.

My bill is designed to accomplish a simple purpose: To have the Department of Defense examine its contracts on an annual basis and publish a report on those contractors which do business with our Government, but also conduct business relations with countries determined to be engaged in terrorist activities by the Department of State. My bill would not prohibit defense contracts to such corporations. But it would let the public know about those corporations which seek business with the United States and also do not hesitate to commerce with terrorist countries.

The provisions of the bill are easy to summarize. It states that before entering into a contract with the Department of Defense to provide goods or services to the Department, a person must report to the Secretary any commercial transactions with any terrorist country or with any national of a terrorist country. The Secretary of Defense is, in turn, required to submit to the Congress an annual report on those persons conducting commercial transactions with terrorist countries and nationals of terrorist countries.

In the bill, a terrorist country refers to those countries which the Secretary of State has determined to be a government that has repeatedly provided support for acts of international terrorism.

This simple step will not in itself stop terrorism, but it will put corporations across the globe on notice that the United States is carefully monitoring those who seek business with our Government and still traffic with terrorists.

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## THE BENEFITS OF PUBLIC TRANSIT

## HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. BORSKI. Mr. Speaker, for too long our Nation has neglected the need to invest in the transit systems that are vital to both our metropolitan and our rural areas. Transit has been neglected, in great part, because too many people have failed to look at the big picture of what transit means to economic growth, the environment, and energy conservation.

Instead, many people measure the value and effectiveness of transit through a current profit-and-loss statement. This type of measurement, sometimes known as incremental cost per rider, ignores the major and significant benefits to society, now and in the future, from promoting the use of transit.

Today, I am submitting for the RECORD, a letter to the editor of the Wall Street Journal from the American Public Transit Association, the international trade association representing the public transit properties of our Nation, which provides an excellent description of the benefits of transit. The APTA letter ably refutes a recent Wall Street Journal article which failed to accurately portray the importance of transit investment.

Transit provides essential transportation for the elderly, for the disabled, and for many low-income citizens. It also supports accelerated economic growth while producing huge energy conservation benefits and congestion reduction. These advantages will become more valuable with each passing year.

I commend the American Public Transit Association for this excellent statement.

APTA RESPONDS TO CRITICAL REPORT

WASHINGTON, July 9.—The American Public Transit Association today responded to a report in the June 29, Wall Street Journal that criticized ridership on some rail systems.

The text of the APTA response follows:

JULY 7, 1993.

Mr. NED CRABB,
*Letters Editor, Wall Street Journal, New York, NY.*

TO THE EDITOR: Rail transit is an American success story by any measure. By focusing his report ("Despite Huge Outlays, Transit Systems Fail to Lure Back Riders," June 29) only on recent, recession-dampened patronage and citing statistics from the discredited Pickrell Report, Frederick Rose showed an empty understanding of the full range of benefits that rail delivers to metropolitan areas.

Transit investments carry real economic punch, as cited by New York's Regional Plan Association. It concluded that "rail (transit) is working because it is reshaping metropolitan areas, attracting business and residential sub-centers around rail stops, and increasing jobs and services * * * in downtowns." For example $15 billion in private development has accompanied Washington D.C.'s Metrorail system.

In 1972, Portland's downtown air was so dirty that it violated federal health standards one out of every three days. Today, with the popular light rail system carrying 25,000 riders per week day, there are no violations.

Expansion and use of rail transit is the secret to curbing urban traffic congestion, estimated to be costing drivers $40 billion of lost time a year. It's a fact that a subway train full of commuters means 900 fewer cares on the road.

The cost of rail should be considered against the true cost of auto travel. The World Resources Institute says a $300 billion-a-year silent subsidy is fueling the explosive growth of driving. The worst example may be the artificially low price of gasoline. It costs less today then it did in 1950, accounting for inflation. What an incentive to drive alone to work.

If there is a single factor hampering the growth of transit ridership these days, it is the weak economy. Since most people use transit to go to work, high joblessness rates in cities take their toll on patronage. The antidote includes the 6,000 new jobs that will be created by $100 million in transit investment.

One more thing. In his enthusiasm to disparage rail transit, Mr. Rose apparently overlooked a fact that refutes his slant: U.S. rail ridership actually grew 39 percent in the 15 years leading up to 1990.

Sincerely,

JACK R. GILSTRAP.

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## HONORING FRED LODGE ON THE OCCASION OF HIS RETIREMENT FROM UNITED AUTO WORKERS, LOCAL 887 AND THE INTERNATIONAL UNION, UAW

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Fred Lodge, upon his retirement as a member of the United Auto Workers [UAW] Union Local 887 and the International Union, UAW. Brother Lodge is being honored for his 40 years of dedicated service to the men and women of Local 887.

Fred began his union career in 1954 when he was elected shop steward at North American Aviation [NAA]. Displaying talent and leadership, he quickly progressed to positions of increasing responsibility. He was soon elected to committeeman and began his service as member, vice-chairman and finally chairman, Main Plant Grievance Committee.

During this period, he also served as a member of the NAA Rockwell Inter-Corp Bargaining Council. Fred is well-known for his leadership in preparation and presentation of contract proposals. Throughout the UAW he gained widespread recognition for leading the Local 887 in its contract negotiations with the aerospace industry.

Between 1955–1963, he was elected delegate to every UAW Convention held during this period. In addition to his distinguished service to the members of Local 887, in 1964, he was appointed to the International Union, a post he held until 1981. Known as an astute negotiator, between 1964 and 1981, he participated in over 50 separate sets of negotiations on behalf of Local 887 members. During this same period, he participated in every case Local 887 had under consideration before an arbitrator.

In addition to his untiring dedication, ability and knowledge, Fred is also recognized for his compassion. True to his ideals of equality and justice, Fred participated in the Civil Rights movement, marching with Martin Luther King and Walter Reuther. In keeping with those ideals, throughout his career, he worked to obtain equity for minorities.

In 1964, Brother Lodge was appointed to serve as Region 6 Retiree Representative, where he actively participated with Local 887 retiree chapter education and recreation services. During his tenure as retiree representative, he was directly involved in the creation of the Federation of Retired Union Members [FORUM] in California. This organization served as a model and is now used nationwide by the AFL–CIO. His memberships in various senior organizations are numerous, including: the National Council of Senior Citizens; the Congress of California Seniors; and the Advisory Board for Member Health Access.

Born in Pueblo, CO, in 1931, Brother Lodge moved to California at the age of five. He resides in Hawthorne with Mary, his lovely wife of 43 years. They have five children and seven grandchildren.

Mr. Speaker, for over 40 years, Fred Lodge has been a strong advocate for our Nation's working men and women. On July 24, 1993, UAW Region Six will honor Brother Fred Lodge with UAW's Community Services-Douglas A. Fraser Award for his exemplary service to fellow union members and the community. It is with great pride that I ask my colleagues to join me in saluting this fine individual for his outstanding contributions to the advancement of organized labor.

## DR. JOYCELYN ELDERS SHOULD BE CONFIRMED

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. STARK. Mr. Speaker, I want to congratulate President Clinton for an excellent nomination for Surgeon General of the United States, pediatrician, Dr. Joycelyn Elders.

Dr. Elders has been an outstanding director of the Arkansas State Department of Health, concentrating on the terrible public health problems facing the poor, the uninsured, and the neglected. She has been bold and aggressive in fighting against AIDS, in trying to prevent low-birth weight babies, educating against teen pregnancies, improving her State's level of childhood immunization and the quality of its drinking water.

We need a Surgeon General like Dr. Elders. The Nation faces an epidemic of public health care problems. Her experience, compassion, and expertise is needed immediately.

I hope that the confirmation process can proceed so that this key Federal health position can be filled with this very special candidate.

## IN HONOR OF THE MATHEMATICS, ENGINEERING AND SCIENCE ACHIEVEMENT (MESA)

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Ms. ESHOO. Mr. Speaker, I would like to take this opportunity to recognize one of the country's oldest programs to assist students from historically under-represented groups earn math-based degrees. The Mathematics, Engineering, and Science Achievement [MESA] is one of the most successful programs in the Nation in producing science professionals of color. The program serves over 16,000 African-American, native American, and Latino students throughout California.

For over 20 years, MESA has worked with dedicated educators, professional organizations, and industry supporters to produce math and science professionals. Students enter MESA in the second grade and continue through high school in the MESA Secondary Program [MSP]. MESA's Minority Engineering Program [MEP] offers academic assistance to students in higher education who are pursuing engineering degrees. The program is so successful that it has served as a model for similar programs in 14 other States. Indeed, 73 percent of MESA students enroll in 4-year colleges.

Several important features contribute to MESA's exceptional achievement. The program is academically based as many faculty sponsors of MEP are deans on their campus. Students with aptitude are supported to excel throughout their academic career. And most importantly, MESA is built on a cooperation between public school districts, higher education institutes, and industry. Corporations such as PG&E, IBM, Pacific Telesis, Hewlett-Packard, Chevron, and Northrop contribute funds, executives, equipment, scholarships, and summer jobs, to assist in MESA's efforts.

The California Legislature also recognizes the value of this program, opting to maintain the funding level for MESA despite the State's tight budget. In addition, support among public agencies and private and corporate foundations continues to grow. This year alone, MESA received moneys from McDonnell Douglas, the National Action Council for Minorities in Engineering, Pacific Telesis Foundations, the California Postsecondary Education Commission, and others.

MESA is a program which opens doors to minorities. Students succeed because the program creates a supportive atmosphere and because minority models serve as mentors in the program. Students eagerly rise to meet the challenges before them and carry their enthusiasm with them throughout their educational and professional careers. The achievements of MESA inspire the students, parents, industry partners, and staff to continue this dedicated efforts. I urge my colleagues to join me in saluting the women and men of MESA and their inspiring achievements.

## THE U.S. MARITIME CRISIS

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. DELLUMS. Mr. Speaker, I recently received a letter from Mr. John Lillie, the chairman of American President Co., that underscores the terrible problems facing the U.S. maritime community.

Mr. Lillie and the Shipbuilders Council each focus on very important aspects of the problem:

First, American shipyards are not building commercial ships, presumably because foreign governments subsidize their shipyards.

Second, American shippers are seeking foreign flags, because lack of U.S. assistance makes it more profitable to do so.

Third, American sailors are losing jobs, because foreign flags provide opportunities for foreign sailors.

A strong merchant marine is a matter of both national and economic security.

The U.S.-flag merchant fleet, which is the primary means of transporting vital military and critical raw material cargo in the event of national emergencies, the U.S. shipyard industry, which designs and constructs all Navy vessels and is a mobilization base in the event of national emergency, and domestic producers of marine equipment, which are essential to the construction of commercial and naval vessels serve essential national security functions.

The U.S. shipbuilding industry is encumbered in the international ship construction market by significant subsidies and anticompetitive practices that impede the ability of U.S. firms to compete on a fair and equitable basis.

The U.S. shipbuilding industry encounters costs of production due to regulatory measures required by the United States that exceed the standards imposed internationally.

The U.S.-flag merchant fleet has dwindled in size to the point that U.S.-flag vessels now carry less than 4 percent of the ocean-borne trade of the United States.

The U.S. shipyard industry currently has no orders for new construction of large commercial vessels and several major shipyards are experiencing severe financial conditions, and is laying off thousands of employees.

Skilled labor to crew the U.S. merchant marine and to construct new vessels is at a precariously low level.

The U.S.-flag merchant fleet, the U.S. shipyard industry, and the domestic marine equipment suppliers have decreased in size to the point that the bulk sealift capability and vessel construction and repair mobilization capacity of the United States are dangerously inadequate.

AMERICAN PRESIDENT CO., LTD.,  
*Oakland, CA, July 16, 1993.*

Hon. RONALD V. DELLUMS,  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: As you know American President Lines, Ltd. faces a very competitive environment in serving our commercial and military customers through our international transportation services.

As an international ocean carrier, we are forced to acquire our ships at world market prices. To do otherwise would burden us with insurmountable cost disadvantages and make it impossible to compete against foreign carriers. Worldwide acquisition of ships at competitive prices occasionally puts us at odds with the Shipbuilders Council of America, whose U.S. shipyard constituency would prefer that U.S.-flag carriers be limited to ship construction in U.S. yards. The issues surrounding this economic debate have been in existence for many years and are very much a part of the current maritime reform process.

Last week, however, a newsletter of the Shipbuilders Council of America mischaracterized the motives and actions of American President Lines, Ltd. (APL) in its recently announced shipbuilding program, and added an element of confusion to current maritime reform efforts. It is important to me, personally, and to my company that these inaccuracies be addressed and corrected. Moreover, I would like to express APL's view that a more cooperative approach to maritime reform and ship construction issues by U.S. shipyards, collectively and individually, is a critical predicate to Congressional and Administration efforts to revitalize the U.S. maritime community.

Like you, Mr. Chairman, American President Lines has been extremely concerned by the rapid decline of the U.S. maritime community in recent years. The pace of this decline appears to be accelerating for both ocean carriers and U.S. shipyards.

In the absence of an Administration program and policy to address America's critical need for U.S. sealift and ship construction, Congress has stepped in over the past two months with a series of bills designed to address the need for a successor promotional program to the 1936 Merchant Marine Act; to address the tax inequities facing U.S. international ocean carriers; and to modernize and assist U.S. shipyards as they attempt to re-enter commercial ship construction markets which they abandoned following the end of the construction differential subsidy (CDS) program in the early 1980's.

I am aware that you have been integrally involved on each of these fronts, both as a result of your concern for adequate U.S. controlled sealift capacity as Chairman of the House Armed Services Committee, and as a member whose district encompasses a major port and is home to many shipping and shipyard interests.

The principal challenge we face in crafting a maritime policy for the United States is to unite and coordinate the interests of the various elements of the maritime community. In its current precarious state, our industry can no longer afford fractious infighting and maneuvering. Nor can one segment be allowed to stifle development of other segments of the maritime community, i.e., we can no longer allow linkage between carriers and shipyards which inhibit either group's growth or health.

With these thoughts in mind, and having devoted a great deal of personal time and effort to reaching out to various shipyard executives in the United States, I was enormously concerned when I reviewed the July 1, 1993 issue of the Shipyard Chronicle, a trade association publication of the Shipbuilders Council of America (SCA). In its lead article this SCA publication purported to report on the details of a recently announced new shipbuilding program by American President Lines, Ltd. The ostensible purpose of this article was, I presume, to strengthen the Shipbuilders Council's arguments that foreign shipbuilding subsidies—in this case Germany and Korea—have prevented their U.S. members from constructing containerships for U.S.-flag carriers.

In fact, the article was fraught with misleading allegations and, of most concern, called into question the integrity of American President Lines.

The SCA article, and other statements attributed to its President John J. Stocker, suggest that APL's new-build financing package mandates that its six new ships be registered under foreign flag. This assertion is absolutely incorrect. To the contrary, APL affirmatively retains full discretion and the express right under its financing package to document these vessels under the U.S. flag. Mr. Stocker's allegation at best is poorly researched and incorrect and can only confuse and prejudice the process of maritime reform. In fact, APL has said many times in the media and before the Congress that it hopes a program is passed and signed into law which allows APL to operate these new ships under U.S. flag.

APL is unaware of any German of Korean government subsidies to the shipyards where its six new vessels are being constructed and is unaware of any financing subsidies, other than an option to finance the German built vessels on standard OECD terms. In fact, commercial market interest rates make the OECD option more expensive today than ordinary commercial terms available to APL to finance the purchase of the vessels.

In addition, the SCA article notes that "APL had invited U.S. yards to submit bids on the containerships, but had given them only 17 days to respond . . . which was an unrealistic time frame." This statement is both inaccurate and offensive in that it implies that APL was not dealing with U.S. yards in good faith. All shipyards, including the U.S. yards, were given virtually the same amount of time to respond to the bid. While all the foreign shipyards submitted bids for the APL program, the U.S. shipyards responded with letters detailing a number of reasons why then were unable to participate. Significantly, these letters focused on the U.S. yards' lack of "off-the-shelf" designs, construction capacity, and ability to assemble financing. This July 1 article and prior Congressional testimony by Mr. Stocker seem to imply that there was a lack of good faith in APL's reaching out to the U.S. yards, and that the requests to bid were "perfunctory". In fact, APL determined that in spite of the lack of recent commercial construction experience in U.S. yards it was important to give them an opportunity to develop bids alone or in combination with foreign yards. I can assure you that APL's motives in soliciting bids from U.S. yards were entirely proper—and to allege otherwise is, in my view, a misplaced effort to gain some phantom advantage for the SCA's subsidy or other legislative initiatives.

Mr. Chairman, I will continue to work with you and your colleagues on the Armed Services Committee and the Merchant Marine and Fisheries Committee to promptly address the issues and challenges we must meet in order to reinvigorate America's maritime community. I am hopeful that we will be able to work more productively with U.S. shipyards and avoid fractious and misplaced efforts to gain competitive advantage at the expense of other segments of the maritime industry. The time has long passed when America and the maritime industry can withstand such intramural and unproductive feuding.

Sincerely,

JOHN M. LILLIE,
*Chairman.*

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## TRIBUTE TO KRISTIN DODSON

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. DORNAN of California. Mr. Speaker, Kristin Dodson, like many preteens, never gave any thought one way or the other to the question of abortion. However, one day while attending mass at her local parish, a guest priest talked about crisis pregnancies and the debate over the issue of choice. In the context of this discussion he questioned whether or not his sermons actually made a difference, especially to young people. On that day it did. Kristin's mother, Judi, remembered Kristin coming home from church and going straight to her room. When she emerged several hours later, Kristin asked her mom to read a story she had written in response to that day's sermon. The following is the text of this story:

I'M SORRY

(By Kristin Dodson, age 12)

As the sixth week goes by, I'm still wondering if my mommy is going to murder me. I wonder how she can even think of that. Can't she feel my heart beating? Can't she have the strength to at least let me be born, even if she doesn't want to keep me? Whenever I hear her talk about it, I cry. It was as if she heard me once, I was saying, "mommy, mommy, please don't do this to me. I'm just a baby, not even born yet, like you used to be. I have the right to live." I heard her say, "I'm sorry," and pat her tummy.

As the tenth week goes by, I have a heart beating, and I am almost fully developed. I'm still wondering if she is going to murder me. Sometimes I'm not even sure if she's my mom, because I couldn't imagine my mom thinking of murdering me. She's been talking about it a lot more. The sad thing is, is that she doesn't have anyone to hold her hand, and try to tell her not to do it. I don't think she even thinks about me, or cares about me. I wish I could only be born so if this happened again, I could tell her what I hear, felt, and thought. If she does do it, I wonder how such a nice caring person could even think about murdering a poor innocent baby, like me. What did I do wrong? I feel so bad inside. I feel like crying again.

Whenever I hear my mommy talking about it I felt sick and sad and cry. Sometimes I think she is going to explode from all the tears I let out. As the fourth month goes by, I hear my mommy crying a lot and I wonder why she doesn't just forget about it, and let me be born, but I guess it just doesn't work that way.

As the sixth month goes by, I think it's going to happen. My mommy just talked to the doctor. I heard her say, "poor thing." I cried again. I heard them say "six and a half months," that really scared me. Couldn't they have done it a long time ago, they wouldn't have had to waste that much of my body. But I guess it doesn't really matter anymore because it's going to happen. And there is nothing I can do about it. Still, its a lot to waste, I mean a whole human living body.

My mommy is talking about moving because she doesn't have very much money and people keep on hassling her about what she is about to do. I just wish my mommy could have made the right choice.

I think its the day. I can hear my mommy weeping and I can hear the metal knives and tweezers clanging together. "Ow! Ow! Mommy, why do you have to do this to me?" The last two words I heard were, "I'm sorry."

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## SHEILA LEITER—DISTINGUISHED PROFESSIONAL, DISTINGUISHED AWARD

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 21, 1993*

Mr. HORN. Mr. Speaker, I rise today to recognize a woman who has shown extraordinary enthusiasm, professionalism, and success in her role as a civil servant.

Sheila Leiter received, in 1991 and 1992, a Commissioner's Citation from the Commissioner of Social Security for outstanding achievements associated with her work as Area Director for the Social Security Administration in Metropolitan Los Angeles.

Receiving the Commission's Citation is no small feat. However, this year Mrs. Leiter has gone a step further to become a Distinguished Service Award recipient. This award from the Department of Health and Human Services is among the highest honors granted civil servants by the U.S. Government. I would like to quote the words of praise submitted by Shelia's administrative superiors that were read to assembled guests at the Department on the day of the awards presentation:

"An example of her dedication and caring leadership was shown during the period of the recent Los Angeles riot and its aftermath. During the height of the rioting, Ms. Leiter kept in continuous touch with each of her facilities, eventually closing down all offices and sending all employees home to ensure their safety.

Even after all offices closed, Ms. Leiter herself remained on duty in her office, located in the heart of the troubled area, to address innumerable issues, including transmission of employee payroll, issuance of Social Security and Supplemental Security Income checks to the public, and assessment of damage to Social Security Administration facilities. She also provided continuous updates on the crisis to the regional office, the central office, and the Disability Determination Service and helped the Department of Health and Human Services in setting up a 'command post' in her service area. Immediately following the crisis, Ms. Leiter visited all her offices to offer her support and ensure that employees could air their concerns and frustrations. She arranged for speedy employee access to counseling services. Ms. Leiter has fought aggressively since the crisis to secure more resources for her offices to allow them to rebound successfully. Her efforts resulted in more summer aids, overtime, travel funds, furniture and equipment so that offices can better serve the public and offer an improved environment for the employees."

I join with Sheila Leiter's friends and family in congratulating her for these outstanding accomplishments. In addition, I would like to thank her for all that she has done for the people of the Los Angeles area and, especially, for her years of loyalty—and of achievement—in her service to this country.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 22, 1993, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 23

9:00 a.m.

Armed Services

To closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

10:00 a.m.

Foreign Relations

To hold hearings on the nomination of David Laurence Aaron, of New York, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, Department of State.

SD-419

Labor and Human Resources

To hold hearings on the nomination of M. Joycelyn Elders, of Arkansas, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service.

SD-430

2:00 p.m.

Armed Services

To closed business meeting, to continue to mark up a proposed National Defense Authorization Act for Fiscal Year 1994.

SR-222

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings to examine school financial management programs.

SD-430

JULY 27

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold joint hearings with the Committee on Energy and Natural Resources on the status of the Department of Energy's superconducting super collider program.

SD-366

Energy and Natural Resources

To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the status of the Department of Energy's superconducting super collider program.

SD-366

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine the General Services Administration's management of Federal property.

SD-342

10:00 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings to examine the State and local community involvement in superfund cleanups.

SD-406

11:00 a.m.

Veterans' Affairs

To hold hearings to review the report of the National Academy of Sciences' Committee to Review the Health Effects in Vietnam Veterans of Exposure to Herbicides.

SD-G50

2:15 p.m.

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on the issues of watershed planning and enforcement.

SD-406

JULY 28

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To continue joint hearings with the Committee on Energy and Natural Resources to examine the status of the Department of Energy's superconducting super collider program.

SD-366

Energy and Natural Resources

To continue joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development to examine the status of the Department of Energy's superconducting super collider program.

SD-366

10:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the implementation of the Fastener Quality Act of 1990 (P.L. 101-592).

SR-253

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on proposed legislation to revise the Federal rules of civil procedures.

SD-226

JULY 29

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the Department of Energy's efforts to cleanup its nuclear weapons complex, focusing on the scope and cost of the cleanup program, the technological and managerial problems it faces, the standards governing the cleanup effort, and how priorities are set among competing cleanup projects.

SD-366

Indian Affairs

To hold oversight hearings on tribal college telecommunications and facility needs.

SR-485

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 150, to provide for assistance in the preservation of Taliesin in the State of Wisconsin, S. 278, to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, S. 492 and H.R. 240, bills to provide for the protection of the Bodie Bowl area of the State of California, S. 845, to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and S. 855, proposed Alaska Penninsula Subsurface Consolidation Act.

SD-366

JULY 30

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine Federal government contracting procedures.

SD-342

AUGUST 2

2:00 p.m.

Energy and Natural Resources

To hold hearings to examine the status of the Department of Energy's civilian radioactive waste program.

SD-366

AUGUST 3

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the Veterans Administration mental health programs.

SR-418

AUGUST 4

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Indian Affairs

To hold hearings on S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation.

SR-485

AUGUST 5

3:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold joint hearings with the Committee on Indian Affairs on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).

SR-485

Indian Affairs

To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).

SR-485

## CANCELLATIONS

AUGUST 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 318, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and S. 727, to establish a California Ocean Protection Zone.

SD-366